

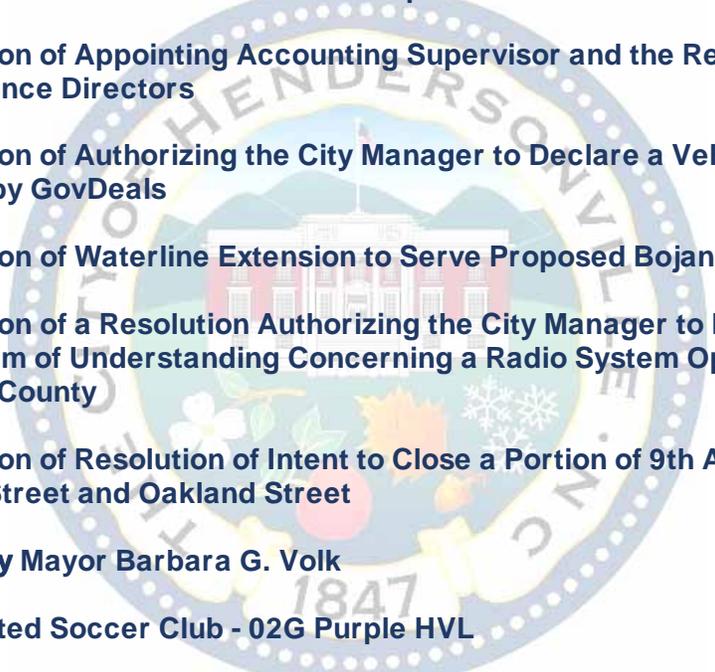
AGENDA

CITY OF HENDERSONVILLE CITY COUNCIL – REGULAR MEETING

JANUARY 5, 2017 – 5:45 P.M.

ASSEMBLY ROOM – OPERATIONS CENTER

1. **Call to Order**
2. **Invocation and Pledge of Allegiance**
3. **Public Comment Time:** *Up to 15 minutes is reserved for comments from the public for items not listed on the agenda*
4. **Consideration of Agenda**
5. **Consideration of Consent Agenda:** *These items are considered routine, noncontroversial in nature and are considered and approved by a single motion and vote.*
 - A. **Consideration of Minutes:** December 1, 2016 Regular Meeting
 - B. **Consideration of Budget Amendments**
 - 1) **Etowah Sewer Purchase, Fund 60 Increase \$1,030,000**
 - 2) **Governor's Crime Commission Grant, Fund 325 Increase \$38,955**
 - 3) **Wastewater AIA, Fund 460 Increase \$129,500, Fund 60 Increase \$129,500**
 - 4) **Glenbrook Change Order, Fund 440 Increase \$199,614**
 - 5) **N. Oak St., Fund 435 Increase \$22,000, Fund 10 Increase \$7,875, Fund 60 Increase \$14,125**
 - 6) **Main St. MSD Fund Revenues, Fund 20 Increase \$28,790**
 - 7) **Needy Persons "Shop with a Hero", Fund 130 Increase \$6,783**
 - 8) **PD Bulletproof Vests, Fund 10 Increase \$3,600**
 - 9) **Insurance Reimbursements, Fund 10 Increase \$9,906, Fund 60 Increase \$15,321**
 - 10) **Turkey Trot Event, Fund 80 Increase 2,785**
 - 11) **SCADA/Rutledge Rd. Projects, Fund 410 Increase \$793,000, Fund 420 Increase \$445,800**

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- C. Consideration of an Ordinance Amending Section 18-11 of the Code of Ordinances Respecting the Placement of Temporary Markers at Grave Sites and Removing Height Restrictions of Monuments
 - D. Consideration of Amendment to the Fee Schedule - Fire Inspection Fees Pertaining to Apartment Complexes and to Reinstate Certain Fees as Authorized by North Carolina General Statutes
 - E. Consideration of an Ordinance Repealing Article II of Chapter 32 of the Code of Ordinances Relating to Excessive False Alarms and to Reinstate
 - F. Consideration of a Resolution Accepting a Grant from the Governor's Crime Commission
 - G. Consideration of Special Event Permit for Apple Country Cider Jam
 - H. Consideration of Revisions of Job Descriptions for Customer Service Positions
 - I. Consideration of Appointing Accounting Supervisor and the Revenue Supervisor as Deputy Finance Directors
 - J. Consideration of Authorizing the City Manager to Declare a Vehicle Surplus and to Dispose of by GovDeals
 - K. Consideration of Waterline Extension to Serve Proposed Bojangles in Mills River
 - L. Consideration of a Resolution Authorizing the City Manager to Execute a Memorandum of Understanding Concerning a Radio System Operated with Henderson County
 - M. Consideration of Resolution of Intent to Close a Portion of 9th Avenue West between N. Church Street and Oakland Street
6. **Recognitions by Mayor Barbara G. Volk**
- a. Furman United Soccer Club - 02G Purple HVL
 - b. Government Finance Officers Association Distinguished Budget Presentation Award
 - c. City of Hendersonville's 170th "Birthday"
7. **Quasi-Judicial Public Hearing – Consideration of an Application from Housing Assistance Corporation for the Oklawaha Village Located on North Main Street to Amend a Previously-Approved Special Use Permit for a Reduction in the Size of Open Space Resulting from a Donation of 5.67 acres of Land Adjacent to Mud Creek to the City -- *Continued to January 5, 2017 Meeting***
Presenter: Senior Planner David Hazzard
8. **Public Hearing - Consideration of a Request to Close a Portion of Market Street off of White Street -- *Continue to February 2, 2017 Meeting***

9. **Public Hearing – Consideration of an Application from Pace Brothers Construction Co. Inc. Requesting the Rezoning of Parcel #9578-24-7373 Located between Central Street and Edney Street from R-15 Medium Density Residential to C-3 Highway Business --
Continued to January 5, 2017 Meeting
*Presenter: Development Assistance Director Susan Frady***
10. **Public Hearing - Consideration of a Request to Close an Unnamed and Unopened Alleyway which runs from North Main Street to Algeria Street
*Presenter: Development Assistance Director Susan Frady***
11. **Public Hearing - Consideration of a Request from the Housing Assistance Corporation to Close an Unnamed and Unopened Right-of-Way which runs from North Main Street Southward
*Presenter: Development Assistance Director Susan Frady***
12. **Public Hearing – Consideration of an Amendment to Zoning Ordinance Section 6-5-2.5 to Extend Off-Street Parking Requirements Exemption in the Seventh Avenue Municipal Services District to Encourage the Redevelopment and Revitalization of the Area --
Continued to January 5, 2017 Meeting
*Presenter: Development Assistance Director Susan Frady***
13. **Presentation of Audit
*Presenter: David Phillips, CPA, Partner with Greene, Finney & Horton, LLP***
14. **Consideration of Amendments to the Leak Adjustment Policy
*Presenter: Finance Director Lisa White***
15. **Consideration of Placing Certain Traffic Signals to Flash after 11:00 p.m.
*Presenter: City Manager John Connet***
16. **Comments from Mayor and City Council Members**
17. **Reports from Staff**
 - A. Report on Contingencies
 - B. Reminder of Special Meeting on January 9, 2017, 6:00 p.m., at the Operations Center, with the Seventh Avenue Advisory Committee to Discuss Urban Redevelopment Areas
 - C. Reminder of Change in February’s Council Meeting: February 9 instead of February 2
18. **Boards and Commissions: Consideration of (Re)Appointments, Announcement of Upcoming Vacancies
*Presenter: City Clerk Tammie Drake***
19. **New Business**
20. **Closed Session pursuant to NCGS143-318.11(a) (5) to instruct staff concerning the position to be taken on behalf of the City Council in negotiating the price for acquisition of real property by purchase or option**
21. **Adjourn**



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brian Pahle

Department: Admin

Date Submitted: 12/19/16

Presenter: Brian Pahle

Date of Council Meeting to consider this item: 01/05/17

Nature of Item: Council Action

Summary of Information/Request:

Item # 05b

Budget Amendments 11

- 1) Etowah Sewer Purchase | Fund 60 Increase \$1,030,000
- 2) Governor's Crime Commission Grant | Fund 325 Increase \$38,955
- 3) Wastewater AIA | Fund 460 Increase \$129,500 | Fund 60 Increase \$129,500
- 4) Glenbrook Change Order | Fund 440 Increase \$199,614
- 5) N. Oak St. | Fund 435 Increase \$22,000 | Fund 10 Increase \$7,875 | Fund 60 Increase \$14,125
- 6) Main St. MSD Fund Revenues | Fund 20 Increase \$28,790
- 7) Needy Persons "Shop with a Hero" | Fund 130 Increase \$6,783
- 8) PD Bulletproof Vests | Fund 10 Increase \$3,600
- 9) Insurance Reimbursements | Fund 10 Increase \$9,906 | Fund 60 Increase \$15,321
- 10) Turkey Trot Event | Fund 80 Increase 2,785
- 11) SCADA/Rutledge Rd. Projects | Fund 410 Increase \$793,000 | Fund 420 Increase \$445,800

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

Fund Increases/Decreases described above...

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

I move to approve the budget amendments as presented.

Attachments:

See below...

BUDGET AMENDMENT

FUND: 60

ACCOUNT NUMBER			INCREASE	DECREASE
ORG	OBJECT	DESCRIPTION OF ACCOUNT		
600090	499200	Fund Balance Appropriation	1,030,000.00	-
607136	557000	Land/ROW/Land Improvement	1,030,000.00	-
		TOTAL REVENUES	(0)(0)(0)(0)(0)	
		TOTAL EXPENDITURES	(0)(0)(0)(0)(0)	

An amendment to provide funds for the purchase (and associated administrative costs) of the Etowah Sewer System.


 CITY MANAGER

Date: 12-19-16

APPROVED BY CITY COUNCIL: _____ DATE: 1/5/2017

BUDGET AMENDMENT

FUND: 325

ACCOUNT NUMBER			INCREASE	DECREASE
ORG	OBJECT	DESCRIPTION OF ACCOUNT		
3250000	434991	Grant Revenue	38,955.00	-
3250000	539400	Travel	32,235.00	-
3250000	553000	Non-Capital Equipment	6,720.00	-
TOTAL REVENUES			38,955.00	-
TOTAL EXPENDITURES			38,955.00	-

An amendment establishing a fund for the Governor's Crime Commission Grant awarded to the City of Hendersonville for \$38,955 with no required match.


 CITY MANAGER

Date: 12-19-16

APPROVED BY CITY COUNCIL:

DATE: 1/5/2017

BUDGET AMENDMENT

FUND: 60, 460

ACCOUNT NUMBER			INCREASE	DECREASE
ORG	OBJECT	DESCRIPTION OF ACCOUNT		
4600000	998060	Transfer in from WS	129,500.00	-
4600000	519000	Professional Services	129,500.00	-
FUND 460			TOTAL REVENUES	-
			TOTAL EXPENDITURES	-
609900	999460	Transfer to AIA	129,500.00	-
600090	499200	Fund Balance Appropriated	129,500.00	-
FUND 60			TOTAL REVENUES	-
			TOTAL EXPENDITURES	-

An amendment to provide funding for the full scope of the AIA wastewater master plan presented in this agenda item.



 CITY MANAGER

Date: 12-19-16

APPROVED BY CITY COUNCIL: _____ DATE: 1/5/2017

BUDGET AMENDMENT

FUND: 60, 440

ACCOUNT NUMBER			INCREASE	DECREASE
ORG	OBJECT	DESCRIPTION OF ACCOUNT		
4400000	559700	Capital Outlay - Line Upgrade	199,614.00	-
4400000	998060	Transfer in from WS	199,614.00	-
FUND 440			TOTAL REVENUES	-
			TOTAL EXPENDITURES	-
607127	535250	R&M Lines	-	199,614.00
609900	999440	Transfer to Glenbrook Sewer	199,614.00	-
FUND 60			TOTAL REVENUES	-
			TOTAL EXPENDITURES	199,614.00

An amendment to cover costs associated with a change order for the Glenbrook Sewer Project. The change order will be funded with existing repair and maintenance budget from Fund 60. Fund 440's budget will increase by \$199,614. The purpose of the change order is for the inclusion of sidewalk along Blythe Street between 4th Ave. and 5th Ave. (part of the City's sidewalk plan) as well as the associated pavement replacement prompted staff to investigate the condition of the existing infrastructure in the area. In doing so, the existing 8" clay sewer line was found to be extremely worn, including: cracks in the piping, root penetrations, and broken joints. The water line was cast iron, lead joint pipe, installed in the 1920's. Due to the findings of this investigation, staff felt it best to replace the remaining water and sewer lines in this area.



 CITY MANAGER

Date: 12-19-14

APPROVED BY CITY COUNCIL: _____ DATE: 1/5/2017

BUDGET AMENDMENT

FUND: 10 60, 435

ACCOUNT NUMBER		DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
ORG	OBJECT			
609900	999435	Transfer to N. Oak St.	7,875.00	-
600090	499200	Fund Balance Appropriation	7,875.00	-
FUND 60		TOTAL REVENUES	7,875.00	-
		TOTAL EXPENDITURES	7,875.00	-
109900	999435	Transfer to N. Oak St.	14,125.00	-
100090	499200	Fund Balance Appropriation	14,125.00	-
FUND 10		TOTAL REVENUES	14,125.00	-
		TOTAL EXPENDITURES	14,125.00	-
4350000	998010	Transfer in from GF	14,125.00	-
4350000	998060	Transfer in from WS	7,875.00	-
4350000	559900	Capital Outlay - Other Improvements	22,000.00	-
FUND 435		TOTAL REVENUES	22,000.00	-
		TOTAL EXPENDITURES	22,000.00	-

The N. Oak St. widening project will need its budget increased by approximately \$22,000. This is due to the additional survey and design work performed on the site. This work is not associated with the "not to exceed" contract with the County.



 CITY MANAGER

Date: 12-19-16

APPROVED BY CITY COUNCIL: _____ DATE: 1/5/2017

BUDGET AMENDMENT

FUND: 20

ACCOUNT NUMBER			INCREASE	DECREASE
ORG	OBJECT	DESCRIPTION OF ACCOUNT		
204750	529900	Supplies & Materials	20,098.00	-
200040	477060	Contribution from TDA	20,098.00	-
209910	599100	Contingencies	8,692.00	-
204755	443215	Bearfootin' Bear Sales	8,692.00	-
TOTAL REVENUES			28,790.00	-
TOTAL EXPENDITURES			28,790.00	-

An amendment to the Main Street MSD Fund to increase the total budget as a result of new/unexpected revenues. First, the Bearfootin' event revenue came in \$8,692 higher than budgeted. Contingencies will be increased to match this increase in revenues. Second, the TDA has awarded a Product Development Grant to the district for enhanced holiday lighting. The grant is for up to \$20,000 with a \$5,000 match from the Main St. Fund. The total cost of the lights were \$20,098 so, the total contribution from the TDA will be \$15,098.



 CITY MANAGER

Date: 12-19-16

APPROVED BY CITY COUNCIL: _____ DATE: 1/5/2017

BUDGET AMENDMENT

FUND:

ACCOUNT NUMBER		DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
ORG	OBJECT			
1300000	498207	Donations/Contributions	6,783.00	-
1300000	529900	Supplies and Materials	6,783.00	-
FUND 130		TOTAL REVENUES	6,783.00	-
		TOTAL EXPENDITURES	6,783.00	-

An amendment to increase the Needy Persons Fund for donations received for the Shop with a Hero event.



 CITY MANAGER

Date: 12-19-16

APPROVED BY CITY COUNCIL: _____ DATE:

BUDGET AMENDMENT

FUND:

ACCOUNT NUMBER		DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
ORG	OBJECT			
100080	498207	Donations/Contributions	3,600.00	-
104310	521200	Uniforms	3,600.00	-
FUND 10		TOTAL REVENUES	3,600.00	-
		TOTAL EXPENDITURES	3,600.00	-

An amendment to increase the Police Department's budget for a donation received to purchase bulletproof vests.


 CITY MANAGER

Date: 12-19-14

APPROVED BY CITY COUNCIL: _____ DATE:

BUDGET AMENDMENT

FUND: 10, 60

ACCOUNT NUMBER		DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
ORG	OBJECT			
100090	444000	Insurance Settlements	9,906.00	-
109910	599100	Contingencies	9,906.00	-
FUND 10		TOTAL REVENUES	9,906.00	-
		TOTAL EXPENDITURES	9,906.00	-
600090	444000	Insurance Settlements	15,321.00	-
609910	599100	Contingencies	15,321.00	-
FUND 60		TOTAL REVENUES	15,321.00	-
		TOTAL EXPENDITURES	15,321.00	-

An amendment to increase the General Fund and Water & Sewer Fund budgets for proceeds received from insurance reimbursements. It is standard practice for a fund to utilize its contingencies budget to pay for the cost or damages and then be reimbursed later when the insurance reimbursement is received.


 CITY MANAGER

Date: 12-19-14

APPROVED BY CITY COUNCIL:

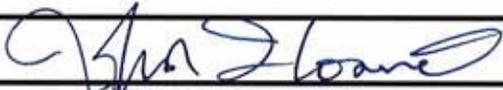
DATE: 1/5/2017

BUDGET AMENDMENT

FUND: 410, 420

ACCOUNT NUMBER		DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
ORG	OBJECT			
4100000	998060	Transfer in from W&S	793,000.00	-
4100000	559850	Construction Contract	793,000.00	-
FUND 410		TOTAL REVENUES	793,000.00	-
		TOTAL EXPENDITURES	793,000.00	-
4200000	998060	Transfer in from W&S	445,800.00	-
4200000	559850	Construction Contract	445,800.00	-
FUND 420		TOTAL REVENUES	445,800.00	-
		TOTAL EXPENDITURES	445,800.00	-

An amendment to increase the budget in two capital project ordinances for transfers they will receive from the Water & Sewer Fund in FY16-17 (this year). The Water & Sewer Fund has already budgeted these transfers. This amendment is just to increase the budget in the capital project ordinances so they reflect the transfer they were budgeted to receive.



 CITY MANAGER

Date: 12-19-16

APPROVED BY CITY COUNCIL:

DATE: 1/5/2017



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Sam Fritschner

Department: Legal

Date Submitted: 5 December 2016

Presenter: Tom Wooten

Date of Council Meeting to consider this item: 5 January 2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 05c

The public works department believes that in the interest of identifying new interments in the cemetery it is important to mark fresh graves upon the interment.

In addition, at the request of a Council member, staff has reviewed the maximum monument height provision of four feet and can determine no reason for it, other than the possible requirement of a proper base to support the monument's height. Since that requirement is provided for elsewhere, staff has suggested that the height limit is unnecessary.

The attached proposed amended ordinance requires the person arranging for the interment to place a marker upon the grave within 24 hours after interment and eliminates the four foot height limit.

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

I move the Council to adopt the ordinance amending City Code section 18-11.

Attachments:

Proposed amended ordinance

AN ORDINANCE AMENDING SECTION 18-11 OF THE CODE OF ORDINANCES RESPECTING THE PLACEMENT OF TEMPORARY MARKERS AT GRAVE SITES AND REMOVING HEIGHT RESTRICTIONS OF MONUMENTS

WHEREAS, the City of Hendersonville operates a municipal cemetery for the welfare and convenience of the public, and

WHEREAS, the City deems it important to assure that new graves in its cemetery be properly designated, be it ordained by the City Council of the City of Hendersonville:

SECTION 1. Section 18-11 of the Hendersonville Code of Ordinances is hereby amended to read as follows:

Sec. 18-11. - Interment of human remains.

(a) No person shall inter a human corpse or the remains remaining from the cremation of a human corpse at any place or location within the city limits other than in a recognized and established cemetery or other area regularly dedicated for this purpose. No interment shall occur in the city cemetery unless the city public works director or his designee shall have been notified of the interment at least 48 hours earlier.

(b) No person shall cause to be built, installed or created any aboveground curbing, borders or fencing around any plot or grave, or multiple grave sites.

(c) No headstones, level stones or any other type of grave marker shall be wider than the width of two adjacent grave sites, or spaces, ~~and shall not have a height, measured from ground level, more than four feet high.~~

(d) All interment shall be accomplished with the use of an approved container, and there shall be only one interment on each grave site, provided that more than one cremated remains may be placed in a grave space, or site, upon the granting of permission for such second, or more, interment by the city official in charge of the cemetery is first obtained.

(e) After interment is completed, the top of any concrete box or vault used in such interment shall not be less than 24 inches below the ground level, and such concrete box or vault shall be covered with 24 inches of compacted soil.

(f) Prices, fees, charges and assessments representing the purchase price of burial rights in any cemetery lot or grave site, the opening and closing of graves, interment fees and any other services rendered by the city incidental to, or relative to, the use of the cemetery shall be determined by resolution of the city council, and a fee schedule listing the amount and nature of such fees shall be filed in the office of the city clerk.

(g) Within 24 hours after interment in a cemetery operated by the City the funeral director or other person arranging the interment shall cause to be placed at an appropriate place on the interment site a temporary marker designating at least the identity of the person interred. The marker shall remain for six months or until placement of a permanent identifying monument or other identifier, whichever is earlier. The temporary marker may be removed at the discretion of the public works department not earlier than six months after interment.

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

validity of the remaining provisions of this ordinance.

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

Adopted this fifth day of January 2017.

Barbara G. Volk, Mayor

Attest:

Tammie K. Drake, MMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

P:\presentations\17-01-05 CC Meeting\Tammie\Cemetery temporary marker ordinance amendment.wpd



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brian Pahle

Department: Admin

Date Submitted: 12/06/16

Presenter: Brian Pahle

Date of Council Meeting to consider this item: 01/05/16

Nature of Item: Council Action

Summary of Information/Request:

Item # 05d

Amendment to the City's adopted Fee Schedule for fiscal year 2016-17.

1) Effective January 1, 2017 the City of Hendersonville Fire Department will be conducting annual fire inspections for all qualified businesses and apartment complexes within the City of Hendersonville. These inspections are required according to North Carolina General Statute 160A-411 for the purpose of identifying and eliminating unsafe, unsanitary, or otherwise hazardous or unlawful conditions present within buildings or structures within the City of Hendersonville. The City Council adopted the fire inspection fee schedule on June 2, 2016 but the fee schedule did not include how apartment complexes would be charged. According to the North Carolina Fire Code apartment complexes are considered R-2 occupancies and are defined as residential occupancies containing sleeping units or more than two dwelling units

2) When the General Assembly repealed privilege license taxes the City removed its schedule B privilege taxes from its fee schedule. However, within schedule B, there were another set of licenses that the City has the legal authority to charge. These are beer and wine licenses, carnival permits, and precious metal permits. In counties and municipalities that permit the sale of beer and wine, retailers of such beverages are required to obtain local licenses and pay a tax mandated by statute. These taxes are in addition to the excise taxes imposed by the State, a portion of which is shared on a per-capita basis with the local governments that permit alcohol sales. The City bills and collects these taxes every spring. This agenda item proposes an amendment to the fee schedule to add back in the fee details for beer and wine licenses, carnival permits, and precious metals permits as authorized by state statutes.

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

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

I move to approve the amendments to the fee schedule as presented.

Attachments:

See below...

**CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2016 - 2017**

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK

DESCRIPTION	COST/CHARGE/FEE
ADMINISTRATION	
Application for Certificate of Public Convenience & Necessity (taxicab)	\$60.00
CDs	\$1.00
Copy Charges (per page)	
Black	\$0.15
Color	\$0.25
Special Event Vendors: (per day)	
Food Vendors	\$30.00
Non-Food Vendors	\$15.00

DEVELOPMENT ASSISTANCE	
Administrative Review	No Charge
Annexation Waiver, Voluntary (contiguous or satellite)	\$26.00
Comprehensive Plan (per page)	
Black	\$0.15
Color	\$0.25
Conditional Use	\$200.00
Copy Charges (per page)	
Black	\$0.15
Color	\$0.25
Large Format Copy	\$10.00
Demolition Admin Fee	\$100.00
Floodplain Development Permit	\$300.00
Non-Conforming Use	\$100.00
Nuisance Fee (Admin. Cost Doubles for each Offense within a Year)	Cost + \$100 Admin. Cost
Sign Permits (based on cost of sign)	
Minimum	\$40.00
\$1,000	\$45.00
\$2,000	\$50.00
\$3,000	\$55.00
\$4,000	\$60.00
\$5,000	\$65.00
\$6,000	\$70.00
\$7,000	\$75.00
\$8,000	\$80.00
\$9,000	\$85.00
\$10,000	\$90.00
Over \$10,000	\$40.00 per \$1000 over \$10,000
Site Plan Reviews & Amendments	
Commercial, Industrial or Institutional	
5,000 - 19,999 square feet in floor area	\$300.00
20,000 - 50,000 square feet in floor area	\$450.00
Minor Planned Residential Developments	
3 - 10 dwellings	\$300.00
11 - 50 dwellings	\$450.00
Special Use Reviews & Amendments	\$100/acre (\$500 minimum)

AMENDED 01-05-17



**CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2016 - 2017**

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK

DESCRIPTION	COST/CHARGE/FEE
DEVELOPMENT ASSISTANCE	
Street Closing Petition (\$1000 deposit)	Actual Cost
Subdivision Ordinance (per page)	\$0.15
Subdivision Plats	\$20/lot
Telecommunications Towers, Antennas and Equipment	
Basic Permit (C-3, I-1)	\$450.00
Special Use Permit	\$2500.00 ¹
Temporary Use Permit	\$60.00
Traffic Impact Analysis Study	\$1,000.00
Variance	\$75.00
Zoning Map	\$5.00
Zoning Ordinance (per page)	\$0.15
Zoning Ordinance Map Amendment (Legislative Rezoning)	
Commercial or Industrial	\$275.00
Residential < 3 acres	\$175.00
Residential > 3 acres	\$225.00
Zoning Ordinance Text Amendments	\$175.00
Zoning Permit	\$50.00

¹Applicable only to applications required to meet the additional standards contained in Section 16-4-23.4.

Fees for towers proposed for siting in PCD or PID district are included in the fee for special use review.

FIRE DEPARTMENT	
Operational Permits	
ABC License Fee	\$50.00
Amusement Buildings	\$50.00
Carnival and Fairs	\$50.00
Covered Mall Buildings	\$50.00
Exhibits and trade shows (per event)	\$50.00
Explosives	\$100.00
Fire Hydrants and Valves	\$50.00
Flammable and Combustible Liquids	\$100.00
Fumigation and thermal insecticide fogging	\$100.00
Private Hydrants	\$50.00
Pyrotechnic special effects material	\$100.00
Spraying and Dipping	\$100.00
Temporary membrane structures, tents, and canopies (excludes special events)	\$50.00
Construction Permits	
Automatic fire extinguishing systems	\$100.00
Compressed gas	\$100.00
Fire alarm and detection systems and related equipment	\$100.00
Fire pumps and related equipment	\$100.00
Flammable and Combustible liquids	\$100.00
Hazardous Materials	\$100.00
Industrial Ovens	\$100.00
LP Gas	\$100.00
Private fire hydrant	\$100.00
Spraying and Dipping	\$100.00
Standpipe systems	\$100.00
Temporary membrane structures, tents, canopies (Fee per site) (excludes special events)	\$50.00

AMENDED 01-05-17



**CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2016 - 2017**

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK

DESCRIPTION	COST/CHARGE/FEE
FIRE DEPARTMENT	
Construction Plans Review	
Commercial hood suppression systems	\$100.00
Explosives and fireworks	\$100.00
Petroleum tanks and appurtenances	\$100.00
Sprinkler systems and fire alarm systems:	
1-50,000 square feet	\$50.00
50,001 to 75,000 square feet	\$100.00
75,001 to 100,000 square feet	\$150.00
100,001 to 150,000 square feet	\$200.00
150,001 square feet and over	\$300.00
Work without a permit	\$250.00
Fire Inspection Fees	
Minimum up to 1,000 square feet	\$50.00
1,001 - 5,000 square feet	\$100.00
5,001 - 10,000 square feet	\$150.00
10,001 - 25,000 square feet	\$200.00
25,001 - 50,000 square feet	\$250.00
50,001 - 100,000 square feet	\$300.00
100,001 - 200,000 square feet	\$350.00
Over 200,000 square feet	\$400.00
<u>R-2 Occupancies (Apartment Complexes, etc...)</u>	
<u>1-20 Units</u>	<u>\$50.00</u>
<u>21-50 Units</u>	<u>\$100.00</u>
<u>51-100 Units</u>	<u>\$150.00</u>
<u>101-150 Units</u>	<u>\$200.00</u>
<u>151-200 Units</u>	<u>\$250.00</u>
<u>201-250 Units</u>	<u>\$300.00</u>
<u>251-300 Units</u>	<u>\$350.00</u>
<u>Over 300 Units</u>	<u>\$400.00</u>
Re-inspections	
Re-inspection Fee (Follow-up) per re-inspection	\$100.00
Hazardous Material Response Fees	
Engine Company Response - per engine (per hr.)	\$150.00
Ladder/Truck Response - per ladder/truck (per hr.)	\$200.00
Chief Officer - per officer (per hr.)	\$75.00
Fire Marshal/Deputy Fire Marshal - per person (per hr.)	\$50.00
Materials/Supplies Used	Actual replacement cost
Off Duty/Call Back Personnel	Average hourly rate x 1.5
Site Assessment Fee	\$50.00
FINANCE	
<u>Beer License - On Premises</u>	<u>\$15.00</u>
<u>Beer License - Off Premises</u>	<u>\$5.00</u>
<u>Carnival Permit</u>	<u>\$100/week + \$5 per device</u>
Credit Card Processing Fee (per transaction) for Tax Payments	2.75%
Credit Card Processing Fee (per \$300) for Water & Sewer Bills	\$2.95
Returned item fee	\$25.00
Itinerant Merchant/Peddlers <u>Permit</u>	\$100.00
<u>Wholesale Dealers License - Beer Only</u>	<u>\$37.50</u>
<u>Wholesale Dealers License - Wine Only</u>	<u>\$37.50</u>
<u>Wholesale Dealers License - Beer & Wine</u>	<u>\$62.50</u>
<u>Wine License - On Premises</u>	<u>\$15.00</u>
<u>Wine License - Off Premises</u>	<u>\$10.00</u>

AMENDED 01-05-17



**CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2016 - 2017**

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK

DESCRIPTION	COST/CHARGE/FEE
POLICE	
Fingerprinting	\$10.00
Precious Metals Dealer Background Check	\$75.00
<u>Precious Metals Dealer Permit</u>	<u>\$180.00</u>
<u>Parking Fees, Fines & Penalties:</u>	
All Other Parking Violations C.O. 50	\$25.00
Construction parking permit (per day)	\$5.00
Crosswalk	\$25.00
Fire Lane	\$100.00
Fire Hydrant	\$100.00
Habitual Offender (3 Tickets or more in 30 days)	\$100.00
Handicapped	\$250.00
Limited Zone (Same Block Parking)	\$50.00
Loading Zone/15 minute parking	\$25.00
Monthly Parking Space - G Permit Interior	\$40.00
Monthly Parking Space - G Permit Exterior	\$30.00
Monthly Parking Space - R Permit Interior	\$30.00
Monthly Parking Space - R Permit Exterior	\$20.00
Monthly Parking Space - S Permit Interior	\$20.00
Monthly Parking Space - S Permit Exterior	\$10.00
Overtime/Expired meter	\$25.00
Parking meter (per 1/2 hour)	\$0.50
Penalty after 15 days	\$25.00
Penalty after 30 days additional	\$50.00
Subsequent overtime	\$50 + Doubles each O/T

PUBLIC WORKS	
<u>Boyd Park Mini-Golf Admission</u>	
Adults	\$3.00
Children	\$2.00
<u>Miscellaneous</u>	
Backhoe (per hour)	\$80.00
Building Maintenance Fees (per hour)	\$45.00
Bush Hogs/Tractor Mowing (per hour)	\$80.00
Electrical Usage for Special Events - 20 Amps or Less	\$25/per day
Electrical Usage for Special Events - 21 Amps - 50 Amps	\$50/per day
Electrical Usage for Special Events - over 50 Amps	\$100/per day
Encroachment Permit Fee	\$10.00
Fleet Maintenance Fees (per hour)	\$45.00
Gas Utility Cuts (per 5' X 5' cut)	\$300.00
Water/Flusher Truck (per load)	\$100.00
Water/Sewer Utility Cuts	\$300.00
Weed Eater/Hedge Trimmer (per hour)	\$40.00
<u>Mulch/Composted Leaves</u>	
2.5 CY (small truck or small trailer)	\$10.00
10 CY (single axle dump truck or equivalent)	\$40.00
<i>We will sell to residents, non-residents and businesses. (2.5 CY = one scoop of backhoe loader front bucket.)</i>	
<u>Oakdale Cemetery Lots (per grave space)</u>	
City Resident	\$500.00
Out of City Resident	\$1,000.00

AMENDED 01-05-17



**CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2016 - 2017**

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK

DESCRIPTION	COST/CHARGE/FEE
PUBLIC WORKS	
Operation Center Room Rental Rates	
Large Assembly Room (8 a.m. - 5 p.m.)	\$50.00
Large Assembly Room (5 p.m. - 10 p.m.)	\$25.00
Small Assembly Room (8 a.m. - 5 p.m.)	\$10.00
Small Assembly Room (5 p.m. - 10 p.m.)	\$5.00
Park Usage	
Berkeley Park - Large Pavilion (May through September)	\$50/half day
Berkeley Park - Field Usage for Organized Groups (per player per season)	\$20.00
Patton Park - Small Pavilion	\$25/half day
Patton Park - Large Pavilion (May through September)	\$50/half day
Patton Park - Field Usage for Organized Groups (per player per season)	\$10.00
Patton Pool	
Daily Admittance Fee (adults)	\$5.00
Daily Admittance Fee (children) (3yrs or younger will be free with adult)	\$4.00
Daily Admittance Fee (non-swimmer)	\$2.00
Lap Swim	\$4.00
Punch Pass - Adult - City Resident (15 admissions)	\$38.00
Punch Pass - Adult - Non City Resident (15 admissions)	\$60.00
Punch Pass - Youth - City Resident (15 admissions)	\$30.00
Punch Pass - Youth - Non City Resident (15 admissions)	\$45.00
Season Pass - Family - City Resident	\$150.00
Season Pass - Family - Non City Resident	\$300.00
Season Pass - Individual Adult - City Resident	\$75.00
Season Pass - Individual Adult - Non City Resident	\$150.00
Season Pass - Individual Senior - City Resident	\$60.00
Season Pass - Individual Senior - Non City Resident	\$120.00
Season Pass - Individual Youth - City Resident	\$60.00
Season Pass - Individual Youth - Non City Resident	\$120.00
Sanitation Services	
<i>Commercial Services</i>	
Commercial Recycling Collection (up to four 65 gallon carts emptied once per week)	\$12.00
Commercial Recycling Collection (up to four 65 gallon carts emptied twice per week)	\$22.00
Commercial-Business refuse pickup per can (96-gal)	\$27.50
Commercial-Business refuse pickup per can (96-gal) (Actively Recycles)	\$24.00
<i>Residential Services</i>	
Residential - 96-gal container (non recycler)	\$22.00
Residential - 96-gal container (actively recycles)	\$18.50
Residential - 32-gal container (non recycler)	\$20.00
Residential - 32-gal container (actively recycles)	\$16.25
Small Special load (collected with pickup truck and city staff)	\$50.00
Special Loads (tipping fee added to special fee) (collected with knuckleboom using city staff)	\$150.00
Stolen/Damaged Cart Replacement Fee	\$100.00
Stormwater Services	
Stormwater Monthly Fee	\$2.00
Stormwater Permit Fee	\$500.00

AMENDED 01-05-17



**CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2016 - 2017**

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK

DESCRIPTION	COST/CHARGE/FEE
WATER AND SEWER	
Water Rate Schedule	
Deposits	
Water & Sewer Service Deposit ¹	\$100.00
<i>Inside City Limits</i>	
Residential	
Base Charge per Account	\$5.79 per month
Rate per 1,000 Gallons	
0 - 40,000 gallons	\$2.80 per 1000 gallons
> 40,000 gallons	\$3.08 per 1000 gallons
Commercial/Industrial	
Base Charge per Account	\$5.79 per month
Rate per 1,000 Gallons	
0 - 40,000 gallons	\$2.80 per 1000 gallons
40,000 - 200,000 gallons	\$2.14 per 1000 gallons
> 200,000 gallons	\$2.21 per 1000 gallons
Irrigation	
Base Charge per Account	\$6.26 per month
Rate per 1,000 Gallons	
0 - 40,000 gallons	\$3.08 per 1000 gallons
> 40,000 gallons	\$3.39 per 1000 gallons
<i>Outside City Limits</i>	
Residential	
Base Charge per Account	\$8.42 per month
Rate per 1,000 Gallons	
0 - 40,000 gallons	\$4.35 per 1000 gallons
> 40,000 gallons	\$4.78 per 1000 gallons
Commercial/Industrial	
Base Charge per Account	\$8.42 per month
Rate per 1,000 Gallons	
0 - 40,000 gallons	\$4.35 per 1000 gallons
40,000 - 200,000 gallons	\$3.28 per 1000 gallons
> 200,000 gallons	\$3.12 per 1000 gallons
Municipal	
Base Charge per Account	\$8.42 per month
Rate per 1,000 Gallons	
All Usage	\$2.83 per 1000 gallons
Irrigation	
Base Charge per Account	\$9.17 per month
Rate per 1,000 Gallons	
0 - 40,000 gallons	\$4.78 per 1000 gallons
> 40,000 gallons	\$5.26 per 1000 gallons
Bulk Water Sales	
Base Charge per Account	\$9.17 per month
Rate per 1,000 Gallons	
0 - 40,000 gallons	\$4.78 per 1000 gallons
> 40,000 gallons	\$5.26 per 1000 gallons

¹Service deposits may be refunded, transferred, or credited in accordance with City procedures

AMENDED 01-05-17



CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2016 - 2017

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK

DESCRIPTION	COST/CHARGE/FEE
WATER AND SEWER	
<i>Water Fee Schedule</i>	
Taps & Connections	
Water Tap, 5/8"	\$1,000.00
Water Tap, 1"	\$1,400.00
Water Taps > 1"	Cost plus 10%
Water - Stub Out	\$600.00
Irrigation Tee, 5/8"	\$600.00
Meters	
Turn On/Set Meter During Business Hours	\$40.00
Turn On/Set Meter After Business Hours	\$100.00
Meter Tampering Fee	\$250.00
Test Meter, at customer's request (<1-in.); if meter faulty - No Charge	\$45.00
Test Meter, at customer's request (>1-in.); if meter faulty - No Charge	Cost plus 10%
Engineering Review Fees	
Line Extensions	\$300.00
Pump Stations	\$75.00
Storage Tanks	\$75.00
Miscellaneous Fees	
Credit Card Processing Fee (per \$300)	\$2.95
Administrative Disconnection Fee	\$40.00
Reconnection for Non-Payment - After Business Hours	\$100.00
Reconnection of Service at Main	Cost plus 10%
Replace Removed Meter due to additional usage after non-payment cut-off	
During Business Hours	\$75.00
After Business Hours	\$100.00
Premise Visit	\$40.00
Fire Hydrant Installation	Cost plus 10%
Assist with Fire Hydrant Flow/Pressure Testing Conducted by Others	\$50.00
Illegal Use of Fire Hydrant/Tampering Fee	\$500 + Damages
Drill for Main Tap, Cost/Inch of Diameter	\$150.00
Chemical Analysis of Water	Cost plus 10%
Water Conservation Incentives Program Rebate Schedule	
Clothes Washer (\$75 min; \$150 max) - Limit one per account	15% of purchase price
High-Efficiency Toilet (\$25 min; \$100 max) - Limit 2 per residential account	15% of purchase price
Customer-Side Shut-Off Valve - Limit one per account	\$75.00
Weather-Based Irrigation System Controller - Limit one per account	**50% of purchase price or \$200, whichever is less
<i>Limited number of rebates offered annually.</i>	

AMENDED 01-05-17



CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2016 - 2017

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK

DESCRIPTION	COST/CHARGE/FEE
WATER AND SEWER	
Sewer Rate Schedule	
All Customers - Inside	
Base Charge per Account	\$6.47 per month
Rate per 1,000 Gallons	\$4.46 per 1000-gallons
Sewer Only - Flat Rate	\$29.00 per month
All Customers - Outside	
Base Charge per Account	\$9.50 per month
Rate per 1,000 Gallons	\$6.96 per 1000-gallons
Sewer Only - Flat Rate	\$44.00 per month
Municipal	
Base Charge per Account	\$9.50 per month
Rate per 1,000 Gallons	\$6.63 per 1000-gallons
<i>Note: These sewer rates are not applicable to the Cane Creek Sanitary Sewer District</i>	
Sewer Fee Schedule	
Taps and Connections	
Sewer Taps, 4" gravity sewer tap	\$1,500.00
Fee per 6" gravity sewer tap	\$1,800.00
Fee per 8" gravity sewer tap	\$2,000.00
Surcharges	
BOD (biochemical oxygen demand), per lb. in excess of 250-mg/l	\$0.25
TSR (total suspended residue), per lb. in excess of 250-mg/l	\$0.15
Ammonia nitrogen, per lb. in excess of 30-mg/l	\$1.50
Engineering Review Fees	
Line Extensions	\$300.00
Pump Stations	\$75.00
Miscellaneous Fees	
Premise Visit	\$40.00
Septic Tank Waste Disposal, per 1000-gallons	\$60.00
Septic Tank Waste Disposal Permit	\$75.00
Concrete Core Drill (manhole), Cost/Inch of Diameter	\$100.00
Drill for Main Tap, Cost/Inch of Diameter	\$100.00
Pretreatment Program	Cost of Program Per SIU
Nondischarge Permit Fee	\$300.00
Food Services Sewer Connection Application Fee	\$75.00
Equipment Usage (hourly rates)	
Rubber-Tired Backhoe, Small	\$33.00
Rubber-Tired Backhoe, Large	\$38.00
Mini-Excavator, 8,000-lb	\$18.00
Mini-Excavator, 12,000-lb	\$39.00
Excavator, 30,000-lb	\$65.00
Vac Truck	\$75.00
Dump Truck (single-axle), Small	\$20.00
Dump Truck (single-axle), Large	\$35.00
Dump Truck (triaxle)	\$65.00
Pick-Up Truck	\$14.00
Harben	\$25.00
Camera Truck	\$75.00
Air Compressor	\$20.00
Air Hammer/Pusher	\$0.65
Soil Tamp	\$20.00

AMENDED 01-05-17





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Sam Fritschner

Department: Legal

Date Submitted: 4 November 2016

Presenter: Sam Fritschner

Date of Council Meeting to consider this item: January 5, 2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 05e

Article II of Chapter 32 of the Code of Ordinances establishes a mechanism whereby the City in essence fines business owners for excessive false alarms within a year. Though the idea is sound, administration has in the past proved cumbersome and the ordinance has proved difficult to enforce in court.

In addition, excessive false alarms have not constituted a serious problem to responder departments in recent years.

It is thought by the city manager, the city attorney, and the fire and police departments that if false alarms should become a significant problem at some future point, an improved ordinance may be called for, but that the current unnecessary and unenforceable ordinance currently does more harm than good.

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

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

I move the City Council to adopt the ordinance repealing Article II of Chapter 32 of the Code of Ordinances.

Attachments:

Proposed ordinance.

Ordinance #16-_____

AN ORDINANCE REPEALING ARTICLE II OF CHAPTER 32 OF THE CODE OF ORDINANCES RESPECTING PERMITS FOR EMERGENCY ALARMS

WHEREAS, the Code of Ordinances provides for permits for the use of emergency alarms, and

WHEREAS, in the opinion of the City Council, being advised, the requirement to obtain such permits does not at present contribute significantly to the health, safety and welfare of persons within the City,

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

SECTION 1. Article II of Chapter 32 of the Code of Ordinances entitled "Emergency Alarms" is hereby repealed in its entirety.

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

Adopted this first day of December 2016.

Barbara Volk, Mayor

Attest:

Tammie K. Drake, MMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brian Pahle

Department: Admin

Date Submitted: 12/27/16

Presenter: Brian Pahle

Date of Council Meeting to consider this item: 01/05/17

Nature of Item: Council Action

Summary of Information/Request:

Item # 05f

A resolution and budget amendment accepting the Governor's Crime Commission grant for internet crimes against children (ICAC) investigations. The grant award is for \$38,955 and requires no match from the City.

Budget Impact: \$ 38,955 Is this expenditure approved in the current fiscal year budget? No Yes If no, describe how it will be funded.

This is a grant with no required match by the City. It will be held in a multi-year grant fund.

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

I move to approve the attached resolution.

Attachments:

See below...

RESOLUTION BY THE GOVERNING BODY OF THE CITY OF HENDERSONVILLE

WHEREAS, the City is in receipt of a grant award from the Department of Public Safety Governor's Crime Commission in the amount of \$38,955, and

WHEREAS, the City Manager is the authorizing official for the grant, and

WHEREAS, the grant will assist the City in conducting online internet crimes against children (ICAC) investigations, to identify and apprehend individuals who trade, send, and receive child pornography and videos via the internet, and

WHEREAS, City of Hendersonville detectives conduct reactive investigations, forensic examinations, and assist in criminal prosecutions, and

WHEREAS, the City of Hendersonville intends to act and perform duties in accordance with the awarded grant,

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

That City of Hendersonville does hereby accept the Governor's Crime Commission Grant offer of \$38,955.00.

Adopted this the 1st day of December, 2016 at 145 5th Avenue East, Hendersonville, North Carolina.

Barbara G. Volk, Mayor

Attest:

Tammie K. Drake, City Clerk

11/14/2016 08:38
 849lwhit

 CITY OF HENDERSONVILLE
 REPORT

 P 1
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FOR 2017 13

ORIGINAL APPROP	TRANS/ADJSMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	% USED
<u>325 GOV CRIME COMM CID-ICAC 16-17</u>						
3250000 434991	GRANT REVENUE -DPS					
0.00	0.00	38,955. ⁰⁰	0.00	0.00	0.00	.0%
3250000 539400	TRAVEL					
0.00	0.00	32,235. ⁰⁰	0.00	0.00	0.00	.0%
3250000 539500	TRAINING					
0.00	0.00	0.00	0.00	0.00	0.00	.0%
3250000 553000	NON-CAPITAL EQUIPMENT					
0.00	0.00	6,720. ⁰⁰	0.00	0.00	0.00	.0%
TOTAL GOV CRIME COMM CID-ICAC 16-17						
0.00	0.00	0.00	0.00	0.00	0.00	.0%
GRAND TOTAL						
0.00	0.00	0.00	0.00	0.00	0.00	.0%

** END OF REPORT - Generated by Lisa White **



STATE OF NORTH CAROLINA
 DEPARTMENT OF PUBLIC SAFETY
 GOVERNOR'S CRIME COMMISSION
 1201 Front Street, Suite 200
 Raleigh, NC 27609
 Telephone: (919) 733-4564 Fax: (919) 733-4625
 http://www.ncgccd.org

GRANT AWARD

Applicant: City of Hendersonville
Project Name: Hendersonville Police CID-ICAC
Authorizing Official: John Connet
 City Manager
Implementing Agency: Hendersonville Police Department
Address: 145 5th Ave East
 Hendersonville, North Carolina 28792-4328
Project Director: Mike Vesely
 Lieutenant
Project Number: PROJ012108
Vendor Number: 566001242
Account Manager: Eric Roy

Grant Period: 07/01/2016 - 06/30/2017

Budgets

Period	Personnel	Contractual	Travel	Supplies	Equipment	Total
Year 1	\$0.00	\$0.00	\$32,235.00	\$0.00	\$6,720.00	\$38,955.00
Grant Budget Total						\$38,955.00

Source	State Grant #	CFDA #	% Funding	State Award
2015::HERO/ICAC	State 2015::HERO/ICAC		100%	\$38,955.00

In accordance with the laws and regulations of the United States and the State Of North Carolina, and on the basis of the grantee's application, the Department of Public Safety hereby awards to the foregoing grantee an award in the amount above.

This grant is subject to the conditions listed in the approved grant application as well as all applicable rules, regulations and conditions, as may described by the Department of Public Safety. Special conditions are attached to this award.

This grant shall become effective, as of the start date of the grant period listed, once this original grant award has been properly executed on behalf of the grantee and returned to the Governor's Crime Commission, attention of the Assistant Director. The grant award must be returned within 30 days of the date the award is mailed from the Governor's Crime Commission. No alterations of any kind may be made on this grant award.

Authorizing Official

John Connet
 Signature of Authorizing Official
 Date: 11-01-16

John Connet, City Manager
 Name and Title of Authorizing Official

Governor's Crime Commission

L. David Huffman
 Signature of Director
 Date: 10/24/2016

L. David Huffman, Executive Director
 Name and Title of Director

Project Director

Mike Vesely
 Signature of Project Director
 Date: 11-01-16

Mike Vesely, Lieutenant
 Name and Title of Project Director

This award is subject to the attached conditions, which must be signed by both the authorizing official and the project director, and returned along with this Grant Award. No alterations of any kind may be made on this grant award.

BUDGET AMENDMENT

FUND: 325

ACCOUNT NUMBER			INCREASE	DECREASE
ORG	OBJECT	DESCRIPTION OF ACCOUNT		
3250000	434991	Grant Revenue	38,955.00	-
3250000	539400	Travel	32,235.00	-
3250000	553000	Non-Capital Equipment	6,720.00	-
TOTAL REVENUES			38,955.00	-
TOTAL EXPENDITURES			38,955.00	-

An amendment establishing a fund for the Governor's Crime Commission Grant awarded to the City of Hendersonville for \$38,955 with no required match.


 CITY MANAGER

Date: 12-19-16

APPROVED BY CITY COUNCIL:

DATE: 1/5/2017



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 12.15.16

Presenter: Susan G. Frady

Date of Council Meeting to consider this item: 1.05.17

Nature of Item: Council Action

Summary of Information/Request:

Item # 05g

Apple Country Cider Jam

On December 15, 2016 the Special Events Committee met and reviewed an application from AgriBusiness Henderson County sponsor of the Apple Country Cider Jam to be held on Saturday, April 22, 2017. This is a new event.

Main Street will be blocked from Allen Street to Caswell Street from 9:00 A.M. - 8:00 P.M. This will be a one day ticketed event focusing on the hard ciders being made with North Carolina apples, particularly those sourced in Henderson County. The event will include cideries from all across North Carolina, food and musical performances.

The Special Events Committee recommended unanimously that the City Council issue a special event permit for the Apple Country Cider Jam.

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

I move City Council approve the special event permit for the Apple Country Cider Jam.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Jennifer Harrell

Department: Admin

Date Submitted: 12/27/2016

Presenter: Jennifer Harrell

Date of Council Meeting to consider this item: 01/05/2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 05h

Request is being made to revise the Customer Service Specialist positions into Customer Service Collections Specialists and Customer Service Representatives and to revise the Revenue Accountant position to Senior Customer Service Specialist to emulate what each position encompasses.

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

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

I move to amend the Customer Service Specialist job descriptions and Revenue Account job description as presented.

Attachments:
Job Descriptions.

Customer Service Collections Specialist

Primary Reason Classification Exists

Performs a variety of standardized clerical and public contact work collecting payments for various City fees and services.

Distinguishing Features of the Class

An employee in this class is primarily responsible for collecting various payments and fees using established guidelines and procedures and assisting customers with billing account related issues. Work also involves posting transactions data and verification of accuracy in posted totals. Work involves coordination with other departments within the City and public contact functions which requires considerable tact and courtesy. Employee also performs occasional general office work such as filing, operating copying machines, computer terminals, and answering the telephone. Work is performed according to standard procedures, but the employee is expected to use some initiative and independent judgment in accomplishing assigned objectives. Work is performed under limited supervision of the Revenue Supervisor and is evaluated through observation and review of work completed.

Illustrative Examples of Work

- Serves as cashier/teller and receives various payments from walk in customers.
- Receives telephone calls and assists customers with billing/payment questions and complaints.
- Receives, processes and posts incoming mail payments.
- Processes, posts and verifies accuracy of payments to customer accounts, and general ledger funds and accounts.
- Enters a variety of data into computer; verifies accuracy and completeness of daily payment batches.
- Reconciles cash drawer with receipts and cash reports daily, according to cash security and control procedures.
- Utilizes computerized data entry programs to enter, update, store and/or retrieve information as requested or otherwise necessary. Establishes and maintains a variety of tangible and or electronic files, filing and retrieving information as requested or otherwise necessary. May assist other departments as necessary.
- Processes the computer database posting of various bank and or credit card electronic payment files into the accounting software.
- Performs related duties as required or assigned.

Knowledge, Skills, and Abilities

- Working knowledge of basic office accounting methods and procedures.
- Some knowledge of modern office practices and of forms and machines used in the preparation of office records.
- Ability to use common office machines, including popular computer-driven word processing, database, spreadsheet and file maintenance programs.
- Ability to exercise attention to detail in performing assigned tasks. Ability to maintain effective and accurate files, records and reports.
- Ability to compute figures rapidly and accurately.

- Ability to deal tactfully and courteously with the general public in explaining policies and procedures.
- Ability to establish and maintain effective working relationships as necessitated by work assignments.
- Ability to understand and follow oral and written directions.

Education

Graduation from high school supplemented by some customer service and or banking experience; and/or any equivalent combination of training and experience required to perform the essential position functions.

Technical Requirements

Ability to use the tools and concepts of the specialty area in which the employee works. Includes using appropriate processes, procedures, resources, and work or professional standards.

Additional Requirements

- Ability to work with people, develop and maintain work relationships, communicate, manage conflict, and perform as an effective team member.
- Ability to think, learn and process information. Ability to solve problems and gather necessary information. Includes having math and reading skills appropriate to job level.
- Ability to identify customers, determine the valid needs of a situation, and provide service or service recovery in a manner that satisfies the customer.

Physical Requirements

Ability to perform required assignments with adequate strength, dexterity, coordination and visual acuity (with reasonable accommodation[s] if needed) and in a manner that does not pose a direct threat to the health or safety of the employee or others in the workplace. Vocal communication is required for expressing or exchanging ideas by means of the spoken word. Hearing is required to perceive information at normal spoken word levels.

FLSA Status: Non-Exempt

Disclaimer

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

January 2017

Customer Service Representative

Primary Reason Classification Exists

Performs a variety of intermediate skilled clerical and public contact work establishing and maintaining customer utility accounts.

Distinguishing Features of the Class

An employee in this class is primarily responsible for assisting customers using established guidelines and procedures. Work also involves posting new and maintaining existing customer account data and verification of accuracy in posted items. Work involves coordination with other departments within the City and public contact functions which requires considerable tact and courtesy. Employee also performs occasional general office work such as filing, operating copying machines and computer terminals, and answering the telephone. Work is performed according to standard procedures, but the employee is expected to use some initiative and independent judgment in accomplishing assigned objectives. Work is performed under limited supervision of the Revenue Supervisor and is evaluated through observation and review of work completed.

Illustrative Examples of Work

- Establishes new customer accounts, transfers customer service.
- Receives telephone calls, walk-in and online requests from customers. Assists customers with account maintenance, billing/payment questions, and complaints.
- Receives and processes returned mail.
- Verifies accuracy and completeness of customer account and database.
- Utilizes computerized data entry program to enter, update, store and/or retrieve information as requested or otherwise necessary. Establishes and maintains a variety of electronic and tangible files, filing and retrieving information as requested or otherwise necessary. May assist other departments as necessary.
- Process the posting of various customer requests or work orders into the accounting software.
- Handles a high volume of customer calls regarding all aspects of utility accounts.
- Processes collection of past due accounts.
- Establishment of customer payment plans using sound judgement and review of customer's payment history.
- Verification of all required documents to establish new service or transfer existing service.
- Research and problem solves issues with customer's account with minimal supervision.
- Coordinates customer account processes with other departments and outside organizations in a team environment.
- Performs related duties as required.

Knowledge, Skills and Abilities

- Working knowledge of office accounting methods and procedures.
- Some knowledge of modern office practices and of forms and machines used in the preparation of office records.
- Ability to use common office machines, including popular computer-driven word processing, database, spreadsheet and file maintenance programs.
- Ability to exercise attention to detail in performing assigned tasks. Ability to maintain effective files, records and reports.
- Ability to compute figures rapidly and accurately

- Ability to deal tactfully and courteously with the general public in explaining policies and procedures.
- Ability to establish and maintain effective working relationships as necessitated by work assignments.
- Ability to understand and follow oral and written directions.

Education

Graduation from high school and 2+ years of customer service experience and collections experience; and/or any equivalent combination of training and experience required to perform the essential position functions. Experience in a high-volume customer setting preferred

Technical Requirements

Ability to use the tools and concepts of the specialty area in which the employee works. Includes using appropriate processes, procedures, resources, and work or professional standards.

Additional Requirements

- Ability to work with people, develop and maintain work relationships, communicate, manage conflict, and perform as an effective team member.
- Ability to think, learn and process information. Ability to solve problems and gather necessary information. Includes having math and reading skills appropriate to job level.
- Ability to identify customers, determine the valid needs of a situation, and provide service or service recovery in a manner that satisfies the customer.

Physical Requirements:

Ability to perform required jobs with adequate strength, dexterity, coordination and visual acuity (with reasonable accommodation[s] if needed) and in a manner that does not pose a direct threat to the health or safety of the employee or others in the workplace. Vocal communication is required for expressing or exchanging ideas by means of the spoken word. Hearing is required to perceive information at normal spoken word levels.

FLSA Status: Non-Exempt

Disclaimer

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January 2017

Senior Customer Service Specialist

Primary Reason Classification Exists

Performs a variety of complex administrative work within the customer service department. Requires a high degree of independent judgement and interpretative ability related to technical knowledge of one or more of the following: utility billing, cashiering, customer contact, property tax, general billing, permits or parking tickets. Performs a wide variety of accounts receivable, account maintenance, data entry, billing, and public contact work in support of the customer service division.

Distinguishing Features of the Class

An employee in this class is primarily responsible the administration of complicated customer service related issues, handling complaints, researching problems, making account adjustments or corrections. Work also involves reviewing, approving, and posting of revenue receipts and payment arrangements and maintenance of the customer account database and fee schedules. Employee also performs occasional general office work such as filing, operating copying machines and computer terminals, and answering the telephone. Work involves coordination with other departments within the City and public contact functions which requires considerable tact and courtesy. Work is performed according to standard procedures, but the employee is expected to use some initiative and independent judgment in accomplishing assigned objectives. Work is performed under limited supervision of the Revenue Supervisor and is evaluated through observation and review of work completed.

Illustrative Examples of Work

- Receives, researches, and responds to the more difficult or complex billing or payment inquires and problems.
- Processes or approves billing adjustments for all revenue sources within the City.
- Approves and posts leak adjustments for water and sewer utility accounts.
- Posts daily deposit journals within the accounting system, prepares and files daily deposit information.
- Supports tax collection process, assists taxpayers in office and by telephone, resolves questions, issues and complaints requiring verbal and analytical skills in order to provide accurate information.
- Oversees the daily disbursement of teller cash drawers.
- Oversees the daily balancing of all cash drawers and deposits.
- Utilizes computerized data entry program to enter, update, store and/or retrieve information as requested or otherwise necessary. Establishes and maintains a variety of electronic and tangible files, filing and retrieving information as requested or otherwise necessary.
- Verifies accuracy and completeness of customer account and database.
- Processes the posting of various customer requests or work orders into the accounting software.

- Researches unpaid account balances in preparation of obligations being submitted to Collections Company.
- Establishment of customer payment plans using sound judgement and review of customer's payment history.
- Supports and provides backup as needed to water billing and or collections departments.
- Answers telephone and assists customers.
- Processes and prints general billing invoices and outstanding balance statements.
- Coordinates customer account processes with other departments and outside organizations in a team environment.
- Assists in training of Customer Service staff.
- Research and prepare special reports for management as requested.
- Performs related duties as required.

Knowledge, Skills, and Abilities

- Working knowledge of office accounting methods and procedures.
- Some knowledge of modern office practices and of forms and machines used in the preparation of office records.
- Ability to use common office machines, including popular computer-driven word processing, database, spreadsheet and file maintenance programs.
- Ability to exercise attention to detail in performing assigned tasks. Ability to maintain effective files, records and reports.
- Ability to compute figures rapidly and accurately.
- Ability to deal tactfully and courteously with the general public in explaining policies and procedures.
- Ability to establish and maintain effective working relationships as necessitated by work assignments.
- Ability to understand and follow oral and written directions.
- Thorough knowledge of local policy and state statutes regarding utility billing, collections, rules and regulations, and utility maintenance.
- Ability to plan, organize, and prioritize work to meet changing priorities and deadlines.
- Ability to work independently without close supervision and coordinate the work with others.
- Advanced skills in Microsoft Excel and Microsoft Word.
- Knowledge of internal control and audit principles and practices.
- Adapt to changing technologies and learn functionality of new equipment and systems.
- Work under steady pressure with frequent interruptions and a high degree of public contact by phone, in person, or by email.

Education

Possession of an Associate's Degree from an accredited college or university in Accounting, Finance, Banking, Business, or a closely related field and 2+ years of customer service experience and/or collections experience; and/or any equivalent combination of education and experience required to perform the essential position functions. Experience in a high-volume customer setting preferred.

Technical requirements

Ability to use the tools and concepts of the specialty area in which the employee works. Includes using appropriate processes, procedures, resources, and work or professional standards.

Additional Requirements

- Ability to work with people, develop and maintain work relationships, communicate, manage conflict, and perform as an effective team member.
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FLSA Status: Non-Exempt

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January 2017



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Lisa White

Department: Finance

Date Submitted: 12-20-16

Presenter: Lisa White

Date of Council Meeting to consider this item: 1-05-2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 05i

In order to better comply with State Pre-audit requirements the Finance Director requests that City Council appoint the Accounting Supervisor and the Revenue Supervisor to be named as Deputy Finance Officers for the purposes of pre-audit requirements. This will ensure that the Pre-audit certificate required on all written contracts can be signed by a Finance Officer in all instances including when the Finance Director may be out of the office.

Excerpt from NCGS 159-28:

If an obligation is reduced to a written contract or written agreement requirement the payment of money, or is evidenced by a written purchase order for supplies and materials, the written contract, agreement, or purchase order shall include on its face a certificate stating that the instrument has been preaudited to assure compliance with subsection (a) of this section. The certificate, which shall be signed by the finance officer, or any deputy finance officer approved for this purpose by the governing board, shall take substantially the following form:

"This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Signature Finance Officer
or Deputy Finance Officer

Budget Impact: \$ none Is this expenditure approved in the current fiscal year budget? No Yes If no, describe how it will be funded.

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

I move that the Accounting Supervisor and Revenue Supervisor be named as Deputy Finance Officers for the purposes of compliance with NCGS 159-28.

Attachments:

Excerpt of NCGS 159-28

§ 159-28. Budgetary accounting for appropriations.

(a) Incurring Obligations. – No obligation may be incurred in a program, function, or activity accounted for in a fund included in the budget ordinance unless the budget ordinance includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the transaction for the current fiscal year. No obligation may be incurred for a capital project or a grant project authorized by a project ordinance unless that project ordinance includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay the sums obligated by the transaction. Nothing in this section shall require a contract to be reduced to writing.

(a1) Preaudit Requirement. – If an obligation is reduced to a written contract or written agreement requiring the payment of money, or is evidenced by a written purchase order for supplies and materials, the written contract, agreement, or purchase order shall include on its face a certificate stating that the instrument has been preaudited to assure compliance with subsection (a) of this section. The certificate, which shall be signed by the finance officer, or any deputy finance officer approved for this purpose by the governing board, shall take substantially the following form:

"This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

(Signature of finance officer)."

(a2) Failure to Preaudit. – An obligation incurred in violation of subsection (a) or (a1) of this section is invalid and may not be enforced. The finance officer shall establish procedures to assure compliance with this section, in accordance with any rules adopted by the Local Government Commission.

(b) Disbursements. – When a bill, invoice, or other claim against a local government or public authority is presented, the finance officer shall either approve or disapprove the necessary disbursement. If the claim involves a program, function, or activity accounted for in a fund included in the budget ordinance or a capital project or a grant project authorized by a project ordinance, the finance officer may approve the claim only if both of the following apply:

- (1) The finance officer determines the amount to be payable.
- (2) The budget ordinance or a project ordinance includes an appropriation authorizing the expenditure and either (i) an encumbrance has been previously created for the transaction or (ii) an unencumbered balance remains in the appropriation sufficient to pay the amount to be disbursed.

The finance officer may approve a bill, invoice, or other claim requiring disbursement from an intragovernmental service fund or trust or agency fund not included in the budget ordinance, only if the amount claimed is determined to be payable. A bill, invoice, or other claim may not be paid unless it has been approved by the finance officer or, under subsection (c) of this section, by the governing board. The finance officer shall establish procedures to assure compliance with this subsection, in accordance with any rules adopted by the Local Government Commission.

(c) Governing Board Approval of Bills, Invoices, or Claims. – The governing board may, as permitted by this subsection, approve a bill, invoice, or other claim against the local government or public authority that has been disapproved by the finance officer. The governing board may not approve a claim for which no appropriation appears in the budget ordinance or in a project ordinance, or for which the appropriation contains no encumbrance and the unencumbered balance is less than the amount to be paid. The governing board shall approve payment by formal resolution stating the board's reasons for allowing the bill, invoice, or other



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Troy Cornett

Department: Water/Sewer

Date Submitted: 12/5/2016

Presenter: Lee Smith

Date of Council Meeting to consider this item: 1/5/2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 05j

The Water and Sewer Department purchased a Toyota Camry Hybrid in 2012 in an effort to save money on fuel costs. This car did very well in respect to fuel consumption, but in regards to the electric side of the hybrid, that provided for a very different outcome. As we have learned, you must use these types of vehicles at higher speeds at a more normal frequency. This vehicle was either used to travel around town or our employees and other City employees would utilize this vehicle for travel to conferences and training around the state. Apparently, this doesn't provide for adequate charging of the battery banks used for the electric side of the hybrid and to replace these batteries is very expensive. So, we have determined that the cost benefit to the City is negative in regards to this car.

We met with Mr. Connet, Brian Pahle, Tom Wooten, Joe Vindigni and Jennifer Harrell on Monday, October 17, 2016 to discuss the best use for this car and it was determined that the best option for this car was to sell it. So, we come before you today to respectfully request your consideration and approval for City staff to auction this vehicle for sale on GovDeals with a starting price of \$10,200.00, which is the value of this car in "Good" condition according to Kelley Blue Book.

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

The sale of this car will generate revenue.

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

I move to authorize the City Manager to surplus and sell the 2012 Toyota Camry Hybrid, purchased by the Water and Sewer Department in 2012, on GovDeals with a starting price of \$10,200.00.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Rhonda Wiggins

Department: Utilities

Date Submitted: December 8, 2016

Presenter: Lee Smith

Date of Council Meeting to consider this item: January 5, 2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 05k

Bojangles - Mills River (3575 Boylston Highway) Water Line Extension

This project will require an installation of a water system to serve a commercial development/fast food restaurant.

The proposed water system consists of:

917 linear feet of 8" DIP

Approved by the Town of Mills River on September 19, 2016.

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

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

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

"I move to accept this Utility Extension Project and to authorize the City Manager to execute the associated Utility Extension Agreement on behalf of the City "

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Sam Fritschner

Department: Legal

Date Submitted: 8 December 2016

Presenter: Lt. Tracy Cox

Date of Council Meeting to consider this item: 5 January 2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 051

The Police Department and Sheriff's office jointly operate a radio system for dispatch purposes. Both desire a memorandum of understanding with respect to this operation. The purpose of the memorandum is less to be a legally binding document than to demonstrate the parties' intentions and to memorialize their undertakings.

The proposed MOU is attached.

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

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

I move the Council adopt the resolution authorizing the city manager to execute the memorandum of understanding between the Sheriff and the Police department.

Attachments:

Proposed memorandum.

RESOLUTION # _____

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM
OF UNDERSTANDING CONCERNING A RADIO SYSTEM OPERATED WITH
HENDERSON COUNTY**

WHEREAS the City of Hendersonville and the County of Henderson engage in the operation of certain radio systems within Henderson County, and

WHEREAS the City and County wish to put their obligations with respect to this obligation on a formal basis,

NOW, BE IT THEREFORE RESOLVED that the City Council does hereby authorize the City Manager to execute the Memorandum of understanding between the City and County.

Adopted this 5th day of January 2016.

Barbara Volk
Mayor, City of Hendersonville

ATTEST:

Tammie K. Drake, MMC
City Clerk

**MEMORANDUM OF UNDERSTANDING
BETWEEN
HENDERSON COUNTY
AND
CITY OF HENDERSONVILLE**

In order to serve the interest of the citizens of Henderson County, Henderson County government and the City of Hendersonville mutually agree to the following conditions to facilitate improved communications. This MOU is mutually agreed upon in a spirit of cooperation, commencing as of 1 January 2107 and will be reviewed annually by both parties, and will renew automatically unless notice is given not later than 1 November by a party that it will not renew this memorandum agreement for the following year.

The City of Hendersonville agrees to the following:

- Working in conjunction with JVC/Kenwood and Kimball Communications license two additional “channels” for the Henderson County NXDN radio system.
- Purchase and have installed the necessary equipment for the above channels to operate on the existing NXDN radio system. Required equipment may include but not limited to: power supplies, repeaters, power amplifiers and associated equipment.
- The City of Hendersonville will retain ownership of equipment added to the system by the City and may remove said equipment when adequate time is allowed for system engineering and demobilization.
- The annual support cost will vary based on total system support costs and the percentage of overall usage by the City of Hendersonville. For FY17 the City of Hendersonville agrees to pay to Henderson County an estimated support payment of \$10,000 in the absence of historical usage data.
- Maintain all subscriber devices to include base stations, mobile and handheld radios in accordance with the manufacturer’s specifications. Maintenance may include programming, installation and consumables such as batteries, belt clips and antennas.

Notify the County in a timely manner when the City is to add a new device is to be onto the NXDN

- Notify the County in the event of a lost or stolen radio to ensure the radio is deactivated from the system.

Henderson County agrees to the following:

- Maintain system infrastructure and utilities for the NXDN system.
- Maintain the system in accordance with the manufacturer’s recommendations.

- Work with the City of Hendersonville to ensure they have adequate access to the agreed upon talkgroups and/or channels.
- Maintain access to the system for subscriber units and remove devices from the system as requested by the City.

Henderson County and the City of Hendersonville agree to communicate on an ongoing basis about the utility of this MOU and any changes that may be needed. Such communication may be initiated by either party.

Henderson County

City of Hendersonville

Steve Wyatt, County Manager

John Connet, City Manager

Date: _____

Date: _____



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady, Dev. Asst. Director

Department: Development Asst Dept

Date Submitted: 12/29/16

Presenter: Susan Frady

Date of Council Meeting to consider this item: 1/5/17

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 05m

The City has received an application from Henderson County and the Henderson County Board of Public Education to close a portion of 9th Avenue West between N. Church Street and Oakland Street. A map and survey are included with this memorandum.

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

The Resolution of Intent, setting February 9, 2017 as the public hearing date, is attached.

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

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

I move Council to adopt the Resolution of Intent for closing a portion of 9th Avenue West between North Church Street and Oakland Street petitioned by Henderson County and the Henderson County Board of Public Education.

Attachments:

Map
Resolution of Intent Survey

RESOLUTION OF INTENT

A resolution declaring the intention of the City of Hendersonville City Council to consider the closing of a portion of 9th Avenue West between N. Church Street and Oakland Street.

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

WHEREAS, Henderson County and the Henderson County Board of Public Education, have petitioned the Council of the City of Hendersonville to close a portion of 9th Avenue West between N. Church Street and Oakland Street; and

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of a portion of 9th Avenue West between N. Church Street and Oakland Street.

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

1. A meeting will be held at 5:45 p.m. on the ninth day of February, 2017, in the Council Chambers of City Hall to consider closing a portion of 9th Avenue West between N. Church Street and Oakland Street.
2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.
3. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.
4. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted by the City Council at a meeting held on the fifth day of January 2017.

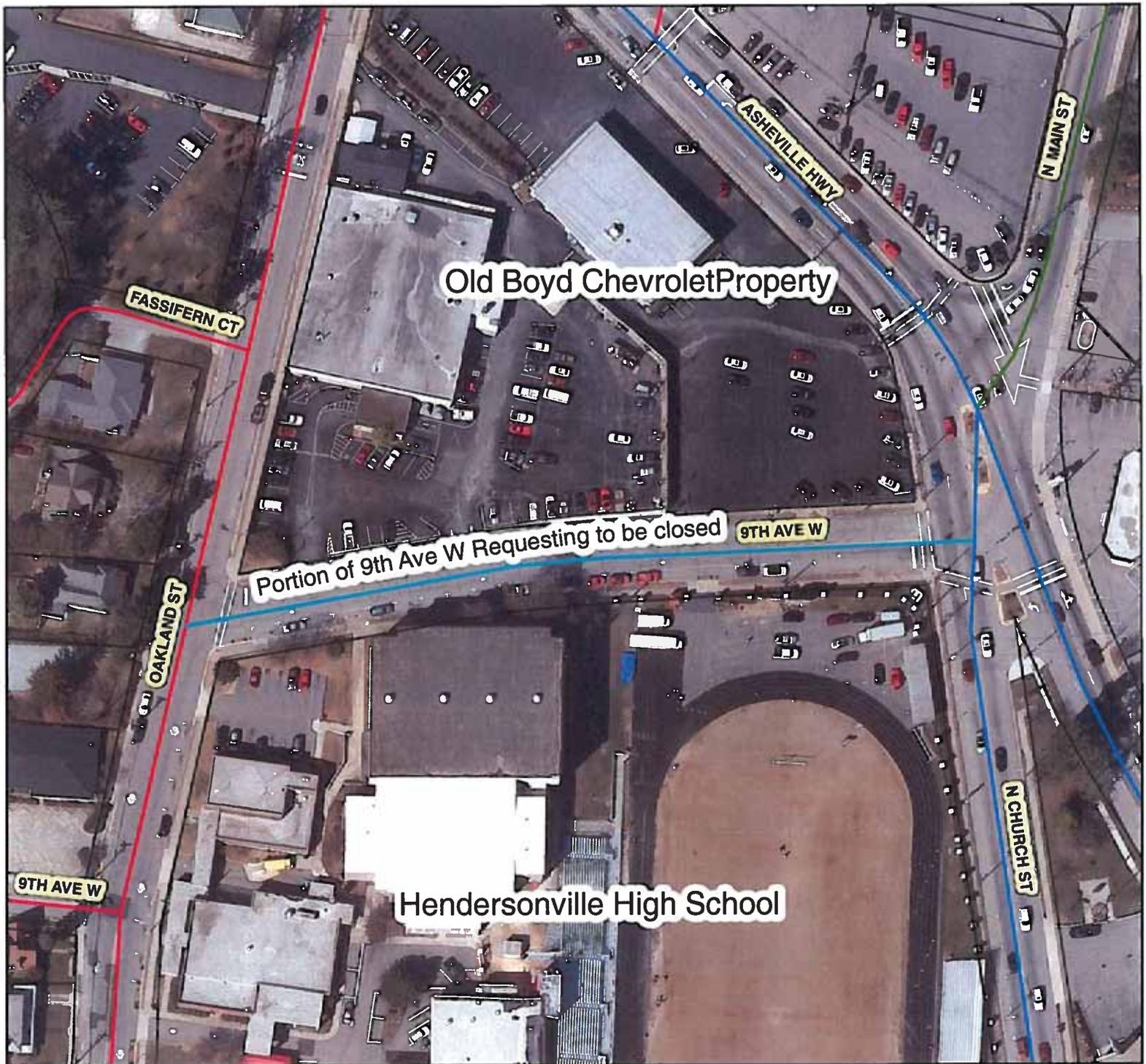
Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, MMC, City Clerk

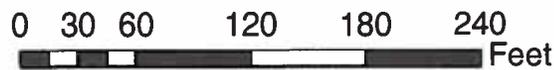
(Seal)

Portion of 9th Avenue W Requesting to be Closed



Legend

- BOULEVARD
- COLLECTOR
- FREEWAY
- INTERSTATE
- LOCAL ROAD
- OUTSIDE HENDERSON COUNTY
- THOROUGHFARE



1 inch = 100 feet



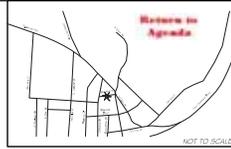
GRID NORTH
MAD 83

Preliminary
-For Review Only-

New Lines		
Course	Bearing	Distance
L1	N 12°55'57" E	32.56'
L2	N 12°55'57" E	32.56'
L3	S 06°44'25" E	30.07'
L4	S 06°44'25" E	30.07'

State of North Carolina, County of Henderson
 I, _____ Review Officer of The City of Hendersonville,
 certify that the map or plan to which this certification is affixed meets
 all statutory requirements for recording.
 Review Officer _____ Date _____

State of North Carolina, County of Henderson
 filed for registration on the _____ day of _____ 20____
 at _____ o'clock _____ M and recorded in
 site _____ in the office of the
 Register of Deeds of _____ County.
 Register of Deeds _____
 By _____ Deputy



Vicinity Map



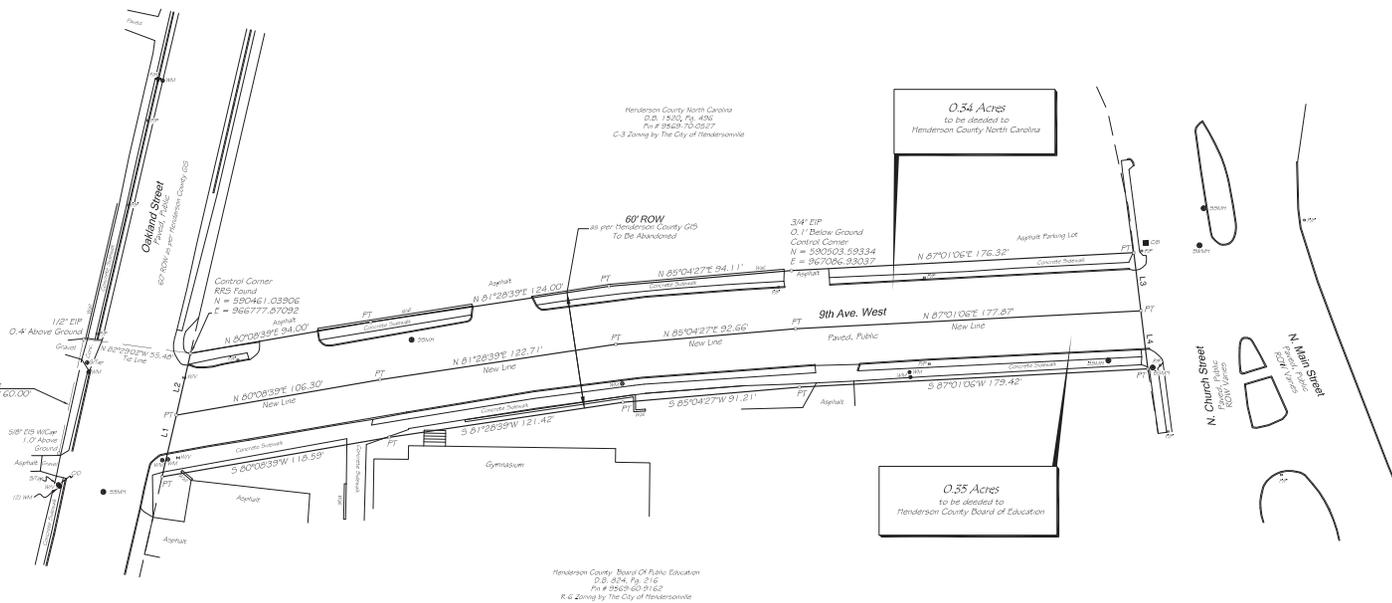
I, Cameron S. Baker, certify that this plot was drawn under my supervision from an actual survey under my supervision (best description recorded in book as shown page _____) that the ratio of precision as calculated by latitudes and departures does not exceed 1:10,000 and that this map was prepared in accordance with G.S. 47-30 as amended. Witness my hand and seal this _____ day of _____ 20____.

Professional Land Surveyor No. L-4920

I, Cameron S. Baker, Professional Land Surveyor, certify that this survey is of another category, such as a reconstruction of existing parcels, a court ordered survey, or other exception to the definition of subdivision.

Professional Land Surveyor L-4920

Global Positioning System Certification (RTK)
 The Positional Accuracy Of The RTK Derived Positional Information Is 0.02' Horizontal & 0.03' Vertical
 Horizontal Positions Are Referenced To MAD 83 (NRSRS 2011)
 Vertical Positions Are Referenced To NAVD 88 (Geoid 12)
 Combined Factor 0.89977418 (Ground To Geoid)
 Equipment Used : Carlson Supervisor + GPS Tablet



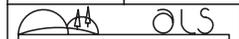
Preliminary
-For Review Only-

The purpose of this plot is to abandon the Right Of Way for a portion of 9th Avenue West as shown hereon

MAP OF ROW ABANDONMENT FOR
 HENDERSON COUNTY
 BOARD OF PUBLIC EDUCATION

Pin as shown

Hendersonville Township Henderson County, NC



ASSOCIATED LAND SURVEYORS
 & PLANNERS P.C.
 P.O. BOX 578 • HEARSE SPRING, NC 28742
 (828) 890-3507 NC BUSINESS LICENSE NO. C-2774
 SCALE 1 Inch = 30 Feet DATE November 1, 2013
 JOB NO. S-13-191 DRAWN BY: JTB CSD 22

- Notes:
1. Property is subject to all easements, restrictions and right of ways of record.
 2. The locations of underground utilities are based on above-ground structures and record drawings provided to the surveyor. Locations of underground utilities/structures may vary from locations shown hereon. Additional buried utilities/structures may be encountered.
 3. Surveyor has made no investigation or independent search for assessments of records, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate title search may disclose.



Preliminary
-For Review Only-

- Legend:
- EIP = Existing Iron Pipe
 - ES = Existing Iron Stake
 - IPS = Iron Pin Set
 - PT = Unmarked Point
 - ROW = Right Of Way
 - BSMH = Bellmouth Manhole
 - CS = Catch Basin
 - CO = Clean Out
 - FP = Power Pole
 - SSMH = Sanitary Sewer Manhole
 - STAP = Sewer Tap
 - SWMH = Sanitary Water Manhole
 - WM = Water Meter
 - WV = Water Valve



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 12-21-2016

Presenter: Mayor Volk

Date of Council Meeting to consider this item: 01/05/2017

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 06a

Recognition of Furman United Soccer Club 02G Purple HVL Team for winning the President's Medal League State Cup in Greer, SC. They will represent the State of South Carolina at the 2017 President's Medal Cup Region III Championship in Tulsa, Oklahoma this summer. The team is coach by City Councilman Jerry Smith and made up of players mostly from Henderson County.

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

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

N/A

Attachments:

Certificate of Recognition

Furman United 02G Purple HVL Wins the 2016 President's Medal League State Cup



The Furman United 02G Purple HVL team won the 2016 President's Medal League State Cup this past weekend, December 3 & 4, at the MeSA Soccer Complex in Greer, SC. The 02G Purple defeated the CASA 02G Premier team from Anderson, SC, 1-0, on a goal in the 64th minute by Nikki Schedivy. The team will represent South Carolina at the 2017 Presidents Medal Cup Region III Championship in Tulsa, OK, June 13-18. The team finishes the season with a 22-2-1 record. In addition to the State Cup, the 02 Purple won the Discoveries Soccer Club Rock Hill (SC) Classic in September and the Western Division of the Fall 2016 PMSL League. They also finished runner-up at the Riverside Shootout in Asheville in August and at the Gatlinburg Girls College Showcase in November. All of the players except one are from Henderson County and attend Hendersonville High School, East Henderson High School, Hendersonville Middle School and Flat Rock Middle School. The players above are, from left to right: (Kneeling) Miriam Smith, Alexis Retzbach, Nikki Schedivy and Callie Swanger; (Standing) Yuri Gallardo, Aundrea Retzbach, Aubrie Pressley, Erin Sainsbury, Malena Hopper, Erin Price, Heidi Reid, Sarah Thompson, Katie Parce, India Davis-Boggs, Caitlyn Barnwell, Amari Burke, and Aubrey Bish; (Coaches) Jerry Smith and Brian Price. The team is coached by Head Coach Jerry Smith and Coaches Brian Price, Jill Miller, Laura Boggs and Katheryn Beasley. Furman United Soccer Club is based out of Greenville, SC. Furman United currently has 1500 players with teams competing at the Premier, Challenge, Classic, Academy and Recreation Levels. There are approximately 50 girls in Henderson County who play for Furman United.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 12/21/2016

Presenter: Mayor Volk

Date of Council Meeting to consider this item: 01/05/2017

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 06b

For the third consecutive year, the City of Hendersonville has received the Distinguished Budget Presentation Award. Mayor Volk will present the award to Assistant to City Manager/Budget Director Brian Pahle.

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

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

N/A

Attachments:

Distinguished Budget Presentation Award



GOVERNMENT FINANCE OFFICERS ASSOCIATION

*Distinguished
Budget Presentation
Award*

PRESENTED TO

**City of Hendersonville
North Carolina**

For the Fiscal Year Beginning

July 1, 2016



Executive Director



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Admin

Date Submitted: 12.22.16

Presenter: Barbara Volk

Date of Council Meeting to consider this item: 1.05.16

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 06c

To recognize the NC General Assembly's "Act to Incorporate" the City of Hendersonville on January 7, 1847, and the City's 170th "birthday", staff will prepare a proclamation to be read by Mayor Volk. We will be offering cupcakes at the Council meeting and invite residents and families to record their singing "happy birthday" to the City to post on social media.

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

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

Attachments:
Act to Incorporate

Sec. 13. Be it further enacted, That if said town magistrate and commissioners shall permit the streets or roads within the corporate limits of said town to get out of order, and remain so as to become a nuisance, or shall permit any other nuisance to exist in said limits, which they had the power to remove, they shall be liable to indictment, and on conviction shall be fined at the discretion of the court.

Sec. 14. Be it further enacted, That all acts heretofore passed, for the better regulation of the town of Statesville, coming within the meaning and purview of this act, be, and the same hereby repealed.

Sec. 15. Be it further enacted, that this act shall be in force from and after its ratification.

[Ratified 9th of January, 1847.]

CHAPTER CCXII.

An Act to incorporate the town of Hendersonville, in the county of Henderson.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the sheriff of Henderson county, either by himself or his lawful deputy, on the first Monday in March, in each and every year, at the court house in the town of Hendersonville, in said county, to open polls for the election of five commissioners in and for said town of Hendersonville, to continue in office for the term of one year and after, until others, duly chosen and qualified, have entered upon the duties of their office: *Provided,* that no one shall be eligible as commissioner, who has not resided six months preceding his election within the limits of said town, and is an actual resident at the time of such election.

Sec. 2. *Be it further enacted,* That every inhabitant of said town, who has resided six months therein and who is qualified, according to the constitution, to vote for members of the house of commons, shall be entitled to vote in said elections; and such elections shall be by ballot; and in the event of a tie, the sheriff or his lawful deputy aforesaid shall give the casting vote.

Sec. 3. *Be it further enacted,* That said commissioners, after their election and before entering on the duties of their office, shall take an oath, before some justice of the peace of the county aforesaid, faithfully and impartially to perform said duties; and thereupon they shall constitute a body politic and corporate, by the name and style of the "Commissioners of Hendersonville;" and by such name

they shall be invested with a succession and a common seal, and shall have full power to hold and convey real and personal property, to sue and be sued; and to pass and ordain such by-laws and ordinances, not inconsistent with the constitution and laws of the United States and of this State, as, from time to time, they, or a majority of them, may deem expedient and advisable for the good government of said town.

Sec. 4. *Be it further enacted*, That said board of commissioners shall have power to appoint a magistrate of police, a town constable, and treasurer; and the constable so appointed shall be the collector of the town tax, under the direction of said commissioners; and for that purpose shall have all the powers and immunities of sheriffs in the collection of public revenue, and shall collect all fines and forfeitures arising by virtue of this act, by warrant before any justice of the peace for said county; and shall receive for his services, the fees which by law the sheriffs and constables of this State have a right to receive for similar services.

Sec. 5. *Be it further enacted*, That it shall be the duty of each person residing or holding property in said town, to deliver to the board of commissioners, whenever required, a statement, on oath, of all the property owned or possessed by such person within the limits of said town liable to be taxed; and on failure to do so when required by the board of commissioners, within one month, shall pay double taxes on all property not given in as above, unless on sufficient excuse shown, to be adjudged of by the board.

Sec. 6. *Be it further enacted*, That said board shall appoint an overseer of the streets, whose duty it shall be to keep them in good and sufficient repair; and for this purpose he is empowered to require the services of all persons residing in said town, liable by law to work on roads, as often as shall be necessary; and in all other respects, shall possess the powers, and be liable to the penalties, to which overseers of roads are now subjected.

Sec. 7. *Be it further enacted*, That all persons living within the limits of said town, liable to work on public roads, be, and they are hereby exempted from working on roads, without the limits of said corporation.

Sec. 8. *Be it further enacted*, That if any of the commissioners elected as by this act required and having been notified thereof ten days, shall refuse or neglect to take the oath prescribed, for one month after said election, unless he shall remove out of the limits of said town, or be otherwise incapable of serving, shall be liable to pay twenty dollars, to the use of said town; for which forfeiture the solicitor for that judicial circuit is hereby required to bring suit, in the name of the commissioners of Hendersonville, in the superior court of law of Henderson county.

Sec. 9. *Be it further enacted*, That all appointments made by the commissioners of Hendersonville, shall be for the unexpired term

of the commissioners making the appointment; and if any person appointed pursuant to the provisions of this act (unless excused by said commissioners) shall refuse or neglect to serve, such person shall be liable to pay twenty dollars, to the use of the town, which shall be recovered before any justice of the peace of said county, by warrant, in the name of the commissioners of Hendersonville.

Sec. 10. *Be it further enacted*, That the corporate limits of said town are hereby declared to be one half mile, in each and every direction from the court house: *Provided*, it does not cross Mud creek.

Sec. 11. *Be it further enacted*, That this act shall be in force from and after its ratification; and that all laws and clauses of laws coming in conflict with the provisions of this act are hereby repealed.

[Ratified 7th of January, 1847.]

CHAPTER CCIV.

An Act to incorporate the town of Windsor, in the county of Bertie.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That on the second Monday in January, 1847, and on the second Monday in January in each and every year thereafter, the sheriff of Bertie county shall hold an election in the town of Windsor, for a magistrate of police and three commissioners, who shall govern the town in the manner hereinafter mentioned; and if any person elected shall refuse to serve at that time or during the year for which he is elected, unless he leaves the town, he shall be subject to a fine of twenty dollars, to be recovered at the suit of any one of the commissioners before any justice of the peace for the county of Bertie: *Provided*, that no person shall be eligible as magistrate of police or commissioner, unless he resides in the town, and that at least two of the commissioners shall be owners of real estate.

Sec. 2. *Be it further enacted*, That the board elected as above, and each subsequent board, shall appoint persons to hold the election on the second Monday in January, in each and every year, for said magistrate and commissioners; and the commissioners shall possess the ability to sue and liability to be sued, in their corporate capacity; and it shall be their duty to keep the streets in good order, and free from all obstacles which may obstruct passengers; and it shall be their duty to keep hogs from running at large in the streets; and to



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 12.15.16

Presenter: David Hazzard, City Planner

Date of Council Meeting to consider this item: 1.05.17

Nature of Item: Council Action

Summary of Information/Request:

Item # 07

The City is in receipt of an application to amend a Special Use Permit from Housing Assistance Corporation for the Oklawaha Village development located on North Main Street. This project was previously approved by City Council at the regular meeting on March 5, 2015 and an amended Special Use Permit was approved by City Council at their regular meeting on March 3, 2016.

The applicant has proposed to donate lot number 23 to the City. Lot 23 is approximately 5.57 acres and is located in the flood hazard area adjacent to Mud Creek as shown on the site plan as located on page 15 of the memorandum. This area is currently part of Oklawaha Village's required open space thus the applicant is requesting a variance to reduce the required open space. There are no proposed changes to the buildings, unit count, roads or parking from the previously approved site plans.

Generally, minor modifications to approved preliminary site plans are only subject to staff review and approval. Section 7-6 of the zoning ordinance does not allow staff to approve modifications that are a substantial change in the property boundary or amount of open space. Additionally, a variance is now necessary for the open space. Therefore, an amended Special Use Permit approved by City Council is required.

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

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

See page 5 of the Memorandum

Attachments:

Memorandum

MEMORANDUM

TO: City Council
FROM: Development Assistance Department
RE: Oklawaha Village
FILE #: P15-58-SUR
DATE: November 15, 2016

PROJECT DESCRIPTION

The City is in receipt of an application to amend a Special Use Permit from Housing Assistance Corporation for the Oklawaha Village development located on North Main Street. This project was previously approved by City Council at their regular meeting on March 5, 2015 and an amended Special Use permit was approved by City Council at their regular meeting on March 3, 2016. The applicant has proposed to donate lot number 23 to the City. Lot 23 is approximately 5.67 acres and is located in the flood plain adjacent to Mud Creek as shown on the site plan located on page 15 of this memorandum. This area is currently part of Oklawaha Village's required open space thus the applicant is requesting a variance to reduce the required open space. There are no proposed changes to the buildings, unit count, roads, or parking from the previously approved site plans.

Generally, minor modifications to approved Preliminary Site Plans are only subject to staff review and approval. Section 7-6 of the Zoning Ordinance does not allow staff to approve modifications that are a substantial change in the property boundary or amount of open space. Additionally a variance is now necessary for the open space. Therefore, an amended Special Use Permit approved by City Council is required.

This parcel is now approximately 12.65 acres and will have a total of 78 multi-family units, 17 single family lots, a 2,214 ft² Office/Community Building and a 4,200 ft² Office/Support Building. The Final Subdivision Plat for the single family lots was previously approved by the City Council at their regular meeting on March 3, 2016.

The following parcels are part of this application.

9569-84-2437	9569-84-5809	9569-84-4409	9569-85-0280
9569-85-1371	9569-84-5729	9569-84-4610	9569-75-9397
9569-85-2234	9569-84-5649	9569-84-4701	9469-85-1339
9569-85-3107	9569-84-5650	9569-84-2985	
9569-85-3170	9569-84-5469	9569-85-2013	
9569-85-4043	9569-84-5337	9569-85-1151	

EXISTING LAND USE & ZONING

The project is currently under construction. The parcels included in this application are largely vacant. A vacant single family residence did front on North Main Street and there were a couple of vacant accessory structures also located on the site. Surrounding zoning districts are shown on the “Zoning Map” on page 14.

The project site is currently zoned Planned Residential Development. The applicant is not seeking any changes to the existing zoning.

COMPREHENSIVE PLAN CONSISTENCY

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

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

The goal of the Natural Resource/Agricultural classification is to “create an interconnected network of green infrastructure that preserves environmentally sensitive areas, protects water resources through low-impact stormwater management, provides floodwater storage, provides community open space and recreational opportunities, and preserves agricultural resources.”

PLAN REVIEW

Buildings

The site plans include the following:

- Six multi-family buildings with a total of 78 units and 90,654 ft².
 - Building “A” has a total area of 13,782 ft² and is three stories
 - Building “B” (x2) has a total area of 15,108 ft² for each building and is three stories
 - Building “C” has a total area of 21,948 ft² and is three stories
 - Building “D” (x2) has a total area of 12,354 ft² for each building and is three stories
- 17 individual single-family lots.

- 2,214 ft² Office/Community Building including an office, community room, craft area, laundry and mail area.
- 4,200 ft² “Future” Office/Support Building located along N. Main Street at the entrance to the site.
- Park and Playground area.

The amended Preliminary Site plan and an elevation drawing are included with this memorandum. The elevation drawing shows proposed façades.

Variance Requests

Open Space

5-14-7.1 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. In addition, planned residential developments shall meet the common open space requirements of Section 6-16.

Due to the proposed donation of approximately 5.67 acres of land to the City the proposed open space is now approximately 52.3% (6.62 acres) and does not meet the minimum required 60%.

The applicant is requesting a variance from Section 5-14-7.1 to reduce the required open space from 60% to 52.3%. The application for this variance request is on pages 10 thru 12.

ANALYSIS

Section 7-4-10.1 of the Zoning Ordinance states, “no special use permit shall be approved by City Council unless each of the following findings is made.”

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

Staff has not identified any issues relating to public health, safety or general welfare.

- (B) There are, or will be at the time they are required, adequate public facilities to serve the use or development as specified in Section 7-11.

Water and sewer service is intended to be extended to the site.

- (C) The use or development complies with all required regulations and standards of the Zoning Ordinance or with variances thereto, if any, granted pursuant to Section 7-4-14, and with all other applicable regulations.

The applicant is requesting the following variance:

A variance from Section 5-14-7.1 to reduce the required open space from 60% to 52.3%.

Variance request applications and justifications begin on page 10.

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

A neighborhood compatibility meeting concerning the application was held on October 26, 2016. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject property as required by Section 7-4-4.1 of the Zoning Ordinance.

Four people representing the general public attended the meeting. The following concerns were raised. A copy of the neighborhood compatibility report accompanies this memorandum.

- **Traffic**
- **Donation of property**

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

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

The 2030 Comprehensive Plan's Natural Resource/Agricultural classification is intended to "create an interconnected network of green infrastructure that preserves environmentally sensitive areas, protects water resources through low-impact stormwater management, provides floodwater storage, provides community open space and recreational opportunities, and preserves agricultural resources."

No development is intended for the locations that are classified as Natural Resource/Agricultural. The applicant has mentioned that a trail may be

added to these locations in the future.

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

PLANNING BOARD

The Planning Board took this matter up at its regular meeting of November 15, 2016. The planning board voted as follows:

Variance

*Planning Board to recommend City Council approve a variance from Section 5-14-7.1 to reduce the required open space from 60% to 52.3%.
The motion passed unanimously.*

Amended Special Use Permit

*Planning Board to recommend City Council approve the application of Housing Assistance Corporation for an amended Special Use Permit based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the published List of Uses and Conditions.
The motion passed unanimously.*

SUGGESTED MOTIONS

Variance Request

I move City Council (approve / deny) a variance from Section 5-14-7.1 to reduce the required open space from 60% to 52.3%.

[PLEASE STATE YOUR REASONS]

Amended Special Use Permit

I move City Council (approve / deny) the application of Housing Assistance Corporation for an amended Special Use Permit based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the published List of Uses and Conditions.

[PLEASE STATE YOUR REASONS AND ADD, IF APPLICABLE, "AND THE FOLLOWING ADDITIONAL CONDITIONS"]

IN RE: Oklawaha Village (File #P15-58-SUR)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

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

II. Conditions:

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

Not applicable.

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

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

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

Oklawaha Village

By: _____

Date: _____

Neighborhood Compatibility Meeting
 Application for a Special Use Permit
 Oklawaha Village amendment File #P15-58-SUR
 Wednesday, October 26, 2016 2:00 p.m.

Dave Hazzard, Senior Planner, convened the compatibility meeting at 2:06 pm in the Assembly Room of the City Operations Center. The following were in attendance:

Name	Address	Name	Address
Don Daines (applicant)	602 Kanuga Road		
Sarah Grymes (applicant)	602 Kanuga Road		
Keith Jones	1831 Granite Street		
Billy & Janice Williams	216 Yon Hill Road		
Jere Hyder	1500 N. Main Street		
Dave Hazzard, Staff	100 N. King Street		
Susan Frady, Staff	100 N. King Street		
Terri Swann, Staff	100 N. King Street		

Mr. Hazzard opened the meeting explaining this is the first step in a three step process. The first step is Neighborhood Compatibility Meeting, next is the Planning Board and last it goes to City Council. This is an informal meeting to ask questions and get answers. Minutes of this meeting will be forwarded to Planning Board and City Council. The next Planning Board meeting will be November 14, 2016. If you received notice of this meeting you will also receive notice of the Planning Board and City Council meetings.

Mr. Hazzard stated this is previously approved project and nothing has changed as far as the development goes. The lower portion of the property is being donated to the City and this changes their open space requirement numbers because of the acreage changes and therefore it has to get approval.

Don Daines, Director of Residential Development for Housing Assistance Corporation stated the site development has gone through the Special Use process and has received approval for the 78 unit apartments and the 17 single family lots with a two-story office building located in the front of the property. They would like to give the City this part of the property to compliment the greenway and use it for public open space. They are taking 5.5 acres out of the development and giving it to the City which will cause them to have to recalculate the open space area by not including this portion.

Keith Jones, 1831 Granite Street stated he was not notified of the previous meetings concerning this project and he is concerned as to why they want to split this portion off now. Mr. Daines stated they wanted to own enough property to include a route for the sewer system and they felt better by acquiring all of this property but once they started working on the financing for the multi-

family the financing company didn't want this included in the multi-family part. Mr. Jones stated this part should not have been included the first time. Mr. Daines stated they felt this portion would be better used for public space rather than private space. This would be better suited to be used with the greenway for public use.

Mr. Hazzard stated the City determines who to notify by a state statute that says properties within 400 feet of the project get notified. The City determines the properties within 400 feet by the GIS mapping.

Mr. Jones has concerns about the traffic on North Main due to this project and stated that he did not live within the 400 feet but did live off of North Main Street. Mr. Hazzard stated a Traffic Impact Analysis (TIA) was done for this project. NCDOT looked at and approved a driveway entrance permit for the project. This was discussed at the previous approvals for the project. Mr. Hazzard stated he will include Mr. Jones on the mailing list for the Planning Board and City Council meetings.

Mr. Jones was concerned that a secondary outlet was needed for the project because of the traffic on North Main Street. Mr. Hazzard stated if he has concerns he can attend the Planning Board and City Council meetings and voice those concerns. He can also contact NCDOT because they are looking at North Main Street.

Jere Hyder, 1500 North Main Street stated he heard NCDOT was looking at widening North Main Street. He asked why the City would want that amount of open space or green space. He felt like the City could have approved a variance for the open space during the first approval. The City will not be building on this property and it will just remain the same. Mr. Hazzard stated yes it will remain open space as this property is almost impossible to develop. This property is located in the floodplain. The applicant had enough open space to meet the requirement and did not need a variance during the previous approval. Staff will take a look at how much open space they will have after they donate this portion to the City and at that time it will be determined if a variance will be needed or not. This property is zoned PRD, Planned Residential Development.

Mr. Daines stated the only thing that is changing is the open space. All of the uses are staying the same.

Mr. Hazzard stated staff can approve projects when the change is de minimis. The zoning ordinance does not allow staff approval when the City Council was originally the body that approved the Special Use Permit. Therefore this amendment has to go through the process again per the zoning ordinance.

Mr. Hyder stated he sees no problem with it.

Mr. Jones stated he feels like this is a waste of money. Why would they give this to the City? Mr. Daines stated they acquired the property without a cost to the original purchase price. This land has no value at all. When dealing with the financing, they did not want to have this unnecessary property and therefore they decided to donate it to the City.

Sarah Grymes with the Housing Assistance Corporation stated they did not pay for this land. No

matter who owns this property it will benefit the greenway and will not be developed.

Mr. Jones stated when you look at the payoff it does not look good. Mr. Hazzard stated this project has already been approved and donating this property to the City did not influence the approval in any way. The City has already approved the project.

Mr. Hazzard stated the City did post the site and notified the property owners within 400 feet of the project as the state statute requires.

Mr. Daines stated they knew that traffic was a concern and went ahead and had the traffic impact study done. They also added the right turn lane even though the count was not high enough that it was needed.

Mr. Jones stated with the other projects in the area it will affect the traffic on North Main. Mr. Hazzard stated at the time other projects were just vacant land and there is no way to forecast development in the area.

Mr. Daines stated they knew traffic would be an issue so he went ahead and had the TIA done. Mr. Hyder stated the total amount of green space will not change. Mr. Hazzard stated no, it will remain in its natural state.

Mr. Jones asked about parking spaces in the development for use of the public greenway. Mr. Daines stated the public open space will be for pedestrian access. He stated this access is within one mile of Patton Park. Mr. Jones asked where the parking would be for public street access. Mr. Daines stated this access is not designed for people driving to and parking at, it is designed for pedestrian access. Mr. Daines stated the only change is to the ownership.

Mr. Hazzard stated staff reviewed the open space requirements and parking requirements and the approved project exceed the minimum amount required in the zoning ordinance. Mr. Hazzard stated if anyone has any questions or would like to see the approved site plan, the Development Assistance Department is located at 100 N. King Street.

With no further comments or questions, Mr. Hazzard closed the meeting at 2:30 p.m.

Print Form



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

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

The following are required to constitute a complete application for a variance:
~ This form including the property owner(s) signature(s).
~ Special Use Permit Application
~ Supporting documents, if applicable.
~ Photographs, optional.

Date 11 NOV 2016 Project Name OKLAWAHA VILLAGE

Applicant HOUSING ASSISTANCE CORP

Address 602 KANUGA ROAD, HENDERSONVILLE, NC 28793

Phone 828-692-4744 Fax Email

EXT. 101

If different from above:

Property Owner: Name

Address

TO THE CITY COUNCIL:

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

I request a variance from the following provisions of the ordinance (cite section numbers).
SECTION 5-14-7.1 REDUCE REQUIRED OPEN SPACE FROM 60% TO 52.3%
SECTION 6-16-3 ALLOW 52.3% COMMON OPEN SPACE TO OFFSET
REDUCTION OF GENERAL OPEN SPACE.

Official Use:
DATE RECEIVED: _____ BY _____

Application for a Variance with Special Use Permit

Section 7-4-14 City Zoning Ordinance. The following are required to constitute a complete application for a variance: This form including the property owner(s) signature(s). Special Use Permit Application. Supporting documents, if applicable. Photographs, optional.

1 Page 1 2 Page 2

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE (Section 7-4-14): For applications undergoing special use review, City Council may authorize variances in specific cases from the dimensional and improvement standards of the zoning ordinance upon finding that a literal enforcement of such standards will result in practical difficulty or unnecessary hardship and so long as the granting of such variance or variances will not result in a use or development which would violate the findings of fact required by Section 7-4-10. Variances may not be granted with regard to uses or to intensity.

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

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

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

The variances requested pertain to Open Space standards and requirements. The variances are necessitated because the "Site" will be reduced by the change in ownership of Lot 23, being 5.677 acres of flood plain open space. The remaining Site does not meet the standards for 'open space' and 'common open space' because the change in ownership. HAC believes that the change of ownership directly promotes the public health, safety and welfare by enhancing and adding to the Public Greenway

(B) There are, or will be at the time they are required, adequate public facilities to serve the use or development as specified in Section 7-11.

Granting the variances requested will have no effect upon the adequacy of public facilities because there will be no change in any of the uses previously approved and found by the City to be adequate as required by Section 7-11. The ownership of the Open Space is the only change which will in fact, better fulfill the goals of open space by vesting ownership and control in the City for the general public, including the residents of Oklawaha Village.

(C) The use of development complies with all required regulations and standards of the Zoning Ordinance or with variances thereto, if any, granted pursuant to Section 7-4-14, and with all other applicable regulations.

Since there will be no change in the uses previously approved by the City, all uses remain in compliance. The variances are necessitated because the "Site" will be reduced by Lot 23, leaving Lots 21 & 22 as a noncompliant. The ownership of the very same Open Space is the only change which HAC believes better serves and fulfills the intent, goals and purposes of open space by vesting ownership and control of Lot 23 in the City for the general public, including the residents of Oklawaha Village.

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

Since there are no changes in the uses previously approved and found by the City to be compatible with the neighborhood, they remain compatible with the neighborhood as previously determined by the City

(E) The use or development conforms with the general plans for the physical development of the City as embodied in this Ordinance and in the 2030 Hendersonville Comprehensive Plan.

HAC is offering to dedicate and give this 5.677 acres of open space to the City so that it becomes Public Open space. The conveyance of Lot 23 to the City as open space created the need of the variances requested for the remaining site. HAC believes that the change of ownership of this Open Space from private to Public directly promotes the physical development of the city as embodied in the Ordinance and the 2030 Hendersonville Comprehensive Plan

Signature *



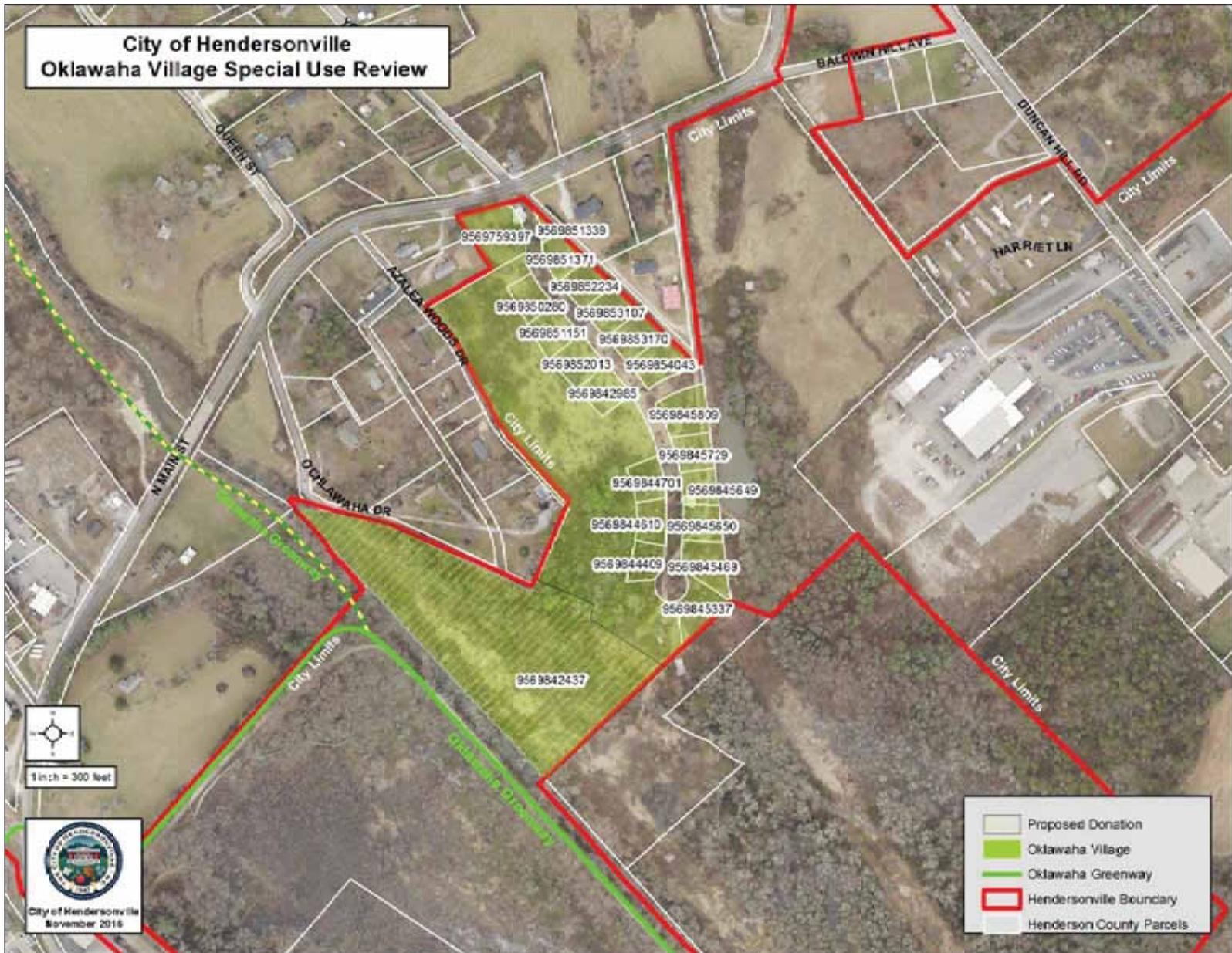
Printed Name: *

Donald R Daines

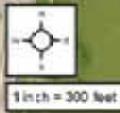
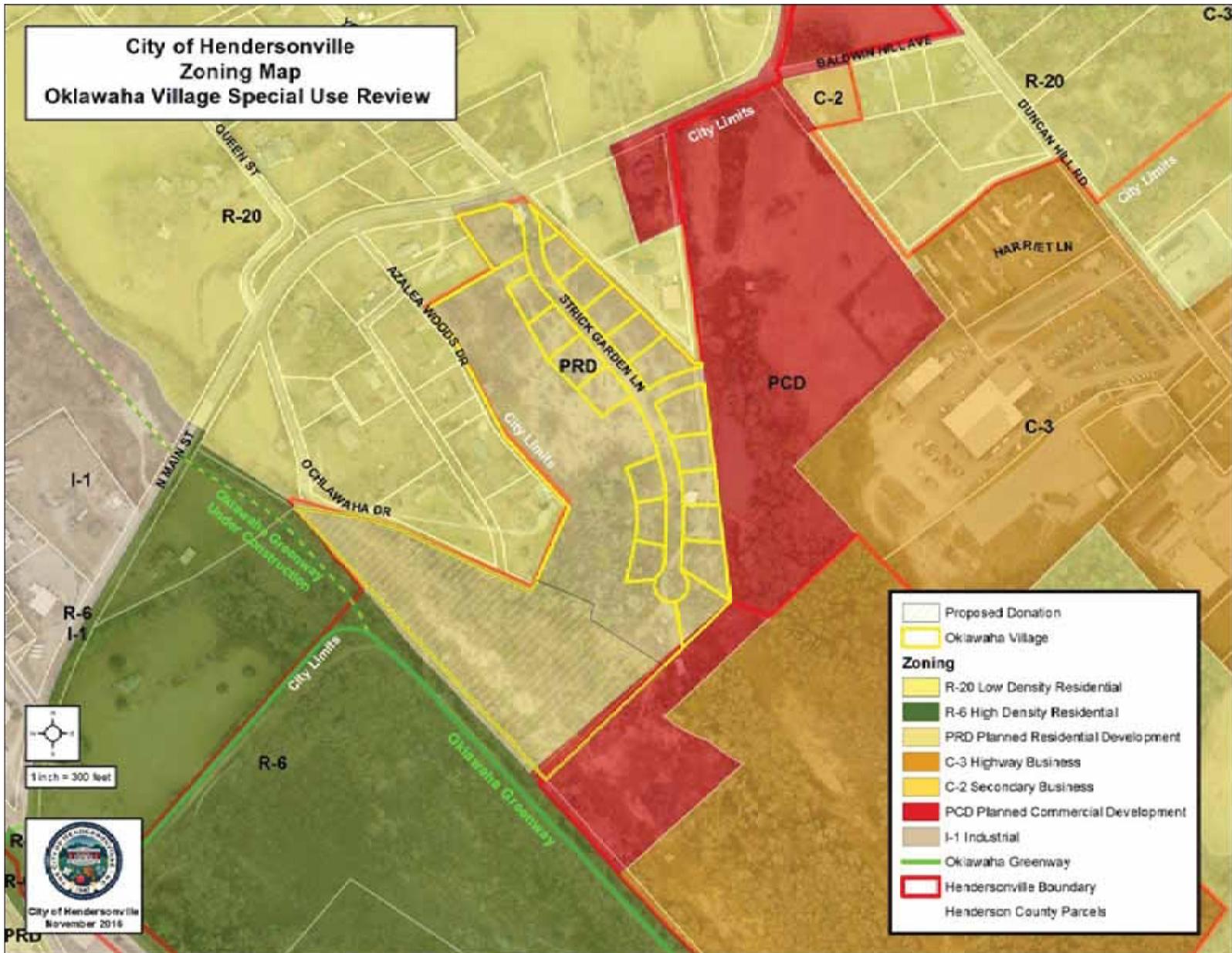
Back

Submit

**City of Hendersonville
Oklawaha Village Special Use Review**



**City of Hendersonville
Zoning Map
Oklawaha Village Special Use Review**



APPEAL OF DEVELOPMENT DECISIONS

Section 7-13 of the Zoning Ordinance outlines the process for appeal of development decisions by City Council. The following Sections of the Zoning Ordinance apply specifically to Special Use Review:

Section 7-13-2 (b): Preliminary site plans. Decisions of the City Council regarding appeals from development decisions concerning applications for preliminary site plan approval may be appealed to the Superior Court by any aggrieved party. Such appeals shall be in the nature of certiorari and must be filed within 30 days after the filing of the decision in the office of the City Clerk or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Clerk at the time of the hearing, whichever is later. The copy of the decision of the Council may be delivered to aggrieved parties either by personal service for by registered mail or certified mail return receipt requested.

Section 7-13-2 (d): Special use review. Judicial review of decisions regarding applications processed under the provisions of special use review, established in Section 7-4, above, require special treatment due to the fact that they involve two separate applications which, though processed simultaneously, require Council to make two separate decisions exercising two different types of decision-making authority. One application requests enactment of an ordinance amending the Official Zoning Map, and the other requests issuance of a special use permit. The first application involves a legislative decision on the part of Council, and the second a quasi-judicial decision. The quasi-judicial decision, that is, the one concerning the application for a special use permit, may be appealed to the Superior Court by any aggrieved party in the manner prescribed in paragraph b), above. Such appeal shall be in the nature of certiorari. The legislative decision, which is the one concerning the request for rezoning, may be contested, in accordance with NCGS Section 160A-364.1, by a cause of action commenced within two months of the date of the decision.

The validity of the ordinance may be challenged in accordance with North Carolina General Statute Section 160A-364.1.

§ 160A-364.1. Statute of limitations.

A cause of action as to the validity of any zoning ordinance, or amendment thereto, adopted under this Article or other applicable law shall accrue upon adoption of the ordinance, or amendment thereto, and shall be brought within two months



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 12.15.16

Presenter: Susan G. Frady, Development Asst Dept.

Date of Council Meeting to consider this item: 1.05.17

Nature of Item: Council Action

Summary of Information/Request:

Item # 08

THIS ITEM WAS CONTINUED AT THE DECEMBER 1, 2016, MEETING. Staff is waiting for an access agreement for the City's property. City Attorney Fritschner is working with Publix attorney to accomplish this. Unfortunately, the details of the agreement have not yet been worked out. The applicant would like to continue this item to the February 9th meeting.

The City has received an application from Halvorsen Development Corp. to close a portion of Market Street off of White Street. A map, survey and boundary description are included with this memorandum.

The Council adopted a Resolution of Intent to close this unopened right of way at their August 4, 2016 meeting. A copy of the Resolution of Intent was mailed to the adjoining property owners, notification of the proposed closing was posted on the property, and the Resolution of Intent and notice of the public hearing was advertised four times in the legal notice section of a local newspaper. General Statute 160A-299 has procedures for permanently closing streets and alleys. Any person may be heard on the question of whether or not the closing would be detrimental to the public interest or the property rights of any individual. If it appears to the satisfaction of City Council after the hearing that closing this street is not contrary to the public interest, and that no individual owning property in the vicinity of the street portion or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property, the City Council may adopt an order closing this street portion.

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

I move Council continue the public hearing until the February 9, 2017 meeting.

Attachments:

- Resolution of Intent
- Memo
- Order to Permanently Close
- Map
- Boundary Description

RESOLUTION OF INTENT

A resolution declaring the intention of the City of Hendersonville City Council to consider the closing a portion of Market Street as shown on the attached right-of-way

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

WHEREAS, Halvorsen Development Corp., has petitioned the Council of the City of Hendersonville to close a portion of Market Street as shown on the attached survey; and

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of a portion of Market Street as shown on the attached survey.

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

1. A meeting will be held at 5:45 p.m. on the sixth day of October, 2016, in the Council Chambers of City Hall to consider closing a portion of Market Street as shown on the attached survey.
2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.
3. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.
4. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted by the City Council at a meeting held on the fourth day of August, 2016, in the City Hall Council Chambers.


Barbara G. Volk, Mayor

ATTEST:



Tammie K. Drake, City Clerk (Seal)



MEMORANDUM

TO: Honorable Mayor and Members of City Council

FROM: Susan G. Frady, Development Assistance Director

SUBJECT: Closing of a Street (File No. P16-22-SC)

DATE: September 21, 2016

The City has received an application from Halvorsen Development Corp. to close a portion of Market Street off of White Street. A map, survey and boundary description are included with this memorandum.

The Council adopted a Resolution of Intent to close this unopened right of way at their August 4, 2016 meeting. A copy of the Resolution of Intent was mailed to the adjoining property owners, notification of the proposed closing was posted on the property, and the Resolution of Intent and notice of the public hearing was advertised four times in the legal notice section of a local newspaper.

General Statute 160A-299 has procedures for permanently closing streets and alleys. Any person may be heard on the question of whether or not the closing would be detrimental to the public interest or the property rights of any individual. If it appears to the satisfaction of City Council after the hearing that closing this street is not contrary to the public interest, and that no individual owning property in the vicinity of the street portion or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property, the City Council may adopt an order closing this street portion.

**ORDER TO PERMANENTLY CLOSE A PORTION OF
Market Street
(Petition of Halvorsen Development Corp.)**

NORTH CAROLINA
HENDERSON COUNTY

TO WHOM IT MAY CONCERN:

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

WHEREAS, Halvorsen Development Corp., has petitioned the City of Hendersonville to close a portion of Market Street; and

WHEREAS, on the fourth day of August 2016, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close portions of these streets and setting the sixth day of October 2016, as the date of a public hearing regarding such closure; and

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

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

WHEREAS, a public hearing was held in conformance with the aforementioned public notice on the sixth day of October 2016.

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

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

IN CONSIDERATION THEREOF, IT IS HEREBY ORDERED:

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

Beginning at a an existing pinion gear at the intersection of the easterly margin of the right-of-way of Market Street (formerly Shepherd Avenue – 25' public right-of-way) with the southerly margin of the right-of-way of White Street (public right-of-way), said pinion gear being located North 76°40'01" West, a distance of 78.00 feet along the southerly margin of the right-of-way of White Street from a new nail at its intersection with the westerly margin of the right-of-way of Greenville Highway (US Highway 225), and runs thence from said beginning point with the easterly margin of the right-of-way of Market Street South 16°34'05" West a distance of 300.84 feet to an existing metal monument at the southwesterly corner of the Atha Plaza Inc. property as described in Deed Book 574, Page 585 of the Henderson County Public Registry, said monument also being the northwesterly corner of the Larry G. Baber property as described in Deed Book Page 715, Page 277 of said Registry; thence continuing along the easterly margin of the right-of-way of Market Street South 15°57'12" West a distance of 49.20 feet to an existing iron rod at the southwesterly corner of the Baber parcel as described in Deed Book 715, Page 277, a common corner with another parcel owned by Larry G. Baber as described in Deed Book 1214, Page 93, all of said Registry; thence continuing along the easterly margin of the right-of-way of Market Street South 16°30'42" West a distance of 50.99 feet to an existing spike; thence South 16°27'13" West a distance of 150.20 feet to an existing iron pipe at the southwesterly corner of the Baber property as described in Deed Book 1214, Page 93 of said Registry, a common corner with the City of Hendersonville property as described in Deed Book 1107, Page 172 of said Registry; thence with a new line crossing Market Street North 73°30'22" West a distance of 25.48 feet to a point on the westerly margin of the right-of-way of Market Street; thence with the westerly margin of the right-of-way of Market Street North 16°29'38" East a distance of 23.80 feet to an existing iron pin at the common corner between the City of Hendersonville property as referenced above and the Prosource Land Holdings, LLC property as described in Deed Book 1337 Page 234 of said Registry; thence continuing along the westerly margin of the right-of-way of Market Street North 16°29'38" East a distance of 175.39 feet to a new iron rod at the southwesterly corner of the Larry and Annette Baber property as described in Deed Book 1402, Page 223 of said Registry; thence continuing along the westerly margin of Market Street North 16°29'38" East, and passing a new iron rod at 257.67 feet, for a total distance of 350.04 feet to an existing pinion gear at the intersection of the westerly margin of the right-of-way of Market Street with the southerly margin of the right-of-way of White Street; thence with the southerly margin of the right-of-way of White Street, and crossing Market Street, South 77°59'52" East a distance of 25.40 feet to the point and place of Beginning.

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

This order shall take effect the fifth day of January, 2017.

Barbara G. Volk, Mayor, City of Hendersonville

ATTEST:

Tammie K. Drake, City Clerk

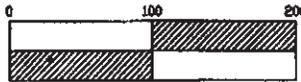
Approved as to form:

Samuel H. Fritschner, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DESCRIPTION RECORDED IN PLAT B-115A & PLAT 2-27); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION AS SHOWN ON THE FACE OF THE SURVEY; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 58.1600).

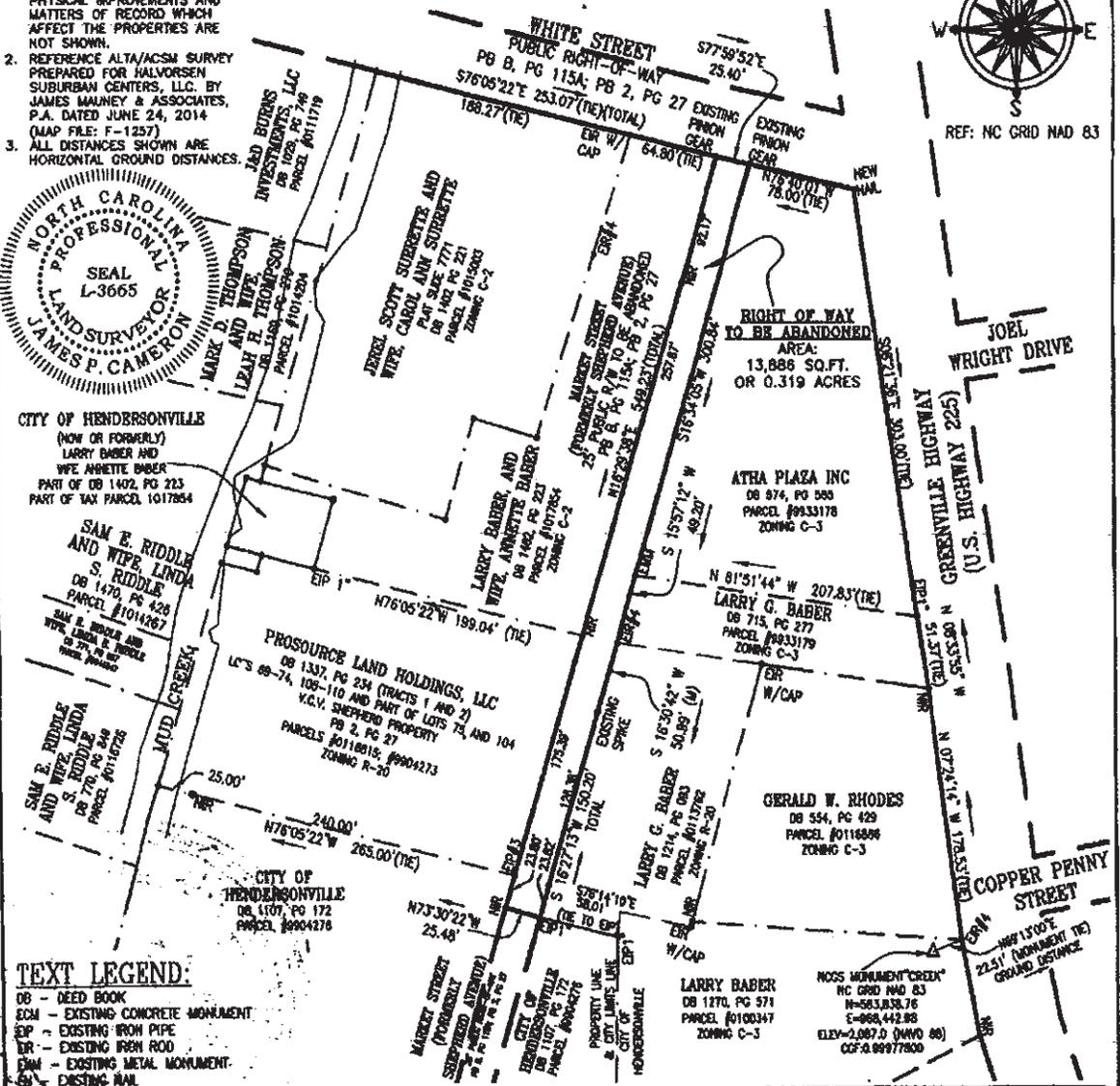
THIS 24TH DAY OF JULY, 2014.
 REVISED 01/21/2015
 REVISED 05/08/16 - MAP R/W
 ABANDONMENT



SIGNED: *James P. Cameron*
JAMES MAUNEY & ASSOCIATES, P.A.
PROFESSIONAL SURVEYORS
 6405 WILKINSON BOULEVARD, SUITE 11
 BELMONT, NC 28012
 LICENSE NO. C-2373
 TEL: (704) 828-9623
 FAX: (704) 828-9625

NOTES:

1. THE PURPOSE OF THIS SURVEY IS ONLY TO SHOW THE BOUNDS OF THE PORTION OF MARKET STREET TO BE ABANDONED. PHYSICAL IMPROVEMENTS AND MATTERS OF RECORD WHICH AFFECT THE PROPERTIES ARE NOT SHOWN.
2. REFERENCE ALTA/ACSM SURVEY PREPARED FOR HALVORSEN SUBURBAN CENTERS, LLC. BY JAMES MAUNEY & ASSOCIATES, P.A. DATED JUNE 24, 2014 (MAP FILE: F-1257)
3. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.



- TEXT LEGEND:**
- DB - DEED BOOK
 - ECM - EXISTING CONCRETE MONUMENT
 - EIP - EXISTING IRON PIPE
 - ER - EXISTING IRON ROD
 - EMM - EXISTING METAL MONUMENT
 - ES - EXISTING SURVEY
 - NC - NORTH CAROLINA
 - SE - SECTIC SURVEY
 - NIR - NEW IRON ROD
 - NW - NEW NAIL
 - PB - PLAT BOOK
 - R/W - RIGHT-OF-WAY
 - SQ.FT. - SQUARE FEET

- LINE LEGEND:**
- PROPERTY LINE ————
 - PROPERTY LINE (NOT SURVEYED) - - - - -
 - RIGHT-OF-WAY ————
 - RIGHT-OF-WAY (NOT SURVEYED) - - - - -

SURVEY OF:
 MARKET STREET RIGHT-OF-WAY TO BE ABANDONED
 ALONG THE PROPERTY OF: ATHA PLAZA, INC.; PROSOURCE
 LAND HOLDINGS, LLC; LARRY BABER & THE CITY OF
 HENDERSONVILLE
 CITY OF HENDERSONVILLE, HENDERSON COUNTY, NC
 JOB NUMBER: 8868; SHEET 2 OF 2

MARKET STREET RIGHT-OF-WAY TO BE ABANDONED

0.319 Acre

Along the Property of Atha Plaza Inc., Larry Baber, City of Hendersonville &
Prosource Land Holdings, LLC
Hendersonville, Henderson County, North Carolina

Being a portion of the existing public right-of-way of Market Street (formerly Shepherd Avenue) lying and being in the City of Hendersonville, Henderson County, North Carolina, to be abandoned, said portion of Market Street to be abandoned being more particularly described as follows:

BEGINNING at an existing pinion gear at the intersection of the easterly margin of the right-of-way of Market Street (formerly Shepherd Avenue - 25' public right-of-way) with the southerly margin of the right-of-way of White Street (public right-of-way), said pinion gear being located North $76^{\circ}40'01''$ West, a distance of 78.00 feet along the southerly margin of the right-of-way of White Street from a new nail at its intersection with the westerly margin of the right-of-way of Greenville Highway (U.S. Highway 225), and runs thence from said BEGINNING point with the easterly margin of the right-of-way of Market Street South $16^{\circ}34'05''$ West a distance of 300.84 feet to an existing metal monument at the southwesterly corner of the Atha Plaza Inc. property as described in Deed Book 574, Page 585 of the Henderson County Public Registry, said monument also being the northwesterly corner of the Larry G. Baber property as described in Deed Book 715, Page 277 of said Registry; thence continuing along the easterly margin of the right-of-way of Market Street South $15^{\circ}57'12''$ West a distance of 49.20 feet to an existing iron rod at the southwesterly corner of the Baber parcel as described in Deed Book 715, Page 277, a common corner with another parcel owned by Larry G. Baber as described in Deed Book 1214, Page 93, all of said Registry; thence continuing along the easterly margin of the right-of-way of Market Street South $16^{\circ}30'42''$ West a distance of 50.99 feet to an existing spike; thence South $16^{\circ}27'13''$ West a distance of 150.20 feet to an existing iron pipe at the southwesterly corner of the Baber property as described in Deed Book 1214, Page 93 of said Registry, a common corner with the City of Hendersonville property as described in Deed Book 1107, Page 172 of said Registry; thence with a new line crossing Market Street North $73^{\circ}30'22''$ West a distance of 25.48 feet to a point on the westerly margin of the right-of-way of Market Street; thence with the westerly margin of the right-of-way of Market Street North $16^{\circ}29'38''$ East a distance of 23.80 feet to an existing iron pipe at the common corner between the City of Hendersonville property as referenced above and the Prosource Land Holdings, LLC property as described in Deed Book 1337, Page 234 of said Registry; thence continuing along the westerly margin of the right-of-way of Market Street North $16^{\circ}29'38''$ East a distance of 175.39 feet to a new iron rod at the southwesterly corner of the Larry and Annette Baber property as described in Deed Book 1402, Page 223 of said Registry; thence continuing along the westerly margin of the right-of-way of Market Street North $16^{\circ}29'38''$ East, and passing a new iron rod at 257.67 feet, for a total distance of 350.04 feet to an existing pinion gear at the intersection of the westerly margin of the right-of-way of Market Street with the southerly margin of the right-of-way of White Street; thence with the southerly margin

of the right-of-way of White Street, and crossing Market Street, South $77^{\circ}59'52''$ East a distance of 25.40 feet to the point and place of BEGINNING; containing 13,886 square feet or 0.319 acre, more or less, as shown on the attached survey prepared by James Mauney & Associates, P.A. dated July 24, 2014.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 12.15.16

Presenter: Susan Frady, Development Assist. Director

Date of Council Meeting to consider this item: 1.05.17

Nature of Item: Council Action

Summary of Information/Request:

Item # 09

The City is in receipt of an application, dated June 28, 2016, for a zoning map amendment. The applicant is William A. Pace, Jr. representing Pace Brother's Construction Co., Inc. The application is for parcel 9578-24-7373 which consists of 0.985 acres. This parcel is located between E. Central Street and Edney Street and the proposed rezoning is from R-15, Medium Density Residential to C-3, Highway Business.

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

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

I move the City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of parcel number 9578-24-7373 from R-15, Medium Density Residential to C-3, Highway Business, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the following reasons: [PLEASE STATE YOUR REASONS]

Attachments:

Memo
Maps

MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: Susan Frady, Development Assistance Director

RE: Pace Brothers Construction Co., Inc.

FILE #: P16-19-Z

DATE: November 15, 2016

PROJECT HISTORY

The City is in receipt of an application, dated June 28, 2016, for a zoning map amendment. The applicant is William A. Pace, Jr. representing Pace Brother's Construction Co., Inc. The application is for parcel 9578-24-7373 which consists of 0.985 acres. This parcel is located between E. Central Street and Edney Street.

COMPREHENSIVE PLAN CONSISTENCY

According to N.C.G.S.160A-383, zoning map amendments shall be made in accordance with a comprehensive plan. As shown on the map located on page 8, the 2030 Comprehensive Plan's Future Land Use Map designates these parcels as High Intensity Neighborhood. The High Intensity Neighborhood future land use category is to encourage low maintenance, high density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. The primary and secondary recommended land uses for the High Intensity Neighborhood land use category are as follows:

Primary

- Single-family attached and detached residential
- Planned Residential Developments
- Open space

Secondary

- Public and institutional
- Offices and retail along thoroughfares
- Recreational amenities

PROPOSED ZONING CLASSIFICATION

This parcel is proposed to be rezoned to C-3, Highway Business Zoning District which is designed primarily to encourage the development of recognizable, attractive groupings of facilities to serve persons traveling by automobile and local residents.

SURROUNDING LAND USE & ZONING CLASSIFICATION

The parcel in the proposed rezoning request is currently vacant. The parcels to the east and west are zoned R-15, Medium Density Residential and have residential dwellings on them. The property to the north is zoned R-15, Medium Density Residential and is vacant. The property to the south is zoned C-3, Highway Business and is occupied by a commercial building. Please note an existing land use map is located on page 7 and an existing zoning map is located on page 9.

ANALYSIS

Listed in Table A is an outline of the dimensional requirements for the two zoning district classifications.

Table A

Dimensional Req.	R-15	C-3
Minimum Lot Area	15,000 Sq. Ft.	6,000 Sq. Ft.(residential) 10,000 (commercial)
Minimum Lot Width at Building Line	85 Feet	80 Feet
Minimum Front Yard	30 Feet	35 Feet
Minimum Side Yard	10 Feet	15 Feet
Minimum Rear Yard	15 Feet	20 Feet
Maximum Building Height	35 Feet	48 Feet

The C-3, Highway Business zoning district is designed primarily to encourage the development of recognizable, attractive groupings of facilities to serve persons traveling by automobile and local residents. The permitted and conditional uses for the C-3, Highway Business District are listed below.

C-3, Highway Business District

Permitted Uses:

Accessory dwelling units
Accessory uses & structures
Animal hospitals & clinics
Automobile car washes
Automobile sales and service
Automotive paint & body work
Banks
Bed & breakfast facilities
Business services
Congregate care facilities
Construction trades facilities
Convenience stores
Cultural arts buildings
Dance & fitness facilities
Dry cleaning & Laundry
Farm equipment sales & service
Food pantries
Food processing
Funeral homes
Golf driving ranges & par three
Greenhouses & commercial nurseries
Home occupations
Hotels and motels
Laundries, coin-operated
Microbreweries
Mobile home sales
Music and art studios
Newspaper offices & printing
Parking lots & parking garages
Parks
Personal services

Planned residential developments
Progressive care facilities
Public & semi-public buildings
Recreational facilities, indoors
Recreational facilities, outdoors
Religious institutions
Repair services, miscellaneous
Residential care facilities
Residential dwellings, single
Residential dwellings, two
Rest homes
Restaurants
Restaurants, drive-in
Retail stores
Schools, business
Schools, primary
Service stations
Signs
Telecommunication antennas
Telecommunications towers
Theaters, indoors
Wholesale businesses

Conditional Uses:

Animal boarding facilities
Bus stations
Child care centers
Civic clubs
Mini-warehouses
Private clubs
Public utility facilities

As is shown on the enclosed map, this parcel is currently zoned R-15, Medium Density Residential. This zoning classification is for areas in which the principal use of land is for medium-density single-family residences. It is expected that all dwellings in such district will have access to public water supplies or public sewage disposal facilities or a reasonable expectation of such service in the future. The permitted and conditional uses for the R-15, Medium-Density Residential District are listed below:

R-15, Medium Density Residential

Permitted Uses:

Accessory dwelling units
Accessory structures
Adult care homes
Camps
Child care homes
Home occupations
Parks
Personal services
Planned residential developments
Religious institutions

Residential care facilities
Residential dwellings, single-family
Residential dwellings, two-family
Signs
Telecommunications antennas

Conditional Uses:

Bed & breakfast facilities
Cemeteries
Public utility facilities
Schools, primary and secondary

PLANNING BOARD RECOMMENDATION

The Planning Board discussed this matter at its regular meeting of November 14, 2016. The Planning Board voted unanimously to recommend that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of parcel number 9578-24-7373 from R-15, Medium Density Residential to C-3, Highway Business finding that the rezoning is consistent with the Comprehensive Plan and the rezoning is the best use of the property.

ZONING ORDINANCE GUIDELINES

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

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

SUGGESTED MOTIONS

I move the City Council adopt/not adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of parcel number 9578-24-7373 from R-15, Medium Density Residential to C-3, Highway Business, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the following reasons:

[PLEASE STATE YOUR REASONS]

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

IN RE: FILE NO. P16-7-Z

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

1. Pursuant to Article XI Amendments of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of parcel numbers 9578-24-7373 from City of Hendersonville R-15, Medium Density Residential to City of Hendersonville C-3, Highway Business.
2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 5th day of January
2017.

Barbara Volk, Mayor

ATTEST:

Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City
Attorney

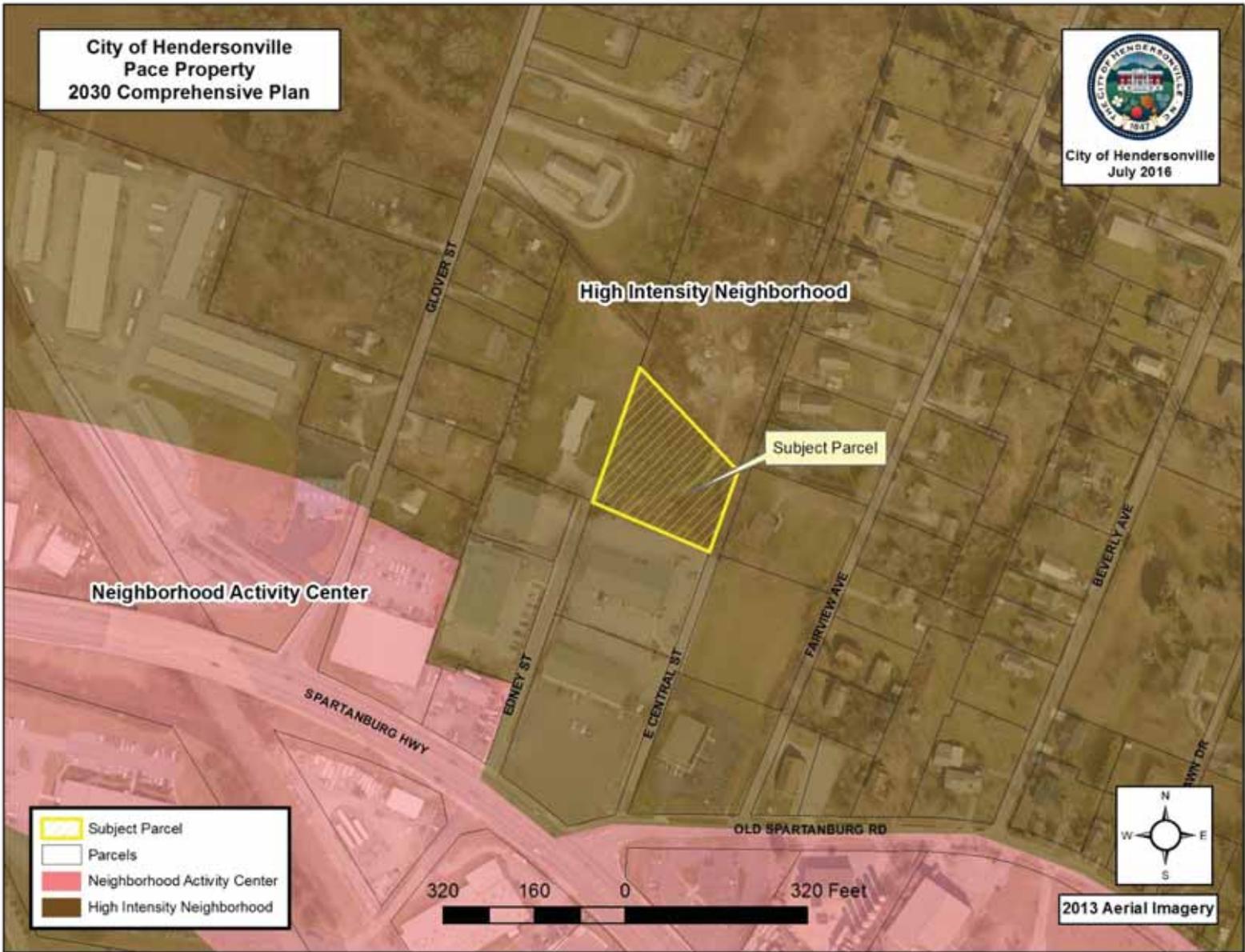
**City of Hendersonville
Pace Property
2030 Comprehensive Plan**

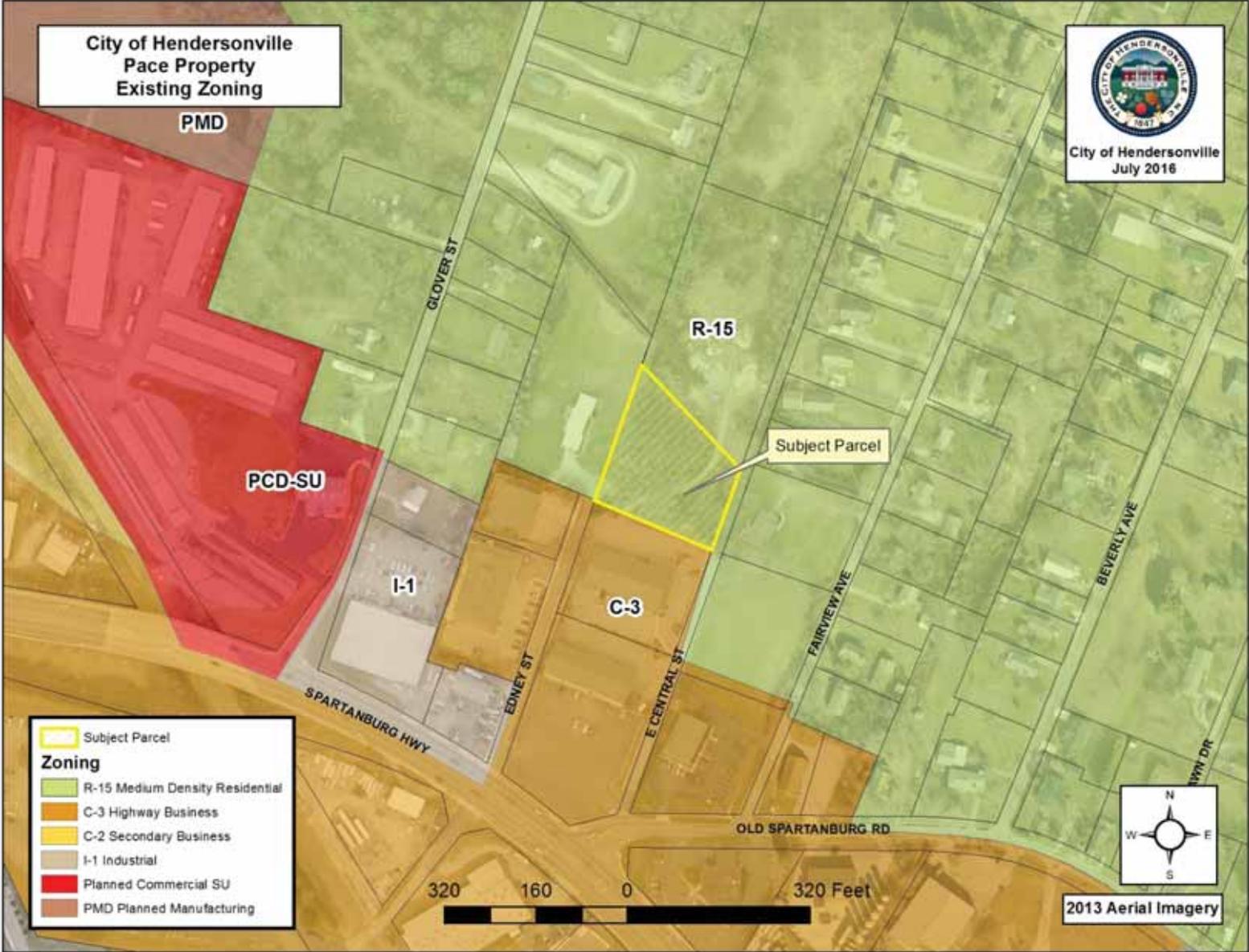


Subject Parcel
 Parcels

2013 Aerial Imagery

City of Hendersonville
Pace Property
2030 Comprehensive Plan







CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 12-15-16

Presenter: Susan G. Frady, Development Asst Director

Date of Council Meeting to consider this item: 1-15-17

Nature of Item: Council Action

Summary of Information/Request:

Item # 10

The City has received a request from Sherri L. Brewer, Attorney to substitute the current property owners Ella Jean Boggio and Grant and Susan Sitler for the previous owner John G. Liberatos concerning the Petition to close the unnamed and unopened alleyway which runs from North Main Street to Algeria Street. A map, survey and boundary description are included with this memorandum. The Council adopted a Resolution of Intent to close this unopened right-of-way at the November 3, 2016 meeting. A copy of the Resolution of Intent was mailed to the adjacent property owners, notification of the proposed closing was posted on the property, and the Resolution of Intent and notice of public hearing was advertised four times in the legal notice section of a local newspaper. General Statute 160A-299 has procedures for permanently closing streets and alleys. Any person may be heard on the question of whether or not the closing would be detrimental to the public interest or the property rights of any individual. If it appears to the satisfaction of the City Council after the hearing that closing this street is not contrary to the public interest, and that no individual owning property in the vicinity of the street or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress or egress to their property, the City Council may adopt an order closing the street.

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

I move Council to adopt the order closing the unopened alleyway/street as petitioned by Ella Jean Boggio and Grant and Susan Sitler.

Attachments:

Resolution of Intent
Memorandum
Order
Survey
Legal Description

RESOLUTION OF INTENT

A resolution declaring the intention of the City of Hendersonville City Council to consider closing an unopened alley located on PIN 9569-71-4068 between N. Main Street and Algeria Street as petitioned by John G. Liberatos

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

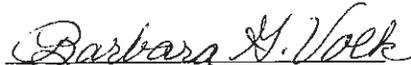
WHEREAS, John G. Liberatos has petitioned the Council of the City of Hendersonville to close an unopened alley located on PIN 9569-71-4068 between N. Main Street and Algeria Street, and

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of the unopened alley.

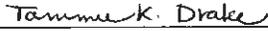
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville:

1. A meeting will be held at 5:45 p.m. on the fifth day of January 2017, in the Council Chambers of City Hall to consider closing an unopened alley located on PIN 9569-71-4068.
2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.
3. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.
4. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted by the City Council at a meeting held on the third day of November 2016.


Barbara G. Volk, Mayor

ATTEST:


Tammie K. Drake, MMC, City Clerk

(Seal)

H:\Clerk\Resolutions\Res 16\161139 ResofIntentstclosLiberatos.docx



M E M O R A N D U M

Development Assistance Department

TO: Honorable Mayor and Members of City Council

FROM: Susan Frady

RE: Liberatos Alley Closing (File No.P16-29-SC)

DATE: December 13, 2016

The City has received a request from Sherry Brewer, Attorney to substitute the current property owners Ella Jean Boggio and Grant and Susan Sitler for the previous owner John G. Liberatos, concerning the petition to close an unopened alley located on PIN # 9569-71-4068. This alley is on property located between N. Main Street and Algeria Street. A map, survey and legal description is included.

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

The Resolution of Intent setting January 5, 2017 as the public hearing date is attached.

Suggested Motion:

I move Council to adopt the order to permanently close unopened alley/street located on PIN # 9569-71-4068 as petitioned by Ella Jean Boggio and Grant and Susan Sitler.

Hogan & Brewer, PLLC
Attorneys at Law
229 NORTH MAIN STREET
HENDERSONVILLE, NORTH CAROLINA 28792
TELEPHONE: 828-697-2422 FAX: 828-696-8320

Email brewerlaw@bellsouth.net

December 15, 2016

Samuel H. Fritschner, City Attorney
City of Hendersonville
145 Fifth Avenue East
Hendersonville, NC 28792

Re: Street Closing Petition

Dear Mr. Fritschner:

On behalf of my clients, Ella Jean Boggio and Grant H. Sitler and wife, Susan W. Sitler, I hereby request they be substituted for the former owners John Anthony Liberatos and wife, Jennifer B. Liberatos and John G. Liberatos concerning the Petition the City of Hendersonville to close the 15 foot wide unnamed and unopened alleyway which runs from North Main Street to Algeria Street as shown on the submitted survey.

Please let me know if you need anything and I will be happy to submit it immediately. Thank you so much for your assistance in this matter.

Sincerely,



Sherri L. Brewer, Attorney

**ORDER TO PERMANENTLY CLOSE A PORTION OF
An Unopened Alleyway
(Petition by Boggio and Sitler)**

NORTH CAROLINA
HENDERSON COUNTY

TO WHOM IT MAY CONCERN:

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

WHEREAS, Ella Jean Boggio and Grant and Susan Sitler, have petitioned the City of Hendersonville to close a portion of an unopened right-of-way; and

WHEREAS, on the third day of November 2016, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close portions of these streets and setting the fifth day of January 2017, as the date of a public hearing regarding such closure; and

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

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

WHEREAS, a public hearing was held in conformance with the aforementioned public notice on the fifth day of January 2017.

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

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

IN CONSIDERATION THEREOF, IT IS HEREBY ORDERED:

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

Being located within the City of Hendersonville, Hendersonville Township – Henderson County, North Carolina and being more particularly described as follows::

Beginning at an iron pin the eastern margin of North Main Street, said pin marking the westernmost corner of Lot 1 of Cold Spring park as shown on a plat thereof recorded in Plat Cabinet B at Slide 18, Henderson County Registry, reference to which is hereby made, said beginning point also being the westernmost corner of the John G. Liberatos property described in Deed Book 1240 at page 458, and running thence with the southern margin of the said Liberatos property, South 46 deg. 00' 00" East 226 feet to the southernmost corner of Lot 4 in the western margin of Algeria Street; thence with the said Algeria Street, South 44 deg. 50' 10" West 15 feet to an iron pin at the easternmost corner of Tract Two of the John Anthony Liberatos property described in Deed Book 1543 at page 434, and running thence North 46 deg. 00' 00" West 218.81 feet to an iron pin in the eastern margin of North Main Street, the northernmost corner of Tract One of the John Anthony Liberatos property; thence with the eastern margin of North Main Street, North 19 deg. 03' 55" East 16.54 feet to the point and place of BEGINNING, containing 0.08 acres more or less and being the 15 foot wide unnamed alley lying to the south of Lots 1 and 4 of Cold Spring Parkas shown on a survey of said property by F.V. Clinkscales, Jr., PE recorded in Plat Slide 10318, Henderson County Registry, reference to which is hereby made.

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

This order shall take effect the fifth day of January, 2017.

Barbara G. Volk, Mayor, City of Hendersonville

ATTEST:

Tammie K. Drake, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, a notary public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk, in her capacity as Mayor of the City of Hendersonville, Tammie K. Drake, in her capacity as City Clerk, and Samuel H. Fritschner, in his capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____.

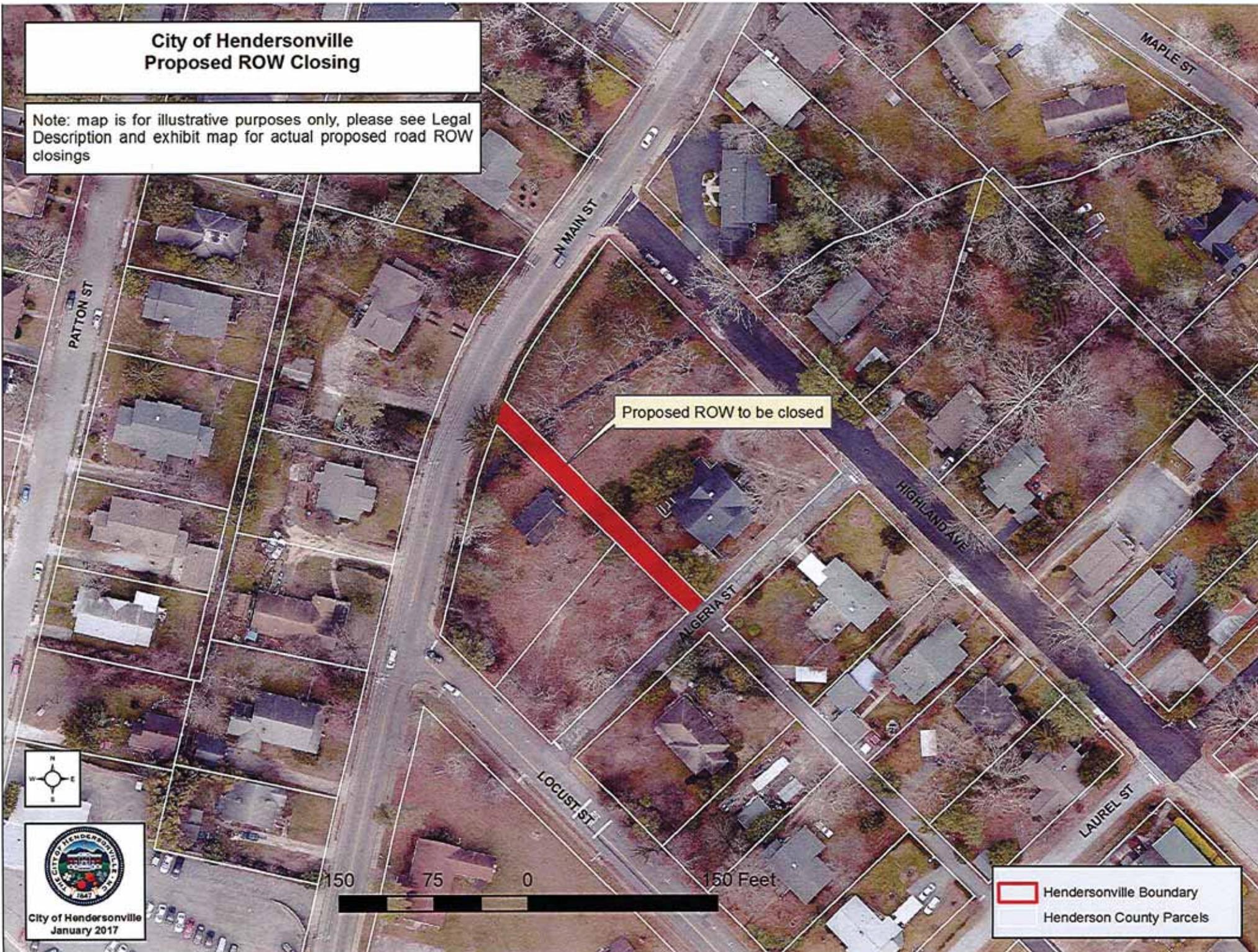
My commission expires _____

'EXHIBIT A'

BEGINNING at an iron pin the eastern margin of North Main Street, said pin marking the westernmost corner of Lot 1 of Cold Spring Park as shown on a plat thereof recorded in Plat Cabinet B at Slide 18, Henderson County Registry, reference to which is hereby made, said beginning point also being the westernmost corner of the John G. Liberatos property described in Deed Book 1240 at page 458, and running thence with the southern margin of the said Liberatos property, South 46 deg. 00' 00" East 226 feet to the southernmost corner of Lot 4 in the western margin of Algeria Street; thence with the said Algeria Street, South 44 deg 50' 10" West 15 feet to an iron pin at the easternmost corner of Tract Two of the John Anthony Liberatos property described in Deed Book 1543 at page 434, and running thence North 46 deg 00' 00" West 218.81 feet to an iron pin in the eastern margin of North Main Street, the northernmost corner of Tract One of the John Anthony Liberatos property; thence with the eastern margin of North Main Street, North 19 deg 03' 55" East 16.54 feet to the point and place of BEGINNING, containing 0.08 acres more or less and being the 15 foot wide unnamed alley lying to the south of Lots 1 and 4 of Cold Spring Park as shown on a survey of said property by F.V. Clinkscales, Jr. PE recorded in Plat Slide 10318, Henderson County Registry, reference to which is hereby made.

City of Hendersonville Proposed ROW Closing

Note: map is for illustrative purposes only, please see Legal Description and exhibit map for actual proposed road ROW closings



Proposed ROW to be closed

 Hendersonville Boundary
 Henderson County Parcels



City of Hendersonville
January 2017

150 75 0 150 Feet



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 12.13.16

Presenter: Susan G. Frady, Development Asst Director

Date of Council Meeting to consider this item: 1.5.17

Nature of Item: Council Action

Summary of Information/Request:

Item # 11

The City has received an application from Housing Assistance Corporation to close a portion of an unopened right-of-way that extends from North Main Street, south. A map, survey and boundary description are included with this memorandum. The Council adopted a Resolution of Intent to close this unopened right-of-way at the November 3, 2016 meeting. A copy of the Resolution of Intent was mailed to the adjoining property owners, notification of the proposed closing was posted on the property, and the Resolution of Intent and notice of public hearing was advertised four times in the legal notice section of a local newspaper. General Statute 160A-299 has procedures for permanently closing streets and alleys. Any person may be heard on the question of whether or not the closing would be detrimental to the public interest or the property rights of any individual. If it appears to the satisfaction of the City Council after the hearing that closing this street is not contrary to the public interest, and that no individual owning property in the vicinity of the street or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress or egress to their property, the City Council may adopt an order closing this street.

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

I move Council to adopt the Order to Permanently Close a Portion of an Unopened Right-of-Way as petitioned by Housing Assistance Corporation.

Attachments:

Resolution of Intent
Memorandum
Order
Survey
Legal Description

RESOLUTION OF INTENT

A resolution declaring the Intention of the City of Hendersonville City Council to consider closing an unopened right-of-way located on PIN 9569-85-1339 extending south from N. Main Street as petitioned by The Housing Assistance Corporation

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

WHEREAS, ~~3-1-15~~ Housing Assistance Corporation has petitioned the Council of the City of Hendersonville to close an unopened alley located on PIN 9569-85-1339 between extending south from N. Main Street, and

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of an unopened alley located on PIN 9569-85-1339.

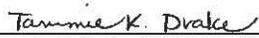
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville:

1. A meeting will be held at 5:45 p.m. on the fifth day of January 2017, in the Council Chambers of City Hall to consider closing an unopened alley located on PIN 9569-85-1339.
2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.
3. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.
4. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted by the City Council at a meeting held on the third day of November 2016.


Barbara G. Volk, Mayor

ATTEST:


Tammie K. Drake, MMC, City Clerk

(Seal)

H:\Clerk\Resolutions\Res 16\161138 ResolutionofIntentstocloseHousing Assistance.docx



MEMORANDUM

TO: Honorable Mayor and Members of City Council

FROM: Susan G. Frady, Development Assistance Director

SUBJECT: Closing of an Unopened Right-of-Way/Street (File No. P16-33-SC)

DATE: December 13, 2016

The City has received an application from Housing Assistance Corporation to close an unopened right-of-way that extends from North Main Street, south. A map, survey and boundary description are included with this memorandum.

The Council adopted a Resolution of Intent to close this unopened right of way at their November 3, 2016 meeting. A copy of the Resolution of Intent was mailed to the adjoining property owners, notification of the proposed closing was posted on the property, and the Resolution of Intent and notice of the public hearing was advertised four times in the legal notice section of a local newspaper.

General Statute 160A-299 has procedures for permanently closing streets and alleys. Any person may be heard on the question of whether or not the closing would be detrimental to the public interest or the property rights of any individual. If it appears to the satisfaction of City Council after the hearing that closing this street is not contrary to the public interest, and that no individual owning property in the vicinity of the street portion or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property, the City Council may adopt an order closing this street portion.

**ORDER TO PERMANENTLY CLOSE A PORTION OF
An Unopened Right-of-Way
(Petition by Housing Assistance Corporation)**

NORTH CAROLINA
HENDERSON COUNTY

TO WHOM IT MAY CONCERN:

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

WHEREAS, Housing Assistance Corporation, has petitioned the City of Hendersonville to close a portion of an unopened right-of-way; and

WHEREAS, on the third day of November 2016, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close portions of these streets and setting the fifth day of January 2017, as the date of a public hearing regarding such closure; and

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

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

WHEREAS, a public hearing was held in conformance with the aforementioned public notice on the fifth day of January 2017.

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

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

IN CONSIDERATION THEREOF, IT IS HEREBY ORDERED:

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

Being located within the City of Hendersonville, Hendersonville Township – Henderson County, North Carolina and being more particularly described as follows::

Beginning at a #4 Rebar with McAbee ID Cap Set on the Southern Margin of the said subject 20' Right of Way; said Rebar also being located on the Western Margin of another 20' Right of Way (shown on Plat Slide 5648 and described in Deed Book 1200 Page 408) and also being located on the Northern Line of Oklawaha Village as recorded on Plat Slide 10082; and further bearing NC Grid Coordinates (NAD83-Epoch 2011) of: Northing = 595,036.06' and Easting = 968,519.30'; thence following the Southern Margin of the subject 20' Right of Way and Northern Boundary of Oklawaha Village North 45°34'50" West 649.96 feet to a calculated point located on the Eastern Margin of North Main Street (SR 1503); thence turning and running South 88°19'10" East 29.56 feet to a calculated point located on the Northern Margin of the said 20' Right of Way; thence following the Northern Margin of the said Right of Way South 45°34'50" East and passing a Concrete Monument at a distance of 258.72 feet for a total distance of 603.25 feet to a calculated point located on the Western Margin of the 20' Right of Way shown on Plat slide 5648; thence following this Right of Way South 06°49'25" East 32.05 feet to the Point and Place of Beginning.

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

This order shall take effect the fifth day of January, 2017.

Barbara G. Volk, Mayor, City of Hendersonville

ATTEST:

Tammie K. Drake, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, a notary public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk, in her capacity as Mayor of the City of Hendersonville, Tammie K. Drake, in her capacity as City Clerk, and Samuel H. Fritschner, in his capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____.

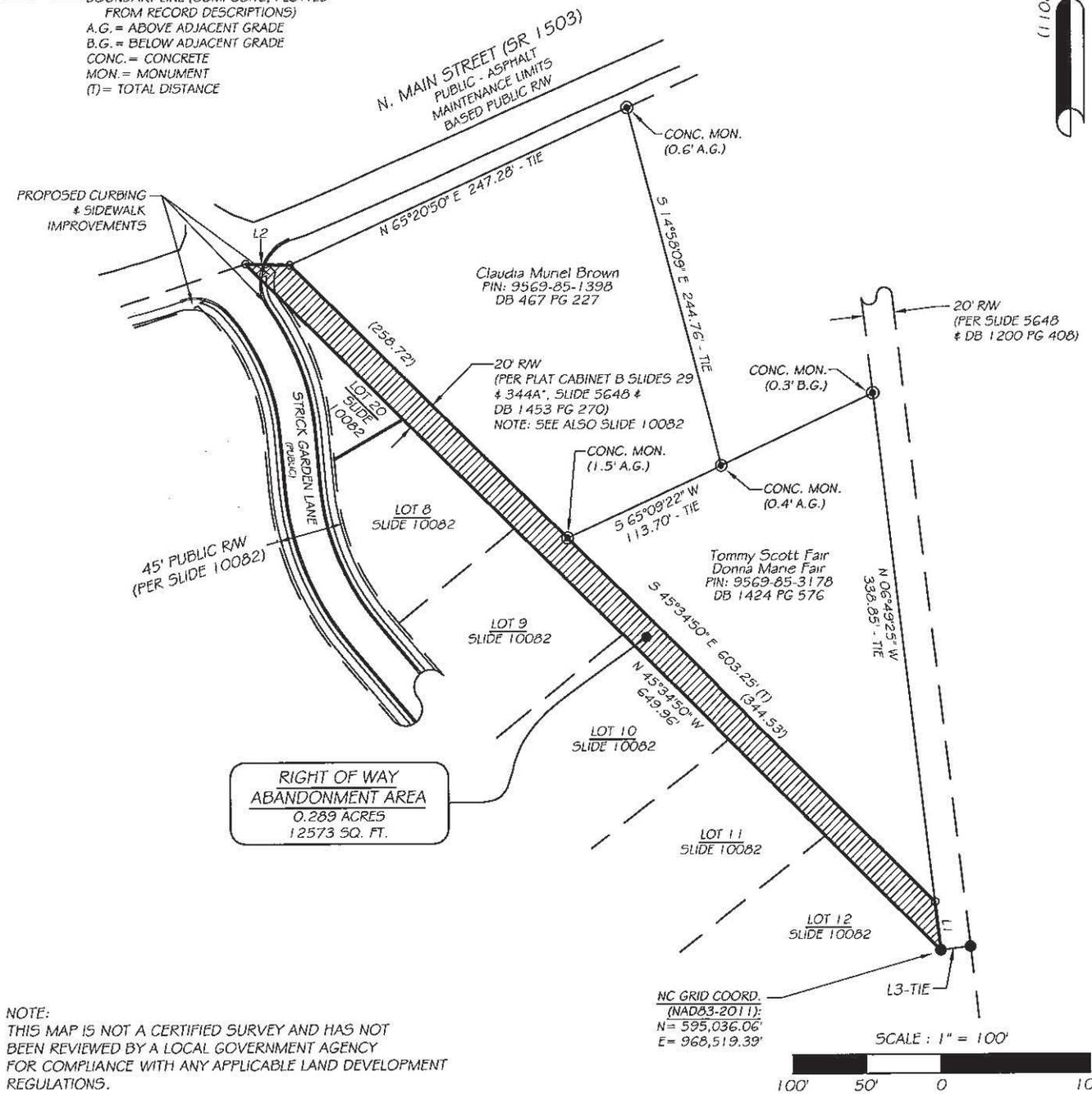
My commission expires _____

LEGEND & ABBREVIATIONS :

- PB= PLAT BOOK
- DB= DEED BOOK
- PG= PAGE
- RW= RIGHT OF WAY
- PIN= PARCEL IDENTIFICATION NUMBER
- CP= CALCULATED POINT
(NOT MARKED IN FIELD)
- RECOVERED BOUNDARY MONUMENT
(SIZE AND TYPE AS NOTED)
- BOUNDARY MONUMENT SET BY MCABEE
(RBS = #4 REBAR W. MCABEE CAP SET)
- BOUNDARY LINE (FIELD SURVEYED)
- - - BOUNDARY LINE (COMPOSITE, PLOTTED
FROM RECORD DESCRIPTIONS)
- A.G. = ABOVE ADJACENT GRADE
- B.G. = BELOW ADJACENT GRADE
- CONC. = CONCRETE
- MON. = MONUMENT
- (T) = TOTAL DISTANCE

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 06°49'25" E	32.05'
L2	S 88°19'10" E	29.56'
L3	N 83°14'23" E	20.00'



NOTE:
THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

McABEE ASSOCIATES, P.A.
PROFESSIONAL LAND SURVEYING

Eric S. McAbee, PLS
J. Barry West, PLS
Wallace S. McAbee, PLS (Ementus)
3 McAbee Trail Fairview North Carolina, 28730
www.mcabeesurvey.com Firm License Number: C-694

EXHIBIT MAP OF RIGHT OF WAY ABANDONMENT AREA ASSOCIATED WITH THE PROJECT : OKLAWAHA VILLAGE

MAP PREPARED FOR:
HOUSING ASSISTANCE CORP.

DATE: 10-11-2016
PROJECT NO.: #11553
DRAWN BY: JBW
DRAWING NO.: A-16-1747
SCALE: 1"=100'

LEGAL DESCRIPTION FOR THE ABANDONMENT OF A PORTION OF THE 20' RIGHT OF WAY RECORDED AND SHOWN ON PLAT CABINET B SLIDES 29 AND 344A AND BORDERING THE PROPERTY OF THE HOUSING ASSISTANCE CORPORATION (RECORDED IN DEED BOOK 1612 PAGE 485) AND SHOWN ON PLAT SLIDE 10082

Being located within the City of Hendersonville, Hendersonville Township - Henderson County, North Carolina and being more particularly described as follows:

Beginning at a #4 Rebar with McAbee ID Cap Set on the Southern Margin of the said subject 20' Right of Way; said Rebar also being located on the Western Margin of the another 20' Right of Way (shown on Plat Slide 5648 and described in Deed Book 1200 Page 408) and also being located on the Northern Line of Oklawaha Village as recorded on Plat Slide 10082; and further bearing NC Grid Coordinates (NAD83-Epoch 2011) of: Northing = 595,036.06' and Easting = 968,519.39'; thence following the Southern Margin of the subject 20' Right of Way and Northern Boundary of Oklawaha Village North 45°34'50" West 649.96 feet to a calculated point located on the Eastern Margin of North Main Street (SR 1503); thence turning and running South 88°19'10" East 29.56 feet to a calculated point located on the Northern Margin of the said 20' Right of Way; thence following the Northern Margin of the said Right of Way South 45°34'50" East and passing a Concrete Monument at a distance of 258.72 feet for a total distance of 603.25 feet to a calculated point located on the Western Margin of the 20' Right of Way shown on Plat Slide 5648; thence following this Right of Way South 06°49'25" East 32.05 feet to the Point and Place of Beginning.

Containing 0.289 Acres / 12,573 Square Feet.

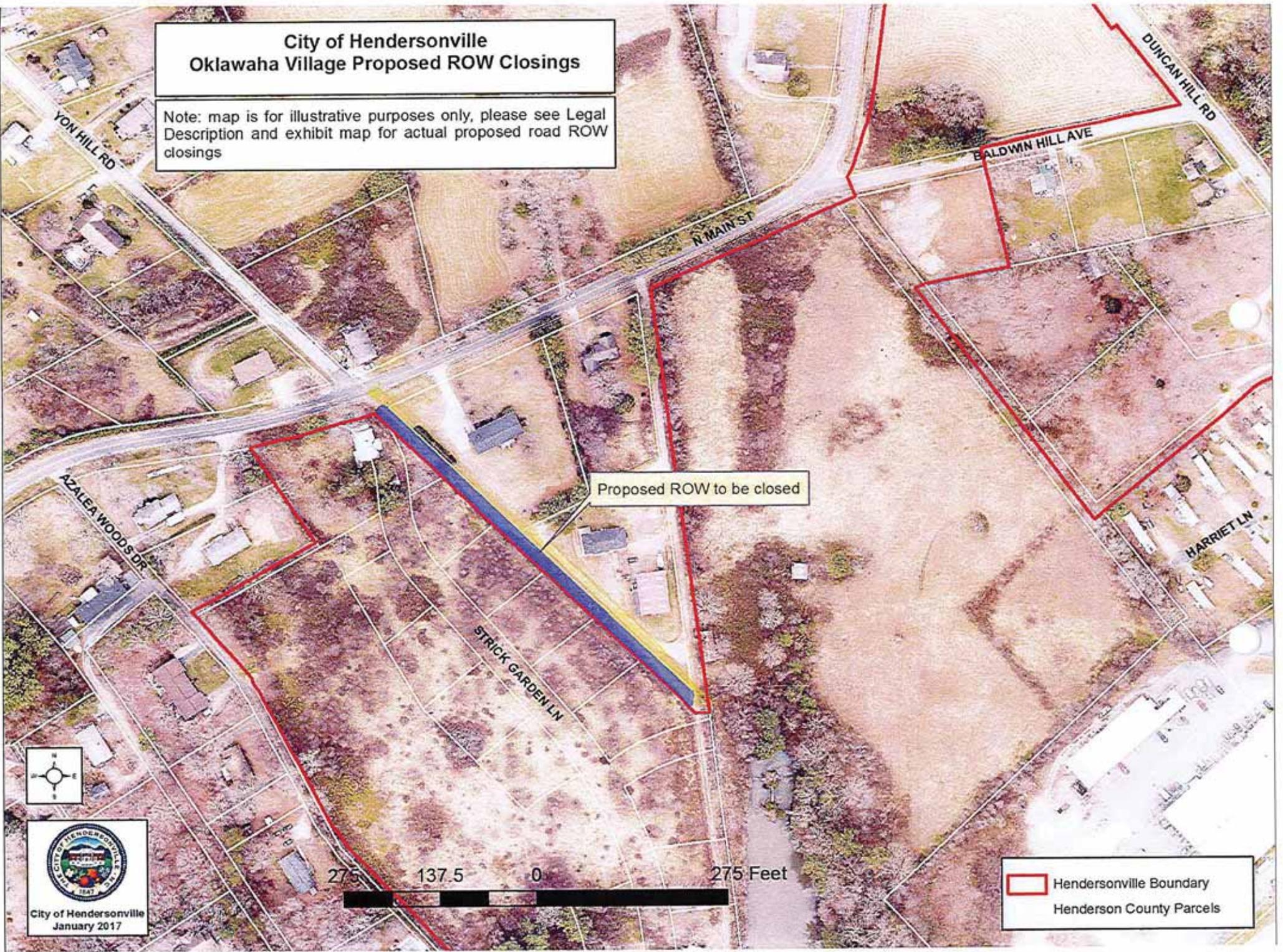
**City of Hendersonville
Oklawaha Village Proposed ROW Closings**

Note: map is for illustrative purposes only, please see Legal Description and exhibit map for actual proposed road ROW closings

Proposed ROW to be closed



 Hendersonville Boundary
 Henderson County Parcels





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 12.15.16

Presenter: Susan Frady, Development Assist. Director

Date of Council Meeting to consider this item: 1.05.17

Nature of Item: Council Action

Summary of Information/Request:

Item # 12

Section 6-5-2.5 of the zoning ordinance currently exempts off-street parking in the Seventh Avenue Depot Historic District. In order to encourage the redevelopment and revitalization of the Seventh Avenue Historic District we would like to expand the area that is exempt from the off-street parking requirement to include the entire boundary of the Seventh Avenue Municipal District. On June 4, 2015, the city expanded the 7th Avenue Municipal Service to include the area shown on the map on page 5 of the memorandum.

The city will paint as many additional on-street parking spaces as possible within the district and in the future may have to purchase property for off-street parking. This will make the off-street parking requirements for the Seventh Avenue Historic District consistent with the requirements in the Downtown Historic District.

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

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

I move City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Section 6-5-2.5 Exemption to Off-Street Parking.

Attachments:

MEMORANDUM

TO: The Honorable Mayor and City Council
FROM: Development Assistance Department
RE: Text Amendment of Section 6-5-2.5 Exemption to Off-Street Parking
FILE #: P16-35-T
DATE: November 15, 2016

PROJECT HISTORY

Section 6-5-2.5 of the zoning ordinance currently exempts off-street parking in the Seventh Avenue Depot Historic District. In order to encourage the redevelopment and revitalization of the Seventh Avenue Historic District we would like to expand the area that is exempt from the off-street parking requirement to include the boundary of the Seventh Avenue Municipal Service District.

On December 30, 1975, the City of Hendersonville adopted a resolution that established the Municipal Service District. On April 9, 1998, the City of Hendersonville adopted a resolution to establish a second municipal service district in the Seventh Avenue area of downtown. On June 4, 2015, the city expand the 7th Avenue Municipal Service District to include the properties as shown on the map on the screen. Services that may be provided in this district include but are not limited to: improvements to utilities, decorative street lighting, improvements to sidewalks, tree planting, additional law enforcement, promotional activities and parking facilities both on-street and off-street.

The city will paint as many additional on-street parking spaces as possible within the district. This will make the off-street parking requirements for the Seventh Avenue Historic District consistent with the requirements in the Downtown Historic District.

Listed below are proposed changes to the Zoning Ordinance. Additions are underlined and deletions are ~~struck-through~~.

Article VI General Provisions Section 6-5-2.5 Exemption to Off-Street Parking. Off-street parking is not required in the ~~Seventh Avenue Depot Historic District~~ 7th Avenue Municipal Service District.

The Planning Board discussed this matter at its regular meeting of November 14, 2016. The Planning Board voted unanimously that the City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Section 6-5-2.5 Exemption to off-street parking.

ZONING ORDINANCE GUIDELINES

Per Section 11-4 of the City's Zoning Ordinance, the following factors shall be considered by City Council prior to adopting or disapproving an amendment to the text of the City's Zoning Ordinance:

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

SUGGESTED MOTIONS

For Recommending Approval:

I move that City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Section 6-5-2.5 Exemption to Off-Street Parking.

[PLEASE STATE YOUR REASONS]

For Recommending Approval With Modifications:

I move that City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Section 6-5-2.5 Exemption to Off-Street Parking with the following modifications.

[PLEASE STATE THE MODIFICATIONS AND YOUR REASONS]

For Recommending Denial:

I move that City Council not adopt an ordinance amending the City of Hendersonville Zoning Ordinance Section 6-5-2.5 Exemption to Off-Street Parking

[PLEASE STATE YOUR REASONS]

AN ORDINANCE AMENDING ARTICLE VI GENERAL PROVISIONS SECTION 6-5-2.5 EXEMPTION TO OFF-STREET PARKING.

WHEREAS, the General Assembly of the State of North Carolina has granted authority to municipalities to adopt, administer and enforce zoning and subdivision regulation ordinances, building codes, and minimum housing standards and other related measures, and

WHEREAS, the General Assembly of the State of North Carolina has granted authority to municipalities to amend, supplement, change, modify or repeal zoning regulation ordinances, and

WHEREAS, the City of Hendersonville understands the need to encourage redevelopment and revitalization of the community, and

WHEREAS, the City of Hendersonville supports the 7th Avenue Municipal Service District, and

WHEREAS, the City of Hendersonville desires to amend those regulations with regards to off-street parking requirements.

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

1. Article VI General Provisions Section 6-5-2.5 exemption to off-street parking is hereby amended to include the following:

Add: Off-street parking is not required in the ~~Seventh Avenue Depot Historic District~~ 7th Avenue Municipal Service District.

2. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 9-8 of the Zoning Ordinance.
3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.
4. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.
5. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.
6. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this _____ day of _____, 2017

Barbara Volk, Mayor

Attest:

Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Lisa White
Date Submitted: 12-20-16
Date of Council Meeting to consider this item: 01-05-17
Nature of Item: Council Action
Department: Finance
Presenter: Lisa White

Summary of Information/Request:

Item # 13

Presentation of Annual Audit by David Phillips, CPA, partner with Greene, Finney & Horton, LLP
Comprehensive Annual Financial Report (CAFR) will be placed in drop box

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

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

Attachments:

Proposed Leak Adjustment Policy and the prior Leak Adjustment Policy. Aquahawk pamphlet and request for updated customer information form mailed in December.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Lisa White

Department: Finance

Date Submitted: 12-20-16

Presenter: Lisa White

Date of Council Meeting to consider this item: 01-05-17

Nature of Item: Council Action

Summary of Information/Request:

Item # 14

The Finance Customer Service Staff has amended the leak adjustment policy.

History of current leak adjustment policy: City Council first approved the Leak Allowance Policy on April 1, 1997. The current policy allows for an adjustment to the customer's account if the leak is over 5,000 gallons and then the only adjustment is one half over the amount over the 5,000 gallon threshold. This results in many customer's not being allowed an adjustment and often if allowed the adjustment does not relieve the substantial burden caused by an unavoidable leak. Many customers are left with large balances.

The Finance staff has amended the policy in order to provide clarity to the process and provide financial relief for customers suffering an unpreventable leak. With the implementation of this amended policy we feel that our customers who suffer from a leak will be able to have additional financial relief that would not have been possible with the previous policy because the leak gallon threshold may not have been met.

The Finance staff continues to work on ways to increase customer participation in the Aquahawk program. During December 2016, the Finance staff mailed an Aquahawk informational brochure to all Water & Sewer customers. In addition, Finance staff mailed a emergency contact and information update form out to all customers with a return, self-addressed, postage paid envelope so that if leaks occur the Aquahawk will attempt to contact them at the best number. In addition, a new section of the water bill has been amended to provide customers the ability to send in updated contact information when they pay their bill. The Aquahawk program is also now highlighted in the center panel of all customer water bills. These efforts, along with this amended policy will enable staff to alert customers of potential leaks and provide additional financial relief to those that suffer from an unavoidable leak.

Budget Impact: \$88,000 revenue reduction Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

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

I move that City Council approve the leak adjustment policy.

Attachments:

Proposed Leak Adjustment Policy and the prior Leak Adjustment Policy. Aquahawk pamphlet and request for updated customer information form mailed in December.

	Finance Department/ Customer Service	Policy Number	OS-G2-04
		Implementation Date Revision Date(s)	January 5th, 2017
Page #	1 of 2	Last Review Date	
Group Subject	Customer Service Leak Adjustment Policy		

1. PURPOSE

The purpose of the City's Leak Adjustment Policy is to provide an avenue for review and determination on relief provided to customers who have experienced an irregular and involuntary increase in water consumption.

2. RELEVANT INFORMATION

This policy applies to adjustments made to customer accounts due to leaks that result in a high water and/or sewer bill where the source of excess consumption is clearly identified and repaired.

3. PERSONNEL AUTHORITY

This policy details the administration of applying financial adjustments to customer accounts, therefore authority regarding the execution and administration of this policy is vested in the Finance Director.

4. SCOPE/OPERATING REQUIREMENTS

In order to receive relief, the leak must be non-preventable. A leak adjustment will be granted whether the leak occurred inside or outside of the address being served. Only one leak adjustment may be granted every 24 months per customer/ per account. The adjustment can only be provided if leak has been fixed or there has been one normal month of a billing cycle showing leak is no longer occurring.

5. PROCEDURES

- Within thirty (30) days of discovery of the leak (by the City of Hendersonville or by the customer), the customer must make a written request to the City of Hendersonville for a leak adjustment using the form provided by the City.
- Verification of the repair must be submitted to the City with the Leak Adjustment Request form. Acceptable verification includes plumber's receipt or other proof of the repair.
- After all documentation has been received by the Water Sewer Finance Department, a review of the documentation received will be conducted by City staff, and a determination will be made on the type of relief to be granted. A notice of determination will be sent to the mailing address on file within the billing system.
- Accounts determined to be eligible for a leak adjustment will follow a standard formula for determining the amount of relief provided. The amount adjustment will be the difference between the bill(s) in question and the average consumption of the account. Average Consumption shall be calculated using three (3) normal utility billing records. If there is insufficient usage history, it may be necessary to wait until additional consumption history is available before an adjustment can be made.

	Finance Department/ Customer Service	Policy Number	OS-G2-04
		Implementation Date Revision Date(s)	January 5th, 2017
Page #	2 of 2	Last Review Date	
Group	Customer Service		
Subject	Leak Adjustment Policy		

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this fifth day of January, 2017.

Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, City Clerk

CITY OF HENDERSONVILLE WATER & SEWER DEPT

NEW LEAK ALLOWANCE POLICY

EFFECTIVE APRIL 1, 1997

ADJUSTMENTS MAY BE MADE WHEN THE WATER VOLUME LOST IS 5,000 OR MORE GALLONS HIGHER THAN THE AVERAGE MONTHLY CONSUMPTION FOR THE ACCOUNT. THE ADJUSTMENT WILL BE FOR ONE HALF OF THE EXCESS OVER THE QUALIFYING 5,000 GALLONS. SIMILAR SEWER ADJUSTMENT WILL BE MADE ON CITY SEWER ACCOUNTS WHEN LEAK FLOWS INTO THE CITY SEWER SYSTEM. IF LEAK DOES NOT FLOW INTO CITY SEWER SYSTEM, THE ADJUSTMENT WILL BE FOR 100% OF THE EXCESS OVER THE QUALIFYING 5,000 GALLONS. ONLY ONE ADJUSTMENT MAY BE MADE DURING A 12 MONTH PERIOD.

THERE ARE NO WATER ADJUSTMENTS MADE FOR FILLING SWIMMING POOLS. A SEWER ADJUSTMENT MAY ONLY BE MADE IF THE POOL DOES NOT DRAIN INTO THE CITY SEWER SYSTEM.

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

CITY OF HENDERSONVILLE

The City of Four Seasons

CUSTOMER SERVICE DIVISION

PHONE: (828) 697-3052

EMAIL: customerservice@hvlnc.gov

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

*****URGENT*****

Customer Contact Information

EMERGENCY CONTACT NUMBER NEEDED

The City of Hendersonville is requesting that all water customers provide emergency contact information in the event of a water leak-related emergency that threatens to damage your property.

The City uses advanced technology that monitors water usage and our automated system and or our staff can notify you in case of excess water usage, therefore it is vital that we have your updated contact information. Please take a moment to complete the attached form and return it to us in the enclosed self-addressed, postage paid envelope.

If you have any questions please contact Customer Service at (828) 697-3052, M-F 8 a.m-5p.m.

Also, please see the many benefits and sign up information for our Aquahawk monitoring system on the attached flyer.

Customer Name:

Water/Sewer Account #:

Current Service Address:

Customer Billing Address (if different):

Emergency Telephone #:

() _____ - _____

Secondary Telephone #:

() _____ - _____

Email Addresss (if desired):



It's Free!

Subscribe to Receive Leak Alerts and Access your Water Usage Information Online

- ▶ View your water consumption
- ▶ Receive timely leak alerts
- ▶ Control your water expenses
- ▶ Easy-to-use

AquaHawk Alerting is a **FREE SERVICE** for City of Hendersonville customers that will assist them in efficiently managing their water usage and lowering their monthly bills. Register today. It's easy!

After you register, you'll be able to:

Receive timely leak alerts

You specify how you want to be contacted: e-mail, text or telephone. When your usage indicates high usage or a leak, we'll contact you. AquaHawk helps prevent costly property damage from unrepaired leaks and gives you peace of mind when you're away from your home.

Monitor your water usage

See how much water you're using and an estimate of your bill anytime during the billing cycle.

Set your Threshold Alerts

Threshold alerts allow you to specify an amount of water (gallons) or a maximum dollar amount that you don't want your bill to exceed. If your usage or your bill is trending to, or has exceeded the threshold value, AquaHawk will send you a notification.

Learn ways to save

Get a better understanding of how you're using water by performing useful comparisons online. See how you compare to similar households. Learn effective ways to reduce water usage and save money!

Register Now!

To register, visit: <https://hendernc.aquahawk.us/>

Need help registering? amcobi.helpdocsonline.com/register-a-new-user

Customer Benefits

- Know about leaks before they cause costly damage!
- See exactly how much water your family is using each month
- Set billing and usage thresholds, and never be surprised by a high bill again
- Access your account from any internet-connected device - your smartphone, laptop, or desktop computer
- Opt-in services lets you choose how you want to be contacted - e-mail, text or phone.

Complete access when you
need it & how you want it!



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 12/21/2016

Presenter: John Connet

Date of Council Meeting to consider this item: 01/05/2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 15

Mayor Volk has received a request from a citizen for the City to consider placing certain traffic signals along 5th Avenue, Washington Street and Buncombe Street on flash mode during night time hours (11:00PM-5:00AM). These specific traffic signals are owned by the City of Hendersonville and we have the ability to place them on flash. We also have the option to create four way stop intersections or intersections where the main road is flashing caution and the side street is flashing stop. NCDOT has moved away from using flash mode on major roads due to concerns about accidents. However, there is less traffic on these streets than most NCDOT roads. If City Council wishes to move forward with placing these signals on flash mode, I would suggest a six month trial period to determine if we see an increase in accidents at these intersections.

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

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

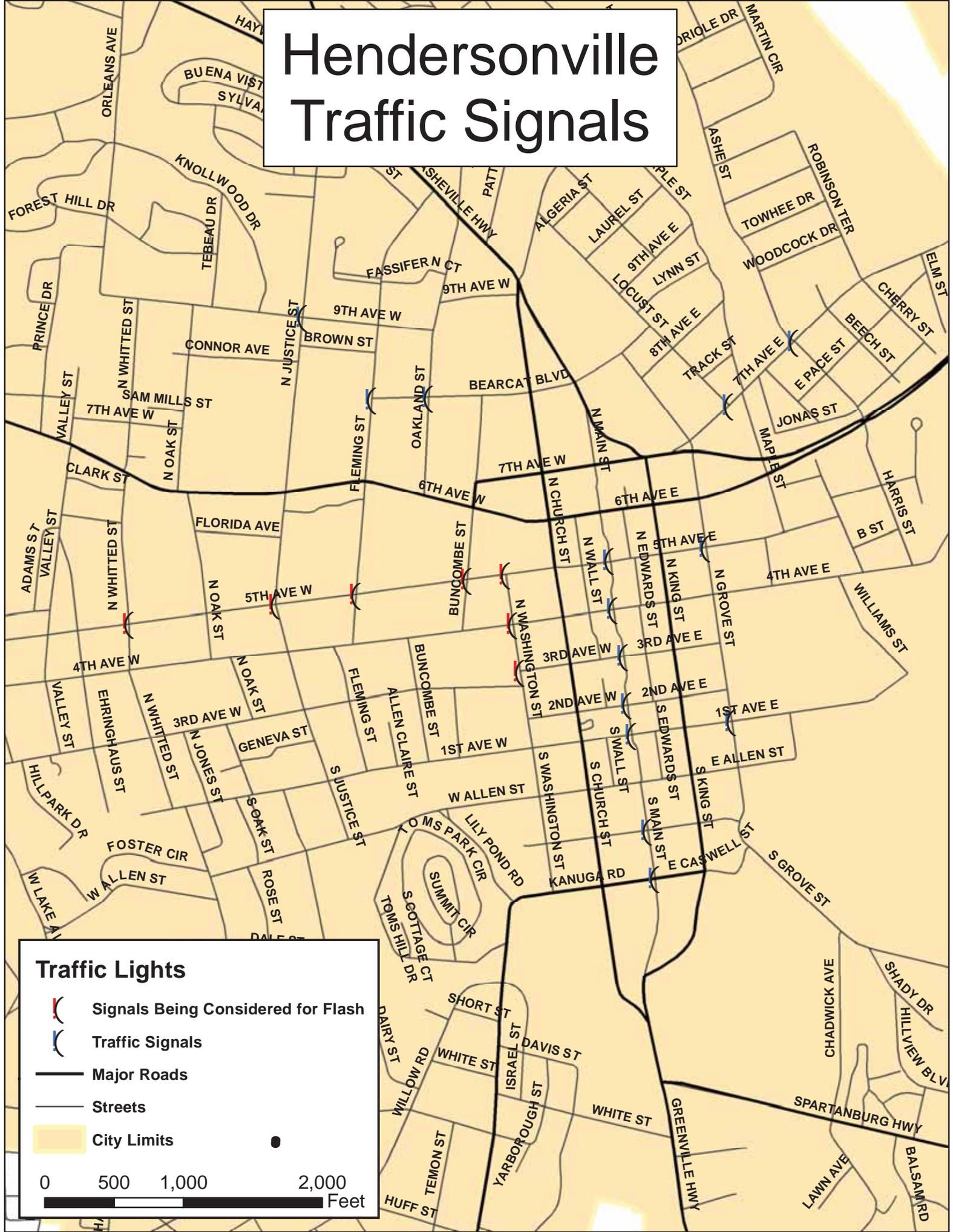
I move that City Council authorize the City of Hendersonville Public Works Department to place the traffic signals at the following intersections on (red on red flash or red on yellow flash) from 11:00PM to 5:00AM:

5th and Washington (red on red)	4th and Washington (red on 4th, yellow on Washington)
5th and Buncombe (red on Bunc., yellow on 5th)	3rd and Washington (red on 3rd, yellow on Washington)
5th and Fleming (red on Fleming, yellow on 5th)	
5th and Justice (red on Justice, yellow on 5th)	
5th and Whitted (no change-5th stays green unless someone pulls up on Whitted)	

Attachments:

Map

Hendersonville Traffic Signals



Traffic Lights

-  Signals Being Considered for Flash
-  Traffic Signals
-  Major Roads
-  Streets
-  City Limits





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brian Pahle

Department: Admin

Date Submitted: 12/27/16

Presenter: Brian Pahle

Date of Council Meeting to consider this item: 01/05/17

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 17a

In accordance with State Statute 159-13 (b) (3) it is required that all expenditures resulting from a contingency appropriation budget adjustment be reported to the governing board at its next regular meeting and recorded in the minutes. Every month you will receive a staff report detailing the contingency appropriations made from the two months priors last Wednesday to the prior month's last Wednesday. For example for a December meeting you will receive a report of all contingencies appropriated from the last Wednesday in October to the last Wednesday in November. The following contingency appropriations were made:

- 1) Fund 10 & 60 | \$8,628 | Worker's Comp. Ins. Premiums
- 2) Fund 60 | \$500 | Emergency Truck Repair (to be reimbursed through insurance settlement)

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

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

Attachments:

DEPARTMENT LINE ITEM BUDGET ADJUSTMENT

FUND:

DEPARTMENT:

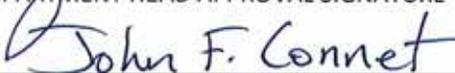
EFFECTIVE DATE:

ACCOUNT NUMBER		DESCRIPTION OF ACCOUNT	EXPENDITURE BUDGET INCREASE	EXPENDITURE BUDGET DECREASE
* ORG	OBJECT			
104310	518600	Worker's Comp. Ins	\$ 410.00	
104510	518600	Worker's Comp. Ins	\$ 4,128.00	
104520	518600	Worker's Comp. Ins	\$ 10.00	
607123	518600	Worker's Comp. Ins	\$ 716.00	
607124	518600	Worker's Comp. Ins	\$ 415.00	
607126	518600	Worker's Comp. Ins	\$ 2,232.00	
607127	518600	Worker's Comp. Ins		\$ 1,000.00
607134	518600	Worker's Comp. Ins	\$ 717.00	
109910	599100	Contingencies		\$ 4,548.00
609910	599100	Contingencies		\$ 3,080.00
TOTAL ADJUSTMENT			\$ 8,628.00	\$ 8,628.00

Increases & Decreases must equal

DEPARTMENT - INSERT DETAIL EXPLANATION/REASON FOR BUDGET ADJUSTMENT:
 An adjustment to cover additional workers comp. insurance premiums.

INSTRUCTIONS:
 Budget Adjustments may be used by to reallocate budgeted funds within in department between non-salary account line items.
 Budget Adjustments may be completed and approved by department heads as long as all account lines are within the same department
 Use whole dollar amounts - no cents.
 Budget Adjustments may not contain salary or personnel related account numbers.
 Budget Adjustments do not require Council approval.
 Please contact the Budget Office for any budget transfers which contain salary or personnel related account numbers or transfers between departments or transfers related to appropriated fund balance as that would require City Manager and Council approval.


 DEPARTMENT HEAD APPROVAL SIGNATURE

 PRINT DEPARTMENT HEAD NAME

Date:

**NORTH CAROLINA INTERLOCAL RISK MANAGEMENT AGENCY
WORKERS COMPENSATION FUND**

INVOICE

REMIT TO:
PO Box 751473
Charlotte, NC 28275

FOR INQUIRIES CONTACT:
NC Interlocal Risk Management Agency
308 West Jones St
Raleigh, NC 27603
Telephone 800/228-0986
Fax: 919/715-6656

City of Hendersonville
145 5th Avenue East
Hendersonville, NC 28792

CUSTOMER: 391
DATE: 11/30/16
INVOICE: I0027812

Due Date 12/30/16
Terms Net Due 30 Days

Description

Total Price

Nov-DEDUCTIBLE BILLING

4,342.15

607126 - 518600 - \$2,231.84
607127 - 518600 - \$ 70.38
607124 - 518600 - \$ 414.10
607123 - 518600 - \$ 716.03
607134 - 518600 - \$ 49.19
104510 - 518600 - \$ 440.98
104310 - 518600 - \$ 409.63
104520 - 518600 - \$ 10.00

Received

DEC 14 2016

Accounts Payable

J. Harrell

Total: 4,342.15

Payments must be received by 12/30/16 to avoid late penalties. Late payment charges of 1.5% per month will be assessed for payments received after 12/30/16.

PLEASE INCLUDE A COPY OF THIS INVOICE WITH YOUR PAYMENT

CUSTOMER COPY



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Admin

Date Submitted: 12.14.16

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 01.05.17

Nature of Item: Council Action

Summary of Information/Request:

Item # 18

APPOINTMENTS:

TREE BOARD: The terms of three members on the Tree Board will expire February 1, 2017: Mac Brackett, Wes Burlingame, Judy Frank. All three members would like to be reappointed.

ANNOUNCEMENTS:

There is a vacancy on the BOARD OF ADJUSTMENT (alternate position).

Upcoming (Re)Appointments: BUSINESS ADVISORY COMMITTEE: The resignation of Mr. Chuck Edwards left a vacancy on this Committee. The terms of other members, Matt Johnes, Beau Waddell and Gloria Wagner will expire in March. All three members have declined reappointment citing meeting time conflicts, busy schedules with their businesses, etc. These (re)appointments will be on your February agenda for consideration.

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

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

Attachments:

board membership lists



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 12/21/2016

Presenter: John Connet

Date of Council Meeting to consider this item: 01/05/2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 20

I would like to request a Closed Session pursuant to NCGS143-318.11(a) (5) to instruct staff concerning the position to be taken on behalf of the City Council in negotiating the price for acquisition of real property by purchase or option.

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

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

I move the City Council enter Closed Session in accordance with NCGS 143-318.11 (a) (5) to instruct staff concerning the position to be taken on behalf of the City Council in negotiating the price for acquisition of real property by purchase or option.

Attachments:

None