

e. **Consideration of a Resolution to Recognize the Distinguished Service of Police Lieutenant Todd Letterman and the Awarding of his Badge and Service Side Arm**

f. **Others**



ORGANIZATIONAL MEETING OF THE COUNCIL

- 7. **Administration of the Oath of Office and Presentation of Certificate of Election to Council Member Jennifer Hensley by the Honorable Representative Chuck McGrady**
- 8. **Administration of the Oath of Office and Presentation of Certificate of Election to Council Member Lyndsey Simpson by the Honorable Mayor Barbara G. Volk**
- 9. **Remarks by Council Members Jennifer Hensley and Lyndsey Simpson and Others**
- 10. **Election of Mayor Pro Tempore and Administration of the Oath of Office for Mayor Pro Tempore**
- 11. **Council Representatives to Boards**



- 12. **Consideration of Consent Agenda** *(Note: All items denoted with an asterisk (*) are considered routine, noncontroversial in nature and will be considered and disposed of through a singular motion and vote.)*
 - A. **Consideration of Minutes of November 7, 2019 Regular Meeting**
 - B. **Consideration of Budget Amendments**
 - C. **Consideration of a Contract between the City of Hendersonville and Henderson County Public Schools for School Resource Officer(s)**
 - D. **Consideration of Easement Request by Duke Energy at Keith Park**
 - E. **Consideration of Tax Releases, Refunds, Discoveries**
 - F. **Consideration of Waterline Extension Request for Captain Smyths Subdivision Located on Trenholm Road**
 - G. **Consideration of Exemption of Holiday Event from Chapter 6, Section 6.2 of the Code of Ordinances**
 - H. **Consideration of Request of Hands On! Children’s Museum for the Use of Berkeley Mills for the 2020 Mud Run**
 - I. **Consideration of a Job Description and Pay Classification for Police Part-Time Operations Specialist**
 - J. **Consideration of the Sale of Personal Property**

13. **Public Hearing – Consideration of a Petition for Annexation from D2/Dari-O, LLC for the Satellite Annexation of Property Located off Upward Road.**
Presenter: Senior Planner Daniel Heyman
14. **Council to Receive the Annual Audit**
Presenter: David Phillips, CPA, Partner with Greene Finney, LLP
15. **Consideration of the Northside Water System Improvements Project - Bid and Award Update**
Presenter: Utilities Director Lee Smith
16. **Consideration of the Use of Maple Street for the Hendersonville Farmer’s Market 2020 Season**
Presenter: Downtown Economic Development Director Lew Holloway
17. **Consideration of an Appeal from the Tree Board Decision to Allow the Removal of a Tree Partially on a Public Right-of-way**
18. **Mayor and City Council Members Comments**
19. **Comments from Staff**
 - A. Report on Contingencies
 - B. Reminder/Scheduling of City Council/Staff Planning Retreat on:

Thursday, February 20, 2020, 6 p.m. – 8 p.m. and
Friday, February 21, 2020, 8:30 a.m. – 3 p.m.
 - C. Reminder of Employee/Volunteer Christmas Lunch – December 12, 11:30 a.m.,
Whitmire Activity Building
20. **Consideration of Appointments to Boards and Commissions**
Presenter: City Clerk Tammie Drake
21. **New Business**
22. **Adjournment**



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Daniel Heyman

Department: Development Asst Dept

Date Submitted: 11-19-2019

Presenter: Daniel Heyman, Senior Planner

Date of Council Meeting to consider this item: 12-05-2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 05a

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.

At the request of the applicant, this public hearing was continued at the October 3 and November 7 Council meetings.

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
Applicant's survey with proposed ROW overlay

MEMORANDUM

TO: City Council

FROM: Development Assistance Department

RE: Miken, LLC Rezoning

FILE #: P19-26-Z

DATE: December 5, 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	85 Feet
Minimum Front Yard	30 Feet
Minimum Side Yard	10 Feet
Minimum Rear Yard	15 Feet
Maximum Building Height	35 Feet

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

C-2, Secondary Business District

Permitted Uses:

- Accessory dwelling units subject to special requirements contained in Section 16-4, below
- Accessory uses & structures
- Adult care centers registered with the NC Department of Human Resources
- Animal hospitals & clinics so long as the use contains no outdoor kennels
- Automobile car washes
- Automobile sales & service establishments
- Banks and other financial institutions
- Bed & breakfast facilities
- Business services
- Congregate care facilities, subject to special requirements contained in Section 16-4, below
- Construction trades facilities so long as the storage of equipment and materials is screened from view from
 - public rights-of-way
- Convenience stores with or without gasoline sales
- Cultural arts buildings
- Dance and fitness facilities
- Dry cleaning and laundry establishments containing less than 6,000 ft² of floor area
- City of Hendersonville Zoning Ordinance 23 Amended Through 01-05-2018
- Farm equipment sales & service
- Food pantries, subject to the special requirements contained in Section 16-4, below
- Funeral homes
- Golf driving ranges & par three golf courses
- Greenhouses & nurseries, commercial
- Home occupations
- Hotels and motels
- Laundries, coin-operated
- Microbreweries, subject to special requirements contained in Section 16-4, below
- Music and art studios
- Neighborhood community centers
- Newspaper offices and printing establishments
- Nursing homes subject to special requirements contained in Section 16-4, below
- Offices, business, professional and public
- Parking lots and parking garages
- Parks
- Personal services
- Planned residential developments (minor), subject to the requirements of Article VII, below
- Progressive care facilities subject to special requirements contained in Section 16-4, below
- Public & semi-public buildings
- Recreational facilities, indoors
- Recreational facilities, outdoors, commercial
- Religious institutions
- Repair services, miscellaneous
- Residential care facilities
- Residential dwellings, single-family
- Residential dwellings, two-family
- Rest Homes, subject to special

requirements contained in
Section 16-4, below

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

- Theaters, indoor
- Wholesale businesses

Conditional Uses:

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

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

R-15, Medium-Density Residential District

Permitted Uses:

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

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

Conditional Uses:

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

PLANNING BOARD

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

ZONING ORDINANCE GUIDELINES

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

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

SUGGESTED MOTIONS

For Recommending Approval with Comprehensive Plan Amendment:

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

[PLEASE STATE YOUR REASONS]

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

[PLEASE STATE YOUR REASONS]

For Recommending Denial:

I move that City Council not adopt an ordinance rezoning parcel numbers 9568-64-8536 and 9568-64-8783.

[PLEASE STATE YOUR REASONS]

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

IN RE: FILE NO. P19-26-Z

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

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

Adopted this 5th day of December 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

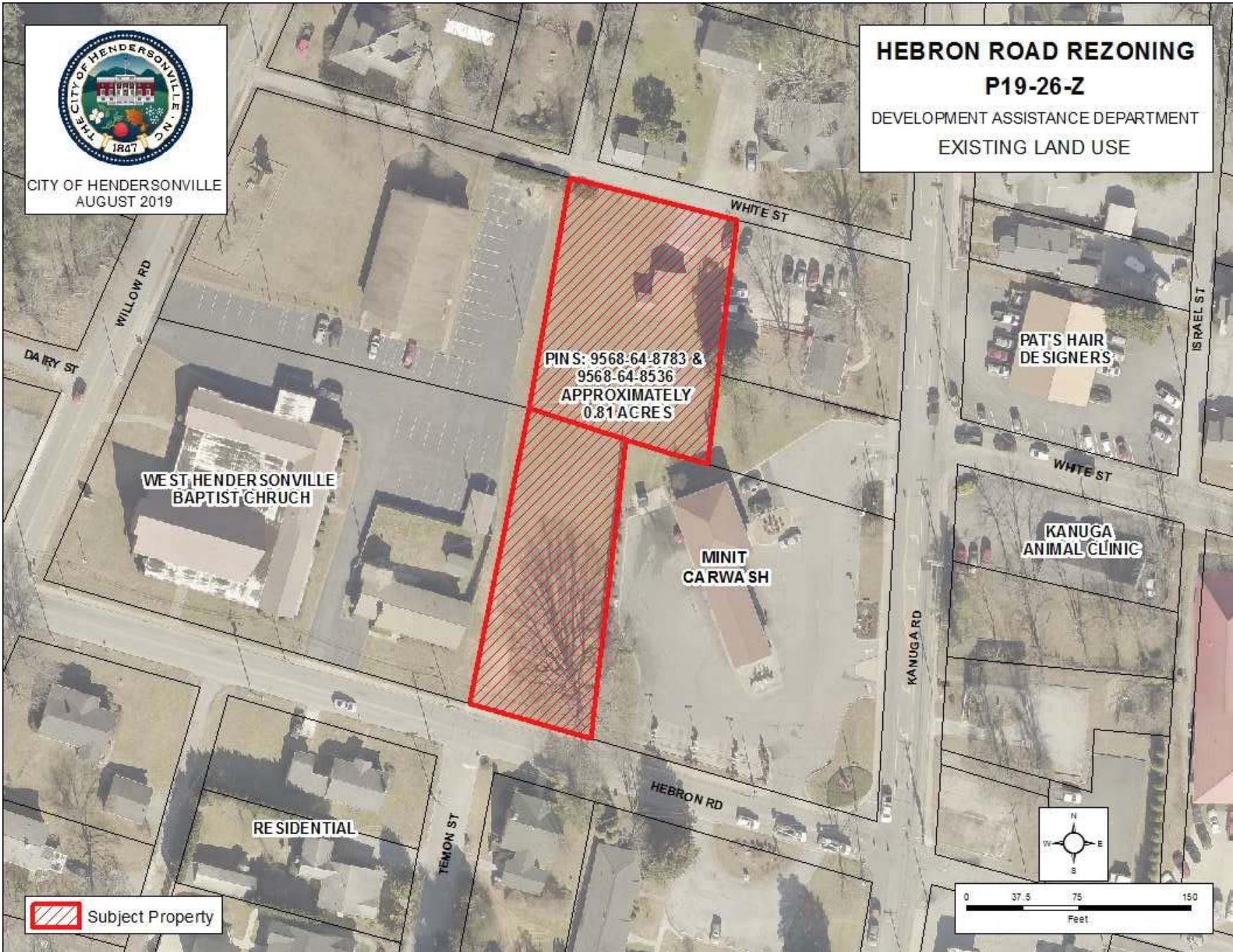


View from White Street
8/7/2019



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

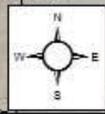
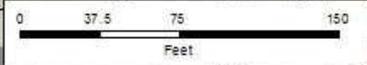
MINIT
CAR WASH

KANUGA
ANIMAL CLINIC

PAT'S HAIR
DESIGNERS

RESIDENTIAL

 Subject Property





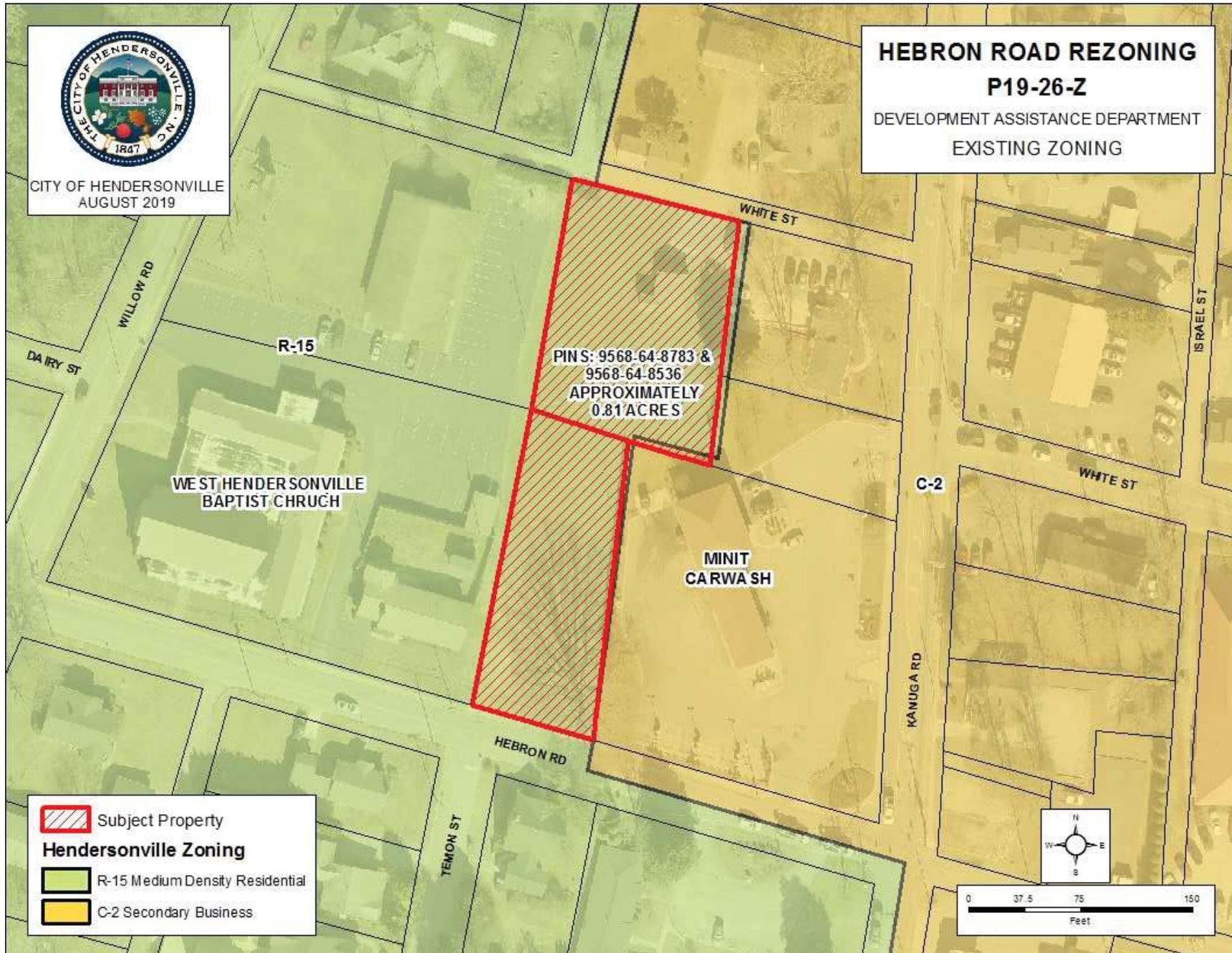
CITY OF HENDERSONVILLE
AUGUST 2019

HEBRON ROAD REZONING

P19-26-Z

DEVELOPMENT ASSISTANCE DEPARTMENT

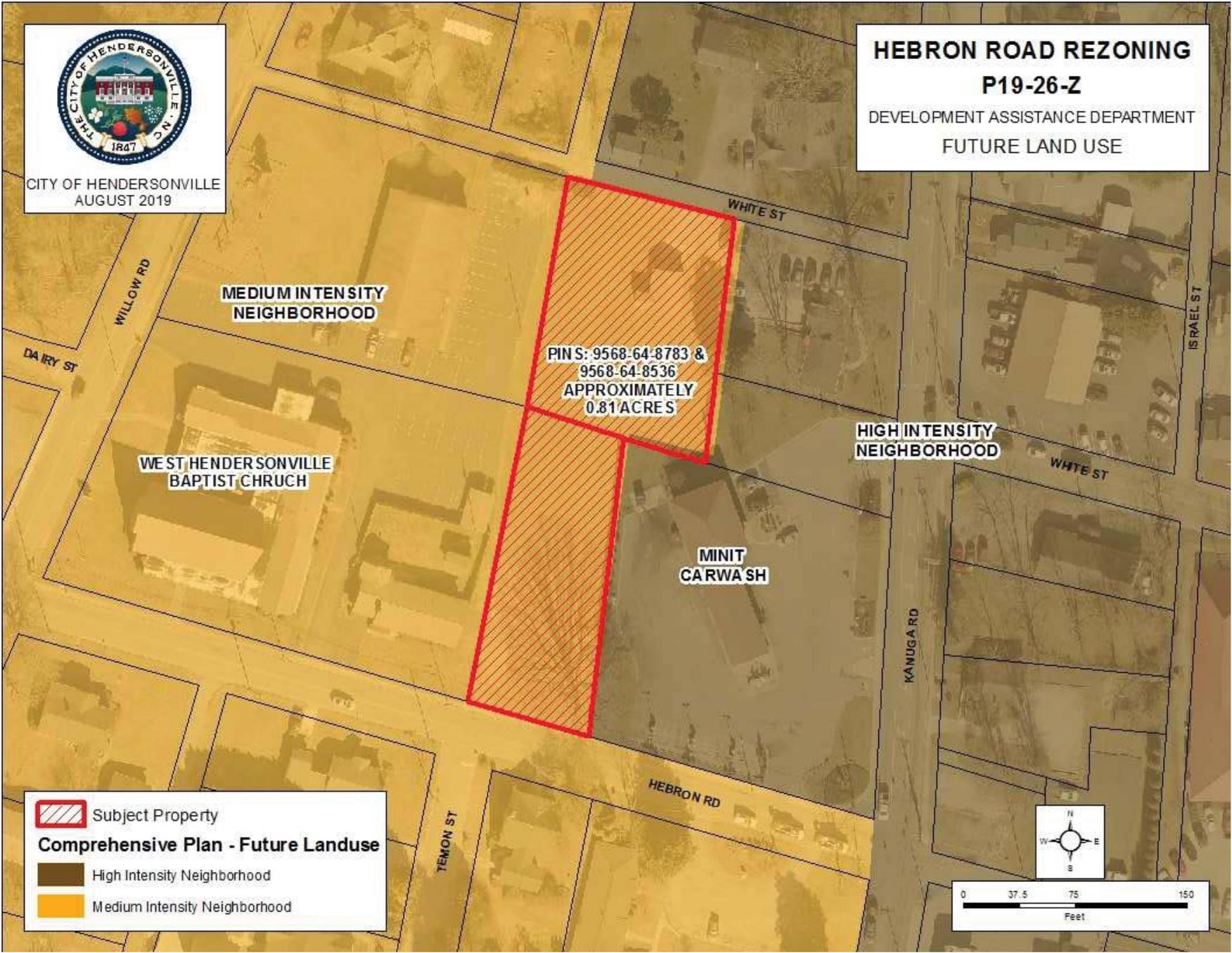
EXISTING ZONING





CITY OF HENDERSONVILLE
AUGUST 2019

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





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tyler Morrow

Department: Development Asst Dept

Date Submitted: 11-18-19

Presenter: Susan Frady & Tyler Morrow

Date of Council Meeting to consider this item: December 5th, 2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 05b

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

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

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

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

Suggested Motion:

Suggested motions are on page 4.

Attachments:

None

MEMORANDUM

TO: City Council

FROM: Development Assistance Department

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

FILE #: P19-32-ZTA

DATE: December 5, 2019

PROJECT HISTORY

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

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

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

Article XIII SIGN REGULATION MAINTENANCE AND ENFORCEMENT

Section 13-1-5 Animated and Illuminated Signs

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

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

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

Section 13-3-1 Maintenance Requirements

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

Article XII Definition of Terms

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

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

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

PLANNING BOARD

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

ZONING ORDINANCE GUIDELINES

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

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

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

SUGGESTED MOTIONS

For Recommending Approval:

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

[PLEASE STATE YOUR REASONS]

For Recommending Approval With Modifications:

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

[PLEASE STATE THE MODIFICATIONS AND YOUR REASONS]

For Recommending Denial:

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

[PLEASE STATE YOUR REASONS]

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

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

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

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

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

WHEREAS, the City of Hendersonville desires to amend those regulations with regards to animated and illuminated signs.

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

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

13-1-5 Animated and Illuminated Signs.

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

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

Section 13-3-1 Maintenance Requirements

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

Article XII Definition of Terms

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

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

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

8. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 9-8 of the Zoning Ordinance.
9. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.
10. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.
11. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.
12. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 5th day of December, 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:

Department:

Date Submitted:

Presenter:

Date of Council Meeting to consider this item:

Nature of Item:

Summary of Information/Request:

Item #

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

Suggested Motion:

Attachments:

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Development Assistance Department

RE: Designation of *Grey Hosiery Mill* as a Local Historic Landmark
File Number H19-27-LL

DATE: November 7, 2019

BACKGROUND

According to NC General Statutes 160A-400.5 and 160A-400.6, the Historic Preservation Commission has the ability to recommend individual properties as “local landmarks”. Such properties lie outside of historic districts but warrant such consideration based on the historical, prehistorical, architectural, or cultural importance and to possess integrity of design, setting, workmanship, materials, feeling and/or association.

Landmark status gives the property owners a 50% tax deferral on local property taxes and requires exterior changes to follow the Certificate of Appropriateness review process.

Currently the City has three local landmarks: Erle Stillwell House 1 located at 1300 Pinebrook Street, Erle Stillwell House 2 located at 541 Blythe Street, and the Brookland house at 299 Balsam Rd.

This local designation comes as a request from Ken Reiter of Grey Mill Ventures, LLC, owner of the Grey Hosiery Mill. MacRostie Historic Advisors were hired to prepare a local historic landmark report (see attached). Staff has reviewed the report and finds that it meets the criteria of Section 28-77(c) of the City of Hendersonville Historic Preservation Ordinance.

DESIGNATION REPORT

Following are excerpts from the designation report prepared by MacRostie Historic Advisors:

Summary Statement of Significance

Grey Hosiery Mill is significant under Criterion A for industry as an early 20th century textile facility in the City of Hendersonville. At the time of its construction, Grey Hosiery Mill added jobs and investment to an economy that was in need of diversification and innovation. The Mill was spearheaded by Captain James P. Grey and his son James P. Grey, Jr. Additionally, the Mill is significant under Criterion C for Architecture as an example of an early twentieth century industrial structure. Constructed in 1915, with significant additions in 1919, 1926, and 1947, the timber framing, glass and steel windows and clerestory exemplify industrial architecture during this period.

Dates of Construction

1915 – Original mill plant is constructed. Construction included the knitting room, located at the corner of East 4th Avenue and North Grove Street.

1919-1920 – The finishing room and a dye house were constructed to the east of the original mill plant. These new structures were connected to the knitting room by way an office. Significant.

1926 – Further additions to the complex were made including the addition of space to the original mill knitting room and the conversion of the original finishing room to a shipping and storage area. A substantial addition was made to the east side of the complex by replacing the dye house with a new structure consisting of a finishing room, boarding room, and drying room. This new section was connected to the knitting room via a one-story passageway. Significant.

1947 – Knitting Room Addition at the north elevation of the building. Significant.

1970s – Shipping Docks added at the northeast corner of the factory building. Not Significant.

Integrity

Grey Mill is a mostly intact, early 20th century industrial building. Character defining features of the property such as steel framed multi-paned windows, the steel framed clerestory, hardwood floors, and circulation patterns are intact. Building campaigns completed in 1919, 1926, 1947, and the addition of a modern shipping warehouse and dock in the 1970s added significant additional space. These additions are intact with original materials preserved. Overall, the complex has good integrity and is an important entry into the textile history of the region.

SHPO RESPONSE

The State Historic Preservation Office reviewed the designation report and provided nonbinding, advisory comments. MacRostie Historic Advisors revised the report to reflect the SHPO's recommendations as indicated.

Special Significance

We recommend amending the report to include a more legally defensible argument for special significance.

The statement of significance was revised to more directly define local significance to the City of Hendersonville and what criteria was being used to determine significance.

Historic Background/Context

Due to the complex nature of the property, the Historic Background section of the report should clearly differentiate changes that have occurred to the property that are character-defining and historic from those that are not historic or character-defining.

The Dates of Construction and Architectural Description were revised to more specifically state what additions and features are being deemed historically significant.

Supporting Documentation

It appears the 1.09 acres cited at the beginning of the report is associated with the parcel that contains the historic mill building (which is also the National Register boundary). However, the proposed designation boundary for the property is over 2 acres and includes a second parcel which has only one dwelling at the southeast corner. Thus, the map or the boundary description in the report needs to be amended so the proposed designation boundary is consistent throughout. As the second parcel only contains a small residence at the southeast corner, we recommend the designation boundary be limited to the property associated with the historic mill.

The Location of Property and Property Included in Designation sections of the report were revised to more specifically state that the property proposed for designation is the 1.09 acres listed as PIN# 9568-88-7494. This boundary is also shown on the attached "Exhibit A."

HISTORIC PRESERVATION COMMISSION

Pursuant to NC General Statute 160A-400.6 and Section 28-77 of the Hendersonville Municipal Code, the Historic Preservation Commission held a public hearing on any ordinance designating a local historic landmark. Notice of the time and place of the meeting was mailed to adjoining property owners.

The Historic Preservation Commission voted unanimously to recommend that the City Council adopt an ordinance designating the Grey Hosiery Mill, located at 301 4th Ave E, as a local historic landmark.

SUGGESTED MOTIONS

Approval: I move City Council adopt an ordinance designating the Grey Hosiery Mill, located at 301 4th Ave E, as a local historic landmark.

[ADD, IF APPLICABLE, "WITH THE FOLLOWING MODIFICATIONS"]

Denial: Fail for lack of a motion

**AN ORDINANCE DESIGNATING PROPERTY KNOWN AS
GREY HOSIERY MILL AND LOCATED AT 301 4TH AVENUE EAST
AS A LOCAL HISTORIC LANDMARK**

WHEREAS, pursuant to N.C. General Statutes Sections. 160A-400.5 and 160A-400.6 and Chapter 28 of the Code of Ordinances of the City of Hendersonville, the City has the authority for designation of a local historic landmark; and

WHEREAS, Henderson County Tax Records for Parcel # 9568-88-7494, located at 301 4th Avenue East and known as Grey Hosiery Mill, lists Grey Mill Ventures, LLC as the property owners; and

WHEREAS, The property owners have caused to be made an investigation and report on the historic, architectural, and cultural significance of the buildings and property proposed for designation located at 301 4th Avenue East; and

WHEREAS, the North Carolina Department of Cultural Resources has reviewed and commented on the proposed designation; and

WHEREAS, a public hearing on the designation of Brookland as a local historic landmark was held by the Hendersonville Historic Preservation Commission on September 18, 2019, and the following findings were made:

- a. First constructed in 1915, the Grey Hosiery Mill is the only remaining early twentieth century industrial structure in Hendersonville.
- b. The Grey Hosiery Mill is significant for its association with Hendersonville's industrial and social history.
- c. The Grey Hosiery mill is significant in the area of architecture for being representative of early twentieth century mill design in the area: one-to-two story brick buildings with minimalist, unadorned facades characteristic of International Modernism architecture.

WHEREAS, the Hendersonville City Council has taken into full consideration all statements and information presented at its public hearing on November 7, 2019, and considered the recommendation of the Hendersonville Historic Preservation Commission after its public hearing held on September 18, 2019, on the question of designating the property known as Grey Hosiery Mill, 301 4th Avenue East, a local historic landmark.

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

Section 1. The findings set out above are hereby adopted, and all of the property known as Grey Hosiery Mill and located at 301 4th Avenue East, and further described in Exhibit A, is hereby designated as a local historic landmark pursuant to Part 3C of Article 19 of Chapter 160A of the North Carolina General Statutes and Section 28 of the Code of Ordinances of the City of Hendersonville, and is subject to the conditions and restrictions set forth therein and below:

- a. The interior and exterior of the mill building, all of the historic acreage currently associated with the parcel (1.09 acres), and all contributing outbuildings or additions shall not be demolished, materially altered, restored, or removed, nor any new structure built upon the lot without a Certificate of Appropriateness issued by the Hendersonville Historic Preservation Commission.
- b. The Certificate of Appropriateness shall reference the Historic Preservation Commission Design Guidelines.
- c. Any application for demolition of the mill building or its additions shall require the waiting period set forth in Part 3C of Article 19 of Chapter 160A of the North Carolina General Statutes.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 4. This ordinance shall be in full force and effect on the date of adoption.

Section 5. Violation of this ordinance shall be subject to the remedies set forth in Section 1-6 of the City Code, in addition to other remedies provided by law.

Adopted by the City Council at a meeting held on the sixth day of November 7, 2019.

Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, MMC, City Clerk

(Seal)

Exhibit A



Grey Hosiery Mill

301 Fourth Avenue East
Hendersonville NC, 28792

Local Landmark Designation

Prepared by
MacRostie Historic Advisors

In Partnership With
Grey Mill Ventures

Completed June 2019

**Local Landmark Designation Report
Grey Hosiery Mill
Hendersonville, NC**

1. Name of Property

Grey Hosiery Mill

2. Name and Address of Current Property Owner

Grey Mill Ventures, 103 Parker Street, Carrboro, NC 27510

3. Location of Property, Legal Description, National Register Status

Grey Hosiery Mill (also referred to as Grey Mill) is located at 301 Fourth Avenue East in the city limits of Hendersonville, North Carolina. The mill sits on the northeast corner lot at the intersection of North Grove Street and Fourth Avenue East. The parcel ID # 9568887494. Fifth Avenue East bounds the northern property line. N. Grove Street bounded the west side, and the east side bounded by an adjacent parcel of 1.17 acres (PIN #9568889541).

Grey Hosiery Mill was listed on the National Register of Historic Places on October 6, 2000.

4. Ad Valorem Tax Appraisal

As listed in the Henderson County Real Property database, the total appraised value of the property (PIN# 9568887494) is \$1,170,500. The parcel is appraised at \$759,700 and the building is appraised at \$410,800.

5. Justification of Land Proposed to be Designated

All acreage included in the boundary was associated with the operation of the Grey Hosiery Mill.

6. Property Included in Designation and Boundary

This designation includes the interior and exterior of the mill building and all its additions, and the 1.09 acres historically related to the complex.

7. Dates of Construction

1915 – Original mill plant is constructed. Construction included the knitting room, located at the corner of East 4th Avenue and North Grove Street.

1919-1920 – The finishing room and a dye house were constructed to the east of the original mill plant. These new structures were connected to the knitting room by way an office. Significant.

1926 – Further additions to the complex were made including the addition of space to the original mill knitting room and the conversion of the original finishing room to a shipping and storage area. A substantial addition was made to the east side of the complex by replacing the dye house with a new structure consisting of a finishing room, boarding room, and drying room. This new section was connected to the knitting room via a one-story passageway. Significant.

1947 – Knitting Room Addition at the north elevation of the building. Significant.

1970s – Shipping Docks added at the northeast corner of the factory building. Not Significant.

8. Period of Significance

The period of significance for the property is 1915, when the original plant was constructed, through 1947. These are the dates listed in the nomination form for the National Register of Historic Places, which was completed in 2000.

9. Summary Statement of Significance

Grey Hosiery Mill is significant under Criterion A for industry as an early 20th century textile facility in the City of Hendersonville. At the time of its construction, Grey Hosiery Mill added jobs and investment to an economy that was in need of diversification and innovation. The Mill was spearheaded by Captain James P. Grey and his son James P. Grey, Jr. Additionally, the Mill is significant under Criterion C for Architecture as an example of an early twentieth century industrial structure. Constructed in 1915, with significant additions in 1919, 1926, and 1947, the timber framing, glass and steel windows and clerestory exemplify industrial architecture during this period.

10. Architectural Description

Site

The entire mill complex was completed over a few decades beginning in 1915. As the mill grew, so did the property. The first building was constructed on a north-south axis along N. Grove Street. Later additions were built to the north and to the east, connected by an office at the south of the property. A small courtyard separates the two wings that run north to south. A gravel parking area off Fourth Ave East fills the southeastern portion of the lot. The undeveloped land to the north of the east additions does not fall within the property lines of Grey Mill.

Exterior

The exterior of Grey Mill is defined by the different building campaigns the mill underwent during its time. The main entrances to the structure are along the south façade on Fourth Street. The 1915 Knitting Room, the first structure built on the site, occupies the southwest corner of the greater Grey Mill complex and contains a centrally located double-door entrance on its southern elevation that leads directly to the Knitting Room. Concrete steps with rough-cut stone sidewalls and a low-slope canopy surround the door. The Knitting Room is a single-story brick structure with two large steel sash windows on either side of the south entrance. Past the Knitting Room and centrally located on the southern elevation is a larger porch with four bays, alternating between nine-over-nine wooden residential windows and single-leaf wood doors. The doors lead to the Office to the west and the Shipping Room to the east. The 1919 Shipping Room addition fills the remaining portion of the south

elevation. The south elevation of the Shipping Room has six bays. The western-most bay was converted to a wood loading door with a concrete loading dock. The other five bays are replacement eight-over-eight paired windows with infilled brick above. This portion of the southern elevation has a raised basement with small paired six-pane windows in each bay.

The west elevation is composed of two sections: the 1915 Knitting Room and a later 1947 addition to the north. The older 1915 portion has an overhanging roof with exposed rafter tails and large rectangular window openings with concrete sills. Five of the original steel-sash 36-pane windows with two operable pivoting panels remain at the southern end of the west elevation. The other remaining window bays have been infilled with brick and four have a smaller glass block window within the infill. The seventh bay from the south was later altered to fit a door that remains today. The single-story 1947 portion is primarily a blank brick wall with a flat roof and simple brick parapet. There are eight small, elevated windows that have since been infilled.

The north elevation of the Grey Mill complex consists of the 1947 addition, the 1926 Finishing Rooms, and the 1970s Warehouse. All are relatively single-story blank brick facades. The 1947 addition has four paired one-over-one aluminum windows and a single doorway. There is a small series of vents along the 1970s Loading Room.

The east elevation is three main sections. The southern portion is the 1926 Shipping Room which has a blank brick wall on a stone foundation with a stepped parapet and terracotta coping. The 1926 Finishing Room has a brick wall, large rectangular steel sash windows and a low slope roof with over-hanging eaves and exposed rafter tails. A poured concrete loading dock extends along most of this portion of the east elevation and includes a small brick bathroom on top of the loading dock. The brick 1926 Boiler Room is at the northern portion of the Finishing Room and is partly enclosed in the circa 1970s Loading Room. The east elevation of the Loading Room is a blank brick façade with an elevated concrete basement.

Interior

The interior of Grey Mill consists of eight main areas: the 1915 Knitting Room, the 1947 Knitting Room addition, the 1919 Office, the 1919 Shipping Room, the 1926 Dye House, the 1926 Finishing Rooms, the 1926 Boiler, and the ca. 1970s Loading Room. The interior of the Knitting Room now holds a lobby at the south end and offices along a part of the west walls with lowered ceilings that conceal the original industrial space and features of the building. The majority of the south Knitting Room remains open with wood flooring, painted brick walls and exposed beams, ceiling and clerestory. A central line of columns runs down the middle of the building supporting the beams above. The columns are now a combination of wood and steel and in places have additional I-beams for support. A frame partition with windows and beadboard divides the north eight bays of the 1915-1926 Knitting Room from the south portion. A single loading opening at the east end provides circulation to the north part of the Knitting Room and the large 1947 addition. To the north of the partition the Knitting Room and 1947 addition run together as a single open manufacturing space with concrete floors and painted brick walls. The only indications of the change from the older Knitting Room to the addition are the roof structure which changes to steel beams with no clerestory, a change of window type and the increased width of the 1947 addition which expands to the east just north of a brick mechanical addition along the east wall. A series of offices have been created at the north end of the Knitting Room addition with lowered ceilings.

The Office addition is now divided into two sections of rooms with carpet, faux wood paneling and vinyl tile dating to the 1990s. At the south end of the Office plan, a corridor (or lobby) joins the Shipping and Knitting Building. A doorway to the north of the corridor leads into office and storage space with carpet and gypsum board walls. At the north side of the Office plan another hallway with faux wood paneling and vinyl floor tiles leads to small offices and connects the Knitting and Shipping Rooms.

The Shipping Room is an open space with wood floors, exposed ceiling beams and a central column line running east to west through the space. A simple wood staircase along the west wall leads to the basement and appears to have been altered many times. The current material of the stairs appears to have been built in the 1990s. A doorway at the northwest area of the Shipping Room holds tall double wooden doors with horizontal raised panels. A freight elevator now enclosed with gypsum board sits at the north wall near the northwest doorway. A storage or office enclosure has been built of plywood at the east end of the Shipping Room and a small doorway at the northeast corner of the Shipping Room leads into a restroom that was added after the original construction. A basement level exists below the Shipping Room with exposed stone foundation walls at the perimeter and unpainted exposed beams and columns.

The interior of the Finishing Room is now divided into two sections with the four south bays separated from the remainder of the room by a floor to ceiling gypsum board partition. A single door at the east side of the partition provides access between the spaces. The south space is open with central wood columns, wood flooring, painted brick walls and exposed beams, ceiling and clerestory. A doorway holding paired wood doors with panels and 9-light windows sits in one bay along the west wall providing access to the courtyard. The remainder of the Finishing Room to the north of the partition has a series of framed office partitions along the east and west walls with hard ceilings below the full height of the building and concrete floors. Like the other older sections, a central line of columns runs down the middle of the building supporting the beams above and clerestory. The columns in the Finishing Room all appear to be wood with the exception of the north two bays that were added after the 1947 addition. This addition has steel columns and a corresponding change in brick visible from the courtyard.

The Boiler Room is a single open space that sits at ground level, below the main floor level of the other buildings. A wood stairway in the southwest corner connects to a doorway, now infilled with concrete block, into the Finishing Room. Another doorway at the north wall of the Boiler Room appears to have been added and leads to an inaccessible space that must sit below the Loading Room.

Mechanical equipment fills the space and a low brick enclosure surrounds the boiler at the east side of the space. The walls of the Boiler room are exposed brick stained black by soot. A series of large metal I-beams span the entire room from east to west and support the concrete roof.

The Loading Room is an open room with exposed brick walls and steel scissor trusses spanning the space from north to south to support the flat roof. Plywood office enclosures have been created at the northeast and west and south sides of the room. Two garage doors sit at floor level to the east side of the uninsulated south wall and a concrete ramp at the west side of the Loading Room leads down to a third garage door at ground level.

11. Historic Significance

Adapted from the Grey Hosiery Mill National Register of Historic Places Form, completed in 1999 by William A. Gray, Jr. and Amanda Blosser of Preservation Society of Henderson County. New sources not found in the National Register Form have been cited within this document.

The founding of Grey Hosiery Mill coincided with the rapid growth of the town of Hendersonville. While in existence since 1841, it was not until the first railroad line in 1879 reached the town that considerable development began. The city saw an exponential rise in population and commercial ventures in the beginning of the twentieth century, but it never grew to be more than a one-street downtown, far over-shadowed by nearby Asheville, North Carolina. As the town grew though, industry in the area did not. Some mills had popped up in the area, but not enough to support all of the town's citizens. The citizens of Hendersonville were eventually so frustrated with the lack of jobs that they approached Captain James P. Grey and his son James P. Grey, Jr. in 1915 with the sum of six hundred dollars (some reports say only five hundred)¹ to build a mill after plans for a flour mill in Hendersonville had fallen through.

Captain Grey had made his fortune through business ventures in Louisville, Kentucky and decided to learn the textile business at a mill in Johnson City, Tennessee. His son Grey Jr. also worked in Johnson City in the textile industry and was the driving force behind the construction of the hosiery mill in Hendersonville. Grey Jr. was an alumnus of Davidson College and knew the area, but it was not until the opportunity arose to construct his own mill that he became a resident of Hendersonville. The area had already experienced success with two other hosiery mills.² He purchased a lot at the corner of Grove Street and Fourth Avenue East near the railroad. A newspaper article from the *Western North Carolina Times* describes Grey, Jr.'s plans for the building as "a nice brick mill building, which he will equip with the most up-to-date machinery for the manufacture of hosiery." Grey Jr.'s goal at first was to produce on average almost 2,500 pairs of seamless hose a day. The building was originally built with the potential to increase to 12,000 pairs a day.

By 1919, the operation had already outgrown the original building and an addition was built to the east to create an L-shaped structure.³ Grey Mill saw a slight downturn in production during the early 1920s when women's hosiery was not selling as well, but about a decade later the mill was running day and night and employed around 75 people.⁴ Based on Sanborn Maps, in 1926 two additions were built to the north of the 1919 addition, creating a slightly U-shaped structure with a narrow courtyard between the original 1915 Knitting Room and the 1926 Dye House and Finishing Rooms. After 1932 and throughout the Depression Grey Mill, along with many others in the area, experienced some periods of continuous work and other periods where they were forced to cut mill production down to only three days of the week.

¹ "Prospects Bright for New Hosiery Mill in this City," *Western Carolina Democrat and French Broad Hustler* (Hendersonville, NC), July 29, 1915, accessed June 18, 2019, <https://www.newspapers.com/image/144105676/?terms=%22james%2Bgrey%22>.

² "Third Hosiery Mill: James P. Grey and James P. Grey, Jr., Locate Plant at Hendersonville," *The Charlotte Observer*, September 23, 1915, accessed June 18, 2019, <https://www.newspapers.com/image/74204786/?terms=%22james%2Bgrey%22>.

³ "Enlarge Mill," *French Broad Hustler* (Hendersonville, NC), June 26, 1919, accessed June 21, 2019, <https://www.newspapers.com/image/64212149/?terms=%22grey%2Bhosiery%2Bmill%22>.

⁴ "Business Shows Several Gains," *Asheville Citizen-Times*, September 21, 1931, accessed June 21, 2019, <https://www.newspapers.com/image/195748586/?terms=%22grey%2Bhosiery%2Bmill%22>.

Around this time local baseball and basketball leagues were created for the women of the local mills. Grey Hosiery Mill often had a team, with their 1941 women's basketball team winning the B League for Hendersonville.⁵ The mill stayed in business through World War II and in 1946 applied for a permit to build a 7,700 square foot addition to the north of the 1915 Knitting Room. This extended the building all the way to 5th Street and allowed for Grey, Jr. to accommodate "new full-fashioned knitting machinery."⁶ After the addition the mill was producing about 66,000 pairs of stockings a week and reached its highest employment number of about 250 people. The mill was one of the largest employers in Henderson County and Grey Jr. became a prominent figure in the area. He had brought significant employment to Hendersonville and Grey Mill was known for its more progressive management style, including insurance for employees, a nurse on duty, and even childcare along with the sports teams supported by the mill.

Grey Mill was an important part of industrial and social life in Hendersonville. It also stands as an important structure today as the only surviving representative of early twentieth century mill design in the area. Fire safety had become an important issue by the time of its construction, which led to the construction of primarily brick mill buildings that were only one- or two-stories tall. Grey Mill has very few architectural details and the later additions have even less. Industrial design at the time was moving further and further towards and into International Modernism, where architectural details were shunned in favor of simple unadorned facades. The original 1915 structure contains a few details that are reminiscent of earlier mill design, where a few architectural details were found. At Grey mill these details included the overhanging roof with exposed rafter tails and large, steel and glass windows. The clerestory roof provided natural light to the workers inside and was a very inductive design element of industrial structures. The later additions at Grey Mill saw fewer and fewer details, till the walls were mostly just blank brick walls with a few, small windows and simple low-slope roofs.

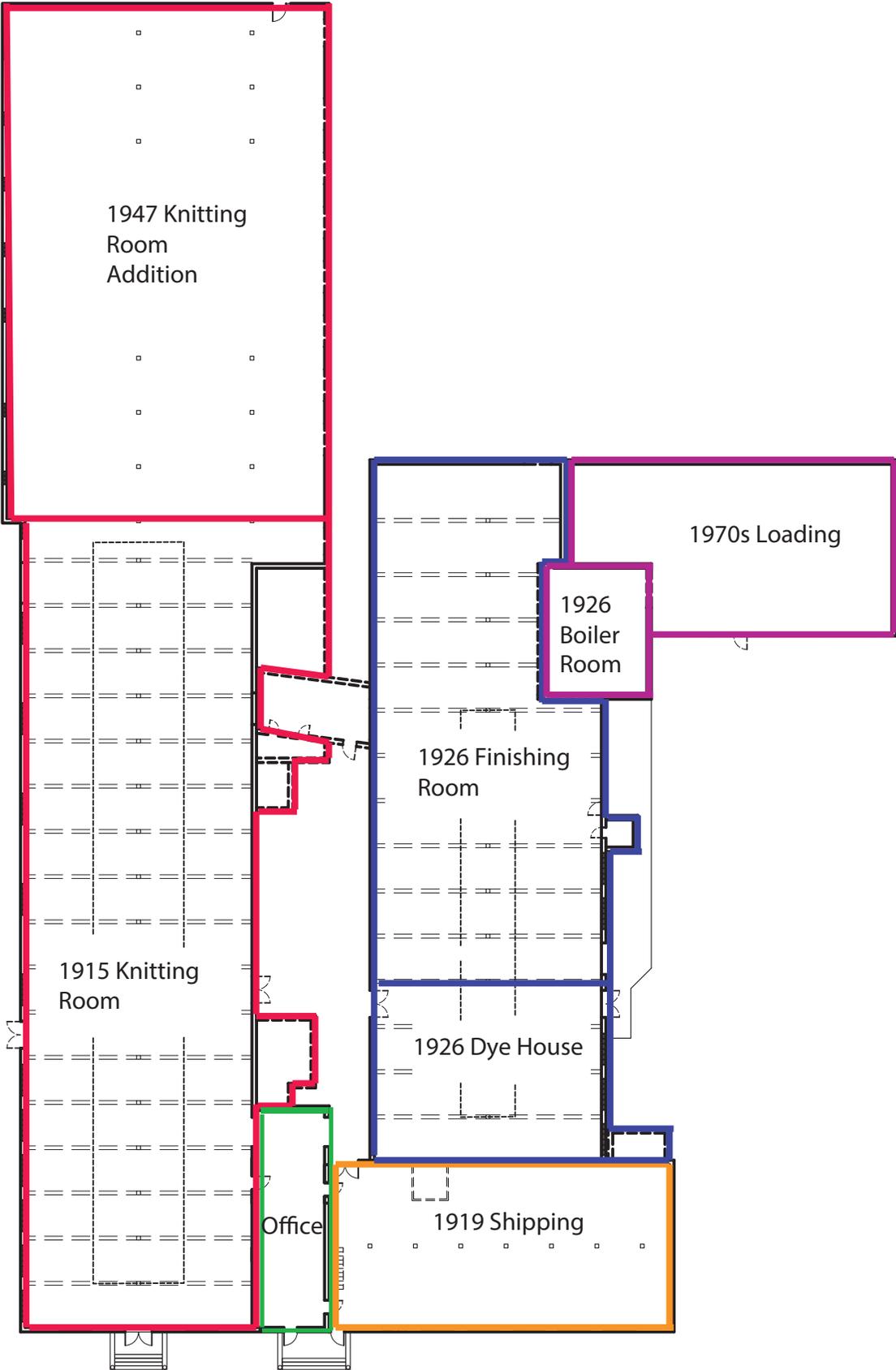
Grey Hosiery Mill continued to produce hosiery until 1965 under the Grey family's leadership, after which the property was sold to Holt Hosiery Mills, Inc. It ran under the name of Holt Hosiery until the plant was closed only two years later. Afterwards it changed hands until the city came into ownership. A few different redevelopment plans were in the works through the first decade of the twenty-first century, but ultimately, they all fell through. The building has fallen into disrepair, but fortunately Grey Mill was recently purchased by a developer and it is under redevelopment as a hotel and event space. Grey Mill is the last standing testament to the industrial might of Hendersonville in the first half of the twentieth century.

12. Integrity

Grey Mill is a mostly intact, early 20th century industrial building. Character defining features of the property such as steel framed multi-paned windows, the steel framed clerestory, hardwood floors, and circulation patterns are intact. Building campaigns completed in 1919, 1926, 1947, and the addition of a modern shipping warehouse and dock in the 1970s added significant additional space. These additions are intact with original materials preserved. Overall, the complex has good integrity and is an important entry into the textile history of the region.

⁵ "Fine Record Chalked Up by Grey Hosiery Sextet," *Asheville Citizen Times*, March 14, 1941, accessed June 21, 2019.

⁶ "Grey Hosiery Mill Planning New Addition," *Asheville Citizen Times*, March 22, 1946, accessed June 21, 2019, <https://www.newspapers.com/image/197964906/?terms=%22grey%2Bhosiery%2Bmill%22>.





1. Grey Mill, South Facade, Looking North



2. Grey Mill, 1915 Building, Southwest Corner,
Looking Northeast





3. Grey Mill, 1915 Building, South Facade, Looking Northwest



4. Grey Mill, 1919 Building, South Facade, Looking Northeast



5. Grey Mill, 1919 Building, South Facade, Looking Northwest



6. Grey Mill, 1919 Building, South Facade, Looking North



7. Grey Mill, 1915 Building, West Elevation, Window Detail



8. Grey Mill, 1915 Building, West Elevation, Looking Southeast





9. Grey Mill, 1915 Building, West Elevation, Looking Northeast



10. Grey Mill, 1915 Building and 1947 Addition,
West Elevation, Looking Northeast





11. Grey Mill, 1947 Addition and 1915 Building, West Elevation, Looking Southeast



12. Grey Mill, 1947 Addition, Northwest Corner,
Looking Southeast



13. Grey Mill, 1947 Addition, North Elevation, Looking Southwest



14. Grey Mill, 1947 Addition, North Elevation, Inside Wall, Looking Southwest





15. Grey Mill, 1947 Addition, North Elevation, Looking South



16. Grey Mill, 1947 Addition, North Elevation,
Looking West



17. Grey Mill, 1970s Warehouse, Looking North



18. Grey Mill, 1919 Building and 1970s Warehouse,
East Elevation, Looking Northwest





19. Grey Mill, 1919 Building, East Elevation, Looking West



20. Grey Mill, 1919 Building, East Elevation, Looking Southwest



21. Grey Mill, 1919 Building, East Elevation, Window Detail



22. Grey Mill, 1919 Building, East Elevation, Loading Dock, Looking West



MacRostie Historic Advisors
Bringing strategy, equity, and experience
to historic building development



23. Grey Mill, 1970s Warehouse, Looking Northwest



24. Grey Mill, 1919 Building, East Elevation,
Looking West

Grey Hosiery Mill, Hendersonville, NC
Hendersonville Local Landmark Designation Photos

December 2017



27. Grey Mill, 1919 Building to Office, Looking West



28. Grey Mill, Rear Office, Looking West



31. Grey Mill, 1915 Building, South End, Looking West



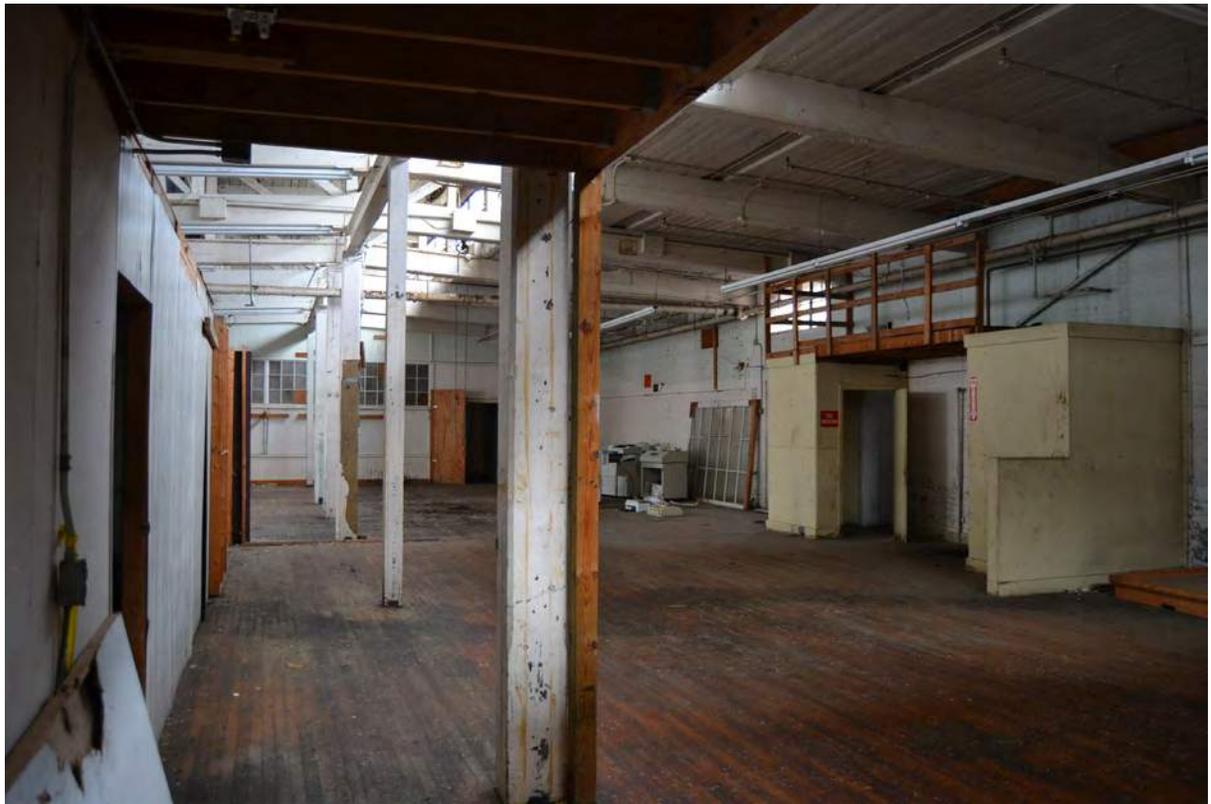
32. Grey Mill, 1915 Building, South End, Looking North



33. Grey Mill, 1915 Building, South End, Looking East



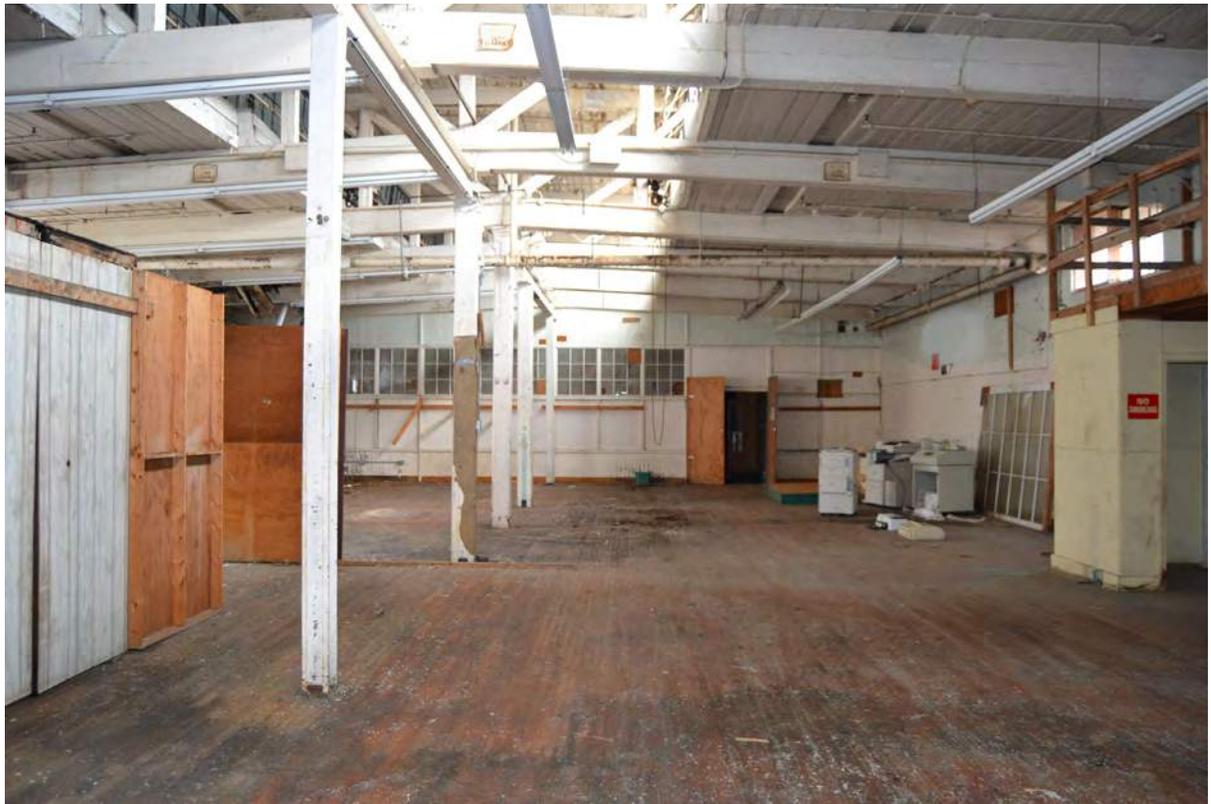
34. Grey Mill, 1915 Building Entrance Doors, Looking South



37. Grey Mill, 1915 Building, Looking North



38. Grey Mill, 1915 Building, Looking West



41. Grey Mill, 1915 Building, Looking North



42. Grey Mill, 1915 Building, Looking South



43. Grey Mill, 1915 Building, Monitor Detail



44. Grey Mill, 1947 Addition, Looking North



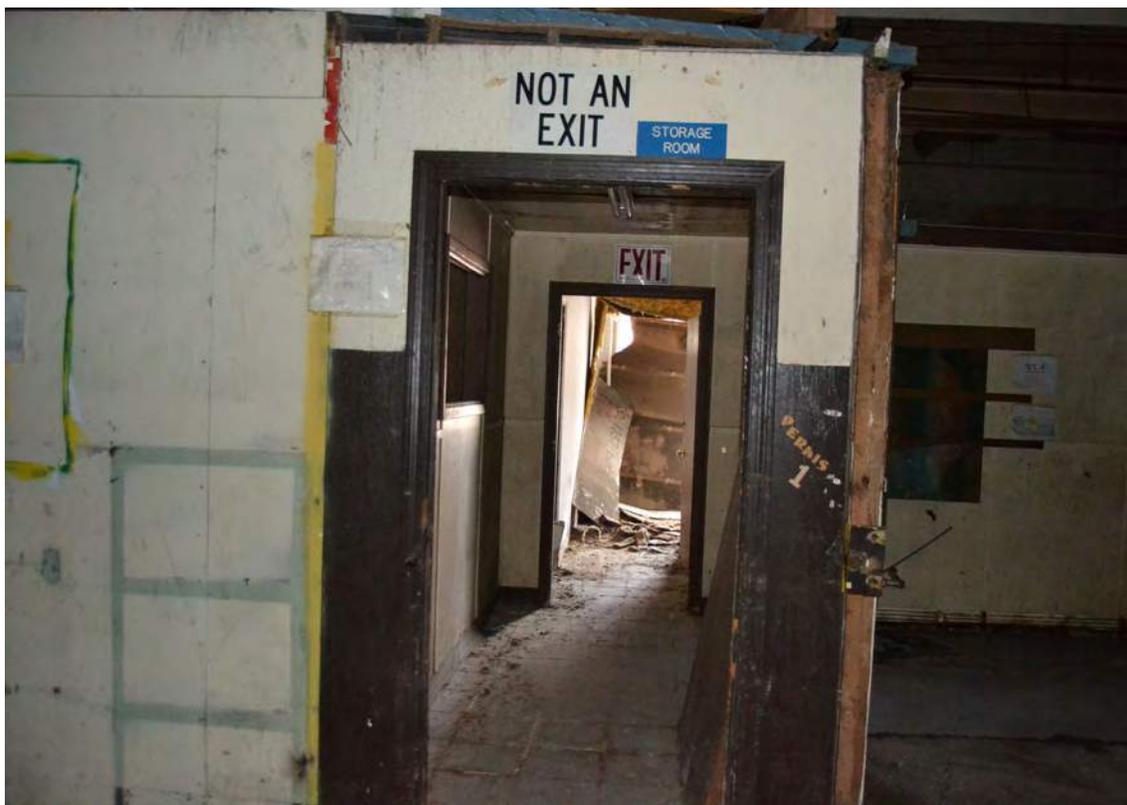
47. Grey Mill, 1947 Addition, Looking North



48. Grey Mill, 1947 Addition, Looking South



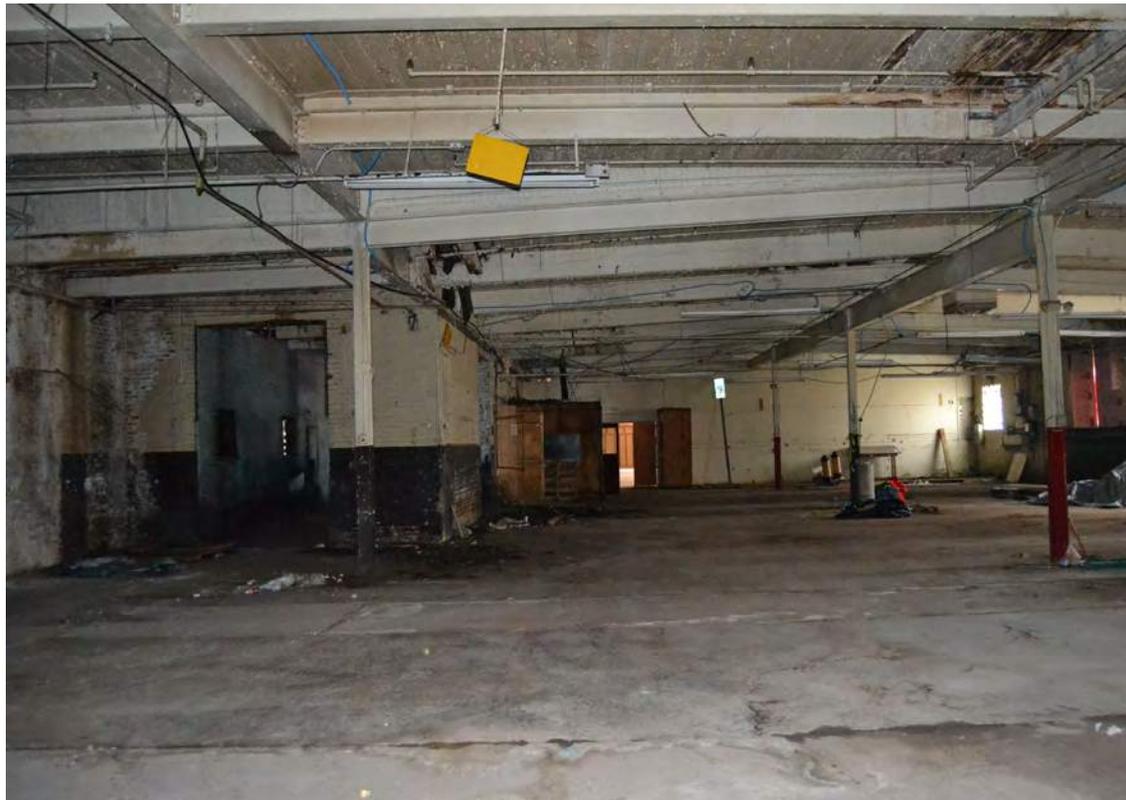
49. Grey Mill, 1947 Addition, Looking East



50. Grey Mill, 1947 Addition, Looking North



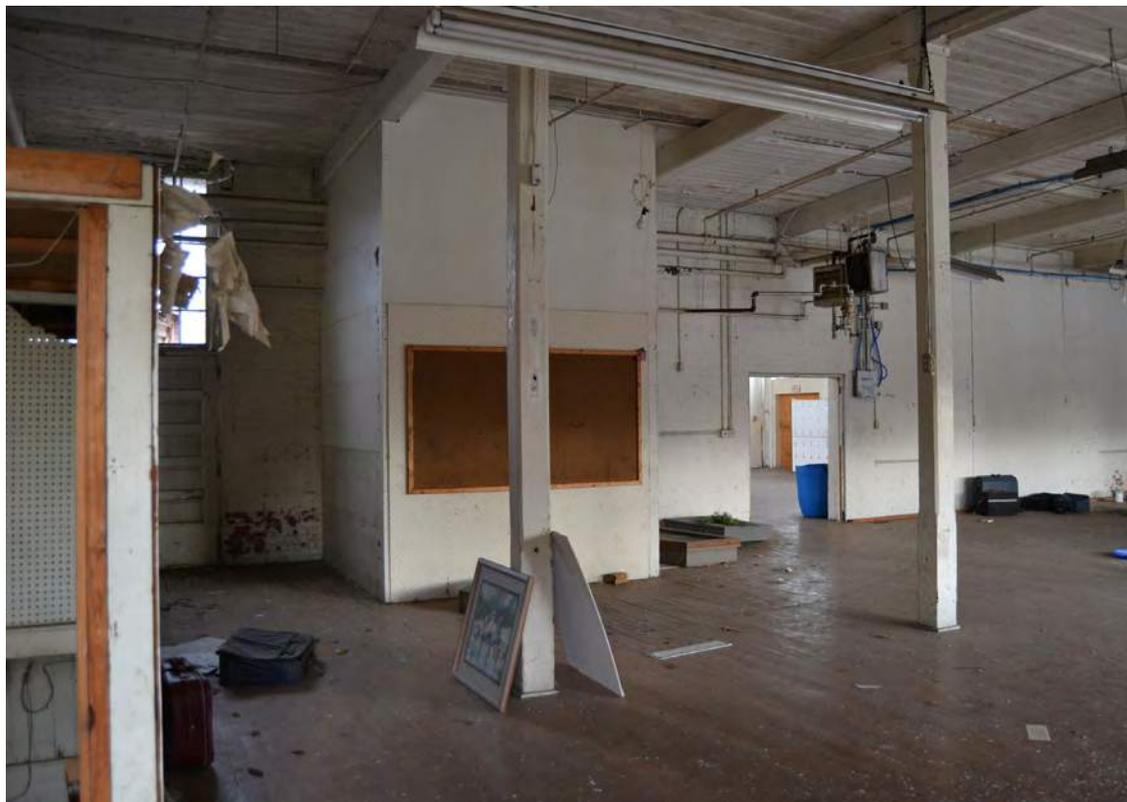
51. Grey Mill, 1947 Addition, Looking Northwest



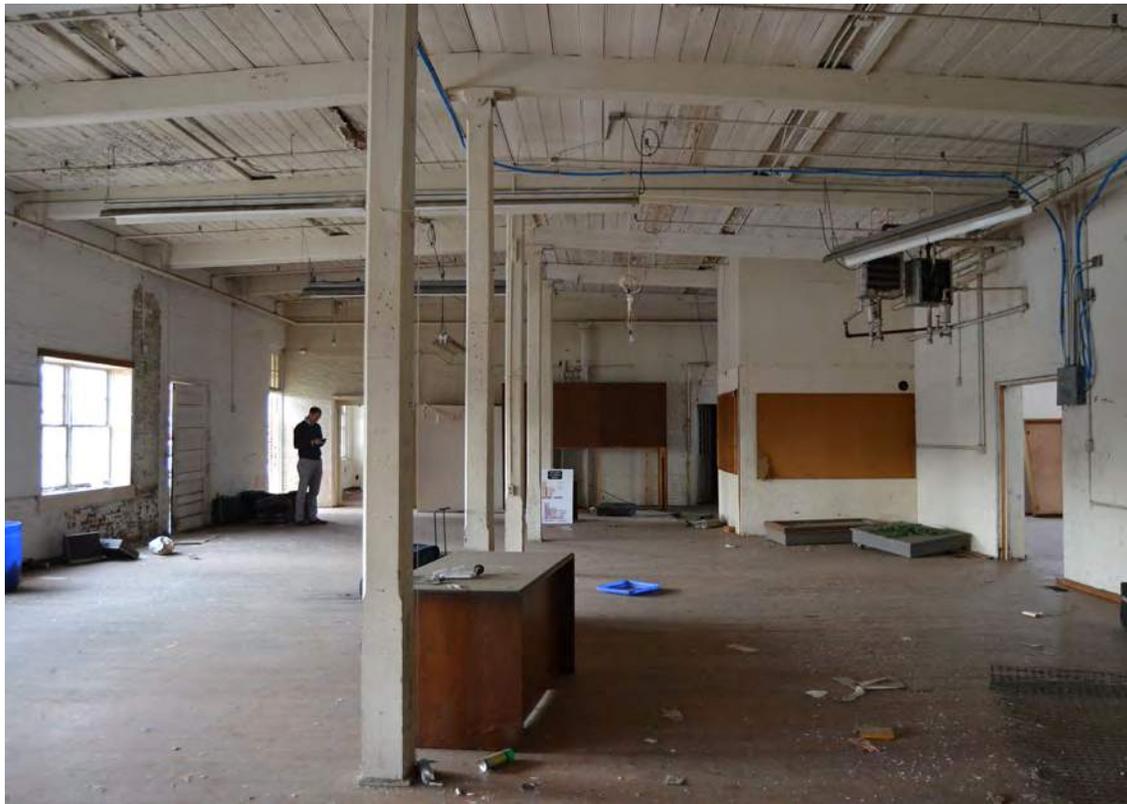
52. Grey Mill, 1947 Addition, Looking South



55. Grey Mill, 1919 Building, Looking East



56. Grey Mill, 1919 Building, Looking Northeast



63. Grey Mill, 1919 Building, Looking Southwest



64. Grey Mill, 1919 Building, Looking West



67. Grey Mill, 1926 Addition, Finishing Room, Looking Northeast



68. Grey Mill, 1926 Addition, Finishing Room, Looking North



69. Grey Mill, 1926 Addition, Finishing Room, Looking Southeast



70. Grey Mill, 1926 Addition, Finishing Room,
Looking Southwest



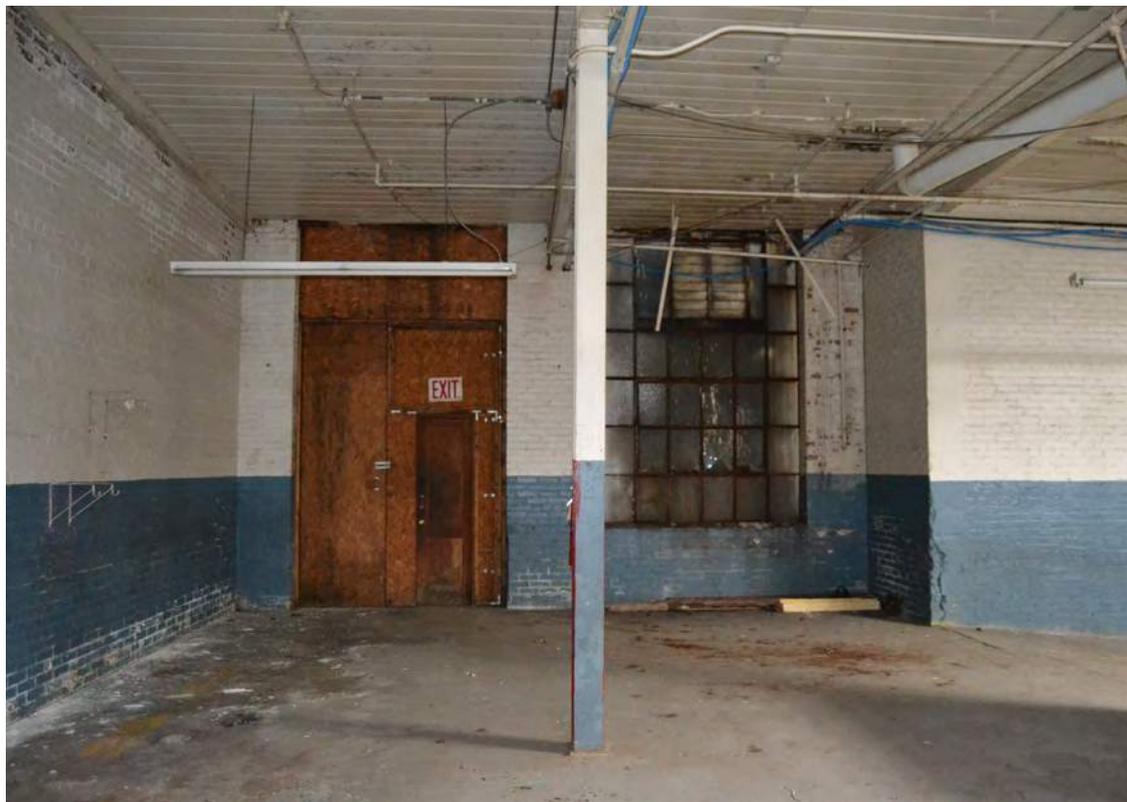
77. Grey Mill, 1926 Addition, Drying Room, Looking West to the Connector



78. Grey Mill, 1926 Addition, Drying Room, Looking East



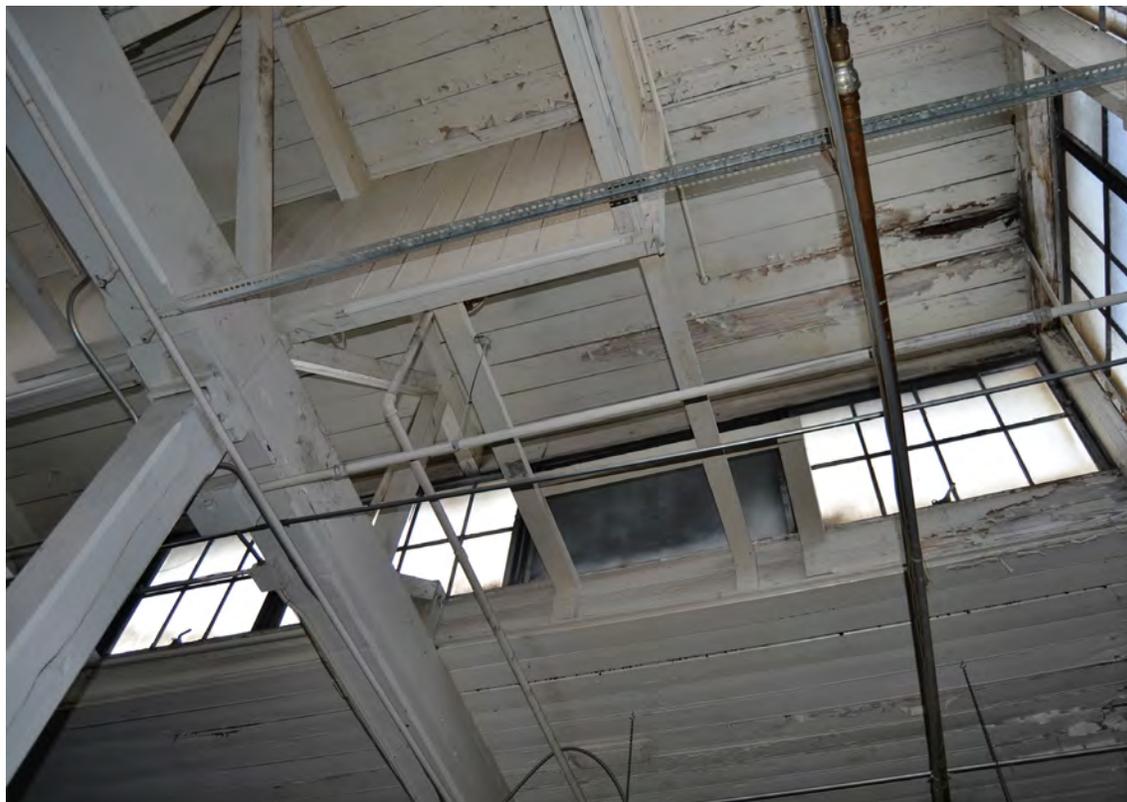
80. Grey Mill, 1926 Addition, Looking West



81. Grey Mill, 1926 Addition, Looking East



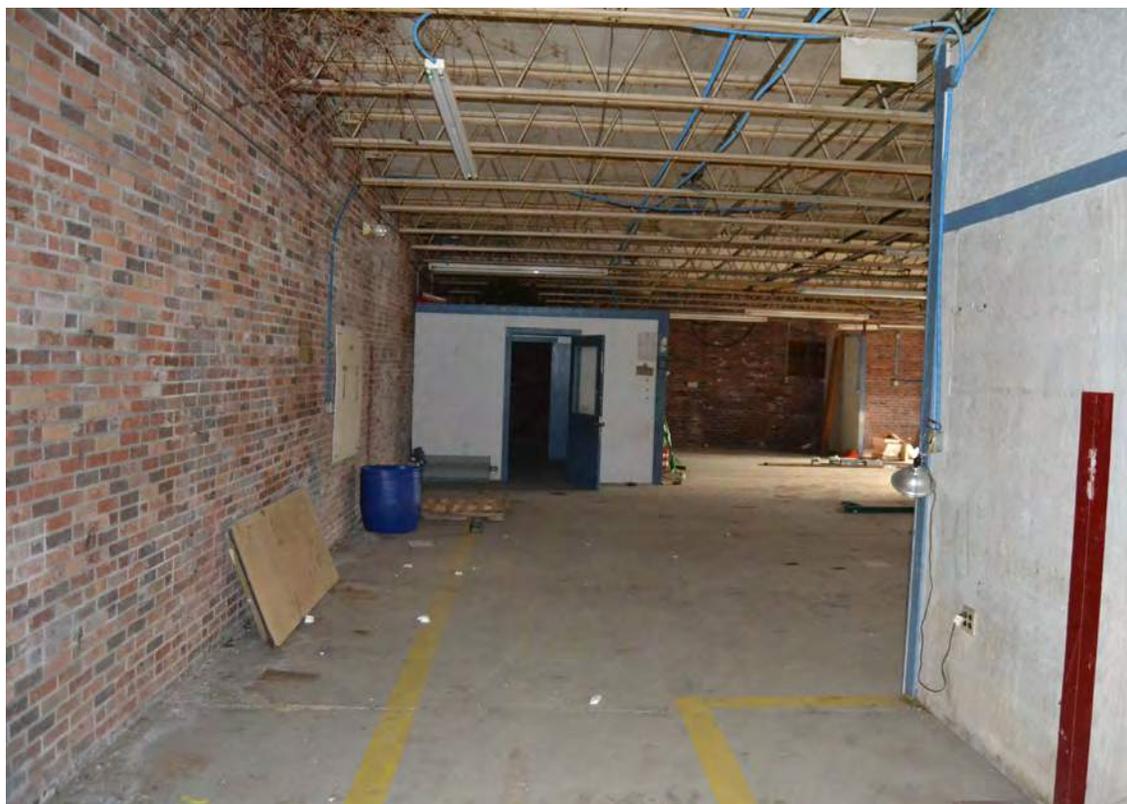
82. Grey Mill, 1926 Addition, Looking South



83. Grey Mill, 1926 Addition, Monitor Detail



86. Grey Mill, 1926 Addition, Looking Southeast



87. Grey Mill, 1970s Warehouse, Looking East



88. Grey Mill, 1970s Warehouse, Looking Northeast



89. Grey Mill, 1970s Warehouse, Looking East



90. Grey Mill, 1970s Warehouse, Looking West



91. Grey Mill, 1970s Warehouse, Looking Southeast



Grey Hosier Mill, Hendersonville, NC
Hendersonville Local Landmark Designation Photos

December 2017



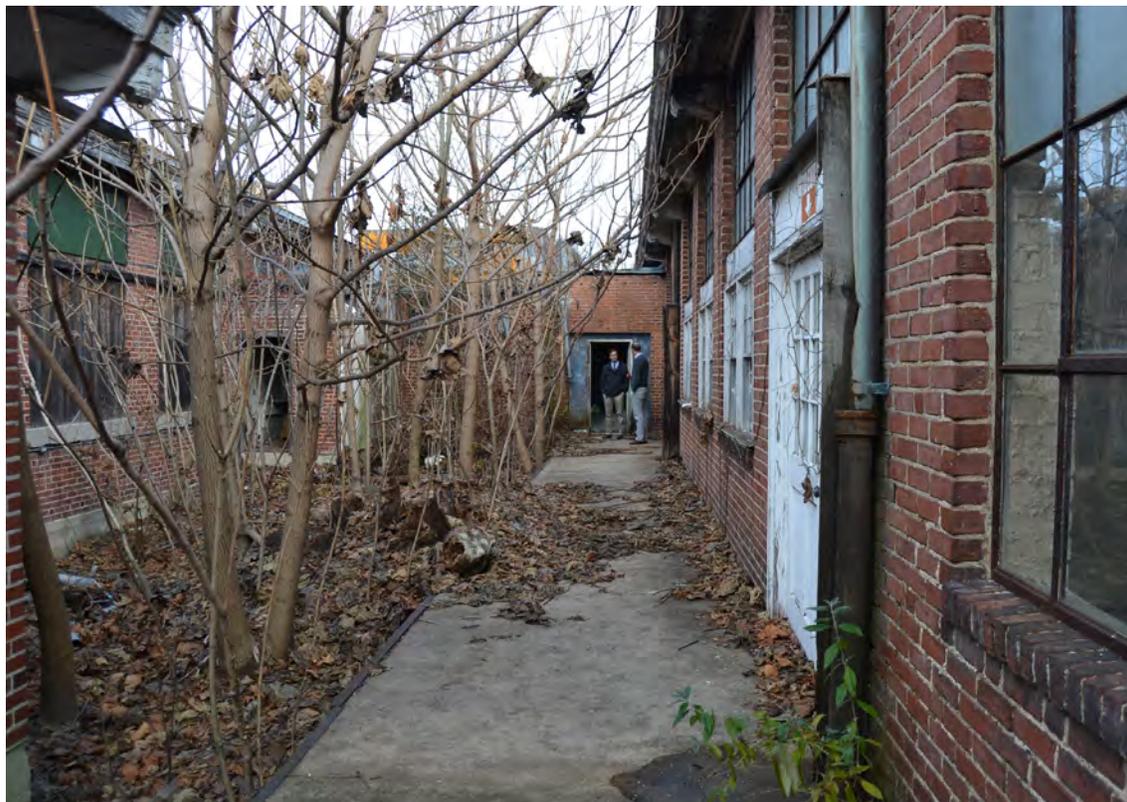
93. Grey Mill, Courtyard, Looking South



94. Grey Mill, Courtyard, Looking South



95. Grey Mill, Courtyard, Looking Southwest



96. Grey Mill, Courtyard, Looking North



102. Grey Mill, Rear Courtyard, Looking North



103. Grey Mill, Rear Courtyard, Looking South



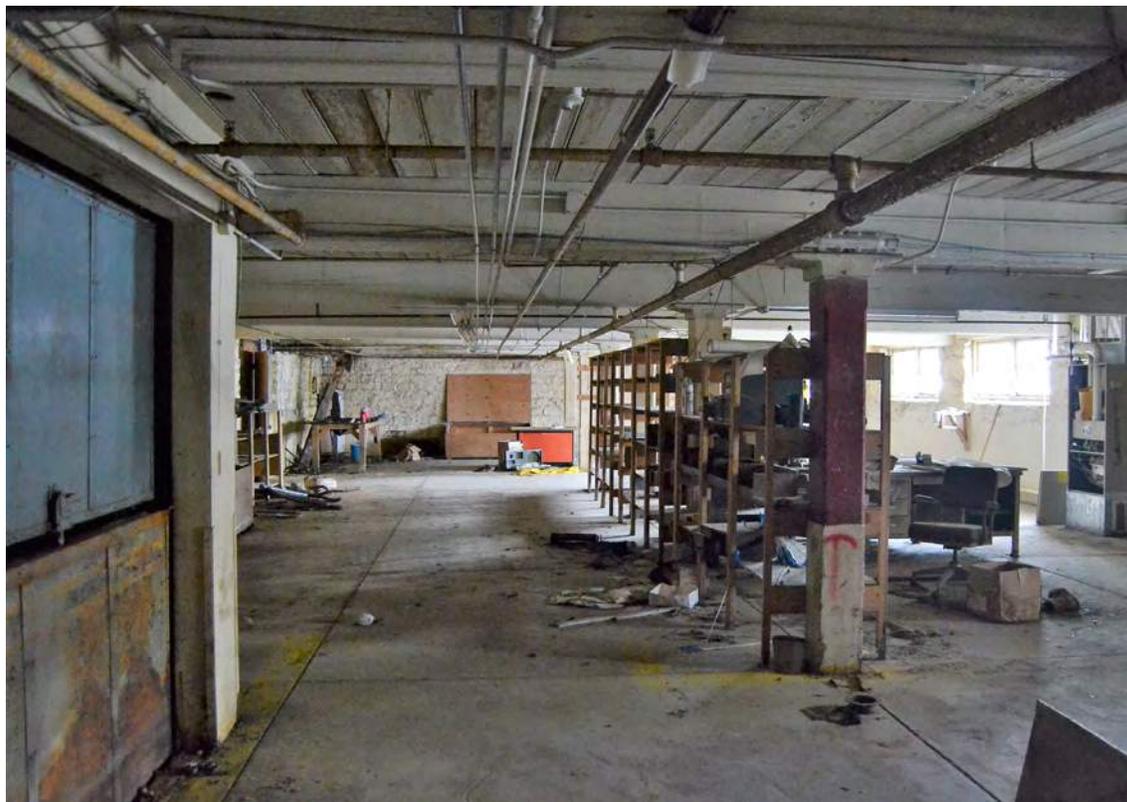
105. Grey Mill, Entrance to Basement, Looking North



MacRostie Historic Advisors
Bringing strategy, equity, and experience
to historic building development



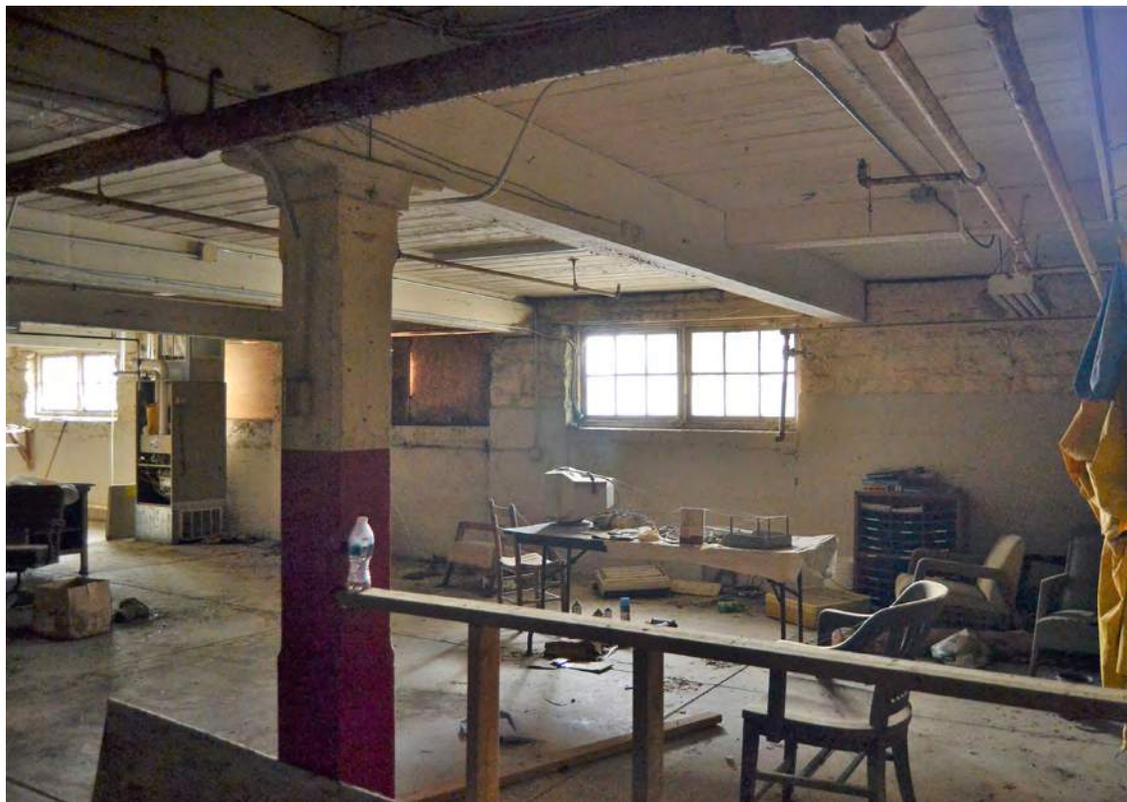
106. Grey Mill, Shipping and Storage Basement, Looking North



107. Grey Mill, Shipping and Storage Basement,
Looking East



108. Grey Mill, Shipping and Storage Basement, Looking North



109. Grey Mill, Shipping and Storage Basement,
Looking Southeast



110. Grey Mill, Shipping and Storage Warehouse, Looking East



111. Grey Mill, Shipping and Storage Warehouse,
Looking West



116. Grey Mill, Dye House Basement, Looking Northwest

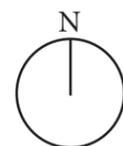


117. Grey Mill, Dye House Basement, Looking West

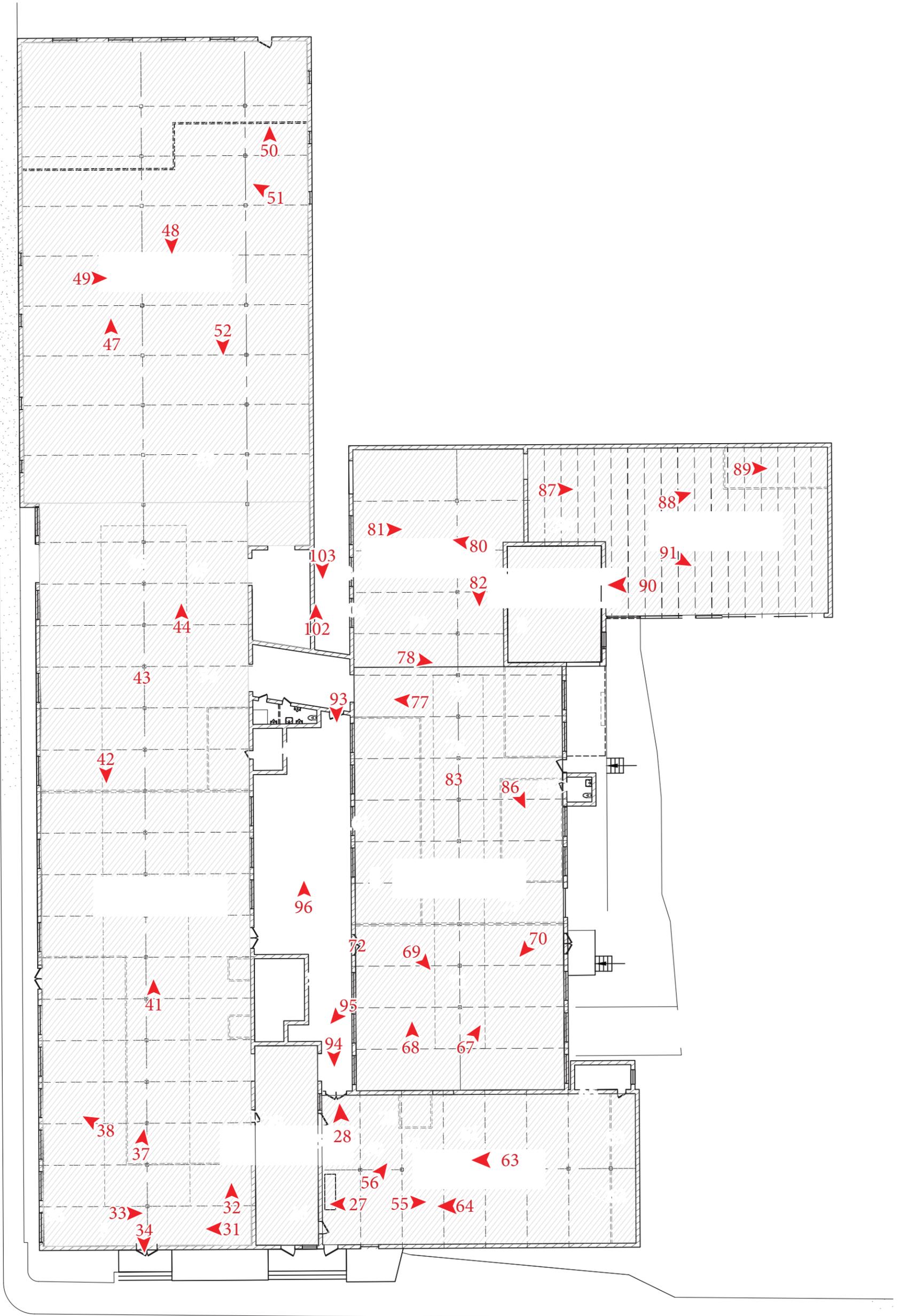


MacRostie Historic Advisors
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to historic building development

Grey Hosiery Mill
301 Fourth Avenue East
Hendersonville, NC 28792



National Park Service
Part 1 Certification Photo Key
Site Plan



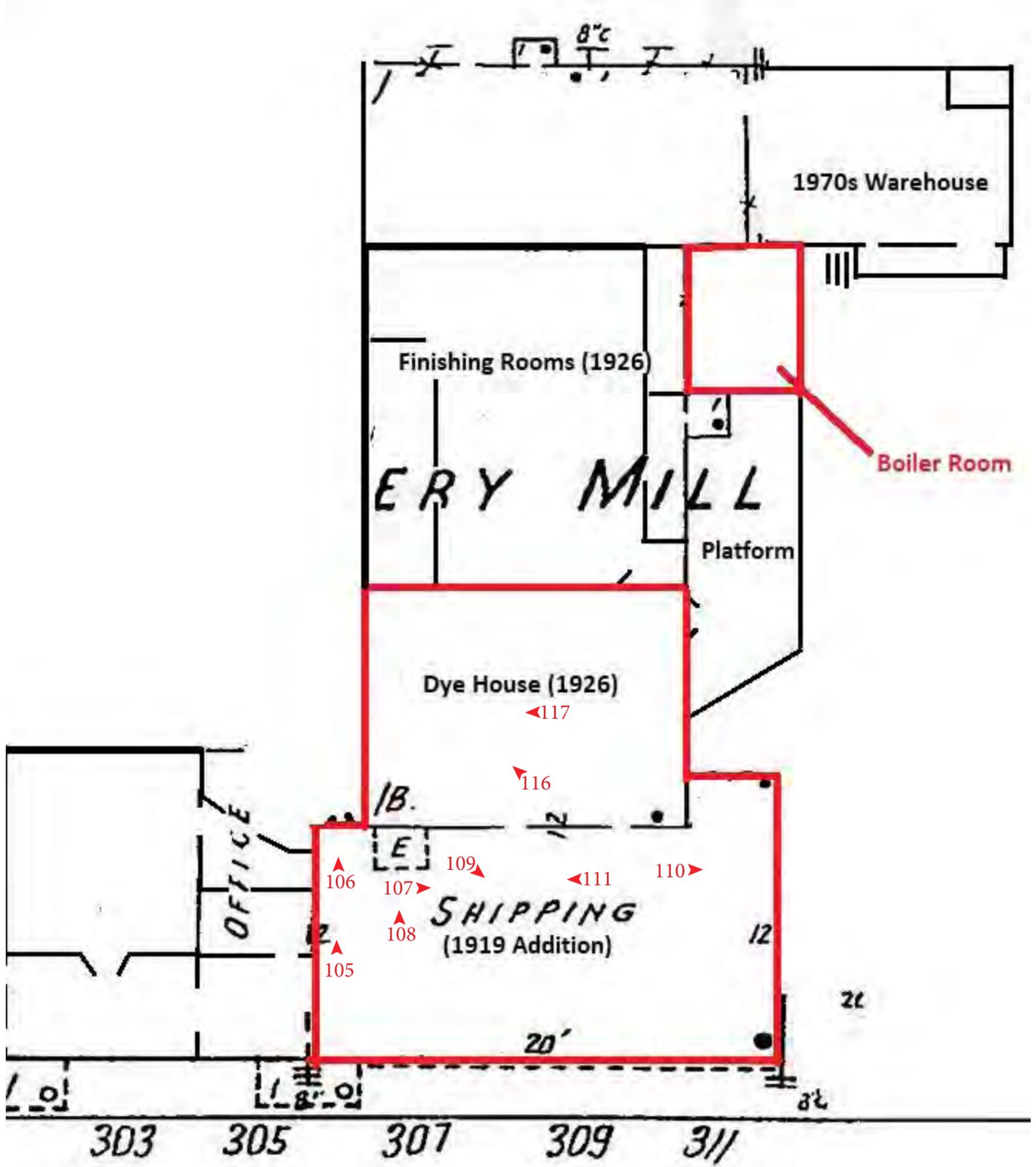
Grey Hosiery Mill
 301 Fourth Avenue East
 Hendersonville, NC 28792



National Park Service
 Part 1 Certification Photo Key
 First Floor Plan



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 to historic building development



MacRostie Historic Advisors
 Bringing strategy, equity, and experience
 to historic building development

Grey Hosiery Mill
 301 Fourth Avenue East
 Hendersonville, NC 28792



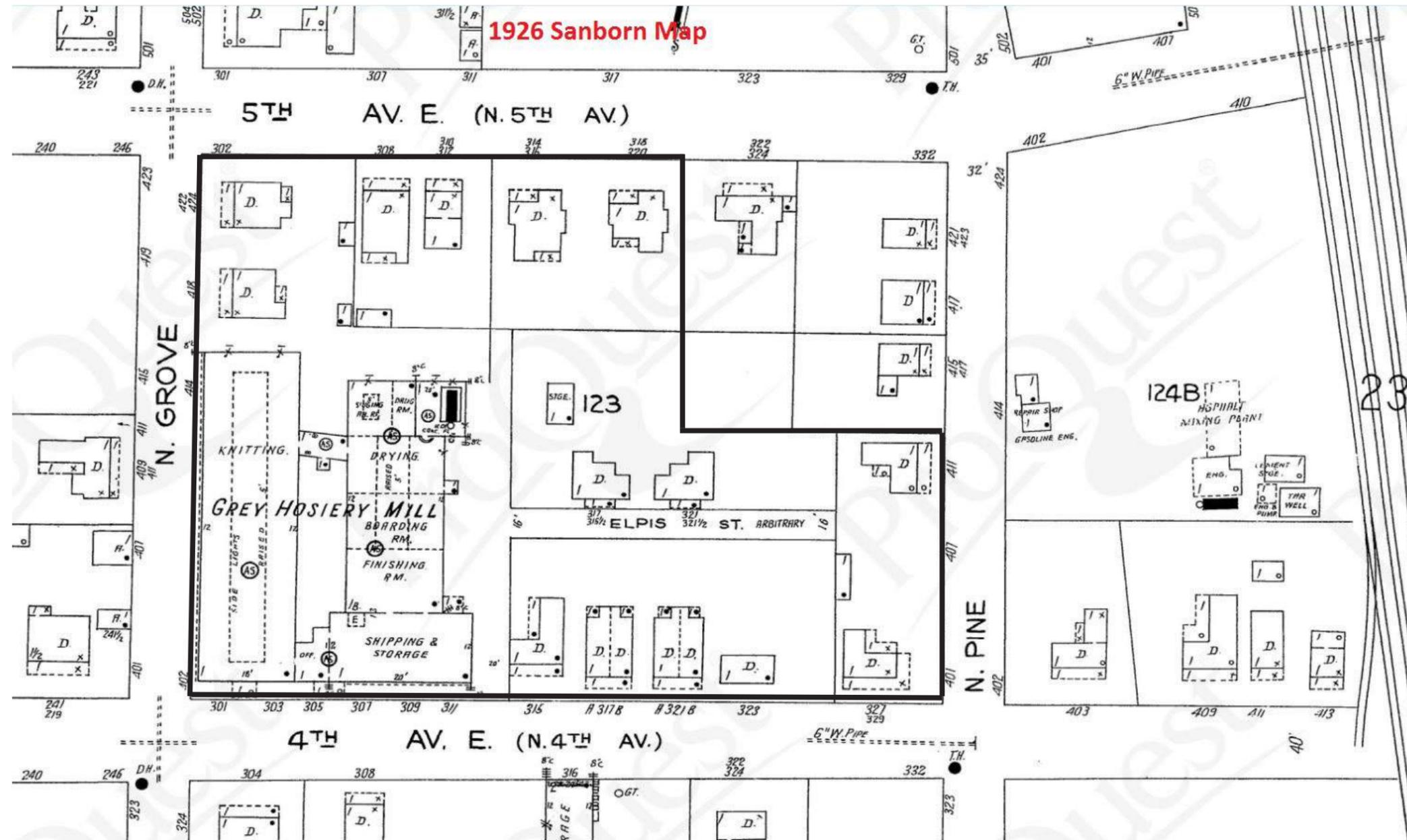
National Park Service
 Part 1 Certification Photo Key
 Basement Plan

Grey Hosiery Mill Hendersonville, NC

Local Landmark - Parcel History

Image Origin | Sanborn Fire Insurance
Image Date | 1922

**Outline shows proposed
landmark boundaries



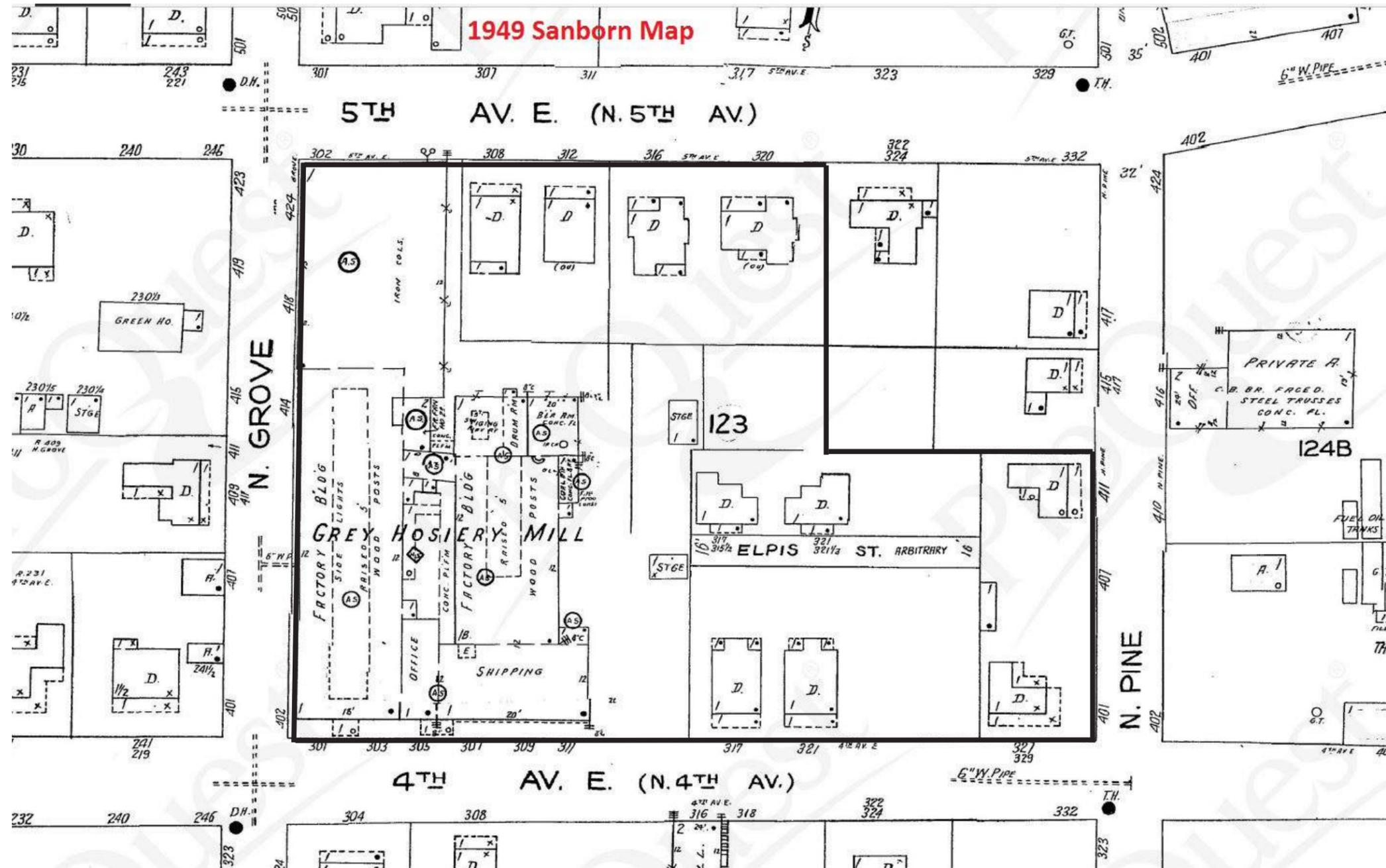
Bringing strategy, equity, and experience
to historic building development

Grey Hosiery Mill Hendersonville, NC

Local Landmark - Parcel History

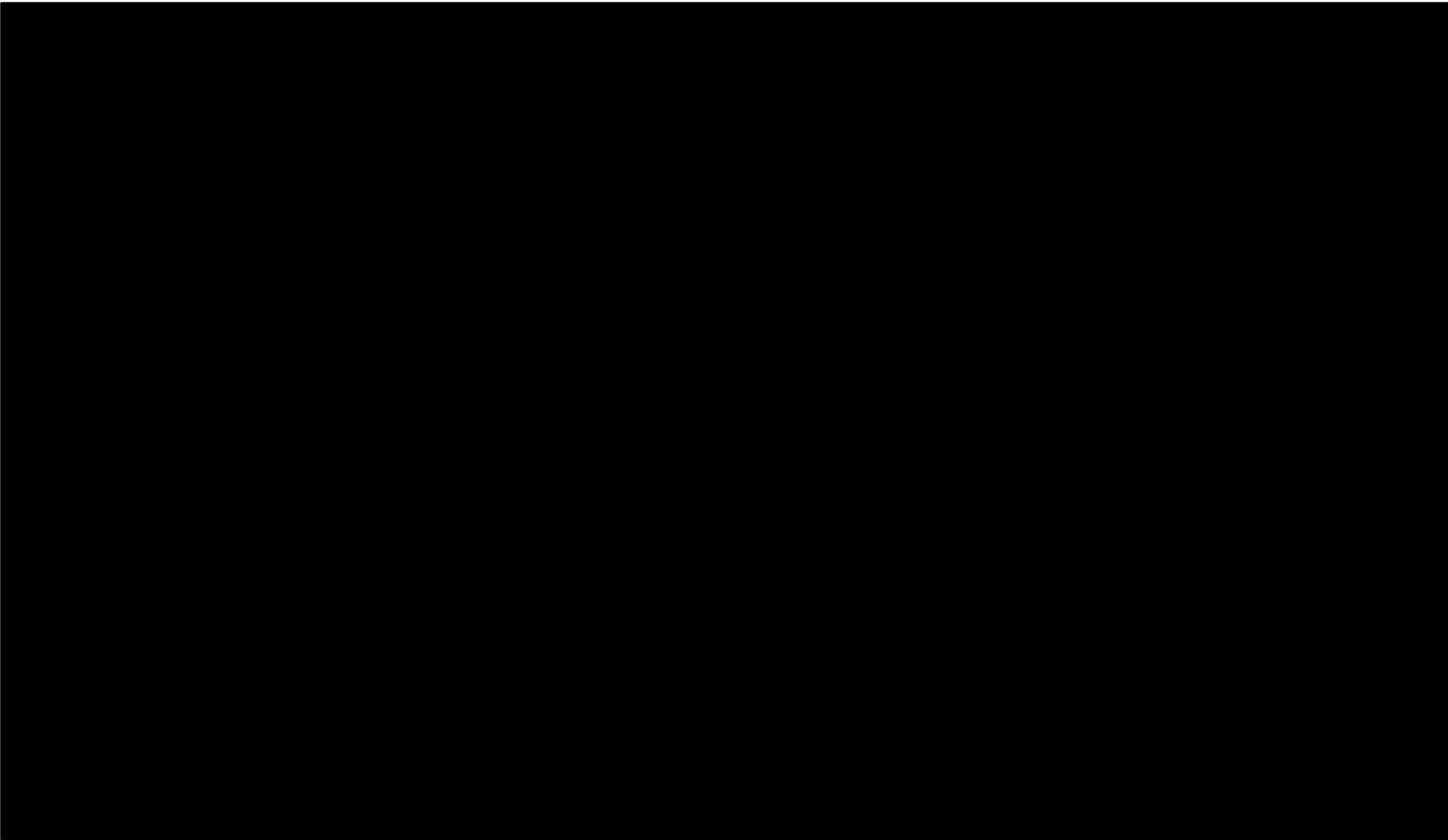
Image Origin | Sanborn Fire Insurance
Image Date | 1949

**Outline shows proposed
landmark boundaries



Bringing strategy, equity, and experience
to historic building development

Grey Hosiery Mill



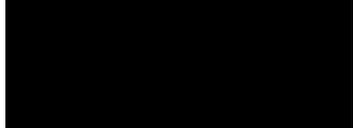
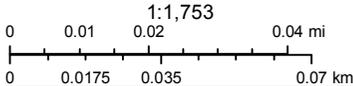
October 29, 2019

Streets and Highways

- FREEWAY
- INTERSTATE
- BOULEVARD

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).





APPLICATION FOR LOCAL
HISTORIC LANDMARK DESIGNATION
100 N. King Street ~ Hendersonville, NC ~ 28792
Phone (828)697-3010 ~ Fax (828) 697-6185
www.hendersonvillenc.gov

HENDERSONVILLE HISTORIC PRESERVATION COMMISSION

The following are required to constitute a complete application:

- ~ This form including the property owner's signature.
- ~ A designation report with information required by City Code 28-77(c).

Date 6/19/19

Property Common Name Grey Hosiery Mill

Other Name(s) Water Dept. - City of Hendersonville

Address of Property 301 4th Ave E, Hendersonville, NC, 28792

PIN 9568887494

Ownership: Public Private

Property Owner: Name Grey Mill Ventures LLC

Mailing Address 103 Parker St, Carrboro, NC, 27510

Phone (919) 885-4508

E-mail kreiter@belmontsayre.com

Category: Building Other structure Object/Artistic feature Site District

Brief description of property including historic use, current use, and features to be including in designation.

See attached sheet

Signature of the property owner(s) acknowledges that if City Council adopts an ordinance designating the property a local historic landmark the property will be bound by the requirements of City Code Chp. 28 and any other applicable regulations, including the requirement to obtain a Certificates of Appropriateness permit prior to any changes to the landmark.

Owner's Signature

Owner's Signature

Printed Name

Kenneth M Reiter

Printed Name



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Adam Murr

Department: Admin

Date Submitted: 11/19/2019

Presenter: Adam Murr

Date of Council Meeting to consider this item: 12/05/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 05d

City Council directed Staff at the November 7, 2019 regular meeting to work with financial advisors, bond counsel, trustee and rate consultants to seek Local Government Commission (LGC) approval for a Water and Sewer System Revenue Bond.

Staff recommend City Council adopt a bond order authorizing the issuance of the Water and Sewer System Revenue Bond, Series 2019 at the December 5, 2019 regular meeting. The bond amount is recommended with a not to exceed amount of \$12,897,000. Furthermore, the bond order will authorize the approval, execution, and delivery of various documents in connection with the issuance.

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

Suggested Motion:

I move City Council resolve to adopt the Bond Order authorizing the issuance of a Series 2019 Water and Sewer System Revenue Bond, not to exceed \$12,897,000.

Attachments:

1. Bond Order

BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$12,897,000 CITY OF HENDERSONVILLE, NORTH CAROLINA WATER AND SEWER SYSTEM REVENUE BOND, SERIES 2019; AUTHORIZING THE APPROVAL, EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BOND; PROVIDING FOR THE ISSUANCE OF THE BOND; AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE BOND

WHEREAS, the City of Hendersonville, North Carolina (the “City”) is authorized by the State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq.* (the “Act”), to issue, subject to the approval of the Local Government Commission of North Carolina (the “LGC”), at one time or from time to time, revenue bonds of the City for the purposes as specified in the Act;

WHEREAS, the City has determined to issue its Water and Sewer System Revenue Bond, Series 2019 (the “2019 Bond”) in an aggregate principal amount not to exceed \$12,897,000 to provide funds to (1) finance improvements to the City’s water system identified in the City’s water system master plan, including water line and tank replacements (the “2019 Project”), (2) prepay a lease-purchase agreement, the proceeds of which were used by the City to advance funds to acquire and install automated meters and related technology for the City’s water system (the “2012 Project”) and (3) pay the costs of issuing the 2019 Bond;

WHEREAS, the City will issue the 2019 Bond under the General Trust Indenture dated as of December 1, 2019 (the “General Indenture”) between the City and The Bank of New York Mellon Trust Company, N.A., as trustee (the “Trustee”), and Series Indenture, Number 1 dated as of December 1, 2019 (the “Series Indenture”) between the City and the Trustee;

WHEREAS, the City has filed with the LGC an application for the approval and private sale without advertisement of the 2019 Bond in accordance with Section 159-85 of the General Statutes of North Carolina, as amended;

WHEREAS, the City and the LGC have arranged for the issuance of the 2019 Bond to STI Institutional & Government, Inc. (the “Lender”);

WHEREAS, copies of the forms of the following documents relating to the transactions described above have been filed with the City:

- (1) the General Indenture;
- (2) the Series Indenture; and
- (3) a Master Subordination Agreement between the City and the State of North Carolina (the “Subordination Agreement”) whereby the State will agree to subordinate all of the loans with City to the bonds issued under the General Indenture;

NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA:

Section 1. The 2019 Bond is hereby authorized and will be issued pursuant to the Act to raise the money required, in addition to any funds which may be made available for such purpose from any other source, to (1) finance the 2019 Project, (2) prepay a lease-purchase agreement related to funds

advanced by the City for the 2012 Project and (3) pay the costs of issuing the 2019 Bond, all as set out fully in the documents attached to the City's application to the LGC. The use of the proceeds of the 2019 Bond, as described, is necessary to meet the demands of the users of the City's Water and Sewer System (as defined in the General Indenture).

Section 2. The aggregate principal amount of the 2019 Bond authorized by this order will not exceed \$12,897,000. The 2019 Bond hereby authorized will be a special obligation of the City, secured by and paid solely from the proceeds thereof or from revenues, income, receipts and other money received or accrued by or on behalf of the City from or in connection with the operation of the City's Water and Sewer System.

Section 3. The City requests that the 2019 Bond be sold at private sale without advertisement to the Lender at such price as the LGC determines to be in the best interest of the City and as provided in the City's application. The City Council approves the sale of the 2019 Bond to the Lender on the terms provided in the term sheet provided by the Lender and as provided in the Series Indenture. The Authorized Officers (as defined below), are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to consummate the issuance of the 2019 Bond.

Section 4. The City's issuance of the 2019 Bond, in substantially the form to be provided in the Series Indenture, is hereby in all respects approved and confirmed. The provisions of the General Indenture and the Series Indenture with respect to the 2019 Bond are hereby approved and confirmed and are incorporated herein by reference. The proceeds from the issuance of the 2019 Bond will be deposited in accordance with the Series Indenture. The principal of, premium, if any, and interest on the 2019 Bond will not be payable from the general funds of the City, nor will the 2019 Bond constitute a legal or equitable pledge, charge, lien or encumbrance on any of the City's property or on any of its income, receipts or revenues except the funds which are pledged under the General Indenture. Neither the credit nor the taxing power of the State of North Carolina (the "State") or the City is pledged for the payment of the principal of, premium, if any, or interest on the 2019 Bond, and no holder of the 2019 Bond has the right to compel the exercise of the taxing power by the State or the City or the forfeiture of any of its property in connection with any default thereon.

Section 5. The form and content of the General Indenture, the Series Indenture and the Subordination Agreement, including the exhibits thereto, are hereby in all respects approved and confirmed. The Mayor, the City Manager, the Assistant City Manager, the City Attorney, the Finance Director and the City Clerk, including anyone serving as such in an interim capacity, or their respective designees (collectively, the "Authorized Officers") are hereby authorized, empowered and directed to execute and deliver the General Indenture, the Series Indenture and the Subordination Agreement for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the City Council's approval of any and all such changes, modifications, additions or deletions therein. From and after the execution and delivery of the General Indenture, the Series Indenture and the Subordination Agreement, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the General Indenture, the Series Indenture and the Subordination Agreement as executed. The Trustee is hereby appointed as Registrar and Paying Agent under the Series Indenture.

Section 6. The City Manager, the Assistant City Manager or the Finance Director is hereby authorized to execute a tax certificate to comply with Section 148 of the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder.

Section 7. If any one or more of the covenants, agreements or provisions contained in this Bond Order is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or is for any reason whatsoever held invalid, then such covenants, agreements or provisions will be null and void and will be deemed separable from the remaining agreements and provisions and will in no way affect the validity of any of the other agreements and provisions of this Bond Order or of the 2019 Bond authorized hereunder.

Section 8. No stipulation, obligation or agreement contained in this Bond Order or contained in the 2019 Bond, the General Indenture, the Series Indenture or any other instrument related to the issuance of the 2019 Bond is a stipulation, obligation or agreement of any officer, agent or employee of the City in his or her individual capacity, and no such officer, agent or employee is personally liable on the 2019 Bond or subject to personal liability or accountability by reason of the issuance thereof.

Section 9. The Authorized Officers are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by this Bond Order, the General Indenture or the Series Indenture; except that none of the above is hereby authorized or empowered to do anything or execute any document which is in contravention, in any way, of (a) the specific provisions of this Bond Order, (b) the specific provisions of the General Indenture or the Series Indenture, (c) any agreement to which the City is bound, (d) any rule or regulation of the City or (e) any applicable law, statute, ordinance, rule or regulation of the United States of America or the State.

Section 10. The Authorized Officers are hereby authorized, empowered and directed to prepare and furnish, when the 2019 Bond is issued, certified copies of all the proceedings and records of the City Council relating to the 2019 Bond, and such other affidavits, certificates and documents as may be required to show the facts relating to the legality and marketability of the 2019 Bond as such facts appear on the books and records in such party's custody and control or as otherwise known to them; and all such certified copies, certificates, affidavits and documents, including any heretofore furnished, constitute representations of the City as to the truth of all statements contained therein.

Section 11. All acts and doings of the Authorized Officers that are in conformity with the purposes and intent of this Bond Order and in the furtherance of the issuance of the 2019 Bond and the execution, delivery and performance of the General Indenture and the Series Indenture are hereby in all respects approved and confirmed. Any provision in this Resolution that authorizes more than one Authorized Officer to take certain actions will apply to the respective designees of the Authorized Officers, including any person serving in an interim capacity, and will be read to permit such persons to take the authorized actions either individually or collectively.

Section 12. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 13. This Bond Order will take effect immediately on its adoption and, pursuant to Section 159-88 of the General Statutes of North Carolina, as amended, need not be published or subjected to any procedural requirements governing the adoption of ordinances or resolutions by the City Council other than the procedures set out in the Act.

PASSED, ADOPTED AND APPROVED this 5th day of December, 2019.

STATE OF NORTH CAROLINA)
)
CITY OF HENDERSONVILLE) ss:

I, Tammie Drake, City Clerk of the City of Hendersonville, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution titled “**BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$12,897,000 CITY OF HENDERSONVILLE, NORTH CAROLINA WATER AND SEWER SYSTEM REVENUE BOND, SERIES 2019; AUTHORIZING THE APPROVAL, EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BOND; PROVIDING FOR THE ISSUANCE OF THE BOND; AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE BOND**” adopted by the City Council of the City of Hendersonville, North Carolina, at a meeting held on the 5th day of December, 2019.

WITNESS my hand and the corporate seal of the City of Hendersonville, North Carolina, this the ___ day of _____, 2019.

[Seal]

Tammie Drake
City Clerk
City of Hendersonville, North Carolina



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Admin

Date Submitted: 11.20.19

Presenter: Mayor Volk

Date of Council Meeting to consider this item: 12.05.19

Nature of Item: Council Action

Summary of Information/Request:

Item # 06ab

Council Members Steve Caraker and Ron Stephens will be presented with a Resolution of Appreciation and Respect.

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

Suggested Motion:

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Admin

Date Submitted: 11.20.19

Presenter: Mayor Volk

Date of Council Meeting to consider this item: 12.05.19

Nature of Item: Council Action

Summary of Information/Request:

Item # 06c

The City Council will recognize the following Planning Board Members for their long-time service to the City:
Steve Johnson - 15 years of service
Ray Mundy - 6 years of service
Jay Thorndike - 12 years of service (Henderson County appointee)

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

Suggested Motion:

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet
Date Submitted: 11.18.2019
Date of Council Meeting to consider this item: 12.5.2019
Nature of Item: Presentation Only

Department: Administration
Presenter: John Connet

Summary of Information/Request: **Item #** 06d

This past September, we initiated the third session of the City of Hendersonville Academy (COHA). The goal of this program is to provide interested employees with a greater comprehension of City operations, services, programs, and monies to enhance their job performance and worth.

- The topics were:
- September 10 – Local economy/growth (Brittany Brady, Partners for Economic Development) and City History (Lu Ann Welter)
 - September 24 – Local government/ City organization (Mayor Volk and John Connet)
 - October 8 – Retirement (Jennifer Harrell and Deborah Rapetski, Prudential)
 - October 29 – Downtown Development/growth (Lew Holloway)
 - November 5 - Budget (Brian Pahle)
 - November 19 – Wrap Up (John Connet)

- Ten employees participated.
- Water & Sewer - Drew Finley, Sarah Wykle
 - Finance - Tamama Amin, Kaitland Finkle, Ligia Guinea, Ashley Staton
 - Public Works - Kimberly Jackson
 - Fire - Holly Nourigat, Cameron Womack
 - Admin - Allison Nock

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

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

NA

Attachments:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Chief Herbert Blake

Department: Police

Date Submitted: 11/15/2019

Presenter: Chief Herbert Blake

Date of Council Meeting to consider this item: 12/05/2019

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 6e

The City of Hendersonville recognizes and appreciates the service provided to the citizens of our community by the commitment of sworn law enforcement officers of the Hendersonville Police Department.

North Carolina General Statute 20-187.2 and City of Hendersonville Policy Granting of Badges and Service Side Arms for Sworn Law Enforcement Officers enables the City Council to award a retiring member or surviving relatives, the badge and service side arm of law enforcement officers.

The attached resolution will allow the Hendersonville Police Department to award retiring Lieutenant Todd Letterman with his badge and service side arm for a cost of \$1.00.

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

Suggested Motion:

Motion to approve the resolution to award Lieutenant Todd Letterman with his badge and service side arm for a cost of \$1.00.

Attachments:

**RESOLUTION TO RECOGNIZE DISTINGUISHED SERVICE
TO THE CITY OF HENDERSONVILLE AND AWARDING OF SERVICE SIDE ARM**

WHEREAS, North Carolina General Statutes 20-187.2 provides that retiring members of law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service; and

WHEREAS, NCGS 20-187.2 further provides that the governing body of the governing law enforcement agency may, at its discretion, award to a retiring member their service side arm, at a price determined by such governing body, upon determining that the person receiving the weapon is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law, and

WHEREAS, the City of Hendersonville hereby recognizes 28 years 11 months of distinguished service as a law enforcement officer by Todd Letterman for the City of Hendersonville and its residents, and

WHEREAS, the City of Hendersonville wishes to recognize Lieutenant Todd Lettermans service in a manner that is customary for persons retiring from distinguished law enforcement service.

NOW THEREFORE, the City of Hendersonville hereby awards to Lieutenant Todd Letterman his service side arm, Glock model 45, 9 mm, serial number BLKB790, for a cost of \$1.00 as determined in the Policy for the Granting of Badges and Service Side Arms for Sworn Law Enforcement Officers, as a token of appreciation for his many years of service and dedication to the City of Hendersonville and its residents.

Adopted this 5th day of December 2019.

Barbara G. Volk, Mayor, City of Hendersonville

Attest:

Tammie K. Drake, MMC City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Admin

Date Submitted: 11.20.19

Presenter: Mayor Volk

Date of Council Meeting to consider this item: 12.05.19

Nature of Item: Council Action

Summary of Information/Request:

Item # 11

There are a number of organizations that request Council or a City representative. Attached is a list of those organizations and the positions that need to be filled.

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:

Council Representative Appointments

There are several positions on boards or committees formed by the City Council for liaison positions. The City also receives requests from other organizations for Council members to serve on their boards, etc. Following is a list of those boards and vacancies resulting from the election.

Downtown Advisory Committee (DAC): The City of Hendersonville is committed to protecting the economic viability, the physical infrastructure, and social fabric of Main Street and the downtown area. The DAC advises the City Council and the Downtown Director on policies and practices dealing with the activities of the North Carolina Main Street program as they are implemented in the City.

The DAC consists of nine members including one non-voting, ex-officio Council liaison position. Of the remaining eight members, five will represent downtown stakeholders, i.e., property owners, business community members or residents, and three members will be "at-large" positions.

The Downtown Advisory Committee meets on the third Wednesday of each month at 9:00 a.m. at the Operations Center. [Ron Stephens]

Firemen's Relief Fund Board: This board is set up by state law and controls and disburses money from the Firemen's Relief fund to benefit those injured while serving their communities. It consists of five members: two appointed by Council, two elected by local firefighters and one appointed by the state Commissioner of Insurance. Meets as needed. [Mayor Volk, Steve Caraker]

[French Broad Metropolitan Planning Organization \(MPO\) Technical Advisory Committee \(TAC\) and Henderson County Transportation Advisory Committee:](#) The members of the Board are elected officials from each of the 21 local governments, and representatives from the NCDOT Board of Transportation. The structure of the MPO is formalized in a Memorandum of Understanding, which is signed by each of the MPO's 21 member governments, the North Carolina Department of Transportation, and Land-of-Sky Regional Council, which serves as the Lead Planning Agency for the MPO. The Board is responsible for final approval of the Long-Range Transportation Plan, the Metropolitan Transportation Improvement Program, the Priority Needs List, and the Unified Planning Work Program. The Board also serves as a forum for public input. Must be an elected official currently in-term. The TAC meets monthly on the fourth Thursday at 1 p.m. in Asheville at the Land-of-Sky Regional Council.

[Henderson County Technical Advisory Committee](#) (TAC) consists of the MPO Board representative so the MPO TAC representative also serves on this Committee. The TAC meets the third Wednesday of every month at 4:00 PM in the King Street Meeting Room, in the County Administration Building, located at 100 North King Street, Hendersonville, NC. [Steve Caraker]

[French Broad Technical Coordinating Committee \(TCC\):](#) The members of the Technical Coordinating Committee (TCC) are staff representatives from the 21 local governments, staff from the North Carolina Department of Transportation, and representatives of other local

transportation and planning agencies. The TCC does not take final action. The committee makes recommendations to the Board. [Daniel Heyman]

Henderson County Public Schools Facilities Committee: The City received a request to have a representative from the City on a newly-formed Facilities Committee. They would like to schedule their first meeting on January 13, 2020 at 4:00 p.m. at the Henderson County Public Schools Central Office.

Seventh Avenue Advisory Committee (SAAC): This committee was formed by the City Council to review and discuss existing and/or proposed policies and ordinances that have an impact on the Seventh Avenue special tax district projects. The Council desires to hear advice and receive recommendations from the Committee. The membership consists of nine members: four individuals who own local businesses or commercial property in Seventh Avenue Special Tax District, three at-large members and one representative from the Hendersonville Rescue Mission and a City Council Liaison position. [Steve Caraker]

Land-of-Sky Regional Council Board of Delegates: The purpose and objectives of the Board of Delegates are:

- To provide a forum for local leaders to collaborate on issues of regional importance.
- To foster desirable social, cultural, ecological, and economic conditions within the region.
- To provide technical support and consultation in the development of regional plans, comment and coordination concerning applications for state and federal aid for many types of projects and programs having an impact upon the region.
- To promote joint federal, state, and local efforts to provide for the orderly long-term development of the region.

The Board meets the fourth Wednesday at 1:00 pm at Land of Sky Regional Council, except for November and December. [Mayor Volk will chair next year, Alternate Position [Ron Stephens] 2nd Alternate Position [John Connet]

Local Government Committee for Cooperative Action (LGCCA): This was established as a result of the joint desire of Henderson County and the municipalities within the County, to foster communication and joint planning between all entities for the overall betterment of all of the citizens of Henderson County. The Committees goal shall be to look at land use planning and its affects on the entire community, not just the affects on one entity. The joint committee shall serve as a recommendation body to each entity and any vote is non-binding. The LGCCA meets quarterly and is hosted by alternating members. [Mayor Volk, Ron Stephens]

Mills River Partnership: The Mills River Partnership a not-for-profit organization that addresses water quality in the Mills River watershed. They focus on educating the local community about water quality issues and helping farmers and other landowners implement best management practices to control sediment pollution. This position does not have to be an elected official. The Partnership meet every two months on the second Wednesday at 3:00 at the Asheville water plant in Mills River, 4037 Haywood Rd. [Steve Caraker]

Water-Sewer Advisory Council: This Council, made up of representatives of each of the municipalities and Henderson County that are served by the City of Hendersonville's water and

sewer system, was reformed in 2017. The Council meets quarterly at the Operations Center, 305 Williams St., Hendersonville NC. [Steve Caraker]



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Adam Murr

Department: Admin

Date Submitted: 11/19/2019

Presenter: John Connet

Date of Council Meeting to consider this item: 12/05/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 12b

Budget Amendment(s):

1. GF - Public Works Heat Pump	Fund 10	Increase	\$7,500
2. GF - Insurance Claims Revenue	Fund 10	Increase	\$3,391
3. DT - Bearfootin' Revenue	Fund 20	Increase	\$7,352
4. PD - Needy Persons/Shop with a Cop	Fund 199	Increase	\$3,097
5. Etowah - Revenue Bond Amendment	Fund 370	Decrease	\$142,000
6. Parking Deck Due Diligence	Fund 410	Increase	\$12,000

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

Suggested Motion:

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

Attachments:

Budget Amendment(s):

BUDGET AMENDMENT

FUND: 10

ACCOUNT NUMBER					
ORG	OBJECT	PROJECT	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
100060	444400		RENTAL INCOME NON-TAXABLE	7,500.00	
104270	552000		CAPITAL OUTLAY - INFRASTRUCTURE	7,500.00	
FUND 10			TOTAL REVENUES	7,500.00	
			TOTAL EXPENDITURES	7,500.00	

The Public Works Department is receiving rent for the Patton Administration Building at \$7,500 annually. This rental income was not included in the initial budget, and Staff recommend increasing the budget to reflect revenues received. To balance the revenue, Staff also recommend increasing the capital outlay infrastructure account to assist with the purchase of a heat pump.



 CITY MANAGER

Date: 11-19-19

APPROVED BY CITY COUNCIL:

DATE: 11/18/2019

BUDGET AMENDMENT

FUND: 10

ACCOUNT NUMBER					
ORG	OBJECT	PROJECT	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
100090	444000		INSURANCE SETTLEMENTS	3,391.00	
104270	569000		CONTRACTED SERVICES	1,821.00	
104310	535300		R&M AUTO/TRUCKS	1,570.00	
FUND 10			TOTAL REVENUES	3,391.00	
			TOTAL EXPENDITURES	3,391.00	

We have received insurance settlement checks for the repair of one vehicle in the public works department and one vehicle in the police department. This amendment increases insurance settlement revenue based on the check amounts, along with the corresponding expenditure lines.

 CITY MANAGER

Date: 11/19/19

APPROVED BY CITY COUNCIL:

DATE: 11/18/2019

BUDGET AMENDMENT

FUND: 20

ACCOUNT NUMBER					
ORG	OBJECT	PROJECT	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
204755	443215		BEARFOOTIN' BEAR SALES	7,352.00	
204755	561700		CONTRIBUTION OF % BEAR SALES	7,352.00	
FUND 20			TOTAL REVENUES	7,352.00	
			TOTAL EXPENDITURES	7,352.00	

Amendment to increase revenues from Bearfootin' Bear Auction. Actual revenues exceeded budget projections by \$7,352. The contribution to non-profits from the bear auction will also be increased to reflect the higher than anticipated revenues.



 CITY MANAGER

Date: 11/19/19

APPROVED BY CITY COUNCIL:

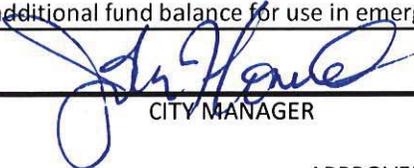
DATE: 11/18/2019

BUDGET AMENDMENT

FUND: 199

ACCOUNT NUMBER					
ORG	OBJECT	PROJECT	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
1994310	498207	00003	CONTRIBUTIONS/DONATIONS	1,097.00	
1994310	499200	00003	FUND BALANCE APPROPRIATED	2,000.00	
1994310	529900	00003	SUPPLIES & MATERIALS	3,097.00	
FUND 199			TOTAL REVENUES	3,097.00	
			TOTAL EXPENDITURES	3,097.00	

Amendment to increase supplies & materials line for the purchase of gift cards for the "shop with a cop" initiative in the Police Department(PD)'s Needy Persons project. PD has indicated a need of \$6,735 expenditure budget. The PD has requested additional fund balance for use in emergency situations to support citizens through the year.



 CITY MANAGER

Date: 11/19/19

APPROVED BY CITY COUNCIL:

DATE: 11/18/2019

BUDGET AMENDMENT

FUND: 460

ACCOUNT NUMBER					
ORG	OBJECT	PROJECT	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
4607126	551000	16003	CAP OUTLAY-SERVICES AND FEES		916,789
4607126	557000	16003	LAND,EASEMENT, AND ROW	9,043	
4607126	559500	16003	CAP OUTLAY-WATER LINES	942,675	
4607126	499100	16003	PROCEEDS OF DEBT	6,569,458	
4607126	998060	16003	TRANSFER IN FROM W&S		3,819,200
4600000	549999		MISCELLANEOUS EXPENSE	5,418,106	
4607126	999060	16003	TRANSFER TO W&S	142,000	
FUND 460			TOTAL REVENUES	6,569,458	3,819,200
			TOTAL EXPENDITURES	6,511,824	916,789
609900	998460		TRANSFER IN FROM WS CPF	142,000	
607124	553000		NON-CAPITAL EQUIPMENT		308,000
607124	559500		CAPITAL OUTLAY - TREATMENT PLANT	450,000	
FUND 60			TOTAL REVENUES	142,000	-
			TOTAL EXPENDITURES	450,000	308,000

Council have directed Staff to pursue a revenue bond financing option for the Etowah Water Systems Improvement Project. This budget amendment increases the debt proceeds revenue line in preparation for the receipt of the revenue bond. Additionally, Staff recommend transferring budget in expenditure lines to more accurately reflect the costs for the project. Cash originally budgeted (\$5,589,103) will be moved to a miscellaneous expense line for future transfer to other projects. \$142,000 will be transferred in conjunction with an existing \$308,000 budget in the Water and Sewer operating fund to fully support a Water Treatment Plant basin coating and repair project.



 CITY MANAGER

Date: 11/19/19

APPROVED BY CITY COUNCIL:

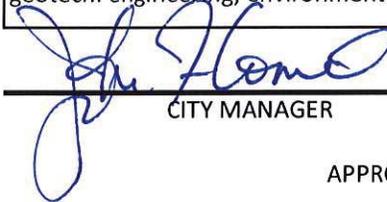
DATE: 11/18/2019

BUDGET AMENDMENT

FUND: 10 | 410

ACCOUNT NUMBER					
ORG	OBJECT	PROJECT	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
109910	599100		CONTINGENCIES		12,000.00
109900	999410		TRANSFER TO CPF - GOV	12,000.00	
FUND 10			TOTAL REVENUES		
			TOTAL EXPENDITURES	12,000.00	12,000.00
4104120	998101	19101	TRANSFER IN FROM GF	12,000.00	
4104120	599100	19101	CONTINGENCIES	12,000.00	
FUND 410			TOTAL REVENUES	12,000.00	
			TOTAL EXPENDITURES	12,000.00	

Parking deck due diligence items will be funded by this amendment. More specifically, due diligence includes items related to geotech. engineering, environmental assessment, and reporting. Staff estimate the cost of due diligence items to be \$12,000.



 CITY MANAGER

Date: 11/19/19

APPROVED BY CITY COUNCIL:

DATE: 11/18/2019



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 11/19/2019

Presenter: John Connet

Date of Council Meeting to consider this item: 12/5/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 12c

Following the recent reassignment of the Hendersonville High School School Resource Officer, HCPS Superintendent Bo Caldwell and I discussed the need to have a formal contract between the City and School System for School Resource Officers. City and School System staff have developed a formal contract that specifies responsibilities and what actions will be taken when there is a complaint against the SRO. Staff recommends approval of this contract.

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 that the City Council resolve to approve the School Resource Officer Contract between the City of Hendersonville and Henderson County Public Schools.

Attachments:

Proposed Contract

SCHOOL RESOURCE OFFICER AGREEMENT

This Agreement is made, this 1st day of November, 2019, by and between the HENDERSON COUNTY BOARD OF EDUCATION a/k/a HENDERSON COUNTY PUBLIC SCHOOLS (hereinafter "HCPS"), and the CITY OF HENDERSONVILLE (hereinafter "CITY") on behalf of the HENDERSONVILLE POLICE DEPARTMENT (hereinafter "HPD"):

WITNESSETH:

WHEREAS, CITY/HPD agrees to provide HCPS a School Resources Officer (SRO) Program and HCPS agrees to pay towards the cost of the SRO program as set forth in this Agreement.

WHEREAS, HCPS and the CITY/HPD desire to set forth in this SRO Agreement the specific terms and conditions of the services to be performed and provided by SROs for HCPS.

NOW, THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. SRO Program Funding.

Exhibit A, which is attached hereto and incorporated herein by reference, sets forth the funding payable by HCPS to CITY/HPD for the purpose of supporting the SRO program.

2. Employment of School Resource Officer.

- A. The SROs shall be employees of the CITY/HPD and shall be subject to the administration, supervision and control of the Chief of Police.
- B. The SROs shall be subject to all personnel policies and practices of the CITY/HPD except as such policies or practices may be modified by the terms and conditions of this Agreement.
- C. The CITY/HPD, in its sole discretion, shall have the power and authority to hire, discharge, and discipline the SROs.

- D. In the event that HCPS is dissatisfied with the performance of an assigned SRO and/or receives a complaint from a staff member, student or parent about actions of an SRO, HCPS will report the concerns to the Chief of Police and the Hendersonville City Manager. HCPS shall consult with the CITY/HPD and the parties shall negotiate in good faith so as to reasonably satisfy HCPS, either by improvement in the performance of the SRO or by assignment of a different officer to serve as SRO.**

In addition, if HCPS is aware of misconduct that threatens the health or safety of students or staff, HCPS will immediately notify the Chief of Police or his/her designee and the CITY/HPD shall promptly remove the SRO from serving HCPS until the completion of the CITY/HPD review of the misconduct, consistent with the policies of the CITY/HPD.

In the event of the resignation, dismissal, removal or reassignment of an SRO, the CITY/HPD shall provide a replacement for the SRO as soon as possible or shall assign an alternate law enforcement officer temporarily to carry out the duties of the SRO until a replacement can be secured. The CITY/HPD shall use all reasonable efforts to prioritize the assignment of replacement officers at the high school campus.

Notwithstanding the foregoing, nothing in the Agreement shall prohibit HCPS from preventing access of any individual, including any assigned SRO, to HCPS property if HCPS determines it is in the best interest of the health and safety of HCPS students.

- E. SROs assigned to schools by the CITY/HPD pursuant to this Agreement shall meet all of the following basic qualifications:**
- 1. Be a commissioned law enforcement officer and would preferably have two (2) calendar years of law enforcement experience;**
 - 2. Possess sufficient knowledge of the applicable federal and state laws, city and county ordinances, and HCPS policies and regulations;**
 - 3. Be capable of conducting in depth criminal investigations;**
 - 4. Possess an even temperament and set a good example for students; and**
 - 5. Possess communications skills which would enable the officer to function effectively within the school environment.**

3. Duty Hours.

- A. Whenever possible, it is the intent of the parties that the SRO's duty hours shall conform to the school day and the SROs shall serve on site at the school's campuses at the following locations:

Bruce Drysdale Elementary
271 Bearcat Boulevard
Hendersonville, NC 28792

Hendersonville Elementary
1039 Randall Circle
Hendersonville, NC 28791

Hendersonville Middle School
825 North Whitted Street
Hendersonville, NC 28791

Hendersonville High School
1 Bearcat Boulevard
Hendersonville, NC 28792

- B. It is understood and agreed that time spent by the SRO attending court, and/or criminal cases arising from and/or out of his/her employment as an SRO shall be considered as hours worked under this Agreement.
- C. In the event of an emergency, if the SRO is ordered by the CITY/HPD to leave the school during normal duty hours as described above and to perform other services for the CITY/HPD, then the time spent shall not be considered hours worked under this Agreement. In such an event, the hours shall be made up in a manner determined by mutual agreement of the parties.
- D. In the event the SRO is absent from work, the SRO shall notify his/her supervisor and the Principal of the HCPS school to which he/she is assigned.
- E. Any Extra Duty, i.e. Athletic Events, Special Functions, or any other event that takes place outside of normal school hours and the SRO is required/requested then it will be the responsibility of HCPS to pay the SRO the standard off-duty pay rate of \$30.00 per hour.

4. Term of Agreement.

The initial term of this Agreement is November 1, 2019 to June 30, 2020, and shall automatically renew unless cancelled by July 1 of each year; however, should either party encounter budgetary constraints that make the continuation of this Agreement impractical, then either party may cancel this Agreement upon sixty (60) days' notice to the other. Any renewal of this Agreement will be for the following school year and in accordance with the HCPS school calendar (i.e., the SRO will not provide services during summer break).

5. Duties/Requirements of School Resource Officers.

Duties/requirements of SROs are as follows:

- A. To provide law enforcement for and to protect lives and property of the employees, students, and visitors of HCPS, and of the schools set forth hereinabove.
- B. To be a visible, active law enforcement figure on campus dealing with law enforcement and security matters originating on the HCPS campus.
- C. To act as the designee of the HCPS administration in maintaining or making recommendations as to how to maintain a safe environment on the HCPS campus as to law enforcement and security matters. This includes building(s), grounds, parking lot(s), lockers and other public school property.
- D. To provide a classroom resource for law-related education using approved materials.
- E. To counsel students and be a resource for students that will enable them to be associated with a law enforcement figure and role model in the students' environment. However, the SRO shall not counsel students behind closed doors. If a private counseling session is required, the SRO shall request the presence of an appropriate HCPS employee.
- F. To document activities of the SRO on and off campus.
- G. To maintain the peace in the school environment and to prevent and stop significant disruptions of the school environment that pose a risk of harm. The SRO will be involved in school discipline only when it pertains to preventing a

disruption that would, if ignored, place students, faculty and staff at risk of physical harm. The SRO will resolve the problem to preserve the school climate.

- H. In all other cases, disciplining students is a HCPS responsibility, and the SRO will not take part in disciplining students other than escorting students to the Principal or designee.
- I. It will be the responsibility of the SRO to report all crimes originating on campus. Information on cases that are worked off-campus by the HPD, or other agencies originating from or associated with on campus incidents will be provided to the SRO, but the SRO will not normally be actively involved in off-campus investigations(s).
- J. The SRO will share information with the Principal or designee about persons and conditions that pertain to campus safety concerns.
- K. The SRO will be familiar with helpful community agencies, such as mental health clinics, drug treatment centers, etc., that offer assistance to dependency- and delinquency-prone youths and their families. Referrals will be made when necessary.
- L. The SRO and the Principal will develop plans and strategies to prevent and/or minimize dangerous situations that might result in student unrest.
- M. The SRO will coordinate all of his/her activities with the Principal and will seek permission, guidance, and advice prior to enacting any programs within the school.
- N. The SRO may be asked to provide community-wide crime prevention presentations that include, but are not limited to:
 - Drugs and the law – Adult and juvenile;
 - Alcohol and the law – Adult and juvenile;
 - Sexual assault prevention;
 - Safety programs – Adult and juvenile; and
 - Assistance in other crime prevention programs as assigned.
- O. To perform other duties as set forth in the Agreement or as agreed upon by CITY/HPD and HCPS.

6. Supplies and Equipment.

- A. The SRO will wear his/her department authorized uniform in accordance with department policy. Any changes to said uniform must be approved by the CITY/HPD.
- B. The SRO will wear his/her department-authorized duty weapons in accordance with CITY/HPD policy.
- C. The CITY/HPD shall provide a standard patrol vehicle for each SRO that is maintained by the CITY/HPD.

7. Chain of Command.

- A. As an employee of the CITY/HPD, the SRO will be subject to the chain of command of the CITY/HPD.
- B. In the performance of his/her duties, the SRO shall coordinate and communicate with the Principal or designee.
- C. When possible, the SRO shall notify the Principal or designee prior to arresting or removing any student from campus. The SRO shall notify the Principal or designee of any reported crimes occurring on campus or which occur off-campus but may have an impact on the normal operation of the school day.

8. Transporting Students.

- A. The SRO shall not transport students in a law enforcement vehicle except:
 - (1) When the student(s) are victims of a crime, under arrest, or some other emergency circumstances exist; and
 - (2) When students are suspended and/or sent home from school pursuant to school disciplinary actions, if the student's parent or guardian has refused or is unable to pick up the child within a reasonable time period and the student is disruptive/disorderly and his/her continued presence on campus is a threat to the safety and/or welfare of other students and school personnel.
- B. Students shall not be transported to any location unless it is determined that the student's parent, guardian or custodian is at the destination to which the

student is being transported. The SRO shall not transport students in a personal vehicle.

- C. If circumstances require that the SRO transport a student under section A(2) above, then HCPS must provide a school official or employee of the same gender as the student to be transported to accompany the SRO in the vehicle.

9. Investigation, Interrogation, Search and Arrest Procedures.

- A. SRO's shall adhere to federal and state law when conducting investigations, interrogations, searches and arrests. Specifically, SROs shall adhere to the procedures set forth in Chapter 7B of the General Statutes of North Carolina when dealing with juveniles.
- B. If an HCPS official has reasonable suspicion to suspect a search of a student or a student's possessions will reveal evidence that the student has violated or is violating the law, policy or school rules, the school official may search the student and the student's pockets, pocketbook, book bag, desk, locker, vehicle or any other similar location within the student's control. When requested by school officials, the SRO, to the extent allowed by the practice and procedures of the CITY/HPD, shall assist with the search in order to protect the safety of all persons involved in the search. The Principal or designee, however, will conduct the search. If the search uncovers evidence of criminal misconduct, the evidence will be held for or turned over to the SRO.
- C. In the event of a conflict between the two agencies' procedures, the parties agree to make a good faith effort to work out the differences to the extent possible.
- D. The CITY/HPD agrees that, when possible, SROs will work with the schools to avoid disruptions to the academic process incident to investigations, interrogations and arrests.
- E. It is specifically understood and agreed that neither party has any desire or intent to adopt any procedures that are in violation of any law.

10. Access to Education Records.

- A. HCPS shall allow the SRO to inspect and copy any public records maintained by the school to the extent allowed by law.

- B. If some information in a student's record is needed in an emergency to protect the health or safety of the student or other individuals, the Principal or designee may disclose to the SRO that information that is needed to respond to the emergency situation based on the seriousness of the threat to someone's health or safety; the need of the information to meet the emergency situation and the extent to which time is of the essence.
- C. If confidential student record information is need by an SRO, but no emergency situation exists, the information may be released only as allowed by law.

11. Amendments. Any and all amendments or modifications to this Agreement shall be valid only by written addendum agreed upon by mutual agreement of the parties and executed in the same form as this original.

12. Insurance.

The CITY/HPD shall purchase and maintain in full force and effect during the term of this Agreement a general comprehensive liability insurance policy with coverage in an amount of not less than One Million Dollars (\$1,000,000) for any acts or omissions that occur or claims that are made during the term of the agreement.

13. Termination.

- A. Any party shall have the right to terminate this agreement unilaterally, for any reason, with 120 days' notice to the other party.
- B. In the event of termination, for whatever cause, HCPS shall provide funding as specified herein prorated through the effective date of termination.

14. Evaluations. From time to time, HCPS shall evaluate in conjunction with the CITY/HPD the SRO program and the performance of the SROs assigned by the CITY/HPD. HCPS evaluation of the SRO program and each SRO is merely advisory, and the CITY/HPD retains the final authority to evaluate the performance of assigned respective SROs. The SRO program and patrol officers of HCPS will maintain activity reports and gather data related to SRO activity and other crimes and incidents reported by regular patrol deputies during non-school hours involving school related incidents and prepare an annual report in writing summarizing the actions taken by SROs and the CITY/HPD. This report will be presented to HCPS and will be used for evaluating the program and assessing future needs related to school safety and the SRO program.

15. Independent Contractors. The CITY/HPD and HCPS are independent of one another and shall have no other relationship. Neither party shall have, or hold itself out as having, the right or authority to bind or create liability for the other by its intentional or negligent act or omission, or to make any contract or otherwise assume any obligation or responsibility in the name of or on behalf of the other party. Nothing herein shall waive the right of either party or any of their respective employees to assert applicable immunities in the event of any lawsuit, including but not limited to sovereign immunity, governmental immunity, qualified immunity and/or public official immunity.

16. Miscellaneous Provisions.

A. E-Verify. As required by G.S. § 143-133.3, the CITY/HPD certifies that it verifies the work authorization of each of its employees under the requirements of G.S. Article 2 of Chapter 64 ("E-Verify").

B. Sex Offender Registry Checks. The parties acknowledge that the requirements of G.S. § 115C-332.1 apply to this Agreement. The CITY/HPD shall conduct an annual check of all sworn law enforcement officers assigned as SROs on the North Carolina Sex Offender and Public Protection Registration Program, the North Carolina Sexually Violent Predator Registration Program, and the National Sex Offender Registry. The CITY/HPD certify that no individual may provide services to HCPS pursuant to this Agreement if he/she appears on any of the sex offender registries.

C. Governing Law; Venue. This Agreement shall be governed by the laws of the State of North Carolina. Exclusive venue for initiation of any such action shall be in the courts for Henderson County, North Carolina.

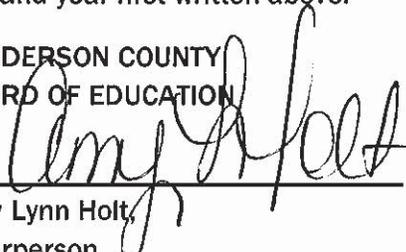
D. Severability. This Agreement is severable and if any provisions of the Agreement are deemed invalid or illegal by a court of competent jurisdiction, the other remaining provisions of this Agreement shall remain valid and enforceable.

E. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements and understandings, whether written or oral, in relation to the subject matter of this Agreement.

F. Execution. This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which together shall constitute and be construed as one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first written above.

HENDERSON COUNTY
BOARD OF EDUCATION

By: 
Amy Lynn Holt,
Chairperson

CITY OF HENDERSONVILLE

By: _____
John Connet,
City Manager

This instrument has been pre-audited in the manner required by the School Budget and Fiscal Control Act.

 11-13-19
Bernie Sochia, Finance Officer Date

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

John Buchanan, Finance Director Date

Exhibit A

The annual fee to CITY/HPD for SRO services for the 2019-20 fiscal year shall be **\$37,838**.

This fee shall be paid in quarterly installments and shall be pro-rated in the event the Agreement is terminated in accordance with its terms prior to the end of the contract year, based on the number of months the contract is in effect divided by the number of months in the contract year.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 11/19/2019

Presenter: John Connet

Date of Council Meeting to consider this item: 12/5/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 12d

Duke Energy is in the process of updating their electrical infrastructure within Druid Hills. This upgrade consists of placing the main overhead electrical circuits underground. In order to accomplish this task, Duke Energy is requesting easements to place underground utility lines and pad mounted transformers on City property (Keith Park). Tom Wooten has discussed this request with Duke Energy and has approved the locations for the transformers. City staff recommends approving the easements for Duke Energy to place electrical infrastructure in Keith Park as shown on the attached exhibit.

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 that the City Council resolve to grant an easement to Duke Energy for the placement of electrical distribution infrastructure in Keith Park in accordance with the attached exhibits.

Attachments:

Letter from Duke Energy
Exhibits



November 14, 2019

City of Hendersonville
c/o John Connet
160 Sixth Avenue E
Hendersonville, NC 28792

RE: Targeted Underground Project in Druid Hills

Dear Mr. Connet,

As you are aware, Duke Energy is currently underway in construction in the Druid Hills neighborhood to underground outage prone overhead lines in order to provide better, more reliable power for the citizens in Druid Hills. The community park in the Historic section of Druid Hills is a part of the project scope and is proposed to be impacted by the construction.

Public Works Director, Tom Wooten and I have met regarding the project scope, including proposed transformer locations and the construction process and agreed upon proposed locations and associated landscaping. Duke Energy has also presented to the Historic Preservation Committee through Susan Frady earlier in the year and received approval from that group.

The proposed easement, requested from the City, would allow Duke Energy to complete this project by allowing the placement of three padmount transformers near the edges of the City park adjacent to existing light poles or other infrastructure. The proposed easement would also allow Duke Energy to place the service lines for the street lights underground in the park.

Duke Energy is committed to restoring the site back to the condition it is currently in after the work is completed and will work with the Public Works Director to have planting materials approved prior to landscaping around the padmount transformers post-construction. I have attached a few pictures of padmount transformers from other projects we have completed this year for reference. As a note, Duke Energy did not provide any additional landscaping around these transformers because it was not requested/required by the home owners.

We thank you for your cooperation and understanding as we work towards providing a better, more reliable power experience for the Druid Hills neighborhood. Please feel free to reach out if you have any further questions.

Sincerely,

Sarah Lutz
Project Manager, Mountain Zone
Targeted Underground Program

Attachment 1:



EASEMENT

NORTH CAROLINA
HENDERSON COUNTY

Prepared By: Duke Energy
Return To: Duke Energy Carolinas
Attn: Sarah Lutz
555-A Brevard Rd.
Asheville, NC 28806

THIS EASEMENT ("Easement") is made this ____ day of _____, 2016 ("Effective Date"), from City of Hendersonville, a political subdivision of the State of North Carolina situate in Henderson County, ("GRANTOR," whether one or more), to Duke Energy Carolinas, LLC, a North Carolina limited liability company ("DEC"); its successors, licensees, and assigns.

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of ONE DOLLAR (\$1.00), the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto DEC, its successors, licensees, and assigns, the perpetual right, privilege, and easement to go in and upon the land of GRANTOR situated in Hendersonville Township, described as follows: PIN# 9569531155, containing 0.46 acres, more or less, and being the land bounded by Park Place n/k/a Norwood Place on the East, Druid Hills Avenue on the West, and Kimberly Street on the South, also being shown on a plat dated July 10, 1923, entitled "Druid Hills – Hendersonville's Restricted Residential Suburb", and recorded in Plat Cabinet B, Page 053A, Henderson County Registry, (the "Property"), LESS AND EXCEPT any prior out-conveyances, and to construct, reconstruct, operate, patrol, maintain, inspect, repair, replace, relocate, add to, modify and remove electric and/or communication facilities thereon including but not limited to, supporting structures such as poles, cables, wires, underground conduits, enclosures/transformers, vaults and manholes and other appurtenant apparatus and equipment (the "Facilities") within an easement area being twenty (20) feet wide, together with an area ten (10) feet wide on all sides of the foundation of any DEC enclosure/transformer, vault or manhole (the "Easement Area"), for the purpose of transmitting and distributing electrical energy and for communication purposes. The center line of the Facilities shall be the center line of the Easement Area.

The right, privilege and easement shall include the following rights granted to DEC: (a) ingress and egress over the Easement Area and over adjoining portions of the Property (using lanes, driveways and paved areas where practical as determined by DEC); (b) to relocate the Facilities and Easement Area on the Property to conform to any future highway or street relocation, widening or improvement; (c) to trim and keep clear from the Easement Area, now or at any time in the future, trees, limbs, undergrowth, structures or other obstructions, and to trim or clear dead, diseased, weak or leaning trees or limbs outside of the Easement Area which, in the opinion of DEC, might interfere with or fall upon the Facilities; and (d) all other rights and privileges reasonably necessary or convenient for DEC's safe, reliable and efficient installation, operation, and maintenance of the Facilities and for the enjoyment and use of the Easement Area for the purposes described herein.

Notwithstanding anything to the contrary above:

- 1) It is understood and agreed that the general location of the Easement Area is shown on the sketch attached hereto as Exhibit A and recorded herewith. The final and definitive location of the Easement Area shall become established by and upon the final installation and erection of the facilities by DEC in substantial compliance with Exhibit A hereto.
- 2) It is understood and agreed that, DEC shall not install facilities outside of said Easement Area without obtaining another EASEMENT.

TO HAVE AND TO HOLD said rights, privilege, and easement unto DEC, its successors, licensees, and assigns, forever, and GRANTOR, for itself, its heirs, executors, administrators, successors, and assigns, covenants to and with DEC that GRANTOR is the lawful owner of the Property and the Easement Area in fee and has the right to convey said rights and Easement.

IN WITNESS WHEREOF, this EASEMENT has been executed by GRANTOR and is effective as of the Effective Date herein.

City of Hendersonville

By: _____

John Connet, City Manager

ATTEST:

Tammie Drake, Clerk

(Affix Official Seal)

NORTH CAROLINA, _____ COUNTY

I, _____, a Notary Public of _____ County, North Carolina, certify that Tammie Drake personally appeared before me this day and acknowledged that she is Clerk of the City of Hendersonville, and that by authority duly given and as the act of said City of Hendersonville, the foregoing EASEMENT was signed in its name by its City Manager, sealed with its official seal, and attested by herself as its Clerk.

Witness my hand and notarial seal, this _____ day of _____, 20____.



(Notary Seal)

Notary Public

My commission expires: _____

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

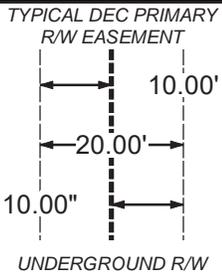


EXHIBIT "A"

Patrick Wade Patterson
PID #9569532441

David Mayo
PID #9569532362

Stephen Richard White
PID #9569532286

Halina Bochynek
PID #9569532290

Jeremy Brett Hulsey
PID #9569533113

James R. Worrell Sr.
PID #9569530229



Joyce M. Granere
PID #9569530222

William Hunter O'Cain
PID #9569439192

City of Hendersonville
PID #9569531155

THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS

Teri Davies
PID #9569439082

Peter Alan Willoughby
PID #9569523908



LEGEND

- EXISTING STREET LIGHT
- PROPOSED PADMOUNT TRANSFORMER
- PROPOSED UNDERGROUND PRIMARY
- PROPOSED UNDERGROUND SECONDARY
- PROPERTY BOUNDARY
- ADJACENT PROPERTY BOUNDARY
- STRUCTURES



APPROXIMATE LOCATION OF DISTRIBUTION R/W ACROSS PROPERTY OF CITY OF HENDERSONVILLE

LOCATION: Intersection of Druid Hills Ave, Norwood Place, & Kimberly Street

SCALE: 1:6,000

DATE: 11/14/2019

DRAWN: CB

CHECKED: KA

DWG NO: 31284982

SHEET: 1 of 1



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Jennifer Musselwhite

Department: Finance

Date Submitted: 11/19/2019

Presenter: Jennifer Musselwhite

Date of Council Meeting to consider this item: 12/05/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 12e

The Deputy Tax Collector, Jennifer Musselwhite, would like to submit for your approval the tax bill adjustments occurring between October 21, 2019 and November 19, 2019. These adjustments include all Discoveries, Releases, Refunds, and Forgiven Interest. These adjustments were provided by Henderson County Tax Department. Documentation is available in the Tax Office.

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

Suggested Motion:

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

Attachments:

Summary Total of Tax Adjustments

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

FOR TRANSACTIONS AS OF 11/20/2019

<i>VALUE CHANGE</i>	\$	(6,276,521)
<i>RELEASES</i>	\$	(33,366.69)
<i>REFUNDS</i>	\$	-
<i>FORGIVEN INTEREST</i>	\$	-
TOTAL TAX BILL ADJUSTMENTS	\$	(33,366.69)

<i>Adjustments, Releases, Refunds are provided by Henderson County Tax Office</i>



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Rhonda Wiggins

Department: Utilities

Date Submitted: November 19, 2019

Presenter: Lee Smith

Date of Council Meeting to consider this item: December 5, 2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 12f

Water Extension Request

Captain Smyths Subdivision, located on Trenholm Road

This project requires an extension of the City of Hendersonville's water system to provide service to a proposed 10 lot single family residential subdivision.

Water service will be provided by the extension of 1,211 lf of 6" DIP/CL-350 and two fire hydrants.
Sewer service will be provided by individual septic systems.

This project is within the Zoning and Planning Jurisdiction of the Village of Flat Rock and has received approval dated September 3, 2019

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

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

This project will be funded by the developer, Four Seasons Investment Properties, LLC of Columbus, NC

Suggested Motion:

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

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 11/19/2019

Presenter: John Connet

Date of Council Meeting to consider this item: 12/5/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 12h

Hands On! Children's Museum has requested the use of Berkeley Park on May 30, 2020 for the 2020 Mud Run. Activities will include the Mud Run, After-Party, Kids Zone and Festival. The After-Party typically includes the serving of alcohol. City staff recommends approving Hands On! Children's Museum's request to use Berkeley Park and serve alcohol for the 2020 Mud Run and authorize the City staff to work out the logistics for the After-Party and Kids Zone with Joseph Knight.

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 that the City Council resolve to allow Hands On! Children's Museum to use Berkeley Park on May 30, 2020 for the 2020 Mud Run and serve alcohol during the event.

Attachments:

Request from Executive Director Joseph Knight

Connet, John

From: Joseph Knight
Sent: Monday, November 04, 2019 3:54 PM
To: Connet, John
Subject: Mud Run 2020 Date

Follow Up Flag: Follow up
Flag Status: Completed

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

Hi John,

I hope you're doing well! I understand that the City Council is meeting later this week, and I wanted to provide you with the date for the 2020 Mud Run. We are planning to have the event at Berkeley Park on Saturday, May 30, 2020 pending approval from the City Council.

We would also like to request permission to use the Baseball Field as well for our new Kids Zone and Festival. Please know that the Baseball Field would not be used for any obstacles and the grounds would not be altered in any way.

Please let me know if you have any questions, or need any additional information. As always, we appreciate the City's support of this most cherished event!

All the best,

Joseph

--



Joseph C. Knight

Executive Director

Hands On! Children's Museum

p: 828.697.8333 ext. 223

a: 318 North Main Street | Hendersonville, NC 28792

w: www.handsonwnc.org



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Chief Herbert Blake

Department: Police

Date Submitted: 11/21/2019

Presenter: Chief Herbert Blake

Date of Council Meeting to consider this item: 12/05/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 12i

New job description

This agenda item request is to classify a new job description for a part time position for the Hendersonville Police Department named "Police Part-Time Operations Specialist". This position would provide assistance in many different areas: Receptionist, 911 assistant, records assistant, evidence assistant, etc. This position would be a Grade 10.

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 job description for Police Part-Time Operations Specialist and classification.

Attachments:

Police Part-Time Operations Specialist

Primary Reason Why Classification Exists

To perform a variety of specialized operations work in different areas, including police receptionist, police dispatch, police records, police evidence, police administration, and general non-sworn police duties.

Distinguishing Features of Class

An employee in this class performs specialized activities for the police department. These activities might include providing operations support for 911 dispatching service in the police 911 center, receptionist to greet and assist the public, providing operations support with entering and processing police reports in the police records center, assisting the evidence technician in the evidence room, assisting an administrative assistant. Performs other duties as required including but not limited to cleaning, organizing, office tasks, festivals, fairs, events, ceremonies, etc.

Illustrative Examples of Work

- Greets citizens in the lobby of the police department.
- Enters written reports into the department's Records Management System
- Retains and maintains records in accordance with the North Carolina Records Retention Act and other applicable Federal, State and Local regulations
- Receives incoming calls from the public; evaluates requests for service; prioritizes the call according to protocol and dispatches City Police
- Tracks the movement and maintains chain of custody documentation for all property and evidence. Checks items in computerized evidence storage program.
- Assists with reports, special projects, and other office duties.
- Assists by manning booths at fairs, festivals, and special events.

Knowledge, Skills and Abilities:

- Ability to work with and maintain confidentiality of law enforcement information
- Considerable knowledge of the forms, terminology, methods and procedures used in a municipal police department
- Knowledge of modern office practices, terminology, procedures, and equipment
- Knowledge of business arithmetic and English grammar and sentence structure
- Knowledge of computers and various software applications including word processing and spreadsheet applications
- Ability to make routine decisions in accordance with rules, laws, ordinances, regulations and established policies
- Some knowledge of city geography and street locations
- Ability to work nights and weekends

Physical Requirements

Work in this class is generally sedentary. Work requires some light physical activity such as walking, reaching, stooping and repetitive motion of the wrists, hands, and fingers using dexterity in the hands for typing and operation of standard office equipment. Work also includes the ability to see, hear, talk, and physically move about the office. Visual acuity is necessary to read materials and operate computer terminals and other office equipment. Work in this class

may require physical requirements of a different category depending on specific work assignment as determined by the supervisor.

Working Conditions

Work is primarily performed indoors. The noise level in the work environment is usually quiet; however, there may be increased risk for exposure to personal danger and other workplace hazards as a result of direct contact with individuals who may become irate, hostile or aggressive. Some work areas are devoid of primary lighting due to visibility requirement of multiple computer screens.

Education

Graduation from High School or GED.

Experience

Some prior experience with office and clerical work.

Special Requirements

- Valid Drivers' License

FLSA Status: Nonexempt

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.

November 20019



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Admin

Date Submitted: 11/19/2019

Presenter: John Connet

Date of Council Meeting to consider this item: 12/5/2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 12j

North Carolina General Statute 160A-266(b) allows us to sell personal property owned by the City valued at less than \$30,000 at a fair market negotiated price. Councilman Stephens has requested permission to buy his tablet device from the City. I have researched similar devices on e bay and the average sale price is \$285.00. He has agreed to purchase the tablet for that amount. Therefore, I recommend selling the Microsoft Surface Pro 3 to former Councilman Stephen's for amount of \$285.00.

Budget Impact: \$ 285.00 Is this expenditure approved in the current fiscal year budget? N/A If no, describe how it will be funded.

Revenue to purchase replacement tablet for new Councilmember.

Suggested Motion:

I move City Council to resolve to approve the sale of the Microsoft Surface Pro 3 tablet to former Councilman Stephens for \$285.00.

Attachments:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Daniel Heyman, Senior Planner

Department: Development Asst Dept

Date Submitted: 11-19-2019

Presenter: Daniel Heyman, Senior Planner

Date of Council Meeting to consider this item: 12-05-2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 13

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

The map distance from the proposed satellite corporate limits is approximately 1,656 feet from the primary corporate limits. The total area within the satellite corporate areas constitutes 5.9 percent of the area within the primary corporate limits. At your meeting of November 7, 2019 you accepted the Clerk's Certificate of Sufficiency and recommended a public hearing for the annexation.

The parcel is currently zoned by Henderson County. According to G.S. 160A-360(f), if the property is annexed, the county regulations shall remain in effect for 60 days. During this time the City may hold hearings and take any other measures that may be required in order to adopt its regulations for the area

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

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

Suggested Motion:

I move the City Council adopt an ordinance annexing the property included in the petition from D2/Dairi-O, LLC effective December 5, 2019, and direct Development Assistance Department staff to initiate a zoning map amendment for the property in accordance with adopted plans and policies.

Attachments:

- Ordinance
- Survey
- Map
- Clerks Certificate of Sufficiency

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF HENDERSONVILLE, NORTH CAROLINA
D-2/DAIRI-O, LLC**

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall, Hendersonville, N.C. at 5:45 p.m., on the fifth day of December 2019, after due notice by publication as by law provided; and,

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

- a. All of the proposed satellite corporate limits are less than three miles from the primary corporate limits of Hendersonville. The map distance is 1,656 feet.
- b. No point on the proposed satellite corporate limit is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
- c. The area is situated so that the City of Hendersonville, if City Council so determines, will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- d. The area proposed for annexation is not a subdivision as defined in NCGS 160A-376.
- e. The area within the proposed satellite corporate limits when added to the areas within all other satellite corporate limits does not exceed 10 percent (10%) of the area within the primary corporate limits of the City of Hendersonville. The total area within the satellite corporate areas, including land involved in this petition, constitutes 5.9 percent of the area within the primary corporate limits.

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

Section 1. By virtue of the authority granted by N.C.G.S. 160A-58.1, as amended, the following described area is hereby annexed and made part of the City of Hendersonville as of the seventh of February 2019.

DESCRIPTION OF PROPERTY

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

PARCEL IDENTIFICATION NUMBER 9577-89-1783:

BEGINNING at a new iron pin which stands in the southeastern margin of the 60 foot right of way of Upward Road (SR #1722), said Beginning point standing South 77 degrees 48 minutes West 645.5 feet from a right of way monument of the North Carolina Department of Transportation, which right of way monument stands at the most northerly corner of the remaining property of Margie O. Jones as described in deed recorded in DB 523, PG 575, Henderson County Registry, following the taking by the Department of Transportation; and running from said Beginning point South 36 degrees 06 minutes East 155.3 feet to a new iron pin standing at the most northerly corner of the property now or formerly of Hunnicutt as described in deed recorded in DB 407, PG 557, Henderson County Registry; and running thence with the northwestern boundary of the Hunnicutt property South 45 degrees 59 minutes West 138 feet to a new iron pin standing in the northeast margin of the 26 foot right of way of Old Spartanburg Highway (SR #1803); and running thence with the northeastern margin of the 26 foot right of way of Old Spartanburg

Highway North 44 degrees 51 minutes West 87.6 feet; North 43 degrees 32 minutes West 75.80 feet; North 28 degrees 59 minutes West 31.8 feet; North 09 degrees 26 minutes West 30.6 feet; North 17 degrees 36 minutes East 17.5 feet to a new iron pin standing in the southern margin of the 60 foot right of way of Upward Road (SR #1722); and running thence with the southern margin of the 60 foot right of way of Upward Road North 77 degrees 48 minutes East 140 feet to the point and place of BEGINNING, containing 0.68 acre, more or less, and being identified as Lot #1 on that survey for Margie O. Jones accomplished by Freeland-Clinkscales and Associates, Inc.

The above described parcel includes all of Tract 1 on plat recorded in PB 2017, Slide 10761 drawn by McAbee & Associates, PA.

PARCEL IDENTIFICATION NUMBER 9577-89-3603:

BEGINNING at a stake in the northeast margin of the Old Spartanburg Highway, said stake standing South 45 degrees East along the eastern margin of said highway, 309 feet from the intersection of the center of said Old Spartanburg Highway with the center of Upward Road and runs thence from said Beginning corner with the center of the Old Spartanburg Road, South 45 degrees East 100 feet to a point in the center thereof; thence leaving said road, North 45 degrees 30 minutes East 150 feet to a stake; thence North 4;5 degrees West 100 feet to a stake; thence South 45 degrees 30 minutes West 150 feet to the BEGINNING, and being a portion of the Tract conveyed to C. M. Jones by E. L. Porter. And being all of that property described in DB 407, PG 557, Henderson County Registry.

The above described property includes all of Tract 2 on plat recorded in PB 2017, Slide 10761, drawn by McAbee & Associates, PA.

PARCEL IDENTIFICATION NUMBER 9577-89-3576:

BEGINNING at a point in the centerline of the Old Spartanburg Highway, said point being the southernmost corner of the Dewey Hunnicutt property described in DB 407, PG 557, Henderson County Registry, and runs thence from said Beginning North 45 degrees 30 minutes 00 second East, passing a new iron pin at 30 feet, a total distance of 170 feet to a new iron pin; thence South 45 degrees 00 minute 00 second East 95 feet to a new iron pin; thence South 45 degrees 30 minutes 00 second West, passing an iron pin at 140 feet, a total distance of 170 feet to a point in the centerline in the Old Spartanburg Highway; thence with said highway North 45 degrees 00 minute 00 second West 95 feet to the BEGINNING and containing 0.371 acre, more or less, according to a survey by William Patterson, RLS, dated June 1988, captioned "Portion of the property of Margie Jones" and identified as Job No. 88-06-64B. Being a portion of the property described in Deed to Margie O. Jones described in DB 523, PG 575, Henderson County Registry.

The above described property includes all of Tract 3 on plat recorded in PB 2017, Slide 10761, drawn by McAbee & Associates, PA.

PARCEL IDENTIFICATION NUMBER 9577-89-4851:

BEGINNING at a stake standing in the southern margin of the 60 foot right of way of Upward Road (SR 1722), said Beginning point standing South 77 degrees 48 minutes West 398.3 feet from the right of way monument of the NC Department of Transportation which monument stands at the most northerly corner of the remaining boundary of the property of Margie O. Jones as originally conveyed to her by deed recorded in DB 523, PG 575, Henderson County Registry; and running thence from said Beginning point and with the southern margin of the 60 foot right of way of Upward Road, South 77 degrees 48 minutes West 150 feet to a new iron pin; thence leaving the right of way of Upward Road and running South 36 degrees 06 minutes East 155.3 feet to a new iron pin; and South 44 degrees 34 minutes East 100 feet to a new iron pin; and running thence North 45 degrees 59 minutes East 20 feet to an established iron pin; and running thence South 44 degrees 34 minutes East 95.1 feet to a new iron pin standing in the northwestern boundary of the right of way of Upward Road Extension, said last named right of way being 80 feet in width and running thence with the northwestern boundary of the 80 foot right of way of Upward Road Extension, North 50 degrees 24 minutes East 140 feet to a new iron pin; and running thence North 50 degrees 24 minutes East 30.1 feet to a new iron pin; thence leaving Upward Road Extension and running North 34 degrees 14 minutes 28 seconds West 235.4 feet to the point and place of BEGINNING,

containing 1.20 acres, more or less, and being identified as Lot #2 on that survey for Margie O. Jones as prepared by Freeland-Clinkscales and Associates, Inc. And being all of that property described in Deed recorded in DB 11041 PG 4211 Henderson County Registry.

The above described property includes all of Tract 4 as shown on Plat recorded in PB 2017, Slide 10761.

PARCEL IDENTIFICATION NUMBER 9577-89-6845:

BEGINNING at a right of way monument standing in the southern margin of the 60-foot right of way of Upward Road {SR #1722), said Beginning point being the most northerly corner of the remaining property of Margie O. Jones as described in Deed recorded in DB 5231 PG 5751 Henderson County Registry, remaining after the taking by the North Carolina Department of Transportation, and running from said Beginning point and with the intersection of Upward Road (SR #1722) and Upward Road Extension South 09 degrees 47 minutes West 89.3 feet to a new iron pin standing in the northwestern margin of the 80 foot right of way for Upward Road Extension; and running thence with the northwestern margin of the right of way of Upward Road Extension South 52 degrees 28 minutes West 204.1 feet to a new iron pin; and continuing with the right of way of said Upward Road Extension South 52 degrees 28 minutes West 104.1 feet to a new iron pin; thence leaving the right of way of Upward Road Extension and running North 34 degrees 14 minutes 28 seconds West 235.4 feet to a new iron pin standing in the southern margin of the 60 foot right of way of Upward Road; and running thence with the same North 77 degrees 48 minutes East 398.2 feet to the point and place of BEGINNING, containing 1.39 acres, more or less, and being identified as Tract #3 on the survey for Margie O. Jones accomplished by Freeland-Clinkscales and Associates, Inc.

The above described property includes all of Tract 5 on plat recorded in PB 2017, Slide 10761, drawn by McAbee & Associates, PA.

Section 2. Upon and after the fifth day of December 2019, the above described territory, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Hendersonville, and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-31, as amended.

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

ADOPTED this fifth day of December 2019.

Barbara Volk, Mayor, City of Hendersonville

ATTEST:

Tammie K. Drake, CMC, City Clerk

APPROVED AS TO FORM:

Samuel H. Fritschner, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, a Notary Public in Henderson County, State

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

Witness my hand and notarial seal, this _____, 2019.
My commission expires:

SLIDE 10761

NOTES:
1) THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY PER D.F.J.R.M.#37009577001 EFFECTIVE OCTOBER 2ND, 2006.
2) PROPERTY SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD, INCLUDING, BUT NOT LIMITED TO, THOSE SHOWN HEREON.
3) SURVEYOR WAS NOT PROVIDED WITH A LEGAL TITLE SEARCH. THERE MAY BE DIST. EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS PERTINENT TO THIS PROPERTY THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE THAT ARE NOT SHOWN ON THIS PROPERTY.
4) BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND CONDITIONS, CONTAINERS, OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
5) AREA BY COORDINATE COMPUTATION.
6) ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES. THE COMBINED GRID FACTOR IS 0.99977439.
7) THE ELEVATION DATUM OF THIS SURVEY IS NAVD '88. THE CONTOUR INTERVAL IS ONE FOOT.
8) SUBJECT PROPERTY IS ZONED 'CC - COMMUNITY COMMERCIAL' PER THE HENDERSON COUNTY ZONING ORDINANCE. REFER TO THIS ORDINANCE FOR REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY.

BUILDING SETBACKS (PER CC CLASSIFICATION):
FRONT (BOULEVARD)= 30'
FRONT (LOCAL ROAD)= 10'
FRONT (COLLECTOR ROAD)= 10'
SIDE= 10'
REAR= 10'

REFERENCES:
- DB 956 PG 320
- DB 1104 PG 421
- DB 956 PG 311
- DB 407 PG 557
- DB 721 PG 915
- NCDOT PLANS FOR PROJECT R-4430

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON
Tina Ball
REVIEW OFFICER OF HENDERSON COUNTY, CERTIFY THAT THE MAP OR PLAN TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
Tina Ball 7-13-2017
REVIEW OFFICER DATE

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON
REGISTERED THIS THE 13th DAY OF JULY 2017
AT 11:16 AM O'CLOCK, RECORDED IN PLAT SLIDE 10761 BY William Lee King
DEPUTY
REGISTER OF DEEDS

TOTAL AREA OF SURVEY 2.639 ACRES



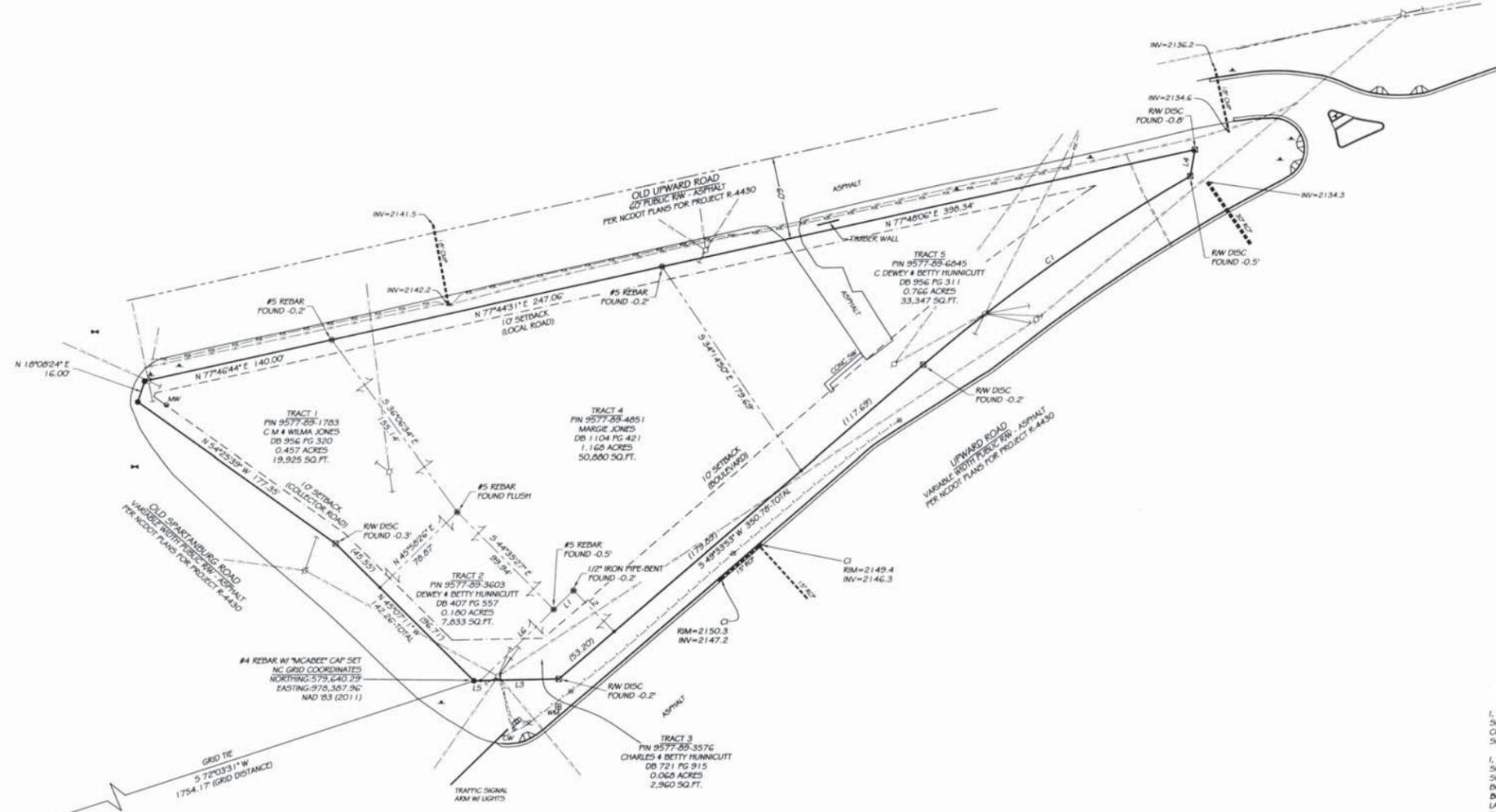
DATE: 7-12-17
PROJECT #: 18200
DRAWING #: G-17-4066
DRAWN BY: AWK
SCALE: 1"=50'

OWNERS
TRACT 1
PIN 9577-69-1793
C M & WILMA JONES
61 EAGLE POINT WAY
FLAT ROCK, NC 28731
TRACT 2
PIN 9577-69-3603
DEWEY & BETTY HUNNICUTT
466 VILLAGE GREENWAY
FLAT ROCK, NC 28731
TRACT 3
PIN 9577-69-3576
CHARLES & BETTY HUNNICUTT
466 VILLAGE GREENWAY
FLAT ROCK, NC 28731
TRACT 4
PIN 9577-69-4851
MARGIE JONES
3355 SANDWEDGE LANE
SNELLVILLE, GA 30039
TRACT 5
PIN 9577-69-6445
C DEWEY & BETTY HUNNICUTT
466 VILLAGE GREENWAY
FLAT ROCK, NC 28731

RECOMBINATION SURVEY FOR: DAIRI-O RESTAURANTS

HENDERSONVILLE TOWNSHIP
HENDERSON COUNTY, N.C.

PIN 9577-69-1793
PIN 9577-69-3576
PIN 9577-69-4851
PIN 9577-69-6445



BOOK 2017 PAGE 10761 (1)



This document presented and filed: 07/13/2017 11:18:15 AM
WLL
WILLIAM LEE KING, Henderson County, NC

I, ERIC S. MCABEE, CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS A RECOMBINATION OF EXISTING PARCELS OF LAND, A COURT-ORDERED SURVEY OR ANOTHER EXCEPTION TO THE DEFINITION OF A SUBDIVISION.
I, ERIC S. MCABEE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION. DEED DESCRIPTION RECORDED IN BOOK 956 PAGE 320, BOOK 1104 PAGE 421, BOOK 407 PAGE 557, BOOK 721 PAGE 915, AND BOOK 956 PAGE 311; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:110,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 (X1) (D) AS AMENDED. WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE 12TH DAY OF JULY, 2017.

Eric S. Mcabee



MCABEE & ASSOCIATES, P.A.
PROFESSIONAL LAND SURVEYING
Eric S. Mcabee, PLS
J. Barry Wiest, PLS
3 McAbee Trail, Fannville, North Carolina, 28730
www.mcabeesurvey.com Firm License Number: C-684

GLOBAL POSITIONING SYSTEM CERTIFICATION
I, ERIC S. MCABEE, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
1) CLASS OF SURVEY: CLASS A SURVEY
2) POSITIONAL ACCURACY (95% CONFIDENCE): 0.04' HORIZONTAL 0.08' VERTICAL
3) TYPE OF GPS FIELD PROCEDURE: RTK NETWORK SOLUTIONS USING A SPECTRA PROMARK 700 DUAL FREQUENCY RECEIVER
4) DATE OF SURVEY: 1/20/16
5) DATUM / EPOCH: NAD83 / EPOCH 2011
6) PUBLISHED / FIXED CONTROL USED: N/A
7) GRID MODEL: 2011A
8) COMBINED GRID FACTOR: 0.99977439
9) UNITS: US SURVEY FEET

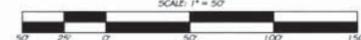


Table with 4 columns: CURVE, RADIUS, ARC LENGTH, CHORD BEARING, CHORD LENGTH. Contains data for curves C1 and C2.

- LEGEND & ABBREVIATIONS:
FB= FLAT BOOK
DB= DEED BOOK
PG= PAGE
RW= RIGHT OF WAY
PM= PARCEL IDENTIFICATION NUMBER
C= CALCULATED POINT (NOT MARKED IN FIELD)
R= RECOVERED BOUNDARY MONUMENT (SIZE AND TYPE AS NOTED)
B= BOUNDARY MONUMENT SET BY MCABEE
M= REBAR W/ 'MCABEE' CAP UNLESS OTHERWISE NOTED
+/- = ABOVE OR BELOW ADJACENT GRADE
B= BURIED FIBER OPTIC - PER PAINT MARKINGS AT TIME OF SURVEY
G= BURIED GAS LINE - PER PAINT MARKINGS AT TIME OF SURVEY
T= BURIED TRAFFIC SIGNAL LINE - PER PAINT MARKINGS AT TIME OF SURVEY
C= CURB INLET
CMF= CORRUGATED METAL PIPE
CW= CROSS WALK
A= GUY ANCHOR
INV= INVERT ELEVATION
MW= MONITORING WELL
O= OVERHEAD UTILITY LINE
RCP= REINFORCED CONCRETE PIPE
R= RIGHT OF WAY MONUMENT
S= SIGN
SW= SANITARY SEWER MANHOLE
SW= SIDEWALK
TSC= TRAFFIC SIGNAL CONTROL CABINET
TSH= TRAFFIC SIGNAL HAND HOLE
U= UTILITY POLE
WM= WATER METER
WV= WATER VALVE



CITY OF HENDERSONVILLE
OCTOBER 2019

DAIRI-O ANNEXATION P19-33-ANX

DEVELOPMENT ASSISTANCE DEPARTMENT

FAIRGROUND AVE

EAGLE PRIDE DR

VINE

OLD UPWARD RD

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

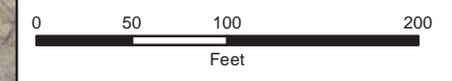
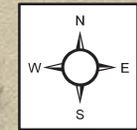
UPWARD RD

OLD SPARTANBURG RD

UPWARD RD

ALLGOOD DR

 Subject Property
 Hendersonville City Limits





CITY OF HENDERSONVILLE
OCTOBER 2019

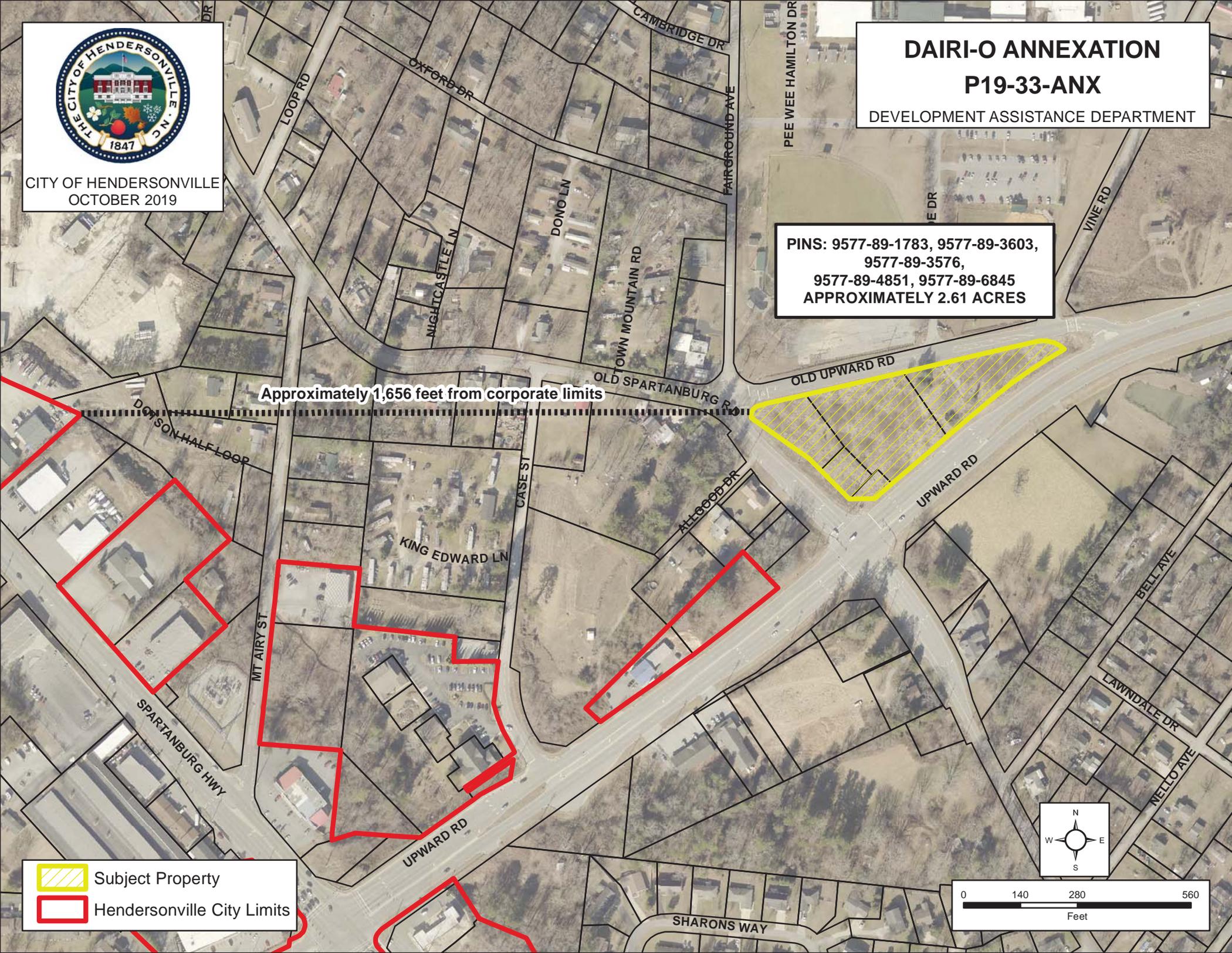
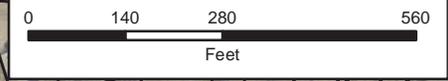
DAIRI-O ANNEXATION P19-33-ANX

DEVELOPMENT ASSISTANCE DEPARTMENT

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

Approximately 1,656 feet from corporate limits

-  Subject Property
-  Hendersonville City Limits



CERTIFICATE OF SUFFICIENCY

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

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

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

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

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

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

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



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Buchanan

Department: Finance

Date Submitted: 11/19/2019

Presenter: David Phillips

Date of Council Meeting to consider this item: 12/05/2019

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 14

Presentation of fiscal year 2019 audit by David Phillips, CPA, partner with Greene, Finney LLP

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: Management Letter, Audit Presentation



Greene Finney, LLP

CERTIFIED PUBLIC ACCOUNTANTS & ADVISORS

November 12, 2019

The Honorable Mayor and Members of City Council
City of Hendersonville, North Carolina

We have audited the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Hendersonville (the "City") for the year ended June 30, 2019 ("2019"). Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated April 23, 2019. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City are described in Note I to the financial statements. No new significant accounting policies were adopted and the application of existing policies was not significantly changed during 2019. We noted no transactions entered into by the City during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most significant sensitive estimates affecting the City's financial statements were:

Management's estimates of the useful lives of capital assets and the resulting depreciation expense are based on historical data and industry standards. Management's estimate of receivable and allowance for uncollectible balances are based on currently known information and historical collection rates. Management's estimate of the pension and OPEB balances are based on actuarial valuations (actuarial valuation assumptions are based on accounting requirements, actuarial standards, current plan design, past experience, industry norms, and future trends) prepared and certified by independent actuaries. We evaluated the key factors and assumptions used to develop these estimates in determining that they are reasonable in relation to the financial statements taken as a whole.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. For purposes of this communication, professional standards define a significant audit adjustment as a proposed correction of the financial statements that, in our judgment, may not have been detected except through our auditing procedures. An audit adjustment may or may not indicate matters that could have a significant effect on the City's financial reporting process (that may or may not cause future financial statements to be materially misstated). Since it is inherently judgmental to determine what adjustments would or would not have been detected except through our auditing procedures, a schedule of all adjusting and reporting journal entries is attached, including those prepared by the City as part of their closing process after we obtained the initial trial balance.

In our judgment, there were no material known unrecorded and uncorrected misstatements, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated November 12, 2019.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the City's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the City's auditor. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Matters for Council's Consideration

During the course of our audit, we became aware of some findings that have been reported in the compliance section of the 2019 financial statements

Other Matters

We applied certain limited procedures to the management's discussion and analysis, the pension plan schedules, and the OPEB plan schedule which are required supplementary information ("RSI") that supplement the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on the supplementary information and the schedule of expenditures of federal and state awards, as listed in the table of contents, which accompany the financial statements but are not RSI. With respect to

this information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled this information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We were not engaged to report on the introductory section or the statistical section which accompany the financial statements but are not RSI. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Restriction on Use

This information is intended for the information and use of the Mayor, City Council, and management of the City and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

A handwritten signature in cursive script that reads "Greene Finney, LLP". The signature is written in black ink on a light-colored background.

Greene Finney, LLP
Certified Public Accountants



Hendersonville
North Carolina

Financial Audit Presentation Year Ended June 30, 2019



CITY OF HENDERSONVILLE, NC 2019 FINANCIAL AUDIT

OPINION

- The City's responsibility:
 - Maintain effective internal controls
 - There are limitations on internal controls.
 - Regular risk assessment is important, including assessing the risk of fraud.
 - Financial Statements
 - Accuracy, completeness, and propriety of balances, amounts, and disclosures
 - Received the GFOA Award for Excellence in Financial Reporting for the 29th consecutive year.



CITY OF HENDERSONVILLE, NC 2019 FINANCIAL AUDIT

- Greene Finney's responsibility:
 - Opinion – reasonable assurance that financial statements are materially correct
 - Does not address the financial condition of the Organization
 - Purpose of the audit is not to detect fraud. We cannot take responsibility for finding fraud, if it existed.
- Issued unmodified opinion

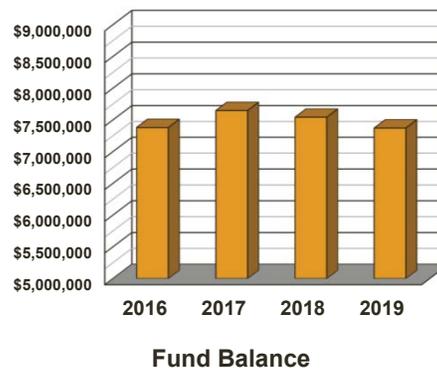


CITY OF HENDERSONVILLE, NC 2019 FINANCIAL AUDIT

• General Fund

- Total fund balance decreased \$0.2M
- Restricted fund balance of \$2.1M for Stabilization by State Statute.
- Assigned fund balance of \$0.7M as appropriated in the FY 2020 Budget.
- Nonspendable fund balance of \$0.1M for prepaids and land held for sale/redevelopment.

GENERAL FUND

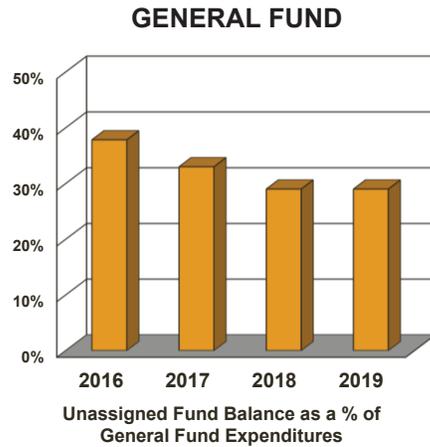




CITY OF HENDERSONVILLE, NC 2019 FINANCIAL AUDIT

• **General Fund**

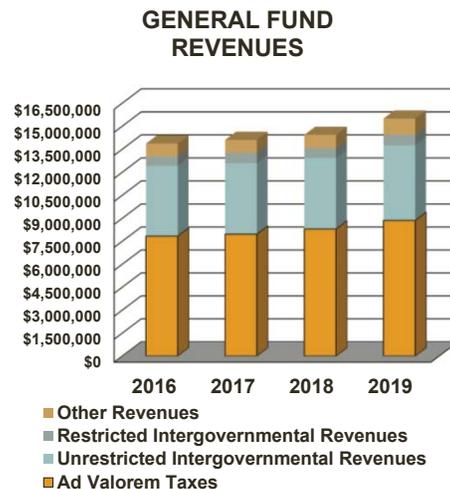
- Unassigned fund balance is \$4.5 million, which is 29% of 2019 actual expenditures and 26% of 2020 budgeted expenditures
- Meets City's fund balance policy.



CITY OF HENDERSONVILLE, NC 2019 FINANCIAL AUDIT

General Fund Revenues:

- \$15.5M for 2019:
 - \$8.9M in ad valorem taxes
 - \$4.9M in unrestricted intergovernmental revenues (i.e. local option sales tax, utility sales tax, etc.)
 - \$0.7M in restricted intergovernmental revenues (i.e. Powell Bill, grants, etc.)
 - \$1.0M for all other revenues
- \$1.1M (7%) increase from 2018
 - Increase primarily due to higher ad valorem tax revenues of \$0.6M (tax rate increase of \$.02), higher unrestricted intergovernmental revenues of \$0.3M, and higher investment earnings of \$0.2M
- \$0.6M (4%) over budget
 - Ad valorem tax revenues over budget by \$0.3M
 - Unrestricted and restricted intergovernmental revenues over budget by \$0.2M
 - Investment earnings were over budget by \$0.1M



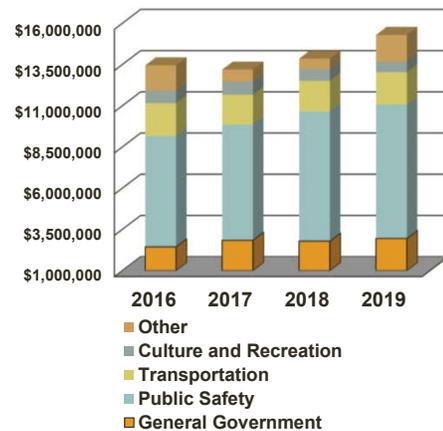


CITY OF HENDERSONVILLE, NC 2019 FINANCIAL AUDIT

General Fund Expenditures:

- \$15.3M for 2019:
 - \$3.0M in general government
 - \$8.1M in public safety
 - \$2.0M in transportation
 - \$0.6M in culture and recreation
 - \$1.6M in other expenditures (capital outlay and debt)
- \$1.4M (10%) increase from 2018
 - Increase in debt service of \$0.9M as the City elected to make its debt service payments directly from the General Fund (versus in the Debt Service Fund in the prior year)
 - Increase in wages and benefits (primarily due to pay and class study, COLA, pay for performance adjustment, and higher costs of benefits)
- \$0.6M (4%) under budget
 - General government \$0.1M under budget
 - Public safety \$0.3M under budget
 - Other expenditures \$0.2M under budget

GENERAL FUND EXPENDITURES



General Fund Net Transfers Out:

- \$1.0M for 2019 – primarily to the Governmental Capital Projects Fund to fund projects and to the Grey Hosiery Fund for land for sale/redevelopment.



CITY OF HENDERSONVILLE, NC 2019 FINANCIAL AUDIT

Water and Sewer Fund (Modified Accrual) had a decrease in fund balance of approximately \$1.6M.

- Revenues of \$16.4M, expenditures of \$15.4M, and other financing uses of \$2.6M.
- Expenditures were primarily for salaries, benefits, and other operating expenses.
- Capital asset additions of \$7.9M primarily related to water/sewer system projects (i.e. French Broad River Intake, Gravity Filter, WWTP Generator, High Service Pump Station, Equipment, etc.) and depreciation expense of \$3.2M.

Environmental Service Fund (Modified Accrual) had a decrease in fund balance of approximately \$0.1M.

- Revenues of \$1.3M and expenditures of \$1.4M.
- Expenditures were primarily for salaries, benefits, and other operating expenses.
- Capital asset additions of \$0.1M primarily related to the purchase of a truck and leaf equipment and depreciation expense of \$0.2M.



CITY OF HENDERSONVILLE, NC 2019 FINANCIAL AUDIT

Other Items of Note:

- Total capital assets were \$109.2 million at June 30, 2019 – increase of \$7.9 million from June 30, 2018:
 - Total capital asset additions of \$13.0 million which consisted mainly of:
 - Land and Easements - \$0.6M
 - Water/Sewer Projects - \$5.9M
 - CIP Projects (i.e. N. Main Street Sidewalks, Ground Maintenance Building, Restrooms, etc.) - \$3.8M
 - Machinery and Equipment and Other Capital Assets - \$2.7M
 - Depreciation expense of \$4.9M and net disposals of \$0.2M
 - Construction in progress is \$11.4 million at June 30, 2019 which primarily relates to the Police Department Building, Old Tracey Grove Road Bridge Replacement project, Grounds Maintenance Building, and various Water/Sewer projects.



CITY OF HENDERSONVILLE, NC 2019 FINANCIAL AUDIT

Other Items of Note:

- Total long-term obligations outstanding at June 30, 2019 were \$35.2 million – increase of \$2.3 million from June 30, 2018:
 - Issuance of 2018 and 2019 installment purchase contracts for \$2.5M (for ground maintenance building) and \$0.5M (vehicles and equipment), respectively.
 - Principal payments of \$2.6M made during 2019.
 - Other increases of \$1.9M relating to compensated absences, pension liabilities, and other postemployment benefit liability.
- Total debt service payments in FY 2020 on outstanding debt and installment purchase contracts is expected to be \$3.4M (\$2.7M in principal and \$0.7M in interest).



CITY OF HENDERSONVILLE, NC 2019 FINANCIAL AUDIT

AUDITING/ACCOUNTING UPDATE:

- **Future Significant Changes in Auditing Principles:**
 - In July 2018, the Comptroller General of the United States issued a new version of Government Auditing Standards (“2018 Yellow Book”) which becomes applicable for the City for FY 2020. These standards will generally make it more challenging for auditors to maintain their independence on audit engagements for which they prepare the financial statements and notes by providing more safeguard requirements.
- **Future Significant Changes in Accounting Principles:**
 - GASB Statement No. 84 “Fiduciary Activities” - provides new guidance on accounting for fiduciary activity and will become effective in FY 2020. We will need to review the City’s activities, including special revenue and capital projects funds, to determine whether they qualify as such, or should be moved to a different fund type.
 - GASB Statement No. 87 “Leases” - will be applicable for the City for FY 2021. This will require that any significant leases with a lease term greater than one year to be recorded on the City’s statements of net position (treated very similar to debt).



CITY OF HENDERSONVILLE, NC 2019 FINANCIAL AUDIT

Management Letter

- Required communications to management and those charged with governance – no comments.

Compliance

- Two audit findings were noted for FY 2019.
 - Material weakness for construction payable accrual.
 - Noncompliance finding for insufficient collateral.
- A federal or state single audit was not required for FY 2019.



CITY OF HENDERSONVILLE, NC 2019 FINANCIAL AUDIT

Summary

- Unmodified opinion on the Financial Statements from Greene Finney, LLP.
- Good financial condition as of June 30, 2019.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Brent Detwiler

Department: Engineering

Date Submitted: 11/19/19

Presenter: Brent Detwiler

Date of Council Meeting to consider this item: 12/5/19

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 15

Northside (Fletcher) Water System Improvements Project - Bid & Award Update

The Northside Water System Improvements Project was publicly bid on September 6, 2019. This project is being funded by the Division of Water Infrastructure. The bids exceeded the available loan amount and the City's consultant McKim & Creed has been working with the low bidder to potentially lower the bid. Zach Trammel from McKim & Creed will be presenting a summary of the project and an update on its potential award and overall status. Please let us know if you have any questions.

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

Suggested Motion:

N/A

Attachments:

N/A



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Lew Holloway

Department: Downtown

Date Submitted: 11/19/2019

Presenter: Lew Holloway

Date of Council Meeting to consider this item: 12/5/2019

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 16

The Downtown Program has been working to develop the Hendersonville Farmer's Market for the 2020 season. The purpose of the Hendersonville Farmer's Market is to operate a world-class market that contributes to the success of local producers and growers, provides education, expands access to farm fresh foods and creates a vibrant, diverse, community gathering place. It is the intention of the Market to support local products that are homegrown or handmade.

The Market will be located on Maple Street in front of the Historic Train Depot (650 Maple) in downtown Hendersonville's 7th Avenue District. It will be held each Saturday May 9th through October 31st. (26 Saturdays plus 2 holiday markets in Nov-Dec). Event hours will be 8:00 am to 1:00 pm. Rain or shine.

Target Market Make-up

60% Local Farmer Grower, Producer, Gatherer, Fishers

30% Bakers, Consumables, Artisans

10% Food Trucks, Young Entrepreneurs or Non-profit

This event is being supported by the 7th Avenue District and the Friends of Downtown Hendersonville non-profit and will use existing budget resources to launch in 2020.

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 the Downtown Program and Friends of Downtown Hendersonville be granted use of Maple Street for the Hendersonville Farmer's Market for the dates requested within the guidelines presented by staff for the summer of 2020.

Attachments:

2020 Hendersonville Farmer's Market Guidelines



2020 Hendersonville Farmers Market

Our Mission

The purpose of the Hendersonville Farmers Market is to operate a world-class market that contributes to the success of local producers and growers, provides education, expands access to farm fresh foods and creates a vibrant, diverse, community gathering place.

It is the intention of the Market to support local products that are homegrown or handmade.

Market Location

The Market is located on Maple Street in front of the Historic Train Depot (650 Maple) in Downtown Hendersonville.

Market Dates/Times

The 2020 Market will be held every Saturday, May 9th through October 31st.

(26 Saturdays plus 2 holiday markets in Nov-Dec)

Hours will be: 8:00 a.m. to 1:00 p.m. Rain or shine.

Membership, Vendor Categories and Fees

All pre-paid fees are nonrefundable for accepted and approved vendors. Booth Spaces are roughly 10 X 10. Signs, electric boxes and landscaping may make some spaces slightly larger or smaller.

Target Market Make-up

- 60% Local Farmer Grower, Producer, Gatherer, Fishers
- 30% Bakers, Consumables, Artisans
- 10% Food Trucks, Young Entrepreneurs or Non-profit

Eligible Vendors are:

- Growers – vegetable, fruits, plants, flowers
- Producers – meats, cheese, other dairy product, coffee roasters, flowers and eggs
- Gatherers – wild herbs, honey and mushrooms
- Fishers – fresh caught fish or shellfish
- Bakers – makers of locally baked breads and sweets
- Consumables - prepared foods produced, packaged, labeled, and marketed in accordance with state and federal regulations such as jarred goods, jams, relishes, beverages or prepared foods. Preference given for locally sourced ingredients.
- Artisans – creator, maker, originator of items like woodwork, pottery, fabric arts or clothing, body care products, soaps, candles, metal works, art, and crafts. All items must be made by the vendor or the vendor's family and be of original design. Preference given for locally sourced products.
- Young Entrepreneurs – Middle or High School Henderson County, or BRCC student with a budding business.
- Food Trucks – breakfast and lunch type foods
- Non-profits – Henderson County based

Types of Market Spaces and Pricing:

1. Reserved Season

Vendor are expected to select and participate in at least 20 of the 26 dates listed on the application to qualify for this rate. Vendors will receive first consideration on space selection, final determination is at the discretion of the Market Manager.

a. Eligible Vendors – \$125 per season

b. Food Truck – \$300 per season 2 available (breakfast type food is encouraged)

2. Reserved Limited Season – \$75 per season

Vendor are expected to select and participate in at least 10 and no more than 13 of the 26 dates listed on the application to qualify for this rate. Depending on the amount of space open a different space may be assigned each week.

3. Day Vendors – \$15 per market

In order to maintain the required ratio of farmers to artisans and others, we allow a limited number of pre-approved “Day Vendors” per market day. These spaces must be requested 72 hours in advance. The number of openings available will change from week to week.

4. Small Farmer Table – \$60 per season

A tent with 4 tables will be provided on the Depot plaza for Hobby Farmers. Small Farmers are described as farmer start up (in business for less than 2 years or farms on an acre or less). One table only will be provided. Vendors of these spots must bring display items including tablecloths.

Other Unreserved Pricing:

5. Non-Profits – \$25 Limit of 2 dates per year

We limit the number of non-profits and limit what might be sold so as not to compete with our vendors.

6. Young Entrepreneur – \$10.00 per market

As a service to our community, with a specific emphasis on our youth, the Market will offer booth space to young entrepreneurs who attend school within the Henderson County School District, subject to availability and approval by the Market Manager. Please call 828-233-3205 for more information

Additional Offerings and Discounts

- **Electric** – Only available for reserved spaces at Market Manager discretion
- **Adjoining Space Rentals** (if available) – \$25.00 discount
- **A Scholarship/grant program** available on a limited basis for hobby, new to farming or small farmers. Please contact the Market Manger at 828-233-3205 for more information.

Hendersonville Farmer Market Season

<input type="checkbox"/> May 9	<input type="checkbox"/> May 16	<input type="checkbox"/> May 23	<input type="checkbox"/> May 30	<input type="checkbox"/> June 6
<input type="checkbox"/> June 13	<input type="checkbox"/> June 20	<input type="checkbox"/> June 27	<input type="checkbox"/> July 4	<input type="checkbox"/> July 11
<input type="checkbox"/> July 18	<input type="checkbox"/> July 25	<input type="checkbox"/> Aug 1	<input type="checkbox"/> Aug 8	<input type="checkbox"/> Aug 15
<input type="checkbox"/> Aug 22	<input type="checkbox"/> Aug 29	<input type="checkbox"/> Sept 5	<input type="checkbox"/> Sept 12	<input type="checkbox"/> Sept 19
<input type="checkbox"/> Sept 26	<input type="checkbox"/> Oct 3	<input type="checkbox"/> Oct 10	<input type="checkbox"/> Oct 17	<input type="checkbox"/> Oct 24
<input type="checkbox"/> Oct 31	<input type="checkbox"/> Nov 23	<input type="checkbox"/> Dec 5		

Vendor Eligibility, Restrictions and Selection

Regional farmers form the core of our market and we limit other vendor types in proportion to the number of active farmers vending. We encourage local vendors that grow, produce or create items in WNC. Henderson County residents are given priority during the selection process. The Market Manager may pursue needed products from the larger region when a vendor is not available in Henderson County.

Non-farm applicants with products produced by others will be considered based on product appeal and contribution to the overall market's product mix (e.g. seafood, coffee, etc.).

Preference is given to those;

- ✓ who are over 50% represented at market by the owner, business co-owner or family member listed on the vendor application.
- ✓ farm vendors that are 100% producer.
- ✓ who sell products and foods produced, prepared, or processed locally.

Vendor Restrictions

- ✓ Vendors shall not sell imported or secondhand items.
- ✓ Vendors shall not be franchises.
- ✓ Vendors may only sell products listed on their application. Requests to list a new product must be submitted in writing or by email at least one week prior to sale. New products are approved at the discretion of the Market Manager.
- ✓ Vendors may sample a product they are selling at the market, but they may not accept payment of any kind for samples.
- ✓ With specific permission of the Market Manager, you may “carry” and sell a food or produce item for another vendor, thereby selling their product at your space. If interested in this, please request a “Carrying Application” from the Market Manager.

Final Vendor Selection

There is a jury process to review market applications deemed appropriate for the market. You are only fully approved when application and booth payments are made. The Market Manager and Events Committee has the right to deny any applicant.

Applications are required yearly and will be reviewed by the Market Manager. If the item to be sold is an arts or crafts item, a photo(s) must be submitted as well. Photos may be emailed to Applicant will be notified if they have received preliminary approval.

NOTE: A new vendor may be put on a waiting list, particularly if they wish to sell an item in a category that is already saturated at the market.

Questions: Contact Dalleen Jackson

828-233-3205

Hendersonville Farmers' Market Guidelines and Management



Vendor Responsibilities - General

- ✓ Spaces shall not be “sublet.”
- ✓ The Hendersonville Farmers Market requires that all vendors comply with standards of professionalism that promote open communication, mutual respect, and the best interests of the market. Disruptive actions that undermine the shared success of our community of vendors are unacceptable. Failure to comply with these standards may result in suspension from the market.
- ✓ All food trucks are reserved vendors. They include a double space and access to electrical service. All food trucks are required to be in attendance for 20 of the 26 market dates, unless an alternative schedule has been approved by the market manager.
- ✓ The Hendersonville Farmers Market reserves the right to make a scheduled visit to the farm, garden, kitchen, office, workshop, or processing facility of any vendor.
- ✓ All vendors are individually responsible for any and all licenses, permits, certifications, and inspections required for sale of their product at the market.
- ✓ Vendors shall participate in the market token program where applicable.
- ✓ Vendors will bring only fresh, quality products to the market.
- ✓ Vendors are required to display a visible sign at their booth identifying them by name and location of their farm/business. If any items are carried (sold for another vendor), that info must also be displayed.
- ✓ Vendors will clearly display prices on all items.
- ✓ Vendors may not bring family pets or farm animals to the market.
- ✓ Vendors must wear shoes and shirt.
- ✓ Vendors may not smoke (or use other tobacco like products, vaping, snuff, chewing tobacco) at the market.
- ✓ Vendors may not consume alcohol at the market.
- ✓ Vendors give their permission to be photographed while at the market and have their image used in any Hendersonville Farmers Market promotions.

Vendor Responsibilities – Set-Up

- ✓ Vendors will, typically, be assigned the same location week-to-week. However, weekly modifications to the site plan, including vendor placement, are made at the discretion of the market manager.
- ✓ You must supply your own canopy, tables, chairs, and weights.
- ✓ Tents and umbrellas must be tied down at all times in compliance with the Fire Marshall regulations.
- ✓ Per compliance with the Fire Marshall regulations; double parking even temporarily on Maple Street is prohibited if it prevents at least one vehicle to pass.
- ✓ Vendors are individually responsible for setup, cleanup and safe operation of their space.
- ✓ Vendors shall enter from 7th Ave. and proceed south on Maple Street to your space. Maintain an open lane, do not block Maple Street by double parking or stopping in the middle of the street.
- ✓ Once you have unloaded your vehicle, please proceed south on Maple Street and park in the County Courthouse lot along Fourth Ave.
- ✓ Maple Street will be closed at 6:00 am and will allow vendor traffic only.
- ✓ Vendors must arrive to set up by 7:30 am and must be finished with set up by 8:00 am.
- ✓ Vendors must move their vehicles to designated vendor parking areas before 8:00 am. Vendor vehicles remaining in the event area after 8:00 am will receive one warning. A second violation of this rule will result in the loss of their next scheduled market date.
- ✓ Vendors shall not break down their site nor depart prior to 1:00 pm. No vehicles will be allowed access on Maple Street until 1:00 pm or until customers have vacated the premises. Vendors who depart prior to 1:00 pm will receive one warning. A second violation of this rule will result in the loss of their next scheduled market date.
- ✓ If you are finished for the day prior to 1:00 pm, meet and talk with customers, vendors and market staff.
- ✓ At 1:00 pm vendor vehicles will be allowed to enter Maple Street from Fifth Ave. and proceed north to your space. Maintain an open lane, do not block Maple Street by double parking or stopping in the middle of the street.
- ✓ Vendor clean-up must be completed by 2:00 pm.
- ✓ Once you've completed your clean-up please proceed north to Seventh Avenue to exit the event area.
- ✓ Vendors may not set up after the market opens nor close before the market ends.

Vendor Responsibilities - Attendance

- ✓ Vendors must provide advance notice for a market absence. Preferably at least by midnight the Thursday night before market if they will not be attending.
- ✓ Long term absences due to exceptional circumstances may be reviewed by the Downtown Program and/or market manager.
- ✓ A member may petition for an excused absence by written request submitted to the market manager within thirty days of the missed market date.

- ✓ Appeals due to circumstances beyond the vendor's control will be reviewed by the manager and must be presented in writing or by email no later than two weeks from the missed market.
- ✓ Unexcused vendor absences shall result in future applications being denied.

Vendor Responsibilities - Violations

- ✓ Vendors will abide by all market policies, rules, and responsibilities outlined in this document and the market application.
- ✓ Violations shall be brought to the attention of the vendor by the market manager. Severe or repeated violations may result in the vendor being barred immediately from further market participation.
- ✓ Vendor grievances and concerns should be put in writing, include a clear and specific description of the violation, and given to the market manager.
- ✓ All violations of the market rules and any grievances are resolved by the Downtown Program and/or market manager.

Liability and Legalities

Vendors are responsible for their own personal and product liability insurance.

Vendors, as a condition of participation in the Market, agree to the following hold harmless provisions: Each vendor participating in the Hendersonville Farmers Market shall be responsible for any loss, personal injury, deaths, and/or other damage that may occur as a result of the vendor's negligence or that of its servants, agents, and employees, and hereby agrees to exonerate, hold harmless, indemnify and defend Hendersonville Farmers Market, its successors and assignees, from and against any and all losses, damages, claims, suits or actions, judgments and costs, and attorney's fees which may arise or grow out of any injury or death of persons or damage to property in any manner connected with the vendor's products, operations, or vending at the Market.

The City of Hendersonville holds general liability insurance for Hendersonville Farmers Market. This insurance DOES NOT cover vendor spaces or products. Vendors must have insurance covering participation in the Market. As it is not practical for the Market to manage each individual vendor's insurance coverage, this is a self-enforced requirement.

License, Permit, Certification, and Inspection Requirements

Vendors are responsible for ensuring that they are properly licensed (city, county, state), and are permitted for their activities.

The Market Manager will coordinate completion of farm or production site checklists as a condition for vendor approval. Vendors are required to comply with all applicable Federal, state, and local laws and must retain valid and current documentation of required licenses, permits, or certifications. Examples of applicable documentation as required include:

North Carolina Department of Agriculture (NCDA) kitchen inspection (processed foods including baked goods, jams, vinegars, juices, coffee, etc.)

- NCDA Division of Meat and Poultry - meat handler's license
- FDA Short Course Certification for acidified foods (e.g. pickles, relishes, etc.)
- USDA Organic Certification (for use of "certified organic" description in all cases and for use of
- Sales Tax ID Number (NC Certificate of Registration Number)

While the Hendersonville Farmers Market will require a copy of any of the above items that are applicable, the market will not be responsible for vendors in violation of these licenses, permits, certifications, inspections, or sales taxes.

Questions: Contact Dalleen Jackson

828-233-3205

Possible special events to be held at the Hendersonville Farmers Market:

- Opening Day – May 9
- Kid's Day – June
- Pet Appreciation Day – May in combination with Tails in Town
- Tomato Festival – August
- Pollinators' Day – September
- Preserve Tastes of Summer – October
- Winter Holiday Market (2 Saturdays in Oct-Dec)

Other Possible Special days

- Celebrate Independence Day
- Green Living Day
- Customer Appreciation Day
- Eating Healthy and Staying Fit Day
- National Farmers' Market Week (Aug 5 to 11, 2019)
- Seniors' and Armed Forces Day
- Vendor Appreciation Day
- Emergency Preparedness Day



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tom Wooten

Department: Public Works

Date Submitted: November 18, 2019

Presenter: Tom Wooten

Date of Council Meeting to consider this item: December 5, 2019

Nature of Item: Council Action

Summary of Information/Request:

Item # 17

This summer, Mr. John E. Watkins contacted Public Works concerning the removal of a large Oak tree on his property at 402 Williams Street. Mr. Watkins and his sister Dorthy are concerned about the large Oak tree falling on their home if or when a storms comes through. Mr. Watkins and T&R Specialty Services completed a tree removal application and submitted it to the tree board for consideration at their September 5, 2019 meeting. The Tree Board considered his application however it was not approved. The Tree Board recommended that Mr. Watkins selectively remove some of the large limbs out of the tree rather than totally removing the tree. Mr. Watkins wishes to appeal the decision of the Tree Board to City Council. Mr. Watkin's letter is attached for reference.

The Tree Board has hired Bill Leatherwood to complete an assessment on the large Oak tree which is attached for your use.

Please note, this Oak tree is partially within the right of way which is why we asked Mr. Watkin to complete a tree removal application. If this tree had been on private property, he could have proceeded with removing the tree without consulting the City.

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

Suggested Motion:

I move Council to resolve to allow Mr. John E. Watkins to remove a large Oak tree from 402 Williams Street.

(No motion is equal to not allowing the removal of the tree.)

Attachments:

Vegetation Removal Application

Appeal Letter from Mr. Watkins

Tree Assessment by Mr. Bill Leatherwood (Oak at 402 Williams Street)

City of Hendersonville
Public Works Department
(828-697-3084)

Application For Selective Vegetation Removal Permit

Application is hereby made in accordance with City of Hendersonville Ordinance Article IV Section 46-120 (b) Permit required for removal of trees or scrubs.

Name of Firm/Individual: T+R Specialty Services
Address: Hendersonville, N.C.
828 699-4550
Telephone Number: TIM HOOD
Property Owner Name: John + Dorothy Watkins

Reason for Request:

This tree is a liability to the family home the surrounding properties and also Williams street and fourth avenue.

Exact Location of Area and Describe which vegetation is to be removed: (attach sketch/drawing)

402 Williams street on the right side from 4th Ave. Remove large tall oak tree.


Applicant's Signature

August 5, 2019
Date

Application is hereby Approved subject to the attached considerations:

Director, Public Works

Date

Tree Board Member

Date

Application was discussed at the Sept. 5th 2019 Tree Board meeting. The Tree Board did not approve for removal of the tree and requested that Mr. Watkins work with an arborist and remove (selectively) some large limbs.
JW

John E. Watkins
9734 Ethanwood St.
Orlando, FL 32825

October 28, 2019

Tom Wooten, Director
City of Hendersonville

Mr Tom Wooten,
This letter is to the Hendersonville City Council
to appeal the decision from the Hendersonville
tree board on the removal of the tree at the
property at 402 Williams St. Hendersonville, NC.
The tree removal application section one A+B
T+R specialty services of Hendersonville
and Dale Epperson Tree removal services of
Hendersonville, NC both stated that the tree
is in the right of way. We have trim the
tree limbs twice. This tree is eighty
years old and it is a liability to the
family home, there is a possibility
this tree can fall at anytime. Please
give this matter your utmost attention.

Regards,
John Watkins
402 376 5178

Health & Safety Assessment

Southern Red Oak

DBH - 50" Height - 80'+

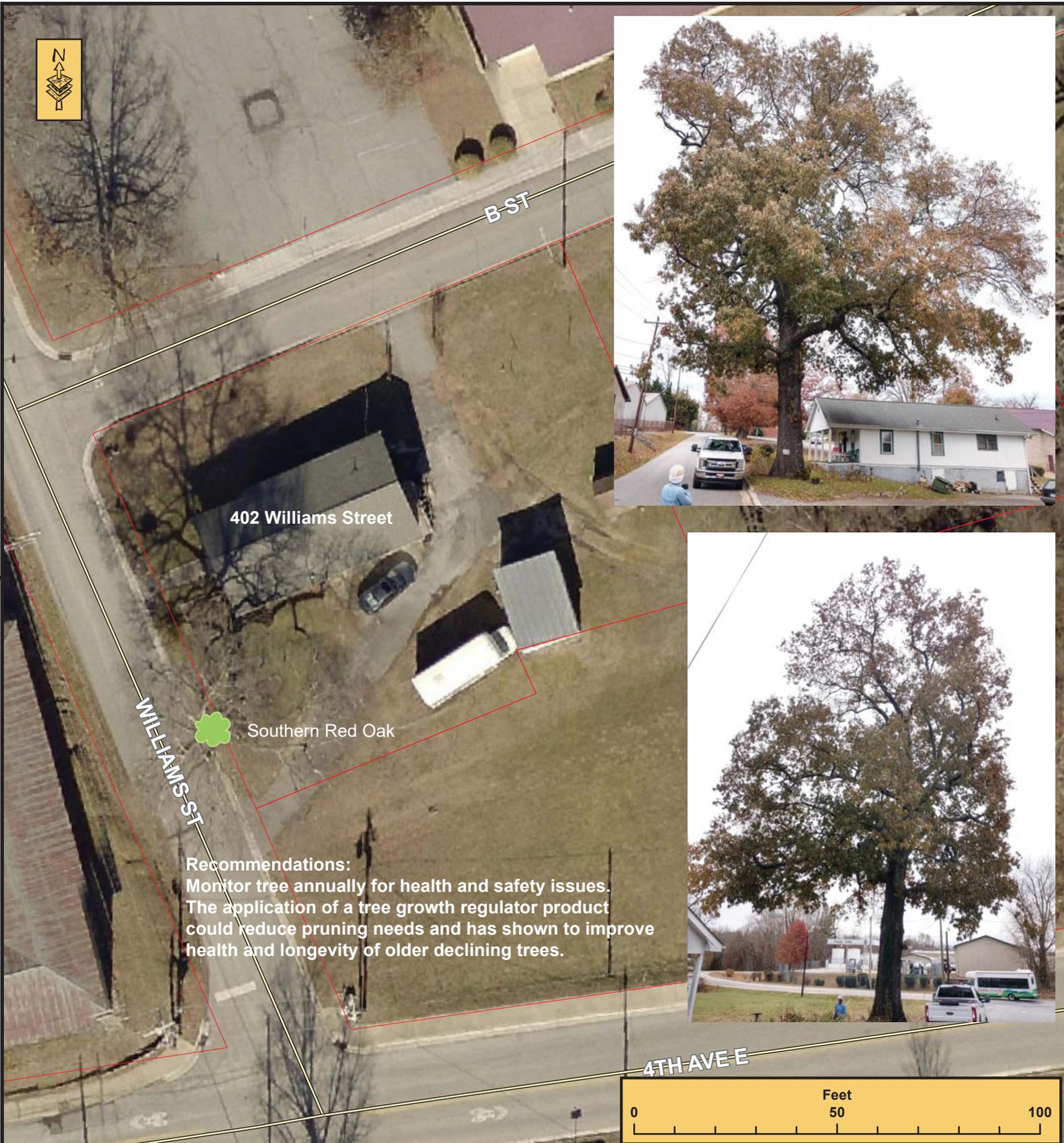
After a detailed visual inspection this tree appears very healthy with no safety concerns. Wounds from past utility and homeowner pruning have healed well. There is no visible dieback and the tree has a very good structure for an open grown tree. Due to age and species there is a continual normal dropping of small dead branches and of course annual leaf fall.

Leatherwood
Wildland Management

November 15, 2019

(828) 674-2324
www.wncgis.com
leatherwood@wncgis.com

Bill Leatherwood
Forest Technician
Certified Arborist SO-5350A





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Adam Murr

Department: Admin

Date Submitted: 11/19/2019

Presenter: John Connet

Date of Council Meeting to consider this item: 12/05/2019

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 | \$12,500 | Kim Horn - Traffic St

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: 11/19/2019

Presenter: John Connet

Date of Council Meeting to consider this item: 12/5/2019

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 19b

City staff has previously scheduled the Council/Staff Retreat for February 20th and 21st. Since we have two new City Council members, I would like to discuss the retreat and determine if these dates work for everyone.

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:

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Admin

Date Submitted: 11.20.19

Presenter: John Connet

Date of Council Meeting to consider this item: 12.05.19

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 19c

The annual employee/volunteer Christmas lunch will be held on December 12, 2019 beginning at 11:30 a.m. at the Whitmire Activity Building.

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

Suggested Motion:

N/A

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Admin

Date Submitted: 11.21.19

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 12.05.19

Nature of Item: Council Action

Summary of Information/Request:

Item # 20

The terms of four boards expire the end of December.

Planning Board: Peter Hanley and Robert Hogan: Both have indicated a desire to continue serving on the Planning Board. (Last month you filled the positions of Steve Johnson and Raymond Mundy.) You have an application from Ralph Hammond-Green (recently appointed to HPC).

Historic Preservation Commission: Kristie Ogletree and Derek Cote: Ms. Ogletree would like to continue serving. I hope to hear back from Mr. Cote before the meeting. You have applications on file from: Jim Welter, Marcia Mills Kelso (member of the Walk of Fame Steering Committee) and Beth Stang (currently serving on the Environmental Sustainability Board).

Seventh Ave Advisory Committee: Chris Cormier, John Ryan, Matthew Hickman and Dennis Dunlap: All have indicated a willingness to continue serving. You also have an applications on file from Gloria Wagner.

Tree Board: Pat Christie and Alan Krueger: Ms Christie would like to be reappointed. I am waiting to hear back from Mr. Krueger. You have an application from Neil Brown (newly-appointed to Planning Board).

Announcements: It is the policy of the Council to receive applications at one meeting, make appointments at the next.

Business Advisory Committee: 2 vacant City positions. Members are individuals, principals or other significant representatives of a business. We have applications on file from: Gloria Wagner, Hunter Jones, Ken Gordon, Kevin Campbell

Walk of Fame Steering Committee: There is one vacant City position on the Steering Committee.

Downtown Advisory Committee: There is one vacant position [Kelly Friesen]. Mr. Holloway is actively recruiting applicants.

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

Suggested Motion:

I nominate for a term on the _____ Board.

Attachments: