



AGENDA

City of Hendersonville City Council

Regular Session Meeting | December 3, 2020 - 5:45 p.m.

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

1. CALL TO ORDER

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

3. PUBLIC COMMENT *Up to 15 minutes is reserved for comments from the public.*

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. November 5, 2020, Regular Session

B. Annual City Council Meeting Schedule - *Presenter: John F. Connet, City Manager*

C. Public Comment Policy Ratification - *Presenter: John F. Connet, City Manager*

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

E. City of Hendersonville Uniform Guidance Gifts and Favors Policy - *Presenter: Angela S. Beeker, City Attorney*

F. City of Hendersonville Uniform Guidance Procurement Policy - *Presenter: Angela S. Beeker, City Attorney*

G. Justification for the Sole Source Purchase of Hapco Utility Poles & GE Lights for 7th Avenue Streetscape Project - *Presenter: Brent Detwiler, City Engineer*

H. Justification for the Sole Source Purchase of Neenah Tree Grates for 7th Avenue Streetscape Project - *Presenter: Brent Detwiler, City Engineer*

I. Ordinance Adding Civil Penalties to General Penalties Section- *Presenter: Angela S. Beeker, City Attorney*

6. PRESENTATIONS

A. Diversity and Inclusion Position Presentation - *Presenter: Wendy Navarez*

7. PUBLIC HEARINGS

- A. Annexation - Landings of Flat Rock- Petition by Agemark Acquisition, LLC, Peggy C. Cabe, Enno F. Camenzind, Joan C. Fleming, Paula Camenzind Carter, And Robert O. Camenzind, for satellite annexation of 8.449 acres identified as PIN # 9588-12-7382 located on S. Allen Road**
- B. Conditional Zoning District - Landings of Flat Rock- Agemark Acquisition, LLC, Peggy C. Cabe, Enno F. Camenzind, Joan C. Fleming, Paula Camenzind Carter, and Robert O. Camenzind, for satellite annexation of 8.449 acres identified as PIN# 9588-12-7382 located on S. Allen Road, from Henderson County OI, Office Institutional District, to PRD CZD, Planned Residential Development Conditional Zoning District, for a one-story, 58 bed, 32,000 sq. ft. assisted living facility and a three-story 95 bed, 85,000 sq. ft Independent Living Facility**
- C. Conditional Zoning District – Courthouse Inn- Consideration of Application by Stephen D. Barker of the Rainer Group, LLC for rezoning the subject property, PIN# 9568-77-5249 Located at 101 N. Church Street, from C-1, Central Business District, to C-1 CZD, Central Business Conditional Zoning District for a 55,000 sq. ft. Hotel with a Restaurant/Bar and Meeting Space**

8. UNFINISHED BUSINESS - NONE

9. NEW BUSINESS

- A. Capital Project Updates – Parking Deck – *Presenter: Brian Pahle, Assistant City Manager***
- B. Aerial Infrared Imaging Survey – Sanitary Sewer Collection System Agreement & Resolution - *Presenter: Lee Smith, Utilities Director***
- C. City Employee Compensation - *Presenter: John F. Connet, City Manager***
- D. Center for the Arts & Entertainment Funding Request- *Presenter: John F. Connet, City Manager***
- E. Hands On Children’s Museum Request for Assistance - *Presenter: Joseph Knight, Executive Director***

10. APPOINTMENTS TO BOARDS/COMMISSIONS/COMMITTEES

- A. Board of Adjustment**
- B. Downtown Mainstreet Advisory Committee**
- C. Historic Preservation Commission**
- D. Planning Board**
- E. Seventh Avenue Advisory Committee**
- F. Tree Board**

G. Walk of Fame Steering Committee

H. Water Sewer Advisory Council

I. FBRMPO TCC

11. CITY COUNCIL COMMENTS

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

A. FY20 Audit Update – *Presenter: Brian Pahle, Assistant City Manager*

13. CLOSED SESSION

A. Closed Session as permitted in NC General Statute § 143-318.11(a)

- (1) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes; and**
- (3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body; and**
- (5) 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 items of a contract for the acquisition of real property by purchase, option, exchange or lease and the amount of compensation and other material consideration of an employment contract.**

14. ADJOURN



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Angela Reece

Department: Admin

Date Submitted: 11/18/2020

Presenter: Angela Reece, City Clerk

Title of Item: Adoption of City Council Minutes

Nature of Item: Council Action

Council Meeting Date: 12/03/2020

Summary of Information/Request:

Item # 5A

The City Clerk has prepared minutes of the following meeting(s) for Council consideration:
i November 5, 2020 Regular Session

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

Suggested Motion:

I move that City Council adopt the minutes of November 5, 2020 Regular Session meeting as presented.

Attachments:

November 5, 2020 Regular Session Minutes-DRAFT



MINUTES

November 5, 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, Planner Tyler Morrow, and Utilities Director Lee Smith

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.*

Joseph and Sandra Williams of 309 Chadwick Ave. addressed City Council requesting consideration to update the City's noise ordinance. Sandra Williams expressed concerns about the traffic on their street and said that the street is being used as a cut through.

4. **Consideration of Agenda**

City Manager John Connet requested to REMOVE Item 5G, and to ADD Item 5-O, Tax Releases, Discoveries and Refunds, and Item 6E, Utility Assessment Policy Presentation.

Council Member Jeff Miller moved to amend and approve the agenda with the addition of Item 5-O, Tax Releases, Discoveries and Refunds and Item 6E, Utility Assessment Policy and to remove Item 5G. A unanimous vote of the Council followed. Motion carried.

5. **Consent Agenda**

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

Resolution #20-0583

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 5th day of November 2020.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Becker, City Attorney

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

Resolution #20-0584

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 5th day of November 2020.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Becker, City Attorney

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

Resolution #20-0585

**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 Hendersonville Times-News, a newspaper having general circulation in the City of Hendersonville, at least 10 days prior to the date of the public hearing.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of November 2020.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

Resolution #20-0586

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL
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.
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 by the City Council of the City of Hendersonville, North Carolina on this 5th day of November 2020.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Becker, City Attorney

G. ~~REMOVED~~ - 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)

This item was removed for consideration at a later date.

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

Resolution #20-0587

**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 1st day of October 2020.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Becker, City Attorney

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 WithersRavenel, Inc. -Phase I - Presenter: Michael Huffman, Stormwater Administrator

Resolution #20-0588

**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 5th day of November 2020.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Becker, City Attorney

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

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

Mayor Barbara G. Volk presented a proclamation to Michael Absher, President/CEO of Only Hope WNC proclaimed the month of November as Homeless Youth Awareness Month and applaud the efforts of those who serve and help fight youth homelessness in Henderson County.

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

Council Member Jeff Miller described events occurring on the evening of October 1st at Harry's and Piggy's. Council Member Miller stated there was an accident involving a 90-year-old veteran, who had lost his wife, sister-in-law and son in a matter of months and said he accidentally drove his vehicle into the storefront at Piggy's. Council Member Miller expressed thanks and deep appreciation for the way in which staff handled the situation with such respect and dignity and said he believed it made a difference in the man's life. Council Member Miller awarded certificates of commendation to the following staff: David Corey, Fire Engineer; Bryan Dunne, Fire Lieutenant; Joseph Fisher, Police Officer; Christian Miller, Battalion Chief; Dakota Ostrander, Firefighter/EMT; and Justin Ward, Deputy Fire Chief.

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

City Manager John Connet presented the Quarterly MVPs recognizing Joreeca Dinnall, Police Officer; Jamie McMinn, Customer Service; Jennifer Musselwhite, Revenue Supervisor, and Terry Martin, Fire Engineer for going above and beyond their normal job duties to assist citizens by exemplifying excellent customer service.

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

Dianna Brow of Hendersonville Housing Authority (HHA) provided updates on the Rental Assistance Demonstration Program (RAD) to City Council. Ms. Brow stated the RAD program is operated by the U.S. Department of Housing and Urban Development and (HUD) and said it will change rental assistance from the public housing model to a long-term Section 8 model. RAD will make it easier for

the program to access additional funding. She stated HHA has 250 units under construction through this grant over the next year.

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

Drew Finley presented an overview of the assessment process for the extension of water and sewer improvements to City Council. Mr. Finley reminded City Council of the Sanitary Sewer Asset Inventory Master Plan stating one component was working with Henderson County Environmental Health staff to identify failing septic system areas within the City's ETJ. Mr. Finley stated staff receives inquiries and service calls regarding water and sewer extension and staff is seeking guidance from City Council to establish a formal Utility Assessment Policy. Mr. Finley outlined three proposed phases: Petition (Phase 1); Project Development (Phase 2); and Assessment (Phase III) and presented the following staff recommendations:

1. Threshold requirements for petition - Staff recommends 66% of area property owners being required to initiate a petition.
2. Assessment Basis – Staff recommends property owners contribute 35% - 45% of total connection cost on a cost-per-connection basis. (Average \$17,412 per connection)
3. Assessment Amount – Staff recommends property owners contribute \$6,000.00 to \$8,000.00 of connection cost, which would be comparable to septic alternative costs.
4. Interlocal Agreement – State law requires an interlocal agreement if assessments are imposed on property outside the City limits. The County also has authority to impose assessments.
5. Ancillary Benefit – Staff advised property owners would have to submit a voluntary annexation petition which could increase the tax base from new customers.

After much discussion City Council Members were satisfied with staff recommendations and gave direction to staff to proceed.

7. Public Hearings – None

8. Unfinished Business

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

Tom Wooten, Public Works Director recalled prior discussions regarding street light conversions to lower wattage. Utilities Director, Lee Smith also advised replacement lighting at the City's Water Treatment Facility will be replaced with the 3000K lighting to comply with Dark Sky as well. Miller thanked staff for their efforts and Mr. Ralph Hammond Green for his recommendation.

Council Member Jeff Miller moved that City Council approve a request from staff to direct Duke Energy to replace approximately 450 new LED 4000K color streetlights with new LED 3000K color streetlights and to install 3000K color streetlights when replacing the older streetlights. A unanimous vote of the Council followed. Motion carried.

9. New Business

A. Girl Scouts Silver Award Project Approval - Presenter: Mike Huffman, Stormwater Engineer, Isabella Conway and Aurora Palmer Honor Students at Rugby Middle School and Franklin School of Innovation.

Isabella Conway addressed the City Council requesting approval of their proposed “Take Action” project to raise awareness on environmental conservation through public art. Ms. Conway stated the project would involve painting the City’s water cisterns at Patton Park and stated she has worked with Mike Huffman and LuAnn Welter to develop this proposal.

Council Member Dr. Jennifer Hensley moved that City Council approve the Girls Scouts Silver Award Project and to allow them to paint murals at Patton Park with the assistance of City staff prepping the site. A unanimous vote of the Council followed. Motion carried.

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

City Manager John Connet recalled previous discussions regarding the proposed public comment policy and advised staff has incorporated City Council suggested changes into the revised draft policy. After further clarification and discussion City Council members agreed to ratify the final policy at their next meeting.

Council Member Jerry Smith moved that City Council approve the City Council Meeting Format; Public Comment Policy as amended including the changes that relate to making decisions at meetings and technology requirements during public comments. A unanimous vote of the Council followed. Motion carried.

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

Lee Smith, Utilities Director advised this 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. He advised the project’s intent is to boost insufficient water pressures and available fire flows for existing City water customers in the area. Director Smith advised three bids have been received. City Manager John Connet requested City Council delay the bid award until their December meeting to allow for additional necessary processes to be completed.

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

Tracey Cox, Police Captain presented project items for approval. City Manager John Connet stated the funding has already been included in the existing budget and said staff thought it prudent for City Council to consider. City Manager Connet reminded City Council that the 911 system is part of the County 911 system which necessitates the particular radio purchases.

Council Member Dr. Jennifer Hensley moved that City Council approve the purchase of Police HQ Project related items as submitted. A unanimous vote of the Council followed. Motion carried.

10. City Council Comments

There were no comments by City Council Members.

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

City Manager John Connet provided the quarterly cash and finance update to City Council and reminded City Council that police chief candidates will be interviewed next week. The top two will be brought to Hendersonville to meet with officers and City Council.

12. Closed Session

At 7:30 p.m. City Council Member Jeff Miller moved 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, and Hansley v. City of Hendersonville et al 20CVS 1049, both 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. A unanimous vote of the Council followed. Motion carried.

Council Member Jerry Smith moved that City Council return to Open Session at 8:31 p.m. A unanimous vote of the Council followed. Motion carried.

Council Member Jerry Smith moved that City Council approve the mediated settlement agreement as presented in Cordova vs. City of Hendersonville, 19 CVS 1360. A unanimous vote of the Council followed. Motion carried.

13. Adjourn

There being no further discussion, the meeting was adjourned at 8:32 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

ATTEST:

Angela L. Reece, City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Angela Reece

Department: Admin

Date Submitted: 11/18/2020

Presenter: John Connet, City Manager

Title of Item: City Council Annual Meeting Notice (2021)

Nature of Item: Council Action

Council Meeting Date: 12/03/2020

Summary of Information/Request:

Item # 5B

North Carolina General Statute § 143-318.12. Public notice of official meetings governs noticing requirements for meetings of public bodies.

Staff has prepared notice for City Council Regular and Second Monthly Meetings for 2021 for consideration. The notice follows along with Council's schedule of meeting the first Thursday of each month for Regular Meetings, and the fourth Wednesday of each month for Second Monthly Meetings (Workshops).

If approved the City Clerk will advertise the notice and post on the bulletin board and City's website as per requirements of § 143-318.12

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

Suggested Motion:

I move that City Council adopt the 2021 Annual Meeting Schedule as presented [or as amended].

Attachments:

Proposed Annual City Council Regular and Second Monthly Meeting Notice for 2021

NOTICE

City of Hendersonville City Council

160 Sixth Avenue East Hendersonville, NC 28792

NOTICE OF CITY COUNCIL REGULAR MEETINGS

Regular Meetings of the City of Hendersonville City Council are held on the **first Thursday** of each month beginning at **5:45 p.m.** in the Assembly Room of the Operation Center located at 305 Williams Street, Hendersonville NC. The following regular meetings have been scheduled for 2021:

January 7, 2021
February 4, 2021
March 4, 2021
April 1, 2021
May 6, 2021
June 3, 2021

July 1, 2021
August 5, 2021
September 2, 2021
October 7, 2021
November 4, 2021
December 2, 2021

Second Monthly Meetings will be held in a workshop format to give the City Council an opportunity to receive and discuss information. Meetings are held on the **fourth Wednesday** of each month beginning at **4:00 p.m.** in the Assembly Room of the Operation Center located at 305 Williams Street, Hendersonville NC. The following workshop meetings have been scheduled for 2021:

January 27, 2021
February 24, 2021
March 24, 2021
April 28, 2021
May 26, 2021
June 23, 2021

July 28, 2021
August 25, 2021
September 22, 2021
October 27, 2021
November 24, 2021
December 22, 2021

Angela L. Reece
City Clerk

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 this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3005.

Posted **12/04/2020**

Published in Times-News _____

<https://www.hendersonvillenc.gov>





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet/ Angela Reece

Department: Admin

Date Submitted: 11/18/2020

Presenter: John Connet, City Manager

Title of Item: Public Comment Policy Ratification

Nature of Item: Council Action

Council Meeting Date: 12/03/2020

Summary of Information/Request:

Item # 5C

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.

Staff have updated the policy to include recommendations by City Council at their November 5, 2020 meeting and present the final version for consideration and ratification.


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

Suggested Motion:

I move that City Council ratify the City Council Meeting Format, Public Comment Policy as presented.

Attachments:

Proposed Policy

	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.

- 1.1 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.

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.

3. DECORUM AT COUNCIL MEETINGS

- 3.1 In order to provide for the maintenance of order and decorum in the conduct of the meeting, the presiding officer may declare “out-of-order” any person who fails to comply with this policy. The presiding officer 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.
- 3.2 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.
- 3.3 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 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.

4. RULES GOVERNING THE TIME, PLACE AND MANNER FOR RECEIVING GENERAL PUBLIC COMMENT PERIOD AT COUNCIL MEETINGS (N.C.G.S. § 160A-81.1) This section is intended for Public Comment Period Only

- 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 inquiries 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.
- 4.3** The presiding officer reserves the right to alter comment period time limits. 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. 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.
- 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 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 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 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.
- 8.2** 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

- 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

Submitted By: Jennifer Musselwhite

Department: Finance

Date Submitted: 11/23/2020

Presenter: Jennifer Musselwhite

Title of Item: Henderson County Tax Adjustments

Nature of Item: Council Action

Council Meeting Date: 12/3/2020

Summary of Information/Request:

Item # 5D

The Deputy Tax Collector, Jennifer Musselwhite, would like to submit for your approval the tax bill adjustments occurring between October 19, 2020 and November 23, 2020. These adjustments include all Discoveries, Releases, Refunds, and Forgiven Interest. These adjustments were provided by Henderson County Tax Department. Documentation is available in the Tax Office.

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

Suggested Motion:

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

Attachments:

Summary Total of Tax Adjustments

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

FOR TRANSACTIONS AS OF 11/23/2020

VALUE CHANGE	\$	(524,920.00)
RELEASES	\$	(2,531.34)
REFUNDS	\$	-
FORGIVEN INTEREST	\$	-
TOTAL TAX BILL ADJUSTMENTS	\$	(2,531.34)

<i>Adjustments, Releases, Refunds are provided by Henderson County Tax</i>
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NCPTS Pending Release/Refund Report. Monday, November 23, 2020*

TAX DISTRICT	OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	DISTRICT CODE	LEVY TYPE	BILLED	PAID	RELEASE	
CITY OF HENDERSONVILLE	KENDALL, MARK	0000280879-2019-2019-0000	MANUFACTURED HOME NOT OWNED BY THIS TAXPAYER SINCE 2017. ABSTRACT VOIDED FOR 2019.	(\$6,000)	7505	JURSC10	TAX	\$29.40	\$0.00	\$29.40	
							LATE LIST FEE	\$2.94	\$0.00	\$2.94	
							TOTAL:			\$32.34	
										ABSTRACT TOTAL:	\$32.34
		0000280879-2020-2020-0000	MANUFACTURED HOME NOT OWNED BY THIS TAXPAYER SINCE 2017. ABSTRACT VOIDED FOR 2020.	(\$6,000)	7506	JURSC10	TAX	\$29.40	\$0.00	\$29.40	
							LATE LIST FEE	\$2.94	\$0.00	\$2.94	
							TOTAL:			\$32.34	
										ABSTRACT TOTAL:	\$32.34
			OWNER TOTAL:		\$0						\$64.68
	RADCLIFFE, RICHARD	0000280879-2018-2018-0000	MANUFACTURED HOME NOT OWNED BY THIS TAXPAYER SINCE 2017.	(\$6,000)	7504	JURSC10	TAX		\$0.00	\$29.40	
							LATE LIST FEE	\$0.00	\$0.00	\$2.94	
							TOTAL:			\$32.34	
										ABSTRACT TOTAL:	\$32.34
			OWNER TOTAL:		\$0						\$32.34
	SIXTH AVENUE WEST LLC	0002267990-2020-2020-0000	2019 APPEAL VALUE NOT CARRIED FORWARD TO THE 2020 VALUE DUE TO CLERICAL ERROR.	(\$496,800)	7460	JURSC10	TAX	\$7,699.86	\$0.00	\$2,434.32	
							LATE LIST FEE	\$0.00	\$0.00	\$0.00	
							TOTAL:			\$2,434.32	
										ABSTRACT TOTAL:	\$2,434.32
			OWNER TOTAL:		\$0						\$2,434.32
	DISTRICT TOTAL:			(\$514,800)						\$2,531.34	
GRAND TOTALS:				\$0						\$2,531.34	



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brent Detwiler

Department: Legal

Date Submitted: 11/23/20

Presenter: Angela Beeker

Title of Item: City of Hendersonville Uniform Guidance Gifts and Favors Policy

Nature of Item: Council Action

Council Meeting Date: 12/3/20

Summary of Information/Request:

Item # 5E

The purpose of this policy is to establish conflicts of interest, gifts and favors guidelines that meet or exceed the requirements under state law and local policy when procuring goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects paid for in part or whole by federal or State funds and required under 2 C.F.R. § 200.318(c)(1).

Suggested Motion(s):

I move City Council to resolve to approve the City of Hendersonville Uniform Guidance Gifts and Favors Policy as presented.

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 Uniform Guidance Gifts and Favors Policy

Uniform Guidance Conflict of Interest Policy For the City of Hendersonville

This policy is adopted pursuant to 2 C.F.R. § 200.318(c)(1). This policy applies to any project or City contract which is funded in whole or in part by Federal funds of State of North Carolina funds. This policy applies whether or not the State or Federal funds are paid directly or on a reimbursement basis. This policy is intended to supplement, and not replace, current City policies, and shall also be written into the City of Hendersonville Personnel Policy, therefore when Federal or State funding is involved, compliance with this policy and current City policies is required. Where the two conflict, the most stringent shall apply.

I. Purpose

The purpose of this policy is to establish conflicts of interest, gifts and favors guidelines that meet or exceed the requirements under state law and local policy when procuring goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects paid for in part or whole by federal or State funds and required under 2 C.F.R. § 200.318(c)(1).

II. Policy

This policy applies when procuring goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects funded in part or whole with State or federal financial assistance (direct or reimbursed). This policy also applies to any subrecipient of the funds.

The employee responsible for managing the State or federal financial assistance award shall review the notice of award to identify any additional conflicts of interest prohibitions or requirements associated with the award, and shall notify all employees, officers, and agents, including subrecipients, of the requirements of this policy and any additional prohibitions or requirements.

A. Conflicts of Interest. In addition to the prohibition against self-benefiting from a public contract under G.S. 14-234, no officer, employee, or agent of the City of Hendersonville may participate directly or indirectly in the selection, award, or administration of a contract supported by a State or federal award if he or she has a real or apparent conflict of interest. A real or apparent conflict exists when any of the following parties has a financial or other interest in or receives a tangible personal benefit from a firm considered for award of a contract:

1. the employee, officer, or agent involved in the selection, award, or administration of a contract;
2. any member of his or her immediate family;
3. his or her partner; or
4. an organization which employs or is about to employ any of these parties.

Any officer, employee, or agent with an actual, apparent, or potential conflict of interest as defined in this policy shall report the conflict to his or her immediate supervisor. Any such conflict shall be disclosed in writing to the State or federal award agency or pass-through entity in accordance with applicable State or Federal awarding agency policy.

B. Gifts. In addition to the prohibition against accepting gifts and favors from vendors and contractors under G.S. 133-32, officers, employees, and agents of the City of Hendersonville are prohibited from accepting or soliciting gifts, gratuities, favors, or anything of monetary value from contractors, suppliers, or parties to subcontracts. Items of nominal value valued at less than \$25.00 which fall into one of the following categories may be accepted:

1. promotional items;
2. honorariums for participation in meetings; or
3. meals furnished at banquets.

Any officer, employee or agent who knowingly accepts an item of nominal value allowed under this policy shall report the item to his or her immediate supervisor.

III. Violation

Employees violating this policy will be subject to discipline up to and including termination. Contractors violating this policy will result in termination of the contract and may not be eligible for future contract awards.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brent Detwiler

Department: Legal

Date Submitted: 11/23//20

Presenter: Angela Beeker

Title of Item: City of Hendersonville Uniform Guidance Procurement Policy

Nature of Item: Council Action

Council Meeting Date: 12/3/20

Summary of Information/Request:

Item # 5F

The objective of this Policy is to establish guidelines that meet or exceed the procurement requirements for purchases of goods (apparatus, supplies, materials, and equipment), services, and construction and repair projects when federal funds are being used in whole or in part to pay for the cost of the contract.

Suggested Motion(s):

I move City Council to resolve to approve the City of Hendersonville Uniform Guidance Procurement Policy as presented.

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 Uniform Guidance Procurement Policy

City of Hendersonville Uniform Guidance Procurement Policy

- I. **Objective.** The objective of this Policy is to establish guidelines that meet or exceed the procurement requirements for purchases of goods (apparatus, supplies, materials, and equipment), services, and construction and repair projects when federal funds are being used in whole or in part to pay for the cost of the contract.

II. Policy

- A. **Application of Policy.** This policy applies to contracts for construction or repair or for the procurement of goods or services that are funded in whole or in part by federal funds, direct or reimbursed, including contracts under grants and loans where the City is a subgrantee or sub-recipient of federal funds (collectively, "Federal Contracts"), except to the extent the federal funding is not subject to the Uniform Guidance codified in 2 C.F. R. Part 200.

All Federal Contracts are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (Uniform Guidance) codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. The requirements of this Policy also apply to any subrecipient of federal funds. City departments may adopt additional policies to the extent required by a particular federal agency or federal grant, and in the event of a conflict the departmental policies shall take precedence over this Policy. The City department that received the federal funding for the Federal Contract is responsible for ensuring compliance with this Policy and all other grant requirements.

- B. **Compliance with Federal Law.** All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. § 200.317 through § 200-326 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. The City will follow all applicable local, state, and federal procurement requirements when expending federal funds. Should the City have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.

- C. **Approval and Modification.** The procedures and requirements contained in this Policy are administrative and may be changed by a Departmental Director for their Department but only as necessary to comply with state and federal law.

III. General Procurement Standards and Procedures: The following standards and procedures apply to all Federal Contract solicitations:

- A. **Necessity.** Purchases must be necessary to perform the scope of work and must avoid acquisition of unnecessary or duplicative items. City departments should check with the federal surplus property agency prior to buying new items when feasible and less expensive. Strategic

sourcing should be considered with other City departments and/or agencies that have similar needs to consolidate procurements and services to obtain better pricing.

- B. Cost Reduction.** City departments are encouraged to use federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs. City departments are further encouraged to use value engineering clauses in Federal Contracts for construction or repair that are of sufficient size to offer reasonable opportunities for cost reductions.
- C. Clear Specifications.** All solicitations must incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured, and shall include all other requirements which bidders or proposers must fulfill and all other factors to be used in evaluating bids or proposals. Technical requirements must not contain features that unduly restrict competition.
- D. Notice of Federal Funding.** All bid solicitations for Federal Contracts must acknowledge the use of federal funding. In addition, all prospective bidders or proposers must acknowledge that funding is contingent upon compliance with all terms and conditions of the funding award.
- E. Compliance by Contractors.** All Federal Contract solicitations shall inform prospective contractors that they must comply with all applicable federal laws, regulations, executive orders, and terms and conditions of the funding award.
- F. Use of Brand Names.** When possible, performance or functional specifications are preferred to allow for more competition leaving the determination of how to reach the required result to the Federal Contractor. Brand names may be used only when it is impractical or uneconomical to write a clear and accurate description of the requirement(s). When a brand name is listed, it is used as reference only and "or equal" must be included in the description.
- G. Lease versus Purchase.** Under certain circumstances, it may be necessary to perform an analysis of lease versus purchase alternatives to determine the most economical approach.
- H. MWSBE Participation.** For all Federal Contract procurements that equal or exceed the Micro-Purchase Threshold (currently \$10,000), the City department responsible for the solicitation must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:
 - (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this Section.

I. Documentation. City departments must maintain records detailing the history of all Federal Contract procurements. The documentation should include the procurement method used, contract type, basis for contractor selection, price, sources solicited, public notices, cost analysis, bid documents, addenda, amendments, Federal Contractor's responsiveness, notice of award, copies of notices to unsuccessful bidders or offerors, record of protests or disputes, bond documents, notice to proceed, purchase orders, and the Federal Contract. All documentation relating to the award of any Federal Contract must be made available to the granting agency upon request.

J. Cost Estimate. For all Federal Contract procurements that are expected to equal or exceed the Simplified Acquisition Threshold as defined in Article V (currently \$250,000), the City department responsible for the procurement shall develop an estimate of the cost of the procurement prior to soliciting bids. Cost estimates may be developed by reviewing prior contract costs, online review of similar products or services, or other means by which a good faith cost estimate may be obtained. Cost estimates for construction or repair contracts may be developed by the project designer.

Profit must be negotiated as a separate element of the price for each Federal Contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

K. Open Competition. Solicitations shall be prepared and conducted in a way to be fair and provide open competition. The procurement process shall not restrict competition by imposing unreasonable requirements on bidders, including but not limited to unnecessary supplier experience, excessive or unnecessary bonding, specifying a brand name without allowing for "or equal" products, or other unnecessary requirements that have the effect of restricting competition.

L. Geographic Preference. No geographic preferences may be imposed in awarding Federal Contracts except to the extent permitted by federal law.

- M. Contractors' Conflict of Interest.** Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, invitation for bids or requests for proposals shall be excluded from competing for such procurements.
- N. Prequalification.** All lists of prequalified bidders must be kept current and must include enough qualified sources to ensure maximum open and free competition. Potential bidders shall not be precluded from qualifying during the solicitation period.
- O. City Board Approval.** Unless otherwise Board approval for a Federal Contract is required by this Policy, or by federal or state law, the thresholds established by City Board from time to time will determine when City Board approval for a Federal Contract is required.
- P. Procurement of Recovered Materials.** The City and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

IV. Requirements Applicable to All Federal Contracts. All Federal Contracts will comply with the following requirements:

- A. Contract Award.** Federal Contracts shall be awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. Purchase Contracts and Construction Contracts that exceed the Micro-Purchase Threshold (as defined in Article V of this Policy) will be awarded to the lowest responsive, responsible bidder.
- B. Fixed Price.** Federal Contract solicitations must state that bidders and proposers shall submit bids and proposals on a fixed price basis and that the Federal Contract shall be awarded on this basis unless otherwise provided for in this Policy. Cost plus percentage of cost Federal Contracts are prohibited. Time and materials Federal Contracts will not be used unless no other form of contract is suitable and the Federal Contract includes a "not to exceed" amount. A time and materials Federal Contract shall not be awarded without express written permission of the federal agency or state pass-through agency that awarded the funds. Additionally, if a time and materials Federal Contract is awarded the City department administering the contract must assert a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

- C. No Evasion.** No Federal Contract may be divided to bring the cost under bid thresholds or to evade any requirements under this Policy or state and federal law.
- D. Contract Requirements.** All Federal Contracts shall be in writing, and shall include or incorporate by reference the provisions required under 2 C.F.R § 200.326 and as provided for under 2 C.F.R. Part 200, Appendix II. Federal Contracts shall further include provisions to comply with 2 C.F.R 200.315 regarding intangible property and the federal government's right to data produced under a Federal Contract.
- E. Debarment.** No Federal Contract shall be awarded to a contractor included on the federally debarred bidder's list.
- F. Contractor Oversight.** The City department administering the Federal Contract must maintain oversight of the Federal Contract to ensure that contractor is performing in accordance with the Federal Contract terms, conditions, and specifications.

V. Specific Procurement Procedures

City departments shall comply with this Section in soliciting bids and proposals for Federal Contracts. Solicitation requirements depend on the type of Federal Contract, which types include:

- Contracts for construction or repair work ("Construction Contracts");
- Contracts for the procurement of apparatus, supplies, materials or equipment ("Purchase Contracts");
- Contracts for the procurement of architectural, engineering or surveying services ("AES Contracts"); and
- Contracts for the procurement of services other than A&E Contracts ("Service Contracts").

Solicitation requirements also depend on the amount of the Federal Contract, determined by the following thresholds which are set and adjusted from time to time by the Federal Acquisition Regulation at 48 CFR Subpart 2.1:

- Micro-Purchase Threshold (currently \$10,000)
- Simplified Acquisition Threshold (currently \$250,000)

Also relevant to the type of solicitation method required is the formal bid threshold established by North Carolina law from time to time, either through G.S. §143-129 or special legislation relating to the City of Hendersonville (the "NC Formal Bid Thresholds"). As of the date of this Policy, the NC Formal Bid Threshold for Purchase Contracts for the City is \$90,000, and the NC Formal Bid Threshold for Construction Contracts is \$500,000.

References to both the federal and state thresholds in this Policy shall mean the then current thresholds. The City Attorney shall serve as a resource for the City departments in tracking and updating these thresholds as adjustments are made over time.

A. Micro-Purchase Procedure. Service Contracts, Purchase Contracts and Construction Contracts that do not exceed the Micro-Purchase Threshold (currently \$10,000) shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)) as follows:

1. The Federal Contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
2. To the extent practicable, purchases must be distributed among qualified suppliers.

B. Small Purchase Procedure. Service Contracts, Purchase Contracts that exceed the Micro Purchase Requirement but are less than the NC Formal Bid Threshold for Purchase Contracts, and Construction Contracts that exceed the Micro Purchase Threshold (currently \$10,000) but are less than the Simplified Acquisition Threshold (currently \$250,000) shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:

1. Obtain price or rate quotes from an “adequate number” of qualified sources. Note that the federal grantor agency may issue guidance interpreting what constitutes an “adequate number” of quotes.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321 (and as summarized in Article III, Section H).
3. Cost or price analysis is not required prior to soliciting bids. Sealed Bid Procedure. Purchase Contracts and Construction Contracts that equal or exceed the lower of the Simplified Acquisition Threshold or the NC Formal Bid Threshold, shall be procured using a combination of the most restrictive requirements of the Uniform Guidance Sealed Bid Procedure (2 C.F.R. § 200.320(c)) and North Carolina formal bidding procedures (G.S. 143-129). The Sealed Bid Procedure must also be used for Service Contracts over the Simplified Acquisition Threshold when complete specifications are possible, a fixed price contract is feasible and selection can be made principally on price.

C. As of the date of this Policy, the Sealed Bid Procedure must be used for:

- Purchase Contracts of \$90,000 or more;
- Construction Contracts of \$250,000 or more;
- Service Contracts of \$250,000 or more that can be feasibly procured through the Sealed Bid Procedure.

The Sealed Bid Procedure requirements are:

1. Cost or price analysis is required prior to soliciting bids. (This cost estimate may be provided by the project designer.)
Complete specifications or purchase description must be made available to all bidders.
2. The Contract must be fixed price (lump sum or unit price).
3. The solicitation must be formally advertised in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening, except to the extent electronic advertising has been authorized by City Board (and provided that for Construction Contracts that are less than the NC Formal Threshold formal

advertisement in a newspaper is not required so long as other means of advertising will provide sufficient notice of the opportunity to bid). The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to City Board the right to reject any or all bids only for sound documented reasons.

4. All bids received must be in paper form, and must be submitted in a sealed envelope. If the bid is for a construction contract, the sealed envelope must contain the name of the bidder and their State license number clearly marked on the outside of the sealed envelope. If mailed, the mailing envelope does NOT count as the sealed envelope for purposes of submitted a sealed bid.
5. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321 (and as summarized in Article III, Section H).
6. Open bids at the public bid or proposal opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed, and a minimum of 2 bids must be received in order to open any bids. For Construction Contracts over the NC Formal Bid Threshold (currently \$500,000 respectively) at least 3 bids must be received in order to open any bids.
7. Award to the lowest responsive, responsible bidder. Bids may be rejected only for sound documented reasons. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of.
8. For Construction Contracts, a 5% bid bond is required of all bidders. The bid bond must be contained within the sealed envelope containing the bid (not the mailing envelope). Additionally for Construction Contracts performance and payment bonds of 100% of the Federal Contract price are required of the winning bidder.

Note: Construction Contracts involving a building costing \$300,000 and above must comply with the following additional requirements under state law:

1. Formal HUB (historically underutilized business) participation required under G.S. 143-128.2, including local government outreach efforts and bidder good faith efforts, shall apply.
2. Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).
3. The project shall be bid using a statutorily authorized bidding method (separate prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).

D. Competitive Proposal Procedure. Service Contracts that equal or exceed the Simplified Acquisition Threshold (currently \$250,000) may be procured using the Uniform Guidance Competitive Proposal Procedure (2 C.F.R. § 200.320(d)) when complete specifications are not possible, a fixed price contract is not feasible or it is not in the best interest of the federally funded program to make the selection principally on price. The Competitive Proposal Procedure is generally used when conditions are not appropriate for the use of sealed bids.

The Competitive Proposal Procedure requirements are:

1. The Request for Proposals (RFP) must be publicized. Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an adequate number of qualified firms.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321 (and as summarized in Article III, Section H).
3. Identify all evaluation factors and their relative importance in the RFP.
4. Consider all responses to the publicized RFP to the maximum extent practical.
5. Must have a written method for conducting technical evaluations of proposals and selecting the winning firm.
6. Award to the responsible proposer whose proposal is most advantageous to the program with price and other factors considered.

G. AES Contracts costing less than the federal Simplified Acquisition Threshold (currently \$250,000) shall be procured using the state “Mini-Brooks Act” requirements (G.S. 143-64.31) as follows:

1. Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 C.F.R. § 200.321.
3. Evaluate the qualifications of respondents based on the evaluation criteria developed by the City department responsible for the procurement.
4. Rank respondents based on qualifications and select the best qualified firm. Price cannot be a factor in the evaluation. Preference may be given to in-state (but not local) firms.
5. Negotiate fair and reasonable compensation with the best qualified firm. If negotiations are not successfully completed, repeat negotiations with the secondbest qualified firm.
6. Award the Federal Contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated.
7. Note: When federal funds are being used for part of all of the Project, the City Manager shall not exempt AES Contracts under \$50,000.

H. AES Contracts equaling or exceeding the Simplified Acquisition Threshold (currently \$250,000) shall be procured using the Uniform Guidance “competitive proposal” procedure (2 C.F.R. § 200.320(d)(5)) as follows:

1. Publically advertise a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
3. Identify all evaluation factors and their relative importance in the RFQ.

4. Proposals must be solicited from an “adequate number of qualified sources.” Note that the individual federal grantor agency may issue guidance interpreting “adequate number.”
5. Must have a written method for conducting technical evaluations of proposals and selecting the best qualified firm.
6. Consider all responses to the publicized RFQ to the maximum extent practical.
7. Evaluate qualifications of respondents to rank respondents and select the most qualified firm. Preference may be given to in-state (but not local) firms provided that granting the preference leaves an appropriate number of qualified firms to compete for the Federal Contract given the nature and size of the project.
8. Price cannot be a factor in the initial selection of the most qualified firm.
9. Once the most qualified firm is selected, negotiate fair and reasonable compensation. If negotiations are not successfully completed, repeat negotiations with the second-best qualified firm.
10. Award the Federal Contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated.

VI. Exceptions. Noncompetitive procurements are allowed only under the following conditions and with the written approval of the federal agency or state pass-through agency that awarded the federal funds:

- A. **Sole Source:** when the item is available from only one source. The City department responsible for the solicitation shall document the justification for and lack of available competition for the item. A sole source Federal Contract must be approved by City Board.
- B. **Public Exigency:** when there is a public exigency. A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not permit the delay resulting from a competitive bidding.
- C. **Inadequate Competition:** when competition is determined to be inadequate after attempts to solicit bids from a number of sources.
- D. **Federal Contract:** when the purchase is made from a Federal Contract available on the U.S. General Services Administration schedules of Federal Contracts.
- E. **Awarding Agency Approval:** with the express written authorization of the federal agency or state pass-through agency that awarded the federal funds so long as awarding the Federal Contract without competition is consistent with state law.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brent Detwiler

Department: Engineering

Date Submitted: 11/12/20

Presenter: Brent Detwiler

Title of Item: Justification for the Sole Source Purchase of Hapco Poles and GE Lights for the 7th Avenue Streetscape Project

Nature of Item: Council Action

Council Meeting Date: 12/3/20

Summary of Information/Request:

Item # 5G

The 7th Avenue Streetscape Project includes the installation of several decorative street lights (poles and LED lights). NCGS 143-129(e) lists the authorized exceptions to the formal bid procedures. NCGS 143-129(e)(6) allows for purchases of apparatus, supplies, materials, or equipment to be purchasing using sole-source exception when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration...governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract.

The City has purchased Hapco decorative poles and GE LED lights throughout downtown through the sole-source exemption and seeks to continue standardization of these decorative lights as part of the 7th Avenue Streetscape Project. Please let us know if you have any questions.

Suggested Motion(s):

I move City Council to resolve to approve the purchase of the Hapco decorative poles and GE LED lights to be installed as part of the 7th Avenue Streetscape Project as authorized by the sole source exemption of NCGS 143-129(e)(6) and to authorize the City Manager to execute documents associated with said purchase.

Budget Impact: \$ 80,990.00 Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Project Number:

18022

Petition Number:

N/A

Additional Petition Number:

Petitioner Name:

N/A

Attachments:

Quote and cut sheet of cast iron tree grates from Neenah



124 HILLIARD AVE
ASHEVILLE NC 28801-3606
Phone: 8282534761
Fax: 828253

To: CITY OF HENDERSONVILLE
305 WILLIAMS ST
HENDERSONVILLE NC 28792-4461
Attn: Brendan Shanahan
Phone: 828-697-3000
Fax:
Email: mike.fisher@graybar.com

Date: 11/11/2020
Proj Name:
GB Quote #: 0236649687
Release Nbr:
Purchase Order Nbr: BRENDAN SHANAHAN
Additional Ref#
Valid From: 11/11/2020
Valid To: 12/11/2020
Contact: ROBERT FISHER
Email: mike.fisher@graybar.com

Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

Item	Item/Type	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
100		30 EA	HAPCO CO	13699P		\$1,395.00	1	\$41,850.00
200		4 EA	HAPCO CO	16560P		\$1,795.00	1	\$7,180.00
300		34 EA	GENERAL ELECEPAS02005A405 DAFFGRN			\$940.00	1	\$31,960.00

Total in USD (Tax not included): \$80,990.00

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

To learn more about Graybar, visit our website at www.graybar.com

24-Hour Emergency Phone#: 1-800-GRAYBAR

This Graybar quote is based on the terms of sale in the EV2370 Master Agreement which can be found by clicking the link found at https://www.omniapartners.com/hubfs/PUBLIC%20SECTOR/Supplier%20Information/Graybar/EV2370_Graybar_MAD_2017_12_20.pdf

To: CITY OF HENDERSONVILLE
305 WILLIAMS ST
HENDERSONVILLE NC 28792-4461
Attn: Brendan Shanahan

Date: 11/11/2020
Proj Name:
GB Quote #: 0236649687

Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

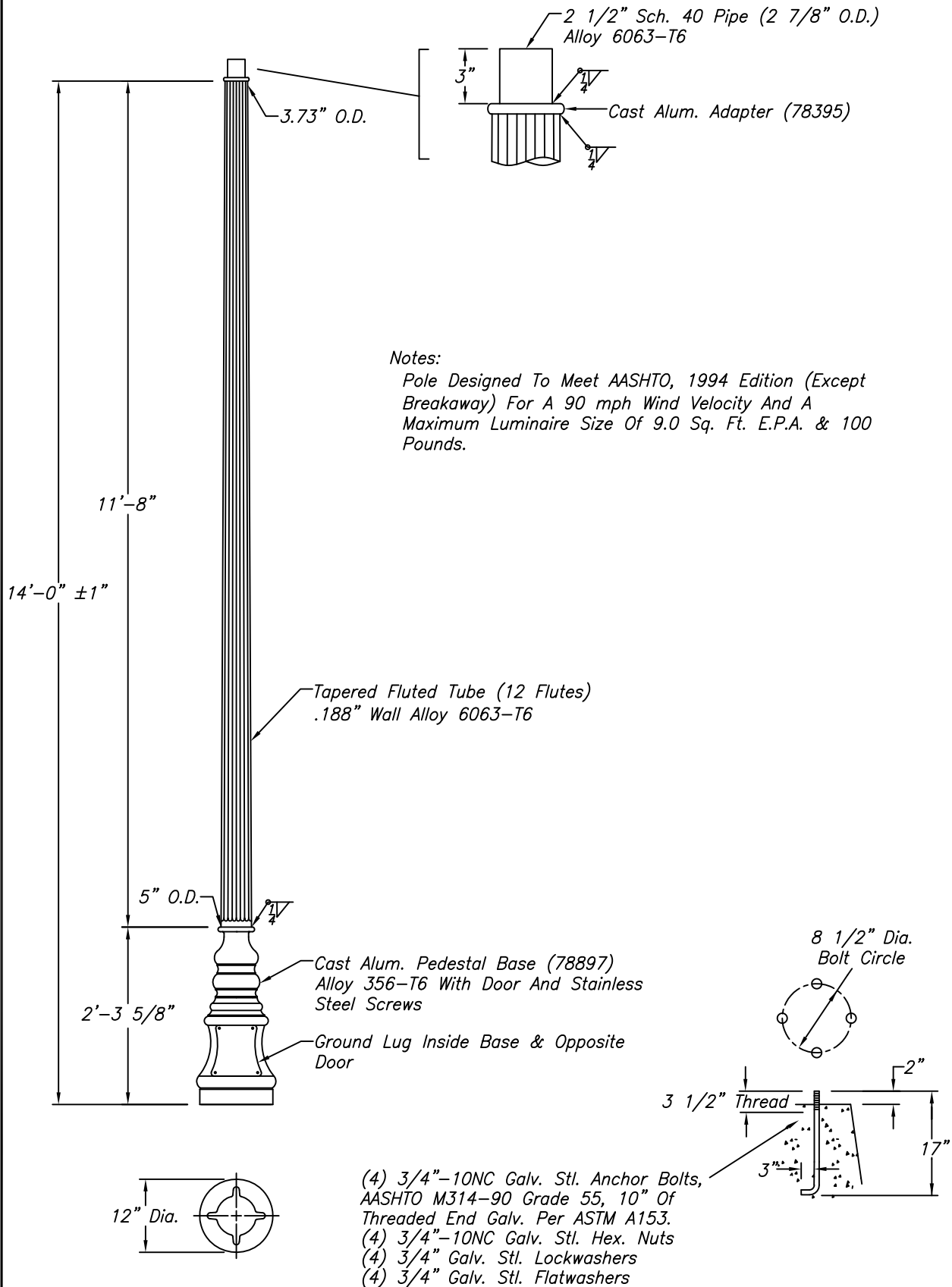
Signed:_____

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

To learn more about Graybar, visit our website at www.graybar.com

24-Hour Emergency Phone#: 1-800-GRAYBAR

This Graybar quote is based on the terms of sale in the EV2370 Master Agreement which can be found by clicking the link found at https://www.omniapartners.com/hubfs/PUBLIC%20SECTOR/Supplier%20Information/Graybar/EV2370_Graybar_MAD_2017_12_20.pdf

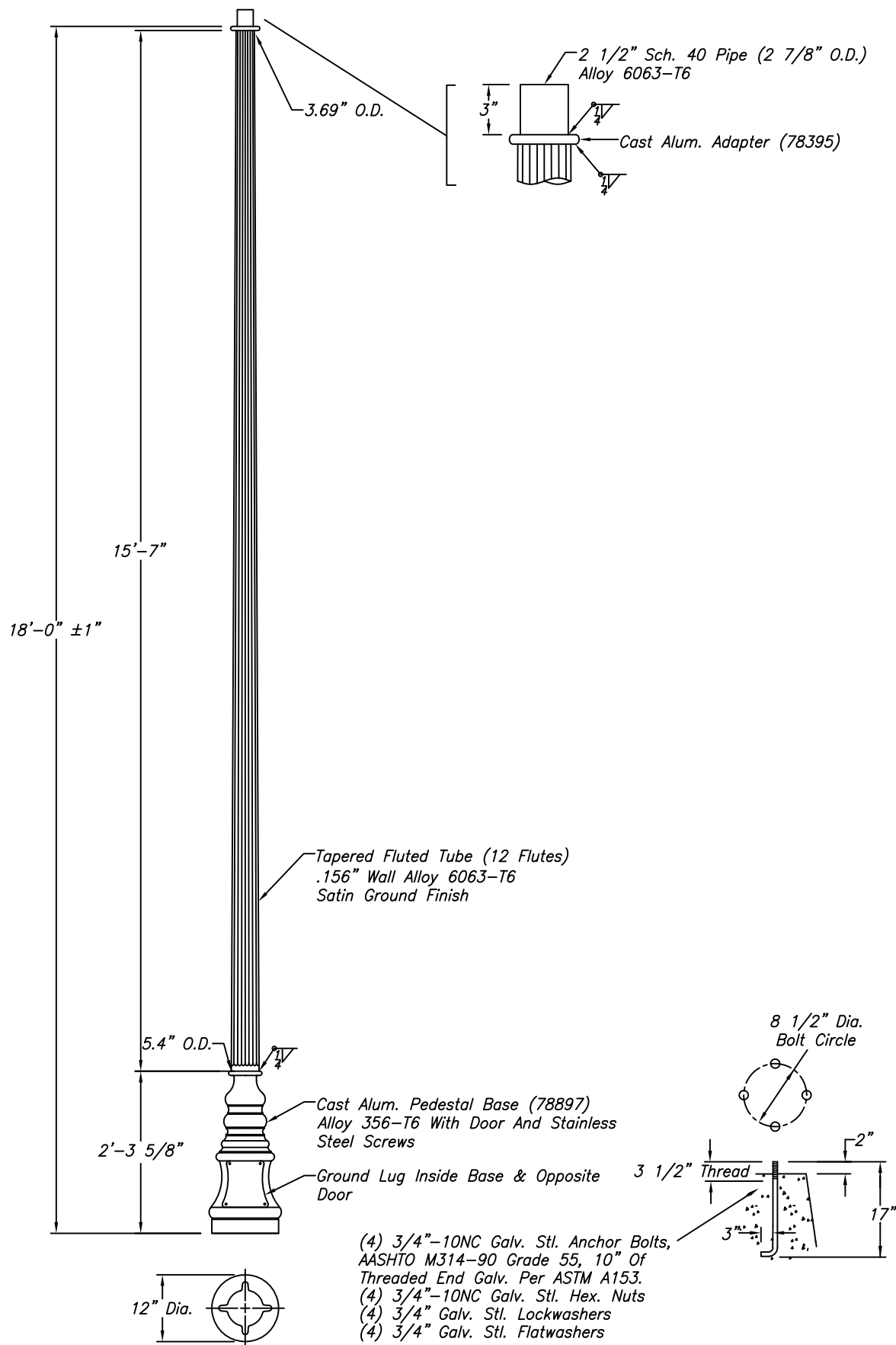


B13699

WARNING: DO NOT INSTALL LIGHTING POLES WITHOUT LUMINAIRES			TITLE 14' DECORATIVE POLE	
NO.	REVISIONS	DATE	CUSTOMER	
			SCALE 16	
			DATE 03/12/2008	
			BY TNB	
			DWG. NO.	
			B13699	
			CHK'D	

hapco

Abingdon, Va.



Ref: B13699

B16560

REVISIONS			WARNING: DO NOT INSTALL LIGHTING POLES WITHOUT LUMAIRES	
NO.		DATE	TITLE	18' DECORATIVE POLE
1	Was 5.0 x 3.29" x .188" TFT (PRS)	5/09	CUSTOMER	
			SCALE 16	DATE 03/28/2009
			BY CC	DWG. NO.
			CHK'D	B16560

hapco
Abingdon, Va.

GE
Lighting Solutions

Evolve™ LED Post Top

Avery StreetDreams™ (EPAS)



imagination at work

Product Features

The new Evolve™ LED Avery StreetDreams™ Post Top offers energy efficiency and quality of light in a classic, traditional style. The advanced LED optical system provides improved horizontal and vertical uniformity, reduced glare and improved lighting control. GE's unique optical ring technology effectively aims the light where you need it, while eliminating the unsightly shadow circles commonly seen under other LED post top fixtures.

The Avery post top can yield up to a 60-percent reduction in system energy compared with standard HID systems, depending on applications. This reliable system operates well in cold temperatures and offers more than 11 years of service life to reduce maintenance frequency and expense, based on a 50,000 hour life and 12 hours of operation per day. Containing no mercury or lead, this environmentally responsible product is RoHS compliant.

Applications

- Roadway, site, area, and general lighting utilizing advanced LED optical system providing high uniformity, excellent vertical illuminance, reduced offsite visibility, and reduced on-site glare.

Housing

- Die-cast aluminum housing.
- Classic nostalgic design incorporates the heat sink directly into the unit ensuring maximum heat transfer and long LED life.
- Additional features include both Scroll and Medalian crown & ribs.
- Meets 2G vibration standards per ANSI C136.32-2001. For 3G rating contact factory.

LED & Optical Assembly

- Structured LED array for optimized roadway/walkway photometric and distribution.
- Evolve light engine consisting of nested concentric directional reflectors designed to optimize application efficiency and minimize glare.
- Utilizes high brightness LEDs, 65 CRI at 4100K typical.
- LM-79 tests and reports are performed in accordance with IESNA standards.

Lumen Maintenance

- System rating is 50,000 hours at L85. Contact factory for L rating (Lumen Depreciation) beyond 50,000 hours.

Ratings

- UL/cUL listed, suitable for wet locations.
- IP 65 rated optical enclosure per ANSI C136.25-2009.
- Temperature rated at -40° to 50°C.
- RoHS compliant, contains no lead or mercury.

Mounting

- Post top mounting 3-inch (76mm) OD held in place with six square head set screws.

Finish

- Corrosion resistant polyester powder painted, minimum 2.0 mil. thickness.
- Standard colors: Black & Dark Bronze.
- RAL & custom colors available.

Electrical

- 120-277 volt and 347-480 volt available.
- System power factor is >90% and THD <20%.
- Class "A" sound rating.
- Integral surge protection non-dimming:
 - For 120-277VAC per IEEE/ANSI C62.41.-1991, 4kV/2kA Location Category B2 (120 Events)
 - For 347-480VAC per IEEE/ANSI C62.41.-1991, 6kV/3kA Location Category B3 (120 Events)
- Integral surge protection GE dimming:
 - For 120-480VAC per IEEE/ANSI C62.41.2-2002, 6kV/3kA Location Category B (120 Events)
- Optional high capability surge protection per IEEE/ANSI C62.41.2-2002.
 - Rating 1 - 10kV/5kA Location Category (120 events)
 - Rating 2 - 6kV/3kA Location Category C-Low (5000 events)
- EMI: Title 47 CFR Part 15 Class A

Warranty

- 5-year limited system warranty standard.

Ordering Number Logic

Avery Streetdreams™ Post Top (EPAS)

EPAS - - - - - 41 - - - - -

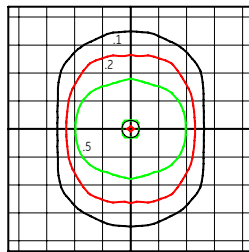


PRODUCT ID	VOLTAGE	OPTICAL CODE	POD TYPE	LED COLOR TEMP	CAGE SELECTION	PE FUNCTION	FINIAL	COLOR	OPTIONS
E = Evolve P = Post Top A = Avery S = Solid Top	0 = 120 - 277 H = 347 - 480 1 = 120* 2 = 208* 3 = 240* 4 = 277* 5 = 480* D = 347* *Specify single voltage only if fuse option is selected		A B* C D* *Contact factory for lead time	41 = 4100K	A = Clear Acrylic w/Colony Top B = Clear Acrylic w/Colony Top, Medallion C&R C = Clear Acrylic w/Colony Top, Scroll C&R* D = Clear Acrylic w/Scroll Top E = Clear Acrylic w/Scroll Top, Medallion C&R F = Clear Acrylic w/Scroll Top, Scroll C&R* *Contact factory for lead time	1 = None 2 = PE Rec. 4 = PE Rec. with Shorting Cap 5 = PE Rec. with Control PE control not available for 347-480V. Must be a discrete voltage.	A = Silhouette B = Acorn C = Fluer-De-Lis D = Filagree* E = Blossom* F = Spike G = Oak* H = Steeple J = Gothic X = No Final *Contact factory for lead time	BLCK = Black DKBZ = Dark Bronze FGRN = Forest Green XXXX = Special Contact factory for other colors	D = Dimmable (0-10 Volt Input)* F = Fusing T = Extra Surge Protection* XXX = Special Options *Contact factory for availability

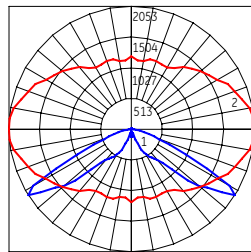
	OPTICAL CODE	TYPE	TYPICAL INITIAL LUMENS		TYPICAL SYSTEM WATTAGE		POLE SPACING	BUG RATINGS 4100K			IES FILE NUMBER
			4100K		120-277V	347-480V		B	U	G	
TYPE V	B5	Symmetric	4630		86	94	5:1	N/A	2	1	454608
	D5	Symmetric	2380		49	55	5:1	N/A	2	1	454610
TYPE III	B3	Asymmetric Wide	4630		86	94	5:1	2	2	2	454609
	D3	Asymmetric Wide	2380		49	55	5:1	2	2	2	454611

Photometrics

EPAS Type V - Symmetric (B5)
4,630 Lumens, 4100K (GE454608.ies)

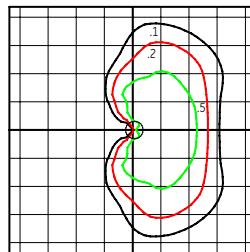


Grid Distance in Units of Mounting Height at 16' Initial Footcandle Values at Grade

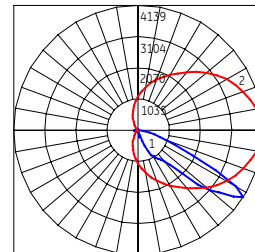


Polar Trace Vertical and Horizontal Plane through Horizontal Angle of Maximum Candlepower

EPAS Type III - Asymmetric Wide (B3)
4,630 Lumens, 4100K (GE454609.ies)

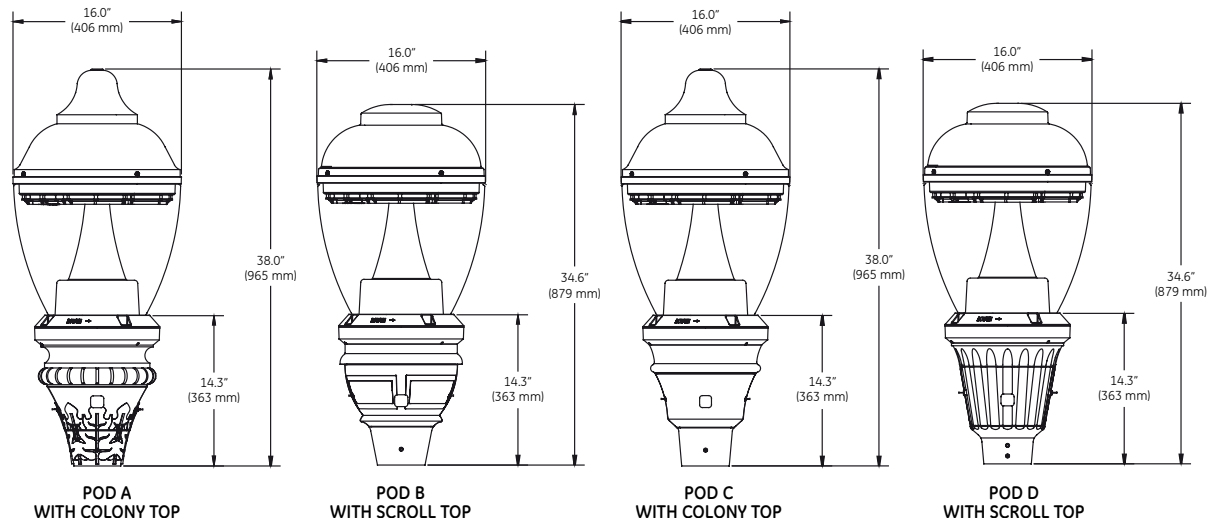


Grid Distance in Units of Mounting Height at 16' Initial Footcandle Values at Grade



Polar Trace Vertical and Horizontal Plane through Horizontal Angle of Maximum Candlepower

Product Dimensions



Fixture Styles

Pods



POD A



POD B



POD C



POD D

Tops



COLONY TOP



SCROLL TOP

Optional Accessories

Crowns & Ribs



SCROLL CROWN & RIBS



MEDALLION CROWN & RIBS

Finials



FNLBL-ACN
ACORN



FNLBL-BLS
BLOSSOM



FNLBL-FOL
FLEUR-DE-LIS



FNLBL-FIL
FILAGREE



FNLBL-SIL
SILHOUETTE



FNLBL-SPK
SPIKE



FNLBL-OAK
OAK



FNLBL-STP
STEEPLE



FNLBL-GTH
GOTHIC

DATA

- Approximate Net Weight: 43 lbs (20 kgs)
- Suggested Mounting Height: 8-16 ft max (2.5-5 m)
- Effective Projected Area (EPA): 1.4 sq ft max (0.13 sq m)



GE Lighting Solutions • 1-888-MY-GE-LED • www.gelightingsolutions.com

1-888-69-43-533

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CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brent Detwiler

Department: Engineering

Date Submitted: 11/12/20

Presenter: Brent Detwiler

Title of Item: Justification for the Sole Source Purchase of Neenah Tree Grates for the 7th Avenue Streetscape Project

Nature of Item: Council Action

Council Meeting Date: 12/3/20

Summary of Information/Request:

Item # 5H

The 7th Avenue Streetscape Project includes the installation of several cast iron tree grates. NCGS 143-129(e) lists the authorized exceptions to the formal bid procedures. NCGS 143-129(e)(6) allows for purchases of apparatus, supplies, materials, or equipment to be purchasing using sole-source exception when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration...governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract.

The City has purchased Neenah Foundry Company tree grates throughout downtown through the sole-source exemption and seeks to continue standardization of these tree grates as part of the 7th Avenue Streetscape Project. Please let us know if you have any questions.

Suggested Motion(s):

I move City Council to resolve to approve the purchase of the Neenah Foundry Company cast iron tree grates to be installed as part of the 7th Avenue Streetscape Project as authorized by the sole source exemption of NCGS 143-129(e) (6) and to authorize the City Manager to execute documents associated with said purchase.

Budget Impact: \$ 61,946.00 Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Project Number:

18022

Petition Number:

N/A

Additional Petition Number:

Petitioner Name:

N/A

Attachments:

Quote and cut sheet of cast iron tree grates from Neenah

QUOTATION

Q00039598



CITY OF HENDERSONVILLE
160 6TH AVENUE EAST
HENDERSONVILLE, NC 28792
US

2121 Brooks Avenue
Neenah, WI 54956

PHONE: 920-725-7000 | FAX: 920-729-3661
jeff.greer@neenahenterprises.com

Attn: Brendan Shanahan
Phone:
Mobile Phone:
Email: bshanahan@hvlnc.gov

Date: Nov 9, 2020
Job Name: 7th Ave Streetscape
Job Location:
Bid Date:

We are pleased to submit the following quotation in accordance with your request.

Line	Quantity	Catalog	Description	Sales Price	Total Price
1	32 SETS	8713	City of Hendersonville Logo Tree Grate & Frame TREE GR. FRAME--TYPE-U--90 DEGREE SECTION--GI CLASS 35B--FOR 5 FT.X 5 FT. TREE GRATE, 36-5/8 X 24-1/2 X 1-1/2--'NF' GRATE--TYPE-P--REGULAR SEAT--GI CLASS 35B--10-3/8 X 1/2, LIGHT OPENING GRATE TREE GRATE--TYPE-N--180 DEGREE SECTION--GI CLASS 35B--FOR 10-3/8 X 1/2 GRATE, 30 X 60 X 1-1/2	\$1,870.00	\$59,840.00
Quotation Comments:					
TOTAL ESTIMATED WEIGHT: 17,408 lbs (Excluding Skids)				TOTAL QUOTATION VALUE: (Freight Included)	<u>\$61,946.00</u>

TERMS & CONDITIONS

Neenah Foundry Terms & Conditions apply and are available upon request. Castings furnished unpainted. Quantities are approximate, changes could alter unit prices. Estimated Shipping & Handling based on above quantities shipping in one complete shipment. Any order submitted pursuant to this quotation shall not result in a contract until it is accepted and acknowledged in writing by Neenah Foundry Company (SELLER).

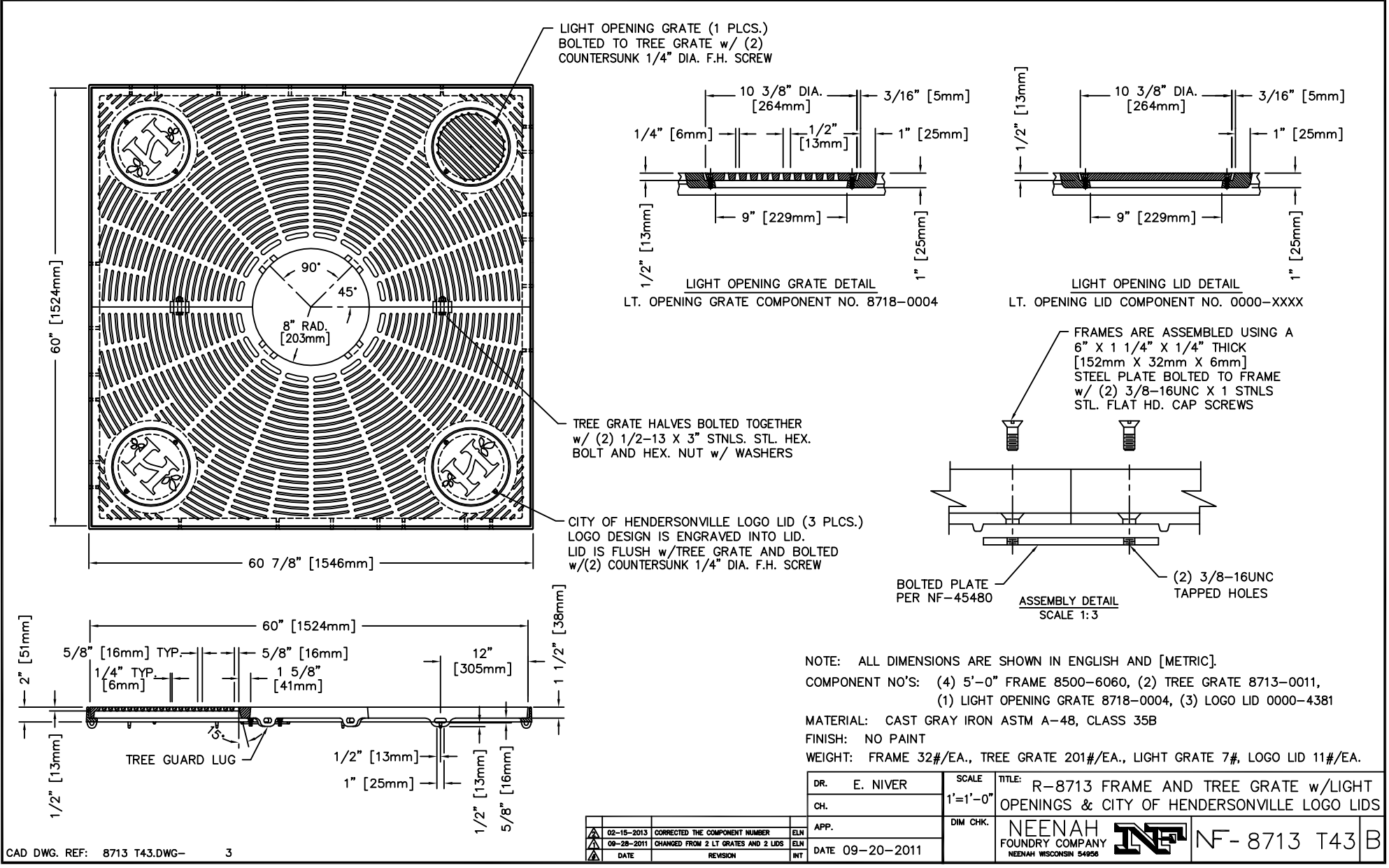
Prices are valid on orders entered within 30 days from date of quotation, with shipment at earliest availability. All orders are subject to review of buyer's credit status. Standard terms for qualified customers are Net 30 Days. Prices do not include tax. If tax exempt, please provide a sales tax exemption certificate at time of order or any applicable tax will be charged.

FOB Origin - Freight Included

NEENAH FOUNDRY COMPANY

BY _____

Jeff Greer
Outside Sales





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Angela S. Beeker

Department: Legal

Date Submitted: December 3, 2020

Presenter: Angela Beeker

Title of Item: Amendment to Section 1-6 of the Hendersonville City Code to Add Civil Penalties as ar

Nature of Item: Council Action

Council Meeting Date: 12/3/2020

Summary of Information/Request:

Item # 51

Council is requested to adopt the proposed amendment to Section 1-6 of the Code of Ordinances, City of Hendersonville, North Carolina. Section 1-6 provides the enforcement options available for a violation of the Code or other ordinances of the City where the Code provision or ordinance does not contain a specific remedy. As worded, Section 1-6 limits the City's options to criminal enforcement or equitable enforcement through a court of law. As amended, the City would have a third option of imposing a civil penalty in the amount of \$50.00 per violation. Each day that the violation continues is considered a separate offense, and could therefor be assessed a \$50.00 civil penalty for each day's continued violation.

If there are particular violations that warrant a civil penalty higher than \$50.00, the higher civil penalty should be stated specifically in those sections of the Code or other ordinance.

Suggested Motion(s):

I move that City Council adopt the Ordinance to Allow for Civil Penalties as an Option When No Specific Penalties Are Provided

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

Civil Penalties are remitted to the School System.

Project Number:

N/A

Petition Number:

N/A

Additional Petition Number:

Petitioner Name:

N/A

Attachments:

Draft Ordinance

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO ALLOW FOR CIVIL PENALTIES AS AN OPTION WHEN NO SPECIFIC PENALTIES ARE PROVIDED

WHEREAS, Section 1-6 of the Code of Ordinances, City of Hendersonville, North Carolina, “General Penalty for violation of Code; ;continuing violations, providing injunction relief” provides a general penalty for violation of the Code whenever there is no specific penalty stated for a violation of a provision of the Code; and

WHEREAS, the penalties provided in Section 1-6 include criminal penalties or injunctive relief for a violation of the Code; and

WHEREAS, the City Council desires to add a civil penalty as an optional penalty for a violation of the Code where there is no specific penalty state;

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

1: SECTION 1-6 OF THE CODE OF ORDINANCES, CITY OF HENDERSONVILLE, NORTH CAROLINA IS AMENDED TO READ AS FOLLOWS:

Sec. 1-6. – General penalty for violation of Code; continuing violations, criminal and injunctive relief; civil penalties

Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or whenever in such Code or ordinance the doing of any act is required or the failure to do such act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or other ordinance shall subject the offender to one or more of the following:

(a) A Class 3 misdemeanor, punishable ~~shall be punished~~ by a fine not exceeding \$500.00 or by imprisonment for a term not exceeding 30 days; or

(b) A civil penalty in the amount of \$50.00 per violation to be recovered by the City in a civil action in the nature of debt if the offender does not pay the penalty within forty-five (45) days after the citation for violation of the ordinance or this Code.

Each day that any violation of this Code or of any ordinance shall continue shall constitute a separate offense. The ordinances contained in this Code and other ordinances of the City may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

A violation of this Code or of any ordinance may be enforced through a combination of one or more of the enforcement methods provided in this Section 1-6.

2: THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION.

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

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, Amy H. Knight, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk in her capacity of Mayor of the City of Hendersonville; Angela L. Reece, in her capacity of City Clerk; and Angela S. Beeker, in her capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____ day of _____, 2020.

My commission expires:

Amy H. Knight



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 11/23/2020

Presenter: Wendy Navarez

Title of Item: Presentation regarding diversity and inclusion position

Nature of Item: Presentation Only

Council Meeting Date: December 3, 2020

Summary of Information/Request:

Item # 6A

WCU MPA Student Wendy Navarez will present her research findings regarding the proposed diversity and inclusion position. Wendy has researched similar positions in other organizations and will provide a recommendation regarding a new HR Coordinator position.

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:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tyler Morrow, Planner

Department: Community Development

Date Submitted: 11-23-20

Presenter: Tyler Morrow, Planner

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

Nature of Item: Council Action

Council Meeting Date: 12-3-20

Summary of Information/Request:

Item # 7A

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 O. 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 map and plat for additional information.

At your meeting of November 5th, 2020, you accepted the Clerk's Certificate of Sufficiency and recommended a public hearing for the December 3rd, 2020 City Council meeting.

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

Suggested Motion(s):

I move the City Council adopt an ordinance annexing the property included in the petition from Peggy C. Cabe, Enno F. Camenzind, Joan C. Fleming, Paula Camenzind Carter, Robert O. Camenzind effective December 3rd, 2020.

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:

P20-37-ANX

Additional Petition Number:

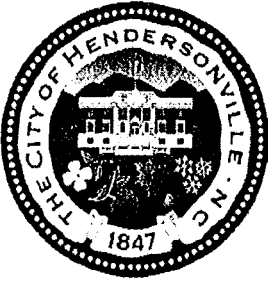
P20-36-CZD

Petitioner Name:

Peggy C. Cabe, Enno F. Camenzind, J

Attachments:

Application,Distance Map, Power of Attorney Documents, Survey, Legal Description,Clerks Certificate of Sufficiency, Resolution



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 _____

EXHIBIT "A"

OWNERS

8/26/2020
DATE

Peggy C. Cabe
PEGGY C. CABE

Robert O. Camenzind
ROBERT O. CAMENZIND

Synda 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



CITY OF HENDERSONVILLE
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PETITION REQUESTING ANNEXATION

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- ~ 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 Acquisition LLC - Charles E. Trefzger

Address

PO Box 2568, Hickory, NC

Phone

(828) 322-5535

Fax

N/A

Email

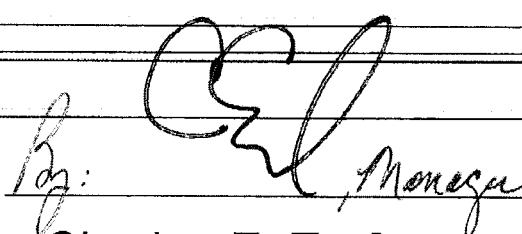
cet@algsenior.com

Property Owner: Name

See Exhibit "C"

Address

Signature



Printed Name

Charles E. Trefzger

9/17/2020

Official Use:

DATE RECEIVED: _____

BY _____

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

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

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

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

Robert O. Camenzind 10/23/2020
Robert O. Camenzind date

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

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

R ALPH H. RAMSEY, JR.
(1900-1984)
JOHN K. SMART, JR.
(1935-1995)
C ECIL 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: abecker@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.

Ms. Angela S. Beeker
October 13, 2020
Page Two

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.

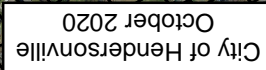
In summary and conclusion, the purpose of this letter is to make it clear that my clients are doing everything possible to correct any deficiency in connection with the two petitions, by making it clear and beyond any doubt, that all owners of the subject property join in, affirm and ratify the two petitions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

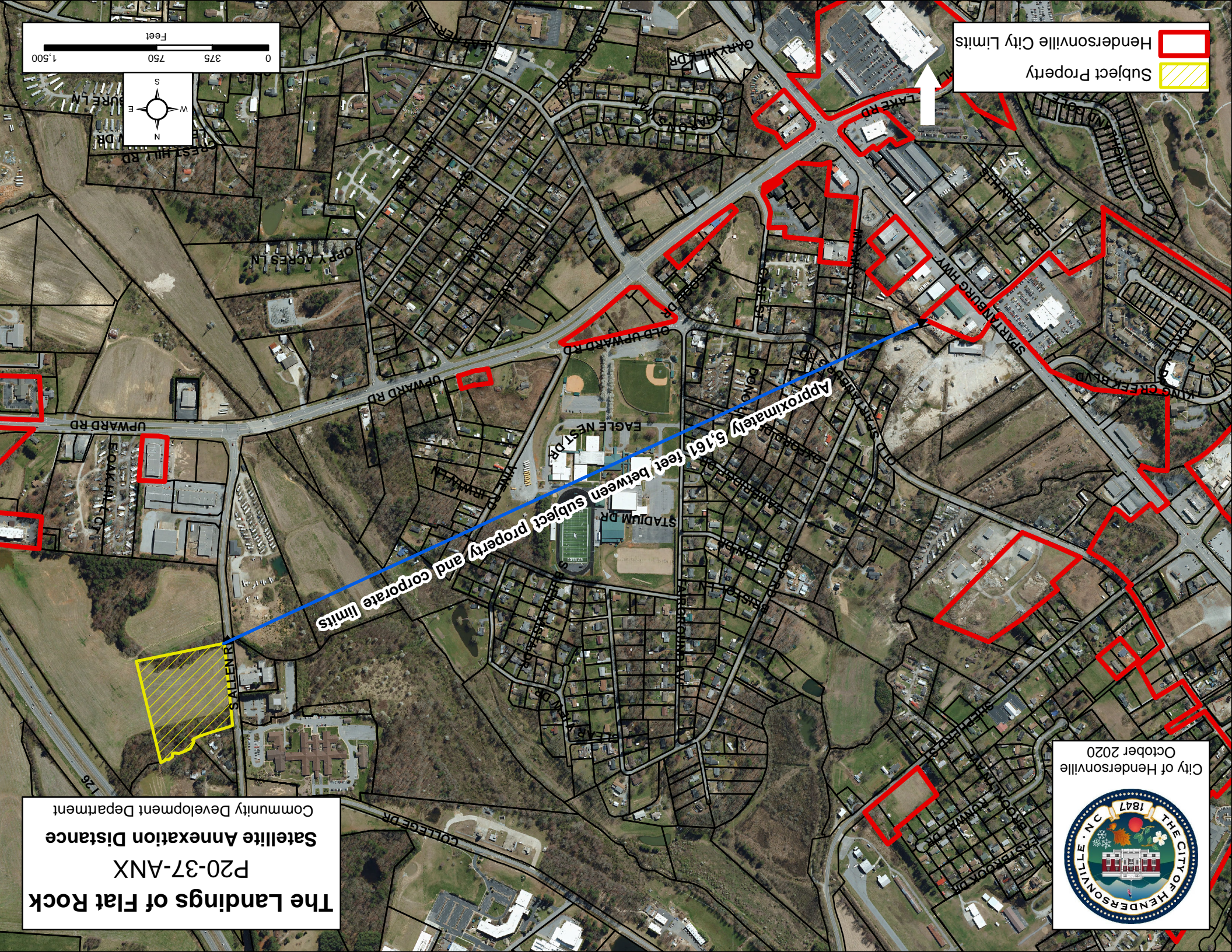
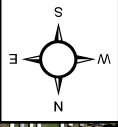
MKP/mp
Enclosure
cc: Robert O. Camenzind

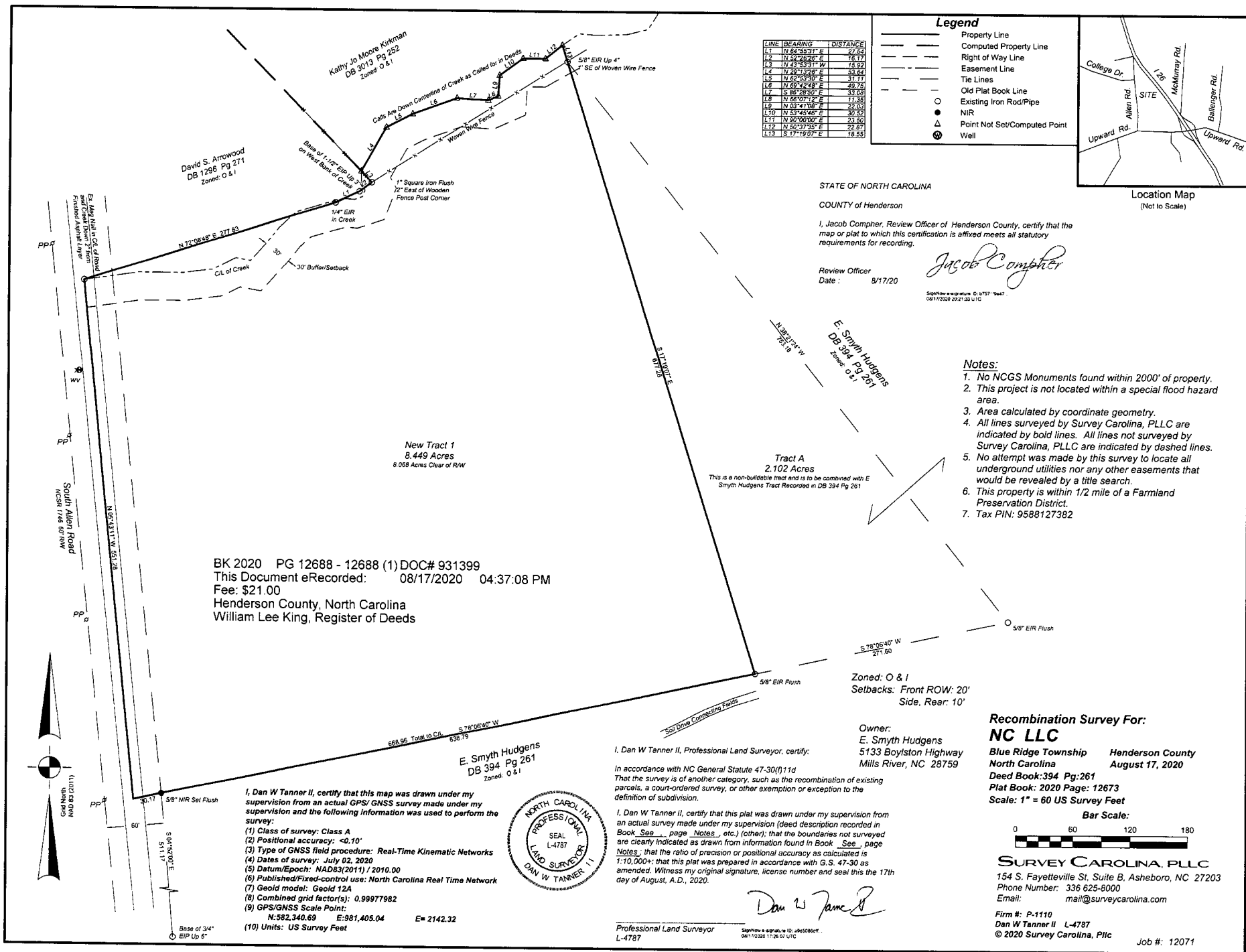


City of Hendersonville
October 2020

Satellite Annexation Distance

Subject Property
Hendersonville City Limits





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.

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).

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, City Clerk



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

WHEREAS, the City of Hendersonville has been petitioned by Agemark Acquisition, LLC, Peggy C. Cabe, Enno F. Camenzind, Joan C. Fleming, John Thomas Fleming, Paula C. Carter, Lynda Hill Camenzind, Brenda Merrill Camenzind, Charles Norman Carter and Robert O. Camenzind pursuant to North Carolina General Statutes (NCGS) 160A-58.1, as amended, to annex the area described herein below; and,

WHEREAS, the City Clerk has investigated and certified the sufficiency of said petition; and,

WHEREAS, a public hearing on the question of this annexation was held at City Hall, Hendersonville, N.C. at 5:45 p.m., on the third day of December 2020, after due notice by publication as by law provided on November 22 and November 29, 2020; and,

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

- a. All of the proposed satellite corporate limits are less than three miles from the primary corporate limits of Hendersonville. The map distance is 5,161 feet.
- b. No point on the proposed satellite corporate limit is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
- c. The area described is so situated that the City of Hendersonville will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- d. The area proposed for annexation is not a subdivision as defined in NCGS 160A-376.
- e. The area within the proposed satellite corporate limits, when added to the areas within all other satellite corporate limits does not exceed 10 percent (10%) of the area within the primary corporate limits of the City of Hendersonville.

WHEREAS, the City further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the City further finds that the petition is otherwise valid, and that the public health, safety and welfare of the City and of the area proposed for annexation will be best served by annexing the area described;

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 N.C.G.S. 160A-58.2, as amended, the following described noncontiguous area is hereby annexed and made part of the City of Hendersonville as of the third day of December 2020.

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 2. Upon and after the third day of December 2020, the above described territory, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Hendersonville, and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-58.10, as amended.

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 at the Office of the Secretary of State in 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 also be delivered to the Henderson County Board of Elections, as required by G. S. 163-288.1.

ADOPTED this third day of December 2020.

Barbara Volk, Mayor, City of Hendersonville

ATTEST:

Angela L. Reece, City Clerk

(City Seal)

APPROVED AS TO FORM:

Angela S. Beeker, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, Amy H. Knight, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk in her capacity of Mayor of the City of Hendersonville; Angela L. Reece, in her capacity of City Clerk; and Angela S. Beeker, in her capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____ day of _____, 2020.

My commission expires:

Amy H. Knight

Times-News

BlueRidgeNow.com
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Order:	J000669924	Pubs:	2,3	Rate:	LE
Phone:	(828)697-3003	Class:	0001		
Account:	32002031	Start Date:	11/22/2020		
Name:	ATTN: Angela	Stop Date:	11/29/2020	Payments:	\$ 0.00
Caller:	Angela Reece	Insertions:	4	Balance:	\$ 118.32
Taken By:	S037	Columns:	2	Lines:	66
Schedule:	HTN Times News 11/22 1x, s11/29 1x			Taken On:	11/13/2020
SalesRep	Nancy Mullinax				

PUBLIC HEARING NOTICE

Notice is hereby given that the City of Hendersonville City Council will hold three public hearings on Thursday, December 3, 2020, at 5:45 p.m., in the City Operations Center located at 305 Williams Street, Hendersonville NC to consider the following:

I. Annexation Petition – Application from Agemark Acquisition, LLC, Peggy C. Cabe, Enno F. Camenzind, Joan C. Fleming, Paula Camenzind Carter, And Robert O. Camenzind, for satellite annexation of 8.449 acres identified as tax parcel 9588-12-7382 located on S. Allen Road.

II. Conditional Zoning District – Application for a conditional rezoning from Agemark Acquisition LLC, Peggy C. Cabe, Enno F. Camenzind, Joan C. Fleming, Paula Camenzind Carter, and Robert O. Camenzind. The applicant is requesting to rezone the subject property, PIN 9588-12-7382 and located on South Allen Road, from Henderson County OI, Office Institutional District to PRD CZD, Planned Residential Development Conditional Zoning District for a one-story, 58 bed, 32,000 sq. ft. assisted living facility and a three-story 95 bed, 85,000 sq. ft. independent living facility.

III. Conditional Zoning District – Application for a conditional rezoning from Stephen D. Barker of The Rainer Group, LLC. The applicant is requesting to rezone the subject property, PIN 9568-77-5249 and located at 101 N. Church Street, from C-1, Central Business District to C-1 CZD, Central Business Conditional Zoning District for a 55,000 sq. ft. hotel with a restaurant/bar and meeting space.

The Mayor and City Council Members will attend the hearings in person. In-person attendance by the public will also be permitted; however, in compliance Governor Cooper's Executive Orders and

social distancing guidelines, in person attendance of the public will be limited as spacing permits. Public hearing comments will be accepted from those attending in person at the designated time at this meeting. The public may also view and verbally comment during this public hearing live via ZOOM. For security reasons screen sharing will not be allowed. The meeting instructions to join by Zoom will be available on the City's website and calendar event by visiting <https://www.hendersonvillenc.gov/events-calendar>. Comment period instructions will also be displayed at the appropriate times during the meeting.

Anyone wishing to submit written public comment for this public hearing prior to the meeting may visit <http://www.publicinput.com/hvlmeeting> and select the appropriate public hearing to participate in. Participants are asked to give their name and address for the record and a space is given to submit their written public comment which will be provided to the City Council. Written comments must be submitted by **noon on December 3, 2020** to be considered by the City Council.

The meeting will also be broadcast on the City's Facebook page at <https://www.facebook.com/HVLNC>.

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 this meeting please contact the City Clerk, Angela Reece at 697-3000 no later than 24 hours in advance of the meeting.

11/22, 11/29, 2020

669924

Attention: _____ Fax: _____

This is a final proof. If any information is incorrect, please contact your sales representative prior to the deadline of the first insertion. Otherwise your order is accepted as having been approved.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tyler Morrow, Planner

Department: Community Development

Date Submitted: 11-24-20

Presenter: Tyler Morrow, Planner

Title of Item: P20-36-CZD The Landings of Flat Rock Conditional Rezoning

Nature of Item: Council Action

Council Meeting Date: 12-3-20

Summary of Information/Request:

Item # 7B

The City is in receipt of a Conditional Rezoning application from Agemark Acquisition, LLC, Peggy C. Cabe, Enno F. Camenzind, Joan C. Fleming, John Thomas Fleming, Paula C. Carter, Lynda Hill Camenzind, Brenda Merrill Camenzind, Charles Norman Carter and Robert O. Camenzind for the development of a 32,000 square foot assisted living facility and an 85,000 square foot independent living facility on approximately 8.449 acres. The subject property is identified as parcel number 9588-12-7382 and is currently vacant. The applicant is requesting to rezone the subject property from Henderson County Office Institutional to PRD-CZD Planned Residential Development Conditional Zoning District.

Suggested Motion(s):

SUGGESTED MOTIONS:

For Recommending Approval:

I move the City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from Henderson County Office Institutional to PRD-CZD Planned Residential Development Conditional Zoning District, based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the Published List of Uses and Conditions, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons:

[PLEASE STATE YOUR REASONS]

For Recommending Denial:

I move the City Council not adopt an ordinance rezoning the subject property for the following reasons:

[PLEASE STATE YOUR REASONS]

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:

20137

Petition Number:

P20-36-CZD

Additional Petition Number:

P20-37-ANX

Petitioner Name:

Agemark Acquisition, LLC, Peggy C. C

Attachments:

Existing Land Use Map, Existing Zoning Map, Future Land Use Map, Site Plan, Staff Review Checklist, Application, Power of Attorney Documents.

Community Development Staff Report

TO: Honorable Mayor and City Council

FROM: Community Development Department- Planning Division

RE: The Landings of Flat Rock Rezoning

FILE #: P20-36-CZD

DATE: December 3rd, 2020

PROJECT DESCRIPTION

The City is in receipt of a Conditional Rezoning application from Agemark Acquisition LLC for the development of a 32,000 square foot assisted living facility and an 85,000 square foot independent living facility on approximately 8.449 acres. The subject property is identified as parcel number 9588-12-7382 and is currently vacant. The applicant is requesting to rezone the subject property from Henderson County Office Institutional to PRD-CZD Planned Residential Development Conditional Zoning District.

NEIGHBORHOOD COMPATIBILITY

A neighborhood compatibility meeting concerning this application was held on October 29th, 2020. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject property as required by the Zoning Ordinance.

Several people representing the public attended the meeting in person as well as virtually. They had questions concerning traffic, types of facilities, stormwater runoff and flooding. A copy of the neighborhood compatibility report accompanies this memorandum as Appendix B.

PLANNING BOARD

The Planning Board took this matter up at its regular meeting on November 9th, 2020. The Planning Board voted unanimously to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville. Changing the zoning designation of the subject property from Henderson County Office Institutional to PRD-CZD Planned Residential Development Conditional Zoning District based on the site plan submitted and subject to the limitations and conditions stipulated on the published list of uses and conditions, finding that the rezoning is consistent with the Comprehensive Plan, and that the rezoning is reasonable and in the public interest.

Rezoning Request Analysis

EXISTING LAND USE & ZONING

The subject property is currently zoned Henderson County Office Institutional and is currently vacant.

Parcels to the north, north west east and south are zoned Henderson County Office Institutional and contain vacant land, medical and residential uses. Parcels to the West are zoned Henderson county R-1, Regional Commercial and Office Institutional and contain both commercial and residential uses. Surrounding land uses and zoning districts are shown in Appendix C “Existing Land Use Map” and Appendix D “Existing Zoning Map”.

COMPREHENSIVE PLAN CONSISTENCY

The subject property is classified as Regional Activity Center on the 2030 Comprehensive Plan’s Future Land Use Map. The goal of the Regional Activity Center classification is to “Meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects.”

The recommended primary and secondary land use in Regional Activity Center are as follows:

Recommended Primary Land Uses:

- Community and regional retail sales and services
- Restaurants

Recommended Secondary Land Uses:

- Multi-family residential
- Offices
- Public and institutional uses
- Pedestrian amenities

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

The 2030 Comprehensive Plan’s Future Land Use Map is located in Appendix E.

ZONING ORDINANCE GUIDELINES

Per Section 11-4 of the City’s Zoning Ordinance, the following factors shall be considered

prior to adopting or disapproving an amendment to the City's Official Zoning Map:

1. **Comprehensive Plan consistency.** Consistency with the Comprehensive Plan and amendments thereto.
2. **Compatibility with surrounding uses.** Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.
3. **Changed conditions.** Whether and the extent to which there are changed conditions, trends or facts that require an amendment.
4. **Public interest.** Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.
5. **Public facilities.** Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment.
6. **Effect on natural environment.** Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands, and wildlife.

PLAN REVIEW:

The site plan is Appendix F of this memo.

Buildings

The site plan shows a 32,000 square foot 58 bed 1 story assisted living facility. The plan also shows an 85,000 square foot, 95 bed/83-unit 3 story independent living facility.

Parking Requirements - Table 6-5-2

The site plan shows 132 proposed parking spaces to serve both the independent and assisted living facilities.

Traffic Impact Analysis - Section 6-18

- It was determined that a Traffic Impact Analysis was not necessary for this project. According to the 7th edition volume 2 of the Institute of Transportation Engineers trip generation manual the project is not expected to meet either the 100 or more peak-hour trips or the 1,000 or more daily trips thresholds.

Stream Buffer

According to the most recent USGS seven-and-one-half minute quadrangle topographic maps a blue line stream is present along the northern boundary of the property. The developer is required to provide a 30-foot stream buffer and a 20-foot transitional zone. Both of these are present on the developer's plan.

Entrance

The development would have two points of ingress and egress, both would be accessed off of S. Allen Road

Project Phasing - Section 7-5

Entire site will be graded in phase 1, phase 2 will consist of the building construction for the Independent Living facility and utility tie ins to the building.

Stormwater/Flood Hazard Area

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

Sidewalks - Section 6-12

Sidewalks will be provided on the subject property's frontage along S. Allen Road.

Landscaping

The applicant is proposing a 10-foot Type B buffer along the East, South and West property lines. The plan also shows required interior plantings for the vehicular use areas.

Zoning District Standards - PRD Planned Residential Development Zoning District Section 5-14

5-14-6.1 Open Space and Footprint Requirements. Planned residential developments shall have a maximum footprint of 20% of the site and shall have, as a minimum, 60% of the site as open space.

5-14-6.5 Building Height. A building may exceed 35 feet in height (measured from average finished grade) only upon the granting of a height limitation exemption by the City Council

5-14-6.6 Buffering, Screening and Landscaping. The applicant shall propose and plant, construct and make satisfactory arrangements for the preservation of a buffer and/or setbacks adequate to protect adjoining properties from the impacts of the proposed development.

Special Requirements:

16-4-10 Congregate Care Facilities.

- a. Such facilities may only be situated on a site which contains no less than three acres.

- b. A minimum of 65% of the project tract shall be designated as open space.
- c. Maximum density for congregate care facilities shall be 20 people per acre in all districts. City Council shall have the right to determine a lower density applying as criteria the following: site constraints including but not limited to slopes over 20%, poor soils, presence of floodplain or other factors such as the traffic-bearing capability of existing roads that would pose a threat to public health, safety or welfare, or violate any of the review standards contained in this Article.
- d. Density under this subsection shall be calculated according to the following formula:
 - o 1) Studio apartments shall be assumed to house one person.
 - o 2) One-bedroom apartments shall be assumed to house 1.5 persons.
 - o 3) Two-bedroom apartments shall be assumed to house two persons.

Staff Report Recommendations

STAFF COMMENTS

In this section City Council members can find staff comments relating to the consistency of the proposed site plan with the guidance offered in the City's Comprehensive Plan and Zoning Ordinance. Staff will also include recommended conditions for approval here, alongside references to supporting comprehensive plan and ordinance standards for Council's consideration. City Council may approve the rezoning request with or without conditions or deny the rezoning request.

Preliminary Site Plan Review:

- Staff comments provided to the Developer on November 5th were included for Planning Board's review and can be found in Appendix A.
- The Developer submitted revised plans addressing the comments found in Appendix A for staff's review on November 20th.
- Based on a review of the updated Preliminary Site Plan the following staff comments still need to be addressed during final site plan review.
 - **Name of Project Designer, Developer, and Property Owner (7-3-3.2(b)):** Mills River is also misspelled in the current owner address section.
 - **Vicinity Map (7-3-3.2(d)):** Please add a more descriptive vicinity map.
 - **Tree Survey and Proposed Areas for Buffering (7-3-3.2(n)):** Please provide a tree survey of trees greater than 12 inches in diameter at breast height.
 - **Building(s) Locations, Dimensions, and Uses (7-3-3.2(o)):** Please note building heights.
 - **Phasing Lines (7-3-3.2(r)):** If project is proposed to be phased, please show phasing lines on the plan. (applicant did provide phasing note, we would ask that they show the phasing line on the plan.)
 - **Maintenance of Common Open Space (6-16-2(g)):** Provide arrangements in writing for the perpetual maintenance of common open space.
 - **Section 16-4-10 Congregate Care Facilities**
 - a) Such facilities may only be situated on a site which contains no less than three acres.
 - b) A minimum of 65% of the project tract shall be designated as open space.
 - c) Maximum density for congregate care facilities shall be 20 people per acre in all districts. City Council shall have the right to determine a lower density applying as criteria the following: site constraints including but not limited to slopes over 20%, poor soils, presence of floodplain or other factors such as the traffic-bearing capability of existing roads that would pose a threat to public health, safety or welfare, or violate any of the review standards contained in this Article.
 - d) Density under this subsection shall be calculated according to the following formula:
 - 1) Studio apartments shall be assumed to house one person.

- 2) One-bedroom apartments shall be assumed to house 1.5 persons.
- 3) Two-bedroom apartments shall be assumed to house two persons
- **Landscaping (Article 15):** Please provide. We need more clarification about the proposed buffer and the site needs vehicular use landscaping, please see section 15-9
 - Staff needs the buffer shown on the site plan. We need tree and shrub number and placement. Site plan is also not showing 4 shrubs required for vehicular use landscaping.

Staff Recommended Rezoning Conditions: These conditions are included in the attached suggested motion. They can be included or removed at Council's discretion.

- 7-3-3.2 (n): Provide a survey showing tree line before site preparation with species and diameter of trees 12 inches or greater DBH (diameter at breast height)
- 5-14-6.6 & Section 15: Provide a landscaping plan that shows tree and shrub locations within the proposed 10-foot type B buffer along the east, south and west property lines.

Developer Proposed Conditions:

- Provide 56% open space rather than the required 65% Special Requirement for Congregate Care Facilities and the 60% requirement for Planned Residential Development Zoning District.
 - Required: 65%=228,454 Square Feet
 - Proposed: 56%=199,095 Square Feet
- Use a bed-based density calculation rather than the bedroom-based density calculation from section 16-4-10 (d) of the Zoning Ordinance:
 - Zoning ordinance bedroom based proposed calculations:
 - Independent living facility
 - 12 studio units- 12 people
 - 59 1-bedroom units- 88.5 people
 - 12 2-bedroom units- 24 people
 - Assisted living facility
 - 58 studio units- 58 people
 - **Proposed density 182.5= 21.6 people per acre.**
 - Bed based allowable calculation: 20 beds per acre x 8.449 acres= 168.98 beds
 - Proposed bed-based calculation=95 beds+ 58 Beds= 153 Beds
 - **Proposed density: 18.11 people per acre.**

SUGGESTED MOTIONS

I move the City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from Henderson County Office Institutional to PRD-CZD Planned Residential Development Conditional Zoning District, based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the Published List of Uses and Conditions, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons:

[PLEASE STATE YOUR REASONS]

For Recommending Denial:

I move the City Council not adopt an ordinance rezoning the subject property for the following reasons:

[PLEASE STATE YOUR REASONS]

IN RE: The Landings of Flat Rock Rezoning (File # P20-36-CZD)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

- Accessory structures
- Congregate care facilities
- Home Occupations

II. Conditions:

(1) Shall Be Attached to the Conditional Rezoning and Satisfied Prior to Issuance of Final Site Plan Approval:

- a. 7-3-3.2 (n): Provide a survey showing tree line before site preparation with species and diameter of trees 12 inches or greater DBH (diameter at breast height)
- b. 5-14-6.6 & Section 15: Provide a landscaping plan that shows tree and shrub locations within the proposed 10-foot type B buffer along the east, south and west property lines.

(2) Shall Be Attached to the Conditional Rezoning:

- a. Final plans for the project shall comply with approved plans, the conditions agreed to on the record of this proceeding and applicable provisions of the Hendersonville Zoning Ordinance and Code of Ordinances.
- b. Provide a total area open space of 56% rather than the required 65% Special Requirement for Congregate Care Facilities and the 60% requirement for the Planned Residential Development Zoning District.
- c. Use a bed-based density calculation rather than the bedroom-based density calculation from section 16-4-10 (d) of the Zoning Ordinance:

Applicant

Signature: _____

Printed Name: _____

Date: _____

Property Owner

Signature: _____

Printed Name: _____

Date: _____

Ordinance #____-____

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO
AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR
A PORTION OF PARCEL NUMBER 9588-12-7382 BY CHANGING THE ZONING
DESIGNATION FROM HENDERSON COUNTY OFFICE INSTITUTIONAL TO PRD-
CZD PLANNED RESIDENTIAL DEVELOPMENT CONDITIONAL ZONING
DISTRICT.**

IN RE: Parcel Number 9588-12-7382- The Landings of Flat Rock
(File # P20-36-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from Agemark Acquisition, LLC, Peggy C. Cabe, Enno F. Camenzind, Joan C. Fleming, John Thomas Fleming, Paula C. Carter, Lynda Hill Camenzind, Brenda Merrill Camenzind, Charles Norman Carter and Robert O. Camenzind for the development of a 32,000 square foot assisted living facility and an 85,000 square foot independent living facility on approximately 8.449 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on November 9th, 2020; voting 5-0 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on December 3rd, 2020, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following:

A portion of parcel number 9588-12-7382 from Henderson County Office Institutional to PRD-CZD Planned Residential Development Conditional Zoning District.
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be subject to the site limitations and conditions stipulated on the published List of Uses and Conditions.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 3rd, day of December 2020.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, Amy H. Knight, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk in her capacity of Mayor of the City of Hendersonville; Angela L. Reece, in her capacity of City Clerk; and Angela S. Beeker, in her capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____ day of _____, 2020.

My commission expires:

Amy H. Knight

Appendix A

Preliminary Site Plan Review
File Name: P20-36-CZD – Landings at Flat Rock
Reviewed by - Tyler Morrow
Date: 11/01/2020

Name of Project Designer, Developer, and Property Owner (7-3-3.2(b)): Please add a note with this information. Mills River is also misspelled in the current owner address section.

Vicinity Map (7-3-3.2(d)): Please add a more descriptive vicinity map.

City Limits (7-3-3.2(f)): Please add a note stating this property will be annexed by the City.

Preliminary Utility Layout (7-3-3.2(k)): Please provide.

Tree Survey and Proposed Areas for Buffering (7-3-3.2(n)): Please provide a tree survey of trees greater than 12 inches in diameter at breast height.

Building(s) Locations, Dimensions, and Uses (7-3-3.2(o)): Please note building heights.

Notations in Chart Format (square footage and percentage of total site) (7-3-3.2(p)): Please provide the following table.

Total Project Area
Proposed Lot Areas
Site Coverage - Buildings
Site Coverage - Open Space
Site Coverage – Streets and Parking
Site Coverage – Other Facilities
Site Coverage – Common Open Space:

Phasing Lines (7-3-3.2(r)): If project is proposed to be phased, please show phasing lines on the plan.

Off-Street Loading and Unloading (6-6): Section 6-6 Off-Street Loading and Unloading Space. Development and redevelopment projects in all districts except the C-1 Central Business District shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley or, if there is no alley, to a street. For the purposes of this section, an off-street loading space shall have a minimum dimension adequate to accommodate the largest

vehicles expected to be served and, in any event, no less than 12 feet by 40 feet and an overhead clearance of 14 feet in height above the alley or street grade.

Sidewalks (6-12): please show sidewalk along entire subject property frontage on S Allen Road.

Common Open Space (common space or urban open space where applicable) (6-16):

Maintenance of Common Open Space (6-16-2(g)): Provide arrangements in writing for the perpetual maintenance of common open space.

Zoning District Standards (applicable zoning district in Article 5):

- 5-14-6.2
 - Setbacks. All dwellings and their accessory structures shall be set back not less than 40 feet from the nearest right-of-way line for any street or railroad adjoining the site; provided, however, such setback may be reduced to ten feet when parking is situated to the side or rear of the lot and screened from view from public rights-of-way. Furthermore, such buildings and structures shall be set back not less than 30 feet from any exterior property line which is not a right-of-way.
- Section 16-4-10
 - a) Such facilities may only be situated on a site which contains no less than three acres.
 - b) A minimum of 65% of the project tract shall be designated as open space.
 - c) Maximum density for congregate care facilities shall be 20 people per acre in all districts. City Council shall have the right to determine a lower density applying as criteria the following: site constraints including but not limited to slopes over 20%, poor soils, presence of floodplain or other factors such as the traffic-bearing capability of existing roads that would pose a threat to public health, safety or welfare, or violate any of the review standards contained in this Article.
 - d) Density under this subsection shall be calculated according to the following formula:
 - 1) Studio apartments shall be assumed to house one person.
 - 2) One-bedroom apartments shall be assumed to house 1.5 persons.
 - 3) Two-bedroom apartments shall be assumed to house two persons

Landscaping (Article 15): Please provide. We need more clarification about the proposed buffer and the site needs vehicular use landscaping, please see section 15-9

Stormwater Management (COD Chapter 24 Article III): **Provide a completed Stormwater Maintenance Agreement. Contact Engineering for additional details.**

Appendix B

Planning Report

Neighborhood Compatibility Meeting

Application for a Conditional Zoning District

The Landings of Flat Rock File # P20-36-CZD

Thursday, October 29, 2020 2:00 p.m.

Tyler Morrow, Planner, convened the compatibility meeting at 2:00 pm in the Assembly Room of the City Operations Center. Approximately one member of the public, one application representative and four City staff were in attendance. The follow attended:

<i>Name</i>	<i>Address</i>	<i>Name</i>	<i>Address</i>
Corey Mabus (app)	Sanford, NC		
Kim Arrowood	586 S. Allen Road		
Lew Holloway	staff		
Tyler Morrow	staff		
Allison Justus	staff		
Terri Swann	staff		

Mr. Morrow opened the meeting explaining this is the first step in a three-step process. He explained the conditional rezoning process adding anyone who received notice of this meeting would receive notice of the City Council Public Hearing. Minutes of this meeting will be forwarded to Planning Board and City Council. Mr. Morrow said the project will go before the Planning Board in November and City Council will hear the project after that. Mr. Morrow stated this meeting is for the neighbors to learn about the project and they should focus on the compatibility of the project in the neighborhood. This is a virtual meeting and Mr. Morrow explained the process and the steps to participate in the meeting. This is an informal meeting so state your name and address before making any comments as minutes of this meeting are being taken.

Mr. Morrow stated the property is currently zoned OI, Office Industrial by Henderson County. The applicants would like to rezone the property to PRD, Planned Residential Development to construct a 32,000 square foot building for an assisted living facility with 58 beds and another building that would be 85,000 square feet and would be an independent living apartment building with 83 units and 95 beds. The applicant Corey Mabus is here to answer any questions and to give a brief summary of the development.

Corey Mabus, with Carolina Commercial Contractors stated this project will be in one or two phases. The independent living facility will have 83 units and 95 beds. These will be one- and two-bedroom studio apartments that will include a fitness facility and a small bistro. It is for independent living. He showed the site plan and a representation of what they plan to construct. Mr. Mabus stated this is beautiful area and they are really excited about this project.

Mr. Morrow stated they will now take questions. If you would like to speak please use the raise hand feature and state your name and address once you are called on.

Ken Fitch, 1046 Patton Street asked what the current use of the property is. Mr. Morrow stated this is vacant land and he cannot answer if it is used for hay or for farming.

Mr. Fitch asked what the description of the Comp Plan for Henderson County is for this parcel of land. Mr. Morrow stated he did not know but he can speak with the county and get that information.

Mr. Fitch asked how close this property is to the city limits. Mr. Morrow stated it is just over 5,000 feet from the corporate limits.

Dr. Millicent Burke-Sinclair, 571 S. Allen Road stated their facility, Four Seasons Hospice is directly across the street from this proposed project and they provide in-patient care. She asked what the timing on construction would be. Mr. Mabus stated it depends on the approval process, but they would like to break ground in the second quarter of 2021, and it will take roughly 12 months to build. Dr. Burke-Sinclair was concerned about the noise and jarring from construction and the effect it would have on their patients. Mr. Mabus stated he does not see them encountering any rock, so he does not foresee any blasting. He is sensitive to the patients and would like to meet with them so they can discuss the construction. Dr. Burke-Sinclair asked if they would have time to meet with the different groups in the condo association and discuss the construction. Mr. Mabus stated yes, he will be more than happy to meet with them.

Mr. Fitch asked if the independent living facility would be for seniors and if it would be affordable housing. He also asked if they would be rentals and what the rates would be.

Mr. Mabus stated he does not have a fee schedule and is not familiar with this part of the project. The use would be for an active independent community for seniors that like to come and go. Most will have their own vehicles. This is not affordable housing. Mr. Mabus stated they have these facilities across North Carolina.

Kench Waldrep with Infinity Living Group stated these will be senior apartments and not assisted living. They do not have a facility close to Hendersonville, but they do have facilities in North Carolina.

Mr. Fitch asked if the independent living complex might allow the residents to move into the assisted living part at some point. Mr. Mabus stated this is a plausible case for some of the residents.

Mr. Fitch asked about the site being leveled. Mr. Mabus stated the site will have to be leveled for the parking lot. There is an elevation change.

Mr. Fitch asked about the stormwater and retaining the trees on the north and south side of the property. Mr. Mabus stated the trees to the south will not be impacted. They will impact the trees to the north as little as possible. They will also work with the city on stormwater requirements. Mr. Mabus stated there is a 50-foot buffer outside the current tree limits.

Mr. Fitch asked if the Tree Board would review this and would sidewalks be required. He also asked if a TIA was required. Mr. Morrow stated no Traffic Impact Analysis was required for this project. The threshold for these facilities is not high enough for a TIA to be required.

Mr. Fitch asked is a van would be available for the residents. Mr. Waldrep stated yes, there will be a van for the residents of the assisted living facility to use for their appointments, etc. The independent living facility could have access to the van.

Kim Arrowood, 586 S. Allen Road, stated her property adjoins this project. What buffers would be on the side that adjoins her property to the project? Mr. Mabus stated there would be zero impact to her side of the property because of the stream. There is a 50-foot buffer requirement from the stream.

Ms. Arrowood was concerned about the stormwater and the creek and culvert. What effect will this project have on that? Mr. Mabus stated they plan to have a retention pond installed. Ms. Arrowood asked how they plan to keep this from eroding her property.

Zach Gardner with Summey Engineering stated they will abide with the town's laws that apply to stormwater runoff. Even though they are adding impervious surface for their parking lot they will be able to hold the water off of the creek and not release all of it directly into the creek by installing a retention pond.

Ms. Arrowood stated when she had a traffic count done it was estimated that 5,000 cars a day doing over 55 mph were on S. Allen Road. This area has become more of a commercial area but there are still residential homes on this road. She feels like a true traffic study should be done when the school is back in session and the virus is no longer affecting the count. She also feels NCDOT should drop the speed limit on this road. There have been 10 to 12 accidents on this road and some have been fatal. Mr. Mabus stated they are still working through some of the issues and they can address more of those in the next meeting.

Mr. Morrow asked if anyone else would like to comment. No other comments were made.

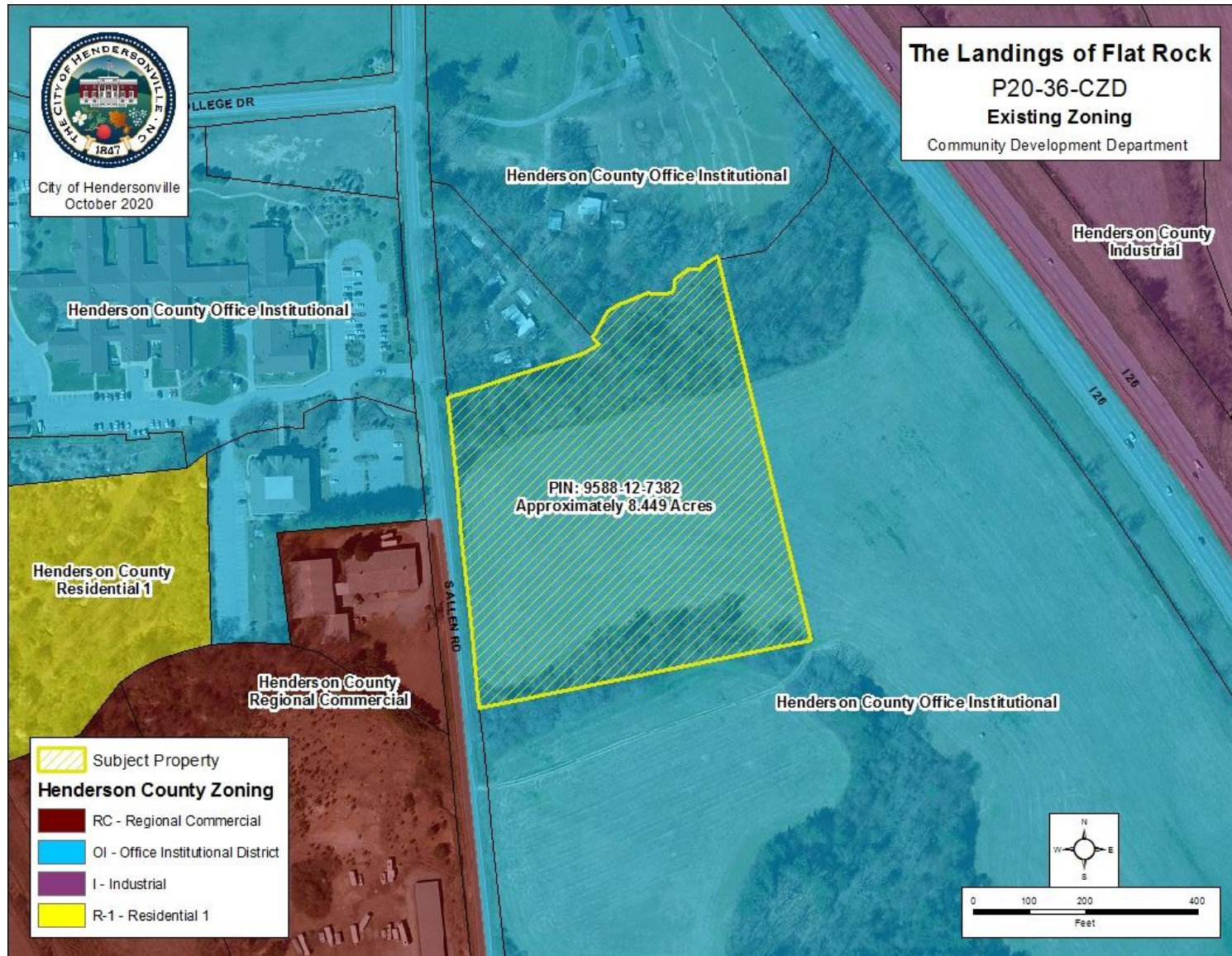
Mr. Morrow stated this concludes the meeting. He stated the next step for this project is the Planning Board and everyone that got noticed will be noticed of the Planning Board meeting as well. The property will also be posted with the meeting information on the sign.

With no further comments or questions, Mr. Morrow closed the meeting at 2:30 pm.

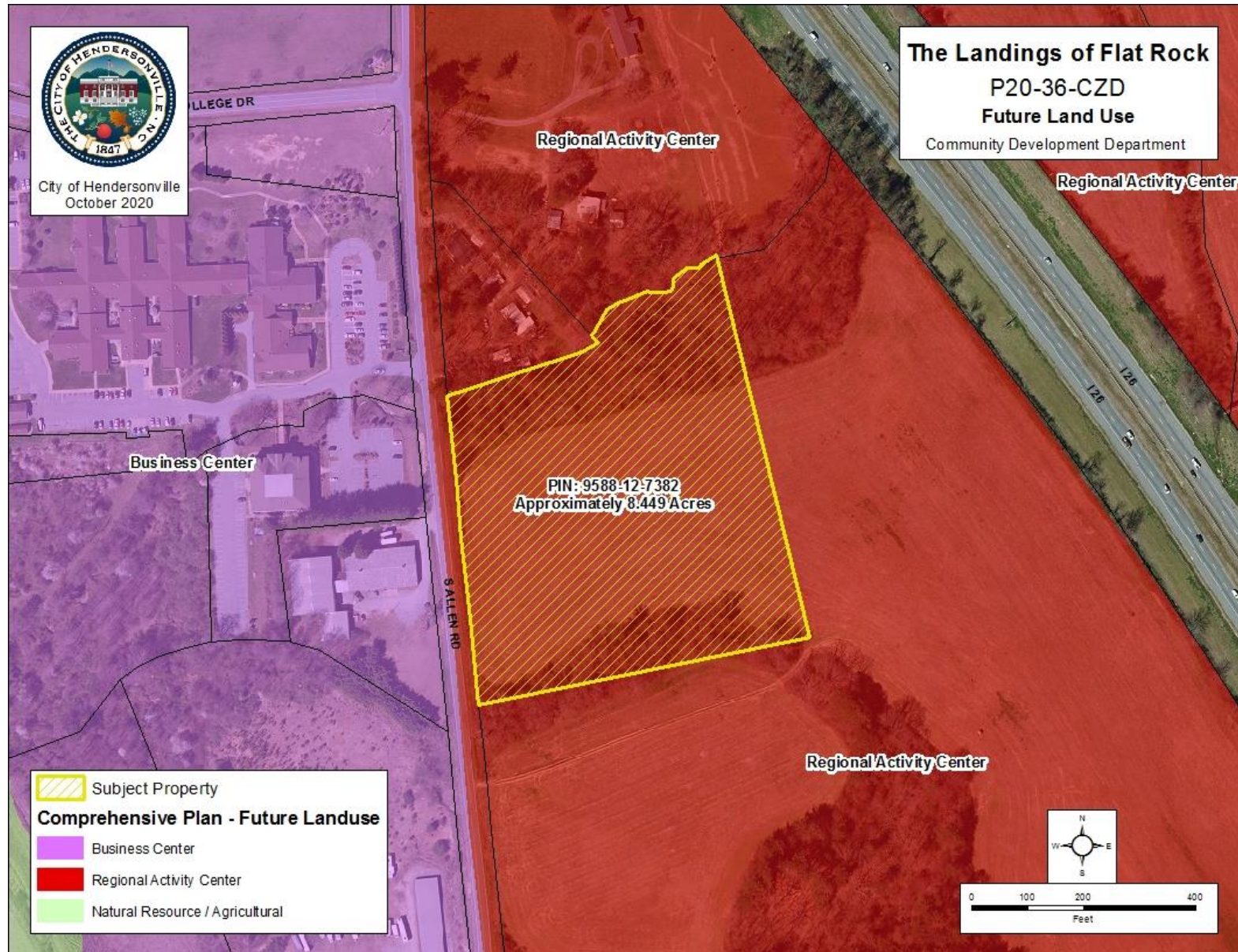
Appendix C



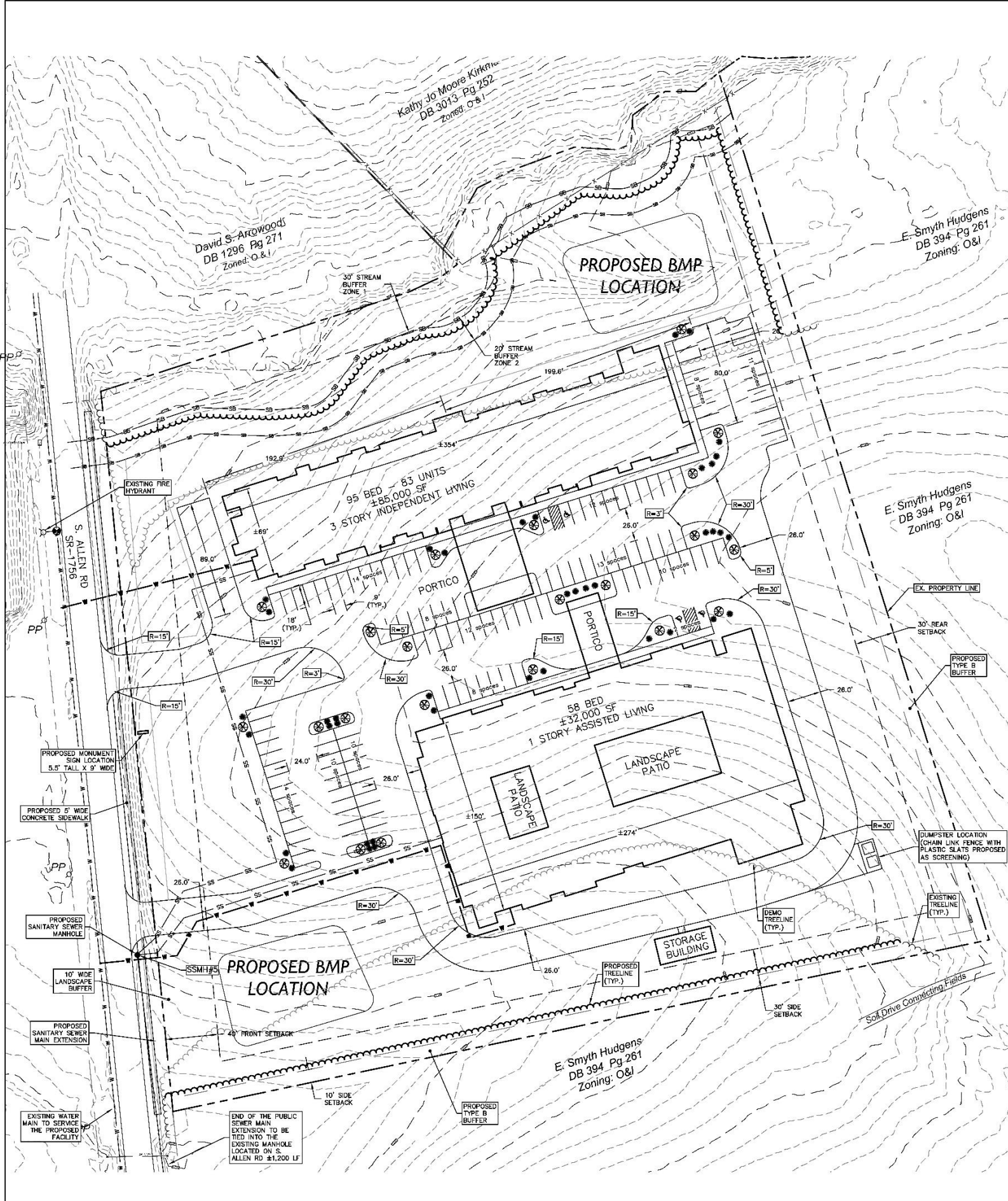
Appendix D



Appendix E



Appendix F



PRELIMINARY PLAN PRELIMINARY NOTE:

THIS PLAN IS TO BE USED FOR REFERENCE ONLY.

THE FINAL LAYOUT IS SUBJECT TO CHANGE. EXISTING TOPOGRAPHY AND UTILITY LOCATIONS ARE TO BE FIELD SURVEYED AND FIELD VERIFIED, AND FINAL BUILDING FOOTPRINTS ARE TO BE DETERMINED BY THE PROJECT ARCHITECT PRIOR TO FINAL CIVIL DESIGN.

SITE NOTES:

1. PARCEL BOUNDARIES ARE SHOWN PER SURVEY PLAT RECEIVED FROM SURVEY CAROLINA, PLLC DATED 1 AUGUST 17TH 2020.
 2. TOPOGRAPHIC DATA IS SHOWN PER LIDAR INFORMATION AND FIELD SURVEY RECEIVED FROM SURVEY CAROLINA, PLLC DATED Nov. 9TH, 2020.
 3. EXISTING WATER AND SANITARY SEWER ARE SHOWN PER INFORMATION RECEIVED FROM HENDERSON COUNTY WATER AND SEWER.
 4. THE PROJECT PARCEL WILL BE ANNEXED TO THE CITY OF HENDERSONVILLE, SUBJECT TO APPROVAL FROM THE CITY OF HENDERSONVILLE STAFF, PLANNING BOARD AND CITY COUNCIL.
- PARKING REQUIRED: ALL PARKING CALCULATIONS HAVE BEEN ESTIMATED BASED OFF OF AVAILABLE INFORMATION ON THE NUMBER OF REQUIRED EMPLOYEES, BEDS AND UNITS.

- 1 PER EACH INDEPENDENT DWELLING UNIT
1 X 83 UNITS = 83 SPACES
 - 1 PER EACH 10 INDEPENDENT DWELLING UNITS FOR VISITORS PLUS
1 X (80 UNITS/10) = 8.3 VISITOR SPACES
 - 1 PER EVERY EMPLOYEE ON THE LARGEST SHIFT PLUS
1 X (20 EMPLOYEES) = 20 SPACES
 - 1 PER EVERY 4 BEDS FOR ASSISTED LIVING OR NURSING CARE BEDS.
1 X (58 BEDS/4) = 14.5 SPACES
- 83 + 8.3 + 20 + 14.5 = 125.8 (126) PARKING SPACES REQUIRED

5. HANDICAP SPACES SHALL BE INSTALLED PER ADA REQUIREMENTS.
6. OBTAIN ALL APPLICABLE PERMIT APPROVALS PRIOR TO ANY CONSTRUCTION.
7. CONFIRM UTILITY SIZE AND LOCATION WITH ARCHITECTURAL DESIGN PRIOR TO CONSTRUCTION.
8. A PUBLIC SANITARY SEWER MAIN EXTENSION WILL BE REQUIRED FOR THIS PROJECT. THE NEAREST SANITARY SEWER MANHOLE IS LOCATED ±1,200 LF SOUTH OF THE PROJECT LOCATION ON SOUTH ALLEN RD.
9. IN ORDER TO ENSURE THE SITE WILL DRAIN PROPERLY THE ENTIRE PROJECT LIMITS WILL BE CLEARED AND GRUBBED, GRADED AND FINAL STORM DRAINAGE WILL BE PUT IN PLACE IN PHASE 1. PHASE 1 CONSTRUCTION WILL ALSO INCLUDE THE CONSTRUCTION OF THE ASSISTED LIVING FACILITY AND THE MAJORITY OF PARKING AND DRIVEWAY AREAS. PHASE 2 WILL CONSIST OF CONSTRUCTING THE INDEPENDENT LIVING FACILITY AND ADJUSTING PARKING AREAS NEAR THE BUILDING.
10. PROPOSED TREELINE IS SUBJECT TO CHANGE WITH FINAL GRADING PLAN DESIGN AND SHOULD BE CONSIDERED APPROXIMATE AND FOR REFERENCE ONLY.

DENSITY CALCULATION:

MAXIMUM DENSITY: 20 PEOPLE PER ACRE
ALLOWABLE DENSITY: 20 PEOPLE X 8.07 ACRES(OUTSIDE OF RIGHT OF WAY) = 161 PEOPLE
PROPOSED RESIDENTS: 95 BEDS + 58 BEDS = 153 BEDS

OPEN SPACE NOTES:

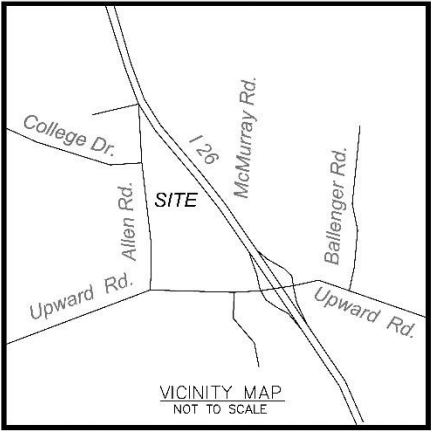
OPEN SPACE REQUIRED: 65% OF PROJECT AREA
351,469 SF (8.07 AC) OUTSIDE OF RIGHT OF WAY
VEHICULAR USE AREA: 67,299 SF
REMAINING OPEN SPACE: 85,075 SF (56%)

LANDSCAPE BUFFER NOTES:

1. STREETYARD:
NO PROPOSED STREETYARD IS REQUIRED DUE TO 60 FT RIGHT OF WAY WIDTH.
2. EASTERN AND SOUTHERN BOUNDARY:
ADJOINING PROPERTY TO THE EAST AND TO THE SOUTH IS ZONED OFFICE AND INSTITUTIONAL. PER SECTION 15-6 TABLE OF BUFFER REQUIREMENTS, INSTITUTIONAL USES ARE NOT REQUIRED TO PROVIDE BUFFERS WHEN ADJOINING INSTITUTIONALLY ZONED PROPERTY. TO THE EXTENT POSSIBLE, EXISTING TREES LOCATED ON THE SOUTHERN PROPERTY BOUNDARY WILL BE MAINTAINED.
3. NORTHERN PROPERTY BOUNDARY:
THE NORTHERN BOUNDARY WILL CONSIST OF AN UNDISTURBED 30' STREAM BUFFER. THE EXISTING LANDSCAPING IN THE EXISTING STREAM BUFFER EXCEEDS THE LANDSCAPE BUFFER REQUIREMENTS AND WILL BE MAINTAINED.

PARKING LOT LANDSCAPING NOTES

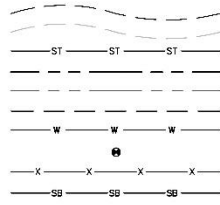
1. VEHICULAR USE AREAS WILL REQUIRE 1 TREE AND AT LEAST 2 SHRUBS PER EVERY 4,000SF OF VEHICULAR USE AREA.
2. VEHICULAR USE AREA PROPOSED: 85,075 SF
3. REQUIRED PARKING LOT LANDSCAPING:
85,075 / 4,000 = 22 TREES & 44 SHRUBS
4. PARKING LOT LANDSCAPING PROPOSED:
22 CANOPY TREES (RED MAPLES)
44 EVERGREEN SHRUBS



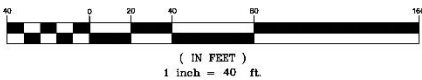
SITE DATA TABLE

ADDRESS	471 MCMURRAY RD, FLAT ROCK, NC 28731 (S. ALLEN RD)
OWNER	E. SMYTH HUDGENS
OWNER ADDRESS	5133 BOYLSTON HWY, MILLS ROVER, NC
DEVELOPER	CAROLINA COMMERCIAL CONTRACTORS, LLC
DEVELOPER ADDRESS	PO BOX 159, SANFORD, NC 27331
DEVELOPER PHONE	919-776-4641
PIN#	9588127382
PARCEL SIZE (PER SURVEY)	8.449 ACRES
DEED BOOK/PAGE	394/261
EXISTING ZONING	O&I
PROPOSED ZONING	PRD-C2D
EXISTING LAND USE	VACANT
PROPOSED LAND USE	ASSISTED AND INDEPENDENT LIVING
SETBACKS	FRONT = 40 FT SIDE = 30 FT REAR = 30 FT
PARKING REQUIRED	126 SPACES
PARKING PROVIDED	132 (INCLUDING 4 HANDICAP SPACES)
SITE DISTURBED AREA	±8.0 ACRES (ESTIMATED)
PROPOSED IMPERVIOUS AREA	±4.0 ACRES (TO BE DETERMINED WITH FINAL DESIGN)
TOTAL BUILDING AREAS (INCLUDING CANOPY OVERHANGS)	±1.67 AC
TOTAL PARKING AND DRIVE AREAS	±2.02 AC
TOTAL LANDSCAPED AND OPEN SPACE	±4.76 AC (4.76/8.449=)
COMMON OPEN SPACE REQUIRED	500 SF/UNIT
PROPOSED DWELLING UNITS	141
PROPOSED OPEN SPACE	STREAM BUFFER OPEN SPACE = ±32,235 SF GENERAL OPEN SPACE = ±47,309 SF TOTAL PROVIDED OPEN SPACE = 79,544 SF

DRAWING LEGEND



GRAPHIC SCALE



PRELIMINARY SITE PLAN

THE LANDINGS OF FLAT ROCK

S. ALLEN RD
HENDERSON COUNTY - HENDERSONVILLE - NC

Scale: AS NOTED
Date: AUG 2020
Drawn By: JAG
Checked By: JAG
Job No.: E-61445

Sheet No.

C-3



Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting

PO Box 568
Aberdeen, NC 27204
Phone: 336-524-0902 Fax: 336-524-0922
Email: info@summeyengineering.com
NC Professional Engineering Firm License No. E-61445



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

Conditional Zoning District Petition
Section 7-4 and Article 11 City Zoning Ordinance

The following are required for conditional zoning district petition:

- ~ These forms including the property owner(s) signature(s)
- ~ Proposed conditions and Comprehensive Plan explanation (page 2)
- ~ Appropriate fee
- ~ A conceptual plan meeting the requirements in Section 7-4-3.1 of the City Zoning Ordinance.

After the neighborhood compatibility meeting, a final site plan meeting the requirements of Section 7-3-4.3 is required. Upon receipt of a complete application, a Planning Board meeting may be scheduled at least 24 days in the future.

Date

Name of Project The Landings of Flat Rock

Address / Location of Property 471 McMurray Road, Flat Rock, NC, 28731

List 10 digit PIN or 7 digit PID Number for each property

9588127382

CHECK TYPE OF DEVELOPMENT

☒ Residential

☐ Commercial

☐ Other

Current Zoning I, O&I

Proposed Zoning PRD-CZD

List requested uses

Assisted Living Facility

Total Acreage 8.449 ac

Proposed Building Sq.Ft.

Dwelling Units

Official Use:

DATE RECEIVED: _____ BY _____ FEE RECEIVED \$ _____ FILE NO. _____



DEVELOPMENT ASSISTANCE DEPARTMENT

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www.hendersonvillenc.gov

CONDITIONAL ZONING DISTRICT PETITION

(Continued)

Section 7-4 and Article 11 City Zoning Ordinance

Proposed Conditions for the site:

Assisted Living Facility with the option of installing a separate independent living on the site at a later date.

It is important that the applicant consider the following factors. See Section 11-4 of the Zoning Ordinance for more information. Please use additional pages and/or attachments if necessary:

Explain consistency with City's Comprehensive Plan:

This project will comply with all City of Hendersonville parking, landscaping, setbacks and all other requirements noted in the zoning ordinance.

Explain compatibility with surrounding land uses:

The land that is located directly across S. Allen Rd from the project parcel is currently used for hospice and medical care.

Explain whether changed conditions require a map amendment:

Explain how the petition is in the public interest:

If approved the proposed project would provide adequate and safe housing for the elderly residents of the community. This facility would provide job opportunities for professionals in the medical field.

Official Use:

FILE NO. _____



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www.hendersonvillenc.gov

CONDITIONAL ZONING DISTRICT PETITION (Continued)

Section 7-4 and Article 11 City Zoning Ordinance

Explain whether adequate public facilities are available:

Public water is available on S. Allen Rd. The project applicant would extend the existing public sewer main to the project parcel.

Explain the impact the petition would have on the natural environment:

The project will comply with all applicable state and local codes in order to ensure the safety of the natural resources of The City of Hendersonville, Henderson County and the State of North Carolina.

Additional information:

Note additional approvals prior to issuance of a Zoning Compliance Permit may include, but are not limited to:

1. Henderson County Sedimentation & Erosion Control permit
2. Stormwater management plan
3. Utility approval
4. NCDOT permit
5. Any other applicable permits as determined by Development Assistance Department

Official Use:

FILE NO. _____

Signature pages for Conditional Zoning District Petition

Designated Agent | Agemark Acquisition LLC - Charles E. Trefzger

Address | PO Box 2568, Hickory, NC 28603

Phone | (828) 322-5535

Email | CET@algsenior.com

Applicant Name | Agemark Acquisition LLC - Charles E. Trefzger

Address | PO Box 2568, Hickory, NC 28603

Phone | (828) 322-5535

Signature  *Manager*
Printed Name | Charles E. Trefzger *9/17/2020*

Signature of the property owner acknowledges that if the property is rezoned, the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

Property Owner: Name | See Exhibit "C"

Address |

PID or PIN # |

Signature _____

Printed Name _____

Property Owner: Name |

Address |

PID or PIN # |

Signature _____

Printed Name _____

Official Use:
FILE NO. _____



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9588127382

CHECK TYPE OF DEVELOPMENT

☒ Residential

☐ Commercial

☐ Other

Current Zoning I, O&I

Proposed Zoning PRD-CZD

List requested uses

Assisted Living Facility

Total Acreage 8.449 ac

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Dwelling Units

Official Use:

DATE RECEIVED: _____ BY _____ FEE RECEIVED \$ _____ FILE NO. _____



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CONDITIONAL ZONING DISTRICT PETITION

(Continued)

Section 7-4 and Article 11 City Zoning Ordinance

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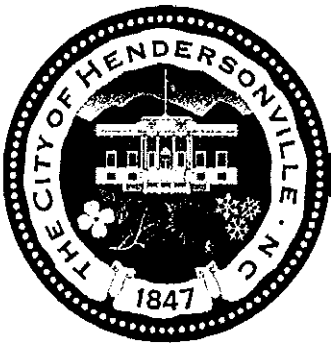
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Official Use:

FILE NO. _____



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CONDITIONAL ZONING DISTRICT PETITION

(Continued)

Section 7-4 and Article 11 City Zoning Ordinance

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2. Stormwater management plan
3. Utility approval
4. NCDOT permit
5. Any other applicable permits as determined by Development Assistance Department

Official Use:

FILE NO. _____

Signature pages for Conditional Zoning District Petition

Designated Agent | W. Carter Keller - Carolina Commercial Contractors, LLC

Address | 1600 Colon Rd, Sanford, NC

Phone | 919-776-4641

Email | carter.keller@carolinacommercialinc.com

Applicant Name | W. Carter Keller - Carolina Commercial Contractors, LLC

Address | 1600 Colon Rd, Sanford, NC

Phone | 919-776-4641

Signature 

Printed Name | W. Carter Keller

Signature of the property owner acknowledges that if the property is rezoned, the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

Property Owner: Name | ~~E. Smyth Hudgens~~ SEE EXHIBIT "A"

Address | 5133 Boylston HWY, Mills River, NC 28759

PID or PIN # | 9588127382

Signature _____

Printed Name _____

Property Owner: Name | _____

Address | _____

PID or PIN # | _____

Signature _____

Printed Name _____

Official Use:
FILE NO. _____

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

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

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

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

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

Robert O. Camenzind 10/23/2020
Robert O. Camenzind date

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

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

R ALPH 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: abecker@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.

Ms. Angela S. Beeker
October 13, 2020
Page Two

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



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Lew Holloway

Department: Community Development

Date Submitted: 11/23/2020

Presenter: Lew Holloway

Title of Item: 101 N. Church Street Rezoning - Courthouse Inn P20-27-CZD

Nature of Item: Council Action

Council Meeting Date: December 3rd, 2020

Summary of Information/Request:

Item # 7C

The City is in receipt of a Conditional Rezoning application from Stephen Barker - Catellus Group, LLC for the development of a 5 story 55,000 square foot 69 room hotel on a 0.78-acre lot. The subject property is identified as parcel number 9568-77-5249 and is currently vacant. The applicant is requesting to rezone the subject property from C-1, Central Business District to C-1 CZD, Central Business Conditional Zoning District

Suggested Motion(s):

For Recommending Approval:

I move the City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from C-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 the following reasons:

[PLEASE STATE YOUR REASONS]

For Recommending Denial:

I move the Planning Board recommend the City Council not adopt an ordinance rezoning the subject property for the following reasons:

[PLEASE STATE YOUR REASONS]

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:

101 N. Church Street Rezoning - Courthouse Inn - STAFF REPORT

Community Development Staff Report

TO: Honorable Mayor and City Council

FROM: Community Development Department - Planning Division

RE: 101 N. Church Street Rezoning - Courthouse Inn

FILE #: P20-27-CZD

DATE: December 3rd, 2020

PROJECT DESCRIPTION

The City is in receipt of a Conditional Rezoning application from Stephen Barker - Catellus Group, LLC for the development of a 5 story 55,000 square foot 69 room hotel on a 0.78-acre lot. The subject property is identified as parcel number 9568-77-5249 and is currently vacant. The applicant is requesting to rezone the subject property from C-1, Central Business District to C-1 CZD, Central Business Conditional Zoning District.

Mr. Barker started the conditional rezoning process in June of 2020. Mr. Barker participated in a neighborhood compatibility meeting held on July 16th, 2020. Following additional design development work, Mr. Barker submitted a Preliminary Site Plan for staff and Planning Board review on October 16th, 2020.

NEIGHBORHOOD COMPATIBILITY

Several people representing the public attended the meeting in person as well as virtually. They had questions concerning parking, building height, building compatibility and meeting space. The minutes from that neighborhood compatibility meeting are included as Appendix A in this staff report.

PLANNING BOARD

The Planning Board took this matter up at its regular meeting on November 9th, 2020. The Planning Board voted 4-1 to recommend 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 District to C1-CZD Central Business Conditional Zoning District based on the site plan submitted and subject to the limitations and conditions stipulated on the published list of uses and conditions, finding that the rezoning is consistent with the Comprehensive Plan, and that the rezoning is reasonable and in the public interest.

Rezoning Request Analysis

COMPREHENSIVE PLAN CONSISTENCY

The subject property is classified as Downtown Core and Downtown Support on the 2030 Comprehensive Plan's Future Land Use Map. A site-specific section of the Future Land Use Map is included as Appendix C in this staff report.

The 2030 Comprehensive Plan's Future Land Use Map designates parcels to the north, east and south as Downtown Core. Parcels to the west are designated as Downtown Support and Medium Intensity Residential.

The goal of the Downtown Core classification is to "Maintain, enhance, and grow Downtown as a vibrant, mixed-use gathering place and cultural center with an emphasis on retail, arts and entertainment uses. Maintain a highly urban, pedestrian focused environment through building and streetscape design."

The recommended primary and secondary land use in Downtown Core are as follows:

Recommended Primary Land Uses:

- Neighborhood retail sales and services
- Restaurants
- Arts, cultural and entertainment establishments

Recommended Secondary Land Uses:

- Multi-family residential
- Live-work units
- Offices
- Public and institutional uses
- Pedestrian amenities

Downtown Core Development Guidelines:

- Continuous "street wall" with buildings adjacent to the sidewalk
- Rear parking or limited side parking only
- Window coverage and façade articulation on storefronts
- Development and maintenance of traffic calming improvements
- Improved connection between Downtown and the Seventh Street Historic District

The goal of the Downtown Support classification is to "Support the Downtown retail core and create a transition between Downtown Core and adjacent residential neighborhoods"

Recommended Primary Land Uses:

- Offices
- Single-family attached and multi-family residential
- Live-work units
- Public and institutional uses
- Arts and entertainment establishments
- Structured or underground parking

Recommended Secondary Land Uses:

- Retail
- Parks and plaza

Downtown Support Development Guidelines:

- Minimal front setback
- Rear or limited side parking only
- Façade articulation
- Development and maintenance of traffic calming improvements
- Ground-floor storefronts and/or architectural detailing on parking structures

EXISTING LAND USE & ZONING

The subject property is currently zoned C-1, Central Business District and is currently vacant. Surrounding land uses and zoning districts are shown on the “Existing Land Use Map” and “Existing Zoning Map” which are included as Appendix D and E in this staff report.

Parcels to the east and north are zoned C-1 Central Business and contain commercial uses. Parcels to the west and south are C-1 Central Business and CMU Central Mixed Use and include commercial, institutional and residential uses.

Hotels are a permitted use within the C-1 Central Business District, the project size requires the applicant to pursue rezoning the parcel to C-1 Central Business District.

ZONING ORDINANCE GENERAL GUIDELINES

Per Section 11-4 of the City’s Zoning Ordinance, the following factors shall be considered prior to adopting or disapproving an amendment to the City’s Official Zoning Map:

1. **Comprehensive Plan consistency.** Consistency with the Comprehensive Plan and amendments thereto.
2. **Compatibility with surrounding uses.** Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.

3. **Changed conditions.** Whether and the extent to which there are changed conditions, trends or facts that require an amendment.
4. **Public interest.** Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.
5. **Public facilities.** Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment.
6. **Effect on natural environment.** Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands, and wildlife.

SITE PLAN REVIEW

The site plan is included as Appendix G in this report.

Buildings

- The site contains one 5 story hotel. The building footprint for the hotel structure is 10,523 square feet.
- The site also contains 2-story parking garage with at grade entrances to each level from 1st and 2nd Avenues, but no internal connection between the levels. The garage footprint is 10,230 square feet.

Lot Size

- The lot size shown on the site plan is 0.78 acres or 33,765 square feet.
- Building Footprint: 20,753 square feet (61.5%)
- Open Space: 7,026 square feet (20.5%)

Parking Requirements - Table 6-5-2

- The C-1 zoning district does not require parking for this use; see “Zoning District Standards” for additional information.
- The site plan includes 64 onsite parking spaces; 4 are ADA accessible.

Traffic Impact Analysis - Section 6-18

- It was determined that a Traffic Impact Analysis was not necessary for this project. According to the 7th edition volume 2 of the Institute of Transportation Engineers trip generation manual the project is not expected to meet either the 100 or more peak-hour trips or the 1,000 or more daily trips thresholds.

Entrance

- Access to the ground level of the parking garage is from 1st Avenue. The entrance is located near the middle of the block.
- Access to the 2nd level of the parking garage is from 2nd Avenue. The entrance is located near the middle of the block.
- There is a third “Exit Only” drive apron associated with the hotel’s integrated “Check-In” portico. This drive is located 50 feet from the entrance/exit to the parking lot on 2nd Avenue and 50’ from the Church Street intersection.
- Finally there is a fourth drive accessing the facility’s dumpster enclosure on 1st Avenue.

Sidewalks - Section 6-12

- Sidewalks are required on both sides of the street within the C-1 Central Business District.
- Sidewalks will be provided on the subject property’s frontage on Church Street, 1st Avenue and 2nd Avenue.

Project Phasing - Section 7-5

The project is proposed to be completed in a single phase.

Tree Survey & Buffering - Section 15

- No existing vegetation identified on the site survey is proposed to be preserved.
- Buffer yards are not required in the C-1 zoning district.
- See Zoning District Standards for required landscaping.

Zoning District Standards - C-1 Central Business District Section 5-6

- Development Standards for C-1 include guidelines in following categories
 - Parking & Loading: Section 5-6-3.1
 - Non-residential and residential with fewer than 5 units are not required to provide off-street parking.
 - Dimensional Requirements: Section 5-6-3.2
 - Height Limitation of 64 feet, measured from average finished grade.
 - Streetscape Design: Section 5-6-3.3
 - Street Walls must engage the pedestrian public landscapes, blank walls are limited in their length.
 - Screening
 - Street Trees
 - Reflective Surfaces
 - Urban Open Spaces requires 5% of building square footage be dedicated to open space.

Staff Report Recommendations

STAFF COMMENTS

In this section City Council members can find staff comments relating to the consistency of the proposed site plan with the guidance offered in the City's Comprehensive Plan and Zoning Ordinance. Staff will also include recommended conditions for approval here, alongside references to supporting comprehensive plan and ordinance standards for Council's consideration. City Council may approve the rezoning request with or without conditions or deny the rezoning request.

Preliminary Site Plan Review:

- Staff comments provided to the Developer on November 5th & included for Planning Board's review can be found in Appendix F.
- The Developer submitted revised plans addressing the comments found in Appendix F for staff's review on November 6th.
- Based on a review of the updated Preliminary Site Plan staff believe that the project developers have addressed staff comments save the inclusion of a site lighting plan which will be required as a component of the Final Site Plan.

Comprehensive Plan Consistency:

- Staff noted the demonstrably less intensive treatment of the southern façade along 1st Avenue in comparison to 2nd Avenue and Church Street.
 - There appears to be an opportunity to enhance the connection of the hotel's rear plaza to and from 1st Avenue, engaging the pedestrian/streetscape interface with the hotel along this corridor.
 - There also appears to be some opportunity for additional architectural detail which would enhance the complementarity of this façade with the district.
- "Façade articulation, a continuous "street wall" with buildings adjacent to the sidewalk, window coverage and façade articulation on storefronts and ground-floor storefronts and/or architectural detailing on parking structures," are all noted as desired within the Downtown Core.

Historic Preservation Commission:

- This project is subject to the Certificate of Appropriateness process.
- The Design Review Advisory Committee met on November 12th, 2020 to review the design and make suggestions for additional architectural variety to the southern and western facades.
- As of the writing of this memo, the Historic Preservation Commission has not reviewed the project, however this may take place in the interim if the Commissioners are able to meet on December 1st.

Staff Recommended Rezoning Conditions: These conditions are included in the attached suggested motion. They can be included or removed at Council's discretion and upon agreement by the parties involved.

- 1) Rezoning request is subject to an approved Certificate of Appropriateness from the Historic Preservation Commission and any conditions associated with that approval.
- 2) Per the Downtown Core comprehensive plan effort to "maintain a highly urban, pedestrian focused environment through building and streetscape design," staff recommend that the development team 1) enhance the connectivity and visibility of the rear plaza to and from 1st Avenue and 2) explore additional material variety on the building's southern façade through windows, brick or alternative details to break up the larger sections of blank facade.

Developer Proposed Conditions: These conditions are included in the attached suggested motion. They can be included or removed at Council's discretion and upon agreement by the parties involved.

- 1) None Requested

SUGGESTED MOTIONS

I move the City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from C-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 the following reasons:

[PLEASE STATE YOUR REASONS]

For Recommending Denial:

I move the Planning Board recommend the City Council not adopt an ordinance rezoning the subject property for the following reasons:

[PLEASE STATE YOUR REASONS]

IN RE: 101 N. Church Street Rezoning - Courthouse Inn (File # P20-27-CZD)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

- Hotels and motels
- Restaurants
- Parking lots and parking garages

II. Conditions:

- (1) Shall Be Attached to the Conditional Rezoning and Satisfied Prior to Issuance of Final Site Plan Approval:**
 - a. Historic Preservation Commission approval of the Certificate of Appropriateness application.
 - b. Comprehensive Plan Consistency - Enhanced connectivity and visibility to/from the rear plaza of the hotel to 1st Avenue via enlarged pedestrian access and plaza interaction with the 1st Avenue sidewalk.
 - c. Comprehensive Plan Consistency - Enhanced material variety on the

southern façade through brick, windows or alternative methods to break up larger sections of the blank wall.

(2) Shall Be Attached to the Conditional Rezoning:

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

Applicant

Property Owner:

Signature:_____

Signature:_____

Printed Name:_____

Printed Named:_____

Date:_____

Date:_____

Title within LLC:_____

Ordinance #____-____

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO
AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR
101 N. CHURCH STREET - COURTHOUSE INN BY CHANGING THE ZONING
DESIGNATION FROM C-1: CENTRAL BUSINESS DISTRICT TO C-1 CZD:
CENTRAL BUSINESS CONDITIONAL ZONING DISTRICT**

IN RE: 101 N. Church Street - Courthouse Inn
(File # P20-27-CZD)
PIN # 9568-77-5249

WHEREAS, the City is in receipt of a Conditional Rezoning application from Stephen Barker – Catellus Group, LLC for the development of a 5 story 69 room hotel on a 0.78 acre lot, and

WHEREAS, the Planning Board took up this application at its regular meeting on November 9th, 2020; voting 4-1 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on December 3rd, 2020, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following:

Parcel 9568-77-5249 from C-1 Central Business District to C-1-CZD Central Business Conditional Zoning District.
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be subject to the site limitations and conditions stipulated on the published List of Uses and Conditions.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 3rd, day of December 2020.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, Amy H. Knight, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk in her capacity of Mayor of the City of Hendersonville; Angela L. Reece, in her capacity of City Clerk; and Angela S. Beeker, in her capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____ day of _____, 2020.

My commission expires:

Amy H. Knight

APPENDIX A

Planning Report
Neighborhood Compatibility Meeting - **Electronic**
Application for a Conditional Zoning District
Court House Inn File # P20-27-CZD
Thursday, July 16, 2020 2:00 p.m.

Daniel Heyman, Planner, convened the compatibility meeting at 2:00 pm in the Assembly Room of the City Operations Center. Approximately three application representatives and five City staff were in attendance. The follow signed in:

<i>Name</i>	<i>Address</i>	<i>Name</i>	<i>Address</i>
Nenon Ujiki	S. Washington St	Carol Vardeman	725 Running Brook Tr.
Linda Harley	5 th Avenue West	Jeff Justus	303 S. Church St.
Tommy & Kathy Crowder	755 N. Main Street	Michael Burnette	783 N. Main Street
Susan Frady	staff		
Daniel Heyman	staff		
Tyler Morrow	staff		
Terri Swann	staff		
Allison Nock	staff		
Larry Rogers			

Mr. Heyman opened the meeting explaining this is the first step in a three-step process. He explained the conditional rezoning process adding anyone who received notice of this meeting would receive notice of the City Council Public Hearing. Minutes of this meeting will be forwarded to Planning Board and City Council. Mr. Heyman stated comments were accepted via publicinput.com. He asked that anyone wanting to speak come forward one at a time due to social distancing and state your name and address for the record. Please limit your comments to 3 to 5 minutes.

Mr. Heyman stated this is an application for a conditional rezoning for a 70-room hotel. The property is currently zoned C-1, Central Business. The applicant is looking to rezone the property to C-1 CZD, Central Business Conditional Zoning District. If approved the project will be limited to what is on the site plan. The property is located on the corner of N. Church Street between 1st and 2nd Avenue. Mr. Heyman stated the applicant is participating virtually.

Stephen Barker, applicant stated he appreciates everyone coming together for the neighborhood meeting. His firm has been looking to provide a hotel in Hendersonville for a number of years. They attempted to use the Dogwood property but were unsuccessful. They specialize in unique, boutique style hotels. This will be a one-of-a-kind specialized hotel for this area. The hotel will include a restaurant and a bar. It will be a mid to high end hotel. The site is suitable for a hotel this size. The property size is close to an acre. It will have a small courtyard area and a small meeting room area. The restaurant will be on the first floor and the courtyard could be used for events.

Mr. Barker stated he had studied the area and looked at the parking. He observed 27 spaces along the road that were not utilized on the day he observed the area. The rooms will be designed around the structure and they pride themselves in being able to incorporate the culture of downtown and blend that into the hotel.

The site is challenging, and they will have extra sitework to do. The height will not measure up to the 60-foot standard and will be under that. The hotel will have five stories. He has been in this business for 42 years. He feels this hotel will be a great addition for the whole community.

Mr. Heyman stated they will now take public comments. He read a comment submitted by Michael Gilligan.

Michael Burnette – 783 N. Main Street

Mr. Burnette came forward and stated his name and address. He stated he owns the Waverly Inn. He read off occupancy ratings and percentages and talked about those ratings being low. He is concerned with three hotels being proposed in the area and that this is too much in a short amount of time for the city. This could be considerably damaging to the market and his business. You need a 60% occupancy rating for a hotel to be successful and he is concerned about having three hotels developed all at once. Two of these have already been approved and now this one. He would like to know what data Mr. Barker has to show a demand in downtown that will push the occupancy and rates higher.

Mr. Heyman stated the Cedars has not been approved yet and still has to go before the Planning Board and City Council.

Mr. Barker stated he appreciates Mr. Burnette's comments. He believes there is a need for a specialized hotel such as this boutique hotel in downtown. The occupancy ratings and percentages usually come from larger franchise hotels and he does not believe this hotel will have a negative effect to downtown. The amount of rooms they are proposing is not a lot of rooms. The amount of financing it takes to get these hotels built can cause the construction to be delayed. He feels the construction of each hotel will be staggered and not happen all at once. His firm does plan to move along rather quickly because they are not one of the larger hotels. They only have 70 rooms. They are trying coordinate with the existing environment. They would like to work together with the other inns and collaborate and assist each other. He discussed the downtown market and the economy and how he hopes to generate traffic for other businesses and restaurants. It is hard to determine what the effect will be and when it will happen, but he feels they will be a valuable asset to the area.

Kathy Crowder – 755 N. Main Street

Ms. Crowder stated she owns the Charleston Inn and she feels new hotels have the backing of people with a lot of money and to have three new ones downtown, she feels since they are a small business then they will be the first to go. It would be a shame to lose three historical properties for three new hotels.

Linda Harley – 5th Avenue West

Ms. Harley stated she has lived here since the 70's and she is very impressed with the downtown

merchants because even with the mall being built, they have thrived uptown. She discussed the parking spaces and how there will not be enough to accommodate all of these hotels. She does not believe the town can handle this occupancy. This is a unique town and some struggle through the off-season. She is afraid they are draining this town dry. Main Street struggles enough with the high rent and she feels hotels will only make it worse. The City Council feels a parking garage is needed but she does not believe this is so. Why would they do this only to have everyone pay for parking. She feels we have enough restaurants already. She feels the taxes and utility rates will only increase. She feels like 2008 is happening all over again with condos and hotels being talked about. As a community they need to stand-up and say no. Has the City Council members walked downtown and asked the merchants what they think about these projects?

Mr. Heyman stated they would now take the comments from callers.

Ken Fitch – 1046 Patton Street

Mr. Fitch stated this is the neighborhood compatibility meeting and they are here to discuss what way this is compatible with the neighborhood. In this location the trees are often taller than the buildings. It is important what this will look like from Washington Street. He does not feel a five-story building is compatible and it will have a huge impact that they are not considering.

Mr. Barker stated he can't answer a lot of the concerns Ms. Harley had but he wanted to note that the hotel will not have a large restaurant or bar. It will primarily be for the guests that stay at the hotel. He feels like the guests of the hotel will patronize Main Street. They are not there to destroy Main Street but to add to it. Obviously, they will pay their fair share of taxes and they can assist in any water and sewer issues. He believes everyone will benefit from this hotel. It will be a unique hotel with a repeat business that will benefit the merchants downtown.

Mr. Barker addressed Mr. Fitch's concerns. He stated this hotel is five stories but will be under the height requirement and not even as tall as the courthouse. He does realize there are one to two story buildings along the corridor, but this hotel will be built at a higher nature than most hotels and it will fit nicely in the historic part.

Jeff Justus – 303 S. Church Street

Mr. Justus stated he owns the lot at 101 N. Church Street, and he was surprised at the look of this hotel and he feels it will be an asset to downtown. He owns other hotels such as the Mountain Inn and Suites and he is not worried about losing occupancy rates with other hotels being built. He feels this hotel will cater to people that have never stayed in Hendersonville. He felt like the city should skip the parking lot and just keep what they have. He spoke with John Connet about a month ago and the hotel for the Dogwood lot was put on hold and if he was the city he would back away from that project. This project will be an asset to the city and will not hurt the sales downtown. He feels this is good for the whole community and if will be built with the historic character in mind.

Mr. Fitch stated there is an issue with parking. Will the 15 spaces on the street remain public spaces or do they plan to deem them for the hotel only? The public spaces are necessary and not having parking spaces on the site is a major problem. There are two elevations on this site and having a drop-off

feature on Church Street is not safe.

Mr. Heyman stated N. Church Street is a NCDOT street and 1st and 2nd Avenues are city streets. The parking on 1st and 2nd Avenue will remain city parking unless designated otherwise.

Mr. Barker stated he counted the number of available spaces on 1st and 2nd Avenue and no cars were on either side of the street. He counted 27 open spaces at roughly 2:00 pm. The hotel will not use a lot of spaces during the day. Patrons normally use the spaces at night from 5:00 or 6:00 pm until 8:00 or 10:00 am. The hotel will not run 100% occupancy all the time. They would not want to impose upon the city to have exclusive parking to those spaces on 1st and 2nd Avenue. They plan to leave this for public parking. Revisions will be made concerning the entrance and it could possibly be off of 1st or 2nd Avenue.

Michael Gilligan – 201 3rd Avenue West

Mr. Gilligan stated he is the owner of the Henderson Inn. He has had a lot of experience in the hotel industry. He understands that the guests will mostly use spaces at night but what about the workers and management during the day? The workers are not allowed to use spaces for the guests. Due to the pandemic traffic and numbers have decreased 72% therefore if there were 27 spaces available it is more than likely because numbers are currently down. He stated during the winter months they struggle, and a 60% occupancy rating will not happen in the winter months. A hotel such as the Marriott will not take a loss and who is to say they won't sell out to a Motel 6. He would like to see growth, but this is just too much, too soon.

Mr. Barker stated they would have on-site parking for the workers available to some extent. Another possibility is that they lease unused lots to get more parking for the workers. They don't anticipate using street parking for workers. They would also be willing to work with the area and other merchants to bring events downtown during the slow months. If everyone will work together the benefits could be huge. They have an opportunity to increase revenue and occupancy in collaboration with the neighbors.

Ms. Harley stated as a community they already have events in December. He should get to know the community and the town. Another issue is employees taking up the parking spaces. This is a big issue.

Mr. Barker stated they plan to do a traffic study and include parking in it. This will inform everyone of what is happening in the area and may ease some of their concerns. They need to get a factual report from an expert and then look at the numbers.

Ms. Harley stated she appreciates his efforts to try and fit into downtown as opposed to the Dogwood developer. She does hear his sensitivity and she appreciates that. She is more concerned about the Dogwood lot and the construction coming out 5th Avenue.

Ms. Crowder stated the Charleston Inn and the Waverly Inn have both lost parking spaces due to the remodel and sale of the old Ferguson building. When the fire station gets built and the Cedars is built, they will have no parking at all. She is very concerned about that.

Mr. Fitch wanted clarification on how large the meeting component in the hotel is. How many people

will be served? There are days when there is no parking available on Washington Street. It may be empty at certain times but there are issues with parking. Also, who is managing the property? Will Mr. Barker be running it? The historic context is a huge problem and boutique does not describe this structure.

Mr. Barker stated they will take into consideration the more popularized events and traffic from them. This downtown area is concise, and they can't meet 100% of the expectations but they will concentrate on 1st and 2nd Avenues and the look and feel of the hotel. This rendering is the first shot out of the cannon and the renderings will change. Concerning the branding and the vision for the hotel, everyone is welcome to submit comments and thoughts on the hotel and the historic look. They plan to build a 3D model of the hotel for the public to view. It will be a fair representation of the building and area around it. This will bring a feel to the building on site. They will have this model at the Planning Board and City Council meetings. He believes great things can come out of the community. His company will develop the property, but they do not manage it. They have 15 to 20 vendors that they use for management. They will bring a team together to promote a fine hotel for the community. They have the ability to bring a professional management team to the hotel. They are very high class.

Mr. Fitch asked for clarification on the meeting space size. He also wanted to know if financing for the project was already in place.

Mr. Barker stated the conference space is not a convention space. The meeting area is more like a small meeting room. It will be tucked in the corner of the hotel. They are in the process of obtaining financing through a lender they commonly use. Financing should not be an issue even with the Covid19 situation. They have a track record and a long relationship with the lender. He stated the drive time to Charlotte is two hours and he feels this location for the hotel would make a nice getaway from the larger towns, much like Gatlinburg, Tennessee. He plans to get the project rolling in 12 to 14 months.

Mr. Fitch asked if it would be possible to lower the height of the hotel and make it smaller.

Mr. Barker stated this is not feasible. They only have 70 rooms as it is. Five or six feet of what you see is just the architectural elements on the hotel. The hotel will be under the required height requirement.

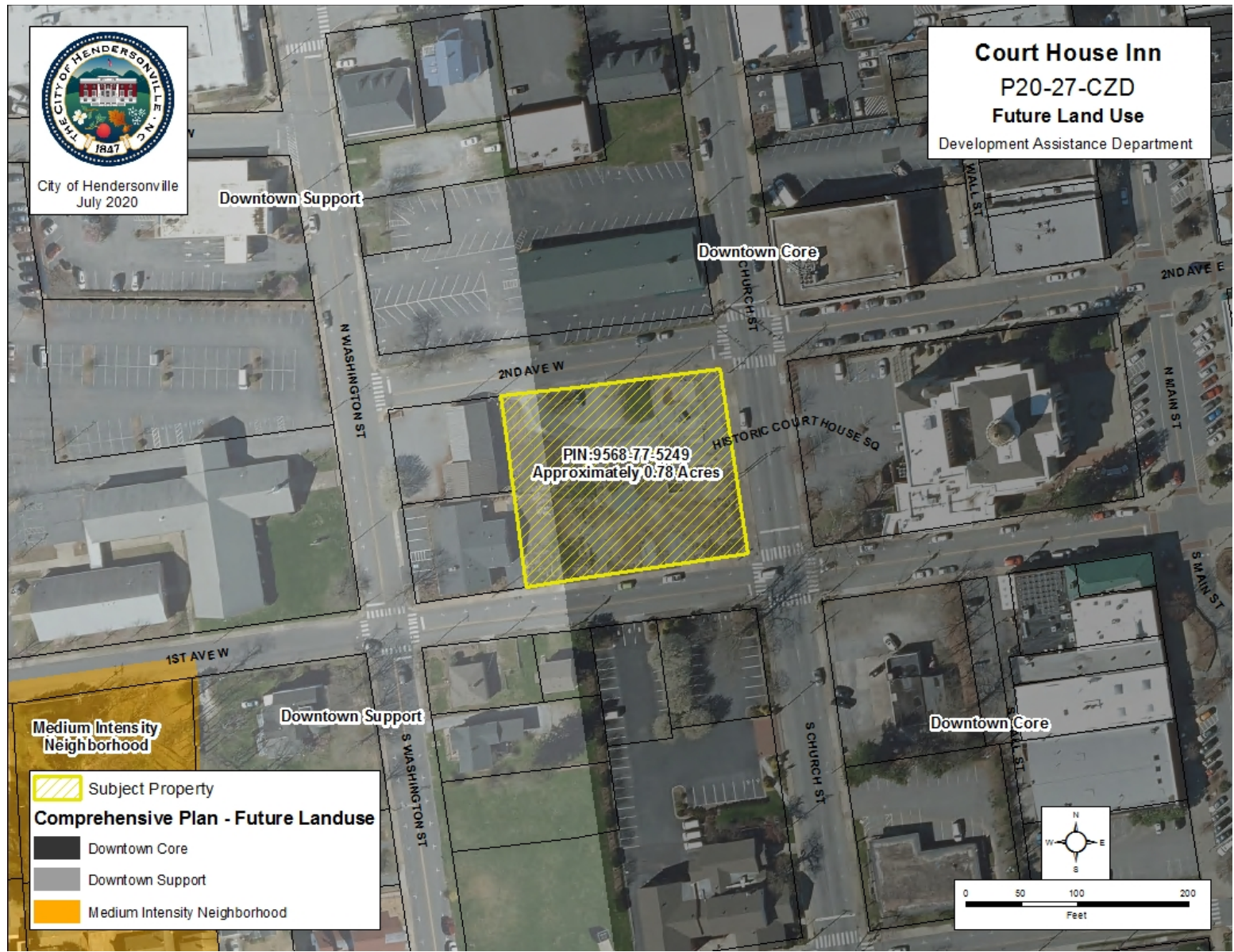
Mr. Heyman stated this concludes the meeting. He stated the next step for this project is the Planning Board and everyone that got noticed will be noticed of the Planning Board meeting as well.

With no further comments or questions, Mr. Heyman closed the meeting at 3:30 pm.

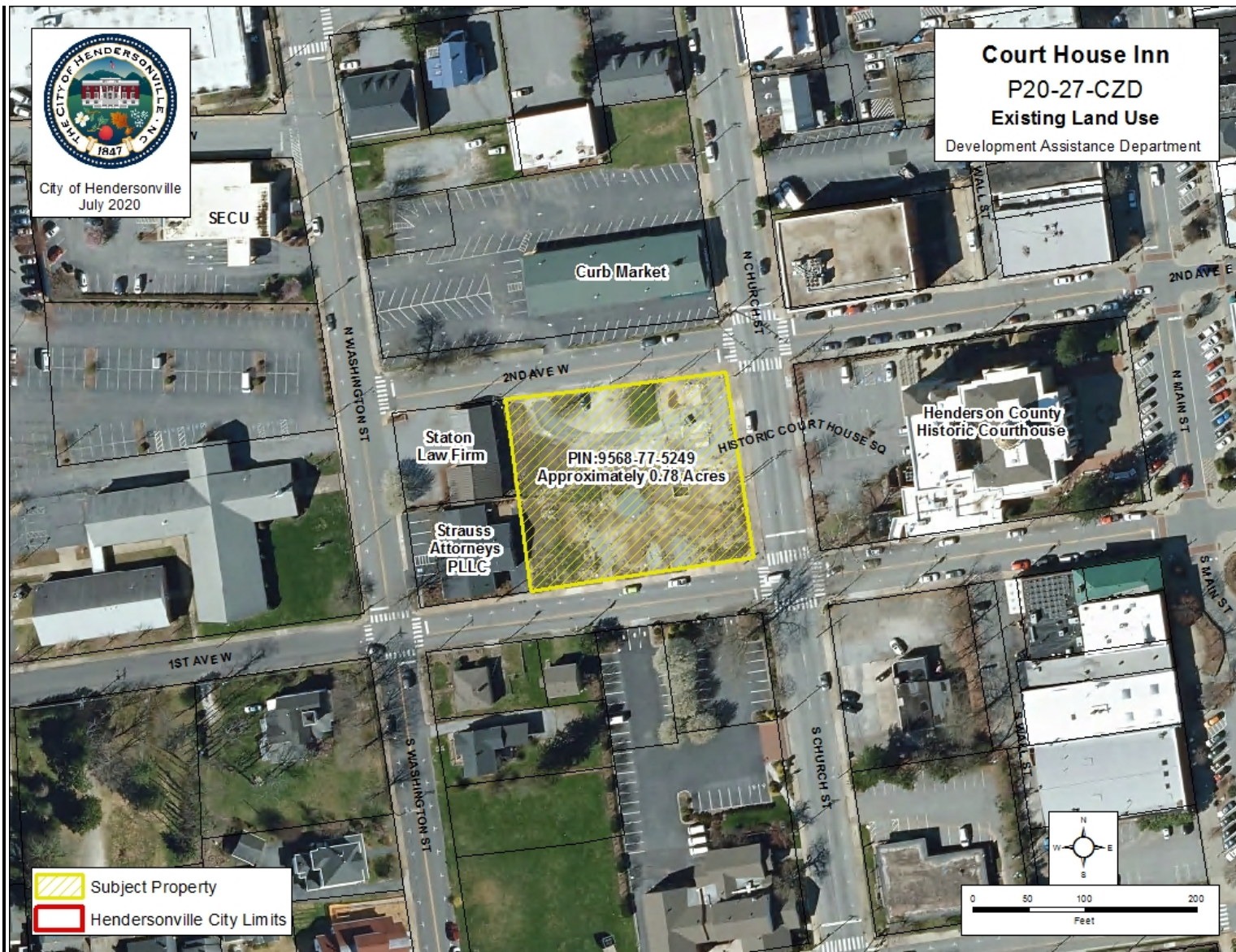
APPENDIX B

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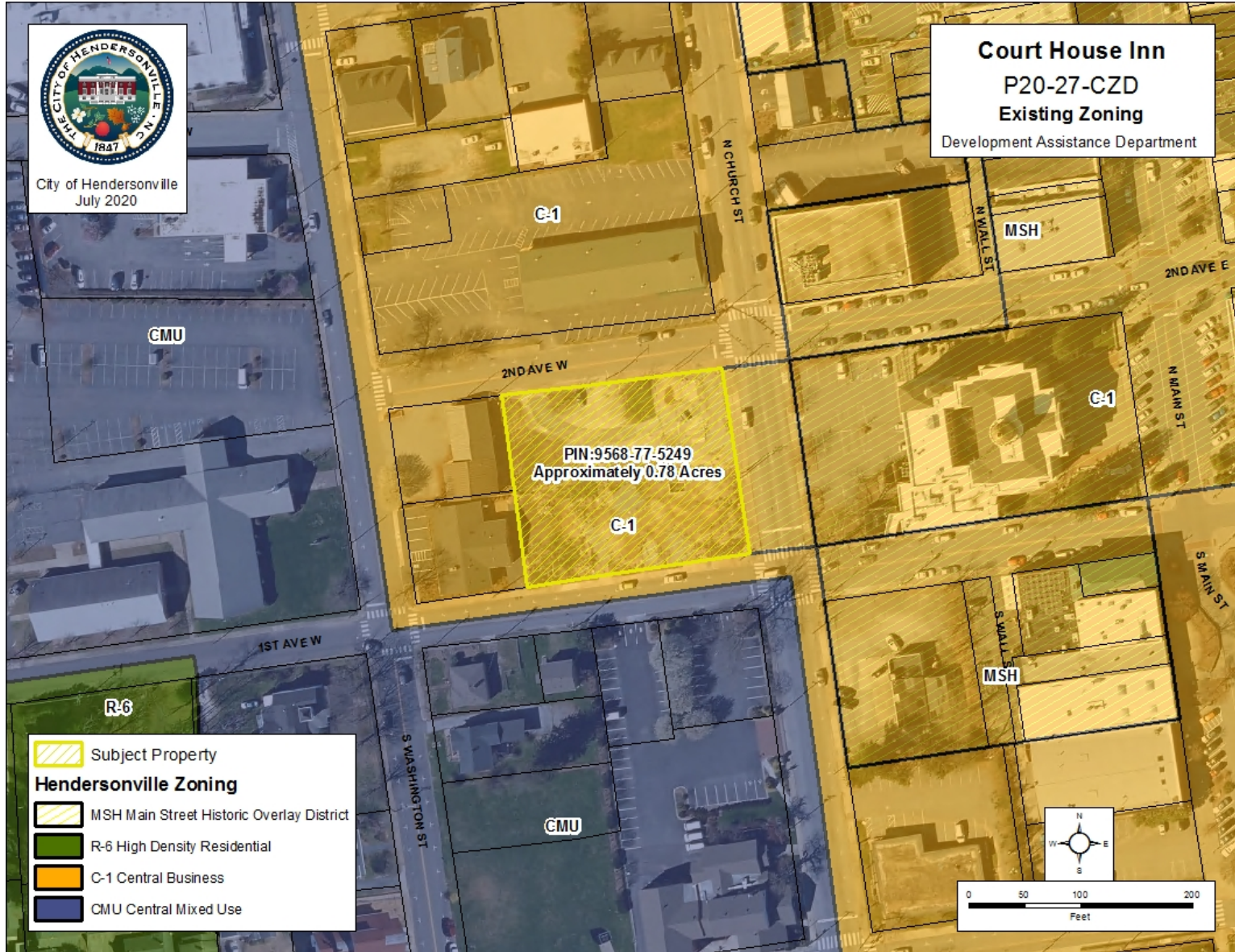
APPENDIX C



APPENDIX D



APPENDIX E



APPENDIX F

Preliminary Site Plan Review
File Name: P20-27-CZD – Courthouse Inn
Reviewed by - Lew Holloway
Date: 11/01/2020

Date with Month, Day, and Year (7-3-3.2(a)):

Comment: Site Plan Needs Day

Title of Project (7-3-3.2(b)):

Completed

Name of Project Designer, Developer, and Property Owner (7-3-3.2(b)):

Completed

North Arrow, Scale, and Landmarks Sufficient to Identify Location (7-3-3.2(c)):

Completed

Vicinity Map (7-3-3.2(d)):

Comment: Site Plan Needs Vicinity Map

Zoning of Project and Adjacent Properties (7-3-3.2(e)): Completed

City Limits (7-3-3.2(f)): N/A

Names of Adjacent Property Owners (7-3-3.2(g)): Completed

Site Survey (7-3-3.2(h)): Submitted

Floodplain and Other Significant Natural Features (7-3-3.2(i)): N/A - Completed

Proposed Streets, Alleys, Driveways, Parking Requirements, etc. (7-3-3.2(j)):

N/A – Completed; No minimum parking requirement; site plan shows 62 parking spaces, 4 of the total designated as handicap parking. Meets ADA standard.

Preliminary Utility Layout (7-3-3.2(k)):

1) Utility Plan Included

Entrance and Exit Locations (7-3-3.2(l)):

1) Locations shown;

- 2) **Comment:** Exit for “Drop-Off Drive” shown only 10’ for intersection. NC DOT standards require a minimum of 50’ from intersection and prefer 100’. Current layout does not meet minimum design standard.

Proposed Reservations (7-3-3.2(m)):

- 1) Proposed Open Space & “Public Plaza” noted on site plan.
- 2) **Comment:** Open space require associated note on maintenance provisions.

Tree Survey and Proposed Areas for Buffering (7-3-3.2(n)):

- 1) No existing vegetation identified on the site survey is proposed to be preserved.
- 2) Bufferyards not required.

Building(s) Locations, Dimensions, and Uses (7-3-3.2(o)):

- 1) Completed

Notations in Chart Format (square footage and percentage of total site) (7-3-3.2(p)):

Total Project Area
Proposed Lot Areas
Site Coverage - Buildings
Site Coverage - Open Space
Site Coverage – Streets and Parking
Site Coverage – Other Facilities
Site Coverage – Common Open Space:

Completed

Sign Data (7-3-3.2(q)): Completed

Phasing Lines (7-3-3.2(r)): N/A

Transportation Impact Analysis (7-3-3.2(s)): N/A

Zoning District Standards (applicable zoning district in Article 5):

1) Article 5-6-3.3 Streetscape Design

- a. Street Walls – The first floors of all buildings, including structured parking, shall be designed to encourage and complement pedestrian-scale activity. Blank wall expanses are not to exceed 20 feet in length (defined in the referenced article)
- b. **Comment:** The southern building façade does not meet the requirements for limits of blank street walls.

2) Screening required – any screening used to comply with this provision shall consist of a planting area which is at least five feet wide. The area may contain any type of screening materials sufficient to separate visually the land uses, provided such materials meet the requirements of 15-5 of the city's zoning ordinance. If only a wall or fence is used, then the area devoted to the screen need only be wide enough to accommodate the wall or fence and allow for its maintenance.

- a. **Comment:** Along western property line the Transformer Pad and Dumpster Area, must be screened from adjacent properties, the public right of way and adjacent parking lots.

3) Parking Lot Plantings: N/A

4) Parking Lot Screening from Street:

- a. **Comment:** Along the northwestern edge of the surface parking lot, the planting strip is only 3' wide, 5' is the minimum if vegetation is used to buffer the lot. Alternatively, a fence or wall can be used, minimum height is 3'.

5) Street Trees

- a. Totals required; 22 small maturing trees or 16 large maturing trees; or an appropriate combination of both. Trees are required along all public right of ways.
- b. **Comment:** The current site plan does not meet this street tree requirement. Opportunities to address this exist along the Public Plaza and northern boundary of the site.

Entry Corridor (5-18): N/A

Site Lighting Plan (7-3-4.3(r) & 6-13-4):

Comment: Need a site lighting plan, lighting can be included on utilities.

Railroad Right-of-Way Issues (if applicable): N/A

Off-Street Parking (6-5): Not Required

Off-Street Loading and Unloading (6-6): N/A

Sidewalks (6-12): Completed

Rights-of-Way (Thoroughfare) Compliance (6-15): Completed

Common Open Space (common space or urban open space where applicable) (6-16):
Completed;

Note - Use of pervious pavers or other strategies to minimize impervious surfaces in areas designated for open space is encouraged.

Stormwater Management (COD Chapter 24 Article III): Provide a completed Stormwater Maintenance Agreement. Contact Engineering for additional details.

N/A: Site is under an acre.

Minor Planned Residential Developments (5-14-7.1) (if applicable): N/A

Density- Residential only (5-14-4): N/A

Adequate Facilities (7-11): Completed

Comprehensive Plan Compliance (Section 14-1): Completed

Landscaping (Article 15): See comments under Zoning District Standards

Natural Resource Protection Standards (floodplain, stream buffer, etc., where applicable) (Article 17): N/A

Downtown Height Limit (64' height limitation for downtown area): Completed

APPENDIX G



HOTEL DATA

5 Stories
69 Keys

Parking:

Surface: 33
Below Ground: 31
Total: 64 on Site

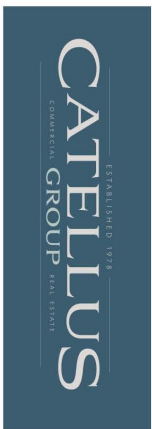
*Public Parking Adjoining the Site: 17

Total SF: 49,599 HSF

FINISHED GRADE APPROX. 3'
ABOVE STREET GRADE. SEE
ELEVATIONS & RENDERINGS.



SITE PLAN



COURT HOUSE INN
HENDERSONVILLE, NC

05 NOVEMBER 2020

oda.us.com | ODA ARCHITECTURE





COURT HOUSE INN
HENDERSONVILLE, NC

05 NOVEMBER 2020

VIEW FROM 2ND AVE W

oda.us.com | ODA ARCHITECTURE



COURT HOUSE INN
HENDERSONVILLE, NC

05 NOVEMBER 2020

CORNER OF N CHURCH ST & 2ND AVE W

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COURT HOUSE INN
HENDERSONVILLE, NC
05 NOVEMBER 2020

CORNER OF N CHURCH ST & 1ST AVE W

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COURT HOUSE INN
HENDERSONVILLE, NC
05 NOVEMBER 2020

VIEW FROM 1ST AVE W

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COURT HOUSE INN
HENDERSONVILLE, NC
05 NOVEMBER 2020

2ND AVE W ELEVATION

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COURT HOUSE INN
HENDERSONVILLE, NC
05 NOVEMBER 2020

1ST AVE W ELEVATION

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COURT HOUSE INN
HENDERSONVILLE, NC

05 NOVEMBER 2020

N CHURCH ST ELEVATION

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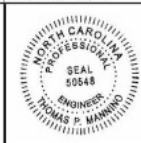
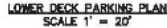
COURT HOUSE INN
HENDERSONVILLE, NC

05 NOVEMBER 2020

COURTYARD ELEVATION

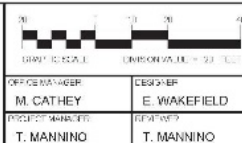
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NO.	DATE	BY	DESCRIPTION
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CITY OF HENDERSONVILLE
HENDERSON COUNTY, NORTH CAROLINA











DATE	PROJECT #	FINDING #
NOVEMBER 5, 2020	20.00140	N/A

SHEET
C-101

SITE DATA:			
BUILDING & OVERHANG	10523 SF	0.24 AC	30.6%
ASPHALT PAVEMENT	2186 SF	0.05 AC	6.4%
COURTYARD & PAVERS	3369 SF	0.08 AC	10.3%
CONCRETE & SIDEWALK	11923 SF	0.28 AC	33.3%
LANDSCAPE	4694 SF	0.11 AC	14.1%
DOG PARK/UTIL. AREA	1640 SF	0.04 AC	5.1%
TOTAL	33785 SF	0.79 AC	100%
PERVIOUS:	6334 SF	0.15 AC	19.2%
IMPERVIOUS:	29411 SF	0.63 AC	80.8%
OPEN SPACE:	7026 SF	0.16 AC	20.6% (10% REQUIRED)
(PUBLIC PLAZA, LANDSCAPING, AND DOG PARK)			
EXISTING ZONING: C-1, MSH OVERLAY			
PROPOSED ZONING: C-1, MSH OVERLAY			
PROPERTY OWNER: PULLIAM JUSTUS PARTNERS, LLC			

LEGEND

	PROPOSED ASPHALT
	PROPOSED CONCRETE/SIDEWALK
	PROPOSED 18" CURB & GUTTER
	PROPERTY LINE
	PROPOSED FENCE
	PROPOSED RETAINING WALL
	PARKING COUNT
	PAVERS

- 1) THE PROJECT SITE LIES WITHIN THE HENDERSONVILLE CITY LIMITS
- 2) ZONE X, FEMA FLOOD MAP 37009B06800J
- 3) OPEN SPACES WITHIN THE PROPERTY BOUNDARIES SHALL BE MAINTAINED BY THE OWNER
- 4) FOR PARKING REQUIREMENT CALCULATIONS AND BUILDING HEIGHT REFER TO ARCHITECTURAL PLANS.
- 5) BUILDING DIMENSIONS VARY, SEE ARCHITECTURAL PLANS FOR DETAILS.
- 6) SEE SHEET C-501 FOR TYPICAL SECTION OF FRONT DRIVE.
- 7) ALL THREE (3) TREES ON THIS SITE ARE LESS THAN 12" IN DIAMETER AND SHOULD BE REMOVED
- 8) SIGNAGE SHALL BE PROVIDED ON THE BUILDING FACING 21ST AVENUE, N. CHURCH STREET, AND 2ND AVENUE. PLEASE REFER TO THE ARCHITECTURAL PLANS FOR DETAILS.
- 9) THE PROPOSED SITE FOR SIGNAGE USE ACCURATELY REFLECTS THE INTENT AND CHARACTER OF THE SURROUNDING PROPERTIES.
- 10) STREET TREES: AT LEAST ONE TREE OF 3 - 3 1/2" INCHES CALIPER MINIMUM, MEASURED 8 INCHES ABOVE GROUND, SHALL BE PLANTED AT 25 FEET FROM THE CURB FOR ASSOCIATED USE TREES AND 35 FEET FOR LARGE MATURING TREES OF THE ENTIRE BUILDING LOT WHICH ABUTS ANY PUBLIC STREET RIGHT-OF-WAY WITH A MINIMUM OF 35 FEET FROM THE CURB. TREES UP TO 35 FEET IN CALIPER SHALL NOT BE PLANTED CLOSER THAN 2 FEET, NOR MORE THAN 10 FEET, FROM THE BACK OF THE CURB.
- 11) UNSEEN OPEN SPACES: NOT REQUIRED WITHIN THE C-1 BUSINESS DISTRICT.
- 12) ALL STRUCTURES AND FACILITIES FOR TRASH, LOADING, OUTDOOR EQUIPMENT, AND STORAGE, INCLUDING THE STORAGE OF INVENTORY, SHALL BE SCREENED 50% AS NOT TO BE VISIBLE FROM THE STREET AND PERIMETER AREAS.
- 13) OWNER SHALL BE REQUIRED TO MAINTAIN OPEN SPACES



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brian Pahle

Department: Admin

Date Submitted: 11/23/2020

Presenter: Brian Pahle

Title of Item: Parking Deck Project Update

Nature of Item: Presentation Only

Council Meeting Date: 12/03/2020

Summary of Information/Request:

Item # 9A

Assistant City Manager, Brian Pahle, will provide an update on the parking deck project and the current design/budget.

Suggested Motion(s):

None.

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:

Presentation.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Adam Steurer

Department: Utilities

Date Submitted: November 23, 2020

Presenter: Lee Smith

Title of Item: Aerial Infrared Imaging Survey - Sanitary Sewer Collection System

Nature of Item: Council Action

Council Meeting Date: December 3, 2020

Summary of Information/Request:

Item # 9B

House Bill 1087 (Water/Wastewater Public Enterprise Reform) appropriated funding to local environmental non-profit MountainTrue for surface water quality testing and identification of potential sources of pollution within the French Broad River watershed. MountainTrue has approached the City to split the cost of an aerial infrared imaging study of the City's sanitary sewer collection system. The purpose of the survey is to locate potential sources of pollution resulting from defects within the City's sanitary sewer collection system but can also identify privately-owned septic system discharges as well as water leaks from the City's water distribution system.

MountainTrue has proposed to split the cost of the survey with the City. The City's portion of the survey will be \$33,875.

Suggested Motion(s):

I move to adopt the Resolution to authorize the City Manager to enter into a three-party agreement with Stockton Infrared Thermographic Services, Inc. and MountainTrue for an aerial infrared imaging study of the City's sanitary sewer collection system with such terms and conditions as may be approved by the City Manager in consultation with the City Attorney.

Budget Impact: \$ 33,875 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Funding is available in the water/sewer operating fund

Project Number: Petition Number: Additional Petition Number:

20024 N/A

Petitioner Name:

Attachments: N/A

RESOLUTION
Proposal for Aerial Infrared Thermographic Survey

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE
THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH STOCKTON
INFRARED THERMOGRAPHIC SERVICES, INC. AND MOUNTAINTRUE FOR AN
AERIAL INFRARED IMAGING SURVEY**

WHEREAS, the City intends to have an aerial infrared survey performed on its sanitary sewer collection system to locate potential sources of pollution from the City's collection system but will also identify privately-owned septic system discharges as well as water leaks from the City's water distribution system; and

WHEREAS, the City and MountainTrue have received a proposal from Stockton Infrared Thermographic Services, Inc. proposing to provide the infrared survey in the amount of \$67,750 (the "Proposal"); and

WHEREAS, MountainTrue and the City have agreed to split the cost of the survey as described in 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 Stockton Infrared Thermographic Services, Inc. and MountainTrue in the amount of \$33,875 to perform 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____.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



A proposal to perform a

**Qualitative
Aerial Infrared
Thermographic Survey of
Selected Areas of Interest
Hendersonville, NC**

Prepared for:

Hartwell Carson

**French Broad Riverkeeper
Mountain True**

Adam Steurer, PE

**Hendersonville
Water and Sewer**





November 23, 2020

Adam Steurer, PE
Utilities Engineer
Hendersonville Water and Sewer
City of Hendersonville, NC
305 Williams Street
Hendersonville, NC 28792
Office: (828) 233-3207
Mobile: (828) 243-4430
asteurer@hvlnc.gov

Hartwell Carson
French Broad Riverkeeper
Mountain True
Suite 610
29 N. Market Street
Asheville, NC
Office: 828-258-8737 x211
Mobile: 828-817-5258
hartwell@mountaintrue.org

**Re: Aerial Infrared
Thermographic Survey of
Selected
Areas of Interest
Hendersonville, NC**



Gentlemen:

Thank you for interest in our ThermalMapIR™ aerial infrared (IR) services. We have been providing high-quality aerial IR imaging and analyses since 1989. Since the aerial infrared imagery is digitally archived, analysis can be carried out now, and also compared to past and future surveys. Our services consist of creating thermal and visual maps and providing any post-processing that might be required. The imagery can be used for many purposes, such as being added to your existing CAD or GIS data sets as layers, or as stand-alone imagery. By using the saved data, trending becomes possible.

Scope of Work

Stockton Infrared Thermographic Services, Inc., (SITS) proposes to create a thermal map of selected areas of interest, as defined on Map A. The purpose of the survey is to find sources of pollution and waste, such as sewer line leaks, septic discharges and potable water leaks from the public distribution system. The aerial IR survey is conducted at night at varying altitudes using state-of-the-art digital infrared acquisition systems. Below, find specification data, sample imagery, pricing and payment terms. SITS will deliver these report components as specified below.

Included are the following deliverables:

- 1) Imagery** in three (3) layers, using a grid system:
 - a. Georeferenced Infrared Thermograph Mosaics (10" GRE).
 - b. Map overlays over Thermographs with various lines shown.
 - c. Georeferenced Visual Photograph Mosaics (from County).
- 2) Report of Findings** with thermal anomalies marked individually, using the same grid system images and exact latitude/longitude of all anomalies with descriptions.
- 3) Digital download** of all project files from our secure FTP site.

Aerial IR Survey of Hendersonville Area of Interest \$ 67,750

To learn more about Stockton Infrared and the benefits of infrared thermography, please visit our main web site at: www.stocktoninfrared.com. We look forward to working with you on this important project!

Sincerely,

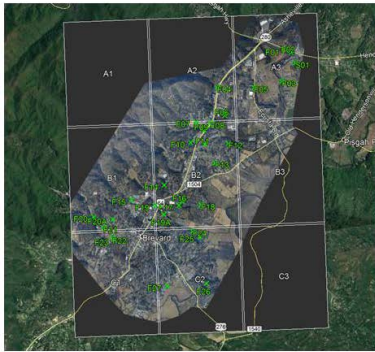
Gregory R. Stockton, M.CIT
Phone: 336-689-3658
Email: greg@stocktoninfrared.com



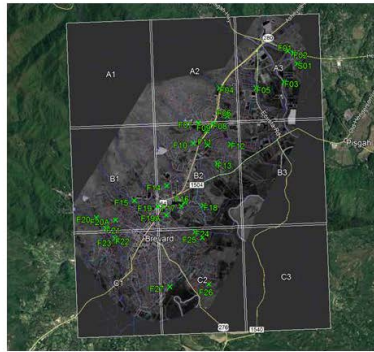
Deliverables & Samples

- 1) Imagery in three (3) layers, using a grid system:
 - a. Georeferenced Infrared Thermograph Mosaics (10" GRE).
 - b. Map overlays over Thermographs with various lines shown.
 - c. Georeferenced Visual Photograph Mosaics (from County).
- 2) Report of Findings with thermal anomalies marked individually, using the same grid system images and exact latitude/longitude of all anomalies with descriptions.
- 3) Digital download of all project files from our secure FTP site.

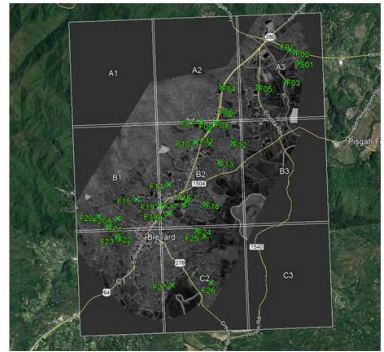
Screenshots showing the 3 sample layers with grids and findings



**Visual
Photograph**
.SHP .TIF .JPG .KMZ



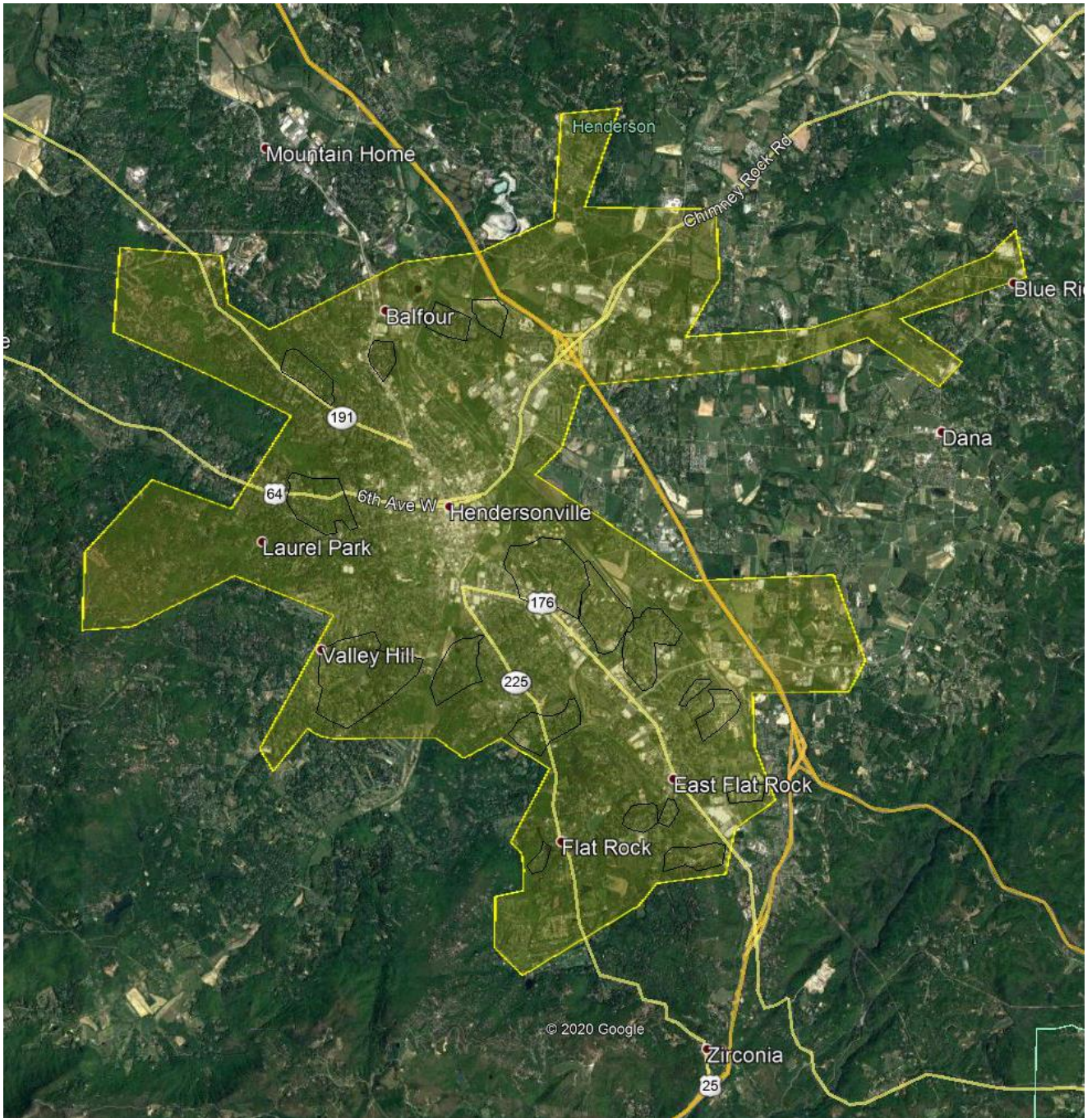
**Map IR
Overlay**
.SHP .TIF .JPG .KMZ



**Infrared
Thermograph**
.SHP .TIF .JPG .KMZ



MAP A – Google Earth Screenshot of the Hendersonville, NC Area of Interest



Sample Infrared (IR) Imagery



About SITS Aerial Services

Over the past 31 years, the aerial divisions of Stockton Infrared Thermographic Services, Inc. (SITS) have performed infrared thermographic surveys over millions of acres. We brought together all the components to make our services the state-of-the-art in the field of aerial thermal infrared (IR) thermography. Our deliverable product is the best possible because we use high-resolution infrared imaging systems, digital recording equipment, techniques that have been refined over many years and the attitude that we are going to obtain the best infrared imagery possible and produce a professional report in a timely manner.

Infrared Imagery Explained

Thermal infrared (IR) imagery is imagery that shows heat. It is often in the form of a grayscale picture whose shades of gray indicate the differences in temperature and emissivity of objects in the image. Typically, objects in the image that look lighter are warmer and those that look darker are cooler. Bright white objects are the warmest in the images. Black objects are the coolest. Any object with a temperature above absolute zero (0 Kelvin or -273 degrees Celsius) emits infrared radiation. An infrared picture only shows objects which emit infrared wavelengths in the 3000 – 5000 nanometer range. Objects in visible light wavelengths of 400 to 700 nanometers are detected, but only because they also emit heat. An example of this would be a warm streetlight that can be seen in the IR imagery, not because it emits light...but heat. We record infrared imagery on a computer hard drive and may later copy it to create digital image files and other media. These images may then be modified in a number of ways to enhance their value to the end-user, such as creating false-color images, stitching them together and/or creating mosaic images.

Liquid Leaks and Waterways Systems

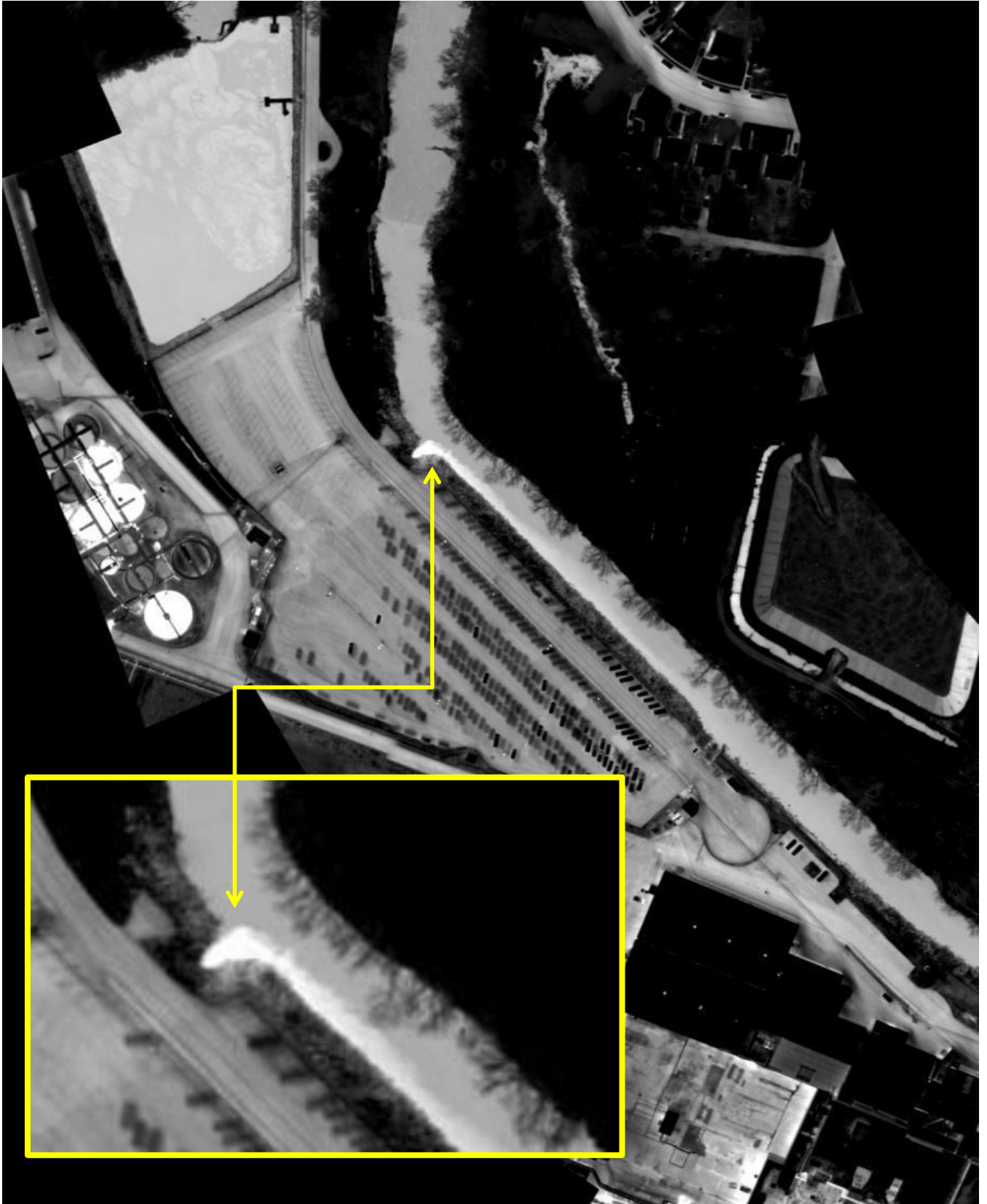
Leaking sewage collector lines, storm water drain discharges and illegal taps into storm water drainage lines can often be identified by their thermal infrared signatures during certain times of the year. As these sources of leak, seep or empty into creeks, streams, rivers and lakes, their thermal signatures vary from their surroundings and they can be pinpointed accurately from the air. Any given area of any waterway will exhibit near homogenous temperature pattern except for areas where another liquid has joined the flow. This flow of liquid typically appears as a different temperature as compared to the surface water in waterways. Leaks sometimes come to the surface through lateral transfer or down a slope leading to the surface of the water. So, these leak areas and the plume of liquid joining and flowing downstream are visible in the thermal infrared spectrum due to the difference in temperature (ΔT) of the two liquids. Late fall, winter and early spring are well-suited for this type of survey because the interference to view by foliage is minimized.

Groundwater and Liquids

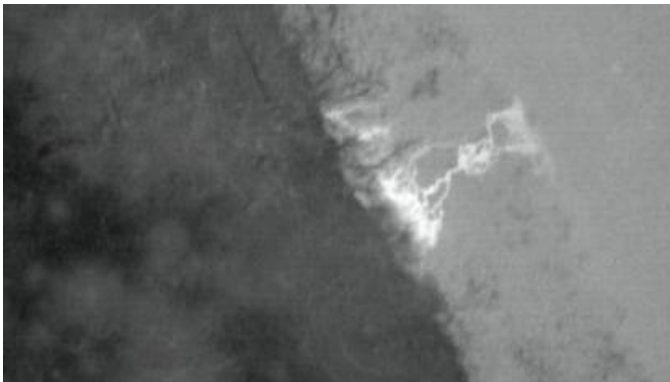
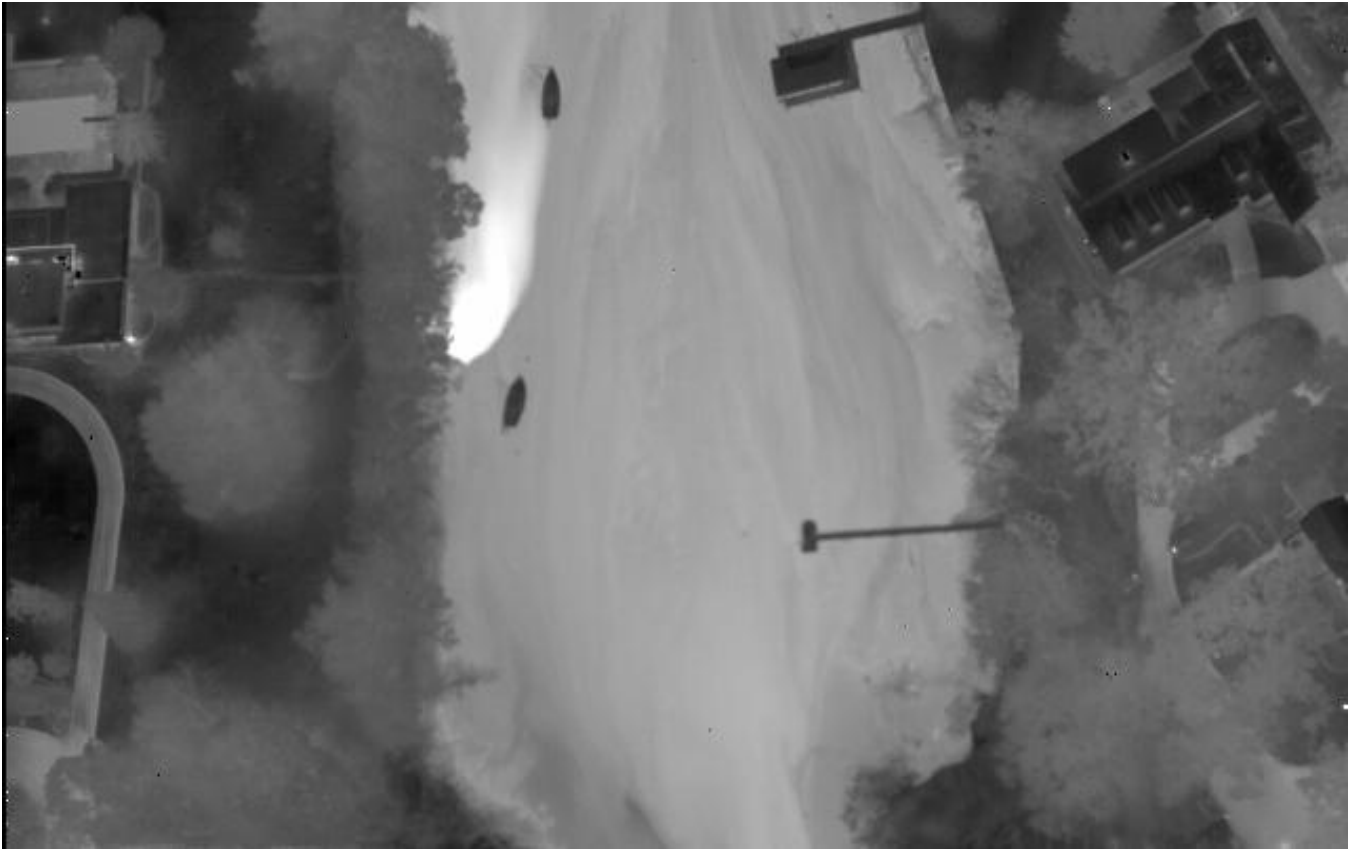
The surface impact of groundwater and springs are also visible in the thermal infrared spectrum due to the differences in temperature between the ground water temperature and the surrounding surface temperature as well. Again, any given area on the ground will exhibit homogenous temperature patterns, except for areas;

- where an object on the ground produces, absorbs and/or reflects heat energy at a different rate from that of the surrounding ground,
- where the ground is wet, disturbed or compacted, or
- where groundwater is coming to the surface and/or flowing over the surface.

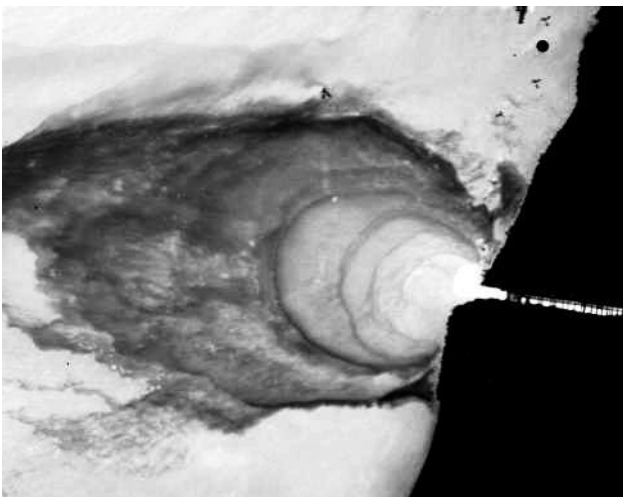
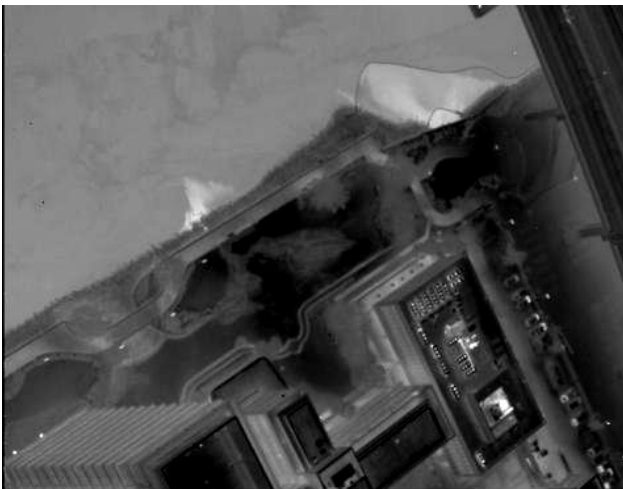
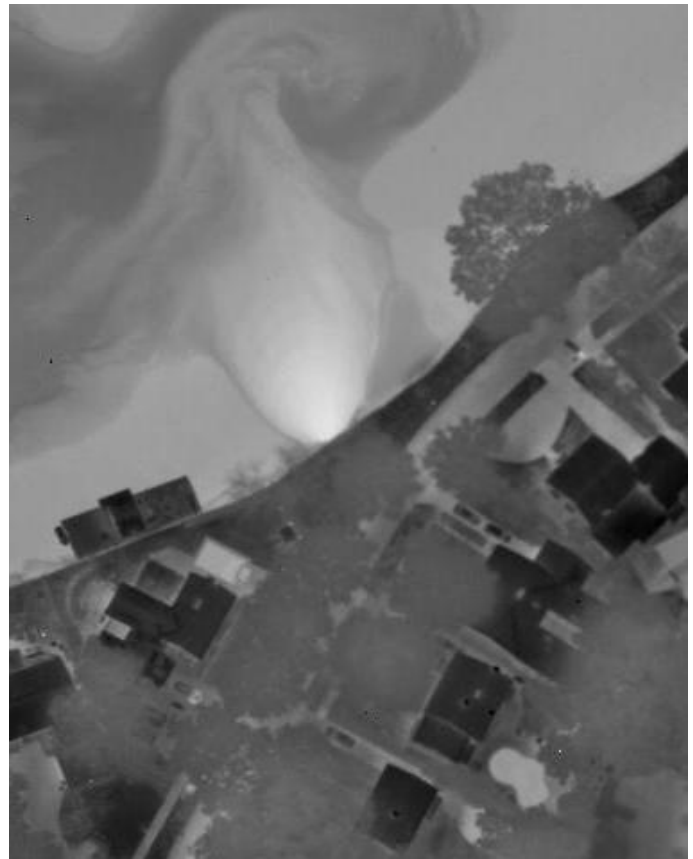
Infrared (IR) Imagery



Infrared (IR) Imagery



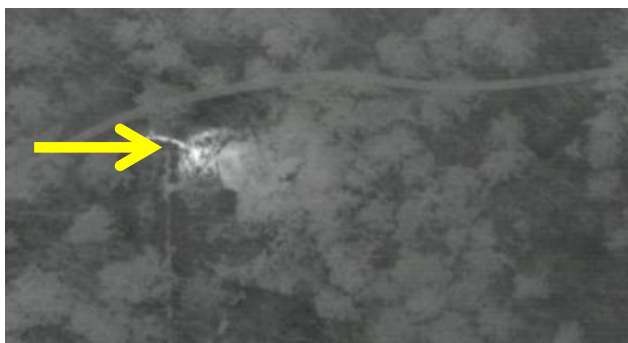
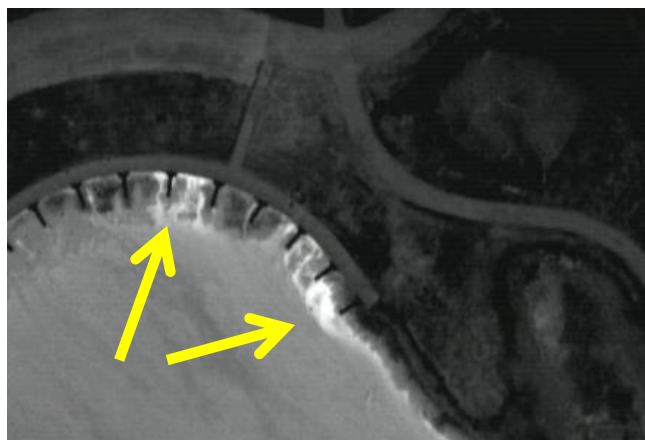
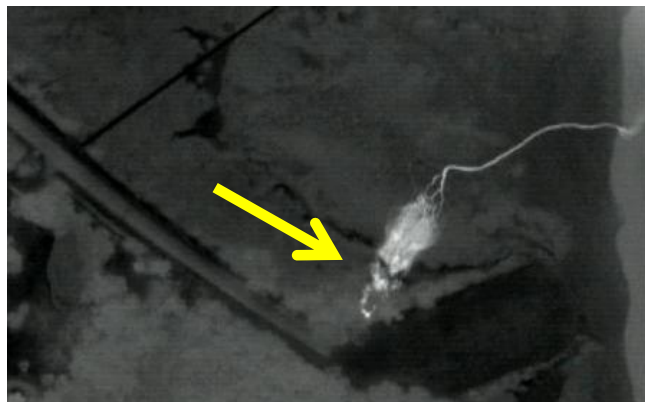
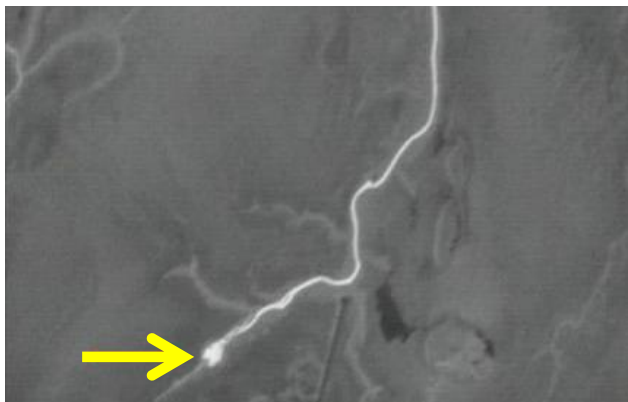
Infrared (IR) Imagery



Infrared (IR) Imagery



Infrared (IR) Imagery



Infrared (IR) Imagery

AITSCAN
Thermal MapIR®

Stockton
Infrared Thermographic Services



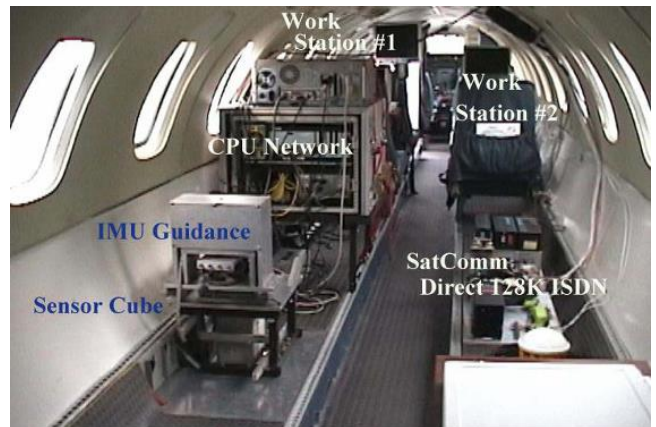
Reference list of clients whose names you will recognize

Abbott Laboratories
Anheuser-Busch
Bank of America
BE Aerospace
Bechtel Nevada
Becton Dickenson
BFI Waste Systems
Black & Decker
Borden Chemical
Bridgestone-Firestone
Brown & Williams Tobacco
Brown University
Burlington Industries
Busch Entertainment
CB Richard Ellis
CIBA Specialty Chemicals
Cisco Systems
ConAgra
Continental General Tire
Defense Information Agency
Defense Logistics Agency
Duke University
ER Squibb & Sons
EMC Corporation
Eveready Battery Company
Fleischmann's Yeast
Ford Motor Company
GAF Materials
Gates Rubber Company
Georgia-Pacific
Glaxo-Smith-Kline
Goodyear Tire Company
Harley-Davidson
Hatteras Yachts
Hilton Hotels
Hoechst Celanese Corporation
Hospital Corporation of America
International Paper
Johnson Controls, Inc.
Kelly-Springfield Tire Company
Kimco Realty

K-mart Corporation
Konica Manufacturing, USA
Liebert Global Systems
Litton Poly-Scientific
Lockheed Martin
Louisiana-Pacific
Lowe's Corporation
Lucent Technologies
MCI WorldCom
Michelin Aircraft Tires
Mount Olive Pickle Company
NASA
Nortel Networks
Oxford Press
Parker Hannifin Powertrain
Perdue Farms
PYA Monarch
Quad Graphics
Sara Lee Corporation
SC Johnson
Sheraton Hotels
Smithfield Foods
Soil and Materials Engineers
Sumitomo Electric Lightwave The
Coca-Cola Company
Townsend Foods
Trammel Crow Company
Trizec Properties
Tyson Foods
United States Postal Service
US Army
US Army Corp of Engineers
US EPA
US Foods
US Navy
Wachovia Bank
Walgreens
Wal-Mart Stores
Tremco Waterproofing Technologies
Wyeth-Lederle Vaccines
ZF Meritor LLC



Six High Resolution Imaging Systems & 120 Infrared Thermographers Serving North America





800-248-SCAN

Since 1989

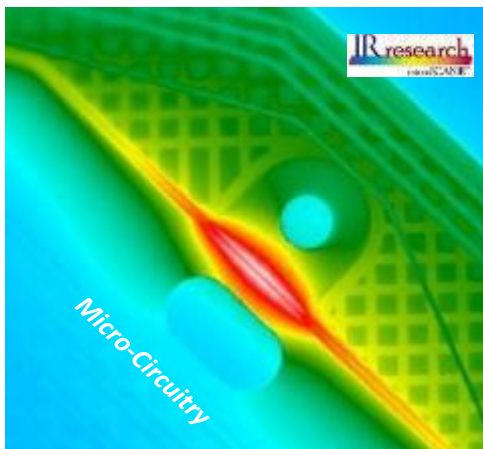


Stockton

Infrared Thermographic Services



CompuSCANIR™
Infrared Thermographic Services



IR research
thermoSCAN

Micro-Circuitry

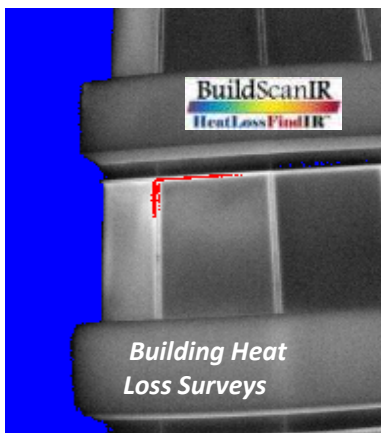


Aerial Infrared Roof Moisture
Surveys

AITSCAN
Thermal Mapping
Roof Moisture FindIR™

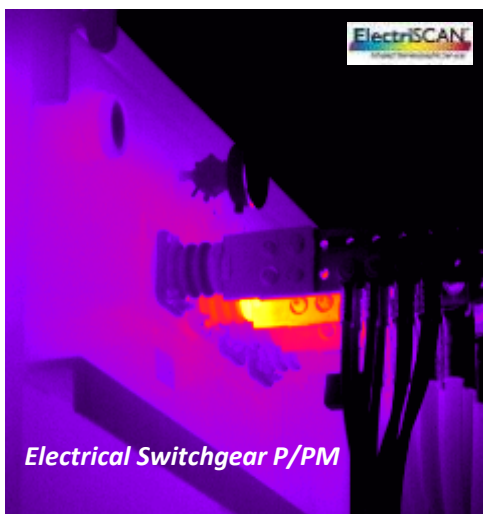


Wide Area Thermal
Mapping



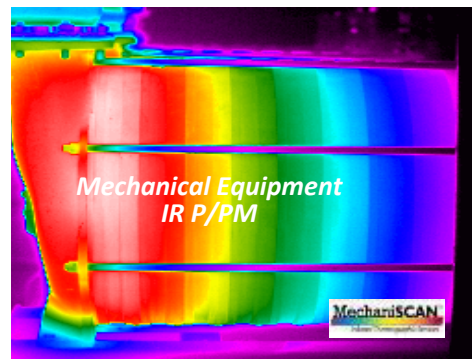
BuildScanIR
Heat Loss FindIR™

Building Heat
Loss Surveys



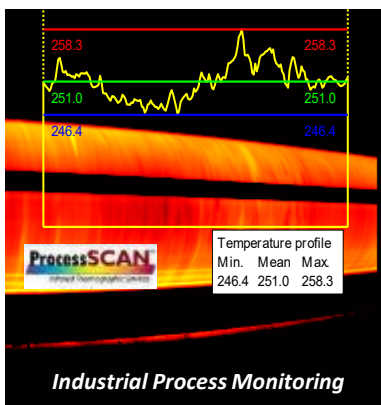
ElectriSCAN
Infrared Thermographic Services

Electrical Switchgear P/PM



Mechanical Equipment
IR P/PM

MechanISCAN
Infrared Thermographic Services

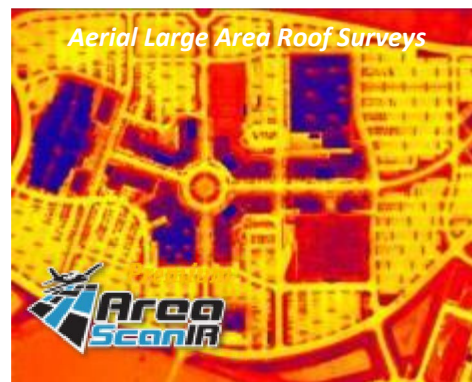


ProcessSCAN
Infrared Thermographic Services

Industrial Process Monitoring



State-of-the-IRt™



Aerial Large Area Roof Surveys

**Area
SCANIR**



the lightbulb

sliced bread

ConnectIR™



Power
Distribution
Systems

UtilitySCANIR



BuildScanIR™



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CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brian Pahle

Department: Admin

Date Submitted: 11/18/2020

Presenter: Brian Pahle

Title of Item: City Employee Compensation

Nature of Item: Council Action

Council Meeting Date: 12/03/2020

Summary of Information/Request:

Item # 9C

In response to the COVID-19 pandemic, the City budgeted for regular employee raises and froze those raises until December 2020. During that time the City Manager will evaluate the local revenue position for the City and determine if pay raises will be instituted for the year.

To-date the City's revenues have performed well and have significantly exceeded budgeted amounts. The City budgeted sales tax to decrease 20% year over year for the fourth quarter of FY20, decrease 10% year over year for the first quarter of FY21, decrease 7% for quarter 2, decrease 3% for quarter 3, and increase 10% for Q4. Actual collections have now come in for April through August, FY20 Q4 finishing up 6% over the prior year. To start FY21, we are up 9% (\$57,227) over last year and 21% (\$122,590) over budget after two months of collections. According to our forecasts the sales tax for FY21 will beat budget by a range of \$395k to \$817k, with an expected average of \$606k. Other beneficial financial factors include property taxes continuing to beat month over year collections, an expected increase in fund balance for FY19-20, and CARES funding, close to \$600k, that is going toward firefighter salaries.

Due to a strong financial position, and continued service excellence and diligence from staff, we recommend that salaries be unfrozen and all permanent staff receive a one-time bonus of \$1,000. This budget impact is estimated to be between \$325k and \$350k. The staff continue to be a high priority of City Council, evidenced by pay, insurance, coverage, and other fringe benefits. We believe that for their hard work through these uncertain and trying times, a one-time bonus and reinstating pay raises is a prudent and financially sound decision.

Suggested Motion(s):

I move to authorize the City Manager to reinstate pay raises and a one-time employee bonus as presented.

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

A budget amendment will be provided at mid-year to move available funds into the appropriate salary and benefit accounts.

Project Number:

N/A

Petition Number:

N/A

Additional Petition Number:

Petitioner Name:

N/A

Attachments:

None.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 11/24/2020

Presenter: John Connet

Title of Item: Funding Request from The Center for the Arts and Entertainment

Nature of Item: Council Action

Council Meeting Date: 12/3/2020

Summary of Information/Request:

Item # 9D

The City has received a funding request from The Center for Arts and Entertainment for \$15,000 to assist with making their downtown theater safe for events. In return, the Center has offered to list the City as a Partnership Patron with special benefits for the 2020-2021 Season.

Suggested Motion(s):

I move that the City Manager execute a special appropriations contract with The Center for Arts and Entertainment for the appropriation of \$15,000 to fund safety improvements at their downtown theater.

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

We will have to prepare a budget amendment to fund this request.

Project Number: Petition Number: Additional Petition Number:

N/A N/A

Petitioner Name:

Attachments: N/A

Funding Proposal
Sponsorship Proposal



The Center for Art & Entertainment proudly serves as the multi-faceted artistic hub of Historic Downtown Hendersonville, North Carolina. The venue serves as the creative performance home in our community for theater, art, and musical performance as well as an affordable location for non-profit based fundraising.

The Center's mission is as simple as it is essential — to bring people together Downtown in pursuit of original expression and celebration of the arts, creating a destination for a local, national and international audience.

Prior to the pandemic, the production schedule of CAE was designed to accomplish two goals:

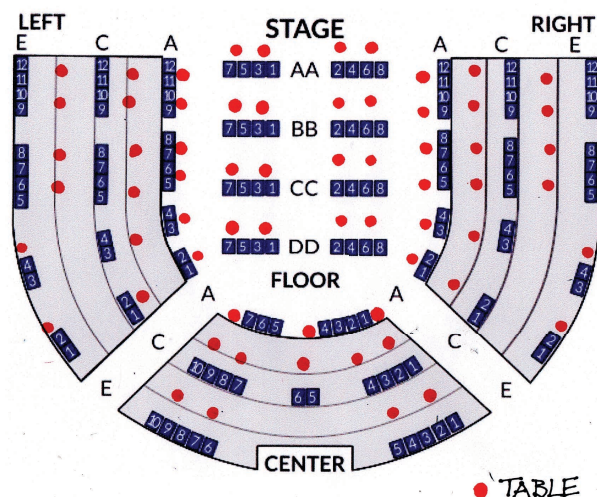
- a. to produce professional theatrical productions and events that would provide entertainment to target Western North Carolina audiences...resident locals, relocated retirees, children/families as well as partner groups as Hispanic (Hola Carolina), African American (Black Business Partners of WNC), LGBTQ and the Arts Council of Henderson County
- b. To provide space and serve as host for local non-profit organizations to use facility as a part of their fundraising and development plans

Due to the flexible seating operation, The Center for Art & Entertainment can open and deliver 130 people to Downtown Hendersonville every time we open our doors. Moreover, the creation of the PERX rewards card, these show attendees are encouraged to shop and dine in Downtown Hendersonville pre-and post-show with incentives provided by partner restaurants and shops at no cost to the partner.

Post-pandemic the two goals are the same within the confines of the State Guidelines for opening as well as the Safety Protocols designed by the management of the facility based on strict guidelines provided by theatrical operators nationwide. CAE is no longer just selling tickets; we are guaranteeing safety which includes:

1. required 6-foot safe distancing for outdoor waiting and seating (see attached)
2. air quality control via professional installation of RGF's HALO-LED™ whole-facility air purification systems
3. pre-entry temperature scanning via contact tracing/recording free standing equipment
4. pre-entry distancing to immediate pre-assigned seating; no lobby "waiting"
5. mask requirements - "no masking" is not an option; ticket buyers are apprised of same prior to ticket purchase. (Masks will be available.)
6. Astreea foot pedal hand sanitizer usage upon entry
7. pre- and post-show lobby, bathroom, dressing room and theatre sanitizing with back pack electro-static spraying and sanitizing equipment
8. restroom attendants to manage single occupant protocol/sanitizing after each use

9. Each sanitized theatre seating area will have a table and refreshment pre-order forms with delivery by gloved, masked server to seated guests; refreshments can be ordered throughout the performances only from service personnel
10. Monitored/distanced departure protocols on completion of the show
11. no cast/audience interaction will be allowed; entertainment will be limited as to number of performers allowed on stage



THE ESTIMATED COSTS OF "SAFE" THEATRE INSTALLATION ARE:

HVAC Virus killing filters (\$11,150.00) for 10 HVAC units
 Staff Masks - 200 (\$80) Gloves (\$40)
 4 Hand sanitizing units and gel (\$4077.00) - Pedal operated/free standing
 48 Face Shields (\$370)
 2 Temperature Scanning kiosks (\$2940) with Contact tracing capabilities
 Pre/Post show Sanitizing Crew (\$1000/month)
 1 hand held temperature Scanner (\$100)
 Additional "Safe" Staffing training - restrooms, wait staff, audience monitor/show - 8
 @\$15/hour/5 hrs = \$600
 3 Electrostatic Sprayers and Foamicide (\$1625)
 Plexiglas Installation Front of House (\$1930)
 10 hand held sprayers/40 towels - (\$110)
 Contract Labor for installation (\$6200)
 Total Expense: \$30,222 to open

NOTE: ON RECEIPT OF "OPENING" BUDGET CAE CAN BE FULLY OPERATIONAL WITHIN 21 DAYS. AVAILABLE SHOWS ARE SCHEDULED AND ARE AWAITING SHOW DATES.



Matching Grant Partner Benefits

FOR





2020 - 21 PARTNERSHIP PROPOSAL

Partnerships are marketing-based and designed:

1. achieve a community-based MISSION STATEMENT to enhance the cultural, economic and artistic wellness of Hendersonville and Henderson County
 2. to demonstrate the commitment of the Partner to the Arts and the Clients it serves
- Partner **Employee Ticket Discount** - Super Group Status for entire 2020 - 21 SEASON which allows **CITY OF HENDERSONVILLE** employees and affiliates to purchase single tickets at a group ticket price. HR Department is provided with communication tools to encourage employees to take advantage of company discount.
 - 10% Savings on all show tickets purchased 21 days prior to show
 - Priority Access to best seats in the house
 - Priority announcement of all new shows, events, theatre specials
 - **Golden Ticket** Promotional Giveaways as employee incentives, Lobby Registration to Win, etc. at no charge
 - **Private Event Facility Rental** - no charge. Includes services of Technical Director for set-up and strike. Additional charges for Sound/Lighting Tech (N/A), Bartender/bar service (\$25) personnel, service/safety personnel/ushers (\$15) are pro-rate at minimum 4 hours.
 - **Co-operative Special Events:** *Coffee with the Mayor; Coffee with the Cops* as discussed

ADDITIONAL MARKETING BENEFITS

- Logo showcased on seasonal printed and advertising marketing materials:
 - Flyers, Posters, Print media (paid)**
 - Direct Mail - (paid) 1000 top income earners in Hendersonville County; new homebuyers list;**
 - Weekly Eblast Newsletter to previous ticket buyers (2500)**
- **Program ad** - Seasonal program to be distributed at all shows - **1/4 PAGE NOTE:** *programs change depending on production allowing SPONSOR to change message*
- **Logo** showcased on CAI ticketing **website with CLICK THRU** to website if applicable
- **Logo** showcased on CAI **MAIN STREET WINDOW Display Billboard**



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 11/25/2020

Presenter: Joseph Knight

Title of Item: Request for Assistance from Hands On Children's Museum

Nature of Item: Council Action

Council Meeting Date: 12/3/2020

Summary of Information/Request:

Item # 9E

HandsOn Children's Museum is requesting that the City of Hendersonville consider assisting them to purchase a portion of the former Rosdon Mall. Executive Director Joseph Knight will present their request for assistance.

Budget Impact: \$ 1,000,000 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 of Hendersonville _____ in order to assist HandsOn Children's Museum.

Attachments:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Angela Reece

Department: Admin

Date Submitted: 11/18/2020

Presenter: John Connet, City Manager

Title of Item: Boards and Commissions Appointments

Nature of Item: Council Action

Council Meeting Date: 12/03/2020

Summary of Information/Request:

Item # 10 A-I

The City Clerk has prepared information outlining vacancies for each Board, Commission, and Committee to include applications for consideration of appointment or re-appointment.

- A. Board of Adjustment
- B. Downtown Mainstreet Advisory Committee
- C. Historic Preservation Commission
- D. Planning Board
- E. Seventh Avenue Advisory Committee
- F. Tree Board
- G. Walk of Fame Steering Committee
- H. Water/Sewer Advisory Council
- I. FBRMPO TCC

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:

Motions are outlined in the Council Information Sheet

Attachments:

Information Sheet & Applications to be provided to City Council.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brian Pahle

Department: Admin

Date Submitted: 11/25/2020

Presenter: John Buchanan, Finance Director

Title of Item: FY20 Audit Update

Nature of Item: Presentation Only

Council Meeting Date: 12/3/2020

Summary of Information/Request:

Item # 12A

The Finance Director will provide an update on the City's FY20 audit.

Suggested Motion(s):

None.

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:

None.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet, City Manager

Department: Admin

Date Submitted: 11/23/2020

Presenter: John Connet, City Manager

Title of Item: Closed Session as permitted in NC General Statute § 143-318.11(a)(1)(3) and (5)

Nature of Item: Council Action

Council Meeting Date: December 3, 2020

Summary of Information/Request:

Item # 13

City staff is requesting a closed session as permitted in NC General Statute § 143-318.11(a)

- (1) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes; and
- (3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body; and
- (5) 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 items of a contract for the acquisition of real property by purchase, option, exchange or lease and the amount of compensation and other material consideration of an employment contract.

Suggested Motion(s):

I move that the City Council enter into closed session pursuant to NC General Statute § 143-318.11(a)

- (1) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes; and
- (3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body; and
- (5) 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 items of a contract for the acquisition of real property by purchase, option, exchange or lease and the amount of compensation and other material consideration of an employment contract.

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: