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AGENDA

CITY OF HENDERSONVILLE CITY COUNCIL – REGULAR MEETING

SEPTEMBER 5, 2013 – 5:45 P.M.

Council Chambers – City Hall

1. **Call to Order**
2. **Invocation and Pledge of Allegiance**
3. **Public Comment Time:** *Up to 15 minutes is reserved for comments from the public for items not listed on the agenda*
4. **Consideration of Agenda**
5. **Consideration of Consent Agenda:** *These items are considered routine, non controversial in nature and are considered and approved by a single motion and vote.*
 - A. Consideration of Minutes: July 25, 2013 Special Meeting, August 1, 2013 Regular Meeting
 - B. Consideration of Abatement of Nuisances
 - C. Consideration of Beaver Management Program
 - D. Consideration of Authorizing Mayor Volk and Alternate John Connect as Voting Delegates for the NCLM meeting
 - E. Consideration of Budget Amendments:
 - 1) Police Department: Funds received from the Governor’s Highway Safety Program
 - 2) Water/Sewer Department: to provide funds for outstanding purchase orders from the last fiscal year that were re-appropriated in FY 2013-14
 - F. Consideration of Disposal of City-Owned Property on Pace Road

- G. Consideration of Resolution Honoring Ellis Hankins, Executive Director of the NC League of Municipalities upon his Retirement
- H. Consideration of Special Event Permits:
 - i. St. James Episcopal Church Picnic
 - ii. "Walk a Mile in Her Shoes"
- I. Consideration of a Resolution Authorizing the City Attorney to File Actions Under NC General Statutes Chapter 40A with Respect to Certain Real Properties In Henderson County (Wolfpen Sewer Project)
- J. Consideration of Waiving the Competitive Bidding Process in Accordance with NC General Statutes 143-129(g) for the Purchase of Recycling Carts and to Authorize the Public Works Director to purchase the Recycling Carts from Schaefer Systems International, Inc.

6. Recognition of "Hendersonville Heroes" – Inductees to the Martin Luther King, Jr. Memorial Park

Presenter: City Manager John Connet

7. Public Hearing - Bond Issue, Consideration of Order Authorizing \$6,000,000 in Parks and Recreation Bonds and a Resolution Calling for the Referendum

Presenter: Mr. Jim Rudisill, Finance Director

8. Public Hearing - Consideration of a Zoning Ordinance Text Amendment, Article V Zoning District Classifications, Section 5-2-1 Permitted Uses and 5-3-1 Permitted Uses, adding "Farm Stands" as a permitted use to the R-20 Low Density Residential Zoning District and to the R-15 Medium Density Residential Zoning District and Amending Article XII to define "Farm Stands" (continued from August 1, 2013 Regular Meeting of the City Council)

Presenter: Mr. Sam Fritschner, City Attorney

9. Consideration of Resolution Affirming Rates Meet the High Unit Cost Threshold and a Capital Project Ordinance for the Academy Road Water System Improvements Project in the Dana Community

Presenter: Mr. Lee Smith, Utilities Director

10. Discussion of Possible Changes to System Development Charges

Presenter: Mr. Lee Smith, Utilities Director and Mr. John Connet, City Manager

11. Consideration of Proposed Permitting Procedure Associated with the Small Water Meter Box Access Program

Presenter: Mr. Lee Smith, Utilities Director

12. Consideration of the Donation of Real Property, Under Special Conditions, to the Boys and Girls Club

Presenter: Mr. Sam Fritschner, City Attorney

13. Consideration of Proposed Amendments to Chapter 26, Article II, of the City Code of Ordinances, to Reflect Changes to the NC General Statutes, Enhancing the City's Ability to Deal with Nuisances and Transferring the Appeal Process to the Board of Adjustment

Presenter: Mr. Sam Fritschner, City Attorney

14. Consideration of Changes to Alleyways in Downtown

Presenter: Mr. John Connet, City Manager and Tom Wooten, Public Works Director

15. Consideration of Request of Main Street Advisory Committee to Rename the Committee to the "Downtown Advisory Committee"

Presenter: Mr. Lew Holloway, Main Street/Economic Development Director

16. Reports from Staff

a. Update on Downtown Hendersonville

Presenter: Mr. Lew Holloway, Main Street/Economic Development Director

b. Meeting Announcements/Reminders: October 13-15, 2013, NCLM Annual Conference, Hickory Metro Convention Center

Presenter: Mrs. Tammie Drake, City Clerk

17. Consideration of Appointments to Boards and Commissions

Presenter: Mrs. Tammie Drake, City Clerk

a. Consideration of Appointments to:

Board of Adjustment

Environmental Sustainability Board

Presenter: Mrs. Tammie Drake, City Clerk

b. Announcement of Vacancies and Upcoming Appointments

Presenter: Mrs. Tammie Drake, City Clerk

18. Comments from Mayor and City Council Members

19. New Business

20. Closed Session to Consult with the City Attorney

21. Adjournment

July 25, 2013
Special Meeting of the City Council
Council Chambers – City Hall
4:00 p.m.

**Return to
Agenda**

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

Absent: Council Member Steve Caraker

Staff Present: City Manager John F. Connet, City Clerk Tammie Drake

The purpose of the special meeting is to discuss the Berkeley Mills Park Master Plan and Bond Referendum. Other topics may be discussed.

Call to Order: Mayor Volk called the meeting to order at 4:00 p.m. and welcomed those in attendance. A quorum was established with four members in attendance.

1. Background Questions and Answers: Mr. Connet explained the City will be pledging their property tax authority to repay the debt on the bonds. He stated if the \$6 million debt is approved by the voters, a three-percent tax increase would be required to repay the bonds over the term of the bonds (20 years). He explained the referendum will seek permission to issue bonds up to \$6 million for the intended purpose. The City may decide to issue fewer bonds than are in the total authorization and bonds may be sold in smaller increments. He stated the City may go to private financing with installment purchase for a shorter term with different interest rates. Mr. Rudisill explained if the amount is lower than \$5 million, the City should go to private financing instead of selling bonds. He stated banks will not finance more than ten years on park improvements. There are costs associated with getting a bond rating, selling the bonds, working with bond counsel, etc. and the City will lose benefits of a longer term and more favorable interest rates in the bond market.

Mr. Connet explained the authority approved by voters at a referendum is good for seven years with a possible three-year extension.

2. Review of bond referendum calendar and costs: Mr. Connet reviewed the critical dates for Council action. He also reviewed the process for the bond and issuance costs including: rating agencies, \$7,000 to file an application with the Local Government Commission for selling the bonds, and bond Counsel.

3. Review of Berkeley Mills Park Phasing Plan and cost of each element: Mr. Connet requested direction from the Council on prioritization and phasing of the Berkeley Mills Park improvements with the greatest need and benefit to the community. He stated staff will use the priorities for the Capital Improvement Plan.

Council Member Smith discussed private lending versus selling bonds and phasing of the park improvements.

4. City Council Prioritization: Mr. Connet informed the Council of a greenway grant will bring the greenway to Balfour Road (which removes item 12 and most of item 13 from the list of projects). Council Member Smith submitted his priorities for the park improvements and opined if the soccer field is not a turf field, it should not be built because of maintenance issues. He stated he is also hoping for a sponsor for the soccer field. He also stated the park should have as many restrooms as possible.

The Mayor and Council members expressed their priorities for the park and the costs for the different phases. Council Member Stephens commented he appreciates Council Member Smith's work but doesn't support the bonds because of a timing issue. He stated this is not the time to spend more money because taxes may have to go up next year, the General Assembly may make changes and paying for the bonds would be an additional increase. He stated the City has just spent money on the Main Street which is a park in many ways, a fire truck and a new fire station. Council Member Smith agreed with the comments about Main Street but stated the beauty of the bond issue is that it allows the citizens to decide whether to move ahead. Council Member Stephens stated there are a lot of new parks, Henderson County has also spent a lot of money on Jackson Park, bought the Christian school, and other municipalities are spending money on parks which is money well spent. Mayor Volk commented there is a lot of interest in amenities offered. She stated with the referendum, the voters will determine if it is done in the next few years. Council Member Stephens added he would support expending leftover funds from the General Fund and reiterated his concern about timing.

After discussion of the phasing and cost estimates, and timing of the funding for the greenway, **the Council agreed by majority consensus on the following priorities for the phasing of Berkeley Mills Park:**

Priority 1: (completed first)

- #1 entrance drive and ball field**
- #2 main parking area**
- #4 group picnic area**
- #6 destination playground and picnic area**
- #7 memorial tree garden and**
- #9 trail loop – main site.**

Priority 2: (completed second)

- #3 soccer complex**
- #5 overlook garden**
- the remainder of #13 pond loop trail (estimated \$95,000)**
- #15 mountain bike area and**
- #14 parking lot & restrooms.**

Priority 3:

- #10 boardwalk overlook,**
- #11 Greenway connector trail - A**
- remainder of #14 dog park and trailhead.**

Exclude from funding:

- Amphitheatre**
- #12 Greenway Connector Trail – B which will be paid for with greenway funds.**
- and a portion of #13 which will be paid for with grant funds.**

Discussion followed on the estimated cost of the priorities (\$5 million) even though the authorization is \$6 million. If the total amount is not spent, it may be used to pay down the debt. Mr. Rudisill explained there are stipulations for the spending of the bond funds once the bonds are sold.

5. How we can educate the citizens? Mr. Connet reviewed how the Town of Garner, NC was successful in a recent municipal bond issue. He explained tax dollars may be used for information only. He stated the City Council as a body should not take a position on the bond, nor advocate one way or the other. He stated City staff can only provide information and cannot take a position for or against the bond.

6. Next Steps: The City Council agreed by majority consensus to commit to proceeding with the referendum. Mr. Connet explained Mr. Rudisill will proceed with submitting an application to the LGC, staff will begin

developing citizen education materials, i.e., brochures, websites, etc. and staff will work with Council members to develop a speaking schedule to provide information to the public. He stated staff may also speak to civic clubs, etc. He stated there is approximately three months to provide this information for the November 5 election.

Mr. Rudisill explained the bond order will be introduced at the August 1 City Council meeting; adoption will be done at the September meeting.

7. Adjourn: Being no further business, the meeting adjourned at 5:15 p.m. upon unanimous consent of the Council.

Barbara G. Volk, Mayor, City of Hendersonville

Tammie K. Drake, MMC, City Clerk

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**Return to
Agenda**

**August 1, 2013
Regular Meeting of the City Council
Council Chambers – City Hall
5:45 p.m.**

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

Staff Present: City Manager John F. Connet, City Clerk Tammie Drake, Engineering Director Brent Detwiler, Finance Director Jim Rudisill, 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.*

Donald Goldstein, 215 Fallen Timber Road, Hendersonville, stated he has been here for more than a year. He stated the grant for the Brightwater system was not sought through the traditional application process and has asked for the intervention of a Congressman.

Jim Martin, 232 Fallen Timber Road, followed up with Mr. Goldstein's comments, stating he has been in contact with the City Manager who assured him this issue will be settled and the City will issue their final position in September.

Mark Ray, Dad's Collective, 221 N. Main Street, reported he has received more than \$1,600 in donations for the restoration of the McClintock Clock. He expressed appreciation to Mr. Tom Orr and Emily Weaver with Times News for their research and article. He reported donations came from all over the county including part-time residents. He also reported an event sponsored by Michelle Sparks for artists and residents to complete paintings of the clock which will be auctioned for the restoration efforts.

4. Consideration of Agenda:

Additions: 12a. Consideration of the Hiring of an Environmental Firm to Assist with the Redevelopment of the Grey Hosiery Mill

Under Comments from Mayor and Council Members:

- a. Update on Mills River Partnership by Council Member Steve Caraker
- b. Update on Fire Station #2 by Council Member Steve Caraker

Mayor Pro Tem Collis requested continuing item #8, Zoning Ordinance text amendment adding "Farm Stands" as a permitted use to the R-20 Low Density Residential Zoning District and to the R-15 Medium Density Residential Zoning District. He reported a discussion with Mark Williams who requested more time to review the proposed ordinance. **The Council agreed to the continuation without objection.**

Mayor Pro Tem Collis moved approval of the agenda as amended. 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: July 11, 2013 Regular Meeting

B. Consideration of Abatement of Nuisances: Mrs. Frady certified seven property owners were notified of a nuisance condition on their property but failed to take corrective action. She requested permission to remedy the nuisances and assess the actual cost to the property owner.

C. Consideration of the Mills River Partnership Rental Agreement: City Attorney Sam Fritschner presented a rental agreement with the Mills River Partnership, Inc., for office space at the Water Treatment Plant. This lease will count as part of the required match for the 319 Grant being south by the Mills River Partnership.

STATE OF NORTH CAROLINA
HENDERSON COUNTY

LEASE AGREEMENT

This Lease Agreement is made between the City of Hendersonville, North Carolina as Landlord (the "City") and Mills River Partnership, Inc. as Tenant ("MRP") as of the first day of August, 2013 for the occupancy of certain real property as herein described (the "Property"):

All of that office space described as the third-floor office on the southwest corner of the building situated within the City's Water Treatment Plant main building at 4139 Haywood Rd Mills River, NC.

For their agreement herein the parties hereto agree as follows:

1. The City hereby does grant a tenancy as provided herein unto MRP for the purposes of the use of office space for MRP to engage in and carry out the normal business purposes for which MRP was organized and does business.
2. MRP covenants that in its occupation and use of the Property and conduct of its business it will neither do nor suffer any person under its supervision or control to do anything to interfere with the City's use thereof for purposes of conducting and operating water utilities.
3. This lease shall not have a fixed term but shall begin on 1 August 2013 and shall terminate as herein provided.
4. The tenancy shall be one without requirement of rental payments herein by MRP to the City. MRP agrees that the City's actions taken in accordance with this document are voluntary and not contractual. Obligations of MRP hereunder are conditions upon which the Premises are leased and do not constitute consideration flowing to the City.
5. The City shall not be liable for any payment of any kind to MRP. MRP shall be responsible for payment of all expenses it deems necessary to carry on whatever business MRP, in its sole discretion, deems appropriate subject to the terms hereof.
6. MRP accepts the Premises as is and with all faults.
7. The City shall not be obligated to make any repair or otherwise keep the Premises in any particular condition.
8. MRP shall make no permanent alteration of any kind to the Premises without the prior express written consent in each case of the City Manager. If such consent is given, all such improvements shall be made at the expense of MRP and shall become the property of the City.
9. MRP may not sublet this Property or assign this License to any person without the prior express written consent of the City.
10. This lease agreement shall not create a partnership relationship between the City and MRP.
11. The City shall not unreasonably impair the access of MRP to the Premises nor unreasonably interfere with MRP's reasonable use of utilities and other normal uses that would reasonably be accorded a non-City office in the building.
12. The City does not insure any actions of MRP and does not undertake to carry any insurance covering MRP's tenancy. MRP shall deliver to the City Manager or his designee on or before 1 August 2013 and the like date of each ensuing year, provided it is then occupying the premises, evidence of renter's insurance for the contents of the Premises.
13. Either party may terminate this lease upon 45 days' written notice. Notice shall be completed when sent by any reasonable manner, including specifically, among others, due deposit in the U.S. mails and sent with correct postage for first class delivery or by hand delivery to the City Manager or president of MRP, as the case may be.

Done this day of 2013

City of Hendersonville, 145 Fifth Ave. East, Hendersonville NC 28792
By: /s/John F. Connet, City Manager
Mills River Partnership, Inc., 847 Case Street, Hendersonville NC 28792
By: Kieran Roe, President

D. Consideration Recycling Truck Purchase Request: Public Works Director Tom Wooten requested permission to purchase a truck for the recycling program. He explained the City was awarded a recycling cart grant and the purchase of a new recycling truck is necessary in order to move forward with the new recycling program. He recommended purchasing a Crane Carrier chassis with a Heil 20-yard compactor for \$208,721.08 that is available through the National Joint Powers Alliance (NJPA). This method of purchasing has no fees for the City and is allowed by NCGS 143-129(e)(3). He also reported the City received a grant of \$30,000 from North Carolina Department of Environment and Natural Resources toward the purchase of this truck.

E. Consideration of Request of Use of Berkeley Mills Park for the Mad Mountain Mud Run 2014 by Hands On!: Hands On! has held two successful mud runs at Berkeley Mills Park and is requesting permission to utilize the park again for the 2014 Mad Mountain Mud Run. The Mud Run will be held on May 30 and 31, 2014. Hands On! is requesting access to the unused portions of the property beginning May 1, 2014. They will be required to go through the special event process.

F. Consideration of Resolution for Police Grant for a new Motorcycle for the NC Bike Safe Program: Chief Blake reported the Police Department applied for and received a grant through the Governor's Highway Safety Program. The grant for \$38,000.00 will provide a new Harley Davidson motorcycle and trailer to assist with further training of motor officers in the NC Bike Safe Program. The NC Bike Safe Program motor officers teach civilian motorcycle drivers proper safety skills and defensive driving techniques.

Resolution #13-0840

**North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION**

WHEREAS, the City of Hendersonville Police Department (herein called the "Agency") (The Applicant 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 _1_ DAY OF August , 2013, 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 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 \$38,000.00 to be made to the Governing Body to assist in defraying (Federal Dollar Request) the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$0 as (Local Cash Appropriation) required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement 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

/s/Barbara G. Volk, Mayor

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

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

6. Recognition of "Hendersonville Heroes": City Manager John Connet recognized employees Mike Cantrell, Tammie Drake and LuAnn Welter for organizing and running the paper shredding events for City residents. Mr. Cantrell also suggested a contribution of canned food from the public for local food pantries.

Mr. Connet also recognized the water treatment plant operators: Ron Reid, Keith Kirchner, for being awarded the EPAs 2012 Area-Wide Optimization Program Award for outstanding professionalism and diligent service to our customers. He stated he has heard other compliments from other organizations across the State.

Mayor Volk echoed his comments of appreciation to the staff.

7. Introduction of Bond Order by the City Council: Mr. Jim Rudisill, Finance Director, explained at the July 11, 2013, meeting, City Council adopted a resolution making certain findings and determinations related to the bond referendum to be held on November 5, 2013. The resolution also authorized the filing of an application with the Local Government Commission (LGC) and the application has been sent to the LGC.

Mr. Rudisill reported he participated in an informal meeting with the LGC and received informal approval for the proposed borrowing and the tentative date for the bond referendum of November 5, 2013. He stated Bond Counsel prepared the Bond Order and Sworn Statement of Debt. He introduced the bond order for the record and provided the Sworn Statement of Debt to the City Clerk.

Council Member Smith moved to introduce the Bond Order as prepared by Bond Counsel and submit the Sworn Statement of Debt to the City Clerk. A unanimous vote of the Council followed. Motion carried.

Order #13-0841

ORDER AUTHORIZING \$6,000,000 PARKS AND RECREATION BONDS

BE IT ORDERED by the City Council of the City of Hendersonville, North Carolina:

1. That pursuant to the Local Government Bond Act, as amended, the City of Hendersonville, North Carolina is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power and authority to contract, and in evidence thereof to issue Parks and Recreation Bonds in an aggregate principal amount not exceeding \$6,000,000 for the purpose of providing funds, together with any other available funds, for improving and expanding the existing parks and recreational facilities of said City and acquiring and constructing new parks and recreational facilities of said City, inside and outside its corporate limits, including, without limitation, the acquisition of any land, rights of way and equipment.
2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.
3. That a sworn statement of debt of said City has been filed with the City Clerk and is open to public inspection.
4. That this order shall take effect when approved by the voters of said City at a referendum as provided in said Act.

Thereupon, the order entitled "ORDER AUTHORIZING \$6,000,000 PARKS AND RECREATION BONDS" was passed upon introduction by the following vote:

Ayes: 5

Noes: 0

The City Clerk acknowledged that the Finance Director had filed with the City Clerk the sworn statement of debt of said City which is required by The Local Government Bond Act, as amended, to be filed after the bond order has been introduced and before the public hearing thereon.

On motion duly made, and carried, the City Council fixed 5:45 p.m., September 5, 2013, in the Council Chambers at City Hall located at 145 Fifth Avenue East in Hendersonville, North Carolina, as the hour, day and place for the public hearing upon the foregoing order and directed the City Clerk to publish said order, as required by The Local Government Bond Act, as amended, once in the Hendersonville Lightning not later than the sixth day before said date.

8. Public Hearing - Consideration of Zoning Ordinance Text Amendment, Article V Zoning District Classifications, Section 5-2-1 Permitted Uses and 5-3-1 Permitted Uses, adding "Farm Stands" as a permitted use to the R-20 Low Density Residential Zoning District and to the R-15

Medium Density Residential Zoning District and Amending Article XII to define "Farm Stands":

This hearing was continued to the September 5, 2013 Council meeting. **No action was taken.**

9. Consideration of System Development Charges Modifications: At the direction of the City Council, Mr. Connet, City Manager, presented options for modifying the System Development Charges. He reported staff has been diligently working on these modifications, but requested additional time to finalize options and allow time to meet with the Mayor and City Council members to review those modifications. He stated once the Mayor and City Council are satisfied with the proposed modifications, he would like the opportunity to share proposed modifications with some customers to receive their feedback.

Mr. Connet reviewed the old system in comparison with the current system. He stated the small businesses now pay less and have benefited from the new system. He stated problems have surfaced with the largest water users: restaurants, etc.

As a stopgap measure, Mr. Connet proposed continuing to operate under the current System Development Charges with the exception of capping the charges at \$10,000 for water and \$19,460 for sewer. These caps will provide immediate relief for any user of more than 5,000 gallons per day. He explained this will continue to allow the small businesses and small water users to continue to benefit from the current system.

Mr. Connet relayed some of the concerns regarding the current SDCs policy. Discussion followed on the appropriate size for meters for businesses and whether the business specifies the size of their meter. There was also discussion about the City's policy for the customer to pay the cost up-front and refund if less water is used and possibly credit for recycling water. The Council discussed a shorter reassessment period of one year. Mayor Volk asked staff to consider these options in the modified policy. Council Member Caraker also asked staff to run scenarios for future proposals. Mayor Pro Tem Collis commented the policy is working the way Council intended for smaller water users.

Council Member Caraker moved the City Council to modify the System Development Charges to cap the maximum charges for water SDCs at \$10,000 and sewer SDCs at \$19,460 and that these caps shall remain in place until modified by the City Council. A unanimous vote of the Council followed. Motion carried.

10. Consideration of Berkley Mills Park Rental Policy: Mr. Wooten presented a rental policy for the use of Berkeley Mills Park ball field, naming the responsibilities of the City and renters, fees associated, etc.

There was discussion on the tournament rate versus camp rate. Council Member Smith complimented the field and grass and stated the ball field is open to public to use and it has been well-received by the baseball community.

After discussion, of the requirement for a liability policy, **Council Member Smith moved the City Council to approve the rental policy for the Berkeley Mills Park ball field. A unanimous vote of the Council followed. Motion carried.** [The policy is available in the office of the City Clerk and Public Works Director.]

11. Consideration of Naming of Dog Park: Mr. Connet presented the suggestions for the naming of the dog park: "Oklapawpaw" by Bill Moss, "Dixie's Dog Park" by Steve Caraker and Chief Bud Hendricks, "Pet's Own Place" by Leah Ryel and Four Seasons Dog Park.

Mayor Pro Tem Collis suggested discussing the naming of the park with Tara Ledbetter. **The Council agreed by general consensus to name the dog park "Pet's Own Place on Seventh Avenue."** Mayor Volk expressed appreciation to Ms. Leah Ryel for the suggested name.

12. Consideration of Request for Funding for Restoration of the McClintock Clock: City Manager John Connet stated Mr. Ray had continued to solicit funds for the restoration of the McClintock Clock

and asked if the Council has a desire to make a commitment to funding. Mr. Ray reported he has now raised \$1,800 for the restoration. Council Member Stephens proposed the City giving \$1,500 toward the effort citing its historical significance. He also suggested Mr. Ray keep any funds above what is required for restoration for future repairs.

In discussion, Mr. Ray stated \$3,500 is needed to begin the work. He stated the original \$5,000 request included a donation to the National Clock Watchmen group for their expertise and guidance. He asked that any overage be applied toward the cost of a placard to recognize the clock and to educate visitors of this significant piece of downtown history. Council Member Caraker offered the use of his personal scaffolding for the restoration at no cost. Mr. Ray also requested the clock be formally recognized with ribbon cutting this fall. Discussion followed on the clock in Forest City which was completely restored. Mr. Ray stated the exterior of this clock will remain as is. He stated originally, it had a beveled stained glass underneath which is susceptible to damage. He proposed a turquoise-colored vinyl with the "H" logo.

Mayor Volk expressed appreciation to Mr. Ray for leading the effort.

Council Member Stephens moved the City donate \$1,500 to the McClintock Clock restoration fund and additional assistance from the Public Works Department as needed. A unanimous vote of the Council followed. Motion carried.

12a. Consideration of the Hiring of an Environmental Firm to Assist with the Redevelopment of the Grey Hosiery Mill: Mr. Connet explained in order for the City to proceed with the transfer of the Grey Hosiery Mill property to any future developer or purchaser, additional environmental work is required. He explained proposals were sought from numerous environmental firms. He reported receipt of two proposals: Altamont and S&ME. He recommended the hiring of Altamont for a cost of \$6,501 for the needed work including testing wells, updating the Phase II report done in 2005 and mediation of land.

After discussion, **Council Member Smith moved that the City Council hire Altamont Environmental, Inc. to update the Phase II Assessment and Remedial Action Plan for the Grey Hosiery Mill. A unanimous vote of the Council followed. Motion carried.**

13. Reports from Staff:

a. Meeting Announcements/Reminders: August 13, 2013, Town Hall Meeting to Discuss Parking Downtown: City Clerk Tammie Drake reminded the Council of this meeting. **No action was required or taken.**

b. Update on Main Street Project: Mr. Brent Detwiler, City Engineer, provided an update on the construction of Main Street Phase 3 project and spoke of the challenges resulting from the amount of days with rainfall. He reviewed the remaining work to be done on the project.

Mr. Detwiler explained in February, Council approved the installation of brick pavers at all intersections but recently there has been some concern regarding the installation of brick pavers at the Sixth and Seventh Avenues intersections because of the amount of traffic, the work would have to be done at night and the time frame for the installation. He also expressed concerns about the maintenance of the brick pavers. The Public Works Department would have to maintain the pavers which would require lane closures, etc. He recommended going back to the white-stripe high visibility crosswalks that meet NCDOT standards for these crosswalks. He stated this would result in a savings of approximately \$13,500 in eliminating brick pavers and allow quicker construction. **No objection was expressed by the Council to installation of the high-visibility crosswalks.** There was some discussion of the snow plows on the brick pavers. Mr. Detwiler also reported some of the crosswalks close to First Avenue have too much of a crown and the bricks have chipped and broken. He stated the Subcontractor will replace those bricks and reduce the crown.

c. Update on Greenway Grant: Mr. Brent Detwiler, City Engineer, reviewed the history of the grant application for Oklawaha Phase 3, and reported full funding of this project is possible if it is expedited. The estimated cost of the greenway is \$1.2 million. The original grant request was for \$700,000 and has been programmed by NCDOT. It is possible the NCDOT Transportation Board will approve the additional \$500,000. He stated once the reimbursement agreement is received, the work may begin. This portion of the greenway is 9,000 linear feet in length and extends from the end of Phase 2 to Balfour. He also noted several thousand feet of required easements have been obtained as part of the Jackson Park Sewer Project. **No action was required or taken.**

14. Consideration of Appointments to Boards/Commissions and Announcement of Vacancies:

a. Appointments for Consideration: None.

b. Announcement of Vacancies: City Clerk Tammie Drake informed the Council of up-coming vacancies on the Board of Adjustment and on the Environmental Sustainability Board. She also reminded the Council of the vacancy on the Environmental Sustainability Board. **No action was required or taken.**

15. Comments from Mayor and City Council Members:

a. Update on Mills River Partnership by Council Member Steve Caraker: Council Member Caraker reported he is very impressed with this group and the resume of the new director who begins work August 15. He stated they have a detailed work plan of how they intend to spend the funding, locations of the work, etc. He reported they discussed Asheville's contribution and plan to send them an invoice. **No action was required or taken.**

Update on Fire Station #2 Construction: Council Member Caraker reported delays in the construction of Fire Station #2 resulting from the weather. He stated they are approximately 30 days behind schedule. He stated the Council may tour the building under construction. He complimented the diligence of the superintendent and expects a progress meeting in August. He reported there have been some renovations to the warehouse. **No action was required or taken.**

16. New Business:

17. Adjournment: Being no further business, the meeting adjourned at 7:13 p.m. upon unanimous consent of the Council.

Barbara G. Volk, Mayor, City of Hendersonville

Tammie K. Drake, MMC, City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Susan G. Frady

Department: Zoning

Date Submitted:

Presenter: Susan G. Frady

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05b

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

- 1) Jeffrey S. Mills – 812 N. Whitted Street.
- 2) Hasan Mansouri – 610 N. Whitted Street.
- 3) Mary Ella Myers – 7th Avenue West.
- 4) Flat Rock Business Park, Inc. – Greenville Highway.
- 5) Bank of America – 1315 E. Bane Street.
- 6) HomeTrust Bank – 2594 Chimney Rock Road.

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

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

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: John Connet

Department: Administration

Date Submitted: 08/27/13

Presenter: John Connet

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05c

The City of Hendersonville has previously partnered with Henderson County to contract with the North Carolina Department of Agriculture to manage the beaver population in Hendersonville. I have spoken with Henderson County and they are willing to partner with the City again on this program. I am requesting permission to pay up to 50% of the cost of this program to help manage the beaver population.

The budgetary impact for this program should not exceed \$2,500.

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

I move that the City of Hendersonville partner with Henderson County to contract with the North Carolina Department of Agriculture to manage the beaver population in Hendersonville at a not to exceed cost of \$2,500.

Attachments:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 08/23/13

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05d

The Annual Business Meeting of the North Carolina League of Municipalities will be held at 9:00 a.m. on Tuesday, October 15 at the Hickory Metro Convention Center in Hickory.

Voting Procedure: The League Constitution provides that each member municipality is entitled to one vote. The Board of Directors has established a policy that each municipality sending delegates to the annual conference may designate one voting delegate and may also designate one alternate voting delegate. This must be completed prior to the beginning of the Annual Business Meeting at 9:00 a.m. on October 15.

Mayor Volk and City Manager John Connet are registered for the meeting. I am therefore requesting that Mayor Volk be designated as the voting delegate for the City and Mr. Connect as the alternate voting delegate.

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

I move to designate Mayor Volk as the City's voting delegate at the NCLM annual business meeting and that John Connet be designated as the alternate voting delegate.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Jim Rudisill

Department: Finance

Date Submitted: 08/14/13

Presenter: Jim Rudisill

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05ei

At the August 1, 2013, council meeting a Police Department Governor's Highway Safety Program Grant in the amount of \$38,000 was approved for a new Harley Davidson motorcycle and trailer to assist with further training of motorcycle officers in the NC Bike Safe Program. A budget amendment is needed to put the funds in place for this program.

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

Consent Agenda

Attachments:

Budget Amendment

BUDGET AMENDMENT

**Return to
Agenda**

TO: MAYOR, CITY COUNCIL
AND CITY MANAGER

DATE: September 5, 2013

BE IT RESOLVED, THAT THE FOLLOWING AMENDMENTS BE MADE TO THE ADOPTED BUDGET FOR THE CITY OF HENDERSONVILLE, NORTH CAROLINA FOR THE FISCAL YEAR ENDING JUNE 30, 2014.

FY2014 GSHP GRANT

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	DEBIT (+)	CREDIT (-)
460000-539400	Travel	\$ 3,000.00	
460000-550000	Capital Outlay - Other Equipment	5,000.00	
460000-556000	Capital Outlay - Motorized Equipment	30,000.00	
460000-434991	Grant Revenue		38,000.00

EXPLANATION: To appropriate the budget for the FY2014 GHSP Grant for the Governor's Highway Safety Program.

TOTAL CURRENT BUDGET APPROPRIATIONS \$ 00.00

AMOUNT OF INCREASE/(DECREASE) 38,000.00

TOTAL CURRENT AMENDED BUDGET \$38,000.00

CITY MANAGER

FINANCE DIRECTOR



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Jim Rudisill

Department: Finance

Date Submitted: 08/02/13

Presenter: Jim Rudisill

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05eii

To provide funding for Fiscal Year 2012-13 purchase orders that were outstanding at June 30, 2013, and need to be re-appropriated in Fiscal Year 2013-14.

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

I move approval of the budget amendment for outstanding purchase orders from fiscal year 2012-13.

Attachments:

Budget Amendment

BUDGET AMENDMENT

**Return to
Agenda**

TO: MAYOR, CITY COUNCIL
AND CITY MANAGER

DATE: September 5, 2013

BE IT RESOLVED, THAT THE FOLLOWING AMENDMENTS BE MADE TO THE ADOPTED BUDGET FOR THE CITY OF HENDERSONVILLE, NORTH CAROLINA FOR THE FISCAL YEAR ENDING JUNE 30, 2014.

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	DEBIT (+)	CREDIT (-)
607123-559900	Capital Outlay - PO 2013158	\$35,065.00	
607123-559900	Capital Outlay - PO 2013196	12,980.00	
607123-559900	Capital Outlay - PO 2013197	12,980.00	
607123-559900	Capital Outlay - PO 2013198	13,420.00	
607123-559900	Capital Outlay - PO 2013199	13,420.00	
607123-559900	Capital Outlay - PO 2013200	13,480.00	
600090-499200	Fund Balance Appropriated		101,345.00

EXPLANATION: To provide funds for FY 2012-13 purchase orders that were outstanding at the end of the fiscal year and re-appropriated in FY 2013-14.

TOTAL CURRENT BUDGET APPROPRIATIONS	<u>\$ 212,000.00</u>
AMOUNT OF INCREASE/(DECREASE)	<u>101,345.00</u>
TOTAL CURRENT AMENDED BUDGET	<u>\$ 313,345.00</u>

CITY MANAGER

FINANCE DIRECTOR



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Sam Fritschner

Department: Legal

Date Submitted: 08/29/13

Presenter: Lee Smith

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05f

A pump station used by the City has been determined by Mr. Lee Smith to be unneeded for future use. A neighbor has indicated an interest in the property. Subject to the need to relocate a certain portion of the water line, Mr. Smith and City Manager are recommending disposition of this property in accordance with N.C.G.S. Chapter 160A Article 12, and particularly the private sale method authorized therein. Council action is required to initiate this procedure. A copy of the proposed resolution is attached.

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

I move adoption of the resolution authorizing disposition of the Sunrise Ridge Hydropneumatic Pump Station property in accordance with G.S. § 160A-269.

Attachments:

Proposed resolution, map

**RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN
REAL PROPERTY BY NEGOTIATED OFFER, WITH UPSET BID PROVISIONS (N.C.G.S. §
160A-269)**

WHEREAS, the City Council of the City of Hendersonville, North Carolina desires to dispose of certain property of the City as identified herein, and

WHEREAS, the Council desires to instruct the City Manager to initiate disposition of this real property in accordance with North Carolina General Statutes 160A Article 12,

NOW, THEREFORE, BE IT RESOLVED by the City Council that:

1) The following described property is hereby declared to be surplus to the needs of the City:

That real property consisting of 0.08 acres more or less and commonly referred to as the Sunrise Ridge Hydropneumatic Pump Station. The parcel is situated at 2401 Pace Road and is sometimes referred to as Henderson County PIN 9690-56-0227.

2) Subject to the terms of this resolution the City Manager is authorized to dispose of the described property by negotiated offer, advertisement, and upset bids (N.C.G.S. 160A-269).

3) No minimum bid has been established for this property.

4) Sale of subject property will be subject to final City Council approval.

5) The City Manager shall not permit final disposition of this real property until in consultation with the Water and Sewer Director he is satisfied that a new portion of a water main is installed from Pace Rd. to a point on Sunrise Ridge Rd. where this new water main can be connected to the existing water main located inside the road right-of-way.

Adopted this fifth day of September, 2013.

Barbara G. Volk, Mayor

Attest:

Tammie K. Drake, City Clerk

**Return to
Agenda**





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 08/29/13

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05g

Please see the attached resolution to assist in the efforts of honoring Ellis Hankins who announced his retirement as Executive Director of the League effective January 31.

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

I move Council's adoption of the resolution honoring Ellis Hankins, retiring Executive Director of the NC League of Municipalities.

Attachments:

Resolution

RESOLUTION
of the
City of Hendersonville, North Carolina

**Return to
Agenda**

Whereas, **S. Ellis Hankins**, Executive Director of the North Carolina League of Municipalities, a **leader** in municipal government for nearly thirty years, has announced his retirement; and

Whereas, **S. Ellis Hankins'** career began with the North Carolina League of Municipalities in October, 1982 as Assistant General Counsel, he was promoted to Associate General Counsel and was then promoted to General Counsel and chief legislative lobbyist in 1987 and served in that position until departing the League staff in 1994, and then returned to the North Carolina League of Municipalities as its Executive Director in 1997; and

Whereas, the work of **S. Ellis Hankins** has benefitted the citizens, the cities and the towns in the State of North Carolina and includes: annexation, securing local revenues: additional local option sales taxes, reimbursements for repealed taxes, protecting State-collected local revenues, Water and Sewer funding through bond issues and revolving funds grants and loans through which the City of Hendersonville has benefitted, Land Use: zoning vested rights, manufactured home zoning and billboards; Transportation: specifically the Highway Trust Fund, Watershed Protection, ensuring good government through open meetings/public records, the Police Officers Bills of Rights, Local Government Employees Retirement System issues, Police and Firefighter Retirement and Police Special Separation Allowance; and

Whereas, **S. Ellis Hankins** also worked to promote good government in North Carolina through the League's non-partisan advocacy, insurance, and other services as directed by the membership; and

Whereas, the City of Hendersonville sincerely appreciates **S. Ellis Hankins'** efforts in reaching out to the western part of the State and hereby sends warm wishes and congratulations on his retirement.

Now, Therefore, Be It Resolved, by the City Council of the City of Hendersonville, hereby honors **S. Ellis Hankins**, of the North Carolina League of Municipalities, for his many years of faithful and dedicated service and lasting contributions to municipal government and congratulates him on his retirement.

Be It Further Resolved, that this resolution be made a part of the permanent records of the City of Hendersonville and that it be forwarded to **S. Ellis Hankins**.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Tammie K. Drake, City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Susan G. Frady

Department: Zoning

Date Submitted: 08/27/13

Presenter: Susan G. Frady

Date of Council Meeting to consider this item: 10/05/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05hi

Special Event: St. James Episcopal Church Picnic

The special events committee has reviewed a request by St. James Episcopal Church to close Bearcat Boulevard from N. Main Street to N. Grove Street on Sunday, September 15, 2013 for the church picnic. The picnic will extend from the church property across the street to the Bruce Drysdale School property. The request is to close this section of the street from 12:30 p.m. - 4:30 p.m. to protect foot traffic as they cross between the two properties.

The Special Events Committee voted unanimously to recommend that Council approve the event permit for the St. James Episcopal Church Picnic.

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

I move City Council approve the agenda item for St. James Episcopal Church.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Susan G. Frady

Department: Zoning

Date Submitted: 08/26/13

Presenter: Susan G. Frady

Date of Council Meeting to consider this item: 10/05/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05hii

WALK A MILE IN HER SHOES

On August 16, 2013, the Special Events Committee met and reviewed an application by Mainstay, sponsor of the Walk a Mile in Her Shoes Event to be held on Friday, October 11, 2013. Fifth Avenue will be closed from Main Street to Church Street from 3:30 p.m.-5:30 p.m. The parade will begin at 5:30 p.m. and will go from Mainstay to the Historic Courthouse.

The change this year is that a beer tent for beer samples will be set up on Tom Fazio's private lot on 5th Avenue. Beer samples only will be available at the tent from 4:30 p.m.-5:30 p.m. Mainstay has applied for a permit from the ABC Commission for this permit. The City of Hendersonville does not regulate the alcohol sales on a private lot. At 5:30 p.m. the Hendersonville Police Department will lead the walk from Mainstay to the Historic Courthouse.

The Special Events Committee voted unanimously to recommend that Council approve the event permit for the Walk A Mile In Her Shoes Event.

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

I move City Council approve the agenda item for Walk A Mile In Her Shoes.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Sam Fritschner

Department: Legal

Date Submitted: 08/27/13

Presenter: Sam Fritschner

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05i

The legal department is about to file the eminent domain actions required to acquire remaining properties to complete the Wolfpen sewer project. The Council previously passed resolutions to authorize the filing of the eminent domain actions. However, because of engineering changes since the passage of the Wolfpen resolution, certain properties for which an eminent domain action is authorized need a resolution. The resolution is attached.

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

I move Council to authorize the city attorney to file eminent domain actions with respect to the Whaley/Graves, Goforth and McBride/Wiggins properties.

Attachments:

Proposed resolution

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE ACTIONS
UNDER N.C.G.S. CHAPTER 40A WITH RESPECT TO CERTAIN REAL
PROPERTIES IN HENDERSON COUNTY**

WHEREAS the City Council finds it necessary in order to complete the construction of a sanitary sewer project near U.S. Highway 64 East in Henderson County sometimes known as the Wolfpen sewer project,

NOW, BE IT THEREFORE RESOLVED that the City Attorney be and he is hereby authorized to file actions under N.C.G.S. Chapter 40A with respect to the following identified real properties.

Property Owner	PIN
McBride, Creig Robert and Wiggins, Tasha	9670-20-4932
Whaley, Kurt Philip and Graves, Edward Sunday	9670-52-2800
Whaley, Kurt Philip and Graves, Edward Sunday	9670-52-0848
Goforth, Darlene N.	9670-53-7299
Goforth, Darlene N.	9670-53-3586
Easlan Capital of Charlotte	9680-01-0113
Jeter P. Searcy, Jr.	9670-83-0248
Jeter P. Searcy, Jr.	9670-82-9712
Mt. Bean Growers, Inc.	9670-42-2817

Adopted this fifth day of September 2013.

Barbara G. Volk, Mayor

Attest:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tom Wooten

Department: Public Works

Date Submitted: 08/28/13

Presenter: Tom Wooten

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05j

The City of Hendersonville has been awarded the Curbside Recycling Grant from the North Carolina Department of Environment and Natural Resources. This grant will reimburse the City \$75,000 for the purchase of the recycling carts. American Recycling of WNC has committed another \$25,000 toward the purchase of the recycling carts. We are prepared to move forward with the purchase of the 65 gallon recycling carts to replace the recycling bins that are currently in place. Schaefer Systems International, INC. (SSI) has offered us the option to piggy back on an existing cart order by the Town of Cary. The Town of Cary has already publicly advertised and approved the purchase of the same carts on March 26, 2013. North Carolina General Statute 143-129(g) allows for this type of purchase but requires that the governing board waive the requirement to competitively bid the equipment before purchasing said equipment. The City has advertised this request for City Council to waive the competitive bidding process for more than 10-days prior to the meeting (see attached proof of advertisement), as required in N.C.G.S. 143-129(g). We have also placed this notice on the City's website.

The purchase price for the 65 gallon recycling carts will be \$46.50 per cart which includes freight, the city logo on both sides of the cart, UHF-RFID tag, assembly, distribution to the customer, recording of cart serial numbers in electronic format, and distribution of literature with the cart. We plan to order approximately 4500 carts at a cost of \$209,250. Based on this information, staff respectfully requests City Council's consideration to first approve the waiver of competitive bidding for the 65 gallon recycling carts, and second, to approve the purchase of the carts, as described above.

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

- 1) Given that all requirements have been satisfied allowing this City Council to waive the competitive bidding process for the purchase of approximately 4500 65 gallon recycling carts described herein, in accordance with N.C.G.S. 143-129 (g), I hereby move to waive the said requirements for the purchase of said equipment, as presented and recommended by staff.
- 2) I hereby move to authorize the Public Work Director to purchase approximately 4500 65-gallon recycling carts from Schaefer Systems International, INC. in the amount of \$209,250, as presented and recommended by staff.

Attachments:

- Piggy Back Offer Letter from SSI.
- Notice of Waiver of Competitive Bidding



SYSTEMS INTERNATIONAL, INC.

May 22, 2013

10021 Westlake Drive
P.O. Box 7009
Charlotte, N.C. 28241
Phone: (704) 944-4500
Fax: (704) 588-1862
www.ssi-schaefer.us

Mr. Mike Cantrell
City of Hendersonville
305 William Street
Hendersonville, NC 28792

Dear Mr. Cantrell:

SSI Schaefer is pleased to offer a "Piggy Back" purchase for approximately 5,000, USD65 gallon universal refuse containers. The Piggy Back offer is from the Town of Cary.

Pursuant to the City of Hendersonville request, Schaefer Systems International, Inc. agrees to offer the City of Hendersonville USD65 gallon refuse containers under the same terms and conditions as Bid Dated March 26, 2013, awarded to Schaefer Systems International, Inc.

Pursuant to the City of Hendersonville request, SSI Schaefer, Inc. agrees to offer the City of Hendersonville the following, cart price (\$41.80 including freight), city logo on left and right side of container and UHF-RFID tag installed. On route door to door assembly and distribution, recording of serial numbers in electronic format and hanging of literature during deployment is \$4.70 per container.

Thank you for your consideration of SSI Schaefer. Please feel free to call with any additional questions you might have.

Sincerely,

A handwritten signature in black ink that reads "Michael L. Knaub".

Michael L. Knaub
Sr. Vice President
Managing Director
Waste Technology Division

MLK/jlb

Cc: Larry Wiegman



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: John Connet

Department: Administration

Date Submitted: 08/27/13

Presenter: Tom Wooten

Date of Council Meeting to consider this item:

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 06

Hendersonville Hero's

Each year the Martin Luther King Park Committee selects residents, past and present, who have significantly impacted our community by promoting racial harmony, enhancing cultural diversity and advancing opportunities for achievement. Each inductee has their name engraved on a brick in the park's walkway. We would like to recognize the 2012 inductees at the September 5, 2013 City Council meeting.

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

Attachments:

2012 MLK Jr. Memorial Park Inductees

MLK Jr. Memorial Park Inductees

Inductees to the Martin Luther King Jr. Memorial Park are selected from among Henderson County residents, past and present, who have significantly impacted our community by "promoting racial harmony, enhancing cultural diversity and advancing opportunities for achievement." Each inductee has their name engraved on a brick in the park's walkway. The Inductees for 2012 will include the following individuals.

Rev. Anthony and Kimbela McMinn have significantly impacted the community, both as a couple and as individuals. Rev. Anthony McMinn graduated from West Henderson High School, attended Lees McRae College and Duke University majoring in Business Administration, and shares that he was "called to the ministry" in 1990 after he and Kimbela were married. Kimbela is from Sandersville, GA, and attended Bauder College in Atlanta where she received her A.A. in Retail Marketing and Management. Anthony began his work as CEO of the Hendersonville Rescue Mission in 1993, and Kimbela began her career in banking and is currently employed at First Citizens Bank. Kimbela has served on the MLK Jr. Unity Breakfast planning committee, Habitat for Humanity Family Selection committee, and the Finance & Scholarship Vintage Carolina planning committee. She also served as co-chair of the African Cultural Committee and as a board member of the Henderson County Community Foundation. Rev. McMinn served as the Chaplain for the Hendersonville Police Department for 19 years, and as pastor of H.B. Ferguson Missionary Baptist Church for 6 years. In addition, he has served as a board member for the Boys & Girls Club, the Presbytery, and the State Employees Credit Union. He has worked on behalf of the homeless and of those with psychiatric disorders on state and national levels. Oversight of a 1.3 million dollar expansion project for the Hendersonville Rescue Mission is one of his most recent accomplishments. The McMinn's have two children, Morgan, a senior at Clemson University, and Anthony II, who will attend North Carolina A&T as a freshman in the fall. Kimbela says "my desire was not just to move to Hendersonville, but to become involved in the community using our skills, expertise, and passions to help make a difference in the lives of others."

Tom Orr is a native of Hendersonville and a 1957 graduate of Hendersonville High School. He is an outstanding educator who has impacted the lives of countless students during his 32 year teaching career with the Hendersonville city and county schools. Tom received his undergraduate degree in teaching at the University of North Carolina Chapel Hill and his masters at Western Carolina University. His passion for education and the Arts has garnered him local, state, and national recognition. Over the years, Tom has been awarded Outstanding Teacher-Mentor from NC State University, School of Mathematics and Science; Outstanding Teacher of Drama/Production and Design from NC School of the Arts; President's Award from Educational Theatre Association Educational Theatre Hall of Fame; Trustee Emeritus from the Flat Rock Playhouse; Induction in the Henderson County Education Foundation Hall of Fame; and the 2013 Education Champion award from the Henderson County Chamber of Commerce. He has authored four historic dramas depicting local history. He currently writes the "Ridge Lines" column for the Hendersonville Times News. Tom recently served as Program

Return to Agenda

Director for Henderson County Heritage Museum and was active in the restoration of the Historic Courthouse. He is presently the chair of the Main Street Advisory Committee and Henderson County Educational Historical Initiative which is developing ways to preserve and share the history of education in Henderson County. Tom was instrumental in conducting the 100th Anniversary celebration of the former Rosa Edwards Elementary school on 4th Ave., which is now the Henderson County Public Schools Central Office. He states "give to the world the best you have to give and the best will come back to you!"

Ronnie and Roxanna Pepper, known to many for their energy, inspiration, and passion for life, have worked to mentor children, encourage youth, and bring hope and guidance to those in need. The Peppers met while attending Haywood Community college in 1978. Ronnie, born and raised in Hendersonville, is a 1974 graduate of Hendersonville High School. He served 2 years in the U.S. Army and was stationed in Germany. Ronnie continued his education earning an associate's degree in Recreation Leadership and his B.A. in Early Childhood at Blue Ridge Community College (BRCC). Ronnie was employed with Western Carolina Community Action for 25 years and worked part-time as a CNA with Pardee Hospital for over 20 years. In November 2003 he was one of 10 Early Childhood Professional Award Winners featured in Scholastic's *Early Childhood Today Magazine* for his outstanding work in the field of education. In 1989, Roxanna also began working with the Head Start program and was later hired by the Children and Family Resource Center while completing her associate's in Early Childhood at BRCC. She is also a certified fitness instructor and teaches programs for the YMCA, Boys & Girls Club, as well as for community events, women's groups and area churches. Roxanna has served on the United Way Board; the African Celebration Committee; United Religion Initiative; and Henderson County Partnership for Health. Ronnie has served on the boards of the Boys & Girls Club; Blue Ridge Community Health Center; American Red Cross; and YMCA. He also served on the Day Break Lions Club, the African American Reading Project, and with the Dispute Settlement Center's Boys Group. Ronnie is a skilled storyteller and has had acting roles with the Hendersonville Little Theater, Flat Rock Theater, and Hendersonville Courthouse Players. Ronnie and Roxanna recently celebrated 34 years of marriage and have two children, Ronnie Jr. and Deanna.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Jim Rudisill

Department: Finance

Date Submitted: 08/27/13

Presenter: Jim Rudisill

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 07

Tonight we continue our efforts for the bond referendum that will be held on November 5, 2013. The attached form of proceedings will need to be approved by City Council and are listed as follows:

- (1) Hold a public hearing.
- (2) Adopt the Bond Order that was introduced at the August 1, 2013, meeting.
- (3) Pass a resolution calling for the bond referendum.

Upon approval a certified copy of the resolution will be submitted to the Board of Elections. Also attached is a copy of the suggested official ballot for the referendum. This suggested ballot will be submitted to the Board of Elections for its approval and submission to the State on September 6, 2013.

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

I move the City Council's adoption of the Bond Order and approval of the Resolution calling for the Bond Referendum to be held on November 5, 2013.

Attachments:

Bond Order and Resolution calling for the Bond Referendum.

The City Council of the City of Hendersonville, North Carolina held a regular meeting in the Council Chambers at City Hall located at 145 Fifth Avenue East in Hendersonville, North Carolina, the regular place of meeting, at 5:45 p.m. on September 5, 2013.

Present: Mayor Barbara Volk, presiding, and Council Members

Absent: Council Members

Also Present: _____

* * * * *

_____ announced that this was the hour and day fixed by the City Council for the public hearing upon the order entitled “\$6,000,000 PARKS AND RECREATION BONDS” and that the City Council would immediately hear anyone who might wish to be heard on the questions of the validity of said order or the advisability of issuing said bonds.

No one appeared, either in person or by attorney, to be heard on the questions of the validity of said order or the advisability of issuing said bonds and the City Clerk announced that no written statement relating to said questions had been received except as set forth in Exhibit A attached hereto.

Thereupon, upon motion of Council Member _____, seconded by Council Member _____, the order introduced and passed on first reading on August 1, 2013 entitled “ORDER AUTHORIZING \$6,000,000 PARKS AND RECREATION BONDS” was read a second time and placed upon its final passage. The vote upon the final passage of said order was:

Ayes: _____

Noes: _____

_____ then announced that the order entitled “ORDER AUTHORIZING \$6,000,000 PARKS AND RECREATION BONDS” had been adopted.

The City Clerk was thereupon directed to publish said order, together with the appended statement as required by The Local Government Bond Act, as amended, once in the Hendersonville Lightning.

Thereupon, _____ introduced the following resolution the title of which was read and copies of which had been previously distributed to each Council Member:

RESOLUTION CALLING FOR A BOND REFERENDUM

BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina (the “City”):

Section 1. A bond referendum is hereby called to be held on Tuesday, November 5, 2013, at which there shall be submitted to the qualified voters of the City the question stated in the form of ballot set forth in Section 4 of this resolution.

Section 2. For said referendum, (i) the registration records for elections in the City shall be used, and the registration records shall be open for the registration of qualified persons and for public inspection in the manner, under the conditions and at the times and places provided by the Henderson County Board of Elections, (ii) the chief judges, judges and assistants appointed by the Henderson County Board of Elections for the several precincts and voting places in the City shall be the precinct officers for such precincts and voting places and (iii) the precincts and voting places shall be that fixed by the Henderson County Board of Elections,

subject to change as provided by law. The Henderson County Board of Elections is hereby requested to conduct said referendum in the City and to take all necessary steps to that end in accordance with the provisions of this section.

Section 3. The City Clerk shall cause a notice to be published in the Hendersonville Lightning once at least fourteen days before October 11, 2013 (being the 25th day prior to said referendum), and once again not less than seven days before said day, such notice to read substantially as follows:

NOTICE OF BOND REFERENDUM
in the
CITY OF HENDERSONVILLE, NORTH CAROLINA

A bond referendum will be held in the City of Hendersonville, North Carolina on Tuesday, November 5, 2013 regarding approval of not to exceed \$6,000,000 PARKS AND RECREATION BONDS of said City. The proceeds of said Parks and Recreation bonds would be used for improving and expanding the existing parks and recreational facilities of said City and acquiring and constructing new parks and recreational facilities of said City, inside and outside its corporate limits, including, without limitation, the acquisition of any land, rights of way and equipment, all as more particularly detailed in the bond order adopted by the City Council of said City on September 5, 2013. If said Parks and Recreation bonds are issued, taxes in an amount sufficient to pay the principal and interest thereof may be levied upon all taxable property in the City of Hendersonville, North Carolina.

The referendum will be conducted by the Henderson County Board of Elections. The last day for new registration of those not now registered to vote is Friday, October 11, 2013. For further information and questions regarding said referendum, voter registration, procedures for those residents who have changed residences from the date of the last election, voting by

absentee ballot, one stop voting and polling places, please contact the Henderson County Board of Elections, 75 East Central Street, Hendersonville, North Carolina 28792, (828) 697-4970.

The Henderson County Board of Elections' website is <http://www.hendersoncountync.org/elections/>.

Robert Heltman
Chair, Henderson County Board of Elections

Tammie Drake
City Clerk, City of Hendersonville, North Carolina

Section 4. The form of the ballot to be used at said referendum shall be substantially as follows:

OFFICIAL BALLOT
BOND REFERENDUM
CITY OF HENDERSONVILLE, NORTH CAROLINA

November 5, 2013

Instructions

- a. To vote IN FAVOR OF THE ORDER, complete the arrow at the right of the word "YES."
- b. To vote AGAINST THE ORDER, complete the arrow at the right of the word "NO."
- c. If you tear or deface or wrongly mark this ballot, return it and get another.
- d. Use only the pen or pencil provided.

Shall the order adopted on September 5, 2013, authorizing not exceeding \$6,000,000 PARKS AND RECREATION BONDS of the City of Hendersonville, North Carolina, for the purpose of providing funds, together with any other available funds, for improving and expanding the existing parks and recreational facilities of said City and acquiring and constructing new parks and recreational facilities of said City, inside and outside its corporate limits, including, without limitation, the acquisition of any land, rights of way and equipment, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

YES []

NO []

[Facsimile of signature]
Chairman of the Henderson County Board of
Elections

Note: Language on the ballot should reflect the method of voting used by the Henderson County Board of Elections.

Section 5. The City Clerk is hereby directed to mail or deliver a certified copy of this resolution to the Henderson County Board of Elections within three days after the adoption hereof.

Section 6. This resolution shall take effect upon its passage.

Thereupon, upon motion of _____, seconded by _____, the foregoing resolution entitled "RESOLUTION CALLING A BOND REFERENDUM" was passed by the following vote:

Ayes: _____

Noes: _____

* * * * *

I, Tammie Drake, City Clerk of the City of Hendersonville, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the City Council of said City at a regular meeting held on September 5, 2013, as it relates in any way to the holding of a public hearing, the adoption of a bond order authorizing bonds of said City and the calling of a bond referendum upon such order and that said proceedings are recorded in the minutes of said City Council.

I DO HEREBY FURTHER CERTIFY proper notice of such regular meeting was given in accordance with North Carolina law.

I DO HEREBY FURTHER CERTIFY that I mailed or delivered a certified copy of the resolution passed on September 5, 2013 entitled “RESOLUTION CALLING A BOND REFERENDUM” to the Henderson County Board of Elections on or before the third day following the passage of said resolution.

WITNESS my hand and official seal of said City this 5th day of September, 2013.

City Clerk

[SEAL]

EXHIBIT A

[A list of any persons making comments and a summary of such comments to be attached. If no comments are made, please insert "None".]



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Sam Fritschner

Department: Legal

Date Submitted: 08/26/13

Presenter: Sam Fritschner

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 08

There is currently before the Council a matter concerning a proposed change to the Zoning Ordinance respecting Farm Stands. This matter was postponed from the August agenda. It appears that the City has the power by statute to enact zoning regulations affecting agriculture within the City limits, but not in the ETJ. According to Ms. Frady, there is no agricultural land in the City that would be affected by a zoning change.

The Council may pass the proposed change, but the change would not affect any existing property, and would not in the future affect any property unless either existing R-15 or R-20 City property became agricultural, or the General Assembly amended the current restrictions.

The matter has been advertised for public hearing, so it may be best to hold the hearing regardless of Council's intent as to the disposition.

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

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Sam Fritschner

Department: Legal

Date Submitted: 07/24/13

Presenter: Sue Anderson

Date of Council Meeting to consider this item: 08/01/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 08

Both the Zoning and Legal departments have received requests to permit the sale of site-grown vegetative agricultural products in the R-20 and R-15 districts. The Planning board reviewed a proposed text amendment to the zoning ordinance permitting on-site sales and recommended revisions, including a limitation of "farm stands" to 400 square feet of floor area.

The proposed amendment would define "farm stands" with the suggested 400 square foot limit and restrict sales to vegetable products grown on the farm stand parcel or contiguous parcels, allowing farm stands as a permitted use in the R-15 and R-20 districts. It would also permit agricultural uses in these districts.

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

I move that the City Council adopt an ordinance amending City of Hendersonville Zoning Ordinance Article V Zoning District Classifications, Sections 5-2-1 and 5-3-1 Permitted Uses, adding "Farm Stands" and "Agriculture" as permitted uses and Amending Article XII, Section 12-2, adding a definition of "Farm Stands."

Attachments:

Memorandum with proposed ordinance amendment.

MEMORANDUM

**Return to
Agenda**

TO: City Council

FROM: Zoning Department

RE: Text Amendment of Article V Sections 5-2-1 and 5-3-1 Permitted Uses in the R-20 Low-Density Residential and R-15 Medium-Density Residential Zoning Districts, and to Article XII Definition of Terms Section 12-2

FILE #: P13-19-T

DATE: July 24, 2013

PROJECT HISTORY

The Legal Department and Zoning Department have requested a text amendment to add farm stands to the permitted use category of the R-20 Low-Density Residential and R-15 Medium-Density Residential District Classifications. Farms Stands would include plant-based products excluding timber grown on the stand's parcel or a contiguous parcel. These products would have been produced on the parcel or a contiguous parcel of the same ownership.

Farm stands would be an accessory use to an agricultural operation. Agriculture is currently defined in Section 12-2 of the zoning ordinance as: the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. The term shall not include agricultural industries such as commercial poultry, or swine production, cattle or swine feed lots, fur bearing animal farms, commercial greenhouses, commercial fish or poultry hatcheries, and other similar activities.

Agriculture is currently permitted in the R-40, Estate Residential District and CHMU, Commercial Highway Mixed Use District Classifications. We would request adding agriculture as a permitted use to the R-20, Low-Density Residential and R-15, Medium Density Residential Districts. There are currently agricultural uses in both these districts

Farm stands are a new use. It is the opinion of the Zoning Administrator that such use would be reasonable on such parcels. A number of requests have been made for this use in residential districts in the past. The maximum size should be 800 square feet of floor area. This is the same size as is permitted for an accessory dwelling unit. Parking will be reviewed as part of the zoning compliance review and must be the same as for any other retail use. One space is required per each 250 square foot of gross floor area. For 800 square feet of gross floor area 4 parking spaces would be required.

The Planning Board reviewed this at their special meeting on June 17th and continued it to the July meeting. Per the Planning Board request, staff did additional research on size and type of structures. As shown on the Planning Board Report, the Planning Board recommended a maximum floor area of 400 square ft.

Farmers selling produce that is grown on their own property are exempt from a business license in the city. A business license is not required in the ETJ.

Listed below is the purpose of the Low- and Medium-Density Residential zoning districts and the allowed permitted uses. The uses that are underlined and the definition of farm stand reflect the requested text amendments. A map of the properties within these districts is included as well.

Section 5-2 R-20 Low-Density Residential Zoning District Classification. This zoning district classification is intended for areas in which the principal use of the land is for low-density residential or agricultural purposes.

5-2-1 Permitted Uses: The following uses are permitted by right in the R-20 Low Density Residential Zoning District Classification provided that they meet all requirements of this Section and all other requirements established in this Ordinance:

Accessory dwelling units, subject to special requirements contained in Section 16-4, below

Accessory structures

Adult care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling

Agriculture

Camps

Child care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling

Farm Stands

Home occupations

Parks

Planned residential developments (minor), subject to the requirements of Article VII, below

Religious institutions containing no more than 50,000 ft² of gross floor area

Residential dwellings, single-family

Residential dwellings, two-family

Signs, subject to the provisions of Article XIII

Telecommunications antennas, subject to special requirements contained in Section 16-4, below.

Section 5-3 R-15 Medium-Density Residential Zoning District Classification. This zoning district classification is for areas in which the principal use of land is for medium-density single-family residences. It is expected that all dwellings in such district will have access to public water supplies or public sewage disposal facilities or a reasonable expectation of such service in the future.

5-3-1 Permitted Uses: The following uses are permitted by right in the R-15 Medium Density Residential Zoning District Classification, provided that they meet all requirements of this Section and all other requirements established in this Ordinance:

Accessory dwelling units, subject to special requirements contained in Section 16-4, below

Accessory structures

Adult care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling

Agriculture

Camps

Child care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling

Farm Stands

Home occupations

Parks

Planned residential developments (minor), subject to the requirements of Article VII, below

Religious institutions containing no more than 50,000 ft² of gross floor area (amended 09-07-00)

Residential dwellings, single-family

Residential dwellings, two-family

Signs, subject to the provisions of Article XIII

Telecommunications antennas, subject to special requirements contained in Section 16-4, below.

Section 12-2 Definition of Commonly Used Words and Terms

Farm Stand: An structure, whether accessory or otherwise, from which is sold at retail the vegetative products (meaning all plants and plant products other than timber) of a agricultural operation conducted on the parcel on which the structure is situated, or produced on contiguous parcels if the ownership of such parcels is identical to that on which the structure is situated. The maximum size of the structure shall not exceed 400 square feet of gross floor area.

COMPREHENSIVE PLAN

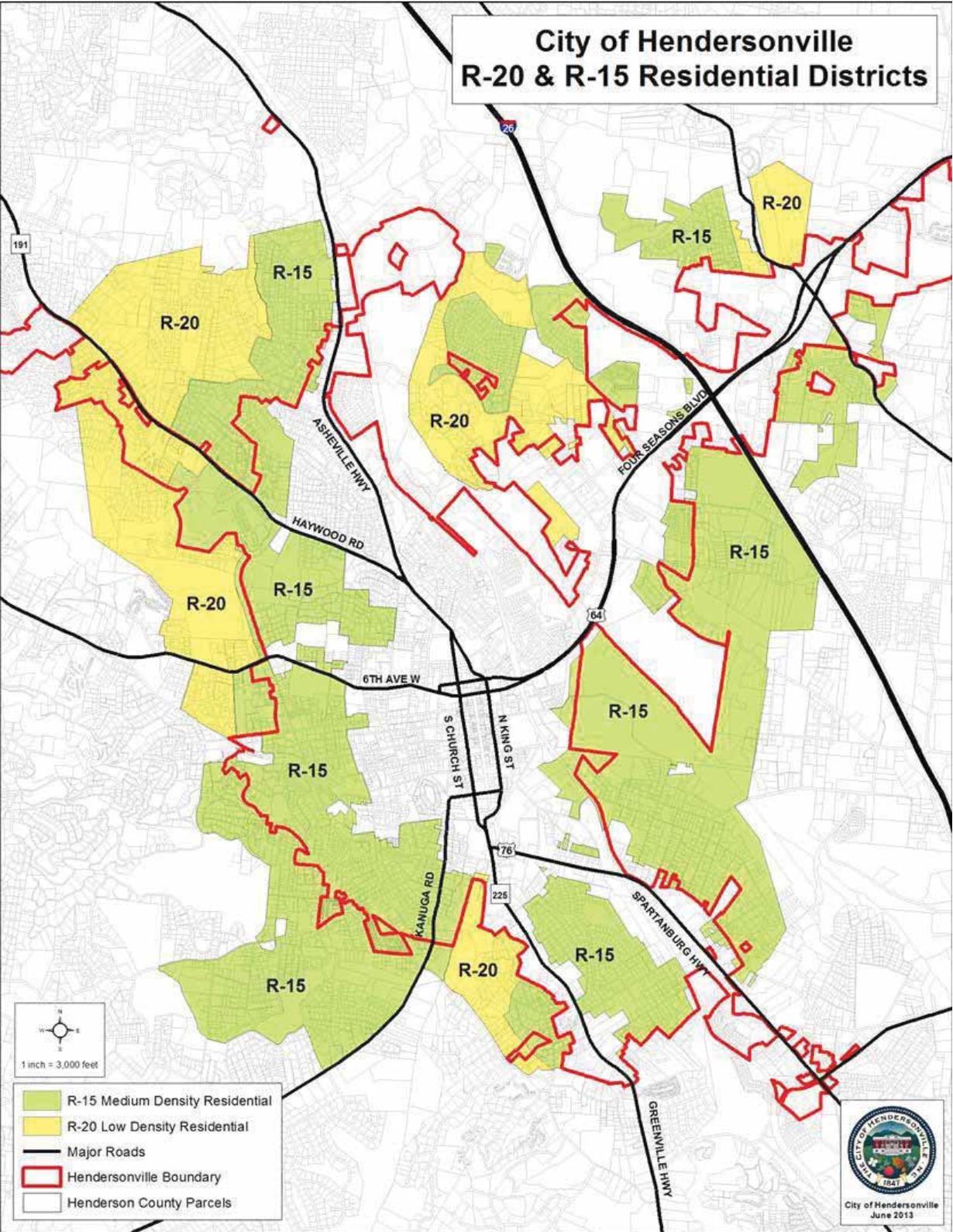
Goal LU-1 in Chapter 8 of the 2030 Comprehensive Plan recommends encouraging

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infill development that utilizes existing infrastructure in order to maximize public investment and revitalize existing neighborhoods. Adding Farm Stand to the R-20 and R-15 zoning districts will provide additional use options for properties with this zoning designation.

EXAMPLES OF FARM STANDS IN HENDERSON COUNTY ARE SHOWN BELOW:





ZONING ORDINANCE GUIDELINES

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

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

SUGGESTED MOTIONS

For Recommending Approval:

I move that the City Council adopt an ordinance amending City of Hendersonville zoning ordinance Article V zoning district classifications, sections 5-2-1 and 5-3-1 permitted uses, adding "farm stands" and "agriculture" as permitted uses and amending Article XII, section 12-2, adding a definition of "farm stands."

[PLEASE STATE YOUR REASONS]

AN ORDINANCE AMENDING ARTICLE V SECTIONS 5-2-1 AND 5-3-1 OF THE ZONING ORDINANCE OF THE CITY OF HENDERSONVILLE ADDING FARM STANDS AND AGRICULTURE AS PERMITTED USES IN THE R-20 LOW-DENSITY RESIDENTIAL AND R-15 MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT CLASSIFICATIONS AND AMENDING ARTICLE XII DEFINITION OF TERMS PERTAINING TO FARM STANDS

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

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

WHEREAS, the City of Hendersonville desires to amend those regulations with regards to permitted uses.

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

1. Article V Zoning District Classifications, Section 5-2-1 Permitted Uses and Section 5-3-1 Permitted Uses is hereby amended to include the following permitted uses:

Farm Stands

Agriculture

2. Article XII Definition of Terms Section 12-2 is hereby amended to include a definition for Farm Stand as follows:

Farm Stand: A structure, whether accessory or otherwise, from which is sold at retail the vegetative products (meaning all plants and plant products other than timber) of a farming operation conducted on the parcel on which the structure is situated, or produced on contiguous parcels if the ownership of such parcels is identical to that on which the structure is situated. The maximum size of the structure shall not exceed 800 square feet of gross floor area.

3. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 9-8 of the Zoning Ordinance.
4. All ordinances or parts of ordinances in conflict with this ordinance are hereby

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repealed to the extent of such conflict.

5. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.
6. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.
7. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this ____ day of _____, 2013

Barbara Volk, Mayor

Attest:

Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

City of Hendersonville

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PLANNING BOARD REPORT

Project Name: Text Amendment of City of Hendersonville Zoning Ordinance Article V Zoning District Classifications, Section 5-2-1 Permitted Uses and 5-3-1 Permitted Uses, adding "Farm Stands" as a permitted use to the R-20 Low Density Residential Zoning District and to the R-15 Medium Density Residential Zoning District and Amending Article XII to define "Farm Stands"

File Number:

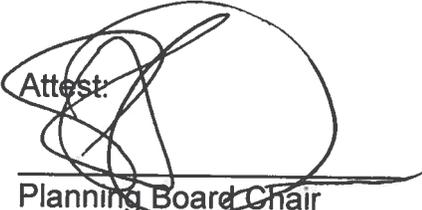
Approval – The text amendment is consistent with all of the objectives and policies for growth and development contained in the City of Hendersonville's Zoning Ordinance and 2030 Comprehensive Plan.

Approval With Amendment – The text amendment is consistent with all of the objectives and policies for growth and development contained in the City of Hendersonville's Zoning Ordinance and 2030 Comprehensive Plan. The Planning Board recommends the following amendment(s). *Max s.f. floor area 400 sq ft*

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

This report reflects the recommendation of the Planning Board, this the ~~17th~~ ^{8th July} day of June, 2013.

Attest:


Planning Board Chair


Planning Director



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Lee Smith

Department: Water/Sewer

Date Submitted: 08/28/13

Presenter: Lee Smith

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 09

A part of the Rural Center's requirements for the infrastructure grant, obtained by Henderson County for the Academy Road Water System Improvements Project, is for the City to affirm that our rates meet the high unit cost threshold. This means a water customer using 5,000-gallons in a billing period would pay no more for this water annually than 0.75% of the median household income (MHI) for Henderson County. The 2012 MHI for Henderson County was \$49,857 (see table from Rural Center website) which means that customer would pay \$30.03 (\$4.33/1000-gallons outside usage rate + \$8.38 outside base charge) per month times 12-months = \$360.36 or 0.72% of the MHI which is below the 0.75% threshold required by the Rural Center. A resolution is attached to affirm this rate.

Another part of the Rural Center's requirements is for the City to approve a capital project ordinance for the Academy Road Water System Improvements Project in the amount of \$953,500.00, which is now the estimated cost for this project. A resolution is attached for review and approval.

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

I move to approve a resolution that affirms that the City's water rates meet the high unit cost threshold of 0.75% or less of the median household income for Henderson County, as presented and recommended by staff.

I move to adopt the capital project ordinance for the Academy Road Water System Improvements Project in the amount of \$953,500.00, as present and recommended by staff.

Attachments:

Resolution affirming that City water rates meet the high unit cost threshold of 0.75% or less of the median household income for Henderson County.

Capital project ordinance for the Academy Road Water System Improvements Project.

North Carolina Rural Economic Development Center

County Profile for Henderson County

Population

Total Population (2010)	106,740
Population Density (2010)	286
Total Population (2000)	89,173
Percent Population Change (2000-2010)	19.7%
Percent American Indian (2010)	0%
Percent Asian (2010)	1%
Percent Black (2010)	3%
Percent Hispanic (2010)	10%
Percent White (2010)	84%
Median Age (2010)	45.4
Percent Under 18 (2010)	21%
Percent 18 to 29 Years (2010)	11%
Percent 30 to 64 years (2010)	46%
Percent 65 Or Over (2010)	22%
Percent Born in NC (2006-2010)	46%

Income and Poverty

Median Household Income (2010)	\$43,589
Median Household Income 2000 (2010 Dollars)	\$49,857
Per Capita Income (2006-2010)	\$26,061
Poverty Rate (2010)	16%
Child Poverty Rate (2010)	25%
Elderly Poverty Rate (2006-2010)	8%
Percent Receiving Food Assistance (2010)	9%

Housing

Home Ownership Rate (2010)	75%
Percent Substandard Housing (2006-2010)	2%
Percent Unaffordable Housing (2006-2010)	28%

Health

Infant Mortality Rate, per 1,000 Live Births (2010)	7.5
Percent Uninsured (2009)	20%
Physicians, per 10,000 Population (2010)	22.6

Education

Students Passing End of Grade Exams (2012)	76%
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Graduation Rate (2012)	85%
Per Student Expenditures K-12 (2011)	\$8,104
Bachelor's Degree or Higher (2006-2010)	27%
Associate's Degree (2006-2010)	9%
High School Diploma (2006-2010)	27%
Less Than High School Diploma (2006-2010)	13%
Labor Force and Employment	
Labor Force (2011)	50,899
Number Unemployed (2011)	4,171
Unemployment Rate (2011)	8%
Percent Working in Manufacturing (2011)	15%
Percent Working in Health Care (2011)	19%
Percent Working in Public Administration (2011)	14%
Other	
Crime Rate, per 1,000 Residents (2011)	23.4
Economic Tier Designation (2012)	3
Property Tax Rate (2012)	\$0.51
Rural or Urban Region	Rural
Agriculture and Natural Resources	
Total Farms (2007)	557
Average Farm Size (2007)	68
Total Agricultural Receipts (2010)	\$94,897,777
Total Crop Receipts (2010)	\$85,811,000
Total Livestock Receipts (2010)	\$8,693,000

Updated October, 2012

N.C. Rural Economic Development Center
4021 Carya Drive, Raleigh, NC 27610
www.ncruralcenter.org



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DRAFT – to be printed on letterhead – delete this line

**RESOLUTION BY GOVERNING BODY OF THE APPLICANT AFFIRMING RATES
MEET THE HIGH UNIT COST THRESHOLD**

WHEREAS, The City of Hendersonville has need for and intends to construct a distribution system, project described as a waterline to serve residents with contaminated wells and

WHEREAS, The City of Hendersonville intends to request grant assistance from Clean the NC Rural Economic Development Center for the project; and is affirming the rates are at least 1.5%, for water and sewer, or 0.75%, for water or sewer, of the Median Household Income (MHI) to be eligible to receive assistance from this Program.

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

That the City of Hendersonville will maintain their water and sewer rates at a minimum of 1.5%, for water and sewer, or 0.75%, for water or sewer rates, the current MHI before contracting the aforementioned water project with the NC Rural Economic Development Center, if approved for a grant.

Adopted the 5th day of September 2013 at Hendersonville, North Carolina.

_____ SIGNATURE OF CHIEF ELECTED OFFICIAL/AUTHORIZED REPRESENTATIVE	_____ DATE
Barbara Volk	, Mayor

ATTEST:

(Seal) ↴

City Clerk

Capital Project Ordinance

BE IT ORDAINED by the Governing Board of the City of Hendersonville, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the construction of a water line to provide treated water to the Dana Community in eastern Henderson County from the existing distribution system of the City of Hendersonville, to be financed by a NC Rural Economic Development Grant, NC DENR – Bernard Allen Funds, and local funds provided by the City of Hendersonville.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the bond resolution, grant documents, and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Construction	<u>\$953,500</u>
	<u>\$953,500</u>

Section 4. The following revenues are anticipated to be available to complete this project:

Rural Center Grant	\$300,000
Bernard Allen	190,000
CDBG or City of Hendersonville	<u>463,500</u>
	<u>\$953,500</u>

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal regulations. The terms of the bond resolution also shall be met.

Section 6. Funds may be advanced from the Water and Sewer Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted 5th of September 2013.

Mayor

ATTEST:

Clerk

(Seal)



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: John Connet

Department: Administration

Date Submitted: 08/27/13

Presenter: John Connet/Lee Smith

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 10

Over the last couple of months, we have been working with Martin-McGill to provide the City Council with options regarding System Development Charges. We will formally present two options to the City Council for your consideration. We will ask that you provide us with your feedback and direct staff to share this information with community stakeholders. Our intention is to request formal adoption of the new System Development Charges and Policy at your October 3, 2013 City Council meeting.

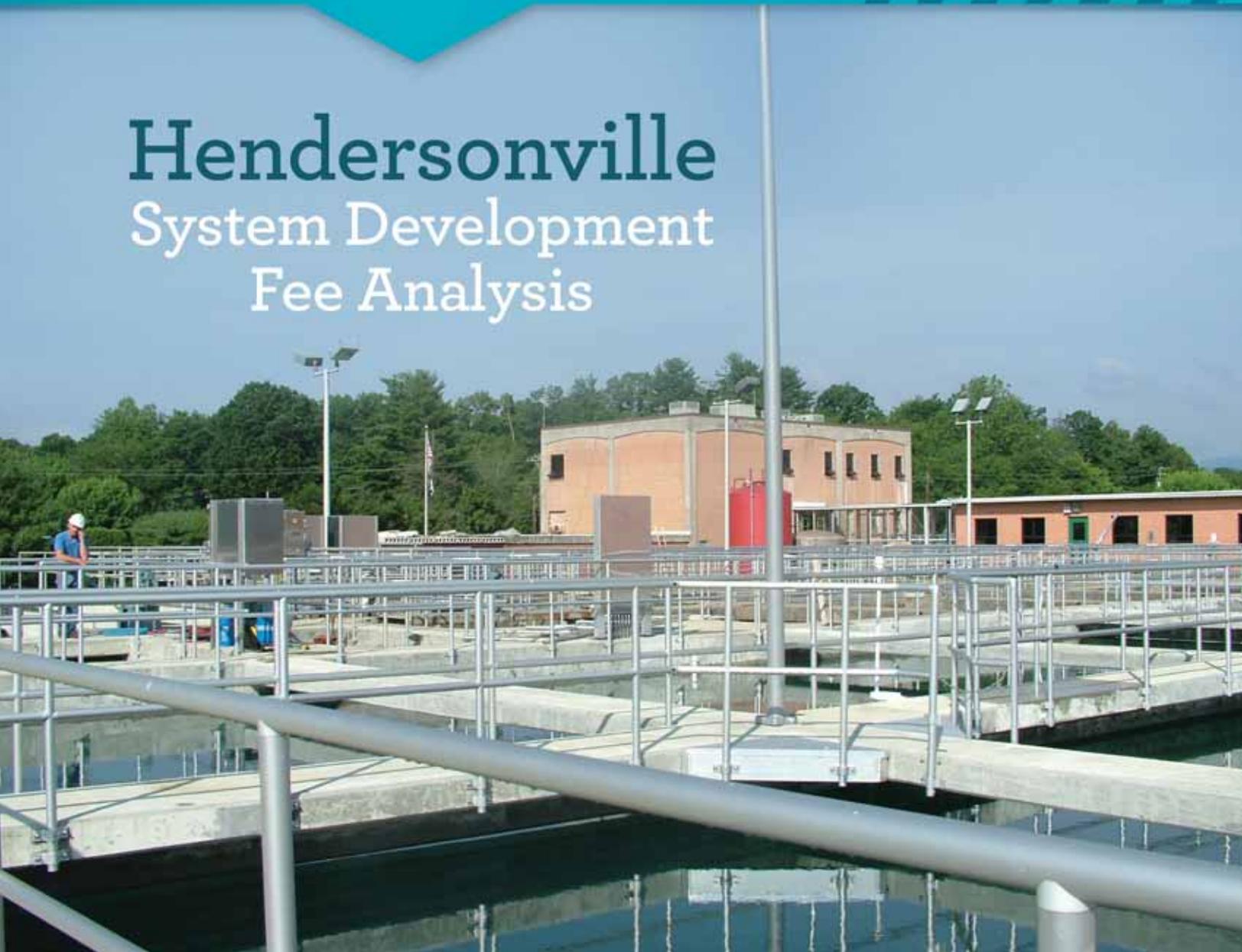
Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

Attachments:

System Development Fee Alternatives



Hendersonville System Development Fee Analysis



Memorandum

TO: *John Connet*

FROM: *Dennie Martin*

DATE: *August 29, 2013*

SUBJECT: *Hendersonville System Development Fee Analysis*

We have reviewed the City of Hendersonville's Water and Sewer asset depreciation schedule, available GIS data and user data to identify alternative approaches to System Development Fee (SDF) structures. These fees are one-time charges imposed at the time of connection to the system, or when development permits are issued. They are designed to recover all or a portion of the capital investment made by the City to provide sufficient capacity in its system to serve new users. It should be emphasized that SDFs are charged to only new customers and actually save existing users substantial capital costs over time. There are no laws or requirements about fee design. The various methods are aids to differentiate the magnitude of usage between customers.

The following are notable SDF attributes according to the University of North Carolina Environmental Finance Center's latest survey:

- 39% of water and 48% of sewer rate structures in North Carolina charge SDFs.
- Nearly 77% of SDFs either vary by meter size or are fixed. Fees based upon usage, acreage, square footage, number of bedrooms, or line size are uncommon in North Carolina.
- Statewide average residential water and sewer SDFs are approximately \$1,000 and \$1,300 respectively.
- Nearly 88% of SDFs do not differentiate inside users from outside users.

A survey of fees charged by other providers is shown in the Appendix.

Five alternative fee schedules were initially reviewed and presented to the City. After reviewing the alternatives, the consensus was to pursue an American Water Works Association (AWWA) methodology because it was defensible, relatively easy to explain to customers, and easy to implement. Below are two variations to the AWWA approach for your consideration:

- Alternative 1 - AWWA fees that are based on full values of water and sewer systems.
- Alternative 2 - AWWA fees that are based on partial values of water and sewer systems.

Our approach and conclusions are as follows:

ALTERNATIVE 1 - AWWA EQUITY

SDFs using the AWWA Equity methodology are derived from estimated values for the water and sewer system's assets instead of future capital needs. The methodology begins with assigning values to the water and sewer systems. The calculation of the values uses a tabulation of water and sewer assets derived from the City's depreciation report and other sources. The values are separated and assigned to either water or sewer. When no information is available to allocate an asset to water or sewer, it is assigned equally between each.

Because the City's depreciation report lacks records of the water pumps, sewer lift stations, and some water and sewer lines, we have analyzed the latest available GIS data for those assets. This GIS data, showing the ages, materials, diameters, and linear feet, was used to determine a value of the components using today's hard and soft costs for line installation. Any line, water pump, and lift station data from the depreciation report was replaced with the data derived from the GIS reports. It is estimated that the water system's replacement value is approximately \$94.2 million and the sewer system value is approximately \$40.8 million, as shown in Table 1. However, to account for outstanding debt on the system, the principal balances of the fund's five loans totaling \$22,727,423 are deducted from the water and sewer systems' values to determine the net system value. After debt is considered, the net value of the water system is approximately \$83.2 million and the net value of the sewer system is approximately \$29 million. These values have been reviewed by the City's finance director and auditor.

TABLE 1		
HENDERSONVILLE WATER AND SEWER FUND		
WATER & SEWER SYSTEMS ESTIMATED VALUES		
	<i>DEPRECIATED VALUE</i>	<i>DEBT BALANCE</i>
WATER		
LAND	\$1,308,846	
PLANT & BUILDINGS	\$21,330,957	
EQUIPMENT & METERS	\$4,038,657	
PUMPS *	\$2,792,000	
TANKS & RESERVOIR	\$3,359,509	
VEHICLES	\$407,174	
2013 CAPITAL OUTLAY	\$171,870	
LINES *	\$60,773,250	
DEBT		\$10,927,792
SUBTOTAL WATER SYSTEM VALUE	\$94,182,262	\$83,254,470
	69.73%	74.12%
SEWER		
LAND	\$183,120	
PLANT & BUILDINGS	\$13,807,489	
EQUIPMENT	\$55,655	
LIFT STATIONS *	\$3,219,750	
VEHICLES	\$331,112	
2013 CAPITAL OUTLAY	\$738,914	
LINES *	\$30,177,108	
DEBT		\$11,799,631
SUBTOTAL SEWER SYSTEM VALUE	\$40,876,603	\$29,076,972
	30.27%	25.88%
TOTAL WATER AND SEWER SYSTEMS VALUE	\$135,058,865	\$112,331,442
	100.00%	100.00%
NOTES AND ASSUMPTIONS:		
* ESTIMATED DEPRECIATED REPLACEMENT VALUE DERIVED FROM GIS DATA.		
LINE VALUES INCLUDE VALVES, MANHOLES, AND OTHER EQUIPMENT PLUS ALL RELATED SOFT COSTS.		

In order to allocate the two system values to users, an analysis of existing system usage is necessary to determine the equivalent units of current customers. First, residential users are separated from non-residential users. Then, the average monthly flow per residential user is calculated using historical flow data. As seen in Table 2, there are 5,074 residential inside water users, 17,858 residential outside water users, 4,821 residential inside sewer users and 1,986 residential outside sewer users with average monthly flows ranging from 2,794 to 3,462 gallons.

TABLE 2						
HENDERSONVILLE WATER AND SEWER FUND						
USER EQUIVALENTS						
			Monthly	Annual	Average Monthly	
		Number	Consumption	Consumption	Consumption per User	User
		of users	in gallons	in gallons	in gallons	Equivalents
Water	Residential Inside	5,074	14,182,875	170,194,500	2,795	4,279
	Residential Outside	17,858	61,832,350	741,988,200	3,462	18,653
	Non-residential Inside	1,507	25,116,692	301,400,300		7,577
	Non-residential Outside	1,073	40,010,867	480,130,400		12,070
	Wholesale	2	6,477,592	77,731,100		1,954
	TOTAL		25,514	147,620,375	1,771,444,500	3,315
Sewer	Residential Inside	4,821	13,471,158	161,653,900	2,794	4,683
	Residential Outside	1,986	6,108,825	73,305,900	3,076	2,124
	Non-residential Inside	1,445	22,552,483	270,629,800		7,840
	Non-residential Outside	251	7,545,125	90,541,500		2,623
	TOTAL		8,503	49,677,592	596,131,100	2,876

To account for the non-residential usage, which is usually higher per customer than residential usage, one must convert the number of non-residential users into residential user equivalents. This is performed by taking the total flow of all non-residential users and dividing it by the average flow of one residential user. Table 2 shows that the 1,507, 1,073, and two (2) inside, outside and wholesale customers' monthly usage of 25.1 million, 40 million, and 6.5 million gallons respectively are equivalent to 7,577 inside, 12,070 outside residential water customers, when using a weighted average residential monthly flow of 3,315 gallons. Using the same methodology for sewer, the 1,445 and 251 inside and outside non-residential sewer users are equivalent to 7,840 and 2,623 residential inside and outside sewer users. Lastly, the number of sewer residential users are added to the user equivalents derived from non-residential users, to total 44,534 water and 17,270 sewer residential user equivalents.

When the water and sewer system net values are divided by their respective number of user equivalents, a System Development Fee for a ¾ inch meter is calculated to be \$1,869 for water and \$1,684 for sewer, as shown in Table 3.

TABLE 3		
HENDERSONVILLE WATER AND SEWER FUND		
SYSTEM DEVELOPMENT FEES		
TOTAL VALUE OF WATER SYSTEM	\$94,182,262	
LESS OUTSTANDING DEBT PRINCIPAL	\$10,927,792	
NET	\$83,254,470	
DIVIDED BY RESIDENTIAL USER EQUIVALENTS	44,534	
SYSTEM DEVELOPMENT FEE FOR 3/4 INCH METERS	\$1,869	WATER
TOTAL VALUE OF SEWER SYSTEM	\$40,876,603	
LESS OUTSTANDING DEBT PRINCIPAL	\$11,799,631	
NET	\$29,076,972	
DIVIDED BY RESIDENTIAL USER EQUIVALENTS	17,270	
SYSTEM DEVELOPMENT FEE FOR 3/4 INCH METERS	\$1,684	SEWER

The fees for meter sizes larger than ¾ inch are calculated by prorating the ¾ inch meter size by the maximum flow factor of each meter, as shown in Table 4.

TABLE 4			
HENDERSONVILLE WATER AND SEWER FUND			
SYSTEM DEVELOPMENT FEES FOR VARIOUS METER SIZES			
ALTERNATIVE 1 - AWWA EQUITY / FULL VALUE			
<i>Connection size</i>	<i>Max flow</i>	<i>Water</i>	<i>Sewer</i>
<i>(inches)</i>	<i>gpm</i>		
3/4	30	\$1,900	\$1,700
1	50	\$3,100	\$2,800
1.5	100	\$6,200	\$5,600
2	160	\$10,000	\$9,000
3	320	\$19,900	\$18,000
4	500	\$31,200	\$28,100
6	1000	\$62,300	\$56,100
8	1600	\$99,700	\$89,800
10+	2300	\$143,300	\$129,100

As an alternative to applying flow rate factors to all meter sizes and charging higher fees to users with larger meters, the City may limit its fees to a specific meter size. For example, any connection using a meter larger than eight inches could be charged the eight inch fee.

ALTERNATIVE 2 - AWWA EQUITY USING PARTIAL VALUE

Another alternative that helps manage the magnitude of fees is one that utilizes 75% of the system values. When valuation assumptions are made where historic information is not available, it is common for system values to be high considering the modified approach. An alternative to address this potential for over-valuing assets would be to discount the total valuation by a factor that the City deems appropriate to compensate for a potential difference in value. SDFs for ¾-inch meters compute to \$1,430 and \$1,280 for water and sewer users. The fees for meter sizes larger than ¾ inch are also calculated by prorating the ¾ inch meter size by the maximum flow factor of each meter, as shown in Table 5.

TABLE 5			
HENDERSONVILLE WATER AND SEWER FUND			
SYSTEM DEVELOPMENT FEES FOR VARIOUS METER SIZES			
ALTERNATIVE 2 - AWWA EQUITY / 75% VALUE			
<i>Connection size</i>	<i>Max flow</i>	<i>Water</i>	<i>Sewer</i>
<i>(inches)</i>	<i>gpm</i>		
¾	30	\$1,430	\$1,280
1	50	\$2,330	\$2,100
1.5	100	\$4,650	\$4,200
2	160	\$7,500	\$6,750
3	320	\$14,930	\$13,500
4	500	\$23,400	\$21,080
6	1000	\$46,730	\$42,080
8	1600	\$74,780	\$67,350
10+	2300	\$107,480	\$96,830

CONCLUSIONS

Sample user charges for the two AWWA methodology based fee alternatives are compared to the FY 2012 and current fees in Table 6. It shows the lowest fees for each sample user in green and the highest fees in red. Alternative 2 includes the majority of the lowest sewer fees but at a consequence of generating less sewer revenue for the City based upon actual connections in FY 2013. In contrast, Alternative 1 and the FY 2013 rates charge some of the highest fees and revenues.

The City's past SDFs have provided a diversification of the City's water and sewer fund revenue stream and a revenue source that lessens future water and sewer rate increases. They have produced an average of \$299,000 annually during the past five years and even greater amounts prior to current economic conditions. This average savings is equivalent to an approximate 2% increase in water and sewer rates. Regardless of the selected alternative, these fees should be viewed as important to ensure the equitable distribution of cost responsibilities between existing and future rate payers. Consequently, they should be reviewed every three to five years to account for changes in system usage and valuation.

Finally, the methodology utilized to develop SDFs should be viewed as a beginning point to be modified and managed to meet the unique circumstances and needs of the community. The structure adopted should be accompanied by a statement of policy that provides the governing board with some degree of flexibility to address unique situations such as public health and economic development. The policy should also serve to assist managers to understand and implement the full extent of the Board's objectives.

**TABLE 6
HENDERSONVILLE WATER AND SEWER FUND
COMPARISON OF SYSTEM DEVELOPMENT FEE ALTERNATIVES**

Connection size (inches)	Monthly usage	Hendersonville 2013		Hendersonville 2012		Alternative 1 (AWWA - Full Value)		Alternative 2 (AWWA - 75% Value)	
		Water	Sewer	Water	Sewer	Water	Sewer	Water	Sewer
3/4-inch	5,000	\$ 333	\$ 648	\$ 800	\$ 1,375	\$ 1,900	\$ 1,700	\$ 1,430	\$ 1,280
3/4-inch	10,000	\$ 667	\$ 1,296	\$ 800	\$ 1,375	\$ 1,900	\$ 1,700	\$ 1,430	\$ 1,280
1-inch	25,000	\$ 1,667	\$ 3,241	\$ 2,400	\$ 4,125	\$ 3,100	\$ 2,800	\$ 2,330	\$ 2,100
1-inch (Restaurant)	120,000	\$ 8,000	\$ 15,556	\$ 2,400	\$ 4,125	\$ 3,100	\$ 2,800	\$ 2,330	\$ 2,100
2-inch	100,000	\$ 6,667	\$ 12,963	\$ 5,600	\$ 9,625	\$ 10,000	\$ 9,000	\$ 7,500	\$ 6,750
2-inch (Car Wash)	420,000	\$ 28,000	\$ 54,444	\$ 5,600	\$ 9,625	\$ 10,000	\$ 9,000	\$ 7,500	\$ 6,750
4-inch	500,000	\$ 33,333	\$ 64,815	\$ 12,800	\$ 22,000	\$ 31,200	\$ 28,100	\$ 23,400	\$ 21,080
6-inch	1,000,000	\$ 66,667	\$ 129,630	\$ 32,000	\$ 55,000	\$ 62,300	\$ 56,100	\$ 46,730	\$ 42,080
Revenue produced based on new connections for past 12		\$ 130,000	\$ 96,000	\$ 213,000	\$ 122,000	\$ 464,000	\$ 137,000	\$ 349,000	\$ 103,000

Revenues based on the following connections:

Water Residential 3/4	176
Water Non-residential 3/4	20
Water Non-residential 1	7
Water Non-residential 2	7
Sewer Residential 3/4	53
Sewer Non-residential 3/4	5
Sewer Non-residential 1	1
Sewer Non-residential 2	4

Green and red colors indicate lowest and highest charges respectively per sample user and service.
Annual revenue varies between alternatives.

**APPENDIX
HENDERSONVILLE WATER AND SEWER FUND
SYSTEM DEVELOPMENT FEES OF OTHER PROVIDERS**

PROVIDER	TYPE	RESIDENTIAL		COMMERCIAL		NOTES
		WATER	SEWER	WATER	SEWER	
Asheville	Meter Size	\$ 1,125	N/A	\$2,775 - \$128,350	N/A	Does not include sewer
MSD	Meter Size	N/A	\$ 2,500	N/A	\$2,500 - \$237,500	Does not include water
Concord	Meter Size	\$ 1,089	\$ 800	\$1,851 - \$156,054	\$1,360 - \$114,640	
Fayetteville	Meter Size	\$ 540	\$ 720	Engineer estimates		
Hickory	Meter Size	\$ 484	\$ 522	\$902 - \$24,799	\$1,005 - \$20,115	Double for Outside
Marion	Meter Size	\$ 540	\$ 360	\$540 - \$112,500	\$360 - \$69,840	2.5x for Outside
Mooresville	Meter Size	\$ 2,600	\$ 1,880	\$2,600 - \$65,000	\$1,880 - \$84,500	
Shelby	Meter Size	\$ 200	\$ 500	\$200 - \$4,000	\$500 - \$4,000	
Statesville	Meter Size	\$ 652	\$ 2,705	\$1,087 - \$67,400	\$4,508 - \$279,502	
Waynesville	Meter & Flow	\$ 400	\$2.50 / gpd	\$400 - \$20,000	\$2.50 / gpd	Double for Outside



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Lee Smith

Department: Water/Sewer

Date Submitted: 08/28/13

Presenter: Lee Smith

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 11

As you know, City staff has been developing a permitting program that will allow licensed plumbers to access meter boxes housing small meters (3/4-in. and 1-in.), but does not allow access to any meters larger than 1-inch. The purpose for this permitting is to allow other authorized individuals access these meter boxes in order to install customer-side shut-off valves in a more timely manner for our customers desiring same. On July 11, 2013 City Council approved an amendment to the City Codes of Ordinances (Chapter 52, Article I, Section 52.13) that authorizes City staff to allow other individuals, other than City staff, to access these meter boxes.

A part of this permitting process will involve a brief training course that staff is currently developing, that will provide those accessing these meter boxes the knowledge required to work safely around the equipment inside these boxes. This training will be required for each and every individual accessing these small, metered services. Obviously, this training along with the permitting will require staff time and we would like to recommend that this time be compensated for by those benefitting directly from this process. For this reason, staff respectfully requests City Council's consideration of setting a fee of \$50.00 for covering the cost of permitting and training. This fee would be assessed to each individual, company or corporation desiring to participate in this program and the fee would be effective on January 1 and would expire on December 31 of each year.

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

I move to approve the proposed permitting procedure, and associated annual fee of \$50.00, associated with the small water meter box access program, as presented and recommended by staff.

Attachments:

Proposed permitting procedure.



**Return to
Agenda**

Permit No. 13-000

SMALL WATER SERVICE - METER BOX ACCESS PERMIT

To allow access of authorized individuals, corporations or companies to City owned and maintained small water service meter boxes, defined as those water services containing 3/4-inch or 1-inch water meters, only for reasons specified herein.

In compliance with the provisions of the Hendersonville City Code, the regulations of the State of North Carolina and other lawful standards;

Name Here

is hereby authorized to have access to only small water service meter boxes owned by the City in accordance with the conditions set forth in the application for this permit.

Small Water Service Meter Box Access Permits are issued to the individual, corporation or company providing either surety bond or insurance, described later herein, with certification cards being issued to those authorized representatives who have successfully completed a required training session regarding entry into small water service meter boxes owned and operated by the City. A permit shall not be reassigned or transferred to a new owner.

This permit shall become effective **September 6, 2013**.

This permit and the authorization to have access to residential water meter boxes shall expire at midnight on December 31, 2013.

Signed this **6th** day of **September**, 2013.

Lee Smith
Utilities Director

Hendersonville Water and Sewer
by Authority of the City of Hendersonville City Council



APPLICATION FOR ACCESSING SMALL WATER SERVICE METER BOXES

Hendersonville Water and Sewer, a department of the City of Hendersonville, owns, operates and maintains a water distribution system required to serve its customers. The department has adopted this operating policy in order to clearly state the procedure to be followed by those authorized individuals, corporations or companies that maintain a valid North Carolina plumbing license issued by the *State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors* regarding limited access to the City's small water service meter boxes (previously defined above). The actions so authorized in this policy are in accordance with the City's Code of Ordinances, Chapter 52 – Utilities, Article I, Section 52-13.

1. Individuals, corporations or companies completing a *small water service meter box access application* shall maintain a valid NC plumbing license. If no license can be identified by the City or the license is determined to be expired or otherwise invalid, the application shall be considered incomplete and shall not be approved by the City.
2. All Applicants shall provide a copy of their plumbing license and a certificate of insurance with their application. If said application is so approved, permittees shall provide the City with all updates and renewals associated with these documents.
3. All Applicants shall retain a surety bond or shall include the City on their insurance policy as an additional Insured; and shall provide proof of same to the City. This coverage shall be equal to or greater than the City's existing insurance coverage (see *Attachment 1*). Coverage shall include, but is not limited to, damage to equipment inside meter box (i.e., meter, MXU, cabling, antenna, shut off valve, etc.); damage to meter box and/or lid; loss of unmetered water; damage to private property – grounds and inside home; damage to sidewalk, driveway and/or street. Coverage amount shall be no less than \$5,000 per incident.
4. It shall be the Permittee's responsibility to report any known violations of this policy to the City immediately.
5. Any authorized individual, corporation or company found to be violation of this policy shall be denied the privilege of access to all water meter boxes within the City's water distribution system and their access permit shall be revoked immediately.
6. Please include **insurance** carrier of **surety** bonding company, including contact information, and a copy of your certificate of insurance with the City named as an additional Insured with coverage of no less than **\$5,000** per incident.



7. It shall be the responsibility of the Permittee to submit a monthly report (see *Attachment 2*) to the City which shall include the homeowner's name and physical address where new cut-off valves have been installed for our customers during the previous month. Failure to do so shall result in the revocation of the Permittee's access permit. These reports shall be submitted to Bill Ashbrook, Environmental Services Coordination, 305 Williams St., Hendersonville, NC 28792 or bashbrook@cityofhendersonville.org. These reports shall be received by the City no later than the 15th day following the reporting month.
8. Any individual applying for a permit shall be required to attend a certification workshop that will provide training necessary for understanding the equipment and wiring contained within each small water service meter box. If a company or corporation intends to include multiple individuals on their permit, each individual shall attend this required training, as scheduled, prior to receiving a certification card. Each individual that attends this workshop shall be issued a wallet-size certification that shall be carried at all time, specifically when isolating a customer's service inside a small water service meter box. If a member of City staff requests to see a certification card and that individual is not able to provide evidence of said card within 24-hours of the request, that individual's certification shall be revoked until the following renewal period. If said individual was never attended the required training and was never issued a certification card that individual shall not be eligible to apply for certification.
9. If damage is done inside or around the small water service meter box, it shall be the responsibility of the certificate holder that caused the damage to report said damage to Hendersonville Water and Sewer immediately at (828) 697-3073 or (828) 891-7779 – after hours, on weekends and holidays. If damage is not reported immediately and City staff discover the damage at a later time, City staff shall make the repair and shall then file a claim against the Permittee's insurance or surety company for the amount required to complete the repair including, but limited to, costs for manpower, equipment, and parts/materials. In addition to this claim, the Permittee responsible for the damage shall have his or her permit revoked immediately and for a period of no less than twelve months from the date of revocation.



AGREEMENT

I _____, representing _____,
agree to abide by the policy described above in order to access small water service water meter
boxes, owned by the City of Hendersonville, for only the purposes described herein; and also
agrees to indemnify and hold harmless the City of Hendersonville and its employees, agents and
representatives from and against any losses, costs, damages, and expenses resulting from claims
for bodily injury or property damage arising out of or related to actions of the aforementioned,
unless such bodily injury, property damage, or personal injury is determined to be the result of the
negligence of the City of Hendersonville or its employees, agents or representatives.

Company: _____

North Carolina Plumbing License No. _____

Mailing Address: _____

Permit No. _____

Telephone No. _____

Signed: _____

Authorized Individual

Print: _____

Date: _____



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City of Hendersonville Insurance Provisions

- A. Worker's Compensation: The Contractor agrees during the pendency of any agreement with the City to carry Insurance covering all employees meeting statutory limits in compliance with the applicable state and federal laws. The coverage must include employer's liability with a limit of \$100,000 for each accident, \$100,000 bodily injury by disease each employee; and \$500,000 bodily injury by disease, policy limit.

- B. Commercial General Liability: The Contractor agrees during the pendency of any agreement with the City to carry Commercial General Liability Insurance. Coverage shall have minimum limits of \$1,000,000 general aggregate, products/completed operations aggregate, personal and advertising injury and each occurrence. This shall include premises and operations, broad form property damage, XCU coverage and contractual liability. The coverage shall be written on an occurrence basis.

- C. Business Auto Liability: The Contractor agrees during the pendency of any agreement with the City to carry Business Auto liability insurance. Coverage shall have a minimum limit of \$1,000,000 per occurrence, combined single limit for bodily injury liability and property damage liability. This shall include owned vehicles, hired and non-owned vehicles and employee non-ownership.

ATTACHMENT 1



City of Hendersonville Insurance Provisions

- A. Worker's Compensation: The Contractor agrees during the pendency of any agreement with the City to carry Insurance covering all employees meeting statutory limits in compliance with the applicable state and federal laws. The coverage must include employer's liability with a limit of \$100,000 for each accident, \$100,000 bodily injury by disease each employee; and \$500,000 bodily injury by disease, policy limit.

- B. Commercial General Liability: The Contractor agrees during the pendency of any agreement with the City to carry Commercial General Liability Insurance. Coverage shall have minimum limits of \$1,000,000 general aggregate, products/completed operations aggregate, personal and advertising injury and each occurrence. This shall include premises and operations, broad form property damage, XCU coverage and contractual liability. The coverage shall be written on an occurrence basis.

- C. Business Auto Liability: The Contractor agrees during the pendency of any agreement with the City to carry Business Auto liability insurance. Coverage shall have a minimum limit of \$1,000,000 per occurrence, combined single limit for bodily injury liability and property damage liability. This shall include owned vehicles, hired and non-owned vehicles and employee non-ownership.

ATTACHMENT 1

CUSTOMER CUT-OFF VALVE INSTALLATION REPORT

Permit No: _____

Submitted by : _____

Permittee's Name

Date: _____

Customer Name	Physical Address		Date Installed	Account Number
	Street No.	Street Name		
1				
2				
3				
4				
5				
6				
7				
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Received By: _____

Date: _____



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Sam Fritschner

Department: Legal

Date Submitted: 08/26/13

Presenter: Sam Fritschner

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 12

The Boys and Girls Club of Henderson County/Hendersonville, Inc. operates on land owned in part by the Club and in part by the City of Hendersonville. To make matters more complicated, the large building on the property is situated on three lots, with the lots on the outside owned by the City and the lot in the middle owned by the Club. such a configuration does not exist legally. It has been suggested that the City donate its property to the Club.

I have drafted a deed whereby the City would donate this property (without warranty) to the Club for as long as it is carrying out the purposes for which the national organization was founded. If at any time the Club ceased to carry out this function the property would revert to the City.

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

I move the Council authorize the Mayor to execute the deed transferring to the Boys and Girls Club of Henderson County/Hendersonville, Inc. the property on which the Club's buildings are situated.

Attachments:

Proposed resolution and deed.

**A RESOLUTION AUTHORIZING THE TRANSFER OF REAL PROPERTY TO
THE BOYS AND GIRLS CLUB OF HENDERSON COUNTY/HENDERSONVILLE, INC.**

WHEREAS the City of Hendersonville owns certain real property situated in Green Meadows Subdivision,
and

WHEREAS the said real property underlies certain buildings portions of which may belong to the Boys and
Girls Club of Henderson County/Hendersonville, Inc., and

WHEREAS the ownership of the property underlying the said buildings is vested in part in the Club and in
part in the City, and

WHEREAS the confusion engendered by the difference in ownership is detrimental to the continued
operation of the Club, and

WHEREAS the Club engages in operations to the benefit of the youth of Hendersonville, which clearly
constitutes a public purpose, and

WHEREAS the terms of N.C.G.S. § 160A-279 authorizes the City to give this real property to the Club in
accordance with the terms of the said statute,

NOW, BE IT THEREFORE RESOLVED that the City Council does hereby authorize the Mayor to execute a
deed to be made without warranty to the Boys and Girls Club of Henderson County/Hendersonville, Inc.,
for so long as the said Club carries out the purposes for which the Boys and Girls Club of America was
founded.

BE IT FURTHER RESOLVED that the Clerk is directed to publish the terms of this transfer and otherwise
comply with the requirements of N.C.G.S. § 160A-267.

Adopted this fifth day of September 2013

Barbara Volk
Mayor, City of Hendersonville

ATTEST:

Tammie K. Drake, MMC
City Clerk

**Return to
Agenda**

Excise Tax **\$0.00**

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____
Verified by _____ County on the ____ day of _____, 20 ____
by _____

Mail after recording to **BOYS AND GIRLS CLUB OF HENDERSON COUNTY / HENDERSONVILLE, INC.** 109 S MAIN ST
HENDERSONVILLE NC 28739

This instrument was prepared by Samuel H. Fritschner

Brief Description for the index

Five lots Green Meadows Subdivision
Hendersonville

NORTH CAROLINA NONWARRANTY REVERSIONARY DEED

THIS DEED made _____ **day of September 2013**, by and between

GRANTOR

**The CITY OF HENDERSONVILLE, A North Carolina
Municipal Corporation, also formerly known in part as the
COMMUNITY DEVELOPMENT DEPARTMENT of the
City of Hendersonville,**

GRANTOR

GRANTEE

**BOYS AND GIRLS CLUB OF HENDERSON COUNTY /
HENDERSONVILLE, INC.**

**Mailing Address: 109 S MAIN ST
HENDERSONVILLE NC 28739**

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

AS A GIFT and without consideration the Grantor for itself and its successors and assigns does by these presents subject to any circumstance creating a reversion as described herein convey to the Grantee and its successors and assigns all of the Grantor's right, title and interest in and to the following described real property:

Being that portion of lot 1 Block 10 of the Green Meadows subdivision as shown on that plat recorded in plat cabinet C at slide 289 as is currently owned by the Grantor, and in addition lot 2 of Block 10 of the Green Meadows subdivision as shown on the aforesaid recorded plat, and in addition, lots 7, 8, 9 and 10 of Block 9 of the Green Meadows subdivision as shown on that plat recorded in plat cabinet C at slide 288A, all of the Henderson County Registry.

TO HAVE AND TO HOLD the aforesaid recombined lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple subject to a possibility of reversion as here described:

The property shall remain the property of the Grantee and such of its successors as may be approved by the Internal Revenue Service or any successor agency as tax-exempt pursuant to 26 USC § 501(c)(3) or any successor statute containing substantially the same provisions, and in addition so long such as every such successor continues to operate upon the property conveyed herein as a not-for-profit and tax-exempt organization operating substantially for the purposes for which the Boys and Girls Club of America was organized and operates as of the date hereof. It is the intent of this conveyance that upon the cessation of the use of the said property in accordance with the above terms ownership of the conveyed property will revert to the City of Hendersonville or its successor and if none, then to the State of North Carolina.

The Grantor makes no warranty as to the condition of the title.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by its City Clerk by authority of its Board of Commissioners, the day and year first above written.

Barbara Volk, Mayor

attest:

TAMMIE DRAKE, MMC, Clerk

City Seal

USE BLACK INK ONLY

SEAL-STAMP

USE BLACK INK

State of North Carolina
County of Henderson.

I, Samuel H. Fritschner, a Notary Public of the County and State aforesaid, certify that **Barbara Volk in her capacity as Mayor of the City of Hendersonville and TAMMIE K. DRAKE, in her capacity as Hendersonville City Clerk**, appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of September 2013.

My commission expires: 3 August 2018.

Samuel H. Fritschner
Notary Public



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Sam Fritschner

Department: Legal

Date Submitted: 08/25/13

Presenter: Sam Fritschner

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 13

The General Assembly has recently enacted changes to the powers of municipalities to remedy nuisances. In addition, concerns have been raised with respect to the speed of the City's ability to respond to nuisance complaints. The attached proposed amendments to Chapter 26, Article II of the Code of Ordinances would reflect the changes to the General Statutes, enhance the City's ability to deal with nuisances, and transfer the appeal process for nuisances to the Board of Adjustment.

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

I move the Council to adopt the proposed amendment to Code of Ordinances Chapter 26 Article II respecting the remedy of nuisances.

Attachments:

Proposed ordinance

Ordinance #13-_____

**AN ORDINANCE AMENDING CHAPTER 26 ARTICLE II OF THE CODE OF ORDINANCES
PERTAINING TO NUISANCES**

WHEREAS, the Code of Ordinances Chapter 26 Article II provides for the abatement and control of nuisances, and

WHEREAS, the General Assembly has amended the North Carolina General Statutes with regard to control of nuisances, and

WHEREAS, the changes to the North Carolina General Statutes require a change to the City Code of Ordinances, and

WHEREAS, the City Council has determined that the City's process to control nuisances should be changed to speed up the hearing and appeal process;

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

SECTION 1. Chapter 26, Article II of the Hendersonville Code of Ordinances is hereby amended as follows:

Sec. 26-36. Authority of article.

This article is enacted pursuant to G.S. 160A-193.

Sec. 26-37. Deemed unlawful.

It shall be unlawful for the owner or occupant of any lot, residence, parcel of land or other building within the city limits to permit to exist on any such lot, residence, building or parcel of land, any condition which is dangerous or prejudicial to the public health and which may be declared to be noxious or constitute a nuisance.

Sec. 26-38. Enumeration.

The existence of any of the following conditions, among others, on any lot, parcel of land, residence or building is, among any other conditions, hereby declared to

be noxious, dangerous and prejudicial to the public health and to constitute a nuisance and to be violative of the provisions of this article:

- (1) Any growth of weeds or grass to a greater height than 24 inches.
 - (2) Any accumulations of animal or vegetable matter, or any other material, which is offensive by virtue of strong odors, vapors, deterioration or decay, or has become infested with rats, mice, snakes or vermin of any kind.
 - (3) Any other condition which to a person of reasonable intelligence and discretion would constitute a condition dangerous or prejudicial to the public health.
1. Any accumulation of trash, refuse, junk or other discarded material not either placed in an authorized receptacle with a reasonable expectation that it would be collected for disposal or recycling or stored in an authorized solid waste or recycling facility.

Sec. 26-39. Notice to abate.

(a) Whenever it shall come to the attention of the code enforcement officer that there exists on any lot, parcel of land, residence or other building in the city and of the conditions enumerated in this article, he shall forthwith give the owner or occupant thereof notice, served upon such owner or occupant in person, by certified mail and with return receipt requested. ~~or if such service by mail cannot be had after a reasonable attempt is made, then by publishing the notice in a newspaper regularly published in the county once a week for two consecutive weeks;~~ that such condition exists and that such owner or tenant shall have 15 days from the date of such service of notice in person, by mail, or from the final date of publication of such notice, during which to remedy the nuisance condition, or the city shall cause the nuisance condition to be remedied. When service is attempted by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected.

(b) If any person has, within any ~~six-month period~~, one year period, been notified more than once of the existence of any condition constituting a violation of any subsection of section 26-38, such repeated notification of a violation of any such subsection shall constitute continuing notice of a violating condition for a ~~period of six months~~ period of one year following any such repeated notice. In such event no notification or waiting period by the city shall be prerequisite to the remedies provided in this article or elsewhere in this Code. The city shall, without further notice remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes.

(c) If any condition is determined by the code enforcement officer is constitute a condition seriously dangerous or seriously prejudicial to the public health or safety and if such condition is such as to demand urgent or immediate corrective action, no notice need be given pursuant to this section or otherwise, except as required by applicable law, the United States Constitution or the state constitution. The city shall in such case have all remedies available in relation to such condition as are provided in this article or otherwise by ordinance and applicable law, which remedies shall be cumulative to the greatest extent permitted by law. Any action commenced by or on behalf of the city may be brought in any division of the state general court of justice permitted by state law.

Sec. 26-40. Abatement by city.

If the person upon whom such notice is served fails, neglects, or refuses to remedy the condition constituting a nuisance within the time permitted, the code enforcement officer ~~shall certify such fact to the city council, who shall forthwith cause such condition to be remedied. under the direction of the code enforcement officer.~~ In the event of a condition described in subsection 26-38(3), either the city manager or the ~~city council~~ code enforcement officer may cause the condition to be remedied. ~~under the direction of the code enforcement officer.~~

At any time before the expiration of the 15 days abatement period specified in 26-39 (a), the respondent may request a hearing before the Board of Adjustment to appeal the finding of the inspector that a public nuisance as defined in section 26-38 exists on the premises. Upon completion of the hearing, the Board of

Adjustment shall consider the evidence before them and shall, either revoke the initial order, issue a final order which differs from the initial order, or reinstate the initial order as a final abatement order.

Any request for a hearing pursuant to this section must be in writing and must be filed in the office of the code enforcement officer. The code enforcement officer shall fix a time for a hearing with the Board of Adjustment, and the initial abatement order shall be temporarily suspended pending such hearing. The hearing must be held by the Board of Adjustment within 31 calendar days following receipt of the request for hearing by the office of the code enforcement officer. At the hearing, the individual affected by the order shall be given the opportunity to present evidence to refute the findings which supported the abatement order or the removal of the nuisance condition.

Sec. 26-41. Assessment and collection of city's cost.

The actual costs incurred by the city in remedying any condition under this article shall be the actual cost of such proceedings and shall be paid by the owner or occupant of such lot, parcel of land, residence or other building, and, if not paid, shall be a lien upon the lands or premises where the nuisance was declared to be and shall be collected as unpaid taxes.

Secs. 26-42—26-75. Reserved.

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 eleventh day of July 2013.

Barbara Volk, Mayor

Attest:

Tammie K. Drake, MMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: John Connet

Department: Administration

Date Submitted: 08/26/13

Presenter: John Connet/Tom Wooten

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 14

In 2009 City Council held a discussion regarding installing measures to slow down vehicular traffic for pedestrians where alleyways meet sidewalks. The City Council directed the Public Works Director to install stop blocks at the intersections of Wall Street at Allen and Second-Fifth Avenue, and Edwards Street at First-Sixth Avenues.

This concern has again been brought to the attention of Councilman Collis and others. A suggestion was made to install speed bumps at these intersections to slow the vehicular traffic down prior to the sidewalk. Public Works Director Tom Wooten has provided two speed bump alternatives for your consideration.

The budgetary impact for the speed bumps would be between \$2,900 and \$5,700.

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

I hereby make a motion that the City Council direct that the Public Works Director install speed bumps at the entrances of the Wall Street and Edward Street Alleys at a not to exceed cost of \$3,400.

Attachments:

Information from 2009 discussion
Speed Bump Alternatives



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1-800-236-0112

Return to Agenda



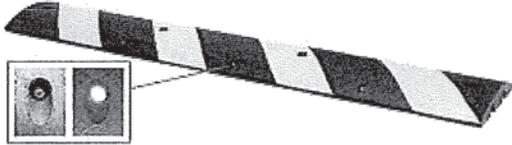
Rubber Speed Bumps

TAPCO SKU: 1485-00031

Price: \$145.00

Size: 6 ft L x 12 1/4 in W x 2 1/4 in H

Installation Type: Permanent with lag bolts (for concrete)



[Enlarge Image](#)

- Manufactured from earth-friendly, 100% recycled tires
- Embedded "cat's-eye" reflectors enhance visibility and alert drivers well in advance
- Pre-drilled for anchoring spike or lag bolts
- Resistant to UV, moisture, oil and temperature
- Easily handled and installed by one person
- Flexible, conforms to uneven road surfaces
- 5 year warranty
- Dimensions: 12 1/4" x 2 1/4"

*2 per intersection
 = \$290
 Plus shipping
 X 10 intersections

 \$ 2900*

Specifications for selected SKU: 1485-00031

Length 6 ft

Width 12 1/4 in

Height 2 1/4 in

Installation Type Permanent with lag bolts (for concrete)

Material 100% recycled tires

Pattern Type Chevron (Diagonal Stripe)

Color Black/Yellow

DISCLAIMER: *Specifications are subject to change without notice. For additional specifications and details, please contact us!*

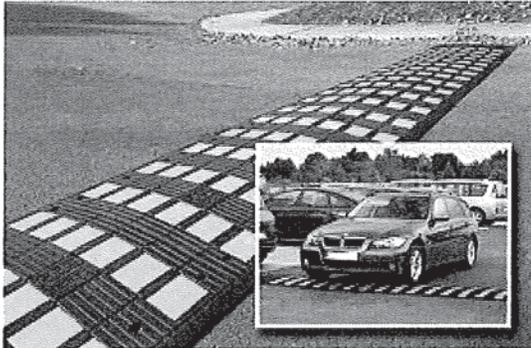
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Vulcanized Rubber Speed Hump

TAPCO SKU: 1485-00040

Price: \$64.95

- Manufactured from recycled materials
- Main section: 35 1/2" W x 19 1/2" L x 2" H
- Embedded durable reflective tape
- Interlocking tongue and groove system
- Includes installation hardware
- End caps protect main section edge from wear and tear
- 3 year warranty

Speed Hump, Vulcanized Rubber, 35." x 19.7" x 2.0" H, Yellow Stripes On Black, includes hardware

Specifications for selected SKU: 1485-00040

Length 19 1/2 in

Width 35 1/2 in

Height 2 in

Installation Type Permanent

Material Recycled Rubber

Color Black

7 sections plus end caps = \$ 570.55 per intersection.

X 10 intersections

\$ 5,705.50

DISCLAIMER: Specifications are subject to change without notice. For additional specifications and details, please contact us!

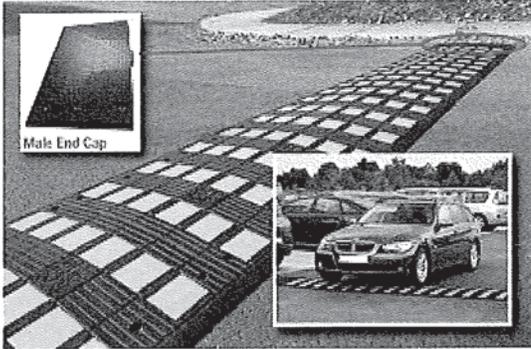
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Vulcanized Rubber Speed Hump - End Cap

TAPCO SKU: 1485-00041

Price: \$57.95

Connection Type: Male

2 end caps per intersection

[Enlarge Image](#)

Speed Hump Male End Cap, Vulcanized Rubber, 19.7"WX35.4"LX2.0"H,w/Hardware

Specifications for selected SKU: 1485-00041

Connection Type Male

Material Vulcanized rubber

DISCLAIMER: Specifications are subject to change without notice. For additional specifications and details, please contact us!

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CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Lew Holloway

Department: Planning

Date Submitted: 08/27/13

Presenter: Lew Holloway

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 15

The Main Street Advisory Committee is requesting that their title be officially changed to the Downtown Advisory Committee (from Main Street Advisory Committee) and that the Director's position also be changed to Downtown Economic Development Director (from Main Street / Economic Development Director). The Committee intends to continue to pursue the National Main Street Center's Four Point approach to downtown revitalization and continue to operate in the manner they have to date.

The request is for clarification and a reflection of the desire on the part of the committee to accurately convey their interest in the downtown Municipal Service District as a whole, including not only the properties along Main Street, but also those along the Avenues, Church and King Streets.

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

I move City Council to rename the Main Street Advisory Committee and Main Street / Economic Development Director to the Downtown Advisory Committee and Downtown Economic Development Director respectively.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Lew Holloway

Department: Planning

Date Submitted: 08/27/13

Presenter: Lew Holloway

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 16a

The Main Street / Economic Development Director requests the opportunity to provide council with a review of the activities of the Main Street Advisory Committee for fiscal year 2012-2013. The presentation will include statistics on business openings, volunteer hours, events and private and public sector investment in the district.

Highlights include:

A 1.4 million dollar increase in property value in the district as a result of private reinvestment in downtown property.

A successful events season, including the introduction of the well received Rhythm & Brews Summer Concert Series.

Facade Grant recipients, completed and on-going projects.

Over 700 hours of volunteer time contributed to downtown events by the community at large, a value of over \$13,000 to the program.

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

No Motion Necessary.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 08/30/13

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 16b

The annual Conference of the NC League of Municipalities will be held October 13-15, 2013, at the Hickory Metro Convention Center.

Please let me know if you are planning to attend. I will be glad to assist with your registration.

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

N/A

Attachments:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 08/28/13

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 09/05/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 17

Appointments for Consideration:

Board of Adjustment: The terms of members Mr. Jim Phelps and Mr. Roger Woolsey will expire in September. Mr. Phelps is currently serving in the alternate position on the Board. Mr. Woolsey has served since August 2010. Both are willing and interested in serving another term.

Environmental Sustainability Board: The terms of Jim Kane, David Allen, Jennifer Hensley and Steven Orr will expire in September. Ms. Hensley has declined reappointment at this time due to a busy schedule. Mr. Kane, Mr. Orr and Mr. Allen are willing to serve another term although Mr. Kane may prefer to step down as chairman of that board. He will bring it up to the board at their next meeting. the Chairperson is chosen by the membership of the committee and must be a City resident.

This will leave two vacant positions on the Board. There are no applications on file at this time from citizens willing to serve.

Announcement of Up-Coming Vacancies: None for this month.

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

I move to (re)appoint Mr. Jim Phelps as alternate and Mr. Roger Woosley to a three-year term on the Board of Adjustment.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 08/28/13

Presenter: Lee Smith, John Connet, Fritschner

Date of Council Meeting to consider this item:

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 20

Request for Closed Session

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

I move the City Council enter a closed session to consult with our attorney to preserve the attorney-client privilege between the attorney and/or to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action.

Attachments: