

# AGENDA

## CITY OF HENDERSONVILLE CITY COUNCIL – REGULAR MEETING

JULY 3, 2014 – 5:45 P.M.

### Council Chambers – City Hall

1. **Call to Order**
2. **Invocation and Pledge of Allegiance**
3. **Public Comment Time:** *Up to 15 minutes is reserved for comments from the public for items not listed on the agenda*
4. **Consideration of Agenda**
5. **Consideration of Consent Agenda:** *These items are considered routine, noncontroversial in nature and are considered and approved by a single motion and vote.*
  - A. **Consideration of Minutes:**
    - i. **May 27, 2014 Special Meeting**
    - ii. **June 3, 2014 Regular Meeting**
  - B. **Consideration of Special Event: DJ at Patton Pool**
  - C. **Consideration of Agreement with Henderson County for Public Safety Answering Point (PSAP-911)**
6. **Recognition of Police Department Volunteers**  
*Presenter: Mayor Barbara Volk and Police Chief Herbert Blake*
7. **Update on Hendersonville Sister Cities**  
*Presenter: Karen Hultin, President, Hendersonville Sister Cities*
8. **Quasi-Judicial Public Hearing – Consideration of an Application for Special Use Review of Foxchase Phase II, Located at the Corner of Highway 64 East and Half Moon Trail and the Rezoning of the Property from HMU Highway Mixed Use to PRD Planned Residential Development.**  
*Presenter: Planning Director Sue Anderson*

- 9. Public Hearing - Consideration of Petition for the Satellite Annexation of Property Located at 706 Upward Road**  
*Presenter: Planning Director Sue Anderson*
- 10. Quasi-Judicial Public Hearing – Consideration of an Application to Modify and Reissue the Special Use Permit for Upward Road Development for Commercial Uses Located at the Intersection of Upward Road and Commercial Boulevard and to Rezone a Portion of the Property from Henderson County Regional Commercial to City of Hendersonville Planned Commercial Development**  
*Presenter: Planning Director Sue Anderson*
- 11. Public Hearing – Consideration of Zoning Ordinance Text Amendment of Article V, Section 5-10-1 Permitted Uses, Section 5-10-4 Special Uses and Section 5-10-8 Prohibited Uses Pertaining to the Medical, Institutional and Cultural Zoning District Classification**  
*Presenter: Planning Director Sue Anderson*
- 12. Consideration of Paving Contract**  
*Presenter: Public Works Director Tom Wooten*
- 13. Consideration of an Emergency Operations Plan**  
*Presenter: Police Lieutenant Chris Leroy*
- 14. Comments from Mayor and City Council Members**
- 15. Reports from Staff**
- 16. Consideration of Appointments to Boards and Commissions**  
*Presenter: City Clerk Tammie Drake*
  - a. Appointments to Boards and Commissions
  - b. Announcement of Vacancies and Upcoming Appointments
- 17. New Business**
- 18. Adjournment**





# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** Susan G. Frady

**Department:** Zoning

**Date Submitted:** 6/20/14

**Presenter:** Susan G. Frady

**Date of Council Meeting to consider this item:** 7/03/14

**Nature of Item:** Council Action

### Summary of Information/Request:

**Item #** 05b

On June 19, 2014, the Special Events Committee met and reviewed an application from the City of Hendersonville Public Works Department, sponsor of the DJ at Patton Pool event to be held on June 20, June 27, and July 25th. The June 27th and July 25th events will include a movie. The DJ will perform from 7:00 – 9:00 p.m. and the movie will be from 9:00 – 11:00 p.m.

These events are being held to bring additional patrons to Patton Pool.

The Special Events Committee voted unanimously to recommend that Council approve the event permit for the DJ at Patton Pool event.

**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 the City Council approve the agenda item for a special event permit for DJ at Patton Pool.

**Attachments:**

None



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** Sam Fritschner

**Department:** Legal

**Date Submitted:** 06/26/2014

**Presenter:** Sam Fritschner

**Date of Council Meeting to consider this item:** 7/3/2014

**Nature of Item:** Council Action

### Summary of Information/Request:

**Item #** 05c

The State of North Carolina has recently approved a plan permitting secondary PSAP-911 (Public Safety Answering Point) providers such as the City of Hendersonville to receive its proper share of the funding that goes to the primary providers for PSAP services. In order to permit the City to receive its funding the City must approve an agreement with the primary provider, Henderson County.

I have attached a proposed agreement, which has been reviewed by the County and City attorneys and Lt. Tracy Cox of the Hendersonville Police Department.

**Budget Impact:** \$n/a \_\_\_\_\_ 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 approve the PSAP-911 agreement with Henderson County and to authorize the Mayor to execute the agreement.

**Attachments:**

Agreement

## INTER-LOCAL AGREEMENT

THIS AGREEMENT is made and entered into this \_\_\_\_ day of April, 2014, by and between the County of Henderson, a body corporate and politic of the State of North Carolina ("Henderson County") and the City of Hendersonville, a North Carolina municipal corporation ("Hendersonville").

WITNESSETH:

WHEREAS, the parties have the authority pursuant to Article 20 of NCGS Chapter 160A to enter into this Interlocal Agreement; and

WHEREAS, pursuant to N.C. Gen. Stat. §62A-40 *et seq.*, Henderson County's Emergency Communications Center is a "Primary PSAP", defined in that statute as the first point of reception of a 911 call by a public safety answering point; and,

WHEREAS, Henderson County has or is about to enter into an "Agreement For 911 Fund Allocations to a Secondary PSAP" ("the State Agreement") with the North Carolina 911 Board, in a form substantially identical to that of Exhibit IL-1 hereto (including its own exhibits), pursuant to that statute; and,

WHEREAS, also pursuant to that statute, Hendersonville maintains a backup or secondary PSAP as those terms are defined in the State Agreement; and,

WHEREAS, the parties wish to specify their respective rights and expectations under the State Agreement, as set out in this Agreement;

NOW, THEREFORE, in consideration of the premises and the sum of \$1.00 paid by each party to the other, the receipt and sufficiency of which is hereby acknowledged, the parties do covenant and agree as follows:

1. So long as the North Carolina 911 Board actually forwards funds to Henderson County which are identified as intended to be forwarded to Hendersonville ("Hendersonville 911 funds"), Henderson County shall forward such funds to Hendersonville within ten (10) days of receipt.
2. Should the North Carolina 911 Board later identify any Hendersonville 911 funds which were forwarded to Henderson County in error which Henderson County has subsequently forwarded to Hendersonville, Hendersonville will promptly repay such funds to the North Carolina 911 Board (insuring proper crediting for the same for both Hendersonville and Henderson County).
3. The decision of whether Hendersonville 911 funds are forwarded to Henderson County shall be solely that of the North Carolina 911 Board.
4. Hendersonville's use of Hendersonville 911 funds shall comply with North Carolina law and all rules, regulations and procedures required by the North Carolina 911 Board.
5. Hendersonville will retain and maintain full, accurate and verifiable accounting records for the Hendersonville 911 funds to the same extent and for the same duration as required of Henderson County in the State Agreement.

6. Henderson County's remedies as to Hendersonville 911 funds are identical to those of the North Carolina 911 Board in the State Agreement.

7. The terms of the State Agreement concerning Henderson County's obligations to the North Carolina 911 Board, including those for record-keeping, dispute resolution, warranties, and confidential information, and all general provisions and conditions contained therein, are incorporated herein by reference, and shall be deemed to apply to and be enforceable against Hendersonville to the same extent they are enforceable against Henderson County.

This Agreement shall be ratified by the City Council of Hendersonville and the Board of Commissioners of Henderson County, and a copy thereof shall be spread upon the minutes of both bodies.

IN WITNESS WHEREOF, the parties have executed this Agreement, the City of Hendersonville by causing it to be signed in its corporate name by its Mayor and attested by its City Clerk, and sealed with its corporate seal, and the County of Henderson by causing it to be signed by the Chairman of its Board of Commissioners and attested by the Clerk to the Board of Commissioners and sealed with its seal, on the day and year first above written.

[signature page follows]

Attest:

CITY OF HENDERSONVILLE

\_\_\_\_\_  
Tammy Drake, City Clerk  
(official seal)

By: \_\_\_\_\_  
BARBARA VOLK, Mayor

HENDERSON COUNTY BOARD  
OF COMMISSIONERS

Attest:

\_\_\_\_\_  
Teresa Wilson, Clerk to the Board  
(official seal)

By: \_\_\_\_\_  
CHARLES D. MESSER, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Henderson County Attorney

\_\_\_\_\_  
Hendersonville City Attorney



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** Chief Herbert Blake

**Department:** Police

**Date Submitted:** 6/19/2014

**Presenter:** John Connett, Herbert Blake

**Date of Council Meeting to consider this item:** 07/03/2014

**Nature of Item:** Presentation Only

### Summary of Information/Request:

**Item #** 06

The Hendersonville Police Department would like to recognize the following volunteers for their outstanding professional service and dedication to the HPD.

Margie Gray for 1560 volunteer hours since 2002

Marge Newman for 1560 volunteer hours since 2002

Laurel Ivey for 7500 volunteer hours since 2004

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:**

None



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** John Connet

**Department:** Administration

**Date Submitted:** 5/25/2014

**Presenter:** Karen Hultin

**Date of Council Meeting to consider this item:** 7/03/2014

**Nature of Item:** Presentation Only

### Summary of Information/Request:

**Item # 07**

Karen Hultin, Sister Cities President, will provide an update regarding Sister Cities activities.

**Budget Impact:** \$ NA \_\_\_\_\_ 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.*

NA

**Attachments:**

None



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** Sue Anderson, Planning Director

**Department:** Planning

**Date Submitted:** June 17, 2014

**Presenter:** Sue Anderson

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

**Nature of Item:** Council Action

### Summary of Information/Request:

**Item # 08**

File # P14-11-SUR

The City is in receipt of a Special Use Permit application from EWA Hendersonville LLC for ten single family dwelling units and one two family dwelling unit to be located on parcel number 9670-91-5951 and to rezone this parcel from Highway Mixed Use to Planned Residential Development. Parcel number 9670-91-5951 consists of 3.96 acres located at the intersection of US Highway 64 and Half Moon Trail.

This application is for special use review. The preliminary site plan is subject to recommendation by the Planning Board and approval by City Council. The final site plan is subject to City staff approval.

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

No budget impact.

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

See page four of the attached memo.

**Attachments:**

Memo

## **M E M O R A N D U M**

**TO:** Honorable Mayor and City Council

**FROM:** Susan Anderson

**RE:** Foxchase II

**FILE #:** P14-11-SUR

**DATE:** June 10, 2014

### **PROJECT DESCRIPTION**

The City is in receipt of a Special Use Permit application from EWA Hendersonville LLC for ten single family dwelling units and one two family dwelling unit to be located on parcel number 9670-91-5951 and to rezone this parcel from Highway Mixed Use to Planned Residential Development. Parcel number 9670-91-5951 consists of 3.96 acres located at the intersection of US Highway 64 and Half Moon Trail.

This application is for special use review. The preliminary site plan is subject to recommendation by the Planning Board and approval by City Council. The final site plan is subject to City staff approval.

### **HISTORY**

The preliminary site plan for this project was previously approved under the Highway Mixed Use (HMU) zoning classification by the Planning Board on February 10, 2014. For final site plan approval, the applicant was required to meet the design standards listed in Section 5-23-5. Staff reviewed 10 sets of submitted building drawings for compliance with the design standards.

HMU Section 5-23-5.2.2 (a) requires usable porches and/or stoops at least eight feet in width. HMU Section 5-23-5.2.2 (b) requires that attached garages shall not exceed 50% of the total building façade (front). A number of the applicant's submitted designs did not meet these two standards. Based on that fact, the applicant has decided to resubmit the project as a Special Use Permit and request rezoning to Planned Residential Development. Other than requirements for maximum building heights, Planned Residential Developments do not have design standards. Two examples of the proposed façade designs are included with this memorandum.

### **EXISTING LAND USE & ZONING**

Parcel number 9670-91-5951 is currently zoned HMU Highway Mixed Use. Adjacent land uses include single family residential dwelling units located to the southwest and zoned HMU Highway Mixed Use. A Special Use Permit Planned Residential Development is located to the south and east and includes single family residential

dwelling units and one multi-family residential dwelling unit. A mini storage facility located to the north across Half Moon Trail is zoned HMU Highway Mixed Use.

Surrounding zoning districts are shown on the “Zoning Map” on page 14.

### **COMPREHENSIVE PLAN CONSISTENCY**

Parcel number 9670-91-5951 is classified as Medium Intensity Neighborhood and Natural Resource/Agricultural on the 2030 Comprehensive Plan’s Future Land Use Map. Surrounding parcels are classified as Medium Intensity Neighborhood and Business Center.

The goal of the Medium Intensity Neighborhood is to “provide a transition between High and Low-Intensity Neighborhood and Regional Activity Centers and downtown and provide a transition between commercial and single-family development.”

The goal of the Natural Resource/Agricultural category is to “create an interconnected network of green infrastructure that preserves environmentally sensitive areas, protects water resources through low-impact stormwater management, provides floodwater storage, provides community open space and recreational opportunities, and preserves agricultural resources.”

The goal of the Business Center category is to “Create an employment corridor along I-26 that supports the growth of Hendersonville as a business destination. Create a campus-like mixed-use environment that includes office, research and low-impact industrial as well as supportive retail amenities.”

The Future Land Use map is located on page 15 and the Comprehensive Plan consistency is addressed under “E” on page four.

### **PLAN REVIEW**

Planning Department staff has reviewed the site plan and finds that it meets the requirements for preliminary site plans contained in Section 7-4-5.1 of the Zoning Ordinance.

### **ANALYSIS**

Section 7-4-10.1 of the Zoning Ordinance states that, “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.

**Staff has not identified any issues concerning public health, safety or general welfare.**

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

**The property is currently served by water and sewer.**

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

**The applicant is not requesting any variances.**

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

**A neighborhood compatibility meeting concerning the application was held on May 5, 2014. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject property. Ten members of the general public attended the meeting.**

**A copy of the neighborhood compatibility report accompanies this memorandum. Additional comments received by the Planning Department begin on page nine.**

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

**The 2030 Comprehensive Plan's Medium Intensity Neighborhood goal is to "provide a transition between High and Low-Intensity Neighborhood and Regional Activity Centers and downtown and provide a transition between commercial and single-family development."**

**The goal of the Natural Resource/Agricultural category is to "create an interconnected network of green infrastructure that preserves environmentally sensitive areas, protects water resources through low-impact stormwater management, provides floodwater storage, provides community open space and recreational opportunities, and preserves agricultural resources." This category includes all areas located in the floodway.**

**The applicant has received a map amendment from the Federal Emergency Management Agency removing a majority of this property from the floodway designation.**

**The NCDOT Comprehensive Transportation Plan does not address Half**

**Moon Trail since this road is a city maintained street and not an NCDOT roadway.**

### **PLANNING BOARD RECOMMENDATION**

The Planning Board took this matter up at its regular meeting of June 9, 2014. The Planning Board voted unanimously to recommend that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of Parcel # 9670-91-5951 from HMU Highway Mixed Use to PRD Planned Residential Development Special Use, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the following reasons: the plan meets the zoning designation and community look of the development.

The Planning Board further moved that that City Council approve the application from EWA Hendersonville LLC for a Special Use Permit based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the published List of Uses and Conditions with the following condition:

No on street parking shall be allowed on Half Moon Trail.

### **SUGGESTED MOTIONS**

#### **Special Use Permit**

**Approval:** I move City Council to adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of Parcel # 9670-91-5951 from HMU Highway Mixed Use to PRD Planned Residential Development Special Use, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the following reasons:

#### **[PLEASE STATE YOUR REASONS]**

I further move City Council to approve the application from EWA Hendersonville LLC for a Special Use Permit based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the published List of Uses and Conditions with the following condition: No on street parking shall be allowed on Half Moon Trail with the exception of the pull off area adjacent to the park.

**Denial:** I move City Council to not approve the application EWA Hendersonville LLC for issuance of a Special Use Permit.

**IN RE: Foxchase II (File # P14-11-SUR)**

**List of Uses & Conditions**

**I. Stipulated Uses:**

**Only the following uses are authorized for the referenced development:**

Residential Dwellings, Single-Family and Two-Family

**II. Conditions:**

- (1) Shall Be Attached to the Special Use Permit and Satisfied Prior to Issuance of Final Site Plan Approval:**

No recommended conditions have been identified at this time.

- (2) Shall Be Attached to the Special Use Permit:**

Final plans for the project shall comply with approved plans, the conditions agreed to on the record of this proceeding and applicable provisions of the Zoning Ordinance.

EWA Hendersonville LLC

By: \_\_\_\_\_

Date: \_\_\_\_\_

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

IN RE: Foxchase II  
(File # P14-11-SUR)

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of Parcel Number 9670-91-5951 from City of Hendersonville HMU Highway Mixed Use to City of Hendersonville PRD Planned Residential Development Special Use.
2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 3<sup>rd</sup> day of July 2014.

\_\_\_\_\_  
Barbara Volk, Mayor

ATTEST:

\_\_\_\_\_  
Tammie K. Drake, CMC, City Clerk

Approved as to form:

\_\_\_\_\_  
Samuel H. Fritschner, City Attorney

Planning Director's Report  
 Neighborhood Compatibility Meeting  
 Application for a Special Use Permit Amendment and Rezoning  
 Foxchase 2 File #P14-11-SUR  
 Monday May 5, 2014 1:30 p.m.

Sue Anderson, Planning Director, convened the compatibility meeting at 1:30 pm in the Assembly Room of the City Operations Center. The following were in attendance:

| <b>Name</b>                 | <b>Address</b>     | <b>Name</b>              | <b>Address</b>       |
|-----------------------------|--------------------|--------------------------|----------------------|
| Janet Stevens               | 31 Creekwalk Lane  | Richard Steven           | 31 Creekwalk Lane    |
| Ken Terminini               | 39 Creekwalk Lane  | Michael Green            | 917 Toxaway          |
| Dean Potter                 | 111 Brookstone Ct  | Douglas Goodwin          | 123 Brookstone Court |
| Enes Molina                 | 53 Foxtail Ct      | Sharon Molina            | 53 Foxtail Ct        |
| Lillie A Varney             | 69 Cornwallis Lane | Loretta Kell             | East Flat Rock       |
| Drew Norwood<br>(applicant) | Greenville, SC     | Bill Lapsley (applicant) | 214 N King           |
| Sue Anderson                | City Hall          | Lu Ann Welter            | City Hall            |

Ms. Anderson opened the meeting explaining this is the first in a three step process. Minutes of this meeting will be forwarded to Planning Board and City Council. Ms. Anderson said this project would go before the Planning Board June 9 at 4:00 in this room and City Council will hold a public hearing on July 3, 2014, 5:45 at City Hall.

Ms. Anderson said she has received an e-mail about possible parking on Half Moon Trail. As that is a City Street, Public Works will review the issue.

Drew Norwood, applicant, said the reason his company purchased this front property was to keep it residential as it is currently zoned commercial, Highway Mixed Use. He wants to make it part of the residential community already started.

Bill Lapsley, consulting engineer, said the original developer separated this parcel from the residential area for commercial purposes. The new owner wants this plan to be consistent with the rest of the development. This parcel does have a wetland area that cannot be developed. He said water is available and they will be running a sewer line along the street on this land. Concerning stormwater, there is currently a collection area near the gazebo. With this property there will be a new stormwater chamber system underground that will bring water along the back of the property exiting up near 64 at Wolf Creek. This system will handle the water for the ten single family homes and one duplex.

Mike Green said he was pleased to hear there are plans for the stormwater and confirmed it would be underground. Mr. Lapsley explained the city and state requirements for stormwater management and treatment. He added the systems are not built for big rain events but for the rain typical for this area.

Dean Potter asked about the limited common element for the current homes. Mr. Norwood said when his company they purchased the project, homeowners only owned the building footprint and all the land was commonly owned. By placing the limited common elements lines in place, you are responsible for the land around your home and have exclusive use of it. Janet Steven asked who owns that land. Mr. Norwood said the homeowners association.

Ken Terminini asked when they will know when this has been rezoned to residential. Ms. Anderson said City Council will decide on this plan and rezoning July 3<sup>rd</sup>. Mr. Terminini said about driveways permits and a potential traffic light. Ms. Anderson said the driveway permits must be reviewed by the City and NCDOT decides on light signals.

Douglas Goodwin asked if Mr. Norwood has any concerns that City Council will turn him down. Mr. Norwood said he felt fairly sure Council would go for this but you never know. Richard Stevens asked when they might start proceed. Mr. Norwood said not until after July 3<sup>rd</sup> and probably this fall. He added they have reserve deposits on three lots.

Enes Molina asked about the stormwater on his street, Foxtail. Mr. Lapsley said it follows lower ground to Half Moon Trail. It will be on a separate system than the new proposed development. Mr. Goodwin asked if they will sell the land if City Council turns it down. Mr. Norwood said possibly.

Mr. Molina asked why the other streets aren't maintained by the City. Ms. Anderson explained the original developer did not meet the street requirements of the City. Ms. Stevens asked if there will be a different homeowners association for the new development. Mr. Norwood said yes.

With no further comments or questions, Ms. Anderson closed the meeting at 2:15.

City of Hendersonville  
Planning Department  
PO Box 1670  
Hendersonville, NC 28793  
828-697-3088  
828-697-3014 fax

# Memo

To: File  
From: Lu Ann Welter, Administrative Assistant  
CC:  
Date: April 29, 2014  
Re: Foxchase 2

---

Susan Dermid Gray, 828-692-1070, called on April 24, 2014. She lives at 10 Wolf Chase Drive and fully supports the new proposed development known as Foxchase 2.

**Anderson, Susan**

---

**From:** J AND K COSTELLO <2whirlaway@bellsouth.net>  
**Sent:** Sunday, May 04, 2014 10:39 PM  
**To:** Anderson, Susan  
**Subject:** Foxchase 2

Dear Ms. Anderson:

Thank you for printing the Fox Chase 2 site plans for us. We cannot attend the neighborhood compatibility meeting.

Windsor Aughtry already has "sold" signs on lots in this area. How is this possible because the plans will not be finalized until the July 3 meeting? You stated there will be "no parking" on Half Moon Trail. When will signage be put up? The people who are buying the lots need to be aware that there will be no parking on this street. Can this be made known to them by the developer and they sign off on it to prevent future problems if they claim they were not told that there would be no parking in the street? Is the city responsible for enforcing the "no parking"?

House one driveway is very close to US #64. Entering Half Moon Trail from #64 east, there is a large berm that prevents entering drivers from seeing around the corner and viewing someone backing out of house one. Also, there does not appear to be enough space for the entering driver to stop, if necessary, on Half Moon Trail before the first driveway. The driver entering from #64 west would also have little room to stop on Half Moon Trail before the first driveway. We are concerned about these traffic safety issues.

Please express our concerns to the planning department. Thank you very much. Kathryn and James Costello

697-0091

**Anderson, Susan**

---

**From:** Beverly Leddon <beverlys46@icloud.com>  
**Sent:** Monday, May 05, 2014 11:21 AM  
**To:** Anderson, Susan  
**Subject:** Wolf Chase

I am sorry that am unable to attend the meeting this afternoon. As a resident I would like to express my concerns about the project.

Currently when you enter Wolf Chase it is attractive with the berms & trees on both sides of the street and there is nothing hindering your travel to the remainder of the neighborhood.

At the first HOA meeting a couple of weeks ago we were told it was zoned for apartments & needed to be rezoned for this project. We were shown a diagram of the proposed plan.

With that plan it would do away with the berms & trees on the right side of the street to make way for driveways to each new house. There will be a street cut in for the planned duplex.

With the proposed plan when you enter Wolf Chase you will immediately be concerned with parked cars/trucks on the street, vehicles backing out, any children or animals present.

We already have issues with vehicles parked on the streets. This is already a very compact neighborhood.

Why does the proposed plan have to have that many more homes in that space? Why can't it be designed with the proposed street to include several houses as well as the duplex? We are not opposed to a few more houses but it appears that greed is the rule of thumb. They need to think of the long range affect it will have on the residents.

I realize I am only one voice, however I believe I have the right to express that voice. I appreciate your consideration. I hope to be at the next meeting.

Sincerely,  
Beverly Leddon

Sent from my iPad

**Anderson, Susan**

---

**From:** Mary Schrum <maryroxsie90@gmail.com>  
**Sent:** Tuesday, May 27, 2014 2:07 PM  
**To:** Anderson, Susan  
**Subject:** Against Proposed Building Project reference Special Use Permit/Rezoning Foxchase 2 (File No. P14-11-SUR)

Ms. Anderson,

Please replace my previous email. I am a Wolfchase 1 resident.

My name is Mary Schrum. I live at 77 Brookstone Court, Hendersonville, (Wolfchase 1.)  
The addition of multiple houses with driveways on Half Moon Trail creates a **safety hazard** for all incoming and exiting vehicles on Half Moon Trail.

Half Moon Trail is not designed for vehicles entering or exiting with the proposed home driveway vehicle traffic--that also increases danger of small children and pets getting hurt. Half Moon Trail also has a large curve. Some of the proposed new homeowners could have multiple drivers that exceed use of their garage and driveway causing vehicles to park on the street.

I would not have become a resident of Wolfchase 1 if the proposed building project were in place. The current appealing landscape entrance on Half Moon Trail to Wolfchase would appear to be a parking lot with too many houses.

Thank you for the opportunity to voice my safety concern.

Mary Schrum  
[703-244-8239](tel:703-244-8239)











**BUILDERS**  
 ARCHITECTURE & INTERIORS

MEMORANDUM COMPANY  
 1000 N. 10TH ST.  
 WASHINGTON, DC 20002

DATE: 07/14/14  
 DRAWING NO.: 14-06  
 SHEET NO.: 7.50  
 ELEVATIONS 5

7.50

**FRONT ELEVATION 4 W/ OPT. POST CONFIGURATION**

**RIGHT ELEVATION 4**

**REAR ELEVATION 4**

**LEFT ELEVATION 4**

**BUILDERS**

**WINSOR COMPANY**

**SONENSET - 1847**  
 ELEVATION 4 STONE COLUMN

7.40

## APPEAL OF DEVELOPMENT DECISIONS

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

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

**Section 7-13-2 (d): Special use review.** Judicial review of decisions regarding applications processed under the provisions of special use review, established in Section 7-4, above, require special treatment due to the fact that they involve two separate applications which, though processed simultaneously, require Council to make two separate decisions exercising two different types of decision-making authority. One application requests enactment of an ordinance amending the Official Zoning Map, and the other requests issuance of a special use permit. The first application involves a legislative decision on the part of Council, and the second a quasi-judicial decision. The quasi-judicial decision, that is, the one concerning the application for a special use permit, may be appealed to the Superior Court by any aggrieved party in the manner prescribed in paragraph b), above. Such appeal shall be in the nature of certiorari. The legislative decision, which is the one concerning the request for rezoning, may be contested, in accordance with NCGS Section 160A-364.1, by a cause of action commenced within two months of the date of the decision.

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

### **§ 160A-364.1. Statute of limitations.**

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

# City of Hendersonville

## PLANNING BOARD REPORT

**Project Name:** Foxchase II  
**Applications for Rezoning and Issuance of Special Use Permit**

**File Number:** P14-11-SUR

### Special Use Permit and Rezoning

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

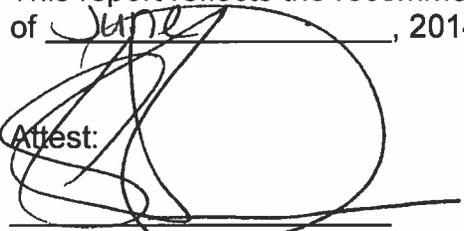
Approval With Conditions – The application is not fully consistent with all of the objectives and policies for growth and development of the City of Hendersonville's Zoning Ordinance, 2030 Comprehensive Plan and Comprehensive Transportation Plan, so the following conditions are recommended in order to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

That on-street parking not be allowed on Half Moon Trail

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

This report reflects the recommendation of the Planning Board, this the 9th day of JUNE, 2014.

Attest:

  
\_\_\_\_\_  
Planning Board Chair

  
\_\_\_\_\_  
Planning Director



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** Sue Anderson

**Department:** Planning

**Date Submitted:** June 17, 2014

**Presenter:** Sue Anderson

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

**Nature of Item:** Council Action

### Summary of Information/Request:

**Item # 9**

Petition for Annexation File No.P14-16-A

The City has received a petition from Jack Jamison for satellite annexation of 4,028 square feet (.092 acre) of the property identified as Parcel Identification Number 9588-20-9615 located at 706 Upward Road. The applicant intends to subdivide this parcel and does not wish to voluntarily annex the entire parcel.

At your meeting of June 3, 2014, you accepted the Clerk's Certificate of Sufficiency and recommended a public hearing for the July 3, 2014 City Council meeting.

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



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

This annexation is not related to a budget expenditure.

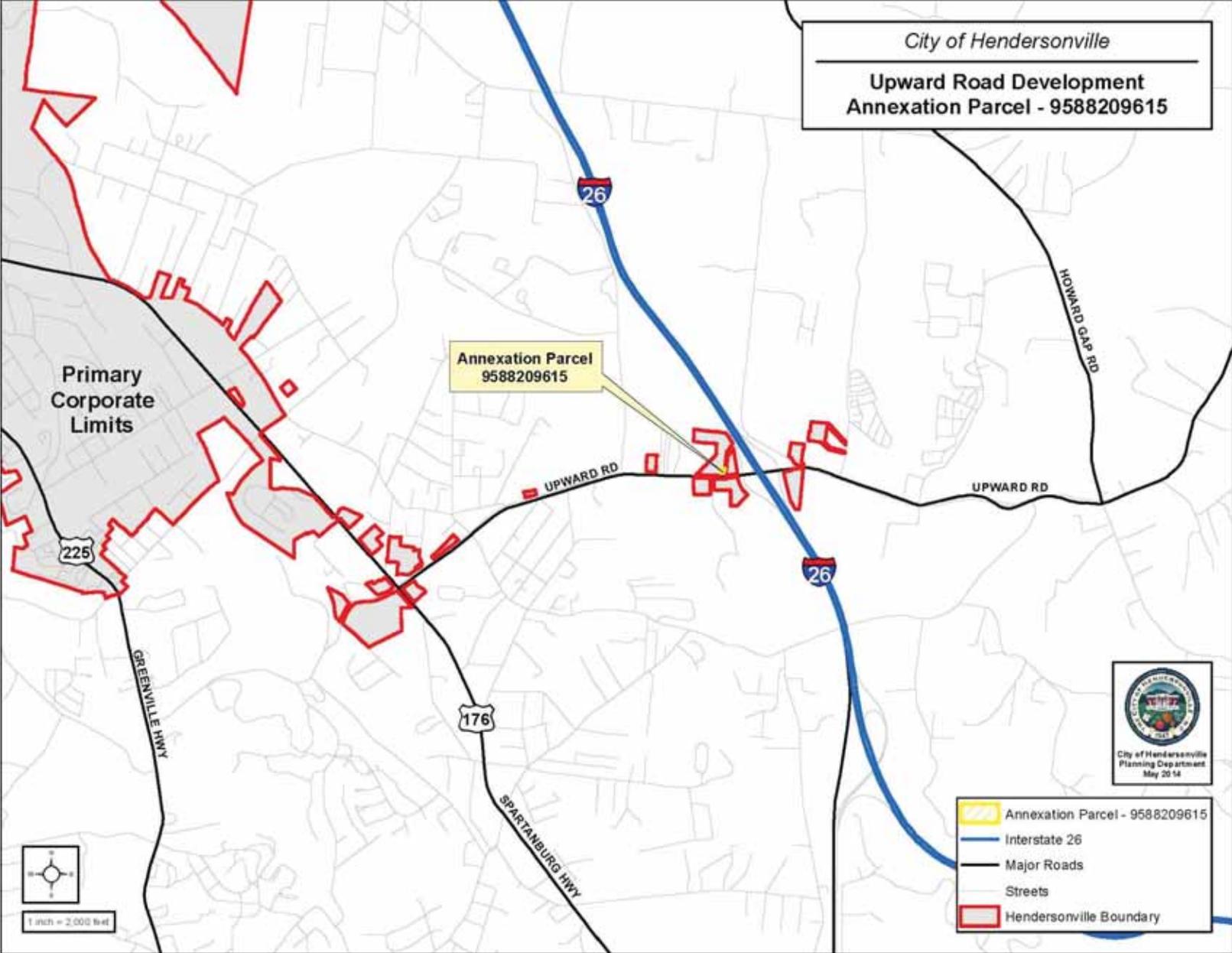
**Suggested Motion:** *To disapprove any item, you may allow it to fail for lack of a motion.*

I move City Council adopt an ordinance annexing the property included in the Jack Jamison petition. The effective date is July 3, 2014.

**Attachments:**

Map

Ordinance



**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
CITY OF HENDERSONVILLE, NORTH CAROLINA  
706 Upward Road**

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

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

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

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

- a. All of the proposed satellite corporate limits are less than three miles from the primary corporate limits of Hendersonville. The map distance is 1.2 miles.
- b. No point on the proposed satellite corporate is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
- c. The area is situated so that the City of Hendersonville, if City Council so determines, will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- d. The area proposed for annexation is not a subdivision as defined in GS 160A-376.
- e. The area within the proposed satellite corporate limits when added to the areas within all other satellite corporate limits does not exceed 10 percent (10%) of the area within the primary corporate limits of the City of Hendersonville. The total area within the satellite corporate areas, including land involved in this petition, constitutes 3.4 percent of the area within the primary corporate limits.

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

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

**DESCRIPTION OF PROPERTY**

Being Lot A containing 4,028 sq. ft. that is shown on a plat of survey by Steven Lloyd Waggoner under date of May 20th, 2014 and being job number 06-060. Being more particularly described by metes and bounds as follows: Beginning at a new iron pipe, said new iron pipe located in the right of way for Upward Road and standing in the line of the Corporate Limits Of The City Of Hendersonville and moving thence from said beginning point North 05 deg. 49 min. 59 sec. East 74.41 feet to an existing iron stake being a bed rail; thence turning South 89 deg. 12 min. 20 sec. East 11.28 feet to an existing iron stake being an angle iron; Thence South 88 deg. 50 min. 57 sec. East 64.98 feet to a new iron pipe; thence with the arc of a curve to the left having a radius of 7,660.00 feet an arc distance of 37.74 feet with a chord bearing of South 03 deg. 54 min. 01 sec. West and a chord distance of 37.74 feet to a new iron pipe; thence South 33 deg. 01 min. 22 sec. West 17.71 feet to a new iron pipe; thence North 56 deg. 58 min. 38 sec. West 21.50 feet to a new iron pipe; thence with the arc of a curve to the left having a radius of 21.50 feet an arc distance of 56.74 feet with a chord bearing of South 47 deg. 25 min. 10 sec. West and a chord distance of 41.65 feet to a new iron pipe; thence South 28 deg. 11 min. 02 sec. East 10.21 feet to a new iron pipe; thence North 78 deg. 59 min. 09 sec. West 28.23 feet to the point and place of beginning. This lot A being a portion of tax parcel 9588-20-9615.

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

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

ADOPTED this third day of July 2014.

\_\_\_\_\_  
Barbara Volk, Mayor, City of Hendersonville

ATTEST:

\_\_\_\_\_  
Tammie K. Drake, CMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Samuel H. Fritschner, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

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

Witness my hand and notarial seal, this \_\_\_\_\_, 2014.

My commission expires \_\_\_\_\_

REQUESTED ANNEXATION SURVEY FOR  
**NC HENDERSONVILLE UPWARD ROAD, LLC.**  
 BLUE RIDGE TOWNSHIP  
 HENDERSON COUNTY  
 NORTH CAROLINA  
 MAY 20th, 2014  
 SCALE 1" = 20'

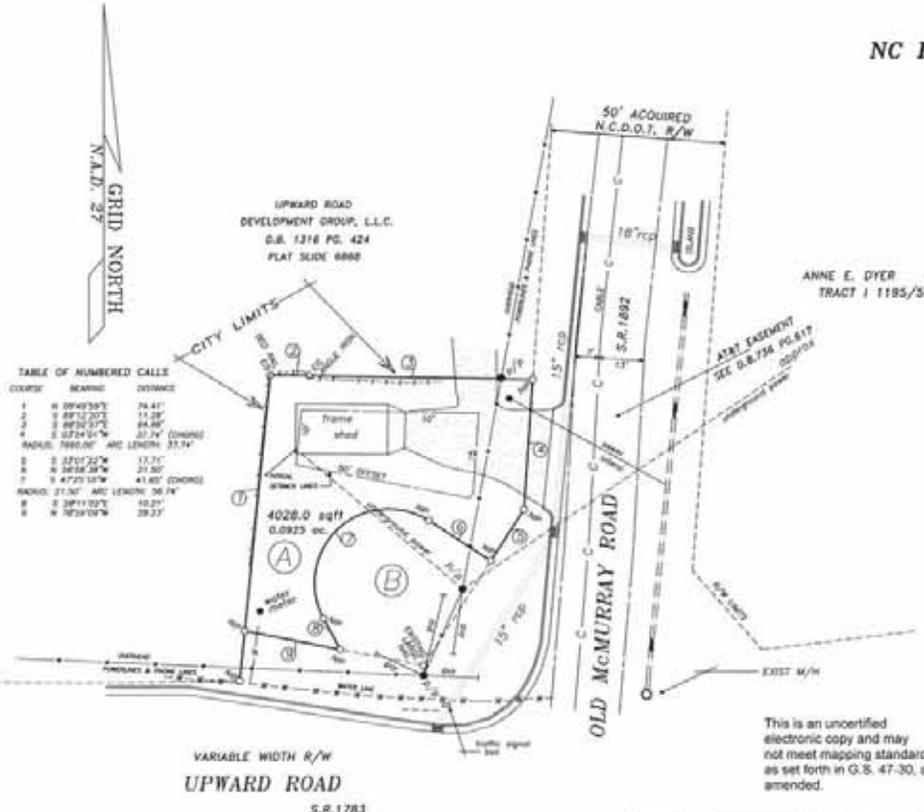


TABLE OF NUMBERED CALLS

| COURSE                             | BEARING       | DISTANCE       |
|------------------------------------|---------------|----------------|
| 1                                  | S 89°43'39" E | 24.41'         |
| 2                                  | S 89°12'20" E | 11.28'         |
| 3                                  | S 89°20'57" E | 64.88'         |
| 4                                  | S 87°34'51" W | 37.74' (CHORD) |
| ARCUS: 7880.00' ARC LENGTH: 37.74' |               |                |
| 5                                  | S 22°02'32" W | 17.71'         |
| 6                                  | N 29°38'38" W | 21.30'         |
| 7                                  | N 47°25'32" W | 41.60' (CHORD) |
| ARCUS: 27.30' ARC LENGTH: 36.74'   |               |                |
| 8                                  | S 28°11'02" E | 10.21'         |
| 9                                  | N 28°04'04" W | 28.22'         |

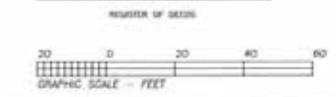
ANNE E. DYER  
 TRACT 1195/562

*Steven Lloyd Waggoner*  
 PROFESSIONAL LAND SURVEYOR  
 I, *Steven Lloyd Waggoner*, a PROFESSIONAL LAND SURVEYOR, certify that this plat was prepared under my supervision from an actual survey made under my supervision.  
 Used description recorded in Book *366*, Page *384* & that the boundaries not surveyed are clearly indicated from the information found in Book *A5*, Page *384*.  
 That the info of previous as calculated is *17 15 66 B*.  
 That this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal.  
 My *20th* day of *May*, A.D., 2014.  
*Steven Lloyd Waggoner*  
 PROFESSIONAL LAND SURVEYOR

PROFESSIONAL LAND SURVEYOR  
 certify that this plat represents a survey of an existing parcel or parcels of land and does not create a new street or change an existing street. G.S. 47-30 (5) (1) (i)

State of North Carolina  
 County of \_\_\_\_\_  
 Review Officer of \_\_\_\_\_ County  
 certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.  
 Date \_\_\_\_\_  
 Review Officer \_\_\_\_\_

REGISTER OF DEEDS  
 Filed for registration on the \_\_\_\_\_ day of \_\_\_\_\_  
 at \_\_\_\_\_ and recorded on just date \_\_\_\_\_



This is an uncertified electronic copy and may not meet mapping standards as set forth in G.S. 47-30, as amended.

- NOTES:
1. AREA DETERMINED BY COORDINATE COMPUTATION.
  2. AREA INCLUDES ANY AND ALL PORTIONS OF PROPERTY UNDER EASEMENTS EITHER ACQUIRED OR CLAIMED.
  3. THE OWNERS OF RECORD SHALL BE NC HENDERSONVILLE UPWARD ROAD, LLC
  4. THE SUBJECT PROPERTY ADJOINS THE CITY LIMITS OF HENDERSONVILLE.
  5. THE SUBJECT PROPERTY IS CURRENTLY ZONED RC BY HENDERSON COUNTY.

- LEGEND
- EXISTING CONCRETE MONUMENT
  - NEW IRON PIPE SET ON
  - NEW IRON PIPE SET ON
  - COMPUTED POINT-NOT SAVED
  - CONCRETE MONUMENT
  - NO NOTES



REFERENCES:  
 DEED: O.B. 765 PG. 623  
 O.B. 1405 PG. 006  
 PLAT:  
 FLAT SLIDE 6666  
 TAX ID REFERENCE:  
 0588-20-8615  
 GORN FILE 040600CTY  
 DWG FILE:  
 REVISIONS:



SURVEY BY  
**STEVEN LLOYD WAGGONER**  
 NC PLS 2874

**WAGGONER & RHODES**  
 LAND SURVEYORS, PLLC  
 345 SOUTH GRIME STREET  
 HENDERSONVILLE, NORTH CAROLINA 28736  
 PHONE: 828-683-1022  
 FAX: 828-683-4019

DATE: 05/20/14 DRAWN BY: SLW JOB NUMBER: 08-060



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** Sue Anderson, Planning Director

**Department:** Planning

**Date Submitted:** June 17, 2014

**Presenter:** Sue Anderson

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

**Nature of Item:** Council Action

### Summary of Information/Request:

**Item # 10**

File # P14-17-SUR

The City is in receipt of an application from Neil Farnam, Jerry McCraw and Margaret McCraw to complete the following changes to an approved Special Use Permit:

1. Initially zone approximately 4,029 ft<sup>2</sup> of the property identified as Parcel Identification Number 9588-20-9615 to City of Hendersonville zoning classification PCD Planned Commercial Development following annexation;
2. Incorporate approximately 4,029 ft<sup>2</sup> of the property identified as Parcel Identification Number 9588-20-9615 into an existing PCD Planned Commercial Development;
3. Incorporate an additional entrance into the PCD Planned Commercial Development from Old McMurray Road;
4. Re-issue the special use permit for parcel # 9588-20-7713.

This application is for special use review. The preliminary site plan is subject to recommendation by the Planning Board and approval by City Council. The final site plan

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

No budget impact

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

See page seven of the attached memo.

**Attachments:**

Memo

## MEMORANDUM

**TO:** Honorable Mayor and City Council  
**FROM:** Planning Department  
**RE:** Upward Road Development (File # P14-17-SUR)  
**DATE:** June 10, 2014

### PROJECT DESCRIPTION

The City is in receipt of an application from Neil Farnam, Jerry McCraw and Margaret McCraw to complete the following changes to an approved Special Use Permit:

1. Initially zone approximately 4,029 ft<sup>2</sup> of the property identified as Parcel Identification Number 9588-20-9615 to City of Hendersonville zoning classification PCD Planned Commercial Development following annexation;
2. Incorporate approximately 4,029 ft<sup>2</sup> of the property identified as Parcel Identification Number 9588-20-9615 into an existing PCD Planned Commercial Development;
3. Incorporate an additional entrance into the PCD Planned Commercial Development from Old McMurray Road;
4. Re-issue the special use permit for parcel # 9588-20-7713.

This application is for special use review. The preliminary site plan is subject to recommendation by the Planning Board and approval by City Council. The final site plan is subject to City staff approval.

### UPWARD ROAD DEVELOPMENT BACKGROUND

**May 3, 2007** – City Council approves a Special Use Permit for six buildings on 6.53 acres totaling 73,300ft<sup>2</sup>.

The preliminary site plan approved by City Council is included with this memorandum. Highlighted are the six proposed development parcels located adjacent to a private right-of-way.

The following conditions apply to this Special Use Permit:

- a) Final plans for the project shall comply with approved preliminary plans, the conditions agreed to on record of this preceding and applicable provisions of the Zoning

Ordinance;

b) Submission of elevations showing the design of the facades of each site building proposed for the project prior to approval of the final site plan;

c) Submittal of a plat showing the combination of all associated site parcels prior to the approval of the final site plan;

d) Proof of NCDOT abandonment of portions of Old McMurray Road adjacent to the east of the proposed retail building, allowing for an exterior setback of 25 feet, prior to approval of the final site plan;

e) The applicant has requested a time extension of one year to receive final site plan approval and commence project construction. Therefore, final site plan approval and project commencement are required by May 3, 2010. The applicant has requested a one year extension to complete project construction. Therefore, project construction completion is required by May 3, 2011.

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

**NC State Action** - NC State Legislature passes legislation that stops the clock on development proposals from January 21, 2008 through December 31, 2011. Commencement for this project is required by May 3, 2014 and completion by May 4, 2016.

**April 3, 2014** – City Council granted a one year extension for the Upward Road Development Special Use Permit resulting in a commencement date of May 3, 2015 and completion date of May 4, 2017.

### **CURRENT STATUS OF THE PROJECT**

Staff has approved a subdivision plat that combines the proposed bank, the proposed coffee/fast food establishment, a portion of the proposed retail establishment and the road entering the site from McMurray Road. This parcel is intended for a fast food restaurant and is subject to staff approval of the final site plan.

The road from McMurray Road will provide access to this parcel and a second entry from McMurray Road to this parcel is being requested and is shown on the revised preliminary site plan. This parcel may also be accessed via the private road that serves the entire site.

Section 5-15-5 allows for the subdivision of PCD's when the project is intended to function as a unified whole with common access, design and parking.

Below are listed the original project square footages and the new project square footages:

| <b>Type of Use</b>     | <b>Approved in 2007</b>      | <b>Proposed</b>             |
|------------------------|------------------------------|-----------------------------|
| 3-Story Hotel          | 51,000 ft <sup>2</sup>       | 51,000 ft <sup>2</sup>      |
| Retail                 | 8,200 ft <sup>2</sup>        | 7,092 ft <sup>2</sup>       |
| Restaurant             | 6,000 ft <sup>2</sup>        | 6,000 ft <sup>2</sup>       |
| Restaurant             | 3,520 ft <sup>2</sup>        | 3,080 ft <sup>2</sup>       |
| Restaurant (Bojangles) | 2,130 ft <sup>2</sup>        | 3,809 ft <sup>2</sup>       |
| Bank                   | 2,450 ft <sup>2</sup>        | 0                           |
| <b>Total</b>           | <b>73,300 ft<sup>2</sup></b> | <b>70,981ft<sup>2</sup></b> |

## **REQUEST TO RE-ISSUE THE SPECIAL USE PERMIT**

### **Zoning Ordinance Requirements**

For Special Use Permits, the Zoning Ordinance requires commencement (use, construction or activity) within two years of approval with an option to extend that date an additional two years. The Zoning Ordinance also requires that the right to construct improvements or otherwise develop the land shall be completed within three years of approval with an option to extend that date to a state mandated (§ 160A-385.1) maximum of five years.

City Council may grant one or more completion extensions upon making the following determinations:

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

Currently, the Special Use Permit has a commencement date of May 3, 2015 and completion date of May 4, 2017. Because of the state statute limitation, the applicant is requesting that City Council re-issue the Special Use Permit for this project so a new time frame can be established. The applicant is also requesting an extension of the completion date from three years to five years. A copy of the request letter is included with this memorandum.

The Phasing Plan that was approved in 2008 shall be included with the re-issue of the Special Use Permit. Currently the applicant is combining the phases listed as “E” and “F” into one project. The Phasing Plan allows the applicant to apply for separate final

site plan approvals for each listed phase. The 2008 approved Phasing Plan is shown on page 17.

### **EXISTING LAND USE AND ZONING**

The project site is currently zoned Planned Commercial Development. The applicant is requesting that 4,029 ft<sup>2</sup> of the property identified as PIN # 9588209615 be incorporated into the project site. This parcel is currently zoned Henderson County Regional Commercial.

Surrounding property uses include residential, retail, restaurant, and office. A zoning map is located on page 14.

### **COMPREHENSIVE PLAN**

The 2030 Comprehensive Plan Future Land Use map identifies these two parcels as a Regional Activity Center. Regional Activity Centers are intended to “meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects.” The Future Land Use map for this area is located on page 15.

### **PLAN REVIEW**

A review of the site plan reflects compliance with applicable sections of the Zoning Ordinance except for the following requirements outlined below. Other noteworthy issues are also addressed.

#### **Elevations**

As outlined by Section 7-4-5.1(t) of the Zoning Ordinance, projects undergoing special use review are required to submit elevation drawings of the proposed facades of site buildings with the preliminary site plan. The previously approved Special Use Permit had a condition to allow the submission of elevation drawings showing the design of the facades of each building proposed for the project prior to approval of the final site plan. This condition has also been added to this re-issue request.

#### **Exterior Setbacks**

Section 5-15-4.1 of the Zoning Ordinance requires that “all buildings and structures shall be set back not less than 40 feet from the nearest right-of-way line for any street adjoining the site.....” “Furthermore, such buildings and structures shall be set back not less than 25 feet from any exterior property line, which is not contiguous with a street or other right-of-way.”

In its current location, the 7,092 ft<sup>2</sup> retail building proposed for the project site is setback only 25 feet from Old McMurray Road. This is the required PCD setback for all structures from exterior property boundaries and not the required 40 foot setback from adjacent street rights-of-way. The applicant will be working with NCDOT to have

NCDOT officially abandon the section of the road directly adjacent to the retail building. Once this is complete, the applicant can apply the 25 foot setback instead of the 40 foot setback.

### **Traffic Impact Analysis and Upward Road Improvements**

Based on the requirements of Section 7-4-5.1(k) of the Zoning Ordinance, and according to the Trip Generation manual, published by the Institute of Transportation Engineers, the expected trip generation for the buildings and uses proposed for the project will exceed the thresholds (100 peak hour trips or 1,000 daily trips) which require a traffic impact analysis. A traffic impact analysis was completed and submitted to the Planning Department in March 2007.

As part of NCDOT Project# R-4430 (Upward Road widening), an approximately 90 foot right turn lane with a 70 foot taper has been added to the westbound intersection of Upward Road and the private road that serves this development. In addition, the Old McMurray Road intersection is now a right-in right-out only due to the installation of an island separating the travel lanes on Upward Road.

The original Traffic Impact Analysis identified the need for a full right turn lane at the intersection of Upward Road and Old McMurray Road. An amendment to the original Traffic Impact Analysis was completed by Mattern & Craig, Consulting Engineers and Surveyors. This amendment, dated May 28, 2014, reviewed the proposed fast food restaurant, the change that the secondary road to the entire site from Old McMurray Road will now only serve the fast food restaurant and the addition of another driveway on Old McMurray Road to the fast food restaurant.

Based on this review with the estimate that approximately 20 westbound vehicles will be turning right at Old McMurray Road in the a.m. peak hour period and 15 westbound vehicles will be turning right at Old McMurray Road in the p.m. peak hour period, a right turn lane is not warranted.

### **ANALYSIS**

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

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

**Staff has not identified any issues concerning public health, safety, or general welfare.**

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

**Water service and sewer service currently exist on the site.**

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

**The applicant is not requesting any variances.**

- (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.

**Since the applicant is requesting a re-issue of the special use permit, a new Neighborhood Compatibility meeting was held on May 14, 2014. 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.**

**No members of the public were present at the Neighborhood Compatibility meeting therefore no comments were received.**

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

**The 2030 Comprehensive Plan's Regional Activity Center category is intended to "meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects."**

**NCDOT Project # R-4430 for the widening of Upward Road is scheduled for completion in the summer of 2014 and all necessary right-of-way has been acquired from this site.**

### **PLANNING BOARD RECOMMENDATION**

The Planning Board took this matter up at its regular meeting of June 9, 2014. The Planning Board voted unanimously to recommend that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville by initially zoning a portion of Parcel Identification Number 9588-20-9615, as shown in Exhibit A attached hereto, to City of Hendersonville zoning classification PCD Planned Commercial Development, finding that the zoning is consistent with the 2030 Comprehensive Plan and the Comprehensive Transportation Plan, and, that the zoning is reasonable and in the public interest for the following reasons: It is consistent with the previously approved special use permit.

The Planning Board further moved that City Council approve the issuance of a special use permit based on the site plan submitted by the applicant, subject to the limitations

and conditions stipulated on the published List of Uses and Conditions and with an extended completion date of July 3, 2019.

### **SUGGESTED MOTIONS**

**Approval:** I move City Council to adopt an ordinance amending the official zoning map of the City of Hendersonville by initially zoning a portion of Parcel Identification Number 9588-20-9615, as shown in Exhibit A attached hereto, to City of Hendersonville zoning classification PCD Planned Commercial Development, finding that the zoning is consistent with the 2030 Comprehensive Plan and the Comprehensive Transportation Plan, and, that the zoning is reasonable and in the public interest for the following reasons:

**[PLEASE STATE YOUR REASONS]**

I further move City Council to approve the issuance of a special use permit based on the site plan submitted by the applicant, subject to the limitations and conditions stipulated on the published List of Uses and Conditions and with an extended completion date of July 3, 2019.

**[ADD, IF APPLICABLE, “AND THE FOLLOWING ADDITIONAL CONDITIONS”]**

**Denial:** I move the Planning Board recommend that City Council not approve the application of Neil Farnam, Jerry McCraw and Margaret McCraw for rezoning and issuance of special use permit.

**[PLEASE STATE YOUR REASONS]**

**IN RE: UPWARD ROAD PROPERTY (File No. P14-17SUR);**

**List of Uses & Conditions (July 3, 2014)**

**I. Stipulated Uses:**

**Only the following uses are authorized for the referenced development:**

Hotels, retail stores, restaurants, restaurants – drive-in, and banks

**II. Recommended Conditions:**

**(1) Must Be Satisfied Prior to Issuance of Special Use Permit:**

None

**(2) May Be Attached to Special Use Permit and Satisfied Prior to Issuance of a Zoning Compliance Permit:**

(a) The 2008 approved Phasing Plan is part of this Special Use Permit;

(b) Final plans for the project shall comply with approved preliminary plans, the conditions agreed to on the record of this proceeding and applicable provisions of the Zoning Ordinance;

(c) Submission of elevations showing the design of the facades of each site building proposed for the project prior to approval of each final site plan;

(d) Submittal of a plat showing the combination of all associated parcels prior to the approval of the final site plan;

(e) Proof of NCDOT abandonment of portions of Old McMurray Road adjacent to the east of the proposed retail building, allowing for an exterior lot setback of 25 feet, prior to approval of the final site plan;

(f) The completion date for this Special Use Permit has been extended from three years to five years. The completion date is July 3, 2019.

Neil Farnam / Pete Delavega

By: \_\_\_\_\_

Date: \_\_\_\_\_

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

IN RE: Upward Road Property  
(File # P14-17-SUR)

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

1. Pursuant to Section 4-2 and Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by initially zoning a portion of Parcel Identification Number (PIN) 9588209615, shown as lot "A" in Exhibit A attached hereto, to City of Hendersonville zoning classification PCD Planned Commercial Development.
2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 3<sup>rd</sup> day of July 2014.

---

Barbara Volk, Mayor

ATTEST:

---

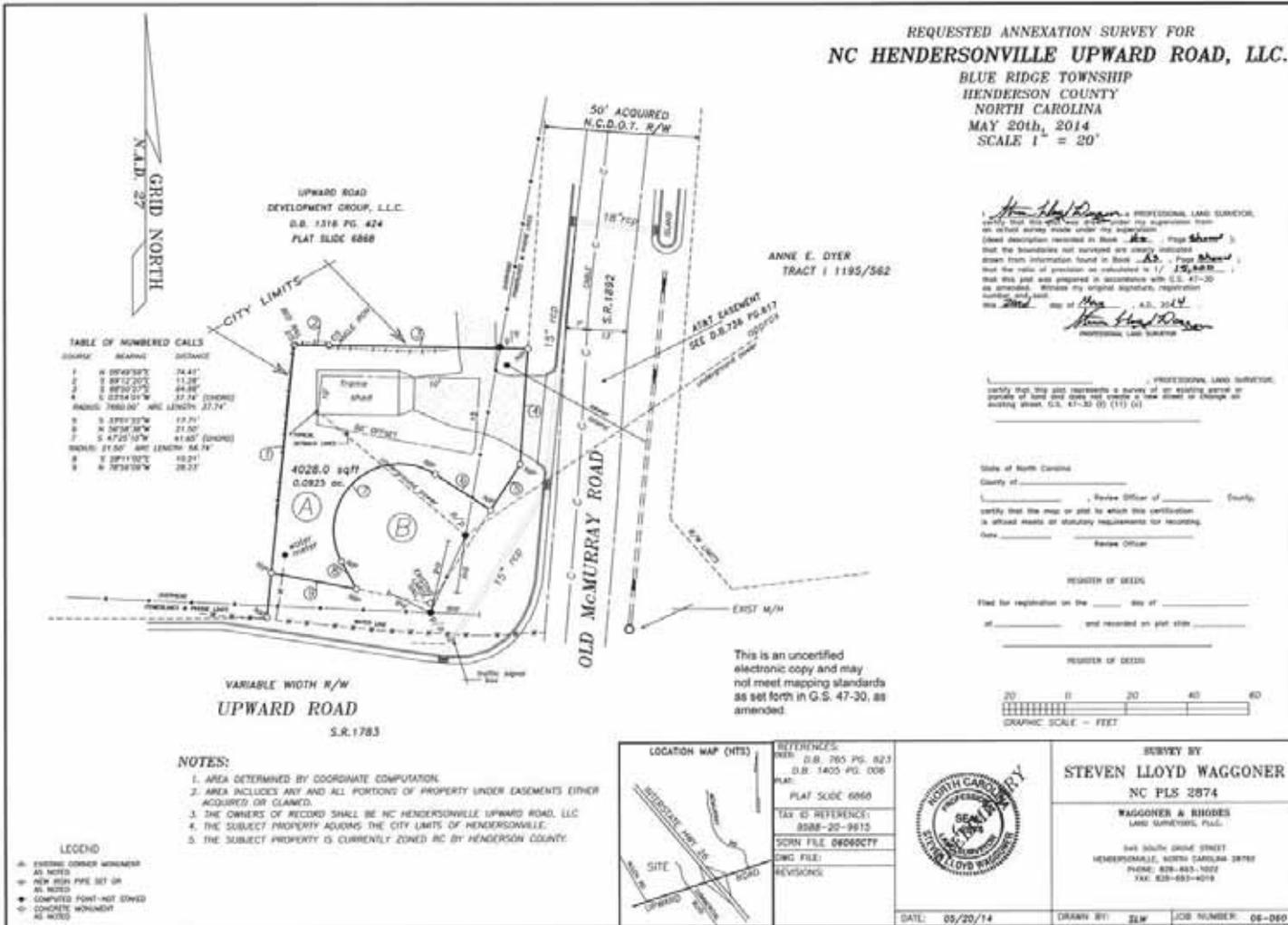
Tammie K. Drake, CMC, City Clerk

Approved as to form:

---

Samuel H. Fritschner, City Attorney

**EXHIBIT A**



**UPWARD ROAD DEVELOPMENT GROUP LLC**

**7 PARK ROAD ASHEVILLE, NC 28803 828-275-6627**

Susan Anderson  
Planning Director  
City of Hendersonville  
145 Fifth Avenue East  
Hendersonville, NC 28792-4328

May 16, 2014

Sue,

I am writing as a partner of Upward Road Development Group, llc. I would like to request that the Special Use Permit for our project on Upward Road be reissued in order to establish a new commencement date. I'd also like to request an extension of the new completion date from three years to five years.

The reason for these requests is to assist us in completing our approved plans within a practical and mutually helpful time frame. As you know, the recession of 2008 came down upon us shortly after we were granted the Special Use Permit. We worked diligently for the next 6 years to cultivate buyers for the project but none could be found.

Finally, the economic environment for new investment is awakening now and we anticipate two sales within the next three months. We see additional opportunity in the next couple of years to possibly sell the remaining two lots for development consistent with the Special Use Permit and we would like to have enough time for development to be completed.

Our 6.53 acre project was combined from several parcels. We removed the numerous residences and out buildings and graded the entire site. We installed underground electric and gas service for the development, completed paved roads, concrete curbs, storm drains, and put in the water and sewer systems for the development.

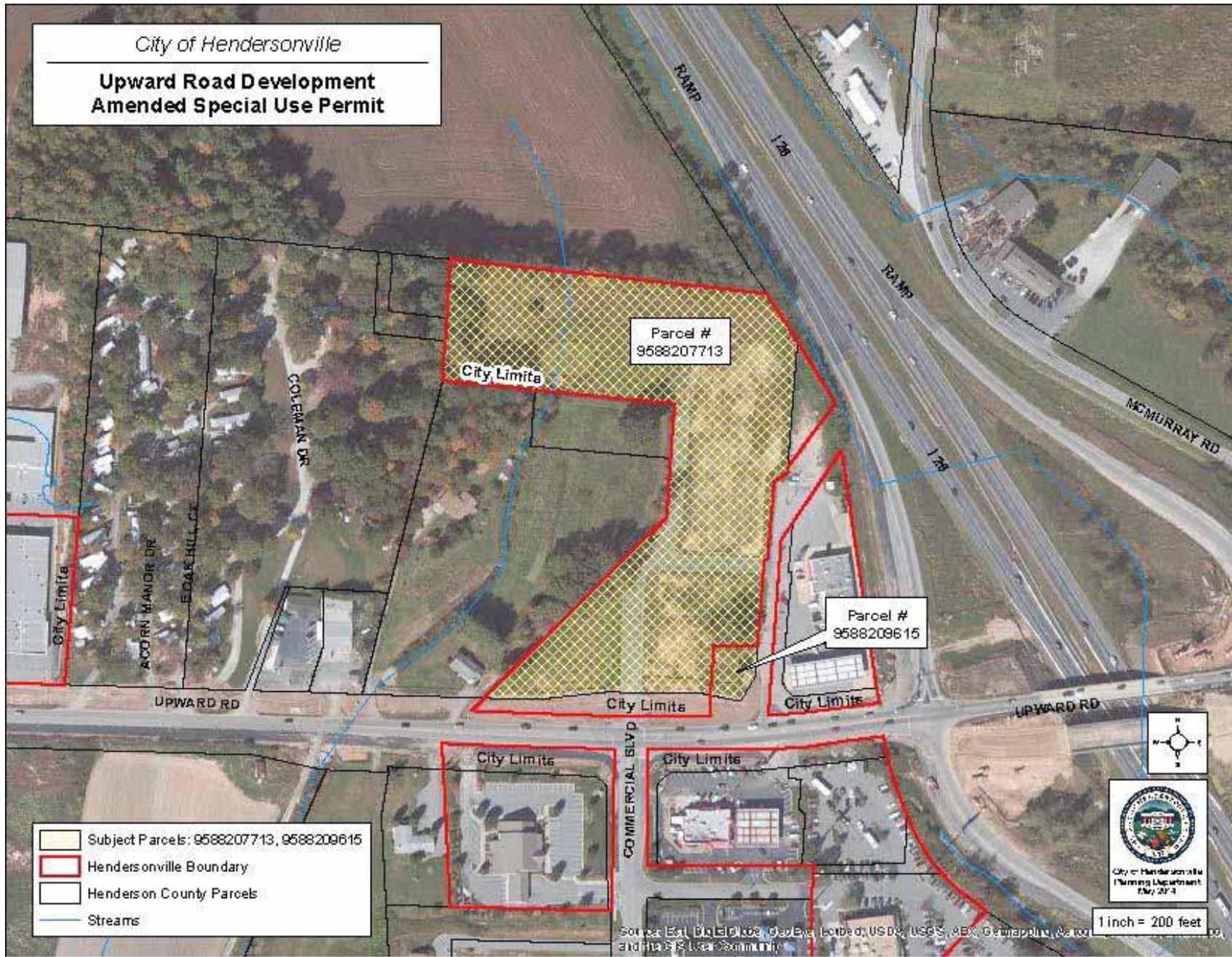
We have engaged T&K Utilities to complete "punch lists" of items the Hendersonville Water and Sewer managements want to see done prior to accepting these systems. We are confident of delivering qualified water & sewer systems within the next couple of weeks.

Please let us know if you need any additional information or have questions. We appreciate consideration of this issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Neil Farnam", written in black ink.

Neil Farnam





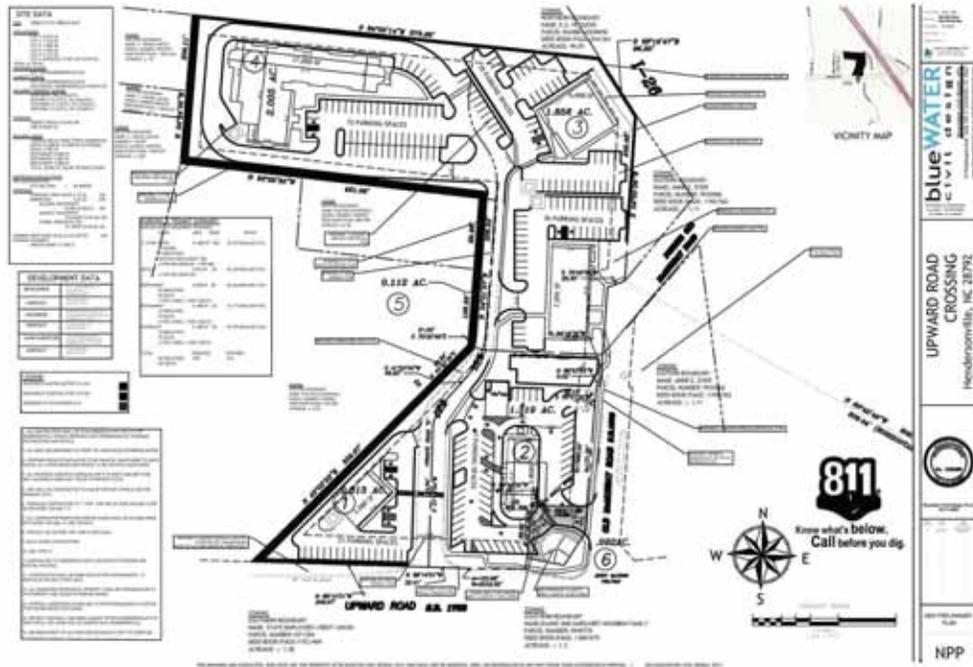




ORIGINAL 2008 PHASING PLAN APPROVED BY CITY COUNCIL



2014 PRELIMINARY SITE PLAN



## APPEAL OF DEVELOPMENT DECISIONS

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

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

**Section 7-13-2 (d): Special use review.** Judicial review of decisions regarding applications processed under the provisions of special use review, established in Section 7-4, above, require special treatment due to the fact that they involve two separate applications which, though processed simultaneously, require Council to make two separate decisions exercising two different types of decision-making authority. One application requests enactment of an ordinance amending the Official Zoning Map, and the other requests issuance of a special use permit. The first application involves a legislative decision on the part of Council, and the second a quasi-judicial decision. The quasi-judicial decision, that is, the one concerning the application for a special use permit, may be appealed to the Superior Court by any aggrieved party in the manner prescribed in paragraph b), above. Such appeal shall be in the nature of certiorari. The legislative decision, which is the one concerning the request for rezoning, may be contested, in accordance with NCGS Section 160A-364.1, by a cause of action commenced within two months of the date of the decision.

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

### **§ 160A-364.1. Statute of limitations.**

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

# City of Hendersonville

## PLANNING BOARD REPORT

**Project Name:** Upward Road Development  
Applications for Rezoning and Issuance of Special Use Permit

**File Number:** P14-17-SUR

### Special Use Permit and Rezoning

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

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

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

This report reflects the recommendation of the Planning Board, this the 9th day of JUNE, 2014.

Attest:

  
\_\_\_\_\_  
Planning Board Chair

  
\_\_\_\_\_  
Planning Director



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** Sue Anderson, Planning Director

**Department:** Planning

**Date Submitted:** June 17, 2014

**Presenter:** Sue Anderson

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

**Nature of Item:** Council Action

### Summary of Information/Request:

**Item # 11**

File # P14-21-T

During the initial discussions on the proposed new Health Sciences facility associated with Wingate University and Blue Ridge Community College, a couple of zoning issues came to light.

Currently, the site is zoned Medical, Institutional and Cultural (MIC). Section 5-10 states that "This zoning district classification is established primarily for medical, institutional and cultural uses." The Health Sciences facility site will include a post-secondary school. The zoning category "schools, post secondary, business, technical & vocational is not a permitted use in the MIC zoning district. In order for the Health Sciences facility project to proceed under the MIC zoning district classification, schools, post secondary, business, technical & vocational will need to be added to the MIC zoning district through a text amendment.

Another issue that came to light is the fact that the building is currently being planned for approximately 70,000+ ft<sup>2</sup>. Under Section 5-10-8 Prohibited Uses, "no non-residential development or redevelopment involving more than 50,000 ft<sup>2</sup> of floor area shall be permitted in an MIC Medical, Institutional and Cultural Zoning District Classification. Buildings over 50,000 ft<sup>2</sup> are authorized by issuance of a special use permit in certain zoning districts. Staff is recommending that City Council consider allowing buildings over 50,000 ft<sup>2</sup> in the MIC zoning district through the special use permit process.

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

No impact to the budget.

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

I move City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Article V Zoning District Classifications, Section 5-10-1 Permitted Uses, Section, Section 5-10-4 Special Uses and Section 5-10-8 Prohibited Uses.

**Attachments:**

Memo

## MEMORANDUM

**TO:** Honorable Mayor and City Council

**FROM:** Planning Department

**RE:** Text Amendment of Section 5-10 Medical, Institutional and Cultural Zoning District Classification

**FILE #:** P14-21-T

**DATE:** June 17, 2014

### PROJECT HISTORY

During the initial discussions on the proposed new Health Sciences facility associated with Wingate University and Blue Ridge Community College, a couple of zoning issues came to light.

Currently, the site is zoned Medical, Institutional and Cultural (MIC). Section 5-10 states that "This zoning district classification is established primarily for medical, institutional and cultural uses." The Health Sciences facility site will include a post-secondary school. The zoning category "schools, post secondary, business, technical & vocational is not a permitted use in the MIC zoning district.

Schools, post secondary, business, technical & vocational are permitted in the following districts:

|                                     |                              |
|-------------------------------------|------------------------------|
| Central Business (C-1)              | Highway Mixed Use (HMU)      |
| Secondary Business (C-2)            | Urban Village (UV)           |
| Highway Business (C-3)              | Urban Residential (UR)       |
| Central Mixed Use (CMU)             | Commercial Highway Mixed Use |
| Planned Institutional (PID)         | (CHMU)                       |
| Greenville Highway Mixed Use (GHMU) |                              |

Listed below are the permitted and conditional uses that exist in the MIC zoning district.

**5-10-1 Permitted Uses:** The following uses are permitted by right in the MIC Medical Institutional Cultural Zoning District Classification, provided they meet all requirements of this Section and all other requirements established in this Ordinance:

|                             |  |
|-----------------------------|--|
| Accessory dwelling units    | Banks and other financial institutions |
| Accessory uses & structures | Child care centers                     |
| Adult care centers          | Child care homes                       |
| Adult care homes            | Congregate care facilities             |

|  |                                      |
|--|--------------------------------------|
| Home occupations                           | Planned residential developments     |
| Hospitals                                  | Progressive care facilities          |
| Laundries, coin-operated                   | Public & semi-public buildings       |
| Music and art studios                      | Religious institutions               |
| Neighborhood community centers             | Residential care facilities          |
| Nursing homes                              | Residential dwellings, single-family |
| Offices, business, professional and public | Residential dwellings, two-family    |
| Parking lots & parking garages             | Rest homes                           |
| Parks                                      | Retail stores                        |
| Personal services                          | Signs                                |
|  | Telecommunications antennas          |

**5-10-2 Conditional Uses:** The following uses shall be permitted in the MIC Medical Institutional Cultural Zoning District Classification only upon issuance of a conditional use permit pursuant to Article X and shall be subject to special requirements contained in Section 16-4, below:

|                                       |                           |
|---------------------------------------|---------------------------|
| Bed & breakfast facilities            | Public utility facilities |
| Civic clubs & fraternal organizations | Restaurants               |
| Cultural arts buildings               |                           |

In order for the Health Sciences facility project to proceed under the MIC zoning district classification, schools, post secondary, business, technical & vocational will need to be added to the MIC zoning district through a text amendment.

Another issue that came to light is the fact that the building is currently being planned for approximately 70,000+ ft<sup>2</sup>. Under Section 5-10-8 Prohibited Uses, “no non-residential development or redevelopment involving more than 50,000 ft<sup>2</sup> of floor area shall be permitted in an MIC Medical, Institutional and Cultural Zoning District Classification.

Buildings over 50,000 ft<sup>2</sup> are authorized by issuance of a special use permit in the following zoning districts:

|                             |                                     |
|-----------------------------|-------------------------------------|
| Central Business (C-1)      | Highway Mixed Use (HMU)             |
| Central Mixed Use (CMU)     | Urban Village (UV)                  |
| Planned Commercial (PCD)    | Urban Residential (UR)              |
| Planned Institutional (PID) | Commercial Highway Mixed Use (CHMU) |
| Planned Manufacturing (PMD) |                                     |

The following districts do not allow buildings over 50,000 ft<sup>2</sup>:

Secondary Business (C-2)  
Highway Business (C-3) – must use Planned Commercial Development  
Industrial (I-1) – must use Planned Manufacturing Development

There is a section in the MIC zoning district category that allows special uses. Staff is recommending that City Council consider the following text amendments to permit buildings over 50,000 ft<sup>2</sup>. The wording is similar to that in the Central Business (C-1) and Central Mixed Use (CMU) districts. Additions are underlined and deletions are struck-through.

**5-10-4 Special Uses.** The following uses and structure size shall be permitted in the MIC Medical Institutional Cultural Zoning District Classification only upon issuance of a special use permit ~~pursuant to Article VII and shall be subject to special requirements contained in Section 16-4, below:~~ and shall be processed under special use review in accordance with Section 7-4 of the Zoning Ordinance. Such development or redevelopment shall not require rezoning of the property to a special use or planned development district.

a) Telecommunications towers, subject to special requirements contained in Section 16-4, below;

b) Any development or redevelopment involving more than 50,000 ft<sup>2</sup> of gross floor area.

~~**5-10-8 Prohibited Uses.** No non-residential development or redevelopment involving more than 50,000 ft<sup>2</sup> of floor area shall be permitted in an MIC Medical Institutional Cultural Zoning District Classification.~~

An aerial view and zoning map of MIC zoned properties is included on page four and five.

## COMPREHENSIVE PLAN

The Medical, Institutional and Cultural Zoning District Classification is located within the Urban Institutional category of the Future Land Use map. The Urban Institutional category is intended to “create a cohesive, well-defined urban campus for medical and educational institutions, with supportive office, service and residential uses that is integrated with Downtown.”

Goal LU-1 in Chapter 8 of the 2030 Comprehensive Plan recommends encouraging infill development that utilizes existing infrastructure in order to maximize public investment and revitalize existing neighborhoods.

A Comprehensive Plan Future Land Use map is included on page seven.

## TEXT & POLICY COMMITTEE

Due to time constraints, the Text & Policy Committee did not review the proposed text

amendments.

### **PLANNING BOARD RECOMMENDATION**

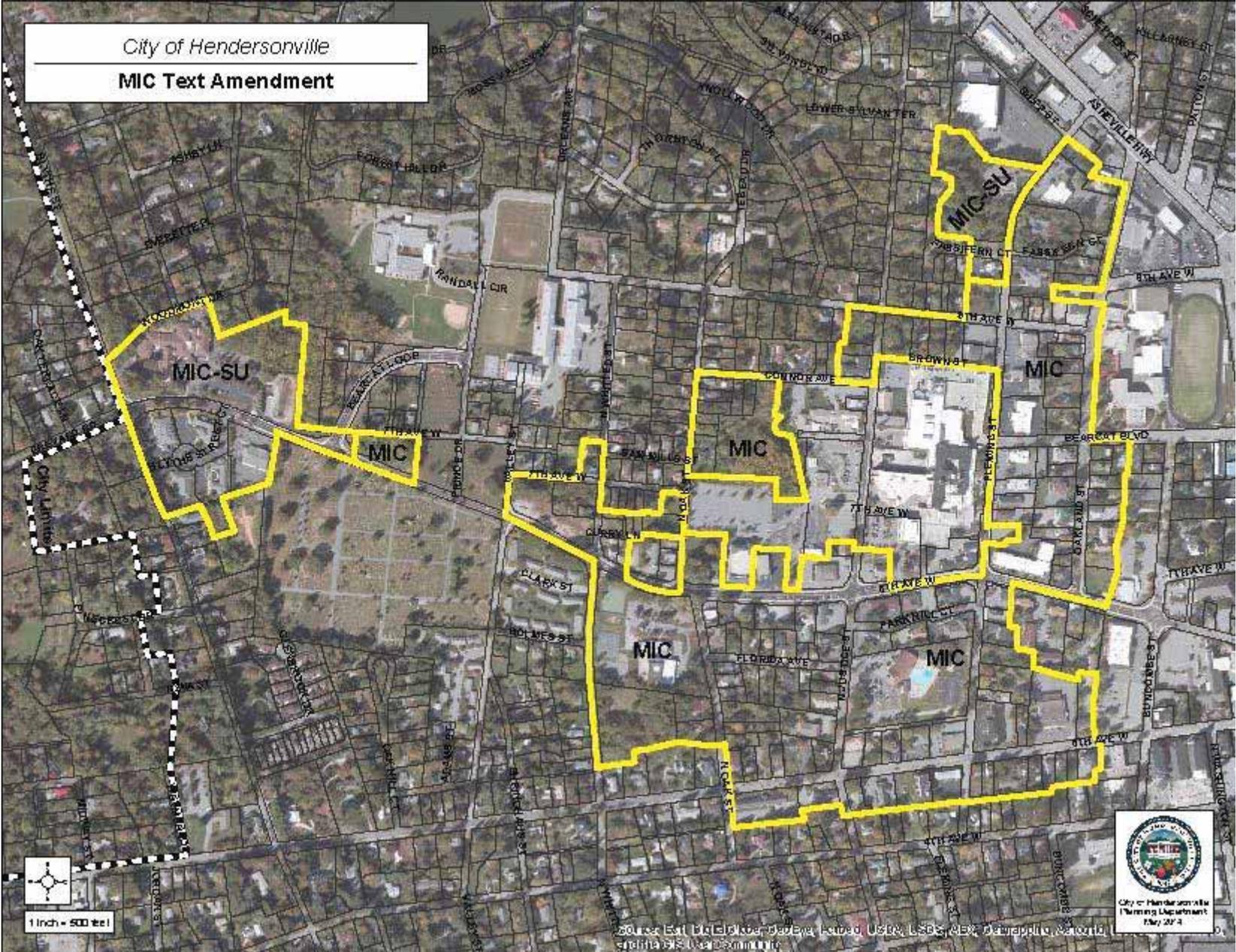
The Planning Board took this matter up at its regular meeting of June 9, 2014. The Planning Board voted unanimously to recommend that City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Article V Zoning District Classifications, Section 5-10-1 Permitted Uses, Section, Section 5-10-4 Special Uses and Section 5-10-8 Prohibited Uses for the reason that this amendment is for the public benefit.

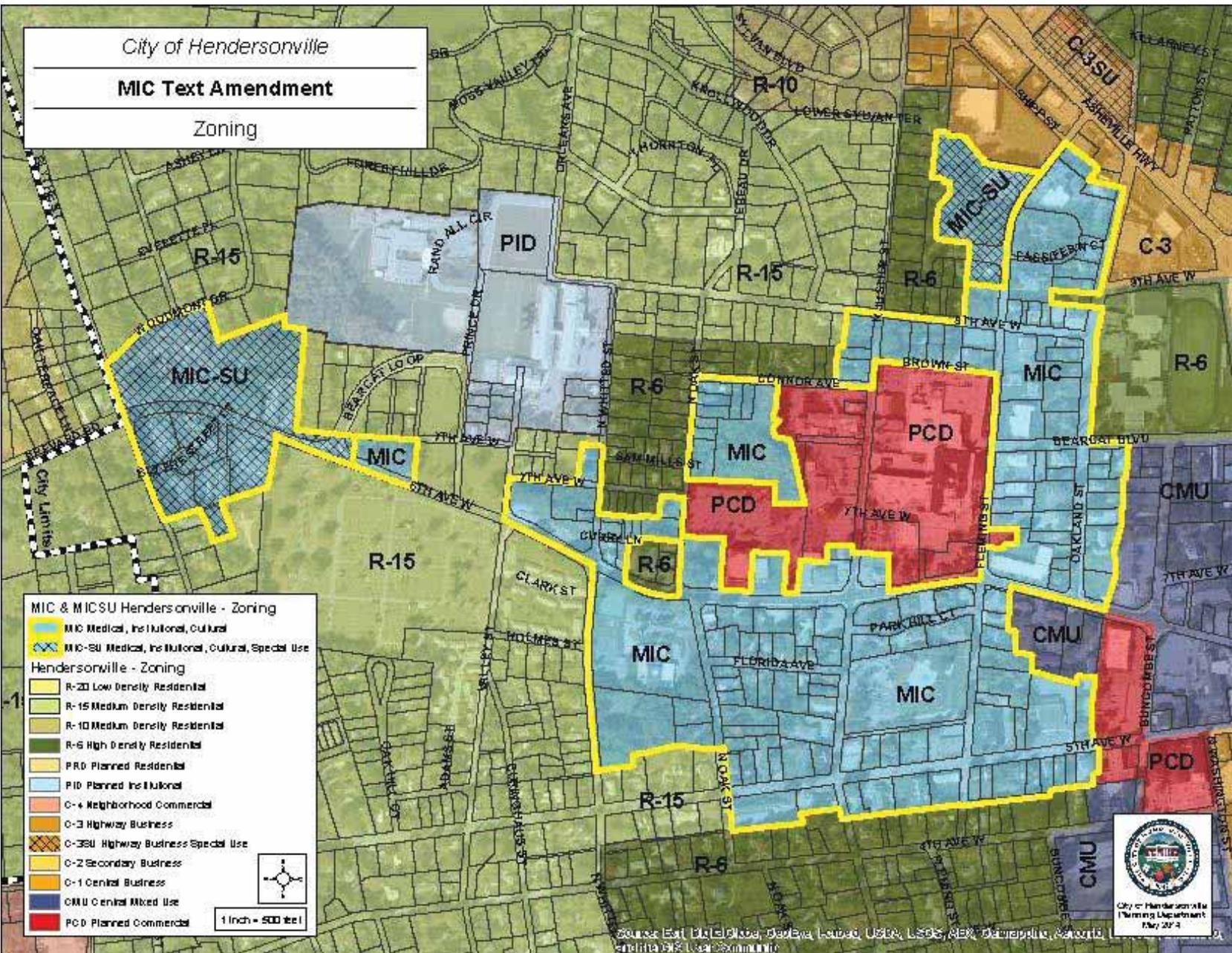
### **ZONING ORDINANCE GUIDELINES**

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.

City of Hendersonville  
MIC Text Amendment







**AN ORDINANCE AMENDING ARTICLE V SECTION 5-10-1 PERMITTED USES, SECTION 5-10-4 SPECIAL USES AND SECTION 5-10-8 PROHIBITED USES OF THE ZONING ORDINANCE OF THE CITY OF HENDERSONVILLE PERTAINING TO THE MEDICAL, INSTITUTIONAL AND CULTURAL ZONING DISTRICT CLASSIFICATION**

**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 the Medical, Institutional and Cultural zoning district.

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

1. Article V Zoning District Classifications, Section 5-10-1 Permitted Uses is hereby amended to include the following permitted use:

Schools, post secondary, business, technical & vocational

2. Article V Zoning District Classifications, Section 5-10-4 Special Uses is hereby amended to read as follows:

**5-10-4 Special Uses.** The following uses and structure size shall be permitted in the MIC Medical Institutional Cultural Zoning District Classification only upon issuance of a special use permit ~~pursuant to Article VII and shall be subject to special requirements contained in Section 16-4, below;~~ and shall be processed under special use review in accordance with Section 7-4 of the Zoning Ordinance. Such development or redevelopment shall not require rezoning of the property to a special use or planned development district.

a) Telecommunications towers, subject to special requirements contained in Section 16-4, below;

b) Any development or redevelopment involving more than 50,000 ft<sup>2</sup> of gross floor area;

3. Article V Zoning District Classifications, Section 5-10-8 Prohibited Uses is hereby repealed.

4. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 9-8 of the Zoning Ordinance.
5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.
6. 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.
7. 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.
8. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
Barbara Volk, Mayor

Attest:

\_\_\_\_\_  
Tammie K. Drake, CMC, City Clerk

Approved as to form:

\_\_\_\_\_  
Samuel H. Fritschner, City Attorney

# City of Hendersonville

## PLANNING BOARD REPORT

**Project Name:** Text Amendment of City of Hendersonville Zoning Ordinance of Article V Section 5-10-1 Permitted Uses, Section 5-10-4 Special Uses and Section 5-10-8 Prohibited Uses pertaining to the Medical, Institutional and Cultural zoning district classification.

**File Number:** P-14-21-T

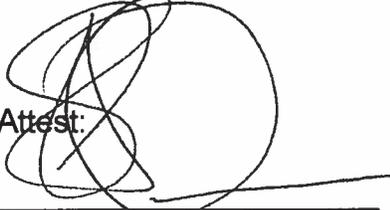
Approval – The text amendment is consistent with all of the objectives and policies for growth and development contained in the City of Hendersonville's Zoning Ordinance and 2030 Comprehensive Plan.

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).

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 9th day of June, 2014.

Attest:

  
\_\_\_\_\_  
Planning Board Chair

  
\_\_\_\_\_  
Planning Director



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** Tom Wooten

**Department:** Public Works

**Date Submitted:** 6/25/2014

**Presenter:** Tom Wooten

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

**Nature of Item:** Council Action

### Summary of Information/Request:

**Item # 12**

The FY 2014 - 2015 paving bids will be opened at 9:00 AM on July 3, 2014.

The low bidder and staff's recommendation will be announced at meeting for the paving contract for FY 2014 -2015.

**Budget Impact:** \$499,500 \_\_\_\_\_ Is this expenditure approved in the current fiscal year budget? Yes  If no, describe how it will be funded.

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

I move to approve the low bidder for the FY 2014 - 2015 resurfacing contract as recommended by staff.

### Attachments:

Bid Tabulation Sheet (distributed at meeting)

Resurfacing Press Release (describing the project)

Street Map (showing impacted streets)



City of Hendersonville  
145 5<sup>th</sup> Ave East  
Hendersonville, NC 28739  
Website: [www.cityofhendersonville.org](http://www.cityofhendersonville.org)  
Main: 828-697-3000, Fax: 828-697-8645

Contact: Tom Wooten  
[twooten@cityofhendersonville.org](mailto:twooten@cityofhendersonville.org)  
828-697-3084

## Street Maintenance and Resurfacing

Hendersonville, NC, June, 21 2014: During the months of July and August, the City of Hendersonville will be performing maintenance on several different streets within the City. The extent of the maintenance will vary depending on the situation. Some streets may simply be given a new layer of asphalt overlaying the existing surface, while other streets may have a layer of tar and gravel applied before they are overlaid with new asphalt. Still other streets will have the existing surface milled down a few inches and then receive a new layer of asphalt.

Construction will begin by mid-July and is scheduled to be completed within 60 days weather permitted. The paving contractor will be determined at the July 3rd bid opening.

### Streets to be resurfaced:

5<sup>th</sup> Ave from Oak to Fleming  
Buncombe from 5<sup>th</sup> Ave to 4<sup>th</sup> Ave  
Washington from 5<sup>th</sup> Ave to 1<sup>st</sup> Ave  
1<sup>st</sup> Ave from Washington to Grove  
2<sup>nd</sup> Ave from Washington to King  
Grove from 1<sup>st</sup> Ave to 4<sup>th</sup> Ave  
Caswell from Church to Main  
7<sup>th</sup> Ave from Grove to Maple  
Lincoln Circle beginning at Ray Ave

In the event there are funds left over in the 2014 resurfacing budget, additional streets will be considered for resurfacing as well.

For questions about this project, please call Tom Wooten at (828) 697-3084.

Resurfaces





# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** John Connet

**Department:** Administration

**Date Submitted:** 5/23/2014

**Presenter:** Lt. Chris Leroy

**Date of Council Meeting to consider this item:** 7/03/2014

**Nature of Item:** Council Action

### Summary of Information/Request:

**Item # 13**

Over the last several months Lt. Chris Leroy has updated the City's Continuity of Operations Plan. He will present the updated plan to the City Council and request that the City Council adopt the revised plan. Once the plan is adopted, Chris and Captain Scott Justus of the Fire Department will develop a training program for key City employees. Our goal is to ensure that we are as prepared as possible for future emergency events.

(Click here to see the full Emergency Operations Plan.)

Budget Impact: \$NA \_\_\_\_\_ 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 adoption of the revised City of Hendersonville Continuity of Operations Plan.

**Attachments:**

Revised Emergency Operation Plan



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** Tammie Drake

**Department:** Administration

**Date Submitted:** 06/24/14

**Presenter:** Tammie Drake

**Date of Council Meeting to consider this item:** 07/03/14

**Nature of Item:** Council Action

### Summary of Information/Request:

**Item # 16**

a. Appointments for Consideration:

- Downtown Advisory Committee: The terms of three members will expire in August 2014: Becky Sherman Banadyga, Cindy Carter Jones, and Mike Hall. All three are stakeholder positions. Mrs. Banadyga declined reappointment stating she would like someone else to have an opportunity to serve. Ms. Jones said business is picking up and she will let us know if she can continue serving. Hopefully we will know by the meeting date. Mr. Hall said he would like to continue the great work started downtown with Rhythm & Brews, etc.

There are also applications from interested citizens: Michelle Sparks, Mark Ray and Mia Freeman.

- Firemen's Relief Board: Mayor Barbara Volk is currently serving on this Board. There are two Council appointees to this Board.

b. Announcement of Vacancies and Upcoming Appointments:

- Board of Adjustment and Environmental Sustainability Board Vacancies: reminder of a vacancy in the alternate position on the Board of Adjustment and a City representative on the Environmental Sustainability Board.

- Board of Adjustment: The terms of three members will expire in September: Bob Ward, Joe Poole and Karen Livingston. I will contact them prior to the August meeting to see if they are interested in continuing to serve.

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

N/A

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

I move to (re)appoint ... to the Downt

Attachments:

# The City of Hendersonville, North Carolina

## Continuity of Operations Plan



| Date       | Version | Description                                 | Author      |
|------------|---------|---|-------------|
| 10/22/03   | 1.0     | Create Initial COOP/Disaster Readiness Plan | Kent Taylor |
| 01/02/2014 | 2.0     | Revision of Initial COOP/Disaster Plan      | Chris LeRoy |

# Table of Contents

**DISASTER READINESS PLAN**.....1

FORWARD.....4

**PLAN DEVELOPMENT AND MAINTENANCE**..... 5

BASIC INFORMATION..... 5

PURPOSE AND SCOPE..... 7

**SITUATION AND ASSUMPTIONS**..... 8

    SITUATION..... 8

    ASSUMPTIONS..... 8

**AUTHORITY / GENERAL STATUTES, ORDINANCES**..... 9

**CONCEPT OF OPERATIONS**..... 12

    GENERAL..... 12

    PHASES OF MANAGEMENT..... 14

HENDERSON COUNTY EMERGENCY OPERATIONS PLAN RESPONSE. 14

**ORGINIZATON AND RESPONSIBILITIES**.....14

    GENERAL.....14

    ORGANIZATION..... 14

**CONTINUITY OF OPERATIONS**..... 17

    INTRODUCTION..... 17

    PURPOSE..... 17

        SUCCESSION OF LEADERSHIP..... 18

        BACKUP OF PERSONNEL..... 18

        ALTERNATE OR EMERGENCY SITES..... 18

        PRESERVATION OF RECORDS, FILES, AND DOCUMENTS...19

        OPERATIONS & RECOVERY CHECKLISTS..... 19

        EMERGENCY CALL LISTS..... 20

        MATERIAL VENDORS CHECKLISTS..... 20

**APPENDIX A** – CITY DISTASTER READINESS TEAM (DRT)..... 21  
**APPENDIX B** – EMERGENCY OPERATIONS CENTERS / LOGISTICS..... 22  
**APPENDIX C** – ADMINISTRATION..... 25  
**APPENDIX D** – FIRE DEPARTMENT..... 28  
**APPENDIX E** – POLICE DEPARTMENT..... 30  
**APPENDIX F** – PUBLIC WORKS DEPARTMENT..... 32  
**APPENDIX G** – ENGINEERING DEPARTMENT..... 34  
**APPENDIX H** – HUMAN RESOURCES DEPARTMENT..... 36  
**APPENDIX I** – INFORMATION TECHNOLOGY DEPARTMENT..... 38  
**APPENDIX J** – FINANCE DEPARTMENT..... 40  
**APPENDIX K** – WATER DEPARTMENT..... 42  
**APPENDIX L** – PLANNING / ZONING DEPARTMENT..... 44  
**APPENDIX M** – LEGAL DEPARTMENT..... 46  
**APPENDIX N** – FLEET MAINTAINANCE..... 48  
**APPENDIX O** – CRITICAL FACILITIES (with GPS coordinates)..... 50  
**APPENDIX P** – GLOSSARY OF DEFINITIONS..... 58  
**APPENDIX Q** – VENDOR CHECKLIST..... 62  
**APPENDIX R** – EMPLOYEE CALL BACK CHECKLIST..... 63  
**APPENDIX S** – DECLARATION OF A STATE OF EMERGENCY..... 64  
**APPENDIX T** – PROCLAMATION TERMINATING A STATE OF EMERGENCY

## DISASTER READINESS PLAN

### Forward

The City of Hendersonville, North Carolina is accountable for providing a variety of critical services to their citizens and businesses. Any disruption to the delivery of those services will have a major negative impact on those citizens and businesses. Thus, should a major disruption occur, it is imperative that city departments have a disaster readiness plan (DRP) and organization that can be mobilized immediately to minimize the impact of this disruption on the delivery of those services.

This Continuity of Operations (COOP)/Continuity of Government (COG) Disaster Readiness Plan will assist the City of Hendersonville, North Carolina in ensuring the continuity of its governmental services to its citizens. This plan does not apply to the tasks associated with disaster and emergency management activities but rather focuses on the continuity of the governmental operations of the city itself. The operational concepts reflected in this plan focus on potential larger-scale disasters that can cause a disruption to the delivery of critical city services by an entire department or group of departments. This COOP along with the established disaster/ emergency management plans for the City of Hendersonville make up an integrated program for the city to deal with disasters of all types.

The intent of the plan is to assist the City Hendersonville with insuring the continued functioning of governmental operations deemed critical to the city by developing operational capabilities that mitigate, prepare for, respond to, and recover from an emergency or disaster. Mitigation refers to activities that actually eliminate or reduce the chance of occurrence or the effects of a disaster. Preparedness is planning how to respond in case an emergency or disaster occurs, and working to increase resources available to respond effectively. Response involves activities and programs designed to address the immediate and short-term effects of an emergency or disaster. Recovery is the phase that involves restoring operations to normal, which can be both short and long-term. In addition, this DRP will also address the maintenance of this plan through training, testing and exercises.

This plan should be considered a preparedness document, intended to be read and understood ***before*** an emergency occurs. It is critical that a high level of preparedness be achieved and maintained by the City Hendersonville personnel designated as Disaster Readiness Team members.

**NOTE: This plan is not intended to limit or restrict initiative, judgment, or independent action required to provide appropriate and effective disaster mitigation, preparation, response and recovery. At the same time, freedom of initiative cannot be used as an excuse for failure to take necessary coordinated action to successfully accomplish objectives.**

This Disaster Readiness Plan (DRP) is broken into two main sections:

**Section 1 – Basic Information:** Describes the purpose and scope of the DRP along with the situations and assumptions for this plan. In addition, basic section provides operational concepts relating to the various emergencies, identifies composition of the Disaster Readiness Team (DRT), and describes the overall responsibilities of the DRT organization for responding to the scenario of an unscheduled operations disrupting event.

**Section 2 – Continuity of Operations:** This section defines the elements of this Continuity of Operations Plan for both the overall city government leadership processes as well as for each city department covered by this plan. Each of these entities (departments) is composed of six sections:

1. Succession of Leadership
2. Identified Employee Backups
3. Alternate operations sites
4. Guidelines for the preservation of vital records
5. Operations recovery checklists for the response to, stabilization of and recovery from a major disruption to city operations.
6. Call lists, both internal and external.

### Plan Development and Maintenance

- ✓ The contents of this plan must be known and understood by those people responsible for its implementation. The Director of the DRT is responsible for briefing staff members concerning their role in disaster readiness, continuity of operations, and the contents of this plan.
- ✓ The City of Hendersonville department heads and management team members are responsible for the development and maintenance of their respective segments of this plan.
- ✓ The DRT will ensure all staff members involved in its execution, at a minimum, conduct an annual review of this plan. The Director of the DRT will coordinate this review and any plan revision and distribution found necessary.
- ✓ This plan will be tested at least once a year in the form of a tabletop exercise or plan walkthrough in order to provide practical, controlled experience to those functions tasked within the plan.
- ✓ The Director of the DRT will ensure that this Disaster Readiness Plan integrates with the overall City Emergency Management Program.

- ✓ The City Emergency Management Program describes:
  - The vision, mission, goals and objectives of the overall program
  - The relevant program policies and procedures that govern the program
  - The source of funding and setting of budget levels to ensure program continuity and viability

## Basic Information

### Purpose & Scope

Government at all levels has the responsibility to plan and respond to disasters resulting from hazards that are known to threaten the jurisdiction. In view of this fact, the local government needs to establish a program to provide for the overall planning and coordination of emergencies. Disasters might require the city government to operate in a manner different from normal day-to-day routines and might seriously overextend local government resources. This program plan should provide specific guidance to local government departments during disasters. This plan should also serve as an indicator of local government capability; if the local government is unable to provide adequate coverage for a particular resource or potential hazard, alternate sources or contingency plans should be developed within political and budgetary constraints.

This Disaster Readiness Plan should work within the broader context of the overall City Emergency Management program and will provide Hendersonville with a framework in which the organization can respond to and begin the recovery process during and immediately after any event that denies access to or destroys a primary operations facility. This plan provides operational concepts relating to the various emergencies, identifies composition of the DRT, and describes the overall responsibilities of the DRT organization for responding to any event that may disrupt normal business operations. This plan will mitigate the effects of hazards, prepare for measures to be taken which may minimize damage and enhance the ability of Hendersonville to respond during an emergency. This plan also establishes a recovery framework to continue critical business operations and return the organization to a normal or improved state of affairs.

Finally, this plan notes sources of outside support that could be called upon to assist during an emergency, e.g., private, local, state and federal agencies. Despite the use throughout this plan of the terms "shall," "will," "must," or similar terms, such terms shall not imply the imposition of any mandatory duty; all duties to be performed pursuant to the plan by Hendersonville, its employees, management, and/or agents, shall be deemed to be discretionary duties unless such duties are specifically mandated by statute or ordinance.

## Situation and Assumptions

The following situations exist which impact this Disaster Readiness/Continuity of Operations plan:

1. The City of Hendersonville is located in Henderson County which is in North Carolina Emergency Management Area 15 and FEMA Region IV. Henderson County's geographic location is the Western section of the State. It is bordered on the East by Polk and Rutherford counties; on the South by Greenville County, SC; on the North by Buncombe County; and on the West by Transylvania County.
2. The County contains the following airport(s): Hendersonville located on Airport Road in Henderson County, and the Asheville regional Airport located on the Buncombe/Henderson County Line.
3. The major traffic arteries are: Interstate 26, U.S. Hwy 64, U.S. Hwy 25, NC Hwy 191, U.S. Hwy 176, and NC Hwy 280
4. Public roadways within Henderson County are almost exclusively owned and maintained by the NC DOT, Division of Highways. Many streets within the City of Hendersonville are maintained by the city.
5. The City of Hendersonville, NC is vulnerable to the spectrum of possible threats from natural disasters through acts of terrorism and weapons of mass destruction (WMD) for which planning is desirable.
6. A variety of other threats and emergencies exist including hazardous materials incidents, fire, drought and water emergencies, air transportation accidents, civil disturbances, winter storms and other types of severe weather.

## Assumptions

1. Hendersonville will continue to be exposed to the hazards or risks identified during this engagement as well as others that may develop in the future.
2. Government officials will continue to recognize their responsibilities with regard to the public safety and exercise their authority to implement this continuity of government plan in a timely manner when confronted with real or threatened disasters.
3. In the event of disaster, the City of Hendersonville may need to rely on services of adjacent jurisdictions for recovery. Alternatively, in turn, neighboring jurisdictions may need to request services of the City of Hendersonville. Thus, this Plan can serve as a basis for future development of a multi-jurisdiction plan that could incorporate mutual-aid agreements, alternate work locations, inter-jurisdiction communications plans, etc., to ensure a coordinated response in the event of a disaster.
4. If properly implemented, this plan will reduce or prevent disaster-related losses.

5. This plan is a part of a broader Disaster & Emergency Management Program for the City and County. The program management structure for that Program will also apply to this COOP and DRP. This particularly applies to:
  - a. The enabling authority
  - b. Vision and mission statement, goals, objectives and milestones
  - c. Management policies and procedures
  - d. Applicable legislation, regulations and industry codes of practice
  - e. Program budget and management schedules

#### Authorities and Authorizations

Actions or decisions that are made during a disaster or other non-routine emergency require that legal guidelines be followed to assure the protection of the general public and to maintain law and order within in the City of Hendersonville.

The North Carolina General Statute and the Hendersonville Municipal Code that governs the declarations of a state of emergency is and is outlined below:

### **North Carolina General Statutes**

#### **166A-19.22. Municipal or county declaration of state of emergency.**

(a) Declaration. - A state of emergency may be declared by the governing body of a municipality or county, if either of these finds that an emergency exists. Authority to declare a state of emergency under this section may also be delegated by ordinance to the mayor of a municipality or to the chair of the board of county commissioners of a county.

(b) Emergency Area. - The emergency area shall be determined in accordance with the following:

(1) Unless another subdivision of this subsection is applicable, the emergency area shall not exceed the area over which the municipality or county has jurisdiction to enact general police-power ordinances. The governing body declaring the state of emergency may declare that the emergency area includes part or all of the governing body's jurisdiction. Unless the governing body declaring the state of emergency provides otherwise, the emergency area includes this entire jurisdiction, subject to the limitations contained in the other subdivisions in this subsection.

(2) The emergency area of a state of emergency declared by a county shall not include any area within the corporate limits of any municipality, or within any area of the county over which a municipality has jurisdiction to enact general police-power ordinances, unless the municipality's governing body or mayor consents to or requests the state of emergency's application. Such an extension may be with respect to one or more of the

prohibitions and restrictions imposed in that county pursuant to the authority granted in G.S. 166A-19.31 and need not be with respect to all prohibitions and restrictions authorized by that section.

- (3) The board of commissioners or chair of the board of commissioners of any county who has been requested to do so by a mayor may by declaration extend the emergency area of a state of emergency declared by a municipality to any area within the county in which the board or chair determines it to be necessary to assist in the controlling of the emergency within the municipality. The extension may be with respect to one or more of the prohibitions and restrictions imposed in that mayor's municipality pursuant to the authority granted in G.S. 166A-19.31 and need not be with respect to all prohibitions and restrictions authorized by that section. Extension of the emergency area pursuant to this subdivision shall be subject to the following additional limitations:

- a. The extension of the emergency area shall not include any area within the corporate limits of a municipality, or within any area of the county over which a municipality has jurisdiction to enact general police-power ordinances, unless the mayor or governing body of that other municipality consents to its application.
- b. A chair of a board of county commissioners extending the emergency area under the authority of this subdivision shall take reasonable steps to give notice of its terms to those likely to be affected.
- c. The chair of the board of commissioners shall declare the termination of any prohibitions and restrictions extended pursuant to this subdivision upon the earlier of the following:
  1. The chair's determination that they are no longer necessary.
  2. The determination of the board of county commissioners that they are no longer necessary.
  3. The termination of the prohibitions and restrictions within the municipality.
- d. The powers authorized under this subdivision may be exercised whether or not the county has enacted ordinances under the authority of G.S. 166A-19.31. Exercise of this authority shall not preclude the imposition of prohibitions and restrictions under any ordinances enacted by the county under the authority of G.S. 166A-19.31.

(c) Expiration of States of Emergency. - Unless an ordinance adopted pursuant to G.S. 166A-19.31 provides otherwise, a state of emergency declared pursuant to this section shall expire when it is terminated by the official or governing body that declared it.

(d) Effect of Declaration. - The declaration of a state of emergency pursuant to this section shall activate the local ordinances authorized in G.S. 166A-19.31 and any and all applicable local plans, mutual assistance compacts, and agreements and shall also authorize

the furnishing of assistance thereunder. (Former G.S. 14-288.13: 1969, c. 869, s. 1; 1993, c. 539, s. 195; 1994, Ex. Sess., c. 24, s. 14(c). Former G.S. 14-288.14: 1969, c. 869, s. 1; 1993, c. 539, s. 196; 1994, Ex. Sess., c. 14, s. 7; c. 24, s. 14(c). Former G.S. 166A-8: 1951, c. 1016, s. 6; 1953, c. 1099, s. 4; 1957, c. 950, s. 2; 1959, c. 337, s. 5; 1973, c. 620, s. 9; 1975, c. 734, ss. 12, 14, 16; 1977, c. 848, s. 2; 2012-12, s. 1(b).)

## **Hendersonville City Code**

### **Sec. 36-181. When emergency deemed to exist.**

A state of emergency shall be deemed to exist within the city whenever declared pursuant to G.S. 166A-19.22.

*(Ord. No. 13-0426, § 1, 4-4-13)*

### **Sec. 36-182. Issuance of proclamation.**

In the event of an emergency the mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively protect the lives and property of people within the city, to place in effect any or all of the restrictions authorized in this division.

*(Ord. No. 13-0426, § 1, 4-4-13)*

### **Sec. 36-183. Reserved.**

### **Sec. 36-184. Restricted activities enumerated.**

During the existence of a proclaimed state of emergency, the mayor may impose by proclamation any or all of the following restrictions:

(1)

Of movements of people in public places, including imposing a curfew; directing and compelling the voluntary or mandatory evacuation of all or part of the population from any stricken or threatened area within the governing body's jurisdiction; prescribing routes, modes of transportation, and destinations in connection with evacuation; and controlling ingress and egress of an emergency area, and the movement of persons within the area.

(2)

Of the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate.

(3)

Upon the possession, transportation, sale, purchase, and consumption of alcoholic beverages.

(4)

Upon the possession, transportation, sale, purchase, storage, and use of gasoline, and dangerous weapons and substances, except that this section does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used in this subdivision, the term "dangerous weapons and substances" has the same meaning as it does under G.S. 14-288.1. As used in this subdivision, the term "firearm" has the same meaning as it does under G.S. 14-409.39(2).

(5)

Upon other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.

A declaration authorized by this section need not require or provide for the imposition of all of the types of prohibitions or restrictions, or any particular prohibition or restriction, authorized by this section during an emergency; rather the mayor is authorized hereby to determine and impose the prohibitions or restrictions deemed necessary or suitable to a particular state of emergency.

*(Ord. No. 13-0426, § 1, 4-4-13)*

### **Sec. 36-185. When prohibitions and restrictions take effect.**

All prohibitions and restrictions imposed by declaration pursuant to this division shall take effect in the emergency area immediately upon publication of the declaration unless the declaration sets a later time. For the purpose of requiring compliance, publication may consist of reports of the substance of the prohibitions and restrictions in the mass communications media serving the emergency area or other effective methods of disseminating the necessary information quickly. As soon as practicable, however, appropriate distribution of the full text of any declaration shall be made. This subsection shall not be governed by the provisions of G.S. 1-597.

*(Ord. No. 13-0426, § 1, 4-4-13)*

### **Sec. 36-186. Expiration of prohibitions and restrictions.**

Prohibitions and restrictions imposed pursuant to this division shall expire upon the earliest occurrence of any of the following:

(1)

The prohibition or restriction is terminated by the official or entity that imposed the prohibition or restriction.

(2)

The state of emergency terminates.

*(Ord. No. 13-0426, § 1, 4-4-13)*

### **Sec. 36-187. Violation.**

In addition to any other penalty permitted, violation of a declaration issued pursuant hereto shall be subject to criminal penalties as provided in G.S. 166A-19.31.

## **Concept of Operations**

### General

Operational concepts presented in this section are applicable at all times. In some instances, emergencies may be preceded by some sort of warning period. If this warning is recognized in time, there can be sufficient time to warn the staff and implement mitigation measures designed to reduce the impact of the emergency. However, often an emergency occurs with little or no warning, requiring immediate activation of this plan and commitment of resources. The following general operations are to be held evident:

1. It is the responsibility of the Hendersonville management officials and DRT to undertake comprehensive management of emergencies to protect property and business operations from the effects of a catastrophic event that causes a disruption to the delivery of critical city services by an entire department or group of departments. This plan is based upon the concept that the emergency functions performed by various groups responding to an emergency, will generally parallel their normal day-to-day functions. To the extent possible, the same personnel and material resources will be employed in both cases.
2. The City Mayor, in such situations, has ultimate decision-making authority and receives staff support and advice from the members of the DRT and their staff in the establishment and administration of the Disaster Readiness organizational structure.
3. The City's management team and DRT will have the primary responsibility for the activities described in this DRP. When the emergency exceeds the City's capability to respond, assistance should be requested from the state or federal government as well from neighboring governments. Mutual aid agreements should be routinely maintained and updated to ensure that an adequate level of emergency support is available for the city.
4. Day-to-day functions that do not contribute directly to response actions to an emergency may be suspended for the duration of the emergency. The resources and efforts that would normally be required for those functions may be diverted to the accomplishment of emergency tasks by the organization managing the use of those resources.
5. A comprehensive disaster readiness plan is concerned with all types of hazards that may disrupt the delivery of critical city services. As shown below, it is more than an operations plan because it accounts for activities before, during, and after the disaster.

### **Phases of Management**

In light of the continuum of disaster possibilities, this plan will be implemented, to the extent possible, in the following periods and phases:

### **Normal Operations Period**

During times of normal operations, i.e. those periods without a declared state of emergency or the period directly following, the following phases are to be executed on a regular basis.

### **Mitigation**

Mitigation activities are those that eliminate or reduce the probability of a disaster occurring. It also includes those long-term actions that lessen the undesirable effects of unavoidable hazards.

### **Preparedness**

Preparedness actions serve to develop the response capabilities needed in the event an emergency should arise. Planning, training, and exercises are among the activities conducted under this phase. Feedback from these activities should be focused on improving and maintaining the information in the following documents:

- Departmental Critical Lists (Processes, Equipment, Software, Documents/Records and Vendors)
- Departmental Risk Lists noted above
- General DRP and Departmental DRP documents.

It is highly recommended that each Department and the City as a whole thoroughly exercise and test their DRP at least annually. As the business processes and resource needs for departments are constantly changing, it is likely that this DRP will become ineffective without this level of commitment to the testing and exercising of this plan.

### **State of Emergency Period**

Once a declared state of emergency or a major disruption to business processes exists, the following phases are to be invoked.

Typically, there will also be an accompanying state of emergency declared by Henderson County Office of Emergency Management. In order to ensure that the City of Hendersonville's DRP does not conflict it is important to review the policy from Henderson County Government. Below is the policy for the declaration of a state of emergency by Henderson County Government.

## **Response**

1. In significant emergencies / disasters, direction and control will be managed by the [Command Group](#) headed by the County Manager.
2. Emergency Operation Centers (EOC) will be staffed and operated as the situation dictates. When activated, operations are supported by ranking representatives from a number of local government, private sector and volunteer organizations to provide information, data, and recommendations to the Command Group.
3. When an emergency situation develops, the County Manager or the designee of the jurisdiction (as defined in [§NCGS 14-288.1](#)) may declare a [State of Emergency](#) to exist within the jurisdiction (or a part thereof) and begin implementing emergency procedures. (See [Authorizations and Authorities](#) Section).
4. The County Manager and County Emergency Management Coordinator will coordinate county [resources](#). The Mayor or his designee will coordinate and control the resources of the municipality.
5. The [Public Information Officer](#) will utilize all available media outlets for the dissemination of [emergency information to the public](#).
6. Should local government resources prove to be inadequate during emergency operations, requests for assistance will be made to other jurisdictions, higher levels of government, and / or other agencies in accordance with existing mutual aid agreements and understandings. Requests for State or Federal resources must be made through the Henderson County Emergency Management Coordinator to the Western Branch Office of the Division of Emergency Management and forwarded to the State EOC.

### **Response**

Typically, this phase covers the first few hours after the declaration of a disaster. This phase is initiated by the formal declaration of a disaster. Response is the actual providing of emergency services during a crisis. These actions should help to reduce casualties, damage, and speed recovery of critical functions. Critical functions should be those that were rated high on the Critical Processes List for the organization and are those processes that will have the greatest business impact should a disruption occur. Response phase activities include warning, evacuation, rescue, and similar activities. If necessary, the activation of the organization's alternate site activities would also occur during this phase.

### **Stabilization**

Activities and operations for this phase are focused upon restoring an organization's critical functions and providing the critical needs of the clients. This phase is initiated by the declaration of an "all clear" condition. The "all clear" condition indicates that the disaster situation has ended and that all facilities within the scope of this plan have been secured or that the organization is ready to provide critical functions from an alternate site.

## **Recovery**

Recovery focuses on restoring the business operations to its normal, or improved, state of affairs. This phase is initiated by a meeting called by the leader of the affected organization once a determination has been made that all vital operational services have been restored. Examples of recovery actions include restoration of non-vital services and reconstruction activity in damaged areas. The recovery period offers an opportune time to institute mitigation measures, particularly those related to the recent disaster.

## **Organization and Responsibilities**

### **General**

Most of the departments within Hendersonville have disaster readiness functions in addition to their normal duties. Consequently, each department is responsible for developing and maintaining its own disaster readiness procedures to fulfill these responsibilities.

### **Organization**

1. The City's management team, at the direction of the city manager, will serve as the Director of the Disaster Readiness Team (DRT). The DRT Director:
  - a. Carries out the program for disaster readiness and coordinates the efforts during the mitigation of, preparation for, response to, and recovery from a disaster;
  - b. Takes the appropriate steps to seek outside assistance, if necessary;
  - c. Notifies the members of the Disaster Readiness Team of the disaster status and requests their presence at a predetermined response site, if necessary;
  - d. Develops and executes plans, at the direction of the city manager, for utilization of resources before, during and after an emergency/disaster;
  - e. Ensures the plan is maintained through training and exercises
  - f. Ensures the DRP and DRT are governed and funded through the broader City Emergency Management Program.
2. The membership of the DRT is detailed in Attachment A of this document. The DRT shall perform the following duties:
  - a. Each member shall serve as a liaison for their respective functions or areas of responsibility in order to coordinate and ensure continuity of operations planning, mitigation, response and recovery activities;

- b. Each member shall report to a designated site when requested by the **DRT** Director in order to coordinate response activities;
- c. Each member will create a disaster readiness organization within their functional area to guide the employees during a disaster and communicate a clear understanding of the disaster readiness/continuity of operations plan and its principles;
- d. Each member shall guide the disaster readiness organization of his/her functional area in developing and maintaining department level disaster readiness plans and procedures, including evacuation exercises.

## **Continuity of Operations**

### **Introduction**

The leadership team in the City of Hendersonville is responsible for the planning and response to disasters resulting from hazards that are known to threaten the City.

Every business, public or private, in the world has its good days. The days when everything goes according to plan, the days when all the operations are running smoothly and the business is operating as usual.

Nevertheless, what happens when things go wrong? We are urged to think positively and not to consider failure. However, this urge does not include the ignorance of risk management practices. To ignore the possibility of a disaster occurring could one day lead to a disaster in itself.

This Disaster Readiness/Continuity of Operations Plan is a cornerstone to good business practice, embracing risk, security, and insurance, legal, operational and safety issues. A solid plan recognizes the risk of disasters and insures that critical operational processes are restored quickly and accurately following a disruption to city operations.

The key to recovery is, of course, time. Following a disaster, recovery must take place in the shortest possible time to mitigate losses to an optimum level. Without a solid, updated plan, it would take days, weeks or even months to recover from an event.

### **Purpose**

Continuity of Operations is an essential function of disaster readiness and is vital during an emergency/disaster situation. Continuity of Operations is the preservation, maintenance, or reconstitution of the organization's ability to deliver the services from its critical processes to its citizens, employees and other stakeholders. Within the context of this plan, the concept of Continuity of Operations is comprised of six elements – Succession of Leadership, Backup Personnel, Emergency or Alternate Operations Site, Preservation of Vital Records, Operations Recovery Checklist and Emergency Call Lists. The major goals of these six elements are to answer the questions during an emergency:

- "Who's in charge and making sure that necessary jobs are getting done?"
- "Who does an employee's job if that person would not be available to perform it"
- If access is denied to an organization's primary workplace, "Where will my organization resume operations?"
- "What vital data and information needs to be recovered?"
- "How will the organization respond to, stabilize and recover from a major disruption to its services?"
- "Who, both internally and externally, needs to be contacted about the emergency and alternate operations?"

The following six sections of this document provide additional general information relative to six elements of the Continuity of Operation Plan. Appendices C through N are the developed plan for the specific departments in Hendersonville that have developed Continuity of Operations Plans.

### Succession of Leadership

The first question that needs to be answered during an emergency is "Who is in charge"? It is critical that every organization has a clearly defined succession of leadership plan to ensure continuity of operations. The successors designated in this plan should be fully qualified to assume their position as well as aware of their emergency responsibilities.

### Backup of Personnel

Trained personnel should be prepared to backup and perform the position that another employee is unavailable to do within a department. These employees designated as department backup personnel, should have adequate documentation and first-hand experience performing this function within their department. Departments should initiate a solid cross training program as part of its daily responsibilities.

### Alternate or Emergency Sites

When designating a facility to serve as an alternate site for an organization, consideration should be given to the following criteria:

- Should be some distance away from the primary site. Distance should be such that known hazards and threats should not affect both the primary and alternative facilities. However, an alternate site must also be relatively accessible to the clients and employees of the organization.
- Availability of telephone and high-speed internet access.
- Availability of essential utilities, either installed or able to be installed rapidly, including sanitation.

- Adequate roadway access
- Capability to execute the organization's critical processes by being able to accommodate their critical resources (equipment, software, documents/records and employees).
- Not in the immediate proximity of facilities using or storing reportable quantities of acutely hazardous materials/extremely hazardous materials, nor with an anticipated threat from hazardous materials.
- Not in a known flood plain, landslide, liquefaction or dam inundation zone
- Not in an area with a known imminent threat to life or health from natural, technological or civil unrest sources

These general criteria for an alternate site will apply to the site selected for all city departments covered by this plan. Should there be no suitable alternate site that can be identified by an organization that meets these criteria within the city, then that organization or the DRT should attempt to negotiate some type of mutual aid or emergency agreement with another city, county, state agency or private business for the use of their facility in the event of an emergency. These types of mutual aid or emergency agreements should be noted or even recorded in the organization's DRP.

### **Preservation of Records, Files and Documents**

In order to resume normal business operations following a disaster, critical records must be able to be recovered quickly and easily. In addition, it is the duty and often the regulated requirement that an organization protects and is able to produce valuable records. For example, regulations such as HIPAA and the Foreign Corrupt Practices Act require the protection of many types of documents. Each department has developed and should maintain a list of critical records/documents.

The principal cause of damage to records is fire, water, vandalism and, for electronic records, failures of electronic storage medium. Therefore, record centers that store vital records should be located well away from potential danger zones and housed in facilities designed to withstand blast, fire, water and other destructive forces.

Suitable offsite record storage facilities may include sites provided by suppliers of offsite storage, bank vaults, secured fireproof vaults and the like. The choice of offsite location for a particular department will depend on a variety of factors, but whatever choice is made, that choice should be documented in the DRP section pertaining to that organization.

In addition, each organization should have a backup and recovery methodology that is documented and understood by their employees. Often, a city will have an Information Technology organization that will define that methodology for the organization.

A final key factor in the preservation of records is the ability to recover and use the backup copies of these records. Record backup lists should be reviewed on a

scheduled basis for completeness as well as for any obsolete data. Periodically, data restoration exercises should be performed to ensure that records could be restored, efficiently and effectively.

### **Operations Recovery Checklists**

There are three Operations Recovery Checklists that are provided for each department. These three checklists correspond to the phases of the recovery process associated with a catastrophic event that would deny access to the primary operations facilities:

- Response Checklist
- Stabilization Checklist
- Recovery Checklist

It has been shown that the most effective way to implement emergency response procedures is with the use of specific checklists of 'Things to do'. These "checklists" must be concise, complete, and readily available. As mentioned in the Basic Information section, this document is not intended to limit or restrict initiative, judgment, or independent action required to provide appropriate and effective disaster mitigation, preparation, response and recovery. At the same time, freedom of initiative cannot be used as an excuse for failure to take necessary coordinated action to successfully accomplish objectives.

The **Response** checklist presents the organization's strategy for disaster response. Typically, this phase covers the first few hours after the declaration of a disaster. Response is the actual providing of emergency services and communications during a crisis. These actions should help to reduce injury, damage, and speed recovery of critical functions. Critical functions should be those that were rated high on the Critical Processes List for the organization. Response phase activities include warning, evacuation, communication, and similar operations. If necessary, the activation of the organization's alternate site activities would also occur during this phase.

The **Stabilization** section outlines the rapid and orderly start of the rehabilitation and restoration of vital operational functions affected by the disaster. These activities and operations are focused upon restoring an organization's critical functions and providing the critical needs of the clients. This phase is initiated by the declaration of an "all clear" condition. The "all clear" condition indicates that the disaster situation has ended and that all facilities within the scope of this plan have been secured or that the organization is ready to provide critical functions from an alternate site.

The **Recovery** section provides for restoring operations to its normal, or improved, state of affairs. This phase is initiated by a meeting called by the executive leader

once a determination has been made that all critical processes have been restored. Examples of recovery actions include restoration of non-critical functions and reconstruction in damaged areas. The recovery period offers an opportune time to institute mitigation measures, particularly those related to the recent

disaster.

### **Emergency Call Lists**

There are two types of Emergency Call Lists- Internal and External. Both of these call lists should contain the names and contact information for persons that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. The internal call list is for employees in the city that need to be notified. These city employees will obviously be ones in the affected department but should also be key personnel in other departments that need to be notified. External contacts are those critical vendors that supply equipment, software or services to the organization.

**Appendix A- City Disaster Readiness Team (DRT)**

| <b>NAME</b>     | <b>TITLE</b>                                  | <b>PHONE#</b> | <b>EMAIL ADDRESS</b>   |
|-----------------|---|---------------|--|
| Herbert Blake   | Chief / Police Department                     | 828-606-1223  | <a href="mailto:hblake@cityofhendersonville.org">hblake@cityofhendersonville.org</a>         |
| Dorian Flowers  | Chief / Fire Department                       | 828-674-6339  | <a href="mailto:dflowers@cityofhendersonville.org">dflowers@cityofhendersonville.org</a>     |
| Lee Smith       | Director Water Department                     | 828-674-2223  | <a href="mailto:lsmith@cityofhendersonville.org">lsmith@cityofhendersonville.org</a>         |
| Tom Wooten      | Director Public Works                         | 828-674-0941  | <a href="mailto:twooten@cityofhendersonville.org">twooten@cityofhendersonville.org</a>       |
| Susan Frady     | Director / Zoning Department                  | 828-674-8430  | <a href="mailto:sfrady@cityofhendersonville.org">sfrady@cityofhendersonville.org</a>         |
| Travis Penland  | GIS Director / Engineering                    | 828-606-4820  | <a href="mailto:tpenland@cityofhendersonville.org">tpenland@cityofhendersonville.org</a>     |
| Lisa White      | Director / Finance Dept.                      | 828-772-6609  | <a href="mailto:lwhite@cityofhendersonville.org">lwhite@cityofhendersonville.org</a>         |
| Rocky Hyder     | Emergency Management Dir.<br>Henderson County |               |  |
| Terra Ledbetter | Public Information Officer                    |               | <a href="mailto:tledbetter@cityofhendersonville.org">tledbetter@cityofhendersonville.org</a> |

## **Appendix B – City of Hendersonville Emergency Operations Centers**

### **Emergency Operations Center Primary Site**

The City Manager for the City of Hendersonville has designated the primary emergency operations center as City Hall. This building has been chosen as the primary site for several beneficial logistical reasons as well as its physical distance from the secondary site, should that site be deemed unusable.

The building known as Hendersonville City Hall is located near the center of the City of Hendersonville at 145 5<sup>th</sup> Avenue East. The building is a multi-story building that houses the city's administrative offices as well as the city's police department. The building has been chosen as the primary emergency operations site for several logistical reasons. The first consideration was the building has the capability of operating on a limited basis without the benefit of external electrical power. The building is equipped with an external electrical generator that will provide several areas of the building with power.

This building also has the ability to provide meeting areas for the department heads as well as their designees. The building has areas for both the emergency communications for the City of Hendersonville as well as basic housing areas for employees. The building has the capability of providing food preparation areas and basic sleeping quarters with little external preparations.

City Hall also is located on two major traffic corridors that would also allow for the efficient movement of personnel, equipment, and supplies. These corridors are US 64 (6<sup>th</sup> Avenue) and US 25 (King Street). Both of these traffic arteries are also maintained by state resources, which will aid in the availability of the roadways during a disaster.

This site does not have the adjacent housing that the secondary site has at its disposal. However, the use of the same alternate housing could be made available with a short commute from the secondary site. An additional drawback for the primary emergency operations site is the proximity to a chemical storage area within several blocks of the site. Depending on the type and scope of disaster this could render the primary emergency operations site as unusable.

## Emergency Operations Center Secondary Site

The City of Hendersonville City Manager has designated the Hendersonville Fire Department Station #2 as the secondary emergency operations site. This site was chosen for several logistical reasons as the most logical secondary site in the event of a disaster.

The secondary emergency operations center is located along Sugarloaf Road within the physical city limits of the City of Hendersonville. This building has the capability of operating without the benefit of electrical power from outside sources by means of an onsite electrical generator. In addition to independent electrical power the building is also equipped with T-3 lines for high-speed internet capabilities which will be needed for numerous communications applications. In the event this utility is not available the site will also allow for other forms of communications equipment applications.

Additionally, the site has a training room that can act as a meeting area for the City of Hendersonville department heads as well as serve as an area for emergency communications. Also, of consideration this room or adjacent room could be used as media meeting rooms so that the public can remain informed of the progress of the disaster recovery efforts. This training room is capable of holding approximately 40 (forty) individuals and equipment. The building also has the ability to provide living quarters and food preparation areas for those individuals who will work from the site during an activation of the emergency operations site.

In addition to the on-site logistics that Fire Station 2 has the capabilities of the site also has other logistical advantages. The site is very close to two major traffic arteries within Hendersonville and Henderson County. These two arteries are I-26 and US 64. Both of these traffic arteries would prove critical to moving personnel, equipment, and supplies during a major disaster of any type. This ability to move critical supplies will be essential in the event that a disaster is more than several hours in duration. Additionally the City of Hendersonville will have the benefit of state and federal assistance in maintaining the readiness of these roadways. This site also has the ability to park and stage a large quantity of equipment and supplies as needed.

Another logistical consideration of the secondary emergency operations site is the availability of additional housing for employees and their families, if necessary. The site is adjacent to several hotels that have the capability of housing numerous employees and their families in the event that the state of emergency is prolonged and housing becomes a necessity.

## **Emergency Operations Center Alternate Site 3**

The City Manager of the City of Hendersonville has identified the third emergency operation center as the water treatment facility located in Mills River, NC. This property is outside of the physical city limits of the City of Hendersonville, but it is owned and operated by the City of Hendersonville. The property is located at 4139 Haywood Road in Mills River.

This site was chosen as the third emergency operations center based upon logistical benefits that the site holds in the event the first two operations centers are deemed as unusable. This site, as with the other operations centers, has the ability to operate without the benefit of external electrical power. The site is equipped with an alternate electrical generator. It also should be noted that this site is not on the same electrical grid as the primary or the secondary operations centers. Therefore this site may still be able to operate with external electrical power while the other two sites must rely upon electrical generators.

This site also has the ability to provide meeting areas for department heads to operate and direct response operations and media meeting areas. Although this site does not have the ability to house emergency communications, the police department mobile command post is housed on the property and it can be utilized to provide emergency communications. This mobile command post can be put into operation in the event of an emergency in approximately 30 (thirty) minutes.

The site does not have a close proximity for alternate housing for city employees or their families. The alternate housing needs would need to be address by other means, with the closest hotel housing being near the Asheville Airport on Highway 280. The site itself could be used to create very basic housing for essential personnel with some external preparations to the site to create living quarters.

The site does have two major traffic corridors nearby to provide the necessary means to move personnel, equipment, and supplies. These two roadways are US 280 and US 191. Both of these roadways are state maintained roadways and are capable of moving large quantities of personnel and equipment as needed. The site also would be able to provide parking and staging areas for large quantities of equipment and supplies.

## **Appendix C-City Administration Disaster Readiness Plan**

### **Succession of Leadership**

Leader: John Connet / City Manager / (828)-606-1410

Alternate 1: Tom Wooten / Public Works Director / 828-674-0941

Alternate 2: Lee Smith / Water Dept. Director / 828-674-2223

### **Alternate Site(s)**

Primary Site: Hendersonville City Hall

Alternate 1: City of Hendersonville Fire Station 2

Alternate 2: City of Hendersonville Water Treatment Facility (Mills River, NC)

### **Preservation of Records**

A designated department employee will maintain a list of critical documents/ records that will need to be recovered in an emergency/ alternate site situation. These documents will include both hardcopy (paper) and electronic type files.

All critical electronic files should be maintained on a server designated for the City Administration department by the City Information Technology Group. The City Information Technology Group will then ensure that these electronic files are backed up nightly with weekly backups being taken offsite to a secure location. Any critical electronic files that are maintained on office desktop and laptop computers should also be backed up and stored offsite on the same schedule as that imposed for server backups. It will also be the responsibility of the City Administration department to regularly, at least quarterly, review with the City Information Technology Group the list of files being backed up for completeness and for any obsolete files. Finally, exercises should be done at least annually to restore files that have been backed up to ensure that these files can be restored correctly and in an efficient period.

Critical hardcopy records should also be scanned and backed up offsite. It is also an excellent practice that vital documents be stored offsite should access be denied to the City Administration department's office. Suggested sites would be the Register of Deeds Office (bonded debt documents are already stored there) or potentially at a bank vault in town.

## **Operations Recovery Checklists**

### **Response/Critical Lists**

The following document contains activities or responsibilities that should be considered during the initial hours of declaring a state of disaster that denies access to the primary operation center.

Along with the Response document will be the Critical Lists that have been formulated during this process.

### **Stabilization**

Following the Response document, the Stabilization document contains activities or responsibilities that should be considered once the "all clear" condition has been declared. These activities include items that provide for the rapid and orderly start of the rehabilitation and restoration of operational functions affected by the disaster.

### **Recovery**

The final document contains activities or responsibilities for restoring the operations to its normal, or improved, state of affairs. The recovery period not only rebuilds the long-term operations of the workshop, but will also include risk mitigation measures, particularly those related to the recent disaster.

## **Emergency Call Lists**

### **Internal Call List:**

The internal call lists should contain the names and contact information for persons that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. The internal call list is for employees in the city that need to be notified. These city employees will obviously be ones in the affected department but should also be key personnel in other departments that need to be notified.

### **External Call List:**

The external call lists should contain the names and contact information for persons and outside vendors that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. External contacts are those critical vendors that supply equipment, software or services to the organization.

## **Appendix D-City Fire Department Disaster Readiness Plan**

### **Succession of Leadership**

Leader: Dorian Flowers / Fire Chief / 828-674-6339

Alternate 1: / Assistant Fire Chief

Alternate 2: /

### **Alternate Site(s)**

Primary Site: Hendersonville Fire Department Station 1

Alternate 1: Hendersonville Fire Department Station 2

Alternate 2: City of Hendersonville City Hall

### **Preservation of Records**

A designated department employee will maintain a list of critical documents/ records that will need to be recovered in an emergency/ alternate site situation. These documents will include both hardcopy (paper) and electronic type files.

All critical electronic files should be maintained on a server designated for the City Administration department by the City Information Technology Group. The City Information Technology Group will then ensure that these electronic files are backed up nightly with weekly backups being taken offsite to a secure location. Any critical electronic files that are maintained on office desktop and laptop computers should also be backed up and stored offsite on the same schedule as that imposed for server backups. It will also be the responsibility of the City Administration department to regularly, at least quarterly, review with the City Information Technology Group the list of files being backed up for completeness and for any obsolete files. Finally, exercises should be done at least annually to restore files that have been backed up to ensure that these files can be restored correctly and in an efficient period.

Critical hardcopy records should also be scanned and backed up offsite. It is also an excellent practice that vital documents be stored offsite should access be denied to the City Administration department's office. Suggested sites would be the Register of Deeds Office (bonded debt documents are already stored there) or potentially at a bank vault in town.

## **Operations Recovery Checklists**

### **Response/Critical Lists**

The following document contains activities or responsibilities that should be considered during the initial hours of declaring a state of disaster that denies access to the primary operation center.

Along with the Response document will be the Critical Lists that have been formulated during this process.

### **Stabilization**

Following the Response document, the Stabilization document contains activities or responsibilities that should be considered once the "all clear" condition has been declared. These activities include items that provide for the rapid and orderly start of the rehabilitation and restoration of operational functions affected by the disaster.

### **Recovery**

The final document contains activities or responsibilities for restoring the operations to its normal, or improved, state of affairs. The recovery period not only rebuilds the long-term operations of the workshop, but will also include risk mitigation measures, particularly those related to the recent disaster.

## **Emergency Call Lists**

### **Internal Call List:**

The internal call lists should contain the names and contact information for persons that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. The internal call list is for employees in the city that need to be notified. These city employees will obviously be ones in the affected department but should also be key personnel in other departments that need to be notified.

### **External Call List:**

The external call lists should contain the names and contact information for persons and outside vendors that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. External contacts are those critical vendors that supply equipment, software or services to the organization.

## **Appendix E-City Police Department Disaster Readiness Plan**

### **Succession of Leadership**

Leader: Herbert Blake / Chief of Police / 828-606-1223

Alternate 1: Doug Jones / Captain / 828-329-6841

Alternate 2: Bruce Simonds / Captain / 828-702-1415

### **Alternate Site(s)**

Primary Site: Hendersonville City Hall

Alternate 1: City of Hendersonville Fire Station 2

Alternate 2: City of Hendersonville Water Treatment Facility (Mills River, NC)

### **Preservation of Records**

A designated department employee will maintain a list of critical documents/ records that will need to be recovered in an emergency/ alternate site situation. These documents will include both hardcopy (paper) and electronic type files.

All critical electronic files should be maintained on a server designated for the City Administration department by the City Information Technology Group. The City Information Technology Group will then ensure that these electronic files are backed up nightly with weekly backups being taken offsite to a secure location. Any critical electronic files that are maintained on office desktop and laptop computers should also be backed up and stored offsite on the same schedule as that imposed for server backups. It will also be the responsibility of the City Administration department to regularly, at least quarterly, review with the City Information Technology Group the list of files being backed up for completeness and for any obsolete files. Finally, exercises should be done at least annually to restore files that have been backed up to ensure that these files can be restored correctly and in an efficient period.

Critical hardcopy records should also be scanned and backed up offsite. It is also an excellent practice that vital documents be stored offsite should access be denied to the City Administration department's office. Suggested sites would be the Register of Deeds Office (bonded debt documents are already stored there) or potentially at a bank vault in town.

## **Operations Recovery Checklists**

### **Response/Critical Lists**

The following document contains activities or responsibilities that should be considered during the initial hours of declaring a state of disaster that denies access to the primary operation center.

Along with the Response document will be the Critical Lists that have been formulated during this process.

### **Stabilization**

Following the Response document, the Stabilization document contains activities or responsibilities that should be considered once the "all clear" condition has been declared. These activities include items that provide for the rapid and orderly start of the rehabilitation and restoration of operational functions affected by the disaster.

### **Recovery**

The final document contains activities or responsibilities for restoring the operations to its normal, or improved, state of affairs. The recovery period not only rebuilds the long-term operations of the workshop, but will also include risk mitigation measures, particularly those related to the recent disaster.

## **Emergency Call Lists**

### **Internal Call List:**

The internal call lists should contain the names and contact information for persons that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. The internal call list is for employees in the city that need to be notified. These city employees will obviously be ones in the affected department but should also be key personnel in other departments that need to be notified.

### **External Call List:**

The external call lists should contain the names and contact information for persons and outside vendors that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. External contacts are those critical vendors that supply equipment, software or services to the organization.

## **Appendix F-City Public Works Dept. Disaster Readiness Plan**

### **Succession of Leadership**

Leader: Tom Wooten / Director / 828-674-0941

Alternate 1: Chad Freeman / Asst. Director / 828-243-0110

Alternate 2: Larry Reeves / Building Maintenance Supervisor / 828-606-7682

### **Alternate Site(s)**

Primary Site: Hendersonville City Hall

Alternate 1: City of Hendersonville Fire Station 2

Alternate 2: City of Hendersonville Water Treatment Facility (Mills River, NC)

### **Preservation of Records**

A designated department employee will maintain a list of critical documents/ records that will need to be recovered in an emergency/ alternate site situation. These documents will include both hardcopy (paper) and electronic type files.

All critical electronic files should be maintained on a server designated for the City Administration department by the City Information Technology Group. The City Information Technology Group will then ensure that these electronic files are backed up nightly with weekly backups being taken offsite to a secure location. Any critical electronic files that are maintained on office desktop and laptop computers should also be backed up and stored offsite on the same schedule as that imposed for server backups. It will also be the responsibility of the City Administration department to regularly, at least quarterly, review with the City Information Technology Group the list of files being backed up for completeness and for any obsolete files. Finally, exercises should be done at least annually to restore files that have been backed up to ensure that these files can be restored correctly and in an efficient period.

Critical hardcopy records should also be scanned and backed up offsite. It is also an excellent practice that vital documents be stored offsite should access be denied to the City Administration department's office. Suggested sites would be the Register of Deeds Office (bonded debt documents are already stored there) or potentially at a bank vault in town.

## **Operations Recovery Checklists**

### **Response/Critical Lists**

The following document contains activities or responsibilities that should be considered during the initial hours of declaring a state of disaster that denies access to the primary operation center.

Along with the Response document will be the Critical Lists that have been formulated during this process.

### **Stabilization**

Following the Response document, the Stabilization document contains activities or responsibilities that should be considered once the "all clear" condition has been declared. These activities include items that provide for the rapid and orderly start of the rehabilitation and restoration of operational functions affected by the disaster.

### **Recovery**

The final document contains activities or responsibilities for restoring the operations to its normal, or improved, state of affairs. The recovery period not only rebuilds the long-term operations of the workshop, but will also include risk mitigation measures, particularly those related to the recent disaster.

## **Emergency Call Lists**

### **Internal Call List:**

The internal call lists should contain the names and contact information for persons that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. The internal call list is for employees in the city that need to be notified. These city employees will obviously be ones in the affected department but should also be key personnel in other departments that need to be notified.

### **External Call List:**

The external call lists should contain the names and contact information for persons and outside vendors that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. External contacts are those critical vendors that supply equipment, software or services to the organization.

## **Appendix G - City Engineering Department Disaster Readiness Plan**

### **Succession of Leadership**

Leader: Brent Detwiler / City Engineer /  
Alternate 1: Travis Penland / GIS Coordinator /  
Alternate 2: Sam Payne / Construction Inspector /

### **Alternate Site(s)**

Primary Site: Hendersonville City Hall  
Alternate 1: City of Hendersonville Fire Station 2  
Alternate 2: City of Hendersonville Water Treatment Facility (Mills River, NC)

### **Preservation of Records**

A designated department employee will maintain a list of critical documents/ records that will need to be recovered in an emergency/ alternate site situation. These documents will include both hardcopy (paper) and electronic type files.

All critical electronic files should be maintained on a server designated for the City Administration department by the City Information Technology Group. The City Information Technology Group will then ensure that these electronic files are backed up nightly with weekly backups being taken offsite to a secure location. Any critical electronic files that are maintained on office desktop and laptop computers should also be backed up and stored offsite on the same schedule as that imposed for server backups. It will also be the responsibility of the City Administration department to regularly, at least quarterly, review with the City Information Technology Group the list of files being backed up for completeness and for any obsolete files. Finally, exercises should be done at least annually to restore files that have been backed up to ensure that these files can be restored correctly and in an efficient period.

Critical hardcopy records should also be scanned and backed up offsite. It is also an excellent practice that vital documents be stored offsite should access be denied to the City Administration department's office. Suggested sites would be the Register of Deeds Office (bonded debt documents are already stored there) or potentially at a bank vault in town.

## **Operations Recovery Checklists**

### **Response/Critical Lists**

The following document contains activities or responsibilities that should be considered during the initial hours of declaring a state of disaster that denies access to the primary operation center.

Along with the Response document will be the Critical Lists that have been formulated during this process.

### **Stabilization**

Following the Response document, the Stabilization document contains activities or responsibilities that should be considered once the "all clear" condition has been declared. These activities include items that provide for the rapid and orderly start of the rehabilitation and restoration of operational functions affected by the disaster.

### **Recovery**

The final document contains activities or responsibilities for restoring the operations to its normal, or improved, state of affairs. The recovery period not only rebuilds the long-term operations of the workshop, but will also include risk mitigation measures, particularly those related to the recent disaster.

## **Emergency Call Lists**

### **Internal Call List:**

The internal call lists should contain the names and contact information for persons that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. The internal call list is for employees in the city that need to be notified. These city employees will obviously be ones in the affected department but should also be key personnel in other departments that need to be notified.

### **External Call List:**

The external call lists should contain the names and contact information for persons and outside vendors that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. External contacts are those critical vendors that supply equipment, software or services to the organization.

## **Appendix H-City Human Resources Dept. Disaster Readiness Plan**

### **Succession of Leadership**

Leader: David Sapp / Director / 828-329-8347  
Alternate 1: Angela Swain / Payroll / 828-674-1116  
Alternate 2:

### **Alternate Site(s)**

Primary Site: Hendersonville City Hall  
Alternate 1: City of Hendersonville Fire Station 2  
Alternate 2: City of Hendersonville Water Treatment Facility (Mills River, NC)

### **Preservation of Records**

A designated department employee will maintain a list of critical documents/ records that will need to be recovered in an emergency/ alternate site situation. These documents will include both hardcopy (paper) and electronic type files.

All critical electronic files should be maintained on a server designated for the City Administration department by the City Information Technology Group. The City Information Technology Group will then ensure that these electronic files are backed up nightly with weekly backups being taken offsite to a secure location. Any critical electronic files that are maintained on office desktop and laptop computers should also be backed up and stored offsite on the same schedule as that imposed for server backups. It will also be the responsibility of the City Administration department to regularly, at least quarterly, review with the City Information Technology Group the list of files being backed up for completeness and for any obsolete files. Finally, exercises should be done at least annually to restore files that have been backed up to ensure that these files can be restored correctly and in an efficient period.

Critical hardcopy records should also be scanned and backed up offsite. It is also an excellent practice that vital documents be stored offsite should access be denied to the City Administration department's office. Suggested sites would be the Register of Deeds Office (bonded debt documents are already stored there) or potentially at a bank vault in town.

## **Operations Recovery Checklists**

### **Response/Critical Lists**

The following document contains activities or responsibilities that should be considered during the initial hours of declaring a state of disaster that denies access to the primary operation center.

Along with the Response document will be the Critical Lists that have been formulated during this process.

### **Stabilization**

Following the Response document, the Stabilization document contains activities or responsibilities that should be considered once the "all clear" condition has been declared. These activities include items that provide for the rapid and orderly start of the rehabilitation and restoration of operational functions affected by the disaster.

### **Recovery**

The final document contains activities or responsibilities for restoring the operations to its normal, or improved, state of affairs. The recovery period not only rebuilds the long-term operations of the workshop, but will also include risk mitigation measures, particularly those related to the recent disaster.

## **Emergency Call Lists**

### **Internal Call List:**

The internal call lists should contain the names and contact information for persons that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. The internal call list is for employees in the city that need to be notified. These city employees will obviously be ones in the affected department but should also be key personnel in other departments that need to be notified.

### **External Call List:**

The external call lists should contain the names and contact information for persons and outside vendors that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. External contacts are those critical vendors that supply equipment, software or services to the organization.

## **Appendix I-City Information Technology Dept. Disaster Readiness Plan**

### **Succession of Leadership**

Leader: Allen Edge/ Director / 828-243-0487

Alternate 1: Tracey Cox / 1<sup>st</sup> Lieutenant Police / 828-329-6838

Alternate 2: Jay Heatherly / GIS Technician /

### **Alternate Site(s)**

Primary Site: Hendersonville City Hall

Alternate 1: City of Hendersonville Fire Station 2

Alternate 2: City of Hendersonville Water Treatment Facility (Mills River, NC)

### **Preservation of Records**

A designated department employee will maintain a list of critical documents/ records that will need to be recovered in an emergency/ alternate site situation. These documents will include both hardcopy (paper) and electronic type files.

All critical electronic files should be maintained on a server designated for the City Administration department by the City Information Technology Group. The City Information Technology Group will then ensure that these electronic files are backed up nightly with weekly backups being taken offsite to a secure location. Any critical electronic files that are maintained on office desktop and laptop computers should also be backed up and stored offsite on the same schedule as that imposed for server backups. It will also be the responsibility of the City Administration department to regularly, at least quarterly, review with the City Information Technology Group the list of files being backed up for completeness and for any obsolete files. Finally, exercises should be done at least annually to restore files that have been backed up to ensure that these files can be restored correctly and in an efficient period.

Critical hardcopy records should also be scanned and backed up offsite. It is also an excellent practice that vital documents be stored offsite should access be denied to the City Administration department's office. Suggested sites would be the Register of Deeds Office (bonded debt documents are already stored there) or potentially at a bank vault in town.

## **Operations Recovery Checklists**

### **Response/Critical Lists**

The following document contains activities or responsibilities that should be considered during the initial hours of declaring a state of disaster that denies access to the primary operation center.

Along with the Response document will be the Critical Lists that have been formulated during this process.

### **Stabilization**

Following the Response document, the Stabilization document contains activities or responsibilities that should be considered once the "all clear" condition has been declared. These activities include items that provide for the rapid and orderly start of the rehabilitation and restoration of operational functions affected by the disaster.

### **Recovery**

The final document contains activities or responsibilities for restoring the operations to its normal, or improved, state of affairs. The recovery period not only rebuilds the long-term operations of the workshop, but will also include risk mitigation measures, particularly those related to the recent disaster.

## **Emergency Call Lists**

### **Internal Call List:**

The internal call lists should contain the names and contact information for persons that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. The internal call list is for employees in the city that need to be notified. These city employees will obviously be ones in the affected department but should also be key personnel in other departments that need to be notified.

### **External Call List:**

The external call lists should contain the names and contact information for persons and outside vendors that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. External contacts are those critical vendors that supply equipment, software or services to the organization.

## **Appendix J-City Finance Department Disaster Readiness Plan**

### **Succession of Leadership**

Leader: Lisa White / Director Finance Dept. / 828-772-6609  
Alternate 1: Nancy Blanchard/ Customer Service / 828-696-6977  
Alternate 2: Tammy Ledford / Customer Service /

### **Alternate Site(s)**

Primary Site: Hendersonville City Hall  
Alternate 1: City of Hendersonville Fire Station 2  
Alternate 2: City of Hendersonville Water Treatment Facility (Mills River, NC)

### **Preservation of Records**

A designated department employee will maintain a list of critical documents/ records that will need to be recovered in an emergency/ alternate site situation. These documents will include both hardcopy (paper) and electronic type files.

All critical electronic files should be maintained on a server designated for the City Administration department by the City Information Technology Group. The City Information Technology Group will then ensure that these electronic files are backed up nightly with weekly backups being taken offsite to a secure location. Any critical electronic files that are maintained on office desktop and laptop computers should also be backed up and stored offsite on the same schedule as that imposed for server backups. It will also be the responsibility of the City Administration department to regularly, at least quarterly, review with the City Information Technology Group the list of files being backed up for completeness and for any obsolete files. Finally, exercises should be done at least annually to restore files that have been backed up to ensure that these files can be restored correctly and in an efficient period.

Critical hardcopy records should also be scanned and backed up offsite. It is also an excellent practice that vital documents be stored offsite should access be denied to the City Administration department's office. Suggested sites would be the Register of Deeds Office (bonded debt documents are already stored there) or potentially at a bank vault in town.

## **Operations Recovery Checklists**

### **Response/Critical Lists**

The following document contains activities or responsibilities that should be considered during the initial hours of declaring a state of disaster that denies access to the primary operation center.

Along with the Response document will be the Critical Lists that have been formulated during this process.

### **Stabilization**

Following the Response document, the Stabilization document contains activities or responsibilities that should be considered once the "all clear" condition has been declared. These activities include items that provide for the rapid and orderly start of the rehabilitation and restoration of operational functions affected by the disaster.

### **Recovery**

The final document contains activities or responsibilities for restoring the operations to its normal, or improved, state of affairs. The recovery period not only rebuilds the long-term operations of the workshop, but will also include risk mitigation measures, particularly those related to the recent disaster.

## **Emergency Call Lists**

### **Internal Call List:**

The internal call lists should contain the names and contact information for persons that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. The internal call list is for employees in the city that need to be notified. These city employees will obviously be ones in the affected department but should also be key personnel in other departments that need to be notified.

### **External Call List:**

The external call lists should contain the names and contact information for persons and outside vendors that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. External contacts are those critical vendors that supply equipment, software or services to the organization.

## **Appendix K-City Water Department Disaster Readiness Plan**

### **Succession of Leadership**

Leader: Lee Smith / Director / 828-674-2223

Alternate 1: Rachel Magyary / Assist. Director / 828-414-5267

Alternate 2: Tim Sexton / Sewer Collections Supervisor / 828-243-3740

### **Alternate Site(s)**

Primary Site: Hendersonville City Hall

Alternate 1: City of Hendersonville Fire Station 2

Alternate 2: City of Hendersonville Water Treatment Facility (Mills River, NC)

### **Preservation of Records**

A designated department employee will maintain a list of critical documents/ records that will need to be recovered in an emergency/ alternate site situation. These documents will include both hardcopy (paper) and electronic type files.

All critical electronic files should be maintained on a server designated for the City Administration department by the City Information Technology Group. The City Information Technology Group will then ensure that these electronic files are backed up nightly with weekly backups being taken offsite to a secure location. Any critical electronic files that are maintained on office desktop and laptop computers should also be backed up and stored offsite on the same schedule as that imposed for server backups. It will also be the responsibility of the City Administration department to regularly, at least quarterly, review with the City Information Technology Group the list of files being backed up for completeness and for any obsolete files. Finally, exercises should be done at least annually to restore files that have been backed up to ensure that these files can be restored correctly and in an efficient period.

Critical hardcopy records should also be scanned and backed up offsite. It is also an excellent practice that vital documents be stored offsite should access be denied to the City Administration department's office. Suggested sites would be the Register of Deeds Office (bonded debt documents are already stored there) or potentially at a bank vault in town.

## **Operations Recovery Checklists**

### **Response/Critical Lists**

The following document contains activities or responsibilities that should be considered during the initial hours of declaring a state of disaster that denies access to the primary operation center.

Along with the Response document will be the Critical Lists that have been formulated during this process.

### **Stabilization**

Following the Response document, the Stabilization document contains activities or responsibilities that should be considered once the "all clear" condition has been declared. These activities include items that provide for the rapid and orderly start of the rehabilitation and restoration of operational functions affected by the disaster.

### **Recovery**

The final document contains activities or responsibilities for restoring the operations to its normal, or improved, state of affairs. The recovery period not only rebuilds the long-term operations of the workshop, but will also include risk mitigation measures, particularly those related to the recent disaster.

## **Emergency Call Lists**

### **Internal Call List:**

The internal call lists should contain the names and contact information for persons that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. The internal call list is for employees in the city that need to be notified. These city employees will obviously be ones in the affected department but should also be key personnel in other departments that need to be notified.

### **External Call List:**

The external call lists should contain the names and contact information for persons and outside vendors that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. External contacts are those critical vendors that supply equipment, software or services to the organization.

## **Appendix L - City Planning / Zoning Department Disaster Readiness Plan**

### **Succession of Leadership**

Leader: Susan Anderson / Director / 828-337-5810

Alternate 1: Susan Frady / Zoning Director / 828-674-8430

Alternate 2: Terri Swann / Code Enforcement / 828-674-2174

### **Alternate Site(s)**

Primary Site: Hendersonville City Hall

Alternate 1: City of Hendersonville Fire Station 2

Alternate 2: City of Hendersonville Water Treatment Facility (Mills River, NC)

### **Preservation of Records**

A designated department employee will maintain a list of critical documents/ records that will need to be recovered in an emergency/ alternate site situation. These documents will include both hardcopy (paper) and electronic type files.

All critical electronic files should be maintained on a server designated for the City Administration department by the City Information Technology Group. The City Information Technology Group will then ensure that these electronic files are backed up nightly with weekly backups being taken offsite to a secure location. Any critical electronic files that are maintained on office desktop and laptop computers should also be backed up and stored offsite on the same schedule as that imposed for server backups. It will also be the responsibility of the City Administration department to regularly, at least quarterly, review with the City Information Technology Group the list of files being backed up for completeness and for any obsolete files. Finally, exercises should be done at least annually to restore files that have been backed up to ensure that these files can be restored correctly and in an efficient period.

Critical hardcopy records should also be scanned and backed up offsite. It is also an excellent practice that vital documents be stored offsite should access be denied to the City Administration department's office. Suggested sites would be the Register of Deeds Office (bonded debt documents are already stored there) or potentially at a bank vault in town.

## **Operations Recovery Checklists**

### **Response/Critical Lists**

The following document contains activities or responsibilities that should be considered during the initial hours of declaring a state of disaster that denies access to the primary operation center.

Along with the Response document will be the Critical Lists that have been formulated during this process.

### **Stabilization**

Following the Response document, the Stabilization document contains activities or responsibilities that should be considered once the "all clear" condition has been declared. These activities include items that provide for the rapid and orderly start of the rehabilitation and restoration of operational functions affected by the disaster.

### **Recovery**

The final document contains activities or responsibilities for restoring the operations to its normal, or improved, state of affairs. The recovery period not only rebuilds the long-term operations of the workshop, but will also include risk mitigation measures, particularly those related to the recent disaster.

## **Emergency Call Lists**

### **Internal Call List:**

The internal call lists should contain the names and contact information for persons that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. The internal call list is for employees in the city that need to be notified. These city employees will obviously be ones in the affected department but should also be key personnel in other departments that need to be notified.

### **External Call List:**

The external call lists should contain the names and contact information for persons and outside vendors that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. External contacts are those critical vendors that supply equipment, software or services to the organization.

## **Appendix M-City Legal Department Disaster Readiness Plan**

### **Succession of Leadership**

Leader: Sam Fritschner / City Attorney / 828-243-5338  
Alternate 1: Amy Knight / City Paralegal / 828-489-1025  
Alternate 2:

### **Alternate Site(s)**

Primary Site: Hendersonville City Hall  
Alternate 1: City of Hendersonville Fire Station 2  
Alternate 2: City of Hendersonville Water Treatment Facility (Mills River, NC)

### **Preservation of Records**

A designated department employee will maintain a list of critical documents/ records that will need to be recovered in an emergency/ alternate site situation. These documents will include both hardcopy (paper) and electronic type files.

All critical electronic files should be maintained on a server designated for the City Administration department by the City Information Technology Group. The City Information Technology Group will then ensure that these electronic files are backed up nightly with weekly backups being taken offsite to a secure location. Any critical electronic files that are maintained on office desktop and laptop computers should also be backed up and stored offsite on the same schedule as that imposed for server backups. It will also be the responsibility of the City Administration department to regularly, at least quarterly, review with the City Information Technology Group the list of files being backed up for completeness and for any obsolete files. Finally, exercises should be done at least annually to restore files that have been backed up to ensure that these files can be restored correctly and in an efficient period.

Critical hardcopy records should also be scanned and backed up offsite. It is also an excellent practice that vital documents be stored offsite should access be denied to the City Administration department's office. Suggested sites would be the Register of Deeds Office (bonded debt documents are already stored there) or potentially at a bank vault in town.

## **Operations Recovery Checklists**

### **Response/Critical Lists**

The following document contains activities or responsibilities that should be considered during the initial hours of declaring a state of disaster that denies access to the primary operation center.

Along with the Response document will be the Critical Lists that have been formulated during this process.

### **Stabilization**

Following the Response document, the Stabilization document contains activities or responsibilities that should be considered once the "all clear" condition has been declared. These activities include items that provide for the rapid and orderly start of the rehabilitation and restoration of operational functions affected by the disaster.

### **Recovery**

The final document contains activities or responsibilities for restoring the operations to its normal, or improved, state of affairs. The recovery period not only rebuilds the long-term operations of the workshop, but will also include risk mitigation measures, particularly those related to the recent disaster.

## **Emergency Call Lists**

### **Internal Call List:**

The internal call lists should contain the names and contact information for persons that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. The internal call list is for employees in the city that need to be notified. These city employees will obviously be ones in the affected department but should also be key personnel in other departments that need to be notified.

### **External Call List:**

The external call lists should contain the names and contact information for persons and outside vendors that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. External contacts are those critical vendors that supply equipment, software or services to the organization.

## **Appendix N–Fleet Maintance Dept. Disaster Readiness Plan**

### **Succession of Leadership**

Leader: Larry Mundy / Director / 828-

Alternate 1:

Alternate 2:

### **Alternate Site(s)**

Primary Site: Hendersonville City Hall

Alternate 1: City of Hendersonville Fire Station 2

Alternate 2: City of Hendersonville Water Treatment Facility (Mills River, NC)

### **Preservation of Records**

A designated department employee will maintain a list of critical documents/ records that will need to be recovered in an emergency/ alternate site situation. These documents will include both hardcopy (paper) and electronic type files.

All critical electronic files should be maintained on a server designated for the City Administration department by the City Information Technology Group. The City Information Technology Group will then ensure that these electronic files are backed up nightly with weekly backups being taken offsite to a secure location. Any critical electronic files that are maintained on office desktop and laptop computers should also be backed up and stored offsite on the same schedule as that imposed for server backups. It will also be the responsibility of the City Administration department to regularly, at least quarterly, review with the City Information Technology Group the list of files being backed up for completeness and for any obsolete files. Finally, exercises should be done at least annually to restore files that have been backed up to ensure that these files can be restored correctly and in an efficient period.

Critical hardcopy records should also be scanned and backed up offsite. It is also an excellent practice that vital documents be stored offsite should access be denied to the City Administration department's office. Suggested sites would be the Register of Deeds Office (bonded debt documents are already stored there) or potentially at a bank vault in town.

## **Operations Recovery Checklists**

### **Response/Critical Lists**

The following document contains activities or responsibilities that should be considered during the initial hours of declaring a state of disaster that denies access to the primary operation center.

Along with the Response document will be the Critical Lists that have been formulated during this process.

### **Stabilization**

Following the Response document, the Stabilization document contains activities or responsibilities that should be considered once the "all clear" condition has been declared. These activities include items that provide for the rapid and orderly start of the rehabilitation and restoration of operational functions affected by the disaster.

### **Recovery**

The final document contains activities or responsibilities for restoring the operations to its normal, or improved, state of affairs. The recovery period not only rebuilds the long-term operations of the workshop, but will also include risk mitigation measures, particularly those related to the recent disaster.

## **Emergency Call Lists**

### **Internal Call List:**

The internal call lists should contain the names and contact information for persons that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. The internal call list is for employees in the city that need to be notified. These city employees will obviously be ones in the affected department but should also be key personnel in other departments that need to be notified.

### **External Call List:**

The external call lists should contain the names and contact information for persons and outside vendors that will need to be contacted should the organization experience a disaster situation that would cause a major disruption to their services and where the organization may have to resume operations in an alternate location. External contacts are those critical vendors that supply equipment, software or services to the organization.

### **Appendix O – Critical Facilities**

Primary Emergency Operations Center  
City of Hendersonville City Hall  
145 5<sup>th</sup> Avenue East, Hendersonville, NC 28792  
GPS Coordinates:



Secondary Emergency Operations Center

City of Hendersonville Fire Station 2  
632 Sugarloaf Road, Hendersonville, NC  
GPS Coordinates:



Emergency Operations Center Alternate Site 3

City of Hendersonville Water Treatment Plant  
4139 Haywood Road, Horse Shoe, NC 28742  
GPS Coordinates:



City of Hendersonville Waste Water Treatment Plant

99 Balfour Road, Hendersonville, NC 28792  
GPS Coordinates:



Pardee Hospital

800 N. Justice Street, Hendersonville, NC 28791  
GPS Coordinates:



City of Hendersonville Fire Station 1

851 North Main Street, Hendersonville, NC 28792  
GPS Coordinates:



City of Hendersonville Operations Center

305 Williams Street Hendersonville, NC 28792  
GPS Coordinates:



Henderson Count Law Enforcement Center

100 North Grove Street, Hendersonville, NC 28792  
GPS Coordinates:



Henderson County Courthouse

200 N. Grove Street, Hendersonville, NC  
GPS Coordinates:



**Appendix P – Glossary of Abbreviations**

**24 / 7** – 24 hours per day, 7 days per week

**A/V** – Audio / Visual

**ADM** – Administration

**AOR** – Area of Operations

**ARC**- American Red Cross

**ARES** – Amateur Radio Emergency Services

**BC** – Business Continuity

**BIA** – Business Impact Analysis

**CD** – Compact Disc

**CFR** – Code of Federal Regulations

**CL** – Continuity Lead

**COG** – Continuity of Government

**COOP** – Continuity of Operations

**CP** – Contingency Planning

**CPA** – Certified Public Accountant

**CPG** – Civil Preparedness Guide

**DCI** – Division of Criminal Information (Police)

**DFO** – Disaster Field Office

**DNR** – Department of Natural Resources

**DOL** – Department of Labor

**DRP** – Disaster Readiness Plan

**DRS**- Disaster Readiness Survey

**DRT** – Disaster Readiness Team

**DSS** – Department of Social Services

**EBS** – Emergency Broadcast System

**EM** – Emergency Management

**EMC** – Emergency Management Coordinator

**EMT** – Emergency Medical Technician

**EOC** – Emergency Operations Center

**EOP** – Emergency Operations Plan

**ERC** – Emergency Relief Center

**FAQ** – Frequently Asked Questions

**FCC** – Federal Communications Commission

**FEMA** – Federal Emergency Management Agency

**FRP** – Federal Response Plan

**FTP** – File Transfer Protocol

**GS** - General Statute

**H** – Human Caused Disasters

**HAZMAT** – Hazardous Materials

**HIPPA** – Health Insurance Portability Accountability Act

**HR** – Human Resources

**IC** – Incident Commander

**ICS** – Incident Command System

**IDLH** – Immediately Dangerous to Life and Health

**IEMS** – Integrated Emergency Management System

**IMAP** – Interstate Management Assistance Patrol

**JDS** – Joint Discovery Session

**JIC** – Joint Information Session

**JIISE** – Joint Interagency Intelligence Support Element

**JOC** – Joint Operations Center

**LEPC** – Local Emergency Planning Committee

**LFA** – Lead Federal Agency

**MSDS** – Material Safety Data Sheet

**MSRS** – Modern Software Requirements

**NAWAS** – National Warning System

**NCEM** – North Carolina Division of Emergency Management

**NCERC** – North Carolina Emergency Response Commission

**NCGS** – North Carolina General Statute

**NCP** – National Contingency Plan

**NCSHP** – North Carolina State Highway Patrol

**NFPF** – National Fire Protection Association

**NIMS** – National Incident Management System

**NOAA** – National Oceanic and Atmospheric Administration

**NRC** – Nuclear Regulatory Commission

**NRT** – National Response Team

**NWS** – National Weather Service

**OIA** – Operation Impact Analysis

**OSC** – On Scene Commander

**OSHA** – Occupational Safety and Health Administration

**PIO** – Public Information Officer

**QA** – Quality Assurance

**RFI** – Request for Information

**RFP** – Request for Proposal

**ROC** – Regional Operations Center

**ROI** – Return of Investment

**RPC** – Remote Procedure Call

**RRT** – Regional Response Team

**RUP** – Rational Unified Process

**SARA** – Superfund Amendment Reauthorization Act

**SESRC** – State Emergency Response Commission

**SERT** – State Emergency Response Team

**SFO** – Senior FEMA Official

**SME** – Subject Matter Expert

**SOG** – Standard Operating Guide

**SOP** – Standard Operating Procedure

**SWP** – State Warning Point

**UPS** – Uninterrupted Power Supply

**USCG** – United States Coast Guard

**V/R** – Vulnerability / Risk

**VPN** – Virtual Private Network

**WMD** – Weapon of Mass Destruction

**Appendix Q – Emergency Operations Vendor Checklist**



---

| Department | Employee Calling | Vendor Contacted | Reason for Contact |
|------------|------------------|------------------|--------------------|
|            |                  |                  |                    |
|            |                  |                  |                    |
|            |                  |                  |                    |
|            |                  |                  |                    |

---

**Appendix R – Employee Call Back Checklist**



---

| Department | Employee Calling | Employee Contacted | Reason for Contact |
|------------|------------------|--------------------|--------------------|
|            |                  |                    |                    |
|            |                  |                    |                    |
|            |                  |                    |                    |
|            |                  |                    |                    |

---

**APPENDIX S – DECLARATION OF A STATE OF EMERGENCY**

## DECLARATION OF A STATE OF EMERGENCY

**WHEREAS, *(insert description of disaster event);*** and

**WHEREAS,** as a result of the above-described disaster, I have determined that there is an imminent threat of, or existing conditions have caused or will cause, widespread or severe damage, injury, or loss of life or property, and public safety authorities will be unable to maintain public order or afford adequate protection for lives or property; and

**WHEREAS,** declaring a State of Emergency and imposing the restrictions and prohibitions ordered herein is necessary to maintain order and protect public health, safety, and welfare, and to secure property.

**NOW, THEREFORE,** pursuant to the authority vested in me as the **(Mayor, Mayor Pro-Tem)** of the City of Hendersonville under Article 1A of Chapter 166A of the North Carolina General Statutes and Chapter 36 – 181/ When Emergency Deemed to Exist of the City of Hendersonville Code of Ordinances:

**Section 1.** A State of Emergency is hereby declared within the City of Hendersonville

**Section 2.** The emergency area covered by this state of emergency shall be ***(choose between the entire jurisdiction or a specified geographic area within the jurisdiction; if no geographic area is specified, the entire jurisdiction is covered by default)***

**Section 3.** The following restrictions and prohibitions are imposed: ***(choose the restrictions and prohibitions deemed necessary; do not include those that are not deemed necessary. If no restrictions or prohibitions are deemed necessary, delete this section and re-number the remaining sections accordingly)***

**a. Evacuation:** ***(Indicate weather evacuation is voluntary or mandatory, describe areas of jurisdiction to be evacuated and state times and dates for evacuation; include categories of essential personnel not subject to evacuation order)***

**b. Curfew:** ***(describe areas of jurisdiction under curfew and specify times during which curfew is in effect; include categories of essential personnel not subject to curfew)***

**c. Restricted Access:** ***(describe areas of jurisdiction under restricted access or limited entry; include categories of essential personnel not subject to restriction)***

**d. Business Operations:** ***(describe limitations on operations of businesses and commercial establishments, such as restricted hour of operation)***

**e. Alcohol:** ***(describe restriction on the possession, transportation, sale, purchase, and consumption of alcoholic beverages)***

**f. Dangerous Weapons & Gasoline:** Except for lawfully possessed firearms (handgun, rifle, or shotgun) and ammunition, (describe restrictions on the possession, transportation, sale, purchase, storage, and use of dangerous weapons and substances, and gasoline)

**g. Other:** (describe any other restrictions or prohibitions on other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during a state of emergency)

**Section 4.** I hereby order all City of Hendersonville law enforcement officers and employees and all other emergency management personnel subject to our control to cooperate in the enforcement and implementation of the provisions of this Declaration, all applicable local ordinances, state and federal laws, and the City of Hendersonville’s Emergency Operations Plan.

**Section 5.** I hereby order this declaration: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be filed with the Clerk to the City of Hendersonville and (c) to be distributed to others as necessary to ensure proper implementation of this declaration.

**Section 6.** This declaration shall take effect on (date) at (time), and shall remain in effect until modified or rescinded.

**DECLARED** this the (current date) at (time)

\_\_\_\_\_  
(Mayor or Mayor Pro-Tem)

**ATTEST:**

\_\_\_\_\_  
City of Hendersonville Clerk

**PROCLAMATION TERMINATING A CITY OF HENDERSONVILLE STATE OF EMERGENCY**

**Section 1.** On (day, month, year) at (time), I determined and proclaimed a local state of emergency for the city of Hendersonville.

**Section 2.** On (day, month, year) at (time), I ordered all law enforcement officers, emergency personnel and employees subject to my control to cooperate in the enforcement and implementation of the provisions of the City of Hendersonville’s Emergency Ordinances.

**Section 3.** I have determined that a State of Emergency no longer exists in the City of Hendersonville.

**Section 4.** I thereby terminate the proclamation of a local state of emergency and all the orders therein.

**Section 5.** This proclamation is effective immediately.  
Proclaimed this the (day, month, year) at (time)

---

(Mayor / Mayor Pro-Tem)