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AGENDA

CITY OF HENDERSONVILLE CITY COUNCIL – REGULAR MEETING

JUNE 6, 2013 – 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, non controversial in nature and are considered and approved by a single motion and vote.*
 - A. Consideration of Minutes: May 2, 2013 Regular Meeting, May 17, 2013 Special Meeting
 - B. Consideration of Special Event Permit for Old Towne Market Tent Sale
 - C. Consideration of Abatement of Nuisances
 - D. Consideration of Inclement Weather Policy for Patton Pool
 - E. Consideration of Ordinance Amending Chapter 32 of the code of Ordinance Relating to Police Department Authority to Seek Access to SBI/DCI Criminal History Record Information for ABC-Related Background Investigations
 - F. Consideration of Budget Amendments:
 - i. Public Works Department (3)
 - ii. Water/Sewer Department

G. Consideration of Electrical Engineering Contract

H. Consideration of Authorizing the City Engineer to Execute a Contract with MESCO, upon City Manager Approval, for Engineering and Grant Administration Services Required for the Academy Road Water System Improvement Project

I. Consideration of Disposition of Police Motorcycle

6. Introduction and Welcome City Manager John F. Connet

Presenter: Mayor Barbara Volk

7. Presentation of Awards by the Historic Preservation Commission's Community Affairs Committee

Presenter: Ms. Sue Anderson, Planning Director

8. Presentation of GFOA Award to Finance Director

Presenter: City Manager John Connet

9. Consideration of Resolution Adopting the Capital Improvement Plan for FY 2013-14

Presenter: Mr. Jim Rudisill, Finance Director

10. Public Hearing - Consideration of Budget Ordinance Making Appropriations for Certain Expenses, Capital Improvements and Indebtedness of the City of Hendersonville for the Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014

Presenter: Mr. Lee Galloway, City Manager and Mr. Jim Rudisill, Finance Director

11. Public Hearing - Announcement of Plans and Receipt of Public Input on Applying for a NC Department of Commerce Department of Community Assistance Infrastructure Community Development Block Grant to Partially Fund Improvements Planned for the Academy Road Area of Henderson County in the Dana Community

Presenter: Mr. Lee Smith, Utilities Director

12. Quasi-Judicial Public Hearing - Consideration of an Application by Ingles Markets, Inc. to Amend a Special Use Permit to Add a Gas Station with Canopy and an Attendant Kiosk to the Ingles Store Property Located at 1980 Asheville Highway

Presenter: Ms. Sue Anderson, Planning Director

13. Consideration of Adoption of Special Events Policy

Presenter: Mr. Lew Holloway, Main Street Director

14. Reports from Staff

a. Meeting Announcements/Reminders: Reminder of Special Council Meeting on Monday, June 17, 2013, City Hall, at 10:00 a.m. for Presentations on Mill Building Proposals

Presenter: Mrs. Tammie Drake, City Clerk

15. Consideration of Appointments to Boards/Commissions and Announcement of Vacancies

Presenter: Mrs. Tammie Drake, City Clerk

- a. Appointments for Consideration: None
- b. Announcement of Vacancies and Upcoming Appointments: Board of Adjustment, Main Street Advisory Committee, Environmental Sustainability Board

16. Comments from Mayor and City Council Members

- a. Scheduling Special Meeting to Discuss Mill Building Proposals

17. New Business

18. Closed Session

19. Adjournment



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Susan Frady

Department: Zoning

Date Submitted: 05/17/13

Presenter: Susan Frady

Date of Council Meeting to consider this item: 06/06/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05b

Tent Sale

On May 16, 2013, the Special Events Committee met and reviewed an application from Old Towne Market for the Tent Sale to held Saturday, June 8, 2013, from 9 a.m. – 4 p.m.

Locust Street will be closed from Bearcat Blvd. to 8th Avenue. The sidewalk will also be closed. 8th Avenue will be open to all traffic to access Maple Street.

This will be a vintage motorcycle gathering with vendors of apparel, equipment and food. The event will be family friendly and 200 or more motorcycles are expected.

This event will bring awareness to our youth and work of the 4-H club. 10% of the proceeds will benefit the 4-H.

The Special Events Committee voted unanimously to recommend approval of a special event permit for the Tent Sale.

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

I move that the City Council approve the agenda item for a special event permit for the the Tent Sale.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Susan G. Frady

Department: Zoning

Date Submitted: 05/22/13

Presenter: Susan G. Frady

Date of Council Meeting to consider this item: 06/06/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05c

Pursuant to Section 26-40 of the City Code of Ordinances, I request approval for the City to cause certain nuisances to be remedied and to assess the actual cost to the property owner. By this memorandum, I certify that the following property owners have been notified of a nuisance condition by certified mail and have failed to take corrective action:

- 1) Certus Bank – 109 1st Avenue East
- 2) Langdon Cooper/ TD Bank – 111 Florence Street
- 3) Bank of America, NA – 1315 E. Bane Street
- 4) Susan Harrow – 806 3rd Avenue West
- 5) Hermanita Doster & Johnita Marable – 733 3rd Avenue West
- 6) Audrey Graham – 616 3rd Avenue West
- 7) Johnson Law Firm – 1st Avenue West
- 8) Hope Development Management – 110 Gravel Street
- 9) Donald & Natalia Pridemore – 120 S. Whitted Street
- 10) George & Lynn Gosnell – 423 Algeria Street
- 11) Developers Investment Co., Inc. – 321 Thompson Street
- 12) Christopher & Joy Capps – 1201 N. Main Street
- 13) Mary Ella Myers – 7th Avenue West
- 14) Milton Westcott Robbins – N. Oak Street
- 15) Maria E. Boyd – 821 N. Oak Street
- 16) Eastside Associates, LLC – 1828 N. Main Street
- 17) Eastside Associates, LLC – vacant lot N. Main & Signal Hill Rd.
- 18) The Hodges Co. – 1000 7th Avenue East
- 19) Stewardship Fund LP – 616 Ashe Street
- 20) Raymond Featherstone & Wife – 623 E. Pace Street

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

I move that the City Council approve abatement by the City of the nuisances as listed and that the cost be assessed to the property owner.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tom Wooten

Department: Public Works

Date Submitted: 05/23/13

Presenter: Tom Wooten

Date of Council Meeting to consider this item: 06/06/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05d

At the request of City Council, staff has developed a Inclement Weather Policy for Patton Pool. The Policy will allow patrons to re-enter the pool if the pool is closed due to bad weather and the patrons have not been at the pool longer than 60 minutes. The rain check will be valid for two weeks and is only valid for up to the specific number of adults and/or children on the original receipt. There are other details within the Policy but they are our current practices related to bad weather events. Staff is requesting action from City Council on the Policy.

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

I move to adopt the Inclement Weather Policy for Patton Pool.

Attachments:

PATTON POOL INCLEMENT WEATHER POLICY

**Return to
Agenda**

PUBLIC WORKS DEPARTMENT

ADMINISTRATION

TITLE: PATTON POOL INCLEMENT WEATHER POLICY

A. PURPOSE:

The purpose of this document is to establish a written Policy to follow when lightning, thunder, and storms in general affect the patrons at Patton Pool located at 114 E. Clairmont Drive, Hendersonville NC

B. PROCEDURE TO FOLLOW FOR PATRONS IN THE EVENT OF INCLEMENT WEATHER:

When the possibility of inclement weather is in the area, pool staff should remain aware of the skies around them, keep a watchful eye on the sky, and listen to a weather radio for the latest storm information.

THUNDER: If thunder should occur, the pool will be evacuated for 30 minutes. Each time thunder occurs, the clock will reset for 30 minutes.

LIGHTNING: When lightning is seen in the area and vicinity of the pool, it will be evacuated immediately for a period of 30 minutes. For each lightning occurrence, the clock will reset for 30 minutes. Pool management may close the pool if the weather does not appear to be clearing up.

C. PROCEDURE FOR ADMISSION OF PATRONS DUE TO INCLEMENT WEATHER WATCH

1. Patrons will not be admitted to the pool during an inclement weather warning. Admission may take place once the weather has cleared and pool management has deemed the threat over. A daily notice of "Pending Inclement Weather" will be posted at the gate house to provide advanced warning of potential storms.

2. Patrons who were already in the pool area at the time of inclement weather evacuation may have their hand stamped in order to return the same day, should weather conditions improve.
3. Patrons that have entered the pool and inclement weather takes place within 60 minutes of their admission may receive a rain check to return to the pool. Rain checks for admission to the pool shall be valid for a period of two weeks.
4. It shall be the responsibility of pool management and gate staff to keep an accurate log for pool rain check re-admissions.
5. Rain checks will be given to the patrons in the form of a ticket. Patrons may use the rain check for up to the exact number of adults and children that were admitted on the day the rain check was issued.

Author: **Bari Souther, Administrative Aide, Public Works Department**

Verified by: _____
Patton Pool Manager

Date: _____

Verified by: _____
Public Works Director

Date: _____

Approved by: _____
City Manager

Date: _____



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

[Return to
Agenda](#)

Submitted By: Sam Fritschner

Department: Legal

Date Submitted: 05/29/13

Presenter: Sam Fritschner

Date of Council Meeting to consider this item: 06/06/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05e

Our police department routinely performs background investigations on applicants for ABC licenses. As part of its investigation the department requests criminal records from the State Bureau of Investigations.

The department has now been informed that in order for to continue to receive records from the SBI the City must have adopted an ordinance authorizing the department to seek and receive these records.

I have adopted a proposed ordinance in essentially the form required by the SBI.

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

I move adoption of the ordinance authorizing the Hendersonville Police Department to request and receive ABC-related background records from the SBI.

Attachments:

Proposed ordinance

AN ORDINANCE AMENDING CHAPTER 32 PERTAINING TO POLICE DEPARTMENT AUTHORITY TO SEEK STATE ACCESS TO SBI/DCI CRIMINAL HISTORY RECORD INFORMATION

WHEREAS, North Carolina General Statute § 18B-904(f) provides that the governing body of a municipality may designate an official by name or position to make recommendations to North Carolina Alcoholic Beverage Control Commission on behalf of the municipality concerning the suitability of a person or location for an ABC permit when the proposed location is within the municipality; and

WHEREAS, the Chief of Police or his designee is designated by N.C.G.S. § 18B-904(f) as the official authorized to make recommendations on behalf of the governing body concerning the suitability of a person or location for an ABC permit within the municipality's jurisdiction; and

WHEREAS, the City Council has determined that the Hendersonville police department desires access to the SBI/DCI criminal history record information to obtain criminal history information on all persons applying for ABC permits for proposed locations within the City, and

WHEREAS, the Hendersonville Police Department will obtain this criminal history information on each applicant based on identification information regarding the applicant contained in the notice of permit application received from the State ABC Commission; and

WHEREAS, if this criminal history information reveals that an applicant has been convicted of any felony, a misdemeanor involving drugs or alcohol, or any offense in violation of Article 26 of Chapter 14 of the North Carolina General Statutes, the Hendersonville Police Department will file a written objection to the issuance of the permit; and

WHEREAS, the State ABC Commission is the government agency responsible for the issuance of all ABC permits,

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

SECTION 1. CHAPTER 32 of the Hendersonville Code of Ordinances is hereby amended to add a section to Article I to read in its entirety as follows:

Sec. 32-4. Police authority regarding criminal history information for applicants for ABC permits.

The police department shall be authorized to seek state access to SBI/DCI criminal history record information to obtain criminal history information on all persons applying for ABC permits for proposed locations within the City of Hendersonville.

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 6th day of June 2013.

Barbara Volk, Mayor

Attest:

Tammie K. Drake, MMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tom Wooten

Department: Public Works

Date Submitted: 05/29/13

Presenter: Tom Wooten

Date of Council Meeting to consider this item: 06/06/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05fi

GENERAL FUND
Downtown Tax District Budget

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	DEBIT (+)	CREDIT (-)
204750-533000	Utilities	\$5,000	
200090-499200	Downtown Tax District – Fund Balance		\$5,000

EXPLANATION: I am requesting the transfer of funds in order to balance the utility line item in the Downtown Tax District Budget.

TOTAL CURRENT BUDGET APPROPRIATIONS \$383,100.00

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

I move Council's approval of the budget amendment for the Public Works Department .

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tom Wooten

Department: Public Works

Date Submitted: 05/29/13

Presenter: Tom Wooten

Date of Council Meeting to consider this item: 06/06/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05fi

GENERAL FUND

Seventh Avenue Tax District Budget

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	DEBIT (+)	CREDIT (-)
214751-529900	Supplies & Materials	\$102.00	
214751-559900	Capital Outlay – Other Improvements	\$1258.00	
210090-499200	Seventh Avenue Tax District – Fund Balance		\$1,360.00

EXPLANATION: I am requesting the transfer of funds to balance the line items within the Seventh Avenue Tax District Budget for the remainder of the budget year.

TOTAL CURRENT BUDGET APPROPRIATIONS \$52,280.00

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

I move Council's approval of the budget amendment for the Public Works Department .

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tom Wooten

Department: Public Works

Date Submitted: 05/29/13

Presenter: Tom Wooten

Date of Council Meeting to consider this item: 06/06/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05fi

GENERAL FUND

Public Works – Traffic Engineer Budget

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	DEBIT (+)	CREDIT (-)
104520-533900	Street & Traffic Lights	\$25,000	
100090-499200	Fund Balance Appropriated		\$25,000

EXPLANATION: I am requesting the transfer of funds in order to balance the street and traffic light budget for the remainder of the budget year.

TOTAL CURRENT BUDGET APPROPRIATIONS \$358,560.00

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

I move Council's approval of the budget amendment for the Public Works Department .

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Lee Smith

Department: Water/Sewer

Date Submitted: 05/30/13

Presenter: Lee Smith

Date of Council Meeting to consider this item: 06/06/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05fii

Each budget cycle the departments prepare a mid-year and year-end budget amendments in order to maintain balanced and accurate budgets. Attached are the budget amendments being requested by Water and Sewer that require city council consideration and approval. Please let us know if you have any questions or require additional information.

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

I move to approve the requested year end budget amendments for Water and Sewer, as presented and recommended by staff.

Attachments:

Budget Amendment Requests for:

607110 - Administration

607126 - Water Maintenance

607123 - Facilities Maintenance

607134 - Wastewater Treatment

607125 - Shop Operations

607136 - Sewer Collection

BUDGET AMENDMENT

**Return to
Agenda**

To: Jim Rudisill, Finance Director
From: Lee Smith, Utilities Director

Date: 5/30/13

BE IT RESOLVED, that the following amendments be made to the Adopted Budget for the City of Hendersonville for the fiscal year ending June 30, 2013.

Account Number		Description of Account	Increase	Decrease
607123	559900	Capital Outlay - Other Improvements		\$ 12,998
607123	569000	Contracted Services		\$ 10,000
607123	595600	Issues from Inventory		\$ 20,000
607123	512100	Salaries and Wages - Regular	\$ 11,551	
607123	512200	Salaries and Wages - Overtime	\$ 1,378	
607123	518100	FICA Expense	\$ 1,570	
607123	518200	Retirement Expense	\$ 1,063	
607123	525100	Gasoline and Diesel	\$ 4,433	
607123	529900	Supplies and Materials	\$ 1,458	
607123	533000	Utilities	\$ 21,545	
TOTAL			\$ 42,998	\$ 42,998

EXPLANATION: Budget amendment is being requested to balance budget for this division. We are requesting an adjustment in several expenditure line accounts in order to balance the budget for year end. There will be no net change in this budget.

TOTAL CURRENT BUDGET APPROPRIATION	\$ 1,290,820
AMOUNT OF INCREASE/DECREASE	\$ -
TOTAL CURRENT AMENDED BUDGET APPROPRIATION	\$ 1,290,820

_____ 5/30/2013
_____ 5/30/13
 City Manager Date Finance Director Date

BUDGET AMENDMENT

**Return to
Agenda**

To: Jim Rudisill, Finance Director
From: Lee Smith, Utilities Director

Date: 5/30/13

BE IT RESOLVED, that the following amendments be made to the Adopted Budget for the City of Hendersonville for the fiscal year ending June 30, 2013.

Account Number		Description of Account	Increase	Decrease
607125	512100	Salaries and Wages - Regular		\$ 5,000
607125	521200	Uniforms		\$ 700
607125	529900	Supplies and Materials		\$ 1,000
607125	549100	Dues and Subscriptions		\$ 2,000
607125	535300	R & M - Auto/Truck		\$ 545
607125	512200	Salaries and Wages - Overtime	\$ 607	
607125	518900	Retiree Insurance	\$ 1,200	
607125	523000	Medical Supplies	\$ 323	
607125	525100	Gasoline and Diesel	\$ 468	
607125	526000	Office Supplies	\$ 622	
607125	532100	Telephone	\$ 6,025	
TOTAL			\$ 9,245	\$ 9,245

EXPLANATION: Budget amendment is being requested to balance budget for this division. We are requesting an adjustment in several expenditure line accounts in order to balance the budget for year end. There will be **no net change** in this budget.

TOTAL CURRENT BUDGET APPROPRIATION	\$ 854,300
AMOUNT OF INCREASE/DECREASE	\$ -
TOTAL CURRENT AMENDED BUDGET APPROPRIATION	\$ 854,300

City Manager 5/30/13
Date

Finance Director 5/30/13
Date

BUDGET AMENDMENT

**Return to
Agenda**

To: Jim Rudisill, Finance Director
From: Lee Smith, Utilities Director

Date: 5/30/13

BE IT RESOLVED, that the following amendments be made to the Adopted Budget for the City of Hendersonville for the fiscal year ending June 30, 2013.

Account Number		Description of Account	Increase	Decrease
607126	595600	Issues from Inventory		\$ 33,215
607126	512200	Salaries and Wages - Overtime	\$ 218	
607126	518100	FICA Expense	\$ 258	
607126	518200	Retirement Expense	\$ 887	
607126	525100	Gasoline and Diesel	\$ 1,613	
607126	529900	Supplies and Materials	\$ 7,488	
607126	559600	Capital Outlay - Line Upgrades	\$ 22,751	
607126				
607126				
607126				
TOTAL			\$ 33,215	\$ 33,215

EXPLANATION: Budget amendment is being requested to balance budget for this division. We are requesting an adjustment in several expenditure line accounts in order to balance the budget for year end. There will be **no net change** in this budget.

TOTAL CURRENT BUDGET APPROPRIATION	\$ 1,413,340
AMOUNT OF INCREASE/ <u>DECREASE</u>	\$ (30,000)
TOTAL CURRENT AMENDED BUDGET APPROPRIATION	\$ 1,383,340

City Manager

5/30/2013
Date

Finance Director

5/30/13
Date



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Brent Detwiler

Department: Engineering

Date Submitted: 05/29/13

Presenter: Brent Detwiler

Date of Council Meeting to consider this item: 06/06/13

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 05g

The City of Hendersonville will require professional electrical engineering services to design several infrastructure projects over the coming months. These projects include electrical design at the Atkinson Elementary Pump Station, a water and sewer pump station standardization project and design of new high service pumps and controls at the water treatment plant. In following the North Carolina General Statute, the Engineering Department recently advertised a Request for Qualifications for electrical engineering services, received qualification statements, and determined the most qualified firm, McKim & Creed of Asheville, NC to provide these services. We are currently in the process of entering into an Agreement with McKim & Creed to provide the City with professional electrical engineering services on a time and materials basis over a two (2) year period. This Agreement will be executed by the City Manager. This is for Council's information only – no action is required. If you have any questions, please feel free to contact me.

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

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Lee Smith

Department: Water/Sewer

Date Submitted: 05/29/13

Presenter: Lee Smith and Brent Detwiler

Date of Council Meeting to consider this item: 06/06/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05h

The City of Hendersonville requires professional engineering services to administer grants funds, survey, design, permit and construct a water distribution system in the Academy Rd. area located in the Dana community. This water system will serve residents in this area that have been determined by the NC Division of Water Quality, Aquifer Protection section to have dieldren-contaminated drinking water wells. In following the North Carolina General Statute, the Engineering Department recently advertised a Request for Qualifications for professional engineering services, received qualification statements and determined the most qualified firm to provide these services. The selected firm is Mechanical Engineering Services Company (MESCO) of Garner, NC.

We are currently in the process of negotiating a proposal with MESCO and will thereafter enter into an Agreement with them to proceed with engineering and grant administration services required to complete this project. If you have any questions, please feel free to contact us.

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

I hereby move to authorize the city manager to execute a contract with MESCO upon completion of negotiations with same, on behalf of the City for engineering and grant administration services required for the Academy Rd. Water System Improvement Project, as presented and recommended by staff.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Herbert Blake

Department: Police

Date Submitted: 05/30/13

Presenter: Chief Herbert Blake

Date of Council Meeting to consider this item: 06/06/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05i

The Hendersonville Police Department was contacted April 20, 2013 by a Rob Taylor of Kawasaki Motors Corp. USA in regards to the on-going electrical issues arising from the Police Upfitters, known as BMS Inc. Kawasaki Authority Sales.

After inspection of our 2012 Kawasaki Police Concourse Motorcycle by Rob Taylor on April 20th, it was determined that the on-going electrical issues could cause the main fuse to blow, causing the engine to shut off during operation, possibly causing serious injury or death.

After negotiation with our city Attorney Sam Fritschner and Kawasaki Motor Corp attorney, Michael Norton, Kawasaki Motor Corp. wishes to purchase the 2012 Kawasaki Motorcycle back from the Hendersonville Police Department for a price of \$23,000.00. This unit was originally purchased through the Governor's Highway Safety Grant for \$25,000.00 and pursuant to the on-going grant, must be replaced with another motorcycle.

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

I move the Council to authorize replacement of the Kawasaki motorcycle by Kawasaki Motors Corp. for the sum of \$23,000.00. I further move the Council to authorize a replacement motorcycle from Harley Davidson for \$25,000.00 with the remainder \$2,000.00 to be taken from the Drug Seizure Account.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

[Return to
Agenda](#)

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 05/31/13

Presenter: Mayor Volk

Date of Council Meeting to consider this item: 06/06/13

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 06

Mayor Volk will introduce and welcome John Connect as our new manager.

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

N/A

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Sue Anderson, Planning Director

Department: Planning

Date Submitted: 04/24/13

Presenter: Sue Anderson

Date of Council Meeting to consider this item: 06/06/13

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 07

In 2010, the Historic Preservation Commission's Community Affairs Committee put together an awards program to recognize projects that exemplify preservation of historic buildings, resources and individual efforts. These awards are to recognize property owners, organizations, businesses and agencies whose contributions demonstrate outstanding commitment to excellence in historic preservation, local history or promotion of the City's heritage. Upon being chosen, the recipient(s) will be recognized by the City Council and the local press and will receive \$100. T

The Historic Preservation Commission is please to announce the recognition of the restoration of two properties located in the West Side National Register Historic District.

The Historic Preservation Commission has granted a 2013 Preservation Award to Anne Hansley for the restoration of 311 Buncombe Street.

The Historic Preservation Commission has granted a 2013 Preservation Award to Todd & Renita McDougal for the restoration of 731 4th Avenue West.

A presentation showing the work completed on these two properties will be shown at the City Council meeting.

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

None

Attachments:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: John Connet

Department: Administration

Date Submitted: 05/30/13

Presenter: John Connet

Date of Council Meeting to consider this item: 06/06/13

Nature of Item: Presentation Only

Summary of Information/Request:

Item

Jim Rudisill and the City of Hendersonville Finance Department have received Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association. They have received this award for twenty four consecutive years.

The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting and its attainment represents a significant accomplishment by a government and its management. I would like to recognize Jim and his team for their hard work and dedication to the citizens of Hendersonville.

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

Attachments:

News Release
Letter



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

**Return to
Agenda**

05/21/2013

NEWS RELEASE

For Information contact:
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **City of Hendersonville** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

James W. Rudisill, Finance Director

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals with offices in Chicago, IL, and Washington, D.C.



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601
Phone (312) 977-9700 Fax (312) 977-4806

**Return to
Agenda**

May 21, 2013

The Honorable Barbara Volk
Mayor
City of Hendersonville
145 Fifth Avenue East
Hendersonville NC 28792-4328

Dear Mayor Volk:

We are pleased to notify you that your comprehensive annual financial report for the fiscal year ended **June 30, 2012** qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

The Certificate of Achievement plaque will be shipped to:

**James W. Rudisill
Finance Director**

under separate cover in about eight weeks. We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release is enclosed to assist with this effort. In addition, details of recent recipients of the Certificate of Achievement and other information about Certificate Program results are available in the "Awards Program" area of our website, www.gfoa.org.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,
Government Finance Officers Association

Stephen J. Gauthier, Director

Technical Services Center

SJG/ds



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

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Agenda](#)

Submitted By: Jim Rudisill

Department: Administration

Date Submitted: 05/29/13

Presenter: Jim Rudisill

Date of Council Meeting to consider this item:

Nature of Item: Council Action

Summary of Information/Request:

Item # 09

Consideration of Resolution Adopting the Capital Improvement Plan for FY 2013-14

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

I move Council's approval of the Resolution Adopting the Capital Improvement Plan for FY 2013-14

Attachments:

Resolution

Resolution # _____

A RESOLUTION ADOPTING A CAPITAL IMPROVEMENT PLAN FOR THE CITY OF HENDERSONVILLE

WHEREAS: the City of Hendersonville, like other North Carolina municipalities, face demand for public services that are sometimes difficult to foresee; and

WHEREAS: the City Council foresees the need for certain public infrastructure improvements that have built up over time and that these should be addressed in future planning efforts; and

WHEREAS: likewise there is a need for a fiscal plan to undertake the orderly replacement of major capital items, such as equipment, in order to promote sound fiscal practices within the City; and

WHEREAS: the City Council initially adopted a five-year Capital Improvement Plan on June 20th, 1996 and this Plan has, over the course of the preceding fiscal years, has served to guide the City in questions of policy and planning to meet future capital needs; and

WHEREAS: an internal survey of City Departments has been made and requests have forwarded through management to the City Council identifying certain projects and equipment needed to maintain the current level of City services and identifying certain program expansions for the upcoming fiscal year of 2013-2014; and

WHEREAS: the City Council reviewed these requests during a special meeting held May 17, 2013 and Council consented to their inclusion in the proposed FY 2013-2014 operating and capital budget.

NOW, BE IT THEREFORE RESOLVED by the City Council of Hendersonville that the capital items identified on the following Form 3s and forecasted for acquisition over the upcoming five-year period be known as the official Capital Improvement Plan of the City of Hendersonville.

Adopted this sixth day of June 2013.

Barbara G. Volk, Mayor, City of Hendersonville

Attest:

Tammie K. Drake, CMC, City Clerk

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MOTION: I move approval of the resolution to adopt the Capital Improvement Plan for the City of Hendersonville.

**CAPITAL IMPROVEMENT PROGRAM
SUMMARY OF REQUESTS**

BY FUND TITLE

FORM 3

GENERAL FUND 2013-14

EXPENDITURE SCHEDULE (\$000's)

NOTE: SHADING INDICATES EQUIPMENT OR OTHER RELATIVELY LOWER COST ITEM

Adopted by City Council 06-06-13

Reviewed by City Council 05-17-13

Revised 5/21/13

Department & Project/Item	PROJECT/ITEM Replacement (R) or New (N) or Expansion (E)	FUNDING SOURCE	TOTAL	ESTIMATED SPENT THRU FY 2012-13	YEAR 1 2013-14	YEAR 2 2014-15	YEAR 3 2015-16	YEAR 4 2016-17	YEAR 5 2017-18	BEYOND 5 YEARS 2018-19
ADMINISTRATION										
DEPT TOTAL			0.0							\$0
FINANCE DEPARTMENT										
DEPT TOTAL			0.0							\$0
FIRE DEPARTMENT										
Replace Engine 4	R	LPA	\$900.0					\$900.0		
Fire Station 2	N	LPA	\$3,600.0	\$56.0	\$3,544.0					
Storage Building	N	CRF	\$250.0	\$27.6	\$222.4					
Fire Station 1 - Bay Door Replacement	R	CRF	\$20.0	\$20.0						
Building Access & Upgrade	N	CRF	\$50.0		\$50.0					
Exhaust System Rehabilitation	R	CRF	\$18.9			\$18.9				
Fire Station 1 - Generator	R	CRF	\$0.0							
Fire Extinguisher Training Prop	N	CRF	\$0.0							
Fire Equipment Upgrade	R	CRF	\$130.0	\$30.0	\$50.0	\$10.0	\$10.0	\$10.0	\$10.0	\$10.0
DEPT TOTAL			\$4,968.9	\$133.6	\$3,866.4	\$28.9	\$10.0	\$910.0	\$10.0	\$10.0

Key to Funding Source:

CDP - Confiscated Drug Proceeds
CRF - Current Revenues Funding

CRG - Capital Reserve-General Fund
CRWS - Capital Reserve-Water and Sewer

G - Grants SWB - Bonds
GO - General Obligation Bonds

LPA - Lease Purchase Agreement
RB - Revenue Bond Financing

RLF - State Revolving Loan Fund
SA - Special Assessment

Department & Project/Item	PROJECT/ITEM Replacement (R) or New (N) or Expansion (E)	FUNDING SOURCE	TOTAL	ESTIMATED SPENT THRU FY 2012-13	YEAR 1 2013-14	YEAR 2 2014-15	YEAR 3 2015-16	YEAR 4 2016-17	YEAR 5 2017-18	BEYOND 5 YEARS 2018-19
POLICE DEPARTMENT										
Mobile Radio Replacement	R	CRF	\$70.0	\$10	\$10.0	\$10.0	\$10.0	\$10.0	\$10.0	\$10.0
Portable Radios	R	CRF	\$35.0	\$5	\$5.0	\$5.0	\$5.0	\$5.0	\$5.0	\$5.0
Radio System Upgrade	R	CRF	\$9.0			\$9.0				
Mobile Video Cameras	R	CRF	\$161.0	\$23	\$23.0	\$23.0	\$23.0	\$23.0	\$23.0	\$23
Records Copier	R	CRF	\$12.0	\$12						
VIPER System	N	CRF	\$18.0			\$18.0				
Police Motorcycle Replacement	R	CRF	\$26.0			\$26.0				
Patrol Vehicles	R	CRF	\$156.0	\$52	\$104.0					
Radar Unit Replacement	R	CRF	\$12.0			\$12.0				
DEPT TOTAL			\$499.0	\$102.0	\$142.0	\$103.0	\$38.0	\$38.0	\$38.0	\$38.0
INFORMATION TECHNOLOGY DEPARTMENT										
Administration Computer Replacement	R	CRF	\$7.0	\$3.0	\$2.0	\$2.0				
Engineering Computer Replacement	R	CRF	\$18.0	\$3.0	\$3.0	\$3.0	\$3.0	\$3.0	\$3.0	\$3.0
Water Modeling Software	N	CRF	\$20.0			\$20.0				
Finance: PC Replacements	R	CRF	\$36.0	\$6.0	\$6.0	\$6.0	\$6.0	\$6.0	\$6.0	\$6.0
Software Upgrade	N	CRF	\$42.0	\$11.0		\$31.0				
Fire: PC Replacements	N	CRF	\$20.0		\$4.0	\$4.0	\$4.0	\$4.0	\$4.0	\$4.0

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IT: Server Replacements	R	CRF	\$48.0	\$8.0	\$8.0	\$8.0	\$8.0	\$8.0	\$8.0	
Planning PC Replacements	R	CRF	\$8	\$2	\$2.0	\$2.0	\$2.0			
Police: Network Upgrade	R	CRF	\$158.0	\$45.0	\$20.0	\$20.0	\$20.0	\$15.0	\$20.0	\$18.0
MDT Replacements	R	CRF	\$86.0		\$20.0	\$22.0		\$22.0	\$22.0	
Zoning PC Replacements	R	CRF	\$2		\$2.0					
Public Works: Computer Replacements	R	CRF	\$33	\$4	\$5.0	\$5.0	\$5.0	\$5.0	\$5.0	\$4.0
Server - City works	N	CRF	\$13.0		\$13.0					
Downtown: WiFi Expansion	R	CRF	\$35	\$35						
Water & Sewer: PC Replacements	R	CRF	\$62	\$14	\$8.0	\$8.0	\$8.0	\$8.0	\$8.0	\$8.0
Server - City works	N	CRF	\$13.0		\$13.0					
DEPT TOTAL			\$588.0	\$131.0	\$106.0	\$131.0	\$56.0	\$71.0	\$76.0	\$30.0
ZONING DEPARTMENT										
Vehicle	R	CRF	\$28			\$28.0				
DEPT TOTAL			\$28	\$0.0	\$0.0	\$28.0	\$0.0	\$0.0	\$0.0	\$0
PUBLIC WORKS										
5 th Avenue Reconstruction	R	CRG	\$853.0			\$170.0	\$196.0	\$285.0	\$202.0	
Fleet Maintenance Lot Resurfacing	R	CRF	\$65.0			\$65				
Sullivan Park Roof Replacement	R	CRF	\$30.0			\$30				
Patton Park Light Replacement	R	CRF	\$150.0				\$150			

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Patton Park Pedestrian & Vehicle Bridge Replacement	R	CRF	\$50.0				\$50			
Berkeley Park Improvements	N	CRF	\$160.0	\$35.0		\$25.0	\$25.0	\$25.0	\$25.0	\$25.0
Hendersonville Gateway Park	N	CRF	\$125.0	\$15.0			\$100.0		\$10.0	
Southside Park Development	N	G/CRF	\$2,378.0				\$1,280.0	\$898.0	\$200.0	
Re-roof Racquet-ball Court	R	CRF	\$12.0		\$12.0					
Re-roof Patton Pk. Buildings	R	CRF	\$17.0			\$17.0				
Shuffle Board Court Repairs	R	CRF	\$18.0	\$1.0			\$17			
Whitmire Bldg. Upgrade	R	CRF	\$35.0	\$35.0						
Resurface Parking Lot @ Whitmire	R	CRF	\$20.0			\$20.0				
Maple Street Improvements	R	CRF	\$270.0						\$270.0	
Maple St. Parking Lot Resurfacing	R	CRF	\$12.0			\$12.0				
Storage Building Shelving	N	CRF	\$25.0						\$25.0	
Greenway Trail -- Phase III	N	G/CRF	\$1,089.0			\$1,089.0				
Hanging Baskets - King Street	N	CRF	\$12.0				\$12.0			
Columbarium for Oakdale Cemetery	N	CRF	\$18.0							\$18.0
Replace Pool Steps, Covers & Ladders	R	CRF	\$29.0		\$9.0		\$20.0			

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Tracey Grove Road Bridge Replacemnt	N	CRF	\$210.0						\$210.0	
Park Acquisition & Development	N	CRF	\$0.0							
Toms Park Splash Park	N	CRF	\$0.0							
Lenox Park Improvements	N	CRF	\$0.0							
Dr. MLK Jr. Park Fountain	N	CRF	\$0.0							
Sullivan Park Improvements	N	CRF	\$0.0							
Rotary Park Play-Ground Equipment Upgrade	N	CRF	\$0.0							
EQUIPMENT										
Tractor Replacmnt	R	CRF	\$45.0		\$45.0					
Bat Wing Mower	N	CRF	\$15.0		\$15.0					
Dump trucks, 2-ton	R	CRF	\$85.0			\$85.0			-	
Sidewalk In-fill	N	CRF	\$140.0	\$20.0	\$20.0	\$20.0	\$20.0	\$20.0	\$20.0	\$20.0
Patton Pk Admin Bldg Drywall	R	CRF	\$7.0						\$7.0	
Large Vehicle Lift - 30 ton	N	CRF	\$20.0	\$20.0						
Ground Maint. Eq. and Trailers	N	CRF	\$35.0		\$9.0	\$12.0		\$14.0		
Traffic Equipment - Radars & Counters	N	CRF	\$19.0	\$7.0		\$6.0			\$6.0	
Backhoe Replacement	R	CRF	\$70.0				\$70.0			
Trailer for Backhoe Transportation	N	CRF	\$8.0		\$8.0					

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Department & Project/Item	PROJECT/ITEM Replacement (R) or New (N) or Expansion (E)	FUNDING SOURCE	TOTAL	ESTIMATED SPENT THRU FY 2012-13	YEAR 1 2013-14	YEAR 2 2014-15	YEAR 3 2015-16	YEAR 4 2016-17	YEAR 5 2017-18	BEYOND 5 YEARS 2018-19
P/W Vehicle Replacements	R	CRF	\$105.0			\$30	\$30	\$45.0		
Traffic Control Monitor Tester	N	CRF	\$12.0					\$12		
Aquatic Center -- Indoor Pool Study	R	CRF	\$0.0							
Improve Park Signage and Visibility	N	CRF	\$0.0							
N, Main St./Blythe Street Projects	N	SWB	\$1,546	\$893.0	\$374.0	\$279.0				
Sidearm Mower & Tractor Replacemt	R	CRF	\$102					\$102.0		
Mini Trackhoe	N	CRF	\$40		\$40.0					
DEPT TOTAL	-	-	\$7,827.0	\$1,026.0	\$532.0	\$1,860.0	\$1,970.0	\$1,401.0	\$975.0	\$63.0
FUND TOTAL	-	-	\$13,910.9	\$1,392.6	\$4,646.4	\$2,150.9	\$2,074.0	\$2,420.0	\$1,099.0	\$141.0

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**CAPITAL IMPROVEMENT PROGRAM
SUMMARY OF REQUESTS
BY FUND TITLE
FORM 3**

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**ENVIRONMENTAL SERVICES FUND & DOWNTOWN TAX DISTRICT FUND 2013-14
EXPENDITURE SCHEDULE (\$000's)**

NOTE: SHADING INDICATES EQUIPMENT OR OTHER RELATIVELY LOWER COST ITEM

Adopted by City Council 06-06-13
Reviewed by City Council 05-17-13

Revised 5/21/13

Department & Project/Item	PROJECT/ITEM Replacement (R) or New (N) or Expansion (E)	FUNDING SOURCE	TOTAL	ESTIMATED SPENT THRU FY 2012-13	YEAR 1 2013-14	YEAR 2 2014-15	YEAR 3 2015-16	YEAR 4 2016-17	YEAR 5 2017-18	BEYOND 5 YEARS 2018-19
Environmental Services										
Clairmont Drive Storm Water Improvements	N	G/CRF	\$400.0				\$400.0			
Jonesboro Storm Water Pipe Install	N	CRF	\$13.0				\$13.0			
Patton Park Pond	N	CRF	\$32.0		\$32.0					
Greenway Wet-land Restoration	N	CRF	\$0.0							
EQUIPMENT										
Refuse vehicle	R	LPA	\$190.0		\$190.0					
K-Boom Truck	N	CRF	\$130.0	\$130.0			-	-		-
FUND TOTAL	-	-	\$765.0	\$130.0	\$222.0	\$0.0	\$413	\$0	\$0	\$0
Downtown Tax District										
Main Street – Renovation	N	CPF	\$1,624.0	\$1,624.0						
Christmas Decorations	R	CRF	\$20.0	\$20.0						
FUND TOTAL	-	-	\$1,644.0	\$1,644.0	\$0.0	\$0.0	\$0.0	\$0	\$0	\$0

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Key to Funding Source:

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CAPITAL IMPROVEMENT PROGRAM SUMMARY OF REQUESTS

**Return to
Agenda**

BY FUND TITLE

FORM 3

WATER & SEWER FUND 2013-14

EXPENDITURE SCHEDULE (\$000's)

NOTE: SHADING INDICATES EQUIPMENT OR OTHER RELATIVELY LOWER COST ITEM

Adopted by City Council 06-06-13

Reviewed by City Council 05-17-13

Revised 5/21/13

Department & Project/Item	PROJECT/ITEM Replacement (R) or New (N) or Expansion (E)	FUNDING SOURCE	TOTAL	ESTIMATED SPENT THRU FY 2012-13	YEAR 1 2013-14	YEAR 2 2014-15	YEAR 3 2015-16	YEAR 4 2016-17	YEAR 5 2017-18	BEYOND 5 YEARS 2018-19
	WATER PROJECTS									
1	Rehabilitation of Water Mains	R	LPA	\$4,777.0	\$57.0	\$1,180.0				\$3,540.0
2	Eastside Trans. Main - Phase 2	N	CRWS LPA/G	\$2,791.0		\$126.0	\$2,665.0			
3	Bradley Cr. Resvr. Dredging	N	CRF	\$553.5					\$553.5	
4	Highway 64 W/S Relocation NCDOT	N/R	CRF	\$1,030.0	\$1,030.0					
5	Raw Water Intake-French Broad River Ph2	N	CPF - 5 years Rural Ctr Grant USACE Grant	\$4,735.0					-	\$4,735.0
6	Southside Water System Improvements	N	CRF/LPA	\$1,497.0			\$344.0	\$1,153.0		
7	WTP Expansion 18-MGD	N	CPF	\$12,515.0					\$215.0	\$12,300.0
8	Etowah Water Sys. Imprvmnts	N	CRF/LPA	\$3,203.0	\$502.0	\$2,701.0				

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Department & Project/Item		PROJECT/ITEM Replacement (R) or New (N) or Expansion (E)	FUNDING SOURCE	TOTAL	ESTIMATED SPENT THRU FY 2012-13	YEAR 1 2013-14	YEAR 2 2014-15	YEAR 3 2015-16	YEAR 4 2016-17	YEAR 5 2017-18	BEYOND 5 YEARS 2018-19
9	Eastside Transmission Main - Phase 3	N	CRWS CRF G	\$1,757.0							\$1,757.0
10	S. Rugby Road Water Main Interconnect	N	CRF/LPA	\$1,220.0					\$48.0	\$1,172.0	
11	Hwy. 64W Water Trans. Line	N	LPA	\$5,125.0							\$5,125.0
12	Meter (AMR) Replacement Program	R	LPA	\$21,500.0	\$11,500.0						\$10,000.0
13	Rugby Drive Water Line Extension	E	CRF	\$435.0		\$51.0	\$384.0				
14	SCADA Upgrade	R	CRF	\$1,309.0	\$913.0		\$396.0				
15	Upward Rd. W/S Replacement (NCDOT)	N/R	LPA	\$1,155.0			\$1,155.0				
16	Greenbriar Ave Pump Station	N	CRF	\$181.0							\$181.0
17	Hunters Crossing Water Main	R	CRF	\$161.0				\$13.0	\$148.0	-	
18	Fanning Bridge Rd Pump Station	N	CRF	\$578.0							\$578.0
19	Finley Cove Road Pump Station	N	CRF	\$181.0							\$181.0
20	Pace Road Water Main	N	CRF/LPA	\$1,302.0							\$1,302.0

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21	Fruitland Road Water Main	N	CPF/LPA	\$1,768.0							\$1,768.0
22	Dana Road Water Main	N	CPF/LPA	\$1,640.0							\$1,640.0
23	S. Mills Gap Road Wtr Main	N	CPF/LPA	\$1,138.0							\$1,138.0
24	S. Greenwood Forest Drive Water Main	R	CRF	\$28.0		\$28.0					
25	Rutledge Rd. Wtr/Sew Inter-connections	R	CRF	\$352.0				\$43.0	\$309.0		
26	WTP Drainage Ditch Improvements	N	CRF	\$14.0		\$14.0					
27	Sterling Property	N	CRF	\$24.0		\$24.0					
	SEWER	PROJECTS									
201	Jackson Pk Sew Interceptor	N	CPF/RLF	\$4,195.0	\$150.0	\$4,045.0					
202	Shepherd Creek Sewer Outfall	N	CPF/RLF	\$1,788.0	\$97.0	\$1,691.0			-	-	
203	WWTP Sludge Drying System	R	LPA/RLF	\$2,423.0							\$2,423.0
204	Wolfpen Sewer Outfall	N	CPF/RFF	\$3,344.0	\$269.0	\$3,075.0					
205	WWTP Expand 6.0 MGD	N	LPA/RLF	\$7,381.0							\$7,381.0
206	Inflow & Filtration Impmnts	R	CRF	\$2,000.0		\$100.0	\$100.0	\$100.0	\$100.0	\$100.0	\$1,500.0

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207	Academy Road Water Line	N	CRG	\$600.0		\$600.0					
208	Garden Lane Pump Station	R	CRF	\$5.0		\$5.0					
	WATER	EQUIPMENT									
100	WTP High Speed Service Pumps, 700-hp	N	CRF	\$1,032.0			\$1,032.0				
101	WTP High Speed Service Pumps, 450-hp	N	CRF	\$800.0			\$800.0				
102	Vacuum Excavator	N	CRF	\$23.0			\$23.0				
103	Tap Machine (4" - 12")	N	CRF	\$66.0	\$20.0						\$46.0
104	Compressors(2)	R	CRF	\$49.1						\$15.3	\$33.8
105	Water Backhoe Replacement	R	CRF	\$237.0	\$67.0		\$103.0				\$67.0
106	Replace Dump Truck #22-11 & #22-12	R	CRF	\$134.0				\$67.0	\$67.0		
107	9-ton Trailer – Water	N	CRF	\$18.8		\$9.4					\$9.4
108	Hunter's Glenn Water Hydro Station	N	CRF	\$48.0			\$48.0				
109	Kenmure Main Water P/Station Generator	N	CRF	\$71.0	\$71.0						
110	Indian Hill Water Hydro Station	N	CRF	\$26.0				\$26.0			

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 RB - Revenue Bond Financing
 SA - Special Assessment

Department & Project/Item		PROJECT/ITEM Replacement (R) or New (N) or Expansion (E)	FUNDING SOURCE	TOTAL	ESTIMATED SPENT THRU FY 2012-13	YEAR 1 2013-14	YEAR 2 2014-15	YEAR 3 2015-16	YEAR 4 2016-17	YEAR 5 2017-18	BEYOND 5 YEARS 2018-19
111	Eastside Water Pump Station Generator	N	CRF	\$162.0		\$162.0					
112	Water Hydro Station (TBD)	N	CRF	\$26.0					\$26.0		
113	WTP Mower Replacement	N	CRF	\$26.6				\$13.3			\$13.3
114	WTP Raw Water Intake Screen Replace	R	CRF	\$62.0			\$31.0				\$31.0
115	WTP Recoat Basin 3 & Filter Boxes 3 & 6	N	CRF	\$206.0		\$103.0					\$103.0
116	WTP Replace Rollup Door	R	CRF	\$15.9	\$5.3						\$10.6
117	WTP Mountain Water Actuator Valve	N	CRF	\$6.9		\$6.9					
118	WTP Jet Mixer for Chemical Mixing	N	CRF	\$120.0	\$60.0						\$60.0
119	WTP SCADA System Servers	N	CRF	\$100.0		\$25.0					\$75.0
120	Stock Picker Lift	N	CRF	\$10.1		\$10.1					
124	Water Vehicles	R	CRF	\$831.0	\$108.0		\$105.0	\$26.0	\$165.0	\$244.0	\$183.0
	SEWER	EQUIPMENT									
250	CCTV Sewer Inspection Vehicle Replace	R	CRF	\$447.0	\$218.0						\$229.0
251	Sewer Vactor Truck Replace	R	LPA	\$700.0	\$350.0						\$350.0

Key to Funding Source:

CPF - Capital Projects Fund
 CRG - Capital Reserve-General Fund G - Grants
 LPA - Lease Purchase Agreement
 RLF - State Revolving Loan Fund
 CRF - Current Revenues Funding
 CRWS - Capital Reserve-Water and Sewer
 GO - General Obligation Bonds
 RB - Revenue Bond Financing
 SA - Special Assessment

Department & Project/Item		PROJECT/ITEM Replacement (R) or New (N) or Expansion (E)	FUNDING SOURCE	TOTAL	ESTIMATED SPENT THRU FY 2012-13	YEAR 1 2013-14	YEAR 2 2014-15	YEAR 3 2015-16	YEAR 4 2016-17	YEAR 5 2017-18	BEYOND 5 YEARS 2018-19
252	WWTP Generator	N	LPA	\$814.0			\$814.0				
253	Sewer Backhoe Replacement	R	CRF	\$205.0	\$67.0						\$138.0
254	Dump Truck Replace - Sewer	R	CRF	\$134.0						\$67.0	\$67.0
255	9-ton Trailer – Sewer	N	CRF	\$18.8		\$9.4					\$9.4
256	6" Diesel Bypass Pump	N	CRF	\$54.0		\$54.0					
257	Lift Station Generator	N	CRF	\$29.0						\$29.0	
258	WWTP Interactive Smart Board	N	CRF	\$6.1		\$6.1					
259	WWTP Gravity Sand Filters Renovation	N	CRF	\$83.0	\$41.0						\$42.0
260	WWTP Security System	N	CRF	\$12.5		\$12.5					
274	Sewer Vehicles	R	CRF	\$142.0	\$25.0					\$87.0	\$30.0
FUND TOTAL				\$99,422.3	\$14,463.3	\$11,118.4	\$8,998.0	\$3,297.3	\$2,016.0	\$2,482.8	\$57,047

G:\My Documents\2013-14Form 3 all funds 05-17-13.wpd

Key to Funding Source:

CPF - Capital Projects Fund
 CRG - Capital Reserve-General Fund G - Grants
 LPA - Lease Purchase Agreement
 RLF - State Revolving Loan Fund
 CRF - Current Revenues Funding
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CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

[Return to
Agenda](#)

Submitted By: Jim Rudisill

Department: Finance

Date Submitted: 05/29/13

Presenter: Jim Rudisill

Date of Council Meeting to consider this item:

Nature of Item: Council Action

Summary of Information/Request:

Item # 10

Public Hearing - Consideration of Budget Ordinance Making Appropriations for Certain Expenses, Capital Improvements and Indebtedness of the City of Hendersonville for the Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014

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

I move Council's approval of the Budget Ordinance Making Appropriations for Certain Expenses, Capital Improvements and Indebtedness of the City of Hendersonville for the Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014.

Attachments:

Budget Ordinance

BUDGET ORDINANCE

**AN ORDINANCE MAKING APPROPRIATIONS FOR CERTAIN EXPENSES,
CAPITAL IMPROVEMENTS AND INDEBTEDNESS OF
THE CITY OF HENDERSONVILLE, NORTH CAROLINA
FOR THE YEAR BEGINNING JULY 1, 2013 AND ENDING JUNE 30, 2014**

WHEREAS, the City of Hendersonville is coming to the conclusion of its fiscal year and will enter into a new fiscal year on July 1, 2013; and

WHEREAS, it is necessary and required that prior to entering into a new fiscal year a budget must be passed and adopted for the operation of the city government; and

WHEREAS, a public hearing and a work session have been held wherein the public has been notified and invited to be present.

**THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF HENDERSONVILLE,
NORTH CAROLINA:**

SECTION 1: The following amounts are hereby appropriated for the operating budget for the City of Hendersonville and its activities for the fiscal year beginning July 1, 2013, and ending June 30, 2014, in accordance with the chart of accounts heretofore established for this City:

General Fund	\$12,761,510
Downtown Tax District	410,940
Seventh Avenue District	51,720
Capital Reserve Fund	2,000
Water/Sewer Fund	15,035,880
Environmental Services Fund	1,493,300
TOTAL APPROPRIATIONS	\$29,755,350
Less: Interfund Transfers	<u>2,675,660</u>
TOTAL NET APPROPRIATIONS	<u>\$27,079,690</u>

SECTION 2: That the attached detailed budget document be, and the same reflects the estimated revenues, revenue contributions, and budget appropriations of the City of Hendersonville, North Carolina, for the period beginning July 1, 2013, and ending June 30, 2014. A copy of said document will be available for inspection in the Office of the City Clerk.

SECTION 3: That the City Clerk has published notice of this public hearing and a summary of the proposed budget in a newspaper of local circulation.

SECTION 4: That no appropriations for salaries shall be changed, nor appropriations transferred between departments or divisions, unless authorized by the Council. Appropriations within a department, other than salaries, may be transferred therein by the City Manager or his designee for the purpose of equalizations when necessary. Amounts up to \$1,000 between departments, including contingency appropriations, may be transferred within the same fund. An official report of all intra-fund transfers shall be made at the next regular meeting of the Governing Board.

SECTION 5: There is hereby levied a tax at the rate of forty-one cents (\$.41) per one hundred dollars valuation of property as listed for taxes as of January 1, 2013. This rate is based on an estimated total valuation of property for the purpose of taxation of \$1,640,725,190 and estimated collection rate of 97.41%.

Also levied is a tax rate of twenty-eight cents (\$.28) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2013, for a special service district established for the purpose of a Downtown Revitalization Project. This rate is based on an estimated total valuation of property for the purpose of taxation of \$83,628,317 and an estimated collection rate of 95.78%.

A tax rate is also levied of twelve (\$.12) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2013, for the Seventh Avenue Municipal Service District formed upon a petition of some of the property owners, established for the purpose of landscaping improvements as well as some activities of the Historic Seventh Avenue District (HSAD). The rate is based on an estimated total valuation of property for the purpose of taxation of \$10,050,833 and an estimated collection rate of 92.40%.

There is hereby adopted a capital project ordinance budget for construction of the Academy Road Water Line in the Dana community:

Grant Revenue	\$600,000
Professional Services	\$ 70,000
Capital Outlay	\$530,000

There is hereby adopted an official *Fee Schedule* listing specific fees, business licenses, and utility rates charged by the City of Hendersonville for:

- a) the use of City facilities and equipment for the purposes of making them available to public
- b) specific utility rates the proceeds of which are for the maintenance and expansion of its water and sewer system
- c) the administration of a system of business licenses taxation to generate revenue for the General Fund under the authority of North Carolina General Statutes (NCGS) §160A-211,
- d) the reproduction of public records and other miscellaneous services to cover the actual cost of producing these documents and information under the provision of NCGS §132-6.2.

The *Fee Schedule* is incorporated by reference and placed on file in the Office of the City Clerk.

SECTION 6: That copies of this Budget Ordinance shall be furnished to the City Clerk, City Manager and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

SECTION 7: This ordinance shall become effective on and after July 1, 2013.

SECTION 8: That all ordinances and parts of ordinances in conflict herewith be and the same hereby repealed.

Passed and adopted at the regular meeting of the City Council of the City of Hendersonville, North Carolina, held this 6th day of June, 2013.

ATTEST:

Barbara Volk, Mayor, City of Hendersonville

Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Lee Smith

Department: Water/Sewer

Date Submitted: 05/29/13

Presenter: Lee Smith

Date of Council Meeting to consider this item: 06/06/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 11

As part of the requirements to apply for funding with the NC Department of Commerce for a Community Development Block Grant (CDBG), the entity making application must publicly proclaim their intentions to apply for said funding for a specific project, in order to satisfy NC Department of Commerce requirements. The public hearing schedule for June 6, 2013 completes the requirement for this second public hearing and was so advertised in the Hendersonville Lightning on May 15, 2013. In light of this requirement, the City is hereby proclaiming its intentions to apply for funding through a CDBG to help offset costs specifically required to design, permit and construct the Academy Rd. Water System Improvements Project. This project is intended to relieve residents in and around this area from drinking water wells that have been determined by the Division of Water Quality, Aquifer Protection section to be contaminated with dieldrin and other pesticides to a point that has become unsafe for those residents to consume their water.

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

I hereby move to authorize the utilities director and city engineer to submit, on behalf of the City, an application for a Community Development Block Grant to aid in the design, permitting and construction of a water system in and around the Academy Road area located in the Dana community, as presented and recommended by staff.

Attachments:

Authorizing Resolution

AUTHORIZING RESOLUTION BY GOVERNING BODY OF THE APPLICANT

WHEREAS, The North Carolina General Assembly has authorized the making of grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, that will result in job creation, and

WHEREAS, The City of Hendersonville has need for and intends to construct or rehabilitate a publicly-owned treatment works or an alternate wastewater system, for wastewater collection systems or for water supply and distribution systems, project described as Academy Rd. Water System Improvements required to provide safe, potable water to residents that have experience contamination with dieldren and other harmful pesticides in their drinking water wells.

The water infrastructure component of this project includes the extension of a 12-inch City owned water main for approximately 400-linear feet (lf) and then approximately 4,300-lf of 8-inch, 2,300-lf of 6-inch and 1,800-lf of 2-inch water mains for an estimated cost of \$600,000; and

WHEREAS, The City of Hendersonville intends to request grant assistance from the NC Department of Commerce Division of Community Assistance Infrastructure Community Development Block Grant for the project;

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

That the City will arrange financing for all remaining costs of the project, if approved for a grant; if so required.

That the City will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Lee Smith, Utilities Director, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Hendersonville with the NC Department of Commerce Division of Community Assistance Infrastructure Community Development Block Grant for a grant to assist in the design and construction of the project described above.

That Lee Smith, Utilities Director, and successors so titled, is hereby authorized and directed to furnish such information as the NC Department of Commerce Division of Community Assistance Infrastructure Community Development Block Grant may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this the 6th day of June 2013 at Hendersonville, North Carolina.

Barbara Volk, Mayor

ATTEST:

Clerk

(Seal)



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Sue Anderson, Planning Director

Department: Planning

Date Submitted: 05/23/13

Presenter: Sue Anderson

Date of Council Meeting to consider this item: 06/06/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 12

P-13-4-SUR

The City is in receipt of an amended Special Use Permit application from Ingles Markets to add a Gas Express station to the Ingles grocery store located at 1980 Asheville Highway. The Gas Express will have four pumps and eight vehicle fueling stations. The applicant is also requesting a variance from Zoning Ordinance Section 5-18-4.3 increasing the number of driveways a development parcel may have on any given road from two to three. The parcel number for this property is 9569-45-9576.

On February 5, 1998, City Council approved a Special Use Permit and rezoning application for this parcel. The Special Use Permit was for a 60,000 square foot retail store with a variance approval for a reduction in parking from 300 to 280 parking spaces. The property was rezoned from C-3 Highway Business and I-1 Industrial to PCD Planned Commercial Development.

Section 7-6 of the Zoning Ordinance specifies review requirements for amendments to an existing special use permit. Since this request to add a Gas Express is estimated to generate an additional 1,348 daily vehicle trips and the applicant is requesting a variance, the entire development is required to undergo the full special use permit process which includes a neighborhood compatibility meeting, Planning Board review and a public hearing before City Council.

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

See suggested motions for both the variance request and the amended special use permit on page 7 of the attached memo.

Attachments:

Memo

MEMORANDUM

**Return to
Agenda**

TO: Honorable Mayor and City Council
FROM: Sue Anderson
RE: Ingles #11 Asheville Highway
FILE #: P13-4-SUR
DATE: May 21, 2013

PROJECT DESCRIPTION

The City is in receipt of an amended Special Use Permit application from Ingles Markets to add a Gas Express station to the Ingles grocery store located at 1980 Asheville Highway. The Gas Express will have four pumps and eight vehicle fueling stations. The applicant is also requesting a variance from Zoning Ordinance Section 5-18-4.3 increasing the number of driveways a development parcel may have on any given road from two to three. The parcel number for this property is 9569-45-9576.

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EXISTING LAND USES & ZONING

The property currently has a 64,449 ft² grocery store with 250 parking spaces. According to a revised site plan dated May 25, 2000, the parking area shows 248 parking spaces and a building size of 60,000 ft². Based on Planning Department records, it is not clear when the parking requirement was permitted to be reduced from the City Council approved variance of 280 spaces to the 248 spaces shown on the May 2000 site plan.

The Entry Corridor Overlay District adopted in August of 1998, 6 months after City Council approval of the project, does allow a 20% reduction in parking at the developer's discretion. Since this property is in the Entry Corridor District, this standard may have been applied to the site plan dated May 2000.

Regarding the change in square footage of the building, Zoning Ordinance Section 7-6 allows a 10% increase in square footage from what is approved by City Council with staff review and approval. Planning Department staff has not identified any documentation that this increase in square footage was officially approved. The increase in square footage from 60,000 ft² to 64,449 ft² is below the allowed maximum

of 10%.

An unopened right-of-way exists along the northwest property line. Parcels on the other side of this unopened right-of-way consist of single family residences and a vacant commercial building. The residential parcels are zoned R-10 Medium Density Residential and the commercial parcel is zoned C-3 Highway Business. The parcel to the northeast consists of the Norfolk Southern Rail line and is zoned I-1 Industrial. The two parcels located to the southeast consist of vacant land and commercial buildings. The vacant parcel is zoned I-1 Industrial and the parcel with the commercial buildings is zoned C-3 Highway Business.

Surrounding zoning districts are shown on the Zoning Map on page 11.

COMPREHENSIVE PLAN CONSISTENCY

This parcel is classified as a Neighborhood Activity Center and Natural Resource/Agricultural on the 2030 Comprehensive Plan's Future Land Use Map. Surrounding parcels are classified as Neighborhood Activity Center, Natural Resource/Agricultural and Medium Intensity Neighborhood.

The goal of the Neighborhood Activity Center is to "concentrate retail in dense, walkable mixed-use nodes located at major intersections in order to promote a sense of community and a range of services that enhance the value of Hendersonville's neighborhoods."

The goal of the Medium Intensity Neighborhood is to "provide a transition between High and Low-Intensity Neighborhood and Regional Activity Centers and downtown and provide a transition between commercial and single-family development."

The goal of the Natural Resource/Agricultural category is to "create an interconnected network of green infrastructure that preserves environmentally sensitive areas, protects water resources through low-impact stormwater management, provides floodwater storage, provides community open space and recreational opportunities, and preserves agricultural resources." The Natural Resource/Agricultural category is generally applied to environmentally sensitive land such as streams, floodways and floodplains. A floodway map is included on page 13 which shows the portion of this parcel that includes a stream and is located in the 100 year floodplain.

Comprehensive Plan consistency is addressed under "E" on page six.

PLAN REVIEW

Gas Express Addition

The site plan shows the addition of a 4 pump Gas Express to the southwest portion of the parking lot. The Gas Express will have a 3,298 ft² canopy that also includes the

kiosk for the attendant.

Parking

According to the existing site condition plan, there are 250 parking spaces located on the site. Table 6-5-2 of the Zoning Ordinance requires 1 space for each 200 ft² of gross floor area for grocery stores. Based on 64,450 ft², 323 parking spaces are required.

When it can be demonstrated through a professional parking analysis that the demand for parking is less than required in Table 6-5-2, Section 6-5-4 of the Zoning Ordinance allows up to a 40% reduction in parking without requesting a variance. Ramey Kemp & Associates, Transportation Engineers, completed a parking analysis for this store using actual parking demand at the Ingles Store #43 in Arden and the Ingles Store #130 in Fletcher. Both of these stores include a Gas Express. At peak times during the study, that is when the parking lot is fullest, the parking rate was 1 space for each 523 ft² of gross floor area for the Arden site and 1 space for each 425 ft² of gross floor area for the Fletcher site.

The site plan shows a total of 251 parking spaces are to be provided. This translates to a parking ratio of 1 space for each 259 ft² of gross floor area which appears to be sufficient to meet the parking needs based on the analysis of the other two sites.

Parking spaces removed for the Gas Express will be added to the northeast of the addition. This area is shaded on the site plan.

Sidewalks

There is an existing sidewalk connection from the street to the grocery store at the northern boundary of the parcel. A new sidewalk connection to the existing grocery store will be added at the southern boundary of the parcel. There is also an existing Apple County Transit bus stop on Asheville Highway in front of the parcel.

Stormwater

The applicant will be improving the site's stormwater management meeting current Phase II stormwater management requirements.

Traffic Impact Analysis (TIA)

Zoning Ordinance Section 6-19 requires a traffic impact analysis whenever a development generates 100 peak hour or 1000 or more trips daily. A "trip" is a one-direction vehicle movement entering or exiting a site. Based on the Institute of Transportation Engineers *Trip Generation* manual, the site is estimated to generate an additional 1,348 daily vehicle trips. According to the manual, the site currently generates approximately 6,574 daily vehicle trips during a weekday and 11,584 daily trips during a Saturday. A traffic impact analysis has been completed by Mattern & Craig and has been reviewed by Kimley-Horn & Associates, the traffic consultant for the city.

There are three issues to be considered regarding the TIA.

#1 The TIA identified that the site currently warrants the need for a northbound right-turn lane for the center driveway (driveway #2). The driveway on the northern boundary of the parcel has an existing right turn lane. Although the TIA completed by Mattern & Craig identified the need for a minimum of 50 feet of vehicle storage for that turn lane, Kimley-Horn & Associates calculated that the turn lane needs a minimum of 75 feet of storage with additional area needed for a taper. This distance is based on having three driveway access points. Mattern & Craig is in agreement with 75 feet of storage but states that “the presence of the third driveway and the existing property line may limit how much storage could actually be achieved.”

Correspondence from Steve Cannon of NCDOT states that they will require the northbound right turn lane. The site plan currently shows a right turn lane with 75 feet of storage and a 50 foot taper for the center driveway.

#2 Zoning Ordinance Section 5-18-4.3 has a provision for the number of driveways allowed on a given parcel in the Entry Corridor Overlay District. The development of regulations for this district evolved from a concern about the appearance and safety of Hendersonville’s commercial and entry corridors. During the public hearing for this text amendment to the Zoning Ordinance, Mayor Niehoff stated that “the City Council has an objective to improve the appearance of the city’s corridors, to have more vegetative planting, less sign clutter and fewer driveways from a safety standpoint. The Entry Corridor Overlay District was adopted by City Council in August 1998 and applies to parcels fronting on Asheville Highway, Greenville Highway, Spartanburg Highway, Haywood Road and US 64.

Section 5-18-4.3 states that “...a development parcel shall be limited to no more than two driveways on any road and no more than three driveways total.” This provision further states that “additional driveways may be permitted when they are necessary to improve traffic movement, increase sight distances or for other safety reasons.”

The site plan shows the two existing full movement driveways along with a new third restricted movement driveway located at the southern boundary of the parcel. This third driveway is restricted to right-in only. Kimley-Horn & Associates requested that Mattern & Craig provide information on why a third driveway is necessary. Mattern & Craig states that limiting the site to two driveways would require a need for a right turn lane consisting of 100 feet of full storage and 100 feet of taper for the center driveway. Mattern & Craig further states that there is only 150 feet of distance available between the center driveway and the property line.

The applicant has requested a variance from Zoning Ordinance Section 5-18-4.3 allowing the addition of a third driveway. The applicant has completed a finding of fact form on page nine for the variance request. Should the variance not be approved, staff recommends adding a condition that the proposed turn lane is extended to the southern property line.

#3 Kimley-Horn & Associates has raised concerns that “a median is not currently in place, nor proposed, along Asheville Highway to prohibit left turning movements into and out of the third driveway, therefore consideration should be given to limiting the site access on US 25 to the two full movement drives that exist currently.” In response to this comment, Mattern & Craig has stated the following:

“Mattern & Craig takes no exception to the comment provided by Kimley-Horn. The TIS has demonstrated that the development will function adequately with the addition of a right-in, right-out driveway. If the City of Hendersonville and/or NCDOT determines the addition of Entrance #3 is in violation of the access management guidelines, then the length of the northbound right turn lane at Entrance #2 would be based on 139 vehicles making a right turn during the PM peak hour resulting in 100 feet of storage required.”

City staff has received an e-mail from NCDOT stating that they will support the third driveway provided that it is right in only. The site plan shows a right in only driveway at this location.

ANALYSIS

Section 7-4-10.1 of the Zoning Ordinance states, “no special use permit shall be approved by City Council unless each of the following findings is made.”

- (A) The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.

The applicant is requesting a variance from Zoning Ordinance Section 5-18-4.3 increasing the number of driveways a development parcel may have on any given road from two to three. The purpose of these Entry Corridor regulations, including limiting the number of driveways, is “... to protect and preserve both the aesthetics of these important roadways and their traffic-handling capabilities, thereby contributing to the general welfare of the City of Hendersonville.”

Based on the TIA and subsequent comments with the two driveway access points, the center driveway will require a right turn lane with 100 feet of full storage and 100 feet of taper. There is approximately 150 linear feet from the center driveway edge to the southern parcel line available for the required right turn lane. The right turn lane will allow turning vehicles to reduce their speed and impact to the traffic flow along Asheville Highway.

The addition of the third driveway entrance will further reduce the overall length of the required right turn lane and taper by approximately 25 linear feet. Without any type of turn lane for the third driveway, vehicles turning into this driveway will impact traffic flow northbound along Asheville Highway.

Kimley-Horn & Associates has raised concerns that a median is not currently in place, nor proposed, along Asheville Highway to prohibit left turning movements into and out of the proposed third driveway. Kimley-Horn & Associates recommended limiting the site access on Asheville Highway to the two full movement drives that currently exist.

- (B) There are, or will be at the time they are required, adequate public facilities to serve the use or development as specified in Section 7-11.

The property is currently served by water and sewer.

- (C) The use or development complies with all required regulations and standards of the Zoning Ordinance or with variances thereto, if any, granted pursuant to Section 7-4-14, and with all other applicable regulations.

The applicant is requesting a variance from Zoning Ordinance Section 5-18-4.3 increasing the number of driveways a development parcel may have on any given road from two to three.

- (D) The use or development is located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located.

A neighborhood compatibility meeting concerning the application was held on March 15, 2013. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject property. No members of the general public attended the meeting.

A copy of the neighborhood compatibility report accompanies this memorandum.

- (E) The use or development conforms to the general plans for the physical development of the City as embodied in this Ordinance and in the *Comprehensive Plan* and the *Comprehensive Transportation Plan*.

The 2030 Comprehensive Plan's Neighborhood Activity Center category is intended to "concentrate retail in dense, walkable mixed-use nodes located at major intersections in order to promote a sense of community and a range of services that enhance the value of Hendersonville's neighborhoods." This project increases retail options along a major corridor.

The Comprehensive Transportation Plan does not indicate any future improvements to this section of Asheville Highway.

PLANNING BOARD RECOMMENDATION

The Planning Board took this matter up at its regular meeting on May 13, 2013. The Planning Board voted five in favor and two opposed to recommend City Council approve a variance from Zoning Ordinance Section 5-18-4.3 Driveways, increasing the number of driveways a development parcel may have on any given road from two to three. The Planning Board voted unanimously to recommend City Council approve the application of Ingles Markets Inc., for an amended Special Use Permit based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the published List of Uses and Conditions.

SUGGESTED MOTIONS

Variance Request

Approval: I move the City Council to grant a variance from Zoning Ordinance Section 5-18-4.3 Driveways, increasing the number of driveways a development parcel may have on any given road from two to three.

[PLEASE STATE YOUR REASONS]

Denial: I move the City Council to not grant a variance from Zoning Ordinance Section 5-18-4.3.

[PLEASE STATE YOUR REASONS]

Amended Special Use Permit

Approval: I move City Council to approve the application of Ingles Markets Inc., for an amended Special Use Permit based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the published List of Uses and Conditions.

[ADD, IF APPLICABLE, "AND THE FOLLOWING ADDITIONAL CONDITION(S)"]

Driveway #2 turn lane is extended to the southern property line to maximize the turn lane and taper length.

Denial: I move City Council to not approve the application of Ingles Markets Inc., for issuance of an amended Special Use Permit.

[PLEASE STATE YOUR REASONS]

IN RE: Ingles #11 (File # P13-4-SUR)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

Retail Stores

II. Conditions:

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

No recommended conditions have been identified at this time.

- (2) Shall Be Attached to the Special Use Permit:**

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

Ingles Markets

By: _____

Date: _____

Planning Director's Report
Neighborhood Compatibility Meeting
Application for a Special Use Permit Amendment
Ingles Asheville Highway File #P13-4-SUR
Friday March 15, 2013 1:30 p.m.

With no members of the public in attendance, Sue Anderson, Planning Director dismissed the meeting at 1:40. The following people signed in.

Name	Address	Name	Address
John Cox	Ingles Markets	Sue Anderson	City of Hendersonville
Preston Kendall	Ingles Markets	Lu Ann Welter	City of Hendersonville

Applicant Variance Request Form

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE (Section 7-4-14):

For applications undergoing special use review, City Council may authorize variances in specific cases from the dimensional and improvements standards of the zoning ordinance upon finding that a literal enforcement of such standards will result in practical difficulty or unnecessary hardship and so long as the granting of such variance or variances will not result in a use or development which would violate the findings of fact required by Section 7-4-10. Variances may not be granted with regard to uses or to intensity.

FINDINGS OF FACT (Section 7-4-10.1) No special use permit shall be approved by City Council unless each of the following findings is made.

The burden of establishing these findings of fact shall lie upon the applicant. In addressing the issue of compatibility, as required, the applicant must demonstrate compatibility with the particular neighborhood in which the development or use is to be located. The fact that a use is authorized as a special use within a zoning district classification shall not give rise to a presumption that such special use is compatible with other uses authorized in the zoning district classification.

(A) The use or development is located, designed and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.

Traffic analysis has identified a need for a deceleration lane with 100' of storage and a 100' taper. Due to site constraints, the full length of the deceleration lane cannot be achieved. Adding a right-in driveway will reduce the need for the turn lane and will help prevent queuing on Asheville Highway. The proposed parking variance has no negative impact on the public health, safety, or general welfare.

(B) There are, or will be at the time they are required, adequate public facilities to serve the use or development as specified in Section 7-11.

Appropriate crosswalks and sidewalks have been proposed.

(C) The use or development complies with all required regulations and standards of the Zoning Ordinance or with variances thereto, if any, granted pursuant to Section 7-4-14, and with all other applicable regulations.

The development complies with all required regulations and standards of the Zoning Ordinance with the exception of Required Parking and Driveways, for which a variance is requested.

(D) The use or development is located, designed and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located.

The development is an existing facility located in a commercial zone.

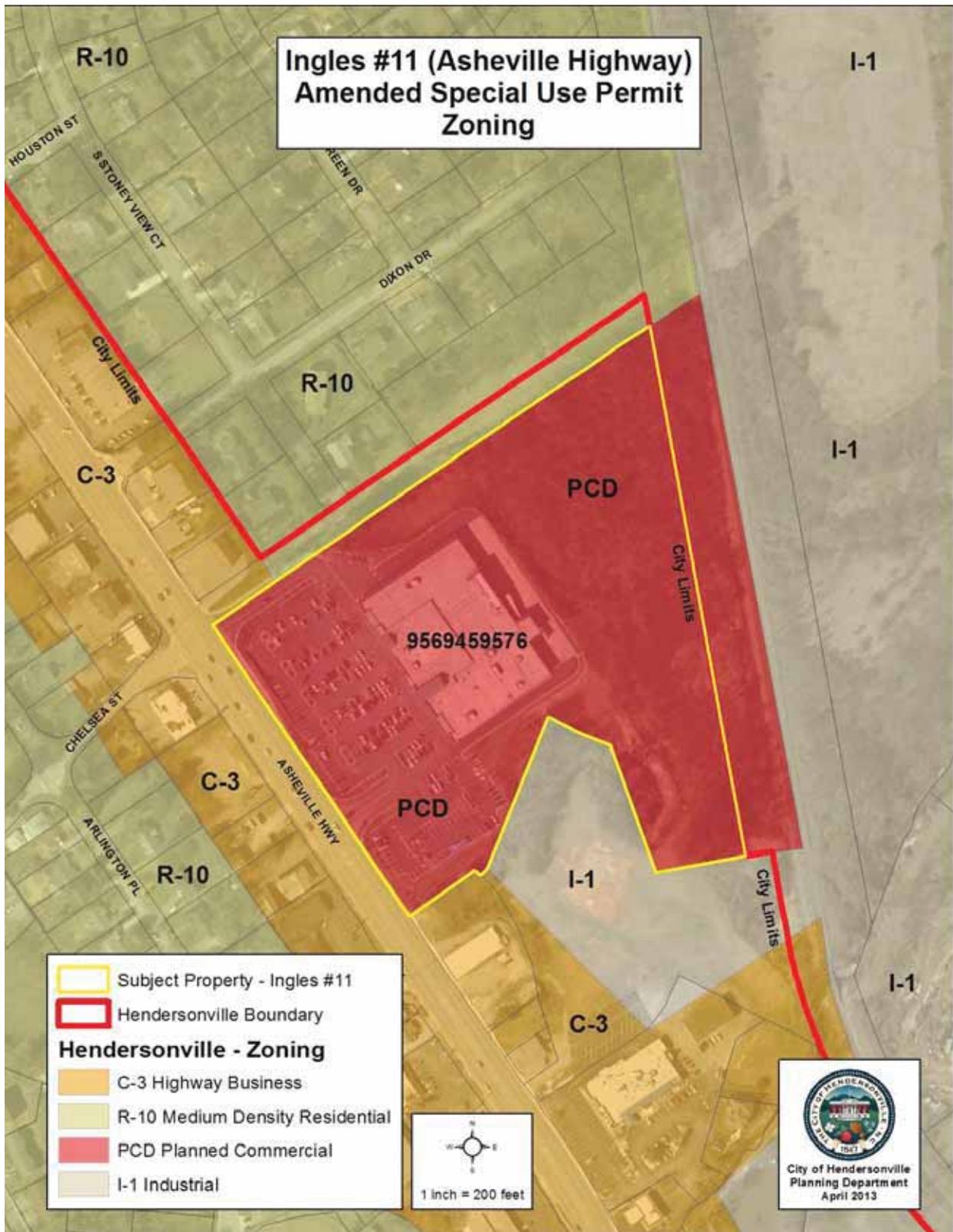
(E) The use or development conforms with the general plans for the physical development of the City as embodied in this Ordinance and in the *Land Development Plan* and the *Thoroughfare Plan*.

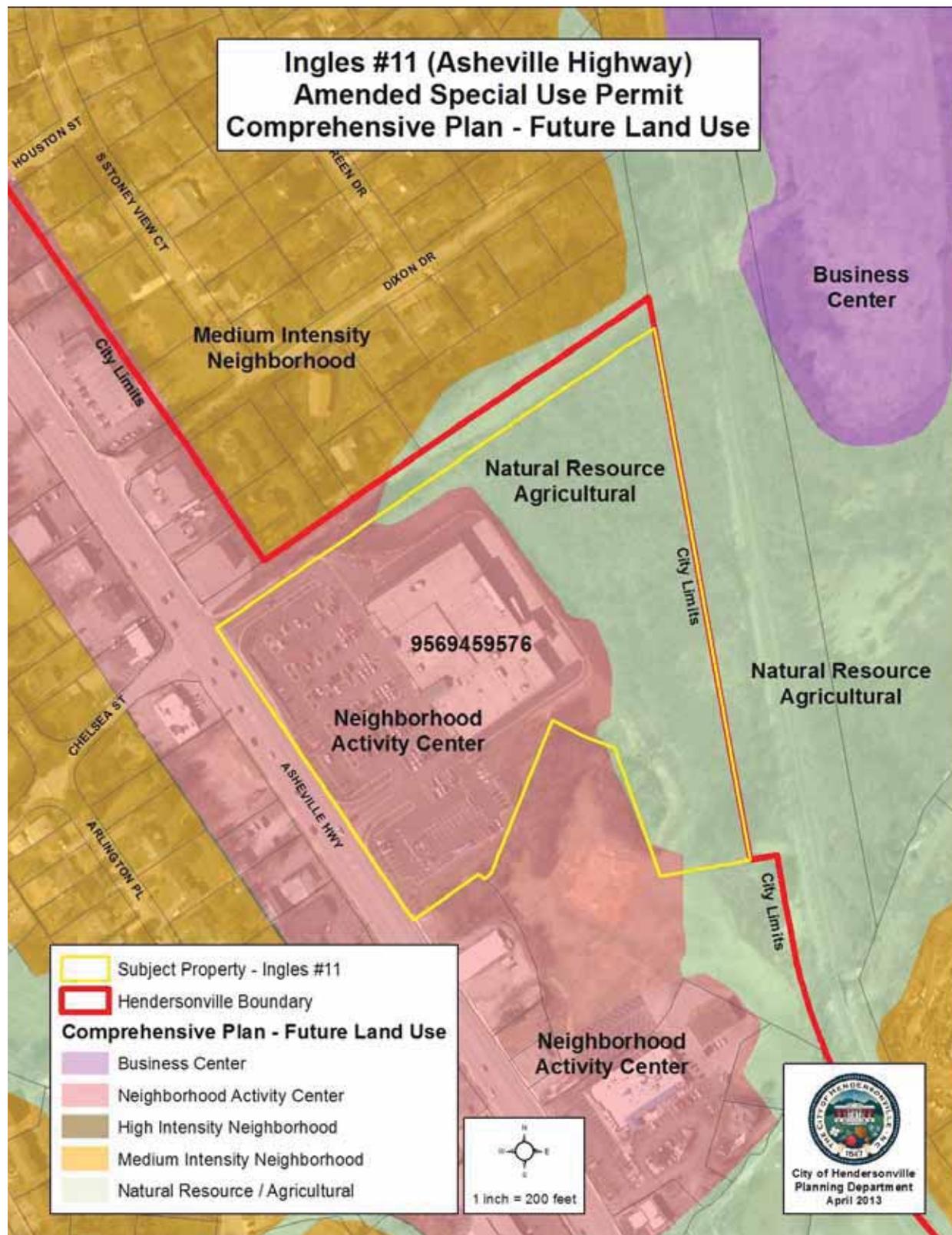
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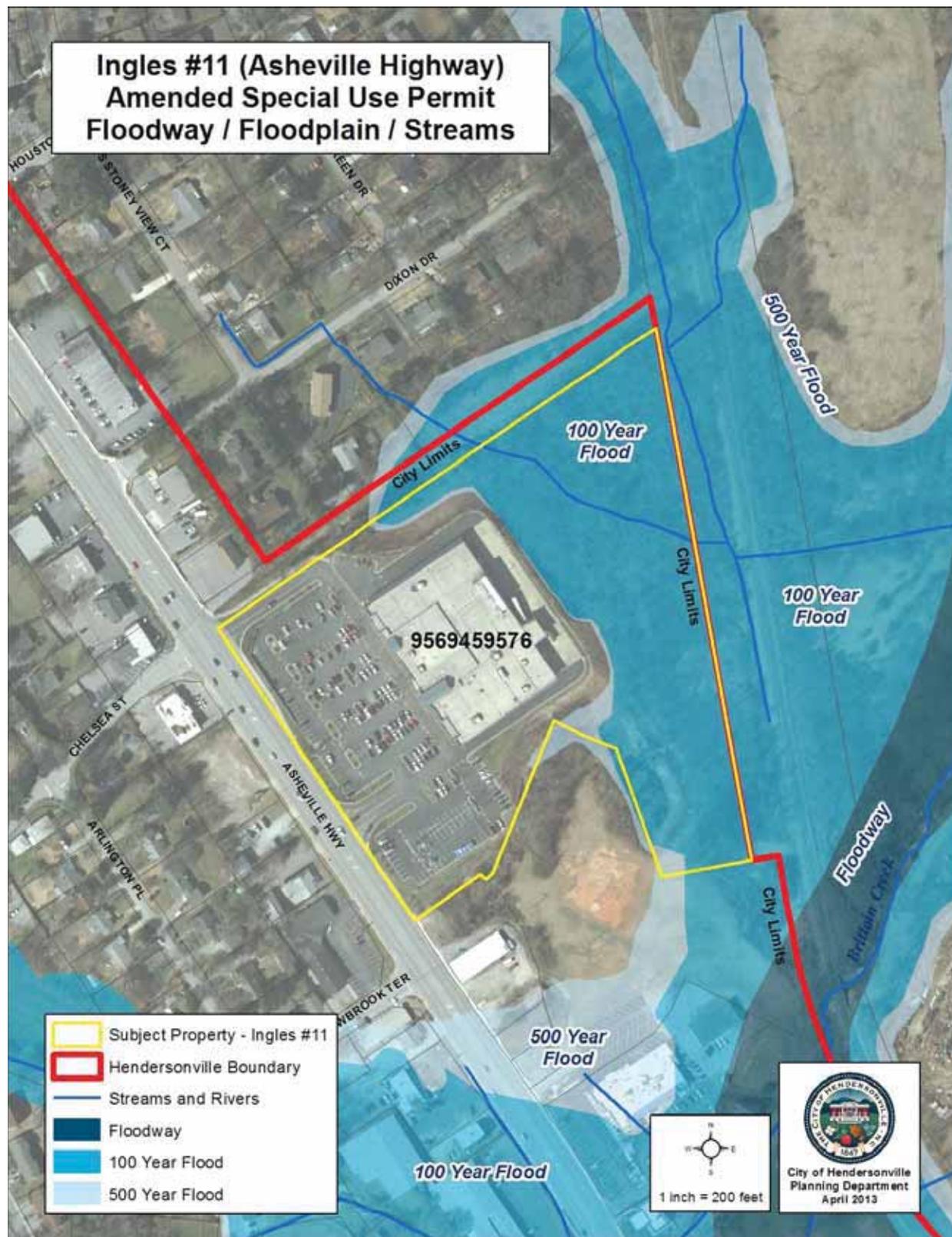
Signature

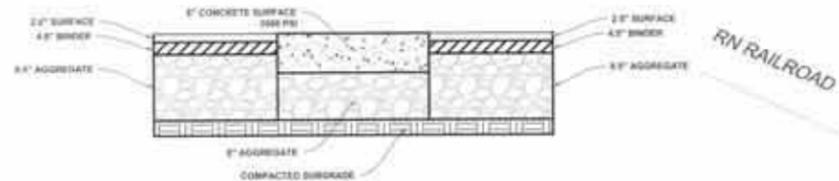
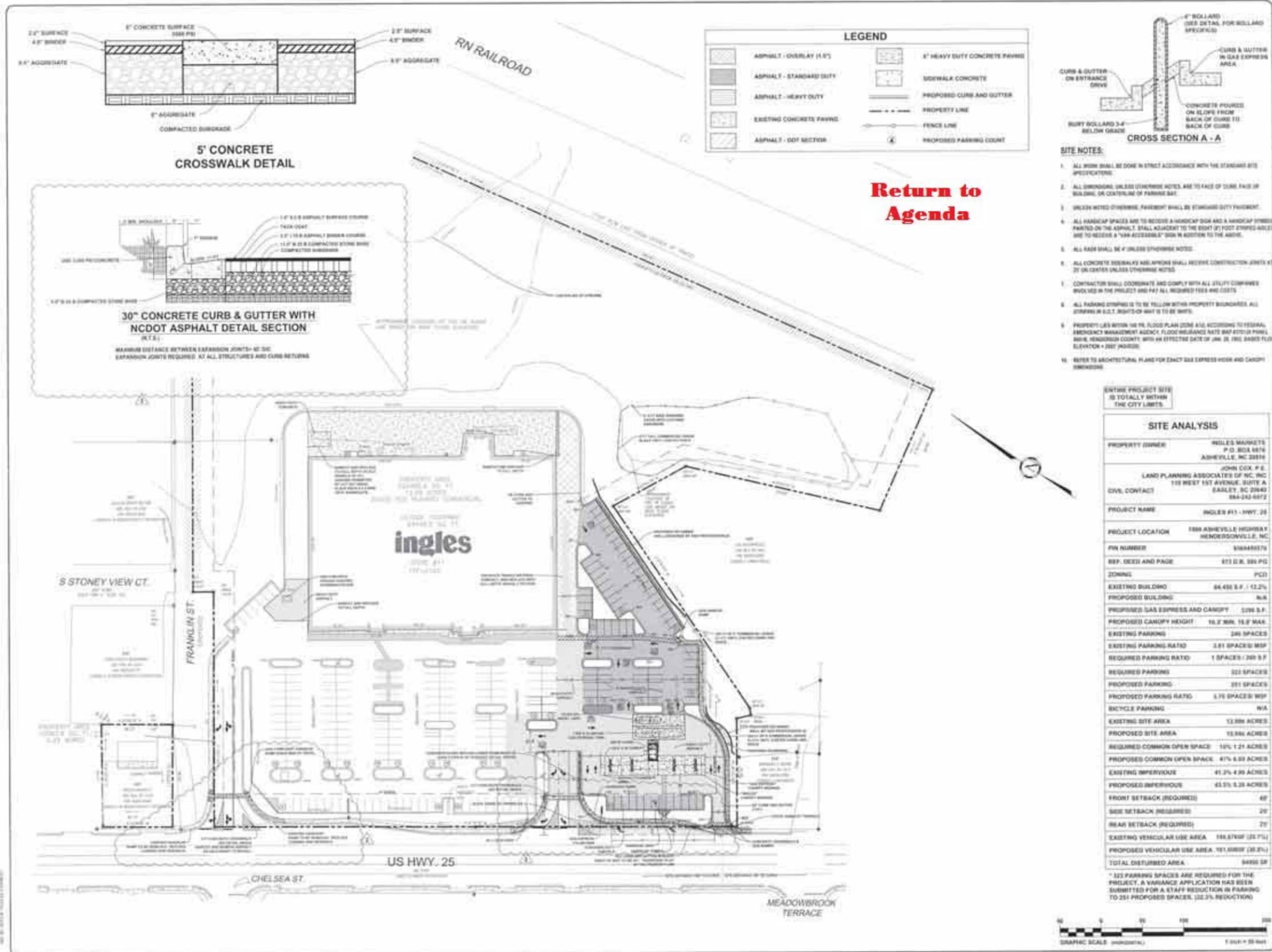




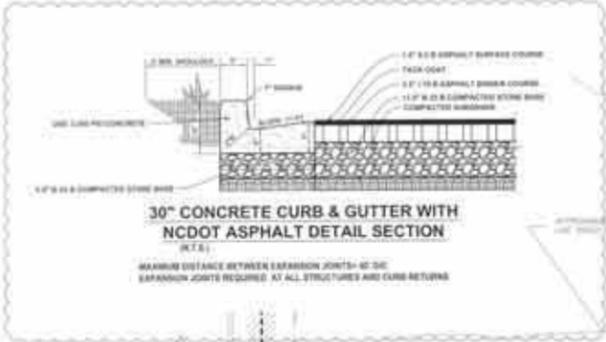








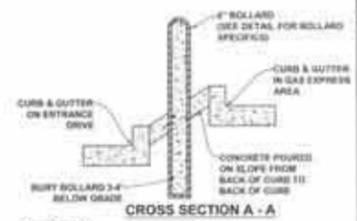
5' CONCRETE CROSSWALK DETAIL



30\"/>

LEGEND

ASPHALT - OVERLAY (1.5\"/>	
ASPHALT - STANDARD DUTY	8\"/>
ASPHALT - HEAVY DUTY	SIDEWALK CONCRETE
EXISTING CONCRETE PAVING	PROPOSED CURB AND GUTTER
ASPHALT - DOT MIXTURE	PROPOSED LINE
	FENCE LINE
	PROPOSED PARKING COUNT



- SITE NOTES:**
- ALL WORK SHALL BE DONE IN STRICT ACCORDANCE WITH THE STANDARD SITE SPECIFICATIONS.
 - ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE OF CURB, FACE OF BUILDING OR CENTERLINE OF PARKING BAY.
 - UNLESS NOTED OTHERWISE, PAVEMENT SHALL BE STANDARD DUTY PAVEMENT.
 - ALL HANDICAP SPACES ARE TO RECEIVE A HANDICAP SIGN AND A HANDICAP SYMBOL PAINTED ON THE ASPHALT. SHALL ADJACENT TO THE FRONT OF FOOT STRIPS AND ARE TO RECEIVE A "VAN ACCESSIBLE" SIGN IN ADDITION TO THE ABOVE.
 - ALL RAMP SHALL BE 4\"/>

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SITE ANALYSIS

PROPERTY OWNER	INGLES MARKETS P.O. BOX 6874 ASHEVILLE, NC 28814
CIVIL CONTACT	JOHN COX, P.E. LAND PLANNING ASSOCIATES OF NC, INC 115 WEST 1ST AVENUE, SUITE A ASHEVILLE, NC 28840 864-242-6872
PROJECT NAME	INGLES #11 - HWY. 25
PROJECT LOCATION	1809 ASHEVILLE HIGHWAY HENDERSONVILLE, NC
FIN NUMBER	506440376
REP. DECS AND PAGE	873 D.S. 204 PG.
ZONING	PC1
EXISTING BUILDING	84,430 S.F. / 12.2%
PROPOSED BUILDING	N/A
PROPOSED GAS EXPRESS AND CANOPY	2,000 S.F.
PROPOSED CANOPY HEIGHT	10.2' MAX. 10.8' MAX.
EXISTING PARKING	246 SPACES
EXISTING PARKING RATIO	2.81 SPACES/MSF
REQUIRED PARKING RATIO	1 SPACES / 200 S.F.
REQUIRED PARKING	323 SPACES
PROPOSED PARKING	251 SPACES
PROPOSED PARKING RATIO	3.76 SPACES/MSF
BICYCLE PARKING	N/A
EXISTING SITE AREA	12.889 ACRES
PROPOSED SITE AREA	12.884 ACRES
REQUIRED COMMON OPEN SPACE	10% 1.21 ACRES
PROPOSED COMMON OPEN SPACE	47% 6.03 ACRES
EXISTING IMPERVIOUS	41.2% 4.20 ACRES
PROPOSED IMPERVIOUS	45.3% 5.28 ACRES
FRONT SETBACK (REQUIRED)	40'
SIDE SETBACK (REQUIRED)	20'
REAR SETBACK (REQUIRED)	20'
EXISTING VEHICULAR USE AREA	158,676SF (35.7%)
PROPOSED VEHICULAR USE AREA	161,000SF (35.7%)
TOTAL DISTURBED AREA	9490 SF

* 323 PARKING SPACES ARE REQUIRED FOR THE PROJECT. A VARIANCE APPLICATION HAS BEEN SUBMITTED FOR A STAFF REDUCTION IN PARKING TO 251 PROPOSED SPACES (22.3% REDUCTION)

REVISIONS

NO.	DATE	DESCRIPTION	BY
1	4/15/13	REVISED FOR CITY COMMENTS	JDC
2	8/26/13	REVISED FOR DOT COMMENTS	JDC



CORPORATE SEAL:



LAND PLANNING ASSOCIATES, INC.
115 WEST 1ST AVENUE - SUITE A
ASHEVILLE, NC 28840
864-242-6872 FAX 252-738-5214
lanplan@lanplan.com

ingles
#11
1809 ASHEVILLE HIGHWAY
HENDERSONVILLE, NC

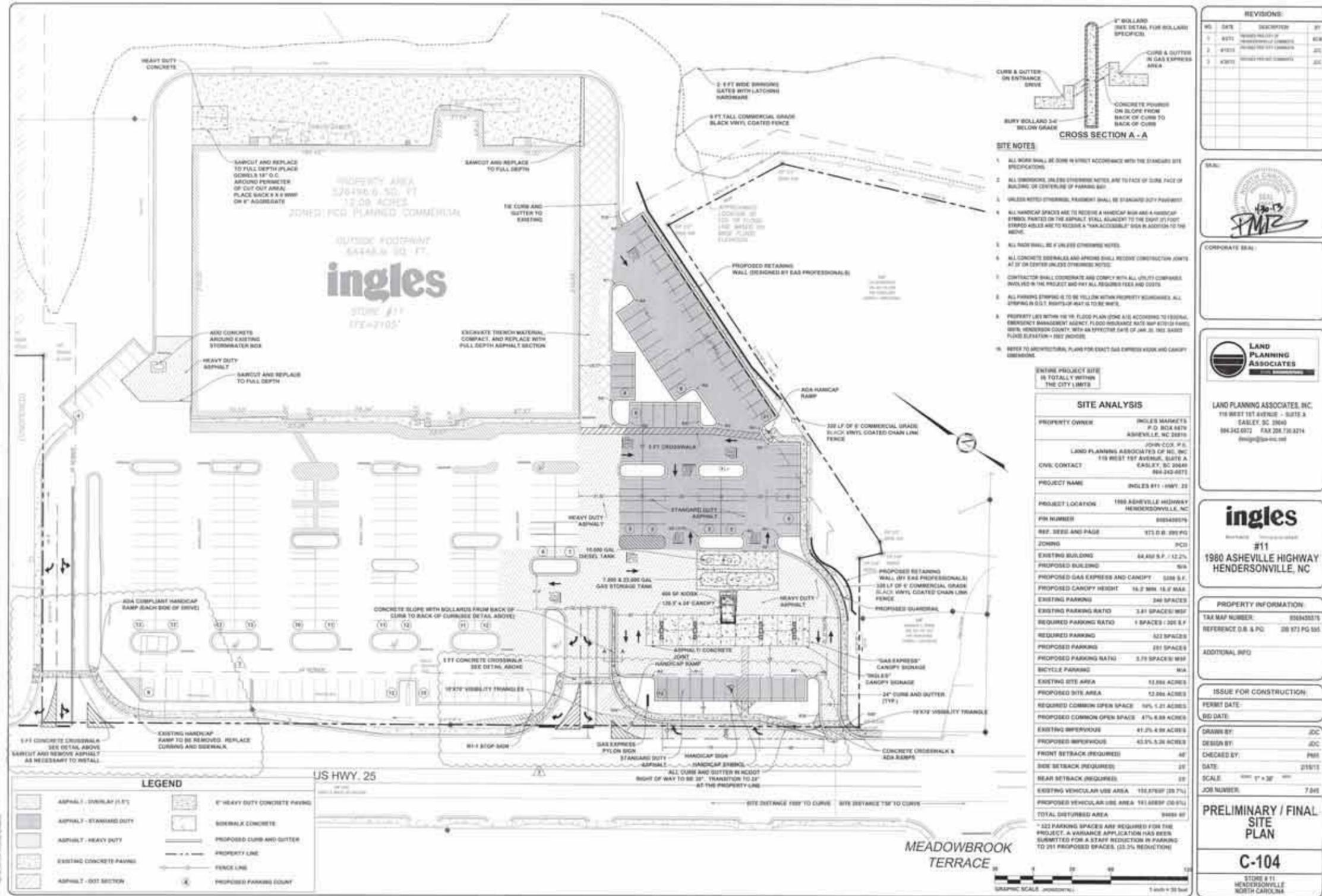
PROPERTY INFORMATION:
TAX MAP NUMBER: 806450376
REFERENCE D.S. & PG.: D8 873 PG 285

ISSUE FOR CONSTRUCTION:
PERMIT DATE:
BID DATE:

DRAWN BY: JDC
DESIGN BY: JDC
CHECKED BY: PWR
DATE: 4/27/13
SCALE: 1" = 60'
JOB NUMBER: 1343

PRELIMINARY / FINAL SITE PLAN (FULL SITE)
C-104A
STORE #11
HENDERSONVILLE
NORTH CAROLINA





APPEAL OF DEVELOPMENT DECISIONS

Section 7-13 of the Zoning Ordinance outlines the process for appeal of development decisions by City Council. The following Sections of the Zoning Ordinance apply specifically to Special Use Review:

Section 7-13-2 (b): Preliminary site plans. Decisions of the City Council regarding appeals from development decisions concerning applications for preliminary site plan approval may be appealed to the Superior Court by any aggrieved party. Such appeals shall be in the nature of certiorari and must be filed within 30 days after the filing of the decision in the office of the City Clerk or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Clerk at the time of the hearing, whichever is later. The copy of the decision of the Council may be delivered to aggrieved parties either by personal service for by registered mail or certified mail return receipt requested.

Section 7-13-2 (d): Special use review. Judicial review of decisions regarding applications processed under the provisions of special use review, established in Section 7-4, above, require special treatment due to the fact that they involve two separate applications which, though processed simultaneously, require Council to make two separate decisions exercising two different types of decision-making authority. One application requests enactment of an ordinance amending the Official Zoning Map, and the other requests issuance of a special use permit. The first application involves a legislative decision on the part of Council, and the second a quasi-judicial decision. The quasi-judicial decision, that is, the one concerning the application for a special use permit, may be appealed to the Superior Court by any aggrieved party in the manner prescribed in paragraph b), above. Such appeal shall be in the nature of certiorari. The legislative decision, which is the one concerning the request for rezoning, may be contested, in accordance with NCGS Section 160A-364.1, by a cause of action commenced within two months of the date of the decision.

The validity of the ordinance may be challenged in accordance with North Carolina General Statute Section 160A-364.1.

§ 160A-364.1. Statute of limitations.

A cause of action as to the validity of any zoning ordinance, or amendment thereto, adopted under this Article or other applicable law shall accrue upon adoption of the ordinance, or amendment thereto, and shall be brought within two months as provided in G.S. 1-54.1. (1981, c. 891, s. 3; 1995 (Reg. Sess., 1996), c. 746, s. 7.)



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Lew Holloway

Department: Planning

Date Submitted: 05/29/13

Presenter: Lew Holloway

Date of Council Meeting to consider this item: 06/06/13

Nature of Item: Council Action

Summary of Information/Request:

Item

- 1971: Special Events committee established to review evaluate applications and provide a recommendation to council regarding the temporary use of public property. Original committee members; City Police Chief or their designee & Public Works Director or their designee.
- 1995: City Code was amended and the City Manager or their designee was added to the committee. The director of Downtown Hendersonville, Inc. was also added at this time, as an ex officio member of the committee.
- 1995: The committee was given the authority to issue special event permits in the following circumstances:
 - 1) when the proposed special event will not result in the obstruction or blocking of the streets or sidewalks and the total cost in city services will not exceed one thousand dollars; or
 - 2) when the proposed special event has been approved previously by city council and the proposal does not materially differ from that previously approved by city council.
- All other special event permit applications require city council approval.
- 2002: City manager Chris Carter appoints the Fire Chief and Zoning Administrator to the committee.
- 2011: Council moves the downtown development program in-house; newly formed Main Street Advisory Committee advocates for improved communication as it relates to all aspects of special events within the Municipal Service District.
- 2012/2013: Draft special events policy is developed, reviewed and endorsed by the Main Street Advisory and Special Events Committees. The policy is designed to facilitate the special event planning process and to serve as a guide for special event planners as they prepare to host their event in the City of Hendersonville. To that end the policy does the following;
 - 1) Defines the role of the Special Events Committee in special events planning for the City of Hendersonville;
 - 2) Defines the role of the Main Street Advisory Committee in special events planning for the City of Hendersonville;
 - 3) Establishes the time line and specific requirements for the City of Hendersonville's special event application process;
 - 4) Establishes the necessary documentation and information required of each applicant for a special event permit;
 - 5) Establishes what fees, deposits and special conditions will be applied to each event.

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

I move that City Council approve the resolution adopting the City of Hendersonville Special Event Policy.

Attachments:

1. Resolution Adopting the City of Hendersonville Special Event Policy
2. City of Hendersonville Special Event Policy

A RESOLUTION TO ADOPT THE CITY OF HENDERSONVILLE SPECIAL EVENTS POLICY

WHEREAS, In 1971 the City Council of the City of Hendersonville formed a Special Events Committee whose purpose is to coordinate the variety of special events which take place in the City of Hendersonville and to protect the public health, safety and general welfare during these events.

WHEREAS, On June 2, 2011 the City Council of the City of Hendersonville formed the seven member Main Street Advisory Committee and created the Downtown/Economic Development Director position for the City of Hendersonville to enact the Main Street Four Point approach and to provide City Council feedback on policy and procedures that impact the Municipal Service District.

WHEREAS, The Special Event and Main Street Advisory Committees of the City of Hendersonville reviewed and endorsed the City of Hendersonville Special Event Policy.

WHEREAS, The City Council of the City of Hendersonville values well planned and coordinated special events taking place in the City of Hendersonville.

WHEREAS, The City Council of the City of Hendersonville values the need to weigh and consider the specific impacts of special events prior to their taking place.

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

Section 1. The City Council hereby adopts the City of Hendersonville Special Events Policy.

Section 2. The City Council recognizes that value of this document as a guide and informational resource for event planners working with the City of Hendersonville.

Section 3. This resolutions shall become effective upon its adoption and approval.

Adopted the sixth day of June 2013.

ATTEST:

Barbara G. Volk, Mayor

Tammie K. Drake, MMC, City Clerk

Executive Summary

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

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



The City of Hendersonville's Special Event Policy:

1. Defines the role of the Special Events Committee in special events planning for the City of Hendersonville.
2. Defines the role of the Main Street Advisory Committee in special events planning for the City of Hendersonville.
3. Establishes the timeline and specific requirements for the City of Hendersonville's special event application process.
4. Establishes the necessary documentation and information required of each applicant for a special event permit.
5. Establishes what fees, deposits and special conditions will be applied to each event.

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Appendix

Special Event Application I

Vendor Permit Application II

Electrical Requirement Application III

Example General Liability Policy..... IV

Downtown Special Events Grant Application..... V

Code of Ordinances – Special Events VI

Special Events:

Application Timelines

The Special Events Committee hears all event applications no matter their location in the city. The timeline below outlines minimum requirements for Special Event Permit Applications.



Special Event Application Submission & Approval Timeline	
<u>Minimum 90 Days Prior to Special Event Date – Application Submission</u>	
<ul style="list-style-type: none"> • Submission of Special Event Application Package • Special Event Site Plan • Street and/or Parking Closure Request(s) <p>Special Events Application Package must be submitted to Susan Frady – Special Event Committee Chairperson. Phone # 828.697.3010, Fax # 828.698.6185, E-mail: sfrady@cityofhendersonville.org, Address: 100 N. King St., Hendersonville, NC 28792.</p>	
<u>Minimum 60 Days Prior to Special Event Date – Committee Review (Applicant Attendance Required)</u>	
<ul style="list-style-type: none"> • Main Street Advisory Committee Review & Recommendation (where applicable) • Special Events Committee Review & Recommendation – includes review by Police, Fire and Public Works 	
<u>Minimum 30 Days Prior to Special Event Date – City Council Meeting</u>	
<ul style="list-style-type: none"> • Final Site Plan, Event Timeline & On-Site Contacts • Proof of Insurance • Vendor Permits • City Council Review & Approval (Required) 	
Post-Event	
<u>Maximum 30 Days After Last Day of Event</u>	
<ul style="list-style-type: none"> • Final Payment as needed • Reserve Future Dates 	

Special Events - Definitions

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

Road Festival

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

Procession/Parade

Procession/Parade means a public or private march, run, cortege, walk, cavalcade, autocade, parade of any kind, other gathering of persons that occurs upon public right-of-way, park or both in an area used for vehicular traffic.

Public Assembly

Public Assembly means a public gathering, demonstration, picket, rally, gala, ceremony, celebration, or other gathering of persons upon right-of-way, park space, or both that does not occur upon areas of the right of way used for vehicular traffic.

Organized Competitive Event

Organized Competitive Event means any planned race, walk, derby, or event, whether human powered or otherwise, that involves a contest of skill(s) and/or strength and takes place upon public right-of-way or park.

Special Events Application Package – Major Requirements

1. **Event Application – See Appendix I:** This is a basic collection of information including:
 - a. **Name of Event**
 - b. **Event Organizer**
 - c. **Date(s) of Event**
 - d. **Contact Information**
 - e. **Public Benefit**
 - f. **Public Services required**

2. **Event Site Plan:** The site map is a visual representation of all the operational event elements that you describe throughout the permit application. To properly assess the event, the site map should be submitted along with the Special Event Application and include the following elements:

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

3. **Vendor Applications:** It is often the case that event organizers wish to have vendors selling food and crafts or other merchandize during an event. This is permitted via the City of Hendersonville's Code of Ordinances. Event organizers are required to submit a vendor permit application detailing the total number of vendors, categorized by type that will be a part of the event. Contact the City of Hendersonville Business Office for more information, 828.697.3052.

4. **Insurance:** The event organizer must furnish a current general liability insurance policy which names the City of Hendersonville as a co-insured on the policy. Insurance requirements are as follows:

a. **Commercial General Liability:**

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

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

Special Events Committee – Role & Responsibilities

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

Special Event applicants will submit their applications to the Committee Chair; Zoning Administrator Susan Frady, who will distribute copies to the committee according to the timeline outlined on page 3. They will then meet with the Special Events Committee at least 60 days prior to their event; event coordinators are encouraged to schedule this even earlier if possible. For events within the Downtown Municipal Service District, the Main Street Director will distribute copies to the Main Street Advisory Committee.

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

1. Zoning Administrator – Committee Chairperson
2. Police Chief (or representative)
3. Fire Chief (or representative)
4. Public Works Director (or representative)
5. Main Street Director (Ex-Officio Member)

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

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

Main Street Advisory Committee – Roles & Responsibilities

The Main Street Advisory Committee is a City Council appointed volunteer group tasked with helping implement the Main Street Four Point model of downtown economic development. The committee has two primary roles in regards to Special Events as they are defined in this document.

1. The primary role of the Main Street Advisory Committee is to organize and oversee special events of their choosing which support the Committee's vision for Historic Downtown Hendersonville. The criteria used to guide the Committee in this role include, but are not limited to, the following:
 - a. Events should celebrate the community's culture, heritage and diversity.
 - b. Events should appeal to our diverse community.
 - c. Events should support the entrepreneurial and creative communities that call downtown home on a daily basis.
 - d. Events should support our efforts to highlight downtown as a cultural and market destination for the community & visitors.
2. The secondary role of the Committee is to guide the Downtown Special Events grant program which provides financial assistance to event organizers who apply. The total grant fund is determined on a yearly basis as funds allow and individual grants are for a maximum of \$500. Grant applications and timelines for the Downtown Special Events grant program can be obtained by contacting the Main Street Director.
3. The tertiary role of the Main Street Advisory Committee is to provide the Special Event Committee and City Council with recommendations and feedback in regards to any special event proposed for the downtown Municipal Service District that requires City Council approval. These recommendations and associated feedback will be presented to event organizers during the Special Events Committee meeting by the Main Street Director. Event organizers are encouraged to attend the Main Street Advisory Committee meeting at which their event will be reviewed to answer questions and hear feedback first hand.

Denial or Rejection of Special Event Permit Application

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

- Failure to submit an application within the time periods outlined herein.
- The application is incomplete.
- The applicant owes the City of Hendersonville money from another event, services provided or as a result of damages to city property.
- The Special Events Committee has already received a completed application for the same date and/or space.
- The use or the event would conflict with previously planned programs organized and conducted by the city or non-governmental agencies previously scheduled for the same time and/or place.
- The applicant does not comply with all applicable city ordinances, traffic rules, park rules and regulations, state health laws, fire codes and/or liquor licensing regulations.
- The use or event proposed by the applicant would present an unreasonable danger to the health or safety of the public.
- The applicant cannot comply with applicable local, state and federal license requirements for all or part of the planned event.
- The use or event is prohibited by law.
- The application contains material misrepresentation or fraudulent information.

The Special Event Committee will use the following priority list if there are conflicting requests for a particular time and date which arrive before the committee concurrently.

Priority will be given in the following order:

1. Events that have established historic precedence and are in good standing.
2. Events organized by the City of Hendersonville.
3. Events organized by Henderson County Schools.
4. Events organized by Hendersonville based non-profit organizations with proceeds providing assistance to the organizer or another Hendersonville based non-profit organization (requires proof of 501c(3) status).
5. Events organized by private businesses, non-profit organizations **not** based in Hendersonville, and/or individuals for the purpose of profit, personal gain, and/or proceeds that will be used to benefit other than those Hendersonville based non-profit organizations.

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Appendix

Special Event Application I

Vendor Permit Application II

Electrical Requirement Application III

Example General Liability Policy IV

Downtown Special Events Grant Application V

Code of Ordinances – Special Events VI



City of Hendersonville

SPECIAL EVENT PERMIT APPLICATION

An Application for a permit to conduct a special event pursuant to Section 28-39, Hendersonville City Code. Please note the sponsoring entity must demonstrate that the special event will benefit the general welfare of the City and that such benefit will outweigh any public costs associated with the event. Wherever necessary to fully answer questions, please attach additional sheet(s). **Note: The person responsible for the special event, or his/her designee, must be present for the duration of the event.**

Name of Special Event: _____

Entity Sponsoring Special Event: _____

Address: _____

City, State, ZIP: _____

Telephone: _____ e-mail: _____

Person Responsible: _____ Mobile Phone: _____

Designee: _____ Mobile Phone: _____

Description of Special Event: _____

Dates Requested: _____ Hours of Operation: _____

Location (attach map and/or diagram): _____

Public Purpose (state how this event will benefit the general welfare of the City): _____

Public Services (state public services needed such as Police and clean up): _____

Insurance (state type, amount and name of agency. A copy of Certificate of Insurance covering said event must accompany application.) _____

"Hold Harmless Agreement"

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

Signature of Authorized Representative

Date



City of Hendersonville

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Agenda**

STREET VENDING PERMITS APPLICATION

An Application for a permit to engage in the business of street vending as defined in Article III, Chapter 22, Hendersonville City Code. All requested information must be provided in order for the application to be processed.

Name of Special Event: _____

Entity Sponsoring Special Event: _____

Name of Applicant: _____

Home Address: _____

Business Address: _____

City, State, ZIP: _____

Business Telephone: _____ Home Telephone: _____

E-mail: _____

Name of Owner if Other than Applicant: _____

Business Address of Owner: _____

Business Telephone: _____

Items to be merchandised: _____

State Sales Tax Number or Tax Exempt Number: _____

Release

By signing this agreement, I hereby agree to release and hold harmless the City of Hendersonville for any and all harm that occurs to any individuals either through products sold by me or my agents or by means of accident caused by operation of the vending stand.

Signature of Applicant

Date

Signature of Owner (if other than applicant)

Date

**CITY of HENDERSONVILLE
PUBLIC WORKS DEPARTMENT (828-697-3084)**

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Agenda**

SPECIAL EVENTS / VENDER ELECTRICAL REQUIREMENTS:

VENDOR/NAME: _____ TELEPHONE# _____

BUSINES NAME: _____

SPACE# _____ DATES NEEDED: _____

ALL ELECTRICAL REQUIREMENTS MUST BE LISTED BELOW:

1. List all items that require electricity. i.e. ovens, refrigerators, microwaves, lamps, etc.
2. For each item listed you indicate the Wattage, Volts (110V/220V), & Amperage. **(Check equipment data plates for information. If required information is not listed on equipment data plate, use formula [Watts divided by Volts = Amps].)**

Electrical Items:	110V	220V	Watts:	Amps:

FEES FOR ELECTRICAL SERVICE:

_____ BASIC CHARGE (\$45.00 per Vendor per event)

_____ AMPERAGE CHARGE (\$4.00 per Amp needed)

_____ **TOTAL CHARGE**

SPECIAL EVENT GRANT APPLICATION - 2013

The Main Street Advisory Committee of Historic Downtown Hendersonville is introducing a grant program for Special Event organizers who plan to hold their event in downtown. The downtown district is a rectangle defined by 7th Ave to the north, King Street to the east, Allen Street to the south and Church Street to the west.

Historic Downtown Hendersonville is both a vibrant commercial district and a vital community gathering spot and the Advisory Committee is seeking to strengthen and improve the ways in which downtown serves this role for the community and for the businesses that are located in the district. The goals that we are pursuing for Special Events that take place in downtown include;

- 1) To provide a welcoming environment that highlights downtown and leaves a lasting positive impression on visitors (tourists and local residents), encouraging them to return again and again, both during events and otherwise.
- 2) To promote and support quality events which support the brand & vision of Historic Downtown Hendersonville.
 - a. Vision Statement: Downtown Hendersonville is the heart of an economically and culturally vibrant mountain community. As a place for work and relaxation, downtown Hendersonville is the center for celebrations of the community's heritage and diversity, the core of its entrepreneurial and creative communities, a wonderful place to call home and a social, cultural and market destination for our community's residents and visitors.
- 3) To invite a diverse and expanding population to our downtown, particularly those that will visit and support our Main Street merchants and restaurants, thereby contributing to the success of our district on a year round basis.

SPECIAL EVENT GRANT APPLICATION - 2013

BASIC EVENT INFORMATION

EVENT NAME:

EVENT DATE:

ORGANIZING ENTITY & CONTACT INFORMATION FOR EVENT:

EVENT MARKETING INFORMATION

What is the budget and strategy for marketing your event? (Feel free to attach your response.)

SPECIAL EVENT GRANT APPLICATION - 2013

Are you willing to participate in a work session with the Main Street Advisory Committee and Main Street Director on your final event layout prior to submission to the City of Hendersonville Special Events Committee? The work session would include, but not be limited to; vendor layout, street closures, parking closures and pedestrian circulation, as appropriate.

YES

NO

Do you plan to survey event attendees? (Questions might include; Where are you visiting from? How did you hear about the event? How much have you spent during your visit downtown? Have you visited any of the local shops while at the event? Etc.)

YES

NO

Will your event have a dedicated online presence? (This is not just a traditional webpage, it could include a facebook page or a page on your organization's existing webpage for example)

YES

NO

How will the Historic Downtown Hendersonville Special Event Grant be used to improve your event and help us reach our goals for the district? (Feel free to attach your response.)

Sec. 46-84. - Exception; permitted special events.

Notwithstanding the foregoing provisions of this article, the city council may authorize the temporary obstruction of streets or sidewalks, or the use of other public property, in conjunction with special events. Provided, however, the special event sponsor shall ensure that there is a continuous five-foot width of unobstructed sidewalk. Anyone desiring a special event permit shall make application to the city manager detailing the nature and duration of the event and demonstrating how the event will benefit the general welfare of the city. In deciding whether to issue a special event permit, the city council shall balance the stated civic purpose of the event against the inconvenience to the public of closing streets and sidewalks and against the cost to the city of ensuring the public health, safety and welfare which is attendant to the special event.

(Code 1971, § 28-39; Ord. No. 08-0841, § 2, 8-7-08)

Sec. 46-85. - Events committee established; membership; duties.

- (a) There is hereby officially designated an events committee, the purpose of which will be to review and evaluate applications for the temporary use of public property, including applications for special event permits pursuant to section 46-84.
- (b) The membership of the events committee shall be as follows:
 - (1) The chief of police or his designee;
 - (2) The city manager or his designee; and
 - (3) The director of public works or his designee;
 - (4) The representative of Downtown Hendersonville, Inc., shall be an ex officio member of the committee, having voice but no vote.
- (c) Requests for the use or obstruction of public property shall be made on forms promulgated by the city manager and shall be referred to the events committee.
- (d) The events committee shall review such requests and, in the case of an application requiring city council approval, shall prepare a report setting forth the anticipated public costs of the special event and the recommendation of the committee, and shall forward such report and recommendation to the city council.
- (e) The events committee itself shall have authority to issue special event permits in the following circumstances:
 - (1) When the proposed special event will not result in the obstruction or blocking of streets or sidewalks and the total cost in city services will not exceed \$1,000.00; or
 - (2) When the proposed special event has been approved previously by city council and the proposal does not materially differ from that previously approved by the city council.
- (f) When the events committee denies an application for a special event permit, the applicant shall have the right to have the matter considered by city council. In order to exercise that right, the applicant must make such request in writing to the city clerk within 15 days of the date of denial by the events committee.

(Code 1971, § 28-40)



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 05/29/13

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 06/06/13

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 15

Appointments for Consideration: None

Announcement of Vacancies:

The terms of three members on the Board of Adjustment will expire in August 2013:

Barbara McCoy: is willing to serve another term

Melinda Lowrance - is willing to serve another term

Perry Mace: is willing to serve another term

Main Street Advisory Committee:

Babs Newton: is willing to serve another term

Marty Payton: is willing to serve another term

Heather Boeke: have not heard back from her

Tom Orr: is willing to serve another term

Reminder of a vacant position on the Environmental Sustainability Board. There are no applications on file at this time from citizens willing to serve.

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

Attachments: