

AGENDA

CITY OF HENDERSONVILLE CITY COUNCIL – REGULAR MEETING

APRIL 3, 2014 – 5:45 P.M.

Council Chambers – City Hall

1. **Call to Order**
2. **Invocation and Pledge of Allegiance**
3. **Public Comment Time:** *Up to 15 minutes is reserved for comments from the public for items not listed on the agenda*
4. **Consideration of Agenda**
5. **Consideration of Consent Agenda:** *These items are considered routine, noncontroversial in nature and are considered and approved by a single motion and vote.*
 - A. **Consideration of Minutes:**
 - i. February 27, 2014 Special Meeting (CIP Review)
 - ii. March 6, 2014 Regular Meeting
 - B. **Consideration of a Capital Project Ordinance for the Academy Road Project and Associated Budget Amendment**
 - C. **Consideration of a Capital Project Ordinance for the Britton Creek Grant Project and Associated Budget Amendment**
 - D. **Consideration of a Capital Project Ordinance for the Jackson Park Interceptor Project and Associated Budget Amendment**
 - E. **Consideration of a Capital Project Ordinance for the Wolfpen Interceptor Project and Associated Budget Amendment**
6. **Reading of Proclamation – Autism Awareness Month**
Presenter: Mayor Barbara Volk
7. **Reading of Proclamation – Parkinson’s Awareness Month**
Presenter: Mayor Barbara Volk

8. **Reading of Proclamation – Relay for Life Day**
Presenter: Mayor Barbara Volk
9. **Public Hearing – Consideration of Request to Remove Properties from the City’s Extraterritorial Jurisdiction in the Vicinity of New Hope Road, Blue Ridge Street, Bradshaw Avenue, West Gilbert Street and East Gilbert Street**
Presenter: Ms. Sue Anderson, Planning Director
10. **Annual Report by Mills River Partnership**
Presenter: Ms. Alyssa Wittenborne, Program Director
11. **Consideration of Request of Blue Ridge Bicycle Club Regarding Designating Fourth Avenue as Bicycle Boulevard**
Presenter: Mr. Joe Sanders, Blue Ridge Bicycle Club, Mr. Tom Wooten, Public Works Director
12. **Consideration of Special Use Permit Extension - Upward Road Development**
Presenter: Ms. Sue Anderson, Planning Director
13. **Consideration of Request by Henderson County to Waive Fees Required for the Construction of Transit Shelters over the next Five Years**
Presenter: Mr. John Connet, City Manager
14. **Consideration of Investment and Cash Management Policy**
Presenter: Ms. Lisa White, Finance Director
15. **Consideration of Bids for the Shepherd Creek/Atkinson Sewer Line Project**
Presenter: Mr. Brent Detwiler, City Engineering Director
16. **Consideration of Early Retirement Program**
Presenter: Mr. David Sapp, Personnel Officer
17. **Discussion of Council/Staff Retreat Items**
Presenter: Mr. John Connet, City Manager
18. **Consideration of Granting an Easement across City-Owned Property to Duke Energy**
Presenter: Mr. John Connet, City Manager
19. **Comments from Mayor and City Council Members**
20. **Reports from Staff**
 - a. **Downtown Truck Routes**
Presenter: Brent Detwiler, Engineering Director
 - b. **Southside Gateway Sign Repainting**
Presenter: Lew Holloway, Downtown Director

c. **Budget Workshop Rescheduling**
Presenter: Mr. John Connet, City Manager

d. **Update on Customer Service Initiative**
Presenter: Mr. John Connet, City Manager

21. Consideration of Appointments to Boards and Commissions
Presenter: Mrs. Tammie Drake, City Clerk

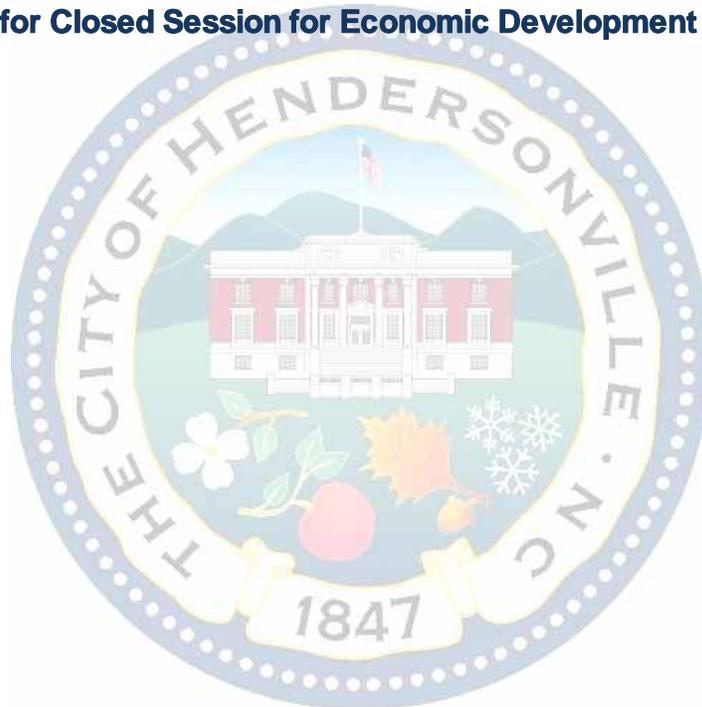
a. **Appointments to Boards and Commissions**

b. **Announcement of Vacancies and Upcoming Appointments**

22. New Business

23. Staff Request for Closed Session for Economic Development Purposes

24. Adjournment



February 27, 2014
Special Meeting of the City Council
Second Floor Conference Room – City Hall
6:00 p.m.

**Return to
Agenda**

Present: Mayor Barbara G. Volk, Mayor Pro Tem Ron Stephens and Council Members: Steve Caraker, Jerry Smith and Jeff Miller

Staff Present: City Manager John F. Connet, City Clerk Tammie Drake, City Attorney Sam Fritschner, Finance Director Lisa White

1. Call to Order: Mayor Volk called the meeting to order at 6:00 p.m. and welcomed those in attendance. A quorum was established with all five members in attendance.

2. Review of Capital Improvement Program (CIP): Mr. Connet began with a review of the purpose of the CIP, provided a Financial Condition and Peer Comparison in:

Service obligation-operational ratio: taking in more revenue than expenditures

Dependency-intergovernmental ratio: dependency on State and Federal government funds, programs, grants

Financing Obligation-debt service ratio: amount of debt to expenditure (below 10 percent is good)

Solvency-Fund Balance: the City's goal is 45 percent

Leverage-Debt per assessed value: debt divided by the value of all property.

He explained these characteristics are reviewed by bond agencies and is a report of how the City compares with our peers.

Mr. Connet reviewed the City's debt capacity explaining capital projects with high costs are being put off until the City's debt service begins to shrink between 2019 and 2025.

General Fund Review: Mr. Connet reviewed the following General Fund short-term projects proposed to be funded in year 1 (2014-15): Sullivan Park improvements (\$75,000), Maple parking lot resurfacing and improvements (\$20,000), Whitmire Center parking lot (\$16,000), Public Works dump truck (\$85,000), Sugarloaf Road warehouse building improvements (\$25,000), Sugarloaf Road warehouse forklift (\$8,000), phone system upgrade (\$75,000), Police radio system upgrade (\$9,000). He stated he hopes the savings realized in the construction of the Fire Station #2 will fund the warehouse improvements. There was some discussion on the phone system upgrade.

What is new: Mr. Connet reviewed a proposed program to help budget for the purchase of police patrol cars. He proposed allocating \$202,000 per year to purchase five vehicles per year and budget accordingly. The Council discussed the types of vehicles purchased and motorcycle replacement. **The Council agreed they would like to see the type of vehicles purchased and the City should reach out to local dealers to see if they can match state contract pricing.**

Mr. Connet also proposed allocating \$20,000 annually to the Public Works Department for sidewalk replacement, repair or infill. He stated individual projects will no longer be put in the CIP but Mr. Wooten will pick the projects based on priority and larger projects will be funded separately. He also proposed allocating \$400,000 per year for street resurfacing; most of which is Powell Bill funds. He suggested adding additional funds from the General Fund because of the results of the study which indicated the streets are not in the condition they should be. He suggested including \$55,000 per year in the Public Works Department for vehicle replacement.

The total for General Fund year 1 expenditures is: \$1,144,000.

Long-term General Fund projects: Mr. Connet reviewed the following long-term projects: Berkeley Mills Park (funds for PARTF grant match), fire engine, Gateway Park, Southside Park. Funding for future years includes: fire apparatus, parking lots, parks and playgrounds, sidewalks and greenways, public buildings and facilities

Water/Sewer Fund: Mr. Connet reviewed the debt capacity for this fund. Large projects that need to be financed will be funded in later years to utilize the capacity gained by reduction of debt service.

Short-term projects: Mr. Connet reviewed the projects to be funded in Year 1: Sugarloaf warehouse roof repair, equipment shelter, Fletcher area water improvements, Etowah water system improvements study, sewer projects, upgrade raw water intake screen, and the U.S. 64 NCDOT utility relocation for a total of \$14,743,000 (including loans).

Mr. Connet proposed a program whereby \$55,000/year will be allocated for vehicle replacement (small pick-ups, etc.). He proposed allocating \$150,000/year for generators and automatic transfer switches, \$100,000 for inflow and infiltration repairs/studies, \$400,000/year for water line repairs and replacement, \$400,000/year for sewer line repairs and replacements.

Long-term projects: Expenditures for years 2-5 include: Eastside transmission line, relocation of the raw water intake, Southside water system improvements, S. Rugby water main interconnection, Rugby Drive 12-inch interconnection, WWTP sludge drying system, Upward Road NCDOT reimbursement, SCADA upgrade.

Environmental Services Fund Review: Mr. Connet reviewed the year 1 projects for this fund: Patton Park pond (part grant funds) totaling \$32,000. Future years projects include: Clairmont Drive stormwater improvements and Jonesboro stormwater pipe installation.

Grant/ Bond Projects: Mr. Connet reviewed the projects funded by grants or the bond fund: U.S. 64 Sidewalk Improvements (\$260,000 in year 1), North Main Street sidewalks (\$350,000 in year 1), Oklawaha Greenway (\$1.3 million in years 1 & 2), Blythe Street Sidewalk (\$250,000 in year 2), Academy Road Water Project (\$956,000 in year 1.) The Council discussed the construction of sidewalks on Blythe Street between Fifth and Third Avenues.

Preliminary Budget Review: Mr. Connet provided a review of best-guess revenues of \$12.9 million and projected some growth in property and sales tax but with expenditures of \$13.4 million, there is a possible shortage of \$564,312 which equates to a three-cent tax increase at this point. He stated the operating budgets have not yet been submitted. Discussion of the Council followed on personnel costs and salary increases and the distribution of funds for raises. Mr. Connet discussed changes to the performance evaluations of employees and a possible change to allow the best employees to get higher increases to provide an incentive to excel. The Council also discussed a “measurable” means to define what to reward and to ascertain if it was done.

3. Discussion Regarding Customer Service Program: Mr. Connet asked Council for their interest in proceeding with a customer service program such as the program presented at the January 24 Council retreat. The Council discussed how phone lines are currently being answered. Mr. Connet explained part of the process will be forming focus groups made up of customers that will help measure our performance. **The Council agreed by consensus to proceed with a formal customer service training program.**

4. Closed Session: At 7:45 p.m., Council Member Caraker moved the Council to enter closed session to establish or instruct the staff (or negotiating agent) concerning the position to be taken by or on behalf of the City Council in negotiating the price and other material terms of a contract for the acquisition of real property by purchase, option, exchange, or lease [as provided under NCGS §143-318.11(a)(5)]. A unanimous vote of the Council followed. Motion carried.

The Council exited the closed session at 8:02 p.m. upon unanimous consent of the Council. **No action was taken.**

The Council consulted with the City Manager and City Attorney to consider and give instructions concerning negotiating the price and other material terms of a contract for the acquisition of real property by purchase, option, exchange, or lease.

5. Adjournment: The meeting adjourned at 8:02 p.m. upon unanimous consent of the Council.

Barbara G. Volk, Mayor

Tammie K. Drake, City Clerk

March 6, 2014
Regular Meeting of the City Council
Council Chambers – City Hall
5:45 p.m.

**Return to
Agenda**

Present: Mayor Barbara G. Volk, Mayor Pro Tem Ron Stephens and Council Members: Steve Caraker, Jerry Smith and Jeff Miller

Staff Present: Planning Director Sue Anderson, Police Chief Herbert Blake, City Manager John F. Connet, Engineering Director Brent Detwiler, City Clerk Tammie Drake, IT Director Allen Edge, Fire Chief Dorian Flowers, Zoning Administrator Susan Frady, City Attorney Sam Fritschner, Personnel Officer David Sapp, Utilities Director Lee Smith, Public Works Director Tom Wooten

1. Call to Order: Mayor Volk called the meeting to order at 5:45 p.m. and welcomed those in attendance. A quorum was established with all five members in attendance.

2. Invocation and Pledge of Allegiance: A moment of silence for prayer was followed by the Pledge of Allegiance to the Flag.

3. Public Comment Time: *Up to 15 minutes is reserved for comments from the public for items not listed on the agenda.*

Ken Fitch, 1046 Patton Street, commented on and supported merit pay raises for City employees. He commended on the recent work of employees who addressed a problem quietly and quickly stating their work should be valued highly and honored. Mayor Volk explained the Council is not considering eliminating merit pay increases but how they should be given and who qualifies. Council Member Miller agreed stating 80 percent of employees receive an identical increase but Council wants to consider a method whereby employees are given an opportunity to excel instead of a one size fits all increase.

Brenda Ramer, Team ECCO, 511 N. Main Street, thanked the Council for their support and invited them to upcoming events. Mayor Volk commented Team ECCO is an asset to Main Street.

4. Consideration of Agenda:

Additions to Consent Agenda:

- F. Consideration of Agreement with NCDOT for “Historic Hendersonville” signs at Exit 49 on Interstate 26
- G. Consideration of Resolution accepting the amended State Revolving Loan offer for the Jackson Park Sewer Interceptor Project

Deletions:

- 13. Consideration of Bids for the Shepherd Creek/Atkinson Sewer Line Project
- 08. Annual Report by Mills River Partnership

Council Member Caraker moved approval of the agenda with the listed amendments. A unanimous vote of the Council followed. Motion carried.

5. Consideration of Consent Agenda: *These items are considered routine, non-controversial in nature and are considered and approved by a single motion and vote.*

- A. **Consideration of Minutes:** January 24, 2014 Special Meeting, February 6, 2014 Regular Meeting

B. Consideration of Special Event Permits for: The Special Events Committee voted unanimously to recommend approval of the following:

i. 2014 Bearfootin' Public Art Reveal: This event will be held Friday, May 9, 2014, from 4 – 6 p.m. at the First Citizen's Bank Plaza at the corner of Sixth Avenue and Main Street. The 15-minute parking spaces will be closed from 3 – 8 p.m. In addition to the bear reveal, this year a jazz band will play on the First Citizens Plaza during the event.

ii. 2014 Downtown Rhythm & Brews Concert Series: The 2013 Downtown Rhythm & Brews Concert Series will be held on May 15, June 19, July 17, August 21 and September 18, 2014. The events will again be held in the Azalea Parking Lot between Third and Fourth Avenues. The events will feature live music and local brewing and outdoor-related industries. This year, the stage will be on the Fourth Avenue end of the parking lot and Third Avenue will be closed from the alley to King Street during the event. One lane of Fourth Avenue will be left open to the alley until 4:00 p.m. The alcohol area and vendors will be on the Third Avenue end of the parking lot. Approval of this application will include approval of the sale of alcohol at this event.

iii. 2014 Mad Mountain Mud Run and Family Fun Run: This event will be held May 30, 2014 from 6-8 p.m. and May 31, 2014, from noon – 7 p.m. at Berkeley Mills Park and quarry. The family fun run will be held on Friday night and will include dinner, music and family mud games. The mud run will be held on Saturday and will include a festival as well as the mud run.

The application includes approval of the designated area (same as last year) for the consumption of alcohol. Approval of the area authorizes the sponsors to serve alcohol at Berkeley Mills Park in the specified area in conjunction with the special event permit contingent upon the City Manager's certification that all requirements of the City's Policy Governing the Sale of Alcohol at Special Events in City Parks have been satisfied. The Police Department reported there were no problems with the alcohol consumption at this event last year. The event pays for three off-duty police officers.

C. Consideration of Resolution Donating Recycling Bins to Schools and Non-profits: Mr. John Connet, City Manager, reported the Environmental Sustainability Board, along with ECO, worked together to get the City's old recycling bins donated to the public schools. The groups contacted the schools to determine if they had a need for the bins and the quantity needed. The schools indicated an interest in receiving the bins. The City recently replaced all of its recycling collection bins with new rollout carts to increase recycling and the old bins are now surplus.

NC General Statute §160A-280 requires the City to post a notice of the donation at least five days prior to the adoption of the resolution approving the donation. The notice has been posted in City Hall and on the City's website since February 20, 2014.

Resolution #14-0318

RESOLUTION AUTHORIZING THE DONATION OF SURPLUS PROPERTY TO HENDERSON COUNTY PUBLIC SCHOOLS AND NON-PROFIT ORGANIZATIONS PURSUANT TO NCGS 160A-280 ENTITLED DONATIONS OF PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS

WHEREAS: The City of Hendersonville has in its possession surplus recycling bins, and

WHEREAS: The City of Hendersonville desires to donate this surplus property to the Henderson County public schools and non-profit organizations, and

WHEREAS: The City of Hendersonville is authorized to make such a donation pursuant to NCGS 160A-280 entitled "Donations of Personal Property to other Governmental Units", and

WHEREAS: The City of Hendersonville has posted its intention to conduct such donation by means of public notice posted in City Hall on February 20, 2014 and on its website at: www.cityofhendersonville.org; now, therefore

BE IT RESOLVED THAT the City Council of Hendersonville, North Carolina seeks to donate surplus recycling bins to the Henderson County public schools and other non-profit organizations.

Adopted this sixth day of March 2014.

/s/Barbara G. Volk, Mayor

Attest: /s/Tammie K. Drake, City Clerk

**Return to
Agenda**

D. Consideration of Lease Agreement with Norfolk Southern: Mr. Connet reported the Historic Railroad Depot is located on property owned by Norfolk Southern Railroad, but leased by the City. The City was recently contacted by the Norfolk Southern who informed us the original lease expired a number of years ago and requested a new lease. He reported the lease was reviewed by the City Attorney. He recommended City Council’s approval of the lease. The City paid \$100/year for the former lease. *(The lease is available in the office of the City Clerk.)*

E. Consideration of Job Description for Public Information Officer: Mr. Connet provided a draft job description for Council’s review for a Public Information Officer. *[The job description is available in the Human Resources Office.]*

F. Consideration of Agreement with NCDOT for “Historic Hendersonville” signs at Exit 49 on Interstate 26: Public Works Director Tom Wooten provided an agreement between the City and NCDOT for the Historic Hendersonville interstate signs for a cost of \$2,500.

NORTH CAROLINA
TRAFFIC – DIRECTIONAL SIGNS AGREEMENT
HENDERSON COUNTY
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND CITY OF HENDERSONVILLE
WBS Elements: 36249.3341

Agreement ID # 4792 1

DATE: 2/25/2014

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

W I T N E S S E T H:

WHEREAS, the Department and the Municipality propose to make certain public information improvements/traffic control improvements under said project 36249.3341, in Henderson County; and,

WHEREAS, the Municipality has agreed to participate in the actual cost of the project as hereinafter set out.

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

SCOPE OF WORK

- 1. The Project consists of fabricating and installing two (2) "Historic Hendersonville" signs at exit 49, one westbound and one eastbound, on I-26 in Henderson County.

DESIGN

- 2. The Department shall design, fabricate and provide the necessary labor for the installation of the signs. Said work shall be accomplished in accordance with Departmental standards and specifications, and all local codes and ordinances.

UTILITIES AND RIGHT OF WAY

- 3. It is understood by the parties hereto that all work shall be contained within the existing right of way and that there are no utilities in conflict with the installation of the signs. However, should it become necessary, the Municipality shall be responsible for providing any additional right of way and relocate any utilities, at no expense or liability whatsoever to the Department.

FUNDING

- 4. The Municipality shall reimburse the Department one hundred percent (100%) of the actual cost of the work performed by the Department, including administrative costs, associated with the installation and/or replacement of said signs. Based upon the estimated cost of the work, the Municipality shall submit a check for \$2,500 to the Department’s Division Engineer upon execution of the agreement by the Municipality. It is understood by all parties that this is an estimated cost and is subject to change. Upon completion of the project, if actual costs

exceed the estimated amount of payment, the Municipality shall reimburse the Department any underpayment within sixty- (60) days of billing by the Department. If actual costs are less than \$2,500, the Department shall reimburse the Municipality any overpayment. The Department shall charge a late payment penalty on any unpaid balance due in accordance with G.S. 147-86.23.

MAINTENANCE

5. During the life of these directional signs, the Municipality shall be solely responsible for all maintenance and replacement costs associated with the signs and supports due to damage, deterioration or loss, at no expense or liability to the Department. The Department shall be released from any and all damages or claims for damages associated with the signs, except, to the extent allowed by Law, those damages and claims for damages which arise as a result of the negligence of the Department, its engineers or agents.

6. It is understood by the Municipality that should the installation of any of these directional signs become problematic, the signs may be removed at the Department's sole discretion, and the Municipality will be responsible for any cost incurred by the Department associated with the removal of the signs.

7. In the event the signs require relocation or removal for highway construction, reconstruction, maintenance or safety, the Municipality shall be given the option to remove or relocate the signs immediately upon notification by the Department, at no expense to the Department.

ADDITIONAL PROVISIONS

8. Each of the parties covenants that if it enters into any subcontracts in order to perform any of its obligations under this contract, it shall require that the contractors and their subcontractors comply with the requirements of NC Gen. Stat. Article 2 of Chapter 64. In this E-Verify Compliance section, the words contractors, subcontractors, and comply shall have the meanings intended by N.C. Gen. Stat. § 160A-20.1.

9. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IT IS UNDERSTOOD AND AGREED that the approval of the project by the Department and the Municipality is subject to the conditions of this Agreement.

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

Approved by unanimous vote of the local governing body of the City of Hendersonville as attested to by the signature of Clerk of said governing body on 03-06-14 (Date)

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

/s/Lisa White

Federal Tax Identification Number: 56-6001242

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

City of Hendersonville

145 Fifth Ave. E.
Hendersonville, NC 28792
DEPARTMENT OF TRANSPORTATION
BY: /s/(CHIEF ENGINEER)
PRESENTED TO BOARD OF TRANSPORTATION ITEM O:

DATE:

G. Consideration of Resolution accepting the amended State Revolving Loan offer for the Jackson Park Sewer Interceptor Project: Mr. Detwiler explained the Jackson Park Sewer Interceptor project was tentatively awarded to John D. Stephens Inc. for \$4,552,956.05 at Council's February 6 meeting. The project is mostly funded by a North Carolina Department of Environment and Natural Resources (NCDENR) Clean Water State Revolving Fund (SRF) loan. The original SRF loan offer was

\$3,946,000.00. Staff requested a 10 percent increase in the loan amount. He reported the City received an amended loan offer letter from NCDENR for a total of \$4,340,600.00. He explained NCDENR requires a resolution by City Council accepting the amended Jackson Park Sewer Interceptor loan offer.

Resolution #14-0319

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environment and Natural Resources has offered a State Revolving Loan in the amended amount of \$4,340,600.00 for the construction of the Jackson Park Sewer Interceptor Project, and

WHEREAS, the City of Hendersonville intends to construct said project in accordance with the approved plans and specifications,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE:

That City of Hendersonville does hereby accept the amended State Revolving Loan offer of \$4,340,600.00,

That the City of Hendersonville does hereby give assurance to the North Carolina Department of Environment and Natural Resources that all items specified in the loan offer, Section II - Assurances will be adhered to.

That Brent Detwiler, City Engineer, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That City of Hendersonville has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the sixth day of March, 2014 at Hendersonville, North Carolina.

/s/Barbara G. Volk, Mayor

Attest: /s/Tammie K. Drake, City Clerk

Council Member Caraker moved approval of the items listed on the consent agenda. A unanimous vote of the Council followed. Motion carried.

6. Public Hearing – Consideration of a Petition to Close a Portion of a Street: Ms. Sue Anderson, Planning Director, presented a petition from Craig Franks to close an unopened alley located between parcel numbers 9568-66-7430 (lot 16) and 9568-66-8442 (lot 17) on Summit Circle off of Toms Hill Drive. The Council adopted a Resolution of Intent to close this unopened right of way at their January 9, 2014 meeting. A copy of the Resolution of Intent was mailed to the adjoining property owners, notification of the proposed closing was posted on the property, and the Resolution of Intent and notice of the public hearing was advertised four times in the legal notice section of the local newspaper.

Ms. Anderson reported comments were solicited from City Departments. Tom Wooten, Public Works Director, requested a stormwater easement right-of-way be obtained. She reviewed the required findings including: any person may be heard on the question of whether or not the closing would be detrimental to the public interest or the property rights of any individual. If it appears to the satisfaction of City Council after the hearing that closing this street is not contrary to the public interest, and that no individual owning property in the vicinity of the street portion or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property, the City Council may adopt an order closing this street portion.

Mayor Volk opened the public hearing at 5:56 p.m. in accordance with North Carolina General Statutes by notice published four times in the Hendersonville Lightning. No one expressed a desire to speak. The public hearing was closed.

Council Member Smith moved Council to adopt the Order to Permanently Close an unopened alley located between lots 16 and 17 on Summit Circle as petitioned by Craig Franks. A unanimous vote of the Council followed. Motion carried.

ORDER #14-0320

ORDER TO PERMANENTLY CLOSE THE STREET OR ALLEY
(Petition of Craig Franks)

NORTH CAROLINA
HENDERSON COUNTY
TO WHOM IT MAY CONCERN:

WHEREAS, North Carolina General Statute Section §160A-299 authorizes a city council to permanently close any street or public alley way within its corporate limits or area of extraterritorial jurisdiction and provides a procedure for the closing such streets or alleyways; and

WHEREAS, Craig Franks, has petitioned the City of Hendersonville to close an unopened alley located between parcel number 9568-66-7430 (lot 16) and parcel number 9568-66-8442 (lot 17) on Summit Circle; and

WHEREAS, on January 9, 2014, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close an unopened alley between parcel number 9568-66-7430 (lot 16) and parcel number 9568-66-8442 (lot 17) on Summit Circle and setting March 6, 2014 as the date of a public hearing regarding such closure; and

WHEREAS, the aforementioned resolution has been published once a week for four successive weeks prior to the public hearing as required and a copy thereof has been sent by certified mail to all owners of property adjoining the unopened alley as shown on the county tax records; and

WHEREAS, notice of the closings and of the public hearing has been posted in at least two places along the unopened alley; and

WHEREAS, a public hearing was held in conformance with the aforementioned public notice on the sixth day of March 2014.

NOW, THEREFORE, the City Council of the City of Hendersonville does hereby make the following findings of fact:

1. The closing of an unopened alley located between parcel number 9568-66-7430 (lot 16) and parcel number 9568-66-8442 (lot 17) on Summit Circle, hereafter described are not contrary to the public interest.
2. No individual owning property in the vicinity of the unopened alley or in the subdivision in which it is located would be deprived by the closing of such unopened alley of reasonable means of ingress and egress to their property.

IN CONSIDERATION THEREOF, IT IS HEREBY ORDERED:

1. The following unopened alley located between parcel number 9568-66-7430 (lot 16) and parcel number 9568-66-8442 (lot 17) on Summit Circle. is permanently closed and no longer existent as of the effective date of this order:

BEGINNING at an iron pin set, a 5/8 rebar with "J.R. Ownbey" I.D. cap; said iron pin lying N 42°52'02" W a distance of 39.02' from an iron pin set, northwest corner of lot 15 as shown on Plat Slide 8859, Henderson County Registry; thence N 47°41'21" W a distance of 10.02' to an iron pin set; thence N 46°18'54" E a distance of 94.00' to a Mag-Nail set in the western margin of Tom's Park Circle; thence S 43°41'06" E a distance of 10.00' to a Mag-Nail set, also in the western margin of Tom's Park Circle; thence S 46°18'54" W a distance of 93.30' to the point and place of BEGINNING, having an area of 0.021 acres. 936.3 square feet; and BEING the 10' alley as shown on plat made by Jared R. Ownbey, PLS bearing date of February 27, 2013, Job number 130203, entitled "Boundary & Recombination Survey for Craig Franks".

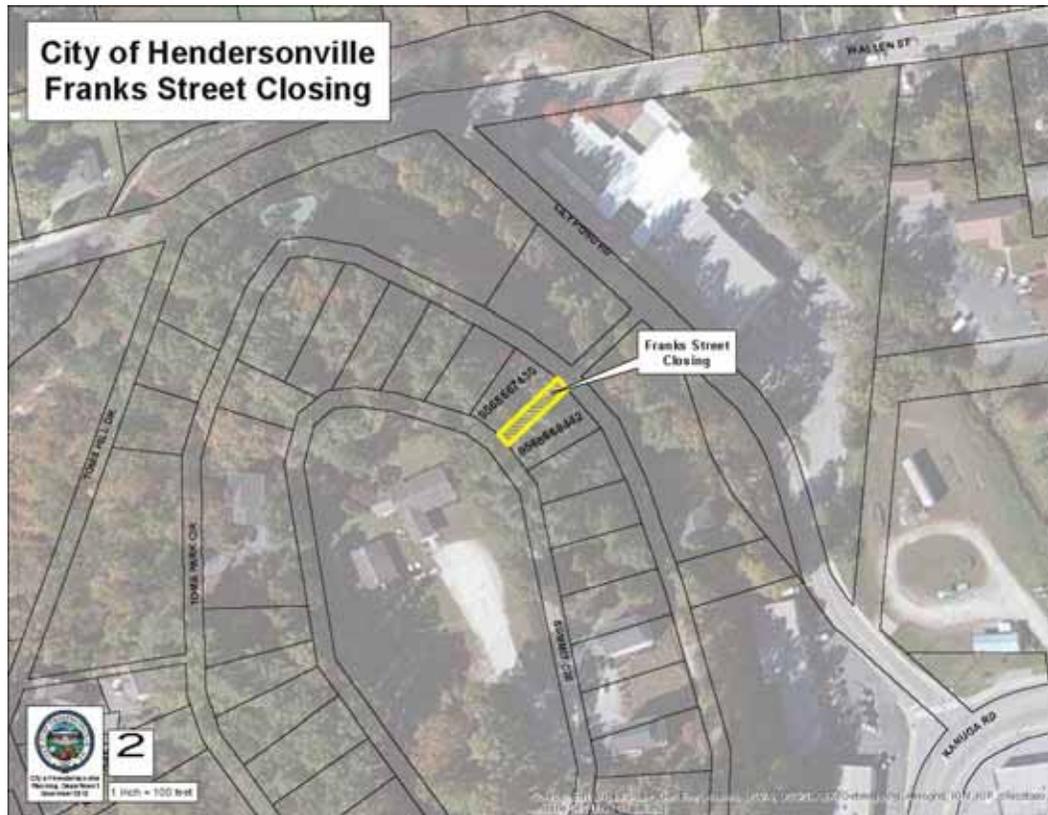
2. The City Clerk shall forthwith cause a copy of this order to be filed in the Office of the Register of Deeds of Henderson County.

This order shall take effect the sixth day of March 2014.

/s/Barbara G. Volk, Mayor

Attest: /s/Tammie K. Drake, City Clerk
Approved as to Form: /s/Samuel H. Fritschner, City Attorney

**Return to
Agenda**



7. Annual Report by Hendersonville Sister Cities: The City Council received an annual report from Mrs. Karen Hultin, President of Hendersonville Sister Cities. Their activities include: a pen-pal relationship between students in Hendersonville and our Sister City Almuñécar, Spain, a social gathering at Saint Paul's vineyard, presentations of the Hendersonville Sister Cities program and a related newsletter, and upcoming programs on Japan, France and Italy to expand knowledge and appreciation of global cultures. The group will begin the task of identifying another sister city. **No action was required or taken by the Council.**

8. Annual Report by Mills River Partnership

9. Presentation by Blue Ridge Bicycle Club regarding Designating Fourth Avenue as Bicycle Boulevard: The City Council received a presentation from Mr. Joe Sanders, President, Blue Ridge Bicycle Club, and considered his request to designate Fourth Avenue West as a bicycle boulevard. His presentation began with facts on diabetes and obesity which have reached epidemic proportions in the U.S.

Mr. Sanders explained bike boulevards are designated on streets with low motorized traffic volumes and speeds less than 25 mph. It is designated and designed to give bicycle travel priority. Methods, such as road markings and signs, are used to raise motor vehicle awareness that the road is used by bicyclists making it safer for bicyclists and so the bicyclist know where to position themselves in the lane. Bike boulevards also provide connectivity to destinations of interest such as the library, the historical districts, parks and the greenway, schools, grocery stores, etc.

Mr. Sanders explained the most popular way to designate a bicycle boulevard is by “shared lane markings” which help position the bicyclists where they should be to prevent conflicts between vehicles and bicycles. This also alerts motorists to the potential that bicycles will be on the road. He stated this also provides a way-finding element along bike routes and requires no additional street space.

Mr. Sanders spoke about community interest and their survey results. He stated the Blue Ridge Bike Plan identified Fourth Avenue as a secondary corridor stating it would make a family-friendly connection to Jackson Park. He requested the Council consider trying the shared-lane markings on Fourth Avenue, either in phases or the entire length from Laurel Park to Jackson Park. He suggested installing way-finding signs, then track usage and community interests and eventually create more bike boulevards.

Mr. Sanders reported the Blue Ridge Bicycle Club received a \$10,500 donation and they are willing to pay for the shared lane markings and provide assistance as requested. He also offered to work with the City to develop and implement a comprehensive bike plan and lead rides to address the needs and desires of the “interested but concerned citizens”.

The Council discussed the number of signs needed, the cost, street markings, legal designations and traffic counts. Council Member Miller voiced support of the idea stating it may slow the speed of motorists. Mr. Sanders commented it is also important that cyclists obey the traffic laws.

There was discussion of whether the project could be ready for this season. **The consensus of the Council was to proceed with granting the request to designate Fourth Avenue as a bicycle boulevard.** Mr. Connet requested 30 days to allow staff to review and make recommendations to the Council at their next meeting. **The Council agreed by consensus.** Mayor Volk thanked Mr. Sanders for his presentation.

10. Discussion of Grey Hosiery Mill Building: At the direction of Council, Mr. Connet gave a presentation on Preservation North Carolina (PNC) as an option for transferring the Grey Hosiery Mill building and property. He explained PNC is a non-profit historic preservation organization with a National reputation for success. They have experience with getting troubled building types into the possession of someone who will restore the property and put it to a good use. He stated they pride themselves in finding preservation solutions for historic properties that are threatened with demolition or disuse. He stated their endangered properties program has generated more than \$200,000,000 in private investment, supports local tax rolls and has created hundreds of jobs.

Mr. Connet reported conversations with staff at PNC and suggested the following:

- The City maintain ownership of the property with the option of donating the property to PNC if they find a suitable project. PNC will market the property and evaluate all proposals to find the best option for the use of the property.
- The option would remain for one year with a non-automatic six-month option for renewal.
- Request that PNC first review the projects that have been proposed to the City and if these projects are determined unsustainable, then solicit outside proposals.
- Give PNC the authority to recommend the most viable project to the City Council.

Mayor Volk commented she would like PNC to look for other opportunities instead of just the three proposals previously submitted to get the best proposal for the property. Council Member Caraker agreed and stated he wants to create a link between Seventh Avenue district and Main Street.

Mr. Connet explained PNC North Carolina has requested review criteria from the City and he suggested the following:

- Capacity of the developer to complete the project and preserve the mill;
- Past experience and overall track record;
- Financial capability of the project developer to accomplish the project;

- Potential number of jobs, investment and tax base generated by the project;
- Ability to start the project within the next 18 months;
- Prospective developer willing to sign a rehabilitation agreement with PNC
- Prospective developer willing to compensate PNC for the property
- The project is compatible with the City's goals for this area. No opposition was expressed by the Council.

**Return to
Agenda**

Mr. Connet reviewed the benefits of working with PNC: PNC's experience with the redevelopment of deteriorating historic structures, their access to historic tax credit experts, their extensive experience with historic preservation covenants and an unbiased arms-length review of the proposals resulting in the preservation of the property. The cons of working with PNC include: limited control of the projects, little or no compensation for the property and could possibly slow down the redevelopment process.

Mr. Connet stated a third proposal was submitted to the City for the property.

The Council discussed the expiration of the tax credits at the end of 2014, other benefits of using PNC, the final decision of the project by PNC or in partnership with the City and the proceeds of the sale going to PNC for facilitating the project. The City Council would have the opportunity to review and approve the recommendation of PNC.

Council Member Caraker stated this is an economic development project that does not differ from making a donation to the Flat Rock Playhouse. He stated this is a fair and equitable means to dispose of the property because it eliminates local influence over the project. Council Member Miller agreed. Discussion followed on whether there is a requirement that a nonprofit purchase the property which there is not. Council Member Miller expressed a concern that even if the property is sold at auction, the purchaser does not have to do anything to the building allowing it to deteriorate further and nothing is gained. He stated PNC has a proven track record and getting a project that enhances the building or location, then another promise is fulfilled of working on a gateway into Seventh Avenue. He stated the tax credits make the property more valuable. Council Member Caraker and Mayor Pro Tem Stephens agreed it would not be profitable without tax credits. Council Member Caraker stated it would cost a lot of money to raze the building in order to make the property sell.

Mr. Connet commented the City is close to having a Brownfields agreement and should complete that before transfer of the property.

Council Member Smith stated he would prefer the City try to sell the property, possibly by auction, with the option that the City could choose not to accept the bid. He stated there is enough time for the process to take place before the tax credits expire. He stated he prefers to recoup some funds from the property so the taxpayers receive some compensation for the property. The Council further discussed the benefits of PNC versus auctioning the property and the fact that the property would not be transferred to PNC until the Council approves their recommendation.

Ms. Anderson provided some history of previous proposals including the Mill Center for the Arts.

The Council discussed restrictive covenants to preserve portions of the building. Mayor Volk asked whether the City could put restrictions on the rehabilitation such as preserving the 1915 and 1919 portions. Council Member Caraker responded yes, the City may put stipulations on the preservation of the sections that are contributing structures. Mr. Connet explained PNC would like specific direction from the Council. He stated he would defer to PNC for their guidance on the tax credits for the remaining portion of the building. Mr. Connet stated the City would be operating under a specific NC General Statute that allows the City to transfer the property below market rate to a nonprofit organization that deals with historic preservation.

Council Member Smith asked if there are any restrictions that PNC could put on the project that City couldn't put on it. City Attorney Fritschner stated no, they do not have a greater power to place restrictions. Council Member

Smith stated Council began discussing selling the property in November and this action would not be selling the property.

Council Member Caraker moved Council to authorize the City Manager to execute a one-year agreement with Preservation North Carolina to explore possibilities for the Grey Hosiery Mill Building property. The vote was four in favor; one opposed (Smith). Motion carried.

11. Consideration of Recommendations to the Henderson County Transportation Advisory Committee:

In response to the request of the Henderson County Transportation Planner Matt Cable for Council to assign projects NCDOT-defined complete street cross sections, Mr. Connet reviewed the following staff recommendations for Council's consideration:

1. Project C20: Shepherd St/Airport Rd (NC 225 to Tracy Grove Rd): **By consensus, the Council agreed to the Rural Road cross section, sidewalks installed in urban areas, and multi-use paths installed in the more rural areas.**
2. Project C21: Tracy Grove Rd (Airport Rd to Dana Rd): **By consensus, the Council agreed to the Rural Road cross section with multi-use path.**
3. C22: Duncan Hill Rd (US 64 to N Main St): **By consensus, the Council agreed to the Rural Avenue cross section with curb and gutter.**
4. C23: Berkeley Rd (N Main St to US 25 Business): **By consensus, the Council agreed to the Rural Road cross section with multi-use path.**
5. C25: Lake Ave (Blythe St to Hebron Rd): **By consensus, the Council agreed to the Local Subdivision street cross section with sidewalks on either side as it connects to Third Avenue.**
6. C26: Hebron Rd (Lake Ave to State St): **By consensus, the Council agreed to the Local Subdivision street cross section with sidewalks on both side (typical 2-lane cross section).**
7. C29: Erkwood Dr (Kanuga Rd to NC 225): **By consensus, the Council agreed to the Rural Road cross section, sidewalks installed in urban areas, and multi-use paths installed in the more rural areas.**
8. C30: Sugarloaf Rd (US Hwy 64 to Pace Rd): **By consensus, the Council agreed to the Rural Road cross section, sidewalks installed in urban areas, and multi-use paths installed in the more rural areas.**
9. C13: US Hwy 64 (Buncombe St to Brickyard Rd): most of the work inside the City has been completed. **By consensus, the Council agreed to the Rural Road cross section, sidewalks installed in urban areas, and multi-use paths installed in the more rural areas.**
10. C17: NC 225 (US 176/US 25 Business to Erkwood Dr): **By consensus, the Council agreed to the Rural Avenue cross section with curb and gutter, sidewalks and bike lane.**
11. C08: US 64 (Howard Gap Rd to Fruitland Rd): **By consensus, the Council agreed to an Urban/Suburban Parkway cross section with curb and gutter.**
12. C16: US 176/US 25 Business (NC 225 to Shepherd St): **After discussion the Council agreed to defer any decision on the cross section until more information is available from NCDOT.** Mayor Volk commented multi-lane paths should be included wherever possible. **The Council agreed by consensus.**

12. Consideration of Leased Parking Request from Beverly Hanks: Mayor Pro Tem Stephens asked to be removed from discussion and voting on this matter because of a possible financial conflict. He stated he is an independent contractor that works under the guidance of Beverly-Hanks. **Council Member Caraker moved the City Council to excuse Mayor Pro Tem Stephens from discussion and voting on this matter. A unanimous vote of the Council followed. Motion carried.**

Mr. Connet presented a request from Mr. Neal Hanks requesting additional leased parking spaces on the north end of Main Street. He stated Mr. Hanks is purchasing a building adjacent to Skyland Hotel and needs additional parking. He reported staff has reviewed and discussed the request.

Mr. Connet recommended allowing employees to park in the underutilized metered spaces in the City Hall parking lot freeing up the upper end of the Apple Lot (11 spaces) for leased spaces for Beverly Hanks and if they

do not use them all, they may be leased to other businesses. He stated Beverly Hanks is currently leasing 13 spaces in the Dogwood Lot and are requesting an additional seven to nine spaces in the Apple Lot.

Discussion followed on where City employees park in the Apple Lot. The spaces facing King Street, close to Sixth Avenue, behind City Hall are partially being used by Police detectives. The spaces closest to the entrance of City Hall are reserved for customers. The metered spaces are also available for the public/customers. **Council Member Caraker moved City Council to approve the proposal to include the parking spaces in the upper portion of the Apple Lot into the inventory of leased spaces. A unanimous vote of the Council followed. Motion carried.**

~~13. Consideration of Bids for the Shepherd Creek/Atkinson Sewer Line Project~~

14. Consideration of Bids for the Wolfpen Sewer Line Project: Mr. Brent Detwiler, Engineering Director, presented the three bids that were opened on February 21, 2014 for the Wolfpen sewer line project. He explained three of the seven prequalified bidders submitted bids with the following results:

- John D. Stephens, Inc. - \$2,731,043.00
- Strack, Inc. - \$2,846,514.00
- Sanders Utility Construction Co., Inc. - \$5,226,518.00.

Council Member Smith moved Council to approve the resolution tentatively awarding the contract for the construction of the Wolfpen Sewer Interceptor project to John D. Stephens, Inc., the lowest responsive and responsible bidder, in the amount of \$2,731,043.00; as presented and recommended by staff. This tentative award is contingent upon the approval of the North Carolina Department of Environment and Natural Resources (NCDENR). A unanimous vote of the Council followed. Motion carried.

Resolution 14-0321

RESOLUTION OF TENTATIVE AWARD

WHEREAS, the City of Hendersonville, North Carolina has received bids, pursuant to duly advertisement notice therefore, for construction of the Wolfpen Sewer Interceptor Project, and

WHEREAS, the City Engineer has reviewed the bids; and

WHEREAS, John D. Stephens, Inc. was the lowest bidder for the Wolfpen Sewer Interceptor Project, in the total bid amount of \$2,731,043.00, and

WHEREAS, the City Engineer recommends TENTATIVE AWARD to the lowest bidder.

NOW, THEREFORE, BE IT RESOLVED that TENTATIVE AWARD is made to the lowest bidder, John D. Stephens, Inc. in the Total Bid Amount of \$2,731,043.00.

BE IT FURTHER RESOLVED that such TENTATIVE AWARD be contingent upon the approval of the North Carolina Department of Environment and Natural Resources.

Upon motion of Council Member Jerry Smith, seconded by N/A, the above RESOLUTION was unanimously adopted.

This is sixth day of March, 2014.

/s/Barbara G. Volk, Mayor

Attest: /s/Tammie K. Drake, City Clerk

Approved as to Form: /s/Samuel H. Fritschner, City Attorney

20. Comments from Mayor and City Council Members:

Council Member Caraker explained the City Attorney was requested to do searches for foreclosed properties in years past and stated he is not sure of the value of those searches at this time. He requested discontinuation of the search by the City Attorney. **No objection was expressed by the City Council to discontinue the searches for foreclosed properties by the Legal Department.**

21. Reports from Staff

a. Oakdale Cemetery Listing on the National Register of Historic Places: Ms. Anderson announced the National Park Service has listed Oakdale Cemetery onto the National Register of Historic Places. She reported a grant was received from the State to assist in preparing the nomination report.

Ms. Anderson explained the Historic Preservation Commission will be discussing potential projects for the cemetery. She asked for direction from the City Council on areas that should be focused on. Walking tours of the Cemetery will be given during Preservation Week. Council Member Caraker suggested enhancements to the pavilion, signage, iron gates, etc.

The Council discussed the possibility of a columbarium/ash garden. Mr. Connet stated this project is in the Capital Improvement Plan in year five. Council Member Miller suggested seeking donors for the project. Ms. Anderson suggested more plantings on the African-American side of the Cemetery. Council Member Smith suggested installing a plaque with an anecdotal story about the unidentified graves. **No action was necessary or taken.**

b. Reminder of Budget Workshop: Mr. Connet reminded the Council of the Budget Workshop scheduled for May 9, 2014, at 9:00 a.m. at City Hall.

22. Consideration of Appointments to Boards and Commissions

a. Consideration of Appointments to Board and Commissioners: These appointments were announced at Council's February meeting:

Business Advisory Committee: Mayor Volk stated she would like to see a broad representation on this committee with a good mix of the types of businesses/professions. **The Council agreed by consensus.** Council Member Miller suggested setting the number of members at nine; six appointed by the City, and one position appointed by each of the following entities: Henderson County Chamber of Commerce, the Partnership for Economic Development and Henderson County (non-elected official). He suggested the Chair be chosen by the committee members from those appointed by the City. **The Council agreed by consensus to the suggested changes.** The following nominations were made:

Chuck Edwards was nominated by motion of Mayor Pro Tem Stephens. The vote was unanimous. Motion carried.

Gloria Wagner was nominated by motion of Council Member Caraker: The vote was three in favor; two opposed (Smith, Miller). Motion carried.

Randy Hunter was nominated by motion of Council Member Smith. The vote was unanimous. Motion carried.

Matt Johnes was nominated by motion of Council Member Miller. The vote was unanimous. Motion carried.

Beau Waddell was nominated by motion of Council Member Caraker. The vote was unanimous. Motion carried.

Ansley Leitner was nominated by motion of Council Member Smith. The vote was one in favor (Smith), four opposed. Motion failed.

Lee Roy Nicholson was nominated by Mayor Pro Tem Stephens. After discussion that this business is not in the City, Mayor Pro Tem Stephens withdrew his nomination.

Robert Laborde was nominated by motion of Council Member Smith. The vote was three in favor, two opposed (Caraker, Stephens). Motion carried.

Virginia Gambill was nominated by Mayor Pro Tem Stephens. [No vote was taken as the six positions had been filled.]

Mr. Connet will serve as the staff member to this Committee and will set up the first meeting, etc. He will notify the entities of their positions.

Tree Board: City Clerk Tammie Drake announced the resignation of Karen Jackson. She presented the applications of the citizens willing to serve on the Tree Board. **Council Member Smith moved to appoint Albeiro Rodriquez to fill the unexpired term on the Tree Board. This term will expire 02-01-15. A unanimous vote of the Council followed. Motion carried.**

Board of Adjustment: Mrs. Drake reminded the Council of the vacant alternate position on the Board of Adjustment. **No action was taken.**

Seventh Avenue Advisory Committee: Mrs. Drake reviewed the applications received for the Seventh Avenue Advisory Committee. There was discussion of the makeup of the Committee.

23. New Business: Fire Chief Dorian Flowers introduced the newly-hired Deputy Fire Chief Joe Vindigni coming to Hendersonville from Rocky Mount. Mr. Vindigni commented he is excited to be here to assist Chief Flowers in serving the citizens of Hendersonville and providing excellent customer service.

24. Closed Session: At 8:08 p.m. **Council Member Caraker moved Council to enter a closed session to consider and give instructions concerning negotiating the price and other material terms of a contract for the acquisition of real property by purchase, option, exchange, or lease as provided by NCGS 143-318.11(a)(5). A unanimous vote of the Council followed. Motion carried.**

The Council exited the closed session at 8:20 p.m. upon unanimous consent of the Council.

The Council consulted with the City Manager and City Attorney to consider and give instructions concerning negotiating the price and other material terms of a contract for the acquisition of real property by purchase, option, exchange, or lease. **No action was taken.**

25. Adjournment: The meeting adjourned at 8:20 p.m. upon unanimous consent of the Council.

Barbara G. Volk, Mayor

Tammie K. Drake, City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Lisa White

Department: Finance

Date Submitted: 3/24/14

Presenter: Lisa White

Date of Council Meeting to consider this item: 04/03/14

Nature of Item: Council Action

Summary of Information/Request:

Item # 05b

1. Request that Council pass a Capital Project Ordinance for each multi-year project
2. A budget amendment is needed to increase the budget in a multi-year project budget.

Project History:

Project was originally budgeted at an estimated amount of \$600,000 in the current year CIP process.

Budget Impact: \$ 1,076,838 total cost Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Budget Amendment to remove prior budget of \$600,000 and install new multi-year project budget

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move Council's approval of a Capital Project ordinance for the Academy Road Project and the budget amendment as presented.

Attachments:

Capital Project Ordinance

Budget Amendment

**CAPITAL GRANT PROJECT ORDINANCE FOR
THE ACQUISITION, CONSTRUCTION AND INSTALLATION
OF THE ACADEMY ROAD - DANA COMMUNITY WATER SYSTEM
IMPROVEMENT PROJECT**

BE IT ORDAINED by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project authorized is a wastewater collection system project described as the Academy Road Project.

Section 2: The officers of the City of Hendersonville are hereby directed to proceed with the capital grant project within the terms of the contract entered into with Cooper Construction Co, the grant agreement with The Rural Economic Development Center, Clean Water Partners Infrastructure Fund in the amount of \$300,000, the Community Development Block Grant (CDBG) in the amount of \$453,000 and \$200,000 from the Bernard Allen Memorial Emergency Drinking Water Fund and the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Account Number	Account Name	Total Budget
3787141 559850	Construction	747,438
3787171 599100	Construction Contingencies	67,500
3787171 519400	Professional Services	87,400
3787171 519200	Professional Services	5,000
3787171 519425	Professional Services	22,000
3787171 519000	Professional Services	90,000
3787171 519010	Professional Services	12,500
3787171 549000	Grant Expense	20,000
3787171 549010	Grant Expense	25,000
	Total Project Appropriation	\$ 1,076,838

Section 4: The following revenues are anticipated to be available to complete this project under a grant from The Rural Economic Development Center, Clean Water Partners Infrastructure Fund, a grant from the Community Development Block Grant (CDBG) and the Bernard Allen Memorial Emergency Drinking Water Fund and transfer from the Water and Sewer Fund for any remaining project expenses:

Account Number	Account Name	Total Budget
3780000 434990	Grant Revenue	953,500
3789900 998060	Transfer from Water & Sewer Fund	123,338
	Total Project Revenue Sources	1,076,838

Section 5: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements.

Section 6: Funds may be advanced from the Water and Sewer Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 9: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this sixth day of March, 2014.

Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

BUDGET AMENDMENT

FISCAL YEAR 2014

**Return to
Agenda**

SUBMITTED FOR COUNCIL APPROVAL

April 3, 2014

Funding Sources

NC Rural Center	\$300,000	
Bernard Allen	\$287,000	
NC Commerce - DCA	\$453,500	CDBG
	<u>\$1,040,500</u>	

ACCOUNT NUMBER		ACADEMY ROAD			
ORG	OBJECT	ACCOUNT NAME	DESCRIPTION OF ACCOUNT	EXPENSE	REVENUE
3780000	434990	Grant Revenue			\$1,040,500
3787141	559850	Construction	Construction Contract - Cooper	747,438	
3787171	599100	Construction Contingencies	Contingencies	67,500	
3787171	519200	Professional Services	Legal Fees	5,000	
3787171	519400	Professional Services	MESCO Design, Survey, Engineer	87,400	
3787171	519425	Professional Services	MESCO Construction Administration	22,000	
3787171	519000	Professional Services	MESCO Construction Observation	90,000	
3787171	519010	Professional Services	MESCO Planning (PER & EA Included)	12,500	
3787171	549000	Grant Expense	MESCO Grant Administration	20,000	
3787171	549010	Grant Expense	CDBG Grant Administration	25,000	
3789900	998060	Transfer from W&S Fund	Interfund Transfer to cover remaining		36,338
609900	999378	Transfer to Academy Rd	Interfund Transfer to cover remaining	36,338	
600000	499200	Fund Balance	Sewer Fund Balance		36,338
780090	434990	Grant Revenue	Remove incorrect budget/fund	600,000	
787126	519400	Professional Svc Engineer	Remove incorrect budget/fund		70,000
787126	559900	Capital Outlay Otr Improve	Remove incorrect budget/fund		530,000
		TOTALS IN BALANCE		1,713,176	1,713,176

\$ 1,076,838
Total Project

231,900 Total MESCO - Contract

CDBG Contract signed by Mayor 2-25-14

Set up new multi-year capital grant project fund and multi-year for Academy Road Project. Contract awarded to Cooper by Council on February 6, 2014.

FINANCE DIRECTOR

Date: 3/24/2014

CITY MANAGER

Date:

APPROVED BY CITY COUNCIL:

DATE:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Lisa White

Department: Finance

Date Submitted: 3/24/14

Presenter: Lisa White

Date of Council Meeting to consider this item: 04/03/14

Nature of Item: Council Action

Summary of Information/Request:

Item # 05c

1. The Britton Creek project is funded through a 319 grant from NCDENR who requires that Council pass a Capital Project Ordinance for each project funded grant funds.
2. A budget amendment is needed set up the project budget in a multi-year project budget.

Budget Impact: \$ 381,850 total cost _____ Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Total Grant revenue of \$121,528 -City Cash expense is \$121,528.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move Council's approval of a Capital Project ordinance for the Britton Creek Grant Project and the budget amendment as presented.

Attachments:

- Capital Project Ordinance
- Budget Amendment

BUDGET AMENDMENT

FISCAL YEAR 2014

**Return to
Agenda**

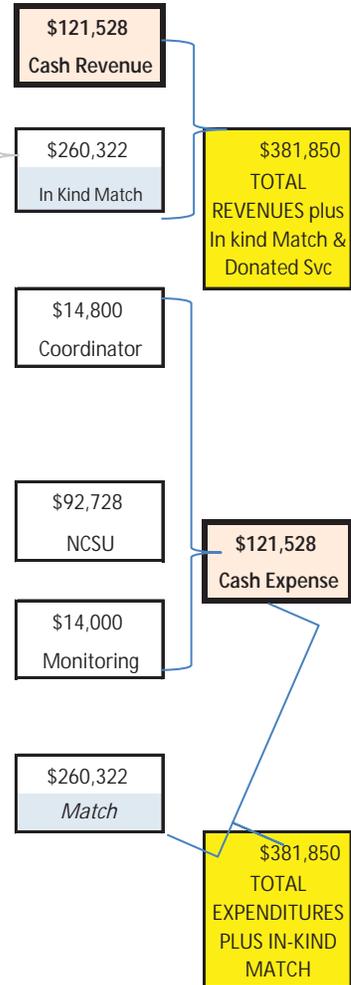
SUBMITTED FOR COUNCIL APPROVAL

April 3, 2014

ACCOUNT NUMBER		BRITTON CREEK GRANT FUND		
ORG	OBJECT	DESCRIPTION OF ACCOUNT	EXPENSE	REVENUE
3330000	434990	GRANT REVENUE - EPA 319h		121,528
3339999	498207	IN KIND DONATED SERVICES		64,770
3339999	998060	TRANS IN KIND CONSTRUCTION W&S		172,400
3339999	998010	TRANS FOR IN KIND CITY ENGINEER		23,152
3335005	569000	GRANT COORDINATOR SERVICES	12,300	
3335005	529900	GRANT COORDINATOR SUPPLIES	2,000	
3335005	539400	GRANT COORDINATOR TRAVEL	500	
3335100	529900	NCSU SUPPLIES	3,241	
3335100	539400	NCSU TRAVEL	8,325	
3335100	559850	NCSU CONTRACTED SERVICES	38,000	
3335100	519000	NCSU PROFESSIONAL SERVICES	34,732	
3335100	519400	NCSU OVERHEAD	8,430	
3335200	569020	ECO VWIN MONITORING SERVICES	14,000	
3339999	519000	IN-KIND PROF SERVICES ENGR NCSU	51,391	
3339999	549000	VWIN VOLUNTEER TIME	13,379	
3339999	999060	TRANSFER TO W&S FOR IN KIND	172,400	
3339999	999010	TRANSFER TO GF FOR ENG IN KIND	23,152	
		TOTALS IN BALANCE	381,850	381,850

SUBTOTALS

TOTALS



Set up new multi-year grant fund # 333 for NCDENR Grant Contract # 5678 Britton Creek Stormwater - Mud Creek Watershed Restoration Project. **Grant Revenue \$121,528. Cash grant expenditures \$121,528.** Total Grant : \$381,850 using existing Water & Sewer projects, City Engineering Services, NCSU overhead, and volunteer time as Match.

FINANCE DIRECTOR

Date: 3/24/2014

CITY MANAGER

Date: _____

APPROVED BY CITY COUNCIL:

DATE: _____

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Agenda**

**CAPITAL GRANT PROJECT ORDINANCE FOR
THE DESIGN, CONSTRUCTION AND MONITORING
OF THE BRITTON CREEK STORM WATER IMPROVEMENTS IN THE MUD
CREEK WATERSHED**

BE IT ORDAINED by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital grant project ordinance is hereby adopted:

Section 1: The project authorized is a storm water management project funded by the EPA 319 grant.

Section 2: The officers of the City of Hendersonville are hereby directed to proceed with the grant project within the terms of the sub-recipient grant agreement entered into with the NCDENR; in the total amount of \$381,850, with the detail budget contained herein.

Section 3: The following revenues and in kind sources are anticipated to be available to complete this grant project:

Account	Account Name	Total Budget
	Grant Revenue	121,528
	In-Kind Sources	260,322
	Total Project Funding Sources:	\$ 381,850

Section 4: The following expenditure amounts and in-kind services are appropriated for the grant project:

Account	Account Name	Total Budget
	Grant Coordinator Contract	14,800
	NCSU Engineering Contract	92,728
	ECO VWIN Contract	14,000
	In-Kind Expenditures	260,322
	Total Grant Project Appropriation:	\$ 381,850

Section 5: The Finance Director is hereby directed to establish a multi-year grant project fund and maintain within the grant project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the grant agreements.

Section 6: Reimbursement requests shall be made in an orderly and timely manner.

Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenditures during each annual budget submission made to the Governing Board for the project duration.

Section 9: Copies of this grant project ordinance shall be furnished to the City Clerk, Finance Director, City Engineer and City Manager for direction in carrying out this grant project.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this third day of April, 2014.

Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Lisa White

Department: Finance

Date Submitted: 3/24/14

Presenter: Lisa White

Date of Council Meeting to consider this item: 04/03/14

Nature of Item: Council Action

Summary of Information/Request:

Item # 05d

1. NCDENR requires that Council pass a Capital Project Ordinance for each project funded with SRL funds.
2. A budget amendment is needed to increase the additional funding received from the SRF loan and record additional expenditure budget in a multi-year project budget.

Project History:

At the February 6 City Council Meeting, the Jackson Park Sewer Interceptor project was tentatively awarded to John D. Stephens Inc. for \$4,552,956.05. The project is mostly funded by a North Carolina Department of Environment and Natural Resources (NCDENR) Clean Water State Revolving Fund (SRF) loan. The original SRF loan offer was \$3,946,000.00. Staff requested a 10% increase in the loan amount (which could be done without going through the LGC process) and on March 4 received amended loan offer letter from NCDENR for a total of \$4,340,600.00. Council accepted the amended Loan offer at the March 6, 2014 Council Meeting.

Budget Impact: \$5,192,417 total cost Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Budget Amendment to remove prior budget of \$4,012,962.08 and install new multi-year project budget of \$5,192,417 total



Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move Council's approval of a Capital Project ordinance for the Jackson Park Interceptor Project and the budget amendment as presented.

Attachments:

Capital Project Ordinance

Budget Amendment

**CAPITAL PROJECT ORDINANCE FOR
THE ACQUISITION, CONSTRUCTION AND INSTALLATION
OF THE JACKSON PARK SEWER INTERCEPTOR PROJECT**

**Return to
Agenda**

BE IT ORDAINED by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project authorized is a wastewater collection system project described as the Jackson Park Sewer Interceptor Project.

Section 2: The officers of the City of Hendersonville are hereby directed to proceed with the capital project within the terms of the contract entered into with John D. Stephens, Inc.; the financing agreement with the North Carolina Clean Water State Revolving Fund (SRF) in the amount of \$4,340,600 at 2% per annum and a maximum loan term of 20 years; and the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Account Number	Account Name	Total Budget
4747141 559850	Construction	4,552,957
4747141 559100	Contingencies	227,648
4747141 569000	Contracted Services - Survey	10,000
4747171 569010	Contracted Services - Material Test	15,000
4747141 519400	Professional Services	300,000
4740000 572600	Closing Costs	86,812
	Total Project Appropriation	\$ 5,192,417

Section 4: The following revenues are anticipated to be available to complete this project under a loan agreement with the North Carolina Clean Water State Revolving Fund (SRF) and transfer from the Water and Sewer Fund for any remaining project expenses:

Account Number	Account Name	Total Budget
4740000 499100	Proceeds of Debt -SRF	4,340,600
4749900 998060	Transfer from Water and Sewer Fund	851,817
	Total Project Revenue Sources	\$ 5,192,417

Section 5: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements.

Section 6: Funds may be advanced from the Water and Sewer Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 9: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this third day of April, 2014.

Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

BUDGET AMENDMENT

FISCAL YEAR 2014

SUBMITTED FOR COUNCIL APPROVAL

April 3, 2014

**Return to
Agenda**

ACCOUNT NUMBER		JACKSON PARK SEWER INTERCEPTOR			
ORG	OBJECT	ACCOUNT NAME	DESCRIPTION OF ACCOUNT	EXPENSE	REVENUE
4740000	499100	Proceeds from Debt	SRL Loan (including additional 10%)		4,340,600
4747141	559850	Construction	Construction Contract -J.D. Stephens, Inc.	4,552,957	
4747171	599100	Construction Contingencies	Contingencies (5%)	227,648	
4747141	519400	Professional Services	Other	300,000	
4747171	569000	Contracted Svc	As Built Survey	10,000	
4747171	569010	Contracted Svc	Material Testing	15,000	
4740000	572600	Loan Expense	SRF Loan Closing Cost (2%)	86,812	
4749900	998060	Transfer from W&S Fund	Interfund Transfer to cover remaining		851,817
609900	999474	Transfer to Jackson Park	Water & Sewer Fund Balance	851,817	
600090	499200	Fund Balance -Appropriated	Water & Sewer Fund Balance		851,817
740090	489260	Transfer fr W&S Fund	Remove non-multi-year fund budget	66,962	
740090	499100	Debt Proceeds SLRF	Remove non-multi-year fund budget	3,946,000	
747136	519200	Professional Svc - Legal	Remove non-multi-year fund budget		5,000
747136	519400	Professional Svc - Engin	Remove non-multi-year fund budget		14,867
747136	557000	Capital Outlay - Land	Remove non-multi-year fund budget		35,000
747136	559900	Capital Outlay - Other	Remove non-multi-year fund budget		3,601,630
747136	599100	Contingencies	Remove non-multi-year fund budget		356,465
TOTALS IN BALANCE				10,057,196	10,057,196

Details on Other Costs

Britton Creek Streambank Stabilization	120,000
Asphalt Pavement Replacement	100,000
Wetland Replanting Plan & Construction	80,000
	<u>300,000</u>

\$ **5,192,417**
Total Project Cost

\$ 4,012,962.08
Original Project Estimate

Set up new multi-year project fund # 474 for Jackson Park Sewer Interceptor Project. Contract awarded to John D. Stephens, Inc. by Council on February 6, 2014 for negotiated amount. Original State Reveolving Loan amount \$3,946,000 - plus additional 10% requested. Also, remove budget from non-mult-year fund # 74 - entered from prior year CIP budget process.

FINANCE DIRECTOR

Date: 3/24/2014

CITY MANAGER

Date:

APPROVED BY CITY COUNCIL:

DATE:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Lisa White

Department: Finance

Date Submitted: 03/24/14

Presenter: Lisa White

Date of Council Meeting to consider this item: 04/03/14

Nature of Item: Council Action

Summary of Information/Request:

Item # 05e

1. NCDENR requires that Council pass a Capital Project Ordinance for each project funded with SRL funds.
2. A budget amendment is needed to reduce the amount needed from the SRF loan and record expenditure budget in a multi-year project budget.

Project History:

On March 6, 2014 Council approved tentative award of the Wolfpen Sewer Interceptor Project to John D. Stephens, Inc. of Lawrenceville, GA (NC Contractor License No. 7780), the lowest responsive and responsible bidder, in the amount of \$2,731,043.00, contingent upon the approval of the North Carolina Department of Environment and Natural Resources (NCDENR).

Budget Impact: \$2,949,947 total costs Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Budget Amendment to remove prior budget of \$3,000,000 and install new multi-year project budget of \$2,949,947 total.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move Council's approval of a Capital Project ordinance for the Wolfpen Interceptor Project and the budget amendment as presented.

Attachments:

Capital Project Ordinance

Budget Amendment

BUDGET AMENDMENT

FISCAL YEAR 2014

**Return to
Agenda**

SUBMITTED FOR COUNCIL APPROVAL

April 3, 2014

ACCOUNT NUMBER		WOLFPEN SEWER INTERCEPTOR			
ORG	OBJECT	ACCOUNT NAME	DESCRIPTION OF ACCOUNT	EXPENSE	REVENUE
4730000	499100	Proceeds from Debt	SRL Loan		2,867,595
4737141	559850	Construction	Construction Contract - J.D. Stephens, Inc.	2,731,043	
4737141	599100	Construction Contingencies	Contingencies (2%)	136,552	
4737141	569000	Contracted Svc	As Built Survey	10,000	
4737141	569010	Contracted Svc	Material Testing	15,000	
4737141	572600	Loan Expense	SRF Loan Closing Cost (2%)	57,352	
4730000	998060	Transfer from W&S Fund	Interfund Transfer to cover remaining		82,352
609900	999474	Transfer to Wolfpen	Water & Sewer Fund Balance	82,352	
600090	499200	Fund Balance -Appropriated	Water & Sewer Fund Balance		82,352
730090	498260	Transfer from W&S Fund	Transfer to cover prior costs		125,980
730090	499100	Debt Proceeds SLRF	Remove non-multi-year fund budget	3,000,000	
737136	519200	Professional Svc - Legal	Remove non-multi-year fund budget		15,000
737136	519400	Professional Svc - Engin	Remove non-multi-year fund budget		182,700
737136	557000	Capital Outlay - Land	Remove non-multi-year fund budget		70,000
737136	559900	Capital Outlay - Other	Remove non-multi-year fund budget		2,368,708
737136	599100	Contingencies	Remove non-multi-year fund budget		237,612
TOTALS IN BALANCE				6,032,299	6,032,299

\$ 2,949,947
Total Remaining Project Cost

Set up new multi-year project fund # 473 for Wolfpen Sewer Interceptor Project. Original State Revolving Loan amount \$3,000,000 - City will not take all proceeds. Also, this budget amendment removes budget from non-multi-year fund # 73 - entered during prior year CIP budget process.

FINANCE DIRECTOR

Date: 3/24/2014

CITY MANAGER

Date:

APPROVED BY CITY COUNCIL:

DATE:

**CAPITAL PROJECT ORDINANCE FOR
THE ACQUISITION, CONSTRUCTION AND INSTALLATION
OF THE WOLFPEN SEWER INTERCEPTOR PROJECT**

BE IT ORDAINED by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project authorized is a wastewater collection system project described as the Wolfpen Sewer Interceptor Project.

Section 2: The officers of the City of Hendersonville are hereby directed to proceed with the capital project within the terms of the contract entered into with John D. Stephens, Inc.; the financing agreement with the North Carolina Clean Water State Revolving Fund (SRF) in the amount of \$2,867,595 at 2% per annum and a maximum loan term of 20 years; and the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Account	Account Name	Total Budget
4737141 569000	Contracted Svc As Built Survey	10,000
4737141 569010	Contracted Svc Material Testing	15,000
4737141 559850	Construction Contract	2,731,043
4737141 599100	Contingencies	136,552
4737141 572600	SRF Loan Closing Cost (2%)	57,352
	Total Project Appropriation	\$ 2,949,947

Section 4: The following revenues are anticipated to be available to complete this project under a loan agreement with the North Carolina Clean Water State Revolving Fund (SRF) and transfer from the Water and Sewer Fund for any remaining project expenses:

Account	Account Name	Total Budget
4737141 499100	Proceeds of Debt -SRF	2,867,595
4739900 998060	Transfer from Water & Sewer Fund	82,352
	Total Project Revenue Sources	\$ 2,949,947

Section 5: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements.

Section 6: Funds may be advanced from the Water and Sewer Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 9: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this third day of April, 2014.

Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 03/27/14

Presenter: Barbara Volk

Date of Council Meeting to consider this item: 04/03/14

Nature of Item: Council Action

Summary of Information/Request:

Item # 06

A citizen, Adam Farris, requested the City to light City Hall blue for the month of April in support of Autism Awareness Month. He made the same request of Henderson County and the Historic Courthouse will also be lit in blue. For more information, you may visit: <http://liub.autismspeaks.org>.

About "Light It Up Blue": Each April 2, "Autism Speaks" celebrates Light It Up Blue along with the international autism community, in commemoration of the United Nations-sanctioned World Autism Awareness Day. Light It Up Blue is a unique global initiative that kicks-off Autism Awareness Month and helps raise awareness about autism. In honor of this day, many iconic landmarks, hotels, sporting venues, concert halls, museums, bridges and retail stores are among the hundreds of thousands of homes and communities that take part to Light It Up Blue.

Budget Impact: \$ 150 _____ Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Public Works Department - Building Maintenance

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move Council's approval of the proclamation for Autism Awareness Month.

Attachments:

proclamation

PROCLAMATION

WHEREAS, autism is a pervasive developmental disorder affecting the social, communication and behavioral skills of those affected by it; and

WHEREAS, as more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autism spectrum, resulting in rates as high as 1 in 88 children nationally according to the Autism Society; and

WHEREAS, while there is no cure for autism, it is well-documented that if individuals with autism receive treatment early in their lives, it often is possible for those individuals to lead significantly improved lives; and

WHEREAS, individuals with autism often require a lifetime of specialized and community support services to ensure their health and safety and to support families' resilience as they manage the psychological and financial burdens autism presents.

NOW, THEREFORE BE IT RESOLVED that I, Barbara G. Volk, do hereby proclaim April 2014 as

AUTISM AWARENESS MONTH

in the City of Hendersonville, and urge all employees and residents to participate in Autism Awareness Month activities in order to become better educated on the subject of autism spectrum disorders.

I further direct staff to "Light It Up Blue" by installing and projecting blue lights on City Hall for the month of April to help raise awareness about autism.

Barbara G. Volk, Mayor

Attest:

Tammie K. Drake, MMC, City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 03/27/14

Presenter: Barbara Volk

Date of Council Meeting to consider this item: 04/03/14

Nature of Item: Council Action

Summary of Information/Request:

Item # 07

Mayor Pro Tem Ron Stephens received a request for a proclamation for Parkinson's Awareness Month. He requested the proclamation be put on the agenda, read, and to let someone speak briefly about support group meetings and how and whom to contact for additional information about Parkinson's.

Budget Impact: \$0 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move Council's approval of the proclamation for Parkinson's Awareness Month.

Attachments:

proclamation

PROCLAMATION

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Agenda**

- Whereas Parkinson’s disease is a chronic, progressive, neurological disease and is the second most common neurodegenerative disease in the United States; and
- Whereas there is inadequate data on the incidence and prevalence of Parkinson’s disease, but it is estimated to affect 500,000 to 1,500,000 people in the United States and the prevalence will more than double by 2040; and
- Whereas Parkinson’s disease is the fourteenth leading cause of death in the United States according to the Centers for Disease Control and Prevention and the age-adjusted death rate increased 2.9 percent from 2010 to 2011; and
- Whereas it is estimated that the economic burden of Parkinson’s disease is at least \$14.4 billion annually, including indirect costs to patients and family members of \$6.3 billion; and
- Whereas research suggests the cause of Parkinson’s disease is a combination of genetic and environmental factors, but the exact cause and progression of the disease is still unknown; and
- Whereas there is no objective test or biomarker for Parkinson’s disease, and the rate of misdiagnosis can be high; and
- Whereas the symptoms of Parkinson’s disease vary from person to person and can include tremors; slowness of movement and rigidity; difficulty with balance, swallowing, chewing, and speaking; cognitive impairment and dementia; mood disorders (such as depression and anxiety); constipation; skin problems; and sleep difficulties; and
- Whereas there is no cure, therapy, or drug to slow or halt the progression of Parkinson’s disease; and
- Whereas local, regional, and state volunteers, researchers, and medical professionals are working to improve the quality of life of persons living with Parkinson’s disease and their families; and
- Whereas increased education and research is needed to find more effective treatments with fewer side effects and, ultimately, a cure for Parkinson’s disease; and

NOW, THEREFORE, we, the City Council of the City of Hendersonville, NC, do hereby proclaim April as

“Parkinson's Awareness Month”

in Hendersonville, NC.

Adopted by the City Council at their regular meeting held on the third day of April, 2014.

Barbara G. Volk, Mayor

Attest:

Tammie K. Drake, MMC, City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 03/27/14

Presenter: Barbara Volk

Date of Council Meeting to consider this item: 04/03/14

Nature of Item: Council Action

Summary of Information/Request:

Item # 08

The City received a request from Joy Williams, Henderson County Relay For Life Publicity Chair, for a proclamation for Henderson County Relay for Life.

Henderson County Relay For Life will be May 16-17 at the WNC Ag Center. She requested Mayor Volk and the City Council to issue a proclamation declaring the week of May 11-17 as RELAY FOR LIFE DAYS. She also requested proclamations from the Town of Fletcher and Henderson County.

Ms. Williams requested time on the agenda to present the plans for the special events during that week and to invite your participation in the Relay For Life on May 16.

Budget Impact: \$0 _____ Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move Council's approval of the proclamation for Relay for Life.

Attachments:

proclamation

PROCLAMATION

WHEREAS, Relay For Life is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to fight back against cancer; and

WHEREAS, money raised during Relay For Life of Henderson County supports the American Cancer Society's mission of saving lives and creating a world with less cancer and more birthdays – by helping people stay well, by helping people get well, by finding cures for cancer and by fighting back; and

WHEREAS, Relay For Life helped fund more than \$150 million in cancer research last year.

NOW, THEREFORE, BE IT RESOLVED, that we, the City Council of the City of Hendersonville, do hereby proclaim May 11 – 17, 2014 as

"RELAY FOR LIFE DAYS"

in the City of Hendersonville and encourage citizens to participate in the Relay For Life event at the Western North Carolina Agricultural Center on May 16, 2014.

Barbara G. Volk, Mayor

Attest:

Tammie K. Drake, MMC, City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Sue Anderson, Planning Director

Department: Planning

Date Submitted: March 21, 2014

Presenter: Sue Anderson

Date of Council Meeting to consider this item: April 3, 2014

Nature of Item: Council Action

Summary of Information/Request:

Item # 09

File # P14-2-M

The Planning Department is in receipt of a request from Ken Stubbs to remove 18 properties / 31 acres from the City's extraterritorial planning jurisdiction (ETJ).

Staff took this item to City Council on February 6th seeking direction on whether the Council wishes to consider amending the ETJ boundary. City Council requested that staff take this request to the Planning Board to consider all possibilities and make a recommendation to the City Council.

The Planning Board took this matter up at its regular meeting of March 10, 2014. The Planning Board voted unanimously to recommend City Council approve the ETJ boundary change as shown on the map that has the new ETJ boundary continue to Sheppard Street.

Budget Impact: \$0 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

NA

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move City Council to adopt an ordinance amending the ordinance establishing extraterritorial jurisdiction boundaries for the City of Hendersonville.

Attachments:

Memo

MEMORANDUM

**Return to
Agenda**

TO: Honorable Mayor and City Council

FROM: Planning Department

RE: Request to Amend City's Boundary of Extraterritorial Jurisdiction
File # P14-2-M

DATE: March 21, 2014

The Planning Department is in receipt of a request from Ken Stubbs to remove 18 properties / 31 acres from the City's extraterritorial planning jurisdiction (ETJ). A copy of Mr. Stubbs letter along with a map showing which properties are included in the request is attached.

Recognizing that municipalities have a special interest in the areas immediately adjacent to their city limits, the NC State Legislature granted statewide authority for municipal extraterritorial land use regulation in 1959. Cities could now extend their zoning and subdivision regulations to areas within one mile of their corporate limits. The area identified in the attached map was included in the establishment of Hendersonville's ETJ in the mid 1960's. In June 1999, the ETJ boundary was adjusted in this area so that all of Hendersonville Airport would be located within Henderson County's jurisdiction. At that time approximately 12% of the airport property was located within Hendersonville's ETJ.

In order to change the current ETJ boundary, City Council must hold a public hearing and adopt an ordinance amending the ordinance that established the ETJ boundary. Once this is complete, Henderson County will need to apply zoning to the area that was formally within the ETJ boundary.

Staff took this item to City Council on February 6th seeking direction on whether the Council wishes to consider amending the ETJ boundary. City Council requested that staff take this request to the Planning Board to consider all possibilities and make a recommendation to the City Council.

The map on page 8 shows the properties included in the request. The map on page 9 shows the floodway and 100 year flood plain. The maps on pages 10 and 11 show a possible new ETJ boundary. Because the current ETJ boundary bisects some properties, staff suggested having the new boundary follow existing roadways. The area between the existing ETJ boundary and the proposed ETJ boundary consists of approximately 40 acres and 31 individual properties.

With the exception of Johnson Field, the majority of the properties in this area are developed in residential use and the zoning is R-15 Medium Density Residential.

PLANNING BOARD RECOMMENDATION

The Planning Board took this matter up at its regular meeting of March 10, 2014. The Planning Board voted unanimously to recommend City Council approve the ETJ boundary change as shown on the map that has the new ETJ boundary continue to Sheppard Street.

**AN ORDINANCE AMENDING THE ORDINANCE ESTABLISHING
EXTRATERRITORIAL JURISDICTION BOUNDARIES
FOR THE CITY OF HENDERSONVILLE
(Request of Ken Stubbs)**

IN RE: FILE NO. P14-2-M

WHEREAS, the General Assembly of the State of North Carolina has granted authority to municipalities to adopt, administer and enforce zoning and subdivision regulation ordinances, building codes, and minimum housing standards and other related measures; and

WHEREAS, G.S. 160A-360 provides that the delegated municipal powers conferred by Article 19 of Chapter 160A may be exercised within the extraterritorial jurisdiction surrounding a municipality; and

WHEREAS, G.S. 160A-360 further provides that any municipality wishing to exercise extraterritorial jurisdiction of powers conferred under Article 19, Chapter 160A, shall adopt, and may amend from time to time, an ordinance specifying the boundaries of those areas within which the City will exercise its extraterritorial jurisdiction; and

WHEREAS, G.S. 160A-360 further requires that the boundaries specified in the ordinance shall at all times be drawn on a map, set forth in a written description, or shown by a combination of these techniques, and maintained in the same manner as required by G.S. 160A-22 for the delineation of the corporate limits; and

WHEREAS, the City has adopted an Ordinance Establishing Extraterritorial Jurisdiction and has amended said Ordinance from time to time, most recently by means of an Ordinance dated September 10, 2010, which said Ordinance clarified the geographical boundary of the extraterritorial jurisdiction; and

WHEREAS, the City has received a request from Ken Stubbs seeking to have certain properties that are subject to the extraterritorial jurisdiction ordinance be excluded from the jurisdiction of the City of Hendersonville; and

WHEREAS, North Carolina General Statutes 160A-360(b) and (f1) provide for the amendment of an extraterritorial jurisdiction ordinance and the relinquishing of jurisdiction to a county.

NOW, THEREFORE, be it ordained by the City Council of the City of Hendersonville:

Section 1. The written boundaries of the area of extraterritorial jurisdiction of the City of Hendersonville, as amended by Ordinance dated September 10, 2010, is hereby amended by this ordinance which is adopted by reference. Said area of extraterritorial jurisdiction is described as follows;

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]

BEGINNING at a point located in the center of Willow Road, said center also being the Laurel Park corporate limit line, and said point being approximately 135 feet east of the intersection of the center of Willow Road and the center of Country Club Road (SR 1220); thence running from said point with the center of Willow Road (SR 1171) in a southwesterly direction approximately 2,780 feet to a point in the centerline of Willow Road where said road is intersected by an unnamed tributary of Finley Creek; thence southeasterly along the center of said unnamed tributary and Finley Creek to a point in the center of Lakeside Drive where said drive is intersected by Finley Creek; thence easterly along the centerline of Lakeside Drive to a point where said drive is intersected by Texas Street; thence southeasterly, a straight line distance of approximately 1,430 feet to a point in the centerline of Kanuga Road, said point being approximately 1,400 feet northeast of the intersection of Bonner Street with Kanuga Road; thence easterly, a straight line distance of approximately 6,030 feet to a point in the centerline of Rutledge Drive, where said drive is intersected by Kings Lane; thence northeasterly, a straight line distance of approximately 1,880 feet to a point in the centerline of U.S. Highway 25 where said highway is intersected by a private drive said point being approximately 550 feet north of the intersection of Stewart Street with U.S. Highway 25; thence northeasterly, a straight line distance of approximately 3,280 feet to a point in the centerline of Southern Railway's line where said line is intersected by Brooklyn Avenue; thence in a southerly direction along the centerline of the Southern Railway line to a point in the center of King Creek where said creek is intersected by said railroad line; thence in a northeasterly direction along the center of King Creek to a point in the centerline of U.S. Highway 176 where said highway is intersected by King Creek; thence northeasterly, a straight line distance of approximately 660 feet to the centerline of Old Spartanburg Highway; thence northwesterly approximately 70 feet the centerline of Old Spartanburg Highway to a property line projected; thence northeasterly along a property line projected and a property line approximately 291 feet to a property corner; said property line being the western property line of lot 9559, block 51 as shown on Henderson County property map 9578.19; thence northwesterly along a property line 64.51 feet to a property corner; thence northeasterly approximately 259 feet to a point on the City's boundary of extraterritorial jurisdiction; thence northeasterly approximately 900 feet to a point in the centerline of Airport Road ~~thence northwesterly, a straight line distance of approximately 2,725 feet to a point located on the southwestern property line of lot 2305, block 64 as shown on Henderson County Property Map Number 9578.15; thence northwesterly along the southwestern property line of said lot approximately~~

~~850 feet to a point on the centerline of New Hope Road; thence northeasterly 391.80 feet along the centerline of New Hope Road thence in a northwesterly direction along the centerline of East Gilbert Street to its western terminus adjoining the lot identified as Henderson County PIN 9578449355, and continuing with the centerline of the unopened or unpaved right of way to the centerline of West Gilbert Street, and following the centerline of West Gilbert Street to the point of intersection of the centerline of Bradshaw Avenue, thence in a northeasterly direction with the centerline of Bradshaw Avenue (following the centerline of Bradshaw Avenue through the curve to the northwest) and thence continuing with the centerline of Blue Ridge Street to the point of the intersection of Blue Ridge Street and New Hope Road, thence northeasterly along the centerline of New Hope Road to a point located at the intersection of the centerline of New Hope Road and the centerline of Bat Fork Creek [Ordinance # 99-0974]; thence northerly, a straight line distance of approximately 3,580 feet to a point in the centerline of Tracy Grove Road, said point being approximately 200 feet west of the intersection of Duncan Road (State Road 1754) with Tracy Grove Road; thence northerly approximately 893 feet to a property corner located at Devils Fork Creek; thence easterly approximately 2,300 feet following property lines and Devils Fork Creek to property corner located on the western right-of-way line of Interstate 26; thence easterly approximately 180 feet along a property line projected to a point on the centerline of Interstate 26; thence northerly approximately 5,230 feet to a point located at the intersection of the centerline of Interstate 26 and a property line projected, said property line being the western property line of parcel 8609 as shown on Henderson County Property Map 9579.15, block 54; thence northerly approximately 93 feet along the western property line of said parcel to a property corner; thence easterly approximately 490 feet along the northern property line of said point to a property corner; thence northerly approximately 520 feet along a property line to a property corner; thence easterly approximately 360 feet along the southern property line of parcel 3762 as shown on Henderson County Property Map 9579.02, block 65 to a property corner; thence easterly and southerly approximately 350 feet along property lines to a property corner [Ordinance #99-0212-0]; thence southerly approximately 470 feet along the western property line of lot 6536, block 64, as shown on Henderson County Property Map 9579.15, to a property corner on the eastern right-of-way line of Prince Road [Ordinance #00-0944]; thence with the eastern right-of-way line of Prince Road approximately 333 feet to a property corner; thence easterly along the southern property line of lot 6536 369.83 feet the southernmost property corner of lot 6536; thence northeasterly approximately 580 feet along the southeastern property line of lot 6536 to a property corner; thence easterly approximately 585 feet along the southern property lines of lots 2125 and 8324, block 75 as shown on Henderson County Property Map 9579.02, to a property corner; thence northerly approximately 355 feet along the eastern property line of lot 8324 to a property corner; thence easterly approximately 300 feet along a property line to a property corner, said property corner being the southeastern property corner of parcel 8324 as shown on Henderson County Property Map 9579.02, block 75; thence approximately 1,100 feet along the eastern property line of said parcel to a property corner located on the southern right-of-way line of Sugarloaf Road; thence northerly 30 feet to a point located on the centerline of Sugarloaf Road; thence easterly~~

approximately 570 feet along the centerline of Sugarloaf Road to a point located at the intersection of the centerline of Sugarloaf Road and a property line projected, said property line being the eastern property line of parcel 4387 as shown on Henderson County Property Map 9579.02, block 86; thence northerly approximately 550 feet along said property line projected to a point located at the intersection of said property line projected and the centerline of Howard Gap Road; thence northeasterly approximately 1,230 feet along the eastern property line of parcel 9255 as shown on Henderson County Property Map 9579.02, block 87; thence westerly 142 feet along the northern property line of said parcel to a property corner; thence northerly approximately 326 feet along the eastern property line of parcel 8857 as shown on Henderson County Property Map 9579.02, block 87, to a property corner located on the southern right-of-way line of Sunset Road; thence northeasterly diagonally across Sunset Road approximately 265 feet to a property corner located on the northern right-of-way line of Sunset Road [Ordinance #99-0975]; thence northerly approximately 1,100 feet along the eastern property line of parcel 7740 as shown on Henderson County Property Map 9579.02, block 88, to a property corner; thence westerly approximately 520 feet along the northern property line of said parcel to a property corner; thence northerly 263 feet along the eastern right-of-way line of parcel 4338, as shown on Henderson County Property Map 9579.02, block 89, to a property corner; thence westerly approximately 670 feet along property lines to a property corner, said property corner being the northwestern property corner of parcel 9505 as shown on Henderson County Property Map 9579.02, block 79; thence northerly approximately 675 feet to a property corner, said property corner being the northeastern property corner of parcel 6101 as shown on Henderson County Property Map 9670, block 70; thence southeast 431 feet along a property line to a property corner, said property corner being the southeast property corner of parcel 0422 as shown on Henderson County Property Map 9670, block 80; thence northerly 271 feet along the eastern property line of said parcel to a property corner; thence easterly approximately 1,030 feet to a property corner, said property corner being the southeastern property corner of parcel 7870 as shown on Henderson County Property Map 9670, block 80; thence northerly approximately 1,400 feet along property lines to a property corner, said property corner being the southwestern property corner of parcel 6504 as shown on Henderson County Property Map 9670, block 91; thence easterly 300 feet along the southern property line of said parcel to the southwestern property corner of said parcel; thence northerly along property lines and a property line projected approximately 880 feet to a point located within the right-of-way of Highway U.S. 64 East, said point being located at the intersection of the eastern property line projected of parcel 7577 as shown on Henderson County Property map 9670, block 92. and the southern property line projected of parcel 1167, as shown on Henderson County Property Map 9670, block 93 (North Henderson High School); thence westerly along said property line projected and said property_line approximately 1,800 feet to a property corner; thence northwesterly approximately 464 feet to a property corner located at Clear Creek; thence westerly approximately 5,600 feet along Clear Creek, across Howard Gap Road and along Clear Creek to the intersection with a cross country electric power transmission line owned by Duke Power Company [Ordinance #99-0974]; thence running with the center of said

power line in a westerly direction a distance of 4,250 feet to a wooden "H" frame tower near the eastern right-of-way of Interstate Highway 26 as shown on Henderson County Property Map 9660.04; thence leaving said power right-of-way and running in a southwesterly direction 1,620 feet in a straight line to a property corner in the western boundary of Parcel 2124; thence running from said property corner in a southerly direction 615 feet with said western boundary to a property corner in the northeastern right-of-way of Capps Road (S.R. 1508); thence running in a southerly direction 399 feet with the northeastern right-of-way to the southwest property corner of Parcel 3781; thence continuing across Capps Road (S.R. 1508) 60 feet to the northeast property corner of Parcel 8443; thence running from said property corner in a westerly direction 500 feet with the northern boundary line of said Parcel 8443 to a property corner on the eastern bank of Mud Creek; thence continuing from the property corner with the same course 25 feet to a point in the center of Mud Creek; thence running with the center of Mud Creek in a southerly direction 300 feet upstream to a point in the center of Mud Creek where said creek intersects Clear Creek; thence northwesterly, a straight line distance of approximately 3,700 feet to a point in the centerline of U.S. Highway 25 where said highway is intersected by a private road, said point being approximately 1,080 feet north of the intersection of State Road 1392 with U.S. Highway 25; thence south $76^{\circ} 30'$ west 2,150 feet to a point on the eastern property line of that property designated as Henderson County PID 01-14540; thence south with the eastern property line of that parcel and thence continuing southerly with the eastern property line of the Baldwin property designated as Henderson County PID 01-14879 to the southeasternmost corner of that parcel, thence west southwesterly with the southern line of that parcel 383 feet to the southeasternmost corner of that parcel; thence north 90 feet to a property corner on the southeastern property line of property designated as Henderson County PID 01-13928; thence southwest 375 feet with the southeastern line of that parcel to a property corner; thence south 15 feet to the southernmost property corner of that property; thence west northwest along the southern line of the Thomas L. Tatham Farm, Inc. property designated as Henderson County PID 01-13928 478 feet to a southwest corner of that parcel where the same borders the eastern margin of the right of way of Lyndhurst Drive; thence northerly 26 feet along the eastern margin of that right of way to its intersection with the McCoy property designated as Henderson County PID 01-10218; thence easterly, thence northerly, thence westerly all with the common boundary of the said McCoy parcel and the Tatham Farm property to the northwest margin of the said McCoy parcel; thence continuing with the western line of the Tatham Farm property 570 feet; thence south $76^{\circ} 30'$ west a distance of 2350 feet to a point in the centerline of Stoney Mountain Road where said road is intersected by a private drive situated between Henderson County PID 01-14999 on the west and Henderson County PID 99-70298 on the east, said point being approximately 1,740 feet northwest of the intersection of State Road 1453 with Stoney Mountain Road; thence southwesterly, a straight line distance of approximately 2,020 feet to a point in the centerline of N.C. Highway 191 where said highway is intersected by Holly Hill Drive, said point being approximately 1,710 feet northwest of the intersection of two private roads with N.C. Highway 191; thence southeasterly approximately 6,350 feet to the ridge line of Long John Mountain; thence

southeasterly approximately 2,050 with the ridge line of Long John Mountain to a northern property corner in the northern property line of parcel 1620, said parcel also being known as Laurel Park Place and being shown on Henderson County Property Map 9559.20; thence running from said northern property corner with said northern property line in a southeastern direction approximately 880 feet to a property corner of said parcel 1620; thence running from said property corner with the southern property line of parcel 1620 in a southwestern direction approximately 560 feet to a southeastern property corner of parcel 1620; thence running from said southeastern property corner with a property line of said parcel 1620 in a northwestern direction 159.97 feet to a corner on the Laurel Park corporate limit line; thence running with the Laurel Park corporate limit line in a southern direction to a corner in the center of U.S. Highway 64W; thence leaving said Laurel Park corporate limit line and running from said corner with the center of U.S. Highway 64W in a southeastern direction approximately 860 feet to the center of the intersection of U.S. Highway 64W and Glasgow Lane as shown on Henderson County Property Map 9568.05; thence running from said intersection with the center of Glasgow Lane in a southwestern direction approximately 1,370 feet to a point in the centerline of the Norfolk and Southern Railroad, said centerline also being the Laurel Park corporate limit line; thence continuing with the Laurel Park corporate limit line in a southern direction to a point in the center of Willow Road; thence west along the center of Willow Road approximately 310 feet to the point of BEGINNING.

Subject, however to the territorial jurisdiction of the City as established by subsequent ordinances.

Section 2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 3rd day of April 2014.

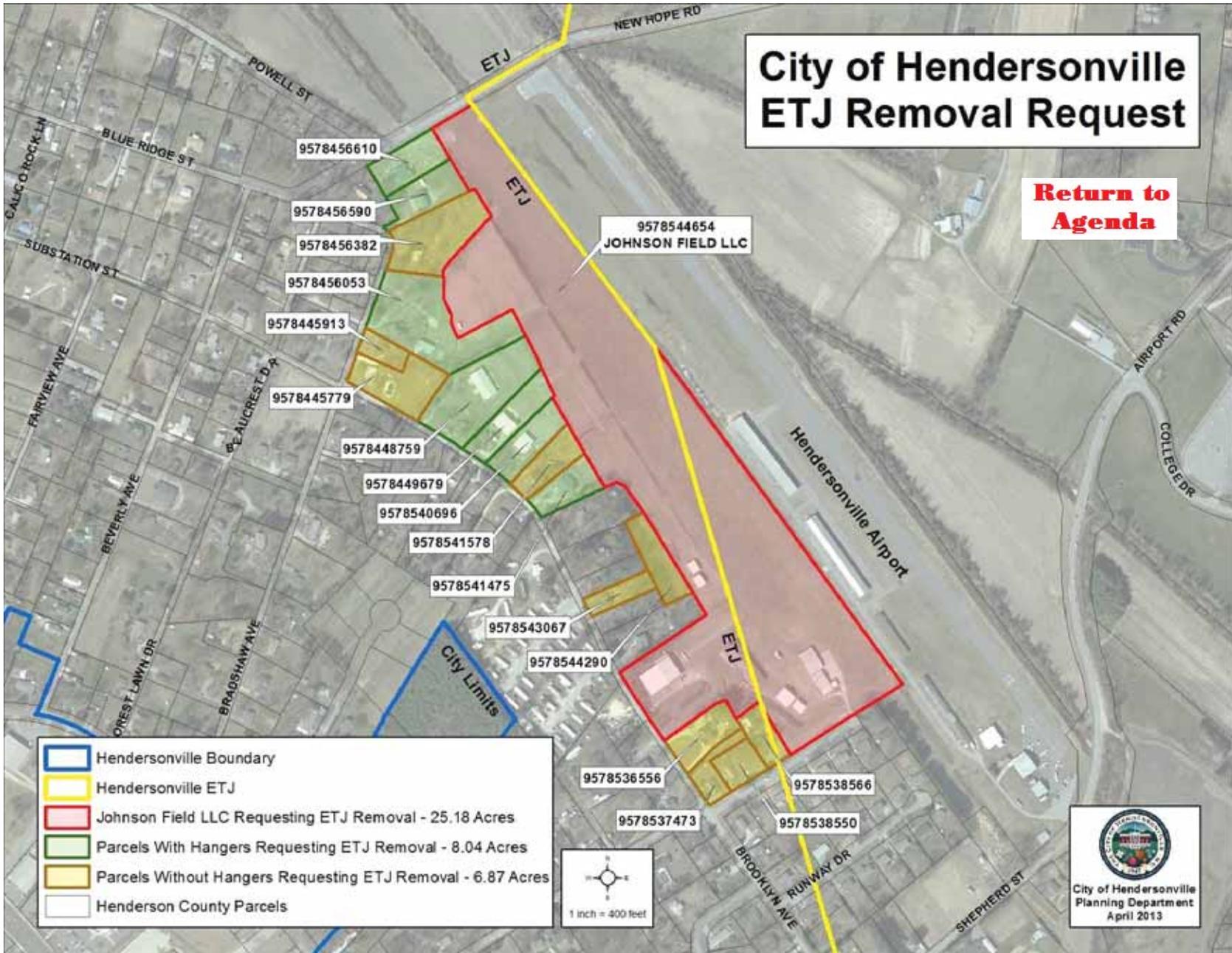
Barbara Volk, Mayor

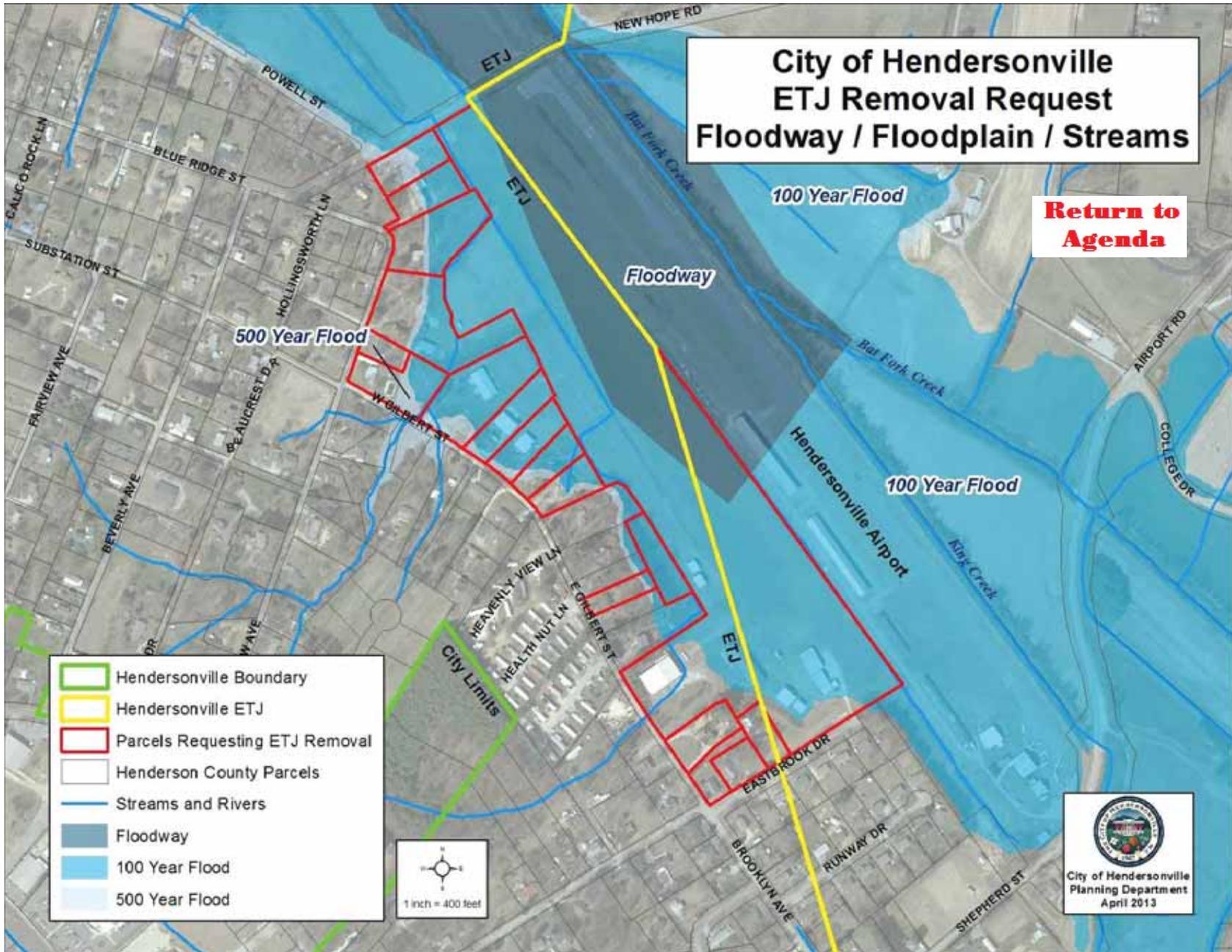
ATTEST:

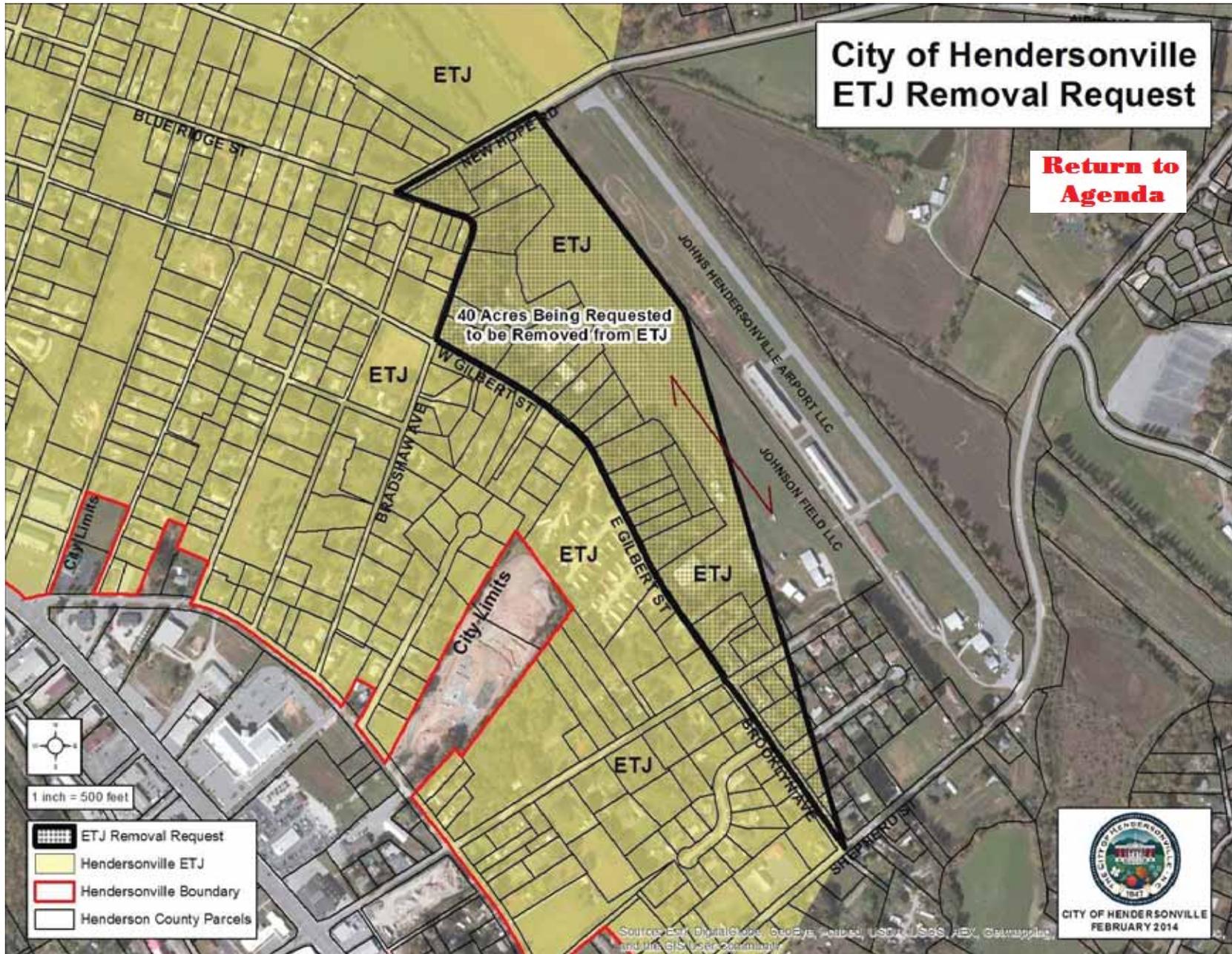
Tammie K. Drake, CMC, City Clerk

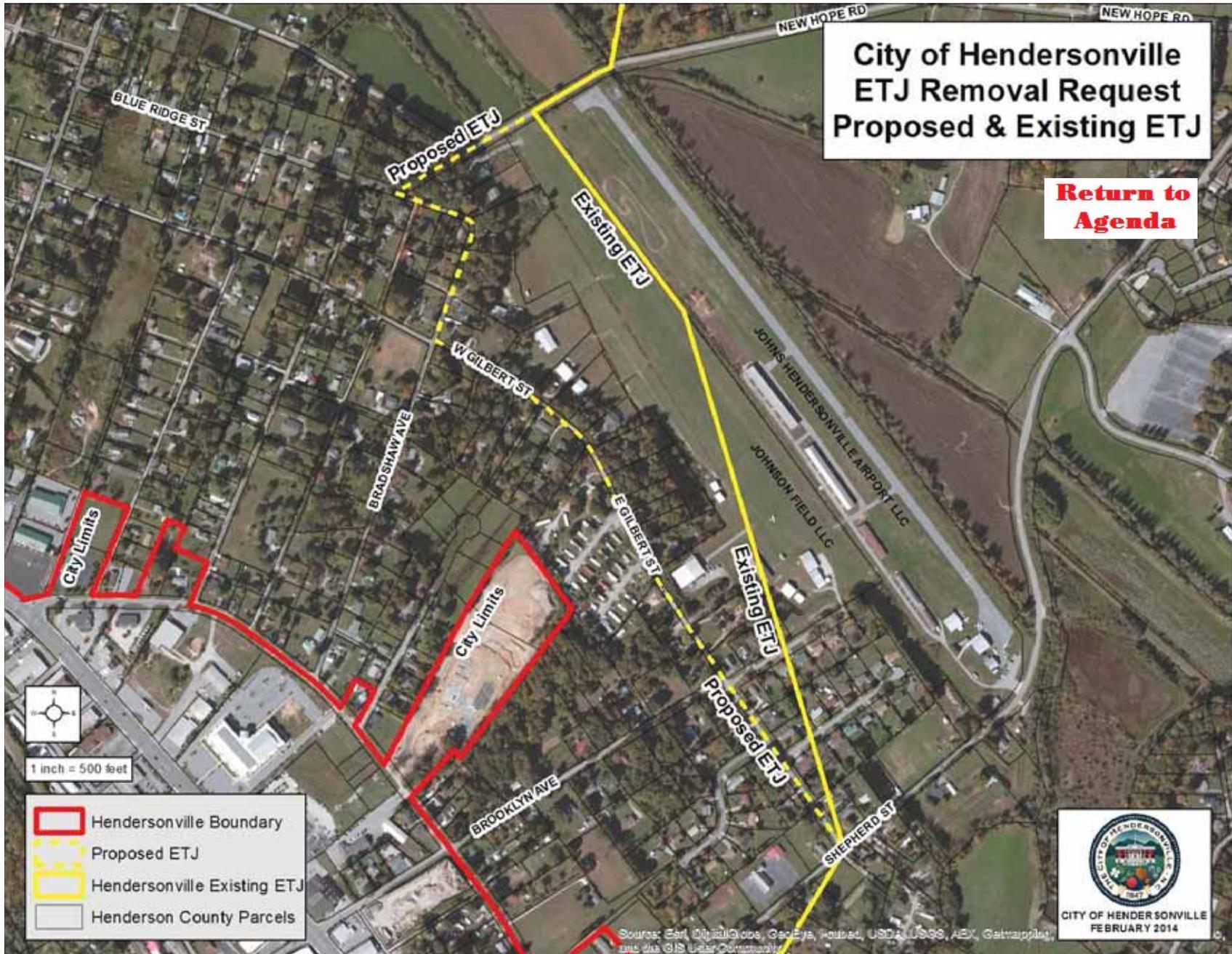
Approved as to form:

Samuel H. Fritschner, City Attorney









**Return to
Agenda**

Kennith B Stubbs
419 Bradshaw Avenue
Hendersonville, NC 28792
(828) 692-0601
(828) 674-7701

April 9, 2013

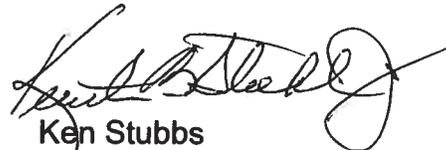
City of Hendersonville Planning
Attn: Susan Anderson, Planning Director
145 Fifth Ave East
PO Box 1670
Hendersonville, NC 28793

Subject: Request for Removal from City of Hendersonville's ETJ

I am writing on behalf of the Johnson Field Airport, (WNC Air Museum) State Designated 8NC9, and the adjoining property owners. Part of the Johnson Field Airport and a number of the adjoining properties are in Henderson County and several others are included in the Hendersonville ETJ. These owners also adjoin the Hendersonville Airport State Designate OA7 which is in Henderson County. When an owner desires to develop or make improvements to their property, or conduct aviation related activities, depending on the location, different zoning rules or interpretations apply.

Therefore, I am respectfully requesting that we be removed from the City of Hendersonville's ETJ and placed solely under Henderson County's jurisdiction. I have enclosed a map and a list of properties and owners that adjoin or connect to the Johnson Field Airport and no other properties or owners have been considered or contacted regarding this matter.

If you have any questions or need any further information, please do not hesitate to contact me. Thank you in advance for your consideration of our request



Ken Stubbs
(828) 674-7701

RECEIVED
CITY OF HENDERSONVILLE, NC
ON: 4/15/2013
BY: [Signature]

City Zoning
Susan Anderson

Owner and Property Listing from North to South

1. Carlton R Hawkins (.78 Acre)
86 New Hope Road
PO Box 126
Arden, NC 28704
Lot #SR1757 on New Hope Road (Barker Heights)
PIN #9578456610
2. Heather H. Bowman (.78 Acre)
426 Blue Ridge Street
Hendersonville, NC 28792
Lot #SR1759 Blue Ridge Rd.
PIN #9578456590
3. Richard P Dratz (1.48 Acres)
495 Bradshaw Avenue
Hendersonville, NC 28792
Barker Heights
Pin #9578456382
4. Kenneth B Stubbs (2.39 Acres)
419 Bradshaw Avenue
Hendersonville, NC 28792
Barker Heights
Pin #9578456053
5. Kerry Patterson (.35 Acre)
409 Bradshaw Avenue
Hendersonville, NC 28792
Barker Heights
Pin #9578445913
6. Jannie Patterson (1.11 Acres)
401 Bradshaw Avenue
Hendersonville, NC 28792
Barker Heights
Pin #9578445779
7. Carl R Goutell (1.89 Acres)
1210 West Gilbert Street
Hendersonville, NC 28792
Barker Heights
Pin #9578448759
Mailing Address: 1371 Jane Lacy Lane
New Smyrna Beach, FL 32168
Phone: (386) 426-4081
Email: cgoutell@yahoo.com

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8. James G Paine (.84 Acre)
1220 West Gilbert Street
Hendersonville, NC 28792
PIN #9578449679
9. Steve Turner (.72 Acre)
West Gilbert Street
Hendersonville, NC 28792
PIN #9578540696
10. Shawn McCallister (.65 Acre) New Owner
1230 West Gilbert Street
Hendersonville, NC 28792
PIN #9578541578
11. Robert R and Roberta L Clabaugh (.64 Acre)
1310 East Gilbert Street
Hendersonville, NC 28792
PIN #9578541475
Phone: 692-1474
12. Peter Willoughby (.41 Acre)
1320 East Gilbert Street
Hendersonville, NC 28792
PIN #9578543067
Mailing Address: PO Box 1234
Fletcher, NC 28732
Phone: 712-0804
12. A Peter Willoughby (.71 Acre)
Off Gilbert Street
PIN #9578544290
13. WNC Air Museum (Lease) ?
Thomas C Charbonneau
522 Cane Creek Road
Fletcher, NC 28732
14. Pavlo Koniko (.76 Acre)
1348 East Gilbert Street
Hendersonville, NC 28792
PIN #9578536556
Mailing Address: 1017 Brooklyn Avenue
Hendersonville, NC 28792
15. Norman R. and Debora Earl (.49 Acre)
1036 Brooklyn Avenue
Hendersonville, NC 28792
PIN #9578538566
Mailing Address: 8701 Hastings Blvd.
Hastings, FL 32145

15. A Norman Earl (.46 Acre)
1034 Brooklyn Avenue
Hendersonville, NC 28792
PIN #9578538550

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16. Molly A Pace (.45 Acre)
1032 Brooklyn Avenue
Hendersonville, NC 28792
PIN #9578537473

17. Johnson Field, LLC (25.18 Acres)
1195 Eastbrook Drive
Hendersonville, NC 28792
PIN #9578544654
Mailing Address: PO Box 613
Hendersonville, NC 28793

Subject: FW: Removal of Properties from City ETJ - Public Hearing

**Return to
Agenda**

From: Autumn Radcliff [<mailto:autumnr@hendersoncountync.org>]
Sent: Wednesday, March 26, 2014 12:43 PM
To: Anderson, Susan
Subject: Removal of Properties from City ETJ - Public Hearing

Sue,
I received your letter regarding Mr. Ken Stubbs request to remove several properties from the City's ETJ near the Hendersonville Airport. I would request that the City Council make the effective date of this removal 90 days from the date of the meeting in which they take action on this matter. This will allow the County time to zone the properties before the effective date. I anticipate that the Board of Commissioners could hold a public hearing on the rezoning at its meeting on June 7th. Otherwise, these properties would be considered unzoned until a rezoning could occur. That could be a negative impact to the properties adjacent to the this area for both the County and the City. I will be out of town next week and will not be able to attend the City meeting to request this condition. I can get someone to attend if that is necessary. Please let me know if you need anything specific from me or if this is a problem.

Thanks, Autumn

Autumn Radcliff
Senior Planner



Henderson County Planning Department
100 North King Street
Hendersonville, NC 28792

Main Phone: (828) 697-4819
Direct Line: (828)694-6558
Fax: (828) 697-4533
E-mail: autumnr@hendersoncountync.org
Website: www.hcplanning.org



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Lee Smith

Department: Water/Sewer

Date Submitted: 2/24/2014

Presenter: Lee Smith

Date of Council Meeting to consider this item: 04/03/14

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 10

Alyssa Wittenborne, Program Director for the Mills River Partnership, will provide a presentation describing what the Partnership has accomplished over the past several months, since her arrival with the Partnership. This presentation will also highlight upcoming efforts and projects with the Partnership.

Budget Impact: \$0 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

N/A

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 03-27-2014

Presenter: Joe Sanders/Tom Wooten

Date of Council Meeting to consider this item: 04-03-2014

Nature of Item: Council Action

Summary of Information/Request:

Item # 11

Mr. Joe Sanders, President of the Blue Ridge Bicycling Club, made a presentation to the City Council at their March 3 meeting regarding establishing Fourth Avenue from Laurel Park to Jackson Park as a bicycle boulevard. This would require the painting of bicycle sharrows on the road surface to let motorists know that bicyclists utilize Fourth Avenue. It will not require bicycle lanes or road improvements. The club is willing to pay for installing the sharrows.

There was discussion of whether the project could be ready for this season. The consensus of the Council was to proceed with granting the request to designate Fourth Avenue as a bicycle boulevard. Mr. Connet requested 30 days to allow staff to review and make recommendations to the Council at their April meeting.

Budget Impact: \$0 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

Attachments:

Information regarding bicycle boulevards

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Bike Boulevard

A bike boulevard is a lower-volume, lower-speed street that has been optimized for bike traffic. The purpose of a bike boulevard is to provide bicyclists, especially those who are not comfortable riding on busy streets a safer and more relaxing place to ride. While many residential streets are already favorable to most bicyclists, a bike boulevard goes the extra step to provide safe crossings at major streets and encourage motorists to travel at slow speeds, while reducing the frequency of stop signs.

This environment is created through a variety of traffic calming and design elements such as speed humps, traffic circles, curb extensions, medians, and traffic signals. Many of the changes, especially the intersection treatments, improve safety for pedestrians and motorists, too. Bike boulevards are designated with pavement markings that include a large bicycle symbol with the text "BLVD."

When you drive:

- You are allowed to drive on and over bike boulevard pavement markings.
- If you find yourself driving behind a bicyclist and need to pass, only overtake the bicyclist at a safe speed and only if there is a legally safe passing distance of at least 3 feet.
- Motor vehicles are permitted on almost all portions of bike boulevards unless signs or pavement markings indicate otherwise. Turning from or onto a bike boulevard is restricted at some intersections.

When you bike:

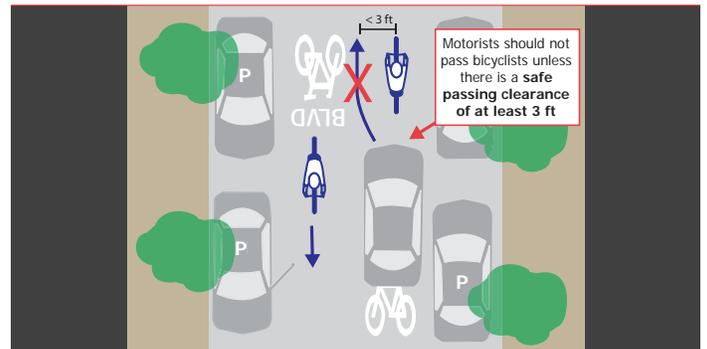
- While a bike boulevard prioritizes bicycle traffic, you must still obey all traffic signs and signals. Bicyclists must yield to pedestrians and motorists who have the right-of-way.



Bike boulevards are designated bike routes on quiet streets and are marked with large bicycle symbols with the text "BLVD".



At some intersections, turning from or onto a bike boulevard is restricted for motorists.



For questions about information in this packet, please call 612-333-3410.



New Minneapolis bike boulevards aim to attract new class of bikers

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Agenda**

Minneapolis is planning to add two significant lengths of street to the city's system of bike-friendly paths and boulevards.

But these aren't projects intended primarily for the already-spandexed. Instead, Minneapolis planners want the new bike boulevards to serve as a gateway for people who are intimidated by riding on streets with heavy car traffic.

The goal is to attract a new groups of people to biking in Minneapolis, said city Bicycle & Pedestrian Coordinator Shaun Murphy.

"We know that the commuters and recreational people will probably be attracted to this too, but this is really about getting people who are more timid in traffic out," Murphy said. "It's about trying to appeal to a wider array of people rather than a smaller slice or special interest."

The planned bike boulevards in south and northeast Minneapolis are slightly different than previous efforts because they're incorporating more devices that "calm" motorized traffic on the streets. That means things like bumped out curbs, traffic circles and speed bumps. Cars still will be allowed, and parking won't really be impacted, but the instinct will be to drive more slowly and carefully.

Murphy said most of those design ideas were vetted by the communities they're in. The Powderhorn neighborhood boulevard will have three traffic circles, all of which will contain gardens maintained by neighbors, while the Marcy Holmes segment doesn't have any traffic circles because the design didn't appeal to residents.

"With all traffic calming there's positives and negatives," Murphy said. "The best thing is to just go to the people who live there and say, 'What are you comfortable with?'"

And it's an added bonus that the seven miles of new bike boulevard flows into Minneapolis' already extensive bike and pedestrian system, which includes 92 miles of on-street and 85 miles of off-street bikeways. The Southern Bike Connection hooks up with a trail around Minnehaha Creek while the boulevard in

northeast leads right up to the Stone Arch Bridge.

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The new [Southern Bike Connection](#) runs on 17th Avenue South between 24th Street and Minnehaha Parkway. It then continues south on 12th Avenue South.

[The Stone Arch Bridge and Presidents Bike Boulevard](#) in northeast Minneapolis starts at Tyler Street Northeast and zig-zags down to 6th Avenue Southeast.

The combined cost for the two projects is \$985,000, which is covered by federal funds from the Non-Motorized Transportation Pilot Program. Construction on the projects is expected to be complete this fall.

Drake, Tammie

From: Connet, John
Sent: Monday, March 24, 2014 2:56 PM
To: Drake, Tammie
Subject: FW: 4th Ave. Bike Blvd

**Return to
Agenda**

FYI,

John

John F. Connet, ICMA-CM
City Manager
City of Hendersonville
145 Fifth Avenue East
Hendersonville, NC 28792
(828) 233-3201
jconnet@cityofhendersonville.org
www.cityofhendersonville.org

From: Dan Fredrick
Sent: Monday, March 24, 2014 2:53 PM
To: Volk, Barbara; Stephens, Ron; Caraker, Steve; Smith, Jerry; Miller, Jeff; Connet, John
Subject: 4th Ave. Bike Blvd

Mayor Volk and Gentlemen,

This is just a note to add support to the proposed 4th Ave. Bike Blvd. that Joe Sanders spoke about recently. As a cyclist and a Hendersonville resident, I fully support making Hendersonville more bike friendly and encouraging those that may be hesitant to ride on the streets to feel safer and get more exercise. Thank you for considering this change to make our city even better.

Sincerely,

Dan Fredrick



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Sue Anderson, Planning Director

Department: Planning

Date Submitted: March 21, 2014

Presenter: Sue Anderson

Date of Council Meeting to consider this item: April 3, 2014

Nature of Item: Council Action

Summary of Information/Request:

Item # 12

File #P14-7-SUR

The Planning Department is in receipt of an extension request for a Special Use Permit that was issued in 2007. The Special Use Permit for the Upward Road Development includes six buildings on 6.53 acres totaling 73,100 square feet.

Project includes the following:

- 3-Story Hotel 51,000 ft²
- Restaurant 6,000 ft²
- Retail 8,000 ft²
- Coffee/Fast Food 2,130 ft²
- Bank 2,450 ft²

The attached memo includes background info and details.

Budget Impact: \$0 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

NA

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move City Council to grant a one year extension for the Upward Road Development Special Use Permit resulting in a commencement date of May 3, 2015 and completion date of May 4, 2017.

Attachments:

- Memo
- Request Letter
- Site Plan

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Planning Department
RE: Upward Road Development Extension Request
File # P14-7-SUR
DATE: March 21, 2014

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Agenda**

Upward Road Development Background

May 3, 2007 – City Council approves a Special Use Permit for six buildings on 6.53 acres totaling 73,100 square feet. Project includes the following:

3-Story Hotel	51,000 ft ²	Coffee/Fast Food	2,130 ft ²
Restaurant	6,000 ft ²	Bank	2,450 ft ²
Retail	8,000 ft ²	Restaurant	3,520 ft ²

The following conditions apply to this Special Use Permit:

- a) Final plans for the project shall comply with approved preliminary plans, the conditions agreed to on record of this preceding and applicable provisions of the Zoning Ordinance;
- b) Submission of elevations showing the design of the facades of each site building proposed for the project prior to approval of the final site plan;
- c) Submittal of a plat showing the combination of all associated site parcels prior to the approval of the final site plan;
- d) Proof of NCDOT abandonment of portions of Old McMurray Road adjacent to the east of the proposed retail building, allowing for an exterior setback of 25 feet, prior to approval of the final site plan;
- e) The applicant has requested a time extension of one year to receive final site plan approval and commence project construction. Therefore, final site plan approval and project commencement are required by May 3, 2010. The applicant has requested a one year extension to complete project construction. Therefore, project construction completion is required by May 3, 2011.

February 21, 2008 – City Council approves a phasing plan for this project.

State Action - NC State Legislature passes legislation that stops the clock on development proposals from January 21, 2008 through December 31, 2011.

Commencement for this project is now required by May 3, 2014 and completion by May 24, 2016.

March 13, 2014 – Staff receives request for an extension for an additional 2 years. See attached letter.

Zoning Ordinance Requirements

7-4-13.1 Commencement. If the use, construction, or activity authorized by City Council approval of an application for a special use permit (or modification thereof) is not commenced within two years of the date of approval or within such further time stipulated in the approval, the approval shall expire and any City permit issued pursuant to the approval shall be void. City Council may, upon application prior to the expiration of a special use permit, or any extensions thereof, extend such special use permit for an additional period not to exceed 24 months.

7-4-13.2 Completion. Unless a different period of time is authorized by City Council, the right to construct improvements or otherwise develop land pursuant to a special use permit shall expire three years after issuance of the special use permit. If all of the construction and actions authorized or required by a special use permit are not completed within the time established for completion, or any authorized extensions thereof, the permit holder may request an extension of the completion time limit from City Council. Council may grant one or more extensions upon making the following determinations:

- a) The permit holder requested the extension prior to the expiration of the special use permit, as it may have been previously extended;
- b) The permit holder has proceeded with due diligence and good faith; and
- c) Conditions have not changed so substantially as to warrant City Council reconsideration of the approved special use.

North Carolina General Statues

§ 160A-385.1. Vested rights.

(a) The General Assembly finds and declares that it is necessary and desirable, as a matter of public policy, to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability, and fairness in the land-use planning process, secure the reasonable expectations of landowners, and foster cooperation between the public and private sectors in the area of land-use planning. Furthermore, the General Assembly recognizes that city approval of land-use development typically follows significant landowner investment in site evaluation, planning, development costs, consultant fees, and related expenses.

The ability of a landowner to obtain a vested right after city approval of a site specific development plan or a phased development plan will preserve the prerogatives and authority of local elected officials with respect to land-use matters. There will be ample opportunities for public participation and the public interest will be served. These provisions will strike an appropriate balance between private expectations and the public interest, while scrupulously protecting the public health, safety, and welfare.

(c) Establishment of vested right.

A vested right shall be deemed established with respect to any property upon the valid approval, or conditional approval, of a site specific development plan or a phased development plan, following notice and public hearing by the city with jurisdiction over the property. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan or the phased development plan including any amendments thereto. A city may approve a site specific development plan or a phased development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional approval shall result in a vested right, although failure to abide by such terms and conditions will result in a forfeiture of vested rights. A city shall not require a landowner to waive his vested rights as a condition of developmental approval. A site specific development plan or a phase development plan shall be deemed approved upon the effective date of the city's action or ordinance relating thereto.

(d) Duration and termination of vested right.

- (1) A right which has been vested as provided for in this section shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site specific development plan unless expressly provided by the city.
- (2) Notwithstanding the provisions of subsection (d)(1), a city may provide that rights shall be vested for a period exceeding two years **but not exceeding five years** where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions. These determinations shall be in the sound discretion of the city.

Based on the above state statute, along with previously granted extensions, the applicant is eligible for an extension adding one additional year to the extension approved by City Council in 2007. A one year extension will result in a commencement date of May 3, 2015 and completion date of May 4, 2017.

UPWARD ROAD DEVELOPMENT GROUP LLC

7 PARK ROAD, ASHEVILLE, NC 28803

Sue Anderson
Planning Director
City of Hendersonville
145 Fifth Avenue E
Hendersonville, NC 28792

March 12, 2014

Dear Ms. Anderson,

Upward Road Development Group llc purchased about 6.8 acres of property bordering the east bound exit ramp of I-26 and Upward Road. There were several properties we combined and many structures (some abandoned) we removed in order to clean up this property and develop it for Commercial Highway use.

We were granted a Special Use Permit for our plans which were approved by City Council. We were given a one year extension of this permit in 2010. The State also modified the window due to the poor economic conditions for development. This permit is still open but there are only about 53 days remaining for the commencement window.

We are writing to you to request an extension of this Special Use Permit for two (2) years or whatever is allowed under the law. We would like for such an extension to apply to both the commencement & completion dates.

For the past 7 lean years we have kept faith with our plans and have paid seven years of bank interest and taxes. We now have a sales contract with a reputable company for approximately 1/3 of the property. They wish to close and begin work as soon as possible but will probably not be able to meet the deadline of the existing Special Use Permit.

RECEIVED
CITY OF HENDERSONVILLE, NC
ON: 3.13.14
BY: RLW

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We are finally seeing other interest in this site after all this time. Our intentions and this market interest is still very consistent with the plans approved in the original Special Use Permit.

We would greatly appreciate consideration of this extension request. We are delighted to finally start seeing positive results and an extended timeline would be so beneficial in seeing this to completion.

Respectfully Yours,

Upward Road Development Group. Llc.

 3-12-2014

Pete De La Vega (member)

 3/12/2014

Neil B. Farnam (member)



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

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Submitted By: John Connet

Department: Administration

Date Submitted: 3/25/2014

Presenter: John Connet

Date of Council Meeting to consider this item: 4/3/2014

Nature of Item: Council Action

Summary of Information/Request:

Item # 13

Henderson County is working with Apple Country Public Transit to construct between three (3) and six (6) transit shelters each year over the next three (3) to five years (5), beginning in 2015. The first shelter will be built by a local Boy Scout at Blue Ridge Community Health. Shelters are also planned along our Four Seasons Boulevard Sidewalk Project. Henderson County has requested that the City of Hendersonville waive the \$300.00 per shelter plan review fee for construction of these shelters over the next five years.

Budget Impact: \$9,000 maximum Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

The budget impact is assuming that Henderson County constructs six shelters each year for five years.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move that the City Council waive the \$300.00 plan review fee for all transit shelters constructed by Henderson County inside the City of Hendersonville for a period of five (5) years. The five (5) year period shall begin upon the approval of the first shelter permit.

Attachments:

Letter from Business and Community Development Director John Mitchell



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Planning Department
Transportation Division
100 North King Street
Hendersonville, NC 28792

March 19, 2014

Mr. John Connet, City Manager
City of Hendersonville
145 Fifth Avenue East
Hendersonville, NC 28792

Dear Mr. Connet:

Henderson County appreciates the City of Hendersonville's support of and financial participation in the Apple Country Public Transit system. Projections for FY 2014 forecast an all-time high of nearly 109,000 transit trips on the fixed route system alone. Nearly 80% of these trips will originate from the 73 transit stops within the City of Hendersonville's jurisdiction. Four (4) of the stops located in the City of Hendersonville include transit shelters (Pardee Hospital, Wal-Mart, Long John Silvers, and Sammy Williams Center) to provide transit customers protection from the elements as they wait for transit buses.

The County plans to improve the transit system by providing shelters for roughly twenty (20) percent of all transit stops. The County will be using local funds and federal grants over the next several years to install additional shelters throughout the County. The County plans to install between three (3) and six (6) shelters annually for the next three (3) to five (5) years, beginning in FY 2015. Shelters are planned for the City of Hendersonville's current Four Season's Boulevard sidewalk project (the federal grant award for this project is based upon Apple Country Public Transit system proximity and project involvement).

For general purposes, shelters installed by the County will largely be located in North Carolina Department of Transportation right-of-way. In certain instances the County may need to locate shelters on private property. In any instance where the County, a private citizen, or a business/entity wishes to construct an Apple Country Public Transit approved shelter, the County is aware certain reviews by, permits from and associated fees may be required by the municipality.

Apple Country Public Transit is fortunate to have citizens interested in shelter donation. Currently, a County teen is hoping to construct a transit shelter as his Eagle Scout project. He has identified a site, Blue Ridge Community Health, which will allow shelter construction on its property (located in the City of Hendersonville). The project will be constructed under conditions placed on it by Henderson County, Blue Ridge Community Health, Apple Country Public Transit system, and the City of Hendersonville Planning Department.

Henderson County recognizes the need for City of Hendersonville review of transit shelter construction projects located within its jurisdiction. Given the City's financial interest in the Apple Country Public Transit system, and the County's planned expansion of its system's transit shelters, we are requesting the City of Hendersonville waive fees required for the construction of transit shelters over the next five (5) years.

Sincerely,

John Mitchell
Business & Community Development Director

Phone: 828.697.4819

www.hcplanning.org



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

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Submitted By: Lisa White

Department: Finance

Date Submitted: 3/26/14

Presenter: Lisa White

Date of Council Meeting to consider this item: 04/03/14

Nature of Item: Council Action

Summary of Information/Request:

Item # 14

The Finance Director requests that Council adopt an Investment and Cash Management Policy to provide parameters within which the Cities funds should be managed to provide for sound, efficient and professional investments to achieve primary objectives, in order of importance, of safety of principal, liquidity for operations and return on investment. The attached policy was derived from a sample from the Government Finance Officers Association and incorporates the NC State Statute G.S. 159-30 Investment of Idle Funds.

Budget Impact: \$0 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move that Council approve the resolution adopting a Investment and Cash Management Policy in the attached form.

Attachments:

Resolution

Investment and Cash Management Policy

**RESOLUTION ADOPTING
A CITY INVESTMENT AND CASH MANAGEMENT POLICY**

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WHEREAS, it is the desire of the City Council to use all of public funds of the City of Hendersonville (hereafter the "City") in a most efficient and effective manner; and

WHEREAS, principals of sound financial management emphasize utilization of an investment policy to set forth objectives, directions and restrictions in an investment program; and

WHEREAS, it is the responsibility of the finance director to supervise the investment of idle funds of the City; and

WHEREAS, the finance director has found and determined that the first and foremost objective in the investment of public funds is the safety and preservation of principal; that the second important objective is the maintenance of sufficiently liquid investments to meet all operating requirements that may be reasonably anticipated; and the final objective is obtaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity requirements; and

WHEREAS, the finance director has recommended an investment policy which is consistent with the laws of the State of North Carolina and with the principals of sound financial management; and

WHEREAS, the City Council has found and determined that the aforesaid objectives and the sound, efficient and professional investment of public funds can be best achieved by the adoption of a written investment policy;

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

Section 1. The cash management and investment programs of The City of Hendersonville shall be operated in conformance with federal, North Carolina, and other legal requirements, including the North Carolina General Statutes (hereafter "G.S.") specifically The Local Government Budget and Fiscal Control Act, G.S. 159-30- Investment of idle funds; and

Section 2. The finance officer is hereby authorized and directed to periodically request proposals (RFP's) for banking services. The finance director is further authorized to review the qualifications of all financial institutions, depositories to the City to determine compliance with the requirements of the Cash Management and Investment Policy and select the services which best meet the safety, liquidity and investment needs of the City.

Section 3. The finance officer is hereby authorized to engage the services of investment advisors and or broker-dealers. The finance director is further authorized to review the qualifications of all investment advisors and or broker-dealers providing investment services to the City to determine compliance with the requirements of the Cash Management and Investment Policy.

NOW, THEREFORE BE IT RESOLVED that the investment and cash management policy in the attached form is hereby approved by the City Council.

Passed and adopted at the regular meeting of the City Council of the City of Hendersonville, North Carolina, held this 3rd day of April, 2014.

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Barbara G. Volk, Mayor, City of Hendersonville

ATTEST:

Tammie K. Drake, MMC, City Clerk



CITY OF HENDERSONVILLE INVESTMENT POLICY

I. Introduction

The intent of the Investment Policy of The City of Hendersonville is to define the parameters within which funds are to be managed. In methods, procedures and practices, the policy formalizes the framework for the City's investment activities that must be exercised to ensure effective and judicious fiscal and investment management of the City's funds. The guidelines are intended to be broad enough to allow the investment officer to function properly within the parameters of responsibility and authority, yet specific enough to adequately safeguard the investment assets.

II. Governing Authority

The investment program shall be operated in conformance with federal, state, and other legal requirements, including the North Carolina General Statutes (hereafter "G.S."), specifically The Local Government Budget and Fiscal Control Act, primarily G.S. 159.30 – Investment of idle funds, and G.S. 159-31 – Selection of depository.

III. Scope

This policy applies to activities of The City of Hendersonville with regard to investing the financial assets of all funds. All funds are subject to regulations established by the state of North Carolina. The covered funds, and any new funds created by the City of Hendersonville, unless specifically exempted by the City Council are defined in the City's Comprehensive Annual Financial Report.

Except for funds in certain restricted and special funds, the City of Hendersonville commingles its funds to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping and administration. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

IV. General Objectives

The primary objectives, in priority order, of investment activities shall be:

1) Safety

Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The goal will be to mitigate credit risk and interest rate risk.

2) Liquidity

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

3) Return

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints of safety and liquidity needs.

V. Standards of Care

The following standards of care will be required:

1) Prudence

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written



CITY OF HENDERSONVILLE INVESTMENT POLICY

procedures and this investment policy and exercising due diligence shall be relieved of personal liability for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

The "prudent person" standard states that,

“Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.”

2) Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. Disclosure shall be made to the governing body. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking any personal investment transactions with the same individual with whom business is conducted on behalf of the City of Hendersonville.

VI. Delegation of Authority and Responsibilities

1) Governing Body

The City Council will retain ultimate fiduciary responsibility for the portfolios. The governing body will receive quarterly reports, designate investment officers and annually review the investment policy making any changes necessary by adoption.

2) Investment Officers

Authority to manage the investment program is granted to the Finance Director hereinafter referred to as the investment officer as designated by the City Council.

Responsibility for the operation of the investment program is hereby delegated to the investment officer who shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with this Investment Policy. The investment officer will prepare quarterly investment reports and other special reports as may be deemed necessary.

All participants in the investment process shall seek to act responsibly as custodians of the public trust. No officer or designee may engage in an investment transaction except as provided under the terms of this policy and supporting procedures.

3) Investment Adviser

The City of Hendersonville may engage the services of one or more external investment managers to assist in the management of the City's investment portfolio in a manner consistent with the City's objectives. Such external managers may be granted discretion to purchase and sell investment securities in accordance with this Investment Policy. Such managers must be registered under the Investment Advisers Act of 1940.



CITY OF HENDERSONVILLE INVESTMENT POLICY

VII. Authorized Financial Institutions, Depositories, and Broker/Dealers

The investment officer shall determine which financial institutions are authorized to provide investment services to The City of Hendersonville. Institutions eligible to transact investment business with The City of Hendersonville include:

1. Primary government dealers as designated by the Federal Reserve Bank;
2. Nationally or state-chartered banks;
3. The Federal Reserve Bank; and,
4. Direct issuers of securities eligible for purchase.

Selection of financial institutions and broker/dealers authorized to engage in transactions with the City of Hendersonville shall be at the discretion of the City of Hendersonville Finance Director/Investment Officer.

All broker/dealers who desire to become qualified for investment transactions must supply the following (as appropriate):

1. Audited financial statements demonstrating compliance with state and federal capital adequacy guidelines
2. Proof of FINRA certification
3. Proof of state registration
4. Certification of having read and understood and agreeing to comply with the City's investment policy.
5. Evidence of adequate insurance coverage.

All financial institutions who desire to become depositories must supply the following (as appropriate):

1. Audited financial statements demonstrating compliance with state and federal capital adequacy guidelines
2. Proof of state registration
3. Evidence of adequate insurance coverage.

A periodic review of the financial condition and registration of all qualified financial institutions and broker/dealers will be conducted by the investment officer.

VIII. Competitive Transactions

The investment officer shall obtain competitive bid information on all purchases of investment instruments purchased on the secondary market. A competitive bid can be executed through a bidding process involving at least three separate brokers/financial institutions or through the use of a nationally recognized trading platform.

If the City is offered a security for which there is no readily available competitive offering on the same specific issue, then the Investment Officer shall document quotations for comparable or alternative securities. When purchasing original issue instrumentality securities, no competitive offerings will be required as all dealers in the selling group offer those securities at the same original issue price.

If the City hires an investment adviser to provide investment management services, the adviser must provide documentation of competitive pricing execution on each transaction. The investment adviser will retain documentation and provide upon request.

IX. Safekeeping and Custody



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CITY OF HENDERSONVILLE INVESTMENT POLICY

1. Delivery vs. Payment
All trades of marketable securities will be executed (cleared and settled) on a delivery vs. payment (DVP) basis to ensure that securities are deposited in the City's safekeeping institution prior to the release of funds.
2. Third Party Safekeeping
 - a. Securities will be held by an independent third-party safekeeping institution selected by the City of Hendersonville. All securities will be evidenced by safekeeping receipts in the City's name.
 - b. The safekeeping institution shall annually provide a copy of its most recent report on internal controls - Service Organization Control Reports (formerly 70, or SAS 70) prepared in accordance with the Statement on Standards for Attestation Engagements (SSAE) No. 16 (effective June 15, 2011.)
3. Internal Controls
 - a. Management is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City of Hendersonville are protected from loss, theft or misuse.
 - b. The internal control structure shall be designed to provide reasonable assurance that objectives are met. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits likely to be derived and the valuation of costs and benefits requires estimates and judgments by management. The internal controls shall address the following points at a minimum:
 - i. Control of collusion
Separation of transaction authority from accounting and recordkeeping.
 - ii. Custodial Safekeeping
Avoidance of physical delivery securities
 - iii. Clear delegation of authority to subordinate staff members.
Written confirmation of transactions for investments and wire transfers.
 - iv. Dual authorizations of wire transfers.
 - v. Staff Training
Review, maintenance and monitoring of security procedures both manual and automated.
4. The external auditor shall provide an annual independent review to assure compliance with state law, policies and procedures.

X. Suitable and Authorized Investment

1. Investment Types : Only the investments authorized by G.S. § 159-30 will be permitted by this policy. If additional types of securities are approved for investment by public funds by state statute, they will be eligible for investment by the City of Hendersonville.
 - (a) A local government or public authority may deposit at interest or invest all or part of the cash balance of any fund. The finance officer shall manage investments subject to whatever restrictions and directions the governing board may impose. The finance officer shall have the power to purchase, sell, and



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CITY OF HENDERSONVILLE INVESTMENT POLICY

exchange securities on behalf of the governing board. The investment program shall be so managed that investments and deposits can be converted into cash when needed.

- (b) Moneys may be deposited at interest in any bank, savings and loan association, or trust company in this State in the form of certificates of deposit or such other forms of time deposit as the Commission may approve. Investment deposits, including investment deposits of a mutual fund for local government investment established under subdivision (c)(8) of this section, shall be secured as provided in G.S. 159-31(b).
 - b1) In addition to deposits authorized by subsection (b) of this section, the finance officer may deposit any portion of idle funds in accordance with all of the following conditions:
 1. The funds are initially deposited through a bank or savings and loan association that is an official depository and that is selected by the finance officer.
 2. The selected bank or savings and loan association arranges for the redeposit of funds in deposit accounts of the local government or public authority in one or more federally insured banks or savings and loan associations wherever located, provided that no funds shall be deposited in a bank or savings and loan association that at the time holds other deposits from the local government or public authority.
 3. The full amount of principal and any accrued interest of each deposit account are covered by federal deposit insurance.
 4. The selected bank or savings and loan association acts as custodian for the local government or public authority with respect to the deposit in the local government's or public authority's account.
 5. On the same date that the local government or public authority funds are redeposited, the selected bank or savings and loan association receives an amount of federally insured deposits from customers of other financial institutions wherever located equal to or greater than the amount of the funds invested by the local government or public authority through the selected bank or savings and loan association.
- (c) Moneys may be invested in the following classes of securities, and no others:
 - 1) Obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States.
 - 2) Obligations of the Federal Financing Bank, the Federal Farm Credit Bank, the Bank for Cooperatives, the Federal Intermediate Credit Bank, the Federal Land Banks, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, Fannie Mae, the Government National Mortgage Association, the Federal Housing Administration, the Farmers Home Administration, the United States Postal Service.
 - 3) Obligations of the State of North Carolina.
 - 4) Bonds and notes of any North Carolina local government or public authority, subject to such restrictions as the secretary may impose.
 - 5) Savings certificates issued by any savings and loan association organized under the laws of the State of North Carolina or by any federal savings and loan association having its principal office in North Carolina; provided that any principal amount of such certificate in excess of the amount insured by the federal government or any agency thereof, or by a mutual deposit



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guaranty association authorized by the Commissioner of Banks of the Department of Commerce of the State of North Carolina, be fully collateralized.

- 6) Prime quality commercial paper bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates the particular obligation.
- 7) Bills of exchange or time drafts drawn on and accepted by a commercial bank and eligible for use as collateral by member banks in borrowing from a federal reserve bank, provided that the accepting bank or its holding company is either (i) incorporated in the State of North Carolina or (ii) has outstanding publicly held obligations bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates the particular obligations.
- 8) Participating shares in a mutual fund for local government investment; provided that the investments of the fund are limited to those qualifying for investment under this subsection (c) and that said fund is certified by the Local Government Commission. The Local Government Commission shall have the authority to issue rules and regulations concerning the establishment and qualifications of any mutual fund for local government investment.
- 9) A commingled investment pool established and administered by the State Treasurer pursuant to G.S. 147-69.3.
- 10) A commingled investment pool established by interlocal agreement by two or more units of local government pursuant to G.S. 160A-460 through G.S. 160A-464, if the investments of the pool are limited to those qualifying for investment under this subsection (c).
- 11) Evidences of ownership of, or fractional undivided interests in, future interest and principal payments on either direct obligations of the United States government or obligations the principal of and the interest on which are guaranteed by the United States, which obligations are held by a bank or trust company organized and existing under the laws of the United States or any state in the capacity of custodian.
- 12) Repurchase agreements with respect to either direct obligations of the United States or obligations the principal of and the interest on which are guaranteed by the United States if entered into with a broker or dealer, as defined by the Securities Exchange Act of 1934, which is a dealer recognized as a primary dealer by a Federal Reserve Bank, or any commercial bank, trust company or national banking association, the deposits of which are insured by the Federal Deposit Insurance Corporation or any successor thereof if:
 - a. Such obligations that are subject to such repurchase agreement are delivered (in physical or in book entry form) to the local government or public authority, or any financial institution serving either as trustee for the local government or public authority or as fiscal agent for the local government or public authority or are supported by a safekeeping receipt issued by a depository satisfactory to the local government or public authority, provided



CITY OF HENDERSONVILLE INVESTMENT POLICY

that such repurchase agreement must provide that the value of the underlying obligations shall be maintained at a current market value, calculated at least daily, of not less than one hundred percent (100%) of the repurchase price, and, provided further, that the financial institution serving either as trustee or as fiscal agent for the local government or public authority holding the obligations subject to the repurchase agreement hereunder or the depository issuing the safekeeping receipt shall not be the provider of the repurchase agreement;

- b. A valid and perfected first security interest in the obligations which are the subject of such repurchase agreement has been granted to the local government or public authority or its assignee or book entry procedures, conforming, to the extent practicable, with federal regulations and satisfactory to the local government or public authority have been established for the benefit of the local government or public authority or its assignee;
 - c. Such securities are free and clear of any adverse third party claims; and
 - d. Such repurchase agreement is in a form satisfactory to the local government or public authority.
- 13) In connection with funds held by or on behalf of a local government or public authority, which funds are subject to the arbitrage and rebate provisions of the Internal Revenue Code of 1986, as amended, participating shares in tax-exempt mutual funds, to the extent such participation, in whole or in part, is not subject to such rebate provisions, and taxable mutual funds, to the extent such fund provides services in connection with the calculation of arbitrage rebate requirements under federal income tax law; provided, the investments of any such fund are limited to those bearing one of the two highest ratings of at least one nationally recognized rating service and not bearing a rating below one of the two highest ratings by any nationally recognized rating service which rates the particular fund.
- d) Investment securities may be bought, sold, and traded by private negotiation, and local governments and public authorities may pay all incidental costs thereof and all reasonable costs of administering the investment and deposit program. Securities and deposit certificates shall be in the custody of the finance officer who shall be responsible for their safekeeping and for keeping accurate investment accounts and records.
 - e) Interest earned on deposits and investments shall be credited to the fund whose cash is deposited or invested. Cash of several funds may be combined for deposit or investment if not otherwise prohibited by law; and when such joint deposits or investments are made, interest earned shall be prorated and credited to the various funds on the basis of the amounts thereof invested, figured according to an average periodic balance or some other sound accounting principle. Interest earned on the deposit or investment of bond funds shall be deemed a part of the bond proceeds.
 - f) Registered securities acquired for investment may be released from registration and transferred by signature of the finance officer.
 - g) A local government, public authority, an City eligible to participate in the Local Government Employee's Retirement System, or a local school administrative unit



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CITY OF HENDERSONVILLE INVESTMENT POLICY

may make contributions to a Local Government Other Post-Employment Benefits Trust established pursuant to G.S. 159-30.1

- h) A unit of local government employing local law enforcement officers may make contributions to the Local Government Law Enforcement Special Separation Allowance Fund established in G.S. 147-69.5. (1957, c. 864, s. 1; 1967, c. 798, ss. 1, 2; 1969, c. 862; 1971, c. 780, s. 1; 1973, c. 474, ss. 24, 25; 1975, c. 481; 1977, c. 575; 1979, c. 717, s. 2; 1981, c. 445, ss. 1-3; 1983, c. 158, ss. 1, 2; 1987, c. 672, s. 1; 1989, c. 76, s. 31; c. 751, s. 7(46); 1991 (Reg. Sess., 1992), c. 959, s. 77; c. 1007, s. 40; 1993, c. 553, s. 55; 2001-193, s. 16; 2001-487, s. 14(o); 2005-394, s. 2; 2007-384, ss. 4, 9; 2010-175, s. 1; 2013-305, s. 1.)

1. Collateralization

- a. As required by G.S. 159-31(b) – Selection of depository; deposits to be secured, full collateralization will be required on all funds on deposit or deposited at interest.
- b. The finance director is to notify the depository at the time a new deposit account is opened or a certificate of deposit is purchased that the account is a public deposit account subject to the collateralization requirements.

2. Authorized Collateral

Acceptable collateral for bank deposits and repurchase agreements shall include only:

- a. Obligations of the U.S. Government, its agencies and GSEs, including mortgage backed securities
- b. Obligations of any state, city, county or authority rated at least AA by two nationally recognized statistical rating organizations.

XI. Investment Parameters

1. Mitigating credit risk in the portfolio.

Credit risk is the risk that a security or a portfolio will lose some or all of its value due to a real or perceived change in the ability of the issuer to repay its debt. The City of Hendersonville shall mitigate credit risk by adopting the following:

The investments shall be diversified by:

- i. limiting investments to avoid over concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities),
- ii. limiting investment in securities that have higher credit risks,
- iii. investing in securities with varying maturities, and continuously investing a portion of the portfolio in readily available funds such as local government investment pools (LGIPs), money market funds or overnight repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

2. Mitigating market risk in the portfolio.

Market risk is the risk that the portfolio value will fluctuate due to changes in the general level of interest rates. The City of Hendersonville recognizes that, over time, Longer- term/core portfolios have the potential to achieve higher returns. On the other hand, longer-term portfolios have higher volatility of return. The City of Hendersonville shall mitigate market risk by providing adequate liquidity for short-term cash needs, and by making longer-term investments only with funds that are not needed for current cash flow purposes. The City of Hendersonville further recognizes that certain types of securities,



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CITY OF HENDERSONVILLE INVESTMENT POLICY

including variable rate securities, securities with principal pay downs prior to maturity, differently in different interest rate environments. The City of Hendersonville, therefore, adopts the following strategies to control and mitigate its exposure to market risk:

- a. The City of Hendersonville shall maintain a minimum of three months of budgeted operating expenditures in short term investments to provide sufficient liquidity for expected disbursements
 - b. The maximum percent of callable securities in the portfolio shall be 15%;
 - c. The maximum stated final maturity of individual securities in the portfolio shall be five years, except as otherwise stated in this policy; and,
 - d. Liquidity funds will be held in the State Pool or in money market instruments maturing one year and shorter.
 - e. Longer term/Core funds will be defined as the funds in excess of liquidity requirements. The investments in this portion of the portfolio will have maturities between 1 day and 5 years and will be only invested in higher quality and liquid securities.
3. Total Portfolio Maturity Constraints:
- a. Exception to 5-year maturity maximum: Reserve or Capital Improvement Project monies may be invested in securities exceeding five (5) years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of the funds.
 - b. Due to fluctuations in the aggregate surplus funds balance, maximum percentages for a particular issuer or investment type may be exceeded at a point in time subsequent to the purchase of a particular issuer or investment type may be exceeded at a point in time subsequent to the purchase of a particular security. Securities need not be liquidated to realign the portfolio; however, consideration should be given to this matter when future purchases are made.

XII. Performance Standards/ Evaluation

The performance of investments will be measured against the performance of the Local Government Investment Pool, Preservation of capital and maintenance of sufficient liquidity will be considered prior to attainment of market return performance. Given these considerations, the City's portfolio should provide a net yield that is equal or better to that attained by the Local Government Investment Pool over interest rate cycles. When comparing the performance of the City's portfolio, all fees and expenses involved with managing the portfolio shall be included in the computation of the portfolio's rate of return.

XIII. Reporting/Disclosure

1. Methods

- a. The investment officer shall prepare an investment report at least quarterly, including a management summary that provides an analysis of the status of the current investment portfolio and the individual transactions executed over the last quarter.
- b. This management summary will be prepared in a manner which will allow the City of Hendersonville to ascertain whether investment activities during the reporting period have conformed to the investment policy.



CITY OF HENDERSONVILLE INVESTMENT POLICY

- c. The report should be provided to the City Manager and the City Council. The report will include, at a minimum, the following:
 - i. An asset listing showing par value, cost and accurate and complete market value of each security, type of investment, issuer, and interest rate;
 - i. Average maturity of the portfolio;
 - ii. Maturity distribution of the portfolio;
 - iii. Average portfolio credit quality; and,
 - iv. Time-weighted total rate of return for the portfolio for the prior three months, and year to date, and since inception compared to the Local Government Pool returns for the same periods;
 - v. Distribution by type of investment.
2. Statutorily Required Reports

The Finance Director shall prepare and timely file the following reports:

 - a. A “Notification of Public Deposit” on Form INV-91 with each depository and provide a copy to the State Treasurer as of June 30 of each year;
 - b. The semi-annual reports on Form LGC 203 required to be filed with the Local Government Commission pursuant to G.S. 159-33 – Semiannual report on status of deposits and investments;
 - c. The annual Financial Information Report (“AFIR”) required to be filed with the Local Government Commission pursuant to G.S. 159-33.1 – Semiannual report of financial information; and
 - d. Such other report as may, from time to time, be required.
3. Annual audit

Management shall establish an annual process of independent review by the external auditor to assure compliance with internal controls. Such audit will include tests deemed appropriate by the auditor.
- XIV. Policy Considerations**

This policy shall be reviewed on an annual basis. Any changes must be approved by the City Council.
- XV. Approval of Investment Policy**

The investment policy and any modifications to that policy shall be formally approved and adopted by the governing body of the City of Hendersonville.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

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Submitted By: Brent Detwiler

Department: Engineering

Date Submitted: 3/27/14

Presenter: Brent Detwiler

Date of Council Meeting to consider this item: 4/3/14

Nature of Item: Council Action

Summary of Information/Request:

Item # 15

On March 5, 2014 at 2:30pm sealed bids were opened for the Shepherd Creek/Atkinson Elementary Sanitary Sewer Improvements Project. Bids were received from five (5) bidders with the following results.

Hall Contracting Corporation - \$2,639,333.00	Buckeye Bridge, LLC - \$2,682,326.00
Moorhead Construction, Inc. - \$2,694,563.12	C & W Utilities, Inc. - \$2,783,582.00
State Utility Contractors, Inc. - \$3,035,462.00	

City staff has reviewed each bid for completeness and accuracy. All of the bids including the lowest responsive, responsible bid were over the estimated budgeted cost of the project. Per NCGS 143-129, the City can enter into negotiations with the lowest responsible bidder and make reasonable changes in the plans and specifications to bring the contract price within the the funds available. The Engineering Department and low bidder, Hall Contracting Corporation, have been working to adjust the plans and specifications in order to reduce the total project cost. The negotiations have led to a bid price reduction of \$580,000.00.

City staff hereby recommends the tentative award of said project to Hall Contracting Corporation, of Charlotte, NC (NC Contractor License No. 5689), the lowest responsive and responsible bidder for the revised project cost in the amount of \$2,055,829.00. Please note that, this tentative award is contingent upon the approval of the North Carolina Department of Environment and Natural Resources (NCDENR).The engineer's estimate as well as a bid tabulation showing all the bids and unit prices is attached for your reference. Please let me know if you have any questions or require additional information regarding this project.

Budget Impact: \$2,459,920.45 Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move Council to approve the resolution tentatively awarding the contract for the construction of the Shepherd Creek/Atkinson Elementary Sanitary Sewer Improvements project to Hall Contracting Corporation, the lowest responsive and responsible bidder, in the amount of \$2,055,829.00; as presented and recommended by staff. This tentative award is contingent upon the approval of the North Carolina Department of Environment and Natural Resources (NCDENR).

Attachments:

Engineer's Estimate, Bid Tabulation, Award Recommendation Letter, Bid Price Reduction, Resolution of Tentative Award

City of Hendersonville
Engineering Department
305 Williams Street
Hendersonville, NC 28792

OPINION OF PROBABLE COST

PROJECT: Shepherd Creek/Atkinson Elementary Sanitary Sewer Improvements

PREPARED BY:
Brent Detwiler, P.E.

Estimate For:
Preliminary Costs:
Design Costs:
Construction Costs:

Project No. 12002

REVIEWED BY:
Brent Detwiler, P.E.

ITEM	DESCRIPTION	EST. QUAN	UNIT	UNIT PRICE	TOTAL
1	UNSUITABLE MATERIAL DISPOSAL & REPLACEMENT W/ COMMON BACKFILL (MIN. \$20.00/CY)	1000	CY	\$20.00	\$20,000.00
2	ADDITIONAL EARTH EXCAVATION (2' TO 3.9')	600	LF	\$10.00	\$6,000.00
2	ADDITIONAL EARTH EXCAVATION (4' TO 5.9')	1500	LF	\$10.00	\$15,000.00
2	ADDITIONAL EARTH EXCAVATION (6' TO 7.9')	100	LF	\$15.00	\$1,500.00
2	ADDITIONAL EARTH EXCAVATION (8'+)	100	LF	\$20.00	\$2,000.00
3	ROCK EXCAVATION	300	CY	\$100.00	\$30,000.00
4	FOUNDATION CUSHION	1150	TON	\$30.00	\$34,500.00
5	CONCRETE	100	CY	\$125.00	\$12,500.00
8	FLOWABLE FILL BACKFILL MATERIAL	50	CY	\$80.00	\$4,000.00
9	WOOD SHEETING LEFT IN PLACE	10	MFBM	\$1,200.00	\$12,000.00
10	12" DI SANITARY SEWER	1950	LF	\$70.00	\$136,500.00
10	4" DI FORCE MAIN	4413	LF	\$40.00	\$176,520.00
12	12" PVC SANITARY SEWER	6883	LF	\$65.00	\$447,395.00
12	10" PVC SANITARY SEWER	1140	LF	\$60.00	\$68,400.00
12	8" PVC SANITARY SEWER	788	LF	\$55.00	\$43,340.00
12A	12" x 4" PVC WYE	21	EACH	\$200.00	\$4,200.00
12A	12" x 4" DI TEE	7	EACH	\$300.00	\$2,100.00
12A	10" x 4" PVC WYE	8	EACH	\$150.00	\$1,200.00
12A	8" x 4" PVC WYE	1	EACH	\$100.00	\$100.00
12B	12" x 4" DI SERVICE STACK	55	VF	\$100.00	\$5,500.00
12C	4" PVC SERVICE SEWER	920	LF	\$40.00	\$36,800.00
14	4' DIA. MANHOLE W/ WATERTIGHT, LOCKING LID	130	VF	\$225.00	\$29,250.00
14	4' DIA. STANDARD MANHOLE	385	VF	\$180.00	\$69,300.00
14	OFFSET MANHOLE VENT, COMPLETE IN PLACE	16	VF	\$250.00	\$4,000.00
14A	12" MANHOLE DROP ATTACHMENT	6	VF	\$450.00	\$2,700.00
14A	10" MANHOLE DROP ATTACHMENT	4	VF	\$425.00	\$1,700.00
14A	8" MANHOLE DROP ATTACHMENT	23	VF	\$400.00	\$9,200.00
15	12" PVC IN 24" STEEL CASING (JACK & BORE)	261	LF	\$300.00	\$78,300.00
15	10" PVC IN 20" STEEL CASING (JACK & BORE)	71	LF	\$250.00	\$17,750.00
15	4" DI FORCE MAIN IN 12" STEEL CASING (JACK & BORE)	220	LF	\$200.00	\$44,000.00
20C	GRAVEL DRIVE REPLACEMENT	660	LF	\$15.00	\$9,900.00
20D	ASPHALT DRIVE REPLACEMENT	570	LF	\$25.00	\$14,250.00
20D	CONCRETE DRIVE REPLACEMENT	80	LF	\$60.00	\$4,800.00
20H	ASPHALT CONCRETE PAVEMENT REPLACEMENT W/FULL WIDTH OVERLAY	5800	LF	\$40.00	\$232,000.00
22	TRENCH TOPPING	100	TON	\$20.00	\$2,000.00
23	CALCIUM CHLORIDE	20	TON	\$400.00	\$8,000.00
24	TOPSOIL & SEEDING	1	LS	\$30,000.00	\$30,000.00
26	COMBINATION AIR RELEASE & VACUUM VALVE CHAMBER	2	EACH	\$3,000.00	\$6,000.00
41	EROSION CONTROL - SILT FENCE	12200	LF	\$3.00	\$36,600.00
41	EROSION CONTROL - SMALL STREAM CROSSING	1	EACH	\$2,500.00	\$2,500.00
27	ATKINSON ELEMENTARY PUMP STATION, ELECTRICAL, GENERATOR, COMPLETE IN PLACE	1	LS	\$250,000.00	\$250,000.00
SPEC	AERIAL SEWER CROSSING, COMPLETE IN PLACE	1	LS	\$30,000.00	\$30,000.00
SPEC	GRAVEL ACCESS ROAD & TURNAROUND, COMPLETE	400	LF	\$20.00	\$8,000.00
SPEC	FORCE MAIN CLEANOUT	2	EACH	\$800.00	\$1,600.00
SPEC	PUMP STATION DEMOLITION	1	LS	\$40,000.00	\$40,000.00
	Subtotal				\$1,991,405.00
	Contingencies (10%)				\$199,140.50
	Total Estimated Construction Cost (Rounded)				\$2,191,000.00

CITY COUNCIL:
BARBARA G. VOLK
Mayor
RON STEPHENS
Mayor Pro Tem
STEVE CARAKER
JERRY A. SMITH, JR.
JEFF MILLER

CITY OF HENDERSONVILLE

The City of Four Seasons

ENGINEERING DEPARTMENT
Brent G. Detwiler, P.E.
City Engineer

OFFICERS:
JOHN F. CONNET
City Manager
SAMUEL H. FRITSCHNER
City Attorney
TAMMIE K. DRAKE
City Clerk

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March 26, 2014

Honorable Mayor and Members of City Council
City of Hendersonville

Re: Shepherd Creek/Atkinson Elementary Sanitary Sewer Improvements Project
Recommendation for Award

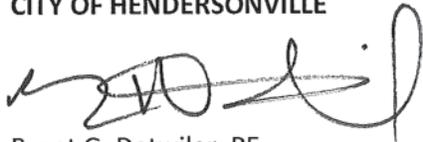
On March 5, 2014 at 2:30pm sealed bids were opened for the Shepherd Creek/Atkinson Elementary Sanitary Sewer Improvements Project. Bids were received from five (5) bidders with the following results.

Hall Contracting Corporation - \$2,639,333.00
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C & W Utilities, Inc. - \$2,783,582.00
State Utility Contractors, Inc. - \$3,035,462.00

City staff has reviewed each bid for completeness and accuracy. All of the bids including the lowest responsive, responsible bid were over the estimated budgeted cost of the project. Per NCGS 143-129, the City can enter into negotiations with the lowest responsible bidder and make reasonable changes in the plans and specifications to bring the contract price within the funds available. The Engineering Department and low bidder, Hall Contracting Corporation, have been working to adjust the plans and specifications in order to reduce the total project cost. These adjustments shallowed sections of the gravity sewer and reduced the size and type of generator at the Atkinson Elementary School site. The negotiations have led to the construction cost being reduced by approximately \$580,000.00.

City staff hereby recommends the tentative award of said project to Hall Contracting Corporation of Charlotte, NC (NC Contractor License No. 5689), the lowest responsive and responsible bidder for the negotiated construction price of \$2,055,829.00. The bid tabulation and negotiated price summary are attached for your reference. Please let me know if you have any questions or require additional information regarding this project.

Sincerely,
CITY OF HENDERSONVILLE



Brent G. Detwiler, PE
City Engineer

Attachments: Bid Tabulation, Negotiated Price Summary

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CITY OF HENDERSONVILLE
SHEPHERD CREEK/ATKINSON ELEMENTARY SANITARY SEWER IMPROVEMENTS
BID DATE: 3/5/14
TIME: 2:30 PM

5 BIDDERS
ENR INDEX 9702

HALL CONTRACTING CORPORATION
6415 LAKEVIEW ROAD
CHARLOTTE, NC 28256

BUCKEYEBRIDGE, LLC
654 BUCKEY COVE ROAD
CANTON, NC 28716

MOORHEAD CONSTRUCTION, INC.
1513 ANDERSON STREET
BELTON, SC 29627

ITEM	DESCRIPTION	QUANTITY	UNITS	TOTAL UNIT PRICE				TOTAL UNIT PRICE				TOTAL UNIT PRICE			
				UNIT LABOR	UNIT MATERIAL	PRICE	AMOUNT	UNIT LABOR	UNIT MATERIAL	PRICE	AMOUNT	UNIT LABOR	UNIT MATERIAL	PRICE	AMOUNT
1	UNSATURABLE MATERIAL DISPOSAL & REPLACEMENT W/ COMMON BACKFILL (MIN. \$20.00/CY)	100	CY	\$ 10.00	\$ 10.00	\$ 20.00	\$ 2,000.00	\$ 48.10	\$ 14.70	\$ 62.80	\$ 6,280.00	\$ 5.21	\$ 16.05	\$ 21.26	\$ 2,126.00
2	ADDITIONAL EARTH EXCAVATION (2' TO 3.9')	600	LF	\$ 9.00	\$ -	\$ 9.00	\$ 5,400.00	\$ 3.20	\$ -	\$ 3.20	\$ 1,920.00	\$ 3.68	\$ -	\$ 3.68	\$ 2,208.00
2	ADDITIONAL EARTH EXCAVATION (4' TO 5.9')	1500	LF	\$ 17.00	\$ -	\$ 17.00	\$ 25,500.00	\$ 6.40	\$ -	\$ 6.40	\$ 9,600.00	\$ 7.35	\$ -	\$ 7.35	\$ 11,025.00
2	ADDITIONAL EARTH EXCAVATION (6' TO 7.9')	100	LF	\$ 29.00	\$ -	\$ 29.00	\$ 2,900.00	\$ 9.70	\$ -	\$ 9.70	\$ 970.00	\$ 11.03	\$ -	\$ 11.03	\$ 1,103.00
2	ADDITIONAL EARTH EXCAVATION (8'+)	100	LF	\$ 47.00	\$ -	\$ 47.00	\$ 4,700.00	\$ 19.30	\$ -	\$ 19.30	\$ 1,930.00	\$ 14.71	\$ -	\$ 14.71	\$ 1,471.00
3	ROCK EXCAVATION	300	CY	\$ 100.00	\$ -	\$ 100.00	\$ 30,000.00	\$ 105.80	\$ 6.20	\$ 112.00	\$ 33,600.00	\$ 106.05	\$ -	\$ 106.05	\$ 31,815.00
4	FOUNDATION CUSHION	1150	TON	\$ 29.00	\$ 26.00	\$ 55.00	\$ 63,250.00	\$ 20.50	\$ 23.70	\$ 44.20	\$ 50,830.00	\$ 2.26	\$ 23.54	\$ 25.80	\$ 29,670.00
5	CONCRETE	100	CY	\$ 70.00	\$ 130.00	\$ 200.00	\$ 20,000.00	\$ 15.10	\$ 159.90	\$ 175.00	\$ 17,500.00	\$ 6.12	\$ 107.00	\$ 113.12	\$ 11,312.00
8	FLOVABLE FILL BACKFILL MATERIAL	50	CY	\$ 70.00	\$ 100.00	\$ 170.00	\$ 8,500.00	\$ 15.40	\$ 126.60	\$ 142.00	\$ 7,100.00	\$ 6.07	\$ 101.65	\$ 107.72	\$ 5,386.00
9	WOOD SHEETING LEFT IN PLACE	10	MPBM	\$ 1,700.00	\$ 1,700.00	\$ 3,400.00	\$ 34,000.00	\$ 803.90	\$ 233.10	\$ 1,037.00	\$ 10,370.00	\$ 0.54	\$ 53.50	\$ 54.04	\$ 540.40
10	12" DI SANITARY SEWER	1950	LF	\$ 58.00	\$ 42.00	\$ 100.00	\$ 195,000.00	\$ 57.60	\$ 33.60	\$ 91.20	\$ 177,840.00	\$ 89.31	\$ 40.00	\$ 129.31	\$ 252,154.50
10	4" DI FORCE MAIN	4413	LF	\$ 18.00	\$ 17.00	\$ 35.00	\$ 155,250.00	\$ 21.00	\$ 19.20	\$ 40.20	\$ 177,402.60	\$ 22.83	\$ 16.71	\$ 39.54	\$ 174,490.02
12	12" PVC SANITARY SEWER	6883	LF	\$ 57.00	\$ 23.00	\$ 80.00	\$ 550,640.00	\$ 58.20	\$ 15.10	\$ 73.40	\$ 505,212.20	\$ 85.91	\$ 21.27	\$ 107.18	\$ 737,719.94
12	10" PVC SANITARY SEWER	1140	LF	\$ 35.00	\$ 20.00	\$ 55.00	\$ 62,700.00	\$ 54.50	\$ 11.30	\$ 67.80	\$ 77,292.00	\$ 85.44	\$ 18.70	\$ 104.14	\$ 118,719.60
12	8" PVC SANITARY SEWER	788	LF	\$ 54.00	\$ 16.00	\$ 70.00	\$ 55,140.00	\$ 54.40	\$ 8.20	\$ 64.60	\$ 50,904.80	\$ 85.06	\$ 16.56	\$ 101.62	\$ 80,076.54
12A	12" x 4" PVC WYE	21	EACH	\$ 45.00	\$ 115.00	\$ 160.00	\$ 3,360.00	\$ 38.60	\$ 131.30	\$ 169.90	\$ 3,567.90	\$ 373.00	\$ 358.45	\$ 731.54	\$ 15,362.34
12A	12" x 4" DI TEE	7	EACH	\$ 190.00	\$ 480.00	\$ 670.00	\$ 4,690.00	\$ 96.60	\$ 547.70	\$ 644.30	\$ 4,510.10	\$ 409.43	\$ 685.87	\$ 1,095.30	\$ 7,667.10
12A	10" x 4" PVC WYE	8	EACH	\$ 47.00	\$ 80.00	\$ 127.00	\$ 1,016.00	\$ 38.60	\$ 91.20	\$ 129.80	\$ 1,038.40	\$ 368.22	\$ 314.58	\$ 682.80	\$ 5,462.40
12A	8" x 4" PVC WYE	1	EACH	\$ 37.00	\$ 27.00	\$ 64.00	\$ 64.00	\$ 38.60	\$ 30.00	\$ 68.60	\$ 68.60	\$ 360.97	\$ 249.31	\$ 610.28	\$ 610.28
12B	12" x 4" DI SERVICE STACK	55	VF	\$ 34.00	\$ 37.00	\$ 71.00	\$ 3,905.00	\$ 19.30	\$ 45.00	\$ 64.30	\$ 3,536.50	\$ 36.91	\$ 32.22	\$ 69.13	\$ 3,802.15
12C	4" PVC SERVICE SEWER	920	LF	\$ 23.00	\$ 2.00	\$ 25.00	\$ 23,000.00	\$ 39.00	\$ 5.00	\$ 44.00	\$ 40,480.00	\$ 16.91	\$ 2.25	\$ 19.16	\$ 17,627.20
14	4" DIA. MANHOLE W/ WATERTIGHT, LOCKING LID	130	VF	\$ 54.00	\$ 123.00	\$ 177.00	\$ 23,010.00	\$ 66.10	\$ 189.30	\$ 255.40	\$ 33,202.00	\$ 39.61	\$ 173.88	\$ 213.49	\$ 27,753.70
14	4" DIA. STANDARD MANHOLE	385	VF	\$ 219.00	\$ 123.00	\$ 342.00	\$ 131,670.00	\$ 65.40	\$ 153.20	\$ 218.60	\$ 84,161.00	\$ 39.51	\$ 163.18	\$ 202.69	\$ 78,035.65
14	OFFSET MANHOLE VENT, COMPLETE IN PLACE	16	VF	\$ 67.00	\$ 113.00	\$ 180.00	\$ 2,880.00	\$ 48.20	\$ 683.60	\$ 731.80	\$ 11,708.80	\$ 54.46	\$ 395.90	\$ 450.36	\$ 7,205.76
14A	12" MANHOLE DROP ATTACHMENT	6	VF	\$ 286.00	\$ 250.00	\$ 536.00	\$ 3,216.00	\$ 132.50	\$ 471.30	\$ 603.80	\$ 3,622.80	\$ 107.85	\$ 684.80	\$ 792.65	\$ 4,755.90
14A	10" MANHOLE DROP ATTACHMENT	4	VF	\$ 429.00	\$ 205.00	\$ 634.00	\$ 2,536.00	\$ 488.40	\$ 632.00	\$ 1,120.40	\$ 4,481.60	\$ 105.55	\$ 454.75	\$ 560.30	\$ 2,241.20
14A	8" MANHOLE DROP ATTACHMENT	23	VF	\$ 186.00	\$ 49.00	\$ 235.00	\$ 5,405.00	\$ 69.20	\$ 150.60	\$ 219.80	\$ 5,055.40	\$ 101.55	\$ 54.57	\$ 156.12	\$ 3,590.76
15	12" PVC IN 24" STEEL CASING (JACK & BORE)	261	LF	\$ 404.00	\$ 11.00	\$ 415.00	\$ 108,315.00	\$ 384.80	\$ 57.00	\$ 443.80	\$ 115,831.80	\$ 81.53	\$ 73.30	\$ 154.83	\$ 40,410.63
15	10" PVC IN 30" STEEL CASING (JACK & BORE)	71	LF	\$ 397.00	\$ 18.00	\$ 415.00	\$ 29,445.00	\$ 384.80	\$ 51.60	\$ 436.40	\$ 31,124.40	\$ 81.35	\$ 55.43	\$ 136.78	\$ 9,711.38
15	4" DI FORCE MAIN IN 12" STEEL CASING (JACK & BORE)	220	LF	\$ 293.00	\$ 22.00	\$ 315.00	\$ 69,300.00	\$ 287.00	\$ 54.90	\$ 341.90	\$ 75,218.00	\$ 61.04	\$ 44.35	\$ 105.39	\$ 23,185.80
20C	GRAVEL DRIVE REPLACEMENT	660	LF	\$ 2.00	\$ 8.00	\$ 10.00	\$ 6,600.00	\$ 5.30	\$ 3.70	\$ 9.00	\$ 5,940.00	\$ 2.09	\$ 7.49	\$ 9.58	\$ 6,322.80
20D	ASPHALT DRIVE REPLACEMENT	570	LF	\$ 23.00	\$ 10.00	\$ 33.00	\$ 18,810.00	\$ 13.10	\$ 16.10	\$ 29.20	\$ 16,644.00	\$ 2.39	\$ 37.45	\$ 39.84	\$ 22,708.80
20D	CONCRETE DRIVE REPLACEMENT	80	LF	\$ 49.00	\$ 10.00	\$ 59.00	\$ 4,720.00	\$ 45.10	\$ 22.40	\$ 67.50	\$ 5,400.00	\$ 2.72	\$ 69.55	\$ 72.27	\$ 5,781.60
20H	ASPHALT CONCRETE PAVEMENT REPLACEMENT W/FULL WIDTH OVERLAY	5800	LF	\$ 10.00	\$ 40.00	\$ 50.00	\$ 290,000.00	\$ 20.90	\$ 23.10	\$ 44.00	\$ 255,200.00	\$ 36.36	\$ -	\$ 36.36	\$ 210,888.00
22	TRENCH TOPPING	100	TON	\$ 11.00	\$ 19.00	\$ 30.00	\$ 3,000.00	\$ 13.30	\$ 14.40	\$ 27.70	\$ 2,770.00	\$ 3.13	\$ 111.39	\$ 114.52	\$ 11,452.00
23	CALCIUM CHLORIDE	20	TON	\$ 825.00	\$ 925.00	\$ 1,750.00	\$ 35,000.00	\$ 19.30	\$ 1,065.80	\$ 1,085.10	\$ 21,702.60	\$ 3.09	\$ 107.00	\$ 110.09	\$ 2,201.80
24	TOPSOIL & SEEDING	1	LS	\$ 10,600.00	\$ 5,400.00	\$ 16,000.00	\$ 16,000.00	\$ 14,553.10	\$ 10,699.90	\$ 25,253.00	\$ 25,253.00	\$ 16,665.00	\$ -	\$ 16,665.00	\$ 16,665.00
26	COMBINATION AIR RELEASE & VACUUM VALVE CHAMBER	2	EACH	\$ 700.00	\$ 4,500.00	\$ 5,200.00	\$ 10,400.00	\$ 499.60	\$ 5,354.20	\$ 5,853.80	\$ 11,707.60	\$ 569.20	\$ 6,420.00	\$ 6,989.20	\$ 13,978.40
41	EROSION CONTROL - SALT FENCE	12200	LF	\$ 2.00	\$ 1.00	\$ 3.00	\$ 36,600.00	\$ 2.30	\$ 0.90	\$ 3.20	\$ 39,040.00	\$ 2.02	\$ -	\$ 2.02	\$ 24,444.00
41	EROSION CONTROL - SMALL STREAM CROSSING	1	EACH	\$ 1,215.00	\$ 785.00	\$ 2,000.00	\$ 2,000.00	\$ 4,032.80	\$ 2,371.20	\$ 6,404.00	\$ 6,404.00	\$ 1,022.84	\$ 1,284.00	\$ 2,306.84	\$ 2,306.84
27	ATKINSON ELEMENTARY PUMP STATION, ELECTRICAL, GENERATOR, COMPLETE IN PLACE	1	LS	\$ 60,000.00	\$ 482,770.00	\$ 542,770.00	\$ 542,770.00	\$ 184,892.10	\$ 476,578.90	\$ 661,471.00	\$ 661,471.00	\$ 72,570.50	\$ 561,000.00	\$ 633,570.50	\$ 633,570.50
SPEC	AERIAL SEWER CROSSING, COMPLETE IN PLACE	1	LS	\$ 2,400.00	\$ 7,600.00	\$ 10,000.00	\$ 10,000.00	\$ 12,431.90	\$ 9,408.10	\$ 21,840.00	\$ 21,840.00	\$ 3,590.13	\$ 5,513.39	\$ 9,103.52	\$ 9,103.52
SPEC	GRAVEL ACCESS ROAD & TURNAROUND, COMPLETE	400	LF	\$ 40.00	\$ 35.00	\$ 75.00	\$ 30,000.00	\$ 70.40	\$ 7.90	\$ 78.30	\$ 31,320.00	\$ 34.27	\$ -	\$ 34.27	\$ 13,708.00
SPEC	FORCE MAIN CLEANOUT	2	EACH	\$ 800.00	\$ 2,700.00	\$ 3,500.00	\$ 7,000.00	\$ 436.70	\$ 2,819.30	\$ 3,256.00	\$ 6,512.00	\$ 521.29	\$ 1,628.54	\$ 2,149.83	\$ 4,299.66
SPEC	PUMP STATION DEMOLITION	1	LS	\$ 30,800.00	\$ 2,200.00	\$ 33,000.00	\$ 33,000.00	\$ 22,480.70	\$ 424.30	\$ 22,905.00	\$ 22,905.00	\$ 7,583.03	\$ 802.50	\$ 8,385.53	\$ 8,385.53
SPEC	TEMPORARY FENCE (TO BE USED AT SCHOOL SITE OR AS DIRECTED BY ENGINEER)	300	LF	\$ 3.00	\$ 6.00	\$ 9.00	\$ 2,700.00	\$ 5.60	\$ 0.60	\$ 6.20	\$ 1,860.00	\$ 0.04	\$ 4.28	\$ 4.32	\$ 1,296.00
				\$ 2,639,333.00				\$ 2,682,329.50				\$ 2,694,551.72			
				Corrected mathematical error on submitted bid.				Corrected mathematical error on submitted bid.							

CITY OF HENDERSONVILLE
 SHEPHERD CREEK/ATKINSON ELEMENTARY SANITARY SEWER IMPROVEMENTS
 BID DATE: 3/5/14
 TIME: 2:30 PM

5 BIDDERS
 ENR INDEX 9702

C & W UTILITIES, INC.
 2146 MANLEY BRIDGES RD.
 SHELBY, NC 28152

STATE UTILITY CONTRACTORS, INC.
 4417 OLD CHARLOTTE HIGHWAY
 MONROE, NC 28111-5019

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 Agenda**

ITEM	DESCRIPTION	QUANTITY	UNITS	TOTAL UNIT PRICE				TOTAL UNIT PRICE			
				UNIT LABOR	UNIT MATERIAL	PRICE	AMOUNT	UNIT LABOR	UNIT MATERIAL	PRICE	AMOUNT
1	UNSUITABLE MATERIAL DISPOSAL & REPLACEMENT W/ COMMON BACKFILL (MIN. 520.00/CY)	100	CY	\$ 13.00	\$ 12.00	\$ 25.00	\$ 2,500.00	\$ 12.00	\$ 8.00	\$ 20.00	\$ 2,000.00
2	ADDITIONAL EARTH EXCAVATION (2' TO 3.9')	600	LF	\$ 8.00	\$ 19.50	\$ 27.50	\$ 16,500.00	\$ 7.00	\$ -	\$ 7.00	\$ 4,200.00
2	ADDITIONAL EARTH EXCAVATION (4' TO 5.9')	1500	LF	\$ 4.00	\$ 5.00	\$ 9.00	\$ 13,500.00	\$ 9.00	\$ -	\$ 9.00	\$ 13,500.00
2	ADDITIONAL EARTH EXCAVATION (6' TO 7.9')	100	LF	\$ 6.00	\$ 7.00	\$ 13.00	\$ 1,300.00	\$ 18.00	\$ -	\$ 18.00	\$ 1,800.00
2	ADDITIONAL EARTH EXCAVATION (8'-)	100	LF	\$ 8.00	\$ 9.00	\$ 17.00	\$ 1,700.00	\$ 35.00	\$ -	\$ 35.00	\$ 3,500.00
3	ROCK EXCAVATION	300	CY	\$ 75.00	\$ 50.00	\$ 125.00	\$ 37,500.00	\$ 35.00	\$ 150.00	\$ 185.00	\$ 55,500.00
4	FOUNDATION CUSHION	1150	TON	\$ 5.00	\$ 25.00	\$ 30.00	\$ 34,500.00	\$ 6.50	\$ 25.00	\$ 31.50	\$ 36,225.00
5	CONCRETE	100	CY	\$ 5.00	\$ 150.00	\$ 155.00	\$ 15,500.00	\$ 75.00	\$ 125.00	\$ 200.00	\$ 20,000.00
8	FLOWABLE FILL BACKFILL MATERIAL	50	CY	\$ 80.00	\$ 120.00	\$ 200.00	\$ 10,000.00	\$ 75.00	\$ 125.00	\$ 200.00	\$ 10,000.00
9	WOOD SHEETING LEFT IN PLACE	10	MFBM	\$ 50.00	\$ 50.00	\$ 100.00	\$ 1,000.00	\$ 250.00	\$ 750.00	\$ 1,000.00	\$ 10,000.00
10	12" DI SANITARY SEWER	1950	LF	\$ 50.00	\$ 39.50	\$ 89.50	\$ 174,525.00	\$ 75.00	\$ 38.00	\$ 113.00	\$ 220,350.00
10	4" DI FORCE MAIN	4413	LF	\$ 20.00	\$ 17.50	\$ 37.50	\$ 165,487.50	\$ 38.00	\$ 19.00	\$ 57.00	\$ 251,541.00
12	12" PVC SANITARY SEWER	4883	LF	\$ 54.50	\$ 26.00	\$ 79.50	\$ 547,198.50	\$ 75.00	\$ 20.00	\$ 95.00	\$ 653,885.00
12	10" PVC SANITARY SEWER	1140	LF	\$ 37.50	\$ 22.50	\$ 60.00	\$ 68,400.00	\$ 74.00	\$ 16.00	\$ 90.00	\$ 102,600.00
12	8" PVC SANITARY SEWER	788	LF	\$ 55.00	\$ 20.00	\$ 75.00	\$ 59,100.00	\$ 73.00	\$ 14.00	\$ 87.00	\$ 68,556.00
12A	12" x 4" PVC WYE	21	EACH	\$ 1,250.00	\$ 40.00	\$ 1,290.00	\$ 27,090.00	\$ 160.00	\$ 190.00	\$ 350.00	\$ 7,350.00
12A	12" x 4" DI TEE	7	EACH	\$ 180.00	\$ 300.00	\$ 480.00	\$ 3,360.00	\$ 275.00	\$ 525.00	\$ 800.00	\$ 5,600.00
12A	10" x 4" PVC WYE	8	EACH	\$ 450.00	\$ 40.00	\$ 490.00	\$ 3,920.00	\$ 145.00	\$ 155.00	\$ 300.00	\$ 2,400.00
12A	8" x 4" PVC WYE	1	EACH	\$ 80.00	\$ 40.00	\$ 120.00	\$ 120.00	\$ 165.00	\$ 85.00	\$ 250.00	\$ 250.00
12B	12" x 4" DI SERVICE STACK	55	VF	\$ 40.00	\$ 20.00	\$ 60.00	\$ 3,300.00	\$ 34.00	\$ 41.00	\$ 75.00	\$ 4,125.00
12C	4" PVC SERVICE SEWER	920	LF	\$ 62.00	\$ 3.00	\$ 65.00	\$ 59,800.00	\$ 10.00	\$ 8.00	\$ 18.00	\$ 16,560.00
14	4" DIA. MANHOLE W/ WATER TIGHT, LOCKING LID	130	VF	\$ 120.00	\$ 175.00	\$ 295.00	\$ 38,350.00	\$ 90.00	\$ 210.00	\$ 300.00	\$ 39,000.00
14	4" DIA. STANDARD MANHOLE	385	VF	\$ 120.00	\$ 165.00	\$ 285.00	\$ 109,725.00	\$ 75.00	\$ 175.00	\$ 250.00	\$ 96,250.00
14	OFFSET MANHOLE VENT, COMPLETE IN PLACE	16	VF	\$ 150.00	\$ 200.00	\$ 350.00	\$ 5,600.00	\$ 135.00	\$ 340.00	\$ 475.00	\$ 7,600.00
14A	12" MANHOLE DROP ATTACHMENT	6	VF	\$ 275.00	\$ 175.00	\$ 450.00	\$ 2,700.00	\$ 125.00	\$ 450.00	\$ 575.00	\$ 3,450.00
14A	10" MANHOLE DROP ATTACHMENT	4	VF	\$ 280.00	\$ 170.00	\$ 450.00	\$ 1,800.00	\$ 140.00	\$ 510.00	\$ 650.00	\$ 2,600.00
14A	8" MANHOLE DROP ATTACHMENT	23	VF	\$ 200.00	\$ 150.00	\$ 350.00	\$ 8,050.00	\$ 90.00	\$ 185.00	\$ 275.00	\$ 4,325.00
15	12" PVC IN 24" STEEL CASING (JACK & BORE)	261	LF	\$ 258.00	\$ 90.00	\$ 348.00	\$ 90,828.00	\$ 80.00	\$ 460.00	\$ 540.00	\$ 140,940.00
15	10" PVC IN 20" STEEL CASING (JACK & BORE)	71	LF	\$ 253.00	\$ 95.00	\$ 348.00	\$ 24,708.00	\$ 80.00	\$ 455.00	\$ 535.00	\$ 37,985.00
15	4" DI FORCE MAIN IN 12" STEEL CASING (JACK & BORE)	220	LF	\$ 196.00	\$ 65.00	\$ 261.00	\$ 57,420.00	\$ 70.00	\$ 250.00	\$ 320.00	\$ 70,400.00
20C	GRAVEL DRIVE REPLACEMENT	660	LF	\$ 5.00	\$ 10.00	\$ 15.00	\$ 9,900.00	\$ 2.50	\$ 11.00	\$ 13.50	\$ 8,910.00
20D	ASPHALT DRIVE REPLACEMENT	570	LF	\$ 17.50	\$ 27.50	\$ 45.00	\$ 25,650.00	\$ 8.00	\$ 40.00	\$ 48.00	\$ 27,360.00
20D	CONCRETE DRIVE REPLACEMENT	80	LF	\$ 35.00	\$ 40.00	\$ 75.00	\$ 6,000.00	\$ 20.00	\$ 95.00	\$ 115.00	\$ 9,200.00
20H	ASPHALT CONCRETE PAVEMENT REPLACEMENT W/FULL WIDTH OVERLAY	5800	LF	\$ 30.00	\$ 39.00	\$ 69.00	\$ 400,200.00	\$ 5.00	\$ 72.00	\$ 77.00	\$ 446,600.00
22	TRENCH TOPPING	100	TON	\$ 45.00	\$ 25.00	\$ 70.00	\$ 7,000.00	\$ 4.00	\$ 18.00	\$ 22.00	\$ 2,200.00
23	CALCIUM CHLORIDE	20	TON	\$ 25.00	\$ 100.00	\$ 125.00	\$ 2,500.00	\$ 200.00	\$ 800.00	\$ 1,000.00	\$ 20,000.00
24	TOPSOIL & SEEDING	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00	\$ 12,500.00	\$ 6,000.00	\$ 18,500.00	\$ 18,500.00
26	COMBINATION AIR RELEASE & VACUUM VALVE CHAMBER	2	EACH	\$ 3,000.00	\$ 3,500.00	\$ 6,500.00	\$ 13,000.00	\$ 1,100.00	\$ 5,200.00	\$ 6,300.00	\$ 12,600.00
41	EROSION CONTROL - SILT FENCE	12200	LF	\$ 1.00	\$ 2.00	\$ 3.00	\$ 36,600.00	\$ 1.50	\$ 1.00	\$ 2.50	\$ 30,500.00
41	EROSION CONTROL - SMALL STREAM CROSSING	1	EACH	\$ 3,000.00	\$ 3,000.00	\$ 6,000.00	\$ 6,000.00	\$ 2,800.00	\$ 2,200.00	\$ 5,000.00	\$ 5,000.00
27	ATKINSON ELEMENTARY PUMP STATION, ELECTRICAL GENERATOR, COMPLETE IN PLACE	1	LS	\$ 70,000.00	\$ 530,000.00	\$ 600,000.00	\$ 600,000.00	\$ 45,000.00	\$ 455,000.00	\$ 500,000.00	\$ 500,000.00
SPEC	AERIAL SEWER CROSSING, COMPLETE IN PLACE	1	LS	\$ 3,500.00	\$ 2,750.00	\$ 6,250.00	\$ 6,250.00	\$ 4,500.00	\$ 9,000.00	\$ 13,500.00	\$ 13,500.00
SPEC	GRAVEL ACCESS ROAD & TURNAROUND, COMPLETE	400	LF	\$ 20.00	\$ 40.00	\$ 60.00	\$ 24,000.00	\$ 16.00	\$ 45.00	\$ 61.00	\$ 24,400.00
SPEC	FORCE MAIN CLEANOUT	2	EACH	\$ 1,500.00	\$ 1,500.00	\$ 3,000.00	\$ 6,000.00	\$ 600.00	\$ 1,500.00	\$ 2,100.00	\$ 4,200.00
SPEC	PUMP STATION DEMOLITION	1	LS	\$ 35,000.00	\$ 2,500.00	\$ 37,500.00	\$ 37,500.00	\$ 5,000.00	\$ 10,000.00	\$ 15,000.00	\$ 15,000.00
SPEC	TEMPORARY 6' FENCE (TO BE USED AT SCHOOL SITE OR AS DIRECTED BY ENGINEER)	300	LF	\$ 20.00	\$ 5.00	\$ 25.00	\$ 7,500.00	\$ -	\$ 10.00	\$ 10.00	\$ 3,000.00
							\$ 2,783,582.00				
								\$ 3,035,462.00			

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Agenda**

CITY OF HENDERSONVILLE
SHEPHERD CREEK/ATKINSON ELEMENTARY SANITARY SEWER IMPROVEMENTS
BID DATE: 3/5/14
TIME: 2:30 PM

5 BIDDERS
ENR INDEX 9702

ORIGINAL BID
HALL CONTRACTING CORPORATION
6415 LAKEVIEW ROAD
CHARLOTTE, NC 28256

NEGOTIATED PRICE
HALL CONTRACTING CORPORATION
6415 LAKEVIEW ROAD
CHARLOTTE, NC 28256

ITEM	DESCRIPTION	QUANTITY	UNITS	TOTAL UNIT PRICE				TOTAL UNIT PRICE					
				UNIT LABOR	UNIT MATERIAL	PRICE	AMOUNT	UNIT LABOR	UNIT MATERIAL	PRICE	AMOUNT		
1	UNUSABLE MATERIAL, DISPOSAL & REPLACEMENT W/ COMMON BACKFILL (MIN. 320.00/CY)	100	CY	\$ 10.00	\$ 10.00	\$ 20.00	\$ 2,000.00	100	CY	\$ 10.00	\$ 10.00	\$ 20.00	\$ 2,000.00
2	ADDITIONAL EARTH EXCAVATION (2' TO 3.9')	600	LF	\$ 9.00	\$ -	\$ 9.00	\$ 5,400.00	1	LF	\$ 9.00	\$ -	\$ 9.00	\$ 9.00
2	ADDITIONAL EARTH EXCAVATION (4' TO 5.9')	1500	LF	\$ 17.00	\$ -	\$ 17.00	\$ 25,500.00	1	LF	\$ 17.00	\$ -	\$ 17.00	\$ 17.00
2	ADDITIONAL EARTH EXCAVATION (6' TO 7.9')	100	LF	\$ 29.00	\$ -	\$ 29.00	\$ 2,900.00	1	LF	\$ 29.00	\$ -	\$ 29.00	\$ 29.00
2	ADDITIONAL EARTH EXCAVATION (8'-)	100	LF	\$ 47.00	\$ -	\$ 47.00	\$ 4,700.00	1	LF	\$ 47.00	\$ -	\$ 47.00	\$ 47.00
3	ROCK EXCAVATION	300	CY	\$ 100.00	\$ -	\$ 100.00	\$ 30,000.00	100	CY	\$ 100.00	\$ -	\$ 100.00	\$ 10,000.00
4	FOUNDATION CUSHION	1150	TON	\$ 29.00	\$ 26.00	\$ 55.00	\$ 63,250.00	1	TON	\$ 29.00	\$ 26.00	\$ 55.00	\$ 55.00
5	CONCRETE	100	CY	\$ 70.00	\$ 130.00	\$ 200.00	\$ 20,000.00	1	CY	\$ 70.00	\$ 130.00	\$ 200.00	\$ 200.00
8	FLOWABLE FILL BACKFILL MATERIAL	50	CY	\$ 70.00	\$ 100.00	\$ 170.00	\$ 8,500.00	1	CY	\$ 70.00	\$ 100.00	\$ 170.00	\$ 170.00
9	WOOD SHEETING LEFT IN PLACE	10	MFBM	\$ 1,700.00	\$ 1,700.00	\$ 3,400.00	\$ 34,000.00	1	MFBM	\$ 1,700.00	\$ 1,700.00	\$ 3,400.00	\$ 3,400.00
10	12" DI SANITARY SEWER	1950	LF	\$ 58.00	\$ 42.00	\$ 100.00	\$ 195,000.00	1950	LF	\$ 58.00	\$ 42.00	\$ 100.00	\$ 195,000.00
10	4" DI FORCE MAIN	4413	LF	\$ 10.00	\$ 17.00	\$ 27.00	\$ 119,151.00	4413	LF	\$ 10.00	\$ 17.00	\$ 27.00	\$ 119,151.00
12	12" PVC SANITARY SEWER	6883	LF	\$ 57.00	\$ 23.00	\$ 80.00	\$ 550,640.00	6883	LF	\$ 55.00	\$ 23.00	\$ 78.00	\$ 536,874.00
12	10" PVC SANITARY SEWER	1140	LF	\$ 35.00	\$ 20.00	\$ 55.00	\$ 62,700.00	1140	LF	\$ 35.00	\$ 20.00	\$ 55.00	\$ 62,700.00
12	8" PVC SANITARY SEWER	788	LF	\$ 54.00	\$ 16.00	\$ 70.00	\$ 55,160.00	788	LF	\$ 54.00	\$ 16.00	\$ 70.00	\$ 55,160.00
12A	12" x 4" PVC WYE	21	EACH	\$ 45.00	\$ 115.00	\$ 160.00	\$ 3,360.00	21	EACH	\$ 45.00	\$ 115.00	\$ 160.00	\$ 3,360.00
12A	12" x 4" DI TEE	7	EACH	\$ 190.00	\$ 480.00	\$ 670.00	\$ 4,690.00	7	EACH	\$ 190.00	\$ 480.00	\$ 670.00	\$ 4,690.00
12A	10" x 4" PVC WYE	8	EACH	\$ 47.00	\$ 80.00	\$ 127.00	\$ 1,016.00	8	EACH	\$ 47.00	\$ 80.00	\$ 127.00	\$ 1,016.00
12A	8" x 4" PVC WYE	1	EACH	\$ 37.00	\$ 27.00	\$ 64.00	\$ 64.00	1	EACH	\$ 37.00	\$ 27.00	\$ 64.00	\$ 64.00
12B	12" x 4" DI SERVICE STACK	55	VF	\$ 34.00	\$ 37.00	\$ 71.00	\$ 3,905.00	55	VF	\$ 34.00	\$ 37.00	\$ 71.00	\$ 3,905.00
12C	4" PVC SERVICE SEWER	920	LF	\$ 21.00	\$ 2.00	\$ 23.00	\$ 21,000.00	920	LF	\$ 21.00	\$ 2.00	\$ 23.00	\$ 21,000.00
14	4" DIA. MANHOLE W/ WATER TIGHT, LOCKING LID	130	VF	\$ 54.00	\$ 123.00	\$ 177.00	\$ 23,010.00	130	VF	\$ 54.00	\$ 123.00	\$ 177.00	\$ 23,010.00
14	4" DIA. STANDARD MANHOLE	385	VF	\$ 219.00	\$ 123.00	\$ 342.00	\$ 131,670.00	321	VF	\$ 219.00	\$ 123.00	\$ 342.00	\$ 109,782.00
14	OFFSET MANHOLE VENT, COMPLETE IN PLACE	16	VF	\$ 67.00	\$ 113.00	\$ 180.00	\$ 2,880.00	16	VF	\$ 67.00	\$ 113.00	\$ 180.00	\$ 2,880.00
14A	12" MANHOLE DROP ATTACHMENT	6	VF	\$ 286.00	\$ 250.00	\$ 536.00	\$ 3,216.00	6	VF	\$ 286.00	\$ 250.00	\$ 536.00	\$ 3,216.00
14A	10" MANHOLE DROP ATTACHMENT	4	VF	\$ 429.00	\$ 205.00	\$ 634.00	\$ 2,536.00	4	VF	\$ 429.00	\$ 205.00	\$ 634.00	\$ 2,536.00
14A	8" MANHOLE DROP ATTACHMENT	23	VF	\$ 186.00	\$ 49.00	\$ 235.00	\$ 5,405.00	23	VF	\$ 186.00	\$ 49.00	\$ 235.00	\$ 5,405.00
15	12" PVC IN 24" STEEL CASING (JACK & BORE)	261	LF	\$ 404.00	\$ 11.00	\$ 415.00	\$ 108,315.00	261	LF	\$ 404.00	\$ 11.00	\$ 415.00	\$ 108,315.00
15	10" PVC IN 20" STEEL CASING (JACK & BORE)	71	LF	\$ 397.00	\$ 18.00	\$ 415.00	\$ 29,465.00	71	LF	\$ 397.00	\$ 18.00	\$ 415.00	\$ 29,465.00
15	4" DI FORCE MAIN IN 12" STEEL CASING (JACK & BORE)	220	LF	\$ 293.00	\$ 22.00	\$ 315.00	\$ 69,300.00	220	LF	\$ 293.00	\$ 22.00	\$ 315.00	\$ 69,300.00
20C	GRAVEL DRIVE REPLACEMENT	660	LF	\$ 2.00	\$ 8.00	\$ 10.00	\$ 6,600.00	660	LF	\$ 2.00	\$ 8.00	\$ 10.00	\$ 6,600.00
20D	ASPHALT DRIVE REPLACEMENT	570	LF	\$ 23.00	\$ 10.00	\$ 33.00	\$ 18,810.00	570	LF	\$ 23.00	\$ 10.00	\$ 33.00	\$ 18,810.00
20D	CONCRETE DRIVE REPLACEMENT	80	LF	\$ 49.00	\$ 10.00	\$ 59.00	\$ 4,720.00	80	LF	\$ 49.00	\$ 10.00	\$ 59.00	\$ 4,720.00
20H	ASPHALT CONCRETE PAVEMENT REPLACEMENT W/FULL WIDTH OVERLAY	5800	LF	\$ 10.00	\$ 40.00	\$ 50.00	\$ 290,000.00	5800	LF	\$ 13.00	\$ -	\$ 13.00	\$ 17,400.00
22	TRENCH TOPPING	100	TON	\$ 11.00	\$ 19.00	\$ 30.00	\$ 3,000.00	100	TON	\$ 11.00	\$ 19.00	\$ 30.00	\$ 3,000.00
23	CALCIUM CHLORIDE	20	TON	\$ 825.00	\$ 925.00	\$ 1,750.00	\$ 35,000.00	1	TON	\$ 825.00	\$ 925.00	\$ 1,750.00	\$ 1,750.00
24	TOPSOIL & SEEDING	1	LS	\$ 10,600.00	\$ 5,400.00	\$ 16,000.00	\$ 16,000.00	1	LS	\$ 10,600.00	\$ 5,400.00	\$ 16,000.00	\$ 16,000.00
26	COMBINATION AIR RELEASE & VACUUM VALVE CHAMBER	2	EACH	\$ 700.00	\$ 4,500.00	\$ 5,200.00	\$ 10,400.00	2	EACH	\$ 700.00	\$ 4,500.00	\$ 5,200.00	\$ 10,400.00
41	EROSION CONTROL - SILT FENCE	12200	LF	\$ 2.00	\$ 1.00	\$ 3.00	\$ 36,600.00	12200	LF	\$ 2.00	\$ 1.00	\$ 3.00	\$ 36,600.00
41	EROSION CONTROL - SMALL STREAM CROSSING	1	EACH	\$ 1,215.00	\$ 785.00	\$ 2,000.00	\$ 2,000.00	1	EACH	\$ 1,215.00	\$ 785.00	\$ 2,000.00	\$ 2,000.00
27	ATKINSON ELEMENTARY PUMP STATION, ELECTRICAL GENERATOR, COMPLETE IN PLACE	1	LS	\$ 60,000.00	\$ 482,770.00	\$ 542,770.00	\$ 542,770.00	1	LS	\$ 60,000.00	\$ 421,093.00	\$ 481,093.00	\$ 481,093.00
SPEC	AERIAL SEWER CROSSING, COMPLETE IN PLACE	1	LS	\$ 2,400.00	\$ 7,600.00	\$ 10,000.00	\$ 10,000.00	1	LS	\$ 2,400.00	\$ 7,600.00	\$ 10,000.00	\$ 10,000.00
SPEC	GRAVEL ACCESS ROAD & TURNAROUND, COMPLETE	400	LF	\$ 40.00	\$ 35.00	\$ 75.00	\$ 30,000.00	400	LF	\$ 40.00	\$ 35.00	\$ 75.00	\$ 30,000.00
SPEC	FORCE MAIN CLEANOUT	2	EACH	\$ 800.00	\$ 2,700.00	\$ 3,500.00	\$ 7,000.00	2	EACH	\$ 800.00	\$ 2,700.00	\$ 3,500.00	\$ 7,000.00
SPEC	PUMP STATION DEMOLITION	1	LS	\$ 30,800.00	\$ 2,200.00	\$ 33,000.00	\$ 33,000.00	1	LS	\$ 30,800.00	\$ 2,200.00	\$ 33,000.00	\$ 33,000.00
SPEC	TEMPORARY FENCE (TO BE USED AT SCHOOL SITE OR AS DIRECTED BY ENGINEER)	300	LF	\$ 3.00	\$ 6.00	\$ 9.00	\$ 2,700.00	300	LF	\$ 3.00	\$ 6.00	\$ 9.00	\$ 2,700.00

	\$ 2,639,333.00	
		\$ 2,055,829.00
	Contingencies (5%)	\$ 102,791.45
	Construction Material Testing	\$ 15,000.00
	As-Built Survey	\$ 10,000.00
	Asphalt Pavement Replacement	\$ 240,000.00
	SRF Loan Closing Cost (2%)	\$ 36,300.00
	Total Project Cost	\$ 2,459,920.45
	Total SRF Reimbursement (Assuming 10% Increase)	\$ 1,815,000.00
	Reimbursement from Henderson County	\$ 600,000.00
	Remaining Necessary from Sewer Fund Balance	\$ 44,920.45

Return to Agenda

CITY OF HENDERSONVILLE SHEPHERD CREEK/ATKINSON ELEMENTARY SANITARY SEWER IMPROVEMENTS BD DATE: 3/5/14 TIME: 2:30 PM				\$ BIDDERS ENR INDEX 9702				ORIGINAL BID HALL CONTRACTING CORPORATION 6415 LAKEVIEW ROAD CHARLOTTE, NC 28256				NEGOTIATED PRICE HALL CONTRACTING CORPORATION 6415 LAKEVIEW ROAD CHARLOTTE, NC 28256			
ITEM	DESCRIPTION	QUANTITY	UNITS	UNIT LABOR	UNIT MATERIAL	TOTAL UNIT PRICE	AMOUNT	QUANTITY	UNITS	UNIT LABOR	UNIT MATERIAL	TOTAL UNIT PRICE	AMOUNT		
1	UNSUITABLE MATERIAL DISPOSAL & REPLACEMENT W/ COMMON BACKFILL (MIN. \$20.00/CY)	100	CY	\$ 10.00	\$ 10.00	\$ 20.00	\$ 2,000.00	100	CY	\$ 10.00	\$ 10.00	\$ 20.00	\$ 2,000.00		
2	ADDITIONAL EARTH EXCAVATION (2' TO 3.9')	600	LF	\$ 9.00	-	\$ 9.00	\$ 5,400.00	1	LF	\$ 9.00	-	\$ 9.00	\$ 9.00		
2	ADDITIONAL EARTH EXCAVATION (4' TO 5.9')	1500	LF	\$ 17.00	-	\$ 17.00	\$ 25,500.00	1	LF	\$ 17.00	-	\$ 17.00	\$ 17.00		
2	ADDITIONAL EARTH EXCAVATION (6' TO 7.9')	100	LF	\$ 29.00	-	\$ 29.00	\$ 2,900.00	1	LF	\$ 29.00	-	\$ 29.00	\$ 29.00		
2	ADDITIONAL EARTH EXCAVATION (8'+)	100	LF	\$ 47.00	-	\$ 47.00	\$ 4,700.00	1	LF	\$ 47.00	-	\$ 47.00	\$ 47.00		
3	ROCK EXCAVATION	300	CY	\$ 100.00	-	\$ 100.00	\$ 30,000.00	100	CY	\$ 100.00	-	\$ 100.00	\$ 10,000.00		
4	FOUNDATION CUSHION	1150	TON	\$ 29.00	\$ 26.00	\$ 55.00	\$ 63,250.00	1	TON	\$ 29.00	\$ 26.00	\$ 55.00	\$ 55.00		
5	CONCRETE	100	CY	\$ 70.00	\$ 130.00	\$ 200.00	\$ 20,000.00	1	CY	\$ 70.00	\$ 130.00	\$ 200.00	\$ 200.00		
8	FLOWABLE FILL BACKFILL MATERIAL	50	CY	\$ 70.00	\$ 100.00	\$ 170.00	\$ 8,500.00	1	CY	\$ 70.00	\$ 100.00	\$ 170.00	\$ 170.00		
9	WOOD SHEETING LEFT IN PLACE	10	MFBM	\$ 1,700.00	\$ 1,700.00	\$ 3,400.00	\$ 34,000.00	1	MFBM	\$ 1,700.00	\$ 1,700.00	\$ 3,400.00	\$ 3,400.00		
10	12" DI SANITARY SEWER	1950	LF	\$ 58.00	\$ 42.00	\$ 100.00	\$ 195,000.00	1950	LF	\$ 58.00	\$ 42.00	\$ 100.00	\$ 195,000.00		
10	4" DI FORCE MAIN	4413	LF	\$ 10.00	\$ 17.00	\$ 27.00	\$ 119,151.00	4413	LF	\$ 10.00	\$ 17.00	\$ 27.00	\$ 119,151.00		
12	12" PVC SANITARY SEWER	6883	LF	\$ 57.00	\$ 23.00	\$ 80.00	\$ 550,640.00	6883	LF	\$ 55.00	\$ 23.00	\$ 78.00	\$ 536,874.00		
12	10" PVC SANITARY SEWER	1140	LF	\$ 35.00	\$ 20.00	\$ 55.00	\$ 62,700.00	1140	LF	\$ 35.00	\$ 20.00	\$ 55.00	\$ 62,700.00		
12	8" PVC SANITARY SEWER	788	LF	\$ 54.00	\$ 16.00	\$ 70.00	\$ 55,160.00	788	LF	\$ 54.00	\$ 16.00	\$ 70.00	\$ 55,160.00		
12A	12" x 4" PVC WYE	21	EACH	\$ 45.00	\$ 115.00	\$ 160.00	\$ 3,360.00	21	EACH	\$ 45.00	\$ 115.00	\$ 160.00	\$ 3,360.00		
12A	12" x 4" DI TEE	7	EACH	\$ 190.00	\$ 480.00	\$ 670.00	\$ 4,690.00	7	EACH	\$ 190.00	\$ 480.00	\$ 670.00	\$ 4,690.00		
12A	10" x 4" PVC WYE	8	EACH	\$ 47.00	\$ 90.00	\$ 127.00	\$ 1,016.00	8	EACH	\$ 47.00	\$ 90.00	\$ 127.00	\$ 1,016.00		
12A	8" x 4" PVC WYE	1	EACH	\$ 37.00	\$ 27.00	\$ 64.00	\$ 64.00	1	EACH	\$ 37.00	\$ 27.00	\$ 64.00	\$ 64.00		
12B	12" x 4" DI SERVICE STACK	55	VF	\$ 34.00	\$ 37.00	\$ 71.00	\$ 3,905.00	55	VF	\$ 34.00	\$ 37.00	\$ 71.00	\$ 3,905.00		
12C	4" PVC SERVICE SEWER	930	LF	\$ 23.00	\$ 2.00	\$ 25.00	\$ 23,000.00	930	LF	\$ 23.00	\$ 2.00	\$ 25.00	\$ 23,000.00		
14	4" DIA. MANHOLE W/ WATERIGHT, LOCKING LID	130	VF	\$ 54.00	\$ 123.00	\$ 177.00	\$ 23,010.00	130	VF	\$ 54.00	\$ 123.00	\$ 177.00	\$ 23,010.00		
14	4" DIA. STANDARD MANHOLE	365	VF	\$ 219.00	\$ 123.00	\$ 342.00	\$ 125,730.00	321	VF	\$ 219.00	\$ 123.00	\$ 342.00	\$ 109,782.00		
14	OFFSET MANHOLE VENT, COMPLETE IN PLACE	16	VF	\$ 67.00	\$ 113.00	\$ 180.00	\$ 2,880.00	16	VF	\$ 67.00	\$ 113.00	\$ 180.00	\$ 2,880.00		
14A	12" MANHOLE DROP ATTACHMENT	6	VF	\$ 286.00	\$ 250.00	\$ 536.00	\$ 3,216.00	6	VF	\$ 286.00	\$ 250.00	\$ 536.00	\$ 3,216.00		
14A	10" MANHOLE DROP ATTACHMENT	4	VF	\$ 429.00	\$ 205.00	\$ 634.00	\$ 2,536.00	4	VF	\$ 429.00	\$ 205.00	\$ 634.00	\$ 2,536.00		
14A	8" MANHOLE DROP ATTACHMENT	23	VF	\$ 186.00	\$ 49.00	\$ 235.00	\$ 5,405.00	23	VF	\$ 186.00	\$ 49.00	\$ 235.00	\$ 5,405.00		
15	12" PVC IN 24" STEEL CASING (JACK & BORE)	261	LF	\$ 404.00	\$ 11.00	\$ 415.00	\$ 108,315.00	261	LF	\$ 404.00	\$ 11.00	\$ 415.00	\$ 108,315.00		
15	10" PVC IN 20" STEEL CASING (JACK & BORE)	71	LF	\$ 397.00	\$ 18.00	\$ 415.00	\$ 29,465.00	71	LF	\$ 397.00	\$ 18.00	\$ 415.00	\$ 29,465.00		
15	4" DI FORCE MAIN IN 12" STEEL CASING (JACK & BORE)	220	LF	\$ 293.00	\$ 22.00	\$ 315.00	\$ 69,300.00	220	LF	\$ 293.00	\$ 22.00	\$ 315.00	\$ 69,300.00		
20C	GRAVEL DRIVE REPLACEMENT	660	LF	\$ 2.00	\$ 8.00	\$ 10.00	\$ 6,600.00	660	LF	\$ 2.00	\$ 8.00	\$ 10.00	\$ 6,600.00		
20D	ASPHALT DRIVE REPLACEMENT	570	LF	\$ 23.00	\$ 10.00	\$ 33.00	\$ 18,810.00	570	LF	\$ 23.00	\$ 10.00	\$ 33.00	\$ 18,810.00		
20D	CONCRETE DRIVE REPLACEMENT	80	LF	\$ 49.00	\$ 10.00	\$ 59.00	\$ 4,720.00	80	LF	\$ 49.00	\$ 10.00	\$ 59.00	\$ 4,720.00		
20H	ASPHALT CONCRETE PAVEMENT REPLACEMENT W/FULL WIDTH OVERLAY	5800	LF	\$ 10.00	\$ 40.00	\$ 50.00	\$ 290,000.00	5800	LF	\$ 3.00	\$ -	\$ 3.00	\$ 17,400.00		
22	TRENCH TOPPING	100	TON	\$ 11.00	\$ 19.00	\$ 30.00	\$ 3,000.00	100	TON	\$ 11.00	\$ 19.00	\$ 30.00	\$ 3,000.00		
23	CALCIUM CHLORIDE	20	TON	\$ 825.00	\$ 925.00	\$ 1,750.00	\$ 35,000.00	1	TON	\$ 825.00	\$ 925.00	\$ 1,750.00	\$ 1,750.00		
24	TOPSOIL & SEEDING	1	LS	\$ 10,600.00	\$ 5,400.00	\$ 16,000.00	\$ 16,000.00	1	LS	\$ 10,600.00	\$ 5,400.00	\$ 16,000.00	\$ 16,000.00		
26	COMBINATION AIR RELEASE & VACUUM VALVE CHAMBER	2	EACH	\$ 700.00	\$ 4,500.00	\$ 5,200.00	\$ 10,400.00	2	EACH	\$ 700.00	\$ 4,500.00	\$ 5,200.00	\$ 10,400.00		
41	EROSION CONTROL - SILT FENCE	12200	LF	\$ 2.00	\$ 1.00	\$ 3.00	\$ 36,600.00	12200	LF	\$ 2.00	\$ 1.00	\$ 3.00	\$ 36,600.00		
41	EROSION CONTROL - SMALL STREAM CROSSING	1	EACH	\$ 1,215.00	\$ 785.00	\$ 2,000.00	\$ 2,000.00	1	EACH	\$ 1,215.00	\$ 785.00	\$ 2,000.00	\$ 2,000.00		
27	ATKINSON ELEMENTARY PUMP STATION, ELECTRICAL, GENERATOR, COMPLETE IN PLACE	1	LS	\$ 60,000.00	\$ 482,770.00	\$ 542,770.00	\$ 542,770.00	1	LS	\$ 60,000.00	\$ 421,093.00	\$ 481,093.00	\$ 481,093.00		
SPEC	AERIAL SEWER CROSSING, COMPLETE IN PLACE	1	LS	\$ 2,400.00	\$ 7,600.00	\$ 10,000.00	\$ 10,000.00	1	LS	\$ 2,400.00	\$ 7,600.00	\$ 10,000.00	\$ 10,000.00		
SPEC	GRAVEL ACCESS ROAD & TURNAROUND, COMPLETE	400	LF	\$ 40.00	\$ 35.00	\$ 75.00	\$ 30,000.00	400	LF	\$ 40.00	\$ 35.00	\$ 75.00	\$ 30,000.00		
SPEC	FORCE MAIN CLEANOUT	2	EACH	\$ 800.00	\$ 2,700.00	\$ 3,500.00	\$ 7,000.00	2	EACH	\$ 800.00	\$ 2,700.00	\$ 3,500.00	\$ 7,000.00		
SPEC	PUMP STATION DEMOLITION	1	LS	\$ 30,800.00	\$ 2,200.00	\$ 33,000.00	\$ 33,000.00	1	LS	\$ 30,800.00	\$ 2,200.00	\$ 33,000.00	\$ 33,000.00		
SPEC	TEMPORARY 6" FENCE (TO BE USED AT SCHOOL SITE OR AS DIRECTED BY ENGINEER)	300	LF	\$ 3.00	\$ 6.00	\$ 9.00	\$ 2,700.00	300	LF	\$ 3.00	\$ 6.00	\$ 9.00	\$ 2,700.00		
							\$ 2,639,333.00								\$ 2,055,829.00



RESOLUTION OF TENTATIVE AWARD

**Return to
Agenda**

WHEREAS, the City of Hendersonville, North Carolina has received bids, pursuant to duly advertisement notice therefore, for construction of the Shepherd Creek/Atkinson Elementary Sanitary Sewer Improvements Project, and

WHEREAS, the City Engineer has reviewed the bids; and

WHEREAS, Hall Contracting Corporation was the lowest bidder for the Shepherd Creek/Atkinson Elementary Sanitary Sewer Improvements Project, in the total bid amount of \$2,639,333.00, and

WHEREAS, the City Engineer negotiated with the lowest bidder in order to reduce the total project costs. The City Engineer therefore recommends **TENTATIVE AWARD** to the lowest bidder for the revised project cost.

NOW, THERE FORE, BE IT RESOLVED that **TENTATIVE AWARD** is made to the lowest bidder, Hall Contracting Corporation in the Total Project Amount of \$2,055,829.00.

BE IT FURTHER RESOLVED that such **TENTATIVE AWARD** be contingent upon the approval of the North Carolina Department of Environment and Natural Resources.

Upon motion of _____, seconded by _____, the above **RESOLUTION** was unanimously adopted.

This is __ day of _____, 2014.

(Signature)
(Name and Title of Authorized Representative)

(Seal)

Attest:

(Signature)

(Name, Clerk)



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: David Sapp

Department: Administration

Date Submitted: 3/18/2014

Presenter: David Sapp

Date of Council Meeting to consider this item: 4/3/2014

Nature of Item: Council Action

Summary of Information/Request:

Item # 16

The purpose of this policy is to establish guidelines for an early retirement program for City employees and outline retiree health insurance benefits offered by the City of Hendersonville. This program is to allow employees the opportunity to receive certain benefits in exchange for early retirement using the employee's sick leave.

Participation in this program is strictly voluntary and is not mandated on the employee when the employee meets the eligibility requirements. This program is not an entitlement or right automatically available to all employees who meet the eligibility requirements.

The City will discontinue the retiree health benefit for all employees hired after July 1, 2014. Employees hired before this date will be eligible for the benefit.

Budget Impact: \$0 _____ Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Early entry onto the Retiree Health Insurance program is offset by the employee paying with their payable leave balances.



Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move Council's approval of the early retirement program and changes to the Retiree Health Insurance program.

Attachments:

Early Retirement Plan



Title: *Early Retirement Program and Retiree Health Insurance Benefits*

**Return to
Agenda**

I. Introduction

The purpose of this policy is to establish guidelines for an early retirement program for City employees and outline retiree health insurance benefits offered by the City of Hendersonville. This program is to allow employees the opportunity to receive certain benefits in exchange for early retirement using the employee's sick leave.

It has been the City's practice not to use the employee's sick leave balance for credit toward the 30 years of service, when determining eligibility for the retiree health insurance. This policy will only address using accumulated sick leave to complete 30 years of service.

Participation in this program is strictly voluntary and is not mandated on the employee when the employee meets the eligibility requirements. This program is not an entitlement or right automatically available to all employees who meet the eligibility requirements.

The City will discontinue the retiree health benefit for all employees hired after July 1, 2014. Employees hired before this date will be eligible for the benefit. Human Resources will maintain a master list of eligible employees for this program.

II. Overview

Retiree Health Insurance

For employees who retire with 30 or more years of service, the city will continue to carry them on the city's group medical insurance and pay the premium until such time these employees reach the age of eligibility for social security and Medicare benefits. The 30 years of service does not have to be continuous. For example, an employee who served 5 years, resigned, and was rehired and served 25 additional years would receive retiree health insurance provided the employee has not reached the age of eligibility for social security and Medicare.

Local Governmental Employees Retirement System (LGERS)

The City is a participating member of the Local Governmental Employees Retirement System. The retirement system is its own entity governed by the State of North Carolina. For more information regarding membership and other requirements please consult the North Carolina Retirement System.

The retirement system allows retiring employees to transfer any unused sick leave which is converted into additional creditable years of service. Sick leave is used to increase the employee's creditable service, but not to be used to meet the minimum qualifications for disability retirement or deferred benefit. An employee may use their sick leave to complete 30 years of service regardless of age or to meet other service retirement options.

III. Early Retirement Program

Effective July 1, 2014, employees can use their accumulated sick leave towards their retiree health insurance under the following conditions:

A. Employee Eligibility Requirements

- 1) The employee must have 27 years of service with the City of Hendersonville. This time does not need to be continuous with the City.
- 2) The employee must have enough sick leave to achieve 30 years of service with the Local Governmental Employees Retirement system.
- 3) Time purchased from other governmental entities shall not be credited in the calculation of the 27 years of service.
- 4) Military time will be allowed toward the 27 years of service providing it was an honorable discharge. The employee must provide a copy of their DD-214 to verify years of military service and honorable discharge.
- 5) The employee agrees to compensate the City for their cost of the retiree health insurance plan out of their vacation, compensatory time, or combination of the two balances for the period that sick leave is used to achieve the 30 years of service.

Retiree Health insurance costs will be actual cost for the first year and the City will estimate an increase for the remaining years. This rate will be assumed at a 5% growth rate. If this growth is inaccurate, the employee will receive a refund from the City on an annual basis after health insurance renewal. However, if it greater the employee will be notified by Human Resources of the increase and the employee will reimburse the City. The employee will need to set up a repayment plan with the City.

Failure to pay the insurance premiums will result in termination of insurance. This termination will be for both the early retirement entry and the 30 year Health Insurance benefit.

- 6) Eligible employees may not currently be on leave without pay, receiving either long-term disability insurance, or workers' compensation benefits.

Employees in the following circumstances are not eligible for participation in the early retirement program.

- 1) Any employee who has been terminated or otherwise has been involuntarily separated from the City.
- 2) Any employee who is retiring under the disability provisions of retirement system.

B. Administrative Review Process

The City Manager, with the assistance of Human Resources, will review requests made by employees for the Early Retirement Program. The City Manager reserves the right to suspend the Early Retirement Program at any time and to limit the number of employees participating in the Program.

The City Manager will consider, but is not limited to, the following factors:

- The terms and conditions of the Early Retirement Program would not be detrimental to the City of Hendersonville and to City's operations. Determination of this factor would include, but not limited to, such considerations as whether sufficient staffing and financial resources will be available to the department from which the employee is retiring, and
- Operations and efficiency of the department will not be impaired due to the retirement, and
- Department Heads or City Manager will determine succession / training plan for a key employee to take over during the interim period until a successor can be named or promoted, and
- The employee has enough vacation, compensatory time, or combination of to pay for the retiree health for the period in which sick leave is used to achieve 30 years of service.
- A savings to the City in salary and fringe benefit costs can be demonstrated, and
- The City Manager, Department Head and Human Resources determine that the savings realized as the result of the agreement provide for a more efficient operation of the City.

As part of the factors outlined, a cost savings must be demonstrated. Human Resources with the assistance of the Finance Department will prepare a savings analysis. The cost savings must be realized within 3 years of the effective date of retirement. This analysis will include, but not limited to the following items:

- *"Replacement Cost"* means the estimated salary, benefits (including the City's portion of retirement costs), FICA taxes and who will be employed to fill the position of the retiring employee.

- “Retention Cost” means the last salary (including any increases in salary prior to the effective date of retirement), benefits (including the City’s portion of retirement costs) and FICA taxes for the eligible employee.

The formula to determine cost savings comes from subtracting the “replacement cost” from the “retention cost”. The City reserves the right to consider other variables to determine savings.

C. Early Retirement Program Application Process

Employees who elect to participate in the Early Retirement Program will need to discuss their retirement plans with their department head and Human Resources to determine eligibility.

Upon completion of the administrative review process if the employee meets the eligibility requirements, the employee will receive notice of approval to participate in the early retirement program and a statement on the Age Discrimination Employment Act (ADEA).

The employee will need to plan an additional month (30 days) to the retirement process if they elect to participate in the Early Retirement Program. It is strongly encouraged that the employee requests a retirement estimate from the Retirement System. The retirement system has two different options:

- *Retirement Calculators* – on line at www.myncretirement.com
- *Form 309* – if the employee uses this method, the Retirement System recommends beginning the process when the employee reaches the one year mark to their retirement date, since it takes the retirement system approximately 6 weeks to complete and return an estimate.

During the early retirement application process the employee may decide retirement may not be feasible. If so, they may elect to drop out of the early retirement program. The employee has 30 days from the time the Early Retirement Program application is submitted to the City to determine if this program is right for their circumstances. Once the LGERS paperwork is completed and sent to the Retirement System the decision to retire cannot be changed unless approved by the City Manager. This is due to the fact the City will begin its succession plans and recruitment process for the vacant position.

The North Carolina Retirement System requires their paperwork for retirement be submitted between 90 or 120 days before the effective month of retirement. The 120 day window allows the City and the Retirement System sufficient time to complete all processes. All retirements are effective on the 1st of month. Below is a timeline of retirement process with the early retirement program for a July 1st retirement.

Early Retirement Timeline

(Table 1-1)

Action	Timeline
<i>Employee requests an estimate of their retirement benefit from LGERS</i>	<i>1 year before effective date of retirement.</i>
<i>Employee meets with Department Head and Human Resources to enter the Early Retirement Program</i>	<i>February 1st of the year of retirement</i>
<i>Administrative Review Process</i>	<i>February (1-month)</i>
<i>Notice of Approval and other paperwork completed for Early Retirement Program</i>	<i>End of February of the year of retirement</i>
<i>Employee 30 day withdrawal window from Early Retirement Program ends</i>	<i>March 2nd of the year of retirement</i>
<i>Employee starts LGERS Application for Retirement (Form 6)</i>	<i>March – 1st week after 30 day period ends of the year of retirement</i>
<i>Form 6 Employer Certification Completed and submitted to LGERS</i>	<i>March – 1st week of the year of retirement</i>
<i>LGERS performs audit of employees retirement account, finalizes retirement payout options, and sends employee final forms. City completes all of retirement processes on employee.</i>	<i>Mid-March ~ Mid June of the year of retirement.</i>
<i>Retirement Date</i>	<i>July 1st of the year of retirement</i>

This policy is approved by City Council on _____

Voluntary Early Retirement Agreement

**Return to
Agenda**

By my signature below, I, do assure the City of Hendersonville that I have voluntarily sought participation in the Early Retirement program; that I have been apprised that my employment is protected under the Age Discrimination Employment Act; and that I have been advised and have had the opportunity to seek the advice of counsel, accountants and others who might assist me in making an informed decision concerning this program.

I understand in taking this early retirement plan that I am forfeiting payment of my accumulated vacation and compensatory time in return for the amount of time that I am entering onto the City's Retiree Health Insurance plan. I understand that if I have set up a payment plan with the City and I fail to make a payment, I am responsible for the late payment and I will be separated from the City's Retiree Health insurance for the duration of my eligibility.

I understand that if after reviewing my retirement options from the Retirement System, I may rescind my participation in this program. However, once I complete the Application for Retirement with the Retirement System that I cannot rescind my retirement unless approved by the City Manager.

Employee Signature

Date

Human Resources

Date

City Manager

Date



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: 3/25/2014

Department: Administration

Date Submitted: John Connet

Presenter: John Connet

Date of Council Meeting to consider this item: 4/3/2014

Nature of Item: Council Action

Summary of Information/Request:

Item # 17

The City Council and Staff conducted our retreat on January 24, 2014. During this retreat, we worked to create a vision and mission statement for the City of Hendersonville local government. I will review the Council and Staff Retreat Summary and ask the City Council to formally adopt the vision and mission statements, as well as the Council priorities. Once adopted these statements and priorities will be used to guide staff through the budget process.

Budget Impact: \$ _____ Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move that the City Council approve the vision and mission statements, as well as the Council priorities as developed at the Council and Staff Retreat on January 24, 2014.

Attachments:

Council and Staff Retreat Summary



Council and Staff Retreat
Summary

Friday, January 24, 2014

8:00 a.m. – 5:00 p.m.

Biz611, Downtown Hendersonville, NC

Agenda

1. Welcome, Agenda Review & Ground Rules..... 8:00 a.m.
2. City of Hendersonville: What's Your Story?..... 8:30 a.m.
 - *What makes Hendersonville special to you?*
 - *What makes it a great place to live? Work? Visit?*
 - *How does it become such a great place?*
 - *Who makes it that way?*
3. Vision..... 9:15 a.m.
4. Mission 10:00 a.m.
5. Break..... 11:00 a.m.
6. How do we as a City communicate? 11:15 a.m.
Tools and Purpose
7. Lunch with Guest Speaker 12:00 p.m.
Tom Westall, Lead for Life
8. Service Excellence..... 1:00 p.m.
9. 2014-2016 Priorities..... 1:30 p.m.
10. Housekeeping Items..... 4:15 p.m.
11. Evaluation & Adjourn..... 4:45 p.m.

On January 24, 2014, the Hendersonville City Council and Staff held a retreat at Biz611 in Downtown Hendersonville. The purpose of the meeting was to complete the following objectives:

- Define the mission and vision for the City of Hendersonville
- Build a foundation for teamwork among Council members and staff
- Create and embrace a common focus among Council members and staff
- Identify priorities for 2014-2016

City of Hendersonville: What's your Story?

The staff and Council members were asked the question, what makes Hendersonville special to you? Answers ranged from a great place to live, work and do business, to safe, clean environments.

Participants were divided into three groups and each discussed one of the three questions listed below.

- **What** makes it a great place to live? Work? Visit?
- **How** does it become such a great place?
- **Who** makes it that way?

They were then asked to create commercials that would answer the assigned question and promote the City. The videos can be found on the ADG YouTube Channel:

http://www.youtube.com/playlist?feature=edit_ok&list=PL_qgTO9smA00KCW2XUYfhcNxbwQa-pUSD



Vision Discussion

Participants used discussions from the previous exercise to think about a vision statement for the city. The purpose of a vision statement is to state what staff and Council ultimately envision the city to be, in terms of growth, values, and contributions to society.

Draft Vision Statements for the City of Hendersonville included:

- A community of quality people, great opportunity, and friendly neighbors
- It's the Place, It's the People
- Hendersonville is a city that's all about the people
- A wonderful way of life
- A Hometown you'll *love*
- Where Hometown People Live
- A progressive, historic hometown
- A vibrant, engaging community
- We have it all: friendly faces, open spaces, green and clean
- Come for a visit, stay for a lifetime
- Come, live, work, play and stay!
 - Providing a welcoming place to live work and play
 - Providing a safe place to come live, work, and play
- All about the people and the place
- It's all about the people
- We love it, you'll love it too
- Hometown, Viable, Livable

The **final vision statement**, developed by participants (and later modified by City Manager, John Connet) is as follows:

Hendersonville is a vibrant mountain city where the government and citizens work together for a high quality of life.

During the discussion about Vision for the City of Hendersonville, the term **Mountain Cool** surfaced as a great way to describe Hendersonville to a broader audience. The term was so intriguing and popular among retreat participants that the domain name was purchased and now forwards to the City of Hendersonville website. **Mountain Cool** appears to be a fantastic way to differentiate the City from other places, plays to the four seasons of the area, is a natural for marketing, and of course, makes a great t-shirt and bumper sticker!

Mission

The mission statement is a concise statement of overall strategy, developed from the *customer's perspective*, and it fits within the vision for the city.

The three questions asked and answered by participants to develop a mission statement:

1. What do we do?

- We Listen first, then/We Learn, then/We Lead
- We provide quality, efficiency and service!
- Protect and conserve the quality of life

2. How do we do it?

- Listening, learning, and leading efficiently. We spend taxpayers money like we spend our own

3. Who is it all for?

- Customers (internal and external), Businesses, Citizens, and Visitors

A proposed mission statement, utilizing participant comments, and developed by the consultant team is as follows:

The City of Hendersonville is committed to providing quality, efficient services to all citizens, visitors, and businesses through open communication, timely responses, and quality results. We do this by actively listening and learning from our community in order to effectively lead and serve.

Communication

Staff and Council members reorganized into the same small groups from the first exercise to identify tools and actions necessary for effective communication with the public. Multiple strong recommendations were identified and included the following:

- Ongoing Radio Show:
 - Provide proactive communication with the public about upcoming Council meetings; summary points from Council meetings and ongoing project updates
 - Utilize various Council members (and department staff) on an ongoing basis so that each has the opportunity to discuss specific topics
- Televised council meetings: Could do YouTube/live streaming of the proceedings
- More strategic use of Facebook:
 - Council members could post about specific topics and add photos, videos
 - Create a calendar that identifies authors, frequency, and proposed topics. Share via a Google Calendar

Return to Agenda

- Post Utilities/Police updates in real time
- Have a standing link to **See Click Fix** on main page
- Add information and updates to the City water bill
- Utilize existing newsletters (i.e. Historic Distric) to share information; Could do special interest stories
- Increase usage of brief email newsletter, could be The City Manager's newsletter: "Hendersonville Herald"
 - Rotate the focus of highlighted events within each department
 - Add a photo, video, to the newsletter
 - Add a snippet of a story with a "Read More" link to drive people to the City's website
 - Could also open the newsletter up to posts from Council members
- Utilize communications outlets such as Mindmixer or Poplet to allow the public to share their views
- Schedule regular meeting times for Council Members and Department heads to engage the public and answer questions (could coincide with existing meetings) – *pop up town hall meetings*
- Visit local high school classes such as Civics and US History to teach students about the relevance of local government, civic responsibility, and how government applies to them.
 - Share success stories (i.e., kids getting together to ask and ultimately receiving a skate park)
 - Reach out to civics clubs homeschooling groups
 - On the City's website, there could eventually be a link that says: "Ask a council member to come and speak (to your group)"

Service Excellence

Tom Westall led a discussion on Service Excellence during the lunch break.

City Priorities

After lunch, participants reformed into small groups once more. They were asked to identify and expand upon important priorities to foster over the next two years. As a starting point, summaries of priorities recognized in the 2010 Staff Retreat as well as those identified in *13 Ways to Kill a Community* were provided. Participants discussed the relevance of these priorities through the lens of the City of Hendersonville today.

All groups felt that they resonated with all the 2010 Priorities, summarized below. They also found that the refocusing of the priorities from *13 Ways to Kill Your Community* fit well under each of the priorities from the last Staff Retreat.

The 2010 Priorities, with specific strategies offered by Council and staff are included here. The City Manager will use this to work with staff in each department to develop specific action steps to support the priorities, mission and vision.

1. **Economic Vitality:** Hendersonville is a good place for all businesses and promotes policies that encourage growth in areas of the economy identified in the Master Plan.
 - Focus on entry corridors: Need to invest in the beautification of areas outside downtown center
 - Improve way-finding signage to move people (especially tourists) around the city
 - Establish an enhanced relationship with HCPED (possible development of industrial park)
 - Focus on Sugarloaf economic development

2. **Strong partnerships with the public (and internally):** Residents, business owners, employees, and visitors have effective two-way communication and interaction with the City.
 - Service excellence model
 - Improve customer service
 - Create a Public Information Officer position
 - Partnership with other governmental units – particularly the County

3. **Infrastructure:** The City maintains, improves, and replaces various infrastructure elements within City limits.
 - Focus on Main Street and 7th Ave projects together (Could model improvements on downtown revitalization plan development)
 - It was recommended that the city modify the original statement to read: The City maintains, improves, and replaces various infrastructure elements ~~within City limits~~.

4. **Amenities:** The city values adequate and appropriate public amenities such as public parks and green space as a foundation of a successful community.
 - Berkley Park:
 - Complete necessary preliminary work to be prepared to apply for greenway in the park
 - Partner with private businesses to construct playground equipment

5. **Public Services:** The City provides public services to enhance safety, health and quality of life for everyone.

Based on Council input and refinement, the following three priorities were identified as most important for the next two years:

- 1. Strong partnerships with the public and local governments**
- 2. Continue to move forward and invest in the future**
- 3. Focus on economic vitality**



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: John Connet

Department: Administration

Date Submitted: 3/27/2014

Presenter: John Connet

Date of Council Meeting to consider this item: 4/3/2014

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 18

Duke Energy has requested that the City of Hendersonville donate an easement across a piece of City property just off of S. Grove Street. The property was donated to the City because of its limited access and proximity to Mud Creek. We asked Duke Energy about purchasing the easement and property. They have stated that they typically do not purchase these type of easements and are not interested in the property, even if we donated it to them. They have provided a letter stating that should their facilities interfere with future development, they will relocate their facilities at their expense. However, this relocation is dependent on locating an additional easement. We request City Council's direction on granting the easement.

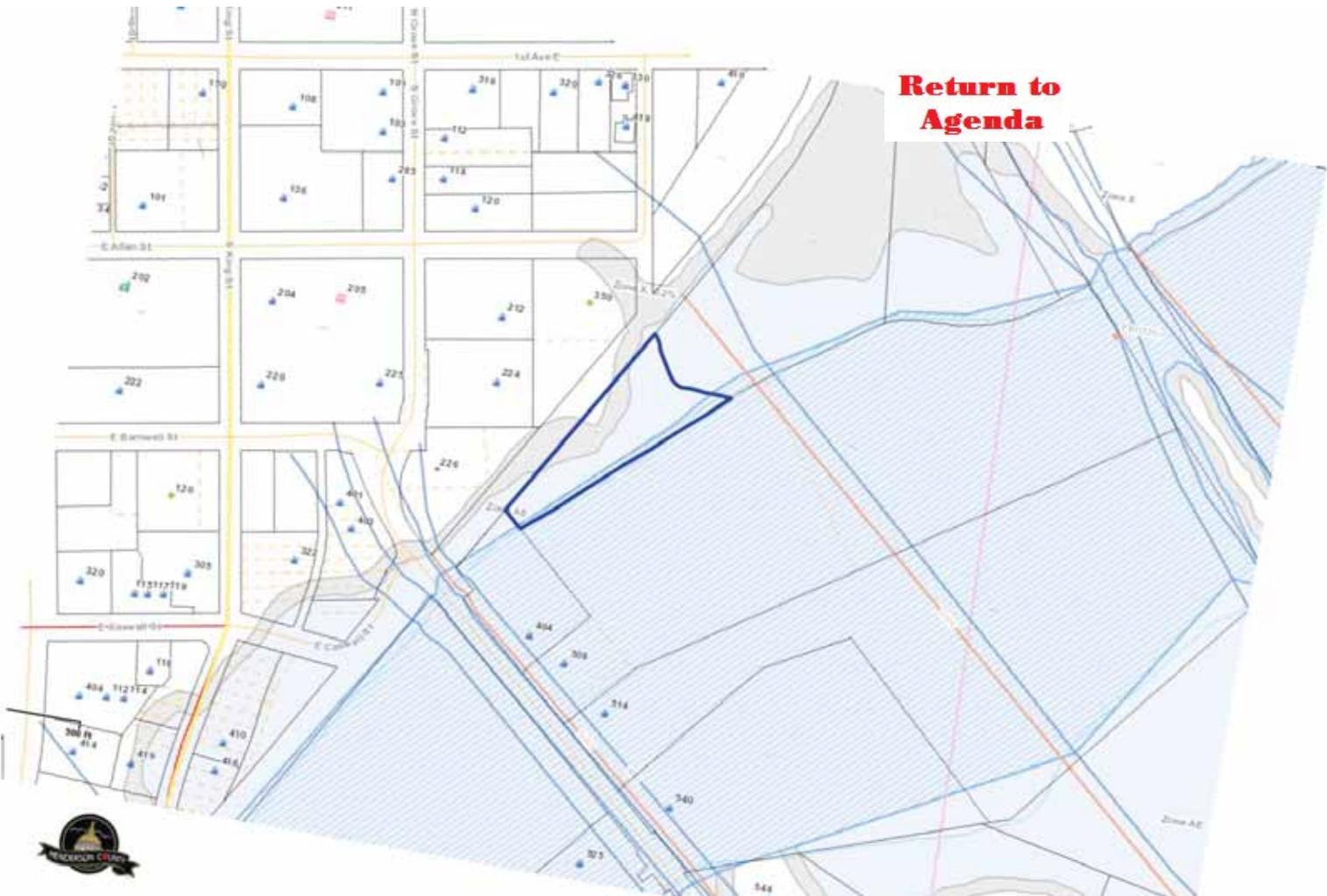
Budget Impact: \$ _____ Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move that the City Council grant the easement to Duke Energy with the condition that they will relocate the facilities at their expense, if the facilities interfere with future development of the property.

Attachments:

- Easement document
- Letter regarding relocation
- Map of Property
- Drawing of easement location



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Agenda**

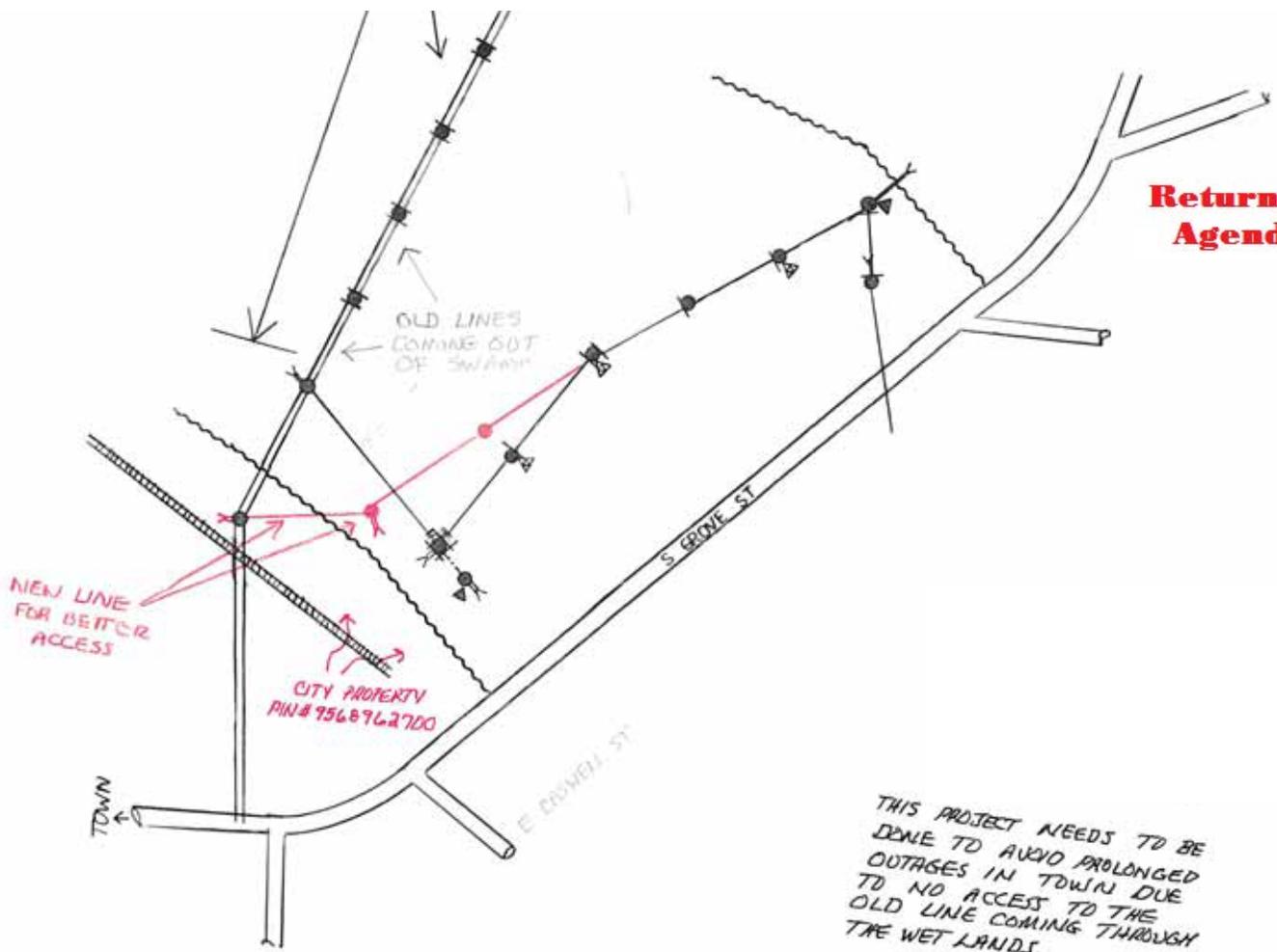


Henderson County
 Geographic Information Systems (GIS)
 200 North Grove Street
 Hendersonville, NC 28792
 P: (828) 698-5124
 F: (828) 698-5122

March
 27, 2014

WARNING: THIS IS NOT A SURVEY.

All information or data provided (whether subscribed, purchased or otherwise distributed) is provided as is, without any warranties, including the warranties of merchantability or of fitness for a particular purpose. Henderson County and its employees make no warranties or guarantees, either express or implied. Use of the information or data subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk.



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Agenda**

THIS PROJECT NEEDS TO BE
DONE TO AVOID PROLONGED
OUTAGES IN TOWN DUE
TO NO ACCESS TO THE
OLD LINE COMING THROUGH
THE WET LANDS.
THANKS,
EDDIE REECE

**Return to
Agenda**

WO No. 4471573 Resp. 5530 Project SOR471573
Drawn By: D E REECE
Project Description: DBL CKT RELOCATION
FOR ACCESSIBILITY

Return Address: Duke Energy Carolinas
Attn: EDDIE REECE
957 SPARTANBURG HWY
HENDERSONVILLE NC 28792
Grantor's Address: CITY OF HENDERSONVILLE
OPERATIONS CENTER
305 WILLIAMS STREET
HENDERSONVILLE NC 28792

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

RIGHT OF WAY AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, That CITY OF HENDERSONVILLE

hereinafter called "Grantor" (whether one or more), in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, does hereby grant unto DUKE ENERGY CAROLINAS, LLC, and its successors and assigns, subsidiaries and divisions, hereinafter called "Grantee," the perpetual right, privilege and easement to go in and upon that certain land of Grantor (hereinafter "premises") situated in said County and State, property described as:

PARCEL # 0103837
PIN # 9568962700

_____ and over and across said premises within a right-of-way strip (check applicable):

X having a width of 20 feet on each side of a centerline determined by the centerline of the electrical facilities and/or the lighting facilities, as installed, to construct, maintain and operate with poles, lighting fixtures, crossarms, wires, guys, anchors, cables, transformers and other apparatus and appliances, overhead lines for the purpose of transporting electricity and/or providing lighting services and for the communications purposes of the Grantee and regulated telephone utilities. The following rights are also granted to Grantee: to enter said premises to inspect said lines, equipment and facilities, to perform maintenance and repairs, and to make alterations and additions thereto; and relocate its facilities and right-of-way strip over the premises to conform to any future highway or street relocation, widening or improvement; and to remove from the right-of-way strip, now or at any time in the future, trees, structures or other obstructions that may endanger the proper maintenance and operation of said lines or other facilities or equipment and trees of any species that Grantee determines will grow at maturity to a height that will endanger the proper maintenance and operation of said lines or other facilities or equipment; to trim or remove and to keep trimmed or remove dead, diseased, weak or leaning trees or limbs outside of the right-of-way strip which, in the opinion of the Grantee, might interfere with or fall upon the electric, lighting, or regulated telephone facilities within the right-of-way strip; and to install guy wires and anchors extending beyond the limits of the right-of-way strip.

having a width of _____ feet on each side of a centerline determined by the centerline of the electrical facilities and/or the lighting facilities, as installed, to construct, maintain and operate underground lines and conduits with other apparatus and appliances, either above ground or below ground, to include transformers and service connections, for the purpose of transporting electricity, providing lighting services and for the communications purposes of Grantee. The following rights are also granted to Grantee: to enter said premises to inspect said lines, equipment and facilities, to perform maintenance and repairs, and to make alterations and additions thereto; and relocate its facilities and right-of-way strip over the premises to conform to any future highway or street relocation, widening or improvement; and to clear the land within the right-of-way strip and to keep it clear of trees, structures or other obstructions; and to clear that land outside the right-of-way strip within ten feet of the service door of any transformer or cabinet located within the right-of-way strip and to keep the area within ten feet of said door clear of trees, structures or other obstructions.

* Grantor, for itself and its successors and assigns, agrees to hold Grantee, its successors and assigns, harmless for replacement and/or repair of paving, landscaping and fences as a result of future system maintenance and repair. All underground facilities are to be installed in accordance with the provisions of Grantee's Underground Distribution Installment Plan, NCUC Docket E-7, Sub 828, receipt of a copy of which is acknowledged by Grantor.

IN WITNESS WHEREOF, this instrument is executed on this _____ day of _____, _____

GRANTOR

CITY OF HENDERSONVILLE

By: _____

Name: _____

Title: _____

STATE OF NORTH CAROLINA

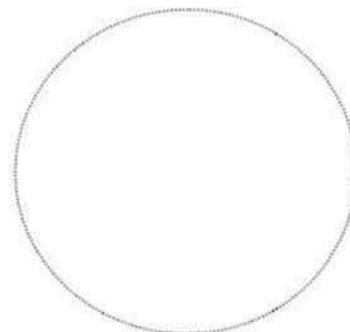
COUNTY OF _____

I, _____, a Notary Public for said County and State, certify that _____ personally came before me this day and acknowledged that he/she is _____ of the City of _____, and that by authority duly given and as the act of the City, the foregoing instrument was signed in its name by its _____.

Witness my hand and official seal, this _____ day of _____, _____.

My Commission Expires _____

Notary Public



Affix (Notary or Corporation) Seal



Duke Energy Progress
555-A Brevard Rd
Asheville, NC 28806

**Return to
Agenda**

March 18, 2014

Mr. John Connet
City Manager
City of Hendersonville
145 Fifth Avenue East
Hendersonville, NC 28792

Re: Duke Energy Progress Line Relocation Agreement for City of Hendersonville 1.03 acre Parcel - PIN#9568962700, Deed Book 1453, Page 336 – near Grove St., Henderson County, NC

Dear Mr. Connet:

This letter is in response to our phone conversation of this date concerning Duke Energy Progress' (DEP) request to the City of Hendersonville for easement rights across the subject land for the purpose of installing DEP distribution facilities in order to improve system reliability to the community.

It is understood and agreed that in consideration for the executed easement from the City of Hendersonville to DEP, that if said facilities should interfere with the City of Hendersonville's future development of the above-referenced land, DEP shall at its own expense, relocate said facilities one time, to a new location which is mutually suitable to the parties hereto, provided new rights of way can be secured by all land owners affected.

Thank you for working with Duke Energy Progress, Inc. Your time and consideration in this matter are greatly appreciated.

Best regards,

A handwritten signature in black ink, appearing to read "Teresa J. Charnell".

Teresa J. Charnell
Sr Land Representative - Distribution Right of Way
(828) 258-4327

cc: Dean E. Reece



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Brent Detwiler

Department: Engineering

Date Submitted: 3/26/14

Presenter: Brent Detwiler

Date of Council Meeting to consider this item: 4/3/14

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 20a

There have been several sections of curb and gutter, sidewalk and water meters that have been damaged by large trucks at the Main Street intersections. Staff asked Kimley-Horn to look at recommendations to reduce the frequency of trucks that drive over the our new curb. This is a safety and expense issue as it is unsafe for pedestrians and also damages our infrastructure. Kimley-Horn has drafted a letter and map that could be provided to Main Street business owners/managers to distribute to their deliver carriers in order to reduce the truck traffic. Staff is looking for discussion and direction from Council on possible next steps. This could possibly involve an informational meeting with merchants to discuss their delivery trucks and encourage them to direct delivery truck traffic to avoid turns at some of the Main & avenue intersections. This could be seen as a way for merchants to work with us to help protect the investment that they and the City have made in downtown infrastructure over the last few years. A brief presentation will accompany this agenda item.

Please let me know if you have any questions or require additional information.

Budget Impact: \$0 _____ Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Lew Holloway

Department: Planning

Date Submitted: 3/26/2014

Presenter: Lew Holloway

Date of Council Meeting to consider this item: 4/3/2014

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 20b

The Downtown Advisory Committee has, in concert with its Design Sub-Committee received and researched a response to feedback regarding the visibility and impact of the "H" brand on the Southside Gateway sign. The "H" was originally given a paint color intended to mimic a copper patina, unfortunately this color does not contrast with the stone to which the sign is affixed.

The Advisory Committee requested that staff research options for repainting the sign. All options require the sign to be removed, a task that the original installer is capable of. The sign can then either be re-painted at a local body shop, which would void the manufacturer's warranty or re-painted by the original manufacturer, which would maintain the warranty. The Advisory Committee also requested that staff provide potential color options for the sign.

The Design Sub-Committee reviewed the costs and impacts of the various options for re-painting the signs and the potential color options and recommended that the sign be returned to the original manufacturer for repainting and painted the "Brilliant Gold" color offered by the manufacturer.

Budget Impact: \$ 1,200 to 1,500 Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move that City Council support the efforts of the Downtown Advisory Committee and City of Hendersonville Main Street Program to repaint the "H" brand component of the Southside Gateway Sign to "Brilliant Gold" with the work to be completed by the original manufacturer.

Attachments:

- 1) Color Options
- 2) Gemini (Sign Manufacturer) - Product Warranty

South Side Gateway Signage

Exploration of Potential Color Alternatives

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Agenda**



Existing Color

A finish intended to imitate copper with a weathered patina



Spring Green



Brilliant Gold



Aztec Gold



Aztec Copper



Black Cherry



Brown



Dark Blue

Q What do you mean by lifetime guarantee?

A Gemini guarantees all of its products for life. This means that should a letter fade, break, or contain any defect, we will refinish or replace the defective materials at no cost to you, as long as the letters are installed on their original location.

Please note that our guarantee applies to defective material only, as described in our warranty statement:

The following warranty is in lieu of all warranties expressed or implied.

Specifically, Seller and Manufacturer disclaims any warranty of merchantability or of fitness for a particular purpose and manufacturer / sellers only obligation shall be to replace such quantity of the product proved to be defective.

Neither seller nor manufacturer shall be liable for any injury, loss or damage, direct or consequential, arising out of the use of or the inability to use the product.

Before using, user shall determine the suitability of the product for his or her intended use and user assumes all risk and liability whatsoever in connection therewith.

The foregoing may not be altered except by an agreement signed by officers of seller and manufacturer.

Keep in mind that all exterior letters will require some maintenance to retain their original luster. All plastic and metal letters should be periodically cleaned with a good dish soap and water to remove any dirt or pollutants gathered from the environment. Should the face of a metal letter get scratched, the polyurethane coating can be revitalized using a good car wax.

All Gemini letters and logos are designed to last a lifetime. We test all our materials and finishes, refine our coating technology, and deliver a product that we know will last much longer than the life of any sign you may install. From experience in the field and from our test lab, results; we know that our products are designed to last in excess of ten years without any noticeable degradation of the appearance of our products. We know, from many installations that are up around the world, that many of our products last for much longer than that.





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 03/20/14

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 04/03/14

Nature of Item: Council Action

Summary of Information/Request:

Item # 21

a. Appointments for Consideration:

-Seventh Avenue Advisory Committee: Council formed this Committee at their February meeting. When established, the Council agreed the Committee will consist of five members of Seventh Avenue special tax district and two at-large members. The purpose of the Committee is to review and discuss existing and/or proposed policies and ordinances that have an impact on the Seventh Avenue special tax district projects. The Council desires to hear advice and receive recommendations from the Committee. The meetings are open to the public. The City Council members may attend for interaction with the Committee. To date you have received applications from: Carson Calton, Chris Cormier, Dennis Dunlap, Farrell Beam, Gloria Wagner, Jim Kastetter, Mark Ray, Terry Ketcham and J.J. Kilpatrick.

b. Announcement of Vacancies and Upcoming Appointments:

-Board of Adjustment vacancy: reminder of vacancy in the alternate position.

-Planning Board: The City has received two resignations from the Planning Board this month: Jeff Collis and Fred Dutcher. Mr. Dutcher served on the Planning Board since November 2007. Attached is the current membership list and the applications on file. This will be on the agenda for consideration at the April meeting.

- ABC Board: Mr. Will Penny's term on the ABC Board will expire in June. I have contacted Mr. Penny who said he enjoys his work on the ABC Board and would be honored to be considered for another term. This (re)appointment will be considered in May.

Budget Impact: \$0 _____ Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

N/A

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move to appoint ...

Attachments:

Applications



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: John Connet

Department: Administration

Date Submitted: 3/25/2014

Presenter: John Connet

Date of Council Meeting to consider this item: 04/03/2014

Nature of Item: Council Action

Summary of Information/Request:

Item # 23

I am requesting that City Council enter into Closed Session to instruct the public body's staff or negotiating agents concerning a position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract for the acquisition of real property by purchase and discuss matters relating to the location or expansion of industries or other businesses in the area served by this body.

General Statute References: G.S. 143-318.11 (a) (4) and(5).

Budget Impact: \$TBD Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move the Council to enter a close session to consider and give instructions to our attorney in negotiating the price or other material terms for the acquisition of real property by purchase and to discuss matters relating to the location or expansion of an industry or other business in the area per NCGS 143-318.11(a)(4) and (5).

Attachments:

None at this time