A G E N D A

CITY OF HENDERSONVILLE CITY COUNCIL – REGULAR MEETING

FEBRUARY 6, 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, non controversial in nature and are considered and approved by a single motion and vote.*

   A. Consideration of Minutes: January 9, 2014 Regular Meeting

   B. Consideration of Special Event Permit for Singing of the Seas

   C. Consideration of Grant Project Ordinance and Associated Budget Amendment for Highway 64 East Sidewalk Project

   D. Consideration of Budget Amendment for Water/Sewer Fund for Engineering Services Associated with Possible Design Services for Potential Water System Improvements Needed in the Fletcher Area as Related to the Mission-Pardee Facility

6. **Public Hearing – Consideration of a Request to Designate Brookland, located at 299 Balsam Road, as a Local Historic Landmark**
   Presenter: Ms. Sue Anderson, Planning Director

7. **Public Hearing – Consideration of an Application to Amend a Special Use Permit and to Rezone Property Located at 102-110 Glover Street, known as the Storage Center, from PMD Planned Manufacturing Development and I-1 Industrial to Planned Commercial Development and to Allow Three Additional RV Storage Canopies**
   Presenter: Ms. Sue Anderson, Planning Director

8. **Public Hearing – Consideration of Applications to rezone Properties Located at 609 Market Street and 140 White Street from City of Hendersonville C-2 Secondary Business Special Use to C-2 Secondary Business and to Abandon the Special Use Permit Issued for these Properties**
Presenter: Ms. Sue Anderson, Planning Director

9. **Public Hearing – Consideration of Petition from Peter and Monica Thom for the Satellite Annexation of Approximately 0.391 Acres Located just East of 200 Upward Road**
Presenter: Ms. Sue Anderson, Planning Director

10. **Public Hearing – Consideration of Rezoning the Peter and Monica Thom Property Located just East of 200 Upward Road from Henderson County Community Commercial to City of Hendersonville Commercial Highway Mixed Use**
Presenter: Ms. Sue Anderson, Planning Director

11. **Public Hearing – Consideration of an Application from Henderson County and the Henderson County Board of Public Education to Close a Portion of Ninth Avenue West between N. Church Street and Oakland Street**
Presenter: Ms. Sue Anderson, Planning Director

12. **Public Hearing – Consideration of Zoning Ordinance Text Amendment Repealing Article VI General Provisions, Section 6-5-5 Minimum Design Requirements, Subsection 6-5-5.6, Relating to Parking Lot Pedestrian Channels**
Presenter: Ms. Sue Anderson, Planning Director

13. **Discussion of Request from Mr. Ken Stubbs to Remove 18 Properties Comprising 40 acres from the City's Extraterritorial Planning Jurisdiction**
Presenter: Ms. Sue Anderson, Planning Director

14. **Consideration of Request by the Henderson County Transportation Advisory Committee**
Presenter: Mr. Matt Cable, Transportation Planner

15. **Consideration of Grant Acceptance for Dana Community Water Project**
Presenter: Mr. Lee Smith, Utilities Director

16. **Consideration of Bids for the Dana Community Water Line Project**
Presenter: Mr. Lee Smith, Utilities Director

17. **Presentation of Grey Hosiery Mill Building Appraisal**
Presenter: City Attorney Sam Fritschner

18. **Consideration of Schedule of Fees for the Financing of System Development Charges**
Presenter: Mr. Sam Fritschner, City Attorney

19. **Consideration of Bids for the Jackson Park Sewer Interceptor Project**
Presenter: Mr. Brent Detwiler, City Engineering Director

20. Comments from Mayor and City Council Members

21. Reports from Staff

a. Discussion of Breweries and Distilleries by Planning Department Staff

b. Consideration of Special Meeting Dates:

i. CIP Workshop – February 27, 2014, 6:00 p.m.
ii. Budget workshop – May 9, 2014, 9:00 a.m.

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

a. Consideration of Appointments to Boards and Commissions

b. Announcement of Vacancies and Upcoming Appointments

23. New Business

24. Closed Session

25. Adjournment

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January 9, 2014
Regular Meeting of the City Council
Council Chambers – City Hall
5:45 p.m.

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, Utilities Director Lee Smith, Finance Director Lisa White, 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.*

Eva Ritchey, 1928 Brevard Road, requested the City Council's continued support of Flat Rock Playhouse for economic purposes.

David Rhode, 206 Laurel Park Place, stressed the fact he would enjoy serving on the Environmental Sustainability Board.

[Council Member Miller arrived at 5:52 p.m. from the Essentials of Municipal Government training session in Asheville, NC.]

4. Consideration of Agenda:

Removal: 8. Presentation of Grey Hosiery Mill Building Appraisal (the appraisal has not yet been received).

Council Member Caraker moved approval of the agenda as amended. 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: December 5, 2013 Regular Meeting

B. Consideration of Budget Amendments

i. Historic Seventh Avenue Fund:

•Historic Seventh Avenue Fund: To reallocate funds in the amount of $14,000 for an Economic Development Project for the Historic Seventh Avenue District.

Total Current Budget Appropriations	$ 51,720.00
Amount Of Increase/(Decrease)	14,000.00
Total Current Amended Budget	$ 65,720.00

ii. Environmental Services Fund: (removed from consent agenda for discussion)

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iii. **Water/Sewer Department:** Mid-year budget amendments: (removed from consent agenda for discussion)

iv. **Election**

Governing Body: To provide additional funds in the amount of $12,880 for the 2013 primary and general election for the mayoral and two council member seats.

Total Current Budget Appropriations	$ 71,200
Amount Of Increase/(Decrease)	12,880
Total Current Amended Budget	$ 84,080

C. Consideration of Agreement with the School of Government for Services Provided to the Historic Seventh Avenue District: Mr. Connet presented Technical Assistance Letter of Agreement dated December 17, 2013 between the City, the Historic Seventh Avenue District and The UNC-CH School of Government (SOG) for services provided by the Development Finance Initiative. This agreement is for the development of strategies to attract private investment into and around the Seventh Avenue District. *[The Technical Assistance Letter of Agreement dated December 17, 2013 is available in the office of the City Clerk.]*

D. Consideration of Resolution Adopting Amendments to Flexible Spending Account resulting from IRS Change: Mr. David Sapp explained the Internal Revenue Service has changed some regulations concerning Flexible Spending Accounts (FSA) and the amount an employee can carry forward into a new plan year. This new ruling allows an employee to carry forward up to $500 dollars into the new plan year instead of losing this money under the old IRS standard.

Resolution #14-0107

AMENDMENT
CITY OF HENDERSONVILLE FLEXIBLE BENEFIT PLAN
CARRYOVER ELECTION

WHEREAS, the City of Hendersonville (hereinafter referred to as the "Employer") has established the Section 105 Flexible Benefit Plan (hereinafter referred to as the "Plan"); and

WHEREAS, the Plan includes a Grace Period defined as the period that begins immediately following the close of a Plan Year; and

WHEREAS, the Employer wishes to amend the Plan to reflect changes to Internal Revenue Code (IRC) Section 125 (i), as amended by the Internal Revenue Service (IRS) Notice 2013-71 to allow a carryover of certain unused funds remaining in the Health FSA at the end of the Plan Year; and

WHEREAS, under Article XV, Section 15.3 of the Plan, the Employer has the authority to amend the Plan and the undersigned has the authority through resolutions adopted by the Board of Directors to execute this amendment on behalf of the Employer; and

NOW IT IS, THEREFORE, AGREED, that the Plan is amended, as follows:

Grace Period: All references in the Plan to Grace Period are eliminated effective as of the last day of the current Plan Year, specifically June 30, 2014.

Effective Date: This Amendment is entered into as of the date outlined below and shall be effective for:
the Plan Year ending in 2014 and beyond; or

Carryover Amount: The Plan shall provide for a carryover of any amount up to $500 remaining unused in a Health FSA as of the end of the Plan Year. Such carryover amount may be used to pay or reimburse qualifying expenses under the Health FSA incurred during the entire Plan Year to which it is carried over.

Participant Opt Out: Notwithstanding the foregoing, any Plan participant shall have the right to opt out of the carryover. Amounts up to $500 remaining will automatically carryover unless the Participant opts out by notifying the Employer in writing before the last day of the Plan Year.

Therefore, the Plan is amended in accordance with Article IX, Section 9.01 Plan as an adopting Employer. All other terms and conditions of the Plan which are not affected by this Amendment are unchanged.

Section 105 Flexible Benefit Plan
By: /s/Barbara G. Volk, Mayor, City of Hendersonville
Attest: /s/Tammie K. Drake, MMC, City Clerk
Date of Adoption: 01-09-14

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CERTIFICATE OF CORPORATE RESOLUTION

The undersigned authorized representative of City of Hendersonville (the Employer) hereby certifies that the following resolutions were duly adopted by the Employer on January 9, 2014 and that such resolutions have not been modified or rescinded as of the date hereof:

RESOLVED, that the Amendment to add a CARRYOVER ELECTION to the Section 105 Flexible Benefit Plan (the Amendment) presented to this meeting is hereby approved and adopted and that the duly authorized agents of the Employer are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

RESOLVED, that the Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the Amendment, and to set up adequate accounting and administrative procedures to provide benefits under the Plan.

RESOLVED, that the duly authorized agents of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the Amendment by making a notice available to each employee in the form of the Summary of Material Modification presented to this meeting, which form is hereby approved.

The undersigned further certifies that attached hereto as Exhibits A and B, respectively, are true copies of the Amendment and the Summary of Material Modification approved and adopted in the foregoing resolutions.

/s/Barbara G. Volk, Mayor

01-09-14

Benefit Update

Section 105 FLEXIBLE BENEFIT PLAN

The City of Hendersonville Flexible Benefit Plan (the Flex Plan) has been amended in accordance with Section 15.3 of the Plan and pursuant to IRS Notice 2013-71 to add a CARRYOVER ELECTION provision for the Health FSA. Specifically, the Flex Plan has been amended to eliminate the Grace Period and allow participants to carryover up to $500 of unused funds remaining in their Health FSA at the end of the Plan Year. Such carryover amount may be used to pay or reimburse qualifying expenses under the Health FSA incurred during the entire Plan Year to which it is carried over.

The change is effective for: the Plan Year ending in 2014 and beyond.

Plan participants have the right to opt out of the carryover for any reason. Amounts up to $500 remaining will automatically carryover unless the Participant notifies the Employer in writing before the last day of the Plan Year. For example, Plan participants who enroll in a Health Savings Account (HSA) for the following Plan Year may opt out of the carryover provision since the carryover amount to a General Purposes Health FSA would render the participant ineligible to contribute to an HSA account.

Please note: In accordance with federal law, the carryover applies to the Health FSA Only and NOT to balances remaining in the Dependent Care (Daycare) Account.

This Benefit Update is intended to serve as the Summary of Material Modification required under federal regulations governing employee benefit plans. If you have any questions, please contact Human Resources.

E. Consideration of Petition from Peter and Monica Thom for the for Satellite Annexation of Property Located on Upward Road: City Planner Sue Anderson presented the petition for satellite annexation for Peter and Monica Thom for approximately 0.391 acres east of 200 Upward Road. This petition is concerning accessibility to water and sewer adjacent to the property. She presented the Clerk's Certificate of Sufficiency (found in Planning Department file #P- 13-48-A) finding the petition is valid. The next step in the annexation process is to accept the Clerk's certificate and set a date for the public hearing on the question of adoption of an ordinance of annexation. She proposed February 6, 2014 as the date for the public hearing.

F. Consideration of a Petition from Craig Franks to Close an Unopened Alley Located on Summit Circle off Toms Hill Drive: Ms. Anderson presented the petition from Craig Franks to close an unopened alley located between lots 16 and 17 on Summit Circle off Toms Hill Drive.

Resolution #14-0108

RESOLUTION OF INTENT

A resolution declaring the intention of the City of Hendersonville City Council to consider the closing of an unopened alley off Summit Circle between lots 16 and 17

WHEREAS, NC General Statute (G.S.) 160A-299 authorizes the City Council to close public streets and alleys; and

WHEREAS, Craig Franks, has petitioned the Council of the City of Hendersonville to close an unopened alley off Summit Circle between lots 16 and 17; and

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of an unopened alley off Summit Circle between lots 16 and 17.

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

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1. A meeting will be held at 5:45 p.m. on the sixth day of March, 2014, in the Council Chambers of City Hall to consider closing a portion of an unopened alley off Summit Circle between lots 16 and 17.
2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.
3. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.
4. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted by the City Council at a meeting held on the ninth day of January 2014.
/s/Barbara G. Volk, Mayor
Attest: /s/Tammie K. Drake, City Clerk
Approved as to Form: /s/Samuel H. Fritschner, City Attorney

G. Consideration of Resolutions Granting Authority to Certain Representatives of the City to Execute All Appropriate Documents for City Accounts: The following resolutions grant authority to certain City representatives to execute all appropriate documents for the investment accounts. This resolution is necessary to add the signatures of the City Manager and the newly-hired Finance Director.

Resolution #14-0101

CERTIFIED COPY OF CORPORATE/MUNICIPAL RESOLUTION OF CITY OF HENDERSONVILLE

I, the undersigned, hereby certify that I am the City Clerk of the above-named Corporation/Municipality, which Corporation/Municipality is duly organized and existing under the laws of the United States of America: that the following is a true copy of the Resolution duly adopted by the Board of Directors of said Corporation/Municipality effective the 9 day of January 2014.

Be It Resolved that the officers listed below are Authorized Representatives of the Corporation/ Municipality with the authority to execute all appropriate documents for the investment account established with First Citizens Bank.

Name	Title	Signature
Barbara G. Volk	Mayor	
John F. Connet	City Manager	
Lisa A. White	Finance Director	
Tammie K. Drake	City Clerk	

I further certify that the Resolution has neither been rescinded nor modified.
/s/Tammie K. Drake, MMC, City Clerk

Resolution #14-0102

CERTIFIED COPY OF CORPORATE/MUNICIPAL RESOLUTION OF CITY OF HENDERSONVILLE

I, the undersigned, hereby certify that I am the City Clerk of the above-named Corporation/Municipality, which Corporation/Municipality is duly organized and existing under the laws of the United States of America: that the following is a true copy of the Resolution duly adopted by the Board of Directors of said Corporation/Municipality effective the 9 day of January 2014.

Be It Resolved that the officers listed below are Authorized Representatives of the Corporation/ Municipality with the authority to execute all appropriate documents for the investment account established with TD Bank.

Name	Title	Signature
Barbara G. Volk	Mayor	
John F. Connet	City Manager	
Lisa A. White	Finance Director	
Tammie K. Drake	City Clerk	

I further certify that the Resolution has neither been rescinded nor modified.
/s/Tammie K. Drake, MMC, City Clerk

Resolution #14-0103

CERTIFIED COPY OF CORPORATE/MUNICIPAL RESOLUTION OF CITY OF HENDERSONVILLE

I, the undersigned, hereby certify that I am the City Clerk of the above-named Corporation/Municipality, which Corporation/Municipality is duly organized and existing under the laws of the United States of America: that the following is a true copy of the Resolution duly adopted by the Board of Directors of said Corporation/Municipality effective the 9 day of January 2014.

Be It Resolved that the officers listed below are Authorized Representatives of the Corporation/ Municipality with the authority to execute all appropriate documents for the investment account established with Home Trust Bank.

Name	Title	Signature
Barbara G. Volk	Mayor	
John F. Connet	City Manager	
Lisa A. White	Finance Director	
Tammie K. Drake	City Clerk	

I further certify that the Resolution has neither been rescinded nor modified.

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/s/Tammie K. Drake, MMC, City Clerk

Resolution #14-0104

CERTIFIED COPY OF CORPORATE/MUNICIPAL RESOLUTION OF CITY OF HENDERSONVILLE

I, the undersigned, hereby certify that I am the City Clerk of the above-named Corporation/Municipality, which Corporation/Municipality is duly organized and existing under the laws of the United States of America: that the following is a true copy of the Resolution duly adopted by the Board of Directors of said Corporation/Municipality effective the 9 day of January 204.

Be It Resolved that the officers listed below are Authorized Representatives of the Corporation/ Municipality with the authority to execute all appropriate documents for the investment account established with Sun Trust Bank.

Name	Title	Signature
Barbara G. Volk	Mayor	
John F. Connet	City Manager	
Lisa A. White	Finance Director	
Tammie K. Drake	City Clerk	

I further certify that the Resolution has neither been rescinded nor modified.

/s/Tammie K. Drake, MMC, City Clerk

Resolution #14-0105

CERTIFIED COPY OF CORPORATE/MUNICIPAL RESOLUTION OF CITY OF HENDERSONVILLE

I, the undersigned, hereby certify that I am the City Clerk of the above-named Corporation/Municipality, which Corporation/Municipality is duly organized and existing under the laws of the United States of America: that the following is a true copy of the Resolution duly adopted by the Board of Directors of said Corporation/Municipality effective the 9 day of January 204.

Be It Resolved that the officers listed below are Authorized Representatives of the Corporation/ Municipality with the authority to execute all appropriate documents for the investment account established with Wells Fargo.

Name	Title	Signature
Barbara G. Volk	Mayor	
John F. Connet	City Manager	
Lisa A. White	Finance Director	
Tammie K. Drake	City Clerk	

I further certify that the Resolution has neither been rescinded nor modified.

/s/Tammie K. Drake, MMC, City Clerk

Resolution #14-0106

CERTIFIED COPY OF CORPORATE/MUNICIPAL RESOLUTION OF CITY OF HENDERSONVILLE

I, the undersigned, hereby certify that I am the City Clerk of the above-named Corporation/Municipality, which Corporation/Municipality is duly organized and existing under the laws of the United States of America: that the following is a true copy of the Resolution duly adopted by the Board of Directors of said Corporation/Municipality effective the 9 day of January 204.

Be It Resolved that the officers listed below are Authorized Representatives of the Corporation/ Municipality with the authority to execute all appropriate documents for the investment account established with BB&T.

Name	Title	Signature
Barbara G. Volk	Mayor	
John F. Connet	City Manager	
Lisa A. White	Finance Director	
Tammie K. Drake	City Clerk	

I further certify that the Resolution has neither been rescinded nor modified.

/s/Tammie K. Drake, MMC, City Clerk

Mayor Pro Tem Stephens requested the removal of items 5bii and 5biii for discussion. **Council Member Caraker moved approval of the remaining items on the consent agenda. A unanimous vote of the Council followed. Motion carried.**

6. Introduction of Lisa A. White, Newly-Hired Finance Director for the City of Hendersonville and Recognize Police Officers for Achievements: Mr. John Connet, City Manager, introduced and welcomed Lisa White, newly-hired Finance Director, who comes to the City of Hendersonville from Greenwood, SC.

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Mr. Connet and Chief Herbert Blake recognized Officers Kyle Thiel and Acting Sergeant Kenny Hipps for their participation in an internationally-recognized program and are now International Drug Recognition Experts. He stated Officer Hipps is also recognized as "employee of the quarter" for the Police Department.

7. Presentation on GroWNC: Mr. Connet explained the City is participating in the GroWNC program. Ms. Carrie Runser-Turner, Senior Planner at Land-of-Sky Regional Council and Justin Hembree, Executive Director were present. Ms. Turner provided an overview of the GroWNC project which examined issues relating to growth and economic development in a five-county region (Madison, Buncombe, Henderson, Haywood and Transylvania). The planning process included developing a communication and outreach strategy, an extensive review of existing plans and conditions and has been going on since 2011. She stated the data was used to develop a set of regional growth scenarios which included a visualization exercise to show what land use patterns will look like in the future and what decisions can be made now to influence the land use pattern.

Ms. Turner explained there was a lot of public involvement throughout the process and the input was used to shape the development of a "preferred scenario" which guided the recommendations and strategies. These are voluntary locally-implemented strategies that is shown in a set of tools that may be used.

Ms. Turner reviewed the preferred scenario map which was created based on the preferred outcomes identified through the public input process including: redevelopment of brownfields sites, protection of prime industrial sites for job creation, protection of critical watersheds, investment in rural centers, protection of viewsheds, preservation of working lands and key ecological corridors and habitats.

Ms. Turner stated the strategy toolkit includes more than 300 strategies. She stated the Regional Plan contains an executive summary for concise overview, an overview of the process and a narrative discussion of the recommendations and strategies. She reviewed the website, Strategy Toolkit and other on-line resources.

Ms. Turner explained the Land Use Model is an on-going produce that also came out of the process and is made of up of four components: land supply determines where and what type of growth may occur, future land use, suitability and growth forecasts. She stated a workshop will be held in January for local governments to navigate the online tools and the Land Use Model. **No action was required or taken by the Council.**

~~8. Presentation of Grey Hosiery Mill Building Appraisal~~

9. Presentation of Request of the Henderson County Human Relations Council: Mr. John Connet, City Manager, presented a request for financial support for the annual Martin Luther King, Jr. Memorial Breakfast. He stated this expenditure was not requested prior to the adopted budget. Mayor Volk stated the Council has approved this request in the past. **Council Member Miller moved Council to appropriate $250 to the Human Relations Council for the 2014 Martin Luther King, Jr. Memorial Breakfast. A unanimous vote of the Council followed. Motion carried.**

10. Consideration of Request from Ron Moore to Void the $25,000 Commitment for Recycling: Mr. Ron Moore, owner of American Recycling, addressed the Council on the commitment he made to give the City a $25,000 grant when the Council was considering whether to convert its recycling collection service from bins to rollout carts. Mr. Moore provided some history of the American Recycling business and their single stream facility. He stated the contract facilitated the City being able to do their own collection system which resulted in a savings to the City. He stated soon after opening, they realized their new system could not handle the single stream operation and they need an additional 500 tons of material in order to make another investment in their system. He reported they reached out to eight municipalities to provide the necessary volumes and Hendersonville is the only city that agreed which left them short. They have since shut down the single-stream line and are processing other recyclables. He stated they have cut off receiving any recyclables that is not under contract. He stated Henderson County materials go to another facility.

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Mr. Moore stated since January 2013, American Recycling has invested more than $3 million in their business. He stated the City is now operating the recycling program in-house which resulted in a savings of approximately $75,000/year and it defers tons away from the landfill which saves another $15,000/year. He stated American Recycling has helped the City and Henderson County and requested the Council to consider forgiveness of the $25,000 commitment.

There was discussion of the other municipalities that were offered the program and the costs incurred by the City. Mr. Wooten explained the City was already considering larger containers and had applied for other grants for the purchase of carts and a truck. He stated the City has received $100,000 through State grants. The City's cost includes two staff people and the truck (approximately $190,000). Council Member Miller asked how much influence the $25,000 grant had in the decision and if it, in fact, saved City funds. Mr. Wooten explained savings were expected when the contract with Curbside Management was terminated and the work was done in-house. He stated the purchase of a new truck was necessary with the decision to use carts. Council Member Stephens explained the roll-out carts are supposed to generate more recycling. Mr. Wooten stated if the City realizes similar results of other municipalities, the amount of recycling will increase and the City should see a savings by a decrease in tipping fees.

Council Member Miller asked Mr. Moore if he was willing to consider a partial payment. Mr. Moore stated he will work with the City but they have not seen a profit in the last three years. Council Member Miller expressed a concern with completely nullifying the contract. Discussion followed on the single-stream process.

Council Member Caraker commented the Council's decision was not based solely on this offer but also with grants from the State. There was discussion on the impact on this year's budget. Mr. Connet explained $25,000 was budgeted in the first year for the cost and whatever is not received will have to be taken from reserves or it will have to be made up in another way.

There was discussion on delaying the payment and spreading the payments over five years at the suggestion of Council Member Smith. Council Member Miller suggested giving Mr. Moore until the end of next fiscal year, June 2015, to begin payments.

After discussion, **Council Member Miller moved the Council to defer payment until June 30, 2015 and then allow five installment payments of $5,000 each from American Recycling, beginning with the first payment received by the end of the next fiscal year, June 30, 2015, until the completion of the contract amount of $25,000 is paid (by June 30, 2019). A unanimous vote of the Council followed. Motion carried.**

11. Consideration of the Formation of a Business Advisory Committee: Mayor Pro Tem Ron Stephens suggested the Council form a business advisory committee to seek their advice and recommendations and to involve the business community in decisions that affect them. He stated this will help prevent unintended consequences from decisions made by the Council. He suggested the committee:

1. Consists of seven members.
2. Members would serve staggered terms (initially, one year).
3. Committee would be advisory only.
4. Members should be individuals who own local businesses or commercial property within Hendersonville, but do not necessarily reside within the City limits.
5. The Business Advisory Committee would meet quarterly at noon and call special meetings as issues arise.
6. The Chairperson will be appointed by the City Council.

Mayor Pro Tem Stephens suggested seeking applications from interested business owners. He stated all meetings would be open to the public and Council members may attend to participate or interact with the members. In discussion, the Council agreed the committee members may include managers or operators of businesses because not all owners live here. Mayor Volk commented she would like to form the committee for one year to see how it

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works, and if proves to be worthwhile, then set up a formal rotation of members. She suggested evaluating the effectiveness of the committee next January. Council Member Stephens agreed.

The Council discussed modifications to the current board application and posting it on-line. **Mayor Volk requested the City Clerk to develop an application form, have it reviewed by the Council members and then post it on-line. The Council agreed by consensus.**

Council Member Smith moved Council to create a business advisory committee that will include seven to nine members of people who own or operate businesses in the City of Hendersonville with meetings scheduled quarterly or as called. There was some discussion of whether the members or chairperson of the committee has the right to call a meeting, and the chairperson being appointed by the City Council. **A unanimous vote of the Council followed. Motion carried.**

12. Consideration of the Financing of System Development Charges (SDCs): City Manager John Connet presented some questions and sought guidance from the Council about financing system development charges over a three-year period. He stated the main objective is to have a system that protects the City for money owed to the City and other rate payers, make it as customer-friendly as possible and develop a process that is not cumbersome for staff and the public.

Mr. Connet stated concerns have been expressed about how the system development charges may be secured if financed over a three-year period including: deeds of trust, billing the financed charges with or separately from the utility bill (monthly) for 36 months.

Mr. Connet posed the following questions:

1. Does City Council want to charge interest on the financing of the SDCs? **The Council agreed by general consensus not to charge interest because the money will be used in the future.**

2. Should the City require all new customers to complete a signed application for financing with appropriate personal information, i.e., Social Security number, prior to financing the SDCs? **The Council agreed by general consensus to require a signed application, the necessary personal information, prior to financing the system development charges.** No credit check is currently done.

3. Should the City require individuals who are financing SDCs to make regular monthly payments? **The Council agreed by general consensus to require regular monthly payments, invoiced with the utility account if they have one or separately if they do not have an account.** The Council discussed the threshold for financing, whether residential or commercial accounts. **The Council agreed by general consensus to allow financing and installment payments for meters 1½ inches, with a charge of $6,000 and above, for up to 36 months, and to consider hardship circumstances on a case-by-case basis.**

4. How does the City want to ensure that receipt of full payment of these SDCs? City Attorney Fritschner explained this raises questions such as should the applicant pay the cost to record the deed of trust, the drafting of a promissory note, the drafting of the deed of trust and a title search. He stated a title search will reveal other loans that would be paid before the City and thus, a subordination agreement would be required. He voiced a preference to prepare these documents and the title search in-house. **The Council discussed and agreed to record a deed of trust on the property to ensure payment along with a title search, and a subordination agreement with the fees to be determined. The Council requested a schedule of fees for these services from the City Attorney.**

13. Consideration of Request for Reimbursement of System Development Charges from Miller's Laundry and Cleaners, Inc.: Mr. Connet explained Miller's Laundry and Cleaners has requested a refund or credit for the system development charges they paid in September of 2011 when they established a new

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facility on Brevard Road to serve summer camps. He explained they relocated the operation with new equipment from their King Street location and was told they could request a refund from the City Council once they were in operation for a period of time and if the records could show their water usage decreased. He provided a copy of the water usage records. He explained the Council will have to excuse Council Member Miller from participating and voting on the matter. **Council Member Caraker moved Council to excuse Council Member Miller from participating and voting in this matter. A unanimous vote of the Council followed. Motion carried.**

Mr. Miller addressed the Council and provided the following information: On the surface this is a difficult situation because of his position. He has spent the last two days going over ethics with the UNC School of Government and this could be used to teach a class. He believes this is an easy decision. He asked Council to listen to facts and if the facts are reported to the public accurately, this is about right and wrong. This is about keeping your word as a board and as a past city manager.

This began roughly eight years ago when he moved a business from the Laurel Park shopping center to a property he purchased across the street. He closed a coin laundry and reopened it across the street. He put in more efficient equipment. A dress shop went into the unit he left. When he went to get the water service cut on he was charged $12,000 to have water/sewer cut on, much of which was a system development charge. He was told it was because it was a new business; it was not a new business but a transfer of an existing business. That is how his problem with the system development charges first came up. He was told to pay it or not have water and it is hard to have a coin laundry without water.

Forward five years and he wanted to transfer the camp business from King Street. They do laundry for the summer camps. They are coming up on 99 years in business and most of those years they have done camp laundry. They have been doing that work on King Street. The equipment was so old they couldn't get parts for it anymore. The equipment was too big to remove and they couldn't get new equipment in with that capacity so they had to cut it out with torches.

He had to make a decision on whether to get out of the camp business or come up with an alternative. They have a warehouse, beside the coin laundry, that they built on Highway 64 West with large garage doors which allow a good opportunity to move equipment in and out of it so that's where they went. They put in new equipment that he would not have been able to get in the other location on King Street. They moved the capacity, only capacity, from King Street to this other facility. They didn't do anything different than what they were doing at King Street or what they would have been doing on King Street had they been able to maintain that facility. They would have preferred to keep it at King Street because water/sewer rates are less expensive in the City than in the County. The cost went up per gallon. They were charged another $12,000, roughly between $10,000-$11,000 as an impact fee for system development charges.

There was no impact on the system because there was nothing new. He pointed out he has opened two other new stores; one on Highway 64 East and another one on Highway 191 and didn't balk at the system development charges because those are new stores.

Regarding the Highway 64 West property: he requested a refund. When they were charged this, he went to City Manager Bo Ferguson, stated his case and made a formal complaint or request. He told Mr. Ferguson that he was so aggravated at the $24,000 charges that he was considering a lawsuit. Mr. Ferguson took his concern to the Council and came back to Mr. Miller (provided a copy of an e-mail. Mr. Ferguson didn't promise a refund but promised that Council said he could appear before them to present information after a time to determine water consumption, Mr. Ferguson asked for two years and he agreed to that.

He stated the City tracked the consumption. He stated the matter came up again when he asked for an opportunity to appear before the Council. He stated Mr. Ferguson sent another e-mail stating Council was changing the system on the following Thursday night. He stated Council voted on it and the system development charges were changed to what was recently changed again. He stated when he requested a reading and what the charges would

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be, he was shocked to learn rather than $12,000 he was charged it would be $25,000 but was told he didn't have to pay the $13,000.

He stated he was very aggravated. He stated it is no secret that the big reason he ran for Council was his absolute frustration with system development charges and how it was handled. He stated several other businesses were being charged astronomical fees which he doesn't think was the intension of Council. He stated he didn't feel his request and complaint was properly addressed.

Mr. Miller stated he is now a member of City Council and because of the way this process was handled, it is no secret about that's why he is here. He stated once he entered the race, it became a priority and it was addressed. He stated he prefers that the former Council could have considered his request without him being on the Council. He stated this has been an eight-year battle. He stated the e-mail is dated October 4, 2011. He didn't have a clue he would run for Council at that time but then found out charges had gone up.

Mr. Miller stated he asked for the refund three years ago and backed off at Council's request and gave the two years to allow water consumption history. He stated now he sits on the Council and asked if is he going to be punished in this consideration because of that which is not fair. He stated the Council has to remove the fact that he is sitting on Council because this was generated a long time ago. He stated Council may wonder if this would open up the flood gates for more requests and set a precedent. He pointed out that he has not spoken to anyone on the Council, nor the Mayor, about this refund. He did that intentionally. He did not want to sway their opinion his way and didn't want them to be in an awkward position. He stated he wants Council to make an honest decision with what they have before them without him trying to get a commitment beforehand. He stated that he stayed away from it. The only people he spoke to about this was the City Manager and City Attorney Fritschner so he would know how to conduct himself in this. He stated the Council may be worried about setting a precedent but there are no other cases other than his. He asked the City Manager if there are others with something similar that came to Council almost three years ago. Mr. Connet responded his understanding is staff did not find a similar case. Mr. Miller stated there is no flood gate to worry about. He stated in his opinion the only precedent Council would be setting is showing that City Council keeps its word in allowing a fair hearing.

Mr. Miller stated Council has to worry about public perception. He stated he is willing to answer questions before anyone with no problem. He stated he feels totally justified in this request. He ask the Council to think about if he was not a Council member. He stated Council handled a complaint/request from the Coleman's on Highway 191 because they had damage done to their property from a water leak. He stated they paid for it and took care of it a year to two prior to that. He stated Council made a good decision, he was not on the Council, to refund their money for their cost. He stated it was a great decision that showed compassion and good reason. He asked the Council not to treat him differently because he is a Council member. He stated he will take any question from anyone about his request.

Council Member Smith asked to see the e-mail from the city manager. This was distributed by Mr. Miller.

Council Member Caraker commented he is basing this decision on what happened years ago and he thinks it is the right thing to do. He stated private sector individuals also have to alter their procedures, whether it is a business or household and this is true for a local government. He stated he thought this matter would have been over before the last election. He stated he is in favor of granting the refund. He stated Council has corrected the situation with the Boyd property when they proved their fees should be reduced because they were a lesser user of the utility. The situation with the veterinarian on Highway 191 was resolved and this follows along with that. He stated he learned a lesson with system development charges by not asking enough questions or proper questions or running scenarios on how it will affect users. He stated it is the right thing to do.

Council Member Stephens stated he was interested in how many people this affect and the City Manager researched and found Miller's is the only one. He stated the system development charges have been changed since then. He stated he asked City Manager Ferguson about addressing Miller's situation while this was going

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on but was put off. He stated he also asked the interim manager about it at the end of his term but he was working on the budget and asked that it wait. He stated he also spoke to Mr. Connet about it when he met with him the first time because he thought the rules were wrong and Council should never have enacted those fees. He stated it has been amended now and feels Council should grant the refund.

Council Member Smith commented as member of City Council since 2009, he is not aware of any commitment made by the City Council. He stated the statement about going back against a promise or commitment, he takes issue with because he doesn't think the Council made that commitment. He stated he respects what City Manager Ferguson said in the e-mail, to make a request at some point after July 1, 2012, he was welcome to come speak before Council but he doesn't recall a commitment that anyone made in regard to repaying it. Mr. Miller stated he did say there was a commitment to repay it but made a commitment to a fair hearing.

Council Member Caraker stated he made a personal commitment to Mr. Miller at the time that he would see the issue through and come to some kind of resolution before he was done on the Council. He stated he didn't promise Mr. Miller anything but promised him a fair hearing and fair consideration. Mr. Miller explained what the city manager told him and he took the manager at his word. Council Member Smith stated he respects that and the e-mail says Mr. Miller had the option of coming before City Council at any point after July 1, 2012. Mr. Miller agreed stated he didn't say there was a promise for a refund but the promise was made to let him have a fair hearing and that was before he was on City Council and doesn't believe that should change because his is now on City Council. This predates his decision to serve on City Council significantly.

Mayor Pro Tem Stephens commented he would react the same with any other business owner with this request and it has nothing to do with Mr. Miller being on City Council. Council Member Caraker agreed stating it make no difference to him what position he holds. Mayor Pro Tem Stephens stated it also implicates that it was a big mistake because Miller's Laundry was the only one and Boyd was the next one. He stated he knows of several businesses that did not go forward with business because of this regulation because of the exorbitant cost. Mr. Miller stated he believes in doing this, he helped point out an issue that needed to be corrected. He stated was going to a lawsuit because it was so unfair back-to-back. He stated he was asked to wait two years and he did. He stated it was cleaned up on the next effort.

Council Member Smith stated unfortunately, he cannot escape the fact that a sitting member of City Council is asking the City Council to pay back a system development charge which is something the City Council has ever done before that he is aware of. He stated it does have an impact on his decision, that fact it is a sitting City Council member making this request. Mr. Miller asked what if he wasn't. Council Member Smith stated he does not have that option, based on facts before him now. Mr. Miller asked if he is being treated differently than a tax-paying citizen because he is a Council member. Council Member Smith stated in this situation, yes. Mr. Miller asked if he is being treated differently in any situation. Council Member Smith stated no, this situation. Mr. Miller stated he is being treated differently as a Council member. Council Member Smith explained it is because he is asking Council to do something that Council has ever done before and he is a sitting Council member. Mr. Miller stated when he requested it originally, he was not. Council Member Smith stated the request Mr. Miller is making now, and the way he is making it, has never been made in this forum before. He stated he is considering a sitting City Council member asking the City to do something they have never done before which offers a direct economic benefit to that City Council member. He stated the City didn't necessarily made all the right decisions but the result of his request is a sitting City Council member gets an economic benefit for something they are requesting. He stated it is a benefit that the City does not a policy to pay back and is something that has never been done before by the City as far as he knows.

Mr. Miller stated in his opinion it is a repayment for a wrongful charge that was brought before the Council over two years ago when the Council had a bad ordinance and he requested it at the time.

Mayor Volk commented she can set aside the current position from the request. She stated she wishes it had been taken care of when the initial request was made. She stated whether it was said, there was something of a promise

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from City staff that it would be taken care of. Mr. Miller commented that was much before he was a Council member. Mayor Volk agreed. Mr. Miller stated he tried to address it then the request was to wait two years so the Council could have records to make an accurate decision. Council Member Stephens commented it is critical that the charge was made before he considered running for Council, he requested a refund before then and was more or less promised that it would happen. Mr. Miller stated he wants to be treated as a tax-paying resident and doesn't see why he should be treated differently.

Council Member Caraker moved City Council to reimburse Miller's Laundry and Cleaners for their wrongful, in his opinion, system development charges from 2011. In discussion Mr. Connet commented this should be a credit to the account instead of a reimbursement. Council Member Caraker agreed to amend the motion to credit the account instead of reimburse. **The vote was three in favor (Volk, Caraker and Stephens), one opposed (Smith). Motion carried.**

14. Consideration of Amendment to Sponsorship Policy: Mr. John Connet, City Manager, explained the City receives requests from various non-profits and other groups to utilize the City's utility billing to advertise civic and other events. He stated the City did not have a clear policy for that. He stated typically, that was used specifically for City sponsored events. He presented an amendment drafted by the City Clerk that allows certain advertisement if the City is listed as a sponsor or co-sponsor, i.e., Buy Local, as a flyer in customer's utility bills.

Council Member Smith moved Council to amend the Sponsorship Policy to allow utility bill inserts only for events or projects the City of Hendersonville is considered a sponsor or co-sponsor. A unanimous vote of the Council followed. Motion carried.

Policy Date: 04-09-09
Amended 04-04-13, 01-09-14

Title: *Sponsorship Policy*

I. Introduction

The purpose of this policy is to allow the City of Hendersonville to seek sponsors that further its mission by providing monetary or in-kind support for City programs or services or other governmental functions. The City recognizes that the public trust and public perception of its impartiality may be called into question by sponsorships that are aesthetically displeasing, politically oriented, or offensive to segments of its citizenry. Loss of public trust or perceptions of partiality may impair the City's ability to govern. This policy presents tools to ensure that sponsorships do not weaken the public trust or present challenges to our impartiality in dealing with the business and non-profit community.

Wherefore, the City permits private sponsorship of government programs or services in limited circumstances in order to generate funds for improving or expanding those programs and services. The City maintains its sponsorship program as a nonpublic forum and exercises its sole discretion over who is eligible to become a sponsor according to the terms of this policy.

Whenever possible, sponsorships should be appropriate to the specific activities, events, programs or publications. The City will neither seek nor accept sponsors that manufacture products, offer services or take positions materially inconsistent with local, state, or federal law or with City policies. The establishment of a particular sponsorship does not constitute the City's endorsement of any product or services or of any person or entity or point of view.

II. Sponsorship Defined

For purposes of this policy, "Sponsorship" means the right of any person or entity ~~other than the City~~ or its agents acting in their governmental capacity to associate one or more names, products, or services, or any combination thereof, with the City's programs, services or name. Sponsorship is a business relationship in which the City of Hendersonville and the Sponsor exchange goods, services, donations and similar consideration for the right to display or offer the names, products and services as offered by the Sponsor on City property acknowledging private support.

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III. Procedure

The City retains the right to determine the appropriateness of a Sponsorship and may refuse any offer based on the above considerations or other similar considerations, and will be guided in its determination by the following:

1. The City Manager will refer any sponsorship proposal with a financial value greater than $1,250.00 to the City Council for final approval, and may so refer any other sponsorship proposal. *(amended 04-04-13)*

2. A sponsorship agreement will be in writing and executed by both the City and the Sponsor. It will among other thing specify the following information:
    a. Activities, products and services offered by the Sponsor
    b. Benefits to the City and the estimated value thereof
    c. Benefits to the Sponsor and the estimated value thereof
    d. Specifics of the sponsorship, including, in the case of any printed thing, the details of the appearance including content, duration if applicable, term of the engagement, and other pertinent information.
    e. A statement, if requested by the City, that sponsorship does not constitute an endorsement of the Sponsor or any other person or entity or of their activities, goods or services.

The City will consider the following in deciding on a sponsorship:

1. The value of the Sponsorship to the Sponsor and to the City
2. Aesthetics of any proposed display, whether physical or otherwise
3. Relationship of the Sponsor and its message to the sponsored activity or program
4. Level of cooperation from other governmental units
5. Inconsistencies between City policies and purposes and the Sponsor's activities, products, services, policies, purposes and practices
6. Any activity, product, service, policy, purpose or practice of the Sponsor or any other person or entity that may, in the opinion of the City, cause the sponsorship to bring the City into disrepute
7. Any other factor that the City reasonably believes would cause a proposed sponsorship not to be in the best interests of the City

IV. Limitations

Because the City intends to maintain sponsorships as a nonpublic forum, it may make such decisions as, in its opinion, may be reasonably necessary to further the City's legitimate interests. The City's control may include the right to determine placement, content, appearance and wording of sponsorship messages. In any case, sponsorships containing the following messages will not be accepted:

1. Promotion of the sale or consumption of alcoholic beverages
2. Promotion of establishments whose primary business is the sale or consumption of alcoholic beverages
3. Promotion of the sale or consumption of tobacco or tobacco products
4. Promotion of the sale of birth control products or services
5. Commentary, advocacy or promotion of issues, candidates and campaigns pertaining to political elections
6. Depiction of profanity or obscenity or promotion of sexually oriented products, activities or materials
7. Promotion of the sale or use of firearms, explosives, or other weapons, or the glorification of violent acts
8. Promotion or depiction of illegal products, or glorification or endorsement of illegal products, activities or materials
9. Suggestion of the City's endorsement or promotion of the Sponsor or its products or services

Sponsorship recognition messages may identify the sponsor but may not promote or endorse the organization or its products or services. Statements that advocate, contain price information or an indication of associated savings or value, request a response, or contain comparative descriptions of products, services or organizations will not be accepted. The City shall accept only the following content.

1. The legally recognized name of the Sponsor;
2. The Sponsor's organizational slogan if it identifies rather than promotes the organization or its products or services;

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3. The Sponsor's product or service line, described in brief, generic, objective terms. Only one product or service line may be identified.
4. Brief contact information, such as phone number, physical address, or internet address, and only in such a manner that avoids the implication that the reader should take any action.
5. The City will not make any statement endorsing the sponsor or its products or services.

V. Miscellaneous

Any sponsorship is prohibited unless approved by the City Manager in writing, with prior consent granted by the City Council, except that the City Manager need not obtain consent from the City Council for sponsorships determined by the City Manager to have a financial value of $1,250.00 or less. *(amended 04-04-13)*

The City will retain the right to change or delete all or any part of this policy at any time and from time to time.

VI. City-Sponsored Events *(added January 9, 2014)*

The City of Hendersonville may choose to sponsor and/or promote, and encourages its citizens and businesses to sponsor, special events that enhance the quality of life for residents and facilitate the use of City-owned parks and other City-owned facilities. The City has established policies and procedures to ensure the success of such special events by providing a system for advance planning and standard information and basic ground rules that allow special events sponsors and facility users to achieve their mutual goals. (See Code of Ordinances Chapter 46, Section 46-84)

When an event is approved and sponsored financially by the City Council, the City Seal may be used on the advertising of the event as a means to show the City's approval and/or sponsorship.

For the edification of the public, the City may also show its support, promotion or sponsorship by printing an advertisement, announcement or message on one of the following: utility bills, handbills, and/or the City's website.

"Selling" or using the space on customers' utility bills for any other advertising or promotion purposes is not permitted under any circumstance.

Adopted by the City Council at a regular meeting held April 9, 2009, amended April 4, 2013, amended January 9, 2014.

/s/Barbara G. Volk, Mayor
Attest: /s/Tammie K. Drake, City Clerk

There was a brief recess.

15. Consideration of Contract Management Policy/Program: Mr. John Connet, City Manager, explained the City does not a have formal policy that relates to the management of contracts and presented a policy /program to accomplish that. He stated this will establishes who is authorized to approve and execute contracts and agreements that bind the City. He stated a review form will be attached that will be routed with the contracts through the City to ensure appropriate approvals, ensure the services the City expects are specified in the contract, then it will be routed to the legal department for review, and then pre-audited in accordance with Local Government Fiscal Control Act to ensure the money is available to pay the contract. The City Manager will also approve the contact and the city clerk will document whether the contract requires City Council approval and then place it on an agenda for consideration by the Council. The original will return to the City Clerk for the files.

Mr. Connet explained this policy also includes a standard City contract that has been drafted by the City Attorney and will be made available for vendors, etc. This contract lays out the City's requirements and provides a right to terminate and other requirements by law, i.e., e-verify. He stated this pre-approved contract form will allow details to be filled in and readily available for staff to use in the event a business does not have a standard contract. This will prevent the process from being slowed down.

Mr. Connet reviewed the policy portion of the proposed policy including change order approval.

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Council Member Smith commented approving a contract may take more time under this policy but will ensure it is correctly done. Mr. Connet agreed it will take more planning on staff's part but will get the documents in the loop to be reviewed before it is needed.

Council Member Caraker moved City Council approve the Contract Management Policy and program presented by the City Manager. A unanimous vote of the Council followed. Motion carried.

City of Hendersonville
Contract Management Policy

1. Policy

The City of Hendersonville requires that all contracts be executed in accordance with the Contract Management Policy. This policy has been developed in an effort to better manage the numerous contracts and service agreements that are executed by the City of Hendersonville. This policy is designed to guide all City of Hendersonville Departments in the execution of contracts between the City of Hendersonville and outside parties.

2. Contract Approval

A. The City Council must approve all contracts that meet the following criteria:

1. Contracts greater than $90,000 with or without budgetary authority.
2. Contracts exceeding budgetary approval, which require a budget amendment
3. Contracts with terms greater than one year.
4. Contracts subject to statutory bid (informal or formal) thresholds
5. Contracts suggesting a significant policy change as determined by the City Manager
6. Project change orders that exceed approved cost of the contract and budgeted funds.

B. The City Manager may execute contracts without additional City Council approval, if the contract meets all of the following conditions:

1. Contracts less than $90,000 that have been authorized by City Council through direct award or budget authorization.
2. Contracts that are one year or less.
3. Equipment leases or rentals for less than one year, which require a budget amendment.
4. Project change orders that do not exceed the total capital budget and are not a significant change in project scope or design.

C. Department Heads or designee may execute maintenance or service contracts if the contracts meet all of the following conditions:

1. Contracts less than $30,000 that have been authorized by direct award or budget authorization.
2. Contracts or agreements that one year or less.
3. Upon utilization of standard contract document or contract review process.
4. Equipment leases or rentals for less than one year, which do not require a budget amendment.

3. Contract Documents

All contracts for which the contractor will perform work or provide services for the City of Hendersonville, must be accompanied by the standard City of Hendersonville contract form or a contract approved by the City Attorney. The contract must follow all signature procedures and contain all necessary insurance and payment options. A copy of the completed and signed contract must be forwarded to the City Clerk and if necessary to the Finance Department for requisition approval. The City will not enter into contractual agreements that are subject to automatic renewal and will attempt to structure contracts to coincide with the fiscal year.

4. Contract Review Form

Unless a department is utilizing the standard City of Hendersonville contract, all contracts must be circulated through the organization through the utilization of the Contract Review Form (CRF) (attached). The contract cannot be executed until all applicable parties have signed the CRF. The Mayor, City Manager or department will execute or authorize the execution of the contract once they are satisfied that all reviews have been completed.

5. Finance Officer Review

Regardless of form, no contract may be executed unless the City of Hendersonville Finance Officer has pre-audited the contract in the manner required by the Local Government Budget and Fiscal Control Act.

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Approved by the City Council on January 9, 2014.
/s/Barbara G. Volk, Mayor
Attest: /s/Tammie K. Drake, City Clerk

16. Consideration of Adverse Weather Policy: Mr. David Sapp, Personnel Officer, presented an amended policy on how the City will pay employees when it is necessary to close City Hall because of adverse weather conditions.

Mr. Sapp reviewed the policy in which employees were divided into groups: essential (Police, Fire and some Water/Sewer Department employees) and non-essential (administrative staff). He stated this policy was developed in collaboration with the City Manager and Department Heads. Mr. Connet explained the policy will provide fairness, balance and safety for employees who want them to go home.

Council Member Caraker asked if there is a chain of command for each department should the leadership position not be available. Mr. Connet replied an emergency response plan is being developed and it will include the chain of command.

Council Member Caraker moved City Council to approve the adverse weather policy. A unanimous vote of the Council followed. Motion carried.

Inclement Weather Policy

I. Introduction

The City of Hendersonville is required to provide essential services for its citizens regardless of weather conditions. The City is committed to the safety and security of its employees, residents and visitors.

As such, the decision whether the City should close or remain open is based on the overall concern for the community. The Inclement Weather Policy is established to be as fair as possible to all employees.

II. Scope

This administrative policy, upon approval of the City Council, shall be applicable to all employees. This procedure shall remain in effect until such time that it is altered, modified, or rescinded by the City Council.

III. Types of Personnel

Essential Personnel: The term "essential personnel" is used in this policy to describe those employees whose job responsibilities are provided 24 hours a day – seven days a week and/or are essential to the everyday livelihood of the City and its citizens. Employees essential to the successful and efficient management of a weather emergency situation shall be designated by the City Manager or their Department Head and are expected to return to work as scheduled.

An essential employee, unable to report to work for their scheduled shift due to legitimate environmental conditions, should contact their immediate supervisor to see if alternative transportation can be arranged. Employees who report in on their day off to cover the absent employee's shift will be paid in accordance with the FLSA guidelines. Failure to be available or to report to work when called may be grounds for disciplinary action.

Non-Essential Personnel: The term "non-essential employee" is used in this policy to describe those employees whose job responsibilities are primarily administrative in nature and can be delayed without any negative impact to the employees, citizens, or the community.

IV. Procedure

It is the policy of the City of Hendersonville to remain open during most periods of inclement weather; however, where extraordinary circumstances warrant, the City reserves the right to close our facilities.

1. Each employee is expected to make necessary advance preparations so they can get to work in periods of adverse weather.

2. The City recognizes weather conditions may prevent some employees from reporting to work on time or not at all. The decision to report to work or not is an employee's option based on their assessment of road conditions. If an employee does not report to work, reports to work late, or leaves early due to weather conditions they must notify their immediate supervisor.

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3. The employee may use vacation, compensatory time, or leave without pay as coordinated with their supervisor during adverse weather.

4. Employees are strongly encouraged to have a plan in place for child care in the event that schools are closed due to inclement weather. Department Heads may exercise discretion in allowing employees to stay home for purposes of caring for school age children, as long as full operational capabilities are maintained.

City offices and departments shall remain open for the full scheduled working day unless authorization for closing or other deviation is approved by the City Manager. In these situations, the City may be closed or may open late for employees, customers, and the general public in the interest of safety.

The City of Hendersonville will notify local media of this change and update our general information line at 828.697.3000. Department Heads will be contacted and are responsible for contacting their employees.

V. Closures and Payroll Procedures

The City Manager will make the decision on whether to close City facilities. In the event of a closure due to weather conditions, the City will apply the following standard:

- Non-essential employees will be paid for the closure. Essential employees will receive pay for the hours worked plus compensatory time for the closure. For example, the if the City closes its operations for a half a day, non-essential employees will receive a half day pay (four hours) for the closure. Essential employees would receive four hours for the closure which would be added to the employee's "comp time" as regular time. These hours would be considered non-compensable hours under FLSA for overtime calculations.

- If the employee elects not to report to work when facilities are open the employee may: 1) use any accrued vacation, leave, or compensatory time or 2) the employee will not be paid for the day.

- All employees will be given the same amount of time for the closure. For instance, if an employee is scheduled to work a second or third shift they will receive the same amount of "comp time" as if they worked during a closure. The "comp" time is for all employees who are scheduled to work after the closure has been implemented and will expire at midnight on the day of the closure. For example, the City closes at noon, all employees who were working at noon and during the remaining shifts of that workday would receive "comp time." This would include a police shift starting that day and second or third shifts. The employee shall only receive one award of time for working during the closure should shift schedules not coincide with this policy.

- Employees preapproved for a scheduled off day are not eligible for pay during the closure.

VI. Non-Compensable Stand-By Pay

Employees may volunteer or be asked to have their name placed on a "call-in" list as relief personnel. Employees in this status are not eligible for "on-call" pay outlined in Article III Section 13 of the City's Personnel Policy. These employees are not required to be available and no disciplinary action will be taken for failure to respond. However, should these employees report to work during their day off or work hours in addition to their regular schedule, they will be paid in accordance with FLSA guidelines.

VII. Payment Guidelines

The general policy of the City of Hendersonville is to award time to essential workers who worked during a closure as "comp time" for the hours the City offices were closed due to adverse weather conditions. However, this may not be feasible for the department. Department heads may request a deviation from the policy to City Manager for final approval. The City Manager may approve any deviations from policy on a case-by-case basis for the department.

Below are general guidelines when the City Manager will consider any deviation and pay employees vs. awarding "comp" time.

- Number of consecutive closings in a 30-day period
- The amount of "comp time" a department currently has on the books
- The impact of scheduling multiple employees off and impact to operations
- The financial impact to department of paying time off

Approved by City Council on January 9, 2014 in accordance with City's Personnel Policy.

/s/John Connet, City Manager

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16 a&b. Consideration of Budget Amendments (removed from Consent Agenda for discussion): Mayor Pro Tem Stephens asked for an explanation of the budget amendments.

a. Mr. Wooten explained the budget amendment is necessary to correct a shortfall. He stated two people were hired to handle the recycling carts. He stated in preparing the budget, he mistakenly did not total the numbers. He stated this amount is not enough to cover two salaries but will be enough to cover for the remainder of the year. He is using funds from other vacated positions for the balance needed.

Mayor Pro Tem Stephens asked if there is a policy to make up shortfalls such as these: finding a savings in the department versus using reserve funds. Mr. Connet explained historically the actual expenditures in departments are less than the budgeted amount at year-end so a savings is realized. He explained it is possible the fund balance will not have to be used. Mr. Wooten explained Council must approve all budget amendments relating to salaries.

Council Member Smith moved Council to approve the budget amendment for the Environmental Services Fund. A unanimous vote of the Council followed. Motion carried.

•Environmental Services Fund: To transfer funds from the Environmental Services Fund – Fund Balance in the amount of $14,100 to cover personnel line items to correct an error made in the budgeting process.

Total Current Budget Appropriations	$ 51,720.00
Amount Of Increase/(Decrease)	14,000.00
Total Current Amended Budget	$ 65,720.00

b. Water/Sewer Department: Mid-year budget amendments: Mayor Pro Tem Stephens asked if staff looks for ways to save money by taking it out of already-budgeted items so it is not necessary to take it from reserve funds. Mr. Connet explained yes, there is unspent funds in other line items and fund balance will not be used (some items were reclassified). Mr. Lee Smith explained some budget amendments are done mid-year instead of all at the end of the year.

Council Member Caraker asked for an explanation of the position reclassification. Mr. Lee Smith explained Mr. Ferguson reclassified the Distribution Supervisor position and moved it to Operations Support which is a different division. He stated that was going to become the Operations Manager that would have been hired while Dennis Frady was still employed but it did not occur. He stated that position is funded but has not been filled. Mr. Lee Smith requested the unfunded Assistant Utilities position be reclassified as a line maintenance mechanic and move it back into the Distributions fund because they are one position short.

Council Member Miller moved Council to approve the job reclassification budget amendment and to appropriate funding for this position in the amount of $13,700 as presented and recommended by staff. A unanimous vote of the Council followed. Motion carried.

•Shop Operations: To reclassify the unappropriated assistant utilities director position in Shop Operations to line maintenance mechanic in Water Maintenance and Construction. If approved, this would allow the division to equal the number of employees prior to the reclassification of the water distribution system supervisor position. The cost to appropriate this position for the current fiscal year will be approximately $13,700 which includes salary and benefits for a line maintenance mechanic for five months.

Total Current Budget Appropriations	$2,123,200
Amount Of Increase/(Decrease)	13,700
Total Current Amended Budget	$2,136,900

Council Member Caraker moved Council to approve the Water/Sewer Department mid-year budget amendments as presented. A unanimous vote of the Council followed. Motion carried.

•Shop Operations: To adjust several expenditure line accounts in order to balance the budget for year-end. There will be no net change in this budget. Amount of adjustments: $350

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- Water Maintenance and Construction: To adjust several expenditure line accounts in order to balance the budget for year-end. There will be no net change in this budget. Amount of adjustments: $97,598
- Sewer Maintenance and Construction: To adjust several expenditure line accounts in order to balance the budget for year-end. There will be no net change in this budget. Amount of adjustments: $33,819

17. Reports from Staff:

a. New Informational Reports: Mr. John Connet, City Manager, noted an amendment to the agenda item cover sheets that show budgetary impact. He presented a report from the Human Resources Officer and stated reports will be submitted by the other departments that will show trends from month-to-month to provide Council with numbers on how the City is operating. He stated asked that Council notify him if they would like the repots in another manner. **No action was required or taken.**

18. Consideration of Appointments to Boards and Commissions

a. Consideration of Appointments: These appointments were announced at Council's December meeting:

Environmental Sustainability Board: City Clerk Tammie Drake presented the applications of citizens willing to serve on the ESB. She explained it appears none of the applicants reside in the City but there is one vacant outside-City position. **Council Member Smith nominated David Rhode to serve on the Environmental Sustainability Board. A unanimous vote of the Council followed. Motion carried.**

Historic Preservation Commission: City Clerk Tammie Drake reported the resignation of Ms. Tate resulted in one vacancy. She presented the applications from citizens wishing to serve. **Council Member Caraker nominated Mia Freeman to fill the unexpired position on the Historic Preservation Commission. A unanimous vote of the Council followed. Motion carried.**

Tree Board: Mrs. Drake reported the terms of three members on the Tree Board will expire Feb. 1: Mac Brackett, Wes Burlingame and Judy Frank. All three members would like to continue serving on the Tree Board. She also announced one vacancy with the resignation of Karen Jackson. **Council Member Miller moved to reappoint Mac Brackett, Wes Burlingame and Judy Frank for a three-year term on the Tree Board. A unanimous vote of the Council followed. Motion carried.**

b. Announcement of Up-Coming Reappointments/Vacancies: City Clerk Tammie Drake announced a vacancy on the Tree Board, reminded the Council of the vacant alternate position on the Board of Adjustment and the two vacant positions on the Hendersonville Sister Cities Board. **No action was necessary or taken.**

19. Comments from Mayor and City Council Members:

Employee Appreciation: Council Member Caraker commented on the recent life-threatening cold weather events. **He moved the City Council approve providing a breakfast meal as a way to express appreciation to the line crews who work outside. A unanimous vote of the Council followed. Motion carried.**

20. New Business: There was none.

21. Closed Session: Council Member Caraker moved the Council to enter closed session to consult with an attorney employed or retained by the Council in order to preserve the attorney-client privilege between the attorney and the Council [and to consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure] and to discuss matters relating to the expansion of industries or other business in the City of Hendersonville [as provided by NCGS 143-318.11(a)(3)&(4)]**. A unanimous vote of the Council followed. Motion carried.**

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The Council exited the closed session at 8:55 p.m. upon unanimous consent of the Council. No action was taken.

22. Adjournment: The meeting adjourned at 8:55 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: Susan G. Frady
Department: Zoning
Date Submitted: 1/16/14
Presenter: Susan G. Frady
Date of Council Meeting to consider this item: 2/6/14
Nature of Item: Council Action

Summary of Information/Request: **Item #** 05b

On January 16, 2014, the Special Events Committee met and reviewed an application from Team ECCO for Singing for the Seas to be held Saturday, April 12, 2014 from
12 p.m. until 5 p.m.

The event will be held on the plaza in front of First Citizens Bank. This is a free concert to bring awareness to Team ECCO Ocean Center and aquarium and also will be the kickoff of the capital campaign.

There will be no parking in the 15 minute spaces in front of the First Citizens Plaza from
12 p.m. until the event ends at 5 p.m. Also, the sidewalk between 5th and 6th Avenues will be closed mid-block (near the ATM) for the entire event. Caution cones will be placed along Sixth Avenue as a safety barrier.

The Special Events Committee voted unanimously to recommend approval of a special event permit for Singing for the Seas.

Budget Impact: $ 0 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 City Council approve the special event permit for Singing for the Seas.

Attachments:

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Return to Agenda

Submitted By: Lisa White
Department: Finance
Date Submitted: 01.28.14
Presenter: Lisa White
Date of Council Meeting to consider this item: 02.06.14
Nature of Item: Council Action

Summary of Information/Request: **Item #** 05c

This project will involve the installation of new sidewalk along US HWY 64 to connect existing sidewalks and closely follows the City's Pedestrian Plan. On November 13, 2013 the City of Hendersonville entered into a Sub-Recipient Agreement with the City of Asheville for the New Freedom Program grant funding for Pedestrian Improvement along US Hwy 64. The total grant is $292,645 with a 20% match of which 10% can be city services will be provided by City Engineering in kind services the remaining match will be provided by a transfer from the remaining funds of the Sidewalk Bond Fund.

Budget Impact: $ 292,645 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Budget amendment attached to set up the fund for the grant.

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

I move approval of the budget amendment necessary for receipt of grant funds for the Highway 64 East sidewalk project and the associated project ordinance.

Attachments:

Budget Amendment
Project Ordinance

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SUBMITTED FOR COUNCIL APPROVAL February 6, 2014

BUDGET AMENDMENT

FISCAL YEAR 2014

FUND: NEW FREEDOM HWY 64 GRANT

ACCOUNT NUMBER				
ORG	OBJECT	DESCRIPTION OF ACCOUNT	EXPENSE	REVENUE
		Grant Revenue		$ 234,116.00
		In-kind Services		$ 58,529.00
		Engineering In-Kind Services	$ 58,529.00	
		Contracted Services	$ 234,116.00	
			.	
		TOTALS IN BALANCE	$ 292,645.00	$ 292,645.00

This project will involve the installation of new sidewalk along US HWY 64 to connect existing sidewalks and closely follows the City's Pedestrian Plan. On November 13, 2013 the City of Hendersonville entered into a Sub-Recipient Agreement with the City of Asheville for the New Freedom Program grant funding for Pedestrian Improvement along US Hwy 64. The total grant is $292,645 with a 20% match of which 10% can be city services will be provided by City Engineering in kind services the remaining match will be provided by a transfer from the remaining funds of the Sidewalk Bond Fund.

FINANCE DIRECTOR Date: 1/28/2014

CITY MANAGER Date:

APPROVED BY CITY COUNCIL: DATE:

Ordinance #14-xxxx

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CAPITAL GRANT PROJECT ORDINANCE FOR THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF THE NEW FREEDOM PEDESTRIAN IMPROVEMENTS ALONG US HIGHWAY 64

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 pedestrian sidewalk project described as the New Freedom Pedestrian Improvement along US Highway 64 ("New Freedom Hwy64 Grant") funded by a New Freedom Program (NF) federal transit program authorized under SAFETEA-LU by the Federal Transit Administration (FTA).

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 City of Asheville; in the total amount of $292,645, 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	234,116
	In-Kind Sources	58,529
	Total Project Funding Sources:	$ 292,645

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

Account	Account Name	Total Budget
	City Engineering In-Kind Services	58,529
	Contracted Services	234,116
	Total Grant Project Appropriation:	$ 292,645

Section 5: The Finance Director is hereby directed to establish a 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 to the City of Asheville each quarter within 30 days of the end of the quarter as per the sub-recipient agreement with the City of Asheville.

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Section 7: 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 8: 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 sixth day of February, 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: Lee Smith
Department: Water/Sewer
Date Submitted: 1/27/2014
Presenter: Lee Smith
Date of Council Meeting to consider this item: 2/6/2014
Nature of Item: Council Action

Summary of Information/Request: **Item #** 05d

Staff is requesting a budget amendment that would allow the transfer of $65,400 from 607126-559900 Capital Outlay - Other Improvements to 607110-519400 Professional Services - Engineering. This funding is being requested to allow McGill Associates to provide the required engineering services for the Fletcher Area Water System Improvements Project. This project is intended to identify needed improvements to provide greater water service pressure for the Mission-Pardee Medical Facility located in Fletcher and other associated phases with that project, which includes an addition to the existing facility as well as a new YMCA on this property. This project will also enhance water service throughout this portion of the City's water distribution system.

Budget Impact: $ 65,400 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Staff is proposing a transfer of funds in the amount of $65,400 from 607126-559900 Capital Outlay - Other Improvements to 607110-519400 Professional Services - Engineering, so there will be no new money being requested.

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

I hereby move to approve the proposed budget amendment allowing for the transfer of $65,400 from 607126-559900 to 607110-519400 to fund engineering services with McGill Associates for the Fletcher Area Water System Improvements Project, as presented and recommended by staff.

Attachments:

Budget Amendment for transfer of funds from 607126 to 607110.

TO MAYOR & COUNCIL **FISCAL YEAR 2014**

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BUDGET AMENDMENT

FUND: Water & Sewer Fund

ACCOUNT NUMBER ORG	OBJECT	DESCRIPTION OF ACCOUNT	EXPENSE INCREASE	EXPENSE DECREASE
607110	519400	Professional Services - Engineering	$ 65,400.00	
607126	559900	Capital Outlay - Other Improvements		$ 65,400.00
		TOTALS IN BALANCE	$ 65,400.00	$ 65,400.00

Transfer funds from Department 607126 Water Maintenance Construction to 607110 Water & Sewer Administration Department to provide for engineering services associated with possible design services for potential water system improvements needed in the Fletcher area as related to the Mission-Pardee facility. Net change to the W&S fund is zero.

			ORIGINAL BUDGET	Amount: Increase or (Decrease)	AMENDED BUDGET
607110	519400	Professional Services - Engineering	$ 298,500.00	$65,000.00	$ 363,900.00
607126	559900	Capital Outlay - Other Improvements	$ 2,123,200.00	($65,000.00)	$ 2,058,200.00
		TOTAL:		$0.00	

FINANCE DIRECTOR Date: 1/27/2014

CITY MANAGER Date: 1/27/2014

APPROVED BY CITY COUNCIL: DATE:

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

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Submitted By: Sue Anderson, Planning Director **Department:** Planning
Date Submitted: January 16, 2014 **Presenter:** Sue Anderson
Date of Council Meeting to consider this item: February 6, 2014
Nature of Item: Council Action

Summary of Information/Request: **Item #** 06

File # H13-60-COA
The Planning Department has received a request to designate Brookland, located at 299 Balsam Road, as a designated landmark. Landmark designation means the community recognizes the property as one worthy of preservation because of its special significance and integrity in the local community. Any substantial change in design, materials, and appearance is subject to the design review procedures of the Historic Preservation Commission. Landmark designation also gives the property owners a 50% tax deferral on local property taxes for as long as the property is designated and retains special significance and integrity.
Constructed in 1836, Brookland is of special significance to the City of Hendersonville because it represents the history of the community before the city was founded in 1847. Having been restored and rehabilitated by the current owners, Brookland retains a very high degree of architectural integrity, particularly in the areas of design, setting, workmanship, materials, feeling, and association. As part of the requirement for landmark designation, a designation report shall be created that assesses the significance of a site or structure. The Brookland Landmark Final Report, completed by Southeastern Preservation Services, may be viewed in the City Council drop box folder.
In order to designate a property as a landmark, City Council must adopt an ordinance making that designation. There are two other properties designated as landmarks in Hendersonville. They include the Earl Stillwell house located at 1300 Pinebrook Street and the Earl Stillwell house located at 541 Blythe Street.

Budget Impact: $ 1,475.50 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

No funding is necessary. Landmark designation will result in a 50% tax deferral on local property taxes.

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

I move the City Council to adopt an ordinance designating Brookland, located at 299 Balsam Road, as a local historic landmark.

Attachments:

Memo

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M E M O R A N D U M

Planning Department

TO: Honorable Mayor and City Council

FROM: Sue Anderson, Planning Director / Commission Coordinator

RE: Designation of *Brookland* as a Local Historic Landmark
File Number H13-60-COA

DATE: January 16, 2014

BACKGROUND

According to NC General Statutes 160A-400.5 and 160A-400.6, the Historic Preservation Commission has the ability to recommend individual properties as “local landmarks”. Such properties lie outside of historic districts but warrant such consideration based on the historical, prehistorical, architectural, or cultural importance and to possess integrity of design, setting, workmanship, materials, feeling and/or association.

Landmark designation means the community recognizes the property as one worthy of preservation because of its special significance and integrity in the local community. Any substantial change in design, materials, and appearance is subject to the design review procedures of the Historic Preservation Commission. Landmark designation also gives the property owners a 50% tax deferral on local property taxes for as long as the property is designated and retains special significance and integrity.

Currently the City has two local landmarks: Erle Stillwell House 1located at 1300 Pinebrook Street and Erle Stillwell House 2 located at 541 Blythe Street. These two properties are currently subject to the Hendersonville Historic Preservation Guidelines.

This local designation comes as a request from Gene and Debby Staton, owners of Brookland, located at 299 Balsam Road. The Statons hired Sybil Argintar of Southeastern Preservation Services to prepare a local historic landmark report. This report was reviewed by the Commission at the November 20, 2013 meeting and referred to the Department of Cultural Resources for review. The Department of Cultural Resources, acting through the State Historic Preservation Officer, reviewed the draft report and suggested some minor changes, which were incorporated into the final report. The Brookland Landmark Final Report has been placed in the drop box folder by the City Clerk. The report may also be viewed in the Planning Department or the City Clerk’s office.

On January 15, 2014, the Historic Preservation Commission held a public hearing as required by General Statue 160A-400.6 (4) and City of Hendersonville Code of Ordinances Section 28-76 (4). Notice of the time and place of the meeting was mailed to 43 adjoining property owners. One property owner in the Brookland Manor subdivision spoke at the

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public hearing and expressed concerns regarding how the landmark status will impact other properties.

The Historic Preservation Commission voted unanimously to recommend that City adopt an ordinance designating Brookland, located at 299 Balsam Road, as a local historic landmark based on findings 1-6 included in the ordinance. Originally, the owners wanted certain elements of the interior of the main house to fall under the review of the Historic Preservation Commission. The Historic Preservation Commission voted unanimously to recommend that the interior features in the main house not be included.

Per General Statue 160A-400.6 (4) and City of Hendersonville Code of Ordinances Section 28-76 (4), City Council shall hold a public hearing on the proposed ordinance to designate Brookland as a Landmark. This public hearing is scheduled for February 6, 2014 and has been noticed per General Statue 160A-364. All adjoining property owners have been notified of this public hearing.

An aerial photo of the property is included on page 4. Following are excerpts from the report.

5. JUSTIFICATION OF LAND PROPOSED TO BE DESIGNATED

All of the 9.50 acres currently associated with Brookland was part of the original 277 acres historically associated with the house.

6. PROPERTY INCLUDED IN DESIGNATION AND BOUNDARY

This designation includes the exterior and interior features as noted of the main house, all of the historic acreage currently associated with the house (9.53 acres), and all contributing outbuildings. Interior features of the main house to be included are the current floor plan, staircase, heart pine floors, baseboards, doors, door and window trim, mantels, and stone fireplace surrounds and hearths.

7. PERIOD OF HISTORICAL SIGNIFICANCE

The period of significance of the property is from its construction in 1836, through 1964, when both of the Fickens passed away and the heirs divided and sold much of the property.

8. SUMMARY STATEMENT OF SIGNIFICANCE

Constructed in 1836, Brookland is of special significance to the City of Hendersonville because it represents the history of the community before the city was founded in 1847. Although its historical development is tied to the early-nineteenth-century development of the Village of Flat Rock, Brookland was located on the outskirts of Flat Rock and is now one of the few remaining buildings in Hendersonville that date to the first half of the nineteenth century. Having been restored and rehabilitated by the current owners, Brookland retains a very high degree of architectural integrity, particularly in the areas of design, setting, workmanship, materials, feeling, and association.

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Brookland is significant in the area of architecture for being representative of high style Federal, early Greek Revival, and Colonial Revival styles dating from 1836 through the early twentieth century, reflecting the changing needs of the owners through the years. Brookland is also significant for its contribution to the overall social history of Henderson County from the early decades of the nineteenth century through the mid-twentieth century as an important estate located in an enclave of summer homes, built by wealthy families from the low country of Charleston and other coastal areas, in Flat Rock, known as the "Little Charleston of the Mountains". The remaining large estates of these families are located in Flat Rock, but Brookland is the only one of these located within the current city limits of Hendersonville.

Additionally, Brookland is significant for its association with several historically important owners, including Charles Edmondston, a wealthy land owner and prominent Charleston, South Carolina businessman who owned one of the most prosperous wharfs in Charleston, Edmondston Wharf. In addition to his business ventures, Edmondston was an architect who designed and built his home in Charleston and later Brookland. Edmund Molyneux, the owner after Edmondston, was appointed as British consul in 1831, serving in that capacity until 1862, during the time he owned Brookland. Major Theodore G. Barker, the next owner, was a Charleston attorney, who purchased large tracts of land in Henderson County and was considered to be, at the time, the largest landowner in the county. H. H. Ficken, the last of the owners within the period of significance, was a well-known Charleston banker and businessman who expanded upon the farming operations at Brookland.

Additional Excerpt

In 1977, the current owners purchased the property and approximately nine and one-half acres. Eugene Staton, one of the current owners, has several ties to the property, where his grandfather, John F. McGraw worked as a caretaker, and where his grandmother, Jannie Lee Gurley, lived as a child. The Statons have restored many of the buildings back to their original appearance, including removal of the pebbledash on the main house and the servants quarters/guest house, to bring back the original siding of these buildings. The deteriorated roof covering of the main house was replaced with Duraslate and aluminum gutters were replaced with copper gutters. The owners have also been instrumental in restoring many of the interior features of the house. The property was annexed into the City of Hendersonville in 1994.

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AN ORDINANCE DESIGNATING PROPERTY KNOWN AS BROOKLAND AND LOCATED AT 299 BALSAM ROAD AS A LOCAL HISTORIC LANDMARK

WHEREAS, pursuant to N.C. General Statutes Sections. 160A-400.5 and 160A-400.6 and Chapter 28 of the Code of Ordinances of the City of Hendersonville, the City has the authority for designation of a local historic landmark; and

WHEREAS, Henderson County Tax Records for Parcel # 9578-12-1961, located at 299 Balsam Road and known as Brookland, lists Susan Alicia Staton, Trustee, Christopher E. Staton Jr. Trust and Deborah Holmes Staton Trust as the property owners; and

WHEREAS, The property owners have caused to be made an investigation and report on the historic, architectural, and cultural significance of the buildings and property proposed for designation located at 299 Balsam Road; and

WHEREAS, the Historic Preservation Commission has reviewed the report and recommended the report be forwarded to the North Carolina Department of Cultural Resources for review and comment; and

WHEREAS, the North Carolina Department of Cultural Resources has reviewed the report and commented on the proposed designation; and

WHEREAS, a public hearing on the designation of Brookland as a local historic landmark was held by the Hendersonville Historic Preservation Commission on January 15, 2014, and the following findings were made:

a. Constructed in 1836, Brookland is of special significance to the City of Hendersonville because it represents the history of the community before the city was founded in 1847.
b. Brookland is now one of the few remaining buildings in Hendersonville that date to the first half of the nineteenth century.
c. Having been restored and rehabilitated by the current owners, Brookland retains a very high degree of architectural integrity, particularly in the areas of design, setting, workmanship, materials, feeling, and association.
d. Brookland is significant in the area of architecture for being representative of high style Federal, early Greek Revival, and Colonial Revival styles dating from 1836 through the early twentieth century.
e. Brookland is significant for its contribution to the overall social history of Henderson County from the early decades of the nineteenth century through the mid-twentieth century as an important estate located in an enclave of summer homes, built by wealthy families from the low country of Charleston and other coastal areas.

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f. Brookland is significant for its association with several historically important owners including Charles Edmondston, prominent Charleston, South Carolina businessman, Edmund Molyneux, British consul from 1831- 1862, Major Theodore G. Barker, a Charleston attorney and at one time the largest landowner in Henderson County, and H. H. Ficken, Charleston banker and businessman.

WHEREAS, the Hendersonville City Council has taken into full consideration all statements and information presented at its public hearing on February 6, 2014, and considered the recommendation of the Hendersonville Historic Preservation Commission after its public hearing held on January 15, 2014, on the question of designating the property known as Brookland, 299 Balsam Road, a local historic landmark.

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

Section 1. The findings set out above are hereby adopted, and all of the property known as Brookland and located at 299 Balsam Road, and further described in Exhibit A, is hereby designated as a local historic landmark pursuant to Part 3C of Article 19 of Chapter 160A of the North Carolina General Statutes and Section 28 of the Code of Ordinances of the City of Hendersonville, and is subject to the conditions and restrictions set forth therein and below:

a. The exterior of the main house, all of the historic acreage currently associated with the house (9.53 acres), and all contributing outbuildings shall not be demolished, materially altered, restored, or removed, nor any new structure built upon the lot without a Certificate of Appropriateness issued by the Hendersonville Historic Preservation Commission.

b. The Certificate of Appropriateness shall reference the Historic Preservation Commission Design Guidelines.

c. Any application for demolition of the main house and contributing outbuildings shall require the waiting period set forth in Part 3C of Article 19 of Chapter 160A of the North Carolina General Statutes.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

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Section 3. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 4. This ordinance shall be in full force and effect on the date of adoption.

Section 5. Violation of this ordinance shall be subject to the remedies set forth in Section 1-6 of the City Code, in addition to other remedies provided by law.

Adopted by the City Council at a meeting held on the sixth day of February, 2014.

_____
Barbara G. Volk, Mayor

ATTEST:

_____
Tammie K. Drake, MMC, City Clerk (Seal)

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Exhibit A

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

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Submitted By: Sue Anderson, Planning Director **Department:** Planning
Date Submitted: January 24, 2014 **Presenter:** Sue Anderson
Date of Council Meeting to consider this item: February 6, 2014
Nature of Item: Council Action

Summary of Information/Request: **Item #** 07

File #P13-46-SUR
The City is in receipt of a Special Use Permit amendment application from M Realty LLC to rezone Slide #9126 from PMD Planned Manufacturing Development and I-1 Industrial to Planned Commercial Development and to allow three additional RV storage canopies totaling 14,708 ft2. The applicant is also requesting a variance from the paving requirement for parking areas. The property is located at 102 / 110 Glover Street.

PLANNING BOARD RECOMMENDATION
The Planning Board took this matter up at its regular meeting on May 13, 2013. The Planning Board voted unanimously to recommend City Council approve a variance from the paving requirements for off-street parking, driveways and loading areas as specified in Zoning Ordinance Section 5-15-4.2 to allow for gravel in the areas shown on the amended site plan due to the fact that a literal enforcement of such standards will result in practical difficulty or unnecessary hardship, do not violate the findings of fact contained in Section 7-4-10.1 and will not have any visual effect.
The Planning Board voted unanimously to recommend City Council approve an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of Slide #9126 from PMD Planned Manufacturing Development and I-1 Industrial to PCD Planned Commercial Development, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest because it is largely already developed. The Planning Board also voted unanimously and to recommend City Council approve the application of M Realty LLC for an amended Special Use permit based on the site plan submitted by the applicant.

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

No funding necessary.

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

See page 7 & 8 of the memo for motions.

Attachments:

Memo

M E M O R A N D U M

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TO: Honorable Mayor and City Council

FROM: Susan Anderson

RE: Storage Center

FILE #: P13-46-SUR

DATE: January 23, 2014

PROJECT DESCRIPTION

The City is in receipt of a Special Use Permit amendment application from M Realty LLC to rezone Slide #9126 from PMD Planned Manufacturing Development and I-1 Industrial to Planned Commercial Development and to allow three additional RV storage canopies totaling 14,708 ft^2. The applicant is also requesting a variance from the paving requirement for parking areas. The property is located at 102 / 110 Glover Street.

BACKGROUND / HISTORY

Existing Buildings

For four of the existing eleven buildings, staff was unable to determine when they were approved for the site. The four buildings include the following:

3,981 ft^2 building located at the south corner of the property
3,594 ft^2 building located at the south corner of the property
7,215 ft^2 building located at the northeast corner of the property
7,504 ft^2 building located at the northeast corner of the property

Three of the existing buildings were approved for the site by the Board of Adjustment on September 23, 1988. The three buildings include the following:

6,210 ft^2 building located at the southwestern portion of the property
7,770 ft^2 building located at the southwestern portion of the property
2,621 ft^2 building located at the southwestern portion of the property

One existing building totaling 8,794 ft^2 located along the northern property line was approved by the Planning Board on December 16, 1996.

Three existing buildings were approved for the site through a Special Use Permit issued October 10, 2002. The three buildings include the following:

4,650 ft^2 building located along Glover Street

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6,040 ft^2 open shed building located at the northwest corner of the property
16,953 ft^2 open shed building located at the northwest corner of the property

All existing building square footage is based on the site plan completed by Broadbooks & Associates. Total square footage of all existing buildings is 75,332 ft^2.

Rezoning

1970 Zoning Map – A portion of the property included in the Storage Center application is zoned I-1 Industrial and C-3 Highway Business.

March 7, 1991 - According to City Council minutes, City Council approved rezoning 4.5 acres "…located west of Glover Street, adjacent to the Southern Railway line and north of and adjacent to the Extra Attic Mini-Storage facility," from R-15 Medium Density Residential to I-1 Industrial.

October 10, 2002 – City Council approved a rezoning request in association with a Special Use permit rezoning a 7.1 acre parcel from I-1 Industrial to PMD Planned Manufacturing Development.

Special Use Permit

October 10, 2002 – City Council approves a Special Use permit to add three additional buildings totaling 33,096 ft^2. Allowed uses include mini-warehouses, offices, recreational vehicle storage and retail stores. City Council also approved the following variance requests:

- Reduce the street tree requirement in Section 15-9-4.9.1 by 6 trees.
- Allow modified landscape buffers in eight locations due to constraints created by the original construction.
- Reduce the required setback from 100 feet to 32 feet for the new office building
- Reduce the required setback from 100 feet to 57 feet for the eastern storage building
- Reduce the setback from 100 feet to 25 feet for the western storage building.

Amended Special Use Permit

October 6, 2005 - City Council approved an amended Special Use permit for seven storage buildings totaling 69,870 ft^2 on 7.63 acres located directly to the north of the existing Storage Center site. The Special Use permit also included a rezoning of the 7.63 acres from R-15 Medium Density Residential to PMD Planned Manufacturing

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Development. The amended Special Use permit also included a condition that a 50 foot natural buffer remain around the perimeter of the new site and an eight foot wood fence be installed between the proposed buildings and the 50 foot buffer. To date, no buildings have been constructed on this site. Over eight years have lapsed since that approval and the ability to develop those buildings according to the approved site plan has since expired.

Notice of Violation

November 19, 2009 – A letter dated November 19, 2009 was sent to George Morosani by Susan Frady, Zoning Administrator, informing Mr. Morosani that he is in violation of the Special Use permit approved by City Council on October 6, 2005 for the 7.63 acre site. The violations included the disturbance of the 50 foot natural buffer, encroachment into the required 30 foot stream buffer, the addition of a new driveway and road leading into the site, the addition of fill on the site, disturbance of a stream and wetlands and no soil erosion control measures installed to control runoff.

November 23, 2009 – A letter dated November 23, 2009 was sent to George Morosani by Tim Fox, Henderson County Erosion Control Technician, informing Mr. Morosani that he is in violation of the North Carolina Sedimentation Pollution Control Act of 1973. There were a number of violations cited relating to soil erosion control requirements.

A Riparian Mitigation Plan for the restoration of the disturbed stream buffer was submitted by the applicant and approved by staff on March 4, 2010. On May 7, 2010, staff inspected and approved the on-site plantings that were part of the Riparian Mitigation Plan.

According to the Henderson County Assistant Engineer, the project was approved for compliance with the North Carolina Sedimentation Pollution Control Act in July 2010.

Amended Special Use Permit

June 3, 2010 - City Council approved an amended Special Use permit to allow a limited use third access from Glover Street. That access is via an easement across Parcel # 9578-24-1621 located at 122 Glover Street.

EXISTING LAND USE & ZONING

The parcel to the north is zoned Planned Manufacturing Development, is vacant and has an expired Special Use permit for additional storage buildings. The Norfolk Southern Railroad R.O.W. is located to the west and Spartanburg Highway is located to the south of this parcel. Parcels located to the east of this parcel are zoned I-1 Industrial and R-15 Medium Density Residential and contain commercial and residential uses.

Surrounding zoning districts are shown on the “Zoning Map” on page 15.

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COMPREHSIVE PLAN CONSISTENCY

Slide #9126 is classified as Neighborhood Activity Center and High Intensity Neighborhood on the 2030 Comprehensive Plan's Future Land Use Map. Surrounding parcels are classified as High Intensity Neighborhood.

The goal of the Neighborhood Activity Center is to "concentrate retail in dense, walkable mixed-use nodes located at major intersections in order to promote a sense of community and a range of services that enhance the value of Hendersonville's neighborhoods."

The goal of the High Intensity Neighborhood is to "encourage low-maintenance, high-density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development."

Comprehensive Plan consistency is addressed under "E" on page 6.

PLAN REVIEW

Building Addition

The site currently has 11 buildings with a total of 75,332ft^2. The amended site plan shows the addition of three open RV storage canopies totaling 14,708 ft^2 located on the northwestern portion of the parcel.

Rezoning

The applicant is requesting a rezoning from City of Hendersonville Planned Manufacturing Development Special Use and I-1 Industrial to Planned Commercial Development.

The Planned Manufacturing Development zoning district classification is designed to accommodate planned manufacturing developments for which a special use permit has been issued in accordance with Article VII. Permitted uses in the Planned Manufacturing Development zoning district classification are the same as those allowed in the I-1 Industrial zoning district classification. Mini-warehouses are a permitted use in the Planned Manufacturing Development zoning district classification.

The I-1 Industrial zoning district classification is established for those areas of the City where the principal use of the land is for industrial activities that by their nature may create some nuisance and which are not properly associated with residential, commercial and/or service establishments.

The Planned Commercial Development zoning district classification is designed to accommodate the development of shopping centers and retail establishments larger

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than 50,000 ft^2 of floor area or which contain commercial uses which are proposed to be developed in conjunction with residential uses. A special use permit, issued in accordance with Article VII, is required

Under the current PMD Planned Manufacturing Development zoning, eight of the existing buildings do not meet the minimum 100 foot setback requirements. Those buildings were in existence prior to the property being rezoned PMD and City Council granted a variance from the 100 foot setback for those existing buildings in 2002.

Three additional buildings were proposed in 2002 and City Council granted a variance from the 100 foot setback for those proposed buildings which were eventually built.

Mini-warehouses are a permitted use in the Planned Commercial Development zoning district classification.

Listed in the table below are the zoning district dimensional requirements for each of these districts.

Zoning	I-1	PMD	PCD
Minimum Lot Area	40,000 ft^2	No Requirement	No Requirement
Minimum Lot Width at Building Line	100’	No Requirement	No Requirement
Minimum Front Yard	35’	100'	40' from R.O.W.
Minimum Side Yard	20’	100'	25'
Minimum Rear Yard	20’	100'	25'
Maximum Building Height	35’	50'	48'
Open Space or Common Open Space	10%	30%	10%

Variance Request

The applicant is requesting a variance from Zoning Ordinance Section 5-15-4.2 which requires that off-street parking, driveways and loading areas shall be paved according to the specifications of the NCDOT. The applicant is requesting that certain areas, as shown on the amended site plan, be allowed to have a graveled surface.

ANALYSIS

Section 7-4-10.1 of the Zoning Ordinance states, “no special use permit shall be approved by City Council unless each of the following findings is made.”

(A) The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.

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Staff has not identified any issues affecting the public health, safety, or general welfare.

(B) There are, or will be at the time they are required, adequate public facilities to serve the use or development as specified in Section 7-11.

The property is currently served by water and sewer.

(C) The use or development complies with all required regulations and standards of the Zoning Ordinance or with variances thereto, if any, granted pursuant to Section 7-4-14, and with all other applicable regulations.

The applicant is requesting a variance from Zoning Ordinance Section 5-15-4.2 which requires that off-street parking, driveways and loading areas shall be paved according to the specifications of the NCDOT.

(D) The use or development is located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located.

A neighborhood compatibility meeting concerning the application was held on December 16, 2013. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject property as required by Section 7-4-4.1 of the Zoning Ordinance. Four members of the general public attended the meeting.

The public raised concerns about the back access road and informally about the stormwater impacts from the fill that was added to the north parcel.

A copy of the neighborhood compatibility report accompanies this memorandum.

(E) The use or development conforms to the general plans for the physical development of the City as embodied in this Ordinance and in the *Comprehensive Plan* and the *Comprehensive Transportation Plan*.

The 2030 Comprehensive Plan's Neighborhood Activity Center category is intended to "concentrate retail in dense, walkable mixed-use nodes located at major intersections in order to promote a sense of community and a range of services that enhance the value of Hendersonville's neighborhoods."

The 2030 Comprehensive Plan's High Intensity Neighborhood category is intended to "encourage low-maintenance, high-density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development."

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The Comprehensive Transportation Plan does not indicate any improvements to Glover Street.

PLANNING BOARD RECOMMENDATION

The Planning Board took this matter up at its regular meeting on January 13, 2014. The Planning Board voted unanimously to recommend City Council approve a variance from the paving requirements for off-street parking, driveways and loading areas as specified in Zoning Ordinance Section 5-15-4.2 to allow for gravel in the areas shown on the amended site plan due to the fact that a literal enforcement of such standards will result in practical difficulty or unnecessary hardship, do not violate the findings of fact contained in Section 7-4-10.1 and will not have any visual effect.

The Planning Board voted unanimously to recommend City Council approve an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of Slide #9126 from PMD Planned Manufacturing Development and I-1 Industrial to PCD Planned Commercial Development, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest because it is largely already developed. The Planning Board also voted unanimously and to recommend City Council approve the application of M Realty LLC for an amended Special Use permit based on the site plan submitted by the applicant.

SUGGESTED MOTIONS

Variance Request

Approval: I move City Council to approve a variance from the paving requirements for off-street parking, driveways and loading areas as specified in Zoning Ordinance Section 5-15-4.2 to allow for gravel in the areas shown on the amended site plan due to the fact that a literal enforcement of such standards will result in practical difficulty or unnecessary hardship and do not violate the findings of fact contained in Section 7-4-10.1.

[PLEASE STATE YOUR REASONS]

Denial: I move City Council to not approve a variance from Zoning Ordinance Section 5-15-4.2.

[PLEASE STATE YOUR REASONS]

Amended Special Use Permit and Rezoning

I move City Council to approve an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of Slide

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#9126 from PMD Planned Manufacturing Development and I-1 Industrial to PCD Planned Commercial Development, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the following reasons:

[PLEASE STATE YOUR REASONS]

I further move City Council to approve the application of M Realty LLC for an amended Special Use permit based on the site plan submitted by the applicant.

[ADD, IF APPLICABLE, "AND THE FOLLOWING ADDITIONAL CONDITIONS"]

Denial: I move City Council to not approve the application of M Realty LLC for rezoning and issuance of an amended Special Use permit.

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE

IN RE: Storage Center
(File # P13-46-SUR)

Be it ordained by the City Council of the City of Hendersonville:

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of Slide #9126 from PMD Planned Manufacturing Development and I-1 Industrial to PCD Planned Commercial Development.

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

Adopted this 6th day of February 2014.

_____
Barbara Volk, Mayor

ATTEST:

_____

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Tammie K. Drake, CMC, City Clerk

Approved as to form:

_____

Samuel H. Fritschner, City Attorney

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Planning Director's Report
Neighborhood Compatibility Meeting
Application for a Special Use Permit Amendment and Rezoning
Glover Street Storage File #P13-46-SUR
Monday December 16, 2013 1:00 p.m.

Sue Anderson, Planning Director, convened the compatibility meeting at 1:03 pm in the Assembly Room of the City Operations Center. The following were in attendance:

Name	***Address***	***Name***	***Address***
Steve Barnwell	312 Substation Street	George Morosani, applicant	932 H'ville Road
Patricia Fish	67 Alley Street	Lisa Stephens, applicant	932 H'ville Road
Dorwin Conwll	204 Holly Springs Road	William Gadd	54 Armstrong Road
Sue Anderson	City Planning	Lu Ann Welter	City Planning

Ms. Anderson opened the meeting explaining this is the first in a three step process. Minutes of this meeting will be forwarded to Planning Board and City Council. Ms. Anderson said this project would go before the Planning Board January 13 at 4:00 in this room and City Council will hold a public hearing on February 6, 2014, 5:45 at City Hall.

Lisa Stephens, representing the owner, said they are applying to amend their special use permit to add three canopy buildings for RVs within the interior of the property. Later, they may add a 2,000 ft^2 climate-controlled building to the grassy lot inside the property.

Ms. Anderson said they are also asking to rezone the property from Planned Manufacturing District to Planned Commercial District. This will decrease the setback requirements from 100 to 25 feet and the open space requirements from 40% to 10%. Open space refers to land with no pavement or buildings on it. Ms. Barnwell asked if this rezoning will affect other properties. Ms. Anderson said no. Patricia Fish asked if the back access road would be opened to the public. Ms. Stephens said no. Dorwin Conwell asked how he can access the back entrance as his property adjoins it and sometimes he needs to get in to clean it out. Mr. Morosani said Mr. Conwell can call the front office for a key.

With no further comments or questions, Ms. Anderson closed the meeting at 1:10.

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Variance request application from Zoning Ordinance Section 5-15-4.2 Parking, driveways, and loading areas. Off-street parking, driveways and loading areas shall be provided as required in Article VI and shall be paved according to the specifications of the NCDOT.

Print Form

CITY OF HENDERSONVILLE PLANNING DEPARTMENT
145 Fifth Avenue East ~ Hendersonville, NC ~ 28792-4328
Phone (828) 697-3088 ~ Fax (828) 697-3014
www.cityofhendersonville.org

APPLICATION FOR A VARIANCE WITH SPECIAL USE PERMIT
Section 7-4-14 City Zoning Ordinance

The following are required to constitute a complete application for a variance:
- **This form including the property owner(s) signature(s).**
- **Special Use Permit Application**
- **Supporting documents, if applicable.**
- **Photographs, optional.**

Date 12/3/2013 **Project Name** Glover Street Storage

Applicant Lisa Stephens

Address 932 Hendersonville Road, Ste. 201, Asheville, NC 28803

Phone 828-274-4111 Fax 828-274-8831 Email gwmir@aol.com

If different from above

Property Owner: Name M Realty, LLC

Address 932 Hendersonville Road, Ste. 201, Asheville, NC 28803

TO THE CITY COUNCIL:

I, Lisa Stephens (OWNER/AGENT), hereby petition the City Council for a variance from the literal provisions of the Zoning Ordinance of the City of Hendersonville.

I request a variance from the following provisions of the ordinance (cite section numbers).

Section 5-15-4.2 Parking, Driveways and Loading Areas. Adherence to the paving requirement under this provision would create a practical difficulty for the developer as the areas where the canopies are to be added already have road bond surfaces. These areas are not intended for parking or driveways, but purely for the storage of recreational vehicles. Changing the surface to paving would result in reworking the existing stormwater system which currently functions as required.

Official Use:
DATE RECEIVED: 12/4/13 **BY** [illegible]

Special Use Variance Application
Rev. 12.09

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FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE (Section 7-4-14):
For applications undergoing special use review, City Council may authorize variances in specific cases from the dimensional and improvements standards of the zoning ordinance upon finding that a literal enforcement of such standards will result in practical difficulty or unnecessary hardship and so long as the granting of such variance or variances will not result in a use or development which would violate the findings of fact required by Section 7-4-10. Variances may not be granted with regard to uses or to intensity.

FINDINGS OF FACT (Section 7-4-10.1) No special use permit shall be approved by City Council unless each of the following findings is made.

The burden of establishing these findings of fact shall lie upon the applicant. In addressing the issue of compatibility, as required, the applicant must demonstrate compatibility with the particular neighborhood in which the development or use is to be located. The fact that a use is authorized as a special use within a zoning district classification shall not give rise to a presumption that such special use is compatible with other uses authorized in the zoning district classification.

(A) The use or development is located, designed and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.

This is an existing development and the requested changes will continue to maintain the public health, safety and general welfare.

(B) There are, or will be at the time they are required, adequate public facilities to serve the use or development as specified in Section 7-11.

This is an existing development and their are adequate public facilities to serve the requested changes to the development.

(C) The use or development complies with all required regulations and standards of the Zoning Ordinance or with variances thereto, if any, granted pursuant to Section 7-4-14, and with all other applicable regulations.

The use as a mini warehouse storage facility and parking is an allowed Special Use under the ordinance and complies will all required regulations and standards.

(D) The use or development is located, designed and proposed to be operated so as to be compatible with the particular neighborhood is which it is to be located.

This is an existing use which has demonstrated its compatibility with neighboring properties for over 25 years.

(E) The use or development conforms with the general plans for the physical development of the City as embodied in this Ordinance and in the *Land Development Plan* and the *Thoroughfare Plan.*

The use is consistent with the general plans for the development of the City.

Signature _____

Special Use Variance Application Page 2 of 2

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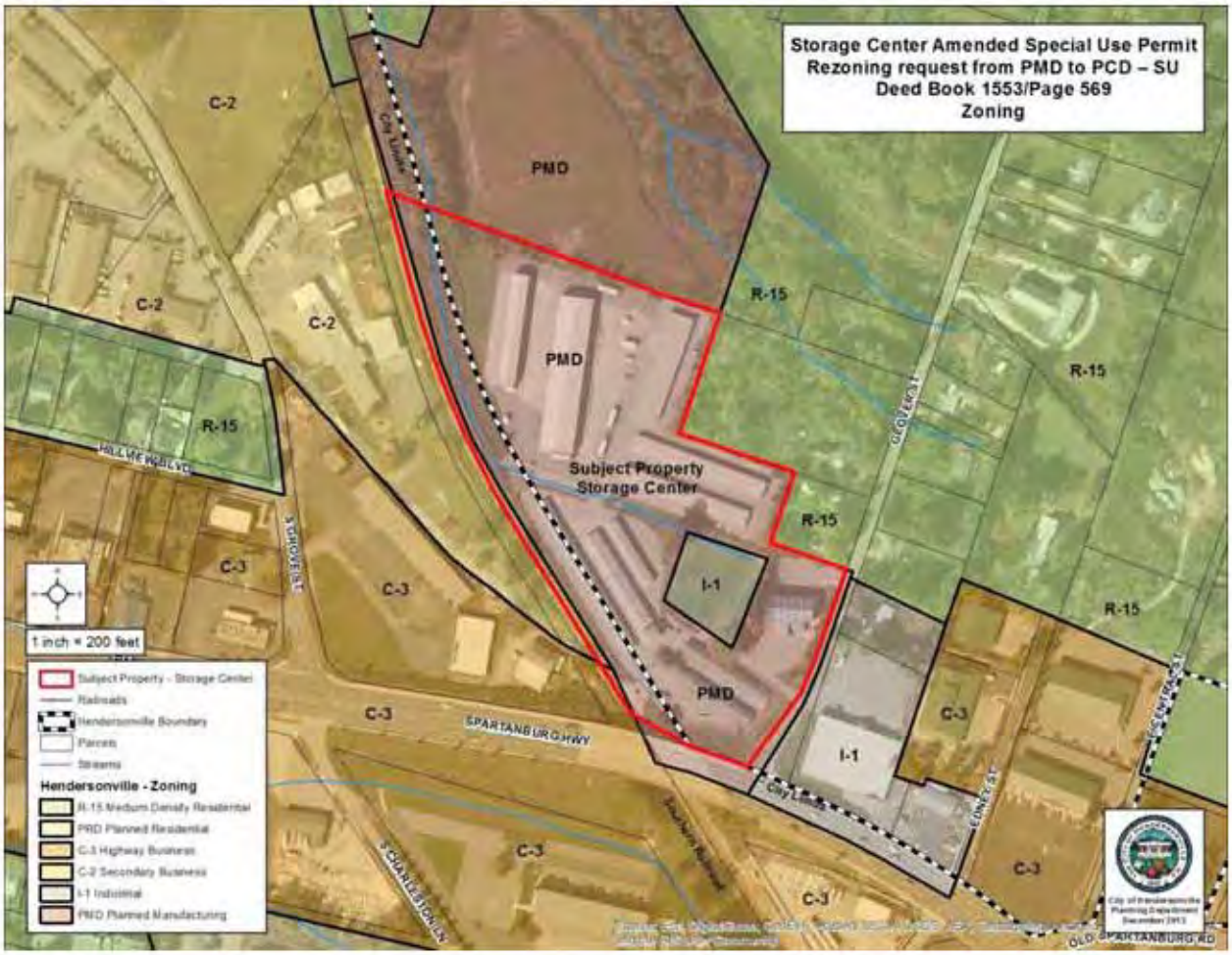

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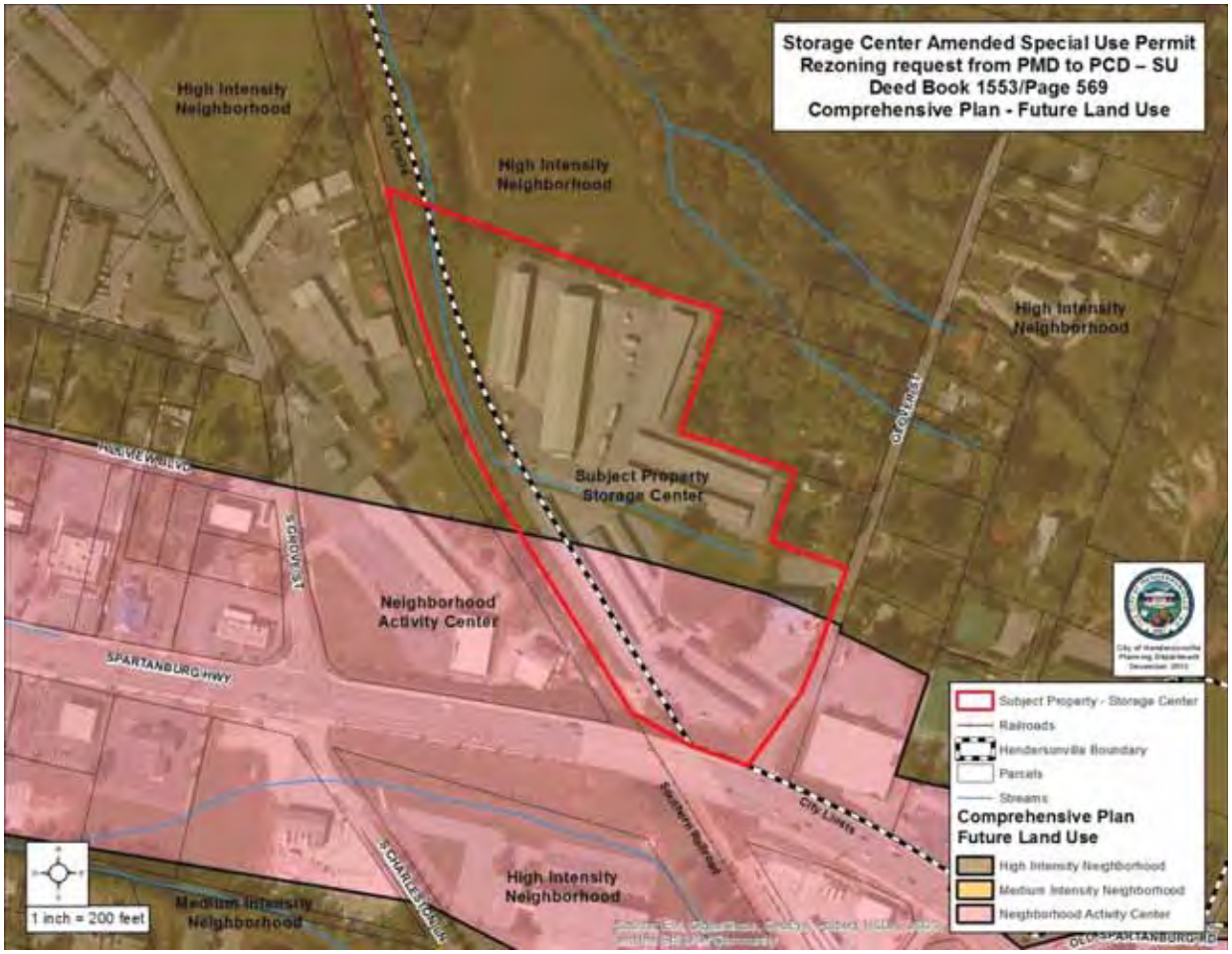

APPEAL OF DEVELOPMENT DECISIONS

Section 7-13 of the Zoning Ordinance outlines the process for appeal of development decisions by City Council. The following Sections of the Zoning Ordinance apply specifically to Special Use Review:

Section 7-13-2 (b): Preliminary site plans. Decisions of the City Council regarding appeals from development decisions concerning applications for preliminary site plan approval may be appealed to the Superior Court by any aggrieved party. Such appeals shall be in the nature of certiorari and must be filed within 30 days after the filing of the decision in the office of the City Clerk or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Clerk at the time of the hearing, whichever is later. The copy of the decision of the Council may be delivered to aggrieved parties either by personal service for by registered mail or certified mail return receipt requested.

Section 7-13-2 (d): Special use review. Judicial review of decisions regarding

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applications processed under the provisions of special use review, established in Section 7-4, above, require special treatment due to the fact that they involve two separate applications which, though processed simultaneously, require Council to make two separate decisions exercising two different types of decision-making authority. One application requests enactment of an ordinance amending the Official Zoning Map, and the other requests issuance of a special use permit. The first application involves a legislative decision on the part of Council, and the second a quasi-judicial decision. The quasi-judicial decision, that is, the one concerning the application for a special use permit, may be appealed to the Superior Court by any aggrieved party in the manner prescribed in paragraph b), above. Such appeal shall be in the nature of certiorari. The legislative decision, which is the one concerning the request for rezoning, may be contested, in accordance with NCGS Section 160A-364.1, by a cause of action commenced within two months of the date of the decision.

The validity of the ordinance may be challenged in accordance with North Carolina General Statute Section 160A-364.1.

§ 160A-364.1. Statute of limitations.
A cause of action as to the validity of any zoning ordinance, or amendment thereto, adopted under this Article or other applicable law shall accrue upon adoption of the ordinance, or amendment thereto, and shall be brought within two months as provided in G.S. 1-54.1. (1981, c. 891, s. 3; 1995 (Reg. Sess., 1996), c. 746, s. 7.)

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Existing Landscape fulfill Planting Strip requirement width of proposed building extended to property line; 40LF = 1 Tree & 5 shrubs required; 4 trees & 9 shrubs existing

Open RV storage canopies; refer to design drawings by BETCO; drawings indicate 40' width by 216' length - 8,640 sf total; 16 spaces 2

Demostrated turning movements by 43' long 2009 Allegience Motor Home

Revised Setbacks concurrent with PCD Zone

Open RV storage canopies; refer to design drawings by BETCO; drawings indicate 30' width by 96' length - 2,880 sf total; 6 spaces 2

BUILDING 7,504 sf 250'

BUILDING 7,215 sf 240'

BUILDING 200'

BUILDING 195'

BUILDING 240'

22,539 sf Common Open Space

TOTAL 8.33 AC

5,703 sf Common Open Space

5,737 sf Common Open Space

7,510 sf Common Open Space

LOT 1 4.83 AC

OFFICE BUILDING 4,650 sf

ASPHALT

GRAVEL

FENCE

SOUTHERN RAILROAD R.O.W. width unknown

Maintained R.O.W.

GLOVER STREET S.R. 1758

60' R.O.W.

VICINITY MAP

SPECIFICATIONS

styraciflua 'Rotundiloba' etgum	2" Cal., B&B, Single Stem; Dense, Full, Well-Matched Plants
ceraus 'Schipkaensis'	18" - 24" Ht.& Spd.; Cont. Dense, Full, & Well Matched

ary

	14,708 sf
gs	75,332 sf
	90,040 sf / 2.07 ac
	129,894 sf
#	42,705 sf #
nent *	172,599 sf / 3.96 ac*
	90,040 sf
	172,599 sf
	262,639 sf / 6.03 ac
	391,714 sf / 8.99 ac
PEN SPACE (10%)	39,171 sf / 0.89 ac
PEN SPACE	41,489 sf / 0.95 ac

gravel to remain in lieu of asphalt

Notes:

1. All dimensions are measured from edge of paven curb & face of buildings unless indicated otherwise.
2. All angles are 90 deg. unless indicated otherwise.
3. Building dimensions indicated are for reference o architectural drawings for exact dimensions.
4. Notify landscape architect of any significant discre may affect design.
5. All asphalt striping shown on plan shall be white.
6. Do not scale from plan to locate construction. Uti dimensions indicated.
7. Contractor shall supply grading permit number for borrow or waste area to Henderson County Erosion Co Department.

Development Data Blo

Owner/Developer:	Hal Thompson M Realty, LLC 932 Hendersonville Road Asheville, NC 28803 828-274-4111
Landscape Architect	Mark A. Wilson, RLA, ASLA Broadbooks Associates, P.A. 184 E. Chestnut St., Suite 1 Asheville, NC 28801 (828) 252-5058
Property Size	6.99 ac. 2
Existing Zoning	Existing Zone: PMD - Planned Manufacturing D Proposed Zone: PCD-SU - Planned Commercial
Building Setbacks	Proposed PCD Zone: Front - 80, Rear - 75, Side - 20 Existing PMD Zone: Front - 100, Rear - 100, Side - 100
Impervious Area	Existing gravel / asphalt verticul

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City of Hendersonville

PLANNING BOARD REPORT

Project Name: **Glover Street Storage**
Applications for Rezoning and Amended Special Use Permit

File Number: **P13-46-SUR**

Variance Request

☑ Approval – Recommend granting a variance from the paving requirement in Zoning Ordinance Section 5-15-4.2 Off-street Parking, Driveways and Loading to allow for gravel in areas shown on the amended site plan.

Amended Special Use Permit and Rezoning

☑ Approval – The application is consistent with all of the objectives and policies for growth and development contained in the City of Hendersonville's Zoning Ordinance, 2030 Comprehensive Plan and Comprehensive Transportation Plan.

☐ Approval With Conditions – The application is not fully consistent with all of the objectives and policies for growth and development of the City of Hendersonville's Zoning Ordinance, 2030 Comprehensive Plan and Comprehensive Transportation Plan, so the following conditions are recommended in order to make it fully consistent.

☐ Denial – The application is not consistent with all of the objectives and policies for growth and development of the City of Hendersonville's Zoning Ordinance2030 Comprehensive Plan and Comprehensive Transportation Plan.

This report reflects the recommendation of the Planning Board, this the 13th day of January, 2014.

Attest:

Planning Board Chair

Planning Director

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

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Submitted By: Sue Anderson, Planning Director **Department:** Planning
Date Submitted: January 14, 2014 **Presenter:** Sue Anderson
Date of Council Meeting to consider this item: February 6, 2014
Nature of Item: Council Action

Summary of Information/Request: **Item #** 08

File #P13-47-Z
The City is in receipt of two zoning map amendment applications from Larry Baber and J. Scott Surrette for parcel numbers 9568-84-1292 and 9568-84-0380. The applicants have also submitted an affidavit to request the abandonment of a Special Use Permit that was issued for these properties on July 6, 2006. Parcel number 9568-84-1292 is located at 609 Market Street and includes .87 acres. Parcel number 9568-84-0380 is located at 140 White Street and includes 1.15 acres. The applicants desire to rezone these parcels from City of Hendersonville C-2 Secondary Business Special Use to C-2 Secondary Business.
PLANNING BOARD RECOMMENDATION
The Planning Board took this matter up at its regular meeting of January 13, 2014. The Planning Board voted unanimously to recommend City Council abandon Special Use Permit # P06-40-SUR and approve an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of parcel numbers 9568-84-1292 and 9568-84-0380 from City of Hendersonville C-2 SU Secondary Business Special Use to C-2 Secondary Business, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest and consistent with the current land use.
The Planning Board also suggested that City Council consider rezoning the other two parcels zoned R-20 along Market Street.

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.*

Approval: I move City Council to abandon Special Use Permit # P06-40-SUR. I further move the City Council to adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of parcel numbers 9568-84-1292 and 9568-84-0380 from City of Hendersonville C-2 SU Secondary Business Special Use to C-2 Secondary Business, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the following reasons: ...

Attachments:

Memo

M E M O R A N D U M

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TO: Honorable Mayor and City Council

FROM: Planning Department

RE: Baber / Surrette Special Use Permit Abandonment and Rezoning

FILE #: P13-47-Z

DATE: January 14, 2014

PROJECT HISTORY

The City is in receipt of two zoning map amendment applications from Larry Baber and J. Scott Surrette for parcel numbers 9568-84-1292 and 9568-84-0380. These two parcels are located adjacent to each other and are under the same approved Special Use Permit. Parcel number 9568-84-1292 is located at 609 Market Street and includes .87 acres. Parcel number 9568-84-0380 is located at 140 White Street and includes 1.15 acres. The applicants desire to rezone these parcels from City of Hendersonville C-2 Secondary Business Special Use to C-2 Secondary Business.

On July 6, 2006, City Council approved a special use permit to demolish an existing building, construct a 10,898 ft^2 building and to rehabilitate a 6,882 ft^2 building on three parcels and to rezone these parcels Secondary Business Special Use (C-2 SU). The three parcels were subsequently combined into one parcel. The reason for the special use permit was due to the fact that there would be two separate buildings with two separate and distinct uses on one parcel.

Special use review provides an alternative to traditional zoning by coupling an application for rezoning with an application for a special use permit specifying the intended uses along with a site specific plan. The Special Use Permit currently allows restaurants, retail, religious institutions, business, technical and vocational schools, and light manufacturing.

In May of 2009 the property was subdivided with each building located on a separate parcel. Since each building is now located on a separate parcel, staff suggested that the owners petition the City Council to abandon the special use permit and rezone the two parcels. Since special use permits have limited permitted uses that are approved with the special use, rezoning these two parcels will allow the property owners to pursue all uses allowed under the general C-2 Secondary Business classification provided other provisions in the Zoning Ordinance are met such as parking requirements.

Zoning Ordinance Section 7-4-13.3 Abandonment allows City Council to approve the abandonment of a special use permit on request by the holder of the special use permit provided “the development or use authorized by the permit no longer requires a special use permit and all conditions of the special use permit have been satisfied.” A signed

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affidavit by the property owners requesting the abandonment of the special use permit is included with this memorandum.

Rezoning Information

COMPREHENSIVE PLAN CONSISTENCY

According to GS160A-383, zoning map amendments shall be made in accordance with a comprehensive plan. The 2030 Comprehensive Plan's Future Land Use Map designates these parcels as Neighborhood Activity Center. The Neighborhood Activity Center future land use category is intended to concentrate retail in dense, walkable, mixed-use nodes located at major intersections in order to promote a sense of community and a range of services that enhance the value of Hendersonville's neighborhoods. The primary and secondary recommended land uses for the Neighborhood Activity Center land use category are as follows:

Primary
- Neighborhood retail sales and services

Secondary
- Offices
- Multi-family residential
- Live-work units
- Public and institutional uses
- Pedestrian amenities
- Mixed uses

PROPOSED ZONING CLASSIFICATION

These parcels are proposed to be rezoned to C-2 Secondary Business which is designed to accommodate a) existing developments of mixed commercial and light industrial uses and b) certain commercial and light industrial uses compatible with one another but inappropriate in certain other zoning district classifications.

Following is a list of permitted and conditional uses for the C-2 Secondary Business zoning district:

C-2 Secondary Business

Permitted Uses:
Accessory dwelling units
Accessory uses & structures
Adult care centers
Animal hospitals & clinics
Automobile car washes
Automobile sales & service
Banks and other financial institutions
Bed & breakfast facilities
Business services
Congregate care facilities
Construction trades facilities

Permitted Uses Continued
Cultural arts buildings

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Dance and fitness facilities
Dry cleaning and laundry establishment
Farm equipment sales & service
Funeral homes
Golf driving ranges & par three golf courses
Greenhouses & commercial nurseries
Home occupations
Hotels and motels
Laundries, coin-operated
Music and art studios
Neighborhood community centers
Newspaper offices and printing establishments
Nursing homes
Offices, business, professional and public
Parking lots and parking garages
Parks
Personal services
Planned residential developments
Progressive care facilities
Public & semi-public buildings
Recreational facilities, indoors
Recreational facilities, outdoors
Religious institutions
Repair services, miscellaneous
Residential care facilities
Residential dwellings, single-family
Residential dwellings, two-family
Rest homes
Restaurants
Retail stores
Schools, business, technical and vocational
Schools, primary & secondary
Service stations
Shelter facilities
Signs
Telecommunications antennas
Theaters, indoor
Wholesale businesses

Conditional Uses:
Animal kennels
Bus stations
Child care centers
Civic clubs & fraternal organizations
Light manufacturing
Private clubs
Public utility facilities

Listed in Table A is an outline of the dimensional requirements for the C-2 Secondary Business zoning district.

Table A

Zoning	C-2
Minimum Lot Area	8,000 Commercial / 6,000 Residential
Minimum Lot Width at Building Line	0’ Commercial / 50’ Residential
Minimum Front Yard	15’ Commercial / 20’ Residential
Minimum Side Yard	0’ (5’ minimum if side yard is provided)
Minimum Rear Yard	0’ Commercial / 10’ Residential
Maximum Building Height	48’

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SURROUNDING LAND USE & ZONING CLASSIFICATION

The parcel to the south is zoned R-20 Low Density Residential and is in commercial use. Parcels to the west are zoned C-2 Secondary Business and include residential and commercial uses. Parcels to the east are zoned C-3 Highway Business and are in commercial use. White Street is located to the north.

ZONING ORDINANCE GUIDELINES

Per Section 11-4 of the City's Zoning Ordinance, the following factors shall be considered prior to adopting or disapproving an amendment to the City's Official Zoning Map:

1. Comprehensive Plan Consistency. Consistency with the Comprehensive Plan and amendments thereto.

2. Compatibility with surrounding uses. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.

3. Changed conditions. Whether and the extent to which there are changed conditions, trends or facts that require an amendment.

4. Public Interest. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.

5. Public facilities. Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment.

6. Effect on natural environment. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife.

PLANNING BOARD RECOMMENDATION

The Planning Board took this matter up at its regular meeting of January 13, 2014. The Planning Board voted unanimously to recommend City Council abandon Special Use Permit # P06-40-SUR and approve an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of parcel numbers 9568-84-

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1292 and 9568-84-0380 from City of Hendersonville C-2 SU Secondary Business Special Use to C-2 Secondary Business, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest and consistent with the current land use.

The Planning Board also suggested that City Council consider rezoning the other two parcels zoned R-20 along Market Street.

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AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE

IN RE: FILE NO. P13-47-Z

Be it ordained by the City Council of the City of Hendersonville:

1. Pursuant to Article XI Amendments of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of parcel numbers 9568-84-1292 and 9568-84-0380 from City of Hendersonville C-2 SU Secondary Business Special Use to C-2 Secondary Business.

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

Adopted this 6th day of February 2014.

_____
Barbara Volk, Mayor

ATTEST:

_____
Tammie K. Drake, CMC, City Clerk

Approved as to form:

_____
Samuel H. Fritschner, City Attorney

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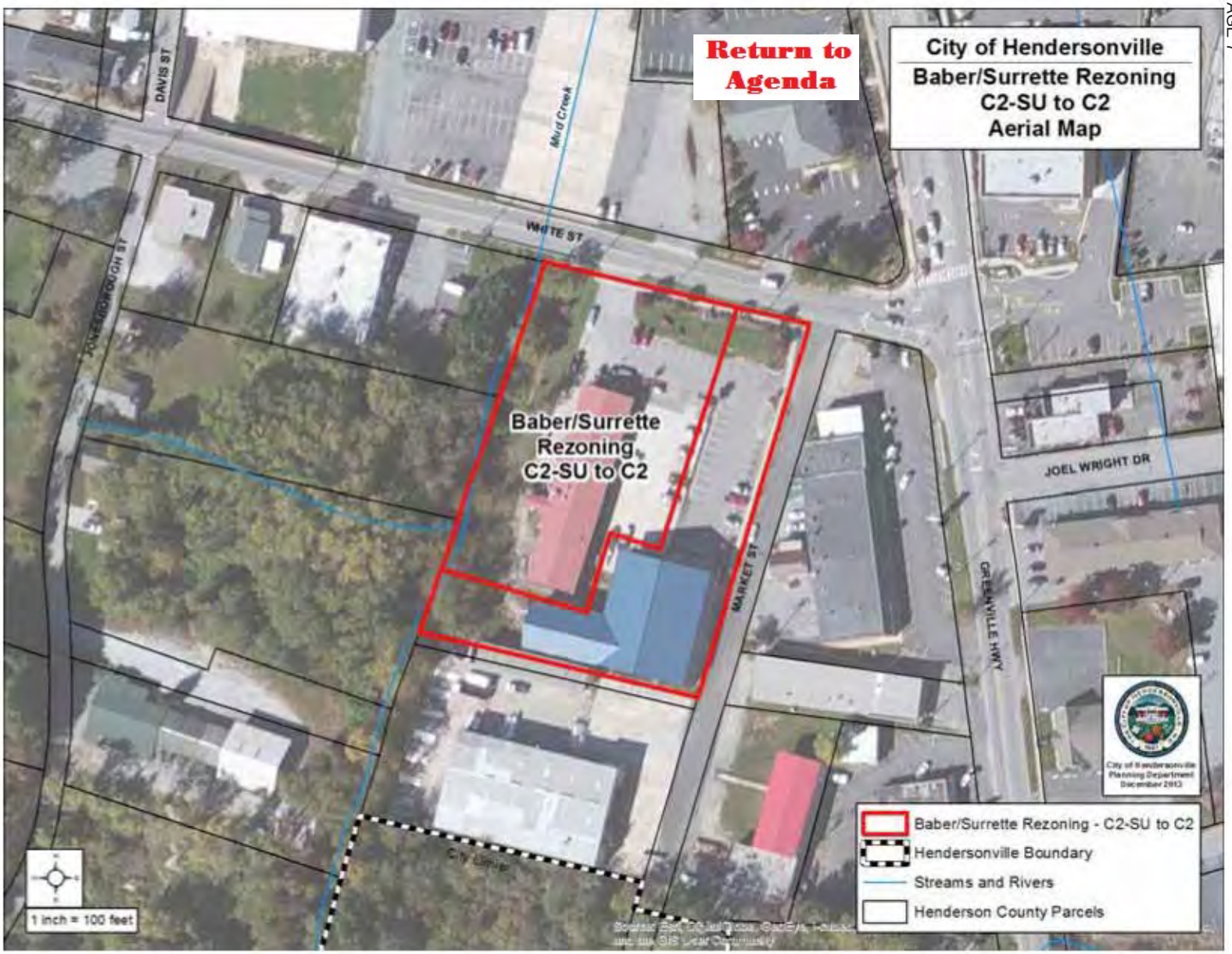
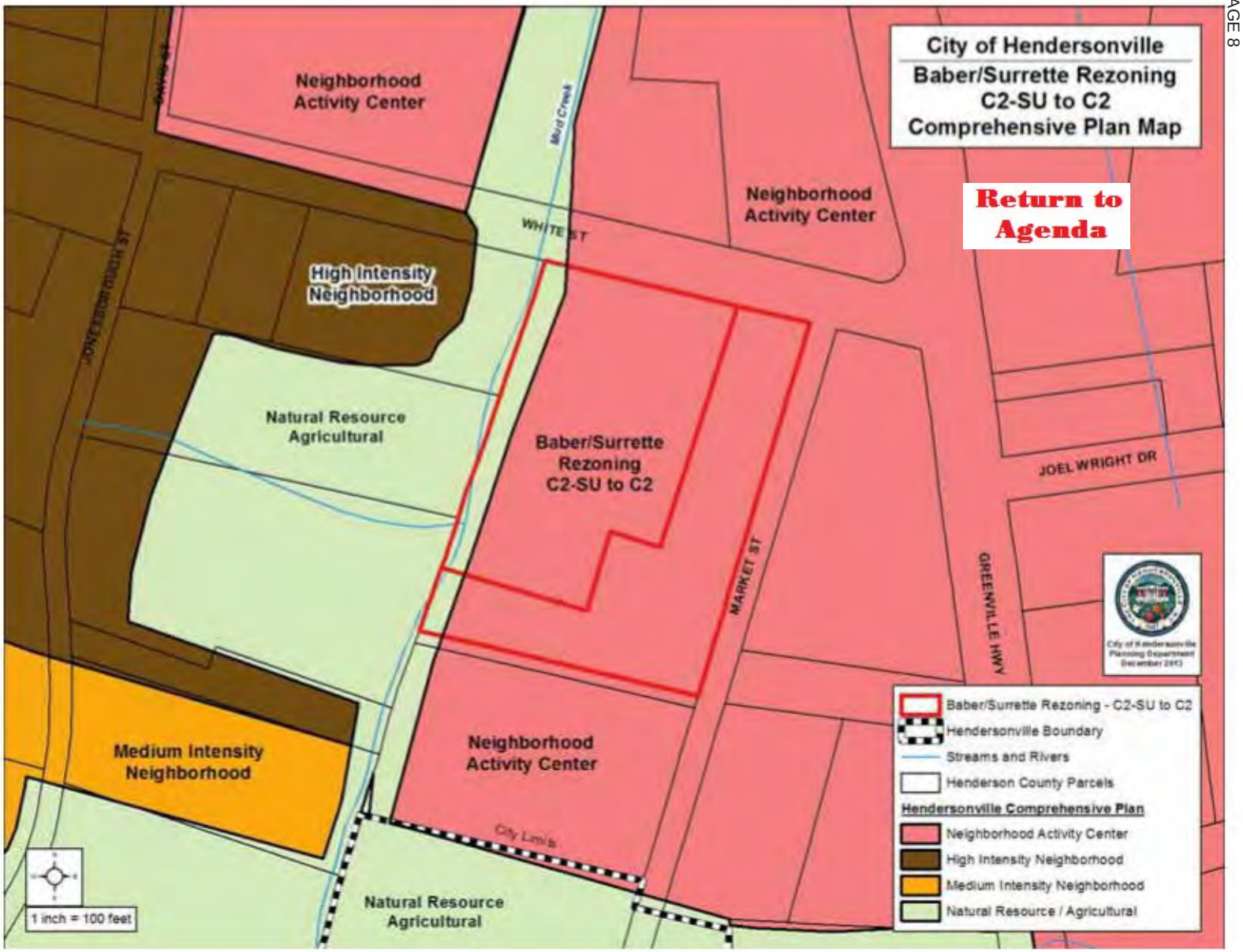
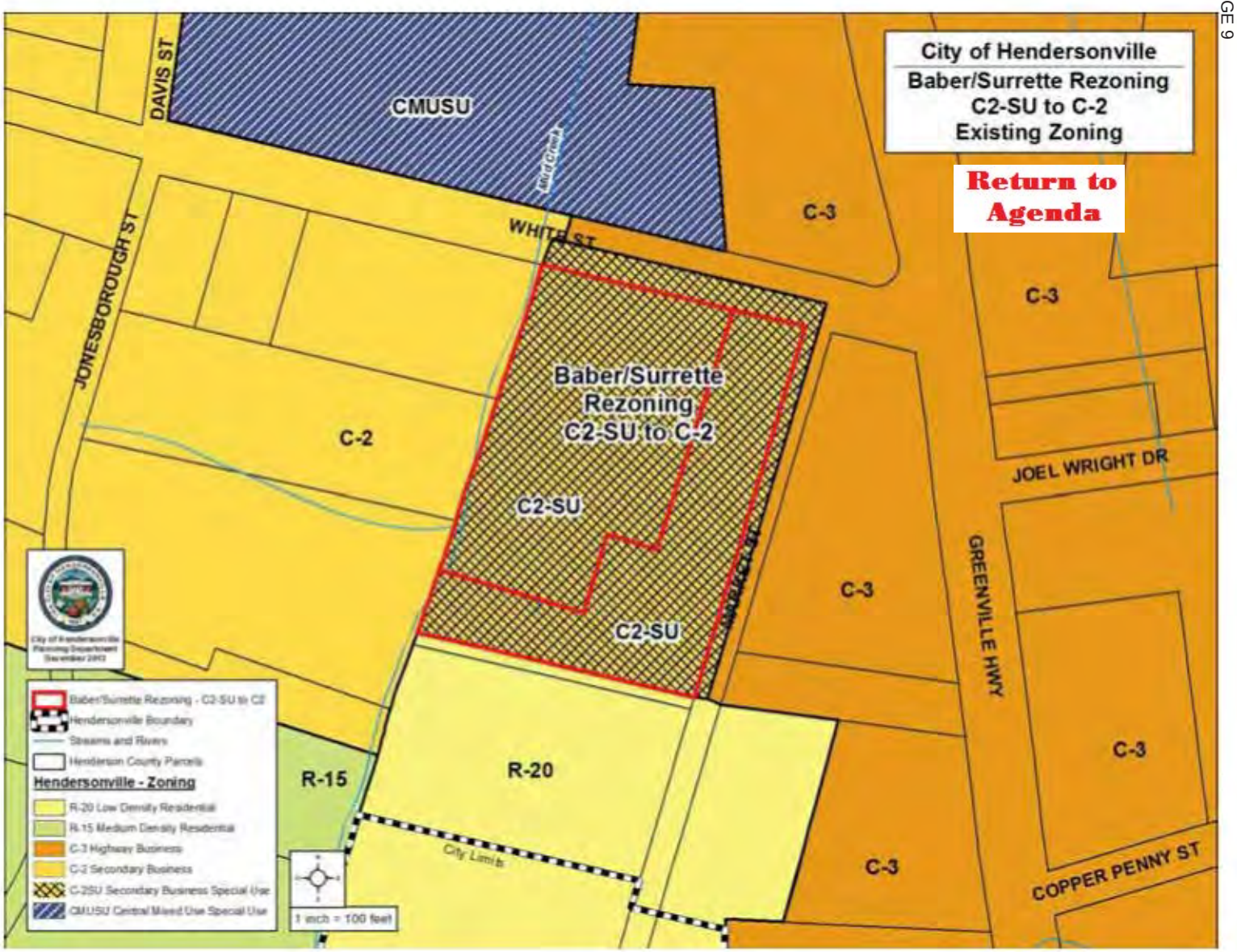



City of Hendersonville
Baber/Surrette Rezoning
C2-SU to C2
Comprehensive Plan Map
Return to Agenda
Neighborhood Activity Center
Neighborhood Activity Center
High Intensity Neighborhood
Natural Resource Agricultural
Baber/Surrette Rezoning C2-SU to C2
Medium Intensity Neighborhood
Neighborhood Activity Center
Natural Resource Agricultural
WHITE ST
JOEL WRIGHT DR
MARKET ST
GREENVILLE HWY
Mud Creek
City Limits
1 inch = 100 feet
Baber/Surrette Rezoning - C2-SU to C2
Hendersonville Boundary
Streams and Rivers
Henderson County Parcels
Hendersonville Comprehensive Plan
Neighborhood Activity Center
High Intensity Neighborhood
Medium Intensity Neighborhood
Natural Resource / Agricultural


City of Hendersonville
Baber/Surrette Rezoning
C2-SU to C-2
Existing Zoning
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CMUSU
DAVIS ST
WHITE ST
JONESBOROUGH ST
C-3
C-3
C-2
Baber/Surrette Rezoning C2-SU to C-2
C2-SU
C2-SU
JOEL WRIGHT DR
GREENVILLE HWY
C-3
C-3
C-3
R-15
R-20
City Limits
COPPER PENNY ST
Baber/Surrette Rezoning - C2-SU to C2
Hendersonville Boundary
Streams and Rivers
Henderson County Parcels
Hendersonville - Zoning
R-20 Low Density Residential
R-15 Medium Density Residential
C-3 Highway Business
C-2 Secondary Business
C-2SU Secondary Business Special Use
CMUSU Central Mixed Use Special Use
1 inch = 100 feet

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Special Use Permit Abandonment Request Affidavit

I, **Larry Baber and Annette Baber**, property owners of parcel number 9568-84-1292, hereby request that City Council abandon Special Use Permit #P06-40-SUR.

Larry Baber Annette M. Baber

State of North Carolina

County of Henderson.

I, Heidi Beam, a Notary Public of the County and State aforesaid, certify that Larry Baber and Annette M Baber, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 12th day of December, 20 13.

My commission expires: 11-24-17

HEIDI BEAM
Notary Public
Henderson County
State of North Carolina

Heidi Beam Notary Public SEAL/STAMP

I, **Jerel Scott Surrette and Carol Ann Surrette**, property owners of parcel number 9568-84-0380, hereby request that City Council abandon Special Use Permit #P06-40-SUR.

Jerel Scott Surrette Carol Ann Surrette

State of North Carolina

County of Henderson.

I, Heidi Beam, a Notary Public of the County and State aforesaid, certify that Jerel Scott Surrette and Carol Ann Surrette, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 12th day of December, 20 13

My commission expires: 11-24-17

HEIDI BEAM
Notary Public
Henderson County
State of North Carolina

Heidi Beam Notary Public SEAL/STAMP

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City of Hendersonville

PLANNING BOARD REPORT

Project Name: **Baber /Surrette – Parcel #'s 9568-84-1292 and 9568-84-0380**

File Number: **P13-47-Z**

☑ Approval – The map amendment is consistent with all of the objectives and policies for growth and development contained in the City of Hendersonville's Zoning Ordinance, 2030 Comprehensive Plan and Comprehensive Transportation Plan.

☐ Denial – The map amendment is not consistent with all of the objectives and policies for growth and development of the City of Hendersonville's Zoning Ordinance, 2030 Comprehensive Plan and Comprehensive Transportation Plan.

This report reflects the recommendation of the Planning Board, this the 13th day of January, 2014.

Attest:

Planning Board Chair

Planning Director

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

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Submitted By: Sue Anderson, Planning Director **Department:** Planning
Date Submitted: January 14, 2014 **Presenter:** Sue Anderson
Date of Council Meeting to consider this item: February 6, 2014
Nature of Item: Council Action

Summary of Information/Request: **Item #** 09

File # P13-48-A

The City has received a petition from Peter and Monica Thom for satellite annexation of approximately 0.391 acres along Upward Road just east of 200 Upward Road. Please refer to the map and survey attachments. This annexation petition is the result of the sewer extension policy.

At your meeting of January 9, 2014, you accepted the Clerk's Certificate of Sufficiency and recommended a public hearing for the February 6, 2014 City Council meeting.

At this public hearing, any person residing in or owning property in the area proposed for annexation and any resident of Hendersonville may appear and be heard on the questions of the sufficiency of the petition and the desirability of the annexation. If City Council then finds and determines that the area described in the petition meets all of the standards set out in G.S. 160A-31, Council may adopt an ordinance annexing the area described in the petition.

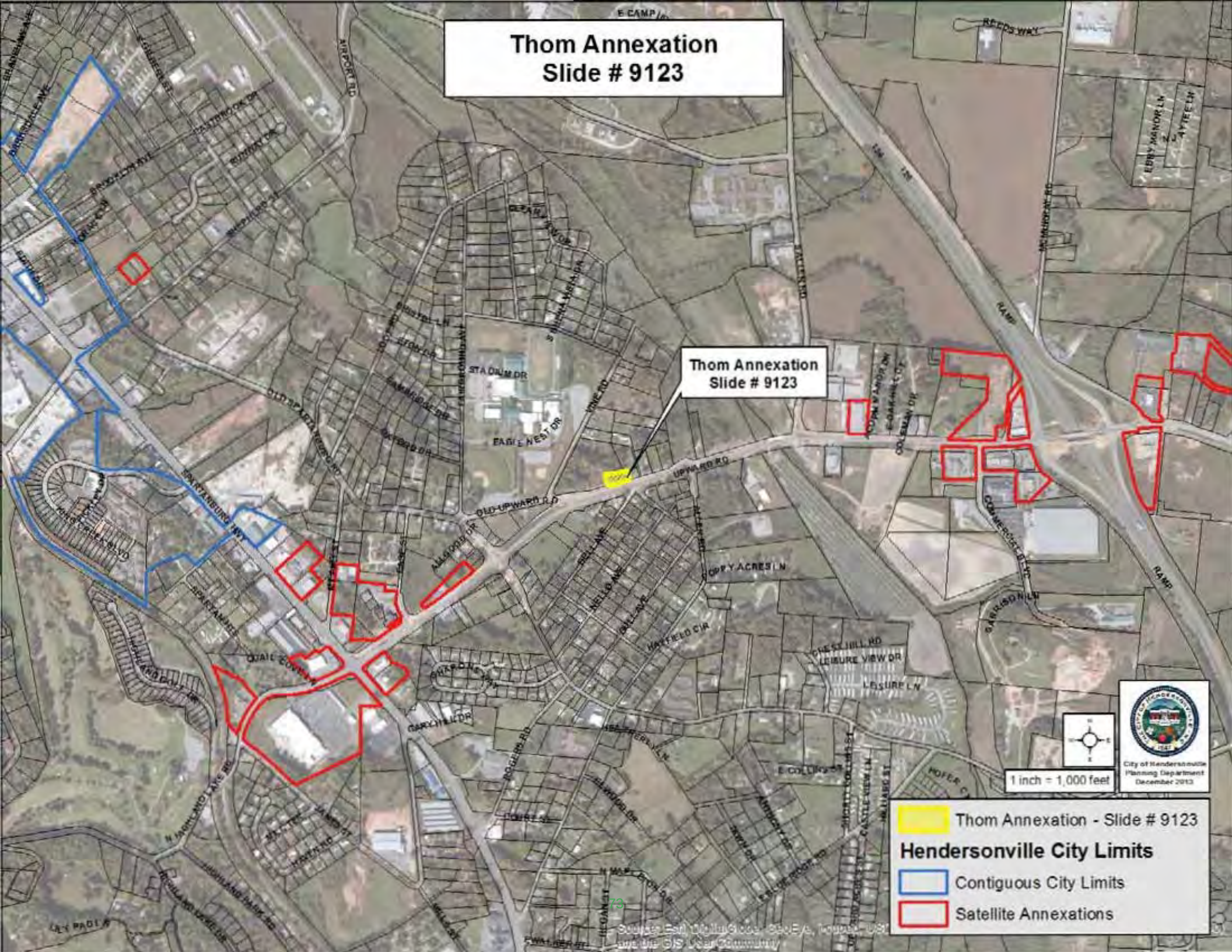
Budget Impact: $ 0 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

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

I move City Council adopt an ordinance annexing the property included in the Peter and Monica Thom petition. The effective date is February 6, 2014.

Attachments:

Map
Survey
Ordinance


Thom Annexation
Slide # 9123
Thom Annexation
Slide # 9123
1 inch = 1,000 feet
City of Hendersonville
Planning Department
December 2013
Thom Annexation - Slide # 9123
Hendersonville City Limits
Contiguous City Limits
Satellite Annexations

NOTES

* This plat is a recombination of 2 parcels, and has a total area of 0.391 acres.

* All areas calculated by co utation method.

* This survey was prepare lt of abstract title and matters of title should be n rney-at-law.

* This survey may be subj of-ways, easements, reservations and restrictio unwritten, recorded and unrecorded.

* The certification shown h certification of title, zoning or freedom from en

* Adjoining property owner en from the Henderson County ROD &

* Not all underground utilities may have been located. Call 1-800-632-4949 before digging.

* Based on geographical information, this property lies in Zone X (Areas determined to be outside the 0.2% annual chance floodplain) as shown on the National Flood Insurance Program, Flood Insurance Rate Map 3700957800J, effective date October 2, 2008.

* Any streams, creeks, ponds, lakes, wetlands, etc. located on this property, shown or not shown hereon, may be subject to buffer areas. It is the owner/developer's responsibility to have the areas designated by person(s)/firm(s) authorized, by the proper authorities, to make such determination.

* All distances shown hereon are horizontal ground distances unless otherwise noted.

* All coordinates shown are NC Grid Coordinates NAD 83 (2011). Elevations are NAVD 88.

* All horizontal and vertical data are based upon GPS observations on NCGS Monument "Armory".

* Combined grid factor = 0.9997747

* This property is not located within 1/2 mile of a "Farmland Preservation District".

* This property is zoned Community Commercial (CC) in Henderson County:
  - Building Setbacks:
    Front - 35' (Thoroughfare)
    Side - 10'
    Rear - 10'

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REGISTERED THIS THE 25th DAY OF November 2013 AT 4:27 P.M. RECORDED ON SLIDE 9123

Nedra W. Moler
REGISTER OF DEEDS

BY Barbara Jackson, DEPUTY

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Eric Warren REVIEW OFFICER OF HENDERSON COUNTY, CERTIFY THAT THIS MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER 11/25/2013 DATE

I, C.M. EDGERTON JR., N.C. P.L.S., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (PROPERTY DESCRIPTION RECORDED IN DEED BOOKS AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED BY DASHED LINES AS DRAWN FROM INFORMATION FOUND IN DEED BOOKS AS SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 OR GREATER; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I ALSO HEREBY CERTIFY THAT THIS SURVEY IS OF THE FOLLOWING CATEGORY AS DESCRIBED IN G.S. 47-30(f)(11):

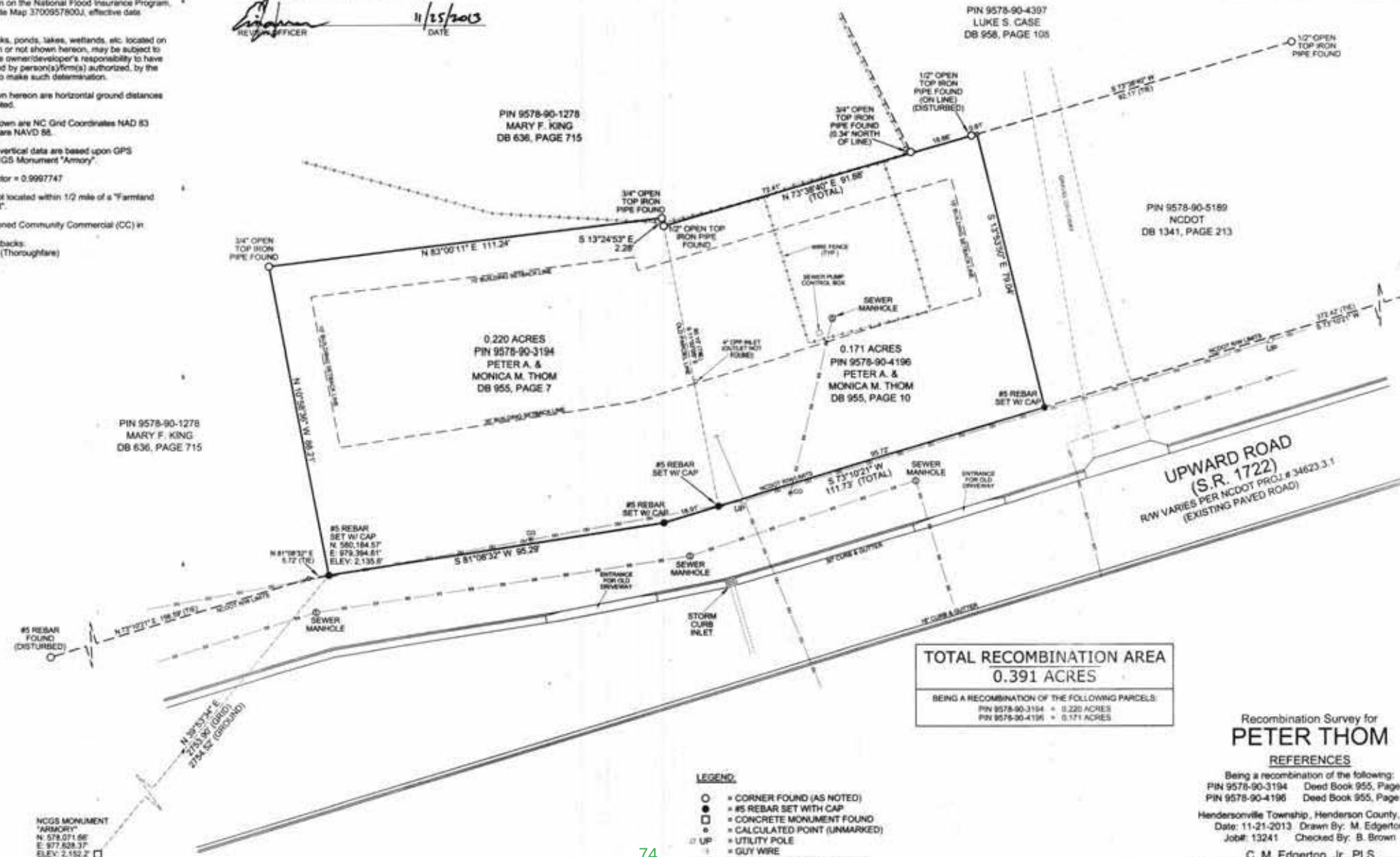
(iii.) THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;

WITNESS MY SIGNATURE, LICENSE NUMBER, AND SEAL THIS 21ST DAY OF NOVEMBER, A.D., 2013.

C.M. Edgerton
N.C. PROFESSIONAL LAND SURVEYOR L-4815 LICENSE #

NORTH CAROLINA PROFESSIONAL SEAL L-4815 LAND SURVEYOR C. M. EDGERTON, JR.

GRID NORTH NAD 83 (2011)



TOTAL RECOMBINATION AREA
0.391 ACRES

BEING A RECOMBINATION OF THE FOLLOWING PARCELS:
PIN 9578-90-3194 = 0.220 ACRES
PIN 9578-90-4196 = 0.171 ACRES

LEGEND:

- ○ = CORNER FOUND (AS NOTED)
- ● = #5 REBAR SET WITH CAP
- □ = CONCRETE MONUMENT FOUND
- • = CALCULATED POINT (UNMARKED)
- UP = UTILITY POLE
- = GUY WIRE
- RCP = REINFORCED CONCRETE PIPE
- CPP = CORRUGATED PLASTIC PIPE
- = SEWER MANHOLE
- CO = SEWER CLEANOUT
- = OVERHEAD UTILITY LINE

CURRENT LISTED OWNER AT DATE OF THIS SURVEY PER DB 955, PAGES 7 & 10:
PETER A. & MONICA M. THOM

Recombination Survey for
PETER THOM

REFERENCES

Being a recombination of the following:
PIN 9578-90-3194 Deed Book 955, Page
PIN 9578-90-4196 Deed Book 955, Page

Hendersonville Township, Henderson County,
Date: 11-21-2013 Drawn By: M. Edgerto
Job#: 13241 Checked By: B. Brown

C. M. Edgerton, Jr., PLS
Ed Holmes & Associates Land Surveyor
P.O. Box 17335 Asheville, NC 288
828.225.6562 Company# C-280

20' 0' 20'

ED HOLMES

Ordinance # _____

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AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA
Peter and Monica Thom

WHEREAS, the City of Hendersonville has been petitioned, pursuant to North Carolina General Statutes (NCGS) 160A-58.1, as amended, to annex the area described herein; and,

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall, Hendersonville, N.C. at 5:45 p.m., on the sixth day of February 2014, after due notice by publication as by law provided; and,

WHEREAS, the City Council further finds the areas described therein meets the standards of G.S. 160A-58.1(b), to wit:

a. All of the proposed satellite corporate limits are less than three miles from the primary corporate limits of Hendersonville. The map distance is 2,960.52 feet.
b. No point on the proposed satellite corporate is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
c. The area is situated so that the City of Hendersonville, if City Council so determines, will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
d. The area proposed for annexation is not a subdivision as defined in GS 160A-376.
e. The area within the proposed satellite corporate limits when added to the areas within all other satellite corporate limits does not exceed 10 percent (10%) of the area within the primary corporate limits of the City of Hendersonville. The total area within the satellite corporate areas, including land involved in this petition, constitutes 3.4 percent of the area within the primary corporate limits.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina:

Section 1. By virtue of the authority granted by G.S. 160A-58.1, as amended, the following described area is hereby annexed and made part of the City of Hendersonville as of the sixth of February 2014.

DESCRIPTION OF PROPERTY

Being all of that real property listed as Slide 9123 with Henderson County Register of Deeds.

Section 2. Upon and after the sixth day of February 2014, the above described territory, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Hendersonville, and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-31, as amended.

Section 3. The City Clerk of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, hereof, together with a duly certified copy of this ordinance.

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ADOPTED this sixth day of February 2014.

_____
Barbara Volk, Mayor, City of Hendersonville

ATTEST:

_____
Tammie K. Drake, CMC, City Clerk

APPROVED AS TO FORM:

_____
Samuel H. Fritschner, City Attorney

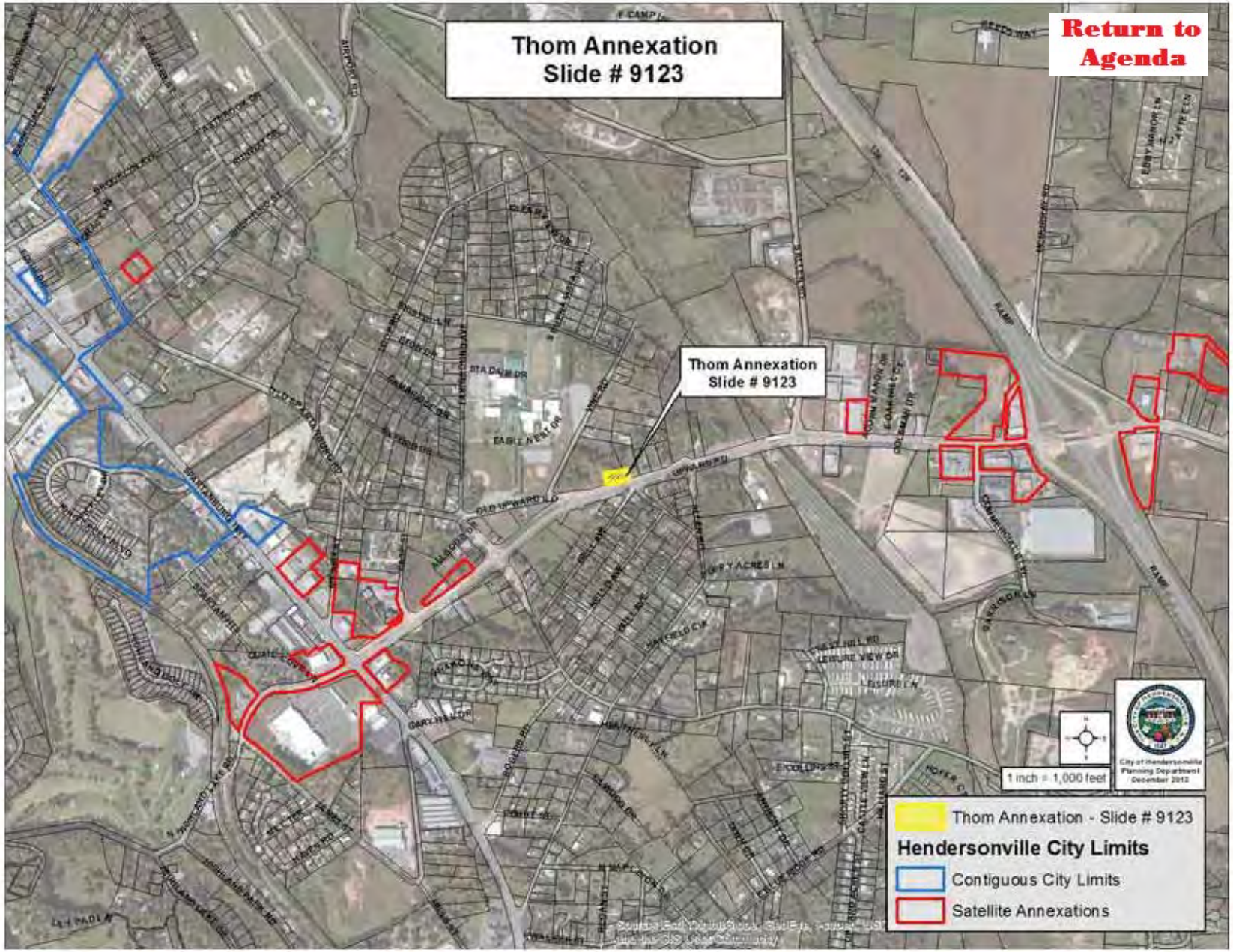
STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I,_____ , a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara Volk in her capacity of Mayor of the City of Hendersonville: Tammie K. Drake, in her capacity of City Clerk; and Samuel H. Fritschner, in his capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____, 2014.

_____

My commission expires _____


Thom Annexation
Slide # 9123
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Thom Annexation
Slide # 9123
1 inch = 1,000 feet
Thom Annexation - Slide # 9123
Hendersonville City Limits
Contiguous City Limits
Satellite Annexations

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

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Submitted By: Sue Anderson, Planning Director **Department:** Planning
Date Submitted: January 14, 2014 **Presenter:** Sue Anderson
Date of Council Meeting to consider this item: February 6, 2014
Nature of Item: Council Action

Summary of Information/Request: **Item #** 10

File #P13-50-Z

PROJECT DESCRIPTION
Public hearing on the rezoning of Slide # 9123 located on Upward Road following voluntary annexation. This parcel is the result of the recombination of parcel numbers 9578-90-3194 and 9578-90-4196. The parcel has not been assigned a new parcel number yet.

The property owners are Peter Thom and Monica Thom. Pursuant to NC General Statutes, the City is required to zone this parcel within 60 days following annexation. The parcel consists of .391 acres and is currently vacant.

PLANNING BOARD RECOMMENDATION
The Planning Board took this matter up at its regular meeting of January 13, 2014. The Planning Board voted unanimously to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville for Slide # 9123, changing the zoning classification from Henderson County Community Commercial to City of Hendersonville Commercial Highway Mixed Use.

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.*

Approval: I move the City Council to adopt an ordinance amending the official zoning map of the City of Hendersonville for Slide # 9123, changing the zoning classification from Henderson County Community Commercial to City of Hendersonville Commercial Highway Mixed Use finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the following reasons:

Attachments:

Memo

M E M O R A N D U M

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TO: Honorable Mayor and City Council

FROM: Planning Department

RE: Thom Initial City Zoning
(File No. P13-50-Z)

DATE: January 14, 2014

PROJECT DESCRIPTION

Public hearing on the rezoning of Slide # 9123 located on Upward Road following voluntary annexation. This parcel is the result of the recombination of parcel numbers 9578-90-3194 and 9578-90-4196. The parcel has not been assigned a new parcel number yet.

The property owners are Peter Thom and Monica Thom. Pursuant to NC General Statutes, the City is required to zone this parcel within 60 days following annexation. The parcel consists of .391 acres and is currently vacant.

COMPREHENSIVE PLAN CONSISTENCY

The 2030 Comprehensive Plan Future Land Use map identifies this parcel as High Intensity Neighborhood. High Intensity Neighborhoods are intended to encourage low-maintenance high-density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. The primary and secondary recommended land uses for the High Intensity Neighborhood land use category are as follows:

Primary
- Single-family attached and multi-family residential
- Planned Residential Developments
- Open Space

Secondary
- Public and institutional uses
- Offices and retail along thoroughfares
- Recreational amenities

SURROUNDING LAND USE & ZONING CLASSIFICATION

This parcel is approximately .55 miles from the City's primary city limits. The parcel is currently zoned Henderson County Community Commercial. The parcels adjoining this parcel to the west and east are zoned Henderson County Community Commercial. One parcel to the north is zoned Henderson County Community Commercial and the other parcel to the north is split zoned Henderson County Community Commercial and Residential 1. The purpose of the Henderson County Community Commercial

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classification is to foster orderly growth where the principal use of land is commercial. Adjoining land uses include single family residential on one parcel that is located to the west and north and vacant land to the north and east.

PROPOSED ZONING CLASSIFICATION

This request is to rezone the property CHMU Commercial Highway Mixed Use. The CHMU district classification was adopted into the Zoning Ordinance in 2011 and is intended for properties along the Upward Road corridor. This classification is intended to encourage a mix of high density residential development in conjunction with appropriately scaled and compatible commercial development consisting of community and regional retail sales and services, professional offices, research facilities, restaurants, accommodations services and similar uses.

Table A below provides an outline of the dimensional requirements for the Henderson County Community Commercial and Hendersonville Commercial Highway Mixed Use zoning districts:

Zoning	County Community Commercial	City Commercial Highway Mixed Use
Minimum Lot Area	None	None
Minimum Lot Width at Building Line	None	None
Minimum Front Yard	35′ Thoroughfare	Varies with building type (Commercial 10 Feet)
Minimum Side Yard	10′	Varies with building type (Commercial 15 Feet)
Minimum Rear Yard	10′	Varies with building type (Commercial 15 Feet)
Maximum Building Height	50′	Varies with building type (Commercial 4 Stories)

Following is a list of permitted uses for Henderson County Community Commercial and Hendersonville Commercial Highway Mixed Use:

HENDERSON COUNTY COMMUNITY COMMERCIAL

Permitted Uses
Residential uses
Assisted living
Continuing care
Hospice
Nursing home
Rooming and boarding house
Accessory uses
  Childcare facility
  Drive-Thru Window

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Dwelling
Fuel pumps
Outdoor storage

Accessory structures
Automatic teller machine
Gate and/or guardhouse
Greenhouse
Loading bay
Outdoor sale display areas
Parking garage
Seasonal worker development
Produce stand
Satellite dish
Storage shed
Wastewater treatment plant, small

Recreational
Camp
Coin operated amusements
Golf course
Government recreation
Indoor recreation
Marina
Miniature golf/driving range
Park
Physical fitness center
Riding stables
School – sports
Sporting and recreation

Educational and institutional
Adult day care
Ambulance services
Cemetery
Child care
Club/lodge
College
Community club
Fire and rescue station
Funeral home
Government offices
Hospital
Museum/library
Place of assembly
Police station
Religious institution
School
Youth center

Business, Professional and Personal Services
Automobile and equipment service
Broadcasting and communications
Car wash
Exterminating and pest control
Motes/hotel
Office
School (technical / trade / business)
Theater – drive in
School (technical / trade / business)
Urgent care clinic

Retail trade
Cinema complex
Convenience store
Landscape materials
Produce stand
Retail sales ≤ 100,000 ft^2

Wholesale trade
Wholesale trade

Transportation, Warehousing & Utilities
Communication facilities
Self-storage warehousing
Utility substation
Warehousing and storage

Manufacturing and Industrial
Machining & assembly operations
Manufacturing & production
Recycling centers, drop-off facilities
Research & development operations

Temporary uses
Christmas tree sales
Circuses, carnivals, fairs, religious
Model home sales office
Movie production
Yard sales

Temporary structures
Portable storage container
Produce stand
Construction project buildings

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Tent sale

Agricultural

Agriculture
Food manufacturing
Forestry
Forestry support services
Veterinary services (livestock)

HENDERSONVILLE COMMERCIAL HIGHWAY MIXED USE

Permitted Uses

Accessory dwelling units
Accessory uses & structures
Adult care centers
Adult care homes
Agriculture
Animal hospitals & clinics
Automobile car washes
Automobile sales & service
Banks & other financial institutions
Business services
Camps
Child care centers
Child care homes
Civic clubs & fraternal organizations
Congregate care facilities
Construction trades facilities
Convenience stores with or without gasoline sales
Cultural arts buildings
Dance, health & fitness facilities
Day care facilities
Dry cleaning and laundry establishments
Equipment rental & sales
Funeral homes
Greenhouses & commercial nurseries
Health clubs & athletic facilities
Home occupations
Hotels & motels
Laundries, coin-operated
Lawn & garden centers
Manufacturing, light
Music & art studios
Neighborhood community centers
Newspaper offices & printing establishments
Nursing homes
Offices, business, professional and public
Parking lots & parking garages
Parks
Personal services
Progressive care facilities
Public & semi-public buildings
Recreational facilities, indoors
Recreational facilities, outdoors,
Religious institutions
Repair services
Research & development
Residential care facilities
Residential dwellings, single family
Residential dwellings, multi-family
Residential dwellings, two-family
Restaurants
Restaurants, drive-in
Retail stores
Schools, business, post-secondary, technical and vocational
Schools, primary & secondary
Service stations
Signs
Telecommunications antennas
Theaters, indoors

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ZONING ORDINANCE GUIDELINES

Per Section 11-4 of the City's Zoning Ordinance, the following factors shall be considered prior to adopting or disapproving an amendment to the City's Official Zoning Map:

1. Comprehensive Plan Consistency. Consistency with the Comprehensive Plan and amendments thereto.

2. Compatibility with surrounding uses. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.

3. Changed conditions. Whether and the extent to which there are changed conditions, trends or facts that require an amendment.

4. Public Interest. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.

5. Public facilities. Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment.

6. Effect on natural environment. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife.

PLANNING BOARD RECOMMENDATION

The Planning Board took this matter up at its regular meeting of January 13, 2014. The Planning Board voted unanimously to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville for Slide # 9123, changing the zoning classification from Henderson County Community Commercial to City of Hendersonville Commercial Highway Mixed Use.

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AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE

IN RE: FILE NO. P13-50-Z

Be it ordained by the City Council of the City of Hendersonville:

1. Pursuant to Article XI Amendments of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of Slide Number 9123 from Henderson County Community Commercial to City of Hendersonville Commercial Highway Mixed Use.

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

Adopted this 6th day of February 2014

_____
Barbara Volk, Mayor

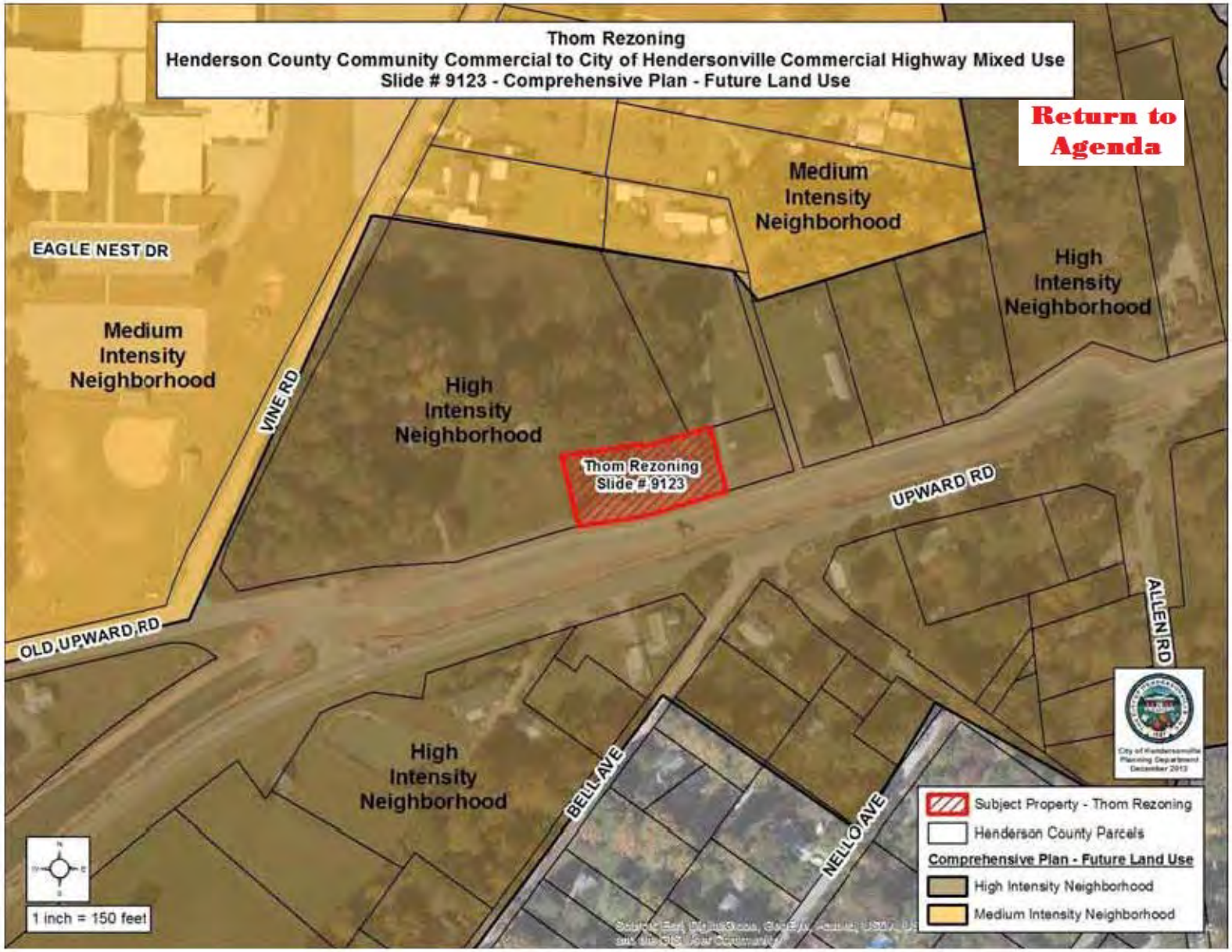
ATTEST:

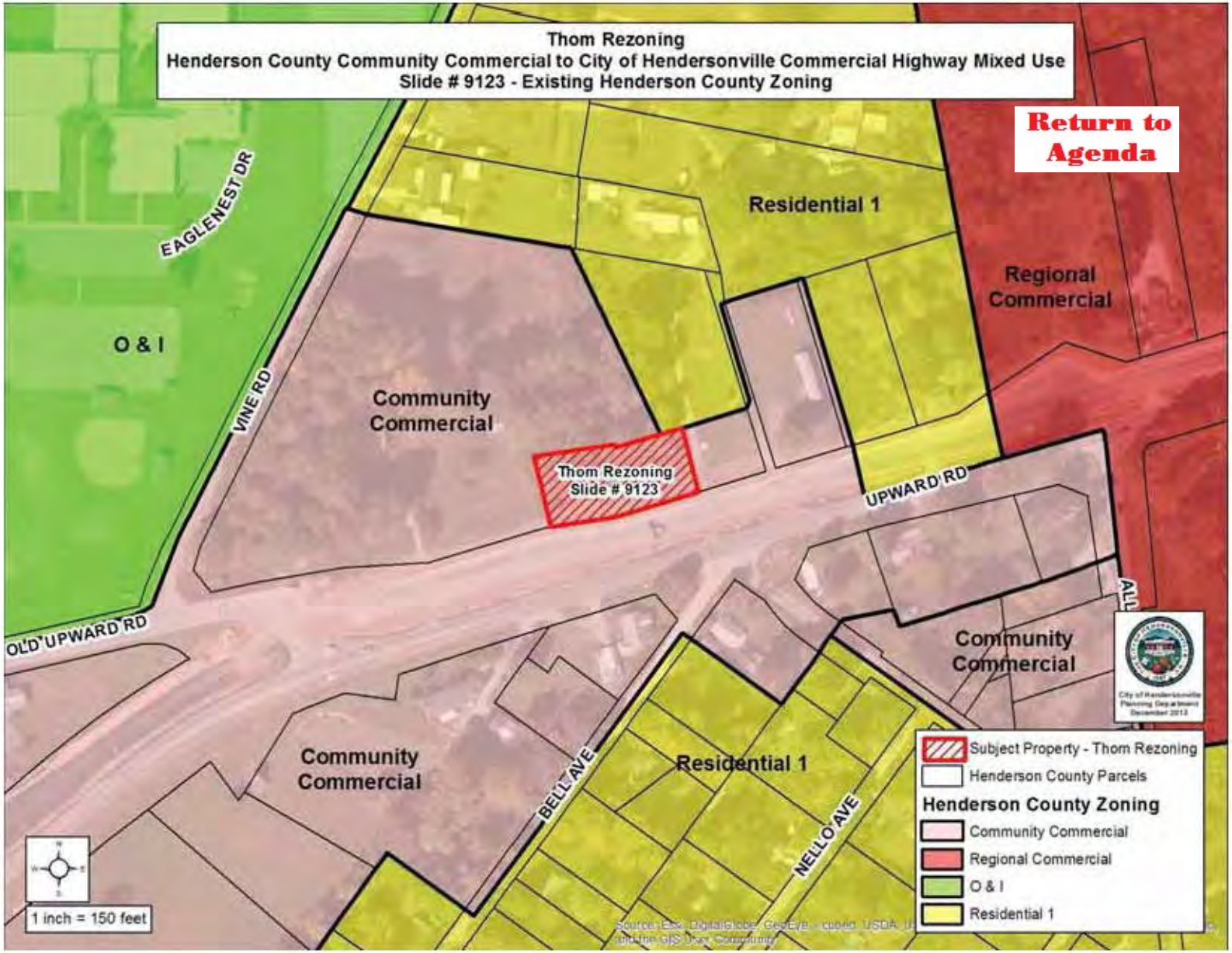
_____
Tammie K. Drake, CMC, City Clerk

Approved as to form:

_____
Samuel H. Fritschner, City Attorney

Thom Rezoning
Henderson County Community Commercial to City of Hendersonville Commercial Highway Mixed Use
Slide # 9123
Return to Agenda
EAGLE NEST DR
VINE RD
Thom Rezoning
Slide # 9123
UPWARD RD
OLD UPWARD RD
ALLEN RD
BELL AVE
NELLO AVE
1 inch = 150 feet
Subject Property - Thom Rezoning
Henderson County Parcels


Thom Rezoning
Henderson County Community Commercial to City of Hendersonville Commercial Highway Mixed Use
Slide # 9123 - Comprehensive Plan - Future Land Use
Return to Agenda
Medium Intensity Neighborhood
High Intensity Neighborhood
EAGLE NEST DR
Medium Intensity Neighborhood
VINE RD
High Intensity Neighborhood
Thom Rezoning Slide # 9123
UPWARD RD
ALLEN RD
OLD UPWARD RD
High Intensity Neighborhood
BELL AVE
NELLO AVE
1 inch = 150 feet
Subject Property - Thom Rezoning
Henderson County Parcels
Comprehensive Plan - Future Land Use
High Intensity Neighborhood
Medium Intensity Neighborhood


Thom Rezoning
Henderson County Community Commercial to City of Hendersonville Commercial Highway Mixed Use
Slide # 9123 - Existing Henderson County Zoning
Return to Agenda
Residential 1
Regional Commercial
EAGLENEST DR
O & I
VINE RD
Community Commercial
Thom Rezoning Slide # 9123
UPWARD RD
OLD UPWARD RD
Community Commercial
Community Commercial
BELL AVE
Residential 1
NELL O AVE
1 inch = 150 feet
Subject Property - Thom Rezoning
Henderson County Parcels
Henderson County Zoning
Community Commercial
Regional Commercial
O & I
Residential 1

City of Hendersonville

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PLANNING BOARD REPORT

Project Name: **Thom Initial Zoning – Slide # 9123**

File Number: **P13-50-Z**

☑ Approval – The map amendment is consistent with all of the objectives and policies for growth and development contained in the City of Hendersonville's Zoning Ordinance, 2030 Comprehensive Plan and Comprehensive Transportation Plan.

☐ Denial – The map amendment is not consistent with all of the objectives and policies for growth and development of the City of Hendersonville's Zoning Ordinance, 2030 Comprehensive Plan and Comprehensive Transportation Plan.

This report reflects the recommendation of the Planning Board, this the 13th day of January, 2014.

Attest:

Planning Board Chair

Planning Director

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

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Submitted By: Sue Anderson, Planning Director **Department:** Planning
Date Submitted: January 14, 2014 **Presenter:** Sue Anderson
Date of Council Meeting to consider this item: February 6, 2014
Nature of Item: Council Action

Summary of Information/Request: **Item #** 11

File #P13-43-SC
The City has received an application from Henderson County and the Henderson County Board of Public Education to close a portion of 9th Avenue West between N. Church Street and Oakland Street. A map and survey are included with this memorandum.

City Council at its regular meeting of December 5, 2013, adopted a Resolution of Intent to close this street. A copy of the Resolution of Intent was mailed to the adjoining property owners, notification of the proposed closing was posted, and the Resolution of Intent and notice of the public hearing was advertised four times in the legal notice section of the local newspaper.

Concerning the current application, comments were solicited from City Departments. The Utility Department has requested an easement for water and sewer.

At the hearing, 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.

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 to adopt the Order to Permanently Close 9th Avenue West between N. Church Street and Oakland Street petitioned by Henderson County and the Henderson County Board of Public Education.

Attachments:

Maps
Survey
Order for Street Closing

Portion of 9th Avenue W Requesting to be Closed

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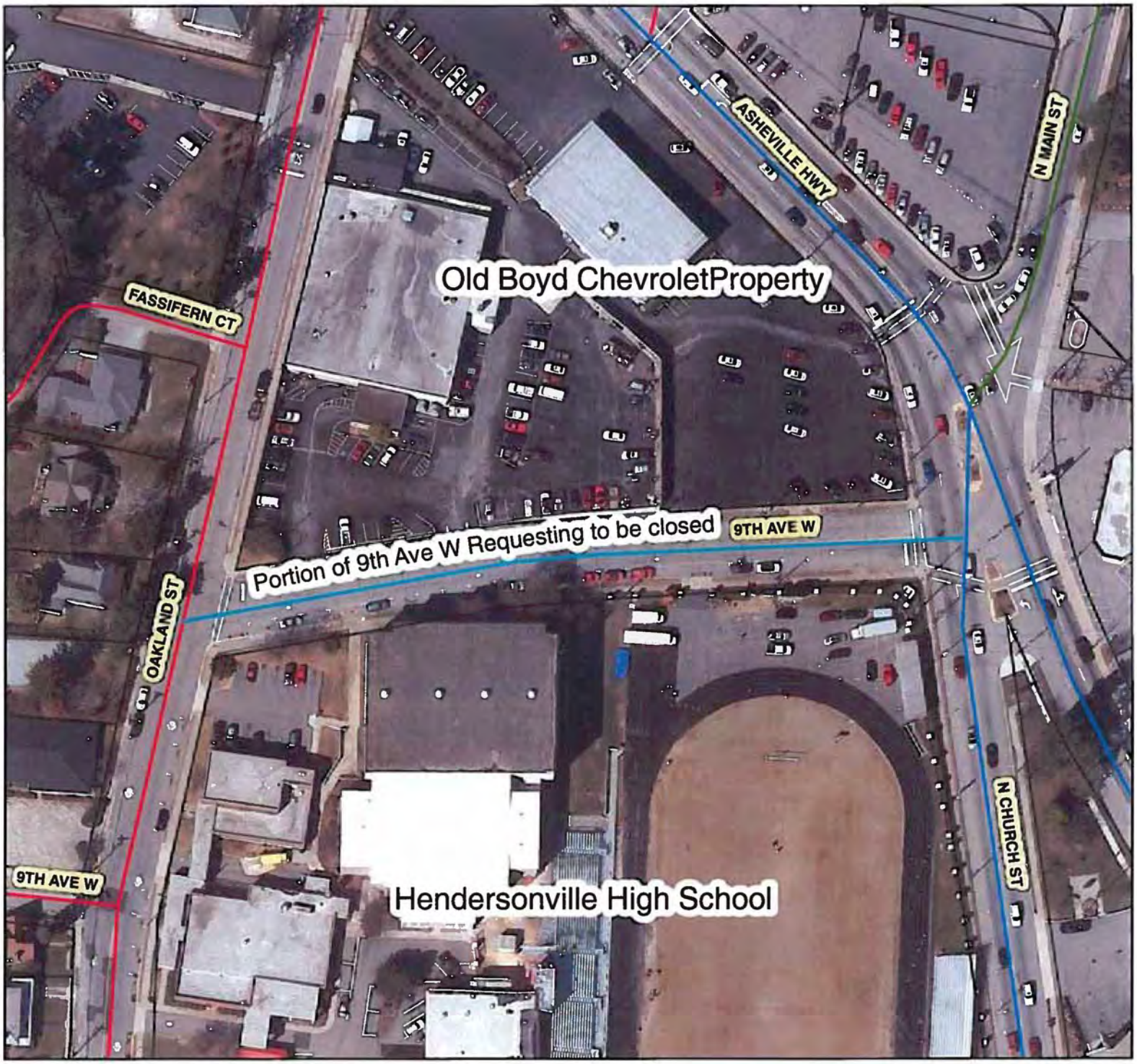


Legend
- BOULEVARD
- COLLECTOR
- FREEWAY
- INTERSTATE
- LOCAL ROAD
- OUTSIDE HENDERSON COUNTY
- THOROUGHFARE

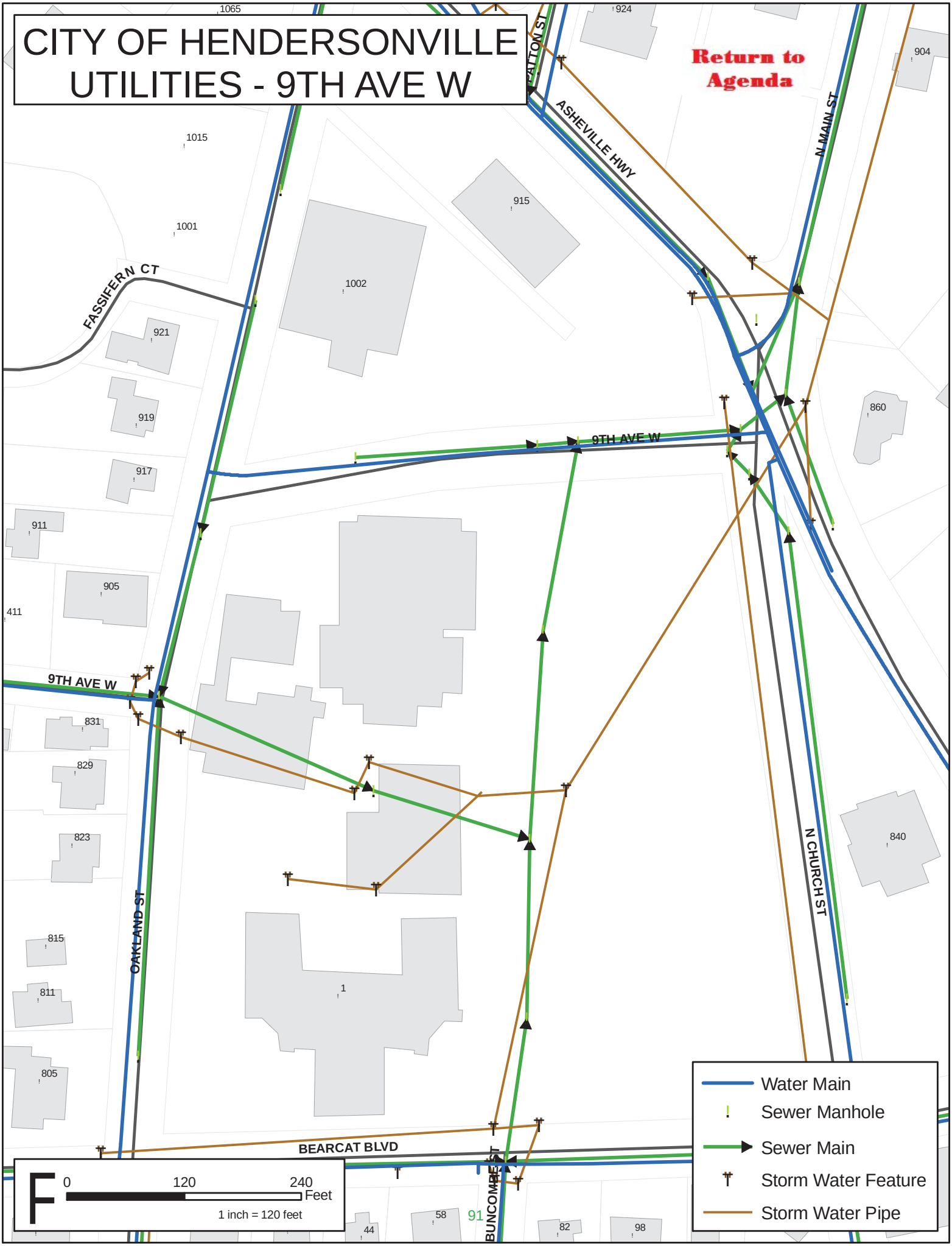
0 30 60 120 180 240 Feet

1 inch = 100 feet

N W E S

HENDERSON COUNTY

CITY OF HENDERSONVILLE UTILITIES - 9TH AVE W



State of North Carolina
County of Henderson

I,_____ Review Officer of The City of Hendersonville, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer _____ Date _____

State of North Carolina, County of Henderson

filed for registration on the ____ day of _____ 20___ at _____o' clock ____M and recorded in slide _____ in the office of the Register of Deeds of Henderson County.

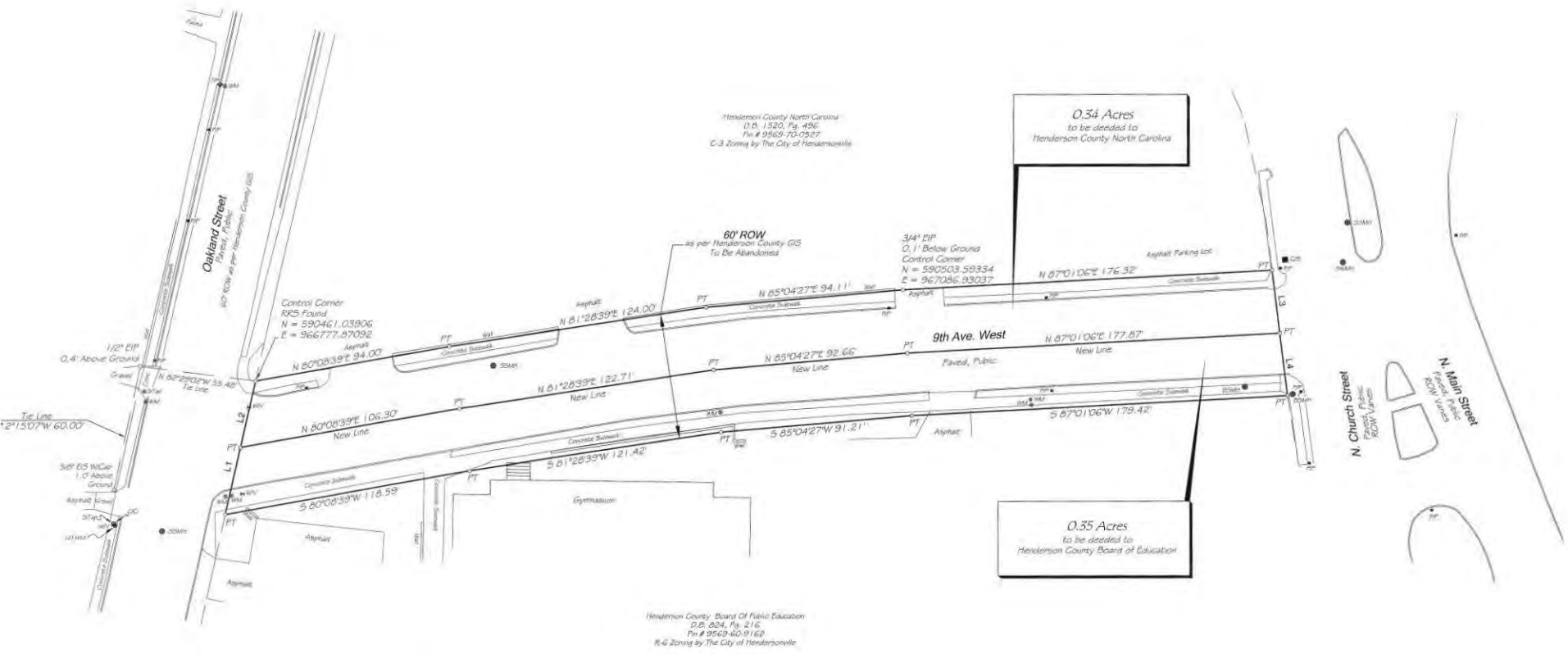
Register of Deeds _____

By: _____, Deputy.

NORTH CAROLINA PROFESSIONAL SEAL L-4920 LAND SURVEYOR CAMERON S. BAKER

New Lines

Course	Bearing	Distance
L1	N 12°59'57" E	32.56'
L2	N 12°59'57" E	32.56'
L3	S 06°54'25" E	30.07'
L4	S 06°54'25" E	30.07'



Legend:
EIP = Existing Iron Pipe
EIS = Existing Iron Stake
IPS = Iron Pin Set
PT = Unmarked Point
ROW = Right Of Way

ORDER # _____

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ORDER TO PERMANENTLY CLOSE THE STREET OR ALLEY
(Petition of Henderson County and the Henderson County Board of Public Education)

NORTH CAROLINA
HENDERSON COUNTY

TO WHOM IT MAY CONCERN:

WHEREAS, North Carolina General Statue 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, Henderson County and the Henderson County Board of Public Education, has petitioned the City of Hendersonville to close 9th Avenue West between N. Church Street and Oakland Street; and

WHEREAS, on December 5, 2013, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close 9th Avenue West between N. Church Street and Oakland Street and setting February 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 street 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 street; and

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

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

1. The closing of 9th Avenue West between N. Church Street and Oakland Street. hereafter described are not contrary to the public interest.

2. No individual owning property in the vicinity of the street or in the subdivision in which it is located would be deprived by the closing of such a street of reasonable means of ingress and egress to their property.

IN CONSIDERATION THEREOF, IT IS HEREBY ORDERED:

1. The following opened 9th Avenue West between N. Church Street and Oakland Street. is permanently closed and no longer existent as of the effective date of this order:

BEGINNING at a Control Corner, RRS Found N=590461.03906, E = 96677787092, said corer standing

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South 82º 29′ 02″ West from a ½ inch Existing Iron Pipe standing .4 feet above the ground, said corner also being located at the intersection of the northern boundary of the sidewalk on the northern side of 9th Avenue West and the eastern boundary of the sidewalk on the eastern side of Oakland Street in the City of Hendersonville, said corner also being the southwest corner of the tract conveyed to Henderson County North Carolina, as shown in deed recorded in Deed Book 1520, Page 496, Henderson County Registry; thence from said **BEGINNING** and with the northern boundary of the sidewalk on the northern side of 9th Avenue West, North 80º 08′39″ East 94.00 feet to a point; thence continuing with the northern side of said sidewalk, North 81º 28′ 39″ East 124.00 feet to a point; thence continuing with the northern side of said sidewalk, North 85º 04′ 27″ East 94.11 feet to a ¾ inch existing iron pin; thence continuing with the northern side of said sidewalk, North 87º 01′ 06″ East 176.32 feet to an unmarked point, said point being the intersection of the western side of the sidewalk for US Highway 25 and 9th Avenue West; thence with the western boundary of US Highway 25, the following two courses and distances: South 06º 54′ 25″ East 30.07; South 06º 54′ 25″ East 30.07 to an unmarked point standing at the intersection of the southern side of the sidewalk of 9th Avenue West and the western boundary of US Highway 25 (North Church Street), said point also being the northeastern corner of the property of Henderson County Board of Public Education as shown in deed recorded in Deed Book 824, Page 216, Henderson County Registry, thence with the southern boundary of the of the sidewalk on the southern side of 9th Avenue West, South 87º 01′ 06 West 179.42 feet to an unmarked point; thence continuing with the southern side of said sidewalk, South 85º 04′ 27″ West 91.21 feet to an unmarked point; thence continuing with the southern side of said sidewalk, South 81º 28′ 39″ West 121.42 feet to an unmarked point; thence continuing with the southern side of said sidewalk, South 80º 08′ 39″ West 118.59 feet to a point, said point being the intersection of the southern side of said sidewalk and the eastern side of the eastern sidewalk of Oakland Street; thence with the eastern boundary of Oakland Street the following two courses and distances: North 12º 59′ 57″ East 32.56 feet to an unmarked point; North 12º 59′ 57″ East 32.56 feet to the point an place of **BEGINNING** and containing .69 acres, according to a survey by Associated Land Surveyors & Planners, PC, dated November 1, 2013 and captioned "Map of ROW Abandonment For Henderson County Board of Public Education" and being further identified as Job No. S-13-191, as hereto attached for a more particular description.

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 February 2014.

_____
Barbara Volk, Mayor, City of Hendersonville

ATTEST:

_____
Tammie K. Drake, City Clerk

Approved as to form:

_____
Samuel H. Fritschner, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, a notary public in Henderson County, State of North Carolina, do hereby certify that Barbara Volk in her capacity as Mayor of the City of Hendersonville, Tammie K. Drake, in her capacity as City Clerk, and Samuel H. Fritschner, in his capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

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Submitted By: Sue Anderson, Planning Department **Department:** Planning
Date Submitted: January 22, 2014 **Presenter:** Sue Anderson
Date of Council Meeting to consider this item: February 6, 2014
Nature of Item: Council Action

Summary of Information/Request: **Item #** 12

File #P13-33-T

City Council held a public hearing on this text amendment on December 5, 2013. City Council voted unanimously to have this item returned to the Planning Board and to have the Planning Board consider the repeal of Section 6-5-5.6 from the Zoning Ordinance.

On January 13, 2014, the Planning Board considered City Council's request to repeal Section 6-5-5.6 from the Zoning Ordinance. After some discussion, a motion was made to recommend that City Council adopt an ordinance repealing Article VI General Provisions, Section 6-5-5 Minimum Design Requirements, Subsection 6-5-5.6 of the City of Hendersonville Zoning Ordinance relating to parking lot pedestrian channels. The Planning Board voted four in favor and five opposed to repealing this section of the ordinance.

Public Hearing

Since the repeal of this ordinance is a different text amendment than what was originally advertised, this item has been re-advertised as a new public hearing to consider a Zoning Ordinance text amendment of Article VI General Provisions, Section 6-5-5 Minimum Design Requirements repealing Subsection 6-5-5.6 pertaining to parking lot pedestrian channels.

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

Does not affect the budget.

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

Approval: I move that City Council adopt an ordinance repealing Article VI General Provisions, Section 6-5-5 Minimum Design Requirements, Subsection 6-5-5.6 of the City of Hendersonville Zoning Ordinance relating to parking lot pedestrian channels.

Attachments:

Memo

M E M O R A N D U M

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TO: Honorable Mayor and City Council

FROM: Planning Department

RE: Text Amendment of Article VI General Provisions, Section 6-5-5 Minimum Design Requirements

FILE #: P13-33-T

DATE: January 22, 2014

PROJECT HISTORY

City Council held a public hearing on this text amendment on December 5, 2013. City Council voted unanimously to have this item returned to the Planning Board and to have the Planning Board consider the repeal of Section 6-5-5.6 from the Zoning Ordinance.

On January 13, 2014, the Planning Board considered City Council's request to repeal Section 6-5-5.6 from the Zoning Ordinance. After some discussion, a motion was made to recommend that City Council adopt an ordinance repealing Article VI General Provisions, Section 6-5-5 Minimum Design Requirements, Subsection 6-5-5.6 of the City of Hendersonville Zoning Ordinance relating to parking lot pedestrian channels. The Planning Board voted four in favor and five opposed to repealing this section of the ordinance.

On November 12, 2013, the Planning Board had voted six in favor and two opposed to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Section 6-5 Off-Street Parking. Following is the original recommendation with additions underlined and deletions struck through:

Section 6-5-5.6 New parking lots with one hundred or more uncovered parking spaces shall ~~be designed to~~ incorporate safe and identifiable pedestrian channels to the building or structure. The pedestrian channel shall be <u>at least 5 feet in width and</u> physically separated from vehicular circulation aisles except as necessary to provide a perpendicular crossing of such an aisle. <u>Vehicles shall be prevented from projecting over the pedestrian channel through the use of landscaping, wheel stops or other method approved by the Planning Director or Zoning Administrator. Parking spaces shall be located within seventy-five feet of a pedestrian channel. The seventy-five foot measurement is taken from the closest edge of the parking space to the pedestrian channel.</u>

<u>Existing parking lots exceeding one hundred or more uncovered parking spaces, pre redevelopment or post redevelopment, shall incorporate safe and identifiable pedestrian channels to the building or structure when either of the following conditions exists:</u>

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1. Building renovation cost will exceed 50% of the assessed value of the building according to Henderson County tax records or an appraisal by a state licensed appraiser.

2. Expansions will exceed 50% of the pre-expansion floor area or paved surface.

Automobile sales and service uses are exempt from the requirements of this provision.

Public Hearing

Since the repeal of this ordinance is a different text amendment than what was originally advertised, this item has been re-advertised as a new public hearing to consider a Zoning Ordinance text amendment of Article VI General Provisions, Section 6-5-5 Minimum Design Requirements repealing Subsection 6-5-5.6 pertaining to parking lot pedestrian channels.

ZONING ORDINANCE GUIDELINES

Per Section 11-4 of the City's Zoning Ordinance, the following factors shall be considered by City Council prior to adopting or disapproving an amendment to the text of the City's Zoning Ordinance:

1. Comprehensive Plan Consistency. Consistency with the Comprehensive Plan and amendments thereto.

2. Compatibility with surrounding uses. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.

3. Changed conditions. Whether and the extent to which there are changed conditions, trends or facts that require an amendment.

4. Public Interest. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.

5. Public facilities. Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment.

6. Effect on natural environment. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural

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environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife.

AN ORDINANCE REPEALING ARTICLE VI GENERAL PROVISIONS SECTION 6-5-5 MINIMUM DESIGN REQUIREMENTS SUBSECTION 6-5-5.6 OF THE ZONING ORDINANCE OF THE CITY OF HENDERSONVILLE REMOVING THE REQUIREMENT FOR PARKING LOT PEDESTRAIN CHANNELS

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, the General Assembly of the State of North Carolina has granted authority to municipalities to amend, supplement, change, modify or repeal zoning regulation ordinances; and

WHEREAS, the City of Hendersonville desires to repeal the requirement for parking lot pedestrian channels.

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

1. Article VI General Provisions, Section 6-5-5 Minimum Design Requirements, Subsection 6-5-5.6 is hereby repealed.

2. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 9-8 of the Zoning Ordinance.

3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

4. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

5. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

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

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Adopted this _____ day of _____, 2014

_____
Barbara Volk, Mayor

Attest:

_____
Tammie K. Drake, CMC, City Clerk

Approved as to form:

_____
Samuel H. Fritschner, City Attorney

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Return to Agenda

Submitted By: Sue Anderson, Planning Director **Department:** Planning
Date Submitted: January 14, 2014 **Presenter:** Sue Anderson
Date of Council Meeting to consider this item: February 6, 2014
Nature of Item: Discussion/Staff Direction

Summary of Information/Request: **Item #** 13

File # P14-2-M

The Planning Department is in receipt of a request from Ken Stubbs to remove 18 properties /40 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 with the ETJ boundary.

Staff is seeking direction from City Council on whether the Council wishes to consider amending the ETJ boundary.

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.*

Provide staff direction only.

Attachments:

Letter
Maps

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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: J. Anderson

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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

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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

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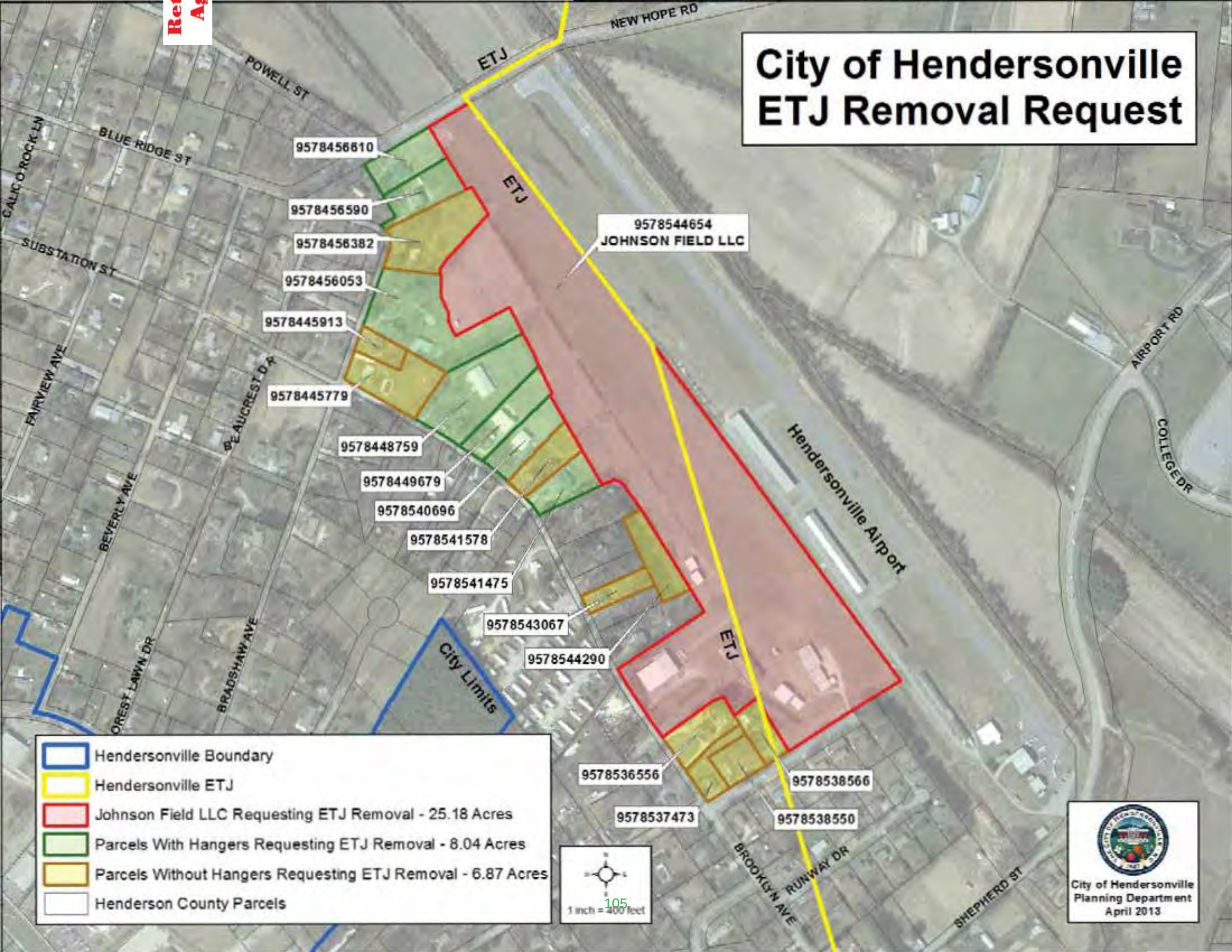
15. A Norman Earl (.46 Acre)
1034 Brooklyn Avenue
Hendersonville, NC 28792
PIN #9578538550

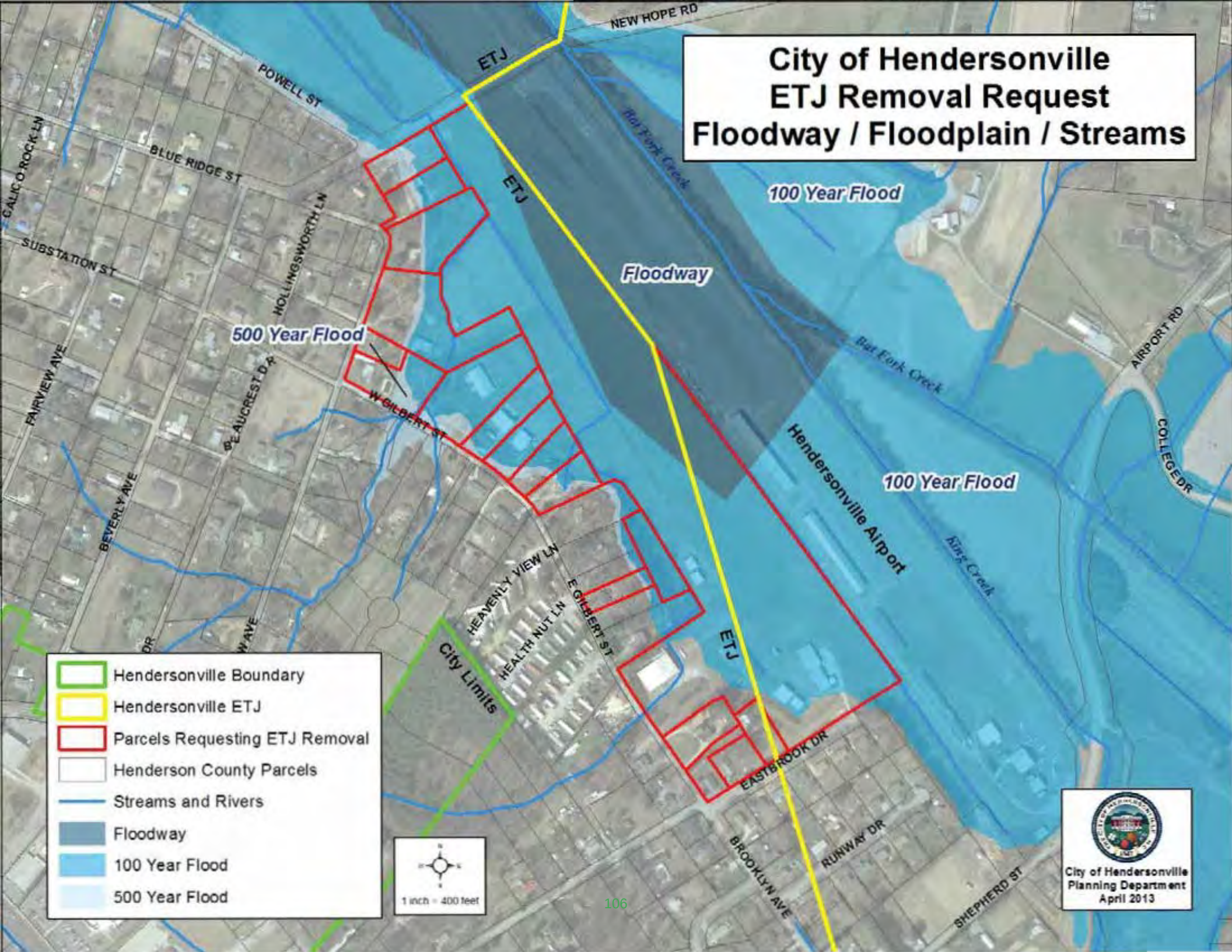
16. Molly A Pace (.45 Acre)
1032 Brooklyn Avenue
Hendersonville, NC 28792
PIN #9578537473

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

City of Hendersonville ETJ Removal Request



City of Hendersonville ETJ Removal Request Floodway / Floodplain / Streams



CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Return to Agenda

Submitted By: John Connet
Department: Administration
Date Submitted: 1/27/2014
Presenter: Steve Caraker and Matt Cable
Date of Council Meeting to consider this item: 2/6/2014
Nature of Item: Council Action

Summary of Information/Request: **Item #** 14

The Henderson County Transportation Advisory Committee is working with NCDOT to determine what type of road amenities (sidewalks, bike lanes, landscaped medians, etc.) would the City Council like to see on upcoming NCDOT projects in Hendersonville. Matt Cable, Henderson County Transportation Planner, and Councilman Steve Caraker will make a presentation regarding potential road amenities and request feedback from the City Council.

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 that the City of Hendersonville support the implementation of the complete streets concepts on the following road projects: _____.

Attachments:

Map showing road projects in Hendersonville and Matt Cable's Complete Streets presentation

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Return to Agenda

Submitted By: John Connet
Department: Administration
Date Submitted: 1/27/2014
Presenter: John Connet
Date of Council Meeting to consider this item: 2/6/2014
Nature of Item: Council Action

Summary of Information/Request: **Item #** 15

We have been verbally notified that we have received grants from the State of North Carolina for the Dana Water Project. These grants exceed $950,000. We have not received the official paperwork for this project, but wanted to reserve a spot on the February 6th agenda for any needed City Council action. It is our intent to move this project along as quickly as possible. I will forward all information to the City Council as soon as I receive it. If this item is not needed, I will remove this item from the agenda.

Budget Impact: $ 950,000+/- Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Grants from the State of North Carolina

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

I move that the City of Hendersonville accept the grants for the Dana Water Project.

Attachments:

None at this time

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Return to Agenda

Submitted By: Lee Smith
Department: Water/Sewer
Date Submitted: 1/27/2014
Presenter: Lee Smith
Date of Council Meeting to consider this item: 2/6/2014
Nature of Item: Council Action

Summary of Information/Request: **Item #** 16

On Wednesday, January 29, 2014 at 2:00 city staff will receive and open sealed bids for the Academy Rd. Water System Improvements Project. Once our engineer has had an opportunity to review the bids and establish a lowest responsible, responsive bidder for this project, staff will forward a certified bid tabulation and a recommendation to award the project from our engineer with Municipal Engineering Company, Dr. Mike Acquesta, P.E.

Budget Impact: $ 0 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 hereby move to award the bid provided by (Insert name of contractor determined to be the lowest responsible, responsive bidder) for the Academy Rd. Water System Improvements Project in the amount of (Insert amount), as presented and recommended by staff.

Attachments:

To Be Provided - Certified Bid Tabulation
Award Recommendation Memo from Dr. Mike Acquesta, P.E.

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Return to Agenda

Submitted By: Sam Fritschner
Department: Administration
Date Submitted: 27January 2014
Presenter: Sam Fritschner
Date of Council Meeting to consider this item: 6 February 2014
Nature of Item: Presentation Only

Summary of Information/Request: **Item #** 17

At its November meeting the City Council requested that staff arrange for an appraisal of the Mill Building. A copy of the appraisal is provided to the Council, both with and without a Historic Preservation Easement.

Budget Impact: $ 3500 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.*

n/a

Attachments:

Memo prepared by City Manager John Connet

Return to Agenda

INTEROFFICE MEMORANDUM

TO: MAYOR AND CITY COUNCIL
FROM: JOHN CONNET, CITY MANAGER
SUBJECT: GREY HOSIERY MILL
DATE: OCTOBER 22, 2013
CC: SAM FRITSCHNER, CITY ATTORNEY

The following memorandum will attempt to provide you with information regarding the disposal of the Grey Hosiery Mill. This memorandum is by no means a complete discussion of all the issues or details associated with the property. However, it is the most complete information that is available at the current time.

Environmental Issues

We have updated the Phase II Environmental Assessment for the Mill Property and the good news is that we will not be required to do any further testing or mitigation of the site as long as the property is used for a commercial or industrial uses. However, if the property is going to be used for any type of residential use, additional testing will have to be conducted by the City and may require environmental mitigation as part of the redevelopment process.

A draft brownfield agreement has been drafted for the redevelopment of this property as a commercial use and could be easily completed for the City of Hendersonville within six months. If we wish to include residential uses in the brownfield agreement the process will take closer to nine months. However, once we have the brownfield agreement, we could transfer the liability protection to the new owner or developer. NCDENR does recommend that the City follow through with some type of brownfield agreement to protect our interest in the property.

Historic Preservation Protection

The Historic Preservation Commission has recommended that the City of Hendersonville place the following conservation agreement on the Grey Hosiery Mill property prior to transferring it to a new owner:

1. That all easements refer to the 1915 and 1919 portions of the Grey Hosiery Mill only, recognizing saving the 1947 portion may be necessary for a buyer to secure tax credits.
2. Preserve all structural elements and replace in kind with like materials if needed.
3. Preserve exterior elements and replace in kind with like materials if needed.
4. Preserve the roof profile and replace in kind with modern materials if needed. Roof mounted mechanical equipment should not be visible from street.
5. Restore windows to original design or replace with like materials and window muntin patterns.
6. Retain any and all existing wood flooring.
7. Retain any and all existing wood ceilings.

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8. Retain operating mechanism of clerestory windows.
9. Exterior door styles should be appropriate to time of building.

As defined by N.C. General Statute§ 121-35 A "conservation agreement" means a right, whether or not stated in the form of a restriction, reservation, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land or improvement thereon or in any order of taking, appropriate to retaining land or water areas predominantly in their natural, scenic or open condition or in agricultural, horticultural, farming or forest use, to forbid or limit any or all (i) construction or placing of buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground, (ii) dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste or unsightly or offensive materials, (iii) removal or destruction of trees, shrubs or other vegetation, (iv) excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such manner as to affect the surface, (v) surface use except for agricultural, farming, forest or outdoor recreational purposes or purposes permitting the land or water area to remain predominantly in its natural condition, (vi) activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation, or (vii) other acts or uses detrimental to such retention of land or water areas.

Selling of Public Property

The City Council has four options if it desires to sell the property. The following information is located in Chapter 160A, Article 12 of the North Carolina General Statutes:

1. **Advertisement for sealed bids – (160A-268**) – The sale of property by advertisement for sealed bids shall be done in the manner prescribed by law for the purchase of property, except that in the case of real property the advertisement for bids shall begin not less than 30 days before the date fixed for opening bids. (Sam is researching the statement, in the manner prescribed by law for the purchase of property.)
2. **Negotiated offer, advertisement, and upset bids (160A-269)** – A city may receive, solicit, or negotiate an offer to purchase the property and advertise it for upset bids. When an offer is made and the council proposed to accept it, the council shall require the offeror to deposit five percent of his bid with the city clerk, and shall publish a notice of the offer. The notice shall contain a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than 10% of the first one thousand dollars and five percent of the remainder. (Example – First bid $100,000, Second bid must be a minimum of 105,950). When a bid is raised, the bidder shall deposit with the city clerk five percent of the increased bid, and the clerks shall readvertise the offer at the increased bid. This procedure shall be repeated until no further qualifying upset bids are received, at which time the council may except the offer and sell the property to the highest bidder. The council may at any time reject any and all offers.

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3. **Public Auction (160A-270)** - City would advertise 30 days before the sale and provide a general description of the land, terms of sale and the authorizing resolution. The resolution may, but need not require the highest bidder at the sale to make a bid deposit in a specific amount. The advertisement would also state that any offer or bid must be accepted the council before it will be effective.
4. **Private Negotiation of Historic Property (160A-266) –** A city may dispose of real property of any value and personal property valued at thirty thousand dollars ($30,000) or more for any one item or group of similar items by private negotiation and sale where (i) said real or personal property is significant for its architectural, archaeological, artistic, cultural or historical associations, or significant for its relationship to other property significant for architectural, archaeological, artistic, cultural or historical associations, or significant for its natural, scenic or open condition; and (ii) said real or personal property is to be sold to a nonprofit corporation or trust whose purposes include the preservation or conservation of real or personal properties of architectural, archaeological, artistic, cultural, historical, natural or scenic significance; and (iii) where a preservation agreement or conservation agreement as defined in G.S. 121-35 is placed in the deed conveying said property from the city to the nonprofit corporation or trust. Said nonprofit corporation or trust shall only dispose of or use said real or personal property subject to covenants or other legally binding restrictions which will promote the preservation or conservation of the property, and, where appropriate, secure rights of public access. (See Historic Preservation Protection described earlier in this memorandum.)

Moving Forward

In moving forward the City Council should determine what is your ultimate goal for the Grey Hosiery Mill? Is saving the building important? What is the best use for this property? How will redevelopment benefit the rest of the city? How will we get a positive return on our investment?

Thank you for your attention in this matter. If you have any questions or need additional information, please feel free to contact me at 233-3201.

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Return to Agenda

Submitted By: Sam Fritschner
Department: Legal
Date Submitted: 1/28/14
Presenter: Sam Fritschner
Date of Council Meeting to consider this item: 2/6/14
Nature of Item: Council Action

Summary of Information/Request: **Item #** 18

At the January meeting the Council approved in principle the adoption of a fee schedule for the extension of credit for financing system development charges and directed the City Attorney to draft a list of proposed charges for the Council's consideration. I am attaching a list of proposed charges. I believe these proposed fees are neither excessive nor unusual for this area.

Budget Impact: $ 0.00 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 to adopt the fee schedule for the financing of system development charges.

Attachments:

Resolution adopting the schedule

RESOLUTION # _____

Return to Agenda

A RESOLUTION ADOPTING A FEE STRUCTURE POLICY FOR THE FINANCING OF SYSTEM DEVELOPMENT CHARGES RELATED TO UTILITY CONNECTIONS

WHEREAS the City has resolved to permit the financing, in certain cases, of system development charges for services provided in relation to the extension of utility services by the City, and

WHEREAS the City Council desires to assure the timely repayment to the City for the extension of credit with respect to this financing, and

WHEREAS the City will itself incur certain expenses in relation to the extension of credit and the securing of the repayment of indebtedness,

NOW, BE IT THEREFORE RESOLVED that the City Council adopt and it does by these presents adopt the following fee schedule for the financing of system development charges:

1. The following amendments are hereby made to the City's sponsorship policy:

    Title search: $250
    Note and Deed of Trust document preparation: $200
    Subordination agreement preparation (per recorded lien): $50
    Henderson County Register of Deeds recording fees (per document): $26
    Copies: .25 per page for copies made from Register of Deeds' office
    Any other copy is charged according the City of Hendersonville adopted fee schedule

    2. This policy shall take effect upon adoption of this resolution.

Adopted this sixth day of February 2013.

_____

Barbara Volk
Mayor, City of Hendersonville

ATTEST:

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Return to Agenda

Submitted By: Brent Detwiler
Department: Engineering
Date Submitted: 1/27/14
Presenter: Brent Detwiler
Date of Council Meeting to consider this item: 2/6/14
Nature of Item: Council Action

Summary of Information/Request: **Item #** 19

On January 17, 2014 at 2:30pm sealed bids were opened for the Jackson Park Sewer Interceptor. Prequalification statements were solicited from contractors in October. Staff evaluated the statements, contractors were prequalified and bids were received from three of the five prequalified bidders with the following results: John D. Stephens, Inc. - $6,293,983.40, Rockdale Pipeline, Inc. - $7,137,290.15, Garney Companies, Inc. - $9,363,986.00
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, John D. Stephens, Inc., have been working to adjust the plans and specifications in order to reduce the total project cost. These adjustments reduce the overall footage of sewer installed as part of the project, while still meeting the goal of the project, which was to eliminate the existing Jackson Park Pump Station. The revised project costs had not been finalized as of the day that agenda items were due (1/2714). The final costs will be provided to Council in the coming days.
City staff hereby recommends the tentative award of said project to John D. Stephens, Inc. of Lawrenceville, GA (NC Contractor License No. 7780), the lowest responsive and responsible bidder for the revised project cost in the amount of_____. 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: $_____ 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.*

Attachments:

Engineer's Estimate, Bid Tabulation

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

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

Project No. 11003

OPINION OF PROBABLE COST

PROJECT: Jackson Park Sewer Interceptor

PREPARED BY:
Brent Detwiler, P.E.

REVIEWED BY:
Brent Detwiler, P.E.

ITEM	DESCRIPTION	EST. QUAN	UNIT	UNIT PRICE	TOTAL
1	UNSUITABLE MATERIAL DISPOSAL & REPLACEMENT WITH COMMON BACKFILL (MIN. $20.00/CY)	13000	CY	$30.00	$390,000.00
2	ADDITIONAL EARTH EXCAVATION (2' TO 3.9')	2900	LF	$20.00	$58,000.00
2	ADDITIONAL EARTH EXCAVATION (4' TO 5.9')	2300	LF	$30.00	$69,000.00
2	ADDITIONAL EARTH EXCAVATION (6' TO 7.9')	650	LF	$40.00	$26,000.00
2	ADDITIONAL EARTH EXCAVATION (8'+)	100	LF	$50.00	$5,000.00
3	ROCK EXCAVATION	100	CY	$100.00	$10,000.00
4	FOUNDATION CUSHION	9000	TON	$30.00	$270,000.00
5	CONCRETE	100	CY	$125.00	$12,500.00
8	FLOWABLE FILL BACKFILL MATERIAL	100	CY	$80.00	$8,000.00
9	WOOD SHEETING LEFT IN PLACE	50	MFBM	$1,200.00	$60,000.00
10	42" DI SANITARY SEWER	127	LF	$175.00	$22,225.00
11	10" PVC SANITARY SEWER	20	LF	$60.00	$1,200.00
11	8" PVC SANITARY SEWER	43	LF	$50.00	$2,150.00
12	42" PVC SANITARY SEWER	1259	LF	$160.00	$201,440.00
12	36" PVC SANITARY SEWER	7289	LF	$150.00	$1,093,350.00
12	30" PVC SANITARY SEWER	4800	LF	$130.00	$624,000.00
12	24" PVC SANITARY SEWER	381	LF	$110.00	$41,910.00
14	10' DIA. MANHOLE W/ WATERTIGHT, LOCKING LID	12	VF	$400.00	$4,800.00
14	8' DIA. MANHOLE W/ WATERTIGHT, LOCKING LID	15	VF	$360.00	$5,400.00
14	7' DIA. MANHOLE W/ WATERTIGHT, LOCKING LID	57	VF	$320.00	$18,240.00
14	6' DIA. MANHOLE W/ WATERTIGHT, LOCKING LID	64	VF	$280.00	$17,920.00
14	5' DIA. STANDARD MANHOLE	67	VF	$240.00	$16,080.00
14	5' DIA. MANHOLE W/ WATERTIGHT, LOCKING LID	400	VF	$240.00	$96,000.00
14	4' DIA. MANHOLE W/ WATERTIGHT, LOCKING LID	18	VF	$200.00	$3,600.00
14	MANHOLE VENT, COMPLETE IN PLACE	140	VF	$100.00	$14,000.00
14A	24" MANHOLE DROP ATTACHMENT	6	VF	$1,200.00	$7,200.00
14A	18" MANHOLE DROP ATTACHMENT	7	VF	$1,000.00	$7,000.00
14A	15" MANHOLE DROP ATTACHMENT	6	VF	$800.00	$4,800.00
14A	10" MANHOLE DROP ATTACHMENT	10	VF	$500.00	$5,000.00
14A	8" MANHOLE DROP ATTACHMENT	21	VF	$450.00	$9,450.00
15	42" PVC IN 66" STEEL CASING (JACK & BORE)	90	LF	$1,200.00	$108,000.00
15	36" PVC IN 66" STEEL CASING (JACK & BORE)	183	LF	$1,000.00	$183,000.00
15	36" PVC IN 60" STEEL CASING (JACK & BORE)	269	LF	$900.00	$242,100.00
15	24" PVC IN 48" STEEL CASING (JACK & BORE)	100	LF	$700.00	$70,000.00
20C	GRAVEL DRIVE REPLACEMENT	100	LF	$15.00	$1,500.00

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20D	ASPHALT DRIVE REPLACEMENT	100	LF	$25.00	$2,500.00
20D	CONCRETE DRIVE REPLACEMENT	100	LF	$60.00	$6,000.00
20H	ASPHALT CONCRETE PAVEMENT REPLACEMENT W/FULL WIDTH OVERLAY	850	LF	$25.00	$21,250.00
20X	GREENWAY REPLACEMENT	340	LF	$25.00	$8,500.00
22	TRENCH TOPPING	300	TON	$15.00	$4,500.00
23	CALCIUM CHLORIDE	50	TON	$400.00	$20,000.00
24	TOPSOIL & SEEDING	1	LS	$30,000.00	$30,000.00
41	EROSION CONTROL - SILT FENCE	16700	LF	$1.00	$16,700.00
41	EROSION CONTROL - LARGE STREAM CROSSING	2	EACH	$7,500.00	$15,000.00
41	EROSION CONTROL - MEDIUM STREAM CROSSING	5	EACH	$5,000.00	$25,000.00
41	EROSION CONTROL - SMALL STREAM CROSSING	2	EACH	$2,500.00	$5,000.00
SPEC	ANTI-SEEP COLLAR	44	EACH	$500.00	$22,000.00
SPEC	BRITTON CREEK STREAMBANK STABILIZATION	1	LS	$40,000.00	$40,000.00
SPEC	PUMP STATION DEMOLITION	1	LS	$20,000.00	$20,000.00
SPEC	TEMPORARY 6' FENCE (TO BE USED IN PARK AREAS WITH HIGH PUBLIC USE OR AS DIRECTED BY ENGINEER)	2500	LF	$5.00	$12,500.00
	Subtotal				**$3,957,815.00**
	Contingencies (10%)				**$395,781.50**
	Total Estimated Construction Cost (Rounded)				**$4,354,000.00**

Return to Agenda

CITY OF HENDERSONVILLE
JACKSON PARK SEWER INTERCEPTOR
BID DATE: 1/17/14
TIME: 2:30 PM

3 BIDDERS
ENR INDEX 9664.45

				JOHN D. STEPHENS, INC. 272 HURRICANE SHOALS RD. NE LAWRENCEVILLE, GA 30046				ROCKDALE PIPELINE, INC. 1925 OLD COVINGTON HWY PO BOX 1157 CONYERS, GA 30013				GARNEY CONSTRUCTION 2001 WESTSIDE PARKWAY, SUITE 180 ALPHARETTA, GA 30004			
ITEM	DESCRIPTION	QUANTITY	UNITS	UNIT LABOR	UNIT MATERIAL	TOTAL UNIT PRICE	AMOUNT	UNIT LABOR	UNIT MATERIAL	TOTAL UNIT PRICE	AMOUNT	UNIT LABOR	UNIT MATERIAL	TOTAL UNIT PRICE	AMOUNT
1	UNSUITABLE MATERIAL DISPOSAL & REPLACEMENT WITH COMMON BACKFILL (MIN. $20.00/CY)	13000	CY	$ 10.00	$ 20.00	$ 30.00	$ 390,000.00	$ 13.37	$ 6.63	$ 20.00	$ 260,000.00	$ 10.00	$ 10.00	$ 20.00	$ 260,000.00
2	ADDITIONAL EARTH EXCAVATION (2' TO 3.9')	2900	LF	$ 1.00	$ 0.25	$ 1.25	$ 3,625.00	$ 6.00	$ -	$ 6.00	$ 17,400.00	$ 10.00	$ 10.00	$ 20.00	$ 58,000.00
2	ADDITIONAL EARTH EXCAVATION (4' TO 5.9')	2300	LF	$ 2.00	$ 0.50	$ 2.50	$ 5,750.00	$ 6.00	$ -	$ 6.00	$ 13,800.00	$ 11.00	$ 11.00	$ 22.00	$ 50,600.00
2	ADDITIONAL EARTH EXCAVATION (6' TO 7.9')	650	LF	$ 3.00	$ 0.75	$ 3.75	$ 2,437.50	$ 6.00	$ -	$ 6.00	$ 3,900.00	$ 12.00	$ 12.00	$ 24.00	$ 15,600.00
2	ADDITIONAL EARTH EXCAVATION (8'+)	100	LF	$ 4.00	$ 1.00	$ 5.00	$ 500.00	$ 6.00	$ -	$ 6.00	$ 600.00	$ 13.00	$ 13.00	$ 26.00	$ 2,600.00
3	ROCK EXCAVATION	100	CY	$ 50.00	$ 50.00	$ 100.00	$ 10,000.00	$ 85.00	$ -	$ 85.00	$ 8,500.00	$ 50.00	$ 50.00	$ 100.00	$ 10,000.00
4	FOUNDATION CUSHION	9000	TON	$ 22.75	$ 12.00	$ 34.75	$ 312,750.00	$ 2.88	$ 17.12	$ 20.00	$ 180,000.00	$ 22.00	$ 22.00	$ 44.00	$ 396,000.00
5	CONCRETE	100	CY	$ 50.00	$ 110.00	$ 160.00	$ 16,000.00	$ 15.00	$ 107.00	$ 122.00	$ 12,200.00	$ 198.00	$ 198.00	$ 396.00	$ 39,600.00
8	FLOWABLE FILL BACKFILL MATERIAL	100	CY	$ 85.00	$ 85.00	$ 170.00	$ 17,000.00	$ 13.35	$ 101.65	$ 115.00	$ 11,500.00	$ 127.50	$ 127.50	$ 255.00	$ 25,500.00
9	WOOD SHEETING LEFT IN PLACE	50	MFBM	$ 50.00	$ 50.00	$ 100.00	$ 5,000.00	$ 6.50	$ 53.50	$ 60.00	$ 3,000.00	$ 750.00	$ 750.00	$ 1,500.00	$ 75,000.00
10	42" DI SANITARY SEWER	127	LF	$ 114.00	$ 271.10	$ 385.10	$ 48,907.70	$ 269.96	$ 315.04	$ 585.00	$ 74,295.00	$ 250.00	$ 250.00	$ 500.00	$ 63,500.00
11	10" PVC SANITARY SEWER	20	LF	$ 114.00	$ 72.10	$ 186.10	$ 3,722.00	$ 229.21	$ 5.79	$ 235.00	$ 4,700.00	$ 60.00	$ 60.00	$ 120.00	$ 2,400.00
11	8" PVC SANITARY SEWER	49	LF	$ 114.00	$ 69.00	$ 183.00	$ 8,969.00	$ 229.30	$ 3.70	$ 233.00	$ 10,019.00	$ 58.00	$ 58.00	$ 116.00	$ 4,988.00
12	42" PVC SANITARY SEWER	1259	LF	$ 114.00	$ 200.80	$ 314.80	$ 396,333.20	$ 229.36	$ 116.82	$ 346.18	$ 435,840.62	$ 204.00	$ 204.00	$ 408.00	$ 513,672.00
12	36" PVC SANITARY SEWER	7289	LF	$ 114.00	$ 141.50	$ 255.50	$ 1,862,339.50	$ 224.27	$ 78.52	$ 302.79	$ 2,207,036.31	$ 178.00	$ 178.00	$ 356.00	$ 2,594,884.00
12	30" PVC SANITARY SEWER	4800	LF	$ 114.00	$ 106.20	$ 220.20	$ 1,056,960.00	$ 220.77	$ 52.27	$ 273.04	$ 1,310,592.00	$ 140.00	$ 140.00	$ 280.00	$ 1,344,000.00
12	24" PVC SANITARY SEWER	381	LF	$ 114.00	$ 112.50	$ 226.50	$ 86,296.50	$ 218.26	$ 33.36	$ 251.62	$ 95,867.22	$ 101.00	$ 101.00	$ 202.00	$ 76,962.00
14	10' DIA. MANHOLE W/ WATERTIGHT, LOCKING LID	12	VF	$ 650.00	$ 810.00	$ 1,460.00	$ 17,520.00	$ 130.00	$ 1,070.00	$ 1,200.00	$ 14,400.00	$ 1,250.00	$ 1,250.00	$ 2,500.00	$ 30,000.00
14	8' DIA. MANHOLE W/ WATERTIGHT, LOCKING LID	15	VF	$ 100.00	$ 378.00	$ 478.00	$ 7,170.00	$ 71.96	$ 553.04	$ 625.00	$ 9,375.00	$ 800.00	$ 800.00	$ 1,600.00	$ 24,000.00
14	7' DIA. MANHOLE W/ WATERTIGHT, LOCKING LID	57	VF	$ 75.00	$ 280.00	$ 355.00	$ 20,235.00	$ 64.48	$ 495.52	$ 560.00	$ 31,920.00	$ 550.00	$ 550.00	$ 1,100.00	$ 62,700.00
14	6' DIA. MANHOLE W/ WATERTIGHT, LOCKING LID	84	VF	$ 75.00	$ 338.00	$ 413.00	$ 34,692.00	$ 65.80	$ 489.20	$ 555.00	$ 35,520.00	$ 525.00	$ 525.00	$ 1,050.00	$ 67,200.00
14	5' DIA. STANDARD MANHOLE	67	VF	$ 50.00	$ 140.00	$ 190.00	$ 12,730.00	$ 43.39	$ 336.61	$ 380.00	$ 25,460.00	$ 250.00	$ 250.00	$ 500.00	$ 33,500.00
14	5' DIA. MANHOLE W/ WATERTIGHT, LOCKING LID	400	VF	$ 50.00	$ 213.00	$ 263.00	$ 105,200.00	$ 45.10	$ 344.90	$ 390.00	$ 156,000.00	$ 280.00	$ 280.00	$ 560.00	$ 224,000.00
14	4' DIA. MANHOLE W/ WATERTIGHT, LOCKING LID	18	VF	$ 25.00	$ 198.00	$ 223.00	$ 4,014.00	$ 35.73	$ 279.27	$ 315.00	$ 5,670.00	$ 240.00	$ 240.00	$ 480.00	$ 8,640.00
14	MANHOLE VENT, COMPLETE IN PLACE	140	VF	$ 25.00	$ 205.00	$ 230.00	$ 32,200.00	$ 19.85	$ 155.15	$ 175.00	$ 24,500.00	$ 300.00	$ 300.00	$ 600.00	$ 84,000.00
14A	24" MANHOLE DROP ATTACHMENT	6	VF	$ 1,000.00	$ 1,380.00	$ 2,380.00	$ 14,280.00	$ 83.00	$ 642.00	$ 725.00	$ 4,350.00	$ 850.00	$ 850.00	$ 1,700.00	$ 10,200.00
14A	18" MANHOLE DROP ATTACHMENT	7	VF	$ 200.00	$ 860.00	$ 1,060.00	$ 7,420.00	$ 48.75	$ 401.25	$ 450.00	$ 3,150.00	$ 600.00	$ 600.00	$ 1,200.00	$ 8,400.00
14A	15" MANHOLE DROP ATTACHMENT	6	VF	$ 600.00	$ 750.00	$ 1,350.00	$ 8,100.00	$ 44.00	$ 321.00	$ 365.00	$ 2,190.00	$ 550.00	$ 550.00	$ 1,100.00	$ 6,600.00
14A	10" MANHOLE DROP ATTACHMENT	10	VF	$ 200.00	$ 220.00	$ 420.00	$ 4,200.00	$ 20.55	$ 144.45	$ 165.00	$ 1,650.00	$ 360.00	$ 360.00	$ 720.00	$ 7,200.00
14A	8" MANHOLE DROP ATTACHMENT	21	VF	$ 190.00	$ 210.00	$ 400.00	$ 8,400.00	$ 16.25	$ 133.75	$ 150.00	$ 3,150.00	$ 350.00	$ 350.00	$ 700.00	$ 14,700.00
15	42" PVC IN 66" STEEL CASING (JACK & BORE)	90	LF	$ 700.00	$ 1,570.00	$ 2,270.00	$ 204,300.00	$ 2,314.89	$ 185.11	$ 2,500.00	$ 225,000.00	$ 2,550.00	$ 2,550.00	$ 5,100.00	$ 459,000.00
15	36" PVC IN 66" STEEL CASING (JACK & BORE)	183	LF	$ 700.00	$ 1,518.00	$ 2,218.00	$ 405,894.00	$ 2,310.90	$ 139.10	$ 2,450.00	$ 448,350.00	$ 2,250.00	$ 2,250.00	$ 4,500.00	$ 823,500.00
15	30" PVC IN 60" STEEL CASING (JACK & BORE)	289	LF	$ 700.00	$ 1,517.00	$ 2,217.00	$ 596,373.00	$ 2,264.11	$ 135.89	$ 2,400.00	$ 645,600.00	$ 2,100.00	$ 2,100.00	$ 4,200.00	$ 1,129,800.00
15	24" PVC IN 48" STEEL CASING (JACK & BORE)	100	LF	$ 700.00	$ 1,420.00	$ 2,120.00	$ 212,000.00	$ 2,030.98	$ 69.02	$ 2,100.00	$ 210,000.00	$ 1,500.00	$ 1,500.00	$ 3,000.00	$ 300,000.00
20C	GRAVEL DRIVE REPLACEMENT	100	LF	$ 1.00	$ 9.00	$ 10.00	$ 1,000.00	$ 24.90	$ 10.70	$ 35.00	$ 3,500.00	$ 6.00	$ 6.00	$ 12.00	$ 1,200.00
20D	ASPHALT DRIVE REPLACEMENT	100	LF	$ 9.00	$ 39.00	$ 48.00	$ 4,800.00	$ 45.74	$ 19.26	$ 65.00	$ 6,500.00	$ 28.00	$ 28.00	$ 56.00	$ 5,600.00
20D	CONCRETE DRIVE REPLACEMENT	100	LF	$ 5.00	$ 55.00	$ 60.00	$ 6,000.00	$ 31.50	$ 53.50	$ 85.00	$ 8,500.00	$ 41.00	$ 41.00	$ 82.00	$ 8,200.00
20H	ASPHALT CONCRETE PAVEMENT REPLACEMENT W/FULL WIDTH OVERLAY	850	LF	$ 24.00	$ 74.00	$ 98.00	$ 83,300.00	$ 85.25	$ 26.75	$ 112.00	$ 95,200.00	$ 58.00	$ 58.00	$ 116.00	$ 98,600.00
20X	GREENWAY REPLACEMENT	380	LF	$ 5.00	$ 45.00	$ 50.00	$ 17,000.00	$ 23.25	$ 26.75	$ 50.00	$ 17,000.00	$ 33.00	$ 33.00	$ 66.00	$ 22,440.00
21	TRENCH TOPPING	300	TON	$ 15.00	$ 15.00	$ 30.00	$ 9,000.00	$ 6.50	$ 53.50	$ 60.00	$ 18,000.00	$ 18.00	$ 18.00	$ 36.00	$ 10,800.00
23	CALCIUM CHLORIDE	50	TON	$ 5.00	$ 50.00	$ 55.00	$ 2,750.00	$ 13.00	$ 107.00	$ 120.00	$ 6,000.00	$ 250.00	$ 250.00	$ 500.00	$ 25,000.00
24	TOPSOIL & SEEDING	1	LS	$ 5,000.00	$ 25,000.00	$ 30,000.00	$ 30,000.00	$ 15,250.00	$ 26,750.00	$ 42,000.00	$ 42,000.00	$ 12,500.00	$ 12,500.00	$ 25,000.00	$ 25,000.00
41	EROSION CONTROL - SILT FENCE	16700	LF	$ 0.50	$ 2.25	$ 2.75	$ 45,925.00	$ 1.87	$ 1.28	$ 3.15	$ 52,605.00	$ 1.50	$ 1.50	$ 3.00	$ 50,100.00
41	EROSION CONTROL - LARGE STREAM CROSSING	2	EACH	$ 3,000.00	$ 6,000.00	$ 6,000.00	$ 12,000.00	$ 12,300.00	$ 10,700.00	$ 23,000.00	$ 46,000.00	$ 3,250.00	$ 3,250.00	$ 6,500.00	$ 13,000.00
41	EROSION CONTROL - MEDIUM STREAM CROSSING	5	EACH	$ 2,500.00	$ 2,500.00	$ 5,000.00	$ 25,000.00	$ 11,975.00	$ 8,025.00	$ 20,000.00	$ 100,000.00	$ 1,450.00	$ 1,450.00	$ 2,900.00	$ 14,500.00
41	EROSION CONTROL - SMALL STREAM CROSSING	2	EACH	$ 3,000.00	$ 3,000.00	$ 6,000.00	$ 12,000.00	$ 12,650.00	$ 5,350.00	$ 18,000.00	$ 36,000.00	$ 1,000.00	$ 1,000.00	$ 2,000.00	$ 4,000.00
SPEC	ANTI-SEEP COLLAR	44	EACH	$ 733.00	$ 267.00	$ 1,000.00	$ 44,000.00	$ 195.00	$ 1,605.00	$ 1,800.00	$ 79,200.00	$ 600.00	$ 600.00	$ 1,200.00	$ 52,800.00
SPEC	BRITTON CREEK STREAMBANK STABILIZATION	1	LS	$ 10,000.00	$ 52,000.00	$ 62,000.00	$ 62,000.00	$ 70,000.00	$ -	$ 70,000.00	$ 70,000.00	$ 30,000.00	$ 30,000.00	$ 60,000.00	$ 60,000.00
SPEC	PUMP STATION DEMOLITION	1	LS	$ 18,725.00	$ 3,275.00	$ 22,000.00	$ 22,000.00	$ 12,860.00	$ 2,140.00	$ 15,000.00	$ 15,000.00	$ 60,500.00	$ 60,500.00	$ 121,000.00	$ 121,000.00
SPEC	TEMPORARY 6' FENCE (TO BE USED IN PARK AREAS WITH HIGH PUBLIC USE OR AS DIRECTED BY ENGINEER)	2500	LF	$ 2.00	$ 2.50	$ 4.50	$ 11,250.00	$ 2.45	$ 16.05	$ 18.50	$ 46,250.00	$ 5.00	$ 5.00	$ 10.00	$ 25,000.00
							$ 6,293,983.40				$ 7,137,290.15				$ 9,363,986.00

NORTH CAROLINA PROFESSIONAL SEAL 34906 ENGINEER BRENT G. DETWILER
1/17/14

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Return to Agenda

Submitted By: Tammie Drake
Department: Administration
Date Submitted: 01/27/14
Presenter: Tammie Drake
Date of Council Meeting to consider this item: 02/06/14
Nature of Item: Council Action

Summary of Information/Request: **Item #** 22

a. Appointments for Consideration:
-Hendersonville Sister Cities: Jim Rudisill served on the Board of Hendersonville Sister Cities as treasurer. Jim was appointed by the Council in Aug. 2010. Lisa White, the newly appointed Finance Director, and Nancy Blanchard, Assistant Finance Director, are both willing to serve on the Board. The bylaws state "The Board of Directors ... shall consist of 12 to 16 members appointed by the Board, two of whom may be appointed by the Mayor/City Council"... The Board chooses their own officers.

b. Announcement of Vacancies and Upcoming Appointments:

-Business Advisory Committee: Council formed this Committee at their January meeting. We have received the following applications: Mia Freeman, Gloria Waagner, Chuck Edwards, and Beau Waddell.

-Tree Board: Karen Jackson resigned her position on the Tree Board. The establishment of the Tree Board requires members be residents of the territory subject to the zoning jurisdiction of the city or property owners of the city. Please see the applications from: Albeiro Rodriquez. The Zoning Department confirmed he resides within the ETJ so he is eligible to serve.

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

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: 1/27/2014
Presenter: John Connet
Date of Council Meeting to consider this item: 02/06/2014
Nature of Item: Council Action

Summary of Information/Request: **Item #** 24

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.

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 concerning a potential claim against the City 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)(5)

Attachments:

None at this time