

# AGENDA

## CITY OF HENDERSONVILLE CITY COUNCIL – REGULAR MEETING

**MAY 5, 2016 – 5:45 P.M.**

### **Council Chambers – City Hall**

- 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:**
    - i. April 7, 2016 Regular Meeting**
    - ii. April 13, 2016 Special Meeting**
  - B. Consideration of Amendments to Section 12, Overtime Pay Provisions, of the Personnel Policy**
  - C. Consideration of Budget Amendments (5)**
    - i. Property Purchase: General Fund Increase, \$20,000  
Water/Sewer Fund Increase, \$60,000**
    - ii. Salary Adjustment: General Fund, Fire Department, No Increase/Decrease  
(Totals in Balance)**
    - iii. Police Department Motor Unit Fund Increase: Fund 110, Increase of \$1,869**
    - iv. Seventh Avenue Contribution, Seventh Avenue Fund Increase: \$31,826**
  - D. Consideration of Awarding a Contract to Steppe Construction for the Construction of the Glenbrook Sanitary Sewer Improvements Project for an amount not to Exceed \$400,000**
  - E. Consideration of Capital Project Ordinance for Glenbrook Gravity Sewer Improvements Project**

F. Consideration of Waiver of Fee for Mulch Until mid-October 2016

G. Consideration of a Special Event Permit for Mad Mountain Mud Run and Family Mud Fun including the Sale of Alcohol at the Event in the Area Identified

H. Consideration of a Contract with Hart & Hickman, PC, for the Completion of the Mud Creek Dump - Waste Disposal Boundary Delineation and Surface Vapor Survey and Associated Budget Amendment

**6. Recognition – Service Excellence MVPs**

*Presenter: Mayor Barbara Volk and City Manager John Connet*

**7. Recognition – Historic Preservation Commission Awards**

*Presenter: Mayor Barbara Volk and Historic Preservation Commission Chair Cheryl Jones*

**8. Public Hearing – Request for Certificate of Public Convenience and Necessity**

*Presenter: City Clerk Tammie Drake and Applicant David Hairabedian*

**9. Consideration of a Request for the Waiver of Water and Sewer System Development Charges from the Housing Assistance Corporation, for a 12-Unit Multi-Family Project Known as Oklawaha Village**

*Presenter: Utilities Director Lee Smith*

**10. Consideration of a Request for the Waiver of Water and Sewer System Development Charges from Flatiron Partners, LLC, for an 80-Unit Multi-Family Project Known as Lakewood Terrace**

*Presenter: Utilities Director Lee Smith*

**11. Consideration of a Request for the Waiver of Water and Sewer System Development Charges from Flatiron Partners, LLC, for an 80-Unit multi-Family Project Known as Cedar Terrace**

*Presenter: Utilities Director Lee Smith*

**12. Consideration of a Task Order with McGill Associates for Preparation of Specifications and Modification, Revisions, and Completion of the Original Concept Plans prepared for the Water System Improvements for the Etowah Service Area and Provision of Construction Services During Construction**

*Presenter: Engineering Director Brent Detwiler*

**13. Consideration of a Resolution to Adopt a Special Appropriations Policy**

*Presenter: Assistant to the Manager Brian Pahle*

**14. Consideration of a Budget Amendment to Establish a Debt Service Fund (Fund 15) to Pay for Debt Service Notes Incurred by the City's General Fund**

*Presenter: Assistant to the Manager Brian Pahle*

**15. Comments from Mayor and City Council Members**

**16. Reports from Staff**

**A. Fire Department Strategic Planning Proposal – Office of State Fire Marshal**

**B. Reminder of Upcoming Special Meeting of the Council: May 6, 2016, 8 a.m., City Hall, for review of the proposed budget for Fiscal Year 2016-17**

- 17. Boards and Commissions: Consideration of (Re)Appointments, Announcement of Upcoming Vacancies**
- 18. New Business**
- 19. Staff Request for Closed Session**
- 20. Adjourn**





# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** Jennifer Harrell

**Department:** Administration

**Date Submitted:** 04/13/2016

**Presenter:** Jennifer Harrell

**Date of Council Meeting to consider this item:** 05/05/2016

**Nature of Item:** Presentation Only

### Summary of Information/Request:

**Item #** 05b

This agenda item is to revise the Compensatory Time provision of the Personnel Policy (Article III, Section 12). It will allow non-exempt employees to retain and carry over up to twelve (12) hours of compensatory time into each fiscal year. This will allow employees to use their retained compensatory time until they have the ability to accumulate more hours. This amount is reasonable and will not put an undue hardship on the City. The Compensatory Time provision was originally changed to deter large amounts of compensatory time to accumulate and be paid at a much higher pay rate.

**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.*

I move Council to approve the revision to Article III, Section 12, Overtime Pay Provisions, of the Personnel Policy as presented.

**Attachments:**

See below.

## Section 12. Overtime Pay Provisions

Employees of the City can be requested and may be required to work in excess of their regularly scheduled hours as necessitated by the needs of the City and determined by the Department Head. Overtime work should normally be approved in advance by the Department Head, City Manager or other designated City official.

To the extent that local government jurisdictions are so required, the City will comply with the Fair Labor Standards Act (FLSA). The Human Resources Officer shall determine which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period; 171 hours for police and 212 hours for fire personnel in a 28 day cycle). Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA purposes. Compensatory leave balances may not exceed 240 hours except for public safety employees (sworn police and firefighting employees) who may not accrue more than 480 hours. Any overtime worked after such maximum balances must be compensated in pay.

Employees are required to use or be paid for compensatory time before the start of each fiscal year, by June 30th. Employees if they choose, may retain and carry over up to twelve (12) hours of compensatory time each fiscal year. All other ~~Any unused~~ compensatory time will be paid out, in accordance with FLSA standards, upon the last pay period for the fiscal year. Department Heads may exercise discretion in the manner in which employees accrue compensatory time or are paid for overtime.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime.

Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted flexible time by their supervisor on an hour for hour basis where the convenience of the department allows. Such flexible time is not guaranteed to be taken and ends without compensation upon separation from the organization.



# CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Brian Pahle

**Department:** Admin

**Date Submitted:** 04/15/16

**Presenter:** Brian Pahle

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

**Nature of Item:** Council Action

## Summary of Information/Request:

**Item #** 05c

Budget Amendments (4)

- 1) Property Purchase | General Fund Increase | \$20,000  
| Water/Sewer Fund Increase | \$60,000
- 2) Salary Adjustment | General Fund No Increase/Decrease | \$0 (Totals in Balance)
- 3) Motor Unit Fund Increase | Fund 110 Increase | \$1,869
- 4) 7th Avenue Contribution | 7th Avenue Fund Increase | \$31,826

**Budget Impact:** \$ 113,695 Is this expenditure approved in the current fiscal year budget?  No  Yes If no, describe how it will be funded.

It will be funded with fund balance reserves. Fund 110 | Increase | \$1,869  
General Fund | Increase | \$20,000 Water/Sewer Fund | Increase | \$60,000 7th Avenue Fund | Increase | \$131,826

**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: 110

ACCOUNT NUMBER			INCREASE	DECREASE
ORG	OBJECT	DESCRIPTION OF ACCOUNT		
Revenues				
1100000	434400	Koozle Sales	186.00	
1100000	443900	Miscellaneous Income	822.00	
1100000	498207	Donations/Contributions	2,350.00	
1109900	998010	Transfer In From GF		1.00
1100000	499200	Fund Balance Approp.		1,488.00
			3,358.00	1,489.00
		Difference	1,869.00	
Expenditures				
1100000	529900	Motor Unit Clothing & Gear	2,551.00	
1100000	539400	Travel	18.00	
1100000	599100	Contingencies		700.00
			2,569.00	700.00
		Difference	1,869.00	

An amendment to account for actuals in the Motor Unit Fund. This amendment will increase revenues by \$1,869 and expenditures by \$1,869. This amendment is necessary to clean up the budget for Fund 110. Currently the actuals in the fund are over budgeted amounts.

  
 CITY MANAGER

Date: 4/26/16

APPROVED BY CITY COUNCIL:

DATE: 5/5/2016

**BUDGET AMENDMENT**

FUND: 21

ACCOUNT NUMBER		DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
ORG	OBJECT			
210090	498207	Donations/Contributions	31,826.00	
214751	536000	Façade Grant Program	10,000.00	
214751	500005	Organic Garden Expenses	3,690.00	
214751	560500	7th Avenue Development Program	18,136.00	
		Total Revenues	31,826.00	
		Total Expenditures	31,826.00	

The HSAD Board voted to transfer their funds into the City's 7th Avenue Fund in accordance with a combined effort to increase the efficiency and effectiveness of the Seventh Avenue Advisory Committee priorities.

  
 \_\_\_\_\_  
 CITY MANAGER

Date: 4-26-16

APPROVED BY CITY COUNCIL: \_\_\_\_\_ DATE: 5/5/2016

HISTORIC SEVENTH AVENUE DISTRICT

City of Hendersonville  
72500 · Organic Garden Expenditures  
65100 · Other Types of Expenses

Transfer to City System

4/25/2016

0510

3,689.95  
28,135.64

Bank Balance

Transfer to City Accounting System

31,825.59

HISTORIC SEVENTH AVENUE DISTRICT

City of Hendersonville  
72500 · Organic Garden Expenditures  
65100 · Other Types of Expenses

Transfer to City System

4/25/2016

0516

3,689.95  
28,135.64

PAYMENT  
D D

# WellsOne® Account

Account number: 4126715598 ■ March 1, 2016 - March 31, 2016 ■ Page 1 of 1



HISTORIC SEVENTH AVENUE DISTRICT  
145 5TH AVE E  
HENDERSONVILLE NC 28792-4328

## Questions?

Call your Customer Service Officer or Client Services  
**1-800-AT WELLS** (1-800-289-3557)  
5 00 AM TO 6 00 PM Pacific Time Monday - Friday

Online: [wellsfargo.com](http://wellsfargo.com)

Write: Wells Fargo Bank, N.A. (182)  
PO Box 63020  
San Francisco, CA 94163

## Account summary

### WellsOne® Account

Account number	Beginning balance	Total credits	Total debits	Ending balance
4126715598	\$32,715.84	\$0.00	\$0.00	\$32,715.84

## Daily ledger balance summary

Date	Balance
02/29	32,715.84

Average daily ledger balance \$32,715.84

*Handwritten:* \$ 514 676.25  
less outstanding e/s \$ 575 214.00 - 890.25

*Handwritten:* \$ 31,825.59

*Handwritten:* Outstanding e/s  
\* See attached e/s to Barnette - Liability Ins  
+ Henderson vide lightning

4:23 PM

04/25/16

Accrual Basis

Historic Seventh Avenue District  
Profit & Loss Detail  
January 1 through April 25, 2016

Type	Date	Num	Name	Memo	Clr	Split	Amount	Balance	
<b>Ordinary Income/Expense</b>									
<b>Expense</b>									
65100 · Other Types of Expenses									
65120 · Insurance - Liability, D and O									
Check	03/23/2016	514	BARNETTE AND...	General Lia...		10000 · Ban...	676.25	676.25	
Total 65120 · Insurance - Liability, D and O							676.25	676.25	
Total 65100 · Other Types of Expenses							676.25	676.25	
67500 · Marketing									
Check	03/23/2016	515	Hendersonville Li...	Invoice LM-...		10000 · Ban...	214.00	214.00	
Total 67500 · Marketing							214.00	214.00	
Total Expense							890.25	890.25	
Net Ordinary Income							-890.25	-890.25	
<b>Net Income</b>							<b>-890.25</b>	<b>-890.25</b>	

4:24 PM

04/25/16

Accrual Basis

**Historic Seventh Avenue District  
Balance Sheet Detail  
As of April 25, 2016**

Type	Date	Num	Name	Memo	Clr	Split	Amount	Balance
<b>ASSETS</b>								31,825.59
<b>Current Assets</b>								31,825.59
<b>Checking/Savings</b>								31,825.59
10000 · Bank Balance								31,825.59
Total 10000 · Bank Balance								31,825.59
Total Checking/Savings								31,825.59
<b>Accounts Receivable</b>								0.00
11000 · Accounts Receivable								0.00
Total 11000 · Accounts Receivable								0.00
Total Accounts Receivable								0.00
<b>Other Current Assets</b>								0.00
Total Other Current Assets								0.00
Total Current Assets								31,825.59
<b>Fixed Assets</b>								0.00
Total Fixed Assets								0.00
<b>Other Assets</b>								0.00
Total Other Assets								0.00
<b>TOTAL ASSETS</b>								<b>31,825.59</b>
<b>LIABILITIES &amp; EQUITY</b>								31,825.59
<b>Liabilities</b>								0.00
<b>Current Liabilities</b>								0.00
<b>Accounts Payable</b>								0.00
20000 · Accounts Payable								0.00
Total 20000 · Accounts Payable								0.00
Total Accounts Payable								0.00
<b>Credit Cards</b>								0.00
Total Credit Cards								0.00
<b>Other Current Liabilities</b>								0.00
24000 · Payroll Liabilities								0.00
Total 24000 · Payroll Liabilities								0.00
Total Other Current Liabilities								0.00
Total Current Liabilities								0.00

## Historic Seventh Avenue District Balance Sheet Detail As of April 25, 2016

Type	Date	Num	Name	Memo	Clr	Split	Amount	Balance
<b>Long Term Liabilities</b>								0.00
Total Long Term Liabilities								0.00
Total Liabilities								0.00
<b>Equity</b>								31,825.59
<b>30000 - Opening Balance Equity</b>								0.00
Total 30000 - Opening Balance Equity								0.00
<b>31000 - Restricted Fund Balance</b>								13,799.95
<b>31100 - Restricted For Facade Grants</b>								10,000.00 ✓
Total 31100 - Restricted For Facade Grants								10,000.00
<b>31300 - Organic Garden Restricted</b>								3,799.95
Total 31300 - Organic Garden Restricted								3,799.95
<b>31500 - Temp. Restricted Net Assets</b>								0.00
Total 31500 - Temp. Restricted Net Assets								0.00
<b>31000 - Restricted Fund Balance - Other</b>								0.00
Total 31000 - Restricted Fund Balance - Other								0.00
Total 31000 - Restricted Fund Balance								13,799.95
<b>32000 - Unrestricted Net Assets</b>								18,915.89
Total 32000 - Unrestricted Net Assets								18,915.89
<b>Net Income</b>								-890.25
Total Net Income								-890.25
Total Equity								31,825.59
<b>TOTAL LIABILITIES &amp; EQUITY</b>								<b>31,825.59</b>

*Total Remaining Organic = \$ 3,689.95 -110.00  
CK # 510*



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** Alvin Fuller

**Department:** Utilities

**Date Submitted:** 4/26/2016

**Presenter:** Alvin Fuller

**Date of Council Meeting to consider this item:** 5/5/2016

**Nature of Item:** Council Action

### Summary of Information/Request:

**Item #** 05d

On April 21, 2016 at 2:30pm 3 sealed bids were received for the Glenbrook Sanitary Sewer Improvements project. The purpose of this project is to abandon the existing pump station in the Glenbrook community located off Blythe Street, as city staff has experienced frequent problems with this facility. The results of the bid opening were as follow:

Buckeye Bridge, LLC - \$465,635.80  
Hyatt Pipeline, LLC - \$409,708.00  
Steppe Construction, Inc. - \$370,375.00

City staff has reviewed each bid for completeness and accuracy. As a result of this review, City staff hereby recommends the award of said project to Steppe Construction, Inc. of Mill Springs, NC (NC Contractor License No. 12248), the lowest responsive and responsible bidder, in the amount of \$370,375.00. Please note, the bid tabulation showing all the bids, unit prices, and engineer's estimate is attached for your reference. Please let me know if you have any questions or require additional information regarding this project.

**Budget Impact:** \$ 400,000 Is this expenditure approved in the current fiscal year budget?  Yes  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 Council to authorize the City Manager to award the bid for the construction of the Glenbrook Sanitary Sewer Improvements project to Steppe Construction, Inc., the lowest responsive and responsible bidder, in the amount of \$370,375.00 plus contingency, not to exceed a total of \$400,000.00, for the installation of 850-ft of 8-inch PVC gravity sewer, the demolition of a pump station, the abandonment of 600-ft of existing 8-inch clay gravity sewer, and associated road improvements; as presented and recommended by staff.

### Attachments:

Engineer Recommendation Letter and Bid Tabulation

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

# CITY OF HENDERSONVILLE

*The City of Four Seasons*

**WATER AND SEWER DEPARTMENT**  
**Lee Smith, Utilities Director**

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

April 26, 2016

Honorable Mayor and Members of City Council  
City of Hendersonville

Re: Glenbrook Sanitary Sewer Improvements  
Recommendation for Award

On April 21, 2016 at 2:30pm 3 sealed bids were received for the Glenbrook Sanitary Sewer Improvements project. The purpose of this project is to abandon the existing pump station in the Glenbrook community located off Blythe Street, as city staff has experienced frequent problems with this facility. The results of the bid opening were as follow:

Bidder	Bid Amount
Buckeye Bridge, LLC	\$465,635.80
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Sincerely,  
CITY OF HENDERSONVILLE



Alvin Fuller Jr., PE  
Utilities Engineer

Attachments: Bid Tabulation

City of Hendersonville Glenbrook Sewer Improvements 4/21/2016 Bid Tabulation				City of Hendersonville Engineer's Estimate		Steppe Construction, Inc. 4149 N NC Hwy. 9 Mill Spring, NC 28756		Hyatt PipeLine, LLC PO Box 136 Canton, NC 28716		Buckeye Bridge, LLC PO Box 1367 Canton, NC 28716	
Item	Description	Unit of Measure	Quantity	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1	Mobilization	LS	1	\$20,000	\$20,000.00	\$8,000	\$8,000.00	\$21,118.75	\$21,118.75	\$13,850.00	\$13,850.00
2	Traffic Control	LS	1	\$15,000	\$15,000.00	\$8,000	\$8,000.00	\$12,400	\$12,400.00	\$10,048	\$10,048.00
3	8" PVC Gravity Sewer	LF	750	\$40	\$30,000.00	\$100	\$75,000.00	\$115.50	\$86,625.00	\$192.70	\$144,525.00
4	Bore & Jack (16" Stl. Encase. Pipe and 8" PVC, Restr. Jt.)	LF	90	\$120	\$10,800.00	\$350	\$31,500.00	\$315	\$28,350.00	\$491	\$44,190.00
5	4' Dia. Manholes (including frame & cover)	VF	55	\$350	\$19,250.00	\$470	\$25,850.00	\$294	\$16,170.00	\$168	\$9,240.00
5a	Drop Attachment	VF	12	\$300	\$3,600.00	\$350	\$4,200.00	\$264	\$3,168.00	\$344.40	\$4,132.80
6	Replace Ex. Masonry Manhole	VF	8	\$450	\$3,600.00	\$450	\$3,600.00	\$562	\$4,496.00	\$419	\$3,352.00
7	Abandon Ex. Pump Station	LS	1	\$15,000	\$15,000.00	\$4,000	\$4,000.00	\$11,885	\$11,885.00	\$12,000	\$12,000.00
8	Abandon Ex. Manhole	Ea.	2	\$2,500	\$5,000.00	\$1,000	\$2,000.00	\$943	\$1,886.00	\$900	\$1,800.00
9	Service Reconnection	Ea.	8	\$1,000	\$8,000.00	\$2,500	\$20,000.00	\$1,552	\$12,416.00	\$1,455	\$11,640.00
10	#57 Stone - (Bedding, Undercut, and Backfill)	Ton	1800	\$30	\$54,000.00	\$38	\$68,400.00	\$29.20	\$52,560.00	\$32	\$57,600.00
11	Aggregate Base Course (18" Depth)	Ton	200	\$25	\$5,000.00	\$35	\$7,000.00	\$23.40	\$4,680.00	\$26	\$5,200.00
12	Binder Course (19.0B)	Ton	150	\$100	\$15,000.00	\$225	\$33,750.00	\$236	\$35,400.00	\$216	\$32,400.00
13	Asphalt Surface Course (S9.5B)	Ton	265	\$125	\$33,125.00	\$115	\$30,475.00	\$140	\$37,100.00	\$140	\$37,100.00
14	Milling (1-1/2")	SY	2400	\$3	\$7,200.00	\$4	\$9,600.00	\$4	\$9,600.00	\$3.50	\$8,400.00
15	Replace Ex. 30" Curb & Gutter	LF	1100	\$30	\$33,000.00	\$23.50	\$25,850.00	\$32	\$35,200.00	\$40	\$44,000.00
16	Topsoil & Sod	Acre	0.25	\$25,000	\$6,250.00	\$18,400	\$4,600.00	\$49,833	\$12,458.25	\$4,000	\$1,000.00
17	Tree Removal	Ea.	3	\$1,000	\$3,000.00	\$600	\$1,800.00	\$915	\$2,745.00	\$636	\$1,908.00
18	Rock Excavation	CY	150	\$150	\$22,500.00	\$45	\$6,750.00	\$143	\$21,450.00	\$155	\$23,250.00
					\$309,325.00		\$370,375.00		\$409,708.00		\$465,635.80
								<b>Low Bidder</b>			



# CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Brian Pahle

**Department:** Admin

**Date Submitted:** 04/26/16

**Presenter:** Brian Pahle

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

**Nature of Item:** Council Action

## Summary of Information/Request:

**Item #** 05e

Requesting to setup a capital project ordinance for the Glenbrook Gravity Sewer Improvements project. This project was approved in the current FY15-16 budget/CIP. The project was just bid out and is expected to lapse the end of the fiscal year. In order to ensure proper accounting and capitalization of assets, it is recommended that this project be moved to a multi-year capital project. This will also increase the City's ability to look back and provide the full cost of the project easily.

The Water/Sewer Fund already has the required \$400,000 budgeted and is moving that money to a transfers account which will then transfer over to the attached capital project ordinance.

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

Yes

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

I move to adopt the attached Capital Project Ordinance for the acquisition, construction, and installation of the Glenbrook Gravity Sewer Improvements project.

**Attachments:**

See below...

**CAPITAL PROJECT ORDINANCE FOR  
THE ACQUISITION, CONSTRUCTION AND INSTALLATION  
OF THE GLENBROOK GRAVITY SEWER IMPROVEMENTS PROJECT**

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

**Section 1:** The project authorized is a wastewater system improvements project described as the Glenbrook Gravity Sewer Improvements project.

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

Account Number		Account Name	Total Budget
4400000	519400	Professional Services-Engineering	\$ 20,000.00
4400000	557000	Land, ROW, and Land Improvement	\$ 36,000.00
4400000	559700	Capital Outlay-Line Upgrade	\$ 308,000.00
4400000	559900	Contingencies	\$ 36,000.00
<b>Total Project Appropriation</b>			<b>\$400,000.00</b>

**Section 3:** The following revenues are anticipated to be available via transfers to the aforementioned special project fund from the Water & Sewer Fund for project expenses:

Account Number		Account Name	Total Budget
609900	999440	Transfer to Glenbrook Sewer	\$ 400,000.00
4400000	998060	Transfer In From W&S	\$ 400,000.00
<b>Total Project Revenue</b>			<b>\$400,000.00</b>

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

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

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

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

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

**ADOPTED** by the City Council of the City of Hendersonville, North Carolina, on this fifth day of May, 2016.

---

Barbara G. Volk, Mayor

ATTEST:

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Tammie K. Drake, City Clerk

Approved as to form:

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Samuel H. Fritschner, City Attorney



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Tom Wooten

**Department:** Public Works

**Date Submitted:** 4/21/2016

**Presenter:** Tom Wooten

**Date of Council Meeting to consider this item:** May 5, 2016

**Nature of Item:** Council Action

### Summary of Information/Request:

**Item #** 05f

The Public Works Department is having difficulties selling our mulch. After considering different options, we would like City Council's approval to give our mulch away for free until mid-October. After mid-October, we will revert back to our normal price for the mulch which is \$10 per pickup load.

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

This should result in a loss of revenue for our Environmental Services Fund but we are not able to sell the mulch so technically it is not impacting our budget.

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

I move to allow the Public Works Department to offer free mulch to the public until mid-October 2016.

**Attachments:**



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Susan G. Frady

**Department:** Development Asst Dept

**Date Submitted:** 4/21/16

**Presenter:** Susan G. Frady

**Date of Council Meeting to consider this item:** 5/5/16

**Nature of Item:** Council Action

### Summary of Information/Request:

**Item #** 05g

Mad Mountain Mud Run and Family Mud Fun: On April 21, 2016, the Special Events Committee met and reviewed an application from Hands On for the Mad Mountain Mud Run and Family Mud Fun to be held Friday, June 3, 2016 from 6:00 P.M. – 8:00 P.M. and Saturday June 4, 2016, from noon – 7 P.M.

The event will be held at Berkeley Park and quarry. The family mud fun will be held on Friday night and will include dinner and music with family mud games. The mud run will be held on Saturday and will include a festival as well as the mud run. The application includes approval of the designated area for the consumption of alcohol. The area will be the same as last year. The area encompasses about 40,000 square feet to the west of the baseball field, including the picnic shelter, rest rooms and stage. Approval of the area authorizes the sponsors to serve alcohol at Berkeley Park in the specified area in conjunction with the special event permit. The City Police Department reported that there were no problems with the alcohol consumption at this event last year. The event pays for three off-duty police officers.

The Special Events Committee voted unanimously to recommend approval of a special event permit for Mad Mountain Mud Run and Family Mud Run.

**Budget Impact:** \$0 Is this expenditure approved in the current fiscal year budget? <sup>N/A</sup> 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's approval of the special event permit for the Mad Mountain Mud Run and Family Mud Fun including the sale of alcohol within the designated area.

**Attachments:**



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** Brent Detwiler

**Department:** Engineering

**Date Submitted:** 4/27/16

**Presenter:** Brent Detwiler

**Date of Council Meeting to consider this item:** 5/5/16

**Nature of Item:** Council Action

### Summary of Information/Request:

**Item #** 05h

Portions of the Mud Creek Dump were discovered during the Jackson Park Sewer Interceptor project. The discovery led to a first phase study performed by Hart & Hickman, PC, an environmental consulting firm, and coordinated through the NC Department of Environmental Quality's (DEQ) Inactive Hazardous Sites Program. The study was completed late last year, approved and reimbursed by DEQ earlier this year. Results of the first phase study led to the need to perform further investigation.

The first phase involved site reconnaissance activities, a water source survey to identify water supply wells, a Sensitive Environment Survey and a surface geophysical survey. Results of the high-resolution electromagnetic survey indicated that there were three discrete areas of waste disposal. DEQ has decided to fund further investigation of the Mud Creek Dump. This work scope is considered a Waste Disposal Boundary Delineation and Surface Vapor Survey and will involve soil borings and vapor monitoring on City property. Although DEQ does not have an agreement system in place for local governments in this situation, I have been told that they have funding available and will reimburse the City for the Waste Disposal Boundary Delineation and Surface Vapor Survey provided it meets their guidelines and approval (the work plan has already been approved by DEQ and staff will be in contact with them throughout the process to ensure work is performed within the approved scope). The first phase investigation was completed and reimbursed in the same manner.

Hart & Hickman have submitted a proposal for the Waste Disposal Boundary Delineation and Surface Vapor Survey as described above. The proposal is attached and we welcome any questions that you may have.

**Budget Impact:** \$ 55,275.89 Is this expenditure approved in the current fiscal year budget?  No  If no, describe how it will be funded.

The City will be reimbursed by the NC DEQ Division of Waste Management's Inactive Hazardous Sites Branch for funds expended provided work was pre-approved by the Branch. A Budget Amendment is included.

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

I move Council to approve a proposal from Hart & Hickman, PC for completion of the Mud Creek Dump - Waste Disposal Boundary Delineation and Surface Vapor Survey, to approve the associated budget amendment, and to authorize the City Manager to execute a contract for said work as presented and recommended by staff.

### Attachments:

Hart & Hickman, PC Proposal for Mud Creek Dump - Waste Disposal Boundary Delineation and Surface Vapor Survey

**Via Email**

March 17, 2016

City of Hendersonville  
Engineering Department – Water and Sewer Projects  
145 Fifth Avenue East  
Hendersonville, NC 28792

Attn: Mr. Brent Detwiler, PE

Re: **Revised Proposal**  
**Waste Disposal Boundary Delineation and Surface Vapor Survey**  
Mud Creek Dump – NONCD0000798  
Hendersonville, North Carolina  
H&H Proposal No. 15-428A

Dear Brent:

Hart & Hickman, PC (H&H) is pleased to present this revised work plan and cost proposal to perform Waste Disposal Boundary Delineation and Surface Vapor Survey assessment activities at the Mud Creek Dump (NONCD0000798) (subject site). The subject site is located west of Mud Creek between William H. King Memorial Park and Lincoln Circle in Hendersonville, Henderson County, North Carolina. The Work Plan outlines proposed assessment activities based the Pre-Regulatory Landfill Unit (Unit) Guidelines for Addressing Pre-Regulatory Landfills and Dumps dated November 2015.

### **1.0 Scope of Work**

This scope of work includes the activities associated with preparation of this work plan, proposed onsite assessment activities, project management, data evaluation, and report preparation. The following sections outline the details of the proposed scope of work for the next phase of assessment activities associated with the Mud Creek Dump.

### **Task 1 – Work Plan Preparation**

H&H has prepared this work plan and cost proposal for Waste Disposal Boundary Delineation and Surface Vapor Survey activities to be conducted at the subject site as requested by the City. This task included project scoping, bid collection, technical proposal and cost estimate preparation. Upon completion and approval of this submittal, H&H will consider this task fulfilled.

### **Task 2 - Health and Safety Plan**

Per H&H policy, a site-specific Health and Safety Plan (HSP) will be prepared to meet Occupational Safety and Health Administration (OSHA) requirements and help ensure the work is conducted safely. At the beginning of each day, health and safety briefings will be conducted with all on-site personnel prior to beginning field activities. We understand that the Unit will not reimburse for these costs; however, to ensure safety of our employees and to meet OSHA requirements, a HSP will be prepared and implemented.

### **Task 3– Waste Boundary Delineation**

Based on geophysical survey results from the previous phase of investigation, it appears that three discrete areas of buried material associated with historical Mud Creek Dump operations are present at the subject site. For the purposes of this work plan, proposed waste boundary delineation borings will be advanced near the boundaries of the three areas as previously defined by the geophysical survey (Figure 1). Prior to initiating drilling activities, H&H will contact North Carolina 811, the public utility locator to identify and mark underground utilities in the vicinity of the subject site.

Four wetlands have been identified within the boundaries of the waste disposal areas. Additionally, dense mixed deciduous and conifer wooded areas cover much of the subject site. H&H will contract with the drilling company SAEDACCO to advance delineation borings at approximately 150 foot intervals along the waste boundaries as defined by the geophysical survey. Where necessary, H&H will direct SAEDACCO to down small diameter trees and utilize mud mats (as necessary) to gain access to waste boundaries located in wooded and/or low lying areas. Note –the selected drilling contractor cost estimate includes use of up to 8 mud mats per day. If access becomes a significant issue and will delay the project, H&H will notify the City to discuss the need for additional mud mats and other necessary equipment, and additional time to accomplish the scope of work.

In addition to addressing impassible areas of the subject site, it appears that portions of buried material may extend beyond the City’s property boundary to the west-southwest and into private property along Lincoln Circle, Martin Circle and Robinson Terrace. H&H will direct the drilling subcontractor to advance borings adjacent to the private properties in question to evaluate the potential for buried

debris to extend off-site. However, no borings will be advanced on private property during this phase of assessment.

H&H will direct the drilling subcontractor to advance each boring by hand to a minimum of 5 feet below ground surface (ft bgs) to clear for unmarked subsurface utilities. The delineation borings will then be advanced using a small track-mounted drill rig utilizing small diameter solid-stem auger drilling techniques. At each boring location, soils will be visually inspected to log waste and/or soil characteristics. The presence or absence of observed waste material type, relative amounts, and thickness will also be documented on the boring logs for each boring.

During boring advancement, soils will be visually inspected to identify evidence of contamination (odor, staining, free product, etc.). Soils demonstrating evidence of contamination will be screened for volatile organic vapors with a photoionization detector (PID) and screening results will be recorded along with the depth interval of the screened soils. Field instruments will be field calibrated on-site at the start of each work day and periodic calibration checks will be performed throughout the day. Calibration and calibration check test results will be recorded on instrument calibration forms.

If necessary (and possible), at each boring location, additional borings will be advanced either inward (relative to the inferred waste disposal boundary as defined by the previous geophysical investigation) or outward from the original locations until the horizontal extent of buried material is defined. The additional delineation borings will be advanced and logged in the same manner as described above. Each boring location will be assigned a unique identification label and a wooden stake will be installed adjacent to the borings for surveying purposes. Additionally, for each boring, H&H will collect coordinate data using a handheld Trimble Geo Explorer 6000 series GPS unit capable of recording in decimal degrees to the seventh order. All boreholes will be properly abandoned using bentonite or grout for those borings advanced into the water table and/or derive soils that demonstrate obvious evidence of impacts. Clean drill cuttings will be used to backfill borings where no obvious evidence of impact is observed. Investigative derived waste (IDW) soils that are impacted will be containerized for proper off-site disposal (refer to IDW discussion in Task 5 below).

H&H assumes it will take up to ten 10-hour field days to complete waste disposal delineation activities. However, if soil boring results indicate that waste disposal areas are larger than anticipated and additional borings are needed to adequately delineate buried debris, more time may be needed to complete this task. Additionally, if dense wooded areas and/or low lying inundated areas require more clearance for navigation purposes, more time may be needed to complete this task. H&H will contact you to discuss changes in anticipated timeframes and additional cost in the event additional days are needed for waste boundary delineation activities.

#### **Task 4 – Surface Vapor Survey**

After drilling activities have been completed and the waste disposal boundaries have been defined, H&H will collect surface vapor measurements within the boundaries of buried material. H&H will conduct an evaluation of the above ground air quality near the landfill surface using a handheld LandTec GEM 5000 series gas meter capable of recording measurements of methane and hydrogen sulfide. In addition to methane and hydrogen sulfide, volatile organic vapors will be recorded using a PID. Initially, the LandTec GEM and PID will be used to record near surface vapor measurements at each of the boring locations described in the section above. The readings will be collected in gridded transects with a maximum spacing of 100 feet.

Background vapor readings will be recorded upwind of, and in close proximity to the buried material boundary. Barometric pressure will be recorded hourly for the duration of the vapor screening survey. Surface vapor survey activities will not be conducted during rain events or on exceedingly windy days. If any compounds are detected or if the survey is conducted during periods of rising barometric pressure, a second confirmation survey will be conducted on a later day. Note – if a confirmation survey is necessary additional costs will be incurred on a time and materials basis.

Each reading location will be assigned a unique sample identification label and wooden stakes will be installed at each location with detectable concentrations of methane, hydrogen sulfide, and/or volatile organic vapors. H&H will collect coordinate data at each survey screening location using a handheld Trimble Geo Explorer 6000 series GPS unit capable of recording in decimal degrees to the seventh order.

H&H has budgeted for one person to be onsite for 5 ten-hour days to complete this task. If it's determined additional time will be necessary, H&H will contact the City to discuss the need for additional time and get approval prior to continuing the work.

#### **Task 5 – Investigative Derived Waste**

As mentioned above, H&H field personnel will screen soils for staining, odors, and volatile organic vapors at each boring location. Soils demonstrating obvious evidence of impacts will be containerized for proper off-site disposal. Soils that appear to be free of impact will be used to backfill borings where no obvious evidence of impact is observed. H&H assumes six 55-gallon drums of soil will require offsite disposal as non-hazardous waste and included the subcontractor per unit costs for drums to estimate charges for containerizing IDW. We further assume the previous analytical data will suffice for development of the disposal profile and the IDW will be transported to A&D in Archdale, NC where it will be bulk loaded and transported to Republic Services Landfill in Uwharrie County, NC for proper off-site disposal. –If additional drums of IDW are generated additional charges will be incurred. H&H will attempt to coordinate waste transport and disposal

activities (if needed) to occur during the surface vapor survey to avoid additional mobilization costs. Note – if chemical analyses of soil samples are required for waste characterization additional costs will be incurred.

### **Task 6 – Project Management**

H&H will perform management activities throughout the project including budget tracking, subcontractor coordination/scheduling, and interaction with City and DEQ regarding the project.

### **Task 7- Data Evaluation and Report Preparation**

Upon completion of the activities outlined above, H&H will prepare a report with a discussion documenting our evaluation of data collected for each task including supporting tables and figures. The report will consist of the following:

- Detailed description of methodologies and results including:
  - Summary of the overall scope of work including any deviations from this proposed scope of work
  - Summary of the waste disposal delineation assessment activities
  - Summary of surface vapor survey activities
  
- Tabular summaries of results will include:
  - Tables providing GPS waypoints, survey information, and field screening results
  
- Supporting figures with bar scales, north arrows, and legends will include the following:
  - Most currently available USGS topographic map depicting contours within 1,000 feet of waste disposal boundary. Topographic contours will be depicted on all of the following supporting maps.
  - A Site and Surrounding Area Map indicating the locations of property boundaries, the interpreted horizontal extent of waste disposal based on geophysical data, horizontal extent of waste disposal based on soil borings, site structures and buildings, and all additional information pertinent to future assessment activities.
  - Soil boring location maps including screening results
  - Surface vapor survey point location maps including screening results
  
- The following raw data will be attached to the report as Appendices:
  - Photographic log of the site and activities conducted at the site including any significant clearing or land disturbance

- Field notes documenting field activities
- Instrument calibration information
- Soil boring logs

## 2.0 Staffing and Schedule

STAFFING	
Level	Personnel
Senior Project Manager	Leo Moretz, PG
Project Geologist	Ralph McGee, PG
Staff Scientist	To be determined based on availability

Note: Technician level personnel, CAD, and administrative level personnel not included in the above table.

H&H plans to begin coordination of field work within 10 working days of the approval of this work plan/cost proposal. The onset of field work will ultimately be contingent upon subcontractor availability and weather conditions at the site. Due to the low lying nature of portions of the subject site, H&H will attempt to coordinate and schedule field activities to occur during dryer conditions.

H&H estimates that the field investigation activities outlined above can be completed in approximately 15 days including mobilization and demobilization. It is anticipated a final report can be submitted to the City approximately four weeks after completion of field activities. Invoices for work performed under this Task Order will be issued monthly to the City.

## 3.0 Estimated Costs

H&H proposes to conduct the waste disposal delineation and surface vapor survey activities on a time and materials basis using the Unit's approved fee schedule for the estimated costs summarized on the attached Table 1. Additionally, subcontractor proposals are included as Attachments.

Mr. Brent Detwiler

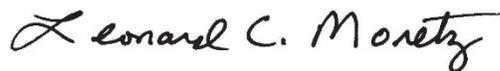
March 17, 2016

Page 7

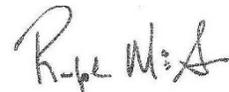
Thank you for the opportunity to provide this proposal and we look forward to working with you and the City on this very important project. Should you have any questions or need additional information, please do not hesitate to call us at (704) 586-0007.

Very truly yours,

*Hart & Hickman, PC*



Leonard C. Moretz, PG, RSM  
Senior Consultant



Ralph McGee, PG  
Project Geologist

Attachments

**AUTHORIZATION**

The scope of work and costs presented in H&H's Proposal No. 15-428A and the terms and conditions of the previously signed Professional Services Agreement are acceptable. H&H is authorized to proceed with the scope of work.

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

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

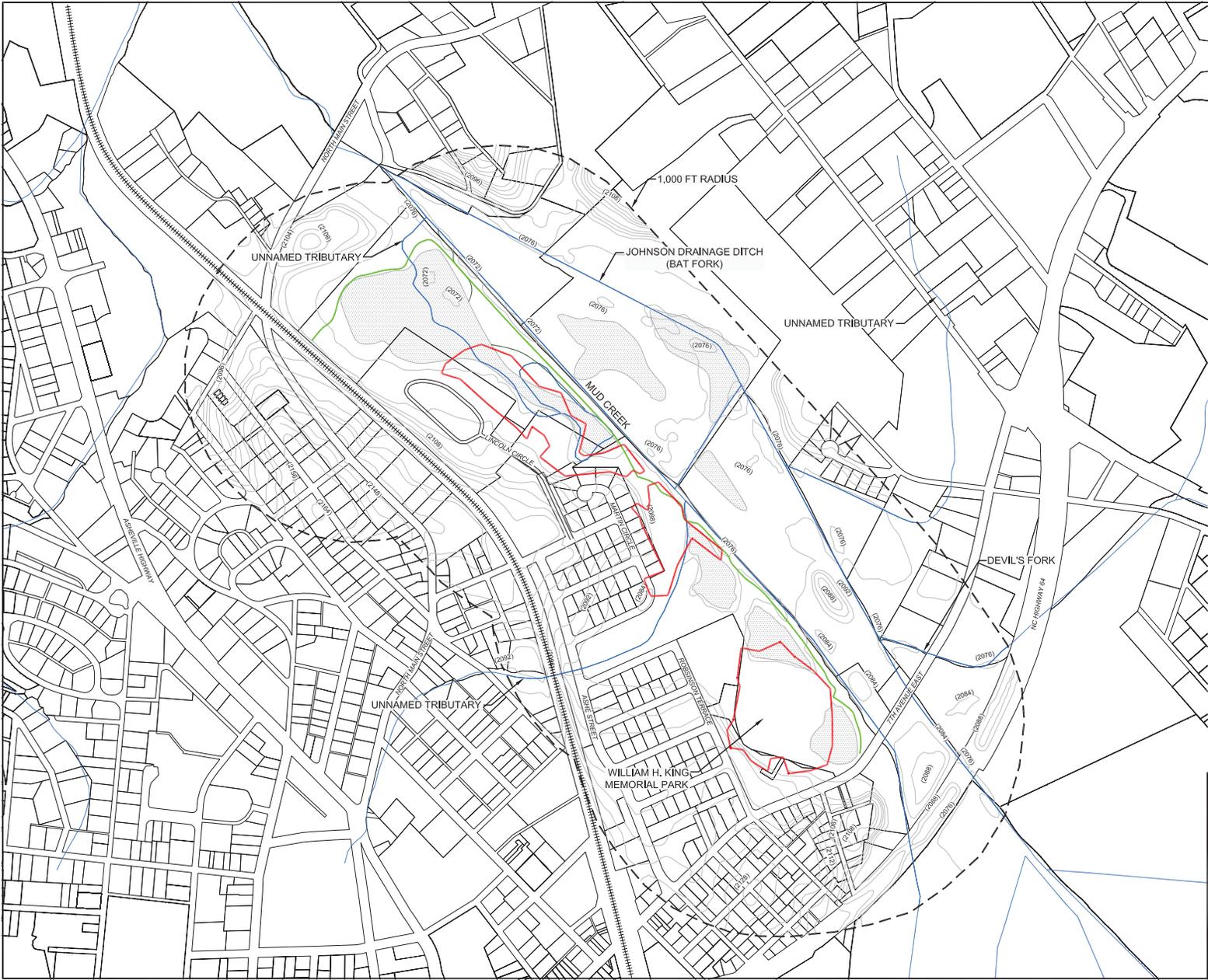
For: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Table 1**  
**Waste Boundary Delineation and Surface Vapor Survey**  
**City of Hendersonville - Mud Creek Dump (NONCD0000798)**  
**Hendersonville, North Carolina**  
**H&H Project No. HVL-003**

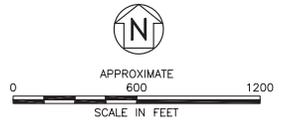
<b>Task 1: Work Plan and Cost Estimate Preparation</b>	<b>Unit Rate</b>	<b>Man-Hours</b>	<b>Cost</b>	<b>Total Labor</b>
Principal Professional	\$140.00	1	\$140.00	
Senior Professional	\$116.00	4	\$464.00	
Project Professional	\$100.00	6	\$600.00	
Staff Professional	\$85.00	4	\$340.00	
<b>Task Subtotal</b>				<b>\$1,544.00</b>
<b>Task 2: Health and Safety Plan</b>	<b>Unit Rate</b>	<b>Man-Hours</b>	<b>Cost</b>	<b>Total Labor</b>
Project Professional	\$100.00		\$0.00	
Staff Professional	\$85.00		\$0.00	
<b>Task Subtotal</b>				<b>H&amp;H Policy</b>
<b>Task 3: Waste Boundary Delineation</b>	<b>Unit Rate</b>	<b>Man-Hours</b>	<b>Cost</b>	<b>Total Labor</b>
Project Professional (assumes 1 site visit to kick-off field activities)	\$100.00	22	\$2,200.00	
Staff Professional (assumes ten 10-hour field days plus field prep activities)	\$85.00	104	\$8,840.00	
Drilling Subcontractor (assumes 10 field days; includes mud mats, etc)	\$21,900.00	1	\$21,900.00	
Mini-RAE PID (weekly)	\$350.00	2	\$700.00	
LandTec GEM 5000 gas meter (weekly)	\$475.00	2	\$950.00	
Trimble GeoEx GPS (weekly)	\$150.00	2	\$300.00	
Vehicle Mileage (3 round trips from Charlotte office plus 10 miles/day in Hendersonville)	\$0.555	765	\$424.58	
Per Diem	\$130.00	10	\$1,300.00	
Field Expendables	\$30.00	10	\$300.00	
<b>Task Subtotal</b>				<b>\$36,914.58</b>
<b>Task 4: Surface Vapor Survey</b>	<b>Unit Rate</b>	<b>Man-Hours</b>	<b>Cost</b>	<b>Total Labor</b>
Project Professional	\$100.00	8	\$800.00	
Staff Professional (Assumes five 10-hour field days plus field prep activities)	\$85.00	54	\$4,590.00	
Mini-RAE PID (weekly)	\$350.00	1	\$350.00	
LandTec GEM 5000 gas meter (weekly)	\$475.00	1	\$475.00	
Trimble GeoEx GPS (weekly)	\$150.00	1	\$150.00	
Vehicle Mileage (1 round trip from Charlotte office plus 10 miles/day in Hendersonville)	\$0.555	255	\$141.53	
Per Diem	\$130.00	5	\$650.00	
Field Expendables	\$30.00	5	\$150.00	
<b>Task Subtotal</b>				<b>\$7,306.53</b>
<b>Task 5: Investigative Derived Waste</b>	<b>Unit Rate</b>	<b>Man-Hours</b>	<b>Cost</b>	<b>Total Labor</b>
Technician (if additional mobilization for waste pick-up is needed)	\$70.000	6	\$420.00	
55-gallon Steel Drum (drilling contractor cost)	\$50.00	6	\$300.00	
Waste disposal contractor mobilization	\$485.00	1	\$485.00	
Disposal costs (per one 55-gallon drum of soil)	\$65.00	6	\$390.00	
Vehicle Mileage (1 round trip from Charlotte office)	\$0.555	205	\$113.78	
<b>Task Subtotal</b>				<b>\$1,708.78</b>
<b>Task 6: Project Management</b>	<b>Unit Rate</b>	<b>Man-Hours</b>	<b>Cost</b>	<b>Total Labor</b>
Principal	\$140.00	1	\$140.00	
Senior Professional	\$116.00	6	\$696.00	
Project Professional	\$100.00	12	\$1,200.00	
<b>Task Subtotal</b>				<b>\$2,036.00</b>
<b>Task 7: Data Evaluation and Report Preparation</b>	<b>Unit Rate</b>	<b>Man-Hours</b>	<b>Cost</b>	<b>Total Labor</b>
Senior Professional	\$116.00	10	\$1,160.00	
Project Professional	\$100.00	24	\$2,400.00	
Staff Professional	\$85.00	16	\$1,360.00	
Administrative	\$49.00	4	\$196.00	
AutoCAD Drafter	\$65.00	10	\$650.00	
<b>Task Subtotal</b>				<b>\$5,766.00</b>
<b>Waste Boundary Delineation and Surface Vapor Survey TOTAL</b>				<b>\$55,275.89</b>



- LEGEND**
- INFERRED WASTE DISPOSAL AREA
  - SURFACE WATER BODY
  - WETLANDS
  - PROPERTY BOUNDARY
  - RAILROAD TRACKS
  - (2076) INDEX CONTOUR (FT ABOVE MSL)
  - 4 FOOT CONTOUR INTERVAL
  - OKLAWAHA GREENWAY
  - 1,000 FOOT RADIUS FROM WASTE DISPOSAL BOUNDARY

**NOTE:**

- ELEVATION DATA PROVIDED BY USGS 2007 LIDAR SURVEY.



<b>TITLE</b>	WASTE DISPOSAL AREAS BASED ON GEOPHYSICAL SURVEY
<b>PROJECT</b>	MUD CREEK DUMP - NONCD0000798 HENDERSONVILLE, NORTH CAROLINA
<span style="font-size: small; vertical-align: middle;">2923 South Tryon Street-Suite 100 Charlotte, North Carolina 28203 704-586-0907(p) 704-586-0373(f) License # G-1269 / #C-245 Geology</span>	
<b>DATE:</b> 09-23-15	<b>REVISION NO.</b> 0
<b>JOB NO.</b> HVL-003	<b>FIGURE NO.</b> 1



**Drilling - Direct Push - Remediation Services**

9088 Northfield Drive

Fort Mill, South Carolina 29707

Phone: (803) 548-2180 / Fax: (803) 548-2181

www.saedacco.com

*Proposal*

Hart & Hickman, P.C.  
2923 South Tryon Street  
Charlotte, NC 28203  
Phone: (704) 586-0007 / Fax:  
Email: jalbano@harthickman.com

RE: Mud Creek Dump  
Hendersonville, NC

ATTN: Ralph McGee, PG

FROM: Pete Byer (pbyer@saedacco.com)

Project Date: 9/23/2015  
Last Revised Date: 11/6/2015  
Job Number:

Description / Unit	Quantity	Rate	Extension
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Scope of Work : DPT rig with auger capability to advance approximately 80 soil borings to an average depth of 20 ft. bls. Collect soil samples or log soil cuttings from augers to find the limits of buried waste. No Teflon DPT liners will be used. Clearing with chainsaw will be required to get through wooded areas and mud mats will be needed for low lying wet areas.

**TRAVEL:**

Mobilization, each	1	\$450.00	\$450.00
Per Diem - 2-Man Crew	10	\$170.00	\$1,700.00

**SOIL BORINGS / WELLS:**

1" PVC Temporary Well Materials, per ft.	0	\$5.00	\$0.00
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**DECONTAMINATION:**

Decontamination, lump sum	1	\$200.00	\$200.00
Steam Cleaner, per day	15	\$75.00	Included

**GEOPROBE SERVICES:**

DPT Track Rig w/Augers & 2-Man Crew, per 10 hr. day	10	\$1,700.00	\$17,000.00
Hourly Charge After 10 hrs.	0	\$175.00	\$0.00
Grout/Abandon DPT/Auger Borings, per ft	1600	\$1.00	Included

**OTHER:**

55-Gallon Drums / Containment Labor, per drum	6	\$50.00	\$300.00
Skid-Steer Loader, per day	10	\$225.00	\$2,250.00
Chainsaw, per day	10	\$50.00	Included
Mud Mats - 8, per day	10	\$100.00	Included

**Total Estimated Cost:** \$21,900.00

Time Estimate - 10 Days

**ACCEPTANCE:**

Name / Title: \_\_\_\_\_  
Date: \_\_\_\_\_  
P.O. Number: \_\_\_\_\_

**SAEDACCO:**

Name / Title: \_\_\_\_\_  
Date: \_\_\_\_\_

SAEDACCO is not liable for any damage to any underground property or utilities as long as the drilling is done at the location indicated by Client field representative and SAEDACCO has not been contracted to locate underground utilities and/or structures.

Monthly Invoices are due and payable on receipt in U.S. dollars. Invoices not paid within 30 days of date of invoice are subject to an interest charge of one and one-half percent (1.5%) on the outstanding balance for each month or portion thereof beyond the thirty day period.



# Carolina Soil Investigations, LLC

132 Gurney Road

Olin, NC 28660

Office: (704) 539-5279

## Estimate

Date	Estimate #
11/3/2015	629

### Client Information:

Hart & Hickman  
2923 South Tryon Street  
Suite 100  
Charlotte, NC 28203

### Project Location:

City of Hendersonville  
Mud Creek Dump  
Hendersonville, NC

Contact Name: Ralph McGee

Qty	Description	Rate	Total:
10	daily rate charge(s) for Geoprobe: including 2 men	1,500.00	15,000.00
8	day(s) per diem for [2] men	170.00	1,360.00
1	mobilization	350.00	350.00
10	daily charges for decon	75.00	750.00
10	daily rental charges for skid steere / chain saw / mud mats	500.00	5,000.00
	NOTE: if needed.....55 gal. drums will be charged at \$50.00 each		
<a href="http://www.carolinasoilinvestigations.com">www.carolinasoilinvestigations.com</a>		<b>Total:</b>	<b>\$22,460.00</b>

**BUDGET AMENDMENT**

FUND: 360

ACCOUNT NUMBER		DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
ORG	OBJECT			
3600000	447100	NCDEQ Reimbursements	55,275.00	
3600000	519000	Prof. Services	55,275.00	
		<b>TOTAL REVENUES</b>	<b>\$ 55,275.00</b>	<b>\$ -</b>
		<b>TOTAL EXPENDITURES</b>	<b>\$ 55,275.00</b>	<b>\$ -</b>

An amendment associated with the second phase of the Mud Creek Dump investigation. The funds are provided by NCDEQ.



CITY MANAGER

Date: 4/27/16

APPROVED BY CITY COUNCIL:

DATE: 5/5/2016



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** John Connet

**Department:** Administration

**Date Submitted:** 4/21/2016

**Presenter:** John Connet

**Date of Council Meeting to consider this item:** 5/5/16

**Nature of Item:** Presentation Only

### Summary of Information/Request:

**Item #** 06

As part of our Service Excellence Program, we are recognizing employees each quarter who have provided excellent customer service. For the January through March quarter, 45 MVP submissions were submitted. The Service Excellence Design Team selected those listed below as the quarterly winners. The quarterly nominees will have the opportunity to be selected as the Service Excellence Employee of the year.

#### Quarterly Nominees:

Joshua Hoard- Public Works

Kirk Miller - Water & Sewer

Brandon McGaha - Police

Boyce Hamlin and Cameron Womack - Fire

**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.*

NA

#### Attachments:

None



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** Susan G. Frady

**Department:** Development Asst Dept

**Date Submitted:** 4/21/16

**Presenter:** Cheryl Jones, HPC Chair

**Date of Council Meeting to consider this item:** 5/5/16

**Nature of Item:** Presentation Only

### Summary of Information/Request:

**Item #** 07

In 2010, the Historic Preservation Commission's Community Affairs Committee put together an awards program to recognize projects that exemplify preservation of historic buildings, resources and individual efforts. These awards are to recognize property owners, organizations, businesses and agencies whose contributions demonstrate outstanding commitment to excellence in historic preservation, local history or promotion of the City's heritage. Upon being chosen, the recipients are recognized by City Council and the local press and will receive \$100. each.

In 2016, two applications were received for Preservation Awards. The Historic Preservation Commission reviewed these applications at their April 21st meeting and voted unanimously to give the following awards:

Residential - Ralph & Margaret Hammond-Green, 1232 Hyman Avenue  
Commercial - Mark Ray & Nancy Pew, 620 N. Main Street.

Cheryl Jones, Chair of the Hendersonville Preservation Commission will be at the meeting to present the awards with Mayor Volk.

**Budget Impact:** \$ 200.00 Is this expenditure approved in the current fiscal year budget?  Yes  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:



# CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Tammie Drake

**Department:** Admin

**Date Submitted:** 04.27.16

**Presenter:** Tammie Drake, David Hairabedian

**Date of Council Meeting to consider this item:** 05.05.16

**Nature of Item:** Council Action

**Summary of Information/Request:**

**Item #** 08

The City has received a request for a Certificate of Public Convenience and Necessity from Mr. David Hairabedian to operate a taxicab service in the City. Chapter 54 of the Code of Ordinances requires a public hearing and after the hearing, determine whether public convenience and necessity require the operation of a taxicab, the following considerations shall be controlling:

- (1) Whether the demand for public convenience and necessity requires such additional taxicab service within the city;
- (2) The adequacy of existing mass transportation and taxicab service;
- (3) The financial responsibility and experience of the applicant for such certificate;
- (4) The ability of the applicant to earn a fair return of the capital invested;
- (5) The effect which such additional taxicab service may have upon traffic congestion and parking;
- (6) Whether the additional taxicab service will result in a greater hazard to the public, and whether the safe use of the streets by the public, both vehicular and pedestrian, will be preserved; and
- (7) Such other relevant facts as may be deemed advisable and necessary.

Other requirements include insurance amounts as set by State Law, inspection of the vehicles by the Police Department, a terminal or stand, and subject to the fares prescribed by the City:

- (1) For the initiation charge 3.00, (2) For each succeeding one-tenth mile or fraction thereof, after initiation .30, (3) For each minute of waiting time, or fraction thereof .60, (4) For each bag of groceries .25 (optional), (5) For each bag of luggage, of any kind whatsoever .50.

Mr. Hairabedian will attend to present his request to the Council.

**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.*

I move Council to approve the request of Mr. David Hairabedian for a Certificate of Public Convenience and Necessity to operate a taxicab business known as A-American Cab Company in the City.

**Attachments:**

Letter of request

## Application and Request for Certificate of Convenience Public and Necessity

To the Hendersonville City Clerk and Public Council,

I, David Alan Hairabedian, am requesting a hearing and declaration of public convenience and necessity for the purpose of operating a new taxicab service in Henderson County.

As new business move into the area, bringing new jobs, the population of Henderson County continues to grow. With this growth the need for reliable quality transportation increases.

I have been told many times by customers of Night and Day Taxi that reliable, courteous transportation is sometimes difficult to obtain. Therefore, I believe that an additional reliable taxi company like Night and Day Taxi would be a great benefit to Henderson County, it's residents and visitors.

I have made my living in the transportation and auto repair industries for over 30 years. My experience includes employment by two of the largest transportation companies in Las Vegas, NV. For the last five years I have been the supervisor, shop manager and purchasing agent for Night and Day Taxi and Transportation Services, LLC.

I am confident in my ability to earn a fair return of invested capital because I have been instrumental in the successful management, operation and subsequent growth of Night and Day Taxi. I already have two vehicles ready to be converted in taxis, a 2007 and 2008 Ford Crown Victoria. I have existing infrastructure for the operation of a taxi business, consisting of a business office in Hendersonville, full repair facilities, accounting and payroll tax services, 24/7 emergency accident and road service and sufficient parking for taxicabs and employee vehicles on private property.

I foresee no negative impact on traffic congestion or parking, as the taxis will be dispatched per customer request and are parked on private property when not in use. The taxi cab depot/stand is located at 502 S. Whitted St. Hendersonville, NC 28739.

I am familiar and aware of the ordinances and regulations regarding the operation of a taxi business and will act in compliance with them.

Since 2008, Night and Day Taxi has been providing superior taxi service to Henderson County and is the preferred taxi service by restaurants, bars and local law enforcement, as well as Park Ridge & Pardee hospitals. This new taxi service will be operated in the same manner and will adhere to the same high standards and commitment to quality, reliable transportation. I will be very selective with regards to who is allowed to drive for this company and place particular emphasis on our reputation as a quality transportation provider.

Thank you for your time. I am looking forward the opportunity to make a difference in this community and be a part of the growth of Henderson County.

Thank you,

David A. Hairabedian



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** Lee Smith

**Department:** Water/Sewer

**Date Submitted:** April 21, 2016

**Presenter:** Lee Smith

**Date of Council Meeting to consider this item:** May 5, 2016

**Nature of Item:** Council Action

### Summary of Information/Request:

**Item # 09**

We are in receipt of a letter (attached) from Mr. Don Daines, Director of Residential Development for the Housing Assistance Corporation, requesting that the City consider waiving water and sewer system development charges for an additional 12-multi-family units, known as Oklawaha Village, to be located off of N. Main St. This request and associated recommendations are in accordance with the City's SYSTEM DEVELOPMENT CHARGE WAIVER POLICY, Section II – General Policy revised and adopted by City Council on Thursday, June 3, 2010.

Please let us know if you have any questions or require additional information regarding this request and associated recommendation.

Staff respectfully recommends the waiver of all water and sewer system development charges associated with this proposed project in the amount of \$1,430 for the 5/8" x 3/4" residential water service and \$1,280 for each associated sewer service. If so approved, this waiver would be equivalent to a fee reduction in the amount of \$17,160 for water and \$15,360 for sewer for a total of \$32,520.

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

N/A

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

I move to authorize the utilities director to waive the water and sewer system development charges associated with the Housing Assistance Corporation's proposed additional 12-multi-family units, referred to as Oklawaha Village, to be located off of N. Main Street in the amount of \$1,430 for each water service and \$1,280 for each sewer service, in accordance with the SYSTEM DEVELOPMENT CHARGE WAIVER POLICY resulting a waiver of system development charges in the amount of \$32,520.

### Attachments:

Housing Assistance Corporation's Letter Requesting additional SDC Waivers



# HOUSING ASSISTANCE

April 11, 2016

Mr. Lee Smith  
Utilities Director  
City of Hendersonville  
305 Williams Street  
Hendersonville, NC 28793

Re: Waiver of (1) water and (2) sewer development charges and impact fees for the 12 additional MF Units added to Oklawaha Village development via the Amended Site Plan and Amended SUP Approvals

Dear Mr. Smith:

Housing Assistance Corporation, a 501(c)(3) nonprofit corporation, is writing to request a waiver of water and sewer system development charges for the 12 additional MF Units added via the Amended Site Plan and Amended SUP Approvals to our Oklawaha Village development located at 1818 N Main Street, Hendersonville, NC. [accompanying for your convenience]

The proposed development will now consist of 78 MF Apartment units; 17 SF 1/4 A Lots and an office building supporting and complimentary to the proposed residents, all serving people of low income. The organization requesting waiver, The Housing Assistance Corporation, is a North Carolina non-profit with 501(c)3 status.

We greatly appreciate the City of Hendersonville's long-standing policy which supports affordable housing development by waiving the system development charges for low income single and multi-family homes. Thank you for considering this waiver of the system development charges for these 12 additional MF Units within this affordable housing development.

Please do not hesitate to contact me should you require anything additional.

Sincerely,

Donald R Daines  
Director of Residential Development

Cc: Susan Frady, Development Assistance Director, City of Hendersonville  
Noelle McKay, Executive Director, The Housing Assistance Corporation  
Sean Rose, Residential Project Manager, The Housing Assistance Corporation

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*

DEVELOPMENT ASSISTANCE DEPARTMENT  
SUSAN G. FRADY, DEVELOPMENT DIRECTOR

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

March 4, 2016

Housing Assistance Corporation  
Don Daines  
P.O. Box 2057  
Hendersonville, NC 28793

Re: Application to Amend a Special Use Permit  
Oklawaha Village / Housing Assistance Corporation (File No. P15-58-SUR)

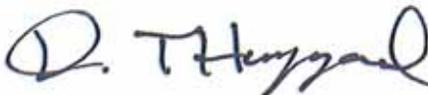
Dear Mr. Daines:

This letter is to officially notify you that City Council at their regular meeting of March 3, 2016, voted to approve your application to amend the Special Use Permit for Oklawaha Village development allowing the addition of a 12 unit multi-family building, the Office/Community Building is relocated to the east, single family lot #5 will now be used for open space including a playground and an increase in multi-family units from 66 to 78. This approval carries an effective date of March 3, 2016. The signed List of Uses & Conditions is enclosed.

As per Section 7-4-13.1 of the Zoning Ordinance, construction must commence within 24 months of the issuance of the special use permit. The Development Assistance Department will need to approve the final site plans meeting the requirements of Section 7.3.4.3 in the Zoning Ordinance.

Regarding utilities, you will need to contact Lee Smith of the Hendersonville Water and Sewer Department at 828-697-3063. Be advised that all sidewalk construction must be inspected for compliance to City sidewalk specifications. Contact the City Engineering Department at 828-697-3065 for inspection requirements and scheduling.

Cordially,



Dave Hazzard, Senior Planner

pc: Susan Frady, Development Assistance Director

Enclosure (2)  
100 N. King St.  
Hendersonville, NC 28792

sfrady@hvlnc.gov  
www.cityofhendersonville.org

Phone: 828.697.3010  
Fax: 828.698.6185



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** Lee Smith

**Department:** Water/Sewer

**Date Submitted:** April 27, 2016

**Presenter:** Lee Smith

**Date of Council Meeting to consider this item:** May 5, 2016

**Nature of Item:** Council Action

### Summary of Information/Request:

**Item # 10**

We are in receipt of a letter (attached) from Mr. Hollis Fitch, principal with Flatiron Partners LLC, requesting that the City consider waiving water and sewer system development charges for an additional 80-multi-family units, known as Lakewood Terrace, to be located off of Lakewood Road. This request and associated recommendations are in accordance with the City's SYSTEM DEVELOPMENT CHARGE WAIVER POLICY, Section II – General Policy revised and adopted by City Council on Thursday, June 3, 2010.

Staff has reviewed this request and feels that since this request is being made by a for profit organization, but that it is a monitored tax-credit project intended to satisfy the growing needs in Hendersonville for workforce affordable housing, that 75% of the system development charge should be waived. Based on these facts, staff respectfully recommends a 75% waiver of all water and sewer system development charges associated with this proposed project in the amount of \$357.50 (\$1,430 x 25%) for the 5/8" x 3/4" residential water service and \$320 (\$1,280 x 25%) for each associated sewer service. If so approved, this partial waiver would be equivalent to a fee reduction in the amount of \$85,800 for water and \$76,800 for sewer for a total of \$162,600. This means that Flatiron Partners LLC would then only pay \$28,600 for water system development charges and \$25,600 for sewer system development charges for a total of \$54,200.

Please let us know if you have any questions or require additional information regarding this request and associated recommendation.

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

N/A

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

I move to authorize the utilities director to waive 75% of the water and sewer system development charges associated with the Flatiron Partner's proposed 80-multi-family units, referred to as Lakewood Terrace, to be located off of Lakewood Road in the amount of \$357.50 for each water service and \$320 for each sewer service, in accordance with the SYSTEM DEVELOPMENT CHARGE WAIVER POLICY, resulting a waiver of system development charges in the amount of \$162,600 and a total payment due in the amount of \$54,200.

**Attachments:**

Flatiron Partner's Letter Requesting SDC Waivers



February 5, 2016

John Connet, City Manager  
City of Hendersonville  
155 Fifth Avenue  
Hendersonville, NC 28792

Re: Water and Sewer Development Fees

Dear Mr. Connett:

In June of 2010, the City Council adopted an ordinance that assisted the development of Oak Haven Apartments with the waiver of water and sewer impact fees for Housing Assistance Corporation, the local nonprofit housing assistance agency. This waiver was used again by Housing Assistance Corporation in the spring of 2015 for Oklahoma Development.

Flatiron Partners LLC is a real estate developer that was awarded 2015 tax credits for an 80 unit apartment complex through the North Carolina Housing Finance Agency's competitive process. These tax credits became available in 1987 to provide equity for the development of affordable housing for families earning below 60% of the area median income, which would be approximately \$36,000 annually for a family of four in Henderson County.

Henderson County competes against the other counties in the Western Region as shown on Exhibit A. Compared to neighboring Buncombe County, Henderson County is significantly underserved in the area of affordable housing as shown in Exhibit B. Hendersonville has received only 28 family or workforce affordable housing units and 159 senior affordable housing units since 2000. This compares with Buncombe's 488 workforce affordable housing units and 421 senior affordable housing units in the same timeframe. Senior tenants can live in family units but families cannot live in senior units. As a result, last year's market study showed that Hendersonville could support an additional 1,199 workforce affordable housing units.

The Hendersonville economy and the ambiance of its downtown relies on tourism and the hospitality industry. Typically salaries and wages in the hospitality and tourism industry are less than \$25,000 as shown in Exhibit C. In the last five years, Henderson County created more than 3,400 new jobs, however, the primary workforce of ages 25 to 64 declined by 66 individuals. The under 25 age group increased by 900 but data is not available to determine those in the workforce. This underscores the definitive need for affordable housing in Henderson County.

We ask you to waive the water and sewer impact charges for the 2016 competitive application of Flatiron Partners LLC for an additional 80 family units called Lakewood Terrace NC LLC.

The tie breaking item in winning a tax credit award is the lowest amount of tax credits per apartment unit. This means that lowest cost is a primary consideration. Flatiron Partners LLC would still be responsible for paying the cost of installing the water and sewer lines as well as all individual apartment meters and tap fees.

By waiving the water and sewer impact fees, the City would be supporting the effort to increase affordable workforce housing in the community. When a developer, nonprofit or for profit, is awarded a tax credit project for Henderson County, the City of Hendersonville is the real winner.

Sincerely,

Hollis M. Fitch



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** Lee Smith

**Department:** Water/Sewer

**Date Submitted:** April 25, 2016

**Presenter:** Lee Smith

**Date of Council Meeting to consider this item:** May 5, 2016

**Nature of Item:** Council Action

### Summary of Information/Request:

**Item # 11**

We are in receipt of a letter (attached) from Mr. Hollis Fitch, principal with Flatiron Partners LLC, requesting that the City consider waiving water and sewer system development charges for an additional 80-multi-family units, known as Cedar Terrace, to be located off of Lakewood Road. This request and associated recommendations are in accordance with the City's SYSTEM DEVELOPMENT CHARGE WAIVER POLICY, Section II – General Policy revised and adopted by City Council on Thursday, June 3, 2010.

Staff has reviewed this request and feels that since this request is being made by a for profit organization, but that it is a monitored tax-credit project intended to satisfy the growing needs in Hendersonville for workforce affordable housing, that 75% of the system development charge should be waived. Based on these facts, staff respectfully recommends a 75% waiver of all water and sewer system development charges associated with this proposed project in the amount of \$357.50 (\$1,430 x 25%) for the 5/8" x 3/4" residential water service and \$320 (\$1,280 x 25%) for each associated sewer service. If so approved, this partial waiver would be equivalent to a fee reduction in the amount of \$85,800 for water and \$76,800 for sewer for a total of \$162,600. This means that Flatiron Partners LLC would then only pay \$28,600 for water system development charges and \$25,600 for sewer system development charges for a total of \$54,200.

Please let us know if you have any questions or require additional information regarding this request and associated recommendation.

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

N/A

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

I move to authorize the utilities director to waive 75% of the water and sewer system development charges associated with the Flatiron Partner's proposed 80-multi-family units, referred to as Cedar Terrace, to be located off of Lakewood Road in the amount of \$357.50 for each water service and \$320 for each sewer service, in accordance with the SYSTEM DEVELOPMENT CHARGE WAIVER POLICY resulting a waiver of system development charges in the amount of \$162,600 and a total payment due in the amount of \$54,200.

**Attachments:**

Flatiron Partner's Letter Requesting SDC Waivers



March 25, 2016

John Connet, City Manager  
City of Hendersonville  
155 Fifth Avenue  
Hendersonville, NC 28792

RE: Water and Sewer Development Fees

Dear Mr. Connett:

In June of 2010, the City Council adopted an ordinance that assisted the development of Oak Haven Apartments with the waiver of water and sewer impact fees for Housing Assistance Corporation, the local nonprofit housing assistance agency. This waiver was used again by Housing Assistance Corporation in the spring of 2015 for Oklahoma Development.

Flatiron Partners LLC is a real estate developer that was awarded 2015 tax credits for an 80 unit apartment complex through the North Carolina Housing Finance Agency's competitive process. These tax credits became available in 1987 to provide equity for the development of affordable housing for families earning below 60% of the area median income, which would be approximately \$36,000 annually for a family of four in Henderson County.

Henderson County competes against the other counties in the Western Region as shown on Exhibit A. Compared to neighboring Buncombe County, Henderson County is significantly underserved in the area of affordable housing as shown in Exhibit B. Hendersonville has received only 28 family or workforce affordable housing units and 159 senior affordable housing units since 2000. This compares with Buncombe's 488 workforce affordable housing units and 421 senior affordable housing units in the same timeframe. Senior tenants can live in family units but families cannot live in senior units. As a result, last year's market study showed that Hendersonville could support an additional 1,199 workforce affordable housing units.

The Hendersonville economy and the ambiance of its downtown relies on tourism and the hospitality industry. Typically salaries and wages in the hospitality and tourism industry are less than \$25,000 as shown in Exhibit C. In the last five years, Henderson County created more than 3,400 new jobs, however, the primary workforce of ages 25 to 64 declined by 66 individuals. The under 25 age group increased by 900 but data is not available to determine those in the workforce. This underscores the definitive need for affordable housing in Henderson County.

By this letter we are requesting that the City of Hendersonville waive the tap and impact fees for the Cedar Terrace development located on Francis Road. This project has already received funding from the NC Housing Finance Agency but we are currently struggling with budget issues due to the topography of the site and current design standards for the City of Hendersonville. We do not want to sacrifice the quality of the project in order to get the property built. By waving the tap and impact fees, we would be able to maintain the quality of the product at a level similar to our past developments.

We greatly appreciate your consideration of this request and please do not hesitate to reach out to me with any questions.

Sincerely,

Hollis M. Fitch  
Principal



# CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Brent Detwiler

**Department:** Engineering

**Date Submitted:** 4/27/16

**Presenter:** Brent Detwiler

**Date of Council Meeting to consider this item:** 5/5/16

**Nature of Item:** Council Action

## Summary of Information/Request:

**Item #** 12

The Etowah Water System Improvements project has been ongoing for several years. It was prioritized as part of the CIP last year, and City staff have been working with the engineer McGill Associates to complete the design of the project and get it ready to bid. McGill Associates have submitted a task order (a supplement to an original agreement from several years ago) for design completion, bidding and construction management for this project. The proposal is attached and we welcome any questions that you may have.

**Budget Impact:** \$ 366,561.00 Is this expenditure approved in the current fiscal year budget?  Yes If no, describe how it will be funded.

There are funds set aside for this project as part of a Capital Project Ordinance.

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

I hereby move to approve a proposal from McGill Associates for completion of the Etowah Water System Improvements project and to authorize the City Manager to execute a contract for said work; as presented and recommended by staff.

## Attachments:

McGill Associates Proposal for Etowah Water System Improvements

## TASK ORDER

THIS TASK ORDER NO. **2016-10** supplement to the **ENGINEERING AGREEMENT** between The City of Hendersonville, North Carolina, (the “City”) and McGill Associates, PA (the “Engineer”) dated April 4, 1996. The purpose of **Task Order No. 2016-10** (the “Task Order”) is to authorize the Engineer, (including subcontractors and/or subconsultants employed and duly authorized by the Engineer to act on the Engineer’s behalf), to provide services for the project (the “Project”) generally described as: Preparation of Specifications and Modification, Revisions, and Completion of the Original Concept Plans prepared for the “Water System Improvements for the Etowah Service Area” plus Provision of Construction Services during physical construction. The ‘Project’ generally consists of:

- A. Design and specifications for approximately 13,200 linear feet of 12” water line,
- B. Geotechnical investigation of new pump station site, tank site, and fill slope for tank site access road,
- C. Design and specifications for re-construction of fill slope for tank site access road,
- D. Civil design for a 4-plex water booster pump station including a grading plan with erosion and sediment control measures for the site work and preparation and submission of flood plain development & drinking watershed storm water applications,
- E. Structural and electrical design for same,
- F. Civil design and specifications for a water storage tank including a grading plan with space for a second tank with erosion and sediment control measures for the site work,
- G. Specifications for abandonment of replaced water lines and demolition and removal of existing tank,
- H. Field surveys for above plus temporary and permanent easement exhibits,
- I. Environmental and additional regulatory permitting and encroachments for above,
- J. Preparation of Contractor pre-qualification documents and evaluation of submittals,

- K. Preparation of two sets of bid documents, one for the water line and booster pump station and one for the water storage tank, receipt and evaluation of bids,
- L. Prepare a recommendation of award for the contracts for the Owner
- M. Compile and prepare contract documents for each contract following award by the Owner
- N. Organization and facilitating of a pre-bid (1), pre-construction (1), and public information (1) meetings,
- O. Construction contract administration including approval of submittals, pay applications and required change orders,
- P. Daily construction observation with monthly progress meetings,
- Q. Project close-out and record drawings.

The initial design work was prepared under the authorization of two previous Task Orders, Task Order 06-01 approved 2/9/2006 and Task Order 06-02 approved 5/4/2006. Additional work completed and invoiced included hydraulic modeling of the Etowah area, State of NC approval for initial 12-inch water line installation from US 64 to Epona Trace, geotechnical investigation of the road embankment for the City's access to the proposed new tank site, and evaluation of the contractor pre-qualification submissions,

Work under the previous two task orders was halted and not resumed until the end of 2014. This Task Order describes the additional work required to complete the contract drawings and documents along with supplemental tasks associated with the resumption of the project in excess of previously authorized budgets..

#### **ARTICLE 1. SCOPE OF SERVICES**

The Engineer shall provide all professional engineering services (the "Services") for the Project including, without limitation, performance of the following additional tasks:

**TASK 1: ENGINEERING & DESIGN OF REPAIR TO ACCESS ROAD**

1. Slope survey for tank access road evaluation.
2. Coordinate investigation and evaluation by geotechnical consultant of steep fill slope below tank site access road near Oak Knoll Drive cul-de-sac.
3. Design, construction drawings, permits, and specifications for stabilization of the steep fill slope for the tank access road near the Oak Knoll Drive cul-de-sac.  
Design and specify measures to re-build the slope combined with 8-foot lateral shift of existing road on uphill side and corresponding retaining wall.

**TASK 2: DESIGN PHASE**

Prepare modifications and revisions to the original project drawings and specifications as directed by the City. Prepare specifications and other documents for the proposed water system improvements including the water line, existing Etowah elevated tank demolition, and booster pump station. Prepare separate specifications for the water storage tank.

The additional work and services provided as a part of this task order include:

Booster Pump Station

1. Conduct site field visit for the new pump station site.
2. Conduct subsurface borings at the new pump station site, utilizing a geotechnical engineering sub-consultant.
3. Provide a topographical survey of the new pump station site.
4. Floodplain elevations and surveying for PS floodplain development permit.
5. Revise design calculations based on revised pump station location and type of pumps. Coordinate new fire hydrant flow tests and revise design calculations based on new results.
6. Prepare new pump station site layout and grading plan. Modify building dimensions.

7. Revise the pump station design to utilize vertical centrifugal pumps (skid system), and reconfigure the pump station and system layout for future expansion to allow for the addition of two future pumps. The design will be based upon a pre-manufactured pumping system that is skid mounted to include two pumps initially, with space on the skid for two future pumps to serve growth in the Etowah service area.
8. Prepare detailed plans and specifications for final design of the pump station (manual hoist, etc.) using final building layout, including structural and electrical design (two variations).
9. Prepare structural design to meet current North Carolina Building Code (wind and seismic) requirements for Henderson County.
10. Revise the building appearance and design as required by City/former property owner agreement.
11. Specify and integrate magnetic flow meter vault into pump station plan.
12. Revise the pump station water line design drawings based on new pump station site.
13. Provide specification and electrical provisions for a permanent natural gas back-up generator and connection.
14. Revise controls and electrical design with a variable frequency drive (VFD) for system operation with the tank off-line. Update SCADA design and specifications to meet City's current requirements.
15. Adapt pump station plans and specifications after reviewing new City standards.

#### Water Transmission Line

1. Revise design previously approved by City and PWS to meet current standards and policies. Modify valving and fire hydrant spacing.
2. Request new utility locations for the project sites and water line alignment, and make site visits to review utility locations and transfer locations to design drawings.
3. Revise drawings based on new utility information.

4. Survey route for additional waterline extension from Avery's Drive to Morgan and US 64 (approximately 500 LF).
5. Additional detail of northwest corner of western intersection of Morgan and US 64.
6. Revise dead ending of the existing US 64 waterline and new/consolidated services for businesses on US 64 (three variations).
7. Revise connections to existing dead-end spur waterlines to allow for future expansion.

#### Water Storage Tank

1. Conduct an additional tank site field visit to review feature changes and the location of the new cell tower and revise site plan based on feature changes.
2. Conduct subsurface borings at the water storage tank site, utilizing a geotechnical engineering sub-consultant.
3. Survey and revise base file for proposed tank site based on feature changes.
4. Revise drawings to add tank site fencing, adjust for cell tower presence, revise tank controls, and update SCADA design and specifications to meet City's current requirements.
5. Provide specification and electrical provisions for a permanent diesel back-up generator and connection for tank site lighting and controls.
6. Revise design to regrade tank site in coordination with fill requirements for access road reconstruction and slope repair.

#### Water System Switchover & Abandonment

1. Prepare demolition plan for existing elevated tank.
2. Sample and test for lead paint at existing elevated tank by sub-consultant.
3. Investigate abandonment of existing cross-county water line.

Coordinate progress meetings with the Owner for the purpose of discussing the design phase of the work and to address any changes in project scope.

**TASK 3: PERMITTING PHASE**

1. Once completed and approved by the City submit final revised plans to the Public Water Supply Section of the North Carolina Department of Environmental Quality for approval.
2. Prepare and submit the Henderson County floodplain development permit application for the new pump station site.
3. Conduct and prepare wetlands jurisdictional delineation for new pump station site.
4. Prepare French Broad River WS-IV watershed storm water submittals for the pump station.
5. Prepare the Henderson County zoning submittal for the pump station.
6. Prepare the Henderson County zoning submittal for the water tank.
7. Revise permit for Army Corps of Engineers 404 / 401 Water Quality Certification for stream crossing and route.
8. Prepare and submit applications to North Carolina Department of Transportation for an Encroachment Agreement for the installation of the proposed water line and appurtenances within NC-DOT rights-of-ways.
9. Prepare and submit applications to North Carolina Department of Environmental Quality for an erosion and sediment control permit for the proposed improvements.

**TASK 4: BIDDING PHASE**

1. Following approval of the project plans by the Public Water Supply Section of the North Carolina Department of Environment Quality assist the OWNER in the advertisement, facilitation of pre-bid site meeting, and receipt of bids for the overall project.

2. Assist the OWNER in the advertisement and receipt of separate bids for the water storage tank and installation.
3. Consult with, and advise the OWNER as to the acceptability of contractors and subcontractors and make recommendations as to the lowest responsible bidders.
4. Assist the OWNER in the final preparation and execution of construction contracts and in checking Performance and Payment Bonds and Insurance Certificates for compliance.
5. Advertise, prepare schematic plan poster, and conduct a community public information meeting in advance of construction.
6. Schedule a pre-construction conference with the OWNER, CONTRACTOR, ENGINEER and all other applicable parties to assure discussion of all matters related to the project.

**TASK 5: EASEMENT PHASE**

1. Easement exhibit preparation for temporary and permanent easements associated with the water line and access road improvements.
2. Initial contacts with adjacent property owners about access road slope reconstruction (\$2100.00 allowance).

**TASK 6: CONSTRUCTION PHASE**

1. Provide daily project observation services to observe the progress and quality of the executed work and to determine in general if the work is proceeding in accordance with the Contract Documents, and during such visits and on the basis of on-site observations as an experienced and qualified design professional, keep the OWNER informed of the progress of the work, endeavor to guard the OWNER against defects and deficiencies in the work of the Contractor(s) and disapprove or reject any work failing to conform to the Contract Documents. A 10-month contract with a five-day work week excepting holidays is assumed.

2. Review and approve shop drawings, diagrams, illustrations, brochures, catalog data, schedules and samples, the results of tests and inspections and other data which any Contractor is required to submit, and receive and review schedules, guarantees, bonds and certificates of inspection which are to be assembled by the Contractor(s) in accordance with the Contract Documents.
3. Prepare change orders as required and require special inspection or testing of the work if necessary.
4. Based on on-site observations as an experienced and qualified design professional and on review of the Contractor(s) applications for payment and supporting data, determine the amount owing to the Contractor(s) and approve to the OWNER payment to the Contractor(s) in such amounts; based on such observations and review, that the work has progressed to the point indicated and that to the best of his knowledge, information and belief the quality of the work is in accordance with the Contract Documents.
5. Coordinate monthly progress meetings with the Owner, Engineer, and Contractor for the purpose of discussing the progress of the work and to address any changes in project scope
6. Conduct a final inspection with applicable parties to determine if the project has been completed in accordance with the Contract Documents and if each Contractor has fulfilled all of his obligations thereunder so that the ENGINEER may approve to the OWNER final payment to each Contractor.

**TASK 7: POST-CONSTRUCTION PHASE**

1. Prepare and deliver for the OWNER a set of reproducible “record” as-built drawings for the project of the completed facilities, showing those changes made during the

construction process, based upon a final survey, marked-up prints, drawings and other data (furnished by the Contractor including as-built survey).

2. Provide or make available all project files and information to effect project close-out.

Unless specifically displaced by the terms hereof separately signed by the parties, the terms of the Engineering Agreement shall control and supersede the terms of this Task Order.

### **CITY'S RESPONSIBILITIES**

The City will provide the following assistance in the performance of services under this Task Order:

- Acquisition of private easements.
- Provide documents, maps, emergency operations plan and procedures, related written policies and procedures, and design and field information, to the extent reasonably available.

### **ARTICLE 2. COMPENSATION**

Compensation by the City to the Engineer will be in accordance with Schedule B attached hereto.

### **ARTICLE 3. LIQUIDATED DAMAGES**

While time is of the essence for the performance of Engineer's services under this Agreement as directed by the Owner the scope of the project and the requirement for approvals for public and private parties make the preparation of a project schedule very difficult. Given the fact that the City currently provides service to the majority of this service area and any delays in the project will not jeopardize that service damages occurring to the City as a result of the failure of the Engineer to complete the Services

described herein and in any other Task Orders relating to the same project are anticipated to be minor in nature. Therefore, liquidated damages do not apply to this task order.

**ARTICLE 4. PROJECT STAFF**

- A. The City's authorized representative ("Project Manager," as that term is used herein and in the Engineering Agreement) for the Project is Brent Detwiler, PE. The City shall notify the Engineer in writing in the event of any change of the Project Manager.
  
- B. The Engineer's authorized representative for the Project is M. Keith Webb, P.E. The Engineer shall notify the City in writing in the event of any change of the said authorized representative.

**ARTICLE 5. INSURANCE**

The Engineer agrees to maintain, at all times from beginning to end of performance, without expense to the City, insurance of the kinds set forth on Schedule A attached hereto. The Engineer shall provide evidence of any insurance immediately upon request of the City, request in writing that any designated carrier notify the City of any lapse of coverage. In the event of such lapse, the City may, but shall not be obligated to, pay for restoration of lapsed coverage, and deduct any such payment from the next due payment to the Engineer hereunder, or, at its option, demand immediate reimbursement from the Engineer, which reimbursement shall become an obligation of the Engineer hereunder.

The Engineer shall likewise cause its agents, contractors and subcontractors to carry insurance as provided on Schedule A, and agrees to indemnify and hold harmless the City for any damage caused to the City by reason of the failure of such person to carry such insurance.

**ARTICLE 6. MISCELLANEOUS**

Except as otherwise provided herein, this Task Order supersedes all prior written or oral understanding of the parties and may only be changed by a written amendment executed by both parties.

**IN WITNESS WHEREOF**, the parties execute below this Task Order in duplicate originals:

**EXECUTED** in Henderson County, North Carolina, this 9<sup>th</sup> day of October, 2015.

**ENGINEER: McGill Associates, P.A.**

  
M. Keith Webb - Vice-President

**CITY OF HENDERSONVILLE**

\_\_\_\_\_  
Lee Smith - Utilities Director

## SCHEDULE A

### INSURANCE COVERAGE TO BE MAINTAINED BY THE ENGINEER (As Indicated)

- x   Workers compensation and employers' liability insurance, as required by the State of North Carolina.
  
- x   Liability insurance coverage claims for personal injury and property damage arising from the use of all motor vehicles used in connection with the Project, whether or not such vehicles are owned by the Engineer or other applicable insured, in an amount not less than one million dollars per person and not less than one million dollars per occurrence.
  
- x   Liability insurance covering claims for personal injury and property damage arising from the negligence of the Engineer or other applicable insured, in an amount not less than two million dollars per person and not less three million dollars per occurrence.
  
- x   Engineer's professional liability insurance in an amount not less than two million dollars per occurrence.

**SCHEDULE B**

**SCHEDULE OF PAYMENTS BY THE CITY**

The following fees will be paid by the City to the Engineer:

<b>Task 1:</b> Tank Access Road - Slope Repair Engineering	\$ 16,370.00
<b>Task 2 thru 4:</b> Design, Permitting, Bidding, & Public Meeting	\$126,386.00
<b>Task 5:</b> Easement Exhibits (14 exhibits) & Slope Property Owner Contact	\$ 16,100.00
<b>Task 6 thru 7:</b> Construction & Post-Construction Services	<u>\$207,705.00</u> est.
A 10-month contract with a five-day work week excepting holidays is assumed (hourly based upon actual time expended on the project at the rates provided in Schedule D, hourly rate schedule.)	
<b>Task Order Total (Maximum Not to Exceed)</b>	<b>\$366,561.00</b>

**SCHEDULE C**

**SCHEDULE OF LIQUIDATED DAMAGES**

This section is not applicable to this project.



**SCHEDULE D**

**BASIC FEE SCHEDULE**

<b><u>PROFESSIONAL FEE</u></b>	<b><u>Hourly Rate</u></b>
Firm Principal	\$185.00
Program Services Manager I	\$145.00
Program Services Manager II	\$160.00
Senior Project Manager I	\$160.00
Senior Project Manager II	\$170.00
Project Manager I	\$140.00
Project Manager II	\$150.00
Project Engineer I	\$105.00
Project Engineer II	\$115.00
Project Engineer III	\$125.00
Engineering Associate I	\$ 85.00
Engineering Associate II	\$ 90.00
Engineering Technician I	\$ 80.00
Engineering Technician II	\$ 90.00
Engineering Technician III	\$100.00
Environmental Specialist I	\$ 80.00
Environmental Specialist II	\$ 90.00
Electrical Engineer I	\$105.00
Electrical Engineer II	\$115.00
Electrical Engineer III	\$125.00
Electrical Engineering Associate I	\$ 85.00
Electrical Engineering Associate II	\$ 90.00
Electrical Engineering Technician I	\$ 80.00
Electrical Engineering Technician II	\$ 90.00
Electrical Engineering Technician III	\$100.00
CADD Operator I	\$ 75.00
CADD Operator II	\$ 80.00
CADD Operator III	\$ 85.00
Construction Services Manager I	\$120.00
Construction Services Manager II	\$130.00
Construction Administrator I	\$ 90.00

Construction Administrator II	\$100.00
Construction Administrator III	\$110.00
Construction Field Representative I	\$ 75.00
Construction Field Representative II	\$ 80.00
Construction Field Representative III	\$ 85.00
Planner I	\$ 95.00
Planner II	\$105.00
Planner III	\$125.00
Planner IV	\$135.00
Surveyor I	\$ 80.00
Surveyor II	\$ 90.00
Surveying Associate I	\$ 70.00
Surveying Associate II	\$ 75.00
Survey Field Technician I	\$ 55.00
Survey Field Technician II	\$ 60.00
Survey Field Technician III	\$ 65.00
Administrative Assistant (I-III)	\$ 70.00
Accounting Assistant (I-II)	\$ 80.00

**1. EXPENSES**

- a. Mileage - \$0.575/mile
- b. Robotics/GPS Equipment - \$25/hr.
- c. Telephone, reproduction, postage, lodging, and other incidentals shall be a direct charge per receipt.

**2. ASSOCIATED SERVICES -**

- a. Associated services required by the project such as soil analysis, materials testing, etc., shall be at cost plus ten (10) percent.

**ADDITIONAL SERVICES**

In the event the Owner requests additional services outside the scope of services as described above and attached to this agreement the OWNER will pay the ENGINEER for Additional Services an amount based on actual time spent and expenses incurred by principals and employees of the ENGINEER assigned to the Project in accordance with the ENGINEER'S Basic Fee Schedule, should any of these services be requested by the OWNER.



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

**Submitted By:** Brian Pahle

**Department:** Admin

**Date Submitted:** 04/15/16

**Presenter:** Brian Pahle

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

**Nature of Item:** Council Action

### Summary of Information/Request:

**Item #** 13

After discussions last year, and a presentation to Council in a December meeting, staff has developed a policy to guide the process for City special appropriations. The draft policy follows.

Some highlights and priorities identified for the new policy include:

Requiring recipients to sign a formal contract stating that:

- o Funds will be distributed as determined by City Council,
- o City Council may request a status report,
- o City Council may request an accounting of how the funds are used,
- o Any funds not used for the requested purpose must be returned to the City, and
- o A variety of other basic requirements.

The contract does not require the organization be a 501 organization.

The policy recommends Council adopt a "Full Funding List" for a specific set of requests prior to the budget workshop meeting.

o These requests will not be considered in the budget workshop activity where Council prioritizes requests and the amounts to be granted. These requests are not guaranteed to be funded and final approval occurs in the annual budget ordinance.

The following requests are recommended to be added to the "Full Funding List": Henderson County Economic Investment Fund, Henderson County Partnership for Economic Development, Henderson County Planning Dept., Henderson County Rescue Squad, Merchant's and Business Assoc., and the Mills River Partnership.

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

No budget impact for current fiscal year FY15-16.

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

I move Council to approve the resolution adopting the City of Hendersonville Special Appropriations Policy AND the requests from Henderson County Economic Investment Fund, Henderson County Partnership for Economic Development, Henderson County Planning Department, Henderson County Rescue Squad, be added to the Full Funding List.

**Attachments:**

Resolution, Special Appropriations Policy

**A RESOLUTION TO ADOPT THE CITY OF HENDERSONVILLE SPECIAL APPROPRIATIONS POLICY**

WHEREAS, The Hendersonville City Council hereby establishes a policy to ensure the equitable and legal appropriation of public funds to outside agencies, and

WHEREAS, the policy minimizes City risk by providing reference to legal requirements and procedural guidelines, and

WHEREAS, The City of Hendersonville requires a contractual agreement to ensure that City funds are spent for a public purpose, support activities by which a local government has the authority to engage, and does not create an excessive entanglement between government and religion, and

WHEREAS, that agreement provides procedures for the manner in which money is distributed to requesting agencies, and the reporting standards the agencies agree to abide by, and

WHEREAS, the City Budget Officer shall be responsible for maintaining the program and abiding by the policy guidelines.

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

Section 1. The City Council hereby adopts the City of Hendersonville Special Appropriations Policy.

Section 2. This resolution shall become effective upon its adoption and approval.

Adopted this fifth day of May 2016.

ATTEST:

\_\_\_\_\_  
Tammie K. Drake, MMC, City Clerk

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

	<b>CITY OF HENDERSONVILLE</b>	<b>Policy Number:</b>	
		<b>Adopted by Resolution Number:</b>	
<b>Policy Name:</b>	Special Appropriations Policy	<b>Date Adopted by City Council:</b>	May 5 <sup>th</sup> , 2016

## **SECTION 1. Special Appropriations Overview**

A special appropriation is an allocation of funding to a specific outside agency. An agency may request for funding with the City each year during the budget process. City Council approves special appropriations based on applications submitted. This application provides general and specific information regarding the agency requesting funds and the purpose for how the funds will be used.

## **SECTION 2. Purpose**

The purpose of the City’s Special Appropriations Policy is to provide legal references and a general framework for the effective, efficient, and equitable distribution of City funds to outside agencies in the most financially prudent manner as possible while minimizing risk.

## **SECTION 3. Legal Considerations**

The North Carolina Constitution and General Statutes provide the legal framework under which local governments operate.

- 3.1 The three key legal limitations to the expenditures of public funds are (1) the expenditure be for a public purpose, (2) the activity supported be one in which the local government has the statutory authority to engage, and (3) the expenditure not be inconsistent with the laws or the constitution of the state or federal government.
- 3.2 The courts have used two guiding principles in determining whether a particular activity is for a public purpose: (1) whether it involves “a reasonable connection with the convenience and necessity of the [local government]”, and (2) whether it “benefits the public generally, as opposed to special interests or persons.”
- 3.3 A local government may contract with faith-based organizations as long as the contract (1) has a secular purpose, (2) has a primary effect of neither advancing nor inhibiting religion, and (3) does not create an excessive entanglement between the government and religion.

	<b>CITY OF HENDERSONVILLE</b>	<b>Policy Number:</b>	
		<b>Adopted by Resolution Number:</b>	
<b>Policy Name:</b>	Special Appropriations Policy	<b>Date Adopted by City Council:</b>	May 5 <sup>th</sup> , 2016

## **SECTION 4. Guidelines**

The City will abide by the following guidelines in the annual selection and disbursement of special appropriations.

- 4.1 The City Budget Officer shall be responsible for organizing, collecting, and submitting requests for special appropriations to the City Council for their approval in the City's budget process.
- 4.2 The date that special appropriation requests are due shall be published in the City's Budget Calendar each fiscal year at least 30 days prior to the due date.
- 4.3 During the process certain requests may be deemed necessary and shall be assigned to the "Full Funding List" by City Council any time prior to the adoption of the annual Budget Ordinance. Requests assigned to the Full Funding List will require a unanimous vote from the City Council each fiscal year. The "Full Funding List" does not guarantee the request will be approved and still must be adopted as part of the City's annual Budget Ordinance.
- 4.4 All requests not assigned to the Full Funding List shall be discussed at a normal Budget Workshop of the City Council. In addition to discussion, the City Council shall recommend appropriation levels for each request. The City Budget Officer shall provide a recommended total funding level for all requests not on the Full Funding List.
  - 4.4(a) The City Budget Officer will, to the best of his/her ability, identify and notify City Council of any requests that may violate the North Carolina Constitution and/or General Statutes.
- 4.5 Final approval of funding for special appropriations shall be made in the annual Budget Ordinance.
  - 4.5(a) Any request for funding outside of the normal special appropriations process may be heard at the City Council's discretion.
- 4.6 After funding has been approved the requesting agency shall agree to and sign a Special Appropriations Funding Agreement (attached, APPENDIX A) with the City of Hendersonville before any funds will be appropriated.

	<b>CITY OF HENDERSONVILLE</b>	<b>Policy Number:</b>	
		<b>Adopted by Resolution Number:</b>	
<b>Policy Name:</b>	Special Appropriations Policy	<b>Date Adopted by City Council:</b>	May 5 <sup>th</sup> , 2016

**ADOPTED** by the City Council of the City of Hendersonville, North Carolina, on this fifth day of May, 2016.

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Barbara G. Volk, Mayor

ATTEST:

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Tammie K. Drake, City Clerk

## APPENDIX A

### SPECIAL APPROPRIATIONS FUNDING AGREEMENT

#### NORTH CAROLINA

#### CITY OF HENDERSONVILLE

This Agreement made and entered into the 1st day of July, [YEAR] by and between the City of Hendersonville, North Carolina, hereinafter referred to as the "CITY", and the [ORGANIZATION NAME], hereinafter referred to as the "AGENCY."

WHEREAS, the CITY has requested services from the AGENCY to carry out its programs and activities; and

WHEREAS, the CITY, through its City Council, has appropriated the sum of [DOLLAR AMOUNT] in funding for the fiscal year ending June 30, [YEAR] to support this purpose, subject to the terms hereof; and

WHEREAS, the terms and conditions for receiving said funds from the CITY set out herein are necessary to insure accountability for the expenditure of public funds by the CITY.

NOW, THEREFORE, in consideration of the following the parties hereto do mutually agree as follows:

1. The AGENCY agrees to use the funds appropriated by the CITY in a manner and for the purposes specified in their Application, a copy of which is attached hereto and incorporated by reference as if to set forth fully herein.
2. In consideration for the performance by the AGENCY of the services outlined in its application, the CITY agrees to pay the AGENCY up to the amount of money authorized in the CITY budget for the fiscal year. Payment of such amount shall be made in a manner determined by the CITY.
3. If the AGENCY violates any of the provisions of this Agreement, the CITY may terminate this Agreement (upon thirty (30) days written notice of the same to the AGENCY). In such event, all unexpended funds at the time of such termination, whether held by the AGENCY or the CITY, shall be the property of and be returned to (or remain with) the CITY.
4. The AGENCY shall not assign any interest in this Agreement and shall not transfer any interest in the Agreement without prior written consent of the CITY.
5. In connection with the performance of this Agreement, the AGENCY shall not discriminate against any employee, applicant for employment, or program participant because of race, religion, color, sex, age, handicap, or national origin, or on account of their limited English language proficiency.
6. The AGENCY shall maintain all accounts, books, ledgers, journals, and records in accordance with generally accepted accounting principles, practices and procedures.
7. Upon request of the CITY the AGENCY shall submit to the CITY a status report of all program activities including a summary of the accomplishment of stated goals and objectives.
8. Upon request of the CITY the AGENCY shall provide an accounting of CITY funds to the CITY to demonstrate that funds allocated to the AGENCY have been used for the purpose(s) specified herein. The accounting report shall be submitted to the CITY within 30 days of the request. Further, the CITY shall be entitled to audit the AGENCY's expenditure of CITY funds at the CITY's discretion. Any excess funds or funds not used for the expressed purpose(s) stated herein must be returned to the CITY within thirty (30) days of the CITY's request for said funds.
9. The CITY shall be entitled to conduct an evaluation of the AGENCY's programs and activities particularly as it relates to the accomplishments of established goals and objectives and the measurement of services being delivered.
10. All books and records shall be maintained by the AGENCY for a period of at least three years from the date of the final payment under this Agreement and shall be made available for audit or evaluation upon request during regular business hours of the AGENCY.





# CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Brian Pahle

**Department:** Admin

**Date Submitted:** 04/15/16

**Presenter:** Brian Pahle

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

**Nature of Item:** Council Action

## Summary of Information/Request:

**Item #** 14

City staff introduced the idea of creating a debt service fund to pay for General Fund debt service payments. It was recommended that enough funding was transferred in an initial lump sum to pay for three debt service notes that will be paid in full by FY18-19. The lump sum transfer will come from the General Fund's capital reserve and fund balance.

\$564,847 will be transferred from the General Fund - Fund Balance

\$396,567 will be transferred from the Capital Reserve Fund - Fund Balance

It is recommended that this amendment be adopted prior to the FY16-17 budget adoption in order to increase clarity. These numbers would bloat the FY16-17 budget and the sooner we can record the transfers, the more understandable audit report numbers and budget numbers will be.

The General Fund's fund balance will drop to approximately 40% available and will decrease recurring operating costs by approximately \$200,000.

Attached is a budget amendment transferring the \$961,414 to the City's new Debt Service Fund (Fund 15)

**Budget Impact:** \$ 961,414  Is this expenditure approved in the current fiscal year budget?  No  If no, describe how it will be funded.

The amendment will be funded by General Fund and Capital Reserve Fund - fund balances.

Fund 10 | Budget Increase | \$564,847      Fund 25 | Budget Increase | \$396,567

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

I move Council to approve the budget amendment to establish a Debt Service Fund (Fund 15) to pay for debt service notes incurred by the City's General Fund.

**Attachments:**

Budget amendment

**BUDGET AMENDMENT**

FUND: 10, 15, & 25

ACCOUNT NUMBER		DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
ORG	OBJECT			
100090	499200	Fund Balance Appropriation	564,847.00	
109900	999415	Transfer to Debt Service Fund	564,847.00	
250090	499200	Fund Balance Appropriation	396,567.00	
259900	999415	Transfer to Debt Service Fund	396,567.00	
150000	998010	Transfer in from General Fund	564,847.00	
150000	998000	Transfer in from Capital Reserve	396,847.00	
150000	549999	Miscellaneous Expense	961,414.00	
		TOTAL REVENUES	\$ 1,923,108.00	
		TOTAL EXPENDITURES	\$ 1,923,108.00	

An amendment to establish a Debt Service Fund (Fund 15). This Fund will pay for debt service notes incurred by the City's General Fund. It is being created to make financial reports more understandable and transparent. We will transfer \$961,414 initially from fund balances to fund remaining payments on three debt notes. Other notes will be paid regularly by incoming transfers from the General Fund Budget each year. It is estimated that available fund balance % will drop close to 40%, which maintains a higher level than Council's goal of 25% - 35%.

  
 \_\_\_\_\_  
 CITY MANAGER

Date: 4-17-16

APPROVED BY CITY COUNCIL: \_\_\_\_\_ DATE: 5/5/2016



# CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** John Connet

**Department:** Admin

**Date Submitted:** 4/28/2016

**Presenter:** John Connet

**Date of Council Meeting to consider this item:** 5/5/2016

**Nature of Item:** Presentation Only

## Summary of Information/Request:

**Item #** 16

Staff Report:

The City Manager and staff will report on items that may be of interest to the City Council. In addition, monthly or period reports may be provided as information, but not discussed at the meeting.

The following items are included for your information:

Fire Department Strategic Planning Proposal - Office of State Fire Marshal

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

2017-18 Budget

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

NA

**Attachments:**

Office of State Fire Marshal Proposal



*Wayne Goodwin, Commissioner of Insurance*  
*Rick McIntyre, Assistant State Fire Marshal*

April 15, 2016

Mr. John F. Connet, City Manager  
City of Hendersonville  
145 Fifth Avenue East  
Hendersonville, North Carolina 28792-4328

Dear Mr. Connet,

Thank you for your letter dated March 8, 2016 requesting assistance from the North Carolina Office of State Fire Marshal (OSFM) to provide Hendersonville with core components of a strategic plan for your comprehensive fire protection service delivery system. You asked for the focus of our work to evaluate seven core areas:

1. Calls for Service
2. Staffing Levels
3. Alternative methods of response (Apparatus vs. QRV)
4. Organizational structure
5. Future station locations
6. Automatic and mutual aid agreements
7. Alternative funding methods

As Assistant State Fire Marshal Rick McIntyre confirmed to you, we are honored to assist you in this important endeavor. We applaud your proactive, progressive actions to enhance public safety in your community and advance your fire department in this innovative manner. The core purpose of OSFM Local Government Technical Services is to collaboratively strengthen and improve local fire protection service delivery systems throughout our state.

On April 4, 2016, I traveled to Hendersonville to hold an initial meeting with Chief Vindigni. In order to address the focus areas that you outlined, we discussed what he envisioned as the cornerstones of the project. He outlined the following categories, in no particular order:

- Staffing
- Emergency Communications
- Officer Maturity
- Labor Relations
- Professional Development and Training
- Readiness for Future Growth

We noted how this strategic planning initiative is complimentary and in parallel with work being conducted by Chief Dan Jones, who is focused on mentoring and professional development. Our work will be anchored by national consensus standards and industry best practices coupled with North Carolina comparable illustrative examples.

We also discussed the timeline for the OSFM component and Chief Vindigni requested that the bulk of this work should occur during July-August-September, 2016 (avoiding potential conflicts with Apple Festival events) so that the yet to be appointed Deputy Fire Chief would be in place and would be able to be integral to this process. Therefore, we would plan to conclude this project by early October at the latest.

In review of where we are at this point, we will propose the following project action plan:

**Task 1** – Refine specific project deliverables and outcomes with you and Chief Vindigni, beginning with this letter of confirmation.

**Task 2** – Secure and schedule a complete peer review team of subject matter experts that can appropriately and professionally address the areas of question and concern. At this point, I have preliminarily identified the following six (6) key individuals of an eight (8) member team for this peer review component:

- Todd Wright, Morrisville Fire Chief
- Ken Briscoe, Lenior Fire Chief
- Jake Whisnant, Shelby Assistant Fire Chief
- Susanna Williams, Carrboro Fire Chief
- Dave Coker, Greensboro Fire Captain
- Bo Fitzgerald, Davidson Fire Chief and Charlotte Captain
- TBA, a current member of the Hendersonville Fire Department at the rank of Captain or below selected by the Fire Chief
- TBA, a person identified by the City Manager

If agreeable, we will provide additional details and bios on these proposed peer review team members for your further review. However, they represent a healthy, diverse cross-section of North Carolina fire service leaders who each bring a unique perspective to this project as well as provide representation from different geographic regions of our state and other demographics.

**Task 3** – Develop information collection questions for the Fire Chief and the City that will provide necessary insight for the peer review team. These will include, but not be limited to:

- Organizational charts and operating guidelines
- Past three fiscal year approved budgets
- Maps of station locations
- Apparatus and other response capabilities

- Dispatch guidelines for various incident types
- Some level of hazard risk analysis
- Commercial building summary information via pre-plans or Fire Marshal
- Planned capital improvements, such as apparatus or stations
- Descriptions of current levels of service as compared to North Carolina adjusted national standards for first unit arrival as well as full complement arrival
- Planning data on trends on population, demographics, growth, etc.
- Fire loss data and NFIRS data reports, along with RMS response data
- Automatic and mutual aid agreements and/or policies
- Communication center operational materials
- Previous ISO rating evaluation data points when Class 4 was earned
- Recent ISO reviews within Henderson County which use the same communications center
- Local insurance agent comparative information on rate impacts
- Other materials as deemed necessary

**Task 4** – Further triage of issues and groupings in collaboration with you, Chief Vindigni and Chief Dan Jones.

**Task 5** – Facilitate two separate public feedback sessions to gain a better understanding of the acknowledged expectations of residents and business owners across the City of Hendersonville.

**Task 6** – Facilitate a focus group feedback session with approximately six Hendersonville firefighters representing a cross section of rank, experience and demographics.

**Task 7** - Hold conference call(s) with the peer review team members to ascertain that they have the information that they need in order to make meaningful observations and recommendations on the review.

**Task 8** – Hold a full one day interactive session with the peer review team on site in Hendersonville along with the Fire Chief. You would be asked to help provide the opening and could participate as much as you desired to do so.

**Task 9** - Conduct and evaluate information analysis with all of the project inputs and develop a report draft document along with associated appendix information.

**Task 10** – Electronically review and modify the draft document collaboratively with the Peer Review Team members to gain consensus.

**Task 11** – Review the draft document with you and Chief Vindigni.

**Task 12** – Present the final report to identified elected officials, or appropriate subset, such as the public safety committee, and subsequently post the report.

There are no direct costs for OSFM as these specialized technical services are provided to county and municipal managers by North Carolina Insurance Commissioner/State Fire Marshal Wayne Goodwin. Costs will be incurred with peer review team members. Any and all fiscal transactions for the peer review team members should be between each of them individually and the City of Hendersonville. OSFM cannot broker or manage those measures. Typically, local governments will provide per diem mileage, lodging and meals for the peer review team in accordance with their city policies. Also, it is typical that local governments provide a stipend or honorarium to the peer review team members for their technical assistance in accordance with your city policy. Copying of documents, providing meeting space, meeting refreshments, and other ancillary costs associated with this project will be the responsibility of the City of Hendersonville. Other local governments have budgeted approximately \$3,000-\$5,000 to cover the costs associated with work similar in scope to what you have requested.

Also, we need to clarify that all work that OSFM performs in this endeavor will be public record in accordance with North Carolina General Statutes.

Your approval and endorsement of the plan is essential to move this initiative forward. Your ongoing support will be critical to the successful outcome. Please advise if this outlined course of action meets with your approval. If so, we will continue with assembling the peer review team members and constructing the questions for information submission. We will need your direct input on the Hendersonville City Manager designee on the peer review team. Please let me know if you have questions or we need to make any revisions to the plan as laid out above.

Again, we sincerely appreciate the opportunity to serve you and the people of Hendersonville in this important capacity. We look forward to delivering you an exceptional product to help move Hendersonville progressively forward. Thank you for your public service, cooperation and support. You may reach me anytime at [Greg.Grayson@NCDOT.gov](mailto:Greg.Grayson@NCDOT.gov) or at 919-896-5883.

Sincerely,



Gregory H. Grayson  
Assistant Director – Local Government Technical Services

cc: Rick McIntyre, Assistant State Fire Marshal  
Fire Chief Joseph Vindigni, Hendersonville Fire Chief  
Chief Dan Jones, Consultant for Hendersonville



# CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** Tammie Drake

**Department:** Admin

**Date Submitted:** 04.27.16

**Presenter:** Tammie Drake

**Date of Council Meeting to consider this item:** 05.05.16

**Nature of Item:** Council Action

**Summary of Information/Request:**

**Item #** 17

**HISTORIC PRESERVATION COMMISSION:** Dr. Ralph Bastedo and Mr. Chuck Kuester recently resigned from the HPC thereby leaving three vacancies on the HPC. We have one application on file from Philip Ellis. Senior Planner Dave Hazzard recommends the appointment of Mr. Ellis whom he has worked with professionally. Mr. Ellis recently purchased a home in Hyman Heights.

**ABC BOARD:** The term of Charles Byrd who is currently serving as Chair will expire in June. He has expressed a desire to be reappointed. Mr. English, General Manager, is requesting Mr. Byrd be reappointed.

**TOURISM DEVELOPMENT AUTHORITY:** The term of Lew Holloway will expire 06/30/15. He serves in the Seat 5 at-large position and according to the resolution by Henderson Co. to create the Authority, he cannot be reappointed for at least one year. City Manager John Connet is willing to serve in this position.

**ENVIRONMENTAL SUSTAINABILITY BOARD:** There are two vacant positions on this Board. You recently received an application from Alesia Griesmyer who is interested in serving.

**ANNOUNCEMENTS:**

There are vacancies on: BOARD OF ADJUSTMENT (alternate position), the ENVIRONMENTAL SUSTAINABILITY BOARD.

**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 nominate ...

**Attachments:**

board membership lists



# CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Submitted By:** John Connet

**Department:** Admin

**Date Submitted:** 4/27/2016

**Presenter:** John Connet

**Date of Council Meeting to consider this item:** 5/5/2016

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

**Summary of Information/Request:**

**Item #** 19

City Manager John Connet requests a closed session in accordance with NCGS 143-318.11(a) (4) to discuss mater relating to the location or expansion of industries or other businesses in the area served by the City Council.

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

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

I move that the City Council enter closed session in accordance with 143-318.11 (11)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the City Council.

**Attachments:**

None