

AGENDA

CITY OF HENDERSONVILLE CITY COUNCIL – REGULAR MEETING

MARCH 5, 2015 – 5:45 P.M.

Assembly Room – Operations Center

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:** February 5, 2015 Regular Meeting
 - B. **Consideration of Resolution Authorizing the Donation of Surplus Property, Canine Zoro, to Sergeant Jimmy Case due to the Retirement of the Canine**
 - C. **Consideration of Performance Review and Employee Development Program**
 - D. **Consideration of Special Event Permits for HonorAir Car Show & Music Fundraiser**
 - E. **Consideration of Resolution to Adopt Public Employee Deferred Compensation Plan**
 - F. **Consideration of Job Descriptions**
 - i. **Revenue Accounting Supervisor**
 - ii. **Utilities Engineer**
 - G. **Consideration of Budget Amendment – Flat Rock Playhouse**
 - H. **Consideration of Authorization to Apply for Grant for Schoolhouse Road Project**
 - I. **Consideration of Sale of Small Tract of Land Located Near White Street/Greenville Highway to Halvorsen Development**

6. **Quasi-Judicial Public Hearing – Consideration of an Application from WGLA Engineering to Modify an Existing Special Use Permit to Remove 1.26 acres from the Development at 709 North Justice Street and to Reconfigure the Parking at the Pardee Medical Office Building**
Presenter: Planning Director Sue Anderson
7. **Quasi-Judicial Public Hearing – Consideration of Application from the City of Hendersonville and Other Partners including Henderson County, Pardee Memorial Hospital, Wingate University and Blue Ridge Community College for a Special Use Permit to Construct a Three-Story, 97,776 square foot Joint Health Education Facility on 2.18 acres at the Corner of Sixth Avenue West and North Oak Street**
Presenter: Planning Director Sue Anderson
8. **Quasi-Judicial Public Hearing - Application from Housing Assistance Corporation for a Special Use Permit for 66 Multi-Family Residential Units, 18 Single-Family Residential lots and one office building on 18.5 acres located to the south of the intersection of North Main Street and Yon Hill Road for a Project known as Oklawaha Village**
Presenter: Planning Director Sue Anderson
9. **Discussion/Review of Financing System Development Charges**
Presenter: Utilities Director Lee Smith
10. **Consideration of Change in Parking Designation on Maple Street**
Presenter: Police Sgt. Robert Merz
11. **Comments from Mayor and City Council Members**
12. **Reports from Staff**
 - a. **Reminder of Special Meeting to Review Capital Improvement Plan: March 10, 6:30 p.m., City Hall, Second Floor Conference Room**
13. **Boards and Commissions**
Presenter: City Attorney Sam Fritschner, City Clerk Tammie Drake
 - a. **Consideration of Resolution Establishing Seventh Avenue Advisory Committee**
 - b. **Consideration of Appointments to:**
 - i. **Seventh Avenue Advisory Committee**
 - ii. **Business Advisory Committee**
 - iii. **Board of Adjustment**
 - c. **Announcement of Vacancies**
14. **New Business**
15. **Adjournment**



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Chief Herbert Blake

Department: Police

Date Submitted: 02/03/2015

Presenter: Chief Herbert Blake

Date of Council Meeting to consider this item: 03/05/2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 05b

The Hendersonville Police Department has been planning to retire K-9 Officer Zoro due to health problems. Zoro's health has declined primarily due to recurring muscular problems in his back. He has continually had to have injections to alleviate the problem. Those injections are twice a month and have been on-going for two years at a cost of \$800.00 - \$1,000.00 per year.

With the recent addition of K-9 Maky and his up-coming certification, now would be the proper time to retire K-9 Zoro. Sergeant Jimmy Case, who has been the handler for K-9 Zoro, has requested that he be allowed to take ownership of Zoro. This awarding of K-9 Zoro is with the stipulation that Sergeant Jimmy Case accept sole ownership and responsibility for K-9 Zoro and that he will not relinquish that ownership of K-9 Zoro, nor use it for law enforcement purpose including the act of breeding.

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

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

Approve the awarding of K-9 Officer Zoro to Sergeant Jimmy Case.

Attachments:

Resolution

Canine Transfer/Release of Ownership

**RESOLUTION AUTHORIZING THE DONATION OF SURPLUS PROPERTY (CANINE ZORO)
TO SERGEANT JIMMY CASE DUE TO RETIREMENT OF CANINE**

WHEREAS; The City of Hendersonville has in its possession a police canine, "Zoro," which is being retired due to age and health and its ability to perform duties required by such canine work, and,

WHEREAS; The City of Hendersonville desires to donate Zoro as surplus property to Sergeant Jimmy Case so that Zoro can live the remainder of his life with the person who has cared for him during his time with the City, and

WHEREAS; The City of Hendersonville police department believes that it is in the best interest of Zoro and of the City of Hendersonville transfer ownership of Zoro to Sergeant Case through the Canine Transfer/Release of Ownership program,

NOW, THEREFORE, BE IT RESOLVED THAT the City of Hendersonville police department be permitted to donate to Police Sergeant Jimmy Case the canine known as "Zoro."

Adopted this fifth day of March 2015.

Attest:

Barbara G. Volk, Mayor

Tammie K. Drake, CMC, City Clerk

HENDERSONVILLE POLICE DEPARTMENT

CANINE TRANSFER/RELEASE OF OWNERSHIP

I, _____, of _____
Name of Recipient Street Address

_____, _____(____)_____
City/State Telephone Number

that canine _____ has been given to me and that I am the sole owner of this
Name of Dog

canine. I accept complete responsibility for him/her effective immediately. I understand that upon signing this form I am accepting full responsibility for any future actions of this canine and release the Hendersonville Police Department, City of Hendersonville, and all of their representatives of any liability or responsibility for said canine which is a trained police canine.

I also agree to accept this canine as personal property and agree not to use the canine for police work in any form for anyone or any agency, including the act of breeding (law enforcement or otherwise). I will not sell this canine to anyone.

I accept the above dog this _____ day of _____, 20 ____.

RECIPIENT

WITNESS

CHIEF OF POLICE



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 02/23/2015

Presenter: John Connet

Date of Council Meeting to consider this item: 03/05/2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 05c

For the last several months the City staff has been developing a new performance pay program. This program modifies our current program from awarding all employees the same merit increase to a pay for performance model. The new program was presented to City Council at your January meeting and I recommend final approval, so we may begin implementation in July 2015.

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

The new program will be funded as part of the FY 2015-16 Budget.

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

I move that the City Council approve the proposed Performance Review and Pay Program.

Attachments:

Proposed policies describing both programs

Performance Review and Employee Development Program City of Hendersonville

I. Purpose

To establish and maintain a performance review and employee development program that contributes to the organization achieving its mission, core values and goals, increases accountability, and focuses on continuous employee development and recognition of the performance levels of all employees.

II. Objectives

1. **Communications:** To create and nurture an atmosphere for open and direct two-way communications between supervisors and employees concerning job performance and expectations, to ensure that performance is discussed on a regular, on-going basis between supervisors and employees so that there are no surprises in the annual performance review. To build a partnership based on mutual respect and increase trust in the relationship between employees and supervisors. To provide a format for supervisors, when they choose, to request and receive feedback from employees. To enable employees to establish clear, challenging and achievable goals in consultation with their supervisors. To ensure that employees know how their jobs and their goals fit into overall organizational and departmental mission, vision, and goals.
2. **Recognition:** To establish a program of on-going feedback whereby employees receive recognition and appreciation for their good performance, accomplishments and achievements and feel affirmed for the contributions they make to the organization.
3. **Employee Development:** To develop information which can be used jointly by supervisors and employees to determine appropriate training needs and resources including on-the-job training. To discuss and identify how employees can prepare for potential advancement opportunities where appropriate.
4. **Continuous Performance Improvement:** To regularly discuss the performance of all City employees based on job-related criteria; to provide performance coaching, encouragement, and exploration of optional approaches where needed; to identify during discussions both accomplishments and areas for performance employee development for each employee; to discuss specific plans to bring about continuous improvement for each employee and the organization as a whole that translates into increasing service excellence for our customers and citizens.
5. **Service Excellence:** To communicate, promote, and provide accountability for the City's Principles of Excellent Service.
6. **Motivation:** To hold performance review meetings that develop a sense of purpose in the job, and help employees increase their motivation to achieve important results for the City.
7. **Teamwork:** To reinforce and promote the City's culture of teamwork including mutual respect, humility, and service.
8. **Personnel Actions:** To provide background information and documentation for consideration in conjunction with any personnel actions that may occur, including performance pay and promotions.

Performance Review and Employee Development Program
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III. Instruments

1. Performance Review and Employee Development Program Instruments

Instruments have been developed for use with employees of the City based on the occupational groups as identified in the Addendum. The instruments contain performance standards that are behaviorally anchored for each of the five levels of performance identified in Section V of this policy.

2. Performance Standards. Performance standards refer to the behaviorally anchored language mentioned in number one above and are developed based on input by employees and supervisors. Performance standards are written using the following criteria:

- a. Clearly job-related
- b. Stated in terms of behavior that can be observed
- c. Specific and descriptive of the behavior
- d. Focused on results/outputs, not inputs, effort, etc.
- e. Measurable when possible and feasible

3. Weights. Weights should be established in a conference jointly with the employee(s) and supervisor(s) at the beginning of the performance review period as part of communicating and understanding job expectations and requirements. All weights should add up to 100%. Weights should be established individually where jobs are unique and in a team approach where multiple employees have the same job duties. Weights should be reviewed annually by those who originally established them to determine if they are still accurate.

IV. Responsibilities

Each person or group identified below has a very important role to play in the Performance Review and Employee Development Program to ensure the overall program's success. Because this program has a significant interdependence component, the effectiveness of each person in performing each aspect of his/her role may substantially affect the overall effectiveness of the program for the City.

1. City Council: The City Council responsibilities include:
 - provide a clear mission and vision to guide the organization
 - supporting the program;
 - adopting policies to govern the program;
 - respecting the City Manager's role as program administrator; and
 - providing resources (funding) to support the program.
2. City Manager. The City Manager's responsibilities include:
 - educating, promoting, and keeping the Council informed of program status;
 - keeping department heads informed of relevant Council activities;
 - helping establish and communicating organizational goals and objectives with all department heads regularly and working with departments and the Council on changing priorities;
 - ensuring a policy is developed and maintained to guide the program;
 - ensuring a mechanism to evaluate effectiveness of the Performance Review and Employee Development Program and monitoring the progress and success of the

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- implementation and administration of the performance review program;
- monitoring the program for a) consistency from department to department, b) adherence to policies and procedures; c) training needs; d) consistency with other personnel actions; e) legality, and f) overall effectiveness;
- working with department heads to make any needed improvements and approving changes to the administrative procedures in the program;
- jointly developing management performance standards with department heads, communicating expectations and giving feedback to department heads on their individual performance throughout the year, coaching them in the effective use of the program, and conducting performance review conferences with department heads; and
- fairly and objectively conducting employee appeals of performance ratings.

3. Department Heads. The responsibilities of department heads include:

- helping develop and communicate organizational and departmental goals and objectives to their employees;
- educating, promoting, and involving employees in program Employee development, implementation, use, monitoring, and insuring that new employees are oriented to the program;
- providing on-going feedback to their direct reports, including identifying specific ways employees can improve performance;
- identifying employee development and advancement needs and interests and recommending appropriate training opportunities;
- supporting the training activities of the program;
- ensuring that Performance Review and Employee Development conferences are conducted and documented in a timely fashion;
- insuring that interim performance reviews are completed when supervision changes occur;
- keeping management informed on the effectiveness of the program and monitoring the performance ratings in their departments for logical documentation and consistency among divisions, sections, and different supervisors to ensure departmental fairness;
- conducting Performance Review and Employee Development conferences with employees answering directly to the department head; and
- conducting any employee appeals fairly and objectively and making decisions based on valid performance ratings.

Department heads are accountable for the quality and effectiveness of the program in their departments.

4. Supervisors. The responsibilities of supervisors are:

- communicating department goals and expectations regularly, as well as the benefits of the performance review program;
- clarifying specific job expectations, communicating them to employees, and providing on-going performance feedback to their employees including identifying specific ways employees can improve their performance;
- conducting thorough Performance Review and Employee Development conferences and documenting them in a timely fashion, including making performance rating recommendations;
- keeping department heads informed on the effectiveness of the program including the contents of the performance review forms and recommending changes necessary to maintain an accurate and fair program following the chain of command;
- following the policies and procedures established for the program and applying them

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fairly and consistently;

- identifying employee development and advancement needs and interests and recommending appropriate training opportunities;
- fairly and objectively considering all performance rating appeals; and
- training new employees in the performance review and Employee development program purpose, objectives, procedures and expectations of employees as well as reviewing forms and performance standards and relating them specifically to the job and setting weights as appropriate.

Supervisors are accountable for the Performance Review and Employee Development forms they complete and the recommendations regarding employee performance that they make.

5. Lead Workers. Lead workers are employees who make work assignments, monitor work quality and provide on-the-job training and coaching to co-workers. Lead workers may participate in performance review and Employee development conferences or provide input for them. Lead workers are responsible for:

- providing accurate, thorough input regarding the performance of employees on their team including accomplishments/strengths and areas for improvement;
- respecting and maintaining the confidentiality of all personnel matters in which they are involved;
- assisting supervisors with documentation of performance, both positive and “needs improvement” when assigned;
- participating in performance review and Employee development conferences fully and honestly when assigned; and
- assisting supervisors with communicating performance expectations and providing on-going feedback and coaching throughout the year.

6. Employees. Each employee is responsible for:

- working with his/her supervisor on a mutual understanding of work expectations;
- providing input and feedback into the Performance Review and Employee Development conference including identifying accomplishments and areas for improvement;
- following the policies and procedures established for the program;
- following the chain of command to express concerns and make appeals;
- providing candid open feedback to supervisors concerning their satisfaction with the performance review program; and
- making suggestions regarding any needed changes in the performance standards related to their jobs.

7. Human Resources Department. The Human Resources Department is responsible for:

- continuing to provide training and information on implementing the program to Manager, department heads, supervisors, and employees;
- working with department heads to make recommendations for any needed improvements to the program;
- keeping materials and resources up to date and communicating changes;
- facilitating/mediating performance review program appeals and processes;
- monitoring the program for a) City-wide consistency from department to department; b) adherence to policies and procedures; c) training needs; d) consistency with other personnel actions; e) legality; and f) overall effectiveness, progress, and success of implementation and administration;
- providing feedback where needed to departments regarding timeliness, thoroughness,

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- legal issues, fairness, consistency, and program statistical data;
- processing personnel transactions and insuring appropriate documentation;
- providing internal consultation on the use of the program to employees, supervisors, and management; and
- being a resource on information regarding training programs for skills enhancement and continuous improvement as well as identifying trends that lead to training needs for the organization.

V. Performance Categories

The overall performance of all employees will be rated in one of the following five levels:

Important Note: The purpose of the Performance Review and Employee Development form is **not** to dictate a performance rating to the supervisor, but rather to help the supervisor 1) focus on job-related criteria; 2) review the whole period (three months, six months, or a year), not just most recent months; 3) give feedback on relevant aspects of the employee's performance; 4) help document performance, and 5) think through a logical decision on the overall performance rating. The performance standards are not necessarily the only indication of performance; some categories or standards are more important than others; other important aspects for consideration, such as disciplinary actions, may only be found in the summary comments. The supervisor is expected to use reasoned logic and good judgment in determining the overall rating of performance. Documentation is available to support the rating level. Employees should be rated against performance expectations, not against each other.

Outstanding: Fully meets all job requirements identified for the position. In addition, performance consistently and significantly exceeds job requirements in important aspects of work. Work is performed at a sustained high level of proficiency. The employee also expands the scope of tasks and responsibilities or the amount of work performed resulting in increased productivity for the work unit. The employee accomplishes the most difficult and complex assignments with minimum supervision and maximum quality. Specific examples of such performance are readily available.

Exceeds Expectations. Fully meets all major job requirements identified for the position. In addition, performance frequently exceeds job requirements in several areas. Supervision is required only for special or unusual assignments or problems.

Achieves Expectations. Meets all major job requirements in a competent manner. The employee may occasionally exceed some job requirements. Accomplishes duties in a reasonable and consistent manner demonstrating full proficiency in the job. If there are occasional lapses in performance, they do not create any substantial problems for the organization, nor have any major impact on service delivery. Normal supervision is required.

Needs Improvement. Performance meets job requirements in important categories at least marginally. However, performance is inconsistent or unreliable in one or more performance categories. The employee needs to improve proficiency to more fully meet the needs for which the position was established. Remedial attention and close supervision are required.

Fails to Achieve Expectations. Performance is inconsistent and one or more major job requirements are not met. Work tasks are not performed or must be repeated due to low quality. Remedial attention and close supervision are required. Failure to correct performance deficiencies in an appropriate amount of time may result in suspension, demotion, or dismissal. A

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rating at this level should be coordinated with the progressive disciplinary process.

VI. Procedures

1. **Performance Review and Employee Development Conferences.** Performance Review and Employee Development conferences with all City employees will be conducted and documented within a 30 day window before the employee's review date. Performance Review and Employee Development conferences will be conducted by the employee's supervisor who may also be accompanied by the next level of supervision. The conference will encompass one year. Supervisors will conduct performance review conferences with employees prior to completing the form. Informal interim Performance Review and Employee Development conferences may be conducted when needed or according to departmental policies.
2. **Performance Coaching.** (A "No Surprises Approach" to performance review) An integral part of the Performance Review and Employee Development Program is on-going performance feedback and coaching. Whenever a supervisor observes good performance or performance needing improvement, the supervisor should provide specific, timely feedback to the employee. Performance improvement feedback should be designed to help the employee become more successful. Other coaching activities include helping employees identify optional approaches and develop problem-solving skills, planning projects, providing encouragement for difficult tasks, identifying training and resource possibilities, and general problem-solving discussions designed to help employees learn, develop their capacities, and develop their careers. The "No Surprises Approach" also includes keeping documentation on both positive and improvement feedback provided to employees throughout the year to ensure accurate details at performance review time.
3. **Performance Review and Employee Development Conference Dates.** Performance Review and Employee Development dates will be the hire date of the employee. Performance Review dates will remain unchanged including after promotions, reclassifications, probation completion, etc.
4. **Probationary Performance Review and Employee Development Conferences.** Probationary Performance Review conferences with new or promoted employees who are serving a six month probationary period will be conducted and documented within a 30 day window before the end of the probationary period. For department heads, law enforcement and fire service staff serving a twelve month probationary period, probationary review conferences will be conducted and documented within a 30 day window at six months as an interim measure, and again at the end of twelve months to make a final determination. Additional conferences may be held at the employee's or supervisor's request. An employee must receive a rating of no less than "Achieves Expectations" in order to move from probationary to regular status. An employee whose performance fails to meet expectations but shows clear promise of successful performance may have the probationary period extended for three months and up to a maximum of an additional six months. This provision in no way restricts the City from dismissing an employee whose performance or conduct is considered unsatisfactory at any point in the probationary period.
5. **Performance Review and Employee Development Instrument.** The purpose of the instrument is to document the performance review conference. The instruments may be revised and updated as needed based on input from employees, supervisors and department heads and approved by the Human Resources Department.

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- 6. Coordination with Discipline.** Overall performance ratings of “Needs Improvement” and “Fails to Achieve Expectations” are considered unsatisfactory job performance in the City’s progressive disciplinary policies and procedures. These policies will be followed if an employee earns this performance rating. Such a rating may be followed by a written warning. When such a rating is earned, additional counseling sessions and performance review sessions will be conducted in six to 12 weeks and careful performance monitoring and coaching will occur. In no case should a employee’s performance remain in the “Needs Improvement” or “Fails to Achieve Expectations” level for more than six months.
- 7. Changes in Supervision.** When a change in supervision is imminent due to promotion, transfer or other action involving the employee or supervisor, the current supervisor should conduct an interim Performance Review and Employee Development conference including meeting with the employee and completing all necessary forms. The interim Performance Review and Employee Development information should be considered by the new supervisor, along with performance observed and documented by the new supervisor in determining the employee's overall rating for the performance period.

In addition, when there is a change in supervision, the new supervisor and employee should jointly review the employee's performance standards, discuss meanings of words and expectations, and set weights.
- 8. Documentation.** All Performance Review and Employee Development forms will be signed by the employee, supervisor, intermediate levels of supervision, and department head and forwarded to the Human Resources Department. The supervisor will offer to print a copy of the performance evaluation instrument for the employee to keep after all signatures and comments have been completed. Intermediate levels of supervision and/or department heads should not make changes to the forms unilaterally. Instead changes should only be make after discussing the reasons for the changes with the employee and his/her immediate supervisor, following the chain on command up and down in these discussion as appropriate. All relevant sections of Performance Review and Employee Development forms, including comments sections and all signatures, will be completed by the appropriate person prior to processing the forms in Human Resources. A personnel action form should accompany all forms.
- 9. Appeals.** Any employee who believes that the application of this policy or his or her performance rating is unfair or inaccurate may make a formal appeal by writing the specific disagreement(s) and filing it with the evaluating supervisor within five work days. The supervisor will provide a written response within five work days after receipt of the appeal. If the employee is dissatisfied with the response from the supervisor, the employee may appeal the decision within five work days of receiving the supervisor’s response using the City’s Grievance Procedure, a copy of which is available from the supervisor or Human Resources Department. A copy of all appeals and grievances will be provided to the Human Resources Department.
- 10. Training.** Department heads are responsible for identifying training needs of supervisors and insuring that these are met so that Performance Review and Employee Development conferences are conducted effectively. New supervisors will participate in some form of training in the City’s policies and procedures as well as effective techniques for conducting performance and Employee development conferences prior to performing them. The Human Resources Department will coordinate this training.

Performance Pay Program City of Hendersonville

I. Purposes

The purposes of the Performance Pay Program are:

1. To provide a systematic program to reward employees based on job performance, accomplishments, and contributions to the organization;
2. To provide recognition and demonstrate appreciation for job performance; and
3. To provide incentive for improved performance and productivity and to maintain a high level of employee performance and morale.

II. Definitions

The pay table will be designed with the following rates for each grade:

Hiring - the entry level rate for the pay grade. Employees meeting the requirements on their respective class specification should be hired at the Hiring Rate. Employees who significantly exceed the education and experience requirements on their respective class specification may be considered for hiring above the hiring rate.

Minimum – the point employees move to upon successfully completing probation if they are not yet at this rate.

Midpoint - a rate that is half way between the Hiring Rate and the Maximum Rate

Maximum - a rate that is 55% greater than the Hiring Rate.

III. Responsibilities

1. City Manager. The City Manager will recommend to the Council sufficient funding to insure an effective Performance Pay program. The City Manager will make decisions regarding when to award Performance Pay to department heads. The City Manager will monitor the Performance Pay program in the organization for consistency, fairness, and accurate and complete information. The City Manager may overturn the decision of department managers to award performance pay increases where inconsistencies, failure to follow established policies and procedures, funding availability, or other circumstances dictate.
2. Department Heads. Department heads will make performance pay decisions in the department, subject to the review and approval of the City Manager based on completing and/or reviewing the Performance Review and Development forms completed by immediate supervisors and upon any other information that is needed. Department Heads will make performance pay decisions regarding increases for their direct subordinates. They will communicate their recommendations to employees, explaining that the recommendation is subject to the review and approval of the City Manager. Department Heads are accountable to the City Manager for the pay decisions they make.

3. Human Resources Department. The Human Resources Department will manage and monitor the Performance Pay Program in the organization for consistency, fairness, adherence to policies, and accurate and complete information.

IV. Performance Pay Amounts

Performance pay amounts (including performance bonus) will be awarded based on the overall performance rating the employee receives for the full year on the final performance review form.

Performance pay amounts will include both the market adjustment (cost of living) and performance (merit) increases. These amounts may vary from year to year depending on budget availability and market adjustment amount. Unless a different schedule is published by the City Manager by July 15 of any given year, the following schedule will apply:

| | Below Midpoint | Above Midpoint |
|--------------------------------------|--------------------------------|--------------------------------|
| Outstanding | Market adjustment plus 3% | Market Adjustment plus 3% |
| Exceeds Expectations | Market adjustment plus 2.5% | Market adjustment plus 2.5% |
| Achieves Expectations | Market adjustment plus 1.5% | Market adjustment |
| Needs Improvement | 0 | 0 |
| Fails to Achieve Expectations | 0 | 0 |

An employee whose performance fails to meet expectations will have the performance review scheduled again in six weeks to three months. If the employee's performance is rated Achieves Expectations at that time, the employee will receive a market adjustment at that time only if failure to do so leaves the employee's salary below the hiring rate. If the employee's performance is rated Needs Improvement or Fails to Meet Expectations the disciplinary process will continue.

- V. **Performance Pay Bonus.** Employees who are at the top step of the salary range for their position classification are eligible to be considered for a Performance Pay Bonus. These bonuses shall be awarded based upon the performance of the employee as described in the Performance Review and Employee Development forms.

An employee's base salary may not move above the maximum of his or her assigned salary range. Therefore, if an employee's current salary is below the maximum of the salary range but awarding the full performance pay amount places an employee above the maximum,

then 1) the employee will receive the amount in base pay that places him or her at the maximum of the range; and 2) the employee will receive the amount that would place him or her above the maximum in a lump sum amount.

VI. Procedure

1. Performance Pay Eligibility Dates. Employees will be considered for a performance pay increase on their anniversary date. Performance pay begins on the first day of the payroll period immediately following the review date.
2. Documentation. All Performance Review and Employee Development forms will be signed by the employee, supervisor and department head and forwarded to the Human Resources Department with any accompanying memoranda or other documentation for review and filing. The employee shall be given access to a copy of the forms and other documents to keep.
3. Appeals. Any employee who believes that his or her performance pay decision is unfair or inaccurate may make a formal appeal by following the grievance procedure in the Personnel Policy.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Zoning

Date Submitted: 2/19/15

Presenter: Susan G. Frady

Date of Council Meeting to consider this item: 3/5/15

Nature of Item: Council Action

Summary of Information/Request:

Item # 05d

On February 19, 2015, the Special Events Committee met and reviewed an application from Hendersonville Antique Car Club for the HonorAir Car Show & Music Fundraiser to be held Saturday, May 16, from 5:00 PM - 8:00 PM.

The event will be held on Main Street from Allen Street to Caswell Street. The Visitor Center will have a live concert fundraiser for HonorAir on the adjacent visitor center stage.

There will be no parking on Main Street between Allen and Caswell after 4 PM. There will be a paid off-duty officer present for the event

The Special Events Committee voted unanimously to recommend approval of a special event permit for HonorAir Car Show & Music Fundraiser.

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

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

I move that the City Council approve the special event permit for HonorAir Car Show & Music Fundraiser.

Attachments:

None



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Jennifer Harrell

Department: Administration

Date Submitted: 02/19/15

Presenter: Jennifer Harrell

Date of Council Meeting to consider this item: 03/05/15

Nature of Item: Council Action

Summary of Information/Request:

Item # 05e

Request is being made by Jennifer Harrell, Human Resources Director, that the City Council adopt a Resolution for the NC Public Employee Deferred Compensation Plan NC 457(b). This will offer employees another benefit with no cost to the City.

Budget Impact: \$0.00 Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

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

I move the City Council approve Resolution adopting NC Public Employee Deferred Compensation Plan.

Attachments:

Resolution adopting the NC Public Employee Deferred Compensation Plan.
Employer Third Party Administrator Agreement.

Resolution#: _____

Resolution adopting NC Public Employee Deferred Compensation Plan

WHEREAS, the City of Hendersonville wishes to provide a qualified defined contribution plan to the employees of the City of Hendersonville.

AND WHEREAS, the State of North Carolina has established the North Carolina Public Employee Deferred Compensation Plan, a qualified governmental Deferred Compensation Plan under Internal Revenue Code § 457(b) for public employees of North Carolina.

THEREFORE, be it resolved that the City of Hendersonville has adopted the North Carolina Public Employee Deferred Compensation Plan also known as "NC Deferred Comp" under the terms of the Plan Document and the Third-Party Administrator Agreement. All employees shall become eligible to defer compensation immediately.

Adopted this 5th day of March 2015.

Mayor

Attest: _____
City Clerk

NC Public Employee Deferred Compensation Plan
EMPLOYER –THIRD-PARTY ADMINISTRATOR AGREEMENT

THIS AGREEMENT, made on this _____ day of _____, 20____, between the _____ (hereinafter called the “Employer”) and The Prudential Insurance Company of America (hereinafter called Third-Party Administrator or Prudential) (the “Agreement”). This Agreement replaces and supersedes any prior agreement between the parties, effective upon final execution by all parties.

W I T N E S S E T H:

WHEREAS, the State of North Carolina (the “State”) has adopted the NC Public Employee Deferred Compensation Plan (hereinafter called the “Plan”), pursuant to which the State of North Carolina and its departments, agencies, and political subdivisions are authorized to provide a governmental 457(b) deferred compensation plan established in conformance with section 457(b) of the Internal Revenue Code, as amended (the “Code”); and

WHEREAS, the State’s Supplemental Retirement Board and the State’s Retirement Systems Division of the Department of State Treasurer have selected Prudential to be the Third-Party Administrator of the Plan.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein below, the receipt and sufficiency of which are hereby acknowledged, the Employer and the Third-Party Administrator hereby agree as follows:

ARTICLE I
DUTIES AND RESPONSIBILITIES OF THE EMPLOYER

A. Implementation of Plan

1. The Employer confirms that it made the decision to implement the NC Public Employee Deferred Compensation Plan via resolution. The employer agrees to provide a copy of such resolution, if available, to Prudential.

2. The Employer shall designate a coordinator for each unit to work with Prudential to select enrollment dates, determine the number of meetings needed and what employee notification of meetings will be required, and to make other decisions necessary to hold successful enrollment meetings.

3. The Employer shall provide time for its employees to attend an enrollment meeting. The Employer agrees that employees representing all employee pay grades will be given the opportunity to attend the meetings. The Employer understands that the meetings are an important resource in making employees aware of their opportunity to participate in the Plan.

4. The Employer shall provide a facility to conduct enrollment meetings for its employees.

5. The Employer shall publicize the meetings to all its employees by internal publication, meeting notices provided by the Third-Party Administrator and through other media agreed to by its coordinator and the Third-Party Administrator.

B. Operation of Plan

1. The Employer shall have sole responsibility for determining which of its employees are eligible to participate in the Plan in accordance with eligibility requirements established by the Plan or North Carolina General Statutes, with respect to elective deferral contributions. The Employer will advise the Third-Party Administrator each month of any “new enrolled” employee who is eligible to participate in the Plan. The Employer also will advise the Third-Party Administrator each month of any participant in the Plan who has terminated their employment, the date of termination, and the reason for the separation from service.

2. The Employer shall provide payroll deductions for all contributions to the Plan and all loan repayments to the Plan. The Employer shall modify its payroll application to comply with specifications required by the Third-Party Administrator of the Plan. This includes the format of the deduction report for the delivery of contributions and loan repayments to the Third-Party Administrator. The Employer shall notify the Third-Party Administrator of any changes in payroll frequency, the frequency of payroll deductions, or change in status.

3. The Employer shall deliver the remittance files, loan payment files, and the funds for these reports to the location provided by the Third-Party Administrator.

4. The Employer agrees that employee voluntary contributions to the Plan and loan repayments will not be suspended, modified or terminated for a participant unless so instructed by the Third-Party Administrator based on the participant’s actions with the Third-Party Administrator.

5. The Employer agrees to comply with all operating procedures established by the Third-Party Administrator of the Plan. It understands that the procedures may be modified or revised from time to time, and the Employer agrees to comply with revisions and modifications without delay upon receipt of adequate notice of such modifications.

6. The Employer shall inform the Third-Party Administrator in advance of any changes in the Employer's benefit or compensation programs that affect the operation or administration of the Plan.

7. The Employer may request that the Third-Party Administrator refund a contribution made within the preceding 12 months on account of a mistake of fact as defined by the Internal Revenue Service, and the Third-Party Administrator shall grant such request.

8. The Employer shall furnish the Third-Party Administrator all documents, data and other information necessary for the Third-Party Administrator to perform its duties under this Agreement. The Employer shall be solely responsible for the accuracy of any documents, data, or other information provided to the Third-Party Administrator by the Employer or by any other person or entity having responsibilities with respect to the Plan. If the Employer fails to provide any such requested information, the Third-Party Administrator shall be obligated to perform its duties under this Agreement only insofar as it is able to do so with the information available. All information required to be furnished by the Employer shall be transmitted in the medium and form acceptable to the Third-Party Administrator. The Third-Party Administrator will be entitled to rely fully on the accuracy and completeness of information submitted by the Employer and will have no duty or responsibility to verify such information.

9. The Employer shall comply with the Uniformed Service Employment and Re-employment Rights Act of 1994 regarding participation in the Plan by participants with military service. The Plan allows an Employer to permit an employee who meets the criteria of the Uniformed Service Employment and Re-employment Rights Act of 1994 the opportunity to "catch-up" salary deferrals to the Plan that were not made during the time they were on active duty. Loan repayments are suspended during the period the Plan participant is on active duty.

ARTICLE II
RESPONSIBILITIES OF THE THIRD-PARTY ADMINISTRATOR

A. Implementation of Plan

1. The Third-Party Administrator shall assist the Employer's coordinator in scheduling enrollment meetings, provide the employer with meeting notification materials, including but not limited to posters, handbills, press release-type articles and payroll stuffers that are mutually acceptable to the Employer coordinator and the Third-Party Administrator.

2. The Third-Party Administrator shall present the Plan and its benefits to the employees and enroll them in the Plan.

3. The Third-Party Administrator shall provide brochures, enrollment forms, payroll deduction authorization forms, withdrawal forms, loan applications and other forms relating to loans, as well as other forms needed to fulfill the duties as Third-Party Administrator. For purposes of this paragraph, "form" shall also mean a facility for electronic processing of participant requests.

B. Operation of Plan

1. The Third-Party Administrator shall maintain a record of each participant's contributions and shall invest his/her contribution in the fund(s) selected by the participant. Third-Party Administrator's services will be provided in a professional and competent manner.

2. The Third-Party Administrator shall provide the participant with a quarterly statement of his/her account, which shows the value of the participant's account.

3. The Third-Party Administrator shall allow the participant to borrow from his/her account when he/she has complied with the eligibility requirements established by the Third-

Party Administrator and the Plan as permitted by federal regulations, the Plan and the Third-Party Administrator.

4. The Third-Party Administrator shall provide the participants withdrawal options including lump sum distribution and periodic payments in accordance with the Plan and the Code.

5. The Third-Party Administrator shall provide participants in the Plan who become entitled to receive a distribution from the Plan with all appropriate notices and election forms concerning such distribution. The Third-Party Administrator is responsible for proper reporting of all distributions from the Plan and the withholding of income taxes as required by the Plan and the Code.

6. The Third-Party Administrator shall provide administrative and operating procedures for the Employer.

7. It is agreed and understood that the Third-Party Administrator assumes no fiduciary responsibilities with respect to its administration of the Plan. The Third-Party Administrator is the agent of the Plan, the State Treasurer and the Plan's Board of Trustees. The Third-Party Administrator is not the "plan administrator" as defined by the Employee Retirement Income Security Act of 1974. It is understood and agreed that the Third-Party Administrator does not provide legal or tax counsel to the Employer or to any participant or beneficiary and that the Third-Party Administrator recommends that all such parties obtain legal and tax advice from competent, independent sources. Nothing in this Agreement shall be deemed to confer on the Third-Party Administrator any federal or state tax liability, which may be imposed upon the Employer or any participant or beneficiary.

ARTICLE III
PLAN PARTICIPATION

The Employer and the Third-Party Administrator jointly agree to promote the Plan and encourage participation in the Plan by all pay grades of the Employer. This will require that initial enrollment meetings be held with all eligible employees to ensure that they are aware of the benefit and value of participating in the Plan. The Employer agrees to promote the Plan on an on-going basis by conducting periodic meetings with eligible employees, utilization of posters, newsletter articles, payroll stuffers, and other agreed upon communications.

ARTICLE IV
CONFIDENTIAL NATURE OF INFORMATION

The parties hereto mutually agree to the extent permitted by law to safeguard and keep confidential any and all information obtained from the other party with respect to the personnel of the State and each participant or, any other data identified in writing by either party to the other party as being confidential.

ARTICLE V
DURATION OF THE AGREEMENT

This Agreement shall become effective when signed by all parties and shall continue in effect indefinitely, but in no event for less than five years, except as provided below in Article VI.

ARTICLE VI
TERMINATION OF AGREEMENT

1. Either party may terminate this Agreement upon giving six months advanced written notice to the other party, provided that the non-terminating party may waive such notice

requirement. The termination of this Agreement *does not* terminate the Plan in which the Employers' employees are participating or require a distribution of accounts of the participating employees from the Plan. The termination of this Agreement relieves the Employer from taking deductions and loan repayments from the participating employee's pay and remitting them to the Third-Party Administrator.

2. The State may terminate the Plan at any time through the enactment of laws.

3. This Agreement shall terminate if the State terminates its Agreement with Prudential by which Prudential is obligated to serve as Third-Party Administrator.

4. This Agreement shall terminate if the Trustees discontinue the Plan.

ARTICLE VII

MISCELLANEOUS

1. The NC Public Employee Deferred Compensation Plan will conform to section [457(b)] in the Internal Revenue Code, as amended.

2. The Agreement shall be interpreted under the laws of the State of North Carolina.

3. All items specified in the Agreement, exhibits, or attachments shall be the current Eastern Time.

4. The Employer will make available to the Third-Party Administrator, the Department of the State Treasurer, and an auditor appointed by the Third-Party Administrator or the Board of Trustees its records of contributions and loan payments submitted to the Plan for the purposes of an audit. The Employer will also make available its documents pertaining

to its employees' deferral elections and other documents deemed necessary by the Third-Party Administrator to audit the Plan.

5. This Agreement is intended by the parties as a final expression of their agreement and is a complete and exclusive statement of its terms. No other representation, understanding, or agreements have been made or relied upon in the making of the Agreement other than those specifically set forth herein. No modification or waiver of any provision of this Agreement and no consent to any departure therefrom shall be effective unless such modification or waiver shall be in writing and signed by all parties to the original agreement.

IN WITNESS THEREOF, the parties hereto do hereby sign and execute this Agreement as of the date first above written.

Name of Employer (Please Type or Print)

By: _____
(Signature)

(Please Type or Print Name Signed Above)

Its: _____
(Please Type or Print Official Title)

Date: _____

PRUDENTIAL

By: _____

Date: _____

(Revised 10/29/08)



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Jennifer Harrell

Department: Administration

Date Submitted: 01/19/15

Presenter: Jennifer Harrell

Date of Council Meeting to consider this item: 03/05/15

Nature of Item: Council Action

Summary of Information/Request:

Item # 05fi

This request is made by Finance Director, Lisa White to update the Customer Service Supervisor position to have more accounting responsibilities and thus renaming the position Revenue Accounting Supervisor. This person will be responsible for supervising all collection processes, including taxes. The job requirements have been upgraded to make it equivalent to the other Accounting Supervisor, which is a Grade 17. This step in the Finance Department reorganization completes the creation of two equal supervisors to take the place of what was one Assistant Finance Director and one Customer Service Supervisor. We will end up saving over \$20,000 per year with the retirement of the Assistant Finance Director June 1, 2015 and by not filling the Assistant Finance Director position and creating this position.

Budget Impact: \$20,000 Annual Saving Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

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

I move that the City Council approve the Revenue Accounting Supervisor job description.

Attachments:

Revenue Accounting Supervisor job description.

REVENUE ACCOUNTING SUPERVISOR

General Statement of Duties

Performs managerial functions in support of revenue collections and accounting, including utility billing, tax collections, cashiering, and customer service functions for the City.

Distinguishing Features of the Class

An employee in this class is responsible for managing and directing the activities which involve the utility billing and collections and handling customer inquiries relating to utility billings. Work also involves tax collection supervision. In addition, the employee provides professional financial support and management with utility rate structuring, utility financial reporting, and other financial and accounting issues. Work involves heavy public contact functions and coordination with other departments within the City organizational structure, and requires the employee to deal with customer concerns and complaints. Considerable tact and courtesy are required in these public contact functions. Employee also works with other employees and departments in trouble shooting problems, generating computer records and reports, and makes recommendations for computer programming and software changes. Employee must exercise considerable judgment and discretion in recommending financial methods and procedures. Quality control must be exercised over functions supervised to assure compliance with standards and applicable general statutes. Work is performed under the supervision of the Finance Director and is reviewed through conferences, review of financial reports and annual audits.

Duties and Responsibilities

Essential Duties and Tasks

Establishes work methods, procedures and researches and recommends policies related to revenue billing and collections including property taxes, beer and wine licenses, and utility billing and collections; provides trouble-shooting for unusual customer or taxpayer issues; coordinates property tax billing and collections issues with the County; coordinates utility billing issues with other utility companies.

Prepares and analyzes financial statements related to revenues and compiles other reports at regular intervals for use by various departments, the City Manager and City Council; responds to surveys from other agencies and regulatory groups.

Supervises the collection of money for payment of utility billings, taxes, licenses, services, fines, including the receipting, posting, and balancing process associated with this responsibility.

Researches procedural improvements; internal controls; writes policies and procedures.

Trains, assigns, and monitors work of employees; delegates duties appropriately; provides backup when employees are absent; cross trains employees in several functions; provides performance coaching and evaluation.

Supervises the work of all employees of the revenue collection function and coordinates the with Water and Sewer department staff on automated meter reading issues, service connections and disconnections,

Answers complaints from citizens, researches problems, and renders decisions or answers to their questions; refers precedent setting issues to higher level management for advice and consultation.

Supervises billing processes and handles any special problems associated with the utility billing cycles; monitors the appropriate billing cycles and assure that all records are submitted on a timely basis in order that established deadlines will be met.

Prepares reconciliations of the utility collections module to the general ledger. Make adjusting journal entries as necessary.

Orders and maintains supplies for work unit. Prepares annual budget request for division.

Approves customer bill adjustments for leaks and other problems; makes arrangements for payments; works with community agencies for customer emergency or destitution problems.

Researches and prepares special reports for management as requested on the assigned area of work.

Additional Job Duties

Performs related duties as required.

Recruitment and Selection Guidelines

Knowledge, Skills, and Abilities

Thorough knowledge of the principles and practices of accounting and auditing in modern municipal administration, and of federal, state, and local laws and policies governing fiscal operations.

Considerable knowledge of related computer applications to work of the division.

Considerable knowledge of the operations of municipal government including taxation, utility billing and collections, and other sources of revenue.

Considerable knowledge of supervisory principles and practices including motivation, communication, leadership, discipline, and related supervisory skills, laws, and regulations.

Thorough knowledge of local policy and state statutes regarding utility billing, collections, rules and regulations, and utility maintenance.

Considerable knowledge of generally accepted principles of accounting for the receipt of cash payments.

Considerable knowledge of standard operating practices involved in modern office operation and public service.

Considerable knowledge of supervisory practices and the ability to implement them in an office environment.

Ability to maintain established accounting and control standards for municipal government.

Ability to assign, organize, supervise and review the work of assigned staff.

Ability to schedule, plan and monitor the work of the department in order to achieve Customer Service

Excellence goals.

Ability to prepare clear and concise reports and to compile and analyze financial statements and reports.

Ability to use independent judgment in the application of policies, procedures, laws, and regulations.

Ability to establish and maintain effective working relationships with the general public, vendors, and employees.

Ability to communicate effectively in oral and written forms.

Ability to deal effectively with the public in a tactful and effective manner.

Conflict management skills.

Ability to create and maintain accurate records, reports, and files in support of a cash receipt, tax, and customer oriented operation.

Considerable knowledge of computer hardware, software, and their various applications for work supervised.

Ability to operate calculator, cash register, and related office equipment.

Physical Requirements

Must be able to physically perform the basic life operational functions of reaching, standing, fingering, grasping, talking, hearing, and repetitive motions.

Must be able to perform sedentary work exerting up to 10 pounds of force occasionally, and/or a negligible amount of force frequently or constantly to lift objects.

Must possess the visual acuity to work with data and figures, accounting process, perform visual inspections, operate a computer, and read extensively,

Desirable Education and Experience

Graduation from a four year college or university with a major in business or accounting and considerable experience in accounting, utility business operations, or related fiscal work; or an equivalent combination of education and experience.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Jennifer Harrell

Department: Administration

Date Submitted: 01/20/15

Presenter: Jennifer Harrell

Date of Council Meeting to consider this item: 03.05.15

Nature of Item: Council Action

Summary of Information/Request:

Item # 05fii

The position of Utilities Engineer will replace the Field Operations Manager position in the Water and Sewer Department that is currently vacant. The job title and description is being modified by the Utilities Director Lee Smith and the Engineering Director, Brent Detwiler, due to the fact that this person will be almost solely focused on water and sewer infrastructure. He or she will be designing and permitting water and sewer main extensions/replacements, pump stations (both replacements and new), responsible for water and sewer system hydraulic modeling, responsible for inflow/infiltration program, responsible for water loss reduction program and other water and sewer utility-related functions. The current civil engineer job description could not be used because it includes a lot of public works focus, such as design and construction of sidewalks, greenways, street extensions and storm water infrastructure.

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

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

I move that the City Council approve the Utilities Engineer job description.

Attachments:

Utilities Engineer job description

UTILITIES ENGINEER

General Statement of Duties

Performs difficult professional, technical and administrative work participating in the planning, design, and construction of a variety of City water and sewer projects.

Distinguishing Features of the Class

An employee in this class performs professional engineering work in the design and inspection of utility projects facilities in the City. Work includes conducting engineering studies and preparing cost estimates related to the extension of utility services; preparing engineering plans, specifications, contract documents and permits for projects associated with water and sewer infrastructure; serving as a project engineer or project manager on utility projects; inspecting projects and answering questions related to plans and specifications; reviewing commercial and residential site plans and subdivisions for compliance with City requirements; and overseeing the preparation of a variety of maps and drawings. Work also includes field inspections and assistance with survey work. Most work is performed indoors, with occasional field work to meet with contractors, inspect work and assist with surveys. Work is performed under general supervision of the Utilities Director and City Engineer and is evaluated based on conferences, review of records and designs, and adherence of work inspected to adopted plans and specifications.

Duties and Responsibilities

Conducts engineering studies and prepares cost estimates related to the extension of water and sewer utilities; prepares engineering plans, specifications, contract documents, and permits necessary for the construction of water and sewer projects such as water and sewer extensions, water pump stations, sewer lift stations, repaving associated with construction and repair/replacements projects, stream bank restoration projects and upgrading existing pump station and storage facilities. Project design includes coordination of field survey, geotechnical, structural, environmental, electrical and other outside professionals.

Signs and seals design plans and specifications and related documents as a professional engineer; serves as project engineer or project manager on City utility projects; provides periodic inspections of projects to aid the Construction Inspectors in answering questions regarding project plans and specifications.

Assists with the development and implementation of a water leak detection and sewer inflow/infiltration reduction program; serves as project manager for these programs; develops reports associated with these programs as required to track improvements over time; makes recommendation for purchase of related equipment and services; assists with writing specifications for equipment and standard operating procedures associated with these programs.

Answers contractor questions; assists with the planning and implementation of training sessions and workshops associated with water and sewer infrastructure repair and replacement, stream bank restoration and other engineering policies and programs.

Performs technical reviews of commercial and residential site plans, subdivision plans and private sewer/water extension projects for compliance with City engineering standards and City ordinances; provides assistance regarding request for information locating City utilities and information on how to acquire city services.

Helps develop and maintain the City's water distribution and sewer collection systems in GIS-based modeling software and performs appropriate analyses as necessary to expand the systems, locate potential operation/maintenance issues and prioritize future capital projects.

Meets and works with City's Legal Department, NCDOT and property owners regarding easement and right-of-way issues related to engineering projects; receives and investigates citizen complaints; provides information and options to staff, boards and citizen groups.

Maintains files and records pertaining to engineering projects, leak detection and sewer inflow/infiltration reduction programs and other related activities.

Performs legal research with respect to deed descriptions and record maps.

Additional Job Duties

Attends and participate in professional group meetings; stay abreast of new trends and innovations in the field of civil engineering associated with water and sewer utilities.

Perform related duties and responsibilities as required.

Recruitment and Selection Guidelines

Knowledges, Skills and Abilities

Thorough knowledge of the principles and practices of civil engineering as related to the preparation of plans and specifications in the area assigned.

Thorough knowledge of modern methods and techniques as applied to the design of water and sewer utility and stream bank restoration projects.

Considerable knowledge of all relevant State and Federal laws, local ordinance, policies, and procedures.

Ability to perform difficult engineering computation and to make comprehensive recommendations on engineering problems and projects.

Ability to establish effective working relationships with City officials, employees, contractors and the general public.

Skill in the use of various computer programs including Microsoft products (Word, Excel, PowerPoint), AutoCAD and Civil3D, ArcGIS and GIS-based water and sewer modeling software.

Ability to communicate complex ideas effectively, orally and in writing.

Ability to perform complex cost calculations.

Physical Requirements

Must be able to physically perform the basic life operational functions of standing lifting, climbing, stooping, walking, fingering, talking and hearing and performing repetitive motions.

Must be able to perform sedentary work exerting up to 10 pounds of force occasionally and/or a negligible amount of force frequently or constantly to lift, carry, push, pull or otherwise move objects, including the human body.

Must possess the visual acuity to examine and work with maps, charts, and detailed materials, to operator a computer, inspect sites, do extensive reading, review plans, and use measurement devices.

Desirable Education and Experience

Any combination of education and experience equivalent to graduation from an ABET accredited college or university with a Bachelor of Science in Civil Engineering and experience in construction and inspections work or utility engineering; or an equivalent combination of experience and education.

Special Requirements

Possession of a valid North Carolina driver's license.

Registration as a Professional Engineer in the State of NC, or the ability to obtain licensure within six (6) months.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brian D. Pahle

Department: Administration

Date Submitted: 02/16/15

Presenter: N/A

Date of Council Meeting to consider this item: 03/05/15

Nature of Item: Council Action

Summary of Information/Request:

Item # 05g

The City Council voted to approve the funding of \$50,000 for the Flat Rock Playhouse's mold removal/repair. These funds will come out of the Special Appropriations line for the Flat Rock Playhouse, putting this account over budget by \$50,000. The attached budget amendment suggests borrowing \$50,000 from the City's General Fund fund balance in order to alleviate this overage.

See budget amendment attached.

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

Fund Balance Appropriation

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

I move to approve the budget amendment allocating \$50,000 to the Flat Rock Playhouse for mold remediation.

Attachments:

budget amendment

BUDGET AMENDMENT

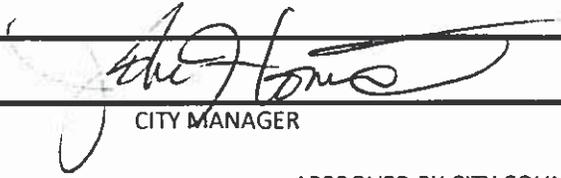
100,000.00

FUND: GENERAL FUND

| ACCOUNT NUMBER | | DESCRIPTION OF ACCOUNT | INCREASE | DECREASE |
|----------------|--------|--------------------------|----------------------|-------------|
| ORG | OBJECT | | | |
| 100090 | 499200 | Fund Balance Approp. | 50,000.00 | |
| 109620 | 500014 | Flat Rock Playhouse | 50,000.00 | |
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| | | TOTALS IN BALANCE | \$ 100,000.00 | \$ - |

100,000.00

City Council approved funding Flat Rock Playhouse \$50,000 to assist in mold recovery costs.



 CITY MANAGER

Date: 2/16/2015

APPROVED BY CITY COUNCIL: _____ DATE: 2/16/15



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Brent Detwiler

Department: Engineering

Date Submitted: 2/25/15

Presenter: Brent Detwiler

Date of Council Meeting to consider this item:

Nature of Item: Council Action

Summary of Information/Request:

Item # 05h

At the December 2014 and January 2015 City Council meetings, staff was directed to design, bid and manage construction of a water line extension along School House Road. Staff was also directed to look into any possible grant funding opportunities for this project. Staff has been working with Ms. Emily Miller from Municipal Engineering Services Co., who administered the grants for the Academy Road Water project, to secure a grant to potentially pay for up to 95% of the cost of the School House Road project. The grant is through the North Carolina Rural Infrastructure Authority's Economic Infrastructure Grants Program and would cover approximately \$255,000 of the estimated \$270,000 cost of the project. As part of the grant application, an authorizing resolution by City Council is necessary, which is attached for reference and execution.

Budget Impact: \$270,000 Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

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

I hereby authorize the Mayor to execute an authorizing resolution in order to apply for a North Carolina Rural Infrastructure Authority grant for the School House Road Water Line Extension project.

Attachments:

School House Road Water Extension Authorizing Resolution

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

CITY OF HENDERSONVILLE

The City of Four Seasons

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

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

AUTHORIZING RESOLUTION BY GOVERNING BODY OF THE APPLICANT

Economic Infrastructure Grants Program

WHEREAS, the North Carolina Rural Infrastructure Authority (RIA) has authorized the awarding of grants from appropriated funds to aid eligible units of government in financing the cost of infrastructure activities needed to create jobs; and

WHEREAS, the City of Hendersonville needs assistance in financing an infrastructure project that may qualify for Rural Grants/Programs funding; and

WHEREAS, the City of Hendersonville intends to request grant assistance for the School House Road Water Line Extension project from the Economic Infrastructure Grants Program;

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

That City of Hendersonville will arrange financing for all remaining costs of the project, if approved for a grant.

That Barbara G. Volk, Mayor, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Hendersonville with the Rural Grants/Programs Section for a grant to assist in the above-named infrastructure project.

That Barbara G. Volk, Mayor, and successors so titled, is hereby authorized and directed to furnish such information as Rural Grants/Programs Section may request in connection with an application or with the project proposed; to make assurances as contained in the application; and to execute such other documents as may be required in connection with the application.

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

Adopted this date 5th day of March, 2015, at Hendersonville, North Carolina.

(Signature of Chief Executive Officer)

(Title)

ATTEST:

Clerk

(Seal)

305 Williams Street
Hendersonville, NC 28792-4461

bdetwiler@cityofhendersonville.org
www.cityofhendersonville.org

Phone: 828.697.3000
Fax: 828.697.3066



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Sam Fritschner

Department: Legal

Date Submitted: February 24 2015

Presenter: Sam Fritschner

Date of Council Meeting to consider this item: March 5 2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 05i

At the February City Council meeting the Council evinced an interest in selling a small parcel of real estate to Halvorsen Suburban Centers, LLC. The parcel was mistakenly transferred to the City some years ago and this sale would possibly rectify that mistaken transfer.

In accordance with NCGS Section 160A-269 the Clerk, at the Council's direction, advertised for upset bids the \$1000 offer of Halvorsen Suburban Centers for the parcel. No bids were received within the 10-day upset period. If the Council wishes to effect the sale, it may now do so. A proposed motion is provided below.

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

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

I move the City Council to accept the bid of Halvorsen Suburban Centers, LLC in the amount of \$1,000.00 for the parcel identified as all that real property described in that deed recorded in Deed Book 1284 at page 370, Henderson County Registry. I further move the Council to direct the City Attorney to prepare, and to authorize the Mayor to execute, a nonwarranty deed to Halvorsen Suburban Centers, LLC for sum of \$1,000.00.

Attachments:

None



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Sue Anderson, Planning Director

Department: Planning

Date Submitted: February 24, 2015

Presenter: Sue Anderson

Date of Council Meeting to consider this item: March 5, 2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 06

File # P14-59-SUR

The City is in receipt of an Amended Special Use Permit application from WGLA Engineering to modify an existing Special Use Permit. This application is associated with the Special Use Permit application for the 6th Avenue Joint Health and Education Center. The property address is 709 N. Justice Street although the existing building is adjacent to 6th Avenue West. The parcel # is 9568-59-1352.

The Planning Board took this matter up at its regular meeting of February 9, 2015. The Planning Board voted unanimously to recommend City Council approve the application of WGLA Engineering for an Amended 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 for the reason that the amendment is for the public benefit.

Budget Impact: \$ 0.00 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Not Applicable

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

I move City Council to approve the application of WGLA Engineering for an Amended 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.

Attachments:

Memo

M E M O R A N D U M

TO: Honorable Mayor and City Council

FROM: Sue Anderson

RE: Pardee Medical Office Building

FILE #: P14-59-SUR

DATE: February 22, 2015

PROJECT DESCRIPTION

The City is in receipt of an Amended Special Use Permit application from WGLA Engineering to modify an existing Special Use Permit. This application is associated with the Special Use Permit application for the 6th Avenue Joint Health and Education Center. The property address is 709 N. Justice Street although the existing building is adjacent to 6th Avenue West. The parcel # is 9568-59-1352.

This application is for an amended special use review. Since the property is already zoned for the current use, no rezoning is associated with this application. 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

In May of 2000, City Council approved a Special Use Permit for a 32,000 ft² two story medical office building and 144 parking spaces. That approval also included a variance from the required 25 foot setbacks. The variance approved a reduction of the side yard setback to 11 feet and 15 feet as reflected on the site plan.

The current application is requesting the removal of approximately 1.26 acres from this site and a reconfiguring of the parking lot and the entrance from 6th Avenue West. The 1.26 acres will be added to the 6th Avenue Joint Health and Education Facility site.

EXISTING LAND USE & ZONING

Currently, this parcel is zoned PCD Planned Commercial Development. According to information from Pardee Memorial Hospital, the Pardee Medical Office Building is 32,310 ft². Parcels to the north are zoned MIC Medical Institutional Cultural and include a vacant lot and a single-family residence. Parcels to the east and west are zoned MIC Medical Institutional Cultural and include medical office buildings and a vacant parcel. The vacant parcel to the west is owned by the City of Hendersonville and is the proposed location of the new 6th Avenue Joint Health and Education Center. A zoning map can be found on Page 10.

COMPREHENSIVE PLAN CONSISTENCY

The parcel included in this application is classified as Urban Institutional on the 2030 Comprehensive Plan's Future Land Use Map. Surrounding parcels are classified as Urban Institutional.

The goal of the Urban Institutional classification is 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."

The Comprehensive Plan's Future Land Use Map is located on Page 11.

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

PLAN REVIEW

Site Reduction

The existing site consists of 4.05 acres. The applicant is requesting to reduce the site size by 1.26 acres resulting in a final site size of 2.78 acres. Based on 2.78 acres, the site will include .70 acres (25%) in open space and meets the required 10% of common open space. Open space includes all pervious areas and common open space includes landscaping, lawns, screening or buffering, sidewalks, recreational facilities and meeting areas.

Parking

Previously, the approved site plan indicated 144 parking spaces. Medical offices are required to have one parking space for each 250 ft² of gross floor area. Based on a building size of 32,310 ft², 130 parking spaces are required.

This parcel is also located in the Entry Corridor Overlay District. Section 5-18-4.7 of the Zoning Ordinance allows a parking reduction of 20% as an award for meeting other entry corridor requirements such as additional tree plantings and locating parking to the side or rear of a structure.

Applying the 20% reduction, the required parking is reduced to 104 parking spaces. The amended preliminary site plan shows 118 parking spaces will be provided which exceeds the minimum required.

Entry from 6th Avenue West

The applicant is proposing reconfiguring the entryway from 6th Avenue West. The current design of the access from 6th Avenue West includes parking. The amended preliminary site plan shows the removal of these parking spaces, two 15 foot wide drive aisles with the addition of a 14 foot landscaped median, and a sidewalk connecting 6th Avenue West to the entrance at the rear of the building.

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.

The vehicle access off of 6th Avenue West will be improved which should increase safety for both pedestrians and for drivers entering and exiting at this location. Staff has not identified any other issues relating to 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 and sewer service is already provided to this 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.

No variances are requested.

- (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.

Because this project and the 6th Avenue Joint Health and Education Center are related, a neighborhood compatibility meeting concerning both this application and the application for the 6th Avenue Joint Health and Education Center was held on Thursday January 8, 2015 at 1:30 p.m. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject properties as required by Section 7-4-4.1 of the Zoning Ordinance.

Approximately 13 people representing the general public attended the meeting. The public raised concerns about the following:

- **Current noise issues in the parking lot**
- **Question on entrances**
- **Other properties to be acquired**
- **Traffic problems**
- **Encroaching growth**
- **Lighting**
- **Effect on property taxes**

- **Timeframe for construction**

A copy of the neighborhood compatibility report accompanies this memorandum.

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

The 2030 Comprehensive Plan's Urban Institutional classification 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."

The Comprehensive Transportation Plan does not indicate any new improvements to 6th Avenue West.

PLANNING BOARD

The Planning Board took this matter up at its regular meeting of February 9, 2015. The Planning Board voted unanimously to recommend City Council approve the application of WGLA Engineering for an Amended 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 for the reason that the amendment is for the public benefit.

IN RE: Pardee Medical Office Building (File # P14-59-SUR)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

Offices, business, professional, public
Medical offices

II. Conditions:

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

Reconfiguration/Lot Line Adjustment of Parcel # 9568-59-1352 as reflected on the Preliminary Site Plan.

- (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 and the Hendersonville Code of Ordinances.

Pardee Medical Office Building

By: _____

Date: _____

Planning Director's Report
 Neighborhood Compatibility Meeting
 Application for a Special Use Permit Amendment and Rezoning
 Joint Health Education Building File #P14-59-SUR
 Thursday January 8, 2015 1:30 p.m.

Sue Anderson, Planning Director, convened the compatibility meeting at 1:35 pm in the Assembly Room of the City Operations Center. The following were in attendance:

| Name | Address | Name | Address |
|---------------------|------------------------------|----------------|------------------------------|
| Kris Peters | Pardee Hospital | Elizabeth Moss | Pardee Hospital |
| Jesse Shepherd | YMCA Hendersonville | Craig Franks | Pardee Hospital |
| Chad Roberson | Clark Nexsen | Bill Waters | |
| Jared Deridder | WGLA Engineering | Diane Caldwell | 724 Oriole Drive |
| John Mitchell | Henderson County | John Fox | 611 Oak Street |
| Joyce Bryan | 810 7 th Ave W | Donald Reid | 827 N Justice |
| Madeline Royes | 424 S Walnut Tree St | Jackie Brogie | 722 9 th Ave W |
| Mark Ryan | 722 9 th Avenue W | Guy Mortz | 18 Gro Hill Drive |
| Marva Brown | 24 Forest Bend Drive | Larry Robinson | 719 1 st Ave West |
| Melinda Lowrance | 710 1 st Ave W | Ken Fitch | 1046 Patton St |
| John Connet | City of Hendersonville | Sue Anderson | City of Hendersonville |
| Lu Ann Welter | City of Hendersonville | | |

Ms. Anderson opened the meeting explaining this meeting is the first in a three step process to review two projects going through the Special Use Process. She said the Planning Board will review these applications on February 9 and City Council will hold the public hearings on March 5. She explained the first special use application is an amendment to an existing special use with the Pardee Medical Office building and parking lot. The second is a new building on the corner of Oak Street and 64 West.

Chad Roberson, applicant, explained they are proposing to build a three-story, 95,000 sq. ft., building to house Pardee cancer center on the first floor, Blue Ridge Community College health education classes on the second and Wingate University health education classes on the third. Because of the slope of the land, it will have two stories on the 64 West side and three stories on the rear. A front plaza will be on the 64 West side.

Jared Deridder, applicant, explained the reconfiguration of the current parking lot of the Pardee Medical Office Building. He explained the hospital owns vacant lots across Oak Street and plan to add 70 parking spaces there. He said buffering would be required. The existing parking lot to the east of Oak Street will be tweaked and reconfigured. Mr. Roberson added more green will be added to this existing lot. John Connet, City Manager, clarified if the lots on the west side of Oak Street were for student parking. Mr. Deridder but that has not been determined yet.

Joyce Bryan, 810 7th Avenue West, said she lives below where the new parking lot is going and already gets a lot of noise from the lot across the street. This will add more. Mr. Deridder said there will be buffers, probably twenty-foot, that should help but they could look in putting up a wall. Ms. Anderson said she will be reviewing the landscape plan but with this being a special use permit, City Council could add more requirements. Mr. Roberson said the new building will buffer some of the current noise from the existing lot. Mark Ryan asked about the car entrances. Mr. Deridder said the current lot entrances will stay the same except for the one on Oak Street which will be moved up the street a little.

Diane Caldwell said she did not live in that area but represents some the church members nearby. She asked how many properties are they looking to acquire and how will they determine how much to pay for these properties. Kris Peters, Pardee Hospital, said they do not need to acquire any properties for this project to move forward. Ms. Caldwell said many properties in the area are already zoned medical and will they be acquiring more in the future. Ms. Peters said they have no formal plans to buy more properties but that could change down the road. She added they are looking to expand services into the community more and not do everything on the main campus.

Billy Waters said nothing has been done on the traffic situation with the schools and medical buildings and it is getting out of hand in that area. Mr. Deridder said a Traffic Impact Analysis is being done to show changes to the roads that should be made. Mr. Waters added the African-Americans in that community are losing their properties and it takes away from the stability of the neighborhood. He asked about future plans. Ms. Bryan said now that Pardee has moved onto the other side of Oak Street, that block is probably gone with the property values going down. Ms. Peters said Pardee has owned the lots to the east of Oak Street where the new parking lot is going for 15 years and they are just now being used. It's hard to predict how the campus will change because health care needs change.

John Connet, City Manager, explained the City is beginning a traffic study of that area based on residents' concerns with a proposed rezoning on 9th Avenue. He said they will be looking at traffic between NC 191 and 64 West and along 9th Avenue West.

Ms. Caldwell asked for an explanation of why growth always encroaches into African-American communities. Mr. Connet said something like that is hard to answer but the City is seeing growth out 64 East and two new housing projects out Signal Hill Road and N. Main Street.

Madeline Royes asked about lighting in the parking lots. Mr. Deridder said the City requires light to be shielded down and away from adjoining properties. Ms. Bryan said light does spill over now from the current parking lot. Mr. Deridder also said they can focus the light poles more to the center of the parking areas.

John Fox, 611 Oak Street, asked if this will affect his property. Mr. Deridder said there are no plans for using that lot at this time.

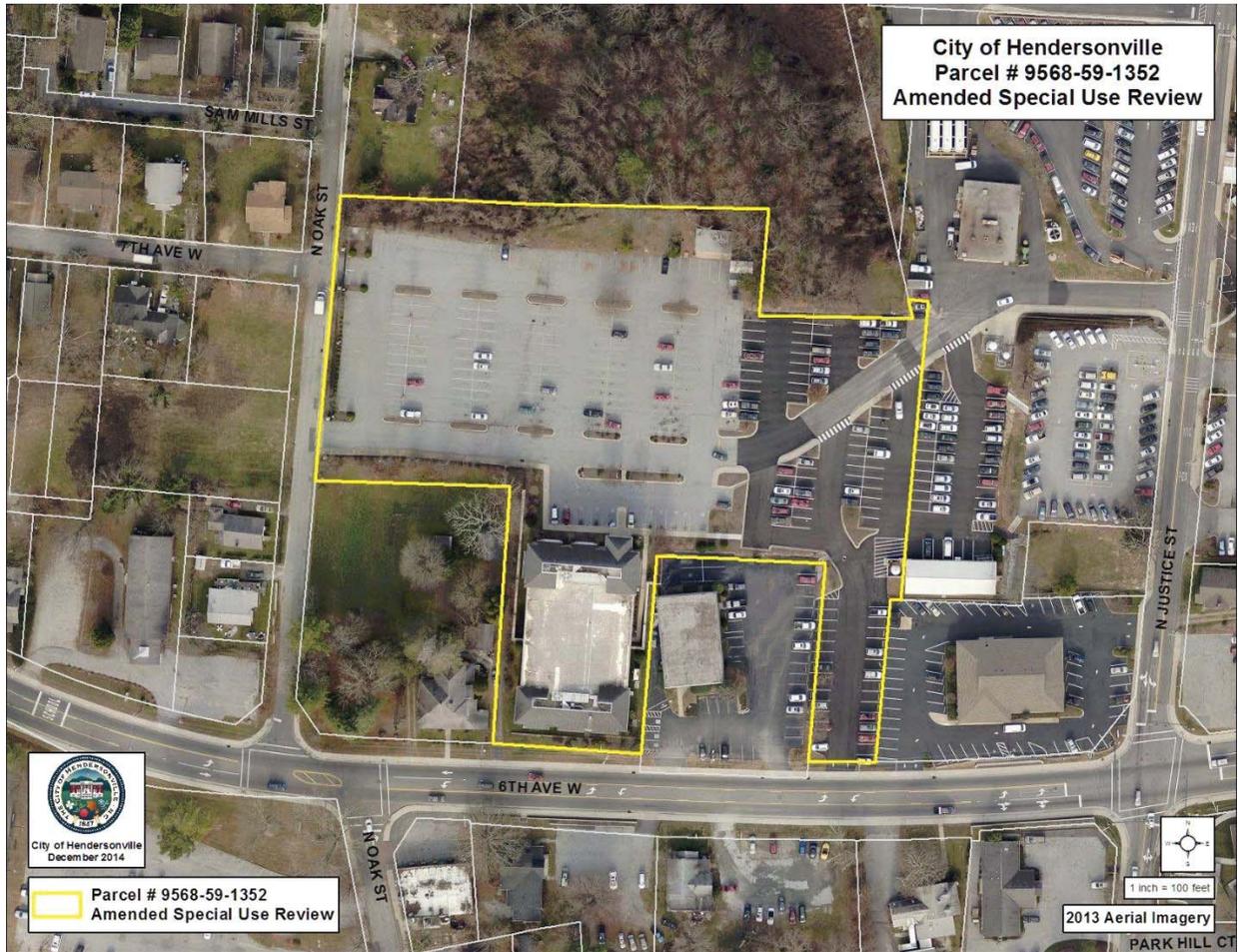
Ken Fitch, Patton Street, asked if there would be lighting from the top of the building. Mr. Roberson said no. Mr. Fitch asked what measures during construction will be in place to protect the neighborhood. Mr. Roberson said that will be a construction manager on site and those plans will finalize as the plans progress. Mr. Anderson said the City does have restrictions on projects under construction.

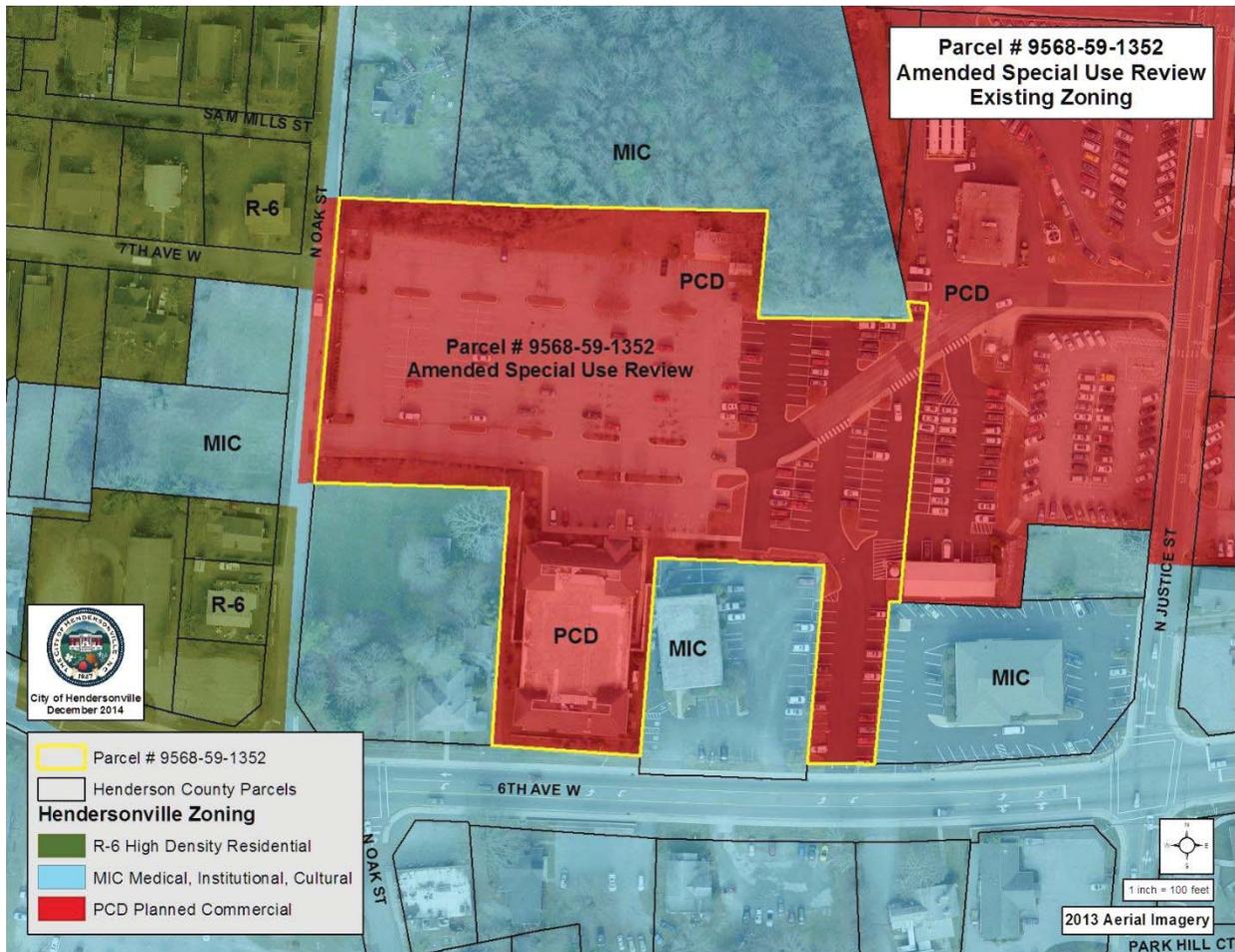
Donald Reid asked how this will affect his property taxes. Mr. Connet said Henderson County is currently working on assessments but as the adjoining properties are not being rezoned, there should not be a big change. He added the tax assessor would know more but he would attempt to find out.

Mark Ryan asked the timeframe of the project. Mr. Roberson said they hope to break ground this spring and be finished in the summer of 2016. Jackie Brogie asked if they have enough parking spaces. Mr. Roberson said they must meet the City's requirements. Ms. Brogie asked how many are shown? Mr. Deridder said there are 70 proposed for Oak Street and 419 in the existing lot.

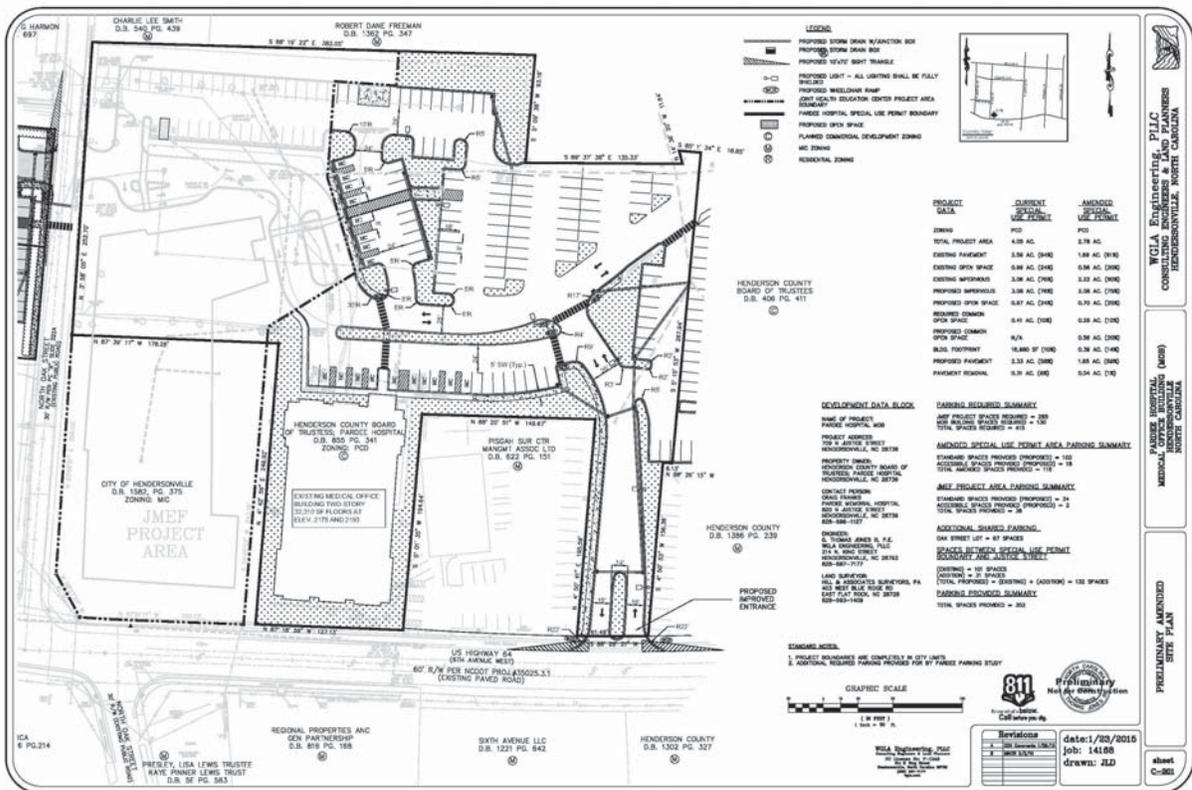
Jesse Shepherd of YMCA across the street said they are excited about the students and possible community relationships this can help build.

With no further comments, Ms. Anderson closed the meeting at 2:20





PROJECT 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

City of Hendersonville

PLANNING BOARD REPORT

Project Name: Pardee Medical Office Building
Application for Amended Special Use Permit

File Number: P14-59-SUR

Amended Special Use Permit

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 February, 2015.

Attest:



Planning Board Chair



Planning Director



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Sue Anderson, Planning Director

Department: Planning

Date Submitted: February 25, 2015

Presenter: Sue Anderson

Date of Council Meeting to consider this item: March 5, 2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 07

File # P14-58-SUR

The City is in receipt of a Special Use Permit application from the City of Hendersonville in partnership with Henderson County, Pardee Memorial Hospital, Wingate University and Blue Ridge Community College. The application is to construct a 3 story 97,776 ft² Joint Health Education Center on a total of 2.18 acres. The project is to be located on Parcel # 9568-49-9260 and an approximately 1.26 acre portion of Parcel # 9568-59-1352 and is located at the corner of 6th Avenue West and North Oak Street.

Section 5-10-4 requires developments involving more than 50,000ft² of gross floor area to go through the special use permit process. 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.

Not Applicable

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

See Page 8 for Suggested Motions

Attachments:

Memo

M E M O R A N D U M

TO: Honorable Mayor and City Council

FROM: Sue Anderson

RE: 6th Avenue Joint Health Education Center

FILE #: P14-58-SUR

DATE: February 22, 2015

PROJECT DESCRIPTION

The City is in receipt of Special Use Permit application from the City of Hendersonville in partnership with Henderson County, Pardee Memorial Hospital, Wingate University and Blue Ridge Community College. The application is to construct a 3 story 97,776 ft² Joint Health Education Center on a total of 2.18 acres. The project is to be located on Parcel # 9568-49-9260 and an approximately 1.26 acre portion of Parcel # 9568-59-1352 and is located at the corner of 6th Avenue West and North Oak Street.

Section 5-10-4 requires developments involving more than 50,000ft² of gross floor area to go through the special use permit process. 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.

EXISTING LAND USE & ZONING

Currently, Parcel # 9568-49-9260 is zoned MIC Medical Institution Cultural and is vacant. Parcel # 9568-59-1352 is zoned PCD Planned Commercial Development and includes the 32,310 ft² Pardee Medical Office Building. An Amended Special Use Permit application has been filed to modify this Planned Commercial Development.

Parcels to the north are zoned MIC Medical Institutional Cultural and include a vacant lot and a single-family residence. Parcels to the east are zoned MIC Medical Institutional Cultural and Planned Commercial Development and include medical office buildings. Parcels located across North Oak Street are zoned MIC Medical Institutional Cultural and R-6 High Density Residential and include single-family residential uses and vacant land. A zoning map can be found on Page 18.

COMPREHENSIVE PLAN CONSISTENCY

The parcels included in this application are classified as Urban Institutional on the 2030 Comprehensive Plan's Future Land Use Map. Surrounding parcels are classified as Urban Institutional.

The goal of the Urban Institutional classification is 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.” The Comprehensive Plan’s Future Land Use Map is located on Page 19.

Comprehensive Plan consistency is addressed under “E” on page seven.

PLAN REVIEW

Building

The proposed development is for a three story 97,776 ft² building. The first floor is 35,208 ft², the second floor is 30,732 ft² and the third floor is 31,836 ft². Maximum building height in the MIC classification is 50 feet. The architectural elevation drawings indicate a maximum building height of 48 feet.

Parking

Based on calculations provided by Pardee Memorial Hospital, Levels 2 & 3 will have a total of 450 students and 30 staff members. Table 6-5-2 of the Zoning Ordinance requires one parking space for every three students and one parking space for every two employees.

The site plan shows the Level 1 Medical Office square footage at 35,280. For this area, Table 6-5-2 requires 1 parking space for every 250 ft² of gross floor area.

The proposed development is also located in the Entry Corridor Overlay District. Zoning Ordinance Section 5-18-4.7 allows a parking reduction of 20% as an award for meeting other entry corridor requirements such as additional tree plantings and locating parking to the side or rear of a structure.

Below is a table showing the required parking for this development.

| Type of Use | Parking Standard | Parking Space Requirements | 20% Reduction |
|-------------------------------|--|-----------------------------------|----------------------|
| Educational Facility | 1 per 3 Students 1 per 2 Employees | 151 + 15 = 166 | 133 Parking Spaces |
| Medical Office | 1 per 250 ft ² Gross Floor Area | 35,280 / 250 = 142 | 114 Parking Spaces |
| Total Parking Required | | 308 Parking Spaces | 247 Parking Spaces |

The preliminary site plan shows a total of 36 parking spaces provided on-site. Zoning Ordinance Section 6-5-3.2 allows that off-site parking may be used to meet the parking requirements provided that the lot is located within 200 feet of the use lot. There is a proposal to develop vacant parcels owned by Henderson County into a 67 space parking lot that is located to the west across North Oak Street and is within 200 feet of the development site. That plan is subject to staff approval. A condition has been added

that this parking lot be completed prior to issuance of a certificate of occupancy for the building.

Parking Availability

| On Site Parking | Parking Lot to West | MOB Excess Parking Adjacent | Other Excess Parking With the Pardee Complex* | Total Required |
|-----------------|---------------------|-----------------------------|---|----------------|
| 36 Spaces | 67 Spaces | 14 Spaces | 295 | 247 |

*Based on calculations provided by Pardee Memorial Hospital.

Zoning Ordinance Section 6-5-3 has a provision allowing that the parking requirements may be shared when two or more uses have inherent differences in parking activity. The adjacent Pardee Medical Office Building's hours of operation are between 8:00 AM and 5:00 PM. The 6th Avenue Joint Health Education Center will have access to the Pardee Medical Office Building's 118 parking spaces after hours.

Setback Requirements

The setback requirements for the MIC Zoning Classification are 30 feet front, 10 feet side and 20 feet rear. The Entry Corridor Overlay District allows for a reduction in the front building setback when parking is situated to the side or rear of the parcel. The front of the building is setback approximately 33 feet and includes a raised open plaza, retaining walls, entry stairs and an ADA ramp that extends beyond the 10 foot front setback to the sidewalk. Zoning Ordinance Section 8-1 exempts walks, retaining walls and required building entry ramps from these setback requirements. Any work in the NCDOT right-of-way will require approval and a permit from NCDOT.

Variance Request

The applicant is requesting a variance from the rear setback requirement. The rear setback requirement is 20 feet. The applicant is requesting a variance from that requirement to locate a 21.2 foot by 92.7 foot pad and to locate a dumpster, generator and chiller in this area. The site plan shows an approximately five foot wide landscaped area between this equipment and the rear property line. A copy of the application for the variance is located on Page 15 & 16.

Rezoning

The applicant is requesting a rezoning of Parcel # 9568-49-9260 from MIC Medical Institutional Cultural to MIC-SU Medical Institutional Cultural Special Use, and

A rezoning of an approximate 1.26 acre portion of Parcel #9568-59-1352, as shown in Exhibit A, from PCD Planned Commercial Development to MIC-SU Medical Institutional Cultural Special Use.

Parcel Recombination

Prior to Final Site Plan approval, Parcel # 9568-49-9260 and a portion of Parcel #9568-

59-1352 shall be combined to reflect the Preliminary Site Plan boundary.

Stormwater

The applicant will be providing stormwater management plans to the Engineering Department as part of the final site plan submittal requirements.

Traffic Impact Analysis (Section 6-19)

A traffic impact analysis is required when a project exceeds either 1000 trips per day or 100 trips per AM or PM peak hour. A Traffic Impact Analysis was completed by Mattern & Craig, Inc., for this project and submitted to the City for review on February 2, 2015.

According to the Traffic Impact Analysis and the Institute of Traffic Engineers *Trip Generation Manual*, the health facility /medical office is expected to generate 1,272 daily trips and the education facility is expected to generate 1,720 daily trips for a total of 2,992 daily trips. Total peak hour trips for both facilities include 316 AM vehicle trips and 315 PM vehicle trips.

The Traffic Impact Analysis Executive Summary states “that it is reasonable to conclude that the proposed development should not have an adverse impact on the surrounding roadway network with appropriate mitigation measures at certain intersections as described below:”

Intersection of US 64 (Sixth Avenue) and North Justice

- Optimization of intersection splits is recommended to bring the level of delay for the minor approach (North Justice Street) back to or better than the background conditions.
- There may be some minor queue length issues along the southbound approach (North Justice Street) and westbound approach (US 64) under future conditions.
- The configuration of the turn lanes and available pavement width along southbound North Justice Street can accommodate additional queued vehicles waiting to turn left, thus reducing any excess queuing.

Intersection of US 64 (Sixth Avenue) and North Oak Street

- Analysis indicates that an eastbound right turn lane with 50 feet of full storage and appropriate taper is warranted during the am and pm peak hours based on future traffic volumes. If a turn lane is desired at this location the availability of right-of-way should be investigated. Turn lane improvements should be at the discretion of the City and NCDOT.
- Analysis of turn lane warrants indicates that a westbound right turn lane with 50 feet of full storage and appropriate taper is warranted during the am peak hour

based on future traffic volumes. All intersection approaches are expected to operate at an acceptable level of service ("C" or better) therefore a westbound right turn lane is not recommended.

Intersection of North Justice Street and Entrance # 1

- Based on the analysis of the future am and pm peak hours, the potential need for a northbound left turn lane with 75 feet of full storage and appropriate taper is indicated.
- Based on the analysis of the future am peak hour, a southbound right turn lane with 50 feet of full storage and appropriate taper is warranted.
- With acceptable levels of service ("B" or better) and a limitation of available right-of-way, a northbound left turn lane and a southbound right turn lane are not recommended.

Intersection of US 64 (Sixth Avenue) and Entrance #2

- Based on the analysis of the future am peak hour, the potential need for a westbound right turn lane along US 64 with 50 feet of full storage and appropriate taper is indicated.
- With acceptable levels of service ("C" or better) a westbound right turn lane is not recommended.

Intersection of North Oak Street and Entrance #3

- Based on the analysis of the future am and pm peak hours, a northbound right turn lane with 75 feet of full storage and appropriate taper is warranted along North Oak Street.
- It is recommended that the new driveway be aligned directly across from Seventh Avenue. Likewise, the proposed midblock pedestrian crosswalk on North Oak Street should be moved north to the south side of the intersection of Entrance #3/Seventh Avenue and North Oak Street.
- North Oak Street has a width of approximately 18 feet. In lieu of an auxiliary right turn lane, it is recommended that North Oak Street be widened to 22 feet with two 11 foot travel lanes and a curb and gutter cross section between Seventh Avenue and US 64 (Sixth Avenue). It is also recommended that the vertical approach along North Oak Street at its intersection with US 64 be investigated for potential improvements to lessen the approach grade as part of the proposed site improvements.

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.

Other than what is identified in the Traffic Impact Analysis, staff has not identified any other issues relating to 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 and sewer service is available to 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.

Variance Request.

The applicant is requesting a variance from Section 5-10-3 Dimensional Requirements, reducing the 20 rear setback requirement in order to locate a 21.2 foot by 92.7 foot pad and to locate a dumpster, generator and chiller on this pad. The site plan shows an approximately five foot wide landscaped area between this equipment and the rear property line.

- (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.

Because this project and the Pardee Medical Office Building are related, a neighborhood compatibility meeting concerning both this application and the application for the Pardee Medical Office Building was held on Thursday January 8, 2015 at 1:30 p.m. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject properties as required by Section 7-4-4.1 of the Zoning Ordinance.

Approximately 13 people representing the general public attended the meeting. The public raised concerns about the following:

- **Current noise issues in the parking lot**
- **Question on entrances**
- **Other properties to be acquired**

- **Traffic problems**
- **Encroaching growth**
- **Lighting**
- **Effect on property taxes**
- **Timeframe for construction**

A copy of the neighborhood compatibility report accompanies this memorandum.

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

The 2030 Comprehensive Plan's Urban Institutional classification 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."

The Comprehensive Transportation Plan does not indicate any new improvements to 6th Avenue West.

PLANNING BOARD

The Planning Board took this matter up at its regular meeting of February 9, 2015. The Planning Board voted unanimously to recommend City Council approve the following:

Variance

A variance from Section 5-10-3 Dimensional Requirements, reducing the 20 foot rear setback requirement in order to locate a 21.2 foot by 92.7 foot pad and to locate a dumpster, generator and chiller on this pad as shown on the Preliminary Site Plan.

Special Use Permit and Rezoning

To adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of:

Parcel # 9568-49-9260 from MIC Medical Institutional Cultural to MIC-SU Medical Institutional Cultural Special Use, and

A 1.26 acre portion of Parcel #9568-59-1352 from PCD Planned Commercial Development to MIC-SU Medical Institutional Cultural Special Use as shown in Exhibit A, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the reason of developing a use for Pardee and educational development.

And, to recommend City Council approve the application of the City of Hendersonville in partnership with Henderson County, Pardee Memorial Hospital, Wingate University and Blue Ridge Community College 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.

SUGGESTED MOTIONS

Variance

Approval: I move the City Council to approve a variance from Section 5-10-3 Dimensional Requirements, reducing the 20 foot rear setback requirement in order to locate a 21.2 foot by 92.7 foot pad and to locate a dumpster, generator and chiller on this pad as shown on the Preliminary Site Plan.

Denial: I move the City Council to not approve a variance from Section 5-10-3 Dimensional Requirements, reducing the 20 foot rear setback requirement in order to locate a 21.2 foot by 92.7 foot pad and to locate a dumpster, generator and chiller on this pad as shown on the Preliminary Site Plan

Special Use Permit and Rezoning

Approval: I move the City Council to adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of:

Parcel # 9568-49-9260 from MIC Medical Institutional Cultural to MIC-SU Medical Institutional Cultural Special Use, and

An approximate 1.26 acre portion of Parcel #9568-59-1352 from PCD Planned Commercial Development to MIC-SU Medical Institutional Cultural Special Use as shown in Exhibit A, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the following reasons:

I further move the City Council to approve the application of the City of Hendersonville in partnership with Henderson County, Pardee Memorial Hospital, Wingate University and Blue Ridge Community College 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.

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

Denial: I move the City Council to not approve the application of the City of Hendersonville in partnership with Henderson County, Pardee Memorial Hospital, Wingate University and Blue Ridge Community College for rezoning and issuance of a special use permit. **[PLEASE STATE YOUR REASONS]**

IN RE: 6th Avenue Joint Health and Education Center (File # P14-58-SUR)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

**Offices, business, professional and public
Public & semi-public buildings
Schools, post-secondary, business, technical and vocational**

II. Conditions:

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

Parcel # 9568-49-9260 and a portion of Parcel #9568-59-1352 shall be combined to create a new parcel that reflects the parcel configuration on the Preliminary Site Plan and this new parcel shall be recorded at the Register of Deeds prior to Final Site Plan approval.

An application, site plan, landscaping plan and stormwater plan for the new off-site parking lot shall be submitted and must receive all appropriate Hendersonville Department approvals prior to Final Site Plan approval.

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

The new off-site parking lot with a minimum of 67 parking spaces located between N. Oak Street and N. Whitted Street or an equivalent new off-site parking lot with a minimum of 67 parking spaces located within 200 feet of this parcel shall be completed and approved prior to the issuance of a Certificate of Occupancy.

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 Hendersonville Zoning Ordinance and Code of Ordinances.

6th Avenue Joint Health and Education Center

By: _____

Date: _____

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

IN RE: 6th Avenue Joint Health and Education Center
(File # P14-58-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 the following:

Rezone Parcel # 9568-49-9260 from MIC Medical Institutional Cultural to MIC-SU Medical Institutional Cultural Special Use

Rezone a 1.26 acre portion of Parcel #956-59-1352, as shown in Exhibit A, from PCD Planned Commercial Development to MIC-SU Medical Institutional Cultural Special Use.

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

Adopted this 5th day of March 2015.

Barbara Volk, Mayor

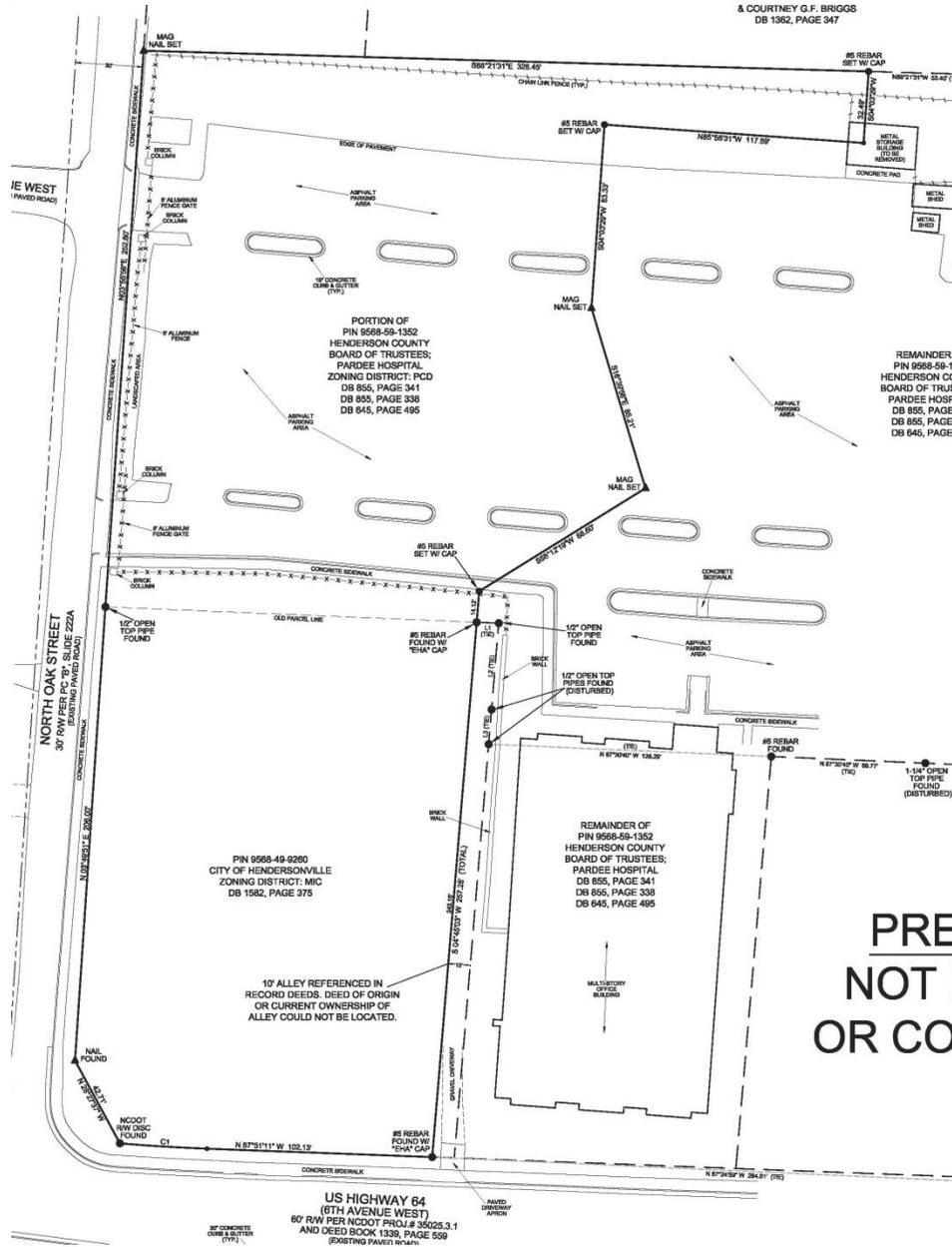
ATTEST:

Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

Exhibit A



Planning Director's Report
 Neighborhood Compatibility Meeting
 Application for a Special Use Permit Amendment and Rezoning
 Joint Health Education Building File #P14-59-SUR
 Thursday January 8, 2015 1:30 p.m.

Sue Anderson, Planning Director, convened the compatibility meeting at 1:35 pm in the Assembly Room of the City Operations Center. The following were in attendance:

| Name | Address | Name | Address |
|---------------------|------------------------------|----------------|------------------------------|
| Kris Peters | Pardee Hospital | Elizabeth Moss | Pardee Hospital |
| Jesse Shepherd | YMCA Hendersonville | Craig Franks | Pardee Hospital |
| Chad Roberson | Clark Nexsen | Bill Waters | |
| Jared Deridder | WGLA Engineering | Diane Caldwell | 724 Oriole Drive |
| John Mitchell | Henderson County | John Fox | 611 Oak Street |
| Joyce Bryan | 810 7 th Ave W | Donald Reid | 827 N Justice |
| Madeline Royes | 424 S Walnut Tree St | Jackie Brogie | 722 9 th Ave W |
| Mark Ryan | 722 9 th Avenue W | Guy Mortz | 18 Gro Hill Drive |
| Marva Brown | 24 Forest Bend Drive | Larry Robinson | 719 1 st Ave West |
| Melinda Lowrance | 710 1 st Ave W | Ken Fitch | 1046 Patton St |
| John Connet | City of Hendersonville | Sue Anderson | City of Hendersonville |
| Lu Ann Welter | City of Hendersonville | | |

Ms. Anderson opened the meeting explaining this meeting is the first in a three step process to review two projects going through the Special Use Process. She said the Planning Board will review these applications on February 9 and City Council will hold the public hearings on March 5. She explained the first special use application is an amendment to an existing special use with the Pardee Medical Office building and parking lot. The second is a new building on the corner of Oak Street and 64 West.

Chad Roberson, applicant, explained they are proposing to build a three-story, 95,000 sq.ft., building to house Pardee cancer center on the first floor, Blue Ridge Community College health education classes on the second and Wingate University health education classes on the third. Because of the slope of the land, it will have two stories on the 64 West side and three stories on the rear. A front plaza will be on the 64 West side.

Jared Deridder, applicant, explained the reconfiguration of the current parking lot of the Pardee Medical Office Building. He explained the hospital owns vacant lots across Oak Street and plan to add 70 parking spaces there. He said buffering would be required. The existing parking lot to the east of Oak Street will be tweaked and reconfigured. Mr. Roberson added more green will be added to this existing lot. John Connet, City Manager, clarified if the lots on the west side of Oak Street were for student parking. Mr. Deridder but that has not been determined yet.

Joyce Bryan, 810 7th Avenue West, said she lives below where the new parking lot is going and already gets a lot of noise from the lot across the street. This will add more. Mr. Deridder said there will be buffers, probably twenty-foot, that should help but they could look in putting up a wall. Ms. Anderson said she will be reviewing the landscape plan but with this being a special use permit, City Council could add more requirements. Mr. Roberson said the new building will buffer some of the current noise from the existing lot. Mark Ryan asked about the car entrances. Mr. Deridder said the current lot entrances will stay the same except for the one on Oak Street which will be moved up the street a little.

Diane Caldwell said she did not live in that area but represents some the church members nearby. She asked how many properties are they looking to acquire and how will they determine how much to pay for these properties. Kris Peters, Pardee Hospital, said they do not need to acquire any properties for this project to move forward. Ms. Caldwell said many properties in the area are already zoned medical and will they be acquiring more in the future. Ms. Peters said they have no formal plans to buy more properties but that could change down the road. She added they are looking to expand services into the community more and not do everything on the main campus.

Billy Waters said nothing has been done on the traffic situation with the schools and medical buildings and it is getting out of hand in that area. Mr. Deridder said a Traffic Impact Analysis is being done to show changes to the roads that should be made. Mr. Waters added the African-Americans in that community are losing their properties and it takes away from the stability of the neighborhood. He asked about future plans. Ms. Bryan said now that Pardee has moved onto the other side of Oak Street, that block is probably gone with the property values going down. Ms. Peters said Pardee has owned the lots to the east of Oak Street where the new parking lot is going for 15 years and they are just now being used. It's hard to predict how the campus will change because health care needs change.

John Connet, City Manager, explained the City is beginning a traffic study of that area based on residents' concerns with a proposed rezoning on 9th Avenue. He said they will be looking at traffic between NC 191 and 64 West and along 9th Avenue West.

Ms. Caldwell asked for an explanation of why growth always encroaches into African-American communities. Mr. Connet said something like that is hard to answer but the City is seeing growth out 64 East and two new housing projects out Signal Hill Road and N. Main Street.

Madeline Royes asked about lighting in the parking lots. Mr. Deridder said the City requires light to be shielded down and away from adjoining properties. Ms. Bryan said light does spill over now from the current parking lot. Mr. Deridder also said they can focus the light poles more to the center of the parking areas.

John Fox, 611 Oak Street, asked if this will affect his property. Mr. Deridder said there are no plans for using that lot at this time.

Ken Fitch, Patton Street, asked if there would be lighting from the top of the building. Mr. Roberson said no. Mr. Fitch asked what measures during construction will be in place to protect the neighborhood. Mr. Roberson said that will be a construction manager on site and those plans will finalize as the plans progress. Mr. Anderson said the City does have restrictions on projects under construction.

Donald Reid asked how this will affect his property taxes. Mr. Connet said Henderson County is currently working on assessments but as the adjoining properties are not being rezoned, there should not be a big change. He added the tax assessor would know more but he would attempt to find out.

Mark Ryan asked the timeframe of the project. Mr. Roberson said they hope to break ground this spring and be finished in the summer of 2016. Jackie Brogie asked if they have enough parking spaces. Mr. Roberson said they must meet the City's requirements. Ms. Brogie asked how many are shown? Mr. Deridder said there are 70 proposed for Oak Street and 419 in the existing lot.

Jesse Shepherd of YMCA across the street said they are excited about the students and possible community relationships this can help build.

With no further comments, Ms. Anderson closed the meeting at 2:20

Print Form



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

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

The following are required to constitute a complete application for a variance:

- ~ This form including the property owner(s) signature(s).
- ~ Special Use Permit Application
- ~ Supporting documents, if applicable.
- ~ Photographs, optional.

Date Dec 17, 2014

Project Name Joint Medical Education Facility

Applicant City of Hendersonville

Address 145 Fifth Avenue E, Hendersonville, NC 28792

Phone

Fax

Email

If different from above:

Property Owner: Name

Address

TO THE CITY COUNCIL:

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

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

Zoning section 5-10-3 Minimum Yard requirements for the rear. We are requesting this be varied to accommodate utilities as indicated on the attached plans.

Official Use:

DATE RECEIVED: 12/19/14

BY

SAW

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE (Section 7-4-14):

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

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

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

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

The proposed location of the utilities moves the enclosure further away from the residential areas. The adjacent property is vacant and has substantial slopes that make it difficult to develop in the future for a residential use. This request maintains and promotes the public health, safety and general welfare by locating the enclosure further away from the adjacent residential property.

(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.

No additional public facilities are required due to the variance request.

(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 requested variance will meet the requirements noted in the ordinance with the exception of the setback.

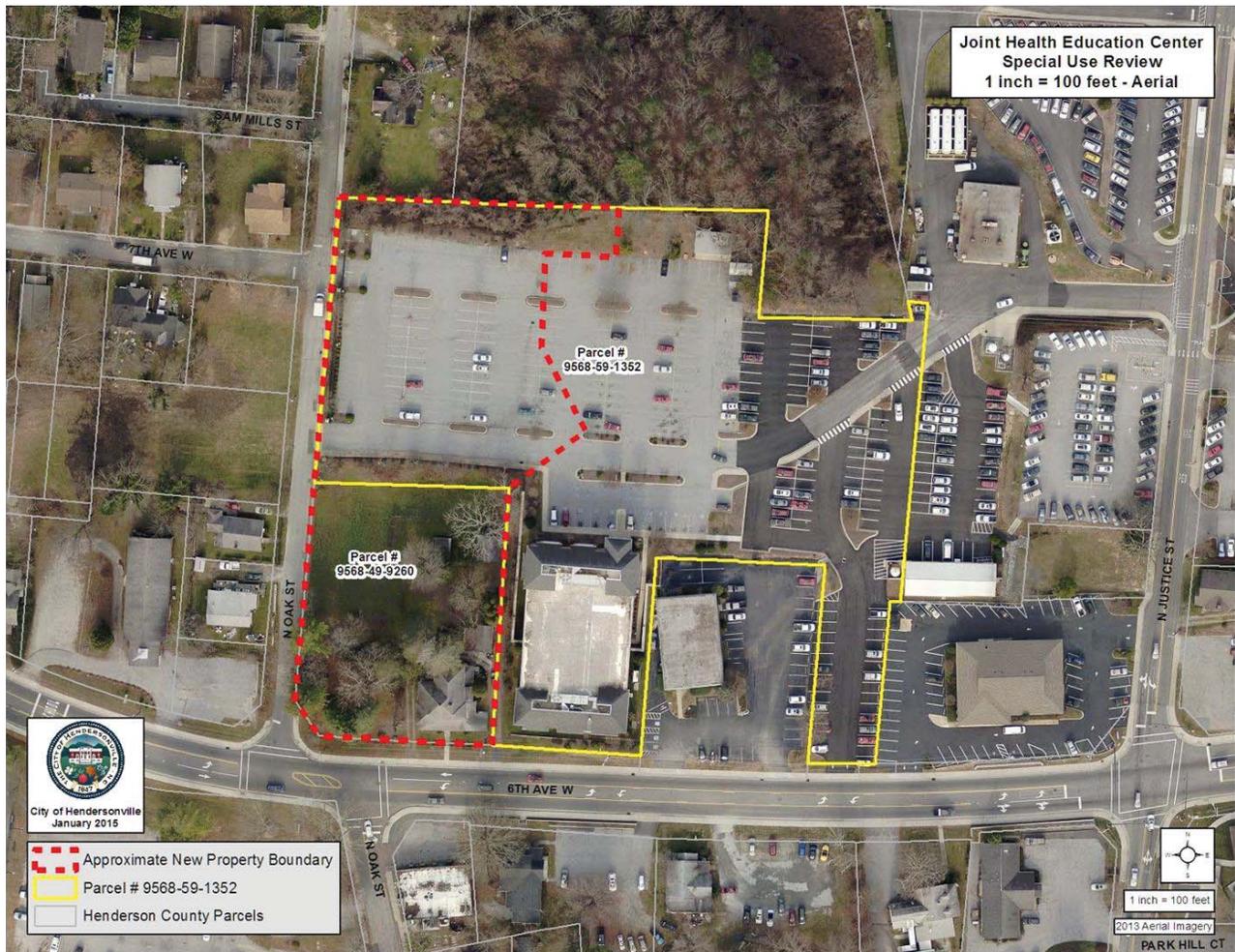
(D) The use or development is located, designed and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located.

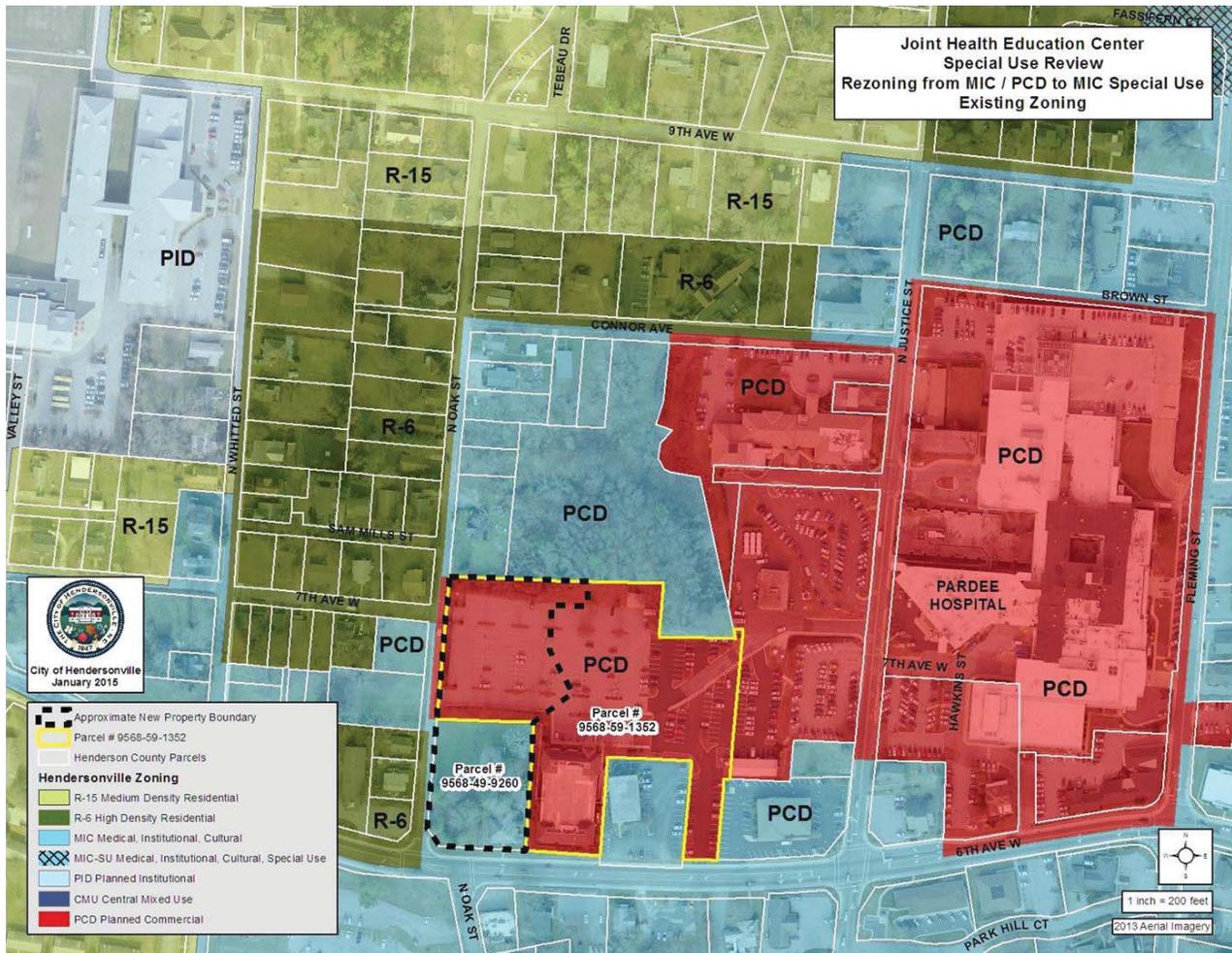
The proposed use of the development is in compliance with the City's development and comprehensive plan.

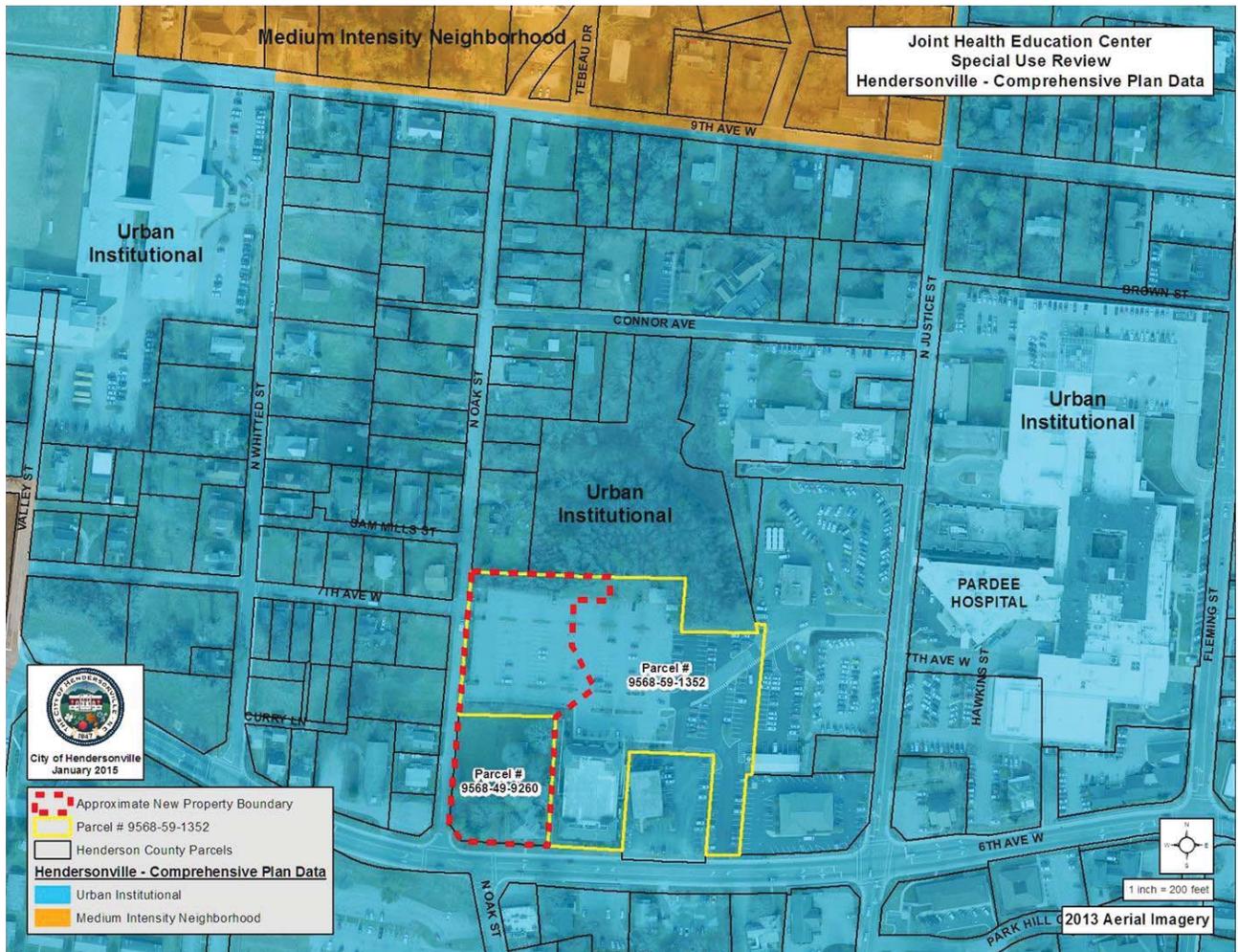
(E) The use or development conforms with the general plans for the physical development of the City as embodied in this Ordinance and in the *Land Development Plan* and the *Thoroughfare Plan*.

The proposed use of the development is in compliance with the City's development and comprehensive plan.

Signature _____

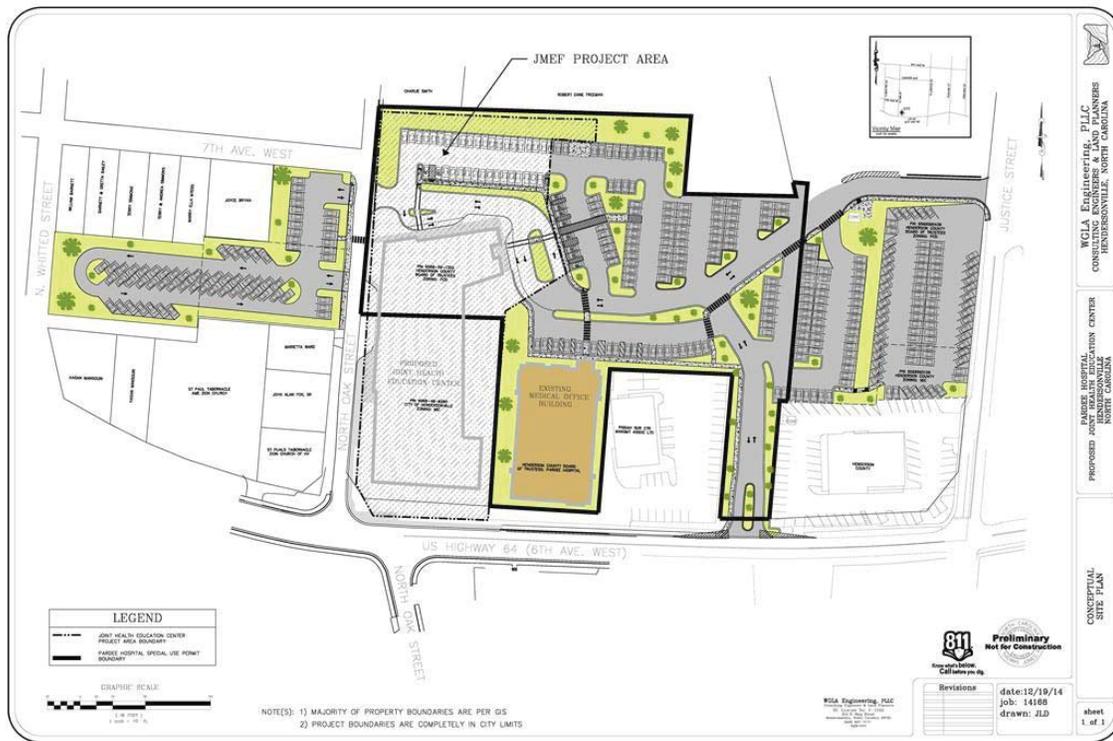








Conceptual Layout Plan



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

City of Hendersonville

PLANNING BOARD REPORT

Project Name: 6th Avenue Joint Health Education Center
Applications for Rezoning and Issuance of Special Use Permit

File Number: P14-58-SUR

Variance Request

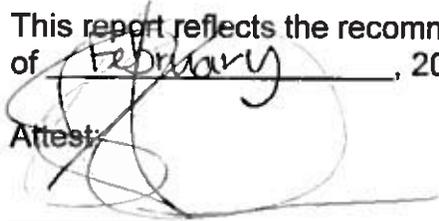
- Approval – Recommend granting a variance from Section 5-10-3 Dimensional Requirements, reducing the 20 foot rear setback requirement in order to locate a 21.2 foot by 92.7 foot pad and to locate a dumpster, generator and chiller on this pad as shown on the Preliminary Site Plan..
- Denial – Recommend not granting a variance from Section 5-10-3 Dimensional Requirements.

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 February, 2015.

Attest:



Planning Board Chair



Planning Director



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Sue Anderson, Planning Director

Department: Planning

Date Submitted: February 24, 2015

Presenter: Sue Anderson

Date of Council Meeting to consider this item: March 5, 2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 08

File # P15-1-SUR

The City is in receipt of a Special Use Permit application from Housing Assistance Corporation for the development of 18.5 acres on the following parcels located on or near North Main Street:

All of Parcel # 9569-85-1884, all of Parcel # 9569-84-2457, portion of Parcel #9569-85-7038, portion of Parcel #9569-84-0194, portion of Parcel #9569-84-6453.

The applicant is proposing the following:

1. 66 Multi-family Units
2. 18 Single-family Lots
3. 2,214 ft² Office/Community Building
4. 4,200 ft² Footprint Office/Support Building
5. Rezoning from UV Urban Village / R-20 Low Density Residential to PRD Planned Residential Development
6. Height Limitation Exemption exceeding the 35 foot maximum building height by two feet for the apartment buildings
7. Density of 4.5 units/acre

Budget Impact: \$0.00 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Not Applicable

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

See Page 9 of memo for suggested motions

Attachments:

Memo

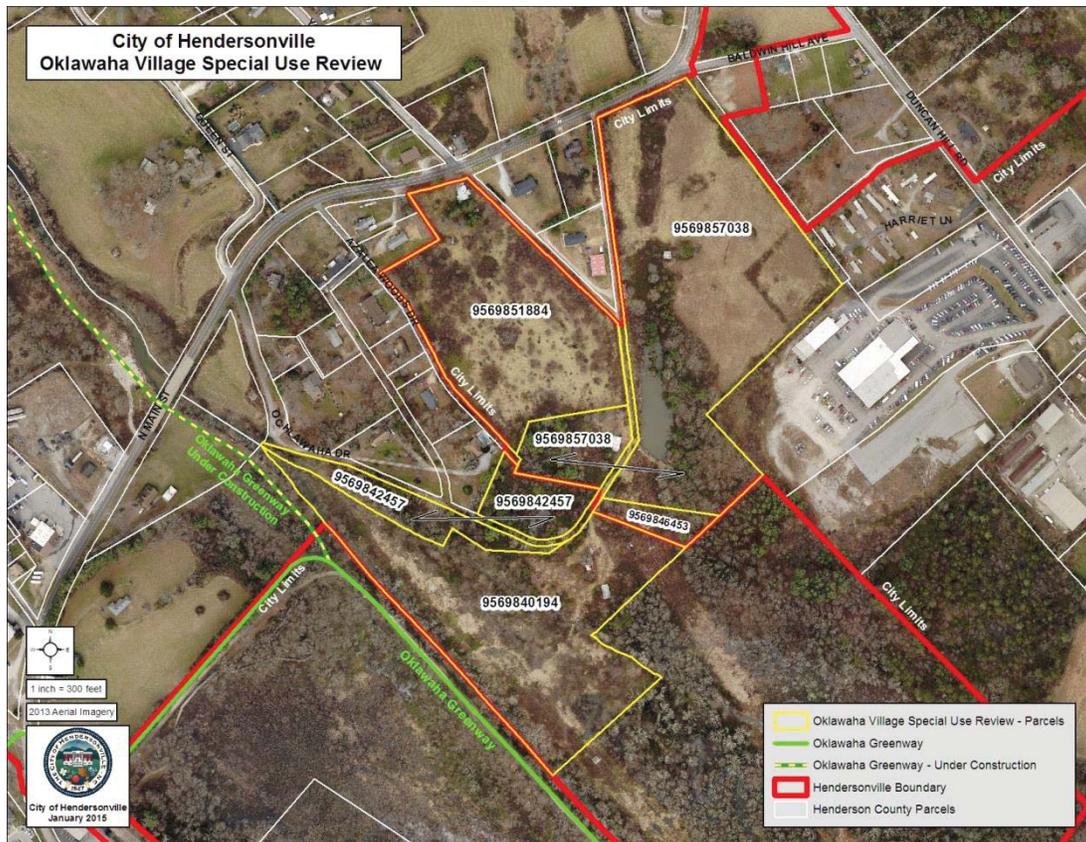
MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Sue Anderson
RE: Oklawaha Village
FILE #: P15-1-SUR
DATE: February 22, 2015

PROJECT DESCRIPTION

The City is in receipt of a Special Use Permit application from Housing Assistance Corporation for the development of 18.5 acres on the following parcels located on or near North Main Street:

- All of Parcel # 9569-85-1884
- All of Parcel # 9569-84-2457
- Portion of Parcel #9569-85-7038
- Portion of Parcel #9569-84-0194
- Portion of Parcel #9569-84-6453



The applicant is proposing the following:

1. 66 Multi-family Units
2. 18 Single-family Lots
3. 2,214 ft² Office/Community Building
4. 4,200 ft² Office/Support Building
5. Rezoning from UV Urban Village / R-20 Low Density Residential to PRD Planned Residential Development
6. Height Limitation Exemption exceeding the 35 foot maximum building height by two feet for the apartment buildings.
7. Density of 4.5 units/acre

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.

EXISTING LAND USE & ZONING

With the exception of Parcel # 9569-84-2457, which is zoned R-20 Low Density Residential and is vacant, the other parcels included in this application are zoned Urban Village. A number of these parcels were part of an Urban Village Special Use Permit development called Eastside Village. That development consisted of 27 acres and was approved by City Council on March 5, 2005. The proposal was for 200 residential units and 110,000 ft² of non-residential floor area. That Special Use Permit has since expired but the zoning remains intact.

The parcels included in this application are largely vacant. A vacant single family residence fronts on North Main Street and another vacant single-family residence and a couple of vacant accessory structures are located internally on the proposed site. Surrounding zoning districts are shown on the "Zoning Map" on page 19.

Surrounding parcels include single-family residential to the east, west and north. These parcels are zoned R-20 Low Density Residential. Additional parcels located to the east are vacant and are zoned Urban Village. Mud Creek borders the proposed site to the west. Additional parcels to the west across Mud Creek are zoned R-6 High Density Residential and are owned by the City of Hendersonville. The Oklawaha Greenway parallels Mud Creek in this area. Parcels to the south are vacant and are zoned Urban Village and C-3 Highway Business.

COMPREHENSIVE PLAN CONSISTENCY

The parcels included in this application are classified as Medium Intensity Neighborhood and Natural Resource/Agricultural on the 2030 Comprehensive Plan's Future Land Use Map. The Comprehensive Plan's Future Land Use Map is located on page 18. Surrounding parcels are classified as Medium Intensity Neighborhood and

Natural Resource/Agricultural.

The goal of the Medium Intensity Neighborhood classification is to “provide a transition between High and Low-Intensity Neighborhood areas, while providing a wide range of housing formats and price points. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods.”

The goal of the Natural Resource/Agricultural classification 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 majority of the Natural Resource/Agricultural classification city-wide includes areas located within the Floodway and 100 Year Floodplain. A Stream and Flood map of the area is include on page 18.

The applicant is not proposing any building development in this area and the area which includes Mud Creek and Bat Fork Creek is set aside as Common Open Space.

Comprehensive Plan consistency is addressed under “E” on page seven.

PLAN REVIEW

Buildings

The site plan, which is divided into two sheets due to the size of the project, includes the following:

- Five multi-family buildings with a total of 66 units and 81,054 ft²
 - Building “A” has a total area of 13,782 ft² and is three stories
 - Building “B” (x3) has a total area of 15,108 ft² for each building and is three stories
 - Building “C” has a total area of 21,948 ft² and is three stories
- 18 individual single-family lots
- 2,214 ft² Office/Community Building including an office, community room, craft area, laundry and mail area
- 4,200 ft² footprint “Future” Office/Support Building located along N. Main Street at the entrance to the site
- Park and Playground area.

The site plans and an elevation drawing are included with this memorandum. The elevation drawing shows proposed façades.

Parking

The site plan shows 132 parking spaces for the proposed multi-family development. The minimum required based on number of bedrooms is 114. The “future support building” located along N. Main Street shows 19 parking spaces. The individual single-family lots will have off street parking. On-street parking is being considered along the public street that fronts the individual single-family lots.

Sidewalks

A sidewalk is shown along the parcel fronting on N. Main Street. This sidewalk connects N. Main Street to all buildings and lots within the development.

Stormwater

The applicant will be providing stormwater management plans to the Engineering Department as part of the final site plan submittal requirements.

Traffic Impact Analysis (Section 6-19)

A Traffic Impact Analysis was completed for this project although it was not required given the final number of units proposed. Based on the Institute of Transportation Engineers *Trip Generation* manual, the Traffic Impact Analysis estimated a total of 851 daily trips with 72 trips entering and exiting the site during the AM peak hour and 91 trips entering and exiting the site during the PM peak hour.

The Traffic Impact Analysis identified that the “following proposed improvements should be sufficient to accommodate the traffic generated by the proposed development:”

1. Provide a two-lane cross-section consisting of one ingress lane and one egress lane for the proposed site access.
2. Construct an exclusive right turn lane into the proposed development on the northbound approach of N. Main Street.

The Traffic Impact Analysis did not indicate a need for a left turn lane from N. Main Street to the proposed new road. N. Main Street is controlled by NCDOT. NCDOT will need to review and approve the proposed new public road serving the development. The public road will serve the proposed 18 single-family lots and provide access to the multi-family development. The road into the multi-family development will be a private road.

Rezoning

The applicant is requesting a rezoning from City of Hendersonville UV Urban Village / R-20 Low Density Residential to PRD Planned Residential Development. The following reflects the rezoning request:

- Rezone Parcel # 9569-84-2457 from R-20 Low Density Residential to PRD Planned Residential Development.
- Rezone Parcel # 9569-85-1884 from UV Urban Village to PRD Planned Residential Development.
- Rezone a portion of Parcel #9569-85-7038 from UV Urban Village to PRD Planned Residential Development.
- Rezone a portion of Parcel #9569-84-0194 from UV Urban Village to PRD Planned Residential Development.
- Rezone a portion of Parcel #9569-84-6453 from UV Urban Village to PRD Planned Residential Development.

Building Height

Section 5-14-7.5 of the Zoning Ordinance has a provision that allows City Council to grant a height limitation exemption which will allow a building to exceed the 35 foot maximum building height provided the following is met:

- a) Such building will not block sunlight from adjacent property between the hours of 10:00 a.m. and 2:00 p.m. from the months of October 1st to May 1st.
- b) Such building is adequately designed and served from the standpoint of safety, and the City Fire Chief certifies that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to the fire stations and equipment so as to offer adequate protection to life and property.
- c) The side and rear yards for any structure in excess of 35 feet in height shall be increased by one foot for each one foot in height in excess of 35 feet.

The applicant is requesting an increase in building height of two feet for a maximum height of 37 feet for the apartment buildings. The site plan shows an increase in the 30 foot required setback from adjacent properties to 32 feet which meets the requirement under Section 5-14-7.5 (c).

At this point in time the applicant is not sure any of the apartment buildings will exceed the maximum building height. That will be determined once the site has been graded. Once it is determined which buildings will exceed the maximum building height, the applicant will provide a shadow detail of that building(s) which will meet the requirement in Section 5-14-7.5 (a).

The item under Section 5-14-7.5 (b) will be determined during building plan review by Fire Chief Flowers.

Annexation

The applicant is intending to annex Parcel # 9569-84-2457, Parcel #9569-84-0194 and Parcel # 9569-84-6453. This annexation shall be completed prior to issuance of Final Site Plan approval.

Street Closing

The applicant will be submitting a street closing petition for a number of unopened right-of-ways located on the development site. The applicant is showing an adjusted property line along the northeastern portion of the property with a label stating "ROW Closure Pending City Approval." The applicant is still in the process of determining the status of this unopened right-of-way. The applicant is also proposing requesting a street closing for other unopened right-of-ways located within the site. Any street closing requests will need to be completed prior to Final Site Plan approval.

Tree Survey

The applicant has provided a tree survey that will be reviewed by the Tree Board. The tree survey shows all trees with a diameter equal to or greater than 12 inches DBH (diameter breast height). Staff will provide the Planning Board the results of the Tree Board review at the meeting.

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 relating to 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 and sewer service is intended to be extended to the site. The development site access will be via N. Main Street. The Traffic Impact Analysis provided by the applicant indicates that an exclusive right turn lane into the proposed development on the northbound approach of N. Main Street will be provided and is shown on the preliminary site plan.

- (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.

No variances are requested.

- (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 January 12, 2015. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject property as required by Section 7-4-4.1 of the Zoning Ordinance.

Approximately 20 people representing the general public attended the meeting. The public raised concerns about the following:

- **Road improvements on N. Main Street**
- **Difficulty exiting from Yon Hill Road to N. Main Street**
- **Heavy equipment trucks on N. Main Street**
- **N. Main Street is dangerous**
- **Effect on property values**
- **Maintenance of the property**
- **Will the single-family homes be sold or rented**
- **Exterior building materials**

A copy of the neighborhood compatibility report accompanies this memorandum.

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

The 2030 Comprehensive Plan's Medium Intensity Neighborhood classification is intended to "provide a transition between High and Low-Intensity Neighborhood areas, while providing a wide range of housing formats and price points. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods."

Medium Intensity Neighborhood density recommendation is two to eight units per acre. This project has a density of 4.5 units/acre.

The 2030 Comprehensive Plan's Natural Resource/Agricultural classification is intended 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."

No development is intended for the locations that are classified as Natural

Resource/Agricultural. The applicant has mentioned that a trail may be added to these locations in the future.

The Comprehensive Transportation Plan does not indicate any improvements to N. Main Street at this time.

TREE BOARD

The Tree Board reviewed this project and the tree survey at their regular meeting on February 2, 2015. The Tree Board provided two comments. One is a request that the applicant consider tree diversity when developing the Landscaping Plan and second is that staff present the final Landscaping Plan to the Tree Board for a courtesy review.

PLANNING BOARD

The Planning Board took this matter up at its regular meeting of February 9, 2015. The Planning Board voted unanimously to the following:

Recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of:

Parcel # 9569-84-2457 from R-20 Low Density Residential to PRD Planned Residential Development;

Parcel # 9569-85-1884 from UV Urban Village to PRD Planned Residential Development;

A portion of Parcel #9569-85-7038 from UV Urban Village to PRD Planned Residential Development as shown on Exhibit A;

A portion of Parcel #9569-84-0194 UV Urban Village to PRD Planned Residential Development as shown on Exhibit A;

A portion of Parcel #9569-84-6453 UV Urban Village to PRD Planned Residential Development as shown on Exhibit A, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the reason that the application is appropriate for this location.

The Planning Board also voted unanimously to recommend 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.

SUGGESTED MOTIONS

Special Use Permit and Rezoning

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 # 9569-84-2457 from R-20 Low Density Residential to PRD Planned Residential Development;

Parcel # 9569-85-1884 from UV Urban Village to PRD Planned Residential Development;

A portion of Parcel #9569-85-7038 from UV Urban Village to PRD Planned Residential Development as shown in Exhibit A;

A portion of Parcel #9569-84-0194 UV Urban Village to PRD Planned Residential Development as shown in Exhibit A;

A portion of Parcel #9569-84-6453 UV Urban Village to PRD Planned Residential Development as shown in Exhibit A, 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 the City Council to approve the application of Housing Assistance Corporation 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.

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

Denial: I move City Council to not approve the application of Housing Assistance Corporation for rezoning and issuance of a special use permit.

[PLEASE STATE YOUR REASONS]

IN RE: Oklawaha Village (File # P15-1-SUR)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

Residential Dwellings Single- Family
Residential Dwellings Multi-family
Office
Child Care Center
Child Care Home
Customary Accessory Uses
Accessory Structures
Park

II. Conditions:

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

Annexation of Parcel # 9569-84-2457, Parcel #9569-84-0194 and Parcel # 9569-84-6453 shall be completed prior to issuance of Final Site Plan approval.

Recombination of Parcel # 9569-85-1884, Parcel # 9569-84-2457, a portion of Parcel #9569-85-7038, a portion of Parcel #9569-84-0194 and a portion of Parcel #9569-84-6453 as reflected on the Preliminary Site Plan, and, this new parcel shall be recorded at the Register of Deeds prior to Final Site Plan approval.

The closing of all unopened right-of-ways as indicated on the Preliminary Site Plan. The Preliminary Site Plan shows a setback of 32 feet from the anticipated new property line along the northeastern portion of the property pending the closing of this unopened right-of-way. Should the unopened right-of-way along this northeastern portion of the property not be abandoned or closed, then the setback will need to be moved to the current property boundary and the plan adjusted accordingly before Final Site Plan approval.

Courtesy review of the Landscaping Plan by the Tree Board.

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

A building height limitation exemption has been granted increasing the maximum building height for the apartment buildings from 35 feet to 37 feet.

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.

Oklawaha Village

By: _____

Date: _____

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

IN RE: Oklawaha Village
(File # P15-1-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 the following:

Rezone Parcel # 9569-84-2457 from R-20 Low Density Residential to PRD Planned Residential Development.

Rezone Parcel # 9569-85-1884 from UV Urban Village to PRD Planned Residential Development.

Rezone a portion of Parcel #9569-85-7038 from UV Urban Village to PRD Planned Residential Development as shown in Exhibit A.

Rezone a portion of Parcel #9569-84-0194 from UV Urban Village to PRD Planned Residential Development as shown in Exhibit A.

Rezone a portion of Parcel #9569-84-6453 from UV Urban Village to PRD Planned Residential Development as shown in Exhibit A.

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

Adopted this 5th day of March 2015.

Barbara Volk, Mayor

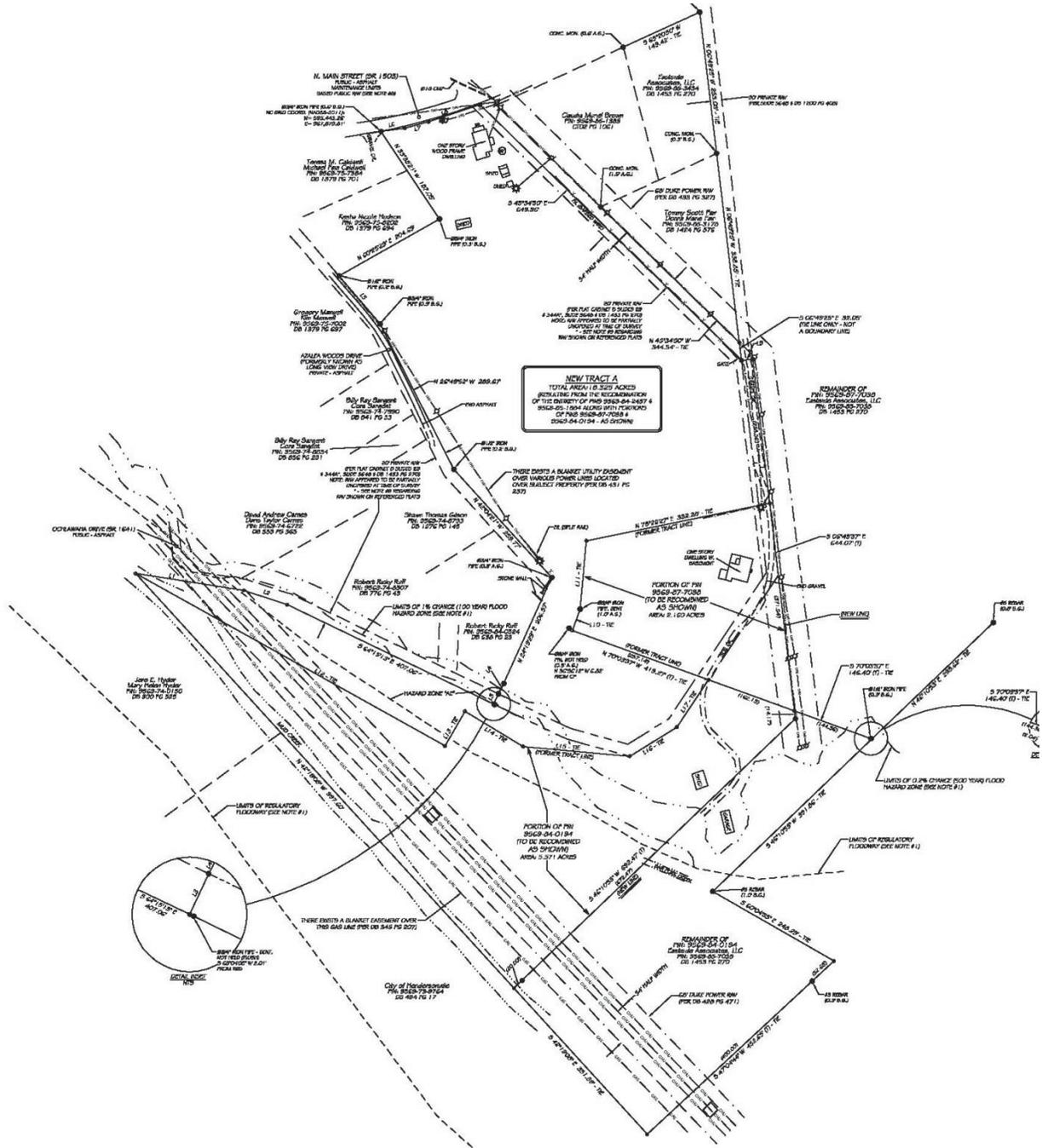
ATTEST:

Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

Exhibit A



Planning Director's Report
 Neighborhood Compatibility Meeting
 Application for a Special Use Permit and Rezoning
 Oklawaha Village File #P15-1-SUR
 Monday January 12, 2015 1:30 p.m.

Sue Anderson, Planning Director, convened the compatibility meeting at 1:35 pm in the Assembly Room of the City Operations Center. The following were in attendance:

| Name | Address | Name | Address |
|---------------------|----------------------|-----------------------|-------------------------|
| Howard Harvey | 707 Duncan Hill Road | David Hazzard | Luther Smith & Assoc. |
| Don Daines | HAC | Kathaleen Mc Williams | HAC |
| Stefanie Kompathoum | 1527 Ridgewood Blvd | Gay Myer | HAC |
| Brett Shaffer | 725 Canal Drive | Pegg Doody | 156 Yon Hill Road |
| Brian Price | 1220 N Main Street | Sean Rose | 205 Forest Bend Dr |
| Noelle McKay | HAC | ? Watson | 170 Colony Road |
| Linda Norris | 723 Duncan Hill Road | Wanda Sluder | 723 Duncan Hill |
| Sarah Ball | 711 Oak Terrace Land | Alysia Maher | 15 Falcon Wood Way |
| Eddie Moses | 343 Yon Hill Road | Evan Bracken | 133 #3 Ladies Mantel Ct |
| Jairo Mercado | 514 Corbly Drive | Jeff Hanke | 1801 N Main St |
| Jere Hyder | 1500 N Main St | Diane Ward | 512 N. Main St |
| Greg Maxwell | 1781 N Main St | Kim Maxwell | 1781 N Main St |
| Castillow Hill | 110 Baldwin Ave | Sue Anderson | City Hall |
| Lu Ann Welter | City Hall | | |

Ms. Anderson opened the meeting explaining there are two special use project meetings today. The first is for the Oklawaha Village on N. Main and the second, Signal Ridge Apartments, on Signal Hill Road. This is the first step 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 February 9 and City Council will hold a public hearing on it March 5.

Dave Hazzard, of Luther Smith & Associates, explained a portion of the proposed Oklawaha Village is on the site of a previously approved special use called East Side Village that did not get off the ground. The project is on 18 acres and will contain 66 multi-family and 18 single family homes. The apartments will be in five structures and be one to three bedrooms. The buildings are three stories and set well beyond the City required 30 foot setbacks. The single family homes will be on ¼ acre lots and there will be a community building, playground and common spaces for gathering. The land closest to Mud Creek will not be disturbed except for passive recreation use.

A Traffic Impact Study has been completed and gives no suggestions for road improvements. The road into the development will be a public road and sidewalks will be along N. Main and throughout. Mr. Hazzard said a right turn lane will be added off N. Main Street. Landscaping and stormwater plans will be dealt with as required.

Pegg Doody voiced surprise that no road improvements are necessary as N Main is very busy

and coming out from Yon Hill Drive can be dangerous. Ms. Anderson explained NCDOT owns N Main Street and the applicant will have to submit plans to them for approval. Ed Moses said he has lived on Yon Hill for 21 years and the traffic especially heavy equipment trucks is hazardous. He asked if land would be annexed. Mr. Hazzard said most of the land with this project was annexed years ago as part of the earlier project. The only annexation now would be parts of the project not in the City. Mr. Moses asked about restrictive covenants to keep the properties looking nice as he feels some of the properties at Villages of King Creek don't look so good. Don Daines, HAC Director, said there are maintenance guidelines and there will be a property management company overseeing the units.

Mr. Moses commented the City has sidewalks to Pat's School of Dance. Could they be continued? Ms. Anderson said the City does have plans to bring sidewalks to the greenway on N. Main. Beyond that would be in the County's jurisdiction. Jeff Hanky said he lives on N. Main and does not allow his children to play in the front yard it is so dangerous. He asked the affect this will have on property values. Ms. Anderson said she has no way to know that. Debbie Davis asked who would know. Ms. Anderson said they could contact a realtor. One gentleman said other HAC single family homes have appraised between \$170,000 and \$190,000.

Evan Bracken said he is a resident of the HAC development at Sugar Hill and the upkeep is very nice and there are rules in place for it to stay nice. Jere Hyder asked if the single family homes are sold or rented. Mr. Daines said they will be sold.

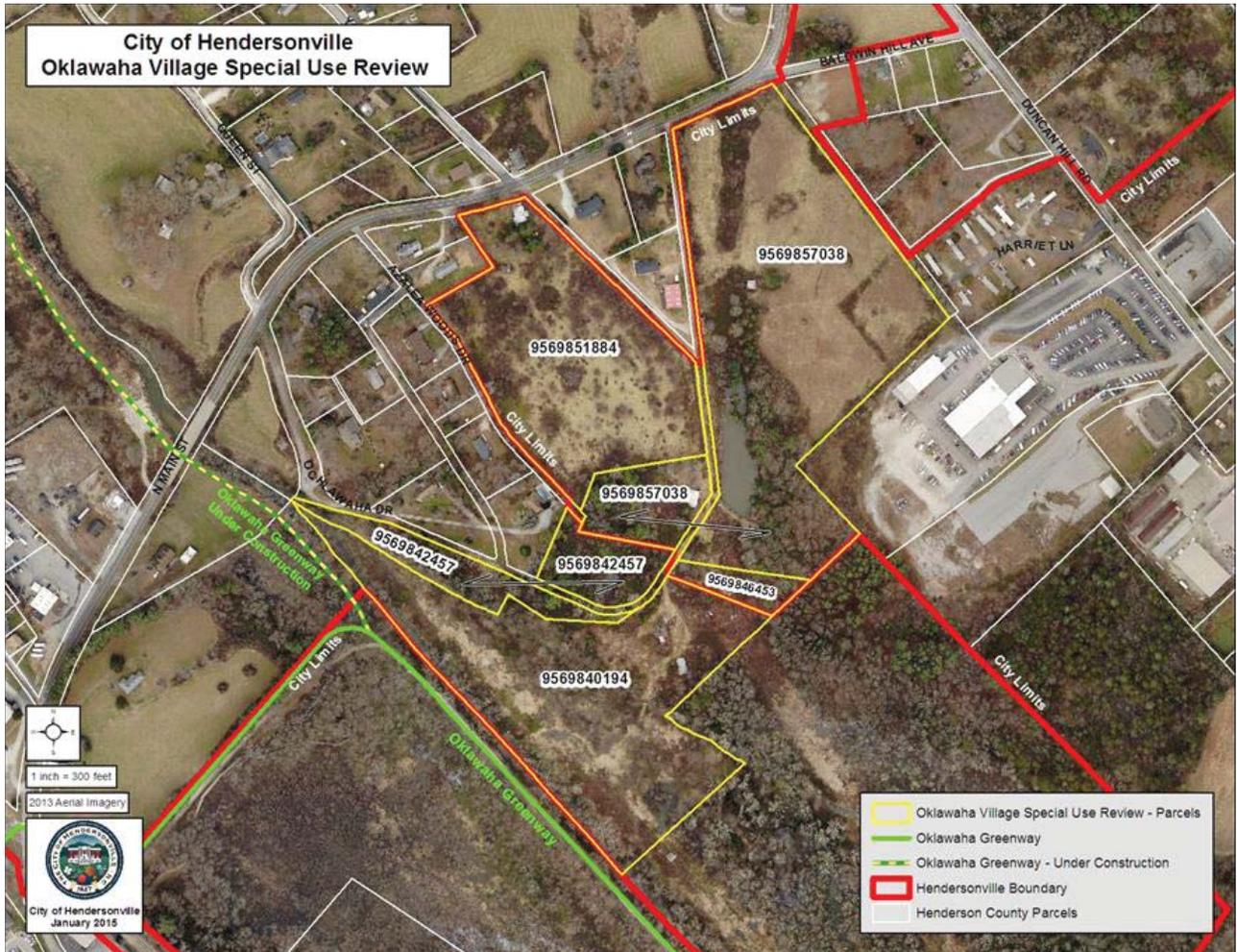
Sean Rose said he is the HAC construction supervisor and explained these homes meet the Energy Star 3 requirements and are probably built better than 80% of the market homes in Henderson County. He explained HAC has a rigorous qualifying process for families to become homeowners. They work with five families at a time. The families then put sweat equity into the building of their home, working with contractors as well. Then all five families move at the same time. Ms. Anderson added that this development will be in the City zoning jurisdiction so complaints can be made to the City Zoning Administrator.

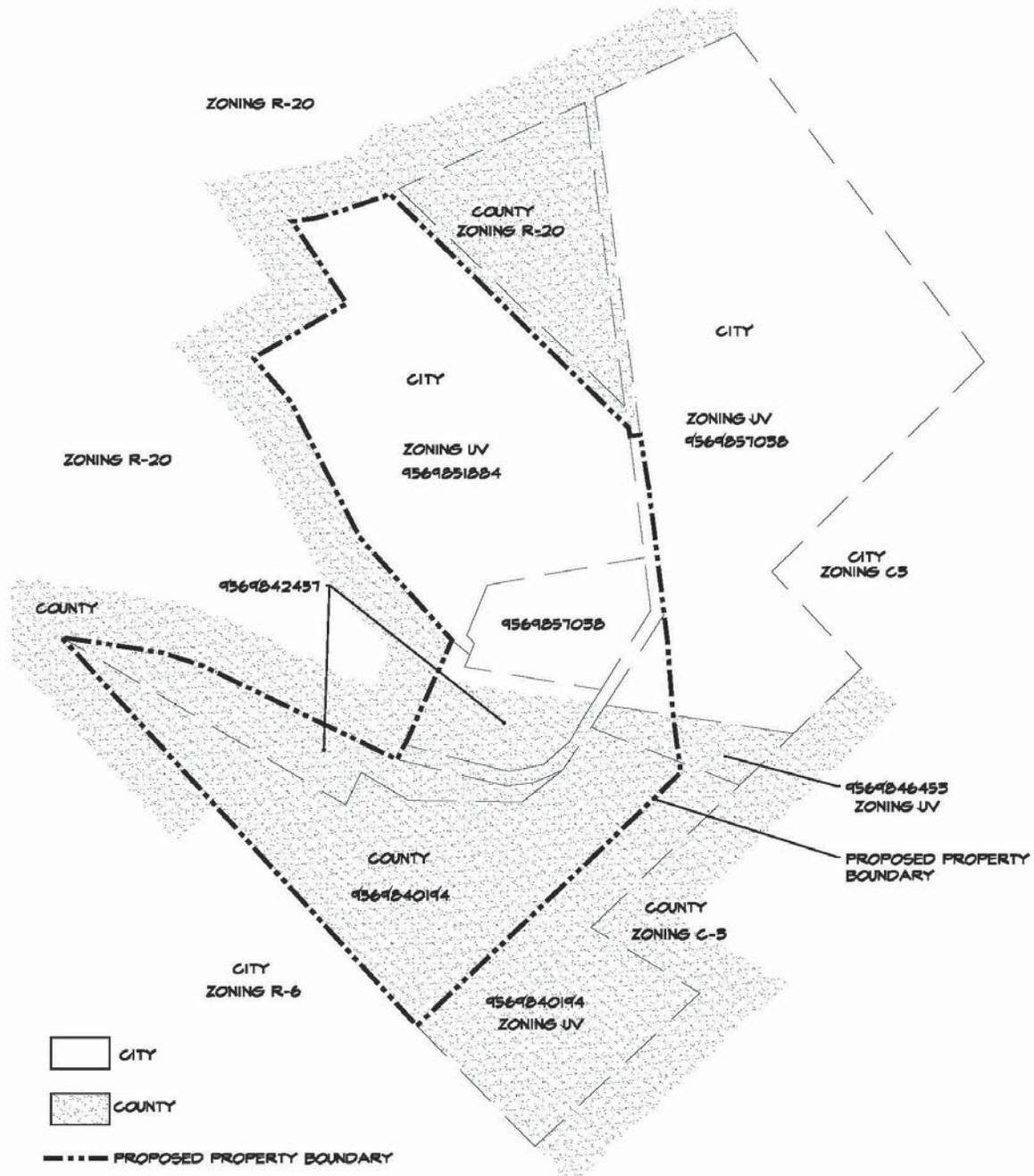
Brian Price asked of the exterior materials. Mr. Rose said they use vinyl siding and windows, block foundation, and architectural shingles. He said they are low cost and low maintenance to give affordable housing.

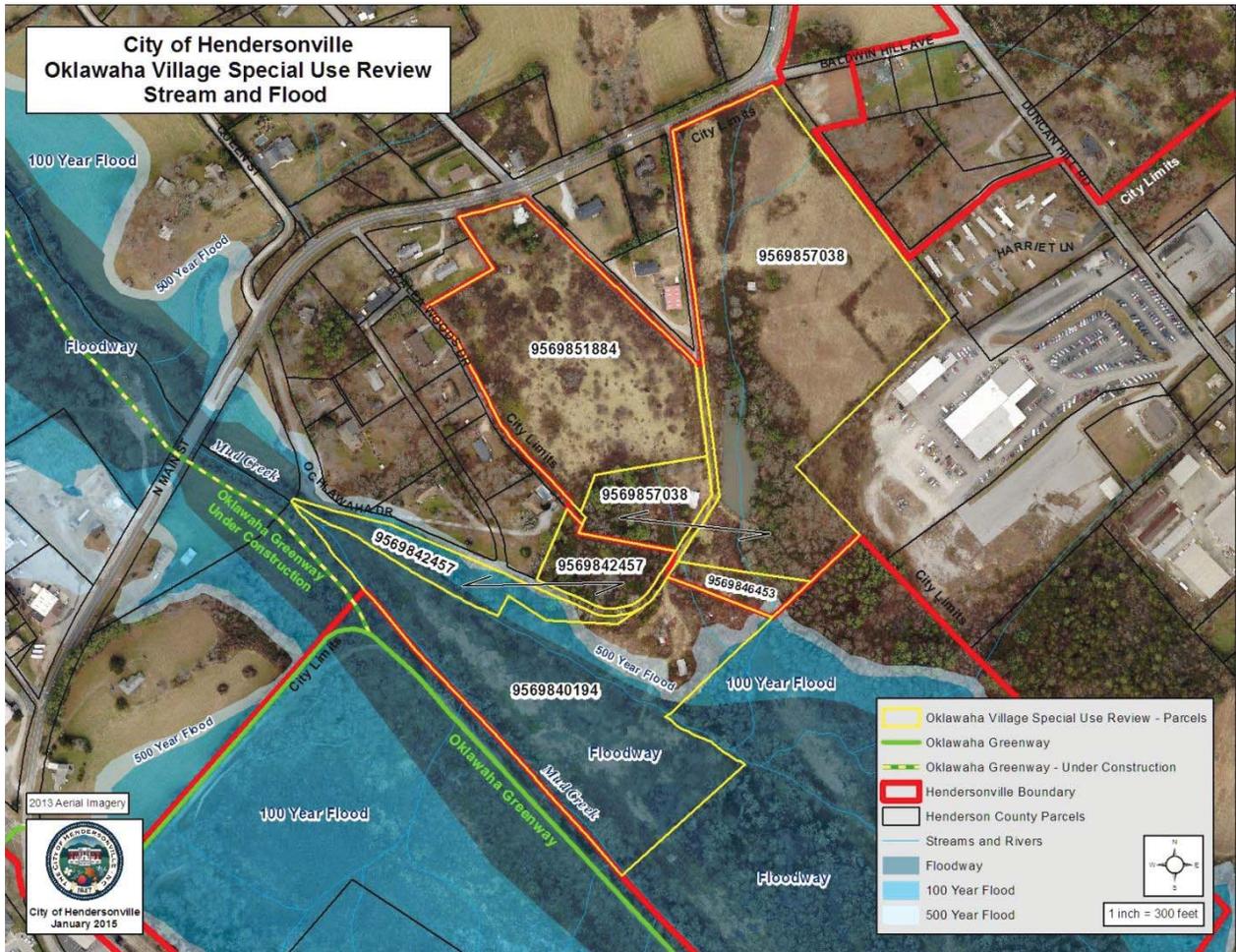
Sarah Ball said she is the Chair of the HAC Board and encouraged people to visit other HAC properties such as Oak Haven and Hillcrest. Concerning Villages at King Creek, Mr. Rose said they have a very high density there will not enough parking or storage. The tiny lots and topography work against it looking like a nicer neighborhood.

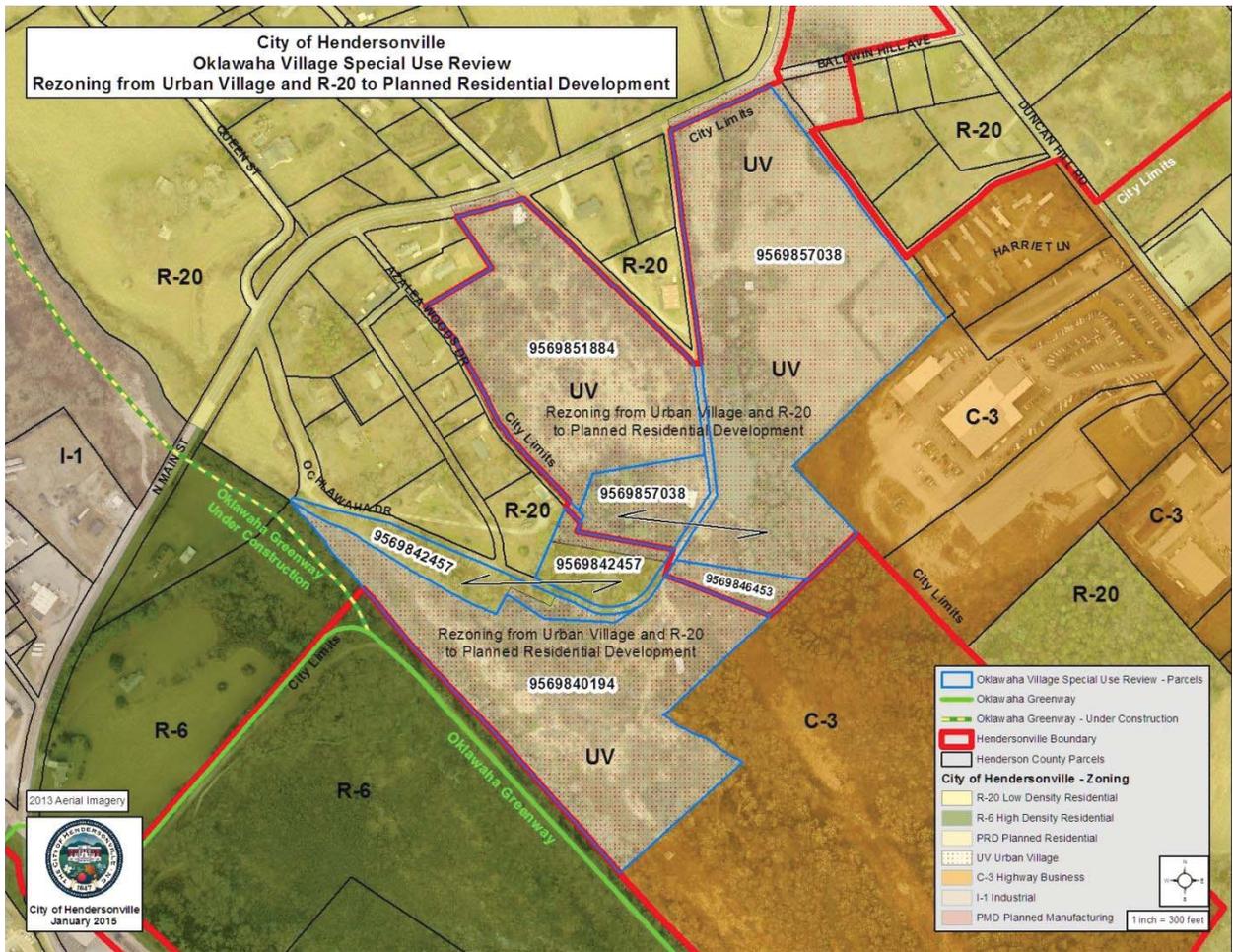
Mr. Daines said HAC is local and has been around for 25 years. He said the Self Help Housing program has been in operation for 20 years.

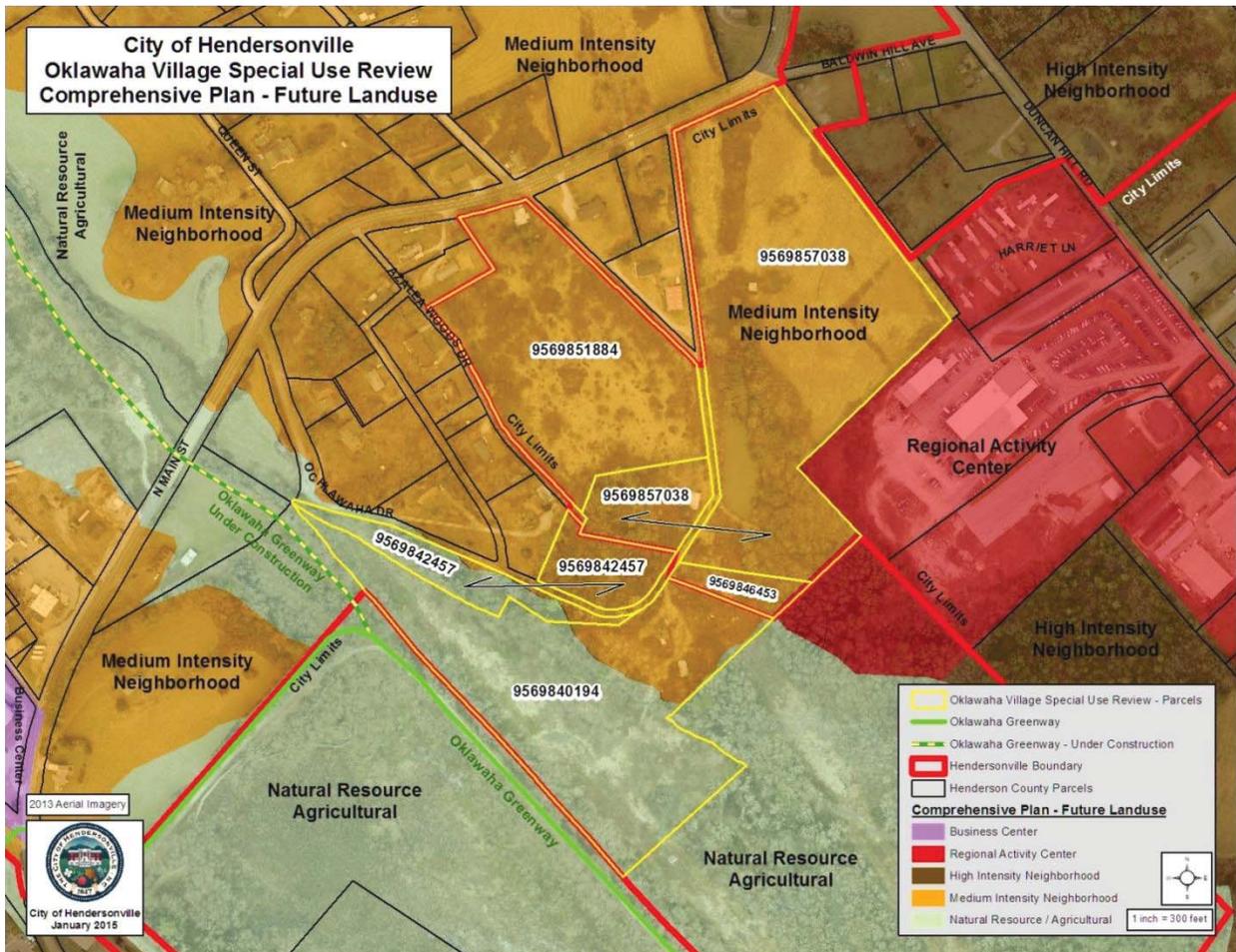
With no further comments or questions, Ms. Anderson closed the meeting at 2:16.



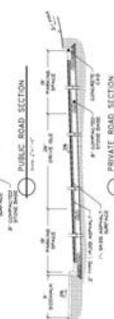
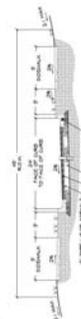
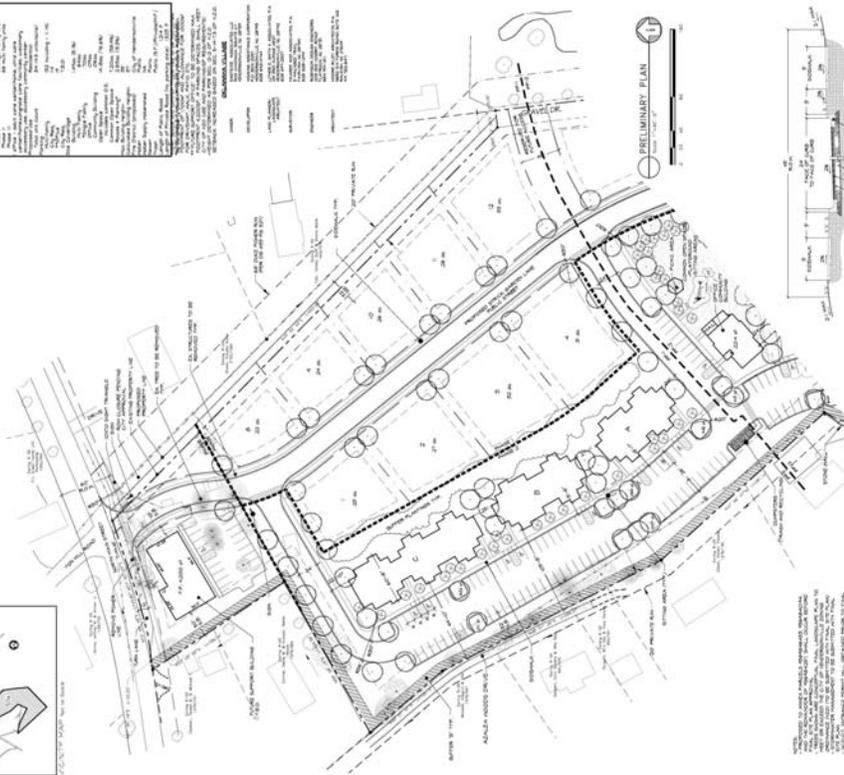
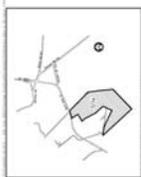






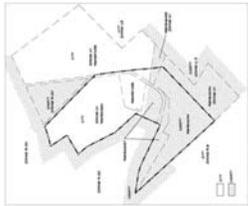
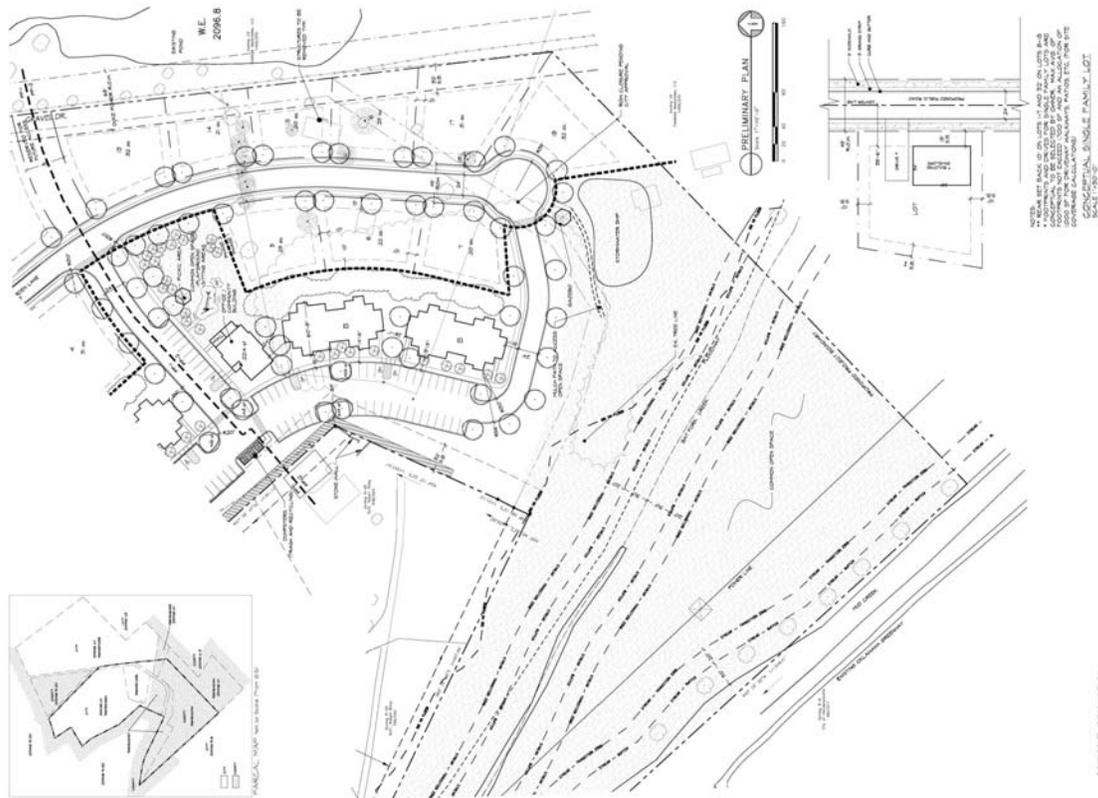


| POLYLINE SYMBOLS | |
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| 1/2" = 1'-0" | 3/4" = 1'-0" |
| 1" = 1'-0" | 1 1/2" = 1'-0" |
| 2" = 1'-0" | 3" = 1'-0" |
| 4" = 1'-0" | 6" = 1'-0" |
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| 348" = 1'-0" | 354" = 1'-0" |
| 354" = 1'-0" | 360" = 1'-0" |



NOTES:
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE OKLAHOMA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE THROUGHOUT THE PROJECT.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL NATURAL RESOURCES.
 7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE EROSION CONTROL MEASURES THROUGHOUT THE PROJECT.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL EXISTING LANDSCAPING.
 9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

OKLAHAWA VILLAGE
 HOUSING ASSISTANCE CORPORATION
 PRELIMINARY PLAN
 PP-1

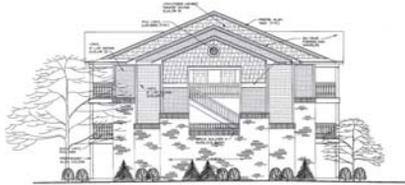


| | |
|---|--|
| | |
| <p>OKLAWAHA VILLAGE HOUSING ASSISTANCE CORPORATION</p> | |
| <p>1000 S. W. 10th St. Oklawaha, FL 32065 Phone: (904) 261-1111 Fax: (904) 261-1112 Email: info@oklawahavillage.com</p> | |
| <p>PREPARED BY: </p> | |
| <p>DATE: </p> | |
| <p>PROJECT NO. 15-001</p> | |
| <p>PP-2</p> | |

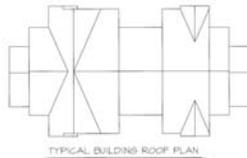


BUILDING 'A' REAR ELEVATION

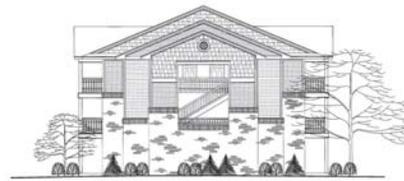
BUILDING 'B' REAR ELEVATION



BUILDING 'A+B' LEFT SIDE ELEVATION



TYPICAL BUILDING ROOF PLAN



BUILDING 'A+B' RIGHT SIDE ELEVATION

TYPICAL BUILDING COLORS:
 BRICK: 1/2" x 4" x 8" (1/2" x 4" x 8")
 SIDING: 1/2" x 4" x 8" (1/2" x 4" x 8")
 SHINGLES: 1/2" x 4" x 8" (1/2" x 4" x 8")
 ROOF: 1/2" x 4" x 8" (1/2" x 4" x 8")
 PAINT: 1/2" x 4" x 8" (1/2" x 4" x 8")
 ROOF FINISH: 1/2" x 4" x 8" (1/2" x 4" x 8")



BUILDING 'A' FRONT ELEVATION



BUILDING 'B' FRONT ELEVATION

moore riley architects, p.a.
 oklawaha village apt., hendersonville, nc

comm. no. 2714
 date 1-7-15
 revision 1-10-15

sheet no. plm4.1

of:

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

City of Hendersonville

PLANNING BOARD REPORT

Project Name: Oklawaha Village
Applications for Rezoning and Issuance of Special Use Permit

File Number: P15-1-SUR

Special Use Permit and Rezoning

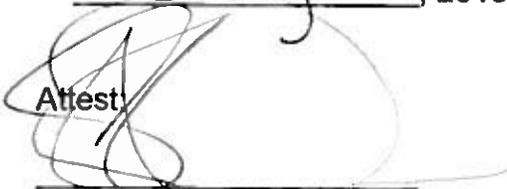
Approval – The application is consistent with all of the objectives and policies for growth and development contained in the City of Hendersonville's Zoning Ordinance, 2030 Comprehensive Plan and Comprehensive Transportation Plan.

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 February, 2015.

Attest:



Planning Board Chair



Planning Director



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 02/23/2015

Presenter: John Connet

Date of Council Meeting to consider this item: 03/05/2015

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 09

At the February 6, 2014 City Council meeting, the Council established a policy by which utility customers could finance their System Development Fees. The City Council requested that this item be placed back on the agenda in one year to review its effectiveness. As of February 23, 2015, no customers have used this provision due to the financing charge associated with the program.

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.*

Attachments:

February 6, 2014 City Council Minutes

development purpose. **No objection was expressed by the Council to direct staff to investigate the details of working with Preservation North Carolina and report back to the Council at the next meeting.**

18. Consideration of Schedule of Fees for the Financing of System Development Charges:

Mr. Sam Fritschner, City Attorney, provided a schedule of fees for the financing of system development charges. He stated the fees are in the middle of range for the community. He stated the fees should be collected when the agreement is entered.

Council Member Smith requested the Council consider making the financing available to any meter size or customer, not just meters 1½ inches and over. He stated based on the current users of system, ¾ and 1-inch meters account for 98 percent of all water users so this policy only benefits 2 percent of the system users. He stated this would benefit small businesses. The Council discussed the costs for residences hooking onto the water and sewer system.

Council Member Caraker commented he is willing to try this for one year and then revisit to determine if there is a burden on staff. The Council discussed how the program will be advertised and who the policy should apply to. Mr. Lee Smith explained the charges apply per tap, to single-family residences (not multi-family), and small businesses only. **The Council agreed by consensus.**

Council Member Smith moved Council to modify the System Development Charges policy to allow users, regardless of meter size, to finance the charges, limited to single-family meters and single commercial meters. He further moved Council to revisit the policy in one year or less, with a report from staff. A unanimous vote of the Council followed. Motion carried.

Council Member Smith moved Council to approve the resolution to adopt the fee schedule for the financing of system development charges. A unanimous vote of the Council followed. Motion carried.

Resolution #14-0216

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

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

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

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

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

1. The following amendments are hereby made to the City's System Development Charges policy and fee schedule:

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

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

Adopted this sixth day of February 2013.

/s/Barbara G. Volk, Mayor

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

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

19. Consideration of Bids for the Jackson Park Sewer Interceptor Project: Mr. Brent Detwiler, City Engineering Director, reported the City is approved for a State Revolving Fund Loan in the amount of \$3,946,000 at 2 percent interest financed over 20 years. He stated five general contractors were prequalified in fall 2013. He reported only three of the five prequalified contractors bid and presented the following bids that were opened on January 17, 2014:

| | |
|-------------------------|----------------|
| John D. Stephens, Inc. | \$6,293,983.40 |
| Rockdale Pipeline, Inc. | \$7,137,290.15 |
| Garney Companies, Inc. | \$9,363,986.00 |

Mr. Detwiler explained based on the response, staff does not think rebid would significantly reduce the prices. He stated the conditions, i.e., high ground water, may have influenced the bids. He reported staff entered into negotiations with John D. Stephens and were able to reduce the construction cost to a final cost of \$4,552,956.05; leaving a shortfall from the original loan of approximately \$607,000. He explained they did value engineering, reduced the length of the sewer and reduced or eliminated bores. Regarding the shortfall, he explained there are provisions with the State Revolving Fund that in the event bids exceed the project budget, a loan increase of up to 10 percent can be authorized without additional approval required by the Local Government Commission. He stated if approved, the loan amount would be \$4,340,600 leaving a shortfall of \$212,356.05. Mr. Connet



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Chief Herbert Blake

Department: Police

Date Submitted: 02/25/2015

Presenter: Sergeant Robert Merz

Date of Council Meeting to consider this item: 03.05.15

Nature of Item: Council Action

Summary of Information/Request:

Item # 10

The Hendersonville Police Department has begun the process of parking enforcement in the Historic 7th Avenue area again. During their enforcement Sergeant Robert Merz discovered two signs indicating 15-minute parking on Maple Street between Huntley Surveying and the Train Depot that appear to be outdated. Sergeant Robert Merz asked an employee at the Huntley Surveying what the original purpose was and they told him that many years ago it was a loading zone for the previous business. However, after they took over the building they didn't need a loading zone and the City removed the loading zone. In return the City put up two 15-minute parking signs up in front of their business. Sergeant Merz asked if the business had any reason for, or wanted to keep the signs and they told him that they did not want the 15-minute limit signs in front of their business.

Sergeant Merz spoke with Assistant Public Works Director Chad Freeman and he told him that the signs could be removed upon City Council approval. Therefore, the Police Department is requesting the 15-minute parking signs be removed and a "No Parking Here to the Curb" sign be placed on the northwest side of Maple Street. In addition, the Police Department will work with the Public Works Department to repaint the curb yellow at the appropriate locations to indicate no parking from here to the corner of the curb.

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

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

I move Council to authorize the removal of the 15-minute parking signs and place a "No Parking Here to the Curb" sign on the northwest side of Maple Street. I further move to authorize the Public Works Department to repaint the curb yellow at the appropriate locations to indicate "no parking from here to corner" of the curb.

Attachments:

picture





NO PARKING
HERE
TO
CORNER

STOP

7th AVE E

DADDY D'S

SUPER SOULFOOD

Boutique
SALON

417



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 02.25.15

Presenter: Sam

Date of Council Meeting to consider this item: 03.05.15

Nature of Item: Council Action

Summary of Information/Request:

Item # 13a

At its April 2014 regular meeting the City Council by consensus established a Seventh Avenue Advisory Committee with the understanding that the Committee would be provisional for a year to determine its usefulness.

Attached for the Council's review is a draft resolution establishing a standing committee. The resolution incorporates consensus attributes of the Committee as reflected in Council minutes.

The proposed motion anticipates the naming of eight members, four of whom are individuals who own local businesses or commercial property in the Seventh Avenue Special Tax District, three at-large members, one member representing the Hendersonville Mission and one non-voting liaison representing the Green Meadows community. It further calls for four of the members to be appointed for initial two-year terms and four for initial one-year terms to achieve staggered terms.

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

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

I move adoption of the resolution establishing a standing Seventh Avenue Advisory Committee.

Attachments:

Proposed resolution

A RESOLUTION ESTABLISHING A SEVENTH AVENUE ADVISORY COMMITTEE

WHEREAS the City Council has determined that both the City and the Seventh Avenue area benefits from the advice of its business owners and residents, and

WHEREAS the City Council has further determined that the Seventh Avenue business community may offer its advice, among other ways, through a committee established for that purpose, and

NOW, BE IT THEREFORE RESOLVED that the City Council establish and it does by these presents establish a Seventh Advisory Committee as provided herein.

1. The purpose of the Committee is to advise the City Council of the particular needs of the Seventh Avenue community in the City of Hendersonville, and to give such further advice as seems appropriate to the Council to receive or the Committee to give.
2. The Committee shall meet at the times established, in a place provided by the City or at such time and place as the Committee shall from time to time determine, and may meet at such other times and places at the Committee's pleasure or upon request of the City Council.
3. The Committee shall be composed of eight members, appointed to staggered two-year terms as provided in this resolution. The City Council shall designate four members to serve initial two-year terms and four to serve one-year terms. Four of the members shall be individuals who own local businesses or commercial property in the Seventh Avenue Special Tax District, three at-large members, and one member representing the Hendersonville Rescue Mission. There shall be one non-voting liaison position representing the Green Meadows community. No member shall concurrently be a member of the Committee and hold popularly elected office with any governmental body.
4. The Committee shall designate one person to chair the Committee. Selection of the chairperson shall be by those Committee members actually appointed by the City Council. In the absence of the chair the Committee shall by majority vote select a member to preside at meetings.
5. The Committee shall at all times remain in compliance with applicable statues and ordinances, including specifically the North Carolina Public Records Act and the North Carolina Open Meetings Act.
6. All members shall be appointed by the City Council.

7. Membership on the Committee shall expire on the first day of April in the appropriate year.

Adopted this fifth day of March 2015.

Barbara Volk
Mayor, City of Hendersonville

ATTEST:

Tammie K. Drake, MMC
City Clerk

P:\15-03-05 Council Meeting\Tammie\Res establishing Sev Ave Adv Committee.wpd



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 02.24.15

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 03/05/15

Nature of Item: Council Action

Summary of Information/Request:

Item # 13b

SEVENTH AVENUE ADVISORY COMMITTEE; The terms of the Seventh Avenue Advisory Committee will expire April 1, 2015. I have contacted each of the members to determine their interest in continuing to serve. I hope to have their response before the meeting if Council desires to make the (re)appointments at the March meeting. The applications that were submitted last year are in your Dropbox folder under "City Council Agendas and Reports\2015\Board Applicants\Seventh Ave Adv Committee".

BUSINESS ADVISORY COMMITTEE: The terms of the six members appointed by the City will expire in March. All members are willing to continue serving with the exception of Dr. Laborde. Members may be (re)appointed in accordance with the resolution you adopted at your February meeting: five members to serve initial two-year terms and four to serve one-year terms.

The applications of those members as well as other interested applicants are located in your Dropbox folder under "City Council Agendas and Reports\2015\Board Applicants\BAC."

I have notified the Henderson County Board of Commissions, the Chamber of Commerce and the Partnership for Economic Development of their ability to (re)appoint their representatives on this committee. I expect their appointments after the terms are decided.

BOARD OF ADJUSTMENT: After corresponding again with Ms. April Thompson, she wishes to be considered for the Board of Adjustment. There is one vacant alternate position on this Board. You have also received the application of Rhonda Brissie who is also willing to serve on this Board.

Attached is a report of the absences as requested for the Business Advisory Committee and the Seventh Avenue Advisory Committee.



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

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

I nominate ... for a [one] [two]-year term on the Seventh Ave. Advisory Committee.

I nominate ... for a [one] [two]-year term on the Business Advisory Committee.

I move to appoint ... to fill the alternate position on the Board of Adjustment. This term will expire 09.01.16.

Attachments:

Board membership lists