

AGENDA

CITY OF HENDERSONVILLE CITY COUNCIL – REGULAR MEETING

APRIL 2, 2020 – 5:45 P.M.

ASSEMBLY ROOM - OPERATIONS CENTER

305 WILLIAMS ST.

HENDERSONVILLE NC 28792

1. **Call to Order**
2. **Invocation and Pledge of Allegiance to the Flag**
3. **Public Comment Time:** *Up to 15 minutes is reserved for comments from the public for items not listed on the agenda*
4. **Consideration of Agenda**
5. **Consideration of Consent Agenda:** *These items are considered routine, noncontroversial in nature and are considered and approved by a single motion and vote.*
 - A. **Consideration of Minutes:**
 - i. February 27, 2020 Special Meeting (Retreat)
 - ii. February 28, 2020 Special Meeting (Retreat)
 - iii. March 5, 2020 Regular Meeting
 - iv. March 20, 2020 Special Meeting
 - B. **Consideration of Budget Amendments: Grey Hosiery Mill Project**
 - C. **Consideration of Tax Releases, Discoveries and Refunds**
 - D. **Consideration of Operations Center Security Changes - Design Proposal and City Hall Exterior Assessment Proposal, Associated Capital Project Ordinance and Budget Amendment**
 - E. **Consideration of Franchise Agreement with Public Service Company of North Carolina, Inc. (second reading)**
 - F. **Consideration of Contract Award of Kanuga Park Interconnect Water Main Extension and Associated Capital Project Ordinance**
 - G. **Consideration of City Clerk Job Description and Pay Grade**

- H. Consideration of Resolution of Intent to Close an Unopened and Unimproved Right-of-way for a Portion of 6th Avenue East Located on PIN 9568-99-9384
- I. Consideration of Resolution of Intent to Close an Unopened and Unimproved Alley between Williams and Harris Streets located on PIN 9568-99-9384
- J. Consideration of Resolution of Intent to Close an Unopened and Unimproved Right-of-way for Clark Street located on PIN 9568-49-2048
- K. Consideration of Coronavirus Actions - Utility Disconnections, Etc.
- L. Consideration of Establishing Mark III Insurance Brokerage firm as the City's Benefits Administrator for Voluntary Insurances
- 6. **Public Hearing - Consideration of an Application from William A. Pace, Jr. for the Rezoning of Parcel Located at 137 E. Central Street from C-2 CZD Secondary Business Conditional Zoning District and R-15 Medium Density Residential to C-2CZD Secondary Business Conditional Zoning District to construct a 10,000 Square Foot Building**
Presenter: Daniel Heyman, Senior Planner
- 7. **Public Hearing - Consideration of an Application from Stephen Drake for the Rezoning of Certain Parcels located at 2620 Chimney Rock Road from HMU Highway Mixed Use District to PRD Planned Residential Development Conditional Zoning District, for a 78-unit Multi-Family Development**
Presenter: Daniel Heyman, Senior Planner
- 8. **Public Hearing - Consideration of an Application for Contiguous Annexation from Mark Coleman for a 0.15-acre Parcel Located at 1412 Old Spartanburg Highway**
Presenter: Susan Frady, Development Assistance Director
- 9. **Discussion of Parking Deck Size and Financial Plan and a Resolution Authorizing the City Manager to Execute an Option Contract with Respect to Certain Real Property**
Presenter: City Manager John Connet
- 10. **Discussion of Second Monthly Meeting**
Presenter: City Manager John Connet
- 11. **Consideration of a Resolution Stating the City's Commitment to Reduce the Frequency and Volume of Sewer System Overflows from the Wastewater Collection system**
Presenter: Utilities Director Lee Smith
- 12. **Reports/Comments by Mayor and City Council Members**
- 13. **Staff Reports**
- 14. **Consideration of Appointments to Boards/Commissions**

15. New Business

16. Adjourn



MINUTES

February 27, 2020

SPECIAL MEETING OF THE CITY COUNCIL

CITY HALL

6:00 p.m.

Present: Mayor Barbara G. Volk, Mayor Pro Tem Jerry Smith and Council Members: Jeff Miller, Jennifer Hensley and Lyndsey Simpson

Staff Present: City Manager John F. Connet, City Attorney Sam Fritschner, City Clerk Tammie Drake, Finance Director John Buchanan, Interim Fire Chief James Miller, Budget and Management Analyst Adam Murr, Communications Manager Allison Nock, Downtown Development Director Lew Holloway

Purpose: The purpose of the special meeting is to hold a Council/Staff Retreat to discuss Council priorities and future work plans.

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

Accomplishments Review: Mr. Connet began by recognizing Council's accomplishments since 2017 for:

- great public services: reformed the Henderson County Water/Sewer Authority, put School Resources Officers in all four schools in the City,
- financial sustainability,
- strong partnerships: began Council conversations with the community, the Grey Mill redeveloped into 35 apartments,
- sound infrastructure: constructed a sidewalk on Four Seasons Boulevard, replaced the North Main Street waterline, replaced sidewalk on Second Avenue, installed the generator at the Wastewater Treatment Plant,
- numerous amenities: installed way-finding signs (funded by Tourism Development Authority), Phase III of the Oklawaha Greenway, and constructed the Downtown restrooms,
- economic vitality: over \$8 million in investment has been made in the Municipal Service District between July 2017 and 2019.

Mr. Connet stated staff has worked to strengthen the fleet division with additional software and tools to track the fleet including costs to operate vehicles, maintenance, determining resale value, leasing vehicles, and managing all costs.

Mr. Connet stated these accomplishments are a result of the retreats and thanked Council for their support.

General Financials/Projects Update: Mr. Pahle began by providing a base level for visioning and priority setting for the second day of the retreat. He reviewed the budget calendar and stated staff will work with the department heads and include the Council's priorities to develop budget for City Council's review. The Council will determine where funds are allocated.

Mr. Pahle reviewed the vision and mission statements and reviewed explained Financial Sustainability is used to determine whether we can continue our current practices and whether we can afford our current lifestyle or practices, i.e., quality of services, rates, who pays for the services, etc.

General Government: Mr. Pahle provided an overview of the projects/priorities and trends, the financial forecast and strategic plan impact. He reviewed the four stages of a project life cycle, how projects are identified and ranked by the Council and provided a report on the projects:

Completed: Grey Mill redevelopment, gateway signs, Maple Street streetscape, public restrooms, Public Works Maintenance building.

Funded: Seventh Avenue Streetscape Phase I, Main Street to Grove Street improvements, Police Department Headquarters

Unfunded projects: Berkeley Mills Park, Customer Service renovations, Fire Station 1, Greenway(s) parking lots, parking (deck/lots), and Whitmire Building.

Mr. Pahle stated the goal of the retreat is to establish a shared vision.

Mr. Pahle then proceeded into a review of financial trends.

Property Tax: The revaluations and tax rates were reviewed. Revaluations resulted in approximately 25 percent growth from November 2000 to 2019 and revenue was recouped from those. The value per penny is presently about \$210,000. The City of Hendersonville has the third lowest rate in the State among cities our size. There was discussion on impacts of the four-year cycle for revaluations, decreased sources of revenue: no annexation,

unfunded mandates, tax-exempt properties, etc. The City is serving a large area and is only 12 percent of the total county population with the average statewide ratio is 34 percent. The tax-exempt properties are 21 percent of the total taxable property which equates to .12 on the tax rate.

Sales Tax: Mr. Pahle provided a history of sales tax revenues from 2014 to present which currently accounts for 21.25 percent of General Fund Revenues. This is a very elastic revenue source. He reviewed the process for sales tax and the methods for redistribution. The State gives sales tax back based on point of sale to the counties and Henderson County redistributes based on the tax levy. There was discussion of a local option sales tax. He estimated the sales tax revenue for budget FY 21 at \$3.63 million.

Historical Actual Expenditures: Mr. Pahle reviewed historical actual expenditures based on audits versus budgeted expenditures. The five-year average is \$14.2 million in expenses and reviewed the expenditure types. Drivers for increases to personnel includes health insurance, retirement benefit, pay and classification study, service demands, other benefits and SAFER grant. There was discussion of the current health insurance plan and renewals.

Upcoming Debt Service: Mr. Pahle stated debt service costs are coming. He estimated a retirement benefit contribution may have to be increased.

There is \$1.3 million in new debt service costs by FY 22-23. He reviewed the projects funded by Pay-Go capital which totals \$3.7 million so the projects will be prioritized by the Council.

Fund Balance Policy Revision: Mr. Pahle stated the City is continuing to meet the Available Fund Balance Policy requirements which is set by the Local Government Commission’s calculations. He stated the Fund Balance continues to provide a strong and stable foundation.

General Government Review: Mr. Pahle stated reviewed revenues and expenditures, actual versus estimated and is confident going forward. He reviewed the tools used to forecast where dollars are going.

The Bottom Line: Reliable and Diverse Revenue Sources: Mr. Connet stated the City needs to find ways to grow the tax base from the industrial side that has less impact to services. He stated a fee for service helps spread the costs around. There was discussion about the pay-in-lieu for non-profits.

Enterprise Financials/Projects Update: Mr. Adam Murr, Budget and Management Analyst, reviewed the enterprise funds. He stated enterprise funds operate like a business and are funded by user fees other than taxes. He explained NCGS requires local governments to have a fund for each enterprise owned or operated by the unit. He stated the City hires consultants to assist in fixing rates and provide objective analysis to understand our demographics and data.

Mr. Murr reviewed the dashboard provided by the School of Government and showed bill comparisons for the City and 32 other utilities across the state. The City’s rates are on the affordable side but do not encourage conservation with the rates, but we are moving toward that with a flat rate block tier.

Cost recovery: Mr. Murr stated the City is recovering 105 percent of our operating expenses and capital with our revenues.

Customer Data: Mr. Murr reported there are:

Water Accounts:	28,716
Wastewater Accounts:	9,454.

Trends show customer accounts will increase each year by natural growth and estimates the following new accounts:

Water, Inside	75/year	Sewer, Inside	60/year
Water, Outside	225/year	Sewer, Outside	25/year
Water, Total	300 accts./year	Sewer, Total	85 accts./year

He also provided the amounts of water and wastewater billed and estimated an annual revenue increase based on growth of \$138,292/year. The revenue is categorized into expenditure source: Admin, Finance, debt service, etc.

There was discussion of how this information is communicated to customers. He explained what necessitates rate changes:

- \$129.6 million prioritized Water & Sewer capital projects over 10 fiscal years
- Stormwater projects estimated between \$33.5 - \$73.5 million over 10 fiscal years
- Needed equipment for the Environmental Services team for sanitation trucks, street sweepers, and leaf machines = approximately \$1.4 million over the next ten next fiscal years

Project Accomplishments: Mr. Murr stated several projects have been completed and include:

Water/Sewer: the Bradley Creek dredging project, high service pumps, WWTP emergency generator, WWTP filter replacement, Ladson Road Economic Development project, Highland Square Sewer improvement.

Stormwater: master plan for Wash Creek Basin, Utility Rate planning, Third Avenue sinkhole mitigation.

Mr. Murr reviewed the requests for FY 20-21 are:

Pay-Go Capital for FY 20-21 = \$3.19 million
A Gannt chart for projects from 19-20 to 24-25.
NCDOT projects total \$26.3 million.

Mr. Connet stated these requests will be discussed and prioritized.

Mr. Murr reviewed debt service. He stated the revenue bond for \$12.8 million will help fund improvements to the Etowah area of the water system and refinance debt on the AMI system. He reviewed the rate covenants of the revenue bond. Mr. Connet commented the rate covenants force rate discipline.

Mr. Murr anticipates ending the fiscal year with revenues in the Water/Sewer Fund of \$17.3 million and expenditures of \$15.9 million. He stated the fund balance for this fund will increase by \$1.2 million for a total of \$13.4 million.

Mr. Murr stated rate changes will need to continue to increase revenues as projects, debt and revenue needs increase.

Stormwater Fund: Mr. Murr stated the City is working toward creating a stormwater utility and is determining service levels. Master planning and utility rate planning are proceeding.

Mr. Murr anticipates ending the year with \$330,000 of estimated revenue and expenditures of \$522,000. He stated the gap will be covered by proceeds of debt for the purchase of a streetsweeper. He stated they plan to add \$4,050 to fund balance to end with a total \$87,000.

Mr. Murr stated staff will continue to work with consultants to determine best practices and prioritize future projects. Other than projects, there is also public outreach, working with construction manager and developers to control site runoff, etc. Mr. Connet thanked Council for investing in the Stormwater Administrator position. He stated the State is beginning to audit the program.

Environmental Services Fund: Mr. Murr anticipates ending the year with \$1.2 million of revenues and \$1.6 in expenditures; using approximately \$88,000 of fund balance leaving approximately \$188,000 at year end.

Mr. Murr stated some future considerations are rebates for customers participating in the recycling program, service delivery and service level, entering the commercial waste business and rates.

For all enterprise funds, Mr. Murr stated considerations include how to raise revenues to address contingency items, weather-related events that place pressure on our utilities and plan a robust, resilient infrastructure that is desirable to meet customer needs and mitigate hazards. Council Member Hensley suggested public information spots on radio and television to help educate the general public on the need for stormwater, etc. There was discussion on Public Service Announcements, a marketing campaign, purchasing airtime, the County's cable channel, etc.

Mr. Connet reiterated this is the beginning of the process and estimates will change.

Adjournment: Being no further business, the meeting adjourned at 8:15 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

Tammie K. Drake, City Clerk

MINUTES

February 28, 2020

SPECIAL MEETING OF THE CITY COUNCIL

ALLEN STREET OFFICE BUILDING – 101 E. ALLEN STREET, HENDERSONVILLE NC
8:30 a.m.

Present: Mayor Barbara G. Volk, Mayor Pro Tem Jerry Smith and Council Members: Jeff Miller, Jennifer Hensley and Lyndsey Simpson

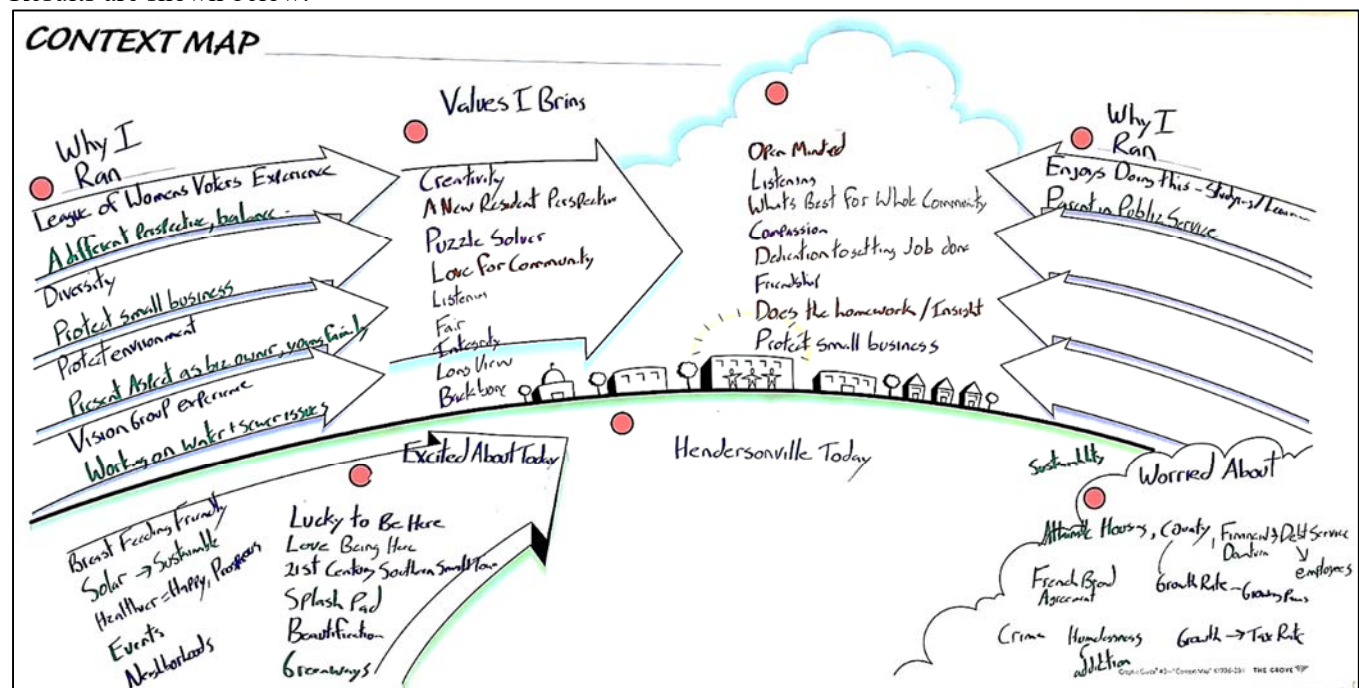
Staff Present: Police Chief Herbert Blake, Finance Director John Buchanan, City Manager John F. Connet, City Engineer Brent Detwiler, City Clerk Tammie Drake, Development Assistance Director Susan Frady, Human Resources Director Jennifer Harrell, Downtown Economic Development Director Lew Holloway, Fire Chief D. James Miller, Budget and Management Analyst Adam Murr, Communications Manager Allison Nock, Assistant City Manager Brian Pahle, Utilities Director Lee Smith, Public Works Director Tom Wooten

Purpose: The purpose of the special meeting is to hold a Council/Staff Retreat to discuss Council priorities and future work plans.

Call to Order: Mayor Volk called the special meeting to order at 8:30 a.m. and welcomed those in attendance. A quorum was established with five members in attendance.

Mr. Connet provided opening remarks and the order for the second day of the retreat.

Council Member Interviews: The Council members participated in this process to learn more about each other, i.e., why they ran for City Council, the values they each bring to the Council and the things that cause concern. Results are shown below.



Pitch Party: A pitch party was held with teams of Council members and staff to pitch their “sale” of why businesses and other professionals should come to Hendersonville.

Visioning: Our Legacy: Envisioning Hendersonville 2030: The following were identified as a result of the visioning exercise:

- Attainable housing: Higher density, Lower unhoused population, strengthening economy, Development assistance (not taxpayer funded)
- Zero hungry children: Access to food
- Public transportation
- Sustainable: Less plastic, Recycling, Solar, Composting, No Styrofoam
- Equalizing Water and Sewer Rates: Supports economic development, Water quality, Promotes growth, Profitable, stable, expanded system
- Greenway system expanded: Businesses along greenway
- Infrastructure: Walkability, Sidewalks throughout, Zero SSOs, Stormwater
- Greater percent tax base: Low tax rate, Compared with county
- Strong fund balance
- Competitive employee benefits
- Two large economic investments like Sierra Nevada
- Downtown: Master plan, expand main street,
- Continued high level service
- Partnership with county

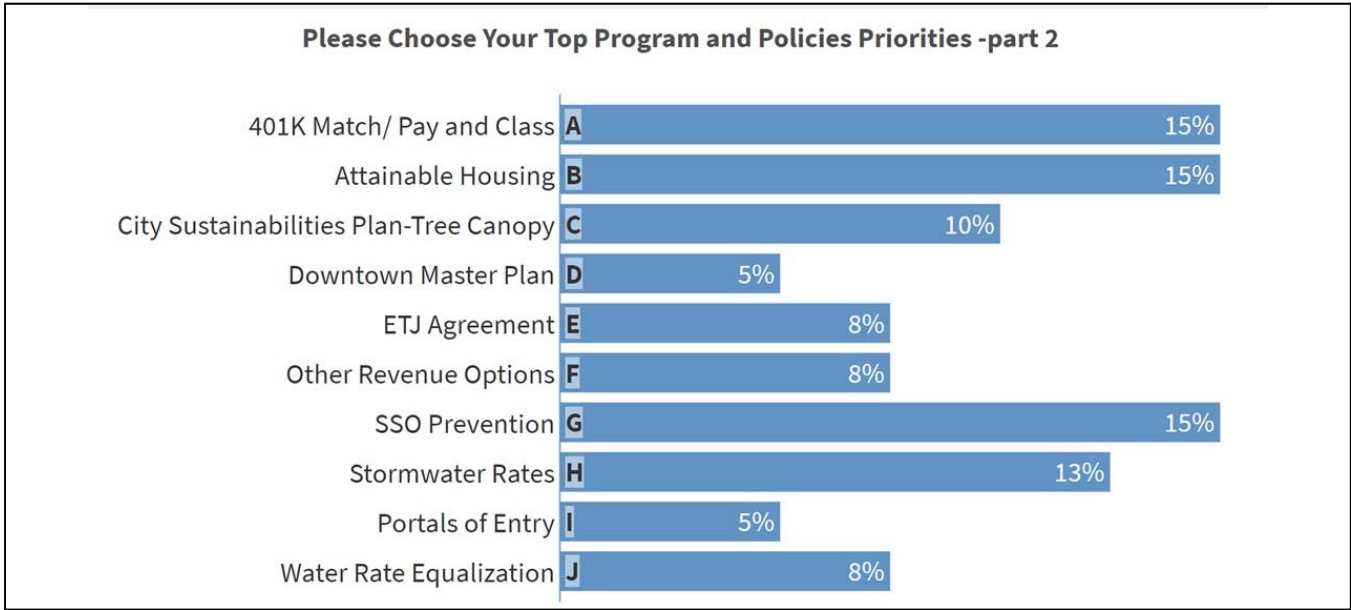
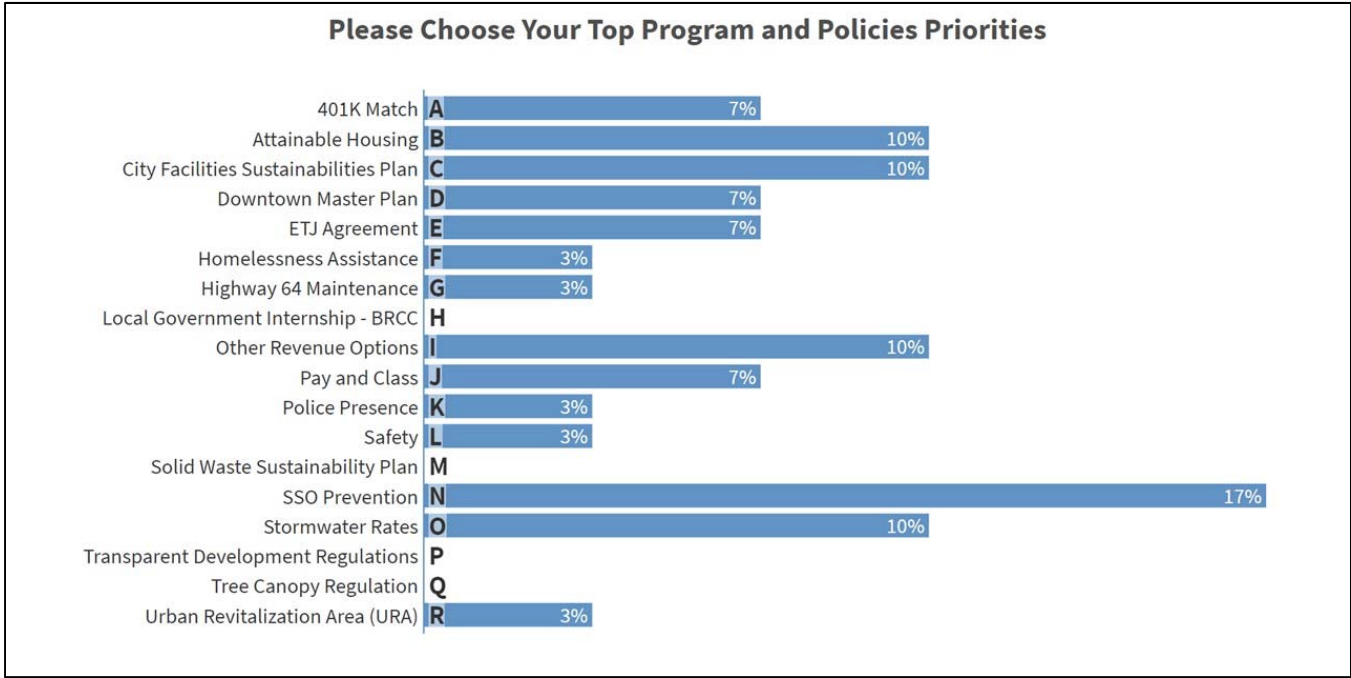
- More recreation opportunities: Berkeley Mills Park
- Cohesive Council
- Increased Community Participation: Communicate what we are doing/better inform, Diversity

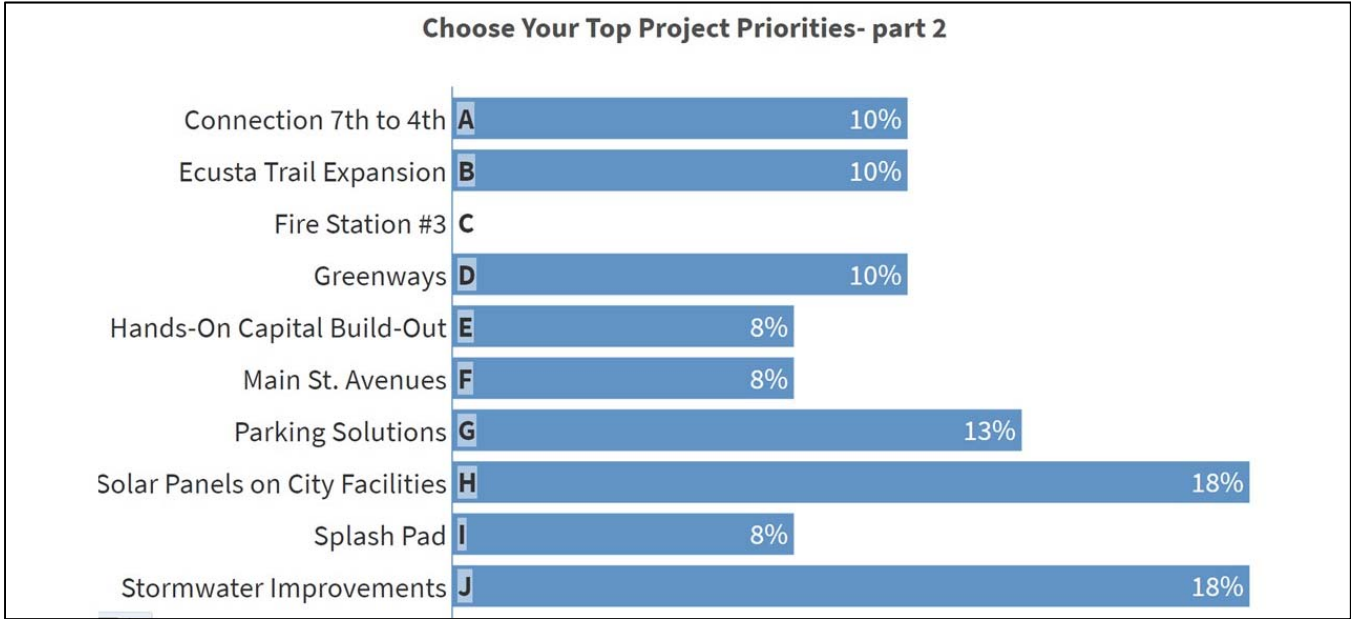
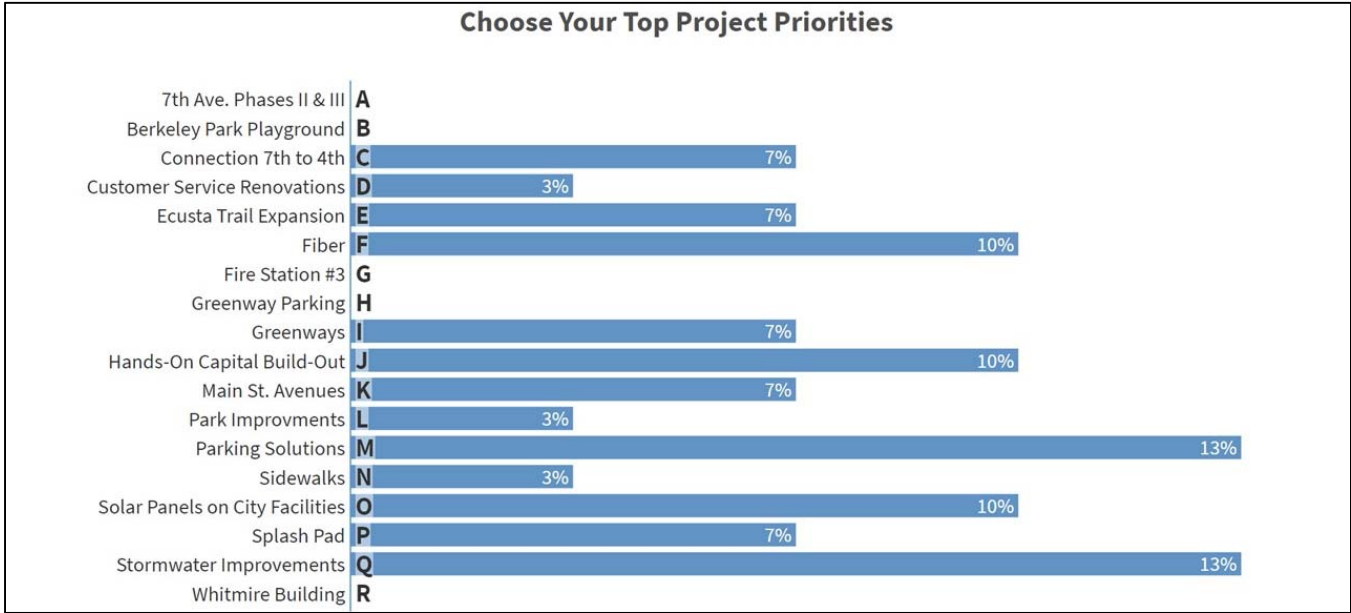
Lunch/Tour: There was a recess for lunch and a tour of the building.

3 Ps (Programs, Policies, Priorities) Review & Ranking: The Council participated in ranking their top programs and policy priorities under:

- Great Public Services
- Financial Sustainability
- Economic Vitality
- Strong Partnerships
- Sound Infrastructure
- Numerous Amenities

Results are shown below:





Closed session: Mayor Pro Tem Smith moved Council to enter Closed Session to consult with the City Attorney in order to preserve the attorney-client privilege between the public body and the attorney and to instruct the public body's staff concerning the position to be taken regarding the price and other material terms of proposed contract for the acquisition of real property as provided under NCGS §143-318.11(a)(3)(5). A unanimous vote of the Council followed. Motion carried.

Adjournment: The meeting adjourned at 3:50 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

Tammie K. Drake, City Clerk

MINUTES

March 5, 2020

REGULAR MEETING OF THE CITY COUNCIL

COUNCIL CHAMBERS – CITY HALL

5:45 p.m.

Present: Mayor Barbara G. Volk, Mayor Pro Tem Jerry Smith and Council Members: Jeff Miller, Jennifer Hensley and Lyndsey Simpson

Staff Present: City Manager John F. Connet, City Attorney Sam Fritschner, City Clerk Tammie Drake, Police Chief Herbert Blake, Finance Director John Buchanan, Engineering Director Brent Detwiler, Development Assistance Director Susan Frady, Human Resources Director Jennifer Harrell, Senior Planner Daniel Heyman, Downtown Director Lew Holloway, Administrative Aid Pam Ludwig, Interim Fire Chief James Miller, Planner Tyler Morrow, Communications Director Allison Nock, Utilities Director Lee Smith, Public Works Director Tom Wooten

- 1. Call to Order:** Mayor Volk called the regular meeting to order at 5:45 p.m. and welcomed those in attendance. A quorum was established with five members in attendance.
- 2. Invocation and Pledge of Allegiance to the Flag:** There was a moment of silence for prayer followed by the Pledge of Allegiance to the Flag.
- 3. Public Comment Time:** *Up to 15 minutes is reserved for comments from the public for items not listed on the agenda.*

Michael Gillian, 201 Third Avenue W., voiced opposition to building a hotel and parking deck downtown.

Caroline Gunther, 128 Poplar Loop Drive, Wag Boutique, voiced support of the hotel and parking garage projects.

4. Consideration of Agenda:

Addition to Consent Agenda:

- M. Consideration of Northside Water System Improvements Project State SRP Amended Loan Offer Acceptance
- 06i. Proclamation for Dr. Pierce "P J" Moore, Jr.
- 20a. Closed Session

Council Member Simpson moved approval of the agenda as amended. A unanimous vote of the Council followed. Motion carried.

5. Consideration of Consent Agenda: *Consent agenda items are considered routine, non-controversial in nature and are considered and disposed of through a singular motion and vote.*

- A. Consideration of Minutes: February 6, 2020 Regular Meeting
- B. Consideration of Budget Amendment for Stormwater Intern: Mr. Adam Murr, Budget and Management Analyst, an intern was budgeted for the Stormwater Department for FY19-20. The initial budget of \$5,700 for the position was reallocated to help fund the sinkhole repair off Third Avenues. He provided a budget amendment to reallocate resources in this department to fund the position. He explained City Council must approve all personnel-related budget amendments.

Fund 67: Increase of \$4,875

C. Consideration of Tax Discoveries, Releases, Refunds and Forgiven Interest: Deputy Tax Collector submitted tax bill adjustments occurring between January 16, 2020 and February 20, 2020.

SUMMARY TOTAL OF DISCOVERIES, RELEASES, REFUNDS, AND FORGIVEN INTEREST		
FOR TRANSACTIONS AS OF 2/20/2020		
VALUE CHANGE	\$	(2,543,460)
RELEASES	\$	(12,643.57)
REFUNDS	\$	-
FORGIVEN INTEREST	\$	-
TOTAL TAX BILL ADJUSTMENTS	\$	(12,643.57)
Adjustments, Releases, Refunds are provided by Henderson County Tax		

D. Consideration of Revisions of State of Emergency Ordinance: City Attorney Fritschner explained since the time City Council adopted an ordinance respecting emergency powers, the General Assembly

amended the enabling legislation to permit local governments to restrict certain travel in emergency areas. He provided a proposed ordinance to update the City Code to reflect and add those additional powers.

Ordinance #20-0313

**AN ORDINANCE AMENDING SECTION 36-184 PERTAINING TO THE AUTHORITY OF THE MAYOR TO
ISSUE EMERGENCY DECLARATIONS**

WHEREAS, the Code of Ordinances Chapter 36 Article V Division 2 provides for the declaration of emergencies within the City, and

WHEREAS, since the adoption of the aforementioned ordinances certain changes have been made to the North Carolina General Statutes with respect to the declaration of emergencies by local governments, and

WHEREAS, the Ordinance in its currently form does not completely conform to the current North Carolina General Statutes; and

WHEREAS, the City Council wishes to revise its ordinance to bring the same into conformity with the General Statutes in such a way as to invest the Mayor with the broadest discretion permitted in the declaration of emergencies and exertion of powers pursuant thereto,

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

SECTION 1. Section 36-184 of the Hendersonville Code of Ordinances is hereby amended to read in its entirety as follows:

Sec. 36-184. - Restricted activities enumerated.

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

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

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

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

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

(5) Upon travel and the operation of vehicles within the City, including the powers of closure, within the emergency area, of streets, roads, highways, bridges, public vehicular areas, and other areas ordinarily used for vehicular travel, except to the movement of emergency responders and other persons necessary for recovery from the emergency.

~~(5)~~ Upon other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.

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

SECTION 2. SEVERABILITY. If any provision of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this ordinance.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its adoption. Adopted this fifth day of March 2020.

/s/Barbara G. Volk, Mayor

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

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

E. Consideration of Statewide of Mutual Aid Agreement: Mr. Connet reported the State of North Carolina has updated the Statewide Mutual Aid Agreement in 2017. He stated it is in the City's best interest to adopt it. He recommended approval of the agreement between the City of Hendersonville and the State of North Carolina.

NORTH CAROLINA STATEWIDE EMERGENCY MANAGEMENT MUTUAL AID AND ASSISTANCE AGREEMENT

Revision 2017

For the CITY OF HENDERSONVILLE

THIS AGREEMENT IS ENTERED INTO BETWEEN THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, AND ITS DIVISION OF EMERGENCY MANAGEMENT OF THE STATE OF NORTH CAROLINA AND BY EACH OF THE ENTITIES THAT EXECUTES AND ADOPTS THE UNDERSTANDINGS, COMMITMENTS, TERMS, AND CONDITIONS CONTAINED HEREIN:

WHEREAS, the State of North Carolina is geographically vulnerable to a variety of natural disasters;

WHEREAS, Chapter 166A of the North Carolina General Statutes, entitled the North Carolina Emergency Management Act, recognizes this vulnerability and provides that its intended purposes are to:

1. Reduce vulnerability of people and property of this State to damage, injury, and loss of life and property;
2. Prepare for prompt and efficient rescue, care, and treatment of threatened or affected persons;
3. Provide for the rapid and orderly rehabilitation of persons and restoration of property;
4. Provide for cooperation and coordination of activities relating to emergency and disaster mitigation, preparedness, response, and recovery;

WHEREAS, in addition to the State, the Federal Emergency Management Agency (FEMA) has recognized the importance of the concept of coordination between the State and local governments;

WHEREAS, under Chapter 166A and other chapters of the North Carolina General Statutes, entities entering into mutual aid and assistance agreements may include provisions for the furnishing and exchanging of supplies, equipment, facilities, personnel and services; and

WHEREAS, the entities which have chosen to become signatories to this Agreement wish to provide mutual aid and assistance amongst one another at the appropriate times;

THEREFORE, pursuant to G.S. 166A-19.72, these entities agree to enter into this Agreement for reciprocal emergency management aid and assistance, with this Agreement embodying the understandings, commitments, terms, and conditions for said aid and assistance, as follows:

SECTION I. DEFINITIONS

"Agreement" means this document, the North Carolina Statewide Emergency Management Mutual Aid and Assistance Agreement.

"Aid and assistance" includes personnel, equipment, facilities, services, and supplies.

"Authorized Representative" means a party's employee who has been authorized, in writing by that party, to request, to offer, or to otherwise provide assistance under the terms of this Agreement. The list of Authorized Representatives for each party executing this Agreement shall be attached to the executed copy of this Agreement. (In the event of a change in personnel, unless otherwise notified, the presumption will be that the successor to that position will be the authorized representative.)

"Disaster declaration" means a gubernatorial declaration that the impact or anticipated impact of an emergency constitutes a Type I, II, III disaster as defined in G.S. 166A-19.21(b).

"Emergency" means an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property, resulting from any natural or man-made accidental, military, or paramilitary cause.

"Local Agency" means a county agency charged with coordination of all emergency management activities for its geographical limits pursuant to G.S. 166A-19.15.

"Party" means a governmental entity which has adopted and executed this Agreement.

"Provider" means the party which has received a request to furnish aid and assistance from another party in need (the "Recipient").

"Recipient" means the party setting forth a request for aid and assistance to another party (the "Provider").

SECTION II. INITIAL RECOGNITION OF PRINCIPLE BY ALL PARTIES; AGREEMENT PROVIDES NO RIGHT OF ACTION FOR THIRD PARTIES

As this is a reciprocal contract, it is recognized that any party to this Agreement may be requested by another party to be a Provider. It is mutually understood that each party's foremost responsibility is to its own citizens. The provisions of this Agreement shall not be construed to impose an unconditional obligation on any party to this Agreement to provide aid and assistance pursuant to a request from another party. Accordingly, when aid and assistance have been requested, a party may in good faith withhold the resources necessary to provide reasonable and adequate protection for its own community, by deeming itself unavailable to respond and so informing the party setting forth the request.

Given the finite resources of any jurisdiction and the potential for each party to be unavailable for aid and assistance at a given point in time, the parties mutually encourage each other to enlist other entities in mutual aid and assistance efforts and to enter into such agreements accordingly. Concomitantly, the parties fully recognize that there is a highly meritorious reason for entering into this Agreement, and accordingly shall attempt to render assistance in accordance with the terms of this Agreement to the fullest extent possible.

Pursuant to G.S. 166A-19.60 and as elaborated upon in Section X of this Agreement, all functions and activities performed under this Agreement are hereby declared to be governmental functions. Functions and activities performed under this Agreement are carried out for the benefit of the general public and not for the benefit of any specific individual or individuals. Accordingly, this Agreement shall not be construed as or deemed to be an Agreement for the benefit of any third parties or persons and no third parties or persons shall have any right of action under this Agreement for any cause whatsoever. All immunities provided by law shall be fully applicable as elaborated upon in Section X of this Agreement.

SECTION III. PROCEDURES FOR REQUESTING ASSISTANCE

Mutual aid and assistance shall not be requested unless the resources available within the stricken area are deemed inadequate by Recipient. When Recipient becomes affected by an emergency and deems its resources inadequate, it may request mutual aid and assistance by communicating the request to Provider, indicating the request is made pursuant to this Agreement. The request shall be followed as soon as practicable by a written confirmation of that request, including the transmission of a proclamation of local state of emergency under G.S. 166A-19.22, and a completed form describing recipient's projected needs in light of the emergency. All requests for mutual aid and assistance shall be transmitted by the party's Authorized Representative or to the Coordinator of the Local Agency as set forth below.

A. METHOD OF REQUEST FOR MUTUAL AID AND ASSISTANCE: Recipient shall set forth requests as follows:

(i) REQUESTS ROUTED THROUGH THE RECIPIENT'S LOCAL AGENCY: Recipient may directly contact the Local Agency, in which case it shall provide the Local Agency with the information in paragraph B of this Section (Section III). The Local Agency shall then contact other parties on behalf of Recipient to coordinate the provision of mutual aid and assistance. Recipient shall be responsible for the costs and expenses incurred by any Provider in providing aid and assistance pursuant to Section VII of this Agreement.

(ii) REQUESTS MADE DIRECTLY TO PROVIDER: Recipient may directly contact Provider's authorized representative, setting forth the information in paragraph B of this Section (Section III). All communications shall be conducted directly between Recipient and Provider. Recipient shall be responsible for the costs and expenses incurred by any Provider in providing aid and assistance pursuant to the provisions of this Agreement as noted in Section VII of this Agreement. Provider and Recipient shall be responsible for keeping Local Agencies advised of the status of response activities, in a timely manner.

(iii) RECORD OF REQUESTS TO BE PROVIDED: A record of the request for assistance shall be provided by the Recipient to the Director of the Division of Emergency Management in the NC Department of Public Safety, in a timely manner.

B. REQUIRED INFORMATION: Each request for assistance shall include the following information, in writing or by any other available means, to the extent known:

1. Stricken Area and Status: A general description summarizing the condition of the community or emergency area (i.e., whether the emergency and/or disaster declaration is imminent, in progress, or has already occurred) and of the damage sustained to date;
2. Services: Identification of the service function(s) for which assistance is needed and the particular type of assistance needed;
3. Infrastructure Systems: Identification of the type(s) of public infrastructure system for which assistance is needed (water and sewer, storm water systems, streets) and the type of work assistance needed;
4. Aid and Assistance: The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed;
5. Provider's Traveling Employee Needs--Unless otherwise specified by Recipient, it is mutually understood that Recipient will provide for the basic needs of Provider's traveling employees. Recipient shall pay for all reasonable out-of-pocket costs and expenses of Provider's traveling employees, including, without limitation, transportation expenses for travel to and from the stricken area. Further, Recipient shall house and feed Provider's traveling employees at its (Recipient's) sole cost and expense. If Recipient cannot provide such food and/or housing at the emergency area, Recipient shall specify in its request for assistance that the Provider's traveling employees be self-sufficient.

6. Facilities: The need for sites, structures, or buildings outside Recipient's geographical limits to serve as relief centers or staging areas for incoming emergency goods and services; and

7. Meeting Time and Place: An estimated time and a specific place for a representative of Recipient to meet the personnel and resources of any Provider.

C. STATE AND FEDERAL ASSISTANCE: Recipient shall be responsible for coordinating requests for state or federal assistance with its (Recipient's) Local Agency.

SECTION IV. PROVIDER'S ASSESSMENT OF AVAILABILITY OF RESOURCES AND ABILITY TO RENDER ASSISTANCE

When contacted by the Recipient/Local Agency, Provider's authorized representative shall assess Provider's own local situation in order to determine available personnel, equipment, and other resources. If Provider's authorized representative determines that Provider has available resources, Provider's authorized representative shall so notify the Recipient/Local Agency (whichever communicated the request). Provider shall complete a written acknowledgment, whether on the request form received from Recipient or on another form, regarding the assistance to be rendered (or a rejection of the request) and shall transmit it by the most efficient practical means to the Recipient/Local Agency for a final response. Provider's acknowledgment shall contain the following information:

1. In response to the items contained in the request, a description of the personnel, equipment, and other resources available;
2. The projected length of time such personnel, equipment, and other resources will be available to serve Recipient, particularly if the period is projected to be shorter than one week (as provided in the "Length of Time for Aid and Assistance" section [Section VI] of this Agreement.)
3. The estimated time when the assistance provided will arrive at the location designated by the Authorized Representative of the Requesting Party; and
4. The name of the person(s) to be designated as Provider's supervisor (pursuant to the "Supervision and Control" section [Section V] of this Agreement.)

Where a request has been submitted to the Local Agency, the Local Agency shall notify Recipient's authorized representative and forward the information from Provider. The Recipient/Local Agency shall respond to Provider's written acknowledgment by signing and returning a copy of the form to Provider by the most efficient practical means, maintaining a copy for its file.

SECTION V. SUPERVISION AND CONTROL

Provider shall designate one of its employees sent to render aid and assistance to Recipient as a supervisor. As soon as practicable, Recipient shall assign work tasks to Provider's supervisor, and unless specifically instructed otherwise, Recipient shall have the responsibility for coordinating communications between Provider's supervisor and Recipient. Recipient shall provide necessary credentials to Provider's personnel authorizing them to operate on behalf of Recipient. Based upon such assignments from the Recipient, Provider's supervisor shall:

1. Have the authority to assign work and establish work schedules for Provider's personnel. Further, supervisor shall retain direct supervision and control of Provider's personnel, equipment, and other resources. Provider should be prepared to furnish communications equipment sufficient to maintain communications among its respective operating units, and if this is not possible, Provider shall notify Recipient accordingly;
2. Maintain daily personnel time records, material records, and a log of equipment hours;
3. Report work progress to Recipient at mutually agreed upon intervals.

SECTION VI. LENGTH OF TIME FOR AID AND ASSISTANCE; RENEWABILITY; RECALL

Unless otherwise provided, the duration of Provider's assistance shall be for an initial period of seven days, starting from the time of arrival. Thereafter, assistance may be extended in daily or weekly increments as the situation warrants, for a period agreed upon by the authorized representatives of Provider and Recipient.

As noted in Section II of this Agreement, Provider's personnel, equipment, and other resources shall remain subject to recall by Provider to provide for its own citizens if circumstances so warrant. Provider shall make a good faith effort to provide at least twenty-four (24) hours advance notification to Recipient of Provider's intent to terminate mission, unless such notice is not practicable, in which case as much notice as is reasonable under the circumstances shall be provided.

SECTION VII. REIMBURSEMENTS

Except as otherwise provided below, it is understood that Recipient shall pay to Provider all documented costs and expenses incurred by Provider as a result of extending aid and assistance to Recipient. The terms and conditions governing reimbursement for any assistance provided under this Agreement shall be in accordance with the following provisions, unless otherwise agreed in writing by Recipient and Provider. Recipient shall be ultimately responsible for reimbursement of all eligible expenses.

A. Personnel-- During the period of assistance, Provider shall continue to pay its employees according to its then prevailing ordinances, rules, and regulations. Recipient shall reimburse Provider for all direct and indirect payroll costs and expenses including travel expenses incurred during the period of assistance, including, but not limited to, employee

retirement benefits as provided by Generally Accepted Accounting Principles (GAAP). However, as stated in Section IX of this Agreement, Recipient shall not be responsible for reimbursing any amounts paid or due as benefits to Provider's personnel under the terms of the North Carolina Workers' Compensation Act (Chapter 97 of the North Carolina General Statutes).

B. Equipment-- Recipient shall reimburse the Providers for the use of equipment during the period of assistance according to either a pre-established local or state hourly rate or according to the actual replacement, operation, and maintenance expenses incurred. For those instances in which costs are reimbursed by the Federal Emergency Management Agency (FEMA), the FEMA-eligible direct costs shall be determined in accordance with 44 C.F.R. 206.228. Provider shall pay for all repairs to its equipment as determined necessary by its on-site supervisor(s) to maintain such equipment in safe and operational condition.

At the request of Provider, fuels, miscellaneous supplies, and minor repairs may be provided by Recipient, if practical. The total equipment charges to Recipient shall be reduced by the total value of the fuels, supplies, and repairs furnished by Recipient and by the amount of any insurance proceeds received by Provider.

C. Materials And Supplies-- Recipient shall reimburse Provider for all materials and supplies furnished and that are used or damaged by Recipient during the period of assistance, except for the costs of equipment, fuel and maintenance materials, labor, and supplies, which shall be included in the equipment rate established in subsection B of this section (Section VII), Recipient will not be responsible for costs where such damage is caused by gross negligence, willful and wanton misconduct, intentional misuse, or recklessness of Provider's personnel. Provider's personnel shall use reasonable care under the circumstances in the operation and control of all materials and supplies used during the period of assistance. The measure of reimbursement shall be determined in accordance with 44 C.F.R. 206.228. In the alternative, the parties may agree that Recipient will replace, with like kind and quality as determined by Provider, Provider's materials and supplies used or damaged in a reasonable time. If such an agreement is made, it shall be reduced to writing and transmitted to the North Carolina Division of Emergency Management.

D. Record Keeping-- Recipient and North Carolina Division of Emergency Management personnel shall provide information, directions, and assistance for record-keeping to Provider's personnel. Provider shall maintain records and submit invoices for reimbursement by Recipient or the North Carolina Division of Emergency Management using the format used or required by FEMA publications, 2 C.F.R. Part 200 and applicable Office of Management and Budget (OMB) Circulars.

E. Payment; Other Miscellaneous Matters as to Reimbursements-- The reimbursable costs and expenses with an itemized notice shall be forwarded as soon as practicable after the costs and expenses are incurred, but not later than sixty (60) days following the period of assistance, unless the deadline for identifying damage is extended in accordance with 44

C.F.R. part 206. Recipient shall pay the bill or advise of any disputed items, not later than sixty (60) days following the billing date. These time frames may be modified in writing signed by both parties by mutual agreement. This shall not preclude Provider or Recipient from assuming or donating, in whole or in part, the costs and expenses associated with any loss, damage, or use of personnel, equipment, and resources provided to Recipient.

F. Contracting -- If recipient or provider contracts with a third party to perform any aid or assistance under the provisions of this agreement, then the entity shall follow any applicable local, state, or federal contracting requirements.

SECTION VIII. RIGHTS AND PRIVILEGED OF PROVIDER'S EMPLOYEES

Pursuant to G.S. 166A-19.60 whenever Provider's employees are rendering aid and assistance pursuant to this Agreement, such employees shall retain the same powers, duties, immunities, and privileges they would ordinarily possess if performing their duties within the geographical limits of Provider.

SECTION IX. PROVIDER'S EMPLOYEES COVERED AT ALL TIMES BY PROVIDER'S WORKER'S COMPENSATION POLICY

Recipient shall not be responsible for reimbursing any amounts paid or due as benefits to Provider's employees under the terms of the North Carolina Workers' Compensation Act, Chapter 97 of the General Statutes, due to personal injury or death occurring during the period of time such employees are engaged in the rendering of aid and assistance under this Agreement. It is mutually understood that Recipient and Provider shall be responsible for payment of such workers' compensation benefits only to their own respective employees. Further, it is mutually understood that Provider will be entirely responsible for the payment of workers' compensation benefits to its own respective employees pursuant to G.S. 97-51.

SECTION X. IMMUNITY

Pursuant to G.S. 166A-19.60 all activities performed under this Agreement are hereby declared to be governmental functions. Neither the parties to this Agreement, nor, except in cases of willful misconduct, gross negligence, or bad faith, their personnel complying with or reasonably attempting to comply with this Agreement or any ordinance, order, rule, or regulation enacted or promulgated pursuant to the provisions of this Agreement shall be liable for the death of or injury to persons or for damage to property as a result of any such activity.

SECTION XI. PARTIES MUTUALLY AGREE TO HOLD EACH OTHER HARMLESS FROM LIABILITY

To the extent allowed by applicable law, each party (as indemnitor) agrees to protect, defend, indemnify, and hold the other party (as indemnitee), and its officers, employees and agents, free and harmless from and against any and all losses, penalties, damages, assessments, costs, charges, professional fees, and other expenses or liabilities of every kind and arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind in connection with or arising out of indemnitor's negligent acts, errors and/or omissions. Indemnitor further agrees to investigate, handle, respond to, provide defense for, and defend any such claims, etc. at indemnitor's sole expense and agrees to bear all other costs and expenses related thereto.

To the extent that immunity does not apply, each party shall bear the risk of its own actions, as it does with its day-to-day operations, and determine for itself what kinds of insurance, and in what amounts, it should carry. Each party understands and agrees that any insurance protection obtained shall in no way limit the responsibility to indemnify, keep, and save harmless the other parties to this Agreement. Notwithstanding the foregoing, to the extent that each party does not purchase insurance, it shall not be deemed to have waived its governmental immunity by law.

SECTION XII. ROLE OF THE DIVISION OF EMERGENCY MANAGEMENT

Pursuant to GS 166A-19.12(19) and under this agreement, the responsibilities of the North Carolina Division of Emergency Management are:

- (1) to serve as the central depository for executed Agreements, to maintain a current listing of entities with their authorized representatives and contact information, and to provide this listing to each of the entities on an annual basis;
- (2) to coordinate the provision of mutual aid and assistance to a requesting party, pursuant to the provisions of this Agreement;
- (3) to keep a record of all requests for assistance and acknowledgments; (4) to report on the status of ongoing emergency or disaster-related mutual aid and assistance as appropriate; and (5) if the parties so designate, to serve as the eligible entity for requesting reimbursement of eligible costs from FEMA and provide information, directions, and assistance for record keeping pursuant thereto.

SECTION XIII. AMENDMENTS

Manner-- This Agreement may be modified at any time upon the mutual written consent of the Recipient and Provider.

Addition of Other Entities--Additional entities may become parties to this Agreement upon:

- (1) acceptance and execution of this Agreement; and
- (2) sending an executed copy of the Agreement to the North Carolina Division of Emergency Management.

SECTION XIV. INITIAL DURATION OF AGREEMENT; RENEWAL; TERMINATION

This Agreement shall be binding for not less than one (1) year from its effective date, unless terminated upon at least sixty (60) days advance written notice by a party as set forth below. Thereafter, this Agreement shall continue to be binding upon the parties in subsequent years, unless canceled by written notification served personally or by registered mail upon the Director of North Carolina Division of Emergency Management, which shall provide copies to all other parties. The withdrawal shall not be effective until sixty (60) days after notice thereof has been sent by the Director of the North Carolina Division of Emergency Management to all other parties. A party's withdrawal from this Agreement shall not affect a party's reimbursement obligations or any other liability or obligation under the terms of this Agreement incurred prior to withdrawal hereunder.

Once the withdrawal is effective, the withdrawing entity shall no longer be a party to this Agreement, but this Agreement shall continue to exist among the remaining parties.

SECTION XV. HEADINGS

The headings of various sections and subsections of this Agreement have been inserted for convenient reference only and shall not be construed as modifying, amending, or affecting in any way the express terms and provisions of this Agreement.

SECTION XVI. SEVERABILITY: EFFECT ON OTHER AGREEMENTS

Should any clause, sentence, provision, paragraph, or other part of this Agreement be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Agreement. Each of the parties declares that it would have entered into this Agreement irrespective of the fact that any one or more

of this Agreement's clauses, sentences, provisions, paragraphs, or other parts have been so declared invalid. Accordingly, it is the intention of the parties that the remaining portions of this Agreement shall remain in full force and effect without regard to the clause(s), sentence(s), provision(s), paragraph(s), or other part(s) invalidated.

In the event that parties to this Agreement have entered into other mutual aid and assistance contracts, for example pursuant to Chapter 160A of the North Carolina General Statutes, those parties agree that to the extent a request for mutual assistance is made pursuant to this Agreement, those other mutual aid and assistance contracts are superseded by this Agreement.

SECTION XVII. EFFECTIVE DATE

This Agreement shall take effect upon its approval by the entity seeking to become a signatory to this Agreement and upon proper execution hereof.

IN WITNESS WHEREOF, each of the parties have caused this North Carolina Statewide Emergency Management Mutual Aid and Assistance Agreement to be duly executed in its name and behalf by its Chief Executive Officer, who has signed accordingly with seals affixed and attested with concurrence of a majority of its governing board, as of the date set forth in this Agreement.

DIVISION OF EMERGENCY MANAGEMENT

DEPARTMENT OF PUBLIC SAFETY

BY: Erik A. Hooks, Secretary

Department of Public Safety

Date:

BY: Michael A. Sprayberry, Director

Division of Emergency Management

Date:

BY: Barbara G. Volk

WITNESS:

Chief Executive Officer/Local Government

Name: Barbara G. Volk

Title: Mayor

Name of Unit: City of Hendersonville

Date: March 5, 2020

APPROVED AS TO PROCEDURES:

BY: Office of General Counsel

Department of Public Safety

Date:

LIST OF AUTHORIZED REPRESENTATIVES TO CONTACT FOR EMERGENCY ASSISTANCE

FOR THE City of Hendersonville

MAILING ADDRESS: 160 6th Ave. E., Hendersonville NC 28792

DATE:

PRIMARY REPRESENTATIVE

NAME: John Connet

TITLE: City Manager

FIRST ALTERNATE REPRESENTATIVE

NAME: Brian Pahle

TITLE: Assistant City Manager

SECOND ALTERNATE REPRESENTATIVE

NAME: Tom Wooten

TITLE: Public Works Director

F. Consideration of Franchise Agreement with Public Service Company of North Carolina, Inc.: Mr. Connet reported the franchise agreement with Public Service Company (Company) of North Carolina Incorporated and its successors expires on November 26, 2020. The franchise agreement grants them the right to utilize public right of ways to provide natural gas to our residents and businesses. The company has requested an updated franchise agreement that extends their rights until 2050. The execution of a franchise agreement requires two readings by the City Council. Therefore, the agreement will not be finalized until after your approval at you April meeting.

Ordinance #20-0314

AN ORDINANCE GRANTING TO PUBLIC SERVICE COMPANY OF NORTH CAROLINA, INCORPORATED, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO USE AND OCCUPY THE PUBLIC WAYS OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A GAS UTILITY SYSTEM AND ALL NECESSARY MEANS FOR TRANSMITTING AND DISTRIBUTING GAS WITHIN SAID CITY FOR A PERIOD OF THIRTY YEARS.

WHEREAS, Public Service Company of North Carolina, Incorporated proposes to continue to construct, operate and maintain a Gas Utility System and all necessary means for transmission and distribution of gas within the City of Hendersonville, North Carolina, the "City" and

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

SECTION 1. DEFINITIONS. Whenever and wherever used in this Ordinance the following words and names shall have the following meanings:

(a) CITY COUNCIL shall mean the governing body of the City of Hendersonville, North Carolina, as now or hereafter constituted.

(b) COMPANY shall mean Public Service Company of North Carolina, Incorporated, dba Dominion Energy North Carolina, its successors and assigns.

(c) CITY shall mean the City of Hendersonville, North Carolina, including its present and future boundaries.

(d) DEPARTMENT OF TRANSPORTATION shall mean the North Carolina Department of Transportation or its successor.

(e) GAS shall mean natural gas, mixed gas and substitute fuels carried over the Company's facilities as authorized by the North Carolina Utilities Commission.

(f) GAS UTILITY SYSTEM shall mean all facilities of the Company in the City used for the transmission or distribution of Gas within the City. NC Franchise Ordinance Page 2 of 8 April 16 2014 PSNC 12-001A

(g) FERC shall mean any reference made to the Federal Energy Regulatory Commission or its successor.

(h) COMMISSION shall mean the North Carolina Utilities Commission or any successor body lawfully constituted.

(i) PUBLIC WAY OR WAYS shall mean any public street, avenue, road, alley, lane, bridge, or other public right-of-way within the City over which the City has jurisdiction or exercises control.

(j) GOOD UTILITY PRACTICES shall mean the practices, methods and acts engaged in or approved by a significant portion of the gas industry during the relevant time period or other practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result consistent with reliability, safety, expedition, requirements of governmental agencies having jurisdiction, and at the lowest reasonable cost. The term Good Utility Practices is not intended to be limited to the

optimum practices, methods or acts to the exclusion of all others, but rather to constitute a spectrum of acceptable practices, methods, or acts.

SECTION 2. Grant of Authority The right, power and authority is hereby granted to and vested in the Company to construct, install, replace, repair, maintain and operate transmission mains, gas mains, pipes, equipment, service lines, communications lines, facilities and other appurtenant apparatus of the gas system, for the purpose of operating a natural gas system along, across, and under the streets, alleys, bridges, rights-of-way, and other public places of the City together with any necessary rights of access thereto; and to use that natural gas system to conduct a gas business. This granting of authority is provided that the City as of the applicable time, has jurisdiction or exercises control of the public ways. This Franchise Agreement shall also permit the Company to exercise the rights granted herein without the need for additional permit(s) from the City.

SECTION 3. Conditions on Use of Public Ways

(a) No street, alley, bridge, right-of-way or other public place used by the Company shall be obstructed longer than reasonably necessary during its work of construction or repair, and shall be restored to the same good order and condition as when said work was commenced. However, should any such damage occur due to the Company's failure to use due care, the Company shall repair the same as promptly as possible, and, in default thereof, the City, after written notice and opportunity for the Company to repair, may make such repairs and charge the reasonable cost thereof and collect the same from the Company. The Company shall save the City harmless from liability (including judgment, decrees, and legal court costs) resulting directly from its negligence and failure to use due care in the exercise of the privileges hereby granted or of its rights under this Section.

(b) All work upon the streets and public places of the City shall be done subject to reasonable inspection of the City Manager or designee (or other legally constituted governing body) of the City, all sidewalks or street pavements or street surfaces which may be displaced by reason of such work shall be properly replaced by the Company, its successors and assigns, to the reasonable requirements of the City.

SECTION 4. Annexation Notification: The City shall mail or email notice to the Company of areas annexed into the City. Said notices shall include pertinent maps and/or tax map numbers, so that newly annexed customers may be identified.

SECTION 5. Service:

(a) The Company may supply any form of gas containing approximately one thousand (1,000) BTU's per cubic foot, and its obligation in respect thereto shall continue only so long as it is able to reasonably obtain an adequate supply of such gas hereunder, provided, however, that in the supply of such gas the customers within the City shall enjoy equal rights with respect to other similar customers served by the Company consistent with Commission rules and regulations.

(b) The Company shall, as to all other conditions and elements of service not fixed herein, be and remain subject to the rules and regulations of the Commission, Department of Transportation, and FERC or its successors, applicable to gas service in the City.

SECTION 6. Nonexclusive Grant and Term:

(a) The gas franchise granted by this Ordinance is not exclusive. The City may grant the same or similar rights and privileges to other certified persons or companies at any time, provided that any such grants shall be made under terms and conditions which do not materially impair the exercise of the rights and privileges granted to the Company under this franchise.

(b) Upon ratification and acceptance, this franchise shall constitute a contract between the City and the Company, and shall be in force and effect for an initial term of thirty (30) years, and shall continue in force and effect year-to-year thereafter until properly terminated by either party. Either party may terminate the contract at the end of its initial term or its anniversary date any year thereafter, by giving written notice of its intention to do so no less than one (1) year before the proposed date of termination.

SECTION 7. Franchise Not Waiver of Law This franchise is subject to the constitution and laws of the State of North Carolina, and is not a waiver of any present or future law or regulation. This franchise is not a limitation of the authority of the City to enact any ordinance or policy that does not diminish, conflict or impair the rights and authority granted to the Company in this franchise or otherwise impose additional obligations on the Company in order to exercise the rights granted herein.

SECTION 8. Regulations, Safety and Customer Service

(a) Gas utility service is not guaranteed to be free from interruptions, supply failure or outages.

(b) The Company will restore gas utility service using Good Utility practices.

(c) The Company shall maintain and operate its Gas Utility System in compliance with applicable State and Federal maintenance and safety regulations.

(d) Company vehicles, responding to natural gas emergencies, may park as close to the location of the emergency as is practicable.

SECTION 9. Commission Rules and Rates: The Company may from time to time declare, make and enforce such rules and regulations as shall have been fixed or allowed by the Commission as to the sale or distribution of Gas to any of its customers in the City. The rates to be charged for Gas at all times shall be such rates as are fixed or allowed by the Commission, including such rates as shall be negotiated by the Company with certain industrial or commercial customers pursuant to authority granted by the Commission.

SECTION 10. Plat of Gas Utility System. The Company shall maintain maps or plats of its Gas Utility System within the area covered by this franchise. Such maps or plats shall be maintained in the Company's offices, and the City may review the same during any regular business hours of the Company.

SECTION 11. Bankruptcy, Successors, Assigns In the event the Company is adjudged bankrupt or its assets are placed in the hands of a receiver or other court officer, either voluntarily or involuntarily, then the interest, rights and remedies of the City in respect to said properties and operations shall not be affected or prejudiced, and any receiver, assignee, trustee, purchaser or successor, whether by operation of law or otherwise, so succeeding to or representing the interest or position of the Company, shall be bound by this Ordinance and the terms and provisions hereof and shall be bound to carry out and perform the obligations and duties imposed upon the Company by this Ordinance. Likewise, if the Company reorganizes, merges, or consolidates with any other company, then the City is bound by this Ordinance.

SECTION 12. Revocation In the event the Company fails to comply with the provisions of this Ordinance and, within thirty (30) days after receipt of written notice from the City, the Company fails to cure or remedy such default, or to have begun reasonable measures to do so, then the City may cause the Company to appear at a hearing before the City upon thirty (30) days prior written notice. Any written notice to the Company shall be sent to Public Service Company of North Carolina, 800 Gaston Road Gastonia, North Carolina, 28053, ATTN: D. Russell Harris. If at such hearing the City should determine that the Company's failure or default has been substantial, repeated or flagrant, then upon such determination the City may revoke and terminate this franchise; provided, however, that the Company may file with the City within ten (10) days after such determination the Company's election to appeal to the proper North Carolina court, during the pendency of which the Ordinance shall remain in full force and effect. In that event the City and Company agree that such court shall hear and determine de novo whether there has been substantial, repeated or flagrant failure or default by the Company of the terms, conditions or obligations of this Ordinance. Failure or default which cannot be corrected by the Company shall not be grounds for revocation or termination, unless such failure or default shall be determined to be material and continuing.

SECTION 13. Severability, Third Party Rights

- (a) If any provision in this contract is determined to be invalid, void or unenforceable by any court or regulatory body having jurisdiction, such determination shall not invalidate, void, or make unenforceable any other provision, agreement or covenant of this Contract. This Contract and all provisions herein will be subject to all applicable and valid statutes, rules, orders and regulations of any governmental authority having jurisdiction over the parties, their facilities, or gas supply, this Contract or transaction or any provisions thereof.
- (b) The rights hereunder in this Ordinance accrue exclusively to the parties, their successors and assigns. It is the express intent of the parties that this franchise shall not create any rights in third parties.

SECTION 14. Effective Date, Term, Adoption, and Ratification

- (a) This Ordinance shall be effective from and after the fifth day of March, 2020, provided the Company shall have executed the written acceptance hereof at the end of this Ordinance, and shall exist in force for a period of 30 years hereafter, and continue in force year to year thereafter until cancelled upon written notice of either party at least one year in advance.
- (b) All other Ordinances and clauses of Ordinances in conflict herewith are hereby repealed.

Adopted by the City of Hendersonville on the fifth day of March 2020, and hereby ratified.

/s/Barbara G. Volk, Mayor
Attest: /s/Tammie K. Drake, City Clerk
Approved as to form: /s/Samuel H. Fritschner, City Attorney
ACCEPTANCE BY COMPANY

Public Service Company of North Carolina, Incorporated does hereby accept and acknowledge the foregoing Ordinance, and in consideration of the benefits and privileges granted to it does hereby agree to the terms and conditions therein provided. This the ____ day of _____, 20__.

PUBLIC SERVICE COMPANY OF NORTH CAROLINA, INCORPORATED
By: D. Russell Harris President and Chief Operating Officer
ATTEST: Jordan C. Saltzberg, Assistant Corporate Secretary (Corporate Seal)

G. Consideration of Agreement Regarding Billing for Sewer Service with Metropolitan Sewerage District of Buncombe County (MSD): Deputy Tax Collector Jennifer Musselwhite reported in July 2020, Metropolitan Sewerage District of Buncombe County (MSD) will take over operation of the Cane Creek Sewer District. MSD has requested to enter into an agreement with the City to bill sewer fees for customers in the Cane Creek District who also receive water service form the City. She requested Council approve the agreement with MSD for billing of fees for sewer collection services provided by MSD.

STATE OF NORTH CAROLINA
COUNTIES OF BUNCOMBE AND HENDERSON

AGREEMENT REGARDING BILLING
FOR SEWER SERVICE

This AGREEMENT, made this sixth day of March, 2020, by and between the METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, a North Carolina public body and body politic and corporate created and established under the provisions of the North Carolina Metropolitan Sewerage Districts Act, Chapter 153, Article 25, Sections 153-295 to 153-324, inclusive (succeeded by Chapter 162A-64-81, inclusive) of the North Carolina General Statutes, with its principal office and place of business at 2028 Riverside Drive, Woodfin, N.C. 28804 (hereinafter "MSD" or "District") and the CITY OF HENDERSONVILLE, a body corporate and politic with its principal office and place of business at 160 Sixth Avenue East, Hendersonville, N.C. 28793 (hereinafter "Hendersonville" or "City").

WITNESSETH

WHEREAS, MSD was created and established by the North Carolina State Stream Sanitation Committee by resolution adopted on January 19, 1962, and the MSD is currently comprised of the following political subdivisions:

- City of Asheville
- Town of Biltmore Forest
- Town of Weaverville
- Town of Black Mountain
- Town of Woodfin
- Woodfin Sanitary Water and Sewer District
- Avery Creek Sanitary District
- Busbee Sanitary District
- Crescent Hill Sanitary District
- Skyland Sanitary District
- Fairview Sanitary District
- East Biltmore Sanitary District
- Caney Valley Sanitary District

Swannanoa Water and Sewer District
Beaverdam Water and Sewer District
Venable Sanitary District
Enka-Candler Water and Sewer District

WHEREAS, MSD operates and maintains a system of interceptor and collector sewer lines and a wastewater treatment facility which system of interceptor and collector sewer lines and wastewater treatment facility is referred to herein as the "District Sewerage System;" and

WHEREAS, MSD currently collects and treats wastewater from the Cane Creek Water and Sewer District in North Henderson County in the District Sewerage System pursuant to contract; and

WHEREAS, in accordance with the provisions of North Carolina General Statutes 162A-68.5, the Cane Creek Water and Sewer District ("CCWSD") has submitted a request to become part of MSD, the MSD Board has approved such request, and subject to the approval of the North Carolina Environmental Management Commission ("EMC"), CCWSD will become a part of MSD, effective July 1, 2020; and

WHEREAS, MSD is authorized and empowered under Article 5 of Chapter 162A of the General Statutes to fix and revise rates, fees and charges for the use of or for the services and facilities provided by the District Sewerage System and to enter into contracts and agreements with the governing body of any political subdivision regarding the collection of rates, fees and charges for the services and facilities provided by the District Sewerage System; and

WHEREAS, Under MSD's current contract with CCWSD, CCWSD is required to bill and collect rates, fees and charges for the use of and services furnished by the District Sewerage System to users within the CCWSD; and

WHEREAS, Upon the consolidation of the CCWSD into the MSD, MSD will become responsible for the billing and collecting rates, fees and charges for the use of and the services furnished by the District Sewerage System within the CCWSD; and

WHEREAS, City owns and operates a system for the provision of water (the "City Water System") to persons in Hendersonville and Henderson County, and the City currently provides water to some users of the District Sewerage System living within the CCWSD; and

WHEREAS, MSD desires to contract with City to bill and collect rates, fees and charges for the use of and services provided by MSD to those users of the District Sewerage System in CCWSD who also receive water from the City; and

WHEREAS, City desires to contract with MSD to provide the billing and collecting services requested by MSD, and City has the authority and capability to provide such services.

NOW, THEREFORE, in consideration of the mutual covenants, terms, conditions and obligations herein undertaken, it is agreed as follows:

1. City will act as MSD's agent and bill and collect all rates, fees and charges levied by MSD for the use of and services furnished by the District Sewerage System to those customers in the CCWSD who also receive water from the City Water System (hereinafter "Customers").

2. MSD will provide City with the rates, fees and charges for sewer service provided to Customers in the CCWSD who also receive water from the City, and a list of such Customers on an annual basis. The Customer list will be updated as new users connect to the District Sewerage System or the City Water System.

3. City will send bills to Customers as shown on the Customer list on a monthly basis and will exercise all reasonable efforts to ensure such bills are paid promptly. MSD and City acknowledge and agree that one bill for water and sewer service will be sent to Customers. City shall take appropriate action to collect any unpaid fees for sewer service, including but not limited to, the discontinuing of water service to such Customer.

4. MSD will pay City \$2.45 per bill. City will bill MSD, and MSD shall promptly pay such charges. This fee may be adjusted, annually, by mutual agreement of MSD and City based on the prevailing MCI or CPI.

5. Payments received by City from a Customer shall be applied to charges for water and sewer service. To the extent any payments received are less than the total bill for water and sewer service, such payments shall be prorated to the charges for water and sewer service. MSD agrees to accept all City policies for adjustments to the customers' bills. Delinquent or late fees collected by the City shall be the property of the City. MSD reserves the right to terminate any Customer's sewer service for non-payment.

6. Payments received by the City for the Customers' sewer service shall be deposited in an account designated by the District on a bi-monthly basis.

7. Except as set forth herein, City shall have no responsibility to collect unpaid charges for sewer service from any Customer.

8. City's records and accounts relating to the billing and collection of rates, fees and charges for sewer service shall be open to inspection by the District at all reasonable times.

9. The effective date of this agreement is July 1, 2020. MSD will provide Customer and billing information so that City can begin billing for sewer service as of July 1, 2020.

10. This Agreement may not be amended except by a writing signed by an authorized representative of MSD and the City.

11. This agreement shall remain in effect until terminated by mutual agreement of MSD and City or by operation of law. If either City or MSD desire to terminate this agreement, the party requesting termination shall send the other party a request for termination. Such request shall be in writing and shall be sent via regular US Mail and by electronic mail, no later than six months prior to the requested termination date; addressed as follows:

AS TO CITY: City Manager
City of Hendersonville
160 Sixth Avenue East
Hendersonville, N.C 28739
Via e-mail @ jconnett@hvlnc.gov

AS TO MSD: General Manager
W.H. Mull Building
2028 Riverside Drive
Woodfin, N.C. 28814
Via e-mail @ thartye@msdbc.org

IN WITNESS WHEREOF, the parties hereto acting under the authority of their respective governing bodies, have caused this Agreement to be duly executed in two counterparts, each of which shall constitute an original.

METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY

By: Jerry VeHaun, Board Chair

ATTEST: By: Secretary

CITY OF HENDERSONVILLE

By: Barbara Volk, Mayor

ATTEST: By: Tammie K. Drake, City Clerk

APPROVED AS TO FORM: By: Samuel H. Fritschner, City Attorney

This Instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act
By: MSD Finance Officer

H. Consideration of Certificate of Sufficiency for the Contiguous Annexation of a Parcel

Located at 1412 Old Spartanburg Highway Identified as Tax Parcel 9578-42-6584: Development Assistance Director Susan Frady presented the application of Mark Coleman for the contiguous annexation of a 0.115-acre parcel located at 1412 Old Spartanburg Highway identified as tax parcel 9578-42-6584. She also presented the Clerk's Certificate of Sufficiency finding the petition is valid. The next step in the annexation process is to accept the Clerk's certificate and set a date for the public hearing for April 2, 2010.

I. Consideration of Utility Line Extension Agreements for Arcadia Views Sewer and Water Extension Request, WXZ Development, Inc.:

Utilities Director Lee Smith presented a utility line extension agreement for water and sewer service for Arcadia Views, 199 single family residential units. This project is located within the planning and zoning jurisdiction of the Town of Laurel Park and has received approval dated January 16, 2018.

The extension of the water system will consist of 308 linear feet of eight-inch main and one fire hydrant. The extension of the sewer system will consist of 2,048 linear feet of eight-inch PVC and 50 linear feet of eight-inch DIP gravity main; 6,460 linear feet of four-inch PVC force main and a 0.053 million gallon-per-day sewer pump station.

Based on the above information, Mr. Lee Smith stated the Water and Sewer Department has the capacity to support this additional infrastructure and associated connections and hereby recommends approval of said project contingent upon final approval of construction plans and specifications by the Water and Sewer Department.

In addition, the City will enter into a Utility Extension Agreement with the developer. Mr. Lee Smith provided a draft version of the Utility Extension Agreement. He stated it will be revised in the near future and asked the Council to authorize the City Manager to execute the finalized version of the agreement.

J. Consideration of Special Event Permit for Meltdown Vintage Motorcycle Show:

Development Assistance Director Susan Frady stated this event will be held on April 25th from 8 A.M. - 6 P.M. at Southern Appalachian Brewery. This is the tenth year for this event. The change this year is that the applicant has requested to sell alcohol in a barricaded area on Locust Street rather than at the brewery. Locust Street is closed for the event. Off-duty police officers will be hired by the applicant to work during this event as required by the Special Events Ordinance. The Special Events Committee voted unanimously to recommend the Council's approval of this event.

K. Consideration of Ground Maintenance Equipment Lease Proposal:

Public Works Director Tom Wooten requested the City enter into a five-year lease agreement with Smith Turf and Irrigation for five eXMark mowers (propane powered engines), one Workman with a snow plow blade and utility bed and a six foot wide broom attachment, and a Toro spreader/sander for \$87,705.68 or \$1,414.13 per month. This agreement includes trading in seven older Kubota and Woods mowers for a credit of \$11,350.

Mr. Wooten explained over the last several years, the City has been purchasing one new mower a year at a cost of about \$14,000. He proposed redirecting these funds toward the lease agreement and renegotiate a new lease at the end of five years.

Mr. Wooten reviewed the benefits of the agreement stating the City will have a newer fleet of mowers, a better commercial grade mower with less maintenance, less down time, and will realize a savings in fuel costs by switching from diesel engines to propane engines. In addition, they will have two new pieces of equipment to work on a variety of things but specifically cleaning parking lots of snow and mud/silt after flooding, cleaning the Oklawaha Greenway Trail of snow and mud/silt after flooding, and applying fertilizer and granular herbicide to our parks and City property.

L. Consideration of America's Water Infrastructure Act (AWIA) and NC Source Water Risk and Resiliency Plan Requirements and Associated Budget Amendment:

Utility Director Lee Smith explained the America's Water Infrastructure Act of 2018 (AWIA) requires community water systems serving more than 3,300 people complete a Risk & Resiliency Assessment and an Emergency Response Plan. Based on total population served by the City of Hendersonville's water system (approximately 65,000 per the 2017 Water Master Plan), two components must be completed, and certification sent to the U.S. EPA: (1) Risk & Resilience Assessment (RRA) prior to December 31, 2020 and (2) Emergency Response Plan (ERP) within six months of RRA, but not later than June 30, 2021.

Mr. Lee Smith stated since the enactment of AWIA, the North Carolina Department of Environmental Quality (NCDEQ) has proposed new changes to rule 15A NCAC 18C .1305 to reduce regulatory burden and allow public water systems to create and maintain one plan that would meet both AWIA requirements and the state's requirements for source water protection planning. Following the rule change, the documents prepared for compliance with AWIA may also be referred to as a Source Water Risk and Resiliency Plan (SWRRP) and used to satisfy compliance with State rule .1305.

Mr. Lee Smith requested Council approve the scope of work in the proposal by McKim and Creed to assist the City in completing these documents and submitting certification as well as work to prepare the City for recertification in five years.

M. Consideration of Resolution Accepting Loan Offer for the Northside Water System

Improvements Project State SRP: City Engineer Brent Detwiler reported the Northside Water System Improvements Project was publicly bid on September 6, 2019. This project is being funded by the NCDEQ Division of Water Infrastructure (DWI). M. B. Kahn Construction Co., Inc. of Columbia, SC submitted the apparent low bid for the project. Each bid received was above the project's available funding. Therefore, following receipt of bids, McKim & Creed and the City entered into negotiations with M. B. Kahn pursuant to NC G.S. 143-129 to reduce project cost. Additional funding was formally applied for through DWI to increase the State Reserve Project loan amount. He presented an Amended Funding Offer for State SRP Loan from NCDEQ which requires a resolution by City Council accepting the loan offer.

Resolution #20-0313

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, the Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Fund have authorized the making of loans and/or grants, as applicable, to aid eligible, drinking-water system owners in financing the cost of construction for eligible, drinking-water infrastructure; and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Reserve Loan in the amended amount of \$5,370,932.00 for the construction of the Northside Water System Improvement Project, hereafter referred to as the "Project"; and

WHEREAS, the City of Hendersonville intends to construct said project in accordance with engineering plans and specifications that have been or will have been approved by the North Carolina Public Water Supply Section.

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

That the City of Hendersonville does hereby accept the State Reserve Loan amended offer in the amount of \$5,370,932.00; and

That the City of Hendersonville does hereby give assurance to the North Carolina Department of Environmental Quality that they will adhere to all applicable items specified in the standard "Conditions" and "Assurances" of the Department's funding offer, awarded in the form of State Reserve Loan; and

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

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

Adopted this the fifth day of March 2020 at Hendersonville, North Carolina.

/s/Barbara G. Volk, Mayor

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

Council Member Hensley moved the City Council to resolve to approve the items listed on the consent agenda as amended. A unanimous vote of the Council followed. Motion carried.

6. Recognitions:

i. Proclamations:

- **American Red Cross Month:** Mayor Volk presented a proclamation for American Red Cross Month.
- **Dr. Pierce "P J" Moore, Jr.:** Mayor Volk presented a proclamation to Dr. Moore for his service to his community and his Country on the occasion of his 100th birthday.

ii. Announcement of Walk of Fame Honorees: Mr. Ronnie Pepper, Walk of Fame Steering Committee, announced the following honorees for the 2020 Walk of Fame:

RG Anders - Long serving superintendent to the Henderson County Public Schools. During his reign, he worked to enrich all children in Henderson County and modernized the school system. He was affectionately known as the superintendent on horseback.

Art Cooley - A pioneer in broadcasting, Mr. Cooley was instrumental in providing communication to the residents of Henderson County and surrounding areas for over 40 years. In addition to radio, Mr. Cooley launched the first cable tv system in Henderson County.

William Franklin Edwards - A well-known businessman and builder in the late 1800's and early 1900's, Mr. Edwards was responsible for the building of the Henderson County Historic Courthouse, the Edward Memminger home, known as Tranquility, the first town hall and Opera Hall, the Hotel Wheeler and the People's National Bank.

Frank Fitzsimmons - A schoolteacher, banker, football coach, register of deeds and soldier during World War II. His long-lasting contribution to Henderson County were his three volumes of books entitled "From the Banks of the Oklawaha" which continues to tell the history of Henderson County today.

Dr. George Alexander Jones - a pastor, politician, historian and preservationist...all of which would come to extraordinary service to his community. He helped form the Henderson County Genealogical and Historical Society, led the fight to restore the Henderson County Historic Courthouse and contributed to the documentation of local history as editor of the Volumes I and II of the Henderson County Heritage.

Sam Mills - a member of the Hendersonville City Council, Mr. Mills worked to bring about the integration of schools during the Civil Rights Movement and led the Hendersonville Redevelopment Commission and the Urban Renewal Program.

Rodger Popkin - Alongside his father, Rodger Popkin, established the Blue Star Camp to provide a camp for Jewish children from the south who were not allowed at other camps. For over 50 years, he has continued to work on issues of inclusion and has been part of a National campaign to end bullying.

Russell Sacco M.D. - A local Henderson County Doctor, Dr Sacco served as the first medical advisor for Pardee Hospital's Geriatric Evaluation team and the first Medical Director for the Henderson County Health Agency. His long-lasting contribution to Henderson County was creating the Henderson County Free Clinic.

Carl and Lilian Sandburg - Husband and wife team brought national attention to Hendersonville through the books and poems written by Carl Sandburg and the genetic research inspired by Lilian Sandburg and her goat farming. Today the Sandburg home in Henderson County brings visitors from all over the nation.

Pat Shepherd - Artist Pat Shepherd has brought national attention to Hendersonville by showcasing her art of dance. Through her work she has empowered hundreds of children and teens through her art and has brought national attention to our community by performing in such places as The Macy's Thanksgiving Parade, Walt Disney World, and The Orange Bowl.

Kathleen Featherstone Williams - Mrs. Williams has been described as a pioneer of Civil Rights in Henderson County. She played a vital role in the social changes that occurred in Henderson County in the 1960's including the integration of schools. In her later years she worked to promote and preserve the Black History of Henderson County.

iii. Introduction of Police Officer: Chief Blake introduced and welcomed Officer Nicole Marie Joanson.

iv. Introduction of Downtown Employees: Downtown Director Lew Holloway introduced new employees Jamie Carpenter, Downtown Economic Development Coordinator, and Meredith Friedheim, Downtown Events Coordinator.

v. Swearing in of Fire Chief Darren James Miller: Mr. Pahle provided some background on Chief Miller. The oath of office was performed by Mayor Volk who welcomed Mr. Miller as the new fire chief. Chief Miller expressed his appreciation to Council and management for allowing him to continue to be a servant leader.

7. Public Hearing - Consideration of an Order to Permanently Close a Portion of an Unimproved Right-of-Way for West Pine Street: Development Assistance Director Susan Frady presented the application from Stephen Robertson to close an unimproved portion of right-of-way (25 feet) of West Pine Street. West Pine Street currently has a 70-foot right-of-way. There is 16-21 feet of paved street. The applicant discussed with Tom Wooten, Public Works Director closing 25 feet of the 70 foot right-of-way. Mr. Wooten was not opposed to this. A 45-foot right-of-way will remain. She stated there are no public utilities within this right-of-way.

Mrs. Frady reported the Council adopted a Resolution of Intent to close this portion of the right-of-way at their January 9 meeting. She certified a copy of the Resolution of Intent was mailed to the adjoining property owners, notification of the proposed closing was posted on the property, and the Resolution of Intent and notice of public hearing was advertised four times in the legal notice section of the local newspaper.

Mrs. Frady reviewed North Carolina General Statute 160-299 containing the procedures for permanently closing streets and alleys.

The public hearing was opened at 6:25 p.m. by Mayor Volk in accordance with NCGS by notice published in the Times News. The following spoke in favor of the street closing:

Stephen Robertson, applicant, requested Council to close the unimproved right-of-way.

The public hearing was closed at 6:26 p.m.

Council Member Miller moved Council to adopt the Order to Permanently Close an unimproved portion of right-of-way (25 feet) of West Pine Street as petitioned by Stephen Robertson. A unanimous vote of the Council followed. Motion carried.

ORDER #20-0316

**ORDER TO PERMANENTLY CLOSE A PORTION OF AN UNIMPROVED
RIGHT-OF-WAY (25 feet) OF WEST PINE STREET
(Petition by Stephen Robertson)**

NORTH CAROLINA
HENDERSON COUNTY

TO WHOM IT MAY CONCERN:

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

WHEREAS, Stephen Robertson has petitioned the City of Hendersonville to close a portion of the Right-of -Way for West Pine Street; and

WHEREAS, on the ninth day of January 2020, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close portions of these streets and setting the fifth day of March 2020, as the date of a public hearing regarding such closure; and

WHEREAS, the aforementioned resolution has been published once a week for four successive weeks prior to the public hearing in the Hendersonville Times News (a newspaper of general and regular circulation in Hendersonville and Henderson County) and a copy thereof has been sent by certified mail to all owners of property adjoining the street as shown on the county tax records; and

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

WHEREAS, a public hearing was held in conformance with the aforementioned public notice on the fifth day of March 2020.

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

1. The closing of the right-of-way hereafter described are not contrary to the public interest.
2. No individual owning property in the vicinity of the alley or in the subdivision in which it is located would be deprived by the closing of such right-of-way of reasonable means of ingress and egress to his property.

IN CONSIDERATION THEREOF, IT IS HEREBY ORDERED:

1. The following portions of streets are permanently closed and no longer existent as of the effective date of this order:

Being that certain 25-foot strip of West Pine Street to be vacated in the City of Hendersonville, Henderson County, North Carolina, and being more particularly described as follows:

Beginning found iron pipe at the intersection of the South right-of-way line of Park Street (vacated) and the West right-of-way line of West Pine Street as shown on the plat of Leno Park recorded in Plat Cabinet B, slide 178A, Register of Deeds, Henderson County, North Carolina; Point of Beginning also being the Northernmost point of Block E of the aforesaid Lenox Park; thence along the West right-of-way line of West Pine Street the following six (6) courses to wit: (1) S38-50-05E for 76.00 feet to a found iron pipe; (2) S43-50-05E for 50.01 feet to found iron pipe; (3) S44-13-52E for 50.20 feet to a found iron pipe; (4) S46-00-52E for 49.48 feet to a found iron pin; (5) S44-45-29E for 50.54 feet to a found iron pin; (6) S 28-38-03E for 50.01 to a found iron pipe at the Southeast corner of Lot 18, Block E, Lenox Park; thence a new line N66-01-52E for 25.08 feet to a point; thence N28-38-03W for 55.59 feet to a point; thence N44-45-29W for 54.35 feet to a point; thence N46-00-52W for 49.37 feet to a point; thence N44-13-52W for 49.73 feet to a point; thence N43-50-05W for 48.83 feet to a point; thence N38-50-05W for 129.56 feet to a point on the West line of West Pine Street and the East line of that 0.15 acre parcel shown on a plat recorded at Plat Slide 11942, Register of Deeds, Henderson County, North Carolina; thence with the West right-of-way line of West Pine Street S02-45-14E for 42.45 feet to a found iron pin at the intersection of the North right-of-way line of Park Street (vacated) and the West right-of-way line of West Pine Street; thence S38-50-05 E for 22.34 feet to the Point of Beginning. Containing 9,175 square feet, more or less.

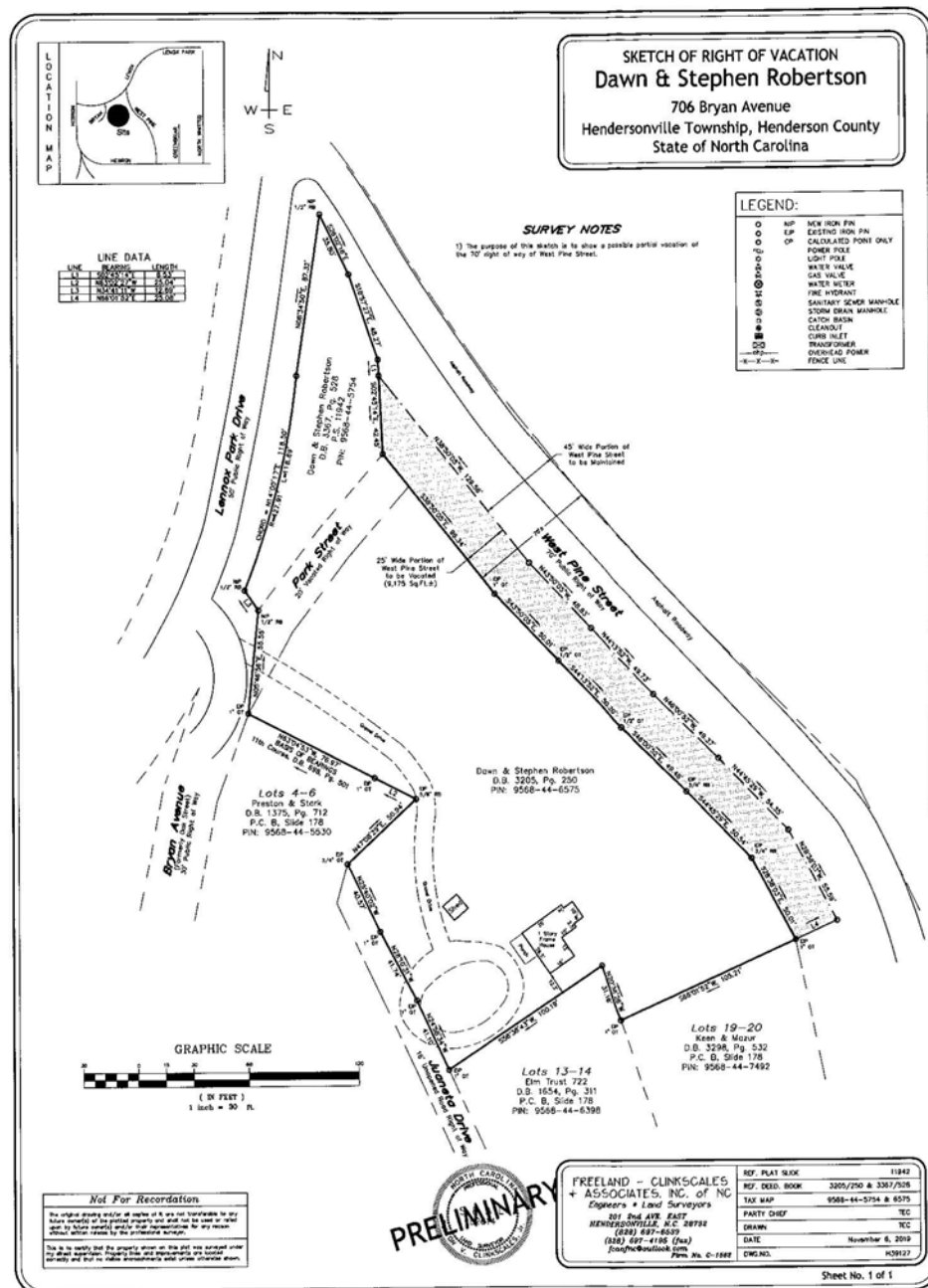
2. The City Clerk shall forthwith cause a certified copy of this order to be filed in the Office of the Register of Deeds of Henderson County.

This order shall take effect the fifth day of March 2020.

/s/Barbara G. Volk, Mayor

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

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



8. Public Hearing - Consideration of an Application from Grace Blue Ridge Church for a rezoning to a Conditional Zoning District for Parcels Located at 109 Florence Street from R-15 Medium Density Residential to C-2CZD Secondary Business Conditional

Zoning District: Senior Planner Daniel Heyman presented the application for a conditional rezoning from Grace Blue Ridge Church. The applicant is requesting to rezone a 2.46-acre lot that contains Grace Blue Ridge Church and their parking facilities, parcel numbers 9578-21-4699, 9578-21-4924, 9578-21-4699, and 9578-21-5614. The subject property is currently zoned C-2 Secondary Business and R-15 Medium Density Residential. The applicant is requesting to be zoned C-2 CZD Secondary Business Conditional Zoning District. The applicant is requesting the following uses be permitted: religious institutions, offices, business, professional and public and parking lots and parking garages. He stated most of Grace Blue Ridge Church's parking is situated on land that is currently zoned R-15 Medium Intensity Residential. Since parking lots are not a permitted use in R-15, this zoning change will bring these parcels into zoning compliance.

Mr. Heyman stated the applicant is also requesting to allow offices as a permitted use. There is a separate office at the rear of the building that was previously used for light manufacturing.

Existing Land Use & Zoning: Mr. Heyman reviewed the existing land use and zoning. The subject parcel is currently zoned C-2 Secondary Business and R-15 Medium Density Neighborhood and contains Grace Blue Ridge Church and parking lots. The parcels to the north west, west and south west are zoned R-15 Medium Density Residential and contain residential uses. The parcels to the north east, east and south east are zoned C-3 Highway Business include the Little Red School Hendersonville and the Dixie Trails Mobile Home Park.

Comprehensive Plan Consistency: Mr. Heyman stated the 2030 Comprehensive Plan's Future Land Use Map designates the subject area as High intensity Neighborhood and Medium Intensity Neighborhood. He reviewed the goal of both categories. He stated the adjacent properties are designated as either Medium Intensity Neighborhood or High Intensity Neighborhood on the 2030 Comprehensive Plan's Future Land Use Map.

Plan Review: Buildings: Mr. Heyman stated the site plan shows an existing structure which houses Grace Blue Ridge Church.

Parking: The site plan shows 102 existing parking spaces to remain.

Buffers/Landscaping: The landscaping plan shows a 10-foot type-B buffer along the south side of parcel number ending in 5614 and the north side of parcel number ending in 4924. The site plan shows an existing privacy fence buffering existing residential uses in between their vehicular use areas.

Neighborhood Compatibility Meeting: Mr. Heyman reported a neighborhood compatibility meeting concerning the application was held on December 18, 2019.

Planning Board: Mr. Heyman stated the Planning Board voted unanimously to recommend City Council approve the ordinance to change the zoning because it will improve the functionality of the existing property.

Zoning Ordinance Guidelines: Mr. Heyman reviewed Section 11-4 of the City’s Zoning Ordinance that must be considered prior to amending the official zoning map.

Mayor Volk opened the public hearing at 6:31 p.m. in accordance with North Carolina General Statutes by notice published in the Times News. No one expressed a desire to speak. The public hearing was closed.

Mayor Pro Tem Smith moved the City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from C-2 Secondary Business and R-15 Medium Density Residential to C-2-CZD Secondary Business Conditional Zoning District, 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, finding that the rezoning is consistent with the Comprehensive Plan’s Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons: it extends the use of the parking lot and allows an additional area to be used for additional parking. A unanimous vote of the Council followed. Motion carried.

Ordinance #20-0317

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

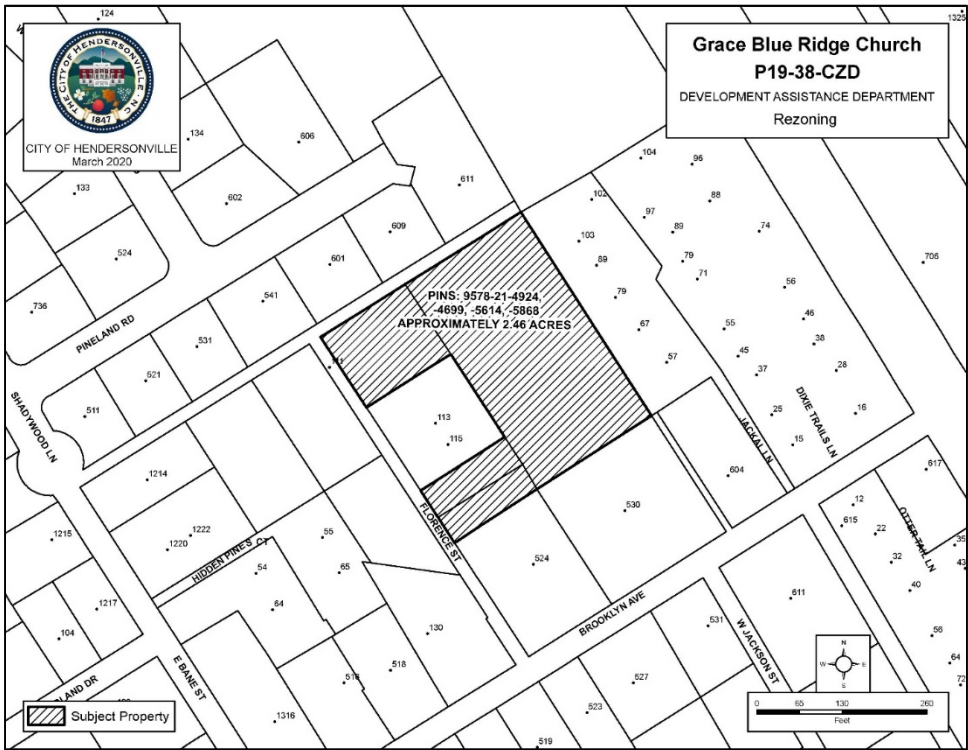
IN RE: FILE NO. P19-38-CZD; Grace Blue Ridge Church

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

- 1. Pursuant to Article XI Amendments of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of parcel numbers 9578-21-4699, 9578-21-4924, 9578-21-4699, and 9578-21-5614 from C-2, Secondary Business and R-15 Medium Density Residential to C-2-CZD, Secondary Business Conditional Zoning District.
- 2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this fifth day of March 2020.

/s/Barbara G. Volk, Mayor
Attest: /s/Tammie K. Drake, City Clerk
Approved as to form: /s/Samuel H. Fritschner, City Attorney



9. Public Hearing - Consideration of an Application from William A. Pace, Jr. for the Rezoning of a Parcel Located at 137 E. Central Street from C-3 CZD Highway Business Conditional Zoning District to C-2CZD Secondary Business Conditional Zoning District:

Planner Tyler Morrow presented the application for a conditional rezoning application from William Pace of Pace Brothers Construction. He provided the following information:

The subject project is located on parcel number 9578-24-8681 and contains a commercial structure. The property was rezoned in 2018 from R-15 Medium Density Residential to C-3 CZD. City Council approved the rezoning with the following permitted uses: business services, construction trades facilities, personal services, public and semi-public buildings, recreational facilities-indoor, religious institutions, repair services, residential dwellings - single-family, residential dwellings - two-family, and wholesale businesses. The applicant is requesting to rezone the subject property to C-2 CZD, Secondary Business Conditional Zoning District in order to have light manufacturing as a conditional use.

The applicant wants to maintain the permitted uses from the 2018 approved rezoning with the addition of light manufacturing. He read the definition of light manufacturing per the zoning ordinance.

Existing Land Use & Zoning: Mr. Morrow reviewed existing and the surrounding land uses and zoning districts.

Comprehensive Plan Consistency: The subject property is classified as High Intensity Neighborhood on the 2030 Comprehensive Plan's Future Land Use Map. He reviewed the goal of that classification. He reported the 2030 Comprehensive Plan's Future Land Use Map designates all adjacent parcels as High Intensity Neighborhood. Some parcels located to the southwest of the project are classified as Neighborhood Activity Center.

Plan Review: Buildings: Mr. Morrow stated the site contains a 10,000 square foot commercial structure. *Landscaping:* A buffer, as well as a grass berm, were installed as a condition of the 2018 rezoning. No changes to the structure have been submitted. The site was developed in accordance to the site plan and landscaping plan approved by City Council.

Neighborhood Compatibility: Mr. Morrow stated a neighborhood compatibility meeting concerning the application was held on February 3, 2020. No one representing the public attended. He provided a copy of the neighborhood compatibility report.

Planning Board: The Planning Board voted unanimously to recommend City Council adopt an ordinance changing the zoning designation of the subject parcel from C-3 CZD Highway Business Conditional Zoning District to C-2 CZD Secondary Business Conditional Zoning District.

Zoning Ordinance Guidelines: Mr. Morrow reviewed the factors in Section 11-4 of the City's Zoning Ordinance, that must be considered prior to adopting or disapproving an amendment to the City's Official Zoning Map.

Mayor Volk opened the public hearing at 6:38 p.m. in accordance with NCGS by notice published in the Times News. No one expressed a desire to speak. The public hearing was closed.

Council Member Miller moved the City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from C-3 CZD Highway Business Conditional Zoning District to C-2 CZD Secondary Business Conditional Zoning District, 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, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons: the addition of light manufacturing as a permitted use on the property will benefit the property, the surrounding area and the City generally. A unanimous vote of the Council followed. Motion carried.

Ordinance #20-0318

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE
IN RE: William Pace Rezoning; File # P20-4-CZD

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:

Parcels 9578-24-8681 from C-3 CZD, Highway Business Conditional Zoning District to C-2 CZD, Secondary Business Conditional Zoning District.

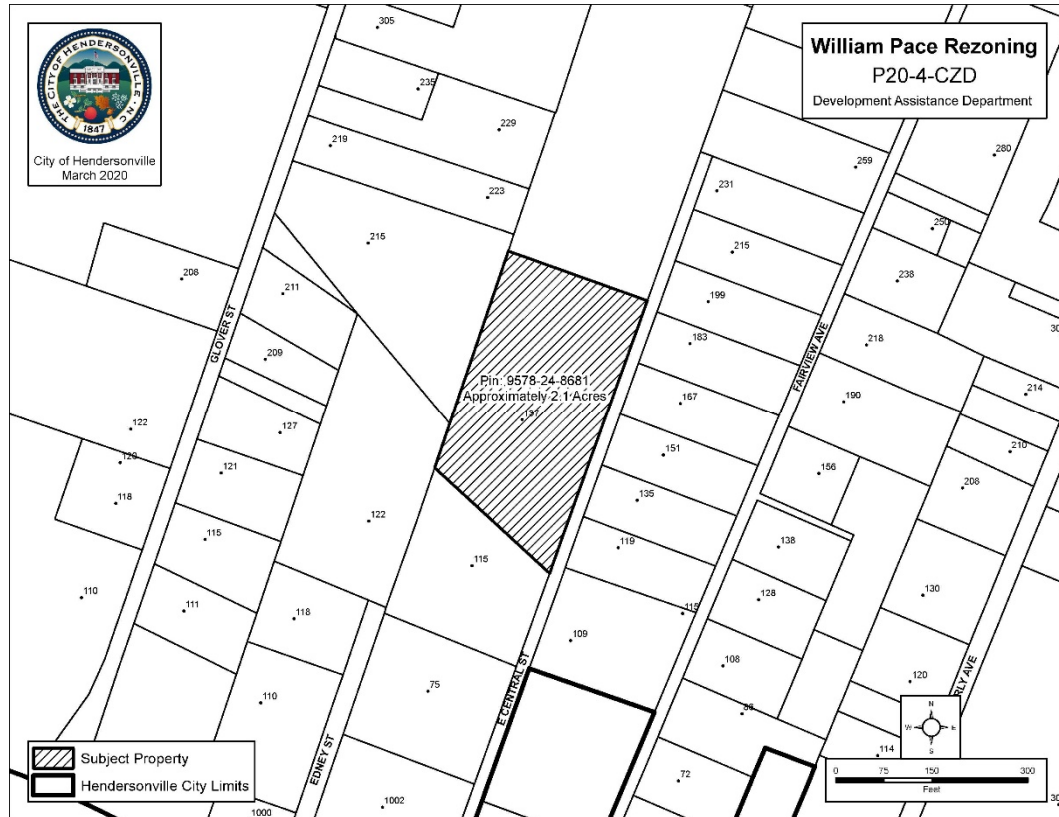
2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this fifth day of March 2020.

/s/Barbara G. Volk, Mayor

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

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



10. Public Hearing - French Broad River Raw Water Intake and Pump Station: Mr.

Detwiler explained the objective of this project is to provide an additional redundant drought tolerant intake for the water treatment plant on the French Broad River in order to increase water supply and resiliency. He stated the environmental documentation and assessment will allow permitting of the expansion of the water treatment plant from 12 million gallons per day (mgd) to 15 mgd treatment capacity.

Mr. Detwiler introduced Alea Tuttle from ClearWater Environmental Consultants. Ms. Alea Tuttle, Project Biologist for ClearWater Environmental Consultants, stated they were contracted on behalf of the City to aid in the State Environmental Policy Act (SEPA) for the Environmental Assessment (EA) of the project.

Ms. Tuttle stated they evaluated 15 environment factors ranging from impacts to topography, cultural resources and the potential affects and these were discussed in the Environmental Assessment. She explained if impacts were found, mitigated measures would be required to offset those impacts. She reported based on the EA they believe the NC Department of Environment and Natural Resources will conclude that a finding of no significant impact is the appropriate decision for the project. She discussed the environmental factors and how they have been addressed.

Ms. Tuttle stated the water intake will not have significant effect on the topography, soils, land use, forest resources or prime and unique cultural lands in this area. There will be removal of trees on the bank of the French Broad River in the vicinity of the intake but will not negatively affect the forest resources of the area. The project area is not in a hydrologic unit known to contain hibernation and maternity sites for the endangered Northern Long Ear Bat. Streams are present within the project area. There is a road crossing of an unnamed tributary to the French Broad River that will be accomplished with an arched culvert and will not result in any permanent impacts to the stream. A temporary utility crossing will occur on the stream, however, that impact is temporary and limited to the time of construction.

Ms. Tuttle stated as a part of the design of the intake canal, a section of the bank from the French Broad River will be replaced with bank stabilization structures known as sheet piling and will be armored with riprap stone. Several agencies have expressed concern about possible impacts to habitat suitable for the Federally endangered Appalachian Elktoe Mussel and other rare mussels. A mussel survey was conducted in the French Broad River at the intake location and no live specimens were found. The U.S. Fish and Wildlife indicates the project may but is unlikely to affect the Appalachian Elktoe. In order to avoid impact to the Appalachian Elktoe or other rare species, the applicant will coordinate with the U.S. Fish and Wildlife Service for survey and relocation of any mussels found in the impact area prior to construction.

Ms. Tuttle stated the site was evaluated for cultural and archeological resources by Archeological Consultants of the Carolinas in August of 2018. They found no significant archeological resource will be impact by the proposed construction.

Ms. Tuttle stated the area was also evaluation for environmental justice impacts. She stated this project will not disproportionately effect minority or low-income populations.

Mayor Volk opened the public hearing at 6:46 p.m. in accordance with NCGS by notice published in the Times News. The following addressed the Council:

Ken Fitch, 1046 Patton Street, asked where the known populations of the Elktoe Mussels are in relation to this site. Ms. Tuttle stated details are available in the EA found at the Operations Center.

The public hearing was closed at 6:48 p.m.

No action was required or taken by the City Council.

11. Public Hearing – Input on Community Development Needs and Potential

Applications for the 2020 Program Year: Downtown Economic Development Director Lew Holloway explained as a component of Community Development Block Grant (CDBG) application, there is an initial public hearing required for feedback on what projects are in need of CDBG funds.

Mr. Holloway stated in North Carolina, one of the programs that has been used is the NC Neighborhood Program. He stated CDBG are targeted to low- and moderate-income individuals which are 80 percent and below of the area median income. He stated the Neighborhood Program was used for the Grey Mill project and Seventh Avenue. He explained a public hearing is required for future projects.

Mayor Volk opened the public hearing at 6:50 p.m. in accordance with North Carolina General Statutes by notice published in the Times News. The following addressed the Council:

Ken Fitch, 1046 Patton Street, commented the Ashe Street area needs upgrading and asked if it would be eligible for this program. Mr. Connet replied an application for that area has been submitted but the grants have not yet been awarded. He stated the City may reapply but is now awaiting action.

The public hearing was closed at 6:52 p.m. **No action was required or taken by the City Council.**

12. Consideration of Subdivision Ordinance: Mr. Chad Meadows, CodeWright Planners, stated the draft Subdivision Ordinance was revised based on the guidance and input of the City Council. He summarized the changes to the draft ordinance.

1. Public land dedication: added clarity – greenway dedication or reservation are credited towards park dedication requirements.
2. Private streets: new water/sewer connection requirements will likely trigger annexation; thus most new streets will be in the corporate limits.
3. Vehicular gates: most new streets will likely be publicly owned.
4. Steep slopes: a new slope comparison graphic was added.
5. Ridgetop development: there are few instances where this development would occur, so this provision was removed.
6. Owners; associations: when a subdivision has common ownership: removed minor subdivisions (eight or fewer lots) from the requirement to form an owners' association so hardships are not created with the regulation.
7. Preliminary plat name: changed name from preliminary plat to "major subdivision".
8. Definitions: added 63 definitions
9. "Dry" hydrants: removed requirements for dry hydrants at the request of the fire department. Spacing will be at the discretion of the fire department.
10. Purpose and Intent: added references to protecting and preserving wildlife.

In discussion, Council Member Miller asked about who maintains the greenway when required. Mr. Meadows explained subdivisions with more than 30 lots are required to make public dedication for parkland or greenway which is expected to be dedicated to the City or an easement reserved, and, in that instance, it would be the City's responsibility to maintain it. He explained private common open space held by a developer or owner's association and the City is not responsible for maintaining that land. He explained the City has the choice to accept the dedication or not. He stated an alternative is for the City

to accept a fee-in-lieu if a park is not needed. Those funds may be used to purchase land in an area that is deficient in parkland.

Mayor Pro Tem Smith moved the City Council to adopt the revised Subdivision Ordinance. A unanimous vote of the Council followed. Motion carried. *[The Subdivision Ordinance is available in the office of the City Clerk.*

13. Presentation of Results of Affordable Housing Survey: Assistant Manager Brian Pahle presented the results of the affordable housing survey results from the Council conversations in 2019.

He reported there was:

123 respondents

92 percent considered housing affordability a concern

The top three essential resources to encourage affordable housing are: utilities, construction quality and durability, green space

Monthly payment ranges most accurately reflecting their definition of affordable housing: approximately 70 percent said \$500 to \$1,000/month, 48 percent saying \$500 - \$750/month

How likely are they to support affordability and availability through tax revenues: approximately 70 percent said they are likely to very likely would support it, approximately 19% were neutral.

How likely are they to support the following housing density options:

Small lot development, apartments, duplexes and townhomes (highest ranked) scored high on the very likely and likely scale. Manufactured homes, mobile or tiny homes scored lower but requests were received to exclude tiny homes from the category which indicates support.

Topics they wanted to discuss were: growth and development, sidewalks and greenways and crime and safety scored very high.

Other comments were on: stormwater, road improvements, sidewalks, affordable housing, speed limit, enforcement, neighborhood safety and parking downtown.

Mayor Pro Tem Smith asked for an explanation of affordable and workforce housing from Sarah Grimes. She stated the rule for HUD for affordability is no more than 30% of income for housing and provided median income ranges. She stated HUD also sets fair market rents in the workforce category.

Mayor Volk asked for this information to be put on the City's website for the public. **No action was required or taken by the City Council.**

14. Discussion of Stormwater Rate Study: Stormwater Administrator Mike Huffman addressed the Council and stated at the meeting in January, staff received feedback from the Council on CIP funding, and financing scenarios, etc. for establishing stormwater rates. He stated their feedback was reviewed with WithersRavenel. He introduced Seth Robinson from WithersRavenel.

Mr. Robinson provided an overview of the January meeting: what level of service does Hendersonville want to provide and what fee structure could be used. Council requested additional information based upon a Level B-/C+ service: scenarios for a fee increase schedule, example rates for representative non-residential users based upon ERU rate structure and a credit program for stormwater improvements.

Mr. Robinson reviewed the current level of service and stated the City is doing partial proactive planning of capital improvement needs, had a basin studied and identified projects. The City has been reactive and is doing proactive permit compliance and is doing five of the necessary measures. He stated the current \$3 per month/parcel flat fee does not maintain the minimum level of service.

Mr. Robinson presented options to provide the necessary revenue to provide the level of service the City desires from \$3.50 to \$5/month with annual increases at five years and result in \$36.5 million in capital outlay over a ten-year period, 3.5 additional FTEs. He provided examples of ERU which is a charge based upon comparison of an impervious surface to the average residential impervious surface of 3,000 square feet and non-residential assumptions. There was discussion on residential

Ordinance update: Mr. Robinson stated they are currently reviewing ordinances in North Carolina and nationwide to see how other municipalities are addressing stormwater and are looking for simplicity, fee structure, an appeals process, and credit/rebate programs for stormwater improvements. He stated they will make a final recommendation on version to the current ordinance to cover the new fee structure.

Stormwater Design Manual: Mr. Robinson stated there is a very good stormwater design manual in North Carolina in coordination with NC State University so good data and standards are available. He stated the manual would be used for determining credits, rebates based on reductions established in the NC stormwater design manual for runoff treatment and volume.

Mr. Connet reminded the Council the City started a stormwater utility years ago because the City is a Phase II Community under the National Pollutant Discharge Elimination System and is required as part of the Asheville Metropolitan area with more than 10,000 in population. This is mandated by the Federal and State governments to put stormwater measures in place. He stated if the City does not, we can be fined. He stated thorough audits are

being conducted to ensure EPA standards are being met. He stated having the revenue is necessary to deal with the aging infrastructure in our community that may be undersized and/or causing repairs by private property owners.

Mr. Robinson provided rebate program examples and stated long-term maintenance will be required to maintain the credits. Council Member Miller asked if this information has been presented to the Business Advisory Committee. Mr. Connet stated they have received a presentation and Mr. Huffman echoed staff has done a lot of public outreach prior to this meeting. Council Member Miller asked staff to communicate this information to Henderson County and the Board of Education.

Mr. Connet stated next steps are to set rates and make a policy decision as part of the budget document. Mr. Hoffman asked for guidance from the Council to establish rates for the new budget year. Council Member Hensley asked for comparisons of other systems, implementation and ways of minimizing impacts on businesses. Mr. Huffman stated there is a stormwater rate dashboard that provides more information. He stated only one other city in Western North Carolina has a stormwater rate. Council Member Hensley voiced support of the program and for the City taking action. There was some discussion of the audit.

No action was taken by the Council.

15. Consideration of Eminent Domain Procedures for Half-Way Tree Sewer Project and Northside Water Tank Project: City Attorney Sam Fritschner stated the project will address many failing septic systems. He stated the City is currently acquiring the rights-of-way to get sewer service to and from the subdivision.

City Attorney Fritschner said the City considered several access points. He stated the current access point is on an unnamed right-of-way. The Legal Department has attempted to discover the ownership of the right-of-way and as expected, an owner was found in the 1800s to 1940s. He stated the way to accomplish acquiring the right-of-way is to institute an eminent domain action against unknown owners. He stated a guardian is necessary and he has requested Attorney Sharon Alexander to serve as guardian. He stated a deposit may be required. He stated the Court will have to allow the City to acquire the right-of-way.

City Attorney Fritschner explained this would only be for an easement for a sewer line and only with respect to the width of the roadway. He reported they are in productive conversations with adjacent property owners.

City Attorney Fritschner reported a second authorization is needed for the northside water tank project. He stated the contract engineers have identified additional property needed for easements. He stated staff has been in conversations with the landowner. He requested permission to exercise eminent domain in the future if needed.

Mayor Pro Tem Smith moved the City Council to authorize the city attorney to institute eminent domain proceedings with respect to the Halfway Tree project and the Northside water tank project. A unanimous vote of the Council followed. Motion carried.

RESOLUTION #20-0320

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE ACTIONS UNDER N.C.G.S. CHAPTER 40A WITH RESPECT TO CERTAIN REAL PROPERTIES IN HENDERSON COUNTY

WHEREAS the City Council finds it necessary in order to improve its water distribution system and sewerage collection systems in favor of potential customers who are in need of such improvement, and
WHEREAS the City Council finds that efforts to obtain easements to aid such improvements have proved impractical or ineffective, and
NOW, BE IT THEREFORE RESOLVED that the City Attorney be and he is hereby authorized to cause the filing of actions under N.C.G.S. Chapter 40A with respect to the following identified real properties.

Record Owner:	PIN
KME Development, LLC	9663-54-4661

Also, a sewer easement over that unnamed 16.5-foot (more or less) right-of-way abutting and directly to the west of real property identified as Henderson County PINs
9577-17-3813
9577-17-3618
9577-17-3663.

Adopted this fifth day of March 2020.
/s/Barbara G. Volk, Mayor
Attest: /s/Tammie K. Drake, City Clerk
Approved as to form: /s/Samuel H. Fritschner, City Attorney

16. Public Records Presentation: City Clerk Tammie Drake provided a presentation on “Sunshine Week” and gave information to the Council on the open meetings and public records laws. No action was required or taken by the City Council.

17. Reports/Comments by Mayor and City Council Members

Council Member Hensley reported on the French Broad MPO meeting. She stated Henderson County is taking the lead on the Ecusta project by applying for a grant to build the Ecusta trail. She stated there is approximately \$28 million in grant funding for transportation needs and that includes greenways and sidewalk. She stated there appears to be additional funding available.

Council Member Hensley requested staff apply for funding for the Clear Creek Greenway project. Mr. Connet stated there is a required 20 percent match. This project will connect the area of Carolina Village to Clear Creek.

Council Member Hensley moved the Council to resolve to authorize city staff to apply for grant funding for the Clear Creek Greenway project, and to acknowledge the 20 percent match, and further, to authorize withdrawal of the application if it conflicts with the application for the Ecusta Trail. She further moved Council to resolve to support Henderson County's grant application for funding to construct Ecusta Trail. A unanimous vote of the Council followed. Motion carried.

Resolution #20-0321

RESOLUTION TO APPLY FOR FRENCH BROAD RIVER MPO GRANT FUNDING AS PART OF THEIR LOCALLY ADMINISTERED PROJECT PROGRAM FOR THE CLEAR CREEK GREENWAY PROJECT

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

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

WHEREAS, The City Council of the City of Hendersonville recognizes the economic and transportation benefits of recreational greenway network throughout the community; and

WHEREAS, The City Council of the City of Hendersonville wishes to apply for funding for the Clear Creek Greenway Project from the French Broad River MPO as part of their Locally Administered Project Program.

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

Section 1. The City of Hendersonville acknowledges the commitment of the 20 percent match requirement to provide the financial contribution necessary to complete the Clear Creek Greenway Project, and that financial contribution is within reason.

Section 2. The City Council hereby authorizes the withdrawal of the application if it conflicts with Henderson County's application for funding of the Ecusta Trail.

Section 3. The City Council supports Henderson County's grant application for funding to construct the Ecusta Trail.

Section 4. This Resolution shall become effective upon its adoption and approval.

Adopted the fifth day of March 2020.

/s/Barbara G. Volk, Mayor

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

Council Member Simpson commented in consideration of the numerous downtown projects and how the Council manages growth, she asked the Council to consider expanding the historic district to include more properties than just King to Church Streets to keep the small-town ambience. Discussion followed on the historic district versus the municipal service district. Council Member Simpson proposed the historic district be expanded from Washington Street to Grove Street. She stated this would be a good way to have checks and balances on the types of buildings and aesthetics.

There was discussion on historic district regulations and tax credits. Mr. Connet explained a study is necessary to approve the expansion of the historic district, identifying contributing historic structures, etc. He stated staff can present the process for Council's consideration and possibly other ways such as an overlay district, to accomplish this if this is a priority of the City Council.

Mayor Volk asked staff to research options and bring them back to the Council for consideration.

Environmental Sustainability Board (ESB) Meeting Update: Council Member Simpson provided an update on ESB. She requested them to research the solar panel program. She is working with the chair of the board on a sustainability plan. She stated there is also a SoSmart accreditation that the City can work toward which requires a solar statement from the Council.

Mayor Pro Tem Smith congratulated Sarah Grimes who was recently appointed to the NC Housing Coalition Policy Committee to recommend policy for workforce and affordable housing for Western North Carolina for 2021 long session. Ms. Grimes welcomed Council's input.

18. Staff Reports

Because of the new initiatives and full agendas, Mr. Connet proposed Council establish a second meeting per month for policy decisions, receive reports, and to keep meetings more efficient. He suggested naming it

“Committee of Whole”. He proposed no votes be taken by the Council and keep it to a finite period of time; no more than two hours. He will seek Council feedback at the April meeting.

19. Consideration of Appointments to Boards/Commissions

Animal Service Advisory Committee: Mrs. Drake presented the applications received for this Committee.

Council Member Miller nominated Caroline Gunther for a three-year term. A unanimous vote of the Council followed. Motion carried.

Council Member Simpson nominated Angela Prodrick for a three-year term. A unanimous vote of the Council followed. Motion carried.

Council Member Hensley nominated Sarah Hoffman for a two-year term. A unanimous vote of the Council followed. Motion carried.

Council Member Simpson nominated Jean Greeson for a two-year term. A unanimous vote of the Council followed. Motion carried.

Council Member Hensley nominated Constance Stewart for a one-year term. A unanimous vote of the Council followed. Motion carried.

The Police Department representative will be appointed by Chief Blake.

Mrs. Drake reminded the Council of the vacancies of other boards and commissions.

20. New Business: There was none.

20a. Closed Session: At 8:30 p.m., Council Member Simpson moved Council to enter Closed Session to consult with the City attorney in order to preserve the attorney-client privilege between the public body and the attorney and to instruct the public body's staff concerning the position to be taken regarding the price and other material terms of proposed contract for the acquisition of real property as provided under NCGS §143-318.11(a)(3)(5). A unanimous vote of the Council followed. Motion carried.

The Council discussed potential litigation, the sale of the Dogwood Lot for the construction of a hotel and the purchase of property for construction of the parking deck. The Council exited the closed session at 9:46 p.m.

Council Member Miller moved the City Council proceed with the sale of the Dogwood lot for the construction of a hotel. The vote was three in favor, two opposed (Smith, Simpson). Motion carried.

Council Member Miller moved to proceed with the purchase of properties for a parking deck from Fazio and Jackson. Vote was unanimous.

21. Adjourn. The meeting adjourned at 9:48 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

Tammie K. Drake, City Clerk

MINUTES

March 20, 2020

SPECIAL MEETING OF THE CITY COUNCIL

ASSEMBLY ROOM – OPERATIONS CENTER

11:30 a.m.

Present: Mayor Barbara G. Volk, Mayor Pro Tem Jerry Smith and Council Members: Jeff Miller, Jennifer Hensley and Lyndsey Simpson

Staff Present: City Manager John F. Connet, City Attorney Sam Fritschner, City Clerk Tammie Drake, Human Resources Director Jennifer Harrell, Downtown Director Lew Holloway, Communications Manager Allison Nock

Purpose: The purpose of the special meeting was to discuss continuity of operations of all City services and to consider certain policies to address employee telecommuting, infectious disease control, and employee leave during Corona Virus (COVID-19).

1. Call to Order: Mayor Volk called the regular meeting to order at 11:00 a.m. and welcomed those in attendance. A quorum was established with five members in attendance.

2. City Manager Report on COVID-19 Actions: Mr. Connet stated we are in unprecedented times and therefore had to move quickly to ensure staff and the public maintain confidence without creating panic. He stated staff has kept the Council informed and tried to maintain normal operations during the pandemic. He stated the course of action has had to be changed in a matter of minutes or hours particularly with the dismissal of school. He stated the policies were put in place are to protect employees and the public and to try to level the curve.

Mr. Connet reviewed a sample of things done since March 11 when a memorandum was sent to staff to stay home if sick and requested them to take actions to reduce the spread of any communicable disease. He stated staff had been in the planning stages several days before that. Other actions have been to suspend utility disconnections and late penalties, limiting travel, limiting face-to-face interaction, closing critical facilities to the public to ensure water and wastewater services are maintained, and emergency services to attempt to keep employees healthy.

Mr. Connet presented three policies put in place after collaboration with other NC local governmental entities and the School of Government.

Mr. Connet stated on March 14, a joint State of Emergency was issued by Henderson County and included all municipalities in the County. He stated this public health emergency does not stop at jurisdictional boundaries and all entities need to work together. All entities are receiving guidance from the Henderson County and NC State Health Departments as well as the Governor. He stated the State of Emergency may be modified if additional restrictions are necessary. He stated the City has also fallen under the Governor's Executive Orders 117 that closed public schools and 118 which restricted restaurants and bars. He stated county or municipal governments in North Carolina may enact a State of Emergency and the cities may fall under the county's upon consent. He stated Mayor Volk agreed to go under county's State of Emergency. He stated if stronger measures are needed, the City can establish their own State of Emergency.

Mr. Connet stated the law enforcement, Downtown staff and the Development Assistance Department have been involved of trying to enforce the Governor's Executive Order.

Mayor Pro Tem Smith stated violation of the Executive Order is a Type II misdemeanor and asked if the owner receives a citation. Chief Blake stated yes, the owner of the establishment would receive a citation for a Type II misdemeanor for violation of the Order.

Mr. Connet stated staff is trying to strategize about how to prepare for future City Council meetings where the number of people have to be limited while keeping the public's business moving forward and keeping the public informed. Measures taken to date is a temporary hiring freeze and slowing down projects due to unknowns as it relates to the economy.

Mr. Connet stated future actions include working with Henderson County on their Emergency Operations Center opening, monitoring critical supplies and materials and developing plans for any shelter-in-place order. He stated staff has received guidance from the Federal government regarding essential services, exempting law enforcement, water and sewer so critical employees may make repairs, etc.

Mr. Connet reported staff will continue working on the budget and expanding virtual meetings capability. He stated staff will address situations as things change, hour to hour.

3. Consideration of Infectious Disease Policy: Mr. Connet stated this policy was previously presented to the Council. He stated this policy asks staff to take necessary actions to protect each other from any type of infectious diseases including limiting business and personal travel. He stated the policy provides additional sick leave and puts in social distancing guidelines for workforce infectious disease outbreaks. He stated staff is

working on staggered shifts (A and B shift), alternating day to day to provide social distancing. He stated staff is using a lot of teleconferencing and other methods other than face to face meetings. He stated staff is using new technology and spreading seats in meeting rooms for social distancing. He asked for ratification of the policy. **Council Member Miller moved to ratify the Infectious Disease Policy. A unanimous vote of the Council followed. Motion carried.**

Infectious Disease Control Policy

The City of Hendersonville will take proactive steps to protect the workplace in the event of an infectious disease outbreak. It is the goal of the City during any such time to strive to operate effectively and ensure that all essential services are provided while protecting the safety of our employees.

The City of Hendersonville is committed to providing authoritative information about the nature and spread of infectious diseases, including symptoms and signs to watch for, as well as required steps to be taken in the event of an illness or outbreak.

Preventing the Spread of Infection in the Workplace

The City of Hendersonville will ensure a clean workplace. In case of an infectious disease outbreak, additional cleaning measures may be added, such as employees taking responsibility for their workstation. A committee will be designated to monitor and coordinate events around an infectious disease outbreak, as well as to create work rules that could be implemented to promote safety.

Employees who exhibit illness on the job may be required to leave work and stay home until they are symptom free.

All employees are asked to cooperate in taking steps to reduce the transmission of infectious disease in the workplace. Employees should stay home when feeling sick and utilize their health provider, the City clinic or Telemedicine provider when symptoms occur. Frequent hand washing with warm, soapy water, covering your mouth when you sneeze or cough, and discarding used tissues in wastebaskets are essential for good hygiene. Alcohol-based hand sanitizers will be offered throughout the workplace and in common areas, based on availability.

Business Travel

If the situation warrants, the City Manager, or his/her designee, may announce the suspension of all non-essential business travel. When this decision is made, the following shall take effect:

- a. Business travel shall be limited to situations where business cannot reasonably be conducted without face-to-face interaction or visits to specific locations.
- b. Business travel requests must be approved by the Director of the relevant department, the Assistant City Manager or City Manager.
- c. If a travel ban is issued, employees are to cancel reservations and get all available refunds for hotels, registration fees, and transportation costs. If monetary reimbursement is not possible, the recommendation is to request credits, if possible.

Personal Travel

If the situation warrants, the City Manager, or his/her designee, may implement personal travel requirements.

- a. To reduce the overall risk of the spread of an infectious disease, employees are strongly encouraged not to engage in personal travel to a location where there is sustained community transmission.
- b. The City will follow the CDC's guidance as described for any specified infectious disease and will update these requirements as necessary.

Sick/Extended Leave

Unless otherwise notified, normal attendance and leave policies will remain in effect. Individuals who believe they may face particular challenges reporting to work during an infectious disease outbreak should take steps to develop necessary contingency plans such as, alternative sources of childcare should schools close. Temporary leave, work schedule and telecommuting policies may be issued to keep essential operations open.

Social Distancing Guidelines for Workplace Infectious Disease Outbreaks

In the event of an infectious disease outbreak, the City of Hendersonville may implement these social distancing guidelines to minimize the spread of the disease among the staff.

- a. Adjusting shifts and rotating staff to limit exposure.
- b. Use the telephone, online conferencing, e-mail or instant messaging to conduct business as much as possible, even when participants are in the same building.
- c. If you must meet, choose a large meeting room and sit at least one yard from each other, if possible.
- d. Avoid physical contact such as shaking hands.
- e. Avoid any unnecessary travel and cancel or postpone non-essential meetings, gatherings, workshops and training sessions.
- f. Not congregate in work rooms, lunchrooms/kitchens, copier rooms or other areas to socialize.
- g. Eat away from others avoiding crowded places, when possible. Place food orders via phone and e-mail in order to minimize person-to-person contact. Have the food orders, materials and information ready for fast pick-up or delivery.

Approved by: /s/John F. Connet
Ratified by the City Council

Date: 03-17-20
Date: 03-20-20

4. Consideration of Temporary Employee Leave and School Closure Policy: Mr. Connet stated during these unprecedented times, staff is taking proactive steps to help employees deal with this as stress-free as possible by establishing a temporary employee leave and school closure policy. He stated this will allow employees who are sick or are providing childcare may use any type of their leave: vacation, sick or wellness. He stated new employees who may be transferring leave may use it without a waiting period. If employees do not

have sick leave accumulated, the City will advance 14 days that they will be required to pay back over time. He stated staff is also telecommuting and if possible, they may work from home. He stated staff is working with employees to provide fair and reasonable leave to care for their children.

There was discussion of whether children are allowed in the workplace. Mr. Connet stated the policy's instruction is not to bring children into the workplace but if employees need special consideration, they may approach Human Resources. There was further discussion of schools opening childcare that will be available to public safety and essential employees.

Mayor Pro Tem Smith moved the City Council to ratify the Temporary Employee Leave and School Closure Policy. A unanimous vote of the Council followed. Motion carried.

Temporary Employee leave and School Closure Policy

The City of Hendersonville is taking proactive steps to protect the workplace in the event of an infectious disease outbreak. It is the City's goal during any such time period to strive to operate effectively and ensure that all essential services are continuously provided and that employees are safe within the workplace.

Temporary leave Policies

- a. During this state of emergency related to this infectious disease, all leave policies will be relaxed to allow employees to use any form of accrued leave to self-isolate.
- b. Employees who have pending transferred sick leave will be awarded those transfers immediately.
- c. Employees who have exhausted all forms of leave will be advanced up to 14 days of sick leave. Employees must contact Human Resources prior to exhausting all leave to begin the advanced sick leave process. Advanced sick leave must be repaid with future sick leave accrual.
- d. The Temporary Telecommuting Arrangement Policy will be in place during this time frame to allow the City Manager in conjunction with Department Heads to make decisions about telework to allow for continuity of operations.
- e. If telecommuting is not conducive for continuity of operations, staff rotation and shift adjustments may become necessary.
- f. No overtime will be allowed for work completed off-site due to this protocol.

School/Daycare Closings

If an employee is unable to arrange childcare services while their child's school is closed due to the current state of emergency, the following applies:

- a. For the safety of all children and employees, children should not be brought to work. Any employee who can work from home during this period is encouraged to do so.
- b. During this state of emergency related to this infectious disease, all leave policies will be relaxed to allow employees to use any form of accrued leave to take care of their children.

Approved by: /s/John F. Connet, City Manager

Date: 03-17-20

Ratified by the City Council

Date: 03-20-20

This policy may be modified by the City Manager as needed and ratified by the City Council at their next available meeting.

5. Consideration of Temporary Telecommuting Policy: Mr. Connet stated this policy allows employees to work from home on a temporary basis. Because of Council's support and hard work of staff, the City is in a good position to allow certain employees to work from home because the IT infrastructure is in good shape. He stated some employees cannot, but staff continues to work to keep normal business activities going. He reported the City has rented additional equipment to provide to employees who may need it. He stated the policy establishes procedures to work from home and provides guidance for weekly job logs and requires staying in contact with their department heads. He stated even though they are working from home, employees have to maintain a level of productivity similar to if they are in the office. He stated staff is ensuring compliance with the Fair Labor Standards Act as it relates to exempt and non-exempt positions. He stated all employees are still under the same law. He expects this policy to be a short-term policy through this current outbreak.

There was discussion of relying upon employees to keep their internet connection and whether a stipend would be appropriate if employees are required to work from home and there is a hardship. Mr. Connet explained a permanent policy may be forthcoming because there have been some requests to telecommute. **Council Member Hensley moved Council to ratify the temporary telecommuting policy. A unanimous vote of the Council followed. Motion carried.**

Temporary Telecommuting Arrangements Policy

Due to an infectious disease outbreak, many employees are inquiring about the ability to work from home. The City of Hendersonville is implementing voluntary temporary telecommuting arrangements for employees whose job duties are conducive to working from home but who do not regularly telecommute. However, there are some positions at the City of Hendersonville that require the employee to be physically present in the workplace. These employees are defined as essential personnel.

Expanded Definition of Essential Personnel during Emergency: Department directors are to identify essential personnel. For the purpose of this emergency policy, essential employees are defined as employees who, during an emergency, provide essential services to support efforts to maintain or restore the health, safety and welfare of the City and citizens. These individuals are to be notified they are essential personnel and they are expected to come to work in emergency situations unless they are specifically excused by the department director. These personnel are required to perform essential duties of their job during a time of emergency. Failure to work as directed may result in disciplinary action up to and including termination. Essential personnel are not limited to public safety employees.

Other essential personnel may be identified in all departments of the City.

- a. Modified duty requests for essential personnel will be reviewed on an individual basis by department directors, with approval by the City Manager.

Employee Telecommuting Responsibilities

- a. Positions approved to work from home temporarily will be determined on a case by case basis.

- b. Employee is responsible for maintaining the same levels of productivity as if he or she were at the City's business premises, except as otherwise agreed to by the employee's department director.
- c. Employee must be available as needed to be in contact with the City management and staff and other third parties as necessary in the course of conducting City business.
- d. Subject to applicable law, employee agrees to comply with all other existing job requirements as are in effect at the City's business locations.
- e. Employee shall be subject to all City policies and procedures.
- f. Upon request, employee must produce a weekly job log of activities completed to management by close of business every Friday.
- g. Employee must adhere to the IT security architecture setup and configuration approved for use by the City.
- h. Telecommuting is not a substitute for childcare, and as such the employee's priority during the telecommuting hours must be on work. Department heads may establish procedures to ensure an employee is available to work during telecommuting period, with the exception of the meal break.
- i. The employee must sign a telecommuting agreement prior to beginning the telecommuting arrangement.
- j. Employee shall take precautionary measures to ensure cyber threats are mitigated to the greatest extent possible, including but not limited to:
 - 1. Creating service tickets for suspected phishing attempts
 - 2. Double-checking that e-mails, voicemails, text messages, and the like are legitimate and from reliable sources
 - 3. Utilizing two-factor authentication whenever possible
 - 4. Updating and maintaining strong passwords for all accounts
 - 5. Not conducting City business over a public wi-fi network

These arrangements are expected to be short term, and the City of Hendersonville will continue to monitor guidance from health officials and the need for remote work arrangements. Employees should not assume any specified period of time for telework, and the City of Hendersonville may require employees to return to regular, in-office work at any time.

Approved by: /s/John F. Connet, City Manager

Date: 03-17-20

Ratified by the City Council

Date: 03-20-20

This policy may be modified by the City Manager as needed and ratified by the City Council at their next available meeting.

6. Discussion of April 2, 2020 City Council Meeting, Public Hearings, etc.: Mr. Connet provided a draft agenda that may be modified. He expects the City will continue under a State of Emergency and Executive Order with limitations on the number of people who can participate in meetings, asking people to stay home, etc. He asked for guidance from the Council on how they want to hold the April 2 meeting, public hearings, etc. He stated there is no relief from the open meetings law. He stated there is some guidance suggesting the number of people in meetings may be limited for public safety reasons. He stated the City has the capability of virtual or electronic meetings but is unsure if it meets the intent of the open meetings law. He stated the City also has a provision to allow input through software.

There was discussion of the time critical items for Council's consideration and public hearings. Discussion followed on rotating members of the public in and out of the meeting space. After discussion, **the Council agreed by consensus to proceed with the April meeting at the Operations Center, including the public hearings and accommodating public input as much as possible, and conduct other necessary business.**

Council Member Hensley expressed concerns about the financial forecasting and asked if appropriations to non-profits and others should be put on hold. Mayor Volk explained these appropriations are considered and amounts are set during the budget meetings. She explained staff is still working on next year's budget.

There was a brief discussion of the possibility of a shelter-in-place declaration before April 2. Mayor Volk staff can look to the School of Government for guidance. Mr. Connet commented the Council may convene long enough to postpone the hearing to a date and time certain.

7. Update by Downtown Economic Development Director on Efforts to Support Downtown Businesses: Downtown Economic Development Director Lew Holloway stated staff is working to support all businesses. He reported several community members, the Chamber of Commerce and downtown employees discussed options for supporting business. He stated the promotion of buying gift cards from businesses was put in place and a website was launched, LoveHendo.com that lists retailers and restaurants and provides a link to their websites.

Mr. Holloway stated staff is working with the media and promoting the website to help bridge the gap. He stated t-shirts and stickers may also be sold to help fund the small business fund. He stated they are thinking about ideas and continuing to discuss creating awareness.

Mr. Holloway stated staff is working on curb-side pickup for businesses. Barricades will be put on Main Street to dedicate spaces for pull-in pull-out service and should be in place today. He expressed appreciation to the many volunteers who made this possible.

Mr. Holloway stated there may be additional opportunities with grants from the Tourism Development Authority to further support the gift card program.

Mr. Holloway stated staff continues to advocate creative support for businesses and employees in the service industry. He stated the Community Foundation and United Way is working on efforts to assist these businesses who will be greatly impacted. Communications Manager Allison Nock suggested a website to link all COVID-19 resources.

Council Member Miller thanked the City Manager and staff. Appreciation was echoed by Mayor Volk and other Council members.

8. Reports/Comments by Mayor and City Council Members: Mayor Pro Tem Smith commented the reopening of school will probably be delayed which will have an effect on the employees.

9. Adjourn: Upon no further business, the meeting adjourned at 12:22 p.m.

Barbara G. Volk, Mayor

Tammie K. Drake, City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Adam Murr

Department: Admin

Date Submitted: 03/24/2020

Presenter: Adam Murr

Date of Council Meeting to consider this item: 04/02/2020

Nature of Item: Council Action

Summary of Information/Request:

Item # 05b

A budget amendment to reallocate existing funds in the Public Works Operating budget (Fund 10) to the Grey Hosiery Mill Project (Fund 305). The purpose of the amendment will be to make available budget to underground utilities and repair sidewalk associated with the Grey Hosiery Mill Project. The total budget for the utilities move and sidewalk repair is \$70,000.

Budget Impact: \$ 70,000

Is this expenditure approved in the current fiscal year

budget? No If no, describe how it will be funded.

Utility burial and sidewalk repair will be funded by moving resources from the FY19-20 Public Works budget to the Grey Hosiery Mill project (Fund 305).

Suggested Motion:

I resolve to approve the budget amendment as presented.

Attachments:

Budget Amendment

BUDGET AMENDMENT

FUND: 10 | 305

ACCOUNT NUMBER					
ORG	OBJECT	PROJECT	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
104510	535300		R&M AUTO/TRUCKS	-	11,300.00
104510	535200		R&M EQUIPMENT	-	10,700.00
104510	569000		CONTRACTED SERVICES	-	5,000.00
104510	524000		CONSTRUCTION & REPAIR SUPPLIES	-	4,000.00
104520	553000		NON-CAPITAL EQUIPMENT	-	5,000.00
104520	529900		SUPPLIES & MATERIALS	-	34,000.00
109900	999305		TRANSFER TO G.H. MILL	70,000.00	-
FUND 10			TOTAL REVENUES	-	-
			TOTAL EXPENDITURES	70,000.00	70,000.00
3050000	998010		TRANSFER IN FROM GF	70,000.00	-
3050000	559500		CAPITAL OUTLAY - INFRASTRUCTURE	70,000.00	-
FUND 305			TOTAL REVENUES	70,000.00	-
			TOTAL EXPENDITURES	70,000.00	-

Streetscape for the Grey Hosiery Mill Project involves the undergrounding of certain utility lines. This budget amendment reallocates resources in General Fund public works department to fund the undergrounding of AT&T lines and associated sidewalk work the total amount to be transferred from the General Fund to the Grey Hosiery Mill Project Fund is \$70,000.



CITY MANAGER

Date:

3/24/20

APPROVED BY CITY COUNCIL:

DATE:

4/2/2020



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Jennifer Musselwhite

Department: Finance

Date Submitted: 03/24/2020

Presenter: Jennifer Musselwhite

Date of Council Meeting to consider this item: 04/02/2020

Nature of Item: Council Action

Summary of Information/Request:

Item # 05c

The Deputy Tax Collector, Jennifer Musselwhite, would like to submit for your approval the tax bill adjustments occurring between February 20, 2020 and March 23, 2020. These adjustments include all Discoveries, Releases, Refunds, and Forgiven Interest. These adjustments were provided by Henderson County Tax Department. Documentation is available in the Tax Office.

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

Suggested Motion:

I move Council to adopt the resolution directing and authorizing the Tax Adjustments submitted by Henderson County Tax and relieve the Deputy Tax Collector of the charges owed.

Attachments:

Summary Total of Tax Adjustments

SUMMARY TOTAL OF DISCOVERIES, RELEASES, REFUNDS, AND FORGIVEN INTEREST

FOR TRANSACTIONS AS OF 3/23/2020

<i>VALUE CHANGE</i>	\$	(175,411)
<i>RELEASES</i>	\$	(945.46)
<i>REFUNDS</i>	\$	-
<i>FORGIVEN INTEREST</i>	\$	-
TOTAL TAX BILL ADJUSTMENTS	\$	(945.46)

<i>Adjustments, Releases, Refunds are provided by Henderson County Tax</i>
--



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Tom Wooten

Department: Public Works

Date Submitted: March 18, 2020

Presenter: Tom Wooten

Date of Council Meeting to consider this item: April 2, 2020

Nature of Item: Council Action

Summary of Information/Request:

Item # 05d

As part of the City's goal to further secure city facilities, we have obtained a proposal from PFA Architects to redesign the front entrance of the City Operation Center. The proposed changes will keep the public entrance at the same location but add another set of doors that will be separate staff from the public area and separate the reception area from the public using a safety window. The entrance to the assembly room will be slightly altered but a double door will remain in place and remain open to the public. An additional door will be added to the rear main hallway to secure staff from the public area. The morning room areas and the large restrooms will be open to the public and to the assembly room. The price to complete the design work is \$39,200. Staff is asking for permission to move forward with the design work.

Staff recommend adopting the attached Capital Project Ordinance, which meets statutory requirements and follows the City's Capital Improvement Program (CIP). The CPOs included in this item describe the project(s), revenue source(s), and appropriations. The associated agenda item establishes Capital Project Ordinances for the City Hall and City Operations Renovation Project (\$126,366).

North Carolina General Statute 159-13.2 (Project Ordinances) Summary:

Capital Project Ordinance (CPO) authorizes appropriations necessary for the purchase and/or completion of capital projects and capital assets. CPOs span the life of a capital project and only need to be adopted by the City Council once per project. A CPO clearly identifies the project, revenue source(s), and appropriated budget necessary to complete the project.

Budget Impact: \$ 126,366.00 **Is this expenditure approved in the current fiscal year budget?** No **If no, describe how it will be funded.**

This multi-year project will use contingency funds in the current fiscal year (FY19-20) for the design and construction of security features at City Hall and City Operations.

Suggested Motion:

I move City Council resolve to approve the proposal from PFA Architects for security improvements to the city operation center, the associated budget amendment, and Capital Project Ordinance.

Attachments:

PFA Proposal
City Operation Center Floor Plan with proposed changes

January 27, 2020

Tom Wooten
City of Hendersonville
Director of Public Works
twooten@hvlnc.gov

Dear Tom,

We welcome the opportunity to submit this proposal for Architectural and Engineering services for minor renovations to your existing City Operations Center at 305 Williams Street, Hendersonville for improved function and increased security.

PFA's fee proposal outlined below includes Basic Services comprised of drawings for permitting and approval as well as for bidding and construction. These documents include building architectural elements and mechanical, electrical, plumbing and fire protection engineering (MEP/FP). It does not include structural engineering, as no structural modifications are currently based on the schematic design approved.

Scope of Work:

The General Scope of Work included in this proposal is based upon a schematic design that was produced and based on discussions with you and your team as well as as-built drawings provided by you. The scope of work is summarized as follows (see attached Schematic Design package dated 12/20/2019):

- Creation of a secure entry lobby where visitors can consult with a receptionist through a secure window, wait for City staff to escort them in for meetings, or drop items off/pick items up.
- The entry lobby will have minimal waiting chairs (could be existing furniture).
- Multipurpose room (max. occupancy of 150) to remain mostly as-is with minor reconfiguration limited to the table storage room and entrance from the lobby.
- Security of staff is the priority of the project.
- Cameras to monitor pedestrian traffic along each side of the building (parking lot and Williams Street) may be included, if direct visibility is not achieved.
- Door hardware devices and control to promote security
- Relocation and addition of MEP/FP items as needed to accommodate new layout
- The front desk/reception area will be reconfigured to enhance work flow and attendance to the new secure receptionist window.
- The front desk/reception area will remain open to the front corridor.

A/E Fee Basic Services - \$39,200

Includes MEP/FP engineering. Does not include structural engineering, civil engineering or landscape design or other services not specifically listed above.

A/E Fee Basic Services are phased as:

- Schematic Design (15%)
- Design Development (20%)
- Construction Documents (40%)
- Bidding or Negotiation Phase (5%)
- Construction Administration (20%)
- Total Basic Compensation (100%)

Reimbursable Expenses:

- Expenses in connection with travel shall be considered Reimbursable Expenses.
- Long-distance communication expenses; and cell phone or other data communication expenses shall be included as a part of Basic Services.
- Fees paid for securing approval of authorities having jurisdiction over the Project shall be considered Reimbursable Expense.
- Blueprints and/or reproducible transparencies will be made available to the Owner for the cost of production.
- Expense of reproduction documents prior to permit/bidding/construction and the expense of reproduction including postage and handling of permit/bid/construction documents shall be considered Reimbursable Expenses.
- Expense of overtime work of Architect or its sub-consultants requiring higher than regular rates, if authorized in advance by the Owner in writing, shall be Reimbursable Expense.
- In-house renderings, professional renderings, models or mock-ups requested by the Owner shall be Additional Services.

Optional Additional Services and Special Consultants not included in Basic Services but may be provided for additional fee:

- Civil Engineering
- Structural Engineering
- Landscape Design
- Interior Architectural Design
- Coordination of Interior Design, Special equipment, and Furniture Layout
- Furniture and/or artwork selection, specification and consulting
- Cost Estimates
- Bid alternates for the project
- Fast tracking of the project schedule
- Special Inspections, permitting and review fees
- Special Consultants outside of the Basic Services consultants listed in this outline
- Security System Design & Special Engineering Consultants
- Telecommunications design and consulting
- Loose Equipment consulting
- Audio Visual/Acoustical design engineering and consulting

2020 PFA Architects Hourly Bill-Out Rates (Subject to Change on an Annual Basis):

Principal in Charge	\$180.00/hr.
Project Architect	\$140.00/hr.
Design Staff	\$115.00/hr.
Interior Designer	\$105.00/hr.
Administrative Staff	\$100.00/hr.

PFA remains committed to assisting the City of Hendersonville with your expansion and improvement projects. Thank you for your continued confidence in our team, and we look forward to working with you again.

Sincerely,

PFA ARCHITECTS, P.A.



Maggie Carnevale, AIA, LEED[®] AP

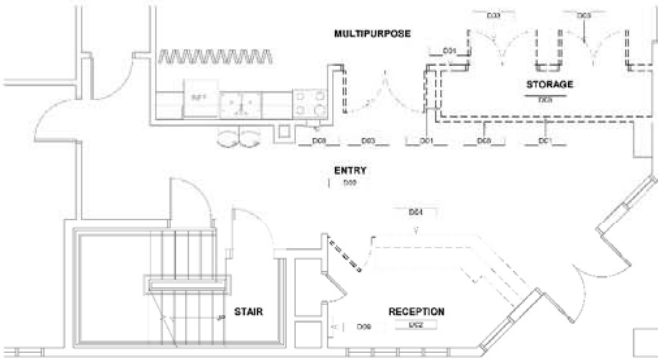
PFA Architects, PA

196 Coxe Avenue | Asheville, North Carolina 28801

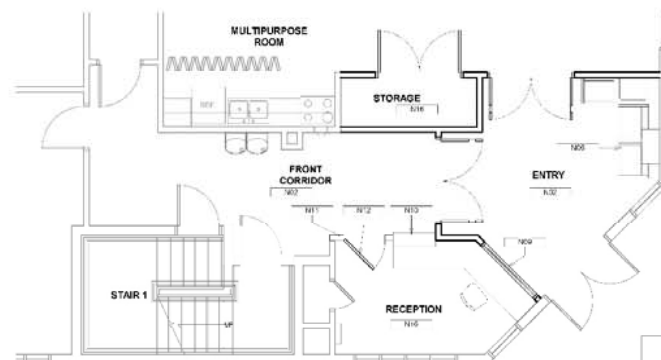
t: 828.254.1963 or 888.263.5281 (toll free)- Ext. 111 | f: 828.253.3307

c: 828.712.8525

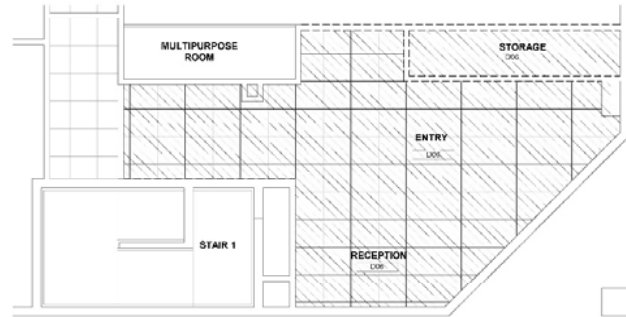
mcarnevale@pfarchitects.com



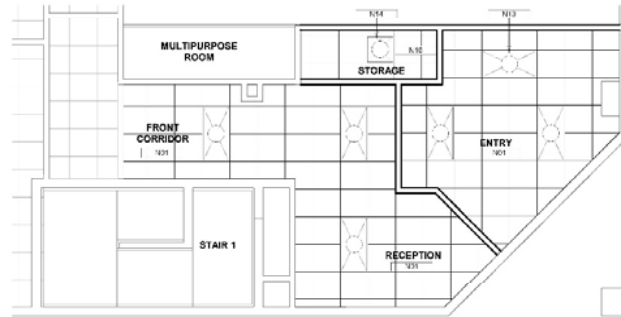
1 ENTRY EXISTING CONDITIONS
1/8" = 1'-0"



2 ENTRY FLOOR PLAN
1/8" = 1'-0"



3 ENTRY EXISTING RCP
1/8" = 1'-0"



4 ENTRY RCP
1/8" = 1'-0"

DEMOLITION PLAN SHEET NOTES

- DEMOLITION DRAWINGS ARE INTENDED TO SHOW GENERAL AREAS OF DEMOLITION AS WELL AS GENERAL EXISTING CONDITIONS. THEY DO NOT SHOW ALL WORK WHICH MAY BE NECESSARY. COMPARE WITH DRAWINGS INDICATING NEW CONSTRUCTION.
- REFER TO OTHER DRAWINGS AND SPECIFICATIONS FOR ADDITIONAL INFORMATION ON DEMOLITION. REFER TO MECHANICAL AND ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION ON MECHANICAL AND ELECTRICAL DEMOLITION.
- TERMINATE AND CAP ANY JETTY IN WALLS, CEILING AND FLOORS TO BE REMOVED AND NOT INTENDED TO BE REUSE.
- PREPARE AND PATCH SURFACES THAT RECEIVE NEW FINISHES AS REQUIRED BY REMOVING OR RELOCATING JOINTS, WIRING OR OTHER APPLIANCE UNLESS NOT LONGER APPROPRIATE FOR THE NEW USE OF THE ROOM.

DEMOLITION PLAN LEGEND

	EXISTING BUILDING ELEMENT TO BE REMOVED
	EXISTING WALL TO REMAIN
	CEILING DEMOLITION

KEY NOTE	DESCRIPTION
D01	REMOVE (3) WALL, CEILING, (2) JETTES LOCATED IN WALL AND COORDINATE WITH NEW WORK FOR PLAN.
D02	REMOVE ALL FINISHES IN THIS ROOM AND PREPARE ALL NEW WORK FOR REINSTALLATION ON NEW WORK FOR PLAN AND PREPARE (S) SUBSTRATE TO RECEIVE TO ACCEPT NEW FINISH FOR PLAN.
D03	REMOVE (2) DOOR AND FRAME.
D04	REMOVE RECEPTION DESK AND GATE.
D05	REMOVE (2) FLOOR AND CEILING FINISHES.
D06	REMOVE ALL CEILING MATERIAL AND NEW FINISHES IN THIS ROOM.
D07	REMOVE ALL FIRE SAFETY EQUIPMENT AND RELOCATE ACCORDING TO FIRE SAFETY PLAN.
D08	REMOVE (1) FLOOR AND CEILING FINISHES AND TRIM HAVE BEEN COMPLETED.
D09	REMOVE (1) FLOOR AND CEILING FINISHES AND TRIM HAVE BEEN COMPLETED.
D10	REMOVE (1) FLOOR AND CEILING FINISHES AND TRIM HAVE BEEN COMPLETED.
D11	REMOVE (1) FLOOR AND CEILING FINISHES AND TRIM HAVE BEEN COMPLETED.
D12	REMOVE (1) FLOOR AND CEILING FINISHES AND TRIM HAVE BEEN COMPLETED.
D13	REMOVE (1) FLOOR AND CEILING FINISHES AND TRIM HAVE BEEN COMPLETED.
D14	REMOVE (1) FLOOR AND CEILING FINISHES AND TRIM HAVE BEEN COMPLETED.
D15	REMOVE (1) FLOOR AND CEILING FINISHES AND TRIM HAVE BEEN COMPLETED.

REGISTERED ARCHITECT
62234 (1961)
62235 (2007)
62236 (2010)

pfa
architects, p.a.
1000 N. 10TH AVE., SUITE 200
DENVER, CO 80202

PROGRESS DRAWING
NOT FOR
CONSTRUCTION

City of Hendersonville
Hendersonville Operations Center

Revisions

No.	Date
-----	------

Project Number: 1945
Date: 12/20/2019
Drawn by: ENM

ENTRY ENLARGED
DEMO AND RENO
PLANS

Sheet Number
A1.1

**CAPITAL PROJECT ORDINANCE FOR
THE ACQUISITION, CONSTRUCTION AND INSTALLATION
OF THE CITY HALL AND CITY OPERATIONS RENOVATION PROJECT**

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

Section 1: The project authorized is a City infrastructure project described as the City Hall and City Operations Renovation project.

Section 2: The following amounts are appropriated for the project:

Account Number			Account Name	Total Budget
Org	Obj	Proj		
4607110	551000	19140	C/O - SERVICES AND FEES	19,600.00
4607110	558000	19140	C/O - BUILDINGS	43,583.00
4104120	551000	19140	C/O - SERVICES AND FEES	19,600.00
4104120	558000	19140	C/O 0 BUILDINGS	43,583.00
Total Project Appropriation				\$ 126,366.00

Section 3: The following revenues are anticipated to be available via debt proceeds and transfers from the General Fund and Water and Sewer Fund for project expenses:

PROJECT WILL BE FUNDED USING EXISTING CONTINGENCY FUNDS

Section 4: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 5: Funds may be advanced from the General Fund and Water and Sewer Fund and as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 6: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 7: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 8: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this second day of April, 2020.

Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

BUDGET AMENDMENT

FUND: 10 | 410 | 60 | 460

ACCOUNT NUMBER					
ORG	OBJECT	PROJECT	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
109910	599100		CONTINGENCIES	-	63,183.00
109900	999410		TRANSFER TO GOV CPF	63,183.00	-
FUND 10			TOTAL REVENUES	-	-
			TOTAL EXPENDITURES	63,183.00	63,183.00
4104120	998010	19140	TRANSFER IN FROM GF	63,183.00	
4104120	551000	19140	C/O - SERVICES AND FEES	19,600.00	
4104120	558000	19140	C/O - BUILDINGS	43,583.00	
FUND 410			TOTAL REVENUES	63,183.00	-
			TOTAL EXPENDITURES	63,183.00	-
609910	599100		CONTINGENCIES	-	20,000.00
607126	535250		R&M - LINES		21,592.00
607136	535250		R&M - LINES		21,591.00
609900	999460		TRANSFER TO W&S CPF	63,183.00	-
FUND 60			TOTAL REVENUES	-	-
			TOTAL EXPENDITURES	63,183.00	63,183.00
4607110	998060	19140	TRANSFER IN FROM W&S	63,183.00	
4607110	551000	19140	C/O - SERVICES AND FEES	19,600.00	
4607110	558000	19140	C/O - BUILDINGS	43,583.00	
FUND 460			TOTAL REVENUES	63,183.00	-
			TOTAL EXPENDITURES	63,183.00	-

A budget amendment using contingency funds in the current fiscal year (FY19-20) to create a capital project ordinance (CPO) for the design and construction of improvements to City Hall and City Operations Facilities. The project number will be 19140 and the project will be titled the City Hall and City Operations Renovation Project.



CITY MANAGER

Date: 3-18-20

APPROVED BY CITY COUNCIL:

DATE:

4/2/2020



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 3/25/2020

Presenter: John Connet

Date of Council Meeting to consider this item: 4/2/2020

Nature of Item: Council Action

Summary of Information/Request:

Item # 05e

The franchise agreement with Public Service Company (Company) of North Carolina Incorporated and its successors expires on November 26, 2020. The franchise agreement grants them the right to utilize public right of ways to provide natural gas to our residents and businesses. The company has requested that we execute an updated franchise agreement that extends their rights until 2050. The execution of a franchise agreement requires two readings by the City Council. The first reading was held at your March meeting. The agreement will be finalized after your approval at the April meeting.

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

Suggested Motion:

I move that the City Council resolve to approve the franchise agreement with Public Service Company of North Carolina Incorporated for the provision of natural gas within the City of Hendersonville .

Attachments:

Proposed agreement

ORDINANCE

AN ORDINANCE GRANTING TO PUBLIC SERVICE COMPANY OF NORTH CAROLINA, INCORPORATED, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO USE AND OCCUPY THE PUBLIC WAYS OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A GAS UTILITY SYSTEM AND ALL NECESSARY MEANS FOR TRANSMITTING AND DISTRIBUTING GAS WITHIN SAID CITY FOR A PERIOD OF THIRTY YEARS.

WHEREAS, Public Service Company of North Carolina, Incorporated proposes to continue to construct, operate and maintain a Gas Utility System and all necessary means for transmission and distribution of gas within the City of Hendersonville, North Carolina, the "City" and

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

SECTION 1. DEFINITIONS.

Whenever and wherever used in this Ordinance the following words and names shall have the following meanings:

- (a) **CITY COUNCIL** shall mean the governing body of the City of Hendersonville, North Carolina, as now or hereafter constituted.
- (b) **COMPANY** shall mean Public Service Company of North Carolina, Incorporated, dba Dominion Energy North Carolina, its successors and assigns.
- (c) **CITY** shall mean the City of Hendersonville, North Carolina, including its present and future boundaries.
- (d) **DEPARTMENT OF TRANSPORTATION** shall mean the North Carolina Department of Transportation or its successor.
- (e) **GAS** shall mean natural gas, mixed gas and substitute fuels carried over the Company's facilities as authorized by the North Carolina Utilities Commission.
- (f) **GAS UTILITY SYSTEM** shall mean all facilities of the Company in the City used for the transmission or distribution of Gas within the City.

- (g) **FERC** shall mean any reference made to the Federal Energy Regulatory Commission or its successor.
- (h) **COMMISSION** shall mean the North Carolina Utilities Commission or any successor body lawfully constituted.
- (i) **PUBLIC WAY OR WAYS** shall mean any public street, avenue, road, alley, lane, bridge, or other public right-of-way within the City over which the City has jurisdiction or exercises control.
- (j) **GOOD UTILITY PRACTICES** shall mean the practices, methods and acts engaged in or approved by a significant portion of the gas industry during the relevant time period or other practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result consistent with reliability, safety, expedition, requirements of governmental agencies having jurisdiction, and at the lowest reasonable cost. The term Good Utility Practices is not intended to be limited to the optimum practices, methods or acts to the exclusion of all others, but rather to constitute a spectrum of acceptable practices, methods, or acts.

SECTION 2. Grant of Authority

The right, power and authority is hereby granted to and vested in the Company to construct, install, replace, repair, maintain and operate transmission mains, gas mains, pipes, equipment, service lines, communications lines, facilities and other appurtenant apparatus of the gas system, for the purpose of operating a natural gas system along, across, and under the streets, alleys, bridges, rights-of-way, and other public places of the City together with any necessary rights of access thereto; and to use that natural gas system to conduct a gas business. This granting of authority is provided that the City as of the applicable time, has jurisdiction or exercises control of the public ways. This Franchise Agreement shall also permit the Company to exercise the rights granted herein without the need for additional permit(s) from the City.

SECTION 3. Conditions on Use of Public Ways

(a) No street, alley, bridge, right-of-way or other public place used by the Company shall be obstructed longer than reasonably necessary during its work of construction or repair, and shall be restored to the same good order and condition as when said work was commenced. However, should any such damage occur due to the Company's failure to use due care, the Company shall repair the same as promptly as possible, and, in default thereof, the City, after written notice and opportunity for the Company to repair, may make such repairs and charge the reasonable cost thereof and collect the same from the Company. The Company shall save the City harmless from liability (including judgment, decrees, and legal court costs) resulting directly from its negligence and failure to use due care in the exercise of the privileges hereby granted or of its rights under this Section.

(b) All work upon the streets and public places of the City shall be done subject to reasonable inspection of the City Manager or designee (or other legally constituted governing body) of the City, all sidewalks or street pavements or street surfaces which may be displaced by reason of such work shall be properly replaced by the Company, its successors and assigns, to the reasonable requirements of the City.

SECTION 4. Annexation Notification

The City shall mail or email notice to the Company of areas annexed into the City. Said notices shall include pertinent maps and/or tax map numbers, so that newly annexed customers may be identified.

SECTION 5. Service

(a) The Company may supply any form of gas containing approximately one thousand (1,000) BTU's per cubic foot, and its obligation in respect thereto shall continue only so long as it is able to reasonably obtain an adequate supply of such gas hereunder, provided, however, that in the supply of such gas the customers within the City shall enjoy equal rights with respect to other similar customers served by the Company consistent with Commission rules and regulations.

(b) The Company shall, as to all other conditions and elements of service not fixed herein, be and remain subject to the rules and regulations of the Commission, Department of Transportation, and FERC or its successors, applicable to gas service in the City.

SECTION 6. Nonexclusive Grant and Term

(a) The gas franchise granted by this Ordinance is not exclusive. The City may grant the same or similar rights and privileges to other certified persons or companies at any time, provided that any such grants shall be made under terms and conditions which do not materially impair the exercise of the rights and privileges granted to the Company under this franchise.

(b) Upon ratification and acceptance, this franchise shall constitute a contract between the City and the Company, and shall be in force and effect for an initial term of thirty (30) years, and shall continue in force and effect year-to-year thereafter until properly terminated by either party. Either party may terminate the contract at the end of its initial term or its anniversary date any year thereafter, by giving written notice of its intention to do so no less than one (1) year before the proposed date of termination.

SECTION 7. Franchise Not Waiver of Law

This franchise is subject to the constitution and laws of the State of North Carolina, and is not a waiver of any present or future law or regulation. This franchise is not a limitation of the authority of the City to enact any ordinance or policy that does not diminish, conflict or impair the rights and authority granted to the Company in this franchise or otherwise impose additional obligations on the Company in order to exercise the rights granted herein.

SECTION 8. Regulations, Safety and Customer Service

- (a) Gas utility service is not guaranteed to be free from interruptions, supply failure or outages.
- (b) The Company will restore gas utility service using Good Utility practices.
- (c) The Company shall maintain and operate its Gas Utility System in compliance with applicable State and Federal maintenance and safety regulations.

(d) Company vehicles, responding to natural gas emergencies, may park as close to the location of the emergency as is practicable.

SECTION 9. Commission Rules and Rates

The Company may from time to time declare, make and enforce such rules and regulations as shall have been fixed or allowed by the Commission as to the sale or distribution of Gas to any of its customers in the City. The rates to be charged for Gas at all times shall be such rates as are fixed or allowed by the Commission, including such rates as shall be negotiated by the Company with certain industrial or commercial customers pursuant to authority granted by the Commission.

SECTION 10. Plat of Gas Utility System

The Company shall maintain maps or plats of its Gas Utility System within the area covered by this franchise. Such maps or plats shall be maintained in the Company's offices, and the City may review the same during any regular business hours of the Company.

SECTION 11. Bankruptcy, Successors, Assigns

In the event the Company is adjudged bankrupt or its assets are placed in the hands of a receiver or other court officer, either voluntarily or involuntarily, then the interest, rights and remedies of the City in respect to said properties and operations shall not be affected or prejudiced, and any receiver, assignee, trustee, purchaser or successor, whether by operation of law or otherwise, so succeeding to or representing the interest or position of the Company, shall be bound by this Ordinance and the terms and provisions hereof and shall be bound to carry out and perform the obligations and duties imposed upon the Company by this Ordinance. Likewise, if the Company reorganizes, merges, or consolidates with any other company, then the City is bound by this Ordinance.

SECTION 12. Revocation

In the event the Company fails to comply with the provisions of this Ordinance and, within thirty (30) days after receipt of written notice from the City, the Company fails to cure or remedy such default,

or to have begun reasonable measures to do so, then the City may cause the Company to appear at a hearing before the City upon thirty (30) days prior written notice. Any written notice to the Company shall be sent to Public Service Company of North Carolina, 800 Gaston Road Gastonia, North Carolina, 28053, ATTN: D. Russell Harris. If at such hearing the City should determine that the Company's failure or default has been substantial, repeated or flagrant, then upon such determination the City may revoke and terminate this franchise; provided, however, that the Company may file with the City within ten (10) days after such determination the Company's election to appeal to the proper North Carolina court, during the pendency of which the Ordinance shall remain in full force and effect. In that event the City and Company agree that such court shall hear and determine *de novo* whether there has been substantial, repeated or flagrant failure or default by the Company of the terms, conditions or obligations of this Ordinance. Failure or default which cannot be corrected by the Company shall not be grounds for revocation or termination, unless such failure or default shall be determined to be material and continuing.

SECTION 13. Severability, Third Party Rights

(a) If any provision in this contract is determined to be invalid, void or unenforceable by any court or regulatory body having jurisdiction, such determination shall not invalidate, void, or make unenforceable any other provision, agreement or covenant of this Contract. This Contract and all provisions herein will be subject to all applicable and valid statutes, rules, orders and regulations of any governmental authority having jurisdiction over the parties, their facilities, or gas supply, this Contract or transaction or any provisions thereof.

(b) The rights hereunder in this Ordinance accrue exclusively to the parties, their successors and assigns. It is the express intent of the parties that this franchise shall not create any rights in third parties.

SECTION 14. Effective Date, Term, Adoption, and Ratification

- (a) This Ordinance shall be effective from and after the ____ day of _____, 20____, provided the Company shall have executed the written acceptance hereof at the end of this Ordinance, and shall exist in force for a period of 30 years hereafter, and continue in force year to year thereafter until cancelled upon written notice of either party at least one year in advance.
- (b) All other Ordinances and clauses of Ordinances in conflict herewith are hereby repealed.

Adopted by the City/Town of _____ the ____ day of _____, 20____,
and hereby ratified.

Barbara Volk, Mayor

ATTEST:

Tammie Drake, Clerk

APPROVED AS TO FORM:

Samuel H. Fritschner, Attorney

ACCEPTANCE BY COMPANY

Public Service Company of North Carolina, Incorporated does hereby accept and acknowledge the foregoing Ordinance, and in consideration of the benefits and privileges granted to it does hereby agree to the terms and conditions therein provided.

This the _____ day of _____, 20____.

PUBLIC SERVICE COMPANY
OF NORTH CAROLINA, INCORPORATED

By: _____
D. Russell Harris
President and Chief Operating Officer

ATTEST:

Jordan C. Saltzberg: Assistant Corporate Secretary

(Corporate Seal)



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Adam Steurer

Department: Utilities

Date Submitted: 3/24/2020

Presenter: Lee Smith

Date of Council Meeting to consider this item: April 2, 2020

Nature of Item: Council Action

Summary of Information/Request:

Item # 05f

Kanuga Park Interconnect Water Main Extension

On March 6, 2020 informal bids were received for the Kanuga Park Interconnect Water Main Extension. The project consists of installation of approximately 1,200 linear feet of 6-inch diameter ductile iron water main and appurtenances along Old Kanuga Road between Sugar Hollow Drive and Anne Avenue to boost pressures and available fire flows in the Kanuga Park neighborhood.

The results are shown in the attached bid tabulation. TP Howard's Plumbing Company, Inc. is the lowest responsive and responsible bidder. Please let me know if you have any questions or require additional information regarding this project.

Budget Impact: \$ 106,500 Is this expenditure approved in the current fiscal year budget? ☐ N/A If no, describe how it will be funded.

The project CPO will be created using funds in the current year designated for the repair and maintenance of water lines.

Suggested Motion:

I move City Council resolve to adopt the budget amendment and capital project ordinance as presented, and authorize the City Manager to award and execute the contract for the construction of the Kanuga Park Interconnect Water Main Extension to TP Howard's Plumbing Company, Inc. the lowest responsive and responsible bidder, in the amount of \$106,500; as presented and recommended by staff.

Attachments:

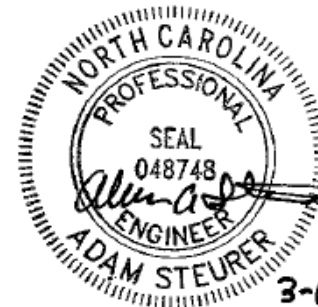
Bid Tabulation
Budget Amendment
Capital Project Ordinance

City of Hendersonville Kanuga Park Interconnect Water Main Extension 3/6/2020 Bid Tabulation				TP Howard's Plumbing Company, Inc.		Steppe Construction, Inc.		Hyatt Pipeline, LLC		Gosnell Construction Utility Company, Inc.		Double R Utilities, Inc.	
Item	Description	Unit of Measure	Quantity	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
2.2	Mobilization	LS	1	\$5,420.00	\$5,420.00	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00
3.5	DIP Water Pipe including rest., fittings , 6-inch - STA 0+00 to 12+00	LF	1250	\$48.00	\$60,000.00	\$52.50	\$65,625.00	\$51.00	\$63,750.00	\$75.00	\$93,750.00	\$85.00	\$106,250.00
3.6	Valve, resilient gate valve, 6-inch	EA	3	\$1,105.00	\$3,315.00	\$1,250.00	\$3,750.00	\$2,200.00	\$6,600.00	\$2,500.00	\$7,500.00	\$1,500.00	\$4,500.00
3.7	Connection to Existing 6-inch Water Main - Anne Avenue/Old Kanuga Road	EA	1	\$3,000.00	\$3,000.00	\$7,500.00	\$7,500.00	\$1,500.00	\$1,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00
3.8	COH Standard Fire Hydrant Assembly, 250 PSI	EA	2	\$6,000.00	\$12,000.00	\$6,000.00	\$12,000.00	\$9,000.00	\$18,000.00	\$6,000.00	\$12,000.00	\$7,500.00	\$15,000.00
3.11	Abandon Existing 6-inch Water Main - Anne Ave/Old Kanuga	EA	1	\$3,400.00	\$3,400.00	\$4,000.00	\$4,000.00	\$1,000.00	\$1,000.00	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00
2.8	Remove & Replace Roadway Asphalt, Anne Ave per detail WD-2, 5	SY	25	\$120.00	\$3,000.00	\$175.00	\$4,375.00	\$200.00	\$5,000.00	\$200.00	\$5,000.00	\$200.00	\$5,000.00
2.8	Remove & Replace Roadway Asphalt, Old Kanuga Rd per NCDOT detail 654.01	SY	25	\$175.00	\$4,375.00	\$250.00	\$6,250.00	\$300.00	\$7,500.00	\$200.00	\$5,000.00	\$200.00	\$5,000.00
2.12	Gravel Driveway Repair, ABC Stone	TN	20	\$30.00	\$600.00	\$30.00	\$600.00	\$50.00	\$1,000.00	\$50.00	\$1,000.00	\$60.00	\$1,200.00
2.13	Restoration and permanent seeding	AC	0.3	\$18,800.00	\$5,640.00	\$2,200.00	\$660.00	\$5,000.00	\$1,500.00	\$7,500.00	\$2,250.00	\$4,000.00	\$1,200.00
2.5	Rock Excavation	CY	50	\$20.00	\$1,000.00	\$1.00	\$50.00	\$160.00	\$8,000.00	\$250.00	\$12,500.00	\$100.00	\$5,000.00
2.6	Select Backfill Material	CY	50	\$21.00	\$1,050.00	\$1.00	\$50.00	\$20.00	\$1,000.00	\$50.00	\$2,500.00	\$50.00	\$2,500.00
2.7	Stone Embedment and Undercut, 6-inch depth, #57 Stone	LF	100	\$6.00	\$600.00	\$4.00	\$400.00	\$10.00	\$1,000.00	\$25.00	\$2,500.00	\$5.00	\$500.00
2.8	Incidental Stone, #57 Stone	TN	50	\$36.00	\$1,800.00	\$22.00	\$1,100.00	\$35.00	\$1,750.00	\$40.00	\$2,000.00	\$50.00	\$2,500.00
2.8	Incidental Stone, ABC	TN	50	\$26.00	\$1,300.00	\$20.00	\$1,000.00	\$30.00	\$1,500.00	\$35.00	\$1,750.00	\$50.00	\$2,500.00
				\$106,500.00			\$110,860.00		\$122,600.00		\$165,250.00		\$178,650.00
				Low Bidder									

I hereby certify that the above bid tabulation is a correct tabulation of the bids received on March 6, 2020

Adam A. Steurer

Adam Steurer, PE
City of Hendersonville




3-6-2020

BUDGET AMENDMENT

FUND: 60 | 460

ACCOUNT NUMBER					
ORG	OBJECT	PROJECT	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
607126	535250		R&M LINES	-	80,000.00
607126	529900		SUPPLIES AND MATERIALS	-	13,250.00
607126	519400		PROFESSIONAL SERVICES ENGINEERING	-	13,250.00
609900	999460		TRANSFER TO CPF - WS	106,500.00	
FUND 60			TOTAL REVENUES	-	-
			TOTAL EXPENDITURES	106,500.00	106,500.00
4607126	998060	17004	TRANSFER IN FROM WS	106,500.00	-
460711226	559500	17004	CAPITAL OUTLAY - INFRASTRUCTURE	106,500.00	-
FUND 460			TOTAL REVENUES	106,500.00	-
			TOTAL EXPENDITURES	106,500.00	-

The Kanuga Park Interconnect Project consists of installation of approximately 1,200 linear feet of 6-inch diameter ductile iron water main and appurtenances along Old Kanuga Road between Sugar Hollow Drive and Anne Avenue to boost pressures and available fire flows in the Kanuga Park neighborhood. This project (#17004) is recommended to be funded through existing budget available in the Water and Sewer Fund. The total budget for this project is \$106,500. Staff also recommend a capital project ordinance (CPO) for this project, as it will cross multiple fiscal years.



CITY MANAGER

Date: 3/24/20

APPROVED BY CITY COUNCIL:

DATE:

4/2/2020

**CAPITAL PROJECT ORDINANCE FOR
THE ACQUISITION, CONSTRUCTION AND INSTALLATION
OF THE KANUGA PARK WATER INTERCONNECT PROJECT**

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

Section 1: The project authorized is a City infrastructure project described as the Kanuga Park Water Interconnect project.

Section 2: The following amounts are appropriated for the project:

Account Number			Account Name	Total Budget
Org	Obj	Proj		
4607126	559500	17004	C/O - INFRASTRUCTURE	106,500.00
Total Project Appropriation				\$ 106,500.00

Section 3: The following revenues are anticipated to be available via debt proceeds and transfers from the Water and Sewer Fund for project expenses:

**PROJECT WILL BE FUNDED USING EXISTING OPERATING BUDGET IN THE
WATER AND SEWER FUND**

Section 4: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 5: Funds may be advanced from the Water and Sewer Fund and as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 6: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 7: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 8: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this second day of April, 2020.

Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 3/25/2020

Presenter: John Connet

Date of Council Meeting to consider this item: 4/2/2020

Nature of Item: Council Action

Summary of Information/Request:

Item # 05g

Due to Tammie Drake's retirement, I took the opportunity to review the job description and salary for the city clerk position. This is standard practice for vacant positions within our organization. After reviewing the starting salary for the city clerk position, I determined that our starting salary was higher than the starting of city clerks in similar or slightly larger municipalities. Therefore, I am recommending that we reclassify the city clerk position from pay grade 25 to pay grade 22.

I have also included the city clerk job description for your review.

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

The starting salary will be reduced from approximately \$66,000 to approximately \$57,000 per year.

Suggested Motion:

I move that the City Council resolve to reclassify the city clerk position for pay grade 25 to pay grade 22.

Attachments:

Hendersonville Pay and Classification Plan
NCLM Salary Comparisons
Job Description

City of Hendersonville

Pay and Classification Schedule

Market Increase = 1.30% July 1st, 2019 - June 30th, 2020

Grade	Job Classification Title	Minimum	Midpoint	Maximum
1	Not assigned	20,554.51	25,918.84	31,278.62
2	Not assigned	21,582.24	27,214.78	32,842.55
3	Not assigned	22,661.35	28,575.52	34,484.68
4	Not assigned	23,794.41	30,004.30	36,208.91
5	Not assigned	24,984.14	31,504.52	38,019.36
6	Environmental Services Worker I	26,233.34	33,079.74	39,920.32
6	Property Maintenance Worker I	26,233.34	33,079.74	39,920.32
6	Street Maintenance Worker I	26,233.34	33,079.74	39,920.32
7	Customer Service Collection Specialist	27,545.01	34,733.73	41,916.34
7	Facilities Maintenance Technician	27,545.01	34,733.73	41,916.34
8	Administrative Assistant I	28,922.26	36,470.41	44,012.16
8	Customer Service Representative	28,922.26	36,470.41	44,012.16
8	Environmental Services Worker II	28,922.26	36,470.41	44,012.16
8	Line Maintenance Mechanic I	28,922.26	36,470.41	44,012.16
8	Meter Services Technician	28,922.26	36,470.41	44,012.16
8	Police Support Specialist	28,922.26	36,470.41	44,012.16
8	Property Maintenance Worker II	28,922.26	36,470.41	44,012.16
8	Street Maintenance Worker II	28,922.26	36,470.41	44,012.16
8	Warehouse Specialist	28,922.26	36,470.41	44,012.16
8	WTP Operator I	28,922.26	36,470.41	44,012.16
8	WWTP Operator I	28,922.26	36,470.41	44,012.16
9	Evidence Technician/Admin Assistant	30,368.37	38,293.94	46,212.77
9	Facilities Maintenance Mechanic I	30,368.37	38,293.94	46,212.77
9	Senior Police Support Specialist	30,368.37	38,293.94	46,212.77
9	Traffic Control Technician I	30,368.37	38,293.94	46,212.77
10	Building Maintenance Technician	31,886.79	40,208.63	48,523.40
10	Environmental Services Equip Operator	31,886.79	40,208.63	48,523.40
10	Fleet Equipment Mechanic	31,886.79	40,208.63	48,523.40
10	Line Maintenance Mechanic II	31,886.79	40,208.63	48,523.40

City of Hendersonville

Pay and Classification Schedule

Market Increase = 1.30% July 1st, 2019 - June 30th, 2020

Grade	Job Classification Title	Minimum	Midpoint	Maximum
10	Police Part time Operations Specialist	31,886.79	40,208.63	48,523.40
10	Property Maintenance Equip Operator	31,886.79	40,208.63	48,523.40
10	Telecommunicator	31,886.79	40,208.63	48,523.40
10	Street Maintenance Equipment Operator	31,886.79	40,208.63	48,523.40
10	Utility Billing Specialist	31,886.79	40,208.63	48,523.40
10	Utilities Locator	31,886.79	40,208.63	48,523.40
10	WTP Operator II	31,886.79	40,208.63	48,523.40
10	WWTP Operator II	31,886.79	40,208.63	48,523.40

11	Administrative Assistant II	33,481.13	42,219.06	50,949.57
11	Downtown Event Coordinator	33,481.13	42,219.06	50,949.57
11	Environmental Services Crew Leader	33,481.13	42,219.06	50,949.57
11	Facilities Maintenance Mechanic II	33,481.13	42,219.06	50,949.57
11	Firefighter/EMT	33,481.13	42,219.06	50,949.57
11	Fleet Equipment Services Specialist	33,481.13	42,219.06	50,949.57
11	Generator Maintenance Technician	33,481.13	42,219.06	50,949.57
11	Lead Telecommunicator	33,481.13	42,219.06	50,949.57
11	Property Maintenance Crew Leader	33,481.13	42,219.06	50,949.57
11	Street Maintenance Crew Leader	33,481.13	42,219.06	50,949.57
11	Traffic Control Technician II	33,481.13	42,219.06	50,949.57
11	Utility Operations Support Specialist	33,481.13	42,219.06	50,949.57

12	CCTV Crew Leader	35,155.19	44,330.02	53,497.05
12	Fire Inspector I	35,155.19	44,330.02	53,497.05
12	Inflow Infiltration Technician	35,155.19	44,330.02	53,497.05
12	Leak Detection Technician	35,155.19	44,330.02	53,497.05
12	Line Maintenance Crew Leader	35,155.19	44,330.02	53,497.05
12	Police Officer	35,155.19	44,330.02	53,497.05
12	Senior Firefighter/EMT	35,155.19	44,330.02	53,497.05
12	WTP Operator III	35,155.19	44,330.02	53,497.05
12	WWTP Operator III	35,155.19	44,330.02	53,497.05
12	Zoning Enforcement Officer	35,155.19	44,330.02	53,497.05

13	Administrative Assistant III	36,912.95	46,546.52	56,171.91
13	Fire Engineer	36,912.95	46,546.52	56,171.91
13	Fire Inspector II	36,912.95	46,546.52	56,171.91
13	GIS Technician I	36,912.95	46,546.52	56,171.91
13	Human Resources Analyst	36,912.95	46,546.52	56,171.91

City of Hendersonville

Pay and Classification Schedule

Market Increase = 1.30% July 1st, 2019 - June 30th, 2020

Grade	Job Classification Title	Minimum	Midpoint	Maximum
13	Parking Services Supervisor	36,912.95	46,546.52	56,171.91
13	Police Communications Supervisor	36,912.95	46,546.52	56,171.91
13	Revenue Clerk	36,912.95	46,546.52	56,171.91
13	Utilities Operations Support Supervisor	36,912.95	46,546.52	56,171.91
13	WTP Laboratory Technician	36,912.95	46,546.52	56,171.91
13	WWTP Laboratory Technician	36,912.95	46,546.52	56,171.91

14	Accounting Coordinator	38,758.59	48,873.84	58,980.50
14	Customer Service Supervisor	38,758.59	48,873.84	58,980.50
14	Engineering Technician I	38,758.59	48,873.84	58,980.50
14	Environmental Services Coordinator	38,758.59	48,873.84	58,980.50
14	Fire and Life Safety Educator	38,758.59	48,873.84	58,980.50
14	Fire and Logistics Coordinator	38,758.59	48,873.84	58,980.50
14	Instrumentation & Electrical Technician	38,758.59	48,873.84	58,980.50
14	Meter Services Supervisor	38,758.59	48,873.84	58,980.50
14	Paralegal & Grants Coordinator	38,758.59	48,873.84	58,980.50
14	Police Detective	38,758.59	48,873.84	58,980.50

15	AMI Data Analyst	40,696.52	51,317.54	61,929.53
15	Assistant Fire Marshal	40,696.52	51,317.54	61,929.53
15	Budget & Management Analyst I	40,696.52	51,317.54	61,929.53
15	Building Maintenance Supervisor	40,696.52	51,317.54	61,929.53
15	Chief WTP Operator	40,696.52	51,317.54	61,929.53
15	Chief WWTP Operator	40,696.52	51,317.54	61,929.53
15	Construction Inspector I	40,696.52	51,317.54	61,929.53
15	Downtown Economic Development Coordinator	40,696.52	51,317.54	61,929.53
15	Engineering Technician II	40,696.52	51,317.54	61,929.53
15	Environmental Services Supervisor	40,696.52	51,317.54	61,929.53
15	Facilities Maintenance Supervisor	40,696.52	51,317.54	61,929.53
15	Fire Lieutenant	40,696.52	51,317.54	61,929.53
15	Fleet Maintenance Supervisor	40,696.52	51,317.54	61,929.53
15	GIS/IT Analyst	40,696.52	51,317.54	61,929.53
15	GIS Technician II	40,696.52	51,317.54	61,929.53
15	Human Resources Coordinator	40,696.52	51,317.54	61,929.53
15	Planner I	40,696.52	51,317.54	61,929.53
15	Police Sergeant	40,696.52	51,317.54	61,929.53
15	Property Maintenance Supervisor	40,696.52	51,317.54	61,929.53
15	Sewer Collection Systems Supervisor	40,696.52	51,317.54	61,929.53

City of Hendersonville

Pay and Classification Schedule

Market Increase = 1.30% July 1st, 2019 - June 30th, 2020

Grade	Job Classification Title	Minimum	Midpoint	Maximum
15	Street Maintenance Supervisor	40,696.52	51,317.54	61,929.53
15	Traffic Control Supervisor	40,696.52	51,317.54	61,929.53
15	Water Distribution Systems Supervisor	40,696.52	51,317.54	61,929.53
15	WTP Laboratory Supervisor	40,696.52	51,317.54	61,929.53
15	WWTP Laboratory Supervisor	40,696.52	51,317.54	61,929.53

16	Accountant I	42,731.35	53,883.41	65,026.00
16	Construction Inspector II	42,731.35	53,883.41	65,026.00
16	Engineering Technician III	42,731.35	53,883.41	65,026.00
16	Stormwater Quality Specialist	42,731.35	53,883.41	65,026.00

17	Accountant II	44,867.92	56,577.58	68,277.30
17	Budget & Management Analyst II	44,867.92	56,577.58	68,277.30
17	Construction Inspector III	44,867.92	56,577.58	68,277.30
17	GIS Technician III	44,867.92	56,577.58	68,277.30
17	Planner II	44,867.92	56,577.58	68,277.30

18	Accounting Supervisor	47,111.31	59,406.46	71,691.17
18	Civil Engineer I	47,111.31	59,406.46	71,691.17
18	Construction Manager	47,111.31	59,406.46	71,691.17
18	Deputy Fire Marshal	47,111.31	59,406.46	71,691.17
18	Fire Captain	47,111.31	59,406.46	71,691.17
18	Fire Training Officer	47,111.31	59,406.46	71,691.17
18	Revenue Supervisor	47,111.31	59,406.46	71,691.17
18	Wastewater Treatment Facilities Manager	47,111.31	59,406.46	71,691.17
18	Water Treatment Facilities Manager	47,111.31	59,406.46	71,691.17

19	Communications Manager	49,466.88	62,376.79	75,275.73
19	Police Lieutenant	49,466.88	62,376.79	75,275.73

20	Civil Engineer II	51,940.22	65,495.62	79,039.51
20	Fire Battalion Chief	51,940.22	65,495.62	79,039.51
20	Stormwater Administrator	51,940.22	65,495.62	79,039.51
20	Utilities Technology Manager	51,940.22	65,495.62	79,039.51

21	Fire Marshal	54,537.23	68,770.41	82,991.49
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22	Assistant Finance Director	57,264.10	72,208.93	87,141.06
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City of Hendersonville

Pay and Classification Schedule

Market Increase = 1.30% July 1st, 2019 - June 30th, 2020

Grade	Job Classification Title	Minimum	Midpoint	Maximum
22	Assistant Public Works Director	57,264.10	72,208.93	87,141.06
22	City Clerk	57,264.10	72,208.93	87,141.06
22	Civil Engineer III	57,264.10	72,208.93	87,141.06
22	GIS Administrator	57,264.10	72,208.93	87,141.06
22	Operations Manager	57,264.10	72,208.93	87,141.06
22	Police Captain	57,264.10	72,208.93	87,141.06
23	Assistant Police Chief	60,127.30	75,819.37	91,498.12
23	Deputy Fire Chief	60,127.30	75,819.37	91,498.12
24	Civil Engineer IV	63,133.67	79,610.34	96,073.02
25	Downtown Economic Development Dir	66,290.35	83,590.86	100,876.67
25	Human Resources Director	66,290.35	83,590.86	100,876.67
26	Not assigned	69,604.87	87,770.41	105,920.51
27	Not assigned	73,085.11	92,158.92	111,216.53
28	City Engineer	76,739.37	96,766.87	116,777.36
28	Development Assistance Director	76,739.37	96,766.87	116,777.36
28	Finance Director	76,739.37	96,766.87	116,777.36
28	Fire Chief	76,739.37	96,766.87	116,777.36
28	Police Chief	76,739.37	96,766.87	116,777.36
28	Public Works Director	76,739.37	96,766.87	116,777.36
28	Utilities Director	76,739.37	96,766.87	116,777.36
29	Not assigned	80,576.33	101,605.21	122,616.23
30	Not assigned	84,605.15	106,685.47	128,747.04
31	Assistant City Manager	88,835.41	112,019.74	135,184.39
32	Not assigned	93,277.18	117,620.73	141,943.61
33	Not assigned	97,941.04	123,501.77	149,040.79
34	Not assigned	102,838.09	129,676.86	156,492.83

City of Hendersonville
Pay and Classification Schedule

Market Increase = 1.30% July 1st, 2019 - June 30th, 2020

Grade	Job Classification Title	Minimum	Midpoint	Maximum
35	Not assigned	107,979.99	136,160.70	164,317.47
36	Not assigned	113,378.99	142,968.74	172,533.34

Executive Positions (Population Group 10,000 - 24,999)

CITY CLERK

Code 10080

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Albemarle	1	41,662	64,563	49,712	
Belmont	1			61,915	
Boone	1	50,408	63,010	75,612	
Clayton	1	52,733	82,962	67,036	
Clemmons	1	45,695	67,513	55,640	
Davidson	1	45,822	68,744	54,330	
Eden	1	46,720	70,080	54,805	
Elizabeth City	1	43,164	62,087	51,885	
Elon	1	47,442	71,164	59,303	
Graham	1	49,263	79,970	58,713	
Harrisburg	1	54,793	80,885	76,482	
Havelock	1	59,415	89,122	66,693	
Henderson	1	42,747	64,121	48,862	
Hendersonville	1	66,290	100,876	78,558	
Hope Mills	1	65,084	99,511	70,486	
Kings Mountain	1	41,125	61,000	43,200	
Kinston	1			55,286	
Knightdale	1	50,440	75,099	50,440	
Laurinburg	1	48,373	71,809	57,500	
Lenoir	1	40,065	57,721	51,163	
Lewisville	1	50,602	75,904	71,469	
Lexington	1	43,284	70,638	65,175	
Lincolnton	1	43,753	65,630		
Lumberton	1	49,411	69,817	71,540	
Mebane	1	54,426	84,360	74,735	
Mount Airy	1	42,660	63,990	54,393	
Mount Holly	1	48,851	79,627	67,757	
Newton	1	44,797	67,196	59,451	
Pinehurst	1	51,052	76,578	52,229	
Reidsville	1	49,057	73,585	68,225	
Roanoke Rapids	1	42,547	63,156	50,960	
Shelby	1	46,386	70,507	64,126	
Southern Pines	1	35,248	52,871	40,725	
Stallings	1	62,604	97,036	84,743	
Summerfield	1			59,731	
Total/Average	35	48,623	73,160	59,225	

CITY ENGINEER

Code 10090

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Belmont	1			158,514	
Clayton	1	67,303	105,884	95,000	
Clemmons					10210
Harrisburg	1	89,255	131,758	109,500	
Henderson	1	65,488	98,232	87,709	
Hendersonville	1	76,739	116,777	102,284	
Kinston	1			77,064	
Lexington	1	70,504	115,063	92,550	
Mount Airy	1	54,447	81,671	72,891	
Mount Holly	1	72,176	117,645	97,379	
Reidsville	1	65,740	98,611	88,680	
Shelby	1	83,303	126,620	97,989	
Southern Pines	1	73,277	109,916	95,588	
Stallings	1	72,472	112,332	88,891	
Tarboro	1	49,165	71,949	61,714	
Total/Average	14	69,989	107,205	94,697	

COMMUNITY DEVELOPMENT DIRECTOR

Code 10100

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Eden					10160
Graham	1	49,263	79,970	55,399	
Laurinburg	1	68,062	101,038	71,508	
Lexington	1	80,000	160,000	93,050	
Mount Airy	1	44,993	67,190	57,222	
Shelby					10160
Southern Pines					10070
Tarboro	1	40,448	59,193	48,133	
Total/Average	5	56,553	93,478	65,062	

COMMUNITY RELATIONS OFFICER

Code 10110

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Clemmons	1			59,538	
Total/Average	1			59,538	

Executive Positions (Population Group Below 2,500)

CITY CLERK

Code 10080

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Connelly Springs	1			45,240	
Dobbins Heights	1			33,134	
Drexel	1	59,946	69,396		
Duck	1	44,543	76,031	62,288	
Elk Park	1			33,093	
Ellenboro	1	28,000	37,000		
Faison	1			48,000	
Faith	1	23,000	43,000	33,000	
Foxfire	1			50,505	
Holden Beach	1	42,778	63,406	55,619	
Hot Springs	1			30,674	
Jamesville	1			43,260	
Kure Beach	1	61,430	108,389	82,978	
Linden	1			34,320	
Madison	1	39,041	59,385	46,072	
Manteo	1	47,170	81,935	72,322	
Maxton	1			37,310	
Micro	1			41,195	
Misenheimer	1			45,000	
Norlina	1	30,000	33,000	33,000	
Oakboro	1			37,856	
Ocean Isle Beach	1	45,157	67,736	50,037	
Peachland	1			37,863	
Pilot Mountain	1	34,059	51,078	48,354	
PineBluff	1			37,857	
Princeville	1			33,280	
Rockwell	1			48,825	
Roper	1			26,400	
Rutherford College	1			43,930	
Saluda	1			41,174	
Seven Devils	1			29,245	
Spruce Pine	1	39,173	55,311	55,016	
Stanfield	1			41,906	
Sugar Mountain	1	38,000	54,000	47,159	
Surf City	1			75,907	
Topsail Beach	1	51,743	76,448	70,000	
Vanceboro	1			39,250	
Weldon	1	48,855	68,440	61,880	
White Lake	1	57,716	89,460	78,059	
Woodland	1			31,200	
Youngsville	1			44,221	
Total/Average	48	42,201	63,458	46,395	

COMMUNITY DEVELOPMENT DIRECTOR

Code 10100

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Duck	1	76,184	143,367	99,742	
Total/Average	1	76,184	143,367	99,742	

COMMUNITY RELATIONS OFFICER

Code 10110

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Duck					10100
Total/Average					

FINANCE DIRECTOR

Code 10120

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Atlantic Beach	1	53,598	80,397	76,669	
Bald Head Island	1	66,350	99,525	78,804	
Chadbourn	1	36,000	55,597	53,966	
Columbia	1			48,813	
Duck					10040
Ellenboro					10080
Faith					10080
Holden Beach					10040
Jamesville					10080
Kenansville	1			53,269	
Kure Beach	1	61,430	108,389	79,416	
Madison	1	49,987	76,033	56,243	
Manteo	1	80,667	140,137	127,254	
Mount Pleasant	1			47,119	
Ocean Isle Beach					10040
Pilot Mountain					10040
Princeville	1			35,360	
Robbinsville	1			50,128	
Rutherford College	1			43,930	
Saluda	1			56,623	
Seven Devils	1			49,130	
Spruce Pine	1	45,348	64,030	51,534	
Sugar Mountain					10040
Surf City					10040
Topsail Beach	1	59,899	88,498	80,914	
Vanceboro					10080
White Lake					10080
Total/Average	16	56,660	89,076	61,823	

Executive Positions (Population Group Below 2,500)

CITY MANAGER

Code 10040

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Atlantic Beach	1			117,229	
Bald Head Island	1	113,481	170,222	148,504	
Cape Carteret	1	57,270	85,905	66,404	
Clyde	1			69,618	
Coats	1	72,000	75,000	75,000	
Columbia	1			64,027	
Drexel	1	85,992			
Duck	1	92,602	150,536	144,691	
Fontana Dam	1			41,000	
Holden Beach	1			136,500	
Kenansville	1			73,509	
Madison	1			75,213	
Manteo	1			132,413	
Maxton	1			63,500	
Misenheimer					10080
Oakboro	1			58,864	
Ocean Isle Beach	1			141,960	
Oriental	1	44,000	95,000	83,000	
Pilot Mountain	1	72,445	111,463	98,815	
Princeville	3			57,600	
Rutherford College	1			56,650	
Saluda	1			75,745	
Seven Devils	1			80,000	
Spruce Pine	1	60,770	85,806	85,804	
Sugar Mountain	1			111,400	
Surf City	1			112,200	
Topsail Beach	1			98,838	
Youngsville	1			94,000	
Total/Average	29	74,820	110,562	90,684	

ASSISTANT CITY MANAGER

Code 10070

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Bald Head Island	1	80,648	120,973	96,489	
Chadbourn	1	38,000	55,597		
Holden Beach	1	49,224	74,063	51,685	
Manteo					10120

ASSISTANT CITY MANAGER

Code 10070

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Mount Pleasant	1			54,405	
Stanfield	1			45,722	
Total/Average	5	55,957	83,544	62,075	

ASSISTANT TO THE CITY/TOWN MANAGER

Code 10075

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Duck					10080
Kure Beach	1	43,284	76,456	54,705	
Manteo					10080
Oriental	1	28,080	50,000	34,112	
Total/Average	2	35,682	63,228	44,409	

CITY ATTORNEY

Code 10050

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Norlina	1	38,000	42,000	38,000	
Total/Average	1	38,000	42,000	38,000	

ASSISTANT CITY ATTORNEY

Code 10060

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Ocean Isle Beach	1	70,054	105,081	91,391	
Total/Average	1	70,054	105,081	91,391	

CITY CLERK

Code 10080

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Ansonville	1			31,000	
Atlantic Beach	1	38,090	57,135	55,078	
Autryville	1	31,200	52,000	43,680	
Bald Head Island	1	47,154	70,731	58,834	
Cape Carteret	1	38,763	58,146	45,667	
Clyde	1			39,986	
Coats	1	40,395	60,593	53,500	

CITY MANAGER

Code 10040

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Ayden	1	74,439	110,170	96,000	
Beaufort	1	100,623	150,934	140,000	
Canton	1	78,702	117,014	100,443	
Carolina Shores	1	69,280	110,755	106,561	
Creedmoor	1			104,038	
Dallas	1			95,065	
Edenton	1	80,000	125,000	100,728	
Elizabethtown	1			118,000	
Elkin	1	71,440	113,656	90,000	
Emerald Isle	1			143,252	
Farmville	2			115,929	
Granite Falls	1	83,713	125,570	107,827	
Granite Quarry	1	61,000	71,000		
Grifton	1	62,000	83,000	72,500	
Hudson	1			81,510	
La Grange	1			120,097	
Mount Olive	1			93,413	
North Wilkesboro	1	70,649	112,876	90,001	
River Bend	1	64,367	94,209	94,209	
Rural Hall	1	75,301	112,659	102,230	
Spencer	1			65,000	
Sunset Beach		77,630	116,445	95,000	
Swansboro	1			85,000	
Sylva	1	74,000	109,000	84,850	
Tobaccoville	1			53,226	
Troutman	1			95,370	
Valdese	1			93,600	
Wallace	1	90,000	100,000	93,000	
Warsaw	1			66,440	
Weaverville	1			114,132	
Whispering Pines					10130
Wilson's Mill	1	85,571	106,550	72,786	
Wrightsville Beach	1			98,238	
Zebulon	1			130,197	
Total/Average	33	76,160	109,927	97,458	

ASSISTANT CITY MANAGER

Code 10070

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Canton	1	55,938	83,159	69,368	
China Grove	1	59,449	95,118	62,421	
Elizabethtown	1	59,895	85,032	80,538	
Elkin	1	55,417	79,168	69,722	
Swansboro	1	61,873	92,773	69,779	
Total/Average	5	58,514	87,050	70,366	

ASSISTANT TO THE CITY/TOWN MANAGER

Code 10075

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Ayden	1	47,985	71,018	54,159	
Edenton	1	39,591	59,387	50,477	
Farmville					20080
Granite Falls	1	51,444	77,166	63,939	
Rural Hall					10080
Valdese					10080
Zebulon					10150
Total/Average	3	46,340	69,190	56,192	

CITY CLERK

Code 10080

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Beaufort	1	56,030	84,046	65,686	
Canton	1	37,857	56,286	63,294	
Carolina Shores	1	43,658	69,794	60,715	
China Grove	1	38,322	61,315	52,707	
Creedmoor	1	38,616	55,166	48,213	
Dallas	1			50,663	
Edenton					10040
Elizabethtown	1	42,525	59,997	63,332	
Elkin	1	41,353	59,077	43,214	
Emerald Isle	1	55,549	82,213	81,600	
Farmville					10120
Granite Falls	1	38,389	57,584	43,480	
Granite Quarry	1	43,000	53,000	50,500	
Grifton	1	40,000	63,000	51,500	
Hudson	1			52,397	
La Grange	1			50,889	
North Wilkesboro	1	39,347	62,876	39,936	
Red Oak	1	40,000		47,500	
River Bend	1	35,109	46,808	42,416	

CITY CLERK

Code 10080

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Rural Hall	1	45,263	66,684	65,804	
Shallotte	1	41,500	62,251	63,648	
Spencer	1			29,000	
Sunset Beach	1	46,081	69,122	61,832	
Swansboro					10070
Sylva	1	47,188	70,783	53,046	
Tobaccoville	1			31,059	
Troutman	1			65,112	
Valdese	1	60,281	90,421	63,295	
Wallace	1	40,632	60,949	47,154	
Warsaw	1			49,784	
Weaverville	1			51,902	
Whispering Pines	1			43,181	10160
Wilson's Mill					10040
Wrightsville Beach	1	44,039	68,438	67,829	
Zebulon					10150
Total/Average	30	43,559	64,991	53,356	

CITY ENGINEER

Code 10090

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Beaufort	1	82,789	124,173	116,558	
Total/Average	1	82,789	124,173	116,558	

COMMUNITY DEVELOPMENT DIRECTOR

Code 10100

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Creedmoor	1	57,054	81,506	73,303	
Elkin	1	39,384	56,263	42,530	
Sylva					10040
Zebulon					10160
Total/Average	2	48,219	68,885	57,916	

COMMUNITY RELATIONS OFFICER

Code 10110

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
North Wilkesboro	1	37,457	59,809	40,934	
Total/Average	1	37,457	59,809	40,934	

ECONOMIC DEVELOPMENT DIRECTOR

Code 10115

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Ayden	1	55,548	82,211	65,000	
Elizabethtown	1	51,739	72,927	55,000	
Elkin	1	55,417	79,168	64,742	
Zebulon					10040
Total/Average	3	54,235	78,102	61,581	

FINANCE DIRECTOR

Code 10120

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Ayden	1	64,303	95,168	74,610	
Beaufort	1	68,105	102,158	87,334	
Canton	1	58,729	87,318	69,056	
Carolina Shores	1	59,397	94,954	78,260	
China Grove	1	62,421	99,874	71,219	
Creedmoor	1	59,907	85,581	63,945	
Dallas	1			64,661	
Edenton	1	58,497	87,746	64,361	
Elizabethtown	1	59,895	85,032	70,500	
Emerald Isle	1	55,549	82,213	81,600	
Farmville	1	57,741	86,611		
Granite Falls	1	54,016	81,024		
Hudson					10040
La Grange	1			61,836	
Mount Olive	1			69,576	
North Wilkesboro	1	45,545	72,750	54,953	
River Bend	1	56,174	71,327	70,620	
Rural Hall					10040
Shallotte	1	64,380	96,570	80,325	
Spencer	1			40,000	
Sunset Beach	1	53,223	79,834	66,950	
Swansboro	1	50,883	76,294	60,520	
Sylva	1	60,226	90,338	78,107	
Troutman	1			87,439	
Valdese	1	73,272	109,908	76,936	
Wallace	1	54,452	81,679	62,118	
Weaverville	1			89,404	
Whispering Pines	1			48,911	
Wilson's Mill	1	65,790	69,262	57,146	
Wrightsville Beach	1	56,208	87,346	76,773	
Zebulon	1	70,229	105,342	80,401	
Total/Average	29	59,497	87,651	69,910	

CITY CLERK

Code 10080

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Rural Hall	1	45,263	66,684	65,804	
Shallotte	1	41,500	62,251	63,648	
Spencer	1			29,000	
Sunset Beach	1	46,081	69,122	61,832	
Swansboro					10070
Sylva	1	47,188	70,783	53,046	
Tobaccoville	1			31,059	
Troutman	1			65,112	
Valdese	1	60,281	90,421	63,295	
Wallace	1	40,632	60,949	47,154	
Warsaw	1			49,784	
Weaverville	1			51,902	
Whispering Pines	1			43,181	10160
Wilson's Mill					10040
Wrightsville Beach	1	44,039	68,438	67,829	
Zebulon					10150
Total/Average	30	43,559	64,991	53,356	

CITY ENGINEER

Code 10090

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Beaufort	1	82,789	124,173	116,558	
Total/Average	1	82,789	124,173	116,558	

COMMUNITY DEVELOPMENT DIRECTOR

Code 10100

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Creedmoor	1	57,054	81,506	73,303	
Elkin	1	39,384	56,263	42,530	
Sylva					10040
Zebulon					10160
Total/Average	2	48,219	68,885	57,916	

COMMUNITY RELATIONS OFFICER

Code 10110

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
North Wilkesboro	1	37,457	59,809	40,934	
Total/Average	1	37,457	59,809	40,934	

ECONOMIC DEVELOPMENT DIRECTOR

Code 10115

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Ayden	1	55,548	82,211	65,000	
Elizabethtown	1	51,739	72,927	55,000	
Elkin	1	55,417	79,168	64,742	
Zebulon					10040
Total/Average	3	54,235	78,102	61,581	

FINANCE DIRECTOR

Code 10120

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Ayden	1	64,303	95,168	74,610	
Beaufort	1	68,105	102,158	87,334	
Canton	1	58,729	87,318	69,056	
Carolina Shores	1	59,397	94,954	78,260	
China Grove	1	62,421	99,874	71,219	
Creedmoor	1	59,907	85,581	63,945	
Dallas	1			64,661	
Edenton	1	58,497	87,746	64,361	
Elizabethtown	1	59,895	85,032	70,500	
Emerald Isle	1	55,549	82,213	81,600	
Farmville	1	57,741	86,611		
Granite Falls	1	54,016	81,024		
Hudson					10040
La Grange	1			61,836	
Mount Olive	1			69,576	
North Wilkesboro	1	45,545	72,750	54,953	
River Bend	1	56,174	71,327	70,620	
Rural Hall					10040
Shallotte	1	64,380	96,570	80,325	
Spencer	1			40,000	
Sunset Beach	1	53,223	79,834	66,950	
Swansboro	1	50,883	76,294	60,520	
Sylva	1	60,226	90,338	78,107	
Troutman	1			87,439	
Valdese	1	73,272	109,908	76,936	
Wallace	1	54,452	81,679	62,118	
Weaverville	1			89,404	
Whispering Pines	1			48,911	
Wilson's Mill	1	65,790	69,262	57,146	
Wrightsville Beach	1	56,208	87,346	76,773	
Zebulon	1	70,229	105,342	80,401	
Total/Average	29	59,497	87,651	69,910	

CITY MANAGER

Code 10040

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Aberdeen	1			120,799	
Bessemer City	1			107,285	
Black Mountain	1			112,942	
Brevard	1			126,004	
Butner	1			142,135	
Carolina Beach	1	111,587	167,380		
Cherryville	1			97,074	
Clinton	1			100,000	
Conover	1			104,652	
Dunn	1			115,333	
Fletcher	1			122,424	
Gibsonville	1	80,174	128,279	96,689	
Hamlet	1			90,000	
Hillsborough	1			161,902	
King	1	84,754	136,426	105,248	
Marion	1			114,608	
Mocksville	1			127,504	
Nashville	1	75,825	119,042	110,000	
Oak Island	1			120,812	
Oxford	1			112,875	
Pineville	1	98,784	148,176	123,481	
Rockingham	1			121,219	
Rolesville	1			128,569	
Roxboro	1			104,007	
Sawmills	1	56,830	93,768	65,000	
Selma	1			120,000	
Siler City	1			96,500	
Wadesboro	1	80,985	117,427	89,116	
Walkertown	1			65,765	
Washington	1	102,153	153,230	119,808	
Wendell	1			118,456	
Whiteville	1			91,456	
Williamston	1			70,701	
Total/Average	33	86,386	132,966	106,132	

ASSISTANT CITY MANAGER

Code 10070

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Black Mountain	1	87,643	131,441	94,178	
Carolina Beach	1	83,269	124,904	106,886	
Dunn	1	72,622	105,783	77,000	
Fletcher	1	82,353	122,557	92,331	
Hillsborough	1	95,859	153,374	127,639	
Marion	1	59,879	95,805	81,619	
Rockingham	1	70,211	99,207	96,787	
Roxboro	1	77,451	114,627	101,792	
Total/Average	8	78,661	118,462	97,279	

ASSISTANT TO THE CITY/TOWN MANAGER

Code 10075

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Black Mountain	1	56,262	84,427	56,263	
Cherryville	1			52,532	
Hillsborough	1	64,881	103,809	70,907	
Washington	1	46,798	70,196	69,454	
Wendell	1	56,293	84,440	67,017	
Total/Average	5	56,059	85,718	63,235	

CITY CLERK

Code 10080

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Aberdeen					10150
Bessemer City	1			49,445	
Black Mountain					10075
Brevard	1	54,042	81,063	58,885	
Butner	1	46,832	70,248	59,088	
Carolina Beach	1	53,679	80,519	79,742	
Cherryville	1			52,532	
Clinton	1	53,125	79,688	64,764	
Conover	1	60,033	84,477	80,453	
Dunn	1	49,157	71,562	53,040	

CITY CLERK

Code 10080

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Fletcher	1	39,438	58,961	50,000	
Gibsonville	2	42,518	68,029	59,923	
Hamlet	1	41,470	58,596	51,790	
Hillsborough	1	78,863	123,181	104,155	
King	1	45,538	69,218	61,214	
Nashville	1	41,914	62,872	53,740	
Oak Island	1	46,167	68,866	71,178	
Oxford	1	46,556	66,509	47,962	
Pineville	1	45,254	67,882	56,222	
Rockingham	1	49,690	70,211	53,511	
Rolesville	1	54,221	67,234	69,227	
Roxboro	1	45,285	67,022	61,382	
Sawmills	1	31,898	51,036	34,100	
Selma	1	39,067	60,518	42,974	
Siler City	1	49,617	79,387	64,502	
Wadesboro	1	49,716	72,088	57,352	
Walkertown	1			42,188	
Wendell	1	48,823	73,234	48,838	
Whiteville	1	44,460	65,687	59,669	
Williamston	1	37,393	56,090	42,434	
Total/Average	29	47,790	70,967	58,225	

CITY ENGINEER

Code 10090

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Clinton	1	61,499	92,249	80,972	
Hillsborough	1	91,294	146,070	119,600	
King	1	73,266	111,364	99,480	
Oxford	1	68,785	98,265	92,764	
Total/Average	4	73,711	111,987	98,204	

ECONOMIC DEVELOPMENT DIRECTOR

Code 10115

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Bessemer City					10150
Cherryville	1			52,532	
Selma					10160
Whiteville	1	42,343	62,559	42,766	
Total/Average	2	43,343	62,559	47,649	

COMMUNITY DEVELOPMENT DIRECTOR

Code 10100

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Clinton	1	64,574	96,861	75,368	
Dunn	1	46,781	68,167	46,783	
Mocksville	1	35,575	53,363	46,030	
Oxford	1	48,884	69,835	54,086	
Roxboro	1	37,256	55,139	39,901	
Total/Average	5	46,614	68,673	52,434	

FINANCE DIRECTOR

Code 10120

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Aberdeen	1	59,837	89,755	76,359	
Bessemer City	1			81,800	
Black Mountain					10070
Butner	1	69,192	103,788	88,264	
Carolina Beach	1	71,932	107,899	94,094	
Clinton	1	64,574	96,861	69,157	
Conover	1			97,790	
Dunn	1	62,736	91,356	90,000	
Fletcher					10070
Gibsonville	1	54,265	86,824	61,657	
Hamlet	1	43,569	61,562	58,596	
Hillsborough	1	91,294	146,070	125,812	
King	1	73,266	111,364	90,085	
Marion					10070
Mocksville	1	52,561	78,841	68,203	10080
Nashville	1	53,496	80,243	65,000	
Oak Island	1	64,961	96,901	93,933	
Oxford	1	65,509	93,587	78,993	
Pineville	1	77,400	116,100	96,464	
Rockingham	1	66,828	94,427	92,123	
Rolesville	1	84,114	124,489	104,298	
Sawmills	1	38,464	61,543	56,000	
Selma	1	63,636	98,578	82,000	
Siler City	1	80,821	129,313	105,067	
Washington	1	80,040	120,060	113,921	
Wendell	1	78,627	117,941	99,964	
Whiteville	1	54,042	79,884	85,405	
Williamston	1	55,247	82,871	74,718	
Woodfin	1			147,367	
Total/Average	26	65,496	98,707	88,349	

CITY CLERK

Code 10080

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Apex	1	52,372	86,210	74,538	
Asheboro	1	34,872	52,308	40,103	
Chapel Hill	1	85,405	138,355	113,459	
Concord	1	50,801	83,821	65,207	
Cornelius	1	48,272	75,425	60,340	
Goldsboro	1	49,144	77,647	67,716	
Holly Springs	1	83,334	88,433	53,848	
Jacksonville	1	49,949	79,919	72,813	
Kannapolis	1	46,446	71,992	69,934	
Kernersville	1	47,402	70,157	55,673	
Mooresville	1	53,135	83,099	60,113	
New Bern	1	47,194	76,808	69,555	
Sanford	1	50,793	83,808	76,161	
Thomasville	1	48,820	82,994	60,254	
Wake Forest	1	54,825	89,304		
Wilson	1	47,622	76,518	62,699	
Total/Average	16	53,149	82,300	66,828	

CITY ENGINEER

Code 10090

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Asheboro	1	88,120	132,180	101,338	
Chapel Hill	1	77,641	125,778	111,440	
Concord	1	97,605	161,049	129,646	
Goldsboro	1	65,858	104,055	97,140	
Holly Springs	1	91,224	151,256	133,259	
Jacksonville	1	63,749	101,998	100,000	
Kannapolis	1	79,438	123,129	96,633	
Kernersville	1	63,526	94,017	90,000	
Mooresville	1	74,765	116,929	98,562	
New Bern	1	84,753	137,935	125,258	
Sanford	1	75,396	124,404	99,925	
Thomasville	1	74,251	126,227	105,207	
Wilson	1	78,034	125,384	123,536	
Total/Average	13	78,028	124,949	108,611	

COMMUNITY DEVELOPMENT DIRECTOR

Code 10100

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Apex					10160
Asheboro	1	83,924	125,886	96,512	
Chapel Hill	1	99,069	160,492	143,723	
Concord					10160
Goldsboro	1	59,735	94,381	85,291	
Jacksonville	1	63,749	101,998	97,564	
Kannapolis	1	53,767	83,339	67,591	
Kernersville	1	86,793	157,500	105,000	
Mooresville	1	78,503	122,775	100,075	
New Bern					10160
Sanford	1	83,246	137,356	110,325	
Wake Forest	1	98,457	160,376	145,524	
Wilson	1	78,034	125,384	109,234	
Total/Average	10	78,528	126,949	106,084	

COMMUNITY RELATIONS OFFICER

Code 10110

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Concord	1	50,801	83,821	76,594	
Wilson	1	70,695	113,592	85,186	
Total/Average	2	60,748	98,706	80,890	

ECONOMIC DEVELOPMENT DIRECTOR

Code 10115

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Apex	1	81,234	133,716	117,896	
Chapel Hill	1	65,899	106,756	110,086	
Concord	1	60,356	99,588	66,562	
Holly Springs	1	82,739	137,817	90,406	
Kannapolis	1	65,354	101,299	89,256	
New Bern					10160
Wake Forest	1	85,051	138,539	121,969	
Total/Average	6	73,439	119,619	99,363	

CITY MANAGER

Code 10040

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Cary	1			265,013	
Charlotte	1			333,900	
Fayetteville	1			219,375	
Greensboro	1	157,471	262,541	204,552	
Raleigh	1	127,310	235,524	256,580	
Wilmington	1	147,732	221,572	210,705	
Winston-Salem	1			212,487	
Total/Average	7	144,171	239,879	243,230	

CITY ATTORNEY

Code 10050

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Cary	1			197,288	
Charlotte	1			254,000	
Fayetteville	1			184,061	
Greensboro	1	157,471	262,451	190,000	
Raleigh	1	140,105	259,195	220,000	
Wilmington	1	134,836	202,228	162,440	
Winston-Salem	1			188,559	
Total/Average	7	144,137	241,291	199,478	

ASSISTANT CITY ATTORNEY

Code 10060

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Cary	1	81,973	135,262	90,875	
Charlotte	8	92,935	145,211	107,833	
Fayetteville	3	69,037	108,486	93,880	
Greensboro	4	76,983	128,306	97,897	
Raleigh	1	116,754	215,996	182,227	
Wilmington	3	82,394	123,604	93,722	
Winston-Salem	6	76,756	115,134	86,812	
Total/Average	26	85,262	138,857	100,424	

ASSISTANT CITY MANAGER

Code 10070

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Cary	1			169,270	
Charlotte	3	181,928	284,263	224,100	
Fayetteville	2	90,900	159,075	145,200	
Greensboro	4	131,226	218,709	146,533	
Raleigh	3	110,705	204,804	185,437	
Wilmington	2	134,836	202,228	166,070	
Winston-Salem	4	141,113	211,670	152,581	
Total/Average	19	131,785	213,458	169,309	

CITY CLERK

Code 10080

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Cary	1			79,872	
Charlotte	1			131,652	
Fayetteville	1	62,879	98,809	94,867	
Greensboro	1	90,459	150,764	90,459	
Raleigh	1	110,705	204,804	141,530	
Wilmington	1	68,120	102,180	85,556	
Winston-Salem	1	58,557	87,835	65,161	
Total/Average	7	78,144	128,878	98,442	

ASSISTANT TO THE CITY/TOWN MANAGER

Code 10075

	Number Budgeted	Minimum Salary	Maximum Salary	Average Salary	See Code
Cary	1	64,230	105,976	74,422	
Charlotte	2	80,281	125,439	89,329	
Wilmington	1	68,120	102,180	91,491	
Winston-Salem	1	67,042	100,563	68,815	
Total/Average	5	69,918	108,539	82,677	

City Clerk

Primary Reason Why Classification Exists

To perform statutory requirements of City Clerk for the City of Hendersonville

Distinguishing Features of the Class

An employee in this class serves as the primary administrative and clerical support for the City Council and is a public official as defined by the NC General Statutes. Emphasis of the work is on maintenance of municipal ordinances and documents, preparation of agendas, minutes, and legal notices, administration of official oaths, and providing explanation of policies and procedures to the public. The position also serves as the official custodian of records for the City. Considerable tact, courtesy, and discretion are required in frequent and varied contacts with the public. Work is performed in accordance with the North Carolina General Statutes and Municipal Ordinances and is reviewed by the City Council and City Manager and is evaluated on the basis of proficiency and accuracy, compliance with mandated legal requirements, and other performance criteria.

Essential Duties and Tasks

- Coordinates activities by the City Manager and other departments for agenda and special meetings; places required advertisements or notices of meetings
- Prepares agenda packets and distributes to interested parties; attends City Council meetings and records minutes of those meetings
- Maintains the City seal and affixes to all official documents; verifies the legality of documents for the City Council and approves and signs official documents
- Oversees preparation, publication, codification, and filing of legal notices and ordinances, resolutions, and City Council actions based on established procedures and legal requirements
- Attends City Council meetings and takes official minutes; files records and minutes as required by laws; maintains minute books and other official documents according to NC State Archives requirements; maintains minute indexes, ordinances, resolutions, and other official books; ensures on-going ordinance codification process and distributes updates to book holders
- Locates ordinances, policies, rules, and regulations for citizens and provides copies; answers questions or refers to the proper officials
- Serves as custodian of all public records including, but not limited to, ordinances, resolutions, contracts, agreements, deeds, leases, and minute books; coordinates codification updates; executes legal documents, drafts resolutions and proclamations; records maps, ordinances, easements, and street closings
- Serves often as liaison between these City officials and the public with respect to such matters as complaints, requests, and suggestions; handles many of these issues independently unless direct involvement of the City official is required.
- Researches and compiles information as requested by the City Manager, Mayor or City Council; performs special project work as requested and handles confidential information
- Provides confidential administrative support for the Mayor, City Council, City Manager, and Assistant City Manager; responds to general public inquiries, processes mail, composes and types correspondence, letters, and memorandums

- Registers the Mayor, City Council, City Manager and staff for conferences and seminars and makes any necessary travel arrangements including lodging, airline, and rental car reservations
- Coordinates annual codification of City ordinances.
- Participates in employee committees such as wellness; participates in development and maintenance of City Web page; maintains special records as required.
- Performs related work as required

Knowledge, Skills, and Abilities

- Considerable knowledge of the NC General Statutes regarding public records and open meetings law and other regulations impacting local governments and specific responsibilities of the City Clerk
- Considerable knowledge of the functions and services of municipal government
- Considerable knowledge of standard modern office management and administrative practices and procedures
- Considerable knowledge of office technology and common office-based equipment including personal computers, printers, and audio-video recording devices
- Knowledge of requirements of the City Code and Ordinances
- Knowledge of English grammar, spelling, punctuation and sentence structure
- Knowledge of effective public relations principles and practices sufficient to communicate effectively with the public, both orally and in writing
- Skill in the use of modern office equipment with necessary skill and speed
- Ability to acquire and apply knowledge of the City policies, procedures, and services of the department to which assigned; ability to apply to interpret department and City policies
- Ability to communicate effectively both orally and in writing
- Ability to establish and maintain effective working relationships with municipal officials, employees, and the general public and to exhibit a professional demeanor
- Ability to exercise judgment in decisions with confidential information, data, and materials in conformance with laws, regulations, and policies
- Ability to maintain moderately complex records and prepare written narrative reports including those requiring statistical summaries and charts
- Ability to make arithmetical calculations, proof-read, and create drafts of memos and reports
- Ability to plan and prioritize work functions and coordinate City Council activities with department management and other staff
- Ability to support administrative/clerical personnel in other departments
- Ability to take and transcribe notes of official meetings and to prepare accurate minutes reflecting the actions taken
- Ability to work independently without supervision on confidential assignments and coordinate the work of other clerical/administrative personnel
- Ability to work evenings and other flexible schedules

Physical Requirements

Work in this class is generally sedentary. Work requires some light physical activity such as walking, reaching, stooping and repetitive motion of the wrists, hands, and fingers using

dexterity in the hands for typing and operation of standard office equipment. Work also includes the ability to see, hear, talk, and physically move about the office. Visual acuity is necessary to read materials and operate computer terminals and other office equipment

Working Conditions

Work is performed primarily in an environmentally controlled environment without exposure to harmful chemicals, personal danger, or other workplace hazards

Education

Graduation from a two year business school or community college with a major in business or related field.

Experience

Three (3) – Five (5) years administrative experience in a municipal or county government clerk's office preferred

Special Requirements

- Valid driver's license may be required
- Certification as a Notary Public
- Current designation as a Certified Municipal Clerk by the School of Government or ability to obtain certification within one year of employment
- Membership in the North Carolina Association of Municipal Clerks (NCAMC) and other professional associations is desired

FLSA Status: Non-Exempt

Disclaimer

This classification specification has been designed to indicate the general nature and level of work performed by employees within this classification. It is not designed to contain or be interpreted as a comprehensive inventory of all duties, responsibilities, and qualifications required of employees to perform the job. The City of Hendersonville reserves the right to assign or otherwise modify the duties assigned to this classification.

October 2016



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 3-24-2020

Presenter: Susan G. Frady, Development Asst Director

Date of Council Meeting to consider this item: 4-2-2020

Nature of Item: Council Action

Summary of Information/Request:

Item # 05h

The City has received an application from Hendersonville Housing Authority, to close a portion of an unopened and unimproved ROW for Sixth Avenue East located on PIN 9568-99-9384. A survey and legal descriptions are included.

General Statue 160A-299 has procedures for permanently closing streets and alleys. Whenever there is a proposal to permanently close any street or public alley, the City Council shall first adopt a resolution declaring its intent to close the street or alley and shall set a date for a public hearing. At this public hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest or the property rights of any individual.

The Resolution of Intent setting June 4, 2020 as the public hearing date is attached.

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

Suggested Motion:

I move City Council to adopt the Resolution of Intent for the closing of a portion of an unopened and unimproved ROW for Sixth Avenue East located on PIN 9568-99-9384 as petitioned by the Hendersonville Housing Authority.

Attachments:

Resolution of Intent
Survey
Legal Description

RESOLUTION OF INTENT

A resolution declaring the intention of the City of Hendersonville City Council to consider closing a portion of an unopened and unimproved ROW for a portion of 6th Avenue East located on PIN 9568-99-9384.

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

WHEREAS, Hendersonville Housing Authority, has petitioned the Council of the City of Hendersonville to close an unopened and unimproved ROW for a portion of 6th Avenue East located on PIN 9568-99-9384.

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of an unopened and unimproved ROW for a portion of 6th Avenue East located on PIN 9568-99-9384.

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

1. A meeting will be held at 5:45 p.m. on the fourth day of June 2020, in the Council Chambers of City Hall to consider closing an unopened and unimproved alley between Williams and Harris Street.
2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.
3. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.
4. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted by the City Council at a meeting held on the second day of April 2020.

Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, City Clerk

(Seal)

DATE	12-17
PROJECT #	12807
DESIGNER	G. H. ACOT
ENGINEER	AKK
SCALE	1"=40'

LEGAL DESCRIPTION FOR 6TH AVENUE EAST AND WALNUT STREET

BEGINNING AT A #4 REBAR WITH "MCABEE" CAP SET IN THE INTERSECTION OF THE NCDOT RIGHT OF WAY SHOWN IN PLANS FOR PROJECT 8.1834101 AND THE SOUTH MARGIN OF 6TH AVENUE EAST; THENCE WITH THE EAST MARGIN OF SAID NCDOT RIGHT OF WAY N 06°21'33" E A DISTANCE OF 30.25' TO A CALCULATED POINT IN THE NORTH MARGIN OF 6TH AVENUE EAST; THENCE WITH THE NORTH MARGIN OF 6TH AVENUE EAST THE FOLLOWING TWO CALLS N 74°39'41" E A DISTANCE OF 191.15' TO A CALCULATED POINT; THENCE N 75°42'01" E A DISTANCE OF 57.33' TO A CALCULATED POINT AT THE INTERSECTION OF THE NORTH MARGIN FOR 6TH AVENUE EAST AND THE EAST MARGIN FOR WALNUT STREET; THENCE WITH THE EAST MARGIN FOR WALNUT STREET THE FOLLOWING TWO CALLS S 39°26'19" E A DISTANCE OF 24.00' TO A CALCULATED POINT; THENCE S 11°04'07" E A DISTANCE OF 330.85' TO A CALCULATED POINT AT THE INTERSECTION OF THE EAST MARGIN FOR WALNUT STREET AND THE NORTH MARGIN FOR 5TH AVENUE EAST; THENCE WITH THE NORTH MARGIN FOR 5TH AVENUE EAST S 62°36'46" W A DISTANCE OF 31.66' TO A CALCULATED POINT AT THE INTERSECTION OF THE NORTH MARGIN FOR 5TH AVENUE EAST AND THE WEST MARGIN OF WALNUT STREET; THENCE WITH THE WEST MARGIN FOR WALNUT STREET N 11°00'15" W A DISTANCE OF 330.65' TO A CALCULATED POINT AT THE INTERSECTION OF THE WEST MARGIN OF WALNUT STREET AND THE SOUTH MARGIN OF 6TH AVENUE EAST; THENCE WITH THE SOUTHERN MARGIN FOR 6TH AVENUE EAST S 75°03'45" W A DISTANCE OF 238.85' TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 0.400 ACRES, 17,403 SQ.FT. AND BEING THE HISTORIC LOCATION OF 6TH AVENUE EAST AND WALNUT STREET.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 3-24-2020

Presenter: Susan G. Frady, Development Asst Director

Date of Council Meeting to consider this item: 4-02-2020

Nature of Item: Council Action

Summary of Information/Request:

Item # 05i

The City has received an application from Hendersonville Housing Authority, to close an unopened and unimproved alley between Williams Street and Harris Street located on PIN 9568-99-9384. A map, survey and legal description are included.

General Statue 160A-299 has procedures for permanently closing streets and alleys. Whenever there is a proposal to permanently close any street or public alley, the City Council shall first adopt a resolution declaring its intent to close the street or alley and shall set a date for a public hearing. At this public hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest or the property rights of any individual.

The Resolution of Intent setting June 4, 2020 as the public hearing date is attached.

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

Suggested Motion:

I move City Council to adopt the Resolution of Intent for the closing of an unopened and unimproved alley between Williams Street and Harris Street located on PIN 9568-99-9384 as petitioned by the Hendersonville Housing Authority.

Attachments:

Resolution of Intent
Survey
Legal Description

RESOLUTION OF INTENT

A resolution declaring the intention of the City of Hendersonville City Council to consider closing a portion of an unopened and unimproved alley between Williams Street and Harris Street located on PIN 9568-99-9384.

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

WHEREAS, Hendersonville Housing Authority, has petitioned the Council of the City of Hendersonville to close an unopened and unimproved alley between Williams Street and Harris Street located on PIN 9568-99-9384.

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of an unopened and unimproved alley between Williams Street and Harris Street located on PIN 9568-99-9384.

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

1. A meeting will be held at 5:45 p.m. on the fourth day of June 2020, in the Council Chambers of City Hall to consider closing an unopened and unimproved alley between Williams and Harris Street.
2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.
3. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.
4. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted by the City Council at a meeting held on the second day of April 2020.

Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, City Clerk

(Seal)

100

HISTORIC 20 FOOT ALLEY CLOSURE

BEGINNING AT A CALCULATED POINT AT THE INTERSECTION OF THE WESTERN MARGIN OF HARRIS STREET AND THE SOUTHERN MARGIN OF A 20' ALLEY DESCRIBED IN DEED BOOK 424 PAGE 57; THENCE WITH THE SOUTH MARGIN OF SAID ALLEY S 75°38'12" W A DISTANCE OF 338.40' TO A CALCULATED POINT AT THE INTERSECTION OF THE SOUTH MARGIN OF SAID ALLEY AND THE EAST MARGIN OF WILLIAMS STREET; THENCE WITH THE EAST MARGIN OF WILLIAMS STREET N 21°40'48" W A DISTANCE OF 20.16' TO A CALCULATED POINT AT THE INTERSECTION OF THE EAST MARGIN OF WILLIAMS STREET AND THE NORTH MARGIN OF SAID ALLEY; THENCE WITH THE NORTH MARGIN OF SAID ALLEY N 75°38'12" E A DISTANCE OF 338.58' TO A CALCULATED POINT AT THE INTERSECTION OF THE NORTH MARGIN OF SAID ALLEY AND THE WESTERN MARGIN OF HARRIS STREET; THENCE WITH THE WESTERN MARGIN OF HARRIS STREET S 21°10'59" E A DISTANCE OF 20.14' TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 0.155 ACRES, 6,770 SQ.FT. AND BEING THE HISTORIC LOCATION OF SAID 20' ALLEY.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 3-24-2020

Presenter: Susan G. Frady, Development Asst Director

Date of Council Meeting to consider this item: 4-02-2020

Nature of Item: Council Action

Summary of Information/Request:

Item # 05j

The City has received an application from Hendersonville Housing Authority to close an unopened and unimproved ROW for Clark Street located on PIN 9568-49-2048. A survey and legal description are included.

General Statue 160A-299 has procedures for permanently closing streets and alleys. Whenever there is a proposal to permanently close any street or public alley, the City Council shall first adopt a resolution declaring its intent to close the street or alley and shall set a date for a public hearing. At this public hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest or the property rights of any individual.

The Resolution of Intent setting June 4, 2020 as the public hearing is attached.

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

Suggested Motion:

I move City Council to adopt the Resolution of Intent for the closing of an unopened and unimproved ROW for Clark Street located on PIN 9568-49-2048 as petitioned by the Hendersonville Housing Authority.

Attachments:

RESOLUTION OF INTENT

A resolution declaring the intention of the City of Hendersonville City Council to consider closing a portion of an unopened and unimproved ROW for Clark Street located on PIN 9568-49-2048.

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

WHEREAS, Hendersonville Housing Authority, has petitioned the Council of the City of Hendersonville to close an unopened and unimproved ROW for Clark Street located on PIN 9568-49-2048.

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of an unopened and unimproved ROW for Clark Street located on PIN 9568-49-2048.

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

1. A meeting will be held at 5:45 p.m. on the fourth day of June 2020, in the Council Chambers of City Hall to consider closing an unopened and unimproved alley between Williams and Harris Street.
2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.
3. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.
4. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted by the City Council at a meeting held on the second day of April 2020.

Barbara G. Volk, Mayor

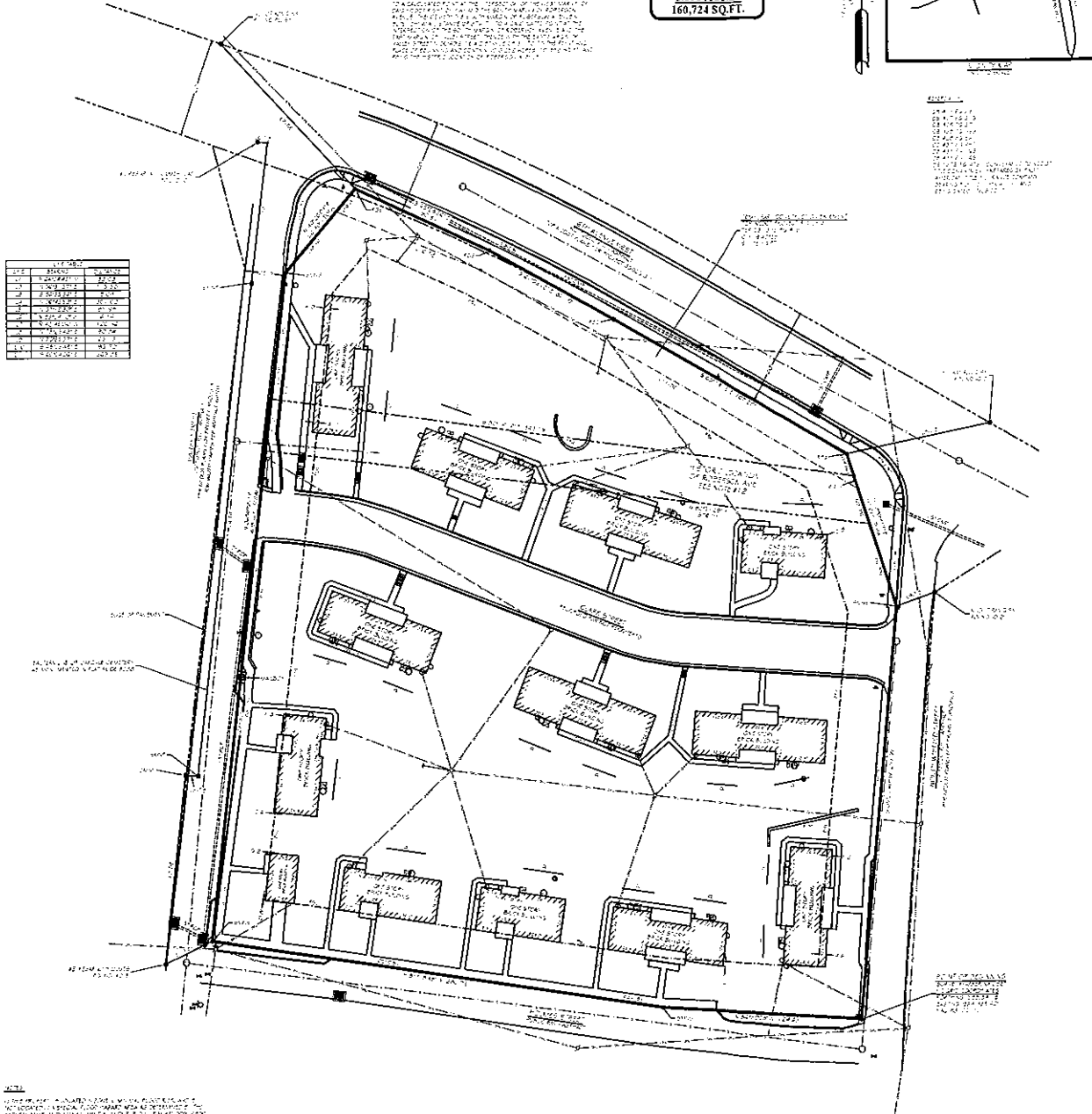
ATTEST:

Tammie K. Drake, City Clerk

(Seal)

[illegible]

Year	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	

[illegible]

2. The first two stages of the analysis are the identification of the relevant variables and the selection of the appropriate statistical tests. The third stage is the estimation of the parameters of the model. The fourth stage is the testing of the hypotheses. The fifth stage is the interpretation of the results.

8. Aşağıdaki her cümle için doğru ya da yanlış olduğunu belirtiniz. Doğruysa "D", yanlışsa "Y" yazınız.

答: (1) 该函数在 $x=0$ 处不可导。
 (2) 该函数在 $x=0$ 处可导。
 (3) 该函数在 $x=0$ 处不可导。
 (4) 该函数在 $x=0$ 处可导。

2. The location is well located in the center of the city.

1. The following are the names of the persons who have been appointed to the various committees of the Board of Directors of the Corporation:

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

[illegible]

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10=PLATBOO
20=BOOBOO
30=BOO
40=BOOBOO
50=BOOBOO
60=BOOBOO
70=BOOBOO
80=BOOBOO
90=BOOBOO
100=BOOBOO

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① $\frac{1}{x^2} = x^{-2}$
 $\frac{d}{dx} x^{-2} = -2x^{-3} = -\frac{2}{x^3}$
 ② $y = \ln(x^2)$
 $\frac{dy}{dx} = \frac{1}{x^2} \cdot 2x = \frac{2}{x}$
 ③ $y = e^{x^2}$
 $\frac{dy}{dx} = e^{x^2} \cdot 2x = 2xe^{x^2}$

$$\begin{aligned} \mathbf{A} &= \begin{bmatrix} 1 & 2 & 3 \\ 2 & 3 & 4 \\ 3 & 4 & 5 \end{bmatrix}, \quad \mathbf{B} = \begin{bmatrix} 1 & 2 & 3 \\ 2 & 3 & 4 \\ 3 & 4 & 5 \end{bmatrix} \\ \mathbf{A} + \mathbf{B} &= \begin{bmatrix} 2 & 4 & 6 \\ 4 & 6 & 8 \\ 6 & 8 & 10 \end{bmatrix} \\ \mathbf{A} - \mathbf{B} &= \begin{bmatrix} 0 & 0 & 0 \\ 0 & 0 & 0 \\ 0 & 0 & 0 \end{bmatrix} \\ \mathbf{A} \mathbf{B} &= \begin{bmatrix} 14 & 22 & 30 \\ 22 & 34 & 46 \\ 30 & 46 & 58 \end{bmatrix} \\ \mathbf{B} \mathbf{A} &= \begin{bmatrix} 14 & 22 & 30 \\ 22 & 34 & 46 \\ 30 & 46 & 58 \end{bmatrix} \end{aligned}$$

1. The first step is to identify the problem.

1. The first step is to identify the problem.
 2. The second step is to define the problem.
 3. The third step is to analyze the problem.
 4. The fourth step is to develop a solution.
 5. The fifth step is to implement the solution.
 6. The sixth step is to evaluate the solution.
 7. The seventh step is to monitor the solution.
 8. The eighth step is to maintain the solution.
 9. The ninth step is to improve the solution.
 10. The tenth step is to document the solution.

[illegible]

② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩ ⑪ ⑫ ⑬ ⑭ ⑮ ⑯ ⑰ ⑱ ⑲ ⑳ ㉑ ㉒ ㉓ ㉔ ㉕ ㉖ ㉗ ㉘ ㉙ ㉚ ㉛ ㉜ ㉝ ㉞ ㉟ ㊱ ㊲ ㊳ ㊴ ㊵ ㊶ ㊷ ㊸ ㊹ ㊺ ㊻ ㊼ ㊽ ㊾ ㊿

姓名: 王 强
 学 号: 123456
 姓 名: 李 明
 学 号: 789012
 姓 名: 张 伟
 学 号: 345678

	10.	607
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[illegible]

2079 A. 15.1% 2079 B. 15.1% 2079 C. 15.1% 2079 D. 15.1%

(continued)

RECEIVED
NORTH CAROLINA
JUL 1 1964

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 01-11-2001 BY 60322 UCBAW

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1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

[illegible][illegible]

1. A 1000' x 1000' area of land, located in the south
west corner of the 1000' x 1000' area, is to be
used for the purpose of the following three cases:
a. The 1000' x 1000' area is to be used for the
purpose of the following three cases:
b. The 1000' x 1000' area is to be used for the
purpose of the following three cases:
c. The 1000' x 1000' area is to be used for the
purpose of the following three cases:

[illegible]
$$f_1(x) = \frac{1}{2} \left(1 + \frac{x}{\sqrt{1+x^2}} \right) \quad \text{and} \quad f_2(x) = \frac{1}{2} \left(1 - \frac{x}{\sqrt{1+x^2}} \right)$$

Figure 1. The study area.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 07-10-2001 BY 60322 UCBAW/SJS

3. ON 14 APR 1980, THE FOLLOWING INFORMATION WAS RECEIVED FROM THE
U.S. AIR FORCE, WASHINGTON, D.C.
ON 14 APR 1980, THE FOLLOWING INFORMATION WAS RECEIVED FROM THE
U.S. AIR FORCE, WASHINGTON, D.C.
ON 14 APR 1980, THE FOLLOWING INFORMATION WAS RECEIVED FROM THE
U.S. AIR FORCE, WASHINGTON, D.C.

[illegible]

**McABEE &
ASSOCIATES, P.A.**
PROFESSIONAL LAND SURVEYORS

Eric S. McAbee, PLS
J. Barry West, PLS
Telephone (813) 625-1100
Fax (824) 525-1100
Walter S. McAbee, PLS (E-mail)
3 McAbee Trail Fairview North Carolina 28750

[illegible]

HENDERSONVILLE HOUSING AUTHORITY
 LOCATED AT 901 CLARK STREET

ROBERSON AVENUE CLOSURE

BEGINNING AT A CALCULATED POINT AT THE INTERSECTION OF THE EAST MARGIN OF VALLEY STREET AND THE NORTH MARGIN OF ROBERSON AVENUE; THENCE WITH THE NORTH MARGIN OF ROBERSON AVENUE S 82°14'12" E A DISTANCE OF 363.79' TO A CALCULATED POINT AT THE INTERSECTION OF THE NORTH MARGIN OF ROBERSON AVENUE AND THE WESTERN MARGIN OF THE NCDOT RIGHT OF WAY SHOWN IN PROJECT 35025.3.1; THENCE WITH THE WESTERN MARGIN OF SAID NCDOT RIGHT OF WAY THE FOLLOWING TWO CALLS; S 18°09'17" E A DISTANCE OF 8.31' TO A CALCULATED POINT; THENCE S 18°09'17" E A DISTANCE OF 22.38' TO A CALCULATED POINT AT THE INTERSECTION OF THE WEST MARGIN OF SAID NCDOT RIGHT OF WAY AND THE SOUTH MARGIN OF ROBERSON AVENUE; THENCE WITH THE SOUTH MARGIN OF ROBERSON AVENUE N 82°51'29" W A DISTANCE OF 376.71' TO A CALCULATED POINT AT THE INTERSECTION OF THE SOUTH MARGIN OF ROBERSON AVENUE AND THE EAST MARGIN OF VALLEY STREET; THENCE WITH THE EAST MARGIN OF VALLEY STREET N 06°49'21" E A DISTANCE OF 31.70' TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 0.252 ACRES, 10,992 SQ.FT. AND BEING THE HISTORIC LOCATION OF ROBERSON AVENUE.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 3/25/2020

Presenter: John Connet

Date of Council Meeting to consider this item: 4/2/2020

Nature of Item: Council Action

Summary of Information/Request:

Item # 05k

As part of the City's response to COVID-19, the City Manager made the decision to discontinue the disconnection of water service and the applying of late fees and penalties for utility customers with outstanding account balances. I failed to ask the City Council to ratify this decision at your March 20th special meeting. Therefore, I would request that you ratify the suspension of water service and applying of late penalties until the COVID-19 until reinstated by the City Council.

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

Suggested Motion:

I move that the City Council resolve to ratify the City Manager's decision to suspend utility account disconnection and the applying of late penalties until the COVID-19 until reinstated by the City Council.

Attachments:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Jennifer Harrell

Department: Admin

Date Submitted: 03/23/2020

Presenter: Jennifer Harrell

Date of Council Meeting to consider this item: 04/02/2020

Nature of Item: Council Action

Summary of Information/Request:

Item # 051

Currently, the City's voluntary insurance products are spread over three primary carriers, Colonial Life, Liberty National Life and Lincoln National Life. Utilizing this many companies can be time consuming for staff and confusing for employees.

Staff would like to establish Mark III, our current Insurance Brokerage firm, as our benefits administrator for our block of voluntary insurances and have them in place as soon as possible so they can take over flawlessly at our open enrollment.

Mark III, utilizes various insurance companies and we have been assured the rates of these companies are comparable or better than our current rates, due to the volume of business they hold. They will leverage the best deal from competing companies in every benefit category. They provide a call center as well as a dedicated account manager and a local field account manager.

They will provide customized benefit plan booklets for employees along with employee videos. We are paying for this service with Mark III now, but have not been utilizing it because they require the entire block of voluntary insurances and because Colonial Life Insurance has their own enrollers and will not allow a third party to enroll for them. The Human Resources staff has been informed by Lincoln Life that we do not have enough employees in their system and beginning July 1, 2020 the City will no longer be supported by them.

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

Suggested Motion:

I move the City Council resolve to adopt Mark III as the benefits administrator for the City's voluntary insurances.

Attachments:



Why Mark III?

Who We Are



- ✓ Mark III Employee Benefits covering the entire Southeast.



Mark III
Employee Benefits

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**We work hard
To make your
Employees happy.**

Who We Are

Saving money on employee benefits while still attracting and retaining the best and the brightest is a must in today's economy. As the largest independent public sector broker in the Southeast, we use our leverage backed by our book of business to get your employees the best benefit for the best price possible.

As both benefit costs and employee expectations rise, many employers struggle to balance employee needs with their own capabilities and budgets.

Helping you meet these divergent objectives is our specialty. We provide a variety of professional services to our clients that reduce customer costs, increase efficiency, and improve employee satisfaction.

What We Offer



Section 125 Plans

A Section 125 Plans are a solution to increase your employees net pay when budget restraints only allow for minimal salary raises, if any at all.



Healthcare Consulting

Mark III has worked in the Healthcare industry since 1986. These years of experience have allowed us to understand what works and what does not work in public sector health care administration.



Enrollment Services & Online Platform

Clients who choose Mark III as their Section 125 Plan broker are provided enrollment services free of charge. Guidance is provided by our salaried enrollment counselors. We also provide a call center & online enrollment/benefits administration.



Benefit Communications

We feel the more knowledge the employee has about their benefits and how easy that information is to understand, the better choice that employee will be able to make about which plans are right for them. We provide product videos, benefits websites, booklets, and more!



Why Mark III?

Guaranteed Insurability



- ✓ Disability
- ✓ Accident
- ✓ Term Life

- ✓ Whole Life
- ✓ Cancer
- ✓ Critical Illness

- ✓ Hospital Indemnity



Mark III
Employee Benefits

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Why Mark III?

Customer Service

You receive one-on-one attention with:

- ✓ A day-to-day dedicated account manager, which you may call or email at anytime
- ✓ A local dedicated field account manager
- ✓ Dedicated Benefit Consultant, Kenny West



Mark III
Employee Benefits

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Why Mark III?

Enrollment Services

On-site, online, a phone call away, year round

- ✓ Salaried Staff *(non-commission)*
- ✓ Educational Format
- ✓ Internet-based Solutions *(Self-Enroll Option with 24 hour access)*
- ✓ Group Presentations
- ✓ One-on-one Counseling
- ✓ Call Center *(employees can call in with questions, or to enroll)*



Mark III
Employee Benefits

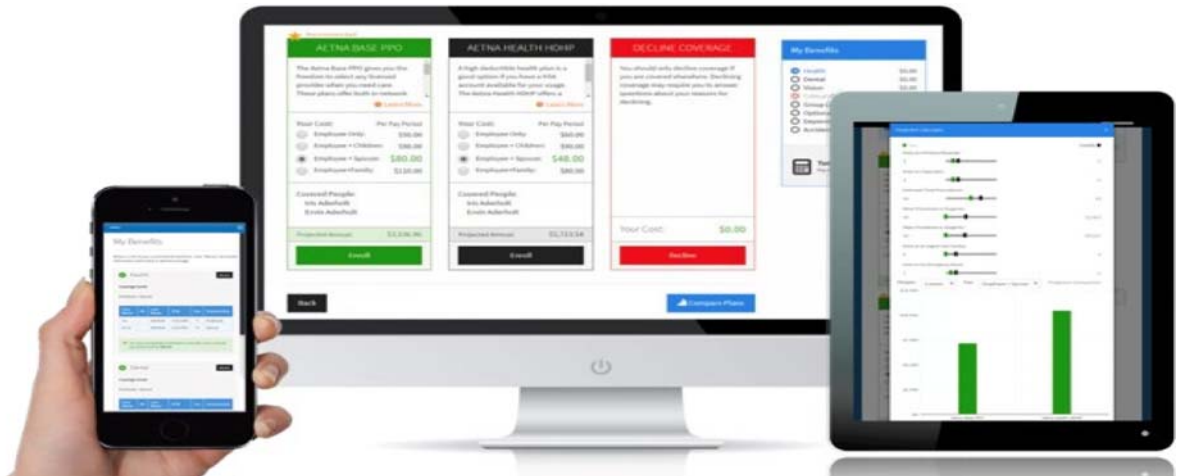
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Why Mark III?

Online Enrollment

Mark III uses a custom designed internet-based platform.

- ✓ Internet-based
- ✓ Secure System
- ✓ 24/7 Access
- ✓ User-friendly
- ✓ Benefit/Deduction Summary
- ✓ GI Benefits = Easy Admin
- ✓ New Hire Self-Enrollment



Mark III
Employee Benefits

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Why Mark III?

Employee Communications

Offering material to keep your employees informed including:

- ✓ Enrollment Services *(in-person, web, & call center)*
- ✓ Benefits Statement *(listing of deductions applied during enrollment)*
- ✓ Website *(view all benefits, download forms, view booklet, & contact info)*
- ✓ Benefits Booklet *(summaries & rate handbook)*
- ✓ Posters *(dates and enrollment/benefits info)*
- ✓ Employee Enrollment Letters
- ✓ Product Videos *(educational videos customized per product)*



Mark III
Employee Benefits

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Why Mark III?

Benefits Websites

Customized Benefits Microsites to Guide your Employees



- ✓ Benefits Guide
- ✓ Product Videos
- ✓ Policy Certificates
- ✓ Plan Forms
- ✓ Contact Info
- ✓ Enrollment Info



Mark III
Employee Benefits

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Why Mark III?

Employee Materials

Customized Benefit Plan Booklets & Enrollment Posters



Mark III
Employee Benefits

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Why Mark III?

Custom HR/Promotion Videos

Our media department makes custom-made videos available to our clients



✓ New Hire

✓ Instructions

✓ Promotional

✓ Employee Benefits

✓ Wellness

✓ Safety

Learn more at watch at markiiimedia.com/our-work



Mark III
Employee Benefits

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Why Mark III?

The Mark III Difference

Products

- ✓ **GUARANTEED INSURABILITY** – You and every GEM Management LLC employee can obtain coverage regardless of health history!
- ✓ **TRUE BROKER** – We work for YOU not any one insurance company. We make insurance companies compete for your business and we can design custom plans. Review the new plan ideas presented.
- ✓ **LEVERAGE** – Due to our volume of business, we will leverage the best deal from competing companies in every benefit category.

Enrollment

- ✓ **NON-COMMISSIONED TEAM** – Unlike our competitors Mark III offers non-commissioned representatives therefore educating you and your employees versus them having an incentive to make a sale.
- ✓ **INTERNET-BASED ENROLLMENT** – Changes & elections can be made online at the employee's convenience.

Why Mark III?

The Mark III Difference

Communications

- ✓ **VIDEOS** – Mark III has a media department which will create videos for every product offer as well as created customized videos you may need (HR, budget, etc.)
- ✓ **BOOKLETS, POSTERS, & WEBSITES** – We offer a variety of information sources employees can stay informed on enrollment dates and benefit offerings & advantages.

Administration

- ✓ **CUSTOMER SERVICE** – Your dedicated account manager, as well as your local field account manager.



Thank You!



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tyler Morrow

Department: Development Asst Dept

Date Submitted: 3/20/20

Presenter: Daniel Heyman, Senior Planner

Date of Council Meeting to consider this item: 4/2/20

Nature of Item: Council Action

Summary of Information/Request:

Item # 06

The City is in receipt of a Conditional Rezoning application from William Pace of Pace Brothers Construction for the development of a commercial structure on a 3.06-acre lot. The subject property is identified as parcel number 9578-24-8681 and contains 1 commercial structure. The applicant is requesting to rezone the subject property from C-2 CZD, Secondary Business Conditional Zoning District and R-15 Medium Density Residential to C-2 CZD, Secondary Business Conditional Zoning District.

The applicant is requesting that the following uses be permitted.

- Business services
- Construction trades facilities
- Personal services
- Public and semi-public buildings
- Recreational facilities, indoor
- Religious institutions
- Repair services, miscellaneous
- Residential dwellings, single-family
- Residential dwellings, two-family
- Wholesale businesses
- Light manufacturing

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

Suggested Motion:

Suggested motions are on page 4.

Attachments:

Existing land use map, existing zoning map, future land use map, site plan.

M E M O R A N D U M

TO: Honorable Mayor and City Council

FROM: Development Assistance Department

RE: E Central St Rezoning

FILE #: P20-10-CZD

DATE: April 2nd, 2020

PROJECT DESCRIPTION

The City is in receipt of a Conditional Rezoning application from William Pace of Pace Brothers Construction for the development of a commercial structure on a 3.06-acre lot. The subject property is identified as parcel number 9578-24-8681 and contains 1 commercial structure. The applicant is requesting to rezone the subject property from C-2 CZD, Secondary Business Conditional Zoning District and R-15 Medium Density Residential to C-2 CZD, Secondary Business Conditional Zoning District.

The applicant is requesting that the following uses be permitted.

- Business services
- Construction trades facilities
- Personal services
- Public and semi-public buildings
- Recreational facilities, indoor
- Religious institutions
- Repair services, miscellaneous
- Residential dwellings, single-family
- Residential dwellings, two-family
- Wholesale businesses
- Light manufacturing

EXISTING LAND USE & ZONING

The subject property is currently zoned C-2 CZD, Secondary Business Conditional Zoning District and R-15 Medium Density Residential and contains 1 commercial structure.

Parcels to the north, east and west are zoned R-15 and include residential dwellings and a religious institution. Parcels to the south are zoned C-3 Highway Business and R-15 and include commercial uses as well as the Henderson County Board of Elections. Parcels to the south west are zoned PCD-SU, Planned Commercial Development Special Use and I-1 Industrial and include mini-warehouses. Surrounding land uses and zoning districts are shown on the “Existing Land Use Map” and “Zoning Map” on page 9 and 10 respectively.

COMPREHENSIVE PLAN CONSISTENCY

The subject property is classified as High Intensity Neighborhood on the 2030 Comprehensive Plan's Future Land Use Map. The goal of the High Intensity Neighborhood classification is to "Encourage low-maintenance, high density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods."

The recommended primary and secondary land use in High intensity Neighborhood are as follows:

Recommended Primary Land Uses:

- Single-family attached and multi-family residential
- Planned Residential Developments
- Open space

Recommended Secondary Land Uses:

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

The 2030 Comprehensive Plan's Future Land Use Map designates all adjacent parcels as High Intensity Neighborhood. Some parcels located to the south west of the project are classified as Neighborhood activity center.

The 2030 Comprehensive Plan's Future Land Use Map is located on page 11.

PLAN REVIEW

Buildings

The site currently contains a 10,000 square foot commercial structure. The applicant is proposing to construct a new commercial structure similar in size and appearance to the existing structure.

Landscaping

The site plan shows a fence and landscape buffer on property lines that abut residential uses.

Entrance

The site will be serviced off E. Central Street through a shared drive with 137 E. Central Street.

NEIGHBORHOOD COMPATIBILITY

A neighborhood compatibility meeting concerning the application was held on February 27th, 2020. 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 the Zoning Ordinance.

Two people representing the public attended the meeting. They had questions concerning the extending of E. Central Street and sewer connections. A copy of the neighborhood compatibility report accompanies this memorandum on page 7.

PLANNING BOARD

The Planning Board took this matter up at its regular meeting on March 9th, 2020. The Planning Board voted unanimously to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville. Changing the zoning designation of the subject parcel from C-2 CZD, Secondary Business Conditional Zoning District and R-15 Medium Density Residential to C-2 CZD, Secondary Business Conditional Zoning District based on the site plan submitted and subject to the limitations and conditions stipulated on the published list of uses and conditions, finding that the rezoning is consistent with the Comprehensive Plan, and that the rezoning is reasonable and in the public interest.

ZONING ORDINANCE GUIDELINES

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

1. **Comprehensive Plan consistency.** Consistency with the Comprehensive Plan and amendments thereto.
2. **Compatibility with surrounding uses.** Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.
3. **Changed conditions.** Whether and the extent to which there are changed conditions, trends or facts that require an amendment.
4. **Public interest.** Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.

5. **Public facilities.** Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment.
6. **Effect on natural environment.** Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands, and wildlife.

SUGGESTED MOTIONS

I move the City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from C-2 CZD, Secondary Business Conditional Zoning District and R-15 Medium Density Residential to C-2 CZD, Secondary Business Conditional Zoning District, 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, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons:

[PLEASE STATE YOUR REASONS]

For Recommending Denial:

I move the City Council not adopt an ordinance rezoning the subject property for the following reasons:

[PLEASE STATE YOUR REASONS]

IN RE: E Central St Rezoning (File # P20-10-CZD)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

- Business services
- Construction trades facilities
- Light manufacturing
- Personal services
- Public and semi-public buildings
- Recreational facilities, indoor
- Religious institutions
- Repair services, miscellaneous
- Residential dwellings, single-family
- Residential dwellings, two-family
- Wholesale businesses

II. Conditions:

(1) Shall Be Attached to the Conditional Rezoning and Satisfied Prior to Issuance of Final Site Plan Approval:

(2) Shall Be Attached to the Conditional Rezoning:

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.

Pace Brothers Constructions Company Inc.

Signature: _____

Printed Name: _____

Date: _____

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

IN RE: E Central St Rezoning
(File # P20-10-CZD)

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:

Parcel 9578-24-8681 from C-2 CZD, Secondary Business Conditional Zoning District and R-15 Medium Density Residential to C-2 CZD, Secondary Business Conditional Zoning District.

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

Adopted this 2nd, day of April 2020.

Barbara Volk, Mayor

ATTEST:

Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

Planning Report
Neighborhood Compatibility Meeting
Application for a Conditional Zoning District
Pace/ E. Central File # P20-10-CZD
Thursday, February 27th, 2020 2:00 p.m.

Daniel Heyman, Planner, convened the compatibility meeting at 2:00 pm in the Assembly Room of the City Operations Center. Two members of the public, one application representative and three City staff were in attendance. The following signed in:

Name	Address	Name	Address
Billy Pace (app)	137 E. Central St.	Susan Frady	staff
William McClure	613 Substation St.	Daniel Heyman	staff
Larry Rogers	PEP	Tyler Morrow	staff

Mr. Heyman opened the meeting explaining this is the first step in a three-step process. He explained the conditional rezoning process adding anyone who received notice of this meeting would receive notice of the City Council and Planning Board Public Hearing. Minutes of this meeting will be forwarded to Planning Board and City Council. Mr. Heyman said the project will go before the Planning Board March 9th and City Council will hear the project April 2nd. Mr. Heyman stated this meeting is for the neighbors to learn about the project and they should focus on the compatibility of the project in the neighborhood. The property is currently zoned C-3 CZD, Highway Business Conditional Zoning District and R-15 Medium Density Residential, and the applicant is requesting to be rezoned to C-2 CZD, Secondary Business Conditional Zoning District to construct a 10,000 square foot commercial structure. The following uses would be permitted in the proposed commercial building: Business services, Construction trades facilities, Personal services, Public and semi-public buildings, Recreational facilities, indoor, Religious institutions, Repair services, miscellaneous, Residential dwellings, single-family, Residential dwellings, two-family, Wholesale businesses, Light manufacturing. Mr. Heyman opened the floor to William Pace.

William Pace, applicant, stated that William McClure had voiced a concern over the extension of E. Central Street beyond 137 E. Central Street prior to the meeting and that he wanted to address it. He stated that Mr. McClure was concerned that the road would be constructed and connected to Substation Street. Mr. Pace stated that he has no interest in developing the road past his property. He stated that the road acts as a buffer between his property and the neighbors. He stated that he had the needed ingress and egress from his property and would not develop E. Central Street beyond his proposed commercial structure.

William McClure 613 Substation Street asked if Mr. Pace was the one who constructed the fence.

Mr. Pace stated yes, and he will continue it along the property for the new proposed building.

Mr. McClure stated that his only concern is that the remainder of E. Central remain closed.

Mr. Pace stated that his surveyor showed that E. Central Street only extended about 50 feet past the proposed property. He has no interest in extending the street or building it.

Mr. McClure stated that he noticed the building would have a septic tank and asked why they would not have city sewer.

Mr. Pace stated that sewer systems are hard to come by and that he was not going to be annexed during this project.

Mr. Pace told Mr. McClure that if he had any other concerns to call him.

Susan Frady asked if Larry Rogers had any questions.

Larry Rogers stated no.

Mr. Heyman stated this concludes the meeting. He stated the next step for this project is the Planning Board and everyone that got noticed will be noticed of the Planning Board meeting as well.

With no further comments or questions, Mr. Heyman closed the meeting at 2:08.



City of Hendersonville
February 2020

E. Central St. Rezoning

P20-10-CZD

Existing Land Use

Development Assistance Department

Vacant

Barker Heights
Baptist Church



Pin: 9578-24-8681
Approximately 3.06 Acres

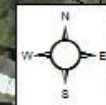
Residential

Wunderlich
America

Target
Shotguns

Henderson County
Board of Elections

-  Subject Property
-  Hendersonville City Limits



0 75 150 300
Feet



City of Hendersonville
February 2020

E. Central St. Rezoning

P20-10-CZD

Existing Zoning

Development Assistance Department

R-15

R-15

R-15

Pin: 9578-24-8681
Approximately 3.06 Acres

C-2 CZD

C-3

FAIRVIEW AVE

LYLY AVE

 Subject Property

Hendersonville Zoning

 CZD Conditional Zoning Districts

 R-15 Medium Density Residential

 C-3 Highway Business

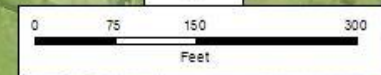
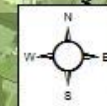
 C-2 Secondary Business

 PCD-SU Planned Commercial Development Special Use

 I-1 Industrial

 PMD Planned Manufacturing Development

 Hendersonville City Limits





City of Hendersonville
February 2020

E. Central St. Rezoning

P20-10-CZD





Future Land Use

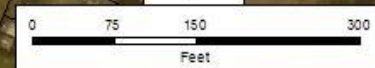
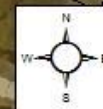
Development Assistance Department

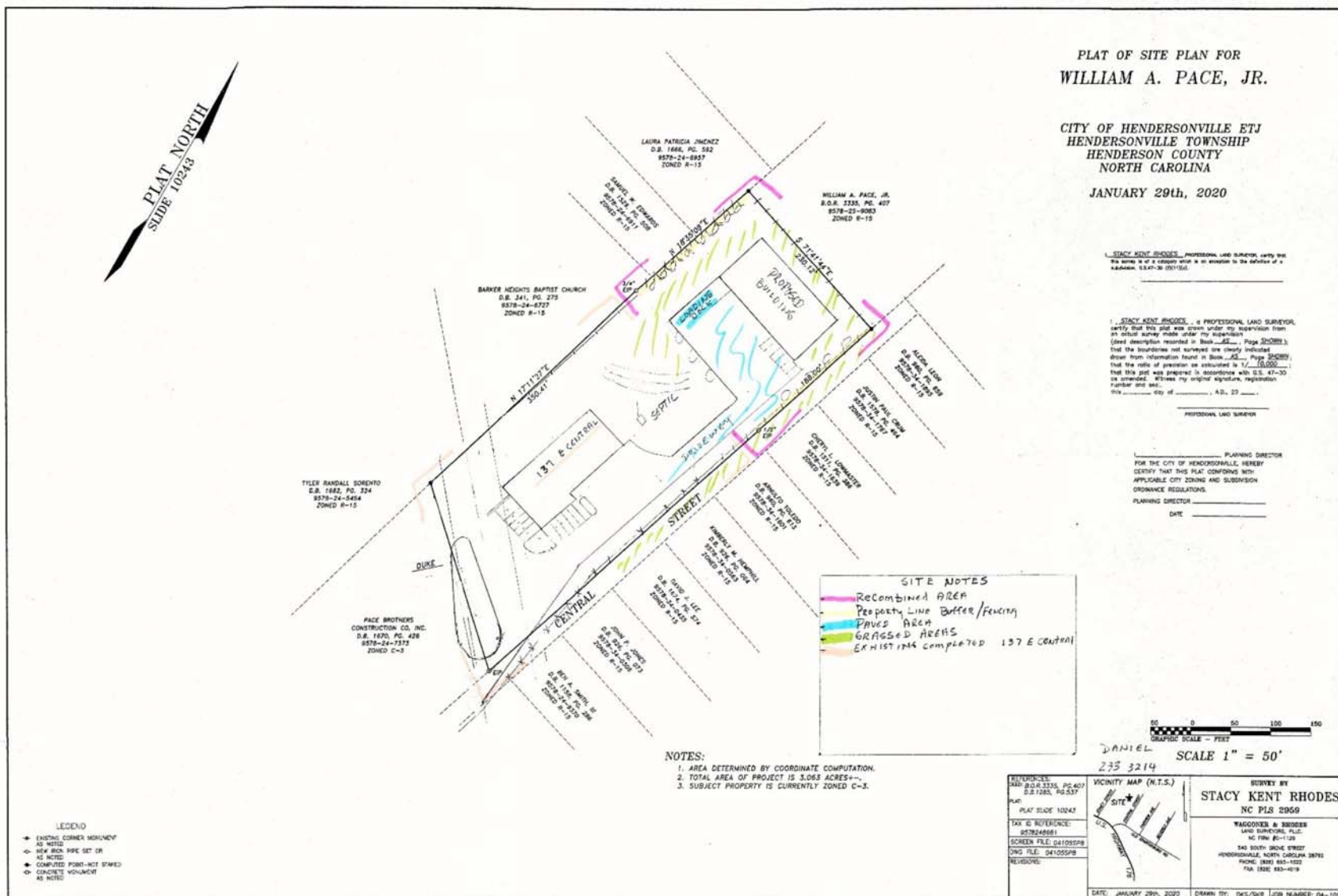
High Intensity Neighborhood

Pin: 9578-24-8681
Approximately 3.06 Acres

High Intensity Neighborhood

-  Subject Property
-  Hendersonville City Limits
- Comprehensive Plan - Future Landuse**
-  Neighborhood Activity Center
-  High Intensity Neighborhood







CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Daniel Heyman

Department: Development Asst Dept

Date Submitted: 03-19-2020

Presenter: Daniel Heyman, Senior Planner

Date of Council Meeting to consider this item: 04-02-2020

Nature of Item: Council Action

Summary of Information/Request:

Item # 07

The City is in receipt of a Conditional Rezoning application from Stephen Drake of Broadcast Construction & Development, Inc for the development of 78 senior multi-family residential units on approximately 4.64 acres. The project is located on Chimney Rock Road, Parcel numbers 9670-70-6498, 9670-70-8607, 9670-70-8864. The applicant is requesting to rezone the subject property from HMU, Highway Mixed Use to PRD CZD, Planned Residential Development Conditional Zoning District.

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

Suggested Motion:

Suggested Motions are on page 5

Attachments:

Site plan
Existing land use map, existing zoning map, future land use map

M E M O R A N D U M

TO: Honorable Mayor and City Council

FROM: Development Assistance Department

RE: White Pine Villas

FILE #: P20-7-CZD

DATE: April 2nd, 2020

PROJECT DESCRIPTION

The City is in receipt of a Conditional Rezoning application from Stephen Drake of Broadcraft Construction & Development, Inc for the development of 78 senior multi-family residential units on approximately 4.64 acres. The project is located on Chimney Rock Road, Parcel numbers 9670-70-6498, 9670-70-8607, 9670-70-8864. The applicant is requesting to rezone the subject property from HMU, Highway Mixed Use to PRD CZD, Planned Residential Development Conditional Zoning District.

This application is a conditional rezoning review. The preliminary site plan is subject to recommendation by the Planning Board and approval by City Council.

EXISTING LAND USE & ZONING

The subject property is zoned HMU and contains two residential structures.

Parcels to the north, south, east and west are zoned HMU, Highway Mixed Use and contain commercial, residential and religious uses. The parcel located to the south east is zoned PRD and include Ballantyne Commons. Surrounding land uses and zoning districts are shown on the "Existing Land Use Map" and "Zoning Map" on page 11 and 12 respectively.

COMPREHENSIVE PLAN CONSISTENCY

The subject property is classified as Neighborhood Activity Center on the 2030 Comprehensive Plan's Future Land Use Map. The goal of the Neighborhood Activity Center classification is to "Concentrate retail in dense, walkable, mixed-use nodes located at major intersections in order to promote a sense of community and a range of services that enhance the value of Hendersonville's neighborhoods"

The primary and secondary recommended land uses are as follows:

Primary recommended land use:

- Neighborhood retail sales and services

Secondary recommended land use:

- Offices
- Multi-family residential
- Live-work units
- Public and institutional uses
- Pedestrian amenities (plazas, outdoor seating, etc.)
- Mixed uses

The 2030 Comprehensive Plan's Future Land Use Map designates Parcels located to the west and south of the subject property as Neighborhood activity center. The parcels to the north of the subject property are classified as Business Center. The parcels to the east of the subject property are classified as Medium Intensity Neighborhood.

The 2030 Comprehensive Plan's Future Land Use Map is located on page 13.

PLAN REVIEW

Buildings

The site plan shows a three-story multi-family development totaling approximately 31,900 square feet.

Density

The site plan show 78 proposed units on a 4.64 acre tract for a total density of 16.8 units per acre. Proposed PRDs with a density over 10 units per acre must meet the following requirements:

a) The property on which the development is proposed to be situated shall be located in close proximity to a thoroughfare designated as such in the Comprehensive Transportation Plan;

Chimney Rock Rd is designated as a thoroughfare in the Comprehensive Transportation Plan.

b) Vehicular access for such development shall be limited to one or more boulevards or thoroughfares designated as such in the Comprehensive Transportation Plan

Vehicular access is limited to Chimney Rock Rd.

c) The carrying capacity of the roadway shall be adequate to handle increased traffic associated with the development without reducing the level of service of such roadway;

It appears that the carrying capacity of Chimney Rock Rd and nearby intersections is adequate to handle the increased traffic associated with the proposed development. According to the ITE Trip Generation Manual, the development is expected to generate between 2 and 29 trips during the am peak hour, and between 2 and 20 trips during the pm peak hour.

d) The development is proposed to be located within reasonable walking distance of places of employment and/or shopping facilities and shall provide pedestrian amenities in order to foster pedestrian access to such facilities;

There are existing sidewalks on Chimney Rock Rd. This requirement was satisfied the Brittany Place development by constructing sidewalks to the nearby Ingles grocery store at the corner of Howard Gap Road. This proposed development will have similar access to the same.

e) The development shall provide common open space sufficient for the needs of its residents, which shall not be less than the greater of the common open space required by Section 6-16-2, below, or 1% of the land area of the development for each dwelling unit per acre proposed. Any density authorized by City Council pursuant to this section shall not exceed 18 dwelling units per acre.

Section 6-16-2 requires 500 square feet of common open space per dwelling unit or 10 percent of the total site. Alternatively, this section requires 16.8 percent based on the density per acre. The greater of these three numbers is 500 square feet per dwelling unit for a total of 39,000 square feet which the site plan provides.

Parking

The subject property is within the Entry Corridor Overlay District which allows a 20 percent reduction in parking. 117 spaces are required based on the number of units. A 20 percent reduction results in 94 spaces required. The site plan shows 95 proposed parking spaces including 8 handicap accessible spaces.

Landscaping

Landscaping is provided for vehicular use areas, as well as additional trees along the internal streets and around the common amenities.

1 tree is provided for every 25 linear feet of property line that abuts a public street.

Stormwater/Flood Hazard Area

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

NEIGHBORHOOD COMPATIBILITY

A neighborhood compatibility meeting concerning the application was held on February 18th, 2020. 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 the Zoning Ordinance.

Four people representing the public attended the meeting. Attendees asked questions regarding the price of the units, services provided, operations, and existing vegetation. A copy of the neighborhood compatibility report accompanies this memorandum on page 8.

PLANNING BOARD

The Planning Board took this matter up at its regular meeting on March 9th, 2020. The Planning Board voted unanimously to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville. Changing the zoning designation of the subject parcel from HMU, Highway Mixed Use to PRD CZD, Planned Residential Development Conditional Zoning District based on the site plan submitted and subject to the limitations and conditions stipulated on the published list of uses and conditions, finding that the rezoning is consistent with the Comprehensive Plan, and that the rezoning is reasonable and in the public interest.

ZONING ORDINANCE GUIDELINES

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

1. **Comprehensive Plan consistency.** Consistency with the Comprehensive Plan and amendments thereto.
2. **Compatibility with surrounding uses.** Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.
3. **Changed conditions.** Whether and the extent to which there are changed conditions, trends or facts that require an amendment.
4. **Public interest.** Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.

5. **Public facilities.** Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment.
6. **Effect on natural environment.** Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands, and wildlife.

SUGGESTED MOTIONS

I move the City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from HMU, Highway Mixed Use to PRDCZD, Planned Residential Development Conditional Zoning District, 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, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons:

[PLEASE STATE YOUR REASONS]

For Recommending Denial:

I move the City Council not adopt an ordinance rezoning the subject property for the following reasons:

[PLEASE STATE YOUR REASONS]

IN RE: White Pine Villas (File # P20-7-CZD)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

Residential dwellings multi-family

II. Conditions:

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

Complete Petition for Annexation submitted to the City of Hendersonville.

- (2) Shall Be Attached to the Conditional Rezoning:**

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.

Broadcraft Construction & Development, Inc.

Signature: _____

Printed Name: _____

Date: _____

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

IN RE: White Pine Villas
(File # P20-7-CZD)

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:

Parcels 9670-70-6498, 9670-70-8607, 9670-70-8864 from HMU, Highway Mixed Use to PRD CZD, Planned Residential Development Conditional Zoning District

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

Adopted this 2nd, day of April 2020.

Barbara Volk, Mayor

ATTEST:

Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

Planning Report
Neighborhood Compatibility Meeting
Application for a Conditional Zoning District
West Avenue Villas File # P20-7-CZD
Tuesday, February 18, 2020 2:00 p.m.

Daniel Heyman, Planner, convened the compatibility meeting at 2:00 pm in the Assembly Room of the City Operations Center. Approximately four members of the public, one application representative, two City staff, and one media representative were in attendance. The follow signed in:

Name	Address	Name	Address
Stephen Drake (app)	Mills River	Ken Fitch	1046 Patton St
Andrew Mundhenk	Times News	Daniel Heyman	staff
David Justus	20 Grassy Hills	Tyler Morrow	staff
Alex Nelon	109 St Mary's Dr		

Mr. Heyman opened the meeting explaining this is the first step in a three-step process. He explained the conditional rezoning process adding anyone who received notice of this meeting would receive notice of the City Council Public Hearing. Minutes of this meeting will be forwarded to Planning Board and City Council. Mr. Heyman said the project will go before the Planning Board March 9 and City Council will hear the project potentially April 2. Mr. Heyman stated this meeting is for the neighbors to learn about the project and they should focus on the compatibility of the project in the neighborhood. The property is currently zoned CMU Highway Mixed Use. The proposal is for a 78-unit independent senior living facility. This is an informal meeting, but everyone should speak one at a time because minutes are being taken.

Stephen Drake explained they are seeking approval for this development because there is a demand for affordable senior housing around here. He lives nearby in Mills River. To his knowledge, the last affordable senior housing in the immediate area that was approved was Oakhaven 8 years ago. White Pine Villas would be 78 units for 55 and up, though their average age is about 70. This is for seniors who have financial constraints or are on fixed incomes like social security. They are seeking tax credits to be able to offer rents between 30 and 80 percent of the average county income. Rents would range from 350 to 750 depending on income. There are 36 one-bedroom and 42 two-bedroom units.

Ken Fitch asked what was on the property now.

Mr. Drake said there are two mobile homes. The property owner has expressed interest in moving them so they will work with them to accomplish that before sitework begins.

Mr. Fitch asked about the existing landscaping and a tree survey.

Mr. Drake said they will try to create tree save areas at the boundaries. They have to clear for the building and parking. They will be providing landscaping for the parking lot and along the street frontage. They are working on a tree survey.

Mr. Fitch asked about grading proposed and the height of the building.

Mr. Drake said it would need to be altered some but they are not sure yet. It is a relatively flat parcel. The building will be about 40 ft tall.

Mr. Fitch asked if Mr. Drake had done any projects in the County.

Mr. Drake said Gastonia is the closest, they are finishing one there.

Mr. Fitch asked what is meant by independent senior living.

Mr. Drake said no nursing or medical services will be provided on site unless they are privately contracted.

Mr. Fitch asked about deliveries and garbage service.

Mr. Drake said deliveries would just pull into the area in the front. There is an internal mail center where each resident can access their mailbox without going outside. Larger deliveries would go through the front door. A dumpster will be provided for garbage.

Alex Nelson asked about resident security.

Mr. Drake said they use a key fob system to enter the common area. There would also be a camera system in all common areas. There would be pull strings in the units for emergencies.

Mr. Fitch asked about 24-hour staff.

Mr. Drake said no, staff would be present 9-5. Someone would have to call 911 after hours.

Mr. Nelson mentioned that the Sheriff is on the "Ring network" with doorbell cameras. Could be something for Mr. Drake to investigate. He also mentioned that traffic may need to be looked at on Chimney Rock Rd.

Mr. Drake said seniors are uniquely able to avoid traffic usually because they typically have more flexible schedules. They also have a lot of services nearby like Ingles and the pharmacy, the church next door, and the Blue Ridge Health Center across the street.

Mr. Nelson said people from Ballantyne often cut through the Ingles parking lot or u-turn where Chimney Rock Rd connects. He said that Mt. Pisgah church found a lot of spring heads when they build.

Mr. Drake said they would have to mitigate the spring heads if they found any, they have ran into that before on other sites. They use a civil engineer who is very thorough. He personally spends a lot of time examining things like stormwater and erosion plans because of issues like this.

Mr. Fitch asked how many staff would be present during the day.

Mr. Drake said usually two, one for management and one for maintenance. They may have to hire more but that is typically what works at other developments.

David Justus said he is not going to complain about the development because his kids will want to build right behind this one day and wouldn't want people to stop that. He knows development is coming.

With no further comments or questions, Mr. Heyman closed the meeting at 2:25 p.m.



City of Hendersonville
February 2020

White Pine Villas

P20-7-CZD

Existing Land Use

Development Assistance Department

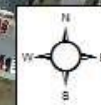
Mr. Pete's
Market

PINs: 9670-70-6498,
-8607, -8864
Approximately 4.64 Acres



Brookdale
Hendersonville East

Mt. Pisgah
Lutheran Church

Ballantyne Commons



0 100 200 400
Feet

-  Subject Property
-  Hendersonville City Limits



City of Hendersonville
February 2020

White Pine Villas

P20-7-CZD

Existing Zoning

Development Assistance Department

HMU

CHIMNEY ROCK RD

PINs: 9670-70-6498,
-8607, -8864
Approximately 4.64 Acres

HMU

GRASSY HILLS DR

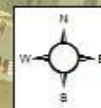
PRD

BALLANTYNE COMMON CIR

PCD

HALF MOON TRL

CIDER MILL DR



0 100 200 400
Feet

-  Subject Property
-  Hendersonville City Limits
- Hendersonville Zoning**
-  R-20 Low Density Residential
-  PRD Planned Residential Development
-  C-3 Highway Business
-  PCD Planned Commercial Development
-  HMU Highway Mixed Use



City of Hendersonville
February 2020

White Pine Villas P20-7-CZD Future Land Use

Development Assistance Department

Business Center

ST MARYS DR

WHITE PINE LN

Neighborhood Activity Center

CHIMNEY ROCK RD

PINs: 9670-70-6498,
-8607, -8864
Approximately 4.64 Acres

Medium Intensity Neighborhood

GRASSY HILL DR

 Subject Property

 Hendersonville City Limits

Comprehensive Plan - Future Landuse

 Business Center

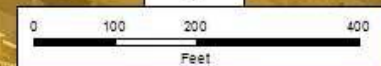
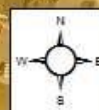
 Neighborhood Activity Center

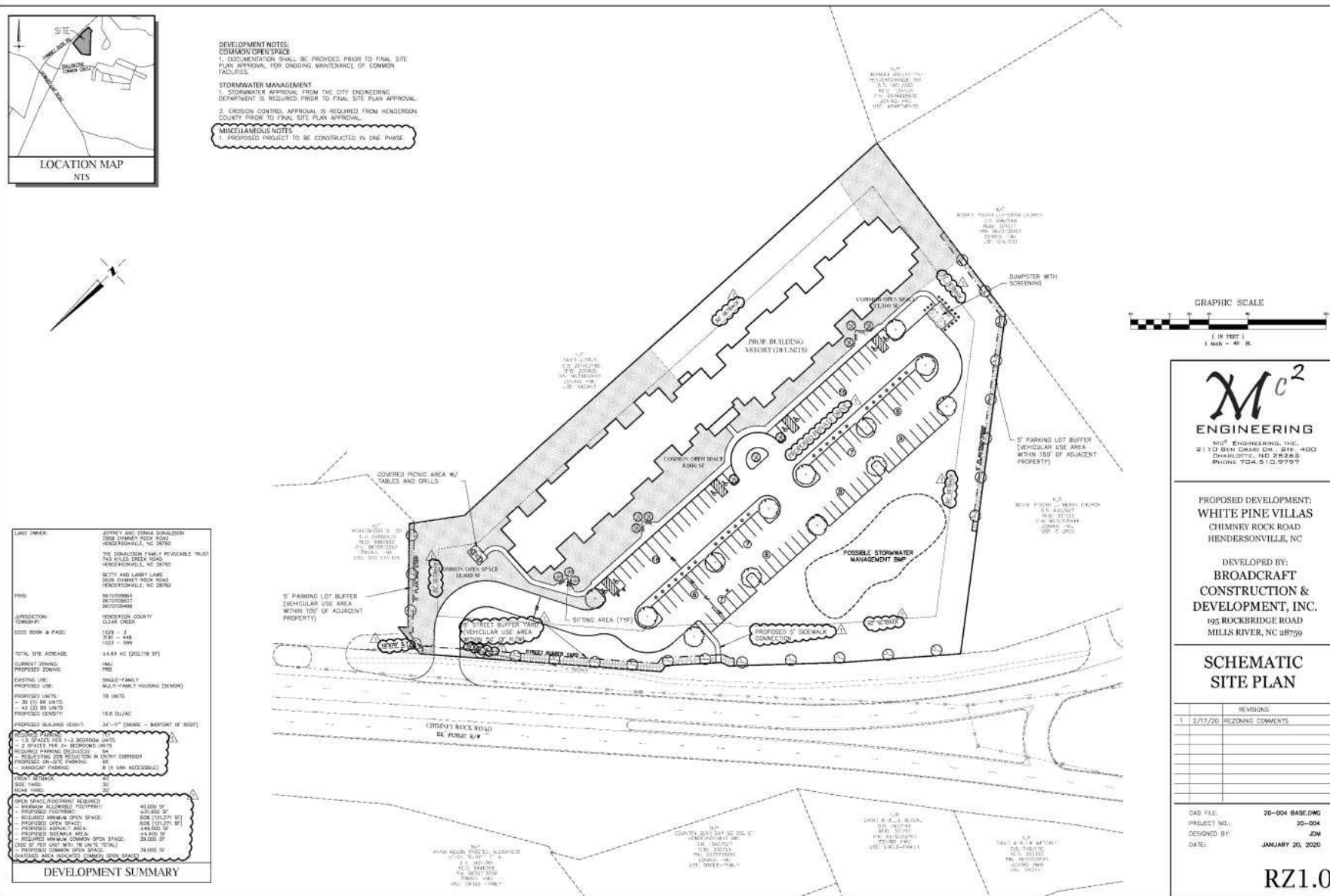
 Medium Intensity Neighborhood

BALLANTYNE COMMON CIR

HALF MOON TRL

CIDER MILL DR







CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 3-9-2020

Presenter: Susan G. Frady, Development Asst Director

Date of Council Meeting to consider this item: 4-2-2020

Nature of Item: Council Action

Summary of Information/Request:

Item # 08

File #P20-08-ANX

The City of Hendersonville has received a petition from Mark Coleman for contiguous annexation of 0.15 acre located at 1412 Old Spartanburg Highway identified as tax parcel 9578-42-6478.

At your meeting on March 5, 2020, you accepted the Clerk's Certificate of Sufficiency and recommended a public hearing date for the April 2, 2020, City Council meeting.

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

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

Suggested Motion:

I move City Council adopt an ordinance annexing the property included in the petition submitted by Marl Coleman. The effective date is April 2, 2020.

Attachments:

Ordinance
Map
Survey
Certificate of Sufficiency

Ordinance # _____

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF
HENDERSONVILLE, NORTH CAROLINA
AS A CONTIGUOUS ANNEXATION**

Adopted date: _____

Effective date: _____

Total Acreage: _____

Petitioner: _____

WHEREAS, the City Council of the City of Hendersonville, North Carolina, has been petitioned under G.S. 160A-31 to annex the area described below; and

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

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Hendersonville, NC, at 5:45 p.m. on April 2, 2020, after due notice by publication on March, 22, 2020 and March 29, 2020; and

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

Section1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous territory is hereby annexed and made part of City of Hendersonville as of April 2, 2020:

METES AND BOUNDS DESCRIPTION
3262/298
Recorded in the Henderson County, NC Register of Deeds

TRACT ONE: (PARCEL ID: 109619) 1412 Old Spartanburg Rd

BEGINNING at a stake on the East side of the Old Spartanburg Road, formerly A.D. Stanton's southwest corner and runs with Stanton's line North 56 degrees East 250 feet to a stake, the southwestern corner of the property described in that deed from Junia Lyda Floyd to Lillian B. Owen and others dated September 11, 1956 and recorded in Deed Book 358 at Page 69; thence with the southern line of the property described in Deed Book 358 at Page 69, South 39 degrees East 50 feet to a stake, thence South 56 degrees West 250 feet to a stake on the Old Spartanburg Road, thence with said road North 39 degrees West 50 feet to the point of **BEGINNING**, and being all of that property in a deed from P.F. Patton and wife to Junia Lyda Floyd dated October 29, 1940 and recorded in Deed Book 232 at Page 125, excluding therefrom that property conveyed to Lillian B. Owen and others by virtue of that Deed dated September 11, 1956 and recorded in Deed Book 358 at Page 69, Henderson County Registry.

TOGETHER WITH and SUBJECT TO easements, rights of way and all other such matters as further of record in the Henderson County Registry.

AND BEING the same property conveyed to James Allen Moffitt and wife, Elizabeth Moffitt by Deed recorded on September 16, 1982 in Deed Book 617 at Page 924 in the Henderson County Registry. Also being all of that property conveyed to Donald Lee Moffitt and wife, Martha B. Moffitt in Deed Book 950 at Page 280, Henderson County Registry.

Donald Lee Moffitt acquired sole title to the property by operation of law upon the passing of Martha B. Moffitt a/k/a Martha Ann Moffitt on September 24, 2012 in Henderson County, North Carolina.

Donald Lee Moffitt passed on January 15, 2018 in Henderson County, North Carolina and pursuant to the terms of his Last Will and Testament as the same has been probated in Henderson County Clerk of Court Estate File 18 E 239, the above described property was inherited by James Matthew Moffitt.

Section 2. Upon and after April 2, 2020, the above described territory and its citizens and property shall be subject of all debts, laws, ordinances and regulations in force in City of Hendersonville, North Carolina. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this _____ day of _____, 2019.

Attest:

Barbara G. Volk, Mayor

Tammie K. Drake, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

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

Witness my hand and notarial seal, this _____ day of _____, 2019.

My commission expires: 09-23-2019



Amy H. Knight

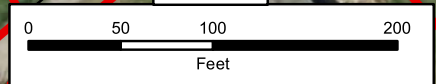


City of Hendersonville
March 2020

1412 Old Spartanburg Road
P20-8-ANX
Annexation Map
Development Assistance Department



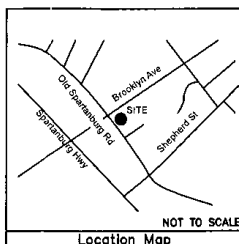
-  Subject Property
-  Hendersonville City Limits



LEGEND:

○	IRON PIN SET (1/2" NEMA)
●	IRON PIN FOUND
CP	CALCULATED POINT ONLY
CM	CONCRETE MONUMENT
—	POWER POLE
—	LIGHT POLE
—	WATER VALVE
—	GAS VALVE
—	WELL
—	FIRE HYDRANT
—	SANITARY SEWER MANHOLE
—	STORM SEWER MANHOLE
—	CATCH BASIN
—	CLEANOUT
—	CURB INLET
—	TRANSFORMER
—	OVERHEAD UTILITY
—	FENCE LINE
—	MEASURED
(N)	RECORD
O.R.	OFFICIAL RECORD BOOK
I.D.	IDENTIFICATION
P.B.	PLAT BOOK
Pg.	PAGE
Rd.	ROAD
Ln.	LANE
T.	TOWNSHIP
R.	RANGE
R/W	RIGHT-OF-WAY
N/F	NOW OR FORMERLY

LINE	BEARING	DISTANCE
L1	S 35°24'15" E	199.91'
L2	S 29°17'15" E	100.33'
L3	N 54°41'33" E	192.44'
L4	N 57°14'05" E	148.13'



NOTES

NOTE A: POSSIBLE 5.4' SHED ENCROACHMENT.

SURVEYOR WAS NOT PROVIDED WITH A LEGAL TITLE SEARCH. THERE MAY EXIST EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS PERTINENT TO THIS PROPERTY THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE THAT ARE NOT SHOWN ON THIS SURVEY.

SUBJECT PROPERTY CURRENTLY ZONED R-15 BY THE CITY OF HENDERSONVILLE
SETBACKS: FRONT- 30' REAR - 15' SIDE - 10'

N/F
Mark Coleman
PIN 9578-42-6584
DB 1056/633

N/F
Patricia Garcia
PIN 9578-42-8538
DB 747/407

N/F
Mark & Kimberly Coleman
PIN 9578-42-8540
DB 3276/325

Plat of Boundary Survey for
Markus Coleman
1412 Old Spartanburg Road
Hendersonville Township, Henderson County, NC

0.29± Acres
12459± Sq. Ft.

N/F
Mark & Kimberly Coleman
PIN 9578-42-7401
DB 3262/298

Not For Recordation

The original drawing and/or all copies of it are not transferable to any future owner(s) of the platted property and shall not be used or relied upon by future owner(s) and/or their representatives for any reason without written release by the professional surveyor.

This is to certify that the property shown on this plat was surveyed under my direct supervision. Property lines and improvements are located correctly and that no visible encroachments exist unless otherwise shown.



RLS: F. V. CLINKSCALES JR., P.E.
No. L2614 Firm No. C-1562



Not valid without the signature
and the original seal of a North Carolina
licensed land surveyor.

FREELAND - CLINKSCALES
& ASSOCIATES, INC. OF N.C.
ENGINEERS & LAND SURVEYORS
201 2nd AVE. EAST
HENDERSONVILLE, N.C. 28792
fcaolnc@outlook.com
(828) 697-6539
Fax (828)-697-4195
Firm No. C-1562

REF. PLAT CABINET	N/A
REF. DEED BOOK	3262/298
TAX MAP	9578-42-6478
PARTY CHIEF	FVC
DRAWN	CPE
DATE	02/04/2020
DWG. NO.	H40043

NAD '83

CERTIFICATE OF SUFFICENCY

**Re: Petition for Contiguous Annexation
Mark Coleman
File No. P20-08-ANX**

To the Honorable Mayor and members of the City Council of Hendersonville, North Carolina:

I, Tammie K. Drake, City Clerk, begin first duly sworn, hereby certify an investigation has been completed of the above referenced petition for the contiguous annexation of 0.15 acre identified as tax parcel 9578-42-6584.

A. According to the Development Assistance Department, the area described in the petition meets all of the standards set out in GS160A-58.1(b).

1. The petition follows the prescribed form.
2. The petition was signed by the owners of the subject property.
3. The subject property adjoins the existing city limits line.

Having made the findings stated above, I hereby certify the petition for satellite annexation presented by Mark Coleman is valid.

In witness whereof, I have here unto set my hand and affixed the seal of the City of Hendersonville, this 19 day of Feb., 2020.

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



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 3/25/2020

Presenter: John Connet

Date of Council Meeting to consider this item: 4/2/2020

Nature of Item: Council Action

Summary of Information/Request:

Item # 09

On March 5, 2020, the City Council unanimously approved moving forward with the construction of a parking deck at the corner of 5th Avenue and Church Street. The staff has taken the last several weeks to review all parking deck information and would recommend the following action:

1. Due to financial considerations and concern over the scale of the parking deck, staff recommends directing Walker Consultants and ADW architects to move forward with design development of a four-story parking deck.
2. Staff recommends delaying any demolition or construction activity until the City Council believes the local and national economy have stabilized to support moving forward with this project.
3. Staff recommends extending the property options until July 2, 2020.
4. Staff recommends moving forward with purchase the property on or after July 2, 2020.

It is our intention to secure interim financing for the purchase of the property until final financing is secured for the construction of the parking deck.

Budget Impact: \$ 1,900,000

Is this expenditure approved in the current fiscal year

budget? N/A If no, describe how it will be funded.

We will obtain interim financing until final financing is secured for the construction of the parking deck.

Suggested Motion:

I move that the City Council resolve to move forward with design development of a four story parking deck, option extensions and property purchases as recommended. I further move that City Council delay the construction of the parking deck until the local and national economy has stabilized to support moving forward with this project. t

Attachments:

Resolutions extending purchase options

RESOLUTION # _____

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN OPTION CONTRACT
WITH RESPECT TO CERTAIN REAL PROPERTY IN HENDERSON COUNTY**

WHEREAS the City Council is considering purchasing certain real property between Wall and Church Streets on the South Side of Fifth Avenue, PINs 9568-78-5391 and 9568-78-5480, for the construction of a parking garage , and

WHEREAS the City and Frank B. Jackson have previously entered into an option agreement with respect to such a purchase, and

WHEREAS the City manager previously agreed on behalf of the City to enter into, and did enter into, an option agreement with Frank B. Jackson with respect to the property for a payment of \$10,000 to be applied to the eventual purchase price, and,

WHEREAS the City manager has provisionally agreed with Frank B. Jackson, the owner of the said real property that \$5,000.00 is a fair price for an extension of the said option agreement on the said property, to and including July 2, 2020, and

WHEREAS the City Council finds \$5,000.00 to be a fair and equitable price for the said option contract extension,

NOW, THEREFORE, BE IT RESOLVED that the city manager be and he is hereby authorized and directed to execute an option contract extension with the owner of the said tract for the sum of \$5,000.00 and with such additional terms as the city manager in consultation with the city attorney finds just and reasonable.

Adopted this second day of April 2020.

Barbara Volk
Mayor, City of Hendersonville

ATTEST:

Tammie K. Drake, CMC
City Clerk

RESOLUTION # _____

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN OPTION CONTRACT
WITH RESPECT TO CERTAIN REAL PROPERTY IN HENDERSON COUNTY**

WHEREAS the City Council is considering purchasing certain real property between Wall and Church Streets on the South Side of Fifth Avenue, PIN 9568-78-6365, for the construction of a parking garage , and

WHEREAS the City and TJF Enterprises LLC have previously entered into an option agreement with respect to such a purchase, and

WHEREAS the City manager previously agreed on behalf of the City to enter into, and did enter into, an option agreement with TJF Enterprises LLC with respect to the property for a payment of \$8,000 to be applied to the eventual purchase price, and,

WHEREAS the City manager has provisionally agreed with TJF Enterprises, LLC, the owner of the said real property that \$8,000.00 is a fair price for an extension of the said option agreement on the said property, to and including July 2, 2021, and

WHEREAS the City Council finds \$8,000.00 to be a fair and equitable price for the said option contract extension,

NOW, THEREFORE, BE IT RESOLVED that the city manager be and he is hereby authorized and directed to execute an option contract extension with the owner of the said tract for the sum of \$8,000.00 and with such additional terms as the city manager in consultation with the city attorney finds just and reasonable.

Adopted this second day of April 2020.

Barbara Volk
Mayor, City of Hendersonville

ATTEST:

Tammie K. Drake, CMC
City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 3/25/2020

Presenter: John Connet

Date of Council Meeting to consider this item: 4/2/2020

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 10

I would like to formally propose that we establish a very structured two-hour workshop meeting the third week or fourth week of the month. The focus of the meeting would just be policy or administrative items. Here are the proposed ground rules:

1. The meeting would not last more than 2 hours.
2. If there was nothing to discuss, staff would ask the Mayor to cancel the meeting.
3. No formal votes would be taken.
4. The meeting would be held at the regularly scheduled time and location.

The City Council has the option to schedule this meeting in the evening hours or during the middle of the day. Please let me know what time and day would work best for you.

I would like for the City Council to discuss how we could establish these meetings. I am optimistic that things will get back to normal soon!

Budget Impact: \$ 0.00

budget? N/A

Is this expenditure approved in the current fiscal year

If no, describe how it will be funded.

Suggested Motion:

Attachments:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Lee Smith

Department: Utilities

Date Submitted: March 25, 2020

Presenter: Lee Smith

Date of Council Meeting to consider this item: April 2, 2020

Nature of Item: Council Action

Summary of Information/Request:

Item # 11

Commitment to Reduce Sanitary Sewer Overflows (SSOs) Resolution

The City of Hendersonville is committed to reduce the frequency and volume of SSOs from its wastewater collection system. The City will continue to work towards the reduction of SSOs and will perform SSO reduction activities recommended by staff.

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

Suggested Motion:

I move the City Council to adopt the Commitment to Reduce Sanitary Sewer Overflows Resolution.

Attachments:

Commitment to Reduce Sanitary Sewer Overflows Resolution

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL

- WHEREAS, North Carolina General Statutes 160A-12 Exercise of corporate power, provides: A power, function, right, privilege, or immunity that is conferred or imposed by charter or general law without directions or restrictions as to how it is to be exercised or performed shall be carried into execution as provided by ordinance or resolution of the city council.
- WHEREAS, The City of Hendersonville owns and operates a wastewater collection system and permitted 4.8 million gallon per day wastewater treatment facility.
- WHEREAS, Frequent and repetitive sanitary sewer overflows (SSOs) have occurred in portions of the City's wastewater collection system, which contribute to the pollution of surface waters.
- WHEREAS, SSOs can have a myriad of causes including but not limited to: pipe blockages, pipe breaks, inadequate treatment and/or conveyance capacity, power failures, excessive infiltration and inflow, and severe natural conditions.
- WHEREAS, The frequency and volume of SSOs generally can be reduced through improvements to the collection system and/or treatment facility to reduce infiltration and inflow and increase conveyance and treatment capacity.
- WHEREAS, The frequency and volume of SSOs generally can be reduced through application of sound and appropriate operations, infrastructure maintenance, proper planning practices, and management principles to wastewater collection systems and wastewater treatment facilities.
- WHEREAS, The City of Hendersonville City Council is committed to reducing the frequency and volume of SSOs from its wastewater collection system.

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

1. The City of Hendersonville City Council hereby sets a goal to improve surface water quality through a reduction in the frequency and volume of SSOs; and
2. The City will continue to perform appropriate operations, infrastructure maintenance, proper planning practices, and management principles to its wastewater collection system and wastewater treatment facility; and
3. The City will continue to collaborate with the North Carolina Department of Environmental Quality to identify strategies and best practices for reducing SSOs; and
4. The City will perform the following SSO reduction activities recommended by staff for improvements to its wastewater collection system and/or treatment facility which, once completed, will be sufficient to adequately collect wastewater made tributary to the collection system.
 - a. Creation of an Infiltration and Inflow Reduction Task Force comprised of City staff which meets on a regular basis to plan and implement infiltration and inflow reduction activities. First meeting held on March 25, 2020.
 - b. On or before June 30, 2020, complete high priority sanitary sewer evaluation study activities as recommended in the Sewer Basin 5 Micromonitoring Study report.
 - c. On or before December 31, 2020, begin a Sewer Basin 6 Micromonitoring Study.
 - d. On or before April 1, 2021, complete the Wastewater Treatment Facility Master Plan, which includes but is not limited to: treatment process evaluation, equalization basin preliminary engineering evaluation, and capital improvement project prioritization/recommendation.
 - e. On or before June 30, 2021, complete construction of the Clear Creek Interceptor Replacement project as identified in the Sanitary Sewer Asset Inventory and Assessment Master Plan Report.

- f. On or before December 31, 2021, begin construction of the Mud Creek Interceptor Replacement project as identified in the Sanitary Sewer Asset Inventory and Assessment Master Plan Report.

Effective as of the date of adoption.

Adopted this the _____ day of _____ 20____, a [regular] [special] meeting of the Council, held at 160
6th Avenue East, Hendersonville, North Carolina.

Barbara G. Volk, Mayor

Attest:

Tammie K. Drake, City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Admin

Date Submitted: 03.25.20

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 04.02.20

Nature of Item: Council Action

Summary of Information/Request:

Item # 14

Board/Commission Announcements: It is the policy of the Council to receive applications at one meeting, make appointments at the next.

Animal Services Advisory Committee: This newly established nine-member committee is made up of 7 members from the general public, a veterinarian and a PD representative. Last month you appointed Caroline Gunther (3 years), Angela Prodrick (3 years), Sarah Hoffman (2 years), Jean Greeson (2 years) Constance Stewart (1 year). 2 vacant (1 year) and the veterinarian position remain open. Officer Andrew Gunning offered to represent the PD. You have applications from: Alexa Arnold, Barbara Burke, Sharon Hanson.

Environmental Sustainability Board: There is one vacant position for a City representative. There are no applications on file from City residents.

Walk of Fame Steering Committee: There is one vacant City position on the Steering Committee. There are no applications on file.

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

Suggested Motion:

I nominate ... to serve a one-year term on the Animal Services Advisory Committee.

Attachments:

Drake, Tammie

From: Cognito Forms <notifications@cognitoforms.com>
Sent: Friday, January 31, 2020 1:24 PM
To: Drake, Tammie
Subject: Board/Commission Appointment Application - Alexa Arnold

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City of Hendersonville

Board/Commission Appointment Application

[View full entry at CognitoForms.com.](#)

Entry Details

[View the shared entry.](#)

DATE OF APPLICATION	1/31/2020
NAME	Alexa Arnold
ADDRESS	72 Orchard Park Rd, Flat Rock, North Carolina 28731
PHONE NUMBER	(773) 332-5165
OCCUPATION	Project Manager & Fitness Instructor
EMAIL	alexaarnoldabt@gmail.com
DO YOU LIVE WITHIN HENDERSONVILLE'S CITY LIMITS?	No
PLEASE LIST ANY OTHER APPOINTED POSITIONS YOU PRESENTLY HOLD IN	None

**HENDERSONVILLE OR HENDERSON
COUNTY GOVERNMENT.**

**PLEASE LIST EDUCATIONAL
BACKGROUND, SPECIAL
QUALIFICATIONS, I.E., CIVIC
MEMBERSHIPS, RELATED WORK
EXPERIENCE, ETC.**

Associates degree in business, associates degree in Asian holistic health and technical certifications from Microsoft. I have over 30 years experience working in a corporate environment. For 14 years I worked for a publicly held Financial investment management firm. I managed the IT department for 11 years and worked for compliance for 3 years. My business experience includes creating and managing budgets, attending board and other committee meetings, writing standard operating procedures, creating business continuity plans, managing staff, answering SEC audits and performing other SEC securities reporting.

In addition to business I have studied anatomy, kinesiology and physiology. I am a registered yoga instructor with over 1200 hours of advance training and I am a third degree black belt in Shaolin Kempo Karate.

**BASED ON YOUR QUALIFICATIONS
AND EXPERIENCE, BRIEFLY
DESCRIBE WHY YOUR SERVICES ON
THESE BOARDS/COMMISSIONS
WOULD BE BENEFICIAL TO THE CITY
OF HENDERSONVILLE.**

I believe that my familiarity in working for public held firms and compliance provides me with the background to assist and adhere to the policies and procedures of our local government. I believe I can help to provide solutions for the immediate need within the broader scope and position us for future growth. While managing projects I have had to build cross-functional teams and get buy-in from project stakeholders/SMEs/participants in order to lead projects to a successful completion.

**BOARDS OR COMMITTEES OF
INTEREST (PLEASE LIST IN ORDER
OF PREFERENCE):**

Animal Advisory Board

Drake, Tammie

From: Cognito Forms <notifications@cognitoforms.com>
Sent: Friday, February 14, 2020 3:52 PM
To: Drake, Tammie
Subject: Board/Commission Appointment Application - Barbara Burke

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City of Hendersonville

Board/Commission Appointment Application

[View full entry at CognitoForms.com.](#)

Entry Details

[View the shared entry.](#)

DATE OF APPLICATION	2/14/2020
NAME	Barbara Burke
ADDRESS	101 Bayberry Way, Hendersonville, North Carolina 28739
PHONE NUMBER	(832) 270-9290
OCCUPATION	Regional Director for Wingate University - Hendersonville
EMAIL	b.burke@wingate.edu
DO YOU LIVE WITHIN HENDERSONVILLE'S CITY LIMITS?	Yes

PLEASE LIST ANY OTHER APPOINTED POSITIONS YOU PRESENTLY HOLD IN HENDERSONVILLE OR HENDERSON COUNTY GOVERNMENT.

HCPS CTE Business Advisory Committee
Hendersonville Chamber of Commerce Education Committee
Wingate University School of Pharmacy Admissions Committee

PLEASE LIST EDUCATIONAL BACKGROUND, SPECIAL QUALIFICATIONS, I.E., CIVIC MEMBERSHIPS, RELATED WORK EXPERIENCE, ETC.

BA, Elementary Education minor in Psychology
Member of the Elks Lodge Hendersonville NC
Independent Foster for kittens in Houston Texas
Volunteer at Sugar Land Texas Humane Society

BASED ON YOUR QUALIFICATIONS AND EXPERIENCE, BRIEFLY DESCRIBE WHY YOUR SERVICES ON THESE BOARDS/COMMISSIONS WOULD BE BENEFICIAL TO THE CITY OF HENDERSONVILLE.

As a resident of Hendersonville NC and having a great interest in the well-being of our furry friends I feel I would be an asset to the Animal Services Advisory Committee. Animals are like infants, they didn't ask to be put in their unfortunate situation and they depend on committees like this to speak for them. As a business partner in Henderson County coupled with my work experiences, I am familiar with operating procedures of business and committee purposes.

BOARDS OR COMMITTEES OF INTEREST (PLEASE LIST IN ORDER OF PREFERENCE):

Animal Services Advisory Committee

Drake, Tammie

From: Cognito Forms <notifications@cognitoforms.com>
Sent: Saturday, February 15, 2020 11:37 AM
To: Drake, Tammie
Subject: Board/Commission Appointment Application - Sharon Hanson

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City of Hendersonville

Board/Commission Appointment Application

[View full entry at CognitoForms.com.](#)

Entry Details

[View the shared entry.](#)

DATE OF APPLICATION	2/15/2020
NAME	Sharon Hanson
ADDRESS	40 Bridgette Loop Rd, Hendersonville, North Carolina 28791
PHONE NUMBER	(828) 606-2638
OCCUPATION	Retired Social Work Admin. Michigan Dept.of Social Services
EMAIL	sharonhanson40@yahoo.com
DO YOU LIVE WITHIN HENDERSONVILLE'S CITY LIMITS?	Yes

PLEASE LIST EDUCATIONAL BACKGROUND, SPECIAL QUALIFICATIONS, I.E., CIVIC MEMBERSHIPS, RELATED WORK EXPERIENCE, ETC.

B.A. in Social Science from Michigan State University
Current Vice President of STAND T.A.L.L.

BASED ON YOUR QUALIFICATIONS AND EXPERIENCE, BRIEFLY DESCRIBE WHY YOUR SERVICES ON THESE BOARDS/COMMISSIONS WOULD BE BENEFICIAL TO THE CITY OF HENDERSONVILLE.

While representing STAND T.A.L.L. I have worked with the officers and K9s of HPD in various capacities, and have had the opportunity to go on patrol with the K9s and their handlers. I am also quite knowledgeable regarding dogs in general and various breed behaviors.

BOARDS OR COMMITTEES OF INTEREST (PLEASE LIST IN ORDER OF PREFERENCE):

Animal Services Advisory Committee

IS THE BUSINESS OR COMMERCIAL PROPERTY YOU OWN LOCATED WITHIN THE CORPORATE CITY LIMITS OF HENDERSONVILLE?

No

IF YOU ARE APPLYING FOR THE SEVENTH AVE. ADVISORY COMMITTEE, DO YOU LIVE, OWN OR OPERATE A BUSINESS OR PROPERTY IN THE SEVENTH AVE. SPECIAL TAX DISTRICT?

No

NAME AND TYPE OF BUSINESS:

Volunteer - nonprofits

HOW LONG HAS THE BUSINESS BEEN IN OPERATION?

4 years