

AGENDA

CITY OF HENDERSONVILLE CITY COUNCIL – REGULAR MEETING

JULY 2, 2015 – 5:45 P.M.

Council Chambers – City Hall

1. **Call to Order**
2. **Invocation and Pledge of Allegiance**
3. **Public Comment Time:** *Up to 15 minutes is reserved for comments from the public for items not listed on the agenda*
4. **Consideration of Agenda**
5. **Consideration of Consent Agenda:** *These items are considered routine, noncontroversial in nature and are considered and approved by a single motion and vote.*
 - A. **Consideration of Minutes:** June 4, 2015 Regular Meeting
 - B. **Consideration of Walk of Fame Committee Bylaws and Rules of Procedure**
 - C. **Considerations of Findings of Fact and Conclusions of Law for Skyway Towers**
 - D. **Consideration of a Resolution with Respect to the Taking of Official Notice of Certain City Documents at Quasi-Judicial Hearings**
 - E. **Consideration of an Ordinance to Reduce the Speed Limit on South Justice Street and Toms Hill Drive Between West Allen Street and Kanuga Road**
 - F. **Consideration of an Ordinance Designating the Speed Limit for New Village Road Between Highway 191 and the End**
 - G. **Consideration of the Purchase of a New Garbage/Recycling Truck Through the National Joint Powers Alliance as allowed by NCGS 143-129(e)(3)**
 - H. **Consideration of Amendments to Job Descriptions and Pay Scale**
 - I. **Consideration of Job Descriptions to Create Human Resources Coordinator and Code Enforcement Positions**
 - J. **Consideration of a Resolution to Adopt the City of Hendersonville Treatment Plant Employment and Compensation Policy**

K. Consideration of Request to Extend Lines to Provide Water and Sewer Services to Phase Two of the Existing Habitat for Humanity Subdivision

L. Consideration of Request to Provide Additional Water Service for the Expansion of the Warm Company

6. Presentation of Proclamation Honoring the Korean War Veterans

Presenter: Mayor Barbara Volk

7. Consideration of the Sister Cities International Partnership Resolution

Presenter: Mayor Barbara Volk

8. Recognition – AWOP Award

Presenter: Randy Hintz, Public Water Supply, DENR

9. Presentation on Duke Energy’s Residential Energy Efficiency Program

Presenter: Sue Dinnsen, Residential Energy Efficiency Program Manager

10. Consideration of the Variance Request as part of an Amended Special Use Permit for the Ingles Store Located at 1980 Asheville Highway to Allow Increasing the Number of Driveways a Development Parcel may have on any given Road from Two to Three

Presenter: Planning Director Sue Anderson

11. Public Hearing – Consideration of an Ordinance amending the Zoning Ordinance Article IV Establishment of Districts Table 4-5, Article V, Article VI General Provisions, Table 6-5-2, Article XII Definition of Terms, Section 12-2 Definition of Commonly Used Terms and Words, and Article XVI Special Requirements for Certain Uses, Section 16-4 Standards Pertaining to Breweries, Cideries, Distilleries, Microbreweries and Wineries

Presenter: Planning Director Sue Anderson

12. Consideration of an Ordinance Amending Section 10-152 of the Code of Ordinances with Respect to the Tethering of Domestic Animals within the Enforcement Jurisdiction of the City of Hendersonville

Presenter: City Manager John Connet

13. Consideration of Request for Funding by the Henderson County Partnership for Economic Development to Support Economic Development Activities

Presenter: City Manager John Connet

14. Consideration of a Resolution to Request the French Broad River MPO Consider the Addition of a Bike/Ped Project into the Metropolitan Transportation Plan

Presenter: Planning Director Sue Anderson

15. Consideration of Awarding the 2015 Street Resurfacing Contract

Presenter: Public Works Director Tom Wooten

16. Comments from Mayor and City Council Members

17. Reports from Staff

- a. Staff Report on NCDOT Grant for Bicycle Plan

18. Boards and Commissions

Presenter: City Clerk Tammie Drake

- a. Consideration of Appointments
- b. Announcement of Vacancies/Upcoming (Re)appointments

19. New Business

20. Request for Closed Session to Discuss the Acquisition of Property as authorized under G.S. 143.318.11(a)(5)

21. Adjournment





CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 6/11/2015

Presenter: John Connet

Date of Council Meeting to consider this item: 7/2/15

Nature of Item: Council Action

Summary of Information/Request:

Item # 05b

Tom Orr made a presentation at the February City Council meeting regarding the establishment of a Walk of Fame program to recognize key Henderson County citizens. The City Council directed staff to work with Mr. Orr and Henderson County to develop the program. Assistant County Manager Amy Brantley and I have developed the Charter and Bylaws for this committee. Therefore, I am requesting approval of the Charter and Bylaws, so we can begin the formation of this committee.

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 Council approve the Charter and Bylaws for the Walk of Fame Committee

Attachments:

Proposed Charter and Bylaws of Walk of Fame Committee

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

CITY OF HENDERSONVILLE
The City of Four Seasons

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

ADMINISTRATION

June 10, 2015

Ms. Amy Brantley, Assistant County Manager
Henderson County
1 Historic Courthouse Square, Suite #2
Hendersonville, NC 28792

Dear Ms. Brantley:

Please allow this letter to serve as a follow up to our discussion on Tuesday, June 8, 2015, regarding the proposed Walk of Fame Committee.

The Hendersonville City Council has requested that the Bylaws and Rules of Procedure for the Walk of Fame Committee be amended to allow the City of Hendersonville to appoint three members of the committee. It has been suggested that the Henderson County Heritage Museum appointment be given to the City of Hendersonville. We make this request, because it is our understanding that the Walk of Fame will be primarily located in Downtown Hendersonville and as such City resources will be needed to install and maintain any proposed recognition plaques or monuments.

If Henderson County is amenable to this change, I would humbly request that we place the amended Bylaws on our next available governing board agendas. This will allow this committee to be formed and begin work to recognize the founding members of our community.

Thank you for your assistance in this matter. If you have any questions or need additional information, please feel free to contact me at (828) 233-3201.

Sincerely,



John F. Connet
City Manager

WALK OF FAME STEERING COMMITTEE

CHARTER

The Walk of Fame Steering Committee is established to recognize outstanding contributors to the growth and development of Henderson County.

The duration of the committee shall be perpetual.

BYLAWS AND RULES OF PROCEDURE

Pursuant to the Henderson County Code, § 3-31. Bylaws of Boards or Committees. Bylaws drafted by any board of committee must be presented for approval by the Henderson County Board of Commissioners prior to adoption, unless otherwise provided by law.

I. NAME

Walk of Fame Steering Committee

II. PURPOSE

The purpose of this committee is to advise the Board of Commissioners and Hendersonville City Council on matters related to a Walk of Fame. The Committee shall act in the following manner:

- Determine the logistics of establishing a Walk of Fame in downtown Hendersonville. The Walk of Fame will recognize outstanding contributors to the growth and development of Henderson County.
- Identify the disciplines for which people would be recognized. For example: agriculture, education, cultural arts, industry, government, health care, commerce and special services.
- Establish the qualifications for recognition within each of the identified disciplines.
- Determine a procedure for setting up a selection committee
- Establish the means of recognition
- Identify a means of establishing sponsorships/funding mechanisms for expenses related to the project.

III. MEMBERSHIP

- a. The Walk of Fame Steering Committee shall be comprised of five (5) voting members. Two (2) appointed by the Board of Commissioners, three (3) appointed by the Hendersonville City Council.

- b. Terms shall be for a length of three years. In order to establish a staggering of the terms, the initial expiration dates of the membership shall be as follows:
 - 1. Position 1 – June 30, 2018 (Hendersonville)
 - 2. Position 2 – June 30, 2017 (Henderson County)
 - 3. Position 3 – June 30, 2016 (Hendersonville)
 - 4. Position 4 – June 30, 2018 (Henderson County)
 - 5. Position 5 – June 30, 2017 (Hendersonville)
- c. Any vacancy on the Committee shall be filled at the earliest convenience by the appointing authority.
- d. Members missing three (3) consecutive regular meeting in a calendar year will be subject to an appointment review by the appointing authority to determine is removal of the member is necessary or not, in light of the circumstances that are existing at that time.
- e. If for any reason a member must be replaced, the replacement member shall serve for the remainder of the unfilled term of the departing member.

IV. MEETINGS AND VOTING

Meetings shall be held at the time and place determined by the Walk of Fame Committee. Special meetings may be requested by the Chairman, or by a majority vote of the Committee. Written or phone notice of such a meeting shall be given to members at least three days prior to the meeting.

A quorum shall consist of the majority of members present at a meeting, and shall be considered an act of the Walk of Fame Committee.

Each member is entitled to one vote, with voting governed by parliamentary procedure according to Robert's Rules of Order.

All meetings shall be open to the general public.

V. OFFICERS

The appointment of the Chair shall alternate between the City and the County, with the City making the appointment in odd numbered years, and the County making the appointment in even numbered years. The governing body making the appointment shall not be limited to their appointed members, but may select any one of the five members to serve as Chair. The Chair will preside over all meetings and decide all points of order and procedure. The Chair will be the official spokesperson of the Walk of Fame Committee.

The Committee will elect a Vice-Chair and other officers as deemed necessary. The Vice-Chair will carry out the Chair's duties in case of absence, incapacity, or resignation.

No member shall receive any salary or compensation for his or her services.

VI. DUTIES OF THE MEMBERS

The Walk of Fame Steering Committee must work within the following parameters:

- a. North Carolina Open Meetings and Public Records Laws
- b. Projects must ultimately be approved by both the Board of Commissioners and Hendersonville City Council.

The Committee will report to the Board of Commissioners, and Hendersonville City Council.

The Chairman shall have general supervision and control of the business and affairs of the Committee. Minutes shall be kept at all meetings, and be provided to the appointing authority upon request.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Sam Fritschner

Department: Legal

Date Submitted: 24 June 2015

Presenter: Sam Fritschner

Date of Council Meeting to consider this item: 2 July 2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 05c

Submitted with this summary are the proposed findings of fact and conclusions of law for the communications tower application of Skyway Towers, LLC.

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 the City Council adopt the findings of fact and conclusions of law on the special use application of Skyway Towers LLC.

Attachments:

Proposed findings and conclusions

STATE OF NORTH CAROLINA
HENDERSON COUNTY

BEFORE THE
HENDERSONVILLE CITY COUNCIL
FILE NO. P15-9-SUR

IN RE THE APPLICATION OF
SKYWAY TOWERS, LLC,
for a SPECIAL USE PERMIT FOR
PIN 9568-25-6736

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND DECISION

This matter came before the Hendersonville City Council on the application of Skyway Towers, LLC for a Special Use Permit with respect to PIN 9568-25-6736 to establish a communication tower. The property is owned by the City of Hendersonville and is situated at 427 Armstrong Avenue.

The Special Use Permit process is a requirement for telecommunication towers located in residentially zoned neighborhoods.

ISSUES

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.
- (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.
- (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.
- (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.
- (E) The use or development conforms to the general plans for the physical development of the City as embodied in this chapter and in the *Land Development Plan* (LDP) and the *Thoroughfare Plan*.
- (F) 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, above. Variances may not be granted with regard to uses or to intensity.

The burden of establishing these findings of fact shall lie upon the applicant. There exists a legal presumption that a use is compatible with their neighborhood where the use is permitted.

The **zoning ordinance section 16-4-24.4** provides as follows:

Additional Standards for Siting Telecommunications Towers Pursuant to Special Use Permits.

The following standards shall supplement the Basic Standards for Siting Telecommunications Towers contained in Subsection 16-4-23.3 when an application requires the issuance of a special use permit.

a) Setbacks. The tower shall be set back from property lines abutting any residential district or use a distance equal to the tower height or 200 feet, whichever is greater. Notwithstanding any provision of this ordinance, telecommunications towers erected on property owned by the United States of America, the State of North Carolina, or any county or municipality, which towers are used at least in part for the purpose of accommodating emergency services communications antennas, shall be set back from any residential districts or uses a distance equivalent to the fall radius of the tower being erected or 100 feet, whichever is greater.

b) Screening. The purpose of this standard is to establish control for the visual quality of telecommunications facilities from ground level. The screening requirement specified in this paragraph applies to the tower and the land and everything within the required security fencing including any other building and equipment. The screen shall be a minimum of ten feet of land supporting an appropriate vegetative screen which shall surround the security fence except for one service access. The vegetative screen shall consist of two staggered rows of evergreen shrubs on 5-foot centers, six feet tall at time of planting, unless existing vegetation or topography is determined to provide a screen which is at least as effective as the planted screen. If the applicant elects to leave additional areas outside the fence, that is, in addition to the required screen, such areas shall either be landscaped in a manner which is compatible with neighboring properties or shall be left in a natural wooded condition.

c) Feasibility. No special use permit shall be issued for a telecommunications tower unless the applicant proves that there is no feasible alternative in order to meet the applicant's minimal service level as required by the Federal Communications Commission. In demonstrating "no feasible alternative" the applicant shall show that collocation of an antenna or antennas or location of a tower or towers on property which is either unzoned or on which telecommunications towers are permitted uses will not enable it to meet its minimum service levels. The fact that property which is unzoned or zoned in a classification in which telecommunications towers are permitted uses costs more than property for which a special use permit is required shall be immaterial as to the issue of feasibility. So long as suitable property is available for purchase or lease, it shall constitute a feasible alternative. The City may, in its discretion, employ a communications expert to assess the applicant's proof of compliance with this standard.

d) Concealment. Only concealed towers as defined in this ordinance or towers which, due to existing topography, vegetation, or other site conditions, would not be readily visible from adjoining properties, shall be granted special use permits.

e) Noise. The tower shall be designed in such a manner that it is not reasonably likely that wind noise associated with the tower would be audible on adjoining properties.

f) Height. The maximum height for a telecommunications tower requiring a special use permit shall be 100 feet; provided, however, telecommunications towers erected on property owned by the United States of America, the State of North Carolina, or any county or municipality and used at least in part for the purpose of accommodating emergency services communications antennas shall be entitled to a maximum tower height in accordance with the Basic Standards for Siting Telecommunications Towers as set forth in Paragraph 16-4-24.3(h), above.

g) Planned Development District Exception. Telecommunications towers proposed as part of a PCD Planned Commercial Development District or a PMD Planned Manufacturing Development District need only comply with the Basic Standards contained in Section 16-4-24.3, above. Notwithstanding the fact that development in such districts requires the issuance of a special use permit, such towers are not required to comply with the Additional Standards contained in this section. The applicant may, however, at its option, propose a tower design which incorporates some or all of these standards.

Section 16-4-24.3 (h) provides:

h) Maximum Height. No telecommunication tower shall exceed 200 feet in height; provided, however, towers may be permitted up to 220 feet in height if they accommodate an additional antenna and up to 240 feet in height if they accommodate two additional antennas. No telecommunication towers shall be located on top of buildings. Antennas located on top of buildings or other structures shall not exceed 25 feet or 30% of the structure's height, whichever is less. For purposes of this paragraph, the term "structures" shall be deemed to refer to structures other than telecommunication towers.

The applicant requested a variance from the requirement for a concealed tower.

TESTIMONY

The testimony is reflected in the minutes of the 4 June 2015 regular meeting of the City Council, which minutes are incorporated herein by reference.

FINDINGS OF FACT

1. The communication tower at the closest point is located 129 feet from the property line and is designed so that it would yield / buckle at the 70 foot elevation resulting in a maximum 80 foot fall radius should a catastrophic failure occur.
2. The property is served by adequate electricity to serve the proposed tower. No other utilities are necessary to serve this structure.
3. A variance from the requirement for a concealed tower has been requested by the applicant. Zoning Ordinance

Section 16-4-24.4 (d) Concealment requires telecommunication towers going through the Special Use Permit process to be concealed unless it is determined that existing topography, vegetation or other site conditions sufficiently screen the tower from adjoining properties.

4. A neighborhood compatibility meeting concerning the application was held on April 13, 2015. 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. Staff included both reservoir parcels when creating the mailing list. Ninety-six notification letters were sent. No members of the general public were present for the meeting.
5. The 2030 Comprehensive Plan's Natural Resource/Agricultural category lists "utilities other than stormwater management" as a secondary recommended land use. The Plan recommends secondary uses be allowed on a case-by-case basis through special use procedures. The Comprehensive Transportation Plan does not indicate any improvements to Armstrong Avenue and the proposed tower location is 129 feet from the right-of-way.

CONCLUSIONS OF LAW

1. 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;
2. There are adequate public facilities to serve the use or development as specified in Section 7-11;
3. The 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;
4. The tower at its proposed height and specific configuration is incompatible with the neighborhood.
5. The development conforms to the general plans for the physical development of the City as embodied in this chapter and in the Land Development Plan and the Thoroughfare Plan.

DECISION

For the above reasons,

1. The City Council approves the request for a variance in accordance with the application.
2. The City Council denies the application for a special use permit.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Sam Fritschner

Department: Legal

Date Submitted: 24 June 2015

Presenter: Sam Fritschner

Date of Council Meeting to consider this item: 24 June 2014

Nature of Item: Council Action

Summary of Information/Request:

Item # 05d

As is necessary in order to justify most special use review decisions, the planning director commonly requests the City Council to take official notice of several City documents:

All City ordinances including the zoning ordinance;
the zoning map;
the Thoroughfare Plan;
the Land Development Plan, and
the application file.

The Board of Adjustment has for years had in place a procedural rule pursuant to which these and similar documents are automatically made part of the record without the necessity of having them so recognized separately and specifically by the Board at every hearing. This saves a little time, speeds continuity, and most important, makes certain that mistakes or oversights in entering these documents do not prejudice the Board's decision, especially in the event of an appeal.

After consulting with the city manager and staff, I have drafted for the City Council's consideration a resolution by which the City Council makes automatic the official recognition of all of these documents without the necessity of having them recognized in each hearing.

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 to adopt the resolution regarding the taking of official notice of certain city documents in all quasi-judicial hearings.

Attachments:

Proposed resolution

RESOLUTION # _____

A RESOLUTION WITH RESPECT TO THE TAKING OF OFFICIAL NOTICE OF CERTAIN CITY DOCUMENTS AT QUASI-JUDICIAL HEARINGS

WHEREAS the City from time to time holds quasi-judicial hearings pursuant to applicable law, and

WHEREAS the City Council is routinely requested in the course of these hearings to take official notice of various City documents, and

WHEREAS to ensure that no defect in the official recognition of certain official documents prejudices the decisions of the City Council with respect to its quasi-judicial hearings the City Council has determined to adopt a rule officially recognizing them generally in all City Council quasi-judicial hearings,

WHEREAS the City Council believes that the recommended changes enhance protection of employees who may be dismissed,

NOW, BE IT THEREFORE RESOLVED that the City Council determines as follows:

1. For purposes of all quasi-judicial hearings the City Council takes official notice of all Hendersonville City ordinances including specifically the Zoning Ordinance, and of the Zoning map, the Thoroughfare Plan, the Land Development Plan, and the entirety of all official departmental files maintained by any department with respect to the Special Use Permit or other application under consideration, all without the necessity of any person or entity requesting such notice. Persons may refer to these documents without having them separately entered into evidence.
2. This resolution is effective upon its adoption.

Adopted this second day of July 2015.

Barbara Volk
Mayor, City of Hendersonville

ATTEST:

Tammie K. Drake, CMC
City Clerk



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Tom Wooten

Department: Public Works

Date Submitted: June 18, 2015

Presenter: Tom Wooten

Date of Council Meeting to consider this item: July 2, 2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 05e

Residents who live along S. Justice Street and within the Tom's Hill neighborhood have complained about vehicles speeding on S. Justice Street and Tom's Hill Drive between Kanuga Road and W. Allen Street. The road is very narrow and it appears that street is being used as a cut through street. Data was collected and there were several vehicles speeding within that area. There are some sidewalks within this area but not for the full length of street. Residents do use this street to walk their pets or for exercise. After studying this area and the data, staff supports a speed limit change from 35 MPH to 25 MPH.

Budget Impact: \$ _____ 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 to approve a resolution reducing the speed limit on S. Justice Street and Tom's Hill Drive from 35 MPH to 25 MPH.

Attachments:

Resolution.

Traffic Count Data.

Ordinance #

AN ORDINANCE DESIGNATING THE SPEED LIMIT FOR SOUTH JUSTICE STREET AND TOMS HILL DRIVE BETWEEN WEST ALLEN STREET AND KANUGA ROAD

WHEREAS: Section 50-142 of the Code of Ordinances of the City of Hendersonville establishes general speed limits for various districts within the corporate limits of the City of Hendersonville; and

WHEREAS: Section 50-144 of the Code of Ordinances of the City of Hendersonville authorizes the City Council to determine and impose speed limits that differ from the limits imposed under 50-142; and

WHEREAS: That street known as South Justice Street and Toms Hill Drive, situated in a residential district within the City of Hendersonville, has been dedicated to public use and accepted and maintained by the City of Hendersonville as a public street, which pursuant to section 50-142 carries a speed limit of 35 miles per hour; and

WHEREAS: It is the opinion of the City Council, being advised, that for the safety of pedestrians and others traveling on South Justice Street and Toms Hill Drive, between West Allen Street and Kanuga Road, the speed limit there ought to be 25 miles per hour;

NOW, BE IT THEREFORE ORDAINED:

1. Pursuant to its powers under 50-144 of the Code of Ordinances of the City of Hendersonville the City Council hereby designates at 25 miles per hour the speed limit for south Justice Street and Toms Hill Drive between West Allen Street and Kanuga Road;
2. The Public Works Director is authorized and requested forthwith to cause signs to be placed in appropriate places conspicuously giving notice of the designated speed limit.
3. This Ordinance shall become effective on the date of its adoption.

Adopted this second day of July, 2015.

Barbara G. Volk, Mayor

Attest:

Tammie K. Drake, MMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

Statistics Summary Report

Technician Name: Brandon Mundy

Location: S Justice / Toms Hill Dr (North)
 Address: 473 Toms Hill Dr, Hendersonville, NC, 28792
 Speed Limit: 35

Data Session: Toms Hill Dr (North Bound)
 Report Period: 4/21/2015 to 4/28/2015
 Total Vehicle Count: 318



Hour	Total Vehicles	Average Vehicles	Total Violations	% Violations	Min. Speed	Max. Speed	Avg. Speed	85% Speed
00-01	0	0	0	0 %	0	0	0	0
01-02	2	0	0	0 %	20	23	22	0
02-03	0	0	0	0 %	0	0	0	0
03-04	0	0	0	0 %	0	0	0	0
04-05	0	0	0	0 %	0	0	0	0
05-06	4	1	0	0 %	17	23	20	0
06-07	17	3	0	0 %	17	23	21	22
07-08	38	6	0	0 %	11	29	19	22
08-09	22	4	0	0 %	8	26	16	27
09-10	8	1	0	0 %	11	23	17	22
10-11	19	3	0	0 %	8	26	17	22
11-12	19	3	0	0 %	11	23	18	22
12-13	23	4	0	0 %	8	26	18	22
13-14	30	5	0	0 %	8	29	19	27
14-15	38	6	0	0 %	8	29	19	22
15-16	19	3	0	0 %	11	23	19	27
16-17	12	2	0	0 %	11	26	20	22
17-18	15	2	0	0 %	8	23	17	27
18-19	17	3	0	0 %	11	29	19	22
19-20	18	3	0	0 %	11	23	17	17
20-21	9	2	0	0 %	14	20	18	17
21-22	6	1	0	0 %	14	20	17	17
22-23	2	0	0	0 %	23	29	26	17
23-24	0	0	0	0 %	0	0	0	0
	318	52	0	0 %	10	20	19	22

Count by speed Bins

Speed	Count
0...5	0
5...10	14
10...15	64
15...20	145
20...25	65
25...30	30
Total:	318

Statistics Summary Report

Technician Name: Brandon Mundy

Location: S Justice / Toms Hill Dr (South)

Data Session: Toms Hill Dr (South Bound)

Address: 473 Toms Hill Dr, Hendersonville, NC, 28792

Report Period: 4/21/2015 to 4/28/2015

Speed Limit: 35

Total Vehicle Count: 392



Hour	Total Vehicles	Average Vehicles	Total Violations	% Violations	Min. Speed	Max. Speed	Avg. Speed	85% Speed
00-01	0	0	0	0 %	0	0	0	0
01-02	1	0	0	0 %	20	20	20	0
02-03	49	8	0	0 %	8	20	14	0
03-04	0	0	0	0 %	0	0	0	0
04-05	1	0	0	0 %	23	23	23	0
05-06	0	0	0	0 %	0	0	0	0
06-07	9	2	0	0 %	8	23	18	0
07-08	15	2	0	0 %	17	26	21	22
08-09	20	3	0	0 %	8	29	18	22
09-10	12	2	0	0 %	17	26	21	27
10-11	13	2	0	0 %	14	23	17	27
11-12	28	5	0	0 %	8	26	18	22
12-13	23	4	0	0 %	11	26	17	17
13-14	24	4	0	0 %	11	26	18	22
14-15	25	4	0	0 %	8	26	19	22
15-16	37	6	0	0 %	8	20	17	22
16-17	27	4	0	0 %	8	23	17	17
17-18	39	6	0	0 %	8	29	18	17
18-19	26	4	0	0 %	8	23	16	17
19-20	21	4	0	0 %	11	26	20	17
20-21	10	2	0	0 %	11	23	18	22
21-22	11	2	0	0 %	11	23	18	22
22-23	1	0	0	0 %	20	20	20	17
23-24	0	0	0	0 %	0	0	0	0
	392	64	0	0 %	10	20	18	21

Count by speed Bins

Speed	Count
0...5	0
5...10	60
10...15	67
15...20	211
20...25	40
25...30	14
Total:	392



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Tom Wooten

Department: Public Works

Date Submitted: June 18, 2015

Presenter: Tom Wooten

Date of Council Meeting to consider this item: July 2, 2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 05f

As discussed at the June 4th meeting, residents in Henderson Village have requested the speed limit be changed from 35 MPH to 25 MPH. Data was collected that indicates there was some people speeding in the neighborhood at the current speed limit but it didn't seem to be a major problem. However, there are no sidewalks within the Henderson Village neighborhood so residents use the streets for walking thus creating a potential for accidents. With that in mind, staff supports the change from 35 MPH to 25 MPH.

Budget Impact: \$ _____ 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 to approve a resolution reducing the speed limit on New Village Drive from 35 MPH to 25 MPH.

Attachments:

Resolution.

Traffic Count Data from New Village Drive.

AN ORDINANCE DESIGNATING THE SPEED LIMIT FOR NEW VILLAGE ROAD BETWEEN HWY 191 AND THE END

WHEREAS: Section 50-142 of the Code of Ordinances of the City of Hendersonville establishes general speed limits for various districts within the corporate limits of the City of Hendersonville; and

WHEREAS: Section 50-144 of the Code of Ordinances of the City of Hendersonville authorizes the City Council to determine and impose speed limits that differ from the limits imposed under 50-142; and

WHEREAS: That street known as New Village Drive, situated in a residential district within the City of Hendersonville, has been dedicated to public use and accepted and maintained by the City of Hendersonville as a public street, which pursuant to section 50-142 carries a speed limit of 35 miles per hour; and

WHEREAS: It is the opinion of the City Council, being advised, that for the safety of pedestrians and others traveling on New Village Drive, between HWY 191 and the end, the speed limit there ought to be 25 miles per hour;

NOW, BE IT THEREFORE ORDAINED:

1. Pursuant to its powers under 50-144 of the Code of Ordinances of the City of Hendersonville the City Council hereby designates at 25 miles per hour the speed limit for New Village Drive between HWY 191 and the end;
2. The Public Works Director is authorized and requested forthwith to cause signs to be placed in appropriate places conspicuously giving notice of the designated speed limit.
3. This Ordinance shall become effective on the date of its adoption.

Adopted this second day of July, 2015.

Barbara G. Volk, Mayor

Attest:

Tammie K. Drake, MMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

Statistics Summary Report

Technician Name: Brandon Mundy

Location: Henderson Village (North)
 Address: , Hendersonville, NC, 28792
 Speed Limit: 35

Data Session: Henderson Village (North)
 Report Period: 6/1/2015 to 6/7/2015
 Total Vehicle Count: 789



Hour	Total Vehicles	Average Vehicles	Total Violations	% Violations	Min. Speed	Max. Speed	Avg. Speed	85% Speed
00-01	2	0	0	0 %	20	23	22	0
01-02	7	1	0	0 %	20	35	28	0
02-03	1	0	0	0 %	32	32	32	32
03-04	0	0	0	0 %	0	0	0	0
04-05	5	1	0	0 %	32	35	33	0
05-06	2	0	1	50 %	14	38	26	32
06-07	4	1	0	0 %	17	20	19	0
07-08	32	5	0	0 %	8	32	22	17
08-09	38	6	0	0 %	8	32	24	27
09-10	77	13	0	0 %	11	35	22	27
10-11	90	15	0	0 %	11	35	22	27
11-12	71	12	1	1 %	8	38	20	27
12-13	51	8	0	0 %	8	35	22	27
13-14	39	6	0	0 %	14	35	22	27
14-15	80	13	0	0 %	8	32	19	27
15-16	27	4	0	0 %	8	29	22	27
16-17	26	4	0	0 %	11	32	21	27
17-18	26	4	1	4 %	14	38	22	27
18-19	24	4	1	4 %	11	41	21	27
19-20	7	1	0	0 %	17	29	23	27
20-21	75	12	0	0 %	8	32	21	27
21-22	21	4	0	0 %	8	20	13	12
22-23	84	14	0	0 %	8	11	8	12
23-24	0	0	0	0 %	0	0	0	0
	789	128	4	2 %	12	29	22	25

Count by speed Bins

Speed	Count
0...5	0
5...10	191
10...15	84
15...20	193
20...25	124
25...30	167
30...35	26
35...40	3
40...45	1
Total:	789

Statistics Summary Report

Technician Name: Brandon Mundy

Location: Henderson Village (South)
 Address: , Hendersonville, NC, 28792
 Speed Limit: 35

Data Session: Henderson Village (South)
 Report Period: 6/1/2015 to 6/8/2015
 Total Vehicle Count: 779



Hour	Total Vehicles	Average Vehicles	Total Violations	% Violations	Min. Speed	Max. Speed	Avg. Speed	85% Speed
00-01	1	0	0	0 %	26	26	26	0
01-02	8	1	0	0 %	20	26	22	0
02-03	1	0	0	0 %	20	20	20	27
03-04	2	0	0	0 %	17	32	24	0
04-05	15	2	0	0 %	8	20	14	0
05-06	7	1	0	0 %	8	23	16	17
06-07	4	1	0	0 %	14	29	21	22
07-08	19	3	0	0 %	11	32	19	27
08-09	38	5	0	0 %	11	29	21	27
09-10	65	9	0	0 %	8	29	22	27
10-11	86	12	0	0 %	8	32	20	27
11-12	75	11	0	0 %	11	29	21	22
12-13	68	10	0	0 %	8	35	23	27
13-14	67	10	0	0 %	11	32	23	27
14-15	67	10	0	0 %	8	32	22	27
15-16	28	4	0	0 %	11	35	25	27
16-17	44	6	0	0 %	11	35	23	32
17-18	38	5	0	0 %	8	32	24	27
18-19	42	6	0	0 %	8	35	22	27
19-20	24	3	0	0 %	8	32	20	27
20-21	27	4	0	0 %	8	29	21	27
21-22	14	2	0	0 %	8	29	20	27
22-23	39	6	0	0 %	8	26	18	22
23-24	0	0	0	0 %	0	0	0	0
	779	111	0	0 %	11	28	21	26

Count by speed Bins

Speed	Count
0...5	0
5...10	78
10...15	87
15...20	251
20...25	164
25...30	171
30...35	28
Total:	779



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Tom Wooten

Department: Public Works

Date Submitted: June 18, 2015

Presenter: Tom Wooten

Date of Council Meeting to consider this item: July 2, 2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 05g

One of our garbage/recycling trucks has been approved for replacement within this budget year. We have found a replacement truck that is available through the National Joint Powers Alliance (NJPA), which is a national contract purchasing agency, for \$221,996. This method of purchasing has no fees for the City and is allowed by General Statute 143-129(e)(3), which states: "Purchases made through a competitive bidding group purchasing program, which is a formally organized program that offers competitively obtained purchasing services at discounted prices to two or more public agencies".

This truck will replace our oldest truck that is in operation (not a backup). The replaced truck will become a backup and our oldest truck in the fleet will then be sold on govdeals.

Budget Impact: \$221,996 _____ 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 to allow for the purchase of a new garbage/recycling truck through the National Joint Powers Alliance as allowed by GS 143-129(e)(3).

Attachments:

Quote for the new truck.

Carolina Environmental Systems, Inc.
2750 Highway 66 S, Kernersville, NC 27284
2701 White Horse Rd, Greenville, SC 29611
800-239-7796

6-12-15 Crane Carrier

To: City of Hendersonville, NC
Attn: Tom Wooten

Ref: rear loader truck via NJPA....Heil contract # 060612-ESG

Rear Loader Body

Heil model PT 1000
20 cubic yard mid-high compaction
3.0 cubic yard hopper
15 – 17 second cycle time, regen valve
Front mount pump with EOS
Side access door with interlock switch
All LED body lights
Peterson “smart light” LED flashing rear lights
Hopper floor ¼” upgrade vs 3/16”
Broom and shovel rack on tailgate
Bronze slide bearings
Dual rear buzzers
Dual factory cart dumper valving and controls
3 micron filter
Dual front of body LED flashing lights
Broom and shovel rack
5 gallon igloo cooler and bracket
Factory mounting and paint
One year warranty
Mud flaps ahead of rear axle
36” x 18” x 18” steel tool box
Body undercoating
Mud flaps behind rear axle

NJPA base body price \$ 64,695.00

CES provided rear frame rail closure plate to minimize garbage falling on to rear
brake chambers \$ 200.00

CES provided dual Diamondback model 500 tuck-a-way cart dumper, installed
\$ 6,480.00

Freight \$ 1,500.00

CES rear vision camera system with 7" color, flat screen monitor \$ 1,500.00

Total body price NJPA \$ 74,375.00

Body delivery; approx 90 days from receipt of chassis.

Chassis

2016 Crane Carrier model LET2 Crew Cab

LH drive only, dual bi-fold doors

Cummins ISL 300 HP, 860 ft lbs torque

Allison model 3500 RDS automatic transmission

Refuse special brakes

138" CA

20,000 lbs front axle

30,000 " rear "

Other: AM/FM, air dryer, air conditioning, block heater, battery disconnect, dual circulating fans

NJPA base chassis price \$ 147,621.00

Chassis delivery: 90-100 days from receipt of order

Total NJPA price including all of the above \$ 221,996.00

Delivery, chassis and body: approx 180-200 days

We appreciate the opportunity to submit this quotation. If you have questions or need additional information, please do not hesitate to contact me.

Sincerely,

Matt Keeble

Matt Keeble



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By:

Department:

Date Submitted:

Presenter:

Date of Council Meeting to consider this item:

Nature of Item:

Summary of Information/Request:

Item #

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

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

Attachments:

CITY COUNCIL MEMORANDUM

To: MAYOR VOLK & CITY COUNCIL
From: BRIAN PAHLE, BUDGET AND MANAGEMENT ANALYST
Subject: Revised Job Descriptions
Date: June 1, 2015
cc: JOHN CONNET, CITY MANAGER



Introduction

Upon the adoption of the Budget Ordinance for fiscal year 2015-2016, the Council has approved the expenditure of funds for a variety of purposes. One of those purposes was the addition and revision of several job descriptions. There are a total of fifteen (15) job descriptions that require some sort of revision.

The revisions fall into groups, as detailed:

- ✚ Administration (4)
- ✚ Development Assistance (4)
- ✚ Water & Sewer (5)
- ✚ Environmental Services (1)
- ✚ Legal (1)

In addition, the pay scale will be revised to include new and revised positions, as detailed in the agenda packet. The following memo will provide a summary of the changes.

Administration

Main Street/Economic Development Director

This position has been reevaluated by the City Manager and is proposed to change to the *Downtown Economic Development Director*. The change is to reflect the positions responsibilities not just over Main Street but over the total Downtown, which includes the 7th Avenue MSD. This individual will also serve on the City's Management Team.

Special Event and Promotion Assistant

This position has never been formerly added to the pay scale. In doing so, a formal job description must be created. The title of this position was revised to *Promotions Coordinator* for simplicity, clarity, and future needs.

Public Information Officer

This position has never been formerly added to the pay scale. In doing so, a formal job description must be created. This position's job description is in line with other descriptions in the State.

Assistant to City Manager

This job description is being created to better serve the duties and responsibilities required of the current *Budget & Management Analyst*. This job description will allow the individual to expand on their current roles, serve as an intermediate and representative in the City Manager's absence, and supervise departments and individuals at the City Manager's discretion.

Development Assistance

This Department was created as a result of service oriented merger between the City's Planning and Zoning Departments. The new organizational structure required a director position which resulted in changes in all of the job descriptions within the previous departments. The main changes dealt with supervision roles under the new director position. The following positions were created or revised:

Development Assistance Director

Planning Director

Zoning Code Enforcement Officer

Deputy Fire Marshal

No revisions were required for the *Planner* and *Administrative Aide* positions.

Water & Sewer

The Water and Sewer Fund had a variety of changes previously discussed in the City's budget workshop. To summarize, the Fund will have two new positions, the removal of two older positions, and the addition of three positions in place of the two old ones. The two new positions are an *Inflow and Infiltration Technician* and a *Leak Detection Technician*. Additionally, the previous *Treatment Plant Operator* and *Senior Treatment Plant Operator* will be removed in exchange for three positions, *Treatment Plant Operator I, II, & III*. The changes in the treatment plants are being done to address organizational structure and behavioral issues that permeate from equity discrepancies with other treatment plants around the State. These changes are further detailed in the "Certification and Training Policy Memo" provided in the City's July agenda.

Environmental Services

The recommended budget for FY15-16 includes funding for a reclassification of an *Equipment Operator* position to an *Environmental Services Crew Leader* position. This will assist the supervisor in leading shifts and taking care of other various administrative responsibilities. The Department does not currently have a crew leader position.

Legal

Paralegal

This position has never been formerly added to the pay scale. In doing so, a formal job description must be created. The job description includes all the responsibilities and duties of the position and is in line with statewide standards.

Pay Scale Revisions

The following table details all of the effected job descriptions and their respective pay grade.

Job Title	Grade
Assistant to City Manager	15
Deputy Fire Marshal	13
Development Assistance Director	24
Downtown Economic Development Director	23
Environmental Services Crew Leader	10
Inflow & Infiltration Technician	11
Leak Detection Technician	11
Paralegal	14
Planning Director	24
Promotions Coordinator	11
Public Information Officer	11
Treatment Plant Operator I	8
Treatment Plant Operator II	10
Treatment Plant Operator III	12
Zoning Code Enforcement Officer	11

The *Treatment Plant Operator* and *Senior Treatment Plant Operator* positions will be removed from the pay scale for Fiscal Year 2015-2016.

City of Hendersonville

Position Allocation to Salary Range

<i>GRADE</i>	<i>HIRING RATE</i>	<i>MIN</i>	<i>MID</i>	<i>MAX</i>	<i>Position</i>
1	20,554.51	21,582.24	27,267.19	31,278.62	
2	21,585.53	22,664.81	27,214.78	32,844.04	
3	22,662.66	23,795.79	28,572.72	34,482.78	
4	23,794.27	24,983.99	30,000.34	36,206.40	Street Maintenance Worker I Environmental Services Worker Recycle Worker Property Maintenance Worker
5	24,985.61	26,234.89	31,501.82	38,018.03	Street Maintenance Worker II Meter Reader Environmental Services Truck Driver Recycle Truck Driver Office Assistant
6	26,235.62	27,547.41	33,077.70	39,919.77	Line Maintenance Mechanic Environmental Services Equipment Operator Equipment Service Attendent Field Customer Service Specialist
7	27,546.41	28,923.73	34,731.11	41,915.81	Meter Maintenance Mechanic Administrative Support Specialist Customer Services Specialist Equipment Operator Police Support Specialist
8	28,924.26	30,370.47	36,467.82	44,011.39	Facility Maintenance Mechanic Police Telecommunicator Property Maintenance Crewleader Traffic Enforcement Officer Utility Locations Specialist Warehouse Specialist Sr. Line Maintenance Mechanic Sr. Police Support Specialist Treatment Plant Operator I
9	30,370.21	31,888.72	38,293.07	46,215.94	Accounting Technician Building Maintenance Tech Equipment Mechanic Firefighter/EMT Lead Telecommunicator

City of Hendersonville

Position Allocation to Salary Range

<i>GRADE</i>	<i>HIRING RATE</i>	<i>MIN</i>	<i>MID</i>	<i>MAX</i>	<i>Position</i>
10	31,888.45	33,482.88	40,204.24	48,520.03	Street Maintenance Crewleader
					Laboratory Technician
					Police Officer
					Senior Administrative Support Specialist
					Senior Accounting Technician
					Senior Facility Maintenance Mechanic
					Traffic Control Technician
					Utility Operations Support Specialist
					City Tax Collector
					Environmental Services Crew Leader
					Treatment Plant Operator II
11	33,483.19	35,157.35	42,215.48	50,947.76	Equipment Services Specialist
					Fire Engineer
					Line Maintenance Crewleader
					Zoning Code Enforcement Officer
					Property Maintenance Supervisor
					Inflow & Infiltration Technician
					Leak Detection Technician
					Public Information Officer
					Promotions Coordinator
12	35,156.52	36,914.34	44,315.25	53,494.94	Utilites Operations Support Supervisor
					Police Detective
					Environmental Services Coorindator W/S
					Budget & Management Analyst
					Treatment Plant Operator III
13	36,916.80	38,762.64	46,544.42	56,172.05	Administrative Aide
					Building Maintenance Supervisor
					Fire Lieutenant
					Deputy Fire Marshal
					Fleet Maintenance Superintendent
					Laboratory Supervisor
					Meter Services Supervisor
					Police Sergent
					Environmental Services Supervisor
					Street Maintenance Supervisor
					Treatment Plant Supervisor
					GIS Analyst
14	38,763.01	40,701.16	48,870.52	58,978.03	Collections & Distribution Systems Supervisor
					Police Communications & Technology Manag
					Senior Customer Service Specialist
					Paralegal

City of Hendersonville

Position Allocation to Salary Range

<i>GRADE</i>	<i>HIRING RATE</i>	<i>MIN</i>	<i>MID</i>	<i>MAX</i>	<i>Position</i>
15	40,698.28	42,733.19	51,314.49	61,930.70	Fire Captain
					Assistant to City Manager
					Investigations Lieutenant
					Police Lieutenant
					Planner
					Facility Maintenance Superintendent
					Accountant
					Engineering Technician
					Constructions Inspector
16	42,734.13	44,870.84	53,879.48	65,024.83	Electrical and Instruction Technician
					City Clerk
					Main Street / Economic Development Director
17	44,869.53	47,113.01	56,572.30	68,275.07	Fire Marshal
					Treatment Plant Superintendent
					Senior Accounting Supervisor
					Revenue Accounting Supervisor
18	47,113.90	49,469.59	59,402.91	71,691.92	Assistant Finance Director
					Deputy Fire Chief
					Police Captain
19	49,471.43	51,945.00	62,372.35	75,273.27	
20	51,943.16	54,540.32	65,489.52	79,035.88	Assistant Police Chief
					Assistant Public Works Director
					Zoning Administrator
					Tech & Metering Manager
21	54,540.64	57,267.67	68,766.49	82,992.34	Civil Engineer
					GIS Administrator
					Utilities Engineer
22	57,265.94	60,129.24	72,202.72	87,139.49	Assistant Utilities Director
					Human Resources Director
23	58,978.03	61,926.93	75,237.64	91,497.25	Fire Chief
					Information Technology Director
					Downtown Economic Development Director

City of Hendersonville

Position Allocation to Salary Range

GRADE	HIRING RATE	MIN	MID	MAX	Position
24	63,136.71	66,293.54	79,604.83	96,072.95	Finance Director Planning Director Public Works Director Police Chief City Engineer Development Assistance Director
25	66,296.84	69,611.69	83,585.39	100,873.93	
26	69,612.05	73,092.66	87,767.64	105,923.23	Utilities Director

Below is a summary of the grades and scale:

GRADE	HIRING RATE	MIN	MID	MAX
1	\$ 20,554.51	\$ 21,582.24	\$ 27,267.19	\$ 31,278.62
2	\$ 21,585.53	\$ 22,664.81	\$ 27,214.78	\$ 32,844.04
3	\$ 22,662.66	\$ 23,795.79	\$ 28,572.72	\$ 34,482.78
4	\$ 23,794.27	\$ 24,983.99	\$ 30,000.34	\$ 36,206.40
5	\$ 24,985.61	\$ 26,234.89	\$ 31,501.82	\$ 38,018.03
6	\$ 26,235.62	\$ 27,547.41	\$ 33,077.70	\$ 39,919.77
7	\$ 27,546.41	\$ 28,923.73	\$ 34,731.11	\$ 41,915.81
8	\$ 28,924.26	\$ 30,370.47	\$ 36,467.82	\$ 44,011.39
9	\$ 30,370.21	\$ 31,888.72	\$ 38,293.07	\$ 46,215.94
10	\$ 31,888.45	\$ 33,482.88	\$ 40,204.24	\$ 48,520.03
11	\$ 33,483.19	\$ 35,157.35	\$ 42,215.48	\$ 50,947.76
12	\$ 35,156.52	\$ 36,914.34	\$ 44,315.25	\$ 53,494.94
13	\$ 36,916.80	\$ 38,762.64	\$ 46,544.42	\$ 56,172.05
14	\$ 38,763.01	\$ 40,701.16	\$ 48,870.52	\$ 58,978.03
15	\$ 40,698.28	\$ 42,733.19	\$ 51,314.49	\$ 61,930.70
16	\$ 42,734.13	\$ 44,870.84	\$ 53,879.48	\$ 65,024.83
17	\$ 44,869.53	\$ 47,113.01	\$ 56,572.30	\$ 68,275.07
18	\$ 47,113.90	\$ 49,469.59	\$ 59,402.91	\$ 71,691.92
19	\$ 49,471.43	\$ 51,945.00	\$ 62,372.35	\$ 75,273.27
20	\$ 51,943.16	\$ 54,540.32	\$ 65,489.52	\$ 79,035.88
21	\$ 54,540.64	\$ 57,267.67	\$ 68,766.49	\$ 82,992.34
22	\$ 57,265.94	\$ 60,129.24	\$ 72,202.72	\$ 87,139.49
23	\$ 58,978.03	\$ 61,926.93	\$ 75,237.64	\$ 91,497.25
24	\$ 63,136.71	\$ 66,293.54	\$ 79,604.83	\$ 96,072.95
25	\$ 66,296.84	\$ 69,611.69	\$ 83,585.39	\$ 100,873.93
26	\$ 69,612.05	\$ 73,092.66	\$ 87,767.64	\$ 105,923.23



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 6/25/2015

Presenter: John Connet

Date of Council Meeting to consider this item: 7/2/2105

Nature of Item: Council Action

Summary of Information/Request:

Item # 05i

I am proposing to use existing funding to reclassify Lu Ann Welter's existing position and create a Code Enforcement Officer position. The attached memorandum provides a complete review of this request.

Budget Impact: \$56,700 +/- _____ Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Funding is available in the General Fund and Water and Sewer Fund

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

I move that City Council approve the reclassification of the Planning Administrative Aide to a Human Resource Coordinator and create the Code Enforcement Officer position.

Attachments:

Memorandum from City Manager John Connet



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brian Pahle

Department: Administration

Date Submitted: 06/18/15

Presenter: Brian Pahle

Date of Council Meeting to consider this item: 07/02/15

Nature of Item: Council Action

Summary of Information/Request:

Item # 05j

A resolution to adopt the "Treatment Plant Employment and Compensation" policy. The resolution, policy, and memo highlighting the effects of the policy are attached below.

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

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

I move Council approve the attached resolution adopting the Treatment Plant Employment and Compensation Policy.

Attachments:

See below...

CITY COUNCIL MEMORANDUM

To: MAYOR VOLK & CITY COUNCILMEMBERS
From: BRIAN PAHLE, BUDGET AND MANAGEMENT ANALYST
Subject: Treatment Plant Employment & Certification Policy
Date: May 11, 2015
cc: JOHN CONNET, CITY MANAGER
JENNIFER HARREL, HUMAN RESOURCES DIRECTOR
LEE SMITH, UTILITIES DIRECTOR
RON REID, TREATMENT PLANT SUPERINTENDENT
VINCENT EDWARDS, TREATMENT PLANT SUPERINTENDENT

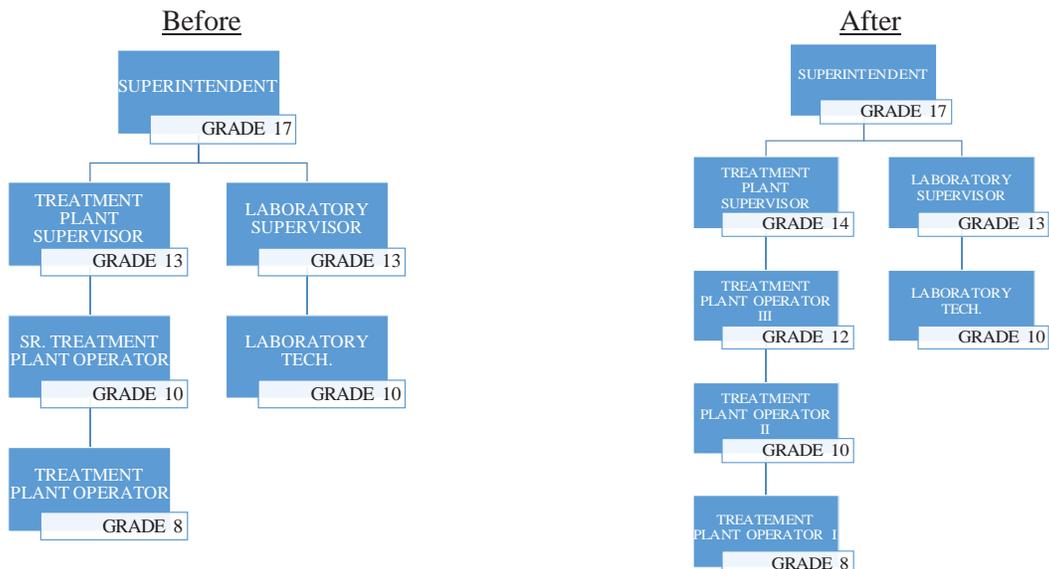


In preparation for budget adoption, management, along with treatment plant staff, have prepared a recommendation for City Council, addressing the equitable compensation of treatment plant employees within the City of Hendersonville. The Policy provides three major changes including:

1. Job Descriptions/Org. Structure
2. One-time Bonus Opportunity
3. Shift Differential Pay

Job Descriptions/Org. Structure

In accordance with conversations from City Staff, the recommended changes will provide an avenue for compensation through the organizational hierarchy or structure. The State certifications listed in these changes are critical requirements for the job and in a concurrence with that, provided the outline for the revised organizational structure.



An employee who enters the organization will move up the hierarchy in the following manner:

- ✚ Treatment Plant Operator I | Requires a C or Level 1 State Certification
 - Grade 8 | Range \$28,924.26 - \$44,011.39
- ✚ Treatment Plant Operator II | Requires a B or Level 2 State Certification
 - Grade 10 | Range \$31,888.45 - \$48,520.03
- ✚ Treatment Plant Operator III | Requires an A or Level 3 State Certification
 - Grade 12 | Range \$35,156.52 - \$53,494.94

Upon successful attainment of the required State certification an employee shall be promoted to the next level of Treatment Plant Operator.

Promotion Dictates an Increase by 5% or to the Minimum of the New Range, Whichever is Greater

This outline provides recognition and compensation for employees who receive State certifications by providing promotional opportunities within the organization structure. In the prior structure, the employee could only advance one level, to a “Sr. Treatment Plant Operator”. The new proposed structure, provides an additional level for the higher certifications. However, there is a higher level in the Wastewater Treatment Plant certification process and its means of compensation will be detailed in the next section.

The table below details the predicted changes in salaries if the policy is adopted:

CURRENT SALARY	ACTION	NEW DESCRIPTION	NEW SALARY	DIFFERENCE
WASTEWATER TREATMENT PLANT				
\$ 67,935.39	NO CHANGE	SUPERINTENDENT	\$ 67,935.39	\$ -
\$ 55,892.58	NO CHANGE	LABORATORY SUPERVISOR	\$ 55,892.58	\$ -
\$ 41,977.03	MOVE TO GRADE 14	TREATMENT PLANT SUPERVISOR	\$ 44,075.88	\$ 2,098.85
\$ 38,281.62	NO CHANGE	LABORATORY TECH.	\$ 38,281.62	\$ -
\$ 31,677.80	MOVE TO GRADE 12	TREATMENT PLANT OPERATOR III	\$ 35,156.52	\$ 3,478.72
\$ 43,792.43	MOVE TO GRADE 10	TREATMENT PLANT OPERATOR II	\$ 45,982.05	\$ 2,189.62
\$ 34,894.63	NO CHANGE	TREATMENT PLANT OPERATOR I	\$ 34,894.63	\$ -
\$ 35,702.21	MOVE TO GRADE 12	TREATMENT PLANT OPERATOR III	\$ 37,487.32	\$ 1,785.11
\$ 31,368.76	MOVE TO GRADE 10	TREATMENT PLANT OPERATOR II	\$ 32,937.20	\$ 1,568.44
WATER TREATMENT PLANT				
\$ 59,172.28	NO CHANGE	SUPERINTENDENT	\$ 59,172.28	\$ -
\$ 55,892.58	MOVE TO GRADE 14	TREATMENT PLANT SUPERVISOR	\$ 58,687.21	\$ 2,794.63
\$ 30,691.48	MOVE TO GRADE 10	TREATMENT PLANT OPERATOR I	\$ 32,226.05	\$ 1,534.57
\$ 48,074.22	MOVE TO GRADE 12	TREATMENT PLANT OPERATOR III	\$ 50,477.93	\$ 2,403.71
\$ 32,869.97	MOVE TO GRADE 12	TREATMENT PLANT OPERATOR III	\$ 35,156.52	\$ 2,286.55
\$ 33,240.96	MOVE TO GRADE 12	TREATMENT PLANT OPERATOR III	\$ 35,156.52	\$ 1,915.56
\$ 32,449.52	MOVE TO GRADE 12	TREATMENT PLANT OPERATOR III	\$ 35,156.52	\$ 2,707.00
\$ 29,212.58	MOVE TO GRADE 10	TREATMENT PLANT OPERATOR II	\$ 31,888.45	\$ 2,675.87
\$ 31,458.76	MOVE TO GRADE 10	TREATMENT PLANT OPERATOR II	\$ 33,031.70	\$ 1,572.94
\$ 26,105.10	MOVE TO GRADE 08	TREATMENT PLANT OPERATOR I	\$ 28,924.26	\$ 2,819.16
\$ 26,105.10	MOVE TO GRADE 08	TREATMENT PLANT OPERATOR I	\$ 28,924.26	\$ 2,819.16

One-Time Bonus Opportunity

Upon reaching the “Treatment Plant Operator III” level and employee shall be eligible for a one-time bonus of 2.5% of the employee’s current salary. This bonus is meant to compensate employees for reaching the highest level of certifications. The Wastewater Treatment Plant has a level 4 certification that qualifies for this one-time bonus. In an effort to provide the most equitable process, the State’s Physical Chemical Grade I certification will be made available for a one-time bonus for Water Treatment

Plant employees. These bonuses are only available upon reaching “Treatment Plant Operator III” and only available for the specific treatment plant as detailed above.

These bonuses will not be applied retroactively. Only certifications received on or after July 1st, 2015 will be eligible.

Shift Differential Pay

The final piece of the Treatment Plant Employment and Certification Policy is the adoption of shift differential pay. Shift Differential Pay provides compensation for those employees who work on second and third shift. Employees, and their families, endure great sacrifices for the City by working on these late shifts. These shifts require a different lifestyle and this recommendation recognizes that and seeks to provide equitable compensation for such a sacrifice. The following details the recommended compensation per shift:

- ✚ Shift 2 | An Additional \$0.50 per Hour
- ✚ Shift 3 | An Additional \$0.75 per Hour

****IMPORTANT****

Any employees working on shift 2 or shift 3 will need to be communicated to the City’s Finance Department. The Treatment Plant Superintendents will be responsible for updating the Payroll and Benefits Coordinator upon any changes in shift workers.

**A RESOLUTION TO ADOPT THE CITY OF HENDERSONVILLE TREATMENT PLANT EMPLOYMENT AND
COMPENSATION POLICY**

WHEREAS, The Hendersonville City Council hereby establishes a structured and equitable process allowing departmental personnel the opportunity to obtain job-related state certification(s), continuing education training required to maintain state certification(s) and other professional and technical training and development, and

WHEREAS, Many positions in the department require some level of state certification associated with water and wastewater utilities, including operations personnel, distribution/collection system personnel, chief operators, superintendents and director, and

WHEREAS, The City of Hendersonville's pay and classification system is formatted in a way as to compensate water treatment and wastewater treatment personnel for the achievement and possession of North Carolina State certifications, and

WHEREAS, The City and/or other regulatory agencies may require individuals holding professional certificates and/or licensing to attend continuing education training each calendar (or fiscal year) in order to maintain said certification and/or licensing, and

WHEREAS, Continuing education and other professional and technical training is intended to enhance staff's professional development and allow individuals the opportunity to stay current with regulatory and process requirements that affect what they do each day, and

WHEREAS, Compensation will be permanent as the City's Personnel Policy Article III, Section VIII dictates, and

WHEREAS, No compensation will be awarded retroactively. Employees are eligible for compensation upon policy adoption.

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

Section 1. The City Council hereby adopts the City of Hendersonville Treatment Plant Employment and Compensation Policy.

Section 2. This resolution shall become effective upon its adoption and approval.

Adopted this second day of July 2015.

ATTEST:

Tammie K. Drake, MMC, City Clerk

Barbara G. Volk, Mayor

	CITY OF HENDERSONVILLE	Policy Number:	
		Adopted by Resolution Number:	
Policy Name:	Treatment Plant Employment and Compensation Policy	Date Adopted by City Council:	July 2 nd , 2015

PURPOSE: Establish a structured and equitable process allowing departmental personnel the opportunity to obtain job-related state certification(s), continuing education training required to maintain state certification(s) and other professional and technical training and development.

PROCEDURE:

1. Required Certification

- a. Many positions in the department require some level of state certification associated with water and wastewater utilities, including operations personnel, distribution/collection system personnel, chief operators, superintendents and director.
- b. In addition to those positions requiring state certification(s), the department may have personnel that were once certified in one (1) or more disciplines but currently work in a job that may not require said certification(s). In most cases, it would be in the best interest of the City and the City’s personnel to encourage those employees to maintain at least that level of certification(s), unless determined otherwise by the employee’s supervisor and/or director.

2. Probationary Period

- a. In accordance with the City’s personnel policy, Article IV, Section 4, all employees hired to fill permanent positions with the City shall serve a probationary period (employment), a period not less than six (6) months. Probationary periods may be extended up to six (6) months, in addition to the original six (6) months, due to poor or unsatisfactory performance. Where certification or license by a regulatory agency is required of the employee in order for that employee to perform the job for which he or she is hired, that employee shall be given twelve (12) months from the time that employee becomes eligible to obtain said certification or license. Failure to obtain or regain said certification or license within the designated period shall be cause for immediate dismissal without the necessity of procedures outlined under the *City of Hendersonville Personnel Policy, Article IX (Unsatisfactory Job Performance and Detrimental Personal Conduct) Section 3 (Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance)*.

3. Certification Training

Employees required to attend training to fulfill the above referenced certification or licensing requirement shall complete application/registration forms and make arrangements for room and board through their supervisor and the Finance Department, in accordance with the City’s *Travel Expense Reimbursement Policy (Adopted October 10, 2002 or most current version)*. The first attempt to acquire said certification,

including room, board and application/examination fees, will be paid by the City. If the first attempt is unsuccessful, all attempts thereafter shall be the sole responsibility of that employee including room, board, registration fees, and application/examination fees. When the employee is successful in passing the examination and acquires the required certification/licensing, the City shall reimburse that employee for room, board, registration fees, application/examination fees and all other eligible expenditures associated with the successful attempt only, in accordance with the City's *Travel Expense Reimbursement Policy*.

4. Continuing Education and Other Professional and Technical Training

- a. The City and/or other regulatory agencies may require individuals holding professional certificates and/or licensing to attend continuing education training each calendar (or fiscal year) in order to maintain said certification and/or licensing. It shall be the Department's policy to provide all affected staff the opportunity to attend said training whenever scheduling and budgets will allow.
- b. An employee desiring to attend job-related training shall first receive written approval from his or her supervisor. If the training is not considered "job-related" it must be justified by the employee's supervisor prior to proceeding to the next step.
- c. The registration and application/examination forms shall be completed by the employee and the supervisor and then submitted to the Finance Department for processing.
- d. Continuing education and other professional and technical training is intended to enhance staff's professional development and allow individuals the opportunity to stay current with regulatory and process requirements that affect what they do each day. For this reason, it shall be the intention of this procedure to encourage employees to diversify their training opportunities from year to year within their chosen discipline (i.e., water treatment plant operator, distribution specialist, etc.) and not repeat the same training in two (2) consecutive years, unless approved by their supervisor and director prior to attending training.
- e. If the total expenditure for an individual's training exceeds \$500, said training request shall be accompanied by a memorandum explaining the need for the training, in detail, and a justification for said training by the employee and his or her supervisor. If the request is made without accompanying justification, the request shall be returned to the sender. This training shall be approved by the director prior to processing registration and application/examination forms.

5. Certification Renewal

It shall be the responsibility of each individual maintaining certification or licensing to obtain all annual renewal invoices either at their personal residence, post office box, or through the City. It shall be the responsibility of those individuals to get their renewal notices to the appropriate departmental staff member prior to the required deadline in order to allow payment of all invoices at one time. This allows the accounts payable to pay all invoices at once and greatly reduces paperwork. If an individual fails to meet this deadline that individual shall be responsible for paying the invoice, including late fees and other charges, in full.

6. Certification Compensation

- a) The City of Hendersonville's pay and classification system is formatted in a way as to compensate water treatment and wastewater treatment personnel for the achievement and possession of North Carolina State certifications. As City water and wastewater employees receive specific certifications they are promoted through the three levels of operators. The details are as follows:

- o Water Operator's Grade C and/or Wastewater Operator's Grade I = Grade 8
- o Water Operator's Grade B and/or Wastewater Operator's Grade II = Grade 10
- o Water Operator's Grade A and/or Wastewater Operator's Grade III = Grade 12

Upon possession of said certification the Department Head will file a Personnel Action Form (PAF), attach the proof of certification, and submit it to the Human Resources Department.

Compensation will be permanent as the City's Personnel Policy Article III, Section VIII dictates "When an employee is promoted, the employee's salary shall normally be advanced to the hiring rate of the new position, or to a salary which provides an increase of at least approximately 5% over the employee's salary before the promotion, whichever is greater."

- b) In addition, water and wastewater personnel are eligible for an additional one-time compensation of 2.5% of their current salary reference. The following one-time compensations are detailed below and are permissible under the following conditions:

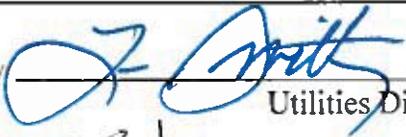
- o Water Operator's Physical and Chemical certification of North Carolina
 - i. The following certification will be compensated only after an employee has reached a Treatment Plant Operator III
- o Wastewater Operator's Grade IV certification of North Carolina
 - i. The following certification will be compensated only after an employee has reached a Treatment Plant Operator III

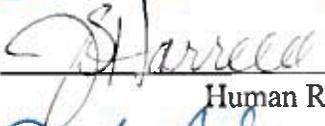
Upon possession of said certification the Department Head will file a Personnel Action Form (PAF) and submit it to the Human Resources Department.

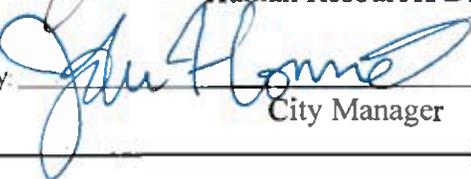
NOTE

No compensation will be awarded retroactively. Employees are eligible for compensation beginning July 1st, 2015.

APPROVED by City Staff of the City of Hendersonville, North Carolina.

Verified By:  Utilities Director Date: 6/16/15

Verified By:  Human Resources Director Date: 6/16/15

Approved By:  City Manager Date: 6/17/15

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this fourth day of June, 2015.

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

Submitted By: Rhonda Wiggins

Department: Water/Sewer

Date Submitted: June 16, 2015

Presenter: Lee Smith

Date of Council Meeting to consider this item: July 2, 2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 05k

Dodd Meadows, Phase 2

This is a request to extend lines to provide water and sewer services to phase two of the existing Habitat for Humanity Subdivision, Dodd Meadows. This phase will serve 19 units.

This phase requires approximately 656 lf of water line and 688 lf of sewer line.

The cost of this extension is to be paid by Henderson County Habitat for Humanity.

This project is under the reviewing jurisdiction of Henderson County. The Master Plan was approved in October 2011.

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

The cost of this extension is to be paid by Henderson County Habitat for Humanity.

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

I move to accept this utility extension and to authorize the City Manager to execute the associated utility extension agreement.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Rhonda Wiggins

Department: Water/Sewer

Date Submitted: June 16, 2015

Presenter: Lee Smith

Date of Council Meeting to consider this item: July 2, 2015

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 051

Warm Company Expansion

This is a request to provide additional water service to the expansion of the existing Warm Company. This expansion will serve a 136,000 sq ft warehouse facility.

This expansion was approved by the Henderson County Technical Review Committee March 3, 2015

This expansion will consist of approximately 665 lf of 8" water line.

The cost of this extension will be paid by Warm Company Products, Inc.

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

The cost of this extension will be paid by Warm Company Products, Inc.

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

I move to accept this utility extension and to authorize the City Manager to execute the associated utility extension agreement.

Attachments:



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 06.24.15

Presenter: Barbara Volk

Date of Council Meeting to consider this item: 07.02.15

Nature of Item: Council Action

Summary of Information/Request:

Item # 06

Consideration of Proclamation for "Korean War Veterans Recognition Day". Council Member Miller requested this proclamation honoring the veterans of the Korean War. Someone will be present to accept the proclamation.

Budget Impact: \$ None 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 Proclamation for Korean War Veterans Recognition Day.

Attachments:

Proclamation

PROCLAMATION

- WHEREAS, the Korean War started on June 25, 1950 and ended on July 27, 1953; and
- WHEREAS, more than over 40,000 American soldiers died in the Korean War and more than 100,000 were wounded; and
- WHEREAS, in 2009, President Barack Obama signed HR 2632, "The Korean War Veterans Recognition Act"; and
- WHEREAS, this Act added National Korean War Veterans Armistice Day to the list of days on which the display of the flag of the United States is encouraged; and
- WHEREAS, 2015 marks the sixty-fifth anniversary of the beginning of the Korean War and this Council wishes to recognize July 27 as Korean War Veterans Recognition Day in honor of those who gave the ultimate sacrifice in Korea; and
- WHEREAS, this Board further recognizes our Korean War Veterans who deserve our unending respect and gratitude for their courageous actions in pursuit of freedom and democracy.

NOW, THEREFORE, the City Council of the City of Hendersonville does hereby proclaim July 27, 2015 as

“Korean War Veterans Recognition Day”

in the City of Hendersonville and urges all citizens to recognize the contributions of our Korean War Veterans. We further encourage all citizens to observe this day by flying the American flag.

ADOPTED this the second day of July, 2015.

In Witness Whereof, I have hereunto set my hand and the Seal of the City of Hendersonville, this second day of July, 2015.

Barbara G. Volk, Mayor
City of Hendersonville

Attest:

Tammie K. Drake, City Clerk



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 06.25.15

Presenter:

Date of Council Meeting to consider this item: 07.02.15

Nature of Item: Council Action

Summary of Information/Request:

Item # 07

Consideration of Sister Cities International Partnership Resolution: Ms. Karen Hultin, Chair of the Sister Cities Board, presented a resolution that will be signed by Mayor Volk and the Mayor of Pallanza/Verbania, Italy, in September when the group travels to Italy.

Budget Impact: \$ None 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 adopt the Sister Cities International Partnership Resolution with Pallanza/Verbania, Italy.

Attachments:

Resolution

SISTER CITIES INTERNATIONAL

PARTNERSHIP RESOLUTION

Whereas, the cities of Hendersonville, North Carolina, USA and Pallanza/Verbania, Italy share similar goals of international cooperation, mutual prosperity, and world peace; and

Whereas, they believe it to be in their collective interest to broaden and strengthen ties between the two cities; and

Whereas, they place similar values on cultural understanding, youth leadership, exchanges to educate citizens, artistic and environmental stewardship, tourism and agri-business and

Whereas, they will identify activities, common to all, that can generate new initiatives to further nurture economic, social, educational, artistic and cultural relationships; and

Whereas, the purpose of this relationship is to increase cultural exchanges, educational opportunities, agricultural exchanges, artistic exchanges and economic exchanges for both cities, and to increase awareness of both cities as being centers of agricultural research, artistic hubs, lake and mountain vistas, tourism, food and wine knowledge, cycling, hiking, culinary excellence and more; and

Whereas, both cities are committed to mutual support for organizing and developing the experiences, common activities, and future programs of the Sister City relationship on the basis of previous agreements of mutual cooperation and directions set forth by this declaration;

Now, Therefore, We, the Mayors of Hendersonville, North Carolina, USA and Pallanza/Verbania, Italy do believe that this pact will further contribute to global exchange between international cities and to the development of friendly relations between the peoples of Italy and the United States and our two cities;

Further, we affix our signatures and our city seals on this declaration to establish our relationship as Sister Cities.

Mayor Barbara G. Volk
Hendersonville, North Carolina, USA
September 23, 2015

Mayor Silvia Marchionini
Pallanza/Verbania, Italy
September 23, 2015



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Lee Smith

Department: Water/Sewer

Date Submitted: 6/25/2015

Presenter: Randy Hintz, P.E.

Date of Council Meeting to consider this item: July 2, 2015

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 08

The City's water treatment plant staff has again met all parameters required to receive another AWOP (Area-Wide Optimization Program) award for 2014. These awards are given each year to water systems that demonstrate outstanding turbidity removal, a key test of drinking water quality. Turbidity is a measure of the cloudiness or haziness of water caused by individual particles that can interfere with disinfection and provide a medium for microbial growth. Microbes occur naturally, but can potentially include harmful bacteria and viruses. While all drinking water system have to meet strict state and federal drinking water standards, these system have met and exceeded performance goals that are significantly more stringent.

Mr. Randy Hintz, regional engineer for the Public Water Supply Section of NCDENR out of the Asheville Regional Office, will be presenting this award to members of the water treatment plant during this meeting.

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:

List of Municipalities Receiving the 2014 AWOP Award in WNC

2014 Microbial AWOP Award Nominees Asheville Regional Office

PWSID	Water System Name	Population	Plant Name
NC0100010	Burnsville, Town of	3,802	Town of Burnsville Water Treatment Plant
NC0111010	Asheville, City of PO1 - North Fork Plant	124,300	City of Asheville-North Fork Water Treatment Plant
NC0111025	Weaverville, Town of	5,710	Town of Weaverville-Ivy River Water Treatment Plant
NC0112015	Morganton, City of	38,845	City of Morganton-Catawba Water Treatment Plant
NC0114010	Lenoir, City of	19,500	City of Lenoir Water Treatment Plant
NC0120020	Andrews, Town of	3,250	Town of Andrews Water Treatment Plant
NC0138010	Robbinsville, Town of, PO1_Tallulah Plant	2,780	Town of Robbinsville-Tallulah Water Treatment Plant
NC0144010	Waynesville, Town of	15,046	City of Waynesville-Allens Creek Water Treatment Plant
NC0144040	Maggie Valley Sanitary District	9,290	Maggie Valley Sanitary District Water Treatment Plant
NC0145010	Hendersonville, City of	55,000	City of Hendersonville Water Treatment Plant
NC0156010	Marion, City of	8,500	City of Marion Water Treatment Plant
NC0181035	Broad River Water Authority	16,250	Broad River Water Authority Water Treatment Plant
Total Population-----		302,273	



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 05.25.15

Presenter: Sue Dinnsen

Date of Council Meeting to consider this item: 07.02.15

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 09

Sue Dinnsen, Residential Energy Efficiency Program Manager with Duke Energy will be making a presentation regarding Duke Energy's Residential Energy Efficiency Program. She will be working on a 800 to 1000 low income homes in Hendersonville.

Budget Impact: \$ None 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:



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Sue Anderson, Planning Director

Department: Planning

Date Submitted: June 16, 2015

Presenter: Sue Anderson

Date of Council Meeting to consider this item: July 2, 2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 10

File # P15-7-SUR

On June 4th, City Council held a public hearing for a Special Use Permit for the Ingles grocery store located at 1980 Asheville Highway. At that time a vote was taken on a variance request to allow increasing the number of driveways a development parcel may have on any given road from two to three. The vote was three in favor and two opposed to granting the variance request.

General Statue 160A-75 Voting states "...no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the council..." A three to two vote is not equal to or greater than two thirds of all the actual members of the council. Based on direction from the City Attorney, a second vote on this variance request needs to take place.

City Council decided to revisit this item at the July regular meeting.

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

Not Applicable

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

I move City Council to approve a variance from Zoning Ordinance Section 5-18-4.3 Driveways, increasing the number of driveways a development parcel may have on any given road from two to three.

Attachments:



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Sue Anderson, Planning Director

Department: Planning

Date Submitted: June 23, 2015

Presenter: Sue Anderson

Date of Council Meeting to consider this item: July 2, 2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 11

File #P15-17-T

Staff has received a number of inquiries regarding the possibility of locating a small brewery in or near the downtown core. Currently, breweries along with cideries, distilleries and wineries, are listed under the broad category of beverage manufacturing in the Zoning Ordinance and are allowed only in the I-1 Industrial and the PMD Planned Manufacturing Development zoning districts. The PMD Planned Manufacturing Development zoning district is created through the Special Use permit process. Southern Appalachian Brewery, located on an I-1 zoned property at 822 Locust Street, is Hendersonville's only brewery and is allowed as a permitted use in that district.

Based on the growing popularity of these types of businesses, staff has developed a text amendment for consideration that would allow breweries in a greater number of zoning districts within Hendersonville. Due to their potential impacts on surrounding properties, large scale breweries, wineries, distilleries and cideries continue to be limited to the I-1 Industrial and PMD Planned Manufacturing Development districts. The text amendment would allow smaller scale microbreweries, those producing less than 15,000 barrels (465,000 gallons based on 31 gallons to a barrel) per year, to be located in other commercial districts including downtown. The attached memo includes a discussion about definitions, districts, permitted or conditional use, special requirements, parking requirements and Planning Board recommendations. Staff will provide a detailed presentation during the public hearing on this matter at the City Council meeting.

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

Not Applicable

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

See page 6 of the attached memo for suggested motions.

Attachments:

Memo

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Planning Department

RE: Text Amendment of Article IV Establishment of Districts Table 4-5, Article V Zoning District Classifications, Article VI General Provisions, Table 6-5-2, Article XII Definition of Terms, Section 12-2 Definition of Commonly Used Terms and Words, and Article XVI Special Requirements for Certain Uses, Section 16-4 Standards of the Zoning Ordinance of the City of Hendersonville pertaining to breweries, cideries, distilleries, microbreweries and wineries.

FILE #: P15-17-T

DATE: June 23 2015

PROJECT HISTORY

According to the Brewers Association, an organization intended to promote and protect American craft brewers, North Carolina ranks 12th in the nation for the number of craft breweries. The estimated economic impact based on information from 2012 is \$791 million dollars. The North Carolina Craft Brewers Guild, a not-for-profit 501(c)6 tax-exempt organization comprised of brewers, vendors, retailers and craft beer enthusiasts focused on promoting North Carolina beer, lists 125 breweries and brewpubs located in the state.

The craft industry is also growing in North Carolina and includes wineries, cideries and distilleries. The North Carolina Department of Agriculture and Consumer Services states that North Carolina is now home to more than 100 wineries and the number of wineries has more than quadrupled since 2001. The North Carolina Distillers Association lists 25 distilleries located in the state with an additional three going through the permit process. And, the hard cider industry is also growing.

Currently, Henderson County has two breweries (Sierra Nevada and Southern Appalachian) two wineries (Burntshirt and Saint Paul Mountain) and two cideries (Bold Rock and Naked Apple). Oversight of all these industries is a function of the Federal Bureau of Alcohol, Tobacco and Firearms, the North Carolina Alcoholic Beverage Control Commission and locally assigned agencies.

These types of industries are listed under the broad category of beverage manufacturing in the Zoning Ordinance and are allowed only in the I-1 Industrial zoning district and the PMD Planned Manufacturing Development zoning district. The PMD Planned Manufacturing Development zoning district is created through the Special Use permit

process. Southern Appalachian Brewery, located on an I-1 zoned property at 822 Locust Street, is Hendersonville’s only brewery and is allowed as a permitted use in that district.

A number of people have inquired about the possibility of locating a small brewery in or near the downtown core. Based on the growing popularity of these types of businesses, staff has developed a text amendment for consideration that would allow breweries in a greater number of zoning districts within Hendersonville. Due to their potential impacts on surrounding properties, large scale breweries, wineries, distilleries and cideries continue to be limited to the I-1 Industrial and PMD Planned Manufacturing Development districts. The text amendment would allow smaller scale microbreweries, those producing less than 15,000 barrels (465,000 gallons based on 31 gallons to a barrel) per year, to be located in other commercial districts including downtown.

Staff is suggesting to add microbreweries as a conditional use which will require that before this use is allowed, the applicant will need to go before the Board of Adjustment for review and approval. The microbreweries will be subject to certain conditions such as limiting outdoor storage of materials along with a cap on production.

The attached text amendment ordinance includes the following:

District	Microbreweries
C-1 Central Business	Add – Conditional Use
CMU Central Mixed Use	Add – Conditional Use
C-2 Secondary Business	Add – Conditional Use
C-3 Highway Business	Add – Conditional Use
HMU Highway Mixed Use	Add – Conditional Use
PCD Planned Commercial Development	Add – Special Use

District	Breweries, Cideries, Distilleries, Microbreweries and Wineries
I-1 Industrial	Add – Permitted Use
PMD Planned Manufacturing	Add – Permitted Use

The proposed text amendment also includes additions to the definitions, parking and special requirements sections of the Zoning Ordinance along with other related

housekeeping items. An ordinance is included with this memorandum that details each proposed change with additions underlined and deletions ~~struck through~~. Maps of the above zoning districts are also included with this memorandum.

State Definitions

North Carolina General Statutes Chapter 18B: Regulation of Alcoholic Beverages has the following definitions listed in 18B-101. These definitions are included by reference in the proposed text amendment of Article XII Definition of Terms.

"Malt beverage" means beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage except unfortified or fortified wine as defined by this Chapter, containing at least one-half of one percent (0.5%), and not more than fifteen percent (15%), alcohol by volume. Any malt beverage containing more than six percent (6%) alcohol by volume shall bear a label clearly indicating the alcohol content of the malt beverage

"Spirituous liquor" or **"liquor"** means distilled spirits or ethyl alcohol, including spirits of wine, whiskey, rum, brandy, gin and all other distilled spirits and mixtures of cordials, liqueur, and premixed cocktails, in closed containers for beverage use regardless of their dilution

"Unfortified wine" means any wine of sixteen percent (16%) or less alcohol by volume made by fermentation from grapes, fruits, berries, rice, or honey; or by the addition of pure cane, beet, or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine and produced in accordance with the regulations of the United States.

TEXT & POLICY COMMITTEE

The Text and Policy Committee is made up of four members of the Planning Board. Due to the nature of these text amendments, staff felt it prudent for any discussion to include the entire Planning Board.

PLANNING BOARD RECOMMENDATION

The Planning Board took this matter up at its regular meeting of June 8, 2015. The Planning Board voted seven in favor and one opposed to recommend that City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Article IV Establishment of Districts Table 4-5, Article V Zoning District Classifications, Article VI General Provisions, Table 6-5-2, Article XII Definition of Terms, Section 12-2 Definition of Commonly Used Terms and Words, and Article XVI Special Requirements for Certain Uses, Section 16-4 Standards pertaining to breweries, cideries, distilleries, microbreweries and wineries with the following modifications:

The Planning Board discussed adding microbreweries to Greenville Highway Mixed Use

(GHMU) district. Four members recommended adding microbreweries as a permitted use and four members recommended adding microbreweries as a conditional use.

The Planning Board made the following other recommendations.

District	Microbreweries	Four Planning Board Members Recommended	Four Planning Board Members Recommended
C-1 Central Business	Add – Conditional Use	Conditional Use	Permitted Use
CMU Central Mixed Use	Add – Conditional Use	Conditional Use	Permitted Use
C-2 Secondary Business	Add – Conditional Use	Conditional Use	Permitted Use
C-3 Highway Business	Add – Conditional Use	Permitted Use	Permitted Use
HMU Highway Mixed Use	Add – Conditional Use	Permitted Use	Permitted Use
PCD Planned Commercial Development	Add – Special Use	Special Use	Special Use

Regarding Article XVI Special Requirements For Certain Uses Section 16-4 Standards, the Planning Board made the following recommendations:

16-4-14 Microbreweries.

- a) Shall include one or more accessory uses such as a tasting room, tap room, restaurant, retail, demonstration area, education and training facility or other uses incidental to the brewery and open and accessible to the public.
- b) Storage of materials used in the manufacturing, processing and for distribution shall be located entirely within the building.
- c) Shall be designed such that all newly constructed loading and unloading facilities are internal to the site, in service alleys or at the back of the building.

The Planning Board voted six in favor and two opposed to removed (d) below

- d) The parcel on which a microbrewery is situated shall not be within 50 feet of a residential zoning district.

Instead of (d), the Planning Board voted unanimously to recommend adding the following building setbacks for the C-2, C-3, GHMU, HMU and PCD zoning districts.

Planning Board Recommendations

District	Existing Side and Rear Building Setbacks	Side and Rear Building Setbacks for Microbreweries
C-2 Secondary Business	Side Yard 0- 5 feet 10 feet corner lot Rear Yard 0 feet or 10 feet if abutting residential district	25 feet or underlying zoning district, whichever is greater
C-3 Highway Business	Side yard 15 feet Rear yard 20 feet	25 feet or underlying zoning district, whichever is greater
GHMU Greenville Highway Mixed Use	Side yard 15 feet Rear yard 15 feet	25 feet or underlying zoning district, whichever is greater
HMU Highway Mixed Use	Side Yard 15 feet Rear Yard 15 feet	25 feet or underlying zoning district, whichever is greater
PCD Planned Commercial Development	25 feet from exterior property line	25 feet or underlying zoning district, whichever is greater

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

SUGGESTED MOTIONS

Approval:

I move City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Article IV Establishment of Districts Table 4-5, Article V Zoning District Classifications, Article VI General Provisions, Table 6-5-2, Article XII Definition of Terms, Section 12-2 Definition of Commonly Used Terms and Words, and Article XVI Special Requirements for Certain Uses, Section 16-4 Standards pertaining to breweries, cideries, distilleries, microbreweries and wineries.

[PLEASE STATE YOUR REASONS]

Approval With Modifications:

I move City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Article IV Establishment of Districts Table 4-5, Article V Zoning District Classifications, Article VI General Provisions, Table 6-5-2, Article XII Definition of Terms, Section 12-2 Definition of Commonly Used Terms and Words, and Article XVI Special Requirements for Certain Uses, Section 16-4 Standards pertaining to breweries, cideries, distilleries, microbreweries and wineries with the following modifications:

[PLEASE STATE THE MODIFICATIONS AND YOUR REASONS]

Denial:

I move the City Council not amend the City of Hendersonville Zoning Ordinance Article IV Establishment of Districts Table 4-5, Article V Zoning District Classifications, Article VI General Provisions, Table 6-5-2, Article XII Definition of Terms, Section 12-2 Definition of Commonly Used Terms and Words, and Article XVI Special Requirements for Certain Uses, Section 16-4 Standards pertaining to breweries, cideries, distilleries, microbreweries and wineries.

[PLEASE STATE YOUR REASONS]

AN ORDINANCE AMENDING ARTICLE IV ESTABLISHMENT OF DISTRICTS SECTION 4-5 CLASSIFICATION OF USES, TABLE 4-5, ARTICLE V ZONING DISTRICT CLASSIFICATIONS, ARTICLE VI GENERAL PROVISIONS, TABLE 6-5-2, ARTICLE XII DEFINITION OF TERMS, SECTION 12-2 DEFINITION OF COMMONLY USED TERMS AND WORDS, AND ARTICLE XVI SPECIAL REQUIREMENTS FOR CERTAIN USES, SECTION 16-4 STANDARDS OF THE ZONING ORDINANCE OF THE CITY OF HENDERSONVILLE PERTAINING TO BREWERIES, CIDERIES, DISTILLERIES, MICROBREWERIES AND WINERIES.

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 amend those regulations with regards to breweries, cideries, distilleries, microbreweries and wineries.

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

2. Article IV Establishment of Districts, Section 4-5 Classification of Uses, Table 4-5 is hereby amended to include the following:

Add breweries, cideries, distilleries, microbreweries and wineries as permitted by right (P) in the I-1 Zoning District.

Add microbreweries as a Special Use (S) in the PCD Planned Commercial Development District.

Add microbreweries as a Conditional Use (C) in the following districts:

C-1 Central Business District
C-2 Secondary Business District
C-3 Highway Business District
CMU Central Mixed Use District
HMU Highway Mixed Use District

3. Article V Zoning District Classifications, Section 5-6-2 Conditional Uses in the C-1 Central Business Zoning District Classification is hereby amended to include the following conditional use:

Microbreweries, subject to special requirements contained in Section 16-4, below

4. Article V Zoning District Classifications, Section 5-7-2 Conditional Uses in the C-2 Secondary Business Zoning District Classification is hereby amended to include the following conditional use:

Microbreweries, subject to special requirements contained in Section 16-4, below

5. Article V Zoning District Classifications, Section 5-8-2 Conditional Uses in the C-3 Highway Business Zoning District Classification is hereby amended to include the following conditional use:

Microbreweries, subject to special requirements contained in Section 16-4, below

6. Article V Zoning District Classifications, Section 5-12-1 Permitted Uses in the I-1 Industrial Zoning District Classification is hereby amended to include the following permitted uses:

Breweries
Cideries
Cideries, hard
Distilleries
Microbreweries
Wineries

7. Article V Zoning District Classifications, Section 5-15-2 Permissible Uses, Subject to Issuance of a Special Use Permit in the Planned Commercial Development Zoning District Classification is hereby amended to include the following permissible use:

Microbreweries, subject to special requirements contained in Section 16-4, below

8. Article V Zoning District Classifications, Section 5-19-2 Conditional Uses in the CMU Central Mixed Use Zoning District Classification is hereby amended to include the following conditional use:

Microbreweries, subject to special requirements contained in Section 16-4, below

9. Article V Zoning District Classifications, Section 5-23-2 Conditional Uses in the HMU Highway Mixed Use Zoning District Classification is hereby amended to include the following conditional use:

Microbreweries, subject to special requirements contained in Section 16-4, below

10. Article XII Definition of Terms, Section 12-2 Definition of Commonly Used Terms and Words is hereby amended to include the following definitions:

Breweries: An establishment that engages in the production of malt beverages as defined in North Carolina General Statute 18B-101.

Cideries, hard: An establishment that engages in the production of hard ciders classified as unfortified wine as defined in North Carolina General Statute 18B-101.

Distilleries: An establishment that engages in the production of spirituous liquors or liquors as defined in North Carolina General Statute 18B-101.

Microbreweries: An establishment that engages in the production of malt beverages as defined in North Carolina General Statute 18B-101. Annual production shall be less than 15,000 barrels.

Wineries: An establishment that engages in the production of unfortified wines as defined in North Carolina General Statute 18B-101.

11. Article VI General Provisions, Table 6-5-2 is hereby amended to include the following parking requirements:

USES	PARKING SPACE REQUIREMENT
<u>Breweries</u>	<u>1 per each 2 employees at maximum employment on a single shift</u>
<u>Cideries</u>	<u>1 per each 2 employees at maximum employment on a single shift</u>
<u>Cideries, hard</u>	<u>1 per each 2 employees at maximum employment on a single shift</u>
<u>Distilleries</u>	<u>1 per each 2 employees at maximum employment on a single shift</u>
<u>Microbreweries</u>	<u>1 per each 3 seats or stools plus 1 per each 2 employees on the shift with the largest employment</u>

<u>Wineries</u>	<u>1 per each 2 employees at maximum employment on a single shift</u>
-----------------	---

12. Article XVI Special Requirements For Certain Uses, Section 16-4 Standards is hereby renumbered as follows:

- 16-4- ~~14~~ 15 Mini-Warehouses
- 16-4- ~~15~~ 16 Nursing Homes
- 16-4- ~~16~~ 17 Private Clubs
- 16-4- ~~17~~ 18 Progressive Care Facilities
- 16-4- ~~18~~ 19 Public Utility Facilities
- 16-4- ~~19~~ 20 Residential Care Facilities
- 16-4- ~~20~~ 21 Rest Homes
- 16-4- ~~21~~ 22 Restaurants
- 16-4- ~~22~~ 23 Schools, Primary & Secondary
- 16-4- ~~23~~ 24 Shelter Facilities
- 16-4- ~~24~~ 25 Telecommunications Towers and Antennas

13. Article XVI Special Requirements For Certain Uses Section 16-4 Standards is hereby amended to include the following use and special requirement:

16-4-14 Microbreweries.

- a) Shall include one or more accessory uses such as a tasting room, tap room, restaurant, retail, demonstration area, education and training facility or other uses incidental to the brewery and open and accessible to the public.
- b) Storage of materials used in the manufacturing, processing and for distribution shall be located entirely within the building.
- c) Shall be designed such that all newly constructed loading and unloading facilities are internal to the site, in service alleys or at the back of the building.
- d) The parcel on which a microbrewery is situated shall not be within 50 feet of a residential zoning district.

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

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

16. 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.

17. 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.

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

Adopted this ____ day of _____, 2015

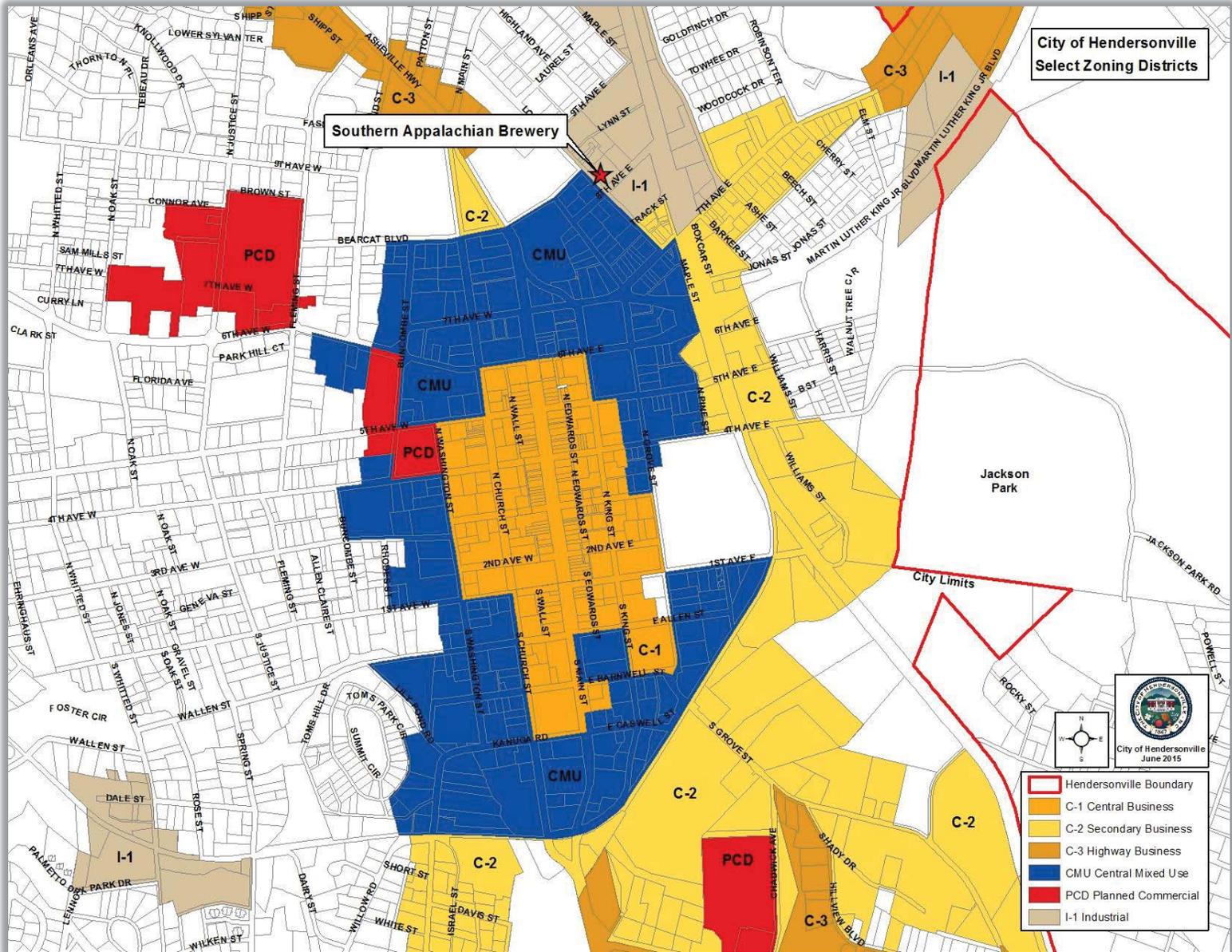
Barbara Volk, Mayor

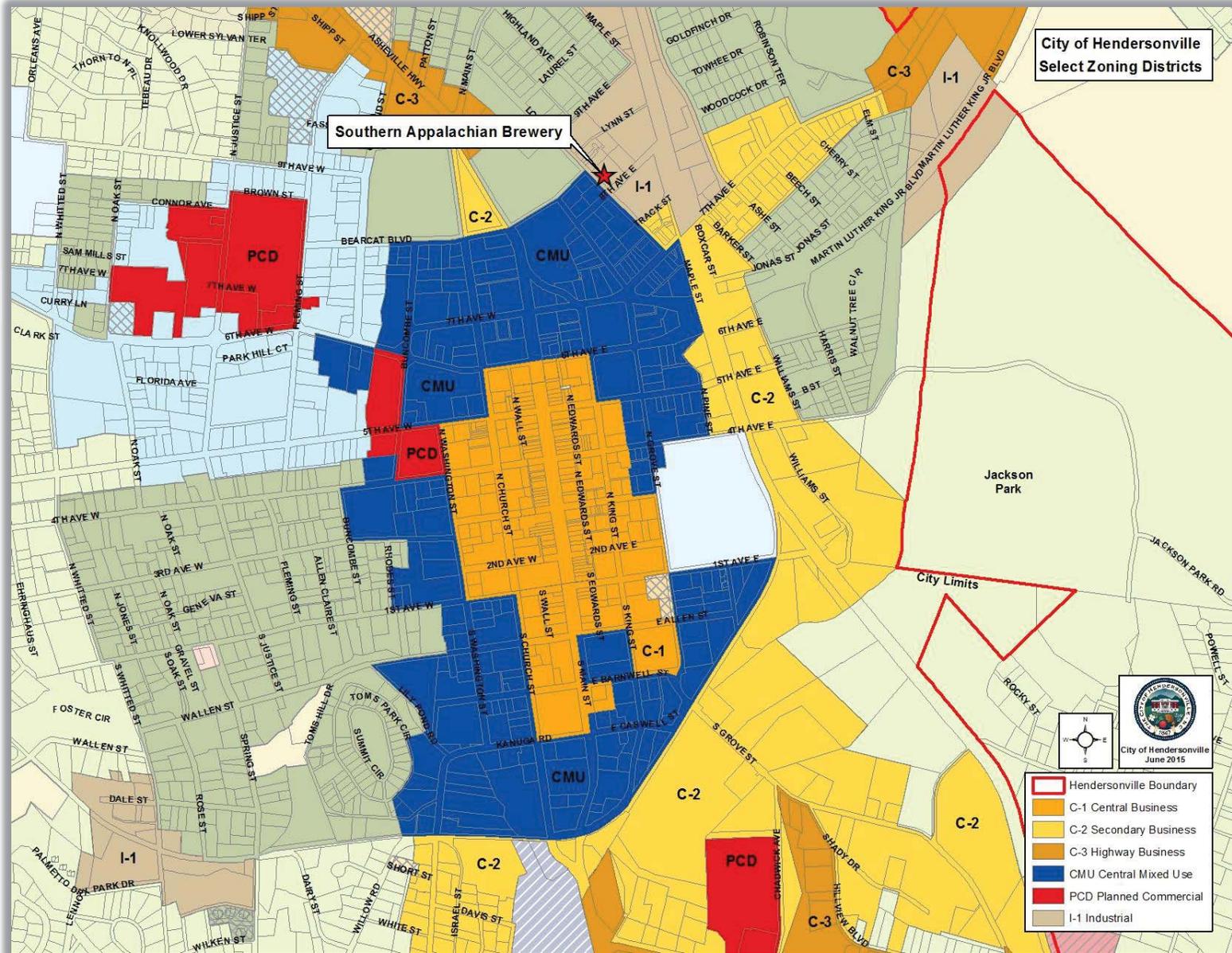
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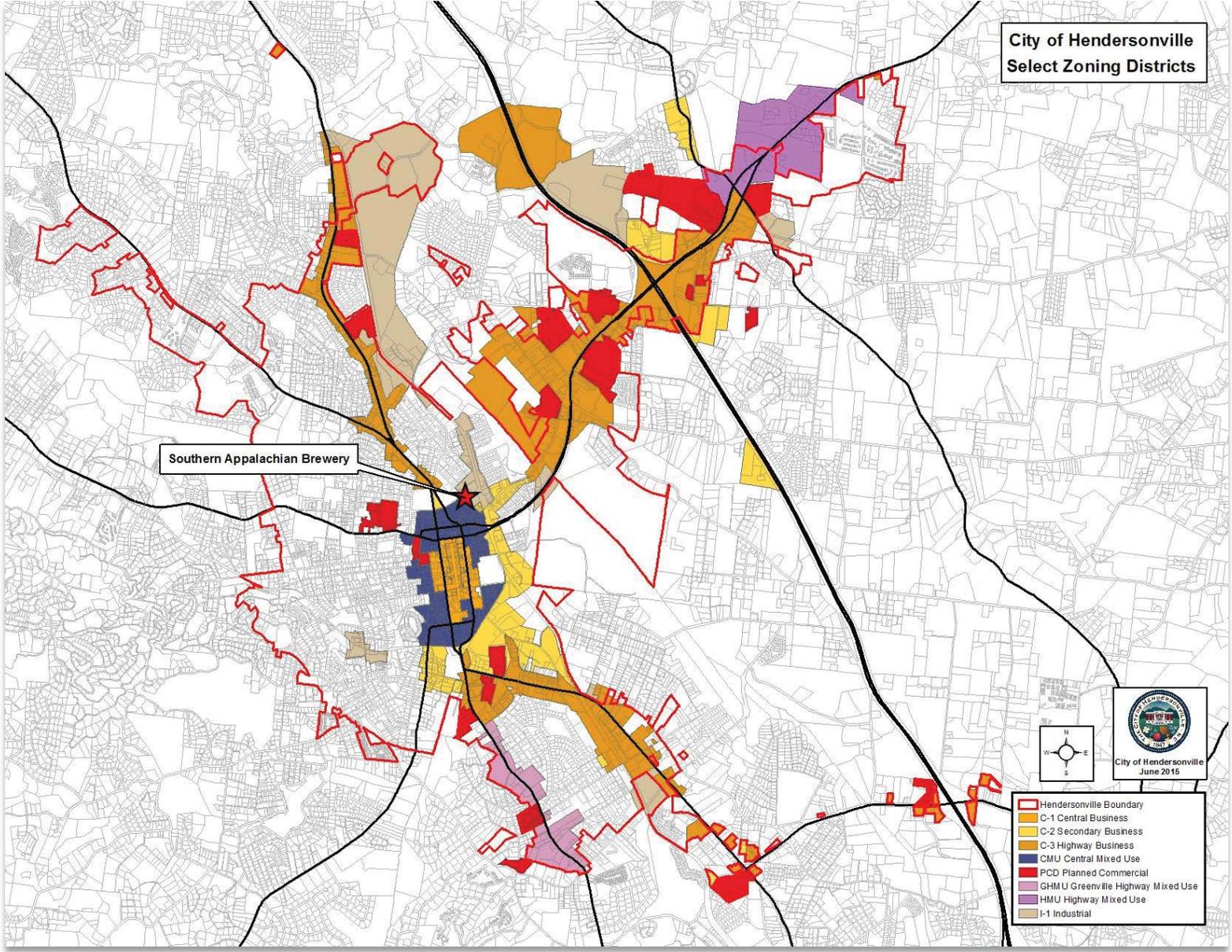
Tammie K. Drake, CMC, City Clerk

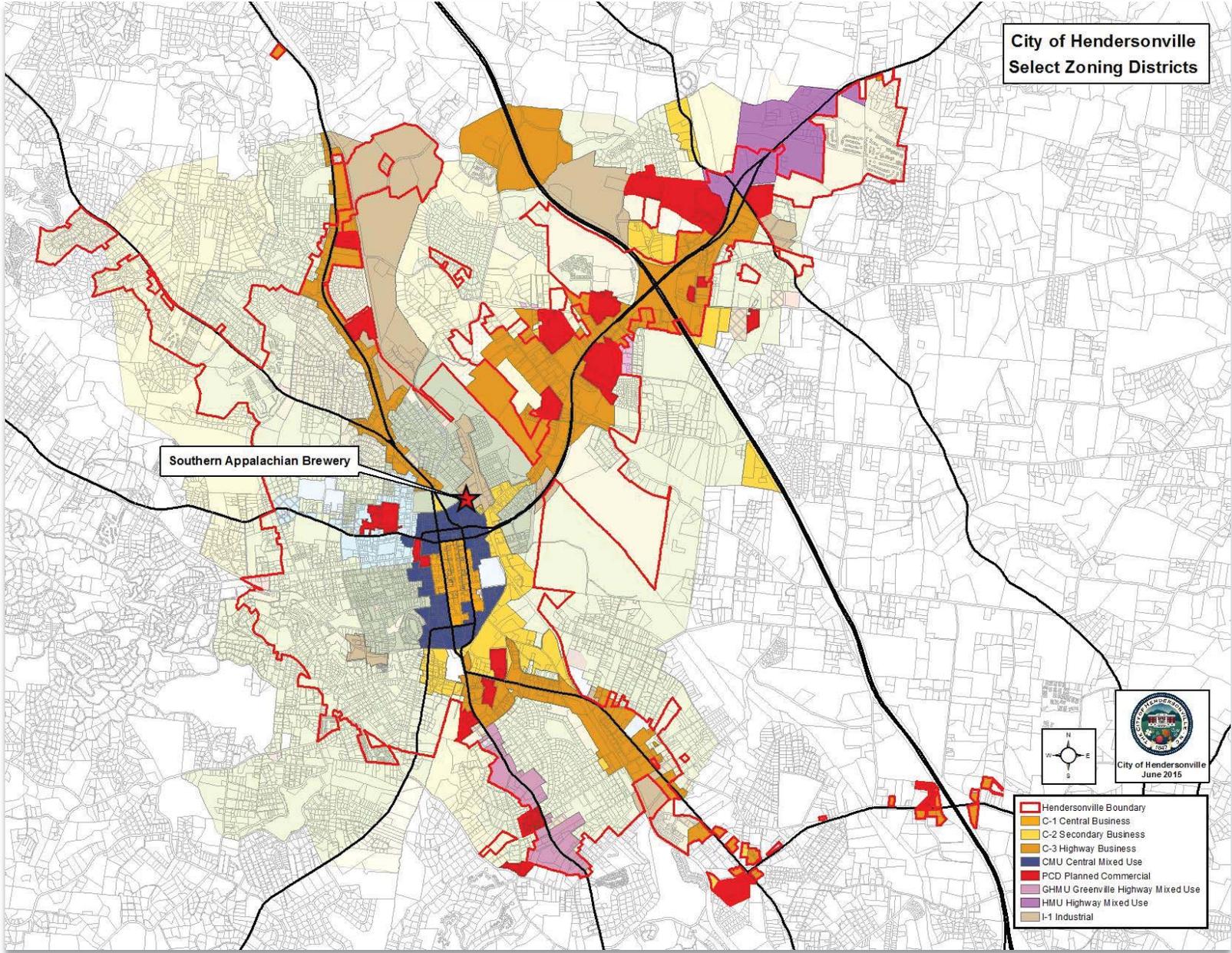
Approved as to form:

Samuel H. Fritschner, City Attorney









City of Hendersonville

PLANNING BOARD REPORT

Project Name: Text Amendment of Article IV Establishment of Districts Table 4-5, Article V, Section 5-6-2 Conditional Uses, Section 5-7-2 Conditional Uses, Section 5-8-2 Conditional Uses, Section 5-12-1 Permitted Uses, Section 5-15-2 Permissible Uses, Section 5-19-2 Conditional Uses, Section 5-23-2 Conditional Uses, Article VI General Provisions, Table 6-5-2, Article XII Definition of Terms, Section 12-2 Definition of Commonly Used Terms and Words, and Article XVI Special Requirements for Certain Uses, Section 16-4 Standards of the Zoning Ordinance of the City of Hendersonville pertaining to breweries, cideries, distilleries, microbreweries and wineries.

File Number: P-15-17-T

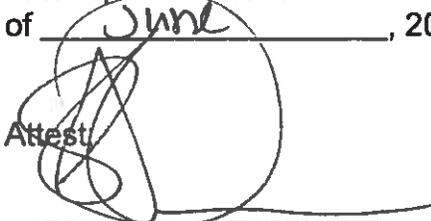
Approval – The text amendment is consistent with all of the objectives and policies for growth and development contained in the City of Hendersonville’s Zoning Ordinance and 2030 Comprehensive Plan.

Approval With Amendment – The text amendment is consistent with all of the objectives and policies for growth and development contained in the City of Hendersonville’s Zoning Ordinance and 2030 Comprehensive Plan. The Planning Board recommends the following amendment(s):

AS DISCUSSED AT THE MEETING - REFER TO MINUTES

Denial – The text amendment is not consistent with all of the objectives and policies for growth and development contained in the City of Hendersonville’s Zoning Ordinance and the 2030 Comprehensive Plan.

This report reflects the recommendation of the Planning Board, this the 8th day of June, 2015.

Attest: 

Planning Board Chair


Planning Director



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Sam Fritschner

Department: Legal

Date Submitted: 24 June 2015

Presenter: Sam Fritschner

Date of Council Meeting to consider this item: 2 July 2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 12

At the request of Mr. Stephens and Mr. Miller I have drafted two proposed amendments to the City's animal tethering ordinance, section 10-152. The two changes would:

1. Raise the minimum age of a tethered animal from 4 to 6 months, and
2. Limit the time of tethering an animal to two hours within any 12 hour period.

A copy of section 10-152 showing the proposed ordinances is attached.

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 the City Council to adopt the proposed amendments to City Code section 10-152.

Attachments:

Ordinance showing the proposed amendments.

AN ORDINANCE AMENDING SECTION 10-152 OF THE CODE OF ORDINANCES WITH RESPECT TO THE TETHERING OF DOMESTIC ANIMALS WITHIN THE ENFORCEMENT JURISDICTION OF THE CITY OF HENDERSONVILLE

WHEREAS, the State of North Carolina has declared that municipalities may define and regulate animal cruelty; and

WHEREAS, the City of Hendersonville has determined that cruelty to animals is a danger to the public health, safety and welfare; and

WHEREAS, the City Council has determined that the tethering of domestic animals constitutes in many cases animal cruelty,

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

SECTION 1. Section 10-152 of the Hendersonville Code of Ordinances shall and it is hereby amended to read in its entirety as follows:

Sec. 10-152. Mistreatment of animals prohibited.

(a) It shall be unlawful for any person to deprive or cause to be deprived any domestic animal of adequate food, water, necessary medical attention and adequate shelter.

(1) Adequate food and water, as defined herein, must be provided for all domestic animals.

(2) Necessary medical attention. No person owning or responsible for any domestic animal shall fail to supply the animal with necessary medical attention when the animal suffers from illness, injury, or disease.

(3) Adequate shelter, protection from the weather and humanely clean conditions. No persons owning or responsible for any domestic animal shall fail to provide the animal with appropriate shelter, protection from the weather and humanely clean conditions as prescribed in this section.

(b) When confinement prohibited. No animal may intentionally be confined in a building, enclosure, car, boat, vehicle or vessel of any kind when to do so would expose the animal to heat or cold harmful to its health.

(c) Tethering. Domestic animals may be tethered to a stationary object only if all of the conditions numbered 1 through 9 are followed:

1. A tether must be equipped with a swivel on both ends.

2. A tether must be a minimum of 10 feet in length and be made of either metal chain or coated steel cable.

3. Tethers must be attached to a collar or harness worn by the domestic animal and under no circumstances shall the tether be placed directly around the

domestic animal's neck. Tethers are never to be used in conjunction with training collars such as choke or pinch-style collars.

4. The weight of the tether must not exceed 10% of the total body weight of the domestic animal but shall be of sufficient strength to prevent breakage.

5. The tether by design and placement must allow the domestic animal a reasonable and unobstructed range of motion without the possibility of entanglement.

6. The domestic animal must be ~~four~~ six months of age or older to be tethered.

7. Only one domestic animal may be attached to a single tether.

8. Pulley systems, running lines, and trolley systems cannot be used in conjunction with training collars such as choke or pinch-style collars. The attached tether may not be made of rope, twine, cord or similar material.

a. Pulley, running line or trolley systems shall be at least 10 feet in length and no more than seven feet above ground.

b. The attached tether shall be no less than 10 foot in length.

9. No tether shall be affixed to a stationary object which allows a domestic animal to come within 5 feet of any property line.

10. The Animal Care & Control Officer may have in their sole discretion the power to order any resident a minimum tethering requirement when such a condition is found to be detrimental to the health, safety and welfare of the domestic animal.

11. No animal shall be tethered more than two hours in any continuous 12 hour period.

~~11~~12. Exemptions. Citizens residing in townhomes, apartments, condos or similar multi-family housing units with lot sizes insufficient to meet the length and property lines requirements specified in sections 2, 8 and 9 above, may only tether domestic animals for temporary exercise and relief.

(d) Properly fitted collars required. An owner of a dog or cat shall not permit injury or inflict pain upon such animal from an improperly fitting or embedded collar.

SECTION 2. SEVERABILITY. If any provision of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this ordinance. This ordinance does not purport to cover treatment of animals where such treatment has been preempted by federal or North Carolina law.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this second day of July, 2015.

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

Submitted By: John Connet

Department: Administration

Date Submitted: 06/23/2015

Presenter: John Connet

Date of Council Meeting to consider this item: 07/02/2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 13

Henderson County Partnership for Economic Development (Partnership) is in the process of creating a 501 (c) (3) non-profit entity to support economic development activities in Henderson County. The non-profit will have the ability to accept tax deductible donations of public and private funds or property to be used in the recruitment of industry. The funds will be used to secure property through options or purchase, complete proactive environmental assessments and extend needed infrastructure. The Partnership has approached Henderson County and its municipalities about providing the initial seed funding for this new economic development initiative. Their goal is to raise \$350,000 annually for the next four years. Henderson County has committed to provide up to \$125,000 in matching funding in each of these years. I would like for the City Council to consider contributing \$50,000 annually from the Water and Sewer Fund to this effort. In addition, I would like for you to keep the option open to provide additional funding of up to another \$50,000, if a significant project is identified that benefits the City of Hendersonville or the Hendersonville Water and Sewer System.

Andrew Tate will be at the meeting to answer questions regarding this non-profit entity.

Budget Impact: \$50,000 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

This contribution will be made out of the Water and Sewer Fund.

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

I move that City of Hendersonville contribute \$50,000 to the Henderson County Partnership for Economic Development's non-profit entity beginning upon its creation and continuing for three additional fiscal years.

Attachments:

None



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Sue Anderson, Planning Director

Department: Planning

Date Submitted: June 16, 2015

Presenter: Sue Anderson

Date of Council Meeting to consider this item: July 2, 2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 14

The French Broad River Metropolitan Transportation Organization (FBRMPO) is in the process of updating the 2035 Long Range Transportation Plan which in the future will be called the Metropolitan Transportation Plan. The Plan was developed by the FBRMPO and is a federally required long-term planning document that examines current and future transportation system needs including highways, railways, public transportation, bicycle and pedestrian infrastructure. The Plan covers a 25 year time span and is updated every five years. Having projects included in the Metropolitan Transportation Plan can increase funding opportunities.

Upon Council's consideration and review, Council may request that the FBRMPO consider the addition of Henderson County Phase 1 of the Ecusta Rail Trail to the updated Metropolitan Transportation Plan. That request needs to be in the form of a resolution. Henderson County Phase 1, as identified in the Ecusta Rail Trail Planning Study and Economic Impact Analysis, falls within Hendersonville's jurisdiction. Understanding that Watco owns the rail line, inclusion in the Metropolitan Transportation Plan addresses the potential that this rail line could become a rail trail in the future. Other factors, such as Watco choosing to abandon the line, would need to happen before this potential project could move forward.

The FBRMPO requires that the requesting jurisdiction commit to provide a financial contribution. The FBRMPO recommended that the resolution language state "the City of Hendersonville does commit to provide the financial contribution necessary to complete the project when the financial contribution is required and that financial contribution is within reason."

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

Not applicable at this time.

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

I move City Council to adopt a resolution to request the FBRMPO consider the addition of a bike/ped project into the Metropolitan Transportation Plan.

Attachments:

Resolution

Map

**RESOLUTION TO REQUEST THE FRENCH BROAD RIVER MPO CONSIDER THE
ADDITION OF A BIKE/PED PROJECT INTO THE METROPOLITAN TRANSPORTATION
PLAN**

WHEREAS, The City Council of the City of Hendersonville is committed to improving safe and convenient transportation options for bicyclists and pedestrians; and

WHEREAS, The City Council of the City of Hendersonville plans to expand and improve the infrastructure that supports safe and convenient transportation for bicyclists and pedestrians; and

WHEREAS, The City Council of the City of Hendersonville adopted a resolution on April 5, 2012 supporting a regional recreational greenway along the Watco (aka Norfolk & Southern) rail corridor linking Henderson and Transylvania counties; and

WHEREAS, The City Council of the City of Hendersonville recognizes the economic and transportation benefits of a regional recreational greenway within western North Carolina and desires the aforementioned rail corridor be secured and developed as the foundation of a regional recreational greenway system in support of the region's tourism economy, and as an alternative means of transportation; and

WHEREAS, The City Council of the City of Hendersonville believes that it is reasonable to expect these bicycle and pedestrian projects to be constructed within the next twenty-five years; and

WHEREAS, The City Council of the City of Hendersonville wishes Henderson County Phase 1 of the Ecusta Rail Trail project, as shown in the Ecusta Rail Trail Planning Study and Economic Impact Analysis, be reflected in the MPO's Metropolitan Transportation Plan.

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

Section 1. The City of Hendersonville does commit to provide the financial contribution necessary to complete Henderson County Phase 1 of the Ecusta Rail to Trail when the financial contribution is required from the City of Hendersonville, and that financial contribution is within reason.

Section 2. This Resolution shall become effective upon its adoption and approval.

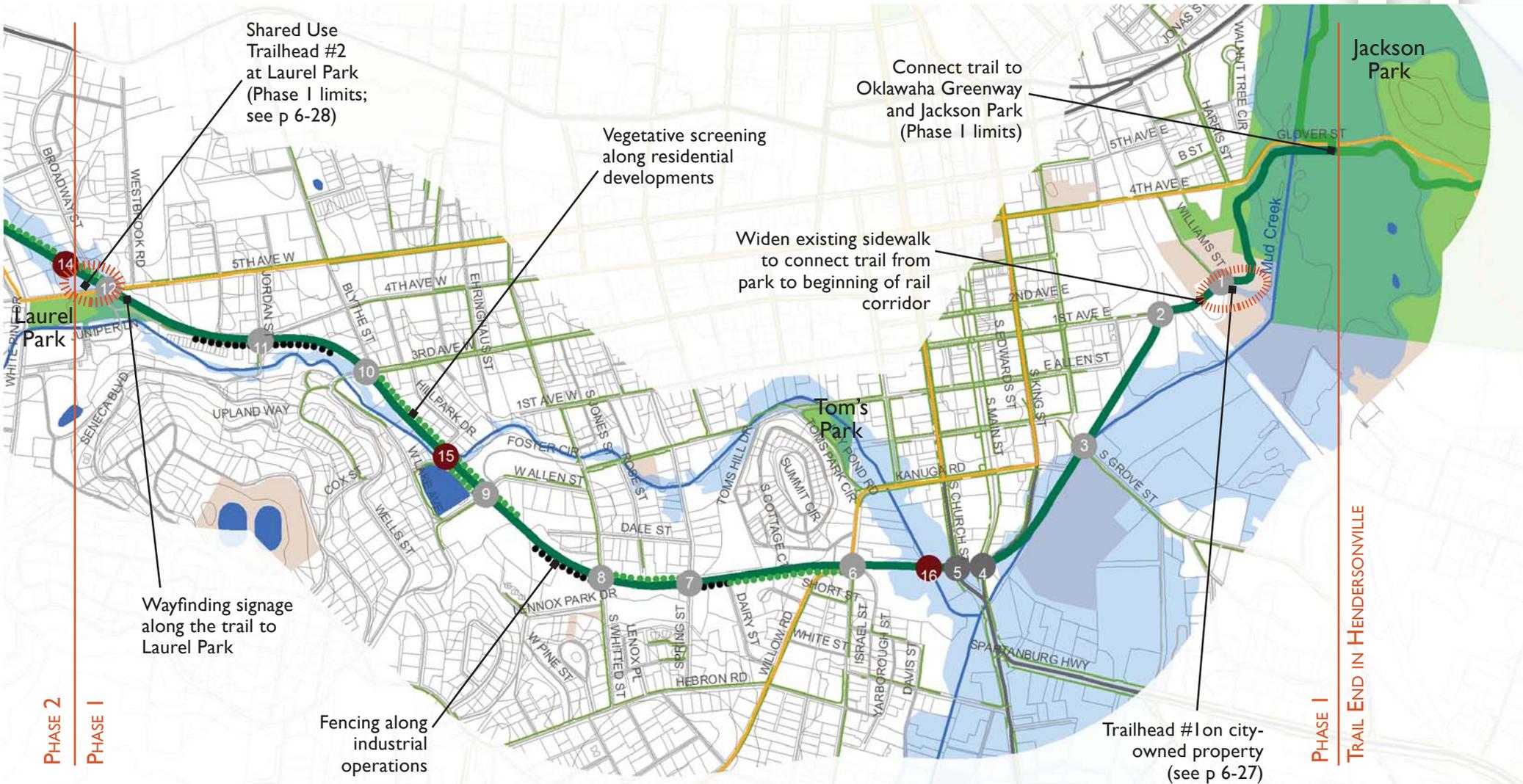
Adopted the second day of July, 2015.

ATTEST:

Barbara Volk, Mayor

Tammie K. Drake, CMC, City Clerk

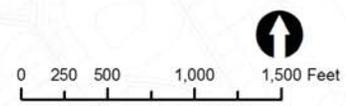
Figure 6.3 – Henderson County Phase I: Oklawaha Greenway in Jackson Park to Proposed Shared-Use Trailhead at Laurel Park



Corridor Overview Key Map



- Type 1 Crossing
- Type 2 Crossing
- Type 3 Crossing
- Existing Railroad Bridge
- Proposed Rail Trail
- Vegetative Screening
- Fencing
- Existing Greenway
- State Bike Route
- Sidewalk
- Street
- Highway
- Contour
- 100-Year Floodplain
- Water
- Conservation Land
 - Federal
 - State
 - Local
 - Public Property
 - Parcel





CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Tom Wooten

Department: Public Works

Date Submitted: June 19, 2015

Presenter: Tom Wooten

Date of Council Meeting to consider this item: July 2, 2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 15

A bid opening is scheduled for 9:00 AM on June 30, 2015 for the 2015 Annual Resurfacing project. Staff will recommend the proposed contractor to City Council at the July 2, 2015 meeting for consideration. If Council is in agreement with the proposed contractor, I need Council to award the project to the proposed contractor approving the motion below.

The 2015 Annual Resurfacing Project Bid Package is available as a separate file in the Dropbox folder.

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

We will use Powell Bill funds to complete this project.

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

I move to award the 2015 Annual Resurfacing Project to the (proposed contractor) _____ as recommended by the Director of Public Works.

Attachments:

map

2015 PROPOSED STREET RESURFACING CITY OF HENDERSONVILLE



- Street Scheduled for Resurfacing
Total = 1.61 miles
- City Maintained Street
- DOT Maintained Street
- Privately Maintained Street
- City Limits

Public Works Department
June 2015





CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 06.24.15

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 07.02.15

Nature of Item: Council Action

Summary of Information/Request:

Item # 18

Appointments: Please note: All applications, former and newly-submitted, are in your Dropbox folder under "City Council Agendas and Reports\2015\Board Applicants\

EAST FLAT ROCK COMMUNITY PLAN ADVISORY COMMITTEE: The Henderson County Board of Commissioners invited the City to appoint a non-voting liaison to this committee. You have received an application from Sarah Hoffert.

SEVENTH AVENUE ADVISORY COMMITTEE (SAAC): There are two vacancies on this Committee: one "in-district" position and one "at large" position. Mr. John Ryan with the Apple Valley Model Railroad Club has also submitted an application.

DOWNTOWN ADVISORY COMMITTEE (DAC): The terms of four members on the DAC expire 08/01: Babs Newton, Marty Payton, Scott Biron, and Tom Orr. Ms. Newton informed Lew she preferred to serve on a subcommittee and therefore declined reappointment. Ms. Payton, Mr. Biron and Mr. Orr would like to continue serving. You have received 3 new applications for this Board from: Scott Moore, Candi Guffey, and Ashely Pirsig.

ENVIRONMENTAL SUSTAINABILITY BOARD: The ESB consists of five City residents and up to four additional members residing outside the City may be appointed for their particular areas of expertise. The ESB has four vacant City positions. You have one application from Rhonda Brissie (inside-City) who was recently appointed to the Business Advisory Committee.

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

I move to (re)appoint ...

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

Attachments:

applications, member lists



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 6/23/2015

Presenter: John Connet

Date of Council Meeting to consider this item: 7/2/2015

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 20

City Manager John Connet requests a Closed Session to discuss the acquisition of property. The Closed Session is authorized under G.S. 143.318.11(a)(5).

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

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

I move Council to enter a closed session to establish or instruct the staff, or negotiating agent, concerning the position to be taken by or on behalf of the City Council in negotiating the price and other material terms of a contract for the acquisition of real property by purchase, option, exchange, or lease as provided under NCGS §143-318.11(a)(5).

Attachments:

None