

AGENDA

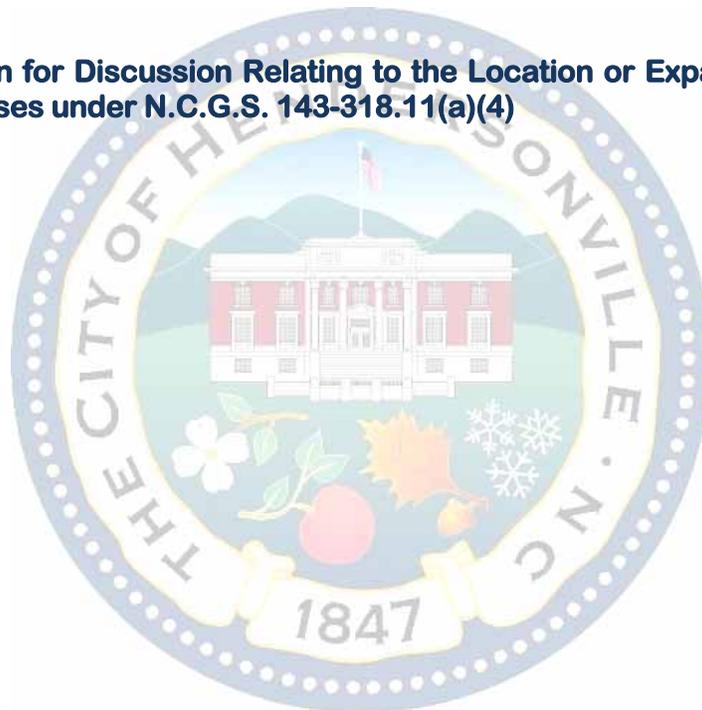
CITY OF HENDERSONVILLE CITY COUNCIL – REGULAR MEETING

OCTOBER 2, 2014 – 5:45 P.M.

Assembly Room – Operations Center

1. **Call to Order**
2. **Invocation and Pledge of Allegiance**
3. **Public Comment Time:** *Up to 15 minutes is reserved for comments from the public for items not listed on the agenda*
4. **Consideration of Agenda**
5. **Consideration of Consent Agenda:** *These items are considered routine, noncontroversial in nature and are considered and approved by a single motion and vote.*
 - A. **Consideration of Minutes:** September 4, 2014 Regular Meeting
 - B. **Consideration of Budget Amendments**
6. **Public Hearing – City Council to Receive Public Input on an Application for a PARTF Grant for Improvements to Berkeley Mills Park**
Presenter: Planning Director Sue Anderson
7. **Public Hearing - Consideration of Application for the Rezoning of two Parcels Located on Ninth Avenue West between North Justice Street and North Oak Street, from R-15 Medium Density Residential to R-6 High Density Residential**
Presenter: Planning Director Sue Anderson
8. **Consideration of Mutual Aid Agreements**
Presenter: Fire Chief Dorian Flowers
9. **Update on Parking Study**
Presenter: City Manager John Connet
10. **Consideration of Traffic Flow Modifications for Orleans Avenue for School Traffic**
Presenter: Police Chief Herbert Blake
11. **Consideration of Seventh Avenue Striping Plan**
Presenter: City Manager John Connet
12. **Discussion of Business Advisory Board Recommendations**
Presenter: City Manager John Connet

- 13. Update on Privilege Licenses**
Presenter: City Manager John Connet
- 14. Comments from Mayor and City Council Members**
- 15. Reports from Staff**
- 16. Consideration of Appointments to Boards and Commissions**
Presenter: City Clerk Tammie Drake
 - a. Appointments to Boards and Commissions
 - i. HSAD Board of Directors
 - ii. Historic Preservation Commission
 - b. Announcement of Vacancies and Upcoming Appointments
- 17. New Business**
- 18. Closed Session for Discussion Relating to the Location or Expansion of Industries or Other Businesses under N.C.G.S. 143-318.11(a)(4)**
- 19. Adjournment**



September 4, 2014
Regular Meeting of the City Council
Council Chambers – City Hall
5:45 p.m.

Present: Mayor Barbara G. Volk, Mayor Pro Tem Ron Stephens and Council Members: Steve Caraker, Jerry Smith and Jeff Miller

Staff Present: City Manager John F. Connet, City Attorney Sam Fritschner, City Clerk Tammie Drake, Planning Director Sue Anderson, Police Captain Doug Jones, Fire Chief Dorian Flowers, Utilities Director Lee Smith, Finance Director Lisa White, Deputy Fire Chief Joe Vindigni, Public Works Director Tom Wooten

1. Call to Order: Mayor Volk called the meeting to order at 5:45 p.m. and welcomed those in attendance. A quorum was established with all five members in attendance.

2. Invocation and Pledge of Allegiance: A moment of silence for prayer was followed by the Pledge of Allegiance to the Flag.

3. Public Comment Time: *Up to 15 minutes is reserved for comments from the public for items not listed on the agenda.* Mayor Volk asked those speaking to limit their comments to approximately five minutes.

Farrell Beam, 3115 Magnolia Dr., Hendersonville, spoke in support of the rezoning request by the Shepherds.

LeAnn Bittle, 294 Messersmith Rd., Lake Lure, spoke in support of the rezoning request of the Shepherds.

Lura McCraw, 9 W. Rutledge Court, Fletcher, NC, spoke in support of the rezoning request by the Shepherds.

4. Consideration of Agenda:

Mayor Volk noted the addition to the consent agenda: a special event permit for a Patriot's Day program on 09/11. **Council Member Caraker moved approval of the agenda with the addition. A unanimous vote of the Council followed. Motion carried.**

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:

- i. August 7, 2014 Regular Meeting and
- ii. August 11, 2014 Special Joint Meeting with Seventh Avenue Advisory Committee

B. Consideration of an Ordinance amending Section 2-138 of the Code of Ordinances Pertaining to Medical Insurance for Certain City Government Retirees (for clarification purposes): In order to clarify the intent of the City to pay medical insurance for employees retiring with 30 or more years of service with the City, City Attorney Fritschner presented the following ordinance:

Ordinance #14-0942

AN ORDINANCE AMENDING SECTION 2-138 OF THE CODE OF ORDINANCES PERTAINING TO MEDICAL INSURANCE FOR CERTAIN CITY GOVERNMENT RETIREES

WHEREAS, the Code of Ordinances Section 2-138 provides for the City to continue to carry medical insurance for employees retiring with 30 or more years of service, and

WHEREAS, there has arisen questions as to whether the years of service as provided in Section 2-138 refers to employees having 30 or more years of service with the City of Hendersonville, and

WHEREAS, it appears to be the intent of the City that the said section means to provide for employees retiring with more than 30 years of service with the City of Hendersonville, and

WHEREAS, the City Council wishes to amend the ordinance to clarify the said intent,

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

SECTION 1. Hendersonville City Code Section 2-138 is hereby amended to read in full as follows:

Sec. 2-138. Group medical insurance coverage for retirees.

For employees who retire with 30 or more years of service with the City of Hendersonville, the city will continue to carry them on the city's group medical insurance plan and pay the premium until such time these employees reach the age of eligibility for social security and medicare benefits.

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 fourth day of September 2014.

/s/Barbara G. Volk, Mayor

Attest: /s/Tammie K. Drake, City Clerk

Approved as to Form: /s/Samuel H. Fritschner, City Attorney

C. Consideration of Lease Agreement with Asheville Office Solutions for a Canon Plotter for the Engineering Department: City Engineer Brent Detwiler presented a lease agreement with Asheville Office Solutions for a large format plotter/copier/scanner to replace its existing plotter which is more than ten years old. The lowest priced and best fit for the department is a Canon image PROGRAF iPF765 MFP M40 Wide Format System. The lease is \$141/month for 60 months with a \$1,195 annual maintenance agreement. The monthly payment is paid by the general and water/sewer funds. *[The agreement is on file in the office of the City Clerk.]*

D. Consideration of Resolution accepting the BB & T financing terms and authorize the City Manager to enter into a contract for financing of capital equipment in the amount of \$242,500: Ms. Lisa White explained capital financing was planned in the fiscal year 2015 budget for the following capital equipment: two dump trucks, one zoning vehicle, one turn mower, one salt and sand spreader, a storage system in the new Sugar Loaf storage building, a Polaris and the replacement of the city-wide telephone system. The budget planned for the first payment of capital equipment financing to begin during fiscal year 2016. She reported the finance department staff issued a request for proposals for bank financing for a term of three years. The RFP was sent to local banks and posted on the City's website. The City received the following five proposals:

BB&T	1.21%	\$5,730.00
SunTrust	1.57%	\$7,106.16
HomeTrust	2.17%	\$9,581.76
PNC Equipment Finance	2.56%	\$11,230.12
Bank of NC	2.95%	\$13,266.32

BB&T was the low bidder at a rate of 1.21 percent for three years.

Resolution #14-0943

Resolution Approving Financing Terms

WHEREAS: The City of Hendersonville ("City") has previously approved the fiscal year budget for fiscal year 2015 which included proceeds of bank financing for capital equipment, the Finance Officer has now presented a proposal for the financing of such Capital Equipment.

BE IT THEREFORE RESOLVED, as follows:

1. The City hereby determines to finance the Capital Equipment through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated July 30, 2014. The amount financed shall not exceed \$242,500 the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.21%, and the financing term shall not exceed three (3) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Capital Equipment as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and a Capital Equipment Fund Agreement as BB&T may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
5. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this fourth day of September, 2014.

/s/Barbara G. Volk, Mayor

Attest: /s/Tammie K. Drake, City Clerk

E. Consideration of Order to Collect Taxes:

State of North Carolina
County of Henderson

To: Donna Fox, Tax Collector for the City of Hendersonville:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of the City of Hendersonville and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the City of Hendersonville, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law. GS 105-321

Adopted this fourth day of September 2014.

/s/Barbara G. Volk, Mayor

Attest: /s/Tammie K. Drake, City Clerk

F. Consideration of Lease Agreement with Great American Financial Services (for Duncan-Parnell) for a handheld GPS Unit: Mr. Detwiler, Engineering Director, presented a proposal to lease a near-survey-grade handheld GPS unit. This will allow the department to save money in surveying costs for various City design and construction projects. The vendor is Duncan-Parnell with a proposal of \$254.99/month for a 60-month lease financed through Great American Financial Services. The monthly payment is split between the general and water/sewer funds. *[A copy of the agreement is available in the office of the City Clerk.]*

G. Consideration of a five-year Agreement with Wells Fargo for Lockbox Services: Ms. Lisa White, Finance Director, presented a proposal for bank lockbox services for more efficiency and a cost-effective means of collections for the finance department. She explained the advantages of using a bank lockbox including is the bank utilizes up-to-date technology and high-speed equipment which can process the payments much more expediently than employees/tellers can. She explained the City Finance - Water/Sewer Business office invoices, collects, processes and deposits funds from approximately 24,000 water bills each month. The department is currently staffed with 5.5 employees. She stated the use of a bank lockbox would reduce staff costs. One position will be vacated and it will not be filled.

Ms. White stated a request for proposals for lockbox services was issued June 11, 2014. The RFP was sent to all local banks and was placed on the City's website. Sealed proposals were received on July 11, 2014. The City received two proposals from Wells Fargo and First Citizens. After extended review and clarifications of per unit pricing and volume, she determined the best offer is from Wells Fargo. The terms of agreement are October 1, 2014 - September 30, 2019. *[A copy of the agreement is available in the office of the Finance Director.]*

H. Consideration of a Five-year Contract with Wells Fargo for Central Depository Services: Ms. White reported the finance department staff issued a request for proposals for core banking services on June 11, 2014. The RFP was sent to all local banks and was placed on the City's website. Finance staff held a pre-proposal meeting on June 30, 2014. She reported representatives from three banks attended. Sealed proposals were due July 11, 2014. The City received two proposals for core banking services from First Citizens and Wells Fargo.

Ms. White explained after extended review and clarification of terms with both bidders, the best offer was determined to be Wells Fargo. The new offer presented by Wells Fargo contains lower rates for several types of transactions and should save the City costs related to banking fees. The terms of the agreement are October 1, 2014 through September 30, 2019. *[A copy of the agreement is available in the office of the Finance Director.]*

I. Consideration of Budget Amendments:**i. Budget Analyst and Management Position:**

General Fund: Salary and associated costs transferred to Administration to pay for the new Budget & Management Analyst position .

Total Current Budget Appropriations \$49,189.07

ii. To Transfer General Fund IT Department and Water and Sewer Fund IT Department funds to pay for VC3 Contracted Services:

General Fund: Funds provided for IT salaries and other miscellaneous accounts will be reallocated to pay for VC3 contracting costs, located in the "Contracted Services" line-item (104140-569000).

Total Current Budget Appropriations \$118,900.00

J. Consideration of Resolution Accepting Governor's Highway Safety Program BikeSafe Grant in the Amount of \$10,000:

Resolution 14-0944

North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the City of Hendersonville Police Department (The Applicant Agency) (herein called the "Agency ") has completed an application contract for traffic safety funding; and that City of Hendersonville City Council (The Governing Body of the Agency) (herein called the "Governing Body ") has thoroughly considered the problem identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE City of Hendersonville City Council (Governing Body) IN OPEN MEETING ASSEMBLED IN THE CITY OF Hendersonville, NORTH CAROLINA, THIS 4 DAY OF September, 2014, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Mike Vesely, Lieutenant (Name and Title of Representative) is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$10,000.00 (Federal Dollar Request) to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$0 (Local Cash Appropriation) as required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangements for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by Barbara G. Volk, Mayor
ATTESTED BY Tammie K. Drake, City Clerk
(Clerk)

SEAL

K. Consideration of Ordinance Changing the Speed Limit on Half Moon Lane to 25 miles per hour:

Ordinance #14-0945

AN ORDINANCE DESIGNATING THE SPEED LIMIT FOR HALF MOON TRAIL

WHEREAS: Section 50-142 of the Code of Ordinances of the City of Hendersonville establishes general speed limits for various districts within the corporate limits of the City of Hendersonville; and

WHEREAS: Section 50-144 of the Code of Ordinances of the City of Hendersonville authorizes the City Council to determine and impose speed limits that differ from the limits imposed under § 50-142; and

WHEREAS: That street known as Half Moon Trail, situated in a residential district within the City of Hendersonville, has been dedicated to public use and is therefore a public street, which pursuant to section 50-142 carries a speed limit of 35 miles per hour; and

WHEREAS: It is the opinion of the City Council, being advised, that for the safety of pedestrians and others traveling on Half Moon Trail the speed limit there ought to be 25 miles per hour;

NOW, BE IT THEREFORE ORDAINED:

1. Pursuant to its powers under § 50-144 of the Code of Ordinances of the City of Hendersonville the City Council hereby designates at 25 miles per hour the speed limit for Half Moon Trail;
2. The Public Works Director is authorized and requested forthwith to cause signs to be placed in appropriate places conspicuously giving notice of the designated speed limit.
3. This Ordinance shall become effective on the date of its adoption.

Adopted this fourth day of September, 2014.

/s/Barbara G. Volk, Mayor
Attest: /s/Tammie K. Drake, City Clerk
Approved as to Form: /s/Samuel H. Fritschner, City Attorney

L. Consideration of Special Events Permits

i. Hendersonville High School 30th Class Reunion: Mrs. Susan Frady, Zoning Administrator, reported the Special Events Committee voted unanimously to recommend that Council approve the event permit for the Hendersonville High School 30th Class Reunion. The event will be held at the Poe House located at 105 First Avenue West on October 4, 2014 and the alley only will be closed from 7:00 p.m. to midnight. First Avenue will remain open at all times.

ii. Mainstay Welcome Party: Mrs. Frady reported the Special Events Committee voted unanimously to recommend that Council approve the event permit for the Mainstay Welcome Party event. The event will be held at the Dandelion Café on September 19, 2014. The event will be a private welcome party for

guest staying in Hendersonville. Fifth Avenue will be closed from 6:30 to 10:30 p.m. from Church Street to Wall Street; one lane will remain unobstructed for emergency access.

iii. City of Hendersonville Wellness Committee Turkey Trot 5k Walk/Run: Mrs. Frady reported the Special Events Committee voted unanimously to recommend that Council approve the event permit for the Turkey Trot 5K Walk/Run event to be held on November 27, 2014 from 8:00 a.m. – 11:00 a.m. The event will begin at City Hall. The Police Department will lead the run. The Fire Department will be on hand for first aid and traffic control.

This event also needs approval by the City Council in order to allow an exemption to Section 10-7 of the City Code which prohibits animals at a special event to allow participants to run/walk with their dogs during this event.

iv. Patriot's Day Program: Ms. Frady reported the Special Events Committee voted unanimously to recommend that Council approve the event permit for the Patriots Day Program. The block in front of the Courthouse will be barricaded with fire trucks from 9:00 a.m. to 10:00 a.m. on September 11, 2014. The Courthouse lawn will be used for the primary event area and the parking spaces and street will be used for spectators.

Council Member Caraker moved approval of the items listed on the consent agenda. A unanimous vote of the Council followed. Motion carried.

6. Public Hearing – Consideration of Application for Rezoning of a .52-acre lot from Ben Campen for Parcel Number 9568-19-3311, located on the southwest corner of Brevard Road and Westbrook Road, from R-20 Low Density Residential to R-15 Medium Density Residential District: Ms. Anderson presented the application from Ben Campen for the rezoning of Parcel Number 9568-19-3311 located on the southwest corner of Brevard Road and Westbrook Road. This parcel consists of .52 acres and is vacant. The applicant is requesting a rezoning from R-20 Low Density Residential to R-15 Medium Density Residential.

Comprehensive Plan Consistency: Ms. Anderson explained NCGS 160A-383 requires zoning amendments be made in accordance with a comprehensive plan. She reported the 2030 Comprehensive Plan's Future Land Use Map designates this parcel as low intensity neighborhood/agricultural.

Ms. Anderson reviewed surrounding land uses and zoning district classifications and the dimensional requirements for both the R-15 and R-20 zoning districts.

Planning Board Recommendation: Ms. Anderson reported the Planning Board voted seven in favor and one opposed to recommend City Council approve the rezoning request changing the zoning designation from R-20 Low Density Residential to R-15 Medium Density Residential, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest stating that this is a higher and better use for the property.

Ms. Anderson provided the applicant's responses to the standards contained in Section 11-4 of the City's Zoning Ordinance.

Mayor Volk opened the public hearing at 6:01 p.m. in accordance with North Carolina General Statutes by notice published in the Hendersonville Lightning. No one expressed a desire to speak. The public hearing was closed.

There was some discussion of where the structure will be situated on the property.

Council Member Caraker moved City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of parcel number 9568-19-3311 from R-20 Low Density Residential to R-15 Medium Density Residential, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest because it matches the surrounding properties. A unanimous vote of the Council followed. Motion carried.

Ordinance #14-0946

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE
IN RE: FILE NO. P14-33-Z

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

1. Pursuant to Article XI Amendments of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of parcel number 9568-19-3311 from City of Hendersonville R-20 Low Density Residential to City of Hendersonville R-15 Medium Density Residential.

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

Adopted this fourth day of September 2014.

/s/Barbara G. Volk, Mayor

Attest: /s/Tammie K. Drake, City Clerk

Approved as to Form: /s/Samuel H. Fritschner, City Attorney



7. Public Hearing - Consideration of Application for Rezoning of a 1.09-acre lot from John and Patricia Shepherd for Parcel Number 9569-72-7547, located at 1256 North Main Street, from R-6 High Density Residential to C-4 Neighborhood Commercial: Ms. Anderson presented the zoning map amendment application from John and Patricia Shepherd for Parcel Number 9569-72-7547 located at 1256 North Main Street. This parcel consists of 1.09 acres and is the location of Pat's School of Dance. The applicants are requesting a rezoning from R-6 High Density Residential to C-4 Neighborhood Commercial.

Comprehensive Plan Consistency: Ms. Anderson explained NCGS 160A-383 requires zoning amendments must be made in accordance with a comprehensive plan. She reported the 2030 Comprehensive Plan's Future Land Use Map designates this parcel and adjoining parcels as medium intensity residential. She explained this land use category is intended to provide a transition between high and low intensity neighborhood areas while providing a wide range of housing formats and price points. She also reviewed the primary and secondary recommended land uses.

Ms. Anderson reviewed surrounding land uses and zoning district classifications and the dimensional requirements for both the R-6 and C-4 zoning classifications. She stated the parcel currently meets the minimum lot area requirement for the C-4 zoning district classification and the building on the parcel appears to meet the front and rear yard setback requirement but may not meet the minimum 15-foot side yard setback requirement.

Ms. Anderson noted Pat's School of Dance is currently classified as a legal non-conforming use.

Ms. Anderson provided a list of permitted and conditional uses in the R-6 and C-4 classifications noting C-4 prohibits buildings of more than 10,000 square feet.

Planning Board Recommendation: Ms. Anderson reported the Planning Board voted unanimously to recommend City Council approve the rezoning request changing the zoning designation of parcel number 9569-72-7547 from R-6 High Density Residential to C-4 Neighborhood Commercial, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest to increase the use and for children to have better hours.

Zoning Ordinance Guidelines: Ms. Anderson reviewed Section 11-4 of the City's Zoning Ordinance.

Mayor Volk opened the public hearing at 6:08 p.m. in accordance with North Carolina General Statutes by notice published in the Hendersonville Lightning. Those speaking in favor of the application to rezone included:

Ken Fitch, 1046 Patton Street, Hendersonville, NC.

The following spoke in opposition to the rezoning:

Raymond Hobbs, 1561 E. 60th Street, Tulsa, OK, requested the Council to consider C-4 Special Use zoning for this parcel because there are two vacant lots adjacent to it and the zoning will become a precedent for those lots. He expressed a concern that C-4 uses may not be suitable for single and multi-family dwellings

but C-4SU would allow development by Pat's School of Dance as requested. He voiced support of Pat's School of Dance.

No one else expressed a desire to speak. The public hearing was closed at 6:14 p.m.

There was discussion from the Council on the different requirements of C-4 versus C-4SU. Ms. Anderson explained this rezoning request is a legislative action by the Council. She explained the special use process requires a site-specific plan, is a quasi-judicial process, requires a neighborhood compatibility meeting and a recommendation from the Planning Board after review. With a special use permit, the applicant is tied to a specific use for the property instead of a list of permitted uses. She stated the special use process is a longer process and has a lot more community involvement because of the noticing requirements. Mayor Volk explained the special use process cannot be done at this meeting. Council Member Caraker also noted the adjacent parcels will have to go through the same process for rezoning or a special use permit.

Council Member Smith asked if the rezoning could be delayed to allow the project to undergo special use review. Mrs. Shepard stated three more months would have a huge effect on the project. She stated they hope to start the project and be done in January. She stated she wants to build a larger studio because they are currently in an extremely small space. Mr. John Shepherd commented they need additional space immediately. He stated the expansion will give extra space for rehearsals so they will finish earlier in the evening and provide plenty of parking. He stated they are planning to add approximately 1,000 square feet.

Council Member Caraker moved City Council to adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of parcel number 9569-72-7547 from R-6 High Density Residential to C-4 Neighborhood Commercial, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest because this business is a Hendersonville institution and needs to be enlarged. Council Member Smith added the public interest is to increase the use for children to have better hours and for their safety. Council Member Caraker agreed to the modified motion. A unanimous vote of the Council followed. Motion carried.

Upon the advice of City Attorney Fritschner, **the Council recognized this rezoning is not for any particular purpose but the property may be used for any of the uses listed in the C-4 classification.**

8. Consideration of Request for Use of Berkeley Mills Park for the 2015 Mad Mountain

Mud Run to Benefit HandsOn!: Ms. Heather Boeke addressed the Council and gave an update on the 2014 event and expressed appreciation for the use of Berkeley Mills Park.

Ms. Boeke reported 150 children participated in the Family Mud Fun Event, 1,484 people registered for the Mud Run on Saturday; 60 percent of whom were from outside the county. She stated they are proud of the energy this has created in the community.

Ms. Boeke explained this event was created to pay the principle and interest payments when their mortgage had to be renegotiated. She stated Hands On! is doing great and has been recognized as a North Carolina grass roots science museum for the educational value to the field of science. She stated they travel into schools, libraries, etc. She stated the City's appropriation will help them go out into the community more.

Ms. Boeke requested use of Berkeley Mills Park and City property on Friday, May 29, Saturday, May 30, 2015 for the fourth annual Mad Mountain Mud Run. She stated Tina Kinsey had the idea and is the brains behind the event.

Council Member Smith moved that the City Council grant Hands On! Children's Museum access to Berkeley Mills Park for the fourth Annual Mad Mountain Mud Run beginning May 1, 2015. A unanimous vote of the Council followed. Motion carried.

9. Presentation on the Impact of Privilege Licenses: Mr. John Connet, City Manager, gave a presentation on the impact of the loss of the privilege license tax because that authority was revoked by the General Assembly this past year. He stated collecting privilege license fees has been allowed for many years and the City has used the gross receipts method whereby businesses paid a business license based on their gross receipts over \$1,000,000. He explained this resulted in businesses that required more services to pay more than the smaller businesses that do not initiate as many calls for service. He explained the General Assembly has said they will find a way to replace that revenue.

Mr. Connet provided an analysis under the following assumptions:

- this will result in a loss of \$385,000 in revenue in the General Fund,
- numbers are based on the current assessed value of \$1.6 billion which may not change much after reappraisal,
- property tax revenue will be \$6,899,200 at .44 per \$100 valuation at a 98% collection rate
- as a result, the value of a penny will be \$156,800.

He reviewed some options to make up the loss of revenue of \$385,000 (or 2.8 percent of our total revenue) include:

- increasing the ad valorem tax revenue by .0246,
- reducing operating expenditures by 2.8 percent across the board or by functions in the General Fund or by weighted average decreasing across the five main functions of the General Fund by its total expenditures,
- temporarily borrowing from the fund balance (reducing it by 6.2 percent) or
- decreasing, removing or delaying projects in the Capital Improvement Plan by 12.4 percent.

Mr. Connet stated a cost-benefit analysis would be a useful next step in evaluating the most efficient strategy going forward. He stated it is possible some of each option may be applied. There was discussion on the General Assembly replacing this revenue, basing privilege licenses on gross receipts and what percentage of businesses fall within each category. **No action was required or taken by the City Council.**

10. Comments from Mayor and City Council Members: Mayor Volk commented the Apple Festival went great and commended city staff for their great work. She stated the Fire, Police and Public Works employees were great representatives for the City. The Council Members also echoed their appreciation to employees for their hard work that made the Apple Festival so successful. **No action was required or taken by the City Council.**

11. Reports from Staff:

- a. Mr. Connet reminded the Council of the NCLM Annual Conference, October 11-14, in Greensboro, NC.
- b. *Employee Recognition:* Mr. Connet stated employees who worked at the Apple Festival will be recognized with breakfast provided.

12. Consideration of Appointments to Boards and Commissions

a. Consideration of Appointments:

Downtown Advisory Committee: City Clerk Tammie Drake reported a vacancy on this Committee and presented the applications on file. Council Member Smith explained Mr. Lau was recruited by Lew Holloway and he runs a software company on Main Street. **Council Member Smith nominated Timothy Lau to Downtown Advisory Committee. This term will expire August 1, 2016. A unanimous vote of the Council followed. Motion carried.**

b. Announcement of Vacancies and Upcoming Appointments: Mrs. Drake announced the vacancies on the Board of Adjustment, the Environmental Sustainability Board and the Tree Board. Three members on the Historic Preservation Commission will expire in November: Ralph Bastedo, Jo Tyler and Phillip Allen.

13. New Business: There was none.

14. Closed Session for Discussion Relating to the Location or Expansion of Industries or Other Businesses under N.C.G.S. 143-318.11(a)(4): At 6:47 p.m., Council Member Caraker moved the Council to go into closed session to discuss matters relating to the location or expansion of industries or other businesses in the area served by this body under G.S. 143-318.11(a)(4). **A unanimous vote of the Council followed. Motion carried.**

The Council discussed the location or expansion of a business or industry in the City.

At 7:00 p.m., Council Member Caraker moved Council to exit the closed session. **A unanimous vote of the Council followed. Motion carried.**

Council Member Caraker moved that the City Council recommend that Preservation NC sell the Grey Hosiery Mill to White Challis, HD Investors, LLC or Investor's Realty Group, or any combinations of them, for the sum of \$100,000, with the understanding that the sale will not take place until the White Challis Group has performed the necessary due diligence on the property. **A unanimous vote of the Council followed. Motion carried.**

15. Adjournment: The meeting adjourned at 7:00 p.m. upon unanimous assent of the Council.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Brian D. Pahle

Department: Administration

Date Submitted: 09/22/14

Presenter: None

Date of Council Meeting to consider this item: 10/02/14

Nature of Item: Council Action

Summary of Information/Request:

Item # 5b

There were two increases in revenues that were not budgeted for the fiscal year. This item includes two budget amendments which increase the budget in response to this unforeseen revenue.

The first amendment is an increase in the Water & Sewer Fund due to an insurance settlement in the total of \$28,500.

The second amendment is an increase in the Needy Persons Fund due to a donation from Walmart in the total of \$5,500.

These amendments will increase the budget by \$34,000 total.

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

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

I move Council to approve the budget amendments for the Water & Sewer Department and Needy Persons Fund as presented by staff.

Attachments:

Budget Amendments

BUDGET AMENDMENT

57,000.00

FUND: 600080 & 607126

ACCOUNT NUMBER		DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
ORG	OBJECT			
600080	444000	Insurance Settlements	28,500.00	
607126	555000	Capital Outlay - Other Equipment	28,500.00	
		TOTALS IN BALANCE	\$ 57,000.00	\$ -

57,000.00

An increase in Insurance Settlements in total of \$28,500 due to reimbursement for a totaled 2010 CAT 305 Mini-Excavator.



 FINANCE DIRECTOR

Date: 9/15/2014

APPROVED BY CITY COUNCIL:

DATE:

BUDGET AMENDMENT

11,000.00

FUND:

ACCOUNT NUMBER		DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
ORG	OBJECT			
130000	498207	Needy Persons Donations	5,500.00	
1300000	529900	Needy Persons Supplies/Materials	5,500.00	
		TOTALS IN BALANCE	\$ 11,000.00	\$ -

11,000.00

Donation received from WALMART to fund operation SHOP WITH A COP for this December.


 FINANCE DIRECTOR

Date: 9/15/2014

APPROVED BY CITY COUNCIL:

DATE:



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Sue Anderson, Planning Director

Department: Planning

Date Submitted: September 24, 2014

Presenter: Sue Anderson

Date of Council Meeting to consider this item: October 2, 2014

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 06

North Carolina Parks and Recreation Trust Fund Grant for Berkeley Mills Park

The purpose of this agenda item is to discuss the North Carolina Parks and Recreation Trust Fund Grant for Berkeley Mills Park and obtain public comments. The grant application has a category described as "level of public involvement in developing and supporting the project." Additional points, which are used to score applications, can be gained by conducting a public meeting exclusively for discussing the project and obtaining public comments. No action is required by City Council.

Before this grant can be submitted, City Council will need to review the grant proposal and approve the grant application and the required match. This City Council review is scheduled for the November 6th City Council meeting.

Budget Impact: \$250,000.00 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Matching funds are included in the Capital Improvement Program.

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

No Action

Attachments:

None



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Sue Anderson, Planning Director

Department: Planning

Date Submitted: September 15, 2014

Presenter: Sue Anderson

Date of Council Meeting to consider this item: October 2, 2014

Nature of Item: Council Action

Summary of Information/Request:

Item # 07

The City is in receipt of a zoning map amendment application from Peter Contrastano, Carol Dietrich and Ninth Avenue Ventures for parcel numbers 9569-50-0242, 9569-50-1202 and 9569-50-1262 located on 9th Avenue West between North Justice Street and North Oak Street. Parcel number 9569-50-0242 comprises .23 acres, parcel number 9569-50-1202 comprises .23 acres and parcel number 9569-50-1262 comprises .29 acres. The property owners are related and the parcels are adjoining, therefore this request is being processed with one application. The applicants desire to rezone these parcels from City of Hendersonville R-15 Medium Density Residential to R-6 High Density Residential.

PLANNING BOARD RECOMMENDATION

The Planning Board took this matter up at its regular meeting of September 8, 2014. The Planning Board initially voted three in favor and four opposed to recommend the City Council not adopt an ordinance rezoning parcel numbers 9569-50-0242, 9569-50-1202 and 9569-50-1262. Motion failed.

A second motion was made and the Planning Board voted five in favor and two opposed to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of parcel numbers 9569-50-0242, 9569-50-1202 and 9569-50-1262 from R-15 Medium Density Residential to R-6 High Density Residential, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the reason that this rezoning will allow better use of the space for construction purposes and possibly retain more landscaping due to the setbacks.

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

No funding necessary for a map amendment.

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

I move City Council to adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of parcel numbers 9569-50-0242, 9569-50-1202 and 9569-50-1262 from R-15 Medium Density Residential to R-6 High Density Residential, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the following reasons:

Attachments:

Memo

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Planning Department
RE: Contrastano / Dietrich Rezoning
FILE #: P14-37-Z
DATE: September 9, 2014

PROJECT HISTORY

The City is in receipt of a zoning map amendment application from Peter Contrastano, Carol Dietrich and Ninth Avenue Ventures for parcel numbers 9569-50-0242, 9569-50-1202 and 9569-50-1262 located on 9th Avenue West between North Justice Street and North Oak Street. Parcel number 9569-50-0242 comprises .23 acres, parcel number 9569-50-1202 comprises .23 acres and parcel number 9569-50-1262 comprises .29 acres. The property owners are related and the parcels are adjoining, therefore this request is being processed with one application. The applicants desire to rezone these parcels from City of Hendersonville R-15 Medium Density Residential to R-6 High Density Residential.

In March 2014, the Planning Board reviewed a request to rezone these properties to MIC Medical Institutional Cultural. The Planning Board voted seven in favor and one opposed to recommend that City Council not rezone these properties to MIC Medical Institutional Cultural. The applicants subsequently decided to withdraw their application

COMPREHENSIVE PLAN CONSISTENCY

According to GS160A-383, zoning amendments shall be made in accordance with a comprehensive plan. The 2030 Comprehensive Plan's Future Land Use Map designates these parcels as Urban Institutional. The Urban Institutional future land use category is intended to create a cohesive, well-defined urban campus for medical and educational institutions, with supportive office, service and residential uses that is integrated with downtown.

The primary and secondary recommended land uses for the Urban Institutional land use category are as follows:

Primary

- Public and institutional uses
- Offices
- Structured or underground parking

Secondary

- Single-family attached residential
- Multi-family residential
- Live-work units
- Limited retail and services

PROPOSED ZONING CLASSIFICATION

These parcels are proposed to be rezoned to R-6 High Density Residential. This zoning district classification is intended for areas in which the principal use of land is to permit high-density residential development.

SURROUNDING LAND USE & ZONING CLASSIFICATION

Parcels to the north, east and west are zoned R-15 Medium Density Residential. Parcels to the south are zoned R-6 High Density Residential. The parcel to the east contains a single family residence, parcels to the west contain single family residences, parcels to the north contain a two unit residence and a single family residence and parcels to the south contain a four unit residence and a single family residence.

ANALYSIS

Listed in Table A is an outline of the dimensional requirements for the R-6 High Density Residential and the R-15 Medium Density Residential zoning districts. The three parcels do not meet the minimum lot area or lot width for the R-15 Medium Density Residential zoning district. The three parcels do meet the minimum lot area and minimum lot width for the R-6 High Density Residential zoning district.

Table A

Zoning	R-6	R-15
Minimum Lot Area Single-Family	6,000 ft ²	15,000 ft ²
Minimum Lot Area Two-Family	10,000 ft ²	22,500 ft ²
Minimum Lot Width at Building Line	50'	85'
Minimum Front Yard	20'	30'
Minimum Side Yard	8'	10'
Minimum Rear Yard	10'	15'
Maximum Building Height	35'	35'

Following is a list of permitted uses for the R-15 Medium Density Residential and the R-6 High Density Residential zoning districts:

R-15 Medium Density Residential and R-6 High Density Residential

Permitted Uses:

Accessory dwelling units
 Accessory structures
 Adult care homes
 Camps
 Child care homes
 Home occupations

Parks
 Planned residential developments
 Religious institutions
 Residential dwellings, single-family
 Residential dwellings, two-family
 Signs
 Telecommunications antennas

Following is a list of conditional uses for the R-15 Medium Residential and R-6 High Density Residential zoning districts:

R-15 Medium Density Residential and R-6 High Density Residential

R-15 Conditional Uses:

- Bed and breakfast facilities
- Cemeteries
- Public utility facilities
- Schools, primary & secondary

R-6 Conditional Uses:

- Bed and breakfast facilities
- Public utility facilities
- Residential care facilities
- Schools, primary & secondary

The permitted uses for both districts are the same. The conditional uses for both districts are the same with the following exceptions. The R-15 Medium Density Residential zoning district also allows cemeteries and the R-6 High Density Residential zoning district also allows residential care facilities.

Based on the Planning Board discussion, the density has been clarified below.

Type of Residential Unit	R-15 Zoning	R-6 Zoning
Single Family Units	3	3
Duplex Units	1 duplex and 1 single family unit provided two parcels are combined	3 duplex units
Minor Planned Residential Development* provided all three parcels are combined	1 duplex based on 3.75 units per acre requirement	Up to six units in any configuration based on 8.5 units per acre requirement

* Minor Planned Residential Developments require a 40 foot setback from the right-of-way and 30 foot setback from any exterior property line.

PLANNING BOARD RECOMMENDATION

The Planning Board took this matter up at its regular meeting of September 8, 2014. The Planning Board initially voted three in favor and four opposed to recommend the City Council not adopt an ordinance rezoning parcel numbers 9569-50-0242, 9569-50-1202 and 9569-50-1262. Motion failed.

A second motion was made and the Planning Board voted five in favor and two opposed to recommend City Council adopt an ordinance amending the official zoning

map of the City of Hendersonville changing the zoning designation of parcel numbers 9569-50-0242, 9569-50-1202 and 9569-50-1262 from R-15 Medium Density Residential to R-6 High Density Residential, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the reason that this rezoning will allow better use of the space for construction purposes and possibly retain more landscaping due to the setbacks.

ZONING ORDINANCE GUIDELINES

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

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

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

IN RE: FILE NO. P14-37-Z

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

1. Pursuant to Article XI Amendments of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of parcel numbers 9569-50-0242, 9569-50-1202 and 9569-50-1262 from City of Hendersonville R-15 Medium Density Residential to City of Hendersonville to R-6 High Density Residential.
2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 2nd day of October 2014.

Barbara Volk, Mayor

ATTEST:

Tammie K. Drake, CMC, City Clerk

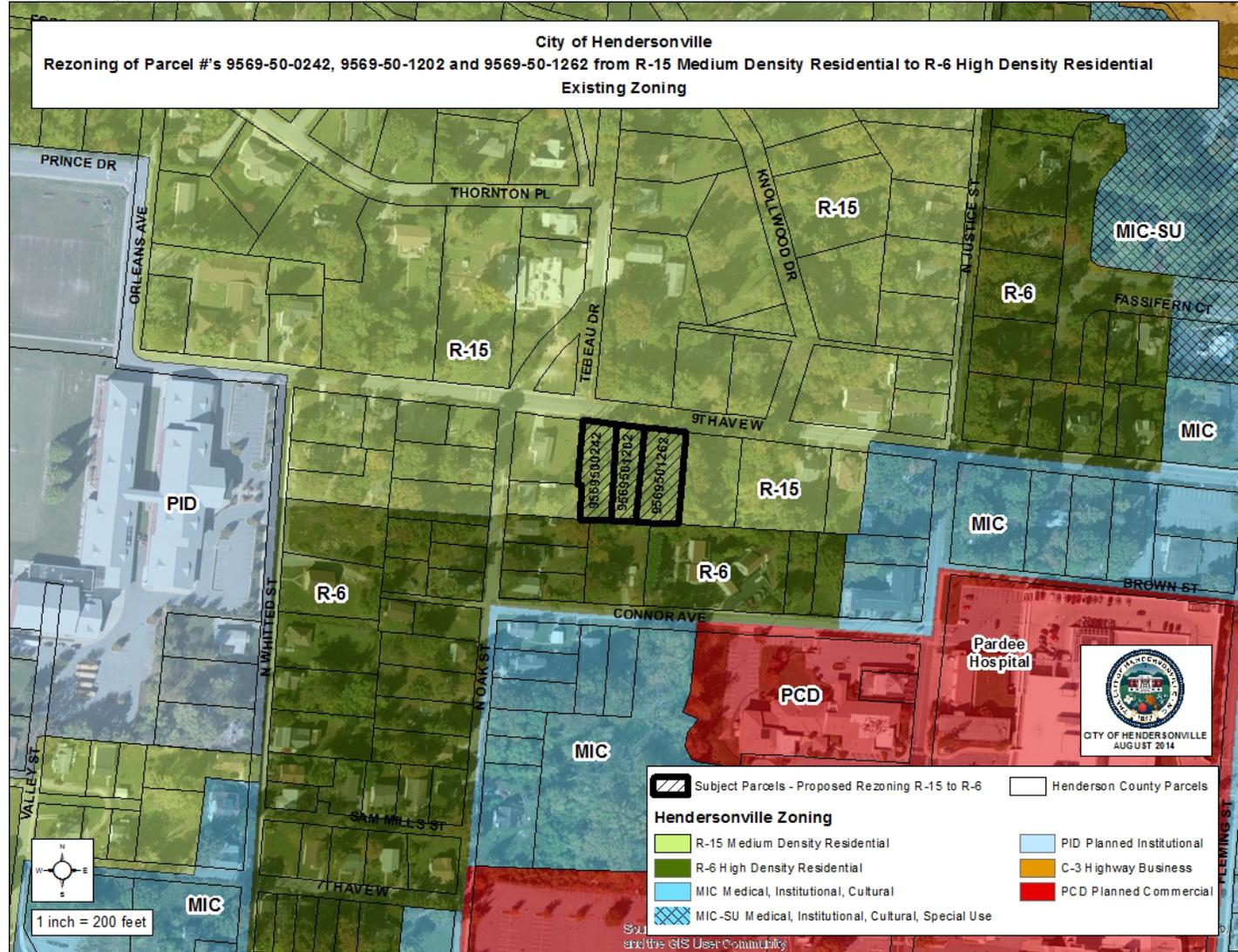
Approved as to form:

Samuel H. Fritschner, City Attorney



City of Hendersonville
Rezoning of Parcel #'s 9569-50-0242, 9569-50-1202 and 9569-50-1262 from R-15 Medium Density Residential to R-6 High Density Residential
Comprehensive Plan







CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: D.K. Flowers

Department: Fire

Date Submitted: 09-24-2014

Presenter: D.K. Flowers

Date of Council Meeting to consider this item: 10-02-2014

Nature of Item: Council Action

Summary of Information/Request:

Item # 08

Presentation for council consideration on mutual aid and automatic aid agreements between the City fire department and the County fire departments. By signing mutual aid and automatic aid agreements with neighboring departments, the City will be better protected by allowing for additional resources in the event of major incidents and/or multiple events occurring concurrently. These agreements would be reciprocal in nature and the City fire department would return assistance to county fire department when requested.

The Fire Chief is requesting the City Council's approval to sign reciprocal mutual and automatic aid agreements with any department willing to assist the City of Hendersonville Fire Department when the need arises. By signing these agreements, the City Fire Department would in turn respond with appropriate resources to assist neighboring departments.

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

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

I move Council to approve the City Fire Chief to develop and sign reciprocal mutual and automatic aid agreements with other fire departments to aid in service delivery.

Attachments:

None



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 9/22/2014

Presenter: John Connet

Date of Council Meeting to consider this item: 10/2/2014

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 09

Our parking consultant Dixon Unlimited is busy working on our parking study. They will return to Hendersonville on October 17th and will spend several days doing field research and meeting with citizens. Staff will provide a more detailed update on the parking study at your meeting.

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

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

No action required

Attachments:

None



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 9/24/2014

Presenter: Chief Blake

Date of Council Meeting to consider this item: 10/02/2014

Nature of Item: Council Action

Summary of Information/Request:

Item # 10

Due to an increase in the number of students at Hendersonville Middle School (HMS) and Hendersonville Elementary School (HES), the Principal at HMS contacted Councilman Smith to request assistance regarding traffic congestion on Orleans Avenue. The Police Department and Public Works have met with school officials and have developed the attached proposals to ease traffic congestion at the beginning and end of the school day. The proposal, if approved, would convert Orleans Avenue into two one-way lanes during short periods of time in the morning and afternoon. We believe this will improve the traffic congestion during these high peak traffic times.

Budget Impact: \$500.00 _____ Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

We will seek funding from within the Public Works budgets.

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 alternate school route proposal for Orleans and Prince Avenues as presented by the Hendersonville Police Department.

Attachments:

Alternate School Route Proposal

Alternate School Route Proposal

HMS and HES

09/18/2014

Due to the increasing concern for student safety there was a safety meeting at Hendersonville Middle School at 1400 on 09/17/2014. Those in attendance:

Captain Bruce Simonds

Officer Josh Buckman

Officer Anita Lockhart

HMS Principle, Luke Manuel

HES Principle, Kerry Stewart

During this meeting the traffic issues surrounding the intersection of Orleans Avenue, Prince Drive, and 9th Avenue were addressed and are as follows:

Orleans Avenue

Southbound traffic heading to HMS will legally stop and wait at the intersection and wait to "zipper" into the HMS line. Drivers using Orleans Avenue to go to HES will go left of center to go around several waiting vehicles and make a right hand turn out of the left lane onto Prince Drive. This has nearly caused head on collisions with drivers attempting to turn left off of Prince Drive onto Orleans Avenue.

Prince Drive / 9th Avenue

Drivers will stop in the roadway to pick up and drop of students of both schools against the direction of placed signage. This both slows down traffic flow and creates opportunities for student injury.

Our Request

1. Restrict the section of Orleans Avenue between the Thornton Place and Prince Drive intersections to southbound travel only during school pickup and drop-off times.
(7:20am-8:25am and 2:40pm-3:25pm on school days)
 - a. The right hand lane of the affected area of Orleans Avenue will only be allowed to turn right to go to HES.
 - b. The left hand lane of the affected area of Orleans Avenue will only be allowed to continue straight onto 9th Avenue.
 - c. The center turn lane of Prince Drive approaching the Orleans/9th intersection will only be allowed to turn right.
2. Paint a center line on Orleans Avenue in the affected area.
3. Place signage for advising times that traffic pattern is changed.

Alternate Traffic Flow Active Times:
All school days
7:20am-8:05am
2:40pm-3:25pm



Legend

- ▲ - Lane flow w/ times
- - Do not enter w/ times
- ↓ - Right turn only w/ times



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 9/23/2014

Presenter: John Connet / Tom Wooten

Date of Council Meeting to consider this item: 10/2/2014

Nature of Item: Council Action

Summary of Information/Request:

Item # 11

The Seventh Avenue Advisory Committee has been working with Luther E. Smith & Associates to develop new striping layout for the upper portion of Seventh Avenue. The Advisory Committee has met with the property owners on 7th Avenue and is recommending the attached layout for City Council approval. Once approved, the striping will be installed and the Advisory Committee will work with the businesses and other volunteers to add an artistic element to this area of 7th Avenue. The revised layout was developed following the 7th Avenue Planning Workshop.

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

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

I move that the City Council approve the new striping plan for the portion of 7th Avenue from US 64 to Maple Street.

Attachments:

Proposed Striping Plan



GENERAL NOTES

- ALL STRIPES SHALL MEET DOT REQUIREMENTS
- OPTIONAL TEMPORARY PLANTERS CAN BE PLACED IN PAINTED TO BRING IN VEGETATION - VERTICAL ELEMENTS
- DOUBLE-YELLOW STRIPING CAN BE A BOLD COLOR PATTERN OR ART TO CREATE A SPACE AND SHED VISUAL INTEREST
- OPTIONAL PARKLET TO BE DEMO TEMPORARY TO CREATE AN OUTDOOR CONGREGATION SPACE
- H&D BLOCK CROSS WALK OPTIONAL



7th Avenue
 NORTH CAROLINA
 HENDERSONVILLE

7th Avenue
 NORTH CAROLINA
 HENDERSONVILLE

APPROVED
 NORTH CAROLINA
 PRELIMINARY
 PETER E. SMITH

APPROVED
 NORTH CAROLINA
 PRELIMINARY
 PETER E. SMITH

Date: 08-28-20
 Drawn By: JES
 Checked By: JES
 Appr'd: JES

CONCEPTUAL STRIPING PLAN

S-1
 OF



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 9/22/2014

Presenter: John Connet

Date of Council Meeting to consider this item: 10/2/2014

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 12

At your September meeting, City staff provided an update regarding the impact of the loss of the Privilege License Tax in North Carolina municipalities. Following this update, City Council members requested information regarding current Privilege License thresholds and the average amounts that our local businesses are paying. City staff is gathering this information and will present it at the meeting.

Budget Impact: \$(385,000) Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Loss of revenue in FY 2015-16.

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

None required at this point

Attachments:

None



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John F. Connet

Department: Administration

Date Submitted: 9/23/2014

Presenter: John F. Connet

Date of Council Meeting to consider this item: 10/2/2014

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 13

City staff has been working with the Business Advisory Committee(BAC) to address their concerns with our development review process. The attached recommendations were presented to the BAC at their September 22, 2014 meeting. The BAC unanimously approved the efficiency recommendations and would request that the City Council directed the City staff to further explore the implementation of these recommendations.

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

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

No motion necessary. We are simply requesting formal direction from the City Council.

Attachments:

Development Review Recap 9/18/2014

Development Review Meeting Recap 09/18/14

The meeting was called to discuss avenues to create a more efficient and effective development review process. The meeting also addressed concerns voiced by the Business Advisory Committee (BAC) in their meeting held on July 28th, 2014.

BAC Issues:

- Having to make corrections multiple times
- Would like a single concierge to help guide applicants through the development process
- Would like the ability to provide feedback at the end of the process
- The process takes too long

Possible Solutions:

- Improve Communication
 - Process guide/checklists (handout)
 - Permitting Technician (position)
 - Pre-construction and pre-development meetings (Technical Review Committee)
 - Set dates for meetings/as needed
 - Where do they fall in the process?
 - Co-locate those involved in development process
- Improve Efficiency
 - Evaluate permitting thresholds
 - Evaluate stormwater thresholds (meet state requirement/consistent with erosion control)
 - Evaluate the need for a Preliminary Site Plan (maybe convert to “Courtesy Review”)
 - Evaluate the need for a Planning Board review (at certain thresholds)
 - Evaluate the need for a Neighborhood Compatibility Meeting

To Do:

- Present options to BAC
 - Communicate purpose of Prelim. Site Plan Review
- Include Utilities in the process (present in handout, etc...)
- Threshold evaluation



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 9/23/2014

Presenter: John Connet

Date of Council Meeting to consider this item: 10/2/2014

Nature of Item: Council Action

Summary of Information/Request:

Item # 16ai

In order to complete the transition of the Historic Seventh Avenue District, Inc. (HSAD) Board of Directors into the Seventh Avenue Advisory Board, the HSAD membership had to amend their Bylaws to empower the City Council to appoint the executive board of the 501 (c) (3) non-profit. The HSAD membership approved the changes to the Bylaws on September 22, 2014 and the provisions in the new Bylaws states that the City Council will appoint HSAD Board of Directors. Therefore, we are recommending that the City Council appoint the Seventh Avenue Advisory Committee to serve as the Board of Directors for the Historic Seventh Avenue District. Membership in the Historic Seventh Avenue District has been changed to business and property owners within the Historic Seventh Avenue Special Tax District. In accordance with the new Bylaws, we have received resignations from the former HSAD Board of Directors.

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

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

I hereby move that the City Council appoint the members of the Seventh Avenue Advisory Committee as the Board of Directors for Historic Seventh Avenue District, Inc.

Attachments:

Revised Bylaws

Seventh Avenue Advisory Committee Members

BYLAWS OF HISTORIC SEVENTH AVENUE DISTRICT, INC.

ARTICLE I. NAME

Section 1. Name

The name of this organization shall be Historic Seventh Avenue District, Inc. (Hereinafter referred to as HSAD).

ARTICLE II. OBJECTIVE

Section 1. Purpose

HSAD has been organized as a nonprofit corporation under the General Not For Profit Corporation Act of the State of North Carolina. Its mission is to reestablish a thriving commercial area that serves the need of the adjacent neighborhoods, Henderson County residents, and visitors.

Section 2. Goals

The goals of HSAD are to:

1. Establish an organization to direct, manage, and coordinate the revitalization process, maintain and preserve improvements made through the revitalization process, and sponsor and support activities and business opportunities within HSAD that enhance the revitalization effort.
2. Provide a safe and hospitable environment for HSAD merchants, residents, and visitors.
3. Restore the historic character of HSAD buildings and other structures.
4. Provide public improvements and services that enhance the district's physical appearance.
5. Establish business in HSAD vacant buildings.
6. Promote activities that safeguard the cultural heritage and diversity of the Historic Seventh Avenue District.

ARTICLE III. MEMBERS

Historic Seventh Avenue District members will be natural persons who are residents, property owners (including principals of business entities owning property), and principals of businesses operating within the Seventh Avenue special tax district as it may exist from time to time.

ARTICLE IV. BOARD OF DIRECTORS

Section 1. Composition

A Board of Directors, consisting of seven members, shall manage the activities, affairs, and property of the Corporation. The aforementioned Board shall consist of four members

who own property in the Seventh Avenue special tax district, as it may exist from time to time, and three at-large members. All members of the board shall be appointed by the Hendersonville City Council.

Section 2. Appointments and Terms

The terms of all directors appointed by the Hendersonville City Council in 2014 shall expire on 2 April 2015. The City Council may, beginning in 2015, appoint directors to one-year or two-year terms with the intent eventually of having about half the directors' two-year terms expiring each April.

Section 3. Succession

Any Director appointed herein may be reappointed to serve any number of successive terms.

Section 4. Attendance

Absence from more than four consecutive meetings, except when such absence is made known to the President prior to each meeting and is made necessary by sickness or other similar causes ruled by the President as emergency in nature, shall constitute resignation from the Board, in which event the vacancy thus created shall be **filled by the City Council**.

Section 5. Vacancies

Any vacancy in the Board of Directors, including a vacancy created by an increase in the number of directors, shall be filled for the unexpired portion of the term by the City Council. Any Director so appointed shall hold office until the next succeeding annual meeting of the Corporation.

Section 6. Resignations

Any Director may resign at any time by giving written notice of such resignation to the Board of Directors or to the City Council.

Section 7. Removal

Any Director may be removed from office, with cause by the **City Council**.

Section 8. General Powers

- a. Management of Business: All corporate powers shall be and are hereby rested on and shall be exercised by the Board of Directors. The Board of Directors may by resolution delegate to committees of their own number, or to committees comprised partly of their own members, or to officers of the Corporation, such powers as they deem fit, subject to the provisions of these Bylaws.
- b. Contracts and Services: The Board of Directors may authorize any Director or Directors, officer or officers, agent or agents, to enter into any contract or execute and deliver any instruments on behalf of the Corporation, and such authority may be general or confined to specific instances. Unless authorized by the Board of Directors or by the Bylaws, no

Director, officer, employee , or agent shall have any power or authority to bind the Corporation by any contract or obligation, or to pledge its credit, or render it liable peculiarly for any purpose or in any amount.

- c. Duties: The Board of directors shall present at the Annual Meeting and file with the minutes thereof a report verified by the President and Treasurer showing:
1. The whole amount of real property owned by the Corporation, where located, and where and how invested.
 2. The amount and nature of the property acquired during the year immediately preceding the date of the report and the manner of the acquisition.
 3. The amount applied, appropriated, or expended during the year immediately preceding such date and the purposes, objects, and persons to or for which such application, appropriations, or expenditures have been made.
 4. The projects and programs initiated and implemented by the Corporation in the year immediately preceding that date.

Section 9. Compensation

Directors shall not receive any compensation for their services as such, but by resolution of the Board of Directors, provision may be made for the payment of their expenses, including expenses of attendance at meetings.

ARTICLE V. OFFICERS

Section 1. President

The President shall be the principal executive officer of the Corporation and subject tot he control of the Board of Directors, shall supervise and control the management of the Corporation in accordance with these Bylaws. He shall preside as President at all meetings of the Directors. He shall sign, with any other officer, any deeds, mortgages, bonds, contracts, or other instruments which may be lawfully executed on behalf of the Corporation, except where required or permitted by law to be otherwise signed and executed and except where the signing and execution thereof shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors from time to time.

Section 2. Vice President

The Vice-President shall, in the absence or disability of the President, perform the duties and exercise the powers of that office. In addition, he shall perform as Vice-President such other duties and have such other powers, as the Board of Directors as the Board of Directors shall Prescribe.

Section 3. Secretary

The Secretary shall keep accurate records of the acts and proceedings of all meetings of Directors. He shall give notices required by law and these Bylaws. He shall have general charge of the corporate books and records and of the corporate seal, and shall affix the Corporate Seal to any lawfully executed instrument requiring. He shall sign such instruments as may require his signature, and in general, shall perform all duties incident to the office of Secretary and such other duties as may be assigned to him from time to time by the President or by the Board of Directors.

Section 4. Treasurer

The Treasurer shall have custody of all funds and property of the corporation. He may be required to give bond for the faithful performance of his duties, in such sum and with such sureties as the Board of Directors may require. When necessary or proper he may endorse on behalf of the corporation for collection checks, notes, and other obligations, and shall deposit the same to the credit of the Corporation at such bank or banks or depository as the Board of Directors may designate. Except as may be otherwise provided by the Board of Directors, he shall sign all receipts and vouchers and together with such other officer or officers, if any, as shall be designated by the Board of Directors, he shall sign all checks of the corporation and all bills of exchange and promissory notes issued by the corporation. He shall make or cause to be made such payments as may be necessary or proper to be made on behalf of the corporation. He shall cause to be entered regularly on the books of the corporation a full and accurate account of all monies and obligations received and paid or incurred for, or on account of, the corporation and all assets of the Corporation, and shall exhibit such books at all reasonable times to any director on application at the offices of the corporation. He shall cause to be made as soon as reasonably possible after the close of the fiscal year financial review to be conducted by an audit the close of the fiscal year financial review to be conducted by an audit committee appointed by the President and approved by the Board of Directors, and shall furnish a copy of thereof, prior to the annual meeting, to each of the Directors and to such other persons as the Board may direct. He shall, in general, perform all duties incident to the office of treasurer, subject tot he control of the Board of Directors, and such other duties as may be assigned to him.

Section 5. Assistant Secretary and Assistant Treasurer

The Board of Directors may appoint an Assist Secretary or Assistant Treasurer, and in such case, in the absence or disability of the Secretary or the Treasurer, such assistants respectively shall perform the duties and exercise the powers of these offices, and they shall, in general, perform such other duties as shall be assigned to them from time to time by the Secretary or the Treasurer, respectively, or by the Board of Directors.

ARTICLE VI. MEETINGS

Section 1. Place of Meetings

All meetings of the Board of Directors shall be held at the principal office of the Corporation, or at such other place, either within or without the State of North Carolina, as may be fixed in the notice of the meeting or agreed upon by a majority of the Directors.

Section 2. Annual Meeting

There shall be an Annual Meeting of the membership of the Historic Seventh Avenue District, Hendersonville, North Carolina in each year for the transaction of any business, which may be properly brought before the meeting.

Section 3. Special Meetings

Special meetings of the Directors may be called at any time by the Board of the Directors, the President, the Vice-President, or the Secretary, and must be called by any of said officers upon the written request of one-third or more of the Directors.

Section 4. Notice of Meetings

The Secretary or other person calling the meeting, at least three days prior to the time of the meeting, by any usual means of communication, shall give notice of the time, date, and place of each meeting of the Board of Directors. The attendance of a Director at any meeting shall constitute waiver of notice of such meeting. When any meeting is adjourned to a day certain, it is not necessary to give any notice of the adjourned meeting other than by announcement at the meeting at which the adjournment is taken.

Section 5. Quorum

Except where otherwise provided herein, a majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board. The Directors at a meeting were a quorum is present ay continue to do business until adjournment, notwithstanding the withdrawal of enough Directors to leave less than a quorum.

Section 6. Voting

Each Director shall be entitled to one vote on each matter submitted to a vote at a meeting of the Board of Directors. Each Director shall have the right to assign their voting rights by proxy to another voting member of the Board. A majority vote at any meeting shall be required for any decision or requirement of law or the Charter or Bylaws of this Corporation. Upon the request of any Director, the vote upon any question before the meeting shall be by ballot.

Section 7. Action without meeting

Any action which may be taken at a meeting of the Directors may be taken without a meeting if consent in writing, setting for the action so taken, shall be signed by three-fourths of the Directors and filed with the Secretary as part of the Corporation records.

Section 8. Dissent

A Director who is present at a meeting at which action on any Corporate matter is taken shall be presumed to have assented to such action unless his contrary vote is recorded or his dissent is otherwise entered in the minutes of the meeting, or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof, or unless he shall forward such dissent by registered mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a Director who voted in favor of such action.

ARTICLE VII. COMMITTEES

Section 1. Appointment and term

The Board of Directors may designate one or more committees, each of which may consist of one or more Directors along with members of the Historic Seventh Avenue District, Inc. Committees shall have and exercise the authority of the Board of Directors in the management of the Corporation, except that no such committee shall have authority as to any of the following matters: the dissolution, merger, or consolidation of the corporation; the amendment of the charter; the sale, lease, or exchange of all or substantially all of the property of the Corporation; the designation of any such committee or the filling of vacancies in the Board of Directors or in any such committee; the amendment or repeal of any resolution of the Board which by its terms shall not be so amendable or repealable. The members of any committee shall serve at the pleasure of the Board of Directors or for such terms as the Board of Directors may prescribe.

Other committees not having and exercising the authority of the Board of Directors in the management of the corporation may be designated by a resolution adopted by a majority of the Directors present at a meeting at which a quorum is present. Committee Chairs shall be appointed by the President of the Executive Committee with the approval of the Board of Directors. Committee members may only spend HSAD funds with prior approval of the Board of Directors.

Section 2. Removal of Discharge

Any committee, or any member thereof may be discharged or removed by action of a majority of the Board of Directors. The designation of any committee and the delegation thereto of authority shall not operate to relieve the Board of Directors or any member thereof of any responsibility or liability imposed upon it or him by law.

Section 3. Committee Meetings

The chairman of the committee will call committee meetings and will provide a verbal or written report to the President or Secretary on committee proceedings at each regular meeting of the Board of Directors.

ARTICLE VIII. ASSETS, INVESTMENTS, AND OPERATIONS

Section 1. Investments

The Corporation shall have the right to retain all or any part of any securities or property acquired by it, and to invest and reinvest any funds or property held by it, in the discretion of the Board of Directors, without being restricted to the class of investments which a Director is or may hereafter be permitted by law to make and without regard to any similar restriction; provided, however, that the Corporation shall not:

- a. accumulate its income, if any such accumulations are unreasonable in amount or duration, in order to carry out the charitable, scientific, educational and public purposes for which it is organized, or
- b. use any such accumulated income for purposes or functions other than the charitable, scientific, educational and public purposes for which it is organized, or
- c. invest any such accumulated income in such a manner as to jeopardize the carrying out of the charitable, scientific, educational or public purposes for which it is organized.

Section 2. Voting Shares in Other Corporations

Unless otherwise ordered by the Board of Directors, the President shall have full power and authority on behalf of the Corporation to vote either in person or by proxy at any meeting of stockholders of any corporation in which this Corporation may hold stock, and at or in connection with any such meeting may exercise all rights and powers incident to the ownership of such stock. The Board of Directors may confer like powers upon any other person and may revoke any such granted powers at its pleasure.

Section 3. Loans to Directors and Others

The Corporation shall not lend any part of its assets, property, or income to any incorporator, Director, or officer, or any substantial contributor to the Corporation, to any member of the family of any such person, or to any corporation or other entity controlled by any such person; nor shall the Corporation pay any compensation in excess of reasonable allowance for salaries or other compensation for personal services actually rendered, to any such person or corporations, nor shall the Corporation make any substantial purchase of securities or other property from or sell any substantial part of its assets to any such person or corporation for other than full and adequate consideration in money or money's worth; nor shall the Corporation engage in any other transaction which results in a substantial diversion of its assets, property or income to any such persons or corporations.

Section 4. Internal Revenue Code Restrictions

The Corporation shall not have capital stock, and no stock or shares shall be issued. No incorporator, Director, or officer shall at any time be considered to be the owner of any of the assets, property, or income of the Corporation, nor shall he, by distribution, liquidation, dissolution or in any other manner, be entitled to or receive any of said assets, property, or income, all of which shall be devoted exclusively and forever to the purposes of the Corporation or disposed of as hereinafter provided. The Corporation is not organized and shall not operate for profit, and no part of its earnings shall inure or may lawfully inure to the benefit of any private shareholder, incorporator, director, officer, or individual. The above, provisions, however, shall not prevent the payment of reasonable compensation to any person, organization, firm, corporation or other entity for services rendered to this Corporation. No substantial part of the

activities of the Corporation shall consist of the carrying on of propaganda, or otherwise attempting to influence legislation. The Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

The Corporation shall distribute its income for each taxable year at such time and in such manner as not to subject the Corporation to the tax provided by Section 4942 of the Internal Revenue Code of 1954, as amended. The Corporation shall not engage in any act of self-dealing as defined in Section 4941(d) of the Internal Revenue Code of 1954, as amended, shall not retain any excess business holdings as defined in Section 4943(c) of said Code, shall not make any investments in such manner as to subject the Corporation to tax under Section 4944 of said Code. The references herein to the Internal Revenue Code of 1954, as amended, shall include the regulations issued thereunder and the corresponding provisions of subsequent United States Internal Revenue laws and regulations.

ARTICLE IX. GENERAL PROVISIONS

Section 1. Seal

The seal impressed on the margin hereof is hereby adopted as the corporate seal.

Section 2. Examination of Books and Records

The books and records of the Corporation shall, at all reasonable times, be subject to examination by any Director or by any committee appointed for the purpose by the Directors.

Section 3. Checks and Drafts

All checks, drafts, and other orders for the payment of money issued in the name of the Corporation shall be signed by such officer or officers, agent or agents of the corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors.

Section 4. Deposits

All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such depositories as the Board of Directors shall direct.

Section 5. Waiver of Notice

Whenever any notice is required to be given to any Director under the provisions of the North Carolina Non-Profit Corporation Act or under the provisions of the Charter or Bylaws of this Corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time provided for the giving of such notice, shall be equivalent to the giving of such notice.

ARTICLE X. INDEMNIFICATION OF DIRECTORS, OFFICERS, AND EMPLOYEES

Section 1. Actions by Third Parties

The Corporation shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative (other than an action by or in the right of the Corporation) by reason of the fact that he is, or was, a Director, officer, employee, or agent of the Corporation , or is, or was serving at the request of the Corporation as a Director, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, against expenses (including attorneys' fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by him in connection with such action , suit, or proceeding if he acted in good faith and in a manner he reasonably believed to be in, or not opposed to, the best interests of the Corporation and, with respect to any criminal action or proceeding had no reasonable cause to believe his conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in, or not opposed to, the best interest of the Corporation, and with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was not unlawful.

Section 2. Actions Brought on Behalf of the Corporation

The Corporation shall indemnify a person who was or is a party, or is threatened to be made a party to any threatened, pending , or completed action or suit by or in the right of the Corporation to procure a judgment in its favor by reason of the fact that he is or was a Director, officer, employee, or agent of the Corporation or is, or was serving at the request of the Corporation as a Director, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, against expenses (including attorneys' fees) actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if he acted in good faith and in a manner he reasonably believed to be in, or not opposed to, the best interests of the Corporation. No indemnification shall be made in respect of any claim, issue, or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the Corporation unless and only to the extent that the Court of the County in which the registered office of the Corporation is located or the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability, but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which the Court shall deem proper.

Section 3. Expenses

To the extent that a Director, officer, employee or agent of the Corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in Sections 1 or 2 of this article or in defense of any claim, issue, or matter therein, he shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him in connection therewith.

Section 4. Procedure

Any indemnification under this article (unless ordered by a Court) shall be made by the Corporation only as authorized in the specific case upon a determination that the indemnification

of the Director, officer, employee, or agent is proper in the circumstances because he has met the applicable standard of conduct provided for herein. Such determination shall be made:

- a. by the Board of Directors by a majority vote of a quorum consisting of Directors who were not parties to such action, suit, or proceedings, or
- b. if such a quorum is not obtainable, or even if obtainable, a majority vote of a quorum of disinterested Directors so directs, by independent legal counsel in a written opinion.

Section 5. Advancement of Expenses

Expenses incurred in defending a civil or criminal action, suit, or proceeding may be paid by the Corporation in advance of the final disposition of such action, suit, or proceeding as authorized in that manner provided by Section 4 hereof upon receipt of an undertaking by or on behalf of the Director, officer, employee, or agent to repay such amount unless it shall ultimately be determined that ne is entitled to be indemnified by the Corporation as authorized in this section.

Section 6. Non-Exclusivity of Article X

The indemnification provided by the Article shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled and shall continue as to a person who has ceased to be a Director, officer, employee, or agent of the Corporation and shall inure to the benefit of the heirs, executors, and representatives of such person.

ARTICLE XI. PARLIAMENTARY AUTHORITY

The rules contained in the current edition of “Robert’s Rules of Order Newly Revised” shall govern in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules of order of this Corporation and not contrary to any existing laws of the State of North Carolina.

ARTICLE XII. AMENDMENT

These Bylaws may be amended at any meeting of the Board of Directors by a two-thirds majority vote of directors attending any such meeting, and provided further that any Bylaw provision that is contained in or copied from the Articles of Incorporation may be changed only after amendment of said Articles.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 09/23/14

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 10/02/14

Nature of Item: Council Action

Summary of Information/Request:

Item # 16aai

a. Appointments for Consideration:

-Historic Preservation Commission: Three members' terms on the Historic Preservation Commission will expire in November: Ralph Bastedo, Jo Tyler, and Phillip Allen. All three are willing to serve another term. We also have applications on file from Rita Robinette and Ralph Freeman.

b. Announcement of Vacancies and Upcoming Appointments:

-Board of Adjustment: Reminder of vacancy in a regular position and in the alternate position. We have not received any new applications.

-Environmental Sustainability Board (ESB): There is a vacancy for a City resident and for a member residing outside the City (may be appointed for their particular areas of expertise). We have applications from Mia Freeman (serving on HPC) and Albeiro Rodriguez (serving on Tree Board).

-Tree Board: Tamara Betteridge is relocating and has resigned from the Tree Board. We have no applications on file at this time.

Planning Board: The terms of three members on the Planning board will expire in December: Jon Blatt, Julia Sellers and Raymond Mundy. I will contact each of them prior to the November meeting to ask if they are interested in continuing to serve.

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

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

Attachments:

Board membership lists



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 9/22/2014

Presenter: John Connet

Date of Council Meeting to consider this item: 10/02/2014

Nature of Item: Council Action

Summary of Information/Request:

Item # 18

Closed session motion requested to discuss the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The closed session will allow the City Council to provide direction to City staff and I do not anticipate the need for formal action following the meeting.

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

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

I move the Council to go into closed session to discuss matters relating to the location or expansion of industries or other businesses in the area served by this body under G.S. 143-318.11(a)(4).

Attachments: