



# City of Hendersonville City Council

**Regular Session Meeting [ELECTRONIC] | September 3, 2020 - 5:45 p.m.**

**Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792**

- 1. Call to Order**
- 2. Invocation and Pledge of Allegiance to the Flag**
- 3. Public Comment** *Up to 15 minutes is reserved for comments from the public not listed on the agenda.*
- 4. Consideration of Agenda**
- 5. Consent Agenda** *Items are considered routine, noncontroversial in nature and are considered approved by a single motion and vote.*
  - A. Adoption of City Council Minutes**
    - i. August 6-7, 2020 Regular Session**
  - B. Tax Releases, Discoveries and Refunds - Presenter: Jennifer Musselwhite, Revenue Supervisor**
  - C. Clerks Certificate of Sufficiency-Group Ventures LLC, Universal at Lakewood Annexation PIN 9579-29-2872 - Presenter: Daniel Heyman, Senior Planner**
  - D. Budget Amendments FY21- Presenter: Adam Murr, Budget Analyst**
  - E. Ratification of Sale of Service Weapon to Police Chief Herbert Blake - Presenter: John F. Connet, City Manager**
  - F. 2020 Street Resurfacing Contract Award - Presenter: Tom Wooton, Public Works Director**
  - G. Fleet Maintenance Reclassification of Positions - Presenter: Tom Wooton, Public Works Director**
  - H. Mudd Creek Interceptor Replacement Project SRF Application Resolution - Presenter: Adam Steurer, Utility Engineer**
  - I. AquaResources Agreement for Water System Improvements - Presenter: Lee Smith, Utilities Director**
  - J. Multi-area Streambank Restoration Project Engineering Agreement Amendment- Wildlands Engineering - Presenter: Brent Detwiler, City Engineer**
  - K. Master-Planning Services Proposal & Agreement for Main, Church and King Streets -Presenter: Brent Detwiler, City Engineer**

**L. Emergency FMLA Expansion Act Policy Revision** -Presenter: Jennifer Harrell, Human Resources Director

**M. Emergency Paid Sick Leave Act Policy Revision** -Presenter: Jennifer Harrell, Human Resources Director

**6. Administration of Oath of Office**

**A. City Attorney** Presenter: Barbara G. Volk, City of Hendersonville Mayor

**7. Presentations**

**A. Breastfeeding Family Friendly Community Proclamation** Presenter: Steven E. Smith, Henderson County Health Director, and Barbara G. Volk, City of Hendersonville Mayor

**B. Constitution Week** Presenter: Barbara G. Volk, City of Hendersonville Mayor

**C. Oklawaha Greenway Pollinator Bed - Eagle Scout Project Request-** Presenter: Nathan Lindsey, Troop 610 - Presentations

**8. Public Hearings**

**A. 303 Chadwick Avenue Conditional Rezoning (PIN 9568-93-6593)**  
Presenter: Daniel Heyman, Senior Planner

**9. Unfinished Business**

**A. Downtown Historic District Expansion-Design/Asthetic Regulation Discussion** - Presenter: Daniel Heyman, Senior Planner

**10. New Business**

**A. Ashe Street Neighborhood Improvements** Presenter: John F. Connet, City Manager

**B. Community Development Department** - Presenter: Lew Holloway, Community Development Department Director

**C. City Operations Center Safety Improvements Contract Award** - Presenter: Tom Wooton, Public Works Director

**11. City Manager Report** - Presenter: John F. Connet, City Manager

**A. Chief of Police Recruitment and Selection Process**

**B. Surplus Items**

**C. Cash and Investment Report**

**12. Closed Session as Permitted under NCGS §143-318.11(a)(5)**

**13. Adjourn**



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Angela Reece, City Clerk

**Department:** Admin

**Date Submitted:** 08/25/2020

**Presenter:** Angela Reece, City Clerk

**Title of Item:** Adoption of City Council Minutes

**Nature of Item:** Council Action

**Council Meeting Date:** 09/03/2020

**Summary of Information/Request:**

**Item #** 5A

The City Clerk has prepared minutes of the following meeting(s) for Council consideration:

- i. August 6-7, 2020 Regular Session

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 that City Council adopt the minutes of August 6-7, 2020 Regular Session meeting as presented.

**Attachments:**

August 6-7, 2020 Regular Session Minutes-DRAFT





# MINUTES

August 6, 2020 [ELECTRONIC]

## REGULAR MEETING OF THE CITY COUNCIL

ASSEMBLY ROOM – OPERATIONS CENTER | 305 WILLIAMS ST. 5:45 p.m.

Present: Mayor Barbara G. Volk and Council Members: Jeff Miller, Dr. Jennifer Hensley

Participating Electronically: Mayor Pro Tem Jerry Smith, Council Member Lyndsey Simpson

Staff Present: City Manager John F. Connet, City Attorney Sam Fritschner, Assistant City Manager Brian Pahle, City Clerk Angela Reece, Communications Manager Allison Nock, Developmental Assistance Services Director Susan Frady, Planner Daniel Heyman, Planner Tyler Morrow, and Downtown Economic Development Director Lew Holloway

### 1. Call to Order

Mayor Volk called the meeting to order at 5:45 p.m. and welcomed those in attendance. A quorum was established with three members in attendance physically and two participating electronically.

### 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 *Up to 15 minutes is reserved for comments from the public not listed on the agenda.*

Public comments were submitted by Barbara Hughes of 408 North Main Street commending Susan Frady for her dedication and professionalism to her job and the citizens of the City of Hendersonville, and Ken Fitch of 1046 Patton Street regarding the purpose of the Historic District as being a valuable asset to the City and aid in preserving small town character of the community.

### 4. Consideration of Agenda

Manager Connet requested to remove 5C, Laurel Park/Hendersonville Service Area Agreement and 9B, Oklawaha Greenway Pollinator Bed - Eagle Scout Project Request as they were not quite ready yet.

*Council Member Jeff Miller moved to approve the agenda as amended removing items 5C, and 9B. A unanimous vote of the Council followed. Motion carried.*

### 5. Consent Agenda

#### A. Adoption of City Council Minutes

- i. July 2, 2020, Regular Session Minutes

#### B. Tax Releases, Discoveries and Refunds - Presenter: Jennifer Musselwhite, Revenue Supervisor

#### C. Administration Services – Water Treatment Facility Basin Repairs and Coatings Project

#### D. (18016) Addendum 1 – Additional Construction

#### E. Infiltration and Inflow Study Sewer Basin 6 -Engineering Amendment - Presenter: Lee Smith, Utilities Director

#### F. Special Event - Stand T.A.L.L. Back the Blue Street Festival - Presenter: Susan Frady, Development Assistance Director

#### G. North Fork Reservoir Dredging Project Environmental Permitting Services and Sediment Release Study - Presenter: Lee Smith, Utilities Director

#### H. Ratification of COVID-19 Positive Test - Presenter: Jennifer Harrell, Human Resources Director

**I. Ewart Hill Reservoir Lining Construction Document & Support Services Engineering Amendment - Presenter: Lee Smith, Utilities Director**

*Council Member Jeff Miller moved to approve the items on the consent agenda as presented. A unanimous vote of the Council followed. Motion carried.*

**6. Presentations**

**A. Quarterly MVP- Presenter: John F. Connet, City Manager**

City Manager John F. Connet presented the following Quarterly MVP's thanking them for their outstanding service to the Citizens of Hendersonville and for the commitment and professionalism they display while conducting their job: Battalion Chief Christian Miller, Police Officer Adalberto Morales, and Water Sewer Employee Jay Heatherly. All the employees go above and beyond exhibiting the "one Team One Goal attitude to assist citizens, customers, and each other.

**Resolution Honoring Susan Frady and Sam Fritschner Presenter: Mayor Barbara G. Volk**

Mayor Volk and Members of City Council expressed sincere thanks and appreciation to retiring employees Susan Frady and Sam Fritschner extending well wishes for a happy and well-deserved retirement.

**Resolution # 20-0566**

**RESOLUTION OF THE CITY OF HENDERSONVILLE**

**HONORING SUSAN FRADY, DEVELOPMENT ASSISTANCE DIRECTOR**

**WHEREAS**, Ms. Susan Frady has announced her intention to retire as City of Hendersonville Development Assistance Director effective August 31, 2020, with her final Council meeting being August 6, 2020; and

**WHEREAS**, Susan, having served under four Mayors, has been instrumental in moving the City of Hendersonville forward in a progressive manner lending advice to twenty-five Council members, four City Managers, and countless Department Heads and City staff; and

**WHEREAS**, during her thirty-three years of service to the City of Hendersonville, Susan served as an office assistant, Assistant Zoning Administrator, Zoning Administrator, and finally as Development Assistance Director. Susan is known for providing excellent customer service to everyone and has dedicated her career to serving the Citizens of Hendersonville; and

**WHEREAS**, Susan is also an integral advisor in statewide professional organizations in the following capacities: Regional Director of the North Carolina Association of Floodplain Managers 2010-2012, Treasurer of the North Carolina Association of Floodplain Managers 2012 – present; and Regional Director of the North Carolina Association of Housing Code Officials; and

**WHEREAS**, during her tenure, the number of Hendersonville residents more than doubled from a population of 6,862 to 14,157, while the city boundaries increased to 4,643 acres, much of which is attributable to Susan's work on several major annexations; and

**WHEREAS**, during a time of unprecedented growth in the city, Susan has been a trusted advisor in the development of updated Subdivision Regulations, Flood Plain Management Regulations and numerous Zoning Ordinance amendments that insures smart growth for residential development and the furtherance of Hendersonville's brand as a charming, affordable small town where citizens enjoy an attractive quality of life; and

**WHEREAS**, in addition to her service as Development Assistance Director, her service to the Local Government Federal Credit Union Advisory Council, Hendersonville Jaycees and extensive involvement in the community made her the epitome of a public servant.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hendersonville, on behalf of the citizens and employees of Hendersonville, that the Mayor and City Councilmembers extend to Susan Frady their sincere appreciation for all her loyal and dedicated service to the betterment of the City of Hendersonville over the last three decades; and

**BE IT FURTHER RESOLVED** that the Mayor and Council members extend to Susan their sincere best wishes for a happy, healthy, and well-deserved retirement.

Adopted this 6<sup>th</sup> day of August 2020

Attest:  
Angela L. Reece, City Clerk

Barbara G. Volk, Mayor

Resolution #20-0567**RESOLUTION OF THE CITY OF HENDERSONVILLE****HONORING SAM FRITSCHNER, CITY ATTORNEY**

**WHEREAS**, Sam Fritschner has announced her intention to retire as City of Hendersonville City Attorney effective September 30, 2020, with her final Council meeting being August 6, 2020; and

**WHEREAS**, Sam, having served under three Mayors, has been instrumental in moving the City of Hendersonville forward in a progressive manner lending wise counsel and legal advice to eighteen Council members, four City Managers, and countless Department Heads and City staff; and

**WHEREAS**, during her twenty-six years as City Attorney, Sam has given unselfishly of her time and abilities as she served the City Council and citizens of Hendersonville; and

**WHEREAS**, Sam was also an integral advisor in other community revitalization, restoration and construction projects, including Fire Station 1, City Operations Center, Wastewater Treatment Plant, Oklawaha Greenway, Grey Hosiery Mill Redevelopment, Main Street Revitalization, Etowah Water Improvements and new Police Headquarters; and

**WHEREAS**, during a time of unprecedented growth in the City, Sam has been a trusted advisor to the Hendersonville City Council, Board of Adjustment and Historic Preservation Commission; and

**WHEREAS**, in addition to her service as City Attorney, Sam has served as the First Vice President of the North Carolina Association of Municipal Attorneys.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hendersonville, on behalf of the citizens and employees of Hendersonville, that the Mayor and City Councilmembers extend to Sam Fritschner their sincere appreciation for all her loyal and dedicated service to the betterment of the City of Hendersonville over the last three decades; and

**BE IT FURTHER RESOLVED** that the Mayor and Council members extend to Sam their sincere best wishes for a happy, healthy, and well-deserved retirement.

Adopted this 6<sup>th</sup> day of August 2020

Attest:

Angela L. Reece, City Clerk

Barbara G. Volk, Mayor

**B. Hendersonville Farmer's Market - Presenter: Bryan Gertz, Intern - Appalachian State University**

Bryan Gertz thanked City Council and staff for the opportunity to intern with the City of Hendersonville. Mr. Gertz stated the project he has been working on is the Hendersonville Farmers Market located in the Seventh Avenue District. Mr. Gertz stated this district was listed by the USDA as a food desert and said placement of the Market will alleviate some food insecurity in that area as well as reintroduce the public to the area bring more foot traffic in by pairing it with the Seventh Avenue Revitalization Project.

Mr. Gertz stated the Market currently hosts 51 local vendors each week who are providing food that is 60% locally sourced and said they are on track to have a market comparable to the Asheville Farmers Market. Mr. Gertz stated staff has been working with a nonprofit Appalachian Sustainable Agriculture Products (ASAP) to implement a Double SNAP (Supplemental Nutrition Assistance Program) program to assist with food insecurity. Mr. Gertz stated the economic and environment opportunities of eating local are trending upward and suggested partnering with the Friends of Downtown nonprofit who would be beneficial in promoting the Market among local business owners and farmers. The Farmers Market operates from 8 a.m. to 1:00 p.m. each Saturday through the end of October.

**C. Oklawaha Village Petition - Presenter: Phyllis Bailey HOA**

Phyllis Bailey of 110 Strick Garden Lane represented the HOA as a spokesperson addressing concerns of the lack of access to a community center and playground, ongoing heavy construction traffic in the area, and stormwater runoff concerns. Ms. Bailey stated residents of Oklawaha Village signed a petition requesting a meeting with Housing Assistance Cooperation (HAC) who refused to meet in person or virtually to address concerns.

Franco Carrasco of 229 Strick Garden Lane addressed City Council stating he has concerns of increasing crime in his neighborhood due to the lack of street lighting, privacy barriers, and posted speed limit asking the City Council to assist in any way they can.

Sara Grimes, Executive Director of Housing Assistance Corporation addressed City Council stating the majority of construction is complete and paving will ensue on Strick Garden Lane soon. Ms. Grimes stated the original site plan was conducted in 2014 and 2015 with approvals through USDA, HUD, DOT, and the City for traffic patterns and reminded everyone that once the project is complete as proposed the street will be turned over to the City. Mayor Volk confirmed the streets were built to city standards and will become city streets and stated the City may lower the speed limit on the street at a later time. Manager Connet inquired regarding the addition of streetlights and Ms. Grimes confirmed there will be seven streetlights placed along the street soon and additional streetlights will be placed in the multi-family community as well for safety. Council Member Jeff Miller asked Ms. Grimes if there could be a vegetative buffer implemented between the two developments to address privacy issues and Ms. Grimes stated she will have to look at the stormwater and landscaping plans but is willing to look at it. Council Member Dr. Jennifer Hensley clarified that the Strick Garden Lane homes have a restriction in their deed which allows them to form an HOA with proper filing and inquired if the single family has access to the playground located on the multi-family lot and Ms. Grimes stated they may have access but will need to sign an agreement. Council Member Hensley inquired of the process of requesting a meeting and Ms. Grimes stated since not all homeowners signed the petition the Board of Directors decided to respond in writing rather than by meeting due to the HOA not being formally formed. Mayor Volk thanked the residents for coming and stated the City would be happy to assist in establishing a neighborhood watch and looking at reducing the speed limit on the street once the road has been accepted.

## **7. Public Hearing**

### **A. West Avenue Villas Conditional Rezoning (Riddle Development, LLC application)**

*Presenter: Daniel Heyman, Senior Planner*

Daniel Heyman, Senior Planner advised the City is in receipt of a Conditional Rezoning application from Andrew Riddle, of Riddle Development, LLC for the development of two quadplex units, and two additional units, for a total of 10 residential units on approximately 0.57 acres. He stated the project is located on Parcel #9568-77-1057 and said the applicant is requesting to rezone the subject property from R-6 High Density Residential to CMUCZD, Central Mixed-Use Conditional Zoning District. The result of this annexation will not affect the site plan of this property.

Andrew Riddle, site property owner, addressed City Council stating he solicited design input from the neighboring property owners and said he conceded to keep all of the mature trees and shift the parking to accommodate requests. Mr. Riddle stated the Waldrop family own a historic home and have been there over 130 years. Mr. Riddle stated he is accommodating the Waldrop's wishes to preserve trees located on the east side which were identified in a tree survey as not being subject to removal. Council Member Jerry Smith proposed an amendment to the conditions to preserve the buffer and prohibit tree removal along the east side of any trees greater than 12 inches in diameter within the 11-foot buffer. Mr. Riddle agreed to this condition. Council Member Dr. Jennifer Hensley commended Mr. Riddle for cooperating with the neighbors and providing them a chance for input on the project design.

City Clerk, Angela Reece stated this public hearing has been advertised in accordance with NC General statutes.

The public hearing was opened at 7:03 p.m.

Helen Waldrop-Youngblood addressed City Council seeking clarification on some of the conditions surrounding the buffer and building materials (white hardy plank with black shutters instead of vinyl siding). Mrs. Waldrop-Youngblood stated she would ask the conditions to be set forth to require a 12 feet one-way drive, require compatible height, lighting, and appearance of the property to preserve the character of the neighborhood.

Ken Fitch of 1046 Patton St. addressed City Council commending Mr. Riddle for response to the community for compatibility.



Robert Waldrop addressed City Council stating the family met with Mr. Riddle and suggested Council consider the points Mrs.Waldrop-Youngblood proposed and said that a formal survey had not been conducted so they are unsure of where the exact property lines were. Mr. Waldrop expressed concerns of losing large trees to the driveway if the lines were smaller than anticipated.

Mr. Riddle stated the only thing he cannot do is increase the buffer to 15 feet and said it has to be 11feet or the project cannot be built and said there is one tree in question on the south end and said he is prepared to lose a parking space if that tree becomes an issue.

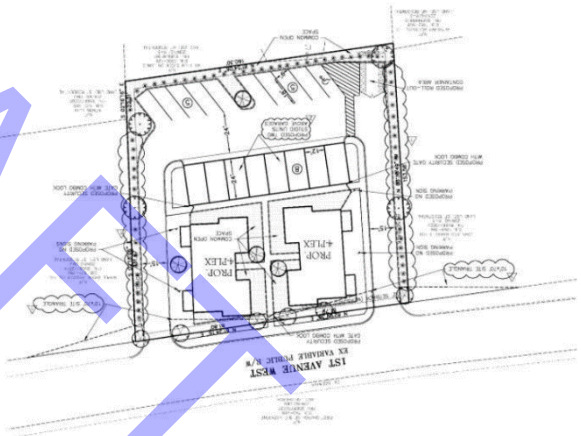
Mrs. Waldrop-Youngblood stated she appreciates Mr. Riddle’s considerations and believes the accommodations being proposed are reasonable.

There were no further comments. The public hearing was closed at 7:28 p.m.

*Council Member Jerry Smith moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from R-6 High Density Residential to CMUCZD, Central Mixed Use Conditional Zoning District, based on the revised site plan submitted by the applicant and subject to the limitations and conditions stipulated on the Published List of Uses and Conditions, to also include that the property owner will not cause or permit the destruction of trees where the trunk is at least 12 inches in diameter within the 11 foot buffer and the architectural style that will resemble what is depicted in the rendering submitted by the applicant including the coloring of white with black shutters, 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 reasons that it meets the need for additional housing in downtown Hendersonville and that it meets the character of the neighborhood. A unanimous vote of the Council followed. Motion Carried.*



Image of rendering submitted with application



PIN# 9568-77-1057

Ordinance #20-0563

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

IN RE: West Avenue Villas  
(File # P20-1-CZD)

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

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 9568-77-1057 from R-6 High Density Residential to CMUCZD Central Mixed-Use Conditional Zoning District.
2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted by the City of Hendersonville City Council this 6th, day of August 2020.

Barbara G. Volk, Mayor, City of Hendersonville

Attest:

Angela L. Reece, City Clerk

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

**B. Universal at Lakewood Conditional Rezoning** (Watauga Partners LLC application)

*Presenter: Daniel Heyman, Senior Planner*

Daniel Heyman, Senior Planner stated the City is in receipt of a Conditional Rezoning application from Philip Cox of Watauga Partners, LLC. for the development of 291 multi-family residential units consisting of a mix of apartments and townhomes on approximately 29.1 acres. The subject project is located on Lakewood Road, and is a section of parcel number 9579-29-2872. The applicant is requesting to rezone the subject property from I-1, Industrial and PRD, Planned Residential Development to PRD CZD, Planned Residential Development Conditional Zoning District. Mr. Heyman discussed the plan review and traffic impact analysis findings which were adjusted to reflect current traffic situations stating the background traffic growth factor is 2% per year and said JM Teague's traffic trip generation was estimated at 30 in and 102 out during AM peak hours and 96 in and 57 out during PM peak hours. The plan indicates the trip generation passed the City's threshold for requiring a TIA by surpassing 1,000 daily trips and 100 peak hour trips. Mr. Heyman stated a supplemental analysis conducted in July 2020 by Kimberly-Horn further recommended site improvements to include the following: 1. Sugarloaf Road NB Approach (a) Reconfigure the existing laneage to construct dual left turns, a thru lane, and a right-turn lane. 2. Francis Road SB Approach (a) Reconfigure the existing laneage to construct a dedicated left-turn lane and a shared thru/right-turn lane (in conjunction with and NCDOT approval)

Shane Abraham, Property Developer stated he wished to go on record about easements and said it is desirable to have a greenway along the south side of the property and said he would accommodate this request. City Manager John Connet stated staff has applied for a grant through MPO to fund a greenway extension along the south side of this property.

City Clerk, Angela Reece stated this public hearing has been advertised in accordance with NC General statutes.

The public hearing was opened at 8:03 p.m.

Ralph Hammond-Green of 1232 Hyman Avenue addressed City Council regarding traffic impacts of this project with specific concerns of the entrance being on a blind curve on a hill.

Ken Fitch of 1046 Patton St. expressed concerns of difficult and unsafe traffic conditions expressing concerns of requesting NCDOT to widen the roadway to accommodate additional lanes.

Chris Staton of 113 Dublin Lane expressed concerns regarding traffic and proposed entrances to the proposed development. Mr. Staton stated he is not opposed to single family dwellings that were consistent with the current zoning of the neighborhood but is opposed to a 291 multi-family housing development. Mr. Staton requested City Council consider a condition requiring a deceleration lane to the entrances and requested site considerations for vegetative barriers on the north side of the property.

There were no further comments. The public hearing was closed at 8:20 p.m.

Council Member Lyndsey Simpson expressed concerns with a deceleration lane and planned entrances. She stated she would like to see additional options presented to Council to address traffic safety which include existing uses and structures in the area.

Shane Abraham, Property Developer stated he greatly relies on civil engineers and traffic engineers who conduct the required studies and said traditional traffic counts were not used due to COVID19 situation. Mr. Abraham stated two entrances are necessary for emergency response and clarified he would be open to wider entrance lanes or alternate entrances in the development pending NCDOT approval. Mr. Abraham stated he would be open to accommodating neighbors' requests for placement of evergreens along the fencing of the project and clarified the offset

Council Member Jerry Smith stated he is not comfortable approving the rezoning without additional renderings showing entrances to the property due to safety concerns. He also requested clarification of the setback distances of the buildings from the property lines. Mayor Volk cited the Neighborhood Compatibility meeting notes which indicated the larger buildings would be 40 to 50 feet from the property line and smaller buildings would be 50 to 60 feet from property line. Mr. Abraham and the project Architect (Katie) clarified the distances being 31 to 32 feet for smaller buildings and 40 to 41 feet for the larger buildings. Mr. Abraham acknowledged he cannot build within 30 feet of the property line per City Code.

Council Members Miller and Dr. Hensley stated they were in favor of adding deceleration lanes or tapered entrances where applicable.

Council Member Lyndsey Simpson stated she concurs with Council Member Jerry Smith's comments and expressed additional concerns of previous plans being submitted with significantly fewer units.

Council Member Jeff Miller clarified the entrances will be permitted by NCDOT according to their standards. He clarified the developer was agreeing to add a taper and greenery as well as easements for future greenways. Council Member Jerry Smith clarified he is in favor of affordable housing but stated he feels he needs additional information to vote in favor of this project at this time. Council Member Lyndsey Simpson concurred with Council Member Smith but stated although this project will fall under the NCDOT guidelines with entrance approvals she is unable to vote in favor at this time.

***Council Member Dr. Jennifer Hensley moved the City Council City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from I-1, Industrial and PRD, Planned Residential Development to PRD CZD, 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, including the North Entrance taper lane, and oscillating plantings on the North boundary 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 property at Universal and Lakewood.***

***Council Members Hensley, Miller, and Volk voted in the affirmative with Council Members Simpson and Smith opposing. Motion Failed 3-2 on the first reading.***

Upon unanimous assent of the Council, this public hearing was recessed at 6:33 p.m. and will be reconvened on Friday August 7, 2020 at 4:00 p.m. via Zoom (electronic only).

**C. Contiguous Annexation 1601 Old Spartanburg Highway (Jeff Justus petition)**

*Presenter: Tyler Morrow, Planner*

**File# P20-25-ANX**

Tyler Morrow, Planner stated the City of Hendersonville has received a petition from Jeff Justus for contiguous annexation of PIN 9578-51-0342 that is approximately 4.17 acres and located at 1601 Old Spartanburg Road. Mr. Morrow reminded City Council during their meeting of July 2, 2020, they accepted the Clerk's Certificate of Sufficiency and recommended a public hearing for the August 6, 2020 City Council meeting. Mr. Morrow stated at this public hearing, any person residing in or owning property in the area proposed for annexation and any resident of the City of Hendersonville may appear and be heard on the questions of the sufficiency of the petition and the desirability of the annexation and said if City Council then finds and determines that the area described in the petition meets all of the standards set out in G.S. 160A-31, Council may adopt an ordinance annexing the area described in the petition.

City Clerk, Angela Reece stated this public hearing has been advertised in accordance with NC General statutes.

The public hearing was opened at 9:15 p.m. There were no public comments. The public hearing was closed at 9:16 p.m.

***Council Member Jeff Miller moved the City Council City Council adopt an ordinance annexing the property included in the petition submitted by Jeff Justus as described in Henderson County Registry Deed Book 1263 Page 67 as presented. A unanimous vote of the Council followed. Motion Carried.***

**PIN# 9578-51-0342**

**Ordinance #20-0565**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF  
THE CITY OF HENDERSONVILLE, NORTH CAROLINA AS A CONTIGUOUS ANNEXATION**

**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 August 6, 2020, after due notice by publication on July 19, 2020 and July 26, 2020; and

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

**Section 1.** By virtue of the authority granted by G.S. 160A-31, the following described contiguous territory is hereby annexed and made part of City of Hendersonville as of August 6, 2020:

#### METES AND BOUNDS DESCRIPTION

3460/367

Bradley/Gordon /Justus Description

BEGINNING at a new iron stake in the northern boundary of the right-of-way of U.S. Highway 176 (Spartanburg Highway) with said new iron stake being the southernmost corner of that property described in deed found in Deed Book 1263 at Page 67 in the office of the Registry for Henderson County, North Carolina, and said new iron stake is also the westernmost corner of the Gosnell tract found in Deed Book 754 at Page 445 of the records of the Henderson County Registry and moving thence from said beginning point along and with the approximate northern boundary of Highway 176, North 41 deg. 31 min. 13 sec. West 277.27 feet to a new iron stake near the intersection of Highway 176 with Shepherd Street (S.R. 1779); thence with the southern boundary of Shepherd Street, North 04 deg. deg. 12 min. 29 sec. East 70.32 feet to an existing right-of-way corner monument; thence along and with the approximate southern boundary of the right-of-way of Shepherd Street, North 49 deg. 28 min. 17 sec. East 298.48 feet to an existing right-of-way monument; thence 18 courses as follows:

North 36 deg. 26 min. 34 sec. West 3.91 feet; North 54 deg. 03 min. 42 sec. East 100.27 feet; thence on an arc to the right in a northeasterly direction with the arc having a radius of 32.00 feet, an arc length of 39.15 feet , chord bearing and distance are North 88 deg. 55 min. 51 sec. East 36.75 feet; thence South 56 deg. 01 min. 10 sec. East 8.98 feet; South 47 deg. 32 min. 50 sec. East 52.49 feet; South 47 deg. 59 min. 59 sec. East 31.64 feet; South 48 deg. 39 min. 22 sec. East 28.15 feet; South 50 deg. 48 min. 40 sec. East 35.95 feet; South 52 deg. 48 min. 24 sec. East 45.25 feet; South 56 deg. 49 min. 07 sec. East 38.84 feet; South 59 deg. 10 min. 51 sec. East 43.08 feet; South 60 deg. 48 min. 07 sec. East 29.70 feet; South 61 deg. 49 min. 50 sec. East 18.24 feet; thence North 59 deg. 47 min. 59 sec. West 10.87 feet; North 53 deg. 58 min. 02 sec. West 49.64 feet; North 50 deg. 23 min. 49 sec. West 93.94 feet; thence South 48 deg. 28 min. 47 sec. West 3.88 feet and South 48 deg. 28 min. 47 sec. West 178.26 feet to the point and place of BEGINNING, and containing 4.366 acres more or less according to a survey for Jeff Justus by Stacy Kent Rhodes dated January 2, 2020 and being Job Number 19-095.

This conveyance is made and accepted subject to the rights-of-way of U. S. Highway 176 Shepherd Street and Old Spartanburg Highway as they extend to their full legal widths.

For legal reference see deed found in Deed Book 1263 at Page 67 of the Henderson County registry.

This conveyance is further subject to such other easements, restrictions, and rights-of-way of record, if any.

Recorded in the Henderson County, NC Register of Deeds

**Section 2.** Upon and after August 6, 2020, the above described territory and it 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 by the City of Hendersonville City Council this 6th, day of August 2020.

Barbara G. Volk, Mayor, City of Hendersonville

Attest:

Angela L. Reece, City Clerk

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

## 8. Unfinished Business

### A. **Parking Enforcement Software (ParkMobile LLC)** - *Presenter: Amber Glisson, Lead Telecommunicator*

Amber Glisson, HPD Telecommunicator provided an update regarding the convenience fee for the ParkMobile software stating staff has conducted diligent research of parking enforcement companies and through consultation with city staff it has been determined that adding a parking meter on-line pay app,



ParkMobile, is the best option. Ms. Glisson stated ParkMobile charges the parking customer \$.35 cents per transaction to use the app, and the app is integrated into the Iparq system. She said the City of Hendersonville may absorb that convenience fee and said ParkMobile will simply subtract the fee prior to sending the parking fees to the City. Ms. Glisson clarified for Passport Parking App there is a \$.30 convenience fee charged to the customer and a monthly fee of \$2,500 charged to the city regardless of how many transactions took place. Ms. Glisson stated she reached out again today to Passport Parking and was informed there has been another representative assigned to the quote. City Manager Connet also stated he attempted to contact Passport Parking today and was unable to make contact. Manager Connet advised the implementation fees initially quoted were also greater than ParkMobile and said staff stands by the ParkMobile recommendation.

***Council Member Lyndsey Simpson moved that City Council approve the Park Mobile Parking Services Agreement as submitted. A unanimous vote of the Council followed. Motion Carried.***

## **9. New Business**

### **A. Discussion of Main Street Local Historic District Boundary Expansion - Presenter: Daniel Heyman, Planner II**

Daniel Heyman, Senior Planner stated the Main Street Local Historic District is established pursuant to NCGS§ 160D-944 (relocated from 160A-400.4) and said local historic districts are established by the local government's zoning power and confirmed that designation or expansion of a district is ultimately a decision of the City Council. Mr. Heyman stated the criteria for historic districts established pursuant to NCGS shall consist of areas that are deemed to be of special significance in terms of their history, prehistory, architecture, and/or culture, and to possess integrity of design, setting, materials, feeling, and association. Mr. Heyman stated the City code contains the same language and said Municipal Code §28-111 and NC General statutes contain no further guidance on what might be considered to have special significance. He said the period of significance for the Main Street district, according to the designation report is 1847 to 1955. Mr. Heyman stated he contacted the State Historic Preservation Office to discuss expansion and said they cautioned that adding non-contributing properties may degrade the district as a whole. Mr. Heyman discussed the process for expansion referring to the expansion report that was adopted by City Council on July 9, 2009. Mr. Heyman stated the Main Street Local Historic District was adopted by the City of Hendersonville in 2007 and said the current Main Street Local Historic District includes some properties that are included in the Main Street National Historic District as well as other properties of local historical significance. He stated the purpose of this expansion is to incorporate all remaining National Historic District properties that are not included in the current Main Street Local Historic District as part of the Local District.

Council Member Jeff Miller stated he preferred not to take action on this matter at this time citing potential effects of implementing additional regulations on property owners in that district during the COVID-19 situation. Council Member Lyndsey Simpson expressed interest in other options to preserve the small-town charm of the City citing concerns of continued expansion in the district. Council Member Dr. Jennifer Hensley stated she was not in favor of additional regulations and taxes on property owners in that district to control the appearance of structures when that could be accomplished in other ways.

### **C. Family and Medical Leave Proposal - Presenter: Council Member Lyndsey Simpson**

This item was moved to the Second Monthly Meeting of City Council on August 26, 2020 at the request of Council Member Simpson.

## **10. City Manager Report**

### **A. Developmental Assistance Department Update**

City Manager John Connet stated with Mrs. Frady's retirement an opportunity arose to implement efficiency and said under the guidance of the City Council he has combined the Developmental Assistance Department with the Downtown Economic Development Department. Manager Connet

stated Lew Holloway will serve as Director with Daniel Hayman as supervision of Development Assistance Division and Jamie Carpenter supervising the Downtown Division.

**B. Surplus Items**

Manager John Connet provided a list of items to City Council indicating they are surplus a will be disposed of by government auction.

**11. Appointments to Boards/Commissions & Committees**

**A. TDA**

*Council Member Dr. Jennifer Hensley nominated Brittany Brady to serve a three-year term as a member of the Tourism Development Authority. A unanimous vote of the Council followed. Motion Carried.*

**12. Closed Session as Permitted under NCGS §143-318.11(a)(5)(6)**

*At 9:43 p.m. Council Member Jeff Miller moved that City Council enter into closed session to establish or to instruct the public body's staff concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease NCGS §143-318.11(a)(5) and (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting. A unanimous vote of the Council followed. Motion Carried.*

*Council Member Jeff Miller moved that City Council return to open session at 10:11 p.m. A unanimous vote of the Council followed. Motion Carried.*

There was no further business.

**13. Recess**

The regular meeting of the City Council recessed at 10:12 p.m. and will be reconvened on Friday August 7, 2020 at 4:00 p.m. via Zoom (electronic only) upon unanimous assent of the Council.

--

**August 7, 2020      [ELECTRONIC]  
RECONVENED REGULAR MEETING OF THE CITY COUNCIL**

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

Staff Participating Electronically: City Manager John F. Connet, City Attorney Sam Fritschner, Assistant City Manager Brian Pahle, City Clerk Angela Reece, Communications Manager Allison Nock, Developmental Assistance Services Director Susan Frady

**1. Call to Order**

Mayor Barbara G. Volk reconvened the public hearing at 4:00 p.m. and welcomed those in attendance. A quorum was established with all members in attendance participating electronically via Zoom.

**Continued: 7B-Universal at Lakewood Conditional Rezoning** (Watauga Partners LLC application)

Council Member Jerry Smith provided contact information and encouraged the public to contact NCDOT staff Lonnie Watkins at [lrwatkins@ncdot.gov](mailto:lrwatkins@ncdot.gov) to discuss concerns of entrances to the proposed development.

*Council Member Dr. Jennifer Hensley moved the City Council City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from I-1, Industrial and PRD, Planned Residential Development to PRD CZD, 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, including the North Entrance taper lane, and oscillating plantings on the North boundary 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 property at Universal and Lakewood.*

*Council Members Hensley, Miller, and Volk voted in the affirmative with Council Members Simpson and Smith opposing. Motion Carried 3-2 on second reading.*

Pin# 9579-29-2872

Ordinance #20-0564

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

IN RE: Universal at Lakewood  
(File # P20-12-CZD)

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

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:

A portion of parcel 9579-29-2872 from I-1, Industrial and PRD, Planned Residential Development 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 by the City of Hendersonville City Council this 7th, day of August 2020.

Barbara G. Volk, Mayor, City of Hendersonville

Attest:

Angela L. Reece, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

## **2. Adjourn**

The meeting was adjourned at 4:05 p.m. on Friday August 7, 2020 upon unanimous assent of the Council.

\_\_\_\_\_  
Barbara G. Volk, Mayor

ATTEST:

\_\_\_\_\_  
Angela L. Reece, City Clerk



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Jennifer Musselwhite

**Department:** Finance

**Date Submitted:** 08/26/2020

**Presenter:** Jennifer Musselwhite

**Title of Item:** Henderson County Tax Adjustments

**Nature of Item:** Council Action

**Council Meeting Date:** 09/03/2020

**Summary of Information/Request:**

**Item #** 5B

The Deputy Tax Collector, Jennifer Musselwhite, would like to submit for your approval the tax bill adjustments occurring between July 1, 2020 and August 25, 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

<b>SUMMARY TOTAL OF DISCOVERIES, RELEASES, REFUNDS, AND FORGIVEN INTEREST</b>
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FOR TRANSACTIONS AS OF 8/25/2020

<i>VALUE CHANGE</i>	\$	(3,298,276.00)
<i>RELEASES</i>	\$	(16,479.69)
<i>REFUNDS</i>	\$	-
<i>FORGIVEN INTEREST</i>	\$	-
<b>TOTAL TAX BILL ADJUSTMENTS</b>	<b>\$</b>	<b>(16,479.69)</b>

<i>Adjustments, Releases, Refunds are provided by Henderson County Tax</i>
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## NCPTS Pending Release/Refund Report. Tuesday, August 25, 2020\*

TAX DISTRICT	OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	DISTRICT CODE	LEVY TYPE	BILLED	PAID	RELEASE
CITY OF HENDERSONVILLE	AAA CAROLINAS	0000517834-2020-2020-0000	2020 LISTING FORM RECEIVED TIMELY. DISCOVERY REMOVED. NEW ABSTRACT FOR 2020 CREATED.	(\$35,935)	7267	JURSC10	TAX	\$176.08	\$0.00	\$176.08
							LATE LIST FEE	\$17.61	\$0.00	\$17.61
							TOTAL:			\$193.69
							ABSTRACT TOTAL:			\$193.69
							OWNER TOTAL:		\$0	
	ALLEN STREET PARTNERS LLC	0003078876-2020-2020-0000	VALUE BILLED WAS FOR 2021. ADJUSTMENT MADE TO CORRECT CLERICAL ERROR WITH VALUE FOR 2020.	(\$1,562,950)	7277	JURSC10	TAX	\$16,372.13	\$0.00	\$7,658.46
							LATE LIST FEE	\$0.00	\$0.00	\$0.00
							TOTAL:			\$7,658.46
							ABSTRACT TOTAL:			\$7,658.46
							OWNER TOTAL:		\$0	
	BAYADA HOME HEALTH CARE INC	0000369641-2020-2020-0000	EXEMPTION APPROVED FOR BUSINESS PERSONAL PROPERTY.	(\$17,740)	7146	JURSC10	TAX	\$86.93	\$0.00	\$86.93
							LATE LIST FEE	\$0.00	\$0.00	\$0.00
							TOTAL:			\$86.93
							ABSTRACT TOTAL:			\$86.93
							OWNER TOTAL:		\$0	
	BRC HENDERSONVILLE LLC A GA LL COMPANY	0003079730-2020-2020-0000	ADJUSTMENT ON TAX YEAR 2020 APPEAL DID NOT CARRY FORWARD TO BILLING. ADJUSTMENT WILL CORRECT VALUE BILLED.	(\$969,700)	7192	JURSC10	TAX	\$19,497.10	\$0.00	\$4,751.53
							LATE LIST FEE	\$0.00	\$0.00	\$0.00
							TOTAL:			\$4,751.53
							ABSTRACT TOTAL:			\$4,751.53
							OWNER TOTAL:		\$0	
	CARLAND, ZACHARY AUBREY	0003096037-2019-2019-0000	1999 WATERCRAFT SOLD FEBRUARY 2018 AND 1996 WATERCRAFT IS REGISTERED OUT OF STATE.	(\$5,155)	7186	JURSC10	TAX	\$25.26	\$0.00	\$25.26
							LATE LIST FEE	\$0.98	\$0.00	\$0.98
							TOTAL:			\$26.24
							ABSTRACT TOTAL:			\$26.24
							OWNER TOTAL:		\$0	
	COOK OUT	0003099438-2020-2020-0000	BUSINESS PERSONAL PROPERTY DOUBLE BILLED ON ABSTRACTS 3099438 AND 3096224. ABSTRACT 3099438 VOIDED.	(\$243,740)	7195	JURSC10	TAX	\$1,194.33	\$0.00	\$1,194.33
							LATE LIST FEE	\$119.43	\$0.00	\$119.43
							TOTAL:			\$1,313.76
							ABSTRACT TOTAL:			\$1,313.76
							OWNER TOTAL:		\$0	
	DIGITAL CINEMA DISTRIBUTION COALITION, LLC	0003093642-2020-2020-0000	2020 LISTING FORM RECEIVED TIMELY. DISCOVERY REMOVED. NEW ABSTRACT FOR 2020 CREATED.	(\$7,008)	7266	JURSC10	TAX	\$34.34	\$34.34	\$34.34
							LATE LIST FEE	\$3.43	\$3.43	\$3.43
							TOTAL:			\$37.77
							ABSTRACT TOTAL:			\$37.77
							OWNER TOTAL:		\$0	
	DSW LEASED BUSINESS DIVISION, LLC #51-41377	0002132349-2020-2020-0000	2020 LISTING FORM RECEIVED TIMELY. DISCOVERY REMOVED. NEW ABSTRACT FOR 2020 CREATED.	(\$17,227)	7262	JURSC10	TAX	\$84.41	\$0.00	\$84.41
							LATE LIST FEE	\$8.44	\$0.00	\$8.44
							TOTAL:			\$92.85
							ABSTRACT TOTAL:			\$92.85
							OWNER TOTAL:		\$0	



## NCPTS Pending Release/Refund Report. Tuesday, August 25, 2020\*

TAX DISTRICT	OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	DISTRICT CODE	LEVY TYPE	BILLED	PAID	RELEASE
	MIKEN, LLC	0002873127-2020-2020-0000	HOUSE WAS TORN DOWN PRIOR TO 01/01/2020.	(\$95,500)	7274	JURSC10	TAX	\$800.17	\$800.17	\$467.95
							LATE LIST FEE	\$0.00	\$0.00	\$0.00
							TOTAL:			\$467.95
							ABSTRACT TOTAL:			
	OWNER TOTAL:			\$0						\$467.95
	PLANET ZEUS MEDIA LLC	0002454125-2020-2020-0000	2020 LISTING FORM RECEIVED TIMELY. DISCOVERY REMOVED. NEW ABSTRACT FOR 2020 CREATED.	(\$176,965)	7258	JURSC10	TAX	\$867.13	\$0.00	\$867.13
							LATE LIST FEE	\$86.71	\$0.00	\$86.71
							TOTAL:			\$953.84
							ABSTRACT TOTAL:			
	OWNER TOTAL:			\$0						\$953.84
	ROGERS GROUP INC	0003026584-2020-2020-0000	2020 LISTING FORM RECEIVED TIMELY. DISCOVERY REMOVED. NEW ABSTRACT FOR 2020 CREATED.	(\$47,198)	7241	JURSC10	TAX	\$231.27	\$0.00	\$231.27
							LATE LIST FEE	\$23.13	\$0.00	\$23.13
							TOTAL:			\$254.40
							ABSTRACT TOTAL:			
	OWNER TOTAL:			\$0						\$254.40
	SASLOWS INC.	0000213199-2020-2020-0000	2020 LISTING FORM RECEIVED TIMELY. DISCOVERY REMOVED. NEW ABSTRACT FOR 2020 CREATED.	(\$8,850)	7245	JURSC10	TAX	\$43.37	\$0.00	\$43.37
							LATE LIST FEE	\$4.34	\$0.00	\$4.34
							TOTAL:			\$47.71
							ABSTRACT TOTAL:			
	OWNER TOTAL:			\$0						\$47.71
	SCANTRON CORPORATION	0003096388-2020-2020-0000	2020 LISTING FORM RECEIVED TIMELY. DISCOVERY REMOVED. NEW ABSTRACT FOR 2020 CREATED.	(\$231)	7253	JURSC10	TAX		\$0.00	\$1.13
							LATE LIST FEE	\$0.00	\$0.00	\$0.11
							TOTAL:			\$1.24
							ABSTRACT TOTAL:			
	OWNER TOTAL:			\$0						\$1.24
	SHAMBURGER ARCHITECTURAL GROUP PLLC	0000638519-2020-2020-0000	2020 LISTING FORM RECEIVED TIMELY. DISCOVERY REMOVED. NEW ABSTRACT FOR 2020 CREATED.	(\$59,300)	7248	JURSC10	TAX	\$290.57	\$0.00	\$290.57
							LATE LIST FEE	\$29.06	\$0.00	\$29.06
							TOTAL:			\$319.63
							ABSTRACT TOTAL:			
	OWNER TOTAL:			\$0						\$319.63
	WELCOME FINANCE CO	0000203055-2020-2020-0000	2020 LISTING FORM RECEIVED TIMELY. DISCOVERY REMOVED. NEW ABSTRACT FOR 2020 CREATED.	(\$14,878)	7244	JURSC10	TAX	\$72.90	\$72.90	\$72.90
							LATE LIST FEE	\$7.29	\$7.29	\$7.29
TOTAL:									\$80.19	
ABSTRACT TOTAL:							\$80.19			
OWNER TOTAL:			\$0						\$80.19	
WILDFLOWERS SALON & SPA	0003095822-2020-2020-0000	2020 LISTING FORM RECEIVED TIMELY. DISCOVERY REMOVED. NEW ABSTRACT FOR 2020 CREATED.	(\$35,899)	7243	JURSC10	TAX	\$175.91	\$0.00	\$175.91	
						LATE LIST FEE	\$17.59	\$0.00	\$17.59	
						TOTAL:			\$193.50	
						ABSTRACT TOTAL:				\$193.50
OWNER TOTAL:			\$0						\$193.50	
DISTRICT TOTAL:				(\$3,298,276)						\$193.50
										\$16,479.69



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Daniel Heyman

**Department:** Development Asst Dept

**Date Submitted:** 8-24-2020

**Presenter:** Daniel Heyman, Senior Planner

**Title of Item:** Clerks Certificate of Sufficiency-Universal at Lakewood Annexation

**Nature of Item:** Council Action

**Council Meeting Date:** 09/03/2020

**Summary of Information/Request:**

**Item #** 5C

File # P20-14-ANX

The City of Hendersonville has received a petition from Group Ventures LLC for contiguous annexation of a portion of PIN 9579-29-2872 located on Lakewood Road that is approximately 29.198 acres. Please refer to the attached maps for additional information.

Attached is the Clerk's Certificate of Sufficiency finding that the petition is valid. The next step in the annexation process is to accept the Clerk's certificate and set a date for the public hearing on the question of adoption of an ordinance of annexation.

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 accept the City Clerk's Certificate of Sufficiency for the petition submitted by Group Ventures LLC and set October 1, 2020 as the date for public hearing.

**Attachments:**

Map  
Survey  
Legal Description  
Clerks Certificate of Sufficiency





City of Hendersonville  
June 2020



# Universal at Lakewood

## P20-14-ANX

### Contiguous Annexation

Development Assistance Department

PIN:9579-29-2872  
Approximately 29.1 Acres

 Subject Property  
 Hendersonville City Limits



0 250 500 1,000  
Feet



- NOTES
- THE PROPERTY OR PROPERTIES DISPLAYED WERE SURVEYED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY NOT SHOW ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, ENCUMBRANCES, ETC., (WRITTEN OR UNWRITTEN) THAT WOULD BE REVEALED BY A CURRENT AND THOROUGH EXAMINATION OF TITLE BY A NO LICENSED ATTORNEY-AT-LAW. THIS SURVEY SHALL NOT BE CONSIDERED A CERTIFICATION OF OWNERSHIP, ZONING, TITLE, OR GUARANTEE THAT THE SUBJECT IS FREE FROM ENCUMBRANCES.
  - ADJOINING PROPERTY OWNER INFORMATION TAKEN FROM THE HENDERSON COUNTY GIS WEBSITE AND DEEDS AND PLATS OF RECORD AS NOTED.
  - AREA SHOWN HEREON WAS COMPUTED BY THE COORDINATE METHOD.
  - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN US FEET UNLESS OTHERWISE NOTED.
  - THIS PROPERTY IS WITHIN ETJ OF THE CITY OF HENDERSONVILLE AND IS ZONED H-1 BY THE CITY OF HENDERSONVILLE; HAVING SETBACKS AS FOLLOWS: 35' FRONT, 20' SIDE, 20' REAR (NOT PLOTTED). \*PLEASE REFER TO THE CITY OF HENDERSONVILLE ZONING ORDINANCE FOR ALL REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY.
  - BY GRAPHICAL LOCATION, PORTIONS OF PROPERTY ARE SHOWN AS LYING INSIDE THE 1% ANNUAL CHANCE FLOODPLAIN PER FEMA FIRM MAP NO. 3700957900J & 3700957000J, EFFECTIVE DATE 10/2/2008. CONSULT THE FLOOD INFORMATION STUDY FOR HENDERSON COUNTY FOR NON-ENCROACHMENT WIDTHS.
  - THIS SURVEY IS SUBJECT TO ANY AND ALL UNDERGROUND UTILITIES THAT MAY EXIST. UNDERGROUND UTILITIES SHOWN HEREON ARE BASED SOLELY ON ABOVE GROUND STRUCTURES AND APPURTENANCES. THIS SURVEYOR MAKES NO CERTIFICATION TO THE EXISTENCE/NON-EXISTENCE OF UNDERGROUND UTILITIES, STORAGE FACILITIES, OR OTHER UNDERGROUND STRUCTURES AND LINES, DIAL 811 BEFORE DIGGING.
  - ANY STREAMS, CREEKS, PONDS, LAKES, WETLANDS, ETC. LOCATED ON THIS PROPERTY, SHOWN OR NOT SHOWN HEREON, MAY BE SUBJECT TO BUFFER AREAS. IT IS THE OWNER/DEVELOPERS RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY PROFESSIONALS AUTHORIZED BY THE PROPER AUTHORITIES TO MAKE THESE DETERMINATIONS.
  - WATERLINE EXISTS ALONG WEST SIDE OF LAKEWOOD ROAD PER CORRESPONDENCE WITH CITY OF HENDERSONVILLE WATER & SEWER DEPARTMENT. GAS LINE EXISTS ALONG EAST SIDE OF LAKEWOOD ROAD PER CORRESPONDENCE WITH DOMINION ENERGY. 811 LOCATE REQUEST PLACED, TICKET #C200571474 ON 2/26/20; NO MARKINGS PERFORMED FOR ANY UTILITIES.
  - REVISION 6/17/20 - PLAT PREPARED FOR SUBDIVISION AND RECORDING IN ACCORDANCE WITH G.S. 47-30. NEW SURVEY DATA INCLUDE ADDITIONAL BOUNDARY MONUMENTATION, AND NEW LOCATIONS OF ALLEN BRANCH FOLLOWING STREAM RESTORATION WORK. ANY OTHER CHANGES ARE ANNOTATIVE ONLY.

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	847.44	243.88	S 23°57'03" W	243.04
C2	717.50	5.85	S 31°57'01" W	5.85
C3	2284.00	99.79	S 11°32'21" W	99.79
C4	717.50	228.71	S 22°35'05" W	227.75

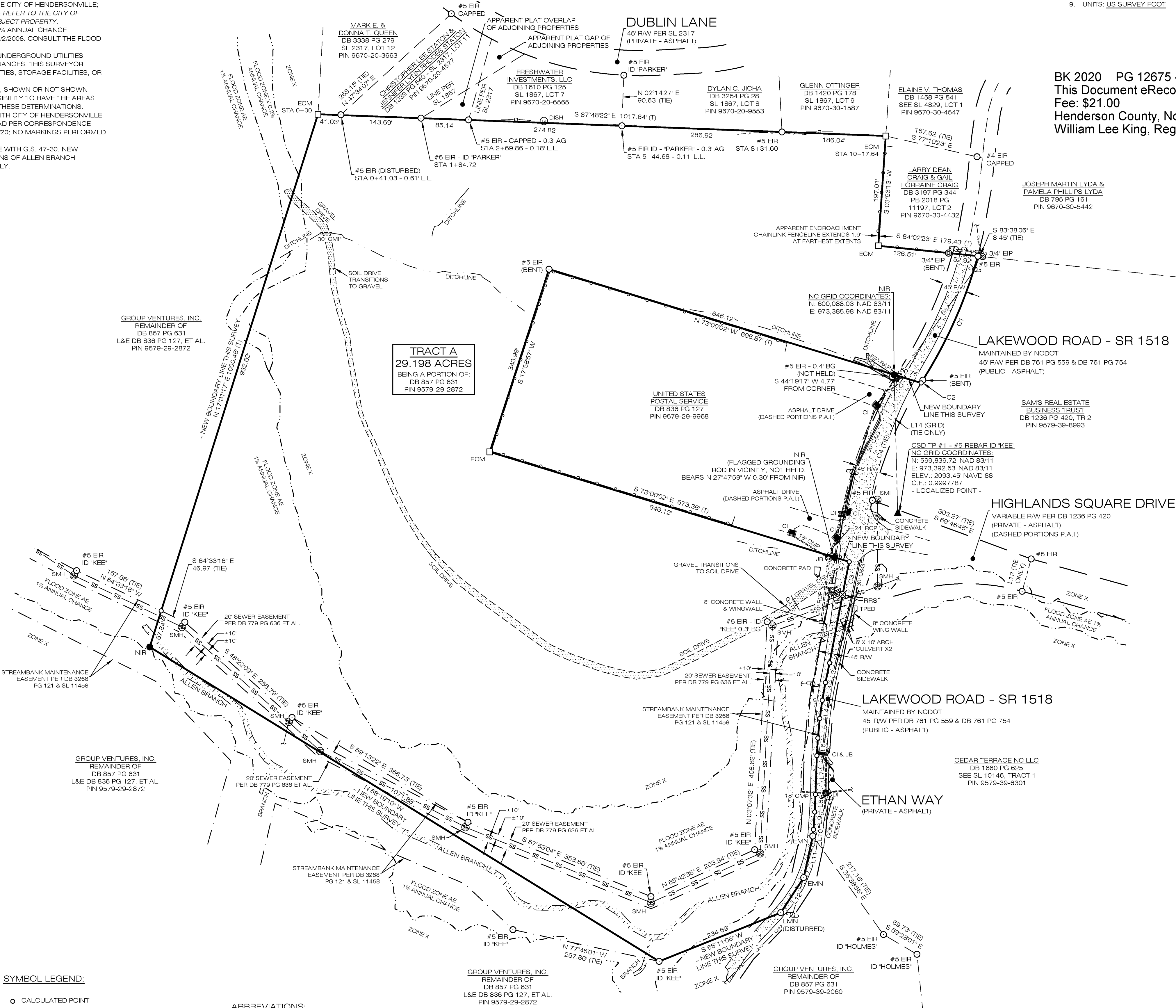
LINE	BEARING	DISTANCE
L1	S 10°46'58" W	124.66
L2	S 12°02'37" W	35.91
L3	S 10°02'47" W	32.26
L4	S 07°40'29" W	32.79
L5	S 05°29'18" W	35.31
L6	S 03°30'29" W	31.58
L7	S 01°59'55" W	69.69
L8	S 02°33'30" W	31.19
L9	S 03°48'21" W	31.75
L10	S 06°42'43" W	11.45
L11	S 12°16'44" W	75.20
L12	S 33°14'12" W	75.10
L13	S 15°37'07" W	60.22
L14	N 01°30'42" W	248.40

NC GRID NORTH  
NAD 83 (NRSR 2011)

- LINE LEGEND:
- SURVEYED BOUNDARY LINE
  - ADJOINERS DEED LINE (NOT SURVEYED)
  - RIGHT-OF-WAY LINE
  - EASEMENT LINE
  - TIE LINE ONLY
  - SANITARY SEWER LINE
  - EDGE OF CREEK
  - C/L STORM DITCH
  - APPROXIMATE CENTER OF CREEK (P.A.I.)
  - OVERHEAD UTILITY LINE
  - BOARD FENCELINE
  - CHAIN LINK FENCELINE
  - WIRE FENCELINE
  - FEMA FLOODLINE
  - STORM WATER PIPE (SIZE & TYPE AS NOTED)

- SYMBOL LEGEND:
- CALCULATED POINT
  - EXISTING IRON REBAR (EIR) OR MAG-NAIL (EMN)
  - EXISTING IRON PIPE (EIP)
  - EXISTING CONCRETE MONUMENT (ECM)
  - EXISTING RAILROAD SPIKE (RRS)
  - #5 NEW IRON REBAR W/ ID CAP (NIR)
  - CSD TRAVERSE STATION
  - SANITARY SEWER MANHOLE (SMH)
  - FIRE HYDRANT
  - WATER VALVE
  - UTILITY POLE
  - GUY WIRE
  - TELECOMMUNICATIONS PEDESTAL
  - SIGN
  - CURB INLET (CI)
  - DROP INLET (DI)
  - JUNCTION BOX (JB)

Submitted electronically by "Cole Surveying and Design, PA"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Henderson County Register of Deeds.



THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- CLASS OF SURVEY: CLASS A (HORIZONTAL)
- POSITIONAL ACCURACY: 0.01' (H) & 0.02' (V) @ 95% CONFIDENCE
- TYPE OF GPS FIELD PROCEDURE: RTK (VRS)
- DATES OF SURVEY: 2/20/2020
- DATUM/EPOCH: NAD 83 (NRSR 2011) EPOCH 2010.00 (H) & NAVD 88 (V)
- PUBLISHED/FIXED-CONTROL USED: VRS NETWORK
- GEOD MODEL: GEOD 18
- COMBINED GRID FACTOR(S): 0.9997787 (@ LOCALIZED POINT)
- UNITS: US SURVEY FOOT

BK 2020 PG 12675 - 12675 (1) DOC# 931159  
This Document eRecorded: 08/13/2020 02:09:32 PM  
Fee: \$21.00  
Henderson County, North Carolina  
William Lee King, Register of Deeds

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON  
I, Jacob Compher, REVIEW OFFICER OF HENDERSON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Jacob Compher  
REVIEW OFFICER  
08/13/2020  
DATE

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON  
I, ALEX DANIEL WARD, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 857, PAGE 631; DEED BOOK 858, PAGE 127; DEED BOOK 1238, PAGE 420 & PLAT SLIDE 10146). THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN DEED BOOK N/A, PAGE N/A; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL ON THIS DATE 08/13/2020

I ALSO HEREBY CERTIFY THAT THIS SURVEY IS OF THE FOLLOWING CATEGORIES AS DESCRIBED IN G.S. 47-30(M)(1)(d): THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

Alex Daniel Ward  
ALEX DANIEL WARD, P.L.S.

L-5272

SUBDIVISION FOR:  
**UNIVERSAL DEVELOPMENT & CONSTRUCTION**

OWNER OF RECORD: GROUP VENTURES, INC.  
HENDERSONVILLE TOWNSHIP, HENDERSON COUNTY, NC

- REFERENCES:
- DEED BOOK 857 PAGE 631 (SUBJECT DEED)
  - DEED BOOK 858 PAGE 127 (EXCEPTION DEED)
  - DEED BOOK 1238 PAGE 420 (EXCEPTION DEED)
  - DEED BOOK 779 PAGE 636 (SEWER EASEMENT)
  - DEED BOOK 3288 PAGE 121 (STREAMBANK EASEMENT)
- PLAT SLIDE 10146  
PLAT SLIDE 11458  
PLAT SLIDE 1867  
PLAT SLIDE 2317  
PLAT SLIDE 4829  
PLAT BOOK 2018 PAGE 11197



DATE OF PLAT: 3/17/2020	NO.	DATE	DESC.	BY
DATE OF SURVEY: 2/20/20-3/13/20, 6/12/20	1.	6-17-20	SUBDIVISION (SEE NOTE 10)	ADW
PROJECT NO.: 20-016				
FIELD WORK: CH/DG				
DRAWN BY: ADW				
SCALE: 1" = 100'				
PIN: 9579-29-2872				



549 ELK PARK DRIVE, SUITE 707  
ASHEVILLE, NC 28804  
PHONE: 828-251-7025  
NC FIRM #C-3106 | SC COA #4052

LYING AND BEING IN HENDERSONVILLE TOWNSHIP, HENDERSON COUNTY, NC; BEING TRACT A OF PLAT BOOK 2020 PAGE 12675, AND BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 857 PAGE 631; HAVING AN AREA OF 29.198 ACRES, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A NEW IRON REBAR WITH ID CAP "COLE" AT THE WEST MARGIN OF LAKEWOOD ROAD (SR 1518), SAID IRON REBAR HAVING NORTH CAROLINA GRID COORDINATES OF N: 600,088.03' E: 973,385.98' (NAD 83/11), AND BEING THE NORTH EAST CORNER OF THE UNITED STATES POSTAL SERVICE PROPERTY AS DESCRIBED IN DEED BOOK 836 PAGE 127; THENCE ALONG AND WITH THE UNITED STATES POSTAL SERVICE PROPERTY THE FOLLOWING THREE CALLS: N 73°00'02" W, 646.12' TO AN EXISTING IRON REBAR; THENCE S 17°58'57" W, 343.99' TO AN EXISTING CONCRETE MONUMENT; THENCE S 73°00'02" E, 646.12' TO A NEW IRON REBAR WITH ID CAP "COLE" AT THE MARGIN OF LAKEWOOD ROAD, AND BEING THE SOUTH EAST CORNER OF THE UNITED STATES POSTAL SERVICE PROPERTY; THENCE LEAVING THE LINE OF THE UNITED STATES POSTAL SERVICE ALONG A NEW LINE S 73°00'02" E, 27.24' TO A POINT IN THE CENTER OF LAKEWOOD ROAD; THENCE ALONG THE CENTER OF LAKEWOOD ROAD, A NEW LINE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 59.79', WITH A RADIUS OF 2264.00', WITH A CHORD BEARING OF S 11°32'21" W, AND WITH A CHORD LENGTH OF 59.79' TO AN EXISTING RAILROAD SPIKE, THE NORTH WEST CORNER OF THE CEDAR TERRACE NC LLC PROPERTY AS DESCRIBED IN DEED BOOK 1660 PAGE 625 AND TRACT 1 OF PLAT SLIDE 10146; THENCE ALONG AND WITH THE CEDAR TERRACE NC LLC PROPERTY AND WITH THE CENTER OF LAKEWOOD ROAD THE FOLLOWING TEN CALLS: S 10°46'58" W, 124.66' TO A POINT; THENCE S 12°02'37" W, 35.91' TO A POINT; THENCE S 10°02'47" W, 32.26' TO A POINT; THENCE S 07°40'29" W, 32.79' TO A POINT; THENCE S 05°29'18" W, 35.31' TO A POINT; THENCE S 03°30'28" W, 31.58' TO A POINT; THENCE S 01°59'55" W, 69.69' TO A POINT; THENCE S 02°33'30" W, 31.19' TO A POINT; THENCE S 03°48'21" W, 31.75' TO A POINT; THENCE S 06°42'43" W, 11.45' TO AN EXISTING MAG-NAIL, A CORNER OF A REMAINING PORTION OF THE GROUP VENTURES, INC. PROPERTY AS DESCRIBED IN DEED BOOK 857 PAGE 631; THENCE ALONG AND WITH THE GROUP VENTURES, INC. PROPERTY THE FOLLOWING FOUR CALLS: ALONG A NEW LINE S 12°16'44" W, 76.20' TO AN EXISTING MAG-NAIL IN THE CENTER OF LAKEWOOD ROAD; THENCE ALONG A NEW LINE S 33°14'12" W, 75.10' TO AN EXISTING MAG- NAIL IN THE CENTER OF LAKEWOOD ROAD; THENCE ALONG A NEW LINE, AND LEAVING LAKEWOOD ROAD S 68°11'06" W, 234.69' TO AN EXISTING IRON REBAR, ID CAP "KEE"; THENCE ALONG A NEW LINE CROSSING ALLEN BRANCH IN MULTIPLE LOCATIONS N 58°19'10" W, 1071.88' TO A NEW IRON REBAR, ID CAP "COLE"; THENCE ALONG A NEW LINE CROSSING ALLEN BRANCH N 17°31'17" E, 1000.46' TO AN EXISTING CONCRETE MONUMENT, THE SOUTH WEST CORNER OF THE SHAMROCK ESTATES SUBDIVISION AS DESCRIBED IN PLAT SLIDE 2317 AND PLAT SLIDE 1867; THENCE ALONG THE SHAMROCK ESTATES SUBDIVISION S 87°48'22" E, PASSING AN EXISTING DISTURBED IRON REBAR 0.61' LEFT OF LINE AT 41.03' ALONG LINE, THE SOUTH EAST CORNER OF PLAT SLIDE 2317 LOT 12; PASSING AN EXISTING IRON REBAR ID CAP "PARKER" AT 184.72' ALONG LINE, THE SOUTH WEST CORNER OF PLAT SLIDE 1867 LOT 7; PASSING AN EXISTING IRON REBAR WITH ILLEGIBLE ID CAP 0.18' LEFT OF LINE AT 269.86' ALONG LINE, THE SOUTH EAST CORNER OF PLAT SLIDE 2317 LOT 11; PASSING AN EXISTING IRON REBAR ID CAP "PARKER" 0.11' LEFT OF LINE AT 544.68' ALONG LINE, SOUTH EAST CORNER

OF PLAT SLIDE 1867 LOT 7; AND PASSING AN EXISTING IRON REBAR AT 831.60' ALONG LINE, SOUTH EAST CORNER OF PLAT SLIDE 1867 LOT 8; A TOTAL DISTANCE OF 1017.64' TO AN EXISTING CONCRETE MONUMENT, THE NORTH WEST CORNER OF THE LARRY DEAN CRAIG & GAIL LORRAINE CRAIG PROPERTY AS DESCRIBED IN DEED BOOK 3197 PAGE 344 AND PLAT BOOK 2018 PAGE 11197 LOT 2. THENCE ALONG WITH THE CRAIG PROPERTY S 03°53'13" W, 197.01' TO AN EXISTING CONCRETE MONUMENT; THENCE PARTIALLY WITH THE CRAIG PROPERTY AND CROSSING LAKEWOOD ROAD S 84°02'23" E, PASSING AN EXISTING BENT 3/4" PIPE AT 126.51', A TOTAL DISTANCE OF 179.43' TO AN EXISTING IRON REBAR AT THE EAST MARGIN OF THE RIGHT OF WAY OF LAKEWOOD ROAD, NORTH WEST CORNER OF THE SAMS REAL ESTATE BUSINESS TRUST PROPERTY AS DESCRIBED IN DEED BOOK 1236 PAGE 420 TRACT 2; THENCE ALONG WITH THE SAMS REAL ESTATE BUSINESS TRUST PROPERTY AND EAST MARGIN OF THE RIGHT OF WAY OF LAKEWOOD ROAD THE FOLLOWING TWO CALLS: WITH A CURVE TURNING TO THE RIGHT, WITH AN ARC LENGTH OF 243.88', WITH A RADIUS OF 847.44', WITH A CHORD BEARING OF S 23°57'03" W, WITH A CHORD LENGTH OF 243.04', TO AN EXISTING BENT IRON REBAR; THENCE WITH A REVERSE CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 5.85', WITH A RADIUS OF 717.50', WITH A CHORD BEARING OF S 31°57'01" W, WITH A CHORD LENGTH OF 5.85', TO A POINT; THENCE ALONG A NEW LINE CROSSING LAKEWOOD ROAD N 73°00'02" W, 50.75' TO A NEW IRON REBAR ID CAP "COLE", THE POINT AND PLACE OF BEGINNING.

## CERTIFICATE OF SUFFICIENCY

**Re: Petition for Contiguous Annexation  
Group Ventures  
File No. P20- 14-ANX**

To the Honorable Mayor and members of the City Council of Hendersonville, North Carolina:

I, Angela Reece, City Clerk, begin first duly sworn, hereby certify an investigation has been completed of the above referenced petition for the contiguous annexation of 29.1 acres identified as tax parcel 9579-52-2872.

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 Group Ventures is valid.

In witness whereof, I have here unto set my hand and affixed the seal of the City of Hendersonville, this 29 day of June, 2020.

  
Angela Reece, City Clerk



Universal at Lakewood



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** Adam Murr

**Department:** Admin

**Date Submitted:** 08/24/2020

**Presenter:** Adam Murr

**Title of Item:** Budget Amendments - FY21 September

**Nature of Item:** Council Action

**Council Meeting Date:** 09/03/2020

### Summary of Information/Request:

**Item #** 5D

Budget Amendment(s)

1. Grant - Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act	Increase	\$483,730
2. Police Department Headquarters Project Amendment	Increase	\$191,624
3. Northside Water Improvement Project Amendment NCDEQ Funding Match	Increase	\$2,541,775
4. Clear Creek Interceptor Project Amendment - Funding Source Change	No Change	\$34,999
5. Leased Vehicles Financing - Change in recording principles in FY19-20	Increase	\$521,479

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

Budget impacts described in amendment attachments.

### Suggested Motion:

I move City Council resolve to approve the budget amendment(s) as proposed.

**Attachments:**

Budget Amendment(s)

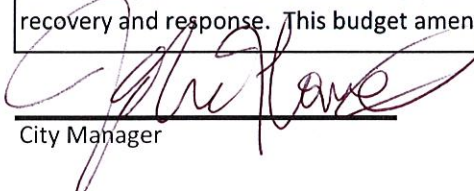


**BUDGET AMENDMENT**

301

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
301-0000-420050-G2100	Contributions/Donations	483,730	
301-1002-501001-G2100	Salaries and Wages - Regular	298,675	
301-1002-501002-G2100	Salaries and Wages - Part Time	9,337	
301-1002-501010-G2100	Salaries and Wages - Overtime	23,257	
301-1002-501013-G2100	Salaries and Wages - Halftime	16,132	
301-1002-502001-G2100	FICA Tax Expense	26,576	
301-1002-502050-G2100	Retirement Expense	35,435	
301-1002-502005-G2100	Group Medical and Life Insurance	74,318	
FUND 301	TOTAL REVENUES	483,730	
	TOTAL EXPENDITURES	483,730	

The Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act has made pass-through funding available to municipal governments from county governments. Grant funds may be used to pay for expenses related to COVID-19 recovery and response. This budget amendment establishes a grant fund for CARES Act related items.


  
City Manager

Date:

08/24/20

DATE:

8/24/2020

**BUDGET AMENDMENT**

010 | 410

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
010-0000-303301-00000-000-000-00000-00000	Fund Balance Appropriated	199,166.00	-
010-0000-598901-00000-000-410-00000-00000	Transfer to General Fund Capital Projects (410)	199,166.00	-
FUND 010	TOTAL REVENUES	199,166.00	-
	TOTAL EXPENDITURES	199,166.00	-
410-0000-470010-18020-000-000-00000-00000	Debt Proceeds	-	7,542.00
410-0000-470100-18020-000-010-00000-00000	Transfer from General Fund (010)	199,166.00	-
410-1002-550102-18020-020-000-00000-00000	Capital Outlay - Fees and Services	151,553.00	-
410-1002-550103-18020-020-00000-00000	Capital Outlay - CIP	-	125,161.00
410-1002-551000-18020-020-00000-00000	Capital Outlay - Land, Easement, ROW	5,001.00	-
410-1002-534999-18020-020-00000-00000	Contingencies	160,231.00	-
FUND 410	TOTAL REVENUES	199,166.00	7,542.00
	TOTAL EXPENDITURES	316,785.00	125,161.00

A budget amendment to transfer \$199,166 from the General Fund (010) to the Capital Project Fund (410) to match the revised budget for the Police Department Headquarters Project (18020). The amendment also reallocates funds based on the estimated costs for the project (i.e. increase to Fees and Service, and Land, Easement, and Row; decreases CIP).

  
 City Manager

Date: 8-24-20

DATE: 8/24/2020

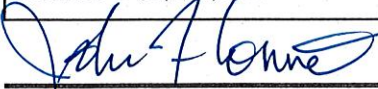


**BUDGET AMENDMENT**

460

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
460-0000-470010-16019	Debt Proceeds	2,541,775	
460-1014-550103-16019	Capital Outlay - CIP	2,541,775	
FUND 460	TOTAL REVENUES	2,541,775	
	TOTAL EXPENDITURES	2,541,775	

A budget amendment to increase revenue for the Northside Project to reflect the revised funding amount provided by NC Department of Environmental Quality's Division of Water Infrastructure (NCDEQ - DWI). The amendment increases revenues to \$5,372,860.

  
 City Manager

Date: 8-24-20

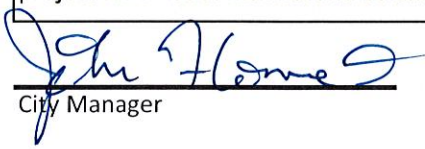
DATE: 8/24/2020

## BUDGET AMENDMENT

460

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
460-0000-470010-18033	Proceeds of Debt		2,121,000.00
460-0000-460090-18033	Contributions/Donations	300,000.00	
460-0000-470900-18033	Fund Balance Appropriated	1,821,000.00	
FUND 460	TOTAL REVENUES	34,999.00	
	TOTAL EXPENDITURES	34,999.00	

A budget amendment to increase contribution/donation revenue for the Clear Creek interceptor project and change the primary funding source of the project from proceeds of debt to fund balance appropriated. The Water and Sewer Capital project fund has sufficient fund balance available for the project.


  
City Manager

Date:

DATE:

8/24/2020

## BUDGET AMENDMENT

010

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
010-0000-470015-00000	Capital Lease	521,479	
010-1300-554002-00000	Capital Outlay - Vehicles	425,826	
010-1400-554002-00000	Capital Outlay - Vehicles	95,653	
FUND 010	TOTAL REVENUES	521,479	
	TOTAL EXPENDITURES	521,479	

A budget amendment to reflect an adjustment in financing principles for the leased vehicle program in FY19-20.

*Effective June 30, 2020*

  
 City Manager

for John Cornish

Date:

8/26/2020

DATE:

8/26/2020



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** John Connet

**Department:** Admin

**Date Submitted:** 8/24/2020

**Presenter:** John Connet

**Title of Item:** Ratification of Sale of Service Weapon to Chief Herbert Blake

**Nature of Item:** Council Action

**Council Meeting Date:** 9/3/2020

### Summary of Information/Request:

**Item #** 5E

In honor of his 12+ years of service the City of Hendersonville presented Chief Herbert Blake with his service weapon. The weapon was presented to Chief Blake at his going away event. The funding for the purchase of the weapon by Chief Blake was provide by an anonymous donor. City Attorney Angie Beeker has prepared a resolution ratifying the selling and presentation of the weapon to Chief Blake.

**Budget Impact:** \$ 409.00 Is this expenditure approved in the current fiscal year budget?  If no, describe how it will be funded.

The weapon was priced based on similar weapons on the retail market.

### Suggested Motion:

I move that the City Council adopt the resolution honoring Chief Herbert Blake for twelve years of service and ratifying the selling and presentation of the weapon to Chief Blake.

### Attachments:

Resolution  
Bill of Sale

**RESOLUTION TO RECOGNIZE THE DISTINGUISHED SERVICE  
TO THE CITY OF HENDERSONVILLE AND THE TRANSFER OF SERVICE SIDEARM**

WHEREAS, North Carolina General Statutes 160A-266(c) authorizes the City of Hendersonville to adopt a policy delegating to a city official the authority to declare personal property valued at less than \$30,000 surplus and to dispose of such personal property by private sale; and

WHEREAS, on or about March 5, 2009, the Mayor and City Council adopted Resolution #09-311 authorizing the City Manager to declare surplus and convey by private sale any personal property valued at less than \$30,000; and

WHEREAS, in recognition of 12 years of distinguished service as Chief of Police, the City Manager declared surplus the service sidearm carried by Chief Herbert Blake and conveyed such sidearm to Chief Blake by private sale for the sum of \$409.00; and

WHEREAS, the Mayor and City Council, on behalf of the City of Hendersonville, also wish to recognize Chief Blake's 12 years of distinguished service as Chief of Police for the City of Hendersonville and its residents;

NOW THEREFORE, the City of Hendersonville hereby thanks Chief Herbert Blake for the distinguished service he has rendered to the City of Hendersonville and its residents and ratifies the private sale of Chief Blake's service sidearm to him in appreciation for his many years of service and dedication to the City of Hendersonville and its residents.

Adopted this \_\_\_\_\_ day of September, 2020.

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

Attest:

\_\_\_\_\_  
City Clerk





Paid in Full

**BILL OF SALE OF SERVICE WEAPON**  
(Sold "As-Is" without Warranty)

**STATE OF:** North Carolina  
**COUNTY OF:** Henderson

**KNOW ALL PERSONS BY THESE PRESENTS:** That I, John Connet, City Manager for the City of Hendersonville, exercising that authority granted to me by Resolution # 09-0311, duly adopted by the City Council for the City of Hendersonville on March 5, 2009, on behalf of the City of Hendersonville ("Seller") do hereby (1) declare the following personal property surplus; (2) sell and convey such surplus personal property by private sale; and (3) transfer title to such personal property to Herbert Blake, former Chief of Policy for the City of Hendersonville (Buyer):

<u>Item of Personal Property</u>	<u>Make</u>	<u>Model</u>	<u>Caliber</u>	<u>Serial Number</u>
Service Sidearm	Glock Semi Auto	45	9mm	BLPU701

This conveyance is in recognition of Chief Blake's years of service to the City of Hendersonville and in consideration of the payment of the sum of **FOUR HUNDRED NINE AND NO/100S DOLLARS (\$409.00)**, received, in hand, by the City of Hendersonville.

To have and to hold the same unto Buyer and Buyer's executors, administrators, and assigns, forever.

**WARRANTY OF OWNERSHIP.** The Seller warrants that the Seller is the true and lawful owner of the Personal Property, and that the Personal Property is free of any and all legal claims, encumbrances, and offsets by others. Further, the Seller warrants that the Seller will defend the Buyer against any and all lawful claims and demands whatsoever in relation to this bill of sale.

**DISCLAIMER OF ALL OTHER WARRANTIES.** OTHER THAN THE SELLER'S WARRANTY OF OWNERSHIP STATED ABOVE, THE BUYER TAKES THE PERSONAL PROPERTY "AS-IS" WITHOUT ANY WARRANTIES, EXPRESS OR IMPLIED, WHATSOEVER. SELLER SPECIFICALLY DISCLAIMS ALL WARRANTIES OF MERCHANTABILITY AND FITNESS FOR ANY PARTICULAR PURPOSE. THE BUYER HAS PERSONALLY INSPECTED THE PERSONAL PROPERTY AND ACCEPTS IT "AS-IS".

**ADDITIONAL TERMS OF SALE.** The Seller and Buyer agree to the following additional terms in conjunction with this bill of sale: None.

**CITY OF HENDERSONVILLE (SELLER)**

BY:   
John Connet, City Manager

8-19-20  
Date

**HERBERT BLAKE (BUYER)**



8-19-2020  
Date



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Tom Wooten

**Department:** Public Works

**Date Submitted:** 8/18/2020

**Presenter:** Tom Wooten

**Title of Item:** 2020 Street Resurfacing Contract

**Nature of Item:** Council Action

**Council Meeting Date:** September 3, 2020

### Summary of Information/Request:

**Item #** 5F

A bid opening is scheduled on August 28, 2020 for the 2020 Annual Resurfacing project. Staff will recommend the proposed contractor to City Council at the September 3, 2020 meeting and contract amount for consideration. If Council is in agreement with the proposed contractor and the amount, City Council will need to award the project to the proposed contractor by approving the motion below. If not, no motion is needed.

(The low bidder and amount will be presented at the City Council Meeting.)

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

We have \$600,000 budgeted for resurfacing this year.

### Suggested Motion:

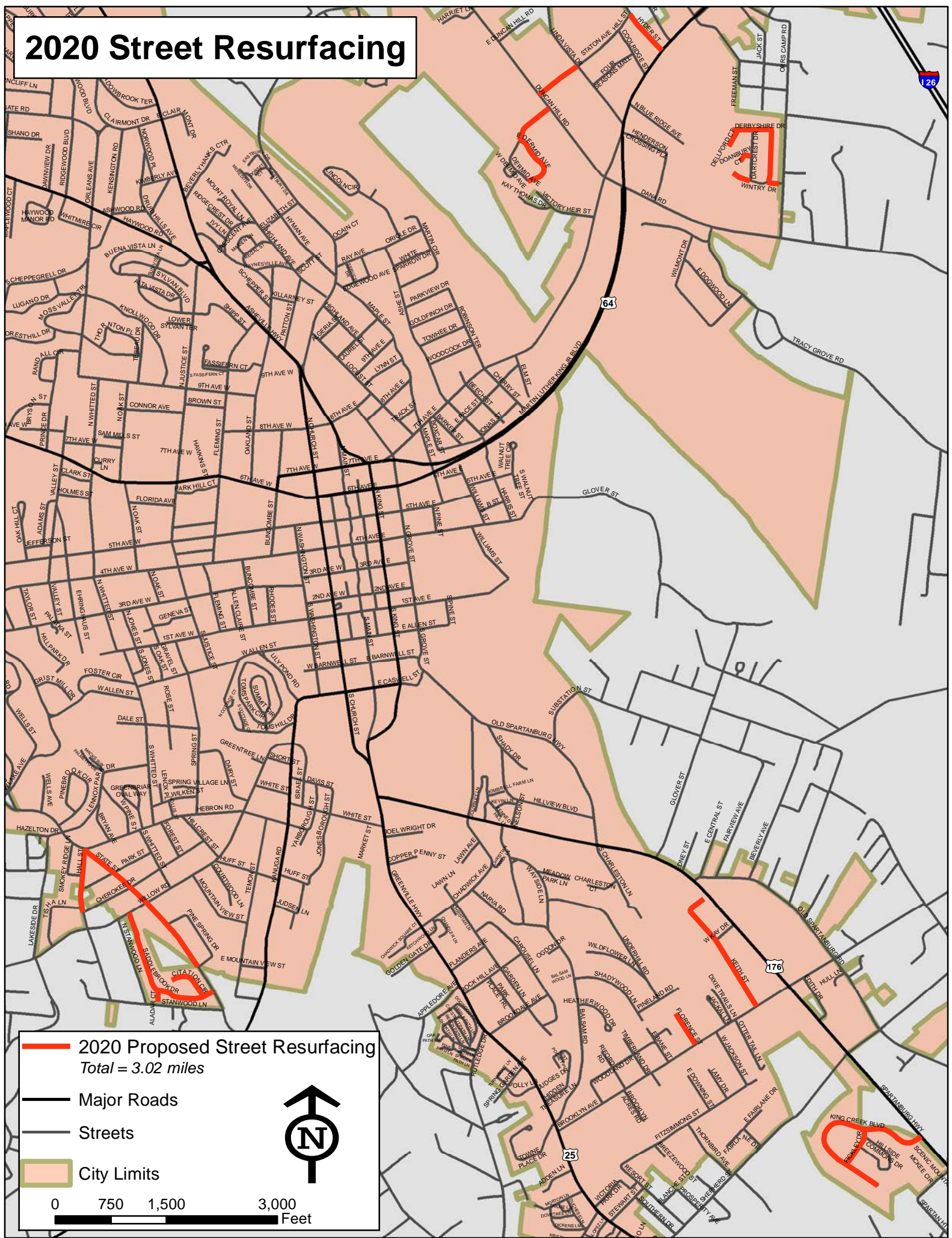
I move to award the 2020 Street Resurfacing project to \_\_\_\_\_.

### Attachments:

2020 Street Resurfacing Bid Tabulation Sheet  
2020 Street Resurfacing Map



# 2020 Street Resurfacing



— 2020 Proposed Street Resurfacing  
Total = 3.02 miles

— Major Roads

— Streets

— City Limits



0 750 1,500 3,000  
Feet





## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Tom Wooten

**Department:** Public Works

**Date Submitted:** 8/20/2020

**Presenter:** Tom Wooten

**Title of Item:** Fleet Maintenance Employment and Certification Policy

**Nature of Item:** Council Action

**Council Meeting Date:** September 3, 2020

**Summary of Information/Request:**

**Item #** 5G

In order to provide a higher level of service for each of the city departments, staff have evaluated the organizational structure of the Fleet Maintenance Department and have prepared a recommendation for management. The recommendation reclassifies all fleet maintenance positions and provides an equitable compensation plan. (This plan does not create any new positions within the department.)

**Budget Impact:** \$ 38,900 Is this expenditure approved in the current fiscal year budget? ☐ No If no, describe how it will be funded.

A budget adjustment will be needed for the salary adjustments.

**Suggested Motion:**

I move to approve the fleet maintenance employment and certification policy.

**Attachments:**

Fleet Maintenance Employment and Certification Policy  
Fleet Maintenance Job Descriptions

## Memorandum

To: John Connet, City Manager  
Brian Pahle, Assistant City Manager

From: Tom Wooten, Public Works Director

Subject: Fleet Maintenance Employment and Certification Policy

Date: 8/17/2020

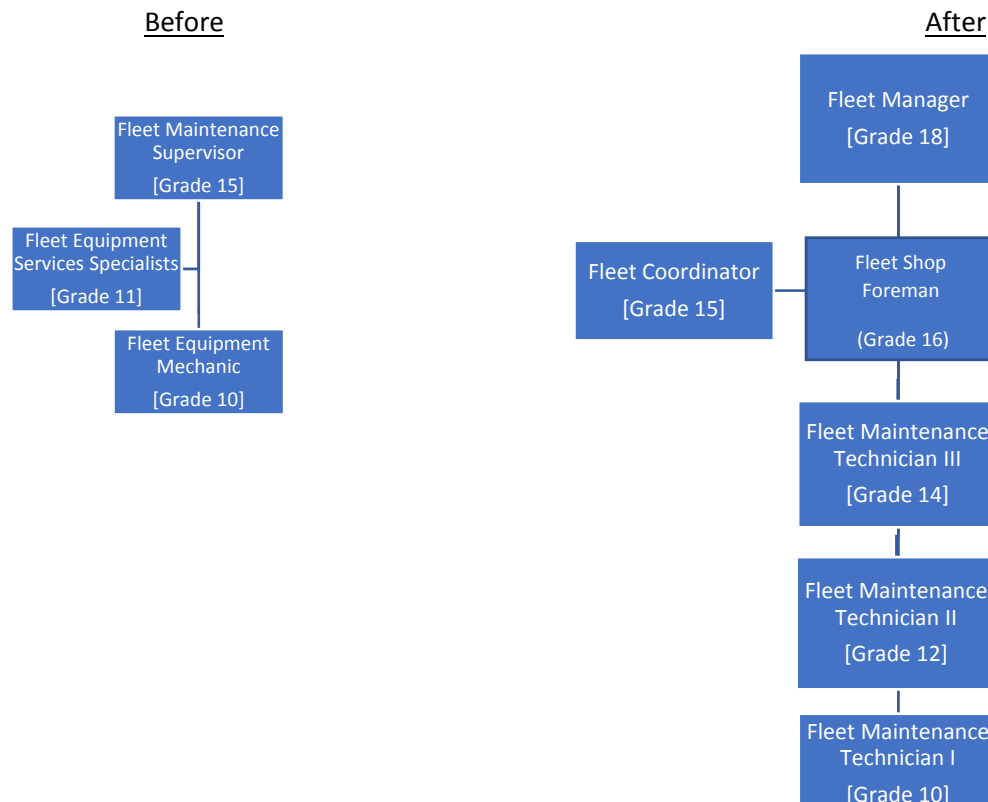
Cc: Jennifer Harrell, Human Resources Director  
Adam Murr, Budget and Management Analyst

In preparation for reorganizing the Fleet Maintenance Department, management, along with fleet maintenance staff, have prepared a recommendation for management, addressing the equitable compensation of fleet maintenance staff within the City of Hendersonville. The Policy provides two major changes including:

1. Job Descriptions/Organizational Structure
2. One-time Bonus Opportunity

### Job Descriptions/Organizational Structure

In accordance with conversations with City Staff, the recommended changes will reclassify two positions and create certification(s) and educational requirements and provide an avenue for compensation through the organizational hierarchy or structure. The certifications listed in these changes are critical requirements for the job and in concurrence with that, provided the outline for the revised organizational structure.



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

Fleet Maintenance Manager Requires a Certified Public Fleet Manager certificate and Master Tech certification(s)

Grade 18 – Range \$47,111.31 - \$71,691.17

Fleet Shop Foreman – Requires a Certified Public Fleet Manager Certificate and Master Tech Certification.

(Fleet Shop Foreman will act as Supervisor when the Manager is absent.)

Grade 16 - \$42,731.35 - \$65,026.00

Fleet Coordinator – Requires a Certified Public Fleet Manager Certificate and C1 Automobile Service Consultant Certification, P1 – P2 Parts Specialist Certification

(Fleet Coordinator will coordinate fleet lease vehicle program.)

Grade 15 – Range \$40,696.52 - \$61,929.53

Fleet Maintenance Technician III – Requires 12 ASE certificates (A5-A8 Automotive, F1 Alternative Fuel, T4-T6 Medium-Heavy Truck, X1 Under Car Specialist, E2 Truck Equipment plus additional certifications to reach 12)

Grade 14 – Range \$38,758.59 - \$58,980.50

Fleet Maintenance Technician II – Requires 8 ASE certifications (A1 – A4 Automotive, T1 – T3 Medium-Heavy Truck, E1 Truck Equipment) and basic welding certificate

Grade 12 – Range \$35,155.19 - \$53,497.05

Fleet Maintenance Technician I – Requires 1 ASE certification (G1 Maintenance and Light Repair) and a small engine repair certificate from a community or technical college, obtain A/C 609 certification with first month, NC Inspection License within first 6 months

Grade 10 – Range \$31,886.79 - \$48,523.40

Upon successful attainment of the required certifications an employee shall be promoted to the next level of Fleet Maintenance Technician. Promotion to Fleet Coordinator and Manager will be facilitated by an open position and following the City's Employment Policy.

\*Promotion dictates an increase by 5% or to the Minimum of the New Range, whichever is Greater.

This outline provides recognition and compensation for employees who receive certification by providing promotional opportunities within the organization structure. In the prior structure, the Mechanic could not advance to a higher level. The new proposed structure provides additional levels for higher certifications.

One-Time Bonus Opportunity

After obtaining the Master Technician Certificate, employees will be eligible for a one-time bonus of 2.5% of the employee's current salary. This bonus is meant to compensate employees for reaching the

highest level of certifications. These bonuses will not be applied retroactively. Only certifications received on or after July 1<sup>st</sup>, 2020 will be eligible.



## **Fleet Manager**

### **Primary Reason Why Classification Exists**

To perform difficult technical and intermediate administrative work supervising and participating in servicing, maintaining and repairing automotive, construction and maintenance vehicles and equipment for the City.

### **Distinguishing Features of the Class**

An employee in this class serves as the division manager responsible for supervising the operations of the automotive maintenance personnel assigned to the City's fleet maintenance garage. Emphasis of the work is on assigning and participating in the work, providing technical or manual assistance to mechanics, ensuring quality and productivity of services, and work performed meets department and industry standards. Work also includes serving as a senior technical resource for personnel in the repair and maintenance of specialized equipment and as a key reference point for all City departments. Work is performed under the general supervision of the Assistant Public Works Director and is evaluated on attainment of individual and department performance objectives, by ensuring operations are performed within budget limits, in compliance with safety requirements, visual inspections and positive feedback from other City staff.

### **Illustrative Examples of Work**

- Plans and supervises the work of operations, maintenance and Fleet personnel
- Plans and assigns work orders to personnel; identifies specific work to be performed, parts to be used, and cost of parts and time involved; road tests equipment and vehicles as an extension of troubleshooting problems and provide technical advice
- Develops and provides on-the-job training programs for mechanics in new procedures and techniques for maintenance of equipment or the application of new technology
- Prepares various production and accounting reports for charge backs to departments, parts purchased and used, inventory, and other operational reports
- Informs receiving departments of completed work to be picked up; advises of vehicle safety recalls from manufacturer and coordinates necessary replacement or service
- Makes scheduled and infrequent spot inspections of motor vehicles and equipment
- Meets with sales representatives regarding price negotiation of needed parts, equipment and supplies; manages parts/supplies inventory
- Prepares reports on equipment maintenance and replacement of parts; develops estimates of long and short-term departmental equipment needs with the Public Works and Utilities Director
- Updates vehicle replacement schedule; meets with department heads to discuss to identify specific needs
- Prepares annual operating budget; monitors division expenditures
- Establishes divisional performance goals and measurement processes; evaluates and updates performance goals with senior management staff
- Develops and enforces OSHA safety and divisional policies and procedures; maintains employee training records in compliance with state and federal safety programs and regulations
- Sets employee performance standards and prepares performance reviews; provides guidance in career development and training opportunities; approves leave; interviews applicants and makes

- recommendations on which employee to be hired, promoted, or disciplined
- Performs other related work as required

### **Knowledge, Skills, and Abilities**

- Thorough knowledge of the theory and processes of mechanical and hydraulic principles, motors, pumps, equipment, and materials used automotive equipment
- Thorough knowledge of the repair and maintenance of automotive, construction and specialty equipment and related terminology.
- Thorough knowledge of the occupational hazards and safety precautions of the work.
- Knowledge of modern effective supervisory principles and practices including motivation, communication, performance coaching and evaluation, hiring, and discipline and related laws.
- General knowledge of computer technology and its use in improving department operations.
- Thorough knowledge of the methods, tools, and equipment used in the repair of automotive passenger cars, trucks, construction, and maintenance equipment such as drills, presses, lathes, grinders, micrometers, and brake relining and drum grinding machines
- Ability to plan and supervise the work of the fleet division personnel
- Ability to train subordinates in the proper methods and techniques of automotive equipment maintenance functions
- Ability to establish and maintain effective working relationships with coworkers, supervisors, department personnel, and vendors
- Ability to operate complex diagnostic and testing equipment and use test results to determine mechanical problems
- Ability to develop and maintain records of repairs and service operations
- Ability to interpret sketches, diagrams, and installation and repair charts and apply it to the work performed
- Ability to follow oral and written instructions
- Skill in the use and operation of tools and machinery in equipment repair work
- Ability to obtain Emergency Vehicle Technician, NCDMV inspection certificate, A/C 609 certification within one year
- Master ASE Tech and Certified Public Fleet Manager (APWA) within three years.

### **Physical Requirements**

Work in this class is heavy work requiring exertion of in excess of 100 pounds of force occasionally, and/or in excess of 50 pounds of force frequently, and/or in excess of 20 pounds of force constantly to move objects. Employee must have the visual acuity to perform detailed inspection of small defects or parts, use measurement devices, and assemble parts at distances close to the eyes. Employee must also have the visual acuity to operate motor vehicles and use machines such as hoists, lifts, and perform semi-skilled tasks of a non-repetitive in support of trades' personnel.

**Working Conditions**

Work is performed in both inside and outside environmental conditions including extreme heat and cold. Employee is subject to noise which requires the worker to shout in order to be heard above the ambient noise level or other noises created in a vehicle maintenance facility. Employee is subject to vibration such as oscillating movements of the extremities or whole body and is subject to workplace hazards including mechanical equipment and atmospheric conditions due to exposure to acetylene torches, fumes, odors, dusts, hot metal exhausts, and fuels, greases, and oils. Employee may work in close quarters, crawl spaces, under or on top of large vehicles, and other areas which could cause claustrophobia or dizziness from heights.

**Education**

Graduation from high school or GED equivalency

**Experience**

One (1) to four (4) years' experience in automotive mechanics including the repair and maintenance of trucks, cars, backhoes, ditch diggers, and heavy-duty equipment such as tractors and large gasoline and diesel trucks and fire and police apparatus  
Two (2) years' supervisory experience.

**Special Requirements**

Valid commercial driver's license (CDL-B)

**FLSA Status:** 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.

~~April 2018~~ August 2020

## **Fleet Shop Foreman**

### **Primary Reason Why Classification Exists**

To perform administrative work supervising and training Fleet Technicians while completing challenging technical work evaluating, servicing, maintaining, and repairing City vehicles and equipment.

### **Distinguishing Features of the Class**

An employee in this class is the on-site supervisor of automotive and equipment maintenance personnel assigned to the City's fleet. Emphasis is placed on supervision, guidance, and training of technicians to ensure timely, reliable, efficient, and effective repairs while ensuring services provided meet department and industry standards. Work also includes serving as a senior technical resource for personnel in the repair and maintenance of specialized equipment and as a key reference point for all City departments. Work is performed under the general supervision of the Fleet Manager and is evaluated on attainment of individual and department performance objectives, by ensuring operations are performed within budget limits, in compliance with safety requirements, visual inspections and positive feedback from other City staff.

### **Illustrative Examples of Work**

- Oversees and participates in comprehensive repairs and replacement work, diagnostics, component fabrication and installation, quality control, inspections, and fleet analysis
- Applies knowledge of mechanical, hydraulic, and electrical operating systems found in equipment and vehicles
- Develops, improves, and enforces OSHA safety and divisional policies and procedures; maintains employee training records in compliance with state and federal safety programs and regulations
- Supervises technicians, managing employee concerns, directing work assignments, counseling and disciplining employees when necessary, and conducting performance evaluations
- Develops and provides recommendations for on-the-job training programs for new procedures and techniques related to the maintenance of equipment and application of new technology
- Prepares production reports for charge backs to departments, parts purchased and used, inventory, and other operational reports
- Informs departments of completed work to be picked up; advises of vehicle safety recalls from manufacturer and coordinates necessary replacement or service
- Makes scheduled and infrequent inspections of motor vehicles and equipment
- Assists with reports on equipment maintenance and replacement of parts; develops estimates of long and short-term departmental equipment needs
- Monitors and updates vehicle and equipment replacement schedules and provides recommendations on purchases, sales, and disposal
- Analyzes and comprehends detailed troubleshooting procedures and schematics, follows procedures to identify and resolve defects, communicates appropriate processes to others
- Responds to road calls to determine the ability to service vehicles on site; participates in vehicle towing when necessary
- Maintains accurate and recent records, provides analysis and recommendations to correct abnormal findings



- Performs other related work as required

### **Knowledge, Skills, and Abilities**

- Thorough knowledge of the theory and processes of mechanical and hydraulic principles, motors, pumps, equipment, and materials used automotive equipment
- Thorough knowledge of the repair and maintenance of automotive, construction and specialty equipment and related terminology
- Thorough knowledge of the occupational hazards and safety precautions of the work
- Thorough knowledge of the methods, tools, and equipment used in the repair of automotive passenger cars, trucks, construction, and maintenance equipment such as drills, presses, lathes, grinders, micrometers, and brake relining and drum grinding machines
- Knowledge of modern effective supervisory principles and practices including motivation, communication, performance coaching and evaluation, hiring, and discipline and related laws
- Knowledge of OSHA rules and regulations as they apply to Fleet Maintenance
- General knowledge of computer technology and its use in improving department operations
- Ability to plan and supervise the work of subordinate personnel
- Ability to train subordinates in the proper methods and techniques of automotive equipment maintenance functions
- Ability to establish and maintain effective working relationships with coworkers, supervisors, department personnel, and vendors
- Ability to operate complex diagnostic and testing equipment and use test results to determine mechanical problems
- Ability to develop and maintain accurate records of repairs and service operations
- Ability to interpret schematics, diagrams, and installation and repair charts and apply information to the work performed
- Ability to follow oral and written instructions
- Skill in the use and operation of tools and machinery in equipment repair work
- Ability to obtain Certified Public Fleet Manager certification within three (3) years
- Ability to obtain ASE Master Technician certification and Master Emergency Vehicle Technician certification within three (3) years
- Must have all certifications required for Fleet Technicians I, II, and III.

### **Physical Requirements**

Work in this class is heavy work requiring exertion of in excess of 100 pounds of force occasionally, and/or in excess of 50 pounds of force frequently, and/or in excess of 20 pounds of force constantly to move objects. Employee must have the visual acuity to perform detailed inspection of small defects or parts, use measurement devices, and assemble parts at distances close to the eyes. Employee must also have the visual acuity to operate motor vehicles and use machines such as hoists, lifts, and perform semi-skilled tasks of a non-repetitive in support of trades' personnel.

**Working Conditions**

Work is performed in both inside and outside environmental conditions including extreme heat and cold. Employee is subject to noise which requires the worker to shout in order to be heard above the ambient noise level or other noises created in a vehicle maintenance facility. Employee is subject to vibration such as oscillating movements of the extremities or whole body and is subject to workplace hazards including mechanical equipment and atmospheric conditions due to exposure to acetylene torches, fumes, odors, dusts, hot metal exhausts, and fuels, greases, and oils. Employee may work in close quarters, crawl spaces, under or on top of large vehicles, and other areas which could cause claustrophobia or dizziness from heights.

**Education**

Graduation from high school or GED equivalency

**Experience**

Three (3) to five (5) years of experience in automotive mechanics including the repair and maintenance of trucks, cars, backhoes, ditch diggers, and heavy duty equipment such as tractors and large gasoline and diesel trucks and fire and police apparatus. A minimum of two (2) years' supervisory experience is preferred.

**Special Requirements**

Valid commercial driver's license (CDL-B)

**FLSA Status:** Non- Exempt

**Disclaimer**

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August 2020

## **Fleet Coordinator**

### **Primary Reason Why Classification Exists**

To perform advanced administrative work executing fleet business operations including procurement, inventory, invoicing, budget, data analysis, records management, contract management, process improvement, and policy analysis.

### **Distinguishing Features of the Class**

An employee in this class coordinates fleet business activities and provides expert recommendations to departments based on needs and budget. Emphasis is placed on the analysis and communication of fleet procurement, inventory, invoicing, budget, contracts, records, policy, and other data. Work includes frequent communication between outside departments and vendors to obtain quality assets while providing insight to guide management decision-making. Work is performed under the general supervision of the Fleet Manager and is evaluated on attainment of individual and department performance objectives, by ensuring analyses are accurate, outside departments are well-informed, contracts and associated items are appropriately executed, and management recommendations improve the overall performance of the fleet.

### **Illustrative Examples of Work**

- Analyzes departmental vehicle/equipment needs, vehicle specifications, pricing, billing/invoicing, contracts, and policy
- Manages, tracks, and analyzes inventory, fuel data, repair data, accident/repair data, appraisals, insurance information, operating costs, fuel cards, driver compliance, and employee certification programs
- Develops, improves, and enforces OSHA safety and divisional policies and procedures; maintains employee training records in compliance with state and federal safety programs and regulations
- Monitors and updates vehicle and equipment replacement schedules and provides recommendations on purchases, sales, and disposal
- Receives and tracks assets, monitors insurance and Department of Motor Vehicle (DMV) compliance (taxes, tags, titles, registrations, etc.)
- Compiles accurate data for all work in fleet tracking software, reviews work orders for timeliness and accuracy, monitors and reports on project progress, coordinates reporting needs with City Administration
- Collaborates with vendors to ensure timely delivery, accurate invoicing, and positive relations
- Informs departments of completed work to be picked up; advises of vehicle safety recalls from manufacturer and coordinates necessary replacement or service
- Improves fleet processes through analysis and management recommendations
- Performs other related work as required

### **Knowledge, Skills, and Abilities**

- Thorough knowledge of fleet management theory, process, and best practices
- Ability to analyze and interpret data, improve processes, and communicate complex information

- Ability to ensure compliance with applicable standards, rules, regulations, and internal control systems
- Ability to state information in a clear and concise manner, in written and oral form
- Ability to communicate and maintain relationships with fellow employees and outside vendors or consultants
- Ability to establish and maintain effective working relationships with coworkers, supervisors, department personnel, and vendors
- General knowledge of North Carolina local government purchasing and contracting concepts
- General knowledge of modern effective supervisory principles and practices including motivation, communication, performance coaching and evaluation, hiring, and discipline and related laws
- General knowledge of computer technology and its use in improving department operations
- Ability to train others in the proper methods and techniques of fleet administration function
- Ability to develop and maintain records of repairs and service operations
- Ability to interpret schematics, diagrams, and installation and repair charts and apply information to the work performed
- Ability to follow oral and written instructions
- General knowledge of tools and machinery used in equipment repair work
- Ability to obtain Certified Public Fleet Manager certification within three (3) years
- Ability to obtain C1 Automobile Service Consultant certification
- Ability to obtain P1 and P2 Parts Specialist certification

### **Physical Requirements**

Work in this class is heavy work requiring exertion of in excess of 100 pounds of force occasionally, and/or in excess of 50 pounds of force frequently, and/or in excess of 20 pounds of force constantly to move objects. Employee must have the visual acuity to perform detailed inspection of small defects or parts, use measurement devices, and assemble parts at distances close to the eyes. Employee must also have the visual acuity to operate motor vehicles and use machines such as hoists, lifts, and perform semi-skilled tasks of a non-repetitive in support of trades' personnel.

### **Working Conditions**

Work is performed in both inside and outside environmental conditions including extreme heat and cold. Employee is subject to noise which requires the worker to shout in order to be heard above the ambient noise level or other noises created in a vehicle maintenance facility. Employee is subject to vibration such as oscillating movements of the extremities or whole body and is subject to workplace hazards including mechanical equipment and atmospheric conditions due to exposure to acetylene torches, fumes, odors, dusts, hot metal exhausts, and fuels, greases, and oils. Employee may work in close quarters, crawl spaces, under or on top of large vehicles, and other areas which could cause claustrophobia or dizziness from heights.



**Education**

Graduation from high school or GED equivalency  
Associate's Degree in business administration preferred

**Experience**

One (1) to four (4) years of experience in automotive services as a service writer, parts coordinator, parts technician, administrative support specialist, or similar role required.

**Special Requirements**

Valid commercial driver's license (CDL-B)

**FLSA Status:** Exempt

**Disclaimer**

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August 2020

## **Fleet Technician III**

### **Primary Reason Why Classification Exists**

To perform complex and challenging technical work evaluating, servicing, maintaining, and repairing City vehicles and equipment.

### **Distinguishing Features of the Class**

An employee in this class performs as a highly skilled technician within the City's garage. Emphasis is placed on timely, reliable, efficient, and effective repairs while ensuring services provided meet department and industry standards. The employee conducts preventive maintenance and repairs on automotive, light and heavy equipment. Work includes the repair of gasoline and diesel engines, motors, brakes, electrical and hydraulic systems, and tires. Employees exercise judgement in diagnosing malfunctions of vehicles and equipment and determining necessary repairs. Employees are subject to hazards of automotive mechanics including working in both inside and outside environments, and exposure to various hazards such as noise, vibrations, moving mechanical parts, electrical currents, dusts, mists, fumes, odors, and oil. Work is performed under the general supervision of the Fleet Shop Forman and is evaluated on attainment of individual and department performance objectives, in compliance with safety requirements, visual inspections and positive feedback from other City staff.

### **Illustrative Examples of Work**

- Participates in repairs and replacement work, diagnostics, component fabrication and installation, quality control, and inspections
- Applies knowledge of mechanical, hydraulic, and electrical operating systems found in equipment and vehicles
- Follows OSHA safety and divisional policies and procedures
- Assists with reports on equipment maintenance and replacement of parts
- May respond to road calls to determine the ability to service vehicles on site; participates in vehicle towing when necessary
- Maintains accurate and recent records, provides analysis and recommendations to correct abnormal findings
- Performs other related work as required

### **Knowledge, Skills, and Abilities**

- Knowledge of the theory and processes of mechanical and hydraulic principles, motors, pumps, equipment, and materials used automotive equipment
- Knowledge of the repair and maintenance of automotive, construction and specialty equipment and related terminology
- Knowledge of the occupational hazards and safety precautions of the work
- Knowledge of the methods, tools, and equipment used in the repair of automotive passenger cars, trucks, construction, and maintenance equipment such as drills, presses, lathes, grinders, micrometers, and brake relining and drum grinding machines
- Knowledge of OSHA rules and regulations as they apply to Fleet Maintenance
- General knowledge of computer technology
- Ability to establish and maintain effective working relationships with coworkers, supervisors, department personnel, and vendors

- Ability to operate complex diagnostic and testing equipment and use test results to determine mechanical problems
- Ability to develop and maintain accurate records of repairs and service operations
- Ability to interpret schematics, diagrams, and installation and repair charts and apply information to the work performed
- Ability to follow oral and written instructions
- Skill in the use and operation of tools and machinery in equipment repair work
- Skill in welding and fabrication
- Knowledge of alternative fuels and hybrid battery technology
- Must have A series master tech certifications (A5 – A8)
- Must have F1 (Alternative Fuels), T4- T6 (Medium-Heavy Truck), X1 (Under Car Specialist), E2 (Truck Equipment) ASE Certifications
- Must be 50% completed toward welding certificate.

### **Physical Requirements**

Work in this class is heavy work requiring exertion of in excess of 100 pounds of force occasionally, and/or in excess of 50 pounds of force frequently, and/or in excess of 20 pounds of force constantly to move objects. Employee must have the visual acuity to perform detailed inspection of small defects or parts, use measurement devices, and assemble parts at distances close to the eyes. Employee must also have the visual acuity to operate motor vehicles and use machines such as hoists, lifts, and perform semi-skilled tasks of a non-repetitive in support of trades' personnel.

### **Working Conditions**

Work is performed in both inside and outside environmental conditions including extreme heat and cold. Employee is subject to noise which requires the worker to shout in order to be heard above the ambient noise level or other noises created in a vehicle maintenance facility. Employee is subject to vibration such as oscillating movements of the extremities or whole body and is subject to workplace hazards including mechanical equipment and atmospheric conditions due to exposure to acetylene torches, fumes, odors, dusts, hot metal exhausts, and fuels, greases, and oils. Employee may work in close quarters, crawl spaces, under or on top of large vehicles, and other areas which could cause claustrophobia or dizziness from heights.

### **Education**

Graduation from high school or GED equivalency

### **Experience**

Minimum of Five (5) years of experience in automotive mechanics including the repair and maintenance of trucks, cars, backhoes, ditch diggers, and heavy-duty equipment such as tractors and large gasoline and diesel trucks and fire and police apparatus.

### **Special Requirements**

Valid commercial driver's license (CDL-B)

**FLSA Status:** Non- Exempt

**Disclaimer**

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August 2020

## **Fleet Technician II**

### **Primary Reason Why Classification Exists**

To perform challenging technical work evaluating, servicing, maintaining, and repairing City vehicles and equipment.

### **Distinguishing Features of the Class**

An employee in this class performs as a skilled technician within the City's garage. Emphasis is placed on timely, reliable, efficient, and effective repairs while ensuring services provided meet department and industry standards. The employee conducts preventive maintenance and repairs on automotive, light and heavy equipment. Work includes the repair of gasoline and diesel engines, motors, brakes, electrical and hydraulic systems, and tires. Employees exercise judgement in diagnosing malfunctions of vehicles and equipment and determining necessary repairs. Employees are subject to hazards of automotive mechanics including working in both inside and outside environments, and exposure to various hazards such as noise, vibrations, moving mechanical parts, electrical currents, dusts, mists, fumes, odors, and oil. Work is performed under the general supervision of the Fleet Shop Forman and is evaluated on attainment of individual and department performance objectives, in compliance with safety requirements, visual inspections and positive feedback from other City staff.

### **Illustrative Examples of Work**

- Participates in repairs and replacement work, diagnostics, component fabrication and installation, quality control, and inspections
- Applies knowledge of mechanical, hydraulic, and electrical operating systems found in equipment and vehicles
- Follows OSHA safety and divisional policies and procedures
- Assists with reports on equipment maintenance and replacement of parts
- May respond to road calls to determine the ability to service vehicles on site; participates in vehicle towing when necessary
- Maintains accurate and recent records, provides analysis and recommendations to correct abnormal findings
- Performs other related work as required

### **Knowledge, Skills, and Abilities**

- Knowledge of the theory and processes of mechanical and hydraulic principles, motors, pumps, equipment, and materials used automotive equipment
- Knowledge of the repair and maintenance of automotive, construction and specialty equipment and related terminology
- Knowledge of the occupational hazards and safety precautions of the work
- Knowledge of the methods, tools, and equipment used in the repair of automotive passenger cars, trucks, construction, and maintenance equipment such as drills, presses, lathes, grinders, micrometers, and brake relining and drum grinding machines
- Knowledge of OSHA rules and regulations as they apply to Fleet Maintenance
- General knowledge of computer technology
- Ability to establish and maintain effective working relationships with coworkers,



- supervisors, department personnel, and vendors
- Ability to operate complex diagnostic and testing equipment and use test results to determine mechanical problems
- Ability to develop and maintain accurate records of repairs and service operations
- Ability to interpret schematics, diagrams, and installation and repair charts and apply information to the work performed
- Ability to follow oral and written instructions
- Skill in the use and operation of tools and machinery in equipment repair work
- Must have A1 – A4 (Automotive), T1 – T3 (Medium-Heavy Truck), E1 (Truck Equipment) ASE Certifications
- Ability to obtain Basic Welding Certificate within three years

### **Physical Requirements**

Work in this class is heavy work requiring exertion of in excess of 100 pounds of force occasionally, and/or in excess of 50 pounds of force frequently, and/or in excess of 20 pounds of force constantly to move objects. Employee must have the visual acuity to perform detailed inspection of small defects or parts, use measurement devices, and assemble parts at distances close to the eyes. Employee must also have the visual acuity to operate motor vehicles and use machines such as hoists, lifts, and perform semi-skilled tasks of a non-repetitive in support of trades' personnel.

### **Working Conditions**

Work is performed in both inside and outside environmental conditions including extreme heat and cold. Employee is subject to noise which requires the worker to shout in order to be heard above the ambient noise level or other noises created in a vehicle maintenance facility. Employee is subject to vibration such as oscillating movements of the extremities or whole body and is subject to workplace hazards including mechanical equipment and atmospheric conditions due to exposure to acetylene torches, fumes, odors, dusts, hot metal exhausts, and fuels, greases, and oils. Employee may work in close quarters, crawl spaces, under or on top of large vehicles, and other areas which could cause claustrophobia or dizziness from heights.

### **Education**

Graduation from high school or GED equivalency

### **Experience**

Two (2) to four (4) years of experience in automotive mechanics including the repair and maintenance of trucks, cars, backhoes, ditch diggers, and heavy-duty equipment such as tractors and large gasoline and diesel trucks and fire and police apparatus.

### **Special Requirements**

Valid commercial driver's license (CDL-B)

**FLSA Status:** Non- Exempt

**Disclaimer**

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August 2020

## **Fleet Technician I**

### **Primary Reason Why Classification Exists**

To perform work evaluating, servicing, maintaining, and repairing City vehicles and equipment.

### **Distinguishing Features of the Class**

An employee in this class performs as an entry level technician within the City's garage. Emphasis is placed on timely, reliable, efficient, and effective repairs while ensuring services provided meet department and industry standards. The employee conducts preventive maintenance and repairs on automotive, light and heavy equipment. Work includes the repair of gasoline and diesel engines, motors, brakes, electrical and hydraulic systems, and tires. Employees exercise judgement in diagnosing malfunctions of vehicles and equipment and determining necessary repairs. Employees are subject to hazards of automotive mechanics including working in both inside and outside environments, and exposure to various hazards such as noise, vibrations, moving mechanical parts, electrical currents, dusts, mists, fumes, odors, and oil. Work is performed under the general supervision of the Fleet Shop Forman and is evaluated on attainment of individual and department performance objectives, in compliance with safety requirements, visual inspections and positive feedback from other City staff.

### **Illustrative Examples of Work**

- Participates in repairs and replacement work, diagnostics, component fabrication and installation, quality control, and inspections
- Applies knowledge of mechanical, hydraulic, and electrical operating systems found in equipment and vehicles
- Follows OSHA safety and divisional policies and procedures
- Assists with reports on equipment maintenance and replacement of parts
- May respond to road calls to determine the ability to service vehicles on site; participates in vehicle towing when necessary
- Maintains accurate and recent records, provides analysis and recommendations to correct abnormal findings
- Performs other related work as required

### **Knowledge, Skills, and Abilities**

- Knowledge of the theory and processes of mechanical and hydraulic principles, motors, pumps, equipment, and materials used automotive equipment
- Knowledge of the repair and maintenance of automotive, construction and specialty equipment and related terminology
- Knowledge of the occupational hazards and safety precautions of the work
- Knowledge of the methods, tools, and equipment used in the repair of automotive passenger cars, trucks, construction, and maintenance equipment such as drills, presses, lathes, grinders, micrometers, and brake relining and drum grinding machines
- Knowledge of OSHA rules and regulations as they apply to Fleet Maintenance
- General knowledge of computer technology
- Ability to establish and maintain effective working relationships with coworkers, supervisors, department personnel, and vendors

- Ability to operate complex diagnostic and testing equipment and use test results to determine mechanical problems
- Ability to develop and maintain accurate records of repairs and service operations
- Ability to interpret schematics, diagrams, and installation and repair charts and apply information to the work performed
- Ability to follow oral and written instructions
- Skill in the use and operation of tools and machinery in equipment repair work
- Ability to obtain A/C 609 certification within first month of employment
- Ability to obtain NC Inspection License with the first six months
- Ability to obtain G1 (Maintenance and Light Repair) test within the first six months
- Ability to work on small engines

### **Physical Requirements**

Work in this class is heavy work requiring exertion of in excess of 100 pounds of force occasionally, and/or in excess of 50 pounds of force frequently, and/or in excess of 20 pounds of force constantly to move objects. Employee must have the visual acuity to perform detailed inspection of small defects or parts, use measurement devices, and assemble parts at distances close to the eyes. Employee must also have the visual acuity to operate motor vehicles and use machines such as hoists, lifts, and perform semi-skilled tasks of a non-repetitive in support of trades' personnel.

### **Working Conditions**

Work is performed in both inside and outside environmental conditions including extreme heat and cold. Employee is subject to noise which requires the worker to shout in order to be heard above the ambient noise level or other noises created in a vehicle maintenance facility. Employee is subject to vibration such as oscillating movements of the extremities or whole body and is subject to workplace hazards including mechanical equipment and atmospheric conditions due to exposure to acetylene torches, fumes, odors, dusts, hot metal exhausts, and fuels, greases, and oils. Employee may work in close quarters, crawl spaces, under or on top of large vehicles, and other areas which could cause claustrophobia or dizziness from heights.

### **Education**

Graduation from high school or GED equivalency

### **Experience**

One (1) to four (4) years of experience in automotive mechanics including the repair and maintenance of trucks, cars, backhoes, ditch diggers, and heavy duty equipment such as tractors and large gasoline and diesel trucks and fire and police apparatus.

### **Special Requirements**

Valid commercial driver's license (CDL-B)

**FLSA Status:** Non- Exempt

**Disclaimer**

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August 2020





## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Adam Steurer

**Department:** Utilities

**Date Submitted:** 8/11/2020

**Presenter:** Brent Detwiler

**Title of Item:** Mud Creek Interceptor Replacement Project - SRF Application Resolution

**Nature of Item:** Council Action

**Council Meeting Date:** September 3, 2020

### Summary of Information/Request:

**Item #** 5H

The North Carolina Department of Environmental Quality Division of Water Infrastructure (DWI) is accepting State Revolving Fund (SRF) loan applications by September 30, 2020 for wastewater collection system projects. Staff feels that this may be a good opportunity to fund the Mud Creek Interceptor Replacement, identified in the Wastewater Master Plan as a critical project, with a SRF low-interest loan. This project is scheduled for construction in fiscal year 2022 in the City's adopted Capital Improvement Plan, has an existing Capital Project Ordinance, and will replace an aging interceptor sewer with a larger interceptor to provide additional capacity in the collection system to reduce the likelihood of sanitary sewer overflows (SSOs).

Previous applications for funding for this project through the SRF have not been awarded. Staff plan to submit a application for consideration this fall, which requires an updated resolution. The attached resolution is required as part of the application process, and staff is asking for it's execution to proceed with an application.

**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 hereby authorize the Mayor to execute the attached resolution in order to apply for a North Carolina Department of Environmental Quality Division of Water Infrastructure SRF loan to fund the Mud Creek Interceptor Replacement project. I also hereby authorize that the City Manager shall be considered the City's Authorized Official when executing or providing any funding application or other documents associated with the project.

### Attachments:

Resolution

Certification by Recording Officer

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL FOR A  
WASTEWATER COLLECTION SYSTEM PROJECT LOAN REQUEST FOR THE MUD  
CREEK INTERCEPTOR REPLACEMENT PROJECT**

**WHEREAS,** The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater collection systems; and

**WHEREAS,** The City of Hendersonville has need for and intends to construct a wastewater collection system project described as the Mud Creek Interceptor Replacement; and

**WHEREAS,** The City of Hendersonville intends to request state loan assistance for the project,

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

1. The City of Hendersonville, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan award.
2. That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
3. That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Hendersonville to make scheduled repayment of the loan, to withhold from the City of Hendersonville any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
4. That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.
5. That John F. Connet, City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan to aid in the construction of the project described above.
6. That the **Authorized Official**, 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.
7. That the **Applicant** has substantially complied or will substantially comply 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 by the City Council of the City of Hendersonville, North Carolina on this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

Attest:

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

\_\_\_\_\_  
Angela L. Reece, City Clerk



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Lee Smith and Gracie Erwin

**Department:** Utilities

**Date Submitted:** 8/18/2020

**Presenter:** Lee Smith and Gracie Erwin

**Title of Item:** Request to Approve Agreement with AquaResources for TechNXS SaaS

**Nature of Item:** Council Action

**Council Meeting Date:** 9/3/2020

### Summary of Information/Request:

**Item #** 51

The Water and Sewer Department would like to implement AquaResource, a SaaS offered by TecNXS, in order to better track, organize, and maintain backflow assemblies attached to our potable water system. The software as a service (SaaS), AquaResource, will track backflow testing, and alert customers when their BFA (backflow assemblies) need to be tested, or repaired. AquaResource will help increase the amount of BFA testing and repairs, and this service comes at no cost to City. By utilizing AquaResource, we will easily know what BFAs are installed, where they are installed, which BFAs have been tested or are due for testing, and those in need of maintenance/repair. The attached contract outlines the responsibilities of both TecNXS, and for City ("The Client"). The goal is to have AquaResource approved and ready to be implemented on October 1, 2020. As previously mentioned, there will be no cost to the City for this software, but each time a backflow assembly is tested and reported through the AquaResource portal, there will be a charge of \$9.50 (subject to change as may be required by TecNXS) to each tester submitting said report.

**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 to resolve to approve the Service Level Agreement between TecNXS and the City, and hereby authorize the City Manager to execute said Agreement for a period of three years, as presented and recommended by staff.

### Attachments:

TecNXS, AquaResource SaaS Hendersonville, NC



## AquaResource Software as a Service Agreement (SaaS)

<b>Customer:</b> City of Hendersonville, North Carolina	<b>Contact:</b> Gracie Erwin, Environmental Compliance Coordinator
<b>Address:</b> 305 Williams Street Hendersonville, NC 28792	<b>Phone:</b> Work: (828) 697-3057
<b>E-Mail:</b> eerwin@hvlnc.gov	
<b>Service:</b> AquaResource, online backflow registration and maintenance tracking solution for water purveyors (the "Service(s)").	
<b>Service Term:</b> 3 year(s)	
<b>Estimated or Known Number of Backflow Devices in the System</b> <u>N/A</u>	
<b>Select Fee Type</b>  <input checked="" type="checkbox"/> Customer agrees to allow Company to invoice participating Testers directly per test report, paid on submission subject to the terms in Section 4.3 herein \$ <u>9.50</u>	
<b>Hosting Implementation Services:</b> Company will use commercially reasonable efforts to provide Customer the services described in the Statement of Work ("SOW") attached as Exhibit A hereto ("Implementation Services"), and Customer shall pay Company the Implementation Fee in accordance with the terms herein. <b>Hosting Implementation Fee (one-time, non-refundable):</b> \$ <u>No Data to be Imported N/C</u>	

### SAAS SERVICES AGREEMENT

This SaaS Services Agreement ("Agreement") is entered into on this 3rd day of September, 2020 (the "Effective Date") between TecNXS LLC with a place of business at 2721 N Wilderness Ct, Wichita, KS 67226 ("**Company**"), and the Customer listed above ("**Customer**"). This Agreement includes and incorporates the above Hosting Form, as well as the attached Terms and Conditions and contains, among other things, warranty disclaimers, liability limitations and use limitations. There shall be no force or effect to any different terms of any related purchase order or similar form even if signed by the parties after the date hereof.

#### Company TecNXS LLC:

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

#### Customer: City of Hendersonville

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

## **TERMS AND CONDITIONS**

### **1. SAAS SERVICES AND SUPPORT**

- 1.1. Subject to the terms of this Agreement, Company will use commercially reasonable efforts to provide Customer the Services As part of the registration process, Customer will identify an administrative user name and password for Customer's Company account. Company reserves the right to refuse registration of, or cancel passwords it deems inappropriate.
- 1.2. Subject to the terms hereof, Company will provide Customer with reasonable technical support services in accordance with the terms set forth in Exhibit B.

### **2. RESTRICTIONS AND RESPONSIBILITIES**

- 2.1. Customer will not, directly or indirectly: reverse engineer, decompile, disassemble or otherwise attempt to discover the source code, object code or underlying structure, ideas, know-how or algorithms relevant to the Services or any software, documentation or data related to the Services ("Software"); modify, translate, or create derivative works based on the Services or any Software (except to the extent expressly permitted by Company or authorized within the Services); use the Services or any Software for timesharing or service bureau purposes or otherwise for the benefit of a third; or remove any proprietary notices or labels.
- 2.2. Further, Customer may not remove or export from the United States or allow the export or re-export of the Services, Software or anything related thereto, or any direct product thereof in violation of any restrictions, laws or regulations of the United States Department of Commerce, the United States Department of Treasury Office of Foreign Assets Control, or any other United States or foreign agency or authority. As defined in FAR section 2.101, the Software and documentation are "commercial items" and according to DFAR section 252.2277014(a)(1) and (5) are deemed to be "commercial computer software" and "commercial computer software documentation." Consistent with DFAR section 227.7202 and FAR section 12.212, any use modification, reproduction, release, performance, display, or disclosure of such commercial software or commercial software documentation by the U.S. Government will be governed solely by the terms of this Agreement and will be prohibited except to the extent expressly permitted by the terms of this Agreement.
- 2.3. Customer represents, covenants, and warrants that Customer will use the Services only in compliance with Company's standard published policies then in effect (the "Policy") and all applicable laws and regulations. Customer hereby agrees to indemnify and hold harmless Company against any damages, losses, liabilities, settlements and expenses (including without limitation

costs and attorneys' fees) in connection with any claim or action that arises from an alleged violation of the foregoing or otherwise from Customer's use of Services. Although Company has no obligation to monitor Customer's use of the Services, Company may do so and may prohibit any use of the Services it believes may be (or alleged to be) in violation of the foregoing.

- 2.4. Customer shall be responsible for obtaining and maintaining any equipment and ancillary services needed to connect to, access or otherwise use the Services, including, without limitation, modems, hardware, servers, software, operating systems, networking, web servers and the like (collectively, "Equipment"). Customer shall also be responsible for maintaining the security of the Equipment, Customer account, passwords (including but not limited to administrative and user passwords) and files, and for all uses of Customer account or the Equipment with or without Customer's knowledge or consent.

### **3. CONFIDENTIALITY; PROPRIETARY RIGHTS**

- 3.1. Each party (the "Receiving Party") understands that the other party (the "Disclosing Party") has disclosed or may disclose business, technical or financial information relating to the Disclosing Party's business (hereinafter referred to as "Proprietary Information" of the Disclosing Party). Proprietary Information of Company includes non-public information regarding features, functionality and performance of the Service. Proprietary Information of Customer includes non-public data provided by Customer to Company to enable the provision of the Services ("Customer Data"). The Receiving Party agrees: (i) to take reasonable precautions to protect such Proprietary Information, and (ii) not to use (except in performance of the Services or as otherwise permitted herein) or divulge to any third person any such Proprietary Information. The Disclosing Party agrees that the foregoing shall not apply with respect to any information after five (5) years following the disclosure thereof or any information that the Receiving Party can document (a) is or becomes generally available to the public, or (b) was in its possession or known by it prior to receipt from the Disclosing Party, or (c) was rightfully disclosed to it without restriction by a third party, or (d) was independently developed without use of any Proprietary Information of the Disclosing Party or (e) is public record or otherwise required to be disclosed by law.
- 3.2. Customer shall own all right, title and interest in and to the Customer Data. Company shall own and retain all right, title and interest in and to (a) the Services and Software, all improvements, enhancements or



modifications thereto, (b) any software, applications, inventions or other technology developed in connection with Implementation Services or support, and (c) all intellectual property rights related to any of the foregoing. If Customer requests access to their raw data, Company will provide a CSV data dump in the form Company stores the Customer's data.

- 3.3. Notwithstanding anything to the contrary, Company shall have the right collect and analyze data and other information relating to the provision, use and performance of various aspects of the Services and related systems and technologies (including, without limitation, information concerning Customer Data and data derived therefrom), and Company will be free (during and after the term hereof) to (i) use such information and data to improve and enhance the Services and for other development, diagnostic and corrective purposes in connection with the Services and other Company offerings, and (ii) disclose such data solely in aggregate or other de-identified form in connection with its business. No rights or licenses are granted except as expressly set forth herein.

#### **4. PAYMENT OF FEES**

- 4.1. Customer will pay Company the then applicable fees described in the Hosting Form for the Services and Implementation Services in accordance with the terms therein (the "Fees"). If Customer's use of the Services exceeds the Service Capacity set forth on the Hosting Form or otherwise requires the payment of additional fees (per the terms of this Agreement), Customer shall be billed for such usage and Customer agrees to pay the additional fees in the manner provided herein. Company reserves the right to change the Fees or applicable charges and to institute new charges and Fees at the end of the Initial Service Term or then current renewal term, upon sixty (60) days prior notice to Customer (which may be sent by email). If Customer believes that Company has billed Customer incorrectly, Customer must contact Company no later than 60 days after the closing date on the first billing statement in which the error or problem appeared, in order to receive an adjustment or credit. Inquiries should be directed to Company's customer support department.
- 4.2. Company will bill through an invoice, in which case, full payment for invoices issued in any given month must be received by Company thirty (30) days after the mailing date of the invoice. Unpaid amounts are subject to a finance charge of 1.5% per month on any outstanding balance, or the maximum permitted by law, whichever is lower, plus all expenses of collection and may result in immediate termination of Service. Customer shall be

responsible for all taxes associated with Services other than U.S. taxes based on Company's net income.

- 4.3. Customer allows Company to directly charge Backflow Preventer Technicians ("Testers") per test report, passing or failing but not on "Removed and Replaced Device" or "Removed Device and Capped Line", upon submission the agreed upon price defined in the agreement above. Company reserves the right to delete test reports upon a chargeback from a Tester. Company also reserves the right to terminate the account of a Tester with more than one chargeback. The Company will notify Customer at least 10 days prior to any Tester account termination.

#### **5. TERM AND TERMINATION**

- 5.1. Subject to earlier termination as provided below, this Agreement is for the Initial Service Term as specified in the Hosting Form, and shall be automatically renewed for additional periods of the same duration as the Initial Service Term (collectively, the "Term"), unless either party requests termination at least thirty (30) days prior to the end of the then-current term in writing. Email notification is acceptable.
- 5.2. In addition to any other remedies it may have, either party may also terminate this Agreement upon thirty (30) days' notice (or without notice in the case of nonpayment), if the other party materially breaches any of the terms or conditions of this Agreement. Customer will pay in full for the Services up to and including the last day on which the Services are provided. Upon any termination, Company will make all Customer Data available to Customer for electronic retrieval for a period of thirty (30) days, but thereafter Company may, but is not obligated to, delete stored Customer Data. All sections of this Agreement which by their nature should survive termination will survive termination, including, without limitation, accrued rights to payment, confidentiality obligations, warranty disclaimers, and limitations of liability.

#### **6. WARRANTY AND DISCLAIMER**

Company shall use reasonable efforts consistent with prevailing industry standards to maintain the Services in a manner which minimizes errors and interruptions in the Services and shall perform the Implementation Services in a professional and workmanlike manner. Services may be temporarily unavailable for scheduled maintenance or for unscheduled emergency maintenance, either by Company or by third-party providers, or because of other causes beyond Company's reasonable control, but Company shall use reasonable efforts to provide advance notice in writing or by e-mail of any scheduled service disruption.

HOWEVER, COMPANY DOES NOT WARRANT THAT THE SERVICES WILL BE UNINTERRUPTED OR ERROR FREE; NOR DOES IT MAKE ANY WARRANTY AS TO THE RESULTS THAT MAY BE OBTAINED FROM USE OF THE SERVICES. EXCEPT AS EXPRESSLY SET FORTH IN THIS SECTION, THE SERVICES AND IMPLEMENTATION SERVICES ARE PROVIDED "AS IS" AND COMPANY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AND NON-INFRINGEMENT.

## **7. LIMITATION OF LIABILITY**

NOTWITHSTANDING ANYTHING TO THE CONTRARY, EXCEPT FOR BODILY INJURY OF A PERSON, COMPANY AND ITS SUPPLIERS (INCLUDING BUT NOT LIMITED TO ALL EQUIPMENT AND TECHNOLOGY SUPPLIERS), OFFICERS, AFFILIATES, REPRESENTATIVES, CONTRACTORS AND EMPLOYEES SHALL NOT BE RESPONSIBLE OR LIABLE WITH RESPECT TO ANY SUBJECT MATTER OF THIS AGREEMENT OR TERMS AND CONDITIONS RELATED THERETO UNDER ANY CONTRACT, NEGLIGENCE, STRICT LIABILITY OR OTHER THEORY: (A) FOR ERROR OR INTERRUPTION OF USE OR FOR LOSS OR INACCURACY OR CORRUPTION OF DATA OR COST OF PROCUREMENT OF SUBSTITUTE GOODS, SERVICES OR TECHNOLOGY OR LOSS OF BUSINESS; (B) FOR ANY INDIRECT, EXEMPLARY, INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES; (C) FOR ANY MATTER BEYOND COMPANY'S REASONABLE CONTROL; OR (D) FOR ANY AMOUNTS THAT, TOGETHER WITH AMOUNTS ASSOCIATED WITH ALL OTHER CLAIMS, EXCEED THE FEES PAID BY CUSTOMER TO COMPANY FOR THE SERVICES UNDER THIS AGREEMENT IN THE 12 MONTHS PRIOR TO THE ACT THAT GAVE RISE TO THE LIABILITY, IN EACH CASE, WHETHER OR NOT COMPANY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

## **8. MISCELLANEOUS**

If any provision of this Agreement is found to be unenforceable or invalid, that provision will be limited or eliminated to the minimum extent necessary so that this Agreement will otherwise remain in full force and effect and enforceable. This Agreement is not assignable, transferable or sub-licensable by Customer except with Company's prior written consent. Company may transfer and assign any of its rights and obligations under this Agreement without consent. This Agreement is the complete and exclusive statement of the mutual understanding of the parties and supersedes and cancels all previous written and oral agreements, communications and other understandings relating to the subject matter of this Agreement, and that all waivers and modifications must be in a writing signed by both parties, except as otherwise provided herein. No agency, partnership, joint venture, or employment is

created as a result of this Agreement and Customer does not have any authority of any kind to bind Company in any respect whatsoever. All notices under this Agreement will be in writing and will be deemed to have been duly given when received, if personally delivered; when receipt is electronically confirmed, if transmitted by facsimile or e-mail; the day after it is sent, if sent for next day delivery by recognized overnight delivery service; and upon receipt, if sent by certified or registered mail, return receipt requested. This Agreement is executed in the State of North Carolina, and shall be construed in accordance with the laws of the State of North Carolina. Both parties submit their persons to the jurisdiction of the Courts for North Carolina. Exclusive venue for any action brought in connection with this agreement, its interpretation and breach shall be in the courts of Henderson County , North Carolina. The parties shall work together in good faith to issue at least one mutually agreed upon press release within 90 days of the Effective Date at Company's request, and Customer otherwise agrees to reasonably cooperate with Company to serve as a reference account upon request.

# **EXHIBIT A**

## **Statement of Work**

As a purveyor administering your own cross connection control program via AquaResource the Software as a Service includes full use of the program, all features and upgrades. Technical support for both the purveyor and testers is included as it relates to the operation and function of AquaResource. Questions regarding the operation of your cross-connection control program and the governing rules are the responsibility of the purveyor.

### **AquaResource Includes:**

- Administrator dashboard displaying the most used categories of information
- Backflow reports can be submitted from the field by testers/installers
- Instant recording of backflow installation and registration
- Maintenance and rebuild tracking with a complete history
- GPS location of on-site backflow(s) via a mobile device or computer
- Field pictures of backflow devices
- Tester/installer certification and license tracking
- Test Gauge certification tracking
- System-generated notices including pre and post expiration notices concerning annual testing or mandatory rebuilds delivered to the device owner via email or a mailable paper copy
- Customer portal allowing customers to independently review the status of all their backflow preventer devices and find a certified tester

### **Hosting Implementation Services**

TecNXS is ready to help reduce disruptions and make a smooth transition from the client's current system. Our team is prepared to address technical issues during this critical period, and can co-develop an implementation plan to ensure success.

### **A smooth Implementation from or into AquaResource**

TecNXS will assist with data transfer from the old system, if possible, and will assist with the initial set up and training for the office staff.

### **Notices**

TecNXS can process, print and mail as many pre and post notices as required by your cross-connection program. Pricing varies based on the purveyor's individual notice requirements such as black and white or color and the mix of post card and letters.

## Questionnaire

What is the official purveyor name? City of Hendersonville, Water and Sewer Department

What is the street address, state, zip? 305 Williams St., Hendersonville, NC 28792

Where is the geographical center of your water system or water district using latitude and longitude?

962,359.844 598,612.708 Feet or -82.480370 35.344813 Decimal Degrees

What is your Public Water System ID, PWSID? NC PWSID 01-45-010

What is the name, phone number and email of the person in charge of the cross-connection program?

Gracie Erwin, [eerwin@hvlnc.gov](mailto:eerwin@hvlnc.gov), (828) 697-3057

## **EXHIBIT B**

### **Support Terms**

Company will provide Technical Support to Customer via both telephone and electronic mail on weekdays during the hours of 9:00 am through 5:00 pm Central time, with the exclusion of Federal Holidays ("**Support Hours**").

Company will use commercially reasonable efforts to respond to all support requests within one (1) business day.



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Brent Detwiler

**Department:** Engineering

**Date Submitted:** 8/24/20

**Presenter:** Brent Detwiler

**Title of Item:** Multi-area Streambank Restoration Project Engineering Agreement Amendment 4

**Nature of Item:** Council Action

**Council Meeting Date:** 9/3/20

### Summary of Information/Request:

**Item #** 5J

An on-call engineering agreement with Wildlands Engineering was executed in June 2017 for environmental design and permitting services. Three amendments to that agreement have been executed for the Multi-area Streambank Restoration Project - Phase 1 for preliminary design, Phase 2 to complete the final design, conservation easements, bidding and construction administration and Phase 3 to cover additional design and permitting work, letter of map revision (flood permitting) documentation and post-project monitoring.

Because of various additions to the project, we have asked Wildlands for an Amendment 4 to their Engineering Agreement to cover this additional work to close out the project. Please note that NC DEQ has approved this additional work as part of their project funding, and all engineering work is reimbursable with the SRF loan for the project. Please let us know if you have any questions or need any additional information. Thank you.

**Budget Impact:** \$ 18,500 Is this expenditure approved in the current fiscal year budget? ☒ Yes If no, describe how it will be funded.

### Suggested Motion:

I resolve to approve Amendment No. 4 to the Wildlands Engineering engineering agreement for the construction administration of Multi-area Streambank Restoration Project and to authorize the City Manager to execute the Amendment for said work; as presented and recommended by staff.

### Attachments:

Wildlands Engineering Proposal



**Amendment No. 4 to On-Call Professional Services Agreement – See Attached Exhibit**

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**Description of Amendment**

1. Engineer shall perform Professional Services for the fees shown as provided in the detailed proposal and scope entitled Exhibit.
2. All other terms and conditions of the Agreement dated June 23, 2017 shall remain in full force and effect.
3. Payment for the services described in Exhibit will be at the rates provided in the Exhibit and shall not exceed \$18,500.00.

The Effective Date of this Amendment is \_\_\_\_\_.

OWNER:

ENGINEER:

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

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

Title: \_\_\_\_\_

Title: \_\_\_\_\_

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

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

I hereby certify that this contract has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
Finance Director

\_\_\_\_\_  
Date



August 20, 2020

Mr. Brent Detwiler, PE  
City Engineer  
City of Hendersonville  
305 Williams Street  
Hendersonville, NC 28792

**Subject: Supplemental Fee Request  
Multi-area Streambank Stabilization Project  
Hendersonville, North Carolina**

Dear Mr. Detwiler:

Wildlands Engineering, Inc. (Wildlands) is requesting a supplemental fee request for the construction phase of the Multi-Area Streambank Restoration (MASR) project. The justification for this request is provided below.

### **Background**

Wildlands is conducting construction-phase services for the MASR project. Construction phase services included the following activities, as defined by the approved scope of work:

- Convening a pre-bid meeting with a group of experienced stream restoration contractors;
- Reviewing bids and assisting with bid award;
- Part-time field observation to check conformance with the design intent (assumed three half-day visits per week for sixteen weeks);
- Review of pay applications;
- Photographic and written documentation of construction activities; and
- Preparation of as-built redline plans.

### **Request for Supplement**

Wildlands is providing the following justification for the proposed request for fee supplement.

- Wildlands does not have sufficient budget to continue to oversee construction management through completion, in part due to the following:
  - It was necessary to bid the project two times in order to award;
  - The duration of construction has been longer than anticipated, including a phase during which minimal streamwork was underway but Wildlands attended regular progress meetings;



- The effort required to complete site visits has averaged incrementally more than anticipated throughout the duration of efforts and is projected to remain at this level through completion (anticipated in October); and
  - The work required to prepare and provide design data for the Contractor's surveyor was poorly accounted for in the initial scope and estimate.
- Wildlands has completed various design updates based on site conditions that have changed since original assessment and design work more, some of this dating back more than 2 years. This has included supplemental design and permitting activities; notably:
  - Two (2) Erosion and Sediment Control (ESC) updates at Allen-Lakewood for sewer and stream work, respectively;
  - Coordination of revised design approach on Allen 64 (portion along road);
  - Design, ESC, and 404/401 permitting updates at Cherry for an additional work area added to the project to address recent storm damage; and
  - Redesign of stormwater wetland at Patton Park due to changes to sewer design/construction.

#### **Proposed Budget for Supplement and Basis for Payment**

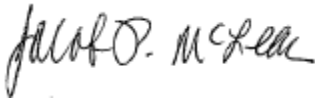
We are requesting an additional \$18,500 to supplement the existing construction management budget and allow for continuance of construction management activities at current levels through the completion of construction.

We propose to invoice on a time & materials basis based on the current rate schedule for the MASR project with \$18,500 serving as the not-to-exceed amount.

#### **Closure**

If you have any questions, please call me at 828.545.3865.

Sincerely,



**Jake McLean**, PE, CFM  
Senior Water Resources Engineer





## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Brent Detwiler

**Department:** Engineering

**Date Submitted:** 8/24/20

**Presenter:** Brent Detwiler

**Title of Item:** Main, Church, and King Streets Convergence Master-Planning Services Proposal & Agreement

**Nature of Item:** Council Action

**Council Meeting Date:** 9/3/20

### Summary of Information/Request:

**Item #** 5K

NCDOT has been working on the design of their U-6049 White and S. Main project, and they had been collaborating with the City and our traffic consultant, Kimley-Horn, to refine the proposed roundabout at the convergence of S. Main, Church and King Streets. The recent progress of the Ecusta Trail and rail acquisition in this area has presented a new opportunity. We have asked Kimley-Horn to provide a proposal to complete master planning services related to the development of the NCDOT project, its design implications on mobility with the Ecusta Trail and the opportunities for creating an enhanced gateway into downtown Hendersonville (knowing that the Southside Gateway Park will be replaced with the roundabout). This work will explore elements for gateway features, park space, and access to the Ecusta Trail as described in the attached scope. The intent is to move from concept phase to detailed design prior to NCDOT moving to R/W acquisition in December 2020.

Kimley-Horn will work with staff and provide three concepts to present to Council for feedback. As part of subsequent work, a chosen concept will be refined into a detailed design for NCDOT to incorporate into their road project. The master planning proposal is attached and the work will be performed as an amendment to our design services agreement with Kimley-Horn. We welcome any questions that you may have.

**Budget Impact:** \$ 15,000 **Is this expenditure approved in the current fiscal year budget?** N/A **If no, describe how it will be funded.**

### Suggested Motion:

I resolve to approve the proposal from Kimley-Horn to complete master planning services related to the development of the NCDOT S. Main St. project, and to authorize the City Manager to execute an Amendment for said work; as presented and recommended by staff.

### Attachments:

Main, Church, and King Streets Convergence Master-planning Services Proposal by Kimley-Horn



August 24, 2020

Mr. John Connect, ICMA-CM  
City Manager  
City of Hendersonville  
145 Fifth Avenue East  
Hendersonville, NC 28792

**RE: *Main, Church, and King Streets Convergence Master-planning Services***

Dear Mr. Connet:

Kimley-Horn (“the Consultant”) is pleased to submit this letter agreement (the “Agreement”) to the City of Hendersonville (“the Client”) for providing master-planning services related to the development NCDOT TIP project U-6049, its design implications on mobility with the Ecusta Trail and the opportunities for creating an enhanced gateway into downtown Hendersonville. Our project understanding, scope of services, schedule, and fee are below.

## **Scope of Services**

### **UNDERSTANDING**

With the implementation of NCDOT project U-6049, the convergence of King Street, Main Street, and Church Street will be accommodated through a new roundabout intersection. In addition, the existing railroad right-of-way has been recently designated to be converted to a rail to trails project with Henderson County. Lastly, the U-6049 project will create new opportunities for land usage with the roundabout implementation. As such, the City of Hendersonville has asked Kimley-Horn to look at the area and develop concept sketches for utilization of the area under the new configuration. The exercise is intended to explore elements for gateway features, park space, and access to the Ecusta Trail. The overall intent is to move from concept phase to detailed design prior to NCDOT moving to R/W acquisition(s) in December 2020.

### **TASK 1 – DESIGN CONCEPTS AND VISUALIZATION**

Building on the foundation of feedback from the City and stakeholders during the coordination of the U-6049 project and during previous conversations with the City, Kimley-Horn will develop up to three (3) initial design concepts that deliver on the aspirational goals of the project. Those goals include but are not limited to:

- Creating a new gateway to downtown from the south with the incorporation of the roundabout intersection treatment
- Accommodation of the future Ecusta trail
- Incorporation of a trailhead within the available area
- Park space accommodation



The initial designs will be developed using illustration and visualization techniques including hand and computer rendering techniques.

Upon completion of the initial design concepts, we will coordinate a virtual meeting with City staff to review and discuss the options. If desired, the meeting can be held in person with City Staff. Following the discussion, we will address the necessary changes and modifications to refine the concepts for presentation to City Council.

## **TASK 2 – COUNCIL & COMMUNITY COORIDATION**

If desired by City Staff, Kimley-Horn will present the final design concepts to the City of Hendersonville Council. The presentation will give an overview of the design inspiration, key elements of each concept and the process to date. Upon communication to council, we will help the City of Hendersonville in presentation of the design concepts to the community if desired.

## **Additional Services**

Any services not specifically provided for in the above scope, as well as any changes in the scope the Client requests, will be considered additional services and will be performed at our then current hourly rates as we agree prior to their performance. Additional services may include services such as:

- Additional Meetings with Client or Agencies
- Final design
- Public meetings
- Construction Plans

## **Schedule**

We will provide our services as expeditiously as practicable. The intent will be to move from concept to construction plans prior to NCDOT moving to the right-of-way acquisition phase in December of 2020.

## **Fee and Billing**

Kimley-Horn will perform the services in Tasks 1 and 2 for a not-to-exceed fee of \$15,000 billing monthly based on time and materials. All permitting, application, and similar project fees will be paid directly by the Client.

Fees will be invoiced monthly based upon time and materials. Payment will be due within 25 days of your receipt of the invoice and should include the invoice number and Kimley-Horn project number.

Direct reimbursable expenses such as express delivery services, fees, air travel, and other direct expenses will be billed at 1.15 times cost. A percentage of labor fee will be added to each invoice to cover certain other expenses such as telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Administrative time related to the project will be billed hourly. All permitting, application, and similar project fees will be paid directly by the Client.

## Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the attached Standard Provisions, which are incorporated by reference. As used in the Standard Provisions, "Consultant" shall refer to Kimley-Horn and Associates, Inc., and "Client" shall refer to the City of Hendersonville, North Carolina.

Kimley-Horn, in an effort to expedite invoices and reduce paper waste, submits invoices via email in an Adobe PDF format. We can also provide a paper copy via regular mail if requested. Please include the invoice number and Kimley-Horn project number with all payments. Please provide the following information:

\_\_\_\_ Please email all invoices to \_\_\_\_\_

\_\_\_\_ Please copy \_\_\_\_\_

If you concur in all the foregoing and wish to direct us to proceed with the services, please have authorized persons execute both copies of this Agreement in the spaces provided below, retain one copy, and return the other to us. We will commence services only after we have received a fully-executed agreement. Fees and times stated in this Agreement are valid for sixty (60) days after the date of this letter.

To ensure proper set up of your projects so that we can get started, please complete and return with the signed copy of this Agreement the attached Request for Information. Failure to supply this information could result in delay in starting work on your project.

*Remainder of the page is intentionally left blank*

We appreciate the opportunity to provide these services to you. Please contact us if you have any questions.

Very truly yours,

KIMLEY-HORN



By: Jonathan Guy, PE, PTOE  
Vice President

Agreed to this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**CITY OF HENDERSONVILLE**

**A Municipality**

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

\_\_\_\_\_

(Print or Type Name)

\_\_\_\_\_

(Email Address)

\_\_\_\_\_, Witness

(Print or Type Name)

This instrument has be pre-audited in a manner required by applicable law

\_\_\_\_\_, Finance Officer

Attachments – Request for Information

## Standard Provisions

### Request for Information

*Please return this information with your signed contract; failure to provide this information could result in delay in starting your project*

#### Client Identification

Full, Legal Name of Client					
Mailing Address for Invoices					
Contact for Billing Inquiries					
Contact's Phone and e-mail					
Client is (check one)	Owner	<input type="checkbox"/>	Agent for Owner	<input type="checkbox"/>	Unrelated to Owner

#### Property Identification

	Parcel 1	Parcel 2	Parcel 3	Parcel 4
Street Address				
County in which Property is Located				
Tax Assessor's Number(s)				

#### Property Owner Identification

	Owner 1	Owner 2	Owner 3	Owner 4
Owner(s) Name				
Owner(s) Mailing Address				
Owner's Phone No.				
Owner of Which Parcel #?				

#### Project Funding Identification – List Funding Sources for the Project


**KIMLEY-HORN AND ASSOCIATES, INC.  
STANDARD PROVISIONS**

(1) **Consultant's Scope of Services and Additional Services.** The Consultant will perform only the services specifically described in this Agreement. If requested by the Client and agreed to by the Consultant, the Consultant will perform Additional Services, which shall be governed by these provisions. Unless otherwise agreed to in writing, the Client shall pay the Consultant for any Additional Services an amount based upon the Consultant's then-current hourly rates plus an amount to cover certain direct expenses including telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Other direct expenses will be billed at 1.15 times cost.

(2) **Client's Responsibilities.** In addition to other responsibilities herein or imposed by law, the Client shall:

- (a) Designate in writing a person to act as its representative, such person having complete authority to transmit instructions, receive information, and make or interpret the Client's decisions.
- (b) Provide all information and criteria as to the Client's requirements, objectives, and expectations for the project and all standards of development, design, or construction.
- (c) Provide the Consultant all available studies, plans, or other documents pertaining to the project, such as surveys, engineering data, environmental information, etc., all of which the Consultant may rely upon.
- (d) Arrange for access to the site and other property as required for the Consultant to provide its services.
- (e) Review all documents or reports presented by the Consultant and communicate decisions pertaining thereto within a reasonable time so as not to delay the Consultant.
- (f) Furnish approvals and permits from governmental authorities having jurisdiction over the project and approvals and consents from other parties as may be necessary.
- (g) Obtain any independent accounting, legal, insurance, cost estimating, and feasibility services required by Client.
- (h) Give prompt written notice to the Consultant whenever the Client becomes aware of any development that affects the Consultant's services or any defect or noncompliance in any aspect of the project.

(3) **Period of Services.** Unless otherwise stated herein, the Consultant will begin work after receipt of a properly executed copy of this Agreement. This Agreement assumes conditions permitting continuous and orderly progress through completion of the services. Times for performance shall be extended as necessary for delays or suspensions due to circumstances that the Consultant does not control. If such delay or suspension extends for more than six months, Consultant's compensation shall be renegotiated.

(4) **Method of Payment.** Client shall pay Consultant as follows:

- (a) Invoices will be submitted periodically for services performed and expenses incurred. Payment of each invoice will be due within 25 days of receipt. The Client shall also pay any applicable sales tax. All retainers will be held by the Consultant and applied against the final invoice. Interest will be added to accounts not paid within 25 days at the maximum rate allowed by law. If the Client fails to make any payment due under this or any other agreement within 30 days after the Consultant's transmittal of its invoice, the Consultant may, after giving notice to the Client, suspend services and withhold deliverables until all amounts due are paid.
- (b) If the Client relies on payment or proceeds from a third party to pay Consultant and Client does not pay Consultant's invoice within 60 days of receipt, Consultant may communicate directly with such third party to secure payment.
- (c) If the Client objects to an invoice, it must advise the Consultant in writing giving its reasons within 14 days of receipt of the invoice or the Client's objections will be waived, and the invoice shall conclusively be deemed due and owing. If the Client objects to only a portion of the invoice, payment for all other portions remains due within 25 days of receipt.
- (d) If the Consultant initiates legal proceedings to collect payment, it may recover, in addition to all amounts due, reasonable experts' fees, and other expenses related to the proceedings. Such expenses shall include the cost, at the Consultant's normal hourly billing rates, of the time devoted to such proceedings by its employees.
- (e) The Client agrees that the payment to the Consultant is not subject to any contingency or condition. The Consultant may negotiate payment of any check tendered by the Client, even if the words "in full satisfaction" or words intended to have similar effect appear on the check without such negotiation being an accord and satisfaction of any disputed debt and without prejudicing any right of the Consultant to collect additional amounts



from the Client.

(5) **Use of Documents.** All documents and data prepared by the Consultant are related exclusively to the services described in this Agreement, and may be used only if the Client has satisfied all of its obligations under this Agreement. They are not intended or represented to be suitable for use or reuse by the Client or others on extensions of this project or on any other project. Any modifications by the Client to any of the Consultant's documents, or any reuse of the documents without written authorization by the Consultant will be at the Client's sole risk and without liability to the Consultant, and the Client shall indemnify, defend and hold the Consultant harmless from all claims, damages, losses and expenses. The Consultant's electronic files and source code remain the property of the Consultant and shall be provided to the Client only if expressly provided for in this Agreement. Any electronic files not containing an electronic seal are provided only for the convenience of the Client, and use of them is at the Client's sole risk. In the case of any defects in the electronic files or any discrepancies between them and the hardcopy of the documents prepared by the Consultant, the hardcopy shall govern.

(6) **Opinions of Cost.** Because the Consultant does not control the cost of labor, materials, equipment or services furnished by others, methods of determining prices, or competitive bidding or market conditions, any opinions rendered as to costs, including but not limited to the costs of construction and materials, are made solely based on its judgment as a professional familiar with the industry. The Consultant cannot and does not guarantee that proposals, bids or actual costs will not vary from its opinions of cost. If the Client wishes greater assurance as to the amount of any cost, it shall employ an independent cost estimator. Consultant's services required to bring costs within any limitation established by the Client will be paid for as Additional Services.

(7) **Termination.** The obligation to provide further services under this Agreement may be terminated by either party upon seven days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof, or upon thirty days' written notice for the convenience of the terminating party. The Consultant shall be paid for all services rendered and expenses incurred to the effective date of termination, and other reasonable expenses incurred by the Consultant as a result of such termination.

(8) **Standard of Care.** The standard of care applicable to Consultant's services will be the degree of care and skill ordinarily exercised by consultants performing the same or similar services in the same locality at the time the services are provided. No warranty, express or implied, is made or intended by the Consultant's performance of services, and it is agreed that the Consultant is not a fiduciary with respect to the Client.

(9) **LIMITATION OF LIABILITY.** In recognition of the relative risks and benefits of the Project to the Client and the Consultant, the risks are allocated such that, to the fullest extent allowed by law, and notwithstanding any other provisions of this Agreement or the existence of applicable insurance coverage, that the total liability, in the aggregate, of the Consultant and the Consultant's officers, directors, employees, agents, and subconsultants to the Client or to anyone claiming by, through or under the Client, for any and all claims, losses, costs or damages whatsoever arising out of or in any way related to the services under this Agreement from any causes, including but not limited to, the negligence, professional errors or omissions, strict liability or breach of contract or any warranty, express or implied, of the Consultant or the Consultant's officers, directors, employees, agents, and subconsultants, shall not exceed twice the total compensation received by the Consultant under this Agreement or \$50,000, whichever is greater. Higher limits of liability may be negotiated for additional fee. This Section 9 is intended solely to limit the remedies available to the Client or those claiming by or through the Client, and nothing in this Section 9 shall require the Client to indemnify the Consultant.

(10) **Mutual Waiver of Consequential Damages.** In no event shall either party be liable to the other for any consequential, incidental, punitive, or indirect damages including but not limited to loss of income or loss of profits.

(11) **Construction Costs.** Under no circumstances shall the Consultant be liable for extra costs or other consequences due to unknown conditions or related to the failure of contractors to perform work in accordance with the plans and specifications. Consultant shall have no liability whatsoever for any costs arising out of the Client's decision to obtain bids or proceed with construction before the Consultant has issued final, fully-approved plans and specifications. The Client acknowledges that all preliminary plans are subject to substantial revision

until plans are fully approved and all permits obtained.

(12) **Certifications.** The Consultant shall not be required to execute certifications or third-party reliance letters that are inaccurate, that relate to facts of which the Consultant does not have actual knowledge, or that would cause the Consultant to violate applicable rules of professional responsibility.

(13) **Dispute Resolution.** All claims by the Client arising out of this Agreement or its breach shall be submitted first to mediation in accordance with the American Arbitration Association as a condition precedent to litigation. Any mediation or civil action by Client must be commenced within one year of the accrual of the cause of action asserted but in no event later than allowed by applicable statutes.

(14) **Hazardous Substances and Conditions.** Consultant shall not be a custodian, transporter, handler, arranger, contractor, or remediator with respect to hazardous substances and conditions. Consultant's services will be limited to analysis, recommendations, and reporting, including, when agreed to, plans and specifications for isolation, removal, or remediation. The Consultant will notify the Client of unanticipated hazardous substances or conditions of which the Consultant actually becomes aware. The Consultant may stop affected portions of its services until the hazardous substance or condition is eliminated.

(15) **Construction Phase Services.**

(a) If the Consultant prepares construction documents and the Consultant is not retained to make periodic site visits, the Client assumes all responsibility for interpretation of the documents and for construction observation, and the Client waives any claims against the Consultant in any way connected thereto.

(b) The Consultant shall have no responsibility for any contractor's means, methods, techniques, equipment choice and usage, sequence, schedule, safety programs, or safety practices, nor shall Consultant have any authority or responsibility to stop or direct the work of any contractor. The Consultant's visits will be for the purpose of endeavoring to provide the Client a greater degree of confidence that the completed work of its contractors will generally conform to the construction documents prepared by the Consultant. Consultant neither guarantees the performance of contractors, nor assumes responsibility for any contractor's failure to perform its work in accordance with the contract documents.

(c) The Consultant is not responsible for any duties assigned to it in the construction contract that are not expressly provided for in this Agreement. The Client agrees that each contract with any contractor shall state that the contractor shall be solely responsible for job site safety and its means and methods; that the contractor shall indemnify the Client and the Consultant for all claims and liability arising out of job site accidents; and that the Client and the Consultant shall be made additional insureds under the contractor's general liability insurance policy.

(16) **No Third-Party Beneficiaries; Assignment and Subcontracting.** This Agreement gives no rights or benefits to anyone other than the Client and the Consultant, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole benefit of the Client and the Consultant. The Client shall not assign or transfer any rights under or interest in this Agreement, or any claim arising out of the performance of services by Consultant, without the written consent of the Consultant. The Consultant reserves the right to augment its staff with subconsultants as it deems appropriate due to project logistics, schedules, or market conditions. If the Consultant exercises this right, the Consultant will maintain the agreed-upon billing rates for services identified in the contract, regardless of whether the services are provided by in-house employees, contract employees, or independent subconsultants.

(17) **Confidentiality.** The Client consents to the use and dissemination by the Consultant of photographs of the project and to the use by the Consultant of facts, data and information obtained by the Consultant in the performance of its services. If, however, any facts, data or information are specifically identified in writing by the Client as confidential, the Consultant shall use reasonable care to maintain the confidentiality of that material.

(18) **Miscellaneous Provisions.** This Agreement is to be governed by the law of the State of North Carolina. This Agreement contains the entire and fully integrated agreement between the parties and supersedes all prior and contemporaneous negotiations, representations, agreements or understandings, whether written or oral. Except as provided in Section 1, this Agreement can be supplemented or amended only by a written document executed by both parties. Any conflicting or additional terms on any purchase order issued by the Client shall be

void and are hereby expressly rejected by the Consultant. Any provision in this Agreement that is unenforceable shall be ineffective to the extent of such unenforceability without invalidating the remaining provisions. The non-enforcement of any provision by either party shall not constitute a waiver of that provision nor shall it affect the enforceability of that provision or of the remainder of this Agreement.



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Jennifer Harrell

**Department:** Admin

**Date Submitted:** 08/13/2020

**Presenter:** Jennifer Harrell

**Title of Item:** Emergency FMLA Expansion Act Policy revision

**Nature of Item:** Council Action

**Council Meeting Date:** 09/03/2020

**Summary of Information/Request:**

**Item #** 5L

Staff has revised the policy to ensure employees are able to use City Administrative Paid Sick Leave or Emergency Paid Sick Leave for the first ten days and supplement one-third of their pay for the remaining ten weeks of Emergency FMLA.


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 resolves to adopt the Emergency FMLA Expansion Act Policy as presented.

**Attachments:**

Emergency FMLA Expansion Act Policy

	<b>CITY OF HENDERSONVILLE</b>		
Policy Name:	Emergency FMLA Expansion Act Policy	Date Approved:	August 11,2020

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with expanded family and medical leave for specified reasons related to COVID-19.


### Eligibility

All employees (full-time, part-time, seasonal) who have worked for the City of Hendersonville for at least 30 days prior to the designated leave are eligible for Emergency Family and Medical Leave. Please note that this new act does not change the eligibility requirements for regular FMLA leave.

### New FMLA Qualifying Reason: Lack of Child Care Due to COVID-19

The Emergency FMLA Act amends the Family and Medical Leave Act (FMLA) of 1993 by the following:

- Added a new qualifying reason that provides 12 weeks of leave when an employee is unable to work – either onsite or remotely - due to a need to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the child care provider is unavailable due to an emergency with respect to COVID-19 as declared by a federal, state, or local authority;
- A “childcare provider under the United States Department of Labor includes individuals paid to provide childcare, like nannies, au pairs, and babysitters. It also includes individuals who provide childcare at no cost and without a license on a regular basis, for example, grandparents, aunts, uncles, or neighbors.
- Leave taken under the Emergency FMLA Act is paid leave after a 10-day waiting period; an employee may choose to use City Administrative Paid Sick Leave or Emergency Paid Sick Leave (if applicable) or accrued leave for the 10-day waiting period. In no instance can the City require the employee to use accrued leave during the waiting period;
- After the 10-day period, the City is required to pay full-time employees no less than two-thirds the employee’s regular rate for the number of hours the employee would otherwise be normally scheduled. The new Act limits this pay entitlement to \$200 per day

	<b>CITY OF HENDERSONVILLE</b>		
Policy Name:	Emergency FMLA Expansion Act Policy	Date Approved:	August 11,2020

and \$12,000 in the aggregate per employee; employees may use [City Administrative Paid Sick Leave or Emergency Paid Sick Leave \(if applicable\) or](#) accrued leave to make up the missing one third pay; employees who work a part-time or an irregular schedule are entitled to be paid based on the average number of hours the employee worked for the six months prior to taking leave; employees who have worked for less than 6 months prior to leave are entitled to the employee's reasonable expectation at hiring of the average number of hours the employee would normally be scheduled to work.

- The regular rules under the FMLA will apply to job reinstatement. The City has the same obligation as under traditional FMLA to return any employee who has taken Emergency FMLA leave to the same or equivalent position upon the return to work;

#### Leave Rules

- Employees are still limited to a total of twelve weeks of FMLA leave within a 12-month period for all reasons combined.
- Employees who have already used their FMLA allotment for the year are not entitled to emergency FMLA leave.
- Requested leave will begin no earlier than April 1, 2020.


#### Requesting Leave

As with regular FMLA leave, where the need for leave is foreseeable, employees must provide the City as much advance notice as practicable. The employee is to submit the Employee Request for Emergency Family and Medical Leave form to their department head. [Submit the City Administrative Sick Leave and/or the Emergency Paid Sick Leave request forms if applicable.](#) The department head shall send the forms to Human Resources immediately for review and processing. All other normal call-in procedures apply to all absences from work.

#### Retaliation

The City will not retaliate against employees who request or take leave in accordance with this policy.



	<b>CITY OF HENDERSONVILLE</b>		
Policy Name:	Emergency FMLA Expansion Act Policy	Date Approved:	August 11, 2020

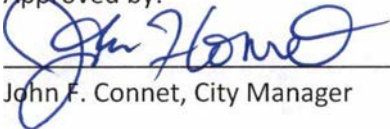
### Expiration

Emergency FMLA leave is available only as long as a federal, state or local COVID-19 state of emergency is in effect and in any event only through December 31, 2020. In addition, emergency FMLA leave cannot be carried over after December 31, 2020.

### Note

Provisions under the regular FMLA Act still apply and are available to employees that meet eligibility requirements as it pertains to protected leave because the employee needs to care for a spouse, child, or parent with a serious health condition, or because of the employees own serious medical condition.

Approved by:

  
 John F. Connet, City Manager

  
 Date

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

## Employee Request for Emergency Family and Medical Leave

Employees requesting Emergency Family and Medical Leave pursuant to the FFCRA (Families First Coronavirus Response Act) must complete this form. Eligible Employees may be eligible for up to 12 weeks of leave. The first 10 days of leave are unpaid and the remaining 10 weeks are paid at two-thirds regular pay not to exceed \$200 per day and \$12,000 total.

<b>Employee Name:</b>	
<b>Employee Home Address:</b>	
<b>Employee Telephone Number:</b>	<b>E-mail:</b>
<input type="checkbox"/> Request for leave	<input type="checkbox"/> Request for Extension of Leave
Date of Leave:	Anticipated return to work:
<b>Reason for Leave.</b> I hereby certify that I am unable to work (or telework) for the following COVID-19 reasons:  <input type="checkbox"/> due to a need for leave to care for a child under the age of 18 who's school or place of care has closed, or the childcare provider is unavailable because of COVID-19.	
<input type="checkbox"/> Continuous Leave                      or	<input type="checkbox"/> Intermittent Leave
If intermittent leave, please describe the nature of your intermittent leave:	
<b>Substitution of Paid Leave:</b> Pursuant to the FFCRA, the first 10 days of your leave is unpaid, however, you may be eligible for City Administrative Sick Leave or emergency sick leave provided through the FFCRA (please complete the City Administrative Sick Leave or Emergency Paid Sick Leave Form to determine eligibility). In the event you are not eligible for City Administrative Leave or emergency sick leave, you are permitted to use available paid leave to cover this period. Please indicate if you would like to use paid leave during the first 10 days of your absence (if not eligible for emergency sick leave) and designated how many hours you plan to use.  <input type="checkbox"/> Vacation (____Hrs.). <input type="checkbox"/> Sick leave (____Hrs.). <input type="checkbox"/> Compensatory Leave (____Hrs.) <input type="checkbox"/> Other- Type ____ (____Hrs.)	
<b>Supplementing Accrued Leave:</b> Paid leave pursuant to the FFCRA is at 2/3 of your regular rate of pay. You may supplement your paid leave with accrued time to make whole. You are not required to utilize paid leave. Please indicate below if you would like to supplement your leave with accrued time.  <input type="checkbox"/> Vacation (____Hrs.). <input type="checkbox"/> Sick leave (____Hrs.). <input type="checkbox"/> Compensatory Leave (____Hrs.) <input type="checkbox"/> Other- Type ____ (____Hrs.)	

I certify that the above information is accurate. I understand that if I fail to report for work on or before the scheduled return date indicated above or fail to contact Human Resources regarding my absence from work beyond such scheduled date of return, my employer may take corrective action.

Employee signature: \_\_\_\_\_

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

Human Resources signature: \_\_\_\_\_

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



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Jennifer Harrell

**Department:** Admin

**Date Submitted:** 08/13/2020

**Presenter:** Jennifer Harrell

**Title of Item:** Emergency Paid Sick Leave Policy revision

**Nature of Item:** Council Action

**Council Meeting Date:** 09/3/2020

**Summary of Information/Request:**

**Item #** 5M

Staff has revised the policy to ensure employees are able to supplement one-third of their pay with City Administrative Paid Sick Leave for reasons 4,5 and 6 of the attached Policy.


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 resolves to adopt the Emergency Paid Sick Leave Policy as presented.

**Attachments:**

Emergency Paid Sick Leave Act Policy

	CITY OF HENDERSONVILLE		
Policy Name:	Emergency Paid Sick Leave Act	Date Approved:	August 11, 2020

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.

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.

Per new federal legislation the City of Hendersonville will provide eligible employees with emergency paid sick leave under certain conditions.

The City of Hendersonville provides eligible employees with emergency paid sick leave under certain conditions.

#### Eligibility

All employees are eligible for emergency paid sick leave.

#### Reason for Leave


You may take emergency paid sick leave if you are unable to work (or telework) because:

1. You are subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. You have been advised by a health care provider to self-quarantine because of COVID-19;
3. You are experiencing symptoms of COVID-19 and are seeking a medical diagnosis;
4. You are caring for someone subject to a federal, state or local quarantine or isolation order related to COVID-19 or who has been advised by their healthcare professional to self-quarantine for COVID-19 related reasons;
5. You are caring for a child whose school or place of care is closed, or whose childcare provider is unavailable, due to COVID-19 precautions; or
6. You are experiencing substantially similar conditions as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

#### Duration/Compensation

Employees are entitled to:

- **Full-time employees:** 80 hours of pay at their regular pay rate. However, when caring for a family member (for reasons 4, 5, and 6 above), sick leave is paid at two-thirds the employee's regular rate.

	<p style="text-align: center;"><b>CITY OF HENDERSONVILLE</b></p>		
<p>Policy Name:</p>		<p>Date Approved:</p>	<p>August 11, 2020</p>

- **Part-time employees:** Pay for the number of hours the employee works, on average, over a two-week period.

Paid leave under this policy is limited to \$511 per day (\$5,110 in total) where leave is taken for reasons 1, 2, and 3 described above (generally, an employee's own illness or quarantine); and no less than two-thirds the employee's regular rate where leave is taken for reasons 4, 5, or 6 (care for others or school closures); for reasons 4, 5 and 6 the new Act limits this pay entitlement to \$200 per day (\$2,000 in total). Employees may use City Administrative Paid Sick Leave or accrued leave to make up the missing one third pay.

#### Leave Rules

You may elect to use emergency paid sick leave before using any accrued paid leave. No leave provided by the City before April 1, 2020 may be credited against your leave entitlement. In addition, emergency paid sick leave cannot be carried over after December 31, 2020.

#### Requesting Leave

If you need to take emergency paid sick leave, provide notice as soon as possible. The employee is to submit the Employee Request for Emergency Paid Sick Leave form to their department head. The department head shall send this form to Human Resources immediately for review and processing. All other normal call-in procedures apply to all absences from work.

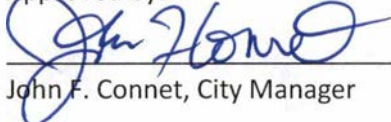
#### Retaliation

The City of Hendersonville will not retaliate against employees who request or take leave in accordance with this policy.

#### Expiration

This policy expires on December 31, 2020.

Approved by:

  
 John F. Connet, City Manager

8-11-20  
 Date:

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



## Employee Request for Emergency Paid Sick Leave

Employees requesting Emergency Paid Sick Leave pursuant to the FFCRA (Families First Coronavirus Response Act) must complete this form. Eligible employees are entitled to up to eighty (80) hours of paid sick leave pursuant to this policy.

<b>Employee Name:</b>	
<b>Employee Home Address:</b>	
<b>Employee Telephone Number:</b>	<b>E-mail:</b>
<input type="checkbox"/> Request for leave	<input type="checkbox"/> Request for Extension of Leave
<b>Date of Leave:</b>	<b>Anticipated return to work:</b>
<b>Reason for Leave</b> (check or circle applicable number). I hereby certify that I am unable to work (or telework) for the following COVID-19 reasons:  (1) is subject to a federal, state, or local quarantine or isolation due to concerns related to COVID-19; (2) has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19; (3) is experiencing symptoms consistent with COVID-19 and is seeking a medical diagnosis; (4) is caring for an individual who is either under a federal, state, or local quarantine order due to concerns related to COVID-19 or has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19 (at two-thirds the regular rate of pay); (5) is caring for his/her child due to the closure of a school or childcare provider due to COVID-19 precautions (at two-thirds the regular rate of pay); or (6) is experiencing any substantially similar condition as specified by the Secretary of the Department of Health and Human Services (at two-thirds the regular rate of pay).	
<input type="checkbox"/> Continuous Leave                      or	<input type="checkbox"/> Intermittent Leave
If intermittent leave, please describe the nature of your intermittent leave:	
<b>Supplement Accrued Time:</b> For employees whose leave request is based on numbers 4-6 above, the leave is at 2/3 of your regular rate of pay. In this case, you may supplement your paid leave with accrued time to cover the remaining 1/3 pay. You are not required to supplement. If you would like to utilize existing accrued time to cover the remaining 1/3 of your pay, please indicate accordingly below.  <input type="checkbox"/> Vacation (____ Hrs.) <input type="checkbox"/> Sick leave (____ Hrs.) <input type="checkbox"/> Compensatory Leave (____ Hrs.) <input type="checkbox"/> Other (____ Hrs.)	

I certify that the above information is accurate. I understand that if I fail to report for work on or before the scheduled return date indicated above or fail to contact Human Resources regarding my absence from work beyond such scheduled date of return, my employer may take corrective action.

Employee signature: \_\_\_\_\_

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

Human Resources signature: \_\_\_\_\_

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





## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** John Connet

**Department:** Admin

**Date Submitted:** 8/24/2020

**Presenter:** John Connet

**Title of Item:** Swearing In of new City Attorney

**Nature of Item:** Presentation Only

**Council Meeting Date:** 9/3/2020

**Summary of Information/Request:**

**Item #** 6A

Mayor Volk will administer the Oath of Office to City Attorney Angie Beeker.

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

**Suggested Motion:**

**Attachments:**

Oath of Office

# Oath of Office

## City Attorney

I, **Angela Beeker**, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the government thereof; and that will endeavor to support, maintain, and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.

I, **Angela Beeker**, do swear (or affirm) that I will well and truly execute the duties of the office of the City of Hendersonville City Attorney according to the best of my skill and ability, according to law; so help me God.

\_\_\_\_\_  
(Angela Beeker)

\_\_\_\_\_  
Date

On September 3, 2020, **Angela Beeker** personally appeared before me and took the Oath of Law Enforcement Officers and signed the above document as witnessed.

Seal

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

Attest:

\_\_\_\_\_  
Angela L. Reece, City Clerk  
City of Hendersonville



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Angela Reece

**Department:** Admin

**Date Submitted:** 8/24/2020

**Presenter:** Council Member Hensley

**Title of Item:** Breastfeeding Family Friendly Community Proclamation

**Nature of Item:** Council Action

**Council Meeting Date:** 9/3/2020

### Summary of Information/Request:

**Item #** 7A

Council Member Hensley has requested that we work with the Henderson County Health Department to become a Breastfeeding Friendly Community. The first step in the designation process is the adopt of a proclamation. We have prepared a proclamation for your consideration. Henderson County Health Director Steven E. Smith will briefly address Council via Zoom to discuss the process.

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 that the City Council adopt the proposed proclamation designating Hendersonville as a Breastfeeding Friendly Community.

**Attachments:**

Proposed Proclamation

# Proclamation

## Breastfeeding Family Friendly Community

**WHEREAS**, families of all races and ethnicities are a priority in the City of Hendersonville, and part of helping families to thrive is ensuring that they receive community support to develop and sustain healthy lifestyles; and

**WHEREAS**, according to the American Academy of Pediatrics, Academy of Nutrition and Dietetics, American College of Obstetrics and Gynecology, American Academy of Family Physicians, and other leading health organizations, breastfeeding is the optimal food for infants; and

**WHEREAS**, a parent's decision to breastfeed should be supported by family members, employers, and community; and

**WHEREAS**, breastfeeding is associated with lower rates of infant mortality, childhood illness, such diabetes, and infectious diseases, as well as reduced risk of maternal breast and ovarian cancers and a faster recovery from childbirth as compared to formula feeding; and

**WHEREAS**, breastfeeding promotes bonding, benefits the entire family, and is associated with lifelong health and development; and

**WHEREAS**, collaborating with healthcare providers and community resources can positively impact breastfeeding success; and

**WHEREAS**, our community encourages our hospitals, AdventHealth Hendersonville, and Pardee Hospital, to pursue the Baby Friendly Hospital Initiative designation; and

**WHEREAS**, by providing a supportive and welcoming environment, a breastfeeding friendly community safeguards the health of mothers and infants, and encourages families of all races and ethnicities to continue breastfeeding;

**NOW, THEREFORE**, the City Council of the City of Hendersonville does hereby proclaim the City of Hendersonville to be a

**“Breastfeeding Family Friendly Community.”**

**PROCLAIMED** this 3<sup>rd</sup> Day of September 2020

Seal

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Barbara G. Volk, Mayor  
City of Hendersonville

Attest:

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Angela Reece, City Clerk



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Angela Reece, City Clerk

**Department:** Admin

**Date Submitted:** 08/24/2020

**Presenter:** Angela Reece, City Clerk

**Title of Item:** Constitution Week 2020 Proclamation

**Nature of Item:** Council Action

**Council Meeting Date:** 09/03/2020

**Summary of Information/Request:**

**Item #** 7B

Penny Summey of The National Society Daughters of the American Revolution (DAR) has requested the City issue a Proclamation to commemorate Constitution Week, September 17-23. DAR has been the foremost advocate for the awareness, promotion and celebration of Constitution Week.

We have prepared a proclamation for your consideration.

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 that the City Council adopt the proposed proclamation commemorating Constitution Week on September 17–23, 2020.

**Attachments:**

Press Release & Proposed Proclamation



# NEWS

DAR National Headquarters  
1776 D Street NW  
Washington, DC 20006  
[www.dar.org](http://www.dar.org)

## FOR IMMEDIATE RELEASE

August 1, 2020

### Press contact:

Penny Summey  
828 329 9337  
[Majmnc2@gmail.com](mailto:Majmnc2@gmail.com)

### **CELEBRATE THE FOUNDATION OF AMERICA DAR Promotes Constitution Week: September 17-23**

WASHINGTON, DC – The National Society Daughters of the American Revolution urges Americans to reflect on the United States Constitution during this month’s annual observance in honor this foundational document of national governance.

“There are two documents of paramount importance to American history: the Declaration of Independence, which forged our national identity, and the United States Constitution, which set forth the framework for the federal government that functions to this day,” said DAR President General Denise Doring VanBuren. “While Independence Day is a well-recognized and beloved national holiday, fewer people know about Constitution Week, an annual commemoration of the living document that upholds and protects the freedoms central to our American way of life.”

The DAR initiated the observance in 1955, when the service organization petitioned the U.S. Congress to dedicate September 17–23 of each year to the commemoration of Constitution Week. Congress adopted the resolution, and on August 2, 1956, President Dwight D. Eisenhower signed it into Public Law #915. The celebration’s goals are threefold: to encourage the study of the historical events that led to the framing of the Constitution in September 1787; to remind the public that the Constitution is the basis of America’s great heritage and the foundation for its way of life; and to emphasize U.S. citizens’ responsibility to protect, defend and preserve the U.S. Constitution.

DAR has been the foremost advocate for the awareness, promotion and celebration of Constitution Week. The annual observance provides innumerable opportunities for educational initiatives and community outreach, two mission areas of crucial importance to the National Society. By fostering knowledge of, and appreciation for, the Constitution and the inalienable rights it affords to all Americans, DAR helps to keep alive the memory of the men and women who secured our nation’s foundational liberties.

“In communities across America, Daughters will erect hundreds of community displays, sponsor municipal proclamations, ring bells and stage programs to raise awareness of the Constitution’s tenets and importance. We invite everyone to join us in celebrating this powerful document, which has enabled our democracy within a republic for more than two centuries. We hope that all Americans will learn more about the Constitution and its immense impact on our nation,” VanBuren said.

One of the largest patriotic women’s organizations in the world, DAR has more than 185,000 members in approximately 3,000 chapters across the country and several foreign countries. DAR members promote historic preservation, education and patriotism via commemorative events, scholarships and educational initiatives, citizenship programs, service to veterans, meaningful community service and more. For additional information about DAR and its relevant mission, visit [www.dar.org](http://www.dar.org).



# Proclamation

## Constitution Week 2020

**WHEREAS**, September 17, 2020 marks the two hundred and thirty third anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS**, The Daughters of the American Revolution (DAR) has been the foremost advocate for the awareness, promotion and celebration of Constitution Week and initiated its observance in 1955, when the organization petitioned the U.S. Congress to dedicate September 17–23 of each year to the commemoration of Constitution Week; and

**WHEREAS**, the United States Congress adopted the resolution, and on August 2, 1956, President Dwight D. Eisenhower signed it into Public Law #915; and

**WHEREAS**, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; to encourage the study of the historical events that led to the framing of the Constitution in September 1787; and to inform people that the Constitution is the basis of America's great heritage and the foundation of our way of life; and to emphasize U.S. citizens' responsibility to protect, defend and preserve the Constitution; and

**WHEREAS**, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America to officially recognize the patriotic celebrations which will commemorate the occasion by designating September 17 through 23 as constitution week;

**NOW, THEREFORE**, I, Barbara Volk, Mayor of the City of Hendersonville do hereby proclaim the week of September 17 through 23, 2020 to be

### “Constitution Week”

in the City of Hendersonville and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

**PROCLAIMED** this 3<sup>rd</sup> day of September 2020

Seal

---

Barbara G. Volk, Mayor  
City of Hendersonville

Attest:

---

Angela L. Reece, City Clerk



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** John Connet

**Department:** Admin

**Date Submitted:** 8/24/2020

**Presenter:** John Connet

**Title of Item:** Request to Place Pollinator Bed on Oklawaha Greenway (Eagle Scout Project)

**Nature of Item:** Council Action

**Council Meeting Date:** 9/3/2020

**Summary of Information/Request:**

**Item #** 7C

My name is Nathan Lindsey and I am a Life Scout with Troop 610 in Flat Rock, NC. I am writing to you today to request permission to complete my Eagle Scout Project at the Oklawaha Greenway. My proposed project involves placing non-invasive plants that will attract pollinators to the greenway. My plan includes attracting bees, butterflies, and hummingbirds to the greenway ecosystem. My project will be on the Berkley Mills side of the greenway near the bridge. I have been working with Mrs. Suzanne Hale and have shared my interest in the preservation of pollinator species. I have also been in contact with Kim Bailey and John Murphy who are willing to help me select the appropriate plants for attracting pollinators.

As part of my Eagle Scout Application Project Proposal I am required to get permission from the beneficiaries of my project and signatures once approval is granted. Please contact me at your earliest convenience. I am looking forward to hearing from you. I can be reached at 828-708-3511. I appreciate any help you can give me with my project.

Sincerely,

Nathan Lindsey

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

**Suggested Motion:**

I move that the City Council hereby grant Nathan Lindsey permission to plant a pollinator bed on the Oklawaha Greenway for his Eagle Scout Project.

**Attachments:**

None



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Daniel Heyman

**Department:** Development Asst Dept

**Date Submitted:** 08.24.2020

**Presenter:** Daniel Heyman, Senior Planner

**Title of Item:** Public Hearing for 303 Chadwick Ave. Conditional Rezoning

**Nature of Item:** Council Action

**Council Meeting Date:** 09.03.2020

### Summary of Information/Request:

**Item #** 8A

The City is in receipt of a Conditional Rezoning application from James Noble for the development of four single family dwellings on a 0.71-acre lot. The subject property is identified as parcel number 9568-93-6593 and is currently vacant. The applicant is requesting to rezone the subject property from C-3 SU, Highway Business Special Use to C-3 CZD, Highway Business 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:

-I move 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 SU, Highway Business Special Use to C-3 CZD, Highway 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:  
OR -I move City Council not adopt an ordinance rezoning the subject property for the following reasons:

### Attachments:

Existing land use map, existing zoning map, future land use map  
Revised site plan  
Original site plan

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

**TO:** Honorable Mayor and City Council

**FROM:** Development Assistance Department

**RE:** 303 Chadwick Ave. Rezoning

**FILE #:** P20-28-CZD

**DATE:** September 3<sup>rd</sup>, 2020

### **PROJECT DESCRIPTION**

The City is in receipt of a Conditional Rezoning application from James Noble for the development of four single family dwellings on a 0.71-acre lot. The subject property is identified as parcel number 9568-93-6593 and is currently vacant. The applicant is requesting to rezone the subject property from C-3 SU, Highway Business Special Use to C-3 CZD, Highway Business Conditional Zoning District.

On May 14<sup>th</sup>, 1998, City Council at its regular meeting rezoned the subject property from R-15 Medium Density Residential to C-3 SU to allow the property owner to operate a florist shop out of the existing single-family structure. The rezoning was approved with the following conditions: 1) The operation would be housing in the existing residential structure. 2) no additional structures could be added to the property. 3) advertising would be limited to 1 sign 12 square feet in area.

Mr. Noble started the conditional rezoning process in October of 2019. His original plan had 6 single family homes on the subject property. Following the neighborhood compatibility meeting held on November 13<sup>th</sup>, 2019, Mr. Noble postponed his application. The minutes from the November 13<sup>th</sup> neighborhood compatibility meeting are on page 11 of your memo. A new Neighborhood Compatibility meeting was required by the City for this project. More information from this meeting can be found on page 3.

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

The subject property is currently zoned C-3 SU, Highway Business Special Use and is currently vacant.

Parcels to the north are zoned R-15 Medium Density Residential and C-3 Highway business and contain residential and commercial uses. Parcels to the east and south are zoned R-15 and include residential uses. Parcels to the west are zoned R-15 Medium Density Residential and C-3 Highway business. Surrounding land uses and zoning

districts are shown on the “Existing Land Use Map” and “Existing Zoning Map” on page 14 and 15.

### **COMPREHENSIVE PLAN CONSISTENCY**

The subject property is classified as Medium Intensity Neighborhood on the 2030 Comprehensive Plan’s Future Land Use Map. The goal of the Medium Intensity Neighborhood classification is to “Provide a transition between High and Low-Intensity Neighborhood areas while providing a wide range of housing formats and price points. Promote walkable neighborhood design and compatible infill development in new neighborhoods and as a means of preserving and enhancing existing neighborhoods.”

The recommended primary and secondary land use in High intensity Neighborhood are as follows:

#### Recommended Primary Land Uses:

- Single-family attached and detached residential
- Open space

#### Recommended Secondary Land Uses:

- Limited multi-family residential along roadways designated as Boulevards or Major Thoroughfares on the Future Land Use Map
- Planned Residential Developments
- Local public and institutional uses
- Recreational amenities

#### High Intensity Neighborhood Development Guidelines:

- Two to eight units per gross acre
- At least 60% open space in new developments on three or more acres
- Architectural guidelines to encourage compatibility when different housing types abut one another (e.g. similar building height, massing, roof pitch, and rhythm of windows and façade detailing)
- Encouragement of walkable neighborhood design, as described under Goal PH-3 in Chapter 2

The 2030 Comprehensive Plan’s Future Land Use Map designates parcels to the north as Neighborhood Activity Center and Medium Intensity Neighborhood. Parcels to the east are designated as Medium Intensity Neighborhood. Parcels to the south are designated as Medium Intensity Neighborhood. Parcels to the west are designated Neighborhood Activity Center.

The 2030 Comprehensive Plan’s Future Land Use Map is located on page 16.

## **PLAN REVIEW:**

### **Buildings**

The site contains a 4 single family structures. The building envelop for these structures are 1,380 Square Feet.

### **Lot Size**

The average lot size shown on the site plan is 7,691 Square feet.

### **Entrance**

Three of the homes would access their driveways off of Chadwick Ave. One house would access their drive from Narva Road.

### **Sidewalks**

Sidewalks will be provided on the subject property's frontage on Narva Road and Chadwick Ave.

## **NEIGHBORHOOD COMPATIBILITY**

Due to the length of time between the November Neighborhood Compatibility meeting and the plan being updated, the City required the applicant to attend a new neighborhood compatibility meeting. This meeting was held on July 27<sup>th</sup>, 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.

Several people representing the public attended the meeting in person as well as virtually. They had questions concerning density, traffic, stormwater runoff and flooding. 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 August 10<sup>th</sup>, 2020. The Planning Board voted 3-2 to recommend City Council not adopt an ordinance amending the official zoning map of the City of Hendersonville changing the subject property from C-3 SU, Highway Business Special Use to C-3 CZD, Highway Business Conditional Zoning District for the following reasons:

- Traffic concerns
- Density issues
- Additional flooding issues

Following the Planning Board meeting Mr. Noble submitted a revised site plan, which is for your review on page 18. The plan that Planning Board reviewed is on page 19. Following comments from the public and Planning Board's recommendation Mr. Noble



made the following changes to his site plan.

- 1) Proposed homes have been moved closer to the center of each property.
- 2) Approximately 1257 square feet has been removed from Lot 1.
- 3) An average of approximately 418 square feet has been added to lots 2,3,4.
- 4) Proposed driveways for lots 2,3,4 have been moved to side of each property and provide parking/turnaround capabilities at the rear of the property.

### **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 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 SU, Highway Business Special Use to C-3 CZD, Highway 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 City Council not adopt an ordinance rezoning the subject property for the following reasons:

**[PLEASE STATE YOUR REASONS]**

**IN RE: 303 Chadwick Ave. Rezoning (File # P20-28-CZD)**

**List of Uses & Conditions**

**I. Stipulated Uses:**

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

- Residential dwellings, single-family
- Accessory structures
- Home occupations

**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.

James Noble

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

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

Ordinance #\_\_\_\_-\_\_\_\_

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

IN RE: 303 Chadwick Avenue  
(File # P20-28-CZD)

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

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 9568-93-6593 from C-3 SU, Highway Business Special Use to C-3 CZD, Highway Business Conditional Zoning District.
2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 3rd, day of September 2020.

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

Attest:

\_\_\_\_\_  
Angela L. Reece, City Clerk

Approved as to form:

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

Planning Report  
Neighborhood Compatibility Meeting - **Electronic**  
Application for a Conditional Zoning District  
303 Chadwick Avenue File # P20-28-CZD  
Monday, July 27, 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 three members of the public, the applicant and four City staff were in attendance. The following were in attendance:

<b>Name</b>	<b>Address</b>	<b>Name</b>	<b>Address</b>
James Noble (app)			
David Drake	1006 Carousel Lane		
Jim Kane	1050 Carousel Lane		
Lynne Williams	309 Chadwick Avenue		
Susan Frady	staff		
Daniel Heyman	staff		
Tyler Morrow	staff		
Allison Justus	staff		
Terri Swann	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 Public Hearing. Minutes of this meeting will be forwarded to Planning Board and City Council. Mr. Heyman stated comments were accepted via publicinput.com. He asked that anyone wanting to speak come forward one at a time due to social distancing and state your name and address for the record. The Planning Board will meet the second Monday in August and the City Council will meet the first Thursday in September. A previous Neighborhood Compatibility meeting was held in November but due to the site plan changes and the time, staff decided another meeting was needed. The minutes from the previous meeting will also go to the Planning Board and City Council along with the minutes from this meeting.

Mr. Heyman explained the process for the electronic meeting and how everyone would have a chance to make comments.

Mr. Heyman stated this property is currently zoned C-3SU, Highway Business Special Use. The special use was for a florist and retail. The rezoning is for a conditional zoning district. The proposed rezoning is C-3 CZD, Highway Business Conditional Zoning District for the development of four single-family dwellings. The land surrounding the property is zoned R-15, Medium Density residential and the property across the street is zoned C-3, Highway Business. If approved they will be limited to what is on the site plan.

Mr. Heyman read the written comments. Written comments were received from Caroline Beamer, Edward Serrano, Andrea Corn, David Drake, Richard Adelmann, and Noah Rose. The concerns were storm water and run-off, flooding in the area, dangerous situations with the three driveways and

backing into traffic, the narrow curve, drainage issues, too much density for this area and how two homes would be enough for that property. There were also concerns about wildlife preservation.

Mr. Heyman stated they would take callers comments now.

Joseph Williams and his wife Sandy, 309 Chadwick Avenue. Mr. Williams stated he would like for the zoning to stay R-15. He stated there are drainage issues and to build over a property that already floods would only create more of a drainage problem. What Mr. Noble is requesting is just too much density. He also feels the property lines are not correct. Ms. Williams stated the traffic is already bad in this area. She would like to see the speed limit lowered from 35 mph to 20 mph. The noise will also be increased and she would like to see the zoning stay the same. Mr. Williams stated he has expressed his concerns in writing to Mr. Heyman.

Mr. Noble stated he has had the property surveyed twice and he can show this to Mr. Williams. The property lines are accurate. He plans to control the water run-off. He has been out when it has rained and has seen the drainage issues. This property is not in the floodplain. He will be adding landscaping and will control the water the best way he can. He has been a lifelong resident of North Carolina and lived his whole life in Hendersonville. He was the HOA president for Brooklyn Manor for several years and they had to address speed in that neighborhood. He plans to live in one of these homes.

David Drake, 1006 Carousel Lane stated he understands wanting to develop real estate, but he is concerned about the density for the project. Some discussion was made about the size of the lots. Mr. Noble stated some were 9,000 square feet and some were a little over 7,000 square feet. The homes will range in size from 1,200 sq. ft. to 1,400 sq. ft. They will be single story with a bonus room. Mr. Drake asked about garages on the property. Mr. Noble stated he does plan to build garages and he is looking at putting them in the rear. Mr. Drake was concerned about the 20-foot driveway and not having enough room to get out. They will have to back out onto Chadwick Avenue which is very dangerous. Mr. Noble stated there is enough room to get onto Chadwick Avenue safely. Mr. Drake stated from the edge of the structure to the property line there is only 8 feet. This only leaves 16 feet for the driveway. Mr. Noble stated he will have to adjust the garages and driveways. Mr. Drake asked if he plans to construct four houses. Mr. Noble stated yes. Mr. Drake stated he does not see how four houses will fit.

Jim Kane, 1050 Carousel Lane stated he has lived here 25 years. He feels that two homes with at least 100 feet in width is plenty for this property. He would like to see only two homes built as this would fit into the neighborhood better. They will be adding curb to an already narrow road that will create more problems. There have been a couple of close calls in the narrow curve on Chadwick Avenue. Everyone in the neighborhood would like to see the homes dropped from four to two and keep 100 feet in frontage for each home. The drainage on that whole corner has been a mess for a long time. Again, the majority of the people would like to see two homes with 100-foot frontage which is more appropriate and will maintain the integrity that has been there for 25 to 30 years.

Mr. Williams stated there was a discrepancy in the legal description and what is on the plat map. He also agrees with what the previous neighbors said. His home was built in 1935 and he has lived there since 1952 and the width on his property is 85 feet. He feels four homes is just too dense for this area.

Andrea Corn stated she owns Premier Accounting across the street. She asked Mr. Noble if the homes would be stick built or modular. Mr. Noble stated stick built. Ms. Corn asked if the homes would have front porches. Mr. Noble stated yes. Ms. Corn asked if he plans to install the sidewalk or if the city is doing that. Mr. Noble stated he will install the sidewalk as this is a city requirement for new construction. Ms. Corn asked what the price range is for the homes. Mr. Noble stated \$200,000.

Ken Fitch, 1046 Patton Street stated he does not live in the area, but the issue is changing the surface from pervious to impervious. The issue is the ditch on the east side and it not handling the run-off. This will change how the water runs in the area and could cause an even bigger drainage problem. The driveways can handle two cars but how will they handle more cars than that? Also, for staff, would changing the garages restart the whole process? There is also a huge tree in the rear yard that he is concerned about.

Mr. Noble stated the huge in the rear sits directly on the property line he shares with the Swanners. There is no plan to remove this tree.

Mr. Heyman stated it is hard to comment about changes to the site plan without a plan to review. Small lot adjustments would not require the process to restart but an increase in density would.

Mr. Noble stated the ditch on his side between him and Mr. Williams would be improved. He is talking with his developer on ways to improve the ditch and the run-off. He can fix some of the problems but if the culvert was maintained properly and cleaned out, this would eliminate some of the problem. Mr. Noble stated he wants to add to the neighborhood with the look and feel of the homes.

Mr. Williams stated the plan shows the home being built over the ditch. Mr. Noble stated the ditch is on his property and he has no desire to remove the hedge between the two properties. He will keep the swell to his side of the property and guide the water to the culvert area. Mr. Williams stated he needs to be careful to make sure this works, and he also talked about keeping the ditch clear. Mr. Noble stated he will keep the property line and lots maintained and this will improve the drainage into the culvert.

Lynne Williams, 309 Chadwick Avenue stated her family has been here over 70 years. She wanted to state for the record that she did not receive the letter notifying her of the meeting until Thursday and that was only four days before the meeting. She also stated the zoning of her property was wrong on the maps (site plan). She stated the city continues to push development which is putting the health of the public at risk due to Covid 19. She stated her grandfather put in the vegetative buffer and she wants the plants to be preserved and the buffer to remain. She would like for the alley to remain closed in the area and she would like for the R-15 zoning to remain. She sent Mr. Heyman information for him to review and also submitted a traffic study. The study shows 100 cars per hour which is over 1,000 cars a day. She submitted a diagram of the flooding on Chadwick Avenue. She has spoken to someone from Public Works and they stated the flooding has gotten worse since the pine trees were taken out on



another property. She was told by the city that land under an acre is not regulated for stormwater, but she feels this property is actually an acre and should be regulated. She believes this will need special consideration. Photos were shown of the drainage. Ms. Williams stated Ms. Rose has an underground spring in her basement, this runs under her property and into Mud Creek. The water needs to be dispersed correctly as it will be going into the creek. She stated a rep for the city is coming out to discuss the public alley with her tomorrow. She does agree with the other residents and feels four houses is just too dense. In the R-15 zoning, two houses would be permitted. This property is not in the floodplain, but the floodplain does exist about 20 to 30 feet away. She would like to see affordable work force housing in the area. There is also a natural habitat there and she would like to see the wildlife protected. She would like her right to privacy protected and maintain their quality of living. She also discussed the distance from the homes and the setback from the property line.

Mr. Noble stated he had Mr. Hill get away as far as he could from the setback line with the footprint of the homes. He isn't set on the size of the homes and this could be changed. The houses could be longer and deeper in the back.

Mr. Drake stated it is hard to come to these meetings with all these changes. Mr. Noble stated he is open to input and is not changing anything, he is trying to work with the neighbors to make this project happen. There was some question about the homes being single story homes. Mr. Noble stated the homes would have a bonus room. His intention is not to just walk away from the project once complete, he plans to live there as well.

Mr. Noble was asked what would happen if he builds the four homes and the drainage doesn't work. Mr. Noble stated he will have a plan in place and will work with the city to improve and control the water as best as he can. Maintaining the culvert and keeping it clean and free of debris is very important. Yes, it floods in the area, but it floods in the area before this house plan was even submitted. He plans to work with the city based on his approval.

Mr. Drake stated he was trying to see where the project goes from here and whether it is denied or passed. Mr. Heyman stated this is an informal meeting with the neighbors to get information on the proposed project. This is the first step in a three-step process. The next meeting will be with the Planning Board on the second Monday at 4:00 pm. Residents will be able to give their comments to the Planning Board. The Planning Board will then make a recommendation to City Council. City Council will meet the first Thursday of the month. They will make a final decision on the project. Residents can attend the City Council meeting or participate via zoom. In the current state of emergency, the meetings will be held in much the same way as this one. They will be able to submit written comments to City Council. State law and the ordinance requires the Planning Board to give a recommendation to City Council,

Mr. Heyman stated they have no official stance on this project. The city has ordinances and guidelines that must be followed.

Mr. Noble stated affordable housing is needed in Hendersonville and he feels his homes will add value to the neighborhood. The residents have stated they want affordable housing, but it appears just not on his property.

Mr. Heyman asked if there were anymore questions. 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 2:56 pm.

Planning Report  
Neighborhood Compatibility Meeting  
Application for a Conditional Zoning District  
303 Chadwick Avenue File # P19-35-CZD  
Wednesday, November 13, 2019 2:30 p.m.

Daniel Heyman, Planner, convened the compatibility meeting at 2:30 pm in the Assembly Room of the City Operations Center. Approximately seven members of the public, one application representative and two City staff were in attendance. The follow signed in:

<b><i>Name</i></b>	<b><i>Address</i></b>	<b><i>Name</i></b>	<b><i>Address</i></b>
Whitney Staton (app)	112 N. Washington St.	Terri Swann	staff
Andrea Corn	304 Chadwick Avenue		
Edward Serrano	404 Balsam Road		
Carolyn Serrano	404 Balsam Road		
Jim Kane	1050 Carousel Lane		
David Drake	1006 Carousel Lane		
Craig Long	1046 Carousel Lane		
Lynne Williams	309 Chadwick Avenue		
Daniel Heyman	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 Public Hearing. Minutes of this meeting will be forwarded to Planning Board and City Council. Mr. Heyman said the soonest this project could go before the Planning Board would be December or January and City Council could hear the project in January or February. Mr. Heyman stated the property is currently zoned C-3, Highway Business Special Use which would allow retail such as a gift shop and a flower shop. The applicant is proposing to rezone the property to a conditional zoning district for the construction of 4 to 6 single family homes.

Whitney Staton stated she was there representing Mr. Noble. She is the attorney assisting Mr. Noble on the project. They would like to develop the property with 1,200 to 1,500 square foot single family homes. The plan is for 4 to 6 homes. She can answer any questions from the public.

Andrea Corn owns a business at 303 Chadwick Avenue. She asked if this proposal meets all the requirements of the ordinance. Ms. Staton stated they are working on a couple of different proposals but anything they develop will have to meet the required setbacks.

Ed Serrano, Balsam Road asked if they only plan to demolish the existing home. Ms. Staton stated they plan to tear down all structures on the property but will leave the trees.

Craig Long asked what the setback requirements were for this project. Mr. Heyman explained the different setback requirements for PRD's and how most required a 30-foot setback from exterior property lines. That would be determined once a decided proposal is submitted.

David Drake, Carousel Lane stated it will be tough to squeeze six homes on this lot if there is a 30-foot setback for each one. Mr. Heyman stated the C-3 zoning has different setbacks and under conditional zoning they can reduce the setbacks. Mr. Drake asked about sidewalk requirements. Mr. Heyman stated for new construction, sidewalks are a requirement. New developments require a sidewalk from property line to property line.

Mr. Drake asked if the city requires sidewalks will they leave room in case Chadwick Avenue is widened. Mr. Heyman stated the right-of-way is considered when widening streets, but he is unaware of any plans to widen Chadwick Avenue at this time.

Mr. Drake asked if any traffic studies were involved with this project. Mr. Heyman stated no.

Jim Kane, Brookdale stated Chadwick Avenue traffic has tripled since the construction of Publix on Greenville Highway. Two cars can pass on the road, but it is tight fit, and he almost gets hit at least twice a week going through the corners. People also walk from the trailer parks and it is not safe. He believes a good traffic count needs to be done for this project. Mr. Heyman stated traffic studies are a requirement for certain projects but this one being only six units, would not require a traffic study. Traffic studies are done for projects such as the Clear Creek project with over 300 units proposed.

Mr. Kane stated he believes there is a need for housing in this town but there are better areas for the six single family dwellings. There is just not enough room for six on this lot. Traffic is his main concern.

Lynne Williams stated she is here representing her parents that live at 309 Chadwick Avenue. Her parents could not attend because her mother is in the hospital. Their property is directly next to this property. She is concerned about the setbacks. She is open to community development but feels six is just too dense.

Mr. Heyman stated there is an updated plan showing a 30-foot setback. He gave Ms. Williams a copy of the plan.

Ms. Williams stated a road study was done by Mr. Freeman, but she has not heard back from him yet. She had also talked with the city about speed bumps to slow down the speeders but was told they no longer do speed bumps and they would have extra patrol in that area. Since Chadwick Avenue is so busy, she would like for the access to the project to be off of Narva Road.

Ms. Staton said having the access off of Narva Road is not feasible because the sewer line runs from there. Mr. Noble has not purchased the property yet and depending on how this goes is whether he will purchase it or not.

Ms. Williams stated she is concerned about maintaining the character of the neighborhood. She would like to see a vegetative buffer be planted and she would also like to request a ten-foot easement from the developer. She also discussed the property being in a floodplain and the drainage into the ditch causing flooding. She would like for the developer to take this into consideration. Ms. Staton stated she will have the developer talk with an engineer. Ms. Williams showed photos of the ditch and stream with the culvert and stated she would like to see all parts of the natural habitat remain.

Ms. Williams is also concerned about the large oak tree and the large pine trees on the property. She would like the developer to save the trees and not remove them. When it floods downtown, Chadwick Avenue is used as a cut through. If this project increases flooding on Chadwick, there will be no way to get to the other side of town. She would also like to see an ecological study done and would like the homes to remain at least 30 feet from the stream with a buffer. She feels six homes is too dense and she would be fine with two or three homes on the property. She has a list of things she would like for the developer to consider and will email those to Ms. Staton.

Carolyn Serrano stated there is also a church on the corner that will be affected by this. It will cause even more traffic on Sunday. She would like to see the property developed but also feels that six is just too dense.

Ms. Williams stated she wants to see the oak and pine trees salvaged and would like to see this become affordable workforce housing. She understands that affordable housing is needed. Her parents would like to have been at this meeting, but her mother is in the hospital. She pointed out the stream to Ms. Staton and stated their property has never flooded but she is concerned that will change if the property is developed with six homes.

Mr. Kane asked about other areas in the city that are that dense. Mr. Heyman discussed other properties in the city that are similar in density.

Ms. Corn asked if these homes would be sold or used as rentals. Ms. Staton stated they are planning to sale the homes but if any of the homes are used for rentals, it would be long term rentals.

Ms. Corn was concerned about the foot traffic and the vagrants in the area. She is also concerned about the setbacks and the road being too narrow for all of the traffic.

Mr. Serrano stated he would not mind two or three homes and he does realize the property needs to be developed. His main concern is the traffic and the fact that cars speed on Chadwick. It is not safe.

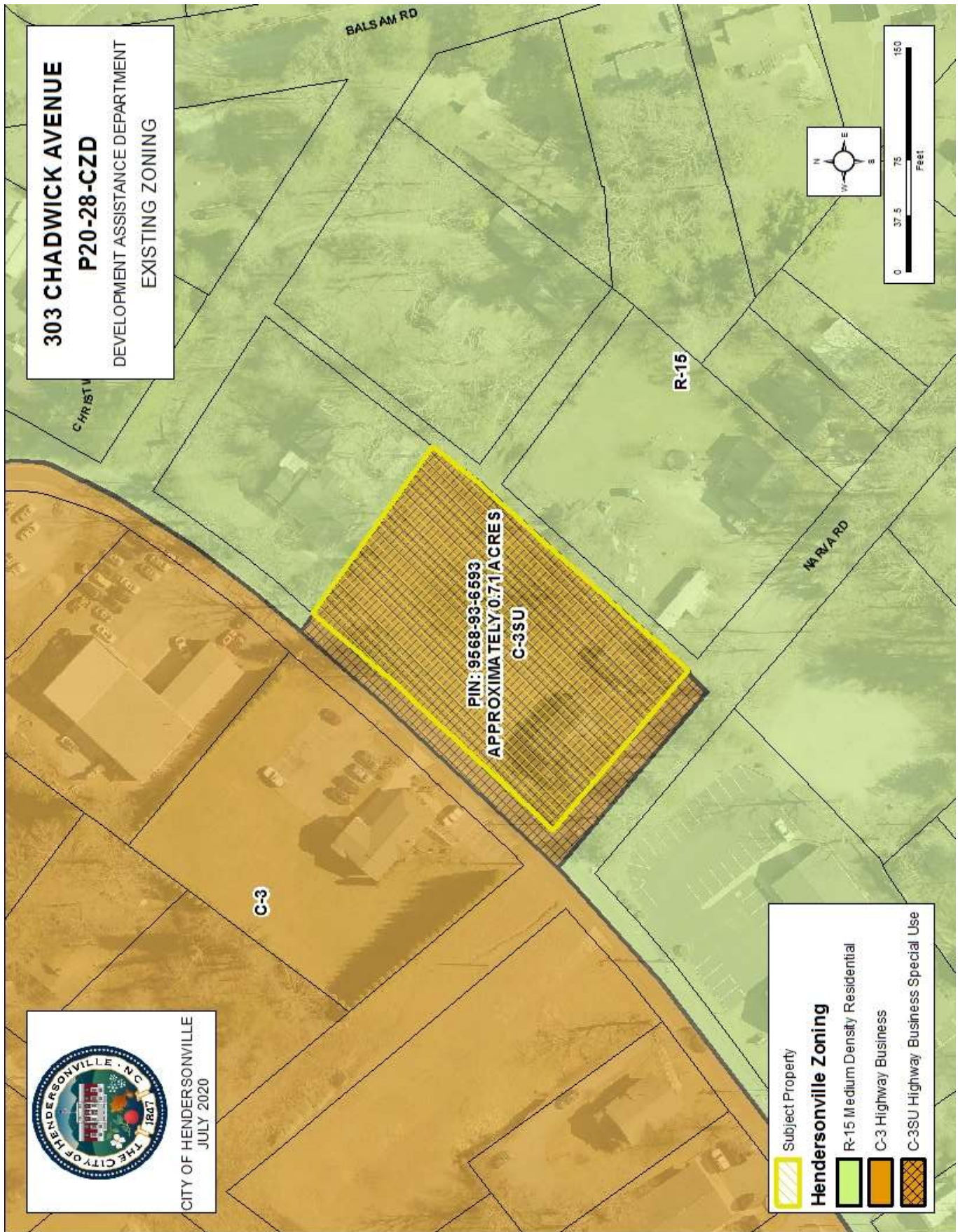
Mr. Heyman asked if there were anymore questions. He stated the next step for this project is the Planning Board and everyone that got noticed will be noticed of the Planning Board meeting as well.

With no further comments or questions, Mr. Heyman closed the meeting at 2:55.

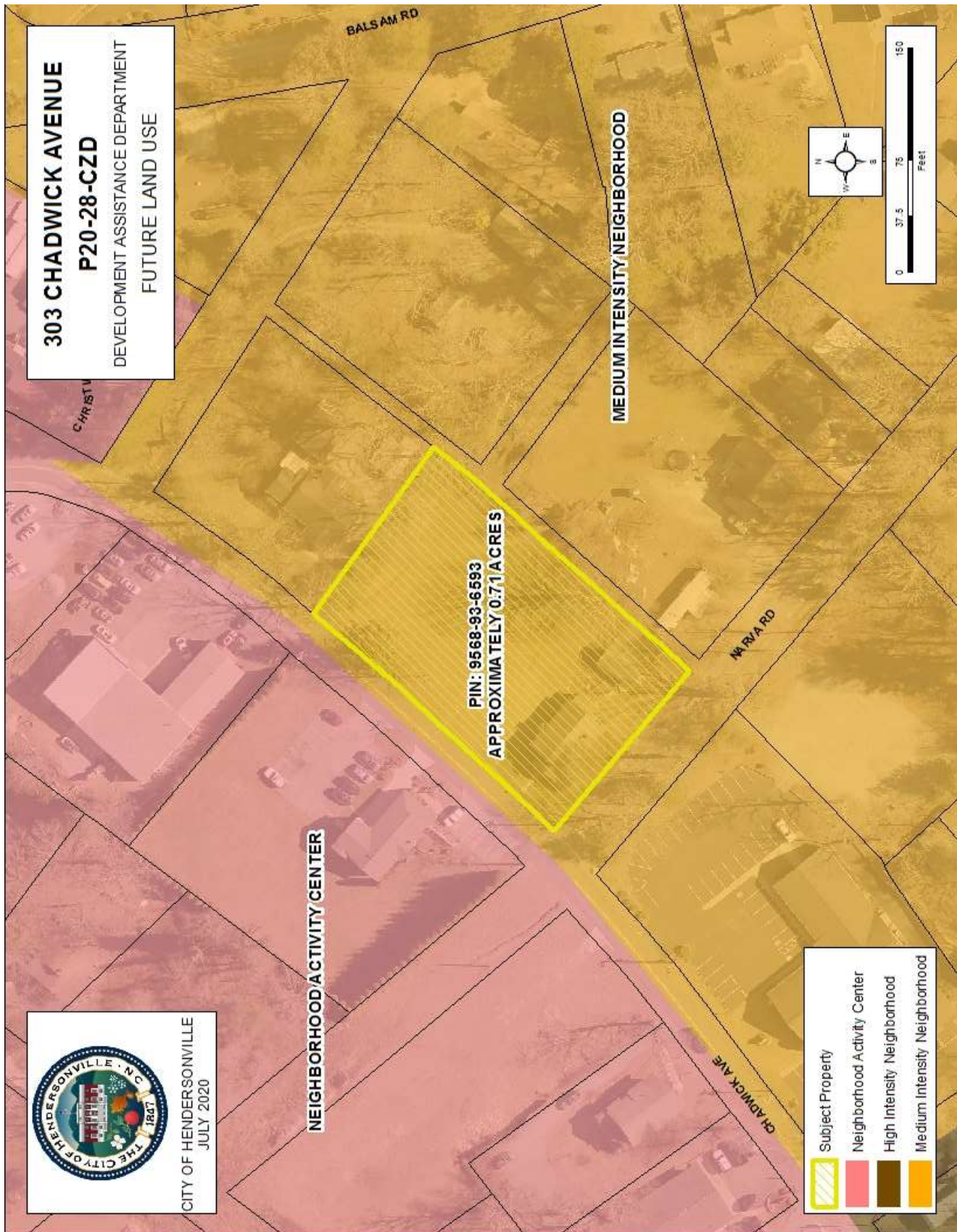




















## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Daniel Heyman

**Department:** Development Asst Dept

**Date Submitted:** 08.24.2020

**Presenter:** Daniel Heyman, Senior Planner

**Title of Item:** Discussion of design/aesthetic regulation

**Nature of Item:** Discussion/Staff Direction

**Council Meeting Date:** 09.03.2020

**Summary of Information/Request:**

**Item #** 9A

At the August 6 Council meeting, Development Assistance Department staff presented information on expanding the Downtown Local Historic District. Following that discussion, staff was directed to report on alternative methods for design and/or aesthetic regulation. Staff will present these options for Council consideration.

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

**Suggested Motion:**

N/A

Attachments:





## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** John Connet

**Department:** Admin

**Date Submitted:** 8/24/2020

**Presenter:** John Connet

**Title of Item:** Presentation regarding improvements to the Ashe Street Neighborhood

**Nature of Item:** Council Action

**Council Meeting Date:** 9/3/2020

**Summary of Information/Request:**

**Item #** 10A

The City Manager will present the proposed plan for Ashe Street Neighborhood. The plan will include an update on planned infrastructure improvements, code enforcement activities and a offer from Housing Assistance Corporation to purchase a City owned lot at the corner of Beech Street and Pace Street to construct new housing units.

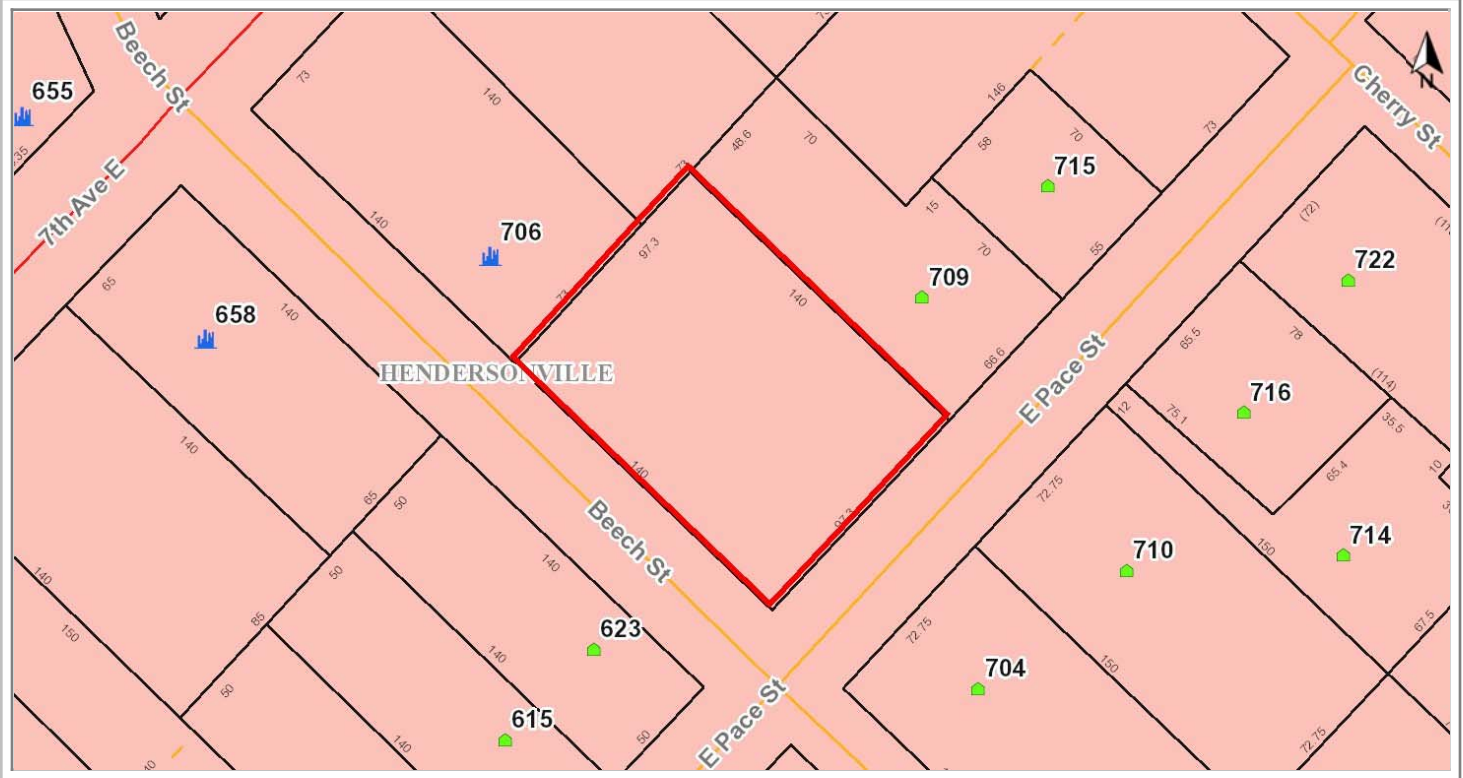
**Budget Impact:** \$ 30,000 Is this expenditure approved in the current fiscal year budget?  If no, describe how it will be funded.

**Suggested Motion:**

I hereby move that the City Council adopt the Resolution accepting the Housing Assistance Corporation's Offer to Purchase for the lot at the corner of Beech Street and Pace Street in the amount of \$30,000 and authorizing the sale by private sale.

**Attachments:**

HAC Offer Letter  
Resolution



WARNING: THIS IS NOT A SURVEY

Parcel Information

REID:	113371	Pin:	9569906270
Listed to:	CITY OF HENDERSONVILLE	Neighborhood:	7TH AVENUE RESIDENTIAL
Mailing Address:	145 FIFTH AVENUE EAST	Township:	Hendersonville
Mailing City, State, Zip:	HENDERSONVILLE, NC 28792	Municipality:	HENDERSONVILLE
Physical Address:	0 NO ADDRESS ASSIGNED	Tax District:	SEVENTH AVENUE DOWNTOWN
Deed:	001684/00419	Plat:	Not Available
Date Recorded:	2016-10-24 16:31:00.0	Elementary School District:	BRUCE DRYSDALE
Revenue Stamps:	100	Middle School District:	HENDERSONVILLE MIDDLE
County Zoning:	Cities	High School District:	HENDERSONVILLE HIGH
Property Description:	PACE STREET ON	Soil:	Hayesville loam, 7 to 15 percent slopes
Map Sheet:	9569.20	Voting Precinct:	Hendersonville 2
Assessed Acreage:	0.32000000	Commissioner District	2
Building Value:	\$0.00	Agricultural District	None Found
Land Value:	\$14,100.00	North Carolina House District	117
Value To Be Billed:	\$14,100.00	U.S. House District	11
North Carolina Senate District	48	Flood Zone:	Zone X, Not Shaded (Areas outside of the floodplain)



Henderson County  
Geographic Information Systems (GIS)  
200 North Grove Street  
Hendersonville, NC 28792  
P: (828) 698-5124  
F: (828) 698-5122

THIS IS NOT A SURVEY.

All information or data provided, whether subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk. Henderson County makes no warranties or guarantees, including the warranties of merchantability or of fitness for a particular purpose. Map data is not appropriate for, and is not to be used as, a geodetic, legal, or engineering base system. The data is not intended as a substitute for surveyed locations such as can be determined by a registered Public Land Surveyor, and does not meet the minimum accuracy standards of a Land Information System/Geographic Information System Survey in North Carolina (21 NCAC 56.1608).



# HOUSING ASSISTANCE

Attn: John Connet  
City Manager  
City of Hendersonville

John,

The Housing Assistance Corporation would like to purchase the lot at the corner of Beech and Pace Street for \$30,000 that the City owns to build affordable workforce housing. PIN number 9569906270.

Thank you for your consideration.

Sarah Grymes



**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ACCEPT OFFER TO PURCHASE AND AUTHORIZE THE CONVEYANCE BY PRIVATE SALE**

**WHEREAS**, the City of Hendersonville has received an Offer to Purchase the lot at the corner of Beech and Pace Street, having a tax PIN number of 9569906270 (the “Real Property”), for \$30,000, from the Housing Assistance Corporation, a North Carolina nonprofit corporation, to build affordable workforce housing; and

**WHEREAS**, the City of Hendersonville acquired the Real Property by that deed recorded in Deed Book 1684 at Page 419 of the Henderson County Registry; and

**WHEREAS**, N.C.G.S. § 160A-279 authorizes the City of Hendersonville to convey real property by private sale to a nonprofit entity carrying out a public purpose; and

**WHEREAS**, the City Council for the City of Hendersonville wishes to accept the offer received from the Housing Assistance Corporation and authorize the conveyance by private sale;

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Hendersonville, North Carolina that:

1. The City Council accepts the Offer to Purchase received from the Housing Assistance Corporation to purchase the Real Property for the price of \$30,000.00.
2. The City Council authorizes the conveyance of the Real Property to the Housing Assistance corporation by private sale pursuant to a Special Warranty Deed, and pursuant to the procedures required by N.C.G.S. § 160A-279.
3. The Mayor, City Manager, City Clerk and City Attorney are authorized to carry out such actions as are necessary to effectuate the sale and conveyance of the Real Property as authorized by this Resolution.

Adopted by the City Council of the City of Hendersonville, North Carolina on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Attest:

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

\_\_\_\_\_  
Angela L. Reece, City Clerk



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** Lew Holloway

**Department:** Downtown

**Date Submitted:** August 24, 2020

**Presenter:** Lew Holloway

**Title of Item:** New Positions - Community Development Department (Downtown/DAD Merger)

**Nature of Item:** Council Action

**Council Meeting Date:** September 3rd, 2020

### Summary of Information/Request:

**Item #** 10B

As a component of the reorganization of the Downtown Economic Development Dept. and Development Assistance Department, one position has been reworked and two new positions have been created to support the transition.

The Director of the Development Assistance Department will now be titled the Director of the Community Development Department. The position description for the Community Development Director (Grade 28) is included here.

The new Community Development Department will include a Downtown Division and a Planning Division, a Division Manager position has been created for each of these. The Downtown Division Manager (Grade 20) and Planning Division Manager (Grade 22) positions are also included here.

During the re-organization we are able to increase the total positions in the General Fund by one, to include an additional planner at a cost of \$34k. A typical hire would trigger a larger increase of +/- \$55k.

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

General Fund | Increase | +/- \$34k ; Main St. Fund | Decrease | +/- \$40k ; 7th Ave. Fund | Decrease | +/- \$14k

### Suggested Motion:

I move that City Council adopts the job descriptions for Community Development Director, Downtown Division Manager and Planning Division Manager.

### Attachments:

Community Development Director Position Description

Community Development - Downtown Division Manager Position Description

Community Development - Planning Division Manager Position Description

## **Community Development Director**

### **Primary Reason Why Classification Exists**

To perform the professional and administrative activities leading and overseeing the City's Community Development Department.

### **Distinguishing Features of the Class**

An employee in this class is an excellent communicator, collaborator and strategic thinker who will provide leadership and oversight in carrying out the goals of the City. Work involves directing and supervising internal staff in Planning, Code Enforcement and Downtown Economic Development. Work requires significant interaction, collaboration and partnership building with internal and external stakeholders in developing a long-range community vision and translating that vision into strategic growth and development within the community. Work involves coordination with a variety of other local and state jurisdictions and agencies and considerable knowledge of the community & economic development field, local ordinances, environmental issues, growth opportunities and challenges and extensive public contact skills. Duties include overseeing and consulting with boards and committees on development issues in the City including planning, transportation, economic development, zoning, historic preservation and related issues. Work is performed under the general supervision of the City Manager and is evaluated on the basis of attainment of individual and department goals and objectives, periodic conference with the City Manager, Board Stakeholders, activity reports, feedback from other agencies, and public support.

### **Illustrative Examples of Work**

- Oversees all activities of the Community Development Department including supervising professional and support staff.
- Builds partnerships with community, regional and intergovernmental stakeholder groups.
- Embraces and enjoys engagement in the community to clearly and proactively communicate City values and initiatives to stakeholders.
- Works to facilitate an understanding of the work of the Community Development Department, including the strategic direction of City Council and how the Community Development Department plays a role in realizing that direction.
- Provides innovative problem-solving skills and seeks win-win solutions while pursuing the City's strategic goals.
- Provides empowering team leadership with an eye on cohesive department team work as well as individual employee development.
- Facilitates and guides strategic goal setting for the department.
- Supervises downtown economic development annual goal setting and involvement in the NC Main Street program.
- Serves as the Executive Director of the Friends of Downtown 501(c)3.
- Supervises and consults on current planning activities for residential, commercial and industrial projects for compliance with all codes and ordinances.
- Supervises staff in making presentations to the Board of Adjustment, Planning Board, Historic Preservation Commission, and Downtown Main Street & Seventh Avenue Committees.

- Supervises major department projects ranging from planning initiatives to infrastructure development requiring diverse and detailed problem solving, progress tracking, coordination across departments, other units of local government, the private and non-profit sectors.
- Prepares, presents and manages annual departmental budget request.
- Stays abreast of legislative changes, market dynamics, community data points and other information sources which impact local codes, policies, projects, etc. and works with staff to address required changes as they arise.
- Conducts special studies; researches complex community development problems; prepares a variety of comprehensive reports.
- Coordinates development review process with various departments, developers and contractors.
- Confers with engineers, developers, architects, a variety of agencies and the general public in obtaining information and coordinating planning matters; coordinates activities with County and surrounding jurisdictions; participates in plan review process.
- Works with department staff to respond to and resolve difficult citizen's inquiries and complaints regarding planning matters.
- Performs other related work as required.

### **Knowledge, Skills and Abilities**

- Knowledge of the principles and practices of planning, land use and zoning related to long range planning, current planning and the comprehensive planning process.
- Knowledge of the principles & practices of economic development and community development related to housing development, business development, commercial development and redevelopment processes.
- Knowledge of computer applications related to GIS, planning, data base and statistical analysis.
- Knowledge of the laws and regulations in building inspections and local code enforcement.
- Knowledge of the principles and practices of effective management and supervision of personnel: knowledge of principles of employee relations, discipline, reward systems and effective coaching.
- Comprehensive knowledge of principles and practices of public/business administration as applied to natural resources, population, cultural features, and other economic and social matters.
- Thorough knowledge of government programs, laws and services.
- Thorough knowledge of office computer software, working familiarity with other technology used to perform position duties; ability to read and interpret topographical, and other maps.
- Working knowledge of federal, state and local laws, ordinances and codes pertaining to wide variety of planning topics.
- Skill in collaborative conflict resolution.
- Skill in working with committees, task forces and other groups and in public presentation.
- Ability to organize work, set and follow effective priorities and coordinate work with other to obtain desired outcomes.
- Ability to exercise sound and independent judgement.
- Ability to supervise employees and subordinate supervisors including effective communications, motivations, staffing, discipline and performance evaluation to produce high performance.
- Ability to understand and manage high-profile, sensitive or controversial political situations.
- Ability to manage and coordinate large and/or complex projects effectively.
- Ability to solve complex problems through review and assessment of relevant information, development of alternatives and options and implementation of solutions.

### **Physical Requirements**

Work in this classification is defined as light work requiring the physical exertion of up to 20 pounds of force occasionally and/or 10 pounds of force constantly to move objects. Physical demands require climbing, crouching, crawling, standing, walking and lifting. Vocal communication is required for responding to inquiries, expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels. Visual acuity is required for extensive reading, to prepare and analyze written or computer data, determine the accuracy and thoroughness of work, and observe general surroundings and activities

### **Working Conditions**

Work is generally performed in both inside in an office environment and outside environmental conditions in which the employee is subject to workplace hazards including exposure atmospheric conditions with extreme cold and heat for short periods of time. Employee is subject to a level of noise requiring workers to shout in order to be heard above the ambient noise level and a chance of injury from walking or standing in a construction site.

### **Education**

Graduation from an accredited college or university with a Master's degree in Public Administration, Planning, Geography, Landscape Architecture or similar related field.

### **Experience**

Five (5) or more years of progressively responsible professional community development experience in the management and supervision of professional staff in the community development, economic development and/or planning; or an equivalent combination of education, training, and experience in planning in the public sector which will provide for the necessary knowledge, skills, and abilities to adequately perform the essential duties.

### **Special Requirements**

- Valid driver's license

**FLSA Status:** 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.

August 2020

## **Community Development Department**

### **Downtown Division Manager**

#### **Primary Reason Why Classification Exists**

To perform the technical, professional, administrative and consultative activities associated with managing and coordinating the Downtown Economic Development Division of the City's Community Development Department.

#### **Distinguishing Features of the Class**

An employee in this class supervises the downtown economic development division's coordination of the Main Street program, marketing the downtown, planning and implementing special events to promote the City's two downtown business districts and related tasks while supervising division staff in these efforts. Work involves the coordination of the physical, economic and social development of the City to enhance the use of existing infrastructure to maintain and strengthen the tax base. Duties include staffing and consulting with the boards and committees on economic development issues in the City including the Downtown and 7<sup>th</sup> Avenue Advisory Committees. Work requires considerable planning and timely execution of work. Employee must be able to consider financial, socioeconomic, legal and regulatory variables as they affect the City. Work involves coordination with a variety of other local and state jurisdictions and agencies and extensive public contact skills. Work is performed in an office environment under the general supervision of the Community Development Director and is evaluated through conferences, reports and progress on planning issues and projects.

#### **Illustrative Examples of Work**

- Develops, conducts, executes and documents the Main Street Program including staffing the Downtown Advisory Committee; plans and executes monthly meetings of the committee and sub-committees; develops the annual Downtown Advisory Committee work plan; researches and recommends policies and strategies to the committee, City Council and others to accomplish work plan goals and to address downtown stakeholder concerns.
- Manages department projects as assigned ranging from events to infrastructure development and requiring diverse and detailed problem solving, progress tracking, coordination across departments, other units of local government, the private and non-profit sectors.
- Provides outreach in the community, with stakeholders and others, to facilitate district awareness and understanding by way of regularly scheduled outreach as well as on-going and as-needed press release development; responds to outside inquiries about the district.
- Conducts market studies for the downtown districts; builds and maintains a comprehensive real estate database for the district, demographic profile of local residents and downtown customers, retail environment and retail sales, prospective business resources, etc.; provides/applies these resources to business recruitment and real estate reinvestment projects.
- Serves as part of the event planning team for all Advisory Committee sponsored events; serves as an event consultant to outside agencies conducting special events in the downtown districts. Represents the interests of the Advisory Committees on the Special Events Committee.
- Prepares and maintains program reports required by the North Carolina Main Street program for yearly program certification; monitors program performance and recommends and implements



modifications to systems and procedures as needed; pursues state and national recognition for the program through appropriate award programs.

- Supervises the work of department staff.
- Performs other related work as required.

### **Knowledge, Skills and Abilities**

- Comprehensive knowledge of principles and practices of public/business administration as applied to natural resources, population, cultural features, and other economic and social matters.
- Thorough knowledge of government programs, laws, and services.
- Thorough knowledge of office computer software, working familiarity with other technology used to perform position duties; ability to read and interpret topographical, and other maps.
- Working knowledge of municipal zoning and infrastructure, and planning programs and processes.
- Knowledge of principles of personnel management, training and performance evaluation.
- Ability to interpret and apply broad trends to local circumstances
- Ability to make important judgements with regard to varied business matters of significance to the City
- Ability to communicate effectively both orally and in writing
- Ability to plan, coordinate and supervise the work of others
- 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 plan and prioritize work functions and coordinate activities with management and other staff
- Ability to work evenings and other flexible schedules

### **Physical Requirements**

Work in this classification is defined as light work requiring the physical exertion of up to 20 pounds of force occasionally and/or 10 pounds of force constantly to move objects. Physical demands require climbing, crouching, crawling, standing, walking and lifting. Vocal communication is required for responding to inquiries, expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels. Visual acuity is required for extensive reading, to prepare and analyze written or computer data, determine the accuracy and thoroughness of work, and observe general surroundings and activities

### **Working Conditions**

Work is generally performed in both inside in an office environment and outside environmental conditions in which the employee is subject to workplace hazards including exposure atmospheric conditions with extreme cold and heat for short periods of time. Employee is subject to a level of noise requiring workers to shout in order to be heard above the ambient noise level and a chance of injury from walking or standing in a construction site.

**Education**

Graduation from an accredited college or university with a bachelor's degree in Business, Marketing, Urban Planning, Architecture, Geography, Landscape Architecture or related field of study. Master's degree preferred.

**Experience** Five (5) or more years of progressively responsible professional planning experience in the management and supervision of planning departments; or an equivalent combination of education, training, and experience in planning in the public sector which will provide for the necessary knowledge, skills, and abilities to adequately perform the essential duties.

**Special Requirements**

- Valid driver's license

**FLSA Status:** 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.

August 2020

## Community Development Department

### Planning Division Manager

#### **Primary Reason Why Classification Exists**

To perform the technical, professional, administrative and consultative activities associated with managing and coordinating the Planning Division of the City's Community Development Department.

#### **Distinguishing Features of the Class**

An employee in this class supervises the planning division's review of development proposals to ensure compliance with current and long-range planning codes and regulations and supervises the division's professional staff in carrying out this work. Work involves professional planning responsibilities managing all general planning issues for the City. Duties include staffing and consulting with boards and committees on development issues in the City including zoning, economic development, community appearance and related issues. Work involves coordination with a variety of other local and state jurisdictions and agencies and considerable knowledge of the planning field and local ordinances, and extensive public contact skills. Work is performed under the general supervision of the Community Development Director and is evaluated through conferences, reports and progress on planning issues and projects.

#### **Illustrative Examples of Work**

- Coordinates and supervises the Planning Division's review of site plans for residential, commercial and industrial construction for compliance with all codes and ordinances.
- Coordinates, supervises and leads, as necessary, the Planning Division's presentations to the Board of Adjustment, Planning Board, Historic Preservation Commission and City Council.
- Coordinates and supervises the Planning Division's code enforcement activity, including Nuisance, Minimum Housing, Junk Vehicle and Abandoned Structures Ordinances.
- Coordinates and supervises the Planning Division's communication with the public, City Boards and internal and external stakeholders, developing and promoting an efficient and strategic communication approach.
- Reviews division processes for efficiency, including, but not limited to, the enhanced use of technology to improve communication with the public and to seek efficiencies in the various application processes managed by the division.
- Represents the Planning Division in the pre-development process, notably providing timeline expectations for engineers, developers, architects, property owners and participating in the City's Development Review Committee with other city and county departments.
- Coordinates with Department management team on an annual departmental policy assessment.
- Coordinates with Department management team on strategic long-range planning initiatives; including Comprehensive Plan and ordinance revisions.
- Coordinates with Department management team on the preparation and management of the annual budget.
- Coordinates with Department management team on the hiring, training and supervision of division staff.
- Performs other related work as required.

### **Knowledge, Skills and Abilities**

- Comprehensive knowledge of the principles and practices of planning, land use and zoning related to long range planning, current planning and the comprehensive planning process.
- Knowledge of principles of personnel management, training and performance evaluation.
- Working knowledge of federal, state and local laws, ordinances and codes pertaining to the wide variety of planning topics.
- Skill in collaborative conflict resolution.
- Skill in working with committees, task forces and other groups; particularly as it relates to public presentation in these environments.
- Ability to organize work, set and follow effective priorities and coordinate work with others to obtain desired outcomes.
- Ability to solve complex problems through review and assessment of relevant information, development of alternatives and implementation of solutions.
- Ability to address and prioritize customer service demands with provision of ongoing and deadline driven land development process management.
- Awareness and sensitivity to the management of high-profile, sensitive/controversial projects and their associated political context.
- Ability to exercise sound and independent judgement.
- Ability to plan, coordinate and supervise the work of others.
- Ability to prepare and present technical communication clearly, in written and oral form, to a wide variety of audiences with varied understanding of the field of planning.
- Ability to establish and maintain effective working relationships with contractors, developers, property owners, city and county staff, officials and the public.
- Ability to read and interpret construction plans; ability to enforce codes with tact and diplomacy.

### **Physical Requirements**

Work in this classification is defined as light work requiring the physical exertion of up to 20 pounds of force occasionally and/or 10 pounds of force constantly to move objects. Physical demands require climbing, crouching, crawling, standing, walking and lifting. Vocal communication is required for responding to inquiries, expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels. Visual acuity is required for extensive reading, to prepare and analyze written or computer data, determine the accuracy and thoroughness of work, and observe general surroundings and activities

### **Working Conditions**

Work is generally performed in both inside in an office environment and outside environmental conditions in which the employee is subject to workplace hazards including exposure atmospheric conditions with extreme cold and heat for short periods of time. Employee is subject to a level of noise requiring workers to shout in order to be heard above the ambient noise level and a chance of injury from walking or standing in a construction site.

### **Education**

Graduation from an accredited college or university with a Bachelor's degree in Planning, Geography, Landscape Architecture or similar related field. Master's degree preferred.

**Experience**

Five (5) or more years of progressively responsible professional planning experience in the management and supervision of planning departments; or an equivalent combination of education, training, and experience in planning in the public sector which will provide for the necessary knowledge, skills, and abilities to adequately perform the essential duties.

**Special Requirements**

- Valid driver's license
- Certified Zoning Official
- Certified Housing Code Official (desired)
- AICP Certification (desired)

**FLSA Status:** 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.

August 2020



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Tom Wooten

**Department:** Public Works

**Date Submitted:** 8/18/2020

**Presenter:** Tom Wooten

**Title of Item:** City Operation Center Safety Improvements

**Nature of Item:** Council Action

**Council Meeting Date:** September 3, 2020

**Summary of Information/Request:**

**Item #** 10C

Safety improvements at the Operation Center are moving forward. Improvements include a modified public entrance to include a new secure door, altering the location of the entrance to the assembly room, security glass around the reception area, a secure door in the main hall, a new AV room in the assembly room, and moving a door in the interior of the building. Bids will be opened on August 27th at 3 PM. Staff are requesting approval of the low bidder, \_\_\_\_\_, at a cost of \$\_\_\_\_\_.

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

We have

**Suggested Motion:**

I move to award the Operation Center Security Improvement project to \_\_\_\_\_ at a cost of \$\_\_\_\_\_.

(Low bidder and amount will be provided at the City Council Meeting.)

**Attachments:**

City Operation Center Bid Tabulation Sheet





## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** John Connet

**Department:** Admin

**Date Submitted:** 8/24/2020

**Presenter:** John Connet

**Title of Item:** Chief of Police Recruitment and Selection Process

**Nature of Item:** Council Action

**Council Meeting Date:** 9/3/2020

### Summary of Information/Request:

**Item #** 11A

The City Manager will present the selection process for the next Hendersonville Chief of Police. The process will include the hiring of Developmental Associates to oversee recruitment and evaluation of the candidates. It is estimated that the process will take three to six months.

**Budget Impact:** \$ 19,875 Is this expenditure approved in the current fiscal year budget? ☐ No If no, describe how it will be funded.

Funding will be available within the Police Department's budget.

### Suggested Motion:

I move that the City Council resolve to approve the contract with Developmental Associates LLC. to assist the City of Hendersonville with the recruitment and evaluating of candidates for the position of Police Chief.

### Attachments:

Proposal from Developmental Associates



**DEVELOPMENTAL**  
**ASSOCIATES LLC**

www.developmentalassociates.com

**Stephen K. Straus, Ph.D.**  
Heather A. Lee, Ph.D. SPHR  
Korrel W. Kanoy, Ph.D.

8125 Kennebec Drive • Chapel Hill, NC 27517

(919) 812-0132 • skstraus@developmentalassociates.com

August 11, 2020

John Connet  
Manager  
City of Hendersonville  
160 Sixth Avenue E  
Hendersonville, NC 28792

Dear John:

We are delighted to have the opportunity to submit a proposal for your Chief of Police process.

As I think you know, we have a proven track record of performance. **Over the last five years we have provided a substantial number of search processes for all types of positions, but especially for public safety chiefs.** On pages 11-12 we itemize over twenty (20) search processes we have conducted for Chiefs of Police and Fire. For many years we focused exclusively on North Carolina, but now we are expanding into the region. For example, we helped Williamsburg, Newport News and Danville, Virginia; Spartanburg, South Carolina and Statesboro, Georgia hire outstanding Chiefs. In almost half of these twenty searches, the successful candidate was recruited from outside North Carolina. We also are proud of our diversity record in recruiting and hiring chiefs. Our success in identifying and hiring diverse candidates for Chief was on national display last year. Several television stations and news outlets recognized that North Carolina now has six female African American Chiefs of Police.

<https://www.newsobserver.com/news/local/article175431651.html>

*Developmental Associates partnered with our clients to place four of them.*

Meanwhile we have administered multiple promotional processes to over fifteen (15) departments including some of the largest police departments in North Carolina – the Charlotte-Mecklenburg, and the Fayetteville Police Departments and the Winston Salem and Raleigh Fire Departments. During that time, we have had no grievances associated with our work and, by all accounts, our placements are performing well – in some cases, brilliantly.

**Our approach has two goals. First, we intend to provide you with high quality candidates from a national, regional and statewide recruiting base.**

We provide four methods of recruitment. First, we **target individuals** with whom we have worked directly. Having worked with thousands of public safety managers through our consulting and training, we are well connected to the leading candidates in the state and in the region. Moreover, during the last few years we have conducted numerous searches for law enforcement service executives and have established national contacts through those processes. Moreover, our work with large police department promotional processes provides us with comprehensive information about the capacity of a number of candidates whose credentials and experience would be suitable for the City.

Second, we make **individual contacts through social media**. We maintain lists of hundreds of public safety managers that we can contact through email blasts, Facebook, and LinkedIn notices.

Third, we know how to make the best use of the most widely referenced **professional journals and websites**. We can enhance the information provided to those sites by relying on a comprehensive study of the position and the organization that enables us to craft attractive, realistic, and comprehensive postings.

Fourth, we have established a **national network** through our contract with NEOGOV, the number one HR application to governments nationwide. This service enables us to provide recruitment and applicant tracking solutions on a national level. We supplement that through our long-term affiliations with the International Association of Police Chiefs and the NC Police Chiefs Association.

**Second, we provide you the most in-depth and accurate information possible about the top candidates for this position to enable you to make the most informed decisions possible.**

It is **essential** to rely on three common and very comfortable methods as a part of the selection process: 1) reviews of resumes, 2) reference and background checks, and 3) interviews.

*Nevertheless, these are the three **least** accurate methods for determining the true competencies of candidates.* One of many reasons for the limitations of these methods is that they rely mostly on indirect or inferential data. For example, resumes tell us what the candidate has done, but not how well he/she has performed. References rely on third-party observations that have often been shown to be unreliable. Interviews, when conducted in a systematic and behavioral-based fashion, can reveal certain key attributes: knowledge, verbal communication skills, and judgment (when situational questions are included). *Interviews, however, are not able to directly verify other critical skills, such as conflict resolution, project planning, meeting or group facilitation, leadership style, problem solving, writing, or even presentation skills.*

Assessment center processes and certain psychometric tests are of greater validity than the traditional three methods alone. Developmental Associates promotes the use of assessment centers in conjunction with other methods. In these processes, we design exercises that



simulate the responsibilities of the position, such as making board presentations, developing written project plans, facilitating staff meetings, conducting performance-based role plays, and facilitating community meetings to directly observe the skills of candidates. We independently supplement this first-hand assessment with the Emotional Intelligence Inventory (EQi 2.0) to validate what we have observed in the assessment center process. This additive combination of two highly valid methods, coupled with traditional methods, greatly enhances the accuracy and depth of information we can provide you.

Thank you for considering our services John! We would be delighted to work with you on this most critical process.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen K. Straus".

Stephen K. Straus, Ph.D.  
President - Developmental Associates, LLC

**PROPOSAL: THE CITY OF HENDERSONVILLE  
RECRUITMENT, SCREENING, AND SELECTION PROCESS:  
POLICE CHIEF**

**August 11, 2020**

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A. <i>Scope of Services</i>	<i>pages 5-8</i>
• <i>Emotional Intelligence Factors</i>	<i>page 9</i>
• <i>Our Fees for this Project</i>	<i>page 10</i>
<u>SECTION II: OVERVIEW OF FIRM</u>	
A. <i>Firm History and Experience</i>	<i>page 11-12</i>
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C. <i>Our Recent Clients</i>	<i>page 14-15</i>
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F. <i>The Values of Developmental Associates</i>	<i>page 18</i>
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<u>SECTION III: Resume of Lead Consultant</u>	<i>pages 20-24</i>

**HIRE WITH CONFIDENCE PLEDGE**

If Developmental Associates is responsible for recruiting and screening candidates, we guarantee that the client will find a candidate that it can hire with confidence. If the selected candidate does not continue employment for at least one year of service, Developmental Associates pledges to provide all of the services originally agreed upon with the client for no additional charge other than expenses, such as administering the Emotional Intelligence Inventory (EQi) to candidates approved by the client. Developmental Associates would continue to provide these services until the client selects a candidate it can "hire with confidence". Developmental Associates does not maintain this pledge if it is not responsible for the recruitment and screening for the position or if the client does not make reasonable efforts to finalize the hiring decision.

The information provided herein by Developmental Associates, LLC. is proprietary and confidential, offered to the recipient solely for the purpose of evaluating its service proposal. This information should not be disclosed to anyone outside the decision-making group without the company's prior authorization.

## SECTION I: SCOPE OF SERVICES

### CITY OF HENDERSONVILLE POLICE CHIEF RECRUITMENT AND SELECTION Scope of Services

*Directions: Below are the steps we recommend and the timeline for completing each step. **We have identified dates in red that would require meetings with the City Manager.***

STEPS IN THE RECRUITMENT, SCREENING, AND SELECTION PROCESS	PURPOSE OF THE PROPOSED STEPS	PROPOSED DATES
<b>Step 1: Conduct job and organizational analyses</b> to identify expectations and competencies for the position by meeting with groups, such as the following (as determined by the Manager): <ul style="list-style-type: none"><li>• Command staff in the HPD</li><li>• Sergeants and officers in the HPD</li><li>• City Managers' Office</li><li>• Citizen groups or Council members (if the Manager so chooses)</li><li>• Others identified by the Manager</li></ul>	<ol style="list-style-type: none"><li>1) Provides a foundation for defining the competencies sought in recruitment and in designing the selection process.</li><li>2) Builds stakeholder buy-in and perspective into the selection process.</li><li>3) Conducting a job analysis is essential for legal defensibility.</li><li>4) Conducting the organizational analyses identifies future challenges for a proactive Police Chief.</li><li>5) A retired Chief on our team would team to conduct these sessions.</li><li>6) We can also develop an electronic citizen survey.</li></ol>	<b>Day 1</b>
<b>Step 2: Build a candidate profile and post written job advertisements</b> in leading professional journals, newspapers, and websites.	<ol style="list-style-type: none"><li>1) Written ads for both print and online publications will typically generate the largest number of applications.</li><li>2) DA would design an attractive and engaging ad for review by the City Manager.</li><li>3) As the employing agency, the City would need to post the ads after they have been developed.</li></ol>	Post by Day 3
<b>Step 3: Conduct targeted recruitment of leading candidates:</b>	<ol style="list-style-type: none"><li>1) We have direct access to several hundred Police executives as well as other local government executives across the country. We will send out a mass email to all of these executives, but also make direct contact with a number of those that we think would be a particularly good fit with the City of Hendersonville.</li><li>2) By targeting candidates and making individual contacts, Developmental Associates can supplement the candidate pool with managers with excellent credentials.</li></ol>	Completed by Day 25



STEPS IN THE RECRUITMENT, SCREENING, AND SELECTION PROCESS	PURPOSE OF THE PROPOSED STEPS	DATES
<b>Step 4: Conduct initial (first) level screen</b> of candidate applications/resumes	<ol style="list-style-type: none"> <li>1) First level screening involves a structured process for evaluating resumes and supporting documents. We require all candidates to post their applications through NEOGOV to ensure they are responding to the specific requirements of the position and not just submitting a general resume.</li> <li>2) We will conduct a media (Google) search (mentions of candidates in the news media) of all candidates who look worthy at this stage of the screening process.</li> <li>3) We will present a spreadsheet evaluating and scoring how well each candidate meets the screening criteria.</li> <li>4) The job analysis provides the basis for developing a structured screening guide to ensure consistent application of the selection criteria to each resume.</li> <li>5) This stage will enable the City to narrow the field of candidates to a number that can be screened more intensively (through the secondary screening process described below).</li> </ol>	<b>About Day 28</b>
<b>Step 5: Conduct second level screening</b> of candidates for the position. The exact methods will depend on the job analysis but would include some of the following approaches: <ul style="list-style-type: none"> <li>▪ Telephone interviews</li> <li>▪ Emotional Intelligence (EQi) testing</li> <li>▪ Responses to survey questions</li> </ul>	<ol style="list-style-type: none"> <li>1) Such advanced screening methods are useful when there is a large group of qualified candidates or the City is unfamiliar with many of the candidates.</li> <li>2) The screening method would be driven by the job analyses (Step 1).</li> <li>3) Upon completion the Manager would be ready to identify the finalists (up to 6) to invite to the final assessment process.</li> <li>4) At the Manager's discretion up to two alternates could be identified in the event any of the original candidates withdraw.</li> </ol>	<b>About Day 40</b>
<b>Step 6: Design hiring process</b>	<ol style="list-style-type: none"> <li>1) The hiring process should be valid (job related) to identify the best candidates.</li> <li>2) The hiring process should provide an opportunity to assess the most critical competencies required for the position including the ability of the candidate to meet the primary law enforcement service challenges facing the City.</li> <li>3) The hiring process should assess Emotional Intelligence (EI) as well as Cognitive Intelligence (IQ) and technical skills.</li> </ol>	Completed by Day 40

STEPS IN THE RECRUITMENT, SCREENING, AND SELECTION PROCESS	PURPOSE OF THE PROPOSED STEPS	DATES
<b>Step 7: Recruit assessors</b> to evaluate the candidates (Assessors are identified and approved by the Manager)	<ol style="list-style-type: none"> <li>1) The types of assessors recruited depend upon the types of exercises the candidates would perform. Assessors might include community members, local government managers and other police executives.</li> <li>2) Assessors must complete a Statement of Confidentiality. Moreover, no single assessor will know the overall outcome of the process. That information is provided to the Manager only.</li> <li>3) Assessors will be trained on how to apply behavioral-based rating systems when rating candidates.</li> </ol>	Completed by Day 40
<b>Step 8: Conduct selection exercises</b> to evaluate the (up to 6) finalists  Analyze EQI in-depth	<ol style="list-style-type: none"> <li>1) The exercises will be valid, reliable, and unbiased.</li> <li>2) The candidates will be sent preparatory information and given thorough explanations in advance of the process.</li> <li>3) The exercises should enable the City to assess the strengths and weaknesses of each candidate and to determine those candidates that have the skills to fill the position.</li> <li>4) The rating criteria will be premised on the job analysis and designed using objective, behavioral-based rating criteria.</li> </ol>	By Day 55
<b>Step 9: Facilitate final evaluation process by assisting the Manager in developing final evaluation strategies and structuring the panel interviews:</b> <ul style="list-style-type: none"> <li>▪ Develop interview questions and evaluation process with the Manager</li> </ul>	<ol style="list-style-type: none"> <li>1) Assists Manager in developing a systematic approach for evaluating the final candidates.</li> <li>2) Provides expertise to the Manager in making his evaluations and hiring decision.</li> <li>3) Developmental Associates can provide certain interview questions to ask candidates as well as clarify rating criteria.</li> </ol>	Day 56
<b>Step 10: Facilitate thorough background investigations</b>	<ol style="list-style-type: none"> <li>1) Both legally and due to the sensitive and highly public nature of the position of Police Chief, we recommend thorough reference checks and background investigation.</li> <li>2) If the City is interested, we can recommend a former NC Chief of Police who conducts excellent background investigations.</li> </ol>	Within 2 weeks of COE

STEPS IN THE RECRUITMENT, SCREENING, AND SELECTION PROCESS	PURPOSE OF THE PROPOSED STEPS	DATES
<p><b>Step 11: Provide executive coaching to the successful candidate</b></p> <ul style="list-style-type: none"> <li>▪ Review the challenges facing the community and organization</li> <li>▪ Analyze the results of the selection process</li> <li>▪ Analyze the findings of the EQi</li> <li>▪ Develop a plan of action</li> <li>▪ Developmental feedback provided to internal or local candidates who are not selected. This includes a review of EQi and assessment center results</li> </ul>	<ol style="list-style-type: none"> <li>1) The assessment process provides rich information suitable for executive coaching.</li> <li>2) The new Chief will be facing exciting but formidable new challenges. He/she can benefit from professional guidance in developing a plan of action to meet those challenges successful.</li> <li>3) Feedback to internal candidates not selected often helps in their personal development and acceptance of the decision. This also paves the way for greater support of the selected candidate by incumbents.</li> </ol>	<p>Upon request</p>



## A.1: EMOTIONAL INTELLIGENCE FACTORS\*

### SELF-PERCEPTION REALM

EQ-i Scale	The EI Competency Assessed by the Scale
1. Emotional Self-Awareness	<i>Ability to be aware of and understand one's feelings and their impact</i>
2. Self-Regard	<i>Ability to respect and accept one's strengths and weaknesses</i>
3. Self-Actualization	<i>Ability to improve oneself and pursue meaningful objectives</i>

### SELF-EXPRESSION REALM

EQ-i Scale	The EI Competency Assessed by the Scale
4. Emotional Expression	<i>Ability to express one's feeling verbally and non-verbally</i>
5. Independence	<i>Ability to be self-directed and free of emotional dependency on others</i>
6. Assertiveness	<i>Ability to express feelings, beliefs, and thoughts in a nondestructive way</i>

### INTERPERSONAL REALM

EQ-i Scale	The EI Competency Assessed by the Scale
7. Interpersonal Relationships	<i>Ability to develop and maintain mutually satisfying relationships</i>
8. Empathy	<i>Ability to recognize, understand and appreciate the feelings of others</i>
9. Social Responsibility	<i>Ability to contribute to society, one's social group, and to the welfare of others</i>

### DECISION MAKING REALM

EQ-i Scale	The EI Competency Assessed by the Scale
10. Impulse Control	<i>Ability to resist or delay and impulse, drive, or temptation to act</i>
11. Reality Testing	<i>Ability to remain objective by seeing things as they really are</i>
12. Problem Solving	<i>Ability to solve problems where emotions are involved</i>

### STRESS-MANAGEMENT REALM

EQ-i Scale	The EI Competency Assessed by the Scale
13. Flexibility	<i>Ability to adapt one's feeling, thinking, and behavior to change</i>
14. Stress Tolerance	<i>Ability to effectively cope with stressful or difficult situations</i>
15. Optimism	<i>Ability to remain hopeful and resilient, despite setbacks</i>

EQ-i 2.0, Multi-Health Systems (2011), All Rights Reserved

Adapted from *The EQ Edge*

Steven J. Stein, Ph.D. and Howard E. Book, M.D.

Third Edition (2011)

## PROPOSED FEES FOR THIS PROJECT

BASIC FEE	ADDITIONAL OPTIONS (Including Maximums)
\$18,000	<ul style="list-style-type: none"><li>• EQi – Screen @ \$75 per candidate (up to 15)</li><li>• EQi- Analysis @ \$100 per candidate (up to 5)</li><li>• Coaching and Feedback @ \$250 per candidate</li><li>• Background @\$2250 per candidate*</li></ul>

**\*Background fees are paid directly to retired Police Chief Thomas Younce and are not included in our proposal. The City may elect to use someone else for the background investigations.**

**We charge no other fees or expenses. Moreover, with a virtual process, the City would incur no other expenses, such as for assessor meals, travel and accommodations – at all!**

**Our maximum total fee would be \$19,875 (including one coaching session) and assumes we provide the following additional services:**

- Administration of the EQi to screen 15 candidates (the City can choose fewer)
- EQ Analysis of 5 finalists (the City can choose fewer)

## SECTION II: OVERVIEW OF FIRM

### A. Firm History and Experience

Developmental Associates has extensive background in human resources, and management consulting for more than twenty-five years with over fifty local governments in North Carolina and with the leading North Carolina universities including Duke, Wake Forest, UNC-Chapel Hill, and NC State. Developmental Associates provides cutting edge services that go beyond typical human resource consulting firms at a reasonable cost. We are a five-member organization that combines strong academic and practitioner experiences into the services we provide to public and not-for-profit organizations.

Below are some of the distinctive advantages we offer:

- **We are a North Carolina-based firm specializing in public sector, nonprofit and educational organizations.** We have operated in North Carolina predominantly, and have done so for over 25 years. We are now expanding our services to neighboring states.
- **Staff composed of experts in the field of recruitment and selection teaming with a highly regarded law enforcement professional.** Steve Straus has been a long-time member and frequent presenter with the NC City and County Managers Association. For 26 years he has taught in the Master of Public Administration Programs at NC State University and UNC Chapel Hill and has served on the faculty at the School of Government at UNC-Chapel Hill. He has published in the leading public sector journals including several articles on selection. Currently, Steve is facilitating a strategic planning process for the UNC Chapel Hill MPA Program.

Heather Lee has served as a faculty member and administrator at the NC Center for Women in Public Service as well as for the William Peace University Human Resources degree program. She is a former Vice-President for Human Resources with the NC Easter Seals Society. Heather has consulted extensively with local governments and is the co-designer of and a faculty member in the North Carolina Public Managers Program.

- **The lead consultant on this project would be Stephen K. Straus, Ph.D.** He would team with Heather Lee, Ph.D. SPHR. We have included each of their resumes at the end of this proposal. We would also include a retired Chief of Police to assist in recruitment and screening. We would get agreement with the Manager on the choice of that Chief.
- **Our screening methods are multi-method and comprehensive.** Search firms often develop a negative reputation and take advantage of local governments by parading a group of close contacts through the selection process. Moreover, they allow applicants, particularly those who only have a passing interest in a position, to submit a non-standardized cover letter and resume. Developmental Associates insists on **a more objective and thorough screening approach that demands a certain level of motivation from all candidates.** We develop a set of filtering questions through our job and



organizational analyses. These questions focus more on accomplishments than on the traditional resume-focus of positions held. Candidates must respond to questions tailored for the specific needs of the position and the City. As a result, we are able to compare candidates on similar criteria and make more objective determinations of which ones should be advanced in the process.

Those candidates that pass the initial screen undertake a **secondary screen**. We tailor this secondary screen to the position, but typically we require responses to more in-depth survey questions, conduct recorded telephone/Skype interviews, and administer the EQi 2.0, an emotional intelligence inventory (a validated employment test described below), to all candidates in the secondary screen. This multi-method approach provides a rich basis for the Manager to evaluate and determine which candidates should be invited to the selection process.

- **We are experts in the field of selection.** We believe it is important to educate our clients about the limitations of typical selection approaches particularly those advocated by traditional search firms relying extensively on the weakest of predictors of job performance: resumes, references, and interviews. We, instead, tailor a multi-method and behavioral approach to develop real world simulations. These simulations, commonly called an "assessment center", provide more in-depth and accurate information about the candidate than do the traditional methods.
- We are also experts in the field of **Emotional Intelligence (EI)**. Research finds that EI contributes substantially to managerial success. A list of EI factors is included with this proposal on page 9. While EI factors are commonly understood to be instrumental for effective leadership, most employers find it difficult to evaluate factors accurately, such as self-regard, independence, social responsibility, stress tolerance, impulse control, and empathy. *Moreover, it is the rare client that understands how to connect the relationship among these factors to produce an overall understanding of the candidate. Developmental Associates is able to make these connections.* We are able to test for EI (through the EQ 2.0 Inventory – a validated employment test) and integrate it into a variety of selection methods, such as behaviorally-based interviews, presentations, role plays, and even written exercises. Our selection methods far surpass common methods in producing an in-depth understanding of the technical skills, interpersonal skills, job knowledge, and Emotional Intelligence of each candidate. This allows the organization to make the most informed decision possible on the competencies of candidates. Dr. Heather Lee is a Certified Trainer and has conducted certification programs on EI that have drawn international participation.

## B. A New Approach to Executive Assessment – Talent Identification and Assessment

These and many other clients are recognizing that Developmental Associates has developed a new, more thorough, accurate, and comprehensive model for executive processes – which we call Talent Identification and Assessment. The old “Search Model” makes three outdated assumptions. First, it assumes that the search firm is in close contact with top candidates that will only apply for the position if contacted by the firm. This model fails to take into account the use of modern technology to recruit. There are now many more ways to reach out candidates than has been traditionally the case. **Developmental Associates uses multiple recruitment methods including targeting individuals, placing ads in leading professional websites and journals, relying extensively on social media, and connecting with our national network through NEOGOV – the leading public sector technology solution for recruitment and selection in the United States.**

Second, it also assumes that search firms can actually evaluate the quality of candidates because they know how each candidate is performing in their current position. That is a myth. Knowing a manager, even befriending a manager, does not mean that the search firm can actually assess that candidate’s performance in day-to-day activities. The search firm does not directly observe how the candidate develops budgets, deals with staff, plans, organizes, or deals with conflicts. **Developmental Associates uses an extensive, multi-method screening approach that provides you with a sounder understanding of the skills and competencies of each candidate. Because this process is standardized it enables fair comparisons across candidates.**

Third, it presumes that candidates can be evaluated comprehensively through interviews. This is simply not the case. We all like to lay our eyes on the top candidates and see how they present themselves and think. Nevertheless, interviews, at best, can only directly determine how well the candidate can communicate, his/her knowledge, and judgment. The interview is too limited to assess other essential management and leadership skills, such as writing, developing budgets, problem solving, dealing with staff, managing projects, and so on. All that can be learned from the interview about these essential skills is what the candidates *says he/she does*. **We provide intensive assessment of candidate skills that other firms do not offer before the board begins its interview process. This assessment center process enables you to directly observe the skills of candidates performing a variety of executive skills, such as managing staff, budgeting, dealing with the media, making presentations, facilitating staff meetings, and so on.**



### **C. Our Recent Public Safety Clients (last four years)**

#### **Local Governments**

- The City of Winston Salem (both Police [2] and Fire Chief)
- The City of Fayetteville (Police Chief [2] and Fire Chief)
- The City of Burlington (Police Chief)
- The City of Greensboro (Police Chief)
- The Town of Southern Pines (Police Chief)
- The City of Wilson (Police Chief and Fire Chief)
- The City of Aberdeen (Police Chief)
- The Town of Carrboro (both Police and Fire Chief)
- The City of Reidsville (Police Chief)
- The City of Hendersonville (Fire Chief)
- The City of Spartanburg (SC) (Police Chief)
- The Town of Chapel Hill (both Police and Fire Chief)
- The City of Kinston (Police Chief and Fire Chief)
- The City of Durham (Police Chief and Fire Chief)
- The Town of Morrisville (both Police and Fire Chief)
- The Town of Matthews (Fire Chief and Police Chief)
- Town of Clayton (Police Chief)
- The City of Asheboro (Fire Chief)
- The City of Statesboro, Georgia (Police Chief)
- The City of Williamsburg, Virginia (Police Chief)
- The City of Newport News, Virginia (Police Chief)
- The City of Danville, Virginia (Police Chief)
- The City of Savannah, Georgia (Police and Fire Chief)
- The City of Waynesville (Chief of Police)
- The Town of Forest City
- Town of Pineville (Chief of Police) - in progress
- Town of Zebulon (Chief of Police) - in progress
- Town of Garner (Chief of Police) - in progress

#### **Universities (all Police Chiefs)**

- NC State University (2)
- UNC Asheville
- East Carolina University
- UNC Chapel Hill
- UNC School of the Arts
- UNC Pembroke (AVC for Public Safety)
- Fayetteville State University
- Elizabeth City State University
- Guilford Technical Community College

### **Promotional processes**

During this time, we have also run promotional processes for the following public safety agencies:

- City of Greenville Police Department
- Charlotte Mecklenburg Police Department
- Town of Apex Police Department
- City of Wilmington Police Department
- The City of Burlington Police Department
- City of Fayetteville Police Department
- The Winston Salem Fire Department
- City of Raleigh Fire Department
- The Town of Southern Pines Police Department
- UNC Chapel Hill Police Department
- NCSU Police Department
- The Town of Matthews Police Department
- Town of Zebulon Police Department
- Duke University Police Department
- City of Asheboro Police Department
- UNC Asheville Police Department
- UNC Wilmington Police Department

### **D. REFERENCES**

*We supply a full range of references. First, we list references on our work specifically in public safety, as follows:*

#### **REFERENCES FOR PUBLIC SAFETY SELECTION**

<b>City of Burlington</b> Hardin Watkins - City Manager (336) 222-5022 <a href="mailto:hwatkins@ci.burlington.nc.us">hwatkins@ci.burlington.nc.us</a> Jeff Smythe – Chief of Police (336) 229-3503 <a href="mailto:jsmythe@ci.burlington.nc.us">jsmythe@ci.burlington.nc.us</a> <i>The City of Burlington has used our services to hire the Chief of Police and conduct several promotional processes for the BPD</i>	<b>Town of Chapel Hill</b> Maurice Jones – Town Manager (919) 968-2743 <a href="mailto:mjones@townofchapelhill.org">mjones@townofchapelhill.org</a> Chris Blue- Chief of Police <a href="mailto:clblue@townofchapelhill.org">clblue@townofchapelhill.org</a> <i>The Town of Chapel Hill has used our services to promote the Chief of Police, hire the Fire Chief, and conduct several promotional processes for the CHPD. We also worked with the Town to hire Maurice Jones as Manager.</i>
<b>The City of Charlotte</b> Johnny Jennings Police Chief (704) 200-8916 <a href="mailto:jjennings@cmpd.org">jjennings@cmpd.org</a> <i>DA has helped Charlotte hire two Assistant City Managers, a Communications and a Finance Director. We have run promotional processes for the CMPD.</i>	<b>City of Durham</b> City Manager Tom Bonfield (919) 560-4222 <a href="mailto:Tom.Bonfield@durhamnc.gov">Tom.Bonfield@durhamnc.gov</a> <i>DA assisted Tom in hiring a the Chief of Police, Fire Chief, a Deputy Manager and Assistant Directors in Parks and Recreation.</i>

<p><b>City of Fayetteville</b>  Doug Hewett – City Manager  (910) 433-1819  <a href="mailto:dhewett@ci.fay.nc.us">dhewett@ci.fay.nc.us</a>  <i>DA assisted Fayetteville in hiring its Police Chief and Fire Chief (ongoing) and has run recent promotional processes for the FPD. Moreover, we have assisted the City in hiring a Human Relations Director and City Engineer.</i></p>	<p><b>Town of Garner</b>  Rodney Dickerson – Town Manager  (919) 772-4688  <i>The Town of Garner has used our services to hire the Chief of Police and several other department director positions. We have also conducted conduct several promotional processes for the GPD.</i></p>
<p><b>East Carolina University</b>  Bill Koch  Associate Vice Chancellor for Environmental Health and Public Safety  <a href="mailto:kochw@ecu.edu">kochw@ecu.edu</a>  (252) 328-6166  We helped Mr. Koch hire a Chief of Police in 2017. We have also run numerous promotional processes for the Department.</p>	<p><b>City of Danville, Virginia</b>  Manager Ken Larking  <a href="mailto:klarking@danvilleva.gov">klarking@danvilleva.gov</a>  (434) 799-5100  DA worked with Mr. Larking to hire a Chief of Police in 2017 and a Fire Chief in 2019</p>
<p><b>City of Statesboro, Georgia</b>  Manager Charles Penny  <a href="mailto:charles.penny@statesboroga.gov">charles.penny@statesboroga.gov</a>  (912) 764-0683  <i>DA worked with the City of Statesboro to hire a Chief of Police in 2016 and Mr. Penny in 2019.</i></p>	<p><b>City of Williamsburg, Virginia</b>  Manager Andrew Trivette  <a href="mailto:atrivette@williamsburgva.gov">atrivette@williamsburgva.gov</a>  (757) 220-6100  Mayor Paul Freiling  <a href="mailto:pfreiling@williamsburgva.gov">pfreiling@williamsburgva.gov</a>  (757) 220-6101  <i>DA partnered with Williamsburg to hire its City Manager and Chief of Police</i></p>
<p><b>City of Winston Salem</b>  Manager Lee Garrity  (336)747-7380  <a href="mailto:leeg@Cityofws.org">leeg@Cityofws.org</a>  <i>Winston Salem used our services to hire its Chief of Police and its Fire Chief.</i></p>	<p><b>City of Wilson</b>  Grant Goings – City Manager  (252) 205-0498  <a href="mailto:ggoings@wilsonnc.org">ggoings@wilsonnc.org</a>  Thomas Hopkins - Chief of Police  (252) 399-2323  <a href="mailto:thopkins@wilsonnc.org">thopkins@wilsonnc.org</a>  <i>The City of Wilson has used our services to hire the Chief of Police and Fire chief, and conduct several promotional processes for the WPD.</i></p>
<p><b>UNC Asheville</b>  Bill Haggard -Vice Chancellor for Student Affairs  (828) 251-6474a  <a href="mailto:bhaggard@unca.edu">bhaggard@unca.edu</a>  Eric Boyce – Chief of Police  <a href="mailto:Eboyce@unca.edu">Eboyce@unca.edu</a>  <i>DA partnered with Dr. Haggard to hire Chief Boyce and also to hire the Emergency Manager for UNC Asheville. We have also conducted promotional processes for the Police Department.</i></p>	<p><b>North Carolina State University</b>  Dave Rainer – Associate Vice Chancellor for Environmental Health and Public Safety  <a href="mailto:darainer@ncsu.edu">darainer@ncsu.edu</a>  (919) 515-4238  <i>We worked with Mr. Rainer to hire the NCSU Chief of Police and also the Associate Vice Chancellors for Human Resources and Facilities and Maintenance. We have also run many promotional processes for the Poiece Department.</i></p>



**John Dailey**  
Police Chief  
(919) 684-6571  
[John.dailey@duke.edu](mailto:John.dailey@duke.edu)

*We have worked with Chief Dailey on many promotional processes. We also ran the process when he was hired as Assistant Chief of Police at NC State University.*

**In addition to these references, we encourage you to contact any of our clients, below:**

- Durham County
- The City of Durham
- The City of Greensboro
- The City of Wilson
- UNC Charlotte
- Duke University
- NC State University
- East Carolina University
- RDU Airport Authority
- Go Triangle Transit Authority
- The Town of Morrisville
- The Town of Zebulon
- Onslow County
- Cumberland County
- The Town of Zebulon
- The Town of Chapel Hill
- The University of North Carolina at Chapel Hill
- The City of Fayetteville
- The Town of Mills River
- Transylvania County
- The City of Asheboro
- Fayetteville State University
- Charlotte-Douglass Airport Authority
- The City of Concord
- The City of Williamsburg, Virginia
- The City of Savannah, Georgia
- The City of Statesboro, Georgia
- The Town of Matthews
- The City of Newport News, Virginia
- The City of Danville, Virginia
- The City of Winston Salem
- The City of Wilmington





### ***The Values of Developmental Associates***

***We believe in the importance of governments and educational institutions as fundamental to an effective society.***

***Developmental Associates operates according to the following values:***

- Providing accurate and in-depth information by which clients can make informed decisions
- Working with organizations that are service based and mission driven
- Working as a partner with the organization and its key stakeholders
- Maintaining confidentiality in all our work - especially given the local government context
- Providing services that are both transparent to all participants and legally defensible
- Customizing our work to fit the organization's culture and the issues
- Establishing a reputation as fair, credible and trustworthy
- Using emotional intelligence concepts and research to ground our work

## **STATEMENT OF COMPLIANCE WITH FEDERAL AND STATE OF NC LAW**

Developmental Associates, LLC complies with all Federal laws and regulations of the United States as well as all State of North Carolina laws and regulations including safety regulations as specified by OSHA and the NC Department of Labor. It is the policy of Developmental Associates, LLC that no person on the basis of race, color, religion, national origin or ancestry, age, sex, marital status, handicap, or limited English proficiency shall be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subject to, discrimination in any form.

### Principals:

Stephen K. Straus, Ph.D.

Heather A. Lee, Ph.D.

Korrel Kanoy, Ph.D.

## **STEPHEN K. STRAUS, Ph.D.**

### **BUSINESS ADDRESS:**

8125 Kennebec Drive  
Chapel Hill, NC 27517  
e-mail: skstraus@developmentalassociates.com  
phone: (919) 812-0132

### **EDUCATION:**

Ph.D. in Political Science, December 1986

- Duke University, Durham, North Carolina

Masters in Public Administration, 1980

- The University of North Carolina at Chapel Hill, Chapel Hill, North Carolina
- Honors and Awards
  - Title IX Fellowship for Academic Excellence, 1980

B.S. in Economics, 1972

- The Wharton School of Business and Finance, Philadelphia, Pennsylvania

B.A. in Sociology, 1972

- The University of Pennsylvania, Philadelphia, Pennsylvania

### **PROFESSIONAL EXPERIENCE:**

**Founder and President** - Developmental Associates, LLC, Chapel Hill, NC (Client List Available on Request) - *Developmental Associates* is an organizational development company specializing in nonprofit, public and educational sectors (1991 to present):

*Projects include:*

- Executive recruitment and selection
- Emotional intelligence assessment
- 360 assesment and coaching
- Results Based strategic planning
- Goal setting retreats for boards, managers and staff
- Team building
- Executive coaching
- Organizational development
- Training needs analysis
- Selection and promotional systems
- Performance appraisal systems
- Organizational evaluation
- Customer service
- Total Quality Management
- Assessment centers and interview panels
- Outcome-Based Performance Management Systems

*Training with North Carolina state and local agencies, nonprofit organizations and private businesses (1991 to present)*

Courses include:

- Supervision
- Conflict management
- Leadership
- Role of the personnel department
- Interviewing and selection
- Training and development
- Board and manager relationships
- Applied Systems Management

### **FACULTY APPOINTMENTS**

*Masters of Public Administration Program, North Carolina State University, 1990 to present*

#### **Courses Taught:**

*Public Administration (PA 511):* Introductory course for graduate students in public administration, including lectures and experiential learning exercises in public management, organization theory, budgeting, personnel management, and administrative behavior.

*Problem Solving for Public and Not-for-Profit Managers (PA 535):* This course focuses on the unique environment that managers in public and not-for-profit organizations face. Based on this environment, managers need to develop appropriate problem solving skills that are distinctive from the private sector. The course teaches students how to apply this model both strategically and in day-to-day decision making.

*Team Building for Public Managers (PA 618):* Course based on experiential learning techniques including special projects with public agencies. Topics include group and organizational skills, such as action research, problem solving, decision making, conflict resolution, group development, and evaluation.

*Organizational Behavior (PA 617):* First half of course emphasizes management functions, such as problem solving, communications, leadership, motivation, and organizational change. Second half focuses on organizational systems and organizational trends in the public sector such as TQM, service excellence, and reinventing government.



*Faculty Member (1991 to present) and Administrator (1991-1993), Administrative Officers' Management Program, Sponsored by the Masters of Public Administration Program and Office of Continuing Education, North Carolina State University.*

- *Taught courses in Management Skills to law enforcement managers from across the Southeast United States*

*Director, North Carolina Legislative Internship Program, Sponsored by North Carolina State University, Raleigh, NC and the North Carolina General Assembly (7/96 to present)*

- *Publicized program throughout the state*
- *Developed and implemented statewide intern selection process*
- *Liaison with leaders of the General Assembly over internship issues*
- *Faculty supervisor of internships*
- *Facilitated internship class*

*Training Coordinator, Masters of Public Administration Program North Carolina State University, Raleigh, NC (7/91 to present). Coordinating or conducting training: for public and nonprofit managers on the following topics:*

- *Developmental Supervision*
- *Employee Selection and Promotion*
- *Total Quality Management for Public Managers*

*Extension Assistant Professor, Masters of Public Administration Program North Carolina State University, Raleigh, NC (7/91 to present).*

*Faculty of International City Managers Association (ICMA) University: (1992 and 2005 to present). Taught courses in New Hampshire, Tennessee, and North Carolina.*

*Developer and Administrator of the Assessment and Development Program for Local Government Management Excellence, Masters of Public Administration Program North Carolina State University, Raleigh, NC (7/92 to 7/97).*

- *Designed for local government managers, assistant managers and department heads*
  - *Assessment of each manager's skills*
  - *Workshops tailored to the specific needs of each manager*
  - *Skills-based workshops (behavioral modeling)*
  - *Application to the work place (work-based assignments)*

*Assistant Professor, Institute of Government, University of North Carolina, Chapel Hill, North Carolina (7/88 to 6/92).*

- Taught management courses to local government officials
- Consulted on management and personnel issues with State of North Carolina officials, and City and county managers
- Facilitated retreats with boards and managers and with managers and their staffs
- Conducted research on local government management practices

*Adjunct Professor, Department of Political Science and Public Administration, North Carolina State University, Raleigh, NC (9/83 to 7/88).*

- Taught Undergraduate classes in American Government and Public Administration
- Taught Masters of Public Administration Classes in Organizational Behavior and Organizational Design

*Graduate Instructor, Department of Political Science, Duke University, Durham, N.C. (9/81 to 7/84)*

- Teaching Assistant in American Government
- Teaching Assistant in International Relations
- Instructor in Public Administration

### **OTHER WORK EXPERIENCE**

*Account Manager, Management Improvement Corporation of America (Summer, 1981).*

- Consulted with several Fortune 500 companies in developing targeted jobs programs.

*Assistant City Manager, Southern Pines, North Carolina (1976-1980).*

- Executive responsibility for personnel, and finance administration and a variety of related duties.

*Research Coordinator, Asheville-Buncombe Community Relations Council, Asheville, North Carolina (1973-1976).*

- Researched social and economic conditions in the City and county relating to discrimination in housing and employment for minorities and women.

### **PUBLICATIONS:**

#### **Dissertation:**

*Public Organizational Effectiveness and Decision-Making: An Empirical Application of the Internal Systems Approach to North Carolina Municipal Personnel Departments.* Ann Arbor; University Microfilms International, 1986; 409 pages.

#### **Articles:**

James E. Swiss and Stephen K. Straus (2005). Implementing Results-Based Management in Local Government. *Popular Government*, 70(3), Spring-Summer.

Straus, Stephen (1993). Still Unresponsive After All These Years? The Intra-organizational Role of Public Personnel Departments, *Public Administration Quarterly*, 23(4), December, 385-402.

Straus, Stephen (1992). The Multiple Constituencies Activities and Standards Model (MCAS) for Evaluating Public Personnel Departments, *Review of Public Personnel Administration*, June, 55-70.



Straus, Stephen (1989). Decision Making in Personnel Departments, *Popular Government*, 55(2), Fall.

Straus, Stephen (1988). Selecting Employees Through Systematic Interviewing, *Popular Government*, 53(4), Spring.

Straus, Stephen (1987). Municipal Personnel Departments: Management Tool or Employee Advocate? *Popular Government*, 52(2), Fall.

Straus, Stephen (1980). Selecting Employees Through Job Sample Tests, *Popular Government*, 55(3), Winter.

**Co-authored book chapter:**

Straus, Stephen and Stewart, Debra (1994). Assuring Equal Employment Opportunity in the Organization with Debra Stewart in *The Handbook of Public Personnel Administration and Labor Relations*, Jack Rabin (editor).



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** John Buchanan

**Department:** Finance

**Date Submitted:** 8/23/20

**Presenter:**

**Title of Item:** Cash and Investment Report

**Nature of Item:** Presentation Only

**Council Meeting Date:** 9/3/20

### Summary of Information/Request:

**Item #** 11C

Investment Report/Management Summary:

As of June 30, 2020 the City's cash and investments consists of the following :

U.S. Treasuries	\$ 606,328.13
Municipal & NC:	\$ 784,793.10
Commercial Paper:	\$ 998,291.67
NCCMT( FCB Cash):	\$ 9,743,674.98
Central Depository:	\$ 4,952,521.82
Health&Welfare Acct:	\$ 50,338.02
NCCMT Term Acct:	\$ 505,137.49

Total \$17,641,085.21

Investment income for FY2020 is approximately \$307,958 for all funds a decrease of \$140,519 over the prior year. Market yields decreased throughout the year and ranged from 2 to 20 basis points by year end. The portfolio was mostly liquid by year end and will remain so until market conditions improve. The market outlook remains uncertain and will have a negative impact on investment earnings in FY2021.

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

### Suggested Motion:

**Attachments:**  
Investment detail.

CITY OF HENDERSONVILLE  
FIRST CITIZENS CUSTODIAN ACCOUNT

INVESTMENT REPORT

June 2020

Investment Name		Rating	Cusip	Price	Yield	Purchased Date	Issued Date	Maturity Date	Callabl	Cost Basis
<b>TREASURY AND FEDERAL AGENCIES</b>										
US Treasury Note	USTN		912828M80		1.65%	12/11/2019	12/11/2019	11/30/2022	NO	606,328.13
<b>TOTAL TREASURY AND FEDERAL AGENCIES</b>										<b>606,328.13</b>
<b>COMMERCIAL PAPER/CASH EQUIVALENT</b>										
Charlotte-Mecklenburg N C Hosp Auth Rev Taxable Disc Comp Paper			16085JG71	99.829		4/30/2020		7/4/2020		998,291.67
<b>TOTAL COMMERCIAL PAPER/ CASH EQUIVALENT</b>										<b>998,291.67</b>
<b>OTHER INVESTMENTS (MUNI/BABS/)</b>										
Gaston County	GCNC	Aaa AAA	367298XL5	118.014	1.05%	5/24/2016	5/24/2016	2/1/2021	No	784,793.10
<b>TOTAL OTHER INVESTMENTS (MUNI/BABS/)</b>										<b>784,793.10</b>
<b>Total Securities</b>										<b>2,389,412.90</b>
NC Capt Management	Cash									9,743,674.98
<b>Total Security - Cost Basis</b>										<b>12,133,087.88</b>

Portfolio Allocation - by Security Type

<b>DIRECT GOVERNMENT SECURITIES</b>	TRES	\$	-		4,060,964.46	0.00%
Fannie Mae	FNMA		-	0.00%		
Federal Home Loan bank	FHLB		-	0.00%		
Freddie Mac	FHLMC		-	0.00%		
Federal Farm Credit Bank	FFCB		-	0.00%		
US Treasury Note	USTN		606,328.13			
<b>Total GOVERNMENT AGENCIES</b>			<b>606,328.13</b>		<b>25.38%</b>	
Commercial Paper	JPMC	\$	998,291.67		41.78%	
<b>MUNI/OTHER</b>		\$	<b>784,793.10</b>		<b>32.84%</b>	
		\$	<b>2,389,412.90</b>		<b>100.00%</b>	

Portfolio Allocation - by Maturity Date:

2018	
2019	-
2020	998,291.67
2021	784,793.10
2022	\$ 606,328.13
	<b>\$2,389,412.90</b>



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** John Connet

**Department:** Admin

**Date Submitted:** 8/24/2020

**Presenter:** John Connet

**Title of Item:** Closed Session

**Nature of Item:** Council Action

**Council Meeting Date:** 9/3/2020

### Summary of Information/Request:

**Item #** 12

The City Manager requests a closed session to establish, or to instruct the public body's staff concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease per North Carolina General Statute 143-318.11(a) (5).

**Budget Impact:** \$ 30,000 Is this expenditure approved in the current fiscal year budget?  If no, describe how it will be funded.

### Suggested Motion:

I hereby move that the City Council enter closed session to establish, or to instruct the public body's staff concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease per North Carolina General Statute 143-318.11(a) (5).

**Attachments:**

None