Agenda

City of Hendersonville City Council

Regular Session Meeting | November 5, 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.*

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. September 23, 2020, Second Monthly Meeting
      ii. October 1, 2020, Regular Session

   B. **Budget Amendments FY21-** *Presenter: Adam Murr, Budget Analyst*

   C. **Resolution Accepting State Revolving Fund Loan – Ashe St. Neighborhood & 4th Ave. Sewer Replacement Project -***Presenter: Lee Smith, Utilities Director*

   D. **Resolution Accepting Drinking Water State Reserve Program for Ashe St. Neighborhood & 4th Ave. Water Replacement Project -** *Presenter: Lee Smith, Utilities Director*

   E. **Resolution Accepting Clerks Certificate of Sufficiency-Landings of Flat Rock Satellite Annexation of 8.449 Acres PIN 9588-12-7382 and Setting Public Hearing-** *Presenter: Tyler Morrow, Planner*

   F. **Proposed Acceptance of Negotiated Offer to Purchase a +/- 0.14-acre parcel, shown on Plat Slide 4094 of the Henderson County Registry for $1,500.00 -** *Presenter: Angela S. Beeker, City Attorney*

   G. **Resolution Authorizing the City Manager to Exempt, Award, Enter into Contracts for Architectural, Engineering, and Surveying Services from Requirements of NC G.S. 143-65.31 (Mini-Brooks Act) -** *Presenter: John F. Connet, City Manager*

   H. **Resolution Authorizing City Manager to Enter into an Engineering Services Agreement with Jennings Environmental for the North Fork Reservoir Dredging Project -** *Presenter: Lee Smith, Utilities Director*

   I. **Acceptance of HAC's Dedication of Right-of-Way for Strick Garden Lane to Include into Street Maintenance Program -** *Presenter: Tom Wooten, Public Works Director*

J. **Resolution Authorizing the City Manager to Enter into a Stormwater Asset & Inventory Assessment Project Contract with Withers Ravenel, Inc. -Phase I -** *Presenter: Michael Huffman, Stormwater Administrator*

K. **Special Event Approval- An Evening of Remembrance -** *Presenter: Lew Holloway, Community Development Department*

L. **Special Event Approval- Tree of Lights -** *Presenter: Lew Holloway, Community Development Department*

M. **Special Event Approval- Turkey Trot 5K Race -** *Presenter: Lew Holloway, Community Development Department*

N. **Senior Accountant Position Approval - -** *Presenter: John Buchanan, Finance Director*

ADD O. **Tax Releases, Discoveries and Refunds** - *Presenter: Jennifer Musselwhite, Revenue Supervisor*

6. **PRESENTATIONS**

A. **Homeless Youth Awareness Proclamation -** *Presenter: Barbara G. Volk, City of Hendersonville Mayor*

B. **Employee Recognition -** *Presenter: Jeff Miller, Council Member*

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

D. **Update on RAD Conversion by Hendersonville Housing Authority -** *Presenter: Diana Brow*

ADD E. **Utility Assessment Policy -** *Presenter: Drew Finley, Lead for NC Fellow*

7. **PUBLIC HEARINGS- None**

8. **UNFINISHED BUSINESS**

A. **LED Streetlight Comparison -** *Presenter: Tom Wooten, Public Works Director*

9. **NEW BUSINESS**

A. **Girl Scouts Silver Award Project Approval -** *Presenter: Michael Huffman, Engineering*

B. **City Council Meeting Format, Public Comment Policy Approval -** *Presenter: John F. Connet, City Manager*

C. **Hebron Pressure Zone Water Improvements Bid Award** *Presenter: Lee Smith, Utilities Director*

D. **Request for Approval – Police Department Headquarters Project Purchases -** *Presenter: Tracey Cox, Captain*

10. **CITY COUNCIL COMMENTS**

11. CITY MANAGER REPORT - *John F. Connet, City Manager*

A. Quarterly Cash & Investment Update - *Presenter: John Buchanan, Finance*

12. CLOSED SESSION

A. Closed Session as permitted in NC General Statute § 143-318.11(a)(3) and (5) to consult with an attorney employed by the public body in order to preserve the attorney-client privilege between the attorney and the public body and to discuss a potential settlement agreement associated with Cordova vs. City of Hendersonville, 19 CVS 1360, Henderson County Superior Court, and 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.

13. ADJOURN

MINUTES

September 23, 2020

SPECIAL CALL MEETING OF THE CITY COUNCIL

ASSEMBLY ROOM – OPERATIONS CENTER | 305 WILLIAMS ST. 4:00 p.m.

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

Staff Present: City Manager John F. Connet, City Attorney Sam Fritschner, Angela Beeker, Assistant City Manager Brian Pahle, City Clerk Angela Reece, Communications Manager Allison Nock, Interim Chief of Police Bill Hollingsed

Mayor Volk called the regular meeting to order at 4:00 p.m. and welcomed those in attendance. A quorum was established with five members in attendance.

1. Call to Order

Mayor Volk called the regular meeting to order at 4:00 p.m. and welcomed those in attendance. A quorum was established with five members in attendance.

2. Consideration of Agenda

Council Member Jeff Miller moved that City Council approve the agenda as presented. A unanimous vote of the Council followed. Motion carried.

3. Presentations

A. Financial Management in Municipal Government - *Presenter: Bill Rivenbark, UNC SoG*

Assistant City Manager Brian Pahle introduced Dr. William C. Rivenbark, Professor UNC School of Government who presented a brief presentation on financial management in municipal government to the City Council. A copy of this presentation is available in the City Clerk's office and on the City's YouTube channel for viewing.

Dr. Rivenbark discussed the Local Budget and Fiscal Control Act (Act), including the budget ordinance requirement and the role of fund balance reminding everyone that North Carolina falls under requirements imposed by the Local Government Budget & Fiscal Control Act. Dr. Rivenbark stated the City Manager is the budget officer due to the form of government that is adopted in the City of Hendersonville and stressed the statutory importance of adopting a balanced budget ordinance by July 1st of each year.

Dr. Rivenbark discussed estimated net revenues with the addition of appropriated fund balance stating all municipalities must follow a formula to determine appropriations and said utilizing cash reserves to balance the budget is permissible but should not be used to avoid a tax increase. Dr. Rivenbark stated it is recommended that council members understand the mechanics of major revenue sources and receive periodic updates on budget-to-actual variances, especially property and sales taxes. Dr. Rivenbark went on to explain that municipal revenue sources are not consistent month to month which is why municipalities must have enough cash reserves to operate throughout the fiscal year.

Dr. Rivenbark discussed the importance of the Local Government Commission (LGC) reminding everyone that North Carolina is the only state in the country that has this type of oversight through the State Treasurers Office. The LGC recommends municipal fund balance to be a minimum of at least 8% but encourages municipalities to evaluate their need based on their size, and to establish a fund balance policy. The City of Hendersonville's policy establishes a minimum goal of 50% of the City's population group average percent available fund balance. Dr. Rivenbark commended City Council for having a fund balance policy in place and said it is the most critical financial indicator and is relied upon very heavily by the LGC and bond agencies when issuing debt.

Dr. Rivenbark discussed the requirements of financial reporting and the annual audit as required by the Fiscal Control Act stating audits should be performed by an independent CPA and completed by October 31st to avoid potentially receiving a Unit Assistance Letter from LGC. Dr. Rivenbark stressed that a

clean audit opinion means that the unit is complying with general accounting principles (GAP) and stressed that is does not mean the unit is in good financial condition. Dr. Rivenbark stressed the importance for elected officials and administrators to analyze the financial statements to determine the financial condition of the organization.

Dr. Rivenbark discussed the North Carolina Financial Condition Analysis and said the main reason that local governments end up on the assistance list is mainly due to the water and sewer infrastructure quick ratio. The quick ratio, cash and investments divided by current liabilities, is used to analyze the dimension of resource stock. Dr. Rivenbark stated other reasons a unit may end up on the assistance list are due to internal control issues triggering a late audit and fund balance deficiencies.

City Manager John Connet stated he wanted to share this information after the City's budget was adopted and before the financial statements come back to make Council aware the North Carolina County and Municipal Financial Information dashboards are available to them by visiting: https://lgreports.nctreasurer.com/LGCFinancial/ . Manager Connet stated the City expectedly spent down the fund balance due to the large amount of capital projects needing to begin. Manager Connet recalled conversations with Council regarding the water rate study and said the recommendations were necessary to continue to balance water capital projects and operating costs to ensure financial stability. Manager Connet stated the fund balance has increased through the revaluation revenue neutral rate which will position the City to offset the match for the SAFER Grant and allow for capital projects to continue as planned. Manager Connet stated the rate model is built to match capital project needs.

Dr. Rivenbark stated overall the City is in great financial shape but more work in the water and sewer fund is necessary.

4. Discussion

A. Diversity Initiatives / New Staff Position - *Presenter: John Connet, City Manager*

City Manager John Connet recalled conversations at the August 26, 2020 City Council Workshop regarding the creation of a position to focus on diversity and inclusion. Manager Connet offered the following recommendation based on staff's belief that there is not enough work for a full-time employee to solely focus on diversity and inclusion:

1. Create a new Human Resource Coordinator position that will focus on diversity/inclusion, employee recruitment and retention and other general HR duties.

2. Engage a WCU MPA student to research diversity and inclusion programs that have been implemented by in other communities.

Manager Connet stated he has been in touch with an MPA student who is willing to look at other municipalities in NC to build data sets to see what a successful diversity and inclusion program could look like. Manager Connet clarified the conclusion of the Capstone project would coincide with hiring a person to fulfil the position. Council Member Jerry Smith stated he feels it is very important to develop a list of duties and expectations. Council Member Dr. Jennifer Hensley stated she would like to hold off on hiring a position until more information is presented and said she would like to see evaluation of programs and services before an immediate decision is made. Council Member Hensley inquired if HR needed another position and Manager Connet stated there would have been an anticipation of this request in the next budget. Council Member Lyndsey Simpson clarified the data would be available in December with the conclusion of the MPA student's capstone project. Council Member Jeff Miller stated he is happy to have a student working on this project but would like additional information and see if there are other resources available to assist in the process. Council Member Jeff Miller stated he would prefer this position to work with a diversity and inclusion advisory committee. Council Member Jerry Smith concurred. Council members conceded they would like to have measurable outcomes and clear job description for what this position would entail before a decision is made. Manager Connet stated staff is comfortable with taking as much time as necessary to ensure Council has adequate information available.

B. Public Comment Policy Discussion- *Presenter: John Connet, City Manager*

City Manager John Connet stated he has been meeting with staff weekly to discuss how public comments are being managed. Manager Connet stated staff have proposed a policy to manage public comments which also includes security elements to protect the City's computer networks and ground

rules to ensure meetings run efficiently and that Council receives comments in a simple format that is easy to digest. Manager Connet stated the proposed policy continues public comment periods as are currently in place but would disallow digital presentations during this period. Manager Connet stated a citizen may request to be placed on the agenda as an item for discussion if they desire to present to the Council. Manager Connet stated digital materials would be allowed during the public hearing by sending them in advance through the City's website or to the Clerk in order for them to be compiled for Council. Manager Connet clarified that no thumb drives or links to media would be accepted under this policy to avoid a potential ransomware attack on the City's computer networks. Manager Connet also clarified that digital media would be limited to five photographs or one 90 second video per comment due to retention and storage space on City servers as well as to facilitate efficiency of the meeting. Manager Connet stated the policy ensures control of the meetings lies with city staff. Manager Connet stated the City Clerk has developed a brochure that would coincide with the policy that could be easily available at the meeting and on the City's website. Manager Connet stated staff is seeking feedback from Council before this item is placed on the agenda for consideration.

Council Member Lyndsey Simpson stated she feels a policy would accent current practices and make it easy for citizens to understand what is expected when they come to a City Council meeting. Council Member Jerry Smith expressed concerns with having a 48-hour window to submit digital materials for public hearing comments. City Attorney Angie Beeker reminded everyone that public hearing notice is given at least ten days in advance of a public hearing. Council Member Jerry Smith clarified citizens may bring in paper copies of photos and materials to provide for their comments the day of the meeting.

Being no further discussion, the meeting adjourned at 5:34 p.m. upon unanimous assent of the Council.

_____
Barbara G. Volk, Mayor

ATTEST:

_____
Angela L. Reece, City Clerk

Agenda

MINUTES

October 1, 2020

REGULAR MEETING OF THE CITY COUNCIL

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

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

Staff Present: City Manager John F. Connet, City Attorney Angela Beeker, Assistant City Manager Brian Pahle, City Clerk Angela Reece, Communications Manager Allison Nock, Interim Police Chief Bill Hollingsed, Community Development Director Lew Holloway, and Planner Tyler Morrow

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 all members in attendance.

2. Invocation and Pledge of Allegiance to the Flag

The City Council observed a moment of silence for prayer or reflection 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.*

The Mayor acknowledged written comments had been received by City Council. There were no additional public comments made during the meeting.

4. Consideration of Agenda

City Manager John Connet requested to remove Item 9C, City Council Meeting Format, Public Comment Policy.

Council Member Jeff Miller moved to approve the agenda as amended removing Item 9C, City Council Meeting Format, Public Comment Policy. A unanimous vote of the Council followed. Motion carried.

5. Consent Agenda

A. Adoption of City Council Minutes
- i. August 26, 2020 Special Call
- ii. September 3, 2020 Regular Session

B. Budget Amendments FY21- *Presenter: Adam Murr, Budget Analyst*

C. Resolution of Support for Henderson County CDBG Application- *Presenter: John F. Connet, City Manager*

Resolution #20-0573

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL SUPPORTING HENDERSON COUNTY'S CDBG-CV APPLICATION FOR THE PROVISION OF HOUSING OR UTILITY PAYMENT ASSISTANCE

WHEREAS, the Coronavirus epidemic has had a tremendous impact on the citizens of Hendersonville and Henderson County and has resulted in numerous business closing or layoffs: and

WHEREAS, these business closing and layoffs have resulted in the Henderson County unemployment rate exceeding thirteen percent (13%) in the months of May and June and currently exceeding seven percent (7%); and

WHEREAS, the loss of employment has resulted in large numbers of individuals and families losing the ability to pay mortgages, rents and utility bills; and

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WHEREAS, the City of Hendersonville Utility Department currently has 2,263 customers who are delinquent on their utility accounts; and

WHEREAS, The U.S Department of Housing and Urban Development have created a Community Development Block Grant Program to support the high risk and vulnerable families who have been impacted by the Coronavirus epidemic; and

WHEREAS, Henderson County has offered staff support and resources to prepare and administer a grant application on behalf of Henderson County and its municipalities.

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

1. The City Council offers the full support of the City of Hendersonville to Henderson County in the submission of this CDGB-CV Application for the provision of housing or utility payment assistance.
2. If awarded, the City Council supports accepting the CDBG-CV funding up to $900,000 to fund housing and utility payment programs for low to moderate income homeowners in Henderson County.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of October 2020.

/s/Barbara G. Volk, Mayor
Attest: /s/Angela L. Reece, City Clerk

D. Convergence Master Planning Services Proposal & Agreement (Main, Church, King)- *Presenter: Lew Holloway, Community Development Department*

Resolution #20-0574

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE PROPOSAL FOR MAIN, CHURCH, AND KING STREETS CONVERGENCE MASTER-PLANNING SERVICES WITH KIMLEY HORN

WHEREAS, master-planning services are required for the Main, Church and King Street Convergence Project 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; and

WHEREAS, a proposed draft Agreement with Kimley Horn and Associates, Inc., a North Carolina corporation ("Kimley Horn"), has been presented to the City Council to outline the terms and conditions under which Kimley Horn., proposes to provide the required services (attached hereto and incorporated by reference);

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

1. The Agreement dated August 24, 2020 received from Kimley Horn, to provide master-planning services required for the Main, Church and King Street Convergence Project, 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 ("Agreement");
2. The Agreement is exempted from the requirements of the Mini-Brooks Act, NCGS § 143-64.31.
3. The City Manager is authorized to sign the attached draft Agreement with such changes as are reasonable after consulting with the City Attorney.
4. The City Manager, City Attorney, City Clerk, and City staff are authorized to take such actions are as necessary to carry out the City's obligations under the terms of the Agreement as signed by the City Manager.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of October 2020.

/s/Barbara G. Volk, Mayor
Attest: /s/Angela L. Reece, City Clerk

The Master Planning Services Agreement with Kimley Horn is not made part of these minutes but is available upon request.

E. Half-Way Tree Agreement Contract & Resolution *Presenter: John F. Connet, City Manager*

Resolution #20-0575

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE UTILITY AND EXTENSION REIMBURSEMENT AGREEMENT WITH HALF WAY TREE, LLC

WHEREAS, Half Way Tree, LLC, a North Carolina limited liability company, hereinafter "Half Way Tree," is the owner of owner of that tract of real property located in the unincorporated area of Henderson County consisting of +/- 18.02 acres, and being more particularly described in that deed into MVF Half Way Tree, LLC, recorded in Deed Book 3489 at Page 553 of the Henderson County Registry, having a REID of 114871, hereinafter the "Property;" and

WHEREAS, Half Way Tree operates Half Way Tree Manufactured Home Park on the Property, having +/- 118 manufactured homes therein, all served by septic tanks, the Manufactured Home Park being hereinafter referred to as the "Park;" and

WHEREAS, due to environmental concerns and failing septic tanks within the Park, Half Way Tree applied for a sewer extension permit from the City in order to provide City sewer collection and treatment to the Property and the Park; and

WHEREAS, a City sanitary sewer main exists and runs along Erkwood Drive in the vicinity of the Property. Half Way Tree applied for a permit to construct a gravity sewer extension that would provide sewer service to the Property and connect into the Erkwood Drive sewer main; and

WHEREAS, In order to construct the Extension, the acquisition of sewer easements to be titled in the name of the City was required, Half Way Tree requested the assistance of the City in order to acquire the following easements and the City has agreed provided that Half Way Tree reimburse the City all of its acquisition costs; and

WHEREAS, a proposed agreement has been presented to the City Council to outline the terms and conditions under which the sewer extension would be permitted, and the City's assistance with easement acquisition would be provided;

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

1. The Utility Extension and Reimbursement Agreement, a draft of which is attached to this Resolution, is approved.
2. The City Manager is authorized to sign the attached draft Agreement with such changes as are reasonable after consulting with the City Attorney, provided such changes do not impose financial obligations on the City that would not be fully reimbursed by Half Way Tree.
3. The City Manager, City Attorney, City Clerk, and City staff are authorized to take such actions are as necessary to carry out the City's obligations under the terms of the Agreement as signed by the City Manager.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of October 2020.

/s/Barbara G. Volk, Mayor
Attest: /s/Angela L. Reece, City Clerk

The Utility Extension and Reimbursement Agreement is not made part of these minutes but is available upon request.

F. Special Event Approval- Black Bear Half Marathon - *Presenter: Lew Holloway, Community Development Department*

G. Heritage Tree Application – 309 Chadwick Avenue *Presenter: Tom Wooten, Public Works Director*

H. CARES Funding Interlocal Agreement - *Presenter: Brian Pahle, Assistant City Manager*

Resolution #20-0576

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE AN INTERLOCAL AGREEMENT WITH HENDERSON COUNTY FOR CARES ACT FUNDING

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) established the Coronavirus Relief Fund (CRF); and

WHEREAS, the State of North Carolina received approximately $4.067 billion in CRF funds, including approximately $481,000,000, which the U.S. Treasury sent directly to four local governments in the State; and

WHEREAS, S.L. 2020-80 allocates $300 million of the State of North Carolina's CRF allocation to counties ineligible to receive direct funding from the federal CRF; and

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WHEREAS, S.L. 2020-80 directs the recipient county to allocate at least 25 percent of the funds for use by municipalities within the County for necessary expenditures incurred due to the public health emergency as required by section 601(d) of the Social Security Act, as amended by the CARES Act; and

WHEREAS, the Henderson County's ("County") CRF allocation is $4,439,236, and of that amount, the municipal governments within the County will share $1,109,809; and

WHEREAS, the City of Hendersonville's ("City") CRF allocation (to be used as reimbursement for qualifying expenditures) is $597,013; and

WHEREAS, the City submitted a plan to the County for use of the City's CRF allocation; and

WHEREAS, the attached interlocal agreement sets for the City's and County's respective obligations with respect to the CRF funding;

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

1. The proposed Interlocal Agreement Between the County of Henderson And the City of Hendersonville For Management of Funds from the Coronavirus Relief Fund (CRF) Established by the Coronavirus Aid, Relief, and Economic Security (CARES) Act ("Interlocal Agreement"), as presented to City Council is hereby approved.
2. The City Manager is authorized to sign the Interlocal Agreement and to approve modifications to the Interlocal Agreement after consultation with the City Attorney, provided such modifications do not impose financial obligations of the City above those provided in the Agreement as presented. The City Manager and City staff are hereby authorized to take such actions as are necessary to carry out the City's obligations under the Interlocal Agreement as signed by the City Manager.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of October 2020.

/s/Barbara G. Volk, Mayor
Attest: /s/Angela L. Reece, City Clerk

The Interlocal Agreement with Henderson County for CARES Act funding is not made part of these minutes but is available upon request.

I. Municode Software Upgrade - *Presenter: John F. Connet, City Manager*

Resolution #20-0577

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE MUNICIPAL CODE COOPRORATION SOFTWARE UPGRADES

WHEREAS, the City of Hendersonville currently utilizes Municipal Code Corporation Software for codification of the Code of Ordinances; and

WHEREAS, the City of Hendersonville is committed to providing quality, efficient services to all citizens, visitors, and businesses through open communication, timely responses, and quality results; and

WHEREAS, software upgrades would streamline the meeting and agenda management process and allow citizens and staff to have access to the most current ordinances, agendas, minutes; and

WHEREAS, a proposal from Municipal Code Corporation has been presented to the City Council to outline the terms and conditions under which Municipal Code Corporation proposes to provide the required services;

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

1. The proposal dated September 21, 2020 received from Municipal Code Corporation is approved for the following services:

    a. Municode Meetings Annual Subscription, $4,800 per year
    b. Portal, $1,000 per year
    c. Email notifications (on demand + weekly digest-for Citizens), $600 per year
    d. MuniDocs, $350 per year
    e. MyMunicode (bundled pricing includes MunicodeNext, OrdBank,CodeBank, CodeBank Compare, eNotify, MuniPRO, and Banner), $995 per year

2. The City Manager is authorized to sign the attached draft Agreement with such changes as are reasonable after consulting with the City Attorney.
3. The City Manager, City Attorney, City Clerk, and City staff are authorized to take such actions are as necessary to carry out the City's obligations under the terms of the Agreement as signed by the City Manager.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of October 2020.

/s/Barbara G. Volk, Mayor
Attest: /s/Angela L. Reece, City Clerk

The Municipal Code Software Agreement is not made part of these minutes but is available upon request.

J. Proposal for Additional Environmental Work- Church St. Parking Deck (S&ME) - *Presenter: John F. Connet, City Manager*

Resolution #20-0578

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE PROPOSAL FOR ADDITIONAL SUPPORT SERVICES AND ASBESTOS ASSESSMENT FOR THE CHURCH STREET PARKING DECK WITH S&ME, INC.

WHEREAS, additional support services and asbestos assessment services are needed for properties purchased for the Church Street Parking Deck; and

WHEREAS, a proposal from S&ME, Inc., has been presented to the City Council to outline the terms and conditions under which the S&ME, Inc., proposes to provide the required services;

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

1. The proposal dated September 21, 2020 received from S&ME, Inc., to provide additional support services and asbestos assessment services for the Church Street Parking Deck Project is approved.
2. The S&ME, Inc., proposal is exempted from the requirements of the Mini-Brooks Act, NCGS § 143-64.31.
3. The City Manager is authorized to sign the attached draft Agreement with such changes as are reasonable after consulting with the City Attorney.
4. The City Manager, City Attorney, City Clerk, and City staff are authorized to take such actions are as necessary to carry out the City's obligations under the terms of the Agreement as signed by the City Manager.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of October 2020.

/s/Barbara G. Volk, Mayor
Attest: /s/Angela L. Reece, City Clerk

The S&Me Inc. Proposal for asbestos assessment is not made part of these minutes but is available upon request.

K. Resolution Accepting Drinking Water State Revolving Fund Loan for French Broad River Raw Water Intake & Pump Station Project - *Presenter: Lee Smith, Utilities Director*

Resolution #20-0579

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO RATIFY AN OFFER AND ACCEPTANCE OF A FEDERAL DWSRF LOAN

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

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Revolving Loan in the amount of $14,124,000.00 for construction of Installation of New 21-MGD Intake and 12-MGD Raw Water Pump Station on the French Broad River; and

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

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

1. The City of Hendersonville does hereby accept the Drinking Water State Revolving Fund Loan offer in the amount of $14,124,000.00; and
2. The City of Hendersonville does hereby give assurance to the North Carolina Department of Environmental Quality that they will adhere to all applicable items specified in the standard "Conditions" and "Assurances" of the Department's funding offer, awarded in the form of a Drinking Water State Revolving Fund Loan;
3. And that John F. Connet, City Manager, and successors so titled, is hereby authorized and directed to furnish such information, as the appropriate State agency may request, in connection with such application or the Project; to make the Assurances as contained above; and to execute such other documents as may be required in connection with the application; and
4. The City of Hendersonville has complied substantially or will comply substantially with all Federal, State and local laws, rules, regulations, and ordinances applicable to the Project, and to Federal and State grants and loans pertaining thereto.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of October 2020.

/s/Barbara G. Volk, Mayor
Attest: /s/Angela L. Reece, City Clerk

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. Representative Chuck McGrady

Representative Chuck McGrady addressed City Council indicating he resigned his position on Monday, September 28th and said he has accepted a position on the NCDOT Board. Mr. McGrady extended thanks and appreciation to the City Council and citizens of Hendersonville and said he was proud of the accomplishments he was able to make with the support of Hendersonville residents and City Council. Mr. McGrady pledged as a NCDOT Board member, that he will advocate for WNC and Henderson County. Mr. McGrady stated he is very happy with the City and commended City Manager John Connet for recognizing financial impacts of COVID and working to mitigate them quickly. Mr. McGrady stated he feels the City Council has their priorities straight and said he was looking forward to enjoying more greenways. Mr. McGrady discussed the importance of smart growth and said it is critical to figure out how to grow and change to remain prosperous while maintaining character. Mayor Volk and City Council Members congratulated Mr. McGrady and extended best wishes in his new position.

B. Colonial History Month Proclamation- *Presenter: Barbara G. Volk, City of Hendersonville Mayor*

Mayor Barbara G. Volk proclaimed the month of October as Colonial History Month in the City of Hendersonville and urged all citizens to recognize the contributions of our Veterans and encouraged its observance.

C. Parks & Recreation Presentation- *Presenter: Hunter Jones*

Mr. Hunter Jones of Jones of 600 Hebron Rd. Hendersonville addressed City Council requesting consideration for additional recreational opportunities and upgrades to all City parks. Mr. Jones stated he conducted a survey on Facebook and had 20 respondents with 13 being City residents. Mr. Jones stated respondents indicated preferences for additional amenities, safety, and activities and noted that one quarter of respondents indicated they did not use City Parks.

D. Safety Award Recognition- *Presenter: John F. Connet, City Manager*

City Manager John Connet stated the City Council has made significant investment in the City's safety program and extended thanks and appreciation to Lu Ann Welter for the effort she has put into creating and managing the City's safety program. Manager Connet stated the City's Public Works and Fire Departments have received safety awards from the NC Department of Labor. Manager Connet expressed thanks and appreciation to Public Works Director, Tom Wooten and Fire Chief D. James Miller for their efforts to ensure staff are safe. Manager Connet said safety is something we are focusing on in our organization and said the most important thing we do is to send everyone home safe.

Agenda

7. Public Hearings

A. Contiguous Annexation Ordinance -Group Ventures LLC (PIN 9579-29-2872) - *Presenter: Lew Holloway, Community Development Department Director*

Community Development Director Lew Holloway stated 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 and recalled acceptance of the Clerk's Certificate of Sufficiency at their September 3rd, 2020 meeting and recommendation of a public hearing for the October 1st, 2020 City Council meeting.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General Statutes.

The Public Hearing was opened at 6:25 p.m.

There were no public comments.

The Public hearing was closed at 6:26 p.m. There was no discussion by City Council.

Council Member Jerry Smith moved that City Council adopt the ordinance annexing the property included in the petition from Group Ventures LLC effective October 1, 2020. A unanimous vote of the Council followed. Motion carried.

Ordinance #20-0580

AN ORDINANCE BY THE CITY OF HENDERSONVILLE CITY COUNCILTO 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 by Group Ventures LLC. 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 October 1st, 2020, after due notice by publication on September 20, 2020 and September 27, 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 October 1st, 2020:

METES AND BOUNDS DESCRIPTION

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

Agenda

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

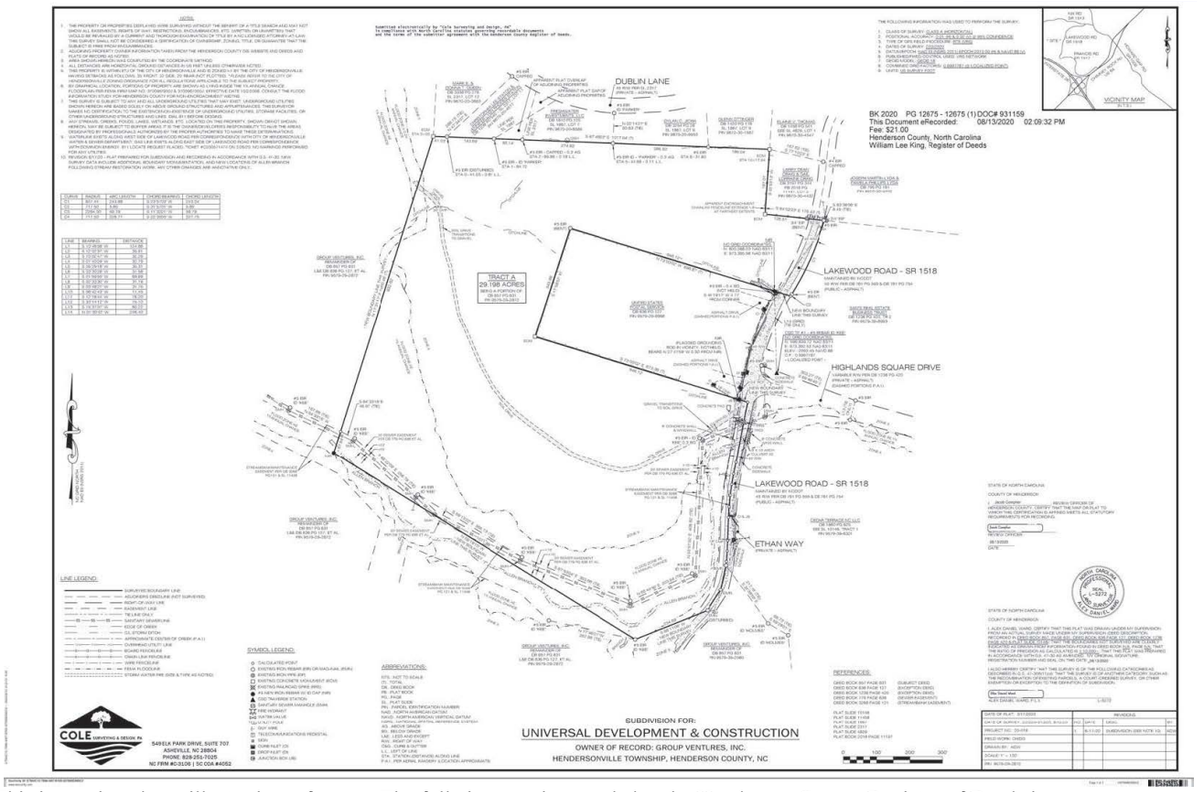
TRACT 2; THENCE ALONG WITH THE SAMS REAL ESTATE BUSINESS TRUST PROPERTY AND EAST MARGIN OF THE RIGHT OF WAY OF LAKEWOOD ROAD THE FOLLOWING TWO CALLS: WITH A CURVE TURNING TO THE RIGHT, WITH AN ARC LENGTH OF 243.88', WITH A RADIUS OF 847.44', WITH A CHORD BEARING OF S 23°57'03" W, WITH A CHORD LENGTH 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

Section 2. Upon and after October 1, 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 Council of the City of Hendersonville, North Carolina on this 1st day of October 2020.

/s/Barbara G. Volk, Mayor
Attest: /s/Angela L. Reece, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney



This image is only an illustrative reference. The full-size map is recorded at the Henderson County Register of Deeds in Book 2020, Page 12675.

B. Zoning Map Amendment -Parking Deck Project (PIN#'s 9568-78-5480, 9568-78-5391, and 9568-78-6365) - *Presenter: Tyler Morrow, Planner I*

Tyler Morrow, Planner addressed City Council stating the City of Hendersonville has received a Conditional Rezoning application from the City of Hendersonville for the development of a four-level parking deck on 0.66 acres. The subject project is located at the intersection of 5th Ave W. and Church Street, and is identified by parcel numbers 9568-78-5480, 9568-78-5391, and 9568-78-6365. The applicant is requesting to rezone the subject property from C-1, Central Business to C-1 CZD, Central Business Conditional Zoning District.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General Statutes.

The Public Hearing was opened at 6:32 p.m.

Lynne Williams of 309 Chadwick Avenue addressed City Council in opposition of the parking deck project requesting a delay to gather more information on the need.

Ken Fitch of 1046 Patton St. addressed City Council in opposition of the parking deck project citing imposition of fees for usage as being a barrier as well as citing concerns of not having a full time attendant as well as stormwater infrastructure concerns. Written comments in support of the parking deck project as an asset to the downtown businesses were submitted by Ken Butcher and by Marshall Kanner of 443 North Main St.

City Manager John Conned clarified the parking deck fee has not been finalized and recalled City Council expressing preference to keep the fee below $2. Manager Connet stated the fee for the parking deck would be more economical than on street parking and stated staff will present a cost analysis to the Council at their November meeting for their consideration.

The public hearing was closed at 6:51 p.m.

Council Member Dr. Jennifer Hensley 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 C-1 Central Business to C-1 CZD, Central 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 constructing and building a parking deck for the City of Hendersonville.

A unanimous vote of the Council followed. Motion carried.

Ordinance #20-0581

AN ORDINANCE BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR THE PARKING DECK PROJECT BY CHANGING THE ZONING DESIGNATION FROM C-1, CENTRAL BUSINESS TO C-1 CZD CENTRAL BUSINESS CONDITIONAL ZONING DISTRICT FOR PARCEL NUMBERS 9568-78-5480, 9568-78-5391, and 9568-78-6365

WHEREAS, the City Council of the City of Hendersonville, North Carolina, has been petitioned under G.S. 160A-364 to amend the official zoning map; and

WHEREAS, the City Council has authority under G.S. 160A article 19 to adopt zoning and development regulation ordinances for the purpose of promoting health, safety, morals, or the general welfare of the community;

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

1. Parcel numbers 9568-78-5480, 9568-78-5391, and 9568-78-6365 from C-1, Central Business to C-1 CZD, Central Business Conditional Zoning District.
2. The site plan as submitted by the applicant is approved. Development of the subject parcel shall occur in accordance with the site plan and rezoning and shall be subject to the site limitations and conditions stipulated on the List of Uses and Conditions.

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of October 2020.

/s/Barbara G. Volk, Mayor
Attest: /s/Angela L. Reece, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

This image is only an illustrative reference. As outlined in the City's Zoning Ordinance Section 4-2, District Boundaries, the full-size digital map is available on the City's website or by contacting the Community Development Director.

8. Unfinished Business

Agenda

A. 303 Chadwick Avenue Conditional Rezoning *(PIN 9568-93-6593)* - *Presenter: Lew Holloway, Community Development Department Director*

Community Development Director Lew Holloway recalled previous discussions, presentation, and site plans regarding this request. Stated Mr. Noble has submitted a revised site plan on September 18, 2020 which includes a reduction of total proposed units to three (3), increased building footprints to 1,500 square feet each, lot size increased to 10,225 square feet each, a proposed vegetative buffer or 8' privacy fence along the south-east, east and northeast edges of the parcels, and a proposed ditch between lots 2 and 3.

Mike Huffman, Stormwater Administrator addressed Council clarifying the quadrangle USGS map does not show a blue line stream located on this property and said therefore the buffer requirement does not apply to this site. Mr. Huffman discussed stormwater runoff on the site recommending leaving the swale or reconstructing a swale as close to the current location as possible. Mr. Huffman recommended a ditch along the property or installation of a culvert underneath the driveways to connect to the existing culvert on Chadwick Ave. Manager Connet stated the plan does not show a culvert under the driveway and sought clarification from Mr. Noble.

Mr. Noble stated there will be a culvert located under the driveway of lot 2 and 3 along the front of the property and said the natural swale above lot 3 would be maintained and improved. Mr. Huffman stated as long as there is a flow path under the driveway of lot 2 and 3 to connect to the Chadwick Ave. culvert this would mitigate flooding on Chadwick. Mr. Huffman and Mr. Noble agreed a grass swale is preferable for infiltration and treatment to mitigate runoff. Mr. Noble clarified that the vegetative buffer is located on his property and stated he has no intention of destroying the buffer. Mr. Noble stated he will clean it up but will not remove it and clarified that he may put a fence on his property. Council Member Miller clarified that Mr. Noble was agreeing not to intentionally do anything to destroy the vegetative buffer and inquired if a subsequent landowner would be subject to this condition. Attorney Angela S. Beeker stated Council could impose deed restrictions requiring the landowner to maintain the existing buffer and suggested the language to be drafted and approved by the City Attorney consistent with discussion. Council Member Miller clarified the addition of a fence would be the property owners' option and is separate from the vegetative buffer condition and will not be part of these conditions. Mr. Noble agreed to allow deed restrictions to maintain the grass swale along lot 3 in a way that is consistent with yard maintenance.

Manager Connet clarified the additional conditions Council and Mr. Noble are agreeing to are installation of a swale or culvert along the Chadwick Ave. side of the property, maintain or improve the existing swale along lot 3, maintain the vegetative buffer along lot 3 and agree to deed restrictions with this requirement, maintain the swale along lot 3 and agree to deed restrictions with this requirement.

Council Member Lyndsey Simpson inquired about a heritage tree located on this property. Manager Connet stated City Council has designated this tree as a heritage tree and would require approval by the Public Works Director before it can be cut but said there is no guarantee that the tree would never be cut. The tree is approximately located on the property line of Mr. Noble and the Swanners and is in an unopened alley. Mr. Noble stated he had no plans to remove this tree.

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 C-1 Central Business to C-1 CZD, Central 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, including the condition that the vegetative buffer and additional drainage, and site plan are updated to reflect the restrictive covenants, as approved by the City Attorney, 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.
A unanimous vote of the Council followed. Motion carried.

Community Development Director Lew Holloway advised City Council there was a clerical error in the motion text and said that the correct zoning districts should be C-3 SU Highway Business Special Use to C-3 CZD, Highway Business Conditional Zoning District.

Council Member Jerry Smith moved to AMMEND his previous motion as follows*: **I move to amend the motion to state 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 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, including the condition that the vegetative buffer and additional drainage, and site plan are updated to reflect the restrictive covenants, as approved by the City Attorney, 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. A unanimous vote of the Council followed. Motion carried.

Ordinance #20-0571

AN ORDINANCE BY THE CITY OF HENDERSONVILLE CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE

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. The site plan as submitted by the applicant, James Noble (revised September of 2020) is approved. Development of the subject parcel shall occur in accordance with the site plan and rezoning and shall be subject to the site limitations and conditions stipulated on the List of Uses and Conditions.

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of October 2020.

/s/Barbara G. Volk, Mayor
Attest: /s/Angela L. Reece, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

This image is only an illustrative reference. As outlined in the City's Zoning Ordinance Section 4-2, District Boundaries, the full-size digital map is available on the City's website or by contacting the Community Development Director. The preliminary site plan is recorded at the Henderson County Register of Deeds Book# 3430, Page# 220.

9. New Business

A. Modification of Water Service Extension Review Process with Henderson County *by Resolution-* *Presenter: John F. Connet, City Manager*

City Manager John Connet asked City Attorney Angie Beeker to recuse herself from this portion of the meeting due to her having a conflict and said that Billy Clark is representing the City in this matter.

Manager Connet stated in 1997, Mayor Fred Niehoff proposed a policy to allow Henderson County and other jurisdictions to review and approve water service extensions to ensure compliance with existing land use plans and controls and said the Henderson County Board of Commissioners have recently placed conditions on water service extensions to two parcels due to philosophical differences over utility rate setting. Manager Connet stated staff does not believe that the policy or current laws allow for the placement of conditions on water service extensions and proposed a modification to the Water Service Extension Review Policy. Manager Connet stated this informal policy was significant in 1997 as the only development that could occur at the time was dependent on water and sewer infrastructure. Manager Connet stated prior to the County approving open use zoning in 2001 there was no zoning in the County and said utility extensions were the primary way to prevent uncontrolled growth in areas of Henderson County that lacked comprehensive land use planning and land use ordinances. Manager Connet stated in the last 23 years many jurisdictions have adopted comprehensive plans, small area plans and land development codes to allow them to have greater control of development.

Manager Connet stated he requested Roberts & Stevens Law Firm, Attorney William Clarke review this matter since there is no formal agreement between the City of Hendersonville and Henderson County limiting the City's authority with respect to such extensions and rates. Manager Connet advised Attorney Clarke has issued guidance indicating the City of Hendersonville may extend water lines outside the corporate limits of the city so long as such extensions are reasonable. The opinion further stated that what is reasonable depends on the facts and circumstances of a particular case. Attorney Clarke also advised the City may also charge higher rates for water service provided outside the corporate limits.

Council Member Lyndsey Simpson clarified that project approvals will not require a separate vote for water extension by the County. Mayor Volk inquired if the Water Sewer Advisory Committee should approve extensions and Council Member Jeff Miller stated it is a great idea for them to see but stated his preference is for City Council approval. Council members agreed.

Council Member Jeff Miller moved that City Council adopt the Resolution updating the 1997 Water Extension Policy as presented. A unanimous vote of the Council followed. Motion carried.

Resolution #20-0582

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY OF HENDERSONVILLE CITY COUNCIL UPDATING THE 1997 WATER EXTENSION POLICY

WHEREAS, the extensions of the City's water distribution system are necessary to provide safe, reliable drinking water and fire protection throughout Henderson County and its municipalities; and

WHEREAS, the Water Extension Policy established in 1997 specified that no extension will occur without the review by Henderson County and/or other governing jurisdictions; and

WHEREAS, the Policy was enacted to prevent uncontrolled growth in areas of Henderson County that lacked comprehensive land use planning and land use ordinances; and

WHEREAS, over the past twenty-three years, Henderson County and other jurisdictions have adopted comprehensive plans, small area plans and land development codes to allow them to have greater control of development; and

WHEREAS, the City of Hendersonville has the legal authority to reasonably extend water lines and set rates without the approval of any other local governing jurisdiction.

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

1. The Water Extension Policy will be updated to reemphasize that growth and development control is completely in the hands of the Henderson County Board of Commissioners and/or other governing boards through their land use and zoning control ordinances.
2. City staff will forward all water availability request to Henderson County staff or staff from other municipalities for use in their land use approval processes.
3. City staff will wait until each development project has been approved by the respective jurisdiction prior to approving its water extension final design.
4. City staff will communicate with Henderson County staff or staff from other municipalities regarding other system extensions or improvements.
5. Water extension policies will be periodically reviewed by the Water and Sewer Advisory Committee and approved by the Hendersonville the City Council.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of October 2020.

/s/Barbara G. Volk, Mayor
Attest: /s/Angela L. Reece, City Clerk

B. Operations Center Safety Improvements Bid Award - *Presenter: Tom Wooten, Public Works Director*

Public Works Director Tom Wooten stated safety improvements and modifications to the assembly room continue to progress and said bids were opened on August 27, 2020 with Dunlap Construction was the low bidder. Mr. Wooten stated the bids were higher than anticipated so staff met with Dunlap Construction and the architect to review cost saving alternatives. Mr. Wooten stated the initial bid was $193,327, and the revised bid with value engineering deductions is $177,467 which included $3,000.00 deduction for removal of the performance bond requirement, a $1,400.00 deduction for changing the multipurpose room carpet to carpet tile, a $9,500.00 deduction for changing the front corridor flooring from porcelain tile to the same resilient tile used in the back corridor, and a $1,960.00 deduction for changing the solid surface counter tops to high pressure laminate.

Council Member Lyndsey Simpson moved* that City Council *award the bid for Operations Center Safety Improvements Construction as submitted to Dunlap Construction as the low bidder and authorize the City Manager to execute the contract. A unanimous vote of the Council followed. Motion carried.

10. City Council Comments

Council Member Lyndsey Simpson expressed concerns for trick or treating, and City Council directed staff to issue a public safety announcement ahead of the Halloween holiday for those for those who choose to participate.

Council Member Jeff Miller spoke about an incident at a local business involving an elderly person that his wife witnessed and commended HFD and HPD for their public safety response. Council Member Miller stated the elderly person recently suffered a loss and has no family in the area and said the compassion shown by staff was incredible and worthy of recognition.

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

City Manager John Connet provided a list of items to City Council indicating they are surplus and said staff is continuing to clean and dispose of items. Manager Connet recognized City Engineer, Brent Detwiler and his team for obtaining national recognition in an article for their streambank restoration project in the Stormwater Journal for Surface Water and Erosion Control Professionals. The City's Multi-Area Streambank Restoration Project (MASR) will restore 13,000 linear feet of stream, nearly 2.5 miles, to protect sewer infrastructure from erosion and to reduce the likelihood of sanitary flow reaching waterways. Manager Connet stated this project is viewed as a best practice in this state and across the nation and commended Mr. Detwiler and his team for their innovation.

A. LED Streetlight Comparison - *Presenter: Tom Wooten, Public Works Director*

Agenda

Manager Connet reminded Council that Mr. Ralph Hammond-Green previously requested consideration of The Dark Sky Initiative and said staff has prepared a presentation to illustrate the differences in the types of LED streetlights. Public Works Director Tom Wooten stated his department has received complaints from citizens indicating the new LED streetlights being installed by Duke Energy were too bright and said there are approximately 500 that have been replaced with the 4000K lights in the City so far. Mr. Wooton stated there are over 1,000 streetlights in the City and said to replace the lights with the 3000K will cost around $40 per fixture. He stated Duke Energy has agreed to halt replacement of the remaining fixtures pending the outcome of this discussion. Mr. Wooten prepared a visual presentation with two actual streetlights for City Council to observe which included a 4,000K (daylight color) and a 3,000K (soft white color) light. Mr. Wooten stated the 3000K light is Dark Sky Initiative compliant and clarified that both lights utilize the same wattage. Council Members Jerry Smith and Jeff Miller expressed concerns of safety and Manager Connet suggested a pilot project area to replace a portion of the lights with the 3000K color to determine the needs for the next 30 days.

12. Adjourn

There being no further discussion, the meeting was adjourned at 8:00 p.m. upon unanimous assent of the Council.

_____
Barbara G. Volk, Mayor

ATTEST:

_____
Angela L. Reece, City Clerk

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Agenda

Submitted By: Adam Murr

Department: Admin

Date Submitted: 10/26/2020

Presenter: Adam Murr

Title of Item: Budget Amendments - November 05, 2020

Nature of Item: Presentation Only

Council Meeting Date: 11/05/2020

Summary of Information/Request:

Item # 5B

Budget Amendment(s):

1. Revenue Bond - amendment for recording purposes - $7,120,060

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 resolve to adopt the budget amendment as recommended by Staff.

Attachments:

Budget Amendment(s)

TO MAYOR & COUNCIL - November 5, 2020

F Agenda

BUDGET AMENDMENT

060

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
060-0000-470900-00000	Fund Balance Appropriated	910,218	-
060-0000-470010-00000	Installment Purcase/Debt Obligation Issued	6,209,842	-
060-0900-560001-00000	Debt Principal	7,006,842	-
060-0900-560500-00000	Debt Interest	113,218	-
FUND 060	TOTAL REVENUES	7,120,060	-
	TOTAL EXPENDITURES	7,120,060	-

A budget amendment to reflect debt payoff for the automated metering infrastructure (AMI) refinancing in fiscal year 2019-2020. This amendment is to reflect a budget amount approved by City Council via the FY19-20 Water and Sewer Fund Revenue Bond.

John Hanna

Date: 10-26-19

DATE: 10/26/2020

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Agenda

Submitted By: Adam Steurer

Department: Utilities

Date Submitted: 10/23/2020

Presenter: Lee Smith

Title of Item: SRF Loan Acceptance Resolution - Ashe St. Neigh. and 4th Ave Sewer Replacement

Nature of Item: Council Action

Council Meeting Date: November 5, 2020

Summary of Information/Request:

Item # 5C

Clear Water State Revolving Fund (SRF) Loan Acceptance Resolution for the Ashe Street Neighborhood and 4th Avenue Sewer Replacement Project

The City was awarded the Drinking Water SRF loan for the construction of the proposed project in the amount of $1,819,000 at an interest rate not to exceed 2.16% per annum for 20 years. The loan has been approved by the Local Government Commission. The project generally consists of replacement of approximately 2,500 linear feet of 8-inch, 85 linear feet of 12-inch, and 1,600 linear feet of 15-inch sewer main and rehabilitation of approximately 4,150 linear feet of existing 8-inch gravity sewer main.

Staff respectfully requests City Council to execute a resolution to formally accept the loan offer. A separate SRP loan acceptance resolution for the water portion of the project is presented for consideration in a separate agenda item. Both the proposed water and sewer replacements will be constructed simultaneously through the same construction contract.

Suggested Motion(s):

I hereby move that the City Council of the City of Hendersonville approve the resolution accepting the SRF loan offer from the State of North Carolina, Department of Environmental Quality in the amount of $1,819,000.

Agenda

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

Fund are allocated for the project through a CPO.

Project Number:

18017

Petition Number:

N/A

Additional Petition Number:

Petitioner Name:

N/A

Attachments:

Resolution by the City of Hendersonville City Council to accept a clean water state revolving fund loan for the Ashe Street Neighborhood and 4th Avenue Sewer Replacement Project.

Agenda

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ACCEPT A CLEAN WATER STATE REVOLVING FUND LOAN FOR THE ASHE STREET NEIGHBORHOOD AND 4th AVENUE SEWER REPLACEMENT PROJECT

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collections systems, and water supply systems, water conservation projects; and;

WHEREAS, the North Carolina Department of Environmental Quality has offered a Clean Water State Revolving Fund Loan in the amount of $1,819,000 for the construction of the Ashe Street Neighborhood & 4th Avenue Sewer Replacement project, hereafter referred to as the "Project"; and

WHEREAS, the City of Hendersonville intends to construct said Project in accordance with engineering plans and specification that have been or will be approved by the North Carolina Division of Water Resources; and

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

1. That City of Hendersonville does hereby accept the Clean Water State Revolving Loan offer in the amount of $1,819,000.00
2. That the City of Hendersonville does hereby give assurance to the North Carolina Department of Environmental Quality that they will adhere to all applicable items specified in the standard "Conditions" and "Assurances" of the Department's funding offer, awarded in the form of State Revolving Loan.
3. That John Connet, City Manager, and successors so titled, is hereby authorized and directed to furnish such information, as the appropriate State agency may request, in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
4. That City of Hendersonville has complied substantially or will comply substantially with all Federal, State and local laws, rules, regulations, and ordinances applicable to the Project and to Federal and State grants and loans pertaining thereto.

Adopted 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

Approved as to form:

_____

Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Agenda

Submitted By: Adam Steurer

Department: Utilities

Date Submitted: 10/23/2020

Presenter: Lee Smith

Title of Item: SRP Loan Acceptance Resolution - Ashe St. Neigh. and 4th Ave Water Replacement

Nature of Item: Council Action

Council Meeting Date: November 5, 2020

Summary of Information/Request:

Item # 5D

Drinking Water State Reserve Program (SRP) Loan Acceptance Resolution for the Ashe Street Neighborhood and 4th Avenue Water Replacement Project

The City was awarded a Drinking Water SRP loan for the construction of the proposed project in the amount of $812,000 at an interest rate of 1.10% per annum for 20 years. The loan has been approved by the Local Government Commission. The project generally consists of the installation of approximately 5,000 linear feet of 6-inch water main to replace existing 2-inch, 4-inch and 6-inch water main; replacement of approximately 635 linear feet of 8-inch water main; related valves, hydrants, services and other appurtenances.

Staff respectfully requests City Council to execute a resolution to formally accept the loan offer. A separate SRF loan acceptance resolution for the sewer portion of the project is presented for consideration in a separate agenda item. Both the proposed water and sewer replacements will be constructed simultaneously through the same construction contract.

Suggested Motion(s):

I hereby move that the City Council of the City of Hendersonville approve the resolution accepting the SRP loan offer from the State of North Carolina, Department of Environmental Quality in the amount of $812,000.

Agenda

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

Funds are allocated for this project through a CPO.

Project Number:

18017

Petition Number:

N/A

Additional Petition Number:

Petitioner Name:

N/A

Attachments:

Resolution by the City of Hendersonville City Council to accept a drinking water state reserve program loan for the Ashe Street Neighborhood and 4th Avenue Water Replacement Project

Agenda

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ACCEPT A DRINKING WATER STATE RESERVE PROGRAM LOAN FOR THE ASHE STREET NEIGHBORHOOD AND 4th AVENUE WATER REPLACEMENT PROJECT

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

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Reserve Program Loan in the amount of $812,000.00 for the construction of the Ashe Street Neighborhood & 4th Avenue Water Replacement project, hereafter referred to as the "Project"; and

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

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

1. That City of Hendersonville does hereby accept the State Reserve Program Loan offer in the amount of $812,000.00.
2. That the City of Hendersonville does hereby give assurance to the North Carolina Department of Environmental Quality that they will adhere to all applicable items specified in the standard "Conditions" and "Assurances" of the Department's funding offer, awarded in the form of State Reserve Program Loan.
3. That John Connet, City Manager, and successors so titled, is hereby authorized and directed to furnish such information, as the appropriate State agency may request, in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
4. That City of Hendersonville has complied substantially or will comply substantially with all Federal, State and local laws, rules, regulations, and ordinances applicable to the Project and to Federal and State grants and loans pertaining thereto.

Adopted 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

Approved as to form:

_____

Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Agenda

Submitted By: Tyler Morrow, Planner

Department: Community Development

Date Submitted: 10-26-2020

Presenter: Tyler Morrow, Planner

Title of Item: P20-37-ANX Annexation Landings of Flat Rock

Nature of Item: Council Action

Council Meeting Date: 11-5-2020

Summary of Information/Request:

Item # 5E

File # P20-26-ANX

The City of Hendersonville has received a petition from Peggy C. Cabe, Enno F. Camenzind, Joan C. Fleming, Paula Camenzind Carter, Robert 0. Camenzind for satellite annexation of a portion of PIN 9588-12-7382 located on S. Allen Road that is approximately 8.449 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.

Suggested Motion(s):

I move Council to accept the City Clerk's Certificate of Sufficiency for the petition submitted by Peggy C. Cabe, Enno F. Camenzind, Joan C. Fleming, Paula Camenzind Carter, Robert 0. Camenzind and to adopt the Resolution to set December 3rd, 2020 at 5:45 p.m. as the date for public hearing.

Agenda

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

Project Number:

N/A

Petition Number:

P20-37-ANX

Additional Petition Number:

P20-36-CZD

Petitioner Name:

Peggy C. Cabe, Enno F. Camenzind, J

Attachments:

Application,Map, Survey, Legal Description,Clerks Certificate of Sufficiency, Resolution

Print Form

Agenda

CITY OF HENDERSONVILLE

DEVELOPMENT ASSISTANCE DEPARTMENT

100 N. King St. ~ Hendersonville, NC ~ 28792 Phone
(828) 697-3010 ~ Fax (828) 697-6185
www.hendersonvillenc.gov

PETITION REQUESTING ANNEXATION

The following are required to constitute a complete application for voluntary annexation:
- **~This form including the property owner's signature**
- **~A copy of the deed indicating ownership of the property.**
- **~A survey plat (8 1/2 " by 11") of the property prepared by a registered surveyor licensed to practice in the state of North Carolina.**
- **~ A typed boundary description of the property, in digital format if possible.**

Date	
Location / Property Address	471 McMurray Road, Flat Rock, NC, 28731
List 10 digit PIN or 7 digit PID number	9588127382

Does this property adjoin the present City Limits? ☑ YES ☐ NO

Is the property within the ETJ? ☐ YES ☑ NO

Reason for annexation	Proposed development to utilize public water and sewer.
Applicant Name	William Carter Keller
Address	PO Box 159 Sanford, NC 27331
Phone	919-776-4641
Fax	N/A
Email	carter.keller@carolinacor
Property Owner: Name	~~E. Smyth Hudgens~~ See Exhibit "A"
Address	5133 Boylston HWY, Mills River, NC 28759

Signature SEE EXHIBIT "A"

Printed Name ~~E. Smyth Hudgens~~

Official Use:
DATE RECEIVED: _____ **BY** _____

Agenda

EXHIBIT "A"

OWNERS

8/26/2020
DATE

Peggy C. Cabe
PEGGY C. CABE

Robert O. Camenzind
ROBERT O. CAMENZIND

Lynda Hill Camenzind, by and through her A-I-F, Robert Otto Camenzind
LYNDA HILL CAMENZIND, **by and through her attorney-in-fact, Robert Otto Camenzind**

Enno F. Camenzind, by and through his A-I-F, Robert Otto Camenzind
ENNO F. CAMENZIND, **by and through his attorney-in-fact, Robert Otto Camenzind**

Brenda Merrill Camenzind, by and through her A-I-F, Robert Otto Camenzind
BRENDA MERRILL CAMENZIND, **by and through her attorney-in-fact, Robert Otto Camenzind**

Paula C. Carter, by and through her A-I-F, Robert Otto Camenzind
PAULA C. CARTER, **by and through her attorney-in-fact, Robert Otto Camenzind**

Charles Norman Carter, by and through his A-I-F, Robert Otto Camenzind
CHARLES NORMAN CARTER, **by and through his attorney-in-fact, Robert Otto Camenzind**

Joan C. Fleming, by and through her A-I-F, Robert Otto Camenzind
JOAN C. FLEMING, **by and through her attorney-in-fact, Robert Otto Camenzind**

John Thomas Fleming, by and through his A-I-F, Robert Otto Camenzind
JOHN THOMAS FLEMING, **by and through his attorney-in-fact, Robert Otto Camenzind**

Agenda

CITY OF HENDERSONVILLE
DEVELOPMENT ASSISTANCE DEPARTMENT
100 N. King St. ~ Hendersonville, NC ~ 28792 Phone
(828) 697-3010 ~ Fax (828) 697-6185
www.hendersonvillenc.gov

PETITION REQUESTING ANNEXATION

The following are required to constitute a complete application for voluntary annexation:
- **~This form including the property owner's signature**
- **~A copy of the deed indicating ownership of the property.**
- **~A survey plat (8 1/2 " by 11") of the property prepared by a registered surveyor licensed to practice in the state of North Carolina.**
- **~ A typed boundary description of the property, in digital format if possible.**

Date	
Location / Property Address	471 McMurray Road, Flat Rock, NC, 28731
List 10 digit PIN or 7 digit PID number	9588127382

Does this property adjoin the present City Limits? ☐ YES ☑ NO

Is the property within the ETJ? ☐ YES ☑ NO

Reason for annexation	Proposed development to utilize public water and sewer.
Applicant Name	Agemark Acquistion LLC - Charles E. Trefzger
Address	PO Box 2568, Hickory, NC

Phone	(828) 322-5535	Fax	N/A	Email	cet@algsenior.com

Property Owner: Name	See Exhibit "C"
Address	

Signature By: Manager

Printed Name Charles E. Trefzger 9/17/2020

Official Use:
DATE RECEIVED: _____ **BY** _____

Agenda

Addendum to Petition for Annexation (P20-37)

The property owners of the property being requested to annex are:

Peggy C. Cabe, 161 Miner St., Brevard NC 28712
Enno F. Camenzind, 7004 Rainwater Rd, Raleigh NC 27615
Joan C. Fleming, 1751 Philip Manor Rd, Fernandina Beach FL 32034
Paula Camenzind Carter 200 Old Oak Rd, Newark DE 19711
Robert O. Camenzind. 1965 Lambs Creek Rd Brevard 28712

The petitioners declare that no vested rights have been established under N.C.G.S. 160A-385.1 (now N.C.G.S. 160D-108.1).

Peggy C. Cabe, by Robert Otto Camenzind, AIF* — date 10/23/2020

Enno F. Camenzind, by Robert Otto Camenzind, AIF* — date 10/23/2020

Joan C. Fleming, by Robert Otto Camenzind, AIF* — date 10/23/2020

Paula Camenzind Carter, by Robert Otto Camenzind, AIF* — date 10/23/2020

Robert O. Camenzind — date 10/23/2020

* Power of Attorney recorded in Henderson County Register of Deeds at Deed Book 3561 page 282.

Agenda

RAMSEY, PRATT & CAMENZIND, P.A.

ATTORNEYS AT LAW

GAYLE E. RAMSEY
MICHAEL K. PRATT
HANNAH CAMENZIND

Writer's E-mail:
mkpratt@ramsey-pratt.com

35 NORTH GASTON STREET
BREVARD, NORTH CAROLINA 28712

TELEPHONE (828) 884-4113
TELEFAX (828) 885-2494
WWW.RAMSEY-PRATT.COM

RALPH H. RAMSEY, JR.
(1900-1984)
JOHN K. SMART, JR.
(1935-1995)
CECIL J. HILL
(1919-2002)

October 13, 2020

Ms. Angela S. Beeker
City Attorney for Hendersonville
160 Sixth Ave. East
Hendersonville, NC 28792

BY EMAIL TO: abeeker@hvlnc.gov

Re: Camenzind, et al., Petitions for Annexation and Conditional Zoning

Dear Angie:

Thank you for talking with me about this matter on October 7. As I told you, I represent both Robert O. Camenzind as Trustee (of the Testamentary Trust contained in the Last Will and Testament of Ellison Smyth Hudgens) and the beneficiaries of that Trust (Peggy C. Cabe, Enno F. Camenzind, Joan C. Fleming, Paula Camenzind Carter and Robert O. Camenzind, and their spouses).

Robert O. Camenzind, individually, is the attorney in fact for all of his siblings and their spouses, with authority to execute any and all documents as he deems just and appropriate in order to complete the sale of the subject property. There are actually two powers of attorney which have been recorded. The first was recorded in 2014, which Peggy Cabe did not sign but all the others did (Book 1596, page 41) and the second was recorded in 2020, which all of them signed (Book 3561, page 282). The second power of attorney also gave him authority to acquire an easement for the property.

The two petitions were executed on behalf of all the siblings by Robert O. Camenzind. However, at that time, Mr. Hudgens' Last Will and Testament had been filed and probated, so the Trustee mentioned above was the record owner of the subject property. There was no deed conveying it from the Trustee to the beneficiaries.

Agenda

We have now recorded a deed conveying the subject property to the beneficiaries. This needed to be done, anyway, in connection with a sale of the property by the beneficiaries, which is pending the outcome of the Annexation and Conditional Zoning. A copy of the recorded deed is enclosed.

In addition, my clients have authorized and instructed me to represent to you as the attorney for the City of Hendersonville, and to state on their behalf for the record that:

1. Robert O. Camenzind, Trustee of the Testamentary Trust contained in the Last Will and Testament of Ellison Smyth Hudgens, hereby joins in, affirms and ratifies the two petitions referenced herein above, fully and without qualification or exception.

2. All of the beneficiaries of that Trust, along with their spouses (all of whom have signed the power of attorney recorded in 2020) hereby join in, affirm and ratify the two petitions referenced herein above, fully and without qualification or exception.

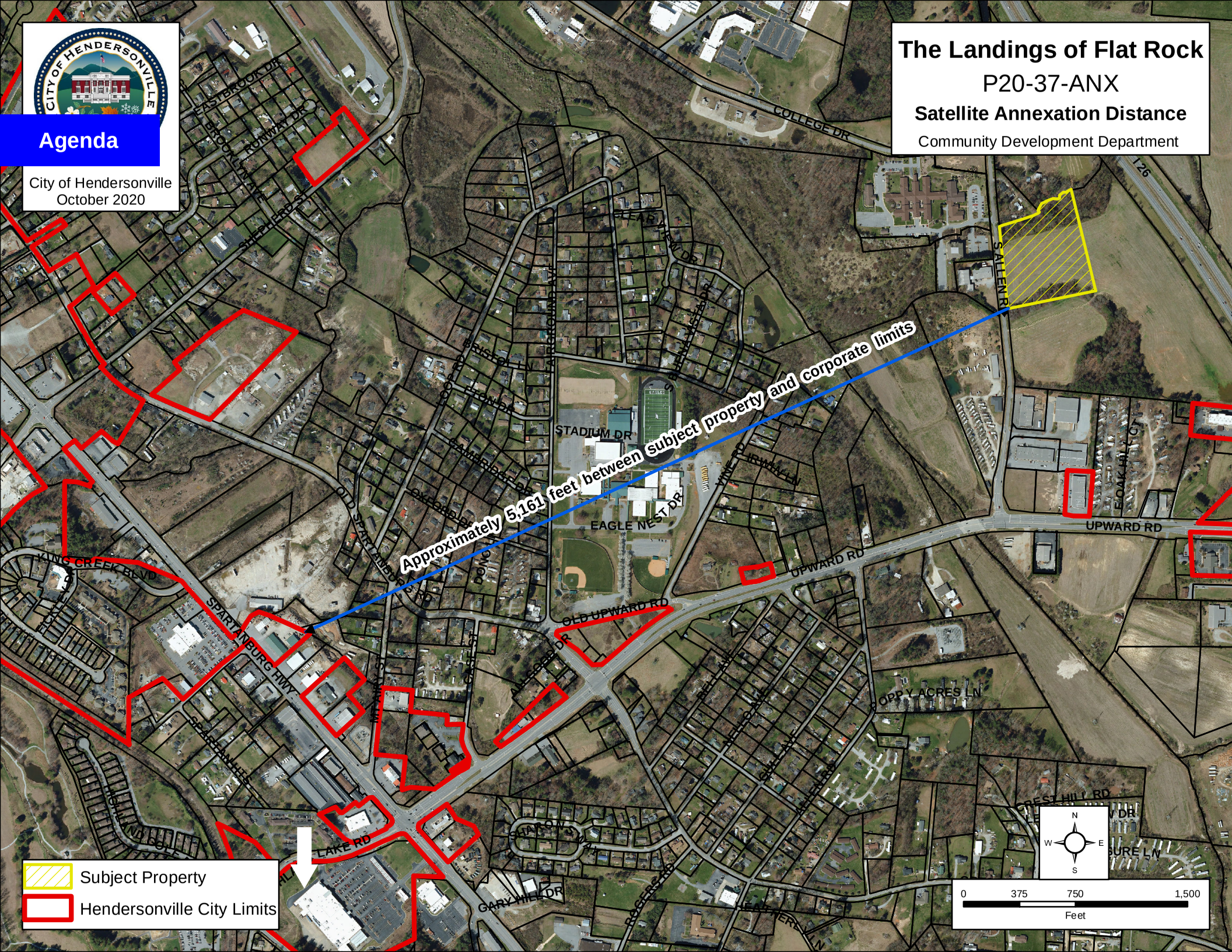
In summary and conclusion, the purpose of this letter is to make it clear that my clients are doing everything possible to correct any deficiency in connection with the two petitions, by making it clear and beyond any doubt, that all owners of the subject property join in, affirm and ratify the two petitions referenced above.

Thank you for your time and professionalism. Please let me know if you need anything further from me. It is always good to talk to you.

Sincerely yours,

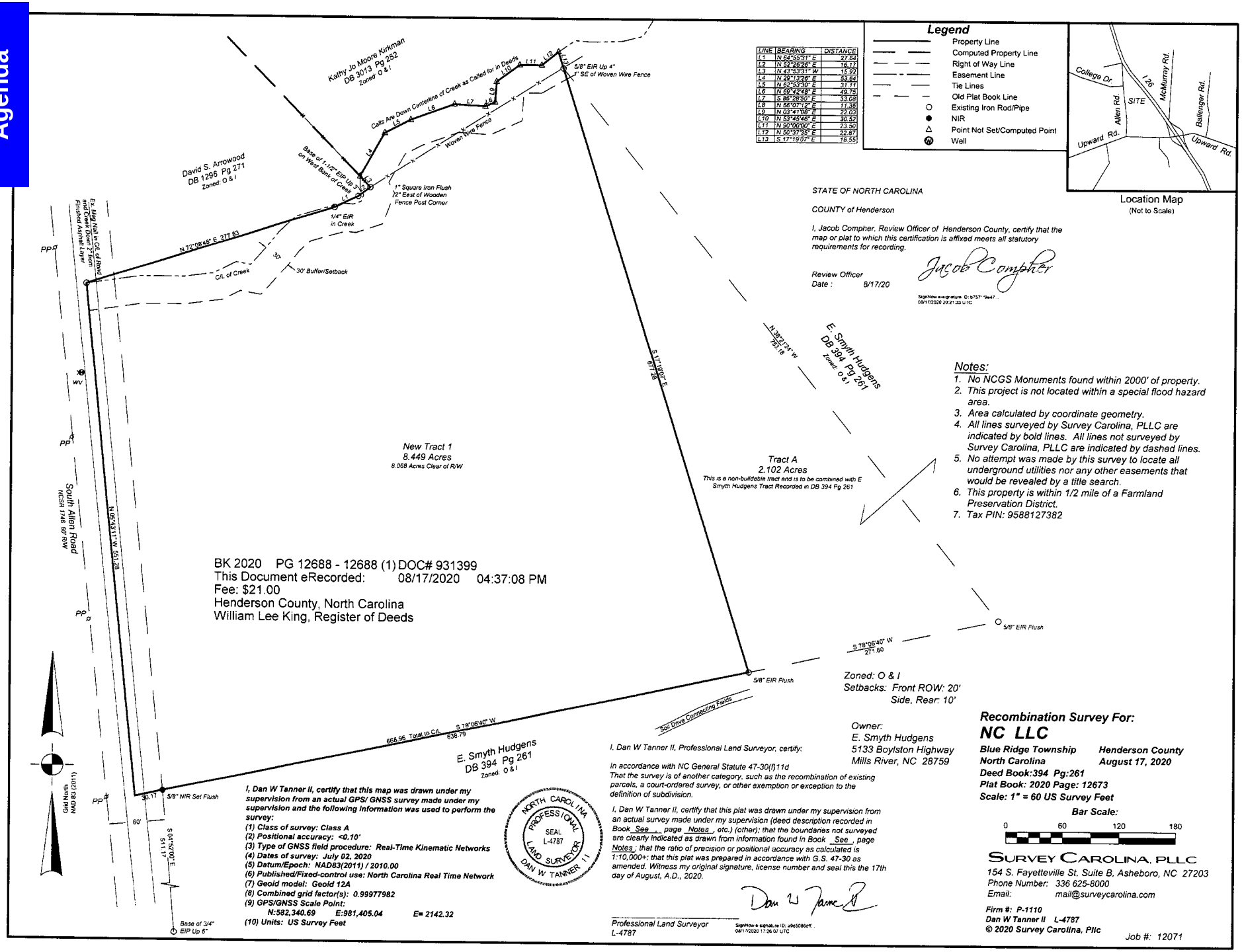
Michael K. Pratt

MKP/mp
Enclosure
cc: Robert O. Camenzind


Agenda
City of Hendersonville
October 2020
The Landings of Flat Rock
P20-37-ANX
Satellite Annexation Distance
Community Development Department
Approximately 5,161 feet between subject property and corporate limits
Subject Property
Hendersonville City Limits
0
375
750
1,500
Feet
N
S
E
W
COLLEGE DR
I 26
SALLEN RD
UPWARD RD
OLD UPWARD RD
STADIUM DR
EAGLE NEST DR
SPARTANBURG HWY
KING CREEK BLVD
OLD SPARTANBURG RD
OPPY ACRES LN
GARY HILL DR
LAKE RD
EASTBROOK DR
RUNWAY DR
SHEPHERD ST
BRISTOL LN
CAMBRIDGE DR
OXFORD DR
ARGONNE AVE
BLANCHESTER DR
VINE RD
IRWIN LN
OAK HILL CT
ALLCORD DR
BELLAIR AVE
HELLCAT
GRAY AVE
WILDCAT
REGIFRED RD
HEATHERVILLE LN
STATION LN
FOREST HILL RD
DR
SURE LN

Submitted electronically by Survey Carolina, PLLC in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Henderson County Register of Deeds.

Agenda



LINE	BEARING	DISTANCE
L1	N 64°55'31" E	27.64
L2	N 52°26'26" E	16.17
L3	N 43°53'31" W	15.92
L4	N 29°13'26" E	53.64
L5	N 62°53'30" E	31.11
L6	N 60°42'48" E	49.75
L7	S 86°28'50" E	33.08
L8	N 56°07'12" E	11.35
L9	N 03°41'08" E	22.03
L10	N 53°45'46" E	30.52
L11	N 90°00'00" E	23.50
L12	N 50°37'35" E	22.87
L13	S 17°19'07" E	18.55

Legend

- Property Line
- Computed Property Line
- Right of Way Line
- Easement Line
- Tie Lines
- Old Plat Book Line
- Existing Iron Rod/Pipe
- NIR
- Point Not Set/Computed Point
- Well

Location Map
(Not to Scale)

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.

Review Officer
Date : 8/17/20

Jacob Compher

SignNow e-signature ID: b757 "9e47...
08/17/2020 20:21:33 UTC

BK 2020 PG 12688 - 12688 (1) DOC# 931399
This Document eRecorded: 08/17/2020 04:37:08 PM
Fee: $21.00
Henderson County, North Carolina
William Lee King, Register of Deeds

Notes:

1. No NCGS Monuments found within 2000' of property.
2. This project is not located within a special flood hazard area.
3. Area calculated by coordinate geometry.
4. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
5. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
6. This property is within 1/2 mile of a Farmland Preservation District.
7. Tax PIN: 9588127382

Zoned: O & I
Setbacks: Front ROW: 20'
Side, Rear: 10'

Owner:
E. Smyth Hudgens
5133 Boylston Highway
Mills River, NC 28759

I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:

(1) Class of survey: Class A
(2) Positional accuracy: <0.10'
(3) Type of GNSS field procedure: Real-Time Kinematic Networks
(4) Dates of survey: July 02, 2020
(5) Datum/Epoch: NAD83(2011) / 2010.00
(6) Published/Fixed-control use: North Carolina Real Time Network
(7) Geoid model: Geoid 12A
(8) Combined grid factor(s): 0.99977982
(9) GPS/GNSS Scale Point:
N:582,340.69 E:981,405.04 E= 2142.32
(10) Units: US Survey Feet

NORTH CAROLINA PROFESSIONAL SEAL L-4787 LAND SURVEYOR DAN W TANNER II

I, Dan W Tanner II, Professional Land Surveyor, certify:

In accordance with NC General Statute 47-30(f)11d
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.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book See , page Notes , etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book See , page Notes ; that the ratio of precision or positional accuracy as calculated is 1:10,000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the 17th day of August, A.D., 2020.

Dan W Tanner II

Professional Land Surveyor
L-4787

SignNow e-signature ID: a9c5086cff...
08/17/2020 17:26:07 UTC

Recombination Survey For:
NC LLC

Blue Ridge Township **Henderson County**
North Carolina **August 17, 2020**
Deed Book:394 Pg:261
Plat Book: 2020 Page: 12673
Scale: 1" = 60 US Survey Feet

Bar Scale:
0 60 120 180

SURVEY CAROLINA, PLLC
154 S. Fayetteville St. Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com

Firm #: P-1110
Dan W Tanner II L-4787
© 2020 Survey Carolina, Pllc

Job #: 12071

Agenda

Being all of that real property shown on that plat recorded on Plat Slide 12688 of the Henderson County Registry, and being described by metes and bounds as follows:

Beginning At An Existing Mag Nail in the Centerline of SR 1746 and the centerline of a Creek; Thence a straight line N 72°08'48" E A Distance Of 277.83' To An 1/4″ EIR in said Creek; Thence N 64°55'31" E A Distance Of 27.64' To An 1-1/2″ EIP on the West Bank of said Creek; Thence N 52°26'26" E A Distance Of 16.17' To An 1″ Square Iron Flush at Wooden Fence Post Corner the SE Corner of David Arrowood, DB 1296 Pg 271; Thence along Arrowood Eastern property line N 43°53'31" W A Distance Of 15.92' to a point not set in the centerline of said creek; Thence down the centerline of said creek the following 9 calls; N 29°13'26" E A Distance Of 53.64'; N 62°53'30" E A Distance Of 31.11'; N 69°42'48" E A Distance Of 49.75'; S 86°28'50" E A Distance Of 33.08'; N 66°07'12" E A Distance Of 11.35'; N 03°41'08" E A Distance Of 22.03'; N 53°45'46" E A Distance Of 30.52'; N 90°00'00" E A Distance Of 23.50'; N 50°37'35" E A Distance Of 22.87'; Thence leaving the creek S 17°19'07" E A Distance Of 18.55' To A New Iron Rod Set 1′ SE of Woven Wire Fence; Thence continuing S 17°19'07" E A Distance Of 677.28' To A New Iron Rod Set; Thence S 78°06'40" W A Distance Of 638.79' To A on the Eastern R/W of SR 1746; Thence continuing S 78°06'40" W A Distance Of 30.17' To A Point not set in the centerline of SR 1746; Thence along the centerline of SR 1746, N 05°43'11" W A Distance Of 551.28'; Which Is The Point Of Beginning, and consisting of +/- 8.449 acres.

Agenda

CERTIFICATE OF SUFFICIENCY

Re: Petition for Satellite Annexation
Petitioners: Peggy C. Cabe, Enno F. Camenzind, Joan C. Fleming, Paula Camenzind Carter, Robert O. Camenzind
File No. P20-37-ANX (related file: P20-36-CZD)

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

I, Angela L. Reece, City Clerk, being first duly sworn, hereby certify that:

1. A petition has been received for satellite annexation of that property consisting of +/- 8.449 acres located on South Allen Road, Hendersonville, NC, being a portion of tax parcel 9588-12-7382, and being more particularly described as "New Tract 1" on that plat recorded in Plat Book 2020 at Page 12688 of the Henderson County Registry, hereinafter "Petition."

2. An investigation has been completed as required by N.C.G.S. § 160A-58.2 of the Petition for compliance with the requirements of N.C.G.S. § 160A-58.1.

Based upon this investigation, I find that

1. The Petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area

2. The nearest point on the proposed satellite corporate limit is approximately 5,161 feet from the primary corporate limits of the City of Hendersonville, which is less than 3 miles.

3. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S. 160A-58.1(a).

4. No point on the propose satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.

5. The satellite area is situated so the City will be able to provide the same services within the proposed satellite corporate limits that is provided within the primary corporate limits.

6. The area proposed for annexation is not a subdivision as defined in N.C.G.S. §160A-376 (now N.C.G.S. § 160D-802).

Agenda

7. The total area within the proposed satellite corporate limits, when added to the area within all the other satellite corporate limits of the City, does not exceed ten percent (10%) of the area within the primary corporate limits of the City.

Having made the findings stated above, I hereby certify the Petition appears to be valid.

In witness whereof, I have here unto set my hand and affixed the seal of the City of Hendersonville, this 26 day of October, 2020.

Angela L. Reece

Angela L. Reece, City Clerk

THE CITY OF HENDERSONVILLE N.C. 1847

Resolution Agenda

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

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

Section 1. The Clerk's Certificate of Sufficiency is accepted.

Section 2. A public hearing on the question of annexation of the non-contiguous area described herein will be held at City Operations at 5:45 p.m. December 3, 2020, or as soon thereafter as it may be heard.

Section 3. The area proposed for annexation is described as follows:

Being all of that real property shown on that plat recorded on Plat Slide 12688 of the Henderson County Registry, and being described by metes and bounds as follows:

Beginning At An Existing Mag Nail in the Centerline of SR 1746 and the centerline of a Creek; Thence a straight line N 72°08'48" E A Distance Of 277.83' To An 1/4" EIR in said Creek; Thence N 64°55'31" E A Distance Of 27.64' To An 1-1/2" EIP on the West Bank of said Creek; Thence N 52°26'26" E A Distance Of 16.17' To An 1" Square Iron Flush at Wooden Fence Post Corner the SE Corner of David Arrowood, DB 1296 Pg 271; Thence along Arrowood Eastern property line N 43°53'31" W A Distance Of 15.92' to a point not set in the centerline of said creek; Thence down the centerline of said creek the following 9 calls; N 29°13'26" E A Distance Of 53.64'; N 62°53'30" E A Distance Of 31.11'; N 69°42'48" E A Distance Of 49.75'; S 86°28'50" E A Distance Of 33.08'; N 66°07'12" E A Distance Of 11.35'; N 03°41'08" E A Distance Of 22.03'; N 53°45'46" E A Distance Of 30.52'; N 90°00'00" E A Distance Of 23.50'; N 50°37'35" E A Distance Of 22.87'; Thence leaving the creek S 17°19'07" E A Distance Of 18.55' To A New Iron Rod Set 1' SE of Woven Wire Fence; Thence continuing S 17°19'07" E A Distance Of 677.28' To A New Iron Rod Set; Thence S 78°06'40" W A Distance Of 638.79' To A on the Eastern R/W of SR 1746; Thence continuing S 78°06'40" W A Distance Of 30.17' To A Point not set in the centerline of SR 1746; Thence along the centerline of SR 1746, N 05°43'11" W A Distance Of 551.28'; Which Is The Point Of Beginning, and consisting of +/- 8.449 acres.

Section 4. Notice of the public hearing shall be published once in The He Times-News, a newspaper having general circulation in the City of Hendersonville days prior to the date of the public hearing.

Agenda

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

Agenda

Submitted By: Angela Beeker

Department: Legal

Date Submitted: 10/23/2020

Presenter: Angela Beeker

Title of Item: Consider Negotiated Offer to Purchase +/- 0.14 Acre Parcel, Plat Slide 4094 HCR

Nature of Item: Council Action

Council Meeting Date: November 5, 2020

Summary of Information/Request:

Item # 5F

The City has received an Offer to Purchase a +/- 0.14 acre parcel, shown on Plat Slide 4094 of the Henderson County Registry, from Joshua Hoard. A copy of Mr. Hoard's Offer is attached to this Agenda item. This parcel, owned by the City, has previously been used by the City to house a pump station that is now being abandoned. The Property is located on Chestnut Gap Road, and is within the proximity of Chestnut Ridge Subdivision. Mr. Hoard's Offer is $1,500.00.

Pursuant to N.C.G.S. § 160A-269, this Offer must be advertised for upset bid before it can be finally accepted by the City Council. Following the procedure outlined in § 160A-269, the City Attorney has prepared the attached Resolution for consideration by City Council. If approved the Resolution will issue proposed (not final) acceptance, and authorize the Offer to be advertised for upset bid. An ad will be then be placed in the newspaper, inviting upset bids. Any upset bid received will then be advertised for further upset bids, until a period of 10 days passes without the receipt of upset bids. The highest bid received will be presented back to City Council for consideration. The Council may at that time issue a final acceptance of the highest bid received, or may reject it.

Suggested Motion:

I move that City Council adopt the Resolution to issue a proposed acceptance of an offer to purchase a +/- 0.14 acre parcel, shown on Plat Slide 4094 of the Henderson County Registry, from Joshua Hoard in the amount of $1,500.00, and direct that it be advertised for upset bids.

Agenda

Budget Impact: $ TBD after upset bidding Is this expenditure approved in the budget? N/A If no, describe how it will be funded.

Project Number:

N/A

Petition Number:

N/A

Additional Petition Number:

N/A

Petitioner Name:

N/A

Attachments:

1. Negotiated Offer Received Pursuant to N.C.G.S. § 160A-269 ("Offer") from Joshua Hoard.
2. Resolution of Proposed Acceptance of Negotiated Offer
3. Plat Slide 4094, Survey of Property

Agenda

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

NEGOTIATED OFFER RECEIVED PURSUANT TO N.C.G.S. § 160A-269 ("Offer")

NOW COMES JOSHUA HOARD, ("Buyer") and offers to purchase from the **CITY OF HENDERSONVILLE,** a North Carolina municipal corporation ("CITY") that property more particularly described in paragraph below entitled "PROPERTY", on the terms and conditions hereinafter set forth:

PROPERTY: Lying and Being in the HENDERSON County, and consisting of that lot identified as that +/- 0.14 acre tract as shown on that plat recorded in the HENDERSON County, Register of Deeds Office in Plat Slide 4094 , said plat being incorporated herein by reference. The Property has a tax parcel ID of 9589271459. The property was acquired by the CITY in Deed Book 1094 at Page 228 of the HENDERSON County Register of Deeds Office.

OFFER: Buyer offers to pay to CITY the sum of $1500.00.

ADDITIONAL TERMS AND CONDITIONS: Those additional terms and conditions as specified in Exhibit A, attached hereto and incorporated by reference, shall be deemed part of this Offer as if fully set forth herein.

UPSET BID PROCEDURE TO GOVERN: It is acknowledged that the sale of the Property, if any, will be governed by the procedures of North Carolina General Statute § 160A-269 (the "Statute"). This Offer will be presented to the Hendersonville City Council for consideration of whether to issue a proposed acceptance of the Offer. "Proposed Acceptance" shall mean the adoption of a Resolution by the Hendersonville City Council at a duly held meeting, proposing to accept this Offer, and directing that this Offer be advertised for upset bid. If Hendersonville's City Council issues a Proposed Acceptance, the Buyer shall deposit with the CITY Clerk a sum equal to five (5%) per cent of this Offer. The CITY shall then cause to be published in a newspaper of record a notice that it proposes to accept this Offer, generally describing the Property and the terms of this Offer, and advise that anyone may make an upset bid within ten (10) days of the publication of the notice in an amount prescribed by the Statute. If there is an upset bid, then upon the maker of the upset bid making the deposit with the CITY Clerk as is required by the Statute, the deposit made hereunder shall be refunded, and this Offer shall be deemed null and void. If there is no upset bid received, this Offer will again be presented to the Hendersonville City Council for Final Acceptance. "Final Acceptance" shall mean the adoption of a Resolution by the City Council, adopted at a duly called meeting, stating that this Offer has been finally accepted.

CLOSING: If the City Council issues Final Acceptance of this Offer, then closing shall occur within thirty (30) days after such Final Acceptance at CITY offices in Hendersonville, or such other place as is mutually agreeable to the parties. At closing, CITY shall deliver the title as

described hereinbelow to the Property, and Buyer shall pay to CITY the balance of the purchase price in certified funds.

TITLE: CITY shall deliver a fee simple title to the Property by a Special Warranty Deed, subject to Permitted Exceptions as provided hereinbelow.

PERMITTED EXCEPTIONS: Title to the Property shall be subject to valid and enforceable restrictions of record and easements and rights of way affecting the Property, any applicable zoning or other land use laws and ordinances, and the lien for ad valorem taxes, if any.

COSTS: CITY shall be responsible for preparing the deed conveying title, and any documentary stamps that it is not exempt from paying. Buyer shall be responsible for all other costs. Each party will be responsible for its own attorney's fees.

OFFER AND ACCEPTANCE. This instrument shall constitute a binding offer by Buyer to the CITY and shall remain open for acceptance by the CITY until such time as (1) an upset bid has been received, and the bid deposit has been received by the CITY for such upset bid; (2) the CITY rejects this Offer, or (3) the CITY issues a Final Acceptance of this Offer, whichever occurs first. In the event the CITY receives an upset bid and the bid deposit for such upset bid is received by the CITY, or in the event the CITY rejects this Offer, then this Offer shall be deemed terminated, and neither party hereto shall have any obligation, duty, or liability to the other party. In the event the CITY issues a Final Acceptance of this Offer, this Offer shall become a binding Agreement between the parties hereto and shall be interpreted as an Agreement between the parties hereto in spite of the many references to this document as an "Offer."

REJECTION OF OFFER: It is understood and agreed by the Buyer that at any time prior to the issuance of a Final Acceptance of this Offer, the CITY may (1) reject any and all offers (including this Offer) and/or upset bids received, and/or (2) withdraw the Property from sale, as allowed by North Carolina General Statute § 160A-269.

EXECUTION OF THIS OFFER: The Buyer represents and warrants that this Offer has been duly authorized, and that the person signing has the authority to sign this Offer on behalf of the Buyer.

This Offer is made this 22 day of October, 2020.

Joshua Hoard, BUYER

Date of Proposed Acceptance by the CITY: _____

Date of Final Acceptance by the CITY: _____

Agenda

EXHIBIT A

ADDITIONAL TERMS AND CONDITIONS

1. **DISCLAIMER OF WARRANTIES:** BUYER ACKNOWLEDGES AND AGREES THAT THE CITY DOES NOT, BY THE ISSUANCE OF A PROPOSED ACCEPTANCE OR FINAL ACCEPTANCE, OR BY THE EXECUTION AND DELIVERY OF ANY DOCUMENT OR INSTRUMENT EXECUTED AND DELIVERED IN CONNECTION WITH THE SALE OF THE PROPERTY, MAKE ANY REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, OF ANY KIND OR NATURE WHATSOEVER, WITH RESPECT TO THE PROPERTY, AND ALL SUCH WARRANTIES ARE HEREBY DISCLAIMED. WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, THE CITY MAKES, AND SHALL MAKE, NO EXPRESS OR IMPLIED WARRANTY AS TO MATTERS OF TITLE (OTHER THAN THE CITY'S LIMITED WARRANTY OF TITLE SET FORTH IN THE SPECIAL WARRANTY DEED TO BE DELIVERED AT CLOSING), SUCY MATTERS AS AN ACCURATE SURVEY WOULD REVEAL, VALUE & MARKETABILITY OF THE PROPERTY, ZONING, TAX CONSEQUENCES, PHYSICAL OR ENVIRONMENTAL CONDITION (INCLUDING, WITHOUT LIMITATION, LAWS, RULES, REGULATIONS, ORDERS AND REQUIREMENTS PERTAINING TO THE USE, HANDLING, GENERATION, TREATMENT, STORAGE OR DISPOSAL OF ANY TOXIC OR HAZARDOUS WASTE OR TOXIC, HAZARDOUS OR REGULATED SUBSTANCE), VALUATION, GOVERNMENTAL APPROVALS, GOVERNMENTAL REGULATIONS OR ANY OTHER MATTER OR THING RELATING TO OR AFFECTING THE PROPERTY, (HEREINAFTER COLLECTIVELY CALLED THE "DISCLAIMED MATTERS"). BUYER AGREES THAT, WITH RESPECT TO THE PROPERTY, BUYER HAS NOT RELIED UPON AND WILL NOT RELY UPON, EITHER DIRECTLY OR INDIRECTLY, ANY REPRESENTATION OR WARRANTY OF THE CITY. IF THE CITY ISSUES A FINAL ACCEPTANCE FOR THE PROPERTY, THE CITY SHALL SELL AND CONVEY TO BUYER, AND BUYER SHALL ACCEPT, THE PROPERTY "AS IS", "WHERE IS", AND WITH ALL FAULTS, AND THERE ARE NO ORAL AGREEMENTS, WARRANTIES OR REPRESENTATIONS, COLLATERAL TO OR AFFECTING THE PROPERTY BY THE CITY OR ANY THIRD PARTY. WITHOUT IN ANY WAY LIMITING ANY PROVISION OF THIS PARAGRAPH, BUYER SPECIFICALLY ACKNOWLEDGES AND AGREES THAT IT HEREBY WAIVES, RELEASES AND DISCHARGES ANY CLAIM IT HAS, MIGHT HAVE HAD OR MAY HAVE AGAINST THE CITY WITH RESPECT TO (i) THE DISCLAIMED MATTERS, (ii) THE CONDITION OF THE PROPERTY, EITHER PATENT OR LATENT, (iii) THE PAST, PRESENT OR FUTURE CONDITION OR COMPLIANCE OF THE PROPERTY WITH REGARD TO ANY ENVIRONMENTAL PROTECTION,

POLLUTION CONTROL OR LAND USE LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, INCLUDING, WITHOUT LIMITATION, CERCLA, AND (iv) ANY OTHER STATE OF FACTS THAT EXISTS WITH RESPECT TO THE PROPERTY. THE TERMS AND CONDITIONS OF THIS PARAGRAPH SHALL EXPRESSLY SURVIVE THE CONSUMMATION OF THE PURCHASE AND SALE OF THE PROPERTY ON THE CLOSING DATE, THE DELIVERY OF THE DEED AND THE PAYMENT OF THE PURCHASE PRICE, WITHOUT REGARD TO ANY LIMITATIONS UPON SURVIVAL SET FORTH IN THIS OFFER.

2. **Other Payments at Closing.**

   a. **Taxes.** Buyer will be responsible for ad valorem taxes accruing after the date of sale, it being acknowledged that the Property has been exempt from taxation during the period The CITY has owned the Property. In the event Closing occurs in 2021, taxes will be prorated between the CITY and the Buyer over the 2021 calendar year.

   b. **Dues, Assessments, Common Area Maintenance**. All dues, assessments and common area maintenance charges, and similar impositions imposed upon or assessed against the Property (herein called the **"CAM Fees"**), for the year in which Closing occurs shall be prorated as of the Closing Date on a calendar year basis.

   c. **Other.** Any other items which are customarily prorated in connection with the purchase and sale of properties similar to the Property shall be prorated as of the Closing Date.

   In the event that the amount of any item to be prorated is not determinable at the time of Closing, such proration shall be made on the basis of the best available information, and the parties shall re-prorate such item promptly upon receipt of the applicable bills therefor and shall make between themselves any equitable adjustment required by reason of any difference between the estimated amount used as a basis for the proration at Closing and the actual amount subject to proration. In the event any prorated item is due and payable at the time of Closing, the same shall be paid at Closing. If any prorated item is not paid at Closing, the CITY shall deliver to Buyer the bills therefor promptly upon receipt thereof and Buyer shall be responsible for the payment in full thereof within the time fixed for payment thereof and before the same shall become delinquent.

3. **Possession at Closing**. The CITY shall surrender possession of the Property to Buyer on the Closing Date, subject to the Permitted Exceptions. The City will remove the pipes and fittings in the interior of the building located on the Property within thirty (30) days after Closing. The City's obligation hereunder shall survive closing.

4. **Private Restriction.** The Property shall be conveyed subject to a private covenant and restriction requiring that said lots be recombined and developed as a single lot.

5. **Remedies**.

(a) If the Hendersonville City Council issues a Final Acceptance of this Offer, and if the purchase and sale of the Property contemplated hereby is not consummated in accordance with the terms and provisions of this Offer due to circumstances or conditions which constitute a default by Buyer under this Offer, the bid deposit shall retained by the CITY as the CITY's full liquidated damages for such default. The parties acknowledge that the CITY's actual damages in the event of a default by Buyer will be difficult to ascertain, that such liquidated damages represent the parties' best estimate of such damages, and that the CITY and Buyer believe such liquidated damages are a reasonable estimate of such damages. The parties expressly acknowledge that the foregoing liquidated damages are intended not as a penalty, but as full liquidated damages, in the event of a default. Such liquidated damages shall be the sole and exclusive remedy of the CITY by reason of a default by Buyer, and the CITY hereby waives and releases any right to sue Buyer for specific performance of this Offer or to prove that the CITY's actual damages exceed the amount which is herein provided to the CITY as full liquidated damages.

(b) If the Hendersonville City Council issues a Final Acceptance of this Offer, and if the purchase and sale of the Property contemplated hereby is not consummated in accordance with the terms and provisions of this Offer due to circumstances or conditions which constitute a default by the CITY under this Offer, the Earnest Money shall be refunded to Buyer promptly upon request, and Buyer, as its sole and exclusive remedy, shall have the right to terminate this Offer, in which event all rights and obligations of the parties under this Offer shall expire, and this Offer shall become null and void, and the CITY shall have no other liability to Buyer under this Offer.

6. **Survey**. Buyer, at Buyer's option, shall have the right to cause a surveyor selected by Buyer properly licensed under the laws of the State of North Carolina to prepare a current and accurate survey of the Property (herein called the "Survey"). If Buyer elects to obtain the Survey, Buyer shall cause three (3) prints of the Survey to be delivered to The CITY's attorney at the address for copies of notices set forth in this Offer. At Buyer's option, the Survey will be utilized as the basis for the preparation of a legal description of the Property to be included in the special warranty deed to be delivered by the CITY to Buyer at Closing. In the event this Offer is reject, terminated or becomes null and void for any reason, the CITY shall not be liable to the Buyer for the costs of any such Survey procured by the Buyer.

7. **General Provisions.**

   a. **Brokers.** There are no real estate brokers, agents or consultants involved in the making of this Offer, or in any Proposed Acceptance or Final Acceptance issued by the CITY, and the parties hereto shall indemnify and hold each other harmless from any fee or brokerage claims arising out of this transaction.

b. **Divestment Act.** The Buyer is not listed on the Final Divestment List ("Divestment List") created by the North Carolina State Treasurer pursuant ot Article 6E, N.C.G.S. § 147-86.55, *et seq,* ("Iran Divestment Act of 2015"). The Buyer shall not utilize in the performance of its obligations hereunder any agent, contractor or subcontractor listed on the Divestment List.

c. **E-Verify.** The Buyer shall comply with the requirements of Article 2 of Chapter 64 of the General Statutes of North Carolina. Further, if the Buyer utilizes an agent, contractor or subcontractor, Buyer shall require them to comply with the requirements of Article 2 of Chapter 64 of the General Statutes of North Carolina.

d. **Notice.** Whenever any notice, demand or request is required or permitted under this Offer, such notice, demand or request shall be in writing and shall be delivered by hand, be sent by registered or certified mail, postage prepaid, return receipt requested, or be sent by nationally recognized commercial courier (UPS, FedEx, etc.) for next business day delivery, to the addresses set forth below.

To the Buyer:	**Joshua Hoard** **13 Chestnut Lane** **Hendersonville NC 28792**
To the CITY:	**CITY OF HENDERSONVILLE** **Attn: John Connet, City Manager** 160 6th Avenue East Hendersonville NC 28792
With copy to:	Angela Beeker, City Attorney 160 6th Avenue East Hendersonville NC 28792

All notices, demands or requests delivered by hand shall be deemed given upon the date so delivered; those given by mailing as hereinabove provided shall be deemed given on the date of deposit in the United States Mail; those given by commercial courier as hereinabove provided shall be deemed given on the date of deposit with the commercial courier. Nonetheless, the time period, if any, in which a response to any notice, demand or request must be given shall commence to run from the date of receipt of the notice, demand or request by the addressee

thereof. Any notice, demand or request not received because of changed address of which no notice was given as hereinabove provided or because of refusal to accept delivery shall be deemed received by the party to whom addressed on the date of hand delivery, on the first calendar day after deposit with commercial courier, or on the third calendar day following deposit in the United States Mail, as the case may be. Notices may be sent by email or facsimile for convenience, but must be followed up by one of the means above, which will be the official notice.

e. **Assignment.** This Offer may not be assigned by the Buyer.

f. **Headings**. The use of headings, captions and numbers in this Offer is solely for the convenience of identifying and indexing the various provisions in this Offer and shall in no event be considered otherwise in construing or interpreting any provision in this Offer.

g. **Applicable Law, Venue**. This Offer shall be governed by, construed under and interpreted and enforced in accordance with the laws of the State of North Carolina. The sole venue for any suit, claim or action shall be in a state or federal court sitting in HENDERSON County, North Carolina. Nothing herein shall be deemed to confer jurisdiction upon the federal courts, except as may be otherwise provided by law.

h. **Entire Offer; Modification**. This Offer supersedes all prior discussions and agreements among the CITY and Buyer with respect to the purchase and sale of the Property and other matters contained herein, and this Offer contains the sole and entire understanding among the CITY and Buyer with respect thereto. This Offer shall not be modified or amended except by an instrument in writing executed by or on behalf of the CITY and Buyer.

i. **Attorney's Fees**. In the event of any litigation between Buyer and the CITY arising under or in connection with this Offer, the prevailing party shall be entitled to recover from the other party the expenses of litigation (including reasonable attorneys' fees, expenses and disbursements) incurred by the prevailing party.

j. **Authority**. Each party hereto warrants and represents that such party has full and complete authority to enter into this Offer and each person executing this Offer on behalf of a party warrants and represents that he has been fully authorized to execute this Offer on behalf of such party and that such party is bound by the signature of such representative.

k. **Counsel**. Each party hereto warrants and represents that each party has been afforded the opportunity to be represented by counsel of its choice in connection with the execution of this Offer and has had ample opportunity to read, review, and understand the provisions of this Offer.

l. **No Construction Against Preparer**. No provision of this Offer shall be construed against or interpreted to the disadvantage of any party by any court or other governmental or judicial authority by reason of such party's having or being deemed to have prepared or imposed such provision.

m. **No Lien**. This Offer is not and shall not be deemed or considered to convey or be an interest in or lien against the Property.

n. **No Recording**. In no event shall this Offer or any memorandum hereof be recorded by Buyer in any public records, and any such recordation or attempted recordation shall constitute a breach of this Offer by Buyer.

o. **Time of Essence; Dates**. Time is of the essence of this Agreement. Anywhere a day certain is stated for payment or for performance of any obligation, the day certain so stated enters into and becomes a part of the consideration for this Agreement. If any date set forth in this Agreement shall fall on, or any time period set forth in this Agreement shall expire on, a day which is a Saturday, Sunday, federal or state holiday, or other non-business day, such date shall automatically be extended to, and the expiration of such time period shall automatically to be extended to, the next day which is not a Saturday, Sunday, federal or state holiday or other non-business day. The final day of any time period under this Agreement or any deadline under this Agreement shall be the specified day or date, and shall include the period of time through and including such specified day or date. All references to the "Effective Date," if any, shall be deemed to refer to the date the CITY issues a Final Acceptance of this Offer.

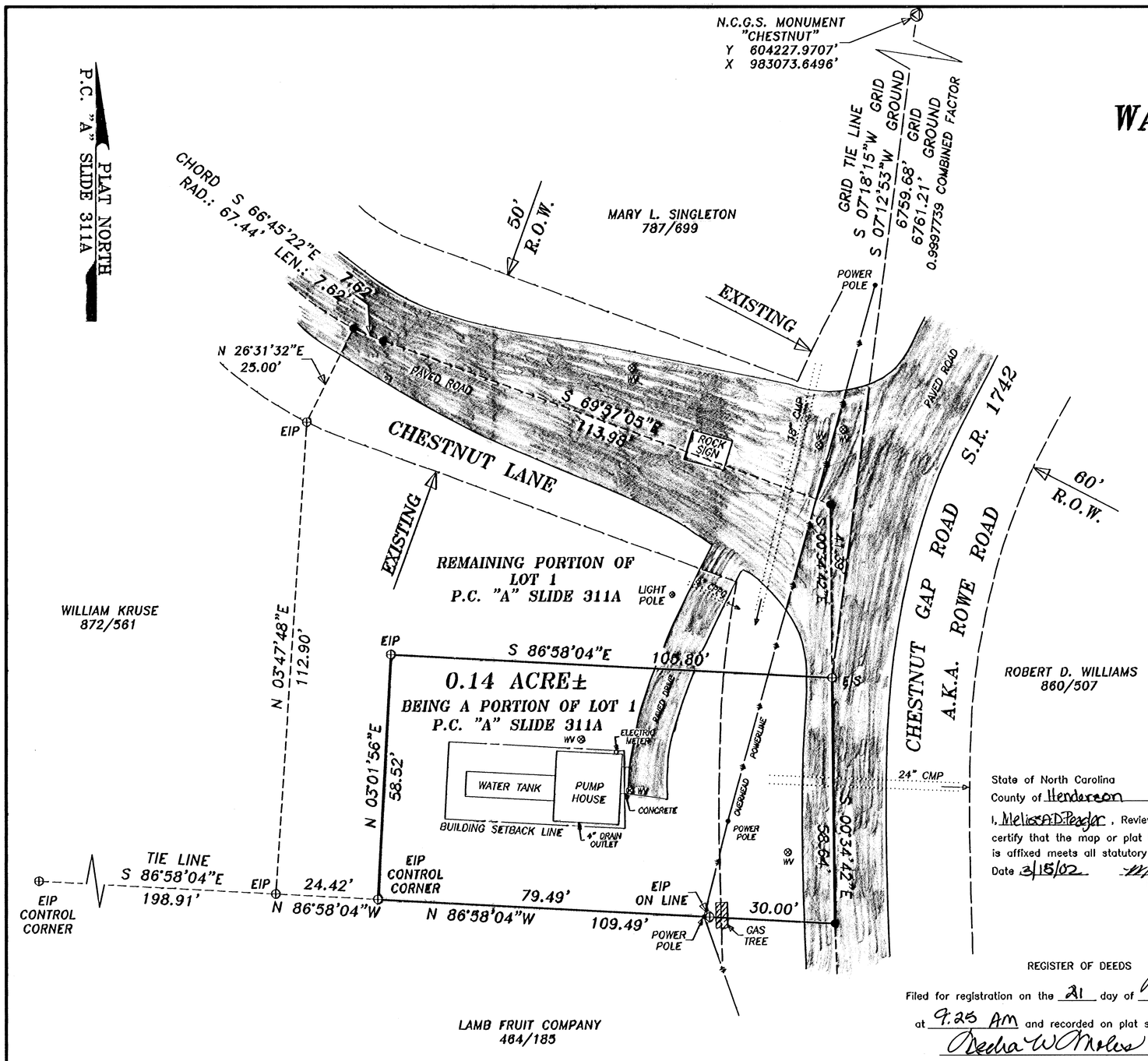
SLIDE 4094

PLAT OF SURVEY FOR
CITY OF HENDERSONVILLE
WATER AND SEWER DEPARTMENT

SHOWING THE AS-BUILT
PUMP STATION AND LOT
FOR CHESTNUT RIDGE SUBDIVISION
AND BEING A PORTION OF
LOT 1 AS SHOWN ON
P.C. "A" SLIDE 311A

BLUE RIDGE TOWNSHIP
HENDERSON COUNTY
NORTH CAROLINA

MARCH 12th, 2002



I, STACY KENT RHODES, a PROFESSIONAL LAND SURVEYOR, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book AS, Page SHOWN); that the boundaries not surveyed are clearly indicated drawn from information found in Book AS, Page SHOWN; 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. Witness my original signature, registration number and seal.

this 13TH day of MARCH, A.D., 2002.

NORTH CAROLINA PROFESSIONAL SEAL L-2959 LAND SURVEYOR STACY KENT RHODES

Stacy Kent Rhodes
PROFESSIONAL LAND SURVEYOR

State of North Carolina
County of Henderson

I, Melissa D. Peagler, Review Officer of Henderson County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date 3/15/02 Melissa D. Peagler
Review Officer

I, STACY KENT RHODES, a PROFESSIONAL LAND SURVEYOR, certify that this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

Stacy Kent Rhodes

I, Melissa D. Peagler, SUBDIVISION ADMINISTRATOR for Henderson Co., certify that this plat has been reviewed and approved as Minor Family Subdivision in accordance with the Henderson County Subdivision Ordinance.

Date 3/15/02 Signed Melissa D. Peagler

REGISTER OF DEEDS

Filed for registration on the 21 day of March 2002
at 9:25 AM and recorded on plat slide 4094

Neeha W Moles
REGISTER OF DEEDS

By: Tonda Moreipitt Deputy

20 0 20 40 60
GRAPHIC SCALE - FEET

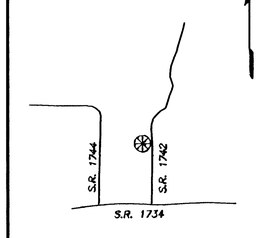
SCALE 1" = 20'

LEGEND

- EXISTING CORNER MONUMENT AS NOTED
- NEW IRON PIPE SET OR AS NOTED
- COMPUTED POINT-NOT STAKED
- CONCRETE MONUMENT AS NOTED
- WATER VALVE

NOTES:
1. AREA DETERMINED BY COORDINATE COMPUTATION.
2. AREA INCLUDES ANY AND ALL PORTIONS UNDER RIGHTS OF WAY.
3. THERE IS RESERVED A 5' EASEMENT ON THE EXTERIOR PERIMETER AROUND EACH AND EVERY LOT FOR THE PURPOSE OF CONSTRUCTION AND UTILITIES AS PER DEED BOOK 707 PAGE 397.
4. THE CURRENT OWNER OF RECORD IS CHARLES F. LAMB.
5. BUILDING SETBACKS ARE: 50' FRONT
   20' SIDE LOT LINE
   15' REAR LOT LINE
6. THE COVENENT RESTRICTIONS ARE RECORDED IN D.B. 707 PG. 397.
7. THE ORIGINAL 0.14 ACRE TRACT SURVEYED FEBRUARY 15th, 2000. THIS PLAT WAS REVISED TO SHOW GRID TIE AND IMPROVEMENTS.

LOCATION MAP (NTS)



REFERENCES:
DEED: D.B. 453 PG. 423
PLAT: P.C. "A" SLIDE 311A

TAX ID REFERENCE: 00-9589-27-0466-55

SCREEN FILE: 00-016

CHECKED BY: S.K.R.

REVISIONS:

DATE: MARCH 12th, 2002

SURVEY BY
STACY KENT RHODES
NC PLS 2959

WAGGONER & RHODES
LAND SURVEYORS, INC.

130 JOEL WRIGHT DRIVE
HENDERSONVILLE, NORTH CAROLINA 28792
PHONE: (828) 693-1022

DRAWN BY: R.L. STEPP | JOB NUMBER: 00-016

Agenda

RESOLUTION OF PROPOSED ACCEPTANCE OF NEGOTIATED OFFER

WHEREAS, the City of Hendersonville owns certain property described as that +/- 0.14 acre tract as shown on that plat recorded in the Henderson County, Register of Deeds Office in Plat Slide 4094, said plat being incorporated herein by reference, the lot having a tax parcel ID of 9589271459, and the property having being acquired by the City in Deed Book 1094 at Page 228 of the Henderson County Register of Deeds Office ("Property"); and

WHEREAS, North Carolina General Statute Section 160A-269 permits the City to sell property by upset bid after receiving and offer to purchase; and

WHEREAS, the City has received a NEGOTIATED OFFER RECEIVED PURSUANT TO N.C.G.S. § 160A-269 ("Offer"), a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to the Offer, Joshua Hoard ("Buyer"), is offering to purchase the Property for the sum of One thousand five hundred dollars and no/100 ($1,500.00), subject to the terms and conditions contained within the Offer; and

WHEREAS, subject to the terms below, the Hendersonville City Council wishes to issue a proposed acceptance of the Offer;

THEREFORE, the Hendersonville City Council resolves that:

1. The Council declares the Property surplus, and proposes to accept the Offer pursuant to the procedures of 160A-269.
2. The Buyer has required to deposit with the City Clerk a sum equal to 5 % of the offer, or $75.00. The Clerk will cause a notice to be published in a newspaper of record advising that upset bids will be accepted within 10 days of the date of publication, which bid shall increase the proposed sales price by at least an amount equal to 10% of the first $1,000.00 of the purchase price and 5% of the excess. Such upset bids shall be made to the City Clerk and accompanied by a deposit equal to 5% of the new purchase price, at which time the Clerk shall then publish a new notice advising that further upset bids, increased in the same minimum amount may be accepted within 10 days from the date of publication.
3. Each bidder submitting an upset bid shall be bound by the same terms and conditions as contained in the Offer. Each bidder shall therefore be required to sign an offer in the form of the Offer attached hereto as Exhibit A, with the only differences being (1) a revised purchase price; and (2) modification of the terms of the upset bid procedure described in the Offer to reflect the terms of this Resolution.
4. When there are no further bidders, the high bid shall be reported to the Council by the Clerk.

Agenda

5. Closing shall occur within 30 days of the issuance of a final acceptance by the Council.
6. The City reserves the right to withdraw the property from sale at any time before the issuance of a final acceptance and the right at any time to reject all bids.

Adopted this _____ day of _____ 2020.

ATTEST:

_____ _____

Angela L. Reece, City Clerk Barbara G. Volk, Mayor

Approve as to Form:

_____

Angela Beeker, City Attorney

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Agenda

Submitted By: John Connet

Department: Admin

Date Submitted: 10/23/2020

Presenter: John Connet

Title of Item: Authorize City Manager to Exempt Certain Services from Mini-Brooks Act

Nature of Item: Council Action

Council Meeting Date: November 5, 2020

Summary of Information/Request:

Item # 5G

The North Carolina General Statutes requires the initial solicitation and evaluation of firms to perform architectural, engineering or surveying services (collectively "design services") to be based on qualifications and without regard to fee. The process to solicit proposals and evaluate the firms can take as long as forty-five days. This may dramatically slow down small repair project. However the General Statutes authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements if the estimated fee is less than $50,000. Therefore, we are asking the City Council to authorize the City Manager to exempt design services with a fee of less than $50,000 from the Mini-Brooks Act. However, anything over $20,000 will have to follow the informal bid process, which requires a minimum of three proposals.

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

Suggested Motion:

I move that the City Council approve the resolution authorizing the City Manager to exempt, award and enter into contracts for architectural, engineering and surveying service from the requirements of N.C.G.S 143-65.31 (Mini-Brooks Act).

Attachments:

Proposed Resolution

Agenda

RESOLUTION AUTHORIZING THE CITY MANAGER FOR THE CITY OF HENDERSONVILLE TO EXEMPT CONTRACTS FOR ARCHITECTURAL, ENGINEERING AND SURVEYING SERVICES FROM THE REQUIREMENTS OF N.C.G.S. § 143-64.31 (Mini Brooks Act)

WHEREAS, N.C.G.S. § 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering or surveying services (collectively "design services") to be based on qualifications and without regard to fee; and

WHEREAS, N.C.G.S. § 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of N.C.G.S. § 143-64.31 if the estimated fee is less than $50,000 (contracts for design services whose estimated fee is less than $50,000 are hereinafter referred to as "eligible contracts"); and

WHEREAS, the City Council for the City of Hendersonville would like to be able to procure eligible contracts based upon the lowest responsive, responsible bid received for design services; and

WHEREAS, N.C.G.S. § 143-64.31 requires that the exemption of eligible contracts occurs on a project-by-project basis; and

WHEREAS, the City Council would like to delegate to the City Manager the authority to exempt and award eligible contracts without bringing them to the City Council for approval;

NOW THEREFORE BE IT RESOLVED by the City Council for the City of Hendersonville as follows:

1. The City Manager is authorized to exempt, award and enter into eligible contracts from the requirements of N.C.G.S. § 143-64.31.
2. The City Manager must cause exempted eligible contracts that are estimated to have fees in excess of $20,000 to be put out for informal bids or informal proposals by a written Invitation to Bid or written Requests for Proposals. The City Manager is authorized to award and enter into eligible contracts, exempted from the requirements of N.C.G.S. § 143-64.31, to the lowest priced, responsive, responsible bidder, taking into account qualify, performance and time specified in the Invitation or Request, on behalf of the City without bringing them to the City Council for approval.
3. For exempted eligible contracts that are estimated to have fees in excess of $20,000, the City Manager must also cause the invitation to bid or request for proposals to be advertised on the Historically Underutilized Business website maintained by the North Carolina Department of Administration for at least five (5) consecutive business days in advance of the deadline for submission of bids or proposals.

Agenda

4. The requirements contained in paragraphs 2 and/or 3 of this Resolution for exempted eligible contracts that are estimated to have fees in excess of $20,000 may be waived by the City Manager in the event of an emergency. Contracts may not be separated or divided for the purpose of evading the requirements of N.C.G.S. § 143-64.31.

This Resolution shall be effective upon adoption.

Adopted this the 5th day of November 2020.

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Agenda

Submitted By: Adam Steurer

Department: Utilities

Date Submitted: 10/26/2020

Presenter: Lee Smith

Title of Item: North Fork Reservoir Dredging: Engineering Services

Nature of Item: Council Action

Council Meeting Date: November 5, 2020

Summary of Information/Request:

Item # 5H

The City intends to dredge its North Fork Reservoir, one of the City's existing three water supply sources, located within the Pisgah National Forest in the summer/fall of 2021. On average, the City draws approximately 2 million gallons of water per day from this source. Over the years, sediment has accumulated in the reservoir, reducing storage capacity and inhibiting flow to the intake structure.

The attached proposal describes tasks and fees to provide engineering services to support sediment removal from the North Fork Reservoir managed for water supply by the City. The City intends to implement a permitted dredging operation to remove accumulated sediments upstream of the dam. This operation will require permits from federal and state regulatory agencies in addition to the landowner, U.S. Forest Service. Jennings Environmental, having familiarity with the site and project, is also preparing a management plan for sediment release to sustainably operate the reservoir with the goal of prolonging future dredging activities.

Suggested Motion(s):

I move to adopt the Resoultion to authorize the City Manager to enter into a professional service agreement for engineering services with Jennings Enviornmental for the North Fork Reservoir Dredging Project in the amount of $48,000 with such terms and conditions as may be approved by the City Manager in consultation with the City Attorney.

Agenda

Budget Impact: $ 48,000 Is this expenditure approved in the budget? N/A If no, describe how it will be funded.

There are funds allocated for this project through a CPO.

Project Number:

19010

Petition Number:

N/A

Additional Petition Number:

Petitioner Name:

N/A

Attachments:

RESOLUTION
Jennings Environmental - Proposal for Engineering Services for North Fork Reservoir Sediment Removal

Agenda

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JENNINGS ENVIRONMENTAL, PLLC, FOR THE NORTHFORK RESERVOIR DREDGING PROJECT

WHEREAS, the City intends to dredge its North Fork Reservoir, one of the City's existing three water supply sources, located within the Pisgah National Forest in the summer/fall of 2021; and

WHEREAS, dredging of the North Fork Reservoir is necessary to remove sediment that has accumulated in the reservoir, reducing storage capacity and inhibiting flow to the intake structure; and

WHEREAS, the City has received a proposal from Jennings Environmental, PLLC, proposing to provide engineering services to support sediment removal from the North Fork Reservoir managed for water supply by the City in the amount of $48,000 (the "Proposal"); and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that the City Manager is authorized to enter into a contract with Jennings Environmental, PLLC, in the amount of $48,000.00 to perform the services outlined in the Proposal. Further the City Manager, City Attorney, City Clerk, and City staff are authorized to take such actions as are necessary to carry out the City's obligations under the terms of the contract as signed by the City Manager. The Agreement is hereby exempted from the requirements of the Mini-Brooks Act, NCGS § 143-64.31.

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

Approved as to Form:

_____

Agenda

Angela S. Beeker, City Attorney

Agenda

Jennings Environmental

www.jenningsenv.com
7 Samuel Ashe Drive, Asheville, NC 28805
greg@jenningsenv.com
919-600-4790

PROPOSAL: **Engineering Services for North Fork Reservoir Sediment Removal**

Prepared for: City of Hendersonville, NC

Prepared by: Jennings Environmental PLLC
Greg Jennings, PhD, PE, President

Date: October 26, 2020

This Proposal describes tasks and fees to provide engineering services to support sediment removal from the North Fork Reservoir managed for water supply by the City of Hendersonville, NC. The City intends to implement a permitted dredging operation during Spring and Summer of 2021 or 2022 to remove accumulated sediments upstream of the dam. This operation will require permits from federal and state regulatory agencies in addition to the landowner, U.S. Forest Service.

Jennings Environmental PLLC will provide the following engineering services in coordination with City staff and other contractors:

A. Pre-construction/Permitting Tasks:

1. Engineers will conduct site assessment to determine accumulated sediment volume within the reservoir, collect measurements and data on the existing infrastructure, and characterize the hydraulics and sediment transport rates of the stream channels above and below the reservoir. This work will require that a licensed surveyor install control points on site to support accurate measurements and CAD drawings.

2. Engineers will develop erosion and sediment control plans and specifications to comply with NC DEMLR requirements for ESC Plan approval, Trout Buffer Variance approval, and Stormwater General Permit for land disturbance. These plans will also be available for submittal to the U.S. Forest Service and environmental agencies as part of the project approval process as needed.

3. Engineers will complete NC DEMLR permit applications for submittal and payment of permit fees by City staff. Engineers will attend on-site meetings with regulatory agencies as needed to obtain approvals.

4. Engineers will participate in the contractor selection process to explain permit conditions and operating procedures in coordination with City staff.

B. Construction/Close-out Tasks:

5. Engineers will participate in on-site progress meetings, Final Walk-Through meeting, and post-construction inspections as requested by the City to ensure permit compliance and efficient operations by the contractor.

6. Engineers will certify successful project completion for closing out permits when appropriate and will attend inspection meetings requested by permit agencies.

7. Engineers will inspect the project site following dredging operations to recommend management measures to minimize future sediment accumulation in the reservoir.

8. Engineers will survey stream cross-sections downstream of the dam to determine if any sediment impacts occurred due to the dredging operation or bottom release of sediment from the reservoir.

9. Engineers will provide stage-discharge calibration of downstream staff gauges upon request of the City to support permit conditions regarding reservoir discharge.

ASSUMPTIONS:

- The City will provide all existing relevant information to the engineering team.
- The City will hire a qualified surveyor to install control points as directed by the engineering team.
- The City will pay all permit application fees.

FEES: The proposed work will be charged at $200 per hour, with a not-to-exceed fee of $48,000.

Respectfully Submitted,

Gregory D. Jennings

Gregory D. Jennings, PhD, PE
President, Jennings Environmental PLLC

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Agenda

Submitted By: Tom Wooten

Department: Public Works

Date Submitted: September 29, 2020

Presenter: Tom Wooten

Title of Item: Strick Garden Lane Right of Way

Nature of Item: Council Action

Council Meeting Date: November 5, 2020

Summary of Information/Request: **Item #** 5I

The City has received a request from The Housing Assistance Corporation to take over maintenance of the right of way within the Oklawaha Village development known as Strick Garden Lane. The request includes a resolution that was passed by The Housing Assistance Corporation's Board, a signed Certificate of Dedication and Maintenance, and a plat of the right of way for Strick Garden Lane. Upon receiving the request, the City requested four core samples to test the asphalt thickness and base thickness. All core samples meet or exceed our standards. In addition, all street signs and pavement markings are in place. The Housing Assistance Corporation also provided a cost estimate for the road construction.

Staff are recommending that City Council adopt the right of way for Strick Garden Lane so it can be added to our street maintenance program.

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

The right of way will be incorporated into our street maintenance program.

Suggested Motion:

I move to accept the dedication of right of way for Strick Garden Lane and to add it to the City of Hendersonville Street Maintenance Program.

Attachments:

Request from The Housing Assistance Corporation
Resolution passed by The Housing Assistance Corporation Board
A signed Certificate of Dedication and Maintenance
Recorded Plat for Strick Garden Lane
Cost Estimate for Strick Garden Lane

Agenda

HOUSING ASSISTANCE

September 14, 2020

Mr. Tom Wooten
Director of Public Works
City of Hendersonville
305 Williams Street
Hendersonville, NC 28792

RE: Dedication of street right-of-ways on Strick Garden Lane, to the City of Hendersonville.

Dear Mr. Wooten:

We hereby submit the following documents required for dedication and to formalize our request:

1. Copy of Resolution of Strick Garden Lane dated September 14, 2020, stating that Members have voted and gave consent to such dedication of the street right-of-ways to the City of Hendersonville.
2. A Certificate of Dedication and Maintenance signed by President of The Housing Assistance Corporation, and dated September 14, 2020
3. A Final Plat of the Oklawaha Village development.

Please contact Sarah Grymes at 828-692-4744 ext.101 if any additional information is required.

Sincerely,

M. Hilton Swing
President, The Housing Assistance Corporation

Agenda

A RESOLUTION: For Authorization by the Board Members of The Housing Assistance Corporation, to pursue with the City of Hendersonville, Housing Assistance's request for the City of Hendersonville, to accept ownership and maintenance responsibility of Strick Garden Lane located in the Oklawaha Village development.

WHEREAS, since all Board Members of The Housing Assistance Corporation, have voted to approve or reject the Proposal requesting the City of Hendersonville to assume all ownership and maintenance of Strick Garden Lane located in the Oklawaha Village development.

WHEREAS, since all Board Members of The Housing Assistance Corporation, having voted, have by their unanimous vote approved the Proposal that the City of Hendersonville be formally requested to accept and maintain said streets,

THEREFORE BE IT RESOLVED, that Sarah Grymes, Executive Director, will be directed to proceed with an expeditious submission of the above described Proposal.

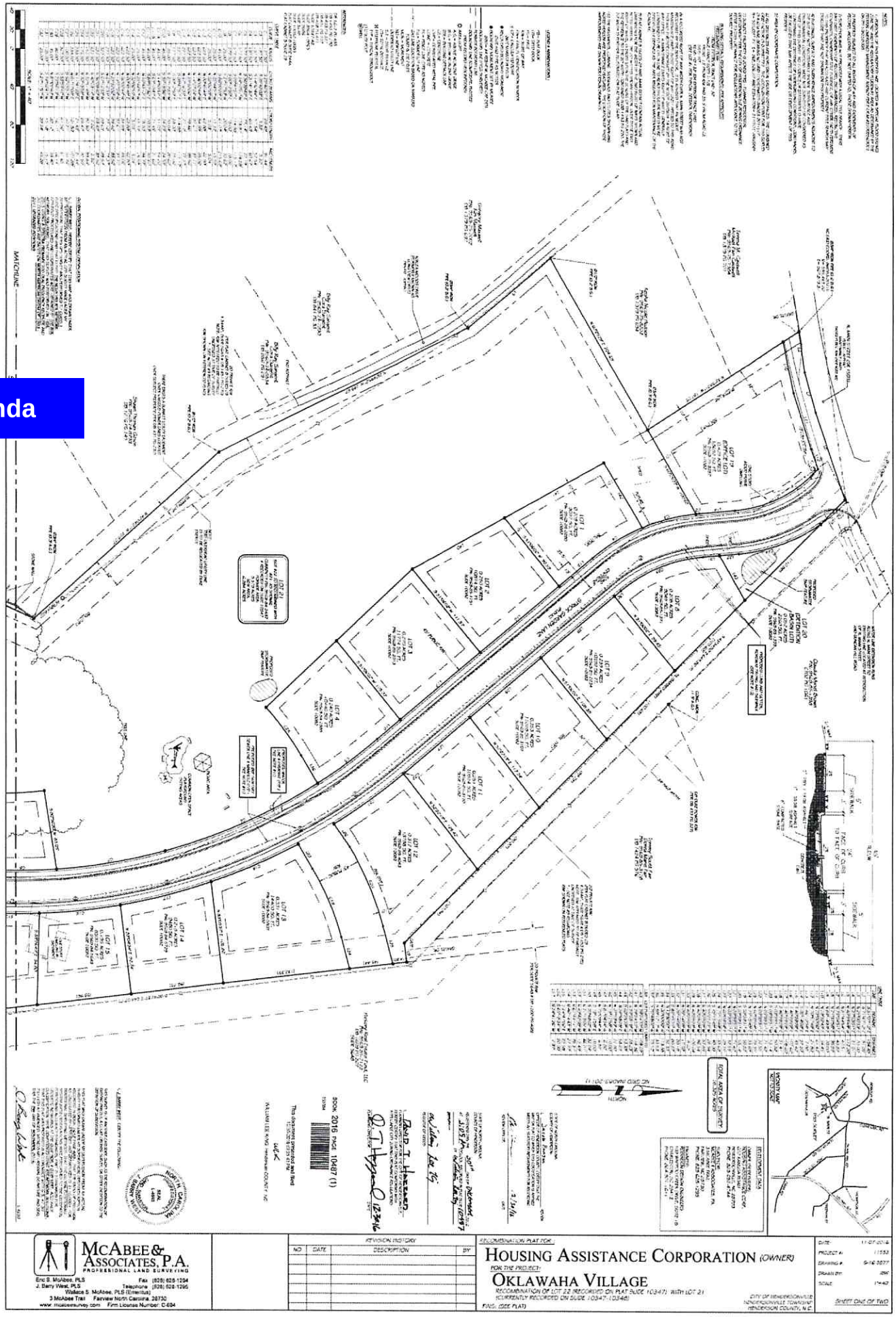
Authorization granted this September 14, 2020 (date) by the Board Members of The Housing Assistance Corporation.

Signature: _____

M. Hilton Swing, The Housing Assistance Corporation Board President

SLIDE 10487

Agenda



Slide 11136

NOTES:

1) PORTIONS OF THIS PROPERTY ARE LOCATED IN SPECIAL FLOOD HAZARD ZONE "AE" AND THE REGULATORY FLOODWAY AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY PER F.I.R.M.#3700956900J DATED 10/02/2008.

2) PROPERTY SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD, INCLUDING, BUT NOT LIMITED TO, THOSE SHOWN HEREON.

3) SURVEYOR WAS NOT PROVIDED WITH A LEGAL TITLE SEARCH. THERE MAY EXIST EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS PERTINENT TO THIS PROPERTY THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE THAT ARE NOT SHOWN ON THIS PROPERTY.

4) BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND CONDITIONS, CONTAINERS, OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.

5) AREA BY COORDINATE COMPUTATION.

6) ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES. THE COMBINED GRID FACTOR IS 0.9997772. THE LOCALIZATION POINT FOR THIS SURVEY IS A 60d NAIL BEARING NC GRID COORDINATES (NAD83-2011) OF: N= 595,097.71' E= 968,526.70' AND ELEVATION= 2110.01' (NAVD88)

7) SUBJECT PROPERTY IS ZONED "PRD - PLANNED RESIDENTIAL DEVELOPMENT" PER THE CITY OF HENDERSONVILLE ZONING ORDINANCE. REFER TO THIS ORDINANCE FOR REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY.

BUILDING SETBACK REQUIREMENTS (PER APPROVED PRELIMINARY PLAN:
- FROM EXTERIOR TRACT LINE: 32'
- SINGE FAMILY (LOTS 1-18)
FRONT: 13' FROM R/W AND 35.5' FROM ROAD C/L
SIDE: 10'
REAR: 10' / 32' (ON EXTERIOR TRACT LINE)

8) A RECORDED RIGHT OF WAY WIDTH OVER N. MAIN STREET WAS NOT RECOVERED BY THE SURVEYOR. IT IS ADVISED THAT AN NCDOT MAINTENANCE LIMITS BASED RIGHT OF WAY LIKELY APPLIES TO THIS ROAD. THIS WAS FURTHER CONFIRMED BY THE NCDOT DIVISION 14 RIGHT OF WAY OFFICE. A MAINTENANCE LIMITS RIGHT OF WAY IS GENERALLY CONSIDERED TO BE DITCH LINE TO ROAD SHOULDER AND IS MORE SPECIFICALLY DEFINED AS THE AREA REQUIRED FOR MAINTENANCE OF THE ROADWAY.

9) INTENTIONALLY OMITTED

10) THE PAVEMENTS, CURBING, SIDEWALKS AND UTLITIES SHOWN AND NOTED HEREON ARE PROPOSED FEATURES. THE LOCATION OF THESE IMPROVEMENTS ARE SHOWN PER DESIGN DRAWINGS.

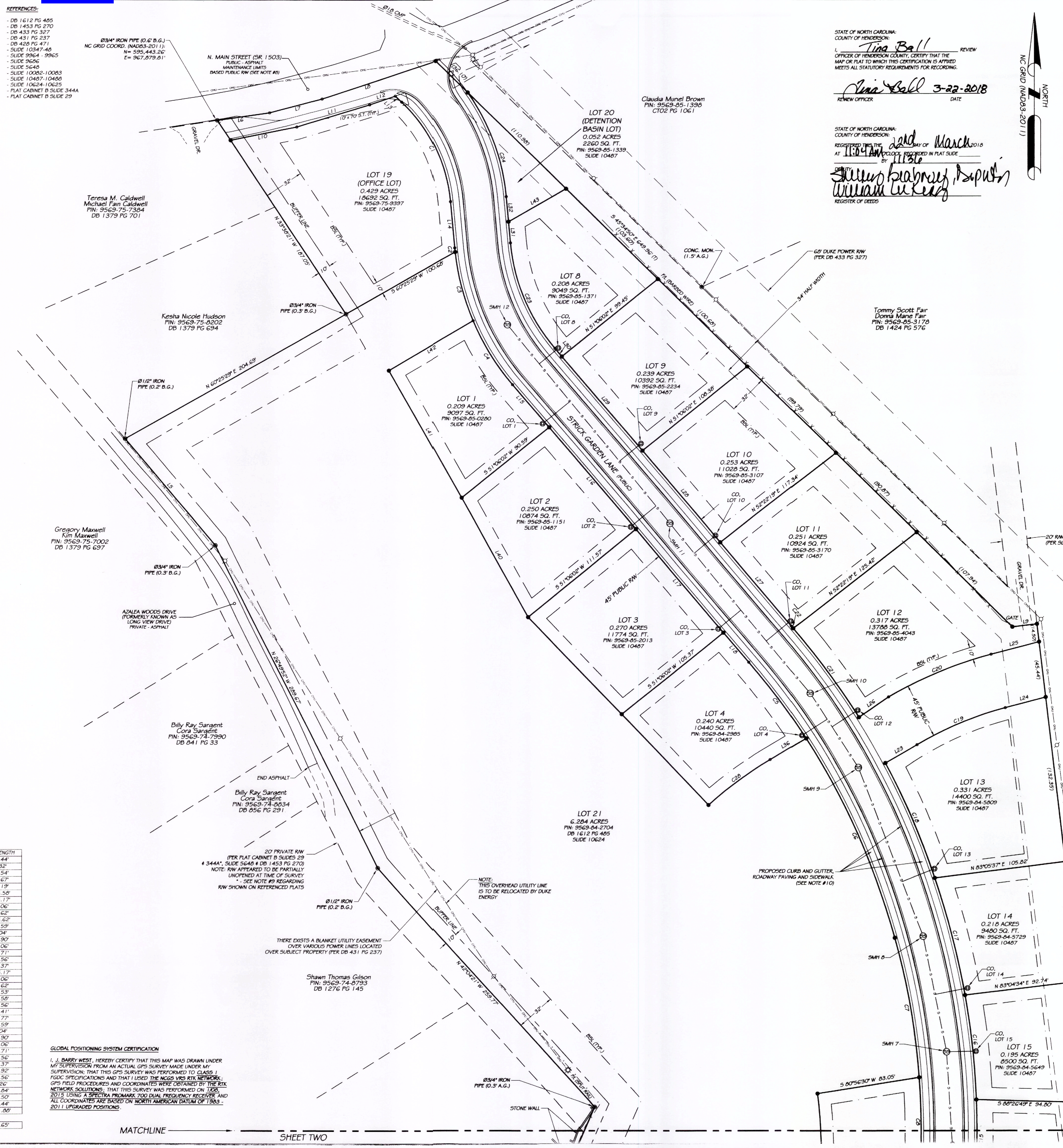
11) THE FORCE MAIN SEWER LINE LOCATION, AND ASSOCIATED EASEMENT, SHOWN HEREON ARE BASED UPON DESIGN PLANS. THE INTENT OF THIS PLAT IS TO REFLECT A 20' EASEMENT, 10' PER SIDE OF THE MAIN, AS IT EXISTS ON THE SITE.

12) THE COMPLETE SEWER EASEMENT AREA SHOWN HEREON IS COMPRISED OF AREAS "A" AND "B" (AS LABELED HEREON).

REFERENCES:

- DB 1612 PG 485
- DB 1453 PG 270
- DB 433 PG 327
- DB 431 PG 237
- DB 428 PG 471
- SLIDE 10347-48
- SLIDE 9964 - 9965
- SLIDE 9686
- SLIDE 5648
- SLIDE 10082-10083
- SLIDE 10487-10488
- SLIDE 10624-10625
- PLAT CABINET B SLIDE 344A
- PLAT CABINET B SLIDE 29

LEGEND & ABBREVIATIONS :
PB= PLAT BOOK
DB= DEED BOOK
PG= PAGE
R/W= RIGHT OF WAY
PIN= PARCEL IDENTIFICATION NUMBER
○ CP= CALCULATED POINT (NOT MARKED IN FIELD)
◉ RECOVERED BOUNDARY MONUMENT (SIZE AND TYPE AS NOTED)
● BOUNDARY MONUMENT SET BY MCABEE (RBS= #4 REBAR W. MCABEE CAP SET)
BOUNDARY LINE (FIELD SURVEYED)
FORMER BOUNDARY LINE
BOUNDARY LINE (COMPOSITE, PLOTTED FROM RECORD DESCRIPTIONS)
AREA LIGHT
A.G. = ABOVE ADJACENT GRADE
B.G. = BELOW ADJACENT GRADE
BSL= BUILDING SETBACK LINE
CH. = CHAIN
C/L= CENTERLINE
CMP= CORRUGATED METAL PIPE
CONC. = CONCRETE
E.PANEL= ELECTRIC PANEL
F/L= FENCE LINE (TYPE AS NOTED)
GAS — GAS LINE (LOCATION BASED ON MARKERS FOUND IN THE FIELD)
◆ GAS VALVE
GEN. = GENERATOR
MON. = MONUMENT
OHU — OVERHEAD UTILITY LINE
S.T. = SIGHT TRIANGLE
SANITARY SEWER CLEAN-OUT
S — SANITARY SEWER LINE
FM — SANITARY SEWER LINE (FORCE MAIN, PLOTTED PER DESIGN PLANS)
SANITARY SEWER MANHOLE
(T)= TOTAL DISTANCE
☒ TELEPHONE PEDESTAL
TYP. = TYPICAL THROUGHOUT
UTILITY POLE



STATE OF NORTH CAROLINA:
COUNTY OF HENDERSON:

I, Tina Ball REVIEW OFFICER OF HENDERSON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

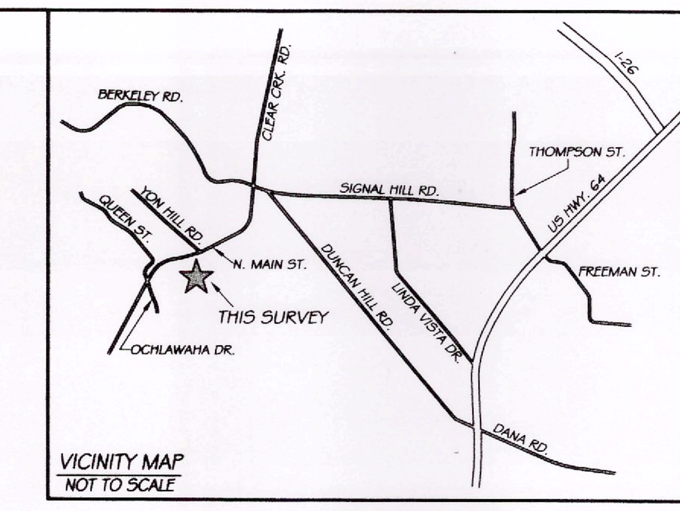
Tina Ball 3-22-2018
REVIEW OFFICER DATE

STATE OF NORTH CAROLINA:
COUNTY OF HENDERSON:

REGISTERED THIS THE 22nd DAY OF March 2018 AT 11:04 AM O'CLOCK, RECORDED IN PLAT SLIDE 11136 BY
DEPUTY Shelley Leabrouy, Deputy
William Lee King
REGISTER OF DEEDS

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 81°07'12" E	194.49'
L2	S 71°47'12" E	81.05'
L3	N 25°00'33" E	20.00'
L4	N 27°23'01" E	21.01'
L5	N 40°23'49" W	112.20'
L6	N 81°44'54" E	42.51'
L7	N 75°04'51" E	43.87'
L8	N 71°37'58" E	95.92'
L9	N 83°14'23" E	20.00'
L10	N 78°32'43" E	54.45'
L11	N 73°00'06" E	61.42'
L12	N 70°57'49" E	21.80'
L13	S 46°19'34" E	7.08'
L14	S 05°14'08" E	37.20'
L15	S 40°29'29" E	45.42'
L16	S 40°29'29" E	107.62'
L17	S 40°29'29" E	108.60'
L18	S 40°29'29" E	31.41'
L19	S 03°39'31" W	50.82'
L20	S 03°39'31" W	53.14'
L21	N 03°39'31" E	71.42'
L22	N 03°39'31" E	32.55'
L23	N 60°09'24" E	29.35'
L24	N 75°15'49" E	33.69'
L19	S 03°39'31" W	50.82'
L20	S 03°39'31" W	53.14'
L21	N 03°39'31" E	71.42'
L22	N 03°39'31" E	32.55'
L23	N 60°09'24" E	29.35'
L24	N 75°15'49" E	33.69'
L25	S 75°15'49" W	40.00'
L26	S 55°25'23" W	28.94'
L27	N 40°29'29" W	87.85'
L28	N 40°29'29" W	96.54'
L29	N 40°29'29" W	100.04'
L30	N 40°29'29" W	8.62'
L31	N 05°14'08" W	17.02'
L32	N 05°14'08" W	20.18'
L33	S 85°45'35" W	80.87'
L34	N 13°30'00" E	92.33'
L35 PURPOSELY OMITTED		
L36	S 59°17'17" W	33.53'
L37 - L39 PURPOSELY OMITTED		
L40	N 29°24'33" W	109.07'
L41	N 29°24'33" W	118.36'
L42	N 59°28'19" E	78.23'
L43	S 60°25'29" W	53.39'
L44	N 28°58'28" E	58.23'
L45 - L50 PURPOSELY OMITTED		
L51	N 71°13'05" W	46.01'
L52	N 43°42'08" W	13.49'
L53	N 61°44'11" W	78.31'
L54	N 46°14'43" W	27.97'



VICINITY MAP
NOT TO SCALE

DEVELOPMENT DATA

OWNER (SUBDIVIDER):
HOUSING ASSISTANCE CORP.
602 KANUGA ROAD
HENDERSONVILLE, NC 28793
PHONE: 828-692-4744

SURVEYOR:
MCABEE & ASSOCIATES, PA.
3 MCABEE TRAIL
FAIRVIEW, NC 28730
PHONE: 828-628-1295

ENGINEER:
ROBINSON DESIGN ENGINEERS
109 WAPPOO CREEK DRIVE, SUITE 1B
CHARLESTON, SC 29412
PHONE: 864-901-1611

BOOK 2018 PAGE 11136 (1)
880653

This document presented and filed:
03/22/2018 11:04:02 AM
WILLIAM LEE KING, Henderson COUNTY, NC

CURVE TABLE

CURVE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	127.50'	S 25°46'51" E	89.49'	91.44'
C2	197.50'	S 05°43'03" E	3.32'	3.32'
C3	197.50'	S 14°32'44" E	57.34'	57.54'
C4	197.50'	S 31°41'30" E	60.43'	60.67'
C5	577.50'	S 36°39'43" E	77.14'	77.19'
C6	577.50'	N 24°10'21" W	173.91'	174.58'
C7	577.50'	S 09°47'57" E	114.98'	115.17'
C8	577.50'	S 00°12'50" E	78.00'	78.06'
C9	25.00'	S 27°17'33" W	20.04'	20.62'
C10	45.00'	S 86°20'29" E	61.07'	215.62'
C11	25.00'	N 25°44'57" W	15.33'	15.59'
C12	25.00'	N 02°06'55" W	5.03'	5.04'
C13	622.50'	N 00°45'49" E	62.88'	62.90'
C14	622.50'	N 06°02'44" W	84.99'	85.06'
C15	622.50'	N 14°27'24" W	97.61'	97.71'
C16	622.50'	N 23°32'06" W	99.46'	99.56'
C17	277.50'	N 67°16'33" E	77.12'	77.37'
C7	577.50'	S 09°47'57" E	114.98'	115.17'
C8	577.50'	S 00°12'50" E	78.00'	78.06'
C9	25.00'	S 27°17'33" W	20.04'	20.62'
C10	45.00'	S 35°18'36" W	24.23'	24.53'
C11A	45.00'	S 04°40'48" W	23.31'	23.58'
C11B	45.00'	S 69°36'35" E	11.53'	11.56'
C11C	45.00'	S 89°57'36" E	20.23'	20.41'
C12	45.00'	N 16°43'12" E	78.20'	94.77'
C13	25.00'	N 25°44'57" W	15.33'	15.59'
C14	25.00'	N 02°06'55" W	5.03'	5.04'
C15	622.50'	N 00°45'49" E	62.88'	62.90'
C16	622.50'	N 06°02'44" W	84.99'	85.06'
C17	622.50'	N 14°27'24" W	97.61'	97.71'
C18	622.50'	N 23°32'06" W	99.46'	99.56'
C19	277.50'	N 67°16'33" E	77.12'	77.37'
C20	322.50'	S 67°16'33" W	89.63'	89.92'
C21	622.50'	N 36°09'40" W	89.49'	89.56'
C22	622.50'	N 40°23'14" W	2.26'	2.26'
C23	152.50'	N 22°51'49" W	92.36'	93.84'
C24	172.50'	N 20°15'58" W	89.47'	90.50'
C25	339.50'	N 11°41'28" E	21.43'	21.44'
C26	339.50'	N 01°17'08" E	101.50'	101.88'
C27 PURPOSELY OMITTED				
C28	327.50'	S 53°53'42" W	61.56'	61.65'

GLOBAL POSITIONING SYSTEM CERTIFICATION

I, J. BARRY WEST, HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION; THAT THIS GPS SURVEY WAS PERFORMED TO CLASS I FGDC SPECIFICATIONS AND THAT I USED THE NCGS VRS RTK NETWORK; GPS FIELD PROCEDURES AND COORDINATES WERE OBTAINED BY THE RTK NETWORK SOLUTIONS; THAT THIS SURVEY WAS PERFORMED ON 1/08, 2015 USING A SPECTRA PROMARK 700 DUAL FREQUENCY RECEIVER AND ALL COORDINATES ARE BASED ON NORTH AMERICAN DATUM OF 1983 - 2011 UPGRADED POSITIONS.

NORTH CAROLINA PROFESSIONAL LAND SURVEYOR SEAL L-4693 J. BARRY WEST

I, J. BARRY WEST, CERTIFY THE FOLLOWING:

THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION; DEED DESCRIPTION RECORDED IN BOOK 1612 PAGE 485; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1: 10,000+ FOR TRADITIONAL SURVEYING METHODS; THAT THE GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT THE 0.04' HOR. & 0.08' VERT. ACCURACY CLASSIFICATION (95% CONFIDENCE) USING RTK NETWORK SOLUTIONS; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 (F)(11)(D) AS AMENDED. WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE 20th DAY OF MARCH, 2018.

J. Barry West L-4693

SCALE: 1" = 40'
40' 20' 0' 40' 80' 120'

DATE:	3-07-2017
PROJECT #:	11553
DRAWING #:	G-17-3971
DRAWN BY:	JBW
SCALE:	1"=40'

SHEET ONE OF TWO

SEWER AS-BUILT & EASEMENT SURVEY FOR:
HOUSING ASSISTANCE CORPORATION (OWNER)
FOR THE PROJECT:
OKLAWAHA VILLAGE
PHASE: SINGLE FAMILY
PINS: (SEE PLAT)

CITY OF HENDERSONVILLE
HENDERSONVILLE TOWNSHIP
HENDERSON COUNTY, N.C.

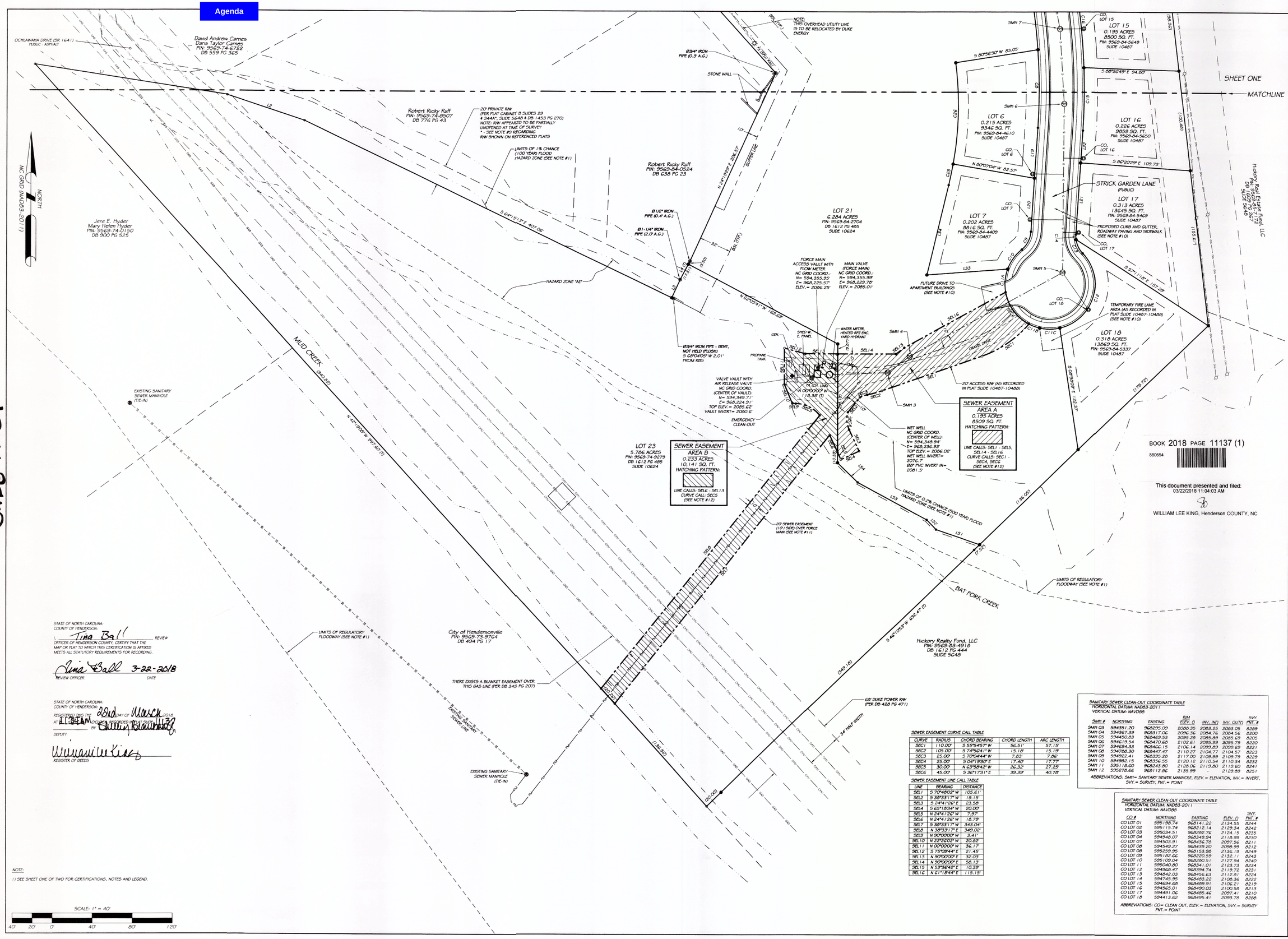
REVISION HISTORY

NO.	DATE	DESCRIPTION	BY

McABEE & ASSOCIATES, P.A.
PROFESSIONAL LAND SURVEYING
Eric S. McAbee, PLS Fax (828) 628-1294
J. Barry West, PLS Telephone (828) 628-1295
Wallace S. McAbee, PLS (Emeritus)
3 McAbee Trail Fairview North Carolina, 28730
www. mcabeesurvey.com Firm License Number: C-694

Agenda

Slide 11137



STATE OF NORTH CAROLINA:
COUNTY OF HENDERSON:

I, Tina Ball REVIEW OFFICER OF HENDERSON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Tina Ball 3-22-2018
REVIEW OFFICER DATE

STATE OF NORTH CAROLINA:
COUNTY OF HENDERSON:

REGISTERED THIS THE 22nd DAY OF March 2018 AT 11:04 AM O'CLOCK AND RECORDED IN BOOK 2018 PAGE 11137

BY: Shelley Blackwood
DEPUTY

William Lee King
REGISTER OF DEEDS

NOTE:

1) SEE SHEET ONE OF TWO FOR CERTIFICATIONS, NOTES AND LEGEND.

SCALE: 1" = 40'

40' 20' 0' 40' 80' 120'

SEWER EASEMENT CURVE CALL TABLE

CURVE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
SEC1	110.00'	S 55°54'57" W	56.51'	57.15'
SEC2	105.00'	S 74°54'41" W	15.18'	15.19'
SEC3	25.00'	S 70°04'44" W	7.83'	7.86'
SEC4	25.00'	S 04°19'30" E	17.40'	17.77'
SEC5	30.00'	N 63°59'42" W	26.32'	27.25'
SEC6	45.00'	S 36°17'31" E	39.39'	40.78'

SEWER EASEMENT LINE CALL TABLE

LINE	BEARING	DISTANCE
SEL1	S 70°48'02" W	105.61'
SEL2	S 38°33'17" W	19.15'
SEL3	S 24°41'26" E	23.56'
SEL4	S 65°18'34" W	20.00'
SEL5	N 24°41'26" W	7.97'
SEL6	N 24°41'26" W	16.79'
SEL7	S 38°33'17" W	343.04'
SEL8	N 38°33'17" E	349.02'
SEL9	N 90°00'00" W	3.41'
SEL10	N 22°26'02" W	20.82'
SEL11	N 00°00'00" W	36.17'
SEL12	S 75°09'44" E	21.45'
SEL13	N 90°00'00" E	32.03'
SEL14	N 90°00'00" E	56.13'
SEL15	N 53°36'42" E	10.39'
SEL16	N 61°18'44" E	115.15'

SANITARY SEWER CLEAN-OUT COORDINATE TABLE
HORIZONTAL DATUM: NAD83-2011
VERTICAL DATUM: NAVD88

SMH #	NORTHING	EASTING	RIM ELEV. ()	INV. IN()	INV. OUT()	SVY. PNT. #
SMH 03	594351.20	968395.09	2088.35	2083.25	2083.05	8389
SMH 04	594367.39	968317.06	2096.36	2084.76	2084.56	8200
SMH 05	594450.83	968469.53	2095.28	2085.89	2085.69	8205
SMH 06	594619.54	968470.60	2102.61	2095.99	2095.79	8220
SMH 07	594694.33	968466.15	2106.14	2099.69	2099.69	8221
SMH 08	594788.30	968447.47	2110.27	2104.77	2104.57	8223
SMH 09	594922.41	968395.28	2117.00	2109.99	2109.79	8229
SMH 10	594982.15	968356.55	2120.12	2110.54	2110.34	8232
SMH 11	595116.60	968243.90	2128.06	2119.80	2119.60	8241
SMH 12	595278.66	968112.86	2135.99	-	2129.89	8251

ABBREVIATIONS: SMH= SANITARY SEWER MANHOLE, ELEV. = ELEVATION, INV. = INVERT, SVY. = SURVEY, PNT. = POINT

SANITARY SEWER CLEAN-OUT COORDINATE TABLE
HORIZONTAL DATUM: NAD83-2011
VERTICAL DATUM: NAVD88

CO #	NORTHING	EASTING	ELEV. ()	SVY. PNT. #
CO LOT 01	595198.74	968141.22	2134.55	8244
CO LOT 02	595115.74	968212.14	2129.34	8242
CO LOT 03	595034.51	968282.76	2124.15	8235
CO LOT 04	594948.07	968349.94	2118.99	8230
CO LOT 07	594503.91	968436.78	2097.56	8211
CO LOT 08	594549.27	968439.20	2096.99	8212
CO LOT 09	595182.66	968220.59	2132.11	8243
CO LOT 10	595108.04	968280.51	2127.94	8240
CO LOT 11	595040.80	968341.01	2123.73	8234
CO LOT 12	594962.47	968394.74	2119.72	8231
CO LOT 13	594842.03	968456.63	2112.61	8224
CO LOT 14	594745.95	968483.22	2108.36	8222
CO LOT 15	594634.68	968469.91	2106.21	8219
CO LOT 16	594565.01	968490.03	2100.58	8213
CO LOT 17	594491.06	968485.46	2097.41	8210
CO LOT 18	594413.62	968495.41	2093.78	8208

ABBREVIATIONS: CO= CLEAN OUT, ELEV. = ELEVATION, SVY. = SURVEY PNT. = POINT

SEWER AS-BUILT & EASEMENT SURVEY FOR:

HOUSING ASSISTANCE CORPORATION (OWNER)

FOR THE PROJECT:

OKLAWAHA VILLAGE
PHASE: SINGLE FAMILY

PINS: (SEE PLAT)

DATE:	3-07-2017
PROJECT #:	11553
DRAWING #:	G-17-3971
DRAWN BY:	JBW
SCALE:	1"=40'
	SHEET TWO OF TWO

CITY OF HENDERSONVILLE
HENDERSONVILLE TOWNSHIP
HENDERSON COUNTY, N.C.

REVISION HISTORY

NO.	DATE	DESCRIPTION	BY

NORTH CAROLINA PROFESSIONAL SEAL L-4693 LAND SURVEYOR J. BARRY WEST

McABEE & ASSOCIATES, P.A.
PROFESSIONAL LAND SURVEYING
Eric S. McAbee, PLS
J. Barry West, PLS
Wallace S. McAbee, PLS (Emeritus)
3 McAbee Trail Fairview North Carolina, 28730
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Fax (828) 628-1294
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Firm License Number: C-694

Office: (828) 883-3867
Fax: (828) 885-8323

Agenda

Jerry T Whitmire Grading Inc
"Reshaping the Earth"

www.whitmiregrading.com

Proposal For
The Housing Assistance Corporation
Oklawaha Village
Site Work

This proposal is for the Oklawaha Village site work Sequence 1 and also includes alternate pricing for erosion control, grading and storm drainage for Sequence 2 but does not include the conversion of the temporary sediment traps, ponds and structures to the final storm water management plan. This proposal is categorized with a breakdown of included items. The information for quantities and pricing were obtained from drawings and specifications by Robinson Design Engineers dated 11-24-2015.

Sequence 1

Mobilization of equipment and workforce, performance and payment bond for Sequence 1, GPS model construction — 14,436 / 3 | $43,310.00

Erosion Control construction entrance, maintenance of construction entrance during this scope of work, wire backed silt fencing, silt fence outlets, diversion ditches, inlet protections, outlet protection, rip rap channels, slope matting, temporary seeding — 17,151 / 3 | $51,455.00

Sediment Basins construction of 4 sediment basins including grading, baffles, 3 inch skimmers, outlet structures with trash racks, maintenance during the performance of the scope of work within this proposal. Conversion of structures and basins to final plans is not included — $49,120.00

Erosion Control (Offsite Disposal Area) silt fencing, construction entrance and maintenance during use, temporary seeding, slope matting — $13,050.00

Grading strip, haul and dispose overburden in Sequence 1 off site, stockpile topsoil for future use, strip, haul and dispose overburden from Sequence 2 borrow area offsite, onsite cut and fill to design elevations, grade roads, sidewalks and curbing to subgrade elevations, backfill sidewalks and curbing, finish grading — 88,556.66 / 3 | $265,670.00

Storm Drainage 64 LF 24" RCP, 1,416 LF 15" RCP, 1 junction box, 13 curb inlets, 1 15" headwall, 1 24" headwall, 6" bedding stone beneath pipe — $80,880.00

Agenda

Municipal Water (Offsite) 1420 LF 12" DIP, tie-in to existing line, 6- 12" gate valves, 2 fire hydrant assemblies, 1- 8" gate valve, 100 LF of 12" bore, gravel drive repair, fittings, traffic control, tree removal **Price is based on moving water line to the other side of Baldwin Road**	$162,480.00
Municipal Water (Onsite) 1,220 LF 8" DIP, 5-8" gate valves, 1 fire hydrant assembly, 1 air release valve, 1 blow off assembly, 19 water services	$75,570.00
Sewer (Onsite) 910 LF 8" PVC sewer line, 9 manholes, 19 sewer services, bedding stone	$88,760.00
18" Curb and Gutter 2868 LF 4,000 psi concrete placed on 4" stone	$43,845.00
5' Sidewalk 4"-4000 psi concrete placed on 4" compacted ABC stone. 1,478 SY	$66,455.00
Driveway Aprons 6"- 4000psi concrete place on 4" compacted ABC stone 17 total	$12,995.00
Heavy Duty Asphalt 8" compacted ABC stone / 2" binder /2"S9.5B 4314 SY	$135,015.00

Note: Should the price for asphalt should rise above the stated amount of $69.92 for H-Binder and $70.98 for S9.5B asphalt surface this pricing will be adjusted accordingly

Total Sequence 1 $1,088,605.00

ROAD ± 459,333.00

Alternate: Sequence 2 Grading, Erosion, Storm Drain

Mobilization of work force, payment and performance bonds for this portion of work	$8,355.00
Erosion Control wire backed silt fence, silt fence outlets, inlet protection, slope matting temporary seeding	$12,780.00
Grading strip, haul and dispose remaining overburden in Sequence 2 off site, stockpile topsoil for future use, onsite cut and fill to design elevations, grade roads, sidewalks and curbing to subgrade elevations, backfill sidewalks and curbing, finish grading	$73,550.00

Agenda

Storm Drainage 500 LF 15" RCP, 6 curb inlets, 6" bedding stone beneath pipe $28,430.00

Note: There is no pricing included in Alternate Sequence 2 for water or sewer mains or services, curbing, sidewalks, stone base or asphalt, excavation for the proposed retaining wall or the reinforced zone of the proposed retaining wall

Total Sequence 2 $123,115.00

Not included in pricing: clearing and grubbing, surveying or staking of any items within this scope of work, any import fill material, removal of overburden exceeding nine inches in depth from the existing surface storm drainage structures and piping that may exceed 5 feet in depth from the proposed finished surface, bedding stone in excess of 6 inches deep, any written erosion control reports, maintenance of erosion control measures due to negligence by anyone other than Whitmire Grading, their subcontractors or suppliers , repairs to erosion control measures damaged by anyone other than Whitmire Grading, their subcontractors or suppliers, geotechnical services, repairs to installations damaged by others, rock excavation requiring blasting or other means of removal other than with the equipment onsite (should trench rock be encountered the price for removal is $150.00 per cubic yard. Mass rock removal price is $100.00 per cubic yard), permits, fees or close outs, any costs associated with undercut or replacement of unsuitable soils or buried debris, any costs incurred from the encountering of ground water. Jerry T. Whitmire Grading, Inc. will not be responsible for the backfill and compaction of excavations made by anyone other than Whitmire Grading or their subcontractors. Any alteration or deviation from the plans and specifications for this project will only be performed upon the receipt of a change order signed by the owner or an authorized agent of the owner. The terms and conditions of this proposal shall survive, supersede and become a part of any contractual agreement for this scope of work. Pricing is valid for 45 Days.

Denny Whitmire

Denny Whitmire, President
Jerry T. Whitmire Grading, Inc.

April 7, 2016
Date

Agenda

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Submitted By: Michael Huffman

Department: Engineering

Date Submitted: 10/26/20

Presenter: Michael Huffman

Title of Item: GIS Stormwater Inventory and Assessment Phase 1 Contract Approval

Nature of Item: Council Action

Council Meeting Date: 11/5/20

Summary of Information/Request:

Item # 5J

The City Stormwater Division is working with Withers Ravenel to complete Phase 1 of an Asset Inventory and Assessment of the City's stormwater infrastructure. This data will help City staff identify deficiencies in stormwater system, assess the overall condition of infrastructure, and accurately develop future CIP plans.

The attached proposal describes the task and fees to provide services to locate and assess 1050 stormwater structures within the City of Hendersonville, develop a new GIS database, and convert existing stormwater GIS data into a new GIS network. The anticipated date of completion for Phase 1 of this project is June 30th, 2021.

Suggested Motion(s):

I move to adopt the Resolution authorizing the City Manager to enter into an agreement with WithersRavenel, Inc., to complete Phase 1 of the Stormwater Asset Inventory and Assessment consistent with their October 8, 2020 proposal in the amount of $99,800.00, containing such terms and conditions as are acceptable to the City Manager after consultation with the City Attorney.

Agenda

Budget Impact: $ 99800 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

A budget amendment of $17,338.00 will need to be made to cover this expenditure.

Project Number:

20021

Petition Number:

N/A

Additional Petition Number:

Petitioner Name:

N/A

Attachments:

RESOLUTION

Hendersonville Stormwater GIS Asset Inventory & Assessment Phase 1 Proposal for Servies

Agenda

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH WITHERSRAVENEL, INC., FOR PHASE I OF STORMWATER ASSET AND INVENTORY ASSESSMENT PROJECT

WHEREAS, the City wishes to complete Phase 1 of an Asset Inventory and Assessment of the City's stormwater infrastructure to help City staff identify deficiencies in stormwater system, assess the overall condition of infrastructure, and accurately develop future CIP plans.; and

WHEREAS, the City has received a proposal from WithersRavenel, Inc., proposing to provide engineering services to perform Phase I of the Asset Inventory and Assessment in the amount of $99,800 (the "Proposal");

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that the City Manager is authorized to enter into a contract with WithersRavenel, Inc., in the amount of $99,800.00 to perform the services outlined in the Proposal. Further the City Manager, City Attorney, City Clerk, and City staff are authorized to take such actions as are necessary to carry out the City's obligations under the terms of the contract as signed by the City Manager.

Adopted by the City Council of the City of Hendersonville, North Carolina on this _____ day of _____, 20____.

_____
Barbara G. Volk, Mayor, City of Hendersonville

Attest:

_____
Angela L. Reece, City Clerk

Approved as to Form:

_____
Angela S. Beeker, City Attorney

Agenda

WithersRavenel
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October 26, 2020

Michael Huffman
Stormwater Administrator
160 6th Avenue East
Hendersonville, NC 28792

RE: Hendersonville GIS Stormwater Inventory and Assessment Phase 1

Dear Mr. Huffman:

WithersRavenel is pleased to submit this proposal to the City of Hendersonville, NC for updating the City's GIS Database for Stormwater, including a database migration to a new database schema, a phased GPS location and assessment of Stormwater Assets, and delivery of an updated GIS Database. This scope includes the core tasks that the Consultant believes are the most crucial for this project, as well as a list of possible tasks that can be included into this project or future projects depending on budget and time constraints.

We look forward to working with you on this project. Please feel free to contact me should you require any clarification regarding this proposal.

Sincerely,
WithersRavenel

Brandon Inscore

Brandon Inscore, GISP
GIS Manager

WithersRavenel
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GIS Stormwater Inventory and Assessment Phase 1
Hendersonville, NC
Proposal for Professional Services

The "CONSULTANT" referred to in this Agreement shall be WithersRavenel, Inc. and its sub-consultants.

The "CLIENT" or "CITY" referred to in this Agreement shall be The City of Hendersonville

The "PROJECT" referred to in this Agreement shall be the GIS Stormwater Inventory and Assessment Phase 1 Project

A. Project Description

The CLIENT desires to update the existing stormwater utility system inventory and assessment completed in 2018 in the Wash Creek Basin area with a comprehensive inventory and assessment City-wide. The CONSULTANT, will complete field GPS collection with survey grade GPS equipment and conduct a detailed structure assessment of the stormwater system structures.

The CONSULTANT will provide the following services for the stormwater system as detailed below in Section B, Scope of Services:

- Project Management Services following best practices to meet objectives, quality standards, schedule, and budget.
- Migration of existing Wash Creek Basin Database to ESRI Stormwater Utility Network Foundation Schema
- GPS Location of Stormwater Structures outside the Wash Creek Basin project extent and within City of Hendersonville's ETJ
- Integration of GPS data into newly migrated database comprised of Wash Creek Data
- Structure Assessment using Collector for ArcGIS
- Connectivity and quality assurance using established quality assurance and quality control measures.
- Access to Online Dashboard to Review Field Work Progress and a remote session to review project deliverable to ensure client's success

B. Scope of Services

Task 1 – Project Management

Project Management Services following best practices to meet objectives, quality standards, schedule, and budget. The CONSULTANT will develop the project scope and conduct a kickoff meeting with CITY staff to obtain necessary background information including flooding history, maps, and locations of known problem areas. Over the course of the estimated project duration, the CONSULTANT will also provide the following services as part of this task:

- Provide bi-weekly and monthly updates to CITY staff regarding project progress
- Establish the PROJECT in the Basecamp web application for team communication and collaboration
- Administer the project internally
- Manage project processes, communication, and resources.

Task 2 – Data Migration and Database Setup

The Hendersonville Stormwater Masterplan Project for the Wash Creek Basin included the development of a database schema or database structure using the Local Government Information Model (LGIM). Since this time ESRI has been developing a new database schema for Stormwater as part of the software company's new Utility Network. Prior to the field data collection task, the CONSULTANT will setup a new database and migrate the existing Wash Creek Data into ESRI's new database schema for Utility Network. Data collected in the field in Task 3 in the new Utility Network Schema.

Task 3 – Stormwater Utility Field Data Collection

The CONSULTANT will GPS locate and assess up to 1,050 stormwater features within the City of Hendersonville's ETJ. The focus areas will be identified by CITY staff in coordination with the CONSULTANT prior to the CONSULTANT commencing field operations. Additional areas may be identified by the CLIENT and inventoried by the CONSULTANT within the limit of 1,050 structures. The Field crews will utilize survey grade GNSS equipment where it is estimated 85% of locations will be of survey quality Class A and the remaining 15% will be of mapping grade Level B GPS quality. Any structures not meeting Class B survey standards due to GPS interference will be documented as such and the CLIENT will be given the option of obtaining those structures at Class A survey for additional cost.

Located stormwater structures will be loaded into the new GIS database. Those structures will be assessed in the field by pulling lids and obtaining invert measurements as well as general condition attributes. In addition, the CONSULTANT will verify pipe connectivity and identify possible deficiencies in the stormwater conveyance. The CONSULTANT will collect attribute information for pipe, diameter, pipe material, inverts, type, and overall structure condition. The CONSULTANT will take approach photos of the inventoried structures and an inside photo using a 360 degree panoramic camera when accessible. These photos will be embedded in the GIS Data.

The CLIENT may elect to have those additional structures collected at the per feature cost for location and assessment. Approval and notification by the CLIENT for the location and assessment of additional structures will need to be sent to the CONSULTANT in writing.

Task 4 – Office Connectivity and Quality Control

The CONSULTANT will utilize advanced tools in ArcGIS to screen the stormwater database for additional anomalies and topology errors. This will include custom checks using ESRI's Data Reviewer Extension. These topology errors will be resolved where possible when WithersRavenel staff has enough in-house knowledge to make such edits. Otherwise errors will be flagged for CLIENT correction. The resultant database will be topologically correct with connectivity and flow direction from inlet to receiving stream. This will allow for network tracing and full-scale stormwater management decisions to be made with more precise information from the GIS database.

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Task 5 – Data Delivery

The geodatabase will be delivered with complete connectivity for the area inventoried. The delivery will be in an ESRI File Geodatabase format. The CONSULTANT will work with the CLIENT to ensure the new utility network is deployable and fully functional in the City's existing ESRI environment. Delivery will consist of a thorough review of the deliverable via a remote session with a member of the WithersRavenel GIS Team. Included in this task is support of the deliverable to include training on best practices such as database maintenance, and editing. This task will include a training .pdf document for the City.

C. Additional Services

Services that are not included in Section B or are specifically excluded from this Agreement shall be considered Additional Services if those services can be performed by WithersRavenel and its agents if requested in writing by the Client and accepted by WithersRavenel. The exclusions are described below but are not limited to the following:

- Additional location and assessment beyond point count specified in scope
- GIS Support Services
- Scanning as-builts or other record drawings
- Georeferencing and Scan-linking existing electronic documents
- Structure prioritization matrices

D. Client Responsibilities

During the performance of the CONSULTANT'S services under this AGREEMENT, the CLIENT will:

- Provide full information as to its requirements for the scope of work
- Assist CONSULTANT by placing at his disposal all available information pertinent to the scope of work, including data and reports, GIS information, and any other data relative to the scope of work
- Provide timely feedback and response to inquiries, reviews, and communications.
- Review all project deliverables in a timely manner

E. Expenses

All anticipated expenses for this project will be included in the lump sum fee identified in Section F.

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F. Compensation for Services

Task Number	Task Name	Cost
1	Project Management	$ 9,500.00
2	Database Design and Migration	$ 2,160.00
3	Stormwater Utility Field Data Collection	$ 76,800.00
4	Office Connectivity and Quality Control	$ 9,450.00
5	Data Delivery	$ 1,890.00
	Lump Sum Fee Total	**$ 99,800.00**

G. Timeline for Services

WithersRavenel will commence work upon receipt of written notice to proceed from the Client and complete work by June 30, 2021.

H. Acceptance

Receipt of an executed copy of this agreement will serve as the written agreement between WithersRavenel and the City of Hendersonville for the basic services outlined in this document.

WithersRavenel

Brandon Inscore, GISP
GIS Manager

City of Hendersonville

By: _____

Title: _____

Date: _____

WithersRavenel
Our People. Your Success.

Agenda

Exhibit II
Fee & Expense Schedule
WithersRavenel, Inc.

Description	Rate
Engineering/Landscape Architecture Project Mgmt.	
Principal	$ 205
Client Experience Manager	$ 190
Senior Project Manager	$ 175
Project Manager	$ 160
Assistant Project Manager	$ 145
Engineering	
Senior Technical Consultant	$ 190
Senior Project Engineer	$ 175
Project Engineer III	$ 160
Project Engineer II	$ 145
Project Engineer I	$ 135
Staff Professional III	$ 125
Staff Professional II	$ 115
Staff Professional I	$ 95
Senior Project Coordinator	$ 110
Project Coordinator	$ 95
Senior Designer	$ 140
Designer II	$ 120
Designer I	$ 110
Senior CAD Technician	$ 115
CAD Technician II	$ 100
CAD Technician I	$ 90
Landscape Architecture/Planning	
Zoning Specialist	$ 225
Senior Landscape Architect	$ 165
Landscape Architect III	$ 150
Landscape Architect II	$ 135
Landscape Architect I	$ 125
Landscape Designer II	$ 115
Landscape Designer I	$ 105
Senior Planner	$ 155
Planner III	$ 135
Planner II	$ 115
Planner I	$ 105
Planning Technician	$ 95
Construction Administration	
Senior Construction Manager	$ 155
Construction Manager II	$ 135
Construction Manager I	$ 125
Senior Resident Project Representative	$ 115
Resident Project Representative II	$ 105
Resident Project Representative I	$ 95

Description	Rate
Geomatics	
Principal	$ 200
Senior Technical Consultant	$ 185
Geomatics Senior Manager	$ 175
Geomatics Project Manager II (SR PM)	$ 145
Geomatics Project Manager I	$ 135
Geomatics Project Professional II	$ 140
Geomatics Project Professional I	$ 125
Geomatics CAD III	$ 110
Geomatics CAD II	$ 95
Geomatics CAD I	$ 75
Geomatics GIS Specialist	$ 120
Geomatics GIS Tech III	$ 105
Geomatics GIS Tech II	$ 90
Geomatics GIS Tech I	$ 75
Geomatics Remote Sensing Crew (2-Man)	$ 255
Geomatics Remote Sensing Crew (1-Man)	$ 180
Geomatics SUE Crew (2-Man)	$ 225
Geomatics SUE Crew (1-Man)	$ 160
Geomatics Survey Crew III (3-Man)	$ 200
Geomatics Survey Crew II (2-Man)	$ 160
Geomatics Survey Crew I (1-Man)	$ 130
Geomatics Survey Tech IV	$ 105
Geomatics Survey Tech III	$ 95
Geomatics Survey Tech II	$ 70
Geomatics Survey Tech I	$ 45
Funding and Asset Management	
F&AM Principal Consultant	$ 165
F&AM Senior Project Manager	$ 135
F&AM Project Manager	$ 125
F&AM Project Consultant II	$ 100
F&AM Project Consultant I	$ 90
F&AM Staff Professional	$ 70

Description	Rate
Environmental / Geology	
Principal	$ 200
Senior Technical Consultant	$ 185
Environmental Project Professional V	$ 170
Environmental Project Professional IV	$ 155
Environmental Project Professional III	$ 140
Environmental Project Professional II	$ 130
Environmental Project Professional I	$ 120
Environmental Staff Professional III	$ 115
Environmental Staff Professional II	$ 105
Environmental Staff Professional I	$ 95
Environmental Technician II	$ 90
Environmental Technician I	$ 75
Senior Biologist/Wetlands Scientist	$ 145
Biologist/Wetlands Scientist III	$ 125
Biologist/Wetlands Scientist II	$ 115
Biologist/Wetlands Scientist I	$ 105
Senior Hydrogeologist	$ 165
Project Geologist II (Sr. Proj. Geologist)	$ 140
Project Geologist I	$ 120
Staff Geologist II	$ 110
Staff Geologist I	$ 100
Administrative	
Office Administrator III	$ 100
Office Administrator II	$ 95
Office Administrator I	$ 90
Administrative Assistant III	$ 80
Administrative Assistant II	$ 70
Administrative Assistant I	$ 65
Expenses	
Bond Prints (Per Sheet)	$ 1.75
Mylar Prints (Per Sheet)	$ 11.00
Mileage	Per IRS
Delivery – Project Specific (Distance & Priority)	
Subcontractor Fees (Markup)	1.15
Expenses / Reprod. / Permits (Markup)	1.15

Effective January 1, 2020 – Schedule is subject to change

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Agenda

Submitted By: Lew Holloway, Community Dev. Director **Department:** Admin

Date Submitted: October 21, 2020 **Presenter:** Lew Holloway

Title of Item: An Evening of Remembrance

Nature of Item: Council Action **Council Meeting Date:** November 5, 2020

Summary of Information/Request: **Item #** 5K

An Evening of Remembrance is proposed to take place on Saturday, December 5, 2020 from 3:30 p.m. until 7 p.m. The request is to close the 100 block of Main Street. This is the 17th annual candlelight service for WNC victims of traffic crime. There will be a brief outdoor service, candle lighting, and cake and coffee. This service allows families to go forward and celebrate the holidays knowing that they were able to acknowledge their loved ones. It is also a solemn reminder to drive safe, sober and buckled up.

Handicap parking for Love Hendo Saturday will be relocated to City Hall.

The Special Events Committee voted to unanimously approve this event as presented.

Suggested Motion(s):

I move City Council approve the special event permit for An Evening of Remembrance as presented.

Agenda

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

Project Number:

N/A

Petition Number:

N/A

Additional Petition Number:

Petitioner Name:

N/A

Attachments:

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Agenda

Submitted By: Lew Holloway, Community Dev. Director **Department:** Admin

Date Submitted: October 21, 2020 **Presenter:** Lew Holloway

Title of Item: Tree of Lights Ceremony

Nature of Item: Council Action **Council Meeting Date:** November 5, 2020

Summary of Information/Request: **Item #** 5L

The 30th annual Tree of Lights Ceremony is scheduled to take place Friday, December 4, 2020 on the First Citizens Bank Plaza at 539 N. Main Street from 5-7 p.m. The request includes the closure of the 500 block of Main Street in order to permit guests more room for social distancing. Parking attendants will be present to direct incoming traffic at the parking deck of First Citizens Bank. The organizers are also hiring two police officers to be present at the event. The event organizers will adhere to statewide gathering limitations and social distancing guidelines.

This event is a tribute to loved ones lost and has become a signature event of the Four Seasons Foundation, the philanthropic arm of Four Seasons Hospice and Palliative Care. The program features moving musical tributes, guest speakers and personal stories shared by family and friends. The event concludes with the lighting of candles. This year is especially crucial as many families were unable to honor their loved ones with a proper memorial service and burial.

The Special Events Committee voted to unanimously approve this event as presented.

Suggested Motion(s):

I move City Council approve the special event permit for the Tree of Lights Ceremony as presented.

Agenda

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

Project Number:

N/A

Petition Number:

N/A

Additional Petition Number:

Petitioner Name:

N/A

Attachments:

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Agenda

Submitted By: Lew Holloway, Community Dev. Director **Department:** Admin

Date Submitted: October 21, 2020 **Presenter:** Lew Holloway

Title of Item: Turkey Trot 5K Race

Nature of Item: Council Action **Council Meeting Date:** November 5, 2020

Summary of Information/Request: **Item #** 5M

The annual Turkey Trot 5k is a 5k encouraging residents and visitors to come out and get some exercise Thanksgiving morning. Designed for walkers and runners, people of all ages, and their dogs, this event has become a tradition to start the holiday weekend.

This year there will be an open start between 7:30 a.m. and 8:30 a.m. to decrease the number of people at one place and time. The route is the same as in past years, beginning and ending at City Hall. There will be no water stations. Volunteers will be at each major intersection to stop traffic, and there will be port-a-johns available in the Maple Parking lot in addition to restrooms in City Hall. The request includes allowing dogs, as in the past.

The Special Events Committee voted to unanimously approve this event as presented.

Suggested Motion(s):

I move City Council approve the special event permit for the Turkey Trot 5k Race as presented.

Agenda

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

Project Number:

N/A

Petition Number:

N/A

Additional Petition Number:

Petitioner Name:

N/A

Attachments:

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Agenda

Submitted By: John Buchanan, Fiance Director

Department: Finance

Date Submitted: 10/26/20

Presenter: John Buchanan, Finance Director

Title of Item: Create Senior Accountant Position

Nature of Item: Council Action

Council Meeting Date: 11/5/2020

Summary of Information/Request:

Item # 5N

The Finance Department requests the addition of a Senior Accountant position at a Grade 20 of the Pay and Classification Schedule. The addition of the position will make it possible to hire a more experienced accountant. The level of complexity and volume of transactions has increased in the department, and we have had difficulty in attracting experienced applicants in the past. This position would be filled in place of a current open position.

Suggested Motion(s):

I move that City Council approve the addition of a Senior Accountant position at Grade 20 of the Pay and Classification Schedule.

Agenda

Budget Impact: $ 10,000 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

The position will be hired in place of a position that has been vacant for the year. The position will increase the budget for this fiscal year by approximately $5,000 in both the General Fund and Water and Sewer Fund. The increase will be approximately $10,000 in each fund in subsequent years.

Project Number:

N/A

Petition Number:

N/A

Additional Petition Number:

Petitioner Name:

N/A

Attachments:

Job Description

Agenda

Senior Accountant

Primary Reason Why Classification Exists

To perform responsible professional accounting in the preparation and maintenance of complex financial records.

Distinguishing Features of Class

An employee in this class has substantial knowledge in accounting and prepares and analyzes financial records. They compile financial statements, review data and ensure financial compliance. Senior Accountants are responsible for executing a variety of financial procedures, including month-end and year-end closings, accounts payable and receivable, bank reconciliations, general ledger reviews, forecasting and assigned projects. Senior Accountants may supervise staff in contributing to these procedures and analyses. An individual in this role should be knowledgeable in Generally Accepted Accounting Principles (GAAP) and standards set by the Governmental Accounting Standards Board (GASB). Work is performed under the general supervision of the Assistant Finance Director and is evaluated on the basis of attainment of individual performance objectives, observation, accuracy of reports, and feedback from Department Heads, City Officials and other staff.

Illustrative Examples of Work

- Compiling and analyzing financial information to prepare entries to accounts, such as general ledger accounts, and document business transactions.
- Analyzes, reviews, evaluates and reconciles accounts; generates a variety of financial reports and performing related fiscal duties
- Review and approve accounting entries and accounts payable batches and bank reconciliations prepared by staff ensuring accuracy, completeness and conformity to appropriate policies and GAAP, GASB and General Statute standards
- Prepares various monthly, quarterly, annual and special reports as required for internal needs, state, federal or other statutory requirements
- Assists with annual audit and preparation of the Comprehensive Annual Financial Report; responsible for Fixed Asset Accounting
- Provides policy guidance and technical assistance to all City departments
- Reviews and monitors applicable regulations, statutes, laws and best practices for changes and to ensure compliance
- Processes debt payments and wires transfers
- Researches and implements new accounting system modules and other technology
- Participates in and provides input into selection and hiring, performance reviews and other personnel decisions for assigned staff
- Utilizes personal computers, calculators, and other office equipment to perform work
- Performs other duties as required

Knowledge, Skills and Abilities

- Thorough knowledge of generally accepted accounting principles and practices, auditing practices and principles, laws, general statutes, rules and regulations governing fiscal operations
- Thorough knowledge and understanding of internal controls and of budgetary policies and procedures
- Ability to maintain established accounting and control standards for municipal government; prepare end-of-year finance adjusting and reversing journal entries
- Ability to validate external auditors end-of-year journal adjusting and reversing journal entries; assist external auditors with City's internal audit
- Analytical aptitude – strong problem solving skills
- Ability to establish and maintain effective working relationships with the general public, vendors and employees
- Ability to perform detailed reviews of accounting data for accuracy and completeness; prepare detailed and informative reports; capital asset accounting
- Ability to train and provide technical assistance to all levels of city staff
- Ability to interact and effectively communicate with people from diverse backgrounds, with a focus on teamwork and problem solving
- Ability to interpret and apply regulations, policies and laws
- Ability to manage and prioritize projects and meet deadlines
- Ability to provide detailed financial analysis and research related to cash management, debt and expenditures
- Skill in General Accounting Standards Board (GASB), Local Government Commission (LGC) and Generally Accepted Accounting Principles (GAAP) as well as non-GAAP
- Skill in performing complex mathematical calculations and accounting functions
- Skill in the processes and procedures of effective budgeting and auditing
- Skill in good written and verbal communications; good organizational skills
- Skill in analytical decision-making, good judgement and problem-solving skills

Physical Requirements

Work is generally sedentary requiring the exertion of up to 10 pounds of force occasionally and/or a negligible amount of force frequently or constantly to move objects. Physical requirements include fingering and repetitive motions. Employee must have visual acuity to be able to prepare and analyze data and figures for accounting, perform extensive reading, operate a computer and other office equipment, determine accuracy and thoroughness of work, observe general surroundings and activities. Vocal communication is required for expressing or exchanging ideas by means of the spoken word. Hearing is required to perceive information at normal spoken word levels.

Working Conditions

Work is performed in an office with a controlled environment without exposure to harmful conditions.

Education
Bachelor's Degree in accounting is required

Experience
A minimum of five experience in accounting.

Special Requirements

- Expected to have or obtain North Carolina Governmental Finance Certification within two years of hire.
- A valid driver's license
- CPA and/or CGFO preferred

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.

Agenda

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Submitted By: Jennifer Musselwhite

Department: Finance

Date Submitted: 10/20/2020

Presenter: Jennifer Musselwhite

Title of Item: Henderson County Tax Adjustments

Nature of Item: Council Action

Council Meeting Date: 11/05/2020

Summary of Information/Request:

Item # 5O

The Deputy Tax Collector, Jennifer Musselwhite, would like to submit for your approval the tax bill adjustments occurring between August 25, 2020 and October 19, 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

Agenda

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

FOR TRANSACTIONS AS OF 10/19/2020

VALUE CHANGE	**$**	**(1,420,821.00)**
RELEASES	**$**	**(7,229.00)**
REFUNDS	**$**	**-**
FORGIVEN INTEREST	**$**	**-**
TOTAL TAX BILL ADJUSTMENTS	**$**	**(7,229.00)**

Adjustments, Releases, Refunds are provided by Henderson County Tax

Agenda

NCPTS Pending Release/Refund Report. Monday, September 21, 2020*

TAX DISTRICT	OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	DISTRICT CODE	LEVY TYPE	BILLED	PAID	RELEASE
CITY OF HENDERSONVILLE	CRESTMARK EQUIPMENT FINANCE	0003096373-2020-2020-0000	CORRECTED 2020 LISTING TO REFLECT BUSINESS PERSONAL PROPERTY VALUES DUE TO CHANGE MADE BY BUSINESS.	($233)	7337	JURSC10	TAX		$0.00	$1.14
							LATE LIST FEE	$0.00	$0.00	$0.11
							TOTAL:			$1.25
									ABSTRACT TOTAL:	$1.25
		OWNER TOTAL:		**$0**						**$1.25**
	EMPIRE PETROLEUM PARTNERS LLC	0003086142-2020-2020-0000	BUSINESS SOLD IN 2019.	($4,153)	7349	JURSC10	TAX	$20.35	$0.00	$20.35
							LATE LIST FEE	$0.00	$0.00	$0.00
							TOTAL:			$20.35
									ABSTRACT TOTAL:	$20.35
		OWNER TOTAL:		**$0**						**$20.35**
	GE HFS LLC	0003088110-2020-2020-0000	CORRECTED 2020 LISTING TO REFLECT BUSINESS PERSONAL PROPERTY VALUES DUE TO CHANGE MADE BY BUSINESS.	($116,212)	7332	JURSC10	TAX	$6,620.43	$0.00	$569.44
							LATE LIST FEE	$0.00	$0.00	$0.00
							TOTAL:			$569.44
									ABSTRACT TOTAL:	$569.44
		OWNER TOTAL:		**$0**						**$569.44**
	HEARTHSTONE INNOVATIVE HOMES LLC	0003098137-2020-2020-0000	MANUFACTURED HOME IS INVENTORY FOR BUSINESS.	($65,000)	7312	JURSC10	TAX	$318.50	$0.00	$318.50
							LATE LIST FEE	$0.00	$0.00	$0.00
							TOTAL:			$318.50
									ABSTRACT TOTAL:	$318.50
		0003098138-2020-2020-0000	MANUFACTURED HOME IS INVENTORY FOR BUSINESS.	($65,000)	7313	JURSC10	TAX	$318.50	$0.00	$318.50
							LATE LIST FEE	$31.85	$0.00	$31.85
							TOTAL:			$350.35
									ABSTRACT TOTAL:	$350.35
		0003099190-2020-2020-0000	MANUFACTURED HOME IS INVENTORY FOR BUSINESS.	($65,000)	7314	JURSC10	TAX	$318.50	$83.97	$318.50
							LATE LIST FEE	$31.85	$31.85	$31.85
							TOTAL:			$350.35
									ABSTRACT TOTAL:	$350.35
		OWNER TOTAL:		**$0**						**$1,019.20**
	HENDERSONVILLE HOUSING AUTHORITY	0003098166-2020-2020-0000	FULL RELEASE UNDER HOUSING AUTHORITY EXEMPTION.	($404,800)	7289	JURSC10	TAX	$1,983.52	$0.00	$1,983.52
							LATE LIST FEE	$0.00	$0.00	$0.00
							TOTAL:			$1,983.52
									ABSTRACT TOTAL:	$1,983.52
		0003098167-2020-2020-0000	FULL RELEASE UNDER HOUSING AUTHORITY EXEMPTION.	($280,800)	7288	JURSC10	TAX	$1,375.92	$0.00	$1,375.92
							LATE LIST FEE	$0.00	$0.00	$0.00
							TOTAL:			$1,375.92
									ABSTRACT TOTAL:	$1,375.92
		OWNER TOTAL:		**$0**						**$3,359.44**
	JAX LLC	0002355968-2020-2020-0000	BUSINESS SUBMITTED CORRECTED LISTING FORM. ABSTRACT VOIDED FOR 2020 AND WILL BE REBILLED TO REFLECT CORRECT BUSINESS PERSONAL PROPERTY VALUES.	($331,738)	7395	JURSC10	TAX	$1,625.52	$0.00	$1,625.52
							LATE LIST FEE	$162.55	$0.00	$162.55
							TOTAL:			$1,788.07
									ABSTRACT TOTAL:	$1,788.07
		OWNER TOTAL:		**$0**						**$1,788.07**

*Adjustments submitted for approval on or before

Agenda

NCPTS Pending Release/Refund Report. Monday, September 21, 2020*

TAX DISTRICT	OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	DISTRICT CODE	LEVY TYPE	BILLED	PAID	RELEASE
	PATEL, RAMESH	0002984246-2020-2020-0000	BUSINESS CLOSED IN NOVEMBER 2019.	($57,027)	7397	JURSC10	TAX	$279.43	$0.00	$279.43
							LATE LIST FEE	$27.94	$0.00	$27.94
							TOTAL:			$307.37
									ABSTRACT TOTAL:	$307.37
		OWNER TOTAL:		**$0**						**$307.37**
	DISTRICT TOTAL:			**($1,389,963)**						**$7,065.12**

*Adjustments submitted for approval on or before

Agenda

NCPTS Pending Release/Refund Report. Monday, October 19, 2020*

TAX DISTRICT	OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	DISTRICT CODE	LEVY TYPE	BILLED	PAID	RELEASE
CITY OF HENDERSONVILLE	GREAT AMERICA FINANCIAL SERVICES CORPORATION	0002890527-2020-2020-0000	BILLED DUE TO CLERICAL ERROR. ABSTRACT VOIDED FOR 2020.	($538)	7420	JURSC10	TAX	$2.64	$0.00	$2.64
							LATE LIST FEE	$0.00	$0.00	$0.00
							TOTAL:			$2.64
									ABSTRACT TOTAL:	$2.64
		OWNER TOTAL:		**$0**						**$2.64**
	MONTE'S SUB SHOP INC	0002693757-2018-2018-0000	ADJUSTMENT CREATED TO CORRECT A CLERICAL ERROR. ABSTRACT ADJUSTED TO CORRECTLY REFLECT PROPERTY REPORTED FOR 2018.	($5,644)	7414	JURSC10	TAX		$0.00	$27.66
							LATE LIST FEE	$0.00	$0.00	$2.77
							TOTAL:			$30.43
									ABSTRACT TOTAL:	$30.43
		0002693757-2019-2019-0000	ADJUSTMENT CREATED TO CORRECT A CLERICAL ERROR. ABSTRACT ADJUSTED TO CORRECTLY REFLECT PROPERTY REPORTED FOR 2019.	($4,476)	7415	JURSC10	TAX	$168.61	$168.61	$21.93
							LATE LIST FEE	$0.00	$0.00	$0.00
							TOTAL:			$21.93
									ABSTRACT TOTAL:	$21.93
		OWNER TOTAL:		**$0**						**$52.36**
	VAZQUEZ, MATILDE VERA	0003026673-2020-2020-0000	MANUFACTURED HOME WAS REMOVED FROM THE PROPERTY 5/24/19.	($20,200)	7442	JURSC10	TAX	$98.98	$0.00	$98.98
							LATE LIST FEE	$9.90	$0.00	$9.90
							TOTAL:			$108.88
									ABSTRACT TOTAL:	$108.88
		OWNER TOTAL:		**$0**						**$108.88**
	DISTRICT TOTAL:			**($30,858)**						**$163.88**

*Adjustments submitted for approval on or before

Agenda

Proclamation

Homeless Youth Awareness Month

WHEREAS, the month of November is designated as National Homeless Youth Awareness Month as declared by the U. S. House and Senate in 2007 and serves as an outlet to increase public awareness of an ongoing issue occurring in every city across the United States; and

WHEREAS, the nation's public schools report between 1.3 and 1.7 million homeless students grades pre-k through 12th grade; and

WHEREAS, we realize that when adolescents become homeless, being separated from their caregivers and homes for various reasons, which often places them in precarious situations; that school is often the most safe and stable environment for these youth; and

WHEREAS, we recognize in Henderson County that roughly 2.5 percent of our youth are identified as homeless; and

WHEREAS, Only Home WNC, Inc. is a local non-profit whose mission is to promote the value of education, honor individuality and diversity, nurture respect for self and others, and provide hope for young people in need in the community; and

WHEREAS, an effort is being made by the board members of Only Hope WNC, Inc. by hosting a sleep out on November 6 - November 7 at the Historic Courthouse on Main Street in Downtown Hendersonville in an effort to draw attention and support for youth homelessness in Henderson County.

NOW, THEREFORE, the City Council of the City of Hendersonville does hereby proclaim the month of November 2020 as

"Homeless Youth Awareness Month"

in the City of Hendersonville and applaud the efforts of those who serve and help fight youth homelessness in Henderson County.

PROCLAIMED this 5th day of November 2020

Seal

_____
Barbara G. Volk, Mayor
City of Hendersonville

Attest:

_____
Angela Reece, City Clerk

Agenda

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 10/26/2020

Presenter: Diana Brow

Title of Item: Update on RAD Conversion by Hendersonville Housing Authority

Nature of Item: Presentation Only

Council Meeting Date: 11/5/2020

Summary of Information/Request:

Item # 6D

Hendersonville Housing Authority Executive Director Diana Brow and developer Jay Green will provide the City Council an update on the RAD conversion 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:

NA

Attachments:

Tenant Letters

Hendersonville Hous

Agenda

P. O. Box 1106
203 N. Justice Street
Hendersonville, North Carolina
28793
(828)692-6175

September 3, 2020

Attn: Residents

Attached is a general information letter regarding the RAD conversion being planned for the units in your area. Many of you attended an informational meeting back in June of this year. This letter is a follow-up letter to advise residents of the progress of the project, summary of scheduled work, and if any resident has any questions. Due the COVID safety, this letter is being mailed to all residents and instead of having an in-person meeting, HHA is asking any resident having any concerns or questions to please contact the HHA Office at the above number.

Thank you.

Diana Brow

Diana Brow
Executive Director

Hendersonville Hous

Agenda

P.O. Box 1168
203 N. Justice Street
Hendersonville, North Carolina
28793
(828)692-6175

RENTAL ASSISTANCE DEMONSTRATION PROGRAM (RAD)
RESIDENT INFORMATION NOTICE (RIN)

September 3, 2020

Dear Resident,

You have previously been invited to a resident meeting to talk about the Hendersonville Housing Authority's (HHA) plans to convert your units from the public housing program to Section 8 rental assistance under the Rental Assistance Demonstration (RAD) Program. We are moving forward with our conversion plans and will be reaching out to you again in the near future to set up another opportunity to discuss this matter in more detail and address any questions or concerns you may have.

RAD is a voluntary program run by the U.S. Department of Housing and Urban Development (HUD). Under RAD, HUD will change the way it provides rental assistance to the property from public housing to a long-term Section 8 assistance contract. The Section 8 program would make it easier for us to access money to repair and improve the property, either now or in the future.

This letter describes your rights under RAD and
explains how a RAD conversion might affect you.
<u>Whether we participate in RAD or not,</u>
<u>you will still get rental assistance</u>.

Your Right to Information

With this letter, we have included "Attachment #1," which is a description of our current plans for the property. At the previous meeting we described the RAD program and our current plans for renovation on the site. We will have at least one additional meeting with you about our plans. You have the right to hear about major changes in the plans for the project, and we will invite you to additional meetings if key features of the plans change. You also have a right to organize and to form a resident organization to serve as your voice and to help you become well informed about the RAD plans.

Your Right to Rental Assistance

Our decision to participate in RAD does not affect your rental assistance eligibility. You are not subject to new eligibility screening. If we satisfy all HUD requirements and the property is placed under a Section 8 Housing Assistance Payment (HAP) contract, you have a right to ongoing rental assistance as long as you comply with the requirements of your lease. In most cases, your rent will not change with the conversion from public housing to Section 8. In the rare event that your rent calculation would change (most commonly, when you are paying a "ceiling rent"), the increase would be phased in over time.

Your Right to Return

You have a right to return to an assisted unit once any construction work is done. However, we may need to move you during construction and your post-construction home may be a different unit than your current home. If the plans involve the transfer of the rental assistance to a different site, you may need to move to the new site to keep your rental assistance (provided that it is within a reasonable distance of your current home), but you still have a right to an assisted unit.

You get to return to a RAD Section 8 unit unless you choose to move somewhere else. If you believe the plans prevent you from exercising your right to return, you have the right to object to the plans. RAD program rules require us to make sure that anyone who wants to return can do so.

The PHA must have at least one more meeting with all residents of the property before HUD approves the final RAD conversion. This additional meeting is another opportunity for the PHA to keep you informed and for you to provide comments about the PHA's RAD conversion plans.

In addition to these resident meetings, your Resident Advisory Board (RAB) will also be consulted and have an opportunity to make recommendations on your PHA's RAD conversion plans during the PHA Plan public hearing process.

What if I need accommodations to participate?

Your PHA must make materials available in accessible formats for persons with disabilities and must make meetings accessible for persons with disabilities.

Your PHA must also provide language assistance to persons with limited English proficiency so that you can understand materials, participate in meetings, and provide comments on the proposed RAD conversion. This may include providing written translation of the PHA's written materials and providing oral interpreters at meetings.

Will I have to move if my home or building is rehabbed?

If the repairs planned at your property are small, you will most likely be able to stay in your home during renovation. If the repairs planned at your property are more extensive, you will most likely need to be relocated during rehabilitation. Even if you are required to move during the construction, you have a right to return to a RAD-assisted unit after construction is completed.

If relocation will last longer than 12 months, you benefit from additional protections as a "displaced person" under the Uniform Relocation Act. In this situation, you will be able to choose between the permanent relocation assistance that you are eligible for under the Uniform Relocation Act and the temporary relocation assistance (including the right to return) that you are eligible for under RAD. This is your choice and the PHA must work with you so you have the information you need to make this choice.

What changes will I see in my lease renewal process?

At the time of the RAD conversion, you will need to sign a new lease. Unless there is good cause for eviction based on your actions, your new lease will continue to

renew. Under both the PBV and PBRA programs, a property owner who tries to end your lease must give you notice and grievance rights similar to the rights you have under public housing and the owner must follow state and local eviction laws.

Will RAD affect my rights and participation as a resident in the development?

RAD keeps many of the resident rights available under public housing such as the ability to request an informal hearing and the timeliness of termination notification. You also have a right to organize, and resident organizations will continue to receive up to $25 per occupied unit each year.

Will I still be able to participate in self-sufficiency programs?

The public housing Family-Self-Sufficiency Program (PH FSS) helps families obtain and maintain living wage employment (income that covers a family's basic needs) by connecting residents to services. If you are a current participant in an FSS program, you will still be able to participate in FSS after the RAD conversion.

If your development converts to PBV, you will be automatically moved from the public housing FSS to the Housing Choice Voucher FSS program if your PHA has a Housing Choice Voucher FSS program. The rules for both public housing and Housing Choice Voucher FSS programs are very similar.

If your development converts to PBRA, you may continue your participation in FSS until your current contract of participation ends. New participants may enroll only if the owner voluntarily establishes an FSS program at the site.

The Resident Opportunities and Self Sufficiency-Service Coordinators Program (ROSS-SC) program provides public housing residents with coordinators to connect them to supportive services and empowerment activities.

If you are a current participant in the ROSS-SC, you can continue to participate in ROSS-SC until program funding is used up. Once the grant funds are spent, your PHA cannot apply for a new grant for a RAD property.

What if I need more information?

For more information, go to the RAD website, www.hud.gov/rad.

Agenda

Attachment #1
Current Plans for the Property

The proposed renovations at Robinson Terrace South are not substantial. The primary component of the work is replacement of sewer lines from the building to the street.

Interior work will include:

- 1) upgrading 2 accessible units to meet required UFAS standards;
- 2) replacement of GFI's & Smoke detectors; and
- 3) removal of baseboard heaters that were previously abandoned when PTAC units were installed.

We will notify you if any additional work is engaged.

Agenda

Attachment #2
Frequently Asked Questions about RAD Conversions

Will a RAD conversion affect my housing assistance?

You will not lose your housing assistance and you will not be subject to eligibility re-screening as a result of the RAD conversion. You can remain in your unit regardless of your current income. However, your PHA will continue to follow its annual and interim re-examination processes, including re-examination of your income to adjust your rent. These requirements will be in your lease.

In a RAD conversion, your housing assistance will change from being public housing assistance to being Section 8 housing assistance under either the Project Based Voucher (PBV) program or the Project Based Rental Assistance (PBRA) program. The PHA chooses whether to convert the unit to PBV or PBRA.

Will a RAD conversion affect my rent?

Most residents will not have a rent increase as a result of a RAD conversion. However, if you are paying a flat rent in public housing, you will most likely have to pay more in rent over time. If your rent changes by more than 10% <u>and</u> requires you to pay more than $25 per month in additional rent, your new rent will be phased in. If the increase in your rent is less than 10% or $25 per month, the change in rent will be effective immediately.

How can I participate in the RAD planning process?

Prior to participating in RAD, HUD requires PHAs to:

- Notify all residents at the property about their RAD plans, and
- Conduct at least two (2) meetings with residents.

These meetings are an opportunity for you to discuss the proposed conversion plans with your PHA, ask questions, express concerns and provide comments. These meetings are also an opportunity to tell the PHA what you think needs to be repaired at the property. The PHA can then consider that information when developing plans for the property.

Your Right to Relocation Assistance

In some situations, we may need to relocate you from your unit temporarily in order to complete repairs or do construction. If you do need to be temporarily relocated we will contact you directly. You do not need to move now.

If we require you to move, you are entitled to certain relocation protections under the RAD rules, including, in all cases, advance written notice and detailed information about the move. The other specific relocation protections depend on the situation, but may include advisory services, moving assistance, payments and other assistance.

In some cases, you have additional rights under other Federal laws, such as the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, often referred to as the "Uniform Relocation Act." If the Uniform Relocation Act applies, we must give you a "General Information Notice" which is also referred to as a "GIN." To make sure we are complying with the Uniform Relocation Act, we are including the GIN with this letter. The GIN describes rights you have, but may also describe situations that don't apply to you.

Don't Put Your Rights at Risk!

You are always welcome to move based on your household's needs and personal goals. However, if the RAD effort will require relocation and you choose to move from the property on your own without waiting for instructions from us, you may lose your eligibility for relocation payments and assistance. If you want to preserve your relocation rights, please wait until you get a Notice of Relocation and instructions to move from us!

The RAD conversion, and any relocation associated with it, must be implemented consistent with fair housing and civil rights requirements. If you need a reasonable accommodation due to a disability, or have other questions about the RAD conversion, please contact Diana Brow at 828-693-0479, ext 16, and she will assist you. If you need to appeal a decision made by us, or if you think your rights aren't being protected, you may contact HUD Field Office located in Greensboro, NC.

Our plans for the renovation have not changed since the previous meeting, but if there are any changes we will keep you informed. If you have any immediate

needs for repairs in your unit, please continue to contact property management and request a work order as you have in the past.

We hope this letter gives you useful information about your rights. We are also including with this letter a list of frequently asked questions and answers that may help you understand the RAD program better. We encourage you to come to the resident meetings to learn more about how the RAD conversion would impact your property and you.

Sincerely,

Diana Brow
Director

Attachments: Current Plans for the Property
Frequently Asked Questions and Answers

Agenda

RENTAL ASSISTANCE DEMONSTRATION PROGRAM (RAD)
RESIDENT INFORMATION NOTICE (RIN)

October 8, 2020

Dear Resident,

You are invited to a resident meeting to talk about Hendersonville Housing Authority plans to convert the 23 units located at Robinson Terrace and Seventh Ave from the public housing program to Section 8 rental assistance under the Rental Assistance Demonstration (RAD). The meeting information is as follow:

RAD is a voluntary program run by the U.S. Department of Housing and Urban Development (HUD). Under RAD, HUD will change the way it provides rental assistance to the property from public housing to a long-term Section 8 assistance contract. The Section 8 program would make it easier for us to access money to repair and improve the property, either now or in the future. This letter describes your rights under RAD and explains how a RAD conversion might affect you. Whether we participate in RAD or not, you will still get rental assistance.

With this letter, we have included "Attachment #1," which is a description of our current plans for the property. At the meeting, we will describe the RAD program and our current ideas in more detail. If we submit an application to HUD and are accepted into the program, we will have at least one additional meeting with you about our plans. You have the right to hear about major changes in the plans for the project, and we will invite you to additional meetings if key features of the plans change. You also have a right to organize and to form a resident organization to serve as your voice and to help you become well informed about the RAD plans.

Your Right to Rental Assistance

Our decision to participate in RAD does not affect your rental assistance eligibility. You are not subject to new eligibility screening. If we satisfy all HUD requirements and the property is placed under a Section 8 Housing Assistance Payment (HAP) contract, you have a right to ongoing rental assistance as long as you comply with the requirements of your lease. In most cases, your rent will not change with the conversion from public housing to Section 8. In the rare event that your rent calculation would change (most commonly, when you are paying a "ceiling rent"), the increase would be phased in over time.

Your Right to Return

You have a right to return to an assisted unit once any construction work is done. However, we may need to move you during construction and your post-construction home may be a different unit than your current home. If the plans involve the transfer of the rental assistance to a different site, you may need to move to the new site to keep your rental assistance (provided that it is within a reasonable distance of your current home), but you still have a right to an assisted unit.

You get to return to a RAD Section 8 unit unless you choose to move somewhere else. If you believe the plans prevent you from exercising your right to return, you have the right to object to the plans. RAD program rules require us to make sure that anyone who wants to return can do so.

Your Right to Relocation Assistance

In some situations, we may need to relocate you from your unit temporarily in order to complete repairs or do construction. Since we are at the beginning of the planning process for the RAD conversion, we don't yet know whether you will need to move. You do not need to move now.

If we require you to move, you are entitled to certain relocation protections under the RAD rules, including, in all cases, advance written notice and detailed information about the move. The other specific relocation protections depend on the situation, but may include advisory services, moving assistance, payments and other assistance.

In some cases, you have additional rights under other Federal laws, such as the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, often referred to as the "Uniform Relocation Act." If the Uniform Relocation Act applies, we must give you a "General Information Notice" which is also referred to as a "GIN." To make sure we are complying with the Uniform Relocation Act, we are including the GIN with this letter. The GIN describes rights you have, but may also describe situations that don't apply to you.

Don't Put Your Rights at Risk!

You are always welcome to move based on your household's needs and personal goals. However, if the RAD effort will require relocation and you choose to move from the property on your own without waiting for instructions from us, you may lose your eligibility for relocation payments and assistance. If you want to preserve your relocation rights, please wait until you get a Notice of Relocation and instructions to move from us!

The RAD conversion, and any relocation associated with it, must be implemented consistent with fair housing and civil rights requirements. If you need a reasonable accommodation due to a disability, or have other questions about the RAD conversion, please contact Michael Colbert, Director of Housing Services, who will assist you. If you need to appeal a decision made by us, or if you think your rights aren't being protected, you may contact LaTicia S. Wilson, Portfolio Management Specialist at the US Department of Housing and Urban Development at .

Because we are very early in the process, the plans for the RAD conversion are likely to change. We are holding resident meetings to share our current ideas and will keep you informed about major changes to these ideas as we develop our plans. You should also share with us any information you have on repairs that need to be made, since you know the property best. We will give that information to the people who are helping us figure out what work needs to be done at the property.

We hope this letter gives you useful information about your rights. We are also including with this letter a list of frequently asked questions and answers that may help you understand the RAD program better. We encourage you to come to the resident meetings to learn more about how the RAD conversion would impact your property and you.

Sincerely

Diana Brow
Executive Director

Attachment #1: Plans for the property:

Note: These plans may change as we do more research. As we improve the plans, we will consider the following: your opinions; an independent professional's analysis of what needs to be repaired at the property; the cost to maintain the property for the long-term; and the financing we may be able to get.

Sewer line upgrades

Upgrading 2 accessible units to meet required UFAS standards

Replacement of GFI outlets and smoke detectors

Removal of baseboard heaters that were previously abandoned then PTAC units were installed

Replacement of PTAC units where needed

Attachment #2
Frequently Asked Questions
about RAD Conversions

Will a RAD conversion affect my housing assistance?

You will not lose your housing assistance and you will not be subject to eligibility re-screening as a result of the RAD conversion. You can remain in your unit regardless of your current income. However, your PHA will continue to follow its annual and interim re-examination processes, including re-examination of your income to adjust your rent. These requirements will be in your lease.

In a RAD conversion, your housing assistance will change from being public housing assistance to being Section 8 housing assistance under either the Project Based Voucher (PBV) program or the Project Based Rental Assistance (PBRA) program. The PHA chooses whether to convert the unit to PBV or PBRA.

Will a RAD conversion affect my rent?

Most residents will not have a rent increase as a result of a RAD conversion. However, if you are paying a flat rent in public housing, you will most likely have to pay more in rent over time. If your rent changes by more than 10% and requires you to pay more than $25 per month in additional rent, your new rent will be phased in. If the increase in your rent is less than 10% or $25 per month, the change in rent will be effective immediately.

How can I participate in the RAD planning process?

Prior to participating in RAD, HUD requires PHAs to:

- Notify all residents at the property about their RAD plans, and
- Conduct at least two (2) meetings with residents.

These meetings are an opportunity for you to discuss the proposed conversion plans with your PHA, ask questions, express concerns and provide comments. These meetings are also an opportunity to tell the PHA what you think needs to be repaired at the property. The PHA can then consider that information when developing plans for the property.

The PHA must have at least one more meeting with all residents of the property before HUD approves the final RAD conversion. This additional meeting is another opportunity for the PHA to keep you informed and for you to provide comments about the PHA's RAD conversion plans.

In addition to these resident meetings, your Resident Advisory Board (RAB) will also be consulted and have an opportunity to make recommendations on your PHA's RAD conversion plans during the PHA Plan public hearing process.

What if I need accommodations to participate?

Your PHA must make materials available in accessible formats for persons with disabilities and must make meetings accessible for persons with disabilities.

Your PHA must also provide language assistance to persons with limited English proficiency so that you can understand materials, participate in meetings, and provide comments on the proposed RAD conversion. This may include providing written translation of the PHA's written materials and providing oral interpreters at meetings.

Will I have to move if my home or building is rehabbed?

If the repairs planned at your property are small, you will most likely be able to stay in your home during renovation. If the repairs planned at your property are more extensive, you will most likely need to be relocated during

rehabilitation. Even if you are required to move during the construction, you have a right to return to a RAD-assisted unit after construction is completed.

If relocation will last longer than 12 months, you benefit from additional protections as a "displaced person" under the Uniform Relocation Act. In this situation, you will be able to choose between the permanent relocation assistance that you are eligible for under the Uniform Relocation Act and the temporary relocation assistance (including the right to return) that you are eligible for under RAD. This is your choice and the PHA must work with you so you have the information you need to make this choice.

What changes will I see in my lease renewal process?

At the time of the RAD conversion, you will need to sign a new lease. Unless there is good cause for eviction based on your actions, your new lease will continue to renew. Under both the PBV and PBRA programs, a property owner who tries to end your lease must give you notice and grievance rights similar to the rights you have under public housing and the owner must follow state and local eviction laws.

Will RAD affect my rights and participation as a resident in the development?

RAD keeps many of the resident rights available under public housing such as the ability to request an informal hearing and the timeliness of termination notification. You also have a right to organize, and resident organizations will continue to receive up to $25 per occupied unit each year.

Will RAD increase my ability to choose where I live?

In most cases, you will have greater choice in where to live through the RAD "choice mobility option." This option is available under PBV after living in a RAD property for one (1) year and under PBRA after living in a RAD property for two (2) years. After the required time living in the RAD property after conversion, you may request a Housing Choice Voucher (HCV) and will have priority on the HCV waiting list when an HCV is available.

Will I still be able to participate in self-sufficiency programs?

The public housing Family-Self-Sufficiency Program (PH FSS) helps families obtain and maintain living wage employment (income that covers a family's basic needs) by connecting residents to services. If you are a current participant in an FSS program, you will still be able to participate in FSS after the RAD conversion.

If your development converts to PBV, you will be automatically moved from the public housing FSS to the Housing Choice Voucher FSS program if your PHA has a Housing Choice Voucher FSS program. The rules for both public housing and Housing Choice Voucher FSS programs are very similar.

If your development converts to PBRA, you may continue your participation in FSS until your current contract of participation ends. New participants may enroll only if the owner voluntarily establishes an FSS program at the site.

The Resident Opportunities and Self Sufficiency-Service Coordinators Program (ROSS-SC) program provides public housing residents with coordinators to connect them to supportive services and empowerment activities.

If you are a current participant in the ROSS-SC, you can continue to participate in ROSS-SC until program funding is used up. Once the grant funds are spent, your PHA cannot apply for a new grant for a RAD property.

What if I need more information?

For more information, go to the RAD website, www.hud.gov/rad.

Agenda

Hendersonville Housing Authority
P. O. Box 1106
203 N. Justice Street
Hendersonville, North Carolina
28793
(828)692-6175

October 8, 2020

Dear Resident,

Attached is a general information letter required by HUD to be given to all residents about a RAD conversion program. It is stated in the HUD letter attached that a resident meeting will be held, but due to COVID unfortunately that will not be able to happen. I will be setting up a call-in session if tenants would like to call the number below and when prompted punch in the code. HHA and all tenants that call in will be able to talk together. Also, tenants are encouraged to speak directly to myself with any questions at the 828 692 6175 ext 104.

Please be assured of the following:

- When converting to Section 8 Project Based Vouchers, your unit will have a Section 8 voucher not your household. If you move out you do not have a Section 8 Voucher that follows your household. The voucher stays with the unit for the next family that occupies the unit.
- Rent will not increase. Unless you are now paying the Flat Rent for a unit, your rent will not change. If you are a flat renter, the increase will be phrased in over a 3-year period of time. The factor that will affect your rent is your income, whether it be an increase or a decrease. The RAD process itself will not change your rent.
- You will not have to move or transfer from the unit you are in now due to the RAD conversion.

Please call the HHA Office with any questions at any point in time.

Respectfully,

Diana Brow
Executive Director

**Phone in meeting number is 1-408-650-3123. When asked enter the following

538 231 805#

Date to call to the meeting: Wednesday, October 14, 2020 5:00 PM

Agenda

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 10/30/2020

Presenter: Drew Finley

Title of Item: Presentation Regarding Proposed Utility Assessment Policy

Nature of Item: Presentation Only

Council Meeting Date: 11/05/2020

Summary of Information/Request:

Item # 6E

Lead for North Carolina Fellow Drew Finley will provide a presentation regarding a proposed Utility Assessment Policy. This policy will allow subdivisions who need public water and sewer to petition the City for these services and then reimburse the City for installation over a period of time.

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:

NA

Attachments:

Presentation

Agenda

Overview of Assessment Process for Water/Sewer Improvements

Prepared By: Drew Finley (Lead for NC Fellow, Hendersonville Water & Sewer)

Project Origin & Background

Agenda

- 2017/2018: City completed Sanitary Sewer Asset Inventory and Assessment (City's sanitary sewer master plan document)
- Master Plan provides roadmap to maintain, improve, and expand City's collection system to best serve current and future customers
- Part of Master Plan process involved identifying "septic system areas likely to convert to public sewer" with assistance from Henderson County Environmental Health staff
- Most of these failing septic areas are within the City's ETJ
- City staff receive service inquiries/calls regularly
- City's GIS Division created visual representation of these areas (see "Notes")

Cost Comparison: Septic v. Sewer

Agenda

- City staff compiled information on septic system costs from four local plumbing companies
- Information included cost of installing a brand-new septic system, cost of repairs to an existing system, cost for replacement of old system, and cost to pump existing system
- Information provided is a best estimate and cost ranges were provided in many cases
- Various site-specific conditions make it difficult to precisely compare septic v. sewer in general terms, but broad cost comparison is possible

Cost Ranges by Category

Installation of brand-new septic system - $4,000-$7500 **($5,600 average)**

Repairs to existing septic system - **$4,900-$6,666 ($4,454 average)**

Replacement of old septic system - **$6,000-$9000 ($7,387.50 average)**

Cost to pump septic system - $275-$450 **($368.75 average)**

Agenda

Capital Financing Mechanisms in North Carolina

CURRENT REVENUES

SAVINGS

BORROWING MONEY

GRANTS AND PARTNERSHIPS

SPECIAL LEVIES

Agenda

Assessments are Special Levies

Targeted revenue generation method

Charge levied against the property

Neither a user fee nor a tax

City recoups project cost from those who most directly benefit from the project

Designed to supplement revenue generated from user fees

With staff's recommendation, Council defines area that will directly benefit from a given capital project

Overview - Statutory Authority

Agenda

- No petition requirement
- Assessment amount must be based on one or more statutory bases
- Detailed statutory process must be followed before assessments may be levied (including at least 2 public hearings)
- $ may be borrowed to front costs of a project funded with assessments, but assessment revenue **cannot** be pledged as security for loans
- Project must be completed before assessments may be imposed
- Payment in up to 10 annual installments

Agenda

Assessment Policies Across North Carolina

Municipalities Contacted (21)

Asheville	Cape Fear Public Utility Authority	Cary	Charlotte Water
Concord	Durham	Fayetteville Public Works Commission	Greensboro
Greenville Utilities Commission	High Point	ONWASA	Raleigh
Two Rivers Utilities (Gastonia)	Winston-Salem/Forsyth County Utilities	Burlington	Hickory
OWASA	Rocky Mount	Salisbury-Rowan Utilities	Lenoir
	Wilson		

Municipalities with Policy in Place (12)

Cape Fear Public Utility Authority	Cary	Durham
Fayeteville Public Works Commission	Greensboro	High Point
Raleigh	Winston-Salem/Forsyth County Utilities	Burlington
OWASA	Rocky Mount	Lenoir

Agenda

All surveyed municipalities require petitions for water/sewer improvements

Among jurisdictions surveyed, the most common petition requirement was as follows:

At least 50% of property owners who represent at least 50% of road frontage

(Cary, Durham, Greensboro, High Point, Winston-Salem and Burlington)

Current Ordinance Language

Agenda

- Sec. 52-89. - Petition Required.

- The city will consider the extension of water distribution lines and/or sewer collection lines when a petition signed by a majority of the property owners who represent a majority of the lineal footage on the streets or easements where the improvements are proposed has been submitted to the utilities director of the water and sewer department on forms provided by the city or in a format otherwise agreed upon as acceptable to the city for submittal

- Sec. 52-90. - Action upon petition

- The utilities director of the water and sewer department shall review the petition and recommend approval or disapproval to the city council.The city council may then either accept or reject the petition.

Agenda

Property owners contact City staff requesting water/sewer service in given area

City staff reviews proposed project feasibility with cooperation of Henderson County Environmental Health Staff (surface water testing, review of septic reports to illustrate project need etc.)

City staff sends property owners map, rough cost estimate of project, petition forms, and average single-family equivalent assessment amount information. City notifies other jurisdiction(s) of potential project

At least 66% of area property owners sign petition requesting water/sewer service

City secures jurisdictional approval if project area is outside City limits

Petition Phase (Phase I)

Note: **All** property owners in project area would be required to pay the full assessment amount once the petition threshold has been met (even if they did not sign the petition)

Agenda

Council adopts preliminary assessment resolution, containing City staff proposals for assessment basis, City cost participation level, and terms of payment

Notice of preliminary resolution published, mailed to affected property owners

Public hearing on contents of preliminary resolution; second vote of affected property owners to ensure 66% threshold is still met

Upon final approval by at least 66% of property owners, Council adopts final assessment resolution directing City staff to undertake project (budget & CPO established)

City completes design, permitting, bidding, and construction of project

Project Phase (Phase II)

Agenda

Assessment Phase (Phase III)

City staff prepares preliminary assessment roll (map showing each property assessed, assessment basis, amount assessed, name of property owner)

Preliminary assessment roll filed; public notice published

Public hearing on contents of preliminary assessment roll, modifications made to roll as appropriate

Council confirms assessment roll; assessments become lien on property assessed, notice of confirmation of assessment roll published

Property owners make assessment payments (upfront or in annual installments over time)

Key Components for Consideration/ Discussion

Agenda

Threshold requirement for petition (Staff recommends 66% of area property owners)

Assessment Basis Staff recommends property owners contribute 35%-45% of total connection cost on a cost-per-connection basis ($17,412 = average cost per connection)

Assessment Amount (Staff recommends property owners contribute $6000-$8000 of connection cost, which would be comparable to septic alternative). Exact amount varies based on ENR Index

Interlocal agreement required if assessments imposed on property outside City limits (County also has authority to impose assessments)

Ancillary benefit: Increased tax base from new customers, since voluntary annexation petition submitted when connecting to sewer system

Questions?

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Agenda

Submitted By: Tom Wooten

Department: Public Works

Date Submitted: October 26, 2020

Presenter: Tom Wooten

Title of Item: Street Light Color Discussion

Nature of Item: Council Action

Council Meeting Date: November 5, 2020

Summary of Information/Request:

Item # 8A

At the October 1st City Council meeting, we discussed changing from the 4000K color street lights to the 3000K color. Duke Energy reports that the cost to replace those new lights will be approximately $18,000 (approximately 450 lights at $40 per light). That payment can be broken up into multiple installments.

Duke Energy will place an order for the new 3000K color LED lights and begin replacing the older Mercury Vapor lights, at no cost to the city. If this item is approved, they will order enough lights to replace the Mercurcy Vapor lights and the 4000K street lights. The 3000K lights will take about 4 - 5 weeks to arrive.

Suggested Motion(s):

I move to approve a request to Duke Energy to replace approximately 450 new LED streetlights (4000K color) with new LED 3000K color street lights and to install 3000K color streetlights when replacing the older street lights.

Agenda

Budget Impact: $ 18,000 Is this expenditure approved in the current fiscal year budget? N/A If no, describe how it will be funded.

No, we will have to do a budget amendment to cover this expense.

Project Number:

N/A

Petition Number:

N/A

Additional Petition Number:

Petitioner Name:

N/A

Attachments:

None

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Agenda

Submitted By: Michael Huffman

Department: Engineering

Date Submitted: 10/26/20

Presenter: Michael Huffman, Isabella Conway, Aurora P

Title of Item: Girl Scouts Silver Award Project Approval

Nature of Item: Presentation Only

Council Meeting Date: 11/5/20

Summary of Information/Request:

Item # 9A

Two local Girl Scouts, Isabella Conway and Aurora Palmer, would like to present their idea for a Silver Award Project. They are hoping to paint an educational mural on the rainwater cisterns at Patton Park. The project has already been discussed internally with Tom Wooten, Public Works Director, and Stormwater Administrator, Michael Huffman.

Suggested Motion(s):

I move that City Council approve the Girls Scouts Silver Award Project and to allow them to paint murals at Patton Park.

Agenda

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

Project Number:

N/A

Petition Number:

N/A

Additional Petition Number:

Petitioner Name:

N/A

Attachments:

Girl Scouts Silver Award Presentation

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Agenda

Submitted By: John Connet / Angela Reece

Department: Admin

Date Submitted: 10/23/2020

Presenter: John Connet

Title of Item: Public Comment Policy Approval

Nature of Item: Council Action

Council Meeting Date: 11/05/2020

Summary of Information/Request:

Item # 9B

In 2005, the North Carolina General Assembly, through the passage of § 160A-81.1. Public comment period during regular meetings., required that each municipality in North Carolina provide a period for general public comments at least once per month at a regular meeting of the council. In addition to this general comment period, there are many other opportunities for the Council to receive comments from the public including public hearings and presentations. The City of Hendersonville recognizes the importance of receiving comments from the public.

The City of Hendersonville Public Comment Policy is designed to is to give the public an opportunity to express their views, comments or opinions to the city council. It is a time for city council members to listen to the public. The following rules are being presented to City Council for consideration to maintain order and decorum when council is receiving public comments. Furthermore, these rules are designed to ensure fairness to each speaker by establishing rules in advance that will be applied equally to each speaker.

Council Member Smith has provided some recommended changes. Staff has included these recommendations for City Council review.

Suggested Motion(s):

I move that City Council adopt the City Council Meeting Format, Public Comment Policy as amended (state amendments if any).

Agenda

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

Project Number:

N/A

Petition Number:

N/A

Additional Petition Number:

Petitioner Name:

N/A

Attachments:

Proposed Policy

Agenda

	CITY OF HENDERSONVILLE		
Policy Name:	**City of Hendersonville Public Comment Policy**	Date Adopted by Council:	

1. OVERVIEW

In 2005, the North Carolina General Assembly, through the passage of **§ 160A-81.1. Public comment period during regular meetings.**, required that each municipality in North Carolina provide a period for general public comments at least once per month at a regular meeting of the council. In addition to this general comment period, there are many other opportunities for the Council to receive comments from the public including public hearings and presentations. The City of Hendersonville recognizes the importance of receiving comments from the public.

2. PURPOSE

2.1 The City of Hendersonville Public Comment Policy is designed to give the public an opportunity to express their views, comments or opinions to the City Council. It is a time for City Council members to listen to the public. The following rules have been established to maintain order and decorum when council is receiving public comments. Furthermore, these rules are designed to ensure fairness to each speaker by establishing rules in advance that will be applied equally~~. to each speaker.~~

Commented [CJ1]:

3. RULES GOVERNING THE TIME, PLACE, AND MANNER FOR RECEIVING PUBLIC COMMENT AT COUNCIL MEETINGS

Commented [CJ2]: This section is intended for Public Comment Period only.

3.1 The presiding officer ~~Mayor~~ reserves the right to alter public comment time limits and other rules of procedure for Council meetings. No time may be yielded or transferred from one speaker to another. Each speaker will be concise and avoid repetition. In order to avoid repetition and delay, groups of people supporting the same position are encouraged to designate a spokesperson for the group. Suggested rewording: The Mayor may extend public comment time beyond the minimum 15 minutes at the Mayor's discretion. Speakers may not yield or transfer time from one speaker to another. Speakers are asked to be concise in their comments. Groups of people supporting the same position may designate a spokesperson for the group.

3.2 In order to provide for the maintenance of order and decorum in the conduct of the meeting, the Mayor may declare "out-of-order" any person who fails to comply with this policy. The Mayor shall caution any such person to abide by the provisions of this policy. Refusal to do so shall be grounds for removal of the speaker(s) from the meeting.

3.3 Speakers will address comments to the entire city council as a whole and not one individual member. Discussions between speakers and members of the audience will not be permitted during the public comment period.

3.4 Speakers shall be civil and courteous in their language and presentation. Insults, personal attacks, accusations, profanity, vulgar language, inappropriate gestures, or other inappropriate behavior will not be tolerated. Any person, making ~~personal,~~ impertinent, or slanderous remarks, or who shall become boisterous, while addressing the City Council may be considered disorderly by the City Council and may be expelled at the discretion of the presiding officer (Mayor or Mayor Pro Tem)~~.~~

3.5 The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for any City Council or Board or Commission meetings please contact the City Clerk.

Commented [CJ3]: Move this item to 1.1 above

4. GENERAL PUBLIC COMMENT PERIOD (N.C.G.S. § 160A-81.1)

4.1 The general public comment period shall be reserved as an item of business on the agenda for the City Council regular meeting, which is currently held on the first Thursday of each month at 5:45 p.m. in the Assembly Room of the City Operations Building located at 305 Williams St. Hendersonville NC, 28792. Speaker comments during the general public comment period may be on any agenda item or topic of public interest other than public hearings.

4.2 The public comment period is not intended to require the City Council and/or any staff to answer any impromptu questions. Council members may ask a speaker to clarify information in order to better understand the speaker's comments. The city council will not take action on an item presented during the public comment period. Upon completion of the public comment period and when appropriate, the city council may summarize the comments heard from citizens and the city council members may refer inquires made during the public comment period to the City Manager to address as appropriate. If necessary, the item may be added to the agenda of a future meeting, thereby providing the staff an opportunity to research the item and provide data to city council for consideration and review. Suggested change: The City Council may or may not take action at the Council's discretion.

Commented [CJ4]: Staff would recommend that City Council not take action following public comment. We would suggest putting the item on a future agenda. This prevents hasty actions that you may regret.

4.3 The Mayor reserves the right to alter comment period time limits ~~and other rules of procedure for Council meetings.~~ A total of fifteen (15) minutes will be set aside at the beginning of each meeting for general comments on a first come, first served basis according to the sign-up sheet and order of any digital meeting participation. Speakers will be limited to four (4) minutes each. No time may be yielded or transferred from one speaker to another. Speakers will be asked to identify themselves and will address the City Council from the podium or virtually. Speakers appearing in person will be given first opportunity to speak. Speakers commenting via a digital platform such as Zoom will be given instructions at the appropriate time. Speakers participating virtually will be asked to turn on their cameras. Each speaker will be concise and avoid repetition. In order to avoid repetition and delay, groups of people supporting the same position are encouraged to designate a spokesperson for the group.

Commented [CJ5]: Council Member Smith asked that this phrase be removed.

4.4 The City of Hendersonville City Council shall have a "Council Comment" period for follow up or addressing issues that arise from the public comment section. This shall be a point of response from Council Members to respond to comments that have been made, not to debate with the public.

4.5 No digital photos or media will be accepted for general comments. Citizens may submit general written comments or materials for consideration which comply with guidelines outlined in **Section 8| Security** through the City's website or by emailing them to the Clerk no later than noon on the meeting day.

4.6 Speakers who have prepared written materials that they want distributed to the council related to the item they plan to discuss during the general public comment period, shall provide nine (9) copies of those documents to the City Clerk prior to the start of the meeting. The Clerk shall distribute the copies to the Mayor and City Council Members, Attorney, and City Managers and retain one copy for the record. All materials submitted are considered public records as defined in **§ 132.1**

5. PUBLIC HEARING COMMENT PERIOD

5.1 Comments for public hearings during City Council meetings will be accepted at the appropriate time on the meeting agenda ~~in the same manner as general comments~~ as well as through the City's website. Comments must pertain to the subject matter of the public hearing.

5.2 Public comments may be submitted electronically ("digital comments") in advance for public ~~hearings, and~~hearings and may include short handouts and up to five (5) photos or one (1) 90 second video. Digital materials will be provided to City Council in the same format as received. Materials received will not be printed. All digital comments and must comply with guidelines outlined in **Section 8| Security**. Digital Materials complying with security requirements such as PowerPoint presentations, handouts, photos and videos should be provided to city staff by 8:00 AM the day before the scheduled meeting ~~48 hours in advance of the meeting~~ as outlined in **Section 8| Security**.

5.3 Speakers who have prepared written materials that they want distributed to the council related to the item they plan to discuss during the public hearing comment period, shall provide nine (9) copies of those documents to the City Clerk prior to the start of the meeting. The Clerk shall distribute the copies to the Mayor and City Council Members, Attorney, and City Managers and retain one copy for the record. All materials submitted are considered public records as defined in **§ 132.1**

6. PUBLIC COMMENTS DURING SPECIAL CALLED AND EMERGENCY MEETING

6.1 Because subjects of Special and Emergency meetings are often regulated by law, there will be no Public Comment Period reserved on agendas of Special and Emergency meetings; however, like regular monthly meetings, these meetings are open for public attendance except as otherwise prohibited by law. The public are welcome to send comments to the City Clerk in advance that will be distributed to council members.

7. REQUESTING PRESENTATIONS TO CITY COUNCIL

7.1 The Mayor and City Manager will review all presentation requests for consideration by Council. Some requests may be resolved administratively without council action. The ability to request to make a presentation to City Council shall not be considered as a general, limited or designated public forum. The decision of whether or not to receive a public presentation shall be in the sole discretion of the Mayor and City Manager and the City Council.

7.2 Persons requesting to make a presentation to the City Council must contact the City Clerk no later than 10 days prior to the Council meeting in which the presentation request is being made. Approved presentations will be placed on the earliest meeting agenda. All presentation materials must comply **Section 8| Security** and are considered public records as defined in **§ 132.1**

8. SECURITY

8.1 To preserve the integrity of the City's computer databases, networks and operations, no USB devices or links to materials will be accepted. Digital presentation requests & materials may be emailed to the City Clerk in Microsoft Word, Power Point, or other attachment format such as PDF or JPG no later than 8:00 AM the day before the meeting ~~48 hours in advance of the meeting.~~

8.2 Digital photo submissions are limited to five (5) or less and video will be limited to one (1) (up to 90 seconds) per speaker and must be submitted in the above format and be properly labeled in a manner that is easily identifiable. Suggested Change: Digital photo or video submissions that are expected to be shown in the speaker's presentation will be limited to five (5) pictures and/or one video of two minutes. Pictures and videos must be submitted according to the requirements in 8.1. If the format of the pictures or videos is not compatible with the City's computer system, the speaker will be requested to re-format their submissions prior to the presentation. These submissions must be properly labeled in a manner that is easily identifiable and become the property of the City upon submission.

8.3 Speakers who have prepared written materials that they want distributed to the council related to the item they plan to discuss during the general or public hearing comment period, shall provide nine (9) copies to the Clerk prior to the start of the meeting.

8.4 The City of Hendersonville staff will control digital public presentations and electronic participation at all times during City Council meetings and may, without notice, end any electronic presentation or electronic participation that has become compromised.

9. REMOTE MEETINGS

Commented [CJ6]: Council Member Smith would like for City Council to discuss this section.

Commented [CJ7]: Should we distinguish between individuals invited to make a presentation regarding a subject and people requesting to make a presentation.

Commented [CJ8]: Are PowerPoint slides different than pictures? Can someone provide a 100 PPT slides?

9.1 **Defined** § 166A-19.24 authorizes any public body to conduct remote meetings in accordance with the rules set out in the act, as well as with the provisions of the open meetings law. “Remote meeting” is defined as: An official meeting, or any part thereof, with between one and all of the members of the public body participating by simultaneous communication. “Simultaneous communication” is defined as: Any communication by conference telephone, conference video, or other electronic means. “Official meeting” and “public body” are defined as set out in the open meetings law.

9.2 Public comment at remote meeting must adhere to the guidelines as permitted in North Carolina General Statutes Article 33C-Meetings of Public Bodies and as adopted by Resolution #20-0432 of the City Council of the City of Hendersonville in addition to the requirements of this Policy.

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Agenda

Submitted By: Adam Steurer

Department: Utilities

Date Submitted: 10/26/2020

Presenter: Lee Smith

Title of Item: Bid Award - Hebron Pressure Zone Water Improvements

Nature of Item: Council Action

Council Meeting Date: November 5, 2020

Summary of Information/Request:

Item # 9C

Informal bids are due by November 3, 2020 for the construction of the proposed Hebron Pressure Zone Water Improvements. The project consists of installation of approximately 2,075 linear feet of 6-inch and 8-inch diameter ductile iron water main and appurtenances; two master meter vaults; and abandonment of an existing water pumping station. The project's intent is to boost insufficient water pressures and available fire flows for existing City water customers in the project area.

Informal bids will be presented to Council after receipt and review by Staff.

Suggested Motion(s):

I move City Council resolve to authorize the City Manager to award and execute the contract for the construction of the Hebron Pressure Zone Water Improvements to the lowest responsive and responsible bidder; as presented and recommended by Staff.

Agenda

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

Funds are allocated for this project through a CPO.

Project Number:

19037

Petition Number:

N/A

Additional Petition Number:

Petitioner Name:

N/A

Attachments:

Bid Tabulation - Hebron Pressure Zone Water Improvements

Agenda

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Submitted By: Captain Tracey Cox

Department: Police

Date Submitted: 10/08/2020

Presenter: Captain Tracey Cox

Title of Item: Request for Approval of Police HQ Purchases

Nature of Item: Council Action

Council Meeting Date: 11-05-2020

Summary of Information/Request:

Item # 9D

The police department requests approval to purchase the items listed in the attached document for the new police headquarters

Three quotes or informal bids were obtained for each category item, except where the item was classified as a sole source vendor item (radio consoles) or on state contract (furniture).

The lowest cost bidder was chosen in almost every group, except where the lower cost item(s) were deemed to be not suitable for the project.

Budget Impact: $ 774,512.00 Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion:

I move that City Council approve the purchase of Police HQ related items as submitted.

Attachments:

List of Police HQ related purchases.

Agenda

Item		Price		Vendor Chosen
Phone/IT Wiring Allowance		80,058.00		TSA
Security Reader Hardware		83,490.00		Chris Property Services
Radio Equipment/Wiring		43,031.00		Kimball
911 Desks (3+supv)		70,300.00		SBFI
911 Computers (radio x4)		141,005.00		Kimball
credit 911 Funds Available		-50,000.00		
911 Equipment Moving		6,000.00		AT&T
AV Equipment		49,117.00		Connection Point
Exercise Equipment		23,276.00		Carolina Fitness
Armory Storage Systems		5,300.00		Tiffin
High Density File Storage Move		12,756.00		Patterson Pope
Cad License		10,995.00		Southern Software
Camera System		37,894.00		Anders Communications
Move Vehicle Lift		650.00		Isgett
Evidence Lockers		23,157.00		Tiffin
Fuming/Drying		14,625.00		Mystaire
Incinerator		35,500.00		Fire Lake
Appliances		19,379.00		Blue Ridge
Furniture		160,346.00		Professional Business Interiors
Furniture Moving		7,633.00		Professional Business Interiors

Estimate Total
774,512.00

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Agenda

Submitted By: John Buchanan

Department: Finance

Date Submitted: 10/26/20

Presenter: City Manager

Title of Item: Quarterly Cash and Investment Update

Nature of Item: Presentation Only

Council Meeting Date: 11/5/20

Summary of Information/Request:

Item # 11A

Cash and Investment Summary:

As of September 30, 2020 the City's cash and investments consists of the following :

Investments	
U.S. Treasuries, Fed. Agency	$ 3,614,428.13
Municipal & NC:	$ 784,793.10
Commercial Paper:	$ 1,997,841.11
NCCMT(FCB Cash):	$ 3,752,998.00
Cash	
Central Depository:	$ 3,385,137.55
Health&Welfare Acct:	$ 20,867.00
NCCMT Accts:	$ 187,898.89
Total	$ 13,743,963.78

In addition to the accounts above, we have project funds from debt issuances for the Etowah project ($4,338,062) and Police Department project ($9,323,716)

Investment returns remain poor with returns currently between 8 to 20 basis points.

Suggested Motion(s):

Agenda

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

Project Number:

N/A

Petition Number:

N/A

Additional Petition Number:

Petitioner Name:

N/A

Attachments:

Schedule of Investments

Agenda

CITY OF HENDERSONVILLE
FIRST CITIZENS CUSTODIAN ACCOUNT

INVESTMENT REPORT

September 2020

Investment Name		Rating	Cusip	Price	Yield	Purchased Date	Issued Date	Maturity Date	Callable	Cost Basis
TREASURY AND FEDERAL AGENCIES										
US Treasury Note	USTN		912828M80	101.05	1.65%	12/11/2019	12/11/2019	11/30/2022	NO	606,328.13
US Treasury Note	USTN		912828S27	100.86	0.10%	8/28/2020	6/30/2016	6/30/2021		1,008,600.00
Federal Farm Credit	FFCB		3133EL7EB	99.975	0.23%	9/29/2020	9/15/2020	3/15/2023		1,999,500.00
TOTAL TREASURY AND FEDERAL AGENCIES										**3,614,428.13**
COMMERCIAL PAPER/CASH EQUIVALENT										
Santander PLC		A1/P1	80285PL34	99.9776	0.12%	8/28/2020	2/7/2020	11/3/2020		999,776.67
Toyota Motor Corp		A1+/P1	89233GSU1	99.8064	0.26%	9/1/2020	9/1/2020	5/28/2021		998,064.44
TOTAL COMMERCIAL PAPER/ CASH EQUIVALENT										**1,997,841.11**
OTHER INVESTMENTS (MUNI/BABS/)										
Gaston County	GCNC	Aaa AAA	367298XL5	118.014	1.05%	5/24/2016	5/24/2016	2/1/2021	No	784,793.10
TOTAL OTHER INVESTMENTS (MUNI/BABS)										**784,793.10**
Total Securities										**6,397,062.34**
NC Capt Management	Cash									3,752,998.00
								Total Security - Cost Basis		**10,150,060.34**

CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

Agenda

Submitted By: John Connet, City Manager

Department: Admin

Date Submitted: 10/23/2020

Presenter: John Connet, City Manager

Title of Item: Closed Session as permitted in NC General Statute § 143-318.11(a)(3) and (5)

Nature of Item: Council Action

Council Meeting Date: November 5, 2020

Summary of Information/Request:

Item # 12A

City staff is requesting a closed session to consult with an attorney employed by the public body in order to preserve the attorney-client privilege between the attorney and the public body and to discuss a potential settlement agreement associated with Cordova vs. City of Hendersonville, and to establish, or to instruct the public body's staff or negotiating agents 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.

Suggested Motion(s):

I move that City Council enter into closed session pursuant to NCGS § 143-318.11(a)(3) and (5) to consult with an attorney employed by the public body in order to preserve the attorney-client privilege between the attorney and the public body and to discuss a potential settlement agreement associated with Cordova vs. City of Hendersonville, 19 CVS 1360, Henderson County Superior Court, and 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.

Agenda

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

Project Number:

N/A

Petition Number:

N/A

Additional Petition Number:

Petitioner Name:

N/A

Attachments: