

AGENDA

CITY OF HENDERSONVILLE CITY COUNCIL – REGULAR MEETING

OCTOBER 3, 2019 – 5:45 P.M.
Council Chambers - City Hall

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:** September 5, 2019 Regular Meeting
 - B. **Consideration of Budget Amendment (2)**
 - C. **Consideration of Amendment to Walk of Fame Steering Committee Charter**
 - D. **Consideration of Acceptance of Maintenance and Ownership of Streets within Oak Haven**
 - E. **Consideration of Amendments to the Personnel Policy**
 - F. **Consideration of Job Descriptions for GIS Technician I, II and III and Pay and Classification Schedule Amendments Relating to these Positions**
 - G. **Consideration of Certificate of Sufficiency from the Clear Creek Investment Group for the Satellite Annexation of Approximately 72 Acres Located off Clear Creek Road**
 - H. **Consideration of Awarding a Contract for the Water Treatment Facility Basin Repairs and Coatings Project**
 - I. **Consideration of Special Event Permits for Treat Street Carnival**
 - J. **Consideration of an Ordinance Amending Chapter 50, Article VII - Parades and Processions of the Code of Ordinances**
 - K. **Consideration of an Ordinance Amending Chapter 14 Businesses, Section 14-161 Pertaining to Massage Therapy**

- L. **Consideration of Options for the Purchase of Property for a Parking Deck and Associated Budget Amendments:**
 - i. Jackson Property
 - ii. TJF Property
- M. **Consideration of Purchase of Property for Fire Station III**
- 6. **Recognitions/Presentations/Proclamations/Introductions**
 - A. Proclamation for “American Pharmacist Month in Hendersonville”
 - B. Proclamation for Imagine a Day Without Water
 - C. Proclamation for Fire Prevention Week
- 7. **Consideration of an Ordinance Granting a Franchise for the Operation of a Trolley Bike Tour Service (Pubcycle) Within the City**
Presenter: Planner Tyler Morrow and City Attorney Sam Fritschner
- 8. **Public Hearing - Consideration of a Petition from Dustin Beach of Tri County Construction for the Contiguous Annexation of a Parcel Located on Old Spartanburg Road**
Presenter: Development Assistance Director Susan Frady
- 9. **Public Hearing - Consideration of an Application from Marilyn Gordon of Miken, LLC to Rezone Parcel #9568-64-8536 and #9568-64-8783 from R-15 Medium Density Residential to C-2 Secondary Business District – Open Public Hearing and Continue to November 3, 2019 Meeting at the Request of the Applicant**
Presenter: Senior Planner Daniel Heyman
- 10. **Public Hearing - Consideration of an Application from Michael Vann of Vann Investments, LLC, for a Conditional Rezoning of a Parcel Located on the Corner of Signal Hill Road and Linda Vista Drive from PCD Planned Commercial Development to PCDPZD Planned Commercial Development Conditional Zoning District**
Presenter: Planner Tyler Morrow
- 11. **Public Hearing – Consideration of an Amendments to Zoning Ordinance Article VI, Section 6-18-3 and Article VII Section 7-4-5 Concerning the Submission of Traffic Impact Analysis**
Presenters: Planner Tyler Morrow
- 12. **Presentation of Eagle Scout Project**
Presenter: Oliver Kompathoum
- 13. **Consideration of Acceptance of SAFER Grant**
Presenter: Fire Chief Joseph Vindigni
- 14. **Consideration of Request to Eliminate Timed Parking on Bearcat Boulevard from Church Street to Fleming Street and Oakland Street from 6th Avenue to US 25 during the Construction of Hendersonville High School**
Presenter: Councilman Jerry Smith

- 15. Presentation of Fourth Avenue Streetscape Design**
Presenter: Brendan Shanahan
- 16. Consideration of Amendments to Customer Service Policies and Fee Schedule**
Presenter: Finance Director John Buchanan
- 17. Consideration of Request by Friends of the Oklawaha Greenway to Designate Native Plant Bed in Memory of Wes Burlingame**
Presenter: City Manager John Connet
- 18. Reports/Comments by Mayor and City Council Members**
 - A. Report from Councilman Smith Regarding Oak and Whitted Streets Traffic**
- 19. Staff Reports**
 - A. Contingency Report**
 - B. Report on Disposition of Personal Property**
- 20. Consideration of Appointments to Boards/Commissions**
- 21. New Business**
- 22. Adjourn**





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Adam Murr

Department: Admin

Date Submitted: 09/25/2019

Presenter: John Connet

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

Nature of Item: Council Action

Summary of Information/Request:

Item # 05b

Budget Amendment(s):

- 1. PD Insurance Settlement | Fund 10 | Increase | \$10,227
- 2. PD Motor Unit Revenue | Fund 199 | Increase | \$1,082

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

Attachments:

Budget Amendment(s):

- 1. PD Insurance Settlement
- 2. PD Motor Unit Revenues

BUDGET AMENDMENT

FUND: 10

ACCOUNT NUMBER					
ORG	OBJECT	PROJECT	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
100090	444000		INSURANCE SETTLEMENTS	10,227	
104310	535300		R&M AUTO/TRUCKS	10,227	
FUND 199			TOTAL REVENUES	10,227.00	
			TOTAL EXPENDITURES	10,227.00	

Amendment to increase insurance settlement revenue for repairs on two police department vehicles.


 CITY MANAGER

Date: 9-25-19

APPROVED BY CITY COUNCIL:

DATE: 10/3/2019

BUDGET AMENDMENT

FUND: 199

ACCOUNT NUMBER					
ORG	OBJECT	PROJECT	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
1994310	498207	00001	CONTRIBUTIONS/DONATIONS	1,082	
1994310	529900	00001	SUPPLIES & MATERIALS	1,082	
FUND 199			TOTAL REVENUES	1,082	
			TOTAL EXPENDITURES	1,082	

Amendment to increase budget in the Special Revenue Fund (199) for the Police Department Motor Unit's actual revenues. Actual revenues have exceeded budget; this amendment increases budgeted revenues to reflect actual revenues.


 CITY MANAGER

Date: 9-25-19

APPROVED BY CITY COUNCIL:

DATE: 10/3/2019



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Admin

Date Submitted: 09.06.19

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 10.03.19

Nature of Item: Council Action

Summary of Information/Request:

Item # 05c

Chair Kaye Youngblood of the Walk of Fame Steering has asked for the following amendment to the Walk of Fame Steering Committee Charter. She wants to avoid all perception that those chosen for the Walk of Fame are the ones nominated by the committee members.

The addition includes:

Article IV. QUALIFICATION AND APPOINTMENT OF SELECTION COMMITTEE

... No member of the Selection Committee shall nominate anyone for the Walk of Fame while serving on the Walk of Fame Steering or Selection Committee. (proposed addition September 5, 2019)

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 resolve to approve the proposed amendment to the Charter of the Walk of Fame Steering Committee.

Attachments:

Charter

WALK OF FAME STEERING COMMITTEE

CHARTER

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

The duration of the committee shall be perpetual.

BYLAWS AND RULES OF PROCEDURE

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

I. NAME

Walk of Fame Steering Committee

II. PURPOSE

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

- Determine the logistics of establishing a Walk of Fame in downtown Hendersonville. The Walk of Fame will recognize outstanding contributors to the growth and development of Henderson County.
- Identify the disciplines for which people would be recognized. For example: agriculture, education, cultural arts, and industry, government, health care, commerce and special services.
- Establish the qualifications for recognition within each of the identified disciplines.
- Establish the means of recognition
- Identify a means of establishing sponsorships/funding mechanisms for expenses related to the project.

III. MEMBERSHIP

- a. The Walk of Fame Steering Committee shall be comprised of five (5) voting members. Two (2) appointed by the Board of Commissioners, three (3) appointed by the Hendersonville City Council. The City of Hendersonville Public Works Director or their designee shall serve as a non-voting Ex-Officio Member.

Originally Adopted: April 15, 2015

Revised: June 24, 2015

Revised: July 7, 2016

Revised: August 3, 2017

- b. Terms shall be for a length of three years. In order to establish a staggering of the terms, the initial expiration dates of the membership shall be as follows:
 - 1. Position 1 – June 30, 2018 (Hendersonville)
 - 2. Position 2 – June 30, 2017 (Henderson County)
 - 3. Position 3 – June 30, 2019 (Hendersonville)
 - 4. Position 4 – June 30, 2018 (Henderson County)
 - 5. Position 5 – June 30, 2017 (Hendersonville)
- c. Any vacancy on the Committee shall be filled at the earliest convenience by the appointing authority.
- d. Members missing three (3) consecutive regular meeting in a calendar year will be subject to an appointment review by the appointing authority to determine is removal of the member is necessary or not, in light of the circumstances that are existing at that time.
- e. If for any reason a member must be replaced, the replacement member shall serve for the remainder of the unfilled term of the departing member.

IV. QUALIFICATION AND APPOINTMENT OF SELECTION COMMITTEE

The Selection Committee shall consist of the five voting members of the Steering Committee and two additional members who have demonstrated active involvement in the community and who have at least a minimal knowledge of Henderson County and Hendersonville history. It shall be the responsibility of the chairman of the Steering Committee to appoint the two additional members, who shall serve a one-year term. The additional members may be reappointed for ensuing years as the chairman sees fit.

It shall be the responsibility of the Steering Committee to provide orientation, explanation of procedures, and guidance during the deliberations of the Selection Committee. The Selection Committee shall meet as many times as necessary to complete the selection process.

The Selection Committee shall choose a minimum of five and a maximum of ten honorees annually.

No member of the Selection Committee shall nominate anyone for the Walk of Fame while serving on the Walk of Fame Steering or Selection Committee. (proposed addition September 5, 2019)

V. MEETINGS AND VOTING

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

Originally Adopted: April 15, 2015
 Revised: June 24, 2015
 Revised: July 7, 2016
 Revised: August 3, 2017

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

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

All meetings shall be open to the general public.

VI. OFFICERS

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

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

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

VII. DUTIES OF THE MEMBERS

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

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

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

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



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tom Wooten

Department: Public Works

Date Submitted: September 27, 2019

Presenter: Tom Wooten

Date of Council Meeting to consider this item: October 3, 2019

Nature of Item: Council Action

Summary of Information/Request:

Item #05d

Hendersonville Housing Assistance Corporation and Oak Haven Apartments, LP have asked the City of Hendersonville to accept a 45 foot right of way including the asphalt road, drainage infrastructure, and signage into the city's maintenance program. The were two areas of the road that were deficient however those two areas have been repaired to the city's satisfaction. Staff are comfortable in recommending that this infrastructure be brought into the city's maintenance program and recommend that the resolution be approved.

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

This in new infrastructure and should not have any expenses other than general maintenance such as snow/ice removal.

Suggested Motion:

I move City Council to resolve to adopt the resolution to accept the public road right of way within the Oak Haven Apartment, LP development and as shown on slide 12104 at the Henderson County Register of Deeds office.

Attachments:

- Resolution
- Request Letter
- Plat
- ESC Carolinas Testing Results
- Oak Haven Apartments, LP Minutes and Resolution

Resolution # __ - ____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL
TO ACCEPT THE OWNERSHIP AND MAINTENANCE OF THE STREET OF
OAK HAVEN APARTMENTS, LP**

- WHEREAS, The City received a request from Housing Assistance Corporation, to accept the ownership and maintenance of the public right-of-way within the Oak Haven Apartments, LP, and
- WHEREAS, A signed Certificate of Dedication and Maintenance has been received by the City along with a copy of the recorded final plat for the development, and as shown on plat slide 12104 Henderson County Registry, and
- WHEREAS, Samples taken by ESC Carolina, LLP and inspections found the roads were built in accordance with NCDOT Subdivision Standards with exception to two areas however those two areas have been replaced and inspected by ESC Carolina, LLP and approved by city staff, and
- WHEREAS, North Carolina General Statutes 160A-12 Exercise of corporate power, provides: A power, function, right, privilege, or immunity that is conferred or imposed by charter or general law without directions or restrictions as to how it is to be exercised or performed shall be carried into execution as provided by ordinance or resolution of the city council.

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

To accept the ownership and maintenance of the public right-of-way within the Oak Haven Apartments, LP as a public City Street and begin maintaining the infrastructure within the public right-of-way associated with the City Street.

This resolution become effective as of the date of adoption.

Adopted this the third day of October 2019, a regular meeting of the Council, held at 145 5th Avenue East, Hendersonville, North Carolina.

Barbara G. Volk, Mayor

Attest:

Tammie K. Drake, City Clerk

Oak Haven Apartments, GP

March 25, 2014

Mr. Tom Wooten
Director of Public Works
City of Hendersonville
305 Williams Street
Hendersonville, NC 28792

RE: Dedication of street right-of-ways by Oak Haven Apartments, GP, to the City of Hendersonville for the Oak Haven development.

Dear Mr. Wooten:

We hereby submit the following documents required for dedication and to formalize our request:

1. Copy of Resolution of Oak Haven Apartments, GP dated March 24, 2014, stating that Members have voted and gave unanimous consent to such dedication of the street right-of-ways to the City of Hendersonville.
2. A Certificate of Dedication and Maintenance signed by the Vice President of Oak Haven Apartments, GP, and attested to by a Member thereof, dated March 24, 2014.
3. A Final Plat of the Oak Haven development.

Please contact Hugh Lipham at 337-1552 if any additional information is required.

Sincerely,



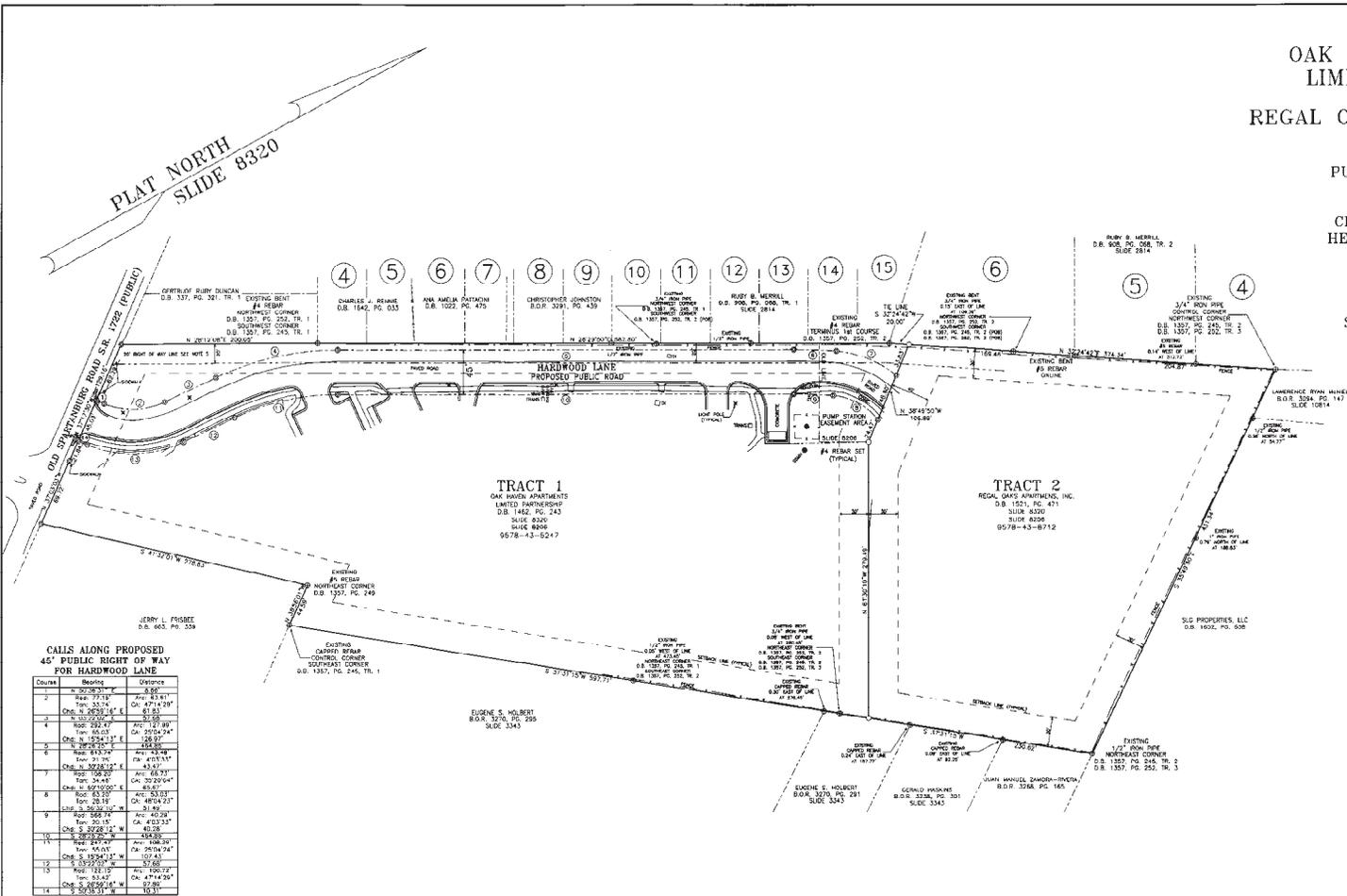
David B. Shaffer
Vice President, Oak Haven, GP

PLAT OF SURVEY FOR OAK HAVEN APARTMENTS LIMITED PARTNERSHIP AND REGAL OAKS APARTMENTS, INC.

SHOWING PROPOSED PUBLIC 45' RIGHT OF WAY FOR HARDWOOD LANE

CITY OF HENDERSONVILLE HENDERSONVILLE TOWNSHIP HENDERSON COUNTY NORTH CAROLINA

SCALE: 1" = 50' SEPTEMBER 25th, 2019



I, DAVID H. HILL, certify that this plat was drawn from an actual survey made under my supervision...

This survey is of whether category or other exception to the definition of subdivision.

David Heyman, Hendersonville Planning Department Director or Designer for the City of Hendersonville hereby certifies that this plat conforms with applicable city zoning ordinance regulations.

State of North Carolina, County of Henderson, I, Shannon M. McCall, Review Officer of Henderson County, certify that this map or plan is in compliance with the provisions of Article 1 of the Constitution of the State of North Carolina...

This instrument was prepared for registration and recorded on the Office of Register of Deeds in the State of North Carolina on this 25th day of September, 2019.

Shannon M. McCall, Register of Deeds

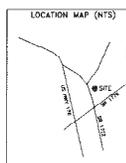
Scale bar: 0 50 100 150 feet

CALLS ALONG PROPOSED 45' PUBLIC RIGHT OF WAY FOR HARDWOOD LANE

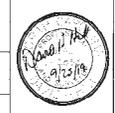
Table with 3 columns: Course, Bearings, Distances. Lists 14 courses along the proposed right of way.

- NOTES: 1- AREAS OF COORDINATE CORRELATION; 2- ALL AREAS SHOWN ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD OR UNRECORDED THAT MAY DIRECTLY AFFECT ALL AREAS SHOWN; 3- THIS PROPERTY IS WITHIN AN AREA ZONED ORD 190 BY THE CITY OF HENDERSONVILLE...

SLIDE 12104



DEED REFERENCES: AS SHOWN; TAX REVENUES: AS SHOWN; PARTY CHIEF: DMH; REVISIONS: 09 24 19



SURVEY BY HILL AND ASSOCIATES SURVEYORS, P.A.

403 WEST BLUE RIDGE ROAD EAST FLAT ROCK, NORTH CAROLINA 28726 PHONE: (828)993-1409

Prepared By: dmh; Drawn By: dmh; Date: SEPTEMBER 25th, 2019

BOOK 2019 PAGE 12104 (1)



This document presented and filed SUCCESSOR RECORDS

WILLIAM LEE KING HENDERSON COUNTY, NC

- LEGEND: MONUMENT FOUND AS NOTED; MONUMENT SET AS NOTED; POINT NOT STAKED; F-REED - FENCE RECEIPT; UP - UTILITY HOLE; PH - PHONE POLE; TRNS - TRANSFORMER; TP-FED - CABLE TV FEDESTAL; WA - WATER METER; W - WATER VALVE



August 29, 2014

Mr. Donald R. Daines, BA, MBA, JD
 Housing Assistance Corporation
 602 Kanuga Road
 Hendersonville, North Carolina 28739

Re: Summary of Limited Pavement Evaluation
 Regal Oaks/Oak Haven Entrance Road
 Hendersonville, North Carolina
 ECS Project No. 31-2654

Mr. Daines:

As requested and authorized by your acceptance of ECS Proposal Number 31-3586-P dated July 29, 2014, ECS has completed the limited pavement evaluation for the above referenced project. ECS representatives visited the site on August 8, 2014 to evaluate the conditions of the existing pavements.

Our understanding of the project is based upon our past experience at the site as well as conversations, email correspondence, and a recent site visit with you. We understand that approximately 800 feet of roadway has been constructed at the subject site as part of a multi-family residential development. The roadway provides access to Regal Oaks and Oak Haven. Stone base and asphalt have been placed. We understand that you have engaged Mike Anderson, P.E. with Civil Design Concepts to assist with assessing the roadway for the purpose of turning the road over as a public Right-of-Way to the City of Hendersonville. As part of Mr. Anderson's assessment, he has requested the asphalt be cored at six (6) locations along the roadway in order to document the existing stone base thickness and asphalt thickness at each location. He has also requested we evaluate the underlying subgrade soils at each core location.

We were provided with Sheet S1, titled Final Site Plan, dated May 9, 2011, developed by Mike Anderson Engineering, PA. According to the detail "Typical Cross Section For 11' Travel Lane (Public Road)", the design pavement section is specified to be 4 inches of asphalt over 8 inches of compacted aggregate base course.

Exploration

Our services included obtaining six cores (HA-1 through HA-6) of the asphaltic concrete pavement along the entrance roadway at the approximate locations indicated on the attached Exploration Location Diagram. The full thickness pavement cores were performed at approximate 125 foot intervals. The thickness of the asphalt and the underlying aggregate base course was measured, and samples of the subgrade soils were also obtained at the core locations using a hand auger. Photographs of representative core locations and overall site photographs are attached.

The stationing along the entrance roadway was estimated based on the centerline shown on the provided Final Site Plan drawing Sheet S1. The locations were measured in the field using a measuring wheel with station 10+00 located at the southern end of the road near the

*Limited Pavement Evaluation
Regal Oaks/Oak Haven Entrance Road
Hendersonville, North Carolina
ECS Project No. 31-2654*

intersection with Old Spartanburg Road. The stationing and locations should be considered approximate.

The hand auger borings were performed by turning a three-inch diameter hollow bucket auger with sharpened blades into the soil. Samples of the cuttings were collected in approximate 6-inch increments and visually classified. The borings were advanced to a maximum depth of 4 feet below the subgrade elevation. The boreholes were backfilled with the auger cuttings and patched with asphalt cold-patch upon completion.

In addition, Dynamic Cone Penetrometer (DCP) tests were performed in the boreholes at approximate 1 foot intervals in general accordance with the procedures of ASTM Special Technical Publication No. 399. This test consists of driving a 1.5-inch diameter conical point into the soil using a 15 pound cylinder weight, free-falling a height of 20 inches. The number of blows required to drive the cone into the soil a distance of 1.75 inches is termed the Cone Penetrometer Resistance, or blows per increment (bpi), and is indicated for each test depth on the attached Hand Auger Record.

Based on the DCP values, the soil subgrade was classified and characterized into three categories including Suitable, Marginal, and Poor. Suitable subgrade soils typically consisted of average DCP values greater than 10 bpi, and were free of any deleterious or organic materials. Marginal subgrade soils typically consisted of average DCP values ranging between 5 and 10 bpi and generally free of organic or deleterious materials. Poor subgrade soils typically consisted of average DCP values less than 5 bpi and/or containing organic and deleterious materials.

A visual reconnaissance was performed of the existing pavement conditions along the entrance road. The pavement conditions were visually classified and characterized into three categories including Good, Fair and Poor. Conditions labeled as Good displayed no evidence of cracking, rutting or distress. Conditions labeled as Fair displayed light to moderate cracking and minor rutting. Conditions labeled as Poor displayed moderate to severe cracking, heavy rutting, and extreme distress.

Existing Pavement Conditions at each core location are identified on the Summary of Pavement Section Measurements in the attachments. Photographs of the pavement conditions at each hand auger and core location are included as an attachment to this report.

Exploration Results

In summary, the thickness of the existing asphalt ranged from approximately 2.25 to 3 inches. In the same core locations, the aggregate base course thickness ranged between approximately 8 and 11.75 inches. The attached Hand Auger Record provides the individual pavement section measurements for each location.

Underlying the surficial pavement and aggregate base layers, the subgrade soils generally consisted of silty fine sand. The soils were typically moist with wetter subgrade soils at the location of HA-4.

The subgrade soils were evaluated at each core location with DCP tests performed within the hand auger boreholes. The DCP values were generally greater than 10 blows per increment

*Limited Pavement Evaluation
Regal Oaks/Oak Haven Entrance Road
Hendersonville, North Carolina
ECS Project No. 31-2654*

(bpi) with the exception of HA-4. The DCP values in the upper 3 feet of the subgrade soils ranged between 3 and 6 bpi.

Deficiencies

The thickness of the asphalt cores at all locations were measured to be less than 4 inches. The existing asphalt thickness appears to be less than the 4-inch minimum indicated on the Final Site Plan.

Based on the DCP values recorded at location HA-4, the subgrade soils in this area were identified as Poor.

Based on our visual observations, the pavement conditions at locations HA-2 and HA-4 were generally poor.

Conclusions

Areas were observed and noted as deficient based on asphalt thickness, subgrade conditions, visual observations, or a combination of these. We recommend deficient areas identified herein be repaired as necessary.

The thickness of the existing asphalt is currently 1 to 1-¾ inches less than the 4-inch minimum thickness per the project plans. To meet the minimum thickness requirement, we recommend that an additional overlay of approximately 1 to 1-½ inches be applied to the existing asphalt. If the owner wishes to evaluate the possibility of accepting the pavement with the current asphalt thickness or to further evaluate the traffic load capacity of the existing pavement, ECS can assist with this evaluation.

We recommend that the asphalt pavement be repaired in the vicinity of HA-2. The aggregate base course thickness in this area appeared sufficient, and the subgrade conditions appeared suitable. We recommend that the existing asphalt be removed exposing the existing aggregate base course stone. The base course should then be proofrolled using a loaded highway dump truck. If the stone base is observed to be stable under the proofroll, then only the area can be repaired with only new asphalt. If the base course is observed to be unstable under the proofroll, then the area should be undercut a minimum of 2 feet and backfilled with suitable compacted soil and/or crushed stone prior to re-paving. We note that a concrete flume is adjacent to this area which discharges into a bioretention cell. ECS recommends that the concrete flume be regularly maintained by clearing debris and sediment build-up from the discharge area to prevent water from ponding on the pavement. It appears the flume has been blocked allowing water to pond on the road in this area, which may have contributed to the premature distress of the pavement.

We recommend that the full pavement section and subgrade be repaired in the vicinity of HA-4. The asphalt pavement and base course should be removed, and the subgrade should be undercut a minimum of 2 feet below the subgrade elevation. If the subgrade soils are observed to be unstable at the undercut depth, a layer of woven geotextile (Mirafi HP270) may be placed on the exposed subgrade at the bottom of the undercut prior to backfilling. The area should be backfilled with compacted soil and/or crushed stone, and the pavement section should be reconstructed in accordance with project requirements.

Limited Pavement Evaluation
Regal Oaks/Oak Haven Entrance Road
Hendersonville, North Carolina
ECS Project No. 31-2654

Additional Considerations

Areas requiring repairs should be observed on a full-time basis by ECS personnel. These observations should be performed by an experienced Geotechnical Engineer, or his representative, to ensure that the unsuitable materials have been removed and that the prepared subgrade, aggregate base, and/or pavements are constructed in accordance with the project requirements.

We appreciate the opportunity to be of service to you on this project. If you have any questions concerning the information and recommendations presented in this report, or if we can be of further assistance, please do not hesitate to contact us.

Respectfully,
ECS CAROLINAS, LLP represented by;

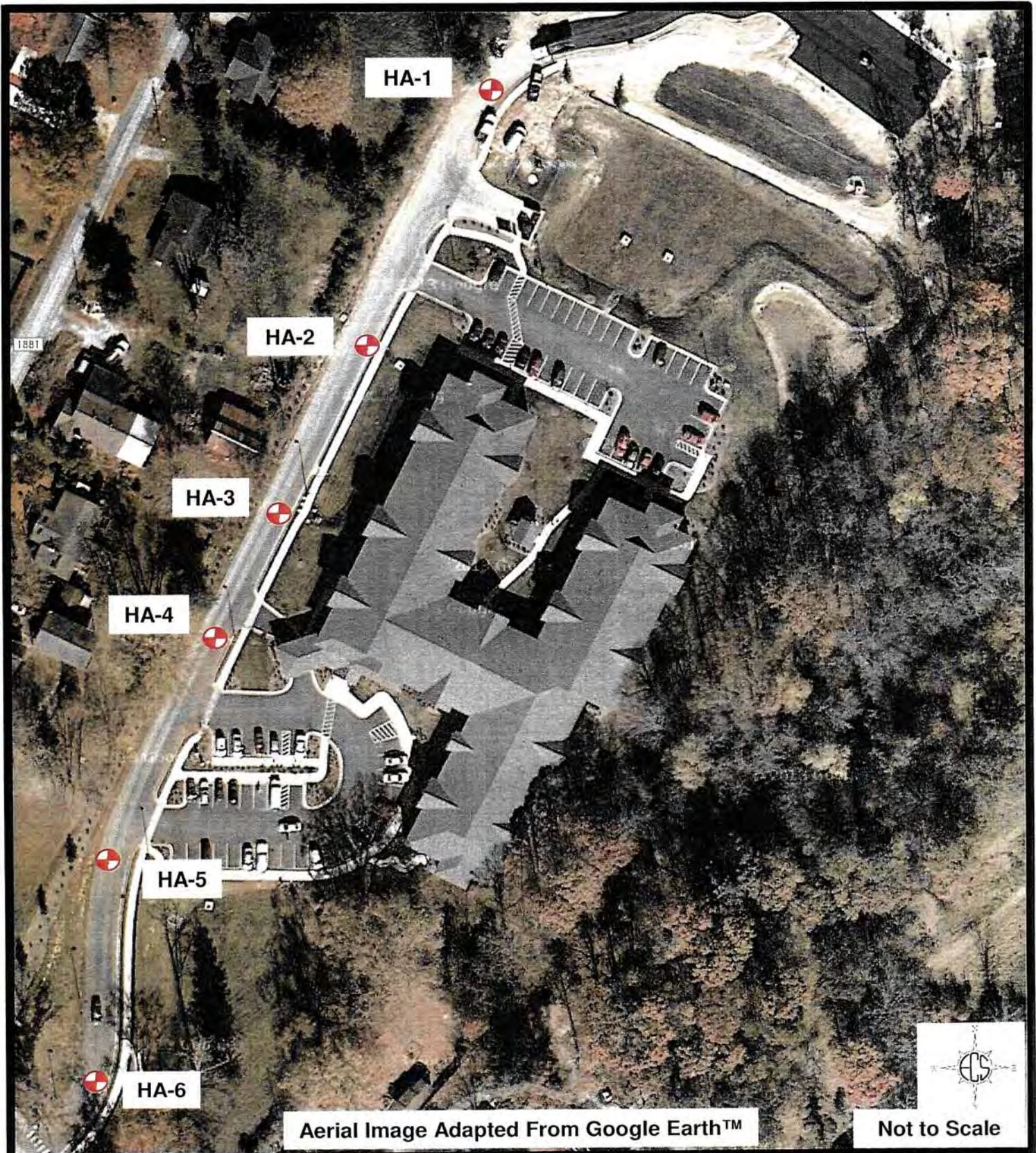


Scott W. Sawyer, E.I.
Geotechnical Project Manager



Matthew S. Fogleman, P.E.
Principal Engineer
NC License No. 31049

Attachments: Exploration Location Diagram
Summary of Pavement Section Measurements
Hand Auger Record
Site Photographs (3 Pages)



LEGEND

 **Approximate Coring and Hand Auger Locations**



EXPLORATION LOCATION DIAGRAM

Regal Oaks/Oak Haven Entrance Road
Hendersonville, North Carolina
ECS Project No. 31-2654



Summary of Pavement Section Measurements

Regal Oaks/Oak Haven Entrance Road
 Hendersonville, North Carolina
 ECS Project No. 31-2654

Core #	Location	Course Thickness		Subgrade Conditions	Existing Pavement Conditions
		Asphalt (in.)	Aggregate Base (in.)		
HA-1	Station 18+00	2.75	10.0	Suitable	Good
HA-2	Station 16+10	2.25	10.75	Suitable	Poor
HA-3	Station 14+75	2.5	8.0	Suitable	Good
HA-4	Station 13+90	3.0	8.5	Poor	Poor
HA-5	Station 12+00	2.25	11.75	Suitable	Good
HA-6	Station 10+75	3.0	10.75	Suitable	Good

ECS Carolinas, LLP
 1900 Hendersonville Road, Suite 10
 Asheville, NC 28803
 (828) 665-2307 - Phone
 (828) 665-8128 - Fax



HAND AUGER RECORD

ECS Project No.: 31-2654
 Date: 8/8/2014

ECS Project Name: Regal Oaks/Oak Haven Entrance Road
 ECS Crew: TG/JF
 Page: 1 of 1

Penetrometer Blow Counts

LOCATION/REMARKS	DEPTH (ft)	1-3/4"	1-3/4"	1-3/4"	SOIL DESCRIPTION
HA-1					
Station 18+00	Subgrade	15	11	13	Light Brown, Silty SAND, Moist
Asphalt - 2.75 Inches	-1.5	11	14	15	Light Brown, Silty SAND, Moist
Aggregate - 10.0 Inches	-2.5	10	11	12	Light Brown, Silty SAND, Moist
HA-2					
Station 16+10	Subgrade	18	12	11	Orangish Brown, Silty SAND, Moist
Asphalt - 2.25 Inches	-1	6	6	6	Orangish Brown, Silty SAND, Moist
Aggregate - 10.75 Inches	-2	10	13	18	Orangish Brown, Silty SAND, Moist
HA-3					
Station 14+75	Subgrade	19	20	19	Orangish Brown, Silty SAND, Moist
Asphalt - 2.5 Inches	-1	25+	--	--	Orangish Brown, Silty SAND, Moist
Aggregate - 8.0 Inches	-2	10	9	8	Orangish Brown, Silty SAND, Moist
HA-4					
Station 13+90	Subgrade	21	25+	--	Orangish Brown, Silty SAND, Moist
Asphalt - 3.0 Inches	-1	5	5	6	Grayish Brown, Silty SAND, Wet
Aggregate - 8.5 Inches	-2	3	4	3	Grayish Brown and Black, Silty SAND, Wet
	-3	3	5	5	Grayish Brown and Black, Silty SAND, Wet
	-4	7	9	10	Orangish Brown, Silty SAND, Moist
HA-5					
Station 12+00	Subgrade	16	18	17	Orangish Brown, Silty SAND, Moist
Asphalt - 2.25 Inches	-1	11	13	14	Orangish Brown, Silty SAND, Moist
Aggregate - 11.75 Inches	-2	12	16	17	Orangish Brown, Silty SAND, Moist
HA-6					
Station 10+75	Subgrade	19	14	12	Orangish Brown, Clayey SAND, Moist
Asphalt - 3.0 Inches	-1	11	10	11	Orangish Brown, Clayey SAND, Moist
Aggregate - 10.75 Inches	-2	16	15	14	Orangish Brown, Clayey SAND, Moist



Typical Pavement Conditions at Location HA-1



Typical Pavement Conditions at Location HA-2

HAND AUGER AND CORE LOCATION
PHOTOGRAPHS



REGAL OAKS/OAK HAVEN ENTRANCE ROAD
HENDERSONVILLE, NORTH CAROLINA
ECS PROJECT NO. 31-2654



Typical Pavement Conditions at Location HA-3



Typical Pavement Conditions at Location HA-4

HAND AUGER AND CORE LOCATION
PHOTOGRAPHS



REGAL OAKS/OAK HAVEN ENTRANCE ROAD
HENDERSONVILLE, NORTH CAROLINA
ECS PROJECT NO. 31-2654



Typical Pavement Conditions at Location HA-5



Typical Pavement Conditions at Location HA-6

HAND AUGER AND CORE LOCATION
PHOTOGRAPHS



REGAL OAKS/OAK HAVEN ENTRANCE ROAD
HENDERSONVILLE, NORTH CAROLINA
ECS PROJECT No. 31-2654

The Housing Assistance Corporation Board Meeting

Oak Haven Community Room

August 28th, 2019

Directors:

Marilyn Bailey ()

Liz Lazano (X)

Misty Bradley (X)

Lynn Marks (X)

Brian Burgess ()

Steve Orr, Member at Large (X)

Richard Colgan (X)

Ken Perkins (X)

Shelley DeLapouyade ()

Margie Prazan (X)

Sheryl Fortune (X)

Jim Robertson, Secretary (X)

Patrick Kennedy, Treasurer (X)

Chris Stevenson ()

Roberta Francis King (X)

Sheila Benjamin ()

Gwenn Lanning ()

M. Hilton Swing, President (X)

Staff:

Sarah Grymes (X), Stefanie Kompathoum (X), Sean Rose (), Heather Boyd (), Emalee Richman (),
Ashlynn Landreth (X)

Guests:

Blanca Sanchez – Partnership Property Management

Welcome: Hilton Swing called the August 28th, 2019 Board Meeting to order at 12:15 PM.

Mission Statement: Hilton Swing reminded the board of HAC's mission statement and the importance of the work that the Board and Staff does on a daily basis.

Conflict of Interest: Sarah Grymes reminded all board members that HAC does have a conflict of interest policy and asked that the board review the agenda items and comment if any member has a conflict for the August meeting.

Annual Apartment Meetings: Hilton Swing called the annual apartment meeting to order. Liz Lazano, a Board Member and employee of P.P.M. abstained from having any voting authority at during this portion of the meeting. Blanca Sanchez and Sarah Grymes provided the Board with an annual review of HAC apartments. Please see attached meeting minutes.

Resume Regular Meeting: Hilton Swing then resumed the regular 2019 August Meeting.

Resolutions and Authorization

- **Oak Haven/Regal Oaks Road Resolution:** After discussion about the road between Regal Oaks and Oak Haven, Patrick Kennedy motioned to all the City of Hendersonville to take over the road at Regal Oaks and Oak Haven. The motion was seconded by Margie Prazan, and all voted in favor.
- **2019 Grant Applications:** Sarah discussed the importance of having Board support and approval to submit grants throughout the year. Staff is seeking the approval to submit applications for the following grants and to give authority for the Executive Director to submit on a discretionary basis any other grants when necessary with consultation from the Board Chair:
 - CDBG-I for Polk County /Dogwood & Pisgah Healthcare Trust Grants
 - TD Bank
 - Z. Smith Reynolds
 - State Farm
 - Publix
 - Wells Fargo Volunteer Application
 - Community Foundation of Henderson County General Grant or Perry Rudnick
 - SHOP/523 TA/HOME/CHDO/HPG/ESFR/URP
 - Western Carolina Community Foundation-Cannon Foundation-Sisters of Mercy
 Patrick Kennedy motioned authorize the submission of the above named grant applications and to give the Executive Director authority to submit other grants when necessary. The motion was seconded by Ken Perkins, and all voted in favor.

Standard Agenda Items

- **Approval of June Minutes:** Margie Prazan made a motion to approve the June minutes, and it was seconded by Lynn Marks. All approved the June 26, 2019 minutes.

Review and Approve the Financial Report

- Patrick Kennedy review the financial statements as of August 12th, 2019. He reported that HAC has controlled expenses and grants are getting a late start. Sheryl Fortune motioned to approve the financial report and Margie Prazan seconded it. All voted in favor.
- Sarah Grymes explained that HAC will soon be paying for costs outside of the outlined HAC budget. These items include expenses for Gravel Street, training for staff, and housing counseling software. Sarah also mentioned that after staff discussion, HAC is looking to rehab the office instead of purchasing a new building.
- Sarah Grymes also stated that HAC would like to pay off the current credit cards and would like Board approval to do so. Misty Bradley motioned to approve that all current credit cards be paid off, Patrick Kennedy seconded the motion. All voted in favor.

Old Business

- There was discussion about renewal of Board terms and upcoming leadership positions available in the 2020 Board cycle. Board members were asked to please share their intent of serving on the board and to help recruit new members. Hilton Swing reminded the board that the Vice President position is still vacant.
- Sarah Grymes provided an update about the Village of King Creek HOA. She stated that new efforts were going well and the neighborhood is very receptive. The VKC playground is getting refurbished and the delinquent dues have been waived, which was a decision of the HOA Executive Committee.

New Business

- Sarah Grymes reiterated the need for a new office space due to project and staff expansion. She reviewed how HAC has grown over the past several years and what each department now looks like. She reviewed the most recent 990.
- Sarah Grymes also reminded the board to keep track of their board participation hours.

Fundraising Report

- Ashlynn Landreth provided a grant and fundraising update. She stated that the first annual Nips and Nibbles fundraiser was a great success and the committee is looking forward to hosting it again next year. She also mentioned that the Fundraiser House is coming along and that the Bartleys are looking to purchase the house.

Home Repair

- Sarah Grymes provided a Home Repair report stating that we have assisted 42 clients with 118 repairs so far this year. She also mentioned that Emalee Richman would like to hold a Board of Directors Volunteer Day on September 28th.

Multi Family Development

- Oklawaha Village: Sarah Grymes provided the Board with an update about Oklawaha Village Apartments. The loan has closed and construction will begin shortly. They are estimating that construction will be completed by summer of 2020.
- Seven Pines: Sarah Grymes stated that the Seven Pines project was not awarded the tax credit.

Single Family Housing Development

- Sarah Grymes stated that West Allen currently has 4 Self Help homes underway and that the Gravel Street project will be starting around September. Mine Gap project consists of 1 Rehab-5 New Homes-4 Self Help-August Start for 2 New Homes. Lenox Park has 1 New Home Underway. 2 New Homes in VKC just closed in June. In Polk County, we are waiting on engineering and land planning designs for the CDBG-I grant. Finally, HAC is looking for land in Transylvania County.

Adjourn Meeting

- Lynn Marks made a motion to adjourn, and it was seconded by Margie Prazan. All approved and the August 28th, 2019 Housing Assistance Board meeting was adjourned 1:25 PM.

A RESOLUTION: For Authorization by the Members of Oak Haven Apartments, LP, to pursue with the City of Hendersonville, Oak Haven Apartment's request for the City of Hendersonville, at accept ownership and maintenance responsibility of all streets located in the Oak Haven development.

WHEREAS, since all Members of Oak Haven Apartments, LP have voted to approve or reject the Proposal requesting the City of Hendersonville to assume all ownership and maintenance of all streets located in the Oak Haven development.

WHEREAS, since all Members of Oak Haven Apartments, LP, having voted, have by their unanimous vote approved the Proposal that the city of Hendersonville be formally requested to accept and maintain said streets,

THEREFORE BE IT RESOLVED, that M Hilton Swing, President of Oak Haven Apartments, LP and the Housing Assistance Board of Directors, will be directed to proceed with an expeditious submission of the above described Proposal.

Authorization granted this 9/27/19 date by the Members of Oak Haven Apartments, LP.

BY: M Hilton Swing President, Member

BY: James Robertson Secretary, Member

CERTIFICATE OF DEDICATION AND MAINTENANCE

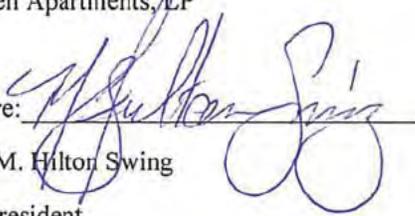
The undersigned certifies that he/she is a member of Oak Haven Apartments, LP a limited liability corporation, and that he/she has been authorized to execute this Certificate pursuant to authority granted by resolution of the Board of Directors of Oak Haven Apartments, LP, a copy of which resolution is attached hereto.

Oak Haven Apartments, LP, through the undersigned, hereby certifies all street right-of- ways described on the Final Plats for Oak Haven are owned by Oak Haven Apartments, LP, and are free of any encumbrances or liens.

Oak Haven Apartments, LP, through the undersigned, freely dedicates all street right-of- ways to public or private use as noted on said Final Plats. Oak Haven Apartments, LP further assumes full responsibility for the maintenance of said improvements, which arrangements shall remain in effect until such time as said improvements are accepted for maintenance by the appropriate public body.

Oak Haven Apartments, LP

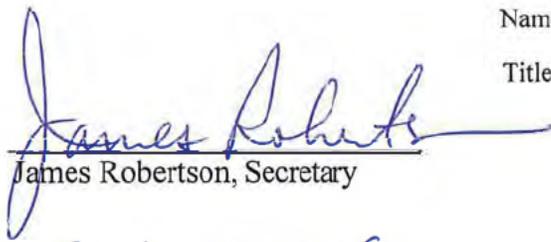
Signature:



Name: M. Hilton Swing

Title: President

Attest:


James Robertson, Secretary

Date:

Sept. 27, 2019

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, Teresa G Pickens, Notary Public of said State and County certify that M. Hilton Swing personally came before me this day and acknowledged that he is Vice President of Oak Haven Apartments, GP, a General Partnership Corporation, and that, by authority duly given as the act of the Limited Partnership, the foregoing instrument was signed in its name by M Hilton Swing, and attested by James Robertson.

Witness my hand and notarial seal, this

27 day of September 2019.



Notary Public

My Commission Expires: 3-23-20



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Jennifer Harrell

Department: Admin

Date Submitted: 9/23/2019

Presenter: Jennifer Harrell

Date of Council Meeting to consider this item: 10/3/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 05e

Some employees are being promoted or reclassified and shortly thereafter they are receiving a merit and market increase with their annual performance review, while others being promoted or reclassified do not have their annual performance review until some time later. To address this inequity issue, staff is requesting to change the employee annual performance review date to the action date for those employees promoted, demoted or reclassified . Applicable longevity pay and any applicable market increase will be based upon the employee's hire date.

Changes being made can be found in Article III. Section 8., on pages 12 and 13 of the attached Personnel Policy.

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

Suggested Motion:

I move the City Council approve changing employees annual performance review date to the action date for those employees promoted, demoted or reclassified and leave applicable longevity and any market increase based upon the employee's hire date.

Attachments:

CITY OF HENDERSONVILLE
PERSONNEL POLICY
Effective October 3,2019

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

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ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose of the Policy

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

Section 2. At Will Employment

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

Section 3. Merit Principle

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

Section 4. Responsibilities of the City Council

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

Section 5. Responsibilities of the City Manager

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

The City Manager shall supervise or participate in:

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

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

Section 6. Responsibilities of the Human Resources Director

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

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

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

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

Section 8. Departmental Rules and Regulations

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

Section 9. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Temporary Fellow. A person hired by the City through the Lead fr North Carolina (LFNC) program. The employee will be eligible for health care benefits or a taxable subsidy. The non exempt employee will be paid hourly for a maxium of 40 hours per week.

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

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Purpose.

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

Section 2. Composition of the Position Classification Plan

The classification plan shall consist of:

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

Section 3. Use of the Position Classification Plan

The classification plan is to be used:

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

Section 4. Administration of the Position Classification Plan

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

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

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

Section 6. Request for Reclassification

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

ARTICLE III. THE PAY PLAN

Section 1. Definition

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

Section 2. Administration and Maintenance

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

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

Section 3. Starting Salaries

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

Section 4. Trainee Designation and Provisions

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

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

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

Section 5. Probationary Pay Increases

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

Section 6. Merit Pay

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

Section 7. Merit Pay Bonus

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

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

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

provides an increase of at least approximately 5% over the employee's salary before the promotion, whichever is greater. In the event that an employee's salary is increased 5% but does not reach the probation completion amount for the position, that employee's salary shall be advanced to the probation completion amount. Upon promotion, the annual performance review date of the employee will change to the date of the promotion. Promoted employees may upon request of the hiring manager, serve a six-month probationary period except that employees in sworn police, entry level fire, and Department Head positions may serve a twelve-month probationary period. (Note: no pay increase is given at the end of a probationary period for a promoted employee unless promoted to the minimum rate of the pay range). If an employee does not successfully complete the probationary period, the employee may be reassigned to their original position if the position is vacant or a position of similar duties or the employee may be terminated. Longevity date and any applicable market increase will be based upon the employee's hire date. In the event of highly skilled and qualified employees, shortage of qualified applicants, or other reasons related to the merit principle of employment, the City Manager may set the salary at an appropriate rate in the range of the position to which the employee is promoted that best reflects the employee's qualifications for the job and relative worth to the City, taking into account the range of the position and relative qualifications of other employees in the same classification. In no event, however, shall the new salary exceed the maximum rate of the new salary range. In setting the promotion salary, the City shall consider internal comparisons with other employees in the same or similar jobs.

Demotions. Demotion is the involuntary movement of an employee from one position to a position in a class assigned to a lower salary range. When an employee is demoted to a position for which qualified, the salary shall be decreased at least 5%. Salaries of demoted employees may be no greater than the maximum of the new range. The employee's annual performance review date will move to the demotion date. Longevity date and any applicable market increase will be based upon the employee's hire date.

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

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

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

If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary. The employee's annual performance review date will move to the reclassification date. Longevity date and any applicable market increase will be based upon the employee's hire date.

Section 9. Salary Effect of Salary Range Revisions

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

Section 10. Transition to a New Salary Plan

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

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

Section 11. Effective Date of Salary Changes

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

Section 12. Overtime Pay Provisions

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

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

overtime compensation, and other provisions.

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

Section 13. Compensatory Time (Comp Time)

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

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

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

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

In the case of a severe and unusual circumstance including, but not limited to natural disasters, an official “State of Emergency” may be declared by the Mayor. Essential personnel are critical to ensure public safety, provide limited services at a minimum to the City of Hendersonville citizens and customers, and to restore the City of Hendersonville to normal operation.

Therefore, the following policy has been developed to address city operations during periods of State of Emergency situations/disasters.

- 1). Essential employees are expected to report to his/her workstation each work day and to make the necessary advance preparations so he/she can get to work in periods of states of emergencies/ disasters.
- 2). During emergency situations or disasters, an employee may be reassigned to other facilities to assist as needed.
- 3). Emergency Pay when a State of Emergency is declared by the Mayor during disaster situations. All essential exempt and non-exempt employees (excluding the City Manager and department heads) shall be compensated at a rate of one and one half (1 ½) hours for all hours worked above their normal work period. All employees on prior approved leave (vacation or sick)

who do not work during the declared emergency will be unaffected by this policy, unless the employee's presence is deemed as essential and his/her vacation is cancelled by the department head/City Manager.

4). Any employee not reporting to work as directed by his/her department head or the City Manager shall be deemed absent without approved leave and shall be subject to disciplinary action in accordance with the Personnel Policy.

5). Payment of overtime during emergency periods will not jeopardize or change an employee's exempt status.

6). Should the designation of the "State of Emergency" continue for an extended period of time due to severe and unusual circumstances or its aftermath, the City Manager or his/her designee may re-evaluate and modify the compensation rate and any other administrative policies deemed necessary.

Section 14. Call-back and Stand-by Pay

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

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

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

Section 15. Payroll Deduction

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

Section 16. Hourly Rate of Pay

Employees working in a part-time or temporary capacity with the same duties as full-time employees

will work at a rate in the same salary range as the full-time employees. Temporary Fellows will be paid according to the Lead for North Carolina program.

Section 17. Longevity Pay

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

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

Years of Service	Longevity Amount
5 to 9 Years	\$500.00
10 to 14 Years	\$750.00
15 to 19 Years	\$1,000.00
20 or more Years	\$1,250.00

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

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

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy

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

Section 2. Implementation of Equal Employment Opportunity Policy

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

Section 3. Recruitment, Selection and Appointment

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

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

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

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

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

Section 4. Probationary Period

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

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

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

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

Section 5. Promotion

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

rare situations where previous City experience is essential (such as promotions to Police Sergeant), or exceptional qualifications of an internal candidate so indicate, the City will consider external and internal candidates rather than automatically promote from within. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Internal candidates shall apply for promotions using the same application process as external candidates.

Section 6. Demotion and Reassignment

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

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

Section 7. Transfer

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

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Schedule

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

Section 2. Political Activity

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

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

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

Section 3. Outside Employment

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

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

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

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

Section 4. Dual Employment

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

Section 5. Employment of Relatives

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

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

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

Section 6. Harassment Prohibited

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

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

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

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

Section 7. Solicitation and Acceptance of Gifts and Favors

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

Section 8. Performance Evaluation

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

Section 9. Safety

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

Section 10. Substance Abuse Policy

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

Section 11. Disruption of the Work Place

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

Section 12. Attendance

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

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

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

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

Section 2. Group Health and Hospitalization Insurance

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

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

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

Section 3. Group Life Insurance

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

Section 4. Other Optional Group Insurance Plans

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

Section 5. Retirement

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

Section 6. Supplemental Retirement Benefits

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

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

Section 7. Social Security

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

Section 8. Workers' Compensation

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

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

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

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

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

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

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

compensation benefits begin.

Section 9. Unemployment Compensation

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

Section 10. Tuition Assistance Program

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

Section 11. Law Enforcement Separation Allowance

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

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

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

Termination of these benefits happens:

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

Notwithstanding the provisions of subdivision (c) of this section, any North Carolina local

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

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

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

Section 2. Holidays

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

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

Section 3. Holidays: Effect on Other Types of Leave

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

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

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

Section 5. Vacation Leave

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

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

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

Manager.

Section 6. Vacation Leave: Use by Probationary Employees

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

Section 7. Vacation Leave: Accrual Rate

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

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

Section 8. Vacation Leave: Maximum Accumulation

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

Employees are cautioned not to retain excess accumulated vacation leave until late in the year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee

shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation.

Section 9. Vacation Leave: Manner of Taking

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

Section 10. Vacation Leave: Payment upon Separation

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

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

Section 11. Vacation Leave: Payment upon Death

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

Section 12. Sick Leave

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

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

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

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

Section 13. Sick Leave: Accrual Rate and Accumulation

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

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

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

Section 14. Transfer of Sick Leave from Previous Employer

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

Section 15. Sick Leave: Medical Certification

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

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

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

Section 16. Leave Pro-rated

Holiday, annual, and sick leave earned by full-time and part-time employees with fewer or more hours

than the basic work week (40 Hours) shall be determined by the following formula:

- 1) The number of hours worked by such employees shall be divided by the number of hours in the basic work week (40 Hours)
- 2) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic work week.
- 3) The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned, or divided by 26 shall be the number of hours of leave earned biweekly.

Section 17. Funeral Leave

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

Section 18. Leave Without Pay

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

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

Section 19. Family and Medical Leave

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

- 1) For incapacity due to pregnancy, prenatal medical care or child birth;
- 2) To care for the employee's child after birth, or placement for adoption or foster care;

- 3) To care for employee's spouse, son or daughter (under age 18 or incapable of self-care due to disability) parent (in-laws not included), with a serious health condition, as defined by FMLA;
- 4) For a serious health condition, as defined by FMLA, that renders employee unable to perform the job.
- 5) For qualifying exigency arising out of the fact that the spouse, child, or parent of the employee is on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation.

Service member Family Leave

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

Eligible employees

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

Leave

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

12-Month Period

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

Medical Certification

The City may require medical certification to assess FMLA eligibility, as well as updates at reasonable intervals for continued certification. Employees are responsible for paying for the certification or re-certification. The City, at its own cost, may also require the employee to get a second or third opinion

from a physician designated by the City. Failure to provide adequate information within 15 calendar days, may result in denial of leave. The employee is expected to return to work at the end of the time frame stated in the medical certification, unless he/she has requested additional time in writing under the City's Leave Without Pay policy. The City requires a physician's statement certifying an employee's ability to return to work prior to returning from medical leave. An employee who does not return to work within three working days after their FMLA expires will be considered to have resigned their position.

Spouse's Combined Leave

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

Benefits Continuation

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

Reinstatement

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

Section 20. Workers' Compensation Leave

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

- 1) There is a mandatory 7 calendar day waiting period before Workers' Compensation salary benefits begin. For this waiting period, employees may use accrued compensatory time, sick or vacation leave.
- 2) Beginning on the 8th calendar day following the injury or illness, employees who have not returned to work shall be placed in a Workers' Compensation Leave Without Pay status until their return to work. Accrued leave cannot be used while in Leave Without Pay status.
- 3) Employees in leave without pay status will retain all accumulated compensatory time, sick and vacation leave while receiving Workers' Compensation benefits. An employee on Workers' Compensation leave may be permitted to continue to be eligible for benefits under the City's group insurance plans.
- 4) Upon reinstatement, an employee's salary will be computed on the basis of the last salary plus any salary increase to which the employee would have been entitled during the absence covered by Workers' Compensation benefits.

- 5) After returning to work, employees shall be required to use sick or vacation leave for any additional absences for doctor visits, physical therapy, and other required medical care except where any full or partial workday absence may be eligible for Workers' Compensation payment.
- 6) Any period of leave for a Workers' Compensation disability that qualifies as a "serious health condition" under the Family and Medical Leave Act (FMLA), will run concurrently with FMLA leave.
- 7) The City of Hendersonville's personnel policies shall continue to apply to an employee on Workers' Compensation leave in the same manner as they would apply to an employee who continues to work, or is absent while on some other form of leave.
- 8) An employee is prohibited from moonlighting or performing other outside work during any kind of leave including workers' compensation leave.
- 9) After a one-year (52-week) leave of absence on Workers' Compensation leave, employment with the City will be terminated to allow the City to fill the position. The employee will be eligible for rehire and given priority for qualified job openings upon a physician's statement certifying the employee's ability to return to work. The City reserves the right to separate the employee prior to 52-weeks.
- 10) During a period of leave under the Workers' Compensation Act, the employee remains responsible for paying for any voluntary benefits, or dependent benefits, at the same cost and at the same time as if the employee were still working. Failure to make timely payments will result in the cancelation of the voluntary benefit or dependent benefits coverage.

Section 21. Return to Work

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

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

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

If the employee's regular department is unable to meet the employee's need for modified duty, the

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

An employee may choose to accept or refuse the Return to Work (modified duty) job offer. However, an employee who refuses a Modified Duty job offer is subject to termination. Rejection of the job offer might also result in cancellation of income benefits under Workers' Compensation Insurance.

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

Section 22. Military Leave

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

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

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

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

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

Section 23. Reinstatement Following Military Service

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

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

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

Section 24. Civil Leave

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

Section 25. Parental School Leave

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

- 1) The leave must be taken at a time mutually agreed upon by the employee and the City; and,

- 2) The City may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
- 3) The City may require written verification from the child's school that the employee was involved at the school during the leave time.

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

ARTICLE VIII. SEPARATION AND REINSTATEMENT

Section 1. Types of Separations

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

Section 2. Resignation

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

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

Section 3. Reduction in Force

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

Section 4. Disability

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

Section 5. Voluntary Retirement

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

Section 6. Death

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

Section 7. Dismissal

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

Section 8. Reinstatement

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

Section 9. Rehiring

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

ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Section 1. Disciplinary Action for Unsatisfactory Job Performance

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

Section 2. Unsatisfactory Job Performance Defined

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

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

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

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

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

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

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

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

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

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

Section 4. Disciplinary Action for Detrimental Personal Conduct

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

Section 5. Detrimental Personal Conduct Defined

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

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

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

Section 6. Possible Dismissal: Notice and Hearing

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

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

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

Section 7. Non-Disciplinary Suspension

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

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

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

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy

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

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

Section 2. Grievance Defined

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

Section 3. Purposes of the Grievance Procedure

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

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

Section 4. Procedure

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

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

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

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

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

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

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

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

Section 5. Role of the Human Resources Director

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

1. To advise parties (including employee, supervisors, and City Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;
2. To be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents.
3. To give notices to parties concerning timetables of the process, etc.;
4. To assist employees and supervisors in drafting statements; and
5. To facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
6. To help locate mediation or other resources as needed.

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

Section 6. Grievance and Adverse Action Appeal Procedure for Discrimination

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

ARTICLE XI. RECORDS AND REPORTS

Section 1. Public Information

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

- 1) Name;
- 2) Age;
- 3) Date of original employment or appointment to the service;
- 4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the City has the written contract or a record of the oral contract in its possession;
- 5) Current position title;
- 6) Current salary;
- 7) Date and amount of each increase or decrease in salary with the City;
- 8) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the City;
- 9) Date and general description of the reasons for each promotion with the City;

- 10) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the municipality. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal; and
- 11) The office to which the employee is currently assigned.

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

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

Section 2. Access to Confidential Records

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

- 1) The employee or his/her duly authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient.
- 2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- 3) A City employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- 4) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- 5) An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the City Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- 6) An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
 - 6) The City Manager, with the concurrence of the City Council, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a City employee, and the

reasons for that action. Before releasing that information, the City Manager shall determine in writing that the release is essential to maintaining the level and quality of City services. The written determination shall be retained in the City Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

Section 3. Personnel Actions

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

Section 4. Records of Former Employees

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

Section 5. Remedies of Employees Objecting to Material in File

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

Section 6. Penalties for Permitting Access to Confidential Records

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

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

Section 160A-168 of the General Statutes of North Carolina provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined consistent with the General Statutes.

Section 8. Destruction of Records Regulated

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

ARTICLE XII. IMPLEMENTATION OF POLICIES

Section 1. Conflicting Policies Repealed

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

Section 2. Severability

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

Section 3. Effective Date

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

Section 4. Amendments

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



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brent Detwiler

Department: Engineering

Date Submitted: 9/24/19

Presenter: Brent Detwiler

Date of Council Meeting to consider this item: 10/3/19

Nature of Item: Council Action

Summary of Information/Request:

Item # 05f

GIS Technician I, II, III Job Descriptions:

City staff are in the process of hiring a GIS Technician to help with our growing list of mapping, GPS and other projects. We have determined that the current GIS Technician description needs to be expanded to three separate positions in order to better classify the experience and education level associated. Staff is therefore proposing to split GIS Technician into three descriptions of varying experience/education requirement levels (similar to Construction Inspector, Engineering Technician and others). We can then hire a candidate into a classification most suited to the individual's experience and qualification level (based on the candidates we are reviewing we will likely hire a GIS Technician II in the coming weeks). Note that staff recommends the GIS Technician I to be placed in Pay Grade 13, GIS Technician II in Pay Grade 15 and GIS Technician III in Pay Grade 17. Please let us know if you have any questions. Thank you!

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 to resolve to approve the job descriptions as presented.

Attachments:

GIS Technician I, II, III Job Descriptions

GIS TECHNICIAN I

Primary Reason Why Classification Exists

To perform technical work and support for Geographic Information System (GIS) projects and to create and maintain GIS datasets and maps.

Distinguishing Features of the Class

An employee in this class is required to be a professional in both a GIS and customer service capacity. Work involves extensive knowledge and ability to perform a diverse array of technical GIS related work. Employee must have considerable knowledge of Esri GIS software and be able to work with GIS data effectively. Employee must have knowledge with Trimble Geo7X Survey Grade Global Positioning Systems (GPS) unit and software. Work involves strong technical knowledge and public contact and requires tact, courtesy, customer service orientation, and teamwork to accomplish the duties. Accuracy and attention to detail in creating data is critical in performing the work.-Work is performed under minimal supervision. Work is performed under the general supervision of the GIS Administrator and City Engineer and performance is evaluated based on attainment of specific performance objectives, personal observation, feedback from department managers and employees.

Illustrative Examples of Work

- Provides technical support for the implementation and operation of GIS projects.
- Prepares GIS databases, maps, database reports and specialized queries in support of various projects.
- Performs technical GIS work to support decision making.
- Generates, maintains and disseminates GIS data.
- Operates and maintains GIS software and web-based applications.
- Operates GPS unit and software.
- Produces complex maps for departments and outside agencies.
- Updates jurisdiction boundaries, zoning districts, fire & police districts, utility service areas, etc.
- Pursues continuing education for technical and professional development.

Knowledge, Skills, and Abilities

- Considerable knowledge of ESRI GIS software (ArcGIS Desktop, ArcCatalog, ArcGIS Online, ArcPro).
- Considerable knowledge with Trimble Geo7X Survey Grade GPS unit and software.
- Considerable knowledge of cartographic principles, mapping, GIS database design and structure.
- Considerable knowledge of GIS hardware and software components, data communication and network methods and techniques.
- Considerable knowledge of associated software (i.e., Microsoft Access, Excel, Word, etc.).
- Ability to deal tactfully and courteously with the public.
- Ability to prepare written and oral presentations.
- Ability to establish and maintain effective working relationships with other staff, management, the general public, and others encountered in the course of work.
- Performs other related tasks as required.

Education

Graduation from a community college with an Associate's Degree in GIS, surveying or related field. Or a GIS Certificate from a reputable organization (Esri Technical Certification).

Experience

One (1) to four (4) years of experience in GIS and/or mapping, or an equivalent combination of education, training, experience to provide the required knowledge, skills and abilities.

Special Requirements

Valid driver's license.

Physical Requirements

This is medium work requiring the exertion of up to 50 pounds of force occasionally, and/or up to 20 pounds of force frequently, and/or up to 10 pounds of force constantly to move objects. Work requires balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pulling, lifting, fingering, grasping and feeling. Vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels. Visual acuity is required to prepare and analyze written or computer data, determine the accuracy and thoroughness of work, operate motor vehicles and observe general surroundings and activities.

Working Conditions

Work is performed both in an environmentally controlled office environment as well as outside environmental conditions including extreme heat, cold and noise requiring employee to shout in order to be heard above the ambient noise level; workplace hazards which may include proximity to moving mechanical parts, moving vehicles and atmospheric conditions that may affect the respiratory system including fumes, odors, dust, mists and gases.

FLSA Status

Non - Exempt

Disclaimer

This classification specification has been designed to indicate the general nature and level of work performed by employees within this classification. It is not designed to contain or be interpreted as a comprehensive inventory of all duties, responsibilities, and qualifications required of employees to perform the job. The City of Hendersonville reserves the right to assign or otherwise modify the duties assigned to this classification.

September 2019

GIS TECHNICIAN II

Primary Reason Why Classification Exists

To perform technical work and provide technical support for Geographic Information System (GIS) project implementation and operation, creating, testing and enhancing GIS applications, developing and administering web-based GIS applications, preparing GIS datasets, and maps

Distinguishing Features of the Class

An employee in this class is required to be a professional in both a GIS and customer service capacity. Work involves extensive knowledge and ability to perform a diverse array of technical GIS related work. Employee must have considerable knowledge of Esri GIS software and be able to work with GIS data effectively. Employee must have knowledge with Trimble Geo7X Survey Grade Global Positioning Systems (GPS) unit and software. Work involves strong technical knowledge and public contact and requires tact, courtesy, customer service orientation, and teamwork to accomplish the duties. Accuracy and attention to detail in creating data is critical in performing the work.-Work is performed under minimal supervision. Work is performed under the general supervision of the GIS Administrator and City Engineer and performance is evaluated based on attainment of specific performance objectives, personal observation, feedback from department managers and employees.

Illustrative Examples of Work

- Creates tests and enhances GIS operations; develops and administers web-based applications.
- Provides technical support for the implementation and operation of GIS projects.
- Prepares GIS databases, maps, database reports and specialized queries in support of various projects.
- Performs GIS analysis to support decision making.
- Generates, maintains and disseminates GIS data.
- Operates and maintains GIS software and web-based applications.
- Operates GPS unit and software.
- Produces complex maps for departments and outside agencies.
- Updates jurisdiction boundaries, zoning districts, fire & police districts, utility service areas, etc.
- Pursues continuing education for technical and professional development.
- Trains users on new and existing GIS and Esri products.

Knowledge, Skills, and Abilities

- Considerable knowledge of ESRI GIS software (ArcGIS Desktop, ArcCatalog, ArcGIS Online, ArcPro).
- Considerable knowledge with Trimble Geo7X Survey Grade GPS unit and software.
- Considerable knowledge of cartographic principles, mapping, geographic information system (GIS) database design and structure.
- Considerable knowledge of GIS hardware and software components, data communication and network methods and techniques.
- Considerable knowledge of associated software (i.e., Microsoft Access, Excel, Word, etc.).
- Ability to deal tactfully and courteously with the public.

- Ability to prepare written and oral presentations.
- Ability to establish and maintain effective working relationships with other staff, management, the general public, and others encountered in the course of work.
- Performs other related tasks as required.

Education

Graduation from an accredited college or university with a Bachelor's Degree in GIS, geography, planning or related field. GIS Certificate from a reputable organization preferred (Esri Technical Certification).

Experience

Minimum of five (5) years of experience in GIS and/or mapping, or an equivalent combination of education, training, experience to provide the required knowledge, skills and abilities.

Special Requirements

- Valid driver's license.
- Certification as a geographic information systems professional GISP preferred or the ability to obtain within 2 years from start of employment.

Physical Requirements

This is medium work requiring the exertion of up to 50 pounds of force occasionally, and/or up to 20 pounds of force frequently, and/or up to 10 pounds of force constantly to move objects. Work requires balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pulling, lifting, fingering, grasping and feeling. Vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels. Visual acuity is required to prepare and analyze written or computer data, determine the accuracy and thoroughness of work, operate motor vehicles and observe general surroundings and activities.

Working Conditions

Work is performed both in an environmentally controlled office environment as well as outside environmental conditions including extreme heat, cold and noise requiring employee to shout in order to be heard above the ambient noise level; workplace hazards which may include proximity to moving mechanical parts, moving vehicles and atmospheric conditions that may affect the respiratory system including fumes, odors, dust, mists and gases.

FLSA Status

Non - Exempt

Disclaimer

This classification specification has been designed to indicate the general nature and level of work performed by employees within this classification. It is not designed to contain or be interpreted as a comprehensive inventory of all duties, responsibilities, and qualifications required of employees to perform the job. The City of Hendersonville reserves the right to assign or otherwise modify the duties assigned to this classification.

GIS TECHNICIAN III

Primary Reason Why Classification Exists

To perform technical work and provides technical support for Geographic Information System (GIS) project implementation and operation, creating, testing and enhancing GIS applications, developing and administering web-based GIS applications, preparing GIS datasets, and maps

Distinguishing Features of the Class

An employee in this class is required to be a professional in both a GIS and customer service capacity. Work involves extensive knowledge and ability to perform a diverse array of technical GIS related work. Employee must have considerable knowledge of Esri GIS software and be able to work with GIS data effectively. Employee must have knowledge with Trimble Geo7X Survey Grade Global Positioning Systems (GPS) unit and software. Work involves strong technical knowledge and public contact and requires tact, courtesy, customer service orientation, and teamwork to accomplish the duties. Accuracy and attention to detail in creating data is critical in performing the work.-Work is performed under minimal supervision. Work is performed under the general supervision of the GIS Administrator and City Engineer and performance is evaluated based on attainment of specific performance objectives, personal observation, feedback from department managers and employees.

Illustrative Examples of Work

- Creates tests and enhances GIS operations; develops and administers web-based applications.
- Provides technical support for the implementation and operation of GIS projects.
- Prepares GIS databases, maps, database reports and specialized queries in support of various projects.
- Performs GIS analysis to support decision making.
- Generates, maintains and disseminates GIS data.
- Operates and maintains GIS software and web-based applications.
- Operates GPS unit and software.
- Produces complex maps for departments and outside agencies.
- Updates jurisdiction boundaries, zoning districts, fire & police districts, utility service areas, etc.
- Pursues continuing education for technical and professional development.
- Trains users on new and existing GIS and Esri products.

Knowledge, Skills, and Abilities

- Considerable knowledge of ESRI GIS software (ArcGIS Desktop, ArcCatalog, ArcGIS Online, ArcPro).
- Considerable knowledge with Trimble Geo7X Survey Grade GPS unit and software.
- Considerable knowledge of cartographic principles, mapping, GIS database design and structure.
- Considerable knowledge of GIS hardware and software components, data communication and network methods and techniques.
- Considerable knowledge of associated software (i.e., Microsoft Access, Excel, Word, etc.).
- Ability to deal tactfully and courteously with the public.
- Ability to prepare written and oral presentations.

- Ability to establish and maintain effective working relationships with other staff, management, the general public, and others encountered in the course of work.
- Performs other related tasks as required.

Education

Graduation from an accredited college or university with a Bachelor's Degree in GIS, geography, planning or related field. GIS Certificate from a reputable organization preferred (Esri Technical Certification).

Experience

Minimum of eight (8) years of experience in GIS and/or mapping, or an equivalent combination of education, training, experience to provide the required knowledge, skills and abilities.

Special Requirements

- Valid driver's license.
- Certification as a geographic information systems professional GISP

Physical Requirements

This is medium work requiring the exertion of up to 50 pounds of force occasionally, and/or up to 20 pounds of force frequently, and/or up to 10 pounds of force constantly to move objects. Work requires balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pulling, lifting, fingering, grasping and feeling. Vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels. Visual acuity is required to prepare and analyze written or computer data, determine the accuracy and thoroughness of work, operate motor vehicles and observe general surroundings and activities.

Working Conditions

Work is performed both in an environmentally controlled office environment as well as outside environmental conditions including extreme heat, cold and noise requiring employee to shout in order to be heard above the ambient noise level; workplace hazards which may include proximity to moving mechanical parts, moving vehicles and atmospheric conditions that may affect the respiratory system including fumes, odors, dust, mists and gases.

FLSA Status

Non - Exempt

Disclaimer

This classification specification has been designed to indicate the general nature and level of work performed by employees within this classification. It is not designed to contain or be interpreted as a comprehensive inventory of all duties, responsibilities, and qualifications required of employees to perform the job. The City of Hendersonville reserves the right to assign or otherwise modify the duties assigned to this classification.

September 2019



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Jennifer Harrell

Department: Admin

Date Submitted: 9/24/2019

Presenter: Jennifer Harrell

Date of Council Meeting to consider this item: 10/3/2019

Nature of Item: Council Action

Summary of Information/Request:

Item #

Staff is making amendments to Pay & Classification Schedule. Specifically, adding the following positions.

Grade 13	GIS Technician I
Grade 15	GIS Technician II
Grade 17	GIS Technician III

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

Suggested Motion:

I move the City Council approve the addition of the GIS Technician I, II and III positions in the Pay and Classification scale as presented.

Attachments:

Pay and Classification Schedule

City of Hendersonville Pay and Classification Schedule

Market Increase = 1.30% July 1st, 2019 - June 30th, 2020

Grade	Job Classification Title	Minimum	Midpoint	Maximum
1	Not assigned	20,554.51	25,918.84	31,278.62
2	Not assigned	21,582.24	27,214.78	32,842.55
3	Not assigned	22,661.35	28,575.52	34,484.68
4	Not assigned	23,794.41	30,004.30	36,208.91
5	Not assigned	24,984.14	31,504.52	38,019.36
6	Environmental Services Worker I	26,233.34	33,079.74	39,920.32
6	Property Maintenance Worker I	26,233.34	33,079.74	39,920.32
6	Street Maintenance Worker I	26,233.34	33,079.74	39,920.32
7	Customer Service Collection Specialist	27,545.01	34,733.73	41,916.34
7	Facilities Maintenance Technician	27,545.01	34,733.73	41,916.34
8	Administrative Assistant I	28,922.26	36,470.41	44,012.16
8	Customer Service Representative	28,922.26	36,470.41	44,012.16
8	Environmental Services Worker II	28,922.26	36,470.41	44,012.16
8	Line Maintenance Mechanic I	28,922.26	36,470.41	44,012.16
8	Meter Services Technician	28,922.26	36,470.41	44,012.16
8	Police Support Specialist	28,922.26	36,470.41	44,012.16
8	Property Maintenance Worker II	28,922.26	36,470.41	44,012.16
8	Street Maintenance Worker II	28,922.26	36,470.41	44,012.16
8	Warehouse Specialist	28,922.26	36,470.41	44,012.16
8	WTP Operator I	28,922.26	36,470.41	44,012.16
8	WWTP Operator I	28,922.26	36,470.41	44,012.16
9	Evidence Technician/Admin Assistant	30,368.37	38,293.94	46,212.77
9	Facilities Maintenance Mechanic I	30,368.37	38,293.94	46,212.77
9	Senior Police Support Specialist	30,368.37	38,293.94	46,212.77
10	Building Maintenance Technician	31,886.79	40,208.63	48,523.40
10	Environmental Services Equip Operator	31,886.79	40,208.63	48,523.40
10	Fleet Equipment Mechanic	31,886.79	40,208.63	48,523.40
10	Line Maintenance Mechanic II	31,886.79	40,208.63	48,523.40
10	Property Maintenance Equip Operator	31,886.79	40,208.63	48,523.40

City of Hendersonville Pay and Classification Schedule

Market Increase = 1.30% July 1st, 2019 - June 30th, 2020

Grade	Job Classification Title	Minimum	Midpoint	Maximum
10	Telecommunicator	31,886.79	40,208.63	48,523.40
10	Street Maintenance Equipment Operator	31,886.79	40,208.63	48,523.40
10	Utility Billing Specialist	31,886.79	40,208.63	48,523.40
10	Utilities Locator	31,886.79	40,208.63	48,523.40
10	WTP Operator II	31,886.79	40,208.63	48,523.40
10	WWTP Operator II	31,886.79	40,208.63	48,523.40

11	Administrative Assistant II	33,481.13	42,219.06	50,949.57
11	Downtown Promotions Coordinator	33,481.13	42,219.06	50,949.57
11	Environmental Services Crew Leader	33,481.13	42,219.06	50,949.57
11	Facilities Maintenance Mechanic II	33,481.13	42,219.06	50,949.57
11	Firefighter/EMT	33,481.13	42,219.06	50,949.57
11	Fleet Equipment Services Specialist	33,481.13	42,219.06	50,949.57
11	Generator Maintenance Technician	33,481.13	42,219.06	50,949.57
11	Lead Telecommunicator	33,481.13	42,219.06	50,949.57
11	Property Maintenance Crew Leader	33,481.13	42,219.06	50,949.57
11	Street Maintenance Crew Leader	33,481.13	42,219.06	50,949.57
11	Traffic Control Technician	33,481.13	42,219.06	50,949.57
11	Utility Operations Support Specialist	33,481.13	42,219.06	50,949.57

12	CCTV Crew Leader	35,155.19	44,330.02	53,497.05
12	Fire Inspector I	35,155.19	44,330.02	53,497.05
12	Inflow Infiltration Technician	35,155.19	44,330.02	53,497.05
12	Leak Detection Technician	35,155.19	44,330.02	53,497.05
12	Line Maintenance Crew Leader	35,155.19	44,330.02	53,497.05
12	Police Officer	35,155.19	44,330.02	53,497.05
12	Senior Firefighter/EMT	35,155.19	44,330.02	53,497.05
12	WTP Operator III	35,155.19	44,330.02	53,497.05
12	WWTP Operator III	35,155.19	44,330.02	53,497.05
12	Zoning Enforcement Officer	35,155.19	44,330.02	53,497.05

13	Administrative Assistant III	36,912.95	46,546.52	56,171.91
13	Fire Engineer	36,912.95	46,546.52	56,171.91
13	Fire Inspector II	36,912.95	46,546.52	56,171.91
13	GIS Technician I	36,912.95	46,546.52	56,171.91
13	Human Resources Analyst	36,912.95	46,546.52	56,171.91
13	Parking Services Supervisor	36,912.95	46,546.52	56,171.91
13	Police Communications Supervisor	36,912.95	46,546.52	56,171.91

City of Hendersonville Pay and Classification Schedule

Market Increase = 1.30% July 1st, 2019 - June 30th, 2020

Grade	Job Classification Title	Minimum	Midpoint	Maximum
13	Revenue Clerk	36,912.95	46,546.52	56,171.91
13	Utilities Operations Support Supervisor	36,912.95	46,546.52	56,171.91
13	WTP Laboratory Technician	36,912.95	46,546.52	56,171.91
13	WWTP Laboratory Technician	36,912.95	46,546.52	56,171.91

14	Accounting Coordinator	38,758.59	48,873.84	58,980.50
14	Customer Service Supervisor	38,758.59	48,873.84	58,980.50
14	Engineering Technician I	38,758.59	48,873.84	58,980.50
14	Environmental Services Coordinator	38,758.59	48,873.84	58,980.50
14	Fire and Life Safety Educator	38,758.59	48,873.84	58,980.50
14	Fire and Logistics Coordinator	38,758.59	48,873.84	58,980.50
14	Instrumentation & Electrical Technician	38,758.59	48,873.84	58,980.50
14	Meter Services Supervisor	38,758.59	48,873.84	58,980.50
14	Paralegal & Grants Coordinator	38,758.59	48,873.84	58,980.50
14	Police Detective	38,758.59	48,873.84	58,980.50

15	AMI Data Analyst	40,696.52	51,317.54	61,929.53
15	Assistant Fire Marshal	40,696.52	51,317.54	61,929.53
15	Budget & Management Analyst I	40,696.52	51,317.54	61,929.53
15	Building Maintenance Supervisor	40,696.52	51,317.54	61,929.53
15	Chief WTP Operator	40,696.52	51,317.54	61,929.53
15	Chief WWTP Operator	40,696.52	51,317.54	61,929.53
15	Construction Inspector I	40,696.52	51,317.54	61,929.53
15	Downtown Economic Development Coordinator	40,696.52	51,317.54	61,929.53
15	Engineering Technician II	40,696.52	51,317.54	61,929.53
15	Environmental Services Supervisor	40,696.52	51,317.54	61,929.53
15	Facilities Maintenance Supervisor	40,696.52	51,317.54	61,929.53
15	Fire Lieutenant	40,696.52	51,317.54	61,929.53
15	Fleet Maintenance Supervisor	40,696.52	51,317.54	61,929.53
15	GIS/IT Analyst	40,696.52	51,317.54	61,929.53
15	GIS Technician II	40,696.52	51,317.54	61,929.53
15	Human Resources Coordinator	40,696.52	51,317.54	61,929.53
15	Planner I	40,696.52	51,317.54	61,929.53
15	Police Sergeant	40,696.52	51,317.54	61,929.53
15	Property Maintenance Supervisor	40,696.52	51,317.54	61,929.53
15	Sewer Collection Systems Supervisor	40,696.52	51,317.54	61,929.53
15	Street Maintenance Supervisor	40,696.52	51,317.54	61,929.53
15	Traffic Control Supervisor	40,696.52	51,317.54	61,929.53

City of Hendersonville Pay and Classification Schedule

Market Increase = 1.30% July 1st, 2019 - June 30th, 2020

Grade	Job Classification Title	Minimum	Midpoint	Maximum
15	Water Distribution Systems Supervisor	40,696.52	51,317.54	61,929.53
15	WTP Laboratory Supervisor	40,696.52	51,317.54	61,929.53
15	WWTP Laboratory Supervisor	40,696.52	51,317.54	61,929.53

16	Accountant I	42,731.35	53,883.41	65,026.00
16	Construction Inspector II	42,731.35	53,883.41	65,026.00
16	Engineering Technician III	42,731.35	53,883.41	65,026.00
16	Stormwater Quality Specialist	42,731.35	53,883.41	65,026.00

17	Accountant II	44,867.92	56,577.58	68,277.30
17	Budget & Management Analyst II	44,867.92	56,577.58	68,277.30
17	Construction Inspector III	44,867.92	56,577.58	68,277.30
17	GIS Technician III	44,867.92	56,577.58	68,277.30
17	Planner II	44,867.92	56,577.58	68,277.30

18	Accounting Supervisor	47,111.31	59,406.46	71,691.17
18	Civil Engineer I	47,111.31	59,406.46	71,691.17
18	Construction Manager	47,111.31	59,406.46	71,691.17
18	Deputy Fire Marshal	47,111.31	59,406.46	71,691.17
18	Fire Captain	47,111.31	59,406.46	71,691.17
18	Fire Training Officer	47,111.31	59,406.46	71,691.17
18	Revenue Supervisor	47,111.31	59,406.46	71,691.17
18	Wastewater Treatment Facilities Manager	47,111.31	59,406.46	71,691.17
18	Water Treatment Facilities Manager	47,111.31	59,406.46	71,691.17

19	Communications Manager	49,466.88	62,376.79	75,275.73
19	Police Lieutenant	49,466.88	62,376.79	75,275.73

20	Civil Engineer II	51,940.22	65,495.62	79,039.51
20	Fire Battalion Chief	51,940.22	65,495.62	79,039.51
20	Stormwater Administrator	51,940.22	65,495.62	79,039.51
20	Utilities Technology Manager	51,940.22	65,495.62	79,039.51

21	Fire Marshal	54,537.23	68,770.41	82,991.49
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22	Assistant Finance Director	57,264.10	72,208.93	87,141.06
22	Assistant Public Works Director	57,264.10	72,208.93	87,141.06
22	Civil Engineer III	57,264.10	72,208.93	87,141.06

City of Hendersonville Pay and Classification Schedule

Market Increase = 1.30% July 1st, 2019 - June 30th, 2020

Grade	Job Classification Title	Minimum	Midpoint	Maximum
22	GIS Administrator	57,264.10	72,208.93	87,141.06
22	Operations Manager	57,264.10	72,208.93	87,141.06
22	Police Captain	57,264.10	72,208.93	87,141.06
23	Assistant Police Chief	60,127.30	75,819.37	91,498.12
23	Deputy Fire Chief	60,127.30	75,819.37	91,498.12
24	Civil Engineer IV	63,133.67	79,610.34	96,073.02
25	City Clerk	66,290.35	83,590.86	100,876.67
25	Downtown Economic Development Dir	66,290.35	83,590.86	100,876.67
25	Human Resources Director	66,290.35	83,590.86	100,876.67
26	Not assigned	69,604.87	87,770.41	105,920.51
27	Not assigned	73,085.11	92,158.92	111,216.53
28	City Engineer	76,739.37	96,766.87	116,777.36
28	Development Assistance Director	76,739.37	96,766.87	116,777.36
28	Finance Director	76,739.37	96,766.87	116,777.36
28	Fire Chief	76,739.37	96,766.87	116,777.36
28	Police Chief	76,739.37	96,766.87	116,777.36
28	Public Works Director	76,739.37	96,766.87	116,777.36
28	Utilities Director	76,739.37	96,766.87	116,777.36
29	Not assigned	80,576.33	101,605.21	122,616.23
30	Not assigned	84,605.15	106,685.47	128,747.04
31	Assistant City Manager	88,835.41	112,019.74	135,184.39
32	Not assigned	93,277.18	117,620.73	141,943.61
33	Not assigned	97,941.04	123,501.77	149,040.79
34	Not assigned	102,838.09	129,676.86	156,492.83
35	Not assigned	107,979.99	136,160.70	164,317.47

City of Hendersonville
Pay and Classification Schedule

Market Increase = 1.30% July 1st, 2019 - June 30th, 2020

Grade	Job Classification Title	Minimum	Midpoint	Maximum
36	Not assigned	113,378.99	142,968.74	172,533.34



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Daniel Heyman

Department: Development Asst Dept

Date Submitted: 09/25/2019

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 # 05g

File #P19-29-ANX

The City has received petitions from Clear Creek Investment Group, LLC for a satellite annexation of PINs 9660-90-7491, 9660-90-2975, 9660-81-8633, and 9660-82-5607 located on Clear Creek Road which is approximately 72.2 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. A hearing to zone the property will be held simultaneously.

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 Clear Creek Investment Group, LLC petition and set November 7, 2019 as the date for the public hearing.

Attachments:

- Clerks Certificate of Sufficiency
- Map

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.

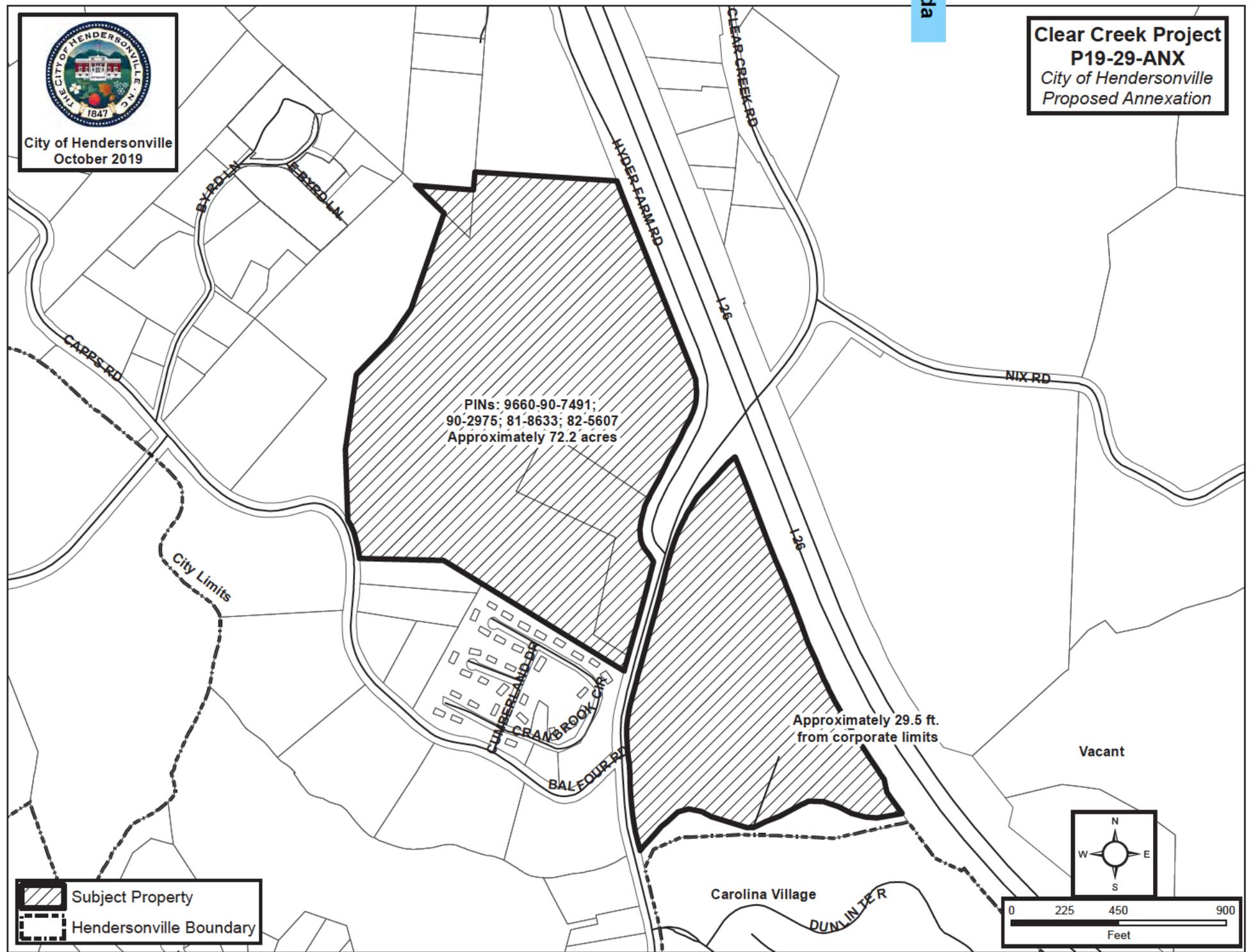
Tammie K. Drake

Tammie K. Drake, MMC, City Clerk



City of Hendersonville
October 2019

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



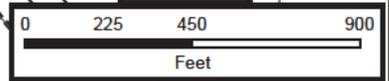
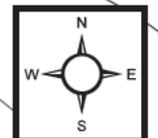
PINs: 9660-90-7491;
90-2975; 81-8633; 82-5607
Approximately 72.2 acres

Approximately 29.5 ft.
from corporate limits

Vacant

 Subject Property

 Hendersonville Boundary



Carolina Village

DUNLAR R

City Limits

CARPS RD

BYRD LN

ESSEX LN

HYDER FARM RD

126

CLEAR CREEK RD

126

NIX RD

DUMPER LN DR

CRAMBROOK CRT

BALFOUR DR



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Adam Steurer

Department: Utilities

Date Submitted: 9/17/2019

Presenter: Lee Smith

Date of Council Meeting to consider this item: October 3, 2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 05h

Hendersonville Water Treatment Facility Basin Repairs and Coatings Project Award:

The project consists of concrete repairs to existing treatment structures, immersion service and exterior non-immersion service coatings systems installation, and installation of a new stop gate within an existing concrete channel to improve treatment operations. The Engineer's Opinion of Probably Construction Cost for this project was approximately \$485,000.

On September 16, 2019, two informal bids were received as follows:

- Crom, LLC - \$400,340.00
- Superior Industrial Maintenance Company - \$643,250.00

Each of the bids received was reviewed for accuracy and completeness. In accordance with North Carolina requirements for construction contracting, there is no minimum number of bids required for the informal bidding process(GS 143-131). As a result of this review, City staff and our consultant recommends the project award to Crom, LLC, the lowest responsive and responsible bidder, in the amount of \$400,340.00. Please let us know if you have any questions or require additional information regarding this project.

Budget Impact: \$ \$400,340.00 Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion:

I move City Council to resolve to authorize the City Manager to award and execute the contract for the construction of the Hendersonville Water Treatment Facility Basin Repairs and Coatings Project to Crom, LLC, the lowest responsive and responsible bidder, in the amount of \$400,340.00, as presented and recommended by staff.

Attachments:

Bid Tabulation and Recommendation of Award



ENGINEERS

PLANNERS

ARCHITECTS

September 17, 2019

064960006

Mr. Adam Steurer, PE
Utilities Engineer
City of Hendersonville
305 Williams Street
Hendersonville, NC 28792

RE: Bid Tabulation and Recommendation
Hendersonville Water Treatment Facility Basin Repairs and Coatings

Dear Mr. Steurer:

On September 16, 2019, two (2) bids were received for the City of Hendersonville Water Treatment Facility Basin Repairs and Coatings Project. Crom, LLC of Gainesville, FL submitted the apparent low bid for the project. McKim & Creed has completed a detailed analysis of each bid submitted, none of which affected the bid of Crom, LLC or the order of the bids received. A Bid Tabulation of each bid received is attached.

We therefore recommend that the City of Hendersonville award the construction contract for the City of Hendersonville Water Treatment Facility Basin Repairs and Coatings to Crom, LLC for the amount of \$400,340.00.

We appreciate this opportunity to serve the City of Hendersonville and look forward to the completion of this project. Please contact our office (704-841-2588) with any questions or concerns.

Respectfully submitted,

McKIM & CREED, Inc.


Zachary Trammel, PE
Project Manager

Attachments

8020 Tower Point Drive

Charlotte, NC 28227

704 841 2588

Fax 704 841 2587

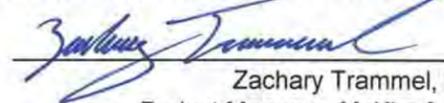
www.mckimcreed.com

BID TABULATION
CITY OF HENDERSONVILLE WATER TREATMENT FACILITY
BASIN REPAIRS AND COATINGS PROJECT

PROJECT #: 06496-0008

Bids Due: September 16, 2019 at 2:00 pm				CONTRACTOR:		CROM, LLC		SUPERIOR INDUSTRIAL MAINTENANCE COMPANY	
						Gainesville, FL		Concord, NC	
ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL		
A	MOBILIZATION	1	LS	\$ 18,400.00	\$ 18,400.00	\$ 17,000.00	\$ 17,000.00		
B	BASIN CONCRETE REPAIRS								
B1	SPLITTER BOX REPAIR MODIFICATIONS	1	LS	\$ 45,000.00	\$ 45,000.00	\$ 15,000.00	\$ 15,000.00		
B2	CONCRETE REPAIRS TO INNER FACE OF NORTH WALL OF SEDIMENTATION #5	300	LF	\$ 79.30	\$ 23,790.00	\$ 120.00	\$ 36,000.00		
B3	CONCRETE REPAIRS TO OUTER FACE OF NORTH WALL OF SEDIMENTATION #5	100	SF	\$ 349.00	\$ 34,900.00	\$ 175.00	\$ 17,500.00		
B4	REPAIR MODIFICATIONS TO COMMON WALL BETWEEN FLOCCULATION/SEDIMENTATION BASINS #4 AND #5	1	LS	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00		
C	STOP GATE INSTALLATION	1	LS	\$ 14,850.00	\$ 14,850.00	\$ 8,000.00	\$ 8,000.00		
D	COATING SYSTEMS INSTALLATION								
D1	COATING SYSTEMS INSTALLATION FOR CONCRETE IN CONTACT WITH POTABLE WATER	10,500	SF	\$ 18.80	\$ 197,400.00	\$ 43.50	\$ 456,750.00		
D2	COATING SYSTEMS INSTALLATION FOR EXTERIOR CONCRETE, NOT IN CONTACT WITH POTABLE WATER	750	SF	\$ 8.00	\$ 6,000.00	\$ 44.00	\$ 33,000.00		
E	CONTINGENCY ALLOWANCE	1	LS	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00		
	TOTAL				\$ 400,340.00	\$	643,250.00		

I hereby certify that the above tabulation is a correct tabulation of the bids received on September 16, 2019



 Zachary Trammel, PE
 Project Manager, McKim & Creed, Inc.





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 9-20-19

Presenter: Susan Frady, Development Asst Director

Date of Council Meeting to consider this item: 10-3-19

Nature of Item: Council Action

Summary of Information/Request:

Item # 05i

Treat Street Carnival

This event will be held Thursday, October 31st. Downtown, Henderson County Parks and Recreation and Hola Community Art have all partnered to combine what was multiple Halloween offerings into one big Halloween event. This event will include the standard downtown trick or treating with downtown businesses throughout the district, multi-ages costume party and DJ party. This year's event will include vendor trick or treat tables, inflatables and large screen Halloween movie screen.

Main Street will be closed from 3:00 PM - 8:00 PM. from Allen Street to 6th Avenue. The Special Events Committee voted unanimously to recommend that the City Council approve this event.

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

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

I move City Council resolve to approve the special event permit for the Treat Street Carnival.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 9/23/2019

Presenter: John Connet

Date of Council Meeting to consider this item: 10/3/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 05j

After recent national events, Councilman Miller inquired about the City's Parade Ordinance. Upon review, I discovered that our ordinance had not been substantially updated since 1971. I reviewed ordinances from the Cities of Charlotte, Asheville, Hickory and Concord. Following this review I was able to revise our ordinance to a more modern standard. The new ordinance provides much more detailed guidance to the Police Department and parade applicant. It also provides first amendment protections as required by the U.S. Constitution and recent court cases. I am requesting the City Council's approval of the revised ordinance.

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:

I move the City Council adopt an ordinance amending Chapter 50, Article VII - Parades and Processions of Hendersonville Code of Ordinances.

Attachments:

- Proposed resolution
- Proposed Parade Ordinance
- Current Parade Ordinance

Proposed Ordinance

ARTICLE VII. –PARADES AND PROCESSIONS

Sec. 50-416. - Definitions.

The following words, terms or phrases, when used in this article, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning.

Appeals official means the city manager, or his designee who shall the assistant city manager.

Athletic event means any event involving the conduct of exercises, sports or games.

Business days means those days in which city offices are open for conducting city business.

Chief of police means the Chief of Police of the City of Hendersonville, or his designee.

Parade means any athletic event, ceremony, pageant, march, picket, procession, motorcade or other similar activity consisting of 20 or more persons, animals, vehicles or transported things, or a combination thereof proceeding along any sidewalk or along the traveled portion of any street within the city for the primary purpose of display to others in such a manner as to interfere with the normal flow of vehicular or pedestrian traffic upon such sidewalk or street. A procession in which individuals move single-file along a sidewalk shall not be regarded as interfering with the normal flow of pedestrian traffic along such sidewalk.

Parade permit means a permit as required by this article in order to conduct a parade on public street regulated by this article.

Sidewalk means that portion of the street right-of-way that is designated for the use of pedestrians and that is paved.

Street means any place or way set aside or open to the general public for purposes of vehicular traffic, including any curb, berm, shoulder, right-of-way, or median strip, but not including the sidewalk.

Sec. 50-417 - Permit required for parades.

- (a) No parade is permitted unless a permit has been first obtained from the chief of police allowing the parade pursuant to this article.
- (b) A person seeking to obtain a parade shall file an application with the chief of police on forms provided by such official.
- (c) A person seeking to obtain a parade permit which requires a street closing or otherwise requires police officers to stop or reroute vehicular traffic upon any street because the participants will not comply with normal traffic regulations or controls shall file an application with the chief of police at least 10 days before the time for which the parade is proposed to commence. Notwithstanding the preceding sentences, the chief of police shall consider an application for a parade which is filed within any shorter time-frames from those prescribed above where the purpose of the parade is a spontaneous response to a current event, or where other good and compelling causes are shown.
- (d) A person seeking to obtain a parade permit for Main Street which requires the closing of Main Street for greater than three hours shall file an application with the chief of police at least 45 days before the time for which the parade is proposed to commence. The chief of police shall notified downtown merchants via the Downtown Advisory Committee or successor committees at least 30 days before the time for which the parade is proposed to commence. Notwithstanding the preceding sentences, the chief of police shall consider an application for a parade which is filed within any shorter time-frames from those prescribed above where the purpose of the parade is a spontaneous response to a current event, or where other good and compelling causes are shown.

- (e) The application for a parade permit shall include the following:
 - (1) The name, address, telephone number, and email address of the person seeking to conduct the parade, and the name, address, telephone number and email address, if available, of the organization with which the person is affiliated or on whose behalf the person is applying to conduct the parade or public assembly (collectively "applicant");
 - (2) The name, address, telephone number and email address, if available, for an individual who shall be designated as the "responsible planner and on-site manager" of the parade;
 - (3) The requested date, time, place, and route (from starting point to ending point) of the parade including the location where and time when the parade will assemble and disband, and any requested sidewalk or street closings;
 - (4) The anticipated number of persons, vehicles, and things that will constitute the parade or (including the basis on which this estimate is made), and a description of the vehicles and things that will be part of the parade;
 - (5) A general description of any recording equipment and sound amplification equipment, along with a general description of the size and composition of any banners, signs, flags, or other attention-getting devices to be used in connection with the parade;
 - (6) Arrangements for additional police protection and additional emergency medical services, if required under subsection 50-418(b);
- (f) A parade/assembly permit issued under this article shall include the information set out in paragraph (d) of this section, which information shall constitute conditions of the permit to the extent such information sets out the time, place, and manner of the parade or public assembly.

Sec. 50-418. - Police protection.

- (a) The chief of police shall determine whether and to what extent additional police protection (including additional emergency medical services) may reasonably be necessary for the parade or public assembly for traffic control and public health and safety. The chief of police shall make this determination based on an objective consideration of the following factors (and in no case upon the speech content of the proposed parade or public assembly or upon any anticipated public reaction to such speech content):
 - (1) The size, location, duration, time and date, composition, format, configuration, and number of anticipated participants in and anticipated spectators of the proposed parade or public assembly;
 - (3) The extent to which the parade or public assembly requires the closing of any street or sidewalk or portion thereof, taking into account the general traffic conditions in the area and existing traffic control devices;
 - (4) The need to detour, reroute, or otherwise preempt normal vehicular or pedestrian traffic upon any street or sidewalk or portion thereof to accommodate the proposed parade or public assembly;
 - (5) The anticipated weather conditions at the time of the proposed parade or public assembly; and
 - (6) The extent to which the proposed parade is reasonably likely to require emergency medical services or police protection in areas contiguous to or in the surrounding vicinity of the proposed parade or public assembly.
- (b) Regularly scheduled on-duty police officers and regularly scheduled on-duty emergency medical technicians of the city will police and provide medical services for the parade or public assembly if the use of these resources would not impair or disrupt ordinary police and emergency medical services throughout the city or otherwise compromise the public's health or safety. However, if

additional police officers or additional emergency medical services are deemed necessary by the chief of police for the proposed parade in light of his/her objective assessment of the factors in paragraph (a) of this section, the chief of police shall inform the applicant for the parade permit of (i) the number of additional police officers and/or additional emergency medical technicians needed for the event, (ii) the time-period when those services will be needed, and (iii) the specific reasons for why the additional police protection and/or emergency medical services are deemed necessary. The applicant then shall have the duty to hire and pay for the additional police protection and/or additional emergency medical services, or reimburse the city for the actual costs of providing those additional services, and that duty or the obligation to reimburse the city shall become part of the conditions of the parade permit.

- (c) Persons engaging in parades conducted primarily for the purpose of speech protected under the First Amendment are not required to pay for the additional police protection or additional emergency medical services set out in paragraph (b) of this section.
- (d) Notwithstanding the foregoing, the city may provide the additional police and/or emergency medical services required by paragraph (b) of this section at no cost, or at a reduced cost, to the applicant should the city desire to provide such support to the parade.

Sec. 50-419. - Permitting criteria.

- (a) The chief of police shall issue a parade assembly permit when, from a consideration of the application and from such other information as may otherwise be obtained, he/she makes all of the following findings:
 - (1) The conduct of the parade will not substantially or unnecessarily interfere with the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location; and, if such interference is likely to occur, that there are available at the time of the parade or public assembly sufficient police resources to mitigate the interference;
 - (2) There will be available at the time of the parade a sufficient number of police officers and traffic control aids to police and protect participants and non-participants at the parade and in areas contiguous to the event from traffic-related hazards in light of other demands for police protection in the city at the time of the proposed parade;
 - (3) The concentration of persons, animals, vehicles, or things at the parade or public assembly will not prevent proper fire and police protection or emergency medical services at the event or in areas contiguous to the parade;
 - (4) The parade will not interfere with the use of a sidewalk or street requested by another applicant to whom a valid parade permit application has already been granted or has been received and will be granted;
 - (5) The applicant has secured the additional police protection or additional emergency medical services required under subsection 50-418(b);
 - (6) No parade permit application for the same time but at a different location has already been granted or has been received and will be granted, and the police resources required for the prior parade are not so great that, in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the health or safety of persons or property;
 - (7) No other public event is scheduled elsewhere in the city where the police resources required for that event are so great that the deployment of police services for the proposed parade would have an immediate and adverse effect upon the health or safety of persons or property; and
 - (8) The application is fully and completely executed; and
 - (9) The application contains no material falsehood or misrepresentation.

Sec. 50-420. - Non-discrimination.

Applications for parade shall be processed and decided upon on a first-in-time basis, and the chief of police shall consider each application upon its merits and shall not discriminate in granting or denying any permit based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds, or upon the content of any speech protected by the First Amendment or upon any anticipated public reaction to such speech content.

Sec. 50-421 - Notice of decision on application.

- (a) The chief of police shall make his/her written decision granting or denying a fully completed and executed parade permit application (or granting an alternative permit under section 50-422) within three business days after the application has been received by him/her, but in no event less than 24 hours before the time for which the parade is proposed to commence. If the application under section 50-417 is filed within any shorter time-frames than those prescribed in subsection 50-417(c) and (d), then the chief of police shall make a decision on the application before the time for which the parade is proposed to commence.
- (b) As soon as practicable after the written decision on the permit application has been made, the chief of police shall notify the applicant of the decision (i) by the most expeditious means practicable (i.e., by telephone or email), and (ii) by mailing a copy of the decision to the applicant by registered or certified mail, return receipt requested, which mailing shall be posted no later than the first business day after the decision has been made. If the decision is to deny the application or grant an alternative permit, the notification to the applicant shall include the written reasons for the denial of the permit or for the grant of an alternative permit.

Sec. 50-422. - Alternative permit.

- (a) If the chief of police denies an application for a parade permit because he/she decides against one or more of the required findings in subparagraphs (a) (1) through (7) of section 50-419, the chief of police shall authorize the conduct of a parade on a date, at a time, at a location or over a different route from that named by the applicant. This alternative permit shall, to the extent practicable, authorize a parade that will have comparable public visibility and a similar date, time, location, or route to that of the proposed event. An applicant desiring to accept an alternative parade permit shall, within at least 24 hours before the time for which the alternative parade will commence, file a written notice of acceptance with the chief of police.
- (b) An alternative parade permit shall contain the information set out in paragraph (d) of section 50-417, which information shall constitute conditions of the alternative parade/assembly permit to the extent such information sets out the time, place, and manner of the alternative parade or public assembly.

Sec. 50-423. - Appeal procedure.

- (a) An applicant may appeal the denial of a parade/assembly permit in writing to the city manager's office within ten business days after notice of the denial has been received by the applicant. Within five business days (or such longer period of time agreed to by the applicant) after the city has received the written appeal, the appeals official shall hold a quasi-judicial hearing on whether to issue the permit or uphold the denial. The applicant shall have the right to present evidence at this hearing. The decision to issue the permit or uphold the denial shall be based solely on the approval criteria set forth in section 50-420, and the burden of proof to uphold the denial shall be on the chief of police by a preponderance of the evidence. The appeals official shall render a written decision on the appeal within five business days after the date of the hearing. Where the purpose of the proposed parade is a spontaneous response to a current event, or where other good and compelling causes are shown, the appeals official shall reasonably attempt to conduct the hearing and render a decision on the appeal as expeditiously as is practicable.
- (b) The decision of the appeals official is subject to review in the Superior Court of Henderson County by proceedings in the nature of certiorari. Any petition for writ of certiorari for review shall be filed with the clerk of superior court within 30 days after the applicant has received notice of the decision of the appeals official. Unless good cause exists to contest a petition for writ of certiorari, the city

shall stipulate to certiorari no later than five business days after the petitioner requests such a stipulation. The city shall transmit the record to the court no later than five business days after receiving the order allowing certiorari. Notwithstanding the provisions of any local rule of the reviewing court that allows for a longer time period, the city shall serve its brief upon the petitioner within 15 days after it is served with the petitioner's brief. If the petitioner serves his or her brief by mail, the city shall add three days to this time limit, in accordance with N.C.G.S. 1A-1, Rule 5. If the local rule is subsequently amended to provide for a shorter time period for serving any brief, then the shorter time period shall control.

Sec. 50-424. - Duties of applicant and responsible planner and on-site manager.

- (a) The applicant and responsible planner and on-site manager of the parade shall comply with all conditions of the parade permit issued pursuant to this article and with all other applicable local, state, and federal laws.
- (b) The individual designated as the responsible planner and on-site manager of the parade shall carry the parade permit upon his person during the conduct of the parade.

Sec. 50-424 - Prohibitions.

The following prohibitions shall apply to all parades:

- (1) It shall be unlawful for any person to stage, present, or conduct any parade without first having obtained a permit under this article.
- (2) It shall be unlawful for any person to participate in a parade for which the person knows a permit has not been granted.
- (3) It shall be unlawful for any participant in a parade to knowingly fail to comply with any conditions of the parade.
- (4) It shall be unlawful for any person participating in any parade to carry or possess any staff or pole, except for purposes of displaying any sign, poster, flag or banner, unless the staff or pole (i) is made of corrugated material, plastic, or wood (and not made of metal or metal alloy); (ii) is less than 40 inches in length; (iii) is one-fourth inch or less in thickness and two inches or less in width, or if not generally rectangular in shape, does not exceed three-fourths inch in its thickest dimension; and (iv) is blunt at both ends.
- (5) It shall be unlawful for any person participating in any parade to carry or possess any sign, poster, flag, banner unless such sign, poster, flag, banner is constructed or made of a cloth, paper, cardboard, rubber, or plastic material.
- (6) It shall be unlawful to assign or sell any parade permit granted under this article.
- (7) All participants in any parade shall be subject to all other applicable local, state and federal laws.

Sec. 50-425 Weapons

- (a) With the exception of law enforcement officers acting within the scope of their duties, no firearms, or dangerous weapons of an kind, as defined by federal, state and local laws, may be possessed by an participant in a parade.

Sec. 50-426. - Public conduct during parades

- (a) No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or with any person, vehicle, animal, or thing participating or used in a parade.

- (b) The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a parade. The chief of police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation of such signs.

Sec. 50-427. - Revocation of permit.

- (a) The chief of police shall have the authority to revoke a parade permit instantly upon violation of any conditions of the permit or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the parade would have an immediate and adverse effect upon the health or safety of persons or property.
- (b) After a permit is revoked under paragraph (a) this section, the chief of police shall notify the applicant of the reasons for the revocation in writing by mailing a copy of the revocation to the applicant by registered or certified mail, return receipt requested, which mailing shall be posted no later than the first business day after the revocation.

Sec. 50-428. - Penalties.

A violation of any section or subsection of this article shall be subject to a civil penalty of \$500.00 to be recovered in the nature of a debt as allowed in section 1-6 of this Code or by a misdemeanor punishable by up to a \$500.00 fine as provided in G.S. 14-4.

Sec. 50-429 - Vehicle processions.

- (a) *Definition.* For the purpose of this section, the term "vehicle procession" shall be deemed to mean:
 - (1) A group of motor vehicles;
 - (2) Preceded by a vehicle of a law enforcement agency with blue warning light activated;
 - (3) Traveling in single file with headlamps illuminated and emergency four-way flashers activated; and
 - (4) The lead vehicle shall bear a distinctive flag or marker.
- (b) *Right-of-way; penalty for violation of section.* The operator of any motor vehicle traveling upon, along or through any public street or highway, or entering upon or leaving such street or highway, shall yield the right-of-way to a vehicle procession. A vehicle procession shall be accorded the right-of-way at any intersection, regardless of the method of traffic control at such intersection or whether or not the same shall be activated. Any operator of any motor vehicle who shall fail to yield the right-of-way to any vehicle procession shall be liable for an infraction and shall be assessed a penalty of \$35.00 and court costs for each such failure.
- (c) *Driving through vehicle procession.* No vehicle not a portion of a vehicle procession shall be driven through any such procession, and the operator of any vehicle violating this subsection shall be guilty of an infraction and a fine of \$35.00 and court costs for each such violation. This subsection shall not apply to emergency vehicles as defined in G.S. 20-156 and G.S. 20-157, when operated in conformance with the provisions of G.S. 20-156 and G.S. 20-157.
- (d) *Speed of vehicle procession.* A vehicle procession may proceed at a speed not in excess of 20 miles per hour, and shall be driven at a rate less than the maximum stated in this section if caution and circumspection shall dictate such reduced speed.

Secs. 50-430 -50-480- Reserved

Existing Ordinance

ARTICLE VII. - PARADES AND PROCESSIONS⁹¹

Footnotes:

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Cross reference— Streets, sidewalks and other public places, ch. 46.

State Law reference— Authority to regulate parades and processions, G.S. 20-169.

DIVISION 1. - GENERALLY

Sec. 50-416. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Parade means an assemblage of more than five vehicles or 20 pedestrians in a public procession along the streets and/or sidewalks of the city, but shall not include funeral processions or sightseeing groups or bands or marching groups proceeding to a point of assembly to participate in a parade.

(Code 1971, § 31-142)

Cross reference— Definitions generally, § 1-2.

Sec. 50-417. - Conformance to article provisions.

It shall be unlawful for any person to initiate, promote or participate in any parade over the streets and/or sidewalks of the city except in conformance with the provisions of this article.

(Code 1971, § 31-143)

Sec. 50-418. - Hours permitted.

No parades, or parts thereof, may be upon the streets or sidewalks of the city between the hours of 5:00 p.m. and 7:00 p.m.; provided, however, that upon application and a finding as a fact that to permit a proposed parade to be held upon the streets or sidewalks of the city during such hours will best serve the interest of the general public and will not be contrary to the health, welfare and safety of the city, the city council may issue a permit for a parade to be held during such hours.

(Code 1971, § 31-149)

Sec. 50-419. - Maximum number per day.

Not more than one parade may be conducted during any one calendar day, except Saturday.

(Code 1971, § 31-150)

Sec. 50-420. - Routes and schedules.

Parade routes and schedules must be approved by the chief of police or his designee before a permit for the parade is granted.

(Code 1971, § 31-151; Ord. No. 00-1057, § 1, 10-5-00)

Sec. 50-421. - Distribution of materials.

It shall be unlawful for anyone riding in a parade to distribute from the vehicle upon which he is riding any handbills, advertising matter, candy, cigarettes, prizes or favors of any kind.

(Code 1971, § 31-152)

Sec. 50-422. - Regulation of parking.

The chief of police, when expressly authorized and directed by the city council, shall have the authority and duty to prohibit or restrict parking of vehicles along those parts of the streets of the city constituting a part of the route of a parade, or at the point of assembly or dispersal of a parade, for a period of from three hours before its commencement to one hour after its dispersal. The chief of police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this section.

(Code 1971, § 31-153)

Sec. 50-423. - Vehicle processions.

- (a) *Definition.* For the purpose of this section, the term "vehicle procession" shall be deemed to mean:
- (1) A group of motor vehicles;
 - (2) Preceded by a vehicle of a law enforcement agency with blue warning light activated;
 - (3) Traveling in single file with headlamps illuminated and emergency four-way flashers activated; and
 - (4) The lead vehicle shall bear a distinctive flag or marker.
- (b) *Right-of-way; penalty for violation of section.* The operator of any motor vehicle traveling upon, along or through any public street or highway, or entering upon or leaving such street or highway, shall yield the right-of-way to a vehicle procession. A vehicle procession shall be accorded the right-of-way at any intersection, regardless of the method of traffic control at such intersection or whether or not the same shall be activated. Any operator of any motor vehicle who shall fail to yield the right-of-way to any vehicle procession shall be liable for an infraction and shall be assessed a penalty of \$35.00 and court costs for each such failure.
- (c) *Driving through vehicle procession.* No vehicle not a portion of a vehicle procession shall be driven through any such procession, and the operator of any vehicle violating this subsection shall be guilty of an infraction and a fine of \$35.00 and court costs for each such violation. This subsection shall not apply to emergency vehicles as defined in G.S. 20-156 and G.S. 20-157, when operated in conformance with the provisions of G.S. 20-156 and G.S. 20-157.
- (d) *Speed of vehicle procession.* A vehicle procession may proceed at a speed not in excess of 20 miles per hour, and shall be driven at a rate less than the maximum stated in this section if caution and circumspection shall dictate such reduced speed.

(Code 1971, § 31-154)

Secs. 50-424—50-445. - Reserved.

DIVISION 2. - PERMIT

Sec. 50-446. - Required.

It shall be unlawful for any person to initiate, promote or participate in any parade within the city until a permit therefor has first been secured.

(Code 1971, § 31-144)

Sec. 50-447. - Application.

Parade permits may be obtained from the chief of police or his designee upon application made in writing at least ten business days before the date on which the parade is to be held, upon application forms furnished by the city.

(Code 1971, § 31-145; Ord. No. 00-1057, § 1, 10-5-00)

Sec. 50-448. - Conditions of issuance.

The chief of police or his designee shall issue parade permits unless he finds as a fact that the proposed parade will be contrary to the health and safety of the city.

(Code 1971, § 31-146; Ord. No. 00-1057, § 1, 10-5-00)

Sec. 50-449. - Denials; public hearing.

- (a) If an application for a parade permit is denied by the chief of police or his designee, the applicant may apply to the city manager for a hearing concerning the same.
- (b) At such hearing, the applicant shall have the burden of proof of showing that the proposed parade will not be contrary to the health and safety of the city. The chief of police or his designee shall be heard in rebuttal to the granting of the application.
- (c) If, after the hearing the applicant and the chief of police or his designee and the city manager shall find as a fact that the proposed parade will not be contrary to the health, welfare and safety of the city, the application shall be granted by the city manager. Otherwise, the action of the chief of police or his designee in denying the application shall stand.

(Code 1971, § 31-147; Ord. No. 00-1057, § 1, 10-5-00)

Sec. 50-450. - Compliance with state and local provisions.

All parade permits shall be issued subject to the parade being held in conformity with all applicable provisions of this Code, state law and rules and regulations set forth by the mayor or his designee, city council or the chief of police. Notwithstanding that a permit for the parade has been issued, the chief of police is hereby authorized, empowered and instructed to stop and disburse any parade conducted in violation of such provisions.

(Code 1971, § 31-148)

Secs. 50-451—50-480. - Reserved.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Sam Fritschner

Department: Legal

Date Submitted: 24 September

Presenter: Sam Fritschner

Date of Council Meeting to consider this item: 3 October 2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 05k

In response to a request concerning a recently developed activity described by its developers as a form of therapy, staff reviewed the portion of the City Code relating to massage therapy. It appears to staff that in light of the request it might be desirable to revise section 14-161 containing the definition of "massage therapy." Aside from minor technical changes, the proposed amendment revises the definition to broaden the definition to include new and emerging and, possibly, future forms of activity that may be defined as therapy.

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 to adopt the ordinance amending portions of City Code section 14-161.

Attachments:

Proposed ordinance

Ordinance #19-

AN ORDINANCE AMENDING CITY CODE § 14-161 PERTAINING TO MASSAGE THERAPY

WHEREAS, the City Council has determined that the current ordinance relating to massage therapy may lack clarity in certain parts; and

WHEREAS, the City Council believes that these portions of the ordinance are in need of revision,

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

SECTION 1. Those portions of Section 14-161 of the Hendersonville Code of Ordinances defining "massage therapist" and "massage therapy" are hereby amended to read as follows:

ARTICLE IV. - MASSAGE THERAPY
 DIVISION 1. - GENERALLY

Sec. 14-161. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

....

Massage therapist means any person who is engaged in the business or profession of massage therapy as herein defined, and who receives compensation for his or her services.

Massage therapy means the manipulation of soft tissue for therapeutic purposes, which term may include, but shall not be limited to, effleurage, petrissage, tapotement, compression, vibration, friction, nerve strokes and other Swedish movements, either by hand or with mechanical or electrical apparatus for the purpose of body massage. The term ~~may~~ also includes each of the following:

(a) the use of oil, salt glows, hot and cold packs and other recognized forms of massage therapy;

(b) any process or activity described in N.C.G.S § 90-622(3) or any successor statute as amended from time to time; and

(c) the use of any other kind of noninvasive therapy, including Reiki, focusing as part of its therapeutic methodology on individual tissues, organs, or systems, in which as a principal part of the therapy the therapist touches or closely approaches the patient's body with some part of the therapist's body or a substance or device used or operated by the therapist.

SECTION 2. SEVERABILITY. If any provision of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this ordinance.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this third day of October 2019.

Barbara Volk, Mayor

Attest:

Tammie K. Drake, MMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Sam Fritschner

Department: Legal

Date Submitted: 24 September 2019

Presenter: Sam Fritschner

Date of Council Meeting to consider this item: 3 October 2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 05li

At the September meeting the city manager and I informed you of progress toward possible acquisition of real property between Wall and Church Streets on the south side of Fifth Avenue. We mentioned that we were negotiating with property owners for option agreements preceding the possible purchase of this property.

We have arrived at a negotiated figure of \$10,000 on the option of two lots owned by Frank B. Jackson. This sum of course would be nonrefundable but would apply toward the purchase of the lots if this occurred. The option period would last from 4 October 2019 to June 4 2020.

Attached is a proposed resolution authorizing the city manager to execute a written option contract to this effect.

Budget Impact: \$ 10,000 Is this expenditure approved in the current fiscal year budget? N/A If no, describe how it will be funded.

Will be funded through use of general fund contingency budget. A proposed budget amendment and transfer to the capital project fund has been attached.

Suggested Motion:

I move council adopt the resolution authorizing and directing the city manager to execute the option contract with Frank B. Jackson in the amount of \$10,000.00.

Attachments:

Proposed resolution
Budget amendment

RESOLUTION #

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN OPTION CONTRACT
WITH RESPECT TO CERTAIN REAL PROPERTY IN HENDERSON COUNTY**

WHEREAS the City Council is considering purchasing certain real property between Wall and Church Streets on the South Side of Fifth Avenue, PINs 9568-78-5480 and 9568-78-5391, for the construction of a parking garage , and

WHEREAS the city manager has provisionally agreed with the owner of the said real property that \$10,000.00 is a fair price for an option agreement on the said property, and

WHEREAS the City Council finds \$10,000.00 to be a fair and equitable price for the said option contract,

NOW, THEREFORE, BE IT RESOLVED that the city manager be and he is hereby authorized and directed to execute an option contract with the owner of the said tracts for the sum of \$10,000.00 and with such additional terms as the city manager in consultation with the city attorney finds just and reasonable.

Adopted this third day of October 2019.

Barbara Volk
Mayor, City of Hendersonville

ATTEST:

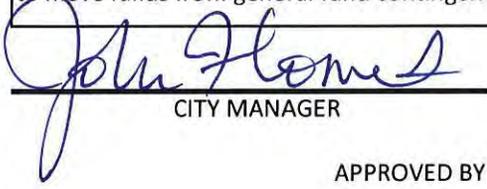
Tammie K. Drake, CMC
City Clerk

BUDGET AMENDMENT

FUND: 10 | 410

ACCOUNT NUMBER					
ORG	OBJECT	PROJECT	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
109910	599100		CONTINGENCIES		10,000.00
109900	999410		TRANSFER TO CPF - GOVERNMENTAL	10,000.00	
FUND 10			TOTAL REVENUES		
			TOTAL EXPENDITURES	10,000.00	10,000.00
4104120	519000	19101	PROFESSIONAL SERVICES	10,000.00	
4104120	998010	19101	TRANSFER IN FROM GENERAL FUND	10,000.00	
FUND 410			TOTAL REVENUES	10,000.00	
			TOTAL EXPENDITURES	10,000.00	

Amendment to transfer \$10,000 for a property option associated with the hotel development project. A budget transfer is needed to move funds from general fund contingencies to the capital projects fund.


 CITY MANAGER

Date: 9-26-19

APPROVED BY CITY COUNCIL:

DATE: 10/3/2019



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Sam Fritschner

Department: Legal

Date Submitted: 24 September 2019

Presenter: Sam Fritschner

Date of Council Meeting to consider this item: 3 October 2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 05lii

At the September meeting the city manager and I informed you of progress toward possible acquisition of real property between Wall and Church Streets on the south side of Fifth Avenue. We mentioned that we were negotiating with property owners for option agreements preceding the possible purchase of this property.

We have arrived at a negotiated figure of \$8,000 on the option of two lots owned by TJF Enterprises LLC. This sum of course would be nonrefundable but would apply toward the purchase of the lots if this occurred. The option period would last from 4 October 2019 to June 4 2020.

Attached is a proposed resolution authorizing the city manager to execute a written option contract to this effect.

Budget Impact: \$ 8,000 Is this expenditure approved in the current fiscal year budget? N/A If no, describe how it will be funded.

Will be funded through use of general fund contingency budget. A proposed budget amendment and transfer to the capital project fund has been attached.

Suggested Motion:

I move council adopt the resolution authorizing and directing the city manager to execute the option contract with TJF Enterprises LLC in the amount of \$8,000.00.

Attachments:

Proposed resolution
Budget amendment

RESOLUTION #

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN OPTION CONTRACT
WITH RESPECT TO CERTAIN REAL PROPERTY IN HENDERSON COUNTY**

WHEREAS the City Council is considering purchasing certain real property between Wall and Church Streets on the South Side of Fifth Avenue, PIN 9568-78-6365, for the construction of a parking garage , and

WHEREAS the city manager has provisionally agreed with the owner of the said real property that \$8,000.00 is a fair price for an option agreement on the said property, and

WHEREAS the City Council finds \$8,000.00 to be a fair and equitable price for the said option contract,

NOW, THEREFORE, BE IT RESOLVED that the city manager be and he is hereby authorized and directed to execute an option contract with the owner of the said tract for the sum of \$8,000.00 and with such additional terms as the city manager in consultation with the city attorney finds just and reasonable.

Adopted this third day of October 2019.

Barbara Volk
Mayor, City of Hendersonville

ATTEST:

Tammie K. Drake, CMC
City Clerk

BUDGET AMENDMENT

FUND: 10 | 410

ACCOUNT NUMBER					
ORG	OBJECT	PROJECT	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
109910	599100		CONTINGENCIES		8,000.00
109900	999410		TRANSFER TO CPF - GOVERNMENTAL	8,000.00	
FUND 10			TOTAL REVENUES		
			TOTAL EXPENDITURES	8,000.00	8,000.00
4104120	519000	19101	PROFESSIONAL SERVICES	8,000.00	
4104120	998010	19101	TRANSFER IN FROM GENERAL FUND	8,000.00	
FUND 410			TOTAL REVENUES	8,000.00	
			TOTAL EXPENDITURES	8,000.00	

Amendment to transfer \$8,000 for a property option associated with the hotel development project. A budget transfer is needed to move funds from general fund contingencies to the capital projects fund.


 CITY MANAGER

Date: 9/26/19

APPROVED BY CITY COUNCIL:

DATE: 10/3/2019



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 9/24/2019

Presenter: John Connet

Date of Council Meeting to consider this item: 10/3/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 05m

City Staff have reached an agreement with George and Ann Marie Gosnell for the purchase of 2.1 acres at a price of \$266,500. The property is located on Shepherd Street and Old Spartanburg Highway and is identified by PIN 9900943. The property will be used to construct a fire station to serve the southern portion of the City. Staff inquired about a similar piece of property (2.2 acres) within close proximity to this property. The asking price for that piece of property was approximately \$600,000.

Budget Impact: \$ 266,500 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

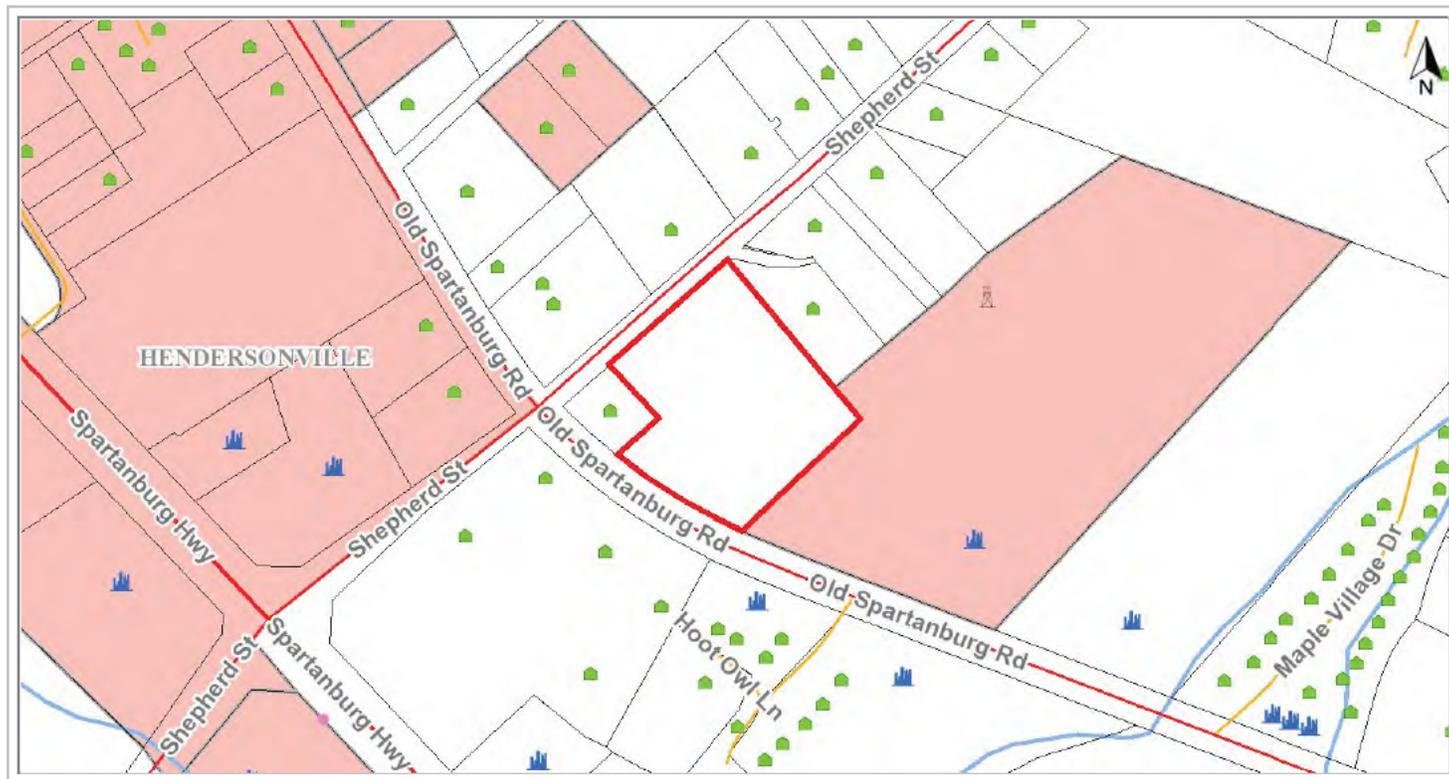
The property purchase will be consolidated with a loan for the construction of the new station.

Suggested Motion:

I move that the City Council resolve to purchase Mr. George and Ann Marie Gosnell's property (PIN 9900943) on Shepherd Street for the amount of \$266,500.

Attachments:

Property Report
Purchase Contract



WARNING: THIS IS NOT A SURVEY

Parcel Information

REID:	9900943	Pin:	9578513579
Listed to:	GOSNELL, GEORGE R;GOSNELL, ANN MARIE	Neighborhood:	BARKER HEIGHTS
Mailing Address:	465 ZIRCONIA RD	Township:	Hendersonville
Mailing City, State, Zip:	ZIRCONIA, NC 28790	Municipality:	
Physical Address:	0 NO ADDRESS ASSIGNED	Tax District:	BLUE RIDGE FIRE
Deed:	000639/00285	Plat:	Not Available
Date Recorded:	1984-03-23 00:02:00.0	Elementary School District:	HILLANDALE
Revenue Stamps:	23	Middle School District:	FLAT ROCK MIDDLE
County Zoning:	Cities	High School District:	EAST HIGH
Property Description:	SHEPHERD STREET 2 ACRES	Soil:	Bradson gravelly loam, 7 to 15 percent slopes
Map Sheet:	9578.19	Voting Precinct:	Southeast
Assessed Acreage:	2.10000000	Commissioner District	1
Building Value:	\$0.00	Agricultural District	None Found
Land Value:	\$57,200.00	North Carolina House District	117
Value To Be Billed:	\$57,200.00	U.S. House District	11
North Carolina Senate District	48	Flood Zone:	Zone AE, 1% (100 Year Floodplain),Zone X, Not Shaded (Areas outside of the floodplain)



Henderson County
 Geographic Information Systems (GIS)
 200 North Grove Street
 Hendersonville, NC 28792
 P: (828) 698-5124
 F: (828) 698-5122

THIS IS NOT A SURVEY.

All information or data provided, whether subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk. Henderson County makes no warranties or guarantees, including the warranties of merchantability or of fitness for a particular purpose. Map data is not appropriate for, and is not to be used as, a geodetic, legal, or engineering base system. The data is not intended as a substitute for surveyed locations such as can be determined by a registered Public Land Surveyor, and does not meet the minimum accuracy standards of a Land Information System/Geographic Information System Survey in North Carolina (21 NCAC 56.1608).

AMERICAN PHARMACISTS MONTH PROCLAMATION

- Whereas, Pharmacy is one of the oldest of the health professions concerned with the health and well-being of all people; and
- Whereas, Today, there are more than 300,000 pharmacists licensed in the United States providing services to ensure the safe and effective use of all medications; and
- Whereas, The safe and effective use of medication, as a cost-effective alternative and a mechanism to avoid more expensive medical procedures, is a major force in moderating overall health care costs; and
- Whereas, Today's powerful and complex medications require greater attention to the manner in which they are used by different patient population groups—both clinically and demographically; and
- Whereas, It is important that all users of prescription and nonprescription medications, their families or their caregivers, be knowledgeable about and share responsibility for their own drug therapy; and
- Whereas, Pharmacists have extensive education and expertise on drugs and medication therapy, which makes them ideally suited to work collaboratively with patients and their health care team members to improve medication use and outcomes; and
- Whereas, Pharmacists provide patients with expertise, knowledge and accessibility, all crucial factors to support improvement in our nation's public health; and
- Whereas, Pharmacists are best positioned to be the health care professionals to help patients improve their adherence to their medication and provide patient care services that ensure optimal medication therapy outcomes; and
- Whereas, The City of Hendersonville is honored to have the students of the Wingate University School of Pharmacy as they enjoy the state of the art facility to further their education in Hendersonville, a place they can call home, and to express our appreciation for fulfilling their mission to give back and serve this community with both student pharmacists and pharmacy graduates.

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

“American Pharmacists Month - Know Your Pharmacist, Know Your Medicine”

in the City of Hendersonville and urge all our citizens to acknowledge the valuable services of pharmacists to provide safe, affordable and beneficial pharmaceutical care services and products to all citizens.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of October, in the year two thousand nineteen.



Barbara G. Volk
 Barbara G. Volk, Mayor, City of Hendersonville



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Lee Smith

Department: Utilities

Date Submitted: 9/23/19

Presenter: Lee Smith and Allison Nock

Date of Council Meeting to consider this item: 10/3/2019

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 06b

As we all know, water is vital to the success and longevity of a community. Water is necessary to many daily activities that we take for granted because we are fortunate to have a great supply. Sadly, some communities in America already know what it is like to be faced with a water crisis, and how quality of life is greatly impacted with a lack of water. Imagine not being able to fill your water bottle to quench your thirst. Imagine not being able to make coffee or tea in the morning. Imagine not being able to bathe, use a toilet, or clean your clothes. What would medical facilities (retirement homes, hospitals, doctors offices, etc.) do without clean water? How would the fire department put out fires? How would our apple farmers supply our ever popular Apple Festival? These are just a few reasons to raise awareness about the importance of water and how it provides us with such a thriving and lush community.

We encourage our municipal water users and city residents to imagine a day without water in an effort to keep conservation in mind, and would like to dedicate a day (October 23rd) to that cause. Many municipalities, water districts, societies, associations, and companies across the United States have already pledged their support.

You can visit their website to learn more information (www.imagineadaywithoutwater.org).

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:

Imagine a Day Without Water Proclamation

PROCLAMATION

- WHEREAS, The infrastructure that brings water to and from homes and businesses is essential to the quality of life and economic vitality of the City of Hendersonville and greater Hendersonville area, and
- WHEREAS, Our water system in Hendersonville and Henderson County serves over 65,000 residents and businesses who utilize an average of 7 million gallons of municipal water per day totaling approximately 2.56 billion gallons in 2018, and
- WHEREAS, Hendersonville Water and Sewer staff are committed to operating and maintaining the Water Treatment Facility, Wastewater Treatment Facility, over 653 miles of water mains, 54 pumping stations, 24 water storage tanks, 180 miles of sewer mains, and 31 sewer pumping stations, in order to provide safe and clean water for daily activities in addition to releasing high quality treated wastewater back into the environment to preserve the health of the ecosystem, and
- WHEREAS, Utilities nationwide are grappling with aging infrastructure and lack of reliable revenue to fund, maintain and upgrade their systems, and
- WHEREAS, The City encourages residents and businesses to participate in water conservation efforts including participation in City water conservation and rebate programs and to imagine what a day would be like without water to bring awareness to this essential resource, and
- WHEREAS, Managing water responsibly is critical to our nation's environmental health, and investing in our drinking water and wastewater systems will help secure a bright and prosperous future for generations to come.

NOW, THEREFORE, I, Barbara G. Volk, Mayor of the City of Hendersonville, North Carolina, by virtue of the authority vested in me, do hereby proclaim October 23, 2019 as

“Imagine A Day Without Water Day”



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: FM Justin Ward

Department: Fire

Date Submitted: 9/20/19

Presenter: Mayor Volk

Date of Council Meeting to consider this item: 10/3/19

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 06c

Fire Marshal Justin Ward has requested a proclamation for Fire Prevention Week. This year fire prevention week is from October 6-12, 2019 and the theme is "Not Every Hero Wears a Cape. Plan and Practice Your Escape!" Assistant Fire Marshal Michael Ostrander will receive the proclamation.

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:

Attachments:

Fire Prevention Week Proclamation

City of Hendersonville, Fire Prevention Proclamation

WHEREAS, the city of Hendersonville, NC is committed to ensuring the safety and security of all those living in and visiting Hendersonville; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed 2,630 people in the United States in 2017, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 357,000 home fires; and

WHEREAS, when the smoke alarm sounds Hendersonville's residents may have less than two minutes to escape to safety; and

WHEREAS, Hendersonville's residents who have planned and practiced a home fire escape plan at least twice a year are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, Hendersonville's residents should make sure everyone in the home knows how to call 9-1-1 or the local emergency number from a cell phone or a neighbor's phone; and

WHEREAS, Hendersonville's residents should get out and stay out, never going back inside the home for people, pets, or things; and

WHEREAS, Hendersonville's residents are responsive to public education measures and are able to take action to increase their safety from fire, especially in their homes; and

WHEREAS, the 2019 Fire Prevention Week theme, "Not Every Hero Wears a Cape. Plan and Practice Your Escape!" effectively serves to remind us that we need to take personal steps to increase our safety from fire.

THEREFORE, I Barbara G. Volk, Mayor of Hendersonville, NC, do hereby proclaim October 6–12, 2019, as

"Fire Prevention Week"

throughout this city, and I urge all the people of Hendersonville to be aware of their surroundings, look for available ways out in the event of a fire or other emergency, respond when the smoke alarm sounds by exiting the building immediately, and to support the many public safety activities and efforts of Hendersonville's fire and emergency services during Fire Prevention Week 2019.

Barbara G. Volk, Mayor



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tyler Morrow

Department: Development Asst Dept

Date Submitted: 9-25-19

Presenter: Sam Fritschner/Tyler Morrow

Date of Council Meeting to consider this item: 10-3-19

Nature of Item: Council Action

Summary of Information/Request:

Item # 07

Attached is an ordinance granting a franchise for the operation of a trolley bike tour service (pubcycle) within the City of Hendersonville.

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 adopt an ordinance granting a franchise agreement for the operation of a trolley bike tour service for HVL Pedal & Brews, LLC. with the condition that their insurance policy be approved by the City Attorney.

Attachments:

- Ordinance
- Maps

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, rearview 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

If to City:
Hendersonville City Attorney
145 Fifth 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:

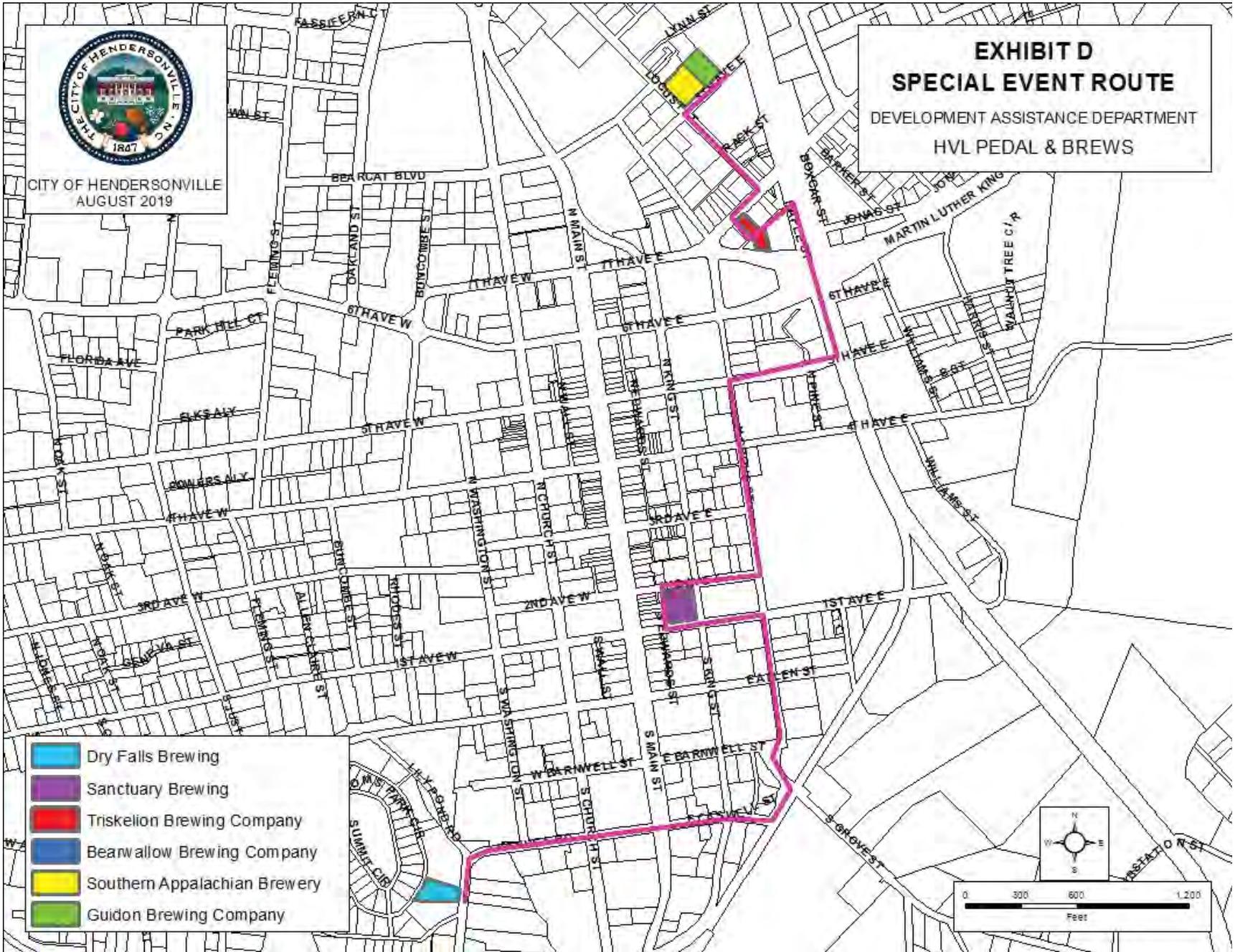
Samuel H. Fritschner, City Attorney



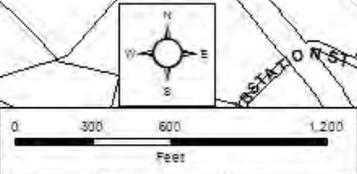
CITY OF HENDERSONVILLE
AUGUST 2019

EXHIBIT D SPECIAL EVENT ROUTE

DEVELOPMENT ASSISTANCE DEPARTMENT
HVL PEDAL & BREWS



-  Dry Falls Brewing
-  Sanctuary Brewing
-  Triskeilion Brewing Company
-  Bearallow Brewing Company
-  Southern Appalachian Brewery
-  Guidon Brewing Company





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Development Asst Dept

Date Submitted: 9-20-19

Presenter: Susan G. Frady

Date of Council Meeting to consider this item: 10-03-19

Nature of Item: Council Action

Summary of Information/Request:

Item #

The City of Hendersonville has received a petition from Tri County Construction for contiguous annexation of PIN 9578-42-9164 that is approximately 0.360 acres.

At your meeting on September 5, 2019, you accepted the Clerk's Certificate of Sufficiency and recommended a public hearing for the October 3, 2019 City Council meeting.

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

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

Suggested Motion:

I move City Council adopt an ordinance annexing the property included in the petition from Tri County Construction. The effective date is October 3, 2019.

Attachments:

- Ordinance
- Map
- Survey
- Certificate of Sufficiency

Ordinance # _____

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA AS A CONTIGUOUS ANNEXATION

Adopted date: _____
Effective date: _____
Total Acreage: _____
Petitioner: _____

WHEREAS, the City Council of the City of Hendersonville, North Carolina, has been petitioned under G.S. 160A-31 to annex the area described below; and

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

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Hendersonville, NC, at 5:45 p.m. on October 3, 2019, after due notice by publication on September 15, 2019 and September 22, 2019; and

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

Section1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous territory is hereby annexed and made part of City of Hendersonville as of October 3, 2019:

METES AND BOUNDS DESCRIPTION
2017 10786 3365/546

Beginning at a new iron pin at the northeasternmost corner of lot 2 of the Three Oaks Subdivision as shown on Plat Slide 10786, and running thence South 28 degrees, 28 minutes, 41 seconds East for 77.58 feet to a new iron pin on the margin of an unnamed private gravel road, a 24' right of way as shown on Plat Slide 10786; thence South 50 degrees, 41 minutes, 48 seconds West for 194.80 feet to a new iron pin near the margin of Old Spartanburg Highway; thence North 28 degrees, 28 minutes, 41 seconds West for 86.38 feet to a new iron pin; thence North 53 degrees, 15 minutes, 41 seconds West for 86.38 feet to a new iron pin; thence North 53 degrees, 15 minutes, 30 seconds East for 193.34 feet to the point of beginning and being 0.36 acres more or less; and also being all of Lot 3 of the Three Oaks Subdivision as shown on Plat Side 10786.

Recorded in the Henderson County, NC Register of Deeds

BEING ALL of Lot 3 of the Minor Subdivision Plat of Three Oaks as shown on that Plat of Survey recorded at Plat Slide 10786, Henderson County Registry, reference to which is hereby made for a greater certainty of description.

And being a portion of the property described in deed recorded in Book 3183 , at Page 1 of the Henderson County, NC Register's Office.

Section 2. Upon and after October 3, 2019, the above described territory and it citizens and property shall be subject of all debts, laws, ordinances and regulations in force in City of Hendersonville, North Carolina. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted

Adopted this 3rd day of October, 2019.

Attest:

Barbara G. Volk, Mayor

Tammie K. Drake, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, Amy H. Knight, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. 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 _____ day of _____, 2019.

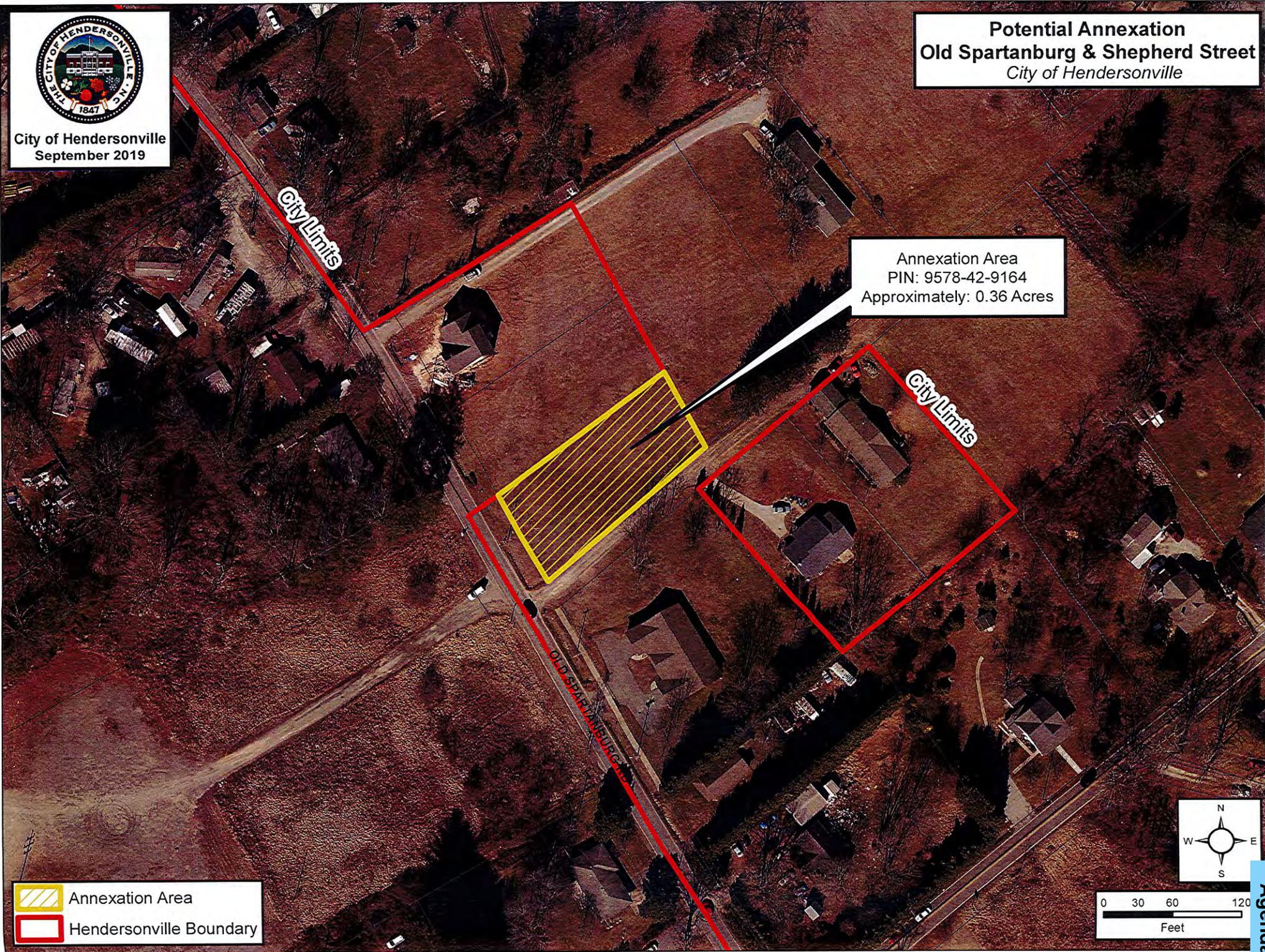
My commission expires: 09-23-2019

Amy H. Knight



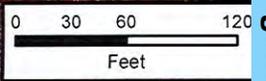
City of Hendersonville
September 2019

Potential Annexation Old Spartanburg & Shepherd Street City of Hendersonville



Annexation Area
PIN: 9578-42-9164
Approximately: 0.36 Acres

	Annexation Area
	Hendersonville Boundary



CERTIFICATE OF SUFFICIENCY

**Re: Petition for Contiguous Annexation
Tri County Construction – Dustin Beach
File No. P19-24-ANX**

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

I, Tammie K. Drake, City Clerk, begin first duly sworn, hereby certify an investigation has been completed of the above referenced petition for the contiguous annexation of 0.360 acres identified as tax parcel 9578-42-9164.

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

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

In witness whereof, I have here unto set my hand and affixed the seal of the City of Hendersonville, this 8 day of Aug., 2019.

Tammie K. Drake

Tammie K. Drake, MMC, City Clerk



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.

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

CITY COUNCIL
 MIKEN, LLC REZONING
 OCTOBER 3RD, 2019
 PAGE 1

M E M O R A N D U M

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]

CITY COUNCIL
MIKEN, LLC REZONING
OCTOBER 3RD, 2019
PAGE 8

**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

MINIT
CAR WASH

PAT'S HAIR
DESIGNERS

KANUGA
ANIMAL CLINIC

RESIDENTIAL

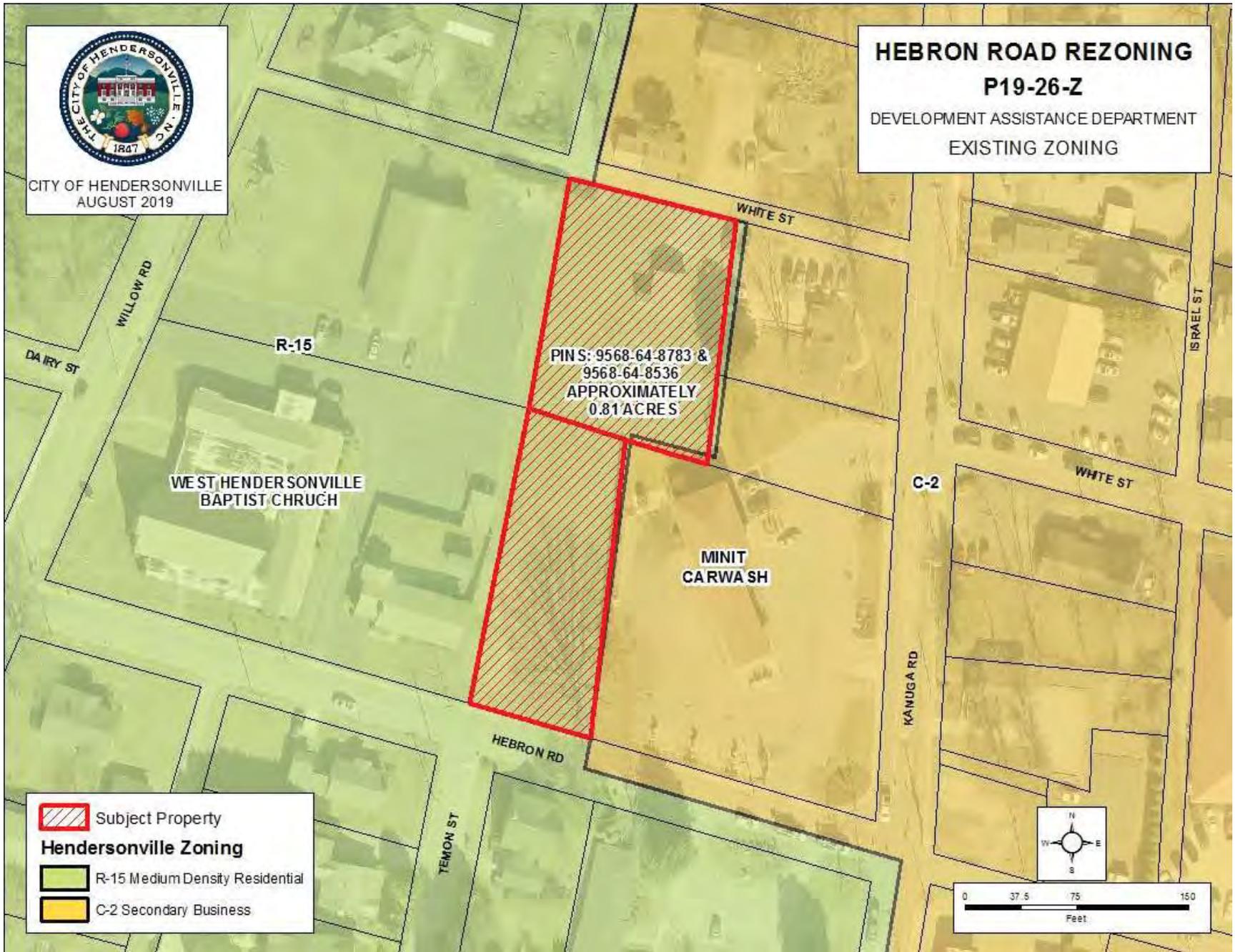
 Subject Property

0 37.5 75 150
Feet



CITY OF HENDERSONVILLE
AUGUST 2019

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



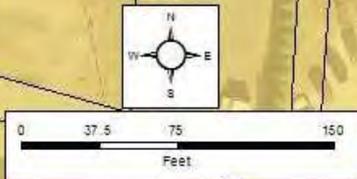
PINS: 9568-64-8783 &
9568-64-8536
APPROXIMATELY
0.81 ACRES

 Subject Property

Hendersonville Zoning

 R-15 Medium Density Residential

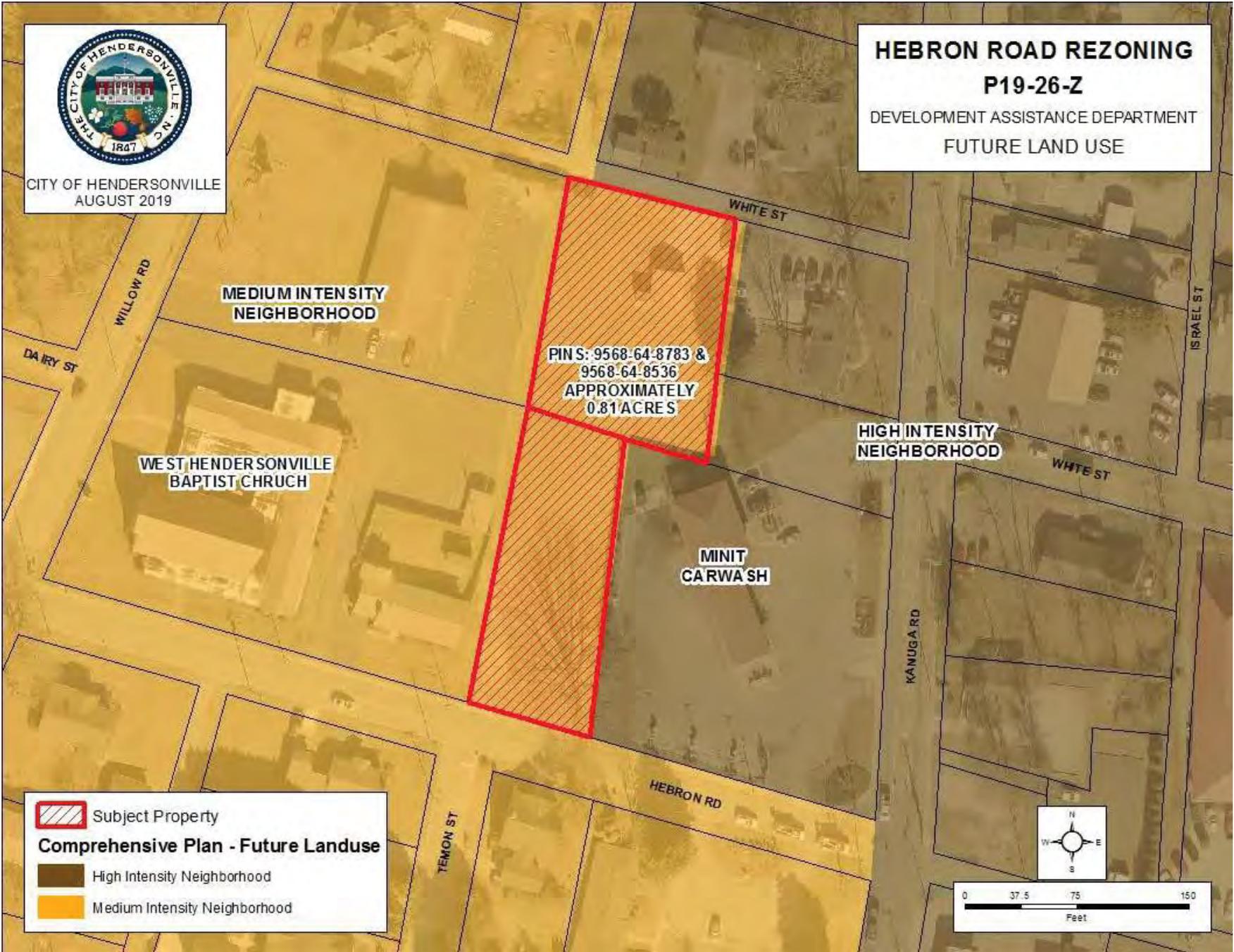
 C-2 Secondary Business





CITY OF HENDERSONVILLE
AUGUST 2019

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

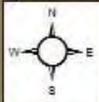


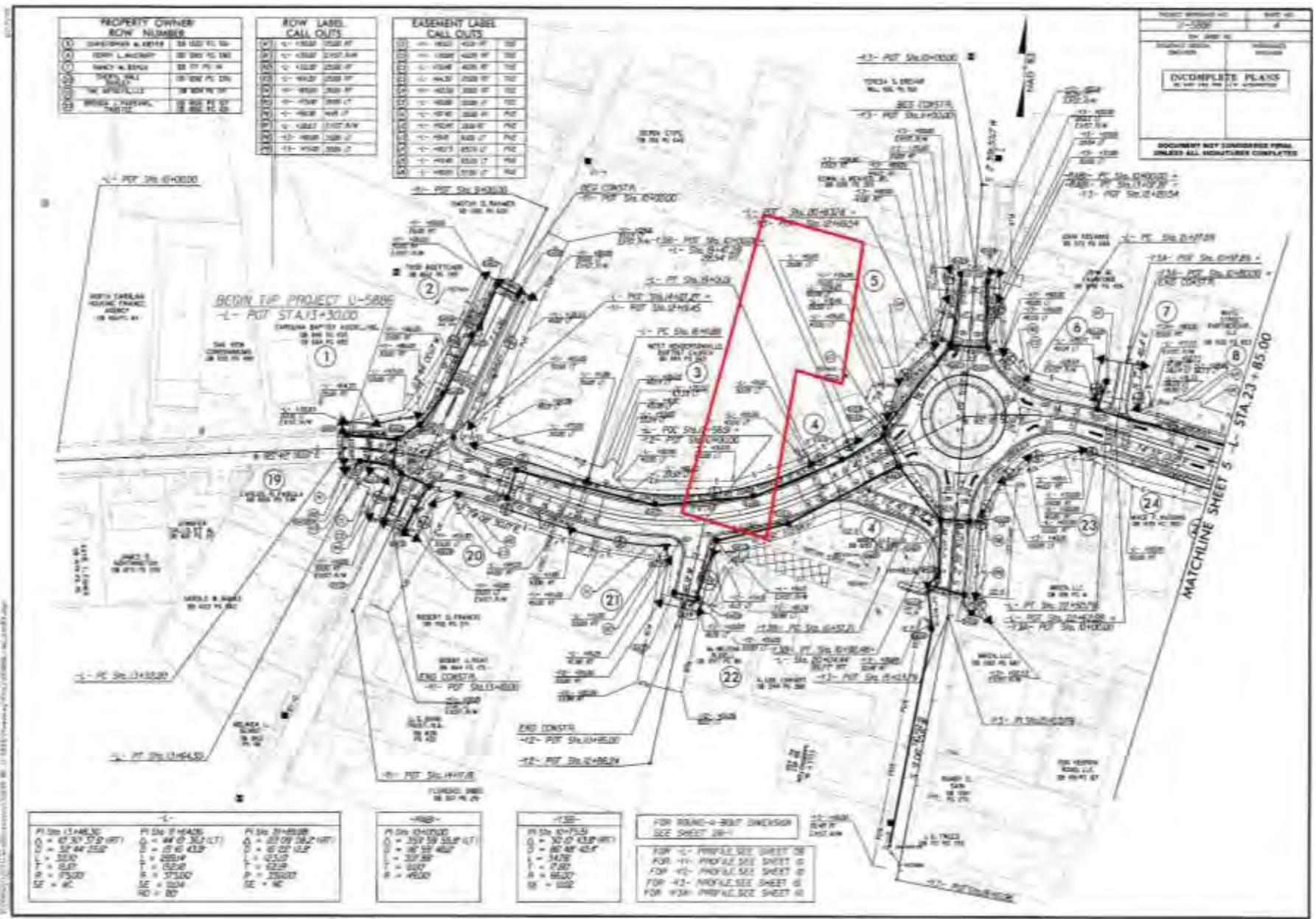
 Subject Property

Comprehensive Plan - Future Landuse

 High Intensity Neighborhood

 Medium Intensity Neighborhood





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tyler Morrow

Department: Development Asst Dept

Date Submitted: 09-18-2019

Presenter: Tyler Morrow, Planner

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

Nature of Item: Council Action

Summary of Information/Request:

Item # 10

The City is in receipt of an application for a conditional rezoning from Vann Investments, LLC. The applicant is requesting to rezone a 3.90 acre vacant lot behind Home Depot, parcel number 9579-05-8899, in order to develop mini-warehouses. The parcel is currently zoned PCD, Planned Commercial Development. The applicant is requesting to be zoned PCD-CZD, Planned Commercial Development Conditional Zoning District. If approved, the permitted uses would be limited to those indicated on the approved list of uses and conditions.

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 4 of the memo.

Attachments:

- Memo
- Site plan, landscaping plan
- Existing land use map, existing zoning map, future land use map

MEMORANDUM

TO: City Council

FROM: Development Assistance Department

RE: Signal Hill Mini Storage Conditional Rezoning

FILE #: P19-21-CZD

DATE: October 3rd, 2019

PROJECT HISTORY

The City is in receipt of an application for a conditional rezoning from Vann Investments, LLC. The applicant is requesting to rezone a 3.90 acre vacant lot behind Home Depot, parcel number 9579-05-8899, in order to develop mini-warehouses. The parcel is currently zoned PCD, Planned Commercial Development. The applicant is requesting to be zoned PCD-CZD, Planned Commercial Development Conditional Zoning District. If approved, the permitted uses would be limited to those indicated on the approved list of uses and conditions.

EXISTING LAND USE & ZONING

The subject parcel is currently zoned Planned Commercial Development and is vacant. The parcel to the south is zoned Planned Commercial Development and contains Home Depot. The parcels to the west and east are zoned C-3 Highway Business and R-20 Low Density Residential and include residential and commercial uses. Parcels to the north are zoned Residential Commercial Transition, R-20 Low Density Residential and Planned Residential Development which contains Signal Ridge Apartments. Surrounding land uses and zoning districts are shown on the "Existing Land Use" and "Existing Zoning" maps located on pages 11 and 12 respectively.

COMPREHENSIVE PLAN CONSISTENCY

According to N.C.G.S.160A-383, zoning map amendments shall be made in accordance with a comprehensive plan. The 2030 Comprehensive Plan's Future Land Use Map designates the subject area as Regional Activity Center.

The goal of the Regional Activity Center future land use category is to "meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects."

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

PLAN REVIEW

Buildings

The site plan shows three mini warehouse buildings for a total of 57,650 sq. ft.

Open Space

The total subject area is 3.90 acres. The site plan shows 1.27 acres or 32.56 percent of the subject area as common open space.

Streets

The site plan shows a 24-foot two-way interior travel lane as well as 15 feet one-way travel lanes. The plan also shows a 10-foot parking lane.

Parking

The site plan shows 39 parking spaces. The ordinance requires 1 space per 2 employees at maximum employment on a single shift plus 1 space per every 20 rental units.

3 employees - 2 parking spaces needed

703 rental units - 36 parking spaces needed

Buffers/Landscaping

The landscaping plan shows a 10 ft. type-B buffer along all property lines adjacent to residential uses and zoning districts. The site plan also shows a security fence running the entirety of the property.

The landscaping plan further provides for parking lot landscaping including one tree and two shrubs per 4,000 sq. ft. of vehicular use area and required buffers from the street.

NEIGHBORHOOD COMPATIBILITY

A neighborhood compatibility meeting concerning the application was held on July 31st, 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.

Four people representing the public attended the meeting. Attendees asked questions regarding the number of units, prices, and whether the business is a national chain. A copy of the neighborhood compatibility report accompanies this memorandum.

Tree Board

The Tree Board took this matter up at its regular meeting on September 3rd. The Tree Board has since written a memorandum with their recommendations. The Tree Board stated that approximately 190 trees with a 12 inch or greater diameter would be removed from the property; while approximately only 60 replacement trees would be planted. It is their recommendation that the developer install a Type B buffer along the entire perimeter of the property to increase the replacement tree count. The Tree Board

also recommends that the developer use green infrastructure practices such as permeable pavement, tree infiltration boxes and bio retention treatment instead of the proposed underground system and retention pond. The Tree Board's memorandum and site plan with possible green infrastructure locations can be found on page 14 and 15 respectively. The Hendersonville Environmental Sustainability Board also took this matter up at their regular meeting on September 19th. In the memo provided on page 16 the Environmental Sustainability Board supports the recommendations given by the Tree Board.

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 parcel from PCD, Planned Commercial Development to PCD-CZD, Planned Commercial 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: the proposed home sites meet the zoning requirements of the surrounding 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:

I move the City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of parcel number 9579-05-8899 from PCD Planned Commercial Development to PCD-CZD Planned Commercial Development Conditional Zoning District, 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 the City Council not adopt an ordinance rezoning parcel number 9579-05-8899, for the following reasons:

[PLEASE STATE YOUR REASONS]

Planning Report
 Neighborhood Compatibility Meeting
 Application for a Conditional Zoning District
 Signal Hill Mini Storage File #P19-21-CZD
 Wednesday, July 31, 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>
Mike Vann (applicant)	55 Bowen Terra Dr	Art Cooley	332 Signal Hill Rd
Nicholas Bowman	Davis Civil Solutions PA	John White	3215 Colonial Dr
Lin Vann	55 Bowen Terra Dr	Barbara White	3215 Colonial Dr
Tong Tang	114 Sweetwater Hills Dr	Tyler Morrow, Staff	100 N King St
Linda Bradstreet	126 Margaret Dr	Daniel Heyman, Staff	100 N King St
Susan Bruno	980 Old Distillery Rd	Susan Frady, Staff	100 N King St
George Strouthopolous	980 Old Distillery Rd		

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. This will potentially go before the Planning Board in September and before City Council in October. The subject parcel is an outparcel of Home Depot and is already zoned PCD, but the district does not allow for development without City Council approval. The applicant is proposing a mini storage development.

Mike Vann introduced himself as a local in Hendersonville. They found the lot through an agent and Home Depot is interested in mini storage as a use there.

Art Cooley asked how many units there would be and if they will be climate controlled.

Mr. Vann said he expects about 600 units of varying sizes, and about 75 percent of them will be climate controlled.

Mr. Cooley asked about prices.

Mr. Van said he is not sure yet it depends on the final size of the units, but it will be market rate.

Mr. Cooley asked about a contractor and a start date.

Mr. Vann said they have not selected a contractor, but they hope to start as soon after approval as possible.

Linda Bradstreet, a real estate agent who works with Mr. Vann, said this will be a visually

CITY COUNCIL
SIGNAL HILL MINI STORAGE CZD
OCTOBER 3, 2019
PAGE 6

aesthetic development. There will be sidewalks, lighting, fencing. There are landscaping requirements Home Depot is imposing as well.

A question was asked about whether this is a national chain.

Mr. Vann said no it is a local deal. They are looking to build and operate the development themselves.

With no further questions, Mr. Heyman closed the meeting at 2:12 p.m.

IN RE: Signal Hill Mini Storage CZD (File # P19-21-CZD)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

Mini-warehouses

II. Conditions:

(1) Shall be satisfied prior to issuance of a zoning compliance permit:

(2) Shall Be Attached to the Conditional Rezoning:

Any revised 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.

Vann Investments, LLC

Signature: _____

Printed Name: _____

Date: _____

CITY COUNCIL
SIGNAL HILL MINI STORAGE CZD
OCTOBER 3, 2019
PAGE 8

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

IN RE: FILE NO. P19-21-CZD

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

1. Pursuant to Article XI Amendments of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of parcel number 9579-05-8899 from PCD Planned Commercial Development to PCD-CZD Planned Commercial Development Conditional Zoning District.
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.

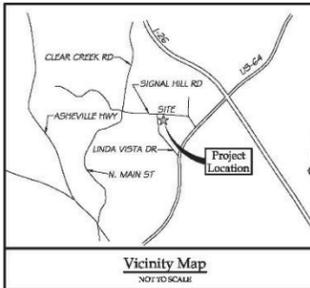
Barbara Volk, Mayor

ATTEST:

Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney



DEVELOPMENT DATA BLOCK

OWNER:	HOME DEPOT USA, INC.
DEVELOPER:	VANN INVESTMENTS, LLC
CONTACT:	MIKE VANN
PHONE:	828 551 0999
ADDRESS:	55 ROWENTRUCK LN. HENDERSONVILLE, NC 28756
FIN:	9579 05 8899
PHYSICAL ADDRESS:	NO ADDRESS ASSIGNED HENDERSONVILLE, NC
PROPERTY SIZE:	3.9 AC.
ZONING DISTRICT:	PCD
LANDSCAPING REQUIREMENTS:	

LANDSCAPING REQUIREMENTS:

BUFFERYARD:
3' BUFFER (SOUTH WEST)
17 TREES
4 BROADLEAF CANOPY TREES
25 EVERGREEN SHRUBS
33 FLOWERING SHRUBS
PER 100 LF OF BUFFER REQUIRED

SOUTH WEST PROPERTY LINE:
253.94 LINEAR FEET =
253 X 4 = 101 = 10 CANOPY TREES
253 X 25 = 6325 = 63 EVERGREEN SHRUBS
253 X 33 = 8349 = 84 FLOWERING SHRUBS

SIZE REQUIREMENTS AT TIME OF PLANTING:
CANOPY TREES SHALL BE BETWEEN 15 - 175 INCH CALIPER
EVERGREEN SHRUBS SHALL BE 18-24 INCHES TALL
FLOWERING SHRUBS SHALL BE 18-24 INCHES TALL

VEHICULAR USE AREA LANDSCAPING:

PERIMETER AND INTERIOR PLANTINGS:
1 TREE
2 SHRUBS
PER 4,000 SQ. FT. OF VEHICULAR USE AREA

TOTAL VUA = 57,082 SQ. FT.
57,082 / 4,000 = 14.27
14.27 X 1 = 14 TREES
14.27 X 2 = 28.54 = 29 SHRUBS

SIZE REQUIREMENTS AT TIME OF PLANTING:
BROADLEAF CANOPY TREES SHALL BE BETWEEN 15 - 20 INCH CALIPER
ALL OTHER TREES SHALL BE BETWEEN 5 - 6 FEET IN HEIGHT
ALL SHRUBS SHALL BE BETWEEN 18 - 24 INCHES IN HEIGHT OR SPREAD

PLANTING STRIPS:
1 LARGE TREE
2 SHRUBS
PER 50 LF OF PROPERTY LINE

TOTAL PLANTING STRIP LENGTH = 698.5' + 40' = 738.5'
738.5 / 5 = 147.7 TREES
738.5 / 2 = 369.25 = 369 SHRUBS

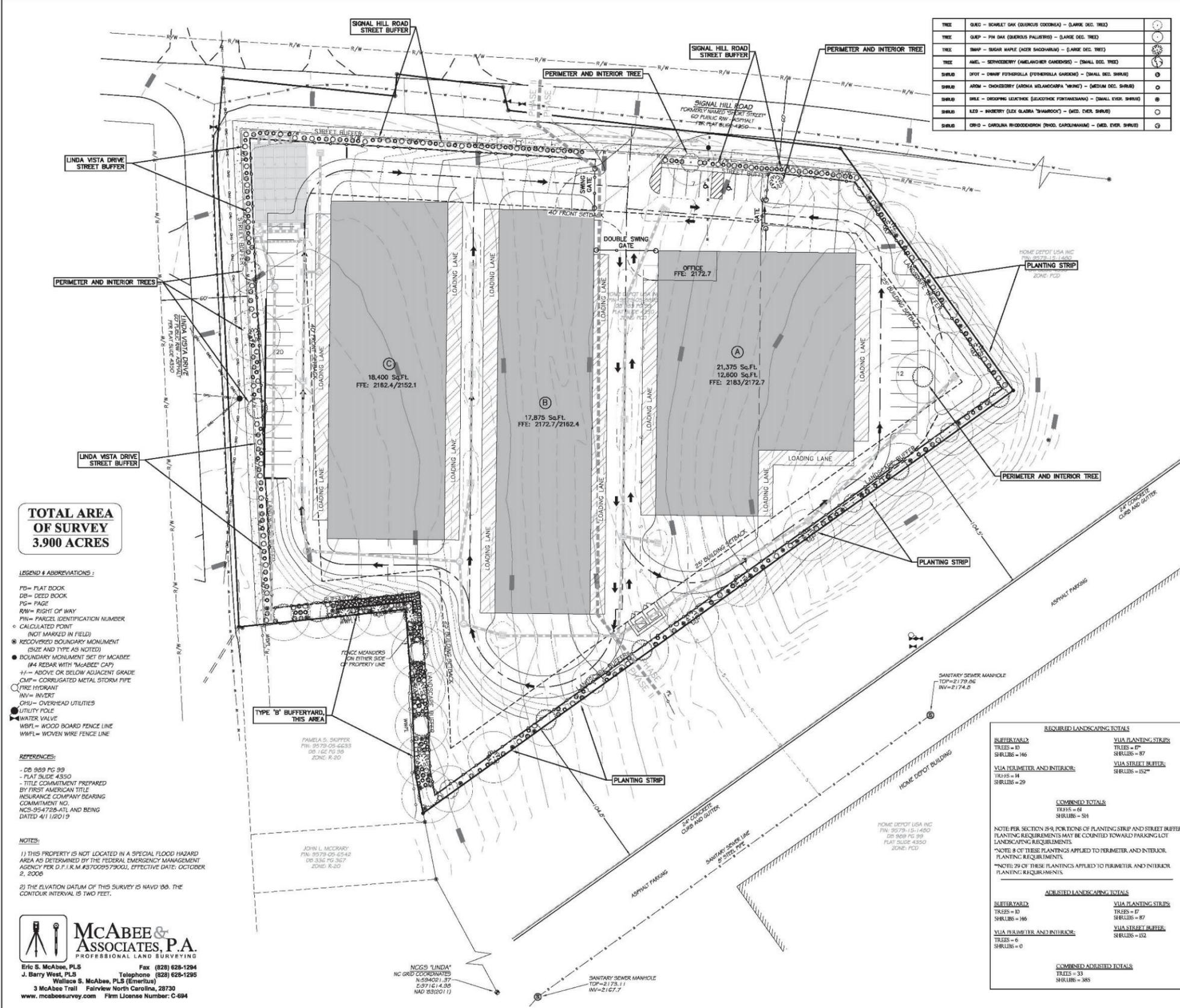
STREET BUFFER:
1 SHRUB
PER 5 LF OF BUFFER

SIGNAL HILL ROAD: TOTAL BUFFER LENGTH = 422.88 LF
422.88 / 5 = 84.58 TREES
422.88 / 2 = 211.44 = 211 SHRUBS

LINDA VISTA DRIVE: TOTAL BUFFER LENGTH = 336.97 LF
336.97 / 5 = 67.39 TREES
336.97 / 2 = 168.48 = 168 SHRUBS

STREET BUFFER PLANTINGS SHALL BE A MIN. OF 3' IN HEIGHT AT MATURITY

TREE	SYMBOL	DESCRIPTION
TREE	○	QUERCUS - SCARLET OAK (QUERCUS COCCINEA) - (LARGE DEC. TREE)
TREE	○	QUERCUS - PIN OAK (QUERCUS PALATIS) - (LARGE DEC. TREE)
TREE	○	SMAP - SUGAR MAPLE (ACER SACCARINUM) - (LARGE DEC. TREE)
TREE	○	AMEL - SWEETGUM (AMELANCHIER CANDIDISSIMA) - (SMALL DEC. TREE)
SHRUB	○	SPOT - DWARF FORSYTHIA (FORSYTHIA GARDNERI) - (SMALL DEC. SHRUB)
SHRUB	○	ARON - CHOISYTRY (ARONIA MELANOCARPA 'MINI') - (MEDIUM DEC. SHRUB)
SHRUB	○	DRLE - DRIPPING LEUCODIUM (LEUCODIUM FONTANESIANA) - (SMALL EVER. SHRUB)
SHRUB	○	SHRUB - LED - ROSEBERRY (LEX GLABRA 'SHARROCK') - (MED. EVER. SHRUB)
SHRUB	○	SHRUB - CRP - CAROLINA WOODRAGON (RHOX. CAROLINIANUM) - (MED. EVER. SHRUB)



TOTAL AREA OF SURVEY
3.900 ACRES

- LEGEND & ABBREVIATIONS:**
- FB = FLAT BOOK
 - DB = DEED BOOK
 - PG = PAGE
 - R/W = RIGHT OF WAY
 - PI# = 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)
 - +/- = ABOVE OR BELOW ADJACENT GRADE
 - CMP = CORRUGATED METAL STORM PIPE
 - = FIRE HYDRANT
 - INV = INVERT
 - OHU = OVERHEAD UTILITIES
 - = UTILITY POLE
 - = WATER VALVE
 - WBFL = WOOD BOARD FENCE LINE
 - WWFL = WOVEN WIRE FENCE LINE

REFERENCES:

- DB 989 PG 99 - FLAT SLIDE 4350
- TITLE COMMITMENT PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY BEARING COMMITMENT NO. NCS-554728-ATL AND BEING DATED 4/11/2019

NOTES:

- THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY PER D.F.I.K.M.#37009579001, EFFECTIVE DATE: OCTOBER 2, 2006
- THE ELEVATION DATUM OF THIS SURVEY IS NAVD 88. THE CONTOUR INTERVAL IS TWO 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

Davis Civil Solutions, P.A.
Site/Infrastructure Engineering/Planning
802-259-9469 | 1111 W. www.daviscivilsolutions.com

Site Development Plan For
Vann - Storage Facility
HENDERSONVILLE, NORTH CAROLINA

Landscaping

Sheet C5

epu6



CITY OF HENDERSONVILLE
JULY 2019

SIGNAL HILL STORAGE P19-21-CZD

DEVELOPMENT ASSISTANCE DEPARTMENT
EXISTING LAND USE

RESIDENTIAL

RESIDENTIAL

PIN: 9579-05-88-99
APPROXIMATELY 3.9 ACRES

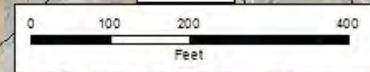
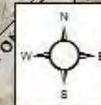
RESIDENTIAL

HOME DEPOT

COMMERCIAL

COMMERCIAL

-  Subject Property
-  Hendersonville City Limits





CITY OF HENDERSONVILLE
JULY 2019

SIGNAL HILL STORAGE

P19-21-CZD

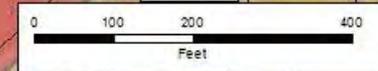
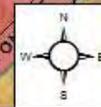
DEVELOPMENT ASSISTANCE DEPARTMENT
EXISTING ZONING

PIN: 9579-05-88-99
APPROXIMATELY 3.9 ACRES

HOME DEPOT

PCD

- Subject Property
- Hendersonville City Limits
- Hendersonville Zoning**
- R-20 Low Density Residential
- R-15 Medium Density Residential
- PRD Planned Residential Development
- RCT Residential Commercial Transition
- C-3 Highway Business
- C-2 Secondary Business
- PCD Planned Commercial Development





CITY OF HENDERSONVILLE
JULY 2019

SIGNAL HILL STORAGE P19-21-CZD

DEVELOPMENT ASSISTANCE DEPARTMENT
FUTURE LAND USE

HIGH INTENSITY NEIGHBORHOOD

PIN: 9579-05-88-99
APPROXIMATELY 3.9 ACRES

HOME DEPOT

REGIONAL ACTIVITY CENTER

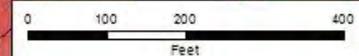
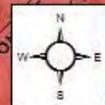
Subject Property

Hendersonville City Limits

Comprehensive Plan - Future Landuse

Regional Activity Center

High Intensity Neighborhood



Memorandum



To: Mayor and City Council
From: City Tree Board
Date: September 16, 2019 Subject: Signal Hill Storage Units

The Tree Board reviewed the plans for the Signal Hill Storage Units at our meeting on September 2nd. The Tree Survey indicates that there are approximately 190 trees on this property which are 12 inches or greater in diameter. It is our understanding that none of these trees will be saved. It is also our understanding that the developer will only be planting 60 replacement trees.

The Tree Board recommends that as a condition of the Conditional Zoning District, Council require the developer to install type B buffers along all perimeters of the property as a means to increase the number of replacement trees and help offset the large number of trees which are being lost. As a further measure to help mitigate this loss, the Tree Board recommends that as a condition of the Conditional Zoning District, Council require the developer to use green infrastructure practices (such as permeable pavement, tree infiltration boxes, and bioretention treatment) in place of the proposed underground system and detention pond. At the Tree Board's request, city staff has reviewed the plans for this development and indicated areas where green infrastructure could be installed (see attachment).



TOTAL AREA OF SURVEY
3.900 ACRES

NOTES:

- 1. SEE PLAN SHEET 15-1 FOR SITE PLAN.
- 2. SEE PLAN SHEET 15-2 FOR SITE PLAN.
- 3. SEE PLAN SHEET 15-3 FOR SITE PLAN.
- 4. SEE PLAN SHEET 15-4 FOR SITE PLAN.
- 5. SEE PLAN SHEET 15-5 FOR SITE PLAN.
- 6. SEE PLAN SHEET 15-6 FOR SITE PLAN.
- 7. SEE PLAN SHEET 15-7 FOR SITE PLAN.
- 8. SEE PLAN SHEET 15-8 FOR SITE PLAN.
- 9. SEE PLAN SHEET 15-9 FOR SITE PLAN.
- 10. SEE PLAN SHEET 15-10 FOR SITE PLAN.
- 11. SEE PLAN SHEET 15-11 FOR SITE PLAN.
- 12. SEE PLAN SHEET 15-12 FOR SITE PLAN.
- 13. SEE PLAN SHEET 15-13 FOR SITE PLAN.
- 14. SEE PLAN SHEET 15-14 FOR SITE PLAN.
- 15. SEE PLAN SHEET 15-15 FOR SITE PLAN.
- 16. SEE PLAN SHEET 15-16 FOR SITE PLAN.
- 17. SEE PLAN SHEET 15-17 FOR SITE PLAN.
- 18. SEE PLAN SHEET 15-18 FOR SITE PLAN.
- 19. SEE PLAN SHEET 15-19 FOR SITE PLAN.
- 20. SEE PLAN SHEET 15-20 FOR SITE PLAN.
- 21. SEE PLAN SHEET 15-21 FOR SITE PLAN.
- 22. SEE PLAN SHEET 15-22 FOR SITE PLAN.
- 23. SEE PLAN SHEET 15-23 FOR SITE PLAN.
- 24. SEE PLAN SHEET 15-24 FOR SITE PLAN.
- 25. SEE PLAN SHEET 15-25 FOR SITE PLAN.
- 26. SEE PLAN SHEET 15-26 FOR SITE PLAN.
- 27. SEE PLAN SHEET 15-27 FOR SITE PLAN.
- 28. SEE PLAN SHEET 15-28 FOR SITE PLAN.
- 29. SEE PLAN SHEET 15-29 FOR SITE PLAN.
- 30. SEE PLAN SHEET 15-30 FOR SITE PLAN.
- 31. SEE PLAN SHEET 15-31 FOR SITE PLAN.
- 32. SEE PLAN SHEET 15-32 FOR SITE PLAN.
- 33. SEE PLAN SHEET 15-33 FOR SITE PLAN.
- 34. SEE PLAN SHEET 15-34 FOR SITE PLAN.
- 35. SEE PLAN SHEET 15-35 FOR SITE PLAN.
- 36. SEE PLAN SHEET 15-36 FOR SITE PLAN.
- 37. SEE PLAN SHEET 15-37 FOR SITE PLAN.
- 38. SEE PLAN SHEET 15-38 FOR SITE PLAN.
- 39. SEE PLAN SHEET 15-39 FOR SITE PLAN.
- 40. SEE PLAN SHEET 15-40 FOR SITE PLAN.
- 41. SEE PLAN SHEET 15-41 FOR SITE PLAN.
- 42. SEE PLAN SHEET 15-42 FOR SITE PLAN.
- 43. SEE PLAN SHEET 15-43 FOR SITE PLAN.
- 44. SEE PLAN SHEET 15-44 FOR SITE PLAN.
- 45. SEE PLAN SHEET 15-45 FOR SITE PLAN.
- 46. SEE PLAN SHEET 15-46 FOR SITE PLAN.
- 47. SEE PLAN SHEET 15-47 FOR SITE PLAN.
- 48. SEE PLAN SHEET 15-48 FOR SITE PLAN.
- 49. SEE PLAN SHEET 15-49 FOR SITE PLAN.
- 50. SEE PLAN SHEET 15-50 FOR SITE PLAN.

McABEE ASSOCIATES, P.A.
 PROFESSIONAL LAND SURVEYORS
 2100 S. W. 10th St., Suite 100
 Fort Lauderdale, FL 33304
 Phone: 954-571-1111
 Fax: 954-571-1112
 Website: www.mcabee.com



DEVELOPMENT DATA BLOCK	
OWNER:	VANN STORAGE, INC.
DESIGNER:	McABEE ASSOCIATES, P.A.
DATE:	08/20/19
PROJECT:	SIGNAL HILL MINI STORAGE CZD
SCALE:	AS SHOWN
PROJECT NO.:	19-00000000000000000000
PROJECT NAME:	VANN STORAGE
PROJECT ADDRESS:	10000 S.W. 10th St., Fort Lauderdale, FL 33304
PROJECT CITY:	Fort Lauderdale, FL
PROJECT COUNTY:	Dade County, FL
PROJECT STATE:	Florida
PROJECT ZIP:	33304
PROJECT PHONE:	954-571-1111
PROJECT FAX:	954-571-1112
PROJECT EMAIL:	info@vannstorage.com
PROJECT WEBSITE:	www.vannstorage.com
PROJECT SOCIAL MEDIA:	Facebook: VannStorage, Twitter: VannStorage, Instagram: VannStorage
PROJECT CONTACT:	John Vann, 954-571-1111
PROJECT CONTACT EMAIL:	john.vann@vannstorage.com
PROJECT CONTACT ADDRESS:	10000 S.W. 10th St., Fort Lauderdale, FL 33304
PROJECT CONTACT CITY:	Fort Lauderdale, FL
PROJECT CONTACT STATE:	Florida
PROJECT CONTACT ZIP:	33304
PROJECT CONTACT PHONE:	954-571-1111
PROJECT CONTACT FAX:	954-571-1112
PROJECT CONTACT EMAIL:	john.vann@vannstorage.com
PROJECT CONTACT WEBSITE:	www.vannstorage.com
PROJECT CONTACT SOCIAL MEDIA:	Facebook: VannStorage, Twitter: VannStorage, Instagram: VannStorage



Davis CivilSolutions, PA
 Site/Infrastructure Engineering (L) Limited
 10000 S.W. 10th St., Fort Lauderdale, FL 33304
 Phone: 954-571-1111
 Fax: 954-571-1112
 Website: www.daviscivilsolutions.com

Site Development Plan For
Vann - Storage Facility
 HENDERSONVILLE, NORTH CAROLINA

Grading, Stormwater, and Erosion Control

Sheet C3

epu6

Memorandum



To: Mayor and City Council
From: City Environmental Sustainability Board
Date: September 23, 2019
Subject: Signal Hill Storage Units

The Hendersonville Environmental Sustainability Board received input from members of the Hendersonville Tree Board and other citizens about the plans for the Signal Hill Storage Units at our meeting on September 19. We agree with their input as follows:

The Tree Survey indicates that there are approximately 190 trees on this property which are 12 inches or greater in diameter. It is our understanding that none of these trees will be saved. It is also our understanding that the developer will only be planting 60 replacement trees.

The Tree Board and the Environmental Sustainability Board recommend that as a condition of the Conditional Zoning District, Council require the developer to install type B buffers along all perimeters of the property as a means to increase the number of replacement trees and help offset the large number of trees which are being lost. As a further measure to help mitigate this loss, the Tree Board and the Environmental Sustainability Board recommend that as a condition of the Conditional Zoning District, Council require the developer to use green infrastructure practices (such as permeable pavement, tree infiltration boxes, and bioretention treatment) in place of the proposed underground system and detention pond.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tyler Morrow

Department: Development Asst Dept

Date Submitted: 09-18-2019

Presenter: Tyler Morrow, Planner

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

Nature of Item: Council Action

Summary of Information/Request:

Item # 11

The Development Assistance Department staff recommends two minor amendments to the zoning ordinance in order to ensure that Traffic Impact Analysis (TIA) are submitted prior to the Planning Board meeting with ample time for review by the city's traffic consultant and NCDOT. Article VI Section 6-18-3 would now include "The TIA shall be submitted at least 24 days prior to the Planning Board meeting in order to allow adequate time for review" and Article VII Section 7-4-5 would now include "including the TIA if required".

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 3 of the memo.

Attachments:

N/A

M E M O R A N D U M

TO: City Council

FROM: Development Assistance Department

RE: Text Amendment of Article VI Section 6-18-3 and Article VII Section 7-4-5 Concerning TIA Submissions

FILE #: P19-20-ZTA

DATE: October 3rd, 2019

PROJECT HISTORY

The Development Assistance Department staff recommends two minor amendments to the zoning ordinance in order to ensure that Traffic Impact Analysis (TIA) are submitted prior to the Planning Board meeting with ample time for review by the city's traffic consultant and NCDOT.

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

Article VI Section 6-18-3

Section 6-18-3 TIA Submission. Three copies of the TIA, if required shall accompany the application for development authorization. The TIA shall be submitted at least 24 days prior to the Planning Board meeting in order to allow adequate time for review. The TIA shall be prepared by a licensed engineer registered to practice in the State of North Carolina who shall have traffic assessment and transportation management experience.

Article VII Section 7-4-5

Section 7-4-5 Processing of Application. The completion date for the application shall be the date of receipt of all information requested by the Development Assistance Director pursuant to Section 7-3-4.3 including the TIA if required. The applicant will be scheduled for the next Planning Board meeting which is at least 24 days in the future.

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 City of Hendersonville Zoning Ordinance Article VI Section 6-18-3 and Article VII Section 7-4-5 concerning TIA submissions.

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 VI Section 6-18-3 and Article VII Section 7-4-5 concerning TIA submissions.

[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 VI Section 6-18-3 and Article VII Section 7-4-5 concerning TIA submissions.

[PLEASE STATE THE MODIFICATIONS AND YOUR REASONS]

For Recommending Denial:

I move that City Council not adopt an ordinance amending the City of Hendersonville Zoning Ordinance Article VI Section 6-18-3 and Article VII Section 7-4-5 concerning TIA submissions.

[PLEASE STATE YOUR REASONS]

AN ORDINANCE AMENDING ARTICLE VI SECTION 6-18-3 and ARTICLE VII SECTION 7-4-5 CONCERNING TIA SUBMISSIONS

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 the submission of Traffic Impact Analysis (TIA).

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

7. Article VI Section 6-18-3 and Article VII Section 7-4-5 concerning TIA submissions.is hereby amended to include the following:

Article VI Section 6-18-3

Section 6-18-3 TIA Submission. Three copies of the TIA, if required shall accompany the application for development authorization. The TIA shall be submitted at least 24 days prior to the Planning Board meeting in order to allow adequate time for review. The TIA shall be prepared by a licensed engineer registered to practice in the State of North Carolina who shall have traffic assessment and transportation management experience.

Article VII Section 7-4-5

Section VII Section 7-4-5 Processing of Application. The completion date for the application shall be the date of receipt of all information requested by the Development Assistance Director pursuant to Section 7-3-4.3 including the TIA if required. The applicant will be scheduled for the next Planning Board meeting which is at least 24 days in the future.

- 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 _____ day of _____, 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: Oliver Kompathoum

Department:

Date Submitted: 9/25/19

Presenter: Oliver Kompathoum

Date of Council Meeting to consider this item: 10/3/19

Nature of Item: Council Action

Summary of Information/Request:

Item # 12

Oliver Kompathoum

Requesting permission from the city to build and install helmet boxes at Berkeley Mills Ball Park.

A slide presentation outlining aspects of the eagle project.

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

The Project will be funded by in-kind and monetary donations

Suggested Motion:

I move the City Council to resolve to approve the Eagle Scout Project of Oliver Kompathoum to build and install helmet boxes at Berkeley Mills Ball Park.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Joseph Vindigni, Fire Chief

Department: Fire

Date Submitted: 09/24/2019

Presenter: Joseph Vindigni, Fire Chief

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

Nature of Item: Council Action

Summary of Information/Request:

Item # 13

The City of Hendersonville Fire Department applied for a Staffing for Adequate Fire and Emergency Response (SAFER) grant through the Federal Emergency Management Agency (FEMA) and Department of Homeland Security (DHS) in FY18-19.

The SAFER grant has been awarded to the City of Hendersonville by FEMA, effective 09/13/2019. City Council has the opportunity to accept the award for up to thirty (30) days following the reception of the grant award. Upon grant acceptance, the grant's budget period will begin on 03/11/2020 and end 03/10/2023.

In the first and second years of the grant, 75 percent of the usual annual cost of a first-year firefighter at the time the grant application was submitted will be covered by the grant. In the third year, the grant will fund 35 percent of the salary and benefits for the same employees. A detailed budget summary can be found on page 3 of the attached award packet.

At this time, Staff respectfully request City Council approve the full SAFER grant award in the amount of \$1,252,324.20.

An accurate budgetary impact for the award will be supplied to Council during the November 7, 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:

I move City Council to resolve to accept the \$1,252,324.20 SAFER grant for the purpose of staffing 12 positions in the City of Hendersonville Fire Department.

Attachments:

- Pages 1 - 16: SAFER Grant Award Packet
- Page 17: Signed Letter of Support from City Council

Award Letter

U.S. Department of Homeland Security
Washington, D.C. 20472

Joseph Vindigni
HENDERSONVILLE, CITY OF
145 FIFTH AVE EAST
HENDERSONVILLE, NC 28792



EMW-2018-FH-00056

Dear Joseph Vindigni,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2018 Staffing for Adequate Fire and Emergency Response (SAFER) Grant funding opportunity has been approved in the amount of \$1,252,324.20 in Federal funding.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- 2018 SAFER Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bridget Bean', is written over a light blue rectangular background.

Bridget Bean
Acting Assistant Administrator
Grant Programs Directorate

Summary Award Memo

Program: Fiscal Year 2018 Staffing for Adequate Fire and Emergency Response

Recipient: HENDERSONVILLE, CITY OF

DUNS number: 079056776

Award number: EMW-2018-FH-00056

Summary description of award

The purpose of the SAFER Grant Program is to provide funding directly to fire departments and volunteer firefighter interest organizations to assist in increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application — including budget information — was consistent with the SAFER Grant Program's purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for FY2018 Staffing for Adequate Fire and Emergency Response (SAFER) funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

Amount awarded

The amount of the award is detailed in the attached Obligating Document for Award.

The following is the approved budget for this award (including Federal share plus your cost share, if applicable) and summarizes the financial aspects of the grant:

Object Class	First Year	Second Year	Third Year	Total
Personnel	\$519,912.00	\$519,912.00	\$519,912.00	\$1,559,736.00
Fringe benefits	\$157,020.00	\$157,020.00	\$157,020.00	\$471,060.00
Travel	\$0.00	\$0.00	\$0.00	\$0.00
Equipment	\$0.00	\$0.00	\$0.00	\$0.00
Supplies	\$0.00	\$0.00	\$0.00	\$0.00
Contractual	\$0.00	\$0.00	\$0.00	\$0.00
Construction	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00
Indirect charges	\$0.00	\$0.00	\$0.00	\$0.00
Federal	\$507,699.00	\$507,699.00	\$236,926.20	\$1,252,324.20
Non-federal	\$169,233.00	\$169,233.00	\$440,005.80	\$778,471.80
Total	\$676,932.00	\$676,932.00	\$676,932.00	\$2,030,796.00

2 C.F.R. § 200.308 identifies the limits to the changes that can be made and when prior approval is required from FEMA, but this provision does not apply to the breakdown by year. If you have questions about which changes require FEMA’s prior approval, please contact your Grants Management Specialist.

Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA’s prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the FY2018 SAFER NOFO.

Approved request details:

Hiring of Firefighters

Firefighter Position

BENEFITS FUNDED

The typical benefits costs are associated with medical, dental, life, and vision insurance (totaling \$791.25 per month or \$9,462.12 per year), retirement pension contribution of 8.95% (totaling \$3,590.05 per year). Breakdown per month - Medical \$739.00, Dental \$29.50 Life \$7.00, Short-Term Disability \$12.00, Vision \$1.00, and an Admin Fee of \$2.75 per employee per month (Medcost)

NUMBER OF FIREFIGHTERS	ANNUAL SALARY PRICE	ANNUAL BENEFITS	TOTAL PER FIREFIGHTER
12	\$43,326.00	\$13,085.00	\$56,411.00
3 YEAR TOTAL			
	\$2,030,796.00		

Agreement Articles

Program: Fiscal Year 2018 Staffing for Adequate Fire and Emergency Response

Recipient: HENDERSONVILLE, CITY OF

DUNS number: 079056776

Award number: EMW-2018-FH-00056

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Article 1 Assurances, Administrative Requirements, Cost Principles, Representations and Certifications

DHS financial assistance recipients must complete either the Office of Management and Budget(OMB) Standard Form 424B Assurances - Non-Construction Programs, or OMB Standard Form 424D Assurances -Construction Programs as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations(C.F.R) Part 200, and adopted by DHS at 2 C.F.R. Part 3002.

Article 2 DHS Specific Acknowledgements and Assurances

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. 1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS. 2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance. 3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. 4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance. 5. Recipients of federal financial assistance from DHS must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. Recipients are required to provide this information once every two (2) years, not every time an award is made. After the initial submission for the first award under which this term applies, recipients are only required to submit updates every two years, not every time a grant is awarded. Recipients should submit the completed tool, including supporting materials to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>.

Article 3 Acknowledgement of Federal Funding from DHS

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

Article 4 Activities Conducted Abroad

Recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Article 5	Age Discrimination Act of 1975 Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
Article 6	Americans with Disabilities Act of 1990 Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101-12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.
Article 7	Best Practices for Collection and Use of Personally Identifiable Information (PII) Recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template as useful resources respectively.
Article 8	Civil Rights Act of 1964 – Title VI Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.
Article 9	Civil Rights Act of 1968 Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (See 42 U.S.C. § 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units— .e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D)
Article 10	Copyright Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

Article 11 Debarment and Suspension

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, and 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

Article 12 Drug-Free Workplace Regulations

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. 8101).

Article 13 Duplication of Benefits

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

Article 14 Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972 Pub. L. No. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

Article 15 Energy Policy and Conservation Act

Recipients must comply with the requirements of The Energy Policy and Conservation Act Pub. L. No. 94-163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

Article 16 False Claims Act and Program Fraud Civil Remedies

Recipients must comply with the requirements of The False Claims Act, 31 U.S.C. § 3729-3733, which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.)

Article 17 Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

Article 18 Federal Leadership on Reducing Text Messaging while Driving

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.

Article 19 Fly America Act of 1974

Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

Article 20 Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a, recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, codified as amended at 15 U.S.C. § 2225.

Article 21 Limited English Proficiency (Civil Rights Act of 1964, Title VI)

Recipients must comply with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidancepublished-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

Article 22 Lobbying Prohibitions

Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

Article 23 National Environmental Policy Act

Recipients must comply with the requirements of the National Environmental Policy Act of 1969, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq.) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

Article 24 Nondiscrimination in Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

<p>Article 25</p>	<p>Non-supplanting Requirement Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.</p>
<p>Article 26</p>	<p>Notice of Funding Opportunity Requirements All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated hereby reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.</p>
<p>Article 27</p>	<p>Patents and Intellectual Property Rights Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.</p>
<p>Article 28</p>	<p>Procurement of Recovered Materials States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965) (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.</p>
<p>Article 29</p>	<p>Rehabilitation Act of 1973 Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (1973) (codified as amended at 29 U.S.C. § 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.</p>
<p>Article 30</p>	<p>Reporting of Matters Related to Recipient Integrity and Performance If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, the recipient must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.</p>
<p>Article 31</p>	<p>Reporting Subawards and Executive Compensation Recipients are required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.</p>

Article 32 SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article 33 Terrorist Financing

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

Article 34 Trafficking Victims Protection Act of 2000

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the Trafficking Victims Protection Act of 2000, (TVPA) codified as amended by 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.

Article 35 Universal Identifier and System of Award Management (SAM)

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

Article 36 USA Patriot Act of 2001

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175-175c.

Article 37 Use of DHS Seal, Logo and Flags

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Article 38 Whistleblower Protection Act

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

Article 39 Acceptance of Post Award Changes

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov if you have any questions.

Article 40 Prior Approval for Modification of Approved Budget

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. § 200.308. DHS/FEMA is also utilizing its discretion to impose an additional restriction under 2 C.F.R. § 200.308(e) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the Federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article 41 Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award by the recipient or its subrecipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

Article 42 Environmental Planning and Historic Preservation

DHS/FEMA funded activities that may require an EHP review are subject to FEMA's Environmental Planning and Historic Preservation (EHP) review process. This review does not address all Federal, state, and local requirements. Acceptance of Federal funding requires recipient to comply with all Federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize Federal funding. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA's Environmental and Historic Preservation (EHP) screening form and instructions go to the DHS/FEMA website at: <https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. Failure to provide requisite information could result in delays in the release of grant funds. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Obligating document

1. Agreement No. EMW-2018-FH-00056	2. Amendment No. N/A	3. Recipient No. 56-6001242	4. Type of Action AWARD	5. Control No. WX02684N2019T		
6. Recipient Name and Address HENDERSONVILLE, CITY OF 145 5TH AVE E HENDERSONVILLE, NC 28792		7. Issuing FEMA Office and Address Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		8. Payment Office and Address FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742		
9. Name of Recipient Project Officer Darren Miller	9a. Phone No. 828-674-6339	10. Name of FEMA Project Coordinator Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program		10a. Phone No. 1-866-274-0960		
11. Effective Date of This Action 09/13/2019	12. Method of Payment OTHER - FEMA GO	13. Assistance Arrangement COST SHARING	14. Performance Period 03/11/2020 to 03/10/2023 Budget Period 03/11/2020 to 03/10/2023			
15. Description of Action a. (Indicate funding data for awards or financial changes)						
Program Name Abbreviation	Assistance Listings No.	Accounting Data(ACCS Code)	Prior Total Award	Amount Awarded This Action + or (-)	Current Total Award	Cumulative Non-Federal Commitment
SAFER	97.083	2019-F8-GF01 - P431-xxxx-4101-D	\$0.00	\$1,252,324.20	\$1,252,324.20	\$778,471.80
Totals			\$0.00	\$1,252,324.20	\$1,252,324.20	\$778,471.80
b. To describe changes other than funding data or financial changes, attach schedule and check here: N/A						
16. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address) This field is not applicable for digitally signed grant agreements						

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)	DATE
18. FEMA SIGNATORY OFFICIAL (Name and Title)	DATE
Bridget Bean, Acting Assistant Administrator Grant Programs Directorate	09/13/2019

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

CITY OF HENDERSONVILLE

The City of Four Seasons

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

OFFICE OF THE MAYOR
BARBARA G. VOLK

April 1, 2019

Catherine Patterson, Branch Chief
Assistance to Firefighters Grants Branch
Federal Emergency Management Agency

Dear Ms. Patterson,

The City of Hendersonville Mayor, City Council and City Management are in support of the Fire Chief applying for a Staffing for Adequate Fire and Emergency Response Grant (SAFER). We have a clear understanding of the long-term obligations of the SAFER grant and if awarded we are committed to fulfilling those requirements upon acceptance. We are also committed to maintain the fire department's staffing levels and incur no lay-offs during the period of performance for the grant.

The matching funds are on a diminishing scale with the program expiring in three years. At the direction of the City Manager the Fire Chief will be applying for twelve Firefighter positions under the Hiring of Firefighters Activity option.

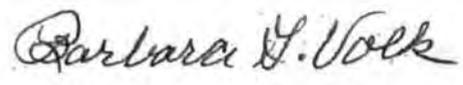
Position Cost Limit

The amount of federal funding provided to a recipient under the SAFER Hiring of Firefighters Activity for hiring a firefighter in any fiscal year may not exceed:

- in the first and second years of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and
- in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.

"Usual annual costs" includes the base salary (exclusive of overtime) and standard benefits package (including the average health cost, dental, vision, FICA, life insurance, retirement/pension, etc.) offered by fire departments to first-year (i.e. entry-level) firefighters. The City will be responsible to pay for equipment, personal protective clothing, uniforms, etc. at an estimated cost of \$8,000 per firefighter.

Sincerely,



Barbara G. Volk
Mayor, City of Hendersonville



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 9/24/2019

Presenter: John Connet

Date of Council Meeting to consider this item: 10/3/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 14

Councilman Smith has requested the opportunity to discuss the temporary elimination of timed parking along Bearcat Boulevard and Oakland Street due the construction at Hendersonville High School.

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:

I move that City Council resolve to eliminate timed parking on Bearcat Boulevard from Church Street to Fleming Street and Oakland Street from 6th Avenue to US 25 during the construction of Hendersonville High School.

Attachments:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brent Detwiler

Department: Engineering

Date Submitted: 9/23/19

Presenter: Brendan Shanahan

Date of Council Meeting to consider this item: 10/3/19

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 15

4th Avenue Streetscape Design Presentation:

Engineering and Public Works staff have been completing the design of infrastructure improvements to 4th Avenue from Main Street to Pine Street. These improvements include new concrete sidewalk and curb & gutter, decorative lights with hanging baskets, ADA compliant curb ramps & pedestrian crossings, brick crosswalks, a new traffic signal at 4th & Grove, stormwater infrastructure and asphalt paving & striping. This project fulfills the City's obligation as part of the private-public partnership on the Mill project. Construction will begin in early November with the Public Work Department completing the work. The first phase of demolition and construction of sidewalk will be along 4th Avenue from Pine to Grove with work moving closer to Main during the winter months. A brief presentation will follow highlighting the upcoming improvements. We welcome any questions you may have. Thank you.

Budget Impact: \$ 100,000.00 Is this expenditure approved in the current fiscal year budget? Yes No If no, describe how it will be funded.

Infrastructure improvements budgeted as part of mill development project

Suggested Motion:

N/A

Attachments:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 9/26/2019

Presenter: John Connet/Jennifer Musslewhite

Date of Council Meeting to consider this item: 10/3/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 16

The City staff has been working for several months to update Chapters 44 and 52 of the City Code. These updates are in conjunction with the development of uniform customer service policies and procedures. City staff review these changes with the City Council during your special meeting on September 25, 2019. Staff has made the changes to the City Code and policies and procedures per the direction of the City Council. We are now recommending that the City Council approve the following:

1. Amendments to Chapters 44 and 52 of the Hendersonville City Code
2. New Customer Service Policies and Procedures
3. Fee Schedule Amendments

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:

I move that the City Council resolve to approve the amendments to Chapters 44 and 52 of the Hendersonville City Code, new customer service policies and procedures and Fee Schedule amendments.

Attachments:

- Proposed Amendments to Chapters 44 and 52
- Proposed Customer Service Policies
- Fee Schedule Amendments

Section 52-46 -Utility Deposits

(a) The following deposits are required for all utility services inside and outside the corporate limits:

(1) Customers of utilities, opening accounts after the effective date of the ordinance from which this section is derived, shall make a deposit in the amount set forth by city council per the currently approved rates and fee schedule.

(2) The deposits heretofore or hereafter made shall be used for the purpose of ensuring the payment of utility bills and to secure the city against any loss that might be incurred in furnishing water or servicing such account, and such deposit shall be refunded after (24) twenty four consecutive months of good payment history or upon termination of service. The city may, at its option, apply the deposit, or any portion thereof, to the payment of indebtedness which may accrue against the depositor or premises for and on account of which the deposit is made.

(a) Utility water customers who deposit or portion of deposit is used to apply to account balances will be required to restore the deposit on the account before services will be restored. All applicable charges shall be required to be paid before water service shall again be furnished to the premises in question.

(b) The deposits required by this section to be paid to the city shall be without liability on the part of the city for profit or interest.

(e) The City retains the right to retain deposits indefinitely to assure payment of utility charges.

(f) Every account holder may be required to pay a deposit for each property/account with the City.

(g) Property owners that have a landlord/tenant agreement with the City may be required to maintain a deposit on the account for each property/account.

ORDINANCE NO. _____

Authorize the Use of Electronic Signatures
in Documents Accepted by the City of Hendersonville

The Council of the City of Hendersonville does ORDAIN as follows:

SECTION 1. Findings and Declarations:

- a) Electronic signature technology allows the City of Hendersonville to collect and preserve signatures on documents quickly, securely, and efficiently.
- (b) The North Carolina Secretary of State has adopted regulations governing electronic signatures, which are not suitable for to govern the use of electronic signatures by the City of Hendersonville.
- (c) The conditions under which the City of Hendersonville will accept electronic signatures on City documents are a municipal affair, wholly within of the City Council to regulate pursuant to the City.

SECTION 2. Electronic Signatures (Electronic Signatures) of the Hendersonville Municipal Code is hereby amended to read as follows:

- a) In any document accepted by the City in which a signature is required or used, the City may authorize the use of an electronic signature, so long as it complies with the requirements of this section.
- b) The use of an electronic signature shall have the same force and effect as the use of a “wet” or manual signature if:
 - 1) The signature is capable of verification;
 - 2) The signature is under the sole control of the person using it; and
 - 3) The signature is linked to the data in such a manner that it is readily ascertainable if the data is changed after the signature is applied.
- c) The City Manager shall determine acceptable technologies and vendors under this section consistent with industry best practices to ensure the security and integrity of the data and the signature. The City Manager shall further determine the documents for which the City will accept electronic signatures.

ORDINANCE NO. _____

Authorize the Correction of Errors

in Billing Accepted by the City of Hendersonville

Sec.52- .- Correction of Errors (new ordinance)

Failure to receive a utility service fee bill is not justification for nonpayment. The owner of each parcel of land shall be obligated to pay such fee. If a customer is under-billed or if no bill is sent, the city may process a corrective bill to the owner up to two years. Adjustments shall be made to correct clerical and/or computer errors. If a customer is incorrectly billed, or not billed, or a bill is sent to the wrong party, the city may corrective bill the customer for the lesser of the actual period up to a two-years for utility charges. Similarly, in the event customers are charged for services due to city error, a credit adjustment will be allowed only for amounts paid by the customer for charges incurred within the prior two years for utility charges.

ORDINANCE NO. _____

Authorize the

Accepted by the City of Hendersonville

Sec. 52-55. – Inactive Service (new ordinance)

All utility services shall become active once the initial connection (tap and meter) to the utility system is set into place. Deactivation of accounts for simple convenience will not be permitted and all improved property will be subject to minimum base charges per the City of Hendersonville Fee Schedule. Services shall become due and payable during the billing cycle immediately following service billing activation and can include corrective billing up to 2 years. New construction and vacant lots, including demolition or condemnation, will have services activated once the connection (tap and meter) to the utility system has been made. Owners of vacant property, including demolition or condemnation, shall notify the City of Hendersonville of property status and request removal of meter in order to avoid minimum base charges.

Section 44 – Solid Waste Management (Ordinance Revision)

Changed the Name of the Section to Environmental Services Fund.

Sec. 44-42. - Level of service.

All residential units shall be provided once-per-week curbside collection service. Commercial and industrial establishments utilizing Ez-rollum containers shall be provided once-per-week collection service by the City

Sec. 44-42.1. -Commercial and industrial establishments disposing of more than four cubic yards weekly or requiring special consideration due to health and other sanitary reasons shall contract collection service upon approval from the Public Works Director or designee.

Sec. 44-43. - Preparation and storage of residential refuse for collection.

Only subsection change-

(8)

Household appliances. Inoperative or worn out privately used household appliances (refrigerators, stoves, washing machines, dryers, discarded furniture, etc.) will be collected by the city. The resident must make arrangements for collection and disposal with the sanitation department; fees may be applied based on the currently approved Fee Schedule.

Sec. 52-126. - To be made within 30 days after mains are ready for use.

Within 30 days after failure of a well, the owner of the property abutting whereon water is supplied for any human use shall cause such lot to be connected with such water main. Within 30 days after failure of a septic system whereon sewer is supplied and any sewer main in any street or deeded easement is completed and ready for use, if a sewer main has also been installed in such street or deeded easement, the owner of any abutting property having thereon improvements for human occupancy shall cause the appropriate internal sewer plumbing to be installed and to be connected with the sewer main; provided, however, that the owner of the premises shall be notified in writing by the city of the installation of the water main and/or the installation of the sanitary sewer, and shall be allowed 30 days after such written notice within which to make the required connection(s).

(Code 1971, § 32-64; Ord. No. 06-1048, § 24, 10-10-06)

CITY OF HENDERSONVILLE BILLING POLICY & PROCEDURES

Introduction

The policies and procedures contained in this document are intended to define the relationship between the customer of utility services including water, wastewater, stormwater and solid waste collection and the City of Hendersonville. These policies are, by notification of and available to all customers, made part of the contract for service entered into by the customer. By contracting for service, the customer acknowledges the applicability of these policies and procedures and agrees to abide by them.

Authority

The enactment of standard utility policies requires the approval of the City Council. As fee schedules, rates and other specific policies are updated, it will be the responsibility of the Finance Department to ensure this policy manual is revised in accordance with City Council action.

Office and Service Hours

The City Customer Service Department is located at 160 6th Avenue East and is open from 9 a.m. to 5 p.m. Monday through Friday. Routine and regular service work will be performed from 8 a.m. to 5 p.m. Monday through Friday except for City holidays. Service work for unusual conditions may be arranged at other times upon customer request and may require an additional fee.

A 24-hour drop box is available for customer payments in the City Hall 6th Avenue parking lot. Payments made after 8:00 am at the drop box are posted the next business day.

Privacy

Our application/agreement requires that the potential customer provide their social security number. We request this number to verify identity, check credit worthiness, protect sensitive account information, and collect delinquent balances. There is no statutory or other authority requiring any customer to provide a social security number. However, when customer billing data is requested, the last four digits of the social security number or Tax ID Number will be used to verify identity prior to any information being given out by staff. Staff members have the authority to request other verifying information to protect the City as well as City customers against fraud. Customer billing data is not considered public information. The City will ensure that customer information, including billing data, is safeguarded against unauthorized use. Please see the attached Customer Social Security Collection Form attached in Appendix 1.

A. Establishing Service.

All connections to the City of Hendersonville water and sewer system are required to have an active account. New service accounts are required to submit an application along with proper documentation for approval to the City of Hendersonville Customer Service Department to set up a customer account. Any connection that does not timely set up an

CITY OF HENDERSONVILLE BILLING POLICY & PROCEDURES

account may be required to pay for all charges from time of connection to the most recent billing period prior to opening an account.

1. **Application.** A completed application for service must be received and reviewed for completeness by the Customer Service Department prior to installation of new service or releasing responsibility of prior customer if residence is sold, transferred, or leased to a new tenant. Service is conditioned on satisfaction of all previously owned (and still legally collectible) utility debts to the City.
 - i. As part of the application process, the City requires that the applicant provide a valid government issued identification document (driver's license, passport, state identification card, military identification card, etc.) and requests a social security number. A new application must be submitted for every connection, regardless of prior connections to an existing address or customer history. An application is provided in Appendix 1
 - ii. Property Owners shall provide a closing statement or deed to verify ownership. Property owners may have utilities connected at more than one location if all accounts remain in good standing with the City. Any delinquency for utility services at any location may prevent a property owner from establishing new service. Property owners with rental property are required to have service automatically revert to them when a tenant requests services to be discontinued in their name. This may prevent the owner from having to apply for service with each occurrence. A separate landlord agreement must be completed before tenants may start service in their name.
 - iii. Non-Property Owners shall provide the City with a copy of a lease/rental/occupancy agreement and may be limited to one service location at any given time. The non-property owner's utility account may be set up in the name or names specified in the lease/rental/occupancy agreement. In the event any person named in the lease has any outstanding utility debt with the City, that debt shall be paid in full prior to service connection. If a lease/rental/occupancy agreement cannot be provided, an Application for Utility Services may be denied.
 - iv. Multi-Unit Residencies shall provide the City with verification of ownership listing all units by street address and unit number, if applicable. Owners of the property shall provide the City with a list of authorized agents who act upon their behalf (e.g. site managers, real estate agents). The account may not be set up in the name of the property owner, site manager, or real estate agent. A federal identification number or social security number may be requested for access to account information and use in the collection of any delinquencies owed to the City. It is required that multi-unit establishments have account responsibility automatically revert to owner establishment when a tenant requests for services to be discontinued in their name. Multi-unit residency owners or agents

CITY OF HENDERSONVILLE BILLING POLICY & PROCEDURES

- may have utilities connected at more than one location if all accounts remain in good standing with the City. Any prior delinquency for utility services at any location may prevent an owner from establishing new service.
- v. Revert-To-Owner Contract for Continuous Utility Service shall provide property owners and managers the ability to maintain continuous utility service while a rental unit is vacant. A Contract must be completed and a listing of all premises (service addresses) must be completed and submitted by the Owner(s)/Property Manager(s). By signing the contract, the owner(s) or manager(s) are agreeing to be responsible for utility services and related costs between the time service to outgoing tenants is terminated and service to incoming tenants is initiated, including base charges. Upon completion of the contract, staff may attach the contract to the property owners Customer Identification number, add all service addresses to the Revert-To-Owner Property Listing, set up owner information in the utility billing system, and file accordingly. The premise visit charge may only be charged to an account if utility service has not been previously established at a premises/service address in the name of the applicant. Utility bills for all properties included in the Contract may be sent to the mailing address provided on the Contract and may not be the same as one of the properties covered in the contract. Service is to automatically revert to the owner upon notification by a tenant to discontinue service in their name. As stated in the contract, no notification may be given to the owner/manager in such situation. If service is discontinued by the City due to non-payment or interference with normal service (i.e. meter tampering), service shall not automatically revert to the owner. Once service has been terminated for non-payment or interference with normal service has occurred, service at the premises may be reinstated only if (1) arrangements are made to pay in full all amounts due on the account in accordance with these policies; or (2) proof is provided to the City of Hendersonville that the non-paying tenant no longer occupies the premises. Owner(s)/Property Manager(s)/Tenants may be denied service in the instance the Owner(s)/Property Manager(s) are delinquent at any utility service location. The contract shall be made in an initial term of twelve months and shall be automatically renewed for subsequent terms of twelve month. Termination of the contract must be provided in writing by either part. Adding a property to the Contract may not automatically activate a meter that is not in use. City staff must be notified and directed to activate meters at property that is not in use.
- vi. Multiple Delinquencies per Service Location shall require the property owner, or their specified agent on record, to be the contracting utility customer after three (3) delinquencies on utility accounts have occurred at a specified location in an eighteen-month period (18) month period. A delinquency on a utility account is when a utility customer is indebted to the City after all deposits and

CITY OF HENDERSONVILLE BILLING POLICY & PROCEDURES

payments are applied during the finalization process. Service may remain in the name of the owner or agent; however, an authorization form to release utility billing information may be completed in order to give additional persons access to account information for the purpose of payment and balance requests.

2. **Reasons for Denial of Service.** Applications for utility service may be denied for any one of the following reasons: - A lease/rental/occupant agreement cannot be provided - Validity of lease/rental/occupant agreement is in question and the property owner cannot be reached - There are three or more delinquencies at a service location in a eighteen (18) month period occurring after adoption of these policies resulting in services being provided to the property owner or agent on record only - Questionable Identification – inability to provide verifiable or valid identification.

3. **Customer Deposit.** The purpose of a customer deposit is to try to ensure that all utility charges are collected. All new customer accounts are required to pay a deposit on the most recently approved rate tier. The customer's Utility Credit Worthiness and type of service may determine the deposit tier. Upon termination of an account, the deposit may be applied to any outstanding balance. Any remaining deposit greater than \$5.00, after applying to the outstanding balance, may be refunded. As part of the application process, the Customer Service Department may determine if you may be required to pay a deposit on your account based on your credit rating. With a good credit rating, this deposit fee may be waived. The amount of the deposit shall be set from time to time by City Council (Rate & Fee Schedule).
 - i. Any current customer that does not have a deposit with the City of Hendersonville whose service is involuntarily terminated for nonpayment, tampering, or other reasons more than twice in any 12-month period, may be required to pay a deposit in the amount described above.
 - ii. Any person requesting utility service who has previously had an unpaid balance to the City may be required to repay this amount, plus pay a deposit.
 - iii. The City has the right to apply the customer deposit to any unpaid utility charges after an account is more than 60 days past due. If all or any portion of a customer deposit is applied to past due charges, and the customer continues to receive utility services, the City may require the customer to replenish deposit amount that may added to bill upon approval and subject to disconnection for nonpayment.
 - iv. Any customer that elects not to disclose their social security number will be considered a "high-risk," due to our inability to complete the credit check. Deposits will be calculated in the high risk tier and calculated at (2) two times the deposit amount.

4. **Refund of Deposit.** The City reserves the right to retain deposits indefinitely to assure payment of utility charges. No interest may be paid upon deposited amounts. However, the City may elect to refund deposits in the following situations provided the account is at a zero balance:

CITY OF HENDERSONVILLE BILLING POLICY & PROCEDURES

- i. Deposits on accounts within 24 consecutive months of good payment history (no late fees, insufficient funds penalties, or service disconnections) may be applied to the existing utility account; or
- ii. Upon customer request for termination of service and City determination that either the residence or business may remain vacant or another responsible person has applied for service.

The City retains the option of effecting refunds by applying to outstanding or future utility charges. No refunds may be made for amounts less than \$5.00.

5. **Temporary/Voluntary Disconnection of Service.** In the event a customer will not occupy a residence for an extended period and requests water to be turned off at the meter, utility base charges may be billed during this time by City ordinance. A premise visit may be charged to turn off the meter at each property/account.
6. **Permanent or Indefinite Disconnection of Services.** In the event a residence is demolished, condemned, or court ordered abandoned, the customer/property owner or legal representative may request that the meter on the property be removed at the currently approved charge per the Fee Schedule. City approved documentation must be received before meter services may be removed. If the meter is removed, and service discontinued, the base charge may not be applied to the account. If the service is not disconnected and the customer resumes using utility services, the City retains the right to bill for past services not to exceed two years.
7. **Sanitation Disconnection.** In the event a residence is demolished or condemned, or court ordered abandoned the customer/property owner or legal representative may request that the sanitation containers be removed at the currently approved charge per the Fee Schedule. City approved documentation must be received before sanitation services may be removed; Charges may discontinue effective the date of City approved documentation has been received in writing to the Customer Service Division. If the service is not disconnected and the customer resumes using sanitation services, the City retains the right to bill for past services not to exceed two years.
8. **Stormwater Disconnection.** In the event a residence is demolished or condemned, and all impervious surfaces have been removed from the property, stormwater charges may be discontinued upon approval. City approved documentation must be received before stormwater services may be discontinued. Charges may be discontinued effective the date that City approved documentation has been received in writing to the Customer Service Division. The Stormwater Division or a designee must approval all discontinuance of stormwater charges. The Stormwater Division or their designee may require a site visit to the property to verify all requirements have been completed. If these requirements are not meet the City retains the right to bill for past services not to exceed two years. Additional property visits may be required, after the initial visit the City maintains the right to charge for each additional premise visits per occurrence.
9. **Meter Tampering.** The City does not allow for any unauthorized person(s) to open a meter box to interfere, alter, tamper with, or bypass a meter which has been installed for the purpose of measuring the use of water or knowingly to use water passing through

CITY OF HENDERSONVILLE BILLING POLICY & PROCEDURES

any such tampered meter or water bypassing a meter provided by the City for the purpose of measuring and registering the quantity of water consumed. City of Hendersonville Ordinance 52.13. Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause such meter to inaccurately measure and register the water consumed, or which would cause the water to be diverted from the recording apparatus of the meter, shall be prima facie evidence of intent to violate and of the violation of this section by the person in whose name such meter is installed, or the person or persons so using or receiving the benefits of such unmetered, unregistered, or diverted water. Any person(s) not authorized by the City operating any valves on the water distribution system, which included the cut off valve at the meter, hydrants, etc. shall be charged with tampering. Per North Carolina General Statute 14-151.1

- i. Any person violating any of the provisions may be liable to the City any losses and shall also be charged for the cost to repair and or replace any damages sustained. A fine may be charged per occurrence per the most recently approved Fee Schedule.
 - a. First Occurrence-notification letter to the property owner
 - b. Second Occurrence-notification and fine
 - c. Third Occurrence-notification, fine which may include any additional civil or criminal charges including recover of water loss or damage to City property.
- ii. If water is cut on illegally after disconnection due to nonpayment of a utility bill, this may cause the removal of the water meter and may result in additional charges. Reestablishing services may incur additional charges which may include deposits, fines and payment of all charges on the account before reconnection.
- iii. The City may make a reasonable effort to hold tenants responsible for any damages associated, or loss recovery of water usage. However, if the tenant is not available, the landlord or property owners may be responsible for any fines, any damages associated, or loss recovery of water usage.

10. **Waste of water.** Failure to repair utility services within 30 days of detection by the City or property owner, the City may disconnect utility service until the leak has been repaired. Approved City documentation must be submitted and approved before services may be restored. Certified mail notification by the City may be sent to the current owner and occupant of the property on file. Ordinance 52-6.

B. Utility Billing Procedures

The City of Hendersonville Revenue Department bills for Water, Sewer, Sanitation and Stormwater services. Please visit the City of Hendersonville webpage to see the bill cycle schedule.

1. Billing

- i. Bills shall be prepared monthly for each billing cycle. Billing cycles dates are

CITY OF HENDERSONVILLE BILLING POLICY & PROCEDURES

- based on service area and are as close to 30 days as practicable.
- ii. Bills are due 15 days from the billing date. Payment may be made by check, money order, bank ACH draft, in cash at the Collections office, or by any other means offered by the City.
 - iii. All bills not paid within 25 days are subject to late penalty of \$10.00 or 5% whichever is greater of the unpaid balance. If payment is not received and receipted by the 25th day at 5 pm, a late charge may be added to the customer's account.
 - iv. All bills not paid within 45 days are subject to disconnect. If payment is not received by the 45th day before 5 pm, a Nonpayment Service Disconnection Charge, per the most recently approved Fee Schedule, may be added to the customer's account, and the account is subject to disconnection. To restore service, the entire account balance, including fees, must be paid in full.
 - v. If a bill is returned to the City of Hendersonville by the post office or email as undeliverable, the Customer Service Department shall make all reasonable efforts to obtain a forwarding address and correct the address in the Utility records. In the event the bill becomes delinquent, the Revenue Department shall follow the collection efforts below. Customers are responsible for all billing regardless of receiving a monthly bill.
 - vi. Payments may be applied to customer accounts in the following order; fees or miscellaneous charges, sanitation, sewer, and water charges.
 - vii. Sanitation Charges - Every account within the city limits may be billed a Solid Waste Management Charge monthly. Commercial accounts meeting the criteria set by City Ordinance can contract with a private service upon approval from the Public Works Director. The charge may be waived for commercial or industrial properties upon providing documentation of such to the City. Requirements for containers and services may change based on the approved charge per the Fee Schedule.
 - viii. It is the responsibility of the property owner, account holder, or authorized designee to advise the City to whom and to what address bills are to be sent (e.g. new owner or renter). A Utility Billing Change Form is available from the Customer Service Department for any changes that are necessary to an update an account. Only an account holder or authorized party can request changes to billing information and statuses.
 - ix. If the City has overcharged or undercharged a customer for service, the City may correct this error subject to the following procedures:
 - a. If the City has overcharged a customer for service, the City may credit the customer's account, without interest, the excess amount and notify the customer by letter. Customers may request a refund of such excess charges if they were previously paid in full. Credit to a customer's account is subject to the following limitations:
 - b. If the time period over which the mistake occurred can be determined, the City should credit or refund the excess amount charged the account for that entire interval, provided that such time period shall not exceed the statute of limitations as set forth in the N.C. General Statutes.
 - If the time frame of the problem cannot be determined, the City should refund the excess amount charged during the previous 12 months.

CITY OF HENDERSONVILLE BILLING POLICY & PROCEDURES

- If an overcharged customer owes a past due balance to the City, the City may deduct that past due amount from any refund or credit due the customer.
- c. If the City has undercharged a customer for service, the City may collect the additional amount due the City by billing the account. A payment plan or other payment options may be extended to a customer for repayment of charges billed from prior billing periods. If a customer receives notice of undercharging and does not contact the City to make payment arrangement for such amount by the subsequent due date, the account may be disconnected for nonpayment in accordance with this policy.
- d. If an undercharge has occurred because of tampering or bypassing a meter or because of other fraudulent or willfully misleading action of the customer, the City shall collect the entire undercharged amount in a lump sum and seek such other rights and remedies as are permitted by law.

2. Returned payments.

- i. Payments returned due to insufficient funds, closed accounts, or other issue not related to a City error may be charged a fee according to the current fee schedule. If the return was due to City error, the fee may be waived.
- ii. Customers may lose the ability to use a payment method for two years if a payment has been returned due to insufficient funds, closed accounts, or other issue not related to a City error two times in a 12-month period.
- iii. Customers who do not make good on any returned payment and applicable fees may be considered to have not made any payment and may be subject to procedures for late charges and disconnection of service.
- iv. The Revenue Department may also send a letter notifying the customer of these events and request replacement funds or alternative payment arrangements.
- v. Payment return fees may be added to the account and must be paid with other past due charges to continue Utility service.
- vi. Returned payments made by a customer to avoid disconnection on an account may be subject to immediate disconnection. All fees and account balances including a Nonpayment Service Disconnection Charge may be paid before service is reconnected.

3. Collection of Past Due Utility Charges.

- i. *Accounts 25 days past due.* A cut off notice may be mailed when a bill is 25 days past due. If payment is not received by 5 pm on the 45th day, a Nonpayment Service Disconnection Charge in accordance with the fee schedule in effect at that time may be added to the customer's account. The account may then be disconnected.
- ii. *Accounts over 90 days.* If payment is not received within 90 days, the

CITY OF HENDERSONVILLE BILLING POLICY & PROCEDURES

City may take one or more of the following actions, as to the most optimum method of securing payment:

- a. The Revenue Department may send the name, address, and balance due to the City's collection agency or NC Debt Setoff Program.
 - b. The terms of the nonpayment may be communicated to any or all nationally recognized credit reporting agencies.
 - c. Customer may be denied access to Utility services.
 - d. If a sewer-only account is cut-off, Operations Support staff may leave a door hanger at the service address noting the date of disconnection, which must be at least one business day after placement of the notice. Operations Support staff may use spray paint to mark the service connection location in the right-of-way for the excavation crew. If the customer wishes to reinstate service, a charge must be paid for replacement of the sewer tap, based on the schedule rates and fees currently in force, in addition to payment of all past charges.
 - e. Remaining balances on terminated accounts may be transferred to a customer's active utility account for collection of charges due. These charges may be subject to the disconnection policy and may cause the active account to be disconnected for nonpayment.
- 4. Extended Payment Option.** Payment plans may only be available for past due balances related to leaks or accounts that are back billed for previously unbilled usage. Accounts that have past due charges related to regular monthly billing will not be eligible for payment plans. The Revenue Department will review the account to establish a payment plan for the customer. The customer will be required to sign a payment plan form specifying the terms of the payment plan. Customer must continue to pay regular monthly charges plus a portion of the payment billing or a denied leak adjustment. If a customer has any returned, missed, or delinquent payments on the account, the payment plan may be voided, and the balance will be due immediately.
- 5. Payment Plan Reinstatement.** Customers may apply for reinstatement one time over the course of the plan payment. Revenue Department may review the request for reinstatement. If reinstatement is granted, all missed payments including any fees must be paid to reinstate the payment plan.
- 6. Deceased Account Holder/ Estate Account.** When an account holder is deceased, a Utility Billing Change Form or New Service Application must be completed in order to transfer an account into the name of the responsible party within 45 days. The City may request legal documentation including, but not limited to, death certificates, wills, or other legal documents to process the utility billing change request. If the City of Hendersonville receives notice or determines that an account holder is deceased, notification of account closure may be mailed to the address on record. The letter may set forth a date in which a Utility Billing Change Form must be received to continue services at the location of the deceased account holder. If the responsible party is not the property owner, an Application for Utility Services must be filled out and the application process must be completed in accordance with this policy.

CITY OF HENDERSONVILLE BILLING POLICY & PROCEDURES

An account may be transferred into the ownership of an estate. A Utility Billing Change Form is required, and the City may request legal documentation from the executor or the person responsible for administering an estate. It is the responsibility of the executor or other person administering the estate to notify the City of any changes in account status. The City of Hendersonville may allow an account to remain in the name of an estate for a period of 4 months from the date of service connection. It is the responsibility of the executor or administrator of the estate to either disconnect or transfer ownership of the account into the name of a responsible person prior to this date. If an application has not been processed to transfer ownership of the account in the timeframe specified, services may be disconnected without further notice.

7. **Service Call Charge.** A service call charge may be charged for services performed by City staff that is not deemed necessary by the City. Such services include, but are not limited to, re-reading of meters, checking a meter for a possible leak, shutting meter off more than two times during any single leak event while leak on the customers side is being repaired and the testing of meters for accuracy. The City may charge a service call charge for services that require multiple visits to a property. Such services include, but are not limited to, leaks, temporary disconnection for repairs or any other services.

C. **Consideration of Credits and Refunds**

1. **Refunds.**

No refunds less than \$5.00 may be made on a customer's account.

2. **Credits.**

- i. **Filling Swimming Pools**

The City does not allow adjustments for filling pools or spas. Customers can apply for a separate irrigation meter to fill pools or spas which may not charge for sewer usage.

- ii. **Leak Adjustments**

The customer is responsible for leakage in the piping on his/her property on his/her side of the water meter and will be charged for water and/or sewer based on water use as indicated on the meter. This is being defined as that point at which the customer's plumbing connects either directly to the meter box or the customers shut off valve connects directly to the meter box. The City does not repair leaks on the customer's side of the water meter. The City of Hendersonville may allow credit for utility charges resulting from leaks on the customer's side of the meter.

1. Credit may be extended to the customer's account/property only once every 24 calendar months upon approval.
 2. Customer must submit a completed Leak Adjustment form within 30

CITY OF HENDERSONVILLE BILLING POLICY & PROCEDURES

- days of leak detection either by the City or the customer.
3. Customer must provide to the City of Hendersonville an invoice from a licensed plumber for repairing the leak(s). This must be accompanied by a statement confirming that a leak (or multiple leaks) had been repaired, and a description describing where the leak(s) occurred.
 4. A customer may make their own repairs. If a customer makes their own repairs, all receipts for parts and pictures of the leak site prior to repair and after completion are required to be sent to the City for approval.
 5. Leak adjustments may be calculated based on one and one half (1 ½) times the residential customer's average monthly consumption amount. Average monthly consumption is based on the twelve (12) month average prior to the month showing excessive use. If previous consumption is less than 12 previous months, the City may require 3 additional months of normal usage before adjustment calculation can be processed.
 6. No credits or adjustments of \$ 5.00 or less may be given unless the cause for the credit or adjustment is an error by the City of Hendersonville.

**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
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

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
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.

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

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
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
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
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

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
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	
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	\$12.00
Commercial Recycling Collection (up to four 65 gallon carts emptied twice pe	\$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

WATER AND SEWER	
Water	
General	
Residential Water & Sewer Deposit	
Tier 1	\$0.00
Tier 2	\$80.00
Tier 3	\$120.00
Commercial Water & Sewer Deposit	
Tier 1	\$125.00
Tier 2	\$175.00
Tier 3	\$250.00
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

~~\$100.00~~

~~\$100.00~~

~~\$15.00~~

**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
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
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	

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
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
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 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
Weather-Based Irrigation System Controller - Limit one per account	**50% of purchase price or \$200, whichever is less
<i>Limited number of rebates offered annually</i>	

\$ 75.00

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

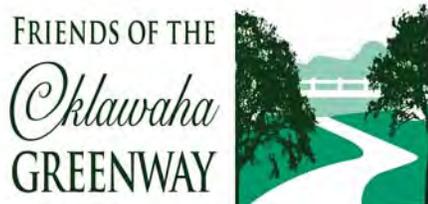
PUBLIC HEARING REQUIRED FOR ITEMS DENOTED WITH ASTERIK *

DESCRIPTION	COST / CHARGE / FEE	
Sewer		
General		
Residential Water & Sewer Deposit		
Tier 1	\$0.00	\$100.00
Tier 2	\$80.00	
Tier 3	\$120.00	
Commercial Water & Sewer Deposit		
Tier 1	\$125.00	\$100.00
Tier 2	\$175.00	
Tier 3	\$250.00	
Utility Bill Late Fee	\$10.00 or 5% of past due balance, whichever is greater	\$15.00
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	
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		

**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
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
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



322 Killarney Street
Hendersonville NC 28792
September 24, 2019

Dear Mayor Volk:

The Friends of the Oklawaha Greenway deeply appreciate Wes Burlingame's many years of support for the Hendersonville Tree Board, the Greenway, and the broader Hendersonville community. Wes's Native Tree Walks on the Greenway were always popular, and he provided key leadership in planting its pollinator beds.

The Friends of the Oklawaha Greenway recently arranged to replant and maintain the beds of native plants surrounding the Greenway's red kiosk. Might it be possible for the City Council to consider designating these beds in memory of Wes? If the Council approves, the Friends of the Oklawaha Greenway will prepare and install a suitable plaque. We will work with Tom Wooten to make sure that its design, wording and placement are appropriate.

Thank you for your consideration.

Respectfully,

Suzanne Hale
Chair, Friends of the Oklawaha Greenway

cc: John Connet
Tom Wooten
Mac Brackett



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Adam Murr

Department: Admin

Date Submitted: 09/26/2019

Presenter: John Connet

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

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 19a

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 10 | \$3,735 | Worker's Comp. Insurance Adjustment
2. Fund 10 | \$5,000 | Special Appropriation

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: John Connet

Department: Admin

Date Submitted: 09.17.19

Presenter: John Connet

Date of Council Meeting to consider this item: 10.03.19

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 19b

In accordance with Resolution #11-1051 "A Resolution Delegating the Authority for Declaring Personal Property Surplus," the following motorcycles have been declared surplus and traded to a local motorcycle dealer for credit. Staff will ensure these items are removed from our fixed assets and insurance.

- 1) 2007 BMW, VIN WB10388047ZM19644
- 2) 2007 BMW, VIN WB10388057ZM19684

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

Suggested Motion:

Attachments:

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

CITY OF HENDERSONVILLE

The City of Four Seasons

POLICE DEPARTMENT
Herbert Blake, Chief of Police

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

September 16, 2019

Mr. John Connet
City Manager
City of Hendersonville

Subject: Request that BMW Motorcycles be deemed Surplus

Dear Mr. Connet:

The police department would like to trade two old BMW motorcycles for one thousand dollars (\$1000) in parts and labor credit to Dal Kawa on Kanuga Street. These BMW bikes are not in running condition; and, are in bad shape after being used for training purposes. In addition, they have been sitting at the warehouse, unused and in need of thousands of dollars of repairs.

Considering the bikes' age and shape, in our opinion, they are not be worth investing the money for repairs. Our evaluation determined the bikes actual value to be about the same as the offer from Dal Kawa. The parts and labor credit will be used for repairs to our Harley Davidson motorcycles.

We request that the BMW motorcycles be declared surplus.

The bikes information is as follows:

- 1) 2007 BMW, VIN WB10388047ZM19644
- 2) 2007 BMW, VIN WB10388057ZM19684

Professionally yours,



Herbert Blake
Chief of Police





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Admin

Date Submitted: 08.20.19

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 09.05.19

Nature of Item: Council Action

Summary of Information/Request:

Item # 20

Board/Commission Vacancies and Applications:

Walk of Fame Steering Committee: 2 vacant City positions. Ms. Madeline Royes has declined reappointment to this committee. Last month, you received the application of Marcia Mills Kelso who is willing to serve on this Committee.

Vacancies exist on the following boards:

Historic Preservation Commission: There is a vacant position on the HPC. You have three applications on file: Jim Welter, Marcia Mills Kelso (who has also applied for the Walk of Fame) and Beth Stang (currently serving on the Environmental Sustainability Board).

Business Advisory Committee: 2 vacant City positions. Members are individuals, principals or other significant representatives of a business. We have no applications on file.

Planning Board: Mr. Ray Mundy has resigned from the Planning Board due to medical reasons. You have applications on file from Neil Brown and Hunter Jones.

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: