

AGENDA

CITY OF HENDERSONVILLE CITY COUNCIL – REGULAR MEETING

JANUARY 8, 2015 – 5:45 P.M.

Council Chambers – City Hall

1. **Call to Order**
2. **Invocation and Pledge of Allegiance**
3. **Public Comment Time:** *Up to 15 minutes is reserved for comments from the public for items not listed on the agenda*
4. **Consideration of Agenda**
5. **Consideration of Consent Agenda:** *These items are considered routine, noncontroversial in nature and are considered and approved by a single motion and vote.*
 - A. **Consideration of Minutes:** December 4, 2014 Regular Meeting
 - B. **Consideration of Tax Releases, Refunds, Discoveries**
6. **Hendersonville Heroes – Recognition of the Hilliard Family**
Presenter: Mayor Barbara Volk, Public Information Officer Tara Ledbetter
7. **Public Hearing - Closing-Out of the Community Development Block Grant Awarded to Support the Academy Road Water Improvements Project**
Presenter: City Manager John Connet
8. **Public Hearing - Consideration of Amendments to Zoning Ordinance Text**
Amendment of Sections 4-5 Classification of Uses Table 4-5, 5-7-1 C-2 Secondary Business Permitted Uses, 5-8-1 C-3 Highway Business Permitted Uses, 5-12-1 I-1 Industrial Permitted Uses, 5-19-1 CMU Central Mixed Use Permitted Uses, 5-19-3 CMU Central Mixed Use Special Uses, Article VI General Provisions Table 6-5-2 Parking, Section 12-2 Definition of Commonly Used Terms and Words and Article XVI Special Requirements for Certain Uses Section 16-4 Standards Pertaining to Shelter Facilities and Day Centers
Presenter: Planning Director Sue Anderson
9. **Presentation of Financial Audit**
Presenter: Ron Carland
10. **Downtown Hendersonville Annual Report**
Presenter: Lew Holloway

- 11. Consideration of Amendments to Section 36-1 of the City's Code of Ordinances Pertaining to the Solicitation of Alms**
Presenter: City Attorney Sam Fritschner
- 12. Consideration of Recommendations for Traffic Calming Measures at the Intersection of Ash and Ray Streets (Boys and Girls Club)**
Presenter: Police Chief Herbert Blake
- 13. Discussion of Proposed Changes to the Maple Parking Lot**
Presenter: Public Works Director Tom Wooten
- 14. Consideration of a Change Order for the Shepherd Creek Sewer Line Project**
Presenter: Engineering Director Brent Detwiler
- 15. Presentation on Employee Performance Pay Program**
Presenter: City Manager John Connet
- 16. Comments from Mayor and City Council Members**
- 17. Reports from Staff**
 - a. Reminder of February 13, 2015 Council and Staff Retreat
 - b. City Manager Requesting Permission for Absence from February meeting to attend the NC City/County Managers' Association Conference
- 18. Boards and Commissions**
Presenter: City Clerk Tammie Drake
 - a. Review of Effectiveness of Business Advisory Committee
 - b. Consideration of Appointments:
 - i. Tree Board
 - c. Announcement of Vacancies
- 19. New Business**
- 20. Closed Session**
- 21. Adjournment**



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Donna Fox

Department: Finance

Date Submitted: 12/26/14

Presenter: Lisa White

Date of Council Meeting to consider this item: 1/8/2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 5b

Please see the attached list.

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

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

I move Council's approval of the releases, refunds, and discoveries as presented.

Attachments:

List of totals for refunds, discoveries, releases

Posted Refund Totals for 2014

Year				Amount
2006				\$6.54
2007				\$3.78
2008				\$8.59
2010				\$4.82
2012				\$414.14
2013				\$388.92
2014				\$9,105.21
Refund Total				\$9,932.00

Posted Discovery Totals for 2014

Year				Amount
2014				\$ 128,217.53
Discovery Total				\$128,217.53

Posted Release Totals for 2014

Year				Amount
2004				\$141.90
2006				\$6.54
2007				\$3.78
2008				\$20.90
2012				\$414.14
2013				\$1,273.44
2014				\$17,409.71
Release Total				\$19,270.41

A complete listing is available in the office of the Tax Collector

Negative amounts are due to a reversal of a release in order to foreclose on the property



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 12/29/2014

Presenter: Tara Ledbetter

Date of Council Meeting to consider this item: 01/08/2014

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 06

Mr. and Mrs. Hilliard and their sons spent Saturday, December 13th cleaning up around the dog park and the greenway on 7th Ave. They collected 5 bags of trash and 4 bags of recycling. I have invited them to the City Council meeting so we could thank them for their efforts.

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

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

NA

Attachments:

None



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 12/28/2014

Presenter: John Connet

Date of Council Meeting to consider this item: 1/8/2015

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 07

The Academy Road Waterline Project is complete. The City of Hendersonville received a \$453,500 grant to fund a portion of this project. In order to closeout the grant the City Council must conduct a public hearing to receive any comments regarding the utilization of these funds. The public hearing has been advertised in according with all grant requirements. No action is required by the City Council following the public hearing. I

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

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

Attachments:

Public Hearing Notice

**NOTICE OF CLOSEOUT PUBLIC HEARING
FOR ACADEMY ROAD WATER IMPROVEMENTS PROJECT
HENDERSONVILLE CITY COUNCIL**

Official notice is hereby given that the City of Hendersonville's City Council will hold a public hearing on Thursday, January 8th, 2014 at 5:45 p.m., or immediately following the routine items of business on the Council's Regular Meeting Agenda. The public hearing will be held in the Council Chambers located in City Hall, 145 5th Avenue E, Hendersonville, NC 28792 to discuss the performance of the Academy Road Water Improvements Project. Activities for this project included the installation of approximately 500 linear feet of 12" waterline, 4,300 linear feet of 8" waterline, 2,300 linear feet of 6" waterline, 1,800 linear feet of 2" waterline, 60 water services, and 9 fire hydrants on Academy Road, East Hill Drive, Jade Walker Drive, Emerald Land, Largo Lane, and the east end of Meadow Woods Drive. The total CDBG Grant amount was \$453,500.00.

The purpose of this hearing is to review the budget and activities that have been accomplished through the CDBG Contingency Grant. The activities are complete and the City is in the process of closing out the grant. Citizens will also be given the opportunity to provide oral and written comment on the City's use of CDBG funds. All interested citizens are encouraged to attend. For additional information or to submit written comments, send to Lee Smith, Utilities Director at 305 Williams Street, Hendersonville, NC 28792.

If you plan to attend and require special accommodations because of a disability or physical impairment, please contact Lee Smith, Utilities Director at (828) 697-3073 at least 2 business days prior to the scheduled meeting date.

This information is available in Spanish or any other language upon request. Please contact Lee Smith, Utilities Director at (828) 697-3073 or at 305 Williams Street, Hendersonville, NC 28792 for accommodations for this request.

Esta informacion esta disponible en espanol o en cualquier otro idioma bajo peticion. Por favor, pongase en contacto con Lee Smith al (828) 697-3073 o en 305 Williams Street, Hendersonville, NC 28792 de alojamiento para esta solicitud.

John F. Connet
City Manager



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Sue Anderson, Planning Director

Department: Planning

Date Submitted: December 29, 2014

Presenter: Sue Anderson

Date of Council Meeting to consider this item:

Nature of Item: Council Action

Summary of Information/Request:

Item # 08

File # P14-51-T

On November 6, 2014, the City Council adopted a moratorium to be effective November 8, 2014 through January 8, 2015 on day centers (as defined in the proposed ordinance amendment) and any additional shelter facilities. The purpose of the moratorium is to permit the City Council and Planning Board a reasonable period of time to consider the proper zoning of these facilities, partly in light of the plans for the Seventh Avenue corridor. The City of Hendersonville fully supports the concept of providing services to our homeless population and that such services should be distributed geographically throughout the entire community.

Attached is a memorandum that outlines the proposed text amendments along with the recommendations of both the Text and Policy Committee and the Planning Board.

A suggested motion is included in the attached memorandum.

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

Not Applicable

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

See memo

Attachments:

Memo

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Zoning, Legal and Planning Departments

RE: Text Amendment of Sections 4-5 Classification of Uses Table 4-5, 5-7-1 C-2 Secondary Business Permitted Uses, 5-8-1 C3 Highway Business Permitted Uses, 5-12-1 I-1 Industrial Permitted Uses, 5-19-1 CMU Central Mixed Use Permitted Uses, 5-19-3 CMU Central Mixed Use Special Uses, Article VI General Provisions Table 6-5-2 Parking, Section 12-2 Definition of Commonly Used Terms and Words and Article XVI Special Requirements for Certain Uses Section 16-4 Standards Pertaining to Shelter Facilities and Day Centers.

FILE #: P14-51-T

DATE: December 29, 2014

PROJECT HISTORY

On November 6, 2014, the City Council adopted a moratorium to be effective November 8, 2014 through January 8, 2015 on day centers (as defined in the proposed ordinance amendment) and any additional shelter facilities. The purpose of the moratorium is to permit the City Council and Planning Board a reasonable period of time to consider the proper zoning of these facilities, partly in light of the plans for the Seventh Avenue corridor. The City of Hendersonville fully supports the concept of providing services to our homeless population and that such services should be distributed geographically throughout the entire community.

In 1998, the Zoning Ordinance was amended to add the category "shelter facilities" as a permitted use in the C-2 Secondary Business and C-3 Highway Business zoning districts. Although included in the permitted uses section of these two districts, additional requirements were added in Article XVI Special Requirements for Certain Uses. The special requirements include the following:

16-4-22 Shelter Facilities. *(added 06-04-98)*

- a) A shelter facility shall not be permitted to locate within 1500 feet of another shelter facility.
- b) The parcel on which a shelter facility is situated shall not be adjacent to a residential use. For purposes of this paragraph, properties situated across a street right-of-way from a proposed shelter facility shall be deemed to be adjacent.

- c) The parcel on which a shelter facility is situated shall not be situated within 200 feet of a residential zoning district.

Also in 1998, a definition was established and was later amended in 2004. Following is the current definition of a shelter facility:

Shelter facility: A building or group of buildings owned or operated by a governmental or non-profit organization used for the purpose of providing boarding and/or lodging and ancillary services on the premises to primarily indigent, needy, homeless, or transient persons.

In December 1999, a new district titled CMU Central Mixed Use was added and that district included shelter facilities as a permitted use. The CMU district surrounds the C-1 Central Business District. The Hendersonville Rescue Mission located on Maple Street is in the CMU zoning district.

In April 2011, the Zoning Ordinance was amended to allow shelter facilities with special requirements as a special use in the C-1 Central Business District. Mainstay, a shelter facility located at 130 5th Avenue West, was issued a Special Use permit by City Council on July 7, 2011. That approval included a variance reducing the use separation from 1,500 feet to 1,000 feet. Mainstay is located approximately 1,360 feet from the Hendersonville Rescue Mission.

Staff is proposing to amend the ordinance to allow the following:

District	Shelter Facilities	Day Centers
C-1	Existing - Special Use	
CMU	Remove - Permitted Add - Special Use	Add - Special Use
C-2	Existing – Permitted Use	Add – Permitted Use
C-3	Existing – Permitted Use	Add – Permitted Use
I-1	Add – Permitted Use	Add – Permitted Use

Staff is proposing to define “day centers” in the ordinance as an agency that provides a combination of case management, resources or a range of like services during daytime hours only, to aid persons who are primarily indigent, needy, homeless, or transient. Staff is also proposing parking requirements for these types of facilities.

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

4-5 Classification of Uses

Table 4-5

Remove shelter facilities as permitted by right subject to special requirements

(SR) in the CMU Zoning District.

Add shelter facilities as a Special Use (S) in the CMU Zoning District.

Add shelter facilities as permitted by right subject to special requirements (SR) in I-1 Zoning District.

Add day centers as permitted by right subject to special requirements (SR) in the C-2, C-3 and I-1 Zoning Districts.

Add day centers as a Special Use (S) in the CMU Zoning District.

5-7 C-2 Secondary Business Zoning District Classification

Shelter facilities with special requirements are currently allowed as a permitted use.

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

Day centers, subject to the special requirements contained in Section 16-4, below.

5-8 C-3 Highway Business Zoning District Classification

Shelter facilities with special requirements are currently allowed as a permitted use.

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

Day centers, subject to the special requirements contained in Section 16-4, below.

5-12 I-1 Industrial Zoning District Classification

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

Day centers, subject to the special requirements contained in Section 16-4, below.

Shelter facilities, subject to the special requirements contained in Section 16-4, below.

5-19 CMU Central Mixed Use Zoning District Classification

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

~~Shelter facilities, subject to the special requirements contained in Section 16-4, below.~~

5-19-3 Special Uses. Within the CMU Central Mixed Use Zoning Classification, the following uses may only be authorized by issuance of a special use permit and shall be processed under special use review in accordance with Section 7-4 of the zoning ordinance. Such development shall not require rezoning of the property to a special use or planned development district.

Any development involving more than 50,000 ft² of gross floor area and / or 50 residential dwelling units.

Day centers, subject to the special requirements contained in Section 16-4, below.

Shelter facilities, subject to the special requirements contained in Section 16-4, below.

Telecommunication towers, subject to special requirements contained in Section 16-4, below.

Article VI General Provisions

Table 6-5-2

USES	PARKING SPACE REQUIREMENT
<u>Day centers</u>	<u>1 per 2 employees and volunteers at maximum staffing on a single shift</u>
<u>Shelter facilities</u>	<u>1 per 2 employees and volunteers at maximum staffing on a single shift</u>

Article XII Definition of Terms

Section 12-2 Definition of Commonly Used Terms and Words

Day Centers: An establishment that provides a combination of case

management, resources or a range of like services to aid persons who are primarily indigent, needy, homeless, or transient.

Article XVI Special Requirements For Certain Uses

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

Section 16-4 Standards is hereby renumbered as follows:

- 16-4- ~~12~~ 13 Golf Driving Ranges
- 16-4- ~~13~~ 14 Mini-Warehouses
- 16-4- ~~14~~ 15 Nursing Homes
- 16-4- ~~15~~ 16 Private Clubs
- 16-4- ~~16~~ 17 Progressive Care Facilities
- 16-4- ~~17~~ 18 Public Utility Facilities
- 16-4- ~~18~~ 19 Residential Care Facilities
- 16-4- ~~19~~ 20 Rest Homes
- 16-4- ~~20~~ 21 Restaurants
- 16-4- ~~21~~ 22 Schools, Primary & Secondary
- 16-4- ~~22~~ 23 Shelter Facilities
- 16-4- ~~23~~ 24 Telecommunications Towers and Antennas

Section 16-4 Standards is hereby amended as follows:

16-4-12 Day Center.

- a) The parcel on which a day center is situated shall not be closer than 1,500 feet to any parcel on which another day center is situated.
- b) The parcel on which a day center is situated shall not be adjacent to a residential use. For purposes of this paragraph, parcels situated across a street right-of-way from a proposed day center shall be deemed to be adjacent.
- c) The parcel on which a day center is situated shall not be within 200 feet of a residential district.
- d) Permissible hours of operation shall be limited to the hours between 6:00 a.m. and 6:00 p.m.

16-4-223 Shelter Facilities.

- a) ~~A shelter facility shall not be permitted to locate within 1500 feet of another shelter facility. The parcel on which a shelter facility is situated shall not be closer than 1,500 feet to any parcel on which another shelter facility is situated.~~
- b) The parcel on which a shelter facility is situated shall not be adjacent to a residential use. For purposes of this paragraph, ~~properties~~ parcels situated across a street right-of-way from a proposed shelter facility shall be deemed to be adjacent.
- c) The parcel on which a shelter facility is situated shall not be ~~situated~~ within 200 feet of a residential district.

TEXT & POLICY COMMITTEE

The Text and Policy Committee met on November 19th to discuss the proposed text amendment. The Text and Policy Committee recommended to not allow day centers or shelter facilities in the C-2 Secondary Business district due to the proximity of the C-2 district to residential districts and the lack of public transportation.

Note the changes reflecting the Text & Policy Committee recommendations in the following table.

District	Shelter Facilities	Day Centers
C-1	Existing - Special Use	
CMU	Remove - Permitted Add - Special Use	Add - Special Use
C-2	Remove – Permitted Use	Do Not Add – Permitted Use
C-3	Existing – Permitted Use	Add – Permitted Use
I-1	Add – Permitted Use	Add – Permitted Use

PLANNING BOARD RECOMMENDATION

The Planning Board took this matter up at its regular meeting of December 8, 2014. The Planning Board voted unanimously to recommend that City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Article V Zoning District Classifications, Sections 4-5 Classification of Uses Table 4-5, 5-7-1 C-2 Secondary Business Permitted Uses, 5-8-1 C-3 Highway Business Permitted Uses, 5-12-1 I-1 Industrial Permitted Uses, 5-19-1 CMU Central Mixed Use Permitted Uses, 5-19-3 CMU Central Mixed Use Special Uses, Article VI General Provisions Table 6-5-2 Parking, Section 12-2 Definition of Commonly Used Terms and Words and Article XVI Special Requirements for Certain Uses Section 16-4 Standards Pertaining to Shelter Facilities and Day Centers with the following modifications:

1. Remove the requirement (b) that both shelter facilities and day centers are not allowed adjacent to a residential **use**. This potentially would allow shelter facilities and day centers adjacent to residential uses that are located in mixed use and commercially zoned areas. The requirement that day centers and shelter facilities shall not be situated within 200 feet of a residential **district** remains.

Section 16-4 Standards

16-4-12 Day Center.

a) The parcel on which a day center is situated shall not be closer than 1,500 feet to any parcel on which another day center is situated.

~~b) The parcel on which a day center is situated shall not be adjacent to a residential use. For purposes of this paragraph, parcels situated across a street right of way from a proposed day center shall be deemed to be adjacent.~~

c) The parcel on which a day center is situated shall not be within 200 feet of a residential district.

d) Permissible hours of operation shall be limited to the hours between 6:00 a.m. and 6:00 p.m.

16-4-223 Shelter Facilities.

~~a) A shelter facility shall not be permitted to locate within 1500 feet of another shelter facility. The parcel on which a shelter facility is situated shall not be closer than 1,500 feet to any parcel on which another shelter facility is situated.~~

~~b) The parcel on which a shelter facility is situated shall not be adjacent to a residential use. For purposes of this paragraph, properties parcels situated across a street right of way from a proposed shelter facility shall be deemed to be adjacent.~~

~~c) The parcel on which a shelter facility is situated shall not be situated within 200 feet of a residential district.~~

2. Remove both shelter facilities and day centers from the C-2 Secondary Business district.

3. Require both shelter facilities and day centers in the C-3 Highway Business and I-1 Industrial zoning districts are subject to the requirements of a special use permit.

Listed below are three tables outlining staff's original suggestion, Text & Policy recommendation and Planning Board recommendation for the individual zoning districts.

Staff's Original Proposal

District	Shelter Facilities	Day Centers
C-1	Existing - Special Use	
CMU	Remove - Permitted Add - Special Use	Add - Special Use
C-2	Existing – Permitted Use	Add – Permitted Use
C-3	Existing – Permitted Use	Add – Permitted Use
I-1	Add – Permitted Use	Add – Permitted Use

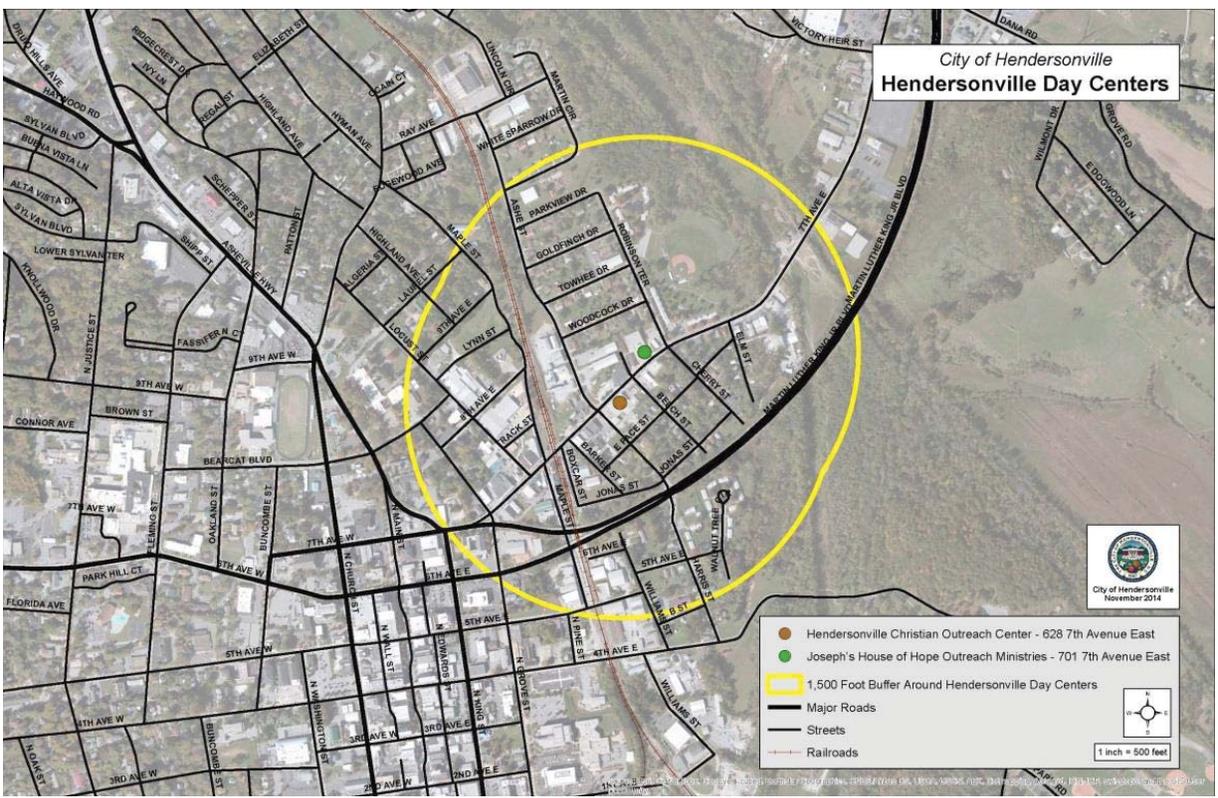
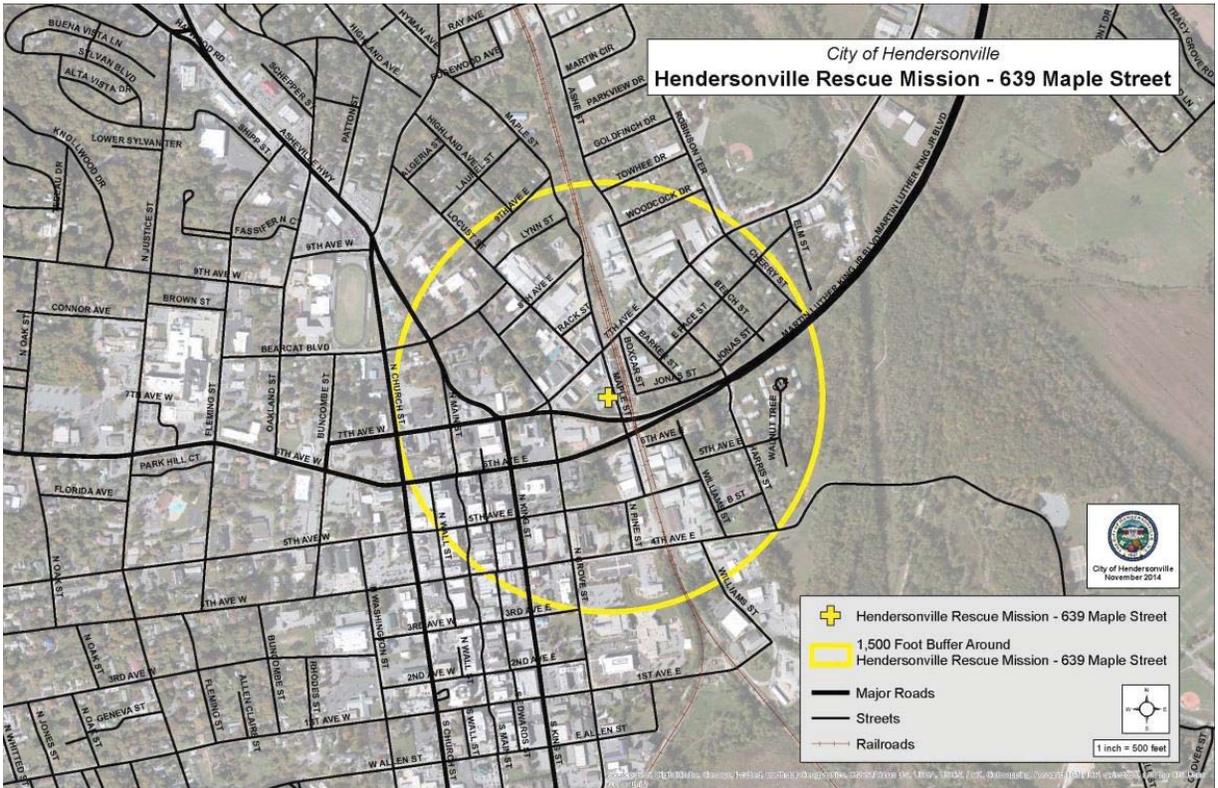
Text & Policy Recommendation

District	Shelter Facilities	Day Centers
C-1	Existing - Special Use	
CMU	Remove - Permitted Add - Special Use	Add - Special Use
C-2	Remove – Permitted Use	Do Not Add – Permitted Use
C-3	Existing – Permitted Use	Add – Permitted Use
I-1	Add – Permitted Use	Add – Permitted Use

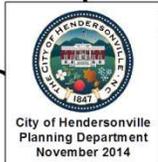
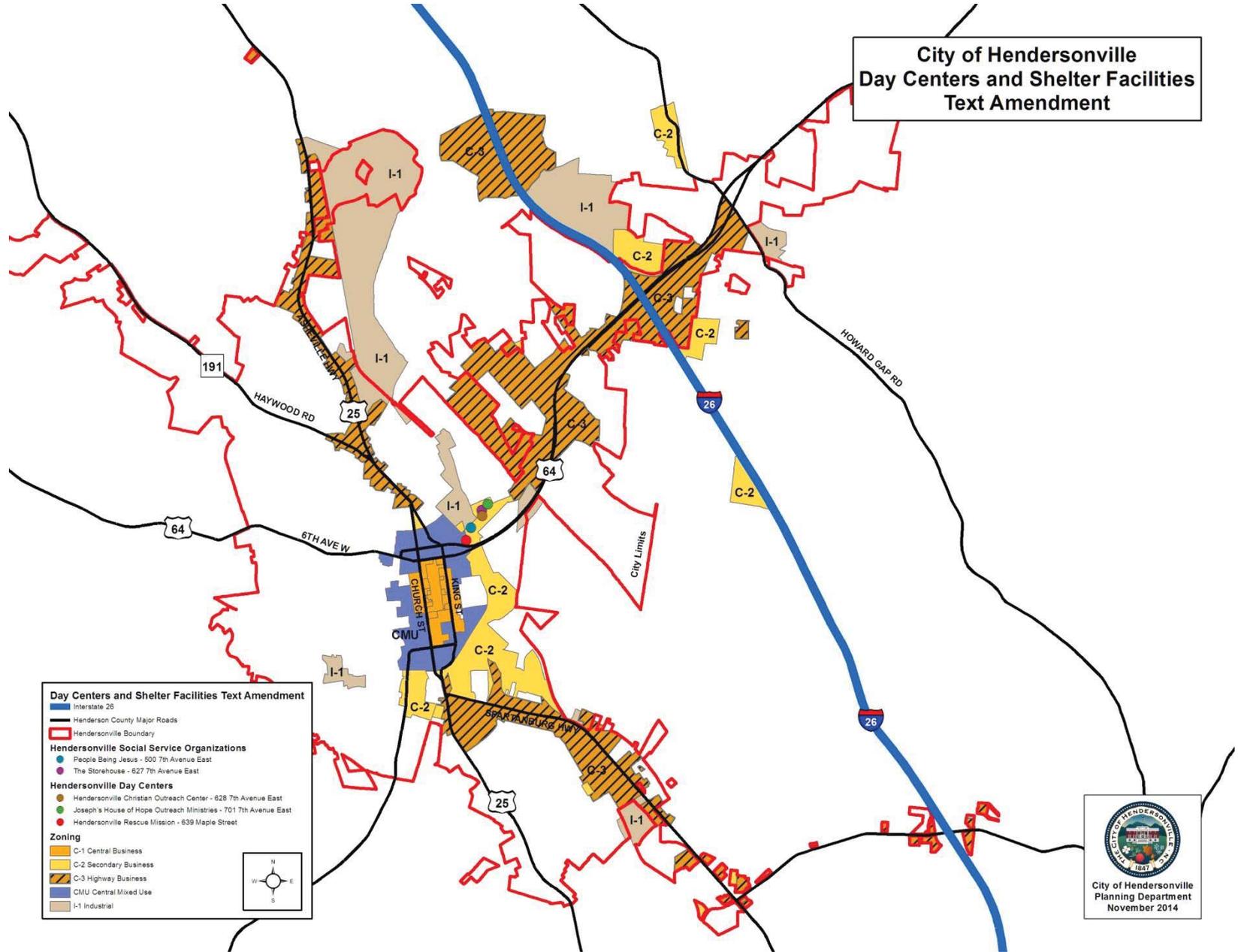
Planning Board Recommendation

District	Shelter Facilities	Day Centers
C-1	Existing - Special Use	
CMU	Remove - Permitted Add - Special Use	Add - Special Use
C-2	Remove – Permitted Use	Do Not Add – Permitted Use
C-3	Remove - Permitted Add - Special Use	Add – Special Use
I-1	Add – Special Use	Add – Special Use

The following maps show the 1,500 foot restriction for locating another shelter facility as specified in Section 16-4-22 (a) from the Hendersonville Rescue Mission and the 1,500 foot restriction from the existing day centers as specified in the proposed amendment to Section 16-4-12 (a).



**City of Hendersonville
 Day Centers and Shelter Facilities
 Text Amendment**



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

Approval:

I move the City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Sections 4-5 Classification of Uses Table 4-5, 5-7-1 C-2 Secondary Business Permitted Uses, 5-8-1 C-3 Highway Business Permitted Uses, 5-12-1 I-1 Industrial Permitted Uses, 5-19-1 CMU Central Mixed Use Permitted Uses, 5-19-3 CMU Central Mixed Use Special Uses, Article VI General Provisions Table 6-5-2 Parking, Section 12-2 Definition of Commonly Used Terms and Words and Article XVI Special Requirements for Certain Uses Section 16-4 Standards Pertaining to Shelter Facilities and Day Centers.

[PLEASE STATE YOUR REASONS]

Approval With Modifications:

I move the City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Sections 4-5 Classification of Uses Table 4-5, 5-7-1 C-2 Secondary Business Permitted Uses, 5-8-1 C-3 Highway Business Permitted Uses, 5-12-1 I-1 Industrial Permitted Uses, 5-19-1 CMU Central Mixed Use Permitted Uses, 5-19-3 CMU Central Mixed Use Special Uses, Article VI General Provisions Table 6-5-2 Parking, Section 12-2 Definition of Commonly Used Terms and Words and Article XVI Special Requirements for Certain Uses Section 16-4 Standards Pertaining to Shelter Facilities and Day Centers with the following modifications:

[PLEASE STATE THE MODIFICATIONS AND YOUR REASONS]

Denial:

I move the City not amend the City of Hendersonville Zoning Ordinance Sections 4-5 Classification of Uses Table 4-5, 5-7-1 C-2 Secondary Business Permitted Uses, 5-8-1 C-3 Highway Business Permitted Uses, 5-12-1 I-1 Industrial Permitted Uses, 5-19-1 CMU Central Mixed Use Permitted Uses, 5-19-3 CMU Central Mixed Use Special Uses, Article VI General Provisions Table 6-5-2 Parking, Section 12-2 Definition of Commonly Used Terms and Words and Article XVI Special Requirements for Certain Uses Section 16-4 Standards Pertaining to Shelter Facilities and Day Centers.

[PLEASE STATE YOUR REASONS]

AN ORDINANCE AMENDING SECTIONS 4-5 CLASSIFICATION OF USES TABLE 4-5, 5-7-1 C-2 SECONDARY BUSINESS PERMITTED USES, 5-8-1 C-3 HIGHWAY BUSINESS PERMITTED USES, 5-12-1 I-1 INDUSTRIAL PERMITTED USES, 5-19-1 CMU CENTRAL MIXED USE PERMITTED USES, 5-19-3 CMU CENTRAL MIXED USE SPECIAL USES, ARTICLE VI GENERAL PROVISIONS TABLE 6-5-2 PARKING, SECTION 12-2 DEFINITION OF COMMONLY USED TERMS AND WORDS AND ARTICLE XVI SPECIAL REQUIREMENTS FOR CERTAIN USES SECTION 16-4 STANDARDS PERTAINING TO SHELTER FACILITIES AND DAY CENTERS

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 that individual neighborhoods are not overburdened with shelter facilities and day centers; and

WHEREAS, the City of Hendersonville desires to amend those regulations with regards to the shelter facilities and day centers.

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

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

Remove shelter facilities as permitted by right subject to special requirements (SR) in the CMU Zoning District.

Add shelter facilities as a Special Use (S) in the CMU Zoning District.

Add shelter facilities as permitted by right subject to special requirements (SR) in I-1 Zoning District.

Add day centers as permitted by right subject to special requirements (SR) in the C-2, C-3 and I-1 Zoning Districts.

Add day centers as a Special Use (S) in the CMU Zoning District.

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

Day centers, subject to the special requirements contained in Section 16-4, below.

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

Day centers, subject to the special requirements contained in Section 16-4, below.

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

Day centers, subject to the special requirements contained in Section 16-4, below.

Shelter facilities, subject to the special requirements contained in Section 16-4, below.

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

~~Shelter facilities, subject to the special requirements contained in Section 16-4, below.~~

6. Article V Zoning District Classifications, Central Mixed Use Section 5-19-3 Special Uses is hereby amended to include the following special uses:

Day centers, subject to the special requirements contained in Section 16-4, below.

Shelter facilities, subject to the special requirements contained in Section 16-4, below.

7. Article VI General Provisions Section 6-5 Off-Street Parking Table 6-5-2 is hereby amended to include the following parking requirements:

USES	PARKING SPACE REQUIREMENT
<u>Day centers</u>	<u>1 per 2 employees and volunteers at maximum staffing on a single shift</u>
<u>Shelter facilities</u>	<u>1 per 2 employees and volunteers at</u>

	<u>maximum staffing on a single shift</u>
--	---

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

Day Centers: An establishment that provides a combination of case management, resources or a range of like services to aid persons who are primarily indigent, needy, homeless, or transient.

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

- 16-4- ~~12~~ 13 Golf Driving Ranges
- 16-4- ~~13~~ 14 Mini-Warehouses
- 16-4- ~~14~~ 15 Nursing Homes
- 16-4- ~~15~~ 16 Private Clubs
- 16-4- ~~16~~ 17 Progressive Care Facilities
- 16-4- ~~17~~ 18 Public Utility Facilities
- 16-4- ~~18~~ 19 Residential Care Facilities
- 16-4- ~~19~~ 20 Rest Homes
- 16-4- ~~20~~ 21 Restaurants
- 16-4- ~~21~~ 22 Schools, Primary & Secondary
- 16-4- ~~22~~ 23 Shelter Facilities
- 16-4- ~~23~~ 24 Telecommunications Towers and Antennas

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

16-4-12 Day Center.

- a) The parcel on which a day center is situated shall not be closer than 1,500 feet to any parcel on which another day center is situated.
- b) The parcel on which a day center is situated shall not be adjacent to a residential use. For purposes of this paragraph, parcels situated across a street right-of-way from a proposed day center shall be deemed to be adjacent.
- c) The parcel on which a day center is situated shall not be within 200 feet of a residential district.
- d) Permissible hours of operation shall be limited to the hours between 6:00 a.m. and 6:00 p.m.

11. Article XVI Special Requirements For Certain Uses Section 16-4-22 Shelter Facilities is hereby amended to read as follows:

16-4-22 Shelter Facilities.

- a) ~~A shelter facility shall not be permitted to locate within 1500 feet of another shelter facility. The parcel on which a shelter facility is situated shall not be closer than 1,500 feet to any parcel on which another shelter facility is situated.~~
- b) The parcel on which a shelter facility is situated shall not be adjacent to a residential use. For purposes of this paragraph, ~~properties~~ parcels situated across a street right-of-way from a proposed shelter facility shall be deemed to be adjacent.
- c) The parcel on which a shelter facility is situated shall not be ~~situated~~ within 200 feet of a residential district.
12. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 9-8 of the Zoning Ordinance.
13. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.
14. 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.
15. 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.
16. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this _____ day of _____, 2015

Barbara Volk, Mayor

Attest:

Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

City of Hendersonville

PLANNING BOARD REPORT

Project Name: Text Amendment of Sections 4-5 Classification of Uses Table 4-5, 5-7-1 C-2 Secondary Business Permitted Uses, 5-8-1 C3 Highway Business Permitted Uses, 5-12-1 I-1 Industrial Permitted Uses, 5-19-1 CMU Central Mixed Use Permitted Uses, 5-19-3 CMU Central Mixed Use Special Uses, Article VI General Provisions Table 6-5-2 Parking, Section 12-2 Definition of Commonly Used Terms and Words and Article XVI Special Requirements for Certain Uses Section 16-4 Standards Pertaining to Shelter Facilities and Day Centers.

File Number: P-14-51-T

Approval – The text amendment is consistent with all of the objectives and policies for growth and development contained in the City of Hendersonville's Zoning Ordinance and 2030 Comprehensive Plan.

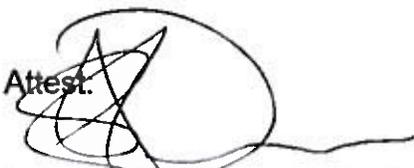
Approval With Amendment – The text amendment is consistent with all of the objectives and policies for growth and development contained in the City of Hendersonville's Zoning Ordinance and 2030 Comprehensive Plan. The Planning Board recommends the following amendment(s).

1. Remove the requirement (b) that both shelter facilities and day centers are not allowed adjacent to a residential use.
2. Remove both shelter facilities and day centers from the C-2 Secondary Business districts.
3. Require both shelter facilities and day centers in the C-3 Highway Business and I-1 Industrial zoning districts are subject to the requirements of a special use permit.

Denial – The text amendment is not consistent with all of the objectives and policies for growth and development contained in the City of Hendersonville's Zoning Ordinance and the 2030 Comprehensive Plan.

This report reflects the recommendation of the Planning Board, this the 8 day of DECEMBER, 2014.

Attest.



Planning Board Chair



Planning Director



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 12/28/2014

Presenter: Ron Carland

Date of Council Meeting to consider this item: 1/8/2015

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 09

Ron Carland will present the Financial Audit for the 2013-2014 Fiscal Year. The audit document will be delivered to the City Council by Wednesday, December 31, 2015. Mr. Carland will be available for questions or comments prior to and after the meeting.

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

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

Attachments:

A hard copy of the Financial Audit will be hand delivered.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: Lew Holloway

Department: Planning

Date Submitted: 12/29/2014

Presenter: Lew Holloway

Date of Council Meeting to consider this item: January 8th, 2015

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 10

Downtown Director Lew Holloway will present a comprehensive overview of the Downtown Program and general trends in the Downtown District for the calendar year 2014.

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

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

N/A

Attachments:

None



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Sam Fritschner

Department: Legal

Date Submitted: 15 December 2014

Presenter: Sam Fritschner

Date of Council Meeting to consider this item: January 8 2014

Nature of Item: Council Action

Summary of Information/Request:

Item # 11

At the request of the police department and in consultation with the city manager I have reviewed the existing begging ordinance. The ordinance is in my opinion constitutionally defective. After meeting with several members of the police department and the city manager I have drafted a replacement ordinance for the Council's review.

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

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

I move adoption of the ordinance amending the begging ordinance.

Attachments:

Proposed amended ordinance.

Ordinance #15-_____

AN ORDINANCE AMENDING SECTION 36-1 OF THE CODE OF ORDINANCES PERTAINING TO SOLICITATION OF ALMS

WHEREAS, the City of Hendersonville recognizes the constitutional right of person to solicit alms for themselves and others within the City, and

WHEREAS, the City recognizes further the need of pedestrians to use City sidewalks without undue obstruction or fear of molestation,

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

SECTION 1. Section 36-1 of the Hendersonville Code of Ordinances is hereby amended to add an additional section as follows:

Sec. 36-1. - Begging Solicitation of Alms.

~~No person shall beg or solicit alms in or on the streets or roadways of the city.~~

(a) Purpose. The purposes of the restrictions on begging or soliciting alms imposed under this section are to:

(1) Reduce the detrimental effect that threatening and intimidating conduct has on a safe environment within the city;

(2) Restrict certain aggressive acts of solicitors without prohibiting constitutionally protected activity; and

(3) Maintain the peace and order of the city and preserve and protect the rights of all citizens to be free of intimidation.

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

(1) For purposes of this section, "ask, beg or solicit" includes, without limitation, the spoken, written or printed words or such other acts conducted in furtherance of the purpose of obtaining alms or contributions.

(2) For purposes of this section, "accosting" means approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his person, or upon property in his immediate possession.

(3) For purposes of this section, "forcing oneself upon the company of another" means:

a. Continuing to request, beg or solicit alms after the person to whom the request is directed has declined or ignored the request;

b. Blocking the passage of the person addressed;

c. Following or walking alongside the person being solicited; or

d. Otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

(c) Prohibited conduct. It shall be unlawful for any person to ask, beg or solicit, or exhibit oneself for the purpose of begging or soliciting, as defined in subsection (b) above:

(1) By accosting another, or by forcing oneself upon the company of another;

(2) Within 100 feet of an entrance or exit of any bank or financial institution or other establishment whose primary function is dispensing cash or within 100 feet of any automatic teller machine or other machine which dispenses money to the public.

(3) At any outdoor dining area or outdoor merchandising area, provided such areas are in active use at the time;

(4) At any transit stop or taxi stand or in a public transit vehicle;

(5) At the entrance to or exit of any toilet facility open to the public, including any temporary use site;

(6) In a parking lot or garage including entryways, stairwells, exits or pay

box or pay stations connected therewith;

(7) Upon the grounds of any hospital

(8) At any valid mobile food cart vendor location;

(9) Upon the grounds of any public, private, or parochial elementary, middle or high school without the consent of the principal or acting principal thereof;

(10) While the person being solicited is standing in line waiting to be admitted to a commercial establishment;

(11) By touching the person being solicited or the motor vehicle occupied by the person being solicited without that person's consent;

(12) By or with the use of abusive language during the solicitation or following an unsuccessful solicitation and/or by or with the use of any gesture intended to cause a reasonable person to be fearful of the solicitor;

(13) After dark, which shall mean one-half hour after sunset until one-half hour before sunrise;

(14) While under the influence of alcohol or after having used any illegal substances defined in the North Carolina Controlled Substance Act;

(15) By knowingly making any false or misleading representation in the course of soliciting. False or misleading representations include, but are not limited to, the following:

a. Stating falsely that the solicitor is from out-of-town and stranded.

b. Stating or suggesting falsely that the solicitor is either a present or former member of the armed services.

c. Stating falsely that the solicitor is homeless.

d. Stating falsely that the solicitor is seeking money for charitable purposes.

(16) On a center median;

(17) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;

(18) By stepping into, standing, sitting or walking in any roadway;

(19) By delivering or receiving any tangible item to or from any occupant of any vehicle in a lane that is not contiguous with the curb or roadside on which the solicitor is present;

(20) By stopping or attempting to stop a vehicle that is approaching a traffic signal unless the traffic signal requires the vehicle to come to a complete stop;

(21) By interfering with or impeding the normal movement and quick and safe passage across the roadway of pedestrians or of persons in or on wheelchairs or other devices designed or intended to assist the mobility-impaired or by interfering with or impeding the normal flow of vehicle traffic; or

(23) While violating any litter or traffic safety laws.

(d) Severability. Severability is intended throughout and within the provisions of this section. If any section, subsection, sentence, clause, paragraph or portion thereof is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of any of the remaining portions of this section.

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

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

Adopted this eighth day of January 2015.

Barbara Volk, Mayor



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Chief Herbert Blake

Department: Police

Date Submitted: 12-29-14

Presenter: Chief Herbert Blake

Date of Council Meeting to consider this item: 01-08-15

Nature of Item: Council Action

Summary of Information/Request:

Item # 12

The police department is preparing a presentation in response to council's directive to determine the feasibility of erecting additional stop signs at the intersection of Ashe, Ray and Oriole Streets near the Boys and Girls Club. The Police and Public Works Departments have met with the Boys and Girls Club and is recommending the installation of designated parking and drop-off locations, as well as a crosswalk from their parking lot to the front entrance. Based on our assessment of traffic speeds in the area (see attached information) it is our recommendation not to erect additional stop signs at this time.

Budget Impact: \$550.00 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Budget Amendment

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

I move that the City Council direct the Public Works Department to install a crosswalk and add additional on-street parking and erect the signs on the side of Ashe Street for drop-off parking only.

Attachments:

Picture of Boys and Girls Club
Speed Data



COUNT: 120

* ROW=40'

ROW=50'

COUNT: 535

* ORO LE DR

RAY AVE ROW=40'

ROW=50'

ASHIE ST

1304

705

700

WOOD AVE

COUNT: 204

*

Statistics Summary Report

Location: Ray Ave East Bound

Data Session: Ray Ave @ Ash EB

Address: , Hendersonville, NC

Report Period: 12/3/2014 to 12/12/2014

Speed Limit: 20

Total Vehicle Count: 4,671



Hour	Total Vehicles	Average Vehicles	Total Violations	% Violations	Min. Speed	Max. Speed	Avg. Speed	85% Speed
00-01	54	6	0	0 %	8	20	12	17
01-02	25	3	2	8 %	8	23	14	17
02-03	5	1	0	0 %	11	17	14	17
03-04	16	2	0	0 %	8	20	11	17
04-05	19	2	1	5 %	8	23	12	17
05-06	22	2	2	9 %	8	29	13	17
06-07	89	10	1	1 %	8	23	12	17
07-08	234	26	4	2 %	8	32	14	17
08-09	264	29	10	4 %	8	53	14	17
09-10	190	21	5	3 %	8	26	13	17
10-11	177	20	4	2 %	8	26	13	17
11-12	211	23	2	1 %	8	23	13	17
12-13	201	22	3	1 %	8	23	13	17
13-14	238	26	2	1 %	8	23	13	17
14-15	312	35	5	2 %	8	26	14	17
15-16	493	55	1	0 %	8	23	13	17
16-17	460	51	4	1 %	8	23	13	17
17-18	566	63	3	1 %	8	23	13	17
18-19	301	33	3	1 %	8	23	13	17
19-20	278	31	3	1 %	8	26	13	17
20-21	189	21	3	2 %	8	29	12	17
21-22	154	17	0	0 %	8	20	13	17
22-23	112	12	2	2 %	8	23	13	17
23-24	61	7	3	5 %	8	29	14	17
	4,671	518	63	2 %	8	25	13	17

Count by speed Bins

Speed	Count
0...5	0
5...10	888
10...15	2,764
15...20	956
20...25	47
25...30	12
30...35	1
35...40	0
40...45	0
45...50	1
50...55	2
Total:	4,671

Statistics Summary Report

Location: Ray Ave West Bound

Data Session: Ray @ Ash WB

Address: , Hendersonville, NC

Report Period: 12/3/2014 to 12/12/2014

Speed Limit: 20

Total Vehicle Count: 6,035



Hour	Total Vehicles	Average Vehicles	Total Violations	% Violations	Min. Speed	Max. Speed	Avg. Speed	85% Speed
00-01	30	3	2	7 %	8	26	15	22
01-02	31	3	4	13 %	8	23	16	17
02-03	76	8	2	3 %	8	23	15	17
03-04	22	2	2	9 %	8	23	16	17
04-05	12	1	2	17 %	8	26	15	17
05-06	45	5	0	0 %	8	20	14	22
06-07	133	15	11	8 %	8	29	16	17
07-08	367	41	40	11 %	8	32	16	17
08-09	338	38	21	6 %	8	47	15	17
09-10	270	30	26	10 %	8	29	15	17
10-11	252	28	17	7 %	8	26	15	17
11-12	279	31	18	6 %	8	35	15	17
12-13	253	28	11	4 %	8	29	14	17
13-14	330	37	23	7 %	8	32	15	17
14-15	446	50	31	7 %	8	32	15	17
15-16	496	55	13	3 %	8	32	14	17
16-17	568	63	22	4 %	8	26	14	17
17-18	730	81	29	4 %	8	29	14	17
18-19	504	56	24	5 %	8	29	14	17
19-20	274	30	22	8 %	8	29	15	17
20-21	229	25	16	7 %	8	26	15	17
21-22	155	17	11	7 %	8	26	15	17
22-23	126	14	6	5 %	8	26	14	17
23-24	69	8	10	14 %	8	38	17	17
6,035	669	363	7 %	8	29	15	17	

Count by speed Bins

Speed	Count
0...5	0
5...10	902
10...15	3,055
15...20	1,715
20...25	281
25...30	75
30...35	5
35...40	1
40...45	0
45...50	1
Total:	6,035



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Tom Wooten

Department: Outside Agency

Date Submitted: 12/19/14

Presenter: Tom Wooten

Date of Council Meeting to consider this item: 01/08/14

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 13

Staff is preparing to renovate Maple Parking Lot this winter. We began by working with Lew Holloway who is a landscape architect to see if we needed to make any changes to the layout. Lew studied the lot and came up with the attached design.

We wanted to discuss our plan and the proposed changes in order to obtain feedback from City Council. We plan to remove and replace the sidewalks on King Street and 5th Avenue adjacent to the parking lot in order to remove the large Sweet Gum Trees that are inappropriate for planting under utility lines, they are root bound, and are damaging the sidewalks and parking lot. The stumps will be removed which may damage the parking lot so we plan to patch any of those areas before repaving. We will remove the the parking meters and install a kiosk (pay by space, accepts coins and credit cards). We are proposing a new driveway on King Street (left in, left out), a new driveway on Edwards Alley and proposing to close the driveway onto 5th Avenue. If we install the driveway into the alley, the one way restriction will need to be removed to allow the cars to enter the alley off of 5th Avenue (only a portion of the alley will need to be two way). We plan to install new decorative LED light fixtures around the perimeter of the lot. Install new trees, appropriate for under the utility lines, and new signage for the parking lot.

As drawn, we should improve visibility of the lot, improve traffic flow through the lot, improve the aesthetics of the lot, add flexibility to pay by credit card, and gain about three parking spaces in the lot.

We appreciate any comments on any of the proposed changes.

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

Attachments:

Current layout of Maple Parking Lot.

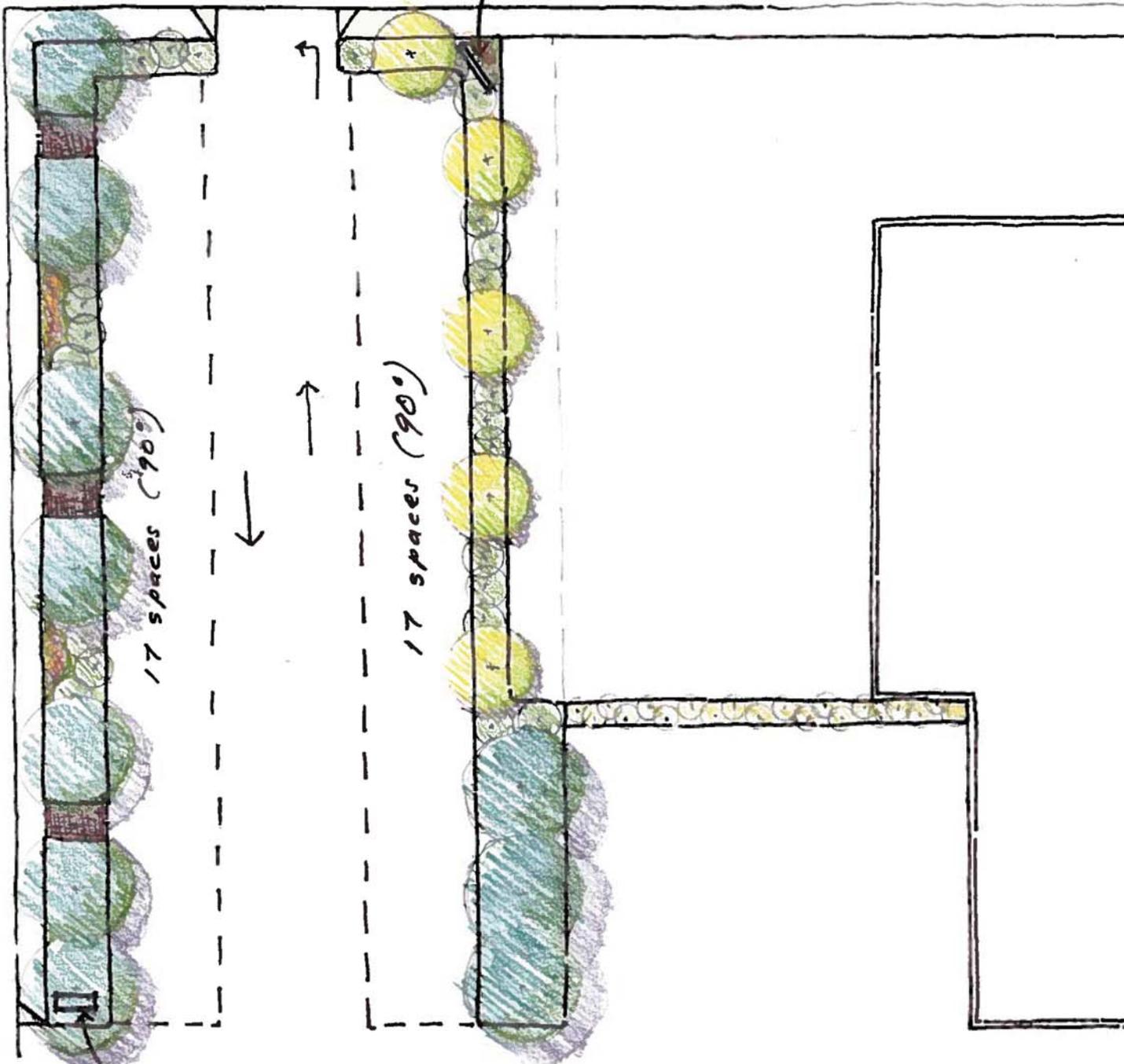
Proposed layout of Maple Parking Lot.



King St.

5th Ave.

lot signage



17 spaces (90°)

17 spaces (90°)

parking kiosk &
lot signage

Edward St.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Brent Detwiler

Department: Engineering

Date Submitted: 12/29/14

Presenter: Brent Detwiler

Date of Council Meeting to consider this item: 1/8/14

Nature of Item: Council Action

Summary of Information/Request:

Item # 14

Hall Contracting Corporation has been constructing the Shepherd Creek/Atkinson Elementary Sanitary Sewer Improvements project. They recently submitted several change orders due to greater than estimated rock excavation quantities and removal of unsuitable materials. In summary the changes are as follows:

Change Order #4 - \$59,432.56

Change Order #5 - \$55,920.00

Change Order #6 - \$28,251.60

Change Order #7 - \$17,933.30

Engineering has reviewed the change orders in detail and they are justified. Note that change orders 1 through 3 had been previously reviewed, approved and paid for out of project funds. Also note that change orders 4 through 7 total approximately \$162,000, but Engineering is requesting a budget amendment in the amount of \$300,000 moved to project contingency funds to cover these changes as well as any future rock excavation quantities or other unknown items. This is anticipated to be paid out of sewer fund balance. I would be happy to answer an questions you may have.

Budget Impact: \$ 300,000.00 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Fund balance from water/sewer fund

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

I hereby move to authorize the city engineer to negotiate and approve change orders totaling \$161,537.46 to Hall Construction Corp. for work additional work beyond the scope during the Shepherd Creek/Atkinson Elementary Sanitary Sewer installation and described by staff. I also hereby approve the associated budget amendment to move \$300,000.00 from sewer fund balance to project contingencies to cover these change orders as well as potential future change orders.

Attachments:

Hall Contracting Corp. Shepherd Creek/Atkinson Elementary Sanitary Sewer change orders

Date of Issuance:	10/1/14	Effective Date:	10/1/14
Owner:	City of Hendersonville	Owner's Contract No.:	CS370444-11
Contractor:	Hall Contracting Corporation	Contractor's Project No.:	2159
Engineer:	Brent Detwiler	Engineer's Project No.:	
Project:	Shepherd Creek / Atkinson Elementary Sewer	Contract Name:	CS370444- 11

The Contract is modified as follows upon execution of this Change Order:

Description: Additional excavation due to existing elevations were higher laying line from MH 5-7. Had to use a 6' diameter manhole to connect to multiple existing lines at Stanwood. Rock Excavation coming up to Lakeside drive (over contract quantity) Had to use dry screenings to replace unsuitable materials (all dirt in area was too wet to place back in road in order to backfill and get residents back to their houses. Connect to new lift station at Atkinson Elem. School with 8" SDR-35, set new manhole outside proposed fence, replace ABC drive. Includes mob & demob.

Attachments: *[List documents supporting change]*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>2,055,829.00</u>	Original Contract Times: Substantial Completion: <u>May 17, 2015</u> Ready for Final Payment: <u>June 17, 2015</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : \$ <u>106,947.69</u>	[Increase] [Decrease] from previously approved Change Orders No. <u> </u> to No. <u> </u> : Substantial Completion: <u>20 Days</u> Ready for Final Payment: <u>210 Days</u> days
Contract Price prior to this Change Order: \$ <u>2,162,776.69</u>	Contract Times prior to this Change Order: Substantial Completion: <u>June 6, 2015</u> Ready for Final Payment: <u>July 6, 2015</u> days or dates
[Increase] [Decrease] of this Change Order: \$ <u>59,432.56</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>10 Days</u> Ready for Final Payment: <u>10 Days</u> days or dates
Contract Price incorporating this Change Order: \$ <u>2,222,209.25</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>June 16, 2015</u> Ready for Final Payment: <u>July 16, 2015</u> days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Engineer (if required)	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)
Title: <u>City Engineer</u>	Title: <u>City Engineer</u>	Title: <u>SR-VP</u>
Date: _____	Date: _____	Date: <u>10-30-14</u>

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

Date of Issuance:	10/30/14	Effective Date:	10/30/14
Owner:	City of Hendersonville	Owner's Contract No.:	CS370444-11
Contractor:	Hall Contracting Corporation	Contractor's Project No.:	2159
Engineer:	Brent Detwiler	Engineer's Project No.:	
Project:	Shepherd Creek / Atkinson Elementary Sewer	Contract Name:	CS370444- 11

The Contract is modified as follows upon execution of this Change Order:

Description: Additional Rock Excavation over contract quantity.
Install Clean-outs and Boxes with concrete apron. (4" service line to be billed per unit in contract)
Attachments: *[List documents supporting change]*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ 2,055,829.00	Original Contract Times: Substantial Completion: <u>May 17, 2015</u> Ready for Final Payment: <u>June 17, 2015</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : \$ 166,380.25	[Increase] [Decrease] from previously approved Change Orders No. <u> </u> to No. <u> </u> : Substantial Completion: <u>30 Days</u> Ready for Final Payment: <u>30 Days</u> days
Contract Price prior to this Change Order: \$ 2,222,209.25	Contract Times prior to this Change Order: Substantial Completion: <u>June 16, 2015</u> Ready for Final Payment: <u>July 16, 2015</u> days or dates
[Increase] [Decrease] of this Change Order: \$ 55,920.00	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>10 Days</u> Ready for Final Payment: <u>10 Days</u> days or dates
Contract Price incorporating this Change Order: \$ 2,278,129.25	Contract Times with all approved Change Orders: Substantial Completion: <u>June 26, 2015</u> Ready for Final Payment: <u>July 26, 2015</u> days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Engineer (if required)	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)
Title: <u>City Engineer</u>	Title: <u>City Engineer</u>	Title: <u>Sr-VP</u>
Date: _____	Date: _____	Date: <u>11-4-14</u>

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

Date of Issuance:	11/10/14	Effective Date:	11/10/14
Owner:	City of Hendersonville	Owner's Contract No.:	CS370444-11
Contractor:	Hall Contracting Corporation	Contractor's Project No.:	2159
Engineer:	Brent Detwiler	Engineer's Project No.:	
Project:	Shepherd Creek / Atkinson Elementary Sewer	Contract Name:	CS370444- 11

The Contract is modified as follows upon execution of this Change Order:

Description: Trench Topping (over contract quantity). Remove unsuitable materials and replace with dry screenings. Remove unsuitable materials and replace with suitable materials (over contract quantity) .Extra depth due to jack and bore being deeper to avoid conflict with water main on at Willow. 10" x 4" Service Stack (no unit price in contract). 10" x 4" DI Tee(no unit price in contract). Tenstar Geogrid used to bridge over questionable materials and not have to replace all excavated materials.

Attachments: *[List documents supporting change]*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: <u>\$ 2,055,829.00</u>	Original Contract Times: Substantial Completion: <u>May 17, 2015</u> Ready for Final Payment: <u>June 17, 2015</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : <u>\$ 222,300.25</u>	[Increase] [Decrease] from previously approved Change Orders No. <u> </u> to No. <u> </u> : Substantial Completion: <u>30 Days</u> Ready for Final Payment: <u>30 Days</u> days
Contract Price prior to this Change Order: <u>\$ 2,278,129.25</u>	Contract Times prior to this Change Order: Substantial Completion: <u>June 26, 2015</u> Ready for Final Payment: <u>July 26, 2015</u> days or dates
[Increase] [Decrease] of this Change Order: <u>\$ 28,251.60</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>0 Days</u> Ready for Final Payment: <u>0 Days</u> days or dates
Contract Price incorporating this Change Order: <u>\$ 2,306,380.85</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>June 26, 2015</u> Ready for Final Payment: <u>July 26, 2015</u> days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Engineer (if required)	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)
Title: <u>City Engineer</u>	Title: <u>City Engineer</u>	Title: <u>SC VP</u>
Date: _____	Date: _____	Date: <u>11-14-14</u>

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

Date of Issuance:	11/28/14	Effective Date:	11/28/14
Owner:	City of Hendersonville	Owner's Contract No.:	CS370444-11
Contractor:	Hall Contracting Corporation	Contractor's Project No.:	2159
Engineer:	Brent Detwiler	Engineer's Project No.:	
Project:	Shepherd Creek / Atkinson Elementary Sewer	Contract Name:	CS370444- 11

The Contract is modified as follows upon execution of this Change Order:

Description: Trench Topping (over contract quantity). Remove unsuitable materials and replace with suitable materials (over contract quantity) . Install drainage culvert under Lakeside Dr.

Attachments: *[List documents supporting change]*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>2,055,829.00</u>	Original Contract Times: Substantial Completion: <u>May 17, 2015</u> Ready for Final Payment: <u>June 17, 2015</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>7</u> : \$ <u>250,551.85</u>	[Increase] [Decrease] from previously approved Change Orders No. <u> </u> to No. <u> </u> : Substantial Completion: <u>30 Days</u> Ready for Final Payment: <u>30 Days</u> days
Contract Price prior to this Change Order: \$ <u>2,278,129.25</u>	Contract Times prior to this Change Order: Substantial Completion: <u>June 26, 2015</u> Ready for Final Payment: <u>July 26, 2015</u> days or dates
[Increase] [Decrease] of this Change Order: \$ <u>17,933.30</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>0 Days</u> Ready for Final Payment: <u>0 Days</u> days or dates
Contract Price incorporating this Change Order: \$ <u>2,324,314.15</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>June 26, 2015</u> Ready for Final Payment: <u>July 26, 2015</u> days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Engineer (if required)	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)
Title: <u>City Engineer</u>	Title: <u>City Engineer</u>	Title: <u>SR. VICE PRESIDENT</u>
Date: _____	Date: _____	Date: <u>11-28-14</u>

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 12/29/2014

Presenter: John Connet

Date of Council Meeting to consider this item: 01/08/2015

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 15

City staff has been working for the last several months to improve our performance evaluation system. Our previous system was computer based and did not encourage honest feedback for low performing employees or recognition for high performing employees. We have completed the initial drafts of the Performance Pay and Review Programs and I will present them to you for feedback over the next thirty days. These programs will have to be adopted by City Council prior to their implementation.

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

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

NA

Attachments:

Performance Pay Program

Performance Review Program

Performance Pay Program City of Hendersonville

I. Purposes

The purposes of the Performance Pay Program are:

1. To provide a systematic program to reward employees based on job performance, accomplishments, and contributions to the organization;
2. To provide recognition and demonstrate appreciation for job performance; and
3. To provide incentive for improved performance and productivity and to maintain a high level of employee performance and morale.

II. Definitions

The pay table will be designed with the following rates for each grade:

Hiring - the entry level rate for the pay grade. Employees meeting the requirements on their respective class specification should be hired at the Hiring Rate. Employees who significantly exceed the education and experience requirements on their respective class specification may be considered for hiring above the hiring rate.

Minimum – the point employees move to upon successfully completing probation if they are not yet at this rate.

Midpoint - a rate that is half way between the Hiring Rate and the Maximum Rate

Maximum - a rate that is 50% greater than the Hiring Rate.

III. Responsibilities

1. City Manager. The City Manager will recommend to the Council sufficient funding to insure an effective Performance Pay program. The City Manager will make decisions regarding when to award Performance Pay to department heads. The City Manager will monitor the Performance Pay program in the organization for consistency, fairness, and accurate and complete information. The City Manager may overturn the decision of department managers to award performance pay increases where inconsistencies, failure to follow established policies and procedures, funding availability, or other circumstances dictate.
2. Department Heads. Department heads will make performance pay decisions in the department, subject to the review and approval of the City Manager based on completing and/or reviewing the Performance Review and Development forms completed by immediate supervisors and upon any other information that is needed. Department Heads will make performance pay decisions regarding increases for their direct subordinates. They will communicate their recommendations to employees, explaining that the recommendation is subject to the review and approval of the City Manager. Department Heads are accountable to the City Manager for the pay decisions they make.

3. Human Resources Department. The Human Resources Department will manage and monitor the Performance Pay Program in the organization for consistency, fairness, adherence to policies, and accurate and complete information.

IV. Performance Pay Amounts

Performance pay amounts (including performance bonus) will be awarded based on the overall performance rating the employee receives for the full year on the final performance review form.

Performance pay amounts will include both the market adjustment (cost of living) and performance (merit) increases. These amounts may vary from year to year depending on budget availability and market adjustment amount. Unless a different schedule is published by the City Manager by July 15 of any given year, the following schedule will apply:

	Below Midpoint	Above Midpoint
Outstanding	Market adjustment plus 3%	Market Adjustment plus 3%
Exceeds Expectations	Market adjustment plus 2%	Market adjustment plus 2%
Achieves Expectations	Market adjustment plus 1%	Market adjustment plus 1%
Needs Improvement	0	0
Fails to Achieve Expectations	0	0

An employee whose performance fails to meet expectations will have the performance review scheduled again in six weeks to three months. If the employee=s performance is rated ΔAchieves Expectations@ at that time, the employee will receive a market adjustment at that time only if failure to do so leave the employee=s salary below the hiring rate. If the employee=s performance is rated ΔNeeds Improvement” or “Fails to Meet Expectations@ the disciplinary process will continue.

- V. **Performance Pay Bonus.** Employees who are at the top step of the salary range for their position classification are eligible to be considered for a Performance Pay Bonus. These bonuses shall be awarded based upon the performance of the employee as described in the Performance Review and Employee Development forms.

If an employee=s current salary is below the maximum of the salary range but awarding the full performance pay amount places an employee above the maximum, then the employee

will receive the amount that would place him or her above the maximum awarded in a lump sum amount.

VI. Procedure

1. Performance Pay Eligibility Dates. Employees will be considered for a performance pay increase on their anniversary date. Performance pay begins on the first day of the payroll period immediately following the review date.
2. Documentation. All Performance Review and Employee Development forms will be signed by the employee, supervisor and department head and forwarded to the Human Resources Department with any accompanying memoranda or other documentation for review and filing. The employee shall be given access to a copy of the forms and other documents to keep.
3. Appeals. Any employee who believes that his or her performance pay decision is unfair or inaccurate may make a formal appeal by following the grievance procedure in the Personnel Policy.

Performance Review and Employee Development Program City of Hendersonville

I. Purpose

To establish and maintain a performance review and employee development program that contributes to the organization achieving its mission, core values and goals, increases accountability, and focuses on continuous employee development and recognition of the performance levels of all employees.

II. Objectives

1. **Communications:** To create and nurture an atmosphere for open and direct two-way communications between supervisors and employees concerning job performance and expectations, to ensure that performance is discussed on a regular, on-going basis between supervisors and employees so that there are no surprises in the annual performance review. To build a partnership based on mutual respect and increase trust in the relationship between employees and supervisors. To provide a format for supervisors, when they choose, to request and receive feedback from employees. To enable employees to establish clear, challenging and achievable goals in consultation with their supervisors. To ensure that employees know how their jobs and their goals fit into overall organizational and departmental mission, vision, and goals.
2. **Recognition:** To establish a program of on-going feedback whereby employees receive recognition and appreciation for their good performance, accomplishments and achievements and feel affirmed for the contributions they make to the organization.
3. **Employee Development:** To develop information which can be used jointly by supervisors and employees to determine appropriate training needs and resources including on-the-job training. To discuss and identify how employees can prepare for potential advancement opportunities where appropriate.
4. **Continuous Performance Improvement:** To regularly discuss the performance of all City employees based on job-related criteria; to provide performance coaching, encouragement, and exploration of optional approaches where needed; to identify during discussions both accomplishments and areas for performance employee development for each employee; to discuss specific plans to bring about continuous improvement for each employee and the organization as a whole that translates into increasing service excellence for our customers and citizens.
5. **Service Excellence:** To communicate, promote, and provide accountability for the City's Principles of Excellent Service.
6. **Motivation:** To hold performance review meetings that develop a sense of purpose in the job, and help employees increase their motivation to achieve important results for the City.
7. **Teamwork:** To reinforce and promote the City's culture of teamwork including mutual respect, humility, and service.
8. **Personnel Actions:** To provide background information and documentation for consideration in conjunction with any personnel actions that may occur, including performance pay and promotions.

Performance Review and Employee Development Program Page 2

III. Instruments

1. Performance Review and Employee Development Program Instruments

Instruments have been developed for use with employees of the City based on the occupational groups as identified in the Addendum. The instruments contain performance standards that are behaviorally anchored for each of the five levels of performance identified in Section V of this policy.

2. Performance Standards. Performance standards refer to the behaviorally anchored language mentioned in number one above and are developed based on input by employees and supervisors. Performance standards are written using the following criteria:

- a. Clearly job-related
- b. Stated in terms of behavior that can be observed
- c. Specific and descriptive of the behavior
- d. Focused on results/outputs, not inputs, effort, etc.
- e. Measurable when possible and feasible

3. Weights. Weights should be established in a conference jointly with the employee(s) and supervisor(s) at the beginning of the performance review period as part of communicating and understanding job expectations and requirements. All weights should add up to 100%. Weights should be established individually where jobs are unique and in a team approach where multiple employees have the same job duties. Weights should be reviewed annually by those who originally established them to determine if they are still accurate.

IV. Responsibilities

Each person or group identified below has a very important role to play in the Performance Review and Employee Development Program to ensure the overall program's success. Because this program has a significant interdependence component, the effectiveness of each person in performing each aspect of his/her role may substantially affect the overall effectiveness of the program for the City.

1. City Council: The City Council responsibilities include:
 - provide a clear mission and vision to guide the organization
 - supporting the program;
 - adopting policies to govern the program;
 - respecting the City Manager's role as program administrator; and
 - providing resources (funding) to support the program.
2. City Manager. The City Manager's responsibilities include:
 - educating, promoting, and keeping the Council informed of program status;
 - keeping department heads informed of relevant Council activities;
 - helping establish and communicating organizational goals and objectives with all department heads regularly and working with departments and the Council on changing priorities;
 - ensuring a policy is developed and maintained to guide the program;
 - ensuring a mechanism to evaluate effectiveness of the Performance Review and Employee Development Program and monitoring the progress and success of the

Performance Review and Employee Development Program

Page 3

- implementation and administration of the performance review program;
- monitoring the program for a) consistency from department to department, b) adherence to policies and procedures; c) training needs; d) consistency with other personnel actions; e) legality, and f) overall effectiveness;
- working with department heads to make any needed improvements and approving changes to the administrative procedures in the program;
- jointly developing management performance standards with department heads, communicating expectations and giving feedback to department heads on their individual performance throughout the year, coaching them in the effective use of the program, and conducting performance review conferences with department heads; and
- fairly and objectively conducting employee appeals of performance ratings.

3. Department Heads. The responsibilities of department heads include:

- helping develop and communicate organizational and departmental goals and objectives to their employees;
- educating, promoting, and involving employees in program Employee development, implementation, use, monitoring, and insuring that new employees are oriented to the program;
- providing on-going feedback to their direct reports, including identifying specific ways employees can improve performance;
- identifying employee development and advancement needs and interests and recommending appropriate training opportunities;
- supporting the training activities of the program;
- ensuring that Performance Review and Employee Development conferences are conducted and documented in a timely fashion;
- insuring that interim performance reviews are completed when supervision changes occur;
- keeping management informed on the effectiveness of the program and monitoring the performance ratings in their departments for logical documentation and consistency among divisions, sections, and different supervisors to ensure departmental fairness;
- conducting Performance Review and Employee Development conferences with employees answering directly to the department head; and
- conducting any employee appeals fairly and objectively and making decisions based on valid performance ratings.

Department heads are accountable for the quality and effectiveness of the program in their departments.

4. Supervisors. The responsibilities of supervisors are:

- communicating department goals and expectations regularly, as well as the benefits of the performance review program;
- clarifying specific job expectations, communicating them to employees, and providing on-going performance feedback to their employees including identifying specific ways employees can improve their performance;
- conducting thorough Performance Review and Employee Development conferences and documenting them in a timely fashion, including making performance rating recommendations;
- keeping department heads informed on the effectiveness of the program including the contents of the performance review forms and recommending changes necessary to maintain an accurate and fair program following the chain of command;
- following the policies and procedures established for the program and applying them

Performance Review and Employee Development Program

Page 4

fairly and consistently;

- identifying employee development and advancement needs and interests and recommending appropriate training opportunities;
- fairly and objectively considering all performance rating appeals; and
- training new employees in the performance review and Employee development program purpose, objectives, procedures and expectations of employees as well as reviewing forms and performance standards and relating them specifically to the job and setting weights as appropriate.

Supervisors are accountable for the Performance Review and Employee Development forms they complete and the recommendations regarding employee performance that they make.

5. Lead Workers. Lead workers are employees who make work assignments, monitor work quality and provide on-the-job training and coaching to co-workers. Lead workers may participate in performance review and Employee development conferences or provide input for them. Lead workers are responsible for:

- providing accurate, thorough input regarding the performance of employees on their team including accomplishments/strengths and areas for improvement;
- respecting and maintaining the confidentiality of all personnel matters in which they are involved;
- assisting supervisors with documentation of performance, both positive and “needs improvement” when assigned;
- participating in performance review and Employee development conferences fully and honestly when assigned; and
- assisting supervisors with communicating performance expectations and providing on-going feedback and coaching throughout the year.

6. Employees. Each employee is responsible for:

- working with his/her supervisor on a mutual understanding of work expectations;
- providing input and feedback into the Performance Review and Employee Development conference including identifying accomplishments and areas for improvement;
- following the policies and procedures established for the program;
- following the chain of command to express concerns and make appeals;
- providing candid open feedback to supervisors concerning their satisfaction with the performance review program; and
- making suggestions regarding any needed changes in the performance standards related to their jobs.

7. Human Resources Department. The Human Resources Department is responsible for:

- continuing to provide training and information on implementing the program to Manager, department heads, supervisors, and employees;
- working with department heads to make recommendations for any needed improvements to the program;
- keeping materials and resources up to date and communicating changes;
- facilitating/mediating performance review program appeals and processes;
- monitoring the program for a) City-wide consistency from department to department; b) adherence to policies and procedures; c) training needs; d) consistency with other personnel actions; e) legality; and f) overall effectiveness, progress, and success of implementation and administration;
- providing feedback where needed to departments regarding timeliness, thoroughness,

Performance Review and Employee Development Program

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- legal issues, fairness, consistency, and program statistical data;
- processing personnel transactions and insuring appropriate documentation;
- providing internal consultation on the use of the program to employees, supervisors, and management; and
- being a resource on information regarding training programs for skills enhancement and continuous improvement as well as identifying trends that lead to training needs for the organization.

V. Performance Categories

The overall performance of all employees will be rated in one of the following five levels:

Important Note: The purpose of the Performance Review and Employee Development form is **not** to dictate a performance rating to the supervisor, but rather to help the supervisor 1) focus on job-related criteria; 2) review the whole period (three months, six months, or a year), not just most recent months; 3) give feedback on relevant aspects of the employee's performance; 4) help document performance, and 5) think through a logical decision on the overall performance rating. The performance standards are not necessarily the only indication of performance; some categories or standards are more important than others; other important aspects for consideration, such as disciplinary actions, may only be found in the summary comments. The supervisor is expected to use reasoned logic and good judgment in determining the overall rating of performance. Documentation is available to support the rating level. Employees should be rated against performance expectations, not against each other.

Outstanding: Fully meets all job requirements identified for the position. In addition, performance consistently and significantly exceeds job requirements in important aspects of work. Work is performed at a sustained high level of proficiency. The employee also expands the scope of tasks and responsibilities or the amount of work performed resulting in increased productivity for the work unit. The employee accomplishes the most difficult and complex assignments with minimum supervision and maximum quality. Specific examples of such performance are readily available.

Exceeds Expectations. Fully meets all major job requirements identified for the position. In addition, performance frequently exceeds job requirements in several areas. Supervision is required only for special or unusual assignments or problems.

Achieves Expectations. Meets all major job requirements in a competent manner. The employee may occasionally exceed some job requirements. Accomplishes duties in a reasonable and consistent manner demonstrating full proficiency in the job. If there are occasional lapses in performance, they do not create any substantial problems for the organization, nor have any major impact on service delivery. Normal supervision is required.

Needs Improvement. Performance meets job requirements in important categories at least marginally. However, performance is inconsistent or unreliable in one or more performance categories. The employee needs to improve proficiency to more fully meet the needs for which the position was established. Remedial attention and close supervision are required.

Fails to Achieve Expectations. Performance is inconsistent and one or more major job requirements are not met. Work tasks are not performed or must be repeated due to low quality. Remedial attention and close supervision are required. Failure to correct performance deficiencies in an appropriate amount of time may result in suspension, demotion, or dismissal. A

Performance Review and Employee Development Program

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rating at this level should be coordinated with the progressive disciplinary process.

VI. Procedures

1. **Performance Review and Employee Development Conferences.** Performance Review and Employee Development conferences with all City employees will be conducted and documented within a 30 day window before the employee's review date. Performance Review and Employee Development conferences will be conducted by the employee's supervisor who may also be accompanied by the next level of supervision. The conference will encompass one year. Informal interim Performance Review and Employee Development conferences may be conducted when needed or according to departmental policies.
2. **Performance Coaching.** (A "No Surprises Approach" to performance review) An integral part of the Performance Review and Employee Development Program is on-going performance feedback and coaching. Whenever a supervisor observes good performance or performance needing improvement, the supervisor should provide specific, timely feedback to the employee. Performance improvement feedback should be designed to help the employee become more successful. Other coaching activities include helping employees identify optional approaches and develop problem-solving skills, planning projects, providing encouragement for difficult tasks, identifying training and resource possibilities, and general problem-solving discussions designed to help employees learn, develop their capacities, and develop their careers. The "No Surprises Approach" also includes keeping documentation on both positive and improvement feedback provided to employees throughout the year to ensure accurate details at performance review time.
3. **Performance Review and Employee Development Conference Dates.** Performance Review and Employee Development dates will be the hire date of the employee. Performance Review dates will remain unchanged including after promotions, reclassifications, probation completion, etc.
4. **Probationary Performance Review and Employee Development Conferences.** Probationary Performance Review conferences with new or promoted employees who are serving a six month probationary period will be conducted and documented within a 30 day window before the end of the probationary period. For law enforcement and fire service staff serving a twelve month probationary period, probationary review conferences will be conducted and documented within a 30 day window at six months as an interim measure, and again at the end of twelve months to make a final determination. Additional conferences may be held at the employee's or supervisor's request. A employee must receive a rating of no less than "Achieves Expectations" in order to move from probationary to regular status. A employee whose performance fails to meet expectations but shows clear promise of successful performance may have the probationary period extended for three months and up to a maximum of an additional six months. This provision in no way restricts the City from dismissing a employee whose performance or conduct is considered unsatisfactory at any point in the probationary period.
5. **Performance Review and Employee Development Instrument.** The instruments may be revised and updated as needed based on input from employees, supervisors and department heads and approved by the Human Resources Department.

Performance Review and Employee Development Program
Page 7

- 6. Coordination with Discipline.** Overall performance ratings of “Needs Improvement” and “Fails to Achieve Expectations” are considered unsatisfactory job performance in the City’s progressive disciplinary policies and procedures and These policies will be followed if an employee earns this performance rating. Such a rating may be followed by a written warning. When such a rating is earned, additional counseling sessions and performance review sessions will be conducted in six to 12 weeks and careful performance monitoring and coaching will occur. In no case should a employee’s performance remain in the “Needs Improvement” or “Fails to Achieve Expectations” level for more than six months.
- 7. Changes in Supervision.** When a change in supervision is imminent due to promotion, transfer or other action involving the employee or supervisor, the current supervisor should conduct an interim Performance Review and Employee Development conference including meeting with the employee and completing all necessary forms. The interim Performance Review and Employee Development information should be considered by the new supervisor, along with performance observed and documented by the new supervisor in determining the employee's overall rating for the performance period.

In addition, when there is a change in supervision, the new supervisor and employee should jointly review the employee's performance standards, discuss meanings of words and expectations, and set weights.
- 8. Documentation.** All Performance Review and Employee Development forms will be signed by the employee, supervisor, intermediate levels of supervision, and department head and forwarded to the Human Resources Department. The supervisor will offer to print a copy of the performance evaluation instrument for the employee to keep after all signatures and comments have been completed. All relevant sections of Performance Review and Employee Development forms, including all signatures, will be completed by the appropriate person prior to processing the forms. A personnel action form should accompany all forms.
- 9. Appeals.** Any employee who believes that the application of this policy or his or her performance rating is unfair or inaccurate may make a formal appeal by writing the specific disagreement(s) and filing it with the evaluating supervisor within five work days. The supervisor will provide a written response within five work days after receipt of the appeal. If the employee is dissatisfied with the response from the supervisor, the employee may appeal the decision within five work days of receiving the supervisor’s response using the City’s Grievance Procedure, a copy of which is available from the supervisor or Human Resources Department. A copy of all appeals and grievances will be provided to the Human Resources Department.
- 10. Training.** Department heads are responsible for identifying training needs of supervisors and insuring that these are met so that Performance Review and Employee Development conferences are conducted effectively. New supervisors will participate in some form of training in the City's policies and procedures as well as effective techniques for conducting performance and Employee development conferences prior to performing them. The Human Resources Department will coordinate this training.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 12/23/14

Presenter: Tammie Drake/John Connet

Date of Council Meeting to consider this item: 01/08/15

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 18

BUSINESS ADVISORY COMMITTEE: The City Council formed the Business Advisory Committee at their January 9, 2014 meeting. An excerpt from the minutes of that meeting show: "... Mayor Volk commented she would like to form the committee for one year to see how it works, and if proves to be worthwhile, then set up a formal rotation of members. She suggested evaluating the effectiveness of the committee next January. Council Member Stephens agreed." I have e-mailed the members of the Business Advisory Committee to ascertain their interest in continuing to serve on the Committee. I explained (re)appointments may not be made until the February meeting. To date the only person to decline reappointment was Dr. Robert Laborde. I am waiting to hear back from Andrew Tate and Matthew Johnes. Council should discuss the effectiveness of the Committee and whether it should continue. A formal rotation of the membership may be accomplished when the (re)appointments are made. Staff is suggesting five of the members be appointed for three-year terms; four appointed for two-year terms, followed by three-year terms. The Council appoints six members; one is made by Henderson County; one by the Chamber and one by Partnership for Economic Development.

TREE BOARD: As announced at your December meeting, the term of Albeiro (Alex) Rodriguez on the Tree Board will expire February 1. Mr. Rodriguez is interested in serving another term on the Tree Board.

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

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

I move Council to approve the formation of the Business Advisory Committee with the same number of members as initially appointed, to establish three-year terms for the members after the initial appointments. The Committee may change the number of meetings based on their needs.

I move to reappoint Alex Rodriguez to a three-year term on the Tree Board.

Attachments:

Board membership lists



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 12/28/2014

Presenter: John Connet

Date of Council Meeting to consider this item: 1/8/2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 20

I hereby request that the City Council enter into Closed Session to discuss the possible redevelopment of City-owned property and to discuss the providing of incentives to two potential industries associated with the Hendersonville Water and Sewer System. This Closed Session is pursuant to G.S. 143-318.11 (4) (5).

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

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

I move that the City Council enter Closed Session in accordance with G.S. 143-318.11 (4) & (5) to discuss matters relating to location or expansion of industries and to instruct the staff regarding negotiating the position of the public body.

Attachments:

Information regarding these items will be in a separate folder.