

AGENDA

CITY OF HENDERSONVILLE CITY COUNCIL – REGULAR MEETING

NOVEMBER 7, 2019 – 5:45 P.M.

Assembly Room – Operations Center
305 Williams Street
Hendersonville NC 28792

1. **Call to Order**
2. **Invocation and Pledge of Allegiance to the Flag**
3. **Public Comment Time:** *Up to 15 minutes is reserved for comments from the public for items not listed on the agenda*
4. **Consideration of Agenda**
5. **Consideration of Consent Agenda:** *These items are considered routine, noncontroversial in nature and are considered and approved by a single motion and vote.*
 - A. **Consideration of Minutes:**
 - i. **September 25, 2019 Special Meeting**
 - ii. **October 3, 2019 Regular Meeting**
 - B. **Consideration of Budget Amendments**
 - C. **Consideration of a Proposal from PFA Architects, PA for the Completion of Design Options for the Operation Center Entrance Modification Project and the Associated Resolution Exempting the Project from the Provisions of N.C.G.S. 143-64.31**
 - D. **Consideration of a Contract Designating First Tryon Advisors as Financial Advisor for the 2019 Series Water and Sewer Revenue Bond**
 - E. **Consideration of a Lease Agreement with the Blue Ridge Literacy Council for Lease of the Former Recreation Department Administrative Office at Patton Park**
 - F. **Consideration of a Resolution of Intent to Consider Closing Unopened and Unimproved Rights-of-Way for Ivy Lane and Midway Street Located Between the Properties Currently Owned By Marianne Campbell, Charles Campbell, Jr. & Joseph Boothroyd, and an Unnamed Alley and Huger Street Located Across the**

Property Currently Owned by Marianne Campbell & Charles S. Campbell, Jr. and a Portion of an Unnamed 12-Foot Alley Located North of Walton Street Located Between the Properties Currently Owned by Marianne Campbell, Charles Campbell, Jr. & Joseph Boothroyd

G. Consideration of an Ordinance Granting a Franchise for the Operation of a Trolley Bike Tour Service (Pubcycle) Within the City (2nd Reading Required)

H. Consideration of Waterline Extension Agreements for:

i. Haywood Crossing

ii. Rugby Ridge

iii. Etowah Townhomes

I. Consideration of Amendments to the Special Event Policy

J. Consideration of Amendments to the Fee Schedule Regarding Customer Service Policies

K. Consideration of Regular Meeting Schedule for 2020

L. Consideration of Discoveries, Releases, Refunds, and Forgiven Interest for August 27, 2019 and October 21, 2019

M. Consideration of a Petition from D2/Dairi-O, LLC for the Satellite Annexation of Parcels Totalling Approximately 2.61 acres Located on Upward Road

6. Recognitions/Proclamations/Introductions

A. Proclamation for National American Indian Heritage Month

B. Proclamation for Homeless Youth Awareness Month

C. Service Excellence MVPs

7. Public Hearing - Consideration of an Application from Marilyn Gordon of Miken, LLC to Rezone Parcels 9568-64-8536 and 9568-64-8783 Located Between White Street and Hebron Road from R-15 Medium Density Residential to C-2 Secondary Business District –Continue the Public Hearing until the December 5, 2019 Meeting at the Request of the Applicant
Presenter: Senior Planner Daniel Heyman

- 8. Public Hearing - Consideration of a Petition from Stephen Robertson to Close a Portion of an Unopened and Unimproved Right-of-Way for Park Street**
Presenter: Development Assistance Director Susan Frady

- 9. Public Hearing - Consideration of an Application from Clear Creek Investment Group, LLC to Rezone Parcels Located on Clear Creek Road Planned Residential Development Conditional Zoning District**
Presenter: Senior Planner Daniel Heyman

- 10. Public Hearing - Consideration of an Application from Clear Creek Investment Group, LLC for the Satellite Annexation of 72.2 acres located on Clear Creek Road**
Presenter: Senior Planner Daniel Heyman

- 11. Public Hearing – Consideration of a Zoning Ordinance Text Amendment to Article XIII Sign Regulation Maintenance and Enforcement Section 13-1-5 Animated and Illuminated Signs, Section 13-3-1 Maintenance Requirements and Article XII Definition of Terms Section 12-2 Definition of Commonly Used Terms**
Presenter: Development Assistant Director Susan Frady and Planner Tyler Morrow

- 12. Presentation by Mr. Lonnie Watkins, NCDOT District Engineer**
Presenter: City Manager John Connet and Lonnie Watkins

- 13. Consideration of an Ordinance designating the Grey Hosiery Mill, located at 301 Fourth Ave. East, as a Local Historic Landmark**
Presenter: Daniel Heyman

- 14. Consideration of Memorandum of Understanding between the City and Housing Assistance Corporation to Develop Additional Workforce Housing in Hendersonville**
Presenter: City Manager John Connet

- 15. Presentation by Dr. Bill Hiatt on Sanitary Sewer Overflows**
Presenter: Dr. Bill Hiatt

- 16. Consideration of a Resolution Directing the Application to the Local Government Commission for Approval of a Water and Sewer System Revenue Bond and Certain Related Matters**
Presenter: Budget Analyst Adam Murr

17. Consideration of the Waiving the Competitive Bidding Process as provided in NCGS 143-129 for the Purchase of a Fire Engine and Consideration of the Purchase Contract through the Houston-Galveston Area Council Bidding Group Purchase Program

Presenter: Deputy Fire Chief D. James Miller

18. Presentation on Bradley Creek Reservoir Dredging Project

Presenter: Water Treatment Facilities Manager Ricky Levi

19. Reports/Comments by Mayor and City Council Members

20. Staff Reports

A. Announcement of moving the Regular City Council Meeting in January 2020 to January 9, 2020

B. Report on Contingencies

21. Consideration of Appointments to Boards/Commissions

22. New Business

23. Closed Session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee or hear or investigate a complaint, charge, or grievance by or against an individual public officer (or employee) as provided under NCGS §143-318.11(a)(6)

24. Adjourn





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Adam Murr

Department: Admin

Date Submitted: 10/30/2019

Presenter: John Connet

Date of Council Meeting to consider this item: 11/07/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 05b

Budget Amendment(s):

- | | | | |
|-----------------------------|----------|----------|-----------|
| 1. GF Quarter 1 Amendment | Fund 10 | Increase | \$70,736 |
| 2. WS Quarter 1 Amendment | Fund 60 | Increase | \$89,599 |
| 3. MSD Transfer to Restroom | Fund 20 | Increase | \$12,500 |
| 4. 4th Ave Streetscape | Fund 305 | Increase | \$50,915 |
| 5. Stormwater Grant | Fund 370 | Increase | \$77,000 |
| 6. (Placeholder) Etowah | Fund 460 | Decrease | \$430,542 |

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 City Council resolve to approve the budget amendment(s) as proposed.

Attachments:

Budget Amendment(s):

BUDGET AMENDMENT

FUND: 10

ACCOUNT NUMBER					
ORG	OBJECT	PROJECT	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
104110	529900		SUPPLIES & MATERIALS	425	
104120	518600		WORKER'S COMP INS	30	
104120	557000		LAND,ROW,AND LAND IMPROVEMENT	80	
104130	517200		CELLPHONE STIPEND	275	
104131	525100		GASOLINE & DIESEL	40	
104131	553000		NON-CAPITAL EQUIPMENT	67	
104250	512250		SALARIES & WAGES-HOLIDAY PAY	214	
104270	549750		PERMITS, LICENSE AND FEES	903	
104270	552000		CAPITAL OUTLAY - EQUIPMENT	6,950	
104310	545600		LIAB/PROP INS & BONDS	377	
104340	519000		PROFESSIONAL SERVICES	15,615	
104370	519000		PROFESSIONAL SERVICES	35,000	
104370	549999		MISCELANEOUS EXPENSE	100	
104520	512250		SALARIES & WAGES-HOLIDAY PAY	339	
104520	553000		NON-CAPITAL EQUIPMENT	11,300	
109910	599100		CONTINGENCIES		71,715
100090	444000		INSURANCE SETTLEMENTS	1,570	
104270	569000		CONTRACTED SERVICES	1,570	
109900	998067		TRANSFER IN FROM SW FUND		30,000
109900	499200		FUND BALANCE APPROPRIATION	30,000	
104520	552000		CAPITAL OUTLAY EQUIPMENT		36,569
104520	554000		CAPT OUTLAY-MOTOR VEHICLES	36,569	
FUND 10			TOTAL REVENUES	31,570.00	30,000.00
			TOTAL EXPENDITURES	109,854.00	108,284.00

Amendment to address various budgetary overages in the General Fund.


 CITY MANAGER

Date: 10-30-19

APPROVED BY CITY COUNCIL:

DATE: 11/7/2019

BUDGET AMENDMENT

FUND: 60

ACCOUNT NUMBER					
ORG	OBJECT	PROJECT	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
604140	569000		CONTRACTED SERVICES	27,242	-
604250	512250		SALARIES & WAGES-HOLIDAY PAY	267	-
607110	521200		UNIFORMS	77	-
607110	526000		OFFICE SUPPLIES	25	-
607110	539500		TRAINING	15,490	-
607110	552000		CAP OUTLAY - EQUIPMENT	39,900	-
607113	517200		CELLPHONE STIPEND	300	-
607114	553000		NON-CAPITAL EQUIPMENT	134	-
607123	513500		SALARIES & WAGES-UNIFORM/TAXAB	573	-
607123	549750		PERMITS, LICENSE AND FEES	175	-
607123	553000		NON-CAPITAL EQUIPMENT	1,150	-
607125	513500		SALARIES & WAGES-UNIFORM/TAXAB	568	-
607126	519000		PROFESSIONAL SERVICES	1,643	-
607126	549750		PERMITS, LICENSE AND FEES	1,234	-
609910	599100		CONTINGENCIES	5,525	
600080	443660		SALE OF F/ASSETS-W/S	5,525	-
607110	569000		CONTRACTED SERVICES	-	83,001.00
607113	569000		CONTRACTED SERVICES	-	300.00
607114	519000		PROFESSIONAL SERVICES	-	134.00
607123	569000		CONTRACTED SERVICES	-	1,898.00
607125	529900		SUPPLIES & MATERIALS	-	568.00
607126	529900		SUPPLIES & MATERIALS		2,877.00
FUND 60			TOTAL REVENUES	5,525.00	-
			TOTAL EXPENDITURES	94,303.00	88,778.00

Amendment to address various budgetary overages in the Water and Sewer Fund.


 CITY MANAGER

Date: 10-30-19

APPROVED BY CITY COUNCIL:

DATE: 11/7/2019

BUDGET AMENDMENT

FUND: 20 | 410

ACCOUNT NUMBER					
ORG	OBJECT	PROJECT	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
200090	499200		FUND BALANCE APPROP	12,500	
209900	999410		TRANSFER TO CPF - GOVERNMENTAL	12,500	
FUND 305			TOTAL REVENUES	12,500.00	-
			TOTAL EXPENDITURES	12,500.00	
4104750	998020	18029	TRANSFER IN FROM MAIN ST MSD	12,500	
4104750	553000	18029	NON-CAPITAL EQUIPMENT	12,500	
FUND 32			TOTAL REVENUES	12,500.00	-
			TOTAL EXPENDITURES	12,500.00	-

The completion of the Office project, staff additions and scaled back built ins within the 2nd floor office space has necessitated additional office furniture to support a fully functional office space. This budget amendment supports the implementation of a cohesive furniture solution for the 2nd floor and includes a functional and flexible large conference room with appropriate A/V resources, two fully outfitted private offices and a cubicle/workstation, team meeting space and storage. A healthy fund balance for downtown, which exceeded the expected balance at the conclusion of 18/19, supports the added investment.



 CITY MANAGER

Date: 10-31-19

APPROVED BY CITY COUNCIL:

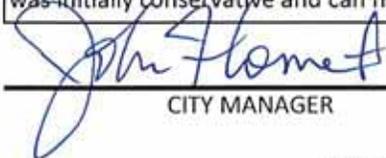
DATE: 11/7/2019

BUDGET AMENDMENT

FUND: 305 | 32

ACCOUNT NUMBER					
ORG	OBJECT	PROJECT	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
320000	557500		CAP OUTLAY NORTH MAIN SIDEWALK		28,870
320070	483100		INTEREST INCOME	22,045	
329900	999305		TRANSFER TO 4TH AVE STREETScape	50,915	
FUND 32			TOTAL REVENUES	22,045.00	-
			TOTAL EXPENDITURES	50,915.00	28,870.00
3059900	998032		TRANSFER FROM SIDEWALK PROJECT	50,915	
3050000	999011		MILL TRANSFER TO GF		41,497
3050000	559500		CAP OUTLAY-INFRASTRUCTURE	92,412	
3050000	595600		LOSS ON DISPOSITION OF LAND		50,294
3050000	998010		TRANSFER IN FROM GF		50,294
FUND 305			TOTAL REVENUES	50,915.00	91,791.00
			TOTAL EXPENDITURES	92,412.00	50,294.00

Amendment to increase funds in the 4th Avenue Streetscape Project (project estimate below). The amendment also decreases the loss on disposition of land and corresponding transfer in from the General Fund (GF). Budget for the loss on disposition of land was initially conservative and can now be reduced.


 CITY MANAGER

Date: 10-30-19

APPROVED BY CITY COUNCIL:

DATE: 11/7/2019

ITEM	COST
Concrete (200 cy)	\$ 30,000.00
#57 Stone (200 tn)	\$ 5,200.00
Brick Crosswalks (John Ross)	\$ 15,000.00
Traffic Signals Complete (Mast arm @ Grove/4 th)	\$ 60,000.00
Decorative poles/lamps (20), plus conduit/ wires	\$ 50,000.00
Awning	\$ 2,000.00
Storm pipe (240 ft)	\$ 3,200.00
Catch basins/ frame/ grate (7)	\$ 9,100.00
Stormwater media (9 cy)	\$ 420.00
SUBTOTAL	\$ 174,920.00
CONTINGENCY ALLOWANCE (10%)	\$ 17,492.00
TOTAL	\$ 192,412.00

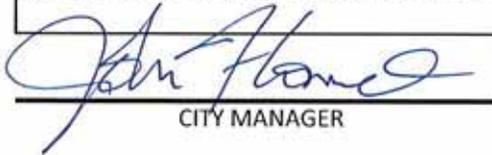
Assumption that asphalt grinding, paving & all striping will be contribution for annual paving project and was not included in this estimate.

BUDGET AMENDMENT

FUND: 370 | 410

ACCOUNT NUMBER					
ORG	OBJECT	PROJECT	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
3700000	499100		PROCEEDS OF DEBT		77,000
3700000	998410		TRANSFER IN FR GOV CAP PROJ	77,000	
FUND 370			TOTAL REVENUES	77,000.00	77,000.00
			TOTAL EXPENDITURES		
4104500	999370		TRANSFER TO STW GRANT	77,000	
4104500	551000		CAP OUTLAY-SERVICES AND FEES		77,000
FUND 410			TOTAL REVENUES	-	-
			TOTAL EXPENDITURES	77,000.00	77,000.00

Amendment to address revenue sources for a stormwater grant.


 CITY MANAGER

Date: 10-30-19

APPROVED BY CITY COUNCIL:

DATE: 11/7/2019



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Tom Wooten

Department: Public Works

Date Submitted: October 15, 2019

Presenter: Tom Wooten

Date of Council Meeting to consider this item: November 7, 2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 05c

City staff have been working with PFA Architects, PA to design options to secure the entrance to the City Operation Center and to provide a safe area for the receptionist. Staff asked PFA Architects to provide a proposal for the design options. PFA Architects have completed many of these renovations for our local schools to secure their entrances thus protecting the students and staff.

In North Carolina, the procurement of professional services performed by architects, engineers, surveyors, and construction managers at risk is governed by G.S. 143-64.31, sometimes referred to as the "Mini-Brooks Act." The Qualifications Based Selection (QBS) process focuses on the qualifications of potential firms rather than their fees. This is often done by using a request for qualifications (RFQ) to solicit responses from interested firms.

The attached resolution will exempt the Operation Center Entrance Modification Project from the Qualifications Based Selection process. Staff are proposing this resolution due to the small size of the project and PFA Architecture's background with many similar projects at our local schools. Also included is the proposal from PFA Architects. We are asking you to approve the resolution and allow the City Manager to execute a contract with PFA Architect to perform the design options for the Operation Center entrance.

Budget Impact: \$ 2,300 _____ Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

We don't expect the design options to cost more than \$2,300.

Suggested Motion:

I move City Council to adopt a resolution exempting the Operation Center entrance modification design project from the provisions of G.S. 143-64.31.

I further move City Council to resolve to approve the proposal from PFA Architects, PA for completion of the design options for the Operation Center Entrance Modification Project.

Attachments:

Resolution Exempting the Operation Center Entrance Modification Design Project from G.S. 143-64.31.
PFA Architects Proposal

**RESOLUTION EXEMPTING THE CITY OPERATION CENTER ENTRANCE DESIGN
MODIFICATION PROJECT**

FROM G.S. 143-64.31

WHEREAS, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee;

WHEREAS, the City proposes to enter into one or more contracts for design services for work on City Operation Center Entrance Modification Project; and

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than \$50,000; and

WHEREAS, the estimated fee for design services for the above-described project is less than \$50,000.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE RESOLVES:

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

Section 2. This resolution shall be effective upon adoption.

Upon motion of _____, seconded by _____, the above **RESOLUTION** was unanimously adopted.

This is __ day of _____, 2019.

(Signature)
(Name and Title of Authorized Representative)

(Seal)

Attest:

(Signature)
(Name, Clerk)

October 11, 2019

Tom Wooten
City of Hendersonville
Director of Public Works
twooten@hvlnc.gov

Dear Tom,

We welcome the opportunity to submit this proposal for conceptual design services for minor renovations to your existing City Operations Center at 305 Williams Street, Hendersonville for increased security.

PFA's fee proposal outlined below includes conceptual design only to reach an agreed upon schematic on which to base the construction documents. Once this phase of design is complete, we would expect to provide a Basic Services fee proposal to you for the design and construction administration of the chosen concept.

Scope of Work:

The general scope of work included in this proposal is based upon project discussions with you, the Assistant City Manager, front desk staff, Lee Smith, and Brent Detwiler as well as a tour of the existing space. The scope of work is summarized as follows:

- Renovations to the existing, main level of the City Operations Center to include the following:
 - Multipurpose room (max. occupancy of 150) to remain mostly as-is with minor reconfiguration allowed only if it improves lobby/entrance flow without reducing capacity or functionality.
 - Consideration of afterhours multipurpose room (MP) use by community organizations
 - Consideration of police evidence storage being at the rear of the building and property retrieval by constituents.
 - Multipurpose room storage is currently used for table storage
 - Since public restrooms are located within the core of the building, afterhours use of the MP room can not be only accessed through a new, secure vestibule (MP access can be located past a secure vestibule)
 - Security of staff is the priority of the project.
 - The triangular covered portion at the entry can be enclosed if desired.
 - Waiting within a secure vestibule is desired. Existing furniture can be reused.
 - Cameras to monitor pedestrian traffic along each side of the building (parking lot and Williams Street) are desired if direct visibility is not achieved.
 - It is preferred that the front desk be open to the corridor/lobby but not the secure vestibule.
 - Existing MP Kitchenette can be reconfigured if it improves the lobby/entrance

flow and creates a secure entrance.

Our first task requires documentation of the building's entrance area layout, sizes, and conditions. This portion of the work (with existing drawing provided by COH) requires time to confirm existing conditions and digitize your space into our software. Our team will gain familiarity with the building and its infrastructure. This information will be used as a base for our design.

Documentation Services:\$400

Once existing conditions are documented, PFA will review code implications including life safety features, exiting, and accessibility at the main entrance. Once all parameters are known, we will work with you and your team to design interior renovations that meet your program and budget. The deliverable will be an agreed upon concept with which to start construction drawings for permit and bidding.

Architectural Conceptual Design:..... \$1,900

This fee does not include MEP & structural engineering.

Reimbursable Expenses:

- Expenses in connection with travel (except between Asheville and Hendersonville) shall be considered Reimbursable Expenses.
- Long-distance communication expenses; and cell phone or other data communication expenses shall be included as a part of these Services.
- Fees paid for securing approval of authorities having jurisdiction over the Project shall be considered Reimbursable Expense.
- Blueprints and/or reproducible transparencies will be made available to the Owner for the cost of production.
- Expense of reproduction documents prior to permit/bidding/construction and the expense of reproduction including postage and handling of permit/bid/construction documents shall be considered Reimbursable Expenses.
- Expense of overtime work of Architect or its sub-consultants requiring higher than regular rates, if authorized in advance by the Owner in writing, shall be Reimbursable Expense.
- General Revit generated renderings used for design clarity shall be considered Basic Services. Services to provide highly rendered images, professional renderings, models or mock-ups requested by you or the Owner shall be Additional Services.

Optional Additional Services and Special Consultants not included in Basic Services but may be provided for additional fee:

- Equipment and Coordination
- Basic Services Architectural and Engineering
- Bidding and Negotiations
- Construction Administration
- Civil Engineering
- MEP/FP Engineering
- Landscape Design

- Kitchen Equipment Consulting
- Interior Architectural Design
- Coordination of Interior Design, Special equipment, and Furniture Layout
- Furniture and/or artwork selection, specification and consulting
- Cost Estimates
- Bid alternates for the project
- Fast tracking of the project schedule
- Special Inspections, permitting and review fees
- Special Consultants outside of these Services consultants listed in this outline
- Security System Design & Special Engineering Consultants
- Telecommunications design and consulting
- Loose Equipment consulting
- Audio Visual/Acoustical design engineering and consulting

2019 PFA Architects Hourly Bill-Out Rates (Subject to Change on an Annual Basis):

Principal in Charge	\$180.00/hr.
Project Architect	\$140.00/hr.
Design Staff	\$115.00/hr.
Interior Designer	\$105.00/hr.
Administrative Staff	\$100.00/hr.

PFA is committed to assisting you with this important security improvements project for the City Operations Center. Thank you for your confidence in our team, and we look forward to working with you.

Sincerely,



Maggie Carnevale, AIA,
PFA Architects, PA
196 Coxe Avenue | Asheville, North Carolina 28801
t: 828.254.1963 or 888.263.5281 (toll free)- Ext. 111| f: 828.253.3307
c: 828.712.8525 mcarnevale@pfarchitects.com



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Adam Murr

Department: Admin

Date Submitted: 10/21/2019

Presenter: Adam Murr

Date of Council Meeting to consider this item: 11/07/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 05d

First Tryon Advisors (FTA) serve as financial advisors to the City of Hendersonville. FTA has completed work with the City of Hendersonville to create a revenue bond structure. FTA is recommended by Staff to serve as Financial Advisor in the 2019 series revenue bond.

Attached is a contract from FTA to serve in the Financial Advisor capacity. FTA will provide bond recommendations, establish financing calendars, produce debt schedules, act as point of contact between the City and Local Government Commission (LGC), assist in preparing LGC application(s), review and comment on all bond documents, advise the City on market conditions, be present at Governing Body meetings, act as liaison to the Bond Counsel, advise and assist in transactions, and provide ongoing support and responses to routine/misc questions.

Budget Impact: \$ 35,000 Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

The contract will be funded through proceeds of debt from the 2019 Series W&S Revenue Bond.

Suggested Motion:

I move City Council resolve to authorize the City Manager, or designee, to execute the contract designating First Tryon Advisors as financial advisor for the 2019 Series Water and Sewer Revenue Bond.

Attachments:

1. Contract Review Form
2. Work Order 5 from FTA - Scope of Service/Contract

Contract Review Form

First Tryon Advisors - W&S Revenue Bond

(Contract Name)

Department Head:

I hereby certify that I have reviewed this contract and it meets the terms and conditions as negotiated between the service provider (contractor) and my department.



Department Head

10.21.2019

Date

Purchasing Agent: Reserved for future use

Finance Director: Budgeted Yes No Account 4607126 551000 16003
(Org) (Object) (Project)

I hereby certify that this contract has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.



Finance Director

10/21/19

Date

City Clerk: Applicable Not Applicable

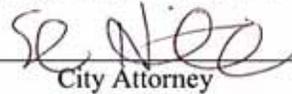
I hereby certify that this contract meets the terms and conditions as approved by the Hendersonville City Council on November 7, 2019.

City Clerk

Date

City Attorney:

I hereby certify that I have reviewed this contract and approve the form.



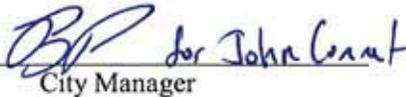
City Attorney

21 Oct 2019

Date

City Manager:

I hereby certify that this contract has been reviewed and approved by all necessary parties. The contract is now approved for execution.



City Manager

10/21/19

Date

****Copy of Contract Given to City Clerk for Files****

City Clerk

Date

WORK ORDER NUMBER 5

WORK ORDER to the Agreement dated February 20, 2017 by and between the City of Hendersonville, North Carolina (the “**Client**”) and First Tryon Securities, LLC, d/b/a First Tryon Advisors (“**First Tryon**”).

SERVICES

In connection with the Client’s proposed issue of Water and Sewer System Revenue Bonds, Series 2019 to fund improvements to the City’s water and sewer system as well as refinance an outstanding installment financing agreement (the “**Bond**”) First Tryon will provide the following Services under this Work Order:

- Provide recommendations for the Bond, including such elements as the date of sale, interest payment dates, schedule of principal maturities, debt service structure, security / collateral provisions and such other provisions as may be appropriate to make the issue attractive to banks while achieving the objectives of the Client.
- Establish and maintain financing calendar and working group contact list and provide assistance in procurement of additional professionals necessary to complete the financing, as necessary.
- Produce quantitative schedules outlining sources and uses of funds, debt service requirements, bond statistics, and other data required by the Client or its bond counsel in connection with the financing.
- Serve as the primary point of contact between the Client and the LGC prepare the Client for, and participate in, any meetings and calls with LGC staff, including, preparation of customary materials for any required “pre-application” meeting.
- Assist in preparing the Client’s application to the LGC for approval of the financing.
- Review and provide comments, as appropriate, on all bond documentation.
- Advise the Client of current bond market conditions, other related forthcoming bond issuances and economic announcements, which might normally be expected to influence interest rates or bidding conditions so that the date of sale of the debt instruments may be set at a favorable time.
- Advise the Client with respect to terms and pricing, assist in development of a bank RFP, market the Client’s financing to an expansive list of local, national and regional banks in an attempt to maximize bids for the Client, independently engage potential bidders to ensure the RFP is being given proper consideration, review bids and provide a summary comparison analysis, negotiate terms and conditions with bidders, make recommendations and provide any final amortization schedules.
- Attend and present at meetings of the governing body of the Client, its staff, representatives or committees as requested when First Tryon may be of assistance or service and the subject of the financing or related topics are to be discussed.
- Maintain liaison with Bond Counsel in the preparation of all legal documents pertaining to the authorization, sale and issuance of the transactions.
- Provide advice and assistance in the closing of the transactions.
- Provide ongoing responses to routine/miscellaneous questions.

TERM

Until closing of the Bond unless terminated earlier in accordance with the Agreement.

COMPENSATION

In establishing fees, First Tryon takes into account multiple factors, including the efficiency with which the work was done, the result achieved, the complexity of the matter and any special experience or expertise applied to it, any extraordinary scheduling or preemptive attention devoted to the project, and the degree of professional responsibility or liability undertaken by the firm.

For services to be performed in connection with this Work Order, First Tryon proposes a fee of \$35,000.

In addition to the compensation outlined above, the Client will reimburse First Tryon for out-of-pocket expenses incurred in connection with the Services. Customary out-of-pocket expenses include, without limitation, costs of travel, meals, lodging, printing/copying, etc. First Tryon will bill the Client for such expenses at cost, with no mark-up.

[Signatures Begin on Following Page]

AGREED AND ACCEPTED this ___ day of October 2019.

CITY OF HENDERSONVILLE, NORTH CAROLINA

By: _____
Name: _____
Title: _____

FIRST TRYON SECURITIES, LLC,
D/B/A FIRST TRYON ADVISORS



By: _____
David Cheatwood
Managing Director

STATE OF NORTH CAROLINA

RENTAL AGREEMENT

COUNTY OF HENDERSON

BY THIS AGREEMENT, made and entered into as of the 6th day of January, 2020, between the City of Hendersonville, a North Carolina municipality organized pursuant to chapter 160A of the North Carolina General Statutes (hereinafter referred to as the "Landlord"), and The Blue Ridge Literacy Council, Inc., a North Carolina nonprofit corporation (hereinafter referred to as the "Tenant"), the Landlord leases to the Tenant the premises known as the known or formerly known as the "Patton Park Administration Building" and being a building situated on the left side of the main entrance to Patton Park with the street address 59 East Clairmont Drive, Hendersonville, North Carolina plus any .

SECTION ONE
RENT

Tenant agrees to pay, without demand, to Landlord as rent for the demised premises, the sum of \$5,000.00 per year, with \$15,000.00 representing the entirety of the rental for the initial three- year term in advance at the execution hereof.

SECTION TWO
TERM

This lease shall run from the effective date hereof for a period of exactly three years, unless earlier terminated by either party as provided herein.

SECTION THREE
QUIET ENJOYMENT

Landlord covenants that on paying the rent and performing the covenants herein contained, Tenant shall peacefully and quietly have, hold, and enjoy the demised premises for the agreed term.

SECTION FOUR
INSURANCE

The Landlord shall maintain at its own expense fire and casualty insurance sufficient to cover full repair to the Leased Premises in the case of fire or other casualty. The Tenant shall maintain at its own expense liability insurance on the Leased Premises in an amount not less than \$1,000,000.00/\$3,000,000.00 individual aggregate. With respect to such policy of insurance the Tenant shall cause the Landlord to be named an additional insured with respect to the Leased premises. The Tenant and not the Landlord shall insure the Tenant's personal property to the extent satisfactory to the Tenant.

SECTION FIVE
CONDITION OF PREMISES

Tenant stipulates that it has examined the demised premises, including the grounds and all buildings and improvements, and that they are, at the time of this Lease, in good order and repair.

SECTION SIX
ASSIGNMENT AND SUBLETTING

Without the prior express written consent of Landlord, Tenant shall not assign this Lease, nor sublet, or grant any connection or license to use the premises or any part thereof. A consent by Landlord to one assignment, subletting, concession, or license shall not be deemed to be a consent to any subsequent assignment, subletting, concession, or license. An assignment, subletting, concession, or license without the prior written consent of Landlord, or an assignment, or subletting by operation of law, shall be void and shall, at Landlord's option, terminate this Lease.

SECTION SEVEN
ALTERATIONS AND IMPROVEMENTS

Tenant shall make no alterations to the demised premises or construct any building or make other improvements on the demised premises without the prior written consent of Landlord. All alterations, changes, and improvements built, constructed, or placed on the demised premises by Tenant, with the exception of fixtures removable without damage to the premises and movable personal property, shall, unless otherwise provided by written agreement between Landlord and Tenant, be the property of Landlord and remain on the demised premises at the expiration or sooner termination of this Lease.

Notwithstanding the foregoing, the Tenant shall, during the term hereof, complete the following improvements to the premises:

1. Install instant hot water under the kitchen and bathroom sink and turn off the hot water tank;
2. Change current thermostat to a programmable digital unit; and
3. Change the locks to all matching sets.

SECTION EIGHT
DAMAGE TO PREMISES

If the demised premises, or any part thereof, shall be partially damaged by fire or other casualty not due to Landlord's negligence or willful act, or that of its employees or other agents, the premises shall be promptly repaired by the Tenant, and there shall be no abatement of rent corresponding with the period of time that the premises may have been untenable. If the leased premises should be damaged by any person other than through the willful act of a party or an employee or other agent thereof, and such damage should untenable, then either party may upon 30 days notice cancel this lease, without abatement or refund of any rental amount.

SECTION NINE
UTILITIES

Tenant shall be responsible for arranging for and paying for all utility services required on the premises.

SECTION TEN
MAINTENANCE AND REPAIR

Tenant will, at its sole expense, keep and maintain the interior portion of the leased premises and appurtenances in good and sanitary condition and repair during the term of this Lease and any renewal thereof.

Landlord will, at its sole expense, keep and maintain the exterior portion of the leased premises and appurtenances in good and sanitary condition and repair during the term of this Lease and any renewal thereof.

SECTION ELEVEN
RIGHT OF INSPECTION

Landlord and its agents shall have the right at all times during the term of this Lease, to enter the demised premises for the purpose of inspecting the premises and all buildings and improvements thereon.

SECTION TWELVE
DAMAGE TO TENANT'S PROPERTY

Tenant shall be solely responsible for damage to the personal property of the Tenant whatsoever which may arise on account of any defect in the building or premises, or for rain, wind, or other cause, all claims against Landlord for such injury or damage being hereby expressly waived by Tenant.

SECTION THIRTEEN
SURRENDER OF PREMISES

At the expiration of the Lease term, Tenant shall quit and surrender the premises hereby demised in as good state and condition as they were at the commencement of this Lease, reasonable use and wear thereof and damage by the elements excepted.

SECTION FOURTEEN
DEFAULT

If any default is made in the payment of rent, or any part thereof, at the times hereinbefore specified, or if any default is made in the performance of or compliance with any other term or condition hereof, the Lease, at the option of Landlord, shall terminate and be forfeited, and Landlord may re-enter the premises and remove all persons therefrom. Tenant shall be given written notice of any default or breach, and termination and forfeiture of the Lease shall not result if, within five 5 days of receipt of such notice, Tenant has corrected the default or breach or has taken action reasonably likely to effect such correction within a reasonable time.

SECTION FIFTEEN
BINDING EFFECT

The covenants and conditions herein contained shall apply to and bind the successors, legal representatives, and assigns of the parties hereto, and all covenants are to be construed as conditions of this Lease.

SECTION SIXTEEN
JURISDICTION, CHOICE OF LAW AND EXCLUSIVE VENUE

This lease pertains to real property situated in Henderson County, North Carolina. Both parties hereby submit their persons for any action in relation to any claim or dispute over this lease or the occupancy created herein or the real property that is the subject hereof to courts for North Carolina. Any such dispute or claim shall be governed by the laws for the state of North Carolina. Sole venue for any action or proceeding instituted in connection with any of the foregoing shall be in the courts for Henderson County.

IN WITNESS WHEREOF, the parties hereto have executed this Rental Agreement, in duplicate originals, one of which shall be retained by each of the parties, in the place and as of the day and year first above written.

CITY OF HENDERSONVILLE
LANDLORD

by:

John Connet
City Manager

THE BLUE RIDGE LITERACY COUNCIL,
Tenant

by:
Name:
Title:

NICHOLSON COMPANY

Post Office Box 2000, Hendersonville, North Carolina 28793-2000
Phone 828-697-2638 Fax 828-693-9380
nicholsonco@bellsouth.net
Heating/AC State License No. 03161, PH-1, 2 & 3 – Class 1
Electrical State License No. 3547-U
ESTIMATE & AGREEMENT

DATE: **October 8, 2019**

BID: We hereby propose to furnish material and labor to complete the work outlined herein for the sum of **Seven thousand four hundred thirteen** dollars
(\$ **7,413.00**) Payment to be made as follows:
100% upon completion

To: City of Hendersonville
145 5th Ave East
Hendersonville, NC 28792

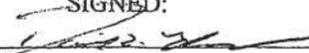
Larry Reeves 606-7682

We hereby submit specifications and bid for: **Patton Park-Little Gray House**

To provide labor and materials to:

- Remove existing heat pump
- Install Carrier 80% AFUE gas furnace and 14 SEER 3-ton air conditioning unit
- Model #24ACC436 outdoor unit
- Model #58SB0A090-14 gas furnace
- Thermostat
- Condensate line
- Pad for outdoor unit
- Flush refrigerant lines
- Gas piping
- Enlarge (1) return
- Permits & Inspection

*****Note: Add extra \$300.00 to above quoted price if you would like new refrigerant line*****

<p align="center">CONTRACTOR'S GUARANTEE</p> <p>We guarantee all material used in this contract to be specified Above and the entire job to be done in a neat, workmanlike Manner. Any variations from plan or alterations requiring Extra labor or material will be performed only upon written Order and billed in addition to the sum covered by this contract. Agreements made with our workmen are not recognized</p>	<p align="center">ACCEPTANCE OF BID</p> <p>The above specifications, terms and contract are satisfactory And (I) (we) hereby authorize the performance of this work.</p> <p>DATE: _____</p> <p>SIGNED: _____</p>
<p>DATE: 10/08/19</p> <p>SIGNED: </p>	

This Contract is Void 30 Days From Date Unless One Copy is Signed and Returned to Bidder
We comply with all Workman's Compensation & Property Damage Liability Insurance Laws

NICHOLSON COMPANY

Post Office Box 2000, Hendersonville, North Carolina 28793-2000
Phone 828-697-2638 Fax 828-693-9380
nicholsonco@bellsouth.net

Heating/AC State License No. 03161, PH-1, 2 & 3 – Class 1
Electrical State License No. 3547-U
ESTIMATE & AGREEMENT

DATE: **October 2, 2019**

BID: We hereby propose to furnish material and labor to complete the work outlined herein for the sum of **Five thousand three hundred thirty-eight** dollars
(\$ **5,338.00**) Payment to be made as follows:
100% upon completion

To: **City of Hendersonville**
145 5th Ave East
Hendersonville, NC 28792

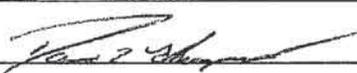
Larry Reeves 606-7682

We hereby submit specifications and bid for: **Patton Park-Little Gray House**

To provide labor and materials to:

- Remove existing heat pump
- Install Carrier 14 SEER 3-ton heat pump with 15kw electric
- Model #25HCE436 outdoor unit
- Model #FB4CNP036 air handler
- 15 kw Heater
- Thermostat
- Condensate line
- Pad for outdoor unit
- Flush refrigerant lines
- Enlarge (1) return
- Permits & Inspection

*****Note: Add extra \$300.00 to above quoted price if you would like new refrigerant line*****

<p align="center">CONTRACTOR'S GUARANTEE</p> <p>We guarantee all material used in this contract to be specified Above and the entire job to be done in a neat, workmanlike Manner. Any variations form plan or alterations requiring Extra labor or material will be performed only upon written Order and billed in addition to the sum covered by this contract. Agreements made with our workmen are not recognized</p>	<p align="center">ACCEPTANCE OF BID</p> <p>The above specifications, terms and contract are satisfactory And (I) (we) hereby authorize the performance of this work.</p> <p>DATE: _____</p> <p>SIGNED: _____</p>
<p>DATE: 10/02/19</p> <p>SIGNED: _____</p>	

This Contract is Void 30 Days From Date Unless One Copy is Signed and Returned to Bidder
We comply with all Workman's Compensation & Property Damage Liability Insurance Laws



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Daniel Heyman, Senior Planner

Department: Development Asst Dept

Date Submitted: 10-29-2019

Presenter: Daniel Heyman, Senior Planner

Date of Council Meeting to consider this item: 11-07-2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 05f

The City has received an application from Charles S. Campbell Jr., Marianne Ewbank Campbell, Joseph Boothroyd Ewbank, and Linda Ewbank to close unimproved rights-of-way for Ivy Lane, Midway Street, an unnamed alley and Huger Street located off of Fifth Avenue. Maps, surveys, and legal descriptions are included.

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

The Resolution of Intent setting January 9, 2019 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 of the rights-of-way for petitioned by XXX

Attachments:

Resolution of Intent
Map
Surveys
Legal Descriptions

RESOLUTION OF INTENT

A resolution declaring the intention of the City of Hendersonville City Council to consider closing unopened and unimproved Rights-of-Way for Ivy Lane located on PINs 9568-18-8043, 9568-18-5388, and 9568-18-8429, Midway Street located on PIN 9568-18-8043, an unnamed alley located on PINs 9568-18-8429 and 9568-18-8043, and Huger Street located on PIN 9568-18-8429.

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

WHEREAS, Charles S. Campbell Jr., Marianne Ewbank Campbell, Joseph Boothroyd Ewbank, and Linda Ewbank have petitioned the Council of the City of Hendersonville to close unopened and unimproved Rights-of-Way for Ivy Lane located on PINs 9568-18-8043, 9568-18-5388, and 9568-18-8429, Midway Street located on PIN 9568-18-8043, an unnamed alley located on PINs 9568-18-8429 and 9568-18-8043, and Huger Street located on PIN 9568-18-8429.

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing unopened and unimproved Rights-of-Way for Ivy Lane located on PINs 9568-18-8043, 9568-18-5388, and 9568-18-8429, Midway Street located on PIN 9568-18-8043, an unnamed alley located on PINs 9568-18-8429 and 9568-18-8043, and Huger Street located on PIN 9568-18-8429.

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

1. A meeting will be held at 5:45 p.m. on the ninth day of January, 2020, in the Council Chambers of City Hall to consider closing unopened and unimproved Rights-of-Way for Ivy Lane, Midway Street, and unnamed alley, and Huger Street.
2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.
3. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.
4. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted by the City Council at a meeting held on the seventh day of November, 2019.

Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, City Clerk

(Seal)



CITY OF HENDERSONVILLE
OCTOBER 2019

CAMPBELL & EWBANK

P19-31-SC

DEVELOPMENT ASSISTANCE DEPARTMENT

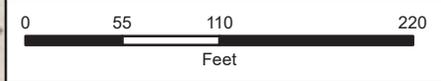
WESTBROOK RD

MIDWAY ST

5TH AVE W

-  Huger Street
-  Ivy Lane
-  Unnamed Alley
-  Midway Street
-  Hendersonville City Limits

2



SHEET 2
MATCHLINE

LEGEND & ABBREVIATIONS :

- PB= PLAT BOOK
- DB= DEED BOOK
- PG= PAGE
- RW= RIGHT OF WAY
- FIN= PARCEL IDENTIFICATION NUMBER
- CP= CALCULATED POINT
(NOT MARKED IN FIELD)
- ⊙ RECOVERED BOUNDARY MONUMENT
(SIZE AND TYPE AS NOTED)
- BOUNDARY MONUMENT SET BY MCABEE
(RBS= #4 REBAR W. MCABEE CAP SET)
- BOUNDARY LINE (FIELD SURVEYED)
- BOUNDARY LINE (COMPOSITE, PLOTTED
FROM RECORD DESCRIPTIONS)
- A.G. = ABOVE ADJACENT GRADE
- B.G. = BELOW ADJACENT GRADE
- C&G= CONCRETE CURB & GUTTER
- CSW= CONCRETE SIDEWALK
- ITL= INTERIOR TRACT LINE
- OHU— OVERHEAD UTILITY LINE
- PAR.= PARCEL
- FOL= POINT ON BOUNDARY LINE
- (T)= TOTAL DISTANCE
- TR.= TRACT
- ⊙ UTILITY POLE



MARIANNE E. CAMPBELL
CHARLES S. CAMPBELL, JR.
JOSEPH BOOTHROYD
(PORTION OF PIN:
9568-18-8043)
DB 1027 PG 499, TR. 3-PAR. 2
CAB. B SLIDE 35, LOTS 10 & 11
AREA= 0.363 ACRES / 15,800 FT²

DB 1027 PG 499 (TR. 3-PAR. 3)
N 82°13'24" E 149.68' (ITL)
DB 1027 PG 487 (TR. 4-PAR. 4)

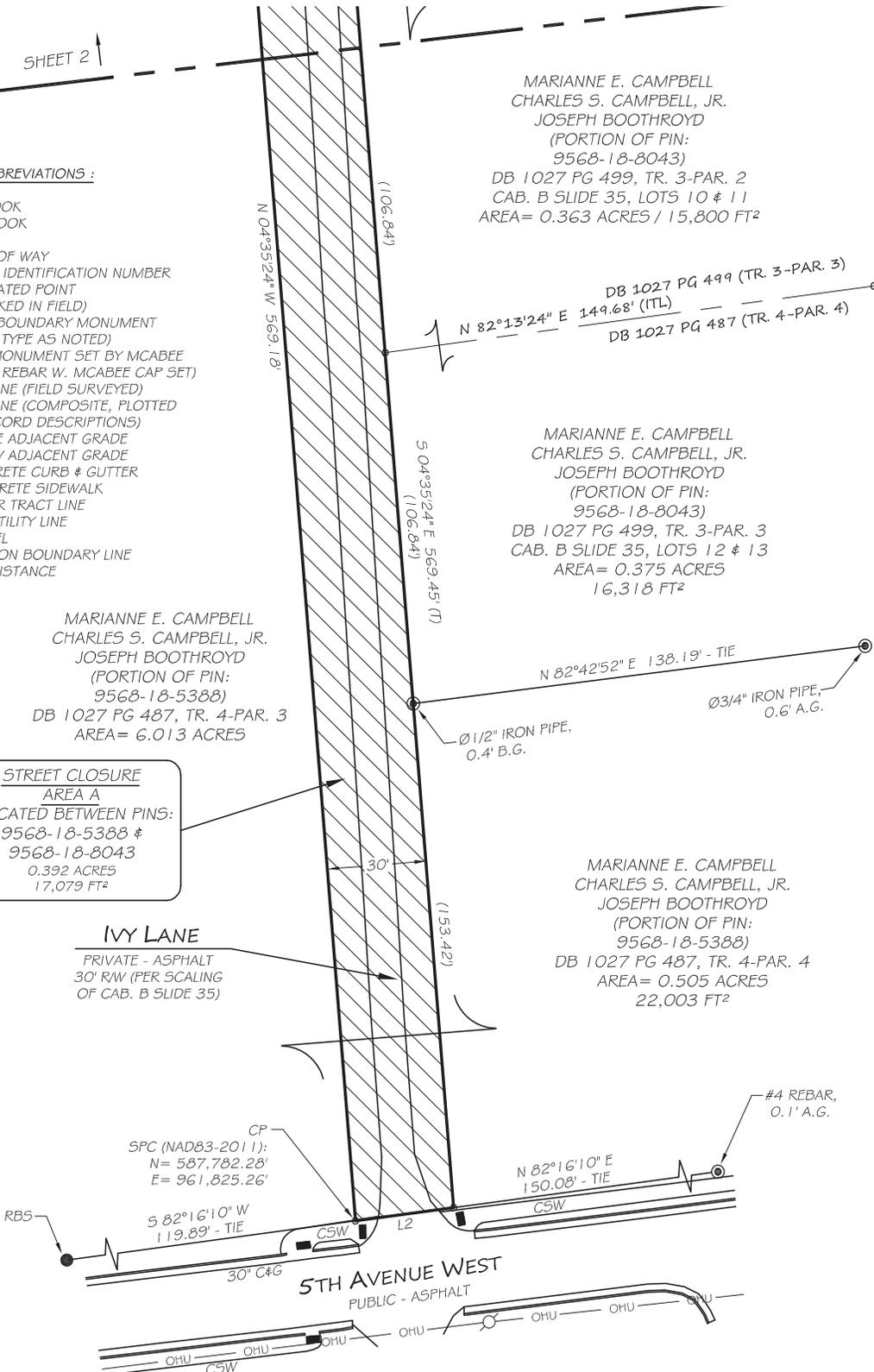
MARIANNE E. CAMPBELL
CHARLES S. CAMPBELL, JR.
JOSEPH BOOTHROYD
(PORTION OF PIN:
9568-18-8043)
DB 1027 PG 499, TR. 3-PAR. 3
CAB. B SLIDE 35, LOTS 12 & 13
AREA= 0.375 ACRES
16,318 FT²

MARIANNE E. CAMPBELL
CHARLES S. CAMPBELL, JR.
JOSEPH BOOTHROYD
(PORTION OF PIN:
9568-18-5388)
DB 1027 PG 487, TR. 4-PAR. 3
AREA= 6.013 ACRES

**STREET CLOSURE
AREA A**
(LOCATED BETWEEN PINS:
9568-18-5388 &
9568-18-8043
0.392 ACRES
17,079 FT²)

IVY LANE
PRIVATE - ASPHALT
30' RW (PER SCALING
OF CAB. B SLIDE 35)

MARIANNE E. CAMPBELL
CHARLES S. CAMPBELL, JR.
JOSEPH BOOTHROYD
(PORTION OF PIN:
9568-18-5388)
DB 1027 PG 487, TR. 4-PAR. 4
AREA= 0.505 ACRES
22,003 FT²



CP
SPC (NAD83-2011):
N= 587,782.28'
E= 961,825.26'

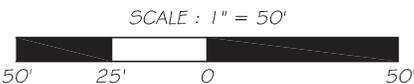
N 82°16'10" E
150.08' - TIE

5TH AVENUE WEST
PUBLIC - ASPHALT

NOTE:
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 FOR PLATS.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 81°45'25" E	30.06'
L2	S 82°16'10" W	30.05'



McABEE ASSOCIATES, P.A.
PROFESSIONAL LAND SURVEYING

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

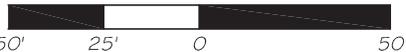
EXHIBIT MAP ILLUSTRATING PROPOSED
CLOSURE OF :
IVY LANE

MAP PREPARED FOR:
WINDSOR BUILT HOMES, INC.

DATE: 9/12/2019
PROJECT NO.: #12955
DRAWN BY: JBW
DRAWING NO.: A-19-2292
SCALE: 1"=50'
SHEET ONE OF TWO
HENDERSONVILLE TOWNSHIP
HENDERSON COUNTY, NC

NOTE:
SEE SHEET ONE FOR LEGEND
& ABBREVIATIONS

SCALE : 1" = 50'



**STREET CLOSURE
AREA B**
(LOCATED ACROSS PIN:
9568-18-8429
0.076 ACRES
3,306 FT²)

**STREET CLOSURE
AREA A**
(LOCATED BETWEEN PINS:
9568-18-5388 &
9658-18-8043
0.392 ACRES
17,079 FT²)

IVY LANE
PRIVATE - ASPHALT
30' RW (PER SCALING
OF CAB. B SLIDE 35)

HUGER STREET
(AS SHOWN IN CAB. B SLIDE 35)
UNOPENED
40' RW (PER SCALING
OF CAB. SLIDE 35)

MARIANNE E. CAMPBELL
CHARLES S. CAMPBELL, JR.
PIN: 9568-18-8429
DB 1114 PG 136
DB 1027 PG 487, TR. 1
AREA = 2.182 ACRES

ALLEY
UNOPENED (12'
WIDE PER SCALING
OF CAB. B SLIDE 35)

MARIANNE E. CAMPBELL
CHARLES S. CAMPBELL, JR.,
JOSEPH BOOTHROYD
(PORTION OF PIN:
9568-18-8043)
DB 1027 PG 499, TR. 3-PAR. 1
CAB. B SLIDE 35, LOTS 4 & 5
AREA = 0.363 ACRES
15,800 FT²

MIDWAY STREET
(FKA WALTON STREET)
UNOPENED
40' RW (PER SCALING
OF CAB. B SLIDE 35)

MARIANNE E. CAMPBELL
CHARLES S. CAMPBELL, JR.
JOSEPH BOOTHROYD
(PORTION OF PIN:
9568-18-8043)
DB 1027 PG 499, TR. 3-PAR. 2
CAB. B SLIDE 35, LOTS 10 & 11
AREA = 0.363 ACRES / 15,800 FT²

MATCHLINE SHEET 1

NOTE:
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 FOR PLATS.



**McABEE
ASSOCIATES, P.A.**
PROFESSIONAL LAND SURVEYING

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

EXHIBIT MAP ILLUSTRATING PROPOSED
CLOSURE OF :

IVY LANE

MAP PREPARED FOR:
WINDSOR BUILT HOMES, INC.

DATE: 9/12/2019
PROJECT NO.: #12955
DRAWN BY: JBW
DRAWING NO.: A-19-2292
SCALE: 1"=50'
SHEET TWO OF TWO
HENDERSONVILLE TOWNSHIP
HENDERSON COUNTY, NC

LEGEND & ABBREVIATIONS :

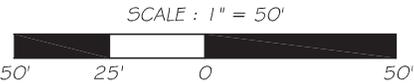
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- RECOVERED BOUNDARY MONUMENT (SIZE AND TYPE AS NOTED)
- BOUNDARY LINE (FIELD SURVEYED)
- - - BOUNDARY LINE (COMPOSITE, PLOTTED FROM RECORD DESCRIPTIONS)
- A.G.= ABOVE ADJACENT GRADE
- B.G.= BELOW ADJACENT GRADE
- ENC.= APPARENT ENCROACHMENT
- ITL= INTERIOR TRACT LINE
- PAR.= PARCEL
- POL= POINT ON BOUNDARY LINE
- REF.= REFERENCE
- (T)= TOTAL DISTANCE
- TR.= TRACT
- WS= WATER SPIGOT

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 81°45'55" E	1.58'
L2	N 81°45'55" E	29.77'
L3	N 81°45'55" E	16.51'
L4	S 80°26'47" W	16.53'
L5	S 82°07'58" W	16.18'



STREET CLOSURE AREA
(LOCATED BETWEEN PIN: 9568-18-8043)
0.103 ACRES
4,495 FT²



NOTE:
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 FOR PLATS.



McABEE ASSOCIATES, P.A.
PROFESSIONAL LAND SURVEYING

Eric S. McAbee, PLS J. Barry West, PLS
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3 McAbee Trail Fairview North Carolina, 28730
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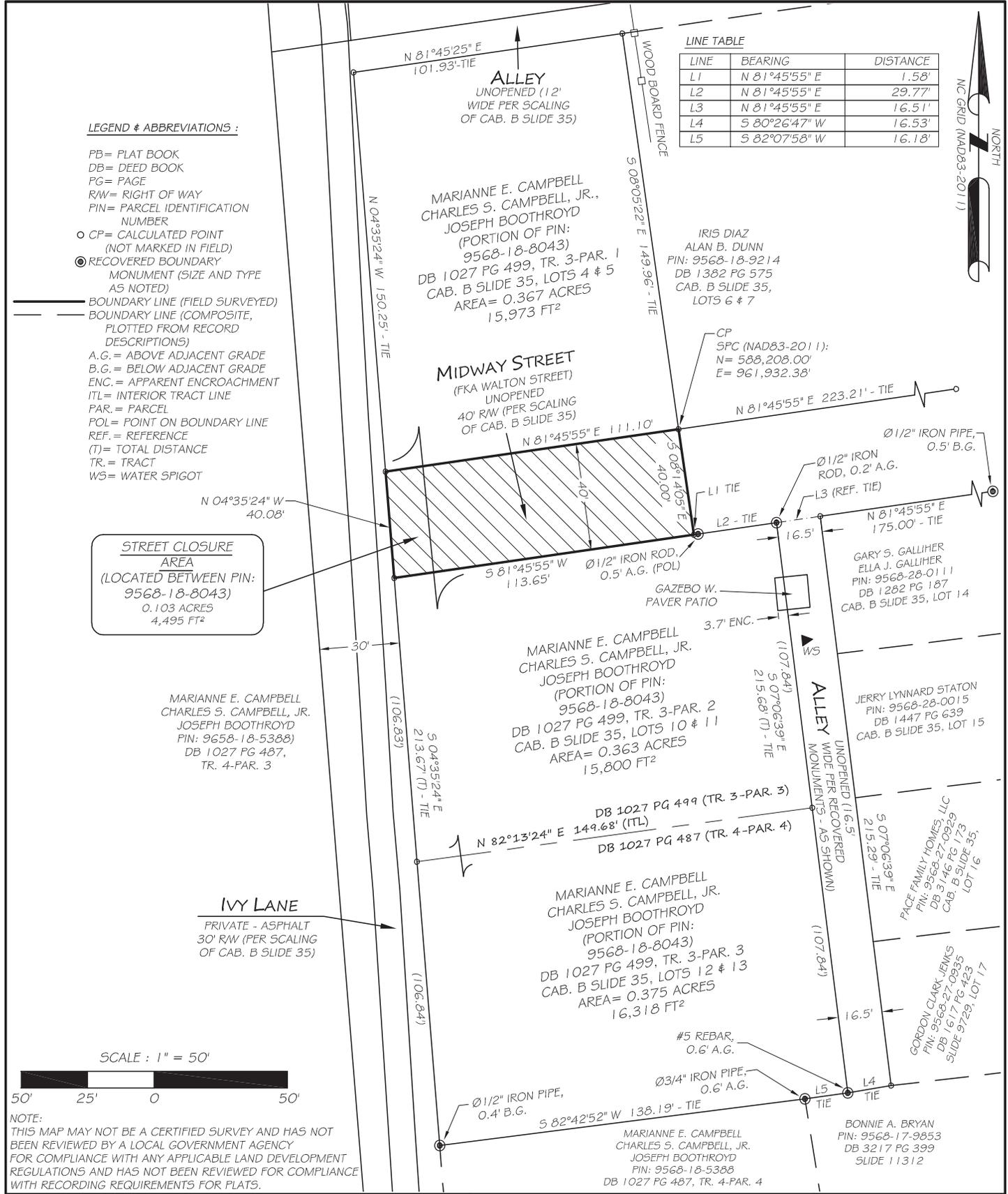
EXHIBIT MAP ILLUSTRATING PROPOSED CLOSURE OF A PORTION OF :

MIDWAY STREET
(FKA WALTON STREET)

MAP PREPARED FOR:
WINDSOR BUILT HOMES, INC.

DATE: 9/12/2019
PROJECT NO.: #12955
DRAWN BY: JBW
DRAWING NO.: A-19-2293
SCALE: 1"=50'

HENDERSONVILLE TOWNSHIP
HENDERSON COUNTY, NC

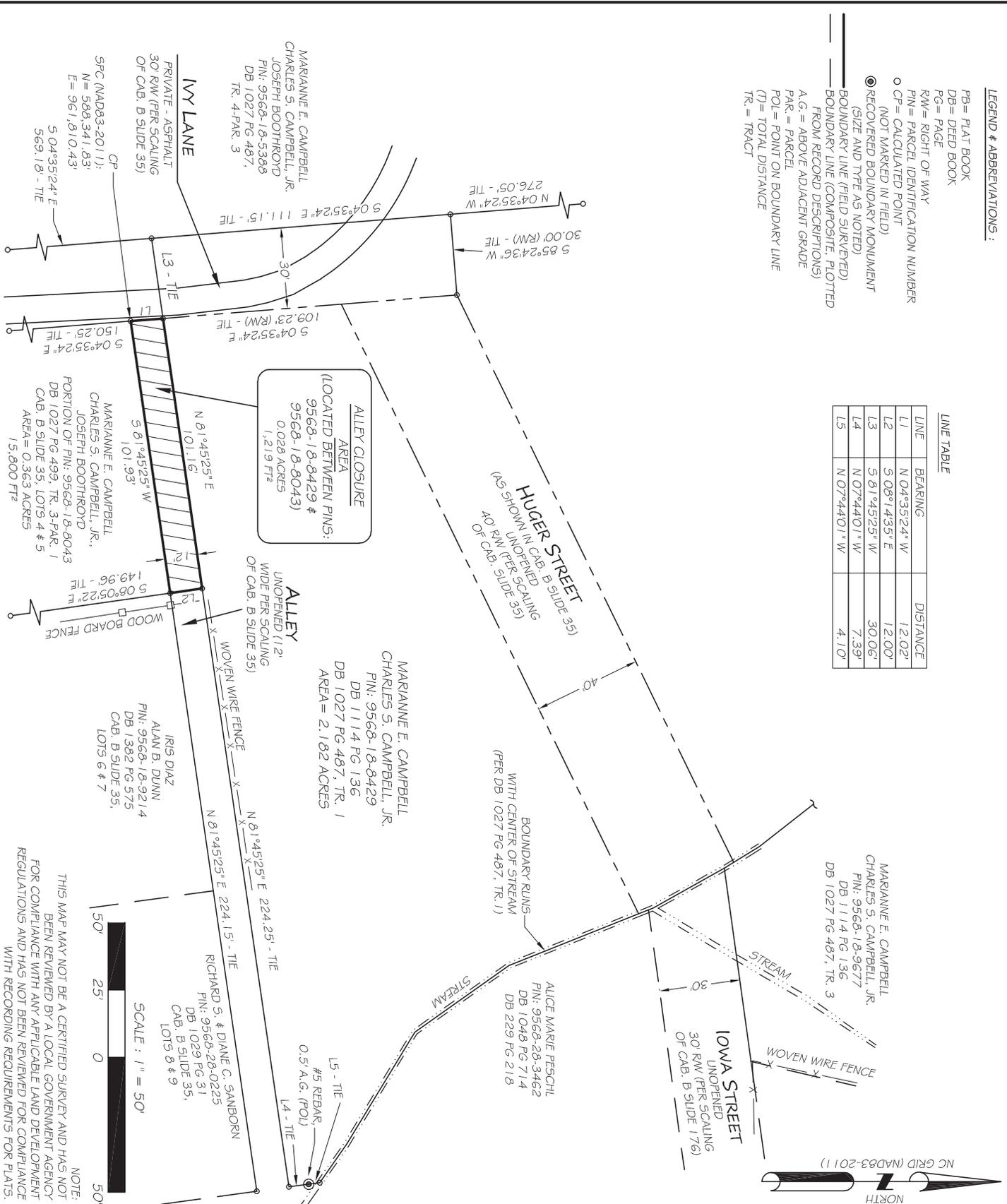


LEGEND & ABBREVIATIONS:

- FB = PLAT BOOK
- DB = DEED BOOK
- PG = PAGE
- RM = RIGHT OF WAY
- FN = PARCEL IDENTIFICATION NUMBER
- CP = CALCULATED POINT
- (NOT MARKED IN FIELD)
- RECOVERED BOUNDARY MONUMENT
- (SIZE AND TYPE AS NOTED)
- BOUNDARY LINE (FIELD SURVEYED)
- BOUNDARY LINE (COMPOSITE, PLOTTED FROM RECORD DESCRIPTIONS)
- A.G. = ABOVE ADJACENT GRADE
- PAR. = PARCEL
- POI = POINT ON BOUNDARY LINE
- (T) = TOTAL DISTANCE
- TR. = TRACT

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 04°35'24" W	12.02'
L2	S 08°14'35" E	12.00'
L3	S 81°45'25" W	30.06'
L4	N 07°44'01" W	7.39'
L5	N 07°44'01" W	4.10'



NOTE:
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 FOR PLATS.



McAbee Associates, P.A.
PROFESSIONAL LAND SURVEYING

Enc 5: McAbee, PLS J. Barry West, PLS
Wallace S. McAbee, PLS (Emeritus)
3 McAbee Trail Fairview North Carolina, 28730
www.mcabeesurvey.com Firm License Number: C-694

EXHIBIT MAP ILLUSTRATING PROPOSED CLOSURE OF:

UN-NAMED ALLEY

(12' WIDE ALLEY NORTH OF WALTON STREET AS ILLUSTRATED IN PLAT CABINET B SLIDE 35)

MAP PREPARED FOR:
WINDSOR BUILT HOMES, INC.

DATE: 9/12/2019
PROJECT NO.: #12955
DRAWN BY: JBW
DRAWING NO.: A-19-2295
SCALE: 1"=50'

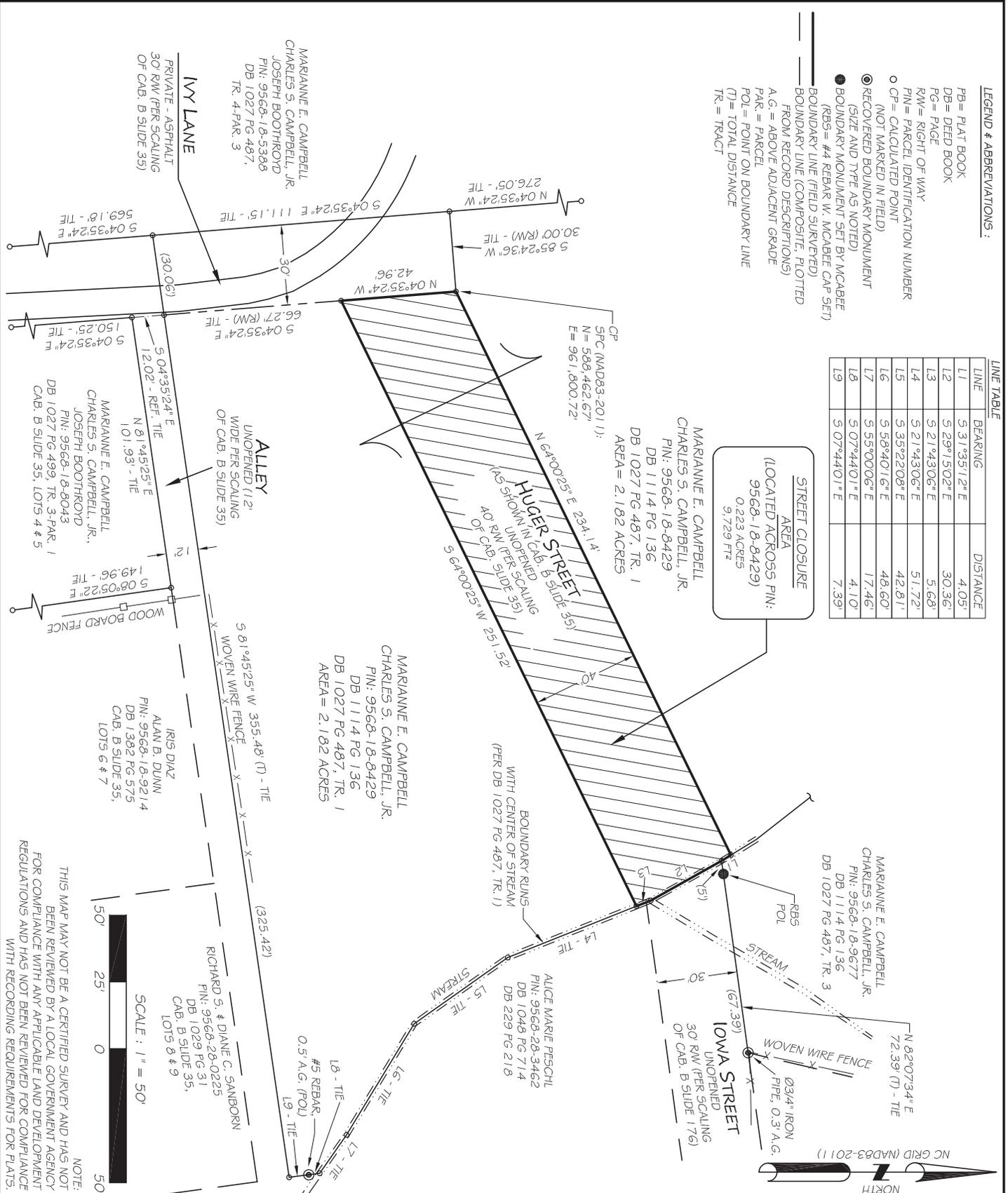
HENDERSONVILLE TOWNSHIP
HENDERSON COUNTY, NC

LEGEND & ABBREVIATIONS:

- PB = PLAT BOOK
- DB = DEED BOOK
- PG = PAGE
- RM = RIGHT OF WAY
- PI = PARCEL IDENTIFICATION NUMBER
- CP = CALCULATED POINT
- (NOT MARKED IN FIELD)
- RECOVERED BOUNDARY MONUMENT
- (SIZE AND TYPE AS NOTED)
- BOUNDARY MONUMENT SET BY MCABEE
- (RBS = #4 REBAR W/ MCABEE CAP SET)
- BOUNDARY LINE (FIELD SURVEYED)
- BOUNDARY LINE (COMPOSITE, PLOTTED FROM RECORD DESCRIPTIONS)
- A.G. = ABOVE ADJACENT GRADE
- PAR = PARCEL
- POL = POINT ON BOUNDARY LINE
- (T) = TOTAL DISTANCE
- TR = TRACT

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 31°35'12" E	4.05'
L2	S 29°15'02" E	30.36'
L3	S 21°43'06" E	5.68'
L4	S 21°43'06" E	51.72'
L5	S 35°22'08" E	42.81'
L6	S 58°40'16" E	48.60'
L7	S 55°00'06" E	17.46'
L8	S 07°44'01" E	4.10'
L9	S 07°44'01" E	7.39'



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 FOR PLATS.



McABEE ASSOCIATES, P.A.
PROFESSIONAL LAND SURVEYING

Enc 5: McAbee, PLS J. Barry West, PLS
Wallace S. McAbee, PLS (Emeritus)
3 McAbee Trail Fairview North Carolina, 28730
www.mcabeesurvey.com Firm License Number: C-694

EXHIBIT MAP ILLUSTRATING PROPOSED CLOSURE OF:

HUGER STREET
(AS ILLUSTRATED IN PLAT CABINET B SLIDE 35)

MAP PREPARED FOR:
WINDSOR BUILT HOMES, INC.

DATE: 9/12/2019
PROJECT NO.: #12955
DRAWN BY: JBW
DRAWING NO.: A-19-2294
SCALE: 1" = 50'

HENDERSONVILLE TOWNSHIP
HENDERSON COUNTY, NC

LEGAL DESCRIPTION FOR PROPOSED IVY LANE STREET CLOSURE AREA "A"
(CLOSURE AREA BEING LOCATED BETWEEN THE PROPERTIES CURRENTLY
OWNED BY MARIANNE E. CAMPBELL, CHARLES S. CAMPBELL, JR. & JOSEPH
BOOTHROYD AND BEARING PARCEL IDENTIFICATION NUMBERS 9568-18-5388 &
9568-18-8043)

BEING LOCATED WITHIN HENDERSONVILLE TOWNSHIP – HENDERSON COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT LOCATED AT THE INTERSECTION OF THE NORTHERN MARGIN OF 5TH AVENUE WEST AND THE WESTERN MARGIN OF THE 30' PRIVATE RIGHT OF WAY OVER IVY LANE; SAID CALCULATED POINT BEARING NORTH CAROLINA GRID COORDINATES (NAD83-2011) OF: NORTHING= 587,782.28 FEET / EASTING= 961,825.26 FEET; THENCE RUNNING FROM SAID POINT OF BEGINNING AND WITH THE SAID WESTERN MARGIN OF IVY LANE NORTH 04°35'24" WEST 569.18 FEET TO A CALCULATED POINT LOCATED AT THE SOUTH WESTERN CORNER OF THE PROPERTY OF MARIANNE E. CAMPBELL & CHARLES S. CAMPBELL, JR. (PROPERTY BEARING PIN: 9568-18-8429 AND BEING RECORDED IN DEED BOOK 1114 PAGE 136); THENCE TURNING AND RUNNING WITH THE SOUTHERN BOUNDARY OF THE SAID CAMPBELL PROPERTY NORTH 81°45'25" EAST 30.06 FEET TO A CALCULATED POINT LOCATED ON THE EASTERN MARGIN OF THE SAID RIGHT OF WAY OVER IVY LANE; THENCE RUNNING WITH THE SAID EASTERN MARGIN OF IVY LANE SOUTH 04°35'24" E 569.45 FEET TO A CALCULATED POINT LOCATED AT THE INTERSECTION OF THE NORTHERN MARGIN OF 5TH AVENUE WEST AND THE EASTERN MARGIN OF THE SAID 30' PRIVATE RIGHT OF WAY OVER IVY LANE; THENCE TURNING AND RUNNING WITH THE NORTHERN MARGIN OF 5TH AVENUE WEST SOUTH 82°16'10" WEST 30.05 FEET TO THE POINT AND PLACE OF BEGINNING.

PROPOSED CLOSURE AREA "A" CONTAINING 0.392 ACRES / 17,079 SQUARE FEET.

LEGAL DESCRIPTION FOR PROPOSED IVY LANE STREET CLOSURE AREA "B"
(CLOSURE AREA BEING LOCATED ACROSS THE PROPERTY CURRENTLY OWNED
BY MARIANNE E. CAMPBELL & CHARLES S. CAMPBELL, JR. AND BEARING
PARCEL IDENTIFICATION NUMBER 9568-18-8429)

BEING LOCATED WITHIN HENDERSONVILLE TOWNSHIP – HENDERSON COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT LOCATED AT THE SOUTH WESTERN CORNER OF THE PROPERTY OF MARIANNE E. CAMPBELL & CHARLES S. CAMPBELL, JR. (PROPERTY BEARING PIN: 9568-18-8429 AND BEING RECORDED IN DEED BOOK 1114 PAGE 136); SAID POINT OF BEGINNING BEING LOCATED NORTH 04°35'24" WEST 569.18 FEET FROM A CALCULATED POINT LOCATED AT THE INTERSECTION OF THE NORTHERN MARGIN OF 5TH AVENUE WEST AND THE WESTERN MARGIN OF THE 30' PRIVATE RIGHT OF WAY OVER IVY LANE AND BEARING NORTH CAROLINA GRID COORDINATES (NAD83-2011) OF: NORTHING= 587,782.28 FEET / EASTING= 961,825.26 FEET; THENCE FROM SAID POINT OF BEGINNING AND WITH THE WESTERN MARGIN OF THE RIGHT OF WAY OVER IVY LANE NORTH 04°35'24" WEST 111.15 FEET TO A CALCULATED POINT LOCATED AT THE NORTHERN TERMINUS OF IVY LANE; THENCE TURNING AND FOLLOWING THE NORTHERN TERMINUS OF IVY LANE NORTH 85°24'36" EAST 30.00 FEET TO A CALCULATED POINT LOCATED ON THE EASTERN MARGIN OF THE RIGHT OF WAY OVER IVY LANE; THENCE TURNING AND RUNNING WITH THE SAID EASTERN MARGIN IVY LANE SOUTH 04°35'24" EAST 109.23 FEET TO A CALCULATED POINT LOCATED ON THE SOUTHERN BOUNDARY OF THE SAID CAMPBELL PROPERTY; THENCE TURNING AND RUNNING WITH THE SOUTHERN BOUNDARY OF THE SAID CAMPBELL PROPERTY SOUTH 81°45'25" WEST 30.06 FEET TO THE POINT AND PLACE OF BEGINNING.

PROPOSED CLOSURE AREA "B" CONTAINING 0.076 ACRES / 3,306 SQUARE FEET.

LEGAL DESCRIPTION FOR PROPOSED CLOSURE OF A PORTION OF MIDWAY STREET (CLOSURE AREA BEING LOCATED BETWEEN THE PROPERTY CURRENTLY OWNED BY MARIANNE E. CAMPBELL, CHARLES S. CAMPBELL, JR. & JOSEPH BOOTHROYD AND BEARING PARCEL IDENTIFICATION NUMBER 9568-18-8043)

BEING LOCATED WITHIN HENDERSONVILLE TOWNSHIP – HENDERSON COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT LOCATED ON THE NORTHERN MARGIN OF THE 40 FOOT WIDE RIGHT OF WAY OVER AN UNOPENED PORTION OF MIDWAY STREET (FKA WALTON STREET IN PLAT CABINET B SLIDE 35) AT THE SOUTH EASTERN CORNER OF THE CAMPBELL / BOOTHROYD PROPERTY RECORDED IN DEED BOOK 1027 PAGE 499 – TRACT 3, PARCEL ONE; SAID POINT OF BEGINNING BEARING NORTH CAROLINA GRID COORDINATES (NAD83-2011) OF: NORTHING= 588,208.00 FEET / EASTING= 961,932.38 FEET; THENCE RUNNING ALONG THE PROPOSED CLOSURE LINE AND ACROSS MIDWAY STREET SOUTH 08°14'05" EAST 40.00 FEET TO A CALCULATED POINT LOCATED ON THE SOUTHERN MARGIN OF THE RIGHT OF WAY LOCATED OVER MIDWAY STREET; THENCE TURNING AND RUNNING WITH THE SAID SOUTHERN MARGIN OF THE RIGHT OF WAY LOCATED OVER MIDWAY STREET AND ALSO WITH THE NORTHERN BOUNDARY OF THE SAID CAMPBELL / BOOTHROYD PROPERTY RECORDED IN DEED BOOK 1027 PAGE 499 – TRACT 3, PARCEL TWO SOUTH 81°45'55" WEST 113.65 FEET TO A CALCULATED POINT LOCATED AT THE INTERSECTION OF THE SAID SOUTHERN MARGIN OF THE RIGHT OF WAY LOCATED OVER MIDWAY STREET AND THE EASTERN MARGIN OF THE 30 FOOT RIGHT OF WAY LOCATED OVER IVY LANE; THENCE TURNING AND RUNNING WITH THE SAID EASTERN MARGIN OF THE RIGHT OF WAY LOCATED OVER IVY LANE NORTH 04°35'24" WEST 40.08 FEET TO A CALCULATED POINT LOCATED ON THE NORTHERN MARGIN OF THE SAID RIGHT OF WAY LOCATED OVER MIDWAY STREET; THENCE RUNNING THE WITH THE SAID NORTHERN MARGIN OF THE RIGHT OF WAY LOCATED OVER MIDWAY STREET NORTH 81°45'55" EAST 111.10 FEET TO THE POINT AND PLACE OF BEGINNING.

PROPOSED CLOSURE OF THE PORTION OF MIDWAY STREET DESCRIBED ABOVE CONTAINING 0.103 ACRES / 4,495 SQUARE FEET.

LEGAL DESCRIPTION FOR PROPOSED CLOSURE OF HUGER STREET – AS SHOWN
IN PLAT CABINET B SLIDE 35 (CLOSURE AREA BEING LOCATED ACROSS THE
PROPERTY CURRENTLY OWNED BY MARIANNE E. CAMPBELL & CHARLES S.
CAMPBELL, JR. AND BEARING PARCEL IDENTIFICATION NUMBER 9568-18-8429)

BEING LOCATED WITHIN HENDERSONVILLE TOWNSHIP – HENDERSON COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT LOCATED AT THE INTERSECTION OF THE NORTH WESTERN TERMINUS OF THE 40 FOOT RIGHT OF WAY LOCATED OVER HUGER STREET WITH THE NORTH EASTERN TERMINUS OF THE 30 FOOT RIGHT OF WAY LOCATED OVER IVY LANE; SAID POINT OF BEGINNING BEARING NORTH CAROLINA GRID COORDINATES (NAD83-2011) OF: NORTHING= 588,462.67 FEET / EASTING= 961,800.72 FEET; THENCE RUNNING ALONG THE NORTHERN MARGIN OF THE SAID RIGHT OF WAY LOCATED OVER HUGER STREET NORTH 64°00'25" EAST 234.14 FEET TO A CALCULATED POINT LOCATED IN THE CENTER OF A STREAM; THENCE TURNING AND RUNNING WITH THE CENTER OF THE SAID STREAM THE FOLLOWING THREE COURSES AND DISTANCES: 1) SOUTH 31°35'12" EAST 4.05 FEET TO A CALCULATED POINT, 2) SOUTH 29°15'02" EAST 30.36 FEET TO A CALCULATED POINT AND FINALLY 3) SOUTH 21°43'06" EAST 5.68 FEET TO A CALCULATED POINT; THENCE TURNING AND LEAVING SAID STREAM AND RUNNING WITH THE SOUTHERN MARGIN OF THE SAID RIGHT OF WAY LOCATED OVER HUGER STREET SOUTH 64°00'25" WEST 251.52 FEET TO A CALCULATED POINT LOCATED ON THE EASTERN MARGIN OF THE SAID RIGHT OF WAY LOCATED OVER IVY LANE; THENCE TURNING AND RUNNING WITH THE SAID EASTERN MARGIN OF THE RIGHT OF WAY LOCATED OVER IVY LANE NORTH 04°35'24" WEST 42.96 FEET TO THE POINT AND PLACE OF BEGINNING.

PROPOSED CLOSURE OF HUGER STREET CONTAINING 0.223 ACRES / 9,729 SQUARE FEET.

LEGAL DESCRIPTION FOR PROPOSED CLOSURE OF A PORTION OF AN UNNAMED ALLEY 12 FEET IN WIDTH AND LOCATED NORTH OF WALTON STREET - AS SHOWN IN PLAT CABINET B SLIDE 35 STREET (CLOSURE AREA BEING LOCATED BETWEEN THE PROPERTIES CURRENTLY OWNED BY MARIANNE E. CAMPBELL, CHARLES S. CAMPBELL, JR. & JOSEPH BOOTHROYD AND BEARING PARCEL IDENTIFICATION NUMBERS 9568-18-8043 & 9568-18-8429)

BEING LOCATED WITHIN HENDERSONVILLE TOWNSHIP – HENDERSON COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT LOCATED AT THE INTERSECTION OF THE SOUTHERN MARGIN OF THE UNNAMED 12 FOOT WIDE ALLEY LOCATED NORTH OF WALTON STREET – AS SHOWN IN PLAT CABINET B SLIDE 35 WITH THE EASTERN MARGIN OF THE 30 FOOT WIDE RIGHT OF WAY LOCATED OVER IVY LANE; SAID POINT OF BEGINNING BEARING NORTH CAROLINA GRID COORDINATES (NAD83-2011) OF: NORTHING= 588,341.83 FEET / EASTING= 961,810.43 FEET; THENCE RUNNING WITH THE SAID EASTERN MARGIN OF THE RIGHT OF WAY LOCATED OVER IVY LANE NORTH 04°35'24" WEST 12.02 FEET TO A CALCULATED POINT; THENCE TURNING AND RUNNING WITH THE NORTHERN MARGIN OF THE SAID 12 FOOT WIDE ALLEY NORTH 81°45'25" EAST 101.16 FEET TO A CALCULATED POINT; THENCE TURNING AND RUNNING WITH THE PROPOSED ALLEY CLOSURE LINE SOUTH 08°14'35" EAST 12.00 FEET TO A CALCULATED POINT; THENCE TURNING AND RUNNING WITH THE SAID SOUTHERN MARGIN OF THE 12 FOOT WIDE ALLEY SOUTH 81°45'25" WEST 101.93 FEET TO THE POINT AND PLACE OF BEGINNING.

PROPOSED CLOSURE OF THE PORTION OF THE UNNAMED 12 FOOT WIDE ALLEY DESCRIBED ABOVE CONTAINING 0.028 ACRES / 1,219 SQUARE FEET.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Admin

Date Submitted: 10.30.19

Presenter:

Date of Council Meeting to consider this item: 11.07.19

Nature of Item: Council Action

Summary of Information/Request:

Item # 05g

NCGS 160A-76 requires granting, renewing, extension, or amendment of any franchise must be passed at two regular meetings of the council, and must be made by ordinance.

You will find Ordinance #19-1072 Granting a Franchise for the Operation of a Trolley Bike Tour Service (Pubcycle) within the City.

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

N/A

Suggested Motion:

I move Council to approve Ordinance #19-1072 Granting a Franchise for the Operation of a Trolley Bike Tour Service (Pubcycle) within the City.

Attachments:

Ordinance #19-1072

**AN ORDINANCE GRANTING A FRANCHISE FOR THE OPERATION OF A
TROLLEY BIKE TOUR SERVICE (PUBCYCLE) WITHIN
THE CITY OF HENDERSONVILLE**

WHEREAS, the City of Hendersonville (herein "City") has the authority pursuant to G.S. 160A- 296 to control the use of streets and sidewalks within the city; and

WHEREAS, the City of Hendersonville has the authority pursuant to G.S. 160A-76 to grant franchises; and

WHEREAS, HVL Pedal & Brews, LLC, a North Carolina limited liability company (Herein "the Franchisee"), proposes to operate a trolley bike tour service on the streets of the City; and

WHEREAS, the City has determined that it is in the public interest to permit the operation of said service on the City's streets, subject to certain terms and conditions; and

WHEREAS, the City considers the operation of a Pubcycle not in itself to be a violation of Hendersonville City Code Section 6-5; and

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

Section 1. HVL Pedal & Brews, LLC is hereby granted a franchise to operate a Trolley Bike Tour Service (herein "Pubcycle") on the streets of the City of Hendersonville subject to the following terms and conditions:

The Pubcycle is prohibited from operating on public streets where the speed limit is higher than thirty-five (35) miles per hour. The operation of the Pubcycle Service shall be designed so as to minimize traffic impacts upon the general circulation of vehicular and pedestrian traffic of the City.

1. Brewery Tour Route: The Pubcycle Service is allowed only in the areas highlighted on the map attached hereto as **Exhibit A**. The Brewery Route includes the following streets: 1st Avenue E, 5th Avenue E, 7th Avenue E, 8th Avenue E, Maple Street/Alley, Kanuga Road, Locust Street, Main Street, S. Washington Street, and W. Barnwell Street.

2. Downtown Tour Route: The Pubcycle Service is allowed only in the areas highlighted on the map attached hereto as **Exhibit B**. The Downtown Tour Route includes the following streets: 1st Avenue, 2nd Avenue, 3rd Avenue, 4th Avenue, 5th Avenue, 7th Avenue, 8th Avenue, Allen Street, Maple Street/ Alley, Barnwell Street, Buncombe Street, Grove Street, Locust Street, Main Street, Washington Street.

3. History/Cemetery Tour Route: The Pubcycle Service is allowed only in the areas highlighted on the map attached hereto as **Exhibit C**. The History/ Cemetery tour route includes the following streets: 4th Avenue, 5th Avenue W. Bearcat Boulevard, Barnwell Street, Charleston/Remax Alley, Main Street, N. Church Street, Oakdale Cemetery, Valley Street, Washington Street.

4. Special Events Tour Route: The Pubcycle Service is allowed only in the areas highlighted on the map attached hereto as **Exhibit D**. Special Events tour route includes the following streets: 1st Avenue E, 2nd Avenue E. 5th Avenue E. 7th Avenue E. 8th Avenue E. Edwards Alley, Maple Street/Alley, E. Caswell Street, Grove Street, Kanuga Road, Locust Street.

5. Stops and Parking: Pubcycle Service stops may not exceed three minutes on any public right-of-way, except as necessary to embark and disembark passengers, or with the written permission of the Development Assistance Director. Loading zones may be used for stops of this limited duration. All service stops shall be made in a way to minimize any possible disruption to the flow of vehicular traffic. It is anticipated that the Pubcycle Service will secure parking mainly in private lots when longer stops (i.e. waiting for passengers while they are in breweries) are required.

6. Operating times/frequency: The hours of operation shall be limited between 10:00 a.m. to 1:00 a.m. for nonalcoholic (historic) tours and 12:00 noon to 1:00 a.m. for alcoholic beverage consumption tours. City reserves the right to change these hours at its sole discretion, provided that the Franchisee is given a 30-day notice of such change. The Pubcycle is prohibited from operating in any City approved festival or event area where the roadways are blocked including, but not limited to, the Apple Festival, Garden Jubilee, and Art on Main except with written permission from the Development Assistance Staff.

7. Terms of Franchise/Renewal: The term of this Franchise shall be one year. The parties may consider the terms of a new franchise. This franchise is subject to the Revocation/Termination provisions of Paragraph 10 of this Ordinance.

8. Insurance: The Franchisee shall maintain Commercial General Liability insurance, including coverage for contractual liability, liability from independent contractors, property damage liability, bodily injury liability, and personal injury liability with limits of not less than \$1,000,000 per occurrence, and \$1,000,000 annual aggregate. The coverage shall be written on an occurrence basis. At all times during the term of this Franchise, The Franchisee shall maintain statutory Workers' Compensation insurance in accordance with the laws of North Carolina. The Franchisee shall also maintain Employers' Liability insurance with limits of not less than \$500,000 per accident and \$100,000 each employee for injury by disease. In the event of bodily injury or property damage loss caused by The Franchisee's negligent acts or omissions in connection with The Franchisee's services or operations associated with this franchise, The Franchisee's Liability insurance shall be primary with respect to any other insurance which may be available to the City, regardless of how the "Other Insurance" provisions may read. The Franchisee

shall submit copies of all said policies and a certificate of insurance naming the City as an additional insured for the approval of the City's Attorney. Approval from the City's Attorney shall be obtained prior to beginning any operation in the City of Hendersonville. The Franchisee shall also submit copies of said insurance policy and a certificate of insurance for approval to the City's Development Assistance Director prior to starting operations in the City of Hendersonville.

9. Indemnity: By commencing operation under this Franchise, The Franchisee agrees to indemnify and hold harmless the City against any liability for personal injury, property damage or other damage or injury arising from or in connection with any of its operations, including operation of the Pubcycle Service under this Franchise, and its insurance policy shall name the City as an additional insured to this effect.

10. Pubcycle/Trolley Bike Equipment/Condition of Vehicle: The Pubcycle or trolley bike will be a pedal-assisted motorized vehicle and shall be licensed and plated by the NC Department of Transportation as a slow-moving vehicle. The vehicle's approximate speed is 7-10 mph but has the ability to travel at speeds up to 35 mph. The vehicle is approximately 16' long, 8' wide and 9' high. Safety features of the vehicle shall include headlamps, tail lamps, stop lamps, turn signals, a Type AS-1 or AS-5 glazing windshield with wiper, reflex bumpers, parking brake, rear-view mirrors, a horn, and seatbelts. The Franchisee is responsible for ensuring that all Pubcycle/trolley equipment is maintained in a safe and operable condition in accordance with applicable laws. The City reserves the right to have the vehicle inspected by the Hendersonville Police Department, appointed pursuant to city Code Sec. 54-33, and to restrict operation of any vehicles that fail inspection.

11. Standards for Drivers/Conductors: The Pubcycle/trolley bike shall have a designated driver known as the Conductor and possibly another representative of The Franchisee known as the Watchman who will assist with tours and enforcement of rules. The Franchisee shall certify in writing to the City that each driver has a valid North Carolina driver's license, is medically fit to operate the Pubcycle/trolley bike and has submitted a complete criminal background check. The Franchisee shall keep these records on file and will supply them to the City upon request. Drivers with convictions for crimes of moral turpitude, driving while impaired, controlled substance offenses and sex offenses are prohibited from operating the Pubcycle/trolley bike within the City limits.

12. Non-transferability/Amendment: This Franchise shall constitute a certificate of public convenience and necessity for the operation of the Pubcycle Service. This Franchise is not transferable, except to another entity owned by The Franchisee with written consent from the City and may not be amended except as provided in G.S. 160A-76 and G.S. 160A-304(b). This Franchise is not exclusive.

13. Revocation/Termination: The City may revoke this Franchise at any time for failure by The Franchisee to comply with any of the provisions hereof; provided, that The Franchisee shall receive 10 days' notice of said revocation during which time this franchise may only be suspended. The City may revoke this Franchise

for any reason upon 30 days' notice to The Franchisee. The Franchisee shall be entitled to no compensation or payment as a result of the revocation of this franchise for any reason. The Franchisee may cease operations under this Franchise upon 30 days' notice to the City.

14. Notice: Any notices required or permitted pursuant to this franchise shall be first class mail or personal delivery to the parties as follows:

If to The Franchisee:
HVL Pedal & Brews, LLC
Attn: Adam Justus
PO Box 2652
Hendersonville NC 28793

If to City:
Hendersonville City Attorney
160 Sixth Avenue East
Hendersonville, 28792

Compliance with the formalities of this section may be waived.

The Franchisee shall designate an individual to be its agent for service of process in accordance with North Carolina law, and shall keep the City advised of any changes in said agent or its address.

15. Franchise Fee: The fee for the operation of this Franchise shall be \$1.00 per day for each day of the term of the Franchise, or \$365 annually; payable in a lump sum on or before the effective date of this Franchise and thereafter, due and payable annually on or before July 1 for the term of the Franchise. The City reserves the right to adjust this fee upon sixty (60) days' notice to The Franchisee.

Upon an increase of the fee by the City, The Franchisee shall have the right to cancel this franchise of the remainder of this term.

16. Temporary Suspension/Modification: This Franchise and any of the terms and conditions thereof, including those relating to route, stops, and scheduling are subject to temporary suspension or modification by the City as necessary for the City to exercise and maintain control over its streets and public ways. The reasons for such action may include (by way of example and not limitation), the following: (a) closing of streets for repairs; (b) closing of streets for parades and festivals; (c) change in direction of one-way streets; (d) Changes in parking configuration. Any such action shall be within the City's sole discretion without recourse by The Franchisee. The City will endeavor to provide advance notice of such action but shall not be bound to do so. Suspension or modification expected to be of more than 30 days duration will require amendment to this franchise.

17. Compliance with Laws: The Franchisee shall comply with all applicable federal, state, and local laws in the operation of its business including, but not limited to, the City of Hendersonville open container ordinance, and the State of North Carolina

Alcoholic Beverage Control (ABC) laws (i.e. NCGS 188-401; NCGS 20-4.01 (27); NCGS 20-138.7; NCGS 138.2C). However, requirements of this ordinance must still be observed (i.e. passengers cannot leave the vehicle with an open container). The Franchisee shall also be responsible for obtaining all necessary licenses and permits including, but not limited to, ABC permits and licenses or permits from the NC Department of Transportation.

18. Acceptance of the terms hereof: The Franchisee's operation in substantial accordance herewith shall demonstrate the Franchisee's acceptance of all terms and conditions of this franchise, each of which shall become binding on the Franchisee as of the date hereof.

Section 2. All ordinances and clauses of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. That if any part of this ordinance is, for any reason, held to be invalid, such invalidity shall not affect the validity of the remaining portions of this ordinance.

Section 4. This ordinance shall be effective upon its adoption.

Adopted this third day of October 2019.



Barbara G. Volk, Mayor

Attest:



Tammie K. Drake, MMC, City Clerk

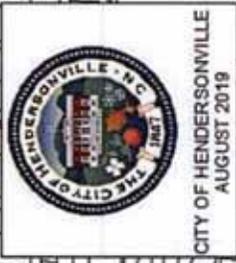
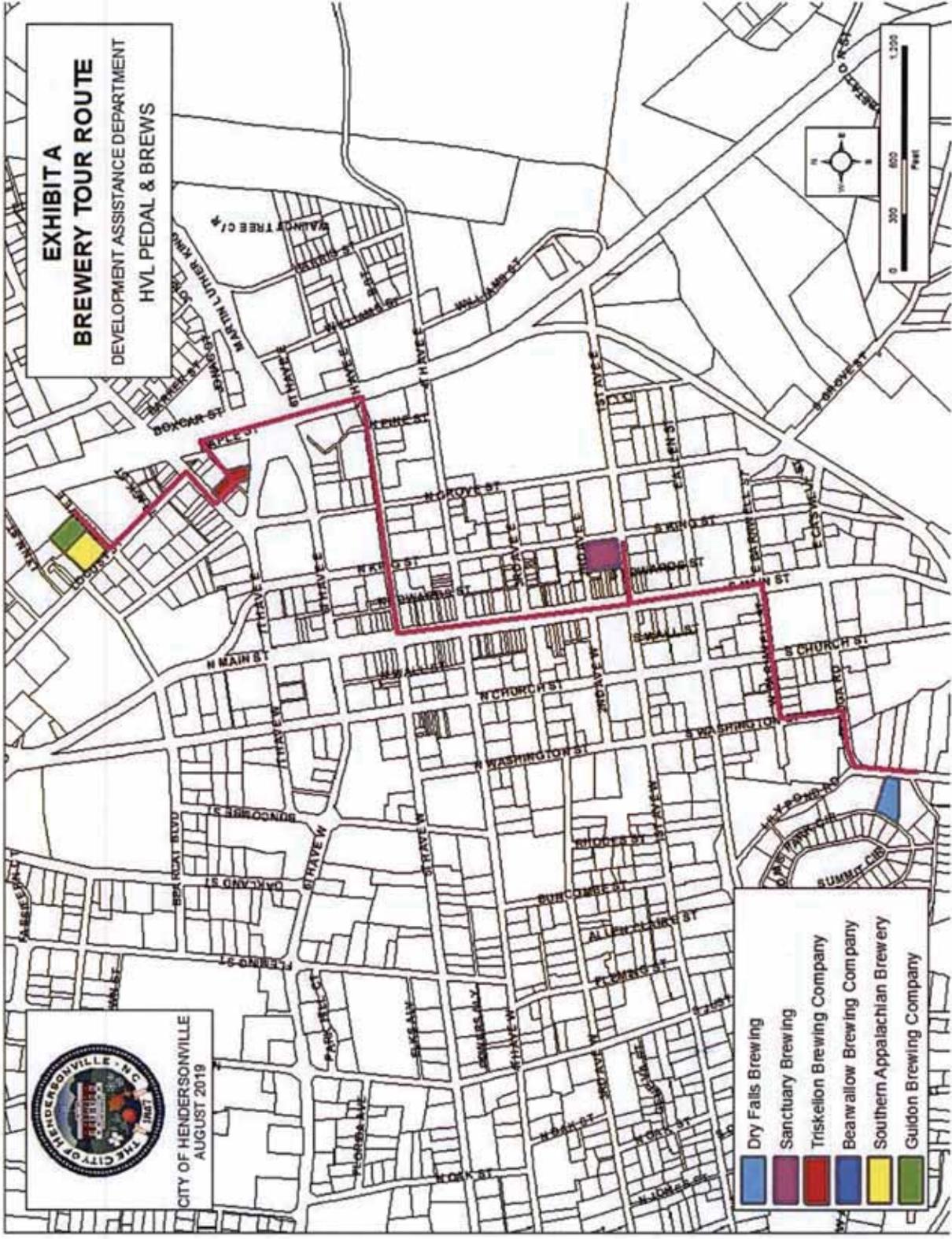
Approved as to form:



Samuel H. Fritschner, City Attorney

<https://hvlncgov.sharepoint.com/Shared Documents/Agenda/19-10-03 Council Meeting/Clerk/Franchise Ordinance for Trolley Bike.docx>

EXHIBIT A
BREWERY TOUR ROUTE
 DEVELOPMENT ASSISTANCE DEPARTMENT
 HVL PEDAL & BREWS



- Dry Falls Brewing
- Sanctuary Brewing
- Triskellon Brewing Company
- Bearwallow Brewing Company
- Southern Appalachian Brewery
- Guidon Brewing Company

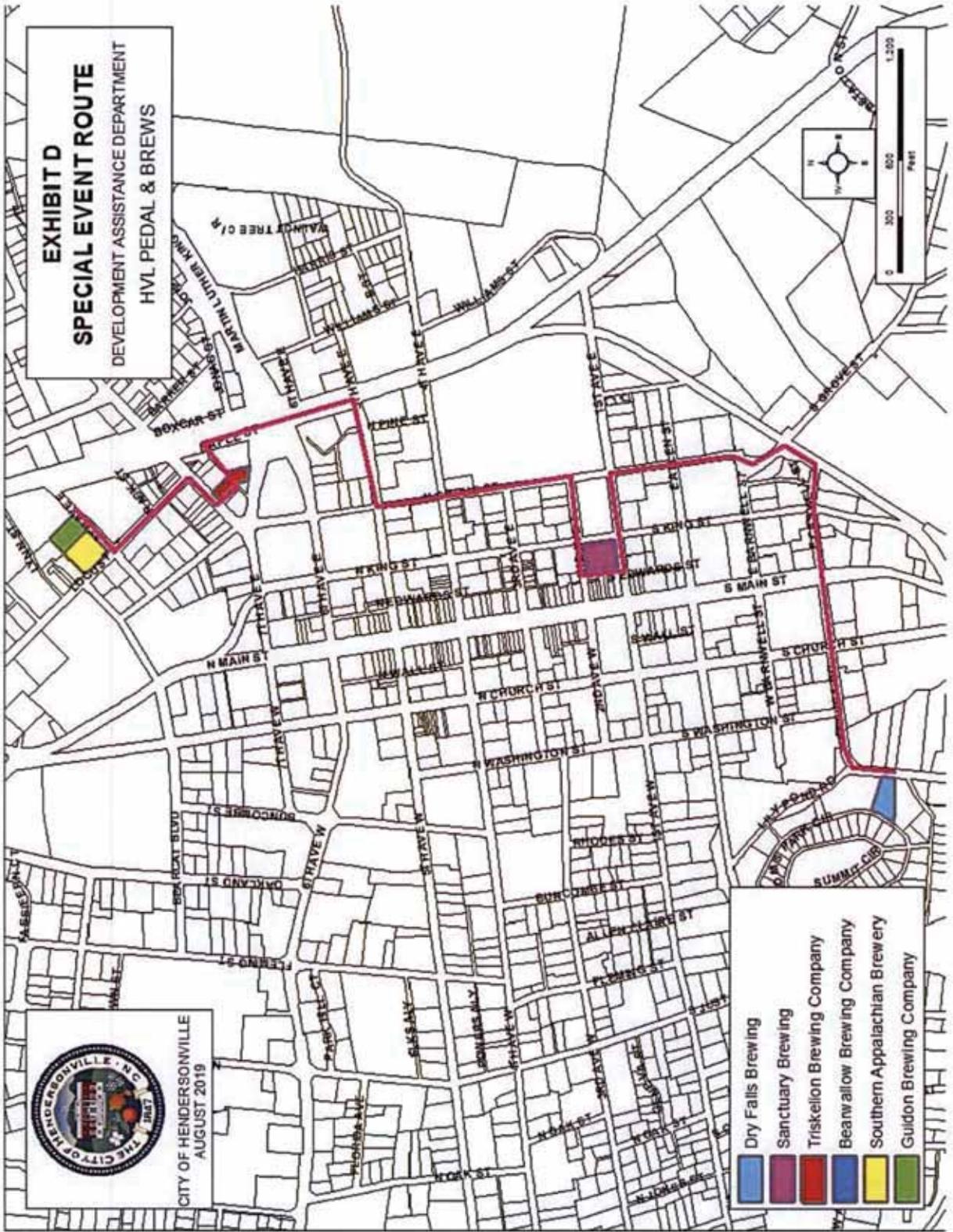


EXHIBIT D
SPECIAL EVENT ROUTE
 DEVELOPMENT ASSISTANCE DEPARTMENT
 HVL PEDAL & BREWS



- Dry Falls Brewing
- Sanctuary Brewing
- Triskelion Brewing Company
- Bearallow Brewing Company
- Southern Appalachian Brewery
- Guildon Brewing Company



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Rhonda Wiggins

Department: Utilities

Date Submitted: 10/30/2019

Presenter: Lee Smith

Date of Council Meeting to consider this item: 11/07/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 05hi

Water Extension Request

Haywood Crossing

This project requires an extension of the City of Hendersonville's water system to provide service to a proposed residential development consisting of 20 single family lots. This project is located along Haywood Road, Hwy 191.

This extension shall consist of 661 LF 6" DIP, 922 LF of 2" PVC, 811 LF 8" DIP and two (2) fire hydrants.

Sewer service for this project is provided by Cane Creek Sewer District.

This project is within Henderson County Zoning & Planning Jurisdiction and was granted approval June 21, 2019

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

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

This project will be funded by the developer, Spano and Associates Haywood, LLC of Lake Mary, FL

Suggested Motion:

I move Council to resolve to accept this Utility Extension Project and to authorize the City Manager to execute associated Utility Extension Agreements on behalf of the City.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Rhonda Wiggins

Department: Utilities

Date Submitted: 10/30/2019

Presenter: Lee Smith

Date of Council Meeting to consider this item: 11/07/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 05hii

Water Extension Request

Rugby Ridge

This project requires an extension of the City of Hendersonville's water system to provide service to a proposed residential development consisting of 26 single family lots. This project is located along North Rugby Road.

This extension shall consist of 2,500 LF of 6" PVC and 3 fire hydrants.

Sewer service will be provided by individual on-site septic systems.

This project is within Henderson County Zoning & Planning Jurisdiction and was granted approval January 15, 2019

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

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

This project will be funded by the developer, Spano and Associates Haywood, LLC of Lake Mary, FL

Suggested Motion:

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

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Rhonda Wiggins

Department: Utilities

Date Submitted: 10/30/2019

Presenter: Lee Smith

Date of Council Meeting to consider this item: 11/07/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 05hiii

Water Extension Request

Etowah Town homes

This project requires an extension of the City of Hendersonville's water system to provide service to a proposed residential town home complex consisting of nine (9) unit. This project is located on Brickyard Road.

Water service will be provided by and extension of an existing water line.

This extension shall consist of 204 lf of 6" DIP CL350, 1 new fire hydrant and the relocation of an existing hydrant.

Sewer service for this project is proved by Etowah Sewer Company.

This project is within Henderson County Zoning & Planning Jurisdiction and was granted approval dated June 26, 2019

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

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

This project will be funded by the developer, WNC Resort Properties, LLC of Etowah NC.

Suggested Motion:

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

Attachments:



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Lew Holloway

Department: Downtown

Date Submitted: 10/25/2019

Presenter: L. Holloway

Date of Council Meeting to consider this item: 11/7/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 05i

At the request of the Downtown Advisory Committees, and following research, discussion and review, the attached revised Special Event Policy and Special Event Application are submitted for approval.

Changes to the Policy and Application revolve around the downtown stakeholder notification process required of event applicants. The recommendation is to move away from the petition process and identify a notification process that event coordinators must commit to using in sharing information with downtown stakeholders about event impacts.

The new proposed policy requires that event coordinators must notify impacted residents, businesses, places of worship and schools that are affected by street and sidewalk impacts related to the event by formal notice. The formal "Event Impact Notice" must be submitted with the special event application and will be reviewed by the Special Event Committee. The "Notification Guarantee" must be signed by the Authorized Event Coordinator.

The formal Event Impact Notification must:

- Be completed by all event applicants.
- Be submitted to the Special Events Committee prior to distribution to impacted areas.
- Be distributed to impacted areas, at least, 20 days prior to the event by either hand or mail delivery.
- Include the name of the event, event date(s), time(s) of event and overall impacts (including set-up and tear down), specific location of impacts, type of activity and telephone number where the public can contact the organizers.

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 adopt the newly revised Special Event Policy and Special Event Application with the proposed changes to the notification of street closures.

Attachments:

Revised Special Event Policy, Special Event Application & example Notification form.

CITY OF HENDERSONVILLE

Special Events Policy



Updated June 2019

Executive Summary

The City of Hendersonville, NC is a vibrant community with a variety of municipal resources which lend themselves to use for special events. Special events require the coordination of a variety of city and event organizers' resources to come together successfully. Whether held downtown, in one of our many attractive public parks or elsewhere in the city, they have very specific impacts which are best considered and weighed prior to the event itself.

The following policy has been established to facilitate this planning process with the city. If you are planning a special event in the City of Hendersonville, it is essential that you review the policy well ahead of your planned event date to determine what you'll need to have in place for a successful event!

In this policy you will find information about:

1. What the City's definition of a "Special Event" is.
2. Fees, deposits and special conditions which may be applied to each event.
3. Application timelines and required special event permit documentation and information.
4. Grounds for application denial.
5. The Committees involved in the event approval process and their roles & responsibilities.



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Special Event Application & Associated Forms I

Example General Liability Policy II

Recycling Bin Loan Program III

Code of Ordinances – Special Events IV

Special Event - Definitions

A special event is defined as a pre-planned event, whether publicly and/or privately sponsored, which is proposed to be held on public property, including but not limited to parks, streets and/or sidewalks. All special events require a Special Event Permit issued by the City of Hendersonville. There are two categories of Special Events listed below.

Park and/or Road Festival

Park and/or Road Festival means an organized neighborhood or public gathering on a public right-of-way (street, sidewalk, parking lot or alley) or public park (Patton, Berkley, etc.) on a specified date at a specific time, and confined to a designated area that may or may not require an admission fee to enter and participate.

Procession/Parade/Organized Competitive Event

Procession/Parade means a public or private march, run, cortege, walk, cavalcade, autocade, parade of any kind, other gathering of persons that occurs upon public right-of-way, park or both in an area used for vehicular traffic. *Organized Competitive Event* means any planned race, walk, derby, or event that involves a contest of skill and/or strength and takes place upon public right-of-way or park.

Special Event Application: Timelines

The Special Events Committee hears all event applications within the city. The timeline below outlines minimum requirements for Special Event Permit Applications.



SUBMIT SPECIAL EVENT APPLICATIONS TO:

Susan Frady - Special Event Committee Chair

Phone #: 828.697.3010, Fax #: 828.698.6185

E-mail: sfrady@hvlnc.gov

Address: 100 N. King St. Hendersonville, NC 28792

Special Event Application Submission & Approval Timeline	
<u>Minimum 90 Days Prior to Special Event Date – Application Submission</u>	
<ul style="list-style-type: none"> • Submission of Special Event Application Package • Special Event Site Plan • Street and/or Parking Closure Request(s) 	
<u>Minimum 60 Days Prior to Special Event Date – Committee Review (Applicant Attendance Required)</u>	
<ul style="list-style-type: none"> • Downtown Advisory Committee Review & Recommendation (where applicable) • Special Events Committee Review & Recommendation – includes review by Police, Fire and Public Works 	
<u>Minimum 30 Days Prior to Special Event Date – City Council Meeting</u>	
<ul style="list-style-type: none"> • Final Site Plan, Event Timeline & On-Site Contacts • Proof of Insurance • Vendor Permits • Formal Event Notice • City Council Review & Approval (Required) 	
Post-Event	
<u>Maximum 30 Days After Last Day of Event</u>	
<ul style="list-style-type: none"> • Final Payment as needed • Reserve Future Dates 	

Special Event Application: Component Parts

1. **Event Application Cover Page:**
 - a. **Event Organizer & Contact Information**
 - b. **Name of Event**
 - c. **Date(s) of Event**
 - d. **Past Attendance Trends & Predicted Attendance For Upcoming Event**
 - e. **Past Vendor Participation Trends & Predicted Vendor Participation for Upcoming Event**
2. **Event Description, Statement of Public Benefit and Public Services Required:** A basic overview of the event and its impact on the community and city services. Provide an overview of the event and how it will benefit the community? In addition, include information about what you, as the event coordinator, will need in terms of city services? Examples might include additional trash pick-up, police support, etc.
3. **Event Marketing Strategy & Budget:** A snapshot of the people and places you are targeting in your effort to “get the word out” about your event and the budget you are employing to reach your target market. Reviewing this snapshot is an important component of understanding the public benefit.
4. **Event Site Plan:** A visual representation of all the operational elements of your proposed event. To properly assess the event, the site map should be submitted along with the Special Event Application and include the following elements:

A	Direction North, indicated by directional arrow symbol.
B	The overall event area including: any requested street closures and/or the location and number of any parking closures
C	The location and dimensions of all physical equipment being placed, including, but not limited to, any stage(s), vendors, booths, sponsors, tents, signs, barricades, portable toilets, vehicles, shelters and shelter numbers, etc.
D	Location of temporary alcohol sales where both sales and consumption occur.
E	Indicate 20' wide fire lane clearances in all areas and the location of all fire hydrants.
F	Include electrical plans for vendors and stages, specifying how much each site requires, in terms of amps & volts.
G	Any other details you think are helpful in the physical description of your event.

5. **Event Impact Notification:** All events must notify impacted residents, businesses, places of worship and schools that are affected by street and sidewalk impacts related to the event by formal notice. The formal "Event Impact Notice" must be submitted with the special event application and will be reviewed by the Special Event Committee. The "Notification Guarantee" must be signed by the Authorized Event Coordinator. The formal Event Impact Notification must:
- a. **Be completed by all event applicants.**
 - b. **Be submitted to the Special Events Committee prior to distribution to impacted areas.**
 - c. **Be distributed to impacted areas, at least, 20 days prior to the event by either hand or mail delivery.**
 - d. **Include the name of the event, event date(s), time(s) of event and overall impacts (including set-up and tear down), specific location of impacts, type of activity and telephone number where the public can contact your organization about the event.**

IMPORTANT NOTE: New street closure requests, whether for an existing event or new event, require additional review and time for notification. Please consult with Special Events Committee Chair about the City's policy to provide impacted stakeholders a minimum 90-day notification for new major street closure requests.

6. **Vendor Applications & Electrical Requirements Form (when applicable):** If your event includes food or retail vendors and any of those vendors or you as the event coordinator require electric, you must submit the vendor permit & electrical requirements form. The form will help you to calculate your total "Event Fees," while providing city staff with a clear picture of your electrical needs. Event Fees must be submitted prior to the event @ 145 Fifth Avenue East, Hendersonville, NC 28792.
7. **Insurance:** The event organizer must furnish a current general liability insurance policy which names the City of Hendersonville as a co-insured on the policy. Insurance requirements are as follows:
- a. **Commercial General Liability:**

i. Per occurrence	\$1,000,000
ii. Personal & Advertising Injury	\$1,000,000
iii. Products/Completed Ops.	\$1,000,000
iv. General Aggregate	\$1,000,000

In addition to these minimum requirements certain events may require additional coverage, based upon the type of event. Examples of additional coverage could include Automobile Liability, Workers Compensation and Liquor Liability. Additional requirements will be conveyed to the event organizers.

8. **Police Support:** Events which exceed the attendance threshold established below and/or operate with an ABC special event permit are required to hire off-duty City of Hendersonville police officers. Hourly rates for off duty officers are included for budgeting purposes. Please note the Special Event Committee may require a larger or smaller number of officers depending on event specific conditions.

Attendance Range	Officers Required - NON-ABC EVENT	Officers Required - ABC EVENT
0 to 5,000	Zero	2 to 3
5,000 to 10,000	Zero	3 to 4
10,000 (plus)	# determined by Police Chief	# determined by Police Chief
Hourly Rate for Off Duty Officer	\$25.00	\$40.00

Special Event Application: Additional Considerations & Interpretations

1. **Special Event Applicant Priority Ranking:** The Special Event Committee will use the following priority list if there are conflicting requests for a particular time and date.

Priority will be given in the following order:

- a. Events that have established historic precedence and are in good standing.
 - b. Events organized by the City of Hendersonville.
 - c. Events organized by Henderson County Schools.
 - d. Events organized by Henderson County Governmental Units.
 - e. Events organized by Hendersonville based non-profit organizations with proceeds providing assistance to the organizer or another Hendersonville based non-profit organization (requires proof of 501c(3) status).
 - f. Events organized by private businesses, non-profit organizations; without or pending 501c(3) status, **not** based in Hendersonville, and/or individuals for the purpose of profit, personal gain, and/or proceeds that will be used to benefit other than those Hendersonville based non-profit organizations.
2. **Criteria Considered for All Street Closures & Other Event Impacts:** The following factors are carefully considered prior to recommending approval of proposed events, in particular those which require street closure (whether lane closures, local streets or major/secondary streets.) Organizers wishing to close any portion of a street will need to justify that need with a compelling case composed of information in the following categories.
 - a. Total number of event attendees, both historical trends and predicted increases.
 - i. These numbers will be considered both in terms of total attendance and attendance over time, i.e. a smaller total may still warrant closure if concentrated over a short period of time.
 - ii. Unless an event attracts more than 50,000 visitors per day it would typically not warrant the closure of a majority of Main Street.
 - iii. Smaller events may with fewer than 50,000 visitors per day may warrant the closure of one or more blocks of Main Street.
 - b. Total number of event vendors, both historical trends and predicted increases.

- i. Unless an event hosts more than 125 vendors it would typically not warrant the closure of a majority of Main Street.
 - ii. Smaller events with fewer than 125 vendors may warrant the closure of one or more blocks of Main Street.
 - c. Event Marketing Strategy & Budget
 - d. Verification that the event applicant or sponsor has committed to completing the “**Event Impact Notification.**”
 - e. Impact of the proposed event on residents, occupants or businesspersons of the block.
 - f. Impact of the proposed event on the accessibility of emergency vehicles in the closure areas.
 - g. Impact of the proposed event on vehicular traffic such as circulation, traffic movement and availability of alternate routes for traffic.
 - h. Potential interference with commercial and business activities in the immediate vicinity.
 - i. Conditions existing in the surrounding area that, when occurring in conjunction with a street closure, might create a hardship or an unnecessary inconvenience to the general public or persons residing in the area.
 - j. Relationship in regard to timing of proposed closure to other approved or proposed closures.
3. **Portable Toilets:** An essential but sometimes overlooked element of special event planning portable toilets are particularly important in downtown Hendersonville as the availability of public restrooms is limited. The guidelines included below are provided as a recommendation and reference. They are based on a four-hour long event. Longer or shorter duration events should consider modification to these numbers.

Attendance Range	Portable Toilets Recommended	
	NON-ABC EVENT	ABC EVENT
0 to 5,000	1 to 10	2 to 15
5,000 to 15,000	10 to 25	15 to 40
15,000 to 50,000	25 to 50	40 to 75
50,000 (plus)	50 plus	75 plus

Special Event Application: Grounds for Denial

The Special Event Committee may recommend that City Council deny a permit application on one or more of the following grounds:

- The event applicant does not generate a compelling case for the event's public benefit.
- Failure to submit an application within the time periods outlined herein.
- Failure to submit a complete application. A complete application is one which addresses all "required" elements of the application.
- The applicant owes the City of Hendersonville money from another event for services provided or as a result of damages to city property.
- The Special Events Committee has already received a completed application for the same date and/or space.
- The event would conflict with previously planned programs organized and conducted by the city or non-governmental agencies scheduled for the same time and/or place.
- An event requiring significant street closures, i.e. 3 or more blocks, occurs within ten (10) days of an existing event which also requires significant street closures.
- The applicant does not comply with all applicable city ordinances, traffic rules, park rules and regulations, state health laws, fire codes and/or ABC licensing regulations.
- The use or event proposed by the applicant would present an unreasonable danger to the health or safety of the public.
- The applicant cannot comply with applicable local, state and federal license requirements for all or part of the planned event.
- The use or event is prohibited by law.
- The application contains material misrepresentation or fraudulent information.

Special Events Committee – Roles & Responsibilities

This Committee is established to assure that all special event applicants follow the procedures outlined in this document and to provide assistance in event logistics as it relates to the health and safety of organizers and attendees at special events conducted within the City of Hendersonville.

Special Event applicants will submit their applications to the Committee Chair; Development Assistance Director Susan Frady, who will distribute copies to the committee according to the timeline outlined on page 4. The applicant will then meet with the Special Events Committee at least 60 days prior to their event; event coordinators are encouraged to schedule this even earlier if possible. For events within the Downtown Municipal Service Districts, the Downtown Economic Development Director will distribute copies to the Downtown Advisory Committees.

The Special Events Committee is made up of the following individuals:

1. Development Assistance Director – Committee Chairperson
2. Police Chief (or representative)
3. Fire Chief (or representative)
4. Public Works Director (or representative)
5. Downtown Economic Development Director (Ex-Officio Member)

The Special Event Committee's primary role is to coordinate the variety of special events which take place in the City of Hendersonville and to protect the health and safety of the community. To do so the Committee:

1. Maintains a running list of events that includes those that have:
 - a. Received City Council approval.
 - b. Received Special Events and Downtown Advisory Committee (as applicable) review and recommendation.
 - c. Requested an annually recurring date and which have established historic precedent for this request. Example, The Apple Festival occurs over Labor Day weekend each year.
2. Provides a comprehensive review of the event site plan, identifying and providing event organizers with cost estimates for any city services and personnel that their event will require.
3. Reviews the event site plan and application to identify any life safety issues that the proposed event presents the community.
4. May approve recurring events which have no material changes to the event proposal.
5. May approve events which have no impact on the streets or sidewalks of the City of Hendersonville and do not require more than \$1,000 in city resources.

Downtown Advisory Committees – Roles & Responsibilities

The Downtown Advisory Committees are City Council appointed volunteer groups tasked with helping implement the Main Street Four Point model of downtown economic development. The committees have two primary roles in regard to Special Events as they are defined in this document.

1. The primary role of the Downtown Advisory Committees is to organize and oversee special events of their choosing which support the Committees' vision for Historic Downtown Hendersonville, both Main Street and Seventh Avenue. The criteria used to guide the Committee in this role include, but are not limited to, the following:
 - a. Events should celebrate the community's culture, heritage and diversity.
 - b. Events should appeal to our diverse community.
 - c. Events should support the entrepreneurial and creative communities that call downtown home on a daily basis.
 - d. Events should support our efforts to highlight downtown as a cultural and market destination for the community & visitors.

2. The secondary role of the Downtown Advisory Committees is to provide Special Event Organizers, the Special Event Committee and City Council with recommendations and feedback in regard to any special event proposed for the downtown Municipal Service District(s). These recommendations and associated feedback will be presented to event organizers during the Special Events Committee meeting by the Downtown Economic Development Director or appointee. Event organizers are encouraged to attend the Downtown Advisory Committee meeting at which their event will be reviewed to answer questions and hear feedback firsthand.



City of Hendersonville SPECIAL EVENT APPLICATION



An application for a permit to conduct a special event pursuant to Section 28-39, Hendersonville City Code.
Please reference the City's Special Event Policy for additional information about the application process.

Note: The person responsible for the special event, or his/her designee, must be present for the duration of the event.

Submit This Completed Application & All Supporting Material Outlined Below To:

Development Assistant Department City of Hendersonville
100 N. King Street Hendersonville, NC 28792 Phone #: (828) 698-6185

Name of Special Event: _____

Event Sponsor: _____ Phone #: _____

Sponsor Address: _____

Authorized Event Coordinator: _____

Cell Phone #: _____ Email: _____

Requested Event Date(s): _____ Requested Event Hours: _____

Estimated Past Attendance: _____ Predicted Attendance: _____

Past Vendor Participation: _____ Predicated Vendor Participation: _____

"Hold Harmless Agreement"

By signing this agreement, the sponsor will hold harmless the City of Hendersonville, its officers, employees and agents, the Public Works Department and staff free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges professional and attorney's fee or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings or causes of action of every kind and character in connection with or arising directly or indirectly out of this event and/or the performance hereof and caused by the negligence of the Sponsor. The Sponsor will take full responsibility. The City of Hendersonville will not be responsible for personal items or property used as part of event.

Signature of Authorized Event Representative: _____ *Date:* _____

APPLICANT CHECKLIST

Please reference the City of Hendersonville's Special Event Policy for additional information about the requirements listed in the checklist below.

- Event Description, Statement of Public Benefit & Public Services Required (REQUIRED) - Page #2 in application
- Event Marketing Strategy & Budget (REQUIRED) - Page #3 in application
- Event Site Plan (REQUIRED) - Page #4 in application
- Event Impact Notification (REQUIRED) - Page #5 in application
- Formal Event Notice (REQUIRED)
- Vendor Application & Electrical Needs (AS NEEDED) Page #6 in application
- Event Insurance (REQUIRED)



**City of Hendersonville
SPECIAL EVENT APPLICATION
EVENT DESCRIPTION, STATEMENT OF
PUBLIC BENEFIT AND PUBLIC SERVICES REQUIRED**



Please provide a detailed “Event Description” along with your “Statement of Public Benefit” and “Public Services Required” for review.

Please reference the City’s Special Event Policy for additional information about this application requirement. Feel free to attach your response to this sheet.

Name of Special Event: _____

Event Description:

Statement of Public Benefit:

Public Services Required:



City of Hendersonville
SPECIAL EVENT APPLICATION
EVENT MARKETING: STRATEGY AND BUDGET



Please provide an “Event Marketing Strategy” along with your “Marketing Budget” for review.
Please reference the City’s Special Event Policy - page 5 for additional information about this application.
Feel free to attach your response to this sheet.

Name of Special Event: _____

Event Marketing Strategy:

Marketing Budget:



City of Hendersonville
SPECIAL EVENT APPLICATION
EVENT SITE PLAN



Please provide a detailed "Event Site Plan" and your notification guarantee. Please reference the City's Special Event Policy - page 5 for additional information about this application requirement. Feel free to attach your site plan to this sheet.

Name of Special Event: _____

Event Site Plan:



City of Hendersonville
SPECIAL EVENT APPLICATION
EVENT IMPACT NOTIFICATION REQUIREMENT
(FOR COMMERCIAL AREAS)



Event applicants are required to notify, by a formal notice, all residents, businesses, places of worship and schools that are affected by street and sidewalk impacts related to your event. This notice must be submitted with the event application to the Special Events Committee for review prior to notification delivery. An example format for this notification is included in the City's Special Events Policy appendices.

Once approved by the Special Events Committee the notice must then be mailed or hand delivered to impacted areas at least thirty days prior to your event. Information on the notice should include, but not be limited to; the name of the event, event date(s), time(s) of event and overall impacts (including set-up and tear down), specific location of impacts, type of activity and telephone number where the public can contact your organization about the event.

Failure to comply with the notification requirement can result in the cancellation, postponement or other significant restrictions to your event or future events. The Special Event Committee requires that the Authorized Event Organizer verify that this notification will take place, please see below.

NOTIFICATION GUARANTEE: I hereby certify that all residents, businesses, places of worship and schools affected by any street closures and sidewalk impacts related to this event and outlined in this application's "Event Site Plan" will be notified at least 20 days prior to the event with the attached notice by the Authorized Event Coordinator or designee.

Authorized Event Coordinator's Signature _____



**City of Hendersonville
SPECIAL EVENT APPLICATION
VENDOR PERMITS AND ELECTRICAL NEEDS**



Complete the form below based on the number of vendors and types of electrical connections required for your event. If you have questions about the electrical requirements for your event please contact the City Public Works Department at (828) 697-3000.

Name of Special Event: _____

Authorized Vendor Coordinator: _____ Phone #: _____

Cell Phone #: _____ Email: _____

Please calculate your event vendor fees & electrical usage fees below.

Total # _____ of Retail Vendors X \$20 = _____

Total # _____ of Food Vendors X \$30 = _____

Total Vendor Fee Due: _____

Electrical Requirements: Location of electrical needs to be included on Event Site Plan.

((Total # of connections @ 20 Amps or less _____) x (# of days _____)) x \$25 = _____

((Total # of connections @ 21 to 50 Amps _____) x (# of days _____)) x \$50 = _____

((Total # of connections @ 50 Amps or more _____) x (# of days _____)) X \$100 = _____

Total Electrical Usage Fee: _____

Total of All Event Fees: _____

All Event and Vendor Fees are to be submitted prior to the event. Checks can be made out to the "City of Hendersonville." Payment is accepted in person at

145 Fifth Avenue East
Hendersonville, NC 28792

Please remit payment along with the final invoice you receive from the Development Assistance Department.

NOTICE OF EVENT IMPACTS
{EVENT NAME}

The organizers of {EVENT NAME} have received approval from the City of Hendersonville to host {EVENT NAME} on {EVENT DATE(S)} from {EVENT START TIME} to {EVENT CONCLUSION TIME}.

{EVENT NAME} includes the closure of {STREET NAME} between {CROSS STREET NAME} and {CROSS STREET NAME}. To accommodate event set-up and tear down this street will close between {TIME & DATE} to {TIME & DATE}

The closure will be for the exclusion of vehicles only. A 20' emergency lane shall be provided on all streets within the said closure at all times.

Should you have questions or concerns {EVENT NAME} and the related event impacts you can speak with our team by calling:

{AUTHORIZED EVENT COODINATOR PHONE NUMBER}



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Adam Murr

Department: Admin

Date Submitted: 10/30/2019

Presenter: Adam Murr/Jennifer Musselwhite

Date of Council Meeting to consider this item: 11/07/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 05j

City Council approved changes to the customer service policy at the October 3, 2019 regular meeting. Following the adoption of customer service policy changes, Staff reviewed the Schedule of Rates and Fees for accuracy. To ensure the City is properly advertising rates and fees as adopted in our various policies, staff have made clarifications. The document with proposed changes will more accurately reflect policies adopted by the City Council.

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 City Council resolve to adopt the schedule of rates and fees for fiscal year 2019-2020 as presented.

Attachments:

Schedule of Rates and Fees for fiscal year 2019-2020.

**CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2019 - 2020**

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK *

DESCRIPTION	COST / CHARGE / FEE
ADMINISTRATION	
General	
Application for Certificate of Public Convenience & Necessity (taxicab)	\$60.00
CDs	\$1.00
Copy Charges (per page)	
Black	\$0.15
Color	\$0.25
Special Event Vendors: (per day)	
Single-Day Food Vendors	\$30.00
Multi-Day Food Vendors	\$55.00 per day
Non-Food Vendors	\$15.00

DEVELOPMENT ASSISTANCE	
General	
Administrative Review	No Charge
Annexation Waiver, Voluntary (contiguous or satellite)	\$26.00
Comprehensive Plan (per page)	
Black	\$0.15
Color	\$0.25
Conditional Use	\$200.00
Copy Charges (per page)	
Black	\$0.15
Color	\$0.25
Large Format Copy	\$10.00
Demolition Admin Fee	\$100.00
Floodplain Development Permit	\$300.00
Non-Conforming Use	\$100.00
Nuisance Fee (Admin. Cost Doubles for each Offense within a Year)	Cost + \$100 Admin. Cost
Outdoor Dining Fee (Annual)	\$0.50 per Sq. Ft.
Sign Permits (based on cost of sign)	
Minimum	\$40.00
\$1,000	\$45.00
\$2,000	\$50.00
\$3,000	\$55.00
\$4,000	\$60.00
\$5,000	\$65.00
\$6,000	\$70.00
\$7,000	\$75.00
\$8,000	\$80.00
\$9,000	\$85.00
\$10,000	\$90.00
Over \$10,000	\$40.00 per \$1000 over \$10,000

**CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2019 - 2020**

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK *

DESCRIPTION	COST / CHARGE / FEE
Site Plan Reviews & Amendments	
Commercial, Industrial or Institutional	
5,000 - 19,999 square feet in floor area	\$300.00
20,000 - 50,000 square feet in floor area	\$450.00
Minor Planned Residential Developments	
3 - 10 dwellings	\$300.00
11 - 50 dwellings	\$450.00
Conditional Use Reviews & Amendments	\$100/acre (\$500 minimum)
Street Closing Petition (\$1,000 deposit)	Actual Cost
Subdivision Ordinance (per page)	\$0.15
Subdivision Plats	\$20/lot
Telecommunications Towers, Antennas and Equipment	
Basic Permit (C-3, I-1)	\$450.00
Special Use Permit	\$2500.00 ¹
Small Wireless Facilities (first 5 facilities)	\$100.00 each
Additional small wireless facilities on the same application	\$50.00 each
Temporary Use Permit	\$60.00
Traffic Impact Analysis Study	\$1,000.00
Variance	\$75.00
Zoning Map	\$5.00
Zoning Ordinance (per page)	\$0.15
Zoning Ordinance Map Amendment (Legislative Rezoning)	
Commercial or Industrial	\$275.00
Residential < 3 acres	\$175.00
Residential > 3 acres	\$225.00
Zoning Ordinance Text Amendments	\$175.00
Zoning Permit	\$50.00

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

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

**CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2019 - 2020**

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK *

DESCRIPTION	COST / CHARGE / FEE
FIRE DEPARTMENT	
General	
Illegal Burn Fee	\$100.00
Operational Permits	
ABC License Fee	\$50.00
Amusement Buildings	\$50.00
Carnival and Fairs	\$50.00
Combustible dust-producing operations	\$100.00
Covered and Open Mall Buildings	\$50.00
Exhibits and trade shows (per event)	\$50.00
Explosives	\$100.00
Flammable and Combustible Liquids	\$100.00
Fumigation and thermal insecticide fogging	\$100.00
Liquid or gas-fueled vehicles or equipment in assembly buildings	\$100.00
Private Hydrants	\$50.00
Pyrotechnic special effects material	\$100.00
Spraying and Dipping	\$100.00
Temporary membrane structures, tents, and canopies (excludes special events)	\$50.00
Construction Permits	
Automatic fire extinguishing systems	\$100.00
Battery systems	\$100.00
Compressed gas	\$100.00
Cryogenic fluids	\$100.00
Emergency responder radio coverage system	\$100.00
Fire alarm and detection systems and related equipment	\$100.00
Fire pumps and related equipment	\$100.00
Flammable and Combustible liquids	\$100.00
Gates and barricades across fire apparatus access roads	\$100.00
Hazardous Materials	\$100.00
Industrial Ovens	\$100.00
LP Gas	\$100.00
Private fire hydrant	\$100.00
Smoke control or smoke exhaust systems	\$100.00
Solar photovoltaic power systems	\$100.00
Spraying and Dipping	\$100.00
Standpipe systems	\$100.00
Temporary membrane structures, tents, canopies (per site, excludes special	\$50.00
Construction Plans Review	
Commercial hood suppression systems	\$100.00
Explosives and fireworks	\$100.00
Petroleum tanks and appurtenances	\$100.00

**CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2019 - 2020**

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK *

DESCRIPTION	COST / CHARGE / FEE
Sprinkler systems, fire alarm systems and Emergency Responder Radio Coverage Systems	
Minimum up to 1,000 square feet	\$50.00
1,001 - 5,000 square feet	\$100.00
5,001 - 10,000 square feet	\$150.00
10,001 - 25,000 square feet	\$200.00
25,001 - 50,000 square feet	\$250.00
50,001 - 100,000 square feet	\$300.00
100,001 - 200,000 square feet	\$350.00
Over 200,000 square feet	\$400.00
Work without a permit	\$250.00
Fire Inspection Fees	
Minimum up to 1,000 square feet	\$50.00
1,001 - 5,000 square feet	\$100.00
5,001 - 10,000 square feet	\$150.00
10,001 - 25,000 square feet	\$200.00
25,001 - 50,000 square feet	\$250.00
50,001 - 100,000 square feet	\$300.00
100,001 - 200,000 square feet	\$350.00
Over 200,000 square feet	\$400.00
R-2 & S Occupancies (Apartment Complexes, Storage Units, etc...)	
1-20 Units	\$50.00
21-50 Units	\$100.00
51-100 Units	\$150.00
101-150 Units	\$200.00
151-200 Units	\$250.00
201-250 Units	\$300.00
251-300 Units	\$350.00
Over 300 Units	\$400.00
Re-inspections	
Re-inspection Fee (Follow-up) per re-inspection	\$100.00
Hazardous Material Response Fees	
Chief Officer - per officer (per hr.)	\$75.00
Engine Company Response - per engine (per hr.)	\$150.00
Fire Marshal/Deputy Fire Marshal - per person (per hr.)	\$50.00
Ladder/Truck Response - per ladder/truck (per hr.)	\$200.00
Materials/Supplies Used	Actual replacement cost
Off Duty/Call Back Personnel	Average hourly rate x 1.5
Site Assessment Fee	\$50.00

**CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2019 - 2020**

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK *

DESCRIPTION	COST / CHARGE / FEE
FINANCE	
General	
Beer License - On Premises	\$15.00
Beer License - Off Premises	\$5.00
Carnival Permit	\$100/week + \$5 per device
Returned item fee	\$25.00
Itinerant Merchant/Peddlers Permit	\$100.00
Motor Vehicle Tag Fee	\$15.00
Wholesale Dealers License - Beer Only	\$37.50
Wholesale Dealers License - Wine Only	\$37.50
Wholesale Dealers License - Beer & Wine	\$62.50
Wine License - On Premises	\$15.00
Wine License - Off Premises	\$10.00
<p><i>*In accordance with G.S. 105-113.77 and G.S. 105-113.79 If a business has multiple locations in one county or city, that business will need to obtain separate ABC licenses for each location. City beer and wine taxes must increase by 10% for each additional license of the same type issued to the same taxpayer for use at a separate location. Furthermore, G.S. 105-236 applies penalties for failure to pay for and obtain local beer and wine license taxes. Operating a business without the required privilege license triggers a monthly penalty of 5 % of the applicable privilege license tax, up to a total of 25 %. Failure to pay the required tax triggers a separate 10% penalty. These violations are also Class 1 misdemeanors.</i></p>	

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

**CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2019 - 2020**

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK *

DESCRIPTION	COST / CHARGE / FEE
PUBLIC WORKS	
Ball Field Rates and Fees	
Field Rental (6:00am to 10:00pm)	
12 Week Seasons	\$20.00 per player
Tournaments	\$150.00 per day
Camps	\$100.00 per day
Field Operation and Maintenance	
Field Preparation by City Staff	\$75.00
Key Deposit for Field Lighting Access	\$25.00
Facility Cleaning by City Staff	\$50.00
Permit Cancellation Processing Fee	\$25.00
Boyd Park Mini-Golf Admission	
Adults	\$3.00
Children	\$2.00
Course Rental (full day - with concessions)	\$200.00
Course Rental (full day - without concessions)	\$300.00
Miscellaneous	
Backhoe (per hour)	\$80.00
Building Maintenance Fees (per hour)	\$45.00
Bush Hogs/Tractor Mowing (per hour)	\$80.00
Electrical Usage for Special Events - 20 Amps or Less	\$25/per day
Electrical Usage for Special Events - 21 Amps - 50 Amps	\$50/per day
Electrical Usage for Special Events - over 50 Amps	\$100/per day
Encroachment Permit Fee	\$20.00
Fleet Maintenance Fees (per hour)	\$45.00
Gas Utility Cuts (per 5' X 5' cut)	\$400.00
Sidearm Mower Rental (per hour)	\$125.00
Water/Flusher Truck (per load)	\$100.00
Water/Sewer Utility Cuts	\$400.00
Weed Eater/Hedge Trimmer (per hour)	\$40.00
Oakdale Cemetery Lots (per grave space)	
City Resident	\$500.00
Out of City Resident	\$1,000.00
Infant Lots - City Resident	\$250.00
Infant Lots - Out of City Resident	\$500.00
Operation Center Room Rental Rates	
Large Assembly Room (8 a.m. - 5 p.m.)	\$100.00
Large Assembly Room (5 p.m. - 10 p.m.)	\$50.00
Small Assembly Room (8 a.m. - 5 p.m.)	\$20.00
Small Assembly Room (5 p.m. - 10 p.m.)	\$10.00
Park Usage	
Berkeley Park - Large Pavilion (May through September)	\$50/half day
Berkeley Park - Field Usage for Organized Groups (per player per season)	\$20.00
Patton Park - Small Pavilion	\$25/half day
Patton Park - Large Pavilion (May through September)	\$50/half day
Patton Park - Field Usage for Organized Groups (per player per season)	\$10.00

**CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2019 - 2020**

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK *

DESCRIPTION	COST / CHARGE / FEE
Patton Pool	
Daily Admittance Fee (adults)	\$5.00
Daily Admittance Fee (children) (3yrs or younger will be free with adult)	\$4.00
Lap Swim	\$4.00
Punch Pass - Adult - City Resident (15 admissions)	\$38.00
Punch Pass - Adult - Non City Resident (15 admissions)	\$60.00
Punch Pass - Youth - City Resident (15 admissions)	\$30.00
Punch Pass - Youth - Non City Resident (15 admissions)	\$45.00
Season Pass - Family - City Resident	\$150.00
Season Pass - Family - Non City Resident	\$300.00
Season Pass - Individual Adult - City Resident	\$75.00
Season Pass - Individual Adult - Non City Resident	\$150.00
Season Pass - Individual Senior - City Resident	\$60.00
Season Pass - Individual Senior - Non City Resident	\$120.00
Season Pass - Individual Youth - City Resident	\$60.00
Season Pass - Individual Youth - Non City Resident	\$120.00
Sanitation Services	
Sanitation Service Deposit	\$60.00
Tier 1	\$60.00
Tier 2	\$80.00
Tier 3	\$120.00
Utility Bill Late Fee	\$10.00 or 5% of past due balance, whichever is greater
Commercial Services	
Commercial Recycling Collection (up to four 65 gallon carts emptied once per week)	\$12.00
Commercial Recycling Collection (up to four 65 gallon carts emptied twice per week)	\$22.00
Commercial-Business refuse pickup per can (96-gal)	\$27.50
Commercial-Business refuse pickup per can (96-gal) (Actively Recycles)	\$24.00
Residential Services	
Residential - 96-gal container (non recycler)	\$22.00
Residential - 96-gal container (actively recycles)	\$18.50
Residential - 32-gal container (non recycler)	\$20.00
Residential - 32-gal container (actively recycles)	\$16.25
Small Special load (collected with pickup truck and city staff)	\$50.00
Special Loads (tipping fee added to special fee) (collected with knuckleboom using city staff)	\$150.00
Stolen/Damaged Cart Replacement Fee	\$100.00
Stormwater Services	
Stormwater Monthly Fee	\$3.00
Stormwater Permit Fee	\$520.00

**CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2019 - 2020**

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK *

DESCRIPTION	COST / CHARGE / FEE
WATER AND SEWER	
Water	
General	
Residential Water & Sewer Deposit	
Tier 1	\$0.00
Tier 2	\$80.00
Tier 3	\$120.00
Customer unable to perform utility credit check - Residential	\$240.00
Residential - Rental Water & Sewer Deposit	
Tier 1	\$60.00
Tier 2	\$80.00
Tier 3	\$120.00
Customer unable to perform utility credit check - Residential Rental	\$240.00
Commercial Water & Sewer Deposit	
Tier 1	\$125.00
Tier 2	\$175.00
Tier 3	\$250.00
Customer unable to perform utility credit check - Commercial/Industrial	\$500.00
Utility Bill Late Fee	\$10.00 or 5% of past due balance, whichever is greater
Inside City Limits	
Base Charge by Meter Size	
3/4"	\$6.00
1"	\$7.11
1 1/2"	\$9.87
2"	\$13.17
3"	\$20.92
4"	\$31.96
6"	\$59.58
8"	\$92.71
Volumetric Charges	
Residential	
0 to 6,000 gallons	\$2.85 per 1000 gallons
6,000 to 14,000 gallons	\$3.14 per 1000 gallons
14,000 gallons and greater	\$3.56 per 1000 gallons
Commercial/Industrial	
0 to 40,000 gallons	\$2.85 per 1000 gallons
40,000 to 200,000 gallons	\$2.35 per 1000 gallons
200,000 gallons and greater	\$2.22 per 1000 gallons
Irrigation	
0 to 40,000 gallons	\$3.56 per 1000 gallons
40,000 gallons and greater	\$3.56 per 1000 gallons

**CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2019 - 2020**

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK *

DESCRIPTION	COST / CHARGE / FEE
Outside City Limits	
Base Charge by Meter Size	
3/4"	\$9.00
1"	\$10.66
1 ^{1/2} "	\$14.80
2"	\$19.76
3"	\$31.37
4"	\$47.95
6"	\$89.37
8"	\$139.07
Volumetric Charges	
Residential	
0 to 6,000 gallons	\$4.28 per 1000 gallons
6,000 to 14,000 gallons	\$4.70 per 1000 gallons
14,000 gallons and greater	\$5.34 per 1000 gallons
Commercial/Industrial	
0 to 40,000 gallons	\$4.28 per 1000 gallons
40,000 to 200,000 gallons	\$3.52 per 1000 gallons
200,000 gallons and greater	\$3.33 per 1000 gallons
Irrigation	
0 to 40,000 gallons	\$5.34 per 1000 gallons
40,000 gallons and greater	\$5.34 per 1000 gallons
Wholesale	
Base Charge by Meter Size	
3/4"	\$9.00
1"	\$10.66
1 ^{1/2} "	\$14.80
2"	\$19.76
3"	\$31.37
4"	\$47.95
6"	\$89.37
8"	\$139.07
Volumetric Charges	
Municipal/Wholesale	
All Usage	\$2.85 per 1000 gallons
Bulk Water	
All Usage	\$5.34 per 1000 gallons
Other Customers	
Public Schools	
Base Charge per Account	\$5.68 per month
All Usage	\$2.85 per 1000 gallons

**CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2019 - 2020**

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK *

DESCRIPTION	COST / CHARGE / FEE
Taps & Connections	
Water Main Tap and Service, 3/4"	\$1,000.00
Water Main Tap and Service, 1"	\$1,400.00
Water Main Tap and Service > 1"	Cost plus 10%
Water Service - Stub Out, 3/4" (install meter box and meter)	\$600.00
Water Service - Stub Out, 1" (install meter box and meter)	\$650.00
Water Service - Stub Out, >1" (install meter box/multi-box/vault and meter)	Cost plus 10%
Water Service - Drop Meter, 3/4" (install meter only)	\$300.00
Water Service - Drop Meter, 1" (install meter only)	\$350.00
Water Service - Drop Meter, >1" (install meter only)	Cost plus 10%
Irrigation Tee, 3/4" (install meter box and meter)	\$600.00
Irrigation Tee, 1" (install meter box and meter)	\$650.00
Meters	
Turn On/Off/Set Meter During Business Hours	\$40.00
Turn On/Off/Set Meter After Business Hours	\$100.00
Meter Drop Charge	\$300.00
Meter Replacement Charge	Cost plus 10%
Meter Tampering Fee	\$250.00
Test Meter, at customer's request (<1-in.); if meter faulty - No Charge	\$45.00
Test Meter, at customer's request (>1-in.); if meter faulty - No Charge	Cost plus 10%
Engineering Review Fees	
Line Extensions	\$300.00
Pump Stations	\$75.00
Storage Tanks	\$75.00
Failure to Install Backflow Assembly, 1st Notice	\$400.00
Failure to Install Backflow Assembly, 2nd Notice	\$500.00
Failure to Test Backflow Assembly Annually	\$100.00
Failure to Replace/Repair Backflow Assembly	\$500.00
Falsifying Records Regarding the Testing of Backflow Assemblies	\$500.00
Water Line Inspections (\$100 min)	\$3.00 per linear foot
Miscellaneous Fees	
Assist with Fire Hydrant Flow/Pressure Testing Conducted by Others	\$50.00
Chemical Analysis of Water	Cost plus 10%
Drill for Main Tap, Cost/Inch of Diameter	\$150.00
Fire Hydrant Installation	Cost plus 10%
Assist with Hydrant Flow/Pressure Testing Conducted by Others	\$50.00
Illegal Use of Fire Hydrant/Tampering Fee	\$500 + Damages
Premise Visit	\$40.00
Reconnection of Service at Main	Cost plus 10%
Replace Removed Meter due to additional usage after non-payment cut-off	
During Business Hours	\$75.00
After Business Hours	\$100.00
Water Conservation Incentives Program Rebate Schedule	
Clothes Washer (\$75 min; \$150 max) - Limit one per account	15% of purchase price
High-Efficiency Toilet (\$25 min; \$100 max) - Limit 2 per residential account	15% of purchase price
Customer-Side Shut-Off Valve - Limit one per account	\$250.00 up to \$300.00
Weather-Based Irrigation System Controller - Limit one per account	**50% of purchase price or \$200, whichever is less

Limited number of rebates offered annually

**CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2019 - 2020**

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK *

DESCRIPTION	COST / CHARGE / FEE
Sewer	
General	
Residential Water & Sewer Deposit	
Tier 1	\$0.00
Tier 2	\$80.00
Tier 3	\$120.00
Customer unable to perform utility credit check - Residential	\$240.00
Residential - Rental Water & Sewer Deposit	
Tier 1	\$60.00
Tier 2	\$80.00
Tier 3	\$120.00
Customer unable to perform utility credit check - Residential Rental	\$240.00
Commercial Water & Sewer Deposit	
Tier 1	\$125.00
Tier 2	\$175.00
Tier 3	\$250.00
Customer unable to perform utility credit check - Commercial/Industrial	\$500.00
Utility Bill Late Fee	\$10.00 or 5% of past due balance, whichever is greater
Inside City Limits	
Base Charge by Meter Size	
3/4"	\$7.21
1"	\$9.07
1 1/2"	\$13.66
2"	\$19.20
3"	\$32.14
4"	\$50.62
6"	\$96.77
8"	\$152.17
Volumetric Charges	
All Usage	\$5.05 per 1000 gallons
Sewer Only-Flat Rate	\$29.58 per month
Outside City Limits	
Base Charge by Meter Size	
3/4"	\$10.82
1"	\$13.60
1 1/2"	\$20.49
2"	\$28.81
3"	\$48.21
4"	\$75.93
6"	\$145.16
8"	\$228.26
Volumetric Charges	
All Usage	\$7.58 per 1000 gallons
Sewer Only-Flat Rate	\$44.66 per month

**CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2019 - 2020**

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK *

DESCRIPTION	COST / CHARGE / FEE
Wholesale	
Base Charge by Meter Size	
3/4"	\$10.82
1"	\$13.60
1 1/2"	\$20.49
2"	\$28.81
3"	\$48.21
4"	\$75.93
6"	\$145.16
8"	\$228.26
Volumetric Charges	
All Usage	\$7.58 per 1000 gallons
Other Customers	
Public Schools	
Base Charge per Account	\$7.21
All Usage	\$5.05 per 1000 gallons
Internal Sewer	
Base Charge per Account	See Wholesale Charges
All Usage	\$7.58 per 1000 gallons
Henderson County Sewer	
Base Charge per Account	See Wholesale Charges
All Usage	\$7.58 per 1000 gallons
<i>Note: City sewer rates are not applicable to the Cane Creek Sanitary Sewer District</i>	
Taps and Connections	
Sewer Taps, 4" gravity sewer tap	\$1,500.00
Fee per 6" gravity sewer tap	\$1,800.00
Fee per 8" gravity sewer tap	\$2,000.00
Surcharges	
BOD (biochemical oxygen demand), per lb. in excess of 250-mg/l	\$0.25
TSR (total suspended residue), per lb. in excess of 250-mg/l	\$0.15
Ammonia nitrogen, per lb. in excess of 30-mg/l	\$1.50
Engineering Review Fees	
Line Extensions	\$300.00
Pump Stations	\$75.00
Sewer Line Inspections (\$100 min)	\$5.00 per linear foot
Miscellaneous Fees	
Concrete Core Drill (manhole), Cost/Inch of Diameter	\$150.00
Drill for Main Tap, Cost/Inch of Diameter	\$100.00
Food Services Sewer Connection Application Fee	\$75.00
Nondischarge Permit Fee	\$300.00
Premise Visit	\$40.00
Pretreatment Program	Cost of Program Per SIU
Septic Tank Waste Disposal, per 1000-gallons	\$60.00
Septic Tank Waste Disposal Permit	\$75.00

**CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2019 - 2020**

PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK *

DESCRIPTION	COST / CHARGE / FEE
Equipment Usage (hourly rates)	
Rubber-Tired Backhoe, Small	\$33.00
Rubber-Tired Backhoe, Large	\$38.00
Mini-Excavator, 8,000-lb	\$18.00
Mini-Excavator, 12,000-lb	\$39.00
Excavator, 30,000-lb	\$65.00
Vac Truck	\$75.00
Dump Truck (single-axle), Small	\$20.00
Dump Truck (single-axle), Large	\$35.00
Dump Truck (dual axle)	\$55.00
Dump Truck (triaxle)	\$65.00
Pick-Up Truck	\$14.00
Harben	\$25.00
Camera Truck	\$75.00
Air Compressor	\$20.00
Air Hammer/Pusher	\$0.65
Soil Tamp	\$20.00

City of Hendersonville

2020 Regularly Scheduled Monthly Meetings

All meetings are open to the public. Notice of special meetings is posted in accordance with North Carolina General Statutes

ABC Board	Board of Adjustment	Business Advisory Committee	City Council	Main Street Advisory Committee	Environmental Sustainability Board	Henderson Co. Water and Sewer Advisory Council	Historic Preservation Commission	Planning Board	Seventh Ave Advisory Committee	Special Events Committee	Tree Board	Walk of Fame
Third Tuesday 10:00 a.m. ABC Office, 205 S. Church St.	Second Tuesday 1:30 p.m.*	Fourth Monday of odd-numbered months 11:30 a.m.*	First Thursday 5:45 p.m.**	Second Wednesday 9:00 a.m.*	Third Thursday 4:00 p.m.*	Quarterly	Third Wednesday 5:00 p.m.*	Second Monday 4:00 p.m.*	First Monday 5:30 p.m.*	Third Thursday 10:00 a.m.*	First Tuesday 3:00 p.m.*	Second Tuesday 10:00 a.m.**
January 21, 2020	January 14, 2020	January 27, 2020	January 9, 2020****		January 16, 2020	January 27, 2020	January 15, 2020	January 13, 2020		January 16, 2020	January 8, 2019	January 14, 2020
February 18, 2020	February 11, 2020		February 6, 2020	February 12, 2020	February 20, 2020		February 19, 2020	February 10, 2020	February 3, 2020	February 20, 2020	February 4, 2020	February 11, 2020
March 17, 2020	March 10, 2020	March 23, 2020	March 5, 2020				March 18, 2020	March 9, 2020		March 19, 2020	March 3, 2020	March 10, 2020
April 21, 2020	April 14, 2020		April 2, 2020			April 27, 2020	April 15, 2020	April 13, 2020		April 16, 2020	April 7, 2020	April 14, 2020
May 19, 2020	May 12, 2020	May 25, 2020	May 7, 2020	May 13, 2020	May 21, 2020		May 20, 2020	May 11, 2020	May 4, 2020	May 21, 2020	May 5, 2020	May 12, 2020
June 16, 2020	June 9, 2020		June 4, 2020		June 18, 2020		June 17, 2020	June 8, 2020		June 18, 2020	June 2, 2020	June 9, 2020
July 21, 2020	July 14, 2020	July 27, 2020	July 8, 2020		July 16, 2020	July 27, 2020	July 15, 2020	July 13, 2020		July 16, 2020	July 7, 2020	July 14, 2020
August 18, 2020	August 11, 2020		August 6, 2020		August 20, 2020		August 19, 2020	August 10, 2020		August 20, 2020	August 4, 2020	August 11, 2020
September 15, 2020	September 8, 2020	September 28, 2020	September 3, 2020		September 17, 2020		September 16, 2020	September 14, 2020		September 17, 2020	September 1, 2020	September 8, 2020
October 20, 2020	October 13, 2020		October 1, 2020	October 14, 2020	October 15, 2020	October 26, 2020	October 21, 2020	October 12, 2020	October 5, 2020	October 15, 2020	October 6, 2020	October 13, 2020
November 17, 2020	November 10, 2020	November 23, 2020	November 5, 2020		November 19, 2020		November 18, 2020	November 9, 2020		November 19, 2020	November 3, 2020	November 10, 2020
December 15, 2020	December 8, 2020		December 3, 2020		December 17, 2020		December 16, 2020	December 14, 2020		December 17, 2020	December 1, 2020	December 8, 2020

*Operations Center, 305 Williams St., Hendersonville NC

**City Hall, 145 Fifth Ave. E., Hendersonville, NC

***Development Assistance Department, 100 N. King St., Hendersonville, NC

****Denotes a change from the regular meeting schedule

Holiday - Subject to Change

Community Character Team: see attached

Downtown Community Character Team: see attached

Events Team: see attached

Executive Team: see attached

HPC Design Review Committee meets the first Wednesday 5:00 p.m. as needed***

Infrastructure Team: see attached

Planning Board - Policy & Text Committee meets fourth Monday at 4:00 p.m.***

Amended 20191030

DT PROGRAM COMMITTEE PLANNER 2020

2020 CALENDAR

DOWNTOWN PROGRAM

Meeting Schedule for 2020

LEW HOLLOWAY

DT ECON. DEV. DEPARTMENT

COMMITTEE	WEEKDAY	TIME	MONTHS
EXECUTIVE TEAM	2 nd Tuesday	5:30pm	Jan 14 th , Mar 3 rd , Apr 14 th , Aug 11 th , Sept 8 th & Nov 10 th .
7 TH AVENUE ADVISORY COMMITTEE	1 st Monday	5:30pm	Feb 3 rd , May 4 th & Oct 5 th .
MAIN STREET ADVISORY COMMITTEE	2 nd Wednesday	9:00am	Feb 12 th , May 13 th & Oct 14 th .
INFRASTRUCTURE TEAM	2 nd Monday	4:00pm	Jan 13 th , Feb 10 th , Mar 2 nd , Apr 13 th , Aug 10 th , Sept 14 th , Oct 12 th & Nov 9 th .
COMMUNITY CHARACTER TEAM	2 nd Tuesday	9:00am	Jan 14 th , Feb 11 th , Mar 3 rd , Apr 14 th , Aug 11 th , Sept 8 th & Oct 13 th & Nov 10 th .
EVENTS TEAM	2 nd Thursday	9:00am	Jan 9 th , Feb 13 th , Mar 5 th , Apr 9 th , Aug 13 th , Sept 10 th , Oct 8 th & Nov 12 th .

JANUARY							FEBRUARY							MARCH							APRIL							MAY							JUNE						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
			1	2	3	4						1	1	2	3	4	5	6	7				1	2	3	4						1	2		1	2	3	4	5	6	
5	6	7	8	9	10	11	2	3	4	5	6	7	8	8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13
12	13	14	15	16	17	18	9	10	11	12	13	14	15	15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20
19	20	21	22	23	24	25	16	17	18	19	20	21	22	22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27
26	27	28	29	30	31	23	24	25	26	27	28	29	29	30	31	26	27	28	29	30	24	25	26	27	28	29	30	28	29	30											
																										31															
JULY							AUGUST							SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
			1	2	3	4						1			1	2	3	4	5					1	2	3	1	2	3	4	5	6	7			1	2	3	4	5	
5	6	7	8	9	10	11	2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12
12	13	14	15	16	17	18	9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19
19	20	21	22	23	24	25	16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26
26	27	28	29	30	31	23	24	25	26	27	28	29	27	28	29	30	25	26	27	28	29	30	31	29	30	27	28	29	30	31											
							30	31																																	



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Jennifer Musselwhite

Department: Finance

Date Submitted: 10/26/2019

Presenter: Jennifer Musselwhite

Date of Council Meeting to consider this item: 11/07/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 051

The Deputy Tax Collector, Jennifer Musselwhite, would like to submit for your approval the tax bill adjustments occurring between August 27, 2019 and October 21, 2019. These adjustments include all Discoveries, Releases, Refunds, and Forgiven Interest. These adjustments were provided by Henderson County Tax Department. Documentation is available in the Tax Office.

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

Suggested Motion:

I move Council to resolve to direct and authorize the tax adjustments submitted by Henderson County Tax Office and relieve the Deputy Tax Collector of the charges owed.

Attachments:

Summary Total of Tax Adjustments

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

FOR TRANSACTIONS AS OF 10/21/2019

VALUE CHANGE	\$	(1,478,238.00)
RELEASES	\$	(8,620.21)
REFUNDS	\$	-
FORGIVEN INTEREST	\$	-
TOTAL TAX BILL ADJUSTMENTS	\$	<u>(8,620.21)</u>

Discoveries and Refunds are provided by Henderson County Tax

Interest is forgiven when payment is postmarked prior to beginning of month but processed after the beginning of month

Refunds are given for overpayment of tax bill or for changes in tax value provided by the Henderson County Tax

Adjustment Descriptions

Clerical error G.S. 105-381(a)(1)(a): e.g. when there is an actual error in mathematical calculation.

Illegal tax G.S. 105-381(a)(1)(b): e.g. when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code was used.

Tax levied for an illegal purpose G.S. 105-381(a)(1)(c): e.g. charging a tax that was later deemed to be impermissible under State law.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Daniel Heyman

Department: Development Asst Dept

Date Submitted: 10/29/2019

Presenter: Daniel Heyman, Senior Planner

Date of Council Meeting to consider this item: 11/07/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 05m

File #P19-33-ANX

The City has received a petition from D2/Dairi-O, LLC for a satellite annexation of PINs 9577-89-1783, 9577-89-3603, 9577-89-3576, 9577-89-4851, and 9577-89-6845 located on Upward Road which is approximately 2.61 acres. Please refer to the attached map.

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

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

Suggested Motion:

I move Council to accept the City Clerk's Certificate of Sufficiency for the D2/Dairi-O, LLC petition and set December 5, 2019 as the date for the public hearing.

Attachments:

Clerks Certificate of Sufficiency
Map

CERTIFICATE OF SUFFICIENCY

**Re: Petition for Satellite Annexation
D-2/Dairi-o, LLC
File No. P19-33-ANX**

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

I, Tammie K. Drake, City Clerk, being first duly sworn, hereby certify an investigation has been completed of the above reference petition for the satellite annexation of 2.61 acres located on Upward Road, identified as tax parcels 9577-89-1783, 9577-89-3603, 9577-89-3576, 9577-89-4851, and 9577-89-6845.

- A. According to the Development Assistance Department, the area described in the petition meets all the standards set out in GS160A-58.1(b)
1. The map distance from the proposed satellite corporate limits is approximately 1,656 feet from the primary corporate limits.
 2. No point on the propose satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
 3. The area is situated so the City will, if City Council so determines, be able to provide the same services within the proposed satellite corporate limits that is provides within its primary corporate limits.
 4. The area proposed for annexation is not a subdivision as defined in 160A-376.
 5. The total area within the satellite corporate areas, including land involved in this petition, constitutes 5.9 percent of the area within the primary corporate limits.
- B. The petition bears the names, addresses, and signatures of all owners of the real property within the area proposed for annexation.
- C. A metes and bounds description is attached to the petition.
- D. A map showing the area proposed for annexation with relation to the primary corporate limits of Hendersonville is attached to the petition.

Having made the findings stated above, I hereby certify the petition for satellite annexation presented by D-2/Dairi-o, LLC is valid.

In witness whereof, I have here unto set my hand and affixed the seal of the City of Hendersonville, this 25 day of October, 2019.

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



CITY OF HENDERSONVILLE
OCTOBER 2019

DAIRI-O ANNEXATION

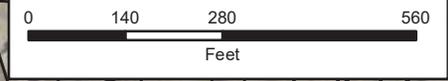
P19-33-ANX

DEVELOPMENT ASSISTANCE DEPARTMENT

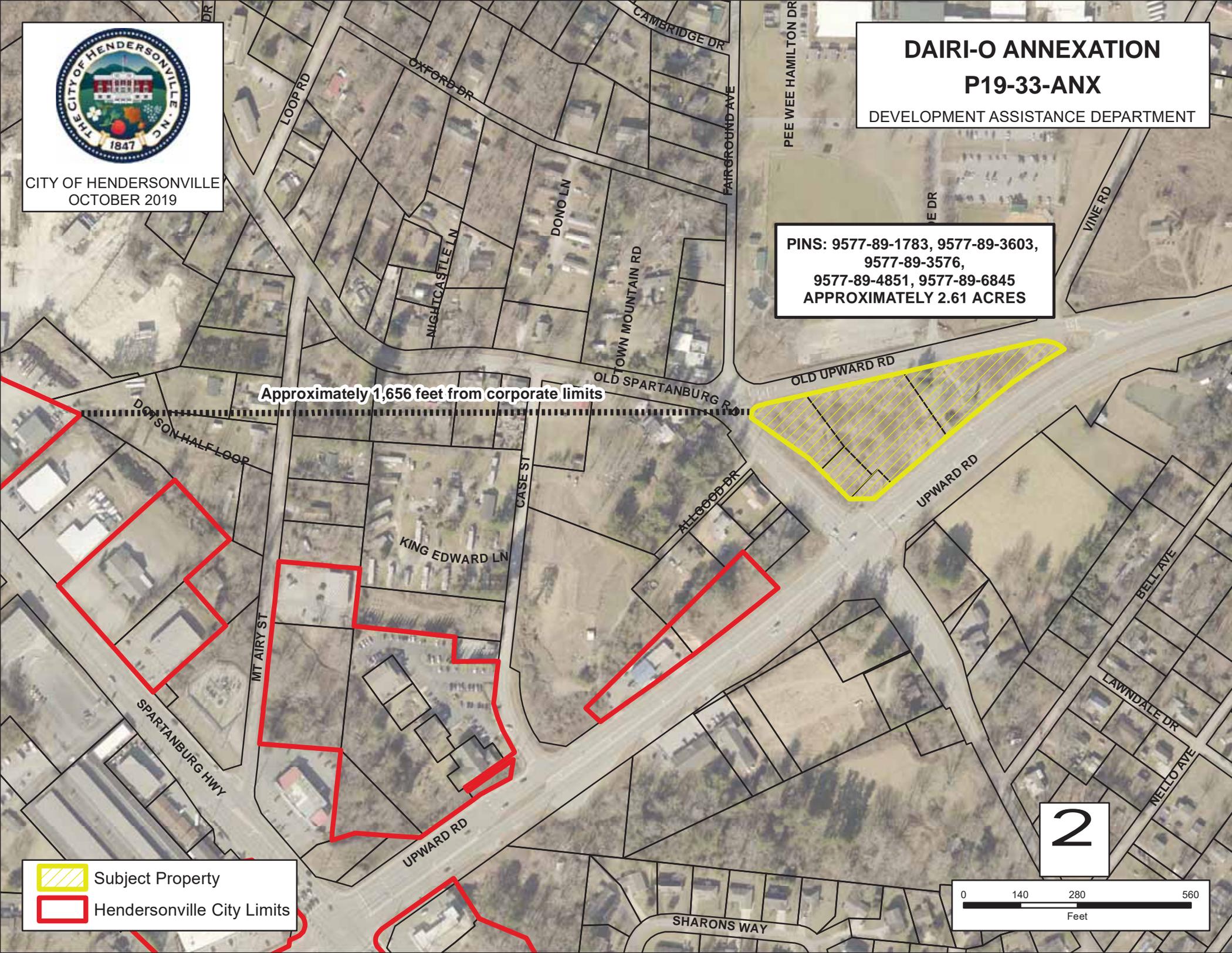
**PINS: 9577-89-1783, 9577-89-3603,
9577-89-3576,
9577-89-4851, 9577-89-6845
APPROXIMATELY 2.61 ACRES**

Approximately 1,656 feet from corporate limits

-  Subject Property
-  Hendersonville City Limits



2





CITY OF HENDERSONVILLE
OCTOBER 2019

DAIRI-O ANNEXATION P19-33-ANX

DEVELOPMENT ASSISTANCE DEPARTMENT

FAIRGROUND AVE

EAGLE PRIDE DR

VINE

OLD UPWARD RD

**PINS: 9577-89-1783, 9577-89-3603,
9577-89-3576,
9577-89-4851, 9577-89-6845
APPROXIMATELY 2.61 ACRES**

ALLGOOD DR

OLD SPARTANBURG RD

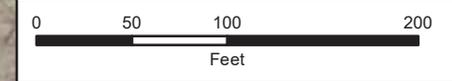
UPWARD RD

UPWARD RD

2

 Subject Property

 Hendersonville City Limits



PROCLAMATION

WHEREAS, the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples; and

WHEREAS, the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today, and

WHEREAS, their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and

WHEREAS, Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November, as National American Indian Heritage Month; and

WHEREAS, in honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational, and historical activities have been planned.

NOW, THEREFORE, I, Barbara G. Volk, by virtue of the authority vested in me as Mayor of the City of Hendersonville, do hereby proclaim November as the

“National American Indian Heritage Month”

in Hendersonville, North Carolina, and urge all our citizens to observe this month with appropriate programs, ceremonies and activities.

Signed this twentieth day of August 2019.




Barbara G. Volk, Mayor, City of Hendersonville

PROCLAMATION

- WHEREAS, the month of November is designated as National Homeless Youth Awareness Month; and
- WHEREAS, this designation was declared by the U. S. House and Senate in 2007 and serves as an outlet to increase public awareness of an ongoing issue occurring in every city across the United States; and
- WHEREAS, the nation’s public schools report between 1.3 and 1.7 million homeless students grades pre-k through 12th grade; and
- WHEREAS, we realize that adolescents become homeless, becoming separated from their caregivers and homes for various reasons, often putting them in precarious situations; and that school is often the most safe and stable environment for these youth; and
- WHEREAS, we recognize that roughly 2.5 percent of our youth in Henderson County are identified as homeless; and
- WHEREAS, Only Home WNC, Inc. is a local non-profit whose mission is to promote the value of education, honor individuality and diversity, nurture respect for self and others, and provide hope for young people in need in the community; and
- WHEREAS, Only Hope WNC, Inc. will be hosting a sleep out on November 8 - November 9 at the Historic Courthouse on Main Street in Downtown Hendersonville in an effort to draw attention and support for youth homelessness; and
- WHEREAS, an effort is being made by the board members of Only Hope WNC, Inc. to raise community-wide awareness of homeless youth in Henderson County.
- NOW, THEREFORE, we, the City Council of the City of Hendersonville, do hereby proclaim November 2019 as

“Homeless Youth Awareness Month”

in the City and applaud the efforts of those who serve and help fight youth homelessness in Henderson County.

Adopted, this seventh day of November 2019.

Barbara G. Volk, Mayor



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 10/10/2019

Presenter: John Connet

Date of Council Meeting to consider this item: 11/7/2019

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 06c

For the July thru September, quarter, the Service Excellence Design Team selected those listed below as the quarterly winners.

Kimberly Jackson has been an asset to the PW department since she has started, She has recovered lost revenue by correcting accounts, updated and fixed asset list's, educated customers and even sat in on weekly crew meetings to show that she is a team player. She also has lent a hand in the field when we were shorthanded to gain experience on what the crews go through on a daily basis to help further her knowledge of the job!

As Firefighter Jacob Thompson was performing his daily apparatus and equipment checks, he noticed a male subject walking up to the bays at Station 1. The subject was only wearing shorts and asked to use a phone. He stated he just got released from the hospital and needed to call to see if someone could come and pick him up. Firefighter Thompson went to his vehicle and brought a pair of his personal shoes and give them to the man, so he didn't have to walk around barefooted. Firefighter Thompson shows compassion and values every person.

(Austin Williams, Brentley Orr, Matthew Keener, Caleb Smathers, Kevin Albertson, Bo Stepp, Brad Duncan) While repairing a fire hydrant caused by an unusual valve malfunction resulting in shutting down the water main supplying Etowah area, these men worked flawlessly together, having every step of the repair ready beforehand. Because of their quick actions, a limited number of customers where affected.

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

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

NA

Attachments:

None

JULY - SEPTEMBER MVPs 2019

Brandon Mundy & Brent Pope While driving east on Four Seasons, I saw Brandon and Brent pulled over with a stranded vehicle. Turns out, an older gentleman's truck had quit, and they helped to get it out of the road. For safety, they set out cones and waited with him till the tow truck got there.

Kayla Bunday, Emily McDowell, Kasi Nix, Wendy Williams The CSR team always takes initiative whenever the workload gets overwhelming or one of us is not here. They step up to do the work that is not assigned to them to help everyone catch up. These amazing girls never complain and always show teamwork in anything that they do. I love working very closely with these wonderful ladies and seeing their smiling faces every day. This is what great teamwork and attitude is all about. They have made me feel welcome and help me with everything.

Daniel Heyman A citizen wrote in to recognize Daniel: "I am building an information kiosk for my Eagle Scout project at First Methodist Church's "Rooted in Faith" Community Garden. Mr. Heyman was extremely knowledgeable and polite with my questions about zoning for the information kiosk, and even invited me to his office to show me what exactly I needed to do to get zoning approval. Mr. Heyman didn't have to do any of this but instead went above and beyond in helping me reach my goal."

Deon Mendosa & Alan Cliff I received an email from a citizen praising the outstanding job that Alan Cliff & Deon Mendoza were doing. She stated "First of all...they HUSTLED! It seemed they worked together well as a team. And, my favorite - as oncoming cars yielded, the black gentleman not only gave a thumbs up as a thank you to those cars, but he happily waved and smiled at each car as they passed the truck. I know it may seem like a little thing, but it brought a big smile to my face this morning. So, thanks guys! Keep it up."

Kyle Nix & Curtis Philon, Christian Miller, Bryan Dunne & David Corey The Hendersonville Police Department conducted a health and welfare check and found an individual had passed away. A local non-profit who had frequent interactions with the individual called in to thank first responders for their professionalism in handling the call and showed competence and kindness from start to finish. "They handled the situation with such compassion and dignity," said the caller. She explained how the first responders were professional and discreet, treating the response like any other call so that other tenants would not be alarmed. "It was so helpful to have them come in and do what needed to be done. It was just amazing."

Deputy Chief James Miller did an outstanding job assisting Haywood County and the Jonathan Creek Fire Department as they mourned the loss of Captain Claud Messer. Captain Messer died in the line of duty on while responding to an emergency incident. D/C Miller responded to Haywood County several times as a peer support specialist and as part of the Henderson County Incident Management Team. He assisted with the funeral services and provided peer support for members that were impacted by this tragic event. D/C Miller never hesitated to assist wherever needed and his compassion and professionalism did not go unnoticed. This is a true example of service excellence!

Jacob Thompson As Firefighter Thompson was performing his daily apparatus and equipment checks, he noticed a male subject walking up to the bays at Station 1. The subject was only wearing shorts and asked to use a phone. He stated he just got released from the hospital and needed to call to see if someone could come and pick him up. Firefighter Thompson went to his vehicle and brought a pair of his personal shoes and give them to the man, so he didn't have to walk around barefooted. Firefighter Thompson shows compassion and values every person.

Emily McDowell While I was at a training at City Ops, two WTP employees came to have their new ID photos done. This was not a scheduled time and the rest of HR was out at the same training. Emily took it on herself to take the photos and e-mail them to me. I appreciate the back-up!

Jennifer Musselwhite & Kasi Nix Jennifer and Kasi helped a disabled gentleman who was setting set up a water account for his new home. He was struggling with the paperwork and online system and with the help of Kasi and Jennifer was able to get everything setup that he needed in an efficient manner so he could close on his home. This was extremely impactful for Mr. Martinelli and he left me (Brian Pahle) a message.

JR Blackwell During a fall protection and harness check safety class, the harnesses for WS had been left in the back of the room. At the end of the class portion, I asked that some of the attendees stay and take the harnesses to the inspector. Of the 16 in attendance, only JR stayed to cover the department. Thanks for stepping up!!

Kimberly Jackson Kimberly has been an asset to the PW department since she has started, She has recovered lost revenue by correcting accounts, updated and fixed asset list's, educated customers and even sat in on weekly crew meetings to show that she is a team player. She also has lent a hand in the field when we were shorthanded to gain experience on what the crews go through on a daily basis to help further her knowledge of the job!

Lee Smith & Tom Wooten There was an 'accident' in one of the single stall bathrooms (mens, of course) at the Ops Center. Lee and Tom took it upon themselves, by teaming up, to clean it up. They didn't complain or try to pass the buck onto someone else. It was a great example of leadership, leading by example, and that they are not above even the smallest and crappiest/smelliest tasks. (It honestly was a great thing to see and to know they are willing to do that on their own accord.)

Mike Cantrell While Mike was out on his route, he found several personal items (credit cards, driver's license, etc.) scattered in the street. Mike turned these items into his Supervisor, who delivered these items to the Police Dept. The citizen's items were returned to her. She personally wrote a letter thanking Mike for his actions. She said specifically "I wish there were more like you in our community. You have confirmed my faith in humanity that there are good people who work hard and respect others."

Billy Ray Praytor, John W. Justice and Mary Beth King. After clearing from a natural gas leak on N. Main St. The crew on Engine 1 noticed a female standing outside a business holding a bottle of Windex and asked if she needed assistance. She stated that she was a new employee and locked herself out of the business while trying to clean the windows. All her personal belongs were inside along with her cell phone, ID and keys and she had no way to contact the property owner. The crew attempted to contact the owner utilizing our fire department contact information from emergency reporting but had no success. However, they were able to utilize a tool to unlock the front door (no damage was caused) and gain access to the building. The crew did confirm that the person was who she said she was by checking her ID. This is an excellent example of customer service.

Rick Brown, Ricky Levi, Keith Kirchner, Gary Norton, Stephen Bell, Steven Warren, George Reedy Water treatment plant personnel successfully dredged the City's Bradley Creek Reservoir in Pisgah National Forest installing a temporary diversion dam to divert creek flow, installing a temporary ford, dewatering the reservoir, relocating stranded wildlife, excavating and removing 85 dump truck loads of accumulated sediment to an offsite location 45 minutes away, repairing a broken bypass valve and restoring the site. The work ensures proper operation and continued longevity of the water source, which has been in service since 1927. This was a daunting task that was performed on top of the typical job responsibilities of operating a water treatment plant. All plant personnel stepped up and took ownership of the project. The work was completed under budget and received accolades from the US Forest Service.

Krystal Powell I would like to brag on Krystal even though she is my supervisor as she goes far beyond her job. Her daughter had a volleyball tournament and while she was gone for the week out of state, she would always check on us on how things were going in the office. A couple of weeks ago, she was officially on vacation and she happily helped with payroll issues. Anytime I run into problems she will put anything aside on her schedule to help out. She is amazing, professional, very giving and extremely dedicated to helping us succeed.

Ross Henderson It was a hot afternoon in Sullivan Park & I was accompanying WLOS to get footage of Public Works crews working. After the cameraman was gone, I got to see a heartwarming moment between Ross Henderson & some neighborhood kids. From a distance I could see Ross talking to 2 girls who were playing basketball. Ross walked over to his truck, retrieved 2 bottles of water & walked back to give them to the girls. This small gesture was a great example of customer service & building community.

Austin Williams, Brentley Orr, Matthew Keener, Caleb Smathers, Kevin Albertson, Bo Stepp, Brad Duncan While repairing a fire hydrant an unusual valve malfunction resulting in shutting down the water main supplying Etowah area, these men worked flawlessly together, having every step of the repair ready beforehand. Because of their quick actions, a limited number of customers were affected.

Victoria Cortes Captain Cortes answered the phone at Station 2 and spoke to a citizen that was unhappy with the way a hydrant looked in front of his property on Thompson St. He said the hydrant was just replaced and looked terrible. Captain Cortes took the initiative to gather all the necessary paint and materials and painted the hydrant early the morning.

Jay Heatherly Jay was extremely helpful and proficient when setting up the computers and telephone system at the new Maintenance/Parks shop. We appreciate his hard work during this process.

Terry Smith & Jody Martin Terry and Jody caught a person in the act of breaking into a City facility and quickly contacted the HPD which resulted in the apprehension of the suspect.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Daniel Heyman

Department: Development Asst Dept

Date Submitted: 09-23-2019

Presenter: Daniel Heyman, Senior Planner

Date of Council Meeting to consider this item: 10-03-2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 09

The City is in receipt of an application for a rezoning from Miken, LLC. The applicant is requesting to rezone the subject property, parcel numbers 9568-64-8536 and 9568-64-8783, from R-15 Medium Density Residential to C-2 Secondary Business. The total area is approximately 0.81 acres.

The applicant has requested this hearing be continued to the December 5, 2019 Meeting.

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

Suggested Motion:

Motions are on page 7 of the memo.

Attachments:

Memo
Existing land use map, existing zoning map, future land use map
Relevant section of NCDOT's proposed White Street improvements

MEMORANDUM

TO: City Council

FROM: Development Assistance Department

RE: Miken, LLC Rezoning

FILE #: P19-26-Z

DATE: October 3rd, 2019

PROJECT HISTORY

The City is in receipt of an application for a rezoning from Miken, LLC. The applicant is requesting to rezone the subject property, parcel numbers 9568-64-8536 and 9568-64-8783, from R-15 Medium Density Residential to C-2 Secondary Business. The total area is approximately 0.81 acres. Photographs of the property can be found on page 9.

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 12, the 2030 Comprehensive Plan's Future Land Use Map designates the subject area as Medium Intensity Neighborhood.

The purpose of the Medium Intensity Neighborhood future land-use category is to "Provide a transition between High and Low-Intensity Neighborhood areas while providing a wide range of housing formats and price points. Promote walkable neighborhood design and compatible infill development in new neighborhoods and as a means of preserving and enhancing existing neighborhoods." The primary and secondary recommended land uses for the Medium Intensity Neighborhood land use category are as follows:

Primary

- Single-family attached and detached residential
- Open space

Secondary

- Limited multi-family residential along roadways designated as

Boulevards or Thoroughfares

- Planned Residential Developments
- Recreational amenities
- Local public and institutional uses
- Recreational amenities

Parcels to the north are classified as High Intensity Neighborhood and Medium Intensity Neighborhood. Parcels to the east are classified as High Intensity Neighborhood. Parcels to the south are classified as Medium Intensity Neighborhood. Parcels to the

west are classified as Medium Intensity Neighborhood.

In 2017 the North Carolina General Assembly amended G.S. 160A-383 to add the ability for governing bodies when reviewing zoning map amendments that are not in compliance with comprehensive plans, to approve the map amendment and subsequently the comprehensive plan, along with an explanation of the change in conditions.

The applicant has requested to amend the 2030 Comprehensive Plan Future Land Use Map to designate this property as High Intensity Neighborhood. The goal of the High Intensity Neighborhood classification is to “Encourage low-maintenance, high-density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods.”

Primary Land Uses:

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

Secondary Land Uses:

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

Notable changes in conditions in the vicinity of the subject area include Kanuga Road and White Street NCDOT roadway improvements. The Kanuga Road project calls for the widening of the existing roadway. The intersection of Kanuga Road and Hebron Road will have a new roundabout constructed as well. NCDOT maps of the proposed roundabout can be found on page 13 with the subject property highlighted.

EXISTING LAND USE & ZONING

Parcel # 9568-64-8536 is currently zoned R-15 Medium Density Residential and is a vacant lot. Parcel # 9568-64-8783 is currently zoned R-15 Medium Density Residential and contains an accessory structure.

Parcels to the north are zoned R-15 Medium Density Residential and C-2 Secondary Business. The parcel to the east is zoned C-2 Secondary Business and contains Norm's Minit Wash. Parcels to the south are zoned R-15 Medium Density Residential and contain residential uses. Parcels to the west are zoned R-15 Medium Density Residential and contain the West Hendersonville Baptist Church facility.

Surrounding land uses and zoning districts are shown on the “Existing Land Use” and “Existing Zoning” maps located on pages 10 and 11 respectively.

PROPOSED ZONING CLASSIFICATION

The subject area is proposed to be rezoned to C-2, Secondary Business zoning district which is designed primarily to accommodate existing developments of mixed commercial and light industrial uses, and certain commercial and light industrial uses compatible with one another but inappropriate in certain other zoning district classifications.

ANALYSIS

Listed in Table A is an outline of the dimensional requirements for the C-2 zoning district classification. Table B is an outline of the dimensional requirements for the R-15 zoning district classification.

Table A

Dimensional Req. C-2	Residential	Non-Residential
Minimum Lot Area	6,000 Sq. Ft.	8,000 Sq. Ft.
Minimum Lot Width at Building Line	50 Feet	None
Minimum Front Yard	20 Feet	15 Feet
Minimum Side Yard	5 Feet & None	5 Feet & None
Minimum Rear Yard	10 Feet	None
Maximum Building Height	48 Feet	48 Feet

Table B

Dimensional Req. R-15	Residential
Minimum Lot Area	15,000 Sq. Ft.
Minimum Lot Width at Building Line	85Feet
Minimum Front Yard	30 Feet
Minimum Side Yard	10 Feet
Minimum Rear Yard	15 Feet
Maximum Building Height	35 Feet

The following uses are permitted by right in the C-2 Secondary Business Zoning District Classification, provided that they meet all requirements of the ordinance.

C-2, Secondary Business District

Permitted Uses:

- 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
- City of Hendersonville Zoning Ordinance 23 Amended Through 01-05-2018
- 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
- 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

Conditional Uses:

- Animal kennels
- Automotive paint and body work
- Bus stations
- Child care centers
- Civic clubs & fraternal organizations
- Light manufacturing
- Private clubs
- Public utility facilities

The R-15, Medium-Density Residential zoning district is intended for areas in which the principal use of land is for medium-density single-family residences. The permitted and conditional uses for the R-15, Medium Density Residential zoning district are listed below.

R-15, Medium-Density Residential District

Permitted Uses:

- Accessory dwelling units
- Accessory structures
- Adult care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling
- Camps
- Child care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling
- Home occupations
- Parks
- Planned residential developments (minor)

- Religious institutions containing no more than 50,000 ft² of gross floor area
- Residential dwellings, single-family
- Residential dwellings, two-family
- Signs, subject to the provisions of Article XIII
- Telecommunications antennas, subject to special requirements contained in Section 16-4, below

Conditional Uses:

- Bed and breakfast facilities
- Cemeteries
- Public utility facilities
- Schools, primary & secondary, containing no more than 50,000 ft² of gross floor area

PLANNING BOARD

The Planning Board took this matter up at its regular meeting on September 9th, 2019. The Planning Board voted unanimously to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville. Changing the zoning designation of the subject parcels from R-15 Medium Density Residential to C-2 Secondary Business based on the zoning ordinance guidelines. The Planning Board also voted unanimously to recommend City Council adopt an ordinance amending the 2030 Comprehensive Land Use Plan. Changing the land use designation of the subject parcels from Medium Intensity Neighborhood to High Intensity Neighborhood.

ZONING ORDINANCE GUIDELINES

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

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

SUGGESTED MOTIONS

For Recommending Approval with Comprehensive Plan Amendment:

I move that City Council adopt an ordinance amending the official City of Hendersonville's 2030 Comprehensive Plan Future Land Use Map for parcel numbers 9568-64-8536 and 9568-64-8783 from Medium-Intensity Neighborhood to High Intensity Neighborhood.

[PLEASE STATE YOUR REASONS]

I further move that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of parcel numbers 9568-64-8536 and 9568-64-8783 from R-15, Medium Density Residential to C-2, Secondary Business, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map amendment to High Intensity Neighborhood, 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 numbers 9568-64-8536 and 9568-64-8783.

[PLEASE STATE YOUR REASONS]

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

IN RE: FILE NO. P19-26-Z

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

1. Pursuant to Article XI Amendments of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of parcel numbers 9568-64-8536 and 9568-64-8783 from R-15, Medium Density Residential to C-2, Secondary Business.
2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 3rd day of October 2019.

Barbara Volk, Mayor

ATTEST:

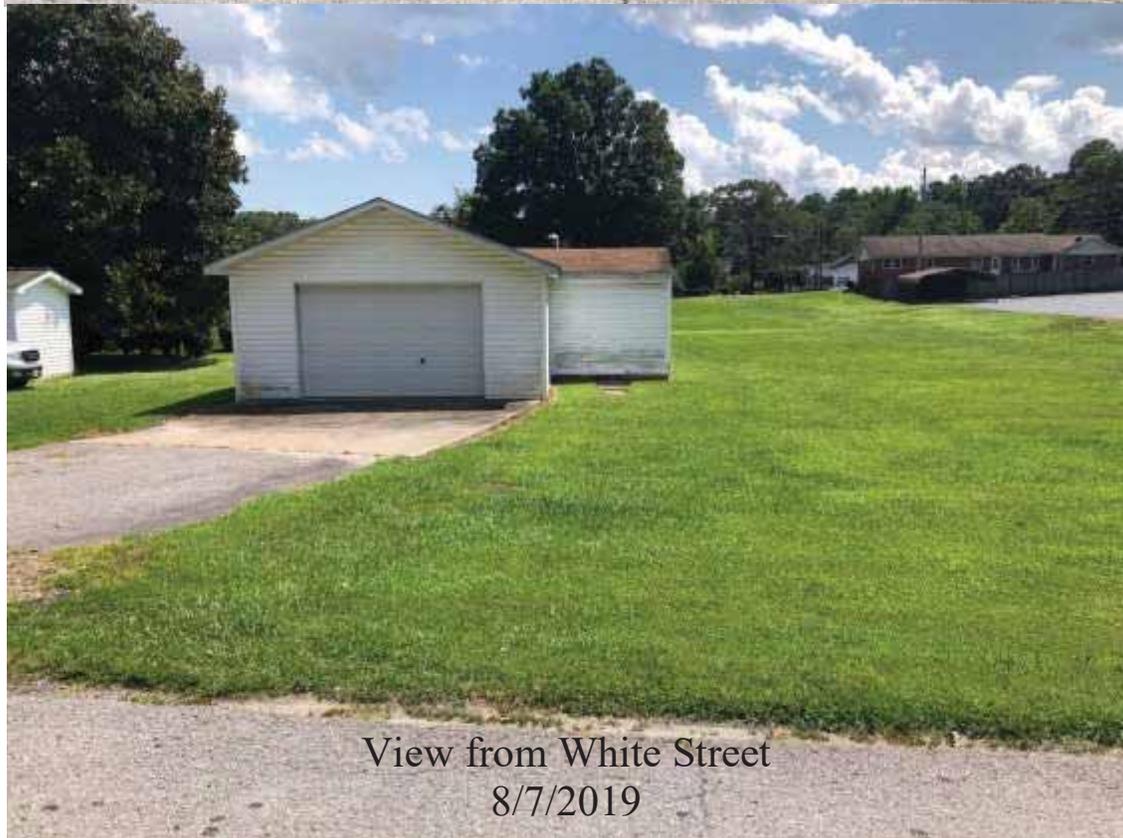
Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney



View from Hebron Road
8/7/2019

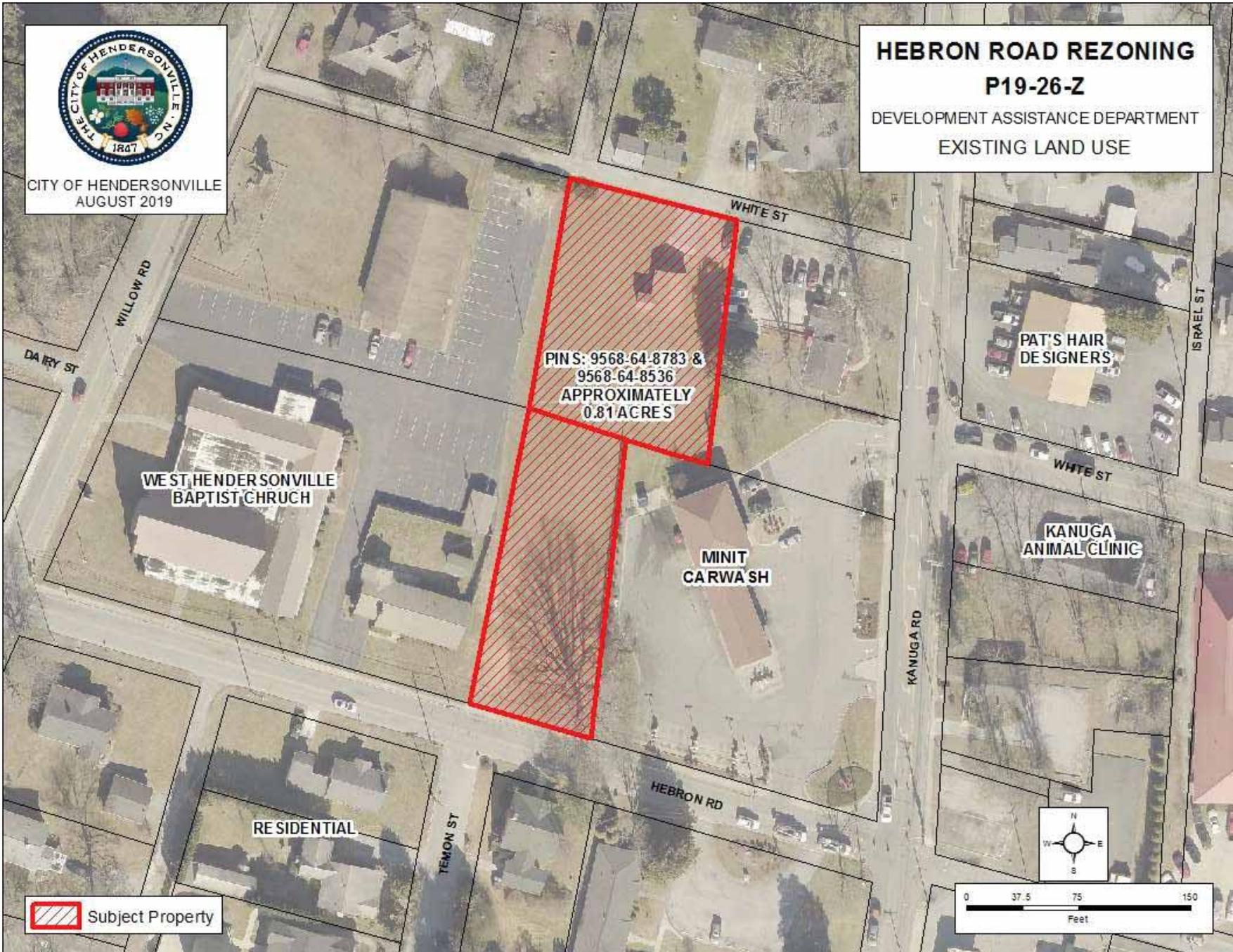


View from White Street
8/7/2019



CITY OF HENDERSONVILLE
AUGUST 2019

**HEBRON ROAD REZONING
P19-26-Z**
DEVELOPMENT ASSISTANCE DEPARTMENT
EXISTING LAND USE



PIN S: 9568-64-8783 &
9568-64-8536
APPROXIMATELY
0.81 ACRES

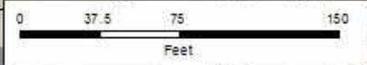
WEST HENDERSONVILLE
BAPTIST CHURCH

MINI
CAR WASH

KANUGA
ANIMAL CLINIC

RESIDENTIAL

 Subject Property



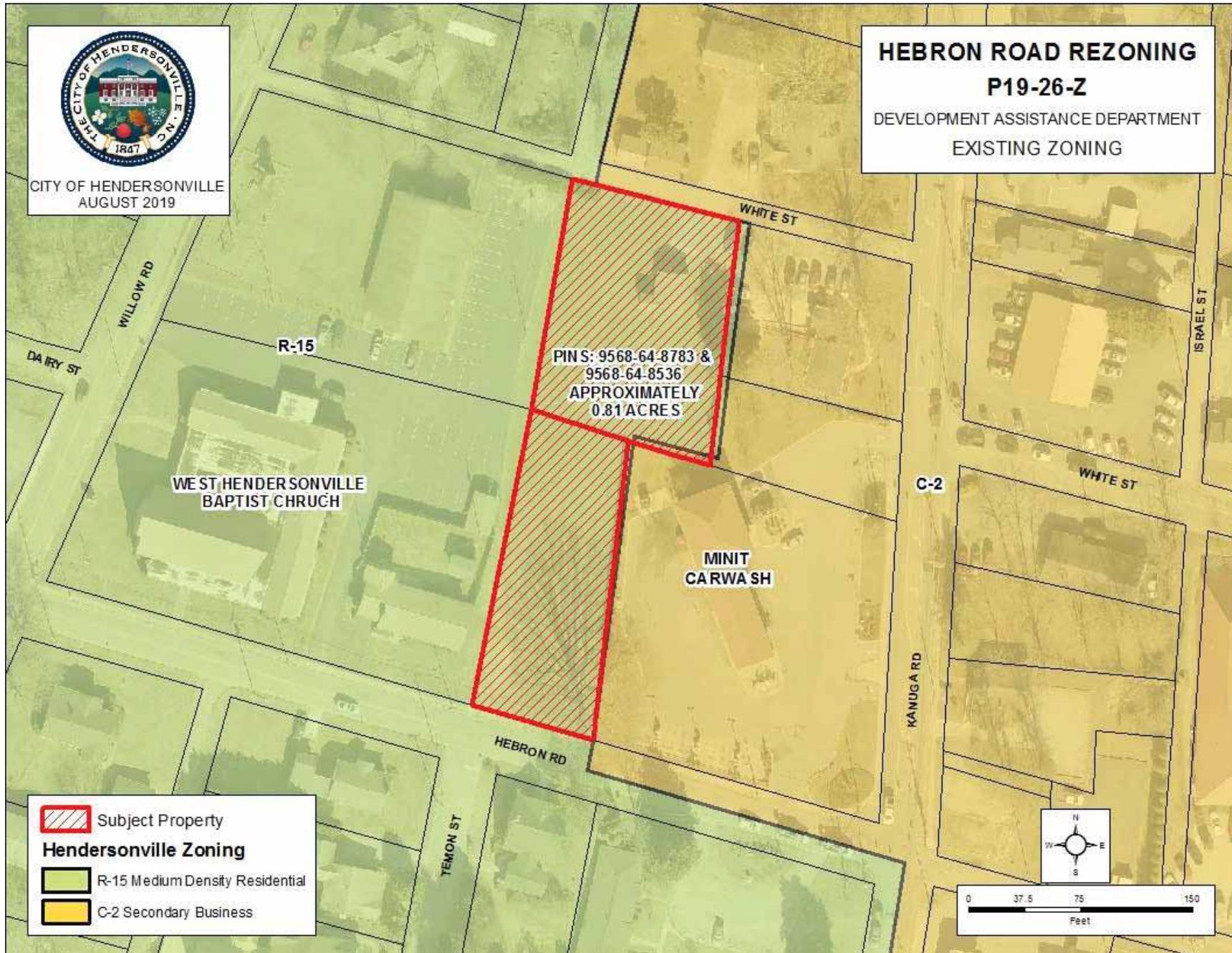


CITY OF HENDERSONVILLE
AUGUST 2019

HEBRON ROAD REZONING

P19-26-Z

DEVELOPMENT ASSISTANCE DEPARTMENT
EXISTING ZONING



PINS: 9568-64-8783 &
9568-64-8536
APPROXIMATELY
0.81 ACRES

WEST HENDERSONVILLE
BAPTIST CHURCH

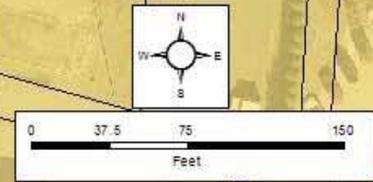
MINI
CAR WASH

 Subject Property

Hendersonville Zoning

 R-15 Medium Density Residential

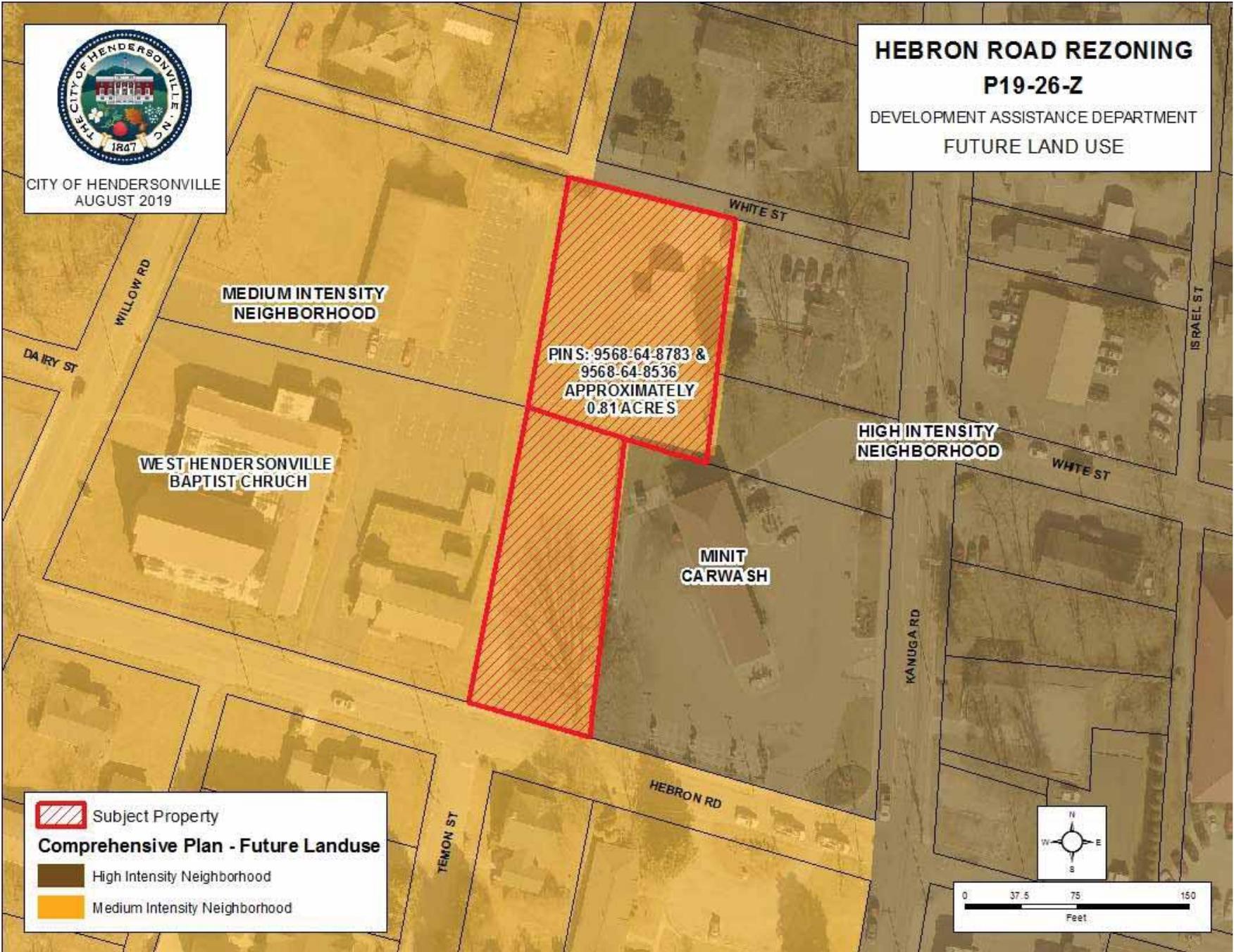
 C-2 Secondary Business





CITY OF HENDERSONVILLE
AUGUST 2019

**HEBRON ROAD REZONING
P19-26-Z**
DEVELOPMENT ASSISTANCE DEPARTMENT
FUTURE LAND USE

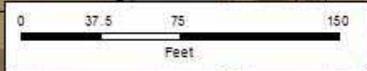
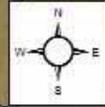


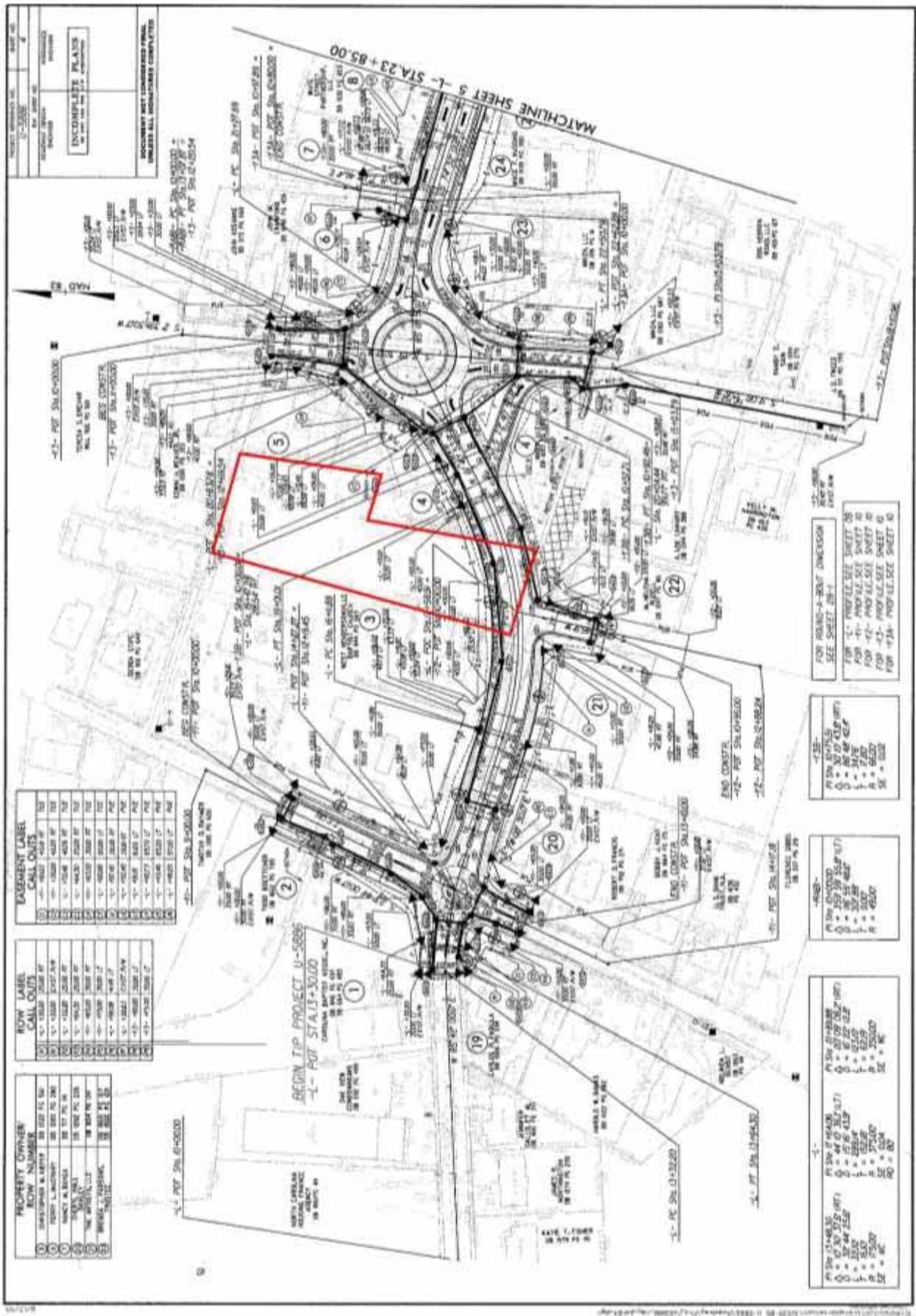
 Subject Property

Comprehensive Plan - Future Landuse

 High Intensity Neighborhood

 Medium Intensity Neighborhood







CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 10-23-19

Presenter: Susan G. Frady, Development Asst Director

Date of Council Meeting to consider this item: 11-7-19

Nature of Item: Council Action

Summary of Information/Request:

Item # 08

The City has received an application from Stephen Robertson to close an unopened and unimproved right-of-way for Park Street located on PIN numbers 9568-44-6575 and 9568-44-5754.

The City Council adopted a Resolution of Intent to close this unopened right-of-way at their September 5th, 2019 meeting. A copy of the Resolution of Intent was mailed to the adjoining property owners, notification of the proposed closing was posted on the property, and the Resolution of Intent and notice of the public hearing was advertised four times in the legal notice section of the local newspaper.

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

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

Suggested Motion:

I move Council to adopt the Order to Permanently Close a portion of an unopened and unimproved right of way for Park Street located on PIN numbers 9568-44-6575 and 9568-44-5754 as petitioned by Stephen Robertson.

Attachments:

Order to Permanently Close
Survey
Map
Legal Description
Resolution of Intent

**ORDER TO PERMANENTLY CLOSE PARK STREET
(Petition by Stephen Robertson)**

NORTH CAROLINA
HENDERSON COUNTY

TO WHOM IT MAY CONCERN:

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

WHEREAS, Stephen Robertson has petitioned the City of Hendersonville to close Park Street;
and

WHEREAS, on the fifth day of September 2019, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close portions of these streets and setting the seventh day of November 2019, as the date of a public hearing regarding such closure; and

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

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

WHEREAS, a public hearing was held in conformance with the aforementioned public notice on the seventh day of November 2019.

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

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

IN CONSIDERATION THEREOF, IT IS HEREBY ORDERED:

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

Being located in the County of Henderson, State of North Carolina and more particularly described as:

Beginning at a set iron, said pin being the Southeast corner of that 0.15 acre tract as shown on a plat recorded at Plat Slide 11942, Henderson County Registry; thence along the South line of aforesaid 0.15 acre tract the following two (2) courses to wit: (1) S41°27'58"W for 54.76 feet to a point; (2) S37°31'12"W for 52.87 feet to a set iron pin in the intersection of the North right of way line of Park Street and the East right of way line of Bryan Avenue (Formerly Oak Street); thence S05°45'56W for 55.55 feet to a found iron pipe on the East right of way line of aforesaid Bryan Avenue (Formerly Oak Street) on the Northwest corner of the lands now or formerly of Stephen and Dawn Robertson as described in Deed Book 3205, page 250, Henderson County Registry; thence with the North line of the lands of Stephen and Dawn Robertson the following three (3) course to wit: (1) N29°12'00"E for 49.90 feet to a found iron pipe; (2) N37°31'12"E for 50.05 feet to a found iron pipe; (3) N41°07'58"E for 50.17 feet to a found iron pin on the West right of way line of West Pine Street; thence along the West right of way line of West Pine Street N38°50'05"E for 22.34 feet to the Point of Beginning. Containing 0.07 acres (2,837 square feet), more or less.

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

This order shall take effect the seventh day of November, 2019.

Barbara G. Volk, Mayor, City of Hendersonville

ATTEST:

Tammie K. Drake, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

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

Witness my hand and notarial seal, this _____.

My commission expires _____



CITY OF HENDERSONVILLE
AUGUST 2019

PARK STREET CLOSURE
DEVELOPMENT ASSISTANCE DEPARTMENT
CITY OF HENDERSONVILLE

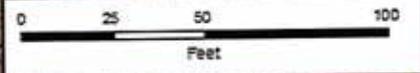
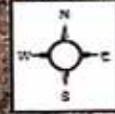
PINEBROOK CIR

LENNOX PARK DR

W PINEST

BRYAN AVE

 Park Street



Park Street Description

Beginning at a set iron, said pin being the Southeast corner of that 0.15 acre tract as shown on a plat recorded at Plat Slide 11942, Henderson County Registry; thence along the South line of aforesaid 0.15 acre tract the following two (2) courses to wit: (1) S41°27'58"W for 54.76 feet to a point; (2) S37°31'12"W for 52.87 feet to a set iron pin in the intersection of the North right of way line of Park Street and the East right of way line of Bryan Avenue (Formerly Oak Street); thence S05°46'56W for 55.55 feet to a found iron pipe on the East right of way line of aforesaid Bryan Avenue (Formerly Oak Street) on the Northwest corner of the lands now or formerly of Stephen and Dawn Robertson as described in Deed Book 3205, page 250, Henderson County Registry; thence with the North line of the lands of Stephen and Dawn Robertson the following three (3) course to wit: (1) N29°12'00"E for 49.90 feet to a found iron pipe; (2) N37°31'12"E for 50.05 feet to a found iron pipe; (3) N41°07'58"E for 50.17 feet to a found iron pin on the West right of way line of West Pine Street; thence along the West right of way line of West Pine Street N38°50'05"E for 22.34 feet to the Point of Beginning.

Containing 0.07 acres (2,837 square feet), more or less.

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 right-of-way for Park Street located on PINs 9568-44-6575 and 9568-44-5754

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

WHEREAS, Stephen Robertson, has petitioned the Council of the City of Hendersonville to close a portion of an unopened and unimproved right-of-way for Park Street located on PINs 9568-44-6575 and 9568-44-5754.

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 right-of-way for Park Street located on PINs 9568-44-6575 and 9568-44-5754.

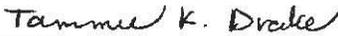
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville:

1. A meeting will be held at 5:45 p.m. on the seventh day of November 2019, in the Council Chambers of City Hall to consider closing a portion of an unopened and unimproved ROW for Park Street.
2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.
3. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.
4. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted by the City Council at a meeting held on the fifth day of September 2019.


Barbara G. Volk, Mayor

ATTEST:


Tammie K. Drake, City Clerk

(Seal)



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Daniel Heyman

Department: Development Asst Dept

Date Submitted: 10-25-2019

Presenter: Daniel Heyman, Senior Planner

Date of Council Meeting to consider this item: 11-07-2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 09

The City is in receipt of an application for a conditional rezoning from Clear Creek Investment Group, LLC for the development of 190 single-family residential units and 142 townhome units on approximately 72.2 acres. The project is located on Parcel(s) #9660-90-7491, 9660-81-8633, and 9660-90-2975. The proposed project will have frontage on Clear Creek Road and will access the site through Clear Creek Road and Hyder Farm Road. The applicant is requesting to rezone the subject property from C-3 Highway Business, Parcel # 9660-81-8633 from Henderson County R-1 Residential and C-3 Highway Business to PRD Planned Residential Development Conditional Zoning District.

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

Suggested Motion:

Motions are on page 6 of the memo.

Attachments:

- Memo
- Existing land use map, existing zoning map, future land use map
- Development plans
- Tree Board memorandum
- ESD memorandum

M E M O R A N D U M

TO: Honorable Mayor and City Council

FROM: Development Assistance Department

RE: Clear Creek Project

FILE #: P19-19-CZD Clear Creek Project

DATE: November 7, 2019

PROJECT DESCRIPTION

The City is in receipt of a Conditional Rezoning application from Robert J. Grimsley Jr. of Clear Creek Investment Group, LLC for the development of 190 single-family residential units and 142 townhome units on approximately 72.2 acres. The project is located on Parcel(s) #9660-90-7491, 9660-81-8633, 9660-90-2975, and a portion of 9660-82-5607. The proposed project will have frontage on Clear Creek Road and will access the site through Clear Creek Road and Hyder Farm Road. The applicant is requesting to rezone the subject property from C-3 Highway Business, Parcel # 9660-81-8633 from Henderson County R-1 Residential and C-3 Highway Business to PRD Planned Residential Development Conditional Zoning District.

This application is a conditional rezoning review. The preliminary site plan is subject to recommendation by the Planning Board and approval by City Council.

EXISTING LAND USE & ZONING

Parcels # 9660-90-2975 and 9660-82-5607 are currently zoned Henderson County R-1 residential and C-3 Highway Business and has one structure on the property. Parcel # 9660-90-2975 is currently zoned C-3 Highway Business and has two structures on the property. Parcel #9660-90-7491 is currently zoned C-3 Highway Business and is vacant.

Parcels to the north are zoned R1 Residential and I Industrial by Henderson County which includes residential dwellings and a rock quarry. Parcels located to the east are zoned C-3 Highway Business, I-1 Industrial and R-15 Medium Intensity Residential and includes I-26, vacant lots and residential dwellings. Parcels located to the south are zoned PRD Planned Residential Development, R-10 Medium Intensity Residential, R-15 Medium Intensity Residential and R-20 Low Intensity Residential and include Carolina Village and Cumberland Village. Parcels located to the West are zoned I-1 Industrial and include the City of Hendersonville Solid Waste Facility. Surrounding land uses and zoning districts are shown on the "Existing Land Use Map" and "Zoning Map" on page 15 and 16 respectively.

COMPREHENSIVE PLAN CONSISTENCY

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

Sections of two application parcels and parcels to the southeast and southwest are classified as Natural Resource/Agricultural on the 2030 Comprehensive Plan's Future Land Use Map. The goal of the Natural Resource/ Agricultural classification is to "Create an interconnected network of green infrastructure that preserves environmentally sensitive areas, protects water resources through low-impact storm water management, provides floodwater storage, provides community open space and recreational opportunities, and preserves agricultural resources."

Parcels located to the northwest are classified as Urban Services Area by Henderson County on the 2020 County Comprehensive Future Land Use Map. The parcels located to the south east of the project are classified as High Intensity Neighborhood on the 2030 Comprehensive Plan's Future Land Use Map. The parcels south of the project are classified as Medium Intensity Neighborhood.

The 2030 Comprehensive Plan's Future Land Use Map is located on page 17.

PLAN REVIEW

Buildings

The single-family section of the project, north of Clear Creek Rd, shows 190 single-family lots, with a typical lot area of 6,000 sq. ft. Proposed single-family elevations are attached to this memo.

The townhome section of the project, south of Clear Creek Rd, shows 142 townhome units in 29 buildings. The proposed structures range from two to six-unit townhomes.

Parking

Provided single-family elevations show proposed attached garages.

Parking for the townhome section of the project is proposed as attached garages, driveways, and additional common parking areas for visitors.

Landscaping

Landscaping is provided for vehicular use areas, as well as additional trees along the internal streets and around the common amenities.

Stormwater/Flood Hazard Area

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

No land disturbance or development is proposed within the areas of the subject property designated as flood hazard areas.

Sidewalks

Sidewalks are provided along one side of all internal streets and along the south side of Clear Creek Rd, in accordance with the Zoning Ordinance.

Density

The proposed density is approximately 4.63 units per acre.

Traffic Impact Analysis

The applicant provided a Traffic Impact Analysis conducted by Ramey Kemp and Associates that studied the proposed development's impact on the roadway and nearby intersections. The study considered a proposed development of 210 single-family homes and 150 townhomes, which is greater than shown on the site plan.

The analysis recommends the following mitigation measures for the proposed development:

Intersection of Howard Gap Rd and Clear Creek Rd

- Construct an exclusive right turn lane on the eastbound approach of Howard Gap Road. Provide a minimum of 100 feet of full storage and appropriate taper lengths.
- Widen the northbound approach of Clear Creek Road to provide exclusive left and right turn lanes. Provide a minimum of 150 feet of full storage and appropriate taper lengths for the proposed right turn lane.

Intersection of Clear Creek Rd and Single-Family Main Access/Townhome Northern Access

- Construct an exclusive left turn lane on the northbound approach of Clear Creek Road. Provide a minimum of 100 feet of full storage and appropriate taper lengths. Symmetric widening should be provided on the southbound approach of Clear Creek Road to provide an exclusive left turn lane with a minimum of 100 feet of full storage and appropriate taper lengths.
- Construct an exclusive right turn lane on the southbound approach of Clear Creek Road. Provide a minimum of 100 feet of full storage and appropriate taper lengths.
- Provide three-lane cross-sections for the Tract 1 and Tract 2 site accesses including one ingress and two egress lanes [to be striped as a shared left-through lane and right turn lane]. Per NCDOT's "Policy on Street and Driveway Access to North Carolina Highways", "a minimum storage of 100 feet measured from the near edge of the right-of-way will be required before any crossing or left-turning conflicts

are allowed”.

Intersection of Clear Creek Rd and Townhome Southern Access

- Restrict the proposed access to right-in/right-out movements only.
- Provide a two-lane cross-section for the proposed site access including one ingress and one egress lane. Per NCDOT’s “Policy on Street and Driveway Access to North Carolina Highways”, “a minimum storage of 100 feet measured from the near edge of the right-of-way will be required before any crossing or left-turning conflicts are allowed”.

Intersection of Hyder Farm Rd and Single-Family Northern Access

- Provide a two-lane cross-section for the proposed site access including one ingress and one egress lane. Per NCDOT’s “Policy on Street and Driveway Access to North Carolina Highways”, “a minimum storage of 100 feet measured from the near edge of the right-of-way will be required before any crossing or left-turning conflicts are allowed”.

NEIGHBORHOOD COMPATIBILITY

A neighborhood compatibility meeting concerning the application was held on July 10, 2019. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject property as required by the Zoning Ordinance.

Approximately 41 people representing the public attended the meeting. Attendees asked questions regarding the price of the homes, proposed restrictive covenants, and construction timelines. Attendees raised concerns about increased traffic, current traffic conditions on Clear Creek road, and impacts to wildlife in the area. A copy of the neighborhood compatibility report accompanies this memorandum.

TREE BOARD

The tree survey shows 1,177 trees over 12-inches in diameter on the subject property. The submitted landscaping plans show 807 proposed new trees to be planted. The Tree board made the recommendation at their September 3rd meeting that the developer replace each tree over 12-inches in diameter that is removed from the property, and that replacement trees be the same species or their equivalent to existing trees. The Tree Board’s recommendation memo can be found on page 28.

If this recommendation is to be a condition of the rezoning it will need to be stated in the motion.

ENVIRONMENTAL SUSTAINABILITY BOARD

The Environmental Sustainability Board submitted a memo concurring with the Tree Board’s recommendation and stating support for “the implementation of constructed

wetlands for stormwater management and other green infrastructure improvements.”
The ESB’s recommendation memo can be found on page 29.

If this recommendation is to be a condition of the rezoning it will need to be stated in the motion.

PLANNING BOARD

The Planning Board took this matter up at its regular meeting on September 9th, 2019. The Planning Board voted unanimously to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville. Changing the zoning designation of the subject property from C-3 Highway Business and Henderson County R-1 Residential to PRD Planned Residential Development Conditional Zoning District, based on the site plan submitted and subject to the limitations and conditions stipulated on the published list of uses and conditions, finding that the rezoning is consistent with the Comprehensive Plan, and that the rezoning is reasonable and in the public interest for the following reason: additional housing is needed in the community.

ZONING ORDINANCE GUIDELINES

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

1. **Comprehensive Plan consistency.** Consistency with the Comprehensive Plan and amendments thereto.
2. **Compatibility with surrounding uses.** Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.
3. **Changed conditions.** Whether and the extent to which there are changed conditions, trends or facts that require an amendment.
4. **Public interest.** Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.
5. **Public facilities.** Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment.
6. **Effect on natural environment.** Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural

environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands, and wildlife.

SUGGESTED MOTIONS

For Recommending Approval:

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

Parcel # 9660-90-2975 and Parcel # 9660-90-7491 from C-3 Highway Business, Parcel # 9660-81-8633 from Henderson County R-1 Residential and C-3 Highway Business, and a portion of 9660-82-5607 from Henderson County R-1 Residential to PRD Planned Residential Development Conditional Zoning District

[ADD CONDITIONS, IF ANY]

based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the Published List of Uses and Conditions, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons:

[PLEASE STATE YOUR REASONS]

For Recommending Denial:

I move City Council not adopt an ordinance rezoning the subject property for the following reasons:

[PLEASE STATE YOUR REASONS]

IN RE: Clear Creek Project (File # P19-19-CZD)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

Accessory structures
Residential dwellings multi-family
Residential dwellings single-family
Residential dwellings two-family

II. Conditions:

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

Annexation of this parcel

- (2) Shall Be Attached to the Conditional Rezoning:**

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

Clear Creek Investments, LLC

Signature: _____

Printed Name: _____

Date: _____

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

IN RE: Clear Creek Project
(File # P19-19-CZD)

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

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

Parcels 9660-90-2975 and 9660-90-7491 from C-3 Highway Business, parcel 9660-81-8633 from Henderson County R-1 Residential and C-3 Highway Business, and a portion of parcel 9660-82-5607 from Henderson County R-1 Residential to PRD Planned Residential Development Conditional Zoning District.

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

Adopted this 7th, day of November 2019.

Barbara Volk, Mayor

ATTEST:

Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

Planning Report
 Neighborhood Compatibility Meeting
 Application for a Conditional Zoning District
 Clear Creek Project File #P19-19-CZD
 Wednesday, July 10, 2019 2:00 p.m.

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

<i>Name</i>	<i>Address</i>	<i>Name</i>	<i>Address</i>
Robert Grimsley	(Applicant)	Kathleen Metcalf	102 Cumberland Dr
Ken Jackson	(Applicant)	William McVay	102 Cumberland Dr
Kevin Jackson	(Applicant)	Michael Warren	146 Byrd Ln
Will Buie	WGLA (for Applicant)	Charlotte Cahoon	225 Cranbrook Cir
Jared DeRidder	WGLA (for Applicant)	Carol Abendroth	1565 Glenheath Dr
Donald Garren	307 Hyder Farm Rd	Emily Sherlin	76 Clear Creek Rd
Joseph Garren	307 Hyder Farm Rd	Jim Sullenberger	142 Pinehurst Dr
Jean Tuech	133 Greystone Dr	Georgia Atkins	214 Cranbrook Cir
John Ownbey	168 Nix Rd	Adam Secosan	104 Alex Cove Dr
Carroll Ownbey	168 Nix Rd	Michael Vinson	238 Balfour Rd
Tommy Davis	34 Middle St	Ken Fitch	1046 Patton St
Angela Lamb	235 Balfour Rd	Nathan Ray	170 Byrd Ln
Jessica Lamb	238 Balfour Rd	Jane Ray	170 Byrd Ln
Mike Hayes	597 Clear Creek Rd	Susan Ray	170 Byrd Ln
Rich Shader	173 Greystone Dr	Troy Wischow	121 Byrd Ln
Mark Wilson	3710 Asheville Hwy	Harvey Mullican	308 E Byrd Ln
Kyle West	3710 Asheville Hwy	Shirley Mullican	308 E Byrd Ln
William Harris	273 Byrd Ln	Jill Soto	Not given
Judy English	197 Byrd Ln	Jack Tate	116 Shelly Dr
Cathleen Poirer	218 Cranbrook Cir	Shirley Simmons	300 Meadowbrook Ct
Wesley Jean	507 Hyder Farm Rd	Larry Rodgers	PEP
Cathy Simpson	619 Hyder Farm Rd	Andrew Mundhenk	Times-News
Sheri Metzger	30 Kestrel Ct	Susan Frady	Staff
Will Steiner	1755 Haywood Manor	Daniel Heyman	Staff
Donald Broncotti	109 Byrd Ln	Tyler Morrow	Staff
Tammy Lindine	402 Deerfield Ct		

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

Mr. Heyman stated this is a proposal for a Conditional Zoning District. The subject property is currently split zoned, part of it is zoned C-3 Highway Business by the City of Hendersonville, and a portion is zoned Residential One by Henderson County. The property is proposed to be rezoned to PRD Planned Residential Development and annexed into the City. The concept site plan shows 227 single-family lots west of Clear Creek Rd and 150 townhomes east of Clear Creek Rd.

After the developer's presentation, affected property owners and residents will have a chance to ask question about points that remain unclear.

Will Buie, an engineer with WGLA spoke on behalf of the developer. He talked about meetings they had with nearby Cumberland Village residents and Carolina Village residents earlier in the week. He introduced the developers.

Robert Grimsley explained that they see a need for high-quality, workforce type housing in proximity to town and commercial areas.

Ken Jackson talked about his experience in development in south Buncombe County. He has been involved in development for 38 years in the area. He is interested in developing something that is an asset to the area.

Kevin Jackson spoke about his family's familiarity with the area. He grew up here and is a 5th generation contractor.

Mr. Buie explained the concept plan and an aerial overview of the site. The total area is about 93 acres. The current commercial zoning is there because at one time it was the location of a planned interchange, and the connection to the Balfour Parkway. That road project is not happening now. This property has been for sale for many years. He thinks the proposed use is a much less intense use than what could have occurred with an interchange and commercial businesses.

The development is about 4 units per acre. Looking at the surrounding area, Mr. Buie thinks that is consistent with the neighboring developments. The floodplain present on the property will not be disturbed.

It is important to the developers that this is a walkable community. It is close to shopping, transportation, future greenway segments, etc. They will provide internal sidewalks and along the frontage of Clear Creek Rd.

The City's 2030 Comp Plan identifies this area as a priority growth area and suggests a mix of housing types. They have provided that.

A traffic study is underway. The traffic consultant they have hired will give suggestions for traffic mitigation based on data. Separate from this project, I-26 will be widened and Clear Creek Rd will move slightly. The bridge is set to be replaced over I-26 as part of that work.

They have received comments about the Balfour Rd intersection being dangerous. They think they can help to improve that situation through grading and vegetation management by providing better sight from the intersection.

Finally, this community will be governed by an HOA and will have restrictive covenants. They want to provide a nice community and that will insure that the condition of the properties within

is high-quality.

Jim Sullenberger asked if other properties would be annexed as well.

Mr. Heyman explained that no other properties would be annexed as part of this application. The only way the City of Hendersonville will annex your property is within accordance with state law which does not allow involuntary annexation. If you connect to sewer, the City will require that you submit a petition for voluntary annexation.

William McMann had questions about specific rules the HOA would impose – for instance, the number of dogs, kids, etc. Will there be a process to review those?

Mr. Buie said it is far too early in the process to know about specific rules but yes they have agreed with neighbor groups like Cumberland Village that there would be input in that process.

Michael Vinson said that the house on that site is historic and is over 100 years old. He also asked whether they had considered the wildlife there.

Mr. Buie stated that they were not aware of a historic designation but they would follow the proper procedure.

Donald Garren asked how this would affect Hyder Farm Rd.

Mr. Buie said DOT has planned to move it closer to the interstate. Their proposal would realign Hyder Farm Rd with a new intersection to their development, which would then connect to Clear Creek Rd.

Mr. Garren asked about the distance of the homes to his property and if they would install a fence.

Mr. Buie said there is a Duke Energy ROW on that part of the property that would buffer the building sites. They will also look into what kind of buffers can be used in the easement area.

Tommy Davis asked about the square footage and price of the homes.

Mr. Buie said the proposed density is about 4 per acre but they aren't sure about the size or price yet. They are working with builders. The price will be determined by market opportunity.

Jack Tate asked about school districts. He is concerned about the safety of Clear Creek Rd as well. Trucks go too fast and cross the yellow lines. He also said it won't be a walkable community because you can't get to town any way.

Sherry Metzger agreed with Mr. Tate about the road and that residents of Carolina Village drive slowly which causes a hazard. She asked about when they would find a builder and determine the size/price range.

Mr. Buie said he doesn't know that yet.

Mr. Heyman clarified that they would have to show proposed setbacks so there would be a building envelope on the plan that would show the maximum size a house could be.

Mr. Buie said that they are working on a traffic impact analysis to address safety on Clear Creek Rd. He also thinks the property is in the City of Hendersonville's school district. There was some disagreement about that point from attendees.

Mr. Garren asked if Clear Creek Rd has to be widened then who would pay for that?

Mr. Buie said if the TIA requires it as a result of this development, then the developer would. Otherwise it would be DOT's responsibility.

A resident asked if they would sell empty lots.

Mr. Grimsley said they would only sell lots to preferred builders. They will not be selling lots to just anyone.

A Henderson County resident said that they cannot call it affordable if they don't know what it will cost. She is also concerned about the density, it is more dense than the proposed Taproot Dairy project. She did her own traffic calculations. She said high density development would affect the quality of life in town and would affect car insurance/competition for jobs/etc.

Kathy Simpson said she is not looking forward to the extra traffic. She also said it could be section 8 housing and bring drug problems. She is from Charlotte and this is the beginning of Charlotte. She said she won't buy water from the City, she has a well and this will hurt the water table.

William Steiner asked about stormwater runoff.

Mr. Buie pointed out the proposed ponds. They will provide stormwater accommodations according to City ordinances.

A resident identified himself as a wildcard. He said when it rains hard the roads get cut off from every direction. This is also a wildlife sanctuary and they get a tax credit as a historic farm. If we keep developing like this we will end up like south Asheville. He is worried about his kid's future. She won't have trails or a place to build a campfire. He doesn't want anyone telling him what color to paint his house. Also, the schools are already full.

Ken Fitch asked if this would be conditional zoning and if it would receive City services.

Susan Frady answered yes to both.

Mr. Fitch asked about the future development shown on the plan.

Mr. Buie stated it is not part of this application.

Mr. Fitch asked about the timing of this project with the I-26 widening and how close this would be to the highway.

Mr. Buie said they are not sure how close it will be. The timing depends on the approval process, I-26 is set to begin this year.

A resident asked about what guarantee they could give that the Balfour Pkwy won't come back in another route.

John Ownbey asked about the future development. He said that progress will happen. Residents can't complain. He will move if he can't stand it. He has 40 acres himself. He knows the sellers and they are asking for a lot of money. These developers wouldn't build something of poor quality because they can't afford to.

A resident asked if this would increase property values. They moved from Buncombe County to get away from this. We don't need people from Asheville. Also flooding is an issue and the bridge needs to be replaced.

Mr. Garren asked when they would begin work on the bridge.

A resident stated that the rain shuts off all access due to flooding.

Jessica Lamb said the curve on Balfour Rd is dangerous and this will cause wrecks. How will they prevent people from trespassing and polluting?

A resident stated that there have been three 500-year floods in one year. What is controlling the planning around wetland areas? How many acres was their last development?

Kevin Jackson said their development sizes vary greatly and they have also been involved in commercial development.

Mr. Tate asked which builders they are working with. He has concerns about DR Horton. They have been developing around the research triangle and retaining mineral rights unbeknownst to home buyers.

Mr. Grimsley stated that they are working with multiple potential builders and due to confidentiality they can't say who at this time. They are interested in providing a quality development though.

A resident asked if they would screen their builders well.

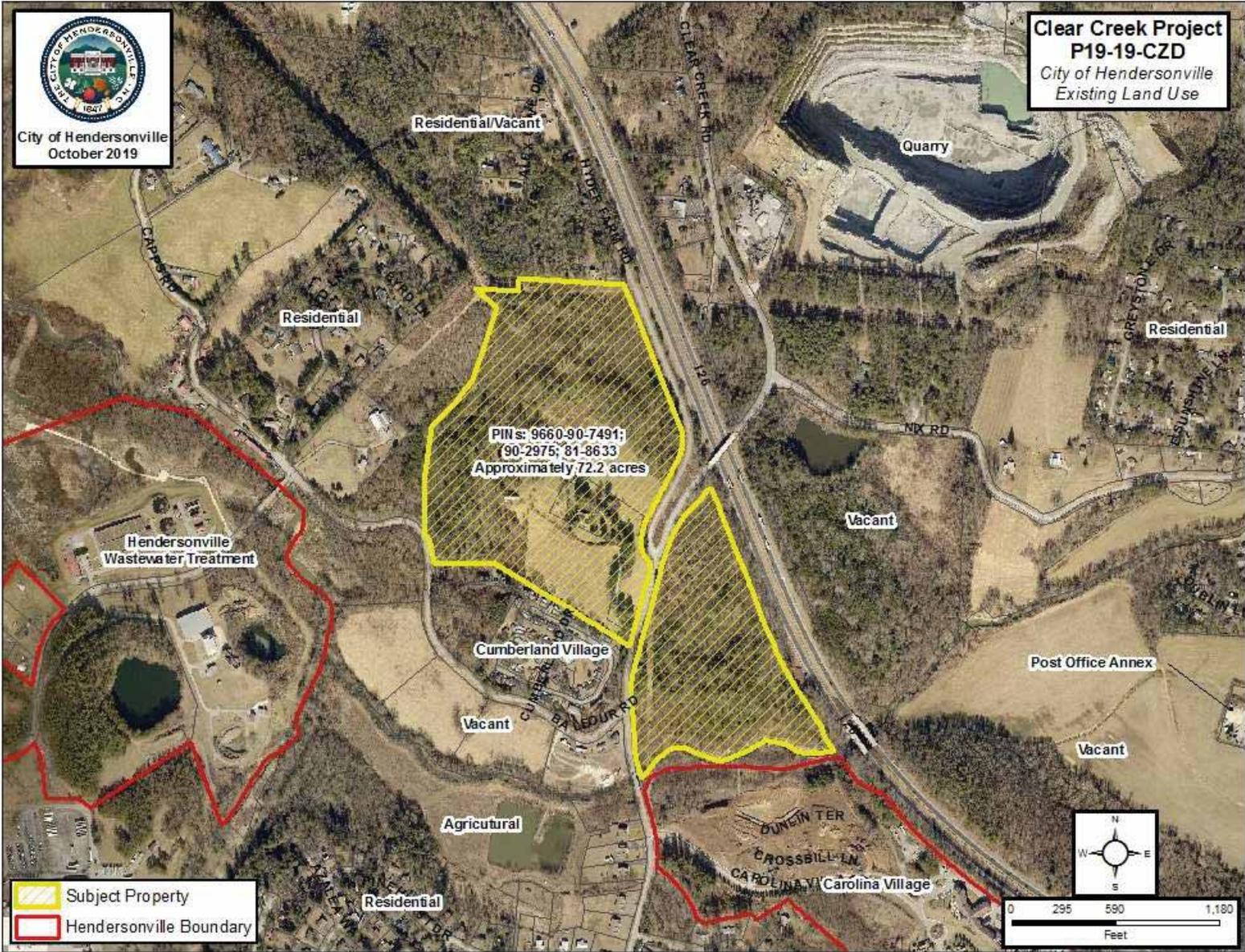
Mr. Grimsley said yes they cannot afford not to.

Emily Sherman said she is not in favor of the proposed development. This is a small community. She asked the developers not to bring things here they moved to get away from. She stated that she does not believe the City will not annex her as a result of this development.

With all issues being raised Susan Frady closed the meeting at 3:18 p.m.

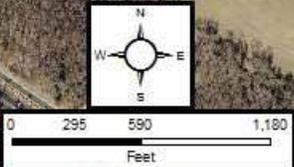


**Clear Creek Project
P19-19-CZD**
City of Hendersonville
Existing Land Use



PIN s: 9660-90-7491;
90-2975; 81-8633
Approximately 72.2 acres

- Subject Property
- Hendersonville Boundary





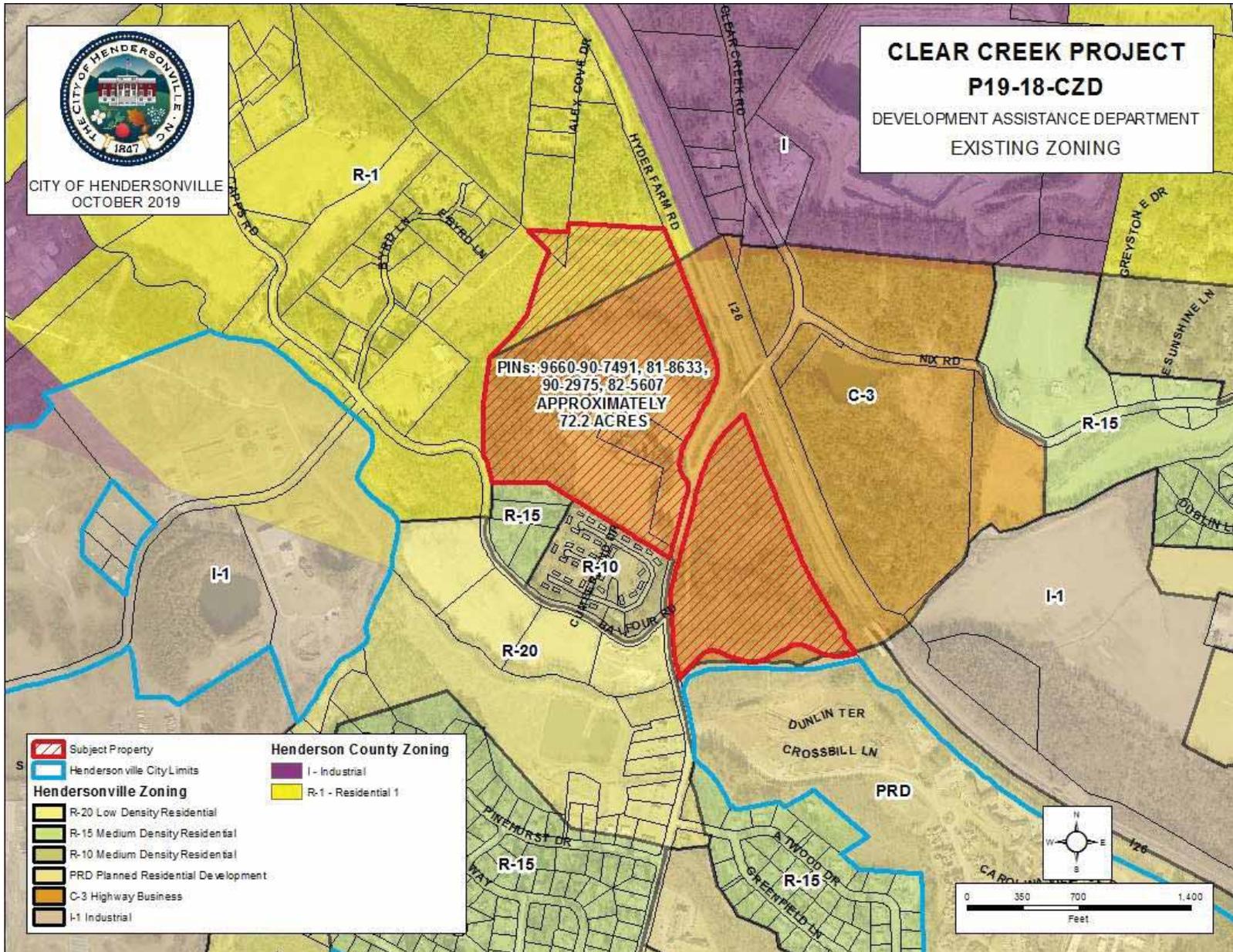
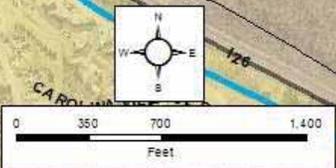
CITY OF HENDERSONVILLE
OCTOBER 2019

CLEAR CREEK PROJECT P19-18-CZD

DEVELOPMENT ASSISTANCE DEPARTMENT
EXISTING ZONING

PINs: 9660-90-7491, 81-8633,
90-2975, 82-5607
APPROXIMATELY
72.2 ACRES

	Subject Property		Henderson County Zoning
	Hendersonville City Limits		I - Industrial
Hendersonville Zoning			R-1 - Residential 1
	R-20 Low Density Residential		
	R-15 Medium Density Residential		
	R-10 Medium Density Residential		
	PRD Planned Residential Development		
	C-3 Highway Business		
	I-1 Industrial		





CITY OF HENDERSONVILLE
OCTOBER 2019

HENDERSON COUNTY
URBAN SERVICES AREA

CLEAR CREEK PROJECT P19-18-CZD

DEVELOPMENT ASSISTANCE DEPARTMENT
FUTURE LAND USE

PINs: 9660-90-7491, 81-8633,
90-2975, 82-5607
APPROXIMATELY
72.2 ACRES

LOW INTENSITY NEIGHBORHOOD

BUSINESS CENTER

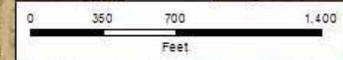
NATURAL RESOURCE/AGRICULTURAL

HIGH INTENSITY NEIGHBORHOOD

Comprehensive Plan - Future Land Use

- Subject Property
- Business Center
- Neighborhood Activity Center
- High Intensity Neighborhood
- Medium Intensity Neighborhood
- Low Intensity Neighborhood / Agricultural
- Natural Resource / Agricultural
- Urban Services Area

MEDIUM INTENSITY NEIGHBORHOOD



WGLA
 Engineering

WGLA ENGINEERING, PLLC
 724 9th AVENUE WEST
 HENDERSONVILLE, NC 28738
 (919) 697-3177
 WGLA.COM
 NC LICENSE P-1342

**Clear Creek
 Subdivision**

City of Hendersonville
 Henderson County
 North Carolina



DATE	DESCRIPTION



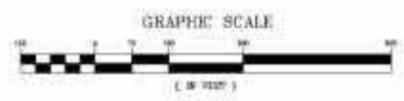
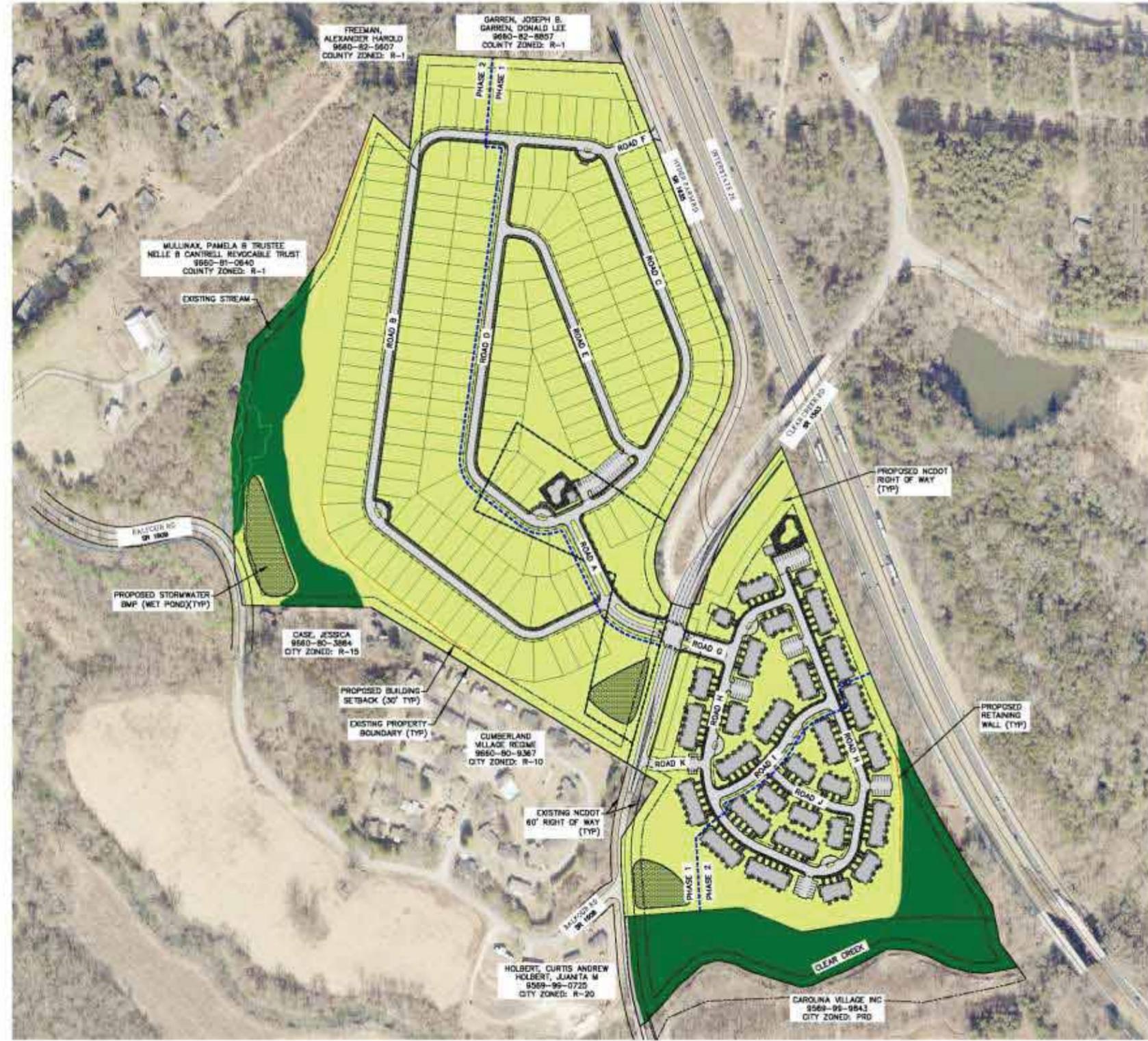
PROJECT NUMBER: 03104
 DATE: 9-16-2019
 DRAWN BY: JRC
 CHECKED BY: JLD

**MASTER
 PLAN**

C-200

SCALE: 1"=150'

- LEGEND:
- EXISTING STREAM
 - EXISTING WETLAND
 - PROPOSED IMPERVIOUS
 - PROPOSED PHASE LINE
 - PROPOSED RETAINING WALL



WGLA
 Engineering

WGLA ENGINEERING, PLLC
 724 9th AVENUE WEST
 HENDERSONVILLE, NC 28739
 (828) 687-7177
 WGLA.COM
 NC LICENSE P-1343

Clear Creek
 Subdivision

City of Hendersonville
 Henderson County
 North Carolina



REVISIONS

DATE	DESCRIPTION

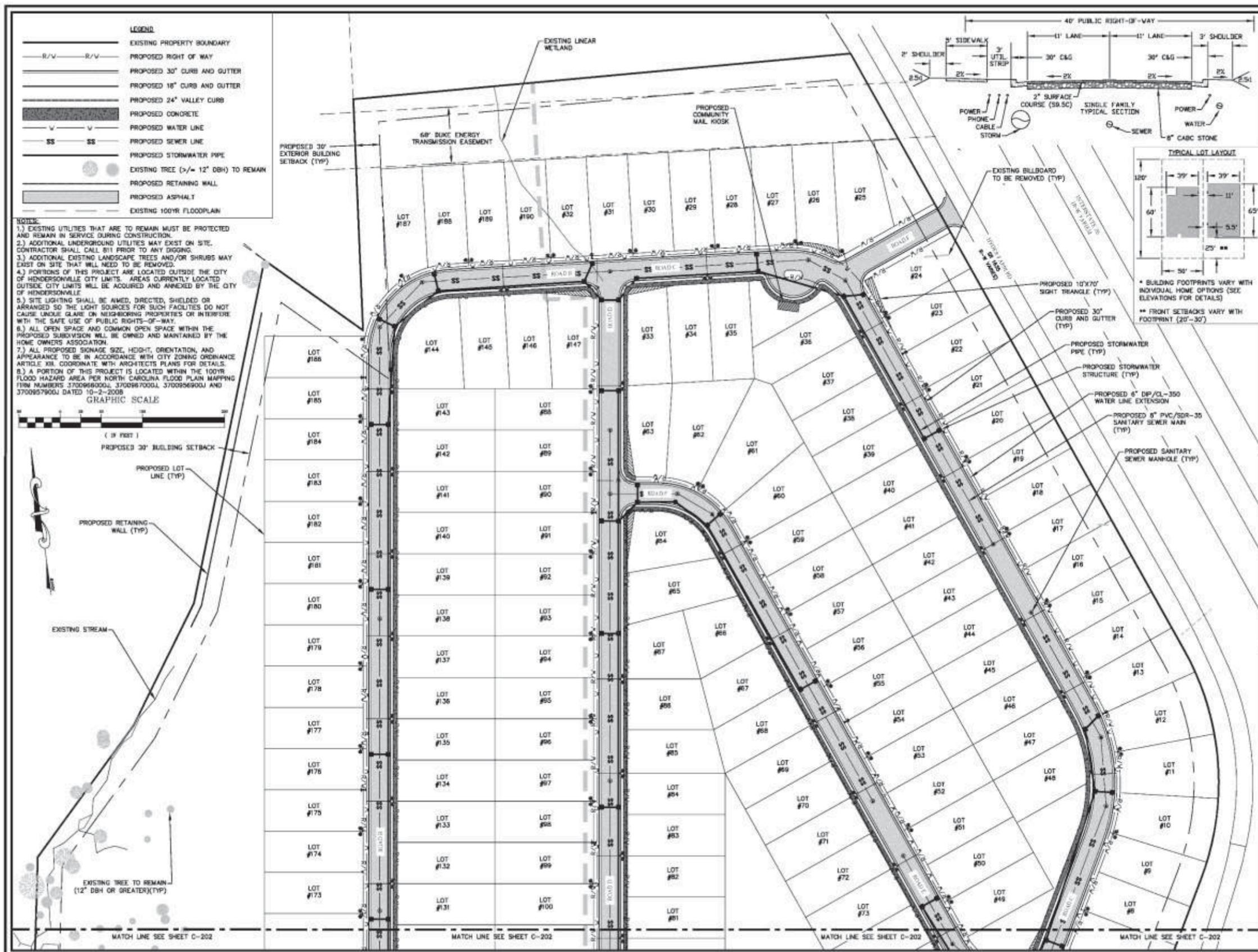


PROJECT NUMBER: 19104
 DATE: 8-15-19
 DRAWN BY: JRC
 CHECKED BY: JLD

SINGLE FAMILY
 SITE PLAN NORTH

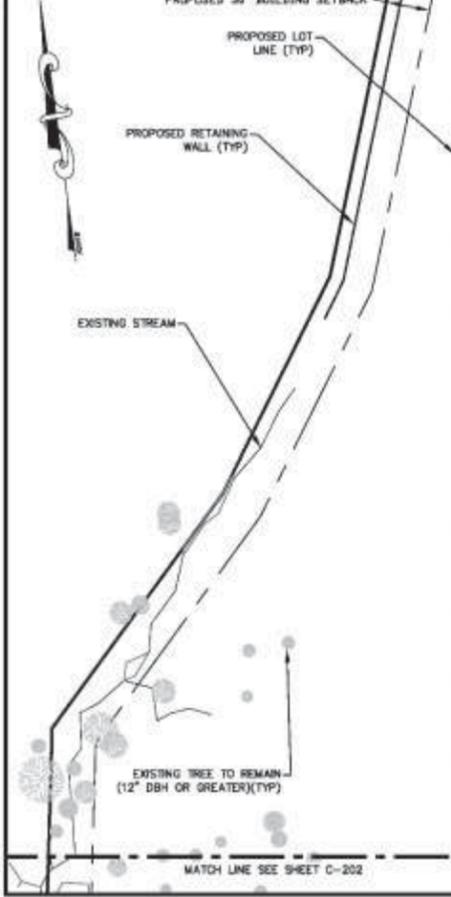
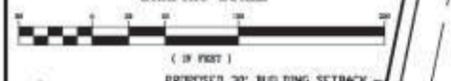
C-201

SCALE: 1"=50'



- LEGEND**
- EXISTING PROPERTY BOUNDARY
 - - - - - PROPOSED RIGHT OF WAY
 - PROPOSED 30" CURB AND GUTTER
 - PROPOSED 18" CURB AND GUTTER
 - PROPOSED 24" VALLEY CURB
 - PROPOSED CONCRETE
 - PROPOSED WATER LINE
 - SS — SS PROPOSED SEWER LINE
 - PROPOSED STORMWATER PIPE
 - EXISTING TREE (>/= 12" DBH) TO REMAIN
 - PROPOSED RETAINING WALL
 - PROPOSED ASPHALT
 - - - - - EXISTING 100YR FLOODPLAIN

- NOTES**
- 1.) EXISTING UTILITIES THAT ARE TO REMAIN MUST BE PROTECTED AND REMAIN IN SERVICE DURING CONSTRUCTION.
 - 2.) ADDITIONAL UNDERGROUND UTILITIES MAY EXIST ON SITE. CONTRACTOR SHALL CALL 811 PRIOR TO ANY DIGGING.
 - 3.) ADDITIONAL EXISTING LANDSCAPE TREES AND/OR SHRUBS MAY EXIST ON SITE THAT WILL NEED TO BE REMOVED.
 - 4.) PORTIONS OF THIS PROJECT ARE LOCATED OUTSIDE THE CITY OF HENDERSONVILLE CITY LIMITS. AREAS CURRENTLY LOCATED OUTSIDE CITY LIMITS WILL BE ACQUIRED AND ANNEXED BY THE CITY OF HENDERSONVILLE.
 - 5.) SITE LIGHTING SHALL BE AIMED, DIRECTED, SHIELDED OR ARRANGED SO THE LIGHT SOURCES FOR SUCH FACILITIES DO NOT CAUSE UNLAME GLARE ON NEIGHBORING PROPERTIES OR INTERFERE WITH THE SAFE USE OF PUBLIC RIGHTS-OF-WAY.
 - 6.) ALL OPEN SPACE AND COMMON OPEN SPACE WITHIN THE PROPOSED SUBDIVISION WILL BE OWNED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION.
 - 7.) ALL PROPOSED SIGNAGE SIZE, HEIGHT, ORIENTATION, AND APPEARANCE TO BE IN ACCORDANCE WITH CITY ZONING ORDINANCE ARTICLE XII. COORDINATE WITH ARCHITECTS PLANS FOR DETAILS.
 - 8.) A PORTION OF THIS PROJECT IS LOCATED WITHIN THE 100YR FLOOD HAZARD AREA PER NORTH CAROLINA FLOOD PLAIN MAPPING TIRN NUMBERS 3700866004, 3700867000, 3700869001 AND 3700869001 DATED 10-2-2008.



WGLA
 Engineering

WGLA ENGINEERING, PLLC
 724 9th AVENUE WEST
 HENDERSONVILLE, NC 28739
 (828) 687-7177
 WGLA.COM
 NC LICENSE P-1342

**Clear Creek
 Subdivision**

City of Hendersonville
 Henderson County
 North Carolina



REVISIONS

DATE	DESCRIPTION

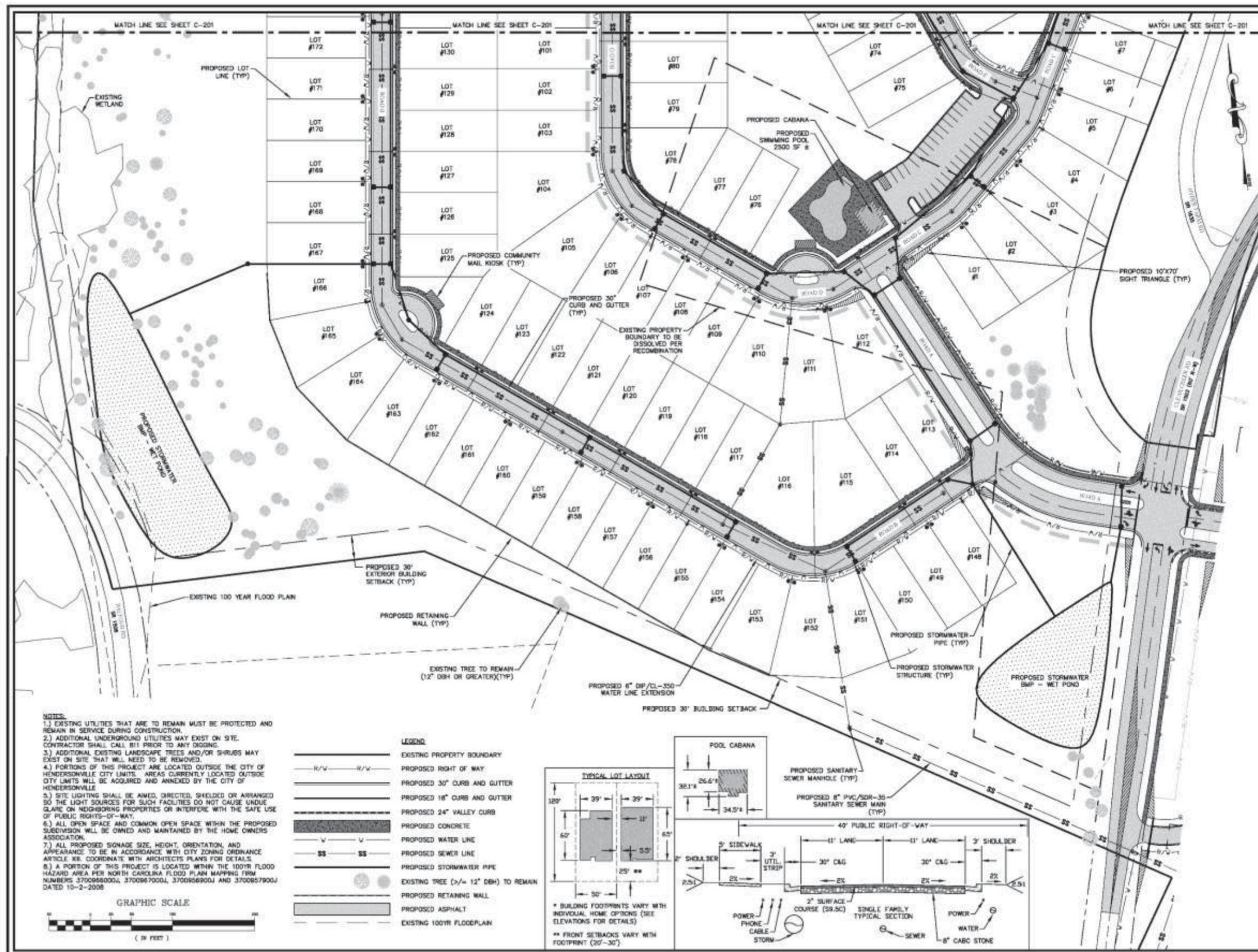


PROJECT NUMBER: 19104
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 CHECKED BY: JLD

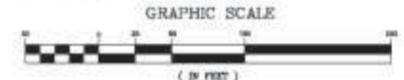
**SINGLE FAMILY
 SITE PLAN SOUTH**

C-202

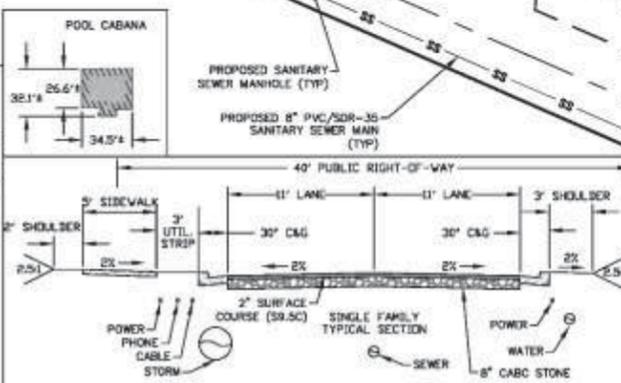
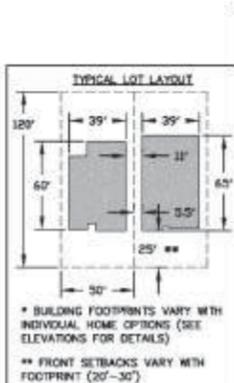
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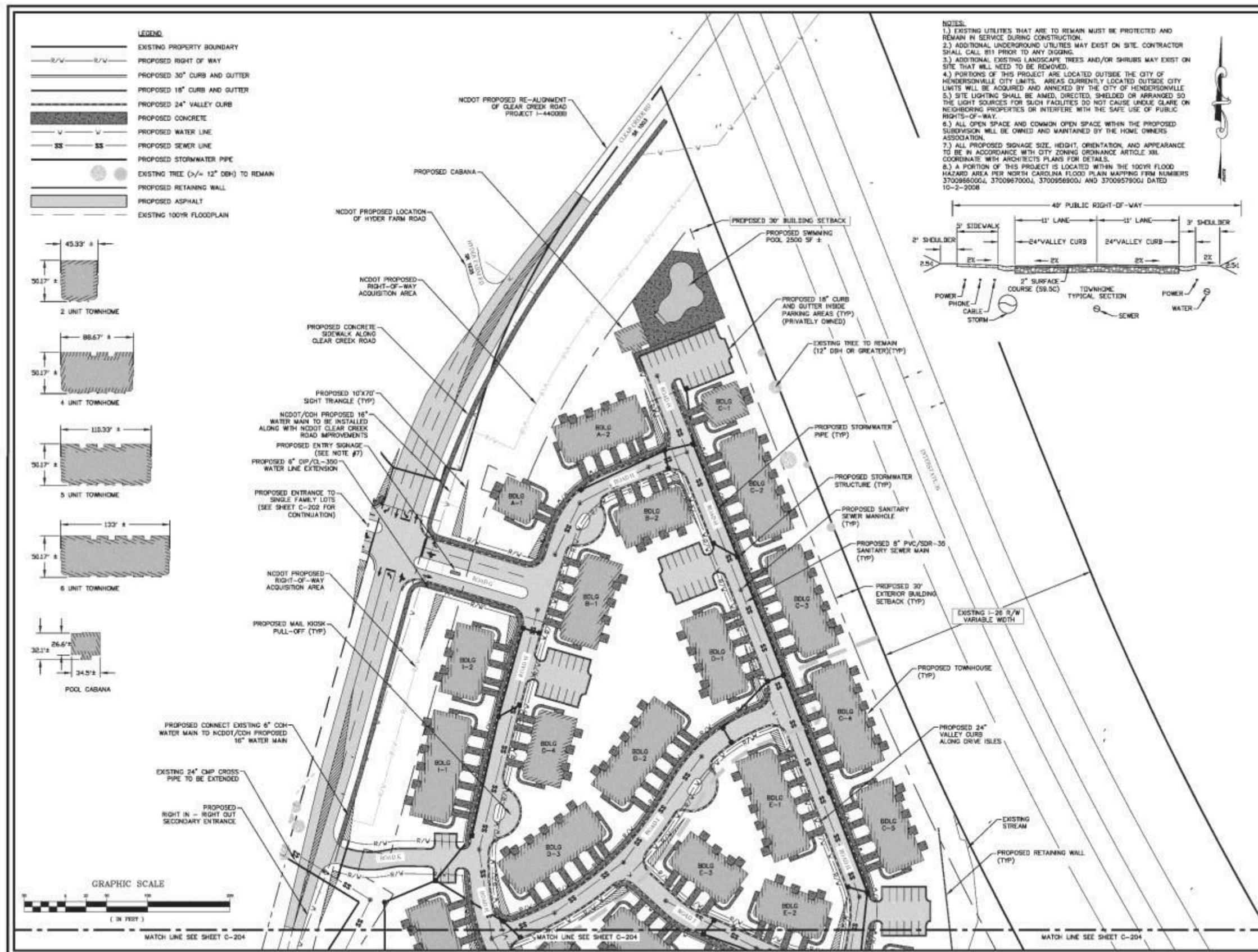


- NOTES:**
- EXISTING UTILITIES THAT ARE TO REMAIN MUST BE PROTECTED AND REMAIN IN SERVICE DURING CONSTRUCTION.
 - ADDITIONAL UNDERGROUND UTILITIES MAY EXIST ON SITE. CONTRACTOR SHALL CALL 811 PRIOR TO ANY DIGGING.
 - ADDITIONAL EXISTING LANDSCAPE TREES AND/OR SHRUBS MAY EXIST ON SITE THAT WILL NEED TO BE REMOVED.
 - PORTIONS OF THIS PROJECT ARE LOCATED OUTSIDE THE CITY OF HENDERSONVILLE CITY LIMITS. AREAS CURRENTLY LOCATED OUTSIDE CITY LIMITS WILL BE ACQUIRED AND ANNEXED BY THE CITY OF HENDERSONVILLE.
 - SITE LIGHTING SHALL BE AIMED, DIRECTED, SHIELDED OR ARRANGED SO THE LIGHT SOURCES FOR SUCH FACILITIES DO NOT CAUSE UNDUE GLARE ON NEIGHBORING PROPERTIES OR INTERFERE WITH THE SAFE USE OF PUBLIC RIGHTS-OF-WAY.
 - ALL OPEN SPACE AND COMMON OPEN SPACE WITHIN THE PROPOSED SUBDIVISION WILL BE OWNED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION.
 - ALL PROPOSED SIGNAGE SIZE, HEIGHT, ORIENTATION AND APPEARANCE TO BE IN ACCORDANCE WITH CITY ZONING ORDINANCE ARTICLE XII. COORDINATE WITH ARCHITECT'S PLANS FOR DETAILS.
 - A PORTION OF THIS PROJECT IS LOCATED WITHIN THE 100YR FLOOD HAZARD AREA PER NORTH CAROLINA FLOOD PLAN MAPPING FIRM NUMBERS 370085600A, 370086700A, 370086800A AND 3700857900J DATED 10-2-2008



- LEGEND**
- EXISTING PROPERTY BOUNDARY
 - PROPOSED RIGHT OF WAY
 - PROPOSED 30" CURB AND GUTTER
 - PROPOSED 18" CURB AND GUTTER
 - PROPOSED 24" VALLEY CURB
 - PROPOSED CONCRETE
 - PROPOSED WATER LINE
 - PROPOSED SEWER LINE
 - PROPOSED STORMWATER PIPE
 - EXISTING TREE (>= 12" DBH) TO REMAIN
 - PROPOSED RETAINING WALL
 - PROPOSED ASPHALT
 - EXISTING 100YR FLOODPLAIN





WGLA Engineering

WGLA ENGINEERING, PLLC
 724 9th AVENUE WEST
 HENDERSONVILLE, NC 28739
 (828) 687-7177
 WGLA.COM
 NC LICENSE P-1342

Clear Creek Subdivision
 City of Hendersonville
 Henderson County
 North Carolina



REVISIONS

DATE	DESCRIPTION



PROJECT NUMBER: 19104
 DATE: 8-15-19
 DRAWN BY: JRC
 CHECKED BY: JLD

TOWNHOME SITE PLAN NORTH

C-203

SCALE: 1"=50'

WGLA
 Engineering

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 724 9th AVENUE WEST
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Clear Creek
 Subdivision

City of Hendersonville
 Henderson County
 North Carolina



REVISIONS	
DATE	DESCRIPTION

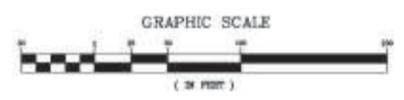
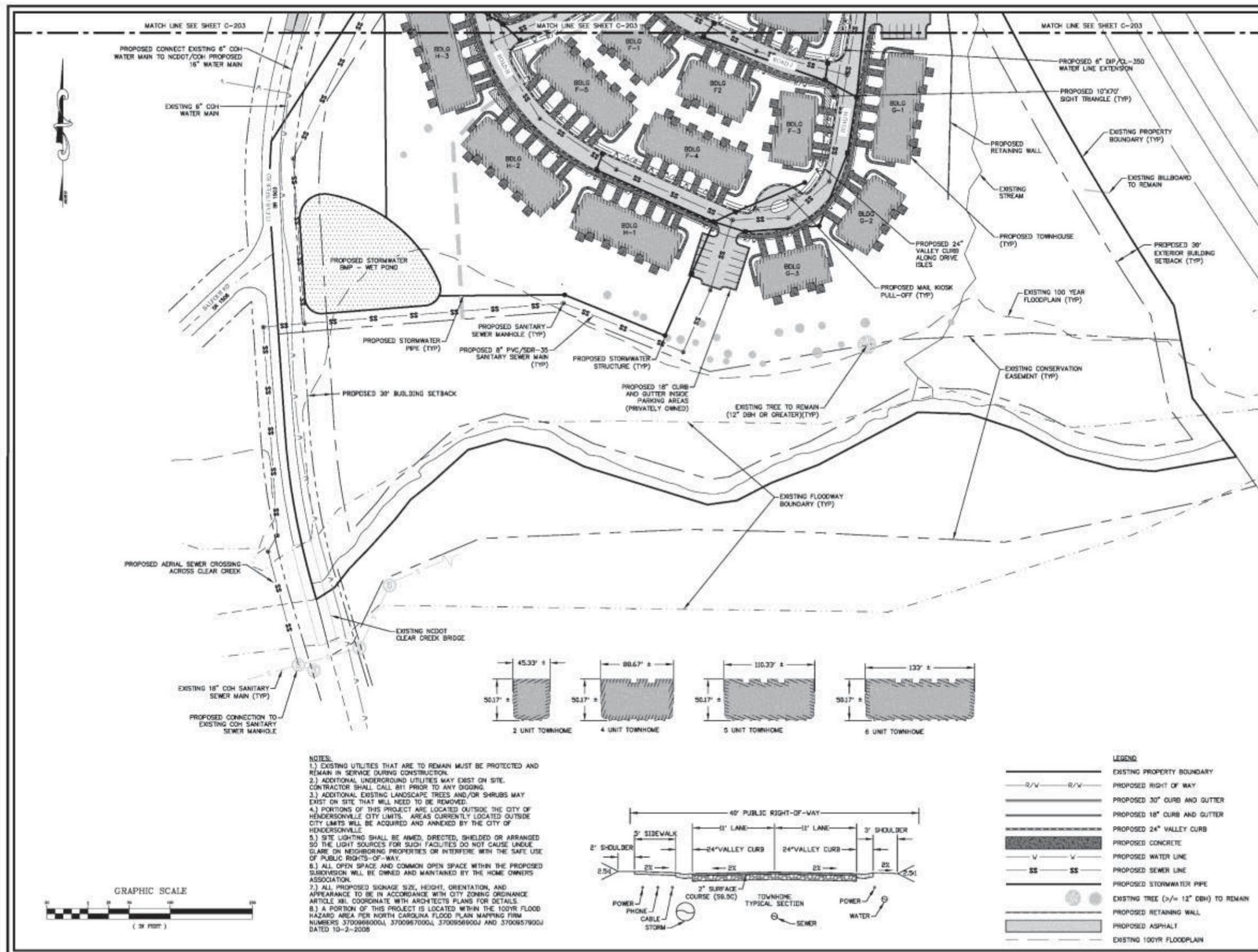


PROJECT NUMBER: 19104
 DATE: 8-15-19
 DRAWN BY: JRC
 CHECKED BY: JLD

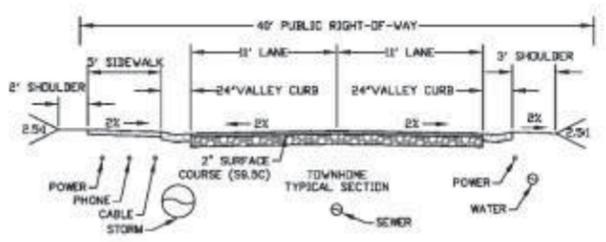
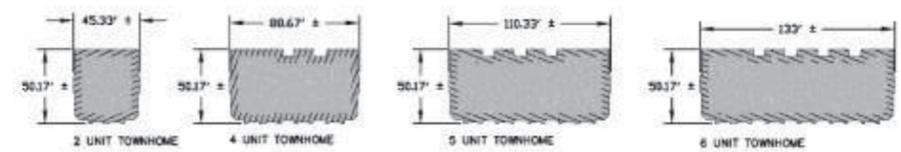
TOWNHOME
 SITE PLAN SOUTH

C-204

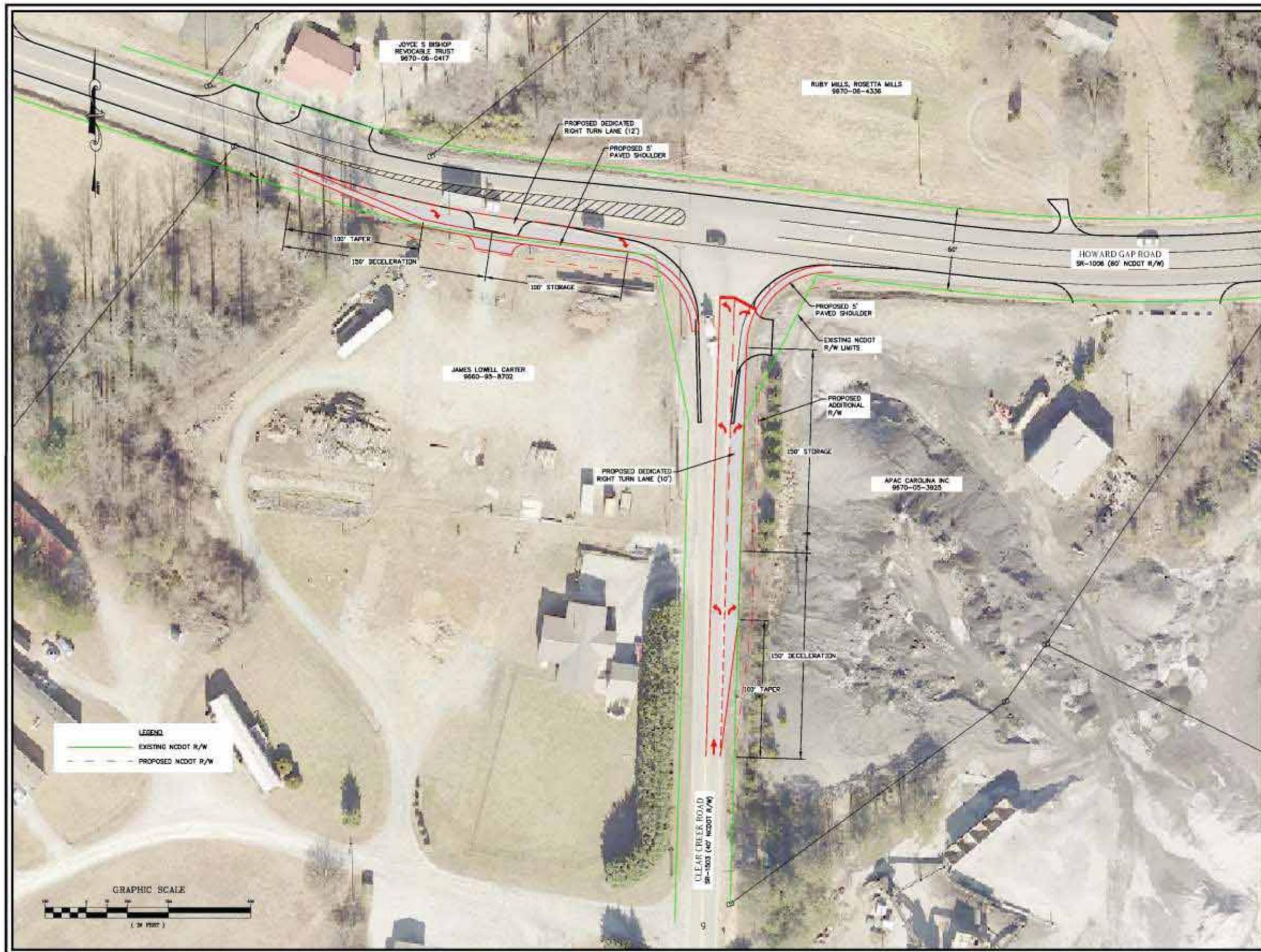
SCALE: 1"=50'



- NOTES:**
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 - A PORTION OF THIS PROJECT IS LOCATED WITHIN THE 100YR FLOOD HAZARD AREA PER NORTH CAROLINA FLOOD PLAN MAPPING FROM NUMBERS 3700968000L, 3700967000L, 3700966000L AND 37009657000L DATED 10-2-2008



- LEGEND:**
- EXISTING PROPERTY BOUNDARY
 - PROPOSED RIGHT OF WAY
 - PROPOSED 30" CURB AND GUTTER
 - PROPOSED 18" CURB AND GUTTER
 - PROPOSED 24" VALLEY CURB
 - PROPOSED CONCRETE
 - PROPOSED WATER LINE
 - PROPOSED SEWER LINE
 - PROPOSED STORMWATER PIPE
 - EXISTING TREE (>1/2" 12" DBH) TO REMAIN
 - PROPOSED RETAINING WALL
 - PROPOSED ASPHALT
 - EXISTING 100YR FLOODPLAIN



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 NC LICENSE P.1342

Clear Creek
 Subdivision

City of Hendersonville
 Henderson County
 North Carolina



REVISIONS

DATE	DESCRIPTION

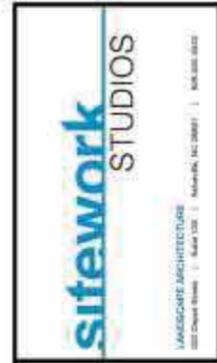


PROJECT NUMBER: 18104
 DATE: 8-16-2019
 DRAWN BY: JRC
 CHECKED BY: JLD

HOWARD GAP ROAD
 CLEAR CREEK ROAD
 INTERSECTION
 IMPROVEMENTS

C-205

SCALE: 1"=30'



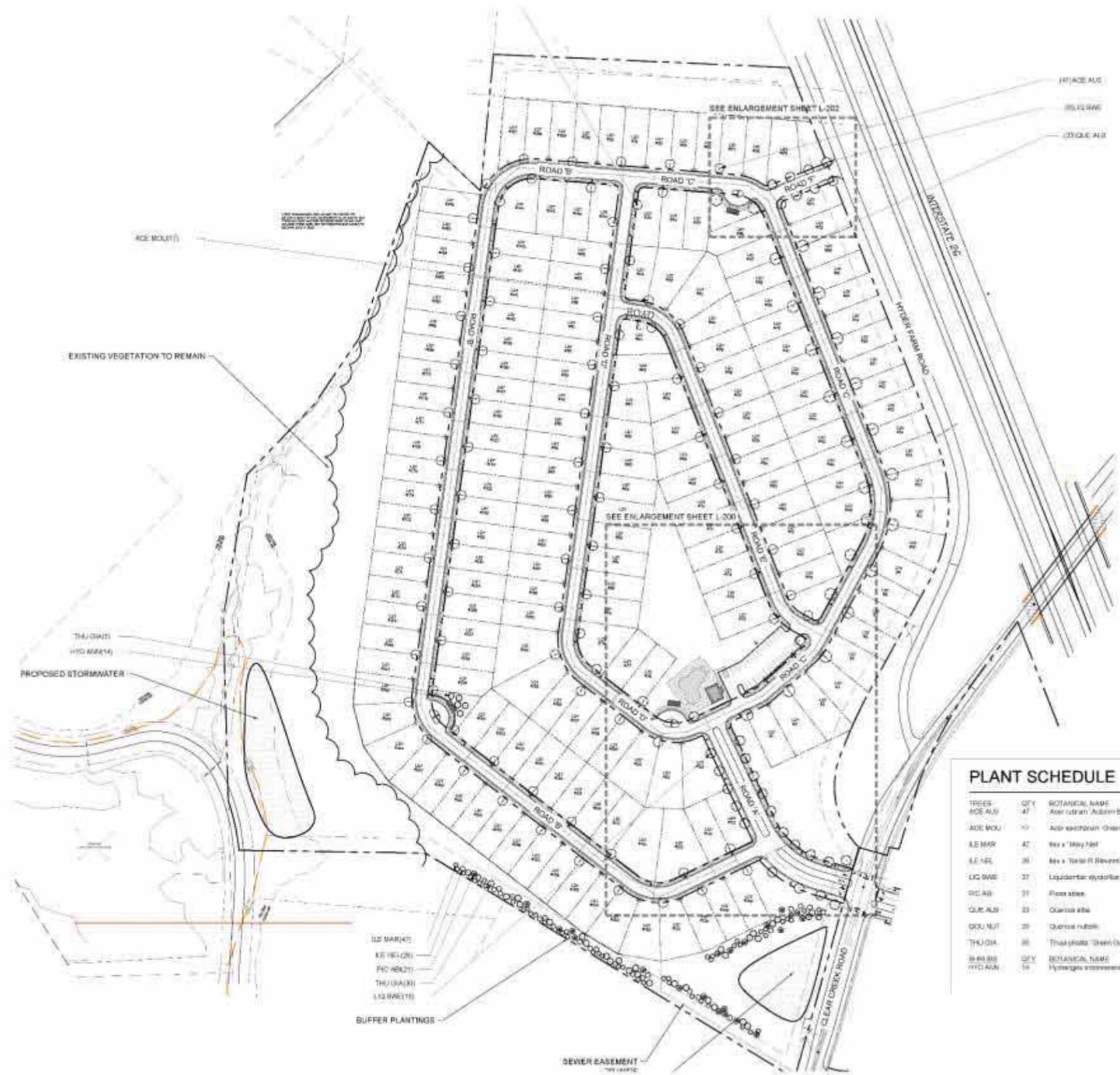
CONSULTANT

CLEAR CREEK SUBDIVISION
 PREPARED FOR
CLEAR CREEK INVESTMENT GROUP, LLC
 310 E BRIGHTON STREET
 HURLONG, PENNSYLVANIA 18925

NO.	REVISIONS	DATE

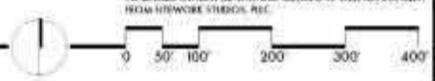
NOT FOR CONSTRUCTION
 DATE: 08.16.2019
 SHEET TITLE

SINGLE FAMILY LANDSCAPE PLAN
 SHEET NO. **L-100**



PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT.	GR.	SIZE	REMARKS
WCE ALB	47	Acer rubrum 'Autumn Blaze'	Autumn Blaze Red Maple	885 10' 12" HT			
AGE MOUNT	10	Acer saccharum 'Green Mountain TM'	Green Mountain Sugar Maple	885 10' 12" HT			
LE MAP	47	Wax x 'May Day'	May Day Holly	B & B		8' 10" HT	
LE HSL	36	Wax x 'Star R' Beverly	Star Beverly Holly	B & B		8' 10" HT	
LQ BWE	37	Liquidambar styraciflua 'Stuebelii'	Flowering Sweet Gum	B & B		12' 12" H	
PC AB	37	Flax steele	Flax Steele	B & B		8' 10" HT	
QLE ALB	33	Quercus alba	White Oak	B & B	24 Cal	10' HT	
QCU NUT	29	Quercus rubra	Red Oak	2 5" cal		17' HT	
THU DIA	46	Thuja spicata 'Green Giant'	Arborvitae	B & B		11' 12" H	
SH AN BB	27						
HYD AUN	14	Hydrangea macrocarpa 'Annabelle'	Annabelle Hydrangea	3 gal			



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PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	REMARKS
ACE ALD	22	Acer rubrum 'Autumn Blaze'	Autumn Blaze Red Maple	B&B 10-12' HT			
CHE VR	18	Chionodoxa villoides	White Fringetree	B & B		6-10' HT	Single stem
COR PRI	21	Cornus florida 'Cherokee Princess'	Cherokee Princess Dogwood	B & B		6-10' HT	
CRA VR	20	Crochogon wickii 'Winter King'	Winter King Hawthorn	B & B		6-10' HT	
LE MAR	60	Ilex x 'Mary Nell'	Mary Nell Holly	B & B		6-10' HT	
LE MEL	87	Ilex x 'Nelle R Stevens'	Nelle Stevens Holly	B & B		6-10' HT	
LIQ SWE	27	Liquidambar styraciflua 'Rotundifolia'	Frutless Sweet Gum	B & B		12-15' H	
PIC ABI	56	Picea abies	Norway Spruce	B & B		6-10' HT	
QUE ALB	14	Quercus alba	White Oak	B & B	2 0' Cal	10' HT	
QUU HLT	5	Quercus rubra	Nuttall Oak	2 0' Cal		12' min	
THU GIA	28	Thuja plicata 'Green Giant'	Arbovitae	B & B		10-12' H	
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONT			REMARKS
HYD ANN	33	Hydrangea arborescens 'Annabelle'	Annabelle Smooth Hydrangea	3 gal			
LE HOO	20	Ilex ornata 'Hooplandom'	Hooplandom Japanese Holly	3 gal			
PRU OTS	12	Prunus laurocerasus 'Otto Luyken'	Laylaka Laurel	3 gal			
VIB SHK	8	Viburnum plicatum 'Snowball'	Snowball Japanese Snowball	3 gal			

REQUIRED PLANTINGS

PARKING AREA 81 - PARKING LOT REQUIREMENT (VIA)
 1 TREE & 2 SHRUBS PER 4,000 SF OF PARKING
 PARKING: 3,815 SF
 VIA REQUIRED: 1 TREE & 4 SHRUBS
 VIA PROVIDED: 1 TREE & 8 SHRUBS

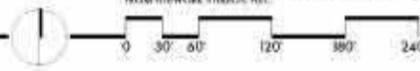
STREET BUFFER REQUIREMENT (SB)
 1 SHRUB PER 5 LF
 LF OF PARKING: 36 LF
 SHRUBS REQUIRED: 7 SHRUBS
 SHRUBS PROVIDED: 10 SHRUBS

PARKING AREA 82 - PARKING LOT REQUIREMENT (VIA)
 1 TREE & 2 SHRUBS PER 4,000 SF OF PARKING
 PARKING: 3,815 SF
 VIA REQUIRED: 1 TREE & 4 SHRUBS
 VIA PROVIDED: 1 TREE & 8 SHRUBS

STREET BUFFER REQUIREMENT (SB)
 1 SHRUB PER 5 LF
 LF OF PARKING: 36 LF
 SHRUBS REQUIRED: 7 SHRUBS
 SHRUBS PROVIDED: 10 SHRUBS



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sitework STUDIOS

JANIGROE ARCHITECTURE
1000 Chestnut Street, 1st Floor, Philadelphia, PA 19107 | 215.562.0000

CLEAR CREEK SUBDIVISION

PREPARED FOR:
CLEAR CREEK INVESTMENT GROUP, LLC
 310 E BRIGHTON STREET
 HURLBUR, PENNSYLVANIA 18925

NO.	REVISIONS	DATE

DATE: 08.16.2019
SHEET TITLE

TOWNHOME LANDSCAPE PLAN

SHEET NO.
L-101

WGLA
Engineering

WGLA ENGINEERING, PLLC
704 INDEPENDENT WEST
HENDERSONVILLE, NC 28756
800.457.7177
WGLA.LIC#
NC LICENSE #1342

**Clear Creek
Subdivision**

City of Hendersonville
Henderson County
North Carolina



REVISIONS	
NO.	DESCRIPTION

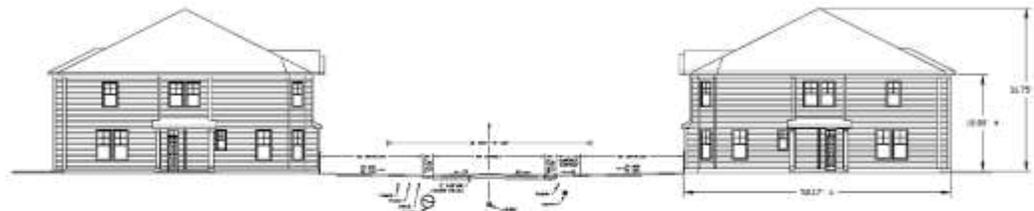


PROJECT NUMBER: 1904
DATE: 8-18-19
DRAWN BY: JAC
CHECKED BY: J.L.

**TOWN-HOME
ELEVATIONS**

G-101

SCALE: NTS





WGLA
 Engineering

WGLA ENGINEERING, PLLC
 124 26 AVENUE WEST
 HAMPDENVILLE, NC 28536
 (252) 467-1177
 WGLA.COM
 NC LICENSE #1-042

Clear Creek
 Subdivision

City of Hendersonville
 Henderson County
 North Carolina



NO	REVISION



PROJECT NUMBER: 10114
 DATE: 8-16-18
 DRAWN BY: JAC
 CHECKED BY: JAC

SINGLE FAMILY
 ELEVATIONS

G-102

SCALE: NTS

Memorandum



To: Mayor and City Council
From: City Tree Board
Date: September 16, 2019
Subject: Clear Creek Housing Development

The Tree Board reviewed the plans for the Clear Creek Housing Development at our meeting on September 2nd. The Tree Survey indicates that there are approximately 1170 trees on this property which are 12 inches or greater in diameter. It is our understanding that the developer plans to try and save approximately 300 of these trees.

The Tree Board recommends that as a condition of the Conditional Zoning District, Council require the number of replacement trees together with the trees to be saved equal the number of trees on the Tree Survey which are 12 inches or greater in diameter. The Tree Board further recommends as a condition that the replacement trees be of the same species as the ones removed or at least their equivalent. Equivalent means that the replacement tree should be the same type as the tree removed (deciduous or evergreen) and be approximately the same height at maturity as the tree removed.

Memorandum



To: Mayor and City Council
From: Environmental Sustainability Board
Date: October 17, 2019
Subject: Clear Creek Housing Development

The Environmental Sustainability Board (ESB) recently heard from concerned citizens about the proposed Clear Creek Housing Development. We are concerned about the potential impact on natural resources on the approximately 70 acre area slated for development. Much of that land is forested and open space. It also borders Clear Creek, one of the largest tributaries to Mud Creek and then the French Broad River. We are concerned about loss of open space, potential water and stream pollution from sediment runoff during land clearing and development, stormwater management from increased impervious surface coverage, loss of forest habitat for birds and wildlife, loss of vegetation and tree coverage, impacts to wetlands, air pollution from increased vehicle traffic, and other impacts detrimental to the City's environment.

Also, at our meeting of September 19, the ESB heard concerns from members of the Hendersonville Tree Board. We learned that the Tree Survey indicates that there are approximately 1170 trees on this property which are 12 inches or greater in diameter and that the developer plans to try and save approximately 300 of these trees. We agree with the Tree Board's recommendation that as a condition of the Conditional Zoning District, Council require the number of replacement trees together with the trees to be saved equal the number of trees on the Tree Survey which are 12 inches or greater in diameter. We also agree with the recommendation that as a condition the replacement trees should be of the same species as the ones removed or at least their equivalent, with equivalent meaning that the replacement tree should be the same type as the tree removed (deciduous or evergreen) and be approximately the same height at maturity as the tree removed. In addition to the Tree Board's recommendations, the ESB supports the implementation of constructed wetlands for stormwater management and other green infrastructure improvements.

We request the Council to thoughtfully consider the guidelines of the Zoning Ordinance found in Section 11-4 when deciding on annexation and creation of a Conditional Zoning District. Per that section, six factors shall be considered prior to adopting or

disapproving and amendment to the City's Official Zoning Map. The two most pertinent to this Board's concerns are 1) the effect on the natural environment; and 2) the public interest. We encourage the Council to consider whether the proposed development and conditional zoning "would result in significant adverse impacts on the natural environment." We also encourage the Council to consider whether the proposed development and conditional zoning "is in the public interest and promotes public health, safety and general welfare."

Thank you for your service to our community and for considering the advice of the Environmental Sustainability Board.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Daniel Heyman, Senior Planner

Department: Development Asst Dept

Date Submitted: 10-29-2019

Presenter: Daniel Heyman, Senior Planner

Date of Council Meeting to consider this item: 11-07-2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 10

The City has received a petition from Clear Creek Investment Group, LLC for a satellite annexation of 72.2 acres of property identified as PIN 9660-90-7491, 9660-9-2975, 9660-81-8633, and 9660-82-5607 located on Clear Creek Road. This annexation application is related to a sewer service request. The map distance from the proposed satellite corporate limits is 29.5 feet from the primary corporate limits. The total area within the satellite corporate area within the satellite corporate areas, including land involved in this petition, constitutes 5.8 percent of the area within the primary corporate limits. Please refer to the attached maps and survey for additional information.

At your meeting of October 3, 2019 you accepted the Clerk's Certificate of Sufficiency and recommended a public hearing for the annexation.

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 Clear Creek Investment Group, LLC effective November 7, 2019

Attachments:

Ordinance
Surveys
Map
Clerks Certificate of Sufficiency

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF HENDERSONVILLE, NORTH CAROLINA
CLEAR CREEK INVESTMENT GROUP, LLC**

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 seventh day of November 2019, after due notice by publication as by law provided; and,

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

- a. All of the proposed satellite corporate limits are less than three miles from the primary corporate limits of Hendersonville. The map distance is 29.5 feet.
- b. No point on the proposed satellite corporate limit is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
- c. The area is situated so that the City of Hendersonville, if City Council so determines, will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- d. The area proposed for annexation is not a subdivision as defined in NCGS 160A-376.
- e. The area within the proposed satellite corporate limits when added to the areas within all other satellite corporate limits does not exceed 10 percent (10%) of the area within the primary corporate limits of the City of Hendersonville. The total area within the satellite corporate areas, including land involved in this petition, constitutes 5.8 percent of the area within the primary corporate limits.

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 N.C.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 seventh of February 2019.

DESCRIPTION OF PROPERTY

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

PARCEL IDENTIFICATION NUMBER 9660-90-7491:

BEGINNING AT A CONCRETE RIGHT OF WAY MONUMENT LOCATED AT THE SOUTH-EASTERN MARGIN OF THE RIGHT OF WAY FOR CLEAR CREEK ROAD (S.R. 1503) AND THE SOUTH-WESTERN MARGIN OF THE CONTROLLED-ACCESS RIGHT OF WAY FOR INTERSTATE 26, THE SAME BEING LOCATED AT THE FOLLOWING NORTH CAROLINA GRID COORDINATES: NORTHING=601,422.01, EASTING=969,788.02;

RUNNING THENCE, FROM SAID BEGINNING POINT AND ALONG THE SOUTH-WESTERN MARGIN OF THE CONTROLLED ACCESS RIGHT OF WAY FOR INTERSTATE 26, THE FOLLOWING SIX CALLS: S21°26'31"E A DISTANCE OF 569.40' TO A POINT; THENCE S21°56'51"E A DISTANCE OF 203.53' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 720.97', WITH A RADIUS OF 3954.72', WITH A CHORD BEARING OF S28°11'37"E, WITH A CHORD LENGTH OF 719.97' TO A CONCRETE RIGHT OF WAY MONUMENT; THENCE S11°14'06"E A

DISTANCE OF 42.59' TO AN UN-MARKED POINT LOCATED AT THE NORTHEAST CORNER OF THE CONSERVATION EASEMENT DESCRIBED IN DEED BOOK 1076 PAGE 430, THE SAME BEING LOCATED N87°12'50"W A DISTANCE OF 4.97' FROM A #5 REBAR; THENCE S11°14'06"E A DISTANCE OF 71.21' TO A CONCRETE RIGHT OF WAY MONUMENT; THENCE S36°55'02"E A DISTANCE OF 89.35' TO A POINT IN CLEAR CREEK; THENCE, WITH CLEAR CREEK, THE FOLLOWING TWENTY-ONE CALLS: S79°56'57"W A DISTANCE OF 101.23' TO A POINT; THENCE N85°49'40"W A DISTANCE OF 45.06' TO A POINT; THENCE N75°01'04"W A DISTANCE OF 63.46' TO A POINT; THENCE N62°34'30"W A DISTANCE OF 63.65' TO A POINT; THENCE N71°43'32"W A DISTANCE OF 64.83' TO A POINT; THENCE N87°59'21"W A DISTANCE OF 63.44' TO A POINT; THENCE S62°07'42"W A DISTANCE OF 136.22' TO A POINT; THENCE S69°06'24"W A DISTANCE OF 61.99' TO A POINT; THENCE S62°43'49"W A DISTANCE OF 46.89' TO A POINT; THENCE S82°01'50"W A DISTANCE OF 36.12' TO A POINT; THENCE N72°51'07"W A DISTANCE OF 157.93' TO A POINT; THENCE N63°23'05"W A DISTANCE OF 48.49' TO A POINT; THENCE N78°01'59"W A DISTANCE OF 52.95' TO A POINT; THENCE S74°05'20"W A DISTANCE OF 46.81' TO A POINT; THENCE S47°58'08"W A DISTANCE OF 60.43' TO A POINT; THENCE S51°17'09"W A DISTANCE OF 32.19' TO A POINT; THENCE S37°59'49"W A DISTANCE OF 29.58' TO A POINT; THENCE S41°56'07"W A DISTANCE OF 45.84' TO A POINT; THENCE S44°06'30"W A DISTANCE OF 37.16' TO A POINT; THENCE S38°05'02"W A DISTANCE OF 29.02' TO A POINT; THENCE S57°31'59"W A DISTANCE OF 25.92' TO A POINT AT THE CENTER OF THE BRIDGE ON CLEAR CREEK ROAD AT ITS INTERSECTION WITH THE CENTER OF CLEAR CREEK; THENCE, WITH THE CENTER OF CLEAR CREEK ROAD, THE FOLLOWING FIVE CALLS: N16°01'51"W A DISTANCE OF 28.46' TO A POINT; THENCE N14°29'59"W A DISTANCE OF 16.49' TO A POINT; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 164.52', WITH A RADIUS OF 887.48', WITH A CHORD BEARING OF N09°11'21"W, WITH A CHORD LENGTH OF 164.28' TO A POINT; THENCE N03°52'42"W A DISTANCE OF 252.44' TO A POINT; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 98.47', WITH A RADIUS OF 680.00', WITH A CHORD BEARING OF N00°16'12"E, WITH A CHORD LENGTH OF 98.38' TO A P.K. NAIL SET IN THE ASPHALT BY McABEE & ASSOCIATES, P.A.; THENCE, LEAVING CLEAR CREEK ROAD AND RUNNING N32°49'28"E A DISTANCE OF 196.52' TO A ½" IRON PIPE; THENCE N58°35'11"W A DISTANCE OF 105.26' TO A #4 REBAR SET BY McABEE & ASSOCIATES, P.A., THE SAME BEING LOCATED AT THE WESTERN MARGIN OF THE RIGHT OF WAY FOR CLEAR CREEK ROAD (S.R. 1503); THENCE, WITH THE WESTERN MARGIN OF SAID RIGHT OF WAY, THE FOLLOWING TWO CALLS: N15°31'40"E A DISTANCE OF 62.43' TO A #4 REBAR SET BY McABEE & ASSOCIATES, P.A.; THENCE N15°31'40"E, PASSING A CONCRETE RIGHT OF WAY MONUMENT AT A DISTANCE OF 416.23', FOR A TOTAL DISTANCE OF 427.75' TO A #4 REBAR SET BY McABEE & ASSOCIATES, P.A.; THENCE S74°26'09"E A DISTANCE OF 60.70' TO A POINT AT THE EASTERN MARGIN OF THE RIGHT OF WAY FOR CLEAR CREEK ROAD (S.R. 1503); THENCE, WITH THE SOUTH-EASTERN MARGIN OF SAID RIGHT OF WAY THE FOLLOWING FIVE CALLS: N15°26'34"E A DISTANCE OF 17.49'; THENCE S77°27'08"E A DISTANCE OF 19.55' TO A CONCRETE RIGHT OF WAY MONUMENT; THENCE N16°50'32"E A DISTANCE OF 145.98' TO A POINT; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 215.85', WITH A RADIUS OF 904.93', WITH A CHORD BEARING OF N28°04'43"E, WITH A CHORD LENGTH OF 215.34' TO A POINT; THENCE N36°15'38"E A DISTANCE OF 168.31' TO THE POINT AND PLACE OF BEGINNING.

HAVING AN AREA OF 23.922 ACRES. SUBJECT PROPERTY IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY AS SHOWN ON, BUT NOT LIMITED TO, PLAT SLIDE 11670 (HENDERSON COUNTY REGISTER OF DEEDS), AS WELL AS THE RIPARIAN RIGHTS OF OTHERS IN THE FREE FLOW OF WATER ALONG CLEAR CREEK.

BEGINNING AT A ½" IRON PIPE, THE SAME BEING THE TERMINUS OF "L31" AS SHOWN ON THE PLAT RECORDED IN PLAT SLIDE 11670; THENCE, FROM SAID BEGINNING POINT, S32°49'28"W A DISTANCE OF 196.52' TO A P.K. NAIL SET BY McABEE & ASSOCIATES, P.A. IN THE CENTER OF CLEAR CREEK ROAD (S.R. 1503); THENCE, WITH THE CENTER OF SAID ROAD, THE FOLLOWING FIVE CALLS: N07°06'53"E A DISTANCE OF 26.28' TO A POINT; THENCE N08°51'37"E A DISTANCE OF 31.79' TO A POINT; THENCE N11°22'23"E A DISTANCE OF 28.00' TO A POINT; THENCE N14°33'09"E A DISTANCE OF 24.05' TO A POINT; THENCE N15°06'12"E A DISTANCE OF 97.76' TO A

POINT; THENCE, LEAVING THE CENTER OF THE ROAD AND RUNNING S58°35'11"E A DISTANCE OF 71.87' TO THE POINT AND PLACE OF BEGINNING.

HAVING AN AREA OF 7,665 SQUARE FEET. THE ABOVE-DESCRIBED "TRACT TWO" IS SUBJECT TO, BUT NOT LIMITED TO, EASEMENTS AND RIGHTS OF WAY SHOWN ON PLAT SLIDE 11670.

PARCEL IDENTIFICATION NUMBER 9660-90-2975:

BEGINNING AT A ¾" IRON PIPE, THE SAME BEING LOCATED AT THE WESTERN MARGIN OF THE RIGHT OF WAY FOR HYDER FARM ROAD (S.R. 1635) AND HAVING THE FOLLOWING NORTH CAROLINA GRID COORDINATES: NORTHING=601,201.23, EASTING=969,446.14 (NAD '83 2011); THENCE, RUNNING WITH THE WESTERN MARGIN OF SAID RIGHT OF WAY, THE FOLLOWING TWO CALLS: S22°14'13"W A DISTANCE OF 57.89' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 201.62', WITH A RADIUS OF 180.00', WITH A CHORD BEARING OF S11°35'53"E, WITH A CHORD LENGTH OF 191.24' TO A #4 REBAR SET BY McABEE & ASSOCIATES, P.A. AT THE WESTERN MARGIN OF THE RIGHT OF WAY FOR CLEAR CREEK ROAD (S.R. 1503); THENCE, RUNNING WITH THE APPROXIMATE WESTERN MARGIN OF SAID RIGHT OF WAY S15°31'40"W, PASSING A CONCRETE RIGHT OF WAY MONUMENT AT A DISTANCE OF 11.52', FOR A TOTAL DISTANCE OF 427.75' TO A #4 REBAR SET BY McABEE & ASSOCIATES, P.A.; THENCE, LEAVING SAID RIGHT OF WAY AND RUNNING N58°35'11"W A DISTANCE OF 167.04' TO A ¾" IRON PIPE; THENCE N12°34'16"E A DISTANCE OF 419.67' TO A ¾" IRON PIPE; THENCE N65°32'24"W A DISTANCE OF 460.45' TO A #4 REBAR SET BY McABEE & ASSOCIATES, P.A.; THENCE N26°16'40"E A DISTANCE OF 288.34' TO A ¾" IRON PIPE; THENCE S56°23'49"E A DISTANCE OF 529.07' TO THE POINT AND PLACE OF BEGINNING.

HAVING AN AREA OF 4.762 ACRES.

PARCEL IDENTIFICATION NUMBER 9660-81-8633:

BEGINNING AT A CONCRETE MONUMENT, THE SAME BEING LOCATED AT THE FOLLOWING NORTH CAROLINA GRID COORDINATES: NORTHING=602,553.85, EASTING=969,320.89 (NAD '83 2011); RUNNING THENCE, FROM SAID BEGINNING POINT, ALONG AND WITH THE WESTERN MARGIN OF THE RIGHT OF WAY FOR HYDER FARM ROAD (S.R. 1635) THE FOLLOWING FOUR CALLS: S21°27'26"E A DISTANCE OF 830.00' TO A POINT; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 286.84', WITH A RADIUS OF 328.10', WITH A CHORD BEARING OF S03°35'16"W, WITH A CHORD LENGTH OF 277.79' TO A POINT; THENCE S28°37'57"W A DISTANCE OF 251.97' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 91.40', WITH A RADIUS OF 1074.93', WITH A CHORD BEARING OF S26°06'59"W, WITH A CHORD LENGTH OF 91.37' TO A ¾" IRON PIPE; THENCE, LEAVING THE RIGHT OF WAY AND RUNNING N56°23'49"W A DISTANCE OF 529.07' TO A ¾" IRON PIPE; THENCE S26°16'40"W A DISTANCE OF 288.34' TO A #4 REBAR SET BY McABEE & ASSOCIATES, P.A.; THENCE S65°32'24"E A DISTANCE OF 460.45' TO A ¾" IRON PIPE; THENCE S12°34'16"W A DISTANCE OF 419.67' TO A ¾" IRON PIPE; THENCE S58°35'11"E A DISTANCE OF 167.04' TO A #4 REBAR SET BY McABEE & ASSOCIATES, P.A. AT THE WESTERN MARGIN OF THE RIGHT OF WAY FOR CLEAR CREEK ROAD (S.R. 1503); THENCE, RUNNING WITH THE WESTERN MARGIN OF SAID RIGHT OF WAY, S15°31'40"W A DISTANCE OF 62.43' TO A #4 REBAR SET BY McABEE & ASSOCIATES, THE SAME BEING LOCATED N58°35'11"W A DISTANCE OF 105.26' FROM A ½" IRON PIPE; THENCE LEAVING THE RIGHT OF WAY AND RUNNING N58°35'11"W, PASSING A ¾" IRON PIPE AT A DISTANCE OF 75.70', PASSING A ¾" IRON PIPE AT A DISTANCE OF 427.54', FOR A TOTAL DISTANCE OF 713.61' TO A #5 REBAR WITH A "PARKER" CAP; THENCE N59°01'31"W A DISTANCE OF 172.52' TO A MAPLE STUMP; THENCE N89°06'00"W A DISTANCE OF 381.84' TO A P.K. NAIL AT THE CENTER OF BALFOUR ROAD; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 103.35', WITH A RADIUS OF 444.44', WITH A CHORD BEARING OF N12°16'12"W, WITH A CHORD LENGTH OF 103.12' TO A P.K. NAIL; THENCE, LEAVING BALFOUR ROAD AND RUNNING N01°33'51"W A DISTANCE OF 374.44' TO A ¾" IRON PIPE; THENCE N09°26'48"E A DISTANCE OF 297.09' TO A ¾" IRON PIPE; THENCE N43°55'23"E A DISTANCE OF 198.00' TO A #4 REBAR SET BY McABEE &

ASSOCIATES, P.A.; THENCE N34°10'13"E A DISTANCE OF 164.91' TO A ¾" IRON PIPE; THENCE N19°26'45"E A DISTANCE OF 424.83' TO A ¾" IRON PIPE, THE SAME BEING LOCATED S46°50'12"W A DISTANCE OF 239.46' FROM A ¾" IRON PIPE; THENCE S46°50'12"E A DISTANCE OF 146.96' TO A 1" SQUARE BOLT; THENCE N05°23'22"E A DISTANCE OF 280.68' TO A 1" IRON PIPE; THENCE S87°25'28"E A DISTANCE OF 607.15' TO THE POINT AND PLACE OF BEGINNING.

HAVING AN AREA OF 42.957 ACRES.

A PORTION OF PARCEL IDENTIFICATION NUMBER 9660-82-5607:

BEGINNING AT A #4 REBAR SET BY McABEE & ASSOCIATES, P.A., THE SAME BEING LOCATED S05°23'22"W A DISTANCE OF 84.00' FROM A 1" IRON PIPE WITH THE FOLLOWING N.C. GRID COORDINATES: NORTHING=602,581.12, EASTING=968,714.49 (NAD '83 2011); THENCE, FROM SAID BEGINNING POINT, S05°23'22"W A DISTANCE OF 196.68' TO A 1" SQUARE BOLT; THENCE N46°50'12"W PASSING A ¾" IRON PIPE AT A DISTANCE OF 146.96' FOR A TOTAL DISTANCE OF 315.99 TO A #4 REBAR SET BY McABEE & ASSOCIATES P.A., THE SAME BEING LOCATED S46°50'12"E A DISTANCE OF 70.44' FROM A ¾" IRON PIPE; THENCE S85°19'38"E A DISTANCE OF 249.79' TO THE POINT AND PLACE OF BEGINNING.

HAVING AN AREA OF 0.564 ACRES (24,563 SQ. FT.).

Section 2. Upon and after the seventh day of November 2019, 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 seventh day of November 2019.

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 _____, 2019.

My commission expires:

NOTES:

- THIS PROPERTY IS LOCATED IN SPECIAL FLOOD HAZARD AREA "AE" (100 YEAR FLOOD ZONE) AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY PER D.P.F. #148700626000, EFFECTIVE DATE: OCTOBER 2, 2008.
- PROPERTY SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD, INCLUDING, BUT NOT LIMITED TO, THOSE SHOWN HEREON.
- SURVEYOR WAS NOT PROVIDED WITH A LEGAL TITLE SEARCH. THERE MAY EXIST EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS PERTINENT TO THIS PROPERTY THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE THAT ARE NOT SHOWN ON THIS PROPERTY.
- BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND CONDITIONS, CONTAINERS, OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
- AREA BY COORDINATE COMPUTATION.
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES. THE COMBINED GRID FACTOR IS 0.9997761.
- SUBJECT PROPERTY IS ZONED "R-1" (RESIDENTIAL DISTRICT 1) PER THE HENDERSON COUNTY ZONING ORDINANCE AND "C-3" (HIGHWAY BUSINESS) PER THE CITY OF HENDERSONVILLE ZONING ORDINANCE. REFER TO THESE ORDINANCES FOR REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	328.10'	286.84'	277.79'	S 03°35'16" W
C2	1,074.93'	91.40'	91.37'	S 26°06'59" W
C3	444.44'	103.35'	103.12'	N 12°16'12" W

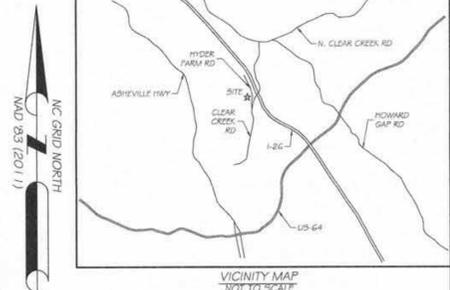
LINE	BEARING	DISTANCE
L1	S 1°51'14" W	62.43'
L2	S 58°35'11" E	105.26'

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

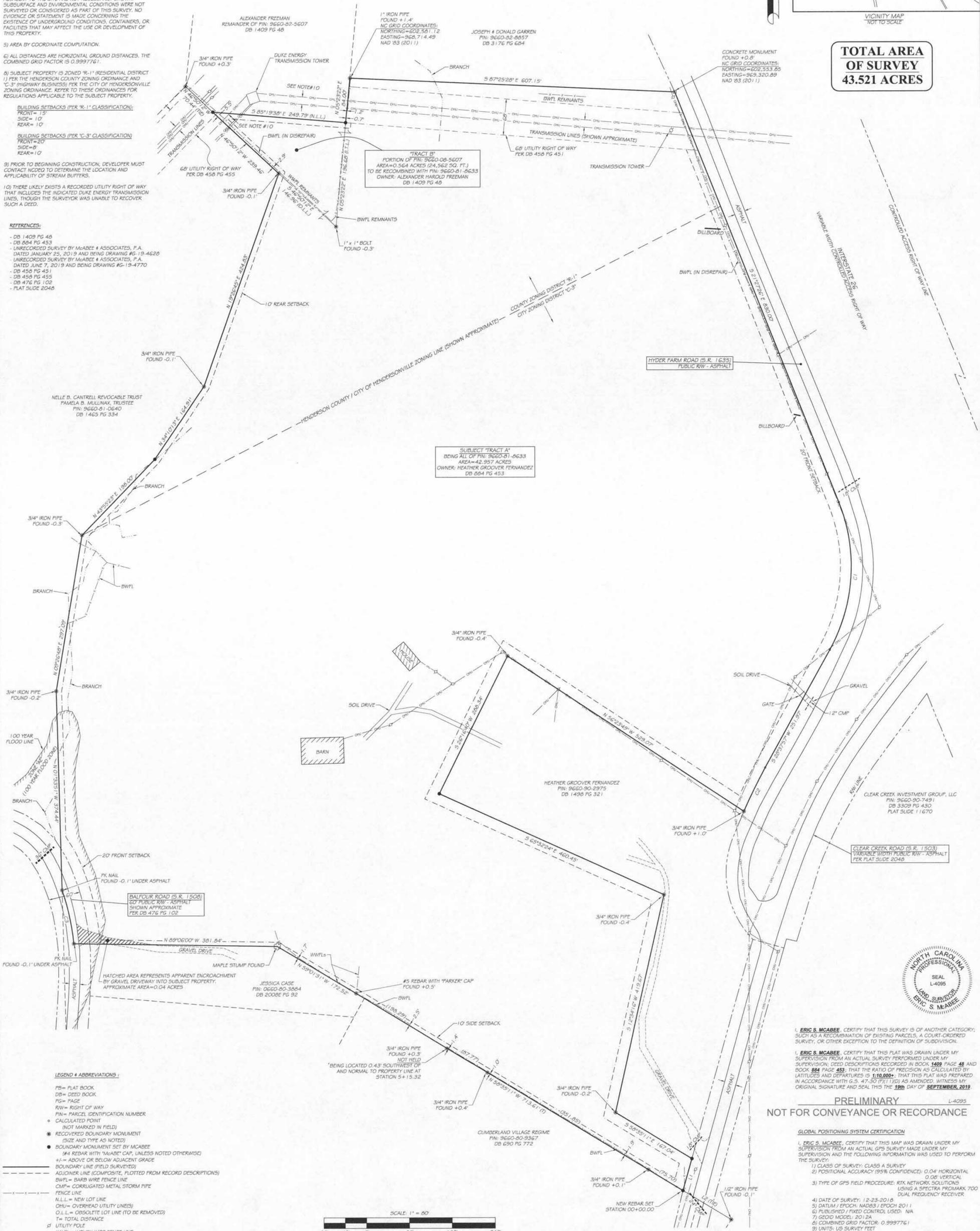
I, _____ REVIEW OFFICER
OF HENDERSON COUNTY, CERTIFY THAT THE MAP OR PLAT TO
WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY
REQUIREMENTS FOR RECORDING.

REGISTERED THIS THE _____ DAY OF _____ 2019
AT _____ O'CLOCK, RECORDED IN PLAT SLIDE _____
BY _____ DEPUTY.
REGISTER OF DEEDS

REVIEW OFFICER: _____ DATE: _____



TOTAL AREA OF SURVEY
43.521 ACRES



BUILDING SETBACKS (PER "R-1" CLASSIFICATION):
FRONT = 15'
SIDE = 10'
REAR = 10'

BUILDING SETBACKS (PER "C-3" CLASSIFICATION):
FRONT = 20'
SIDE = 5'
REAR = 10'

9) PRIOR TO BEGINNING CONSTRUCTION, DEVELOPER MUST CONTACT NCECO TO DETERMINE THE LOCATION AND APPLICABILITY OF STREAM BUFFERS.

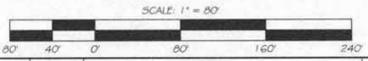
10) THERE LIKELY EXISTS A RECORDED UTILITY RIGHT OF WAY THAT INCLUDES THE INDICATED DUKE ENERGY TRANSMISSION LINES, THOUGH THE SURVEYOR WAS UNABLE TO RECOVER SUCH A DEED.

REFERENCES:

- DB 1409 PG 48
- DB 844 PG 453
- UNRECORDED SURVEY BY McABEE & ASSOCIATES, P.A. DATED JANUARY 25, 2019 AND BEING DRAWING #G-19-4628
- UNRECORDED SURVEY BY McABEE & ASSOCIATES, P.A. DATED JUNE 7, 2019 AND BEING DRAWING #G-19-4770
- DB 458 PG 451
- DB 458 PG 455
- DB 476 PG 102
- PLAT SLIDE 2048

LEGEND & ABBREVIATIONS:

- FB = PLAT BOOK
- DB = DEED BOOK
- PG = PAGE
- RW = RIGHT OF WAY
- PK = PARCEL IDENTIFICATION NUMBER
- = CALCULATED POINT (NOT MARKED IN FIELD)
- = RECOVERED BOUNDARY MONUMENT (SIZE AND TYPE AS NOTED)
- = BOUNDARY MONUMENT SET BY McABEE (#4 REBAR WITH MAGNET CAP, UNLESS NOTED OTHERWISE)
- +/- = ABOVE OR BELOW ADJACENT GRADE
- = BOUNDARY LINE (FIELD SURVEYED)
- - - = ADJOINER LINE (COMPOSITE, PLOTTED FROM RECORD DESCRIPTIONS)
- = BWFL = BARB WIRE FENCE LINE
- = CMP = CORRUGATED METAL STORM PIPE
- = FENCE LINE
- = N.L.L. = NEW LOT LINE
- = OHU = OVERHEAD UTILITY LINES
- = O.L.L. = OBSOLETE LOT LINE (TO BE REMOVED)
- T = TOTAL DISTANCE
- U = UTILITY POLE
- W = WOVEN WIRE FENCE LINE



I, **ERIC S. McABEE**, CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS A RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

I, **ERIC S. McABEE**, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION. DEED DESCRIPTIONS RECORDED IN BOOK **1489** PAGE **48** AND BOOK **884** PAGE **453**; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS **1:10,000+**; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-50 (P.L. 110) AS AMENDED; WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS **19th** DAY OF **SEPTEMBER, 2019**.

PRELIMINARY L-4095
NOT FOR CONVEYANCE OR RECORDANCE

GLOBAL POSITIONING SYSTEM CERTIFICATION

I, **ERIC S. McABEE**, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- CLASS OF SURVEY: CLASS A SURVEY
- POSITIONAL ACCURACY (95% CONFIDENCE): 0.04' HORIZONTAL 0.06' VERTICAL
- TYPE OF GPS FIELD PROCEDURE: RTK NETWORK SOLUTIONS USING A SPECTRA PROMARK 700 DUAL FREQUENCY RECEIVER
- DATE OF SURVEY: 12-23-2018
- DATUM / EPOCH: NAD83 / EPOCH 2011
- PUBLISHED / FIXED CONTROL USED: N/A
- COORD. MODEL: 2011 SA
- COMBINED GRID FACTOR: 0.9997761
- UNITS: US SURVEY FEET

McABEE & ASSOCIATES, P.A.
PROFESSIONAL LAND SURVEYING

Eric S. McAbee, PLS Fax (828) 628-1294
J. Barry West, PLS Telephone (828) 628-1295
Wallace S. McAbee, PLS (Emeritus)

3 McAbee Trail Fairview North Carolina, 28730
www.mcabeesurvey.com Firm License Number: C-694

NO.	DATE	DESCRIPTION	BY

RECOMBINATION SURVEY OF THE PROPERTIES OF:
HEATHER GROOVER FERNANDEZ
ALEXANDER HAROLD FREEMAN

PIN: 9660-01-0633
PIN: 9660-02-5607

HENDERSONVILLE TOWNSHIP
HENDERSON COUNTY, N.C.

OWNER INFORMATION	
HEATHER FERNANDEZ GROOVER PO BOX 359 HENDERSONVILLE, NC 28793	ALXANDER HAROLD FREEMAN 114 ALEX COVE DRIVE HENDERSONVILLE, NC 28792

DATE: 9-19-2019
PROJECT #: 12667
DRAWING #: G-19-4893
DRAWN BY: CJM
SCALE: 1"=80'

THE FOLLOWING STATEMENT APPLIES TO:
TRACT 1 AND TRACT 2 PER COMMITMENT #201901034

STATEMENT CONCERNING MATTERS OF SURVEY INCLUDED UNDER SCHEDULE B - SECTION 2
EXCEPTIONS PER TITLE COMMITMENT PREPARED BY AMERICAN LAND TITLE ASSOCIATION
BEARING COMMITMENT NO. 201901034 AND BEING DATED DECEMBER 12, 2018.

- EXCEPTION #1 NOT MATTERS OF SURVEY
EXCEPTION #2 NOT MATTERS OF SURVEY
EXCEPTION #3 NO MATTERS OF SURVEY HAVE BEEN WITHHELD
EXCEPTION #4 NO MATTER OF SURVEY HAVE BEEN WITHHELD
EXCEPTION #5 TRACTS 1 & 2 PER TITLE COMMITMENT #201901034 DO NOT CONTAIN ANY PORTIONS OF LAND WITHIN THE RIGHTS OF WAY FOR CLEAR CREEK ROAD OR HYDER FARM ROAD.
EXCEPTION #6 NO MATTERS OF SURVEY HAVE BEEN WITHHELD
EXCEPTION #7 NOT A MATTER OF SURVEY
EXCEPTION #8 THE EASEMENTS IN FAVOR OF DUKE POWER COMPANY AS RECORDED IN DEED BOOK 413 PAGE 497 AND BOOK 428 PAGE 16 LIKELY AFFECT THE SUBJECT PROPERTY. THEY ARE BLANKET-STYLE EASEMENTS OF UNASSIGNED WIDTHS. THEY ARE UNABLE TO BE PLOTTED HEREON DUE TO BEING BLANKET-STYLE EASEMENTS.
EXCEPTION #9 THE EASEMENT IN FAVOR OF DUKE POWER COMPANY AS RECORDED IN DEED BOOK 458 PAGE 451 AFFECTS TRACT 1 PER TITLE COMMITMENT #201901034 AND IS SHOWN HEREON.
EXCEPTION #10 THE RIGHT OF WAY AGREEMENT IN FAVOR OF THE STATE HIGHWAY COMMISSION RECORDED IN BOOK 476 PAGE 102 AFFECTS TRACT 1 PER TITLE COMMITMENT #201901034 AND IS SHOWN HEREON. IT DOES NOT AFFECT TRACT 2 PER SAID TITLE COMMITMENT.
EXCEPTION #11 NO MATTERS OF SURVEY HAVE BEEN WITHHELD.
EXCEPTION #12 NOT MATTERS OF SURVEY

THE FOLLOWING STATEMENT APPLIES TO:
TRACT TWO PER DEED BOOK 1498 PAGE 321
(PER COMMITMENT #201901033)

STATEMENT CONCERNING MATTERS OF SURVEY INCLUDED UNDER SCHEDULE B - SECTION 2
EXCEPTIONS PER TITLE COMMITMENT PREPARED BY AMERICAN LAND TITLE ASSOCIATION
BEARING COMMITMENT NO. 201901033 AND BEING DATED DECEMBER 12, 2018.

- EXCEPTION #1 NOT MATTERS OF SURVEY
EXCEPTION #2 NOT MATTERS OF SURVEY
EXCEPTION #3 NO MATTERS OF SURVEY HAVE BEEN WITHHELD.
EXCEPTION #4 TRACT TWO PER DEED BOOK 1498 PAGE 321 INCLUDES TITLE TO PORTIONS OF LAND LYING WITHIN THE RIGHT OF WAY OF CLEAR CREEK ROAD, SHOWN HEREON.
EXCEPTION #5 THE EASEMENTS IN FAVOR OF DUKE POWER COMPANY AS RECORDED IN DEED BOOK 413 PAGE 497 AND BOOK 428 PAGE 16 LIKELY AFFECT THE SUBJECT PROPERTY. THEY ARE BLANKET-STYLE EASEMENTS OF UNASSIGNED WIDTHS. THEY ARE UNABLE TO BE PLOTTED HEREON DUE TO BEING BLANKET-STYLE EASEMENTS.
EXCEPTION #6 THE EASEMENT IN FAVOR OF DUKE POWER COMPANY AS RECORDED IN DEED BOOK 458 PAGE 451 DOES NOT AFFECT THE SUBJECT PROPERTY.
EXCEPTION #7 THE CONSERVATION EASEMENT RECORDED IN BOOK 1076 PAGE 430 AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.
EXCEPTION #8 NO MATTERS OF SURVEY HAVE BEEN WITHHELD.
EXCEPTION #9 NOT MATTERS OF SURVEY
EXCEPTION #10 NOT A MATTER OF SURVEY

NOTES:

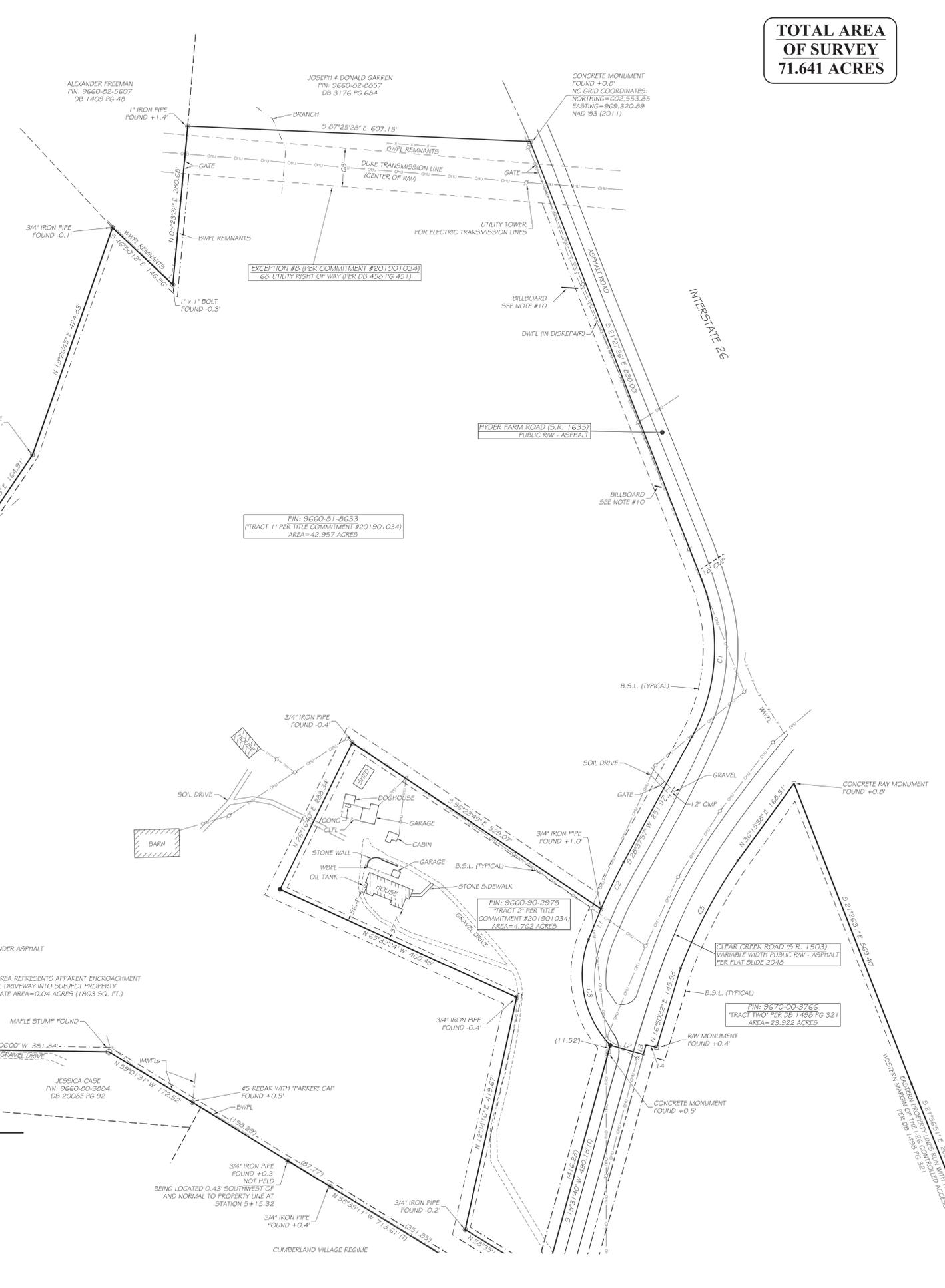
- 1) PORTIONS OF THESE PROPERTIES ARE LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY PER D.F.I.R.M.#3700266000, 3700267000, 3700267900, AND 3700269000, EFFECTIVE DATE: OCTOBER 8, 2008.
2) PROPERTIES SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD, INCLUDING, BUT NOT LIMITED TO, THOSE SHOWN HEREON.
3) BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN, SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND CONDITIONS, CONTAINERS, OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THESE PROPERTIES.
4) AREA BY COORDINATE COMPUTATION.
5) ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES. THE COMBINED GRID FACTOR IS 0.9997761.
6) SUBJECT PROPERTY IS ZONED 'C-3' (HIGHWAY BUSINESS) PER THE CITY OF HENDERSONVILLE ZONING ORDINANCE. REFER TO THIS ORDINANCE FOR REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY.
BUILDING SETBACKS (PER 'C-3' CLASSIFICATION):
FRONT = 20'
SIDE = 8'
REAR = 10'
7) THERE EXISTS A PERMANENT 20' SEWER EASEMENT (10' ON EITHER SIDE OF SEWER LINE) PER DB 773 PG 583.
8) THERE MAY EXIST STREAM BUFFERS APPLICABLE TO THE SUBJECT PROPERTIES.
9) BOUNDARY LINE CALLS L6 THROUGH L28 RUN WITH THE CENTER OF CLEAR CREEK.
10) THERE EXISTS LEASE AREAS FOR ACCESS AND MAINTENANCE OF THE EXISTING BILLBOARDS PER DB 803 PG 741 AND DB 680 PG 6. THOUGH THOSE LEASE AGREEMENTS HAVE EXPIRED, THERE MAY EXIST OTHER DEEDED LEASES OR EASEMENTS THAT WERE NOT RECOVERED BY THE SURVEYOR.

REFERENCES:

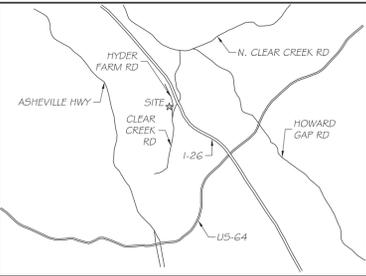
- DB 684 PG 453
DB 1498 PG 321
FLAT SLIDE 2048
FLAT SLIDE 268-A
DB 1076 PG 487
DB 413 PG 497
DB 428 PG 16
DB 458 PG 451
DB 476 PG 102
DB 773 PG 583
DB 603 PG 741
DB 680 PG 6
TITLE COMMITMENT NO. 201901033
ISSUED BY AMERICAN LAND TITLE ASSOCIATION
DATE: DECEMBER 12, 2018
TITLE COMMITMENT NO. 201901034
ISSUED BY AMERICAN LAND TITLE ASSOCIATION
DATE: DECEMBER 12, 2018

PAMELA MULLINEX ET AL
PIN: 9660-81-0640
DB 1465 PG 334

JESSICA CASE
PIN: 9660-80-3854
DB 2008E PG 92



TOTAL AREA OF SURVEY 71.641 ACRES



CURVE TABLE with columns: CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING. Lists curves C1 through C8 with their respective measurements.

LINE TABLE with columns: LINE BEARING, DISTANCE. Lists lines L1 through L31 with their respective bearings and distances.

GLOBAL POSITIONING SYSTEM CERTIFICATION
I, ERIC S. MCABEE, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
1) CLASS OF SURVEY: CLASS A SURVEY
2) POSITIONAL ACCURACY (95% CONFIDENCE): 0.04' HORIZONTAL, 0.08' VERTICAL
3) TYPE OF GPS FIELD PROCEDURE: RTK NETWORK SOLUTIONS USING A SPECTRA PROMARK 700 DUAL FREQUENCY RECEIVER
4) DATE OF SURVEY: 12-23-2018
5) DATUM / EPOCH: NAD83 / EPOCH 2011
6) PUBLISHED / FIXED CONTROL USED: N/A
7) GEOD MODEL: 2012A
8) COMBINED GRID FACTOR: 0.9997761
9) UNITS: US SURVEY FEET

I, ERIC S. MCABEE, CERTIFY THIS SURVEY IS OF EXISTING PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
I, ERIC S. MCABEE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION, DEED RECORDED IN BOOK 884 PAGE 453, AND BOOK 1498 PAGE 321. THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:110,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 (F)(1)(C1) AS AMENDED. WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE 11th DAY OF JANUARY, 2018.

Eric S. McCabe L-4095

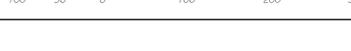
PIN: 9660-00-3766
TRACT TWO PER DB 1498 PG 321
AREA=23.922 ACRES

PIN: 9660-30-2975
TRACT 2 PER TITLE COMMITMENT #201901034
AREA=4.762 ACRES

PIN: 9660-81-0633
TRACT 1 PER TITLE COMMITMENT #201901034
AREA=42.957 ACRES

PIN: 9660-81-0633
TRACT 1 PER TITLE COMMITMENT #201901034
AREA=42.957 ACRES

PIN: 9660-81-0633
TRACT 1 PER TITLE COMMITMENT #201901034
AREA=42.957 ACRES



DATE: 1-25-2019
PROJECT #: 12667
DRAWING #: G-19-4628
DRAWN BY: CJM
SCALE: 1"=100'

HENDERSONVILLE TOWNSHIP
HENDERSON COUNTY, N.C.

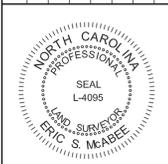
ROBERT GRIMSLEY
L.B. JACKSON & COMPANY
PIN: 9660-81-0633
PORTION OF PIN: 9670-00-3766 (BEING TRACT TWO PER DB 1498 PG 321)

Table with columns: NO., DATE, DESCRIPTION, BY, C/M. Row 1: 1, 2-16-2019, ADDED TITLE EXCEPTIONS TO PLAT, C/M.

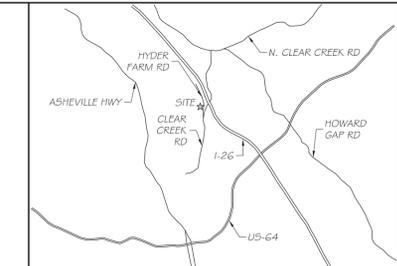


MCABEE & ASSOCIATES P.A.
PROFESSIONAL LAND SURVEYING
Eric S. McCabe, PLS
J. Barry Weiser, PLS
3 McAbee Trail
Fayetteville, North Carolina, 28730
www.mcabeesurvey.com Firm License Number: C-694

NO.	DATE	DESCRIPTION	BY	CJM
1	2-10-2019	ADDED TITLE EXCEPTIONS TO PLAT		



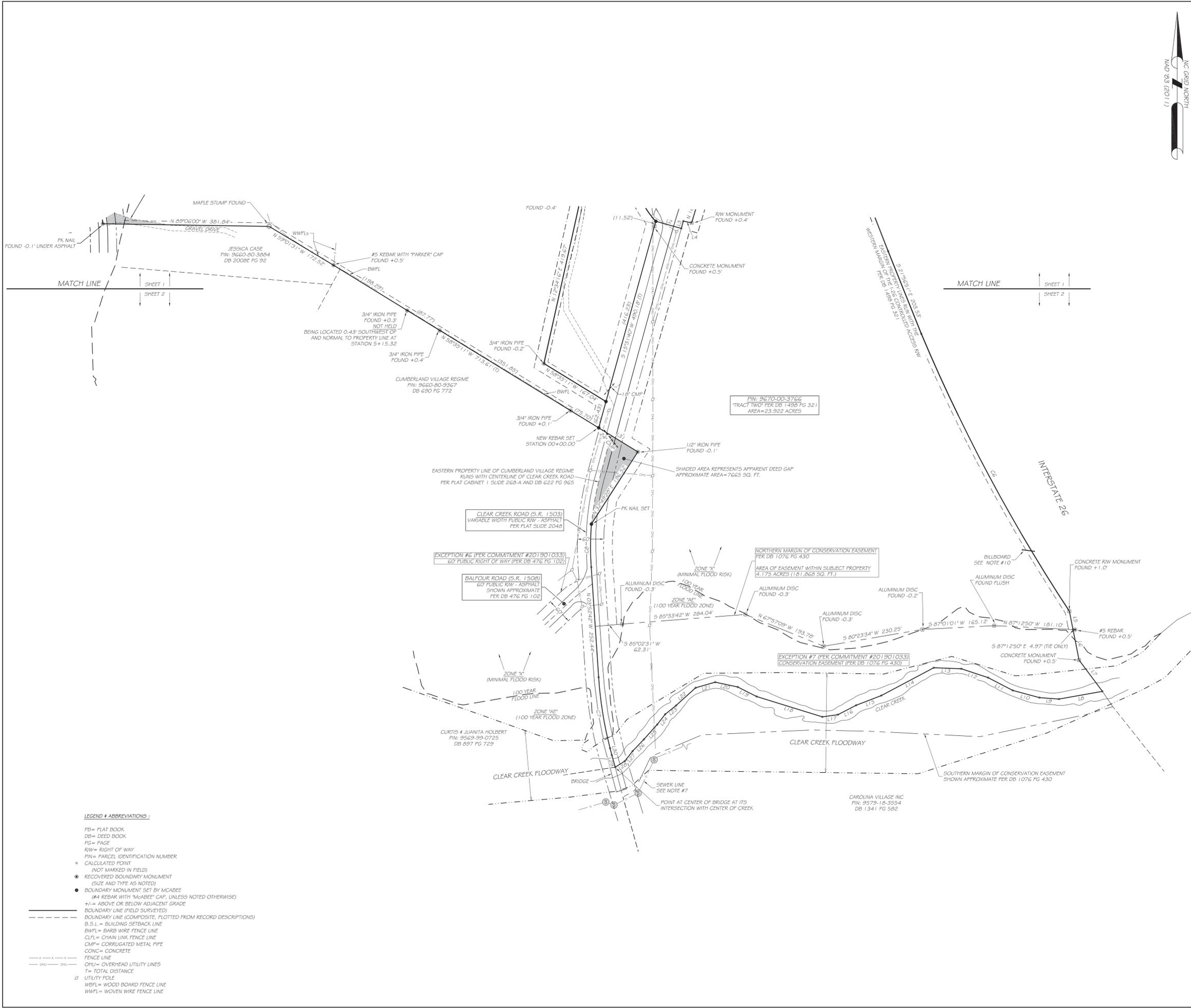
MCABEE & ASSOCIATES, P.A.
 PROFESSIONAL LAND SURVEYING
 Eric S. McAbee, PLS
 J. Barry Weiler, PLS
 Telephone: (828) 628-1294
 Fax: (828) 628-1294
 3 McAbee Trail, Fairview North Carolina, 28730
 www.mcabeesurvey.com Firm License Number: C-694



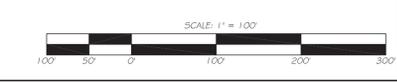
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	326.10'	286.84'	277.79'	S 03°35'16" W
C2	1074.93'	91.40'	91.37'	S 26°06'59" W
C3	190.00'	201.62'	191.24'	S 11°35'31" E
C4	444.44'	103.35'	103.12'	N 12°16'12" W
C5	904.93'	215.85'	215.34'	N 28°04'43" E
C6	3954.72'	720.97'	719.97'	S 68°11'37" E
C7	897.49'	164.52'	164.26'	N 09°11'21" W
C8	680.00'	136.47'	136.38'	N 00°16'12" E

LINE	BEARING	DISTANCE
L1	S 22°14'13" W	57.89'
L2	S 74°26'09" E	60.70'
L3	N 15°26'34" E	17.49'
L4	S 77°27'08" E	19.55'
L5	S 11°14'06" E	42.59'
L6	S 11°14'06" E	71.21'
L7	S 36°50'02" E	69.35'
L8	S 79°55'57" W	101.23'
L9	N 65°49'40" W	45.00'
L10	N 75°01'04" W	63.46'
L11	N 62°34'30" W	63.65'
L12	N 71°43'32" W	64.83'
L13	N 67°59'21" W	63.44'
L14	S 62°07'42" W	136.22'
L15	S 69°06'24" W	67.99'
L16	S 62°43'49" W	46.89'
L17	S 92°01'50" W	36.12'
L18	N 72°51'07" W	157.93'
L19	N 63°23'05" W	48.49'
L20	N 76°01'59" W	52.35'
L21	S 74°05'20" W	46.61'
L22	S 47°56'06" W	60.43'
L23	S 51°17'00" W	32.15'
L24	S 37°59'49" W	29.56'
L25	S 41°56'07" W	45.84'
L26	S 44°06'30" W	37.16'
L27	S 36°05'02" W	29.02'
L28	S 41°56'07" W	45.84'
L29	N 16°01'11" W	26.46'
L30	N 14°29'59" W	16.45'
L31	N 56°35'11" W	109.26'

SEE SHEET 1 FOR NOTES AND CERTIFICATIONS



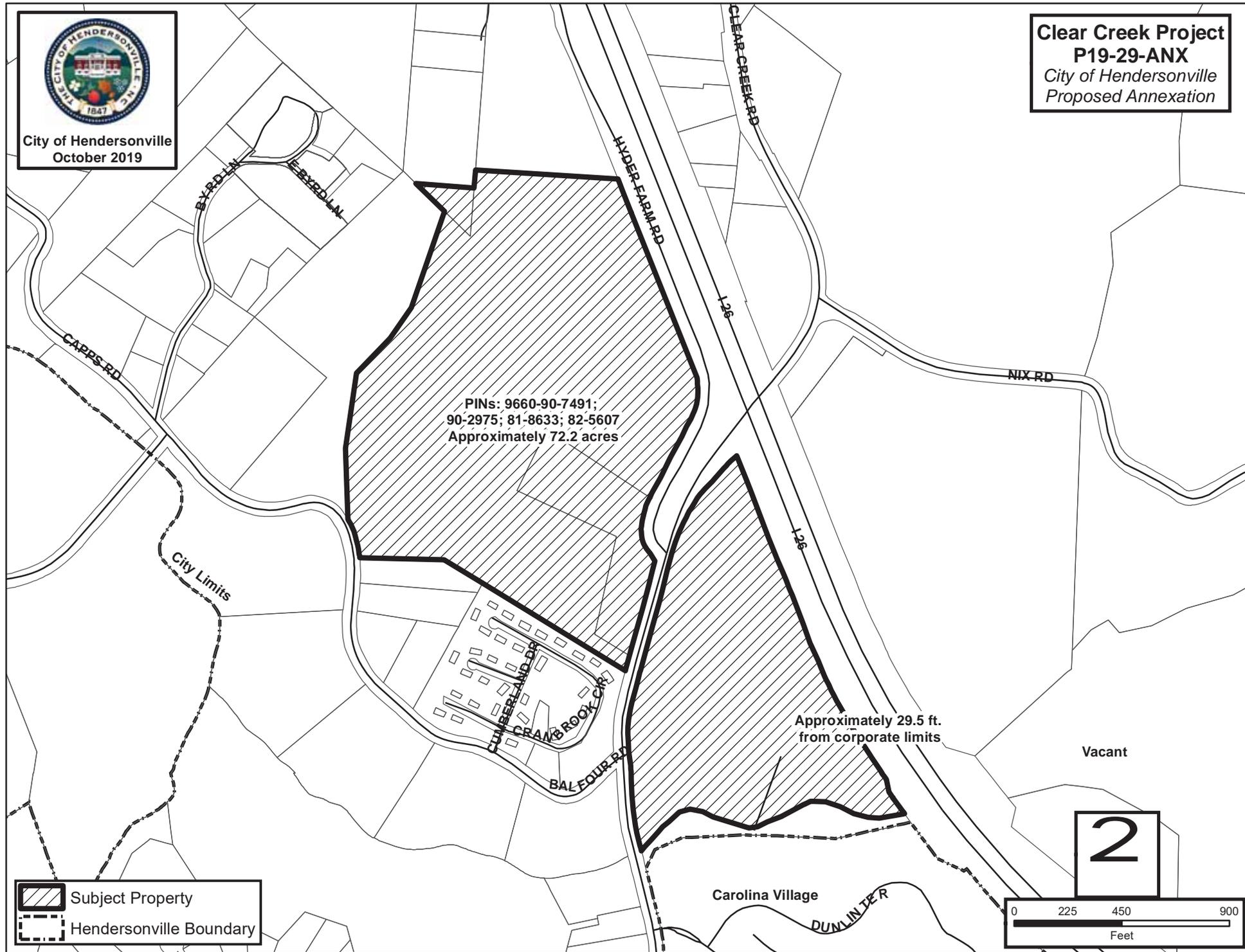
- LEGEND & ABBREVIATIONS:**
- FB = FLAT BOOK
 - DB = DEED BOOK
 - PG = PAGE
 - R/W = RIGHT OF WAY
 - PIN# = PARCEL IDENTIFICATION NUMBER
 - = CALCULATED POINT (NOT MARKED IN FIELD)
 - = RECOVERED BOUNDARY MONUMENT (SIZE AND TYPE AS NOTED)
 - = BOUNDARY MONUMENT SET BY MCABEE (#4 REBAR WITH "MCABEE" CAP, UNLESS NOTED OTHERWISE)
 - +/- = ABOVE OR BELOW ADJACENT GRADE
 - = BOUNDARY LINE (FIELD SURVEYED)
 - - - = BOUNDARY LINE (COMPOSITE, PLOTTED FROM RECORD DESCRIPTIONS)
 - B.S.L. = BUILDING SETBACK LINE
 - BWFL = BARB WIRE FENCE LINE
 - CLFL = CHAIN LINK FENCE LINE
 - CMP = CORRUGATED METAL PIPE
 - CONC = CONCRETE
 - - - - - = FENCE LINE
 - CHL = OVERHEAD UTILITY LINES
 - T = TOTAL DISTANCE
 - = UTILITY POLE
 - WBFL = WOOD BOARD FENCE LINE
 - WWFL = WOVEN WIRE FENCE LINE





City of Hendersonville
October 2019

**Clear Creek Project
P19-29-ANX**
City of Hendersonville
Proposed Annexation



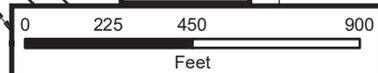
PINs: 9660-90-7491;
90-2975; 81-8633; 82-5607
Approximately 72.2 acres

Approximately 29.5 ft.
from corporate limits

Vacant

2

-  Subject Property
-  Hendersonville Boundary



CERTIFICATE OF SUFFICENCY

**Re: Petition for Satellite Annexation
Clear Creek Investment LLC.
File No. P19-29-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 satellite annexation of 72.2 acres located on Clear Creek Road identified as tax parcel 9660-90-7491, 9660-90-2975, 9660-81-8633 and 9660-82-5607.

- A. According to the Development Assistance Department, the area described in the petition meets all of the standards set out in GS160A-58.1(b).
1. The map distance from the proposed satellite corporate limits is approximately 29.5 feet from the primary corporate limits.
 2. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
 3. The area is situated so the City will, if City Council so determines, be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
 4. The area proposed for annexation is not a subdivision as defined in GS 160A-376.
 5. The total area within the satellite corporate areas, including land involved in this petition, constitutes 5.8 percent of the area within the primary corporate limits.
- B. The petition bears the names, addresses, and signatures of all owners of the real property within the area proposed for annexation.
- C. A metes and bounds description is attached to the petition.
- D. A map showing the area proposed for annexation with relation to the primary corporate limits of Hendersonville is attached to the petition.

Having made the findings stated above, I hereby certify the petition for satellite annexation presented by Stephen Wesley Nicholson is valid.

In witness whereof, I have here unto set my hand and affixed the seal of the City of Hendersonville, this 25 day of Sept., 2019.

Tammie K. Drake

Tammie K. Drake, MMC, City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tyler Morrow

Department: Development Asst Dept

Date Submitted: 10-21-19

Presenter: Susan Frady & Tyler Morrow

Date of Council Meeting to consider this item: November 7, 2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 11

The City Council adopted a 60-day moratorium on animated and illuminated signs at their regular meeting on September 5th. The moratorium will last through November 4, 2019. The City Council directed staff to review the current ordinance and work with the Planning Board to make recommended changes.

The Planning Board subcommittee met twice with staff to craft changes to the ordinance that addressed the light emission levels, sign display area and message transitions of animated signs.

The Planning Board at its regular meeting held October 14, 2019, voted 5-1 to recommend that City Council adopt the amendments as recommended.

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:

Suggested motions are on page 4.

Attachments:

None

MEMORANDUM

TO: City Council

FROM: Development Assistance Department

RE: Text Amendment of Article XIII Sign Regulation Maintenance and Enforcement Section 13-1-5 Animated and Illuminated Signs

FILE #: P19-32-ZTA

DATE: November 7, 2019

PROJECT HISTORY

The City Council adopted a 60-day moratorium on animated and illuminated signs at their regular meeting on September 5th. The moratorium will last through November 4, 2019. The City Council directed staff to review the current ordinance and work with the Planning Board to make recommended changes.

The Planning Board subcommittee met twice and recommends the following changes to the ordinance to address the light emissions level, sign display area and message transition.

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

Article XIII SIGN REGULATION MAINTENANCE AND ENFORCEMENT

Section 13-1-5 Animated and Illuminated Signs

- a) A sign may be illuminated internally or externally if such illumination is confined to or directed to the surface of the sign, ~~or internally~~. No animated sign shall be permitted except in the C-2, C-3 and I-1 zoning district classifications or in corresponding conditional zoning districts, if any. Animated signs may be permitted in HMU District if the property fronts on a thoroughfare.
- b) For externally illuminated signage, the light source of the signs shall be designed and shielded that it cannot be seen from beyond the property lines on which the sign is located. Signs illuminated internally by fluorescent bulb, light emitting diodes (LED), fiber optics, plasma or other similar technology, and neon tubes shall be limited to commercial and industrial use districts.) Except as outlined above. Electronic signs are not permitted within the Main Street Historic District.
- c) The animated sign shall not exceed 50% of the total area of the permitted sign face or 35 square feet.
- d) Each animated sign message shall be continuously displayed for a minimum of

twenty (20) seconds before changing to another message. No animated sign message display shall be allowed to flash, animate, scroll, or otherwise move, or transition from one message to another in a moving manner. Transitions between messages shall be simultaneous and last no longer than three tenths ($\frac{3}{10}$) of a second.

- e) Each animated sign shall be equipped with a control system that automatically adjusts light emission level to ambient light conditions so as to not cause glare or excessive brightness. In no case shall the light level of any such sign exceed five hundred (500) nits between the time of dusk to dawn, nor five thousand (5,000) nits at other times.
- f) Any animated sign located within 100 feet of a residential district shall be operated or lit only between the hours of 7:00 a.m. and 10:00 p.m. and shall be equipped with an automatic timer control that assures compliance with this requirement.
- g) The applicant must provide a written certification from the sign manufacturer stating that the sign is programmed in accordance with this ordinance. If the sign is changed or altered in any way that violates this ordinance after the permit has been issued, the Development Assistance Department will give written notice of the violation and reserves the right to revoke the sign permit if the sign is not brought into compliance.

Section 13-3-1 Maintenance Requirements

- a) No sign shall be in a state of disrepair where more than 20% of its surface area is covered with disfigured, cracked, ripped or peeling paint or poster board.
- b) No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts, or be allowed to stand more than 15 degrees from the perpendicular.
- c) No sign shall be allowed to have weeds, trees, vines or other vegetation growing on it or obscuring it from the street or highway from which it is intended to be viewed.
- d) No neon or ~~internally illuminated~~ electronic sign shall be allowed to stand with only partial illumination.

Article XII Definition of Terms

Scroll, Section 12-2 Definition of Commonly Used Terms and Words

Sign, Animated: A sign that uses mechanical, electrical or illuminating devices that blink, flash, flicker, scintillate, scroll, vary in intensity, brightness or color that depicts or gives the appearance of action, motion, movement or rotation of a sign image or text.

Sign, Electronic: A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

PLANNING BOARD

The Planning Board took this matter up at its regular meeting on October 14th, 2019. The Planning Board voted 5 to 1 to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Article XII Definition of Terms concerning animated and electronic signs, Article XIII Sign Regulation Maintenance and Enforcement and Section 13-1-5 Animated and Illuminated Signs.

ZONING ORDINANCE GUIDELINES

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

1. Comprehensive Plan consistency. Consistency with the Comprehensive Plan and amendments thereto.
2. Compatibility with surrounding uses. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.
3. Changed conditions. Whether and the extent to which there are changed conditions, trends or facts that require an amendment.
4. Public interest. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.
5. Public facilities. Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment.

6. Effect on natural environment. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife.

SUGGESTED MOTIONS

For Recommending Approval:

I move that City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Article XIII Sign Regulation Maintenance Section 13-1-5-A Animated and Illuminated Signs, 13-3-1 Maintenance Requirements and Article XII Definition of Terms.

[PLEASE STATE YOUR REASONS]

For Recommending Approval With Modifications:

I move that City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Article XIII Sign Regulation Maintenance Section 13-1-5-A Animated and Illuminated Signs, 13-3-1 Maintenance Requirements and Article XII Definition of Terms.

[PLEASE STATE THE MODIFICATIONS AND YOUR REASONS]

For Recommending Denial:

I move that City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Article XIII Sign Regulation Maintenance Section 13-1-5-A Animated and Illuminated Signs, 13-3-1 Maintenance Requirements and Article XII Definition of Terms.

[PLEASE STATE YOUR REASONS]

AN ORDINANCE AMENDING ARTICLE XIII SIGN REGULATION MAINTENANCE AND ENFORCEMENT SECTION 13-1-5 ANIMATED AND ILLUMINATED SIGNS

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 animated and illuminated signs.

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

7. Article XIII Sign Regulation Maintenance and Enforcement, Section 13-1-5 Animated and Illuminated Signs and 13-3-1 Maintenance Requirements are hereby amended as follows:

13-1-5 Animated and Illuminated Signs.

- a) A sign may be illuminated internally or externally if such illumination is confined to or directed to the surface of the sign, ~~or internally~~. No animated sign shall be permitted except in the C-2, C-3 and I-1 zoning district classifications or in corresponding conditional zoning districts, if any. Animated signs may be permitted in HMU District if the property fronts on a thoroughfare.
- b) For externally illuminated signage, the light source of the signs shall be designed and shielded that it cannot be seen from beyond the property lines on which the sign is located. Signs illuminated internally by fluorescent bulb, light emitting diodes (LED), fiber optics, plasma or other similar technology, and neon tubes shall be limited to commercial and industrial use districts.) Except as outlined above. Electronic signs are not permitted within the Main Street Historic District.
- c) The animated sign shall not exceed 50% of the total area of the permitted sign face or 35 square feet.

- d) Each animated sign message shall be continuously displayed for a minimum of twenty (20) seconds before changing to another message. No animated sign message display shall be allowed to flash, animate, scroll, or otherwise move, or transition from one message to another in a moving manner. Transitions between messages shall be simultaneous and last no longer than three tenths ($\frac{3}{10}$) of a second.
- e) Each animated sign shall be equipped with a control system that automatically adjusts light emission level to ambient light conditions so as to not cause glare or excessive brightness. In no case shall the light level of any such sign exceed five hundred (500) nits between the time of dusk to dawn, nor five thousand (5,000) nits at other times.
- f) Any animated sign located within 100 feet of a residential district shall be operated or lit only between the hours of 7:00 a.m. and 10:00 p.m. and shall be equipped with an automatic timer control that assures compliance with this requirement.
- g) The applicant must provide a written certification from the sign manufacture stating that the sign is programmed in accordance with this ordinance. If the sign is changed or altered in any way that violates this ordinance after the permit has been issued, the Development Assistance Department will give written notice of the violation and reserves the right to revoke the sign permit if the sign is not brought into compliance.

Section 13-3-1 Maintenance Requirements

- e) No sign shall be in a state of disrepair where more than 20% of its surface area is covered with disfigured, cracked, ripped or peeling paint or poster board.
- f) No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts, or be allowed to stand more than 15 degrees from the perpendicular.
- g) No sign shall be allowed to have weeds, trees, vines or other vegetation growing on it or obscuring it from the street or highway from which it is intended to be viewed.
- h) No neon or ~~internally illuminated~~ electronic sign shall be allowed to stand with only partial illumination.

Article XII Definition of Terms

Scroll, Section 12-2 Definition of Commonly Used Terms and Words

Sign, Animated: A sign that uses mechanical, electrical or illuminating devices that blink, flash, flicker, scintillate, scroll, vary in intensity, brightness or color that depicts or gives the appearance of action, motion, movement or rotation of a sign image or text.

Sign, Electronic: A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

8. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 9-8 of the Zoning Ordinance.
9. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.
10. 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.
11. 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.
12. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 7th day of November, 2019

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: John Connet

Department: Admin

Date Submitted: 10/28/2019

Presenter: John Connet and Lonnie Watkins

Date of Council Meeting to consider this item: 11/7/2019

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 12

During the Council Conversations, citizens expressed concerns regarding the condition of several NCDOT streets. We have asked District Engineer Lonnie Watkins to attend the meeting and present an update regarding NCDOT streets within Hendersonville.

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

Suggested Motion:

NA

Attachments:

Email from Traffic Engineer Steve Buchanan
Proposed marking for 7th Avenue and Buncombe Street Intersection

Connet, John

From: Buchanan, Steven M <sbuchanan@ncdot.gov>
Sent: Tuesday, October 01, 2019 4:08 PM
To: Watkins, Lonnie R; Connet, John
Cc: Darnell, Russell H; Ward, Doyle M; Lovedahl, Eric J; Ashe, Andrew D; Flowers, Charles E
Subject: RE: [External] FW: NCDOT Concerns
Attachments: US 64 West (7th Ave) & Buncombe St.pdf

Be Advised: This email originated from outside of the Hendersonville network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see responses for Traffic concerns in [blue](#):

1. Dull pavement markings on Church and King Street
Our office has a contract (DN11769710) in place to refresh the markings on Church & King Street in Hendersonville. Currently the pavement marking contractor is on I-40 completing the resurfacing work from the state line to MM 4. After that, they should be back working in Henderson County. The work planned for this area is scheduled to be done at night, when traffic volumes are the lowest.
2. Poor pavement condition on primary routes through the City
3. Request for a signalized intersection at Whitted and/or Oak Street and US 64 West
Please provide traffic counts for city maintained Whitted and Oak Streets. Currently, consultant (private engineering firms) counts are on hold due to budgetary concerns. Our office will use city data with current NCDOT ADT data to determine if the traffic volumes are high enough to consider a consultant count early next year. We will proceed with reviewing the crash data for these intersections, to include with a signal warrant analysis. If a signal is recommended, the city will be asked to participate in funding.
4. Request for an additional pedestrian signal on S. Main Street at Fresh Market / NC 225/ NC 176 intersection
Currently there are signalized pedestrian crossings across 3 of the 4 legs of the intersection, which allows pedestrians access to all 4 corners. Right now budgetary constraints limit exploring a 4th leg as an option. Also, adding an additional pedestrian crossing leg will significantly increase intersection delay.
5. Installation of plastic lane bollards at Buncombe and US 64 West
As part of the thermoplastic shield installations, our office has planned to improve the striping at US 64 West (7th Ave) and Buncombe Street. Unfortunately, we have not completed this work yet. Let's have this striping installed and review its effectiveness before we consider bollards or tubular markers. See attached pdf for markings that we are considering, but please understand this is not final and not to scale.

Thanks,

Steven M. Buchanan
Division Traffic Engineer
Division 14
North Carolina Department of Transportation

828 631 1150 office
sbuchanan@ncdot.gov

253 Webster Road

Sylva, NC 28779



Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Watkins, Lonnie R <lrwatkins@ncdot.gov>
Sent: Tuesday, October 1, 2019 9:51 AM
To: Connet, John <jconnet@hvlnc.gov>
Cc: Buchanan, Steven M <sbuchanan@ncdot.gov>; Darnell, Russell H <rhdarnell@ncdot.gov>
Subject: RE: [External] FW: NCDOT Concerns

John, I will be glad to attend the council meeting and would like to meet prior to discuss the details of the items listed. I will also include our Division Traffic Engineer.
Lonnie

Lonnie Watkins, PE
District Engineer
Division 14, District 1
North Carolina Department of Transportation

828 891-7911 office
lrwatkins@ncdot.gov

4142 Haywood Rd.
Mills River, NC 28742



From: Connet, John <jconnet@hvlnc.gov>
Sent: Monday, September 30, 2019 8:23 AM
To: Watkins, Lonnie R <lrwatkins@ncdot.gov>
Cc: City Council <CityCouncil@hvlnc.gov>
Subject: [External] FW: NCDOT Concerns

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to report.spam@nc.gov

Lonnie,

Good Morning,

The City Council has been conducting meetings throughout our community and they have received numerous concerns from residents about NCDOT roads. The following is a list of these concerns:

1. Dull pavement markings on Church and King Street
2. Poor pavement condition on primary routes through the City
3. Request for a signalized intersection at Whitted and/or Oak Street and US 64 West
4. Request for an additional pedestrian signal on S. Main Street at Fresh Market / NC 225/ NC 176 intersection
5. Installation of plastic lane bollards at Buncombe and US 64 West

The City Council would like to discuss these items with you and is respectfully requesting your attendance at the November 7th City Council. City staff would be willing to meet with you prior to November 7th to discuss these items in more detail.

I look forward to hearing from you.

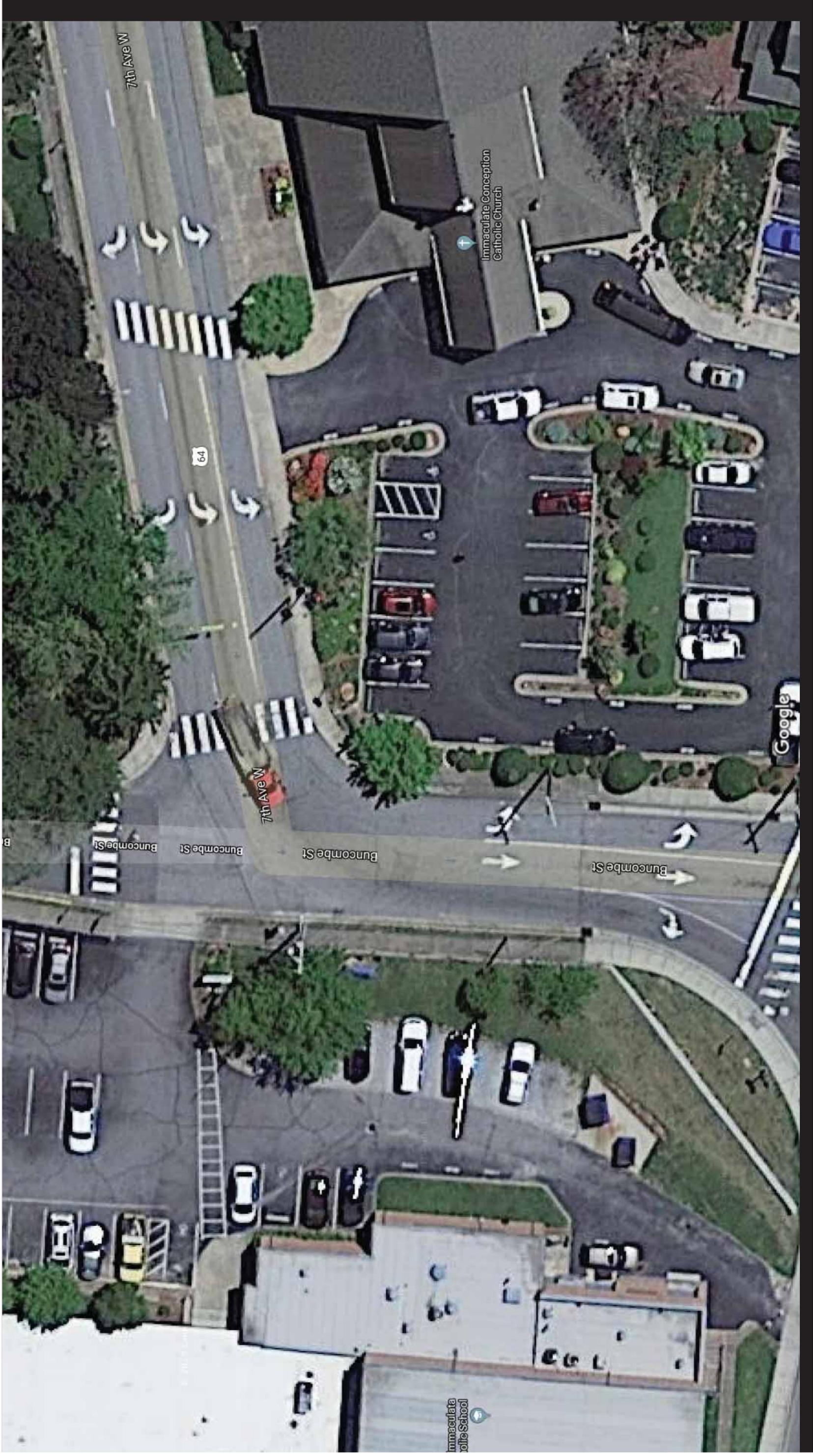
Sincerely,

John F. Connet
City Manager
City of Hendersonville, NC
145 Fifth Avenue East
Hendersonville, NC 28792
(828) 233-3201 (O)
(828) 606-1410 (M)
jconnet@hvlnc.gov
www.hvlnc.gov



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Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By:

Department:

Date Submitted:

Presenter:

Date of Council Meeting to consider this item:

Nature of Item:

Summary of Information/Request:

Item #

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

Suggested Motion:

Attachments:

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Development Assistance Department

RE: Designation of *Grey Hosiery Mill* as a Local Historic Landmark
File Number H19-27-LL

DATE: November 7, 2019

BACKGROUND

According to NC General Statutes 160A-400.5 and 160A-400.6, the Historic Preservation Commission has the ability to recommend individual properties as “local landmarks”. Such properties lie outside of historic districts but warrant such consideration based on the historical, prehistorical, architectural, or cultural importance and to possess integrity of design, setting, workmanship, materials, feeling and/or association.

Landmark status gives the property owners a 50% tax deferral on local property taxes and requires exterior changes to follow the Certificate of Appropriateness review process.

Currently the City has three local landmarks: Erle Stillwell House 1 located at 1300 Pinebrook Street, Erle Stillwell House 2 located at 541 Blythe Street, and the Brookland house at 299 Balsam Rd.

This local designation comes as a request from Ken Reiter of Grey Mill Ventures, LLC, owner of the Grey Hosiery Mill. MacRostie Historic Advisors were hired to prepare a local historic landmark report (see attached). Staff has reviewed the report and finds that it meets the criteria of Section 28-77(c) of the City of Hendersonville Historic Preservation Ordinance.

DESIGNATION REPORT

Following are excerpts from the designation report prepared by MacRostie Historic Advisors:

Summary Statement of Significance

Grey Hosiery Mill is significant under Criterion A for industry as an early 20th century textile facility in the City of Hendersonville. At the time of its construction, Grey Hosiery Mill added jobs and investment to an economy that was in need of diversification and innovation. The Mill was spearheaded by Captain James P. Grey and his son James P. Grey, Jr. Additionally, the Mill is significant under Criterion C for Architecture as an example of an early twentieth century industrial structure. Constructed in 1915, with significant additions in 1919, 1926, and 1947, the timber framing, glass and steel windows and clerestory exemplify industrial architecture during this period.

Dates of Construction

1915 – Original mill plant is constructed. Construction included the knitting room, located at the corner of East 4th Avenue and North Grove Street.

1919-1920 – The finishing room and a dye house were constructed to the east of the original mill plant. These new structures were connected to the knitting room by way an office. Significant.

1926 – Further additions to the complex were made including the addition of space to the original mill knitting room and the conversion of the original finishing room to a shipping and storage area. A substantial addition was made to the east side of the complex by replacing the dye house with a new structure consisting of a finishing room, boarding room, and drying room. This new section was connected to the knitting room via a one-story passageway. Significant.

1947 – Knitting Room Addition at the north elevation of the building. Significant.

1970s – Shipping Docks added at the northeast corner of the factory building. Not Significant.

Integrity

Grey Mill is a mostly intact, early 20th century industrial building. Character defining features of the property such as steel framed multi-paned windows, the steel framed clerestory, hardwood floors, and circulation patterns are intact. Building campaigns completed in 1919, 1926, 1947, and the addition of a modern shipping warehouse and dock in the 1970s added significant additional space. These additions are intact with original materials preserved. Overall, the complex has good integrity and is an important entry into the textile history of the region.

SHPO RESPONSE

The State Historic Preservation Office reviewed the designation report and provided nonbinding, advisory comments. MacRostie Historic Advisors revised the report to reflect the SHPO's recommendations as indicated.

Special Significance

We recommend amending the report to include a more legally defensible argument for special significance.

The statement of significance was revised to more directly define local significance to the City of Hendersonville and what criteria was being used to determine significance.

Historic Background/Context

Due to the complex nature of the property, the Historic Background section of the report should clearly differentiate changes that have occurred to the property that are character-defining and historic from those that are not historic or character-defining.

The Dates of Construction and Architectural Description were revised to more specifically state what additions and features are being deemed historically significant.

Supporting Documentation

It appears the 1.09 acres cited at the beginning of the report is associated with the parcel that contains the historic mill building (which is also the National Register boundary). However, the proposed designation boundary for the property is over 2 acres and includes a second parcel which has only one dwelling at the southeast corner. Thus, the map or the boundary description in the report needs to be amended so the proposed designation boundary is consistent throughout. As the second parcel only contains a small residence at the southeast corner, we recommend the designation boundary be limited to the property associated with the historic mill.

The Location of Property and Property Included in Designation sections of the report were revised to more specifically state that the property proposed for designation is the 1.09 acres listed as PIN# 9568-88-7494. This boundary is also shown on the attached "Exhibit A."

HISTORIC PRESERVATION COMMISSION

Pursuant to NC General Statute 160A-400.6 and Section 28-77 of the Hendersonville Municipal Code, the Historic Preservation Commission held a public hearing on any ordinance designating a local historic landmark. Notice of the time and place of the meeting was mailed to adjoining property owners.

The Historic Preservation Commission voted unanimously to recommend that the City Council adopt an ordinance designating the Grey Hosiery Mill, located at 301 4th Ave E, as a local historic landmark.

SUGGESTED MOTIONS

Approval: I move City Council adopt an ordinance designating the Grey Hosiery Mill, located at 301 4th Ave E, as a local historic landmark.

[ADD, IF APPLICABLE, "WITH THE FOLLOWING MODIFICATIONS"]

Denial: Fail for lack of a motion

**AN ORDINANCE DESIGNATING PROPERTY KNOWN AS
GREY HOSIERY MILL AND LOCATED AT 301 4TH AVENUE EAST
AS A LOCAL HISTORIC LANDMARK**

WHEREAS, pursuant to N.C. General Statutes Sections. 160A-400.5 and 160A-400.6 and Chapter 28 of the Code of Ordinances of the City of Hendersonville, the City has the authority for designation of a local historic landmark; and

WHEREAS, Henderson County Tax Records for Parcel # 9568-88-7494, located at 301 4th Avenue East and known as Grey Hosiery Mill, lists Grey Mill Ventures, LLC as the property owners; and

WHEREAS, The property owners have caused to be made an investigation and report on the historic, architectural, and cultural significance of the buildings and property proposed for designation located at 301 4th Avenue East; and

WHEREAS, the North Carolina Department of Cultural Resources has reviewed and commented on the proposed designation; and

WHEREAS, a public hearing on the designation of Brookland as a local historic landmark was held by the Hendersonville Historic Preservation Commission on September 18, 2019, and the following findings were made:

- a. First constructed in 1915, the Grey Hosiery Mill is the only remaining early twentieth century industrial structure in Hendersonville.
- b. The Grey Hosiery Mill is significant for its association with Hendersonville's industrial and social history.
- c. The Grey Hosiery mill is significant in the area of architecture for being representative of early twentieth century mill design in the area: one-to-two story brick buildings with minimalist, unadorned facades characteristic of International Modernism architecture.

WHEREAS, the Hendersonville City Council has taken into full consideration all statements and information presented at its public hearing on November 7, 2019, and considered the recommendation of the Hendersonville Historic Preservation Commission after its public hearing held on September 18, 2019, on the question of designating the property known as Grey Hosiery Mill, 301 4th Avenue East, a local historic landmark.

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

Section 1. The findings set out above are hereby adopted, and all of the property known as Grey Hosiery Mill and located at 301 4th Avenue East, and further described in Exhibit A, is hereby designated as a local historic landmark pursuant to Part 3C of Article 19 of Chapter 160A of the North Carolina General Statutes and Section 28 of the Code of Ordinances of the City of Hendersonville, and is subject to the conditions and restrictions set forth therein and below:

- a. The interior and exterior of the mill building, all of the historic acreage currently associated with the parcel (1.09 acres), and all contributing outbuildings or additions shall not be demolished, materially altered, restored, or removed, nor any new structure built upon the lot without a Certificate of Appropriateness issued by the Hendersonville Historic Preservation Commission.
- b. The Certificate of Appropriateness shall reference the Historic Preservation Commission Design Guidelines.
- c. Any application for demolition of the mill building or its additions shall require the waiting period set forth in Part 3C of Article 19 of Chapter 160A of the North Carolina General Statutes.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 4. This ordinance shall be in full force and effect on the date of adoption.

Section 5. Violation of this ordinance shall be subject to the remedies set forth in Section 1-6 of the City Code, in addition to other remedies provided by law.

Adopted by the City Council at a meeting held on the sixth day of November 7, 2019.

Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, MMC, City Clerk

(Seal)

Exhibit A



Grey Hosiery Mill

301 Fourth Avenue East
Hendersonville NC, 28792

Local Landmark Designation

Prepared by
MacRostie Historic Advisors

In Partnership With
Grey Mill Ventures

Completed June 2019

**Local Landmark Designation Report
Grey Hosiery Mill
Hendersonville, NC**

1. Name of Property

Grey Hosiery Mill

2. Name and Address of Current Property Owner

Grey Mill Ventures, 103 Parker Street, Carrboro, NC 27510

3. Location of Property, Legal Description, National Register Status

Grey Hosiery Mill (also referred to as Grey Mill) is located at 301 Fourth Avenue East in the city limits of Hendersonville, North Carolina. The mill sits on the northeast corner lot at the intersection of North Grove Street and Fourth Avenue East. The parcel ID # 9568887494. Fifth Avenue East bounds the northern property line. N. Grove Street bounded the west side, and the east side bounded by an adjacent parcel of 1.17 acres (PIN #9568889541).

Grey Hosiery Mill was listed on the National Register of Historic Places on October 6, 2000.

4. Ad Valorem Tax Appraisal

As listed in the Henderson County Real Property database, the total appraised value of the property (PIN# 9568887494) is \$1,170,500. The parcel is appraised at \$759,700 and the building is appraised at \$410,800.

5. Justification of Land Proposed to be Designated

All acreage included in the boundary was associated with the operation of the Grey Hosiery Mill.

6. Property Included in Designation and Boundary

This designation includes the interior and exterior of the mill building and all its additions, and the 1.09 acres historically related to the complex.

7. Dates of Construction

1915 – Original mill plant is constructed. Construction included the knitting room, located at the corner of East 4th Avenue and North Grove Street.

1919-1920 – The finishing room and a dye house were constructed to the east of the original mill plant. These new structures were connected to the knitting room by way an office. Significant.

1926 – Further additions to the complex were made including the addition of space to the original mill knitting room and the conversion of the original finishing room to a shipping and storage area. A substantial addition was made to the east side of the complex by replacing the dye house with a new structure consisting of a finishing room, boarding room, and drying room. This new section was connected to the knitting room via a one-story passageway. Significant.

1947 – Knitting Room Addition at the north elevation of the building. Significant.

1970s – Shipping Docks added at the northeast corner of the factory building. Not Significant.

8. Period of Significance

The period of significance for the property is 1915, when the original plant was constructed, through 1947. These are the dates listed in the nomination form for the National Register of Historic Places, which was completed in 2000.

9. Summary Statement of Significance

Grey Hosiery Mill is significant under Criterion A for industry as an early 20th century textile facility in the City of Hendersonville. At the time of its construction, Grey Hosiery Mill added jobs and investment to an economy that was in need of diversification and innovation. The Mill was spearheaded by Captain James P. Grey and his son James P. Grey, Jr. Additionally, the Mill is significant under Criterion C for Architecture as an example of an early twentieth century industrial structure. Constructed in 1915, with significant additions in 1919, 1926, and 1947, the timber framing, glass and steel windows and clerestory exemplify industrial architecture during this period.

10. Architectural Description

Site

The entire mill complex was completed over a few decades beginning in 1915. As the mill grew, so did the property. The first building was constructed on a north-south axis along N. Grove Street. Later additions were built to the north and to the east, connected by an office at the south of the property. A small courtyard separates the two wings that run north to south. A gravel parking area off Fourth Ave East fills the southeastern portion of the lot. The undeveloped land to the north of the east additions does not fall within the property lines of Grey Mill.

Exterior

The exterior of Grey Mill is defined by the different building campaigns the mill underwent during its time. The main entrances to the structure are along the south façade on Fourth Street. The 1915 Knitting Room, the first structure built on the site, occupies the southwest corner of the greater Grey Mill complex and contains a centrally located double-door entrance on its southern elevation that leads directly to the Knitting Room. Concrete steps with rough-cut stone sidewalls and a low-slope canopy surround the door. The Knitting Room is a single-story brick structure with two large steel sash windows on either side of the south entrance. Past the Knitting Room and centrally located on the southern elevation is a larger porch with four bays, alternating between nine-over-nine wooden residential windows and single-leaf wood doors. The doors lead to the Office to the west and the Shipping Room to the east. The 1919 Shipping Room addition fills the remaining portion of the south

elevation. The south elevation of the Shipping Room has six bays. The western-most bay was converted to a wood loading door with a concrete loading dock. The other five bays are replacement eight-over-eight paired windows with infilled brick above. This portion of the southern elevation has a raised basement with small paired six-pane windows in each bay.

The west elevation is composed of two sections: the 1915 Knitting Room and a later 1947 addition to the north. The older 1915 portion has an overhanging roof with exposed rafter tails and large rectangular window openings with concrete sills. Five of the original steel-sash 36-pane windows with two operable pivoting panels remain at the southern end of the west elevation. The other remaining window bays have been infilled with brick and four have a smaller glass block window within the infill. The seventh bay from the south was later altered to fit a door that remains today. The single-story 1947 portion is primarily a blank brick wall with a flat roof and simple brick parapet. There are eight small, elevated windows that have since been infilled.

The north elevation of the Grey Mill complex consists of the 1947 addition, the 1926 Finishing Rooms, and the 1970s Warehouse. All are relatively single-story blank brick facades. The 1947 addition has four paired one-over-one aluminum windows and a single doorway. There is a small series of vents along the 1970s Loading Room.

The east elevation is three main sections. The southern portion is the 1926 Shipping Room which has a blank brick wall on a stone foundation with a stepped parapet and terracotta coping. The 1926 Finishing Room has a brick wall, large rectangular steel sash windows and a low slope roof with over-hanging eaves and exposed rafter tails. A poured concrete loading dock extends along most of this portion of the east elevation and includes a small brick bathroom on top of the loading dock. The brick 1926 Boiler Room is at the northern portion of the Finishing Room and is partly enclosed in the circa 1970s Loading Room. The east elevation of the Loading Room is a blank brick façade with an elevated concrete basement.

Interior

The interior of Grey Mill consists of eight main areas: the 1915 Knitting Room, the 1947 Knitting Room addition, the 1919 Office, the 1919 Shipping Room, the 1926 Dye House, the 1926 Finishing Rooms, the 1926 Boiler, and the ca. 1970s Loading Room. The interior of the Knitting Room now holds a lobby at the south end and offices along a part of the west walls with lowered ceilings that conceal the original industrial space and features of the building. The majority of the south Knitting Room remains open with wood flooring, painted brick walls and exposed beams, ceiling and clerestory. A central line of columns runs down the middle of the building supporting the beams above. The columns are now a combination of wood and steel and in places have additional I-beams for support. A frame partition with windows and beadboard divides the north eight bays of the 1915-1926 Knitting Room from the south portion. A single loading opening at the east end provides circulation to the north part of the Knitting Room and the large 1947 addition. To the north of the partition the Knitting Room and 1947 addition run together as a single open manufacturing space with concrete floors and painted brick walls. The only indications of the change from the older Knitting Room to the addition are the roof structure which changes to steel beams with no clerestory, a change of window type and the increased width of the 1947 addition which expands to the east just north of a brick mechanical addition along the east wall. A series of offices have been created at the north end of the Knitting Room addition with lowered ceilings.

The Office addition is now divided into two sections of rooms with carpet, faux wood paneling and vinyl tile dating to the 1990s. At the south end of the Office plan, a corridor (or lobby) joins the Shipping and Knitting Building. A doorway to the north of the corridor leads into office and storage space with carpet and gypsum board walls. At the north side of the Office plan another hallway with faux wood paneling and vinyl floor tiles leads to small offices and connects the Knitting and Shipping Rooms.

The Shipping Room is an open space with wood floors, exposed ceiling beams and a central column line running east to west through the space. A simple wood staircase along the west wall leads to the basement and appears to have been altered many times. The current material of the stairs appears to have been built in the 1990s. A doorway at the northwest area of the Shipping Room holds tall double wooden doors with horizontal raised panels. A freight elevator now enclosed with gypsum board sits at the north wall near the northwest doorway. A storage or office enclosure has been built of plywood at the east end of the Shipping Room and a small doorway at the northeast corner of the Shipping Room leads into a restroom that was added after the original construction. A basement level exists below the Shipping Room with exposed stone foundation walls at the perimeter and unpainted exposed beams and columns.

The interior of the Finishing Room is now divided into two sections with the four south bays separated from the remainder of the room by a floor to ceiling gypsum board partition. A single door at the east side of the partition provides access between the spaces. The south space is open with central wood columns, wood flooring, painted brick walls and exposed beams, ceiling and clerestory. A doorway holding paired wood doors with panels and 9-light windows sits in one bay along the west wall providing access to the courtyard. The remainder of the Finishing Room to the north of the partition has a series of framed office partitions along the east and west walls with hard ceilings below the full height of the building and concrete floors. Like the other older sections, a central line of columns runs down the middle of the building supporting the beams above and clerestory. The columns in the Finishing Room all appear to be wood with the exception of the north two bays that were added after the 1947 addition. This addition has steel columns and a corresponding change in brick visible from the courtyard.

The Boiler Room is a single open space that sits at ground level, below the main floor level of the other buildings. A wood stairway in the southwest corner connects to a doorway, now infilled with concrete block, into the Finishing Room. Another doorway at the north wall of the Boiler Room appears to have been added and leads to an inaccessible space that must sit below the Loading Room.

Mechanical equipment fills the space and a low brick enclosure surrounds the boiler at the east side of the space. The walls of the Boiler room are exposed brick stained black by soot. A series of large metal I-beams span the entire room from east to west and support the concrete roof.

The Loading Room is an open room with exposed brick walls and steel scissor trusses spanning the space from north to south to support the flat roof. Plywood office enclosures have been created at the northeast and west and south sides of the room. Two garage doors sit at floor level to the east side of the uninsulated south wall and a concrete ramp at the west side of the Loading Room leads down to a third garage door at ground level.

11. Historic Significance

Adapted from the Grey Hosiery Mill National Register of Historic Places Form, completed in 1999 by William A. Gray, Jr. and Amanda Blosser of Preservation Society of Henderson County. New sources not found in the National Register Form have been cited within this document.

The founding of Grey Hosiery Mill coincided with the rapid growth of the town of Hendersonville. While in existence since 1841, it was not until the first railroad line in 1879 reached the town that considerable development began. The city saw an exponential rise in population and commercial ventures in the beginning of the twentieth century, but it never grew to be more than a one-street downtown, far over-shadowed by nearby Asheville, North Carolina. As the town grew though, industry in the area did not. Some mills had popped up in the area, but not enough to support all of the town's citizens. The citizens of Hendersonville were eventually so frustrated with the lack of jobs that they approached Captain James P. Grey and his son James P. Grey, Jr. in 1915 with the sum of six hundred dollars (some reports say only five hundred)¹ to build a mill after plans for a flour mill in Hendersonville had fallen through.

Captain Grey had made his fortune through business ventures in Louisville, Kentucky and decided to learn the textile business at a mill in Johnson City, Tennessee. His son Grey Jr. also worked in Johnson City in the textile industry and was the driving force behind the construction of the hosiery mill in Hendersonville. Grey Jr. was an alumnus of Davidson College and knew the area, but it was not until the opportunity arose to construct his own mill that he became a resident of Hendersonville. The area had already experienced success with two other hosiery mills.² He purchased a lot at the corner of Grove Street and Fourth Avenue East near the railroad. A newspaper article from the *Western North Carolina Times* describes Grey, Jr.'s plans for the building as "a nice brick mill building, which he will equip with the most up-to-date machinery for the manufacture of hosiery." Grey Jr.'s goal at first was to produce on average almost 2,500 pairs of seamless hose a day. The building was originally built with the potential to increase to 12,000 pairs a day.

By 1919, the operation had already outgrown the original building and an addition was built to the east to create an L-shaped structure.³ Grey Mill saw a slight downturn in production during the early 1920s when women's hosiery was not selling as well, but about a decade later the mill was running day and night and employed around 75 people.⁴ Based on Sanborn Maps, in 1926 two additions were built to the north of the 1919 addition, creating a slightly U-shaped structure with a narrow courtyard between the original 1915 Knitting Room and the 1926 Dye House and Finishing Rooms. After 1932 and throughout the Depression Grey Mill, along with many others in the area, experienced some periods of continuous work and other periods where they were forced to cut mill production down to only three days of the week.

¹ "Prospects Bright for New Hosiery Mill in this City," *Western Carolina Democrat and French Broad Hustler* (Hendersonville, NC), July 29, 1915, accessed June 18, 2019, <https://www.newspapers.com/image/144105676/?terms=%22james%2Bgrey%22>.

² "Third Hosiery Mill: James P. Grey and James P. Grey, Jr., Locate Plant at Hendersonville," *The Charlotte Observer*, September 23, 1915, accessed June 18, 2019, <https://www.newspapers.com/image/74204786/?terms=%22james%2Bgrey%22>.

³ "Enlarge Mill," *French Broad Hustler* (Hendersonville, NC), June 26, 1919, accessed June 21, 2019, <https://www.newspapers.com/image/64212149/?terms=%22grey%2Bhosiery%2Bmill%22>.

⁴ "Business Shows Several Gains," *Asheville Citizen-Times*, September 21, 1931, accessed June 21, 2019, <https://www.newspapers.com/image/195748586/?terms=%22grey%2Bhosiery%2Bmill%22>.

Around this time local baseball and basketball leagues were created for the women of the local mills. Grey Hosiery Mill often had a team, with their 1941 women's basketball team winning the B League for Hendersonville.⁵ The mill stayed in business through World War II and in 1946 applied for a permit to build a 7,700 square foot addition to the north of the 1915 Knitting Room. This extended the building all the way to 5th Street and allowed for Grey, Jr. to accommodate "new full-fashioned knitting machinery."⁶ After the addition the mill was producing about 66,000 pairs of stockings a week and reached its highest employment number of about 250 people. The mill was one of the largest employers in Henderson County and Grey Jr. became a prominent figure in the area. He had brought significant employment to Hendersonville and Grey Mill was known for its more progressive management style, including insurance for employees, a nurse on duty, and even childcare along with the sports teams supported by the mill.

Grey Mill was an important part of industrial and social life in Hendersonville. It also stands as an important structure today as the only surviving representative of early twentieth century mill design in the area. Fire safety had become an important issue by the time of its construction, which led to the construction of primarily brick mill buildings that were only one- or two-stories tall. Grey Mill has very few architectural details and the later additions have even less. Industrial design at the time was moving further and further towards and into International Modernism, where architectural details were shunned in favor of simple unadorned facades. The original 1915 structure contains a few details that are reminiscent of earlier mill design, where a few architectural details were found. At Grey mill these details included the overhanging roof with exposed rafter tails and large, steel and glass windows. The clerestory roof provided natural light to the workers inside and was a very inductive design element of industrial structures. The later additions at Grey Mill saw fewer and fewer details, till the walls were mostly just blank brick walls with a few, small windows and simple low-slope roofs.

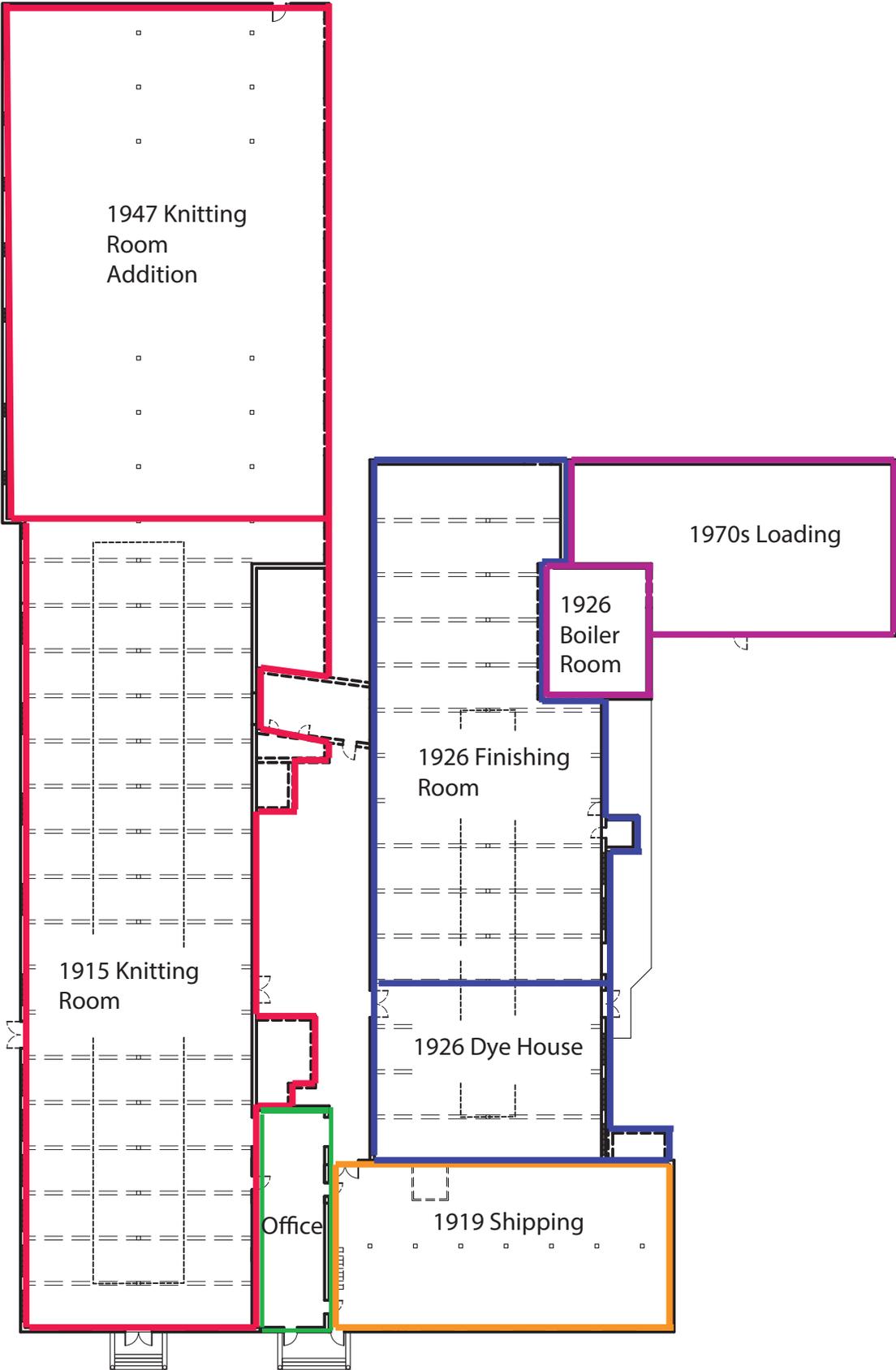
Grey Hosiery Mill continued to produce hosiery until 1965 under the Grey family's leadership, after which the property was sold to Holt Hosiery Mills, Inc. It ran under the name of Holt Hosiery until the plant was closed only two years later. Afterwards it changed hands until the city came into ownership. A few different redevelopment plans were in the works through the first decade of the twenty-first century, but ultimately, they all fell through. The building has fallen into disrepair, but fortunately Grey Mill was recently purchased by a developer and it is under redevelopment as a hotel and event space. Grey Mill is the last standing testament to the industrial might of Hendersonville in the first half of the twentieth century.

12. Integrity

Grey Mill is a mostly intact, early 20th century industrial building. Character defining features of the property such as steel framed multi-paned windows, the steel framed clerestory, hardwood floors, and circulation patterns are intact. Building campaigns completed in 1919, 1926, 1947, and the addition of a modern shipping warehouse and dock in the 1970s added significant additional space. These additions are intact with original materials preserved. Overall, the complex has good integrity and is an important entry into the textile history of the region.

⁵ "Fine Record Chalked Up by Grey Hosiery Sextet," *Asheville Citizen Times*, March 14, 1941, accessed June 21, 2019.

⁶ "Grey Hosiery Mill Planning New Addition," *Asheville Citizen Times*, March 22, 1946, accessed June 21, 2019, <https://www.newspapers.com/image/197964906/?terms=%22grey%2Bhosiery%2Bmill%22>.





1. Grey Mill, South Facade, Looking North



2. Grey Mill, 1915 Building, Southwest Corner,
Looking Northeast





3. Grey Mill, 1915 Building, South Facade, Looking Northwest



4. Grey Mill, 1919 Building, South Facade, Looking Northeast





5. Grey Mill, 1919 Building, South Facade, Looking Northwest



6. Grey Mill, 1919 Building, South Facade, Looking North



7. Grey Mill, 1915 Building, West Elevation, Window Detail



8. Grey Mill, 1915 Building, West Elevation, Looking Southeast





9. Grey Mill, 1915 Building, West Elevation, Looking Northeast



10. Grey Mill, 1915 Building and 1947 Addition,
West Elevation, Looking Northeast





11. Grey Mill, 1947 Addition and 1915 Building, West Elevation, Looking Southeast



12. Grey Mill, 1947 Addition, Northwest Corner,
Looking Southeast



13. Grey Mill, 1947 Addition, North Elevation, Looking Southwest



14. Grey Mill, 1947 Addition, North Elevation, Inside Wall, Looking Southwest



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to historic building development



15. Grey Mill, 1947 Addition, North Elevation, Looking South



16. Grey Mill, 1947 Addition, North Elevation,
Looking West



17. Grey Mill, 1970s Warehouse, Looking North



18. Grey Mill, 1919 Building and 1970s Warehouse,
East Elevation, Looking Northwest



19. Grey Mill, 1919 Building, East Elevation, Looking West



20. Grey Mill, 1919 Building, East Elevation, Looking Southwest



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21. Grey Mill, 1919 Building, East Elevation, Window Detail



22. Grey Mill, 1919 Building, East Elevation, Loading Dock, Looking West





23. Grey Mill, 1970s Warehouse, Looking Northwest



24. Grey Mill, 1919 Building, East Elevation,
Looking West





27. Grey Mill, 1919 Building to Office, Looking West



28. Grey Mill, Rear Office, Looking West



31. Grey Mill, 1915 Building, South End, Looking West



32. Grey Mill, 1915 Building, South End, Looking North



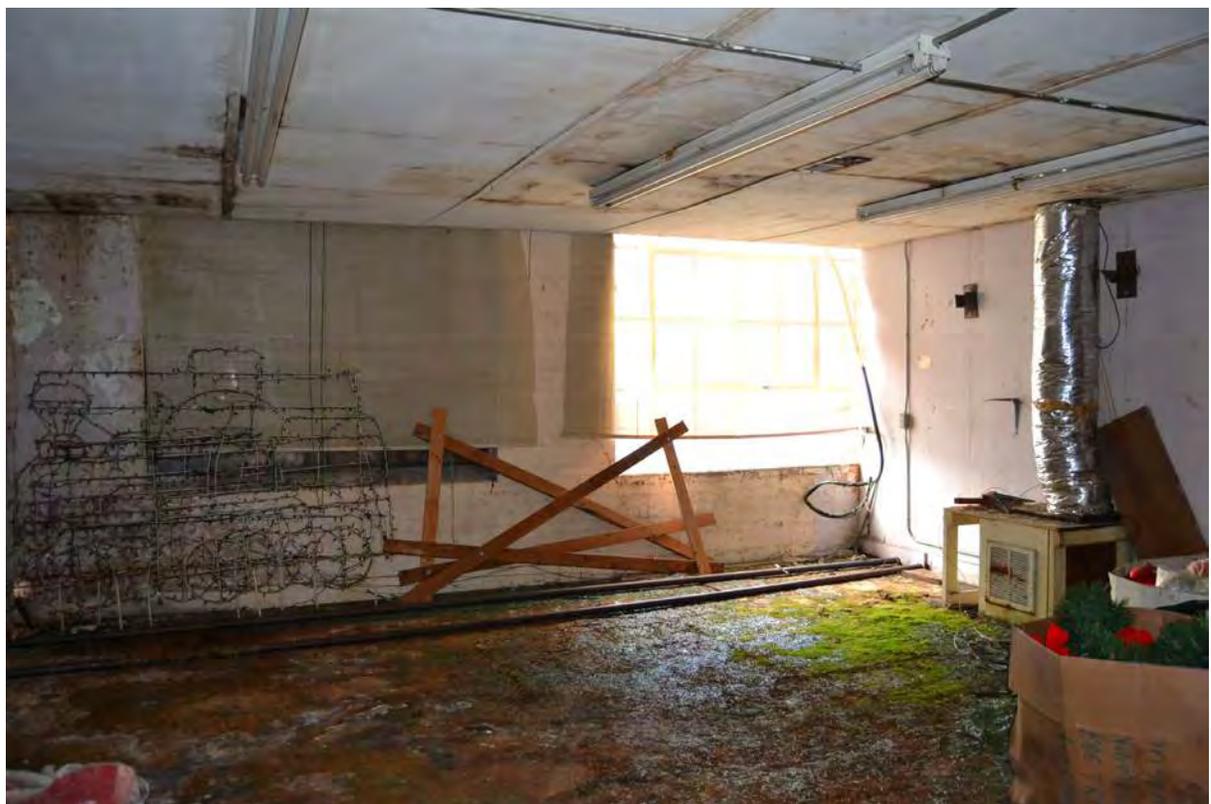
33. Grey Mill, 1915 Building, South End, Looking East



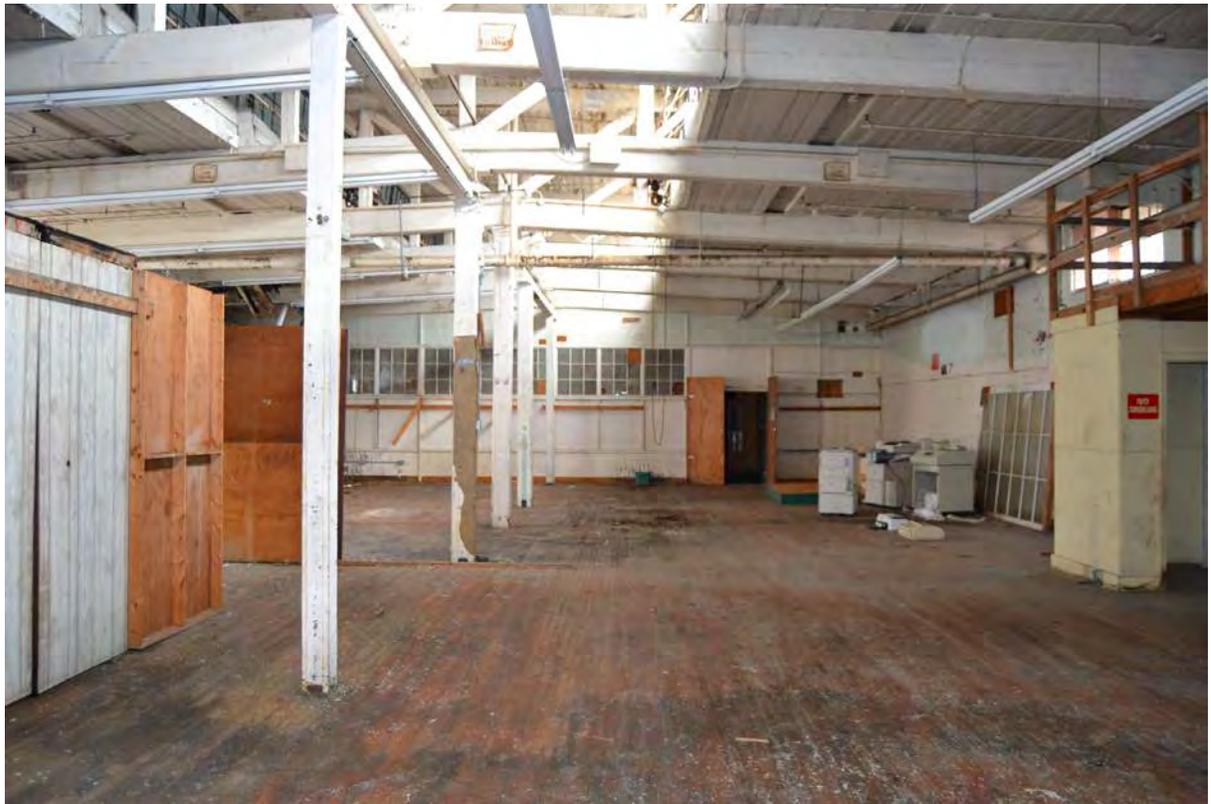
34. Grey Mill, 1915 Building Entrance Doors, Looking South



37. Grey Mill, 1915 Building, Looking North



38. Grey Mill, 1915 Building, Looking West



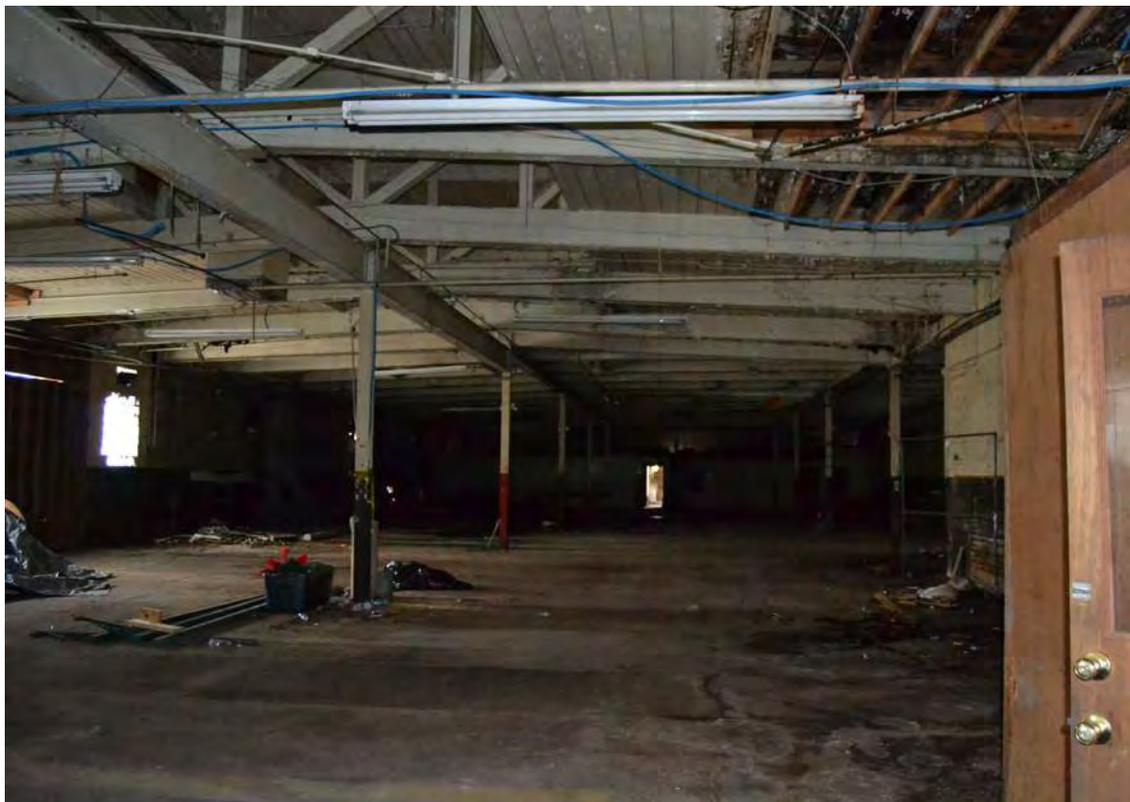
41. Grey Mill, 1915 Building, Looking North



42. Grey Mill, 1915 Building, Looking South



43. Grey Mill, 1915 Building, Monitor Detail



44. Grey Mill, 1947 Addition, Looking North



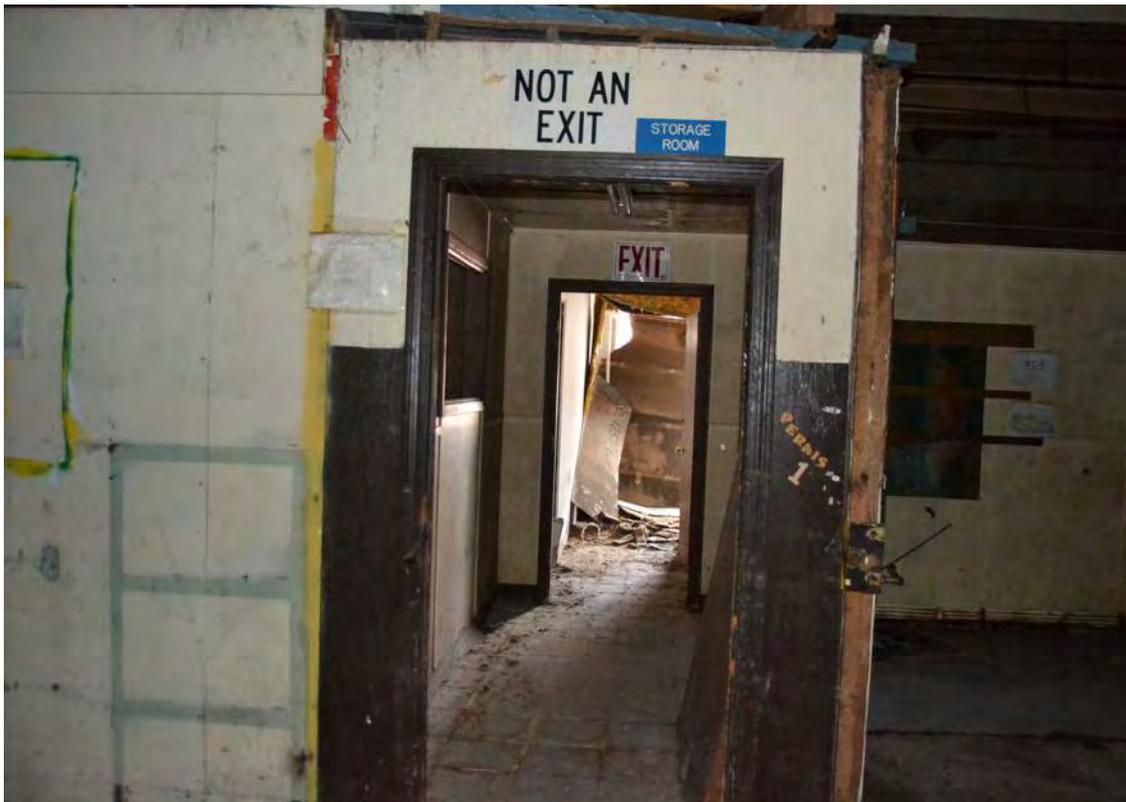
47. Grey Mill, 1947 Addition, Looking North



48. Grey Mill, 1947 Addition, Looking South



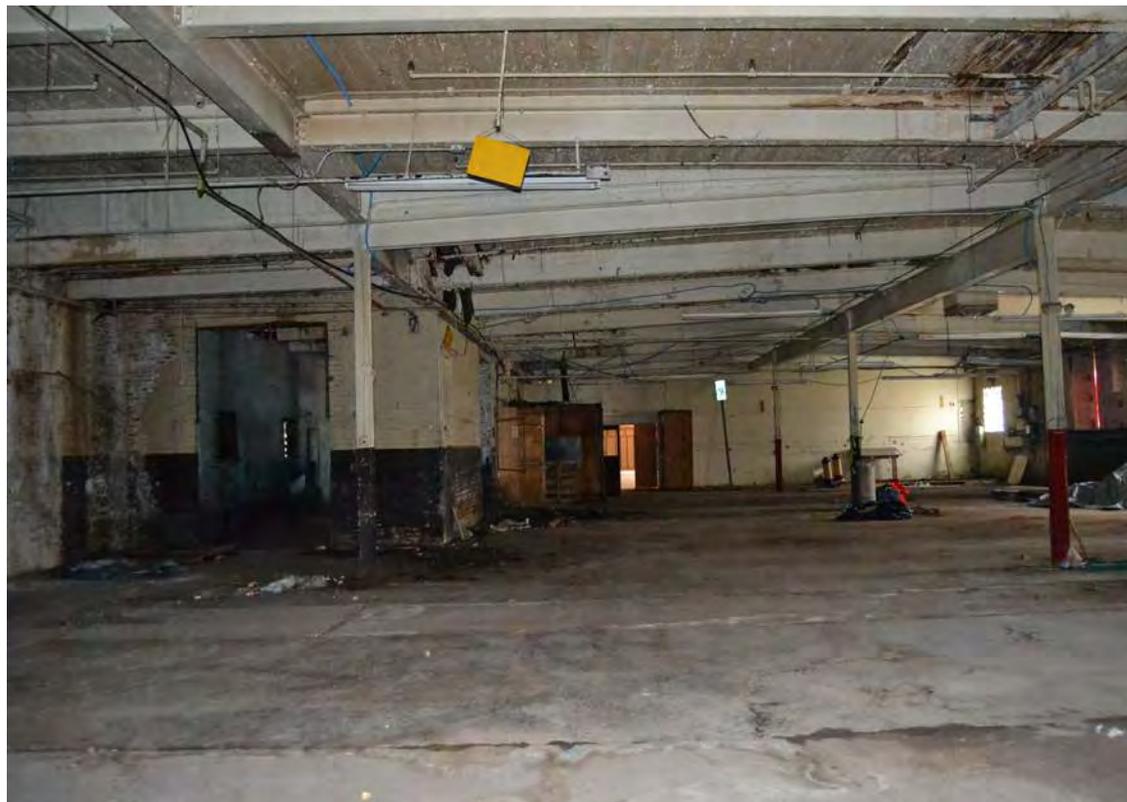
49. Grey Mill, 1947 Addition, Looking East



50. Grey Mill, 1947 Addition, Looking North



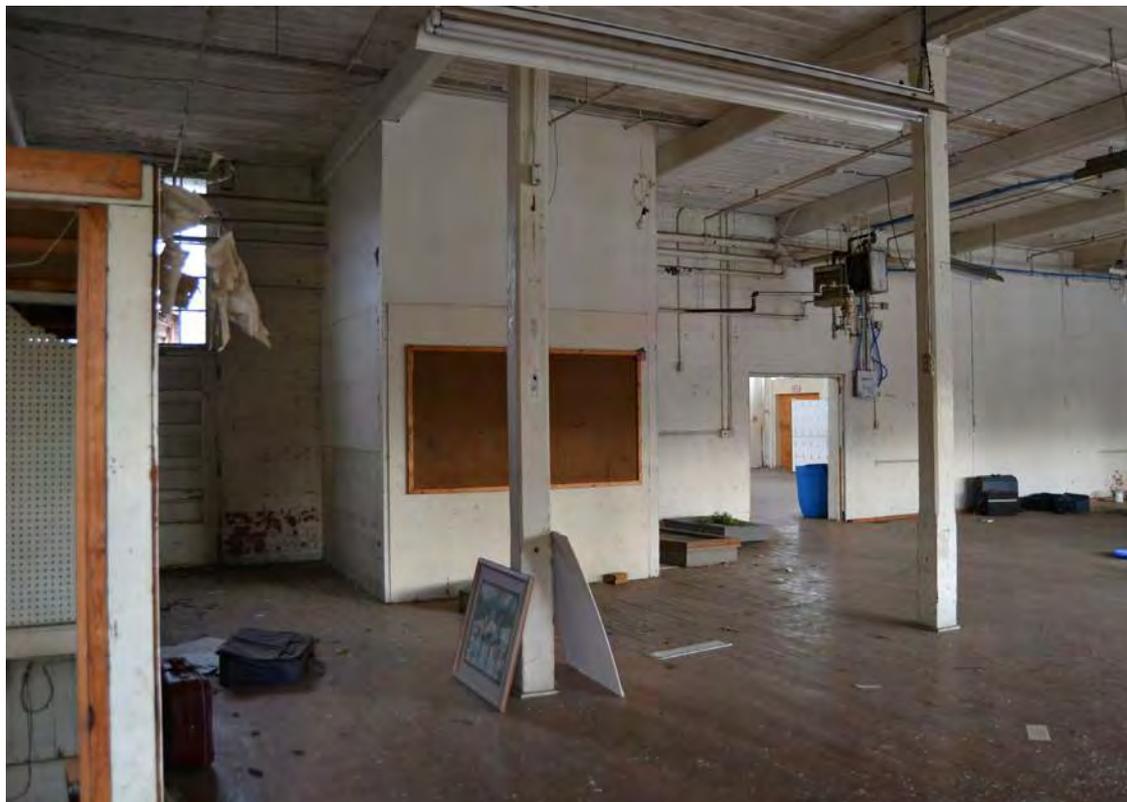
51. Grey Mill, 1947 Addition, Looking Northwest



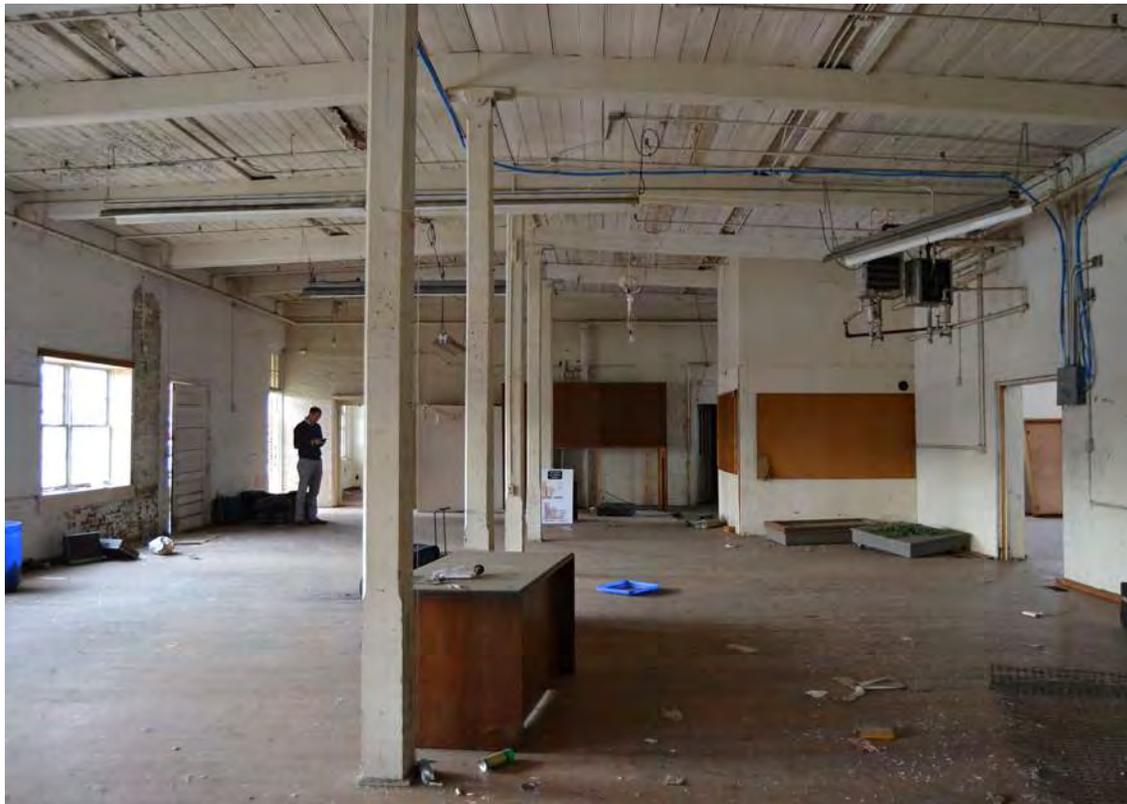
52. Grey Mill, 1947 Addition, Looking South



55. Grey Mill, 1919 Building, Looking East



56. Grey Mill, 1919 Building, Looking Northeast



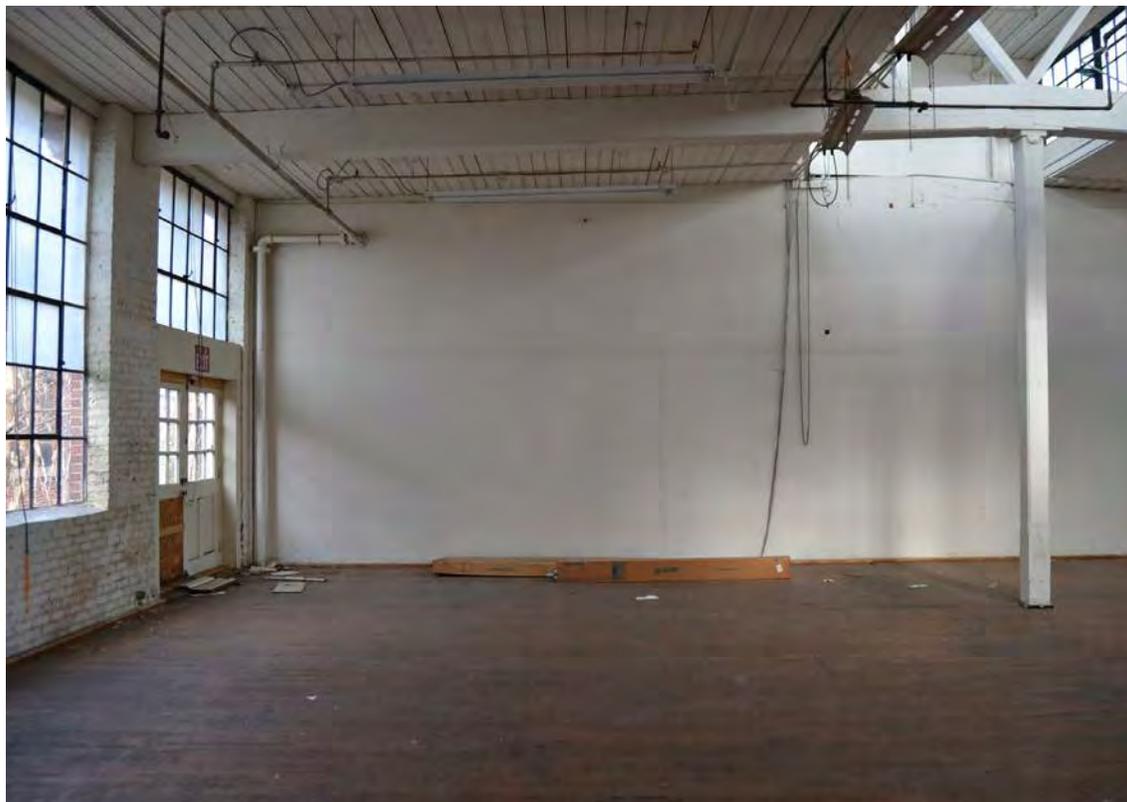
63. Grey Mill, 1919 Building, Looking Southwest



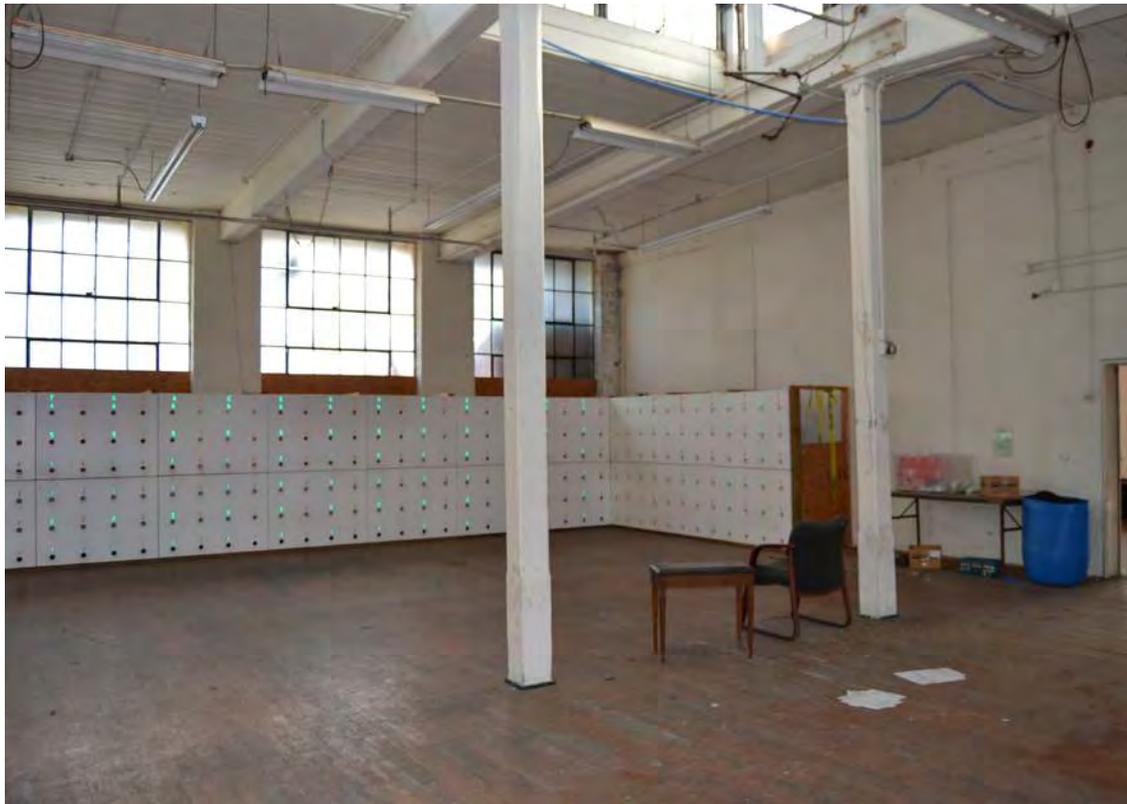
64. Grey Mill, 1919 Building, Looking West



67. Grey Mill, 1926 Addition, Finishing Room, Looking Northeast



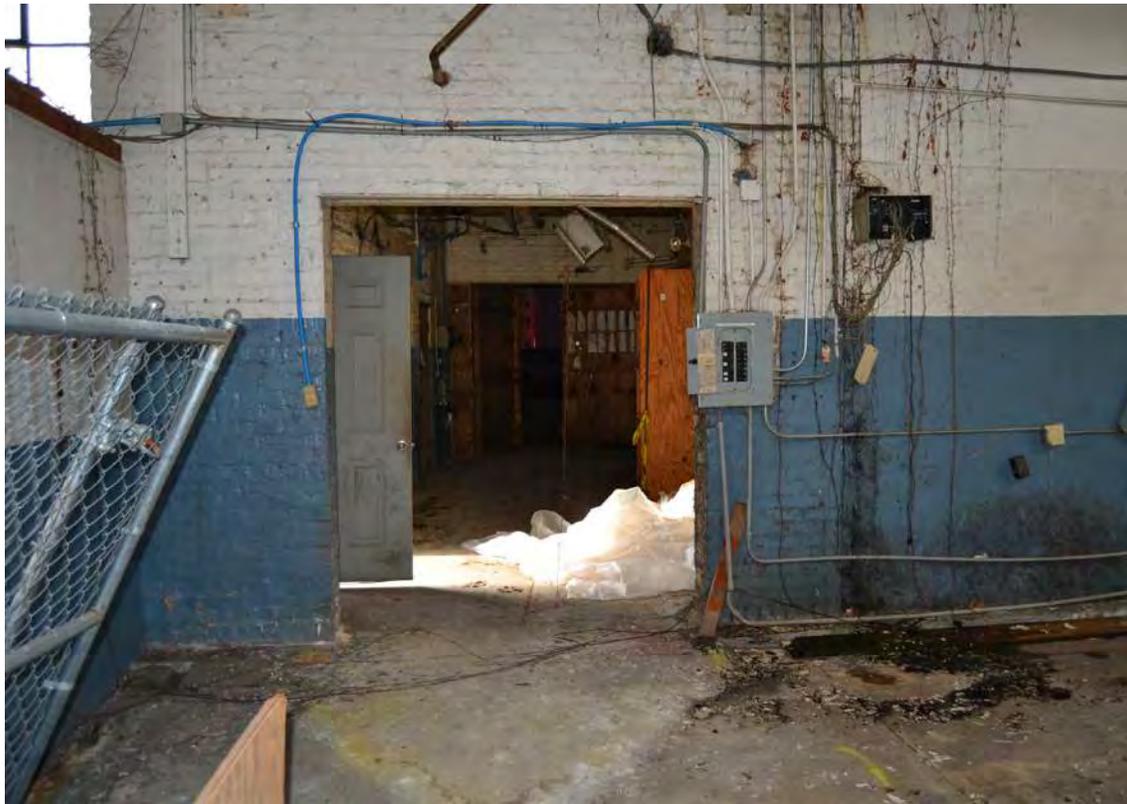
68. Grey Mill, 1926 Addition, Finishing Room, Looking North



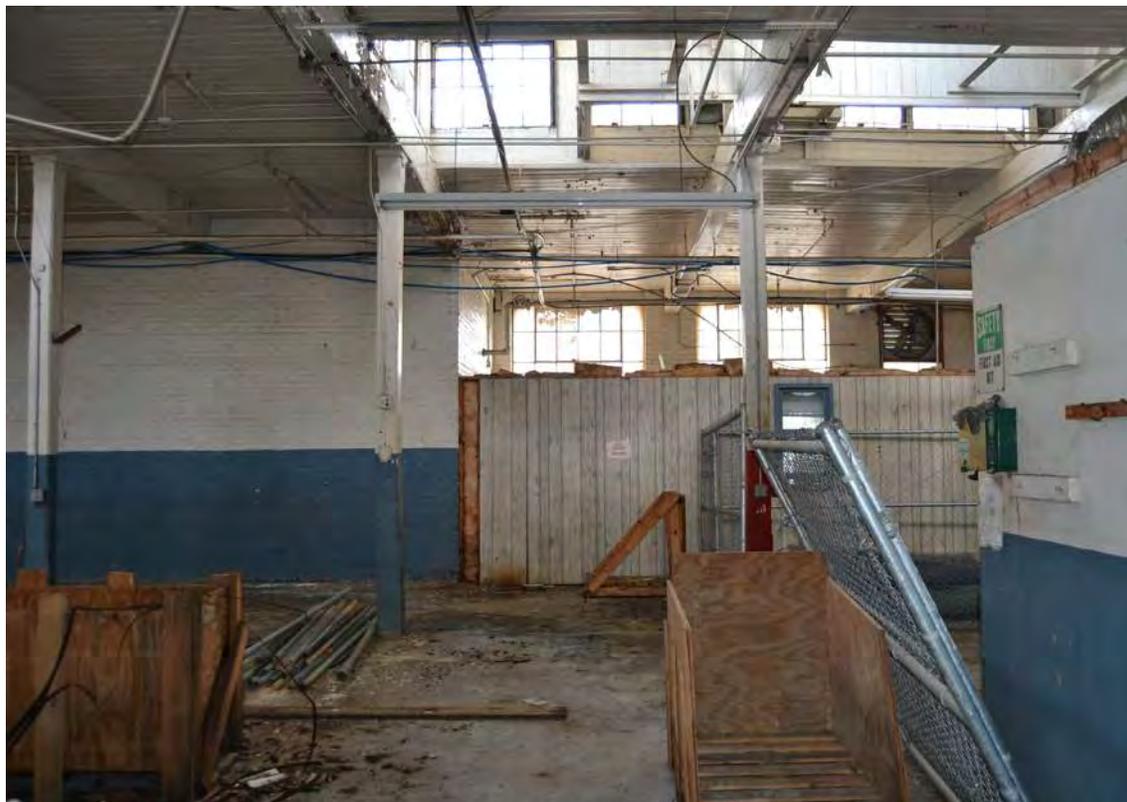
69. Grey Mill, 1926 Addition, Finishing Room, Looking Southeast



70. Grey Mill, 1926 Addition, Finishing Room,
Looking Southwest



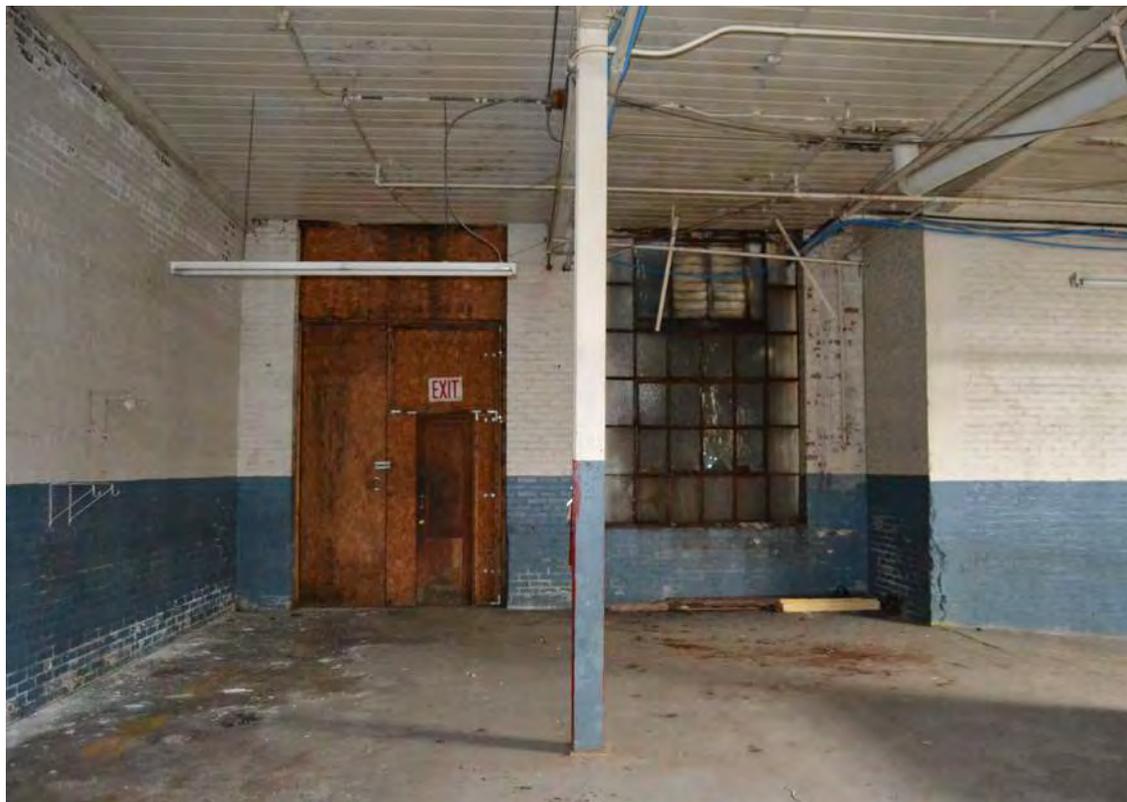
77. Grey Mill, 1926 Addition, Drying Room, Looking West to the Connector



78. Grey Mill, 1926 Addition, Drying Room, Looking East



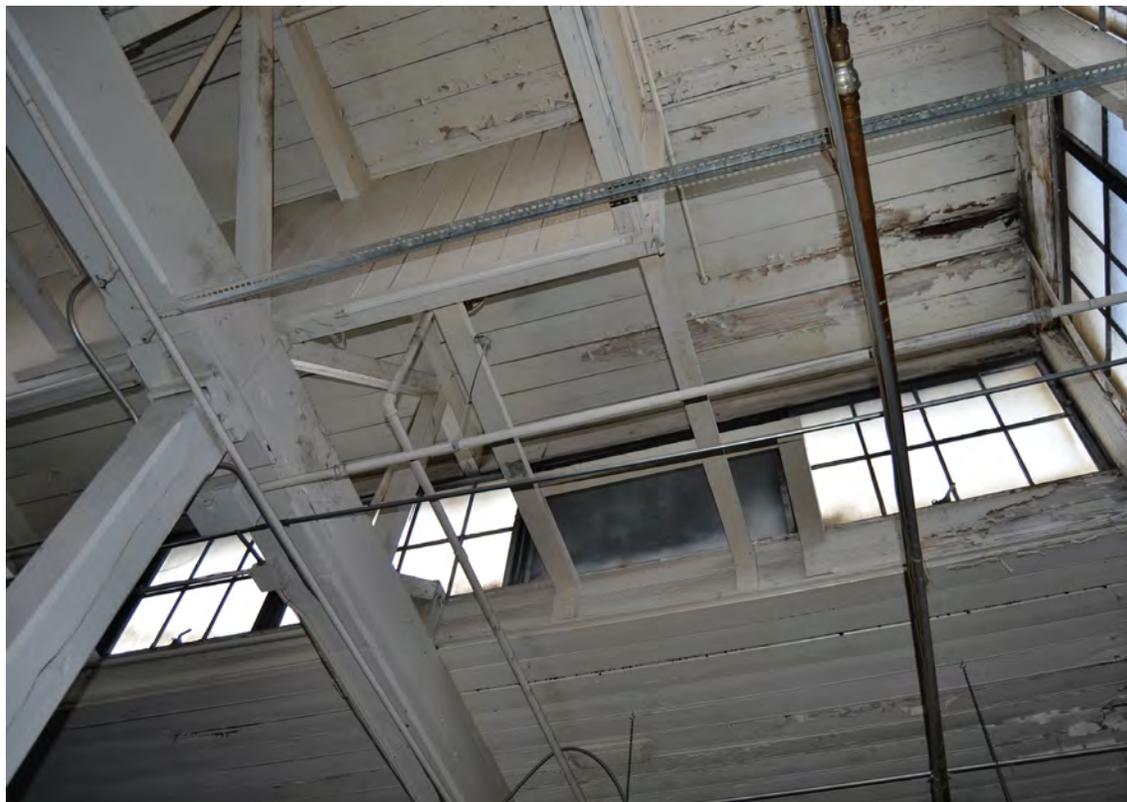
80. Grey Mill, 1926 Addition, Looking West



81. Grey Mill, 1926 Addition, Looking East



82. Grey Mill, 1926 Addition, Looking South



83. Grey Mill, 1926 Addition, Monitor Detail



86. Grey Mill, 1926 Addition, Looking Southeast



87. Grey Mill, 1970s Warehouse, Looking East



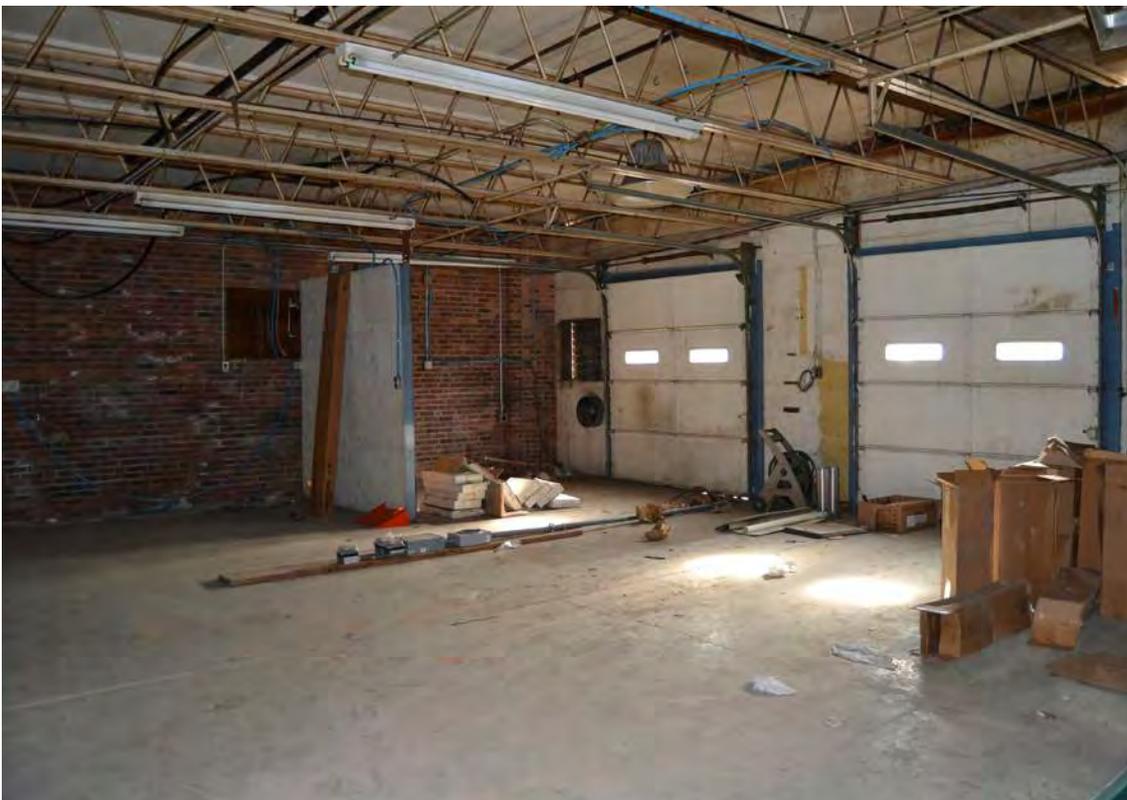
88. Grey Mill, 1970s Warehouse, Looking Northeast



89. Grey Mill, 1970s Warehouse, Looking East



90. Grey Mill, 1970s Warehouse, Looking West



91. Grey Mill, 1970s Warehouse, Looking Southeast



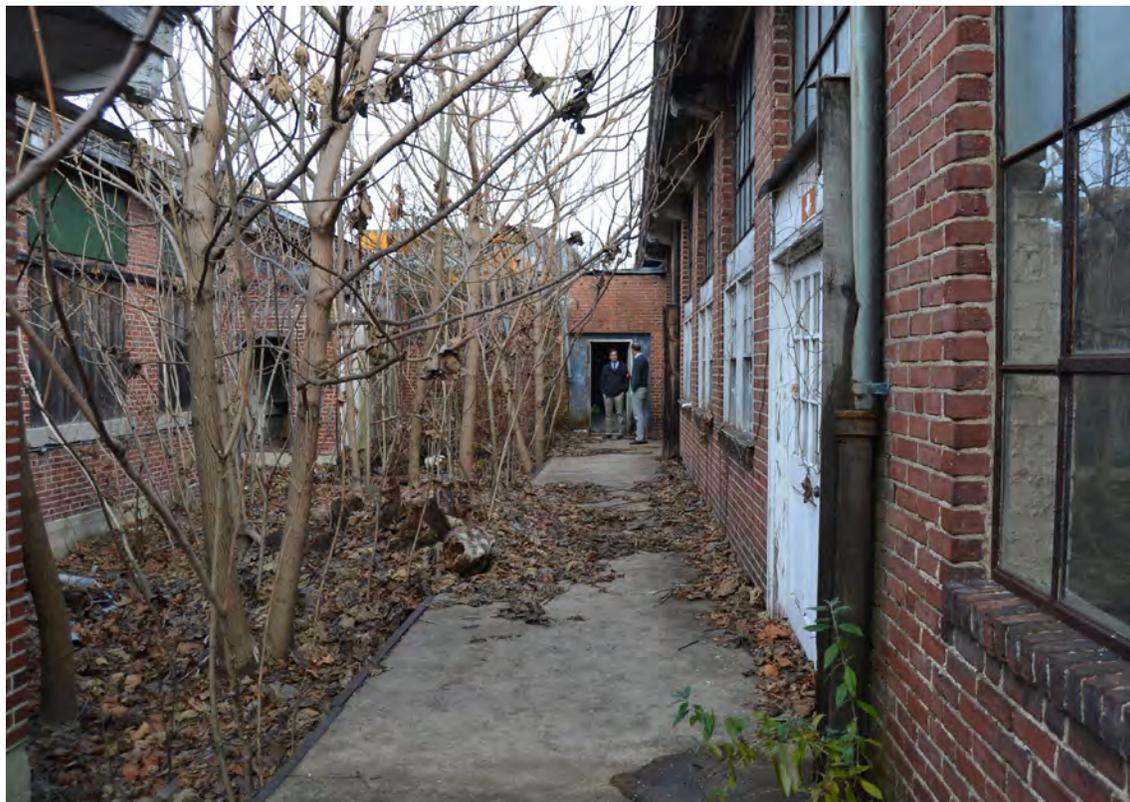
93. Grey Mill, Courtyard, Looking South



94. Grey Mill, Courtyard, Looking South



95. Grey Mill, Courtyard, Looking Southwest



96. Grey Mill, Courtyard, Looking North



102. Grey Mill, Rear Courtyard, Looking North



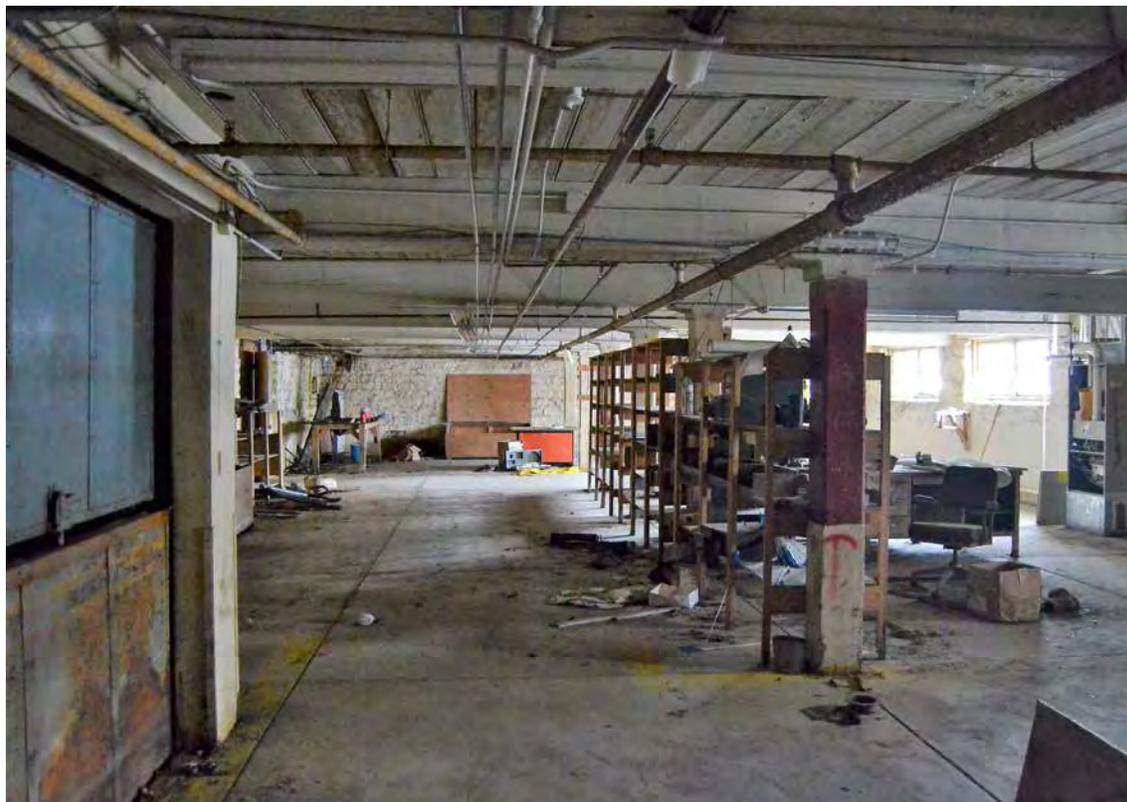
103. Grey Mill, Rear Courtyard, Looking South



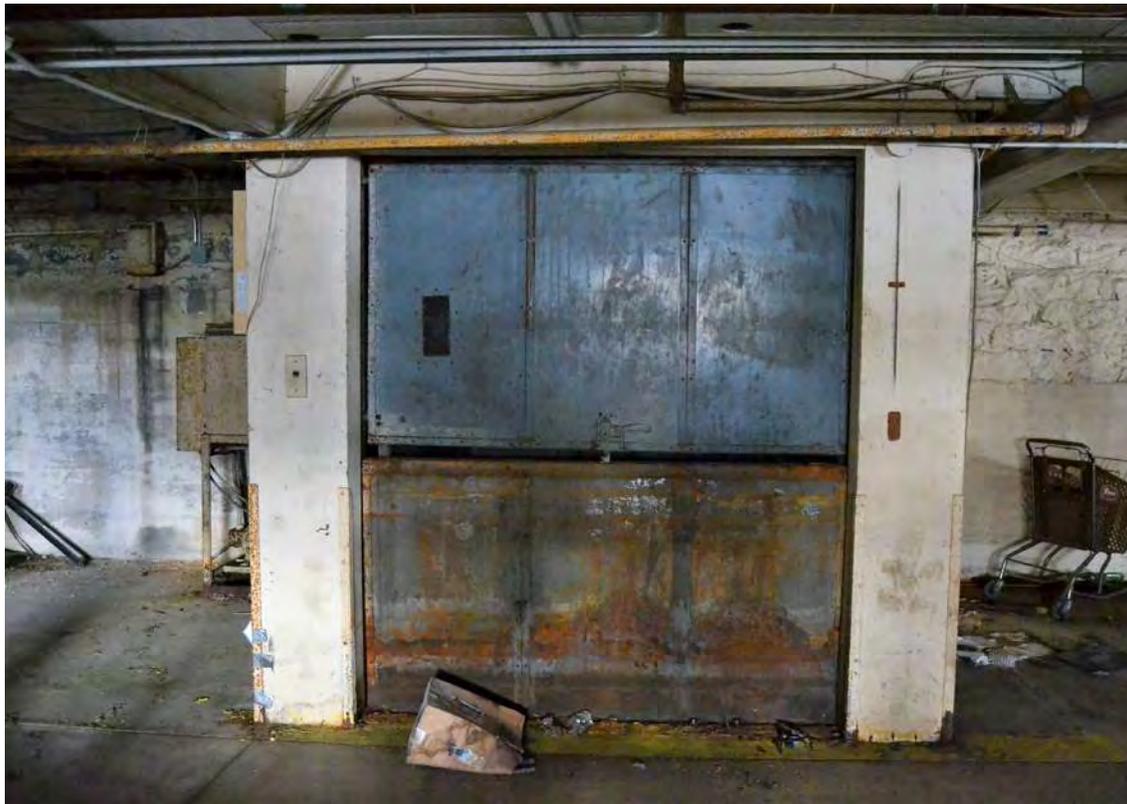
105. Grey Mill, Entrance to Basement, Looking North



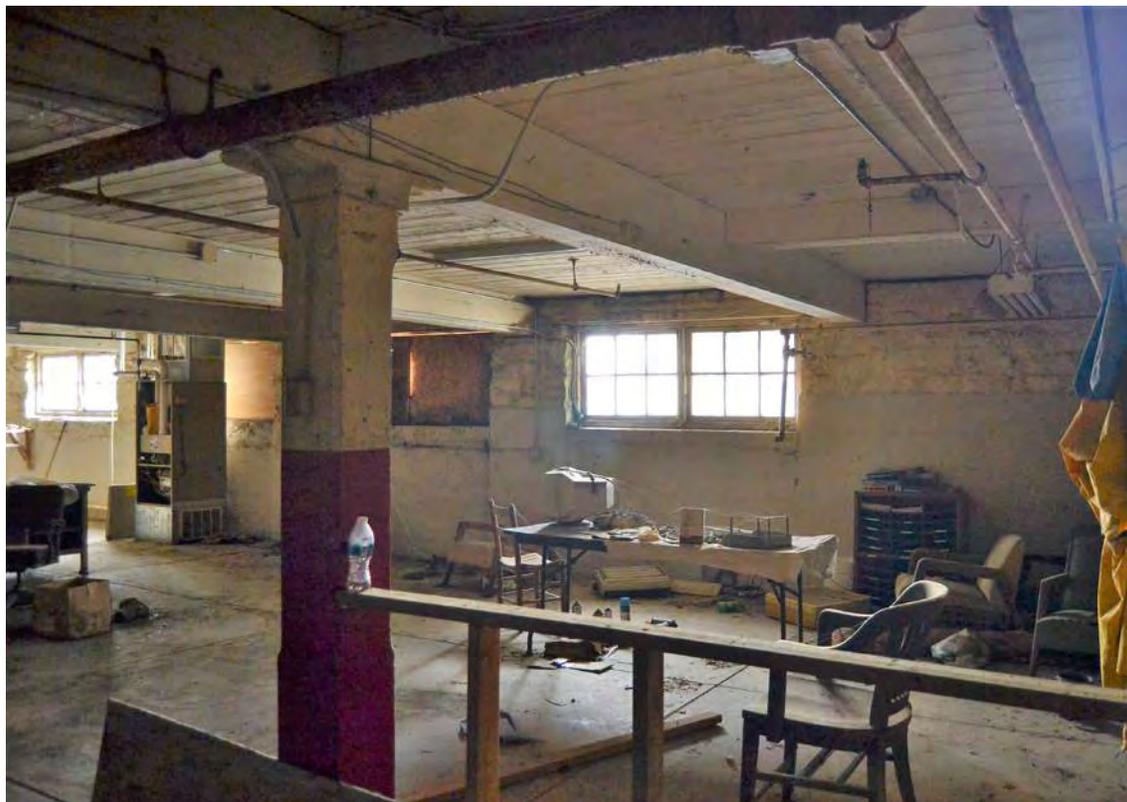
106. Grey Mill, Shipping and Storage Basement, Looking North



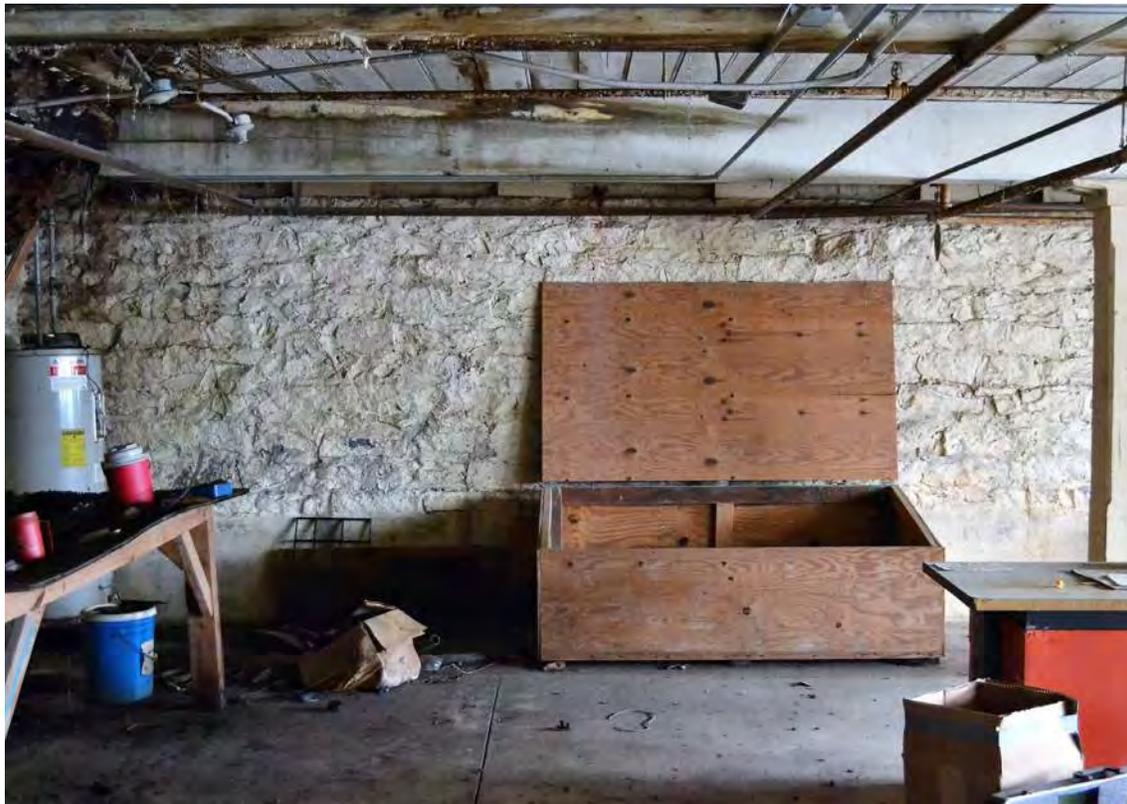
107. Grey Mill, Shipping and Storage Basement,
Looking East



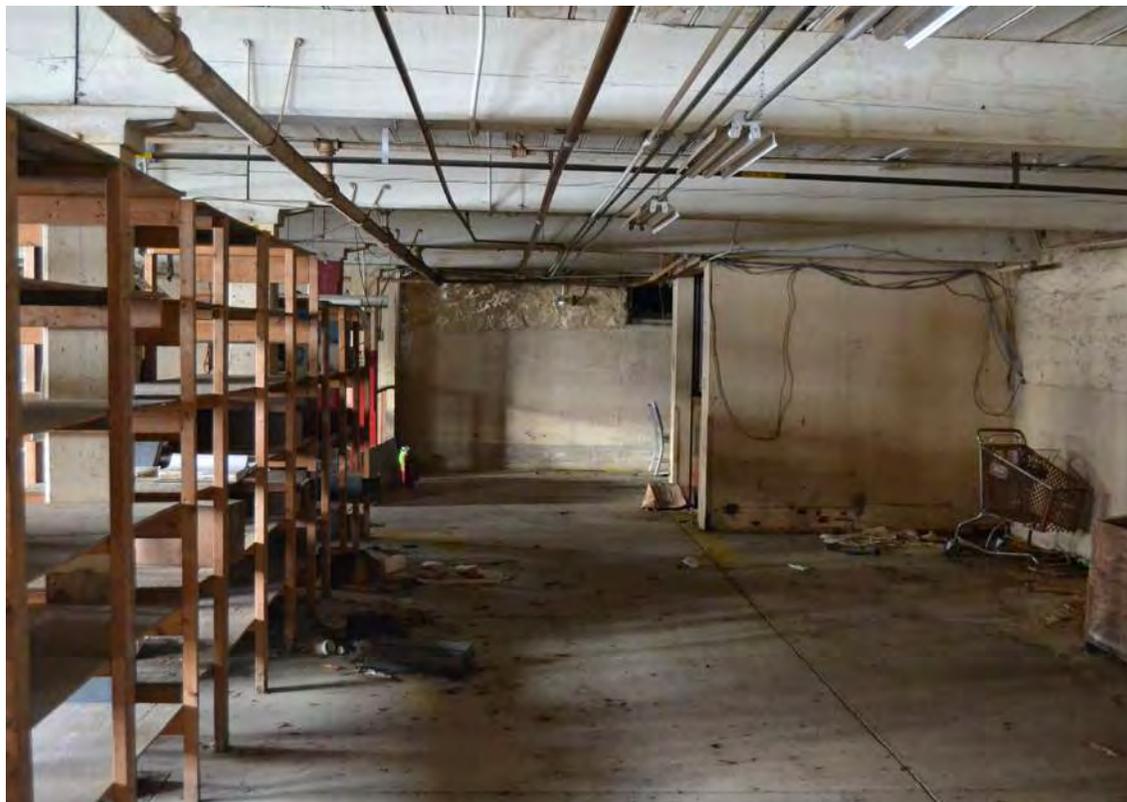
108. Grey Mill, Shipping and Storage Basement, Looking North



109. Grey Mill, Shipping and Storage Basement,
Looking Southeast



110. Grey Mill, Shipping and Storage Warehouse, Looking East



111. Grey Mill, Shipping and Storage Warehouse,
Looking West



116. Grey Mill, Dye House Basement, Looking Northwest

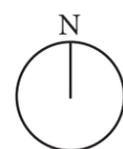


117. Grey Mill, Dye House Basement, Looking West

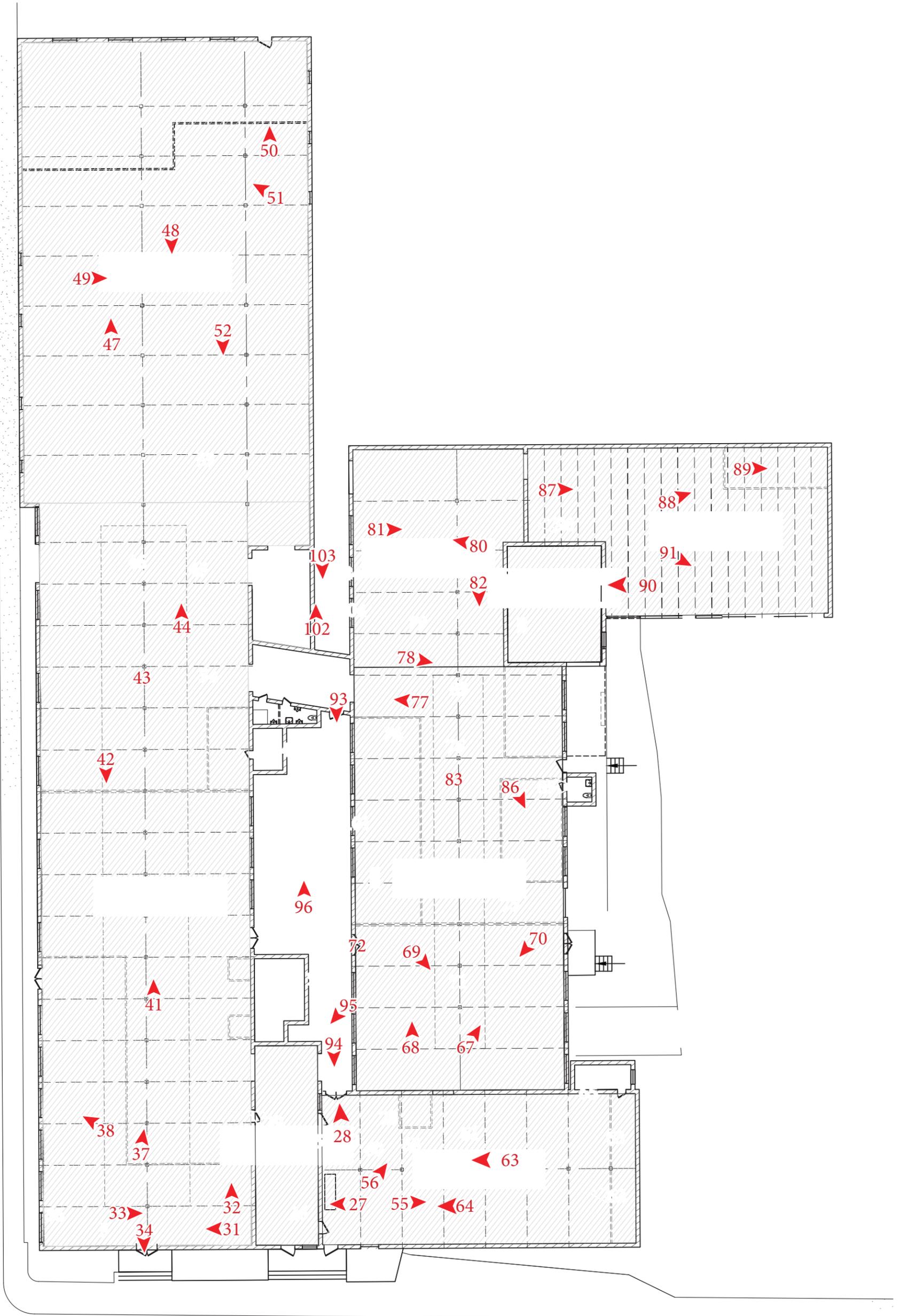


MacRostie Historic Advisors
Bringing strategy, equity, and experience
to historic building development

Grey Hosiery Mill
301 Fourth Avenue East
Hendersonville, NC 28792



National Park Service
Part 1 Certification Photo Key
Site Plan



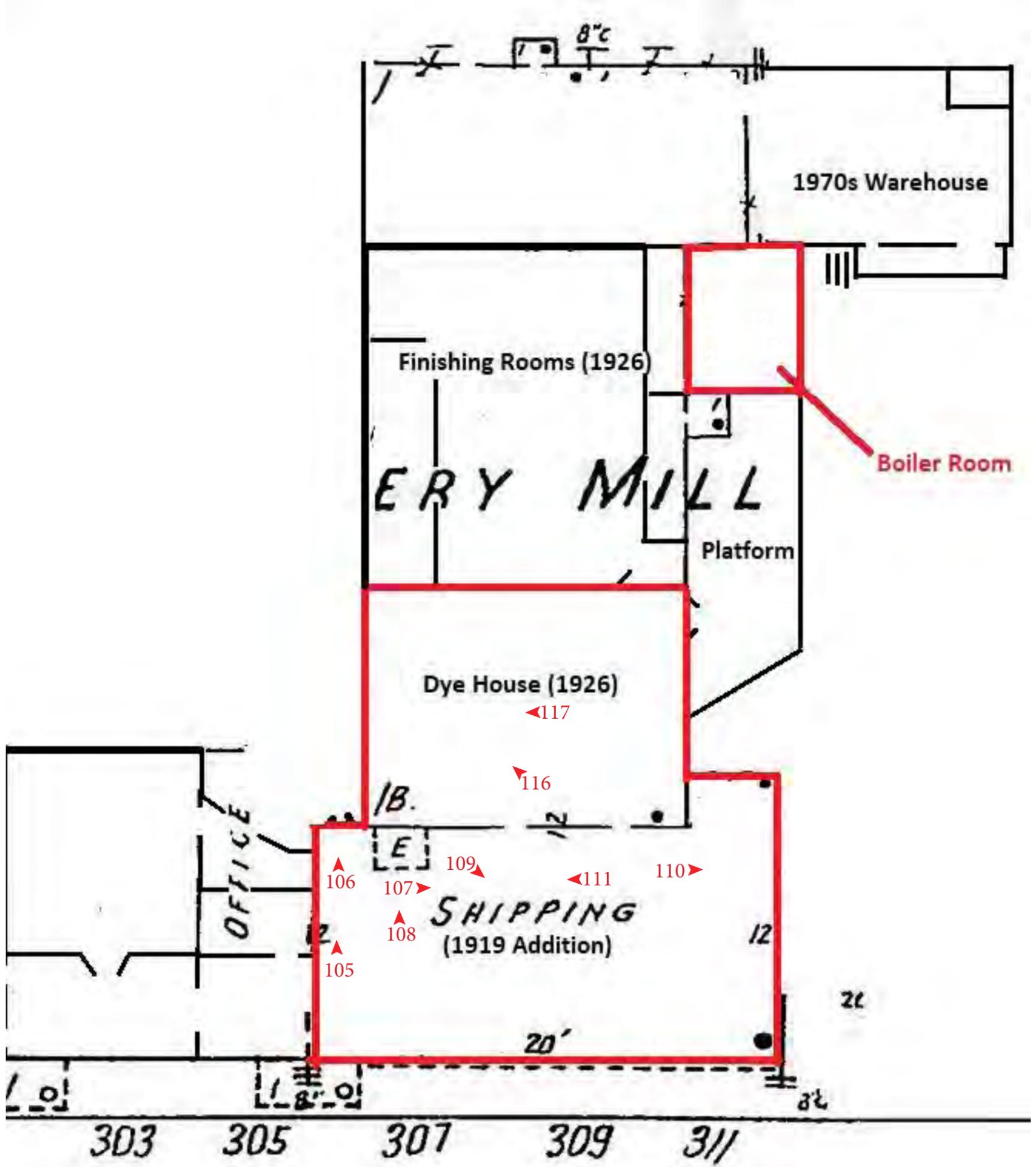
Grey Hosiery Mill
 301 Fourth Avenue East
 Hendersonville, NC 28792



National Park Service
 Part 1 Certification Photo Key
 First Floor Plan



MacRostie Historic Advisors
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 to historic building development



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Grey Hosiery Mill
 301 Fourth Avenue East
 Hendersonville, NC 28792



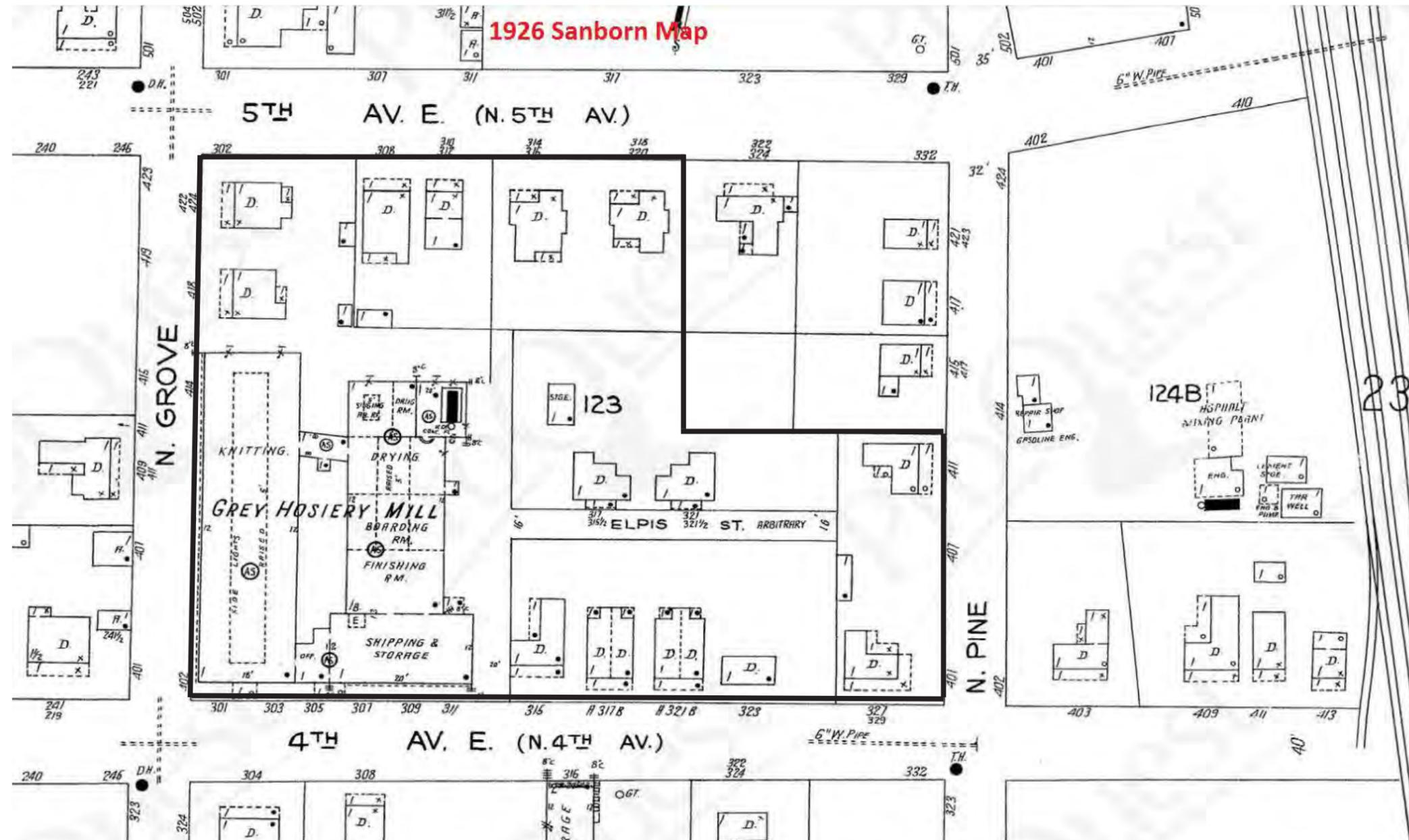
National Park Service
 Part 1 Certification Photo Key
 Basement Plan

Grey Hosiery Mill Hendersonville, NC

Local Landmark - Parcel History

Image Origin | Sanborn Fire Insurance
Image Date | 1922

**Outline shows proposed
landmark boundaries



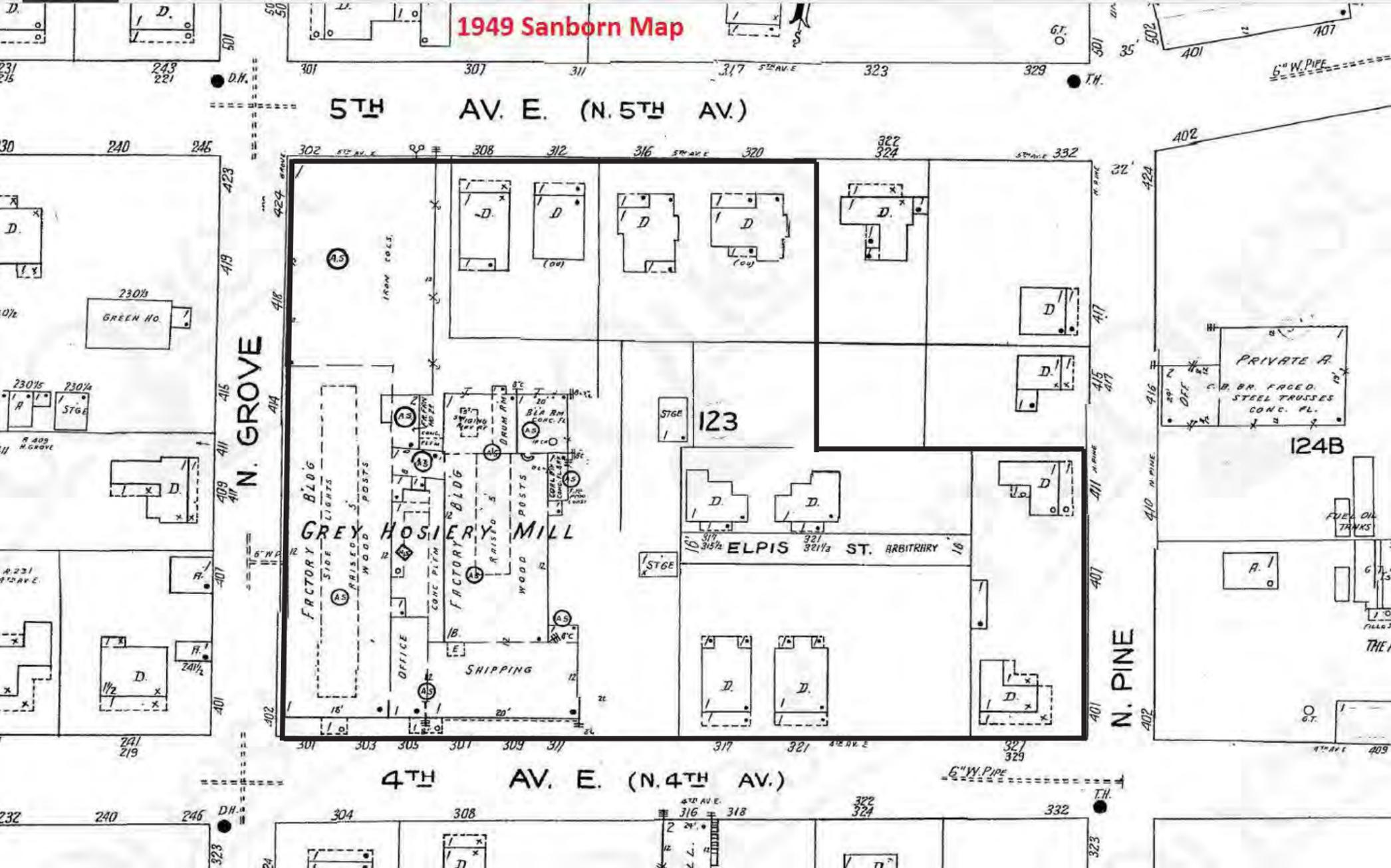
Bringing strategy, equity, and experience
to historic building development

Grey Hosiery Mill Hendersonville, NC

Local Landmark - Parcel History

Image Origin | Sanborn Fire Insurance
Image Date | 1949

**Outline shows proposed
landmark boundaries



Bringing strategy, equity, and experience
to historic building development



APPLICATION FOR LOCAL
 HISTORIC LANDMARK DESIGNATION
 100 N. King Street ~ Hendersonville, NC ~ 28792
 Phone (828)697-3010 ~ Fax (828) 697-6185
 www.hendersonvillenc.gov

HENDERSONVILLE HISTORIC PRESERVATION COMMISSION

The following are required to constitute a complete application:

- ~ This form including the property owner's signature.
- ~ A designation report with information required by City Code 28-77(c).

Date 6/19/19

Property Common Name Grey Hosiery Mill

Other Name(s) Water Dept. - City of Hendersonville

Address of Property 301 4th Ave E, Hendersonville, NC, 28792

PIN 9568887494

Ownership: Public Private

Property Owner: Name Grey Mill Ventures LLC

Mailing Address 103 Parker St, Carrboro, NC, 27510

Phone (919) 885-4508

E-mail kreiter@belmontsayre.com

Category: Building Other structure Object/Artistic feature Site District

Brief description of property including historic use, current use, and features to be including in designation.

See attached sheet

Signature of the property owner(s) acknowledges that if City Council adopts an ordinance designating the property a local historic landmark the property will be bound by the requirements of City Code Chp. 28 and any other applicable regulations, including the requirement to obtain a Certificates of Appropriateness permit prior to any changes to the landmark.

Owner's Signature

Owner's Signature

Printed Name

Kenneth M Reiter

Printed Name



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 10/28/2019

Presenter: John Connet

Date of Council Meeting to consider this item: 11/07/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 14

City staff has been working the Housing Assistance Corporation (HAC) to develop a Memorandum of Understanding (MOU) between our two organizations. The purpose of the MOU is to formalize a partnership between the City and HAC to develop additional workforce housing in Hendersonville. The City Council has identified workforce housing as a top priority and this partnership will provide additional resource capacity for both organizations to address the growing problem of the lack of workforce housing in Henderson County.

Budget Impact: \$ 1,500 Is this expenditure approved in the current fiscal year budget? N/A If no, describe how it will be funded.

TBD

Suggested Motion:

I move that the City Council resolve to enter into a Memorandum of Understanding with Housing Assistance Corporation.

Attachments:

Proposed Memorandum of Understanding

Memorandum of Understanding between the City of Hendersonville and Housing Assistance Corporation

November 7, 2019

This Memorandum of Understanding (“MOU”) is effective as of the ____ day of _____, 2019 (the “Effective Date”), by and between the City of Hendersonville, NC (referring to the governmental unit herein, the “City”) and The Housing Assistance Corporation, a North Carolina 501(c)(3) Non-Profit Corporation (“CHDO”) (City and CHDO together the “Parties,” each a “Party”), for the development of community development and affordable housing projects (“Projects”).

1. Purpose. It is agreed by both Parties that the purpose of this MOU is to set forth an outline for the general agreement between them for the undertaking of community development activities within the City of Hendersonville. This MOU is intended to reflect the current understanding of the Parties. Furthermore, the City is entering this MOU for the sole purpose of exercising its community development powers granted by statute under North Carolina law, including, but not limited to, N.C.G.S. § 160A-456, 160A-457, 160A-457.1 and 160A-457.2, for the purpose of undertaking community and urban redevelopment projects. The terms described in this MOU are statements of intent of the Parties and are subject to current goals and objectives of the City Council or Board of Directors.
2. City Position Statement. The City desires to undertake community development or urban redevelopment programs of assistance and the financing of rehabilitation of private buildings principally for the benefit of low- and moderate-income persons, or for the restoration or preservation of older neighborhoods or properties, including direct repair, the making of grants and loans, the subsidizing of interest payments on loans, and the guaranty of loans. In addition, the City desires to encourage the development of workforce housing units through the construction of new single family, duplex or multi-family residential units. These new units would serve a target market of individuals within 60% to 120% range of median family income within City of Hendersonville. Finally, it is the desire of the City to actively seek Community Development Block Grant, Home Consortium and other grant funding for the implementation of the aforementioned projects.
3. CHDO Position Statement. The CHDO desires to work together with the City on the projects outlined in the City position statement: Both parties will work to increase the number of affordable housing units in the City of Hendersonville as well as addressing substandard housing issues.
4. CHDO Obligations. Housing Assistance Corporation agrees to assist the City with the following activities:
 - a. Grant Writing
 - b. Affordable Housing Plan Development
 - c. Credit /Housing Counseling
 - d. Construction Management

5. City Obligations. The City will assist the CHDO with the following activities:
 - a. Long Range Planning Assistance
 - b. Access to City Geographic Information Systems
 - c. Assistance with infrastructure design and installation.
 - d. Grant Compliance
6. CHDO Compensation – As compensation for assisting the City, the CHDO will be eligible to retain a portion of grants funds to cover administrative costs associated with the development of the grant application. In addition, the City will provide an annual stipend of up to \$1,500.00 to the CHDO for training and travel expenses related to community development activities.
7. City Compensation – As compensation for assisting the CHDO, the City is eligible to utilize grant funds to cover administrative costs associated with grant compliance.
8. Termination Clause. Either party shall have the right to terminate this MOU at any time. However, the termination of this agreement does not eliminate the obligations of either party as may be required by grant agreements or covenants that are in place prior to the termination of the MOU
9. Obligations of Parties.
 - a. The City is responsible for cooperating with the CHDO in the performance of its obligations hereunder. The Hendersonville City Manager will serve as the designated liaison for communications pertaining to this MOU.
 - b. The CHDO is responsible for coordinating all work and services required by this MOU, with cooperation of City and its agencies.
10. Cooperation and Information Exchange. Both Parties agree to meet regularly and no less often than quarterly (which may be implemented by conference calls among all participants) to advise each regarding progress on any one or more of the undertakings required by the MOU.
11. Expenses. Each party will be responsible for its own expenses incurred in connection with the performance of any obligations required by this MOU. Except as otherwise provided herein, during the term of this MOU no party will be responsible for the expenses of any other party.
12. Confidentiality. Each party agrees to maintain in confidence information regarding the projects received by that party that is not otherwise publicly available, subject to disclosure required by any applicable law or regulation or mandates of any court. Such information may be shared with members of each party's governing board, including lawyers, accountants, lenders, investors and other consultants. The City acknowledges that the CHDO may be providing preliminary or incomplete reports and studies as part of its

undertakings hereunder, and that the CHDO does not assume any responsibilities for the accuracy of such information. However, CHDO agrees that to the extent that it has information contained in reports, studies and such similar undertakings, it will furnish to City the complete information that is held by CHDO. The Parties acknowledge that the information relating to the projects are subject to disclosure under the N.C. Public Records Act, Chapter 132 of the North Carolina General Statutes, except any such information that the City is not required or authorized to disclose pursuant to N.C.G.S. § 132-1.2. However, nothing in this MOU shall preclude either party from discussing the substance or any relevant details of the transaction described in this MOU with any of its attorneys, accountants, professional consultants or potential lenders, as the case may be, or prevent the holding of public meetings in compliance with applicable laws.

13. Publicity Coordination. Each party agrees to coordinate any public statements with the other party. The Parties shall not issue, or authorize any other party to issue, any written press release, advertisement or other formal communication (individually and collectively) to any media outlet (including, but not limited to, newspapers, radio and television stations and websites) relating to a specific project, unless it has received the agreement by the other party to such release. Unless otherwise required by law or court mandate, all press releases and public announcements regarding the Project will be made by mutual consent. Notwithstanding the foregoing, the Parties may make known its selection hereunder where it deems necessary or appropriate and may re-distribute any previously issued news reports, press releases or other publicly available information about the Project.
14. Representations. Each party represents to the other parties that it has all necessary authority to enter into this MOU, to execute and deliver this MOU to the other parties, and to perform its obligations hereunder.
15. Notices. All notices, requests, demands or other communications required or permitted to be given hereunder shall be in writing and shall be addressed and delivered by hand or by certified mail, return receipt requested, or by overnight courier, or by fax, with evidence of delivery, to each party at the addresses set forth below. Any such notice, request, demand or other communication shall be considered given or delivered, as the case may be, on the date of delivery. Rejection or other refusal to accept or inability to deliver because of changed address of which proper notice was not given shall be deemed to be receipt of the notice, request, demand, or other communication. By giving prior written notice thereof, any party, from time to time, may change its address for notices hereunder.
16. Force Majeure. A party shall not be liable for any failure of or delay in the performance of this Agreement for the period that such failure or delay (i) is beyond the reasonable control of that party, (ii) materially affects the performance of any of its obligations under this agreement, and (iii) could not reasonably have been foreseen or provided against, but does not include general economic or other conditions affecting financial markets generally.

17. Modifications. This MOU can only be modified in a writing signed by both Parties.
18. Counterparts. This MOU may be signed in counterparts; each counterpart shall be considered an original.
19. No Partnership. Nothing contained in this MOU shall be deemed or construed to create a partnership or joint venture between the City and the CHDO, or to cause the City or the CHDO to be responsible in any way for the debts or obligations of each other.

THE HOUSING ASSISTANCE CORPORATION

By: _____ (SEAL)
_____. President

State of North Carolina
County of Henderson

I, _____, a Notary Public of County and State aforesaid, certify that _____, President of The Housing Assistance Corporation, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this ____ day of _____, 2019.

Notary Public

My commission expires:

SEAL

CITY OF HENDERSONVILLE

By: _____
Barbara Volk, Mayor

Attest: _____
Tammie K. Drake, MMC, Hendersonville City Clerk

State of North Carolina
County of Henderson

I, Samuel H. Fritschner, a Notary Public of the County and State aforesaid, certify that Barbara Volk in her capacity as Mayor of the City of Hendersonville and Tammie K Drake, in her capacity as Hendersonville City Clerk, appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this ____ day of _____ 2019.

Samuel H. Fritschner, Notary Public

SEAL

My commission expires: 3 August 2018



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 10/28/2019

Presenter: Dr. Bill Hiatt

Date of Council Meeting to consider this item: 11/07/2019

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 15

Dr. Bill Hiatt has met with City and Department of Environmental Quality on numerous occasions in the past eighteen months regarding his concern over sanitary sewer overflows. Dr. Hiatt has also attended the Water and Sewer Advisory Council and written letters to Partnership for Economic Progress and County Commissioner Bill Lapsley. I have invited Dr. Hiatt to speak to the City Council since you are ultimately responsible for the sanitary sewer system. Staff will be prepared to answer any questions of the City Council and Dr. Hiatt.

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

Suggested Motion:

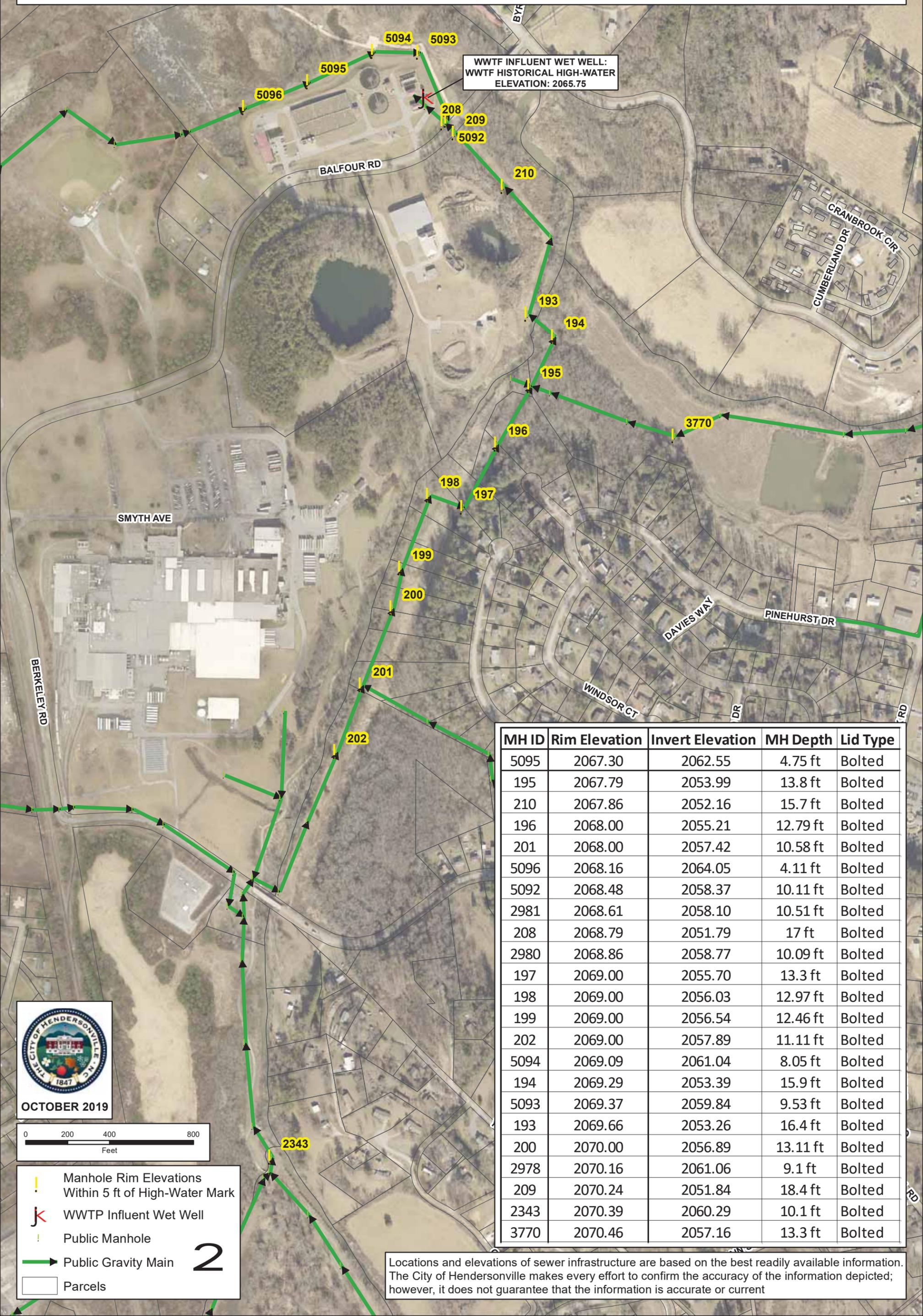
NA

Attachments:

Map prepared for Dr. Hiatt

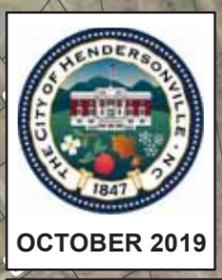
CITY OF HENDERSONVILLE WATER & SEWER DEPARTMENT

WASTEWATER TREATMENT FACILITY HIGH-WATER ELEVATION AND COLLECTION SYSTEM MANHOLES



WWTF INFLUENT WET WELL:
WWTF HISTORICAL HIGH-WATER
ELEVATION: 2065.75

MH ID	Rim Elevation	Invert Elevation	MH Depth	Lid Type
5095	2067.30	2062.55	4.75 ft	Bolted
195	2067.79	2053.99	13.8 ft	Bolted
210	2067.86	2052.16	15.7 ft	Bolted
196	2068.00	2055.21	12.79 ft	Bolted
201	2068.00	2057.42	10.58 ft	Bolted
5096	2068.16	2064.05	4.11 ft	Bolted
5092	2068.48	2058.37	10.11 ft	Bolted
2981	2068.61	2058.10	10.51 ft	Bolted
208	2068.79	2051.79	17 ft	Bolted
2980	2068.86	2058.77	10.09 ft	Bolted
197	2069.00	2055.70	13.3 ft	Bolted
198	2069.00	2056.03	12.97 ft	Bolted
199	2069.00	2056.54	12.46 ft	Bolted
202	2069.00	2057.89	11.11 ft	Bolted
5094	2069.09	2061.04	8.05 ft	Bolted
194	2069.29	2053.39	15.9 ft	Bolted
5093	2069.37	2059.84	9.53 ft	Bolted
193	2069.66	2053.26	16.4 ft	Bolted
200	2070.00	2056.89	13.11 ft	Bolted
2978	2070.16	2061.06	9.1 ft	Bolted
209	2070.24	2051.84	18.4 ft	Bolted
2343	2070.39	2060.29	10.1 ft	Bolted
3770	2070.46	2057.16	13.3 ft	Bolted



- Manhole Rim Elevations Within 5 ft of High-Water Mark
- WWTP Influent Wet Well
- Public Manhole
- Public Gravity Main
- Parcels

2

Locations and elevations of sewer infrastructure are based on the best readily available information. The City of Hendersonville makes every effort to confirm the accuracy of the information depicted; however, it does not guarantee that the information is accurate or current



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Adam Murr

Department: Admin

Date Submitted: 10/29/2019

Presenter: Adam Murr

Date of Council Meeting to consider this item: 11/07/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 16

The City of Hendersonville has determined it is desirable to finance certain improvements to the water and sewer system related to the Etowah Water and Sewer Improvements project. The City is considering the issuance of a not to exceed \$13,000,000 for the purchase, acquisition, construction, and installation of the Etowah Water Improvements Project (\$6,569,458) and the refunded debt consisting of the City's 2012 installment financing originally to fund the acquisition and installation of automated meter readers for the system (\$6,986,071).

City Staff requests the City Council adopt the attached resolution drafted by First Tryon Advisors. The resolution directs Staff to work with a financing team on the application to the Local Government Commission (LGC) for the revenue bond. The LGC may find and determine from the City's application and supporting documentation that:

- (a) that the issuance of the 2019 Bond is necessary or expedient;
- (b) that the not to exceed stated principal amount of the 2019 Bond will be sufficient but is not excessive, when added to other money available to the Water and Sewer System, to finance the Projects;
- (c) that the Water and Sewer System as now constituted, and as it will be constituted after the completion of the Projects, is feasible;
- (d) that the City's debt management procedure and policies are good; and
- (e) that the 2019 Bond can be marketed at a reasonable interest cost to the City.

Budget Impact: \$ 6,569,458 Is this expenditure approved in the current fiscal year budget? N/A If no, describe how it will be funded.

A budget has been established for this project (#16003).

Suggested Motion:

I move City Council to adopt a resolution directing the application to the local government commission for approval of a water and sewer system revenue bond and certain related matters.

Attachments:

Resolution directing the application to the Local Government Commission for approval of a Water and Sewer System Revenue Bond and certain related matters.

Presentation associated with revenue bond: https://hvlncgov.sharepoint.com/Shared Documents/Agenda/19-11-07 Council Meeting Rev_Bond_FTA_10-16-2019

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF A WATER AND SEWER SYSTEM REVENUE BOND AND CERTAIN RELATED MATTERS

WHEREAS, the City Council (the “*City Council*”) of the City of Hendersonville, North Carolina (the “*City*”) hereby determines that it is desirable to finance certain improvements to its water and sewer system (the “*Water and Sewer System*”);

WHEREAS, the City Council is considering the issuance of a not to exceed \$13,000,000 Water and Sewer System Revenue Bond, Series 2019 (the “*2019 Bond*”) to (1) finance improvements to the City’s water system identified in the City’s water system master plan, including water line and tank replacements and (2) prepay a lease-purchase agreement, the proceeds of which were used by the City to advance funds to acquire and install automated meters and related technology for the City’s water system (the “*2012 Project*” and collectively with the 2019 Project, the “*Revenue Bond Projects*”) and (3) pay the costs of issuing the 2019 Bond; and

WHEREAS, the City has retained (A) Parker Poe Adams & Bernstein LLP, as bond counsel for the 2019 Bond, (B) First Tryon Advisors, as financial advisor for the 2019 Bond and (C) Bank of New York Mellon, as trustee for the 2019 Bond and (D) Raftelis Financial Consultants, Inc., as feasibility consultant (collectively, the “*Financing Team*”); and

WHEREAS, the City staff has solicited requests for proposal from financial institutions to purchase the 2019 Bond and, based on such proposals; the City has selected [Bank] (the “*Lender*”) as the purchaser of the 2019 Bond; and

WHEREAS, the City Council wants the Finance Director of the City to file with the Local Government Commission of North Carolina (the “*Commission*”) an application for its approval of the 2019 Bond, on a form prescribed by the Commission, and (1) request in such application that the Commission approve (A) the negotiation of the sale of the 2019 Bond to the Lender, (B) the City’s use of the Financing Team in connection with the issuance of the 2019 Bond; and (2) state in such application such facts and to attach thereto such exhibits in regard to the 2019 Bond and to the City and its financial condition, as may be required by the Commission, and to take all other action necessary to the issuance of the 2019 Bond.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. That the 2019 Bond is to be issued by the City for the purpose of providing funds to (1) finance the 2019 Project, (2) prepay a lease purchase agreement related to funds advanced by the City for the 2012 Project and (3) pay the costs of issuing the 2019 Bond, all as will be set out fully in the documents attached to the City’s application to the Commission. The Revenue Bonds Projects are necessary to meet the needs of the users of the Water and Sewer System and to assure that the Water and Sewer System remains in full compliance with all state and federal requirements for the provision of water and sewer services.

Section 2. That the Financing Team is hereby approved in connection with the issuance by the City of the 2019 Bond, and the City Manager, the Assistant City Manager and the Finance Director, in consultation with the Commission, are each hereby authorized to retain other persons or organizations as may be necessary and appropriate to carry out the intention of this Resolution.

Section 3. That the Finance Director of the City with advice from the City Manager, the Assistant City Manager, the City Attorney and bond counsel, is hereby authorized, directed and designated to file an application with the Local Government Commission of North Carolina for its approval of the issuance of the 2019 Bond.

Section 4. That the City Council finds and determines and asks the Commission to find and determine from the City's application and supporting documentation:

- (a) that the issuance of the 2019 Bond is necessary or expedient;
- (b) that the not to exceed stated principal amount of the 2019 Bond will be sufficient but is not excessive, when added to other money available to the Water and Sewer System, to finance the Revenue Bond Projects;
- (c) that the Water and Sewer System as now constituted, and as it will be constituted after the completion of the Revenue Bond Projects, is feasible;
- (d) that the City's debt management procedure and policies are good; and
- (e) that the 2019 Bond can be marketed at a reasonable interest cost to the City.

Section 5. That the City Council requests that the Commission sell the 2019 Bond through negotiation to the Lender on such terms as may be agreed on but at an interest rate not exceeding [Rate]%.

Section 6. That the Mayor, the City Manager, the Assistant City Manager, the City Attorney, the Finance Director and the City Clerk, as their respective designees, individually or collectively, are each hereby authorized to do any and all other things necessary to complete the steps necessary for the authorization of the 2019 Bond.

Section 7. That this Resolution is effective on the date of its adoption.

PASSED, ADOPTED AND APPROVED this 7th day of November, 2019.

STATE OF NORTH CAROLINA)
)
CITY OF HENDERSONVILLE) SS:

I, *Tammie Drake*, City Clerk of the City of Hendersonville, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution titled “**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF A WATER AND SEWER SYSTEM REVENUE BOND AND CERTAIN RELATED MATTERS**” adopted by the City Council of the City of Hendersonville, North Carolina in a regular meeting convened on the 7th day of November, 2019, as recorded in the minutes of the City Council of the City of Hendersonville, North Carolina.

WITNESS my hand and the seal of the City of Hendersonville, North Carolina, this the ____ day of _____, 2019.

(SEAL)

Tammie Drake
City Clerk
City of Hendersonville, North Carolina



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: D. James Miller

Department: Fire

Date Submitted: 10.30.19

Presenter: D. James Miller - Deputy Fire Chief

Date of Council Meeting to consider this item: 11/07/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 17

Our current Department of Insurance (DOI) rating requires a three-engine response. We currently respond with two Engines and one Ladder Truck and request a third Engine (automatic aid) from a neighboring Fire Department. The fire department needs an additional Engine. The addition of this apparatus is essential and will significantly contribute in our ability to improve service delivery, greatly enhance our availability/reliability for emergency response. This purchase will also allow our organization to prepare for responses on the south side of the city in the future.

Budget Impact: \$ 606,506 Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

The apparatus purchase was budgeted at \$800,000 via a capital project ordinance and declaration of intent to reimburse included with the annual budget document.

Suggested Motion:

I move City Council authorize the Fire Chief, or designee, to execute the purchase of the Smeal Fire Engine through the Houston-Galveston Area Council bidding group purchase program in the amount of \$606,506 in accordance with NCGS 143-129(e)(3).

Attachments:

1. Memo. to City Council
2. Capital Project Ordinance. Adopted June 06, 2019
3. Declaration of official intent to reimburse. Adopted June 06, 2019

City of Hendersonville Fire Department

MEMORANDUM

To: City of Hendersonville Mayor and Members of the Council

From: Deputy Fire Chief D. James Miller

Subject: Request a waiver of competitive bidding requirements in accordance with N.C. General Statute 143-129 (e) (3) to purchase a Smeal Fire Engine

Summary:

Our current Department of Insurance (DOI) rating requires a three-engine response. We currently respond with two Engines and a Ladder Truck and request a third Engine (automatic aid) from a neighboring Fire Department. The fire department needs an additional Engine. The addition of this apparatus is essential and will significantly contribute in our ability to improve service delivery, greatly enhance our availability/reliability for emergency response. This purchase will also allow our organization to prepare for responses on the south side of the city in the future.

The Process:

The fire department created an apparatus committee in July of 2019 to review the current needs of the department and the city. This committee consists of five members of the fire department holding various ranks. The members are Fire Marshal Justin Ward, Captain Christian Miller, Lieutenant Jared Morgan, Lieutenant Jon Ward, Lieutenant Cameron Womack and Engineer Christopher Martin. These members represent both stations and all three shifts within the fire department. In addition, all members of the fire department have been updated on the committee's progress and given the opportunity to add input and suggestions during the process.

The committee members visited several fire departments and spoke to numerous fire service professionals on different manufactures and types of apparatus. Some members also attended the SAFRE Conference in Charlotte, NC where they spoke with several fire apparatus manufactures and were able to look at several different types of apparatus. After reviewing the pros and cons of each manufacturer the committee unanimously decided to review the products offered by Smeal Manufacturing. The North Carolina vendor for Smeal Manufacturing is Atlantic Coast Fire Trucks. We contacted Atlantic Coast Fire Trucks and met with a representative to discuss the needs of the organization as well as the City of Hendersonville. The representative met with the committee on several occasions and created a proposal and specification that met our needs.

Recommended Fire Engine Replacement:

- Smeal Pumper
- Spartan Chassis
- 450 HP Cummins L9 Engine
- 1500 Gallon per minute pump
- 750 Gallon Water Tank
- Williams Class A Foam System – 30 Gallon Capacity
- 6 Kw Hydraulic Generator
- LED Headlights and Scene Lights
- Large storage Capacity

Purchasing Method:

It is recommended that the City Council consider purchasing this unit with all equipment through the Houston-Galveston Area Council (H-GAC). Doing so will allow the City to purchase this specific unit at a significant cost savings. North Carolina General Statute 143-129 (Procedures for letting of public contracts) gives the City Council the Authority to participate in group purchasing programs such as the H-GAC. Participating in such group purchasing programs allow the City Council to exempt the purchase from the competitive bid process under Section (e) (3) which states: Purchases made through a competitive bidding group purchasing program, which is a formally organized program that offers competitively obtained purchasing services at discount prices to two or more public agencies are exempt from the requirements of NCGS § 143-129.

Financing:

The cost of the apparatus is \$606,506.00 (not including equipment). Smeal offers a discount if the City pays for the apparatus at the time of order placement. This discount will be \$11,859.00 making the net cost of the apparatus \$606,506.00. Staff requests that City Council provide express approval to expend project funds at the time the order is placed, in advance of receiving the apparatus, for the City to receive the discount. The amount due at order includes the amount for a performance bond to protect the City's investment. The City intends to finance the costs of the Project with the proceeds of banking financing. The Finance Director will prepare a financing RFP in the fall of 2019 or spring of 2020, closer to the time the apparatus is expected to be received. The Council agenda includes a Reimbursement Resolution which will allow the City to reimburse any expenditures made in advance for this project with the loan proceeds.

**CAPITAL PROJECT ORDINANCE FOR
THE ACQUISITION, CONSTRUCTION AND INSTALLATION
OF THE NEW FIRE ENGINE #3 PROJECT**

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

Section 1: The project authorized is a City infrastructure project described as the New Fire Engine #3 Project.

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

Account Number			Account Name	Total Budget
Org	Obj	Proj		
4104340	552100	19022	Capital Outlay Motor Vehicles	\$ 800,000
Total Project Appropriation				\$ 800,000

Section 3: The following revenues are anticipated to be available via debt proceeds and transfers from the General Fund for project expenses:

Account Number			Account Name	Total Budget
Org	Obj	Proj		
4104340	499100	19022	Proceeds of Debt	\$ 800,000
Total Project Revenue				\$ 800,000

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

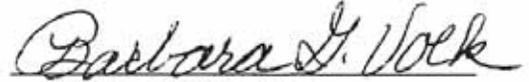
Section 5: Funds may be advanced from the General Fund and as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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

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

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this sixth day of June, 2019.


Barbara G. Volk, Mayor

ATTEST:


Tammie K. Drake, City Clerk

Approved as to form:


Samuel H. Fritschner, City Attorney

Resolution #19-0647

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

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

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

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE FIRE STATION #3 CONSTRUCTION PROJECT, ORDINANCE #_____, THE FIRE STATION #1 RENOVATION PROJECT, ORDINANCE #_____, THE FIRE ENGINE #1 REPLACEMENT PROJECT, ORDINANCE #_____, THE FIRE LADDER #1 REPLACEMENT PROJECT, ORDINANCE #_____, AND THE NEW FIRE ENGINE #3 PROJECT, ORDINANCE #_____, (the "Projects").

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

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Projects is **\$9,100,000.00**.

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this sixth day of June, 2019.


Barbara G. Volk, Mayor

ATTEST:


Tammie K. Drake, City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 10/28/2019

Presenter: Ricky Levi, Water Treatment Supervisor

Date of Council Meeting to consider this item: 11/07/2019

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 18

Ricky Levi, Water Treatment Plant Supervisor, will present an update on a recent project at the Bradley Creek Reservoir. This project we completed with City staff and has expanded the capacity and longevity of the reservoir.

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

Budgetary impact was reduced with the utilization of City staff.

Suggested Motion:

NA

Attachments:

Pictures of work.













CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Admin

Date Submitted: 10.30.19

Presenter: John Connet

Date of Council Meeting to consider this item: 11.07.19

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 20a

Due to a number of Council members and staff being out of town on January 2, 2020, staff is requesting the regular January City Council meeting be held January 9, 2020, at 5:45 p.m., at City Hall.

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

Suggested Motion:

N/A

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Adam Murr

Department: Admin

Date Submitted: 10/30/2019

Presenter: John Connet

Date of Council Meeting to consider this item: 11/07/2019

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 20b

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.

The following contingency appropriations were made:

- | | | |
|------------|----------|------------------------------|
| 1. Fund 60 | \$140 | Workers Comp Insurance |
| 2. Fund 60 | \$1,770 | Workers Comp Insurance |
| 3. Fund 10 | \$8,750 | Fire Assessment |
| 4. Fund 10 | \$40,000 | City Hall Boiler Replacement |
| 5. Fund 60 | \$40,000 | City Hall Boiler Replacement |

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 - Report Only

Attachments:

N/A



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Admin

Date Submitted: 10.30.19

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 11.07.19

Nature of Item: Council Action

Summary of Information/Request:

Item # 21

Board/Commission Vacancies and Applications:

Planning Board: Mr. Ray Mundy and Mr. Steve Johnson have resigned from the Planning Board. You have received the applications from Neil Brown and Hunter Jones.

Historic Preservation Commission: There is a vacant position on the HPC. You have three applications on file: Jim Welter, Marcia Mills Kelso (member of the Walk of Fame Steering Committee) and Beth Stang (currently serving on the Environmental Sustainability Board).

Vacancies exist on the following boards:

Business Advisory Committee: 2 vacant City positions. Members are individuals, principals or other significant representatives of a business. We have no applications on file.

Walk of Fame Steering Committee: There is one vacant City position on the Steering Committee.

Downtown Advisory Committee: Kelly Friesen has resigned from the Board. Mr. Holloway is actively recruiting applicants.

At your December meeting, you will consider (re)appointments to the Seventh Avenue Advisory Committee, Planning Board, Historic Preservation Commission, and Tree Board.

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

Suggested Motion:

I nominate for a term on the _____ Board.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie DRake

Department: Admin

Date Submitted: 10.31.19

Presenter: John Connet

Date of Council Meeting to consider this item: 11.07.19

Nature of Item: Council Action

Summary of Information/Request:

Item # 23

Closed Session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee or hear or investigate a complaint, charge, or grievance by or against an individual public officer (or employee) as provided under NCGS §143-318.11(a)(6).

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: