

AGENDA

CITY OF HENDERSONVILLE CITY COUNCIL – REGULAR MEETING

APRIL 6, 2017 – 5:45 P.M.

CITY HALL – COUNCIL CHAMBERS

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. February 23, 2017 Special Meeting
 - ii. March 2, 2017 Regular Meeting
 - iii. March 27, 2017 Special Meeting
 - B. **Consideration of Delegates to the Land-of-Sky Regional Council**
 - C. **Consideration of Property Tax Releases, Adjustments, Etc.**
 - D. **Consideration of Confirmation that the City will Provide the Required 20 Percent Match for the 2023 Blythe Street Pedestrian/Bicycle Project**
 - E. **Consideration of Budget Amendments**
 - i. Salary - Uniforms Allowance, Funds: 10-General, 60-Water/Sewer, & 68-Environmental Services, No Change in Bottom Line Budget
 - ii. Friends of Downtown 501(c)3, Fund 20-Downtown Fund Balance, \$12,500 to support the various events and programs provided by the organization
 - iii. Transfer to General Fund, Fund 140 Increase of \$1,217, Fund 150 Increase of \$2,126, Fund 180 Increase of \$699
 - iv. Electric Vehicle Charging Station, General Fund, Increase of \$5,000
 - F. **Consideration of Utility Line Extension Agreement for Sherman Meadows**

G. Consideration of Special Event Permits for:

- i. Vintage Hendo
- ii. Mad Mountain Mud Run

H. Consideration of a Fraud and Whistleblower Policy

I. Consideration of a Petition from Mr. Dustin Beach Requesting Satellite Annexation of a Parcel Located at 1398 Stanwood Lane

J. Consideration of a Reimbursement Resolution for the WWTP Sludge Drying System Project

K. Consideration of Equipment Purchase for Public Works Department

6. Recognitions

A. Proclamation: Community Partnership for Pets, Inc., Michael and Mary Cervini
Presenter: Mayor Barbara Volk

B. Proclamation: Week of the Young Child
Presenter: Mayor Barbara Volk

C. Water and Sewer Customer Service Team
Presenter: City Manager John Connet

D. Police Department Recognition - Detective Brandon McGaha
Presenter: Police Chief Herbert Blake

E. Police Department Introductions
Presenter: Police Chief Herbert Blake

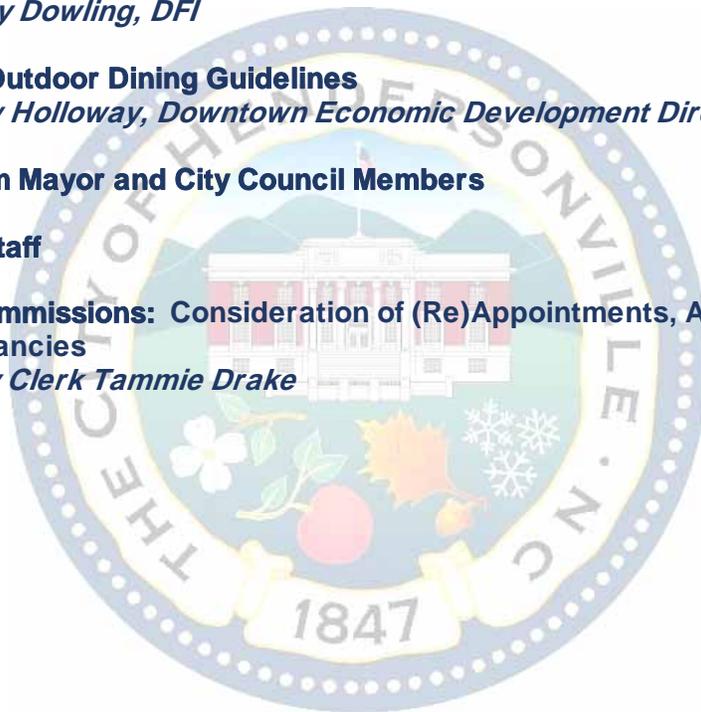
7. Update on Cold Weather Policy - "Code Purple" or "Code Grace"
Presenter: City Manager John Connet

8. Public Hearing - Consideration of an Application from Robert D. Edney Requesting Contiguous Annexation of a 0.39-acre Parcel Located at 1102 Old Spartanburg Highway
Presenter: Development Assistance Director Susan Frady

9. Public Hearing – Consideration of an Application from The Housing Assistance Corporation Requesting Contiguous Annexation of a Portion of Parcels Containing 0.147 acres Located off of N. Main Street
Presenter: Development Assistance Director Susan Frady

10. Public Hearing – Consideration of an Application from Jere and Mary Hyder for Contiguous Annexation of a Parcel Containing 10.22 acres located at 1500 N. Main Street
Presenter: Development Assistance Director Susan Frady

- 11. Quasi-Judicial Public Hearing - Consideration of an Application for a Special Use Permit from Henderson County to Construct a 51,629 sq. ft. Building to be used as the Henderson County Emergency Services Headquarters and a 10,778 sq. ft. Storage Building to be Located at 2529 Asheville Highway and to Rezone the Parcel to Planned Institutional Development (PID)**
Presenter: Development Assistance Director Susan Frady
- 12. Quasi-Judicial Public Hearing - Consideration of an Application for a Special Use Permit from Mission Development, LLC for the Lakewood Trace Development Located on Lakewood Road to Construct Four Apartment Buildings Consisting of 80 Residential Units and a Community Center and to Rezone the Parcel to Planned Institutional Development (PID)**
Presenter: Development Assistance Director Susan Frady
- 13. Discussion of Proposals for Downtown Hotel**
Presenter: Rory Dowling, DFI
- 14. Discussion of Outdoor Dining Guidelines**
Presenter: Lew Holloway, Downtown Economic Development Director
- 15. Comments from Mayor and City Council Members**
- 16. Reports from Staff**
- 17. Boards and Commissions: Consideration of (Re)Appointments, Announcement of Upcoming Vacancies**
Presenter: City Clerk Tammie Drake
- 18. New Business**
- 19. Adjourn**





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Admin

Date Submitted: 03.10.17

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 04.06.17

Nature of Item: Council Action

Summary of Information/Request:

Item # 05b

Ms. Zia Rifkin, Administrative Services, Land of Sky Regional Council, requested the certification of the City's delegates and alternates to Land of Sky Regional Council. The Bylaws require governing board approval annually of the delegates.

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

Suggested Motion:

I move Council's approval of the delegates to the Land-of-Sky Regional Council from the City of Hendersonville.

Attachments:

Memo

Drake, Tammie

From: Zia Rifkin <zia@landofsky.org>
Sent: Tuesday, March 07, 2017 12:12 PM
To: Maggie Burleson; dperry@cityofbrevard.com; Jonathan Kanipe; darlene.whisenant@townofblackmountain.org; michelle@villageofflatrock.org; c.thompson@fletchercnc.org; khensley@lauarelpark.org; officestaff@townofmarshall.org; mmassey@townofmarshall.org; acarmichael@townofmontreat.org; sshields@weavervillenc.org; Drake, Tammie; Jason Young; townofhotsprings@frontier.com; Mayor Brian Shelton
Subject: Land of Sky RC Delegate Certification
Attachments: Bylaws Adopted December 2015.docx; Master Certification Form Municipal.docx
Importance: High

Everyone,

It's time for the annual certification of delegates and alternates to Land of Sky Regional Council. As per Council's Bylaws, Article V., Section B. Certification of Delegates and Alternates - All members, prior to the March meeting of the Board of Delegates in each year, shall certify to the Council the names, mailing addresses and email addresses of one member of their governing board to serve as their delegate and members of their governing board, staff or advisory committees to serve as their alternate delegate(s) for a term of one year. The certified delegate and alternate(s) shall continue to serve until the first meeting of the following March or until a successor(s) is certified.

Delegates and alternates may serve more than one term consecutively, with governing board approval annually.

A copy of the bylaws is attached. All addresses for governing bodies in the four-county LOSRC region are on file here. Any change to the mailing address (or physical location) may be communicated to me by email.

Please return the completed certification form to me by 5pm on Friday, March 24, 2017.

If you have any questions, you can contact Justin or me.

Best,
Zia
Zia Rifkin
Administrative Services
Land of Sky Regional Council
339 New Leicester Hwy., Suite 140 • Asheville, NC 28806
(828) 251-6622 (Main)



This institution is an equal opportunity provider and employer.
All email correspondence to and from this address is subject to public review under the NC Public Records Law



2017 Delegates Certification Form
Municipal Government

Jurisdiction:

Person Completing Form:
Email:

Primary Delegate:
Daytime Phone:
Email:

Alternate Delegate 1:
Daytime Phone:
Email:

Alternate Delegate 2:
Daytime Phone:
Email:

Alternate Delegate 3:
Daytime Phone:
Email:

Feel free to contact us if you have any questions.
Please return completed forms to Justin. Thank you!

Justin Hembree
justin@landofsky.org
828.251.6622



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammy Holland

Department: Finance

Date Submitted: 03/07/17

Presenter: Tammy Holland, Tax Collector

Date of Council Meeting to consider this item: April 6, 2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 05c

Staff has submitted for your approval the tax bill adjustments occurring between July 1, 2015 and Feb 28, 2017. These adjustments include all Discoveries, Releases, Refunds, and Forgiven Interest. Discoveries and Releases are assessed by Henderson County Tax Dept. Interest is forgiven only when a payment is postmarked prior to beginning of the month but processed after the beginning of the month. Refunds are given for overpayment of tax bill (usually occurring when mortgage company and customer both pay the parcel tax bill) or for changes or corrections in tax value as provided by the county.

Budget Impact: \$ 5,176.72 Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion:

I move that Council approve all Ad Valorem Discoveries, Releases, Refunds, and Forgiven Interest on property tax as detailed in the listing provided by the Tax Collector.

Attachments:

TAX ADJUSTMENT REPORT

TAX ADJUSTMENT REPORT

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

FOR TRANSACTIONS AS OF 2/28/2017

July 1st 2015 thru Feb 28 2017

DISCOVERIES	\$	173,694.87
RELEASES	\$	(39,358.57)
REFUNDS	\$	(137,281.49)
FORGIVEN INTEREST	\$	(2,231.53)
TOTAL TAX BILL ADJUSTMENT:	\$	<u>(5,176.72)</u>

Discoveries and Releases provided by Henderson County
 Interest is forgiven when payment is postmarked prior to beginning of month but processed after the beginning of month
 Refunds are given for overpayment of tax bill or for changes in tax value provided by the county
 ** Complete listing of above items can be obtained from the Tax Office

<i>Adjustment Descriptions</i>
<i>Clerical error G.S. 105-381(a)(1)(a): e.g. when there is an actual error in mathematical calculation.</i>
<i>Illegal tax G.S. 105-381(a)(1)(b): e.g. when the property should have been billed in another county, an incorrect name was used, or an incorrect rate code was used.</i>
<i>Tax levied for an illegal purpose G.S. 105-381(a)(1)(c): e.g. charging a tax that was later deemed to be impermissible under State law.</i>
<i>Appraisal appeal G.S. 105-330.2(b)</i>



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 3/22/2017

Presenter: John Connet

Date of Council Meeting to consider this item: 4/6/2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 05d

The Draft 2018-2027 NCDOT STIP includes a bicycle and pedestrian project for the portion of Blythe Street between US 64 and NC 191. In order to complete the project the City of Hendersonville will be required to provide a 20% match (\$192,000). The project is scheduled to begin in 2023. The match will be included in future Capital Improvements. NCDOT has requested a letter confirming that Hendersonville will provide the 20% match.

Budget Impact: \$ 192,000 Is this expenditure approved in the current fiscal year budget? N/A If no, describe how it will be funded.

Suggested Motion:

I move that the City Council authorize Mayor Volk to submit a letter to NCDOT confirming that Hendersonville will provide the 20% match for the 2023 Blythe Street Pedestrian/ Bicycle project.

Attachments:

Proposed letter

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

OFFICE OF THE MAYOR
BARBARA G. VOLK

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

March 22, 2017

Van Argabright
Manager, NCDOT STIP Unit
1534 Mail Service Center
Raleigh, NC 27699-1534

(Or via email: vargabright@ncdot.gov)

RE: Letter of Support for Required Local Matches and Other Contributions for P4.0 Non-Highway Draft Programmed Projects

To Whom it May Concern,

The French Broad River MPO submitted project(s) within the City of Hendersonville for scoring and ranking in NCDOT's strategic prioritization process, developed in accordance with the Strategic Transportation Investments (STI) law. These projects were submitted and scored in P4.0 with the local matches and/or other contributions as listed below. The City of Hendersonville understands that a local match is required for STI-funded Aviation, Bicycle/Pedestrian, and Public Transportation projects (minimum of 20% for Bicycle/Pedestrian and 10% for Aviation and Public Transportation).

The following P4.0 Non-Highway projects have been programmed in the Draft 2018-2027 STIP with the associated local matches and/or other contributions as shown:

SPOT ID	STIP #	Project Name	County(ies)	MPO/RPO(s)	Division(s) #
B142098	EB-5860	Blythe Street	Henderson	French Broad River MPO	14

SPOT ID <i>(repeat above)</i>	STIP # <i>(repeat above)</i>	First Programmed Year (ROW or CON)	\$ Amount of Match / Contribution	Source of Match / Contribution	% of Total Project Cost	Required Match (Yes/No)
B142098	EB-5860	FY 2022	\$192,000	Local	20%	Yes

The City of Hendersonville understands it will be required to provide the amount of non-federal local match and/or other contributions as listed above. This letter confirms this understanding and support.

The City of Hendersonville is aware that the local funding will be due when each project(s) is authorized by NCDOT, and the project(s) is subject to additional requirements to be described in agreements with NCDOT. The City of Hendersonville also understands that this letter of support does not guarantee that any project(s) will be included in the final STIP.

Sincerely,

Barbara G. Volk, Mayor

145 Fifth Ave. E.
Hendersonville, NC 28792-4328

bolk@hvlnc.gov
www.hvlnc.gov

Phone: 828.697.3000
Fax: 828.697.3014



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brian Pahle

Department: Admin

Date Submitted: 03/10/17

Presenter: Brian Pahle

Date of Council Meeting to consider this item: 04/06/17

Nature of Item: Council Action

Summary of Information/Request:

Item # 05e

Budget Amendment(s)

- 1) Salary - Uniforms Allowance | Fund 10, 60, & 68 | No Change in Bottom Line Budget
- 2) Friends of Downtown 501(c)3 | Fund 20 | Increase \$12,500
- 3) Transfer to GF | Fund 140 Increase \$1,217 | Fund 150 Increase \$2,126 | Fund 180 Increase \$699
- 4) EV Charging Station | Fund 10 Increase \$5,000

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

See above...

Suggested Motion:

I move to approve the budget amendment(s) as presented.

Attachments:

See below...

BUDGET AMENDMENT

FUND: 10, 60, 68

ACCOUNT NUMBER			INCREASE	DECREASE
ORG	OBJECT	DESCRIPTION OF ACCOUNT		
104250	513500	Salaries & Wages - Uniform Allowance	\$ 1,116	
604250	513500	Salaries & Wages - Uniform Allowance	\$ 523	
684250	513500	Salaries & Wages - Uniform Allowance	\$ 105	
104270	513500	Salaries & Wages - Uniform Allowance	\$ 872	
104310	513500	Salaries & Wages - Uniform Allowance	\$ 16,071	
104500	513500	Salaries & Wages - Uniform Allowance	\$ 872	
104510	513500	Salaries & Wages - Uniform Allowance	\$ 2,325	
104520	513500	Salaries & Wages - Uniform Allowance	\$ 581	
684710	513500	Salaries & Wages - Uniform Allowance	\$ 5,428	
104760	513500	Salaries & Wages - Uniform Allowance	\$ 2,325	
607123	513500	Salaries & Wages - Uniform Allowance	\$ 1,069	
607124	513500	Salaries & Wages - Uniform Allowance	\$ 5,110	
607125	513500	Salaries & Wages - Uniform Allowance	\$ 1,054	
607126	513500	Salaries & Wages - Uniform Allowance	\$ 4,129	
607127	513500	Salaries & Wages - Uniform Allowance	\$ 1,461	
607134	513500	Salaries & Wages - Uniform Allowance	\$ 3,479	
607136	513500	Salaries & Wages - Uniform Allowance	\$ 2,227	
104250	512200	Uniforms		\$ 1,116
604250	512200	Uniforms		\$ 523
684250	512200	Uniforms		\$ 105
104270	512200	Uniforms		\$ 670
104310	512200	Uniforms		\$ 16,471
104500	512200	Uniforms		\$ 674
104510	512200	Uniforms		\$ 2,325
104520	512200	Uniforms		\$ 581
684710	512200	Uniforms		\$ 5,428
104760	512200	Uniforms		\$ 2,325
607123	512200	Uniforms		\$ 1,069
607124	512200	Uniforms		\$ 4,262
607125	512200	Uniforms		\$ 1,902
607126	512200	Uniforms		\$ 4,129
607127	512200	Uniforms		\$ 1,461
607134	512200	Uniforms		\$ 2,777
607136	512200	Uniforms		\$ 2,929
TOTALS IN BALANCE			\$ 48,746	\$ 48,746

An amendment to move funds out of uniforms accounts and into salary uniform allowance accounts. This is a more accurate and transparent method for accounting for uniform allowances provided to employees. Historically, these charges were placed in with the regular uniforms account which pays for actual uniforms. However, there are certain classes of employees who are provided a uniform allowance for them to purchase and maintain City required uniforms. This amendment shifts available budget from the uniforms account and into the allowance account.


 CITY MANAGER

Date: 3-10-17

APPROVED BY CITY COUNCIL:

DATE: 4/6/2017

BUDGET AMENDMENT

FUND: 20, 901

ACCOUNT NUMBER		DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
ORG	OBJECT			
209620	500049	Friends of Downtown	12,500.00	
200090	499200	Fund Balance Appropriation	12,500.00	
FUND 20		TOTAL REVENUES	12,500.00	
		TOTAL EXPENDITURES	12,500.00	
9010000	498207	Donations/Contributions	12,500.00	
9010000	529900	Supplies & Materials	12,500.00	
FUND 901		TOTAL REVENUES	12,500.00	
		TOTAL EXPENDITURES	12,500.00	

An amendment to approve the special appropriation of funding to the Friends of Downtown 501(c)3. This appropriation will provide funding to support the various events and programs provided by the organization. The funds will be appropriated from the Main Street MSD Fund (Fund 20) of the City of Hendersonville. Fund 20 has close to \$100,000 of available fund balance and staff is recommending a portion of this available balance be appropriated to the non-profit.



 CITY MANAGER

Date: 3-10-17

APPROVED BY CITY COUNCIL:

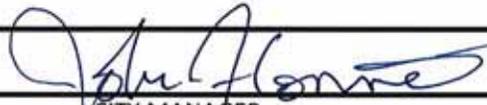
DATE: 04-06-17

BUDGET AMENDMENT

FUND: 140, 150, & 180

ACCOUNT NUMBER		DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
ORG	OBJECT			
1400000	499200	Fund Balance Appropriation	1,217.00	
1400000	999010	Transfer to General Fund	1,217.00	
FUND 140		TOTAL REVENUES	1,217.00	
		TOTAL EXPENDITURES	1,217.00	
1500000	499200	Fund Balance Appropriation	2,126.00	
1500000	999010	Transfer to General Fund	2,126.00	
FUND 150		TOTAL REVENUES	2,126.00	
		TOTAL EXPENDITURES	2,126.00	
1800000	499200	Fund Balance Appropriation	699.00	
1800000	999010	Transfer to General Fund	699.00	
FUND 180		TOTAL REVENUES	699.00	
		TOTAL EXPENDITURES	699.00	

An amendment to deplete the funding in three special revenue funds and transfer the remaining fund balance back into the General Fund. The City has special revenue funds for a variety of specific programs and functions. The funds identified in this amendment do not need an entirely separate fund to continue the programs and functions they provide and can be conducted through the City's General Fund. Removing these small funds will assist in cleaning up the general ledger and improve financial reporting during the end of year audit.



 CITY MANAGER

Date: 3-13-17

APPROVED BY CITY COUNCIL:

DATE: 4/6/2017



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Rhonda Wiggins

Department: Utilities

Date Submitted: March 14, 2017

Presenter: Lee Smith

Date of Council Meeting to consider this item: April 6, 2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 05f

Sherman Meadows

This project requires an extension of the City of Hendersonville's water system to provide service to six single-family residential units located North of East Blue Ridge Road.

The project will consist of: 761 lf of 2" SDR21 PVC

The maximum daily demand for this project will be approximately 2,400 gallons per day.

Additional Comments: This proposed development shall be served by individual septic systems to be approved by the Henderson County Department of Public Health.

The entire cost of the proposed utility extension is to be paid for by Todd Sherman of 217 Leverette Dr, Hendersonville, NC 28791

This project is within the zoning and planning jurisdiction of Henderson County and received approval on March 6, 2017

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

Suggested Motion:

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

Attachments:



Sherman Meadows Subdivision



1 inch = 300 feet

Project Location





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 3-20-17

Presenter: Susan G. Frady, Development Asst Director

Date of Council Meeting to consider this item: 4-6-17

Nature of Item: Council Action

Summary of Information/Request:

Item # 05gi

Vintage Hendo

On March 16, 2017, the Special Events Committee met and reviewed an application from Southern Appalachian Brewery for Vintage Hendo to be held Saturday, April 08, 2017, from 11 a.m. – 6 p.m. This is the 3rd year for this event.

The change this year is that Locust Street will be closed from Bearcat Blvd. to Track Street rather than just to 8th Avenue. This event provides a venue for Artists to showcase their wares directly to the public. All alcohol will be sold on the Southern Appalachian Brewery Property.

The rain date is 4/09/17.

The Special Events Committee voted unanimously to recommend approval of a special event permit for Vintage Hendo.

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

Suggested Motion:

I move Council's approval of the special event permit for Vintage Hendo.

Attachments:



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Susan Frady

Department: Development Asst Dept

Date Submitted: 3-20-17

Presenter: Susan G. Frady, Development Asst Director

Date of Council Meeting to consider this item: 4-6-17

Nature of Item: Council Action

Summary of Information/Request:

Item # 05gii

Mad Mountain Mud Run and Family Mud Fun: On March 16, 2017, 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 2, 2017 from 6:00 P.M. – 8:00 P.M. and Saturday June 3, 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? N/A If no, describe how it will be funded.

Suggested 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: Lisa White

Department: Finance

Date Submitted: 3-21-17

Presenter: Lisa White

Date of Council Meeting to consider this item: April 6, 2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 05h

The City of Hendersonville recognizes the importance of protecting the City, its taxpayers, its employees, and its assets against financial risks, operational breaches and unethical activities. Staff has drafted a policy for Council approval which establishes guidelines to enforce controls to aid in the prevention and detection of fraud and for responding to allegations of embezzlement, theft, misappropriations of public funds or property, and other types of fraud related to the business of the City of Hendersonville.

Staff believes that the adoption of this policy will promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and the conduct of investigations. Our goal is to establish and maintain an environment of fairness, ethics, and honesty for our employees, our citizens, our suppliers, and any other person(s) or organizations(s) engaging in business on behalf of the City. Additionally, a new requirement of one of the Cities current federal grants requires that the City have a Whistleblower Policy. Staff has drafted the attached policy to address these two needs.

Budget Impact: \$ None Is this expenditure approved in the current fiscal year budget? N/A If no, describe how it will be funded.

Suggested Motion:

I move that Council adopt the City of Hendersonville Fraud and Whistleblower Policy

Attachments:

Fraud and Whistleblower Policy

	City of Hendersonville Fraud and Whistleblower Policy	Implementation	April 6, 2017
		Date Revision Date(s)	
Page #	1 of 4	Last Review Date	
Group	Admin/Finance		

Purpose and Scope

The City of Hendersonville recognizes the importance of protecting the City, its taxpayers, its employees, and its assets against financial risks, operational breaches and unethical activities. This policy establishes guidelines to enforce controls to aid in the prevention and detection of fraud and for responding to allegations of embezzlement, theft, misappropriations of public funds or property, and other types of fraud related to the business of the City of Hendersonville.

It is the intent of the City Council to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and the conduct of investigations. Our goal is to establish and maintain an environment of fairness, ethics, and honesty for our employees, our citizens, our suppliers, and any other person(s) or organizations(s) engaging in business on behalf of the City. To maintain such an environment requires the active assistance of every employee every day.

Policy

For purposes of this policy, fraud includes any willful or deliberate act committed with the intention of obtaining an unauthorized benefit, such as money or property, by misrepresentation, deception, or other unethical means.

The City is committed to upholding the public trust. All employees are expected to support this policy by avoiding behaviors and actions that could be perceived as fraud. Further, employees are expected to support efforts meant to prevent and detect such activities. Proper internal controls are designed to prevent fraud and require that transactions are properly authorized, recorded, and reported, and that all assets are safeguarded. Accordingly, internal controls that are appropriate and adequate, given the size and nature of operations at the City will be maintained.

Department heads and supervisors have an even greater responsibility to uphold the City’s policy. They are responsible for initiating preventative measures when appropriate as well as being familiar with the types of improprieties that might occur within their areas of responsibility and being alert for any indication of fraud.

Management will assess the vulnerability of the City to fraudulent activity, including financial statement fraud, misappropriation of assets and corruption. The City will conduct fraud risk meetings on a regular basis (at least once a year, and more often as conditions warrant) to include management, employees and Council members as deemed necessary.

In observance of this policy, as in other acceptable business conduct, there is no substitute for sound professional judgement. Each employee should apply this policy with common sense and seek full compliance by reporting any irregularity that is detected or suspected that could be perceived as fraud.

The policy of the City is zero tolerance to fraud. All fraud will be investigated and followed up by the application of all remedies available within the full extent of the law.

Actions Constituting Fraud

For purposes of this policy, the following acts will be referred to as “Fraud”, but are not limited to:

- Any dishonest or fraudulent act
- Misappropriation of funds, securities, supplies, or other assets
- Claim for reimbursement of expenses that are not job-related or authorized under current policies
- Impropriety in the handling or reporting of money or financial transactions
- Forgery or intentional and inappropriate alteration of a check, bank draft, or any other financial document
- Profiteering as a result of insider knowledge of City operations
- Disclosing confidential information to other parties
- Accepting or seeking anything of material value from vendors, contractors, or other parties in exchange for or to induce favorable consideration concerning services, materials, supplies, equipment, or other work provided to the City
- Destruction, disappearance, or inappropriate use of records, furniture, fixtures, or equipment
- Any act of embezzlement, theft, misappropriation or fiscal irregularities

Confidentiality

An employee or citizen who suspects fraud should immediately follow the procedures referred to in this policy, and should not attempt to conduct investigations or interviews/interrogations related to the suspected fraud personally. (Refer to Reporting Procedures section below).

In order to protect the reputations of innocent parties, to avoid potential civil liability, and to protect the possibility of recovery, activities associated with ongoing investigations will be discussed with parties affiliated with the City who have a need to know and with representatives of law enforcement and/or regulatory agencies.

Reporting Procedures for Employees

Employees must exercise professional and mature judgement in reporting suspected fraud as to avoid wrongful accusations or compromising a potential investigation.

1. Employees shall read and understand this policy. Additionally, suspected or known fraudulent acts by employees shall be immediately reported to the City Manager directly. If necessary, the Police Department or other law enforcement and/or regulatory agencies will be notified of each reported incident and will keep the City Manager abreast of the investigation. The City Manager is responsible for carrying out the full investigation and documentation of suspected fraud for each incident.
2. In certain justified circumstances, an employee may direct suspected or known fraudulent acts to the City Manager by an anonymous letter to the City Manager.
3. Supervisors and department heads shall a) communicate the provisions of this policy to all staff; b) take no action without consulting the City Manager; c) recommend appropriate disciplinary action when there is evidence of wrong-doing; and d) if suspension or termination is recommended, consult with the Human Resources Director.
4. All participants in the fraud investigation shall keep the details and results of the investigation confidential. The reporting individual should be informed of the following: a) Do not contact the

suspected individual in an effort to determine facts or demand restitution and b) Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the Police Department or Legal Department.

5. Any employees reporting an act of fraud; or assisting, testifying or participating in a fraud investigation, acting in accordance with the requirement of this policy, shall not be subject to any adverse employment action unless it is determined the employee is culpable for such action and/or made an allegation knowing it was false.

Reporting Procedures for the General Public

We encourage citizens, suppliers, and any other person(s) or organizations(s) engaging in business on behalf of the City to also come forward with any suspicion of fraudulent acts. Written notifications can be addressed to the City Manager and delivered in person or by mail to the following address:

City of Hendersonville
Attn: City Manager - Confidential
145 5th Avenue East
Hendersonville, NC 28792

Acting in Good Faith

Anyone reporting any irregularity that is detected or suspected must be acting in good faith and have reasonable grounds for believing the information provided. Allegations made maliciously or with knowledge of their falsity will not be tolerated. False allegations of suspected fraud with the intent to disrupt or cause harm to another may be subject to disciplinary action up to and including termination of employment.

Whistleblower Protection

City of Hendersonville Council, management or employees may not retaliate against a whistleblower for reporting an activity which that person believes to be fraudulent or dishonest with the intent or effect of adversely affecting the terms and conditions of employment (including, but not limited to, threats of physical harm, dismissal, transfer to an undesirable job assignment, demotion, suspension, or impact on salary or wages). A whistleblower is defined as an employee who informs a supervisor, or department head about an activity which that person believes to be fraudulent or dishonest.

Whistleblowers who believe they have been retaliated against may file a written complaint to the City Attorney. Any complaint of retaliation will be promptly investigated by the City Attorney and reported to City Council. City Council will determine if appropriate remedial measures should be taken if allegations of retaliations are proven. This protection against retaliation is not intended to prohibit management from taking action, including disciplinary action, in the usual scope of their duties and on the basis of valid performance-related factors.

Post Investigation Results and Action

If an investigation results in a recommendation to pursue internal discipline, civil and/or criminal fraud proceedings, the recommendation must be reviewed and approved by the Human Resources Director and the City Attorney. The City Attorney will determine whether the recommendation and results of the investigation warrant civil and/or criminal actions and will initiate disclosure to the proper law enforcement or other entities.

Employee Acknowledgment:

Department heads will be expected to discuss this policy with all current and new City employees. All permanent, temporary and contract employees, full and or part-time will be required to read, understand, abide by and follow the City of Hendersonville Fraud and Whistle Blower Policy.

A copy of this signed form will be submitted to Human Resources and placed in each employee’s file.

I have read the City of Hendersonville Fraud and Whistle Blower Policy and I understand my responsibilities and rights under this policy and agree to abide by the policy.

Printed Employee Name

Employee Signature

Date

I have discussed the City of Hendersonville Fraud and Whistle Blower Policy with the above employee and will submit this form to the Human Resources Department.

Printed Department Head Name

Department Head Signature

Date



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 3-20-17

Presenter: Susan G. Frady, Development Asst Director

Date of Council Meeting to consider this item: 4-6-17

Nature of Item: Council Action

Summary of Information/Request:

Item # 05i

The City of Hendersonville has received a petition from Dustin Beach for a satellite annexation of 0.902 acres of the property identified as Parcel Identification Number 9568-41-6870 located at 1398 Stanwood Lane. This annexation application is related to a sewer service request. The map distance from the proposed satellite corporate limits is 425 feet from the primary corporate limits. The total area within the satellite corporate areas, including land involved in this petition, constitutes 3.6 percent of the area within the primary corporate limits. Please refer to the attached maps and survey for additional information.

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

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

Suggested Motion:

I move Council to accept the City Clerk's Certificate of Sufficiency for the Dustin Beach petition and set May 4, 2017, as the date for the public hearing.

Attachments:

Map
Certificate of Sufficiency
Deed
Meets and Bounds Description



City of Hendersonville
March 2017

Dustin Beach Survey

City of Hendersonville
Total Area: 0.902 Acres

PIN # 9568-41-6870

City Limits

 Subject Area
 Hendersonville Boundary

2015 Aerial Imagery



CERTIFICATE OF SUFFICIENCY

**Re: Petition for Satellite Annexation
Dustin Beach – 1398 Stanwood Lane
File No. P17-13**

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

I, Tammie K. Drake, City Clerk, begin first duly sworn, hereby certify an investigation has been completed of the above referenced petition for the satellite annexation of 0.902 acres at 1398 Stanwood Lane.

- A. According to the Development Assistance Department, the area described in the petition meets all of the standards set out in GS160A-58.1(b).
 - 1. The map distance from the proposed satellite corporate limits is approximately 425 feet from the primary corporate limits.
 - 2. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
 - 3. The area is situated so the City will, if City Council so determines, be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
 - 4. The area proposed for annexation is not a subdivision as defined in GS 160A-376.
 - 5. The total area within the satellite corporate areas, including land involved in this petition, constitutes 3.6 percent of the area within the primary corporate limits.

- B. The petition bears the names, addresses, and signatures of all owners of the real property within the area proposed for annexation.
- C. A metes and bounds description is attached to the petition.
- D. A map showing the area proposed for annexation with relation to the primary corporate limits of Hendersonville is attached to the petition.

Having made the findings stated above, I hereby certify the petition for satellite annexation presented by Dustin Beach is valid.

In witness whereof, I have here unto set my hand and affixed the seal of the City of Hendersonville, this 20 day of March, 2017.

Tammie Drake
Tammie K. Drake, MMC, City Clerk

853627



This document presented and filed:
12/01/2016 02:09:38 PM

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: \$70.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$70.00

Parcel Identifier No. 01-06494 Verified by _____ County on the ____ day of _____, 20____
By: _____

Mail/Box to: The Lyda Law Firm – 308 Martin Luther King Jr. Blvd., Hendersonville, NC 28792

This instrument was prepared by: JACK A. LYDA

Brief description for the Index: Stanwood Lane

THIS DEED made this 16th day of November, 2016, by and between

GRANTOR

GRANTEE

RAYMOND D. HILL
And wife,
CAROL J. HILL

DUSTIN BEACH

Address:

Address: **67 Brightwater Drive**
Hendersonville, NC 28739

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Henderson County, North Carolina and more particularly described as follows:

BEING all of that property containing 0.902 acres, more or less, as shown on a Plat entitled "Plat of Survey for Dustin Beach" prepared by Kevin D. Goldsmith, P.L.S., dated October 19, 2016 and bearing Job No.: 16258 and recorded in the Office of the Register of Deeds for Henderson County, North Carolina at Plat Slide 10445 ; reference being made to said recorded Plat for a full and complete metes and bounds description of said tract, pursuant to North Carolina General Statutes Section 47-30(g).

SUBJECT to restrictions, easements and rights of way affecting the subject property as will appear by reference to the public records and any amendments thereto in the Henderson County, North Carolina Register of Deeds Office.

BEING a portion of that property conveyed in a deed from Kyle Howell and wife, Ruth Howell to Raymond D. Hill and wife, Carol J. Will recorded July 11, 2001 in Deed Book 1068, Page 355, in the Henderson County, North Carolina Register of Deeds Office.

Title Insurance: Investors Title

The property being transferred by this Deed does ____ or does not X include the primary residence of either Grantor. (Per N.C.G.S. §105-317.2)

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1068, page 355, Henderson County, North Carolina Register of Deeds Office.

A map showing the above described property is recorded in Plat Slide _____, Henderson County, North Carolina Register of Deeds Office.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Henderson County ad valorem taxes for 2017, and subsequent years, which are a lien, but not yet due and payable, easements, rights of way, zoning and land use, statutes, regulations and restrictions of record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written. Book 1689
Page 14

(Entity Name) Raymond D Hill (SEAL)
RAYMOND D. HILL

By: _____
Title: Carol J Hill (SEAL)
CAROL J. HILL

By: _____
Title: _____ (SEAL)

By: _____
Title: _____ (SEAL)

SEAL-STAMP



State of North Carolina - County of Henderson

I, Dawn M. Westmoreland, the undersigned Notary Public of the County and State aforesaid, certify that **RAYMOND D. HILL and CAROL J. HILL**, Grantors, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal this 18th day of November, 2016.

My Commission Expires: 10/02/2021

Dawn M Westmoreland
Notary Public

SEAL-STAMP

State of _____ - County of _____

I, _____, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that he is the _____ of _____, a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof. _____ Register of Deeds for _____ County
By: _____ Deputy/Assistant - Register of Deeds

EXHIBIT "A"

BEGINNING at an existing iron rod control corner South 85° 11' 00" East 121.37 feet to and iron rod set; thence South 05° 10' 00" West 304.80 feet to an iron rod set; thence North 84° 13' 35" West 122.28 feet; thence 15 feet to an iron rod set; thence North 02° 30' 00" East 303 feet to the place of BEGINNING.

SUBJECT to restrictions, easements and rights of way affecting the subject property as will appear by reference to the public records and any amendments thereto in the Henderson County, North Carolina Register of Deeds Office.

BEING all of that property containing 0.902 acres, more or less, as shown on a Plat entitled "Plat of Survey for Dustin Beach" prepared by Kevin D. Goldsmith, P.L.S., dated October 19, 2016 and bearing Job No.: 16258 and recorded in the Office of the Register of Deeds for Henderson County, North Carolina at Plat Slide 10445; reference being made to said recorded Plat for a full and complete metes and bounds description of said tract, pursuant to North Carolina General Statutes Section 47-30(g).



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brian Pahle

Department: Admin

Date Submitted: 03/28/17

Presenter: Brian Pahle

Date of Council Meeting to consider this item: 04/06/17

Nature of Item: Council Action

Summary of Information/Request:

Item # 05j

A reimbursement resolution for the WWTP Sludge Drying System project. This multi-year fund will be financed through a debt issuance in projected year FY19-20. However, there are initial design costs that are occurring in FY16-17. We need to adopt a reimbursement resolution to pay for small portions of this project without incurring the debt service note and paying principal and interest on a project that is not in the ground yet. This is a standard practice in financing major projects.

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

Suggested Motion:

I move to approve the reimbursement resolution as presented.

Attachments:

See below...

**HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE**

BE IT ORDAINED by the Governing Board of the City of Hendersonville, North Carolina this declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of HENDERSONVILLE, North Carolina (the "Issuer") with respect to the matters contained herein.

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE WWTP SLUDGE DRYING SYSTEM PROJECT, ORDINANCE # _____ (the "Project").

Plan of Finance. The Issuer intends to finance the costs of the Project with the proceeds of debt to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is **\$4,109,000.00**.

Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this sixth day of April, 2017.

Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

Don't Get Caught by the IRS Rules on Reimbursement

Posted on [September 4, 2013](#) by [ncpublicfinance](#)

The Internal Revenue Service has rules in place that limit a local government's ability to use financing proceeds to reimburse itself for project expenditures made before you actually close on your financing. Even those rules are now more than 20 years old, I often get questions about how those rules work. Also, we continue to find the occasional project in which a local government can't go forward the way it wants to because it has failed to comply with these rules. So, I thought it might be worthwhile to provide this quick summary of the reimbursement rules.

Here is the basic rule for reimbursement — all financing proceeds must be used for expenditures made after the closing date, except that you are allowed to reimburse yourself for expenditures (1) paid not more than 60 days prior to your adopting a qualifying reimbursement resolution (or 60 days prior to closing, if you have not adopted such a resolution), (2) plus any amounts representing engineering, design and similar preliminary expenses in an aggregate amount not exceeding 20% of the amount financed (but purchasing land can never count as a preliminary expense), (3) plus an additional amount of up to the lesser of \$100,000 or 5% percent of the amount financed. You generally must close on your financing and make your reimbursement (by an appropriate notation on your books) not later than eighteen months after the date you complete your project and place it in service (but in any event within three years after the original expenditure is paid). The reimbursement resolution itself must meet certain requirements.

Here's a link to a more complete [handout on the reimbursement rules](#) and here's a link to a [sample reimbursement resolution](#) you can adapt to your project and then have your governing board adopt to establish your intent to reimburse.

Please see [the disclaimer page](#) for information on the limits of using free resources from a blog (even this one) to address your specific legal issues. Please take note of the particular description of limits on using forms you find for free on line. Good luck!



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Lisa White

Department: Admin

Date Submitted: 3-31-17

Presenter: Lisa White

Date of Council Meeting to consider this item: April 6, 2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 05k

Per state statute 143-129 and the City purchasing policy, purchases of equipment over \$90,000 require City Council approval.

The public works department requested bids for a New Holland Ts6 110 Tractor with Alamo 22' Samurai head, including joystick operation.

3 written bids were received

Greenville Tractor	\$115,500
Altman Tractor	\$118,000
Parker Farm Equipment	\$124,500

The planned equipment purchase was included in the FY17 budget and budget funds are available in account 104510-552000. The purchase was pre-audited and a purchase order has been prepared.

Staff requests that Council approve the bid award to Greenville Tractor for \$115,500

Budget Impact: \$ \$115,000 Is this expenditure approved in the current fiscal year budget? Yes No If no, describe how it will be funded.

Suggested Motion:

I move Council to approve the bid award to Greenville Tractor for \$115,500 to purchase the New Holland Tractor

Attachments:

Bid Documents

City of Hendersonville

PURCHASE ORDER/QUOTE FORM

EXHIBIT C

Employee Name: Chad Freeman	Department: Public Works
-----------------------------	--------------------------

DATE QUOTES OBTAINED: 9/13/16	DATE GOODS ARE REQUIRED:	<input type="checkbox"/> DEPT WILL PICK UP
		<input type="checkbox"/> EMERGENCY ORDER

	VENDOR 1 NAME	VENDOR 2 NAME:	VENDOR 3 NAME:
VENDOR #:	Greenville Tractor Co.	Parker Farm Equip.	Altman Tractor
CONTACT:	Andrew Reese	Henry Miller	Johnny Graham
PHONE #:	864-232-2463	704-482-9474	843-347-4664
TOTAL QUOTE:	\$115,500.00	\$124,500.00	\$118,000.00

ACCOUNT #	QTY	ITEM DESCRIPTION	UNIT	TOTAL
		New Holland TS6.110 tractor with		
		Alamo 22' Samurai head		
10-4510-552000	1	including joystick operation	\$115,500.00	\$115,500.00

REASON(S) QUOTES NOT OBTAINED /EXPLANATION OF SOLE SOURCE OR EMERGENCY:

Bonham, AJ

From: andrewreese55@aol.com
Sent: Tuesday, September 13, 2016 3:31 PM
To: Bonham, AJ
Subject: Fwd: New Holland TS6.110 Quote

AJ,

I looked at the cost difference of the difference on the Joystick. It cost \$5,700.00 more than the 4 lever. I'd do the joystick for \$115,500.00.

Thanks, Andrew

—Original Message—

From: andrewreese55 <andrewreese55@aol.com>
To: ajbonham <ajbonham@hvinc.gov>
Sent: Fri, Sep 2, 2016 9:19 am
Subject: New Holland TS6.110 Quote

City of Hendersonville
Hendersonville, NC

09/02/2016

Mr. Bonham

Please accept our proposal on the following equipment:

1- New Holland TS6.110 Cab 4WD tractor with a Alamo 22' Samurai head, 4 lever mechanical controls.

\$110,500.00

Plus Sales Tax

Thanks, Andrew Reese
Greenville Tractor Company
PH: 864-232-2463



QUOTATION



Florence, SC 29505
1808 E. Pamplico Hwy
(800)662-0151
(843)662-0151

Conway, SC 29528
P. O. Box 2070
(877)667-8481
(843)347-4664

To: City Of Hendersonville

Date: 9/1/2016

Att: A J Bonham
828-697-3078
ajbonham@hvlinc.gov

Salesman: Johnny Graham

Qty	Equipment and Options	Unit Price	Line Total
1.00	New Holland TS6.110 Tractor		
	W/Deluxe Cab-Heat and Air Conditioning		
	Four Wheel Drive, 8x8 Transmission w/Power Shuttle		
	2 Deluxe Remote Valves		
	Tires: 14.9-24 6PR R1 Front, 18.4 x 34 8 Ply R1 Rear		
	All Standard Equipment		
			\$112,850.00
	Alamo 22' Samurai Articulated Boom Mower		
	W/ 60" Rotary w/ ctr Hyd Door, Blade Bar		
	Mount Kit, Wheel Weight and Polycarbonate Window		
	4 Lever Cable Controls		
	Option: Joystick Controls add \$5150.00		\$118,000.00
	Plus Applicable SC Sales Tax		



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Admin

Date Submitted: 03.27.17

Presenter: Mayor Volk

Date of Council Meeting to consider this item: 04.06.17

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 06a

Mayor Volk will present a proclamation to Michael and Mary Cervini, founders of Community Partnership for Pets, in appreciation for their service.

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

Suggested Motion:

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Admin

Date Submitted: 03.27.17

Presenter: Mayor Volk

Date of Council Meeting to consider this item: 04.06.17

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 06b

Mayor Volk will presentation a Proclamation for Week of the Young Child to Elisha Freeman, Executive Director of the Children & Family Resource Center.

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

Suggested Motion:

Attachments:

Drake, Tammie

Subject: FW: WOYC Proclamation by Mayor or Governor

Tammie,

The Week of the Young Child Conference is on Saturday, April 8th. Can we come to one of the City Council meetings (perhaps the one prior to that event) for Barbara to officially read the proclamation? I think she did that last year.

We were also planning to attend a meeting around that time frame anyway to give an update on the PREP program (which the City supported with a grant this year). We could do both.

Can you let me know if that will be OK and the date of the meeting.

Elisha Freeman

Executive Director

Children & Family Resource Center

Mailing Address: P.O. Box 1105 | Hendersonville, NC 28793

Physical Address: 851 Case Street | Hendersonville, NC 28792

Phone: 828-698-0674 x 105 | Fax: 828-698-5532

www.childrenandfamily.org

www.5promiseshc.org



Improving the lives of children in Henderson County by providing parent education and resources for families, improving the quality of child care and by taking leadership on children's issues.

Proclamation by Mayor Barbara G. Volk

Week of the Young Child™

Whereas, the Children & Family Resource Center and other local organizations, in conjunction with the National Association for the Education of Young Children, are celebrating the Week of the Young Child™, April 2-8, 2017; and

Whereas, these organizations are working to improve early learning opportunities, including early literacy programs, that can provide a foundation of learning for children in Hendersonville, NC; and

Whereas, teachers and others who make a difference in the lives of young children in Hendersonville, NC deserve thanks and recognition; and

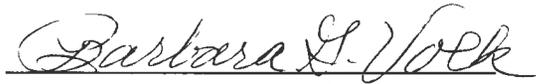
Whereas, public policies that support early learning for all young children are crucial to young children's futures;

Now, Therefore, I, Barbara G. Volk, Mayor of Hendersonville, NC, do hereby proclaim April 2-8, 2017 as the

Week of the Young Child™

in Hendersonville, NC and encourage all citizens to work to make a good investment in early childhood in Hendersonville, NC.

Attest:



Barbara G. Volk



Tammie K. Drake, City Clerk





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammy Holland

Department: Finance

Date Submitted: 03/29/17

Presenter: Tammy Holland

Date of Council Meeting to consider this item: 04-06-17

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 06c

Appreciation of the Finance Customer Service Team.

The customer service department has taken on many additional projects and changes during the past year. We are currently having a drive to increase the number of customers using the ACH process (automatic payment draft) to pay their utility bills. This combined with the option to sign up for automatic draft instead of paying a deposit has resulted in an increase in customers using this program. Currently, there are 11,299 customers that are enrolled in the program. This saves both time and money for Hendersonville Water and Sewer.

We have also created a welcome packet for our customers signing up for new service. This packet contains a variety of important information like phone numbers, websites, and other customer resources. We are in the process of providing some of these packets to local real estate agencies as well as the Chamber of Commerce. We have received very positive feedback from our customers regarding the packet.

Additionally, we have launched a new payment portal allowing for payment of everything from a utility bill to a parking ticket. This service will greatly increase the number of taxes and parking tickets paid on-line.

On a monthly basis our customer service representatives process an average of:

525 service orders

4,903 in person payment transactions

5,484 calls

Every day our employees go above and beyond what is asked of them in providing exceptional customer service. It is these everyday activities that go un-noticed by most and are what make the customer service team so valuable.

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

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

Attachments:



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Chief Herbert Blake

Department: Police

Date Submitted: 03/30/2017

Presenter: Chief Herbert Blake

Date of Council Meeting to consider this item: 04/06/2017

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 06d

On behalf of the Hendersonville Police Department, I would like to present Detective Brandon McGaha with the North Carolina Criminal Justice Education and Training Standards Commission Advanced Law Enforcement Certificate.

The Advanced Law Enforcement Certificate is designed to recognize the level of competence of law enforcement officers serving governmental agencies within the State, to foster increased interest in college education and professional law enforcement training programs, and to attract highly qualified individuals into a law enforcement career. This program is a method by which dedicated officers may receive statewide and nationwide recognition for education, professional training, and on-the-job experience. An officer can qualify for the Advanced Certificate if he or she: meets the requirements for the Intermediate Certificate, and has accumulated at least 48 education and/or training points and at least 12 years experience, or has accumulated at least 60 education and/or training points and at least nine years experience, or has an Associate Degree issued by an academic institution; has accumulated at least 36 training points and at least nine years experience, or has a Baccalaureate Degree issued by an academic institution; has accumulated at least 24 training points and at least six years experience, or has a Graduate or Professional Degree issued by a Department of Education and the Council for Higher Education Accreditation; has accumulated at least 16 training points and at least four years experience.

Detective McGaha total of almost 15 years' experience in the law enforcement profession. Brandon has an Associate's Degree from Stanly Community College and a total of 52.7750 training hours with Hendersonville Police Department.

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

Suggested Motion:

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Chief Herbert Blake

Department: Police

Date Submitted: 03/30/2017

Presenter: Chief Herbert Blake

Date of Council Meeting to consider this item: 04/06/2017

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 06e

The Hendersonville Police Department would like to recognize the following individuals:

Reserve Police Officer Isiah Young - started with HPD on March 3, 2017. Isiah graduated from North Henderson High School and attended Basic Law Enforcement Training (BLET) at Blue Ridge Community College.

Police Officer Andrew Gunnin-started with HPD on January 1, 2017. Andrew graduated with a Bachelor of Arts in Criminal Justice from Brevard College in 2016 and attended Basic Law Enforcement Training (BLET) at Blue Ridge Community College.

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

Suggested Motion:

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 3-24-17

Presenter: John Connet

Date of Council Meeting to consider this item: 4-6-17

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 07

Representatives from the City of Hendersonville, Hendersonville Rescue Mission and Joseph's Outreach Ministries met on March 23, 2017 to discuss Joseph's request to open a cold weather shelter. We met for almost an hour and a half and were able to clear up a number of misunderstandings regarding the Mission's policies during cold weather. First of all, the Mission operates under their "Cold Grace" policy anytime the temperature drops below 38 degrees. Under Code Grace the Mission suspends most of their intake and program policies and will accept homeless individuals until 9:00PM (9:30 with Police referral). Normally, all individuals have to be in the Mission by 7:00PM. Secondly, the Mission has 70+ beds and typical headcount is less than 50. Therefore, Joseph's has agreed to suspend their request to open an overnight shelter on 7th Avenue under the following conditions:

1. The Mission provides Joseph's with their Code Grace Policy for distribution to volunteers and clients.
2. Joseph's will assist individuals in entering the Mission during cold weather.
3. Joseph's will utilize Tim Jones' contact information and will use this information to assist individuals to find warm shelter.
4. The Mission has committed to opening an extreme cold (<20 degrees) shelter, where they will accept individuals up to 2:00 AM.
5. Joseph's and Mission will meet to maintain an open dialogue regarding the provision of services to the homeless.

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:

NA

Attachments:

Hendersonville Rescue Mission Documents



MEMORANDUM OF AGREEMENT BETWEEN
JOSEPH'S OUTREACH MINISTRIES/JOSEPH'S CENTER and HENDERSONVILLE RESCUE MISSION

For the past 36 years it has been our endeavor at the Hendersonville Rescue Mission to meet the needs of the homeless, hungry and addicted of our community.

On Monday, March 13, 2017, the Hendersonville Rescue Mission President/CEO Anthony S. McMinn and Vice President/COO Tim Jones met with representatives for the Joseph Outreach Ministries, Board Chairman Austin Watson and Joseph Center representative P.J. White. This meeting was mediated by City Manager John Connet, Manager of the City of Hendersonville.

The meeting was designed to address the concerns related to the safety of homeless individuals who are unsheltered in cold weather conditions in Henderson County. The central issue for the meeting was to make sure people in unsafe weather situations have access to shelter while still balancing the concerns of the community about not having homeless services concentrated in one district of the city. The limitations imposed on emergency shelter services centers on the geographic proximity of the Joseph's Center to the Hendersonville Rescue Mission within the Historic Seventh Avenue District. The representatives from Joseph's Outreach Ministries reported that they had discerned a need for emergency overnight cold weather shelter in addition to the services offered at the Hendersonville Rescue Mission. Joseph's Outreach Ministries has requested permission from the City of Hendersonville to open such services at their location in extremely cold overnight temperatures.

The goal of the meeting was to facilitate understanding of the needs surrounding this issue and to propose a solution by which both organizations can work together to meet the needs of unsheltered individuals without violating restrictions on homeless services being concentrated in one area.

The outcomes of the meeting were:

- a resolution of both organizations to work together to better educate homeless individuals about the Code Grace policies and procedures that the Hendersonville Rescue Mission operates under when the forecast is for temperatures below 38F. overnight.
- an open channel of direct communication between the leadership of both organizations so that any concerns about barriers to the Code Grace policies and procedures can be quickly resolved.
- the establishment of a liaison person from Joseph's Center who can test the efficiency of access to the Hendersonville Rescue Mission's Code Grace procedures.
- the establishment of an "Extreme Cold Weather" policy whereby the Hendersonville Rescue Mission will extend the hours of emergency shelter check in past the normal 9:00 p.m. limit until 2:00 a.m. when temperatures fall below 20 F. overnight.

MEMORANDUM OF AGREEMENT

Joseph's Outreach Ministries/Joseph's Center and
Hendersonville Rescue Mission

Page 2

the Hendersonville Rescue Mission will communicate with P.J. White who will work as a liaison officer on behalf of the Joseph Center to ensure each referral meets the standards of stay as agreed upon by the Hendersonville Rescue Mission and Joseph Center. This agreement also means we will work closely with the Hendersonville Police Department and Henderson County Sheriff's Department.

Dated: _____

Dated: 03/24/17

Austin Watson, Board Chairman
JOSEPH'S OUTREACH MINISTRIES
701 7th Avenue
Hendersonville, NC 28793



Rev. Anthony S. McMinn, President/CEO
HENDERSONVILLE RESCUE MISSION
639 Maple Street
Hendersonville, NC 28792



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 3/14/17

Presenter: Susan G. Frady, Development Asst Dept

Date of Council Meeting to consider this item: 4-6-17

Nature of Item: Council Action

Summary of Information/Request:

Item # 08

The City of Hendersonville has received a petition from Robert D. Edney for contiguous annexation of Parcel 9578-33-4700 containing .39 acres located at 1102 Old Spartanburg Highway. This annexation application is related to a sewer service request. Please refer to the attached maps for additional information.

At your meeting of March 2, 2017, you accepted the Clerk's Certificate of Sufficiency and recommended a public hearing for the April 6, 2017, City Council meeting.

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

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

Suggested Motion:

I move the City Council adopt an ordinance annexing the property included in the petition from Robert D. Edney effective April 6, 2017.

Attachments:

Ordinance
Map
Survey
Certificate of Sufficiency

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF HENDERSONVILLE, NORTH CAROLINA
Robert D. Edney**

WHEREAS, the City of Hendersonville has been petitioned, pursuant to North Carolina General Statutes (NCGS) 160A-58.1, as amended, to annex the area described herein; and,

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall, Hendersonville, N.C. at 5:45 p.m., on the sixth day of April 2017, after due notice by publication as by law provided; and,

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

- a. The area is contiguous to the present City boundaries;
- b. The petition presented to the City Council was signed by the owners of the real property located in the area;
- c. The petition was prepared in accordance with a form prescribed by NCGS 160A -31, and
- d. At the public hearing all persons owning property in the area to be annexed who allege an error in the petition were given an opportunity to be heard, as well as residents of the City who question the necessity for annexation.

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

Section 1. By virtue of the authority granted by G.S. 160A-58.1, as amended, the following described area is hereby annexed and made part of the City of Hendersonville as of the sixth day of April 2017.

DESCRIPTION OF PROPERTY

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

TRACT ONE:

BEGINNING on a stake at the intersection of the northern margin of Old Spartanburg Highway with the eastern margin of Lullwater Street {now Beverly Avenue), and running thence with the eastern margin of Lullwater Street (now Beverly Avenue), North 21 deg. 15 min. East 142.5 feet to the north side of a retaining wall; thence leaving the road and running with the north side of said wall, South 68 deg. 45 min. East 75 feet to a stake in the line of Lot 65 of Forest Lawn Subdivision; thence with the line of Lot 65 and Lot 1 of said subdivision, South 21 deg.15 min. West 142.5 feet to a stake in the northern margin of Old Spartanburg Highway; thence with said margin or said Old Spartanburg Highway, North 68 deg. 45 min. West 75 feet to the point and place of BEGINNING.

TRACT TWO:

BEGINNING at a stake in the northern margin of Old Spartanburg Highway, westernmost corner of Lot 1 of Forest Lawn Subdivision as shown on plat thereof recorded in the Office of the Register of Deeds for Henderson County, North Carolina in Map Book 4 at Page 65, and reindexed in Plat Cabinet B, Slide 323, Henderson County Registry and running thence from said Beginning point with the line of Tract One as above described, North 21 deg.15 min. East 120 feet to a stake; thence South 88 deg. East 55 feet to a stake in the line of Lot 3 of said subdivision; thence with the line of said lot, South 21 deg.15 min. West 120 feet to a stake, southwestern corner of Lot 3 in the northern margin of Old Spartanburg Highway; thence with the northern margin of Old Spartanburg Highway, North 68 deg. West 55 feet to the point and place of BEGINNING. Being Lots 1 and 2 as shown on Plat Cabinet B, Slide 323, Henderson County Registry, EXCEPT a 5 foot wide strip adjoining Lot 65.

Section 2. Upon and after the sixth day of April 2017, the above described territory, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Hendersonville, and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-31, as amended.

Section 3. The City Clerk of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, hereof, together with a duly certified copy of this ordinance.

ADOPTED this sixth day of April 2017.

Barbara Volk, Mayor, City of Hendersonville

ATTEST:

Tammie K. Drake, CMC, City Clerk

APPROVED AS TO FORM:

Samuel H. Fritschner, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

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

Witness my hand and notarial seal, this _____, 2016.

My commission expires _____



City of Hendersonville
February 2017

City Limits

Annexation for Robert &
Kyle Edney
City of Hendersonville - Existing Land Use

BEVERLY AVE

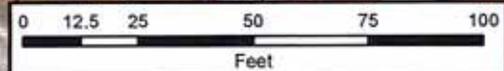
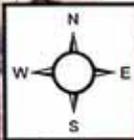
Annexation Area
PIN 9578-33-4700
0.39 Acres

OLD SPARTANBURG RD

FOREST LAWN DR

 Annexation Area
 Hendersonville Boundary

2015 Aerial Imagery



City Limits

PLAT OF SURVEY
FOR
ROBERT D. EDNEY
AND
KYLE B. EDNEY
BEING THE PROPERTIES
DESCRIBED IN
DEED BOOK 1207, PAGE 138
AND DEED BOOK 1195, PAGE 741

HENDERSONVILLE TOWNSHIP
HENDERSON COUNTY
NORTH CAROLINA

SCALE: 1" = 30'
JANUARY XXXX, 2017

I, DAVID H. HILL, certify that this plot was drawn from an actual survey made under my supervision (deed description recorded in Book SEE, page REFERENCES; that the boundaries not surveyed are clearly indicated as drawn from information found in Book AS; page SHOWN; that the ratio of precision as calculated is 1:10000; that this plot was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this _____ day of _____, A.D.

David H. Hill, NCPLS L-3863

State of North Carolina
County of Henderson

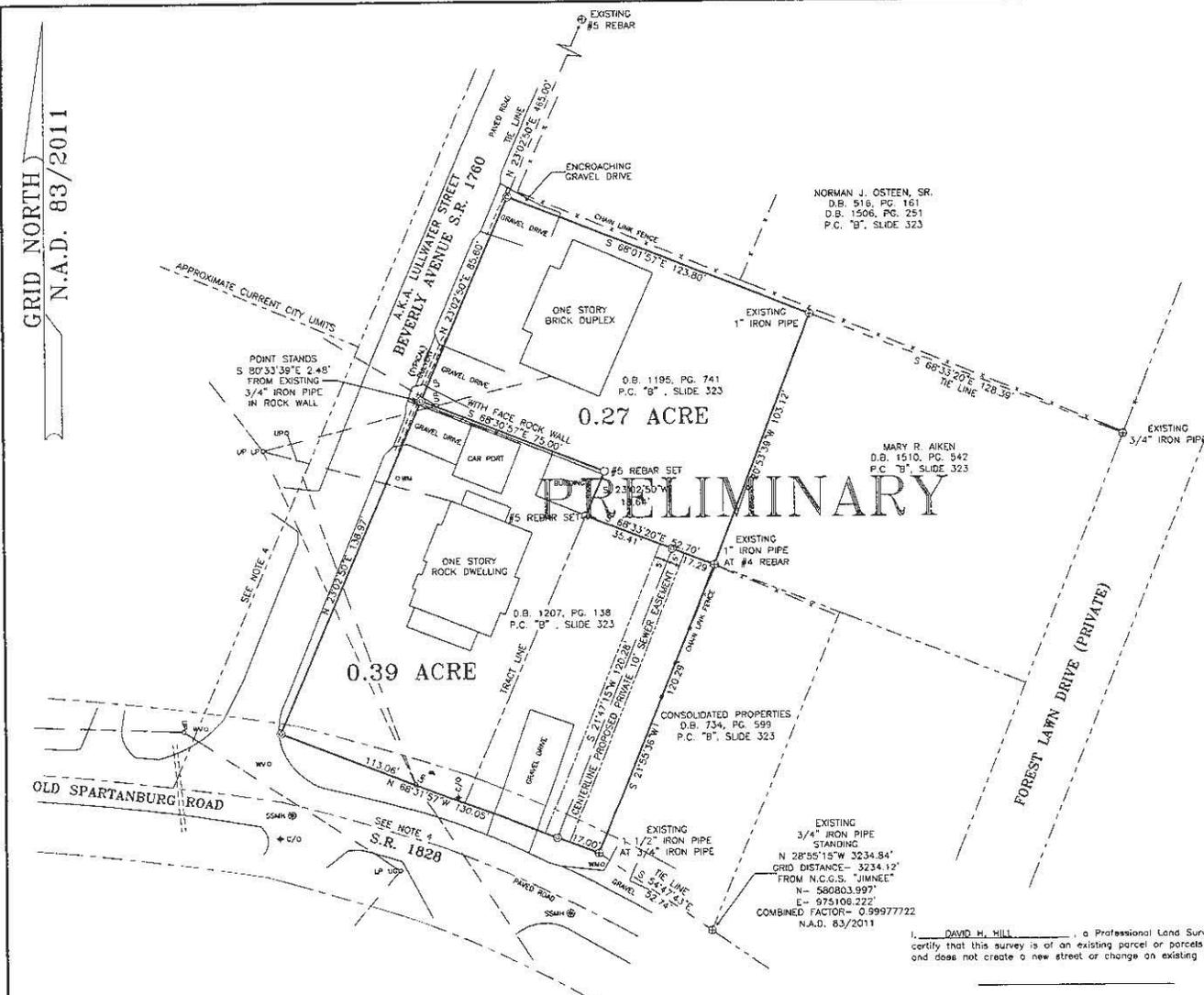
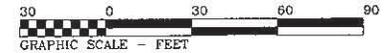
I, _____, Review Officer of Henderson County, certify that the map or plot to which this certification is affixed meets all statutory requirements for recording.

Review Officer

State of North Carolina, County of Henderson
This instrument was prepared for registration and recorded in the Office of Register of Deeds in the State and County designated, at Plat Slide _____, this _____ day of _____, 2016.
At _____ o'clock _____

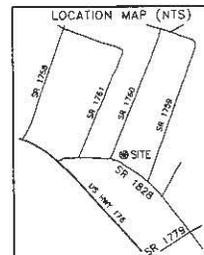
By: _____

I, DAVID H. HILL, a Professional Land Surveyor, certify that this survey is of an existing parcel or parcels of land and does not create a new street or change an existing street.



- NOTES:
- 1- AREAS BY COORDINATE COMPUTATION.
 - 2- ALL AREAS SHOWN ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD OR UNRECORDED THAT MAY DIRECTLY AFFECT ALL AREAS SHOWN.
 - 3- ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS UNLESS OTHERWISE NOTED.
 - 4- THE PROPERTY SHOWN IS WITHIN AN AREA ZONED R15 BY THE CITY OF HENDERSONVILLE.
 - 5- 30' RIGHT OF WAY FOR BEVERLY AVENUE SCALED FROM PLAT CABINET "B", SLIDE 323. WESTERN MARCH 30' RIGHT OF WAY IS CURRENT HENDERSONVILLE CITY LIMITS. CENTERLINE OF OLD SPARTANBURG ROAD, S.R. 1828, IS CURRENT HENDERSONVILLE CITY LIMITS.
 - 6- THE CURRENT OWNERS OF RECORD ARE ROBERT D. EDNEY AND KYLE B. EDNEY.

- LEGEND
- ⊕ MONUMENT FOUND AS NOTED
 - MONUMENT SET AS NOTED
 - POINT NOT STAKED
 - P-PEDESTAL
 - UP - UTILITY POLE
 - PHP - PHONE POLE
 - TRANS - TRANSFORMER
 - TV-PEDESTAL - CABLE TV PEDESTAL
 - WM - WATER METER
 - WV - WATER VALVE



DEED REFERENCES: D.B. 1207, PG. 138 D.B. 1195, PG. 741 P.C. "B", SLIDE 323
TAX REFERENCES: 9578-33-4700 9578-33-4840
PARTY CHIEF: DHH
REVISIONS:

DATE: JANUARY XXXX, 2017

SURVEY BY HILL AND ASSOCIATES SURVEYORS, P.A. LICENSE NUMBER: C-1991	
DAVID H. HILL N.C.P.L.S. 3863	
403 WEST BLUE RIDGE ROAD EAST FLAT ROCK, NORTH CAROLINA 28726 (828) 693-1409	
CHECKED BY: DHH	DRAWING: 2017009
DRAWN BY: DHH	FILE: 2017009

GRID NORTH
N.A.D. 83/2011

CERTIFICATE OF SUFFICENCY

**RE: Petition for Contiguous Annexation
Robert D. Edney and Kyle B. Edney
File No. P17-08 ANX**

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

I, Tammie K. Drake, City Clerk, begin first duly sworn, hereby certify an investigation has been completed of the above referenced petition for the contiguous annexation of parcel 9578-33-4700 containing 0.39 acre located at 1102 Old Spartanburg Road.

- A. According to the Development Assistance Department, the area described in the petition meets all of the standards set out in G.S. 160A-58.1(b).
1. The petition follows the prescribed form.
 2. The petition was signed by the owners of the subject property.
 3. The subject property adjoins the present city limits line.

Having made the findings stated above, I hereby certify the petition for contiguous annexation presented by the Housing Assistance Corporation is valid.

In witness whereof, I have here unto set my hand and affixed the seal of the City of Hendersonville, this 17 day of Feb., 2017.

Tammie K. Drake

Tammie K. Drake, MMC, City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 3/13/17

Presenter: Susan G. Frady, Development Asst Director

Date of Council Meeting to consider this item: 4-6-17

Nature of Item: Council Action

Summary of Information/Request:

Item # 09

The City of Hendersonville has received a petition from The Housing Assistance Corporation for contiguous annexation of a portion of Parcel 9569-85-1339, 9568-85-1371, 9569-85-3107, 9569-85-3170 and 9569-85-4043 containing approximately 0.147 acres located off of N. Main Street. At its meeting on January 5, 2017, the City Council adopted an order permanently closing a portion of an unopened 20' ft. right-of-way. This petition is to annex the western 10' feet of this property that is now owned by The Housing Assistance Corporation.

At your meeting of March 2, 2017, you accepted the Clerk's Certificate of Sufficiency and recommended a public hearing for the April 6, 2017, City Council meeting.

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

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

Suggested Motion:

I move the City Council adopt an ordinance annexing the property included in The Housing Assistance Corporation petition effective April 6, 2017.

Attachments:

Ordinance
Map
Survey
Certificate of Sufficiency

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF HENDERSONVILLE, NORTH CAROLINA
Housing Assistance Corporation**

WHEREAS, the City of Hendersonville has been petitioned, pursuant to North Carolina General Statutes (NCGS) 160A-58.1, as amended, to annex the area described herein; and,

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall, Hendersonville, N.C. at 5:45 p.m., on the sixth day of April 2017, after due notice by publication as by law provided; and,

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

- a. The area is contiguous to the present City boundaries;
- b. The petition presented to the City Council was signed by the owners of the real property located in the area;
- c. The petition was prepared in accordance with a form prescribed by NCGS 160A -31, and
- d. At the public hearing all persons owning property in the area to be annexed who allege an error in the petition were given an opportunity to be heard, as well as residents of the City who question the necessity for annexation.

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

Section 1. By virtue of the authority granted by G.S. 160A-58.1, as amended, the following described area is hereby annexed and made part of the City of Hendersonville as of the sixth day of April 2017.

DESCRIPTION OF PROPERTY

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

Beginning at a #4 Rebar with McAbee ID Cap Set bearing NC Grid Coordinates (NAD83-Epoch 2011) of: Northing= 595,036.06' and Easting" 968,519.39'; thence following the Eastern Lines of Lots 8-12 and 20 (said Lots being recorded on Plat Slide 10082) North 45°34'50" West 649.96 feet to a calculated point located in the Southern Margin of North Main Street (SR 1503); thence turning and following the said Margin of North Main Street South 88° 19'10" East 14.73 feet to a calculated point; thence South 45°34'50" East 626.68 feet to a calculated point; thence South 06°49'25" East 15.97 feet to the Point and Place of Beginning.
Containing 0.147 Acres/ 6383 Square Feet

Section 2. Upon and after the sixth day of April 2017, the above described territory, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Hendersonville, and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-31, as amended.

Section 3. The City Clerk of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, hereof, together with a duly certified copy of this ordinance.

ADOPTED this sixth day of April 2017.

Barbara Volk, Mayor, City of Hendersonville

ATTEST:

Tammie K. Drake, CMC, City Clerk

APPROVED AS TO FORM:

Samuel H. Fritschner, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

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

Witness my hand and notarial seal, this _____, 2016.

My commission expires _____



City of Hendersonville
February 2017

Annexation for Oklawaha Village
Housing Assistance Corp.
City of Hendersonville - Existing Land Use

City Limits

Annexation Area
0.147 Acres
6,383 sq.ft.

HAZELWOODS

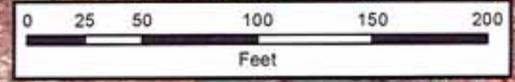
STRICK GARDEN LN

N MAIN ST

ON HILL RD

 Annexation Area
 Hendersonville Boundary

2015 Aerial Imagery

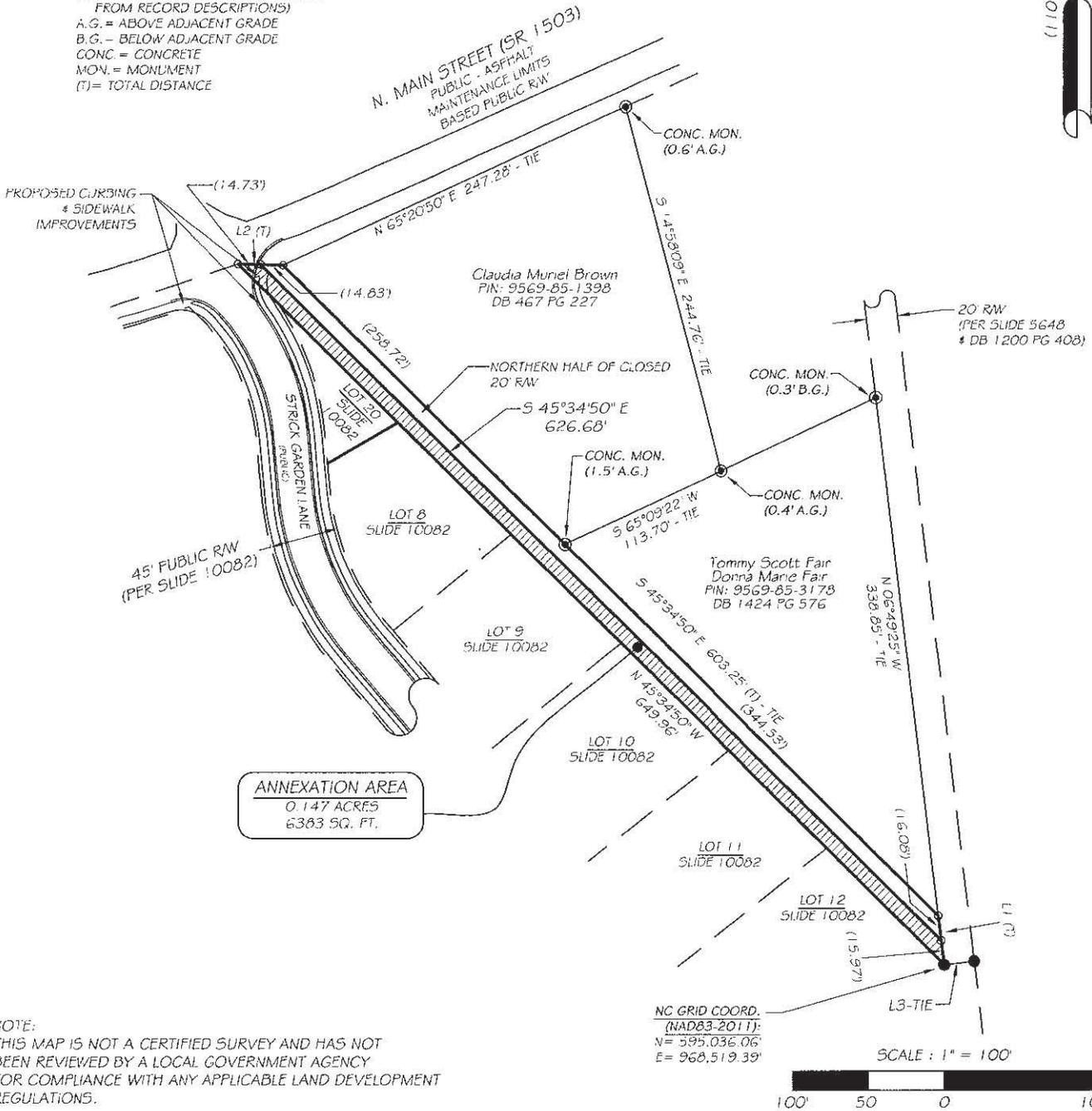


LEGEND & ABBREVIATIONS :

- PB = PLAT BOOK
- DB = DEED BOOK
- PG = PAGE
- RW = RIGHT OF WAY
- PIN = PARCEL IDENTIFICATION NUMBER
- CP = CALCULATED POINT
(NO) MARKED IN FIELD
- RECOVERED BOUNDARY MONUMENT
(SIZE AND TYPE AS NOTED)
- BOUNDARY MONUMENT SET BY MCABEE
(RBS = #4 REBAR W. MCABEE CAP SET)
- BOUNDARY LINE (FIELD SURVEYED)
- BOUNDARY LINE (COMPOSITE, PLOTTED FROM RECORD DESCRIPTIONS)
- A.G. = ABOVE ADJACENT GRADE
- B.G. = BELOW ADJACENT GRADE
- CONC. = CONCRETE
- MON. = MONUMENT
- (T) = TOTAL DISTANCE

LINE TABLE

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



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



McABEE ASSOCIATES, P.A.
PROFESSIONAL LAND SURVEYING

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

EXHIBIT MAP OF ANNEXATION AREA ASSOCIATED WITH THE PROJECT :

OKLAWAHA VILLAGE
MAP PREPARED FOR:
HOUSING ASSISTANCE CORP.

DATE: 1-13-2017
PROJECT NO.: #11553
DRAWN BY: JBW
DRAWING NO.: A-17-1824
SCALE: 1" = 100'

CERTIFICATE OF SUFFICENCY

**RE: Petition for Contiguous Annexation
Housing Assistance Corporation, Petitioner
File No. P17-05-ANX**

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

I, Tammie K. Drake, City Clerk, begin first duly sworn, hereby certify an investigation has been completed of the above referenced petition for the contiguous annexation of a portion of parcels, 9569851339, 9569851371, 9569852234, 9569853107, 9569853170 and 9569854043 containing 0.147 acres located off of North Main Street.

A. According to the Development Assistance Department, the area described in the petition meets all of the standards set out in G.S. 160A-58.1(b).

1. The petition follows the prescribed form.
2. The petition was signed by the owners of the subject property.
3. The subject property adjoins the present city limits line.

Having made the findings stated above, I hereby certify the petition for contiguous annexation presented by the Housing Assistance Corporation is valid.

In witness whereof, I have here unto set my hand and affixed the seal of the City of Hendersonville, this 17 day of Feb., 2017.

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



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 3/14/17

Presenter: Susan G. Frady, Development Asst Director

Date of Council Meeting to consider this item: 4-6-17

Nature of Item: Council Action

Summary of Information/Request:

Item # 10

The City of Hendersonville has received a petition from Jere E. Hyder and Mary H. Hyder for contiguous annexation of Parcel 9569-74-0150 containing 10.22 acres located at 1500 N. Main Street. This annexation application is related to a sewer service request. Please refer to the attached maps for additional information.

At your meeting of March 2, 2017, you accepted the Clerk's Certificate of Sufficiency and recommended a public hearing for the April 6, 2017, City Council meeting.

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

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

Suggested Motion:

I move the City Council adopt an ordinance annexing the property included in the petition from Jere E. Hyder and Mary H. Hyder effective April 6, 2017.

Attachments:

Ordinance
Map
Survey
Certificate of Sufficiency

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF HENDERSONVILLE, NORTH CAROLINA
Jere E. Hyder and Mary H. Hyder**

WHEREAS, the City of Hendersonville has been petitioned, pursuant to North Carolina General Statutes (NCGS) 160A-58.1, as amended, to annex the area described herein; and,

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall, Hendersonville, N.C. at 5:45 p.m., on the sixth day of April 2017, after due notice by publication as by law provided; and,

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

- a. The area is contiguous to the present City boundaries;
- b. The petition presented to the City Council was signed by the owners of the real property located in the area;
- c. The petition was prepared in accordance with a form prescribed by NCGS 160A -31, and
- d. At the public hearing all persons owning property in the area to be annexed who allege an error in the petition were given an opportunity to be heard, as well as residents of the City who question the necessity for annexation.

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

Section 1. By virtue of the authority granted by G.S. 160A-58.1, as amended, the following described area is hereby annexed and made part of the City of Hendersonville as of the sixth day of April 2017.

DESCRIPTION OF PROPERTY

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

BEING THE PROPERTY DESCRIBED IN DEED BOOK 900, PAGE 525.
BEGINNING AT A CAPPED REBAR THE SOUTHEAST CORNER OF DEED BOOK 900, PAGE 525;
THENCE NORTH 41 DEGREES 04 MINUTES 40 SECONDS EAST A DISTANCE OF 1061.86 FEET
PASSING A 1/2" IRON PIPE ONLINE AT A DISTANCE OF 1033.63 FEET TO A POINT IN THE CENTER
LINE OF MUD CREEK SAID POINT STANDS NORTH 65 DEGREES 33 MINUTES 54 SECONDS WEST A
DISTANCE OF 4437.26 FEET GROUND AND 4436.27 FEET GRID DISTANCE FROM N.C.G.S. "CINEMA"
HAVING N.A.D. 83/86 COORDINATES OF NORTH- 592582.75', EAST- 971691.78' WITH A COMBINED
FACTOR OF 0.99977833; THENCE WITH THE CENTERLINE OF MUD CREEK THE FOLLOWING
COURSES; THENCE NORTH 27 DEGREES 51 MINUTES 59 SECONDS WEST A DISTANCE OF 13.61
FEET TO A POINT; THENCE NORTH 35 DEGREES 11 MINUTES 17 SECONDS WEST A DISTANCE OF
163.47 FEET TO A POINT; THENCE NORTH 51 DEGREES 54 MINUTES 12 SECONDS WEST A
DISTANCE OF 132.32 FEET TO A POINT; THENCE LEAVING CREEK SOUTH 50 DEGREES 35 MINUTES
21 SECONDS WEST A DISTANCE OF 122.81 FEET PASSING A #4 REBAR ONLINE AT 33.57 FEET TO A
1/2" IRON PIPE; THENCE SOUTH 59 DEGREES 31 MINUTES 33 SECONDS WEST A DISTANCE OF
197.45 FEET TO A P.K. NAIL; THENCE SOUTH 62 DEGREES 07 MINUTES 29 SECONDS WEST A
DISTANCE OF 264.63 FEET TO A P.K. NAIL; THENCE SOUTH 55 DEGREES 29 MINUTES 14 SECONDS
WEST A DISTANCE OF 84.01 FEET TO A POINT IN THE EASTERN MARGIN OF THE PAVEMENT OF
NORTH MAIN STREET, S.R. 1503; THENCE SOUTH 37 DEGREES 49 MINUTES 26 SECONDS WEST A
DISTANCE OF 69.26 FEET TO POINT IN THE CENTERLINE OF NORTH MAIN STREET AND
CONTINUING; THENCE SOUTH 27 DEGREES 03 MINUTES 49 SECONDS WEST A DISTANCE OF 42.74
FEET TO A POINT; THENCE SOUTH 23 DEGREES 06 MINUTES 28 SECONDS WEST A DISTANCE OF
45.88 FEET TO A POINT; THENCE SOUTH 17 DEGREES 11 MINUTES 37 SECONDS WEST A

DISTANCE OF 60.64 FEET TO A POINT; THENCE SOUTH 12 DEGREES 47 MINUTES 11 SECONDS WEST A DISTANCE OF 56.99 FEET TO A POINT; THENCE SOUTH 11 DEGREES 02 MINUTES 57 SECONDS WEST A DISTANCE OF 38.14 FEET TO A POINT; THENCE SOUTH 09 DEGREES 41 MINUTES 56 SECONDS WEST A DISTANCE OF 34.50 FEET TO A POINT; THENCE SOUTH 08 DEGREES 04 MINUTES 30 SECONDS WEST A DISTANCE OF 62.43 FEET TO A POINT; THENCE SOUTH 05 DEGREES 49 MINUTES 28 SECONDS WEST A DISTANCE OF 63.25 FEET TO A POINT; THENCE SOUTH 03 DEGREES 56 MINUTES 27 SECONDS WEST A DISTANCE OF 39.15 FEET TO A POINT; THENCE LEAVING SAID CENTERLINE OF ROAD SOUTH 48 DEGREES 04 MINUTES 21 SECONDS A DISTANCE OF 291.18 FEET PASSING A #5 REBAR ONLINE AT 30.07 FEET TO A CAPPED REBAR; WHICH IS THE POINT OF BEGINNING; HAVING AN AREA OF 10.22 ACRES.

Section 2. Upon and after the sixth day of April 2017, the above described territory, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Hendersonville, and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-31, as amended.

Section 3. The City Clerk of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, hereof, together with a duly certified copy of this ordinance.

ADOPTED this sixth day of April 2017.

Barbara Volk, Mayor, City of Hendersonville

ATTEST:

Tammie K. Drake, CMC, City Clerk

APPROVED AS TO FORM:

Samuel H. Fritschner, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

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

Witness my hand and notarial seal, this _____, 2016.

My commission expires _____



City of Hendersonville
February 2017

Annexation for Magnolia Land
Development, LLC
City of Hendersonville - Existing Land Use



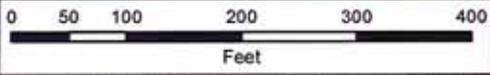
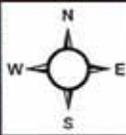
Annexation Area
PIN 9569-74-0150
10.22 Acres

City Limits

City Limits

 Annexation Area
 Hendersonville Boundary

2015 Aerial Imagery



PLAT OF SURVEY
FOR
MAGNOLIA LAND DEVELOPMENT, LLC

BEING THE PROPERTY
DESCRIBED IN
DEED BOOK 900, PAGE 525

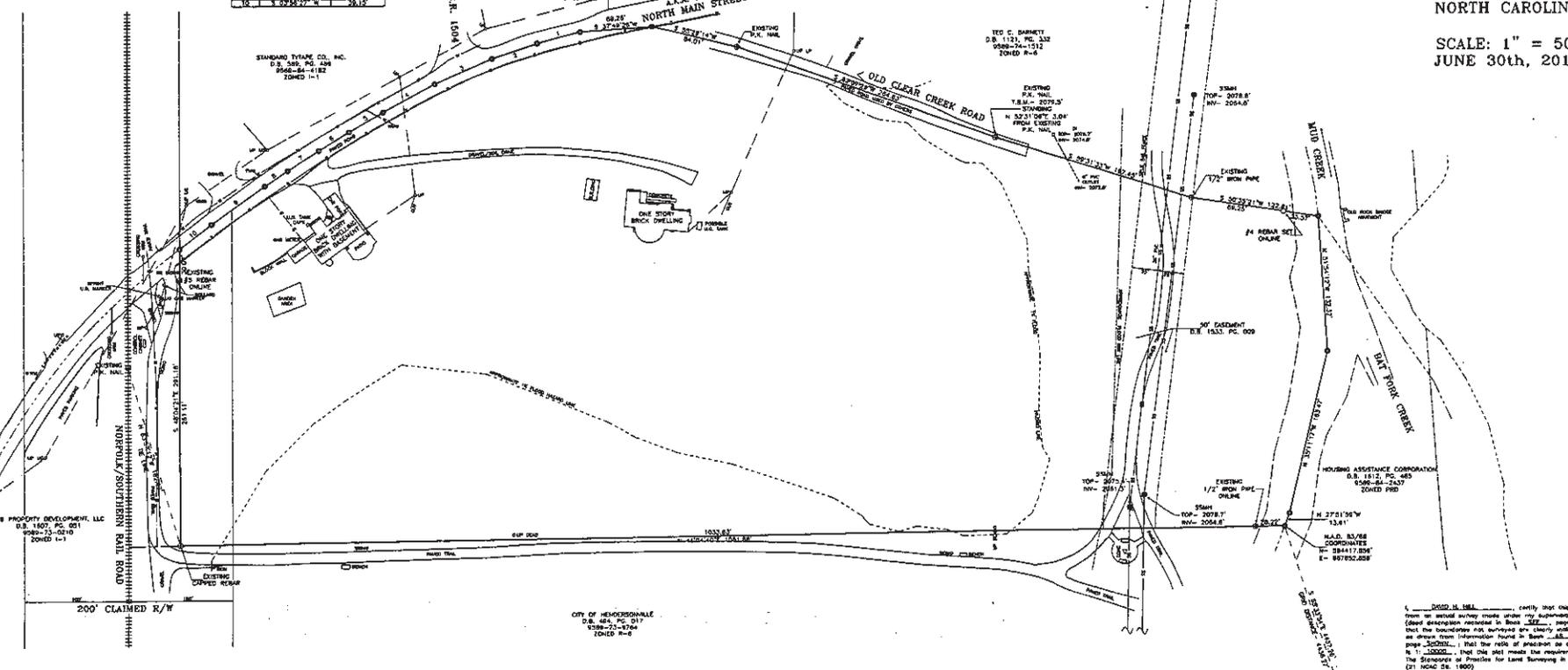
HENDERSONVILLE TOWNSHIP
HENDERSON COUNTY
NORTH CAROLINA

SCALE: 1" = 50'
JUNE 30th, 2016

GRID NORTH
N.A.D. 83/86

CALLS ALONG CENTERLINE OF NORTH MAIN STREET, S.R. 1503

Course	Beginning	Distance
1	STANBROOK	25.00'
2	STANBROOK	25.00'
3	STANBROOK	25.00'
4	STANBROOK	25.00'
5	STANBROOK	25.00'
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96	STANBROOK	25.00'
97	STANBROOK	25.00'
98	STANBROOK	25.00'
99	STANBROOK	25.00'
100	STANBROOK	25.00'



I, David H. Hill, certify that this plat was drawn from an actual survey made under my supervision (detailed description recorded in Book 900, page 525) and that the boundaries and surveying are clearly indicated as shown from information found in Book 900, page 525. I further certify that the plat meets the requirements of the Statutes of this State for Land Surveying in North Carolina (21 N.C.S. 1805).

Witness my original signature, registration number and seal this 30th day of June, 2016.

David H. Hill
David H. Hill, N.C.P.L.S. L-3863
M.A.S. 83/86

10.22 ACRES

DEED REFERENCES: D.B. 900, PG. 525

TAX REFERENCES: 2009-74-0150

PREPARED BY: DAVID H. HILL

CHECKED BY: DAVID H. HILL

DATE: JUNE 30th, 2016

SURVEY BY: HILL AND ASSOCIATES SURVEYORS, P.A.
LICENSE NUMBER: C-1991
DAVID H. HILL, N.C.P.L.S. 3863
403 WEST BLUE RIDGE ROAD
EAST FLAT ROCK, NORTH CAROLINA 28728
(828) 693-1409

CHECKED BY: DAVID H. HILL
DRAWING: DD160333A
DATE: JUNE 30th, 2016
FILE: DD160333

- NOTES:
1. AREAS BY COORDINATE COMPUTATION.
 2. ALL AREAS SHOWN ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD OR UNRECORDED THAT MAY DIRECTLY AFFECT ALL AREAS SHOWN.
 3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
 4. ELEVATIONS BASED ON M.A.S. 83/86.
 5. THIS PROPERTY IS WITHIN AN AREA ZONED R-8 BY THE CITY OF HENDERSONVILLE.
 6. PORTIONS OF THE PROPERTY SHOWN ARE WITHIN A SPECIAL FLOOD HAZARD AREA PER F.I.R.M. 37009988001, DATED 10-2-2006.
 7. NOT FOR RECORDED.

- LEGEND
- ⊙ MONUMENT FOUND AS NOTED
 - MONUMENT NOT AS NOTED
 - POINT NOT STAKED
 - P-PEDESTAL
 - MP - PHONE PEDESTAL
 - UP - UTILITY POLE
 - HP - PHONE POLE
 - TRANS - TRANSFORMER
 - TV-PEDESTAL - CABLE TV PEDESTAL
 - WM - WATER METER
 - WV - WATER VALVE

CERTIFICATE OF SUFFICENCY

**RE: Petition for Contiguous Annexation
Jere E. Hyder and Mary H. Hyder
File No. P17-07-ANX**

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

I, Tammie K. Drake, City Clerk, begin first duly sworn, hereby certify an investigation has been completed of the above referenced petition for the contiguous annexation of parcel 9569-74-0150 containing 10.22 acres located at 1500 N. Main Street.

- A. According to the Development Assistance Department, the area described in the petition meets all of the standards set out in G.S. 160A-58.1(b).
1. The petition follows the prescribed form.
 2. The petition was signed by the owners of the subject property.
 3. The subject property adjoins the present city limits line.

Having made the findings stated above, I hereby certify the petition for contiguous annexation presented by the Housing Assistance Corporation is valid.

In witness whereof, I have here unto set my hand and affixed the seal of the City of Hendersonville, this 17 day of Feb., 2017.

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



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 3-14-17

Presenter: Matt Champion, Senior Planner

Date of Council Meeting to consider this item: 4-6-17

Nature of Item: Council Action

Summary of Information/Request:

Item # 11

The City of Hendersonville has received an application for a Special Use Permit from Henderson County to construct a 51,629 sq. ft. building to be used as the Henderson County Emergency Services headquarters, and a 10,778 sq. ft. storage building. As part of the project the applicant is requesting the parcel be rezoned from R-15 Medium Density Residential to PID Planned Institutional District. Additionally, the applicant is requesting a variance from the 40 feet setback requirement from the nearest right-of-way line off of Ashemore Avenue. The existing garage was constructed in compliance with the current zoning but will need a variance due to the rezoning. The project is to be located on parcel 9660-30-6082 and is located at the corner of US Highway 25 and Ashemore Avenue.

This application is for special use review. The preliminary plan is subject to recommendation by Planning Board and approval by City Council. The final site plan is subject to staff approval.

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

Suggested Motion:

See page 5 of the Memorandum

Attachments:

M E M O R A N D U M

TO: Honorable Mayor and City Council

FROM: Development Assistance Department

RE: Henderson County Emergency Service Headquarters

FILE #: P17-03-SUR

DATE: April 06, 2017

PROJECT DESCRIPTION

The City of Hendersonville has received an application for a Special Use Permit from Henderson County to construct a 51,629 ft² building to be used as the Henderson County Emergency Services headquarters, and a 10,778 ft² storage building. As part of the project the applicant is requesting the parcel to be rezoned from R-15 Medium-Density Residential to PID Planned Institutional District. The project is to be located on Parcel # 9660-30-6082 and is found at the corner of US Highway 25 and Ashemore Avenue.

This application is for special use review. The preliminary site plan is subject to recommendation by the Planning Board and approval by City Council. The final site plan is subject to City staff approval.

EXISTING LAND USE & ZONING

Parcel # 9660-30-6082 is currently zoned R-15 Medium-Density Residential and contains the Balfour Education Center. Parcels to the north, south, and west are zoned R-15 Medium-Density Residential and include single-family residences. Parcels to the east are zoned C-3 Highway Business and includes an automotive car sales lot. Surrounding land uses are shown on the "Existing Land Use" map on page 14. A zoning map can be found on Page 15.

COMPREHENSIVE PLAN CONSISTENCY

The parcel included in this application is classified as High Intensity Neighborhood on the 2030 Comprehensive Plan's Future Land Use Map. Parcels to the east are classified as High Intensity Neighborhood. The goal of the High Intensity Neighborhood classification is to "encourage low-maintenance, high-density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods."

The parcels north, west, and south are classified as Medium Intensity Neighborhood on the 2030 Comprehensive Plan's Future Land Use Map. The goal of the Medium Intensity Neighborhood classification is to "Provide a transition between High-and Low-Intensity

Neighborhood areas while providing a wide range of housing formats and price points. Promote walkable neighborhood design and compatible infill development in new neighborhoods and as a means of preserving and enhancing existing neighborhoods.”

The High Intensity Neighborhood classification lists public and institutional uses as a secondary use. The Comprehensive Plans recommends that secondary uses such as this one may be permitted through the planned development and special use procedures. This project is a planned development and is being processed through a special use permit procedures.

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

PLAN REVIEW

Building

The site plan includes a one story building with a total of 51,629 ft² for Emergency Service Headquarters and a one story building with a total of 10,778 ft² for storage.

Parking

The site plan shows 135 parking spaces for the proposed 51,629 ft² Emergency Service Headquarters building. The minimum required by the Zoning Ordinance, based on square footage, is 127.

Buffer Plantings

As per section 15-6 Bufferyards, a 10-foot B buffer is required between this parcel and the parcels to the north, west, and south because the proposed use is institutional and the adjacent uses are residential.

Below is a table showing the bufferyard requirement for this development:

Type of Buffer	Planting Requirements per 100 Linear Feet	Size Requirements
B	4 broadleaf canopy tree 25 evergreen shrubs (4-foot centers) 33 flowering shrubs	1 ½ - 1 ¾ inch caliper 18-24 inches 18-24 inches

Landscaping

The site is located within the EC Entry Corridor Overlay District. The EC requires street trees at a rate of one large-maturing tree (>35 in height at maturity) for every 50 linear feet of property abutting a street, or one small maturing tree (<25 feet in height at maturity) for every 40 linear feet of property abutting a street.

Setback Requirements

The setback requirements for the PID Zoning District are 40 feet from the nearest right-of-way line for any street adjoining the site. Buildings and structures shall be set back not less than 25 feet from any exterior property line.

Variance Request

The applicant is requesting a variance from the 40 feet setback requirement from the nearest right-of-way line off of Ashemore Avenue. The existing garage located on the north end of the property will encroach into the proposed PID setback. Since the structure is existing and proposed to remain, a 20 foot reduction in the setback requirements from the nearest right-of-way has been requested. A copy of the application for the variance is located on Page 12 and 13.

Stormwater

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

ANALYSIS

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

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

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

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

Water and sewer service is available to the site.

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

The applicant is requesting a variance from Section 5-21-4.1 Setbacks, reducing the 40 foot setback requirement from the nearest right-of-way in order to accommodate an existing storage building located along Ashemore Avenue to 20 feet from the edge of the right-of-way.

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

A neighborhood compatibility meeting concerning the application was held on February 28, 2017. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject property as required by Section 7-4-4.1 of the Zoning Ordinance.

Approximately twelve people representing the general public attended the meeting. The public raised concerns about the sound generated from the emergency vehicles, property values, buffering, and traffic entering and exiting the site.

A copy of the neighborhood compatibility report accompanies this memorandum.

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

The 2030 Comprehensive Plan’s High Intensity Neighborhood classification is intended to “encourage low-maintenance, high-density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods.”

The High Intensity Neighborhood classification lists public and institutional uses as a secondary use. The Comprehensive Plan recommends that secondary uses such as this one may be permitted through a planned development and special use procedures. The project is a planned development and is being processed through the special use permit procedures. Therefore, this proposed development is consistent with the 2030 Comprehensive Plan’s Land Use and Development recommendations.

The Comprehensive Transportation Plan does not indicate any new improvements to US Highway 25 and Ashemore Avenue.

PLANNING BOARD

The Planning Board took this matter up at its regular meeting of March 13, 2017. The Planning Board voted unanimously to recommend City Council approve the following:

Variance

A variance from Section 5-21-4.1 Setback Requirements, reducing the 40 foot setback from the nearest right-of-way requirement to 20 feet in order to accommodate an existing storage building as shown on the Preliminary Site Plan.

Special Use Permit and Rezoning

To adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of Parcel # 9660-30-6082 from R-15 Medium Density Residential to PID Planned Institutional Development, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the following reasons; so that the project can move forward and it is in the best interest of the project.

And, to approve the application of the Henderson County Emergency Service Headquarters for a Special Use Permit based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the published List of Uses and Conditions.

SUGGESTED MOTIONS

Variance

For Approval: I move that the City Council approve a variance from Section 5-21-4.1 Setback Requirements, reducing the 40 foot setback from the nearest right-of-way requirement to 20 feet in order to accommodate an existing storage building as shown on the Preliminary Site Plan.

For Denial: I move that the City Council not approve a variance from Section 5-21-4.1 Setback Requirements, reducing the 40 foot setback from the nearest right-of-way requirement to 20 feet in order to accommodate an existing storage building as shown on the Preliminary Site Plan.

Special Use Permit and Rezoning

For Approval: I move that the City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of Parcel # 9660-30-6082 from R-15 Medium Density Residential to PID Planned Institutional Development, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the following reasons:

[PLEASE STATE YOUR REASONS]

I further move that City Council approve the application of the Henderson County Emergency Service Headquarters for a Special Use Permit based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the published List of Uses and Conditions.

[ADD, IF APPLICABLE, "AND THE FOLLOWING ADDITIONAL CONDITIONS"]

For Denial: I move that City Council not approve the application of the Henderson County Emergency Service Headquarters for rezoning and issuance of a special use permit.

[PLEASE STATE YOUR REASONS]

IN RE: Henderson County Emergency Service Headquarters (File # P17-03-SUR)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

Offices, business, professional and public
Public & semi-public buildings

II. Conditions:

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

An application, site plan, landscaping plan and stormwater plan for the new Henderson County Emergency Service Headquarters shall be submitted and must receive all appropriate Hendersonville Department approvals prior to Final Site Plan approval.

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

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

Henderson County Emergency Service Headquarters

Signature: _____

Printed Name: _____

Date: _____

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

IN RE: Henderson County Emergency Service Headquarters
(File # P17-03-SUR)

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

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

Rezone Parcel # 9660-30-6082, as shown in Exhibit A, from R-15 Medium Density Residential to PID Planned Institutional Development
2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 6th day of April 2017.

Barbara Volk, Mayor

ATTEST:

Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

Planning Report
 Neighborhood Compatibility Meeting
 Application for a Special Use Permit
 Emergency Services Building File #P17-03-SUR
 Tuesday, February 28, 2017 2:00 p.m.

Susan Frady, Development Assistance Director, convened the compatibility meeting at 2:00 pm in the Assembly Room of the City Operations Center. The following were in attendance:

<i>Name</i>	<i>Address</i>	<i>Name</i>	<i>Address</i>
John Mitchell (applicant)	745 GreenBriar Oval Wy	Daniel Heyman, Staff	100 N. King Street
Chad Roberson	301 College St. Asheville	Matt Champion, Staff	100 N. King Street
Will Buie	WGLA		
Jimmy Brissie	211 1 st Avenue East		
Alma Lopez	2616 Rolfe Street		
Larry & Nell Lockaby	230 Ashmore Avenue		
Joel Helms	301 College Street		
John & Tammy Evers	140 Halsbury Avenue		
Mike Edney	Hend. Co. Rescue Squad		
Susan Frady, Staff	100 N. King Street		

Ms. Frady opened the meeting explaining this is the Neighborhood Compatibility meeting for the Emergency Services Building. This Neighborhood Compatibility meeting is the first step in the special use permit process, the next step is the Planning Board (tentatively March 13th) and last it goes to City Council (tentatively April 6th). The subject property is currently zoned R-15, Medium Density Residential and is proposed to be rezoned to PID, Planned Institutional Development. There are two proposed buildings totaling 61,334 square feet and one building to remain that is 4,325 square feet.

Following the developer's presentation, affected property owners and residents will be permitted to question the developer about points which remain unclear. Questioning shall center on the proposal's compatibility as presented, not the question of whether the site should be developed or its use changed. Before you speak, please give your name and address for the record. Minutes of this meeting will be forwarded to the Planning Board and City Council.

Chad Roberson of CLARKNEXSEN and Will Buie of WGLA are here to give a presentation on the project.

Joel Helms with CLARKNEXSEN, stated Chad Roberson and Will Buie are in attendance and they are part of the Design Team. Mr. Helms stated they are proposing two new structures. He explained the map and where the structures would be located. The largest structure is roughly 51,600 square feet and it contains the Emergency Operations Center, Henderson County Rescue and the Emergency Services. There is a smaller proposed one-story storage building closer to the highway and there is an existing 4,000 square foot structure that is proposed to remain. The Emergency Operation, Rescue and Emergency Services is a large one-story structure. The

occupants want the ease of use and there are no steps in the building, it is all on one-story. As you can see on the renderings, the admin portion of the building with all the offices, bulk rooms and training where the people will be is located in the middle and the two wings on the side will be where the emergency vehicles will be housed. You have Henderson County Rescue on one side and Emergency Services on the other.

Mr. Helms pointed out the close-up of the entrance. The building has brick and a little bit of metal panel but the two bays are brick with glass garage doors on the front. It has metal panels with some wood accents for the admin portion. The storage building on Asheville Highway is 10,000 square feet, this is where a lot of the large rescue vehicles, the emergency vans will be housed. There is a small lift inside the building. This is a very simple structure. It is a simple metal panel with a brick base.

Mr. Helms stated the building is on the western part of the site surrounded by parking. The bays are designed where the vans can drive from the back through the bays. There are parking and drives that circle the building. The main access is on Asheville Highway with secondary access off of Ashemore Avenue. The parking on the existing building is slated to remain. Fronting Asheville Highway is a stormwater retention pond. There are new sidewalks that are being proposed on Ashemore and a small section on Asheville Highway where the drive connects. Most visitors coming into the building will come in off of Asheville Highway, park in the front and come in the front entrance. Mr. Helms stated that is basically the overview and they are here to answer any questions.

John Evers, 140 Halsbury Avenue, stated there is a patch of woods, dead trees and a stagnant creek, will anything be done about that? What are the green areas shown on the plan?

Will Buie, WGLA stated the lighter green indicates graded areas that will be covered with grass. The darker green is the existing tree line which will stay the same. Drainage will be improved on the graded areas and diverted towards the stormwater pond near Asheville Highway, which should help with the stagnant creek issue.

Alma Lopez, 2616 Rolfe Street, asked are the trees going to be left the way they are. Will the sirens on ambulances be on the parking lots?

Mr. Buie stated some trees will be removed but most will remain. There will also be additional landscaping to buffer the site from residential properties where there are no trees existing.

Jimmie Brissie, Henderson County Emergency Services stated the ambulances will not turn their sirens on until they reach Asheville Highway, most likely.

Mr. Buie stated the site is also much lower than the residential properties behind it, so much of the sound should be projected towards Asheville Highway.

Larry Lockaby, 230 Ashemore Avenue, asked will emergency vehicles turn on their sirens immediately at the building. Will traffic be increased from visitors coming to pay bills or

anything like that? Will this property and the surrounding neighborhood be in the city limits now?

Mr. Brissie stated at the hospital, the ambulances don't typically turn their sirens on until they reach Hwy 64. A similar policy will be used at this site. Most likely the ambulances won't turn their sirens on until they reach Asheville Highway.

Mr. Helms stated compared to the current use as a school, traffic will probably be reduced.

Ms. Frady stated currently you pay only county taxes and that will not change as a result of this project. They are not proposing to annex into the city and you won't either as a result of this project.

Mr. Evers asked how much further the building will come to the property lines.

Mr. Buie stated the building will come closer to the southern property line than the school currently does, but there will still be a significant stretch of woods separating you.

Ms. Lopez asked will this affect property values.

John Mitchell, Henderson County stated he cannot say for sure at this point because the tax assessor would have to determine that, but his answer would be no. Your property value should not be affected. We will verify that with the tax assessor and address it at City Council.

Mr. Lockaby asked when construction would start.

Mr. Mitchell stated the current students at the school will eventually attend the Innovative High School. When they leave for the summer in May or June, they hope to begin work on this project. They hope to have the Emergency Services operating there within the next year.

Ms. Frady asked if there were any further questions. There were no responses.

With no further comments or questions, Ms. Frady closed the meeting at 2:28 p.m.

Print Form



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

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

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

Date Project Name
Applicant
Address
Phone Fax Email

If different from above:
Property Owner: Name
Address

TO THE CITY COUNCIL:
I, Henderson County (OWNER/AGENT), hereby petition the City Council for a variance from the literal provisions of the Zoning Ordinance of the City of Hendersonville.

I request a variance from the following provisions of the ordinance (cite section numbers).
5-21-4.1
We are requesting a variance to the setback requirements associated with the PID zoning for the existing maintenance facility located on the former Balfour School property.

Official Use: 2/24/17 BY [Signature]
DATE RECEIVED:

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE (Section 7-4-14):

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

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

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

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

The proposed Emergency Services Facility to be located at the Balfour School site will meet the requirements of the proposed PID zoning. The existing maintenance facility on the site that is adjacent to Ashmore Avenue is planned to remain in service. The location of this building is within the proposed PID setbacks for the property. The existing building was previously constructed in compliance with the existing zoning. It was constructed with proper landscaping and buffering so that it was in harmony with the adjacent neighborhood.

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

There are adequate public facilities available to serve the proposed project.

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

The project would comply with all required regulations and standards of the Zoning Ordinance except the proposed setback for the existing building to remain in service.

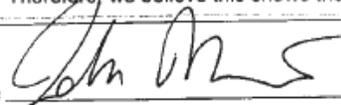
(D) The use or development is located, designed and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located.

The project will be located and designed to operate to be compatible with the surrounding neighborhood. The existing building that would be located within the setback has operated on this site for many years.

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

The 2030 Hendersonville Comprehensive Plan indicates that the current use of the property is public/institutional. The location is also identified as a "Priority Infill Area". The future land use plan designates the site as "High-Intensity Neighborhood", and one of the secondary uses listed for this area is "Public and Institutional Uses". Therefore, we believe this shows the project is in compliance with the Comprehensive Plan.

Signature

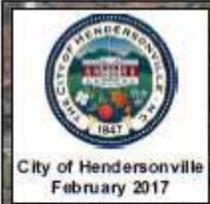


Special Use Variance Application

Printed Name

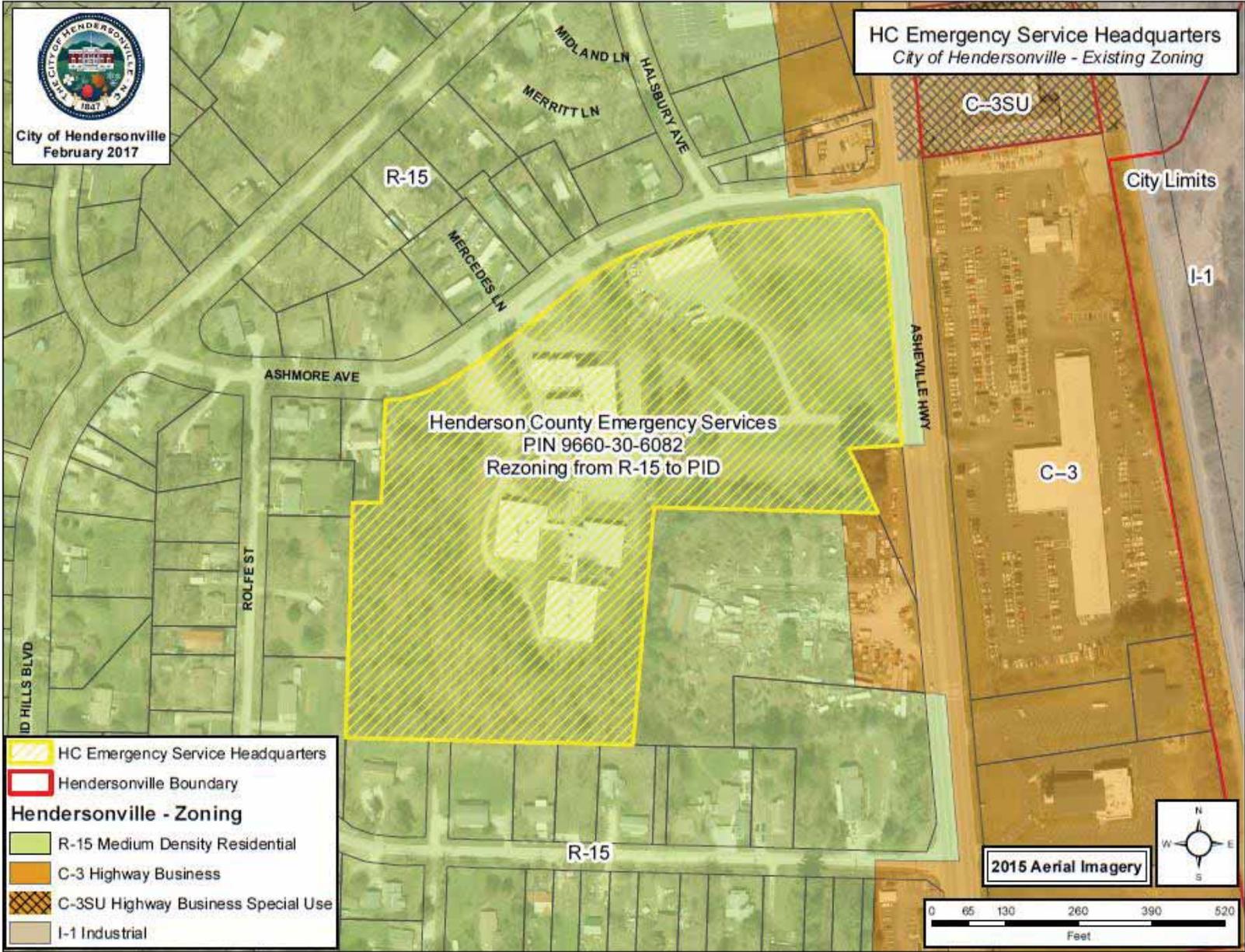
2/24/17

Page 2 of 2



- HC Emergency Service Headquarters
- Hendersonville Boundary







City of Hendersonville
February 2017

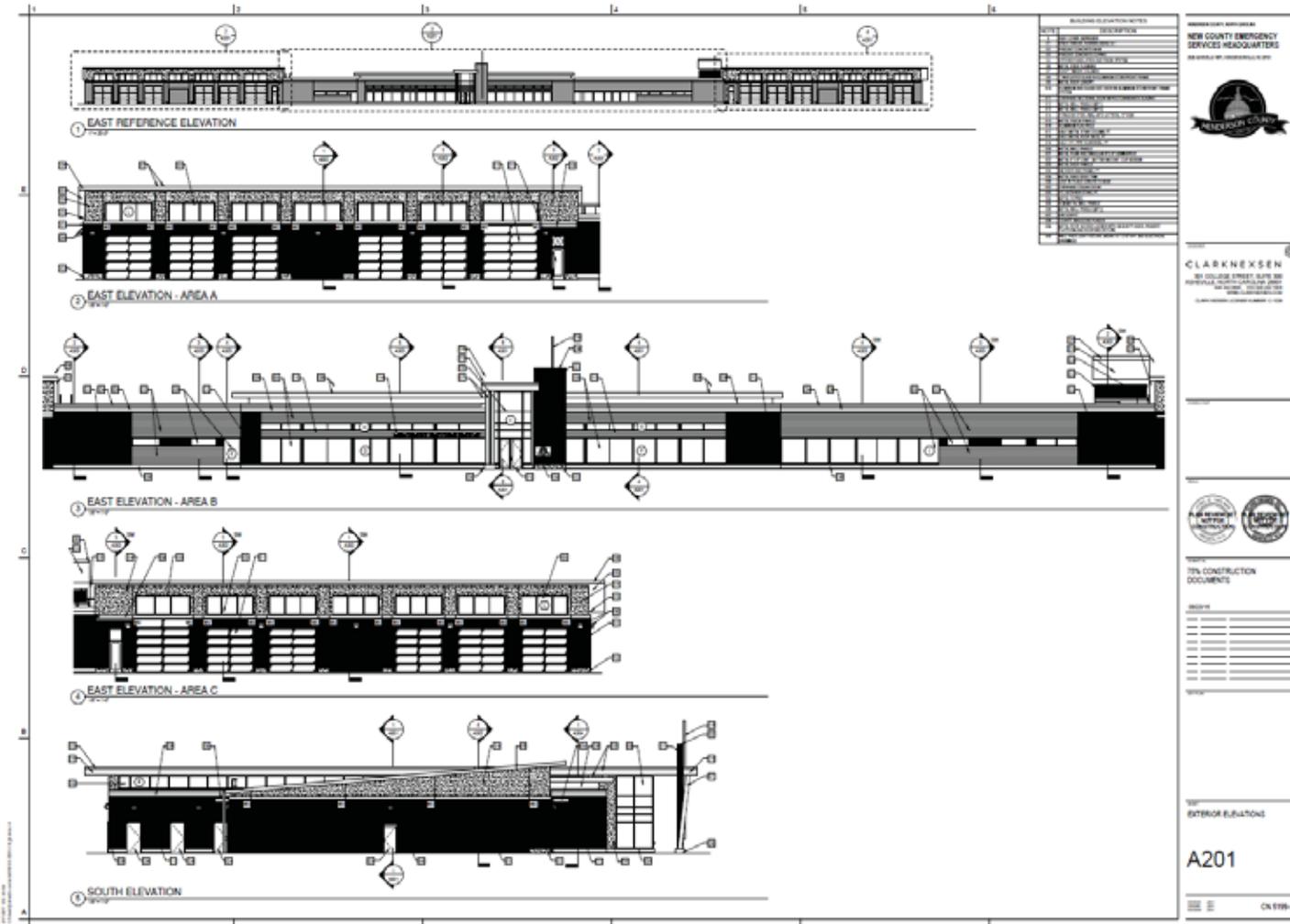
HC Emergency Service Headquarters
City of Hendersonville - Comprehensive Plan

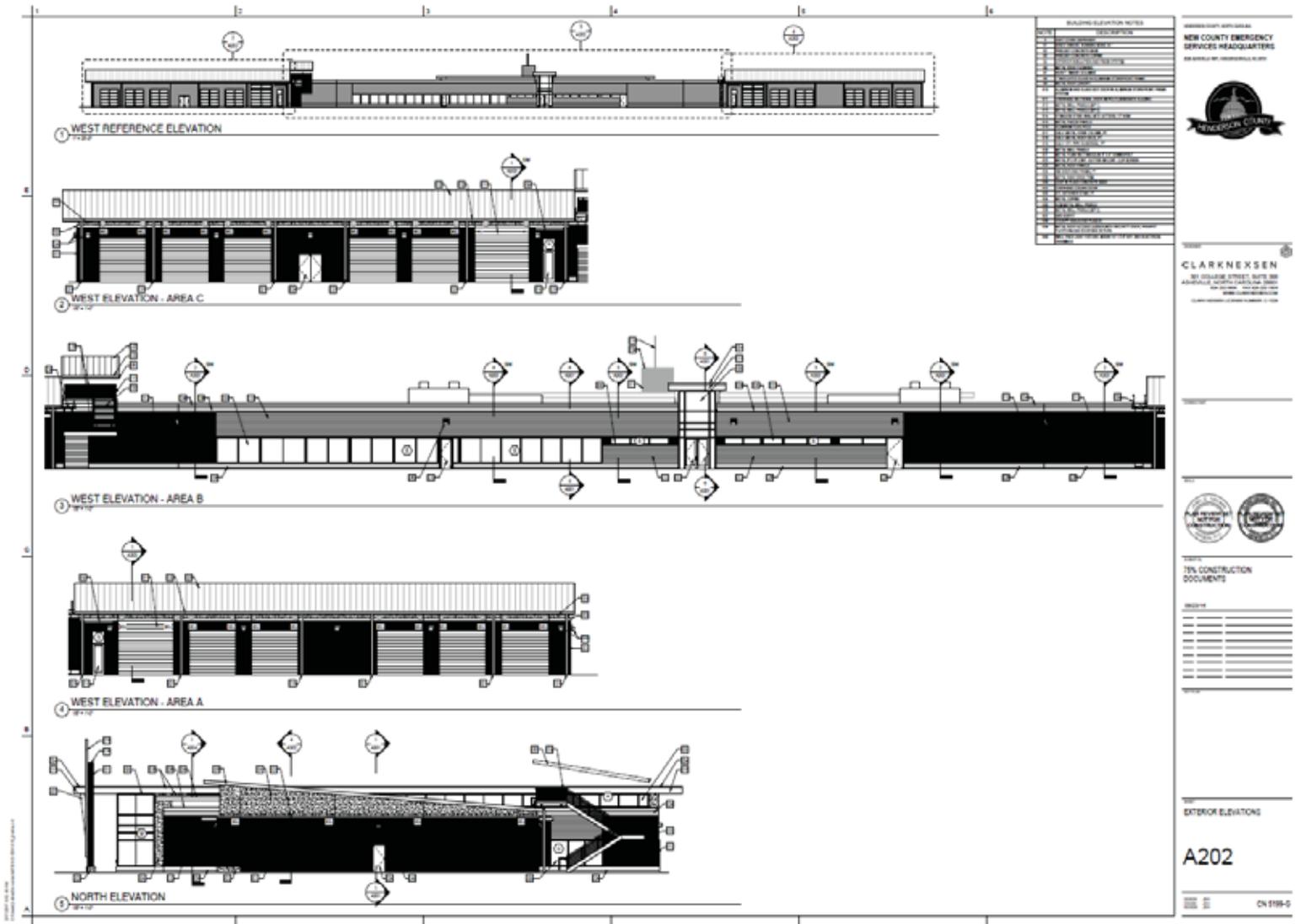


	HC Emergency Service Headquarters
	Hendersonville Boundary
	High Intensity Neighborhood
	Medium Intensity Neighborhood
	Natural Resource / Agricultural

2015 Aerial Imagery

0 65 130 260 390 520
Feet





1 STORAGE SOUTH ELEVATION
 2 STORAGE NORTH ELEVATION
 3 STORAGE EAST ELEVATION
 4 STORAGE WEST ELEVATION

BUILDING ELEVATION NOTES	
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NEW COUNTY EMERGENCY SERVICES HEADQUARTERS
 HENDERSON COUNTY

CLARKNEXSEN
 ARCHITECTS
 1000 COLLEGE STREET, SUITE 200
 HENDERSON, TEXAS 75626
 PHONE: 281.281.2222
 WWW.CLARKNEXSEN.COM

75% CONSTRUCTION DOCUMENTS

EXTERIOR ELEVATIONS - STORAGE BUILDING

A203

CK 1199-G

APPEAL OF DEVELOPMENT DECISIONS

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

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

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

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

§ 160A-364.1. Statute of limitations.

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



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 3-14-17

Presenter: Daniel Heyman, Planner

Date of Council Meeting to consider this item: 4-6-17

Nature of Item: Council Action

Summary of Information/Request:

Item # 12

The City is in receipt of a Special Use Permit application from Stephen Drake of Mission Development, LLC for the development of 80 multi-family residential units on approximately 8 acres. The project is in Hendersonville's ETJ and is located on a portion of parcel 9579-29-2872. The proposed parcel will have frontage on Lakewood Road and will construct a public road to access the site. The density for this project is 10 units per acre. The applicant is also requesting to rezone a portion of this parcel from I-1 Industrial to PRD Planned Residential Development.

This application is for special use review. The preliminary plan is subject to recommendation by Planning Board and approval by City Council. The final site plan is subject to staff approval.

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

Suggested Motion:

See page 5 of the Memorandum

Attachments:

M E M O R A N D U M

TO: Honorable Mayor and City Council
FROM: Development Assistance Department
RE: Lakewood Trace
FILE #: P17-01-SUR
DATE: April 6, 2017

PROJECT DESCRIPTION

The City is in receipt of a Special Use Permit application from Stephen Drake of Mission Development, LLC for the development of 80 multi-family residential units on approximately 8 acres. The project is in Hendersonville's ETJ and is located on a portion of Parcel # 9579-29-2872. The proposed parcel will have frontage on Lakewood Road. The density for this project is 10 units per acre. The developer is proposing to construct a public road to access the site. The applicant is also requesting to rezone a portion of this parcel from I-1 Industrial to PRD Planned Residential Development.

This application is for special use review. The preliminary site plan is subject to recommendation by the Planning Board and approval by City Council. The final site plan is subject to City staff approval.

EXISTING LAND USE & ZONING

Parcel # 9579-29-2872 is currently zoned I-1 Industrial and is vacant. A special use permit was approved for the construction of 80 multi-family residential units on a portion of the property to the north. That project is known as "Lakewood Terrace." Construction on Lakewood Terrace has not begun.

The parcel to the north is zoned I-1 Industrial and includes a U.S. Post Office. The parcel located to the east across Lakewood Road is zoned PRD Planned Residential Development and includes Cedar Terrace. The remainder of the parent parcel for this project is vacant. Surrounding land uses and zoning districts are shown on the "Existing Land Use Map" and "Zoning Map" on page 10 and 11 respectively.

COMPREHENSIVE PLAN CONSISTENCY

The parcel included in this application and parcels located to the north are classified as Business Center on the 2030 Comprehensive Plan's Future Land Use Map. The goal of the Business Center classification is to "create an employment corridor along I-26 that supports the growth of Hendersonville as a business destination and to create a campus like mixed-use environment that includes office, research and low-impact industrial uses,

as well as supportive retail amenities.”

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

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

The Business Center classification lists multi-family residential as a secondary use. The Comprehensive Plan recommends that secondary uses such as this one may be permitted through the planned development and special use procedures. This project is a planned development and is being processed through the special use permit procedures. Therefore, this proposed development is consistent with the 2030 Comprehensive Plan’s Land Use and Development recommendations.

The 2030 Comprehensive Plan’s Future Land Use Map is located on page 12.

PLAN REVIEW

Buildings

The site plan includes the following:

- 3 three-story and 1 two-story multi-family buildings with a total of 80 units
- A 2,018 ft² Community Building
- Common areas including a playground and a covered picnic area.

The site plan and an architectural elevations are included with this memorandum.

Parking

The site plan shows 165 parking spaces for the proposed multi-family residential development. The minimum required by the Zoning Ordinance based on number of bedrooms is 136.

Buffer Plantings

As per section 15-6 Bufferyards, no buffer is required between this parcel and the PRD Planned Residential Development to the east because both uses are residential.

Stormwater

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

Sidewalks

Section 6-12-1 of the Zoning Ordinance requires sidewalks along the property line fronting Lakewood Road. The applicant has requested payment of fee in lieu of constructing sidewalks. Section 6-12-3 of the Zoning Ordinance permits the City Manager to allow the applicant to pay the cost of constructing sidewalks into the City Sidewalk Fund when certain conditions exist.

ANALYSIS

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

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

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

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

Water and sewer service is intended to be extended to the site. The applicant will request annexation into the City of Hendersonville.

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

No variances are requested.

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

A neighborhood compatibility meeting concerning the application was held on February 8, 2017. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject property as required by Section 7-4-4.1 of the Zoning Ordinance.

Four people representing the general public attended the meeting. The public raised concerns about the traffic on Lakewood Road, lack of

sidewalks, income level of tenants, and the safety of pedestrians.

A copy of the neighborhood compatibility report accompanies this memorandum.

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

The 2030 Comprehensive Plan's Business Center classification is intended to "create an employment corridor along I-26 that supports the growth of Hendersonville as a business destination and to create a campus like mixed-use environment that includes office, research and low-impact industrial uses, as well as supportive retail amenities."

The Business Center classification lists multi-family residential as a secondary use. The Comprehensive Plan recommends that secondary uses such as this one may be permitted through the planned development and special use procedures. This project is a planned development and is being processed through the special use permit procedures. Therefore, this proposed development is consistent with the 2030 Comprehensive Plan's Land Use and Development recommendations.

The Comprehensive Transportation Plan does not indicate any improvements to Lakewood Road.

PLANNING BOARD

The Planning Board took this matter up at its regular meeting on March 13, 2017. The Planning Board voted unanimously to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of a portion of Parcel # 9579-29-2872 from I-1 Industrial to PRD Planned Residential Development, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the following reasons: the need for affordable housing in and around Hendersonville.

The Planning Board also voted unanimously to recommend City Council approve the application of Mission Development, LLC for a Special Use Permit based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the published List of Uses and Conditions.

SUGGESTED MOTIONS

Special Use Permit and Rezoning

For Approval: I move City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of a portion of Parcel # 9579-29-2872 from I-1 Industrial to PRD Planned Residential Development, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the following reasons:

[PLEASE STATE YOUR REASONS]

I further move City Council approve the application of Mission Development, LLC for a Special Use Permit based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the published List of Uses and Conditions.

[ADD, IF APPLICABLE, "AND THE FOLLOWING ADDITIONAL CONDITIONS"]

For Denial: I move City Council not approve the application of Mission Development, LLC for rezoning and issuance of a special use permit.

[PLEASE STATE YOUR REASONS]

IN RE: Lakewood Trace (File # P17-01-SUR)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

Residential dwellings multi-family

II. Conditions:

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

Recorded subdivision plat creating this parcel

Annexation application for this parcel for sewer extension

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

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

Lakewood Trace

Signature: _____

Printed Name: _____

Date: _____

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

IN RE: Lakewood Trace
(File # P17-01-SUR)

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

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

Rezone a portion of Parcel # 9579-29-2872, as shown in Exhibit A, from I-1 Industrial to PRD Planned Residential Development.

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

Adopted this 6th, day of April 2017.

Barbara Volk, Mayor

ATTEST:

Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

Planning Report
 Neighborhood Compatibility Meeting
 Application for a Special Use Permit
 Lakewood Trace File #P17-01-SUR
 Wednesday, February 8, 2017 2:00 p.m.

Daniel Heyman, Planner, convened the compatibility meeting at 2:00 pm in the Assembly Room of the City Operations Center. The following were in attendance:

<i>Name</i>	<i>Address</i>	<i>Name</i>	<i>Address</i>
Stephen Drake (applicant)	Mills River		
Walter Barnwell	102 Dublin Lane		
David Cohen	104 Dublin Lane		
Glenn Gordon	4 Cozy Cove		
Randi Gordon	4 Cozy Cove		
Daniel Heyman, Staff	100 N. King Street		
Susan Frady, Staff	100 N. King Street		
Terri Swann, Staff	100 N. King Street		

Mr. Heyman opened the meeting explaining this is the first step in a three step process. The first step is Neighborhood Compatibility Meeting, next is the Planning Board and last it goes to City Council. This is an informal meeting to ask questions and get answers. Minutes of this meeting will be forwarded to Planning Board and City Council.

Stephen Drake spoke to those in attendance. He stated he lives in Mills River and has an extensive construction background. He has developed multi-family development for 20 years. He believes affordable housing is a great idea and it is extremely competitive. Hendersonville is in great need of affordable housing. There is a great demand.

Mr. Drake stated the property is located on Lakewood Road and is 8 acres. It is located between the post office and Clear Creek. This property is currently zoned I-1, Industrial and he would like to rezone it to PRD, Planned Residential Development. This will be an 80 unit apartment complex with 12 one bedroom units, 36 two bedroom units and 32 three bedroom units dispersed amongst four buildings that will be two to three stories. These units will be equal to any market rate unit. The rent for the units will be starting at about \$600 a month. These units will be more affordable than units in Asheville. He plans to have lower rent to help families that don't have a lot of income.

Mr. Cohen asked what the minimum income level would be to rent. Mr. Drake stated they usually target people with a 30 to 60% median income. It was stated that \$46,257 is the median income.

Some discussion was made about Oklawaha being a mixed income development and the difference between that and affordable housing. Mr. Drake stated there are two different

programs. One is federal and one is state.

Mr. Drake stated this would not be Section 8 housing but they will have varying levels of income. If someone has a housing voucher they can rent from him but everyone has to go through a lengthy approval process.

Ms. Frady stated this project and Mr. Fitch's project would both have to go through the Special Use process for the city but both projects will not get funding from the state.

Mr. Drake stated they should be notified in August concerning the approval from the state. They will start construction in 2018. The state only has so much funding to give out to communities for this type of development so only one, either his or Mr. Fitch's project will receive the funding.

Mr. Gordon cannot understand why all the development is taking place in this area. Mr. Drake explained this is due to the cost of land in other areas.

Mr. & Mrs. Gordon explained their concerns which were; traffic in the area, large trucks, no sidewalks completed in the area. Their main concern was traffic and large trucks and the safety of pedestrians trying to walk to the shopping center. The only sidewalk is located on Highland Square Drive and it is not safe trying to ride a bike or walk to this sidewalk.

Mr. Drake stated he is looking to connect to existing sidewalks and to build new sidewalks in the area. He would like to make this area a safe walkable area. Mr. Drake will look at providing pedestrian access.

Mr. Gordon discussed Lakewood Road being maintained by no one. Ms. Frady stated this is a state maintained road. Mr. Gordon stated neither the county or city law enforcement patrol this area. Ms. Frady stated this property is not in the city limits and therefore the city police would not be responsible for service in this area.

Mr. Gordon discussed wanting to be included in the city and have city services available. Ms. Frady explained the voluntary annexation process. She stated all the neighbors would have to be in agreement to be annexed. Mr. Gordon stated he would be willing to pay the extra \$100 in taxes to be included in the city.

It was stated that NCDOT is requesting that Mr. Fitch provide an access lane to get approval for his project from NCDOT.

Mr. Drake explained that the state gives tax credits to developers to help ease the cost of construction and the approval will not come until August.

With no further comments or questions, Mr. Heyman closed the meeting at 2:45 p.m.



City of Hendersonville
February 2017

Vacant

US POST OFFICE

Lakewood Trace
PIN 9579-29-2872

LAKWOOD RD

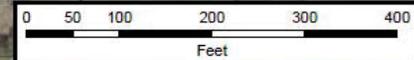
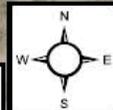
HIGHLANDS SQUARE DR

City Limits

Cedar Terrace

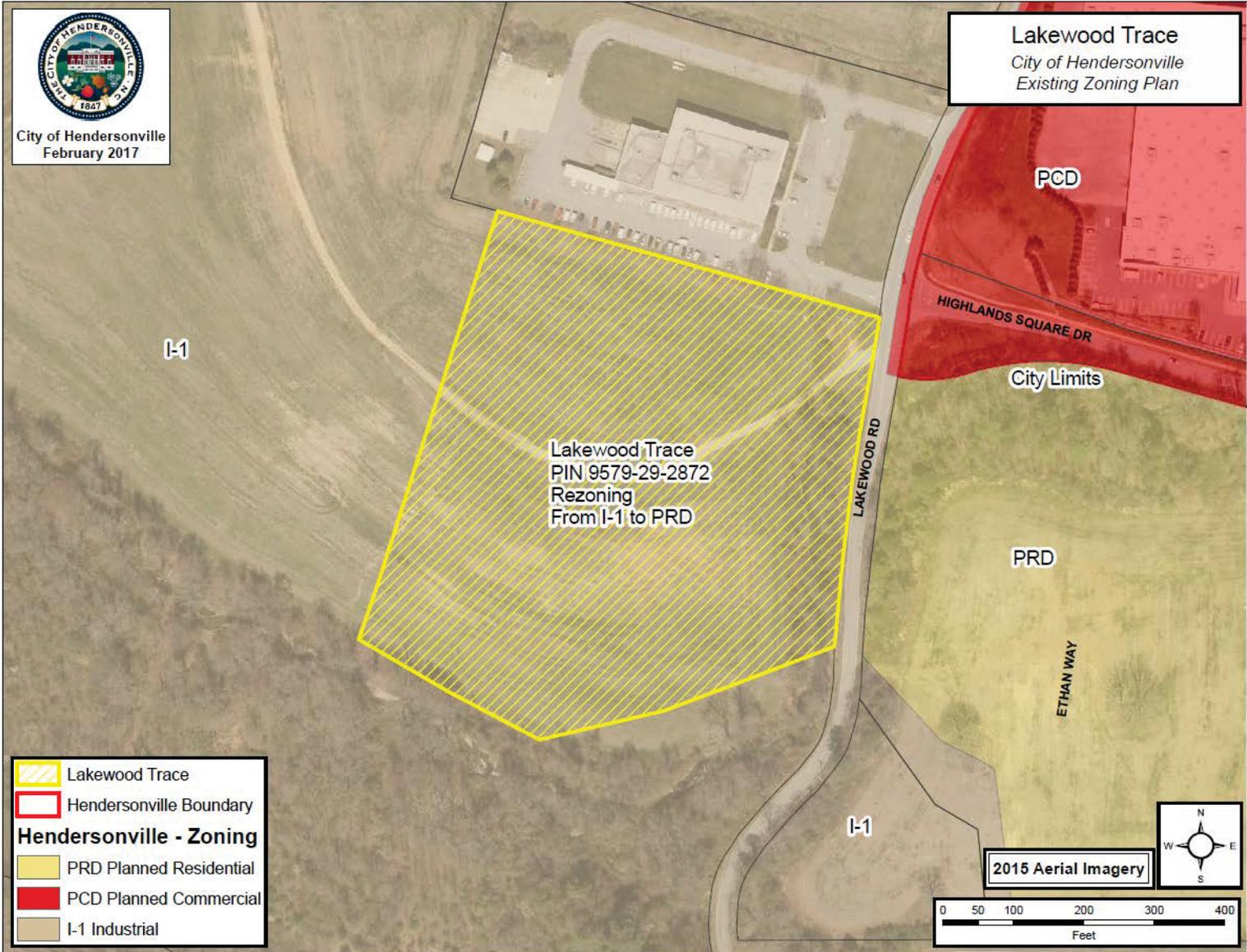
ETHAN WAY

2015 Aerial Imagery



	Lakewood Trace
	Hendersonville Boundary

Lakewood Trace
City of Hendersonville
Existing Land Use



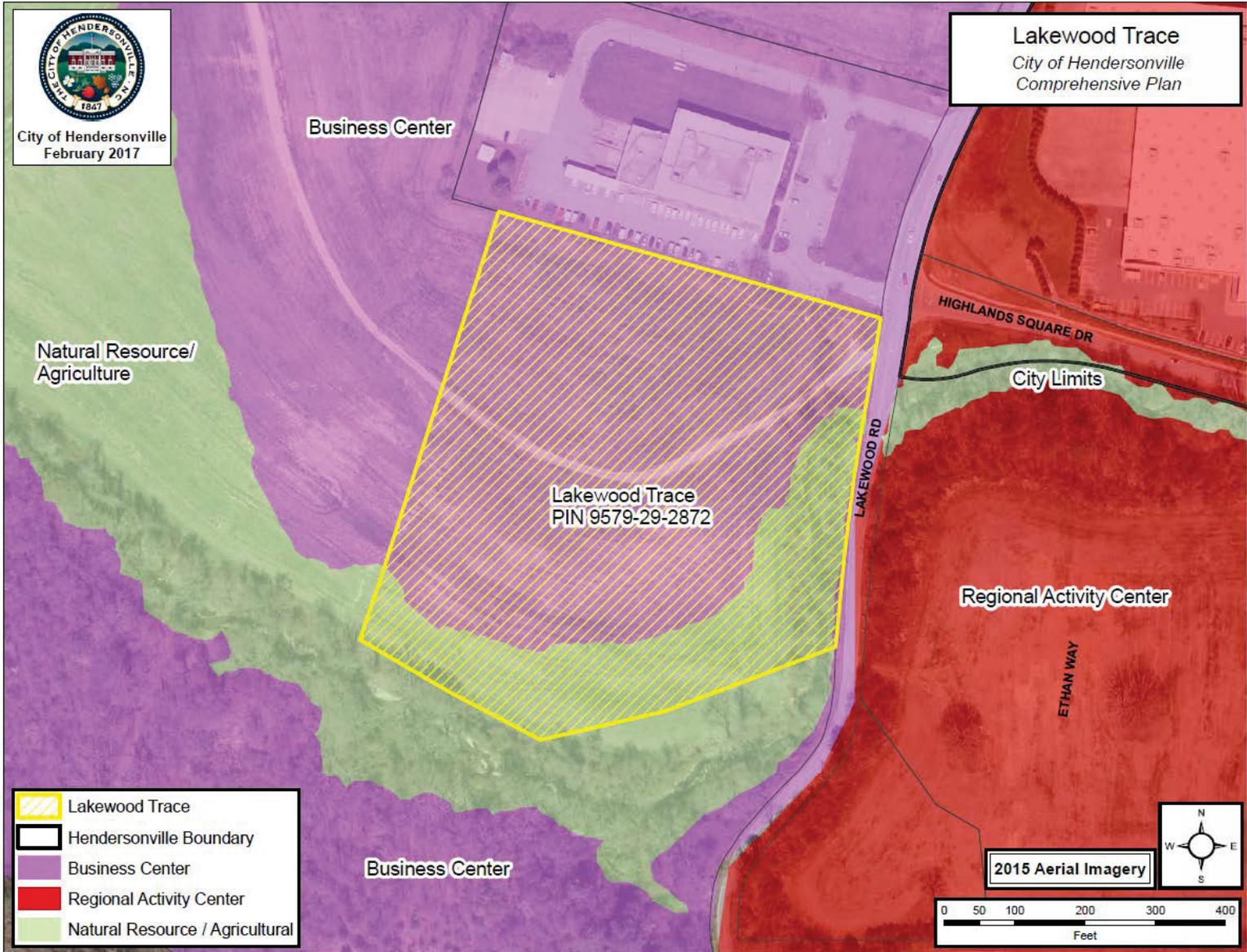
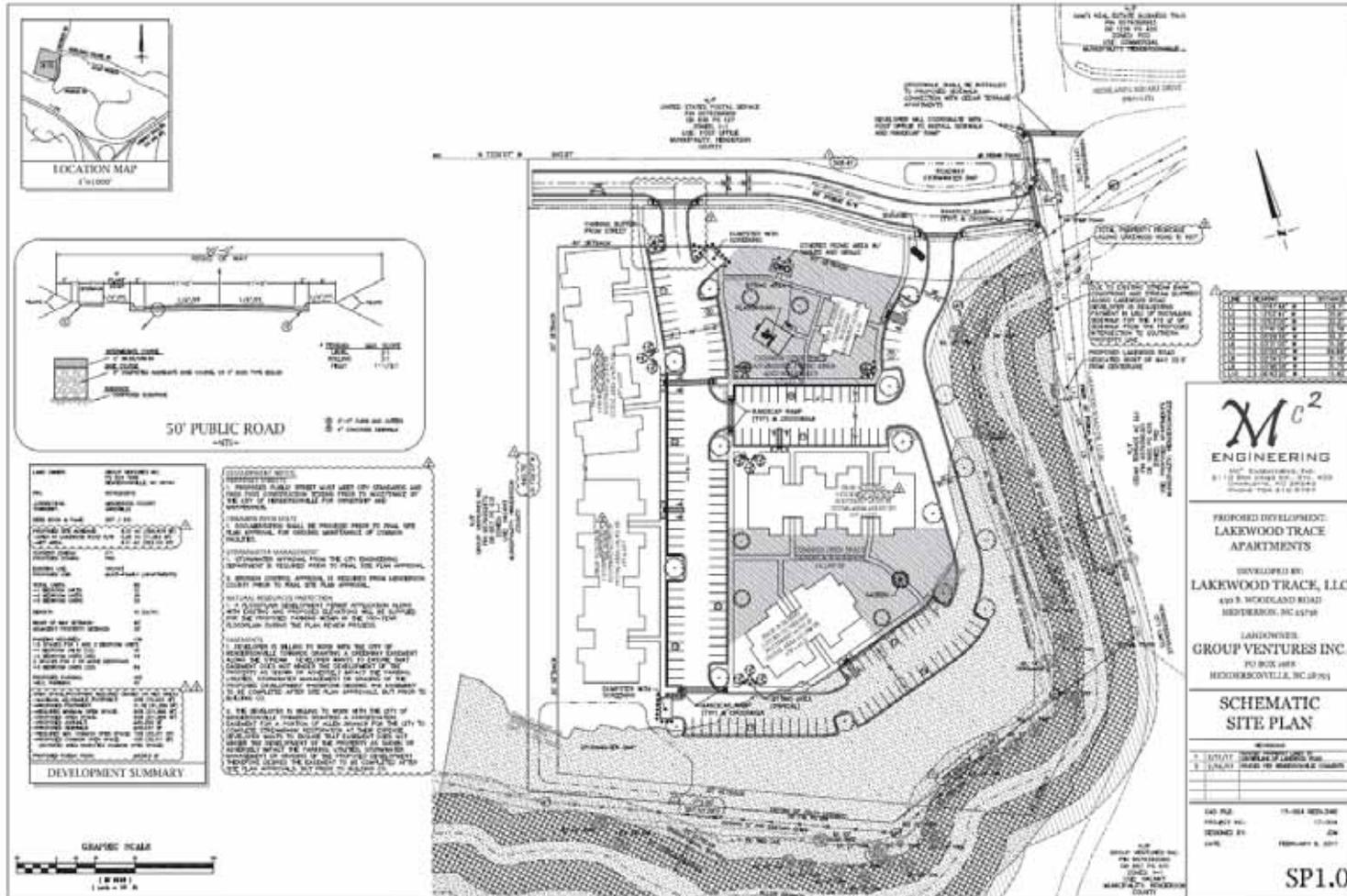


Exhibit A



APPEAL OF DEVELOPMENT DECISIONS

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

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

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

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

§ 160A-364.1. Statute of limitations.

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



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 3-30-2017

Presenter: John Connet

Date of Council Meeting to consider this item: 4/6/2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 13

Staff will present our recommendation regarding the Grey Hoisery Mill Project. I have attached a draft copy of the presentation.

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

Suggested Motion:

I move that City Council direct staff to move forward over then next ninety days with the creation of a development agreement with _____ (Developer).

Attachments:

Draft Presentation

GREY HOSIERY MILL PROPOSAL REVIEW



UNC
SCHOOL OF GOVERNMENT

DEVELOPMENT FINANCE INITIATIVE
MARCH 24, 2017

PUBLIC PARTICIPATION SCENARIOS

The city endorsed the following public participation options in working with a private developer:

- Seller financing with property currently owned by City
 - Terms to be negotiated between City and developer
- Extending streetscape improvements along 4th Avenue

DEVELOPERS WHO SUBMITTED PROPOSALS

Hotel

Belmont Sayre, *Carrboro NC*

PDA nc., *Erie PA*

SpringBridge Development, *Florence SC**

Commercial Use

Leder Properties, *Brevard NC*

*Submitted Letter of Interest, did not offer additional information upon request

CRITERIA FOR EVALUATING PROPOSALS

- Quality of proposal and submission requirements
- Experience with mixed-use or hospitality development
- Experience with historic renovations
- Participation/Investment required by City and projected public return on investment
- Capacity of developer to execute project and secure project financing

DEVELOPER: BELMONT SAYRE, CARRBORO NC

MANAGEMENT: CHARLESTOWNE HOTELS, CHARLESTON SC

GENERAL CONTRACTOR: WEAVERCOOKE, GREENSBORO NC

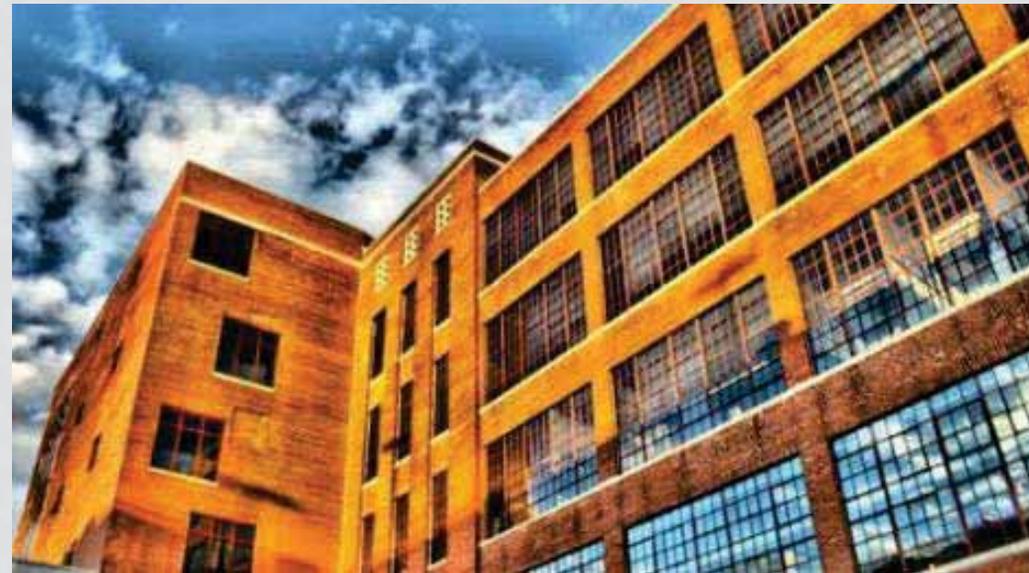
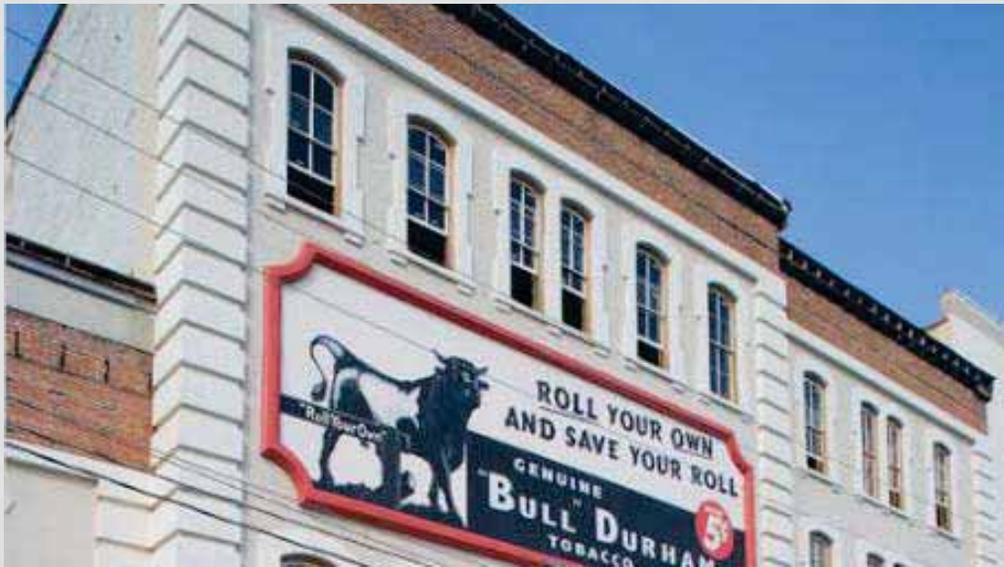
ARCHITECT: TISE KIESTER ARCHITECTS, CHAPEL HILL NC



BELMONT SAYRE EXPERIENCE

Belmont Sayre has managed the planning of more than 1M SF of urban, mixed-use investments (all PPP projects) including:

- Carmichael Building, Durham, NC
- American Tobacco Company Campus, Durham, NC
- Contemporary Art Museum, Raleigh, NC



CHARLESTOWNE EXPERIENCE



charlestowne**hotels**
INNOVATIVE HOSPITALITY MANAGEMENT

Charlestowne Hotels manages and develops a diverse portfolio of more than 41 hotels in 12 states.

Specialize in adaptive reuse and boutique products.



Elliott House Inn, Charleston SC



King Charles Inn, Charleston SC

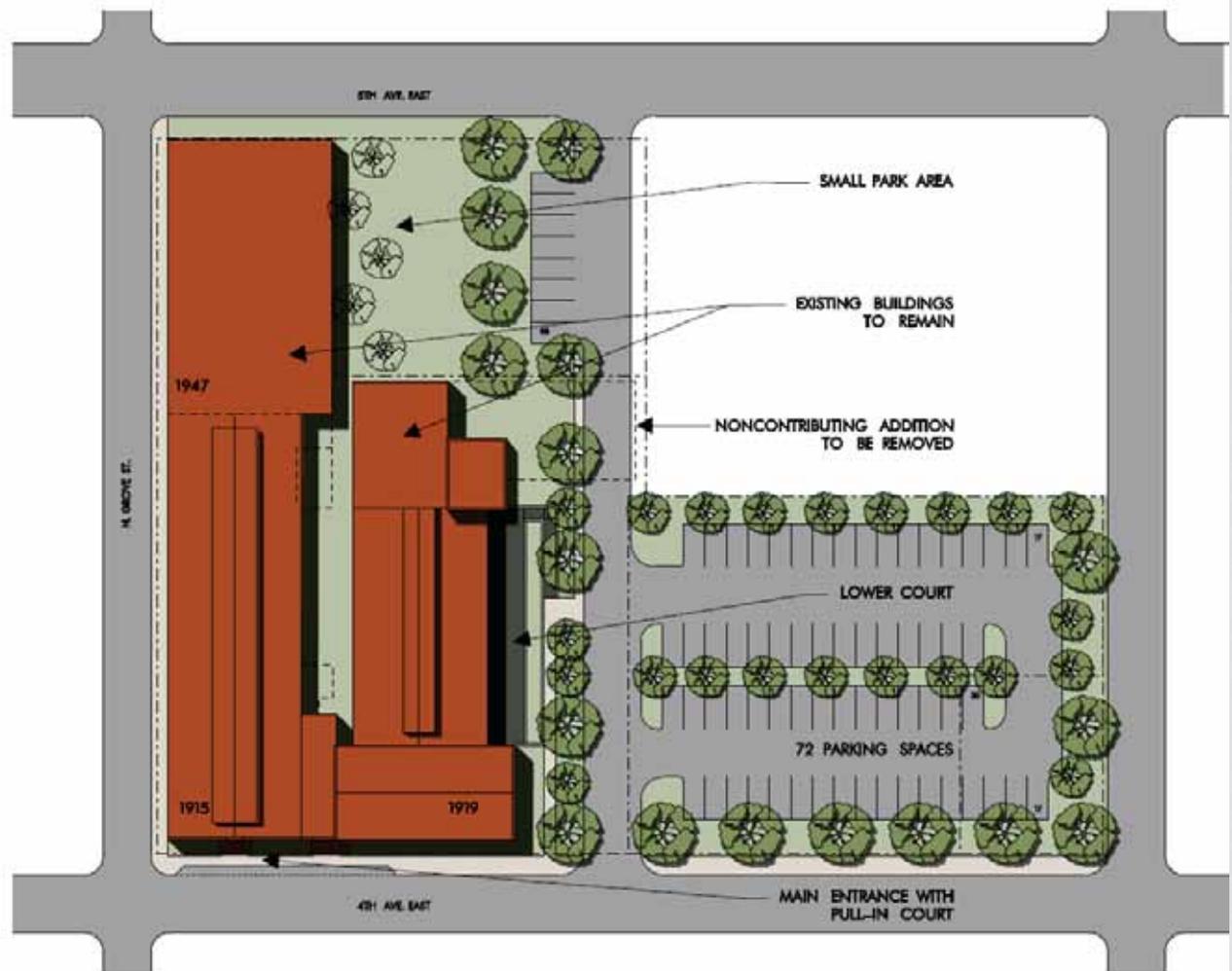


Deer Path Inn, Lake Forest, IL

BELMONT SAYRE PROPOSAL

Hotel Proposal

Floors	1 (plus basement)
# of Rooms	57
Parking Spaces	72
Event Capacity	60-70 (2,000 SF)
Retail Space	None
Preservation of Mill	Using Historic Tax Credits



ADDITIONAL CONSIDERATIONS – BELMONT SAYRE

- Have received preliminary assurance from SHPO (documented in email) regarding approval of their proposed plan
- Building to LEED Gold certified standards
- Minimal event space

DEVELOPER: PDA, INC., ERIE PA
FRANCHISE: COBBLESTONE HOTELS
ARCHITECT/ENGINEER: EXCEL ARCHITECTS
CONSTRUCTION MANAGEMENT: BRIMARK BUILDERS



Professional Development
Associates, Inc.

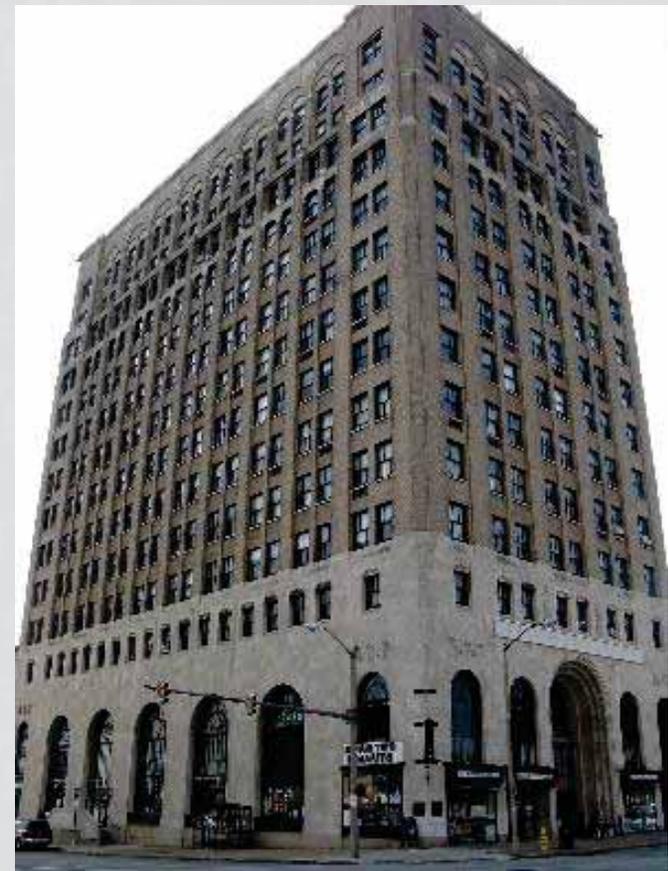
PDA, INC. EXPERIENCE

Professional Development Associates (PDA) has developed 6 upper-midscale hotels under the Cobblestone Hotels brand.

20+ years experience with adaptive reuse.

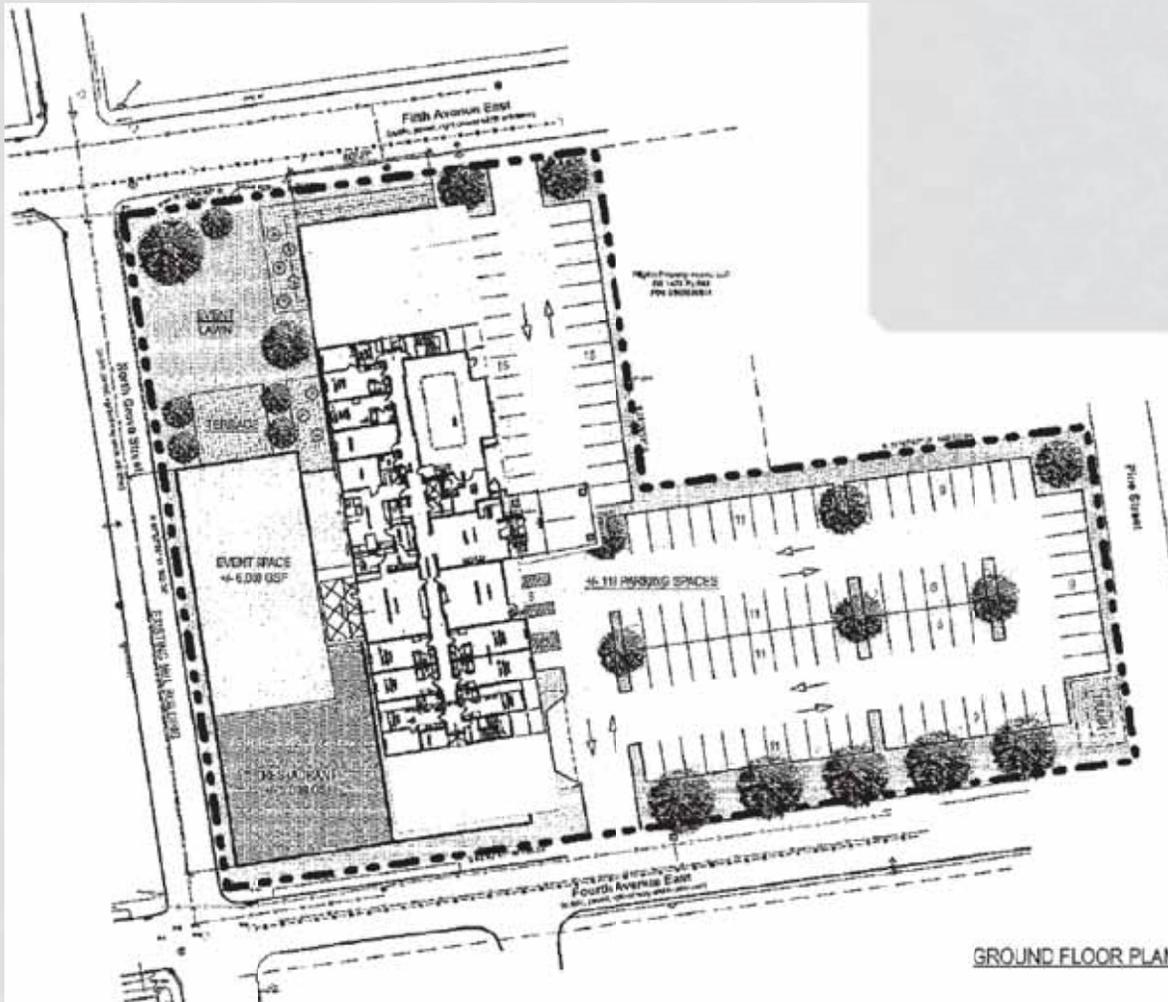


Cobblestone Hotel, Erie PA



Renaissance Centre, Erie PA

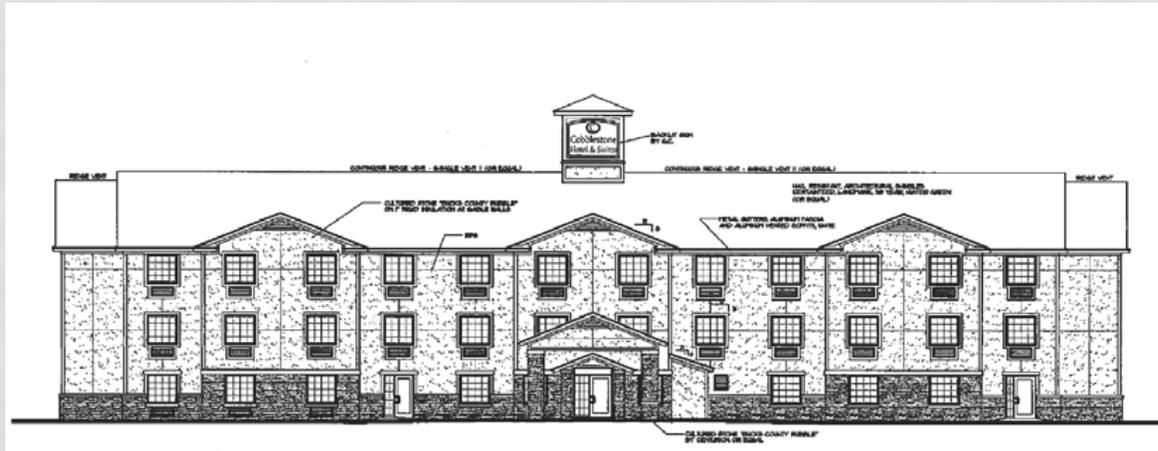
PDA, INC. PROPOSAL



Proposal includes new construction of Cobblestone Hotel adjacent to 1915 portion of Mill.

PDA would purchase or lease land required for hotel, with possible option on Mill Building for a public-private partnership to develop event and restaurant space.

PDA, INC. PROPOSAL



Hotel Proposal	
Floors	3
# of Rooms	54-60
Parking Spaces	--
Event Capacity	Est. 50

ADDITIONAL CONSIDERATIONS - PDA

- Requires significant local stakeholder support → est. 40% of equity or ~ \$1M
- PDA, Inc. has indicated that they will most likely require additional incentives, i.e. property tax deferral
- City would continue to own Mill

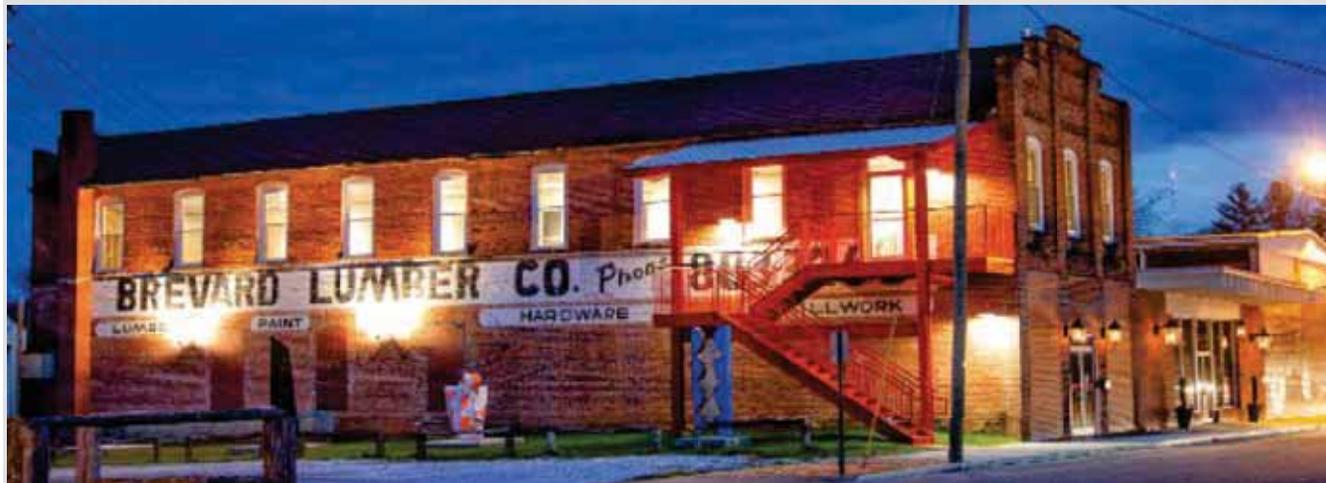
COMMERCIAL PROPOSAL

DEVELOPER: LEDER PROPERTIES

BREVARD NC

Leder Properties has 40 years of real estate investment experience in Western NC.

The proposal replicates Brevard's Lumberyard, an adaptive reuse project which includes a 5,000 SF event facility to host up to 300 guests.



LEDER PROPERTIES PROPOSAL



Total 35,000 SF adaptive reuse of the mill into select retail, restaurant & event space:

- Multipurpose Venue for 300+ Guests

ADDITIONAL CONSIDERATIONS - LEDER

- Accelerated timeline (due to 1031 investment needs):
 - \$1M deposit May 15, 2017
 - Demolition/clean-up beginning May 16, 2017
 - Closing (additional \$100k) expected June 15, 2017
- City responsible for any additional environmental remediation deemed necessary

PROPOSAL COMPARISON

PROPOSAL COMPARISON

	Belmont Sayre	PDA, Inc.	Leder Properties
Product Type	Upscale Boutique Hotel	Upper-Midscale Hotel	Mixed-Use Commercial
Mill Preservation	Yes – Using Historic Tax Credits	New Construction for Hotel. Potential Phase II for Mill	Yes
# of Rooms	57	54-60	n/a
Event Capacity	70	60-70	300

NEXT STEPS

- Recommendations to Council to inform selection of development partner
- Council selects partner and drafts Memorandum of Understanding (MOU)

QUESTIONS?



APPENDIX

GUIDING PROJECT INTERESTS

- Maximize public benefit and minimize public investment
- Project likely to spur other private development
- Project contributes to vitality, culture and economy of City (e.g. event space)
- Project respects existing City fabric (height limits, historic buildings, design aesthetics, etc.)
- Integration with Main Street
- Connection to Historic Seventh Avenue District



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Lew Holloway

Department: Downtown

Date Submitted: 3/22/2017

Presenter: Lew Holloway

Date of Council Meeting to consider this item: April 2017

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 14

The Downtown Advisory Committee has been investigating guidelines for outdoor dining in the Main Street Municipal Service District. They have reviewed a number of design guidelines used by other communities, developed draft recommendations for downtown Hendersonville's guidelines and held a workshop with downtown restaurants who currently hold outdoor dining permits.

There are three main components to discuss for feedback:

1) Design/Layout - Proposed Guidelines Recommend:

- a) Walkway Width Guideline - 6' walkway @ locations where sidewalk width is less than 20' and 8' walkway where sidewalk width is 20' plus.
- b) Furniture Size Guideline - Maximum table size with a sq.ft. equivalent to a four person table.
- c) Barrier Design Guidelines.

2) Maintenance - Proposed Guidelines Recommend:

- a) Cleaning Day - Regular weekly/monthly day when furniture is pulled to allow PW to clean sidewalks.
- b) Maintenance Standards - Codify the expectations for dining area maintenance.

3) Permit Fee - Proposal Guidelines include a sq.ft. based fee.

The committee is requesting feedback so that the guidelines can be refined now and implemented over the course of the 2017 - 2018 fiscal year.

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

Suggested Motion:

N/A

Attachments:

- 1) Existing Outdoor Dining Ordinance Section 46-86
- 2) Draft Outdoor Dining Guidelines

Sec. 46-86. - Exception; sidewalk dining in the central business district.

- (a) **General.** Notwithstanding any other provisions of this Code to the contrary, sidewalk cafes or sidewalk dining shall be permitted in the central business district as indicated on the official zoning map of the city and shall be subject to such regulations as are set forth in this section.
- (b) **Permit required.** No restaurant owner may operate a sidewalk cafe without first obtaining a permit from the city manager in accordance with the requirements of this article. As used in this section, the term city manager includes his authorized representative.
- (c) **Application.** Any restaurant owner desiring to operate a sidewalk cafe shall prepare and file an application with the city manager which shall contain the following information:
- (1) The name, addresses, and telephone number of the restaurant desiring to operate a sidewalk cafe.
 - (2) The name, address, and telephone number of the restaurant operator.
 - (3) The type of food, beverage, or food product to be sold and served at the sidewalk cafe.
 - (4) The hours of operation of the restaurant and the proposed hours of operation of the sidewalk cafe.
 - (5) A drawing or site plan showing the section of sidewalk or pedestrian way to be used for the sidewalk cafe, and the section to be kept clear for pedestrian and fire lane use, and depicting the proposed placement of tables, chairs, barricades, umbrellas, trash receptacles, and other furnishings on the sidewalk or pedestrian way.
 - (6) Proof of an insurance policy, issued by an insurance company licensed to do business in the state, protecting the permittee and the city from all claims for damages to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Such insurance shall name the city as additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' advance written notice to the city. Such insurance shall afford minimum limits of \$500,000.00 aggregate annually.
 - (7) A copy of all the permits and licenses issued by the county, state, or the city, including health and ABC permits and business licenses, necessary for the operation of the restaurant business, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the city or other governmental authority, for exterior alterations or improvements to the restaurant.
 - (8) A sworn statement describing any violation by the restaurant operator of any laws, regulations, or ordinances relating to the possession, sale consumption, or transportation of intoxicating beverages or controlled substances during the five years immediately preceding the date of the permit application.
 - (9) Such additional information as may be requested by the city manager or his designee in order to determine compliance with this section.
 - (10) An annual fee in the amount of \$35.00 to cover the cost of processing and investigating the application and issuing the permit.
- (d) **Issuance of permit.** No permit for the operation of a sidewalk cafe may be issued unless the application is complete and the following requirements are met:
- (1) The sidewalk cafe must be associated with an operating restaurant such that it is under the same management and shares the same food preparation facilities, rest room facilities, and other customer convenience facilities as the restaurant. The sidewalk cafe must be operated under the

same name as the restaurant and may not be open or operated at any time when the restaurant is not open for business.

- (2) The operation of the sidewalk cafe must be clearly incidental to the associated restaurant business. The seating capacity of the sidewalk cafe may not be more than 50 percent of the interior seating capacity of the associated restaurant.
 - (3) The placement of tables, chairs and other furnishings as shown in the drawing submitted with the site plan must be done in such a manner that at least five feet of unobstructed space remains on the sidewalk or pedestrian way for the passage of pedestrians. No fire exits or lanes may be blocked and such must remain clear at all times. The pedestrian passage may not be used for the display of merchandise or for portable signs otherwise authorized pursuant to subsection 46-81(e) of this chapter.
 - (4) The restaurant seeking to operate the sidewalk cafe must front on and open onto the sidewalk or pedestrian way proposed for the sidewalk cafe, or be situated below sidewalk level with direct access to the sidewalk by means of an open-air stairwell. The placement of tables, chairs, and other furnishings may not extend beyond the sidewalk or pedestrian way frontage of the associated restaurant, with the following exception: tables, chairs, and other furnishings may extend up to eight feet onto adjacent property frontage in either or both directions with the written permission (provided at the time of application) of the occupant of the adjacent property.
 - (5) The tables, chairs and other furnishings used in the sidewalk cafe shall not be anchored and shall be of a type of street furniture that is easily movable.
 - (6) Except as elsewhere permitted by the Code, the operation or furnishing of the sidewalk cafe shall involve no permanent alteration to or encroachment upon any street, sidewalk, or pedestrian way or to the exterior of the associated restaurant.
 - (7) Each sidewalk cafe shall provide adequate trash receptacles for its patrons within the perimeter of the barricades. At the end of each business day and during operating hours, the operator shall remove all trash and debris of any sort from the area within the barricade and between it and the curb. In addition, the operator shall remove from the sidewalk alongside and abutting properties any trash or debris originating as a result of the operation of the sidewalk cafe.
 - (8) Tables, chairs and other furnishings that remain on the sidewalk at times when the business is not in operation shall be secured in a manner that allows clear access from the street equal to or exceeding half of the frontage of the associated restaurant.
- (e) ***Alcoholic beverages.*** Notwithstanding any other provisions of this Code, alcoholic beverages may be served in approved sidewalk cafes provided that the following requirements are met:
- (1) The sidewalk cafe shall be part of a restaurant and shall otherwise be authorized, permitted, or licensed under the state law and this Code to serve and sell alcoholic beverages for on-premises consumption.
 - (2) The sidewalk cafe must be included as part of the premises for which an ABC permit is issued pursuant to state law, for the purpose of applying and enforcing state laws regarding the sale or consumption of alcoholic beverages.
 - (3) Signs shall be posted, visible at all exit points from the sidewalk cafe, that it is unlawful to remove alcoholic beverages from the premises.
 - (4) The restaurant operator shall not have violated any law, regulation, or ordinance relating to the possession, sale, transportation or consumption of intoxicating beverages or controlled substances for the three years preceding the commencement of the sale of alcoholic beverages at the sidewalk

cafe.

- (5) No outdoor bar is allowed within the sidewalk cafe, nor shall outdoor preparation of alcoholic beverages be permitted except that unfortified wine may be decanted or beer poured at a table as part of a meal.
- (f) **Denial.** A permit may be denied if it is found that the application does not demonstrate compliance with this section and/or that the granting of the permit would not be in the public interest. Any applicant denied a permit to operate a sidewalk cafe shall receive a written statement outlining the grounds on which the denial is based. The applicant may appeal the denial of the permit to city council within 15 working days after the date of the written denial, and city council may take such action as it shall find necessary. The finding and determination of city council shall constitute final action by the city.
- (g) **Terms and transfer.** Permits for a sidewalk cafe issued in accordance with the provisions of this article shall be issued for the period beginning July 1 or thereafter and expiring June 30 of each year. If a permittee discontinues the restaurant operation or the sidewalk cafe, no refund of the permit fee shall be made. Permits issued pursuant to this section shall not be transferable or assignable. Permits may prohibit operation of sidewalk cafes during special events and contain other conditions and restrictions as may be necessary to protect the public health, safety and welfare.
- (h) **Permit suspension.** The city manager may suspend a permit issued pursuant to this section if he finds one or more of the following conditions exist:
- (1) Violation of any provision of the county health department regulations or of this section.
 - (2) Violation of any law, regulation, or ordinance regarding the possession, sale, transportation, or consumption of intoxicating beverages or controlled substances.
 - (3) Operation of the restaurant or sidewalk cafe in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety, or welfare; specifically including failure to keep the cafe area clean and free of refuse.
 - (4) Operation of the restaurant or sidewalk cafe in violation of any city, county or state law, ordinance, or regulation.

Such permit suspension shall take effect immediately upon delivery of a citation to the restaurant operator or, in his absence, the person with supervisory authority over the operation of the restaurant. The city manager shall designate a period of time for the suspension to be in effect up to 45 days from the date of violation, and shall include the length of the suspension in the notice of suspension. In designating a suspension period pursuant to this section the city manager shall consider the factors set forth in this subsection (h) and subsection (i) below.

Such decision of the city manager may be appealed to the city council by written notice thereof filed with the city clerk within 15 days of the date of receipt of notice of suspension.

- (i) **Permit revocation.** The city manager may revoke a permit issued pursuant to this section if he finds that the restaurant operator has:
- (1) Deliberately misrepresented or provide false information in the permit application.
 - (2) Violated any provision of the county health department regulations or of this section.
 - (3) Violated any law, regulation, or ordinance regarding the possession, sale, transportation, or consumption of intoxicating beverages or controlled substances.
 - (4) Operated the sidewalk cafe in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety, or welfare; specifically including failure to keep the cafe area clean and free of refuse.

- (5) Failed to maintain any health, business or other permit or license required by law for the operation of a restaurant business.
- (6) Fails to consistently maintain the sidewalk cafe in a neat and trash free manner.
- (7) Operated the restaurant or sidewalk cafe in violation of any city, county or state law, ordinance, or regulation. In the event the city manager determines good grounds exist for the revocation of a permit issued under this section, he shall provide the restaurant operator a notice to show cause, stating with particularity the grounds therefore, why the sidewalk cafe permit should not be revoked. The restaurant operator shall be provided an opportunity for a hearing, following which the city manager shall render an order in writing. The restaurant operator may appeal any such order by filing a written appeal with the city clerk within 15 days of receipt thereof. City council shall conduct a hearing on the appeal and render its decision thereon. The finding and determination of city council shall constitute final action by the city.

(Ord. No. 02-0839, § 1, 8-8-02; Ord. No. 06-0516, § 1, 5-4-06; Ord. No. 11-1053, § 1, 10-6-11; Ord. No. 12-0518, § 1, 5-3-12)

DRAFT SIDEWALK DINING DESIGN GUIDELINES

City of Hendersonville, NC

GUIDELINE PURPOSE:

The City of Hendersonville's Sidewalk Dining Design guidelines are established to provide standards for the use of public space for privately managed outdoor dining areas. These guidelines address four areas of concern. The four areas are:

1. Code Requirements See Ordinance Section 46-86 (Exhibit A). This includes permit fee information.
2. Dining Area Layout Designated outdoor dining areas within the district shall meet minimum layout standards within the dining areas and in relation to surrounding streetscape elements.
3. Dining Area Furniture Design Designated outdoor dining areas within the district shall be designed and installed in a way that compliments the character of the district.
4. Maintenance Designated outdoor dining areas within the district shall be maintained in a way that compliments the character of the district.

CODE REQUIREMENTS: See Ordinance Section

LAYOUT STANDARDS:

The primary use of City of Hendersonville sidewalks remains pedestrian circulation. The following standards are intended to establish the minimum requirements for pedestrian circulation around and within permitted sidewalk dining areas.

1. Layout Standards Around Dining Areas
 - a. Designated outdoor dining areas must provide a minimum of 72 (6') of unobstructed sidewalk between the adjacent building facade or edge of sidewalk R.O. and the dining area. This pedestrian corridor will be required along the length of the designated outdoor dining area and, by extension, for a minimum distance of 72 (6') beyond the edge of the dining area. This space will be clear of all features otherwise allowed at a storefront.
 - b. Designated outdoor dining areas which occupy space in areas where more than 50% of the dining area is located where the sidewalk width exceeds 20' must maintain a minimum 96 (8') of unobstructed sidewalk space between building facade and the designated dining area. This pedestrian corridor will be required along the length of the designated outdoor dining area and, by extension, for a minimum distance of 72 (6') beyond the edge of the dining area. This space will be clear of all features otherwise allowed at a storefront.
 - c. Designated outdoor dining areas must provide a minimum of 36 (3') of clearance around parking spaces which would otherwise lack access to the sidewalk because of their adjacency to the dining area.
 - d. Designated outdoor dining areas must not obstruct the mid-block crosswalks. The crosswalk's full width must remain unobstructed.

DRAFT SIDE AL DININ DESI N UIDELINES

City of Hendersonville, NC

- e. Designated outdoor dining areas must not obstruct handicap access ramps. The ramp's full width must remain unobstructed as it connects with the required pedestrian corridor that exists adjacent to the building facade.

2. Layout Standards within Dining Areas

- a. All access openings in the designated outdoor dining area must measure a minimum of 44 (38).
- b. No covering shall be permitted on the sidewalk, i.e. decking, etc. within the designated outdoor dining area.

FURNITURE DESI N STANDARDS:

The following guidelines outline requirements for the component parts of a designated outdoor dining area. They focus on the two primary elements that constitute the designated outdoor dining areas, barriers and outdoor furniture.

1. Barrier Design

- a. The leading edge of designated outdoor dining area barricade must be perpendicular to the sidewalk direction.
- b. Barriers must be a minimum height of 36 (3) and a maximum height of 50 (42).
- c. The barrier must be detectable by the visually impaired with the bottom of the barrier no more than 27 (23) from ground level.
- d. The base of the stanchions must not be a tripping hazard. If a stanchion or other vertical supporting device is attached to a base, that base must be flat and must measure no more than 1 above the sidewalk surface. No domed stanchion bases are permitted.
- e. Barriers must be freestanding without any permanent or temporary attachments to buildings, sidewalks or other infrastructure.

2. Barrier Material

- a. Stanchions must be constructed of metal (aluminum, steel or wrought iron), wood (wood must be painted or stained) or planters. Planters used as vertical support posts may not exceed 36 (3) and plants may not exceed 72 (6).
- b. Railings must be steel chain coated with black plastic or heavy duty black plastic chain.

3. Furniture Design

- a. Tables must have a surface area no larger than 10 sq. ft. This is equivalent to an approximately four person table top. Examples include a 36 square table, a 40 diameter round table and a 30 by 42 rectangular table. This table size does limit restaurants from pulling tables together to seat larger parties.

DRAFT SIDE AL DININ DESI N UIDELINES

City of Hendersonville, NC

- b. Furniture other than tables, chairs and umbrellas is not approved for use in designated outdoor dining areas (i.e. no warming tables, bus tables, etc.) Planters are permitted as components of the barricades.
- c. Furniture must be freestanding without any permanent or temporary attachments to buildings, sidewalks or other infrastructure.

4. Furniture Materials

- a. Chairs Tables must be constructed of metal (aluminum, steel or wrought iron).
- b. Commercial umbrellas must be made with outdoor fabric and a metal stand. Umbrellas must be integrated into the table design, not freestanding elements.

MAINTENANCE:

The following guidelines establish the minimum level of care required for designated outdoor dining areas.

1. Maintenance Standards

- a. Tables and Chairs must be cleaned and properly maintained at all times.
- b. Stanchions/Posts and barrier material must receive regular maintenance of fit finish as required by the nature of the material being used.
- c. All planters must contain seasonally appropriate plants in healthy condition.
- d. The sidewalk in and around the designated outdoor dining area must be kept clean and unblemished. Spills and stains from general use must be removed on a regular basis.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Admin

Date Submitted: 03.22.17

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 04.06.17

Nature of Item: Council Action

Summary of Information/Request:

Item # 17

The City Council will consider appointments to the Business Advisory Committee.

ANNOUNCEMENTS/Reminders:

Vacancy on the BOARD OF ADJUSTMENT (alternate position) and Seventh Avenue Advisory Committee (Calton's position).

Upcoming (Re)Appointments/Vacancy:

TDA: Selena Einwechter's appointment will expire 06-01-17.

WALK OF FAME: Dr. Amy Pace's term will expire 06-01-17.

DOWNTOWN ADVISORY COMMITTEE: Mr. Tom Orr has resigned from this committee. Staff is attempting to recruit applicants.

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.*

Please see memo

Attachments:

Memo with background info, board membership lists

M E M O R A N D U M

To: The Honorable Mayor and Members of the City Council

From: Tammie Drake, City Clerk

Subject: Board and Commission Appointments

Date: March 22, 2017

a. Consideration of Appointments:

1. Business Advisory Committee - There are three vacancies on this Committee. Mr. Mike Summey was appointed at your last meeting.

The City Manager polled the current members and received mixed feedback regarding their desire to continue to meet but reached a consensus not meet more than quarterly. The Committee will meet at 11:30 a.m. on the second Monday of January, April, July and October. Mr. Connet stated they will re-evaluate the need for the committee in January 2018.

The responses of those who previously applied:

Lee Roy Nicholson: willing to serve but no longer owns a business in the City, continues to work in the City

Virginia Gambill: yes, would like to serve.

Suggested Motion: I nominate ... to serve a two-year term on the Business Advisory Committee.

Background: The City Council established this Committee in January 2014 to seek the advice and recommendations and to involve the business community in decisions that affect them to help prevent unintended consequences from decisions made by the Council. The Committee:

1. consists of nine members; six of whom are appointed by the City Council; one position is appointed by the Henderson County Chamber of Commerce, one position is appointed by the Henderson County Board of Commissioners (non-elected official) and one position is appointed by the Partnership for Economic Development.
2. members serve staggered terms.
3. serves the Council in an advisory-only capacity.
4. members are individuals who own local businesses or commercial property within Hendersonville, but do not necessarily reside within the City limits.
5. meets quarterly at 11:30 a.m. on the second Monday of January, April, July, October at the Operations Center and call special meetings as issues arise.
6. chairperson is selected by the members from the City representatives.

All meetings are open to the public and Council members may attend to participate or interact with the members.

b. Announcement of Vacancies and Up-Coming Vacancies:

1. **Board of Adjustment** - The alternate position is vacant. There are no applications at this time from citizens willing to serve on this Board.
2. **Seventh Avenue Advisory Committee** - Mr. Calton declined reappointment. There are no applications at this time from citizens willing to serve on this Committee.

Background: The City Council formed a Seventh Avenue Advisory Committee to review and discuss existing and/or proposed policies and ordinances that have an impact on the Seventh Avenue special tax district projects. The Council desires to hear advice and receive recommendations from the Committee. The Committee:

1. membership consists of nine members: four individuals who own local businesses or commercial property in Seventh Avenue Special Tax District, three at-large members and one representative from the Hendersonville Rescue Mission and a City Council Liaison position
2. members serve two-year staggered terms,
3. serves the Council as advisory-only.
4. meets on the second Monday of each month at 5:30 pm. at the Historic Train Depot and may call special meetings as issues arise.
5. chairperson is selected by the membership of the Committee from the members of the Seventh Avenue Special Tax District.

3. **Henderson County Tourism Development Authority:** Selena Einwechter's appointment will expire 06-30-17. She is in Seat 4 - Affiliated with a business that collects occupancy tax.

Background: According to the Resolution Adopted by the Henderson County Board of Commissioners, the member holding Seat 4 shall be appointed by the City Council. The first person appointed to Seat 4 shall serve a term of not more than five years ending 30 June, 2017, and shall not be eligible for appointment (or reappointment) to the Authority Committee after the expiration of such term unless such person shall not be a member of the Authority Committee for a period of one year. Subsequent appointments to Seat 4 shall be for a term of not more than five years, however such term always ending on June 30 of the last year of such appointment. The member holding Seat 4 shall be registered to vote in Henderson County. The member holding Seat 4 shall be affiliated with a business that collects Occupancy Tax (as defined in SL 2012-144) within Henderson County.

4. **Downtown Advisory committee:** I was informed that Mr. Tom Orr has resigned from this Committee. Downtown staff is seeking applications.
5. **Walk of Fame Steering Committee:** Dr. Amy Pace's appointment will expire in June.