

AGENDA

CITY OF HENDERSONVILLE CITY COUNCIL – REGULAR MEETING

APRIL 5, 2018 – 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:**
 - February 8, 2018 Special Meeting
 - February 9, 2018 Special Meeting
 - March 1, 2018 Regular Meeting
 - March 20, 2018 Special Meeting
 - B. **Consideration of Budget Amendments**
 - C. **Consideration of Appointment of Finance Officer John Buchanan and Associated Bank Resolutions**
 - D. **Consideration of Application for Heritage Tree Designation for a Tree at 713 Kanuga Road**
 - E. **Consideration of a Resolution of Intent for the closing a portion of an unnamed alley located on PIN number 9568896145 located off N. Grove Street**
 - F. **Consideration of a Resolution Accepting the Dedication of Certain Real Property Interests to the City of Hendersonville**
 - G. **Consideration of Acceptance of a Grant from the Governor’s Crime Commission for \$6,100 for the Purchase of Body Cams, and Associated Grant Project Ordinance, Budget Amendment and Required Match**
 - H. **Consideration of a Contract with Unifirst to Provide Rental Uniforms for Water and Sewer Employees**
 - I. **Consideration of Bid for Buncombe Street Stormwater Project**

- J. Consideration of Qualified Firms for On-Call Professional Surveying Services
- K. Consideration of Qualified Firms for On-Call Professional Geotechnical Engineering and Construction Materials Testing Services
6. **Presentation of Proclamation for Week of the Young Child, Remarks by Elisha Freeman, Executive Director of Children & Family Resource Center**
Presenter: Mayor Barbara G. Volk, Ms. Elisha Freeman
7. **Presentation of Proclamation of Congenital Diaphragmatic Hernia Awareness Month**
Presenter: Mayor Barbara G. Volk, Derek & Nicole Coté
8. **Recognition of Lu Ann Welter for Achieving a Manager of Environmental Safety and Health Certificate (MESH)**
Presenter: Human Resources Director Jennifer Harrell
9. **Consideration of an Amendment to the Fee Schedule to Adopt Unique Rates for Water and Sewer Services for Henderson County Public Schools**
Presenter: City Manager John Connet
10. **Public Hearing – Consideration of an Order to Permanently Close an Unopened, Unnamed, and Unimproved Alley off Kensington Road: Petition Withdrawn by Applicant**
Presenter: Development Assistance Director Susan Frady
11. **Public Hearing – Consideration of Petition for Contiguous Annexation of Property Located at 914-920 Rutledge Annex, Ryan Howell: Petitioner**
Presenter: Development Assistance Director Susan Frady
12. **Public Hearing – Consideration of an Application from Pace Construction for the Rezoning of a Parcel located off Spartanburg Highway on E. Central Street R-15 Medium Density Residential to C-3 Highway Business District**
Presenter: City Planner Daniel Heyman
13. **Public Hearing – Consideration of an Application from Mark Searcy to Amend the Zoning Ordinance to Allow Mobile Food Vendors as a Permitted Use Subject to Special Requirements in the HMU Highway Mixed Use, CMU Central Mixed Use, C-3 Highway Business, C-2 Secondary Business and the I-1 Industrial Zoning Districts**
Presenter: Senior Planner Matt Champion
14. **Presentation of Analysis of MeterSYS**
Presenter: Andy Honeycutt
15. **Discussion/Staff Direction for Including the Hiring of an Additional School Resource Officer for Bruce Drysdale in the Fiscal Year 2018-19 Budget**
Presenters: City Manager John Connet and Police Chief Herbert Blake
16. **Discussion of White Street Relocation Alternatives**
Presenter: City Manager John Connet
17. **Comments from Mayor and City Council Members**

18. Reports from Staff

A. Contingencies Report

19. Consideration of Appointment to the Historic Preservation Commission and Announcement of (Re)Appointments, Upcoming Vacancies on City-Appointed Boards and Commissions

20. New Business

21. Adjourn





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Adam Murr

Department: Admin

Date Submitted: 03/21/2018

Presenter: Adam Murr

Date of Council Meeting to consider this item: 04/05/2018

Nature of Item: Council Action

Summary of Information/Request:

Item # 05b

Budget Amendment(s): 4

1) Police Overtime	Fund 10	No Change- Personnel	\$25,000
2) Env. Sust. Board Duke Grant	Fund 68	Increase	\$1,300
3) Health & Welfare NCLM Grant	Fund 80	Increase	\$8,750
4) Stormwater-Buncombe St.	Fund 467	Increase	\$31,833

Budget Impact: \$ N/A 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 amendments as presented.

Attachments:

See below.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Adam Murr
Date Submitted: 03/12/2018
Date of Council Meeting to consider this item: 04/05/2018
Nature of Item: Council Action
Department: Administration
Presenter: Adam Murr

Summary of Information/Request:

Item # 05c

Per State Statute 159-25 (b) all checks or drafts on an official depository shall be signed by the Finance Officer or a properly designated Deputy Finance Officer and countersigned by another official of the local government or public authority designated for this purpose by the governing board.

Council is advised to appoint John Buchanan as Finance Officer to remove Brian Pahle's (Interim Finance Officer) signature and have the required dual signatures on all checks.

Note: A resolution is required by the banks

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

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

I move Council appoint John Buchanan as Finance Officer, replacing Interim Finance Officer Brian Pahle. I also move to authorize John Buchanan to sign on all existing bank, depository and investment accounts held in the City's name and execute all contracts as the Finance Officer to comply with pre-audit requirements. I further move Council's approval of the resolutions from First Citizens Bank and Trust Company and Wells Fargo.

Attachments:

1. Resolution from First-Citizens Bank & Trust Company
2. Resolution from Wells Fargo

CERTIFIED COPY OF RESOLUTION

OF

CITY OF HENDERSONVILLE

I, the undersigned, hereby certify that I am a representative of the above-named governmental entity, which entity is duly organized and existing under the laws of the State of NC: that the following is a true copy of the Resolution duly adopted by the above-named governmental entity effective the 5^m day of April, 2018.

RESOLVED, that the officers listed below are authorized Representatives of the above-named governmental entity with the authority to conduct all Trust Business on behalf of the entity with First-Citizens Bank & Trust Company.

<u>Name</u>	<u>Title</u>	<u>Signature</u>
<u>Barbara G. Volk</u>	<u>Mayor</u>	
<u>John F. Connet</u>	<u>City Manager</u>	
<u>John P. Buchanan</u>	<u>Finance Director</u>	
<u>Tammie K. Drake</u>	<u>City Clerk</u>	

I further certify that this Resolution has neither been rescinded nor modified.

Witness my hand and seal of this day of , 20 .

Witness: _____
Print: _____
Title: _____

Authorization Certificate

Depository Accounts and Treasury Management Services

The undersigned hereby certifies that he or she is the duly appointed authorized representative of City of Hendersonville NC

(Account holder's complete legal entity/company name), a municipality (description of Account holder's business entity type) ("Customer"), with authority to act on behalf of Customer, and that the following are true and correct resolutions duly adopted by Customer, in accordance with its formation and governing documents, and that these resolutions have not been in any way altered, amended or rescinded, and are now in full force and effect:

The undersigned further certifies that any one of the following named persons, whose signatures are set forth opposite their names (and titles, if applicable):

Name	Title (if applicable)	Signature or Facsimile Signature ¹
#1 <u>BARBARA G. VOLK</u>	<u>MAYOR</u>	X
#2 <u>JOHN F. CONNET</u>	<u>CITY MANAGER</u>	X
#3 <u>JOHN P. BUCHANAN</u>	<u>FINANCE DIRECTOR</u>	X
#4 <u>TAMMIE K. DRAKE</u>	<u>CITY CLERK</u>	X

is individually authorized to, and to designate one or more other Customer officers, agents or employees (each such aforementioned person, officer or designee thereof is referred to herein as an "Authorized Representative") to: (a) open or close one or more deposit and/or securities accounts (the "Accounts") with Wells Fargo Bank, National Association ("Bank"); (b) execute and deliver in Customer's name such agreement(s) regarding the Accounts and the services related thereto as Bank may from time to time require; (c) authorize and execute transactions on the Accounts, including, without limitation, (i) signing checks and other instruments withdrawing funds from the Accounts, including those payable to cash or to persons who sign them, (ii) requesting funds transfers by Bank to and from the Accounts, (iii) entering into arrangements for the processing of automated clearing house ("ACH") debit entries and/or ACH credit entries to and from the Accounts, and (iv) endorsing on behalf of Customer, and otherwise negotiating, checks and other items payable to Customer; (d) incur overdrafts and other obligations in the Accounts at Bank in connection with any of the products, services, or activities authorized by these resolutions; and (e) invest Customer's funds on such terms and conditions as such Authorized Representative deems appropriate.

Customer is authorized to enter into any other arrangements, agreements and documents with respect to any of Bank's deposit and treasury management products and services, in such form and on such terms and conditions as may be agreed to by an Authorized Representative signing such agreements and documents.

Customer shall be bound to Bank by, and Bank may rely upon, any communication or act, including telephone communications, purporting to be done by any partner, employee or agent of Customer provided that Bank believes, in good faith, that the same is done by a person authorized to so act.

The authority hereby conferred is in addition to that conferred by any other certificate heretofore or hereafter delivered to Bank and shall continue in full force and effect until Bank shall have received notice in writing from Customer of the revocation hereof. Any such revocation shall be effective only as to actions which are taken by Customer pursuant to the certifications contained herein, subsequent to Bank's receipt of such notice. The authority hereby conferred shall be deemed retroactive, and any and all acts authorized herein which were performed prior to the execution of this certificate are hereby approved and ratified.

The undersigned further certify that the activities covered by the foregoing certifications constitute duly authorized activities of Customer; that said certifications are now in full force and effect; and that there is no provision in any document pursuant to which Customer is organized and/or which governs Customer's continued existence limiting the power of the undersigned to make the certifications set forth herein, and that the same are in conformity with the provisions of all such documents.

ACKNOWLEDGED & AGREED TO:

¹ **Facsimile Signature/Logo.** Customer authorizes the use of facsimile signatures/logos in connection with its agreements with and instructions to Bank if the facsimile/logo is provided on this form. Customer agrees its use of the facsimile/logo will be governed by Bank's Commercial Account Agreement.

By/Signature: _____
Printed Name: TAMMIE K. DRAKE
(this individual must be a duly appointed representative of the TIN of record)
Title (if applicable): CITY CLERK
Date: _____
Tax Identification Number of Customer: 56-6001242
(TIN of the Account holder as assigned by the IRS)



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tom Wooten

Department: Public Works

Date Submitted: 3/16/2018

Presenter: Tom Wooten

Date of Council Meeting to consider this item: April 5, 2018

Nature of Item: Council Action

Summary of Information/Request:

Item # 05d

The Hendersonville Tree Board has received a Heritage tree application for a mature White Oak located at 713 Kanuga Road. The tree is located near the rear corner of Norm;s Minit Wash. The White Oak is about 50 inches at DBH with an 80 foot spread. It is a very uniform tree and very visible from all sides. Mark Madsen has rated the tree and recommended it for Heritage tree status. The Tree Board considered the application during their meeting on March 6th, 2018. A motion was made by Mark Madsen to approve the tree and the Board voted unanimously to approve the motion. The Tree Board is requesting that City Council approved this Heritage tree application.

Budget Impact: \$ 100 _____ Is this expenditure approved in the current fiscal year budget? Yes No If no, describe how it will be funded.

Tree Board funds will be used to purchase a plaque and wood post.

Suggested Motion:

I move to approve the Heritage tree application for the White Oak at 713 kanuga Road as recommended by the Tree Board.

Attachments:

Heritage Tree Application and Rating Sheet.

HERITAGE TREE APPLICATION*

Date 01-08-18

Applicant's Name Miken, LLC (Marilyn Gordon, May)

Address _____

Daytime phone number _____

Kind of tree oak

Specific location of tree 718 Kanuga - Norm's Minit Wash,
rear corner on Hebron Rd.

Reason (s) for tree designation **

- Mature Growth
- Champion Big Tree
- Historic Value
- Rare Variety / Rare Species Habitat

Explain Reason (s) This is a mature oak with a full
canopy in an urban setting. Beautiful tree
with full rounded shape.

*Mail or bring this form to:

Director of Public Works
305 Williams Street
Hendersonville, NC 28793
Phone: (828) 697-3084

** Section 46-125 of Hendersonville Tree Ordinance

CITY OF HENDERSONVILLE TREE BOARD
HERITAGE TREE NOMINEE SCORING SHEET

(Determinations herein are based on the Tree Appraisal guide published by Purdue University Extension, and by the Guide for Plant Appraisal, 9th Edition, published by the Council of Tree and Landscape Appraisers)

TREE SPECIES White Oak
OWNER/ADDRESS Miken LLC, 314 Kanuga Rd.

CATEGORY RATING (4= excellent, 3=good, 2=fair, 1=poor)

SPECIES RATING 4

SIZE RATING 4

CONDITION RATING 3

LOCATION RATING 3

TOTAL POINTS 14

NET RATING (TOTAL POINTS /4) 3.5

HERITAGE TREE STATUS YES NO
(NET RATING MUST BE >3.0)

NAME AND SIGNATURE OF APPRAISER Mark Madsen / Mark Madsen

DATE OF APPRAISAL 1/30/2018

HERITAGE TREE APPLICATION*

Date 01-08-18

Applicant's Name Miken, LLC (Marilyn Gordon, mgr)

Address _____

Daytime phone number _____

Kind of tree oak

Specific location of tree 718 Kanuga - Norm's Minit Wash,
rear corner on Hebron Rd.

Reason (s) for tree designation **

- Mature Growth 50" DBH, 80' spread, uniform
- Champion Big Tree very visible from all sides
- Historic Value
- Rare Variety / Rare Species Habitat

Explain Reason (s) This is a mature ^{white} oak with a full canopy in an urban setting. Beautiful tree with full rounded shape.

*Mail or bring this form to:

Director of Public Works
305 Williams Street
Hendersonville, NC 28793
Phone: (828) 697-3084

** Section 46-125 of Hendersonville Tree Ordinance

The applicant understands and is in agreement with the below conditions for designation of a Heritage Tree.

- (1) Information on the Heritage Tree will be filed in the City Clerk's office with the location of the tree noted on a city map.
- (2) The Heritage Tree will be listed and filed in the office of the Director of Public Works.
- (3) The Heritage Tree shall not be trimmed, cut or removed without 30 days written notice to the Director of Public Works.
- (4) The Heritage Tree can be removed from its Heritage Tree designation by written request from the property owner to the administrator of the Hendersonville Tree Ordinance.

The City thanks you for your application. If your tree is accepted as a Heritage Tree, it remains your responsibility to care for it. The City does not assume any obligation or responsibility for general maintenance or for maintenance for pruning, fertilizing, treating for disease or insect damage, or any other type of activity to preserve its health, has no duty to replace it and does not guarantee continued flourishing.

Applicant's signature Mark A. Markish, H.T.B.
Tree Board Approved Yes No
Date Mark Crabbett 3.6.18

City Council Approved Yes No

Date _____



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 3/13/18

Presenter: Susan G. Frady, Dev. Asst. Director

Date of Council Meeting to consider this item: 4/5/18

Nature of Item: Council Action

Summary of Information/Request:

Item # 05e

The Resolution of Intent was not advertised as required for the April 5, 2018 meeting so in order to meet the legal requirements we will need to begin the process again and advertise for four consecutive weeks.

The Resolution of Intent setting May 3, 2018 as the public hearing date is attached.

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

Suggested Motion:

I move Council to adopt the Resolution of Intent for the closing a portion of an unnamed alley located on PIN number 9568896145 located off of N. Grove Street.

Attachments:

Resolution of Intent
Survey
Boundary Description

RESOLUTION OF INTENT

A resolution declaring the intention of the City of Hendersonville City Council to consider closing a portion of an unopened and unimproved Alley for an unnamed alley off of N. Grove Street located on PIN number 9568-89-6145

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

WHEREAS, Joe King, has petitioned the Council of the City of Hendersonville to close a portion of an unopened and unimproved alley off of N. Grove Street located on PIN number 9568-89-6145, and

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of a portion of an unopened and unimproved alley off of N. Grove Street located on PIN number 9568-89-6145.

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

1. A meeting will be held at 5:45 p.m. on the third day of May, 2018, in the Council Chambers of City Hall to consider closing a portion of an unopened and unimproved alley off of N. Grove Street located on PIN number 9568-89-6145.
2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.
3. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.
4. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted by the City Council at a meeting held on the fifth day of April, 2018.

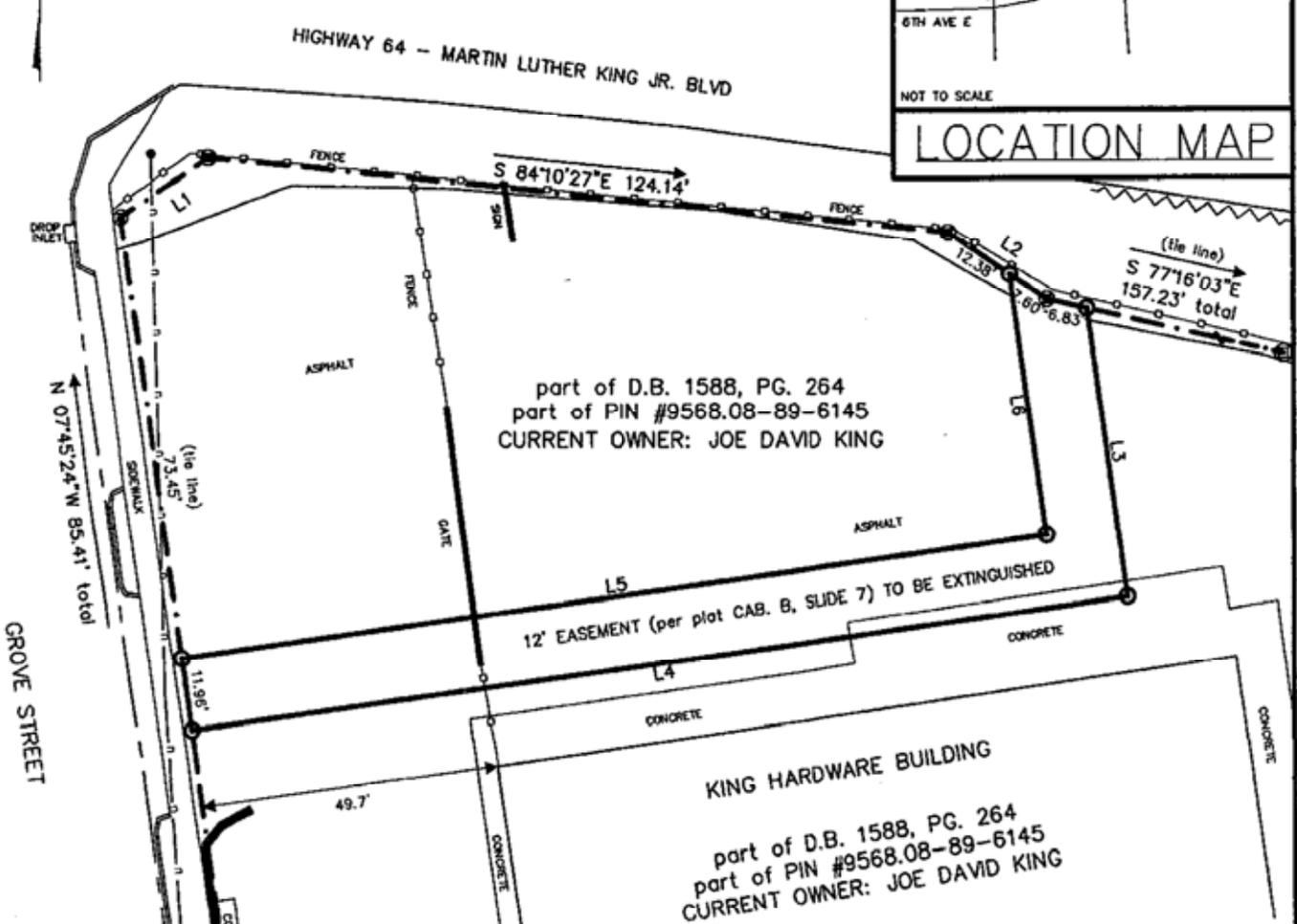
Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, City Clerk

(Seal)

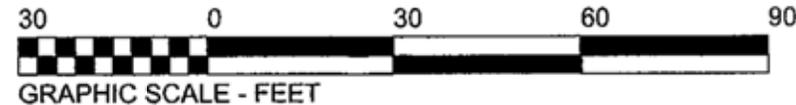
Course	Bearing	Distance
L1	N 56°10'59" E	17.54'
L2	S 56°00'39" E	19.98' total
L3	S 07°59'08" E	47.71'
L4	S 82°02'20" W	157.92'
L5	N 82°02'57" E	145.92'
L6	N 08°05'46" W	43.24'



PRELIMINARY: FOR REVIEW

LEGEND

- CALCULATED POINT
- ⊙ NCDOT RIGHT-OF-WAY MONUMENT



D.C. HUNTLEY PLS L-3204
C-1963

STATE OF NORTH CAROLINA
HENDERSON COUNTY
HENDERSONVILLE TOWNSHIP

KING HARDWARE PROPERTY
EASEMENT CLOSURE FOR
JOE DAVID KING

DAVID C. HUNTLEY
& ASSOCIATES, INC.
675 MAPLE STREET
HENDERSONVILLE, NC 28792
(828) 693-8077

SURVEY DCH
DRAWN KMC
SCALE 1" = 40 FT.
DATE: 09/20/17
DWG. NO. H-7076A

Beginning at a point, said point being located South 07 degrees 45 minutes 24 seconds East, 73.45' from an NCDOT Right-of-Way monument in the westernmost corner of property currently owned by Joe David King and being a part of Deed Book 1588, Page 264 and running thence from said beginning point North 82 degrees 2 minutes 57 seconds East 145.92 feet to a point; thence North 8 degrees 5 minutes 46 seconds West 43.24 feet to a point on the margin of the Right-of-Way of Highway 64, Martin Luther King, Jr. Boulevard; thence along the margin of the Right-of-Way of Highway 64, Martin Luther King, Jr. Boulevard, South 56 degrees 0 minutes 39 seconds East 7.60 feet to a point on the margin of the Right-of-Way of Highway 64, Martin Luther King, Jr. Boulevard; thence along the margin of the Right-of-Way of Highway 64, Martin Luther King Boulevard, South 77 degrees 16 minutes 3 seconds East 6.83 feet to a point on the margin of the Right-of-Way of Highway 64, Martin Luther King, Jr. Boulevard; thence leaving said Right-of-Way and running South 7 degrees 59 minutes 8 seconds East 47.71 feet to a point; thence South 82 degrees 2 minutes 20 seconds West 157.92 feet to a point in the western line of the aforementioned Joe David King property; thence North 7 degrees 45 minutes 24 seconds West 11.99 feet to the point and place of beginning and being 0.05 acres more or less.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Sam Fritschner

Department: Legal

Date Submitted: 26 March 2018

Presenter: Sam Fritschner

Date of Council Meeting to consider this item: 5 April 2018

Nature of Item: Council Action

Summary of Information/Request:

Item # 05f

This is the second monthly list of property interests dedicated or deeded to the City for which acceptances are recommended by the staff. This second memo is to refresh the Council's memory that staff is recommending acceptance of non-controversial dedications and deeds to establish a record that an official acceptance of these dedications has occurred and may be found in the minutes.

After this month this cover sheet will only refer to the list of proposed acceptances.

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 the City Council accept the dedications shown on the attached resolution.

Attachments:

Resolution and copies of recorded documents.

RESOLUTION # _____

A RESOLUTION ACCEPTING THE DEDICATION OF CERTAIN REAL PROPERTY INTERESTS TO THE CITY OF HENDERSONVILLE

WHEREAS the City Council is advised that in order for a dedication to the City of an interest in real property, to be completed, requires not only the initial dedication but also the acceptance in some form by the City of the dedication; and

WHEREAS the City Council has determined that it is desirable for the City to accept dedications formally and in a manner that can easily be discovered; and

WHEREAS the City Council believes that the most formal and easily discovered method of accepting real property dedications is by City Council resolution, where the property interest has not been accepted by a document executed by an authorized City representative; and

WHEREAS the City Council is informed that the real property interests listed below have been dedicated to the City but not yet accepted in writing;

NOW, THEREFORE, BE IT THEREFORE RESOLVED that the City Council does hereby accept the dedication of the following identified real property interests effective as of the moment of adoption of this resolution:

Dedicated by	Date of recording	Property interest and PIN
Elkamet, Inc.	5 March 2018	water easement; 9577-76-0610
Wade, Stephen	13 March 2018	Fletcher pump station 9652-67-2788 and 9652-67-1617

The following Buncombe Street Temporary Stormwater Easements:

Mills, Ralph B. III Trustee	5 March 2018	9568-67-4612
Hansley, Anne J.	13 November 2017	9568-67-3790
Equity Trust Co/Custodian (Simons, beneficiary)	5 March 2018	9568-67-3777
Riley, Carol Clark	5 March 2018	9568-67-4806
Sawyer, Susan	6 March 2018	9568-67-3825

Adopted this 5 day of April 2018.

Barbara Volk
Mayor, City of Hendersonville

ATTEST:

Tammie K. Drake, MMC
City Clerk



This document presented and filed:
03/05/2018 12:53:57 PM

WB

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: \$0.00

Excise tax: \$0.00

This instrument was prepared by Samuel H. Fritschner

Return to: City of Hendersonville Box

9577-76 0610

EASEMENT GRANT

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

KNOW ALL MEN BY THESE PRESENTS, that Elkamet, Inc., hereinafter called the "Grantor," a North Carolina Corporation has, for and in consideration of the sum of \$10.00 and other good and valuable consideration, has given, granted, sold and conveyed by these presents does give, grant, sell and convey unto the City of Hendersonville, a North Carolina Municipal Corporation, herein the Grantee, its successors and assigns an easement over and upon the lands fully described hereinafter, and attached to that real property described in those deeds recorded in Book 3090 at page 434, Henderson County Registry, for the purpose of constructing, maintaining and keeping in repair and operation water, pipe lines and conduits and all necessary appurtenances thereto in anywise appertaining with the right and privilege of ingress, egress and regress for the purpose of maintaining or enlarging said pipe lines and conduits and for making such excavations, cuts and fills as may be requisite and necessary to the maintaining of said pipe lines and conduits and such additions thereto as may from time to time become necessary.

BEING an easement for the installation, maintenance, extension and withdrawal of a public water utility line as shown on the recorded survey at Slide 11074 in the Henderson County Registry, for a more accurate description.

AND there is also granted herewith a temporary construction easement as shown on said attached survey, to last from the beginning of construction until project completion for the purpose of laying and constructing a water line.

AND the Grantee is further granted the right to use the said easement for operation and maintenance of the said water line. Upon completion of any work hereunder the Grantee shall restore the premises first above described to a condition as near the pre-construction condition as practicable, including the original topography, and shall repair all existing driveways and walkways damaged by the Grantee or its agents to their pre-construction condition. The Grantee shall interfere as little as reasonably possible with any plantings or improvements on said property of the Grantor, and shall further replant or replace, at the Grantee's option, any naturally-occurring or ornamental flora damaged during construction, as determined by the Grantee's Utilities Director or other authorized representative of the Grantee to be non-intrusive to the pipe line(s) and conduits being installed; provided further, the Grantor shall not erect any structures upon the easement or construct a street across said easement without the prior express written consent of the Grantee.

The Grantor covenants to and with the Grantee that the Grantor has is seized of the aforementioned real property in fee simple and has the right to grant said easement; that the Grantee shall have quiet and peaceful use and possession of said easement free from interference by all person whomsoever.

To have and to hold the described easements to the full extent set forth herein. And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in accordance with the terms hereof, that title is free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

ELKAMET, INC
by:

printed name: CARSTEN ERKEL

Title: VICE PRESIDENT

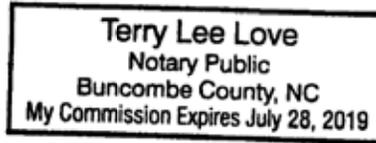
STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, Terry Lee Love, a Notary public for the above state and county certify that
came before me this day 2/22/18 and acknowledged that he/she is the Vice President of
Elkamet, Inc., and that he/she, as Carsten Eckel, being authorized to do so, executed the
foregoing on behalf of the corporation.

My commission expires:

Terry Lee Love
Notary Public



Book 3170
Page 126

SEAL

880150



This document presented and filed:
03/13/2018 12:47:23 PM

WB

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: \$25.00

Excise Tax ~~\$25.00~~ 25.00

Return to: City Box

This instrument was prepared by Samuel H. Fritschner

Brief Description for the index Lots 188 & 189 Southchase

NORTH CAROLINA GENERAL WARRANTY DEED and QUITCLAIM DEED

THIS DEED made day of 2018, by and between

GRANTOR

GRANTEE

Stephen William Wade, an unmarried man

The CITY OF HENDERSONVILLE, A North Carolina
Municipality
145 Fifth Avenue East
Hendersonville NC 28792

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

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

Being all of the real property shown as a 0.47 acre tract and a 0.72 acre tract as shown on that Plat recorded at plat slide 11091 of the Henderson County Registry.

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

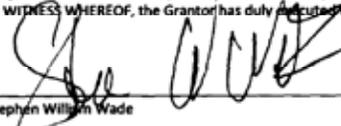
And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons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

AND THE GRANTOR further grants, bargains, quitclaims, conveys and sells, without warranty, all of the Grantor's right, title and interest in the following real property:

All of that tract shown as "Portion of Lot 189 P.S. 2649 apparent deed overlap" on the aforementioned plat, recorded at plat slide 11091 of the Henderson County registry.

Title to the property hereinabove described is subject to the following exceptions:

Subject to Henderson County Ad Valorem taxes. Subject to Restrictions and Easements of Record. Subject to rights of way of record. IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.



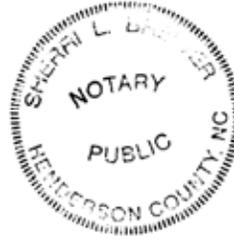
Stephen William Wade (SEAL)

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Sherri L. Brewer Notary Public of Henderson County, North Carolina, certify that Stephen William Wade came before me this day and acknowledged the due execution of the foregoing instrument for the purpose therein expressed. Witness my hand and Notarial stamp or seal, this the 6th day of March, 2018.

Sherri L. Brewer
Notary Public

My commission expires: 11-14-19





This document presented and filed:
03/05/2018 01:01:13 PM

WB

WILLIAM LEE KING, HENDERSON COUNTY, NC
Transfer Tax: \$0.00

Mail after recording to Hendersonville City Box
This instrument was prepared by Samuel H. Fritschner

9568-67-4612
Brief Description for the index

Stormwater easement Buncombe Street
between 3rd and 4th Aves Hendersonville

NORTH CAROLINA TEMPORARY STORMWATER EASEMENT

THIS DEED made the 19 day of February, 2018, by and between

GRANTOR

Ralph B. Mills, III as trustee of the Ralph B. Mills, III
Revocable Living Trust dated 11/11/03

GRANTEE

The CITY OF HENDERSONVILLE, A North Carolina
Municipal Corporation

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

WITNESSETH, that the Grantor, for a valuable consideration, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, the following certain easement for stormwater management, including the right of reasonable grading, over a lot or parcel of land situated in Hendersonville Township, Henderson County, North Carolina and more particularly described as follows:

That easement as shown in gray on Exhibit A attached hereto and made part hereof by this reference.

And the Grantor does by the presents covenant with the Grantee, its successors and assigns, as follows:

FIRST: That the Grantor(s) will never erect nor permit to be erected any building or structure of any nature whatsoever, nor fill or excavate, nor plant trees within said easement and right-of-way without the City of Hendersonville's written consent;

SECOND: That the City of Hendersonville, its successors and assigns and their designees and agents shall at all times have a right to enter said easement for the purpose of maintaining, monitoring and inspecting the stormwater management facility within said easement and right-of-way, the right of entry to be across said easement as necessary, along any and all driveways or pavement as may be constructed; and

THIRD: The maintenance of the facility shall be in accordance with Hendersonville City Ordinance Chapter 24 Article II Division 3 or any successor ordinances.

FOURTH: That when the Grantee determines to its satisfaction that an alternate stormwater system serving the property described herein has been suitably constructed and is operating well, the City may release this temporary easement and the Grantor does hereby for itself and its heirs, successors, representatives and assigns accept the release hereof, whereupon this temporary easement shall terminate.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in accordance with the terms hereof.

And the Grantor covenants with the Grantee, that Grantor has the right to convey the aforesaid easement, that the easement is free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever with the exceptions hereinafter stated.

Subject to Restrictions and Easements of Record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Ralph B. Mills, III
Ralph B. Mills, III, trustee

State of FL
County of BROWARD

I, MARY M. BEHNKE a Notary Public of the County and State aforesaid, certify that RALPH B. MILLS III personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this Feb 19, 2019 2018.

Mary M. Behnke
Notary Public

My commission expires:



ATTACHMENT

MUNITY MAP

NOT TO SCALE

PERMANENT STORM DRAINAGE & ACCESS EASEMENT FOR:
CITY OF HENDERSONVILLE
 ACROSS THE PROPERTY OF:
RAULPH B. MILLS III
 PIN 9568674612
 DB 1601/PG 198
 HENDERSONVILLE TOWNSHIP
 HENDERSON COUNTY, NORTH CAROLINA

REVISIONS TO EASEMENT

NO.	DESCRIPTION	DATE
1	REVISED EASEMENT LOCATION	2-28-2018

SURVEY PROJECT No. 17-314
MCGILL PROJECT No. 17.00909

NOTES

- Field work completed September 19, 2017
Office work completed February 28, 2018
- All coordinates shown are Horizontal Datum: NAD83(2011)
Vertical Datum: MVD88 (Geoid22A)
- Area computed by coordinate method
- Property shown herein is subject to all right-of-ways, easements, reservations and restrictions which exist as a matter of record or of fact.
- Property shown herein is subject to the rules, regulations, ordinances and/or jurisdictions of local, state, and/or federal agencies if any. The requirements of said rules, regulations, ordinances, and/or the limits of said jurisdictions are not shown herein unless stated otherwise.
- Underground installations or improvements including building foundations and other structures not shown located except as shown hereon. Call NGB11 et 1811 before digging.
- Not all above ground improvements are shown.
- All distances shown on this map are horizontal ground lengths unless otherwise noted. To convert to grid distances, multiply by the average combined scale factor of 0.99977614.
- No missing corners were set by surveyor except as shown hereon as "RBS".
- Easement areas designated as proposed shall remain proposed until a document of title is filed in the office of the Register of Deeds in the county where the land lies, that is signed by the owner/owners, stating their intent and referencing this plat.
- This survey was prepared without the benefit of an abstract of title. Matters of property title should be referred to an attorney-at-law.
- Adjoining property owner, deed, plat and PIN information taken from the Henderson County Courthouse and GS Website.
- GPS control point coordinates taken from GPS survey by J. Dallas Gordon, PLS L-4626 dated 9/21/2017.

LEGEND

- CM = CONCRETE MONUMENT
- ALUM DISC = ALUMINUM DISC FOUND
- ⊗ NCS CM = NATIONAL GEODETIC SURVEY CONCRETE MONUMENT
- △ CP = CALCULATED POINT
- RBF = REBAR FOUND
- UP = UTILITY POLE
- WM = WATER METER
- RBS OR IPS = REBAR SET
- OTRF = OPEN TOP IRON PIN FOUND
- SSMH = SANITARY SEWER MANHOLE
- (G) = NC STATE PLANE GRID DISTANCE
- (H) = HORIZONTAL GROUND DISTANCE

- INDICATES PROPERTY LINE
- - - INDICATES EXISTING RIGHT OF WAY
- - - INDICATES LINE NOT SURVEYED AT THIS TIME
- - - INDICATES OVERHEAD UTILITY LINE
- - - INDICATES FENCE LINE
- - - INDICATES GRAVEL DRIVE
- - - INDICATES EXISTING CULTVERT
- - - INDICATES PROPOSED SEWER LINE
- - - INDICATES PERMANENT STORM DRAINAGE AND ACCESS EASEMENT
- ▨ INDICATES BUILDING

This map may not be a survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations and has not been reviewed for compliance with recording requirements for plats.

SURVEYOR'S CERTIFICATION

I, Jason N. Gasperison, certify that this plat was drawn under my supervision from an actual survey made under my supervision from deed description recorded in Book 1017 Pg. 180; that the boundaries not surveyed are clearly indicated as drawn; that the positional accuracy meets or exceeds the requirements for a Class A survey; and this plat meets the requirement of G.S. 47-30 section F-11-c(4), and that the survey is a proposed easement for a public utility.

Jason N. Gasperison, NCS PLS L-5267
 February 28, 2018
 DATE

PROFESSIONAL SEAL

NORTH CAROLINA
 PROFESSIONAL SURVEYOR
 SEAL
 L-5267
 JASON N. GASPERISON

1:\Survey\Jobs\2017\17-314 Hendersonville Storm Drain\DWG\17-314 MILLS PLS.dwg 2/28/2018 1:22 PM GDRON



SHEET 2 OF 2

873641

This document presented and filed:
11/13/2017 12:30:04 PM

WB

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: \$0.00

Excise Tax \$0.00

Recording Time, Book and Page

Mail after recording to Hendersonville City Box
This instrument was prepared by Samuel H. Fritschner

Brief Description for the index

Stormwater easement Burcombe Street between
3rd and 4th Aves Hendersonville

NORTH CAROLINA TEMPORARY STORMWATER EASEMENT

THIS DEED made the 3rd day of NOV, 2017, by and between

GRANTOR

GRANTEE

Anne J. Hansley, unmarried

The CITY OF HENDERSONVILLE, A North Carolina
Municipal Corporation

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

WITNESSETH, that the Grantor, for a valuable consideration, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, the following certain easement for stormwater management, including the right of reasonable grading, over a lot or parcel of land situated in Hendersonville Township, Henderson County, North Carolina and more particularly described as follows:

That easement as shown on in gray on Exhibit A attached hereto and made part hereof by this reference.

And the Grantor does by the presents covenant with the Grantee, its successors and assigns, as follows:

FIRST: That the Grantor(s) will never erect nor permit to be erected any building or structure of any nature whatsoever, nor fill or excavate, nor plant trees within said easement and right-of-way without the City of Hendersonville's written consent;**SECOND:** That the City of Hendersonville, its successors and assigns and their designees and agents shall at all times have a right to enter said easement for the purpose of maintaining, monitoring and inspecting the stormwater management facility within said easement and right-of-way, the right of entry to be across said easement as necessary, along any and all driveways or pavement as may be constructed; and**THIRD:** The maintenance of the facility shall be in accordance with Hendersonville City Ordinance Chapter 24 Article II Division 3 or any successor ordinances.**FOURTH:** That when the Grantee determines to its satisfaction that an alternate stormwater system serving the property described herein has been suitably constructed and is operating well, the City may release this temporary easement and the Grantor does hereby for itself and its heirs, successors, representatives and assigns accept the release hereof, whereupon this temporary easement shall terminate.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in accordance with the terms hereof.

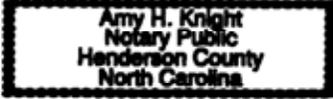
And the Grantor covenants with the Grantee, that Grantor has the right to convey the aforesaid easement, that the easement is free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever with the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

- Subject to Henderson County Ad Valorem taxes.
- Subject to Restrictions and Easements of Record
- Subject to rights of way of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Anne J. Hansley (SEAL)



State of North Carolina

County of Henderson

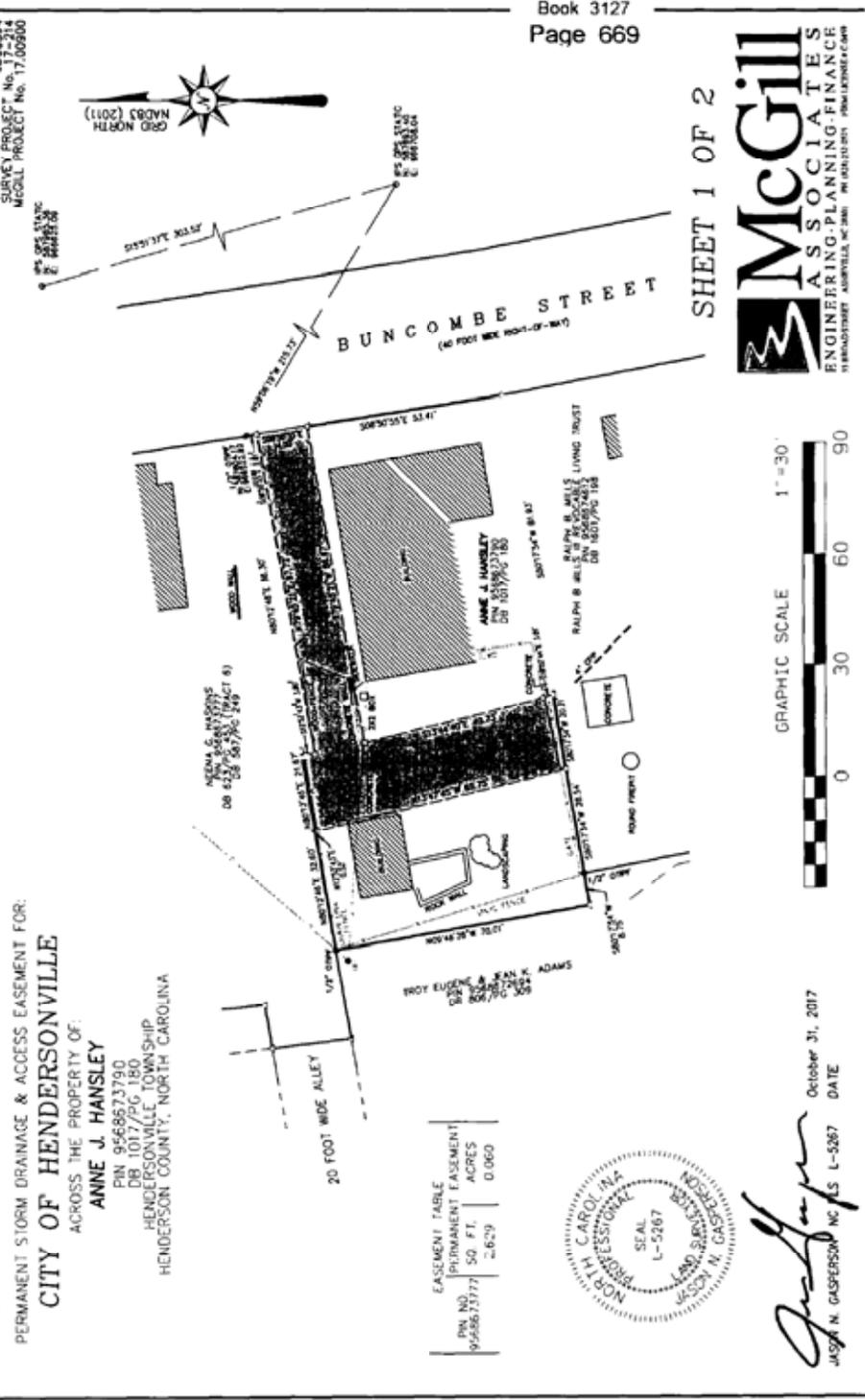
I, Amy H. Knight, a Notary Public of the County and State aforesaid, certify that Anne J. Hansley personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 3rd day of NOV, 2017.

My commission expires: 9-23-2019

Notary: Amy H Knight

ATTACHMENT

This map may not be a certified survey and has not been reviewed by a local government agency for compliance with applicable law development regulations and has not been reviewed for compliance with recording requirements for plats with any applicable



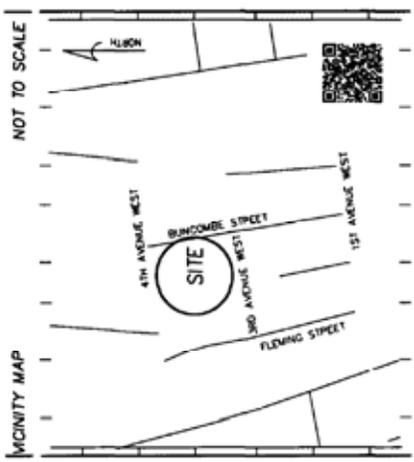
I:\Survey\Jobs\2017\17-214 Henderson Storm Drainage\Drawings\17-214 Henderson Storm - 311 Buncombe Street ESW\Plat 10/31/2017 10:16:54m

This map may not be a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations and has not been reviewed for compliance with recording requirements & plats.

CD000394
 SURVEY PROJECT No. 17-214
 MCGILL PROJECT No. 17-00560

PERMANENT STORM DRAINAGE & ACCESS EASEMENT FOR:
CITY OF HENDERSONVILLE
 ACROSS THE PROPERTY OF:

ANNE J. HANSLEY
 PIN 9568673790
 DB 1017/PG 180
 HENDERSONVILLE TOWNSHIP
 HENDERSON COUNTY, NORTH CAROLINA



LEGEND

- CM = CONCRETE MONUMENT
- ALUM DISC = ALUMINUM DISC FOUND
- NGS CM = NATIONAL GEODETIC SURVEY CONCRETE MONUMENT
- △ CP = CALCULATED POINT
- RFB = REBAR FOUND
- UP = UTILITY POLE
- WM = WATER METER
- RBS OR IPS = REBAR SET
- O TYP = OPEN TOP IRON PIN FOUND
- SSMH = SANITARY SEWER MANHOLE
- (C) = NC STATE PLANE GRID DISTANCE
- (H) = HORIZONTAL GROUND DISTANCE
- ROW = RIGHT OF WAY
- INDICATES EXISTING RIGHT OF WAY
- - - INDICATES LINE NOT SURVEYED AT THIS TIME
- - - INDICATES OVERHEAD UTILITY LINE
- - - INDICATES FENCE LINE
- - - INDICATES GRAVEL DRIVE
- - - INDICATES EXISTING CURB/RT
- - - INDICATES PROPOSED SEWER LINE
- - - INDICATES PERMANENT EASEMENT
- - - INDICATES BUILDING

SURVEY NOTES:

1. Field work completed September 19, 2017
 Office work completed October 31, 2017
2. All coordinates shown are Horizontal Datum: NAD83(2011)
 Vertical Datum: NAVD83 (2007.2A)
3. Areas computed by coordinate method.
4. Property shown hereon is subject to all right-of-ways, easements, reservations and restrictions which exist as a matter of record or exist de facto.
5. Property shown hereon is subject to the rules, regulations, ordinances and/or jurisdictions of local, state, and/or federal agencies if any. The requirements of said rules, regulations, ordinances and/or jurisdictions of said jurisdictions are not shown hereon unless stated otherwise.
6. Underground installations or improvements including building foundations have not been located except as shown hereon. Call RIGHT of-LEFT before digging.
7. Not all above ground improvements are shown.
8. All distances shown on this map are stable along and lengths unless otherwise noted. To convert to ground distances, multiply by the average combined scale factor of 1.00023510025.
9. No missing corners were set by surveyor except as shown hereon as NOS.
10. Easement areas designated as proposed shall remain proposed until a document of title is filed in the office of the Register of Deeds in the county where the land lies, that is signed by the owner/benefits, stating their intent and referencing this plat.
11. This survey was prepared without the benefit of an abstract of title. Matters of property title should be referred to an attorney-at-law.
12. Adjoining property owner, deed, plat and PIN information taken from the Hendersonville County Courthouse and OS Website.
13. GPS control point associations taken from GPS survey by J. Debbi Gosh, PLS NC L-4835 dated 9/21/2017.

SURVEYOR'S CERTIFICATION

I, Jason N. Gasperon, certify that this plat was drawn under my supervision from an actual survey made under my supervision from deed description recorded in Book 1017/Pg 180; that the boundaries not surveyed are clearly indicated as drawn; that the positional accuracy meets or exceeds the requirements for a Class A survey; and this plat meets the requirements of G.S. 17-30 section P-11-c-4, and that the survey is of a proposed easement for a public utility.

Jason N. Gasperon
 JASON N. GASPERON, NC PLS L-5267
 October 31, 2017
 DATE



SHEET 2 OF 2



ATTACHMENT



This document presented and filed:
03/05/2018 01:01:12 PM

WB

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: \$0.00

→ Mail after recording to Hendersonville City Box
This instrument was prepared by Samuel H. Fritschner

9568.67.3777

Brief Description for the index

Stormwater easement Buncombe Street
between 3rd and 4th Aves Hendersonville

NORTH CAROLINA TEMPORARY STORMWATER EASEMENT	
THIS DEED made the 9 th day of January, 2018, by and between	
GRANTOR	GRANTEE
Equity Trust Company Custodian FBO Yves Simons, IRA	The CITY OF HENDERSONVILLE, A North Carolina Municipal Corporation

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

WITNESSETH, that the Grantor, for a valuable consideration, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, the following certain easement for stormwater management, including the right of reasonable grading, over a lot or parcel of land situated in Hendersonville Township, Henderson County, North Carolina and more particularly described as follows:

That easement as shown in gray on Exhibit A attached hereto and made part hereof by this reference.

And the Grantor does by the presents covenant with the Grantee, its successors and assigns, as follows:

FIRST: That the Grantors(s) will never erect nor permit to be erected any building or structure of any nature whatsoever, nor fill or excavate, nor plant trees within said easement and right-of-way without the City of Hendersonville's written consent.

SECOND: That the City of Hendersonville, its successors and assigns and their designees and agents shall at all times have a right to enter said easement for the purpose of maintaining, monitoring and inspecting the stormwater management facility within said easement and right-of-way, the right of entry to be across said easement as necessary, along any and all driveways or pavement as may be constructed; and

THIRD: The maintenance of the facility shall be in accordance with Hendersonville City Ordinance Chapter 24 Article II Division 3 or any successor ordinances.

FOURTH: That when the Grantee determines to its satisfaction that an alternate stormwater system serving the property described herein has been suitably constructed and is operating well, the City may release this temporary easement and the Grantor does hereby for itself and its heirs, successors, representatives and assigns accept the release hereof, whereupon this temporary easement shall terminate.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in accordance with the terms hereof

And the Grantor covenants with the Grantee, that Grantor has the right to convey the aforesaid easement, that the easement is free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever with the exceptions hereinafter stated.

Subject to Restrictions and Easements of Record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Yves P. Simons
Yves Simons

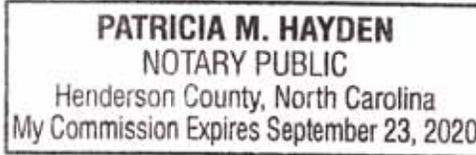
State of NC

County of Henderson

Patricia M. Hayden a Notary Public of the County and State aforesaid, certify that Yves P. Simons personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this January 19, 2018.

Patricia M. Hayden
Notary Public

My commission expires:
9/23/2020



EQUITY TRUST COMPANY, Custodian FBO Yves Simons, IRA

By: [Signature]
Print name: Hope Gonzales
Title Corporate Alternate Signer

Ohio

State of _____
County of Cuyahoga

I, Jennifer Gibbons **HOPE GONZALES** certify that _____ personally came before me this day and acknowledged that he/she is CORP ALT SIGNER Equity Trust Company and that he/she as CORP ALT SIGNER, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the 14 day February of 2018.

[Signature]
Notary Public

My commission expires:



JENNIFER GIBBONS
NOTARY PUBLIC
FOR THE
STATE OF OHIO
My Commission Expires
May 4, 2022

ATTACHMENT

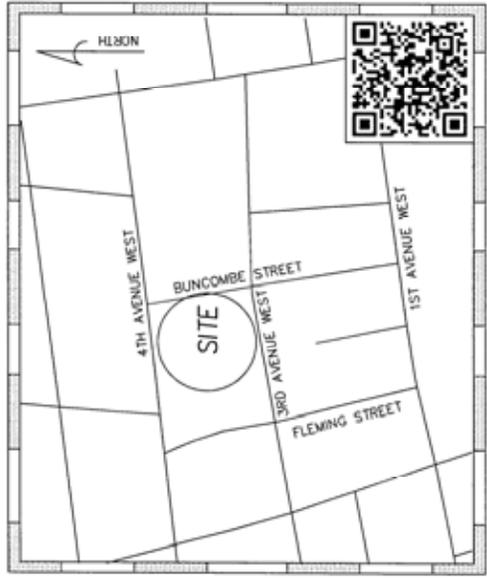
I:\Survey\Jobs\2017\17-214 Hendersonville Storm Routes\DWG\17-214 EQUITY PLAT.dwg 2/27/2018 1:02 PM GORDON

PERMANENT STORM DRAINAGE & ACCESS EASEMENT FOR:

CITY OF HENDERSONVILLE

ACROSS THE PROPERTY OF:
EQUITY TRUST COMPANY CUSTODIAN FBO
 PIN 9568673777
 DB 3123/PG 479
 HENDERSONVILLE TOWNSHIP
 HENDERSON COUNTY, NORTH CAROLINA

VICINITY MAP



This map may not be a survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations and has not been reviewed for compliance with recording requirements for plats.

LEGEND

- CM = CONCRETE MONUMENT
- ALUM DISC = ALUMINUM DISC FOUND
- ⊗ NCS CM = NATIONAL GEODETIC SURVEY CONCRETE MONUMENT
- △ CP = CALCULATED POINT
- RBF = REBAR FOUND
- UP = UTILITY POLE
- WM = WATER METER
- RBS OR IPS = REBAR SET
- OTIPF = OPEN TOP IRON PIN FOUND
- SSMH = SANITARY SEWER MANHOLE
- (G) = NC STATE PLANE GRID DISTANCE
- (H) = HORIZONTAL GROUND DISTANCE
- INDICATES PROPERTY LINE
- INDICATES EXISTING RIGHT OF WAY
- - - INDICATES LINE NOT SURVEYED AT THIS TIME
- - - U --- INDICATES OVERHEAD UTILITY LINE
- - - X --- INDICATES FENCE LINE
- - - S --- INDICATES GRAVEL DRIVE
- - - S --- INDICATES EXISTING CULVERT
- - - S --- INDICATES PROPOSED SEWER LINE
- - - S --- INDICATES PERMANENT STORM DRAINAGE AND ACCESS EASEMENT
- ▨ INDICATES BUILDING

SURVEYOR'S CERTIFICATION

I, Jason N. Gasperson, certify that this plat was drawn under my supervision from an actual survey made under my supervision from deed description recorded in Book 623/Pg 453 and Book 587/Pg 249; that the boundaries not surveyed are clearly indicated as drawn; that the positional accuracy meets or exceeds the requirements for a Class A survey; and this plat meets the requirement of G.S. 47-30 section F-11-c1, and that the survey is of a proposed easement for a public utility.

Jason N. Gasperson
 JASON N. GASPERSO N, PLS L-5267

February 28, 2018
 DATE



REVISIONS TO EASEMENT		
NO.	DESCRIPTION	DATE
1	REVISED EASEMENT LOCATION	12-15-2017

00003933
 SURVEY PROJECT No. 17-214
 MCGILL PROJECT No. 17.009009

NOTES:

- Field work completed: September 19, 2017
 Office work completed: February 28, 2018
- All coordinates shown are Horizontal Datum: NAD83(2011)
 Vertical Datum: NAVD88 (GeoidZA)
- Areas computed by coordinate method.
- Property shown hereon is subject to all right-of-ways, easements, reservations and restrictions which exist as a matter of record or exist de facto.
- Property shown hereon is subject to the rules, regulations, ordinances and/or jurisdictions of local, state, and/or federal agencies if any. The requirements of sold rules, regulations, ordinances, and/or the limits of said jurisdictions are not shown hereon unless stated otherwise.
- Underground installations or improvements including building foundations have not been located except as shown hereon. Call NC811 at *811 before digging.
- Not all above ground improvements are shown.
- All distances shown on this map are horizontal ground lengths unless otherwise noted. To convert to grid distances, multiply by the average combined scale factor of 0.99977614.
- No missing corners were set by surveyor except as shown hereon as 'RBS'.
- Easement areas designated as proposed shall remain proposed until a document of title is filed in the office of the Register of Deeds in the county where the land lies, that is signed by the owner/owners, stating their intent and referencing this plat.
- This survey was prepared without the benefit of an abstract of title. Matters of property title should be referred to an attorney-at-law.
- Adjoining property owner, deed, plot and PIN information taken from the Henderson County Courthouse and GS Website.
- GPS control point coordinates taken from GPS survey by J. Dallas Gordon, PLS L-4626 dated 9/21/2017.

SHEET 2 OF 2

McGill
 ASSOCIATES
 ENGINEERING-PLANNING-FINANCE
 15 BROAD STREET, ASHEVILLE, NC 28801 PH: (828) 252-8205 FAX: (828) 252-8209

ATTACHMENT

PERMANENT STORM DRAINAGE & ACCESS EASEMENT FOR:

CITY OF HENDERSONVILLE

ACROSS THE PROPERTY OF:

EQUITY TRUST COMPANY CUSTODIAN FBO

PIN 9568673777

DB 3123/PG 479

HENDERSONVILLE TOWNSHIP

HENDERSON COUNTY, NORTH CAROLINA

REVISIONS TO EASEMENT

NO.	DESCRIPTION	DATE
1	REVISED EASEMENT LOCATION	12-15-2017

C000393
SURVEY PROJECT No. 17-214
MCGILL PROJECT No. 17.00909

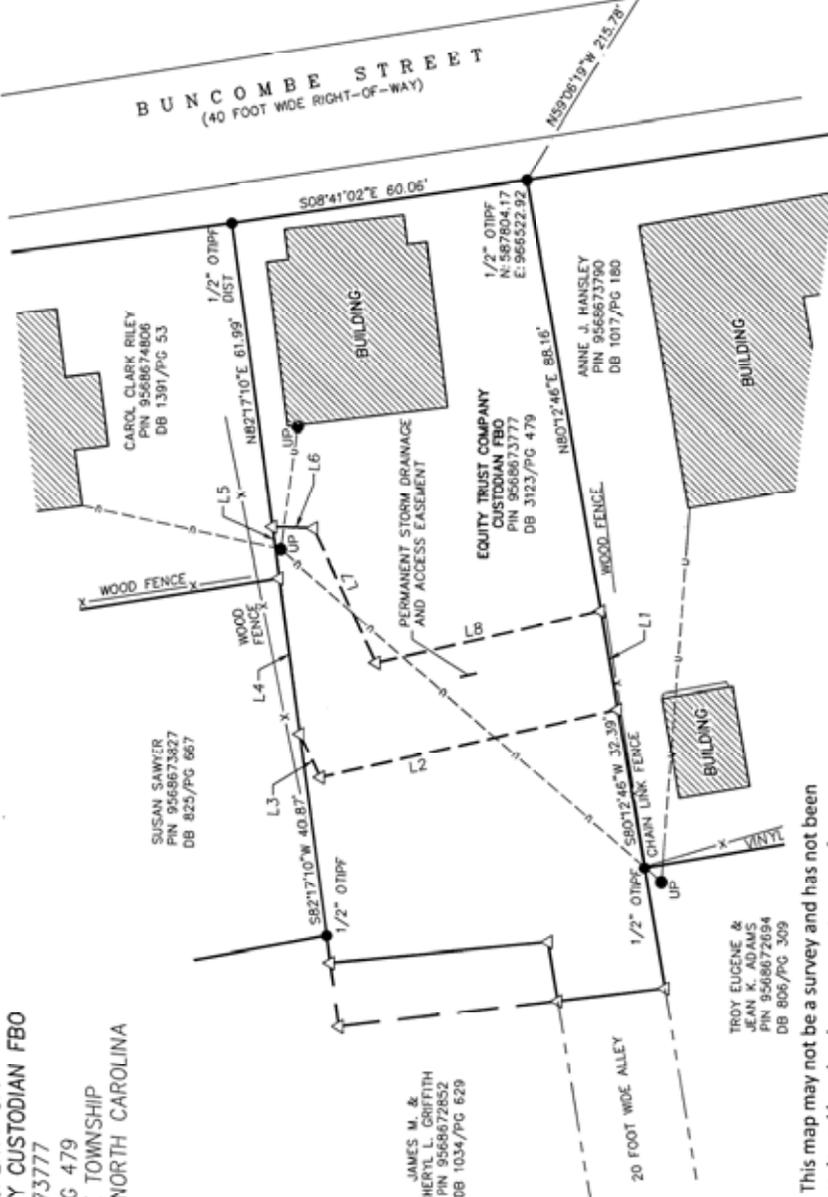
GRID NORTH
NAD83 (2011)



IPS GPS STATIC
N: 567985.36
E: 966625.09

S15°51'37"E 303.59'

IPS GPS STATIC
N: 567983.40
E: 966708.04



LINE	BEARING	DISTANCE (H)
L1	S80°12'46"W	20.04'
L2	N13°16'23"W	61.28'
L3	N64°40'05"E	9.78'
L4	N82°17'10"E	31.43'
L5	N82°17'10"E	10.31'
L6	S1°33'48"W	8.27'
L7	S64°40'15"W	29.63'
L8	S13°16'09"E	46.32'

JAMES M. &
CHERYL L. GRIFFITH
PIN 9568672852
DB 1034/PG 629

EQUITY TRUST COMPANY
CUSTODIAN FBO
PIN 9568673777
DB 3123/PG 479

ANNE J. HANSLEY
PIN 9568673790
DB 1017/PG 180

TROY EUCENE &
JEAN K. ADAMS
PIN 9568672694
DB 806/PG 309

This map may not be a survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations and has not been reviewed for compliance with recording requirements for plats.

EASEMENT TABLE	PERMANENT EASEMENT
PIN NO.	9568673777
SQ. FT.	1,641
ACRES	0.038



SHEET 1 OF 2



Jason N. Gasperin
JASON N. GASPERIN, PLS L-5267
February 28, 2018
DATE

I:\Survey\Jobs\2017\17-214 Hendersonville Storm Routes\DWG\17-214 EQUITY PLAT.dwg 2/27/2018 3:02 PM GORDON



This document presented and filed:
03/05/2018 01:01:14 PM

WB

WILLIAM LEE KING, Henderson County, NC
Transfer Tax: \$0.00

Mail after recording to Hendersonville City Box
This instrument was prepared by Samuel H. Fritschner

9568-67-4806

Brief Description for the index	Stormwater easement Buncombe Street between 3 rd and 4 th Aves Hendersonville
NORTH CAROLINA TEMPORARY STORMWATER EASEMENT	
THIS DEED made the 20 th day of February, 2018, by and between	
GRANTOR	GRANTEE
Carol Clark Riley and husband Thomas S. Riley, III	The CITY OF HENDERSONVILLE, A North Carolina Municipal Corporation

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

WITNESSETH, that the Grantor, for a valuable consideration, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, the following certain easement for stormwater management, including the right of reasonable grading, over a lot or parcel of land situated in Hendersonville Township, Henderson County, North Carolina and more particularly described as follows:

That easement as shown in gray on Exhibit A attached hereto and made part hereof by this reference.

And the Grantor does by the presents covenant with the Grantee, its successors and assigns, as follows:

FIRST: That the Grantor(s) will never erect nor permit to be erected any building or structure of any nature whatsoever, nor fill or excavate, nor plant trees within said easement and right-of-way without the City of Hendersonville's written consent;

SECOND: That the City of Hendersonville, its successors and assigns and their designees and agents shall at all times have a right to enter said easement for the purpose of maintaining, monitoring and inspecting the stormwater management facility within said easement and right-of-way, the right of entry to be across said easement as necessary, along any and all driveways or pavement as may be constructed; and

THIRD: The maintenance of the facility shall be in accordance with Hendersonville City Ordinance Chapter 24 Article II Division 3 or any successor ordinances.

FOURTH: That when the Grantee determines to its satisfaction that an alternate stormwater system serving the property described herein has been suitably constructed and is operating well, the City may release this temporary easement and the Grantor does hereby for itself and its heirs, successors, representatives and assigns accept the release hereof, whereupon this temporary easement shall terminate.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in accordance with the terms hereof.

And the Grantor covenants with the Grantee, that Grantor has the right to convey the aforesaid easement, that the easement is free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever with the exceptions hereinafter stated.

Subject to Restrictions and Easements of Record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

CR

Carol Clark-Riley
Carol Clark-Riley
Thomas S. Riley, III
Thomas S. Riley, III

State of FL
County of COLLIER

I, CHRISTINE TYSON a Notary Public of the County and State aforesaid, certify that
THOMAS & CAROL RILEY personally appeared before me this day and acknowledged the
execution of the foregoing instrument. Witness my hand and official stamp or seal, this FEBRUARY 20th 2018.

Christine L Tyson
Notary Public

My commission expires





This document presented and filed:
03/06/2018 09:59:41 AM

WLK

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: \$0.00

Mail after recording to Hendersonville City Box
This instrument was prepared by Samuel H. Fritschner

Brief Description for the index

Stormwater easement Buncombe Street
between 3rd and 4th Aves Hendersonville

NORTH CAROLINA TEMPORARY STORMWATER EASEMENT
THIS DEED made the 5th day of March, 2018, by and between

GRANTOR

Susan Sawyer, an unmarried woman

GRANTEE

The CITY OF HENDERSONVILLE, A North Carolina
Municipal Corporation

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

WITNESSETH, that the Grantor, for a valuable consideration, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, the following certain easement for stormwater management, including the right of reasonable grading, over a lot or parcel of land situated in Hendersonville Township, Henderson County, North Carolina and more particularly described as follows:

That easement as shown in gray on Exhibit A attached hereto and made part hereof by this reference.

And the Grantor does by the presents covenant with the Grantee, its successors and assigns, as follows:

FIRST: That the Grantors(s) will never erect nor permit to be erected any building or structure of any nature whatsoever, nor fill or excavate, nor plant trees within said easement and right-of-way without the City of Hendersonville's written consent;

SECOND: That the City of Hendersonville, its successors and assigns and their designees and agents shall at all times have a right to enter said easement for the purpose of maintaining, monitoring and inspecting the stormwater management facility within said easement and right-of-way, the right of entry to be across said easement as necessary, along any and all driveways or pavement as may be constructed; and

THIRD: The maintenance of the facility shall be in accordance with Hendersonville City Ordinance Chapter 24 Article II Division 3 or any successor ordinances.

FOURTH: That when the Grantee determines to its satisfaction that an alternate stormwater system serving the property described herein has been suitably constructed and is operating well, the City may release this temporary easement and the Grantor does hereby for itself and its heirs, successors, representatives and assigns accept the release hereof, whereupon this temporary easement shall terminate.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in accordance with the terms hereof.

And the Grantor covenants with the Grantee, that Grantor has the right to convey the aforesaid easement, that the easement is free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever with the exceptions hereinafter stated.

Subject to Restrictions and Easements of Record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Susan Sawyer
Susan Sawyer

State of North Carolina

County of Henderson

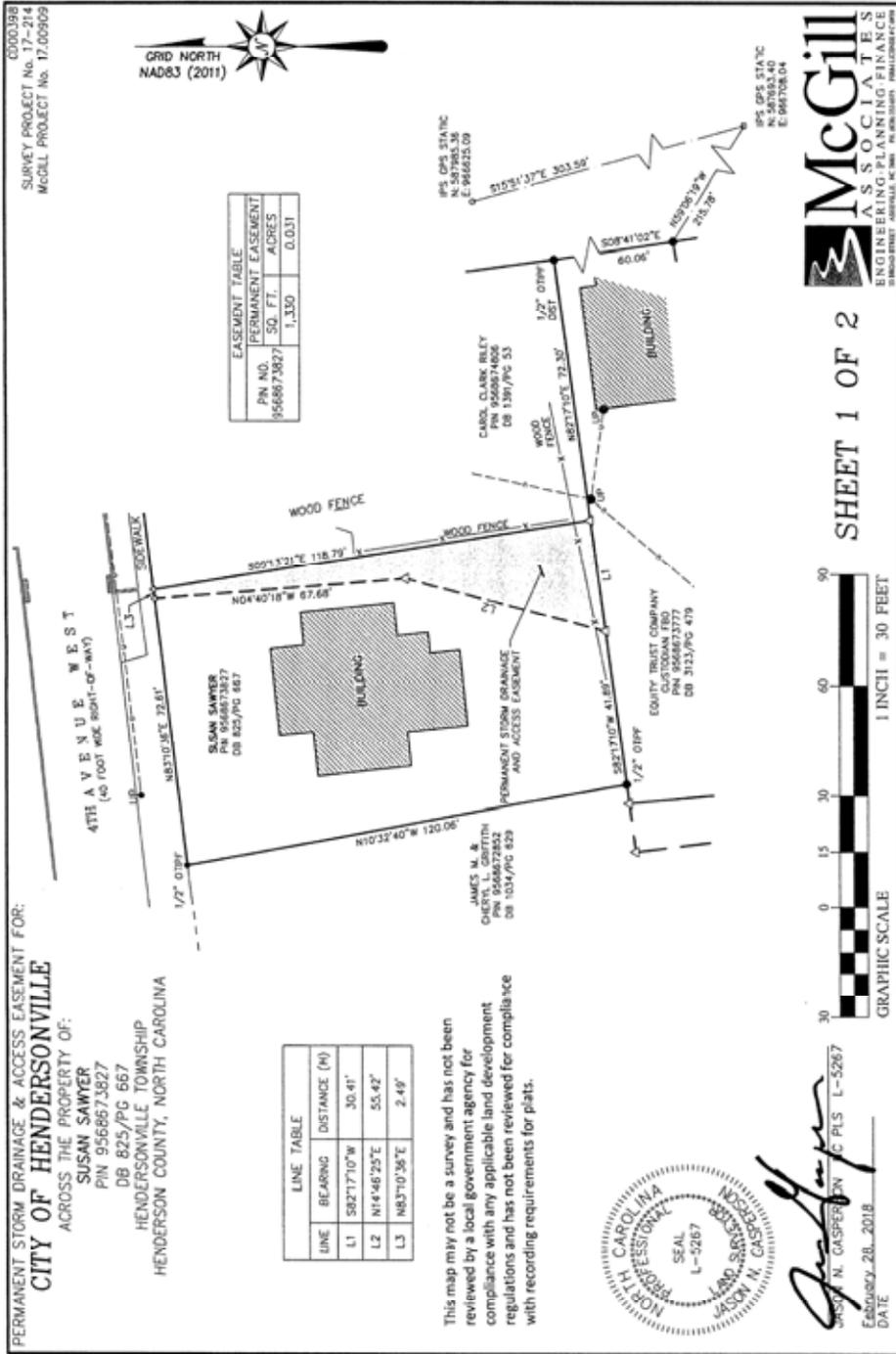
I, SAMUEL H. FRITSCHNER a Notary Public of the County and State aforesaid, certify that
SUSAN SAWYER personally appeared before me this day and acknowledged the
execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5th day of March 2018.

SH
Notary Public

My commission expires: 3 August 2018



ATTACHMENT



Survey/Map/2017/17-214 Hendersonville Storm Drainage/DB/17-214 Sawyer P/L/PG 667/2/27/2018 2:56 PM GORDON

ATTACHMENT

1:\Survey\1444\2017\17-214 Henderson Storm Drain\1444\2017\17-214 Sawyer Plat\Fig 2/27/2018 2:56 PM CONON

PERMANENT STORM DRAINAGE & ACCESS EASEMENT FOR:
CITY OF HENDERSONVILLE
ACROSS THE PROPERTY OF:
SUSAN SAWYER
PIN 9568673827
DB 825/PG 667
HENDERSONVILLE TOWNSHIP
HENDERSON COUNTY, NORTH CAROLINA

0000398
SURVEY PROJECT No. 17-214
MCGILL PROJECT No. 17.00909

VICINITY MAP NOT TO SCALE

LEGEND

- CM = CONCRETE MONUMENT
- ALUM DISC = ALUMINUM DISC FOUND
- NCS CM = NATIONAL GEODETIC SURVEY CONCRETE MONUMENT
- △ CP = CALCULATED POINT
- RB = REBAR FOUND
- UP = UTILITY POLE
- WM = WATER METERS
- RDS OR IPS = IRON TIE/IRON PIN FOUND
- SSM = SPAN TIE/IRON PIN FOUND
- SSMH = SANITARY SEWER MANHOLE
- (G) = NC STATE PLANE GRID DISTANCE
- (H) = HORIZONTAL GROUND DISTANCE
- INDICATES PROPERTY LINE
- INDICATES EXISTING RIGHT OF WAY
- INDICATES LINE NOT SURVEYED AT THIS TIME
- INDICATES OVERHEAD UTILITY LINE
- INDICATES FENCE LINE
- INDICATES GRAVEL DRIVE
- INDICATES EXISTING CULVERT
- INDICATES PROPOSED SEWER LINE
- INDICATES PERMANENT STORM DRAINAGE AND ACCESS EASEMENT
- ▨ INDICATES BUILDING

This map may not be a survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations and has not been reviewed for compliance with recording requirements for plats.

SURVEYOR'S CERTIFICATION

I, Jason V. Caspersen, certify that this plat was drawn under my supervision from an actual survey made under my supervision from deed description recorded in Book 623/Pg. 453 and Book 587/Pg. 249; that the boundaries not surveyed are clearly indicated as drawn; that the positional accuracy meets or exceeds the requirements for a Class A survey; and this plat meets the requirement of G.S. 47-30 section F-11-c(4) and that the survey is of a proposed easement for a public utility.

JASON V. CASPERSEN
N.C. PLS L-5267

February 28, 2018
DATE

SHEET 2 OF 2

McGill ASSOCIATES
ENGINEERING-PLANNING-FINANCE
10000 SHILOH AVENUE, SUITE 1000, RALEIGH, NC 27615

NOTES:

- Field work completed: September 19, 2017
Office work completed: February 28, 2018
- All coordinates shown are Horizontal Datum: NAD83(2011)
Vertical Datum: NAVD88 (Geoid12A)
- Areas computed by coordinate method.
- Property shown hereon is subject to all right-of-ways, easements, reservations and restrictions which exist as a matter of record or exist de facto.
- Property shown hereon is subject to the rules, regulations, ordinances and/or jurisdictions of local, state, and/or federal agencies if any. The requirements of said rules, regulations, ordinances, and/or the limits of said jurisdictions are not shown hereon unless stated otherwise.
- Underground installations or improvements including building foundations have not been located except as shown hereon. Call MSBT at 811 before digging.
- Not all above ground improvements are shown.
- All distances shown on this map are horizontal ground lengths unless otherwise noted. To convert to grid distances, multiply by the average combined scale factor of 0.99977614.
- No missing curves were set by surveyor except as shown hereon as RBS.
- Easement areas designated on proposed shall remain proposed until a document of title is filed in the office of the Register of Deeds in the county where the land lies, that is signed by the owner/owners, stating their intent and referencing this plat.
- This survey was prepared without the benefit of an abstract of title. Matters of property title should be referred to an attorney-at-law.
- Adjoining property owner, deed, plat and plat information taken from the Henderson County Courthouse and GIS Website.
- GPS control point coordinates taken from GPS survey by J. Dallas Gordon, PLS L-4026 dated 9/21/2017.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Herbert Blake, Chief of Police

Department: Police

Date Submitted: 03/26/2018

Presenter: Herbert Blake

Date of Council Meeting to consider this item: 04/05/2018

Nature of Item: Council Action

Summary of Information/Request:

Item # 05g

A resolution, grant project ordinance, and budget amendment to accept the Governor's Crime Commission Body Camera grant in the amount of \$6,100. To purchase 10 body cameras for police officers.
This is a 50% match grant.

Budget Impact: \$ 3,050 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Utilizing current material/supplies current line item funding and utilizing drug seizure funds to cover the remaining 50% required match funds.

Suggested Motion:

I move to approve a resolution accepting the Governor's Crime Commission Body Camera grant in the amount of \$6,100 as presented.

I further move to approve the grant project ordinance and respective budget amendment as presented.

Attachments:

RESOLUTION BY THE GOVERNING BODY OF THE CITY OF HENDERSONVILLE

WHEREAS, the City is in receipt of a grant award from the Department of Public Safety Governor's Crime Commission in the amount of \$6,100, and

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

WHEREAS, the grant will assist the City in purchasing ten (10) body cameras to capture data during interactions between citizens and police officers. Having the body worn cameras will enable audio and video transparency, building trust within our community in Hendersonville, NC, and

WHEREAS, City of Hendersonville police officers will successfully improve the high quality of public service expected, and

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

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

That City of Hendersonville does hereby accept the Governor's Crime Commission Grant offer of \$6,100.00.

Adopted this the 5th day of April, 2018 at 145 5th Avenue East, Hendersonville, North Carolina.

Barbara G. Volk, Mayor

Attest:

Tammie K. Drake, City Clerk

**GRANT PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSALLATION OF THE
GOVERNOR'S CRIME COMMISSION GRANT PROJECT**

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

Section 1: The project authorized is a grant project described as the Governor's Crime Commission Grant Project.

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

Account Number		Account Name	Total Budget
3250000	529900	Supplies & Materials	\$ 6,100
Total Project Appropriation			\$ 6,100

Section 3: The following revenues are anticipated to be available via transfers from the General Fund, Drug Enforcement Fund, and grant proceeds:

Account Number		Account Name	Total Budget
3250000	434991	Grant Revenue	\$ 3,050
3250000	998010	Transfer in From GF	\$ 1,525
3250000	998195	Transfer in From Drug Enf. Fund	\$ 1,525
Total Project Revenue			\$ 6,100

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

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

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

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

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this fifth day of April, 2018.

Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

BUDGET AMENDMENT

FUND: 10 | 195 | 325

ACCOUNT NUMBER		DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
ORG	OBJECT			
3250000	434991	Grant Revenue	3,050.00	
3250000	998010	Transfer in From GF	1,525.00	
3250000	998195	Transfer in From Drug Enf. Fund	1,525.00	
3250000	529900	Supplies & Materials	6,100.00	
FUND 325		TOTAL REVENUES	6,100.00	-
		TOTAL EXPENDITURES	6,100.00	-
104130	529900	Supplies & Materials		1,525.00
109900	999325	Transfer to GCC Grant Fund	1,525.00	
FUND 10		TOTAL REVENUES	1,525.00	-
		TOTAL EXPENDITURES	-	1,525.00
1950000	529900	Supplies & Materials		1,525.00
1950000	999325	Transfer to GCC Grant Fund	1,525.00	
FUND 195		TOTAL REVENUES	1,525.00	-
		TOTAL EXPENDITURES	-	1,525.00

An amendment to increase the Governor's Crime Commission Fund to reflect a \$6,100 grant for law enforcement officer body cameras.



CITY MANAGER

3-27-18

Date:

APPROVED BY CITY COUNCIL:

DATE:

4/5/2018



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Lee Smith

Department: Utilities

Date Submitted: March 27, 2018

Presenter: Lee Smith and Andy Brogden

Date of Council Meeting to consider this item: 4/5/2018

Nature of Item: Council Action

Summary of Information/Request:

Item # 05h

Staff reviewed offerings for uniform rentals from three different vendors including Unifirst, Cintas and Rental Uniform Service. Staff compared pricing, quality, and flexibility of the three vendors. All three vendors were flexible and willing to work with the department to meet our requirements. Unifirst was selected because:

1. Their pricing was straight-forward, had no hidden charges or fees and was the lowest of the three.
2. Quality and comfort and design of their clothing.

This contract will provide rental uniform service for the field operations divisions of the Water and Sewer Department. Currently, the department purchases uniform shirts for the employees and provides a stipend for the purchase of work pants. Employees are required to launder the clothing, often soiled with sewer and mud, on their own. The stipend is reported as income and therefore taxable.

Using the services of a uniform company will improve our field operations divisions' image by ensuring our employees' clothing is clean, consistent, and relatively wrinkle-free. It will improve the health and well-being of our employees and their families because they would no longer be required to take the soiled clothing home to their families. It will also result in a cost savings of ~\$5,800/year.

Budget Impact: \$ 3505.00 Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

\$3505.00 for the remainder of FY18, \$18297.00 for FY19.

Suggested Motion:

I move to authorize the city manager to execute the agreement between the City and Unifirst to provide rental uniforms and associated services for the field operations divisions of the Water and Sewer Department.

Attachments:

Service agreement

CUSTOMER SERVICE AGREEMENT TERMS

REQUIREMENTS SUPPLIED. The Customer orders from UniFirst Corp. ("UniFirst") rental and related services for all of Customer's requirements for garments and other items ("Merchandise") of the type listed on the reverse at the prices and upon the terms and conditions outlined. Additional Merchandise requested by Customer, variability of fit, washing, will also be governed by this Agreement. All rental Merchandise supplied to Customer remains the property of UniFirst. Customer warrants that it is not subject to, and that this Agreement does not interfere or conflict with, any existing agreement for the supply of the Merchandise or services covered.

PERFORMANCE GUARANTEE, UNIFIRST GUARANTEES TO DELIVER HIGH QUALITY SERVICE AT ALL TIMES. All items of Merchandise cleaned, finished, inspected, repaired and delivered by UniFirst will meet or exceed its quality standards, and non-repairing items will be replaced by the next scheduled delivery day at no cost to Customer. Items of rental Merchandise requiring replacement due to normal wear and tear will be replaced at no cost to Customer, save for any applicable personalization and set-up charges.

Customer expressly waives the right to terminate this Agreement during the initial term or any extension thereof for deficiencies in services and/or quality of Merchandise unless: (1) complaints are first made in writing to UniFirst which set forth the precise nature of any deficiencies, (2) UniFirst is afforded at least sixty (60) days to correct any deficiencies complained of, and (3) UniFirst fails to correct those deficiencies complained of within sixty (60) days. In the event Customer complies with the foregoing and UniFirst fails to correct such deficiencies, Customer may terminate this Agreement by written notice to UniFirst providing that all previous balances due UniFirst have been paid in full and that all other conditions to termination have been satisfied. Any delay or interruption of the service provided for in this Agreement, by reason of acts of God, fires, explosions, strikes or other unusual disturbances, or any other cause not within the control of UniFirst, shall not be deemed a breach or violation of this Agreement.

TERMINATION AND RENEWAL. This Agreement is effective when signed by both the Customer and UniFirst Location Manager and continues in effect for 60 months after finalization of Merchandise (for new Customers) or of any renewal cycle. This Agreement will be renewed automatically and continuously for multiple successive 60 month periods unless Customer or UniFirst gives written notice of non-renewal to the other at least 90 days prior to the next expiration date.

PRICES AND PAYMENTS. All charges are based upon the total Merchandise covered by this Agreement and may change as the amount of such Merchandise is increased or decreased. Any Merchandise payments required pursuant to this Agreement will be at UniFirst's list replacement price(s) then in effect, if an authorized Customer representative is not available to receive and acknowledge delivery of Merchandise. Customer authorizes UniFirst to make delivery and assumes responsibility for related charges/invoices.

On an annual basis, the prices then in effect will be increased by the greater of the annual percent increase in the Consumer Price Index - All Urban Consumers, Series ID CUUR0000SAG, 09H40000 and services or by 5%. Additional price increases and other charges may be imposed by separate written notice or by notation on Customer's invoices. Customer may, however, decline such additional increases or charges by notifying UniFirst in writing within ten days after receipt of such notice or notation.

Prices are based on fifty-two weeks of service per year. Customer agrees to pay all charges on receipt of invoice or, if a pre-approved charge customer, per standard terms. A late charge of 1 1/2% per month (18% per year) will be added to all amounts not paid within thirty days of invoice. If Customer fails to make timely payment, UniFirst may at any time and in its sole discretion, terminate this Agreement by giving written notice to Customer, whether or not UniFirst has previously strictly enforced Customer's obligation to make timely payments. Customer agrees to pay, and will pay, all applicable sales, use, personal property and other taxes and assessments arising out of this Agreement.

DEFERRED CHARGE. Customer's invoices may include a DEFER charge to cover all or portions of certain expenses including:

D = DELIVERY, or expenses associated with the actual delivery of services and products to customer's places of business, primarily Route Sales Representative commissions, management salaries, vehicle depreciation, equipment maintenance, insurance, road use charges and local access fees.

E = ENVIRONMENTAL, or expenses (past, present and future) UniFirst absorbs related to wastewater testing, purification, effluent control, solids disposal, supplies and equipment for pollution control and energy conservation and overall regulatory compliance.

F = FUEL, or the gas, diesel fuel, oil and lubricate expenses associated with keeping UniFirst's fleet vehicles on the road and servicing its customers.

E = ENERGY, primarily the natural gas UniFirst uses to run boilers and gas dryers, plus other local utility charges.

MERCHANDISE. Customer acknowledges that Merchandise supplied is for general occupational use and, except as expressly specified below, affords no special user protections.

Flame Resistant. If the Merchandise supplied is designated as flame resistant ("FR"), it is intended only to prevent the ignition and burning of fabric away from the point of high heat impingement and to be self-extinguishing upon removal of the ignition source. FR garments will not provide significant protection from burns in the immediate area of high heat contact, due to thermal transfer through the fabric and/or deduction of the fabric in the area of such exposure. FR garments are designed for continuous wear as only a secondary level of protection. Primary protection is still required for work activities where direct or significant exposure to heat or open flame is likely to occur.

Visibility. If the Merchandise supplied is visibility wear, it is intended to provide improved conspicuity of the wearer under day/night conditions and when illuminated by a light source of sufficient candlepower at night. It is Customer's responsibility to determine the level of conspicuity needed by wearers under specific work conditions. Further, Customer agrees that the garments alone do not ensure conspicuity of the wearer and that additional safety precautions may be necessary. The garments supplied satisfied particular Class I, Class II or Class III ANSI/ISEA standards only when they were new and unused and only if so labeled. Customer acknowledges that usage and laundering of visibility Merchandise will adversely affect its conspicuity.

Health & Food-Related. Healthcare and food-related customers acknowledge that (1) UniFirst does not guarantee or warrant that the Merchandise selected by Customer or that processed garments delivered by UniFirst will be appropriate or sufficient to provide a hygienic level adequate for Customer's needs, and (2) optional poly-bagging is recommended to reduce the risk of contamination of Merchandise and the failure to utilize such service may adversely affect the efficacy of UniFirst's hygienic cleaning process. ("Poly-bag services incur additional charges.")

Customer agrees to notify all employees that the Merchandise is for general occupational use and, except for FR or visibility garments, affords no special wearer protections. Customer further agrees to notify all employees who will be wearing FR or visibility garments that such garments provide only limited protection as set forth herein and only under certain conditions. In addition, Customer acknowledges that (1) Customer has unilaterally and independently determined and selected the nature, style, performance characteristics, number of changes and scope of all Merchandise to be used and the appropriateness of such Merchandise for Customer's specific needs or intended uses, (2) UniFirst does not have any obligation to advise, and has not advised, Customer concerning the fitness or suitability of the Merchandise for Customer's intended use, (3) UniFirst makes no representation, warranty or covenant regarding the performance of the Merchandise (including without limitation FR and visibility garments), and (4) UniFirst shall in no way be responsible or liable for any injury or harm suffered by any Customer employee while wearing or using any Merchandise. Customer agrees to indemnify and hold harmless UniFirst and its employees and agents from and against all claims, injuries or damages to any person or property resulting from Customer's or Customer's employee use of the Merchandise, whether or not such claims, injuries or damages arise from any alleged defects in the Merchandise.

Customer agrees not to contaminate any Merchandise with asbestos, heavy metals, solvents, inks or other hazardous or toxic substances ("contaminants"). Customer agrees to notify UniFirst for all Merchandise that is lost, stolen, damaged or abused beyond repair.

If any Merchandise supplied hereunder is Merchandise that (1) UniFirst does not stock for whatever reason (including due to style, color, size or brand), (2) consists of non-UniFirst manufactured or customized FR garments, or (3) consists of garments that have been permanently personalized (in all cases known as "Non-Standard Merchandise"), then, upon the discontinuance of any service hereunder at any time for any reason, including expiration, termination, or cancellation of this Agreement, with or without cause, deletion of any Non-Standard Merchandise from Customer's service program, or due to employee reductions (in each case a "Discontinuance of Service"), Customer will purchase at the time of such Discontinuance of Service all affected Non-Standard Merchandise items then in UniFirst's inventory (in-service, shelf, as well as any manufacturer's supplies ordered for Customer's use), paying for same the replacement charges then in effect.

As a condition to the termination of this Agreement, for whatever reason, Customer will return to UniFirst all Standard Merchandise in good and usable condition or pay for same at the replacement charges then in effect.

OBLIGATIONS AND REMEDIES. If Customer breaches or terminates this Agreement before the expiration date for any reason (other than for UniFirst's failure under the performance guarantee described above), Customer will pay UniFirst, as liquidated damages and not as a penalty (the parties acknowledging that actual damages would be difficult to calculate with reasonable certainty) an amount equal to 50 percent of the average weekly amounts invoiced in the preceding 26 weeks, multiplied by the number of weeks remaining in the current term. These damages will be in addition to all other obligations or amounts owed by Customer to UniFirst, including the return of Standard Merchandise or payment of replacement charges, and the purchase of any Non-Standard Merchandise items as set forth herein.

All disputes of whatever kind between Customer and UniFirst based upon past, present or future acts, when unknown or unknown, and arising out of or relating to the negotiation, formation or performance of this Agreement shall be resolved exclusively by final and binding arbitration. The arbitration shall be conducted in the capital city of the state where Customer has its principal place of business (or some other location mutually agreed to by Customer and UniFirst) pursuant to the Expedited Procedures of the Commercial Arbitration Rules of the American Arbitration Association and shall be governed by the Federal Arbitration Act. Customer acknowledges that with respect to all such disputes, it has voluntarily and knowingly waived any right it may have to a jury trial or to participate in a class action or class litigation as a representative of any other persons or as a member of any class of persons, or to consolidate its claims with those of any other persons or class of persons. If this prohibition against class litigation is ruled to be unenforceable for any reason in any proceeding, then the prohibition against class litigation shall be void and of no force and effect in that proceeding. This paragraph is governed by New York law (exclusive of choice of law). The arbitrators shall award to the substantially prevailing party, if any, as determined by the arbitrators, all of its costs and fees. "Costs and fees" are defined as all reasonable pre-award expenses of the arbitration, including the arbitrators' fees, administrative costs, travel expenses, out-of-pocket expenses, such as copying and telephone expenses, court costs, witness fees, and attorneys' fees.

MISCELLANEOUS. The parties agree that this Agreement represents the entire agreement between them. UniFirst may, in its sole discretion, assign this Agreement. Customer may not assign this Agreement without the prior written consent of UniFirst. Customer agrees that in the event it sells or transfers its business, it will require the purchaser or transferee to assume all obligations and responsibilities under this Agreement, provided that such assumption shall not relieve Customer of its liabilities hereunder, and provided further that any failure by a purchaser or transferee to assume this Agreement shall constitute a breach and early termination of Agreement remaining in the obligation to pay all amounts on account thereof as set forth in this Agreement. Neither party will be liable for any incidental, consequential, special or punitive damages. In no event shall UniFirst's aggregate liability to a Customer for any and all claims exceed the sum of all amounts actually paid by Customer to UniFirst. In the event any portion of this Agreement is held by a court of competent jurisdiction or by a duly appointed arbitrator to be unenforceable, the balance will remain in effect. All written notices provided to UniFirst must be sent by certified mail to the attention of the Location Manager, in Texas and certain other locations, UniFirst's business is conducted by, and the term "UniFirst" as used herein, means UniFirst Holdings, Inc. d/b/a UniFirst.

ACCEPTED, Customer Signature _____

Date _____

I have read and agree to all of the above terms.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brent Detwiler

Department: Engineering

Date Submitted: 3/28/18

Presenter: Brent Detwiler

Date of Council Meeting to consider this item: 4/5/18

Nature of Item: Council Action

Summary of Information/Request:

Item # 05i

Bid Award for Stormwater Improvements Along Buncombe Street (300 Block) Project:

The Engineering Department has opened informal bids for the Stormwater Improvements Along Buncombe Street (300 Block) Project. The work generally consists of the installation of approximately 300 linear feet of 36" HDPE or equivalent pipe and five (5) junction boxes as well as the filling/ abandonment of the old system behind homes on Buncombe Street between 3rd and 4th Avenues.

A summary of the bids is below. City Staff recommends that this project be awarded to the apparent low bidder Fuller & Co. Construction, LLC whose bid price is \$199,683. Please let me know if you have any questions or require additional information regarding this project.

BIDDER	TOTAL BID PRICE
1 Fuller & Co. Construction	\$199,683.00
2 Southern Appalachian Grading & Excav	\$205,779.00
3 North American Pipeline Mgmt	\$227,305.00
4 Thunder Contracting	\$300,465.00
5 NHM Constructors	\$342,739.75

Budget Impact: \$ 199,683.00 Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

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

I move to authorize the City Manager to award and execute the contract for the construction of the Stormwater Improvements Along Buncombe Street (300 Block) Project to Fuller & Co. Construction, the lowest responsive and responsible bidder, in the amount of \$199,683.00; as presented and recommended by staff.

Attachments:

A Bid Tabulation is attached

**STORMWATER IMPROVEMENTS ALONG BUNCOMBE STREET (300 BLOCK)
BID TABULATION**

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNITS	FULLER & CO.CONSTRUCTION		SOUTHERN APPALACHIAN GRADING		NORTH AMERICAN PIPELINE MANAGEMENT		THUNDER CONTRACTING		NHM CONSTRUCTORS	
				UNIT LABOR & MATERIAL	TOTAL LABOR & MATERIAL	UNIT LABOR & MATERIAL	TOTAL LABOR & MATERIAL	UNIT LABOR & MATERIAL	TOTAL LABOR & MATERIAL	UNIT LABOR & MATERIAL	TOTAL LABOR & MATERIAL	UNIT LABOR & MATERIAL	TOTAL LABOR & MATERIAL
				(FIGURES)	(FIGURES)	(FIGURES)	(FIGURES)	(FIGURES)	(FIGURES)	(FIGURES)	(FIGURES)	(FIGURES)	(FIGURES)
1	Select Tree Removal	6	EA	\$ 3,660.00	\$ 21,960.00	\$ 1,725.00	\$ 10,350.00	\$ 3,000.00	\$ 18,000.00	\$ 2,500.00	\$ 15,000.00	\$ 3,712.00	\$ 22,272.00
2	Grading, Repair All Sinkholes	1	LS	\$ 4,455.00	\$ 4,455.00	\$ 18,375.00	\$ 18,375.00	\$ 10,000.00	\$ 10,000.00	\$ 30,000.00	\$ 30,000.00	\$ 21,875.00	\$ 21,875.00
3	36" Drainage Pipe	300	LF	\$ 226.00	\$ 67,800.00	\$ 186.00	\$ 55,800.00	\$ 220.00	\$ 66,000.00	\$ 425.00	\$ 127,500.00	\$ 620.00	\$ 186,000.00
4	12" Drainage Pipe	30	LF	\$ 155.00	\$ 4,650.00	\$ 162.00	\$ 4,860.00	\$ 135.00	\$ 4,050.00	\$ 180.00	\$ 5,400.00	\$ 164.00	\$ 4,920.00
5	Pipe Removal	280	LF	\$ 27.00	\$ 7,560.00	\$ 72.00	\$ 20,160.00	\$ 56.00	\$ 15,680.00	\$ 100.00	\$ 28,000.00	\$ 32.00	\$ 8,960.00
6	Asphalt Plant Mix, Pavement Repair	3	SY	\$ 556.00	\$ 1,668.00	\$ 1,533.00	\$ 4,599.00	\$ 98.00	\$ 294.00	\$ 300.00	\$ 900.00	\$ 266.00	\$ 798.00
7	Mobilization	1	LS	\$ 5,900.00	\$ 5,900.00	\$ 7,375.00	\$ 7,375.00	\$ 9,400.00	\$ 9,400.00	\$ 15,000.00	\$ 15,000.00	\$ 13,917.00	\$ 13,917.00
8	Masonry Drainage Structures, Junction Box	4	EA	\$ 7,690.00	\$ 30,760.00	\$ 5,750.00	\$ 23,000.00	\$ 8,900.00	\$ 35,600.00	\$ 4,000.00	\$ 16,000.00	\$ 4,987.00	\$ 19,948.00
9	Masonry Drainage Structures, Drop Inlet	1	EA	\$ 4,100.00	\$ 4,100.00	\$ 6,062.00	\$ 6,062.00	\$ 17,900.00	\$ 17,900.00	\$ 4,000.00	\$ 4,000.00	\$ 3,462.00	\$ 3,462.00
10	1' 6" Concrete Curb and Gutter	10	LF	\$ 201.00	\$ 2,010.00	\$ 300.00	\$ 3,000.00	\$ 80.00	\$ 800.00	\$ 100.00	\$ 1,000.00	\$ 107.00	\$ 1,070.00
11	4" Concrete Sidewalk	5	SY	\$ 225.00	\$ 1,125.00	\$ 237.00	\$ 1,185.00	\$ 174.00	\$ 870.00	\$ 100.00	\$ 500.00	\$ 319.00	\$ 1,595.00
12	6" Concrete Sidewalk	2	SY	\$ 250.00	\$ 500.00	\$ 562.00	\$ 1,124.00	\$ 174.00	\$ 348.00	\$ 125.00	\$ 250.00	\$ 372.00	\$ 744.00
13	Temporary Silt Fence	200	LF	\$ 3.50	\$ 700.00	\$ 4.50	\$ 900.00	\$ 4.00	\$ 800.00	\$ 5.00	\$ 1,000.00	\$ 4.20	\$ 840.00
14	Seeding and Mulching	0.25	AC	\$ 14,000.00	\$ 3,500.00	\$ 10,000.00	\$ 2,500.00	\$ 4,200.00	\$ 1,050.00	\$ 10,000.00	\$ 2,500.00	\$ 5,907.00	\$ 1,476.75
15	Temporary Gravel Construction Entrance/Exit	1	LS	\$ 3,150.00	\$ 3,150.00	\$ 2,094.00	\$ 2,094.00	\$ 2,000.00	\$ 2,000.00	\$ 4,000.00	\$ 4,000.00	\$ 2,487.00	\$ 2,487.00
16	Inlet Protection	1	EA	\$ 200.00	\$ 200.00	\$ 387.00	\$ 387.00	\$ 130.00	\$ 130.00	\$ 400.00	\$ 400.00	\$ 498.00	\$ 498.00
17	Slope Matting (3:1 or > Slopes)	10	SY	\$ 5.00	\$ 50.00	\$ 28.00	\$ 280.00	\$ 19.00	\$ 190.00	\$ 25.00	\$ 250.00	\$ 11.00	\$ 110.00
18	Safety Fence	330	LF	\$ 6.50	\$ 2,145.00	\$ 1.80	\$ 594.00	\$ 5.00	\$ 1,650.00	\$ 3.00	\$ 990.00	\$ 3.20	\$ 1,056.00
19	Remove and Reinstall Fencing (Various Materials)	1	LS	\$ 13,100.00	\$ 13,100.00	\$ 10,000.00	\$ 10,000.00	\$ 9,500.00	\$ 9,500.00	\$ 5,000.00	\$ 5,000.00	\$ 15,908.00	\$ 15,908.00
20	Remove Existing Conc. Pad	1	LS	\$ 500.00	\$ 500.00	\$ 1,093.00	\$ 1,093.00	\$ 4,700.00	\$ 4,700.00	\$ 2,000.00	\$ 2,000.00	\$ 875.00	\$ 875.00
21	Upstream Tie in Structure	1	LS	\$ 8,975.00	\$ 8,975.00	\$ 13,012.00	\$ 13,012.00	\$ 10,000.00	\$ 10,000.00	\$ 15,000.00	\$ 15,000.00	\$ 17,458.00	\$ 17,458.00
22	Masonry Drainage Structure at Downstream Tie In	1	LS	\$ 9,775.00	\$ 9,775.00	\$ 8,281.00	\$ 8,281.00	\$ 8,000.00	\$ 8,000.00	\$ 10,000.00	\$ 10,000.00	\$ 8,400.00	\$ 8,400.00
23	Repair Existing Gravel Drive	1	LS	\$ 500.00	\$ 500.00	\$ 3,469.00	\$ 3,469.00	\$ 3,100.00	\$ 3,100.00	\$ 3,000.00	\$ 3,000.00	\$ 2,652.00	\$ 2,652.00
24	Tie in Ex Roof Drain Pipes to JB & DI	1	LS	\$ 3,000.00	\$ 3,000.00	\$ 5,437.00	\$ 5,437.00	\$ 3,300.00	\$ 3,300.00	\$ 5,000.00	\$ 5,000.00	\$ 3,410.00	\$ 3,410.00
25	Remove and Reinstall Moveable Accessories	1	LS	\$ 1,000.00	\$ 1,000.00	\$ 1,562.00	\$ 1,562.00	\$ 3,500.00	\$ 3,500.00	\$ 7,500.00	\$ 7,500.00	\$ 1,591.00	\$ 1,591.00
26	Number 3 Ballast	1	TN	\$ 50.00	\$ 50.00	\$ 40.00	\$ 40.00	\$ 75.00	\$ 75.00	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00
27	Washed 57 Stone	1	TN	\$ 50.00	\$ 50.00	\$ 40.00	\$ 40.00	\$ 80.00	\$ 80.00	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00
28	Rock Excavation	1	CY	\$ 500.00	\$ 500.00	\$ 200.00	\$ 200.00	\$ 288.00	\$ 288.00	\$ 125.00	\$ 125.00	\$ 297.00	\$ 297.00
TOTAL BID PRICE					\$ 199,683.00		\$ 205,779.00		\$ 227,305.00		\$ 300,465.00		\$ 342,739.75



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Adam Steurer

Department: Utilities

Date Submitted: 3/22/2018

Presenter: Lee Smith

Date of Council Meeting to consider this item: 4/5/18

Nature of Item: Council Action

Summary of Information/Request:

Item # 05j

The City of Hendersonville requires on-call professional land surveying services necessary for the design, construction, and easement acquisition for water, sewer, stormwater, sidewalk and other various infrastructure projects. In accordance with North Carolina General Statutes, the Utilities and Engineering Department recently advertised a Request for Qualifications for surveying services, received qualification statements, and determined the four most qualified firms to provide these services. The selected firms are:

Ed Holmes & Associates of Asheville, NC
Mattern & Craig, Inc. of Asheville, NC
McGill Associates of Asheville, NC
Wes Cole Land Surveying, PA of Asheville NC

We are currently in the process of entering into Agreements with each of the firms to provide the City with on-call professional surveying services on a time and materials basis over a two year period with options to extend up to an additional three years on a yearly basis.

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

Funding will be set aside from each respective project's budget.

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

I move to approve the selection of the four most qualified firms for on call professional surveying services and to authorize the City Manager to execute Agreements with the four selected firms for said work; as presented and recommended by staff.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Adam Steurer

Department: Utilities

Date Submitted: 3/22/2018

Presenter: Lee Smith

Date of Council Meeting to consider this item: 4/5/18

Nature of Item: Council Action

Summary of Information/Request:

Item # 05k

The City of Hendersonville requires geotechnical engineering and construction materials testing (CMT) services necessary for the design and construction of water, sewer, stormwater, sidewalk and other various infrastructure projects. In accordance with North Carolina General Statutes, the Utilities and Engineering Department recently advertised a Request for Qualifications, received qualification statements, and determined the two most qualified firms to provide these services. The selected firms are:

ECS Southeast, LLP
S&ME, Inc.

We are currently in the process of entering into Agreements with each of the firms to provide the City with on-call services on a time and materials basis over a two year period with options to extend up to an additional three years on a yearly basis.

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

Funding will be set aside from each respective project's budget.

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

I move to approve selection of the two most qualified firms for on call professional geotechnical engineering and CMT services and to authorize the City Manager to execute Agreements with the two selected firms for said work; as presented and recommended by staff.

Attachments:

Proclamation by Mayor Barbara G. Volk

Week of the Young Child™

Whereas, the Children & Family Resource Center and other local organizations, in conjunction with the National Association for the Education of Young Children, are celebrating the Week of the Young Child™, April 16-20, 2018; and

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

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

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

Now, Therefore, I, Barbara G. Volk, Mayor of Hendersonville, NC, do hereby proclaim April 16-20, 2018 as the

Week of the Young Child™

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

Attest:

Barbara G. Volk

Tammie K. Drake, City Clerk

PROCLAMATION

WHEREAS, one in every 2,500 pregnancies are diagnosed with a congenital diaphragmatic hernia (CDH); and

WHEREAS, since 2000, it is estimated that more than 500,000 babies have been born with CDH; however, only 50 percent of those babies survived; and

WHEREAS, CDH is as common as spina bifida and cystic fibrosis; however, very few people know about it or are aware of it; and

WHEREAS, 1,600 babies are born with CDH every year in the United States each year; and

WHEREAS, there are many people living in North Carolina who have been diagnosed with and have survived their CDH; although many families in North Carolina have endured the horrible pain and grief associated with the loss of loved ones with CDH; and

WHEREAS, those with CDH often endure multiple surgeries and possible medical complication beyond their diagnosis that include heart defects, pulmonary complications, gastric and intestinal problems, developmental delays, and may require respiratory and medicinal support for years.

Now, Therefore, I, Barbara G. Volk, Mayor of the City of Hendersonville do hereby proclaim the month of April as

Congenital Diaphragmatic Hernia Awareness Month

To help raise awareness of this congenital defect, to help bring about acceptance and support for those suffering with it, and to help advocate for urgently needed medical research and advances.

Signed this fourth day of April 2018.

Barbara G. Volk, Mayor



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Jennifer Harrell

Department: Admin

Date Submitted: 3/19/2018

Presenter: Jennifer Harrell

Date of Council Meeting to consider this item: 4/5/2018

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 08

Lu Ann Welter was recently notified by the MESH Board of Directors that she has successfully completed the requirements and earned the Manager of Environmental Safety and Health Certificate. The MESH Certificate is awarded to individuals who demonstrate achievement through education in occupational safety, health and the environment. MESH is sponsored by the Safety and Health Council of North Carolina, NC State University and the NC Department of Labor.

To earn this, Lu Ann completed 100 hours of training over the past two years. Required hours came from the WNC Safety School Conference, completing the 30 hour OSHA class, and 70 hours of safety classes thru the host organizations. Safety topics included workplace safety, recordkeeping, respiratory protection, confined space, heat stress, flagging and more.

This program is designed to increase the professionalism of environmental, safety and health managers at governmental, commercial and manufacturing sites in North Carolina through a rigorous series of continuing education programs. The MESH program strives to recognize environmental managers and raise industry standards, and increase the value of these practitioners to their employers and others to whom services are provided.

We appreciate LuAnn's hard work and dedication to the City.

Budget Impact: \$.00 _____ Is this expenditure approved in the current fiscal year budget? *N/A* If no, describe how it will be funded.

Suggested Motion:

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Adam Murr

Department: Admin

Date Submitted: 03/21/2018

Presenter: Adam Murr

Date of Council Meeting to consider this item: 04/05/2018

Nature of Item: Council Action

Summary of Information/Request:

Item # 09

The City of Hendersonville Council and Staff recognizes the benefit to providing public schools water and sewer services at a new standard rate. A new "Public Schools" water and sewer rates may be charged to public schools in Henderson County connected to the City of Hendersonville's water and sewer systems.

Public schools have unique water and sewer usage patterns- tending to use higher volumes of water and sewer capacity during off-peak months. Because public schools use less capacity in peak months; and because public schools provide necessary public services at the expense of taxpayers, the City is creating a unique rate. The new "Public Schools" rate will be as follows:

1. Water for public schools will be charged at \$5.91 base fee per month and a \$2.86 volumetric fee per 1,000 gallons.
2. Sewer for public schools will be charged at \$6.60 base fee per month and a \$4.55 volumetric fee per 1,000 gallons.

Budget Impact: \$ 30,000 Is this expenditure approved in the current fiscal year budget? ^{N/A} If no, describe how it will be funded.

\$30,000 reflects the anticipated decrease in annual revenue from implementing the new public schools water and sewer rates.

Suggested Motion:

I move to City Council's approval of the amended fee schedule adopting a unique rate for water and sewer services for all public schools connected to the City of Hendersonville's water and sewer systems.

Attachments:

Revised water and sewer rate/fee schedule. Additions to the rate/fee schedule are highlighted in yellow.

CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2017 - 2018

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK

DESCRIPTION	COST/CHARGE/FEE
WATER AND SEWER	
Water Rate Schedule	
Deposits	
Water & Sewer Service Deposit ¹	\$100.00
<i>Inside City Limits</i>	
Residential	
Base Charge per Account	\$5.91 per month
Rate per 1,000 Gallons	
0 - 40,000 gallons	\$2.86 per 1000 gallons
> 40,000 gallons	\$3.14 per 1000 gallons
Commercial/Industrial	
Base Charge per Account	\$5.91 per month
Rate per 1,000 Gallons	
0 - 40,000 gallons	\$2.86 per 1000 gallons
40,000 - 200,000 gallons	\$2.18 per 1000 gallons
> 200,000 gallons	\$2.15 per 1000 gallons
Irrigation	
Base Charge per Account	\$6.39 per month
Rate per 1,000 Gallons	
0 - 40,000 gallons	\$3.14 per 1000 gallons
> 40,000 gallons	\$3.46 per 1000 gallons
<i>Outside City Limits</i>	
Residential	
Base Charge per Account	\$8.59 per month
Rate per 1,000 Gallons	
0 - 40,000 gallons	\$4.42 per 1000 gallons
> 40,000 gallons	\$4.85 per 1000 gallons
Commercial/Industrial	
Base Charge per Account	\$8.55 per month
Rate per 1,000 Gallons	
0 - 40,000 gallons	\$4.42 per 1000 gallons
40,000 - 200,000 gallons	\$3.33 per 1000 gallons
> 200,000 gallons	\$3.17 per 1000 gallons
Irrigation	
Base Charge per Account	\$9.31 per month
Rate per 1,000 Gallons	
0 - 40,000 gallons	\$4.85 per 1000 gallons
> 40,000 gallons	\$5.34 per 1000 gallons
<i>Other Customers</i>	
Municipal	
Base Charge per Account	\$8.55 per month
Rate per 1,000 Gallons	
All Usage	\$2.87 per 1000 gallons
Bulk Water Sales	
Base Charge per Account	\$9.31 per month
Rate per 1,000 Gallons	
0 - 40,000 gallons	\$4.85 per 1000 gallons
> 40,000 gallons	\$5.34 per 1000 gallons
Public Schools	
Base Charge per Account	\$5.91 per month
Rate per 1,000 Gallons	\$2.86 per 1000 gallons

CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2017 - 2018

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK

DESCRIPTION	COST/CHARGE/FEE
WATER AND SEWER	
Sewer Rate Schedule	
All Customers - Inside	
Base Charge per Account	\$6.60 per month
Rate per 1,000 Gallons	\$4.55 per 1000-gallons
Sewer Only - Flat Rate	\$29.58 per month
All Customers - Outside	
Base Charge per Account	\$9.64 per month
Rate per 1,000 Gallons	\$7.06 per 1000-gallons
Sewer Only - Flat Rate	\$44.66 per month
Municipal	
Base Charge per Account	\$9.64 per month
Rate per 1,000 Gallons	\$6.73 per 1000-gallons
<i>Note: These sewer rates are not applicable to the Cane Creek Sanitary Sewer District</i>	
Public Schools	
Base Charge per Account	\$6.60 per month
Rate per 1,000 Gallons	\$4.55 per 1000 gallons



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 3-27-18

Presenter: Susan G. Frady

Date of Council Meeting to consider this item: 3-05-17

Nature of Item: Council Action

Summary of Information/Request:

Item # 10

The City Council continued the Public Hearing for the closing of an alley off of Kensington Road at the request of Robert Baumann and Robert Duffey to the April 5, 2018 meeting. Each month we have continued the request to allow him further time to do research. I received the attached e-mails from Derek Cote' today that the applicant would like to withdraw his application at this time.

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

Suggested Motion:

Attachments:
e-mails

Frady, Susan

From: Derek Côté <derekcotestudio@gmail.com>
Sent: Tuesday, March 27, 2018 11:54 AM
To: Frady, Susan
Subject: Re: Alley closing

We have nothing further to present at this time. So I guess, that's a Yes.

Thank you.

Derek Côté

derekcote.com

On Mar 27, 2018, at 10:55 AM, Frady, Susan <sfrady@hvlnc.gov> wrote:

Hi Derek,

Just to be clear, do you want to withdraw your application? Thanks!

 **Susan G. Frady**
Development Assistance Director | Development Assistance Dept.
City of Hendersonville
100 N King St, Hendersonville, NC 28712
O: 828.697.3010 | F: 828.698.6185
www.hendersonvillenc.gov

From: Derek Côté [<mailto:derekcotestudio@gmail.com>]
Sent: Tuesday, March 27, 2018 10:18 AM
To: Frady, Susan <sfrady@hvlnc.gov>
Subject: Alley closing

Hello Susan,

Thank you for keeping our alley closing on the agenda giving its time to do research. However, We were unable to find anything in our deed research so you can go ahead and remove us from the agenda.

The neighbor is still being difficult to deal with so we will have to find another way to get them to be compliant.

I appreciate all that you have done to help us.

Warmly,

Derek Côté

derekcote.com



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 3-1-18

Presenter: Susan G. Frady, Development Asst Director

Date of Council Meeting to consider this item: 4-5-18

Nature of Item: Council Action

Summary of Information/Request:

Item # 11

The City of Hendersonville has received a petition from Ryan Howell for contiguous annexation of parcels 9577-09-3339 and 9577-09-3279 containing approximately 0.60 acres located at 914,916,918 and 920 Rutledge Road. This annexation application is related to a sewer service request due to a failing septic tank. Please refer to the attached maps for additional information.

At your meeting of March 1, 2018, you accepted the Clerk's Certificate of Sufficiency and recommended a public hearing for the April 5, 2018 City Council meeting.

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

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

Suggested Motion:

I move the City Council adopt an ordinance annexing the property included in the petition from Ryan Howell effective April 5, 2018.

Attachments:

Ordinance
Map
Survey
Certificate of Sufficiency

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF HENDERSONVILLE, NORTH CAROLINA
Ryan Howell**

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall, Hendersonville, N.C. at 5:45 p.m., on the fifth day of April 2018, after due notice by publication as by law provided; and,

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

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

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

Section 1. By virtue of the authority granted by G.S. 160A-58.1, as amended, the following described area is hereby annexed and made part of the City of Hendersonville as of the fifth day of April 2018.

DESCRIPTION OF PROPERTY

TRACT ONE:

BEGINNING at the eastern most corner of that property described in Deed Book 434, Page 627, Henderson County Registry; and running thence from said beginning point, South 64 deg. West 111.7 feet; thence North 83 deg. West 17 feet; thence North 21 deg. 30 min West 91 feet; thence North 67 deg. East 125 feet; thence South 21 deg. 30 min East 92 feet to the point and place of beginning.

There is also conveyed herein a right of way for purposes of ingress, egress and regress from Rutledge Drive, said right of way being 20 feet in width and being described as follows: Beginning at the easternmost margin of Rutledge Drive at the southernmost corner of that property described in Deed Book 434, Page 627 of said Registry; and running thence from said beginning point, North 52 deg. 30 min East 255.70 feet; thence South 83 deg. East 112.70 feet to the property as conveyed herein.
Being all of the property described in Deed Book 678, Page 565, Henderson County Registry.

TRACT TWO:

BEGINNING at a new Iron pin in the eastern margin of the 20 foot right of way for Rutledge Annex, said new Iron pin being the southwestern most corner of the Elgin tract (now or formerly) as shown and described in the deed found in the Deed Book 594 at Page 832 of the Henderson County, North Carolina Registry, and said new Iron pin is also the westernmost corner of Tract Two of that real property described in deed recorded in Deed Book 441 at Page 521 of the Henderson County Registry, and moving thence from said beginning point and traveling North 67 deg. 00 min.00 sec. East 100 feet to an existing Iron pin; thence turning and running South 25 deg. 00 min. 11 sec. East 18.75 feet to an existing Iron pin; thence North 67

deg. 00 min. 00 sec. East 25 feet to a new iron pin in the western boundary of the Adden tract as shown and described In deed found in Deed Book 554 at Page 139 of the Henderson County Registry; thence turning and running South 27 deg. 17 min. 32 sec. East 91.86 feet to an existing Iron pin; thence turning and running South 67 deg. 16 min. 28 sec. West 125 feet to a new Iron pin in the eastern margin of the 20 foot right of way for Rutledge; thence turning and running along and with the 20 foot right of way for Rutledge Annex North 26 deg. 55 min. 34 sec. West 110 feet to the new Iron that is the point and place of BEGINNING and containing .30 acres, more or less according to a survey prepared by David C. Huntley, R.L.S., L-3204, entitled "Survey for Freddie J. Justus and Betty J. Justus" under date of March 24, 1994 and being Dwg No. H-1329.

BEING that same property conveyed to Larry G. Baber, et al by deed recorded in Deed Book 980 at Page 159, Henderson County Registry..

Section 2. Upon and after the fifth day of April 2018, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Hendersonville, and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-31, as amended.

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

ADOPTED this fifth day of April 2018.

Barbara Volk, Mayor, City of Hendersonville

ATTEST:

Tammie K. Drake, CMC, City Clerk

APPROVED AS TO FORM:

Samuel H. Fritschner, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON
I, _____, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara Volk in her capacity of Mayor of the City of Hendersonville; Tammie K. Drake, in her capacity of City Clerk; and Samuel H. Fritschner, in his capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.
Witness my hand and notarial seal, this _____, 2018.

My commission expires _____

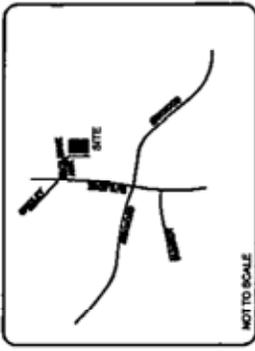


City of Hendersonville
January 2018



Annexation Area
PIN(s) 9577-09-3279
& 9577-09-3339
0.60 Acres

-  Annexation Area
-  Hendersonville Boundary



LOCATION MAP

I, Julian V. Chismore, Jr., certify that this plat was drawn under my supervision from an actual survey made under my direction. (Check description recorded in Book 3137, page 446, Henderson County, North Carolina, for a more complete description of the property.) I further certify that this plat is a true and correct copy of the original as shown to me by the person or persons who prepared it in accordance with G.S. 47-35 as amended. Witness my original signature, registration number 2018, A.D., _____ day of _____, 2018.

(NOTE) - This survey is of existing parcels of land and does not create a new street or change an existing street.

Julian V. Chismore, Jr.
L-2814

State of North Carolina
Henderson County

I, _____, Register of Deeds
Henderson County

Filed and recorded in the Register of Deeds Office for Henderson County, N.C., on _____ day of January, 2018 at _____ o'clock _____ in the _____

Register of Deeds

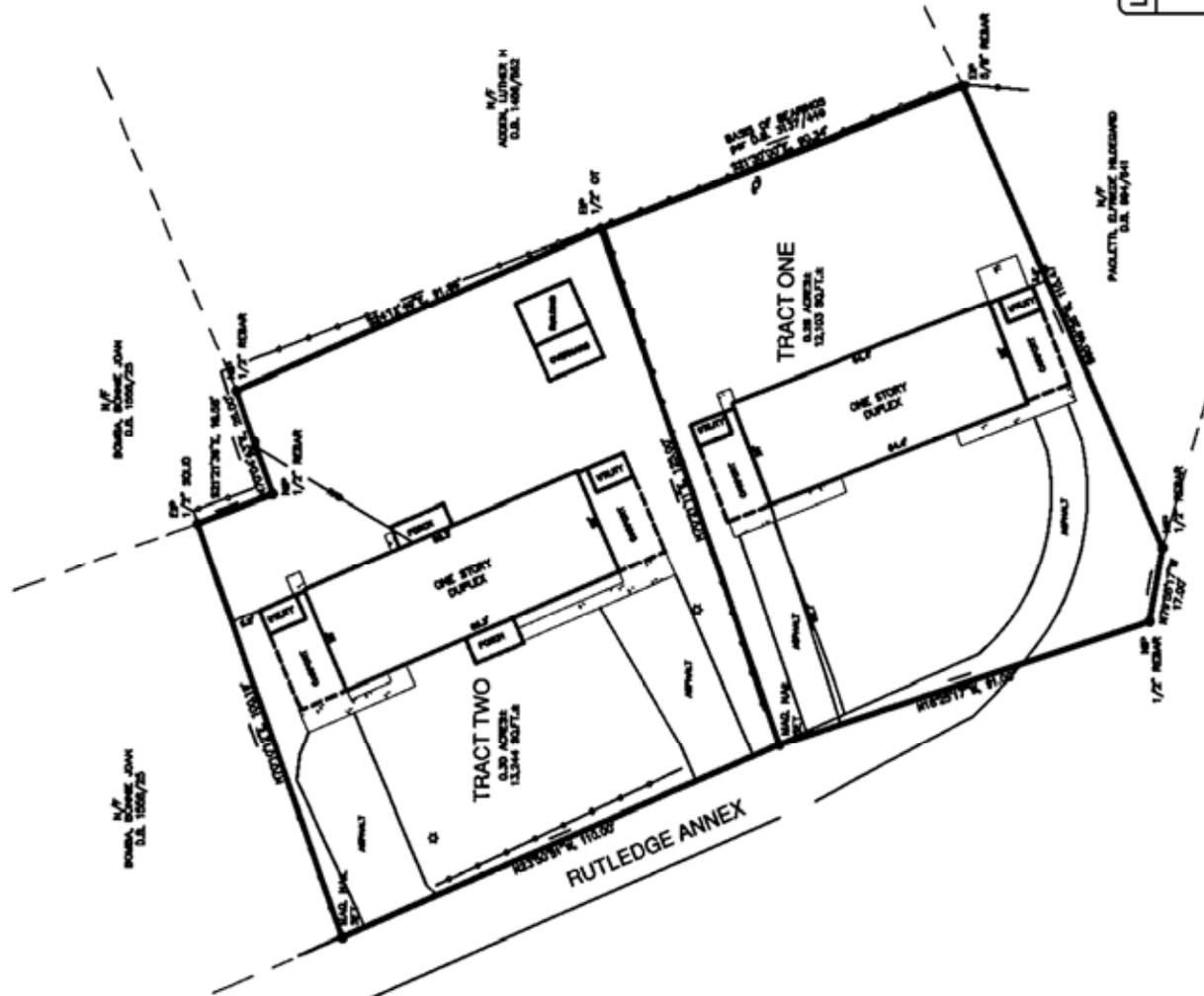
STATE OF NORTH CAROLINA
Henderson County, Hendersonville Township

Survey for
RYAN T. & ASHLEY M. HOWELL
914 and 920 RUTLEDGE ANNEX

NOT FOR CONSTRUCTION
This plat was prepared by the undersigned and is subject to the provisions of the General Statutes of North Carolina relating to the recording of plats.

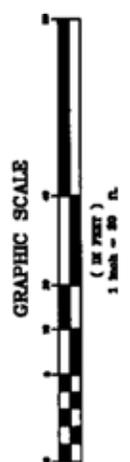


REGISTERED PROFESSIONAL SURVEYOR	STATE OF NORTH CAROLINA
NAME: JULIAN V. CHISMORE, JR.	LICENSE NO.: L-2814
EXPIRES: JANUARY 18, 2020	ISSUED: JANUARY 18, 2018
RENEWAL DATE: _____	ISSUE DATE: _____
REGISTRATION NO.: _____	REGISTRATION DATE: _____
REGISTRATION STATE: _____	REGISTRATION TYPE: _____
REGISTRATION CLASS: _____	REGISTRATION FEE: _____
REGISTRATION EXPIRES: _____	REGISTRATION RENEWAL: _____



LEGEND:

MP	NEIGHBOR PIN (1/4" RADIUS)
EP	EXISTING IRON PIPE
CP	CALCULATED POINT ONLY
○	UTILITY VALVE
○	WATER VALVE
○	GAS VALVE
○	WATER METER
○	PVC HYDRANT
○	SEWAGE RIGID MANHOLE
○	CAST IRON MANHOLE
○	CLEANOUT
○	CLUMP INLET
○	TRANSFORMER
○	HEADPOST POWER
○	FORCE LINE



CERTIFICATE OF SUFFICENCY

**RE: Petition for Contiguous Annexation
Ryan Howell
File No. P18-01-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 9577-09-3339 and 9577-09-3279 located at 914, 916, 918 and 920 Rutledge Annex.

- 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 Ryan Howell is valid.

In witness whereof, I have here unto set my hand and affixed the seal of the City of Hendersonville, this 29 day of January, 2018.

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





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 3-14-18

Presenter: Daniel Heyman, City Planner

Date of Council Meeting to consider this item: 4-05-18

Nature of Item: Council Action

Summary of Information/Request:

Item # 12

The City is in receipt of an application for a zoning map amendment. The applicant is Billy Pace and the property is listed to Pace Brother's Construction Company. The applicant is requesting to rezone PIN 9578-24-8681 from R-15, Medium Density Residential to C-3, Highway Business District. The parcel is located off of Spartanburg Highway on E. Central Street and is approximately 2.1 acres.

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 on Page 5 of the Memorandum.

Attachments:

Memorandum
Maps
Ordinance

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Development Assistance Department
RE: Pace Brothers Construction Co. Rezoning
FILE #: P18-03-Z
DATE: April 5, 2018

PROJECT HISTORY

The City is in receipt of an application for a zoning map amendment. The applicant is Billy Pace and the property is listed to Pace Brothers Construction Company. The applicant is requesting to rezone PIN 9578-24-8681 from R-15 Medium-Density Residential to C-3 Highway Business. The parcel is located off of Spartanburg Highway on E Central Street and is approximately 2.1 acres.

COMPREHENSIVE PLAN CONSISTENCY

According to N.C.G.S.160A-383, zoning map amendments shall be made in accordance with a comprehensive plan. As shown on the map located on page 8, the 2030 Comprehensive Plan's Future Land Use Map designates 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. The primary and secondary recommended land uses for the High Intensity Neighborhood land use category are as follows:

Primary

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

Secondary

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

PROPOSED ZONING CLASSIFICATION

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

SURROUNDING LAND USE & ZONING CLASSIFICATION

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

ANALYSIS

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

Table A

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

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

C-3, Highway Business District

Permitted Uses:

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

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

Conditional Uses:

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

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

R-15, Medium Density Residential

Permitted Uses:

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

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

Conditional Uses:

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

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 March 12, 2018. The Planning Board voted unanimously to recommend that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation for a portion of parcel number 9578-24-8681 from R-15, Medium Density Residential to C-3, Highway Business, finding that the rezoning is consistent with the Comprehensive Plan's Future Land use map, the rezoning is reasonable, and in the public interest for the following reasons: to continue with the property that was rezoned last year.

SUGGESTED MOTIONS

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 for parcel number 9578-24-8681 from R-15, Medium Density Residential to C-3 Highway Business, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, the rezoning is reasonable, and in the public interest for the following reasons:

[PLEASE STATE YOUR REASONS]

For Recommending Denial:

I move that City Council not adopt an ordinance rezoning parcel number 9578-24-8681.

[PLEASE STATE YOUR REASONS]

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

IN RE: FILE NO. P18-03-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 for a portion of parcel number 9578-24-8681 from City of Hendersonville R-15, Medium Density Residential to City of Hendersonville C-3, Highway Business.
2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 5th day of April, 2018.

Barbara Volk, Mayor

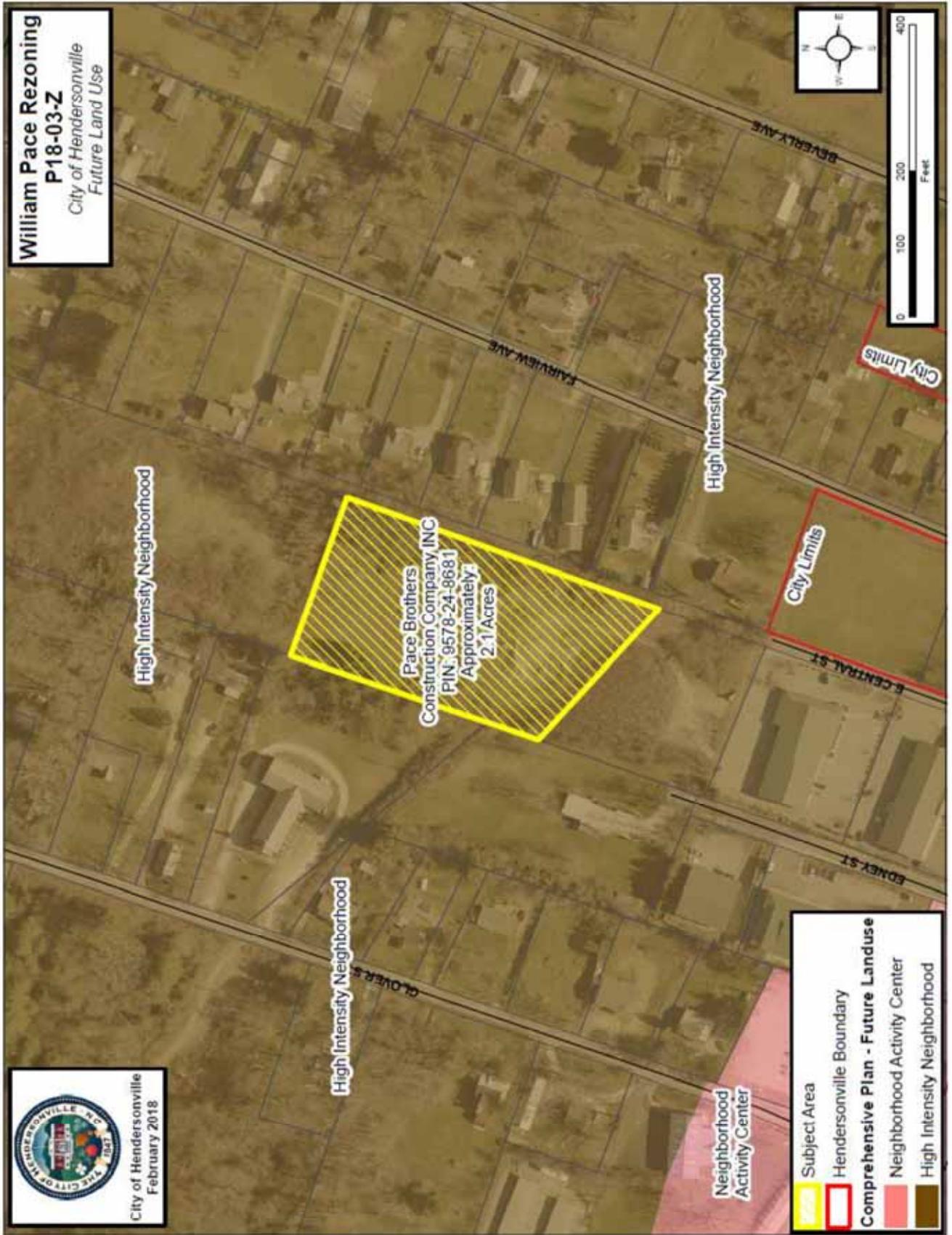
ATTEST:

Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

William Pace Rezoning
P18-03-Z
 City of Hendersonville
 Future Land Use



Comprehensive Plan - Future Landuse

- Subject Area
- Hendersonville Boundary
- Neighborhood Activity Center
- High Intensity Neighborhood

Pace Brothers
 Construction Company, INC
 PIN: 9578-24-8681
 Approximately:
 2.1 Acres

High Intensity Neighborhood

High Intensity Neighborhood

High Intensity Neighborhood

Neighborhood
 Activity Center

City Limits

City Limits

E CENTRAL ST

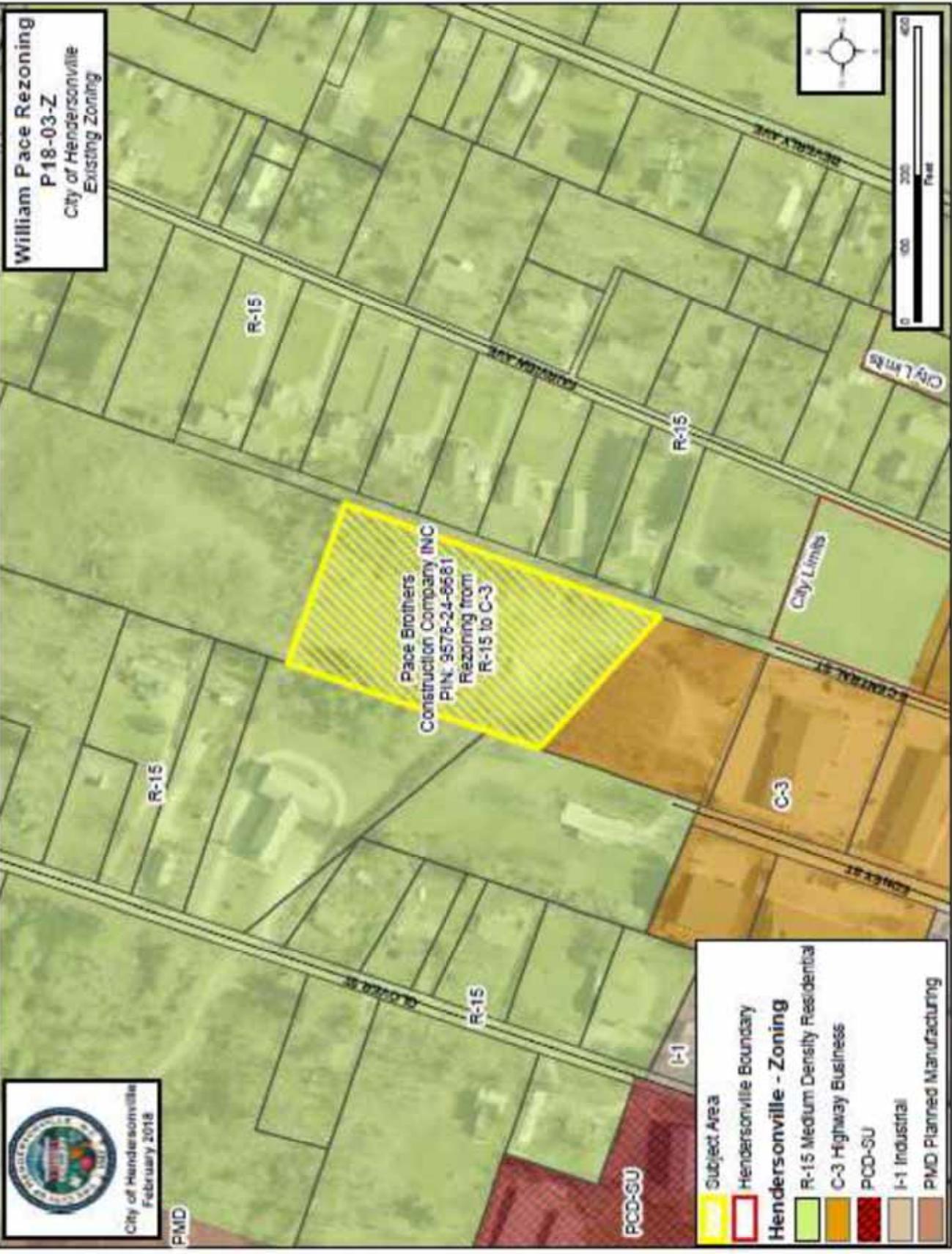
EDNEY ST

FAIRVIEW AVE

BEVERLY AVE

CL OVER ST

**William Pace Rezoning
P18-03-Z
City of Hendersonville
Existing Zoning**



PMD

R-15

R-15

R-15

R-15

I-1

PCCD-SU

Pace Brothers
Construction Company INC
PIN: 9578-24-8681
Rezoning from
R-15 to C-3

City Limits

15717-178-230

15717-178-230

City Limits

15717-178-230

15717-178-230

15717-178-230





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 3-14-18

Presenter: Matt Champion, Senior Planner

Date of Council Meeting to consider this item: 4-5-18

Nature of Item: Council Action

Summary of Information/Request:

Item # 13

The Development Assistance Department has received an application from Mark Searcy to amend the City of Hendersonville Zoning Ordinance to allow mobile food vendors.

Staff is suggesting to add a new category called mobile food vendor that will be distinct from restaurants and special event vendors.

Mobile food vendors will be added as a permitted use subject to special requirements in the HMU, Highway Mixed Use, CMU, Central Mixed Use, C-3, Highway Business, C-2, Secondary Business, and I-1 Industrial Zoning Districts.

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 15 of the Memorandum.

Attachments:

Memo
Ordinance

MEMORANDUM

TO: Honorable Mayor and Council

FROM: Development Assistance Department

RE: Text Amendment of Section 4-5 Classification of Uses Table 4-5, Section 5-7-1 C-2 Permitted Uses, Section 5-8-1 C-3 Permitted Uses, Section 5-12-1 I-1 Permitted Uses, Section 5-19-1 CMU Permitted Uses, Section 5-23-1 HMU Permitted Uses, Section 12-2 Definition of Commonly Used Terms and Words, and Article XVI Special Requirements for Certain Uses Section 16-4 Standards Pertaining to Mobile Food Vendor.

FILE #: P18-02-ZTA

DATE: April 5, 2018

PROJECT HISTORY

Development Assistance Department received an application from Mark Searcy to amend the City of Hendersonville Zoning Ordinance to allow mobile food vendors.

Staff is suggesting to add a new zoning category called mobile food vendor that will be distinct from restaurants and special event food vendors.

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

Article IV Establishment of Districts Table 4-5

Add "mobile food vendor" as a permitted use subject to special requirements (SR) in the HMU Highway Mixed Use, CMU Central Mixed Use, C-3 Highway Business, C-2 Secondary Business, and I-1 Industrial Zoning Districts.

Article V Zoning District Classifications Section 5-7 C-2 Secondary Business Zoning District Classification

5-7-1 Permitted Uses: The following uses are permitted by right in the C-2 Secondary Business Zoning District Classification, provided that they meet all requirements of this Section and all other requirements established in this Ordinance:

- Accessory dwelling units subject to special requirements contained in Section 16-4, below
- Accessory uses & structures
- Adult care centers registered with the NC Department of Human Resources
- Animal hospitals & clinics so long as the use contains no outdoor kennels
- Automobile car washes

Automobile sales & service establishments
Banks and other financial institutions
Bed & breakfast facilities
Business services
Congregate care facilities, subject to special requirements contained in Section 16-4, below
Construction trades facilities so long as the storage of equipment and materials is screened from view from public rights-of-way
Convenience stores with or without gasoline sales
Cultural arts buildings
Dance and fitness facilities
Dry cleaning and laundry establishments containing less than 6,000 ft² of floor area
Farm equipment sales & service
Food pantries, subject to the special requirements contained in Section 16-4, below
Funeral homes
Golf driving ranges & par three golf courses
Greenhouses & nurseries, commercial
Home occupations
Hotels and motels
Laundries, coin-operated
Microbreweries, subject to special requirements contained in Section 16-4, below
Mobile food vendor, subject to special requirements contained in Section 16-4, below
Music and art studios
Neighborhood community centers
Newspaper offices and printing establishments
Nursing homes subject to special requirements contained in Section 16-4, below
Offices, business, professional and public
Parking lots and parking garages
Parks
Personal services
Planned residential developments (minor), subject to the requirements of Article VII, below
Progressive care facilities subject to special requirements contained in Section 16-4, below
Public & semi-public buildings
Recreational facilities, indoors
Recreational facilities, outdoors, commercial
Religious institutions
Repair services, miscellaneous
Residential care facilities
Residential dwellings, single-family
Residential dwellings, two-family
Rest Homes, subject to special requirements contained in Section 16-4, below
Restaurants
Retail stores

Schools, post-secondary, business, technical and vocational
Schools, primary & secondary
Service stations
Signs, subject to the provisions of Article XIII
Telecommunications antennas, subject to special requirements contained in Section 16-4, below
Theaters, indoor
Wholesale businesses

Article V Zoning District Classifications Section 5-8 C-3 Highway Business Zoning District Classification

5-8-1 Permitted Uses: The following uses are permitted by right in the C-3 Highway Business Zoning District Classification, provided that they meet all requirements of this Section and all other requirements established in this Ordinance:

Accessory dwelling units subject to special requirements contained in Section 16-4, below
Accessory uses & structures
Adult care centers registered with the NC Department of Human Resources
Animal hospitals & clinics as long as they contain no outdoor kennels
Automobile car washes
Automobile sales & service establishments
Automotive paint & body work
Banks and other financial institutions
Bed & breakfast facilities
Business services
Congregate care facilities, subject to special requirements contained in Section 16-4, below
Construction trades facilities so long as the storage of equipment and materials is screened from view from any public rights-of-way
Convenience stores with or without gasoline sales
Cultural arts buildings
Dance and fitness facilities
Dry cleaning and laundry establishment containing less than 6,000 ft² of floor area
Farm equipment sales & service
Food pantries, subject to the special requirements contained in Section, 16-4 below)
Food processing establishments containing less than 10,000 ft² of gross floor area
Funeral homes
Golf driving ranges & par three golf courses
Greenhouses & commercial nurseries
Home occupations
Hotels and motels
Laundries, coin-operated
Microbreweries, subject to special requirements contained in Section 16-4, below

Mobile food vendor, subject to special requirements contained in Section 16-4, below
Mobile homes sales establishments so long as they are situated on a major thoroughfare containing four or more traffic lanes
Music and art studios
Newspaper offices and printing establishments
Nursing homes subject to special requirements contained in Section 16-4, below
Offices, business, professional and public
Parking lots and parking garages
Parks
Personal services
Planned residential developments (minor), subject to the requirements of Article VII, below
Progressive care facilities subject to special requirements contained in Section 16-4, below
Public & semi-public buildings
Recreational facilities, indoors
Recreational facilities, outdoors, commercial
Religious institutions
Repair services, miscellaneous
Residential care facilities
Residential dwellings, single-family
Residential dwellings, two-family
Rest homes subject to special requirements contained in Section 16-4, below
Restaurants
Restaurants, drive-in
Retail stores
Schools, post-secondary, business, technical and vocational
Schools, primary & secondary
Service stations
Signs, subject to the provisions of Article XIII
Telecommunications antennas, subject to special requirements contained in Section 16-4, below.
Telecommunications towers, subject to special requirements contained in Section 16-4, below.
Theaters, indoor
Wholesale businesses

Article V Zoning District Classifications Section 5-12 I-1 Industrial Zoning District Classification

5-12-1 Permitted Uses: The following uses are permitted by right in the I-1 Industrial Zoning District Classification, provided that they meet all requirements of this Section and all other requirements established in this Ordinance. SIC references are to the 1987 edition of the Standard Industrial Classification Manual published by the Office of Management and Budget.

Accessory dwelling units subject to special requirements contained in Section 16-4,
below
Accessory uses & structures
Agricultural supplies, bulk
Animal hospitals & clinics subject to special requirements contained in Section 16-4,
below.
Automobile car washes
Automobile sales & service
Automobile paint & body work
Bottling plants
Breweries
Bus stations
Business services
Cemeteries, mausoleums, columbariums, memorial gardens, and crematoriums
Cideries
Cideries, hard
Civic centers
Concrete plants
Congregate care facilities, subject to special requirements contained in Section 16-4,
below
Construction trades facilities
Convenience stores with or without gasoline sales
Day care facilities
Distilleries
Dry cleaning & laundry
Exhibition buildings
Exterminators
Fairgrounds
Farm equipment sales & service
Feed and grain storage
Freight terminals (SIC Groups 40, 41, 42)
Food processing establishments, limited to dairy products, bakery products, canneries,
and beverage products (SIC codes 202, 203, 205 and 208), not to include slaughtering
plants
Funeral homes
Golf courses and related activities Government facilities
Greenhouses & commercial nurseries
Health clubs and athletic facilities
Heavy equipment, sales, rentals, leases, and service
Heavy equipment storage
Hospitals
Hotels
Laboratories with or without outdoor storage or operations
Manufacturing (selected industries)

Merchandise gaming operations
Microbreweries
Mini-warehouses
Mobile food vendor, subject to special requirements contained in Section 16-4, below
Motels
Motor freight terminals
Nursing homes, subject to special requirements contained in Section 16-4, below
Parking lots and parking garages
Parks
Passenger transportation terminals
Personal Services
Planned residential developments (minor), subject to the requirements of Article VII, below
Progressive care facilities, subject to special requirements contained in Section 16-4, below
Public and semi-public structures
Publishing and printing establishments
Radio and television broadcasting studios
Recreational facilities, commercial, indoor
Recreational facilities, commercial, outdoor
Recycling centers
Religious institutions
Repair services, miscellaneous
Research and development with or without outdoor storage and operations
Residential dwellings
Rest homes, subject to special requirements contained in Section 16-4, below
Restaurants
Restaurants, drive-in
Retail stores
Service stations
Signs, subject to the provisions of Article XIII
Storage yards
Telecommunications antennas, subject to special requirements contained in Section 16-4, below.
Telecommunications towers, subject to special requirements contained in Section 16-4, below.
Travel trailer sales
Treatment plants, water and sewer
Vehicle repair shops with or without outdoor operations and storage
Vehicle storage areas, not to include junk yards and wrecking yards as defined by NCGS 136-143
Warehouses
Wineries
Wholesaling establishments

Article V Zoning District Classifications Section 5-19 CMU Central Mixed Use Zoning District Classification

5-19-1 Permitted Uses The following uses are permitted by right in the CMU Central Mixed Use Zoning District Classification provided they meet all requirements of this Section and all other requirements established in this Ordinance:

Accessory dwelling units
Accessory uses & structures Adult care centers registered with the NC Department of Human Resources
Adult care homes
Animal hospitals so long as they are totally enclosed
Automobile car washes
Banks & other financial institutions
Bed & breakfast facilities
Bus stations
Business services
Child care homes
Congregate care facilities, subject to special requirements contained in Section 16-4, below
Construction trades facilities
Convenience stores with or without gasoline sales)
Cultural art buildings
Dance & fitness facilities
Dry cleaning & laundry establishments containing less than 2,000 ft² of floor space
Funeral homes
Garage apartments
Home occupations
Hotels & motels
Laundries, coin-operated
Microbreweries, subject to special requirements contained in Section 16-4, below
Mobile food vendor, subject to special requirements contained in Section 16-4, below
Music & art studios
Newspapers and printing companies
Nursing homes, subject to special requirements contained in Section 16-4, below
Offices, business, professional and public
Parking lots & parking garages
Parks
Personal services
Planned residential developments (minor), subject to the requirements of Article VII, below
Progressive care facilities, subject to special requirements contained in Section 16-4below
Public & semi-public buildings
Recreational facilities, indoors

- Religious institutions
- Repair services, miscellaneous
- Residential dwellings, single family
- Residential dwellings, multi-family
- Residential dwellings, two-family
- Rest homes, subject to special requirements contained in Section 16-4, below
- Restaurants
- Retail stores
- Schools, post-secondary, business, technical and vocational
- Schools, elementary & secondary
- Signs, subject to the provisions of Article XIII, below
- Telecommunications antennas, subject to special requirements contained in Section 16-4, below
- Theaters, indoors

Article V Zoning District Classifications Section 5-23 HMU Highway Mixed Use Zoning District Classification

5-23-1 Permitted Uses. The following uses are permitted by right in the HMU Highway Mixed Use Zoning District Classification, provided they meet all requirements of this Section and all other requirements established in this Ordinance:

- Accessory dwelling units subject to special requirements contained in Section 16-4, below
- Accessory uses & structures
- Adult care centers registered with the NC Department of Human Resources
- Adult care homes
- Animal hospitals & clinics so long as they contain no outdoor kennels
- Automobile car washes
- Banks & other financial institutions
- Bed & breakfast facilities
- Business services
- Child care centers, subject to special requirements contained in Section 16-4, below
- Child care homes
- Civic clubs & fraternal organizations, subject to special requirements contained in Section 16-4 below
- Congregate care facilities, subject to special requirements contained in Section 16-4, below
- Construction trades facilities, so long as the storage of equipment and materials is screened from view from any public rights-of-way
- Convenience stores with or without gasoline sales
- Cultural arts buildings
- Dance, health & fitness facilities
- Dry cleaning and laundry establishments containing less than 6,000 ft² of floor area
- Funeral homes

Greenhouses & commercial nurseries
Home occupations
Hotels & motels
Laundries, coin-operated
Lawn & garden centers
Microbreweries, subject to special requirements contained in Section 16-4, below
Mobile food vendor, subject to special requirements contained in Section 16-4, below
Music & art studios
Neighborhood community centers
Newspaper offices & printing establishments
Nursing homes, subject to special requirements contained in Section 16-4, below
Offices, business, professional and public
Parking lots & parking garages
Parks
Personal services
Progressive care facilities, subject to special requirements contained in Section 16-4, below
Public & semi-public buildings
Recreational facilities, indoors
Recreational facilities, outdoors, commercial
Religious institutions
Repair services, miscellaneous
Residential care facilities
Residential dwellings, single family
Residential dwellings, multi-family
Residential dwellings, two-family
Restaurants
Restaurants, drive-in
Retail stores (not including automobile, manufactured housing, and boat & heavy equipment sales)
Schools, post-secondary, business, technical and vocational
Schools, primary & secondary
Service stations
Signs, subject to the provisions of Article XIII, below
Telecommunications antennas, subject to special requirements contained in Section 16-4, below
Theaters, indoors

Article XII Definition of Terms

Section 12-2 Definition of Commonly Used Terms and Words

Mobile Food Vendor: Are licensed motor vehicles or mobile food units which offer for sale and consumption food and beverages (excluding alcohol). This definition shall not apply to approved vendors during a permitted special event or as an accessory use to an approved primary use.

Article XVI Special Requirements For Certain Uses

Section 16-4 Standards. As stated herein, the following standards apply to the indicated use when such use is either a special use, a conditional use or a permitted use subject to special requirements. These standards are in addition to other applicable development standards contained in this ordinance.

Section 16-4 Standards is hereby renumbered as follows:

- 16-4- ~~47~~ 18 Nursing Homes
- 16-4- ~~48~~ 19 Pet-Sitting
- 16-4- ~~49~~ 20 Private Clubs
- 16-4- ~~20~~ 21 Progressive Care Facilities
- 16-4- ~~24~~ 22 Public Utility Facilities
- 16-4- ~~22~~ 23 Residential Care Facilities
- 16-4- ~~23~~ 24 Rest Homes
- 16-4- ~~24~~ 25 Restaurants
- 16-4- ~~25~~ 26 Schools, Primary & Secondary
- 16-4- ~~26~~ 27 Shelter Facilities
- 16-4- ~~27~~ 28 Telecommunications Towers and Antennas

Section 16-4 Standards is hereby amended as follows:

16-4-17 Mobile Food Vendor.

- a) Zoning Compliance Permits for mobile food vendor sites and mobile food vendors shall be valid for a period of one year, and shall be renewed annually.
- b) Mobile food vendors must have a base of operations, such as a restaurant or commissary, and must report to said base daily for supplies, cleaning, and servicing unless exempted by the Health Department. If the base of operations is under different ownership than the mobile food vendor, a written agreement for use must be submitted as part of the application. No waste, grease, or wastewater shall be released into the city's sanitary sewer or stormwater collection systems, ditches, tree wells, or other public spaces.

- c) There shall be no limit to the number of mobile food vendors per parcel so long as all other separation and site requirements as set forth below are met.
- d) Mobile food vendors shall follow the dimensional requirements of the zoning district classification in which they are located. If there are no dimensional requirements in zoning district classification, at a minimum, food vendors shall be situated at least ten feet from all property lines and any road right-of-way. Mobile food vendors shall not encroach onto any street, sidewalk, or travel way, and shall not obstruct any loading zone or handicapped parking space. Additionally, mobile food vendors must be:
 - 1) Located on property in a manner that does not eliminate required parking for a development or impede the flow of traffic in any way.
 - 2) Situated at least 25 feet from any permanent structure. The Development Assistance Director or designee may, upon recommendation of the fire marshal, approve the placement of mobile food vendors within 25 feet or less of a permanent structure. Such approval shall be based upon building type, building materials, existing fire breaks, and other pertinent information.
 - 3) Not located within 250 feet from any restaurant, and not within 100 feet from any residential structure or residential zoning district lot line.
 - 4) Set back a minimum of 10 feet in all directions from fire hydrants.
 - 5) Situated at least 20 feet from one another.
- e) Mobile food vendors on vacant sites shall adhere to Article XV Buffering, Screening, & Landscaping general requirements, including any overlay district landscaping requirements.
- f) Hours of operation for mobile food vendors shall be limited to 7:00 a.m. to 10:00 p.m. Mobile food vendor operators or their designee must be present at all times during operation, except in the event of an emergency.
- g) Vendors must vacate the site each day unless the vendor owns the site.
- h) Each food truck shall supply at least one waste receptacle which must be removed and emptied at the end of each day. City trash receptacles shall not be used for food truck waste.
- i) Mobile food vendors shall be limited to the following signage: one wall sign affixed to the vehicle or trailer per side of vehicle or trailer. Said sign shall be no larger than 32 square feet and one small A-frame sign not to exceed four feet in height and eight square feet of surface area may be placed within five feet of the vehicle or trailer to display daily specials, menus, or other similar information. Other signs and devices

including plaques, banners, pennants, streamers, and posters are not permitted.

j) 2 parking spaces required per mobile food vendor or vehicle.

ZONING ORDINANCE GUIDELINES

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

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

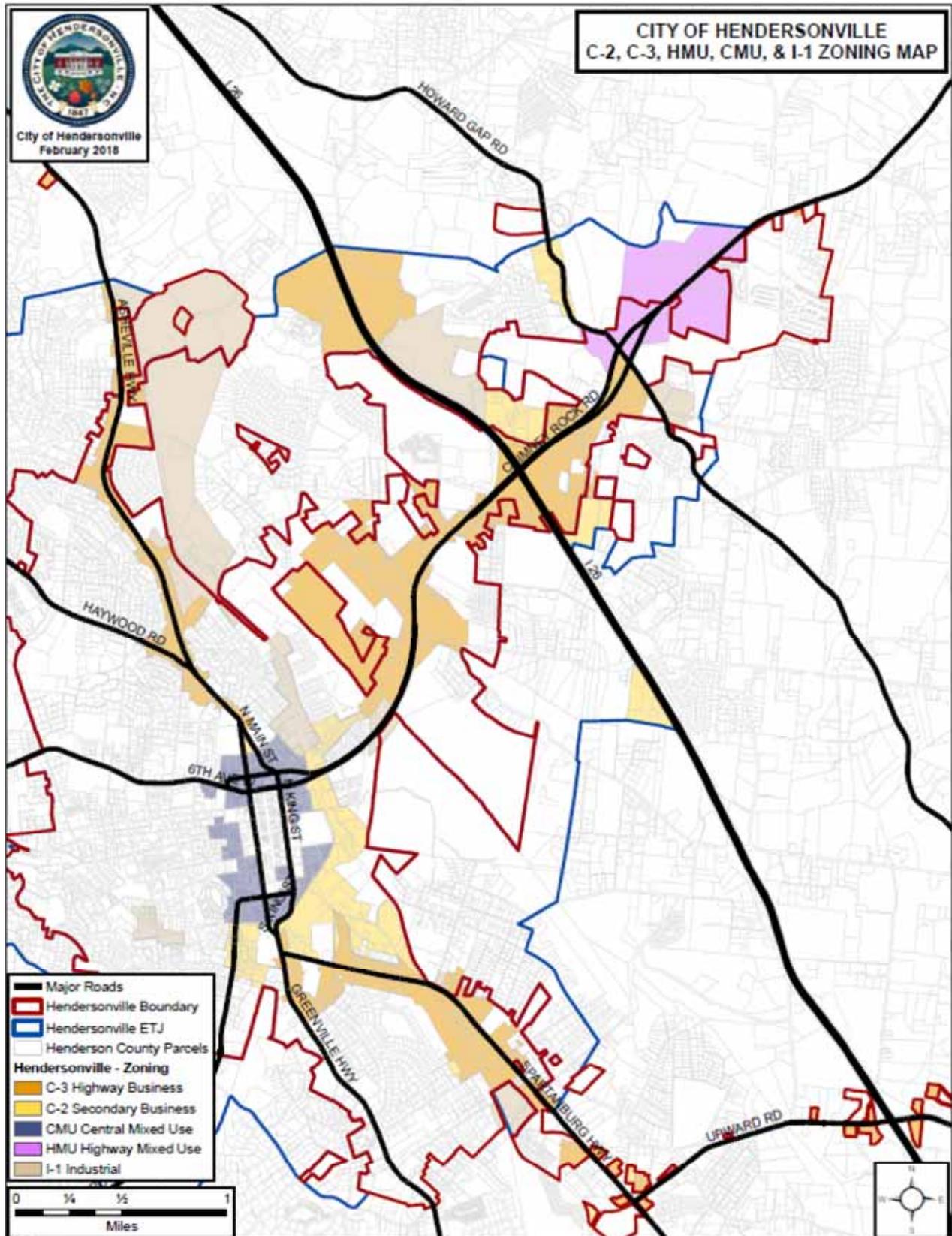
TEXT AND POLICY COMMITTEE

The Text & Policy Committee reviewed this request on February 27th and recommend the proposed text amendment amending the City of Hendersonville Zoning Ordinance Section 4-5 Classification of Uses Table 4-5, Section 5-7-1 C-2 Permitted Uses, Section 5-8-1 C-3 Permitted Uses, Section 5-12-1 I-1 Permitted Uses, Section 5-19-1 CMU Permitted Uses, Section 5-23-1 HMU Permitted Uses, Section 12-2 Definition of Commonly Used Terms and Words, and Article XVI (16) Special Requirements for Certain Uses Section 16-4 Standards Pertaining to Mobile Food Vendor.

PLANNING BOARD

The Planning Board review this request on March 12th and unanimously recommended that City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Section 4-5 Classification of Uses Table 4-5, Section 5-7-1 C-2 Permitted Uses, Section 5-8-1 C-3 Permitted Uses, Section 5-12-1 I-1 Permitted Uses, Section 5-19-1 CMU Permitted Uses, Section 5-23-1 HMU Permitted Uses, Section 12-2 Definition of Commonly Used Terms and Words, and Article XVI (16) Special Requirements for Certain Uses Section 16-4 Standards Pertaining to Mobile Food Vendor with the following modifications: reduce setback from existing restaurants 500 feet to 250 feet and reduce the maximum allowed signage from 36 square feet to 32 square feet.

On the following page is a map which shows the location of the properties zoned C-2 Secondary Business, C-3 Highway Business, CMU Central Mixed Use, HMU Highway Mixed Use, and I-1 Industrial.



SUGGESTED MOTIONS

For Recommending Approval:

I move that the City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Section 4-5 Classification of Uses Table 4-5, Section 5-7-1 C-2 Permitted Uses, Section 5-8-1 C-3 Permitted Uses, Section 5-12-1 I-1 Permitted Uses, Section 5-19-1 CMU Permitted Uses, Section 5-23-1 HMU Permitted Uses, Section 12-2 Definition of Commonly Used Terms and Words, and Article XVI (16) Special Requirements for Certain Uses Section 16-4 Standards Pertaining to Mobile Food Vendor.

[PLEASE STATE YOUR REASONS]

For Recommending Approval With Modifications:

I move that the City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Section 4-5 Classification of Uses Table 4-5, Section 5-7-1 C-2 Permitted Uses, Section 5-8-1 C-3 Permitted Uses, Section 5-12-1 I-1 Permitted Uses, Section 5-19-1 CMU Permitted Uses, Section 5-23-1 HMU Permitted Uses, Section 12-2 Definition of Commonly Used Terms and Words, and Article XVI (16) Special Requirements for Certain Uses Section 16-4 Standards Pertaining to Mobile Food Vendor with the following modifications.

[PLEASE STATE THE MODIFICATIONS AND YOUR REASONS]

For Recommending Denial:

I move that the City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Section 4-5 Classification of Uses Table 4-5, Section 5-7-1 C-2 Permitted Uses, Section 5-8-1 C-3 Permitted Uses, Section 5-12-1 I-1 Permitted Uses, Section 5-19-1 CMU Permitted Uses, Section 5-23-1 HMU Permitted Uses, Section 12-2 Definition of Commonly Used Terms and Words, and Article XVI (16) Special Requirements for Certain Uses Section 16-4 Standards Pertaining to Mobile Food Vendor.

[PLEASE STATE YOUR REASONS]

AN ORDINANCE AMENDING SECTION 4-5 CLASSIFICATION OF USES TABLE 4-5, SECTION 5-7-1 C-2 PERMITTED USES, SECTION 5-8-1 C-3 PERMITTED USES, SECTION 5-12-1 I-1 PERMITTED USES, SECTION 5-19-1 CMU PERMITTED USES, SECTION 5-23-1 HMU PERMITTED USES, SECTION 12-2 DEFINITION OF COMMONLY USED TERMS AND WORDS, AND ARTICLE XVI SPECIAL REQUIREMENTS FOR CERTAIN USES SECTION 16-4 STANDARDS PERTAINING TO MOBILE FOOD VENDOR.

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

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

WHEREAS, the City of Hendersonville understands the need to serve all members of the community, and

WHEREAS, the City of Hendersonville supports organizations that supply services to those in need, and

WHEREAS, the City of Hendersonville desires to amend those regulations with regards to pet-sitting.

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

1. Article IV Establishment of Districts Section 4-5 Classification of Uses Table 4-5 is hereby amended to include the following:

Add "mobile food vendor" as a permitted use subject to special requirements (SR) in the C-2, C-3, I-1, CMU, and HMU Zoning Districts.

2. Article V Zoning District Classifications, Section 5-7-1 C-2 Secondary Business Permitted Uses is hereby amended to include the following use:

Mobile food vendor.

3. Article V Zoning District Classifications, Section 5-8-1 C-3 Highway Commercial Permitted Uses is hereby amended to include the following use:

Mobile food vendor.

4. Article V Zoning District Classifications, Section 5-12-1 I-1 Industrial Permitted Uses is hereby amended to include the following use:

Mobile food vendor.

5. Article V Zoning District Classifications, Section 5-19-1 CMU Central Mixed Use Permitted Uses is hereby amended to include the following use:

Mobile food vendor.

6. Article V Zoning District Classifications, Section 5-23-1 HMU Highway Mixed Use Permitted Uses is hereby amended to include the following use:

Mobile food vendor.

7. Article XII Definition of Terms Section 12-2 Definition of Commonly Used Terms and Words is hereby amended to include the following definition:

Mobile Food Vendor: Are licensed motor vehicles or mobile food units which offer for sale and consumption food and beverages (excluding alcohol). This definition shall not apply to approved vendors during a permitted special event or as an accessory use to an approved primary use.

8. Article XVI Special Requirements For Certain Uses Section 16-4 Standards is hereby renumbered as follows:

- 16-4- ~~17~~ 18 Nursing Homes
- 16-4- ~~18~~ 19 Pet-Sitting
- 16-4- ~~19~~ 20 Private Clubs
- 16-4- ~~20~~ 21 Progressive Care Facilities
- 16-4- ~~21~~ 22 Public Utility Facilities
- 16-4- ~~22~~ 23 Residential Care Facilities
- 16-4- ~~23~~ 24 Rest Homes
- 16-4- ~~24~~ 25 Restaurants
- 16-4- ~~25~~ 26 Schools, Primary & Secondary
- 16-4- ~~26~~ 27 Shelter Facilities
- 16-4- ~~27~~ 28 Telecommunications Towers and Antennas

9. Article XVI Special Requirements For Certain Uses Section 16-4 Standards is hereby amended to include the following uses and special requirements:

Section 16-4 Standards is hereby amended as follows:

16-4-17 Mobile Food Vendor.

- a) Zoning Compliance Permits for mobile food vendor sites and mobile food vendors shall be valid for a period of one year, and shall be renewed annually.
- b) Mobile food vendors must have a base of operations, such as a restaurant or commissary, and must report to said base daily for supplies, cleaning, and servicing unless exempted by the Health Department. If the base of operations is under different ownership than the mobile food vendor, a written agreement for use must be submitted as part of the application. No waste, grease, or wastewater shall be released into the city's sanitary sewer or stormwater collection systems, ditches, tree wells, or other public spaces.
- c) There shall be no limit to the number of mobile food vendors per parcel so long as all other separation and site requirements as set forth below are met.
- d) Mobile food vendors shall follow the dimensional requirements of the zoning district classification in which they are located. If there are no dimensional requirements in zoning district classification, at a minimum, food vendors shall be situated at least ten feet from all property lines and any road right-of-way. Mobile food vendors shall not encroach onto any street, sidewalk, or travel way, and shall not obstruct any loading zone or handicapped parking space. Additionally, mobile food vendors must be:
- 1) Located on property in a manner that does not eliminate required parking for a development or impede the flow of traffic in any way.
 - 2) Situated at least 25 feet from any permanent structure. The Development Assistance Director or designee may, upon recommendation of the fire marshal, approve the placement of mobile food vendors within 25 feet or less of a permanent structure. Such approval shall be based upon building type, building materials, existing fire breaks, and other pertinent information.
 - 3) Not located within 250 feet from any restaurant, and not within 100 feet from any residential structure or residential zoning district lot line.
 - 4) Set back a minimum of 10 feet in all directions from fire hydrants.
 - 5) Situated at least 20 feet from one another.
- e) Mobile food vendors on vacant sites shall adhere to Article XV Buffering, Screening, & Landscaping general requirements, including any overlay district landscaping requirements.
- f) Hours of operation for mobile food vendors shall be limited to 7:00 a.m. to 10:00 p.m. Mobile food vendor operators or their designee must be present at all times during operation, except in the event of an emergency.

- g) Vendors must vacate the site each day unless the vendor owns the site.
 - h) Each food truck shall supply at least one waste receptacle which must be removed and emptied at the end of each day. City trash receptacles shall not be used for food truck waste.
 - i) Mobile food vendors shall be limited to the following signage: one wall sign affixed to the vehicle or trailer per side of vehicle or trailer. Said sign shall be no larger than 32 square feet and one small A-frame sign not to exceed four feet in height and eight square feet of surface area may be placed within five feet of the vehicle or trailer to display daily specials, menus, or other similar information. Other signs and devices including plaques, banners, pennants, streamers, and posters are not permitted.
 - j) Parking: Mobile food vendors / 2 per vendor or motor vehicle
10. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 9-8 of the Zoning Ordinance.
 11. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.
 12. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.
 13. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.
 14. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this ____ day of _____, 2018

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: Adam Murr

Department: Admin

Date Submitted: 03/20/2018

Presenter: Andy Honeycutt & MeterSYS Staff

Date of Council Meeting to consider this item: 04/05/2018

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 14

Andy Honeycutt & MeterSYS Staff will present findings and recommendations resulting from an analysis of the City's automated metering infrastructure (AMI) systems. The objectives of the MeterSYS analysis were to:

1. Recommend actionable improvements to operations and systems
2. Evaluate parameters and configurations used in key systems
3. Consider ongoing City initiatives and recent system changes
4. Map and validate source data within key systems
5. Identify potential training gaps
6. Understand customer-facing opportunities

This presentation will summarize the MeterSYS analysis, providing council with information on the current state of City AMI systems.

Staff will create a strategy, under direction of the City Council, to address MeterSYS findings and recommendations.

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

Suggested Motion:

N/A

Attachments:

N/A



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 03/26/2018

Presenter: John Connet/Herbert Blake

Date of Council Meeting to consider this item: 04/5/2018

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 15

Chief Herbert Blake has requested the hiring of an additional School Resource Officer for Bruce Drysdale School in the FY 2018-2019 Budget. Henderson County is also proposing the hiring of additional School Resource Officers for schools in their jurisdiction. City management would like to receive guidance from the City Council on this matter prior to the completion of the FY 2018-2019 Budget.

Budget Impact: \$ 120,000 per (1st year cost) Is this expenditure approved in the current fiscal year budget? ^{N/A} If no, describe how it will be funded.

Suggested Motion:

NA

Attachments:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 3/28/2018

Presenter: John Connet

Date of Council Meeting to consider this item: 04/5/2018

Nature of Item: Council Action

Summary of Information/Request:

Item # 16

Mayor Pro Tem Stephens has asked that the City Council have a further discussion regarding NCDOT's White Street widening and extension. The project includes two alternatives for consideration. The first alternative provides for extending the end of White Street through the car wash owned Norm's Mini Mart and returning to the right of way on Hebron. The second alternative diverts from the existing roadway just after crossing the bridge over Mud Creek and re-enters the right of way on Yarborough and Hebron. Both alternatives allow for signalized intersections versus roundabouts.

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 that City Council recommend _____ White Street alternative to NCDOT.

Attachments:

None - Please contact me if you like the link to the maps of the two alternatives.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Adam Murr

Department: Admin

Date Submitted: 03/20/2018

Presenter: John Connet

Date of Council Meeting to consider this item: 04/05/2018

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 18a

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

- 1) Fund 10 | \$959 | Property and liability insurance claims
- 2) Fund 10 | \$4,000 | Property and liability insurance claims
- 3) Fund 10 | \$3,470 | Engineering supplies and materials, worker's comp. insurance claims
- 4) Fund 60 | \$822 | Property and liability insurance claims
- 5) Fund 60 | \$1,740 | FSA Admin, Office Supplies, Travel budget deficit
- 6) Fund 60 | \$3,400 | Meter Sync File
- 7) Fund 60 | \$2,500 | Property and liability insurance claims
- 8) Fund 60 | \$30,760 | Purchase a wastewater pump for the WWTP

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

Suggested Motion:

NA

Attachments:

NA



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Admin

Date Submitted: 03.12.18

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 04.05.18

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 19

Appointment-Historic Preservation Commission: There is currently one vacant position on the HPC. The Council has received two applications (attached) to serve on the HPC: Brian Price and Derek Cote.

Appointments to be considered at the May 2018 meeting: The following boards/commission members' terms expire on June 30:

Business Advisory Committee: Cam Boyd-willing to serve, Rhonda Chislighi - declined reappointment

Downtown Advisory Committee: Michele Sparks, Lori Dorsey-declined reappointment, Carole Sitzer-willing to serve, Kelly Jones Friesen

Environmental Sustainability Board: Geri Conley-willing to serve, Kim Bailey-willing to serve, Alesia Griesmyer-willing to serve

Announcement/reminder of vacancies and up-coming vacancies: Environmental Sustainability Board, Tree Board: Ms. Kristy Lapidus has resigned from both boards due to obligations of her graduate school program.

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

Suggested Motion:

Attachments: