

AGENDA

CITY OF HENDERSONVILLE CITY COUNCIL – REGULAR MEETING

AUGUST 3, 2017 – 5:45 P.M.

COUNCIL CHAMBERS – CITY HALL

1. **Call to Order**
2. **Invocation and Pledge of Allegiance**
3. **Public Comment Time:** *Up to 15 minutes is reserved for comments from the public for items not listed on the agenda*
4. **Consideration of Agenda**
5. **Consideration of Consent Agenda:** *These items are considered routine, noncontroversial in nature and are considered and approved by a single motion and vote.*
 - A. **Consideration of Minutes: July 6, 2017 Regular Meeting**
 - B. **Consideration of Budget Amendments**
 - i. **Health & Welfare Fund Grant, Fund 80, Increase of \$2,000 for Grant**
 - ii. **Northside Water Improvements, Fund 401, Increase of \$250,000
Fund 60, Increase of \$250,000**
 - iii. **Fire Community Fund, Fund 170, Increase of \$4,000**
 - iv. **Highway 64 Grant Fund Closeout, Fund 350, Increase \$14,557.60**
 - C. **Consideration of Amendments to the:**
 - i. **Rules of Procedure for the Downtown Advisory Committee**
 - ii. **By-Laws and Rules of Procedure for the Walk of Fame Steering Committee**
 - D. **Consideration of Special Event Permits:**
 - i. **First Responder Recognition Day - 9/11**
 - ii. **Seventh Avenue Farmers' Market (to include alcohol)**
 - iii. **Ville to Ville Craft Brew Relay**
 - E. **Consideration of a Resolution to Reimburse for the French Broad River Intake Project**

F. Consideration of Utility Extension Agreements for:

- i. Dodd Meadows, Phases 4 and 5
- ii. South Creek Cottages

G. Consideration of Certificate of Sufficiency for a Request for Contiguous Annexation from Carolina Village, Inc.

H. Consideration of Fire Department Half-Time Pay Policy

I. Consideration of a Revision to the Personnel Policy Regarding the Use of Compensatory Time

6. **Recognitions:**

A. 2016 NC Area Wide Optimization Program Award to Water Treatment Plant Employees

Presenter: Utilities Director Lee Smith and Randy Hintz with the Public Water Supply Section of the Division of Water Resources

B. Service Excellence Quarterly MVP Recognition

Presenter: City Manager John Connet and Mayor Barbara Volk

7. **Quasi-Judicial Public Hearing – Consideration of an Application from Carolina Village, Inc., for a Special Use Permit to Construct a Project known as Clear Creek Cottages consisting of 54 dwelling units including duplexes and 6-plexes, Located at 600 Carolina Village Road, and to Rezone the Property from R-15, Medium Density Residential to PRD, Planned Residential Development (File #P17-18-SUR)**

Presenter: Planner Daniel Heyman

8. **Quasi-Judicial Public Hearing – Consideration of an Amendment to a Special Use Permit from Carolina Village, Inc., to Construct a Project known as Lakeside Apartments Consisting of a 36-unit Apartment Building, a Maintenance Building and Associated Driveway and Parking Improvements on the current site of the Carolina Village located at 600 Carolina Village Road (File #P17-19-SUR)**

Presenter: Planner Daniel Heyman

9. **Quasi-Judicial Public Hearing – Consideration of an Application from Sugarloaf Hospitality, LLC for a Special Use Permit for the Hendersonville Home 2 Development Located on Sugarloaf Road, to Construct a 66,000 square foot hotel with meeting space (File #P17-22-SUR)**

Presenter: Senior Planner Matt Champion

10. **Public Hearing - Consideration of an Application from Seth Cohen for the Rezoning of Parcel # 9578-50-4021 located on King Creek Boulevard from C-3SU Highway Business Special Use to C-3 Highway Business (File #P17-28-Z)**

Presenter: Senior Planner Matt Champion

11. **Public Hearing - Consideration of a Request to amend the Comprehensive Plan's Future Use Map by changing the classification of the properties located on Highway 64 W., Brevard Road, including 47.15 acres, including Oak Terrace Lane and Crystal Drive, from Low Intensity Neighborhood to Medium Intensity Neighborhood**
Presenter: Planner Daniel Heyman
12. **Presentation of Employee Handbook and Consideration of Revisions to the Alcohol and Substance Abuse Policy and the Internet Usage Policy, and Adoption of the Social Media Policy**
Presenter: Kaitlin Sines
13. **Consideration of Main Street Municipal Services District (MSD) Tax Incentive Program**
Presenter: City Manager John Connet and Downtown Economic Development Director Lew Holloway
14. **Consideration of Reformation of Henderson County Water and Sewer Advisory Council**
Presenter: City Manager John Connet
15. **Comments from Mayor and City Council Members**
16. **Reports from Staff**
 - A. Investment Report
 - B. Fire Department Second Quarter Statistical Report
17. **Boards and Commissions: Consideration of (Re)Appointments, Announcement of Upcoming Vacancies**
Presenter: City Clerk Tammie Drake
18. **New Business**
19. **Closed Session to Consult with the City Attorney**
20. **Adjourn**





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brian Pahle

Department: Admin

Date Submitted: 07/20/17

Presenter: Brian Pahle

Date of Council Meeting to consider this item: 08/03/17

Nature of Item: Council Action

Summary of Information/Request:

Item # 05b

Budget Amendments (1)

1. Health & Welfare Fund Grant | Fund 80 | Increase \$2,000
2. Northside Water Improvements | Fund 401 | Increase \$250,000 | Fund 60 | Increase \$250,000
3. Fire Community Fund | Fund 170 | Increase \$4,000
4. HWY64 Grant Fund Closeout | Fund 350 | Increase \$14,557.60

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

Described Above.

Suggested Motion:

I move to approve the budget adjustments as presented.

Attachments:

See below...

BUDGET AMENDMENT

FUND: 60, 401

ACCOUNT NUMBER		DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
ORG	OBJECT			
4010000	519400	Professional Services - Engineering	100,000.00	
4010000	557000	Land/ROW/Land Improvement	150,000.00	
4010000	998060	Transfer in from W/S	250,000.00	
FUND 401		TOTAL REVENUES	250,000.00	
		TOTAL EXPENDITURES	250,000.00	
600090	499200	Fund Balance Approp.	250,000.00	
609900	999401	Transfer to Northside	250,000.00	
FUND 60		TOTAL REVENUES	250,000.00	
		TOTAL EXPENDITURES	250,000.00	

A budget amendment to transfer additional cash funding to the Northside Water System Improvements Project. This project is moving forward with property acquisition and the second phase of engineering and design. This transfer will provide funding needed for this work.

 CITY MANAGER

Date: 7-25-17

APPROVED BY CITY COUNCIL:

DATE: 8/3/2017

BUDGET AMENDMENT

FUND: 350

ACCOUNT NUMBER		DESCRIPTION OF ACCOUNT	INCREASE	DECREASE	
ORG	OBJECT				
3509900	998010	Transfer in From GF	9,314.30		
3509900	998060	Transfer in From WS	18,598.57		
3504900	434990	Grant Revenue		11,765.92	
3509900	998032	Transfer in From Sidewalk Bond		1,589.35	
		TOTAL REVENUES	27,912.87	13,355.27	14,557.60
3509910	599100	Contingencies		23,671.00	
3509000	519200	Prof. Services - Legal		500.00	
3509000	569020	Contracted Services - Survey		1,300.00	
3509000	529900	Supplies/Materials	5,993.78		
3509000	512100	Salaries Reg.	23,103.20		
3509000	518100	FICA Tax	1,764.55		
3509000	518200	Retirement Expense	1,695.63		
3509000	518300	Group Med/Life Ins.	1,349.49		
3509000	519400	Prof. Services - Eng.	344.08		
3509000	549750	Permits/Fees	63.00		
3509000	559850	Construction Contract	5,714.87		
		TOTAL EXPENDITURES	40,028.60	25,471.00	14,557.60

An amendment to close out the Highway 64 Grant Fund.


 CITY MANAGER

Date: 7/27/17

APPROVED BY CITY COUNCIL:

DATE:

8/3/2017



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Lew Holloway

Department: Downtown

Date Submitted: 7/25/2017

Presenter: L. Holloway

Date of Council Meeting to consider this item: 8/3/2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 05c

Adopt adjusted Committee membership rules for the Main Street Advisory Committee. New membership make-up is a mirror of the current Seventh Avenue Advisory Committee. The committee would move to nine members, including one council liaison, five district stakeholders and 3 at large members.

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 that City Council adopt the revised Downtown Advisory Committee Rules of Procedure.

Attachments:

Revised Rules of Procedure

CITY OF HENDERSONVILLE
DOWNTOWN ADVISORY COMMITTEE

RULES OF PROCEDURE

Article I. Name

The name of this organization is the City of Hendersonville Downtown Advisory Committee, hereinafter referred to as the "Committee."

Article II. Purpose and Powers

The general purpose of the Downtown Advisory Committee is to serve as an Advisory Committee to the City Council, subject to such limitations as may be imposed by state law or by ordinances of the city. The Committee shall be embodied for the following purposes: Advise, deliberate and make recommendations to the City Council to help facilitate the implementation of the Comprehensive Plan as it relates to downtown; Serve to support economic development efforts, and the marketing and promotion of downtown; Identify appropriate uses for downtown and identify developers/investors for downtown development; Recommend to City Council an overall policy for the continued development and sustainability of downtown; Develop financial tools for downtown development; Promote and facilitate the improvement of downtown infrastructure, including water, public safety, parks, parking, transportation, utilities, sidewalks, sewer, and streetscape; Promote and facilitate a program to assist in business retention in the downtown; Promote and facilitate a marketing program to increase sales, visitors, and awareness of downtown; Provide City Council with representative community participation in preparing and implementing plans and reports concerning development of downtown; Promote, facilitate, and act as liaison to catalytic developments significantly affecting the downtown area. Promote and support downtown as a special event location.

Article III. General Rules

The Committee shall be governed by the Ordinances of the City of Hendersonville, the Laws of the State of North Carolina and these Rules of Procedure. The Chair may from time to time refer to rules set forth in the current edition of ~~Robert's Rules of Order Newly Revised~~ Suggested Rules of Procedure for Small Local Government Boards to assist in the running of orderly meetings.

Article IV. Jurisdiction

The Committee's jurisdiction shall apply to the Hendersonville Main Street Municipal Service District. This district is formed by the boundaries of 7th Ave. to the north, King St. to the east, Allen St. to the south and Church St. to the west. The Committee may also discuss and be consulted on matters outside of the Main Street Municipal Services District, provided the subject is related to the core mission of supporting a healthy and vibrant downtown.

Article V. Organization

Section 1. Committee Membership. The Committee shall consist of ~~eight~~ nine members including a council liaison who will serve as a non-voting ex-officio member of the committee. Of the

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~~seven~~ ~~seven-eight~~ remaining non-council members, ~~six~~ five will represent downtown stakeholders, i.e. property owners, business community members or residents and ~~the seventh~~ three members will be ~~at~~ "at large" seats. All members shall be entitled to equal rights, privileges and duties with other members of the committee.

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Section 2. Officers. At its July meeting each year, the Committee shall elect a chair and vice-chair for the coming year. The chair and vice chair shall hold office for one year and shall be eligible for reelection. The chair shall preside over all meetings of the Committee. The vice-chair shall assist the chair and shall serve as acting chair in the absence of the chair. If the chair is vacated the vice-chair shall become the chair for the remainder of the vacated term.

Section 3. Attendance at Meetings. Any member who misses more than three consecutive regular meetings or more than one-half the regular meetings actually held in a calendar year shall by that fact cease to be a Committee member.

Section 4. Member Terms and Term Limits. Committee members shall be appointed to staggered two year terms by City Council annually in July. Committee members may serve three (3) consecutive two year terms for a total of six consecutive years of service. At the end of a member's third term they must take a one year hiatus before seeking reappointment to the committee.

Section 5. Conflict of Interest. No Committee member shall take part in the hearing, consideration, or deliberation of any case or matter before the Committee in which the Committee member, or any member of the Committee member's family, either directly or indirectly, is a party to or has any financial interest in the outcome.

Section 6. Sub-Committee Membership. The Advisory Committee shall have such standing sub-committees as it finds necessary and convenient. In addition, the chair may create ad hoc committees. The chair shall designate the membership of all committees. The chair shall be an ex officio member of all committees according to the following rule; no more than two and no less than one voting member of each sub-committee must also serve as a voting member of the Downtown Advisory Committee. Sub-committees shall consist of up to 10 voting members. Sub-committee membership shall be determined by the Downtown Advisory Committee. Sub-committee membership shall include the Downtown Director or their designee who will serve as staff liaison to each. Sub-committee membership shall run on the same calendar established for the Downtown Advisory Committee. Sub-committee membership will be subject to the same regulations established in these "Rules of Procedure" as applicable.

VI. Meetings

Section 1. Regular Meetings. The Committee shall hold a regular meeting on the third Wednesday of each month or at such other time as it may find convenient. Meetings are subject to the Public Notice requirements established by the State of North Carolina and any permanent change to the regular schedule of meetings requires seven day notice to the City Clerk.

Section 2. Special Meetings. The chair may call special meetings. A majority of the Committee may in writing demand its members call a meeting. Written notice of a special meeting shall be provided to all members at least one week in advance of the meeting. Special meetings are subject to the Public Notice

requirements established by the State of North Carolina and require forty-eight hours' notice to the City Clerk.

Section 3. Cancellation of Meetings. Whenever there is no business for the Committee the chair may cancel a meeting, by giving notice to all members no less than forty-eight hours before the time set for the meeting. In the event of severe weather or other sufficient cause, the chair may cancel a meeting by giving reasonable notice to all members before the time set for the meeting. In the case of a meeting called by a majority of the Committee, the chair may cancel the meeting only upon the concurrence of a majority of the Committee.

Section 4. Quorum. A majority of members shall constitute a quorum for the conduct of business of the Committee or of any sub-committee.

Section 5. Conduct of Meetings. All meetings shall be noticed and open to the public as provided by North Carolina state law. Any person who may be substantially affected by final action in any matter that comes before the Committee may appear in person or by agent or attorney to make presentations respecting any such matter. The Chair may impose reasonable restraints on presentations.

Section 6. Voting. Members must be present to vote on any matter. Except as may be otherwise required by these rules or other prevailing law, any motion to be carried must have the vote of the majority of members actually voting. The chair shall be eligible to vote as any other member.

Section 7. Electronic notice. Notice to a member conforms to a requirement of these rules to be in writing if sent by electronic mail to an electronic address provided by the member and not returned to the sender with an error message.

Article VII. Amendments

These rules may be amended at any meeting after the meeting at which the amendment is first presented upon an affirmative vote of not fewer than six members of the Committee.

Adopted as amended by at least six members of the Committee this ___ day of _____ 2017.

Committee chair

Committee vice chair

Committee member

Council Liaison



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Admin

Date Submitted: 07.27.17

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 08.03.17

Nature of Item: Council Action

Summary of Information/Request:

Item # 05cii

The Walk of Fame Steering Committee is requesting amendments to the By-Laws and Rules of Procedure of the Committee to allow the Chair of the Committee to appoint both of the additional members for the Selection Committee. Currently, the City Council appoints one of the additional members. These additional members will have demonstrated active involvement in the community and have at least a minimal knowledge of Henderson County and Hendersonville history.

Additionally, they are asking that the Selection Committee choose a minimum of five and a maximum of ten honorees annually.

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 amendments to the By-Laws and Rules of Procedure for the Walk of Fame Steering Committee.

Attachments:
By-Laws/Charter

WALK OF FAME STEERING COMMITTEE

CHARTER

The Walk of Fame Steering Committee is established to recognize outstanding contributors to the growth and development of Henderson County.

The duration of the committee shall be perpetual.

BYLAWS AND RULES OF PROCEDURE

Pursuant to the Henderson County Code, § 3-31. Bylaws of Boards or Committees. Bylaws drafted by any board of committee must be presented for approval by the Henderson County Board of Commissioners prior to adoption, unless otherwise provided by law.

I. NAME

Walk of Fame Steering Committee

II. PURPOSE

The purpose of this committee is to advise the Board of Commissioners and Hendersonville City Council on matters related to a Walk of Fame. The Committee shall act in the following manner:

- Determine the logistics of establishing a Walk of Fame in downtown Hendersonville. The Walk of Fame will recognize outstanding contributors to the growth and development of Henderson County.
- Identify the disciplines for which people would be recognized. For example: agriculture, education, cultural arts, industry, government, health care, commerce and special services.
- Establish the qualifications for recognition within each of the identified disciplines.
- **The Steering Committee, excluding ex-officio members, shall serve as the selection committee with up to three additional members selected from community on an annual basis.**
- Establish the means of recognition
- Identify a means of establishing sponsorships/funding mechanisms for expenses related to the project.

III. MEMBERSHIP

- a. The Walk of Fame Steering Committee shall be comprised of five (5) voting members. Two (2) appointed by the Board of Commissioners, two (2) appointed by the Hendersonville City Council. The City of Hendersonville Public Works Director or their designee shall serve as a voting Ex-Officio Member.
- b. Terms shall be for a length of three years. In order to establish a staggering of the terms, the initial expiration dates of the membership shall be as follows:
 1. Position 1 – June 30, 2018 (Hendersonville)
 2. Position 2 – June 30, 2017 (Henderson County)
 3. Position 3 – June 30, 2016 (Hendersonville)
 4. Position 4 – June 30, 2018 (Henderson County)
 5. Position 5 – June 30, 2017 (Hendersonville)
- c. Any vacancy on the Committee shall be filled at the earliest convenience by the appointing authority.
- d. Members missing three (3) consecutive regular meeting in a calendar year will be subject to an appointment review by the appointing authority to determine is removal of the member is necessary or not, in light of the circumstances that are existing at that time.
- e. If for any reason a member must be replaced, the replacement member shall serve for the remainder of the unfilled term of the departing member.

IV. MEETINGS AND VOTING

Meetings shall be held at the time and place determined by the Walk of Fame Committee. Special meetings may be requested by the Chairman, or by a majority vote of the Committee. Written or phone notice of such a meeting shall be given to members at least three days prior to the meeting.

A quorum shall consist of the majority of members present at a meeting, and shall be considered an act of the Walk of Fame Committee.

Each member is entitled to one vote, with voting governed by parliamentary procedure according to Robert's Rules of Order.

All meetings shall be open to the general public.

V. OFFICERS

The Chair will preside over all meetings and decide all points of order and procedure. The Chair will be the official spokesperson of the Walk of Fame Committee.

The Committee will elect a Chair, Vice-Chair and other officers as deemed necessary. The Vice-Chair will carry out the Chair's duties in case of absence, incapacity, or resignation.

No member shall receive any salary or compensation for his or her services.

VI. DUTIES OF THE MEMBERS

The Walk of Fame Steering Committee must work within the following parameters:

- a. North Carolina Open Meetings and Public Records Laws
- b. Projects must ultimately be approved by both the Board of Commissioners and Hendersonville City Council.

The Committee will report to the Board of Commissioners, and Hendersonville City Council.

The Chairman shall have general supervision and control of the business and affairs of the Committee. Minutes shall be kept at all meetings, and be provided to the appointing authority upon request.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 7-20-17

Presenter: Susan G. Frady, Dev. Assistance Director

Date of Council Meeting to consider this item: 7-20-17

Nature of Item: Council Action

Summary of Information/Request:

Item # 05di

First Responder Recognition Day - 9/11

On July 20, 2017, the Special Events Committee met and reviewed an application from Henderson County Emergency Services sponsor of the First Responder Recognition Day - 9/11 Service. The service will be held on September 11, 2017 at 10:00 A.M.

Main Street will be closed between First and Second Avenue from 8:00 A.M. until 11:00 A.M. The parking spaces along the Historic Courthouse on each side will be closed in order to allow emergency vehicles that are in service to park in case they have an emergency call.

The Special Events Committee voted unanimously to recommend that Council approve the special event permit for the First Responder Recognition - 9/11.

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 that City Council approve the special event permit for the First Responder Recognition-9/11 event.

Attachments:



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 7-20-17

Presenter: Susan G. Frady

Date of Council Meeting to consider this item: 8-03-17

Nature of Item: Council Action

Summary of Information/Request:

Item # 05dii

7th Avenue Farmer's Market

On July 20, 2017, the Special Events Committee met and reviewed an application from Downtown 7th Avenue Advisory Committee sponsor of the 7th Avenue Farmer's Market. The event will be held on September 3, 2017 from 9:00 A.M. to 5:00 P.M. at the depot and along Maple Street. Maple Street will be closed from 7th Avenue to the bridge from 7:00 A.M. to 5:00 P.M.

The event will be an outdoor market featuring a variety of WNC farm-fresh produce. Meat, dairy, flowers, jams, jellies and will include local cider.

The Special Events Committee voted unanimously to recommend that Council approve the special event permit for the 7th Avenue Farmer's Market to include the sale of cider.

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 approve the special event permit for the 7th Avenue Farmer's Market.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 7-21-17

Presenter: Susan G. Frady, Development Asst Director

Date of Council Meeting to consider this item: 8-03-17

Nature of Item: Council Action

Summary of Information/Request:

Item # 05diii

Ville to Ville Craft Brew Relay

On July 20, 2017, the Special Events Committee met and reviewed an application from Ville to Ville Foundation sponsor of the Ville to Ville Craft Brew Relay. The event will be held on April 14, 2018 from 9 A.M. - 1 P.M. It is a 75 mile team running event from Asheville, N.C. to Greenville, S.C. through local craft breweries.

The Ville to Ville Craft Brew Relay will contribute to Hendersonville's cultural identity and vibrancy by providing a shared experience for a diverse group of people from around the country.

8th Avenue East from Locust to Maple Street will be closed from 9:00 A.M. to 1:00 P.M. for the exchange zone for runners.

The Special Events Committee voted unanimously to recommend that Council approve the special event permit for the Ville to Ville Craft Brew Relay.

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 approve the special event permit for the Ville to Ville Craft Brew Relay.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brian Pahle

Department: Admin

Date Submitted: 07/24/17

Presenter: Brian Pahle

Date of Council Meeting to consider this item: 08/03/17

Nature of Item: Council Action

Summary of Information/Request:

Item # 05e

A reimbursement resolution for the French Broad River Intake 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 FY17-18. 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 RESOLVED by the City Council 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 FRENCH BROAD RIVER INTAKE, ORDINANCE #17-0210 (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 **\$5,925,000.00**.

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 third day of August, 2017.

Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Rhonda Wiggins

Department: Utilities

Date Submitted:

Presenter: Lee Smith

Date of Council Meeting to consider this item: August 3, 2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 05fi

Water and Sewer Extension Request

Dodd Meadows - Phases 4 & 5

This project requires an extension of the City of Hendersonville's water and sewer system to provide service to additional phases of the existing Dodd Meadows Subdivision located along Volunteer Way. Phases 4 & 5 will serve a total of 33 homes.

Phase 4 will consist of 750' LF of 8" water line and 527 LF of 8" gravity sewer main and services.

Phase 5 will consist of 880' LF of 8" water line and 710 LF of 8" gravity sewer main and services.

This project is within the Zoning and Planning Jurisdiction of Henderson County, NC and is being considered for approval on their August 7, 2017 Commissioners meeting.

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

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

This project will be funded by the developer, Henderson County Habitat for Humanity of Hendersonville, NC.

Suggested Motion:

"I move to approve the request for extension of utility services pending Henderson County Commissioners approval on August 7th, 2017:"

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Rhonda Wiggins

Department: Utilities

Date Submitted:

Presenter: Lee Smith

Date of Council Meeting to consider this item: August 3, 2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 05fii

Water Extension Request - South Creek Cottages

This project requires an extension of the City of Hendersonville's water system to provide service to a proposed single family development. This extension will serve 21 residential lots.

1890 LF of 8" water line and three fire hydrants.

This project is within the Zoning and Planning Jurisdiction of Henderson County, NC and is being considered for approval on their August 7, 2017 Commissioners meeting.

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

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

This project will be funded by the developer, Henderson County Habitat for Humanity of Hendersonville, NC.

Suggested Motion:

I move to approve the request for extension of utility services pending Henderson County Commissioners approval on August 7th, 2017.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 7-24-17

Presenter: Susan G. Frady, Development Assist Directo

Date of Council Meeting to consider this item: 8-3-17

Nature of Item: Council Action

Summary of Information/Request:

Item # 05g

The City of Hendersonville has received a petition from Carolina Village for contiguous annexation of parcels 9579-08-6537, 9579-09-1625 and 9569-99-7294 containing approximately 19 acres located off of North Main Street. This annexation application is related to a special use permit. Please refer to the attached maps for additional information.

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

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 Carolina Village petition and set September 7, 2017 as the date for the public hearing.

Attachments:

Certificate of Sufficiency
Petition Requesting Annexation
Map

CERTIFICATE OF SUFFICENCY

**RE: Petition for Contiguous Annexation
Carolina Village
File No. P-17-31-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 parcels 9579-08-6537, 9579-09-1625 and 9569-99-7294 in Carolina Village.

- 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 14 day of July, 2017.

Tammie K. Drake

Tammie K. Drake, MMC, City Clerk



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

PETITION REQUESTING ANNEXATION

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

Date 5/4/17 Location / Property Address Multiple

List 10 digit PIN or 7 digit PID number 9579-08-6537, 9579-09-1625, 9569-99-7294

Does this property adjoin the present City Limits? YES NO

Is the property within the ETJ? YES NO

Reason for annexation The above listed parcels are included as part of a project for Carolina Village "Clear Creek Cottages", for which a separate Application for Special Use is being submitted.

Applicant Name Carolina Village, Inc.

Address 600 Carolina Village Rd , Hendersonville , NC 28792

Phone Fax Email

Property Owner: Name Carolina Village, Inc.

Address 600 Carolina Village Rd , Hendersonville , NC 28792

Signature *Kevin Parries*

Printed Name KEVIN PARRIES

Official Use: S.S.N BY *[Signature]* FEE RECEIVED \$ M/A

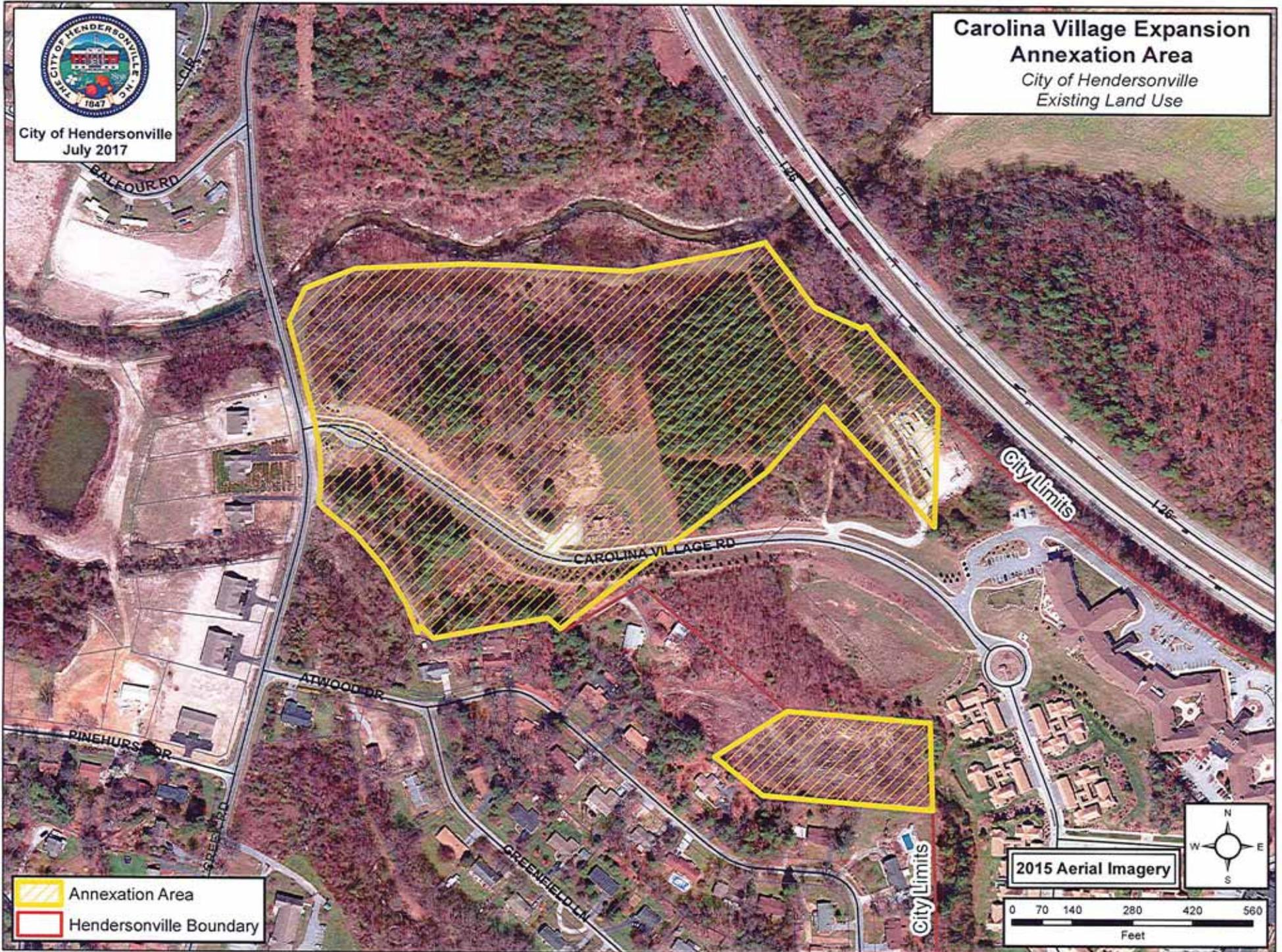
7-17-31 ANX



City of Hendersonville
July 2017

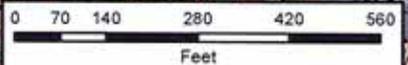
Carolina Village Expansion Annexation Area

City of Hendersonville
Existing Land Use



- Annexation Area
- Hendersonville Boundary

2015 Aerial Imagery





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brian Pahle

Department: Admin

Date Submitted: 07/21/17

Presenter: Brian Pahle

Date of Council Meeting to consider this item: 08/03/17

Nature of Item: Council Action

Summary of Information/Request:

Item # 05h

A policy entitled "Fire Department Half-Time Policy" proposed to create guidelines and procedures for the regular compensation of fire safety personnel, as it relates to overtime and actual hours worked. The policy establishes the methodology, the fluctuating workweek, by which the City will compensate fire safety personnel for "half-time". This methodology is set out by the United States Department of Labor in conjunction with the Fair Labor Standards Act (FLSA). This policy will establish a standard compensation methodology that will ensure consistent and accurate compensation for fire safety personnel.

Attached you will find a resolution, policy, and blog post on the subject.

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 to adopt the Fire Department Half-Time resolution and policy as presented.

Attachments:

See below...

A RESOLUTION TO ADOPT THE CITY OF HENDERSONVILLE FIRE DEPARTMENT HALF-TIME POLICY

WHEREAS, The Hendersonville City Council hereby establishes a policy to define the methodology for fire safety personnel half-time compensation, and

WHEREAS, the fluctuating workweek methodology will provide consistent and accurate compensation for fire safety personnel, and

WHEREAS, this policy will apply to shift personnel who are eligible for overtime compensation under the Fair Labor Standards Act (FLSA), and

WHEREAS, those applicable positions will abide by the fluctuating workweek methodology defined in the policy, and

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

Section 1. The City Council hereby adopts the City of Hendersonville Fire Department Half-Time Policy.

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

Adopted this third day of August 2017.

ATTEST:

Tammie K. Drake, MMC, City Clerk

Barbara G. Volk, Mayor

	CITY OF HENDERSONVILLE	Policy Number:	
		Adopted by Resolution Number:	
Policy Name:	Fire Department Half-Time Policy	Date Adopted by Council :	August 3 rd , 2017

I. Purpose

To establish a set of guidelines for the payment of regularly scheduled fire safety personnel in accordance with Fair Labor Standards Act (FLSA) procedures. It is the practice of the City to compensate fire safety personnel based on a fluctuating workweek method, which provides for the method of calculating overtime compensation when employees work hours that fluctuate from week to week. The fluctuating workweek methodology will provide consistent and accurate compensation for fire safety personnel.

II. Applicability

1. Full-time fire safety personnel will abide by the procedures set out in this policy.
2. Full-time fire safety personnel will include all positions working on a fluctuating workweek schedule.
3. The procedures in this policy do not apply to non-shift, administrative, and exempt employees.

III. Procedures

GENERAL GUIDELINES

The Fair Labor Standards Act (FLSA) has two exceptions from its overtime pay rules for non-exempt employees who work different numbers of hours from week to week:

1. The fluctuating workweek method
2. The section 207(k) exemption for law enforcement officers and firefighters

The United States Department of Labor sets out an explanation of circumstances, in section – 29 CFR § 778.114, under which employers may use an alternate method of calculating overtime when employees work hours that fluctuate from week to week. This method is called the “fluctuating workweek method”. It provides for the payment of an unchanging salary that compensates the employee for all hours worked that week regardless of whether the employee works fewer or greater than the normally scheduled working hours per week, and payment for overtime hours at a rate of one-half the employee’s regular rate of pay.

To use the fluctuating workweek method of payment, five requirements must be met:

1. the employee must work hours that fluctuate from week to week;
2. the employee must be paid a fixed salary that serves as compensation for all hours worked;
3. the fixed salary must be large enough to compensate the employee for all hours worked at a rate not less than the minimum wage;
4. the employee must be paid an additional one-half of the regular rate for all overtime hours worked; and

5. there must be a “clear *mutual* understanding” that the fixed salary is compensation for however many hours the employee may work in a particular week, rather than for a fixed number of hours per week.

An employer may only use the fluctuating workweek method if it has been made clear to the employee—before he or she works any hours under this payment method—that:

1. the fixed salary will be compensation for however many hours the employee works in a week and that the salary will not increase in weeks in which the employee works a greater number of hours, and
2. any hours over the normally scheduled working hours per week, will be compensated at one-half the regular rate for that week.

The United States Court of Appeals for the Fourth Circuit has made clear that employees do not have to “agree”—in the sense of “consent”—to the use of the fluctuating workweek method. They merely have to be told about its use.

CITY OF HENDERSONVILLE GUIDELINES

City of Hendersonville Fire Department shift personnel will be compensated based on the fluctuating workweek method. Under the fluctuating workweek method, the fixed salary is defined as compensation for all hours that an employee has worked in any workweek. That is, the payment of the salary is compensation at the regular rate of pay for all of the hours the employee works in that week, including overtime hours. The fixed salary will be compensated at 53 hours per week. For the hours below 53, the employee is compensated by the fixed salary and for hours over 53, the employee is compensated for the “time” in “time-and-one-half” the regular rate by the fixed salary. Since the City has already paid the employee the regular rate for all of the hours he or she has worked by payment of the salary, the City owes the employee only one-half of the regular rate for the hours over 53. Any additional shifts worked in the normal work week will be compensated at the normal overtime rate (time-and-one-half).

IV. Summary

Local government employers who have employees whose hours vary from week to week may choose to use the fluctuating workweek method of payment, but they do not have to. This method may be used to compensate dispatchers, emergency medical services personnel, law enforcement officers and firefighters, water and wastewater plant operators and any other positions where operating needs require scheduling that results in workweeks in which the number of hours worked changes from week to week. It may not be used for employees (law enforcement officers and firefighters) who are being compensated under the section 207(k) exemption.

Coates' Canons Blog: Understanding the Fair Labor Standards Act's Fluctuating Workweek

By Diane Juffras

Article: <https://canons.sog.unc.edu/understanding-the-fair-labor-standards-acts-fluctuating-workweek/>

This entry was posted on January 15, 2015 and is filed under Compensation & Benefits, Employment, Fair Labor Standards Act, General Local Government (Miscellaneous)

John is an EMS dispatcher whose hours vary unpredictably from week to week. John always works at least 40 hours per week, but some weeks John works 42 hours, some weeks he works 48 hours and occasionally he works close to 60. Ellen is a water plant operator who weekly hours vary as well, but they vary on a scheduled basis. Ellen works 32 hours every first and third week of the month and 48 hours every second and fourth week. Both John and Ellen are nonexempt employees. The city for which John and Ellen work pays cash overtime instead of using compensatory time off. Yet neither John nor Ellen earns overtime at the rate of time-and-one-half. Without violating the FLSA, the city pays both John and Ellen at just one-half their regular rate of pay for each hour over 40 that they work in a given work week. How can that be?

Background

The Fair Labor Standards Act (FLSA) requires employers to pay time-and-one-half the regular rate of pay for all hours over 40 that an employee works in a given week, unless the employee is “exempt.” That is, unless the employee meets either the executive, administrative or professional duties tests (for how to determine whether an employee is exempt or nonexempt under the FLSA, see my previous blog posts [here](#), [here](#), [here](#), [here](#) and [here](#)).

But for some employees, there is another way to go about it.

The Fluctuating Workweek Alternative

The text of the Fair Labor Standards Act itself says nothing about fluctuating workweeks, but the U.S. Department of Labor's regulations implementing the FLSA set out an entire section—[29 CFR § 778.114](#)—explaining the circumstances under which employers may use an alternate method of calculating overtime when employees work hours that fluctuate from week to week. This method is called the “fluctuating workweek method.” It provides for a) the payment of an unchanging salary that compensates the employee for all hours worked that week regardless of whether the employee works fewer or greater than 40 hours a week, and b) payment for overtime hours at a rate of one-half the employee's regular rate of pay.

To use the fluctuating workweek method of payment, five requirements must be met:

1. the employee must work hours that fluctuate from week to week;
2. the employee must be paid a fixed salary that serves as compensation for all hours worked;
3. the fixed salary must be large enough to compensate the employee for all hours worked at a rate not less than the minimum wage;
4. the employee must be paid an additional one-half of the regular rate for all overtime hours worked; and
5. there must be a “clear *mutual* understanding” that the fixed salary is compensation for however many hours the employee may work in a particular week, rather than for a fixed number of hours per week.

Let's look at each of the requirements in turn.

1. The Employee Must Work Fluctuating Hours.

The regulation says that this method of payment may be used for employees with “hours of work which fluctuate from week to week,” and that it is “typically” used to pay “employees who do not customarily work a regular schedule of hours.”

Nevertheless, nothing in the regulation *requires* that the employee's hours be unpredictable or unknowable in advance. Two federal Fourth Circuit Court of Appeals decisions make that clear. In both [Flood v. New Hanover County](#) and [Griffin v. Wake County](#), the court found that a work schedule in which the employee's hours varied on a regular, predictable basis satisfied the requirement that the employee's hour fluctuate from week to week.

In addition, nothing requires that the fluctuation include some weeks where the hours worked are fewer than 40 and some where the hours worked are greater than 40. All the regulation requires is that the employee's hours fluctuate from week to week. In the *Flood* case, the Fourth Circuit held that the employer could the fluctuating workweek method to compensate employees working a rotating schedule of 48.3, 56.3, 64.45 and 72.45 hours per week. The Seventh Circuit Court of Appeals reached a similar conclusion in the case [Condo v. Sysco Corp.](#)

Thus, in the example above, both John (who works unpredictable hours, but always more than 40 hours per week) and Ellen (whose schedule varies on a regular basis) may be compensated using the fluctuating workweek method of payment.

2. The Employee Must Be Paid a Fixed Salary.

The fluctuating workweek method of payment requires that the employer pay the employee a fixed salary for each week. The amount cannot vary based on the number of hours worked. In the example above, John, the EMS dispatcher, is paid \$675.00 week, while Ellen, the water plant operator, is paid \$800 per week. John is paid \$675.00 whether his work week is 42, 48 or 57 hours in any given week. Ellen is paid \$800.00 whether she is working one of the 32-hour weeks or one of the 48-hour weeks on her schedule. And, it should be noted, John's salary for a week would still be \$675.00 if, during that particular week, he worked only 30 hours for some reason.

3. The Rate Must Be At Least That of the Minimum Wage.

The salary used to compensate an employee under the fluctuating workweek method can be of any amount with only one proviso: the salary must be large enough that the regular rate—the amount found by dividing the fixed salary by the total number of hours worked in any week—is at least equal to the minimum wage. The regular rate of pay will vary due from week to week because the hours that the employee works fluctuate from week to week. Even in a week where John the dispatcher works 57 hours, his regular rate of pay remains above the minimum wage ($\$675.00 \div 57 = \$11.85/\text{hour}$).

4. Overtime Hours Are Compensated at One-Half the Regular Rate.

Under the fluctuating workweek method, the fixed salary is defined as compensation for *all* hours that an employee has worked in any workweek. That is, the payment of the salary is compensation at the regular rate of pay for all of the hours the employee works in that week, including overtime hours. In other words, for the hours below 40, the employee is compensated by the fixed salary and for hours over forty, the employee is compensated for the “time” in “time-and-one-half” the regular rate by the fixed salary. Since employer has already paid the employee the regular rate for all of the hours he or she has worked by payment of the salary, the employer owes the employee only one-half of the regular rate for the hours over 40.

Thus, if John, the EMS dispatcher, works 49.5 hours one week, his employer must pay him his fixed salary of \$675.00 and 9.5 hours of overtime pay at one-half his regular rate of pay for that week. On weeks during which Ellen, the water plant operator, works 32 hours, she receives her fixed salary of \$800.00 – no more and no less. On weeks in during which Ellen works 48 hours, her employer must pay her fixed salary of \$800.00 and 8 hours of overtime pay at one-half her regular rate of pay.

5. Employer and Employee Must Have a “Clear, Mutual Understanding” That the Salary Is for All Hours Worked, Not for a Specified Number of Hours.

Usually, when an employer pays a nonexempt employee on a salaried basis (for a discussion of what “salary basis” means, see [here](#)), employer and employee understand that the salary is meant to compensate the employee for a regular schedule with a fixed set of hours. An employer may only use the fluctuating workweek method only if it has been made clear to the employee—before he or she works any hours under this payment method—that a) the fixed salary will be compensation for however many hours the employee works in a week and that the salary will not increase in weeks in which the employee works a greater number of hours; and b) any hours over 40 will be compensated at one-half the

regular rate for that week.

[The Fourth Circuit](#) has made clear that employees do not have to “agree”—in the sense of “consent”—to the use of the fluctuating workweek method. They merely have to be told about its use.

Why Use the Fluctuating Workweek Method?

For most employers, the primary reason for using the fluctuating workweek method is to reduce overtime costs. The U.S. Department of Labor and the federal courts take pains to emphasize that the fluctuating workweek method is not an exception to the overtime rule, but is merely an alternative method of paying overtime. Theoretically, an employer using the fluctuating workweek method is already paying some of the costs of overtime upfront in the fixed salary and neither employer nor employee is receiving a break or being cheated.

In reality, however, employers pay only a third (one-half of the regular rate) of the additional amount that must be paid to a nonexempt employee working more than 40 hours a week. Where overtime hours are unpredictable, this reduces the amount of potentially unbudgeted overtime liability. Because the regular rate is calculated anew each week based on the total number of straight and overtime hours worked that week, the cost of overtime to the employer goes down the greater the number of overtime hours an employee works.

From an employee’s perspective, on the other hand, it looks like the greater the number of hours worked, the less the employee is paid. Not surprisingly, the fluctuating workweek is not popular for employees who work a substantial amount of overtime. For those employees who work fewer than 40 hours a week on a recurring basis, however, the fluctuating workweek can provide a more predictable income.

Conclusion

Local government employers who have employees whose hours vary from week to week may choose to use the fluctuating workweek method of payment, but they do not have to. This method may be used to compensate dispatchers, emergency medical services personnel, law enforcement officers and firefighters, water and wastewater plant operators and any other positions where operating needs require scheduling that results in workweeks in which the number of hours worked changes from week to week. It may not be used for employees (law enforcement officers and firefighters) who are being compensated under the section 207(k) exemption.

Links

- www.law.cornell.edu/cfr/text/29/778.114
- openjurist.org/125/f3d/249/flood-v-new-hanover-county
- openjurist.org/142/f3d/712/griffin-v-wake-county
- openjurist.org/1/f3d/599/condo-v-sysco-corporation



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brian Pahle/Jennifer Harrell

Department: Admin

Date Submitted: 07/25/17

Presenter: Brian Pahle/Jennifer Harrell

Date of Council Meeting to consider this item: 08/03/17

Nature of Item: Council Action

Summary of Information/Request:

Item # 05i

A revision to the personnel policy to adjust the manner in which compensatory time may be taken. After the pay and classification study a provision was added requiring compensatory time be used prior to the use of vacation, sick, or holiday leave. Staff feels that this provision is above and beyond what is needed to ensure that compensatory time is managed in a proper manner. Other provisions require the payment of compensatory time at year-end and no employee (except public safety personnel) may accrue more than 40 hours (48 for public safety) of compensatory time. Staff is confident that these provisions are adequate. It is recommended that the policy be revised to remove the requirement that compensatory time be used prior to sick, vacation, or holiday.

Revisions are on pages 7, 30, and 32 of the attached policy.

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 personnel policy as presented.

Attachments:

See below...

**CITY OF HENDERSONVILLE
PERSONNEL POLICY**

BE IT RESOLVED by the City Council of the City of Hendersonville that the following policies apply to the appointment, classification, benefits, salary, promotion, demotion, dismissal, and conditions of employment of the employees of the City of Hendersonville.

Table of Contents

ARTICLE I. GENERAL PROVISIONS.....	5
Section 1. Purpose of the Policy	5
Section 2. At Will Employment	5
Section 3. Merit Principle	5
Section 4. Responsibilities of the City Council	5
Section 5. Responsibilities of the City Manager	5
Section 6. Responsibilities of the Human Resources Director	6
Section 7. Application of Policies, Plan, Rules, and Regulations	7
Section 8. Departmental Rules and Regulations.....	7
Section 9. Definitions	7
ARTICLE II. POSITION CLASSIFICATION PLAN	9
Section 1. Purpose.....	9
Section 2. Composition of the Position Classification Plan	9
Section 3. Use of the Position Classification Plan.....	9
Section 4. Administration of the Position Classification Plan	9
Section 5. Authorization of New Positions and the Position Classification Plan.....	10
Section 6. Request for Reclassification.....	10
ARTICLE III. THE PAY PLAN	11
Section 1. Definition	11
Section 2. Administration and Maintenance	11
Section 3. Starting Salaries.....	11
Section 4. Trainee Designation and Provisions.....	12
Section 5. Probationary Pay Increases	12
Section 6. Merit Pay	12
Section 7. Merit Pay Bonus.....	12
Section 8. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications.....	12
Section 9. Salary Effect of Salary Range Revisions.....	13
Section 10. Transition to a New Salary Plan	14
Section 11. Effective Date of Salary Changes	14
Section 12. Overtime Pay Provisions	14
Section 13. Compensatory Time (Comp Time)	15
Section 14. Call-back and Stand-by Pay.....	15
Section 15. Payroll Deduction	15

Section 16. Hourly Rate of Pay	16
Section 17. Longevity Pay	16
Section 18. Pay for Interim Assignments in a Higher-Level Classification	16
ARTICLE IV. RECRUITMENT AND EMPLOYMENT	17
Section 1. Equal Employment Opportunity Policy	17
Section 2. Implementation of Equal Employment Opportunity Policy	17
Section 3. Recruitment, Selection and Appointment	17
Section 4. Probationary Period	18
Section 5. Promotion	18
Section 6. Demotion and Reassignment	19
Section 7. Transfer	19
ARTICLE V. CONDITIONS OF EMPLOYMENT	20
Section 1. Work Schedule	20
Section 2. Political Activity	20
Section 3. Outside Employment	20
Section 4. Dual Employment	21
Section 5. Employment of Relatives	21
Section 6. Harassment Prohibited	22
Section 7. Solicitation and Acceptance of Gifts and Favors	22
Section 8. Performance Evaluation	22
Section 9. Safety	23
Section 10. Substance Abuse Policy	23
Section 11. Disruption of the Work Place	23
Section 12. Attendance	23
ARTICLE VI. EMPLOYEE BENEFITS	24
Section 1. Eligibility	24
Section 2. Group Health and Hospitalization Insurance	24
Section 3. Group Life Insurance	24
Section 4. Other Optional Group Insurance Plans	24
Section 5. Retirement	25
Section 6. Supplemental Retirement Benefits	25
Section 7. Social Security	25
Section 8. Workers' Compensation	25
Section 9. Unemployment Compensation	26
Section 10. Tuition Assistance Program	26
Section 11. Law Enforcement Separation Allowance	26
ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE	28
Section 1. Policy	28
Section 2. Holidays	28
Section 3. Holidays: Effect on Other Types of Leave	28
Section 4. Holidays: Compensation When Work is Required or Regularly Scheduled Off for Shift Personnel	28
Section 5. Vacation Leave	28
Section 6. Vacation Leave: Use by Probationary Employees	29
Section 7. Vacation Leave: Accrual Rate	29
Section 8. Vacation Leave: Maximum Accumulation	29

Section 9. Vacation Leave: Manner of Taking	30
Section 10. Vacation Leave: Payment upon Separation	30
Section 11. Vacation Leave: Payment upon Death.....	30
Section 12. Sick Leave.....	30
Section 13. Sick Leave: Accrual Rate and Accumulation.....	31
Section 14. Transfer of Sick Leave from Previous Employer	31
Section 15. Sick Leave: Medical Certification	31
Section 16. Leave Pro-rated	31
Section 17. Funeral Leave	32
Section 18. Leave Without Pay	32
Section 19. Family and Medical Leave.....	32
Section 20. Workers' Compensation Leave	34
Section 21. Return to Work.....	35
Section 22. Military Leave	36
Section 23. Reinstatement Following Military Service.....	37
Section 24. Civil Leave.....	37
Section 25. Parental School Leave	37
ARTICLE VIII. SEPARATION AND REINSTATEMENT.....	38
Section 1. Types of Separations	38
Section 2. Resignation	38
Section 3. Reduction in Force	38
Section 4. Disability	38
Section 5. Voluntary Retirement	39
Section 6. Death.....	39
Section 7. Dismissal.....	39
Section 8. Reinstatement	39
Section 9. Rehiring.....	39
ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT	40
Section 1. Disciplinary Action for Unsatisfactory Job Performance.....	40
Section 2. Unsatisfactory Job Performance Defined.....	40
Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance	41
Section 4. Disciplinary Action for Detrimental Personal Conduct.....	41
Section 5. Detrimental Personal Conduct Defined.....	41
Section 6. Possible Dismissal: Notice and Hearing.....	42
Section 7. Non-Disciplinary Suspension	43
ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL.....	43
Section 1. Policy.....	43
Section 2. Grievance Defined	44
Section 3. Purposes of the Grievance Procedure	44
Section 4. Procedure.....	44
Section 5. Role of the Human Resources Director.....	45
Section 6. Grievance and Adverse Action Appeal Procedure for Discrimination	46
ARTICLE XI. RECORDS AND REPORTS.....	46
Section 1. Public Information	46

Section 2. Access to Confidential Records 47
Section 3. Personnel Actions 48
Section 4. Records of Former Employees..... 48
Section 5. Remedies of Employees Objecting to Material in File 48
Section 6. Penalties for Permitting Access to Confidential Records 48
Section 7. Examining and/or Copying Confidential Material without Authorization 48
Section 8. Destruction of Records Regulated 49
ARTICLE XII. IMPLEMENTATION OF POLICIES 49
Section 1. Conflicting Policies Repealed..... 49
Section 2. Severability..... 49
Section 3. Effective Date..... 49
Section 4. Amendments 49

ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose of the Policy

It is the purpose of this policy and the rules and regulations set forth to establish a fair and uniform system of personnel administration for all employees of the City under the supervision of the City Manager. This policy is established under authority of Chapter 160A, Article 7, of the General Statutes of North Carolina.

Section 2. At Will Employment

The employment relationship between the City and the employee is terminable at the will of either at any time and with or without cause and with or without notice. No employee, officer or representative of the City has any authority to enter into any agreement or representation, verbally or in writing, which alters, amends, or contradicts this provision or the provisions in these policies.

Section 3. Merit Principle

All appointments and promotions shall be made solely on the basis of merit. No applicant for employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual's race, color, religion, sex, national origin, political affiliation, non-disqualifying disability, marital status, veteran status or age.

Section 4. Responsibilities of the City Council

The City Council shall be responsible for establishing and approving personnel policies, the position classification and pay plan, and may change the policies and benefits as necessary. They also shall make and confirm appointments when so specified by the general statutes.

Section 5. Responsibilities of the City Manager

The City Manager shall be accountable to the City Council for the administration and technical direction of the personnel program. The City Manager shall appoint, suspend, and remove all City employees except those whose appointment is otherwise provided for by law. The City Manager shall make appointments, dismissals and suspensions in accordance with the City charter and other policies and procedures spelled out in other Articles in this Policy.

The City Manager shall supervise or participate in:

- a) Recommending rules and revisions to the personnel system to the City Council for consideration;
- b) Making changes as necessary to maintain an up to date and accurate position classification plan;

- c) Preparing and recommending necessary revisions to the pay plan;
- d) Determining which employees shall be subject to the overtime provisions of FLSA;
- e) Developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City;
- f) Performing such other duties as may be assigned by the City Council not inconsistent with this Policy; and
- g) Appointing an employee to the role of Human Resources Director.

Section 6. Responsibilities of the Human Resources Director

The responsibilities of the Human Resources Director are to make recommendations to the City Manager on the following:

- a) Recommending rules and revisions to the personnel system to the City Manager for consideration;
- b) Recommending changes as necessary to maintain an up to date and accurate position classification plan;
- c) Recommending necessary revisions to the pay plan;
- d) Recommending which employees shall be subject to the overtime provisions of FLSA;
- e) Maintaining a roster of all persons in the municipal service
- f) Establishing and maintaining a list of authorized positions in the municipal service at the beginning of each budget year which identifies each authorized position, class title of position, salary range, any changes in class title and status, position number and other such data as may be desirable or useful;
- g) Developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City;
- h) Developing and coordinating training and educational programs for City employees;
- i) Periodically investigating the operation and effect of the personnel provisions of this Policy; and
- j) Performing such other duties as may be assigned by the City Manager not inconsistent with this Policy.

Section 7. Application of Policies, Plan, Rules, and Regulations

The personnel policy and all rules and regulations adopted pursuant thereto shall apply to all City employees. The City Manager, City Attorney, members of the City Council and advisory boards and commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated.

Section 8. Departmental Rules and Regulations

Because of the particular personnel and operational requirements of the various departments of the City, each department is authorized to establish supplemental written rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to the approval of the City Manager, and shall not in any way conflict with the provisions of this Policy, but shall be considered as a supplement to this Policy.

Section 9. Definitions

For the purposes of this Policy, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Adverse Action. A demotion, dismissal, reduction in pay, layoff, suspension, or an involuntary transfer.

Allocated Position. An allocated position is authorized as a regular position by the City Council. Regular allocated positions are assigned a specific job title, salary grade, salary range, duties, and minimum qualifications. Appointments to allocated positions are made through a competitive selection process. All City positions are subject to budget review and approval each year by the City Council.

Compensatory Time (Comp Time). Under the Fair Labor Standards Act (FLSA) local governments may, at their discretion, compensate employees in time off rather than pay when employees work more than the standard workweek or work period hours for their classification (40 hours in a 7-day period; 171 hours for police and 212 hours for fire personnel in a 28-day cycle). The Comp Time is earned at the rate of one and one-half hours for each hour, or portion thereof, worked beyond the above stated standard workweek or work period hours. ~~During any absence, employees are required to use any accrued Comp Time hours prior to the use of any vacation, sick or holiday leave.~~

Continuous Service. Years of regular service with the City of Hendersonville without a termination and rehire of employment. This does not include Family and Medical leaves of absence or eligible Military Leave under the Uniformed Services Employment and Reemployment Rights Act (USERRA). Continuous service in regards to the Health Insurance for Retirees only includes full-time, regular employees.

Full-time employee. An employee who is in a position for which an average work week equals at least 35 hours, and continuous employment of at least 12 months, are required by the City.

Grievance. A claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment expectations.

Part-time employee. An employee who is in a position for which an average work week of at least 20 hours and less than 35 hours and continuous employment of at least 12 months are required by the City.

Probationary Employee. A person appointed to an allocated position who has not yet successfully completed the designated probationary period. A probationary employee may be rejected, dismissed, demoted or suspended without the right to appeal. An employee who successfully completes the probationary period will be considered a regular employee of the City.

Probationary Period. The initial six (6) months (12 months for Sworn Law Enforcement Officers and Fire Fighters) of employment or promotion representing the period of observable work performance to determine the suitability and ability of the employee to satisfactorily perform the duties and responsibilities of the position. The Probationary Period may be extended up to an additional six (6) months but shall not exceed twelve (12) months (18 months for Sworn Law Enforcement Officers and Fire Fighters).

Reclassification. When, due to substantial and permanent changes, the majority of job duties, complexities and/or knowledge and skills required in a position are determined to be at a higher (or lower) classification level than the current level of the position, the position may be eligible for reclassification review. Changes in the nature, variety and complexity of job duties, the supervision received or supervision exercised, or the responsibility for staff and/or resources, may justify a reclassification review. Changes in the volume of work assigned, or an employee's performance, are not considered justification for a reclassification.

Regular employee. An employee appointed to a regular full or part-time position who has successfully completed the designated probationary period.

Regular position. A position authorized for the fiscal year for a full twelve months and budgeted for twenty or more hours per week. All City positions are subject to budget review and approval each year by the City Council and all employees' work and conduct must meet City standards.

Temporary Employee. A person hired by the City to perform additional, extra or special project assignment. May work on a seasonal or short-term basis. Temporary employees are paid on an hourly basis for hours actually worked and cannot work more than 25 hours, on average, in a workweek. They are not eligible for benefits except those mandated by State and Federal government. The temporary employee or the City can, at any time or for any reason, terminate the employment relationship.

Trainee. An employee status when an applicant is hired (or employee promoted) who does not meet all of the requirements for the position. During the duration of a trainee appointment, the employee is on probationary status.

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Purpose.

The position classification plan provides a complete inventory of all authorized and allocated positions in the City service, and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities.

Section 2. Composition of the Position Classification Plan

The classification plan shall consist of:

- a) A grouping of positions in classes which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
- b) Class titles descriptive of the work of the class;
- c) Written specifications for each class of positions; and
- d) An allocation list showing the class title of each position in its assigned pay grade.

Section 3. Use of the Position Classification Plan

The classification plan is to be used:

- a) In determining lines of promotion and in developing employee training programs;
- b) In determining salary to be paid for various types of work;
- c) In determining personnel costs in departmental budgets; and
- d) In providing uniform job terminology.

Section 4. Administration of the Position Classification Plan

The Human Resources Director shall allocate each position covered by the classification plan to its appropriate class, and shall be responsible for the administration of the position classification plan. The Human Resources Director shall periodically review portions of the classification plan and recommend appropriate changes to the City Manager.

Section 5. Authorization of New Positions and the Position Classification Plan

New positions shall be established upon recommendation of the City Manager and approval of the City Council. New positions shall be recommended to the City Council with a recommended class title after which the City Manager shall either allocate the new position into the appropriate existing class, or revise the position classification plan to establish a new class to which the new position may be allocated. The position classification plan, along with any new positions or classifications shall be approved by the City Council and on file with the Human Resources Director. Copies will be available to all City employees for review upon request.

Section 6. Request for Reclassification

When changes have occurred in a classification resulting in substantial and permanent changes in job duties, complexities, responsibilities and/or authorities, it is the responsibility of the Department Head to notify the Human Resources Director of such changes. Upon receipt of such notification, the Human Resources Director shall study the classification and make a determination regarding any changes in the essential functions. At the conclusion of the study the Human Resources Director shall recommend to the City Manager any necessary revision to the classification.

ARTICLE III. THE PAY PLAN

Section 1. Definition

The pay plan includes the basic salary schedule and the "Assignment of Classes to Grades" adopted by the City Council. Each position is assigned a classification title and each title is assigned to a salary grade with a specific salary range. Positions are assigned to grades within the pay plan based on the duties and responsibilities assigned. Positions with more complex tasks, more responsibility, or requiring more technical knowledge are assigned to higher salary grades than positions with lower responsibilities or knowledge requirements. Salary grade ranges are set based on two components: competitiveness with the market and internal equity with similar positions and occupational groups. The salary schedule consists of the minimum, midpoint and maximum rates of pay for all classes of positions, and a designation of the standard hours in the work week for each position.

Section 2. Administration and Maintenance

The City Manager, assisted by the Human Resources Director, shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate listed within the salary range established for the respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan.

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the City, and other factors. To this end, each budget year the Human Resources Officer shall make comparative studies of all factors affecting the level of salary ranges including the consumer price index, anticipated changes in surrounding employer plans, and other relevant factors, and will recommend to the City Manager such changes in salary ranges as appear to be pertinent. Such changes shall be made in the salary ranges such that the minimum rate, all intervening rates, and the maximum change according to the market. Periodically, the City Manager shall recommend that individual salary ranges be studied and adjusted as necessary to maintain market competitiveness. Such adjustments will be made by increasing or decreasing the assigned salary grade for the class and adjusting the rate of pay for employees in the class when the action is approved by the City Council.

Section 3. Starting Salaries

All persons employed in positions approved in the position classification plan shall be employed at the minimum rate for the classification in which they are employed; however, exceptionally well qualified applicants may be employed above the minimum rate of the established salary range upon recommendation of the Human Resources Director and approval of the City Manager. Such recommendation and approval may be based on such factors as exceptional qualifications of the applicant, shortage of qualified applicants, equal pay justification or operational need.

Section 4. Trainee Designation and Provisions

Applicants being considered for employment or City employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred by the City Manager to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the Department Head.

"Trainee" salaries shall be no more than two grades below the minimum salary rate established for the position for which the person is being trained. A new employee designated as "trainee" shall be regarded as being in a probationary period. However, probationary periods shall be no less than six months and trainee periods may extend from three to eighteen months. A trainee shall remain a probationary employee until the trainee period is satisfactorily completed.

If the training is not successfully completed to the satisfaction of the City Manager, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the minimum rate established for the position for which the employee was trained.

Section 5. Probationary Pay Increases

Employees hired or promoted into the minimum rate of the pay range shall receive a salary increase within the pay range of approximately 5% upon successful completion of the probationary period. Employees serving a twelve-month probationary period may be considered for this increase after six months of employment.

Section 6. Merit Pay

Upward movement within the established salary range for an employee is not automatic, but rather based upon specific performance-related criteria. Procedures for determining performance levels and performance pay increases or other performance-related movement within the range shall be established in procedures approved by the City Manager.

Section 7. Merit Pay Bonus

Employees who are at the maximum amount of the salary range for their position classification are eligible to be considered for a Merit Bonus at their regular performance evaluation time. Merit bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation and in the same amounts as employees who are within the salary range. Merit bonuses shall be awarded in lump sum payments and do not become part of base pay.

Section 8. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications

Promotions. A promotion is the movement of an employee to a position in a class assigned to a higher salary range. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility. When an employee is promoted, the employee's salary shall normally be advanced to the minimum rate of the new position, or to a salary which

provides an increase of at least approximately 5% over the employee's salary before the promotion, whichever is greater. In the event that an employee's salary is increased 5% but does not reach the probation completion amount for the position, that employee's salary shall be advanced to the probation completion amount upon successful completion of the probationary period. In the event of highly skilled and qualified employees, shortage of qualified applicants, or other reasons related to the merit principle of employment, the City Manager may set the salary at an appropriate rate in the range of the position to which the employee is promoted that best reflects the employee's qualifications for the job and relative worth to the City, taking into account the range of the position and relative qualifications of other employees in the same classification. In no event, however, shall the new salary exceed the maximum rate of the new salary range. In setting the promotion salary, the City shall consider internal comparisons with other employees in the same or similar jobs.

Demotions. Demotion is the involuntary movement of an employee from one position to a position in a class assigned to a lower salary range. When an employee is demoted to a position for which qualified, the salary shall be decreased at least 5%. Salaries of demoted employees may be no greater than the maximum of the new range.

Reassignments. A reassignment is defined as the voluntary movement to a position in a lower salary range. When an employee takes a reassignment, the salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employees' qualifications to perform the job and consistent with the placement of other employees within the same classification. Salary may be retained at the same level when this option does not create internal inequities with other employees in the same or similar job.

Transfers. The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall not be changed by the reassignment.

Reclassifications. A reclassification is a change in a position's salary grade and title due to substantial and permanent increases or decreases in job responsibilities, complexities, duties and authorities. An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of approximately 5% or an increase to the probation completion amount of the new pay range, whichever is higher.

If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.

Section 9. Salary Effect of Salary Range Revisions

A salary range revision is a change in the salary range or grade assigned to a specific class of positions. The change may be based upon increased salaries in the relevant labor market, recruitment and retention data or increased complexity in job content. When a class of positions is assigned to a higher salary range, employees in that class shall receive a pay increase of at least approximately 5%, or to the minimum rate of the new range, whichever is higher. When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum rate established for the new class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

Section 10. Transition to a New Salary Plan

The following principles shall govern the transition to a new salary plan:

- 1) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- 2) All employees being paid at a rate lower than the minimum rate established for their respective classes shall have their salaries raised at least to the new minimum rate for their classes. If the employee has passed probation, the employee's salary shall be advanced at least to the probation completion amount in the new range.
- 3) All employees being paid at a rate above the maximum rate established for their respective classes shall have their salaries maintained at that salary level with no increases until such time as the employees' salary range is increased above the employees' current salary.

Section 11. Effective Date of Salary Changes

Salary changes approved after the first working day of a pay period shall become effective at the beginning of the next pay period, or at such specific date as may be provided by procedures approved by the City Manager.

Section 12. Overtime Pay Provisions

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

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

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period; 171 hours for police and 212 hours for fire personnel in a 28-day cycle). Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event, will Comp. Time, vacation leave, sick leave, or holidays be included in the computation of hours worked for FLSA purposes.

Section 13. Compensatory Time (Comp Time)

Compensatory leave balances may not exceed 40 hours except for public safety employees (sworn police and firefighting employees) who may not accrue more than 48 hours. Any overtime worked after such maximum balances must be compensated in pay.

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

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

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

Section 14. Call-back and Stand-by Pay

The City provides a continuous twenty-four hour a day, seven day a week service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the City is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal by the City Manager.

Call-back. Non-exempt employees will be guaranteed a minimum payment of two hours of wages for being called back to work outside of normal working hours. "Call-back" provisions do not apply to previously scheduled overtime work (scheduled one or more days in advance).

Stand-by. Stand-by time is defined as that time when an employee must carry a pager or other communication device and must respond immediately to calls for service. Non-exempt employees required to be on "stand-by" duty will be paid for two hours of work for each day of stand-by time they serve. Hours actually worked while on stand-by are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week.

Section 15. Payroll Deduction

Deductions shall be made from each employee's salary, as required by law. Additional deductions may be made upon the request of the employee on determination by the City Manager as to capability of payroll equipment, associated increase in workload and appropriateness of the deduction.

Section 16. Hourly Rate of Pay

Employees working in a part-time or temporary capacity with the same duties as full-time employees will work at a rate in the same salary range as the full-time employees.

Section 17. Longevity Pay

Full-time and part-time employees of the City are compensated for years of continuous service by payment of a longevity supplement based on the following table. Employees shall receive longevity pay in the payroll that contains their anniversary date. Longevity pay shall reflect their continuous years of service as of their anniversary date according to the schedule listed in this section.

Longevity pay may be approved each fiscal year depending upon the financial conditions of the City and would not be considered a part of the annual base pay. Appropriate federal state, retirement, etc. deductions will be made.

Years of Service	Percentage of Annual Salary
5 to 9 Years	1.00%
10 to 14 Years	1.50%
15 to 20 Years	2.00%
20 or more Years	2.50%

Section 18. Pay for Interim Assignments in a Higher-Level Classification

An employee who is formally designated by the City Manager to perform the duties of a job that is assigned to a higher salary grade than that of the employee’s regular classification shall receive an increase for the duration of the Interim assignment. The employee shall receive a salary adjustment to the minimum level of the job in which the employee is acting or an increase of 5%, whichever is greater. The salary increase shall be temporary and upon completion of the assignment, the employee shall go back to the salary he or she would have had if not assigned in the Interim role, taking into account any increases the employee would have received if they had not been placed in the Interim role.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy

The City of Hendersonville fosters, maintains and promotes a consistent recruitment program to promote equal employment opportunity and to identify and attract the most qualified applicants for all vacancies. The City shall select employees on the basis of the applicant's qualifications for the job and award them with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to age, sex, race, color, religion, national origin, non-disqualifying disability, political affiliation, veteran status or marital status.

Section 2. Implementation of Equal Employment Opportunity Policy

All City employees responsible for recruitment and employment will continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related requirements is being actively observed and administered so that no employee or applicant for employment shall suffer discrimination because of age, sex, race, color, religion, non-disqualifying disability, national origin, political affiliation, veteran status or marital status. Notices with regard to equal employment matters shall be posted in conspicuous places on City premises in places where notices are customarily posted.

Section 3. Recruitment, Selection and Appointment

Recruitment Sources. When position vacancies occur, the Human Resources Department shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Open positions shall be advertised for a minimum of seven calendar days prior to any offer of employment being made. Information on job openings and hiring practices may be provided to a variety of recruitment sources, including professional organizations and news media. In addition, notice of vacancies shall be posted on the City's website and at designated conspicuous sites within departments if practical. Individuals shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that well-qualified applicants are obtained for City service. The North Carolina Division of Employment Security may be used as a recruitment source. In rare situations because of emergency conditions, high turnover, etc., the City may hire or promote without advertising jobs, upon approval of the City Manager.

Job Advertisements. Jobs will be advertised in local newspapers, professional publications, and other relevant publications in order to establish a diverse and qualified applicant pool. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

Application for Employment. All persons expressing interest in employment with the City shall be given the opportunity to file an application for employment for positions which are vacant.

Selection. Department Heads, with the assistance of the Human Resources Director shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position, including criminal history where job-related using the DCI when needed. All selection devices administered by the City shall be valid measures of job performance.

Appointment. Before any commitment is made to an applicant either internal or external, the Department Head shall make recommendations to the Human Resources Director including the salary to be paid, and the reasons for selecting the candidate over other candidates. The Human Resources Director and Department Head shall recommend approval of appointments and the starting salary for all applicants to the City Manager. The City Manager shall approve appointments and the starting salary for all applicants.

Section 4. Probationary Period

An employee appointed or promoted to a regular position shall serve a probationary period. Employees shall serve a six-month probationary period, except that employees in sworn police, entry level fire, and Department Head positions shall serve a twelve-month probationary period. Employees hired as “trainees” shall remain on probation until the provisions of their traineeship are satisfied. During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Employees serving twelve-month probationary periods shall have a review at the end of six months as well as before the end of twelve months.

Before the end of the probationary period, the supervisor shall conduct a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements. A summary of this discussion shall be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of six additional months.

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this policy.

A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed. Promoted and demoted employees who are on probation retain all other rights and benefits such as the right to use of the grievance procedures.

Section 5. Promotion

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. It is the City's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited of all applicants, that applicant shall be appointed to that position. The City will balance three goals in the employment process: 1) the benefits to employees and the organization of promotion from within; 2) providing equal employment opportunity and a diversified workforce to the community; and 3) obtaining the best possible employee who will provide the most productivity in that position. Therefore, except in rare situations where previous City experience is essential (such as promotions to Police Sergeant), or

exceptional qualifications of an internal candidate so indicate, the City will consider external and internal candidates rather than automatically promote from within. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Internal candidates shall apply for promotions using the same application process as external candidates.

Section 6. Demotion and Reassignment

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. Demotion may be voluntary or involuntary. A voluntary demotion may be called a "reassignment." An employee whose work or conduct in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such disciplinary demotion shall follow the disciplinary procedures outlined in this Policy.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a reassignment. A reassignment is not a disciplinary action and is made without using the above-referenced disciplinary procedures.

Section 7. Transfer

Transfer is the movement of an employee from one position to a position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The Department Head wishing to transfer an employee to a different department or classification shall make a recommendation through the Human Resources Director to the City Manager with the consent of the receiving Department Head. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this Policy. An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period.

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Schedule

Department Heads shall establish work schedules, with the approval of the City Manager which meet the operational needs of the department in the most cost effective manner possible.

Section 2. Political Activity

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States. However, no employee shall:

- a) Engage in any political or partisan activity while on duty;
- b) Use official authority of influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- c) Be required as a duty of employment or as condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
- d) Coerce or compel contributions from another employee of the City for political or partisan purposes;
- e) Use any supplies or equipment of the City for political or partisan purposes; or
- f) Be a candidate for nomination or election to office under the City Charter;

Any violation of this section shall subject the employee to disciplinary action including dismissal.

Section 3. Outside Employment

The work of the City shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commissions and all self-employment must be reported in advance to the employee's supervisor, who in turn will report it to the Department Head. The Department Head will review such employment for possible conflict of interest and then submit a record of the employment and review to the Human Resource Director for placement in the employee's personnel file. Conflicting or unreported outside employment are grounds for disciplinary action up to and including dismissal. Documentation of the disapproval or approval of outside employment will be placed in the employee's personnel file.

Examples of conflicts of interest in outside employment include but are not limited to:

- a) Employment with organizations or in capacities that are regulated by the employee or employee's department; or
- b) Employment with organizations or in capacities that negatively impact the employee's perceived integrity, neutrality, or reputation related to performance of the employee's City duties.

Employees are prohibited from performing outside employment while on Workers' Compensation Leave, Family and Medical Leave, or any Leave Without Pay status from City employment.

Section 4. Dual Employment

A full or part-time employee of the City may simultaneously hold another temporary position with the City if the temporary position is in a different department and clearly different program area from that of the full or part-time position. The work of the temporary position must also be performed on an occasional or sporadic basis as identified in Fair Labor Standards Act regulations. However, the work of the full or part-time position shall take precedence over the temporary position, and such temporary work will not count toward the calculation of overtime for pay or time off.

Section 5. Employment of Relatives

The City is committed to the highest standards of professional conduct and integrity and believes the familial relationships in the workplace can result in conflicts of interest, or an appearance of conflict of interest, and/or situations that might impair objective judgement or create a hostile work environment. Therefore, the City prohibits the hiring and employment of immediate family in regular positions within the same work unit. "Immediate Family" is defined in Article VII, Section 12. The City also prohibits the employment of any person into a regular position who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro Temp, City Council Member, City Manager, Finance Director, Human Resources Director, City Clerk, or City Attorney. Otherwise, the City will consider employing family members or related persons in the service of the City, provided that such employment does not:

- 1) Result in a relative supervising relatives;
- 2) Result in a relative auditing the work of a relative;
- 3) Create a conflict of interest with either relative and the City; or
- 4) Create the potential or perception of favoritism.
- 5) Romantic relationships between any employee and a direct or indirect supervisor or subordinate of that employee are prohibited

This provision shall not apply retroactively to anyone employed when the provision is adopted by the City.

Section 6. Harassment Prohibited

The City prohibits and will not tolerate sexual harassment or harassment on the basis of sex, race, color, religion, national origin, age, non-disqualifying disability, political affiliation, marital status or veteran status. Harassment complaints or allegations will be investigated promptly and where, it is determined that such inappropriate conduct occurred, the City will act immediately to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action up to and including dismissal.

Harassment is defined as conduct that culminates in tangible employment action or is sufficiently severe or pervasive to create a hostile work environment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment includes repeated offensive sexual remarks, continual or repeated comments about an individual's body and offensive sexual language.

Any employee who believes that he or she may have a complaint of harassment may follow the Grievance Procedure described in this Policy or may file the complaint directly with the Human Resources Director or Department Head who will immediately notify the City Manager. The employee may file the complaint directly with the City Manager if it involves a Department Head. The Human Resources Director will insure that an investigation is conducted into any allegation of harassment and advise the employee and appropriate management officials of the outcome of the investigation.

Employees who are found to be engaged in harassment are subject to disciplinary action up to and including dismissal. Employees making complaints of harassment are protected against retaliation from alleged harassers or other employees.

Section 7. Solicitation and Acceptance of Gifts and Favors

No official or employee of the City shall solicit or accept any gift, favor, or thing of value (more than \$50) that may tend to influence such employee in the discharge of the employee's duties, or grant in the discharge of duty an improper favor, service, or thing of value.

Section 8. Performance Evaluation

Supervisors and/or Department Heads shall conduct Performance Evaluation conferences with each regular employee at least once a year. These performance evaluations shall be documented in writing and placed in the employee's personnel file. Procedures for the performance evaluation program shall be published by the City Manager.

Section 9. Safety

Safety is the responsibility of both the City and employees. It is the policy of the City to establish a safe work environment for employees. The City shall establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods. Department Heads and supervisors are responsible for insuring the safe work procedures of all employees and providing necessary safety training programs. Employees shall follow the safety policies and procedures and attend safety training programs as a condition of employment. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

Section 10. Substance Abuse Policy

The City may establish policies and procedures related to employee substance abuse in order to insure the safety and well-being of citizens and employees, and to comply with any state, federal, or other laws and regulations. The City provides a drug free workplace for all employees.

Section 11. Disruption of the Work Place

The City has a responsibility to maintain a productive and professional work environment conducive to conducting the City's business. To that end, employees are expected to keep any work place disruptions and distractions to a minimum. This includes personal visits and phone calls, texting, receiving personal mail or packages, charitable solicitations, or other activities that distract an employee or coworkers from the work of the City. Supervisors will provide feedback to employees on any actions that are becoming distracting.

Section 12. Attendance

The City depends on employees to provide needed services every day. Regular attendance is mandatory and is part of the work standards for all jobs. Poor attendance can negatively affect performance evaluations or may lead to disciplinary action. Excessive absenteeism or a chronic attendance problem can lead to disciplinary action up to and including termination.

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

As an integral part of a comprehensive, competitive compensation program, the City offers a variety of benefits. Specific benefit programs will vary from time to time and the type, level, eligibility and cost of such programs are subject to change at any time at the sole discretion of the City. To that end, the City will periodically review each employee benefit and may, with or without notification, modify, delete or add benefits at its own discretion as may be deemed to be appropriate and necessary.

All full-time and part-time employees of the City are eligible for employee benefits, subject to any waiting period, as provided for in this Article which are subject to change at the City's discretion. Temporary employees are eligible only for workers' compensation and FICA.

Section 2. Group Health and Hospitalization Insurance

The City provides group health and hospitalization insurance programs for full-time employees and their families, and part-time employees.

Employees who are scheduled to work 30 hours or more per week on a continuous year-round basis may, if they so desire, purchase available group health through the City for themselves or for themselves and qualified dependents. A prorated amount of the cost of coverage paid for a full-time employee shall be paid by the City with the remainder of the cost being paid by the employee. This prorated amount shall be based on regularly scheduled hours.

Information concerning cost and benefits shall be available to all employees from the Human Resources Office.

Section 3. Group Life Insurance

The City may provide group life insurance for each employee subject to the stipulations of the insurance contract. Life insurance may be provided by the City in an amount approved by the City, subject to appropriation.

Section 4. Other Optional Group Insurance Plans

The City may make other group insurance plans available to employees upon authorization of the City Manager or City Council.

Section 5. Retirement

Each employee who is expected to work for the City more than 1,000 hours annually shall join the North Carolina Local Governmental Employees' Retirement System on the first day of employment as a condition of employment. New hires who are current members of the NC Local or State Government Employees Retirement Systems shall be covered under the retirement system by the City on their first day of employment.

Section 6. Supplemental Retirement Benefits

The City may provide 401(k) and 457 benefits for its regular full and part-time employees as a percentage of salary as designated by the City Council beginning on the first day of employment, subject to appropriation by the City Council.

Each sworn law enforcement officer shall receive 401(k) benefits as prescribed by North Carolina State Law and beginning on the first day of employment.

Section 7. Social Security

The City, to the extent of its lawful authority and power, has extended Social Security benefits for its eligible employees and eligible groups and classes of such employees.

Section 8. Workers' Compensation

All employees of the City (full-time, part-time, and temporary) are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken at once.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee, and such claims must be filed by the employee with the North Carolina Industrial Commission within two years from date of injury. The Department Head and the Human Resources Director will assist the employee in filing the claim.

This provision also applies to reactions to small pox vaccinations administered to City employees under Section 304 of the Homeland Security Act. Such reactions shall be treated the same as any other workers' compensation claim as regards leave and salary continuation.

Before returning to work, a statement from the attending physician must be submitted to the Human Resources Director giving permission for the employee to resume regular duties.

Upon return to work, the employee's salary will be computed on the basis of the last salary plus any salary increase to which the employee would have been entitled based upon performance and other compensation policies.

During the disability covered by Workers Compensation benefits, an employee continues to earn vacation leave, sick leave, and will retain all accumulated sick or vacation leave.

Employees may use sick leave, vacation and/or Comp Time during the waiting period before Workers' compensation benefits begin.

Section 9. Unemployment Compensation

In accordance with Public Law 94-566 and subsequent amendments, local governments are covered by unemployment insurance. City employees who are terminated due to a reduction in force or released from City service may apply for benefits through the local North Carolina Division of Employment Security office, where a determination of eligibility will be made.

Section 10. Tuition Assistance Program

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time, which will improve their skills for their current job or prepare them for promotional opportunities within the City service. Tuition, registration, fees, laboratory fees, and student fees are eligible expenses. Employees may be reimbursed for 50% of eligible expenses. Satisfactory completion of the courses will be required for reimbursement. Requests for tuition assistance shall be submitted to the Department Head prior to course registration and are subject to the review by the Human Resources Director and approval of City Manager, subject to availability of funds.

Section 11. Law Enforcement Separation Allowance

Every sworn law enforcement officer, as defined by N.C. Gen. Statute 128-21(11b) or N.C. Gen. Statute 143-166.50, of the City shall be eligible for a separation allowance, as provided by N.C. Gen. Statute 143-166.42, in the amount specified in N.C. Gen. Statute 143-166.41(a).

Eligibility and continuation of these benefits are subject to the following conditions:

- a. The officer shall have completed 30 or more year of creditable service, or have attained 55 years of age and completed five or more years of creditable service; and
- b. Not have attained 62 years of age;
- c. Have completed at least five years of continuous service as a law enforcement officer as herein defined with the City immediately preceding a service retirement, as defined by N.C. Gen. Statutes 143-166.41(a)(3) and 143-166.41(b).

Termination of these benefits happens:

- a. At death;
- b. On the last day of the month in which the officer attains 62 years of age; or
- c. Upon the first day of re-employment in any position in any local government in North Carolina.

Notwithstanding the provisions of subdivision (c) of this section, any North Carolina local government employer may employ retired officers in a public safety position in a capacity not requiring participation in the Local Governmental Employees' Retirement System, and doing so

shall not cause payment to cease to those officers under the provisions of this section. If any such retired law enforcement officer works 1000, or more, hours per year for a North Carolina Local Governmental Retirement System employer they shall be mandated to become members of that retirement system and; therefore, ineligible to continue receiving the Separation Allowance. Employment by any other North Carolina Retirement System employer shall not cause the retired officer to be ineligible. Any officer who is entitled to receive the special separation allowance from the City shall, within ten (10) days of any change in his/her employment status, report the same to the Human Resources Director.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

The policy of the City is to provide vacation leave, sick leave, and holiday leave to all full-time and part-time employees, and to provide proportionately equivalent amounts to employees having average work weeks of different lengths. Employees shall accrue leave proportionately with each payroll.

Section 2. Holidays

The City has adopted the State Holiday Schedule and, as such, the Human Resources Director shall publish that schedule prior to the beginning of each calendar year.

In order to receive a paid holiday, an employee must have worked the day before and the day after the holiday(s), or have been given approved leave.

Section 3. Holidays: Effect on Other Types of Leave

Regular holidays which occur during a vacation, sick or other leave period of any employee shall not be considered as vacation, sick, or other leave.

Section 4. Holidays: Compensation When Work is Required or Regularly Scheduled Off for Shift Personnel

Shift employees required to perform work on regularly scheduled holidays may be granted compensatory time off or paid for hours actually worked in addition to any holiday pay to which they are entitled. This compensatory time shall be granted whenever feasible. If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee shall receive the hours for paid holiday leave. Departments with employees working a shift schedule may elect to compensate those employees for working on the "true" holiday rather than the designated holiday.

Section 5. Vacation Leave

Vacation leave is intended to be used for rest and relaxation, school appointments, and other personal needs.

Vacation leave may also be used by employees who wish to observe religious holidays other than those granted by the City. Employees who wish to use leave for religious observances must request leave from their respective Department Heads. The Department Head will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave for religious observance may be denied only when granting the leave would create an undue hardship for the City.

Vacation Leave may be donated to other employees according to procedures published by the City Manager.

Section 6. Vacation Leave: Use by Probationary Employees

Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the first six months of employment unless approved in a pre-employment agreement.

Section 7. Vacation Leave: Accrual Rate

Each full and part-time employee of the City shall earn vacation at the following schedule, prorated by the average number of hours in the workweek (Section 16):

Years of Service	Accrual Rate (Days per Year)
0 – 2	10
3	11
4	12
5	13
6	14
7	15
8	15
9	16
10	16
11	17
12	17
13	18
14	18
15	19
16	19
17+	20

Section 8. Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until December 31 of each year. However, if the employee departs from service, payment for accumulated vacation leave shall not exceed 40 days prorated as shown in Section 16. Effective December 31st, any employee with more than 40 days of accumulated leave shall have the excess accumulation removed so that only 40 days are carried forward to January 1 of the next calendar year. Those hours, in excess of 40 days, shall be converted to the employee’s sick leave account. Employees are not eligible to receive pay for vacation time not taken.

Employees are cautioned not to retain excess accumulated vacation leave until late in the year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation.

Section 9. Vacation Leave: Manner of Taking

Employees shall be granted the use of earned vacation leave upon request in advance at those times designated by the Department Head which will least obstruct normal operations of the City. Department Heads are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation may be taken in one half (1/2 hour) increments. ~~Any accrued comp. time shall be used prior to the use of accrued vacation hours.~~

Section 10. Vacation Leave: Payment upon Separation

An employee who has successfully completed six months of the probationary period will normally be paid for accumulated vacation leave upon separation not to exceed 40 days prorated as shown in Section 16, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation.

Any employee failing to give and work the two-week notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the City Manager when deemed to be in the best interest of the City. Employees who are involuntarily separated shall be ineligible to receive and shall forfeit payment of any accrued vacation leave hours.

Section 11. Vacation Leave: Payment upon Death

The estate of an employee who dies while employed by the City shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed the maximums established in Section 8 of this Article.

Section 12. Sick Leave

Sick leave may be granted to a probationary or regular employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others. Sick leave may be taken in half-hour (30 minutes) increments. ~~Any accrued comp. time shall be used prior to the use of sick leave hours.~~

"Immediate family" shall be defined as spouse, child, parent, brother, sister, grandparent, grandchild, son-in-law, daughter-in-law, parent-in-law, brother or sister-in-law, aunt, uncle, of the employee or spouse or guardian of the employee. This also includes various combinations of "step", "half", and adopted relationships. Sick leave may be used when an employee must care for a member of his or her immediate family who is ill.

Sick leave may also be used to supplement Workers' Compensation Disability Leave during the waiting period before Workers' compensation benefits begin.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave or according to departmental procedures.

Section 13. Sick Leave: Accrual Rate and Accumulation

Sick leave shall accrue at a rate of one day per month of service or twelve days per year. Sick leave for full-time and part-time employees working other than the basic work schedule shall be prorated as described in Section 16 of this Article. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Governmental Employees' Retirement System.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the City, except as stated for employees retiring or terminated due to reduction in force.

In addition, employees hired before October 4, 2001, may receive a payment equal to 25% of the sick leave balance the employee had accrued as of September 28, 2001.

Section 14. Transfer of Sick Leave from Previous Employer

The City will accept sick leave balances when documented by a previous employer when the employee worked for a previous employer covered by the State or Local Government Retirement System and the employee did not withdraw accumulated contributions from that employer when leaving employment. The sick leave will be treated as though it were earned with the City of Hendersonville. The sick leave amount must be certified by the previous employer and it is the employee's responsibility to provide documentation from his or her previous employer within three (3) months of employment. Transferred sick leave will be credited to the employee upon completion of the probationary period.

Section 15. Sick Leave: Medical Certification

The employee's supervisor or Department Head may require a physician's certificate stating the nature of the employee's or employee's family member's illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a "pattern of absenteeism." The employee may be required to submit to such medical examination or inquiry as the Department Head deems desirable. The Department Head shall be responsible for the application of this provision to the end that:

- 1) Employees shall not be on duty when they might endanger their health or the health of other employees; and
- 2) There will be no abuse of leave privileges.

Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action up to and including dismissal.

Section 16. Leave Pro-rated

Holiday, annual, and sick leave earned by full-time and part-time employees with fewer or more hours than the basic work week (40 Hours) shall be determined by the following formula:

- 1) The number of hours worked by such employees shall be divided by the number of hours in the basic work week (40 Hours)

- 2) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic work week.
- 3) The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned, or divided by 26 shall be the number of hours of leave earned biweekly.

Section 17. Funeral Leave

Eligible employees scheduled to work eight (8) or twelve (12) hour shifts who have a death in the Immediate Family (as defined in Section 12 of this Article) are eligible to receive up to twenty-four (24) working hours of paid funeral leave. Eligible employees scheduled to work twenty-four (24) hour shifts are eligible to receive up to twenty-four (24) working hours paid funeral leave. Permanent part-time employees are eligible for leave, prorated by the average number of hours in the work week (Section 16). Any additional time or for deaths that are not covered by the Immediate Family designation, vacation leave or accrued compensatory time may be taken (~~accrued comp. time will be utilized prior to the use of vacation leave hours~~). Funeral leave pay cannot duplicate any other compensation of the same time period. The City may request documentation for this leave whenever there is a pattern of absenteeism demonstrated by the employee or for other reasons as needed.

Section 18. Leave Without Pay

A full or part-time employee may be granted a leave of absence without pay for a period of up to twelve months by the City Manager. The leave may be used for reasons of personal disability, sickness or disability of immediate family members, parental leave, continuation of education, special work that will permit the City to benefit by the experience gained or the work performed, or for other reasons deemed justified by the City Manager.

The employee shall apply in writing to the supervisor for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the City Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay. If the employee decides not to return to work, the supervisor shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation.

Section 19. Family and Medical Leave

The City provides up to 12 weeks of job-protected leave in accordance with the Family and Medical Leave Act of 1993 (FMLA). Under the FMLA, eligible employees may be granted up to a total of 12 weeks of unpaid leave per 12-month period, as determined below, for any of the following reasons:

- 1) For incapacity due to pregnancy, prenatal medical care or child birth;
- 2) To care for the employee's child after birth, or placement for adoption or foster care;
- 3) To care for employee's spouse, son or daughter (under age 18 or incapable of self-care due to disability) parent (in-laws not included), with a serious health condition, as defined by FMLA;
- 4) For a serious health condition, as defined by FMLA, that renders employee unable to perform the job.

- 5) For qualifying exigency arising out of the fact that the spouse, child, or parent of the employee is on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation.

Service member Family Leave

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty and is receiving medical treatment, recuperating or undergoing therapy for a serious injury or illness. In contrast to all other FMLA leaves, service member family leave may be taken only once and does not again become available with the start of a new FMLA year. An employee may not take more than a combined total of 26 workweeks of leave in any year in which he or she uses service member family leave. The same eligibility, leave usage, and medical certification requirements apply to service member family leave as apply to all other FMLA leaves.

Eligible employees

To qualify for FMLA coverage, the employee must have worked for the City of Hendersonville 12 months or 52 weeks; these do not have to be consecutive. However, the employee must have worked 1,250 hours during the twelve-month period immediately before the date when the FMLA time begins. Under the Uniformed Services Employment and Reemployment Rights Act (USERRA) an employee ordered to active military duty is eligible for FMLA if the employee would have otherwise been qualified had it not been for the active military duty.

Leave

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. The request for the use of leave must be made in writing by the employee and approved by the City Manager. The FMLA permits, and the City of Hendersonville requires, that while utilizing FMLA leave employees exhaust all accrued paid sick leave first, then vacation leave, and lastly earned compensatory time before being granted unpaid leave. Additional time away from the job beyond the 12-week period may be approved in accordance with the City's Leave Without Pay policy. Any use of sick leave beyond two weeks is required to be submitted as Family and Medical Leave. Family Medical Leave runs concurrently with other types of leave including sick leave/disability, voluntary shared leave, and worker's compensation. An employee ceases to earn leave credits on the date leave without pay begins. An employee is prohibited from moonlighting or performing other outside work during any kind of leave including FMLA leave.

12-Month Period

For the purposes of determining available leave, the 12-month period during which employees may be eligible for leave will be calculated on a rolling leave year looking forward 12 months from the date an employee begins FMLA leave.

Medical Certification

The City may require medical certification to assess FMLA eligibility, as well as updates at reasonable intervals for continued certification. Employees are responsible for paying for the certification or re-certification. The City, at its own cost, may also require the employee to get a second or third opinion from a physician designated by the City. Failure to provide adequate information within 15 calendar days, may result in denial of leave. The employee is expected to return to work at the end of the time frame stated in the medical certification, unless he/she has requested additional time in writing under the City's Leave Without Pay policy. The City requires a physician's statement certifying an employee's ability to return to work prior to returning from medical leave. An employee who does not return to work within three working days after their FMLA expires will be considered to have resigned their position.

Spouse's Combined Leave

If both spouses work for the City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (not parent-in-law) with a serious health condition, the spouses together may only take a total of 12 weeks leave during the 12-month period under FMLA. The request for the use of leave must be made in writing by the employee and approved by the Department Head or City Manager.

Benefits Continuation

The City will continue to provide health care benefits; however, the employee will be responsible for paying his/her portion of the premium for dependent coverage if applicable. Other insurance and payroll deductions (i.e. dental, flex, etc.) are the responsibility of the employee and the employee must make those payments. Failure to pay premiums may result in loss of coverage. Under federal regulations, the City has the right to recover the insurance premiums if the employee fails to return to work for reasons other than the inability of the employee to work.

Reinstatement

Under most circumstances, employees who return to work immediately after the expiration of this leave and who do not exceed the amount of leave permitted under the FMLA, will be reinstated to either the same or equivalent job. If the twelve or twenty-six weeks of this leave are exhausted and the employee has not returned to work, the City will determine if the employee will be reinstated.

Section 20. Workers' Compensation Leave

Under the North Carolina Workers' Compensation Act, employees may be compensated for absence from work due to injury or illness covered by the Act, subject to the following leave provisions:

- 1) There is a mandatory 7 calendar day waiting period before Workers' Compensation salary benefits begin. For this waiting period, employees may use accrued compensatory time, sick or vacation leave.
- 2) Beginning on the 8th calendar day following the injury or illness, employees who have not returned to work shall be placed in a Workers' Compensation Leave Without Pay status until their return to work. Accrued leave cannot be used while in Leave Without Pay status.
- 3) Employees in leave without pay status will retain all accumulated compensatory time, sick and vacation leave while receiving Workers' Compensation benefits. An employee on Workers' Compensation leave may be permitted to continue to be eligible for benefits under the City's group insurance plans.
- 4) Upon reinstatement, an employee's salary will be computed on the basis of the last salary plus any salary increase to which the employee would have been entitled during the absence covered by Workers' Compensation benefits.
- 5) After returning to work, employees shall be required to use sick or vacation leave for any additional absences for doctor visits, physical therapy, and other required medical care except where any full or partial workday absence may be eligible for Workers' Compensation payment.
- 6) Any period of leave for a Workers' Compensation disability that qualifies as a "serious health condition" under the Family and Medical Leave Act (FMLA), will run concurrently with FMLA leave.

- 7) The City of Hendersonville's personnel policies shall continue to apply to an employee on Workers' Compensation leave in the same manner as they would apply to an employee who continues to work, or is absent while on some other form of leave.
- 8) An employee is prohibited from moonlighting or performing other outside work during any kind of leave including workers' compensation leave.
- 9) After a one-year (52-week) leave of absence on Workers' Compensation leave, employment with the City will be terminated to allow the City to fill the position. The employee will be eligible for rehire and given priority for qualified job openings upon a physician's statement certifying the employee's ability to return to work. The City reserves the right to separate the employee prior to 52-weeks.
- 10) During a period of leave under the Workers' Compensation Act, the employee remains responsible for paying for any voluntary benefits, or dependent benefits, at the same cost and at the same time as if the employee were still working. Failure to make timely payments will result in the cancelation of the voluntary benefit or dependent benefits coverage.

Section 21. Return to Work

Before an employee may return to work from an injury at full or light duty, the employee must provide a physician's note to Human Resources Director indicating that he/she is released and capable of resuming duties, and what, if any restrictions are in place.

If the employee retains some temporary disability after Workers' Compensation leave, which prevents successful performance in his/her original position, efforts will be made to place the employee in a Modified Duty assignment. A Modified Duty assignment is a temporary position to which an employee is assigned when he/she is unable to return to his/her regular position following an on-the-job injury or illness. The modified duty assignment temporarily addresses the restrictions placed on the employee by the treating physician. For work to be considered suitable modified employment, the following conditions must be met:

- 1) The employee must meet the required qualifications for the modified duty assignment,
- 2) The work must be a meaningful and productive part of the department's operations,
- 3) The work must conform to the medical restrictions set by the medical care provider, and
- 4) The modified duty assignment and/or modified work schedule cannot exceed ninety calendar days.

If the employee's regular department is unable to meet the employee's need for modified duty, the employee's department is responsible for payment of the employee's salary and benefits while performing a Modified Duty position in a different department that has been able to meet the employee's needs. The employee placed in a Modified Duty position will be paid a salary that is equivalent to the salary of other employees holding the same position. The City cannot guarantee placement and is under no obligation to offer or create any specific position for purposes of offering placement.

An employee may choose to accept or refuse the Return to Work (modified duty) job offer. However, an employee who refuses a Modified Duty job offer is subject to termination. Rejection of

the job offer might also result in cancellation of income benefits under Workers' Compensation Insurance.

If an employee is unable to return to work at full duty after 90 calendar days, he/she may request a continuation of Modified Duty not to exceed a total of 180 calendar days in a modified capacity. Approval beyond 90 calendar days will be based upon the assessment of the employee's ability to return to full duty within the immediate future. An employee requesting an extension beyond 90 calendar days must submit updated information from the treating physician. The City reserves the right to consider a separation of employment for any employee who is out on Workers' Compensation leave for an extended period of time thus causing hardship for the department.

Section 22. Military Leave

In accordance with federal and state laws, the City provides military leave to employees who are members of a United States Armed Forces Reserve organization or National Guard for absences to perform military duty, whether voluntary or involuntary. Absences to perform any military duty (including active duty, active duty training, inactive duty training such as scheduled drills and summer camp, full-time National Guard federal duty, fitness-for-duty examination, and funeral honors duty) are covered by this policy, unless the employee reaches the five-year maximum of military leave as established by the Uniformed Services Employment and Reemployment Rights Act (USERRA). This policy provides military leave to regular City employees unless their employment is for a brief, non-recurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

Employees should submit a request for military leave to the supervisor or Department Head as soon in advance of the military duty as possible. The request should be in writing and should be accompanied by a copy of the military orders. Employees must report back to work as soon after military duty as possible, consistent with federal and state laws. If the reason for the employee's delay is not related to military duties, the employee is subject to the personnel policies and practices normally applied to employees with unexcused absences.

Employees may choose whether to use earned compensatory time, accrued vacation leave (leave with pay), leave without pay, or some combination thereof for these absences, and the provisions of that leave shall apply. Upon exhausting all other paid leave, employees may request to use sick leave, if approved by the City Manager.

Regular employees choosing to use military leave may claim up to ten (10) days of differential pay per calendar year provided the days are recorded as military leave and the military basic pay is less than the employee's regular City pay. To claim differential pay, the employee must submit a copy of his/her military orders, pay vouchers, Leave and Earnings Statement and/or other appropriate documentation evidencing performance and compensation pertinent to the military duty.

During the period of military leave, regular employees may continue health and dental insurance coverage up to eighteen months under COBRA coverage, provided they continue to pay their share of the premiums. As with any other unpaid leave, employees do not accrue vacation leave or sick leave during the period of leave without pay. However, the balance of such accruals on the date of commencement of the military leave will remain intact for the employee's return to work.

Section 23. Reinstatement Following Military Service

Employees who are separated or discharged from military service under honorable conditions and who apply for reinstatement within the established time limits are reinstated to the same position or one of like status, seniority, and pay with the City. If, during military service, an employee is disabled to the extent that the duties of the original position cannot be performed, the employee is reinstated to a position with duties compatible with the disability, if available. The employee's salary upon reinstatement is based on the salary rate just prior to leave, plus any general salary increase(s) implemented while on leave. The addition of a performance salary increase may be considered. Employees who are eligible for military leave have all job rights specified by the Uniformed Services Employment and Reemployment Rights Act (USERRA).

An employee's entitlement to the provisions of this section terminates upon the occurrence of any of the following events:

- 1) Such employee is separated from uniformed service with dishonorable or bad conduct discharge;
- 2) Such employee is separated from uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the Secretary concerned;
- 3) The City's circumstances have so changed as to make such reemployment impossible or unreasonable; or
- 4) Such employee gives clear written notice s/he has no intention of returning to work.

Section 24. Civil Leave

A City employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the City any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty. Employees required to be in court for their own case, defendant or plaintiff, must use accrued compensatory time or vacation leave during such absence from the work of the City.

Section 25. Parental School Leave

A City employee who is a parent, guardian, or person standing in loco parentis (in place of the parent) may take up to four hours of unpaid leave annually to involve him or herself in school activities of his or her child(ren). This leave is subject to the three following conditions:

- 1) The leave must be taken at a time mutually agreed upon by the employee and the City; and,
- 2) The City may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
- 3) The City may require written verification from the child's school that the employee was involved at the school during the leave time.

Paid leave (compensatory time or vacation time) taken by an employee to attend to school activities of his or her child shall count toward the fulfillment of this provision by the City.

ARTICLE VIII. SEPARATION AND REINSTATEMENT

Section 1. Types of Separations

All separations of employees from positions in the service of the City shall be designated as one of the following types and shall be accomplished in the manner indicated: Resignation, reduction in force, disability, voluntary retirement, dismissal, or death.

Section 2. Resignation

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two calendar weeks. Failure to provide minimum notice shall result in forfeit of payment for accumulated vacation unless the notice is waived upon recommendation of the Department Head and approval by the City Manager.

Three consecutive days of absence without contacting the immediate supervisor or Department Head may be considered to be job abandonment, a voluntary resignation. Sick leave will only be approved during the final two weeks of a notice with a physician's certification or comparable documentation.

Section 3. Reduction in Force

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance, organizational needs, and seniority in determining those employees to be retained. Employees who are separated because of a reduction in force shall be given at least two weeks' notice of the anticipated action. No regular employee shall be separated because of a reduction in force while there are temporary or probationary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee.

Section 4. Disability

The City will comply with the Americans with Disabilities act and will make all responsible efforts to provide reasonable accommodation to employees who may be or become disabled. An employee who cannot perform the essential duties of a position because of a physical or mental impairment may be separated for disability. Action may be initiated by the employee or the City. In either case, such action must be accompanied by medical evidence acceptable to the City Manager. The City may require an examination, at the City's expense, performed by a physician of the City's choice. In circumstances where the employee may be eligible to retire under the disability provisions of the North Carolina Local Governmental Employees' Retirement System the City will provide assistance to the employee in filing such application.

Section 5. Voluntary Retirement

An employee who meets the conditions set forth under the provision of the North Carolina Local Governmental Employee's Retirement System may elect to retire and receive all benefits earned under the retirement plan.

Section 6. Death

Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.

Section 7. Dismissal

An employee may be dismissed in accordance with the provisions and procedures of Article IX.

Section 8. Reinstatement

An employee who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the Department Head, and upon approval of the City Manager. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave.

Section 9. Rehiring

An employee who resigns while in good standing may be rehired with the approval of the City Manager, and may be regarded as a new employee, subject to all of the provisions of rules and regulations of this Policy. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Section 1. Disciplinary Action for Unsatisfactory Job Performance

A regular employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. All cases of disciplinary suspension, demotion, or dismissal must be approved by the City Manager prior to giving final notice to the employee.

Section 2. Unsatisfactory Job Performance Defined

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the Department Head or City Manager.

Examples of unsatisfactory job performance include, but are not limited to, the following:

- 1) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- 2) Careless, negligent or improper use of City property or equipment;
- 3) Physical or mental incapacity to perform duties after reasonable accommodation;
- 4) Discourteous treatment of the public or other employees;
- 5) Absence without approved leave;
- 6) Improper use of leave privileges;
- 7) Failure to report for duty at the assigned time and place;
- 8) Failure to complete work within time frames established in work plan or work standards;
- 9) Failure to meet work standards over a period of time; or
- 11) Failure to follow the chain of command to address work-related issues.
- 12) Failure to obtain or maintain current license or certificate required as a condition of the job.
- 13) Repeated or serious incident of unsafe behavior at work
- 14) Failure to wear or use appropriate safety equipment or otherwise to abide by safety rules

Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor shall meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions shall be noted in the employee's personnel_file by the supervisor.

An employee whose job performance is unsatisfactory over a period of time should normally receive at least two documented warnings, one of which may be in the final written warning, from the supervisor before disciplinary action resulting in dismissal is taken by the City Manager. In each case, the supervisor will record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor will use the following steps:

- 1) A final written warning from the supervisor serving notice upon the employee that immediate and lasting corrected performance must take place in order to avoid suspension, demotion, or dismissal.
- 2) If performance does not improve, a written recommendation should be sent to the City Manager for disciplinary action such as suspension, demotion, or dismissal.

Disciplinary suspensions are for the purpose of communicating the seriousness of the performance deficiency, not for the purpose of punishment, and should not generally exceed three days (24 hours) for nonexempt employees. Suspensions for exempt employees shall be in accordance with FLSA requirements to maintain exempt status.

Demotions are appropriate when an employee has demonstrated inability to perform successfully in the current job, but shows promise and commitment to performing successfully in a lower level job. If no other options are available, dismissal is appropriate.

If after suspension or demotion, the employee's performance does not reach an acceptable level, the employee may be dismissed.

Section 4. Disciplinary Action for Detrimental Personal Conduct

With the approval of the City Manager, an employee may be placed on disciplinary suspension, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to City service in order to 1) avoid undue disruption of work; 2) to protect the safety of persons or property; or 3) for other serious reasons.

Section 5. Detrimental Personal Conduct Defined

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the City may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of any government may be or have been violated.

Examples of detrimental personal conduct include, but are not limited to, the following:

- 1) Fraud, theft or other illegal activities;
- 2) Conviction of a felony or the entry of a plea of nolo contendere thereto;
- 3) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- 4) Willful misuse or gross negligence in the handling of City funds or personal use of equipment or supplies;
- 5) Willful or wanton damage or destruction to property;
- 6) Willful or wanton acts that endanger the lives and property of others;
- 7) Possession of unauthorized firearms, alcoholic beverages, illegal substances or other lethal weapons on the job;
- 8) Brutality in the performance of duties;
- 9) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;
- 10) Engaging in incompatible employment or serving a conflicting interest;
- 11) Request or acceptance of gifts in exchange for favors or influence;
- 12) Engaging in political activity prohibited by this Policy;
- 13) Harassment of an employee(s) and/or the public on the basis of sex or any other protected class status; or
- 14) Harassment of an employee or the public with threatening or obscene language and/or gestures;
- 15) Stated refusal to perform assigned duties, flagrant violation of work rules and regulations, or serious malfeasance of work

Section 6. Possible Dismissal: Notice and Hearing

Before dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the department head or a designee thereof, along with other persons deemed necessary to the process, including the Human Resources Director will conduct a pre-dismissal hearing. This hearing will be held upon at least three business days' notice to the employee that a dismissal is being considered and the hearing will be held, unless the employee waives such notice or the particular circumstance require a different period. At this hearing, the employee may present any response to the proposed dismissal to the department head or designee. The department head or designee will consider the employee's response, if any, to the proposed dismissal, and will, within three business days following the pre-dismissal hearing, notify the employee in writing of the final

decision. If the employee is dismissed, the notice shall contain a statement of the reasons for the action and the employee's appeal rights.

If the hearing results in a decision to dismiss the employee, the employee may appeal this decision in writing to the City Manager. The written notice of appeal shall be delivered to the Human Resources Director and the City Manager within five business days of the date of the dismissal decision.

Upon a timely appeal of a dismissal decision the City Manager will schedule a hearing. The employee shall appear at the hearing and may bring whatever documentation the employee deems appropriate, although voluminous documentation may be excluded at the City Manager's discretion. The employee may request the right to bring one or more witnesses to testify to critical facts upon written application to the City Manager, along with a brief statement as to the content of the proposed testimony. The City Manager shall have discretion as to whether to permit such testimony.

Section 7. Non-Disciplinary Suspension

During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the Department Head or City Manager, be in the best interest of the City, the Department Head or City Manager may suspend the employee for part or all of the proceedings as a non-disciplinary action. In such cases, the City Manager may:

- 1) Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the suspension, or
- 2) Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

If the employee is reinstated following the suspension such employee shall not lose any compensation or benefits to which otherwise the employee would have been entitled had the suspension not occurred. If the employee is terminated following suspension, the employee shall not be eligible for any pay from the date of suspension; provided, however, all other benefits with the exception of accrued vacation and sick leave shall be maintained during the period of suspension.

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy

The City shall provide a just procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair.

Employees utilizing the grievance procedures shall not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under this policy. Supervisors or other employees who violate this policy shall be subject to disciplinary action up to and including dismissal from City service.

Section 2. Grievance Defined

A grievance is a claim or complaint by a current or a former employee based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. Grievance does not include appeal from a dismissal decision, which is covered by Article IX.

Section 3. Purposes of the Grievance Procedure

The purposes of the grievance procedure include, but are not limited to:

- 1) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- 2) Encouraging employees to express themselves about the conditions of work which affect them as employees;
- 3) Promoting better understanding of policies, practices, and procedures which affect employees;
- 4) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures;
- 5) Increasing the sense of responsibility exercised by supervisors in dealing with their employees.
- 6) Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible of the chain of command; and
- 7) Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the City or its leaders, thus freeing up employee motivation, productivity, and creativity.

Section 4. Procedure

When an employee has a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved. A decision to rescind a disciplinary suspension or demotion must be recommended by the Department Head and approved by the City Manager.

Informal Resolution. Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the respective Department Head as a resource to help resolve the grievance. In addition, the employee or supervisor may request mediation from a local mediation services or other qualified parties to resolve the conflict, upon approval of the Human Resources Director. Mediation may be used at any step in the process when mutually agreed upon by the employee and relevant City supervisor or Manager. Mediation is the process where a neutral party assists the parties in conflict with identifying mutually agreeable solutions or understandings.

Step 1. If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the appropriate supervisor in writing. The grievance must be presented within fifteen calendar days of the event or within fifteen calendar days of learning of the event or condition. The supervisor shall respond to the grievance within ten calendar days after receipt of the grievance. The supervisor should, and is encouraged to, consult with any employee of the City in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

The response from the supervisor for each step in the formal grievance process shall be in writing and signed by the supervisor. In addition, the employee shall sign a copy to acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Human Resources Director.

Step 2. If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal, in writing, to the appropriate Department Head within ten calendar days after receipt of the response from Step 1. The Department Head shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal.

Step 3. If the grievance is not resolved to the satisfaction of the employee at the end of Step 2, the employee may appeal, in writing, to the City Manager within ten calendar days after receipt of the response from Step 3. The City Manager shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal. The City Manager's decision shall be the final decision. The City Manager will notify the City Board of any impending legal action.

Department Heads. In the case of Department Heads or other employees where the City Manager has been significantly involved in determining disciplinary action, including dismissal, the City may wish to obtain a neutral outside party to act as a mediator to assist in resolving the conflict.

The filing of a lawsuit by an employee on an issue while there is a grievance on the same issue will end the appeal(s) under the City's grievance procedure.

Section 5. Role of the Human Resources Director

Throughout the grievance procedure, the roles of the Human Resources Director shall be as follows:

1. To advise parties (including employee, supervisors, and City Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;
2. To be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents.

3. To give notices to parties concerning timetables of the process, etc.;
4. To assist employees and supervisors in drafting statements; and
5. To facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
6. To help locate mediation or other resources as needed.

The Human Resources Director shall also determine whether or not additional time shall be allowed to either side in unusual circumstances if the parties cannot agree upon extensions when needed or indicated.

Section 6. Grievance and Adverse Action Appeal Procedure for Discrimination

When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion, creed, political affiliation, or non-disqualifying disability, marital status or veteran status), he or she has the right to appeal such action using the grievance procedure outlined in this Article (Section 4 above). While such persons are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the Human Resources Director or City Manager. Employment actions subject to appeal because of discrimination include promotion, training, classification, pay, disciplinary action, transfer, layoff, failure to hire, or termination of employment. An employee or applicant should appeal an alleged act of discrimination within thirty calendar days of the alleged discriminatory action, but may appeal for up to six months following the action. Nothing in this policy is intended to discourage or prevent an employee, former employee or applicant from filing a formal charge of discrimination or other illegal action with the appropriate state or federal agency having jurisdiction.

ARTICLE XI. RECORDS AND REPORTS

Section 1. Public Information

In compliance with GS 160A-168(b), the following information with respect to each City employee is a matter of public record:

- 1) Name;
- 2) Age;
- 3) Date of original employment or appointment to the service;
- 4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the City has the written contract or a record of the oral contract in its possession;
- 5) Current position title;

- 6) Current salary;
- 7) Date and amount of each increase or decrease in salary with the City;
- 8) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the City;
- 9) Date and general description of the reasons for each promotion with the City;
- 10) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the municipality. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal; and
- 11) The office to which the employee is currently assigned.

Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the City may adopt.

For the purposes of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the City.

Section 2. Access to Confidential Records

All information contained in a City employee's personnel file, other than the information mentioned above is confidential and shall be open to inspection only in the following instances:

- 1) The employee or his/her duly authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient.
- 2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- 3) A City employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- 4) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- 5) An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the City Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

- 6) An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- 6) The City Manager, with the concurrence of the City Council, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a City employee, and the reasons for that action. Before releasing that information, the City Manager shall determine in writing that the release is essential to maintaining the level and quality of City services. The written determination shall be retained in the City Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

Section 3. Personnel Actions

The Human Resources Director, with the approval of the City Manager, will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. There shall be one set of official personnel files, centrally located as designated by the City Manager, normally in the Human Resources office. Any document not located there is not an official part of that employee's personnel record. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents.

Section 4. Records of Former Employees

The provisions for access to records apply to former employees as they apply to present employees.

Section 5. Remedies of Employees Objecting to Material in File

An employee who objects to material in his/her file may place a statement in the file relating to the material considered to be inaccurate or misleading. The employee may seek removal of such material in accordance with established grievance procedures.

Section 6. Penalties for Permitting Access to Confidential Records

Section 160A-168 of the General Statutes provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount consistent with the General Statutes.

Section 7. Examining and/or Copying Confidential Material without Authorization

Section 160A-168 of the General Statutes of North Carolina provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and

willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined consistent with the General Statutes.

Section 8. Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with GS 121.5, without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever, alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined in an amount provided in Policy 132.3 of the General Statutes.

ARTICLE XII. IMPLEMENTATION OF POLICIES

Section 1. Conflicting Policies Repealed

All policies, ordinances, or resolutions that conflict with the provisions of these policies are hereby repealed.

Section 2. Severability

If any provision of these policies or any rule, regulation, or order thereunder of the application of such provision to any person or circumstances is held invalid, the remainder of these policies and the application of such remaining provisions of these policies of such rules, regulations, or orders to persons or circumstances other than those held invalid will not be affected thereby.

Section 3. Effective Date

These policies shall become effective on a date approved by the City Council.

Section 4. Amendments

This policy may be amended by action of the City Council and by a formal action appropriately approved. Notice of any suggested amendment to the policy, or any portion thereof, shall be provided to employees and opportunities for employee comment and reaction shall be made available prior to the amendments going to the City Council for action. Proposed amendments should be posted on bulletin boards in all employee work locations and/or in employee newsletters. Any revisions or amendments adopted in conformance with this procedure shall become effective as of the date of such adoption.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Lee Smith

Department: Utilities

Date Submitted: 7/24/17

Presenter: Lee Smith and Randy Hintz

Date of Council Meeting to consider this item: 8/3/17

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 06a

Randy Hintz, with the Public Water Supply Section of the Division of Water Resources in the Asheville Regional Office, will recognize staff at the Water Treatment Plant for receiving the 2016 Area Wide Optimization Program Award.

About the AWOP Award: The EPA designed AWOP to enhance public health protection through optimizing the performance and operations of existing facilities. State drinking water agencies implement AWOP with support from EPA.

AWOP is a cost-effective approach to: 1) Increasing public health protection, 2) Proactively achieving regulatory compliance, 3) Improving treatment plant performance, and 4) Maintaining distribution system water quality.

The success of AWOP is attributed to three key components:

- Status - Enhanced surveillance of PWS performance, which helps states determine the relative need of their systems (based on water quality and anticipated public health risk) and target their compliance assistance efforts to those most in need.
 - Targeted Performance Improvement - Targeting activities for improving drinking water quality to "optimum" levels that exceed regulatory requirements; this training supports transfer of water treatment skills to water system operators and sustained improvements in drinking water quality.
 - Maintenance - Ongoing improvement of AWOP activities to sustain and enhance the program through collaboration with partner states in the AWOP network and integration of optimization approaches into other state drinking water programs.
- Benefits: There are multiple benefits of participating in AWOP, including improved water quality performance, effective compliance assistance approaches, enhanced capabilities of state staff, and enhancement of other state programs.

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

Suggested Motion:

N/A

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 7/13/2017

Presenter: John Connet

Date of Council Meeting to consider this item: 8/3/2017

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 06b

For the April through June quarter, 48 MVP nominations were submitted. The Service Excellence Design Team selected those listed below as the quarterly winners.

The Emergency Phone Towers along the greenway were in place for several months without fully functioning. They lacked the ability to send the location of the emergency call to 911 dispatch. Months of discussions with the manufacturer failed to resolve the issue. However, Brandon Mundy and Brent Pope of Public Works took ownership of the problem and resolved it within days. It may be these actions have helped to save a life.

Kell Bond and Keith Kirchner of the Water Treatment Plant were each called on and responded in time of need. When a problem arose, Kell was in Cashiers and left his activity and drove to the Water Treatment Plant to assist. Another time, Keith was at Lake Harwell with family over a holiday weekend. When he received a call of an issue at the WTP, came to the plant, reviewed the situation, called in critical support, and stayed until everything was up and running.

Mike Huffman, Engineering, is on vacation and will be recognized in September.

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

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

NA

Attachments:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan Frady

Department: Development Asst Dept

Date Submitted: 7-13-17

Presenter: Daniel Heyman, Planner

Date of Council Meeting to consider this item: 8-03-17

Nature of Item: Council Action

Summary of Information/Request:

Item # 07

The Development Assistance Department is in receipt of an application from Kevin Parries of Carolina Village for a Special Use Permit to construct 54 dwelling units consisting of duplexes and six-plexes. The project is adjacent to the existing Carolina Village development. The applicant is also proposing to rezone the property from R-15 Medium Density Residential to PRD Planned Residential Development. The project is located on several parcels shown on the maps attached.

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.

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

Suggested Motion:

Suggested motions are shown on 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: Carolina Village Expansion / Clear Creek Cottages

FILE #: P17-18-SUR

DATE: August 3, 2017

PROJECT DESCRIPTION

The City is in receipt of an application from Kevin Parries of Carolina Village for a Special Use Permit to construct 54 dwelling units consisting of duplexes and six-plexes. The project is adjacent to the existing Carolina Village development. The applicant is also proposing to rezone the property from R-15 Medium Density Residential to PRD Planned Residential Development. The project is located on several parcels shown on the maps attached.

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

The subject parcels are currently zoned R-15 Medium Density Residential and are vacant. Carolina Village Road, a privately maintained road, runs through the property and connects to Clear Creek Road.

The parcel to the north is zoned C-3 Highway Business and is vacant. Parcels to the northeast are zoned I-1 Industrial, and are also vacant. The Parcel to the east is zoned PRD Planned Residential Development and contains the current Carolina Village development. Parcels to the south are zoned R-15 and contain single family homes. Parcels to the west across Clear Creek Road are zoned R-20 Low Density Residential and contain single family homes and duplexes. Surrounding land uses and zoning districts are shown on the "Existing Land Use Map" and "Zoning Map" on page 11 and 12 respectively.

COMPREHENSIVE PLAN CONSISTENCY

The parcels included in this application, as well as parcels located to the east, are classified as High Intensity Neighborhood on the 2030 Comprehensive Plan's Future Land Use Map. 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.”

A portion of the project area to the north, along Clear Creek is classified as Natural Resource/Agriculture. The goal of the Natural Resource/Agriculture classification is to “create an interconnected network of green infrastructure that preserves environmentally sensitive areas, protects water resources through low impact stormwater management, provides floodwater storage, provides community open space and recreational opportunities, and preserves agricultural resources.”

The parcels to the northeast across I-26 are classified as Business Center. 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. Create a campus-like, mixed-use environment that includes office, research and low-impact industrial uses, as well as supportive retail amenities.”

Parcels to the south and west are classified as Medium Intensity Neighborhood. 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. And, to 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 planned residential developments as a primary use. The Comprehensive Plan recommends that primary uses such as this one occupy the majority of acreage found within this classifications boundary.

The Natural Resource/Agricultural classification lists open space and low-impact stormwater management facilities as primary uses. The site plan indicates placing these uses within the classification area.

The 2030 Comprehensive Plan’s Future Land Use Map is located on page 13.

PLAN REVIEW

Buildings

The site plan includes the following new structures:

- 6 duplexes for a total of 12 dwelling units.
- 7 six-plexes for a total of 42 dwelling units.
- A 600 sq. ft. garden shed and a 1100 sq. ft. garden clubhouse.

The site plan is included with this memorandum.

Parking/Streets and Drives

The site plan shows 140 parking spaces for the development. The minimum required by the Zoning Ordinance based on number of units is 81.

All of the existing and proposed roads are shown to be privately maintained by Carolina Village.

Density

Density in the PRD zoning district may not exceed 10 units per acre without a density bonus granted by City Council. The applicant has proposed 54 units on 32.88 acres for a total density of 1.6 units per acre.

Stormwater/Flood Hazard Area

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

A portion of the project is location within the 100 year floodplain. No improvements are indicated in this area other than a portion of a stormwater BMP and a portion of the required common open space.

Common Open Space

The applicant is required to provide at least 10 percent of the site as common open space, no more than 50 percent of which can be within the flood hazard area. The applicant has proposed 10 percent of the site as common open space, with half of the area being located in the flood hazard area.

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 will be extended to the site.

The applicant has submitted a petition for annexation for sewer service.

- (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 May 31, 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.

Sixteen people representing the general public attended the meeting. The public had questions about EMS routes to the site, wildlife, and the impact of I-26 on the development.

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

The High Intensity Neighborhood classification lists planned residential developments as a primary use. The Comprehensive Plan recommends that primary uses such as this one occupy the majority of acreage found within this classifications boundary. The Natural Resource/Agricultural classification lists open space and low-impact stormwater management facilities as primary uses. The site plan indicates placing these uses within

the classification area. Therefore the proposed development conforms with the Comprehensive Plan.

The Comprehensive Transportation Plan does not indicate any new improvements to Four Season Boulevard.

PLANNING BOARD

The Planning Board took this matter up at its regular meeting on July 10, 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 the subject parcels from R-15 Medium Density Residential 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 rezoning makes the most sense.

The Planning Board also voted unanimously to recommend City Council approve the application of Carolina Village 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

For Recommending Approval: I move that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of:

Parcels 9579-08-4915, 9579-08-6537, 9579-09-1625, 9569-99-7294, and the remaining portion of parcel # 9579-28-0230 from R-15 Medium Density Residential to PRD Planned Residential Development;

finding that the rezoning is consistent with the Comprehensive Plan, and that 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 Carolina Village, Inc. 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 Recommending Denial: I move that City Council not approve the application of Carolina Village, Inc. for rezoning and issuance of a special use permit.

[PLEASE STATE YOUR REASONS]

IN RE: Carolina Village Expansion (File # P17-18-SUR)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

Residential dwellings, two-family
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:**

Annexation application for the parcels included in this application.

Recombination of parcels or portions thereof as shown on the preliminary site plan.

- (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.

Carolina Village, Inc.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

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

IN RE: Carolina Village Expansion
(File # P17-18-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:

Parcels 9579-08-4915, 9579-08-6537, 9579-09-1625, 9569-99-7294, and the remaining portion of parcel # 9579-28-0230 from R-15 Medium Density Residential 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 3rd, day of August 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
 Carolina Village Expansion File #P17-18-SUR
 Tuesday, May 31, 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>
Tom Jones	WGLA Engineering	Bob Walrath	203 Forestwood Ct
Michael Fizer	WGLA Engineering	Ray Stone	207 Forestwood Ct
Kevin Parries (applicant)	600 Carolina Village Rd	Wayne D. Fey	12 Fallridge Rd
Mike Hayes	597 Clear Creek Rd	Yuri Sysa	199 Benhurst Ct
Kohlan Flynn	CV Board chair	Lester Vier	109 Balsam Rd
Clay Logan	672 Hyder Farm Rd	Mac Bracket	105 Carolina Vill Rd
Ken Fitch	1046 Patton St	Jan Crafton	828 Jordan Hill Rd
Bruce Murry	600 Carolina Village Rd	Rita Houch	333 Thompson St
R. Allan Worrell	133 Greenfield Ln	Susan Frady, staff	Development Assistance Director
Gil Campbell	1036 Carolina Vill Rd	Matt Champion, staff	Senior Planner
Nancy Campbel	1036 Carolina Vill Rd	Daniel Heyman, staff	Planner

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.

Kevin Parries spoke to those in attendance. He stated that this is a two-year project on their strategic plan. They have chosen to focus on independent living. They are using an architect they have worked with for a long time out of Pennsylvania, and the site plan engineers are WGLA.

Tom Jones spoke to those in attendance. He showed the site plans and architectural renderings. He stated that since the construction on the new portion is taking place north of the road that the residential properties to the south would experience minimal impact. They will relocate the existing garden area. The apartment building is 4 stories with 36 units.

An attendee asked about the project timeline. Kevin stated that they would like to start this fall if possible. They have not finalized the staging but the apartments will take the longest.

An attendee asked if anything will be constructed south of the existing road. Tom Jones stated that nothing is planned and that they would need to go through these same steps if they were going to add anything not shown on the plan today.

An attendee asked about the ground elevation of the new units. Tom Jones stated that they do sit up on the hill, but are only one story in front. They are two story in the rear abutting the interstate.

An attendee asked about construction traffic. Kevin stated that the Clear Creek road entrance would be the primary construction entrance.

An attendee asked about the square footage per unit. Kevin stated that the apartment units will be about 1100 to 1300 square feet, the same as the existing apartment units. The duplexes and six-plexes will be 1150 to 1500, and will be very similar to the existing units at Carolina Village.

An attendee asked how the widening of I-26 will impact the project. Kevin said that they have been in contact with DOT and no additional right of way will be needed for the project. He also stated that they conduct sound testing every 2 years and consult with DOT about concerns. They use extra insulation and heavy paned windows to keep the sound out.

An attendee asked about the impact on wildlife. Kevin stated that they are trying to maintain greenspace that exists which should preserve habitats. Tom Jones stated that no endangered species studies are being conducted, and that there is some wetland present on site but it will not be disturbed.

An attendee asked about the impact of traffic and EMS routes. Kevin stated that they will not be conducting a TIA because they aren't required to, but the additional units shouldn't cause much additional stress on the roadways. The population served doesn't drive much and they keep a lot of amenities on site and offer shuttle services. EMS depends on the call, they tend to use the Clear Creek entrance, but once they are on site the staff at Carolina Village escorts them to reach the destination quickly.

An attendee asked about the capacity for medical services. Kevin stated that they have the capacity for about 150 additional residents currently. They also provide services in the home. The dining hall can accommodate about that many as well.

An attendee asked if increased staff would be necessary. Kevin stated that about 10 to 12 new staff members would be hired as a result of this expansion.

An attendee asked about reservations for these units. Kevin stated that a majority of them already have reservations placed. Their waiting list is about 3 years out.

With no further comments or questions, Mr. Heyman closed the meeting at 2:40 p.m.

**Carolina Village Expansion
P17-18-SUR**
City of Hendersonville
Existing Land Use

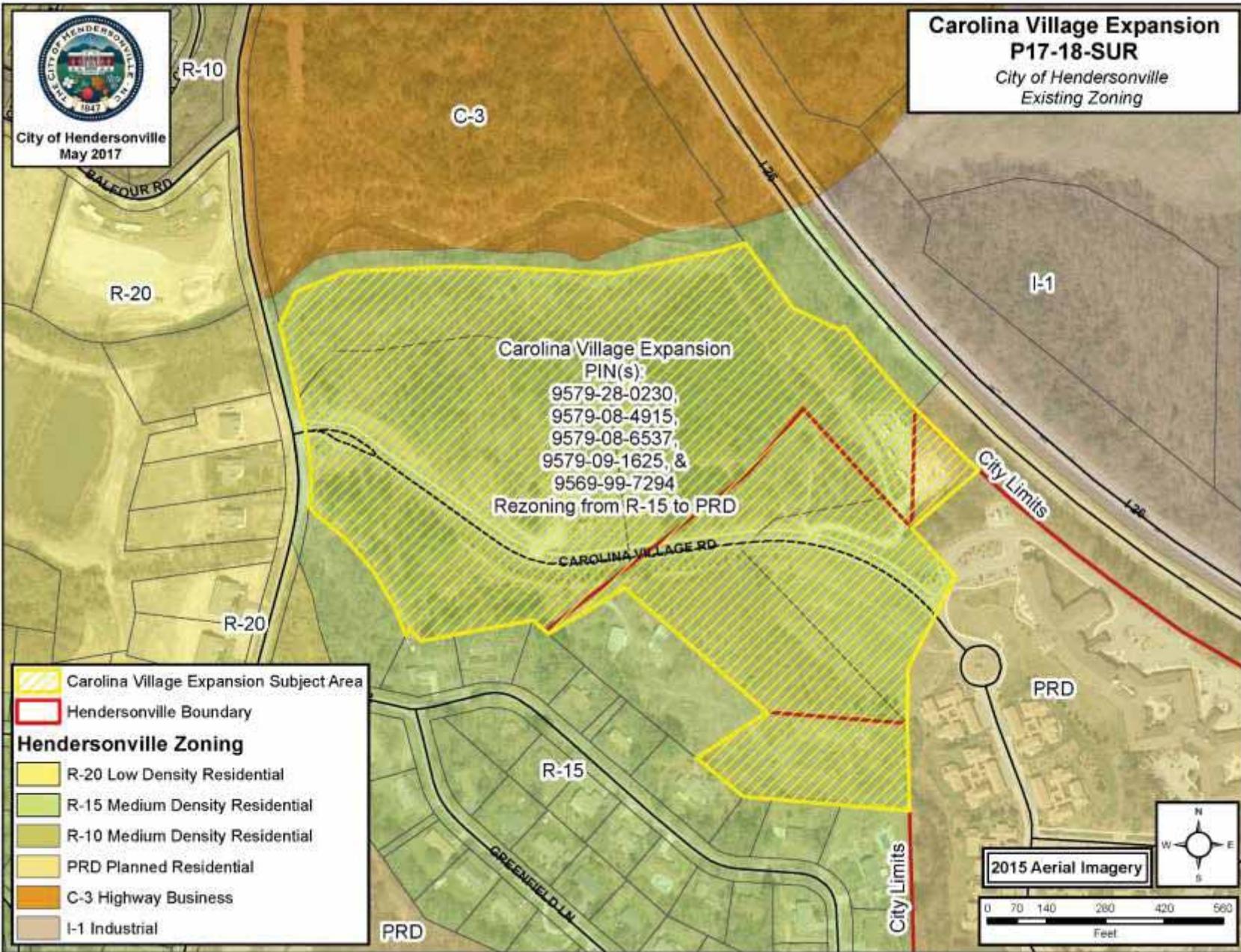




City of Hendersonville
May 2017

Carolina Village Expansion P17-18-SUR

City of Hendersonville
Existing Zoning



Carolina Village Expansion
PIN(s):
9579-28-0230,
9579-08-4915,
9579-08-6537,
9579-09-1625, &
9569-99-7294
Rezoning from R-15 to PRD

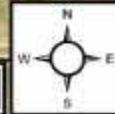
Carolina Village Expansion Subject Area

Hendersonville Boundary

Hendersonville Zoning

- R-20 Low Density Residential
- R-15 Medium Density Residential
- R-10 Medium Density Residential
- PRD Planned Residential
- C-3 Highway Business
- I-1 Industrial

2015 Aerial Imagery

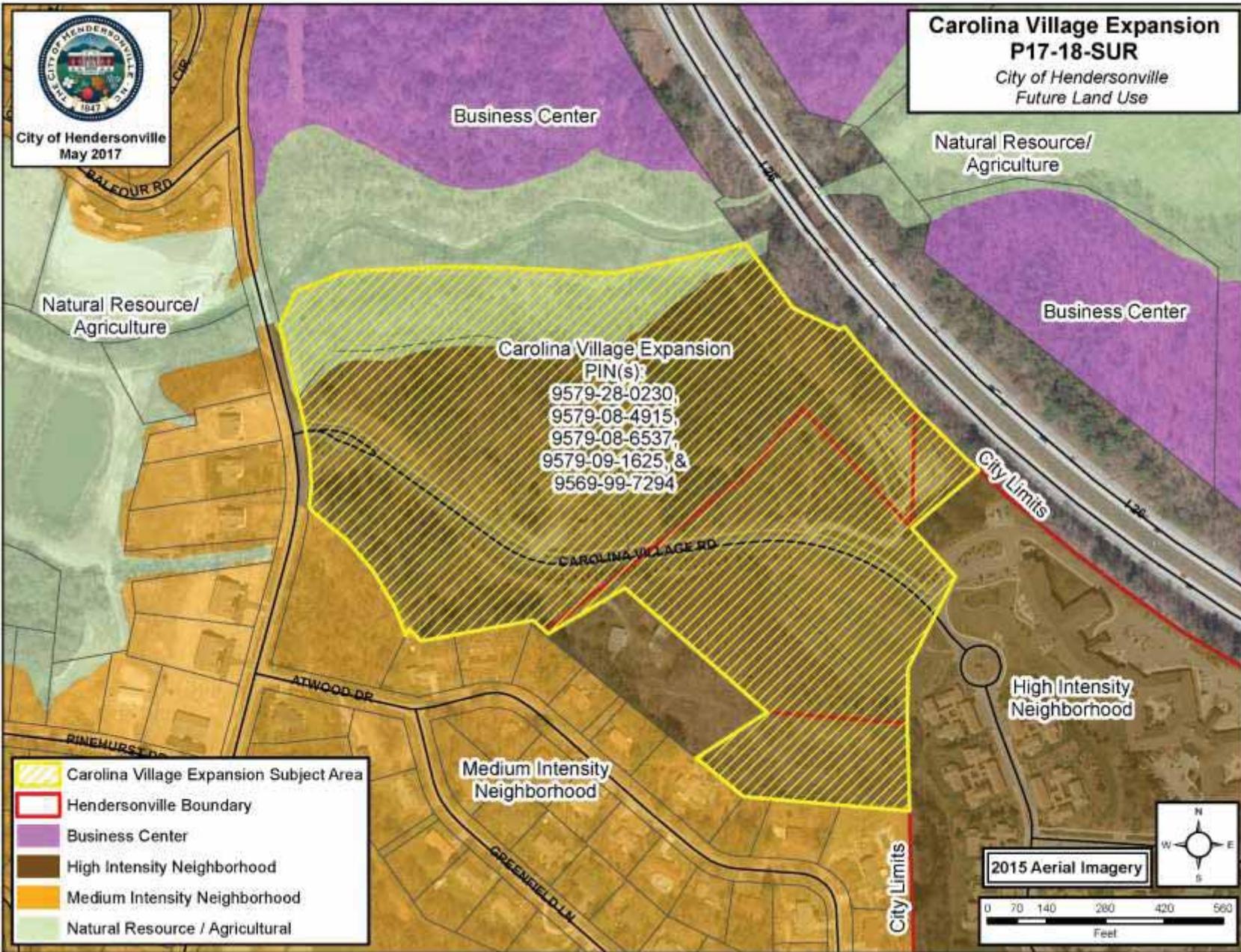




City of Hendersonville
May 2017

Carolina Village Expansion P17-18-SUR

City of Hendersonville
Future Land Use



Business Center

Natural Resource/
Agriculture

Natural Resource/
Agriculture

Business Center

Carolina Village Expansion
PIN(s):
9579-28-0230,
9579-08-4915,
9579-08-6537,
9579-09-1625, &
9569-99-7294

City Limits

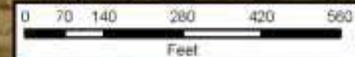
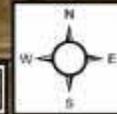
High Intensity
Neighborhood

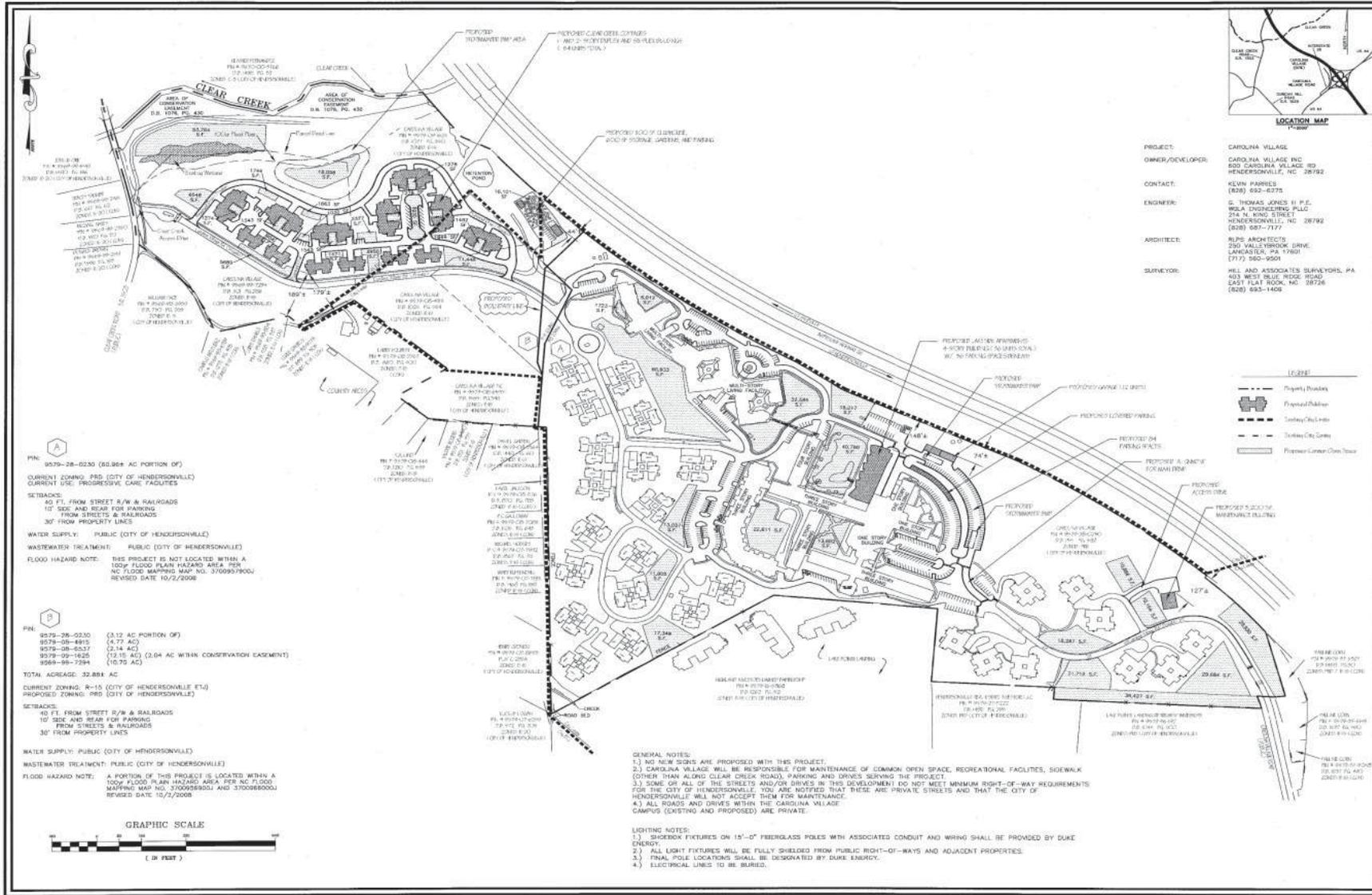
Medium Intensity
Neighborhood

City Limits

- Carolina Village Expansion Subject Area
- Hendersonville Boundary
- Business Center
- High Intensity Neighborhood
- Medium Intensity Neighborhood
- Natural Resource / Agricultural

2015 Aerial Imagery





PROJECT: CAROLINA VILLAGE
 OWNER/DEVELOPER: CAROLINA VILLAGE INC
 500 CAROLINA VILLAGE RD
 HENDERSONVILLE, NC 28792
 CONTACT: KELVIN PARRIS
 (828) 692-4375
 ENGINEER: S. THOMAS JONES II P.E.
 WGLA ENGINEERING PLLC
 214 N KING STREET
 HENDERSONVILLE, NC 28792
 (828) 687-7177
 ARCHITECT: MLPS ARCHITECTS
 230 VALLEY VIEW DRIVE
 LANCASTER, PA 17601
 (717) 360-8500
 SURVEYOR: WILL AND ASSOCIATES SURVEYORS, PA
 403 WEST BLUE RIDGE ROAD
 EAST FLAT ROCK, NC 28726
 (828) 693-1400

WGLA
 Engineering

WGLA ENGINEERING, PLLC
 214 N KING STREET
 HENDERSONVILLE, NC 28792
 (828) 687-7177
 WGLA.COM
 NC LICENSE P-1342

CAROLINA VILLAGE

HENDERSONVILLE
 HENDERSON COUNTY
 NORTH CAROLINA



PRELIMINARY
 Not For
 Construction

REVISIONS	
DATE	DESCRIPTION
8-16-17	001: Comments



PROJECT NUMBER: 16154
 DATE: 8-16-17
 DRAWN BY: MGF
 CHECKED BY: OFA

MASTER PLAN

C-200

SCALE: 1"=160'

PAR 9579-28-0230 (20.964 AC PORTION OF)
 CURRENT ZONING: PRD (CITY OF HENDERSONVILLE)
 CURRENT USE: PROGRESSIVE CARE FACILITIES
 SETBACKS:
 40 FT. FROM STREET R/W & RAILROADS
 10' SIDE AND REAR FOR PARKING
 FROM STREETS & RAILROADS
 30' FROM PROPERTY LINES
 WATER SUPPLY: PUBLIC (CITY OF HENDERSONVILLE)
 WASTEWATER TREATMENT: PUBLIC (CITY OF HENDERSONVILLE)
 FLOOD HAZARD NOTE: THIS PROJECT IS NOT LOCATED WITHIN A
 100YR FLOOD PLAIN HAZARD AREA FROM
 NC FLOOD MAPPING MAP NO. 3700957800J
 REVISED DATE 10/2/2006

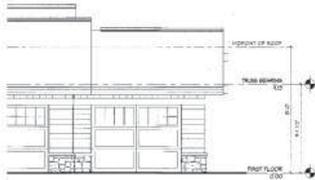
PAR 9579-28-0230 (3.12 AC PORTION OF)
 9579-08-4815 (4.72 AC)
 9579-08-6337 (2.14 AC)
 9579-09-1625 (10.18 AC) (2.04 AC WITHIN CONSERVATION EASEMENT)
 9569-99-7294 (10.75 AC)
 TOTAL ACREAGE: 32.881 AC
 CURRENT ZONING: R-15 (CITY OF HENDERSONVILLE ETJ)
 PROPOSED ZONING: PRD (CITY OF HENDERSONVILLE)
 SETBACKS:
 40 FT. FROM STREET R/W & RAILROADS
 10' SIDE AND REAR FOR PARKING
 FROM STREETS & RAILROADS
 30' FROM PROPERTY LINES
 WATER SUPPLY: PUBLIC (CITY OF HENDERSONVILLE)
 WASTEWATER TREATMENT: PUBLIC (CITY OF HENDERSONVILLE)
 FLOOD HAZARD NOTE: A PORTION OF THIS PROJECT IS LOCATED WITHIN A
 100YR FLOOD PLAIN HAZARD AREA. FOR NC FLOOD
 MAPPING MAP NO. 3700958900J AND 3700966000J
 REVISED DATE 10/2/2006

GENERAL NOTES:
 1.) NO NEW SIGNS ARE PROPOSED WITH THIS PROJECT.
 2.) CAROLINA VILLAGE WILL BE RESPONSIBLE FOR MAINTENANCE OF COMMON OPEN SPACE, RECREATIONAL FACILITIES, SIDEWALK
 (OTHER THAN ALONG CLEAR CREEK ROAD), PARKING AND DRIVES SERVING THE PROJECT.
 3.) SOME OR ALL OF THE STREETS AND/OR DRIVES IN THIS DEVELOPMENT DO NOT MEET MINIMUM RIGHT-OF-WAY REQUIREMENTS
 FOR THE CITY OF HENDERSONVILLE. YOU ARE NOTIFIED THAT THESE ARE PRIVATE STREETS AND THAT THE CITY OF
 HENDERSONVILLE WILL NOT ACCEPT THEM FOR MAINTENANCE.
 4.) ALL ROADS AND DRIVES WITHIN THE CAROLINA VILLAGE
 CAMPUS (EXISTING AND PROPOSED) ARE PRIVATE.
 LIGHTING NOTES:
 1.) SPODEK FIXTURES ON 15'-0" FRIBERGLASS POLES WITH ASSOCIATED CONDUIT AND WIRING SHALL BE PROVIDED BY DUKE
 ENERGY.
 2.) ALL LIGHT FIXTURES WILL BE FULLY SHIELDED FROM PUBLIC RIGHT-OF-WAYS AND ADJACENT PROPERTIES.
 3.) FINAL POLE LOCATIONS SHALL BE DETERMINED BY DUKE ENERGY.
 4.) ELECTRICAL LINES TO BE BURIED.





1 SIX-FLEX - ELEVATION 'A1'
 1/8" = 1'-0"

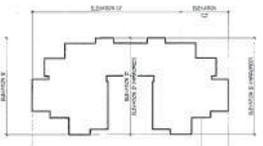


2 SIX-FLEX - ELEVATION 'A2'
 1/8" = 1'-0"



3 SIX-FLEX - ELEVATION 'B'
 1/8" = 1'-0"

EXTERIOR ELEVATION KEYED NOTES			
01. APPROXIMATE PAINT SCHEDULE IS AS SHOWN.	02. GUTTER DIMENSIONS IF APPLICABLE.	03. GUTTER DIMENSIONS IF APPLICABLE.	04. GUTTER DIMENSIONS IF APPLICABLE.
05. UNPAINTED EXTERIOR SIDING.	06. UNPAINTED SIDING.	07. UNPAINTED SIDING.	08. UNPAINTED SIDING.
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97. UNPAINTED EXTERIOR SIDING.	98. UNPAINTED EXTERIOR SIDING.	99. UNPAINTED EXTERIOR SIDING.	100. UNPAINTED EXTERIOR SIDING.



KEY PLAN

DESIGN PHASE
 NOT FOR
 CONSTRUCTION

rips architects®
 300 W. VALLEY ROAD, SUITE 100, WILSON, NC 27157
 TEL: 704.555.3333 FAX: 704.555.3334

OWNER: CAROLINA VILLAGE EXPANSION
 ARCHITECT: RIPS ARCHITECTS, INC.
 300 W. VALLEY ROAD, SUITE 100, WILSON, NC 27157
 TEL: 704.555.3333 FAX: 704.555.3334

SIX-FLEX EXTERIOR ELEVATIONS
 A202
 1/8" = 1'-0"

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 Frady

Department: Development Asst Dept

Date Submitted: 7-13-17

Presenter: Daniel Heyman, City Planner

Date of Council Meeting to consider this item: 8-03-17

Nature of Item: Council Action

Summary of Information/Request:

Item # 08

The City is in receipt of an application from Kevin Parries of Carolina Village for a Special Use Permit Amendment to construct a 36-unit apartment building, a maintenance building, and associated driveway and parking improvements on the current site of the Carolina Village development off of Four Seasons Boulevard. The project is located on Parcel # 9579-28-0230.

This modification is required special use permit approval pursuant to Section 7-6-3 of the Zoning Ordinance. 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.

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

Suggested Motion:

Suggested motions are on page 6 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: Carolina Village Amendment / Lakeside Apartments

FILE #: P17-19-SUR

DATE: August 3, 2017

PROJECT DESCRIPTION

The City is in receipt of an application from Kevin Parries of Carolina Village for a Special Use Permit Amendment to construct a 36-unit apartment building, a maintenance building, and associated driveway and parking improvements on the current site of the Carolina Village development off of Four Seasons Boulevard. The project is located on Parcel # 9579-28-0230.

This modification is required special use permit approval pursuant to Section 7-6-3 of the Zoning Ordinance. 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 # 9579-28-0230 is currently zoned PRD Planned Residential Development and contains Carolina Village, a progressive care facility.

Interstate 26 runs along the northern boundary of the property. Parcels to the north across I-26 are zoned I-1 Industrial and are vacant. Parcels to the south are zoned PRD and R-15 Medium Density Residential, and contain the Lake Pointe Landing development. Parcels to the west are zoned R-15 and contain single-family homes. Parcels to the northwest are zoned R-15 and are currently vacant, but are owned by Carolina Village and are the subject of a separate special use permit application. 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 parcels included in this application, as well as parcels located to the south and northwest, are classified as High Intensity Neighborhood on the 2030 Comprehensive Plan's Future Land Use Map. 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 to the north across I-26 are classified as Business Center. 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. Create a campus-like, mixed-use environment that includes office, research and low-impact industrial uses, as well as supportive retail amenities.”

Parcels to the northeast across I-26 are classified as Regional Activity Center. 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.”

Parcels to the west are classified as Medium Intensity Neighborhood. 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. And, to 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 planned residential developments as a primary use. The Comprehensive Plan recommends that primary uses such as this one occupy the majority of acreage found within this classifications boundary.

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

PLAN REVIEW

Buildings

The site plan includes the following new structures:

- One 4-story apartment building containing 36 independent living units.
 - 24 one-bedroom units and 12 two-bedroom units.
- One 12-car garage and a covered parking area
- One 3,200 sq. ft. maintenance building.

The site plan is included with this memorandum.

Building Height

The proposed apartment building is shown at 50 feet tall. Section 5-14-7.5 of the Zoning Ordinance states that buildings in the PRD district may exceed 35 feet in height only upon the granting of a height limitation exemption by City Council. In order to grant the exemption, City Council must find that:

a) Such building will not block sunlight from adjacent property between the hours of 10:00 a.m. and 2:00 p.m. from the months of October 1st to May 1st.

The applicant has submitted a Sun Study which shows that no proposed building will block sunlight from adjacent properties. The Sun Study is included with this memorandum.

b) Such building is adequately designed and served from the standpoint of safety, and the City Fire Chief certifies that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to the fire stations and equipment so as to offer adequate protection to life and property. In no case shall the building exceed 50 feet in height.

Final plans will not be approved and permits will not be issued until submitted plans that meet fire code are approved by the City Fire Department. The tallest proposed building is 50 feet.

c) The side and rear yards for any structure in excess of 35 feet in height shall be increased by one foot for each one foot in height in excess of 35 feet.

Setbacks have been increased on structures exceeding 35 feet in height.

Parking

The site plan shows 508 parking spaces for the entire development. The minimum required by the Zoning Ordinance based on number of units, assisted-living beds, and employees is 508.

Stormwater

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

Special Requirements

The proposed use is a Progressive Care Facility. The PRD zoning district allows for progressive care facilities, subject to the special requirements found in section 16-4-19 of the Zoning Ordinance, which are stated below:

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

The site contains 60.96 acres.

b) A minimum of 65 percent of the project tract shall be designated as open space.

The site plan indicated 39.8 acres of open space, which is equal to 65 percent of the site.

c) The facility shall provide housing for retirees or the elderly.

Carolina Village provides housing for retirees and the elderly.

d) The facility shall be owned and operated as one facility and shall have two or more of the following uses, which may or may not be contained under one roof:

- 1) Independent dwelling units constructed as detached or attached units;
- 2) Apartments, where care and assistance in bathing, dressing, house cleaning and other activities may or may not be provided. Complete or partial kitchen facilities shall be provided, in addition to common dining facilities for residents;
- 3) Rooms where ambulatory assistance is given in addition to all meals and a more intensive level of care by semi-skilled nursing staff;
- 4) Rooms where skilled nursing care and life support systems are available.

Carolina Village is owned and operated as one facility, and provides all of the use listed.

e) Maximum density for progressive care facilities shall be 23 people per acre. City Council shall have the right to determine a lower density applying as criteria the following: site constraints including but not limited to slopes over 20%, poor soils, presence of floodplain, or other factors such as the traffic-bearing capability of existing roads that would pose a threat to public health, safety or welfare, or violate any of the review standards contained in this Article.

The proposed density, based on the number of units and beds, is 12.6 people per acre.

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 available on 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.

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 May 31, 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.

Sixteen people representing the general public attended the meeting. The public asked questions about EMS routes to the site, wildlife, and the impact of I-26 on the development.

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 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 planned residential developments as a primary use. The Comprehensive Plan recommends that primary uses such as this one occupy the majority of acreage found within this classification's boundary. Therefore the proposed development conforms with the Comprehensive Plan.

The Comprehensive Transportation Plan does not indicate any new improvements to Four Season Boulevard.

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 approve the application of Carolina Village 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

For Recommending Approval: I move that City Council approve the application of Carolina Village, Inc. 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 Recommending Denial: I move that City Council not approve the application of Carolina Village, Inc. for issuance of an amended special use permit.

[PLEASE STATE YOUR REASONS]

IN RE: Carolina Village Amendment (File # P17-19-SUR)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

Progressive Care Facilities

II. Conditions:

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

N/A

- (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.

Carolina Village, Inc.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Planning Report
 Neighborhood Compatibility Meeting
 Application for a Special Use Permit
 Carolina Village Amendment File #P17-19-SUR
 Tuesday, May 31, 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>
Tom Jones	WGLA Engineering	Bob Walrath	203 Forestwood Ct
Michael Fizer	WGLA Engineering	Ray Stone	207 Forestwood Ct
Kevin Parries (applicant)	600 Carolina Village Rd	Wayne D. Fey	12 Fallridge Rd
Mike Hayes	597 Clear Creek Rd	Yuri Sysa	199 Benhurst Ct
Kohlan Flynn	CV Board chair	Lester Vier	109 Balsam Rd
Clay Logan	672 Hyder Farm Rd	Mac Bracket	105 Carolina Vill Rd
Ken Fitch	1046 Patton St	Jan Crafton	828 Jordan Hill Rd
Bruce Murry	600 Carolina Village Rd	Rita Houch	333 Thompson St
R. Allan Worrell	133 Greenfield Ln	Susan Frady, staff	Development Assistance Director
Gil Campbell	1036 Carolina Vill Rd	Matt Champion, staff	Senior Planner
Nancy Campbell	1036 Carolina Vill Rd	Daniel Heyman, staff	Planner

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.

Kevin Parries spoke to those in attendance. He stated that this is a two-year project on their strategic plan. They have chosen to focus on independent living. They are using an architect they have worked with for a long time out of Pennsylvania, and the site plan engineers are WGLA.

Tom Jones spoke to those in attendance. He showed the site plans and architectural renderings. He stated that since the construction on the new portion is taking place north of the road that the residential properties to the south would experience minimal impact. They will relocate the existing garden area. The apartment building is 4 stories with 36 units.

An attendee asked about the project timeline. Kevin stated that they would like to start this fall if possible. They have not finalized the staging but the apartments will take the longest.

An attendee asked if anything will be constructed south of the existing road. Tom Jones stated that nothing is planned and that they would need to go through these same steps if they were going to add anything not shown on the plan today.

An attendee asked about the ground elevation of the new units. Tom Jones stated that they do sit up on the hill, but are only one story in front. They are two story in the rear abutting the

interstate.

An attendee asked about construction traffic. Kevin stated that the Clear Creek road entrance would be the primary construction entrance.

An attendee asked about the square footage per unit. Kevin stated that the apartment units will be about 1100 to 1300 square feet, the same as the existing apartment units. The duplexes and six-plexes will be 1150 to 1500, and will be very similar to the existing units at Carolina Village.

An attendee asked how the widening of I-26 will impact the project. Kevin said that they have been in contact with DOT and no additional right of way will be needed for the project. He also stated that they conduct sound testing every 2 years and consult with DOT about concerns. They use extra insulation and heavy paned windows to keep the sound out.

An attendee asked about the impact on wildlife. Kevin stated that they are trying to maintain greenspace that exists which should preserve habitats. Tom Jones stated that no endangered species studies are being conducted, and that there is some wetland present on site but it will not be disturbed.

An attendee asked about the impact of traffic and EMS routes. Kevin stated that they will not be conducting a TIA because they aren't required to, but the additional units shouldn't cause much additional stress on the roadways. The population served doesn't drive much and they keep a lot of amenities on site and offer shuttle services. EMS depends on the call, they tend to use the Clear Creek entrance, but once they are on site the staff at Carolina Village escorts them to reach the destination quickly.

An attendee asked about the capacity for medical services. Kevin stated that they have the capacity for about 150 additional residents currently. They also provide services in the home. The dining hall can accommodate about that many as well.

An attendee asked if increased staff would be necessary. Kevin stated that about 10 to 12 new staff members would be hired as a result of this expansion.

An attendee asked about reservations for these units. Kevin stated that a majority of them already have reservations placed. Their waiting list is about 3 years out.

With no further comments or questions, Mr. Heyman closed the meeting at 2:40 p.m.

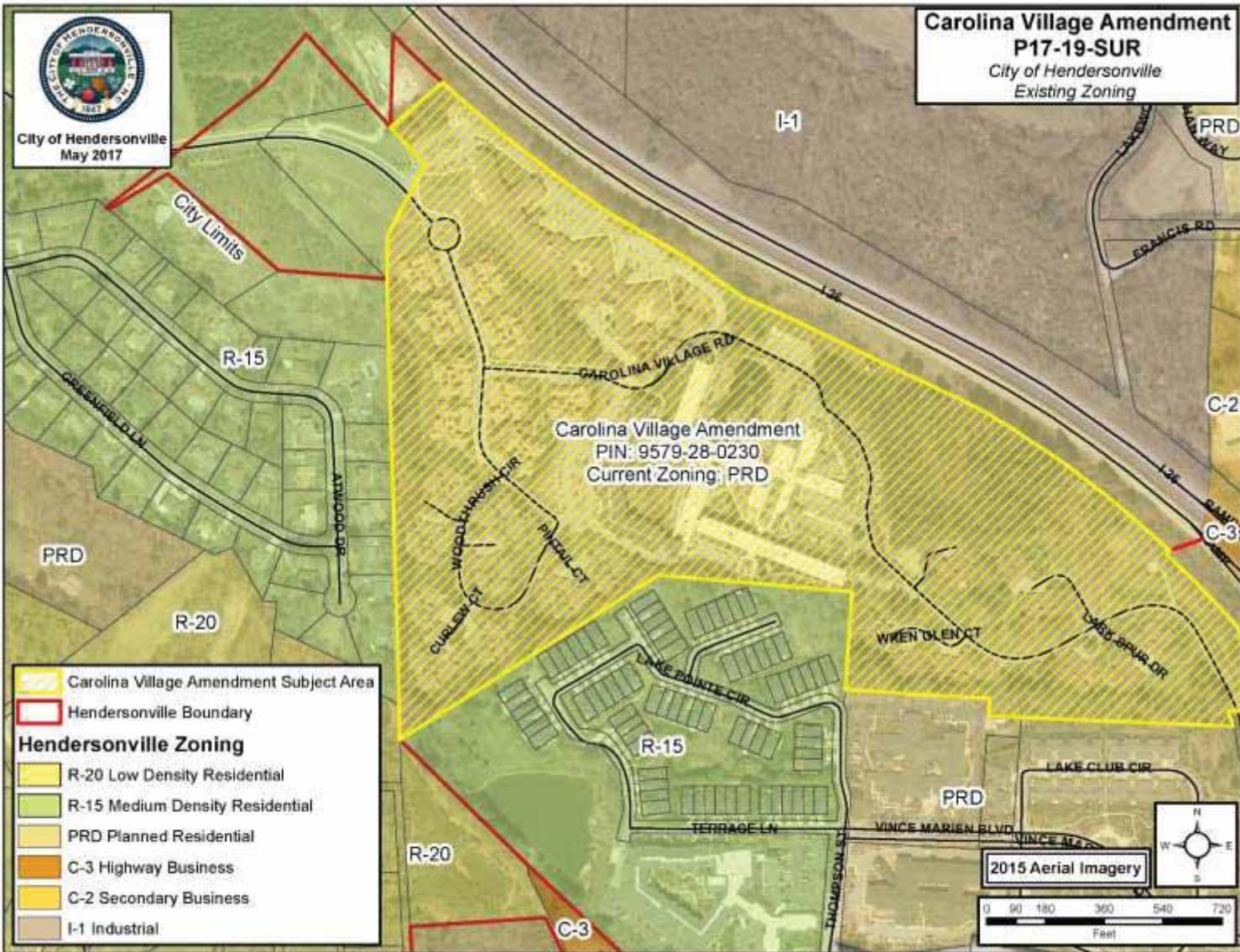


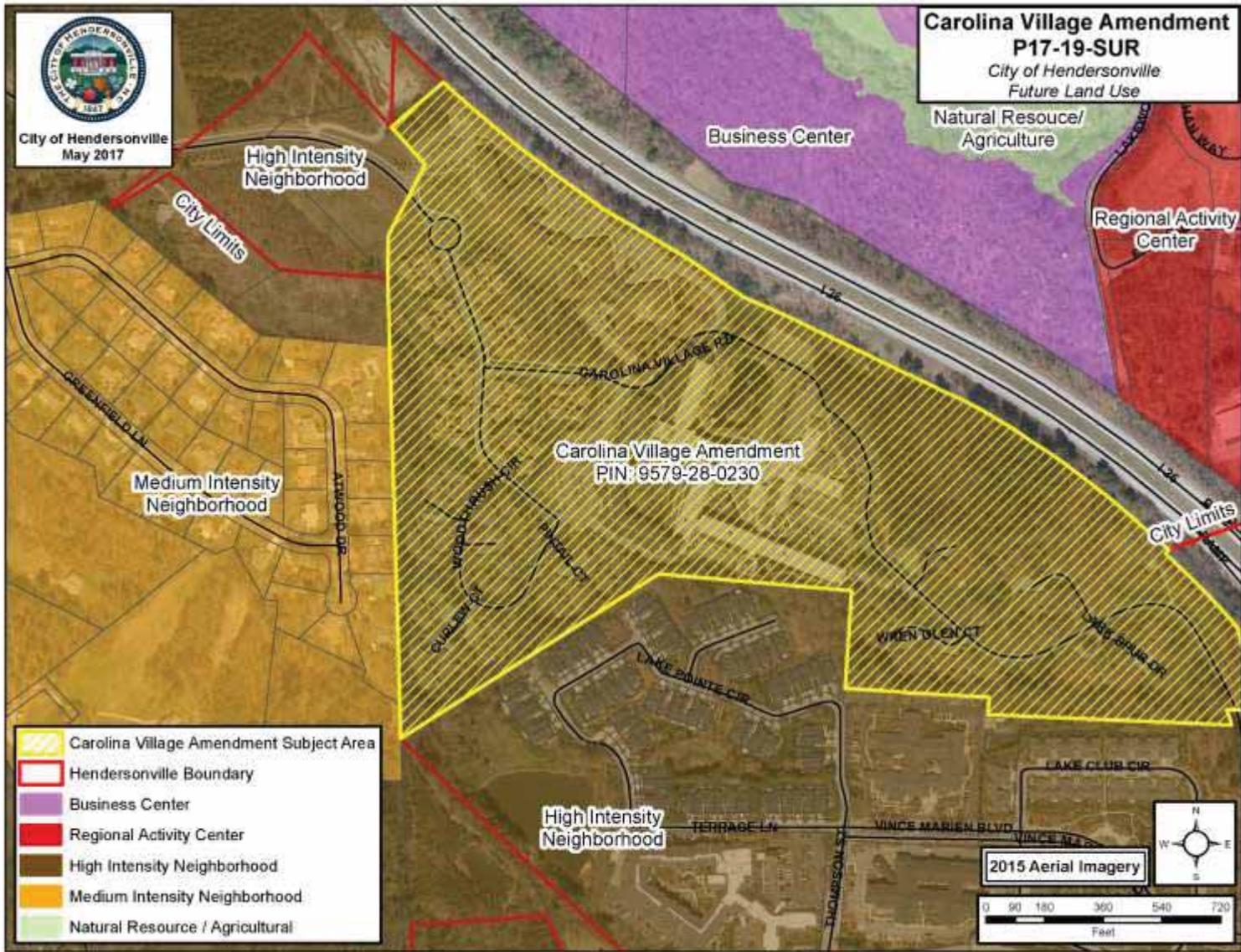
**Carolina Village Amendment
P17-19-SUR**
City of Hendersonville
Existing Land Use

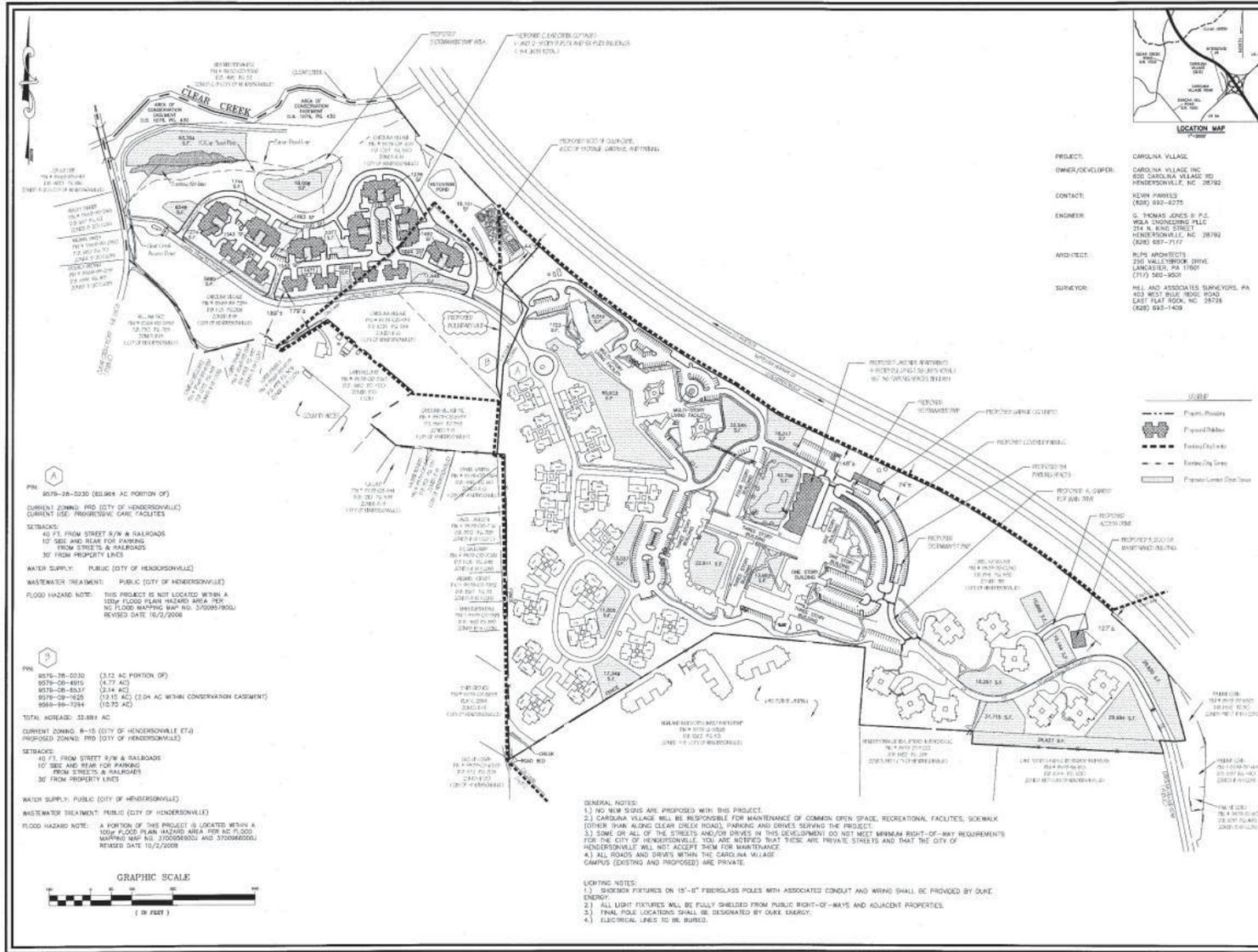


Carolina Village Amendment Subject Area
 Hendersonville Boundary

2015 Aerial Imagery
0 80 160 320 540 720
Feet







PROJECT: CAROLINA VILLAGE
 OWNER/DEVELOPER: CAROLINA VILLAGE, INC.
 600 CAROLINA VILLAGE RD.
 HENDERSONVILLE, NC 28702
 CONTACT: KEVIN PARKES
 (828) 692-4275
 ENGINEER: G. THOMAS JONES III, P.E.
 WGLA ENGINEERING, PLLC
 214 N. KING STREET
 HENDERSONVILLE, NC 28702
 (828) 687-7177
 ARCHITECT: RUPH ARCHITECTS
 216 WALLEYBROOK DRIVE
 LANGFLETTER, PA 17607
 (717) 369-4600
 SURVEYOR: HILL AND ASSOCIATES SURVEYORS, PA
 463 HILL BLUE HOLE ROAD
 EAST FLAT ROCK, NC 28724
 (828) 625-1408

WGLA
 Engineering

WGLA ENGINEERING, PLLC
 214 N. KING STREET
 HENDERSONVILLE, NC 28702
 (828) 687-7177
 WGLA.COM
 NC LICENSE P-1542

CAROLINA VILLAGE

HENDERSONVILLE
 HENDERSON COUNTY
 NORTH CAROLINA



REVISIONS	
DATE	DESCRIPTION
08-14-17	01 - Initial



PROJECT NUMBER:	10154
DATE:	8-14-17
DRAWN BY:	MLP
CHECKED BY:	GTJ

MASTER PLAN

C-200

SCALE: 1"=180'

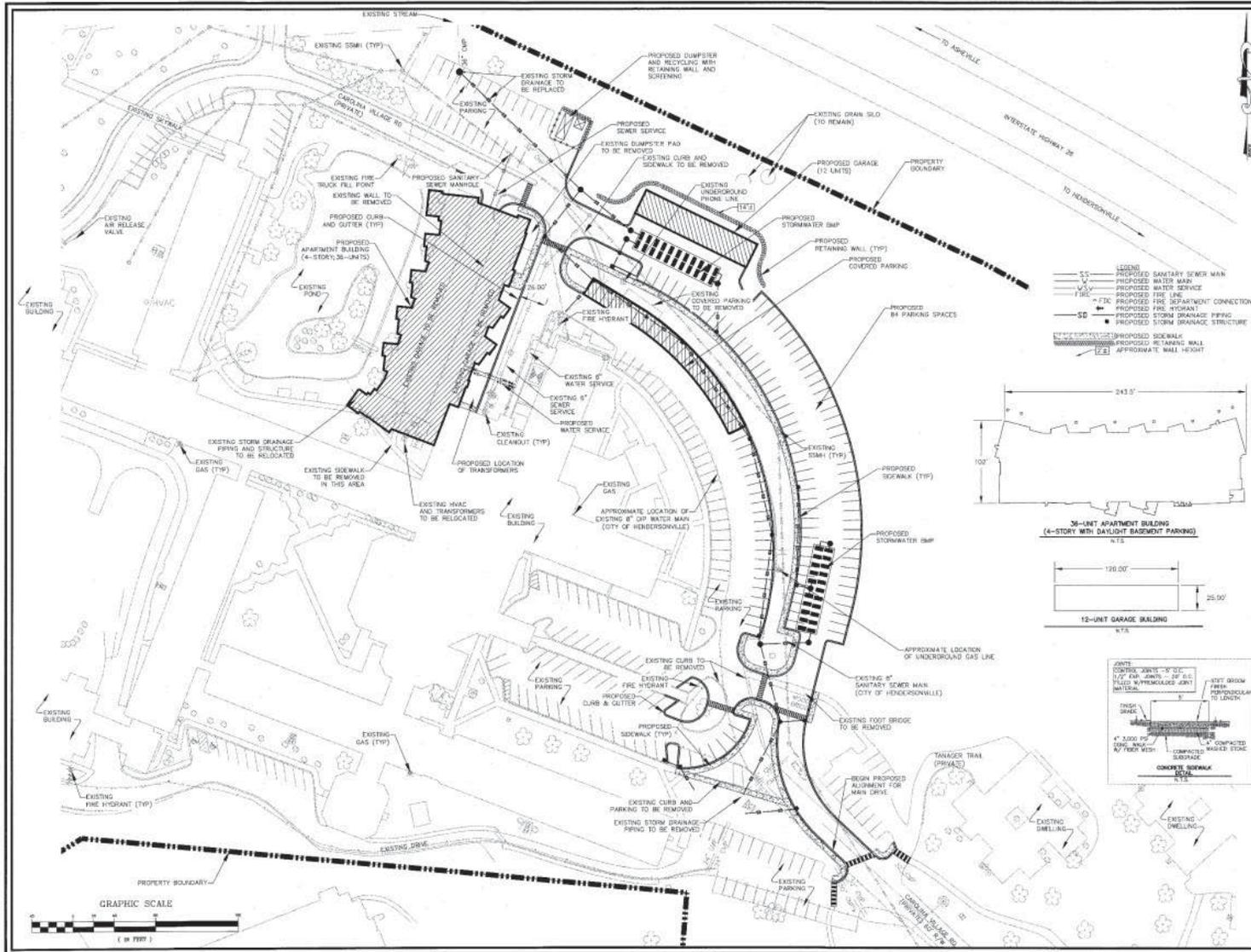
PARCEL 1
 8576-26-0230 (80.94 AC PORTION OF)
 CURRENT ZONING: PRO (CITY OF HENDERSONVILLE)
 CURRENT USE: PROGRESSIVE CARE FACILITIES
 SETBACKS:
 40 FT. FROM STREET R/W & RAILROADS
 10' SIDE AND REAR FOR PARKING
 FROM STREETS & RAILROADS
 30' FROM PROPERTY LINES
 WATER SUPPLY: PUBLIC (CITY OF HENDERSONVILLE)
 WASTEWATER TREATMENT: PUBLIC (CITY OF HENDERSONVILLE)
 FLOOD HAZARD NOTE: THIS PROJECT IS NOT LOCATED WITHIN A
 TOWN FLOOD PLAIN HAZARD AREA. FOR
 NO FLOOD MAPPING MAP NO. 370095/800J
 REVISION DATE: 10/2/2008

PARCEL 2
 8576-26-0230 (3.12 AC PORTION OF)
 8576-26-0495 (2.77 AC)
 8576-26-0517 (2.14 AC)
 8576-26-1620 (13.15 AC) (2.04 AC WITHIN CONSERVATION EASEMENT)
 8568-99-7294 (10.70 AC)
 TOTAL ADDRESS: 32.889 AC
 CURRENT ZONING: R-15 (CITY OF HENDERSONVILLE ETJ)
 PROPOSED ZONING: PRO (CITY OF HENDERSONVILLE)
 SETBACKS:
 40 FT. FROM STREET R/W & RAILROADS
 10' SIDE AND REAR FOR PARKING
 FROM STREETS & RAILROADS
 30' FROM PROPERTY LINES
 WATER SUPPLY: PUBLIC (CITY OF HENDERSONVILLE)
 WASTEWATER TREATMENT: PUBLIC (CITY OF HENDERSONVILLE)
 FLOOD HAZARD NOTE: A PORTION OF THIS PROJECT IS LOCATED WITHIN A
 TOWN FLOOD PLAIN HAZARD AREA. FOR NO FLOOD
 MAPPING MAP NO. 370095/800J AND 370096/800K
 REVISION DATE: 10/2/2008

GENERAL NOTES:
 1.) NO NEW STORES ARE PROPOSED WITH THIS PROJECT.
 2.) CAROLINA VILLAGE WILL BE RESPONSIBLE FOR MAINTENANCE OF COMMON OPEN SPACE, RECREATIONAL FACILITIES, SIDEWALK
 (OTHER THAN ALONG CLEAR CREEK ROAD), PARKING AND DRIVES SERVING THE PROJECT.
 3.) SOME OR ALL OF THE STREETS AND/OR DRIVES IN THIS DEVELOPMENT DO NOT MEET MINIMUM RIGHT-OF-WAY REQUIREMENTS
 FOR THE CITY OF HENDERSONVILLE. YOU ARE NOTIFIED THAT THESE ARE PRIVATE STREETS AND THAT THE CITY OF
 HENDERSONVILLE WILL NOT ACCEPT THEM FOR MAINTENANCE.
 4.) ALL ROADS AND DRIVES WITHIN THE CAROLINA VILLAGE
 CAMPUS (EXISTING AND PROPOSED) ARE PRIVATE.

LIGHTING NOTES:
 1.) SHOWBOX FIXTURES ON 18"-18" FIBERGLASS POLES WITH ASSOCIATED CONDUIT AND WIRING SHALL BE PROVIDED BY DUKE ENERGY.
 2.) ALL LIGHT FIXTURES WILL BE FULLY SHIELDED FROM PUBLIC RIGHT-OF-WAYS AND ADJACENT PROPERTIES.
 3.) FINAL POLE LOCATIONS SHALL BE DETERMINED BY DUKE ENERGY.
 4.) ELECTRICAL LINES TO BE BURIED.

P:\000000\Projects\Carolina Village\2016\Map\Map 2016.dwg, 2016/08/17 1:45:18 PM, 13168



WGLA
 Engineering

WGLA ENGINEERING, PLLC
 214 N. KING STREET
 HENDERSONVILLE, NC 28702
 (828) 687-7177
 WGLA.COM
 NC LICENSE P-1342

Carolina Village
**Lakeside
 Apartments**
 HENDERSONVILLE
 HENDERSON COUNTY
 NORTH CAROLINA



**Preliminary
 Not For
 Construction**

REVISIONS	
NO.	DESCRIPTION



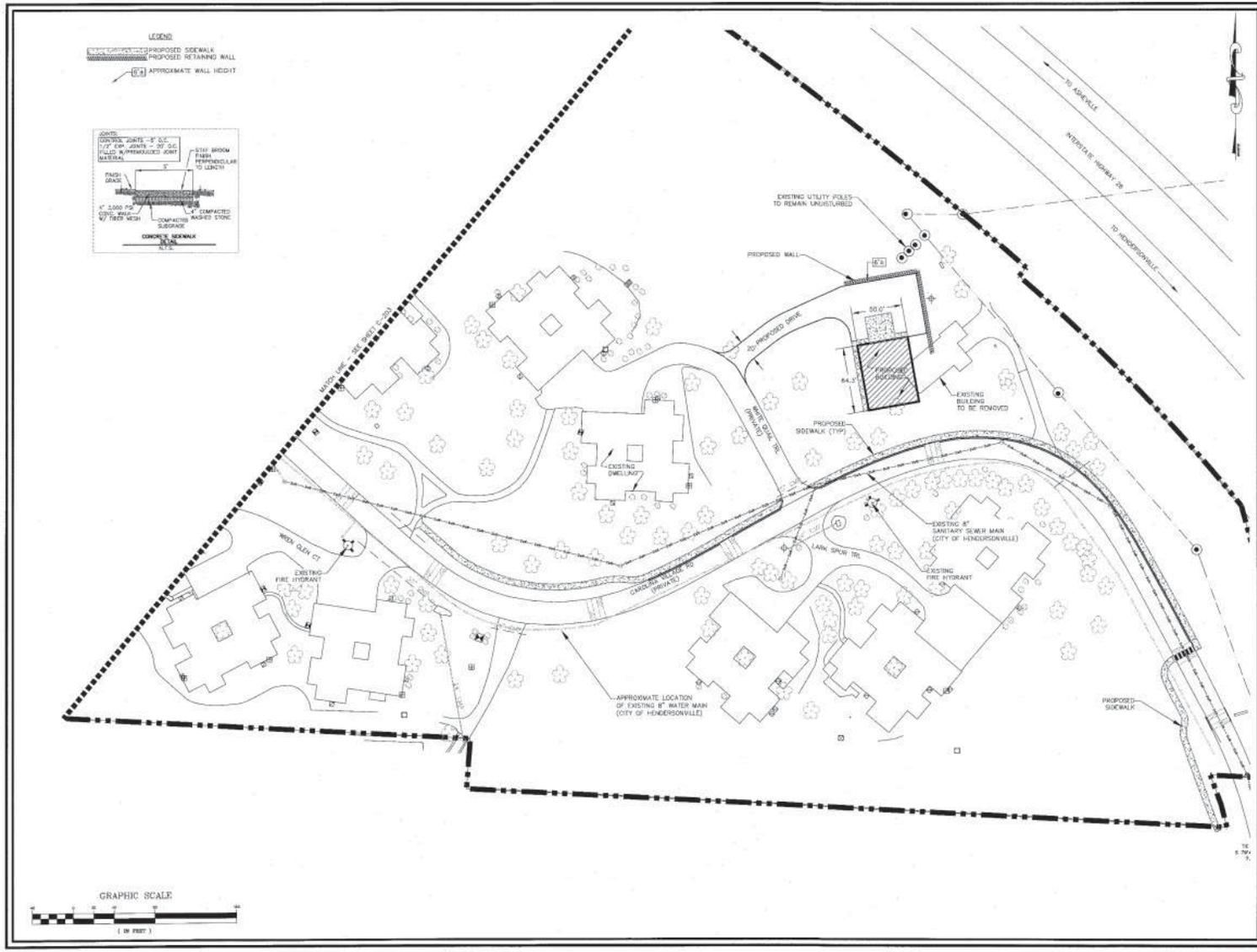
PROJECT NUMBER: 18154
 DATE: 8-14-17
 DRAWN BY: MEF
 CHECKED BY: GTJ

Preliminary
 Site Plan

C-203

SCALE: 1"=40'

P:\2017\17081\Carolina Village Lakeside Apartments.dwg, 8/20/2017 2:00:00 PM, WGL



WGLA
 Engineering

WGLA ENGINEERING, PLLC
 214 N. KING STREET
 HENDERSONVILLE, NC 28022
 (828) 687-7177
 WGLA.COM
 NC LICENSE P-1342

Carolina Village
Maintenance Building
 HENDERSONVILLE
 HENDERSON COUNTY
 NORTH CAROLINA



Preliminary Not For Construction

DATE	DESCRIPTION
8-28-17	001 - Comments



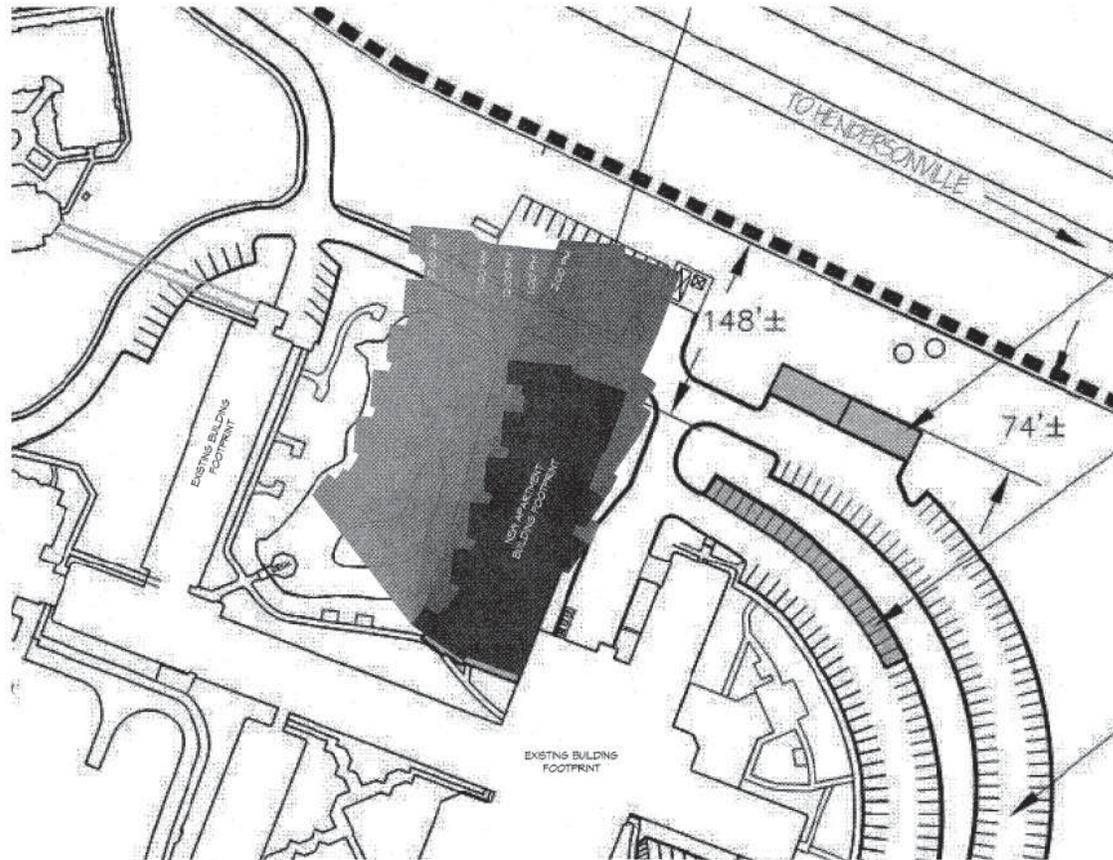
PROJECT NUMBER: 18164
 DATE: 8-14-17
 DRAWN BY: MJF
 CHECKED BY: STJ

Preliminary Site Plan

C-204

SCALE: 1"=40'

P:\18164\1701\Project\Carolina Village 2016\8-14-17\001 Preliminary Site Plan - Maintenance Building.dwg, 8/28/2017 2:05:08 PM, LMS



DECEMBER 21, 10:00 AM - 2:00 PM



ZONING SHADOW STUDY
LAKESIDE APARTMENTS & CLEAR CREEK COTTAGES
CAROLINA VILLAGE, INC.

06/26/17



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 Frady

Department: Development Asst Dept

Date Submitted: 7-13-17

Presenter: Matt Champion, Senior Planner

Date of Council Meeting to consider this item: 8-3-17

Nature of Item: Council Action

Summary of Information/Request:

Item # 09

The City is in receipt of a Special Use Permit application from Sugarloaf Hospitality, LLC to construct a 66,000 ft² hotel for the Hendersonville Home 2 project. The site is approximately 2.30 acres on PIN 9579-56-7956 located on Sugarloaf Road.

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

Suggested Motion:

Suggested motions are shown on Pages 4 and 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: Hendersonville Home 2
FILE #: P17-22-SUR
DATE: August 3, 2017

PROJECT DESCRIPTION

The City is in receipt of a Special Use Permit application from Sugarloaf Hospitality, LLC to construct a 66,000 ft² hotel for the Hendersonville Home 2 project. The site is approximately 2.30 acres on PIN 9579-56-7956 located on Sugarloaf Road.

HISTORY

The City Council approved an application for a 77,869 ft² Hampton Inns and Suites and a rezoning from C-3 Highway Business to PCD Planned Commercial Development on May 5, 2005 for this subject area. A variance was also approved by City Council to allow an additional 7' 6" to the maximum building height requirements.

The project was never developed and the special use permit has since expired. The zoning classification of the subject area remains PCD Planned Commercial Development.

EXISTING LAND USES & ZONING

The proposed project parcel is currently vacant and is zoned PCD, Planned Commercial Development. The existing zoning classifications are shown on the zoning map on page 7 and the existing land use map can be found on page 8.

The subject area is surrounded by C-3 Highway Business in all directions. The parcel to the west is the World of Clothing retail services. The parcel to the south is currently the Ramada hotel. Parcels to the east are residential uses including single family structures. The parcel to the north is A Day in the Country retail sales and restaurant. The parcel to the north of the subject area has a parking space memorandum of understanding to accommodate parking requirements.

COMPREHENSIVE PLAN CONSISTENCY

The parcel included in this project and adjacent parcels are 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 Regional Activity Center classification lists community/regional retail sales and services as a primary use. Primary uses, such as this one, are preferred land uses that should occupy the majority of area within this classification’s boundary.

The Comprehensive Plan Future Land Use Map can be found on page 9.

PLAN REVIEW

General

The approximately 2.3 acre site is currently vacant. The applicant is proposing to construct a 4-story, 66,000ft² hotel and meeting space containing 98 guest rooms.

The Preliminary Site Plan along with building elevations are included with this memorandum on pages 10-12.

Parking

As per Section 6.5.2, the required parking for hotels is 1 parking space per guest room plus 1 space per 600ft² of public meeting area and restaurant area. Thus, this project is required to provide a minimum of 100 parking spaces. The site plan shows 104 parking spaces.

Sidewalks

The applicant is required to install a sidewalk along the subject area’s frontage on Sugarloaf Road.

Vehicular Access

Sugarloaf Road is a NCDOT-managed road. Thus, the applicant shall be required to acquire a driveway entrance permit from NCDOT prior to final site plan approval.

Stormwater

A stormwater management plan will be required and shall be submitted and approved prior to final site plan approval.

Landscaping

The applicant will be required to screen dumpsters or trash handling areas from adjacent property owners and views from public right-of-ways as per section 15-7 Screening.

The applicant will also be required to follow section 15-9 Landscaping for Vehicular Use Areas to adequately install planting strips and perimeter and interior plantings in the proposed parking areas.

Buffer Plantings

As per section 15-6 Bufferyards, a 10-foot B buffer is required between this parcel and the parcels to the east that are residential in use.

Below is a table showing the bufferyard requirements 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

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.*

The applicant is requesting to connect to the City sewer and water.

- (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 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 May 31, 2017. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject property.

One member of the general public attended the meeting. The general public asked questions regarding the capacity of the meeting space and parking.

A copy of the neighborhood compatibility report accompanies this memorandum on page 6.

- (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 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.”

Sugarloaf Road is listed in the Comprehensive Transportation Plan as project C30. The Comprehensive Transportation Plan recommends adding turn lanes, widening shoulders, and improving geometrics.

PLANNING BOARD

The Planning Board took this matter up at its regular meeting on July 10, 2017. The Planning Board voted unanimously to recommend City Council approve the application of Sugarloaf Hospitality, 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

Recommend Approval:

I move the City Council approve the application of Sugarloaf Hospitality, 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.

[PLEASE STATE YOUR REASONS]

Recommend Denial:

I move the City Council not approve the application of Sugarloaf Hospitality, LLC for issuance of a Special Use Permit.

[PLEASE STATE YOUR REASONS]

IN RE: Hendersonville Home 2 (File # P17-22-SUR)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

Hotels and Motels

II. Conditions:

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

Approved parking agreement between A Day in the Country and Hendersonville Home 2 meeting all parking requirements.

- (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.

Sugarloaf Hospitality, LLC

Signature: _____

Printed Name: _____

Date: _____

Planning Report
Neighborhood Compatibility Meeting
Application for a Special Use Permit
Hendersonville Home2 File #P17-22-SUR
Wednesday, May 31, 2017 2:00 p.m.

Matt Champion, Senior 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>
Amit Govindji	14114 Promenade Dr Huntersville	Jordan Powell	WLOS
Katie Geier	1615 Lindhold Dr Suite 202A Huntersville	Justin Hinton	WLOS
Jacob McMinn	521 Lyndhurst Dr	Susan Frady, staff	Development Assistance Director
Chris Cormier	624 7 th Ave E	Matt Champion, staff	Senior Planner
Ken Fitch	1046 Patton St	Daniel Heyman, staff	Planner

Mr. Champion 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.

Mr. Champion stated that the proposed hotel consists of 98 rooms and 860 ft² of meeting space. The site is zoned PCD Planned Commercial District.

Katie Geier of Henson Foley Engineering spoke to those in attendance. She explained that parking would be shared with the neighboring A Day in the Country restaurant and retail shop.

Ken Fitch asked how many people would fit in the meeting space. Amit Govindji stated that at capacity maybe 50 people depending on how it was configured. The Hampton Inn is owned and operated by the same group that is proposing this hotel and has a much larger meeting space. Both would be available to rent by the public, but the meeting space at the Home2 hotel is mainly an amenity for guests staying.

Amit further explained that primarily guests will be staying a week or more. All of the room are suites with kitchens and many common amenities.

Mr. Fitch asked about parking. Amit stated that their guests at the Home2 are usually long term guests that are in town for work and would be away from the hotel 9-5 in most cases. The neighboring restaurant closes around this time. So he does not anticipate conflicts with parking.

Katie Geier stated the parking provided for the meeting space was in accordance with the Zoning Ordinance.

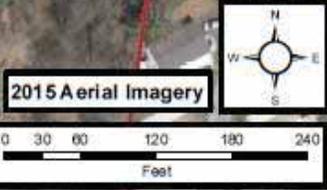
With no further comments or questions, Mr. Champion closed the meeting at 2:10 p.m.

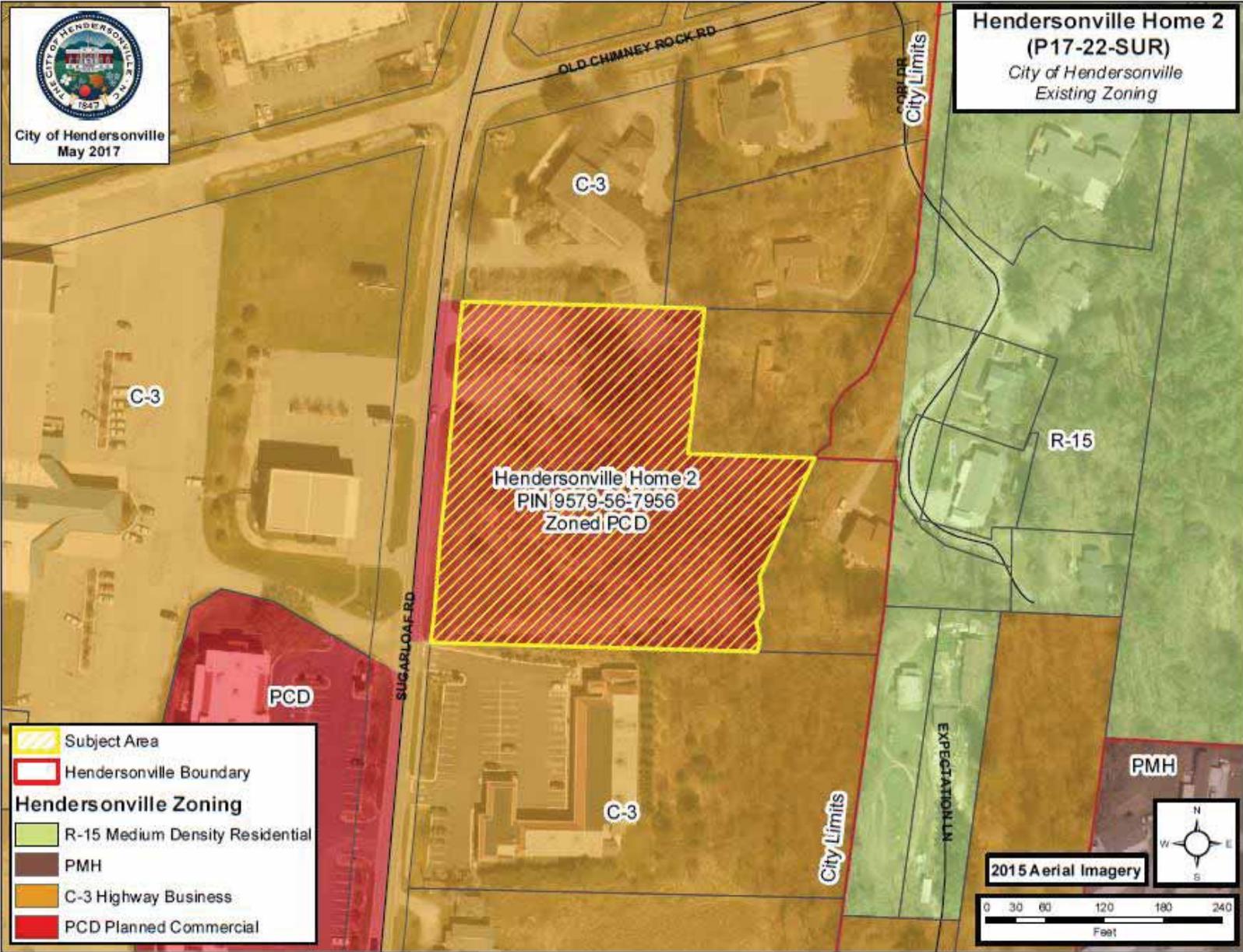


Hendersonville Home 2
(P17-22-SUR)
City of Hendersonville
Existing Land Use

Hendersonville Home 2
PIN 9579-56-7956

Subject Area
 Hendersonville Boundary





**Hendersonville Home 2
(P17-22-SUR)**
City of Hendersonville
Existing Zoning

Hendersonville Zoning

- Subject Area
- Hendersonville Boundary
- R-15 Medium Density Residential
- PMH
- C-3 Highway Business
- PCD Planned Commercial

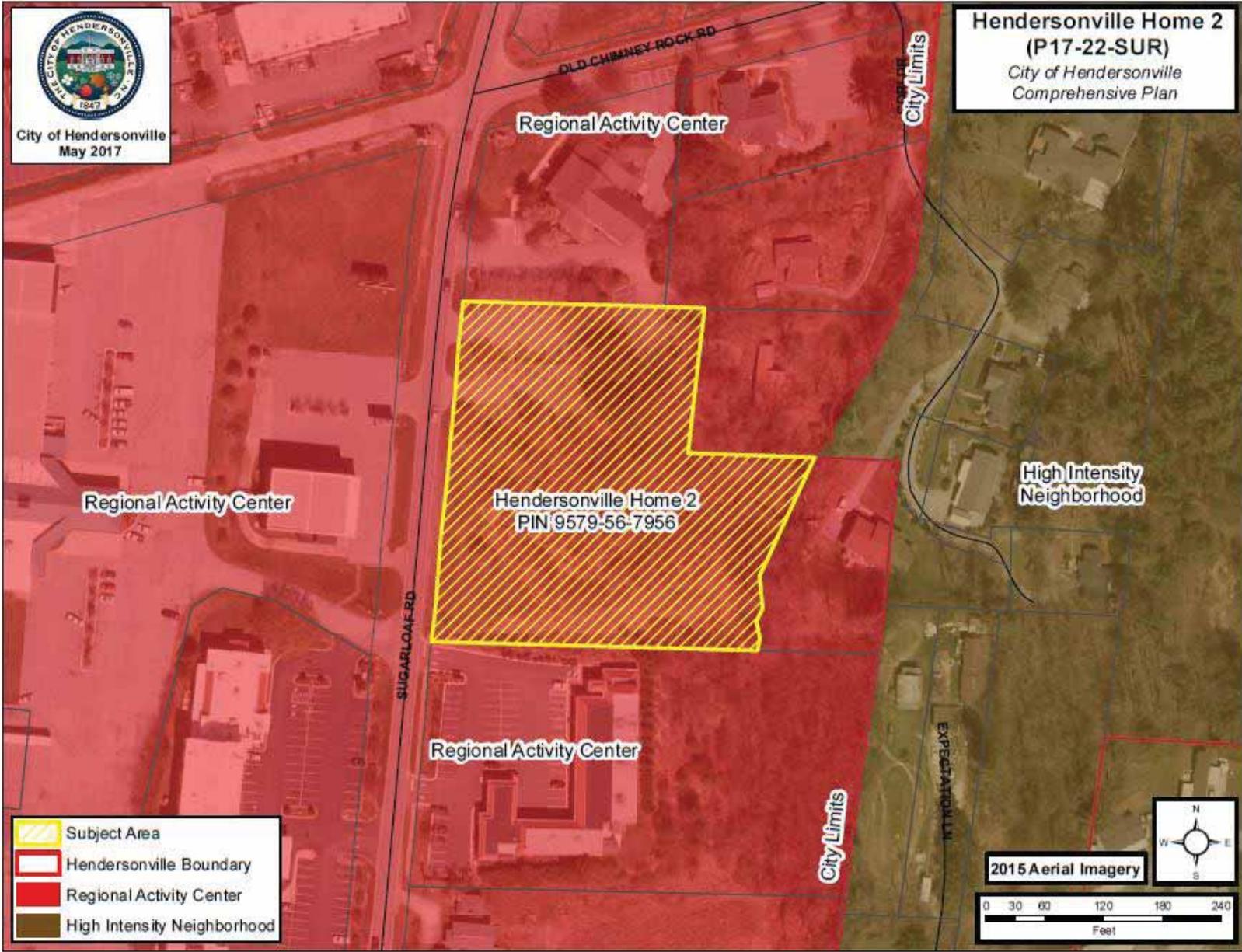
2015 Aerial Imagery

0 30 60 120 180 240
Feet



City of Hendersonville
May 2017

**Hendersonville Home 2
(P17-22-SUR)**
City of Hendersonville
Comprehensive Plan



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2 Right Elevation
 See Section 1



1 Front Elevation
 See Section 1

NOTES	
1	GENERAL NOTES
2	SEE ARCHITECTURAL SPECIFICATIONS
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 WWW.161ARCHITECTURE.COM

Home Suites by Hilton
 for New River Hotels
 Sugarloaf Rd.
 Hendersonville, NC

A201

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 as provided in G.S. 1-54.1. (1981, c. 891, s. 3; 1995 (Reg. Sess., 1996), c. 746, s. 7.)



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 7-13-17

Presenter: Matt Champion, Senior Planner

Date of Council Meeting to consider this item: 8-3-17

Nature of Item: Council Action

Summary of Information/Request:

Item # 10

The City is in receipt of an application, dated June 2, 2017, for a zoning map amendment. The applicant is Seth Cohen and the property owner is Daniel and Martha Worley. The application is for parcel 9578-50-4021 which consists of 0.86 acres. This parcel is located off of Spartanburg Hwy (US 176) on King Creek Boulevard.

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

Suggested Motion:

Suggested motions are shown on pages 4 and 5 of the memorandum.

Attachments:

MEMORANDUM

TO: Honorable Mayor and Council
FROM: Matt Champion, Senior Planner
RE: Seth Cohen
FILE #: P17-28-Z
DATE: August 3, 2017

PROJECT HISTORY

The City is in receipt of an application, dated June 2, 2017, for a zoning map amendment. The applicant is Seth Cohen and the property owner is Daniel and Martha Worley. The application is for parcel 9578-50-4021 which consists of 0.86 acres. This parcel is located off of Spartanburg Hwy (US 176) on King Creek Boulevard.

COMPREHENSIVE PLAN CONSISTENCY

According to N.C.G.S.160A-383, zoning map amendments shall be made in accordance with a comprehensive plan. As shown on the map located on page 7, the 2030 Comprehensive Plan's Future Land Use Map designates the subject area as High Intensity Neighborhood. The High Intensity Neighborhood future land use category is to encourage low-maintenance, high-density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods. The primary and secondary recommended land uses for the High Intensity Neighborhood land use category are as follows:

Primary

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

Secondary

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

PROPOSED ZONING CLASSIFICATION

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

SURROUNDING LAND USE & ZONING CLASSIFICATION

The parcel in the proposed rezoning request is currently vacant. The parcels to the north and southwest are zoned PRD, Planned Residential Development and have a mix of multi-family and single family residential dwellings on them which are found in the Village of King Creek Development. Parcels to the south and east are zoned C-3, Highway Business and contains the Boyd Automotive Dealership. The parcel to the northwest is zoned C-3SU, Highway Business Special Use and contains the Council on Aging facility. Please note an existing land use map is located on page 6 and an existing zoning map is located on page 8.

ANALYSIS

Listed in Table A is an outline of the dimensional requirements for the C-3 and C-3SU zoning district classifications. The dimensional requirements are the same for both zoning district classifications with the exception that a C-3SU zoning district requires a special use permit approval.

Table A

Dimensional Req. C-3&C-3SU	Residential	Non-Residential
Minimum Lot Area	6,000 Sq. Ft.	10,000 Sq. Ft.
Minimum Lot Width at Building Line	50 Feet	80 Feet
Minimum Front Yard	20 Feet	35 Feet
Minimum Side Yard	8 Feet	15 Feet
Minimum Rear Yard	10 Feet	20 Feet
Maximum Building Height	35 Feet	48 Feet

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

C-3, Highway Business District

Permitted Uses:

Accessory dwelling units
Accessory structures
Adult care homes
Animal hospitals & clinics
Automobile car washes
Automobile sales & service
Automotive paint & body work
Banks
Bed & breakfast facilities
Business services
Congregate care facilities
Construction trade facilities
Convenience stores
Cultural art buildings
Dance and fitness facilities
Dry cleaning and laundry establishments
Farm equipment sales & service
Food pantries
Food processing establishments
Funeral homes
Golf driving ranges
Greenhouses & commercial nurseries
Home occupations
Hotels and motels
Laundries
Microbreweries
Mobile homes sales establishments
Music and art studios
Newspaper offices and printing
Nursing homes
Offices, business, professional and public
Parking lots and parking garages
Parks
Personal services
Planned residential developments

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

Conditional Uses:

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

ZONING ORDINANCE GUIDELINES

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

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

PLANNING BOARD

The Planning Board took this matter up at its regular meeting on July 10, 2017. The Planning Board voted 6 to 1 recommending that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of parcel number 9578-50-4021 from C-3SU, Highway Business Special Use to C-3, Highway Business, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest.

SUGGESTED MOTIONS

For Recommending Approval:

I move the City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of parcel number 9578-50-4021 from C-3SU, Highway Business Special Use to C-3, Highway Business, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the following reasons:

[PLEASE STATE YOUR REASONS]

For Recommending Denial:

I move City Council not adopt an ordinance rezoning parcel number 9578-50-4021.

[PLEASE STATE YOUR REASONS]

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

IN RE: FILE NO. P17-28-Z

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

1. Pursuant to Article XI Amendments of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of parcel number 9578-50-4021 from City of Hendersonville C-3SU, Highway Business Special Use to City of Hendersonville C-3, Highway Business.
2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 3rd day of August 2017.

Barbara Volk, Mayor

ATTEST:

Tammie K. Drake, CMC, City Clerk

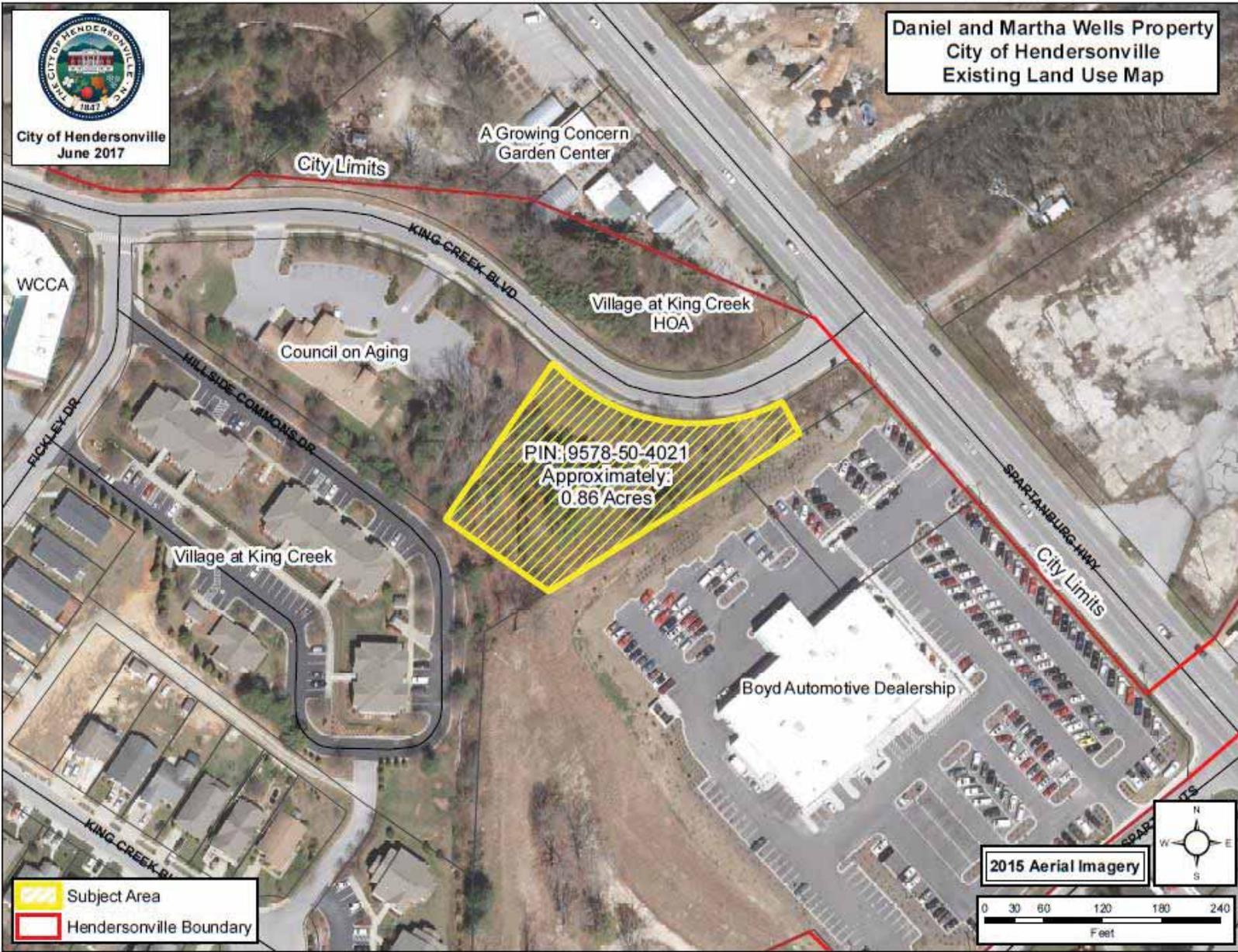
Approved as to form:

Samuel H. Fritschner, City Attorney



City of Hendersonville
June 2017

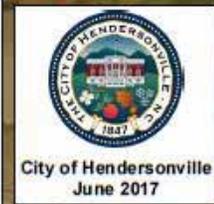
**Daniel and Martha Wells Property
City of Hendersonville
Existing Land Use Map**



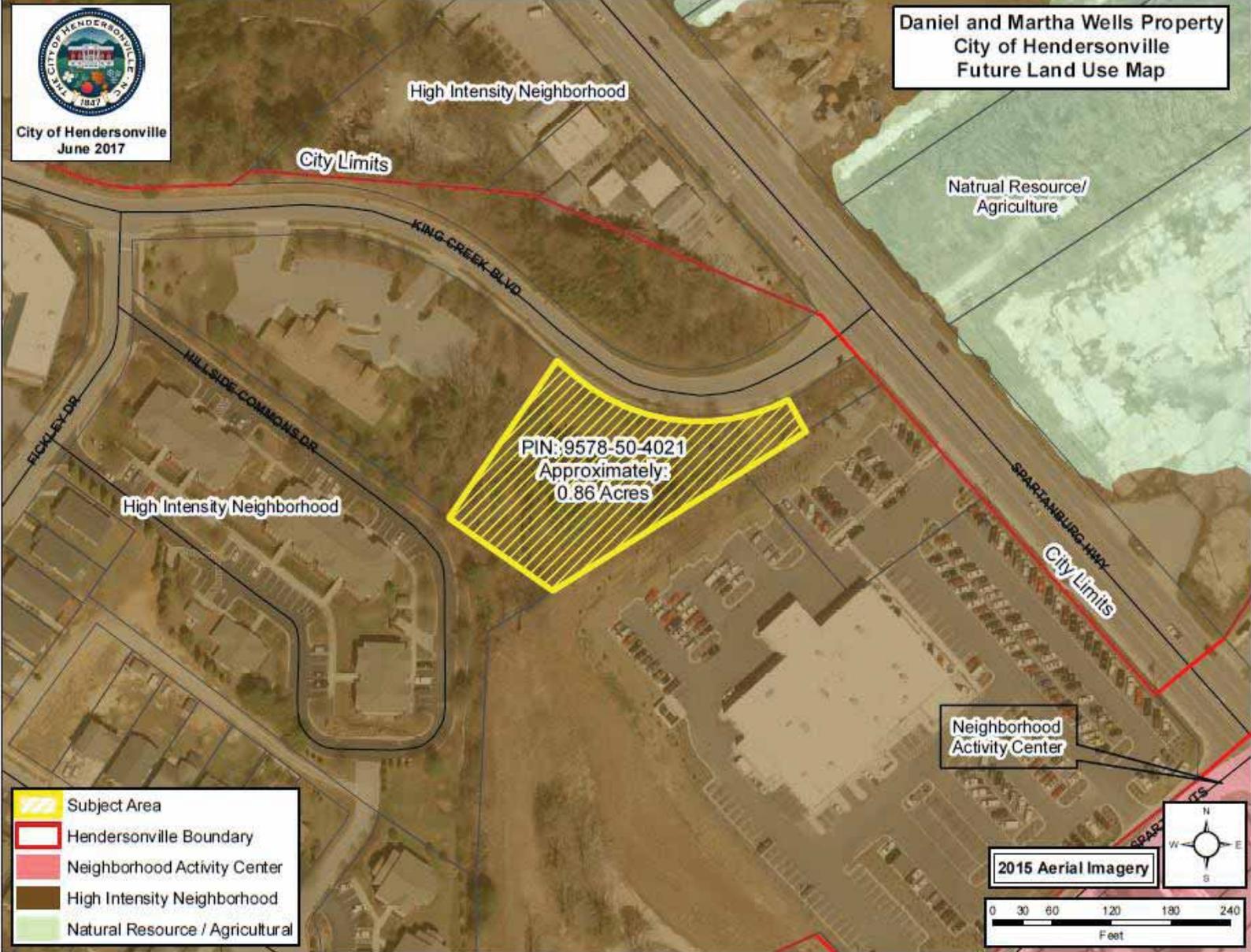
Subject Area
 Hendersonville Boundary

2015 Aerial Imagery

0 30 60 120 180 240
Feet



Daniel and Martha Wells Property
City of Hendersonville
Future Land Use Map



- Subject Area
- Hendersonville Boundary
- Neighborhood Activity Center
- High Intensity Neighborhood
- Natural Resource / Agricultural

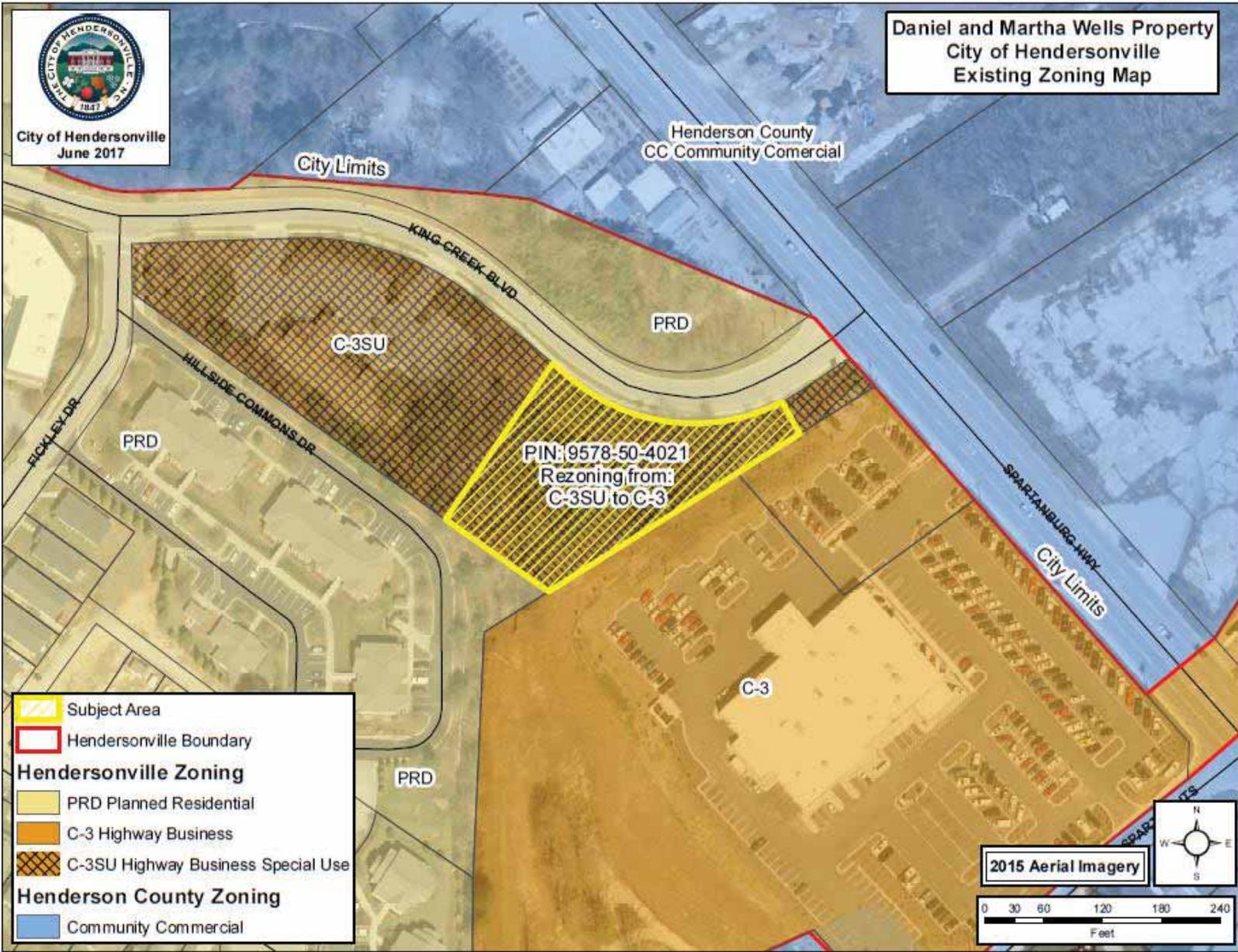
2015 Aerial Imagery

0 30 60 120 180 240
Feet



City of Hendersonville
June 2017

Daniel and Martha Wells Property
City of Hendersonville
Existing Zoning Map



Legend

- Subject Area
- Hendersonville Boundary
- Hendersonville Zoning**
- PRD Planned Residential
- C-3 Highway Business
- C-3SU Highway Business Special Use
- Henderson County Zoning**
- Community Commercial

2015 Aerial Imagery

0 30 60 120 180 240
Feet



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Susan Frady

Department: Development Asst Dept

Date Submitted: 7-13-17

Presenter: Daniel Heyman, Planner

Date of Council Meeting to consider this item: 8-03-17

Nature of Item: Council Action

Summary of Information/Request:

Item # 11

The Development Assistance Department staff is proposing to amend the City's Future Land Use Map as shown in the 2030 Hendersonville Comprehensive Plan by changing the classification of the area shown on page 5 from Low Intensity Neighborhood to Medium Intensity Neighborhood.

Amendments to the Comprehensive Plan may be adopted by City Council after receiving a recommendation from the Planning Board. If adopted, this amendment will not change the zoning on the affected properties.

The 2030 Comprehensive Plan, adopted in 2009, is a document that sets basic goals and policies which serve as the basic policy guide for development in the City. Hendersonville's Zoning Ordinance and North Carolina state law require that decisions made under the Zoning Ordinance must be in compliance with the Comprehensive Plan. The Zoning Ordinance provides that the Comprehensive Plan may be amended from time to time to meet the changing requirements of the City and its extraterritorial jurisdiction.

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

Suggested Motion:

Suggested motions are shown on page 5 of the attached memo.

Attachments:

M E M O R A N D U M

TO: Honorable Mayor and City Council

FROM: Development Assistance Department

RE: Proposal to Amend City's Future Land Use Map

DATE: August 3, 2017

The Development Assistance Department staff is proposing to amend the City's Future Land Use Map as shown in the 2030 Hendersonville Comprehensive Plan by changing the classification of the area shown on page 7 from Low Intensity Neighborhood to Medium Intensity Neighborhood.

Amendments to the Comprehensive Plan may be adopted by City Council after receiving a recommendation from the Planning Board. If adopted, this amendment will not change the zoning on the affected properties.

ROLE OF THE COMPREHENSIVE PLAN

The 2030 Comprehensive Plan, adopted in 2009, is a document that sets basic goals and policies which serve as the basic policy guide for development in the City. Hendersonville's Zoning Ordinance and North Carolina state law require that decisions made under the Zoning Ordinance must be in compliance with the Comprehensive Plan. The Zoning Ordinance provides that the Comprehensive Plan may be amended from time to time to meet the changing requirements of the City and its extraterritorial jurisdiction.

The Comprehensive Plan's Future Land Use Map contains future land use classifications that give suggested locations, primary and secondary recommended land uses, and development guidelines for all areas in the City's planning jurisdiction. Regarding the future land use map, the Comprehensive Plan states: "A Future Land Use plan is a set of long term policies, like the remainder of the Comprehensive Plan, that will guide the City's land use and decision making. It is not a zoning map and therefore has no regulatory power. Decisions regarding future zoning map and text amendments will rely on the Future Land Use plan."

COMPREHENSIVE PLAN MAINTENANCE

The Comprehensive Plan states: "A Comprehensive Plan is a flexible, living document that can adapt to changing conditions. The Action items and implementation resources listed in this plan are merely recommendations and do not represent a finite list of possibilities. It is possible that additional resources and approaches may become available over time that help to implement a given strategy or goal.

Additionally, the goals and strategies themselves, as well as the Transportation and Future Land Use plans, are subject to amendment. Changes in state or federal policies, broader economic trends, or demographic shifts may necessitate changes in the City's priorities. The Comprehensive Plan should undergo a thorough review every five years to assure the continuing relevance of its vision statements, goals and strategies.

Between the five-year reviews, the Planning Department and Planning Board should continuously monitor implementation and review the appropriateness of the plan's recommendations. Additionally, citizens are permitted to petition City Council for revisions to the plan through a formal application process. In reviewing potential plan revisions, the Planning Board should ensure that the revisions are supported by a thorough analysis of existing conditions."

When considering an amendment to the Comprehensive Plan, section 14-1(e) of the Zoning Ordinance requires City Council to consider whether the amendment is necessary or desirable, and whether it will promote the health, safety, and welfare of the City of Hendersonville.

EXISTING LAND USES

The parcels contained in the proposed amendment area include single-family homes and vacant land. The uses to the north include two single-family homes and open space/agricultural uses. The uses to the east include single-family homes. The uses to the south across Brevard Rd/US-64 include a condominium complex, single family homes, and a small commercial plaza located in Laurel Park's planning jurisdiction. The uses to the west include medical offices and a strip mall, both in Laurel Park's jurisdiction as well.

EXISTING ZONING AND CONDITIONS

The parcels contained in the proposed amendment area, as well as the parcels to the north and south, are currently zoned R-20 Low Density Residential. The parcels to the east are zoned R-15 Medium Density Residential. The parcels to the west in Laurel Park's jurisdiction are zoned MIC Medical, Institutional, Cultural and ETJ-C1 Commercial District.

The minimum lot size in the R-20 zoning district is 20,000 sq. ft. Out of the 76 lots completely within the proposed amendment area, 20 meet this requirement. The median existing lot size in this area is 14,831 sq. ft. Existing medium density zoning districts allow for lot sizes of 15,000 (R-15) and 10,000 (R-10) for single family homes.

The section of US-64/Brevard Road that is adjacent to the proposed amendment area is classified as a major thoroughfare in the Comprehensive Transportation Plan.

No streams, flood-hazard areas, protected ridges, or significant slopes are present in the proposed amendment area.

EXISTING CLASSIFICATIONS

The parcels included in the proposed amendment area, and parcels to the south across US 64/Brevard Road are classified as Low Intensity Neighborhood on the 2030 Comprehensive Plan's Future Land Use Map. The goal of the Low Intensity Neighborhood Classification is to: "provide large-lot, low-density housing options and protect existing low-density neighborhoods."

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

The parcels to the east and south across US 64/Brevard Road are classified as Medium Intensity Neighborhood. 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 parcels to the west are classified as MIC Medical, Institutional, Cultural by the Town of Laurel Park's 2016-2026 Comprehensive Plan Future Land Use Map. The MIC classification is described as: "a district in which the principal use of land is for medical, institutional, and/or cultural services, together with other compatible uses and services designed to serve the patients, students, professionals, and staffs in the area."

The parcels located to the southwest across US64 are classified as Town Center by the Town of Laurel Park's 2016-2026 Comprehensive Plan Future Land Use Map. The Town of Laurel Park Town Center classification is defined as "the district to increase the amount of land eligible for commercial activity and should encourage mixed use development. Town Center would also allow for an anchor activities, such as an urban park, stage or community gathering feature. There should be a focus on walkability."

COMPARISON OF LOW AND MEDIUM INTENSITY

Below is a chart detailing the land use strategies for the low and medium intensity neighborhood classifications in the 2030 Comprehensive Plan:

Low-Intensity Neighborhood	Medium-Intensity Neighborhood
Strategy LU-5.1 – Locations: <ul style="list-style-type: none"> • Existing neighborhood zoned as R-40 and R-20 • Neighborhoods and vacant land on the periphery of the extended ETJ 	Strategy LU-6.1 – Locations: <ul style="list-style-type: none"> • Existing neighborhoods zoned R-15, R-10, and R-6, including residential historic districts • Existing or planned neighborhoods that reflect the same densities as the R-15, R-10, and R-6 zoning districts.
Strategy LU-5.2 – Primary recommended land uses: <ul style="list-style-type: none"> • Single-family attached or detached residential • Open space • Agricultural 	Strategy LU-6.2 – Primary recommended land uses: <ul style="list-style-type: none"> • Single family attached and detached residential • Open space
Strategy LU-5.3 Secondary recommended land uses: <ul style="list-style-type: none"> • Local public and institutional uses • Recreational amenities 	Strategy LU-6.3 – Secondary recommended land uses: <ul style="list-style-type: none"> • Limited multi-family residential along roadways designated as Boulevards or Major Thoroughfares on the Future Land Use Map • Planned Residential Developments • Local public and institutional uses • Recreational amenities
Strategy LU-5.4 – Development Guidelines: <ul style="list-style-type: none"> • One to two units per gross acre • At least 60% open space in new developments, with density bonuses for greater percentages of open space 	Strategy LU-6.4 – Development Guidelines: <ul style="list-style-type: none"> • Two to eight units per gross acre • At least 60% open space in new developments on three or more acres • Architectural guidelines to encourage compatibility • Encouragement of walkable neighborhood design

CHANGING CONDITIONS

The 2030 Hendersonville Comprehensive Plan was created in 2009. Conditions that have changed since the adoption of the plan include:

- Laurel Park’s adoption of a comprehensive plan in 2016, designating adjacent properties as Town Center and MIC Medical, Institutional, Cultural on their Future Land Use Map.
- Commercial growth along US-64/Brevard Road.
- Planned widening of US-64/Brevard Road to allow for greater traffic capacity.

COMPREHENSIVE PLAN GOALS

The following implementation goals and strategies established in the 2030 Comprehensive Plan are relevant to this proposed amendment:

- PH-2: Encourage a wide range of housing formats and price points in order to meet the diverse and evolving needs of current and future residents, match the housing supply with the local workforce, and promote diverse neighborhoods.
- PH-3.2: Encourage mixed land use patterns that place residents within walking distance of services.
 - PH-3.2.1: Promote mixes-use redevelopment along major thoroughfares through zoning map and/or text amendments.
- TC-5: Enhance key gateways to the community in order to present a positive first impression and increase civic pride.
- LU-3: Promote fiscal responsibility with development, annexation and expansion of Hendersonville's ETJ.
- LU-3.4: Promote fiscal responsibility for the City with the expansion of infrastructure and services.

PLANNING BOARD

The Planning Board took this matter up at its regular meeting on July 10, 2017. The Planning Board voted unanimously to recommend City Council adopt the proposed amendment, finding that the amendment is necessary or desirable and in the public interest.

SUGGESTED MOTIONS

For Recommending Adoption of the Amendment: I move that City Council adopt an amendment to the Future Land Use Map contained in the 2030 Hendersonville Comprehensive Plan, changing the classification of the area shown on Exhibit A from Low-Intensity Neighborhood to Medium Intensity Neighborhood, finding that the amendment is necessary or desirable and in the public interest.

For Recommending Rejection of the Amendment: I move that City Council not adopt the proposed amendment to the 2030 Hendersonville Comprehensive Plan.

**AN ORDINANCE AMENDING THE 2030 COMPREHENSIVE PLAN
FUTURE LAND USE MAP OF THE CITY OF HENDERSONVILLE**

IN RE: 2017 Comprehensive Plan Amendment

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

1. Pursuant to Article XIV of the Zoning Ordinance of the City of Hendersonville, North Carolina, the 2030 Hendersonville Comprehensive Plan is hereby amended by changing the Future Land Use classification of the following:

Reclassify the parcels shown on Exhibit A from Low-Intensity Neighborhood/Agricultural to Medium-Intensity Neighborhood on the 2030 Hendersonville Comprehensive Plan Future Land Use Map, 8.3b.

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

Adopted this 3th, day of August 2017.

Barbara Volk, Mayor

ATTEST:

Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Kaitlin Sines

Department: Admin

Date Submitted: 7/25/2017

Presenter: Kaitlin Sines

Date of Council Meeting to consider this item: 8/3/2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 12

Creation of Employee Handbook based on recently adopted Personnel Policy. Revisions to the Alcohol and Substance Abuse Policy and the Internet Usage Policy. Creation of a Social Media Policy.

The City will provide a safe, healthy, and efficient work environment for employees. Changes to the existing Alcohol and Substance Abuse Policy: Pool employees added as safety-sensitive, applicants with a positive drug test who wish to reapply must wait one year, and supervisors will be educated on reasonable suspicion testing.

The City will provide guidance to employees so that City resources are used efficiently, effectively, honestly, and appropriately. Changes to the existing Internet Usage Policy: Inclusion of wireless network resources, clarified that data going through City networks becomes City property, and changed Information Technology Department to Information Technology Personnel.

The City will provide guidance to employees so that social media expectations are known and followed. Creation of the Social Media Policy: Personal social media use and City social media use, introduction of a social media action plan for all City-operated social media pages, guidelines for citizen commentary on social media posts and how comments not in accordance with City policy will be handled.

Three additional policies are in the discussion phase: Cell Phone, Travel, and Tobacco.

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 resolution adopting the employee handbook as presented.

I further move to approve the resolution amending the Alcohol and Substance Abuse and Internet Usage policies and adopting the Social Media Policy as presented.

Attachments:

See below...

A RESOLUTION TO ADOPT THE CITY OF HENDERSONVILLE EMPLOYEE HANDBOOK

WHEREAS, The Hendersonville City Council hereby establishes a policy to maintain an employee handbook for all City employees, and

WHEREAS, the employee handbook will provide basic guidance for all City employees regarding personnel issues, and

WHEREAS, the employee handbook will be updated as necessary to reflect other policy changes, and

WHEREAS, the employee handbook will reflect the City's belief that informed employees make better decisions that affect the workplace and the community, and

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

Section 1. The City Council hereby adopts the City of Hendersonville Employee Handbook.

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

Adopted this third day of August 2017.

ATTEST:

Tammie K. Drake, MMC, City Clerk

Barbara G. Volk, Mayor

A RESOLUTION TO ADOPT THE REVISED ALCOHOL AND SUBSTANCE ABUSE POLICY, THE INTERNET USAGE POLICY, AND TO ADOPT THE NEW SOCIAL MEDIA POLICY

WHEREAS, The Hendersonville City Council has previously adopted an Alcohol and Substance Abuse Policy, and

WHEREAS, The Hendersonville City Council has previously adopted an Internet Usage Policy, and

WHEREAS, the City of Hendersonville does not have a Social Media Policy and would benefit from guidance regarding best practices, and

WHEREAS, it is recognized that policies must evolve as the City, society, and technology evolve, and

WHEREAS, the revisions to these policies will bring the City of Hendersonville's values in line with the values expressed in the City's Personnel Policy, and

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

Section 1. The City Council hereby adopts the Alcohol and Substance Abuse Policy, the Internet Usage Policy, and the Social Media Policy.

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

Adopted this third day of August 2017.

ATTEST:

Tammie K. Drake, MMC, City Clerk

Barbara G. Volk, Mayor

City of Hendersonville
North Carolina



“City of Four Seasons”

Employee Handbook
Effective as of: August 2017

Table of Contents
City of Hendersonville
Employee Handbook

Contents	Page(s)
Introduction	
Disclaimer	...6
Welcome to the City of Hendersonville	...6
City Information	...6
Diversity	
Equal Opportunity Employment	...7
Implementation of E.O.E.	...7
Anti-Harassment Statement	...7
Fraud and Whistleblower Protections	...7
Employment with the City	
Responsibilities of the City Council	...8
Responsibilities of the City Manager	...8
Responsibilities of the Human Resources Director	...8
Recruitment and Selection	...8
Employment of Relatives	...8
Probationary Period	...9
Trainee	...9
Changes in Employment	
Promotion	...9

Demotion	...9
Transfer	...10
Types of Separation	...10
Resignation	...10
Reduction in Force	...10
Disability	...10
Voluntary Retirement	...10
Death	...10
Dismissal	...11
Reinstatement	...11
Rehiring	...11
Disciplinary and Grievance Policy	...11

Workplace Safety

Alcohol and Use of Controlled Substances	...11
Tobacco Use	...11
Safety and Workplace Violence	...11
Wellness Program	...12

Workplace Expectations

Outside Employment	...12
Attendance and Punctuality	...12
Badge and Identification	...12
Dress Code	...12
Internet Use	...12
Cellular Phone Use	...12
Solicitation and Delivery	...13
Political Activity	...13

Personnel Records	...13
Inclement Weather	...13
Credit Card Purchases	...14

Compensation

Pay Plan	...14
Starting Salaries	...14
Merit Pay and Bonus	...14
Stand-by Duty	...14
Flex Time	...15
Comp Time	...15
Travel Reimbursement	...15
Salary Effect on Salary Range Revisions	...15
Hourly Rate of Pay	...15
Pay for Interim Assignments	...15
Pay Days and Pay Periods	...16
Payroll Deductions	...16

Time Off and Leave of Absence

Paid Holidays	...16
Annual (Vacation) Leave	...16
Sick Leave	...17
Sick Leave Accrual	...17
Transfer of Sick Leave	...17
Family Medical Leave Act (FMLA) Leave	...17
Maternity and Paternity Leave	...17
Leave Donation	...18
Leave Without Pay	...18

Worker's Compensation ...18

Benefits

Eligibility ...18

Health and Hospitalization Insurance ...18

Group Life Insurance ...19

Retirement ...19

Social Security ...19

Unemployment ...19

Law Enforcement Separation Allowance ...19

Tuition Assistance Program ...19



Introduction

Disclaimer:

The information contained in this handbook is summary information. It is designed to provide general information to City of Hendersonville employees. City policies are subject to change. This handbook is unable to reflect all changes immediately. Policy references are provided for your convenience, but it is the employee's responsibility to check the City of Hendersonville website or communicate with their Department Head for updates or additional details. If you have policy questions, consult your supervisor, the City of Hendersonville website, or the Human Resources Department.

Management reserves the right to change or modify any policy, procedure, or benefit. No expressed or implied right to employment is granted by any information contained in this handbook. The City is an at-will employer and there is no guaranteed term of employment for any employee. The City of Hendersonville complies with all applicable federal, state, and local laws.

The Human Resources Department is located on the third floor of City Hall, and can be reached by telephone at (828) 697-3003.

Welcome to the City of Hendersonville:

The City of Hendersonville has a responsibility to you as an employee, and in return, you have a responsibility to the City. You can expect fair and equitable treatment, adequate and justifiable pay and benefits, clean and safe working conditions, competent supervision, opportunity to advance based on work performance and vacancies, and to be kept informed through satisfactory two-way communication. As a City employee, you are expected to provide quality service to citizens, to be loyal, to be fair and cooperative in your relations with the public and your fellow employees, to give the City a fair return for the salary you receive, to be neat in appearance and prompt in reporting for work, to be economically efficient and effective in the use of supplies or equipment, and to comply with all written policies and procedures.

www.hendersonvillenc.gov, (828) 697-3000, 145 Fifth Avenue East, Hendersonville NC 28792

Diversity

Equal Opportunity Employment:

The City of Hendersonville fosters and maintains a consistent recruitment program to promote equal employment and to identify and attract the most qualified applicants for all position vacancies. The City shall select employees on the basis of the applicant's qualifications for the job and award them with respect to compensation and opportunity for training and advancement. The City shall select employees without regard to age, sex, race, color, religion, national origin, non-disqualifying disability, political affiliation, veteran status, or marital status.

Implementation of E.O.E.:

All City employees responsible for recruitment and employment will continue to review regularly the implementation of the Personnel Policy and relevant practices to assure that equal employment opportunity based on job-related requirements is being actively observed and administered. No employee or applicant for employment shall suffer discrimination because of age, sex, race, color, religion, non-disqualifying disability, national origin, political affiliation, veteran status, or marital status. Notices with regard to equal employment matters shall be posted in conspicuous places on City premises.

Anti-Harassment Statement:

The City prohibits sexual harassment or harassment on the basis of sex, race, color, religion, national origin, age, non-disqualifying disability, political affiliation, veteran status, or marital status. Harassment complaints or allegations will be investigated promptly. The City will act immediately to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action up to and including dismissal. Harassment is defined as conduct that culminates in tangible employment action, is sufficiently severe, or is pervasive enough to create a hostile work environment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Any employee who believes that he or she may have a complaint of harassment may follow the Grievance Procedure described in this employee handbook or may file the complaint directly with the Human Resources Director or Department Head who will immediately notify the City Manager. Employees making complaints of harassment are protected against retaliation from alleged harassers or other employees.

Fraud and Whistleblower Protections:

The City of Hendersonville recognizes the importance of protecting the City, its taxpayers, and its employees. An employee or citizen who suspects fraud, financial risks, operational breaches, or unethical activities should immediately follow the procedures referred to in the Fraud and Whistleblower Policy.

Employment

Responsibilities of the City Council:

The City Council shall be responsible for establishing and approving personnel policies, creating the position classification and pay plan, and changing the policies and benefits as necessary. They shall also make and confirm appointments when so specified by the general statutes.

Responsibilities of the City Manager:

The City Manager shall be accountable to the City Council for the administration and technical direction of the personnel program. The City Manager shall appoint, suspend, and remove all City employees except those whose appointment is otherwise provided for by law. The City Manager shall make appointments, dismissals and suspensions in accordance with the City charter and other policies and procedures listed in the Personnel Policy.

Responsibilities of the Human Resources Director:

The responsibilities of the Human Resources Director include making recommendations to the City Manager on issues such as rules, the personnel system, and position classification and pay plans. Additionally, the Human Resources Director will maintain a roster of all municipal employees, remain up to date on state and federal policy changes, and investigate operations and effectiveness throughout the City.

Recruitment and Selection:

When position vacancies occur, the Human Resources Department shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Open positions shall be advertised for a minimum of seven calendar days prior to any offer of employment being made. In addition, notice of vacancies shall be posted on the City's website and at designated conspicuous sites within departments if practical. In rare situations because of emergency conditions, high turnover, etc., the City may hire or promote without advertising jobs, upon approval of the City Manager. Before any commitment is made to an applicant either internal or external, the Department Head shall make recommendations including the salary to be paid and the reasons for selecting the candidate over other candidates. The Human Resources Director and Department Head shall recommend approval of appointments and the starting salary for all applicants to the City Manager. The City Manager shall approve appointments and the starting salary for all applicants.

Employment of Relatives:

The City is committed to the highest standards of professional conduct and integrity and believes that familial relationships in the workplace can result in conflicts of interest, an appearance of conflict of interest, and situations that might impair objective judgement or create a hostile work environment. The City prohibits the hiring and employment of immediate family in regular positions within the same work unit. The City also prohibits the employment of any person into a regular position who is an immediate family member of individuals holding the following

positions: Mayor, Mayor Pro Temp, City Council Member, City Manager, Finance Director, Human Resources Director, City Clerk, or City Attorney.

Probationary Period:

An employee appointed or promoted to a regular position shall serve a probationary period of six months, except that employees in sworn police, entry level fire, and Department Head positions shall serve a twelve-month probationary period. Employees hired as “trainees” shall remain on probation until the provisions of their traineeship are satisfied. Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this policy. A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed.

Trainee:

Applicants being considered for employment or City employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred by the City Manager to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the Department Head. Trainee salaries shall be no more than two grades below the minimum salary rate established for the position for which the person is being trained. If the training is successfully completed, the employee shall be paid at least at the minimum rate established for the position for which the employee was trained.

Changes in Employment

Promotion:

The purpose of the promotion and pay increase is to recognize and compensate the employee for taking on increased responsibility. When an employee is promoted, the employee's salary shall be advanced to the minimum rate of the new position, or to a salary which provides an increase of at least approximately 5% over the employee's salary before the promotion, whichever is greater. The City Manager may set the salary at a higher than required minimum rate in the range of the position to which the employee is promoted that best reflects the employee's qualifications.

Demotion:

Demotion is the involuntary movement of an employee from one position to a position in a class assigned to a lower salary range. When an employee is demoted to a position, the salary shall be decreased at least 5%. Salaries of demoted employees may be no greater than the maximum of the new range.

Transfer:

The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall not be changed by the reassignment.

Types of Separation:

All separations of employees from positions in the service of the City shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, reduction in force, disability, voluntary retirement, dismissal, or death.

Resignation:

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two calendar weeks. Failure to provide minimum notice shall result in forfeit of payment for accumulated vacation unless the notice is waived upon recommendation of the Department Head and approval by the City Manager. Three consecutive days of absence without contacting the immediate supervisor or Department Head may be considered to be job abandonment, a voluntary resignation.

Reduction in Force:

Employees who are separated because of a reduction in force shall be given at least two weeks' notice of the anticipated action. No regular employee shall be separated because of a reduction in force while there are temporary or probationary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee.

Disability:

The City will comply with the Americans with Disabilities Act and will make all responsible efforts to provide reasonable accommodation to employees who may be or become disabled. An employee who cannot perform the essential duties of a position because of a physical or mental impairment may be separated for disability. Such action must be accompanied by medical evidence acceptable to the City Manager.

Voluntary Retirement:

An employee who meets the conditions set forth under the provision of the North Carolina Local Governmental Employee's Retirement System may elect to retire and receive all benefits earned under the retirement plan.

Death:

Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.

Dismissal:

An employee may be dismissed in accordance with the provisions and procedures of Article IX.

Reinstatement:

An employee who is separated because of reduction in force may be reinstated within one year of the date of separation upon recommendation of the Department Head and upon approval of the City Manager. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave.

Rehiring:

An employee who resigns while in good standing may be rehired with the approval of the City Manager, and may be regarded as a new employee, subject to all of the provisions of rules and regulations of this Policy. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

Disciplinary and Grievance Policy:

The City shall provide a just procedure for the presentation, consideration, and disposition of employee grievances. Employees utilizing the grievance procedures shall not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under this policy.

Workplace Safety

Alcohol and Use of Controlled Substances:

The City may establish policies and procedures related to employee substance abuse in order to ensure the safety and well-being of citizens and employees and to comply with any state, federal, or other laws and regulations. The City provides a drug free workplace for all employees.

Tobacco Use:

The City expects that all employees will abide by the tobacco use ban while on City property, in all City buildings, in City vehicles, at City worksites, and in public parks, unless otherwise specified or marked.

Safety and Workplace Violence:

The City of Hendersonville has a zero tolerance for violence. The intent of the Workplace Violence Policy, in addition to the Personnel Policy, is to ensure that everyone associated with the City, including employees and customers, never feels threatened by any employee actions or conduct. It is the policy of the City to establish a safe work environment for employees. Employees shall follow the safety policies and procedures and attend safety training programs as a condition of employment. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

Wellness Program:

The City's wellness mission is to encourage and support a culture of wellness that engages the work-force and improves the health and well-being of employees. The City's Wellness Program, Taking Shape, is designed to get employees active by encouraging fitness, preventative measures, education, and volunteer opportunities.

Workplace Expectations

Outside Employment:

The work of the City shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commissions and all self-employment must be reported in advance to the employee's supervisor, who in turn will report it to the Department Head. Conflicting or unreported outside employment are grounds for disciplinary action up to and including dismissal. Employees are prohibited from performing outside employment while on Workers' Compensation Leave, Family and Medical Leave, or any Leave Without Pay status from City employment.

Attendance and Punctuality:

The City depends on employees to provide necessary services every day. Regular attendance is mandatory and is part of the work standards for all jobs. Poor attendance can negatively affect performance evaluations and may lead to disciplinary action. Excessive absenteeism or a chronic attendance problem can lead to disciplinary action up to and including termination.

Badge and Identification:

Identification badges must include the City Seal, picture of the employee, employee name and employee number. Identification badges may not have pins, stickers, or additional markings. Identification badges are to be carried at all times during working hours.

Dress Code:

Appropriate work attire is required of each employee based on their department and in keeping with the nature of the duties performed. All employees, both uniformed and non-uniformed, are expected to project and maintain a positive public image at all times. The Department Head or supervisor may give guidance to individual employees with questions or concerns.

Internet Use:

The City of Hendersonville has software and other systems in place to monitor and record all Internet usage. The City reserves the right to inspect any and all files stored in private areas of the City's network in order to ensure compliance with the Internet Usage Policy.

Cellular Phone Use:

It is recognized that the day-to-day operations of the workforce require both voice and data communications. Cellular telephone services, like other means of communication, are to be used

to support City business. Employees will not use cellular phones for illegal, disruptive, unethical, or unprofessional activities that would jeopardize the legitimate interests of the City. City-issued cellular phones are for work related purposes. The City will ensure compliance with the Cellular Phone and Device Policy.

Solicitation and Delivery:

No official or employee of the City shall solicit or accept any gift, favor, or thing of value (more than \$50) that may influence such employee in the discharge of the employee's duties, or result in the granting of an improper favor, service, or thing of value.

Political Activity:

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, and may support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States. Any violation of laws and regulations shall subject the employee to disciplinary action including dismissal.

Personnel Records:

The following information with respect to each City employee is a matter of public record: the employee's name; age; date of original employment or appointment to the service; the terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the City has the written contract or a record of the oral contract in its possession; current position title; current salary; date and amount of each increase or decrease in salary with the City; date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the City; date and general description of the reasons for each promotion with the City; and date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the municipality. Any person may have access to this information for the purpose of inspection, examination, and copying during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the City may adopt. All information contained in a City employee's personnel file, other than the information mentioned above, is confidential.

Inclement Weather:

The decision whether the City should remain open or close is based on the overall concern for the community. Employees that are essential to the successful and efficient management of a weather emergency situation shall be designated by the City Manager or their Department Head and are expected to return to work as scheduled. City offices and departments shall remain open for the full scheduled working day unless authorization of closing or other deviation is approved by the City Manager. If the employee elects not to report to work when facilities are open the employee may use any accrued vacation, leave, or compensatory time or accept that the employee will not be paid for the day.

Credit Card Purchases:

The purpose of allowing City employees to possess City credit cards is so that the payment option can be used flexibly and efficiently to make small purchases. More information regarding credit card purchases may be found in the Purchasing Policy or by contacting the Finance Department.

Compensation

Pay Plan:

The City believes that employees are entitled to fair compensation in return for good job skills and adequate performance. The pay plan includes the basic salary schedule and the "Assignment of Classes to Grades" adopted by the City Council. The salary schedule consists of the minimum, midpoint, and maximum rates of pay for all classes of positions. The City Manager, assisted by the Human Resources Director, shall be responsible for the administration and maintenance of the pay plan.

Starting Salaries:

All persons employed in positions approved in the position classification plan shall be employed at the minimum rate for the classification in which they are employed. Exceptionally well qualified applicants may be employed above the minimum rate of the established salary range upon recommendation of the Human Resources Director and approval of the City Manager.

Merit Pay and Bonus:

Upward movement within the established salary range for an employee is not automatic, but rather based upon specific performance-related criteria. Procedures for determining performance levels and performance pay increases within the range shall be established and approved by the City Manager. Employees who are at the maximum amount of the salary range for their position classification are eligible to be considered for a Merit Bonus at their regular performance evaluation time. Merit bonuses shall be awarded in lump sum payments and do not become part of base pay.

Stand-by Duty:

The City provides a continuous twenty-four hour a day, seven day a week service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. If an employee fails to respond to calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal by the City Manager. Non-exempt employees will be guaranteed a minimum payment of two hours of wages for being called back to work outside of normal working hours. Stand-by time is defined as that time when an employee must carry a pager or other communication device and must respond immediately to calls for service. Non-exempt employees required to be on "stand-by" duty will be paid for two hours of work for each day of stand-by time they serve. Hours actually worked while on stand-by are calculated beginning

when the employee reports to the work site and are added to the regular total of hours worked for the week.

Flex Time:

Employees in positions determined to be “exempt” from the FLSA (as executive, administrative, or professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted flexible time by their supervisor on an hour for hour basis when convenient for the department.

Comp Time:

Compensatory leave balances may not exceed 40 hours, except for public safety employees (sworn police and firefighting employees), who may not accrue more than 48 hours. Any overtime worked after such maximum balances must be compensated in pay. Employees are required to use or be paid for compensatory time before the start of each fiscal year, by June 30th. Employees if they choose, may retain and carry over up to twelve (12) hours of compensatory time each fiscal year. All other compensatory time will be paid out, in accordance with FLSA standards, upon the last pay period for the fiscal year.

Travel Reimbursement:

An employee or City Official on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. All travel and reimbursement is contingent upon the availability of funds in the proper budgetary fund. Travel which exceeds the budgeted amount must be approved by the City Manager. Further information regarding travel may be found in the Travel Policy.

Salary Effect on Salary Range Revisions:

A salary range revision is a change in the salary range or grade assigned to a specific class of positions. When a class of positions is assigned to a higher salary range, employees in that class shall receive a pay increase of at least approximately 5%, or to the minimum rate of the new range, whichever is higher.

Hourly Rate of Pay:

Employees working in a part-time or temporary capacity with the same duties as full-time employees will work at a rate in the same salary range as the full-time employees.

Pay for Interim Assignments:

An employee who is formally designated by the City Manager to perform the duties of a job that is assigned to a higher salary grade than that of the employee’s regular classification shall receive an increase for the duration of the Interim assignment. The employee shall receive a salary adjustment to the minimum level of the job in which the employee is acting or an increase of 5%, whichever is greater.

Pay Days and Pay Periods:

All employees shall be paid on a bi-weekly basis. Should a regular payday fall on a holiday, paychecks shall be issued on the workday that precedes the holiday. Salary changes approved after the first working day of a pay period shall become effective at the beginning of the next pay period, or at such specific date as may be provided by procedures approved by the City Manager.

Payroll Deductions:

Deductions shall be made from each employee's salary, as required by law. Additional deductions may be made upon the request of the employee on determination by the City Manager as to capability of payroll equipment, associated increase in workload and appropriateness of the deduction.

Time Off and Leave of Absence

Paid Holidays:

The City has adopted the State Holiday schedule and the Human Resources Director shall publish that schedule prior to the beginning of each calendar year. In order to receive a paid holiday, an employee must have worked the day before and the day after the holiday(s), or have been given approved leave. Shift employees required to perform work on regularly scheduled holidays may be granted compensatory time off or paid for hours actually worked in addition to any holiday pay to which they are entitled. If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee shall receive the hours for paid holiday leave.

Annual (Vacation) Leave:

Vacation leave is intended to be used for rest and relaxation, school appointments, observation of religious holidays other than those granted by the City, and other personal needs. Employees who wish to use leave for religious observances must request leave from their respective Department Heads. Vacation leave for religious observance may be denied only when granting the leave would create an undue hardship for the City.

Each full and part-time employee of the City shall earn vacation at the following schedule, prorated by the average number of hours in the workweek:

Years Of Service	0-2	3	4	5	6	7-8	9-10	11-12	13-14	15-16	17+
Accrued Days Per Year	10	11	12	13	14	15	16	17	18	19	20

Sick Leave:

Sick leave may be granted to an employee when continuing to work would be harmful to themselves or others, specifically when sickness, bodily injury, exposure to a contagious disease, or a required physical or dental exam, is a factor. Sick leave may be taken in 30-minute increments. Any accrued comp time shall be used prior to the use of sick leave. "Immediate family" shall be defined as spouse, child, parent, brother, sister, grandparent, grandchild, son or daughter-in-law, parent-in-law, brother or sister-in-law, aunt, uncle, of the employee or spouse or guardian of the employee. Sick leave may be used when an employee must care for a member of his or her immediate family who is ill. Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave or according to departmental procedures.

Sick Leave Accrual:

Sick leave shall accrue at a rate of one day per month of service or twelve days per year. All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the City.

Transfer of Sick Leave:

The City will accept sick leave balances when documented by a previous employer when the employee worked for a previous employer covered by the State or Local Government Retirement System and the employee did not withdraw accumulated contributions from that employer when leaving employment. The sick leave amount must be certified by the previous employer and it is the employee's responsibility to provide documentation from his or her previous employer within three (3) months of employment. Transferred sick leave will be credited to the employee upon completion of the probationary period.

Family Medical Leave Act (FMLA) Leave:

The City provides up to 12 weeks of job-protected leave in accordance with the Family and Medical Leave Act of 1993 (FMLA). FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. To qualify for FMLA coverage, the employee must have worked for the City of Hendersonville for 12 months or 52 weeks. However, the employee must have worked 1,250 hours during the twelve-month period immediately before the date when the FMLA time begins. Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. The City may require medical certification to assess FMLA eligibility, as well as updates at reasonable intervals for continued certification.

Maternity and Paternity Leave:

Maternity and Paternity Leave is also called "Spouse's Combined Leave." If both spouses work for the City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (not parent-in-law) with a serious health condition, the

spouses together may only take a total of 12 weeks leave during the 12-month period under FMLA.

Leave Donation:

The City realizes that in extreme catastrophic situations, employees may be in a situation where personal or family illness requires they be away from work to the point of exhausting all vacation and sick leave. It is the desire of the City to have a policy whereby employees may donate a given amount of accumulated vacation leave to the employee in need of additional sick leave. Donation of leave will be given hour for hour irrespective of any difference in pay between the individuals. Further information regarding leave donation may be found in the Vacation and Shared Leave Donation Policy.

Leave Without Pay:

A full or part-time employee may be granted a leave of absence without pay for a period of up to twelve months by the City Manager. The leave may be used for reasons of personal disability, sickness or disability of immediate family members, parental leave, continuation of education, special work that will permit the City to benefit by the experience gained or the work performed, or for other reasons deemed justified by the City Manager. If the employee decides not to return to work, the supervisor shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation.

Workers' Compensation:

Under the North Carolina Workers' Compensation Act, employees may be compensated for absence from work due to injury or illness covered by the Act, subject to leave provisions that may be found in the Personnel Policy. The employee will be eligible for rehire and given priority for qualified job openings upon a physician's statement certifying the employee's ability to return to work. The City reserves the right to separate the employee prior to 52-weeks.

Benefits

Eligibility:

As an integral part of a comprehensive and competitive compensation program, the City offers a variety of benefits. Specific benefit programs will vary from time to time and the type, level, eligibility and cost of such programs are subject to change at any time at the sole discretion of the City. All full-time and part-time employees of the City are eligible for employee benefits, subject to any waiting period, as provided for in this Article which are subject to change at the City's discretion. Temporary employees are eligible only for Workers' Compensation benefits and FICA.

Health and Hospitalization Insurance:

The City provides group health and hospitalization insurance programs for full-time employees and their families and part-time employees. Employees who are scheduled to work 30 hours or more per week on a continuous year-round basis may purchase available group health through

the City for themselves or for themselves and their qualified dependents. A prorated amount of the cost of coverage paid for a full-time employee shall be paid by the City with the remainder of the cost being paid by the employee.

Group Life Insurance:

The City may provide group life insurance for each employee subject to the stipulations of the insurance contract. Life insurance may be provided by the City in an amount approved by the City, subject to appropriation.

Retirement:

Each employee who is expected to work for the City more than 1,000 hours annually shall join the North Carolina Local Governmental Employees' Retirement System on the first day of employment as a condition of employment. New hires who are current members of the NC Local or State Government Employees Retirement Systems shall be covered under the retirement system by the City on their first day of employment. The City may provide 401(k) and 457 benefits for its regular full and part-time employees as a percentage of salary as designated by the City Council beginning on the first day of employment, subject to appropriation by the City Council. Each sworn law enforcement officer shall receive 401(k) benefits beginning on the first day of employment as prescribed by North Carolina State Law.

Social Security:

The City, to the extent of its lawful authority and power, has extended Social Security benefits for its eligible employees and eligible groups and classes of such employees.

Unemployment:

In accordance with Public Law 94-566 and subsequent amendments, local governments are covered by unemployment insurance. City employees who are terminated due to a reduction in force or released from City service may apply for benefits through the local North Carolina Division of Employment Security office.

Law Enforcement Separation Allowance:

Every sworn law enforcement officer of the City, as defined by N.C. Gen. Statute 128-21(11b) or N.C. Gen. Statute 143-166.50, shall be eligible for a separation allowance, as provided by N.C. Gen. Statute 143-166.42, in the amount specified in N.C. Gen. Statute 143-166.41(a). If any such retired law enforcement officer works 1000, or more, hours per year for a North Carolina Local Governmental Retirement System employer, they shall be mandated to become members of that retirement system and ineligible to continue receiving the Separation Allowance. Employment by any other North Carolina Retirement System employer shall not cause the retired officer to be ineligible.

Tuition Assistance Program:

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time which will improve their skills for their current job or

prepare them for promotional opportunities within the City service. Tuition, registration, fees, laboratory fees, and student fees are eligible expenses. Employees may be reimbursed for 50% of eligible expenses. Satisfactory completion of the courses will be required for reimbursement.

	CITY OF HENDERSONVILLE		
Policy Name:	Alcohol and Substance Abuse Policy	Date Adopted by Council :	August 3 2017

I. Purpose

It is the policy of the City to provide a safe, healthy, and efficient work environment for its employees and to protect the public that it serves by establishing and maintaining an alcohol and drug-free workplace. Alcohol abuse and drug use is a problem of serious concern and one which affects all segments of the community, including the workplace.

II. Applicability

1. All applicants who have been offered employment must undergo a drug screen test as part of the hiring process. This includes applicants applying for full-time, part-time, temporary, and casual or intermittent employment.
2. All employees are covered under this *Alcohol and Substance Abuse Policy* and are subject to post-accident or post-incident testing.
3. Employees serving in positions determined to be safety sensitive are subject to random and “follow-up” testing, when applicable.
4. Employees who must hold a Commercial Driver’s License (CDL) as a requirement for the job are subject to random and “follow-up” testing as required by the U.S. Dept of Transportation, if applicable.
5. Employees who are transferring to safety sensitive positions are subject to testing when transferred as well as random and follow-up testing when applicable.

If you have any questions about the Alcohol and Substance Abuse Policy, please contact the Human Resources Director at (828) 697-3003 or your Department Head.

III. Prohibited Conduct for All City Applicants and Employees

The following conduct is expressly prohibited and violations will result in disciplinary action up to and including termination:

1. Possession, consumption, manufacturing, distribution, dispensation, or being under the influence of an unauthorized controlled substance, an illegal drug, drug paraphernalia, or alcohol while on duty, on City premises, in City-supplied vehicles, or in any City work area. Law enforcement officials shall be notified, as appropriate, where criminal activity is suspected. Drug-free workplace signage will serve as a reminder to all employees and applicants.
2. Sale, use, or possession of illegal drugs; or possession with intent to sell illegal drugs.

3. Use of alcohol or controlled substances when these activities adversely affect job performance, job safety, or the public's confidence in an employee's ability to perform their duties in an efficient and effective manner, or any use of illegal drugs or abuse of prescription drugs for which the employee or applicant does not have a doctor's prescription.
4. No employee shall report for duty or remain on duty while having an alcohol concentration of .04 or greater. The employee will be removed from duty for a twenty-four (24) hour period. The employee will be subject to a return to duty test. The return to duty alcohol test must indicate an alcohol concentration of 0.00.

IV. Drug Screening Criteria

The City of Hendersonville will consider an employee for a drug screening test under the following circumstances:

1. PRE-EMPLOYMENT Applicants determined to be final candidates for a full-time or part-time position will be required to submit to a drug screening. The drug screen shall be performed within forty-eight hours from the time the conditional job offer is made or as soon thereafter as possible but no longer than five (5) business days and before the candidate begins performing the job in question. The City will withdraw an offer of employment made to any applicant whose drug screen test reveals the presence of illegal drugs or prescription drugs without a valid prescription. Applicants whose drug screen test reveals the presence of illegal drugs or prescription drugs without a valid prescription will not be considered for employment for a one-year period following the date of the test.
2. POST-ACCIDENT or INCIDENT All full-time, part-time employees, and other certain temporary employees will be tested for the presence of controlled substances and/or alcohol following an on-the-job accident or incident that involves the following when there is a reasonable possibility that the presence of controlled substances or alcohol played a role in:
 - a. A fatality;
 - b. Bodily injury requiring medical attention or professional medical treatment (W/C). The employee is tested only if circumstances indicate that such bodily injury (whether to an employee or citizen or both) may have been caused, at least in part, by the employee; or by reasonable suspicion by a supervisor or
 - c. Property damage which causes one or more vehicles to be incapacitated, where employee is issued a citation, if circumstances suggest that an employee may have contributed to the accident/incident (to be determined by the dept. head or supervisor in charge, or where the department head or supervisor has reasonable suspicion of the presence of controlled substance or alcohol.

Testing for drugs and alcohol should occur within two (2) hours of the accident/incident but not more than eight (8) hours following the time of the accident/incident. If the employee is unable to be tested within two hours, reasons for the delay must be documented. Refusal to test will be treated the same as a failed alcohol test or a positive drug test and may result in termination. Supervisor discretion may be allowed if there

is no reason to suspect than an employee was actively involved in an accident or incident because of alcohol or substance abuse. Supervisors will undergo training to be able to determine when alcohol or drug testing is appropriate.

Employers may conduct post-accident/incident drug or alcohol testing if there is a reasonable possibility that employee drug or alcohol use is likely to have contributed to the incident and for which the drug and alcohol test can accurately identify impairment caused by drug or alcohol use.

Employees will be escorted by an employee of the same gender, if easily possible, to a testing facility after an accident or incident has occurred. No employee will be allowed to drive themselves to a testing facility after an accident or incident has occurred. No employee is authorized to operate City owned equipment or vehicles until test results are confirmed.

3. REASONABLE SUSPICION TESTING When there is reasonable suspicion that any employee on duty has alcohol or drugs in his or her system, the employee will be tested. Reasonable suspicion must be based on specific and objective facts or reasonable inferences drawn from facts that would cause a reasonable person to suspect that the employee is or has been using drugs or alcohol. All employees, regardless of their safety-sensitive status, can be tested for alcohol or drugs based on reasonable suspicion.

Facts supporting a reasonable suspicion determination include, but are not limited to:

- a. Direct observation of prohibited drug or alcohol use;
- b. Slurred speech;
- c. Odor of marijuana or alcohol about the person;
- d. Inability to walk a straight line;
- e. Physical or verbal altercation;
- f. Behavior that is so unusual that it warrants summoning a supervisor or anyone else in authority (i.e. confusion, disorientation, lack of coordination, marked personality changes, marked appearance changes, irrational behavior);
- g. Possession of drugs or alcohol;
- h. A report of prohibited drug or alcohol use provided by a reliable and credible source;
or
- i. Arrests, citations, and deferred prosecutions associated with drugs or alcohol.

4. FEDERAL OR STATE MANDATED SUBSTANCE ABUSE TESTING City employees who are subject to federal or state mandated substance abuse testing, including but not limited to Department of Transportation regulations, will be tested pursuant to such testing requirements notwithstanding this *Substance Abuse Policy*.

5. RANDOM TESTING An employee that is entrusted with preserving public health, public, safety or the safety of other employees has a special responsibility to maintain physical and mental fitness for duty at all times, while on the job, off of the job, and on

call. Testing may be conducted on a random basis on employees that hold safety-sensitive positions, chosen by a method that provides an equal probability that any employee from a group of employees will be selected. Safety-sensitive positions within the City of Hendersonville are defined as:

- a. All sworn law enforcement personnel;
 - b. All Certified Fire Department personnel;
 - c. Positions (full-time and part-time) requiring the consistent and frequent operation of heavy equipment or motor vehicles as a primary task;
 - d. Positions working around large equipment or with potential for hazards;
 - e. Positions working with youth and/or those required to drive other persons;
 - f. Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace; and
 - g. Other positions as required by law, or as designated by the Human Resources Director, due to the specific safety-sensitivity of individual jobs.
6. METHOD FOR RANDOM TESTING All employees in safety-sensitive positions will be subject to random testing for use of alcohol and controlled substances. For compliance purposes, two groups of employees for random selection will be maintained—DOT covered employees and safety sensitive non-DOT employees. Random testing will be conducted on a percentage basis in a fair manner as provided by DOT regulations

Each time a random selection is made, every employee will have an equal chance of being selected. Random tests will be unannounced and spread reasonably throughout the year. Employees, when notified that they have been selected for random testing, will proceed immediately to the testing facility.

V. Relief from Duty

An employee may be placed on administrative leave for twenty-four (24) hours when tested under *Section IV. Drug Screening Criteria (2) Post Accident or Incident*. An employee may be placed on administrative leave pending the outcome of the test results when tested under *Section IV. Drug Screening Criteria (3) Reasonable Suspicion*. Employees will normally be placed on administrative leave while awaiting results of a post-accident/incident or reasonable suspicion drug test results. Employees will be paid scheduled working hours during this period.

For convenience, efficiency, and cost-effectiveness, the City will have the testing conducted by an approved testing facility.

1. CONSENT Before a drug or alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to those City officials with a need to know. The consent form shall provide space for employees to acknowledge that they have been notified of the City's *Alcohol and Substance Abuse Policy* and to indicate current or recent use of prescription or over-the-counter medication. Failure to disclose current or recent use of prescription or over-

the-counter medication is discouraged, as there is a possibility such use will show on the test results, and the employee may face consequences for lack of disclosure.

2. REFUSAL TO CONSENT Any employee who refuses to consent to a drug or alcohol test will be terminated unless a compelling and satisfactory reason is given by the employee. Any final applicant who refuses to consent to a drug and/or alcohol test will have the conditional offer of employment withdrawn.
3. CONFIDENTIALITY All information from an employee or applicant's drug and alcohol test is confidential and only those with a need to know are informed of the test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant, except as provided by law. The results of a positive drug test shall not be released until the results are confirmed by a MRO (Medical Review Officer).
4. SPECIMEN COLLECTION
 - a. *Pre-Employment.* Applicants who refuse to take the tests will not be hired. The applicant will be required to sign and submit the consent form. Applicants will be required to have the test taken at a City-approved testing facility.
 - b. *Post-Accident or Incident and Reasonable Suspicion.* The employee shall be escorted to an approved testing facility by an employee of the same gender if easily available.

After the sample and results are obtained, if negative, the employee will return to work. In the case of a negative result for reasonable suspicion, the employee will be questioned as to why they may be showing warning signs that elicited suspicion and the Department Head can decide whether or not the employee should remain at work. The supervisor will use every reasonable means to ensure that the employee reaches their destination safely.
 - c. *Follow-up.* Follow-up testing takes place when a test has rendered a positive or inconclusive result.
5. TESTING REQUIREMENTS All alcohol or drug testing of employees and applicants shall be conducted in compliance with the Controlled Substance Examination Act, Article 20 of Chapter 95 of the North Carolina General Statutes. Follow-up testing, if necessary, shall be conducted at an approved testing facility or laboratory selected by the City. To be considered a testing site, a medical facility or lab should have:
 - a. Testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering;
 - b. Methods of analysis which ensure reliable test results, including the use of gas chromatography or mass spectrometry to confirm positive test results;
 - c. Chain of custody procedures which ensure proper identification, labeling, and handling of test samples; and
 - d. Retention and storage procedures which ensure reliable results on confirmatory test of original samples.

6. POSITIVE TEST RESULTS An employee whose drug test yields a positive result shall be given a follow-up test. If the confirmation test results are positive, then the employee will be notified of the positive test results and will have an opportunity to rebut verbally or explain in writing. The City may, in its discretion, take this explanation into account in making any employment decision. A confirmation of the test results by the MRO (Medical Review Officer) shall be considered final.

VI. Communication of Test Results

1. NEGATIVE TEST RESULTS If the drug screening test result is negative, the laboratory will so advise the designated City official who will inform the employee or applicant.
2. POSITIVE TEST RESULTS If the alcohol or drug screening test result is positive, the laboratory will so advise the designated City official and the following action shall be taken:
 - a. A job applicant shall be informed of the positive test results by the Human Resources Director and that the *Conditional Offer of Employment* has been withdrawn.
 - b. A current employee shall be informed of the positive test results by the Human Resources Director who will also inform the City Manager.
 - c. A possible dismissal hearing between the employee, the Department Head, and the Human Resources Director, will be scheduled. Protocol described in the Personnel Policy will be followed. Employees who hold a CDL will be subject to the Department of Transportation regulations for positive test results. The City will complete and submit Forms CDL-8 or CDL-9, whichever may be appropriate in the employee's case.
 - d. Factors to be considered by the supervisor in determining the appropriate response to a positive test result include the nature of the position to which assigned, the extent of performance deficiencies, the seriousness of accidents or incidents, the employee's work history, and the existence of past disciplinary actions. Mandatory EAP referral, leave (either with or without pay), and disciplinary action up to and including termination may result. If an employee has previously received a positive test result while employed with the City, then any subsequent positive test results, not a follow-up test, will result in termination.
 - e. If disciplinary action is recommended, the employee shall be notified in writing. The employee has a right to appeal the decision per the Personnel Policy.

VII. Failure of an Employee to Cooperate

Employee compliance with the City of Hendersonville's *Alcohol and Substance Abuse Policy* is mandatory. Failure or refusal of any employee to fully cooperate and participate in the program, sign any required document, or submit to a drug or alcohol screening test will be grounds for termination of employment unless a compelling and satisfactory reason is provided.

Employees who continue employment while undergoing counseling or rehabilitation will be required to meet all established standards of conduct and job performance. Employees who have been referred for counseling or rehabilitation under this Policy shall be required to fully cooperate and participate in their rehabilitation and the recommendations of the program

administrators. This may include the requirement for regular attendance at therapy sessions. Employees who have been referred to counseling or rehabilitation may be required to undergo drug screening tests at any time for a period of up to two years. Employees who volunteer that they have a drug abuse problem and seek counseling or rehabilitation under this Policy may also be tested randomly without cause and at any time for a period of two years after referral or self-referral. If the City determines that an employee has failed to cooperate under the terms of this Policy, the employee may be suspended without pay and may be subject to further disciplinary action up to and including termination. If an employee receives a subsequent positive drug test after counseling or rehabilitation, they are subject to immediate termination.

VIII. Time Off for Counseling and Rehabilitation and Return to Work

Work time lost will be paid according to applicable benefit plans of the City (such as vacation, compensatory time, or sick leave) to the extent available to the employee. Beyond such benefits, work time lost for counseling and rehabilitation will be without pay. An employee may return to work only after he or she has been certified by the treatment facility as being free of substance abuse and fit to return to duty and he or she has produced a negative alcohol and drug test result.

IX. Summary

No part of this policy, nor any of its procedures, is intended nor shall be construed to affect the City of Hendersonville's right to manage its workplace, to discipline its employees, or to change the "at will" nature of employment with the City. Since it is impossible to anticipate every situation which may arise under this policy, the Human Resources Director should be contacted to resolve any question or situation not addressed herein. This contact should be made before action is initiated if at all possible. The City Manager is authorized to make future revisions to this policy. It is understood that any substantive changes to the policy should only be implemented after first consulting with the City Council.

Alcohol and Substance Abuse Policy
List of Safety Sensitive Employees

1. Sworn Police Personnel
2. Telecommunications Division
3. Certified Fire Department personnel
4. Facilities Maintenance personnel
5. Water Distribution personnel
6. Wastewater collections
7. Waste Water Treatment Plant positions
8. Water Treatment Plant positions
9. Building Maintenance
10. Fleet Maintenance
11. Grounds Maintenance
12. Streets and Highway Maintenance
13. Traffic Engineering
14. Zoning/Code Enforcement Officer
15. Pool personnel
16. Employees with a Commercial Driver's License (CDL)
17. Positions requiring the consistent and frequent operation of heavy equipment or motor vehicles as a primary task.
18. Positions working around large equipment or with potential for hazards.
19. Positions working with youth and/or those required to drive other person's.
20. Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace.
21. Other positions as required by law, or as designated by the Human Resources Director, due to the specific safety-sensitivity of individual jobs.



**ALCOHOL & SUBSTANCE ABUSE POLICY
EMPLOYEE ACKNOWLEDGEMENT FORM**

I, _____, hereby acknowledge that I have received the Substance Abuse Policy of the City of Hendersonville and understand that it my responsibility to read, understand and comply with the policy.

I further acknowledge the following:

1. I have been notified that the unlawful manufacture, distribution, dispensation, possession, or use of alcohol, drugs or other controlled substances is prohibited in the City of Hendersonville's workplace, and that violations of these prohibitions will subject me to disciplinary action under the policy.
2. That I will abide by the City of Hendersonville's Alcohol and Substance Abuse Policy.

I understand that the above in no way creates an obligation or contract of employment and that I, as well as the City of Hendersonville, have the right to end the employment relationship at any time.

Employee Name _____

(Please print)

Date _____

Employee signature



ALCOHOL AND SUBSTANCE FREE WORKPLACE EMPLOYEE RESOURCES

Employee Assistance Program (EAP) – The EAP offers assistance for personal and/or professional concerns by providing free, confidential, short-term counseling and personal consultation. The EAP has a network of counselors that are located near your home and/or work-site. They can help you improve or resolve personal difficulties whether big or small, personal or work related.

Some examples of concerns that the EAP addresses include:

Family conflict

Depression and anxiety

Relationship issues

Communication breakdowns

Grief and loss

Financial difficulties

Stress

Work related issues

Balancing work and family

Alcohol or drug use/abuse

Confidentiality is one of the most important features of the EAP. Employees can be confident that their privacy and confidentiality will be honored. No one will know that you have used this resource unless you offer that information or unless someone's safety is threatened. There is no cost to you for your phone calls or face-to-face visits with the EAP.

The EAP is provided by Employee Assistance Network, Inc. For more information on the EAP, please view their website at www.eannc.com or contact them at 828-697-2953.

Consent to Drug and Alcohol Testing

DOT

Under the authority of the City of Hendersonville’s Alcohol and Substance Abuse Policy you are required to submit to an immediate drug/alcohol screening for the following reason:

- Pre-employment Screening Post Accident/Incident Screening Random (Safety Sensitive Only)

The results of this test will be used by the City to make decisions about appropriate administrative “next steps”. If the test is negative, no further action needs to be taken. The results will be documented and placed in your Medical folder in the Human Resources Office. If the test results in a positive or inconclusive result, you will be required to immediately provide a urine sample for testing and review by a MRO (Medical Review Officer).

My signature below attests to the following:

- 1) I consent to a medical examination and the collection of urine samples, salvia, breathalyzer and/or blood test as requested by the City of Hendersonville for the purpose of determining the presence of alcohol and/or drugs, if any.
- 2) I understand that my refusal to be tested may result in termination of my employment with the City.
- 3) If my drug screen test reveal the presence of illegal drugs or prescription drugs without a valid prescription, then the City may withdraw my offer of employment.
- 4) I have been informed that drug screen results are protected health information under HIPAA law and will not be disclosed under any circumstances without written consent of the employee or candidate except as provided by law.
- 5) I acknowledge that I have been made aware of the City’s Alcohol and Substance Abuse Policy.
- 6) I have listed below all medication, drugs, or vitamins taken in the last two weeks. I have included prescription medications, headache remedies, "cold" pills, diet pills, etc.

Employee/Candidate Signature	Employee/Candidate Printed Name	Date
Witness signature	Witness Printed Name	Date

- Employee/Candidate refused to sign
- All panels negative **One or more panels tested positive **One or more panels tested inconclusive
- ** “Positive” or “inconclusive” test results require the employee (with escort) or job applicant to report immediately to an approved testing facility or laboratory for urinalysis testing and review by a (MRO) Medical Review Officer.**

Consent to Drug and Alcohol Testing

NON DOT

Under the authority of the City of Hendersonville’s Alcohol and Substance Abuse Policy you are required to submit to an immediate drug/alcohol screening for the following reason:

- Pre-employment Screening Post Accident/Incident Screening Random (Safety Sensitive Only)

The results of this test will be used by the City to make decisions about appropriate administrative “next steps”. If the test is negative, no further action needs to be taken. The results will be documented and placed in your Medical folder in the Human Resources Office. If the test results in a positive or inconclusive result, you will be required to immediately provide a urine sample for testing and review by a MRO (Medical Review Officer).

My signature below attests to the following:

- 7) I consent to a medical examination and the collection of urine samples, salvia, breathalyzer and/or blood test as requested by the City of Hendersonville for the purpose of determining the presence of alcohol and/or drugs, if any.
- 8) I understand that my refusal to be tested may result in termination of my employment with the City.
- 9) If my drug screen test reveal the presence of illegal drugs or prescription drugs without a valid prescription, then the City may withdraw my offer of employment.
- 10) I have been informed that drug screen results are protected health information under HIPAA law and will not be disclosed under any circumstances without written consent of the employee or candidate except as provided by law.
- 11) I acknowledge that I have been made aware of the City’s Alcohol and Substance Abuse Policy.
- 12) I have listed below all medication, drugs, or vitamins taken in the last two weeks. I have included prescription medications, headache remedies, "cold" pills, diet pills, etc.

Employee/Candidate Signature	Employee/Candidate Printed Name	Date
Witness signature	Witness Printed Name	Date

- Employee/Candidate refused to sign
- All panels negative **One or more panels tested positive **One or more panels tested inconclusive

**** “Positive” or “inconclusive” test results require the employee (with escort) or job applicant to report immediately to an approved testing facility or laboratory for urinalysis testing and review by a (MRO) Medical Review Officer.**

	<p>CITY OF HENDERSONVILLE</p>		
		Policy Name:	Social Media Policy

I. Purpose

It is the policy of the City to provide guidance to City employees and to inform employees of expectations when using social media so that the City achieves high standards in communication that reflect positively on the City and complies with other relevant City policies. Additionally, it is the policy of the City to provide guidance and necessary information to members of the community who access City social media sites for updates and information.

II. Applicability

1. All City departments and their employees must follow the Social Media Policy when using City-related social media sites.
2. All City employees must follow the Social Media Policy when using personal social media sites in order to minimize the risk of personal social media sites impacting City business and community perception.
3. All community members who access City social media sites must follow the guidelines set out in the Social Media Policy in order to ensure continued access to updates and information posted on City social media sites.

III. Use of Social Media

- A. Definition of Social Media: Umbrella term that encompasses various City and personal activities integrating technology, social interactions, and content creation to share and exchange information, allow comments on user-generated content, or otherwise encourage online discussion about City programs, services, events, activities, and other matters of public interest. Social media sites, including but not limited to, Facebook, Twitter, Instagram, Snapchat, and Tumblr, all fall under this policy.
- B. Social media enables the City to reach different demographics in order to achieve certain business and communication goals including the following:
 1. Transparency in conducting local government business
 2. Civic engagement regarding City projects, programs and initiatives
 3. Disseminating information, especially time-sensitive material during public safety emergencies
 4. Promotion of the City and its services and programs

Social media tools supplement the City’s primary websites and, among other purposes, should drive people to the primary websites. The City’s primary websites are its primary and definitive source of accurate information about the City. These sites include HendersonvilleNC.gov and DowntownHendersonville.org. As a rule, City communications posted to social or mobile

	<p>CITY OF HENDERSONVILLE</p>		
<p>Policy Name:</p>	<p>Social Media Policy</p>	<p>Date Adopted by Council :</p>	<p>August 3 2017</p>

media sites should also be available on the City’s primary websites or contain links directly to the City’s primary websites. Endorsing or promoting of services, entities, or products not sponsored by the City is not allowed on City social media sites unless the City Manager or their designee authorizes such variance.

IV. Prohibited Uses of Social Media

Whether an employee is using social media for personal or official City use, the following are strictly prohibited at all times whether on or off duty and whether using a City or a personal device. This is a representative list and does not include all prohibitions that would violate City policies and procedures.

1. Disclosure of confidential information to which an employee has access as part of the employee’s role or duties. Examples of such information are a vendor’s patented information of which the employee has knowledge due to his/her assignment on a City project; personal, confidential or health information about someone; billing information of customers compiled and maintained by the City; any data collected from a person applying for financial or other types of assistance including, but not limited to, their income, bank accounts, savings account, etc.
2. Disclosure of non-public information or legally protected personal information to which an employee has access or has obtained from the City such as someone’s address, date of birth, driver’s license number, social security number or other personal information.
3. Information related to unlawful activities including, but not limited to, the use, sale or distribution of illegal substances.
4. Employee actions must align with the City’s Personnel Policy and other relevant policies at all times.

Employees are encouraged to ask for clarification and verification before posting anything they are unsure of on the City’s website, social media sites, and personal social media sites.

V. Personal Social Media Use

Personal use is defined as use of social media by an employee speaking as an individual. Personal use of social media by a City employee is permitted for social or professional networking purposes. In personal use, the employee is speaking as an individual and not on behalf of the City. An employee’s use and comments made on social media sites are subject to limited First Amendment protections. As a public employee, use of social media is considered an extension of the workplace as it relates to employee conduct. As a City employee, personal use is subject to the following guidelines:

	<p>CITY OF HENDERSONVILLE</p>		
<p>Policy Name:</p>	<p>Social Media Policy</p>	<p>Date Adopted by Council :</p>	<p>August 3 2017</p>

1. Where personal use is related to a matter of public concern, it must be conducted in such a manner that a reader would not think the employee is speaking for or on behalf of the City.
2. Employees must comply with City policies, including but not limited to the Personnel Policy, the Employee Handbook, the Network and Internet Use Policy, and the Cellular Phone Policy.
3. Employees should exercise sound judgment and discretion so as not to reflect adversely on the City in contributing to social media sites.
4. Personal use of social media may not violate or infringe upon the right of any other person or entity or constitute a criminal offense or create civil liability.
5. Personal use of social media while on duty, including during breaks, must not be excessive such that it interferes with the employee’s work or work of others.

Employees are reminded that if their personal devices are connected to the City’s wireless resources, data sent, received, or stored may become City property and may be subject to transparency and information laws.

City employees are prohibited from posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other City-specific material on any personal or social networking website or web page without the express written permission of the City Manager or their designee. No employee shall represent themselves, directly or indirectly, in any public forum as a City employee, either by text, photograph, or image depicting a uniform or badge in any manner that reflects a lack of good moral character. No employee will represent themselves in any public forum as an employee of the City with other information, opinion, or posture that would bring unfavorable criticism or embarrassment upon the City.

Inappropriate personal usage of social media may be grounds for disciplinary action up to and including termination.

VI. Official Use of Social Media

City departments are encouraged to create and use a social media site to support their services and operations. Departmental engagement in social media is subject to the provisions of this Policy.

- A. The department’s social media action plan shall include the following:
 1. Designation of City employees who are approved for official use of social media as spokespersons for their department
 2. Goal and Objectives of the site or application
 3. Strategy: Describe how use of the social media supports a larger departmental communications plan or initiatives related to the community engagement strategy and identify audiences, messages, and other tactics.

	<p>CITY OF HENDERSONVILLE</p>		
<p>Policy Name:</p>	<p>Social Media Policy</p>	<p>Date Adopted by Council :</p>	<p>August 3 2017</p>

4. **Site Manager:** List a primary contact for the social media site and list all employees authorized to post on the site
 5. **Service Delivery & Response:** Outline the plan for fulfillment of service requests that may come in via the site or how responses will be made and include timeframes for responses.
 6. **Implementation and Resources:** Include an implementation plan as well as process for managing site accounts such as frequency and protocol associated with posting information.
 7. **Passwords and Authorizations:** Provide all authorization information necessary for designated employees to gain access to social media sites for updates or postings in the absence of the site manager.
 8. **Public comments:** Determine whether public comments will be permitted and how such comments will be displayed.
- B. City social media sites and applications, regardless of date of establishment or whether maintained internally or externally, must adhere to City policies and protocols. These include the following:
1. **Communications Standards:** All tools must maintain corporate standards in the use of City logos. Variations of the standards can be approved by the City Manager or their designee.
 2. **Best Practices:** Use of social media sites shall meet best practices for maintaining social media such as but not limited to frequent updates and accurate information.
 3. **Public Records and Retention:** All sites are subject to state of N.C. public records laws and retention and shall be based on standards for other public records.
 4. **Political Activity:** The social media sites shall not contain any political information or be used for political activity.
 5. **City Links:** Only links that connect citizens to services that the City provides will be posted.
 6. **City-Sponsored:** Nothing shall be posted on City social media sites that is not sponsored by the City unless the City Manager or their designee grants a variance.
 7. **Internet Security Policies:** All sites shall comply with City policies and procedures for information security.
 8. **Conduct:** City policies, rules, regulations, and standards of conduct apply to employees who engage in social activities while conducting City business.
 9. **Privacy:** Information created for or posted on social media sites by City employees shall comply with all privacy protection laws to protect the privacy of employees, privacy of citizens, and the City and its confidential information.

	<p>CITY OF HENDERSONVILLE</p>		
<p>Policy Name:</p>	<p>Social Media Policy</p>	<p>Date Adopted by Council :</p>	<p>August 3 2017</p>

10. Other Laws: Sites also shall adhere to all copyright, public records, retention, fair use, and financial disclosure laws and other statutes that might apply to the City or department.
 11. Third-Party Citations: Information created for or posted on social media sites by City employees shall not contain citations of vendors, suppliers, clients, citizens, co-workers or other stakeholders without their explicit permission.
- C. When a City employee is designated by a department or the City Manager as an official social media spokesperson for the City, the following guidelines apply:
1. Identify oneself and capacity: When City-related matters are discussed in one's official capacity, each employee must identify himself or herself and the role held at the City as it is important to clearly articulate when speaking for oneself, when giving an opinion, or when speaking on behalf of the City
 2. Employees are personally responsible for what they publish: Be mindful that information published in social media constitutes a public record and as such will be retained per the regulations of public records law
 3. Be transparent, admit mistakes, and respectfully differ: Promptly admit to and correct mistakes with facts and do not enter into verbal altercations with users
 4. Use good judgment: If the content of what is being published or posted causes discomfort, the employee should pause, review and edit the submission; if discomfort remains, discuss it with the department manager before posting
 5. Adhere to all of the same prohibitions that are included in Section 5-Personal Social Media Use
- D. City social media sites that permit public comments and postings should include the following disclaimers:
1. Views and opinions expressed are those of the authors and do not reflect those of City of Hendersonville officials and employees
 2. People who comment shall have no expectation of privacy as comments and postings are public records retained and subject to disclosure in accordance with applicable laws and City policies
 3. City social media policies are subject to amendment or modification at any time without prior notice
 4. Multiple violations of comment standards may result in a public user's comments and postings being banned from City social media sites
 5. Limitations may apply to public users and users should be cautioned not to use the site when another form or filing, notification, or request is required.

	<p>CITY OF HENDERSONVILLE</p>		
<p>Policy Name:</p>	<p>Social Media Policy</p>	<p>Date Adopted by Council :</p>	<p>August 3 2017</p>

All comments and postings shall be retained in accordance with City policies. Public comments from City social media sites may be blocked, hidden, or removed as long as the site manager develops content-neutral comment standards.

All comments and postings that are blocked, hidden, or removed from City social media sites shall be retained until such time as the City Attorney’s Office advises otherwise.

The City reserves the right to block, hide or remove comments and postings that contain the following:

- Vulgar, abusive or threatening language, defamatory statements, or nudity in profile pictures or attachments
- Personal attacks, hate speech, or offensive terminology targeting individuals or groups of individuals
- Suggestions or encouragement of illegal activity
- Unsolicited business proposals or endorsements and promotion of commercial services, products, or entities
- Infringements of copyrights, trademarks, or other intellectual property
- Endorsements of political parties, candidates, or groups
- Off-topic comments and postings, spam, or links to unrelated sites

VII. Oversight of Social Media Sites, Policies, and Use

The City Manager has the authority to delegate oversight duties as deemed appropriate. The City Manager or their designee will review requests for new social media sites to ensure that the sites are implemented as effectively and consistently as possible across all City departments. This includes approval for individual employees to engage in social media as City employees and as an official part of their duties. The City maintains a list of social media accounts approved for use and will expand or contract the list as social media evolves. The City will also monitor all City social media accounts to ensure adherence to the policy and reserves the right to remove pages or close sites if necessary.

	CITY OF HENDERSONVILLE		
		Policy Name:	Internet Usage Policy

I. Purpose

It is the policy of the City to provide guidance to employees so that City resources are used efficiently, effectively, honestly, and appropriately. Employee access to computers and network resources imposes certain responsibilities and obligations and is granted subject to relevant City policies and local, North Carolina, and Federal laws.

II. Employee Responsibilities and Rights

A. Use of Resources:

1. The term “resources” refers to City-owned devices connected to City-owned network resources and personal devices connected to City-owned wireless resources. City computer, email, network, and wireless resources are provided to employees in order to assist the employee in performing assigned work for the benefit of the citizens of Hendersonville and coworkers.
2. Resources should be used for City business only, with the exception of incidental personal use or an emergency situation.

B. Privacy of all Employees:

1. Employee privacy is preserved by the City to the greatest extent possible. Electronic and other technological methods must not be used to infringe upon privacy.
2. Periodic review by authorized City personnel of all materials sent and received through City resources is permitted.
3. Employees should utilize such systems at their own risk and with awareness that City computer and other technological resources are not to be treated as personal computer and technological resources.

C. Freedom of Expression:

1. The Constitutional right to freedom of speech applies to all employees of the City no matter the medium used. However, City employees are liable and accountable for all expression exhibited during the performance of official City duties, while using City-owned resources, and while connected to City wireless resources.
2. City employees should recognize the difference between freedom of expression as a general member of the public and freedom of expression as a public employee of the City of Hendersonville.
3. Any questions regarding what constitutes permissible freedom of expression should be directed to the Department Head or Human Resources Department.

	CITY OF HENDERSONVILLE		
Policy Name:	Internet Usage Policy	Date Adopted by Council :	August 3 2017

D. Ownership of Data and Information:

1. All forms of data stored or transmitted on or with City computer and network resources are the property of the City.

E. Freedom from Harassment and Common Courtesy:

1. All employees have the right not to be harassed by other employees while at work, while utilizing City email services, while using City resources, or while connected to City wireless resources.
2. Each employee is responsible to all other City network users. Respecting and valuing the privacy of others, recognizing and respecting the diversity of the workforce and the community population, behaving ethically, and complying with all legal restrictions regarding the usage of information is required.
3. No employee of the City may use City-owned devices or resources of any kind to libel, slander, or harass any member of the public. The following is explicitly prohibited:
 - Intentionally annoying, harassing, terrifying, intimidating, threatening, offending, or bothering another person by conveying obscene language, pictures, or other materials, or by threatening bodily harm to the recipient or the recipient's family.
 - Intentionally contacting another person repeatedly with the intent to annoy, harass, or bother, whether or not any actual message is communicated, and where no purpose of legitimate communication exists or the recipient has expressed a desire for the communication to cease.
 - Intentionally invading the privacy of another or threatening the invasion of privacy of another.

F. Privacy of Information:

1. Personal information, messages, and records, no matter on what medium they are stored or transmitted, may be subject to access by the City if on City devices, network resources, or on personal devices connected to City wireless resources.
2. While personal records, information and messages made on a City owned device may not be subject to public access, they may be subject to access by the City.
3. No employee should look at, copy, alter, or destroy another individual's personal files without explicit permission from a Department Head or their designee.
4. Employees are reminded that being able to access a file or other information does not automatically imply permission to do so.

	CITY OF HENDERSONVILLE		
		Policy Name:	Internet Usage Policy

G. Information Integrity:

1. It is the responsibility of the employee to be aware of the potential for the manipulation of information and the possible effects of manipulation of information as it relates to City business.
2. Employees are encouraged to be thoroughly aware of the ease of which electronically stored information can be changed and are further encouraged to verify the integrity and completeness of information the employee compiles or uses.

H. Responsibility for Assigned Resources:

1. Each employee is responsible for the security, maintenance, and proper care of assigned computer resources and personal workspace.
2. Each employee is responsible, in coordination with the Department Head, for the security and integrity of City information stored on City devices assigned to the employee.
3. Employees should avoid storing passwords or other information that can be used to gain access to other City computing resources.

III. Email and Other Electronic Communications

Electronic communication provides a useful way to exchange ideas, share files, and maintain relationships with coworkers and members of the community. Messages sent and received through City network resources, including wirelessly, may be considered property of the City. This includes but is not limited to email and social media sites.

The City’s equipment and resources include but are not limited to cellular phones, telephones, tablets, computers and laptops, and network resources, including wireless resources. They should not be used to communicate sensitive or confidential information.

Employees should not have any expectation of privacy with respect to messages or files sent, received, or stored on the City’s computer or network resources. Authorized access to employee electronic communications by Department Heads or their designee includes the following:

- A. Access by Information Technology personnel during the course of system maintenance and administration
- B. Access approved by the employee, employee’s supervisor, or the City Manager when there is an urgent need to access the employee’s mailbox or other computer files
- C. Access approved by the employee’s supervisor and the City Manager when there is reason to believe the employee is using the communication system in violation of the City’s policy

	CITY OF HENDERSONVILLE		
Policy Name:	Internet Usage Policy	Date Adopted by Council :	August 3 2017

D. Access approved by the City Attorney in response to the City’s receipt of a court order or request from law enforcement

IV. Use of the Internet

City resources are provided for City employees for City business only with the exception of incidental personal use. All existing City personnel policies apply to employee conduct on the Internet, including those that deal with employee performance, personal conduct, intellectual property protection, privacy, misuse of City resources, sexual harassment, information and data security, and confidentiality.

Employees must conduct themselves honestly and appropriately on the Internet. Employees must also respect copyrights, software licensing rules, property rights, and the prerogatives of others. Unlawful or inappropriate usage may garner negative publicity for the City, expose the City to significant legal liabilities, and may result in disciplinary action up to and including termination for the employee.

V. Personal Usage While at Work

City resources may not be used in connection with compensated outside work or for the benefit of individuals or organizations not related to the City of Hendersonville, except in connection with official City activities.

Incidental and short duration personal use of City computer and network resources, including wireless connection, is authorized, provided such use occurs on the employee’s own time and such use is legal, ethical, does not compromise the City’s reputation or the public’s confidence in the City as an organization, and does not compromise the City’s networks and systems.

Any incidental use must not interfere with an employee’s ability to perform their official duties and must not interfere with other users’ access to resources.

VI. City Websites

Endorsing or promoting services, entities, or products not sponsored by the City is not allowed on City websites unless the City Manager or their designee authorizes such variance.

Only links that connect citizens and customers to services, entities, or products that the City provides will be posted on City websites.

VII. Summary

The items addressed in this policy are common sense items. As holders of confidential information, there comes a level of responsibility to take proper precautions to protect it. The use of the Internet and City-owned resources is a privilege which can and will be revoked when necessary and appropriate. The primary purpose of this policy is to maintain a productive and professional work environment for conducting City business.

	CITY OF HENDERSONVILLE		
Policy Name:	Internet Usage Policy	Date Adopted by Council :	August 3 2017

Violations of this policy will be addressed in accordance with the City of Hendersonville's Personnel Policy. The City Manager is authorized to make future revisions to this policy. It is understood that any substantive changes to the policy should only be implemented after first consulting with the City Council.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 7/26/2017

Presenter: John Connet

Date of Council Meeting to consider this item: 8/3/2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 13

Councilman Miller is interested in expanding the Seventh Avenue Municipal Service District (MSD) Tax Incentive Program to the Main Street Municipal Service District. The Tax Incentive Program would provide tax incentives for property owners that reinvest in their buildings or properties within the Main Street MSD. City staff support the expansion of this program to the Main Street MSD.

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

Any budget impact would be new revenue that would be generated as part of the improvements. This grant back of the new revenue would be limited to five years.

Suggested Motion:

I move that the City Council approve the Main Street Municipal Service District Tax Incentive Program.

Attachments:

Proposed Municipal Tax Incentive Program

Main Street Municipal Service District Tax Incentive Program

Purpose

The Main Street Municipal Service District Incentive Program is intended to encourage the rehabilitation of buildings and/or promote infill growth with new development in the Main Street Municipal Service District. Anticipated benefits of the program include:

- Reduction in blighted buildings;
- Increases in property value of redeveloped properties;
- Support of locally owned businesses;
- Growth of a strong commercial district.

Qualifications for Tax Incentive Program

To qualify for the Main Street Municipal Service District Tax Incentive Program, a property owner or developer within the municipal tax district is expected to:

1. Submit a letter of interest with proposed development plans to the Hendersonville City Manager for review by the Downtown Hendersonville/Main Street Advisory Committee and the City of Hendersonville Development Assistance Department.
2. The letter should include a statement from the developer stating the project would not have been considered had it not been for the Tax Incentive Program.
3. The developer must meet all other state and local development requirements.
4. Obtain the tax value of site or building as determined by the Henderson County Tax Assessor before renovation/construction begins. (tax value at time of application)
5. Obtain the tax value of site or building as determined by the Henderson County Tax Assessor after the renovations /construction is completed.
6. Developer pays full amount of newly appraised tax value on property annually.
7. City of Hendersonville "grants back" the amount of Hendersonville property and Municipal Service District tax paid by the property owner, minus the original tax value payment before the renovation/construction began.

8. This process will be followed for a grant period of five years or until the property is sold, whichever occurs first.
9. On the 6th and subsequent years, the developer will pay the full amount of the newly appraised tax value of the property without grant.

Example:

Empty 1 acre of land or vacant building - \$50,000 tax value

.47 = \$235.00 Annual City of Hendersonville Tax

.28 = \$140.00 Annual Municipal Service District Tax

\$375.00

Total Annual Tax (Before Development)

Completed development - \$1,000,000 Construction / Development - \$750,000 tax value

.47 = \$3,525.00 Annual City of Hendersonville Tax

.28 = \$2,100.00 Annual Municipal Service District Tax

\$5,625.00

Total Annual Tax (After Development)

Grant Proposal

Under the above example, owner pays \$5,625 annually in City and MSD Taxes. Owner is then granted back annually \$5,250 (\$5,625 - \$375) for 5 years = \$26,250 Total Grant.

Please submit all inquiries regarding the Tax Incentive Program to:

Hendersonville City Manager
 145 Fifth Avenue East
 Hendersonville, NC 28792
 (828) 233-3201



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 7/26/2017

Presenter: John Connet

Date of Council Meeting to consider this item: 8/3/2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 14

A requirement of the 2002 Mud Creek Sewer District Purchase and Interlocal Cooperation and Settlement Agreement is a water and sewer advisory council. The previous council has not met since 2004. In order to meet the requirements of the Agreement, City staff is recommending the reformation of the Henderson County Water and Sewer Advisory Committee.

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 that the City Council approve the reformation of the Henderson County Water and Sewer Advisory Council.

Attachments:

Proposed Rules of Procedure for the Henderson County Water and Sewer Advisory Committee

HENDERSON COUNTY WATER AND SEWER ADVISORY COUNCIL

RULES OF PROCEDURE

Adopted _____

Article I. Name

The name of this organization is the Henderson County Water and Sewer Advisory Council hereinafter referred to as the “Council”.

Article II. Purpose and Powers

The purpose of the Council is to function as the advisory council to the City of Hendersonville and Henderson County Board of Commissioners on the provision of water and sewer service in Henderson County and to exercise all powers and duties specified by the Hendersonville City Council and Henderson County Board of Commissioners, as such may be amended from time to time, and to fulfill such other responsibilities as may otherwise be delegated to the Council by City Council and/or County Commission.

The Advisory Council shall have the following specific powers and duties:

1. Advise the Hendersonville City Council and Henderson County Board of Commissioners on matters involving the provision of water and sewer services to the citizens of the Hendersonville and Cane Creek Service Areas, as amended.
2. Review and make recommendation on water and sewer studies by the City and or the County
3. Support the creation and maintenance of long-range plans for the provision of water and sewer service in Henderson County.
4. Oversee the creation of an annual water and sewer reports
5. Review and make recommendations on the following:
 - a. Capital Improvement Programs
 - b. Water and sewer facility expansions
 - c. Water and sewer extension policies

Article III. General Rules

The Council shall be governed by, the Laws of the State of North Carolina and these rules of procedure. The Chair may from time to time refer to rules set forth in the current edition of *Suggested Rules of Procedure for Small Local Government Boards* to assist in the running of orderly meetings.

Article IV. Jurisdiction

The Council's jurisdiction shall apply equally within the Hendersonville water and sewer service areas as may be amended from time to time.

Article V. Organization

Section 1. Membership. The Council shall consist of eleven members. The Council members shall be appointed as follows:

1. One sitting member of the Hendersonville City Council
2. One sitting member of the Henderson County Board of Commissioners
3. One governing board member from Fletcher, Mills River, Laurel Park, Flat Rock and Saluda.
4. One industry representative appointed by Henderson County Partnership for Economic Development.
5. One business representative appointed by Henderson County Chamber of Commerce
6. One Henderson County utility customer appointed by Henderson County Board of Commissioners
7. One City of Hendersonville utility customer appointed by the Hendersonville City Council

All members shall be entitled to equal rights, privileges and duties with other members of the council regardless of where the matters at issue arise.

Section 2. Officers. The Chairman of the Advisory Council will be the City representative for the first two-year term. The County representative will serve as the Chairman for the second two-year term. The City and County will thereafter alternate the appointment of the Chairman between them, each appointment to be for a two year term. The vice-chair shall be the City or County representative when not serving as Chairman. The chair shall preside over all meetings of the Council. The vice-chair shall assist the chair and shall serve as acting chair in the absence of the chair. If the chair is vacated the vice-chair shall become the chair for the remainder of the vacated term or until a replacement representative is appointed

Section 3. Attendance at Meetings. Any member who misses more than three consecutive regular meetings shall by that fact cease to be a Council member. A vacancy created under this Section 3 shall be treated as any other vacancy for purposes of filling the vacated seat.

Section 4. Conflict of Interest. No Council member shall take part in the hearing, consideration, or deliberation of any issue before the Council in which the Council member, or any member of the Council member's family, either directly or indirectly, is a party or has any financial interest.

Section 5. Committees. The Council shall have such standing committees as it finds necessary and convenient. In addition the chair may create ad hoc committees.

The chair shall designate the membership of all committees. The chair shall be either an active or ex officio member of all committees.

Section 6. Duration of Existence. The Advisory Council will exist for so long as the Contract of Purchase and Interlocal Cooperation and Settlement Agreement dated December 20, 2000 is in effect. Notwithstanding the forgoing, the Advisory Council may be dissolved sooner upon the mutual agreement of all parties.

VI. Meetings

Section 1. Regular Meetings. The Council shall hold regular semi-annual meetings during the months of October and April or at such other time as it may find necessary to conduct its business.

Section 2. Special Meetings. The chair may call special meetings. A majority of the Council may by written demand of a majority of its members call a meeting. Written notice of a special meeting shall be provided to all members at least one week in advance of the meeting.

Section 3. Cancellation of Meetings. Whenever there is no business for the Council the chair may cancel a meeting, by giving notice to all members not less than twenty-four hours before the time set for the meeting. In the event of severe weather or other sufficient cause the chair may cancel a meeting by giving reasonable notice to all members before the time set for the meeting. In the case of a meeting called by a majority of the Council the chair may cancel the meeting only upon the concurrence of a majority of the Council.

Section 4. Quorum. A majority of members shall constitute a quorum for the conduct of business of the Council or of any committee.

Section 5. Conduct of Meetings. All meetings shall be noticed and open to the public as provided by law. Any person who may be substantially affected by final action in any matter that comes before the Council may appear in person or by agent or attorney to make presentations respecting any such matter. The Chair may impose reasonable restraints on presentations.

Section 6. Voting. Members must be present to vote on any matter. Except as may be otherwise required by these rules or other prevailing law, any motion to be carried must have the vote of the majority of members actually voting. The chair shall be eligible to vote as any other member.

Section 7. Electronic notice. Notice to a member conforms to a requirement of these rules to be in writing if sent by electronic mail to an electronic address provided by the member and not returned to the sender with an error message.

Article VII. Public Hearings

Section 1. Conduct of Hearings. The Council may from time to time conduct public hearings to fulfill its responsibilities and receive input from water and sewer customers on any matter associated with the operation of the water and sewer system. The chair shall preside at all hearings and unless overruled by a majority of the council shall have plenary power to limit presentations in the interest of brevity, clarity, fairness or other considerations. "Limit" in this sense shall be construed broadly, and shall include the power to provide for the representation of groups by spokespersons.

Article VIII. Amendments

These rules may be amended at any meeting after the meeting at which the amendment is first presented upon an affirmative vote of not fewer than six members of the Council.

Adopted as amended by at least six members of the Council this _____ 2017.

Council Chairman

Council Vice Chairman

Flat Rock Council Member

Fletcher Council Member

Laurel Park Council Member

Mills River Council Member

Saluda Council Member

Industry Council Member

Business Council Member

Customer Council Member

Customer Council Member



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Lisa White

Department: Finance

Date Submitted: 7-24-17

Presenter: Lisa White

Date of Council Meeting to consider this item: 8-3-2017

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 16a

Per the City Investment policy, the investment officer will provide the City Manager and City Council an investment report including a management summary that provides an analysis of the status of the current investment portfolio and a detail listing of the individual transactions executed.

Investment Report/Management Summary:

As of June 30, 2017 the City investment portfolio, held by First Citizens Bank (Custodian) consists of the following investments which comply with the City Investment Policy and State Statute:

US Treasury Notes:	\$ 999,134.52
Government Agencies:	\$16,326,892.80
Commercial Paper:	\$ 2,068,604.22
Municipals:	\$ 3,849,891.45
Cash (NCCMT)	\$ 879.24
Total Cost basis	\$23,245,402.23

During the fiscal year, 2017, the City earned a total of \$268,005.06 , which was distributed among the funds based on the proportionate share of fund balance.

Budget Impact: \$ none 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.*

None - Staff Report only

Attachments:

Investment Report
First Citizens Statement dated 6-30-17

Investment Name		Rating	Cusip	Price	Yield	Purchased Date	Issued Date	Maturity Date	Callable	Cost Basis
U.S. Treasury		Aaa/AA+	912828H94	99.913452	1.03%	3/12/2015	2/27/2015	2/15/2018	yes	999,134.52
DIRECT GOVERNMENT SECURITIES										999,134.52
Federal National Mortgage Asso	FNMA	Aaa/AA+	3136G3BB0	100%	1.38%	3/16/2016	3/16/2016	9/16/2019	yes	3,889,000.00
Federal National Mortgage Asso	FNMA	Aaa/AA+	3136G2GR2	100	1.50%	4/28/2015	4/28/2020	4/28/2020	YES	1,335,000.00
Federal Home Loan bank	FHLB	Aaa/AA+	3130A9FK2	100	0.68%	8/2/2016	12/22/2014	9/22/2017	NO	2,023,440.30
Federal Home Loan bank	FHLB	Aaa/AA+	3130A9FK2	100.4189	1.10%	9/15/2016	9/29/2016	3/29/2019	YES	1,000,000.00
Federal Home Loan bank	FHLB	Aaa/AA+	3130A8BD-4	99.783	1.03%	1/30/2017	5/27/2016	6/29/2018	NO	1,746,202.50
Federal Home Loan Mort	FHLMC	Aaa/AA+	3134GAMD3	1.05	1.05%	9/28/2016	9/28/2016	9/28/2018	YES	2,125,000.00
Federal Home Loan Mort	FHLMC	Aaa/AA+	3134GAX33	1.5	1.50%	1/30/2017	1/30/2017	7/30/2019	YES	1,150,000.00
Federal Home Loan Mort	FHLMC	Aaa/AA+	3134GASE5	100	1.05%	10/18/2016	10/28/2016	10/26/2018	YES	450,000.00
Federal Home Loan Mort	FHLMC	Aaa/AA+	3134GA7D0	100	1.00%	3/21/2017	3/20/2017	9/20/2020	YES	1,610,000.00
(Step - up see interest cash flow)										
Federal Farm Credit Bank	FFCB	Aaa/AA+	3133ECNY	99.825	1.09%	1/17/2017	5/8/2013	5/8/2018	YES	998,250.00
GOVERNMENT AGENCIES										16,326,892.80
Abbey National Treasury	ABNT	A1/P1	00280NUH1	1	1.00%	5/18/2017	5/19/2017	7/17/2017	NO	2,068,604.22
COMMERCIAL PAPER										2,068,604.22
Durham County, NC BABS	DUR	Aaa/AAA	266705C34	108.224	1.60%	5/4/2015	11/10/2010	11/1/2019	NO	205,625.60
High Point, NC- BABS	HPNC	Aa2/AAA	429749DE1	106.486	1.10%	6/25/2015	6/24/2010	11/1/2017	NO	324,782.30
Forsyth Cnty-C-BABS	MUNI	Aaa AAA	3466227Y3	108.41	1.65%	11/3/2015	2/2/2010	4/1/2020	No	716,489.40
Gaston County	GCNC	Aaa AAA	367298XK7	114.713	93.00%	5/24/2016	5/24/2016	2/1/2020	No	1,818,201.05
Gaston County	GCNC	Aaa AAA	367298XL5	118.014	1.05%	5/24/2016	5/24/2016	2/1/2021	No	784,793.10
OTHER INVESTMENTS (MUNI/BABS/CASH)										3,849,891.45
Total Securities										23,244,522.99
NC Capt Management	Cash									879.24
Total Security - Cost Basis										23,245,402.23

Portfolio Allocation - by Security Type

Security Type	Amount	Percentage
DIRECT GOVERNMENT SECURITIES	\$ 999,134.52	4.30%
Fannie Mae FNMA	5,224,000.00	22.47%
Federal Home Loan bank FHLB	4,769,642.80	20.52%
Freddie Mac FHLMC	5,335,000.00	22.95%
Federal Farm Credit Bank FFCB	998,250.00	4.29%
GOVERNMENT AGENCIES	16,326,892.80	70.24%
CP	\$ 2,068,604.22	8.90%
MUNI/OTHER	\$ 3,849,891.45	16.56%
	\$ 23,244,522.99	100.00%

Portfolio Allocation - by Maturity Date:

Year	Amount	Percentage
2017	4,416,826.82	19.0%
2018	6,318,587.02	27.2%
2019	6,244,625.60	26.9%
2020	5,479,690.45	23.6%
2021	784,793.10	3.4%
Total	\$ 23,244,522.99	



SUMMARY OF ASSETS
AS OF 06/30/17 PAGE 2

ACCOUNT NO. 71-0655-01-0

FIRST-CITIZENS BANK & TRUST COMPANY
AS CUSTODIAN
FOR THE CITY OF HENDERSONVILLE

	MARKET VALUE	COST BASIS	UNREALIZED GAIN/LOSS	CURRENT ACCRUAL
CASH	.00	.00	.00	.00
DIRECT GOVERNMENT SECURITI	998,660.00	999,134.52	474.52-	3,756.90
GOVERNMENT AGENCIES	16,248,741.45	16,326,892.80	78,151.35-	47,583.49
COMMERCIAL PAPER	2,068,604.22	2,068,604.22	.00	2,474.89
OTHER INVESTMENTS	3,682,617.44	3,850,770.69	168,153.25-	55,940.71
TOTAL INVESTMENTS	22,998,623.11	23,245,402.23	246,779.12-	109,755.99
	22,998,623.11	23,245,402.23	246,779.12-	109,755.99



SCHEDULE A - STATEMENT OF ASSETS
AS OF 06/30/17 PAGE 3

ACCOUNT NO. 71-0655-01-0

FIRST-CITIZENS BANK & TRUST COMPANY
AS CUSTODIAN
FOR THE CITY OF HENDERSONVILLE

UNITS/ CUSIP NUMBER	TICKER UNIT/MKT PRC	MARKET VALUE	COST BASIS	UNREALIZED GAIN/LOSS	CURRENT ACCRUAL
CASH					
CASH		.00	.00		.00
CASH		.00	.00	.00	.00
DIRECT GOVERNMENT SECURITIES					
1,000,000 912828-H9-4	UNIT18 99.866	998,660.00	999,134.52	474.52-	3,756.90
UNITED STATES TREASURY NOTE DTD 02/17/15 1.000% DUE 02/15/2018					
DIRECT GOVERNMENT SECURITIES		998,660.00	999,134.52	474.52-	3,756.90
GOVERNMENT AGENCIES					
2,015,000 3130A3-TK-0	FEDE17 99.990	2,014,798.50	2,023,440.30	8,641.80-	5,818.31
FEDERAL HOME LOAN BANK DTD 12/22/14 1.050% DUE 09/22/2017					
1,750,000 3130A8-BD-4	FEDE18 99.592	1,742,860.00	1,746,202.50	3,342.50-	85.06
FEDERAL HOME LOAN BANK DTD 05/27/16 0.875% DUE 06/29/2018					
1,000,000 3130A9-FK-2	FEDE19 99.104	991,040.00	1,000,000.00	8,960.00-	2,811.11
FEDERAL HOME LOAN BANK DTD 09/29/16 1.100% DUE 03/29/2019 CALLABLE 03/29/17 @ 100.00					
1,000,000 3133EC-NY-6	FEDE18 99.685	996,850.00	998,250.00	1,400.00-	1,398.61
FEDERAL FARM CREDIT BANK DTD 05/08/13 0.950% DUE 05/08/2018 CALLABLE 01/23/17 @ 100.00					
2,125,000 3134GA-MD-3	FEDE18 99.635	2,117,243.75	2,125,000.00	7,756.25-	5,764.06
FEDERAL HOME LOAN MORTGAGE CORP. DTD 09/28/16 1.050% DUE 09/28/2018 CALLABLE 03/28/17 @ 100.00					
450,000 3134GA-SE-5	FEDE18 99.524	447,858.00	450,000.00	2,142.00-	853.12
FEDERAL HOME LOAN MORTGAGE CORP. DTD 10/28/16 1.050% DUE 10/26/2018 CALLABLE 01/26/17 @ 100.00					
1,150,000 3134GA-X3-3	FEDE19 99.720	1,146,780.00	1,150,000.00	3,220.00-	7,235.41
FEDERAL HOME LOAN MORTGAGE CORP. DTD 01/30/17 1.500% DUE 07/30/2019 CALLABLE 01/30/18 @ 100.00					



SCHEDULE A - STATEMENT OF ASSETS
AS OF 06/30/17 PAGE 4

ACCOUNT NO. 71-0655-01-0

FIRST-CITIZENS BANK & TRUST COMPANY
AS CUSTODIAN
FOR THE CITY OF HENDERSONVILLE

UNITS/ CUSIP NUMBER	TICKER UNIT/MKT PRC	MARKET VALUE	COST BASIS	UNREALIZED GAIN/LOSS	CURRENT ACCRUAL
1,610,000 3134GA-7D-0	FEDERAL HOME LOAN MORTGAGE CORP. DTD 03/20/17 DUE 03/20/2020 STEP COUPON BOND CALLABLE 09/20/17 @100.00 FEDE20 99.965	1,609,436.50	1,610,000.00	563.50-	4,516.93
1,335,000 3136G2-GR-2	FEDERAL NATIONAL MORTGAGE ASSOC. DTD 04/28/15 1.500% DUE 04/28/2020 CALLABLE 04/28/17 @100.00 FEDE20 99.612	1,329,820.20	1,335,000.00	5,179.80-	3,504.37
3,889,000 3136G3-BB-0	FEDERAL NATIONAL MORTGAGE ASSOC. DTD 03/16/16 1.375% DUE 09/16/2019 CALLABLE 09/16/16 @100.00 FEDE19 99.050	3,852,054.50	3,889,000.00	36,945.50-	15,596.51
GOVERNMENT AGENCIES		16,248,741.45	16,326,892.80	78,151.35-	47,583.49
COMMERCIAL PAPER					
2,072,000 00280N-UH-1	ABBEY NATL TREAS COMMERCIAL PAPER DTD 05/18/17 DUE 07/17/2017	2,068,604.22	2,068,604.22		2,474.89
COMMERCIAL PAPER		2,068,604.22	2,068,604.22	.00	2,474.89
OTHER INVESTMENTS					
190,000 266705-C3-4	DURHAM COUNTY NORTH CAROLINA DTD 11/10/10 3.505% DUE 11/01/2019 BUILD AMERICA BONDS-DURHAM CNTY 103.422	196,501.80	205,625.60	9,123.80-	1,109.91
660,000 346622-7Y-3	FORSYTH COUNTY NORTH CAROLINA DTD 09/02/10 3.548% DUE 04/01/2020 BUILD AMERICA BOND - SER C 104.380	688,908.00	716,489.40	27,581.40-	5,854.20
1,585,000 367298-XK-7	GASTON COUNTY NORTH CAROLINA DTD 05/24/16 5.000% DUE 02/01/2020 109.666	1,738,206.10	1,818,201.05	79,994.95-	33,020.83
665,000 367298-XL-5	GASTON COUNTY NORTH CAROLINA DTD 05/24/16 5.000% DUE 02/01/2021 112.863	750,538.95	784,793.10	34,254.15-	13,854.16
305,000 429749-DE-1	HIGH POINT NC COMB ENTERPRISE SYS DTD 06/24/10 3.904% DUE 11/01/2017 REV - BUILD AMERICA BOND 100.847	307,583.35	324,782.30	17,198.95-	1,984.53



SCHEDULE A - STATEMENT OF ASSETS
AS OF 06/30/17 PAGE 5

ACCOUNT NO. 71-0655-01-0

FIRST-CITIZENS BANK & TRUST COMPANY
AS CUSTODIAN
FOR THE CITY OF HENDERSONVILLE

UNITS/ CUSIP NUMBER	TICKER UNIT/MKT PRC	MARKET VALUE	COST BASIS	UNREALIZED GAIN/LOSS	CURRENT ACCRUAL
879.240 NORTH CAROLINA CAP MANAGMNT FD#NCCMT 99936K-MI-4	1.000	879.24	879.24		117.08
OTHER INVESTMENTS		3,682,617.44	3,850,770.69	168,153.25-	55,940.71
----- 22,801,879.240 NET ASSETS	----- 1.009	----- 22,998,623.11	----- 23,245,402.23	----- 246,779.12-	----- 109,755.99
TOTAL ASSETS + ACCRUALS		23,108,379.10			



SCHEDULE D - INCOME
FOR PERIOD 06/01/17 THRU 06/30/17

PAGE 6

ACCOUNT NO. 71-0655-01-0

FIRST-CITIZENS BANK & TRUST COMPANY
AS CUSTODIAN
FOR THE CITY OF HENDERSONVILLE

DATE	DESCRIPTION	CASH
	INTEREST INCOME	
	ABBEY NATIONAL TREASURY	
	DTD 12/08/16 DUE 06/06/2017	
	COMMERCIAL PAPER	
06/06/17	INTEREST ON MATURITY OF 1,000,000	5,469.44
	CREDIT SUISSE FIRST BSTN	
	DTD 09/14/16 DUE 06/09/2017	
	COMMERCIAL PAPER	
06/09/17	INTEREST ON MATURITY OF 1,000,000	10,347.78
	FEDERAL HOME LOAN BANK	
	DTD 05/27/16 0.875% DUE 06/29/2018	
06/29/17	INT TO 06/29/17 ON 1,750,000	7,656.25
	FEDERAL NATIONAL MORTGAGE ASSOC.	
	DTD 12/30/16 1.750% DUE 12/30/2019	
	CALLABLE 06/30/17 @ 100.00	
06/30/17	INT 12/30/16 TO 06/30/17 ON 1000000	8,750.00
	JP MORGAN SECURITIES LLC	
	DTD 12/13/16 DUE 06/12/2017	
	COMMERCIAL PAPER	
06/12/17	INTEREST ON MATURITY OF 1,000,000	5,600.00
	NORTH CAROLINA CAP MANAGMNT FD#NCCMT	
06/01/17	INT TO 05/31/17	264.13

	TOTAL INTEREST INCOME	38,087.60

	TOTAL INCOME	38,087.60



SCHEDULE E - DISBURSEMENTS
FOR PERIOD 06/01/17 THRU 06/30/17

PAGE 7

ACCOUNT NO. 71-0655-01-0

FIRST-CITIZENS BANK & TRUST COMPANY
AS CUSTODIAN
FOR THE CITY OF HENDERSONVILLE

DATE	DESCRIPTION	CASH
	EXPENSES	
06/15/17	MONTHLY FEE TO 05/31/17	337.69-
	TOTAL EXPENSES	337.69-
	OTHER PAYMENTS	
06/07/17	FUNDS WIRED TO WELLS FARGO BANK CHARLOTTE, NC ABA #121000248 ACCT #2004511045545 PER REQ. DATED 6/6/2017	1,000,000.00-
06/12/17	FUNDS WIRED TO WELLS FARGO BANK CHARLOTTE, NC ABA #121000248 ACCT #2004511045545 PER REQ. DATED 6/12/17	2,000,000.00-
06/30/17	FUNDS WIRED TO WELLS FARGO BANK CHARLOTTE, NC ABA #121000248 ACCT #2004511045545 PER REQ. DATED 6/30/17	1,016,000.00-
	TOTAL OTHER PAYMENTS	4,016,000.00-
	TOTAL DISBURSEMENTS	4,016,337.69-



SCHEDULE F - PURCHASES
FOR PERIOD 06/01/17 THRU 06/30/17

PAGE 8

ACCOUNT NO. 71-0655-01-0

FIRST-CITIZENS BANK & TRUST COMPANY
AS CUSTODIAN
FOR THE CITY OF HENDERSONVILLE

DATE	SECURITY	DESCRIPTION	UNIT PRICE	BROKER COMMISSION	OTHER COSTS	TOTAL CASH
06/30/17	CASH EQUIVALENT 99936K-MI-4	PURCHASES (5) 06/01/17 TO 06/30/17 NORTH CAROLINA CAP MANAGMNT FD#NCCMT	1.000	.00	.00	3,016,670.38-
		TOTAL CASH EQUIVALENT				----- 3,016,670.38-
		TOTAL PURCHASES				----- 3,016,670.38-



SCHEDULE G - SALES AND REDEMPTIONS
 FOR PERIOD 06/01/17 THRU 06/30/17

ACCOUNT NO. 71-0655-01-0

FIRST-CITIZENS BANK & TRUST COMPANY
 AS CUSTODIAN
 FOR THE CITY OF HENDERSONVILLE

DATE	SECURITY	DESCRIPTION	BROKER COMMISSION	PROCEEDS	COST	REALIZED GAIN/LOSS
FIXED INCOME						
FEDERAL NATIONAL MORTGAGE ASSOC. DTD 12/30/16 1.750% DUE 12/30/2019 CALLABLE 06/30/17 @ 100.00						
06/30/17	3135G0-S2-0	CALLED PD @ 100.00%	.00	1,000,000.00	1,000,400.00-	400.00-
				1,000,000.00	1,000,400.00-	400.00-
TOTAL FIXED INCOME						
CASH EQUIVALENTS						
ABBEY NATIONAL TREASURY DTD 12/08/16 DUE 06/06/2017 COMMERCIAL PAPER						
06/06/17	00280N-T6-7	RECD PROCEEDS ON MATURITY OF 1,000,000 PAR VALUE	.00	994,530.56	994,530.56-	.00
CREDIT SUISSE FIRST BSTN DTD 09/14/16 DUE 06/09/2017 COMMERCIAL PAPER						
06/09/17	2254EA-T9-4	RECD PROCEEDS ON MATURITY OF 1,000,000 PAR VALUE	.00	989,652.22	989,652.22-	.00
JP MORGAN SECURITIES LLC DTD 12/13/16 DUE 06/12/2017 COMMERCIAL PAPER						
06/12/17	46640P-TC-7	RECD PROCEEDS ON MATURITY OF 1,000,000 PAR VALUE	.00	994,400.00	994,400.00-	.00
NORTH CAROLINA CAP MANAGMNT FD#NCCMT						
06/30/17	99936K-MI-4	SALES (4) 06/01/17 TO 06/30/17	.00	3,016,337.69	3,016,337.69-	.00
				5,994,920.47	5,994,920.47-	.00
TOTAL CASH EQUIVALENTS						
				6,994,920.47	6,995,320.47-	400.00-
TOTAL SALES AND REDEMPTIONS						



SCHEDULE N - 5% TRANSACTIONS
FOR PERIOD 06/01/17 THRU 06/30/17

PAGE 10

ACCOUNT NO. 71-0655-01-0

FIRST-CITIZENS BANK & TRUST COMPANY
AS CUSTODIAN
FOR THE CITY OF HENDERSONVILLE

DESCRIPTION	NO. OF TRANS	COST	CASH	REALIZED GAIN/LOSS
NORTH CAROLINA CAP MANAGMNT FD#NCCMT				
PURCHASES	5	3,016,670.38	3,016,670.38	.00
SALES	4	3,016,337.69	3,016,337.69	.00

			6,033,008.07	



MARKET VALUE RECONCILEMENT
FOR PERIOD 06/01/17 THRU 06/30/17

PAGE 11

ACCOUNT NO. 71-0655-01-0

FIRST-CITIZENS BANK & TRUST COMPANY
AS CUSTODIAN
FOR THE CITY OF HENDERSONVILLE

MARKET VALUE BEGINNING OF PERIOD 27,129,372.09

INCREASES

REALIZED GAINS/LOSSES SCHEDULE G 400.00-

INCOME EARNED

ENDING ACCRUAL 109,755.99

BEGINNING ACCRUAL 114,179.10

INCOME COLLECTED SCHEDULE D 38,087.60

TOTAL INCOME EARNED -----
33,664.49

TOTAL INCREASES ----- 33,264.49

DECREASES

EXPENSES SCHEDULE E 337.69-

OTHER PAYMENTS SCHEDULE E 4,016,000.00-

MARKET DEPRECIATION

END OF PERIOD 246,779.12-

BEGINNING OF PERIOD 208,859.33-

TOTAL MARKET DEPRECIATION -----
37,919.79-

TOTAL DECREASES ----- 4,054,257.48-

MARKET VALUE END OF PERIOD -----
23,108,379.10



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Joseph Vindigni

Department: Admin

Date Submitted: 07/20/2017

Presenter: Joseph Vindigni

Date of Council Meeting to consider this item: 08/03/2017

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 16b

In an effort to keep City Council and City management informed about the Fire Department the Fire Chief has created a statistical report that will be published every quarter. The intention is to build off the first quarter and show data on call volume for both EMS and fire, automatic aid given & received, reliability/availability, as well as fire inspections data. In the future we will add even further information such as smoke alarm & car seat installations as well as public education and prevention activities.

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:

N/A

Attachments:

Fire Department 2nd Quarter 2017 - Statistical Report



Hendersonville Fire

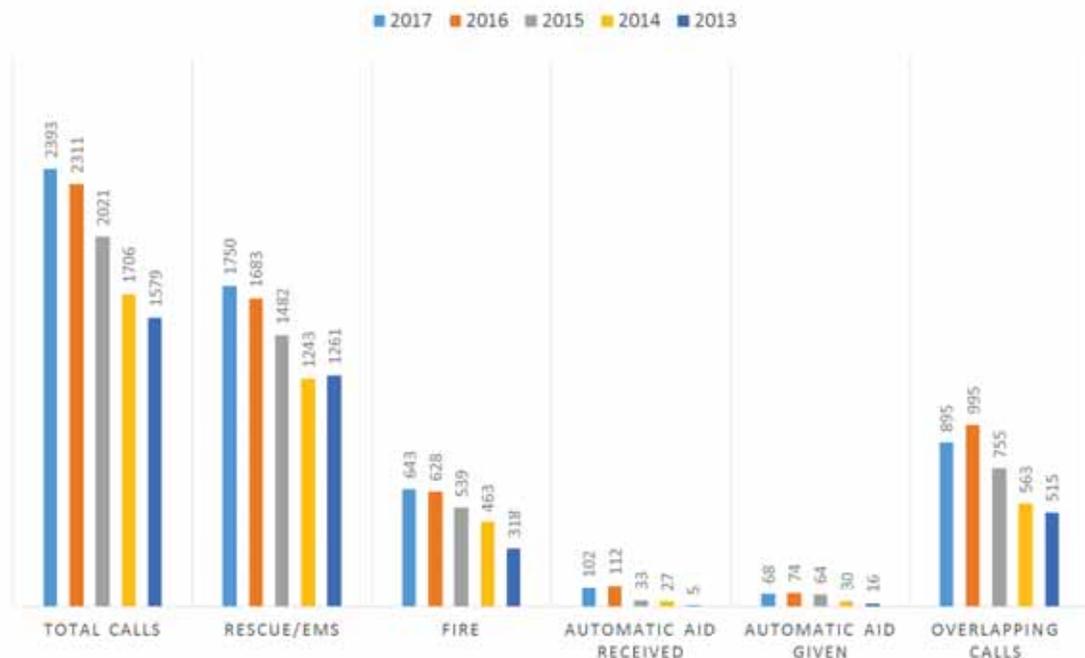
Fire Chief's
Statistical Report
Jan-June 2017

Hendersonville Fire Department Statistics January – June (6-Months) 2017

Operations Division

2017	Total Calls	Rescue/EMS	Fire	Automatic Aid Given	Automatic Aid Received	Overlapping Calls
January	409	310	99	24	8	147
February	367	269	98	15	16	132
March	422	309	113	22	18	179
April	360	269	91	9	6	111
May	449	318	131	16	7	196
June	386	275	111	16	13	130
TOTAL	2393	1750	643	102	68	895 (37.4%)

JANUARY-JUNE (6-MONTH) DATA



Station and Apparatus Breakdown January-June (6-Month) 2017

Station 1 – 1622 Calls

Station 2 – 803 Calls

E-1 responded to 1190 Calls

L-1 responded to 382 Calls

E-2 responded to 681 Calls

Reserve Apparatus responded to 150 Calls

Administrative Units responded to 100 Calls

Mutual Aid Given – 102 Calls

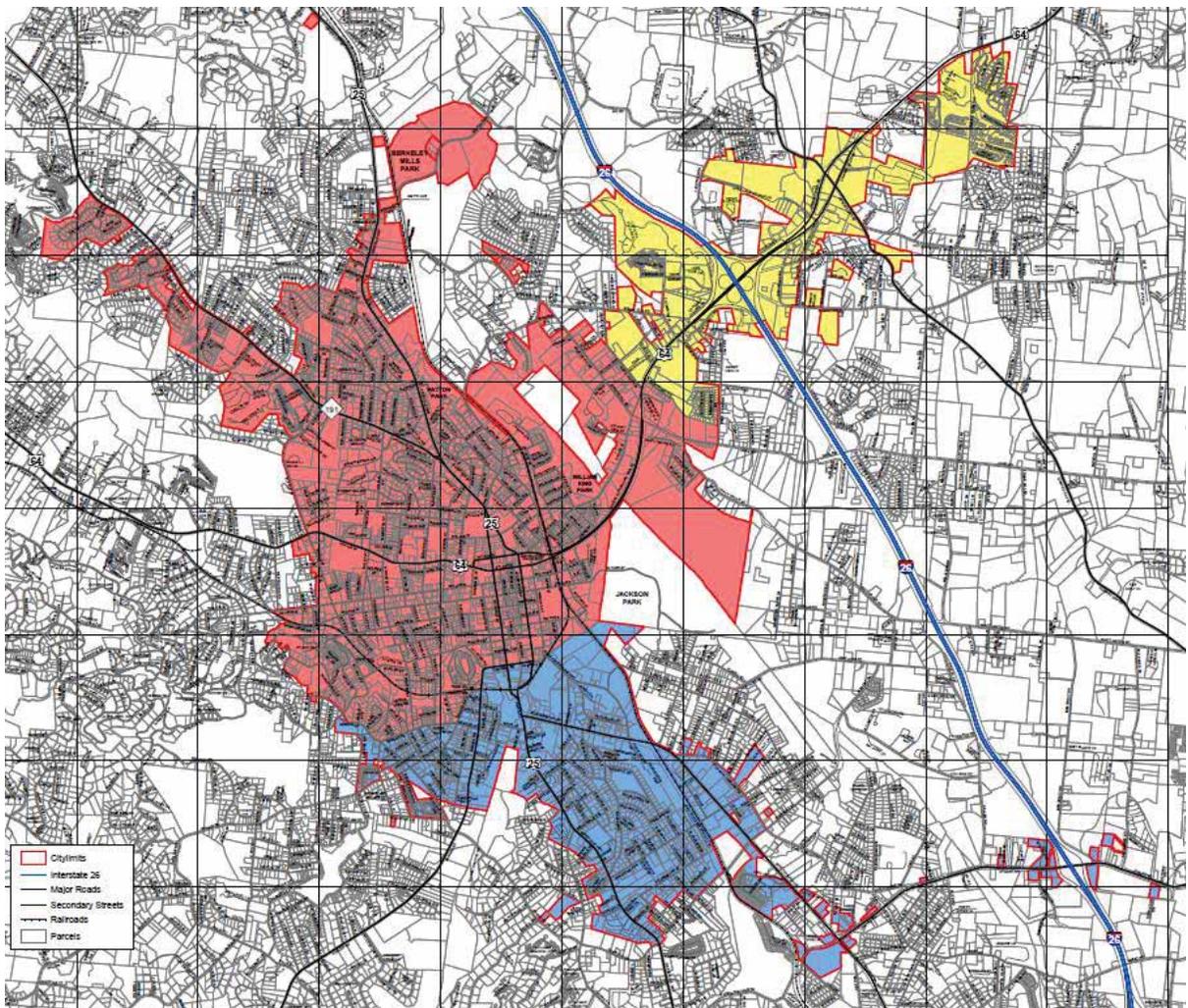
Mutual Aid Received – 68 Calls

Operational Changes and Departmental Updates

- *Operational Changes that went into effect January 1, 2017 - We no longer respond to immediate or urgent care facilities unless the patient is in Cardiac Arrest, Respiratory Arrest, Unconscious/Unresponsive, or if EMS requests. In 2016 we responded to these facilities approximately 155 times. This change should reduce that # significantly.*
- *Operational Changes that went into effect February 3, 2017 –Only one piece of apparatus will respond to Motor vehicle accidents with no reported injury, involve pedestrians, or outside the City limits.*
- *The Hendersonville Fire Department approved a new standard operating guideline on May 15, 2017 in relation to Emergency Incident Response. This will provide consistency among the three shifts and allow for our organization to operate more efficiently.*
- *The Hendersonville Fire Department was evaluated by the Department of Insurance – Office of State Fire Marshal on June 28, 2017 for its Public Protection Classification. Our last Inspection was conducted in September of 2009 and resulted in a Class 4. We are hoping to improve that rating and should get final results in the next 90-120 days.*
 - *The Inspector evaluated and validated several components such as:*
 - ***Emergency Communications***
 - *Credit for Emergency Reporting*
 - *Credit for Telecommunicators*
 - *Credit for Dispatch Circuits*
 - ***Fire Department***
 - *Credit for Engine Companies*
 - *Credit for Reserve Pumpers*
 - *Credit for Pump Capacity*
 - *Credit for Ladder Service*
 - *Credit for Reserve Ladder and Service Trucks*

- *Credit for Deployment Analysis*
 - *Credit for Company Personnel*
 - *Credit for Training*
 - *Credit for Operational Considerations*
 - ***Water Supply***
 - *Credit for Supply System*
 - *Credit for Hydrants*
 - *Credit for Inspection and Flow Testing*
 - ***Community Risk Reduction***
 - *Credit for Fire Prevention and Code Enforcement*
 - *Credit for Public Fire Safety Education*
 - *Credit for Fire Investigation Programs*
- *We have been working with G.I.S. to set up a District 3 area in the City in an effort to start recording statistical data on call volume for potential third Fire Station. See Map Below:*

(District 1 – Red District 2 – Yellow District 3 – Blue)

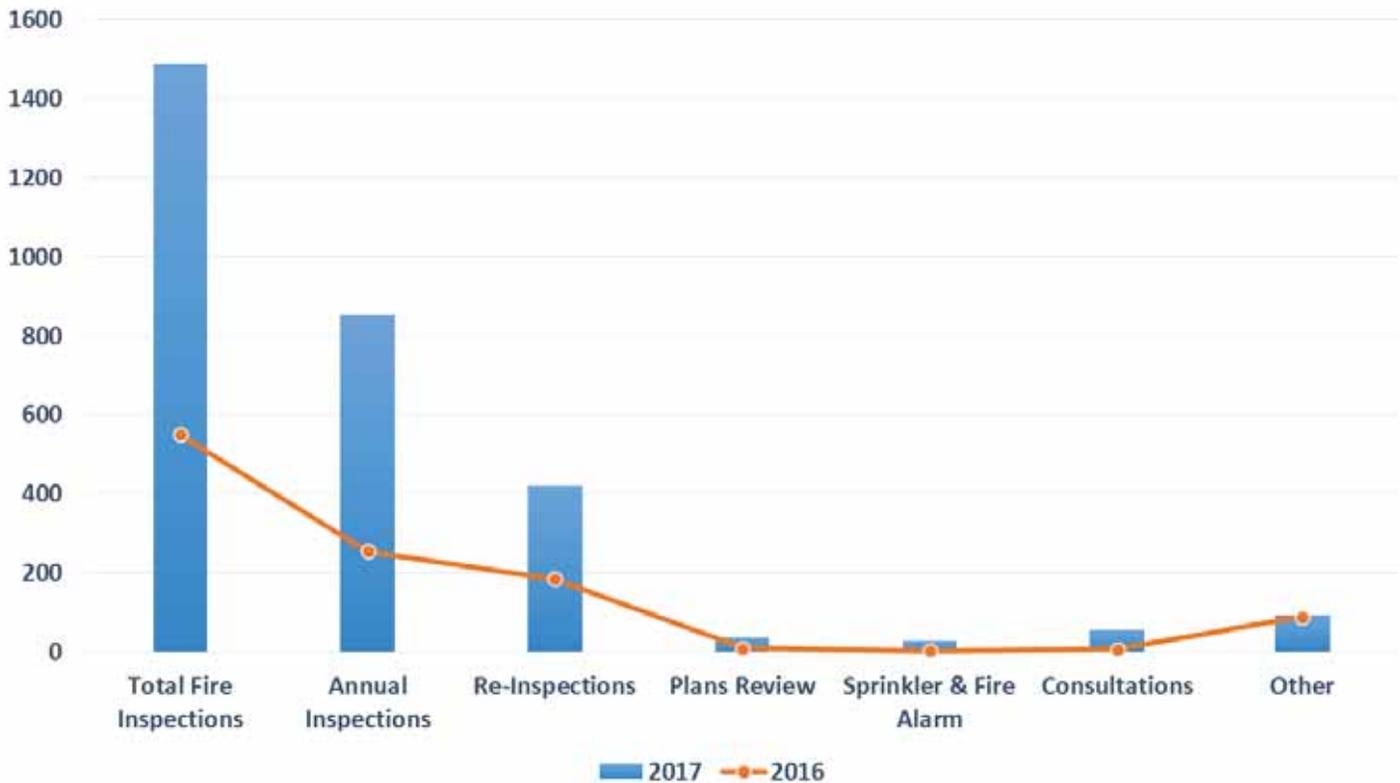


Life Safety Division

2017	Total Inspections	Annual	Re-Inspections	Plans Review	Sprinkler & Fire Alarm	Consultations	Other
January	228	188	23	7	0	4	6
February	306	172	102	8	4	11	9
March	295	161	91	5	6	15	17
April	207	90	78	4	14	10	11
May	253	142	83	3	0	8	17
June	199	101	44	9	4	7	34
TOTAL	1488	854	421	36	28	55	94

* Other includes: ABC License, Final C/O, Hood and Duct, New Business, Occupancy Count, Complaint, and Foster Home Inspections.

January – June (6-Month) 2017 Fire Inspection Comparison





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Admin

Date Submitted: 06.27.17

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 07.06.17

Nature of Item: Council Action

Summary of Information/Request:

Item # 18

The City Council may consider appointments to these boards/committees:
Business Advisory Committee, Downtown Advisory Committee, Board of Adjustment, WCCA Board of Directors, and the Environmental Sustainability Board.

ANNOUNCEMENTS/Reminders of Vacancies:

BOARD OF ADJUSTMENT (alternate position).
SEVENTH AVENUE ADVISORY COMMITTEE.
HISTORIC PRESERVATION COMMISSION

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: July 26, 2017

a. Consideration of Appointments:

1. Business Advisory Committee - There is one vacancy on this Committee.

Applications on file: Robert Papes, owner of Papes Consulting

The membership of this Committee was amended on 06-01-17 to allow greater flexibility for appointing members to this committee.

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, principals or other significant representatives of businesses.
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.

2. Downtown Advisory Committee: There are three vacant positions on this Committee. There are two stakeholder positions open, one resident position open and one at-large position. Ms. Candi Guffy has indicated she would like to continue serving.

Applications: Kelly Friesen - for the "at-large" position,
Jared Bellmund - for the "at-large" position.

3. Board of Adjustment - The terms of Mr. Bob Ward, Chris Freeman and Karen Livingston will expire in September. Mr. Freeman is willing to continue serving. I am waiting confirmation from Mr. Ward and Ms. Livingston. The alternate position is also vacant.

4. WCCA Board of Directors: Yallanna McGee, the City's representative on this Board resigned because she is moving. You have received an application from Tamara Lee.

- 5. Environmental Sustainability Board:** The terms of Ian Edwards, Gary Eblen and Steven Orr will expire in September. Mr. Eblen has resigned and Mr. Orr is willing to serve another term. I am waiting to hear back from Mr. Edwards.

b. Announcement/Reminder of Vacancies and Up-Coming Vacancies:

- 1. Seventh Avenue Advisory Committee** - There is one vacant position on this Committee. 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.

- 2. Historic Preservation Commission:** There is a vacancy on the Commission due to the resignation of Ms. Marty Payton.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 7/26/2017

Presenter: John Connet

Date of Council Meeting to consider this item: 8/03/2017

Nature of Item: Council Action

Summary of Information/Request:

Item # 19

I would like to request a Closed Session pursuant to NCGS143-318.11(a) (3) to consult with the City Attorney (via telephone).

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

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

I move the City Council enter Closed Session in accordance with NCGS 143-318.11 (a) (3) to consult with the City Attorney (via telephone).

Attachments:

None