



**CITY OF HENDERSONVILLE**  
**CITY COUNCIL REGULAR MEETING**  
City Hall - 2nd Floor Council Chambers | 160 Sixth Ave. E | Hendersonville NC  
28792  
Thursday, February 04, 2021 – 5:45 PM

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## AGENDA

1. **CALL TO ORDER**
2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **PUBLIC COMMENT** - *Up to 15 minutes is reserved for comments from the public not listed on the agenda.*
4. **CONSIDERATION OF AGENDA**
5. **CONSENT AGENDA** - *Items are considered routine, noncontroversial in nature and are considered approved by a single motion and vote.*
  - A. Adoption of City Council Minutes – *Angela Reece, City Clerk*
  - B. City Operations Assembly Room Upgrade, Phase II – *John Connet, City Manager*
  - C. HR Coordinator- Diversity, Equity & Inclusion job description – *Jennifer Harrell, HR Director*
  - D. NCDOT U-5887 Highland Lake Rd Utility Agreement – *Brent Detwiler, City Engineer*
  - E. Jump Off Rock Half Marathon & 10K – *Lew Holloway, Community Development Director*
  - F. Henderson County Tax Adjustments-*Jennifer Musselwhite, Deputy Tax Collector*
  - G. Resolution of Intent – Closure of a portion of Brown Street–*Lew Holloway, Community Development Director*
  - H. Budget Amendments: Mid-Year FY20-21 – *Adam Murr, Senior Analyst*
  - I. Operations Support Coordinator -Revised Job Description – *Jennifer Harrell, HR Director*
  - J. Clear Creek Greenway Water Resources Development Grant Agreement – *Brent Detwiler, City Engineer*
6. **PRESENTATIONS**
  - A. Quarterly MVP Recipients – *John Connet, City Manager*
  - B. MVP of the Year – *John Connet, City Manager*
7. **PUBLIC HEARINGS**

A. The Cedars - 227 7th Avenue West: Conditional Zoning District, P20-09-CZD – *Lew Holloway, Community Development Director*

B. Conditional Rezoning: Fleming Street Medical Office Building, P20-41-CZD – *Tyler Morrow, Planner*

**8. UNFINISHED BUSINESS**

**9. NEW BUSINESS**

A. Billing Policy Update -Leak Adjustments - *Jennifer Musselwhite, Revenue Supervisor*

B. Consideration of Property Trade Between the City of Hendersonville and Henderson County Public Schools – *John Connet, City Manager and City Attorney Angie Beeker*

C. Contract Award – Hebron Pressure Zone Water Improvements – *Adam Steurer, Utilities Engineer*

**10. CITY COUNCIL COMMENTS**

**11. CITY MANAGER REPORT - John F. Connet, City Manager**

**12. BOARDS/COMMISSIONS/COMMITTEE APPOINTMENTS**

A. Downtown Advisory Board Merger – *Jamie Carpenter, Downtown Manager*

B. Appointment to Downtown Advisory Board – *Angela Reece, City Clerk*

C. Animal Services Advisory Board Charter Amendment – *Angela Reece, City Clerk, Angela Beeker, City Attorney*

**13. CLOSED SESSION** pursuant to NCGS § 143-318.11(a)(1)and(3)to prevent the disclosure of information that is privileged or confidential; to consult with an attorney employed by the public body in order to preserve the attorney-client privilege between the attorney and the public body and to discuss and give instructions regarding the following matters: Hansley vs. City of Hendersonville, 20 CVS 1049, Henderson County Superior Court, and City of Hendersonville v. Eisenhauer, 20 CVS 1163, Henderson County Superior Court

A. Closed Session – *John Connet, City Manager and Angie Beeker, City Attorney*

**14. ADJOURN**

*The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or an accommodation for this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3005.*



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**SUBMITTER:** Angela Reece **MEETING DATE:** 02-04-2021

**AGENDA SECTION:** Council Action **DEPARTMENT:** Administration

**TITLE OF ITEM, Presenter Name, Title:** Adoption of City Council Minutes – *Angela Reece, City Clerk*

**SUGGESTED MOTION(S):** I move that City Council adopt the minutes of the January 7, 2021 Regular Session meeting as presented.

**SUMMARY:**

The City Clerk has prepared minutes of the following meeting(s) for Council consideration:

- i. January 7, 2020 Regular Session

**BUDGET IMPACT:** \$0

**Is this expenditure approved in the current fiscal year budget?** N/A

**If no, describe how it will be funded.**

N/A

**PROJECT NUMBER:** N/A

**PETITION NUMBER:** N/A

**ADDITIONAL PETITION NUMBER:** N/A

**PETITIONER NAME:** N/A

**ATTACHMENTS:**

January 7, 2021 Regular Session Minutes-DRAFT



# MINUTES

January 7, 2021

## REGULAR MEETING OF THE CITY COUNCIL

CITY COUNCIL CHAMBERS - 2<sup>ND</sup> FLOOR, CITY HALL | 160 SIXTH AVE. E. 5:45 p.m.

Present: Mayor Barbara G. Volk, and Council Members: Jeff Miller and Lyndsey Simpson

Remote Participants: Mayor Pro Tem Jerry Smith and  
Dr. Jennifer Hensley joined after the policy was amended at 6:23 p.m.

Staff Present: City Manager John F. Connet, City Attorney Angela Becker, Assistant City Manager Brian Pahle, City Clerk Angela Reece, Communications Manager Allison Justus, Interim Police Chief Bill Hollingsed

Remote Staff Participants: Community Development Director Lew Holloway, Planner Tyler Morrow, Utilities Director Lee Smith; and Utilities Engineer, Adam Steurer

### 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 members in attendance. Mayor Pro Tem Jerry Smith and Council Member Dr. Jennifer Hensley participated in the meeting remotely via Zoom electronic software.

### 2. Invocation and Pledge of Allegiance to the Flag

The City Council observed a moment of silence for prayer or reflection followed by the Pledge of Allegiance to the Flag.

### 3. Public Comment *Up to 15 minutes is reserved for comments from the public not listed on the agenda.*

*Crystal Cauley* of 527 Fifth Ave. W. addressed City Council expressing thanks and appreciation of the City Council for taking the initiative to address concerns with the African American community in Hendersonville. Ms. Cauley inquired regarding signage for the Green Meadows Community and additionally expressed support of the Hands On! Museum project.

*Raphael Morales* of 118 S. Grove St. addressed City Council expressing concerns over the violence in the nation's capital yesterday. Mr. Morales asked City Council members to renounce their support for President Donald J. Trump.

*Bill Pollak* of 202 Saddle Club Lane addressed City Council stating he supports diversity and inclusion and asked consideration for persons to be judged for their character and not the color of their skin.

*Sara Cosgrove* of 203 Davis Mtn. Rd. addressed City Council expressing support of the Hands On! Museum project.

*Indián Jackson* of 11 Mountain Rd. addressed City Council expressing support of the Hands On! Museum project and asking for consideration of the purchase of the property adjacent to the new police department stating she believes it would be best served as transitional housing.

*Ken Fitch* of 1046 Patton St. addressed City Council remotely by Zoom, expressing thanks and appreciation for the late Tom Orr, a longtime theater and English teacher and founder of both the Henderson County Education Hall of Fame and the Henderson County Walk of Fame.

*Lynn Williams* of Chadwick Ave. addressed City Council remotely by Zoom, expressing the urgency of needing to reduce the speed limit on Chadwick Ave. before the Chick-fil-A opens down the street. Ms. Williams asked for consideration of having signage placed to prohibit vehicles with more than six axles on this portion of roadway as well. Ms. Williams requested consideration and support of a tree ordinance as well.

*Kelly Spinks* of 810 Dana Rd. addressed City Council remotely by Zoom, expressing support of the Hands On! Museum project and moving the Walk of Fame to Main Street.

*Kaye Youngblood* of 53 Lands End Dr. addressed City Council remotely by Zoom, expressing support of the Hands On! Museum project and moving the Walk of Fame into the proposed Peoples Museum.

Ms. Youngblood stated approval of this project would honor those in our community who have made lasting contributions to the community.

*Barbie Brittan* of 1725 Bluebird Drive addressed City Council remotely by Zoom, expressing support of the Hands On! Museum project and moving the Walk of Fame into the proposed Peoples Museum.

*Hannah Duncan* of 1754 Brevard. Rd addressed City Council remotely by Zoom, expressing support of the Hands On! Museum project stating the project would be an asset to downtown and would embrace diversity in a powerful and positive way.

*Caroline Gunther* of 128 Poplar Loop addressed City Council remotely by Zoom, stating she supports the Hands On! Project but has concerns and stated she feels more information and considerations are needed before final approval is granted.

#### **4. Consideration of Agenda**

Mayor Barbara G. Volk stated in April of 2014, City Council adopted the Resolution to Amend the City's Policy Respecting Electronic Attendance at City Council Meetings, which established a policy to govern electronic meetings held by City Council. Mayor Volk recalled the policy being amended in April of 2020 to incorporate provisions related to electronic meetings when a state of emergency has been declared. Mayor Volk stated the policy, as adopted, and amended requires that 48-hour advanced notice be given to the Mayor and the City Manager if a Council member wishes to participate remotely in a meeting that is otherwise being held in person. Mayor Volk stated in a state of emergency, 48 hours' notice may not always be possible, so Council is asked to consider amending the policy to remove this requirement. Mayor Volk stated Council Member Hensley requests that the 48-hour notice requirement be waived for this meeting to allow her to participate remotely.

*Council Member Jeff Miller moved that City Council waive the 48 hour advanced notice for remote participation in electronic meetings for Council members required by the City's Policy Respecting Electronic Attendance At City Council Meetings for the January 7, 2021 regular City Council meeting, and to adopt the Resolution to Amend the City's Policy Respecting Electronic Attendance At City Council Meetings to remove the 48 hour notice requirement. A unanimous vote of the Council Members present and participating followed. Motion carried.*

Council Member Dr. Jennifer Hensley joined the meeting at 6:23 p.m.

**Resolution #R-21-01**

#### **A RESOLUTION AMENDING THE CITY'S POLICY RESPECTING ELECTRONIC ATTENDANCE AT CITY COUNCIL MEETINGS**

**WHEREAS**, the City Council determines that the greatest reasonable participation by Council Members at Council meetings is desirable, and

**WHEREAS** the Council wishes to balance ease of Board member access to and participation in orderly proceedings, especially where there are occurrences that pose impediments to physical attendance; and

**WHEREAS** the Council wishes to follow North Carolina General Statutes Chapter 143 Article 33C as amended from time to time and any applicable City ordinances as amended from time to time; and

**WHEREAS** the Council wishes to encourage City Council members to physically attend meetings whenever practicable; and

**WHEREAS** the Council recognizes that in states of emergency, 48 hours advance notice of remote participation by a Council member may not be practical and Council wishes to remove this requirement; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Hendersonville, North Carolina that the City Council does resolve as follows:

I. The City Does hereby amend as follows its policy for attendance of City Council meetings electronically:

1. Subject to the provisions of paragraph (14) below, electronic attendance at a City Council meeting shall not constitute any part of a quorum for any portion of such meeting.

2. Subject to the provisions of paragraph (14) below, either the Mayor or Mayor Pro Tem must be physically present at the place of the meeting.
3. ~~A City Council member wishing to attend a meeting via electronic means shall notify the Mayor and the City Manager no later than 48 hours before the scheduled start of the City Council meeting. Removed~~
4. A City Council member participating in a meeting electronically may do so by any method of communication that allows for simultaneous communication and is capable of being heard specifically by all other Council members attending the meeting (whether in person or electronically) and generally by the public attending the meeting, if any, and recorded by the Clerk.
5. A City Council member participating in a meeting electronically pursuant to this Policy is not required to do so in a setting that is open to the public.
6. The City Manager, is delegated to supervise and coordinate electronic participation by City Council members pursuant to this Policy.
7. A City Council member participating via electronic means pursuant to this Policy is considered present at the City Council meeting and may vote at the City Council meeting on any matter except as otherwise provided herein.
8. A City Council member participating via electronic means may cast the deciding vote on any matter properly before the City Council except as otherwise provided herein.
9. Where at least one City Council member is participating via electronic means pursuant to this Policy, all votes of the City Council will be taken by roll call.
10. This Policy does not create a right for the public to observe and record any closed session of the City Council conducted pursuant to law.
11. Participation in the hearing, deliberation and decision of any quasi-judicial matter is not permitted under this policy. If a single agenda item contains both quasi-judicial and non-quasi-judicial components, participation in the hearing, deliberation and decision of any part of such agenda item is not permitted by this policy.
12. Participation in a closed session is discouraged but permitted by this policy. No vote by a person attending a closed session electronically is permitted in that closed session unless the measure being voted upon is passed regardless of the votes of any persons attending electronically. A person attending the closed session electronically may participate in a vote taken out of closed session without this restriction.
13. In order to be permitted to participate in a vote electronically the voter shall have attended (whether electronically or in person or both) the entire hearing and deliberation of the matter voted on.
14.
  - (a) In the event of a duly authorized governmental declaration of emergency of a jurisdiction including the City of Hendersonville, the requirements of paragraphs (1) and (2) above shall not apply. In such case the person presiding shall note at the meeting the particulars (issuer, date and general description) of the declaration(s) relied upon, and shall state why such declaration(s) applies to current conditions in the City of Hendersonville, but failure to do these things shall not affect the application of paragraphs (1) and (2).
  - (b) In the event that, for any reason, no physical location is established for any Council meeting, the city manager shall establish one or more locations where the public may electronically view, attend, and participate in such meeting, to the greatest extent practicable approximating viewing, attendance, and participation in a physical meeting. Notice of such location(s) and how one may attend shall be sent as part of any notice required by NCGS § 143-318.12 as amended from time to time.

II. This amendment shall take effect upon adoption of this resolution.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7<sup>th</sup> day of January 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Beeker, City Attorney

**Council Member Jeff Miller moved to amend and approve the agenda removing Items 5Q, 10B, 10E, and adding New Item 5Q, Resolution to approve First Amended and Restated Utility Extension Agreement with Clear Creek Investment Group, LLC and adding a Closed Session as permitted in NC General Statute § 143-318.11(a)(1)(3)(5)and(6). A unanimous vote of the Council followed. Motion carried.**

Council Member Jerry Smith requested to move Item 5B, to New Business as new item 9G for discussion.

## **5. Consent Agenda**

### **A. Adoption of City Council Minutes**

- i. November 18, 2020, Special Call
- ii. December 3, 2020, Regular Session

*I move that City Council adopt the minutes of November 18, 2020 (Special Call) and December 3, 2020 (Regular Session) as presented.*

### **B. ~~Moved to 9G Annual City Council Meeting Schedule Ratification~~**

**C. Tax Releases, Discoveries and Refunds - Presenter: Jennifer Musselwhite, Revenue Supervisor**  
*I move that City Council approve the releases and refunds as presented by Henderson County Tax Office.*

**D. Budget Amendments - Presenter: Adam Murr, Budget Analyst**  
*I move that City Council approve the budget amendment(s) recommended by staff.*

**E. City of Hendersonville COVID-19 Relief Policy - Presenter: Jennifer Harrell, HR Director**  
*I move that City Council approve the COVID-19 Relief Policy as presented.*

**F. City of Hendersonville COVID-19 Test Policy Revision - Presenter: Jennifer Harrell, HR Director**  
*I move that City Council approve the COVID-19 Test Policy as presented.*

**G. Resolution Extending City Manager Street Closure Authority COVID-19 –Presenter: Jamie Carpenter, Downtown Manager**  
*I move that City Council resolve to approve the resolution respecting enforcement of certain City ordinances during the current state of emergency.*

**Resolution #R-21-02**

### **RESOLUTION EXTENDING THE EFFECTIVE DATE OF THAT RESOLUTION RESPECTING ENFORCEMENT OF CERTAIN CITY ORDINANCES DURING THE CURRENT EMERGENCY**

**WHEREAS**, on or about May 18, 2020, the City Council adopted a Resolution Respecting the Enforcement of Certain City Ordinances During the Current Emergency; and

**WHEREAS**, City Council wishes extend the effective date of such Resolution; and

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Hendersonville, North Carolina that the City of Hendersonville resolves that the expiration date of that Resolution Respecting the Enforcement of Certain City Ordinances During the Current Emergency is extended for an additional six (6) months, retroactive to the date of its expiration. All actions taken by the City Manager and City staff in reliance upon said May 18, 2020 Resolution, including during any period of expiration, are hereby ratified.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of January 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Beeker, City Attorney

**H. Grant Project Ordinance for Golden LEAF Water & Sewer Project - Presenter: Adam Murr, Budget Analyst**

*I move that City Council adopt the Grant Project Ordinance for the Golden Leaf Water and Sewer Project as presented.*

## Grant Project Ordinance #O-21-01

**GRANT PROJECT ORDINANCE FOR  
THE ACQUISITION, CONSTRUCTION, AND INSTALLATION  
OF THE GOLDEN LEAF WATER AND SEWER PROJECT**

**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 grant project ordinance is hereby adopted:

**Section 1:** The project authorized is a City infrastructure project described as the Golden Leaf Water and Sewer project.

**Section 2:** The following amounts are appropriated for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Acct.	Proj.		
460	1014	550103	G2022	Capital Outlay - CIP	\$ 800,000

**Total Project Appropriation            \$    800,000**

**Section 3:** The following revenues are anticipated to be available via grant revenue and existing reserves for project expenses:

Account Codes				Account Name	Total Budget
Fund	Dept.	Acct.	Proj.		
460	0000	420050	G2022	Grant Revenue - Golden Leaf	\$ 560,000
460	0000	470100	G2022	Transfer In (from Fund 459)	\$ 240,000

**Total Project Revenue                    \$    800,000**

**Section 4:** The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

**Section 5:** Funds may be advanced from the Water and Sewer Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

**Section 6:** The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

**Section 7:** The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

**Section 8:** Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of January 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Becker, City Attorney

- I. NCDOT Highland Lake Sidewalk Agreement - Presenter: Brent Detwiler, Utilities Engineer**  
*I resolve to approve the NCDOT Sidewalk Agreement for U-5887 Highland Lake Road; and to authorize the City Manager to execute the finalized agreement for said work; as presented and recommended by staff.*
- J. FBR Intake Project Engineering Agreement Amendment #5 - Presenter: Brent Detwiler, Utilities Engineer**  
*I resolve to approve Amendment 5 to the Black & Veatch engineering agreement for the French Broad River Intake Project and to authorize the City Manager to execute the Amendment for said work; as presented and recommended by staff.*
- K. Garrison Lane Site Improvements (Golden Leaf) - Presenter: Brent Detwiler, Utilities Engineer**  
*I resolve to approve the Golden LEAF Foundation NCDOT Garrison Lane Site Improvements: Project Wheel (R6) Water Extension Grant and to authorize the City Manager to execute the finalized agreement for said work; as presented and recommended by staff.*



**L. Designation of Voting Delegate-NCLM - Presenter: John F. Connet, City Manager**  
*I move that City Council appoint Mayor Barbara G. Volk to serve as the City of Hendersonville single Voting Delegate for 2021-2022 Biennium Legislative Policies through the North Carolina League of Municipalities.*

**M. Resolution Adopting Rules Implementing Mediated Settlement Conferences in City of Hendersonville Construction Projects - Presenter: Angela S. Beeker, City Attorney**  
*I move that City Council approve the Resolution adopting rules implementing Mediated Settlement Conferences in the City of Hendersonville construction projects as presented.*

**Resolution #R-21-03**

**RESOLUTION ADOPTING THE RULES IMPLEMENTING MEDIATED SETTLEMENT  
 CONFERENCES IN THE  
 CITY OF HENDERSONVILLE CONSTRUCTION PROJECTS**

**WHEREAS**, N.C. Gen. Stat. § 143-128(f1) requires that for any building construction project in the formal bidding range the City have in place a dispute resolution procedure involving mediation for disputes of at least \$15,000.00; and

**WHEREAS**, City Council wishes to adopt such a policy; and

**WHEREAS**, a proposed policy entitled “RULES IMPLEMENTING MEDIATED SETTLEMENT CONFERENCES IN CITY OF HENDERSONVILLE CONSTRUCTION PROJECTS” has been presented to the City Council for consideration; and

**WHEREAS**, as written, the proposed policy, applies to any City contract which, by its terms, makes it applicable;

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Hendersonville, North Carolina that resolves that the policy entitled “RULES IMPLEMENTING MEDIATED SETTLEMENT CONFERENCES IN CITY OF HENDERSONVILLE CONSTRUCTION PROJECTS” is adopted as presented.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of January 2021.

/s/Barbara G. Volk, Mayor  
 Attest: /s/Angela L. Reece, City Clerk  
 Approved as to form: /s/Angela S. Beeker, City Attorney

**N. Resolution in Support of the NC DOT Commercial Boulevard Extension - Presenter: John F. Connet, City Manager**  
*I move that City Council approve the Resolution in support of the North Carolina Department of Transportation funding the construction of Commercial Boulevard extension.*

**Resolution #R-21-04**

**RESOLUTION IN SUPPORT OF THE NORTH CAROLINA DEPARTMENT OF  
 TRANSPORTATION COMMERCIAL BOULEVARD EXTENSION**

**WHEREAS**, the North Carolina Department of Transportation (NCDOT) has a history of supporting the creation of quality jobs and economic development through the design and construction of public industrial access transportation infrastructure; and

**WHEREAS**, the development of the Garrison Industrial Park, including the design and construction of the industrial access drive, is a function of the development plan produced in collaboration with Jabil and the Henderson County Partnership for Economic Development; and

**WHEREAS**, the planned occupants of the Garrison Industrial Park, Jabil, will invest \$38,000,000 in new real and business personal property and create at least 150 new jobs at wages, that meet or exceed the County's average annual wage. In addition, Garrison Industrial Park would still have 2-3 available parcels for Economic Development; and

**WHEREAS**, the Council appreciates the work NCDOT has done to provide the best possible transportation needs for the citizens of the City of Hendersonville and Henderson County; and

**NOW THEREFORE, BE IT RESOLVED** that we, the City Council of the City of Hendersonville, North Carolina do hereby support NCDOT's efforts to fund the design and construction of the industrial access drive to serve the Garrison Industrial Park development.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of January 2021.

/s/Barbara G. Volk, Mayor  
Attest: /s/Angela L. Reece, City Clerk  
Approved as to form: /s/Angela S. Becker, City Attorney

**O. Resolution Exempting Garrison Site Water & Sewer Engineering NC G.S. 143-64.31-**

*Presenter: Brent Detwiler, Utilities Engineer*

*I move that City Council authorize the Mayor to execute the Resolution Exempting Garrison Site Water & Sewer Engineering from the provisions of NC G.S. 143-64.31, and authorize the City Manager to execute a contract with WGLA Engineering for the total not to exceed amount of \$47,000.00 as presented.*

**Resolution #R-21-05**

**RESOLUTION EXEMPTING GARRISON SITE WATER & SEWER ENGINEERING FROM G.S. 143-64.31 AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH WGLA ENGINEERING, PLLC**

**WHEREAS**, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively “design services”) to be based on qualifications and without regard to fee;

**WHEREAS**, the City proposes to enter into one or more contracts for engineering services for work on the Garrison Site Water and Sewer Improvements Project with WGLA Engineering, PLLC, for the total not to exceed amount of \$47,000.00; and

**WHEREAS**, G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than \$50,000; and

**WHEREAS**, the estimated fee for design services for the above-described project is less than \$50,000.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE RESOLVES:**

**Section 1.** The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

**Section 2.** The City Manager is authorized to execute a contract with WGLA Engineering, PLLC, for a total not to exceed amount of \$47,000.00 as presented.

**Section 2.** This resolution shall be effective upon adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of January 2021.

/s/Barbara G. Volk, Mayor  
Attest: /s/Angela L. Reece, City Clerk  
Approved as to form: /s/Angela S. Becker, City Attorney

**P. Resolution of Acceptance of Final Offer to Purchase -Hoard-Plat Slide 4094, PIN # 9589271459 - Presenter: Angela S. Becker, City Attorney**

*I move that City Council adopt the Resolution accepting Final Offer to Purchase-Hoard -Plat Slide 4094, PIN# 9589271459 as presented.*

**Resolution #R-21-06**

**RESOLUTION OF FINAL ACCEPTANCE OF NEGOTIATED OFFER**

**WHEREAS**, the City of Hendersonville owns certain property described as follows:

+/-0.14 acre tract as shown on that plat recorded in the Henderson County, Register of Deeds Office in Plat Slide 4094, said plat being incorporated herein by reference, the lot having a tax parcel ID of 9589271459, and the property having been acquired by the City in Deed Book 1094 at page 228 of the Henderson County Register of Deeds Office (“Property”); and

**WHEREAS**, North Carolina General Statute Section 160A-269 permits the City to sell property by upset bid after receiving and offer to purchase; and

**WHEREAS**, the City has received a NEGOTIATED OFFER RECEIVED PURSUANT TO N.C.G.S. § 160A-269 (“Offer”), a copy of which is attached hereto and incorporated herein by reference; and

**WHEREAS**, pursuant to the Offer, Joshua Hoard (“Buyer”), is offering to purchase the property described above for the sum of One thousand five hundred dollars and no/100 (\$1,500.00), subject to the terms and conditions contained within the Offer; and

**WHEREAS**, on November 5, 2020, the City Council issued a proposed acceptance of the Offer and authorized the Offer to be advertised for upset bids pursuant to N.C.G.S. § 160A-269; and

**WHEREAS**, the Offer was advertised in the Hendersonville Times-News on November 12, 2020 and no upset bids were received; and

**WHEREAS**, subject to the terms below, the City Council wishes to issue a final acceptance of the Offer;

**THEREFORE**, the City Council of the City of Hendersonville resolves that:

The Council issues a final acceptance of the Offer pursuant to the procedures of 160A-269, and authorizes the sale to Joshua Hoard, or an authorized assignee as allowed by Offer. The City Manager, City Clerk, and the City Attorney are authorized to take all actions on behalf of the City which are consistent with the terms of the Offer, including but not limited to the signature of all necessary documentation, to effectuate the closing on the sale of the Property.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of January 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Becker, City Attorney

**Q. ~~REMOVED - Utility Billing Policy Update - Leak Adjustments~~ - Presenter: Jennifer Mussewhite, Revenue Supervisor**

**Q. NEW Resolution to Approve First Amended and Restated Utility Extension Agreement with Clear Creek Investment Group, LLC. - Presenter: Angela S. Becker, City Attorney**

**Resolution #R-21-07**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL  
TO APPROVE FIRST AMENDED AND RESTATED UTILITY EXTENSION AGREEMENT  
WITH CLEAR CREEK INVESTMENT GROUP, LLC**

**WHEREAS**, the City Council has previously approved a Utility Extension Agreement, dated June 4, 2020, with Clear Creek Investment Group, LLC, “Clear Creek” providing for the City’s acceptance of water and sewer system extensions, some of which will be upsized at the City’s request with the City’s paying the difference in cost associated with the upsizing, and also providing for the contribution by Clear Creek of \$300,000 toward the cost of the City’s construction of the Clear Creek Sewer Interceptor Project in exchange for the City’s agreement to accelerate the construction of the Clear Creek Sewer Interceptor on the City’s CIP to allow for connection of the Clear Creek Development into the City’s sewer system without the use of force mains; and

**WHEREAS**, Clear Creek has requested that the Utility Extension Agreement, dated June 4, 2020, with Clear Creek be amended to allow the implementation of a temporary solution should the City’s construction of the Clear Creek Sewer Interceptor Project not be completed in time for connection by the Clear Creek Development; and

**WHEREAS**, a First Amended and Restated Utility Extension Agreement has been presented for consideration by City Council, “First Amended Utility Extension Agreement”; and

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Hendersonville, North Carolina that:

1. The First Amended and Restated Utility Extension Agreement is approved. The City Manager is authorized to sign the First Amended and Restated Utility Extension Agreement with such changes as he deems appropriate, after consultation with the City Attorney.

2. The City Manager, City Attorney, City Clerk, and City staff are authorized to take such actions as necessary to carry out the City's obligations under the terms of the Agreement as signed by the City Manager.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of January 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Becker, City Attorney

***Council Member Jeff Miller moved to approve the items on the consent agenda as amended, moving Item 5B to New Business as new item 9G for discussion. A unanimous vote of the Council followed. Motion carried.***

6. **Presentations** - There were no presentations in this section.

7. **Public Hearings**

***City Council Member Jeff Miller moved that City Council reschedule the following public hearings to the next regularly scheduled meeting on Thursday February 4, 2021 at 5:45 p.m. in the 2<sup>nd</sup> Floor Council Chambers of City Hall located at 160 Sixth Ave. E. or as soon after there as possible to consider the following two matters:***

- A. ***Conditional Zoning District – The Cedars- Application for a conditional rezoning from the Tamara Peacock Company and Tom Shipman. The applicant is requesting to rezone the subject properties, PIN 9568-79-0293, 9568-79-2254, 9568-79-3224 and 9568-79-0388 and located at 227 7th Avenue West, from CMU, Central Mixed Use to CMU CZD, Central Mixed Use Conditional Zoning District for the construction of 132 condo/hotel suites, conference center and 2 restaurants. P20-09-CZD***
- B. ***Conditional Zoning District – Carleton Collins Architecture, PLLC - Application for a conditional rezoning from Carleton Collins Architecture, PLLC. The applicant is requesting to rezone the subject property, PIN 9569-60-1341 and 9569-60-1454 and located at 903 & 919 Fleming Street, from MIC, Medical, Institutional and Cultural District to MIC CZD, Medical, Institutional and Cultural Conditional Zoning District for the construction of a three-story, 13,536 sq. ft. medical office building. P20-41-CZD***

***A unanimous vote of the Council followed. Motion carried.***

8. **Unfinished Business-** There was no unfinished business.

9. **New Business**

- A. ***Hands On Children's Museum Partnership Proposal - Presenter: Joseph Knight, Executive Director***

Joseph C. Knight, Executive Director of Hands On! Children's Museum presented The People's Museum and Wall of Fame Hands On! Children's Museum proposal to City Council. Director Knight recalled the timeline of the history of the Museum and proposed a partnership with the City to preserve, promote and celebrate the diversity and the unique culture and history of all the people of the City of Hendersonville and Henderson County with a focus on African American heritage. Director Knight presented a rendering of the space and stated entry into The People's Museum and the Walk of Fame would be free to the general public. Director Knight stated the Hands On! Children's Museum attracted 40,000 visitors in 2019 and estimated the local economic impact being approximately \$1.6M. Director Knight projected an additional 20,000 visitor's with the proposed addition and stated he expects to reach out to an additional 8,000 students. Director Knight asked the City Council to consider approval of funding to support the project over a five-year period as follows:

## PEOPLE'S MUSEUM & WALK OF FAME PROPOSAL TO THE CITY OF HENDERSONVILLE

		Unit 1 Lease Expense	
		Monthly	Annual
Unit 1 Rent		\$6,500	\$78,000

Unit 1 Lease Expense Museum Leases from Love in North Carolina, LLC						
	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Unit 1 Rent	\$78,000	\$78,000	\$78,000	\$78,000	\$78,000	\$390,000
Total Investment from City	\$78,000	\$42,000	\$42,000	\$42,000	\$42,000	\$246,000



Council Member Jeff Miller stated he was in support of the Museum and this project but expressed reservations regarding the proposal with regards to the amount of space (800 sq. ft.), location of the Museum and the need to vet it through the Diversity Committee, designers, and staff to gather additional input in some of the planning before a decision is made. Director Knight clarified that he is in active negotiations to lease the additional space to expand the entire Museum which will also house The People's Museum pending the outcome of this request. Director Knight acknowledged concerns of gathering input on exhibits but stated in his experience it was better to plan exhibits around a defined space. Council Member Dr. Jennifer Hensley stated she also supports the Museum and this project but additionally expressed concerns of the timing of the request for funding stating it will compete with other community funding requests for basic needs such as food, shelter and clothing for area children and families. Council Member Hensley stated she feels this discussion is more appropriate for the Council's budget workshop where the Council prioritizes and set aside funding for projects and said she is not ready to make a firm commitment. Council Member Jerry Smith stated he also supports this project and said he feels this is the best opportunity to move this project forward and feels the location is a prime location for all residents and visitors to the area. Council Member Smith stated the requested cost is a very small amount of budgetary costs to be able to participate in the project. Council Member Smith stated Director Knight has acknowledged the need for additional funding by seeking out other sources of funding in addition to this request and said Mr. Knight has demonstrated a willingness to work with City staff regarding the financials of the project. Council Member Smith agreed with Council Member Hensley's comments regarding basic needs of local families and children and added it was also important to fulfill intellectual needs of children as well. Council Member Smith acknowledge concerns of waiting on a decision and said Director Knight is faced with keeping the current location with an extension into the additional space or of letting the lease expire and losing the Main Street location altogether. Director Knight clarified the Museum forecasted revenues returning to normal at least 6 months out and said if they do not have an active project to go into the additional space to further drive visitor traffic then the project would not be feasible for their investors. Director Knight clarified the Museum maintained all but two positions during the pandemic and said they have 2 full-time and 4 part-time positions currently. Director Knight announced the Dogwood Trust has granted the Museum \$20,000 to develop an African American exhibit regardless of the location. Council Member Lyndsey Simpson stated she fully supported the project and said this project would fulfil a long-lasting need in the community and a commitment made by City Council to make a lasting difference. Mayor Barbara G. Volk inquired when the Museum could become revenue self sufficient and Director Knight stated he has forecasted revenues to return to normal in July 2021 and continue to grow thereafter. He stated the requested commitment would allow them to sustain current expenses while they work to secure other financial contributions such as donations and grants. Mayor Volk stated the lease for unit 1 is \$78,000 per year and the People's Museum would occupy a small portion of this space and clarified that the City would be subsidizing other operational expenses of the Hands On! Museum if the Project is approved. Mayor Volk stated she supports the project but would like to see the contribution reviewed annually for a reduction in the City's contribution. Director Knight agreed and counter proposed a commitment for the first two years with a reduction review beginning on year 3 through 5. Council Member Smith concurred with Mayor Volk. Council Member Hensley inquired if long range financial and fund-raising goals could be incorporated into the agreement. City Manager John Connet reminded everyone that all North Carolina local government contracts are required to have a non-appropriation clause clarifying a future board may not be bound to funding in the event funds are not available for appropriation. Manager Connet stated he does not expect this to happen but wanted to make sure everyone was aware. City Attorney Angela S.

Beeker advised City Council they may approve conditional funding limits for the first two years and authorize the City Manager to negotiate the terms of a contract within those parameters. Attorney Beeker advised staff would bring back any final contract for ratification at a later meeting.

***City Council Member Jerry Smith moved that City Council direct the City Manager to enter into a partnership agreement with Hands On! Children's Museum to establish the People's Museum - A Cultural History of Henderson County and a permanent home for The Walk of Fame under the following terms:***

- 1. The City Council will agree to fund Hands On! Children's Museum in the amount of \$78,000 in year 1, for the specific purpose of \$39,000 going to pay rent and \$39,000 being used for the build out of the People's Museum; and***
- 2. The City Council will agree to fund Hands On! Children's Museum in the amount not to exceed \$42,000 in year 2 for the specific purpose of paying rent; and***
- 3. For each of years 3-5, the City Council will consider funding in the amount not to exceed \$42,000 to be specifically used for rent, with the funding approval each year to be conditional upon Council's review of the prior years' performance.***

***A unanimous vote of the Council followed. Motion carried.***

**B. Hendo Half-Marathon - Presenter: Council Member Hensley/City Manager Connet**

Council Member Dr. Jennifer Hensley addressed City Council requesting support from the City to jointly sponsor a half-marathon race with Laurel Park. Council Member Hensley stated the proposed date for the event is May 8, 2021 and said if approved, the race would start at Jump Off Rock and end on Main Street. City Manager John Connet stated iDaph Events would be responsible for coordinating/managing the event but said City staff (HPD/HFD) would be needed on the day of the event to help with traffic control and safety. Manager Connet reminded everyone if the City is an event sponsor, city service would be provided at no cost to the event and asked for direction from City Council to proceed. Council Member Jeff Miller stated he prefers to work the race in conjunction with the currently planned street closure that weekend. Council members agreed to co-sponsor this event.

**C. Hendersonville Kiwanis 100<sup>th</sup> Anniversary Legacy Project Presentation - Presenter: Kiwanis Club**

Lee Henderson-Hill, President of the Hendersonville Kiwanis Club presented their 100<sup>th</sup> Anniversary Legacy Project to City Council proposing the Club will raise \$100,000 through the Club members and community partners to build out the splash pad and in return the Club is asking the City of Hendersonville to provide a location at one of the City's parks to permanently house this project. Ms. Henderson-Hill stated the Club is also requesting assistance of City Public Works staff to build & install the splash pad and stated upon completion of the project, the Kiwanis Club of Hendersonville will assist with annual landscaping of the project area. City Manager John Connet clarified the overall maintenance and operation of the splash pad will be turned over to the City of Hendersonville and clarified in the future, if the Kiwanis Club of Hendersonville would like to add any amenities to the property, they would be responsible for raising the necessary funds to do so. City Council Members expressed praise and excitement to partner with the Kiwanis Club in this project with a consensus to direct staff to identify an appropriate location in one of the City's parks for installation and to coordinate staff to assist with implementation.

**D. Gun Safety Program - Presenter: John Connet, City Manager/ HPD**

Interim Police Chief Bill Hollingsed addressed City Council regarding gun violence in the City recalling prior conversations with Council Member Dr. Jennifer Hensley to research and implement a firearm safety program. Chief Hollingsed stated he and staff are proposing implementation of Project Child Safe which encompasses topics such as North Carolina laws regarding storage of firearms when children are present, security of firearms (discussing types of gun locks, lock boxes, and safes available), choosing appropriate firearms for home safety, and deterring access by at-risk persons who may have substance abuse, or mental health issues or persons who demonstrate a propensity of violence. Chief Hollingsed stated staff are working with the Communications Manager, Allison Justus to create videos which will

appear on the City's website, and social media accounts. Chief Hollingsed stated HPD will conduct a drive through safety event on January 16<sup>th</sup> to give away gun locks and educational literature to launch the program to the community. Council Member Hensley expressed thanks and appreciation to the work HPD staff has put into this program and to get the gun locks donated.

**E. Presentation Expanded Outdoor Dining Structures-Pilot Project - Presenter: Jamie Carpenter, Downtown Manager**

Downtown Planning Manager Jamie Carpenter presented the Outdoor Dining Structures Pilot Project presentation to City Council. Ms. Carpenter stated due to COVID-19, several businesses have expressed an interest in investing in semi-permanent outdoor dining structures. Ms. Carpenter stated Downtown staff have worked with Oklawaha Brewing and Hannah Flanagan's to determine feasibility and would like to pursue allowing these businesses to serve as pilot projects for expanded outdoor dining structures in the downtown area. Ms. Carpenter stated if approved, the businesses will be making a financial investment in this project, but will work with city staff to create a structure that fits within parameters for public works and safety as well as a design aesthetic that fits within the historic downtown context. Ms. Carpenter outlined the project costs stating there is no financial cost to the City but said there is a financial investment from the businesses of approximately \$10,000. Ms. Carpenter stated the Downtown program has provided in-kind design services and said that businesses may apply for a Pivot Grant through Friends of Downtown nonprofit to help with costs. Ms. Carpenter stated staff are proposing a 6-month pilot project period followed by a report on recommended policies based on the lessons learned and results from the pilot project.

***City Council Member Jennifer Hensley moved that City Council approve the resolution to pilot expanded outdoor dining projects in the Downtown District and to develop the project subject to the recommendations of the City Attorney regarding liability and insurance. A unanimous vote of the Council followed. Motion carried.***

**Resolution #R-21-08**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO PILOT EXPANDED OUTDOOR DINING PROJECTS IN THE DOWNTOWN DISTRICT**

**WHEREAS**, in May, 2020, the City Council of the City of Hendersonville granted authority to the City Manager to allow expanded outdoor dining related to the Covid-19 pandemic; and;

**WHEREAS**, Oklawaha Brewing Company and Hannah Flanagan's Irish Pub requested additional space to expand into loading zones and parking spaces to allow additional seating capacity; and

**WHEREAS**, Oklawaha Brewing Company and Hannah Flanagan's Irish Pub have expressed interest in making a financial investment to build semi-permanent structures for outdoor dining; and

**WHEREAS**, The Downtown Division of the City of Hendersonville partnered with UNC Greensboro Main Street Architecture Fellows to develop design renderings for an expanded dining structure at Oklawaha Brewing Company; and

**WHEREAS**, The Downtown Advisory Committee would like to promote creative use of outdoor dining space to benefit the downtown atmosphere.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Hendersonville, North Carolina that:

1. The Downtown Division of the City of Hendersonville may develop a pilot outdoor dining project with Oklawaha Brewing Company and Hannah Flanagan's Irish Pub to build semi-permanent outdoor dining structures
2. Oklawaha Brewing Company and Hannah Flanagan's Irish Pub shall be responsible for the financing and maintenance of the outdoor dining structures
3. The structures shall be subject to approval regarding stormwater drainage, traffic flow, fire safety, appearance, materials, building inspection, and any other parameters as determined by staff
4. The structures shall be subject to the Sidewalk Dining ordinance
5. The pilot project shall be reviewed and presented within 6 months from the date herein, and no other projects of this nature shall be approved until the pilot period is complete
6. The Downtown Advisory Committee shall recommend policies on expanded outdoor dining structures upon review of the pilot projects granted.
7. The Pilot Project must be developed in consultation with the City Attorney with regards to protecting the City from liability.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of January 2021.

/s/Barbara G. Volk, Mayor  
Attest: /s/Angela L. Reece, City Clerk  
Approved as to form: /s/Angela S. Becker, City Attorney

**F. Resolution to Purchase Property located at 622 Pace Street Request - Presenter: John Connet, City Manager**

City Manager John Connet stated City staff is requesting permission to purchase the property located at 622 Pace Street for \$100,000 stating if the City purchases the property, we can eliminate the illegal activities and resolve a drainage issue between the new police headquarters and this property. Manager Connet stated the tax value for the property is approximately \$80,000 and said the current property owners (4 heirs of Marion Jones) are willing to sell the property for \$100,000. Manager Connet stated this price is consistent with other property the City has purchased in this area and said the property could be later sold for the construction of a new home or utilized by the City for another use.

***Council Member Lyndsey Simpson moved that City Council approve the Resolution to Authorize the City Manager to Enter into A Contract for the Purchase of 622 East Pace Street Property for \$100,000. A unanimous vote of the Council followed. Motion carried.***

**Resolution #R-21-09**

**RESOLUTION AUTHROIZING CITY MANAGER TO ENTER TO CONTRACT FOR THE PURCHASE OF 622 EAST PACE STREET PROPERTY**

**WHEREAS**, the City of Hendersonville has received an offer to sell to the City certain property described as that +/- 0.19 acre tract, having a tax parcel ID of 9568997909, and an address of 622 East Pace Street, Hendersonville, NC 28792 (the "Property"); and

**WHEREAS**, acquisition of the Property would enable the City to address a drainage issue related to the new Hendersonville Police Headquarters, would end the repeated use of the Property for criminal purposes, and would allow the property to be put to a public purpose by the City; and

**WHEREAS**, the City Council wishes to authorize the City Manager to acquire the Property on behalf of and in the name of the City for the price of \$100,000.00, upon such terms and conditions as are acceptable to the City Manager, after consultation with the City Attorney;

**NOW THEREFORE**, the Hendersonville City Council resolves that:

1. The City Manager is authorized to negotiate and execute a purchase agreement for the Property, for the price of \$100,000.00 upon such terms and conditions as are acceptable to the City Manager in consultation with the City Attorney, including depositing a portion of the purchase price as an earnest money deposit.
2. The City Manager, City Clerk, City Attorney and City staff are further authorized to take such actions as are necessary to effectuate the purchase of the Property, including closing on the purchase and acceptance of a deed in the name of and on behalf of the City.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of January 2021.

/s/Barbara G. Volk, Mayor  
Attest: /s/Angela L. Reece, City Clerk  
Approved as to form: /s/Angela S. Becker, City Attorney

**G. Annual City Council Meeting Schedule Ratification**

Council Member Jerry Smith requested City Council consider holding the January 27<sup>th</sup> and February 4<sup>th</sup> meetings as remote meetings due to ongoing health concerns surrounding the pandemic. After much discussion, Attorney Becker recommended to leave the meeting notice as drafted to allow flexibility and in addition give notice of electronic participation 48 hours in advance of the meeting. Manager Connet reminded everyone the largest impact of holding remote meetings would be a delay of 24 hours to allow additional public comment before City Council can vote on planning matters.



**Council Member Jerry Smith moved that City Council adopt the 2021 Annual Meeting Schedule as presented. A unanimous vote of the Council followed. Motion carried.**

AMENDED

## NOTICE

City of Hendersonville City Council 160 Sixth Avenue East Hendersonville, NC 28792

### NOTICE OF CITY COUNCIL REGULAR MEETINGS & SECOND MONTHLY MEETINGS

The regular meetings will be held at the physical locations designated, and will be conducted as "in person" meetings of the City Council; however due to COVID restrictions, any regular meeting may be conducted electronically, in which case additional public notice will be given that complies with the special meeting notice requirements, with instructions on how the public can view and participate electronically.

For "in person" meetings, in-person attendance by the public will also be permitted; however, in compliance with Governor Cooper's Executive Orders and social distancing guidelines, in-person attendance of the public may be limited and as spacing permits. Citizens requesting to speak during the in person meeting will be given instructions and the opportunity to address City Council at the appropriate time during the meeting. The conference room located on the 2<sup>nd</sup> floor of City Hall across from the Council Chambers will be utilized as an overflow room for these meetings. Citizens attending in-person may be asked to wait in this room where they may view the meeting live.

The public may also view and verbally comment on public hearings live via ZOOM. For security reasons screen sharing will not be allowed. The meeting instructions to join by Zoom will be available on the City's website by visiting <https://www.hendersonvillemn.nc.gov/council>. Comment period instructions will also be displayed at the appropriate times during the meeting.

Anyone wishing to submit written public comment for public hearings prior to the meeting may visit <https://www.hendersonvillemn.nc.gov/comment> to submit their comment. Written comments must be submitted by Noon the day of the meeting to be considered by the City Council. If comments include photo(s) or video they must be submitted by 8:00 a.m. the day prior to the meeting to be considered by the City Council.

#### LOCATION AMENDMENT

The following Regular Meetings of the City of Hendersonville City Council are held on the first Thursday of each month beginning at 5:45 p.m. at City Hall on the 2<sup>nd</sup> floor Council Chambers at 160, Sixth Avenue, E. Hendersonville NC through May 2021.

January 7, 2021  
February 4, 2021  
March 4, 2021  
April 1, 2021  
May 6, 2021

The following Regular Meetings of the City of Hendersonville City Council are held on the first Thursday of each month beginning at 5:45 p.m. in the Assembly Room of the Operation Center located at 305 Williams Street, Hendersonville NC.

June 3, 2021  
July 1, 2021  
August 5, 2021

September 2, 2021  
October 7, 2021  
November 4, 2021  
December 2, 2021

AMENDED

### CITY COUNCIL SECOND MONTHLY MEETING NOTICE

#### LOCATION AMENDMENT

The following Second Monthly Meetings will be held in a workshop format to give the City Council an opportunity to receive and discuss information. Meetings are held on the fourth Wednesday of each month beginning at 4:00 p.m. at City Hall Council Chambers on the 2<sup>nd</sup> floor at 160, Sixth Avenue, E. Hendersonville NC through May 2021.

January 27, 2021  
February 24, 2021  
March 24, 2021  
April 28, 2021  
May 26, 2021

Second Monthly Meetings will be held in a workshop format to give the City Council an opportunity to receive and discuss information. Meetings are held in the Assembly Room of the Operation Center located at 305 Williams Street, Hendersonville NC. The following workshop meetings have been scheduled for 2021:

June 23, 2021  
July 28, 2021  
August 25, 2021

September 22, 2021  
October 27, 2021  
November 24, 2021  
December 22, 2021

Angela L. Reece  
City Clerk

The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3005.

Ratified 1/7/2021

Posted 12/31/2020

Published in Times-News 12/30/2020

<https://www.hendersonvillemn.nc.gov>

## 10. Appointments to Boards Commissions Committees

City Manager John Connet provided the Council with Boards and Commissions Applicants. City Council made the following appointments:

### Board of Adjustment

**Council Member Jeff Miller moved that City Council appoint Karen Livingston to fill an un-expired term on the Board of Adjustment ending on June 30, 2023. A unanimous vote of the Council followed. Motion carried.**

### Historic Preservation Commission

**Council Member Jeff Miller moved that City Council re-appoint Chris Barron to fill a 3-year term on the Historic Preservation Commission ending December 31, 2023. A unanimous vote of the Council followed. Motion carried.**

**Council Member Lyndsey Simpson moved that City Council appoint Samuel Hayes to fill a 3-year term on the Historic Preservation Commission ending December 31, 2023. The motion carried by a vote of 3-2 with Council Members Miller and Hensley voting against.**

**Council Member Jerry Smith moved that City Council re-appoint Phillip Allen to fill a 3-year term on the Historic Preservation Commission ending December 31, 2023. A unanimous vote of the Council followed. Motion carried.**

### Planning Board

**Council Member Jeff Miller moved that City Council re-appoint Jon Blatt to fill a 3-year term on the Planning Board ending December 31, 2023. The motion carried by a vote of 4-1 with Council Member Simpson voting against.**

**Council Member Jennifer Hensley moved that City Council appoint Tamara Peacock to fill a 3-year term on the Planning Board ending December 31, 2023. A unanimous vote of the Council followed. Motion carried.**

**Tree Board**

*Council Member Jerry Smith moved that City Council re-appoint Debbie Roundtree and Mac Brackett, and to appoint Glenn Lange to each fill a 3-year term on the Tree Board ending December 31, 2023. A unanimous vote of the Council followed. Motion carried.*

**Walk of Fame Steering Committee**

*Council Member Jennifer Hensley moved that City Council appoint Joelyn Baker to fill a 3-year term on the Walk of Fame Steering Committee ending December 31, 2023. A unanimous vote of the Council followed. Motion carried.*

**Water and Sewer Advisory Council**

*Council Member Jeff Miller moved that City Council appoint Chuck McGrady to fill an un-expiring term on the Water and Sewer Advisory Council. A unanimous vote of the Council followed. Motion carried.*

**FBRMPO TCC Appointment**

*Council Member Jeff Miller moved that City Council appoint Planning Manager, Matthew Manley to fill an un-expiring term on the French Broad River MPO Technical Coordinating Committee. A unanimous vote of the Council followed. Motion carried.*

**11. City Council Comments**

There were no comments.

**12. City Manager Report** - Presenter: John F. Connet, City Manager

There were no comments.

**13. Closed Session**

*At 9:12 p.m. City Council Member Lyndsey Simpson moved that City Council enter into closed session pursuant to NCGS § 143-318.11(a)(1)(3)(5)(6) to (1) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, (3) to consult with an attorney employed by the public body in order to preserve the attorney-client privilege between the attorney and the public body, (5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease, and (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. A unanimous vote of the Council followed. Motion carried.*

*Council Member Lyndsey Simpson moved that City Council return to Open Session at 9:50 p.m. A unanimous vote of the Council followed. Motion carried.*

**14. Adjourn**

There being no further discussion, the meeting was adjourned at 9:50 p.m. upon unanimous assent of the Council.

\_\_\_\_\_  
Barbara G. Volk, Mayor

ATTEST:

\_\_\_\_\_  
Angela L. Reece, City Clerk



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**SUBMITTER:** Brian Pahle **MEETING DATE:** 02/04/2021

**AGENDA SECTION:** Choose one, delete others: **DEPARTMENT:** Administration  
Council Action

**TITLE OF ITEM,  
Presenter Name, Title:** City Operations Assembly Room Upgrade, Phase II – *John Connet, City Manager*

**SUGGESTED MOTION(S):** I move to authorize the City Manager to execute an AIA change order, contract for AV equipment and related services, and contract order for furniture, for the City Operations Assembly Room project, as presented.

**SUMMARY:**

An agenda item to consider the second phase of the operations center assembly room upgrades. This includes a change order to the existing construction contract based on a desire to change the directional positioning of the room and necessary structural changes to accommodate that, up-fit of audio/visual equipment and systems procured through an informal bid process, and a new dais procured through a NC State contract.

**BUDGET IMPACT:** \$126,721.56

**Is this expenditure approved in the current fiscal year budget?** YES / **NO**

**If no, describe how it will be funded.**

The Mid-Year Report agenda item provides for a budget amendment and detail of how this project will be funded.

**PROJECT NUMBER:** 19140

**PETITION NUMBER:** N/A

**ADDITIONAL PETITION NUMBER:** N/A

**PETITIONER NAME:** N/A

**ATTACHMENTS:**

Purchase Order Forms



City of Hendersonville

# PURCHASE ORDER/QUOTE FORM

Employee Name: John Connet	Department: Administration
----------------------------	----------------------------

DATE QUOTES OBTAINED: 01/19/2021	DATE GOODS ARE REQUIRED: 06/30/2021	<input type="checkbox"/> DEPT WILL PICK UP <input type="checkbox"/> EMERGENCY ORDER
-------------------------------------	--	--

	VENDOR 1 NAME	VENDOR 2 NAME:	VENDOR 3 NAME:
VENDOR #:	Dunlap Co.		
CONTACT:	Maggie Carnaval		
PHONE #:			
TOTAL QUOTE:	\$ 41,519.00		

ACCOUNT #	QTY	ITEM DESCRIPTION	UNIT	TOTAL
410-1002-Cap-191	1	Capital Outlay	\$ 40,519.00	\$ 40,519.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00

**REASON(S) QUOTES NOT OBTAINED /EXPLANATION OF SOLE SOURCE OR EMERGENCY:**

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This is a change order to the City Ops Assembly Room project.



# Change Order Request

720B North Grove Street  
Hendersonville, NC 28792  
Phone: (828) 697-9598

CHANGE ORDER REQUEST	DATE
City Operations	1/5/2021

**TO**

PFA Architects, P.A.  
Attn: Maggie Carnevale, AIA  
196 Coxe Avenue  
Asheville, NC 28801  
828-254-1963 x 111  
[mcarnevale@pfarchitects.com](mailto:mcarnevale@pfarchitects.com)

Project Description: Change Order for Multipurpose Room	AMOUNT
<ul style="list-style-type: none"> <li>Change Order Request for work related to blueprints from PFA and Sims covering the scope of the Multipurpose Room alterations dated 12/18/20</li> </ul>	
<i>Thank you for your business!</i>	<b>ADD: \$40,519.00</b>

# AIA Document G701™ – 2017

## Change Order

**PROJECT:** (Name and address)  
City of Hendersonville -  
Operations Center Renovations  
located at 305 Williams Street,  
Hendersonville, NC 28792

**CONTRACT INFORMATION:**  
Contract For: General Construction  
  
Date: September 28<sup>th</sup>, 2020

**CHANGE ORDER INFORMATION:**  
Change Order Number: 001  
  
Date: January 19<sup>th</sup>, 2021

**OWNER:** (Name and address)  
City of Hendersonville  
160 6<sup>th</sup> Avenue, E  
Hendersonville, NC 28792

**ARCHITECT:** (Name and address)  
PFA Architects, P.A.  
196 Coxe Avenue  
Asheville, NC 28801

**CONTRACTOR:** (Name and address)  
Dunlap Construction Company1  
720 B Brove Street,  
Hendersonville, NC 28792  
License# 42054

**THE CONTRACT IS CHANGED AS FOLLOWS:**

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

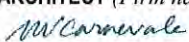
- 1. Additional cost for work related to blueprints from PFA and Sims Group covering the Scope of the Multi-Purpose Room Alterations dated 12/18/20. This work requires no additional days to the Contract Time. See attached Dunlap Construction Company's proposal dated 1/05/21 that was approved on 1/14/21. ....ADD \$ 40,519.00

The original Contract Sum was	\$ 177,467.00
The net change by previously authorized Change Orders	\$ 0.00
The Contract Sum prior to this Change Order was	\$ 177,467.00
The Contract Sum will be increased by this Change Order in the amount of	\$ 40,519.00
The new Contract Sum including this Change Order will be	\$ 217,986.00

The Contract Time will be unchanged by Zero (0) days.  
The new date of Substantial Completion will be as originally stated.

**NOTE:** This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

**NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.**

PFA Architects, P.A.  
**ARCHITECT** (Firm name)  
  
**SIGNATURE**  
 Martha V. Carnevale, AIA, Architect /  
 Vice-President / Treasurer  
**PRINTED NAME AND TITLE**  
 January 19<sup>th</sup>, 2021  
**DATE**

Dunlap Construction Company  
**CONTRACTOR** (Firm name)  
  
**SIGNATURE**  
 Jill Dunlap,  
 President  
**PRINTED NAME AND TITLE**  
 January 19<sup>th</sup>, 2021  
**DATE**

City of Hendersonville  
**OWNER** (Firm name)  
**SIGNATURE**  
 Tom Wooten,  
 Director of Public Works  
**PRINTED NAME AND TITLE**  
 January , 2021  
**DATE**



City of Hendersonville

# PURCHASE ORDER/QUOTE FORM

Employee Name: John Connet	Department: Administration
----------------------------	----------------------------

DATE QUOTES OBTAINED: 01/19/2021	DATE GOODS ARE REQUIRED: 06/30/2021	<input type="checkbox"/> DEPT WILL PICK UP <input type="checkbox"/> EMERGENCY ORDER
-------------------------------------	--	--

	VENDOR 1 NAME	VENDOR 2 NAME:	VENDOR 3 NAME:
VENDOR #:	PBI		
CONTACT:	Summer Whitaker		
PHONE #:			
TOTAL QUOTE:	\$ 31,966.81		

ACCOUNT #	QTY	ITEM DESCRIPTION	UNIT	TOTAL
410-1002-Cap-191	1	Capital Outlay	\$ 31,966.81	\$ 31,966.81
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00

**REASON(S) QUOTES NOT OBTAINED /EXPLANATION OF SOLE SOURCE OR EMERGENCY:**

This is a specialty furniture order to match an existing furniture upfit by PBI in the City Ops Assembly Room upgrade project.



123 Sweeten Creek Rd.  
 Asheville, NC 28803  
 Suite A  
 Phone:828.277.7001  
 Fax:828-277-7003

Section 5, Item B.

**PROPOSAL: 43453**

DATE: 01/19/21  
 PROJECT#: 13-540

PROPOSAL FOR:	INSTALL AT:
CITY OF HENDERSONVILLE ATTN: JOHN CONNET 697-3000 JCONNET@HVLNC.GOV 160 6TH AVE E HENDERSONVILLE NC 28792	CITY OF HENDERSONVILLE 160 6TH AVE E HENDERSONVILLE NORTH CAROLINA 28792 ATTN: JOHN CONNET 697-3000 JCONNET@HVLNC.GOV

SALESPERSON	TERMS	EST. INSTALL	QUOTE VALID
SUMMER WHITAKER	NET 10	/ /	10/28/20

#	QTY	PRODUCT	DESCRIPTION	SELL	EXTENDED
1	1		Curved Board Table, 131" 1 section and 90" for 2 sections, 30"h worksurface with wiring grommets. 36"h modesty/privacy panel and end panels. Includes wiring access ports in adjoining end panels. All surfaces are quoted as standard Wilsonart laminate. Worksurface to have matching 3mm PVC band. *MODULAR OPTION- 3 MOBILE PIECES, LOCKING CASTERS LAMINATE: WILSONART/ MONTICELLO MAPLE	20,613.33	20,613.33
2	1		Lectern, 24" x 24" x 42"h. flat or sloped recessed worksurface. Open shelf below worksurface, lower hinged door with storage area inside. Includes A/V equip grommets and ventilation ports as needed. Reveal details to match item "A". All exterior surfaces are quoted as standard Wilsonart laminate. Black melamine interior surfaces. LAMINATE: WILSONART/MONTICELLO MAPLE	2,920.00	2,920.00
3	1		Rectangular Two-Person Side Table, 72" x 30" x 30"h. Full height modesty and end panels. Reveal details to match circular table. All surfaces quoted in same Wilsonart standard laminate. Worksurface to have matching 3mm PVC band. *With casters. 3 worksurface grommets. LAMINATE: WILSONART/MONTICELLO MAPLE	3,346.67	3,346.67





123 Sweeten Creek Rd.  
 Asheville, NC 28803  
 Suite A  
 Phone:828.277.7001  
 Fax:828-277-7003

Section 5, Item B.

**PROPOSAL: 43453**

DATE: 01/19/21  
 PROJECT#: 13-540

PROPOSAL FOR:	INSTALL AT:
CITY OF HENDERSONVILLE ATTN: JOHN CONNET 697-3000 JCONNET@HVLNC.GOV 160 6TH AVE E HENDERSONVILLE NC 28792	CITY OF HENDERSONVILLE 160 6TH AVE E HENDERSONVILLE NORTH CAROLINA 28792 ATTN: JOHN CONNET 697-3000 JCONNET@HVLNC.GOV

SALESPERSON	TERMS	EST. INSTALL	QUOTE VALID
SUMMER WHITAKER	NET 10	/ /	10/28/20

#	QTY	PRODUCT	DESCRIPTION	SELL	EXTENDED
4	7	BE05936-EN-2-2-C-M1-36	PDC, Interlink IQ 2.0, Burele, EM-EN, (2) power outlets, 36" Interlink IQ 2.0 adder, (1) 2 Outlet USB modular charger, (1) Open Data Port	238.20	1,667.40
5	1	BE05930-72	Interlink IQ 2.0 control box	137.87	137.87
6	1		Freight, Delivery, and Installation	1,260.22	1,260.22

**TERMS & CONDITIONS**

**75% DEPOSIT NEEDED TO INITIATE ORDER ALONG WITH PO OR SIGNATURE.  
 PBI INVOICES BASED ON PROGRESS OF A JOB (AS ITEMS ARE DELIVERED TO YOU).  
 PLEASE SPECIFY ONE DELIVERY IF ONLY ONE CHECK CAN BE CUT.  
 STORAGE FEE OF \$350/WEEK WILL BE CHARGED ON GOODS HELD OVER 2 WEEKS.  
 A 50% RESTOCKING FEE WILL BE CHARGED IF ORDER IS CANCELLED.  
 A 4% SURCHARGE WILL BE ACQUIRED ON CREDIT CARD TRANSACTIONS.  
 WE LOOK FORWARD TO DOING BUSINESS WITH YOU!!!**

**DEPOSIT REQUIRED 23,975.00**

ACCEPTED BY _____	SUBTOTAL....:	29,945.49
DATE ACCEPTED _____	SALES TAX...:	2,021.32
	TOTAL	31,966.81



City of Hendersonville

# PURCHASE ORDER/QUOTE FORM

Employee Name: Brian Pahle	Department: Admin.
----------------------------	--------------------

DATE QUOTES OBTAINED: October-November 2020	DATE GOODS ARE REQUIRED: February 2021	<input type="checkbox"/> DEPT WILL PICK UP  <input type="checkbox"/> EMERGENCY ORDER
--	---	--

	VENDOR 1 NAME	VENDOR 2 NAME:	VENDOR 3 NAME:
VENDOR #:	Pisgah AVL	UMCS	ABE
CONTACT:	Ryan Hargis	Mark Girardi	John Morelock
PHONE #:	(828) 585-4787	828-258-1629	mailto:JohnM@ABECarol
TOTAL QUOTE:	\$ 53,258.82	\$ 106,640.31	\$ 91,953.00

ACCOUNT #	QTY	ITEM DESCRIPTION	UNIT	TOTAL
410-1002-519104-	1	Pisgah AVL AV Upgrade	\$ 53,258.82	\$ 53,258.82
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00

**REASON(S) QUOTES NOT OBTAINED /EXPLANATION OF SOLE SOURCE OR EMERGENCY:**

A committee of Allison Justus, Jay Heatherly, and myself solicited informal bids for AV upgrades to the City Ops Assembly Room due to needed improvements for streaming meetings in response to COVID. Additionally, there have been multiple equipment failures and the room is due for an upgrade. Of the three responses, Pisgah AVL came most qualified and provided the best price. We conducted multiple interviews and reviews of the submissions.

It is the committee's recommendation to move forward with Pisgah AVL. A budget amendment will need to be provided.

**Pisgah Audio Video Lighting, LLC**  
 174 Bradley Branch Rd Ste 9  
 Arden, NC 28704 US  
 (828) 585-4787  
 info@pisgahavl.com  
 www.pisgahavl.com



# Estimate

**ADDRESS**

City of Hendersonville  
 305 Williams St.  
 Hendersonville, NC 28792 USA

**SHIP TO**

City of Hendersonville  
 305 Williams St.  
 Hendersonville, NC 28792  
 USA

**ESTIMATE # 1223**

**DATE 11/11/2020**

ITEM	QTY	RATE	AMOUNT
<b>Audio Sales</b> Allen & Heath AMH64 matrix mixer	1	2,999.00	2,999.00T
<b>Audio Sales</b> Allen & Heath 64x64 Dante card	1	1,599.00	1,599.00T
<b>Audio Sales</b> Allen & Heath IP8 remote fader bank	1	1,090.00	1,090.00T
<b>Audio Sales</b> Whirlwind PCDI stereo input DI	2	149.00	298.00T
<b>Audio Sales</b> Shure MXWANI8 8 channel network interface	1	1,248.00	1,248.00T
<b>Audio Sales</b> Shure MXWANI4 4 channel network interface	1	1,167.00	1,167.00T
<b>Audio Sales</b> Shure MXWAPT8 8 channel transceiver	1	3,408.00	3,408.00T
<b>Audio Sales</b> Shure MXWAPT4 4 channel transceiver	1	2,635.00	2,635.00T
<b>Audio Sales</b> Shure MXWNCS8 8 port charging station	3	1,776.00	5,328.00T
<b>Audio Sales</b> Shure MXW8 gooseneck transmitter base	10	580.00	5,800.00T
<b>Audio Sales</b> Shure MX410 10" gooseneck microphone	7	212.00	1,484.00T
<b>Audio Sales</b> Shure MX415 15" gooseneck microphone	3	212.00	636.00T
<b>Audio Sales</b> Shure MXW2/SM58 handheld transmitter	2	573.00	1,146.00T
<b>Audio Sales</b> Shure MXW1 bodypack transmitter	1	558.00	558.00T
			Subtotal: 29,396.00
<b>Video Sales</b> PTZ Optics PT12X-SDI-WH-G2 PTZ camera 12x zoom	2	1,759.00	3,518.00T

ITEM	QTY	RATE	
<b>Video Sales</b> PTZ Optics PT20X-SDI-WH-G2 PTZ camera 20x zoom	1	1,869.00	1,869.00T
<b>Video Sales</b> PTZ Optics Ceiling mount - white	2	66.00	132.00T
<b>Video Sales</b> PTZ Optics wall mount - white	1	99.00	99.00T
<b>Video Sales</b> Blackmagic Design Television Studio HD rackmount video switcher	1	995.00	995.00T
<b>Video Sales</b> Blackmagic Design Web Presenter	1	495.00	495.00T
<b>Video Sales</b> Blackmagic Design Teranex Shelf	1	95.00	95.00T
<b>Video Sales</b> Samsung 70" Comercial monitor	3	1,125.00	3,375.00T
<b>Video Sales</b> Chief RLC1 large monitor ceiling mount	1	272.00	272.00T
<b>Video Sales</b> Peerless ST650 TV wall mount	2	85.00	170.00T
<b>Video Sales</b> Samsung 27" Monitor for multiview	2	220.00	440.00T
<b>Video Sales</b> Decimator MD-HX HDMI to SDI scaler	2	295.00	590.00T
<b>Video Sales</b> Blackmagic Design SDI to HDMI micro converter	5	59.00	295.00T
<b>Video Sales</b> Blackmagic SDI x8 distribution converter	1	195.00	195.00T
<b>Video Sales</b> Single gang plate with SDI input	2	65.00	130.00T
			Subtotal: 12,670.00
<b>Miscellaneous Sales</b> Strut and pipe for TV mount	1	125.00	125.00T
<b>Miscellaneous Sales</b> RG59 coax cable for video distribution 1000'	1	500.00	500.00T
<b>Miscellaneous Sales</b> Cat5e control cable 1000'	1	120.00	120.00T
<b>Miscellaneous Sales</b> Mic Cable 500' and XLR connectors	1	325.00	325.00T
<b>Miscellaneous Sales</b> Custom wall panel with Broadcast audio out, Roaming Camera in	1	95.00	95.00T
<b>Miscellaneous Sales</b> Furman PL8-C power conditioner	2	259.00	518.00T
<b>Miscellaneous Sales</b> Pro Co SMAST 12 channel drop snake - 50 ft.	2	231.00	462.00T
<b>Miscellaneous Sales</b> Middle Atlantic EWR-12-17 wall rack	1	488.00	488.00T
<b>Miscellaneous Sales</b> GlobalCache IP2IR TCPIP to IR adapter	1	95.00	95.00T
			Subtotal: 2,728.00

ITEM	QTY	RATE	
<b>Tool Rental</b>	1	700.00	700.00
Lift rental			
<b>Labor</b>	1	4,750.00	4,750.00
Labor to install TV's, relocate existing JBL speakers, install cameras, install new audio cable, program components, relocate projector			

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SUBTOTAL	50,244.00
TAX	3,014.82
<b>TOTAL</b>	<b>\$53,258.82</b>

Accepted By

Accepted Date

# Quotation



513 Elk Park Dr  
 Asheville, NC 28804  
 828-258-1629 - fax 828-258-0913  
 www.umcs.biz

Date	Quotation #
11/2/2020	102671

City of Hendersonville  
 Brian Pahle  
 Operations Center  
 305 Williams St.  
 Hendersonville, NC 28792

**Project:** Operations Center Meeting Room refresh

Terms: Due on receipt

Item	Description	Quantity	Rate	Total
	REFRESH BASED ON PROVIDED DRAWING AND INSIGHT FROM JAY HEATHERLY DURING SITE VISIT CONDUCTED 10/26/20:			
GT1090HDR	OPTOMA GT1090HDR FULL HD SHORT THROW PROJECTOR/ 4.2K LUMENS/ 1920X1080 NATIVE	2	0.00	0.00T
21798LS	DA-LITE TENSIONED ADVANTAGE SERIES 133" DIAGONAL RECESSED SCREEN, MOTORIZED CONTROL/ PROGRESSIVE 1.1 SURFACE/ CUSTOM DROP	2	0.00	0.00T
LPD1U	CHIEF LARGE FUSION DYNAMIC HEIGHT ADJUSTABLE MONITOR STAND	2	0.00	0.00T
UM8070PUA	LG 86" LED DISPLAY	2	0.00	0.00T
999-99630-200W	VADDIO ROBOSHOT PTZ PRO GRADE HDBT OneLINK Bridge system camera/ NETWORK READY/ COMPLETE	3	0.00	0.00T
999-5750-000	PCC Premier	1	0.00	0.00T
X32	BEHRINGER X32 DIGITAL MIXING CONSOLE	1		0.00T
VM-4HDT	KRAMER 1x4 HDMI over HDBASET	2	0.00	0.00T
TP-580R	KRAMER HDBASET Rx	4	0.00	0.00T
TS-1542-B-S	Crestron 15" Touch Panel Display	1	0.00	0.00T
DMPS3-4K-350-C	Crestron 3-Series® 4K DigitalMedia™ Presentation System 350	1	0.00	0.00T
DM-NVX-350	CRESTRON DigitalMedia™ 4K60 4:4:4 HDR Network AV Encoder/Decoder	1	0.00	0.00T
WIRING	WIRING AND INTERCONNECT CABLING TOTAL	1	0.00	0.00T
MISC.	MISC. HARDWARE AND MATERIALS/ INCLUDES PROJECTOR/ SCREEN MOUNTING HARDWARE/ ROUGHIN BOXES/ RELATED	1	0.00	0.00T
LABOR		1	0.00	0.00T

REP: \_\_\_\_\_

THANK YOU!!!! MARK

**Subtotal**

**Sales Tax (7.0%)**

**Total**

Quotes/Estimates are valid for 60 days from date on quote.  
 We currently have a 6-8 week lead time from the time of acceptance/deposit received.

# Quotation



513 Elk Park Dr  
 Asheville, NC 28804  
 828-258-1629 - fax 828-258-0913  
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Date	Quotation #
11/2/2020	102671

City of Hendersonville  
 Brian Pahle  
 Operations Center  
 305 Williams St.  
 Hendersonville, NC 28792

**Project:** Operations Center Meeting Room refresh

Terms: Due on receipt

Item	Description	Quantity	Rate	Total
	LABOR TOTAL/ FUNCTIONALITY/INCLUDES: A - COMPLETE RECONFIG/ CORE REPROGRAMMING OF ROOM, REDEPLOYING RELATIVE/ NON LEGACY ASPECTS B - HANDS ON ABILITY TO CONTROL ADVANCED CAMERA AND AUDIO CONTROLS IF REQUIRED (SEMI-BROADCAST GRADE) C - FULLY FUNCTIONAL PRESET CAPABILITY FOR EASE OF OPERATION ON LESS CRITICAL EVENTS D - WIRELESS PRESENTATION E - STREAMING INTERFACE (INDUSTRY STANDARD) F - (2X) LARGE ROLLING LED DISPLAYS ON CARTS TO BE POSITIONED FOR ADDITIONAL VIEWING ABILITY. G - DUAL, TENSIONED, 10' DIAGONAL RETRACTABLE SCREENS (CUSTOM DROP FOR BEST VIEWING ), TRUE 16:9 FORMAT, UTILIZED ON EITHER SIDE OF BENCH FOR AUDIENCE VIEWING H - MODERATE PRICED, TRUE 1080P RESOLUTION, SHORT THROW PROJECTORS/ LASER ELEMENTS I - (3X) 1080P PROFESSIONAL GRADE PTZ CAMERAS TO PROVIDE CORRECT VIEWING ANGLES			

REP: \_\_\_\_\_

THANK YOU!!!! MARK

**Subtotal**

**Sales Tax (7.0%)**

**Total**

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Signature \_\_\_\_\_

# Quotation



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Date	Quotation #
11/2/2020	102671

City of Hendersonville  
 Brian Pahle  
 Operations Center  
 305 Williams St.  
 Hendersonville, NC 28792

**Project:** Operations Center Meeting Room refresh

Terms: Due on receipt

Item	Description	Quantity	Rate	Total

REP: \_\_\_\_\_

THANK YOU!!!! MARK

<b>Subtotal</b>
<b>Sales Tax (7.0%)</b>
<b>Total</b>

Quotes/Estimates are valid for 60 days from date on quote.  
 We currently have a 6-8 week lead time from the time of acceptance/deposit received.



# Quotation



513 Elk Park Dr  
 Asheville, NC 28804  
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Date	Quotation #
11/2/2020	102671

City of Hendersonville  
 Brian Pahle  
 Operations Center  
 305 Williams St.  
 Hendersonville, NC 28792

**Project:** Operations Center Meeting Room refresh

Terms: Due on receipt

Item	Description	Quantity	Rate	Total
PROJECT TOTAL	PROJECT PRICE		99,663.84	99,663.84T
	TERMS: 50% DEPOSIT/ BALANCE DUE NET 30 UPON SATISFACTORY COMPLETION AND CLIENT SIGNOFF/ LEADTIME OF 6-8 WEEKS APPLY UPON NOTICE TO PROCEED AND DEPOSIT RECEIVED.			
	CONDITIONS:  CLIENT WILL NEED TO PROVIDE: 1- A LICENSED ELECTRICIAN TO PROVIDE POWER WHERE REQUIRED 2- IHC TO INSTALL SCREEN ROUGH IN BRACKETS AND FACILITATE PROJECTOR MOUNTS 3 - IHC TO PROVIDE ANY PATCH/ PAINT AS REQUIRED 4 - DATA RACEWAYS AND NETWORK SWITCH W POE REQUIRED (WILL BE SPECIFIED) MANAGED NOT REQUIRED IN THIS APPLICATION  UMCS DELIVERABLES:  1 - FULL SET OF AS BUILT DRAWINGS (ELECTRONIC) 2 - AMY AND ALL PROGRAMMING FILES			

REP: \_\_\_\_\_

THANK YOU!!!! MARK

**Subtotal**

**Sales Tax (7.0%)**

**Total**

Quotes/Estimates are valid for 60 days from date on quote.  
 We currently have a 6-8 week lead time from the time of acceptance/deposit received.

Signature \_\_\_\_\_

# Quotation



513 Elk Park Dr  
 Asheville, NC 28804  
 828-258-1629 - fax 828-258-0913  
 www.umcs.biz

Date	Quotation #
11/2/2020	102671

City of Hendersonville  
 Brian Pahle  
 Operations Center  
 305 Williams St.  
 Hendersonville, NC 28792

**Project:** Operations Center Meeting Room refresh

Terms: Due on receipt

Item	Description	Quantity	Rate	Total
	3 - ON-SITE SUPPORT FOR FOUR (4) SCHEDULED EVENTS 4 - COMPLETE SYSTEM CARRIES A FULL YEAR WARRANTY ON ALL NEW ITEMS AND THE PROJECT INSTALLATION ITSELF. REDEPLOYED EQUIPMENT WILL BE THOROUGHLY TESTED AND BELIEVED TO BE WORKING. IF NOT, CLIENT TO BE NOTIFIED IMMEDIATELY 5- UMCS WILL WORK AND ABIDE BY ALL LICENSED AGENCIES RELATED. SPLV AND PPS PERMITS CAN BE ATTAINED IF REQUIRED			

REP: \_\_\_\_\_

THANK YOU!!!! MARK

<b>Subtotal</b>
<b>Sales Tax (7.0%)</b>
<b>Total</b>

Quotes/Estimates are valid for 60 days from date on quote.  
 We currently have a 6-8 week lead time from the time of acceptance/deposit received.

Signature \_\_\_\_\_

# Quotation



513 Elk Park Dr  
 Asheville, NC 28804  
 828-258-1629 - fax 828-258-0913  
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Date	Quotation #
11/2/2020	102671

City of Hendersonville  
 Brian Pahle  
 Operations Center  
 305 Williams St.  
 Hendersonville, NC 28792

**Project:** Operations Center Meeting Room refresh

Terms: Due on receipt

Item	Description	Quantity	Rate	Total

REP: \_\_\_\_\_

THANK YOU!!!! MARK

<b>Subtotal</b>	\$99,663.84
<b>Sales Tax (7.0%)</b>	\$6,976.47
<b>Total</b>	\$106,640.31

Quotes/Estimates are valid for 60 days from date on quote.  
 We currently have a 6-8 week lead time from the time of acceptance/deposit received.

# ADVANCED

## INFORMATION SYSTEMS

*A Division of Advanced Business Equipment*



# AUDIO VISUAL PROJECT

Proposal created for City of Hendersonville, NC

**Contact** : Brian Pahle  
<bpahle@hvinc.gov>

**Prepared by John Morelock**  
[JohnM@ABECarolina.com](mailto:JohnM@ABECarolina.com)

Updated 10/27/20

# OVERVIEW

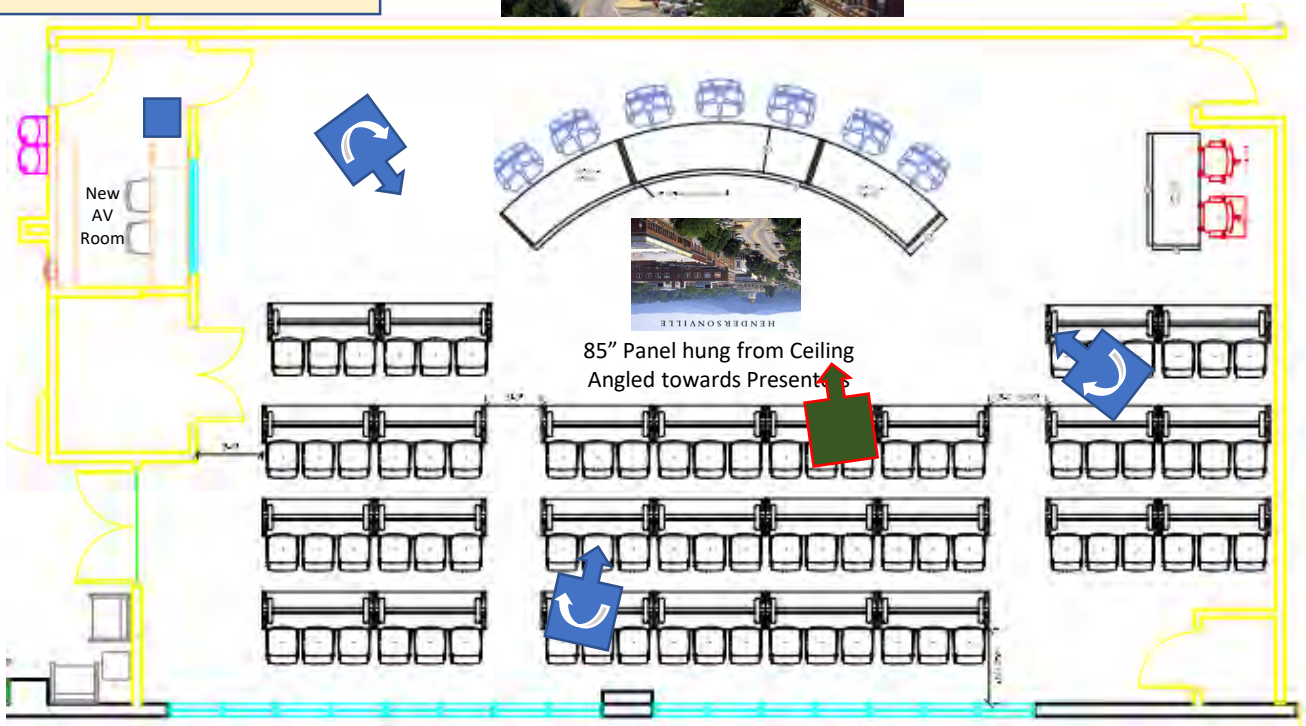
## CITY OF HENDERSONVILLE AV PROJECT

- City of Hendersonville is making some required changes in Operations Center, 305 Williams St, 28792; to facilitate better meetings

**Notes:**

- 11 Wireless Mics
- Move Projector and move screen
- 85" Video Panel hung from ceiling
- 3 Robotic Camera's hung from ceiling
- New 4k Crestron Controller
- Reuse current speakers
- Timing - Q4 2020

Image from the moved projector on screen that has been moved



- Based on request, Advanced Business Equipment provides the following proposal

# OVERVIEW

## ADVANCED BUSINESS EQUIPMENT



**ADVANCED BUSINESS EQUIPMENT (ABE)** has been providing superior technology solutions to businesses and organizations in North Carolina for two generations and in South Carolina for the last 11 years. From our beginnings with a handful of employees we have grown to extend our area of service throughout NC and SC with factory trained and certified technicians, an experienced management team, highly qualified administrative and support staff, outside sales account executives, and inside sales and support representatives.

We offer a complete line of IT Services.

Keeping abreast of technology while listening to our customers' needs ensures that we continue our tradition of unmatched service and excellence.

Our goal encompasses both finding the solution for your business needs and surpassing your expectations with our level of service and support. Our proactive monitoring and response decreases your downtime and reduces our response time. When response is needed, we can resolve your issues remotely, often within minutes. When onsite is needed, we usually already know the cause of the issue reducing the diagnostic time. Our local response team can address the issue quickly as our NOC provides them with the latest information.

# A COMMITMENT TO EXCELLENCE

## Commitment to Our Customers

We take pride in delivering the best for our clients. Being a family owned local business lets us cut out the bureaucracy which hinders so many companies today. It's a simple idea of accountability and people-to-people relationships.



## Commitment to Service

No other business technology provider in Western North Carolina fields the number and quality of field technicians as ABE|AIS. We have made the investment to have our own certified trainer on staff to keep our team certified in every service we represent.



## Commitment to Our Employees

The average tenure of our staff is over 10 years. By taking care of our family and keeping this built-up experience under our roof, we are able to offer unparalleled solutions for our clients.



## Commitment to Our Community

ABE|AIS is an active community leader. We believe it is our responsibility as a good corporate citizen to help strengthen the communities in which we live and work by sharing our success every year. We substantially support many local non-profits and charitable organizations.



## Commitment to Be the Best

We strive in every way to go above and beyond our client's expectations. We partner with the companies we work with and consistently deliver the right solution, supported the right way, and stand behind it.



## SINGLE POINT OF CONTACT: IT SERVICES



For 39 years, Advanced Business Equipment has partnered with world class technology providers to become your **one point of contact** for your office technology needs.

**Our IT services have grown to encompass a broad range of services.  
We are your single source partner for:**

### **IT Infrastructure Services**

Computers, Servers, Wireless Connectivity, Network, Cloud Services, Patch Compliance

### **Network Security Services**

Monitoring, Protection, Remediation, Employee Awareness, Compliancy Assessments & Services

### **Network Management and User Support**

Remote Monitoring, Proactive Management, Remote Helpdesk, On-site Support tenured engineers, availability, US-based engineers

### **Top Shelf Managed Print Solutions**

From Document Management to Workflows, ABE is a well-respected print and scan solution provider

### **Special Projects**

Provide what is needed based on requests

### **Disaster Recovery and Business Continuity**

Secure, Automated & Monitored Local & Cloud Data Backup with Local & Cloud Recovery Services, Backup Integrity Checks

### **Managed Voice Solutions**

Hosted Voice Services, Advanced Calling & Collaboration Features, Full Helpdesk Support, Professional Consultations

### **Advanced Technology Solutions**

Custom Products for Education, Legal, Healthcare & Finance

### **Help Desk**

Professional and immediate support, certified and tenured engineers, availability, US-based engineers



# COMPONENTS FOR HENDERSONVILLE AV PROJECT

## PAGE 1/3

### Controllers

**Qty – 1      DM PS3-4K-350-C-AIRMEDIA**

Crestron offers the DMPS3-4K-350-C-AIRMEDIA 3-Series® 4K DigitalMedia™ Presentation System 350 with AirMedia®, providing a complete 4K AV presentation control and signal routing solution for boardrooms and classrooms. The unit integrates the control system, matrix switcher, video scaler, streaming decoder, mic mixer, audio DSP, amplifier and DigitalMedia distribution center all into a single 3-space rackmount package. It affords substantial signal routing flexibility and high-performance signal processing without the need for separate components. A built-in .AV Framework™ enables simplified configuration and control without programming. The DMPS3-4K-350-C-AIRMEDIA includes a built-in AirMedia® gateway to enable wireless presentation from computers and mobile devices. The DMPS3-4K-350-C-AIRMEDIA from Crestron® offers an all-in-one 4K AV presentation system for classrooms, boardrooms, lecture halls and videoconference rooms. Delivering a complete, custom-programmable room solution with fully-configurable signal routing and processing is easy and cost-effective using the DMPS3-4K-350-C-AIRMEDIA. In one 3-space rack mount package, it integrates the control system, matrix switcher, video scalers, streaming decoder, mic mixer, audio DSP and amplifier. Its built-in AirMedia® gateway enables wireless presentation from computers and mobile devices. DigitalMedia 8G+® and HDBaseT® connectivity affords a streamlined, long-distance wiring solution for remote sources and display devices, and for facility-wide integration as part of a larger media distribution system.

**Qty – 2      DM-RMC-4K-100-C**

The DM-RMC-4K-100-C provides an interface solution for a single display device as part of a complete Crestron® DigitalMedia™ system. It functions as a DM 8G+® receiver and control interface, providing a single HDMI® output along with Ethernet, RS-232, and IR control ports. In addition to DM 8G+, it is also compatible with HDBaseT®, which allows it to be connected directly to an HDBaseT certified source. Its compact, low-profile design allows the DM-RMC-4K-100-C to be installed discreetly behind a flat panel display or above a ceiling mounted projector.

**Qty – 1      DM-TX-4K-302-C**

Provides a remote input connection for 4K HDMI® and VGA sources as part of a complete DigitalMedia™ System. Connects to the DM 8G+® input of a DM® Switcher or Receiver via a single CATx cable. Includes USB HID device and host ports. Compatible with HDBaseT® technology and Crestron Connect It™ cable caddy.

**Qty – 1      TSW-1060-B-S**

A space-saving wall, lectern, tabletop, or rack mount touch screen featuring a clean, contemporary appearance with edge-to-edge glass and advanced high-definition Smart Graphics® technology. Features onboard voice recognition, web browsing, H.264 streaming video, built-in camera, Rava® SIP Intercom, and PoE+ network power. Includes native applications for various room scheduling services, Zoom Rooms™ conferencing control, Sonos® Sound System control, and the Microsoft Teams® online meeting solution.

**Qty – 1      Crestron TTKit for TSW1060**

**Qty – 1      CEN-SW-POE-5      5-port Gigabit Ethernet switch with four PoE ports.**

# COMPONENTS FOR HENDERSONVILLE AV PROJECT

## PAGE 2/3

### Screens

Qty – 1      **FW85BZ40H**  
85"-Bravia Professional LED Display – 4K UHD HDR – direct lit LED – Black

Qty – 1      **Chief XCM1U**  
XL Single Pole Flat Panel Ceiling Mount

Qty – 1      **Chief CPA330**  
CPA PIN Connection Offset Ceiling Plate

Qty – 1      **Chief CPA072P**  
72" Pre-Drilled PIN Connection Column for LCM

Reuse -1      **Existing Projector**  
Move ceiling mount to new location

Reuse -1      **Existing Projector Screen**  
Move to wall behind speaker area

# COMPONENTS FOR HENDERSONVILLE AV PROJECT

## PAGE 3/3

**Cameras, Mics and Misc**

**Qty – 4      The RoboSHOT 12E QCCU System – Vaddio - Camera**

Vaddio utilizes the combination of their RoboSHOT 12E HD PTZ camera, working in concert with their Quick-Connect Universal CCU Cat-5 Interface (QCCU). The RoboSHOT 12E camera (available in black or white) is one of Vaddio's Elite Series cameras that delivers striking, high-definition video image quality via a 1/2.5-type Exmor R CMOS sensor. Cutting-edge image signal processing (ISP) results in better light-gathering capabilities, incredible contrast and sharp 1080p/60 video, even in dim lighting conditions. The Elite Series of RoboSHOT PTZ cameras is equipped with Vaddio's industry-leading Tri-Synchronous Motion technology allowing all three axes of the camera to move simultaneously for ultra-smooth, natural camera motion. The RoboSHOT 12E cameras are recommended for small to medium spaces such as conference rooms, training rooms, and classrooms that require a wide angle of view. A web-based user interface gives the user camera control with a web browser from anywhere in the world over the IP network. To watch the IP stream, simply enter the camera's streaming URL into any standards based (H.264, RTSP format) media player. Perfect for remote management, network operating centers and overall IT control. Also included in this system package is the Quick-Connect CCU (QCCU) which enables the adjustment of AWB, red and blue gain, brightness, OPWB, gamma, chroma, detail, iris and gain controls with a simple press of a button on the Quick-Connect CCU. These controls deliver a more accurate representation of the image that is being captured and the ability to color match and shade multiple cameras. User-defined adjustments can be stored on three Scene-Store buttons. The Quick-Connect CCU delivers high-quality HD Video, power and control over three Cat. 5 cables up to 500 feet without loss of video quality or latency. Outputs include analog component YPbPr, HDMI and HD-SDI for extreme flexibility in system design and integration. All outputs are live simultaneously.

**Qty – 11      Yamaha 01-HDTBLMIC-DR-11, HD Directional Tabletop Microphone**

**Qty – 2      Yamaha 01-HDEXEC-NM, Executive HD Wireless Microphone System 8-Channel**

**Qty – 1      SR-CUSTOM-37U-24IN Strong® Custom Series Floor Standing Rack**

**Qty – 3      SR-SHELF-FIXED-2U Strong™ Fixed Rack Shelf - Standard Depth**

**Qty – 3      SR-VENT-2U Strong™ Rack Vented Panels**

**Qty – 2      Strong™ Rack Horizontal Lacing L Bar - Pack of 5 SR-LACEBAR-H**

**Qty – 2      NST-CAT6-1000-BLU Wjrepath™ Cat 6 550MHz Unshielded Wire - 1000 ft. Nest in Box**

**Qty – 4      B6-4K2-1 Binary™ B6 4K Ultra HD Premium Certified High-Speed HDMI® w/ with GripTek™**

**Qty – 4      B6-4K2-2 Binary™ B6 4K Ultra HD Premium Certified High-Speed HDMI® Cable w/ GripTek™**

**Qty – 1      Misc. parts**

**Qty – 1      Installation of Control cabling and equipment Labor**

**Qty – 1      Installation of Ceiling Mounted 85" Screen**

**Qty – 1      Move and Reinstallation of Projector Screen**

**Qty – 1      Move and Reinstallation of Ceiling Mounted Projector**

**Qty – 1      Programming of Crestron Labor**

**Qty – 5      Two-man scissor lift rental**

**Project Total = \$ 91,953**

Tax and shipping not included

# LETTER OF INTENT - ACCEPTANCE

**Commitment of Acceptance:**

City of Hendersonville NC agrees to engage Advanced Business Equipment Inc. to undertake the ongoing Audio-Visual project outlined in the preceding proposal.

Upon receiving this letter of intent, Advanced Business Equipment Inc. agrees to provide the paperwork that reflects this project and launch this project, schedule staff and negotiate a suitable project start date with City of Hendersonville NC.

In agreeing to utilize Advanced Business Equipment Inc. for this project, City of Hendersonville NC acknowledges that the project scope, deliverables, ongoing management and methodology outlined in the proposal are satisfactory and agrees to accept the ongoing support cost as specified in the proposal. A formal service agreement outlining management start dates and invoicing schedules will follow this approved Letter of Intent.

Signatures:

_____	_____
<b>Advanced Business Equipment Inc. Date</b>	<b>City of Hendersonville NC Date</b>

**Terms:**

Advanced Business Equipment’s liability to City of Hendersonville NC for any act or omission, whether negligent or otherwise, shall at all times be limited to the labor cost of the project. Advanced Business Equipment Inc. is not responsible for providing additional work or resources which are caused, directly or indirectly, by delay, omission or alteration of project scope by City of Hendersonville NC.

City of Hendersonville NC shall reimburse to Advanced Business Equipment Inc. any labor charges and/or expenses resulting, either directly or indirectly, from such delay, omission or alteration.

All information contained in this proposal is confidential between Advanced Business Equipment (ABE) and City of Hendersonville NC. This confidentiality clause covers project methodology, schedules, costs and all particulars of the proposal. Advanced Business Equipment Inc. respects City of Hendersonville NC’s ownership of documentation prepared as part of this project. Our staff is pledged to treat as confidential any client information encountered during the project.

**All content in this document is Confidential & Proprietary to Advanced Business Equipment Inc. This document is not for distribution.**

*ABE\_IT Services\_Proposal\_City of Hendersonville. NC. – 102720 v5*

Prepared by John Morelock 10/27/20

## CUSTOMER REVIEWS

**Sixteen 5-star Reviews on Google | Twelve 5-star Reviews on BBB | Four 5-star Reviews on Facebook**  
Our excellent reviews are a confirmation of our commitment to excellence and customer satisfaction

Brian was awesome!  
Knowledgeable, friendly,  
and just overall gave us a  
great experience. We had  
a tangled up mess with  
two internet systems.  
But he successfully  
untangled it all and fixed  
everything we needed!



**Jim Tardiff - ★★★★★**

We have been doing business with Advance Business Equipment for over 15 years. I find their personnel to be first class driven by the President who never ceases to improve the company performance. Our rep is second to none. The tech service is prompt and courteous. 5 stars!!

**Steven Yates - ★★★★★**

Advanced Business has been a partner of ours for many years. Fair service, quality people, are what we come to expect, and they deliver just that. From our Account Exec to the Service Techs, they all understand what it means to support their customer. I highly recommend.

**Murat Yazan - ★★★★★**

ABE has been a trusted business partner for a number of years now. As our organization grows, ABE is there to help us find new solutions to our need for more integrated technology and support. Over the years we have increased our physical presence to 3 business locations in western North Carolina, ranging from Cherokee County to Haywood County. It's good to have a partner like ABE that is able to provide support for us no matter where it is needed. The technicians are always friendly.

**Destiny Page - ★★★★★**

ABE's team of technicians go above and beyond and are extremely knowledgeable. My company would be lost without them!

Ronnie was on time, took  
care of the issue, paid  
good attention to our  
machine overall, and  
participated in our social  
distancing/safety protocol  
perfectly. Thank you!



Greg G.



**Mark T. - ★★★★★**

Advanced Business Equipment delivers fast, friendly and most importantly top-notch service. We have been very happy with the technical direction and quick turnaround times whenever we have needed service on our printer.

**COR3 Design - ★★★★★**

Wonderful company to work with. They gave us very competitive pricing and wonderful customer service. They have followed up multiple times making sure we are completely satisfied. I would highly recommend them to anyone.



**Ashlin Mikolich Steger - ★★★★★**

Really nice, comprehensive, knowledgeable, and efficient. Our old IT company could not solve a problem with our computers and Advanced Business Equipment was in and out within an hour and got us back up and running.

Read additional client testimonials at: [www.abecarolina.com/testimonials](http://www.abecarolina.com/testimonials)

# ABE: WHO WE ARE

We are committed to continuing our long tradition of investing in our community, from helping to build a home with Habitat For Humanity, to supporting our veterans and youth outreach initiatives, socio-economic initiatives, and many, many more.



10/27/2020

# ADVANCED

## INFORMATION SYSTEMS

*A Division of Advanced Business Equipment*



# THANK YOU

John Morelock  
JohnM@abecarolina.com  
828.210.4333

ABECAROLINA.COM





## **Human Resources Coordinator Diversity, Equity and Inclusion**

### **Primary Reason Classification Exists**

To perform paraprofessional level duties, technical and administrative work planning, organizing, a comprehensive diversity, equity and inclusion program for the City of Hendersonville. To manage and administer in the areas of recruitment, retention, training and employee development.

### **Distinguishing Features of the Class**

An employee in this class is responsible for Diversity, Equity and Inclusion (DEI), internally by collaborating with City leadership and employees to direct, coordinate, and implement programs and activities designed to establish DEI as a shared value across the organization. The position will recommend and administer policies and procedures that are non-discriminatory and improve inter-group relations within City staff. The position will manage and administer in the area of recruitment, onboarding, retention, training and employee development. Work is performed under the general direction of the Human Resources Director and performance is evaluated on the basis of attainment of specific performance objectives, personal observation, feedback from department managers and employees.

### **Illustrative Examples of Work**

- Collaborating with and providing technical assistance to City departments to create awareness, understanding and effective use of an equity lens in developing and implementing programs to achieve fair and equitable outcomes through recruitment, selection boards, talent management, and employee engagement;
- Developing and recommending performance indicators and progress benchmarks to maximize accountability related to the delivery of City services to achieve fair and equitable outcomes;
- Develops and recommends policies conforming to local, state and federal compliance in all areas by researching legal issues, consulting with employees and management, presenting drafts for approval, facilitating training on policy and procedure issues, and providing guidance to management and supervisors on issues; keeps current with changes in laws, rules, and regulations;
- Evaluates programs on an ongoing basis and reports program effectiveness; determines additional employee needs and interests; facilitates changes and/or additions to the program to reflect the changing needs of the employee population;
- Conducts research and other studies to determine sources of equity, diversity, and inclusion related grants; prepares applications for grant funding, maintains resource materials, evaluates results and produces reports;
- Manages and administers in the area of recruitment, onboarding, retention, training and employee development;
- Works with management/supervisors on recruitment process;
- Respond to inquiries and provide information to the general public and applicants;

Human Resources Coordinator- Diversity, Equity, Inclusion  
City of Hendersonville

- Conducts all onboarding procedures including background screening, I-9 compliance, meeting with new employees;
- Assists in employee orientations;
- Prepares and places job announcements; develops recruiting materials such as job bulletins, advertisements and flyers;
- Prepares new hire packets, checking all for compliance;
- Represents the City at career fairs and other outreach activities;
- Enters and monitors job requisitions into software system, assists with applicant tracking and maintains applicant records, enters employee information into HCM system and other databases; assists with records maintenance;
- Manages the employee exit process when employees separate from employment including conducting exit interviews and ensuring all final steps have been completed;
- Assists the Human Resources Director with a variety of records, reports and research required by Local, State, or other external agency;
- Assesses training needs and develops and implements a variety of employee development programs; facilitates training session for groups of employees;
- Prepares written and audiovisual materials for employee training courses;
- Assists in the coordination, notification, and/or registration of various presentations, and special employee events;
- Receives and greets visitors in the department; gives information concerning visitors' needs.
- Performs other job-related tasks as required.

**Knowledge, Skills and Abilities**

- Thorough knowledge of individual and group behavior and of effective ways to work with people on all levels.
- Considerable knowledge of effective methods of organizational change; and the ability to manage, lead, and facilitate organizational change.
- Considerable knowledge of effective training and teaching methodologies; and the ability to conduct effective DEI and human relations training.
- Considerable knowledge of applicable federal, state, and local laws, regulations, and processes.
- Considerable knowledge of organizational operations and specialized programmatic requirements.
- Considerable knowledge of accepted theories, practices, and principles associated with public personnel administration and human resource management;
- Considerable knowledge of office practices and procedures; correct usage of grammar, vocabulary and spelling.
- Considerable knowledge of computers and software including word processing, data base management, and spreadsheets.
- Ability to work independently and to use initiative in managing designated program areas.
- Ability to lead discussions involving difficult issues, including diversity, inter-group relations, inter-racial relations, and trust.

Human Resources Coordinator- Diversity, Equity, Inclusion  
City of Hendersonville

- Ability to communicate effectively in oral and written forms and ability to present effectively to various groups
- Ability to maintain confidentiality.
- Ability to develop and maintain effective working relationships with department heads, supervisors and employees.
- Ability to research, compile and maintain data and records and to file reports and use judgement in organizing and establishing formats and in responding to information.
- Ability to plan and coordinate projects and activities as well as develop and conduct training and orientation programs.
- Ability to be innovative and creative in designing new programs, proposing policy changes
- Skill in using logic and reasoning to identify the strengths and weaknesses of alternative solutions, conclusions or approaches to problems
- Skill in facilitating change by motivating, developing and directing employees at all levels of the workforce.
- Skill in problem solving, conflict resolution and group facilitation
- Skill in developing, delivering implementation, and evaluation of education programs, workshops and other presentations for small and large groups.
- Skill in collecting and analyzing large quantities of data and reaching sound conclusions that lead to forward moving progress.
- Skilled in maintaining complex records and preparing written narrative reports including those requiring statistical summaries and charts.
- Skill in publishing and advertising for events and information with newsletters, flyers, rack cards, etc.
- Skill in time management
- Skill in the use of computer applications such as Microsoft Word, Excel, PowerPoint, and Access to produce professional reports, create spreadsheets, and analyze data the use of office equipment and electronic resources.

**Education**

Graduation from an accredited college or university with a bachelor's degree in business administration, public administration, social sciences, human resources management, or other related field.

**Experience**

One to three years of responsible and professional experience developing and implementing a broad-based diversity and inclusion strategic plan; human resources or an equivalent combination of experience and education.

**Physical Requirements**

Work in this class is classified as light where the employee must be able to exert up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects. An employee must be able to move throughout City facilities freely to perform or observe work. An employee must have such visual acuity as to be able to read and write handwritten and typewritten material including being able to read a computer

Human Resources Coordinator- Diversity, Equity, Inclusion  
City of Hendersonville

screen. An employee in this class must be able to talk and hear in order to be able to respond to the public and other employees

**Working Conditions**

Work is typically performed in an office setting with a temperature controlled environment and is not substantially exposed to adverse environmental conditions.

**Special Requirements**

Valid driver's license  
Bi-lingual – Spanish preferred

**FLSA Status:** Non-Exempt

**Disclaimer**

This classification specification has been designed to indicate the general nature and level of work performed by employees within this classification. It is not designed to contain or be interpreted as a comprehensive inventory of all duties, responsibilities, and qualifications required of employees to perform the job. The City of Hendersonville reserves the right to assign or otherwise modify the duties assigned to this classification.

January 2021



# CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**SUBMITTER:** Brent Detwiler **MEETING DATE:** February 4, 2021  
**AGENDA SECTION:** Council Action **DEPARTMENT:** Engineering  
**TITLE OF ITEM, Presenter Name, Title:** NCDOT U-5887 Highland Lake Rd Utility Agreement – *Brent Detwiler, City Engineer*

**SUGGESTED MOTION(S):** I move that City Council resolve to approve the NCDOT Utility Agreement for U-5887 Highland Lake Road; and to authorize the City Manager to execute the finalized agreement for said work; as presented and recommended by staff.

**SUMMARY:**

NCDOT will soon be making improvements to Highland Lake Road from Spartanburg Highway to Greenville Highway (Project U-5887). As part of the project they will need to relocate a portion of the City's existing water distribution. Note that per NC statute the City is responsible for 25% of the costs associated with the relocation and 100% of "betterment" costs. There are several sections of the existing distribution system in that area that are undersized and have been identified in our water master plan as needing to be improved. Therefore, there are betterment costs associated with the project. NCDOT staff are currently updating the utility agreement to reflect the most recent design plans and estimate. We have provided the latest version of the agreement with anticipated revisions. We ask that you allow the City Manager to execute the forthcoming final utility agreement.

**BUDGET IMPACT:** \$510,000.00

**Is this expenditure approved in the current fiscal year budget?** NO

**If no, describe how it will be funded.**

Forthcoming budget amendment

**PROJECT NUMBER:** N/A

**PETITION NUMBER:** N/A

**ADDITIONAL PETITION NUMBER:** N/A

**PETITIONER NAME:** N/A

**ATTACHMENTS:**

Utility Agreement with Exhibits A, B, C

NORTH CAROLINA  
HENDERSON COUNTY

**UTILITY CONSTRUCTION AGREEMENT (UCA)**

DATE: 10/29/2020

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

Project: U-5887

AND

WBS Elements: 44634.3.1

CITY OF HENDERSONVILLE

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the City of Hendersonville, hereinafter referred to as the "Municipality."

**WITNESSETH:**

WHEREAS, the Department has prepared and adopted plans to make certain street and highway improvements under Project U-5887, in Henderson County, said plans consists of roadway upgrades on SR 1783 (Highland Lake Road), from NC 225 to US 176; Henderson County; said project having a right-of-way width as shown on the project plans on file with the Department's office in Raleigh, North Carolina; and,

WHEREAS, the parties hereto wish to enter into an agreement for certain utility work to be performed by the Department's construction contractor with full reimbursement by the Municipality for the costs thereof as hereinafter set out.

NOW, THEREFORE, it is agreed as follows:

**CONSTRUCTION**

1. The Department shall place provisions in the construction contract for Project U-5887, Henderson County, for the contractor to adjust and relocate water and sewer lines. The Department shall also include in its construction contract the upsizing of water lines and new construction as Utility Betterments. Said work shall be accomplished in accordance with plan sheets, attached hereto as Exhibit "A", cost estimate attached hereto as Exhibit "B", and project specific provisions, if applicable, attached hereto as Exhibit "C".

2. The Municipality shall be responsible for water and sewer lines cost as shown on the attached Exhibit "A". The estimated cost to the Municipality for the relocations and betterments is **\$510,000.00** as shown on the attached Exhibit "B". It is understood by both parties that this is an estimated cost and is subject to change.

**REIMBURSEMENT TO THE DEPARTMENT – FINAL BILLING**

3. The Municipality shall reimburse the Department for said costs as follows:
  - A. Upon completion of the highway work, the Department shall submit an itemized invoice to the Municipality for costs incurred. Billing will be based upon the actual bid prices and actual quantities used.
  - B. Reimbursement shall be made by the Municipality in one final payment within sixty (60) days of said invoice.
  - C. If the Municipality does not pay said invoice within sixty (60) days of the date of the invoice, the Department shall charge interest on any unpaid balance at a variable rate of the prime plus (1%) in accordance with G.S. 136-27.3.
  - D. Said interest rate shall be set upon final execution of the Agreement by the Department. The Municipality will be notified of the set interest rate by the Department's approval letter upon receipt of the fully executed agreement.
  - E. Any cost incurred due to additional utility work requested by the Municipality after award of the construction contract, shall be solely the responsibility of the Municipality. The Municipality shall reimburse the Department 100% of the additional utility cost.
  - F. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by North Carolina General Statute, Section 136-41.1, until such time as the Department has received payment in full.

- G. At any time prior to final billing by the Department, the Municipality may prepay any portion of the estimated cost by sending a check with the WBS Element noted to the below address. The Department will provide a final billing based on actual costs, less any previous payments that have been made.

REMITTANCE ADDRESS:

NC Department of Transportation  
ATTN: Accounts Receivable  
1514 Mail Service Center  
Raleigh, NC 27699-1514

4. Upon the satisfactory completion of the relocations and adjustments of the utility lines covered under this Agreement, the Municipality shall assume normal maintenance operations to the said utility lines. Upon completion of the construction of the highway project, the Municipality shall release the Department from any and all claims for damages in connection with adjustments made to its utility lines; and, further, the Municipality shall release the Department of any future responsibility for the cost of maintenance to said utility lines. Said releases shall be deemed to be given by the Municipality upon completion of construction of the project and its acceptance by the Department from its contractor unless the Municipality notifies the Department, in writing, to the contrary prior to the Department's acceptance of the project.
5. It is further agreed that the following provisions shall apply regarding the utilities covered in this Agreement.
- H. The Municipality obligates itself to service and to maintain its facilities to be retained and installed over and along the highway within the Department's right-of-way limits in accordance with the mandate of the North Carolina General Statutes and such other laws, rules, and regulations as have been or may be validly enacted or adopted, now or hereafter.
- I. If at any time the Department shall require the removal of or changes in the location of the encroaching facilities which are being relocated at the Municipality's expense, the Municipality binds itself, its successors and assigns, to promptly remove or alter said facilities, in order to conform to the said requirement (if applicable per G.S. 136-27.1), without any cost to the Department.
6. The other party to this Agreement shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21) and related nondiscrimination authorities. Title VI and related



authorities prohibit discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

7. A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.
  
8. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor ( i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST: CITY OF HENDERSONVILLE  
BY: \_\_\_\_\_ BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_ TITLE: \_\_\_\_\_  
DATE: \_\_\_\_\_

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

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

(SEAL)

\_\_\_\_\_  
(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

City of Hendersonville

DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_  
(CHIEF ENGINEER)

DATE: \_\_\_\_\_

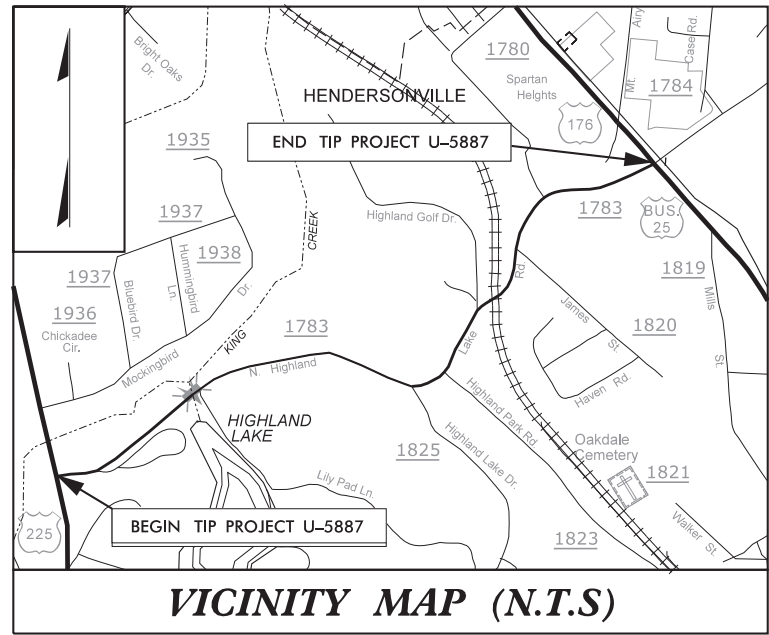
APPROVED BY BOARD OF TRANSPORTATION ITEM O: \_\_\_\_\_ (Date)

12/31/20

**TIP PROJECT: U-5887**

T.I.P. NO.	Section 5, Item D.
<b>U-5887</b>	<b>UC-1</b>

**EXHIBIT A**

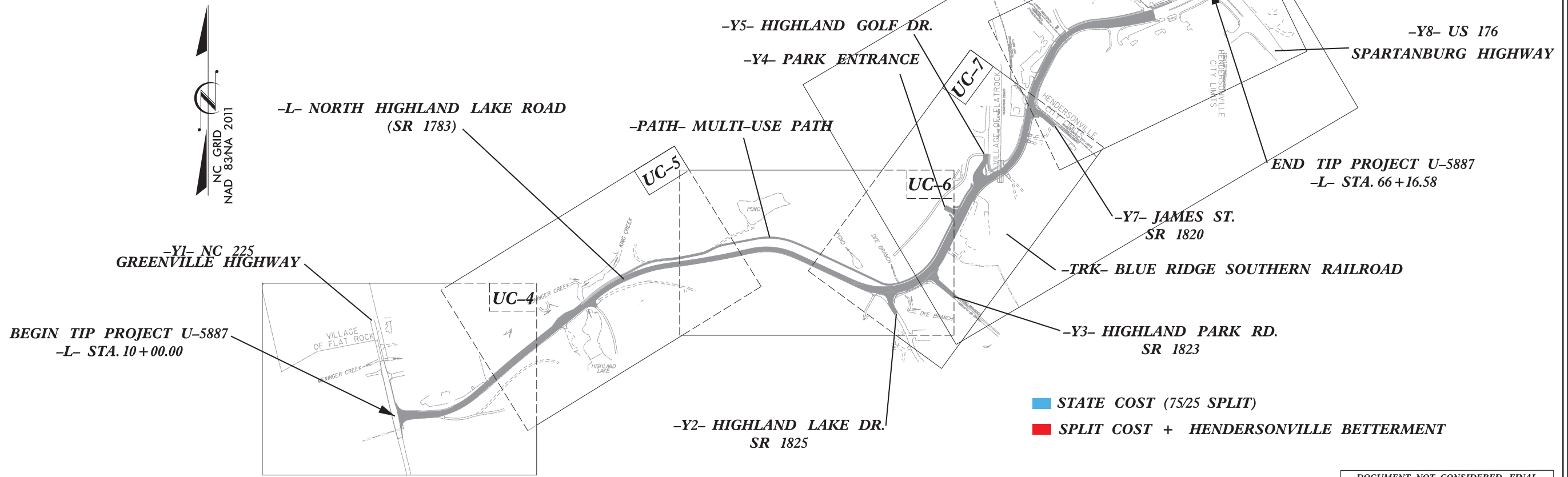


STATE OF NORTH CAROLINA  
DIVISION OF HIGHWAYS

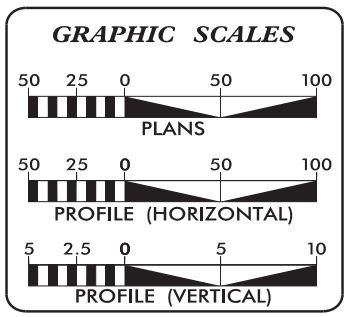
# UTILITY CONSTRUCTION PLANS HENDERSON COUNTY

**LOCATION: SR 1783 (NORTH HIGHLAND LAKE ROAD)  
FROM NC 225 TO WEST OF US 176**

**TYPE OF WORK: RELOCATION OF WATER AND SEWER**



DOCUMENT NOT CONSIDERED FINAL  
UNTIL ALL SIGNATURES ARE COMPLETED



**INDEX OF SHEETS**

SHEET NO.:	DESCRIPTION:
UC-1	TITLE SHEET
UC-2	UTILITY SYMBOLOGY
UC-3 THRU UC-3A	NOTES
UC-3B THRU UC-3F	DETAILS
UC-4 THRU UC-8	UTILITY CONSTRUCTION SHEETS

**WATER AND SEWER OWNERS ON PROJECT**

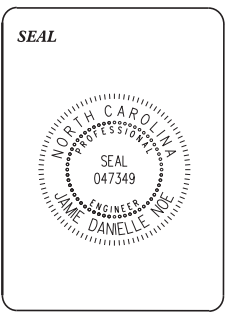
(A) WATER - CITY OF HENDERSONVILLE  
(B) SEWER - CITY OF HENDERSONVILLE

PREPARED IN THE OFFICE OF

**V&M**  
Vaughn & Melton  
Consulting Engineers

1318 PATTON AVE  
ASHEVILLE, NORTH CAROLINA  
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**Jamie Noe, P.E.** PROJECT ENGINEER  
**Lynn Mann, P.G.** PROJECT UTILITY MANAGER  
**James Montgomery** PROJECT UTILITY COORDINATOR



**DIVISION OF HIGHWAYS UTILITIES UNIT**  
1555 MAIL SERVICES CENTER  
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**Bob Golding** DIVISION UTILITY ENGINEER  
**Bill D. Green** DIVISION UTILITIES COORDINATOR  
**Michael Bright** WESTERN UTILITY ENGINEER

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# STATE OF NORTH CAROLINA DIVISION OF HIGHWAYS

## UTILITIES PLAN SHEET SYMBOLS

### PROPOSED WATER SYMBOLS

Water Line (Sized as Shown)	
11 1/4 Degree Bend	
22 1/2 Degree Bend	
45 Degree Bend	
90 Degree Bend	
Plug	
Tee	
Cross	
Reducer	
Gate Valve	
Butterfly Valve	
Tapping Valve	
Line Stop	
Line Stop with Bypass	
Blow Off	
Fire Hydrant	
Relocate Fire Hydrant	
Remove Fire Hydrant	
Water Meter	
Relocate Water Meter	
Remove Water Meter	
Water Pump Station	
RPZ Backflow Preventer	
DCV Backflow Preventer	
Relocate RPZ Backflow Preventer	
Relocate DCV Backflow Preventer	

### PROPOSED SEWER SYMBOLS

Gravity Sewer Line (Sized as Shown)	
Force Main Sewer Line (Sized as Shown)	
Manhole (Sized per Note)	
Sewer Pump Station	

### PROPOSED MISCELLANEOUS UTILITIES SYMBOLS

Power Pole	
Telephone Pole	
Joint Use Pole	
Telephone Pedestal	
Utility Line by Others (Type as Shown)	
Trenchless Installation	
Encasement by Open Cut	
Encasement	

Thrust Block	
Air Release Valve	
Utility Vault	
Concrete Pier	
Steel Pier	
Plan Note	
Pay Item Note	

### EXISTING UTILITIES SYMBOLS

Power Pole	
Telephone Pole	
Joint Use Pole	
Utility Pole	
Utility Pole with Base	
H-Frame Pole	
Power Transmission Line Tower	
Water Manhole	
Power Manhole	
Telephone Manhole	
Sanitary Sewer Manhole	
Hand Hole for Cable	
Power Transformer	
Telephone Pedestal	
CATV Pedestal	
Gas Valve	
Gas Meter	
Located Miscellaneous Utility Object	
Abandoned According to Utility Records	
End of Information	

*Underground Power Line	
*Underground Telephone Cable	
*Underground Telephone Conduit	
*Underground Fiber Optics Telephone Cable	
*Underground TV Cable	
*Underground Fiber Optics TV Cable	
*Underground Gas Pipeline	
Aboveground Gas Pipeline	
*Underground Water Line	
Aboveground Water Line	
*Underground Gravity Sanitary Sewer Line	
Aboveground Gravity Sanitary Sewer Line	
*Underground SS Forced Main Line	
Underground Unknown Utility Line	
SUE Test Hole	
Water Meter	
Water Valve	
Fire Hydrant	
Sanitary Sewer Cleanout	

\*For Existing Utilities  
 Utility Line Drawn from Record (Type as Shown)   
 Designated Utility Line (Type as Shown)

# UTILITY CONSTRUCTION

HENDERSON COUNTY

## GENERAL NOTES:

1. THE PROPOSED UTILITY CONSTRUCTION SHALL MEET THE APPLICABLE REQUIREMENTS OF THE NC DEPARTMENT OF TRANSPORTATION'S "STANDARD SPECIFICATIONS FOR ROADS AND STRUCTURES" DATED JANUARY 2018 OR LATEST EDITION AND CITY OF HENDERSONVILLE DESIGN STANDARDS AND SPECIFICATIONS.

2. THE EXISTING UTILITIES BELONG TO THE CITY OF HENDERSONVILLE. CONTACT: LEE SMITH, UTILITIES DIRECTOR 828-697-3060 LSMITH@HVLNC.GOV

3. ALL WATER LINES TO BE INSTALLED WITHIN COMPLIANCE OF THE RULES AND REGULATIONS OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER RESOURCES, PUBLIC WATER SUPPLY SECTION, ALL SEWER LINES TO BE INSTALLED WITHIN COMPLIANCE OF THE RULES AND REGULATIONS OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER RESOURCES, WATER QUALITY SECTION PERFORM ALL WORK IN ACCORDANCE WITH THE APPLICABLE PLUMBING CODES.

4. THE UTILITY OWNER OWNS THE EXISTING UTILITY FACILITIES AND WILL OWN THE NEW UTILITY FACILITIES AFTER ACCEPTANCE BY THE DEPARTMENT. THE DEPARTMENT OWNS THE CONSTRUCTION CONTRACT AND HAS ADMINISTRATIVE AUTHORITY. COMMUNICATIONS AND DECISIONS BETWEEN THE CONTRACTOR AND UTILITY OWNER ARE NOT BINDING UPON THE DEPARTMENT OR THIS CONTRACT UNLESS AUTHORIZED BY THE ENGINEER, AGREEMENTS BETWEEN THE UTILITY OWNER AND CONTRACTOR FOR THE WORK THAT IS NOT PART OF THIS CONTRACT OR IS SECONDARY TO THIS CONTRACT ARE ALLOWED, BUT ARE NOT BINDING UPON THE DEPARTMENT.

5. PROVIDE ACCESS FOR THE DEPARTMENT PERSONNEL AND THE OWNER'S REPRESENTATIVES TO ALL PHASES OF CONSTRUCTION. NOTIFY DEPARTMENT PERSONNEL AND THE UTILITY OWNER TWO WEEKS PRIOR TO COMMENCEMENT OF ANY WORK AND ONE WEEK PRIOR TO SERVICE INTERRUPTION. KEEP UTILITY OWNERS' REPRESENTATIVES INFORMED OF WORK PROGRESS AND PROVIDE OPPORTUNITY FOR INSPECTION OF CONSTRUCTION AND TESTING.

6. THE PLANS DEPICT THE BEST AVAILABLE INFORMATION FOR THE LOCATION, SIZE AND TYPE OF MATERIAL FOR ALL EXISTING UTILITIES. MAKE INVESTIGATIONS FOR DETERMINING THE EXACT LOCATION, SIZE, AND TYPE MATERIAL OF THE EXISTING FACILITIES AS NECESSARY FOR THE CONSTRUCTION OF THE PROPOSED UTILITIES AND FOR AVOIDING DAMAGE TO EXISTING FACILITIES. REPAIR ANY DAMAGE INCURRED TO EXISTING FACILITIES TO THE ORIGINAL OR BETTER CONDITION AT NO ADDITIONAL COST TO THE DEPARTMENT.

7. MAKE FINAL CONNECTIONS OF THE NEW WORK TO THE EXISTING SYSTEMS WHERE INDICATED ON THE PLANS, AS REQUIRED TO FIT THE ACTUAL CONDITIONS, OR AS DIRECTED.

8. MAKE CONNECTIONS BETWEEN EXISTING AND PROPOSED UTILITIES AT TIMES MOST CONVENIENT TO THE PUBLIC, WITHOUT ENDANGERING THE UTILITY SERVICE AND IN ACCORDANCE WITH THE UTILITY OWNER'S REQUIREMENTS. MAKE CONNECTIONS ON WEEKENDS, AT NIGHT, OR ON HOLIDAYS IF NECESSARY.

9. ALL UTILITY MATERIALS SHALL BE APPROVED PRIOR TO DELIVERY TO THE PROJECT SITE. SEE 1500-7, "SUBMITTALS AND RECORDS" IN SECTION 1500 OF THE NCDOT STANDARD SPECIFICATIONS.

## PROJECT SPECIFIC NOTES

1. WATER CONSTRUCTION ON THIS SITE IS AUTHORIZED BY PERMITS ISSUED BY THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY (NCDEQ) AND AUTHORIZED BY THE REPRESENTATIVES OF NCDEQ, THE CITY OF HENDERSONVILLE, THE OWNER OR THE ENGINEER. THE PERMITS REQUIRES CERTIFICATION OF COMPLETION OF THE WATER SYSTEMS BY THE ENGINEER AND THE APPLICANT PRIOR TO ISSUANCE OF FINAL OPERATION APPROVAL.

2. MATERIALS AND INSTALLATION FOR WATER CONSTRUCTION SHALL CONFORM TO THE LATEST VERSIONS OF CITY SPECIFICATION AND DETAILS AND AWWA STANDARDS AND REQUIREMENTS.

3. CONTRACTOR SHALL NOTIFY NC811 & APPROPRIATE UTILITIES AGENCIES PRIOR TO PERFORMING ANY WORK.

4. REGULAR WORKING HOURS SHALL BE FROM 7:00 A.M. TO 5:00 P.M. MONDAY THROUGH FRIDAY, EXCEPT IN CASES OF EMERGENCY OR OTHERWISE APPROVED IN WRITING BY THE CITY OF AUTHORIZED REPRESENTATIVES. THE CONTRACTOR SHALL ENSURE THE CONSTRUCTION SITE IS SAFE FOR ANY PERSONS WHO MAY BE ON SITE DURING NON-WORKING HOURS. SEE TRANSPORTATION MANAGEMENT PLANS FOR PORTION OF WATER LINE RELOCATION WORK IN NC 176/SPARTANBURG HIGHWAY.

5. ALL PERSONS SHALL BE COURTEOUS AND RESPECTFUL TO THE PUBLIC. CURSING OR FOUL LANGUAGE IS NOT PERMITTED AND WILL NOT BE TOLERATED.

6. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING TRAFFIC CONTROL ON ALL ROADWAYS DURING THE PROJECT. THE CONTRACTOR SHALL NOTIFY LOCAL EMERGENCY, SCHOOL AND OTHER NECESSARY AUTHORITIES PRIOR TO ANY STREET CLOSING OR TRAFFIC CHANGE.

7. THE CONTRACTOR AT HIS OWN EXPENSE SHALL KEEP THE CONSTRUCTION SITE AND ADJACENT PUBLIC AND PRIVATE ROADWAYS CLEAN DURING THE PROJECT. THE CONTRACTOR IS ALSO RESPONSIBLE FOR CONTROLLING DUST WITHIN THE PROJECT AREA.

8. THE CONTRACTOR IS RESPONSIBLE FOR ALL CONSTRUCTION IN ACCORDANCE WITH THE LINES, GRADES AND ELEVATIONS SHOWN ON THE PLANS OR AS GIVEN BY THE ENGINEER IN THE FIELD.

9. CONTRACTOR SHALL VERIFY THE EXACT LOCATION AND THE ELEVATION FOR ALL UTILITIES DRAINAGE AND OTHER UNDERGROUND FACILITIES BOTH EXISTING AND PROPOSED, AND SHALL NOTIFY THE UTILITIES & DRAINAGE ENGINEER OF ANY DISCREPANCIES OR CONFLICTS PRIOR TO CONSTRUCTION.


10. CONTRACTOR SHALL PROTECT EXISTING UTILITIES DURING CONSTRUCTION. REPAIRS SHALL BE MADE IN ACCORDANCE WITH APPLICABLE STANDARDS OF APPROPRIATE AGENCIES AT THE CONTRACTOR'S EXPENSE.


11. DURING CONSTRUCTION THE CONTRACTOR SHALL MAINTAIN THE OPERATION OF EXISTING UTILITIES WITH THE LEAST AMOUNT OF SERVICE INTERRUPTION POSSIBLE IN COORDINATION WITH THE CITY OF HENDERSONVILLE. CONTINUOUS SERVICE, PUBLIC HEALTH AND SAFETY CONSIDERATIONS SHALL EXCEED ALL OTHERS AND CONTRACTOR'S SCHEDULE, PLANS AND WORK SHALL AT ALL TIMES BE SUBJECT TO ALTERATION AND REVISION IF NECESSARY FOR THESE CONSIDERATIONS.

12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE TEMPORARY OR PERMANENT RELOCATION OF STRUCTURES AND UTILITIES, INCLUDING BUT NOT LIMITED TO POLES, SIGNS, FENCES, HYDRANTS, VALVES, PIPING, CONDUITS AND DRAINS THAT INTERFERE WITH THE POSITIONING OF THE WORK AS SHOWN ON THE DRAWINGS.

13. CONTRACTOR SHALL BE REQUIRED TO CONFORM AND COMPLY WITH ALL RESTRICTIONS AND EASEMENT CONDITIONS AND IS RESPONSIBLE FOR ALL RELATED INCIDENTAL COSTS INVOLVED.

14. EXISTING WATER SERVICES SHALL BE REPLACED TO THE EXISTING METER UNLESS OTHERWISE APPROVED IN WRITING BY THE CITY. SPLICING OF THE WATER SERVICE ON THE DOWNSTREAM SIDE OF THE METER IS NOT PERMITTED.

PROJECT REFERENCE NO.	SHEET NO.
U-5887	Section 5, Item D.
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DRAWN BY: BAB	
CHECKED BY: JDN	
APPROVED BY: JDN	
	
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION UTILITIES ENGINEERING SEC. PHONE: (919) 707-6690 FAX: (919) 250-4151	
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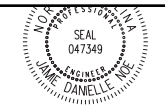
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12/30/20

# UTILITY CONSTRUCTION

HENDERSON COUNTY

PROJECT REFERENCE NO.	U-5887	SHEET NO.	Section 5, Item D.
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## PROJECT SPECIFIC NOTES:

15. ALL DISTURBED AREAS, INCLUDING BUT NOT LIMITED TO ASPHALT, CONCRETE, DRIVEWAYS, ROADS, LANDSCAPING, SHALL BE REPAIRED TO EQUAL OR BETTER CONDITION THAN THE ORIGINAL SITE. GRASS AND LANDSCAPED AREAS FILL MATERIAL MUST BE REPLACED IN TRENCH TO GRADE AS SOON AS WATERLINE CONSTRUCTION ALLOWS. ADEQUATE SEEDING AND STRAW OR MULCH SHALL THEN BE APPLIED TO THE DISTURBED TRENCH AREA. ADDITIONAL FILL AND SITE RESTORATION MAY BE REQUIRED WITHIN THE WARRANTY PERIOD AT THE CITY'S DISCRETION.

16. CONTRACTOR SHALL PROVIDE EROSION CONTROL DEVICES TO CONTROL RUNOFF AS REQUIRED. THE CONTRACTOR IS RESPONSIBLE FOR ANY FINES THAT MAY BE LEVIED DUE TO RUNOFF FROM CONSTRUCTION.

17. IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO FOLLOW ALL APPLICABLE FEDERAL, STATE AND LOCAL HEALTH AND SAFETY REGULATIONS PERTAINING TO CONSTRUCTION OPERATIONS.

18. ALL WATER MAINS SHALL HAVE 3 FEET MINIMUM COVER

19. INSTALL FERROUS PIPING FOR BOTH WATER AND SEWER WITHIN 10 FT. OF A CROSSING IF:

19.1. SEWER LINE CROSSES OVER WATER, OR

19.2. VERTICAL CLEARANCE BETWEEN WATER AND SEWER IS LESS THAN 18 INCHES.

19.3. MAINTAIN 10 FEET HORIZONTAL SEPARATION BETWEEN SEWER AND WATER MAINS UNLESS LAID IN SEPARATE TRENCHES WITH THE BOTTOM OF THE WATER LINE AT LEAST 18 INCHES ABOVE THE TOP OF THE SEWER LINE OR USE FERROUS MATERIAL FOR BOTH WATER AND SEWER.

20. MAINTAIN 18 INCHES VERTICAL SEPARATION BETWEEN STORM DRAIN AND WATER, OR INSTALL FERROUS MATERIAL WATER LINE WITHIN 10 FEET EACH SIDE OF CROSSING.

21. TAPS GREATER THAN ONE-INCH IN DIAMETER IN EXISTING, ACTIVE WATER MAIN ARE TO BE PERFORMED BY THE CITY UNLESS OTHERWISE APPROVED IN WRITING BY THE CITY. TAPS IN NEW CONSTRUCTION ARE TO BE PERFORMED BY THE CONTRACTOR IN ACCORDANCE WITH CITY REQUIREMENTS.

22. ALL WATER METERS WILL BE SET BY CITY STAFF UNLESS THE CONTRACTOR IS GRANTED WRITTEN PERMISSION BY THE CITY.

22.1. THE CONTRACTOR WILL PROVIDE THE CITY NOTICE OF 10 WORKING DAYS MINIMUM PRIOR TO THE DATE OF METER INSTALLATION.

22.2. THE CONTRACTOR WILL PROVIDE A LICENSED PLUMBER DURING THE METER INSTALLATION TO VERIFY LINES SERVICES IN ALL MULTI-METER BOXES.

23. ALL PUBLIC WATER MAIN CONSTRUCTION SHALL BE PERFORMED BY A NORTH CAROLINA LICENSED UTILITY CONTRACTOR.

24. ALL WATER APPURTENANCES ARE TO BE MADE USING LEAD FREE MATERIALS. PIPE, FITTINGS, VALVES, HYDRANTS, PIPE CLAMPS, RESTRAINTS, FLANGES, CASTINGS, REBAR, HATCHES, INLETS, METER BOXES AND ALL OTHER CAST IRON COMPONENTS SHALL BE MANUFACTURED IN THE USA.

25. RESTRAINED JOINTS BY AN APPROVED PIPE MANUFACTURER ARE TO BE USED FOR ALL PUBLIC WATER LINES WHERE THRUST RESTRAINING IS REQUIRED IN ACCORDANCE WITH THE PLANS AND MANUFACTURER'S SPECIFICATION. CONCRETE THRUST BLOCKS ARE PERMITTED ONLY WHERE CONNECTIONS ARE MADE TO EXISTING WATER LINES OR WHERE THE USE OF MECHANICAL RESTRAINT IS NOT FEASIBLE.

26. ALL FIRE HYDRANTS, VAULTS, BACKFLOW PREVENTERS, HOT BOXES AND WATER METERS ARE TO BE INSTALLED ON RELATIVELY FLAT AREAS OUTSIDE OF PAVEMENT.

27. TAMPERING WITH OR ILLEGAL USE OF THE PUBLIC WATER SUPPLY WILL RESULT IN SUSPENSION OF WATER SERVICE, INCLUDING DOMESTIC AND COMMERCIAL, UNTIL FINAL APPROVAL BY THE CITY IS ISSUED. A PERSON FOUND TO BE USING WATER ILLEGALLY SHALL BE SUBJECT TO PENALTIES OR FINES, AS PRESCRIBED AND APPROVED BY CITY COUNCIL.

28. CONTRACTOR SHALL PHASE WATER LINE INSTALLATION AND ROUGH GRADE, IF NECESSARY, SO THAT PROPOSED WATER LINE WILL HAVE MINIMUM 3' OF COVER ONCE INSTALLED.

## TESTING & INSPECTION:

1. NOTIFY THE CITY OF HENDERSONVILLE AND ENGINEER AT LEAST 5 WORKING DAYS BEFORE STARTING CONSTRUCTION OF WATER FACILITIES TO SCHEDULE A PRE-CONSTRUCTION CONFERENCE. THE ENGINEER SHALL PERIODICALLY INSPECT THE PROGRESS OF INSTALLATION AT A MINIMUM AND SHALL COMPLETE A FINAL WATER CERTIFICATION.

2. ALL CHANGES TO THE APPROVED CONSTRUCTION PLANS AND SUBMITTALS MUST BE APPROVED IN WRITING BY THE CITY PRIOR TO IMPLEMENTATION IN THE FIELD.

3. THE CONTRACTOR SHALL FURNISH SECURE AND PROVIDE ALL NECESSARY TESTING MATERIALS, EQUIPMENT, LABOR. THE CONTRACTOR SHALL COORDINATE TESTING, FLUSHING, DISINFECTION, AND BACTERIOLOGICAL SAMPLING WITH CITY INSPECTOR.

4. THE ENGINEER OF CONTRACTOR SHALL NOTIFY THE CITY CONSTRUCTION INSPECTORS 72 HOURS (MINIMUM) PRIOR TO ANY WATER MAIN OR TESTING OPERATIONS. AT A MINIMUM CITY STAFF SHALL BE NOTIFIED PRIOR TO TAPS, TESTING, FLUSHING, DISINFECTIONS, AND SAMPLING.

5. PRESSURE TEST WATER MAINS TO 200 PSI MIN. FOR A MINIMUM OF TWO HOURS IN ACCORDANCE WITH CITY REQUIREMENTS AND AWWA C600.

6. DISINFECT WATER LINES AND PROVIDE ACCEPTABLE BACTERIOLOGICAL TEST FROM A CERTIFIED TESTING LABORATORY IN ACCORDANCE WITH CITY REQUIREMENTS AND AWWA C651. THE CONTRACTOR MAY ELECT TO USE THE CITY'S CERTIFIED TESTING LABORATORY.

7. PRIVATELY OWNED FIRE SYSTEMS SHALL BE APPROVED BY THE APPROPRIATE LOCAL PERMITTING AUTHORITY. THE CITY ENGINEERING OR WATER SEWER DEPARTMENTS ARE NOT RESPONSIBLE FOR ENSURING COMPLIANCE WITH APPROPRIATE FIRE PROTECTION REGULATIONS. THE CITY DOES NOT PROVIDE ANY GUARANTEE OF ITS WATER SYSTEM'S CAPABILITY TO DELIVER WATER FLOW AND RESIDUAL PRESSURE THE FIRE PERMITTING AUTHORITY MAY REQUIRE.

8. ALL BACKFLOW PREVENTION ASSEMBLIES SHALL BE USC APPROVED AND REVIEWED BY THE CITY'S. PROTECTION OF THE PUBLIC WATER DISTRIBUTION SYSTEM SHALL BE ASSURED BY INSPECTION OF THE INSTALLATION AND TESTING OF BACKFLOW PREVENTION ASSEMBLY. THIS ASSEMBLY INSTALLATION MUST BE TESTED BY A LICENSED PLUMBER AND TEST RESULTS SUBMITTED TO THE CITY BEFORE USE OF CONSTRUCTION WATER.


9. CONSTRUCTION WATER SOURCING MUST BE APPROVED IN WRITING BY THE CITY. CONSTRUCTION WATER CONNECTIONS SHALL BE PAIRED WITH AN IRRIGATION METER AND APPROVED BACKFLOW PREVENTION ASSEMBLY. THIS ASSEMBLY INSTALLATION MUST BE TESTED BY A LICENSED PLUMBER AND TEST RESULTS SUBMITTED TO THE CITY BEFORE USE OF CONSTRUCTION WATER.

10. SECURE FINAL WRITTEN ACCEPTANCE FROM THE CITY OF HENDERSONVILLE PRIOR TO ACTIVATION OF THE SYSTEM. WATER SERVICE WILL NOT BE PROVIDED UNTIL WRITTEN ACCEPTANCE OF THE SYSTEM IS ISSUED BY THE CITY.

11. THE ENGINEER SHALL SUPPLY THE CITY WITH FINAL AS-BUILT DRAWINGS AND COMPLETE ALL PROJECT CLOSE OUT REQUIREMENTS.

### DISCLAIMER:

THE STANDARD WATER DETAILS ARE FOR THE SOLE USE OF PROJECTS DIRECTLY FOR, OR THOSE PROJECTS IN WHICH OWNERSHIP WILL BE TRANSFERRED TO THE CITY OF HENDERSONVILLE. THESE TYPICALS ARE INTENDED TO SHOW THE CITY OF HENDERSONVILLE'S EXPECTATIONS FOR THE GENERAL LAYOUT, ARRANGEMENT, AND THE QUALITY OF EQUIPMENT AND MATERIALS FOR WATER DISTRIBUTION SYSTEM ITEMS AND THEIR RELATED APPURTENANCES. IT REMAINS THE SOLE RESPONSIBILITY OF THE ENGINEER IN RESPONSIBLE CHARGE (ERC) OF EACH APPLICATION TO DETERMINE, DESIGN TO, AND CERTIFY TO THE DESIGN PARAMETERS FOR EACH INSTALLATION. THE ERC MUST ALSO ENSURE THE DESIGN COMPLIES WITH THE MINIMUM DESIGN CRITERIA OF NC DIVISION OF ENVIRONMENTAL QUALITY AND ALL LOCAL AND STATE LAWS AND REGULATIONS.



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12/31/20

PROJECT REFERENCE NO. U-5887 SHEET NO. Section 5, Item D.

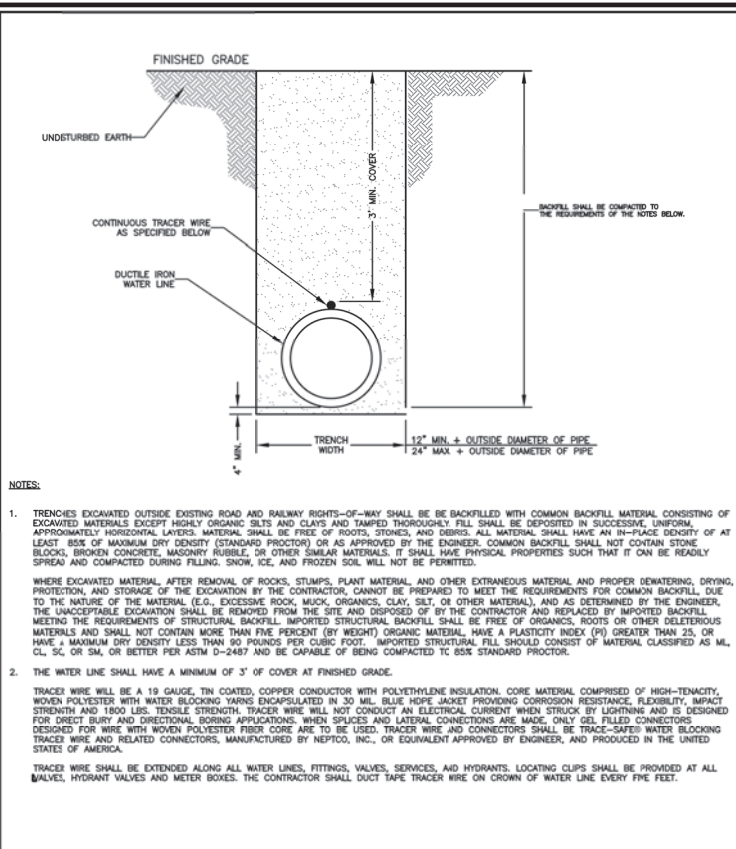
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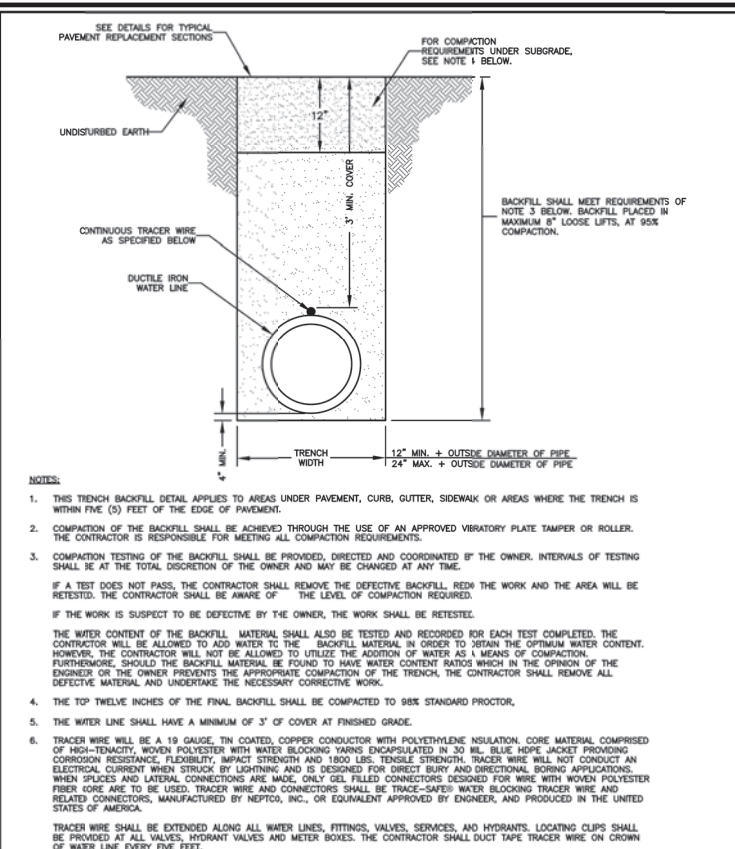


DATE: 01/12/2019 WD DWG. NO. 2

SCALE: NOT TO SCALE

City of Hendersonville Engineering Department  
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Hendersonville, NC 28792  
(828) 697-3000 (office)  
www.cityofhendersonville.org

WATER TRENCH CONSTRUCTION  
OUTSIDE PAVEMENT

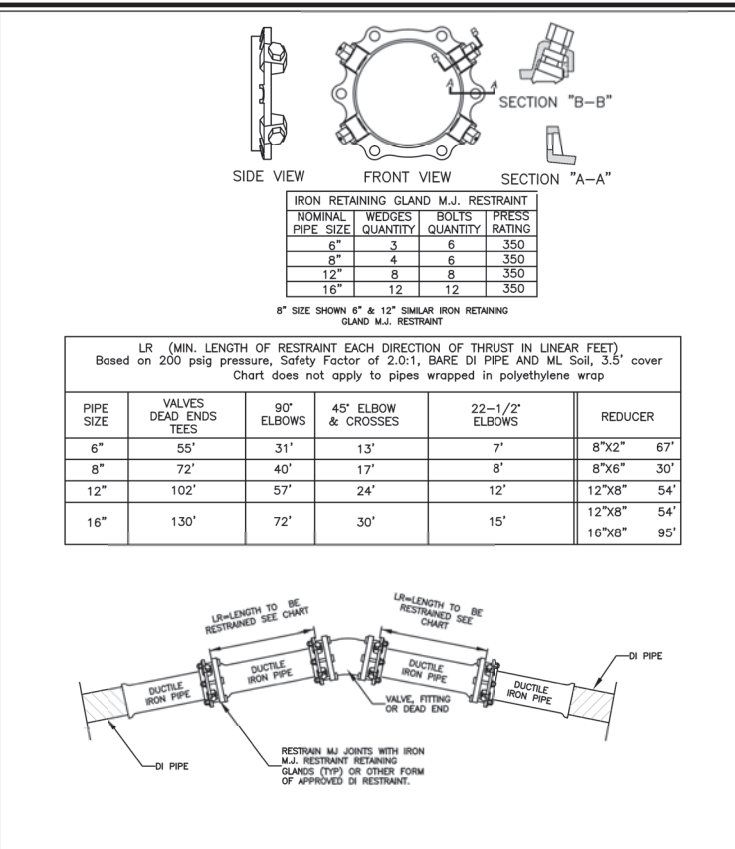


DATE: 06/10/2019 WD DWG. NO. 3

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WATER TRENCH CONSTRUCTION  
UNDER PAVEMENT



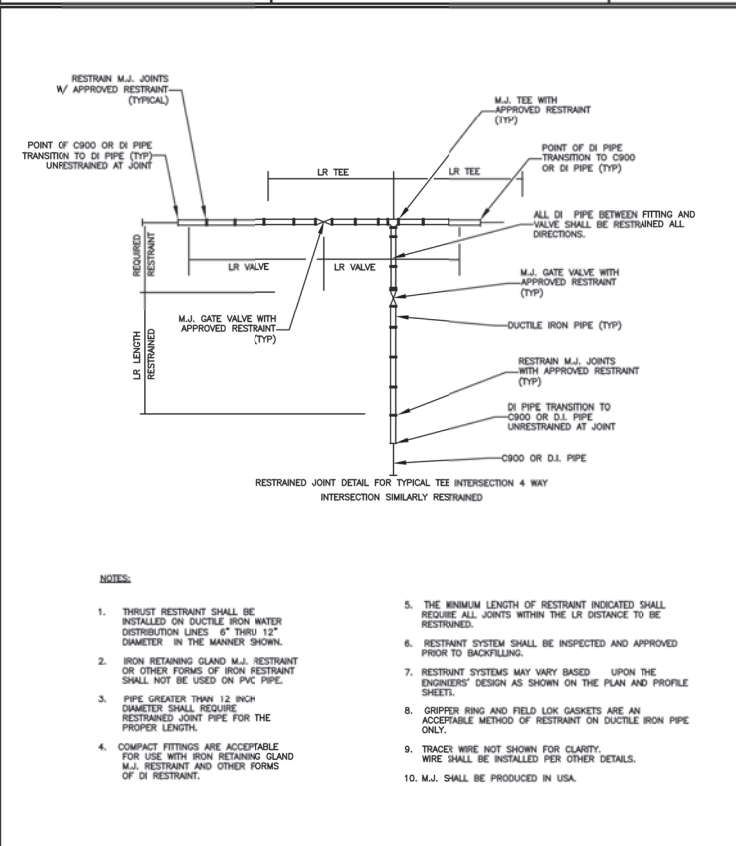
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DUCTILE IRON PIPE  
RESTRAINT DETAIL

SHEET 1 OF 2



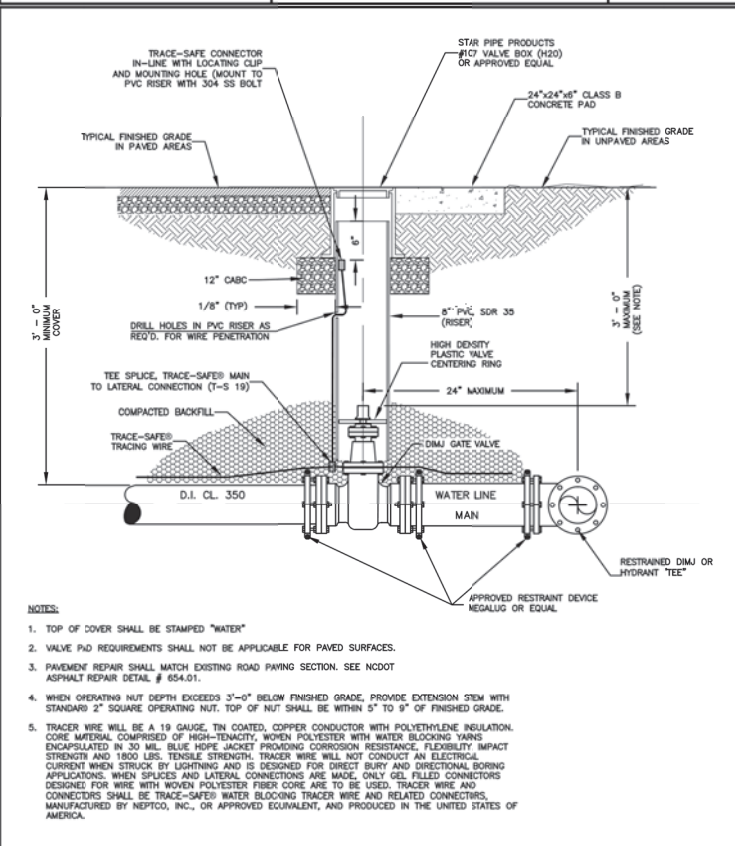
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DUCTILE IRON PIPE  
RESTRAINT DETAIL

SHEET 2 OF 2

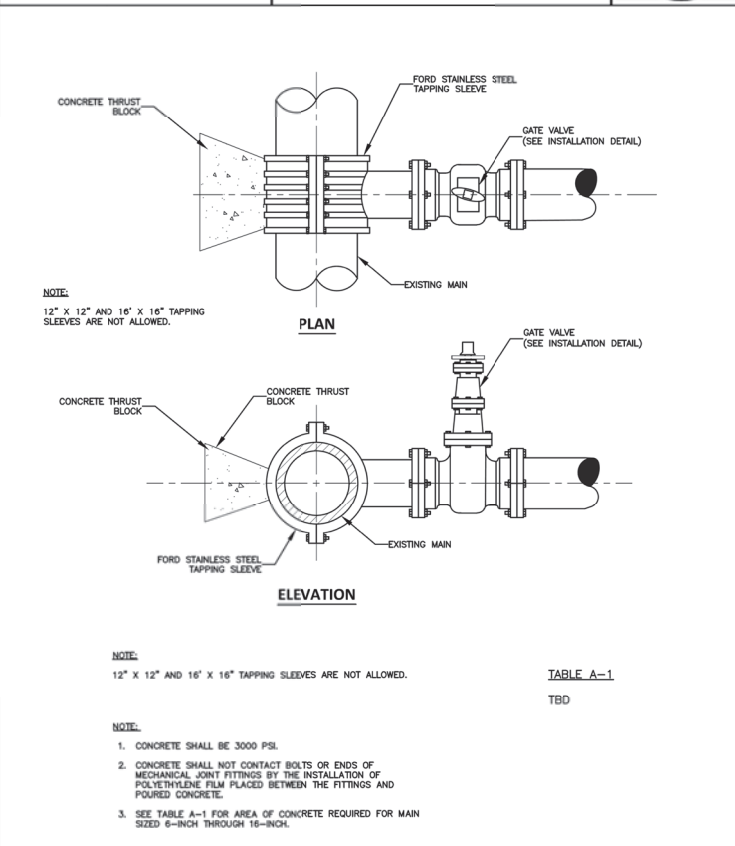


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VALVE INSTALLATION DETAIL



DATE: 01/12/2019 WD DWG. NO. 6

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STANDARD TAPPING SLEEVE  
AND VALVE ASSEMBLY

**V&M**  
Vaughan & Melton  
Consulting Engineers

Asheville, North Carolina

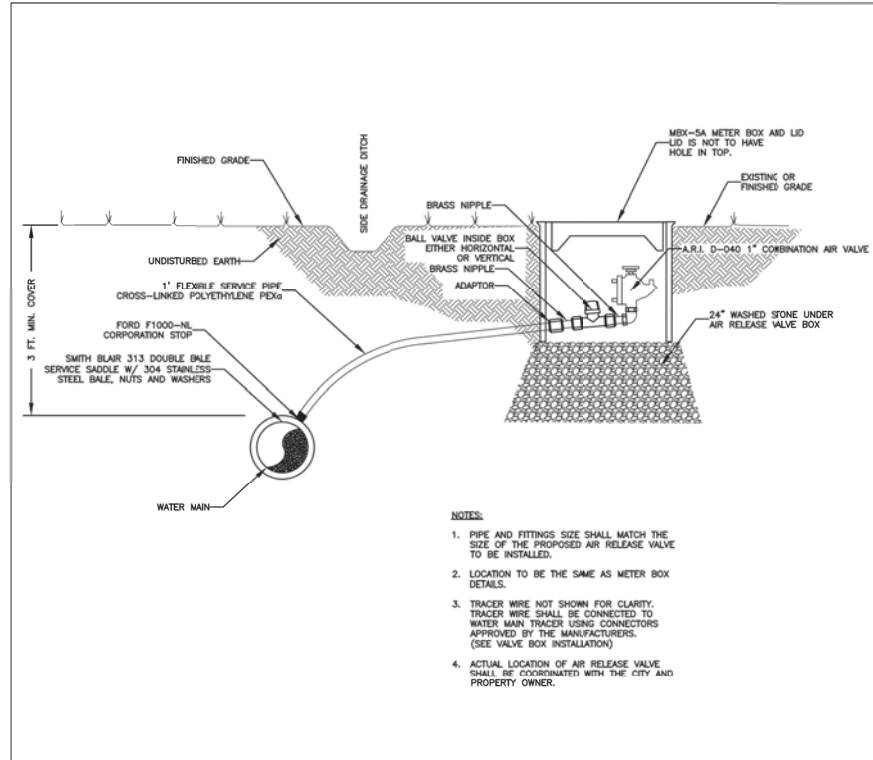
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<b>UTILITY CONSTRUCTION</b>			

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- NOTES:**
1. PIPE AND FITTINGS SIZE SHALL MATCH THE SIZE OF THE PROPOSED AIR RELEASE VALVE TO BE INSTALLED.
  2. LOCATION TO BE THE SAME AS METER BOX DETAILS.
  3. TRACER WIRE NOT SHOWN FOR CLARITY. TRACER WIRE SHALL BE CONNECTED TO WATER MAIN TRACER USING CONNECTORS APPROVED BY THE MANUFACTURERS. (SEE VALVE BOX INSTALLATION)
  4. ACTUAL LOCATION OF AIR RELEASE VALVE SHALL BE COORDINATED WITH THE CITY AND PROPERTY OWNER.

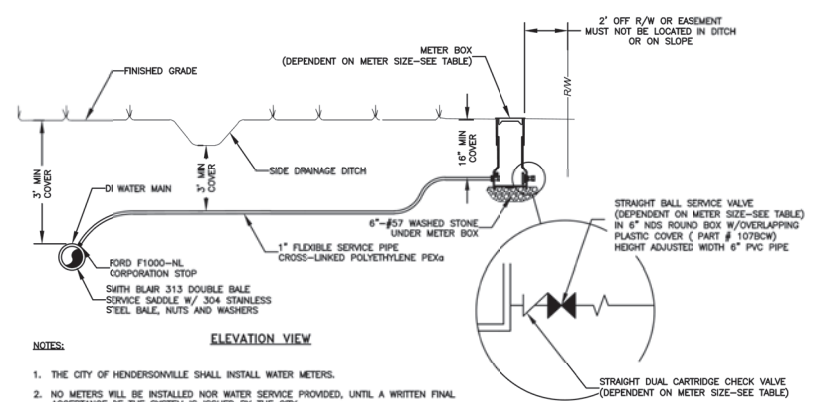


**STANDARD AIR RELEASE VALVE INSTALLATION DETAIL**

DATE: 04/08/2019  
 SCALE: NOT TO SCALE  
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 Hendersonville, NC 28792  
 (828) 697-3000 (office)  
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METER SIZE	METER BOX SIZE	METER BOX	STRAIGHT BALL SERVICE VALVE	STRAIGHT DUAL CARTRIDGE CHECK VALVE
3/4" *	3/4"	FORD CB111-233-NL	FORD BB1-233W-NL	HHCB1-333-NL
1"	1"	FORD CB111-444-L-T-NL	FORD BB1-344W-NL	HHCB1-444-NL

\* REQUIRES REDUCER UB4-349 NL

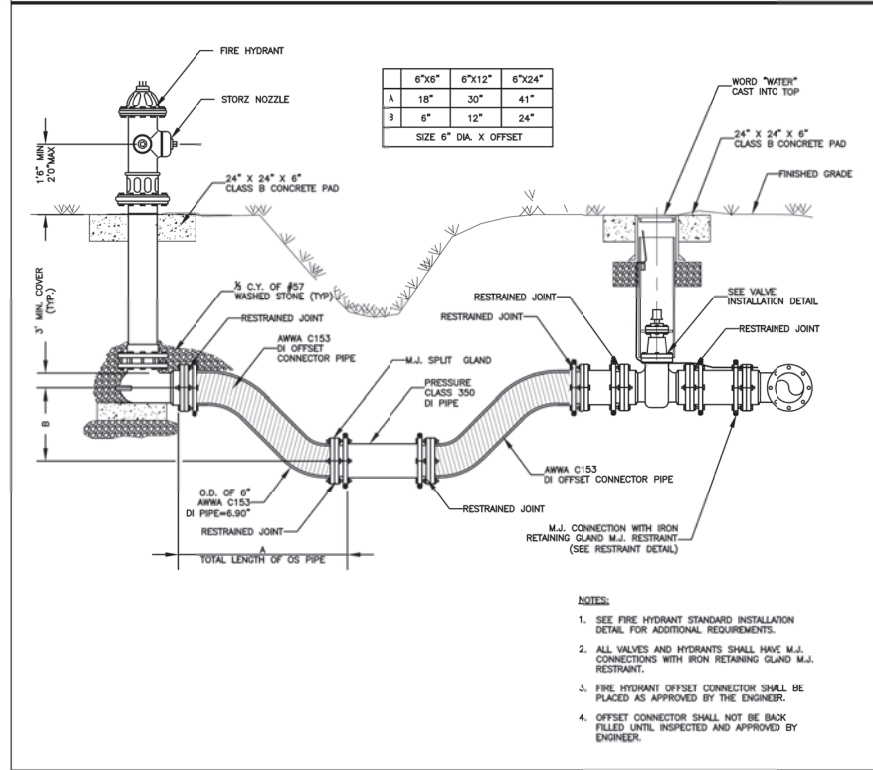


- NOTES:**
1. THE CITY OF HENDERSONVILLE SHALL INSTALL WATER METERS.
  2. NO METERS WILL BE INSTALLED NOR WATER SERVICE PROVIDED, UNTIL A WRITTEN FINAL ACCEPTANCE OF THE SYSTEM IS ISSUED BY THE CITY.
  3. METER BOX SHALL BE BITUMINOUS COATED, CAST IRON BASE, INNER BARREL, AND OUTER BARREL WITH 1-7/8" TOUCH-READ HOLE IN LID.
  4. EXTEND TRACER WIRE FROM MAIN TO METER BOX. WIRE NOT SHOWN FOR CLARITY. TRACER WIRE WILL BE A 11 GAUGE, TIN COATED, COPPER CONDUCTOR WITH POLYETHYLENE INSULATION. CORE MATERIAL COMPRISED OF HIGH-TENSILE, WOVEN POLYESTER WITH WATER BLOCKING YARN. IMPACT STRENGTH AND 1800 LBS. TENSILE STRENGTH. TRACER WIRE WILL NOT CONDUCT AN ELECTRICAL CURRENT WHEN STRUCK BY LIGHTNING AND IS DESIGNED FOR DIRECT BURY AND DIRECTIONAL BORING APPLICATIONS. WHEN SPLICES AND LATERAL CONNECTIONS ARE MADE, ONLY GEL FILLED CONNECTORS DESIGNED FOR WIRE WITH WOVEN POLYESTER FIBER CORE ARE TO BE USED. TRACER WIRE SHALL BE TERMINATED IN METER BOX AT MOUNTED TRACE-SAFE® LOCATING CLIP, MOUNTED A MAXIMUM OF 1" FROM TOP OF BOX WITH 304 SS BOLT. TRACER WIRE AND CONNECTORS SHALL BE TRACE-SAFE® WATER BLOCKING TRACER WIRE AND RELATED CONNECTORS, MANUFACTURED BY NEPTCO, INC., OR EQUIVALENT APPROVED BY ENGINEER, AND PRODUCED IN THE UNITED STATES OF AMERICA.



**MINIMUM SERVICE LINE: 1" SERVICE LATERAL INSTALLATION**

DATE: 04/29/2019  
 SCALE: NOT TO SCALE  
 WID DWG. NO. 8  
 City of Hendersonville Engineering Department  
 305 Williams Street  
 Hendersonville, NC 28792  
 (828) 697-3000 (office)  
 www.cityofhendersonville.org



- NOTES:**
1. SEE FIRE HYDRANT STANDARD INSTALLATION DETAIL FOR ADDITIONAL REQUIREMENTS.
  2. ALL VALVES AND HYDRANTS SHALL HAVE M.J. CONNECTIONS WITH IRON RETAINING GLAND M.J. RESTRAINT.
  3. FIRE HYDRANT OFFSET CONNECTOR SHALL BE PLACED AS APPROVED BY THE ENGINEER.
  4. OFFSET CONNECTOR SHALL NOT BE BACK FILLED UNTIL INSPECTED AND APPROVED BY ENGINEER.



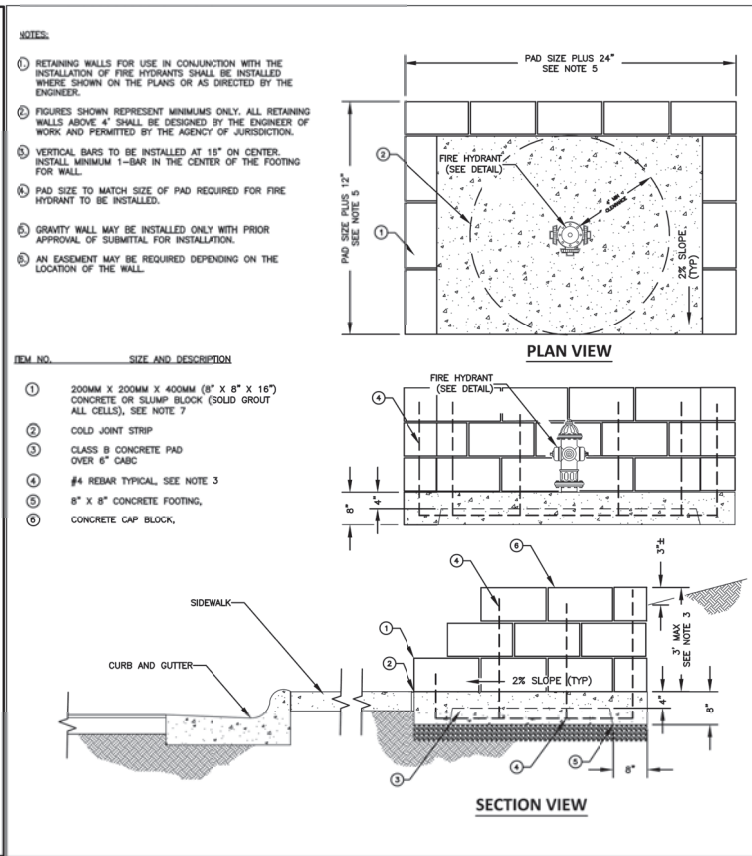
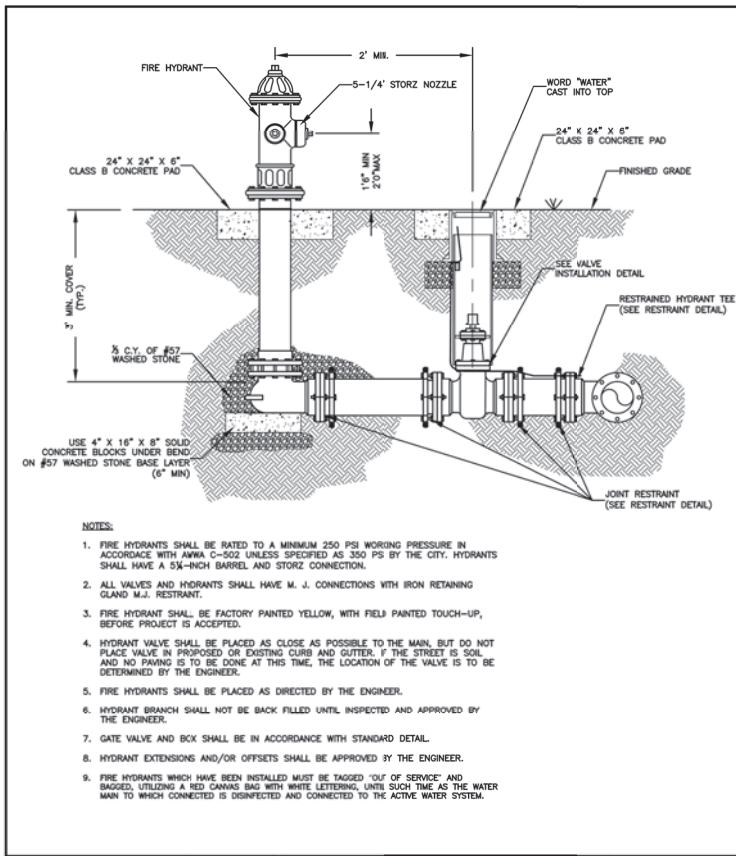
**FIRE HYDRANT DITCH INSTALLATION DETAIL**

DATE: 01/12/2019  
 SCALE: NOT TO SCALE  
 WID DWG. NO. 13  
 City of Hendersonville Engineering Department  
 305 Williams Street  
 Hendersonville, NC 28792  
 (828) 697-3000 (office)  
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 Knoxville, TN 865-546-5800  
 Spartanburg, SC 864-574-4775  
 Charleston, SC 843-726-5500  
 Asheville, North Carolina 828-253-2796  
 Charlotte, NC 704-351-0488  
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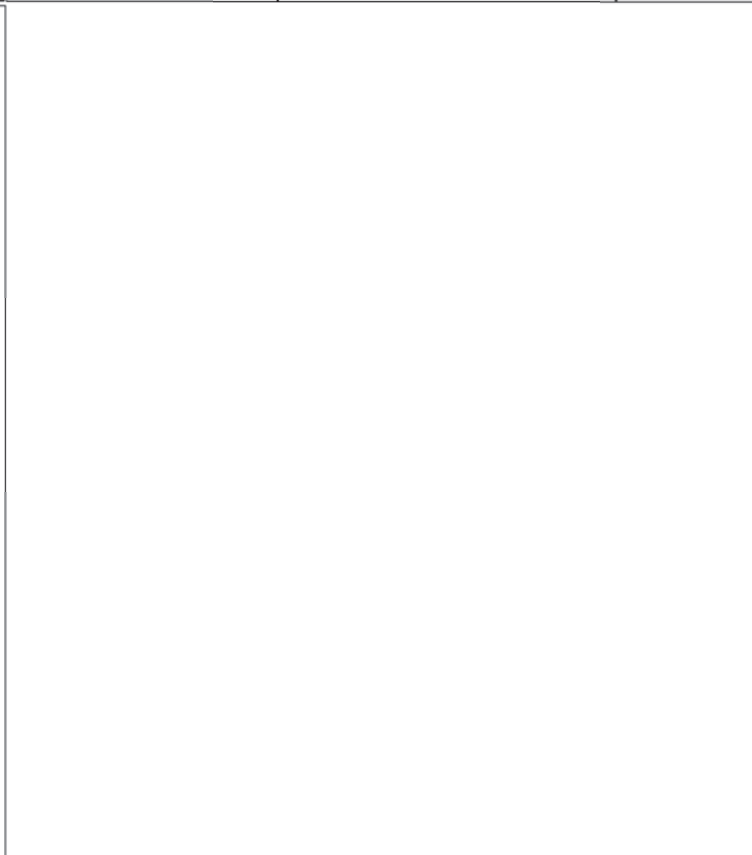
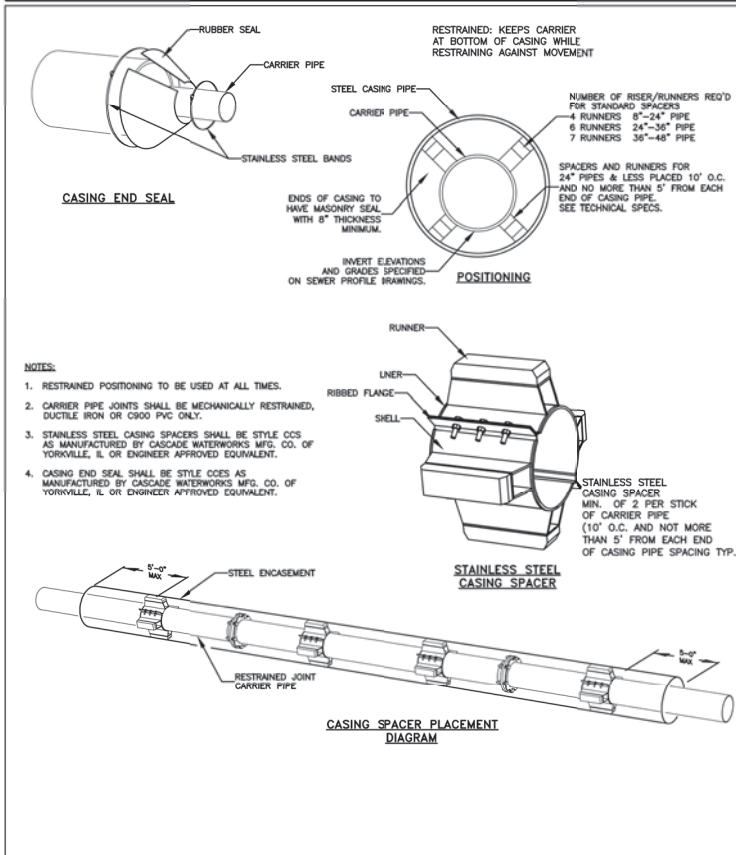


PROJECT REFERENCE NO.	U-5887	SHEET NO.	Section 5, Item D.
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CHECKED BY:	JDN		
APPROVED BY:	JDN		
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<b>UTILITY CONSTRUCTION</b>			



<b>DATE: 04/24/2019</b> WD DWG. NO. 12 <b>SCALE: NOT TO SCALE</b>	<b>FIRE HYDRANT STANDARD INSTALLATION DETAIL</b>	
--	--	--

<b>DATE: 01/12/2019</b> WD DWG. NO. 14 <b>SCALE: NOT TO SCALE</b>	<b>FIRE HYDRANT SLOPE INSTALLATION DETAIL</b>	
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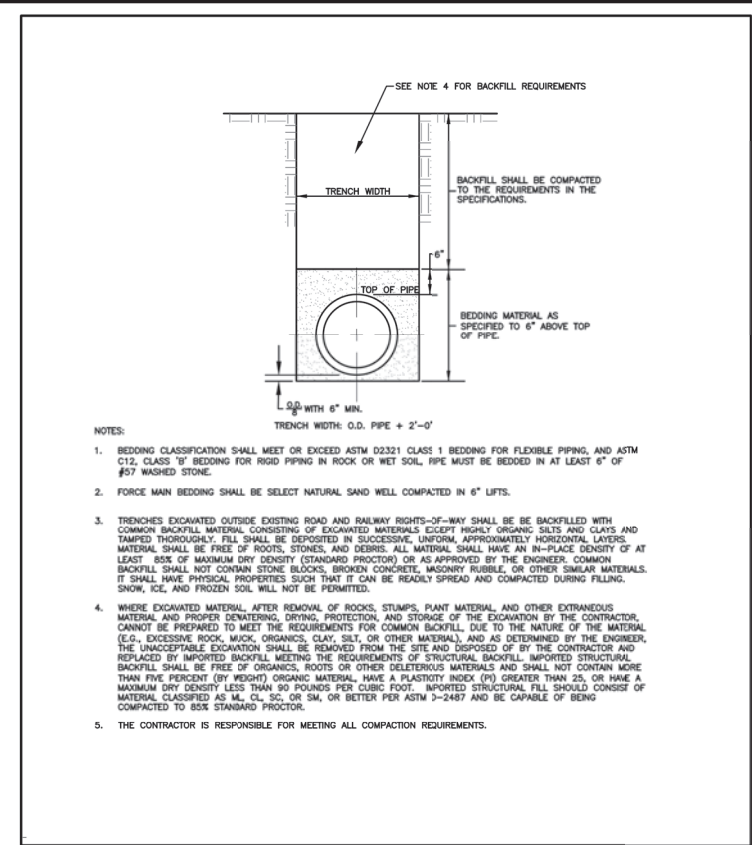
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828-253-2796

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 Me 601  
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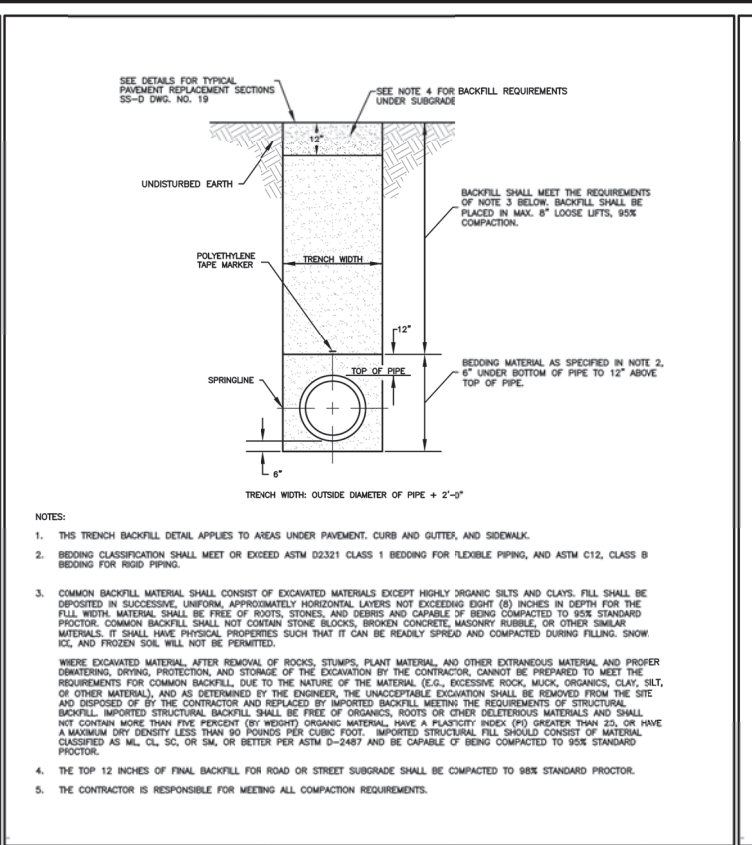
PROJECT REFERENCE NO. U-5887	SHEET NO. Section 5, Item D.
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CHECKED BY: JDN	
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DATE: 06/19/2019 SS-D DWG. NO. 1  
SCALE: NOT TO SCALE

**GRAVITY SEWER  
TRENCH CONSTRUCTION  
OUTSIDE PAVEMENT**

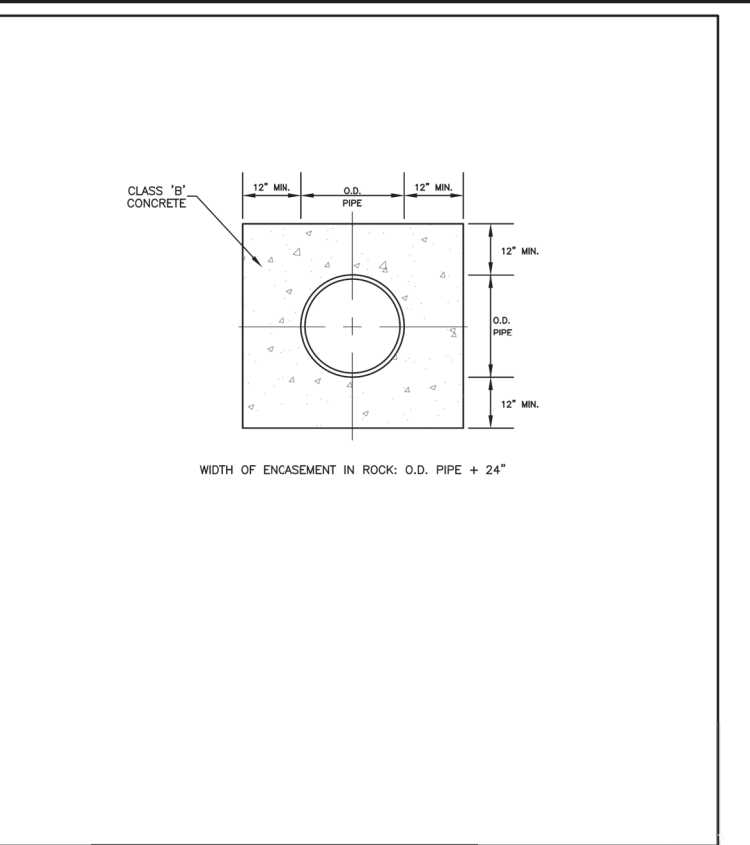
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DATE: 05/14/2019 SS-D DWG. NO. 2  
SCALE: NOT TO SCALE

**GRAVITY SEWER  
TRENCH CONSTRUCTION  
UNDER PAVEMENT**

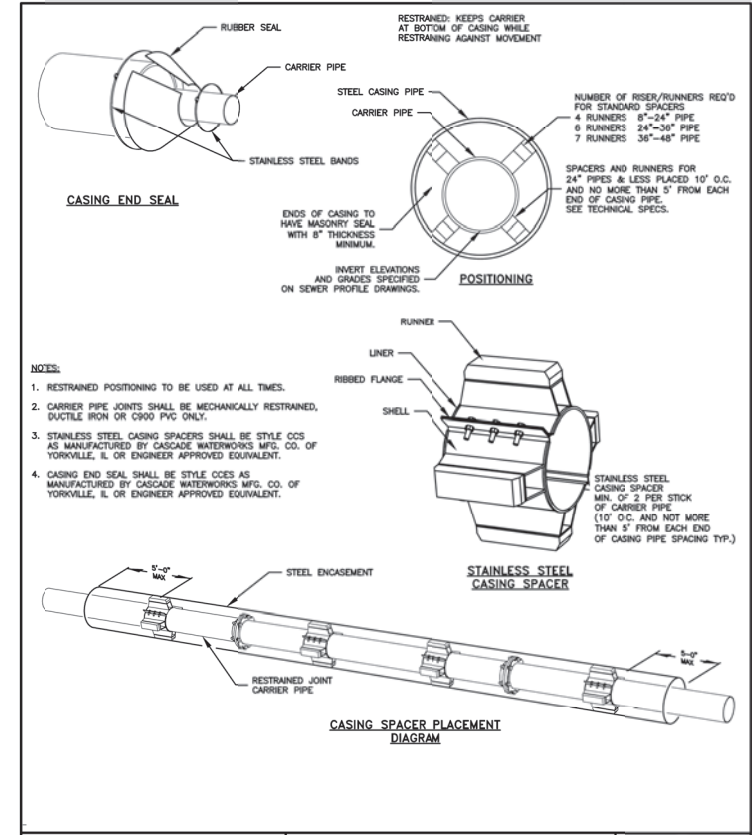
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DATE: 01/12/2019 SS-D DWG. NO. 3  
SCALE: NOT TO SCALE

**CONCRETE PIPE ENCASEMENT**

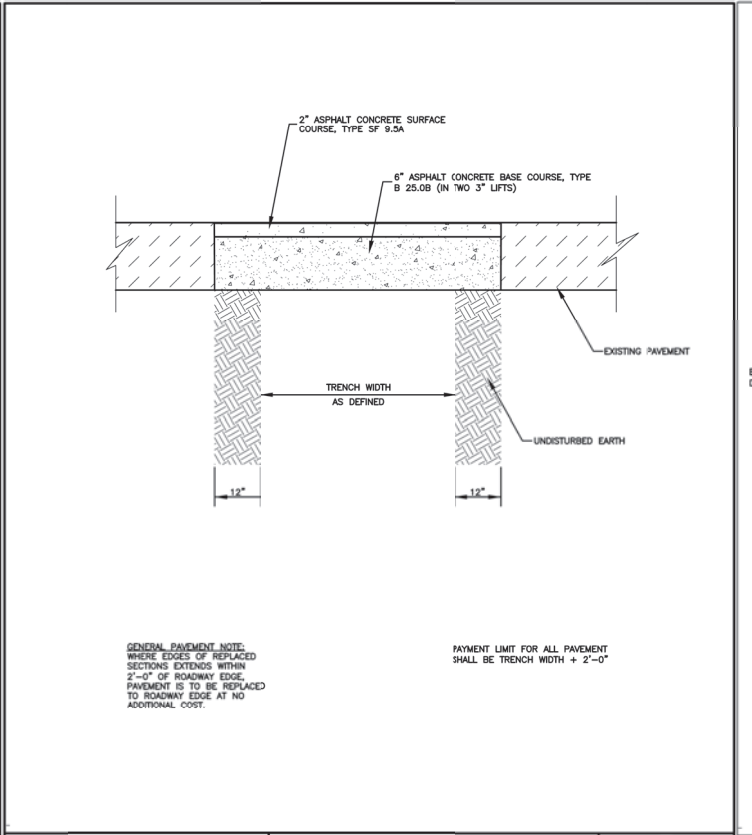
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DATE: 01/12/2019 SS-D DWG. NO. 14  
SCALE: NOT TO SCALE

**PIPE BORING  
AND  
ENCASEMENT**

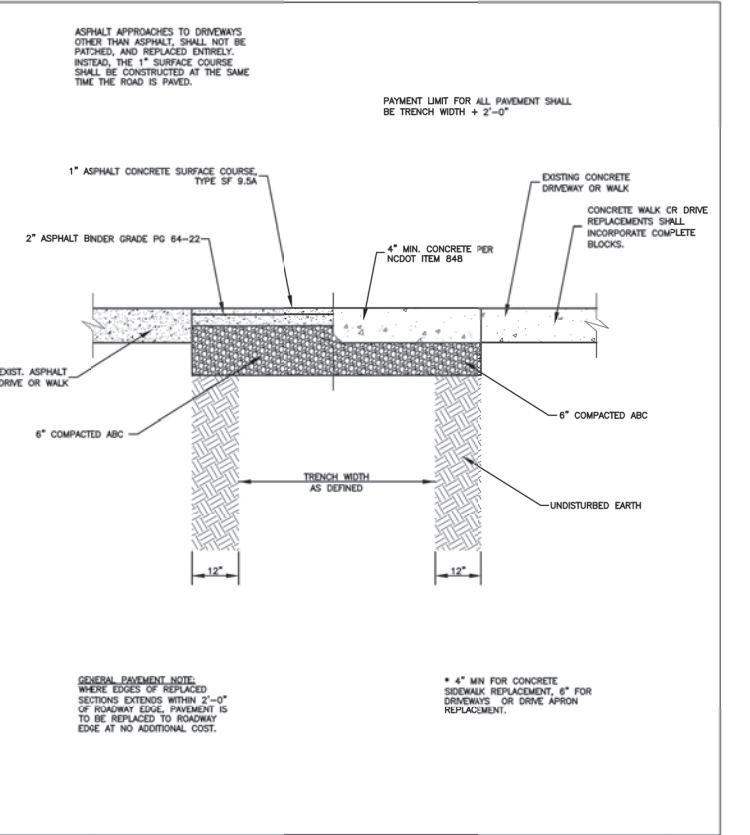
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DATE: 01/12/2019 SS-D DWG. NO. 17  
SCALE: NOT TO SCALE

**ASPHALT CONCRETE  
REPLACEMENT**

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DATE: 01/12/2019 SS-D DWG. NO. 18  
SCALE: NOT TO SCALE

**ASPHALT OR CONCRETE  
DRIVEWAY AND WALKWAY**

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305 Williams Street  
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 Knoxville, TN 865-546-5800  
 Spartanburg, SC 864-574-4775  
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 Boone, NC 828-355-9933  
 TN 606

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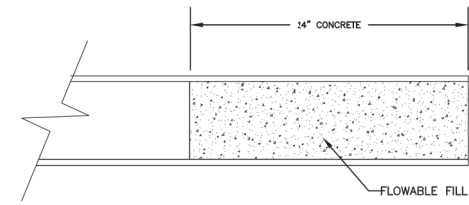
12/31/20

V:\Asheville\transportation\31535-05 U-5886\Utilities\Water and Sewer Design\U5886-Utl-UC-3A.dgn

**HENDERSON  
COUNTY**

PROJECT REFERENCE NO.	SHEET NO.
U-5887	Section 5, Item D.
DESIGNED BY: DCR	
DRAWN BY: DCR	
CHECKED BY: JDN	
APPROVED BY: JDN	
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**UTILITY CONSTRUCTION**



SECTION PIPE ABANDONMENT

**NOTE:**

1. PIPE PLUGS SHALL BE INSTALLED TO THE SATISFACTION OF THE ENGINEER.
2. ABANDONED PIPES, 12" AND LARGER, SHALL BE BROKEN INTO EVERY 50' AND SHALL BE FILLED COMPLETELY WITH SAND SLURRY.

DATE: 01/12/2019 SS-D DWG. NO. 24

SCALE: NOT TO SCALE

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 Hendersonville, NC 28792  
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PIPE ABANDONMENT



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 Spartanburg, SC 864-574-4775  
 Charleston, SC 843-724-5500  
 MD 601  
 VA 771

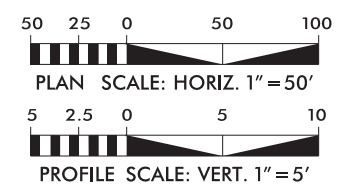
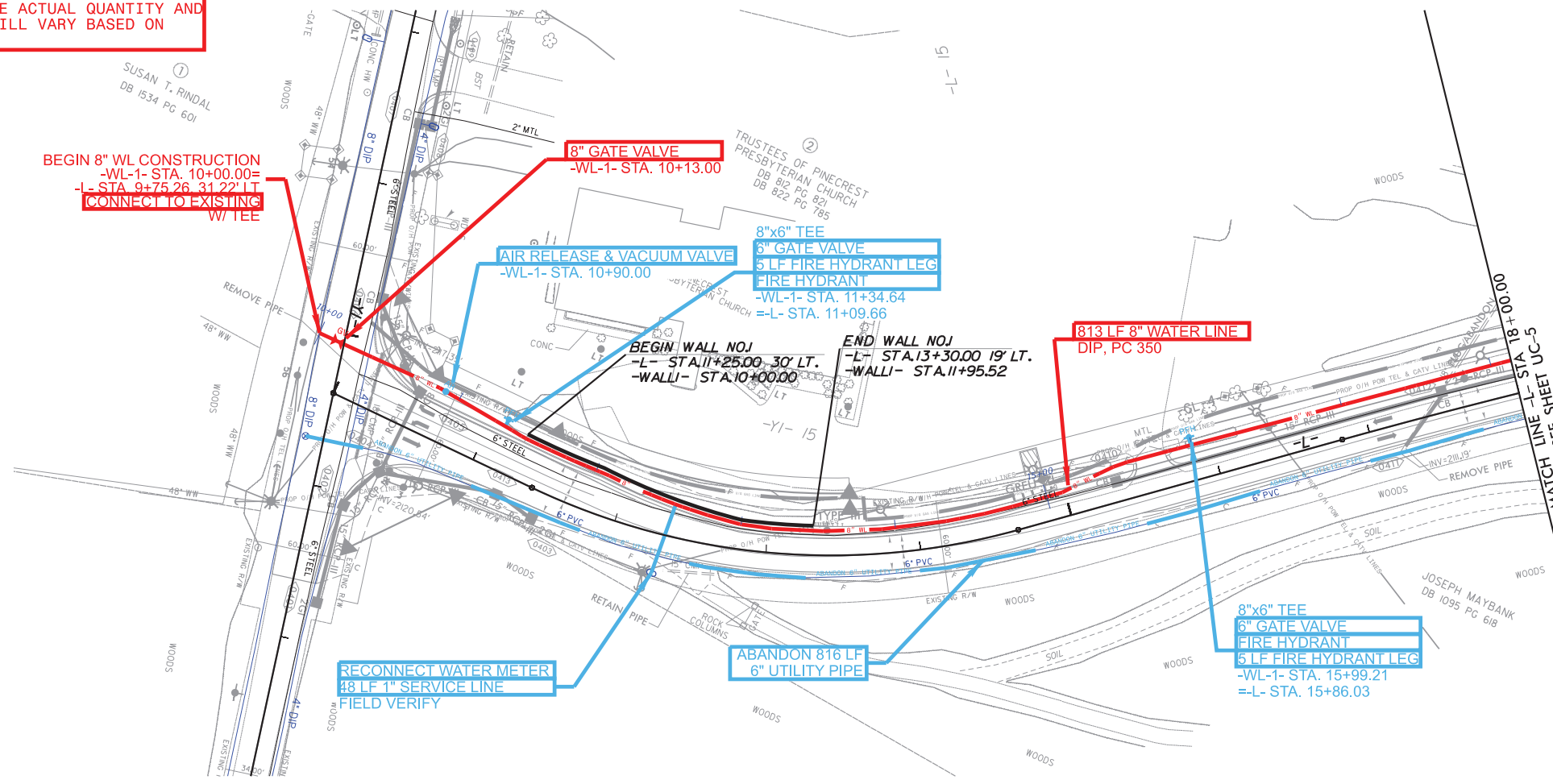
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U-5887	Section 5, Item D.
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CHECKED BY: JDN	
APPROVED BY: JDN	
REVISED:	
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION	SEAL 047349 ENGINEER JANE DANIELLE JOE
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12/31/20

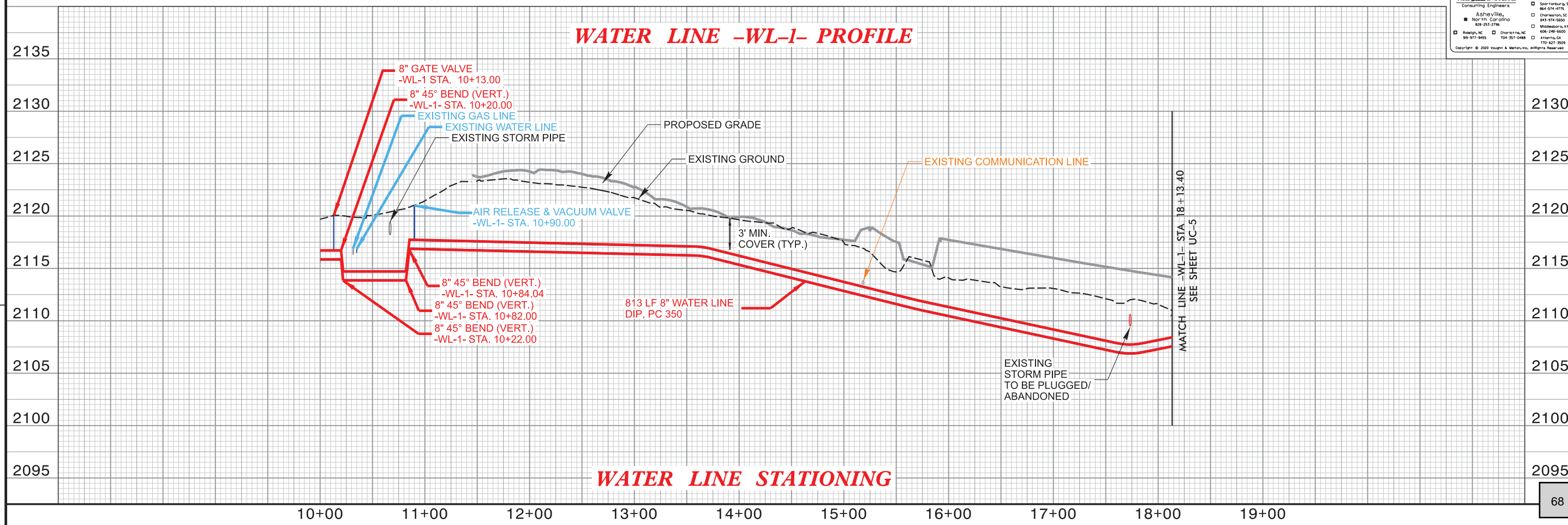
THE ESTIMATED QUANTITY OF DUCTILE IRON WATER PIPE FITTINGS ON THIS PLAN SHEET IS 1060 POUNDS. THE ACTUAL QUANTITY AND TYPE OF FITTINGS WILL VARY BASED ON FIELD CONDITIONS.



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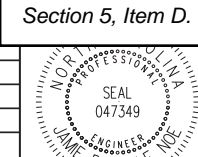
REVISIONS

**WATER LINE -WL-1- PROFILE**



**WATER LINE STATIONING**

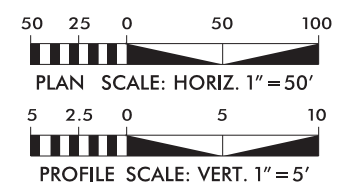
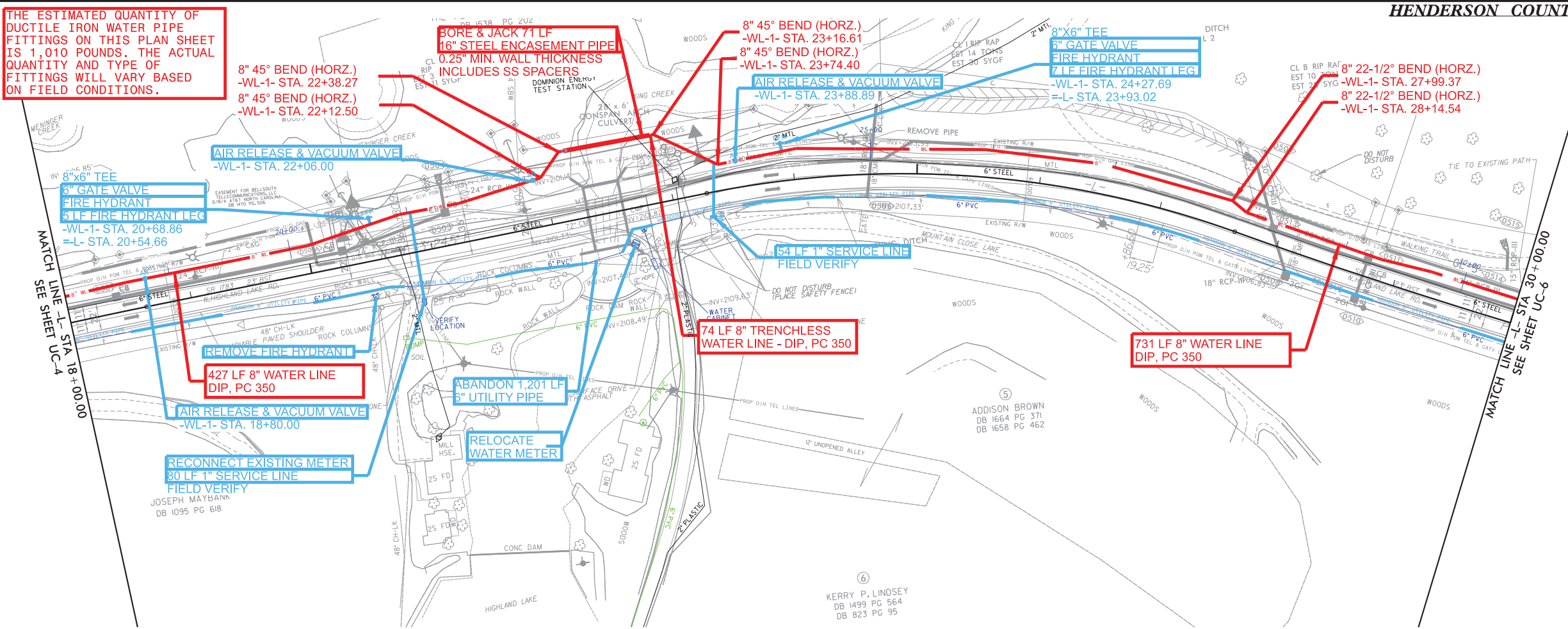
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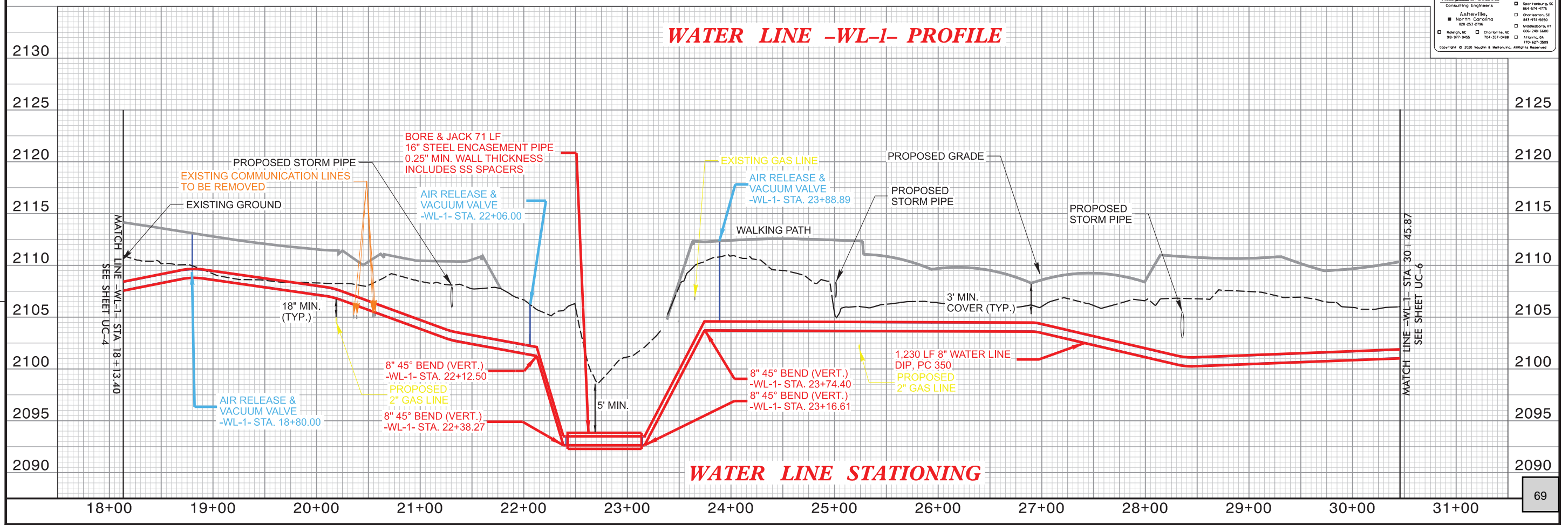
THE ESTIMATED QUANTITY OF DUCTILE IRON WATER PIPE FITTINGS ON THIS PLAN SHEET IS 1,010 POUNDS. THE ACTUAL QUANTITY AND TYPE OF FITTINGS WILL VARY BASED ON FIELD CONDITIONS.



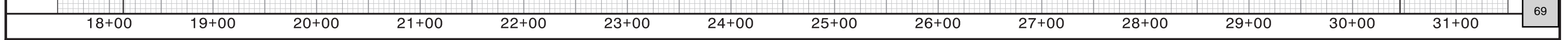
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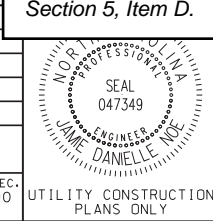
**WATER LINE -WL-1- PROFILE**



**WATER LINE STATIONING**

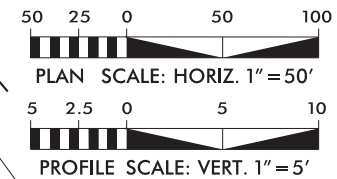
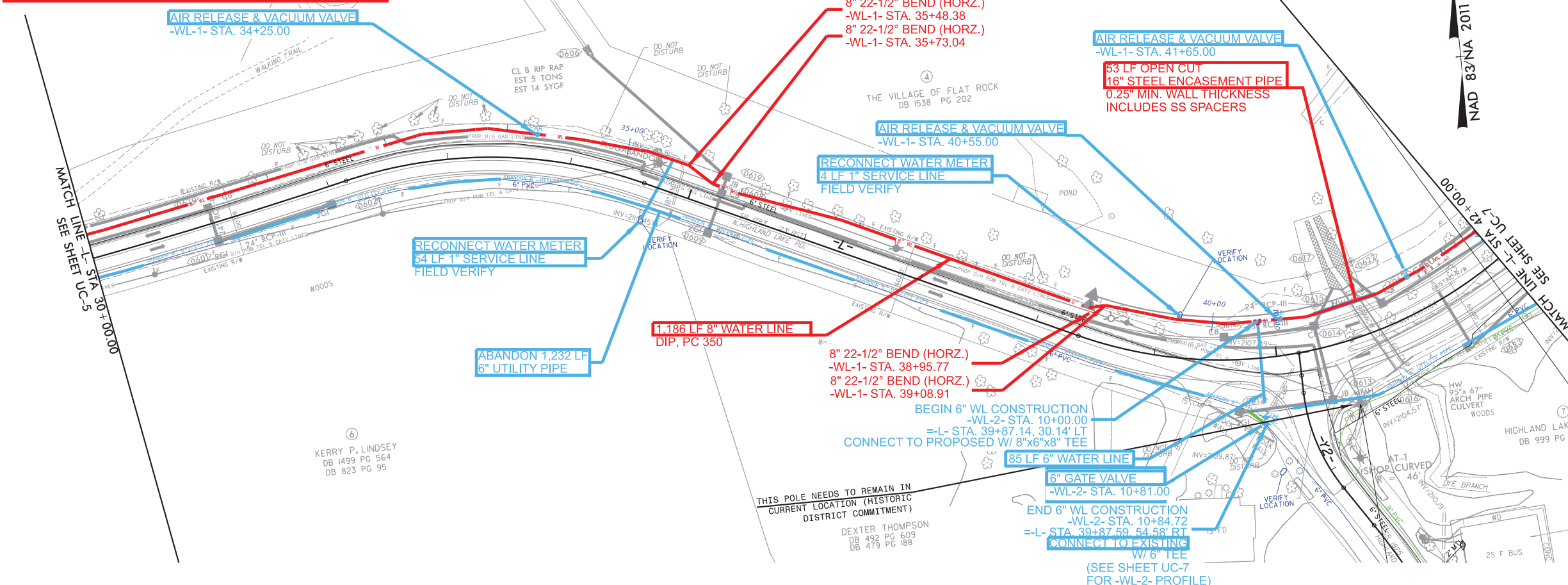


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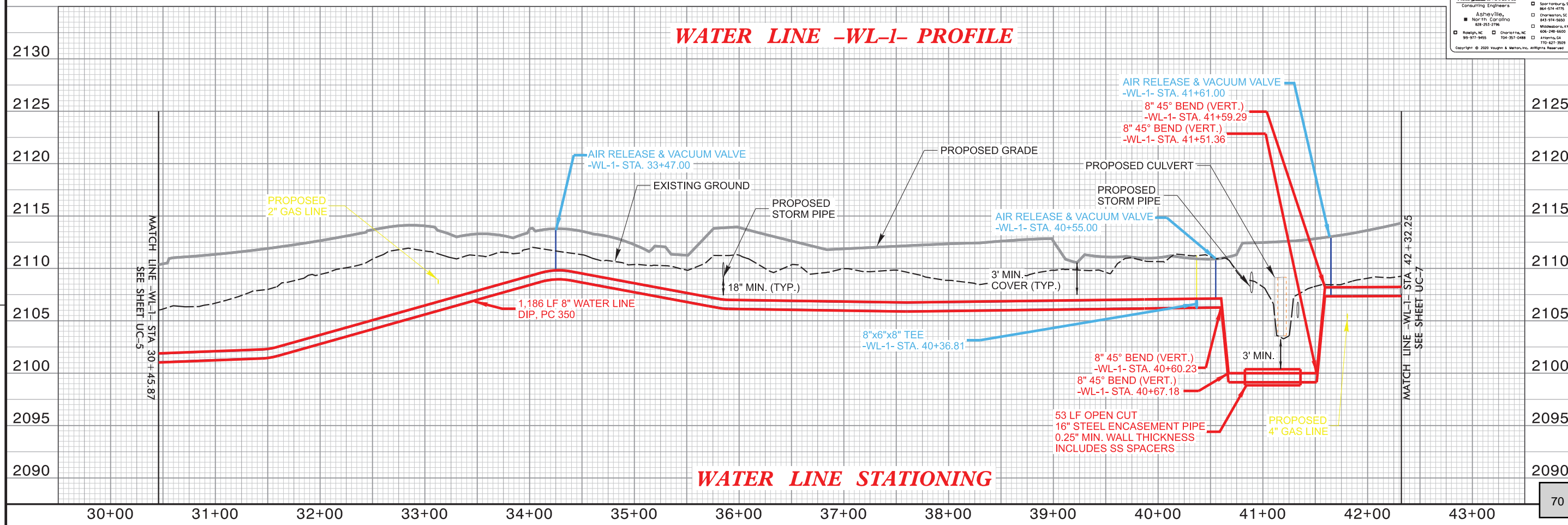
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UTILITY CONSTRUCTION

THE ESTIMATED QUANTITY OF DUCTILE IRON WATER PIPE FITTINGS ON THIS PLAN SHEET IS 1,180 POUNDS. THE ACTUAL QUANTITY AND TYPE OF FITTINGS WILL VARY BASED ON FIELD CONDITIONS.



REVISIONS

WATER LINE -WL-1- PROFILE

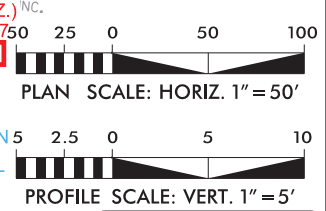


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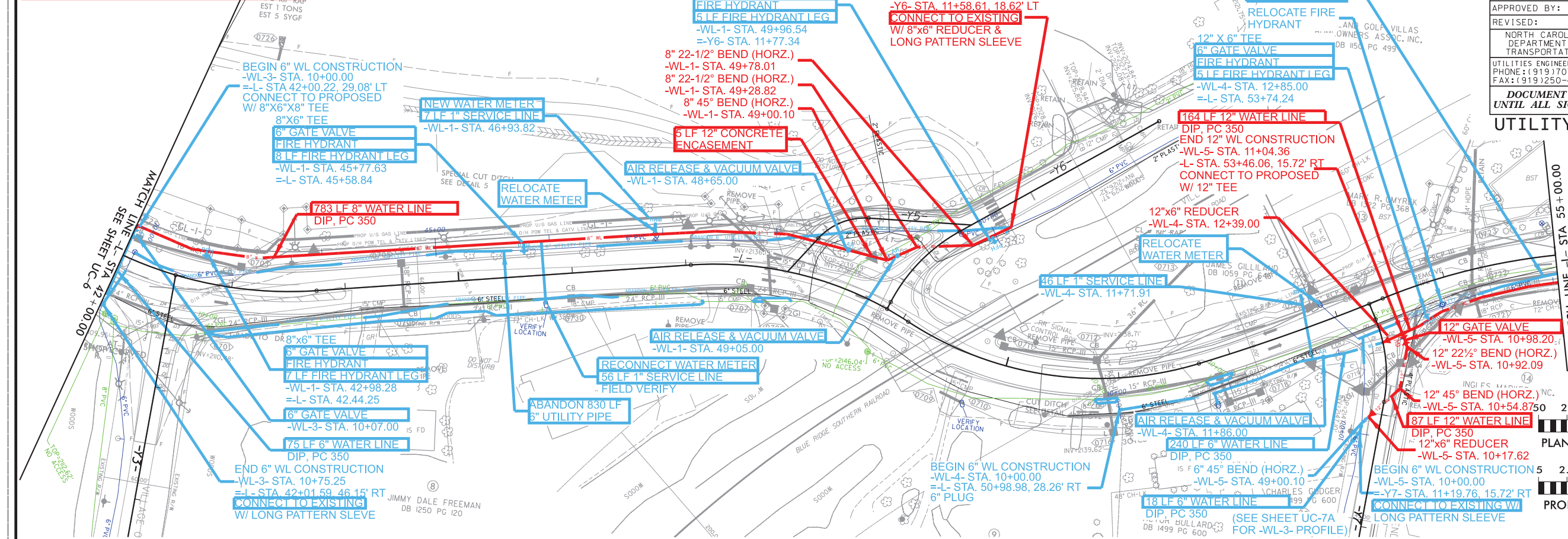
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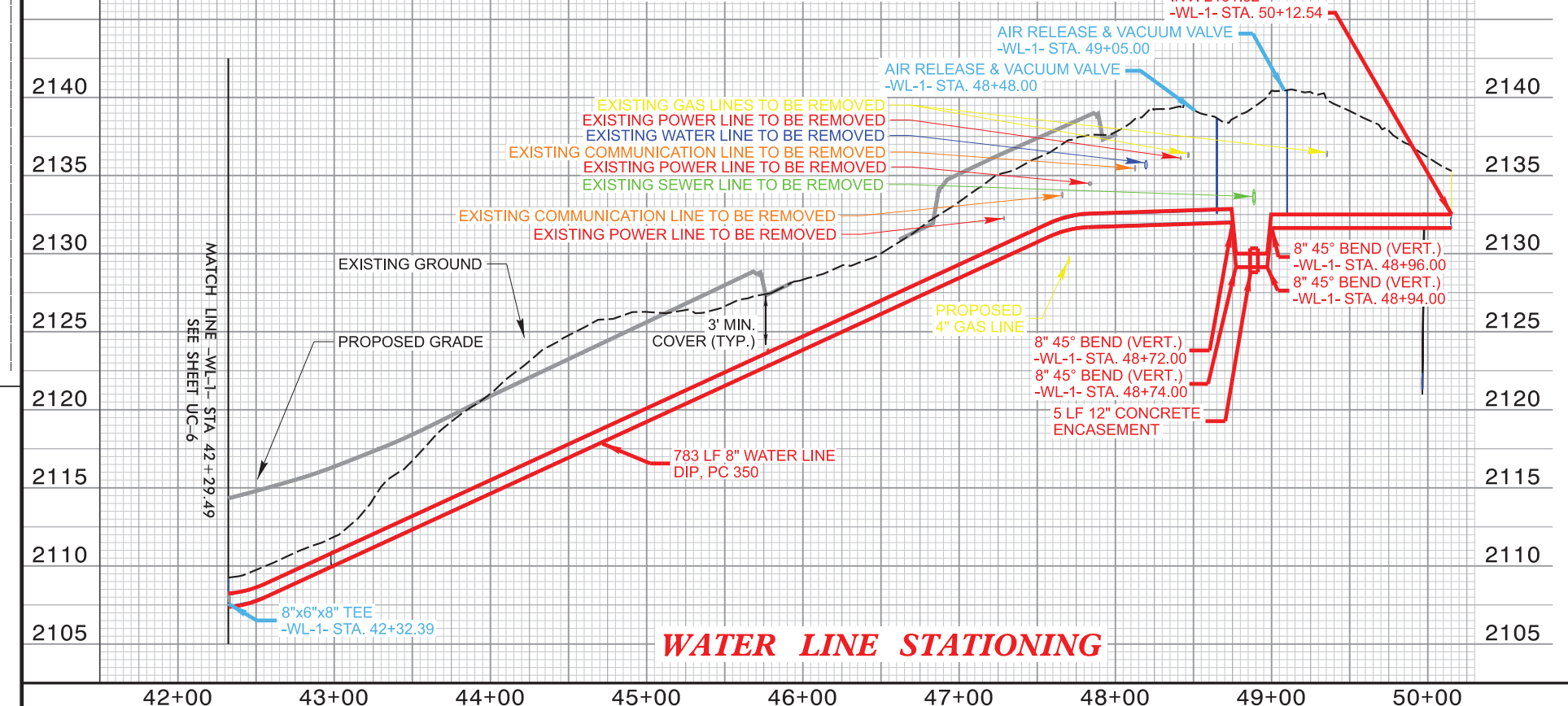


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 Charlotte, NC  
 Raleigh, NC  
 Knoxville, TN  
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 Chesapeake, VA  
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 Atlanta, GA

THE ESTIMATED QUANTITY OF DUCTILE IRON WATER PIPE FITTINGS ON THIS PLAN SHEET IS 3,305 POUNDS. THE ACTUAL QUANTITY AND TYPE OF FITTINGS WILL VARY BASED ON FIELD CONDITIONS.

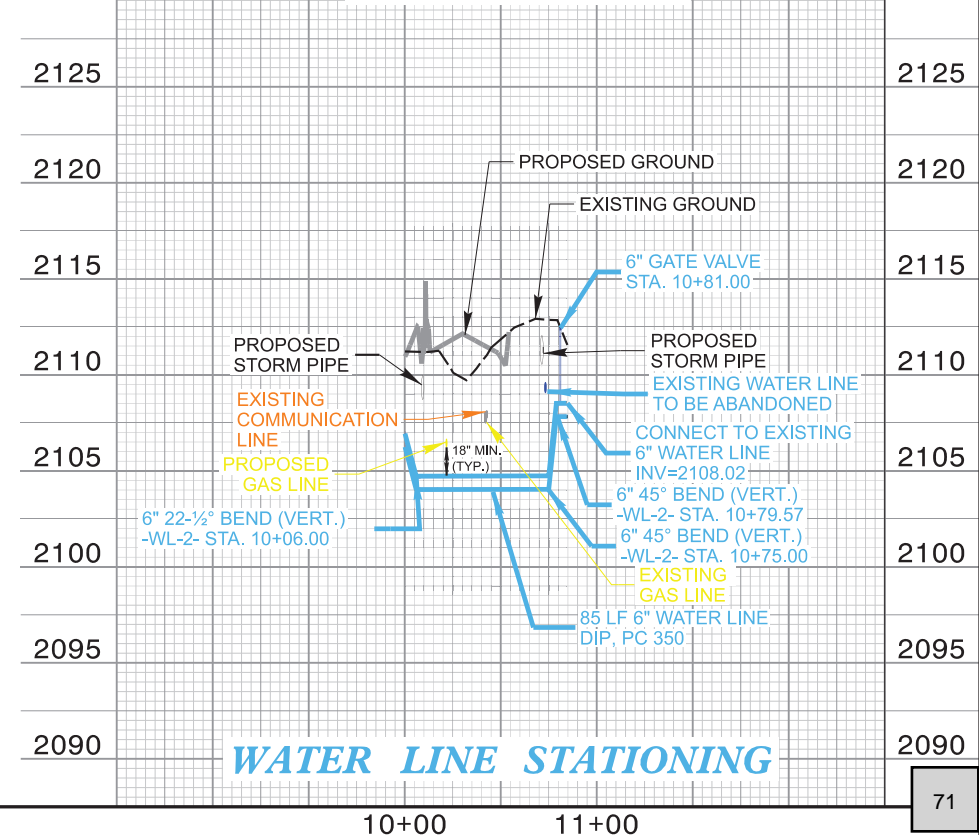


WATER LINE -WL-1- PROFILE



WATER LINE STATIONING

WATER LINE -WL-2- PROFILE



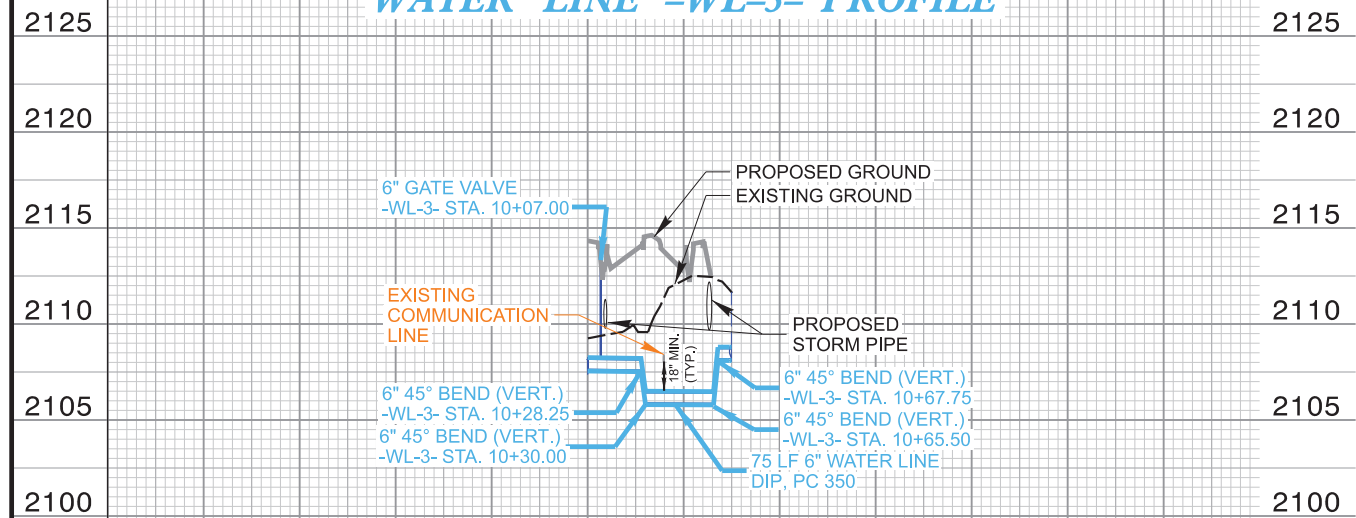
WATER LINE STATIONING

THE ESTIMATED QUANTITY OF DUCTILE IRON WATER PIPE FITTINGS ON THIS SHEET IS 475 POUNDS. THE ACTUAL QUANTITY AND TYPE OF FITTINGS WILL VARY BASED ON FIELD CONDITIONS.

PROJECT REFERENCE NO.	SHEET NO.
U-5887	Section 5, Item D.
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APPROVED BY: JDN	
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PROFILE SCALE: VERT. 1" = 5'

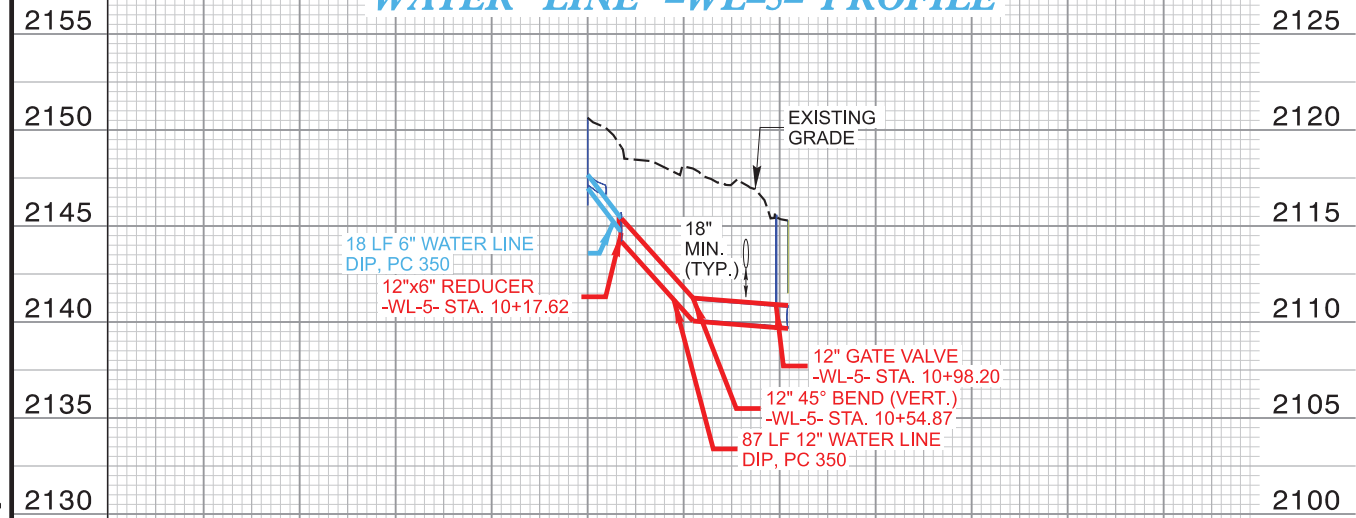
### WATER LINE -WL-3- PROFILE



### WATER LINE STATIONING



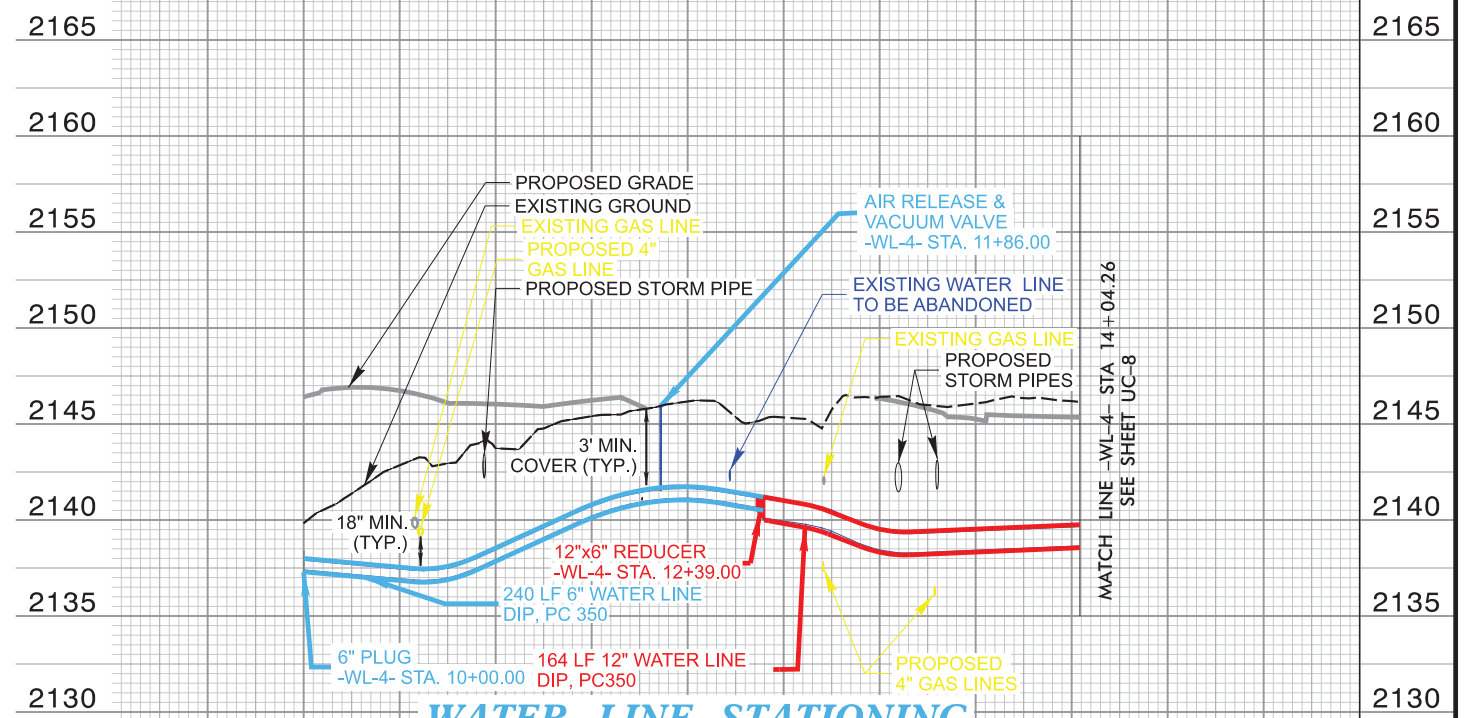
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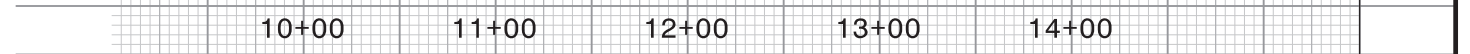
### WATER LINE STATIONING



### WATER LINE -WL-4- PROFILE



### WATER LINE STATIONING



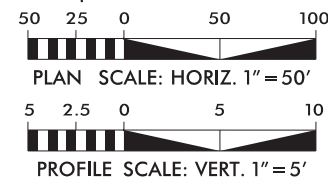
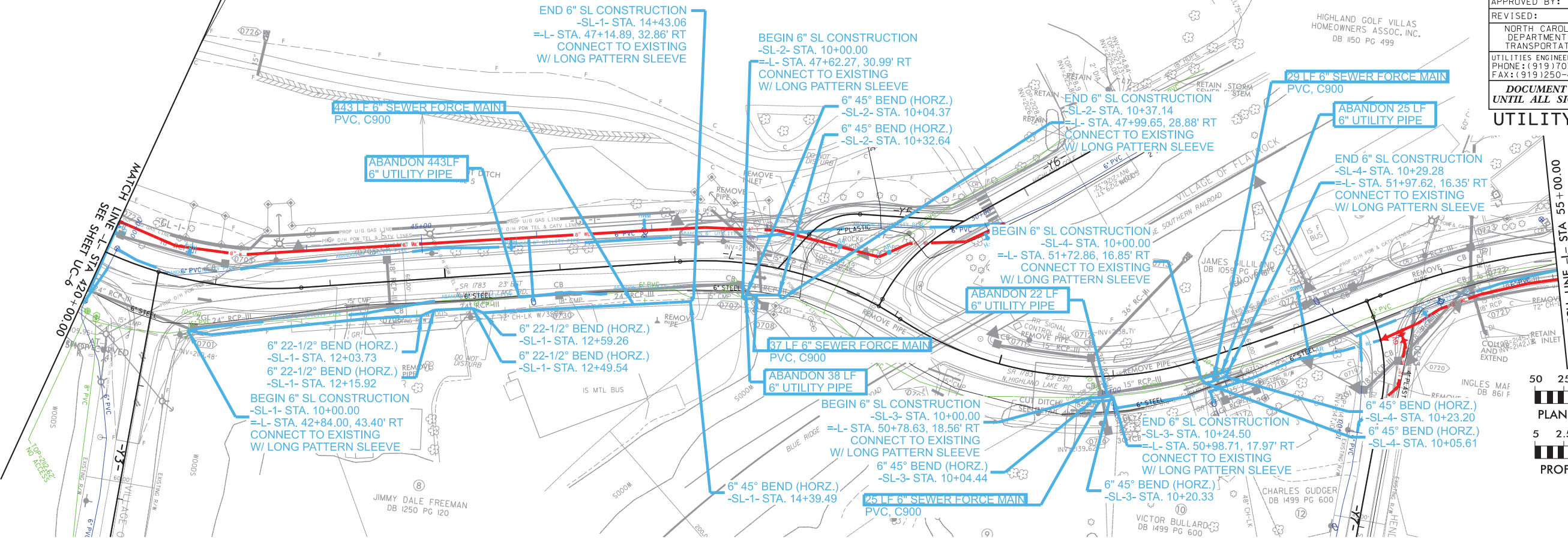
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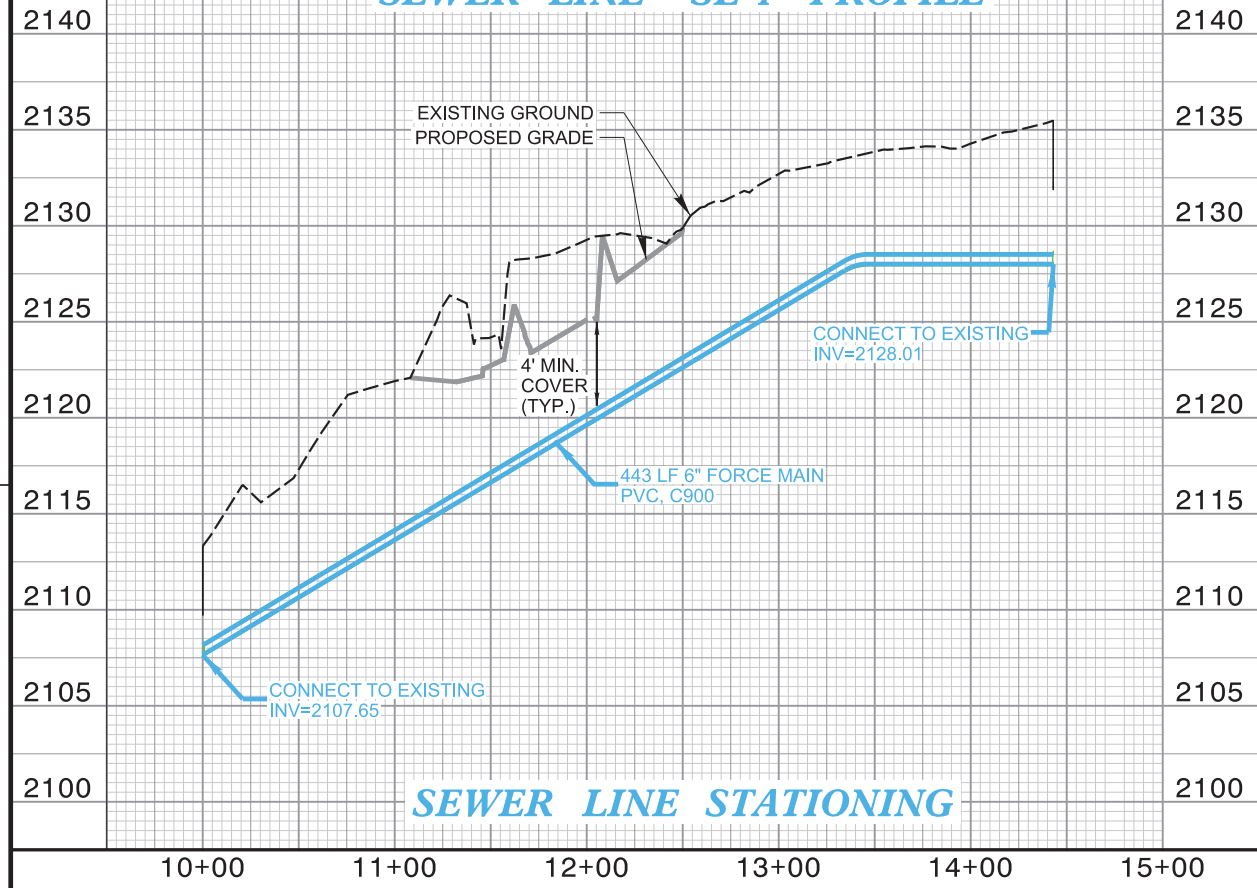
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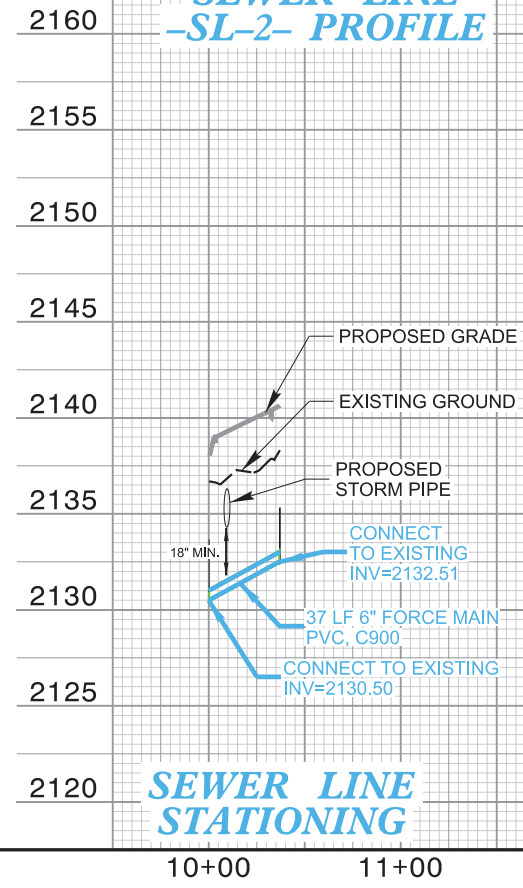
<b>V&amp;M</b> Vaughan & Melton Consulting Engineers	<ul style="list-style-type: none"> <li>Asheville, NC</li> <li>Charlotte, NC</li> <li>Chapel Hill, NC</li> <li>Charlotte, SC</li> <li>Greenville, SC</li> <li>Rocky Mount, NC</li> <li>Wilmington, NC</li> <li>Winston-Salem, NC</li> </ul>
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REVISIONS

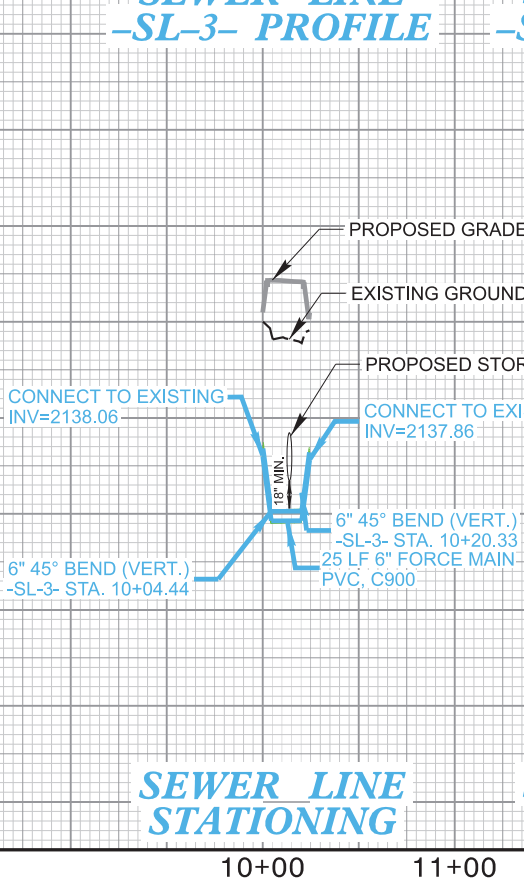
SEWER LINE -SL-1- PROFILE



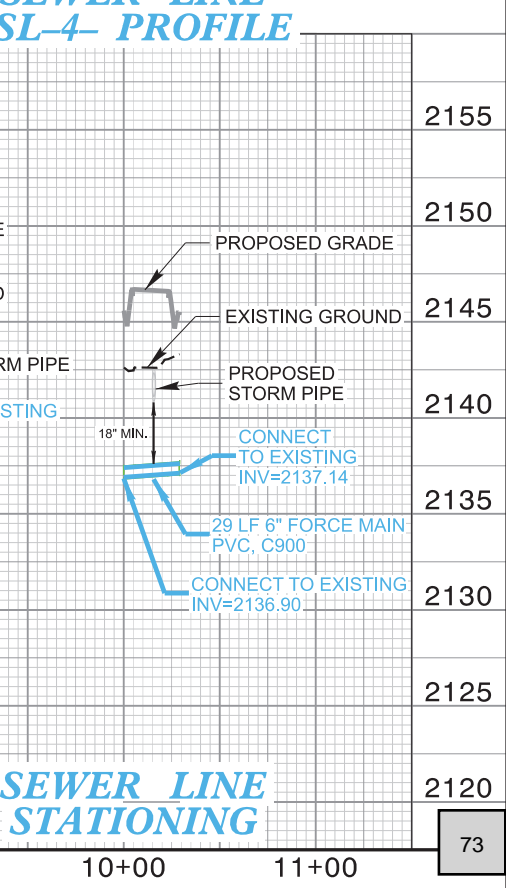
SEWER LINE -SL-2- PROFILE



SEWER LINE -SL-3- PROFILE



SEWER LINE -SL-4- PROFILE

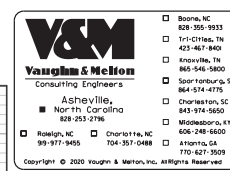
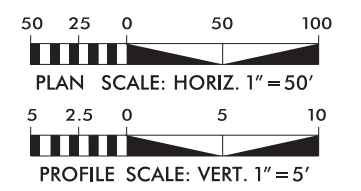


PROJECT REFERENCE NO.	SHEET NO.
U-5887	Section 5, Item D.
DESIGNED BY: SSD	
DRAWN BY: BAB	
CHECKED BY: JDN	
APPROVED BY: JDN	
REVISED:	
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION	
UTILITIES ENGINEERING SEC. PHONE: (919) 707-6690 FAX: (919) 250-4151	
UTILITY CONSTRUCTION PLANS ONLY	



DOCUMENT NOT CONSIDERED FINAL  
UNTIL ALL SIGNATURES ARE COMPLETED

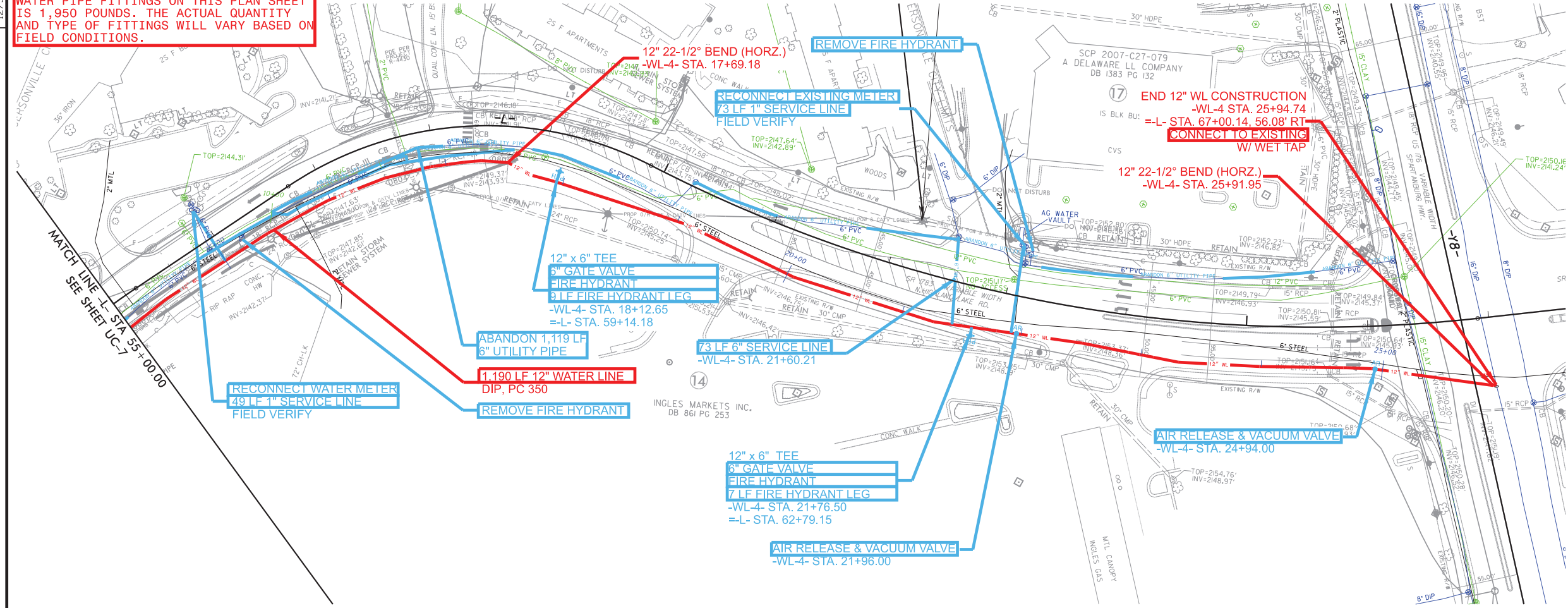
UTILITY CONSTRUCTION



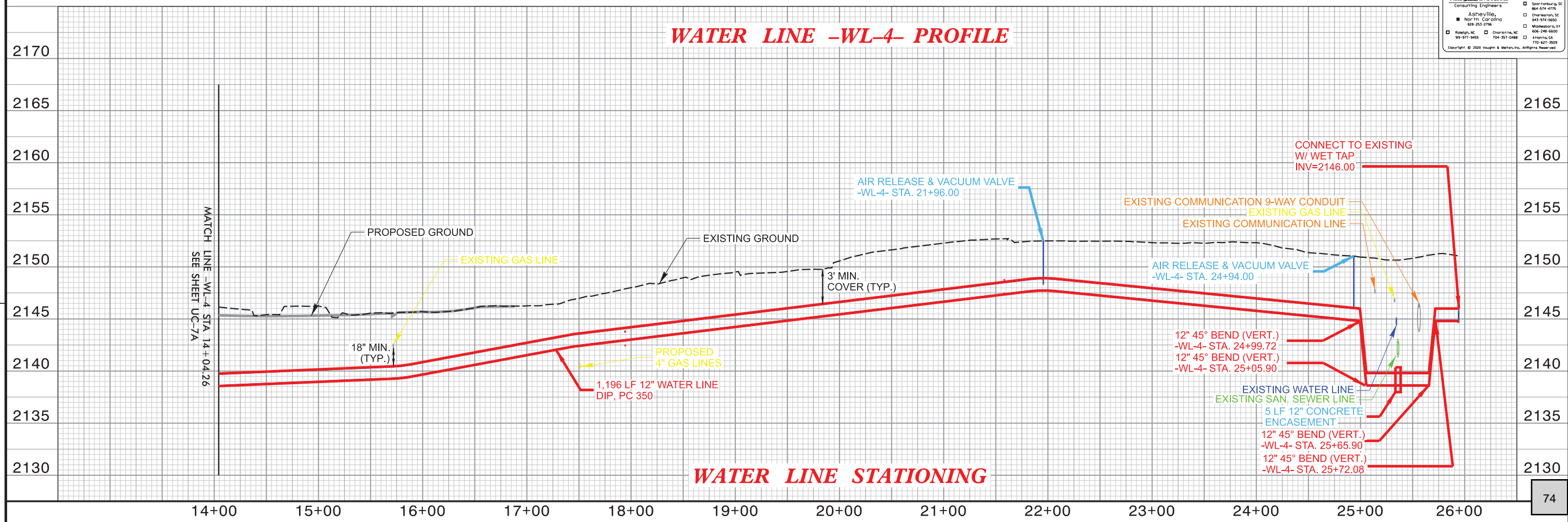
THE ESTIMATED QUANTITY OF DUCTILE IRON WATER PIPE FITTINGS ON THIS PLAN SHEET IS 1,950 POUNDS. THE ACTUAL QUANTITY AND TYPE OF FITTINGS WILL VARY BASED ON FIELD CONDITIONS.

12/31/20

REVISIONS



**WATER LINE -WL-4- PROFILE**



PROJECT REFERENCE NO. U-5887 SHEET NO. Section 5, Item D.

DESIGNED BY: SSD

DRAWN BY: BAB

CHECKED BY: JDN

APPROVED BY: JDN

REVISED:

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

UTILITY ENGINEERING SEC. PHONE: (919) 707-6690 FAX: (919) 1250-4151

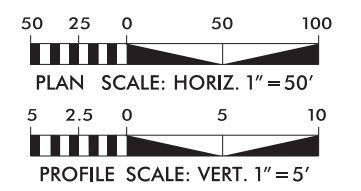
UTILITY CONSTRUCTION PLANS ONLY

SEAL 047349

ENGINEER JAMES DANIELLE

DOCUMENT NOT CONSIDERED FINAL UNTIL ALL SIGNATURES ARE COMPLETED

UTILITY CONSTRUCTION



**V&M**  
Vaughan & Melton  
Consulting Engineers

Asheville, NC 28801-2796  
Charlotte, NC 28202-1800  
Cary, NC 27513-1800  
Durham, NC 27601-1800  
Fayetteville, NC 28531-1800  
Greensboro, NC 27401-1800  
Raleigh, NC 27601-1800  
Wilmington, NC 28401-1800

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THE ESTIMATED QUANTITY OF DUCTILE IRON SEWER PIPE FITTINGS ON THIS PLAN SHEET IS 205 POUNDS. THE ACTUAL QUANTITY AND TYPE OF FITTINGS WILL VARY BASED ON FIELD CONDITIONS.

6 LF 2" SERVICE LINE -SL-5- STA. 11+21.64

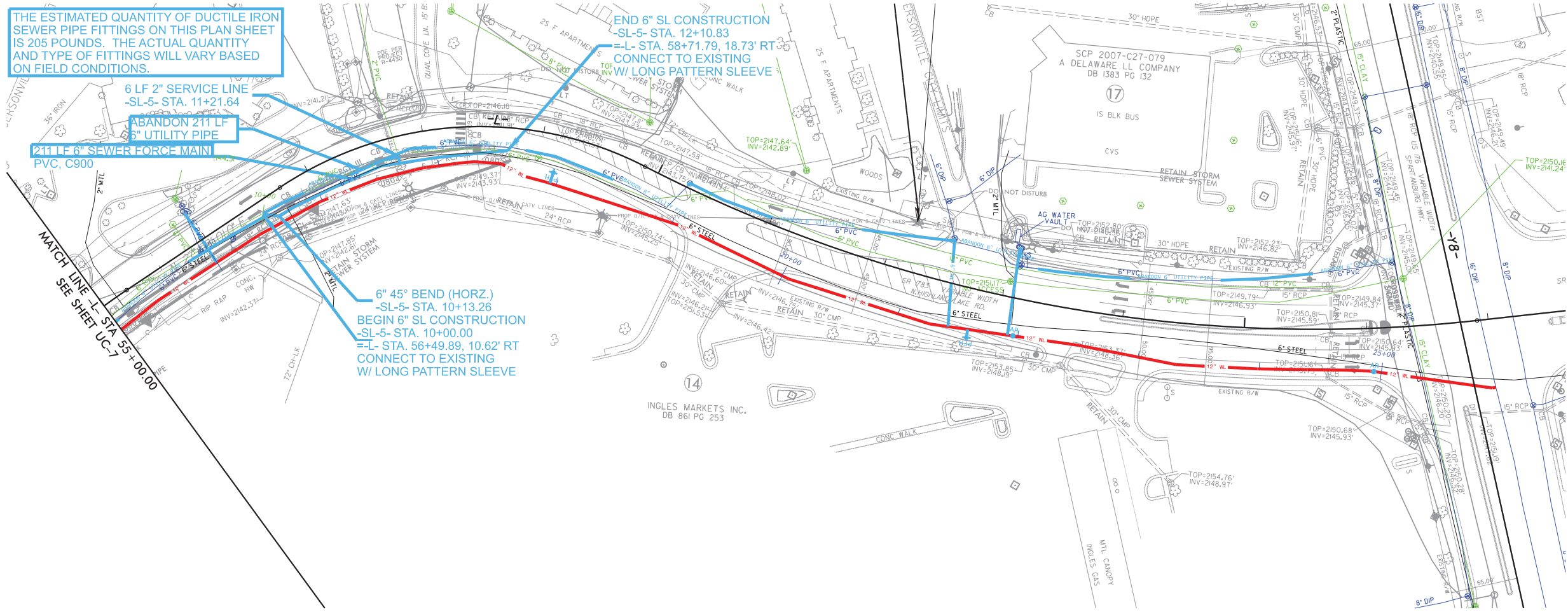
ABANDON 211 LF 6" UTILITY PIPE

211 LF 6" SEWER FORCE MAIN PVC, C900

END 6" SL CONSTRUCTION -SL-5- STA. 12+10.83  
=L- STA. 58+71.79, 18.73' RT CONNECT TO EXISTING W/ LONG PATTERN SLEEVE

6" 45° BEND (HOR.) -SL-5- STA. 10+13.26  
BEGIN 6" SL CONSTRUCTION -SL-5- STA. 10+00.00  
=L- STA. 56+49.89, 10.62' RT CONNECT TO EXISTING W/ LONG PATTERN SLEEVE

MATCH LINE -L- STA. 55+00.00  
SEE SHEET UC-7



SEWER LINE -SL-5- PROFILE



SEWER LINE STATIONING

REVISIONS

EXHIBIT B

Section 5, Item D.

TIP No.: U-5887  
 Route: SR 1783 (North Highland Lake Rd. from NC 225 to west of US 176)  
 Type of Work: Sewer and Water Line Construction  
 V&M Project No. 031535-06  
 Prepared By: MRD Rev. Date: 6/26/2020  
 Requested By: SSD Rev. Date: 1/7/2020  
 HENDERSONVILLE

County: HENDERSON

ESTIMATE OF QUANTITIES

Item No.	Type	Section No.	Description	ESTIMATE OF QUANTITIES								ITEM TOTAL	Unit	UNIT Price	State Cost	City of Hendersonville Responsibility (25%)	City of Hendersonville Responsibility (Betterment-Upsize)	TOTAL Amount		
				-WL-1-	-WL-1-	-WL-1-	-WL-1- -WL-2-	-WL-3- -WL-4-	-SL-1- -SL-2- -SL-3- -SL-4-	-WL-4-	-SL-5-									
5325600000-E	U	1510	6" WATER LINE (DIP, PC350)			85	333			73		491	LF	\$96.00	\$35,352.00	\$11,784.00	\$0.00	\$47,136.00	\$47,136.00	\$47,136.00
5325800000-E	U	1510	8" WATER LINE (DIP, PC350)	813	1232	1186	783					4,014	LF	\$125.00	\$289,008.00	\$96,336.00	\$116,406.00	\$501,750.00	\$501,750.00	\$501,750.00
5326200000-E	U	1510	12" WATER LINE (DIP, PC350)				251			1190		1,441	LF	\$155.00	\$103,752.00	\$34,584.00	\$85,019.00	\$223,355.00	\$223,355.00	\$223,355.00
5329000000-E	U	1510	DUCTILE IRON WATER PIPE FITTINGS	1060	1010	1180	3305	475		1950		8,980	LB	\$9.50	\$37,263.75	\$12,421.25	\$35,625.00	\$85,310.00	\$85,310.00	\$85,310.00
5540000000-E	U	1515	6" GATE VALVE & VALVE BOX	2	2	1	6			2		13	EA	\$2,100.00	\$20,475.00	\$6,825.00	\$0.00	\$27,300.00	\$27,300.00	\$27,300.00
5546000000-E	U	1515	8" GATE VALVE & VALVE BOX	1								1	EA	\$2,700.00	\$1,575.00	\$525.00	\$600.00	\$2,700.00	\$2,700.00	\$2,700.00
5558000000-E	U	1515	12" GATE VALVE & VALVE BOX				1					1	EA	\$5,500.00	\$1,575.00	\$525.00	\$3,400.00	\$5,500.00	\$5,500.00	\$5,500.00
5572600000-E	U	1515	16" TAPPING SLEEVE AND VALVE							1		1	EA	\$22,000.00	\$16,500.00	\$5,500.00	\$0.00	\$22,000.00	\$22,000.00	\$22,000.00
5589100000-E	U	1515	1" AIR RELEASE VALVE	1	3	3	3			3		13	EA	\$5,000.00	\$48,750.00	\$16,250.00	\$0.00	\$65,000.00	\$65,000.00	\$65,000.00
5648000000-N	U	1515	RELOCATE WATER METER		1		2					3	EA	\$1,500.00	\$3,375.00	\$1,125.00	\$0.00	\$4,500.00	\$4,500.00	\$4,500.00
5649000000-N	U	1515	RECONNECT WATER METER	1	1	2	1			2		7	EA	\$1,650.00	\$8,662.50	\$2,887.50	\$0.00	\$11,550.00	\$11,550.00	\$11,550.00
5666000000-E	U	1515	FIRE HYDRANT	2	2		4			2		10	EA	\$4,800.00	\$36,000.00	\$12,000.00	\$0.00	\$48,000.00	\$48,000.00	\$48,000.00
5672000000-N	U	1515	RELOCATE FIRE HYDRANT				1					1	EA	\$3,800.00	\$2,850.00	\$950.00	\$0.00	\$3,800.00	\$3,800.00	\$3,800.00
5673000000-E	U	1515	FIRE HYDRANT LEG	10	12		25			16		63	LF	\$140.00	\$6,615.00	\$2,205.00	\$0.00	\$8,820.00	\$8,820.00	\$8,820.00
5686500000-E	U	1515	WATER SERVICE LINE	48	134	58	109			122		471	LF	\$32.00	\$11,304.00	\$3,768.00	\$0.00	\$15,072.00	\$15,072.00	\$15,072.00
5689000000-E	U	1515	CONNECTION TO EXISTING 16-INCH WATER LINE							1		1	EA	\$9,100.00	\$6,825.00	\$2,275.00	\$0.00	\$9,100.00	\$9,100.00	\$9,100.00
5689000000-E	U	1515	CONNECTION TO EXISTING 8-INCH WATER LINE	1								1	EA	\$6,400.00	\$4,800.00	\$1,600.00	\$0.00	\$6,400.00	\$6,400.00	\$6,400.00
5689000000-E	U	1515	CONNECTION TO EXISTING 6-INCH WATER LINE			1	3					4	EA	\$5,700.00	\$17,100.00	\$5,700.00	\$0.00	\$22,800.00	\$22,800.00	\$22,800.00
5709300000-E	U	1520	6" FORCE MAIN SEWER (PVC, C900)							534		745	LF	\$50.00	\$27,937.50	\$9,312.50	\$0.00	\$37,250.00	\$37,250.00	\$37,250.00
5768500000-E	U	1520	SEWER SERVICE LINE									6	LF	\$35.00	\$157.50	\$52.50	\$0.00	\$210.00	\$210.00	\$210.00
5769000000-E	U	1520	DI SEWER PIPE FITTINGS							1345		205	LF	\$9.70	\$11,276.25	\$3,758.75	\$0.00	\$15,035.00	\$15,035.00	\$15,035.00
5800000000-E	U	1530	ABANDON 6" UTILITY PIPE	816	1201	1232	1014			528		1119	LF	\$15.00	\$68,861.25	\$22,953.75	\$0.00	\$91,815.00	\$91,815.00	\$91,815.00
5815500000-N	U	1530	REMOVE FIRE HYDRANT		1		1			2		4	EA	\$1,800.00	\$5,400.00	\$1,800.00	\$0.00	\$7,200.00	\$7,200.00	\$7,200.00
5835700000-E	U	1540	16" ENCASEMENT PIPE (0.25" THICK)		71	53						124	LF	\$130.00	\$12,090.00	\$4,030.00	\$0.00	\$16,120.00	\$16,120.00	\$16,120.00
5872500000-E	U	1550	BORE AND JACK OF 16" STEEL ENCASEMENT PIPE		71							71	LF	\$500.00	\$26,625.00	\$8,875.00	\$0.00	\$35,500.00	\$35,500.00	\$35,500.00
5882000000-N	U	1550	CONCRETE ENCASEMENT				5			5		6	CY	\$550.00	\$2,475.00	\$825.00	\$0.00	\$3,300.00	\$3,300.00	\$3,300.00
													<b>TOTALS:</b>		<b>\$806,604.75</b>	<b>\$268,868.25</b>	<b>\$241,050.00</b>	<b>\$1,316,523.00</b>		

\$509,918.25 Total City Cost

Project: U-5887

UC-1

County: Henderson

PROJECT SPECIAL PROVISIONS  
Utility Construction



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UNLESS ALL SIGNATURES COMPLETED

1909 Ailor Ave  
Knoxville, Tennessee 37921  
Tel: (865)546-5800 / Fax: (865) 467-8402

Revise the 2018 Standard Specifications as follows:

**Section 1036- Water Pipe and Fittings**

**Page 10-62, Sub-article 1036-3 Plastic Pipe**

Add the following sentence:

Use PEX-A pipe for water service lines.

**Page 10-62, Sub-article 1036-4 Steel Pipe (B)**

Add the following sentence:

Steel encasement pipe shall be coated.

**Page 10-63, Sub-article 1036-6 Fire Hydrants**

Add the following sentence:

Fire hydrants shall have a 5 1/4" diameter valve opening with a Storz connection.

**Division 15, Section 1500-General Utility Requirements**

**Page 15-1, Sub-article 1500-1 Description**

Add the following sentences:

Construction of all water and sewer systems shall be in accordance with the NCDOT standards or the local jurisdictional standards whichever is more stringent and Special Provisions in effect at the time of bid.

Project: U-5887

# UC-2

County: Henderson

City of Hendersonville contact Adam Steurer, P.E. at (828) 233-3207 to obtain the current technical specification and a list of approved manufactures list.

### **Page 15-1, Sub-article 1500-2 Cooperation with the Utility Owner, paragraph 2:**

Add the following sentences:

City of Hendersonville (COH) the contact person is Adam Steurer, P.E. and can be reached by phone at (828) 233-3207 Business Hours or (828) 243-4430 after hours.

All water and sewer lines are to remain active during construction of the project. To accomplish this the Contractor may elect to utilize bypass pumping, line stops, inserting valves, temporary water or other methods to complete the work. These methods and means of construction must be approved by the engineer prior to commencement of the work and all such work shall be considered incidental to various other utility pay items included in the contract. All proposed water line and sewer line relocation work shall be performed at a time to be coordinated with the utility owner. Water lines or sewer lines shall not be taken out of service without prior approval of the utility owner and service interruptions shall not exceed four hours. Contractor shall not interfere or cover active water or sewer infrastructure including but not limited to water meters, water valves and sewer cleanouts.

### **Page 15-2, Sub-article 1500-7 SUBMITTALS AND RECORDS, paragraph 3:**

Add the following sentences:

The City of Hendersonville shall be copied on contractor pay applications that include relevant utility items.

Any revisions to the utility plans shall be approved by the utility design engineer and reviewed and approved by the City prior to construction

Partial and final engineering utility certifications should be provided by the design engineer prior to activation of services.

As-built plans and associated documentation shall be provided to the Engineer prior to acceptance of the work. A final inspection walk through with representation from the City, NCDOT, Contractor, and design engineer at completion of punch-list items is required before final acceptance.

As-built plans shall be provided to the City of Hendersonville showing the size and type of material installed and the coordinates of all utility horizontal and vertical locations of all installed piping and appurtenances. As-built drawings shall be signed, sealed and dated on each sheet by a North Carolina registered engineer (PE) as part of the City's acceptance process. As-Built Drawings shall be submitted and approved prior to issuance of final acceptance. All applicable information listed in the City's as-built drawing checklist shall be included.

Submit to the City's Engineering Department certified "Surveyed As-Built Drawings", including a

Project: U-5887

# UC-3

County: Henderson

.dxf and/or .dwg file and a PDF of the as-built construction drawings and a comma-delimited text file of the infrastructure and easement points with point descriptions (including point number, northing, easting, elevation, description).

### Page 15-4, Sub-article 1505-3 (E) Thrust Restraint for Ductile Iron Water Pipe Paragraph 3

Add the following:

**Thrust Collars** shall be installed on water line pipe at all points recommended by the ENGINEER. Thrust collars shall be considered an integral part of the water line work. Work shall include a minimum of 3,000 psi concrete, reinforcement bars, threaded rod, retainer gland (mega-lug) and anchor ring i.e. mega-lug as shown in detail.

Where feasible joint restraints (i.e. Field Lok gaskets or approved equal) shall be used in lieu of concrete thrust collars.

#### Measurement & Payment:

**Thrust Collars** shall be constructed as shown in the detail, paid per each and installed in place at the location shown on the Drawings or as directed by the Engineer.

### Page 15-5, Sub-article 1510-2 Paragraph 3

Add the following:

Use Trace-Safe 19 AWG solid-copper wire for the utility locator wires.

### Page 15-6, Sub-article 1510-3(B) Testing and Sterilization:

Add the following:

After the pipeline has been satisfactorily constructed compete with the required fire hydrants, services, and all other appurtenances, and the trench backfilled satisfactorily, and after line flushing and approval by the Engineer, the newly constructed pipeline and valved sections shall be subjected to a hydrostatic pressure leakage test. The Contractor shall notify the Engineer when the work is ready for testing with all testing done in the presence of the Engineer. All labor, equipment, water and materials, including meters and gauges shall be furnished by the Contractor at his own expense.

Ductile iron pipe will be tested in accordance with AWWA C600.

Each completed section of the pipeline shall be plugged at both ends and slowly filled with water. As the main is being filed with water in preparation of the tests, all air shall be expelled from the pipe. The main shall be subjected to hydrostatic pressure of 200 pounds per square inch for a period of two (2) hours unless otherwise specified. Pressure shall be applied to the main by means of a hand pump for small lines or by use of a gasoline pump or fire engine for larger lines.

Project: U-5887

# UC-4

County: Henderson

The rate of leakage shall be determined at fifteen (15) minute intervals by means of volumetric measurement of the water added during the test until the rate has stabilized at the constant value for three (3) consecutive fifteen (15) minute periods.

Leakage is defined as the quantity of water to be supplied into the newly laid pipe, or any valved section, necessary to maintain the specified leakage test pressure after the pipe has been filled with water and the air expelled. No piping installation will be accepted until the leakage is less than ten (10) gallons per inch of pipe diameter per mile of pipe per twenty-four (24) hours.

Cracked or defective pipe, joints, fittings, valves, or hydrants discovered in consequence of this test shall be removed and replaced with sound materials, and the test shall be repeated until the test results are satisfactory. Precautions shall be taken to remove or otherwise protect equipment in, or attached to, pipe to prevent damage or injury.

Pipe interiors, fittings, and valves shall be protected from contamination. Pipe delivered for construction shall be strung so as to minimize entrance of foreign matter. When pipe laying is not in progress for more than one hour, all openings in the pipeline shall be closed by watertight plugs. Joint of all pipe in the trench shall be completed before work is stopped. If water accumulates in the trench, the plug shall remain in place until the trench is dry.

If dirt enters the pipe that, in the opinion of the Engineer, will not be removed by flushing operations, the interior of the pipe shall be cleaned and swabbed as necessary, with a 5% hypochlorite disinfecting solution.

Sampling taps may be used as blow-offs. The number and locations of the taps/blow-offs must be approved by the Engineer. Hydrants may not be used for bacterial sampling.

The Contractor shall construct taps so that bacteriological samples can be easily collected without danger to personnel or likelihood of sample contamination. The Contractor shall legibly mark each sample tap with identifying letters or numbers for sample reference purposes. The Contractor shall not designate hydrants as taps for bacteriological sampling purposes. If the service or corporation taps are installed before the laboratory tests are completed, each tap will be tested for coliform bacterial.

Before being placed in service, all new mains and existing piping disturbed in any manner by the work shall be disinfected. Draining the water from existing piping or even lowering the water pressure more than one-half will constitute disturbance of the piping.

The disinfecting of water mains, valves and other appurtenances incorporated into the main construction shall be done by means of a chlorinating measuring apparatus, with proper devices for regulating the flow and providing an effective diffusion into the water within the main being disinfected by an application of chlorine-bearing compound bearing a high-test calcium hypochlorite (65-70% available chlorine). In the preparation of the solution, the powder shall first be made into a paste and then gradually thinned with water to approximately 1% chlorine solution (10,000 parts per pound of powder). This will require about 7.50 gallons of water to each



Project: U-5887

# UC-5

County: Henderson

one pound of powder. Solution shall be applied to the main through a rubber hose by gravity, siphonage, injection or by suitable pump feeder.

The point of chlorine application shall be at the beginning of the water main construction and/or any valve section thereof, through corporation cock installed close to and on the downstream side of the regulating gate valve controlling the flow of such proportion to the rate of water flow entering the main that the chlorine applied shall produce fifty (50) parts per million (420 pounds per million gallons) chlorine concentration in the water within the main.

During the disinfecting operation, valves, hydrants, and other mechanical devices controlling the flow of water shall be operated to permit full effectiveness of the chlorine. Valves shall be manipulated so that the strong solution within the main being sterilized will not flow back into the supply line nor flow into mains already in service. A chlorine concentration test shall be made, in turn, at each of the hydrants and/or taps provided for that purpose.

The tablet method of disinfection may be utilized for disinfection provided the total length of potable water main to be laid is less than 2,000 linear feet of pipe less than 12" in diameter. This method will be suitable only, if in the opinion of the Engineer, the pipeline has been maintained suitable free from foreign matter and any other contaminants during construction.

The Contractor shall provide sampling taps, Generally, sampling taps shall be provided on the water main every 1,000' and at the end of each main and at the end of each branch, in order to afford representative water testing and sample collection.

All disinfection shall be performed in accordance with AWWA Standard C651 and the Rules Governing Public Water Systems. All bacteriological tests shall be performed by a state-approved, certified laboratory per Rule .1001.

### **Page 15-10, Sub-article 1520-2 Paragraph 4**

Add the following:

Use Trace-Safe 19 AWG solid-copper wire for the utility locator wires.

### **Page 15-10, Sub-article 1520-3 Paragraph 8**

Add the following:

Sewer steel encasement line for future use shall be capped on both ends after installation.

### **Page 15-10, Sub-article 1520-3(A) Gravity Sanitary Sewer:**

Add the following sentences:

Project: U-5887

# UC-6

County: Henderson

Sewer by-pass pump plan shall be submitted for the City’s approval with primary and backup pump specifications with telemetry to carry full flows of the sewer lines along with quick disconnect galvanized piping.

Air-testing will be conducted as the project is being installed. This includes all mainline between manholes, future mainline stubs and laterals out of manholes. The air testing shall be in accordance with ASTM F 1417.

CCTV all gravity sewer. All defects shall be corrected to the City's satisfaction prior to acceptance.

Deflection testing of all new PVC sewer pipe shall be conducted 30 days after installation and backfilling of the pipe or as otherwise directed by the Engineer.

The contractor shall furnish all necessary equipment including an approvable mandrel or other approved device and conduct the deflection tests at the direction of the Engineer.

The maximum allowable limits for deflection of installed pipe under this specification shall be 7.5%. Base inside diameters and 7.5% deflection mandrel dimensions shall be per ASTM F-679 (latest edition). Deflection shall be measured with a rigid mandrel (Go/No Go) device cylindrical in shape and constructed with a minimum of nine evenly spaced arms or prongs. Drawings of the mandrel with complete dimensions shall be submitted to the Engineer for each diameter of pipe to be tested. The mandrel shall be hand pulled through all sewer lines.

Any section of sewer not passing the mandrel shall be uncovered and the bedding and backfill replaced to prevent excessive deflection. Repaired pipe shall be retested to ensure that acceptable deflection limits are not exceeded.

The Contractor shall furnish and install during backfill operation for all gravity mainline sewers and laterals printed polyethylene green (SEWER) tape above the bedding material, three (3) feet above the crown of the pipe.

All testing of pipe and associated sewer manholes and appurtenances shall be considered incidental to the applicable pay items for gravity sanitary sewer pipe.

### **Page 15-14, Sub-article 1525-3(B) Installation of Precast Units:**

Add the following sentences:

No doghouse manholes will be allowed on this project.

Air Testing of all new manholes is required and shall meet the requirements of ASTM C1244. Manholes shall be sealed with plate-style sealing equipment on top of the casting so that the adjustment rings can also be tested. Bladder-style sealers are not acceptable. If a lateral is extended out of a manhole to a property the lateral shall be air tested with the manhole test, i.e. the lateral shall not be sealed off during the test.

Project: U-5887

# UC-7

County: Henderson

Section 5, Item D.

All testing of manholes and appurtenances shall be considered incidental to the applicable pay items for utility manholes.

**Page 15-15, Sub-article 1525-3(D) Testing:**

Add the following sentence:

Vacuum test all existing manholes with new connections before grouting and backfilling. Test according to ASTM C1244.

**END OF SECTION**



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

<b>SUBMITTER:</b>	Lew Holloway	<b>MEETING DATE:</b>	February 4, 2021
<b>AGENDA SECTION:</b>	Council Action	<b>DEPARTMENT:</b>	Community Development
<b>TITLE OF ITEM, Presenter Name, Title:</b>	Jump Off Rock Half Marathon & 10K – <i>Lew Holloway, Community Development Director</i>		
<b><u>SUGGESTED MOTION(S):</u></b>	I move that City Council resolve to approve the special event permit for the Jump Off Rock Half Marathon and 10K.		

**SUMMARY:**

The Jump off Rock Half Marathon & 10k is an in-person running event. Both races are 'point-to-point'. The Half Marathon will start at the top of Laurel Park/Jump Off Rock. The 10k will start at the YMCA in Hendersonville and then join the half marathon course. Both races will finish on the 500 block of Main Street. The Half Marathon will have a net elevation loss and be known as being one of the fastest downhill half marathons in the south. The 10k course will be mostly flat with some slight rollers. The race will attract runners to Hendersonville that want to get a personal best in the half marathon distance. Both courses are scenic and showcase some of the most beautiful and historic areas of Hendersonville City limits. After participants enter Fifth Avenue they will be instructed to run on sidewalks or the side of the road facing traffic. The YMCA is the charity partner for the race. The event will be socially distanced from start to finish with designated wave starts, mask requirements before/after the event and otherwise will follow all CDC and NC protocols for gatherings and events. The goal will be to provide a safe, fun, running experience at a contactless event with group gatherings at 50 people or less. The appeal for this race is the fast nature (downhill) for the half marathon as well as it being scenic and finishing in downtown Hendersonville. Participants staying in hotels and eating at area restaurants will help boost the local economy.

The request is to piggy-back on the Love Hendo Saturday Main Street closure, which will likely occur on the same date as this event, May 8, 2021. Additionally, Fifth Avenue would be closed at Main Street and Fourth Avenue would be closed at Main Street stretching down to Church for the completion of the race. After all runners have finished, the Avenues would be reopened (Main Street closure continues for Love Hendo Saturday). The event is expected to be over at 1 p.m. At City Council's Regular Meeting in January, Council agreed to be a co-sponsor of this event, providing Hendersonville Police Department and Fire Department assistance to help with traffic control and safety at no cost to the event organizer.

The Special Events Committee voted unanimously in favor of recommending that this special event permit be approved.

**BUDGET IMPACT:**    \$NA

**Is this expenditure approved in the current fiscal year budget? N/A**

**If no, describe how it will be funded.**

**PROJECT NUMBER: N/A**

**PETITION NUMBER: N/A**

**ADDITIONAL PETITION NUMBER: N/A**

**PETITIONER NAME: N/A**

**ATTACHMENTS:**

# NCPTS Pending Release/Refund Report.

## Wednesday, January 20, 2021\*

TAX DISTRICT	OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	DISTRICT CODE	LEVY TYPE	BILLED	PAID	RELEASE
CITY OF HENDERSONVILLE	GORE, RONALD S.	0003091629-2020-2020-0000	BOAT TRAILER SOLD 10/24/19.	(\$498)	7546	JURSC10	TAX	\$2.44	\$0.00	\$2.44
							LATE LIST FEE	\$0.24	\$0.00	\$0.24
							TOTAL:			\$2.68
								ABSTRACT TOTAL:		\$2.68
<b>OWNER TOTAL:</b>				<b>\$0</b>						<b>\$2.68</b>
WELLS FARGO EQUIPMENT FINANCE		0003099945-2020-2020-0000	UNREGISTERED VEHICLE DOUBLE BILLED ON ABSTRACTS 3099945 AND 3100353. ABSTRACT 3099945 VOIDED.	(\$129,894)	7545	JURSC10	TAX	\$636.48	\$0.00	\$636.48
							LATE LIST FEE	\$63.65	\$0.00	\$63.65
							TOTAL:			\$700.13
								ABSTRACT TOTAL:		\$700.13
<b>OWNER TOTAL:</b>				<b>\$0</b>						<b>\$700.13</b>
<b>DISTRICT TOTAL:</b>				<b>(\$130,392)</b>						<b>\$702.81</b>



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**SUBMITTER:** Lew Holloway                      **MEETING DATE:** February 4<sup>th</sup>, 2021

**AGENDA SECTION:** Council Action                      **DEPARTMENT:** Community Development

**TITLE OF ITEM, Presenter Name, Title:** Resolution of Intent – Closure of a portion of Brown Street

**SUGGESTED MOTION(S):** I move Council to adopt the Resolution of Intent for the closing of a portion of an opened and improved ROW for Brown Street located on PIN 9569-50-9133, 9569-50-8164, 9569-50-7165 and 9568-59-9771 petitioned by Henderson County Hospital Corporation.

**SUMMARY:**

The City has received an application from the Henderson County Hospital Corporation to close a portion of an opened and improved ROW for Brown Street located on PIN 9569-50-9133, 9569-50-8164, 9569-50-7165 and 9568-59-9771. A location map, survey and legal description are included.

General Statute 160A-299 outline procedures and provides the City with authority for permanently closing streets and alleys. Whenever there is a proposal to permanently close any street or public alley, the City Council shall first adopt a resolutions declaring its intent to close the steet or alley and shall set a date for a public hearing. At this public hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest or the property rights of any individual.

The Resolution of Intent setting March 4<sup>th</sup>, 2021 as the public hearing date is attached.

**BUDGET IMPACT:**    \$N/A

**Is this expenditure approved in the current fiscal year budget? YES / NO**

**If no, describe how it will be funded.**

EnterTextHere

**PROJECT NUMBER:** N/A

**PETITION NUMBER:** N/A

**ADDITIONAL PETITION NUMBER:** N/A

**PETITIONER NAME:** N/A

**ATTACHMENTS:**

EnterTextHere





City of Hendersonville  
January 2021

Portion of B Section 5, Item G. t  
P21-04-SC  
Street Closure  
Community Development Department



831

829

827

809

528

690

835

829

CONNOR AVE

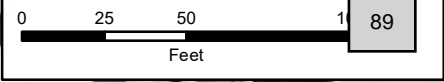
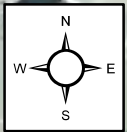
N JUSTICE ST

9TH AVE W

BROWN ST



Subject Area



**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO DECLARE THE INTENT TO CONSIDER CLOSING A PORTION OF AN OPENED AND IMPROVED ROW**

**WHEREAS**, NC General Statute 160A-299 authorizes the City Council to close public streets and alleys; and

**WHEREAS**, Henderson County Hospital Corporation has petitioned the City of Hendersonville City Council to close a portion of an open and improved ROW for Brown Street located on PIN 9569-50-9133, 9569-50-8164, 9569-50-7165 and 9568-59-9771; and

**WHEREAS**, NC General Statute 160A-299 requires that City Council conduct a public hearing for the purpose of giving consideration to the petition; and

**WHEREAS**, At the public hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual.;

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Hendersonville, North Carolina that:

1. City Council herewith calls a public hearing to be held at 5:45 pm on the fourth day of March 2021, in the Council Chambers of City Hall to consider closing a portion of an opened and improved ROW for Brown Street. Persons shall be allowed to attend and comment in person or via Zoom at the following address:

<https://zoom.us/j/95746846396?pwd=YmlXdXdHcjRFVIM2VElqcEVwT1ZLZz09#success>

Dial-in by phone: (646) 558-8656

Meeting ID: 957 4684 6396

Passcode: 28792

The public will be permitted to submit written comments for a period of twenty four (24) hours following the close of the public hearing. Written comments may be submitted on the City's webpage at [www.hendersonvillenc.gov/public-comment](http://www.hendersonvillenc.gov/public-comment) or directly to the City Clerk, Angela Reece, [areece@hvlnc.gov](mailto:areece@hvlnc.gov), 160 6<sup>th</sup> Avenue East, Hendersonville, NC 28792.

2. The legal description for the portion of Brown Street proposed for closing is as follows:

**BEGINNING at an iron pin set, being the southwest corner of Tract 2 as described in deed book 1580 page 534; thence from said beginning point N 06°16'35" E 1.18'to a calculated and unmarked point, said point being the intersection of the east margin of the right-of-way for North Justice Street and the north margin of the right-of-way for Brown Street; thence with the north margin of the right-of-way of Brown Street S 85°10'57" E 82.28' to a calculated and unmarked point; thence S 84°21'40" E 152.77' to a calculated and unmarked point; thence S 85°12'17" E 45.79' to a calculated and unmarked point, said point being the intersection of the north margin of the right-of-way for Brown Street and the east line of that property as described in deed book 1026 page 394; thence**

**crossing Brown Street and with the east line of said property S 05°00'21" W 20.00' to a calculated and unmarked point, said point being the intersection of the south margin of the right-of-way for Brown Street and the east line of said property; thence with the southern margin of the right-of-way of Brown Street N 85°12'17" W 45.86' to a calculated and unmarked point; thence still with the southern margin of the right-of-way N 84°21'40" W 234.92' to a calculated and unmarked point, said point lying N 04°49'03" E 0.18' from a chiseled "X" in the sidewalk, the northwest corner of the Pardee Hospital tract; thence N 04°49'03" E 18.82' to the point and place of BEGINNING. Having an area of 5,567 square feet, or 0.128 acres as shown on plat by Ownbey Land Surveying, PLLC entitled Exhibit Map Illustrating Proposed Partial Closure of Brown Street for Henderson County dated January 7, 2021.**

3. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.
4. The City Clerk further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.
5. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be prominently posted in at least two along the portion of Brown Street proposed for closure as required by G.S. 160A-299.

Adopted by the City Council of the City of Hendersonville, North Carolina on this fourth day of February 2021.

Attest:

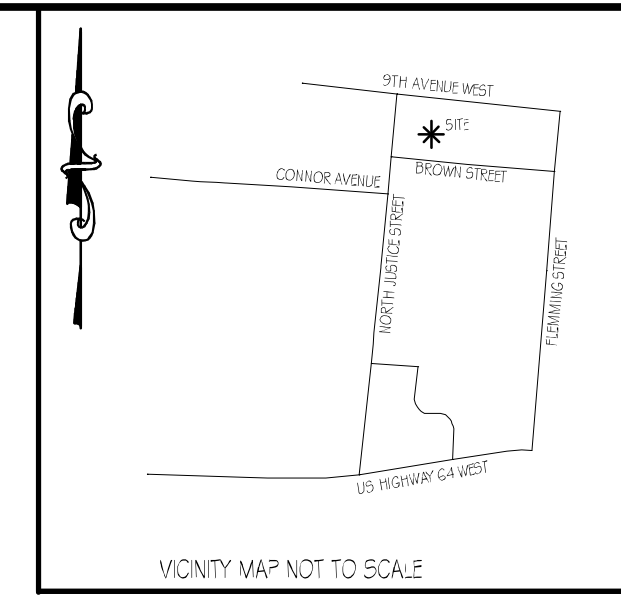
\_\_\_\_\_  
Barbara G. Volk, Mayor, City of Hendersonville

\_\_\_\_\_  
Angela L. Reece, City Clerk

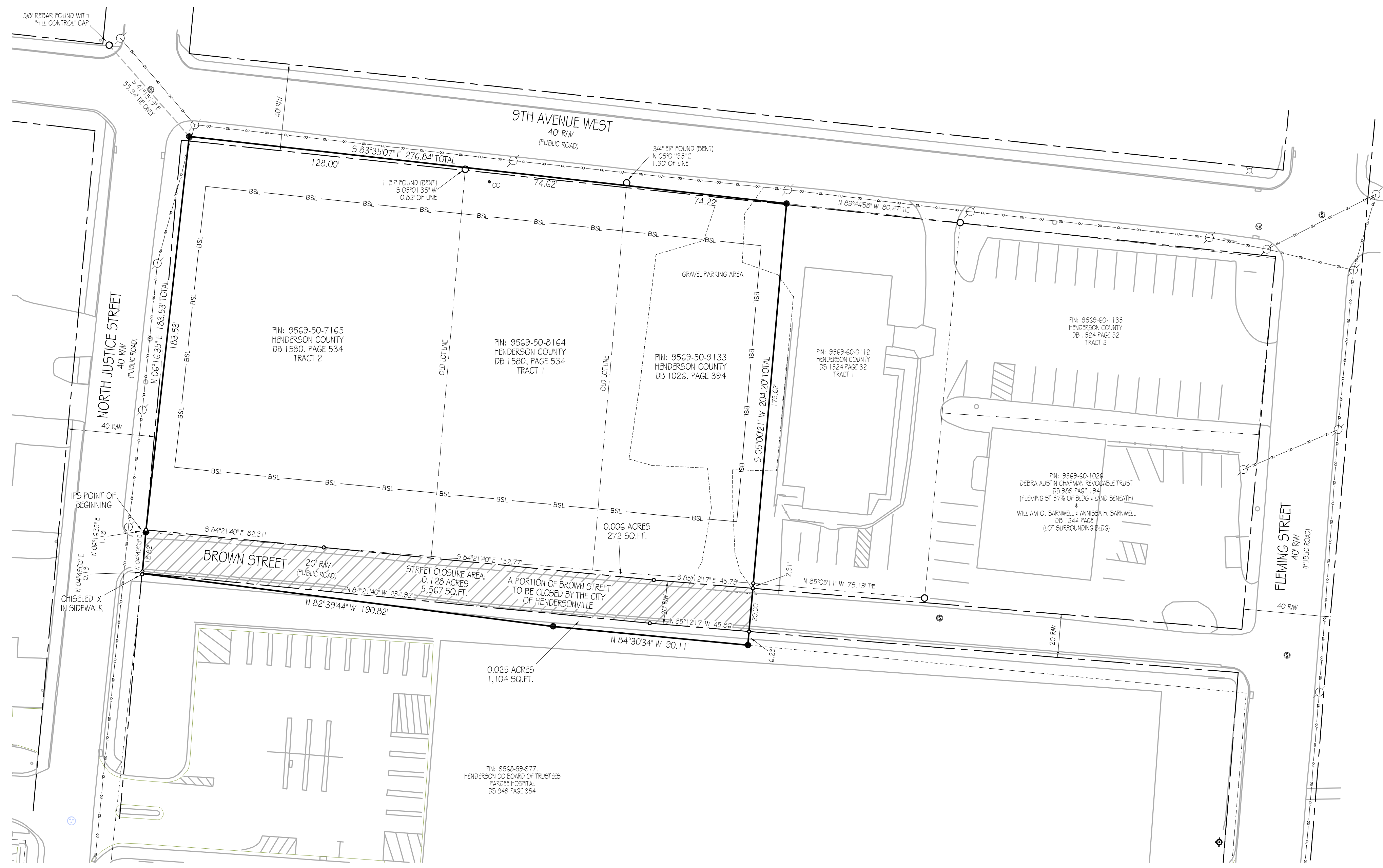
Approved as to form:

\_\_\_\_\_  
Angela S. Beeker, City Attorney

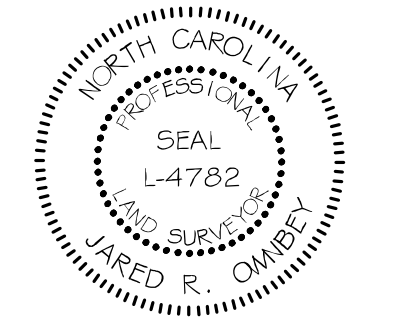
GRID NORTH  
N.A.D. 83 / 2001



- NOTES:**
- \* THIS SURVEY IS OF AN EXISTING PARCE OF LAND.
  - \* ALL AREAS CALCULATED BY COORDINATE COMPUTATION METHOD.
  - \* THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ABSTRACT TITLE AND MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY-AT-LAW.
  - \* THIS SURVEY MAY BE SUBJECT TO ALL RIGHTS-OF-WAYS, EASEMENTS, RESERVATIONS, AND RESTRICTIONS WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED.
  - \* ADJOINING PROPERTY OWNER INFORMATION TAKEN FROM THE HENDERSON COUNTY GIS WEBSITE.
  - \* NO HORIZONTAL CONTROL FOUND WITHIN 2000.
  - \* NO UNDERGROUND UTILITIES WERE LOCATED. CALL 1-800-632-4349 BEFORE DIGGING.
  - \* BASED ON GRAPHICAL DETERMINATION, A THIS SUBJECT PROPERTY DOES NOT LIE IN FEMA/FIRM SPECIAL FLOOD HAZARD AREA PER THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP 87009569000, WITH EFFECTIVE DATE OF OCTOBER 2, 2008.
  - \* ANY RIVERS, STREAMS, CREEKS, PONDS, LAKES, WETLANDS, ETC., LOCATED ON THIS PROPERTY, SHOWN OR NOT SHOWN HEREON, MAY BE SUBJECT TO BUFFER AREAS. IT IS THE OWNER/DEVELOPER'S RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY PERSONS/FIRMS AUTHORIZED, BY THE PROPER AUTHORITIES, TO MAKE SUCH DETERMINATION.
  - \* ALL DISTANCES SHOWN HEREON ARE HORIZONTAL; GROUND DISTANCES UNLESS OTHERWISE NOTED.
  - \* THE SUBJECT PARCELS LIES WITHIN THE CITY OF HENDERSONVILLE ZONING DISTRICT "M1C" AND IS SUBJECT TO THE FOLLOWING SETBACKS:  
FRONT = 30'  
SIDES = 10'  
REAR = 20'



- LEGEND:**
- IP = DIGGING IRON PIPE
  - CTP = CRUMPLED TOP PIPE
  - RRS = RAILROAD SPIKE
  - IPB = IRON PIN SET WITH REBAR WITH CAP
  - RW = RIGHT OF WAY
  - B.S.L. = BUILDING SETBACK LINE
  - EP = EDGE OF PAVEMENT
  - CMP = CORRUGATED METAL PIPE
  - CPP = CORRUGATED PLASTIC PIPE
  - RCP = REINFORCED CONCRETE PIPE
  - = CALCULATED & UNMARKED POINT
  - = PROPERTY CORNER FOUND (AS NOTED)
  - = SET REBAR WITH "J.R. OWNBIE" I.D. CAP
  - UT = UTILITY POLE
  - WM = WATER METER
  - WV = WATER VALVE
  - XX = FIRE HYDRANT
  - TP = TELEPHONE POST/STAKE
  - SM = SANITARY SEWER MANHOLE
  - SS = STORM SEWER MANHOLE
  - OU = OVERHEAD UTILITY LINE
  - UL = UNDERGROUND ELECTRIC
  - UG = UNDERGROUND GAS
  - US = UNDERGROUND WATER
  - UT = UNDERGROUND TELEPHONE
  - = EDGE OF GRAVEL
  - = FINISH
  - = SUBJECT PROPERTY LINE (SURVEYED)
  - = ADJOINER LINE (NOT SURVEYED)
  - = BUILDING SETBACK LINE (B.S.L.)
  - = RIGHT-OF-WAY LINE (RW)
  - = TIE LINE



I, JARED R. OWNBIE, N.C. PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (PROPERTY DESCRIPTION RECORDED IN DEED BOOK 1580, PAGE 534 & DEED BOOK 1026 PAGE 394); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED BY DASHED LINES AS DRAWN FROM INFORMATION FOUND IN DEED BOOKS AS SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 OR GREATER; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY SIGNATURE, LICENSE NUMBER, AND SEAL THIS 27TH DAY OF JANUARY, A.D., 2021.

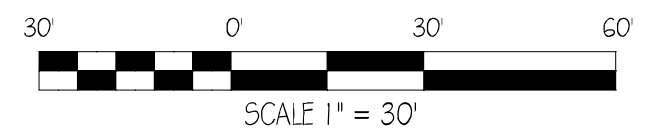
Designed by:  
*Jared R. Ownbey*  
N.C. PROFESSIONAL LAND SURVEYOR

L-4782  
LICENSE #



FIRM LICENSE NO. P-1189  
522 FLEMING STREET  
HENDERSONVILLE, NC 28739  
PHONE: (828)-595-9668  
MOUNTAINLANDSURVEYOR.COM

EXHIBIT MAP ILLUSTRATING PROPOSED PARTIAL CLOSURE OF  
**BROWN ST**  
FOR  
**HENDERSON COUNTY**  
CITY OF HENDERSONVILLE  
HENDERSONVILLE TOWNSHIP, HENDERSON COUNTY, N.C.  
DATE: 1-27-2021  
DRAWN BY: RAW CREW CHIEF, JRD  
CHECKED BY: J.R. OWNBIE  
JOB #201216





WGLA Engineering, PLLC  
724 5<sup>th</sup> Avenue West  
Hendersonville, NC 28739  
(828) 687-7177 wgl.com

January 21, 2021

Mr. Lew Holloway  
Director – Community Development Department  
City of Hendersonville  
100 N. King Street  
Hendersonville, NC 28792

Re: Pardee Hospital – Brown Street Closure Petition  
**WGLA # 20141**

Dear Mr. Holloway:

Please see the revised typed description of right-of-way to be closed and conveyed from City of Hendersonville to Henderson County Hospital Corporation:

**BEGINNING at an iron pin set, being the southwest corner of Tract 2 as described in deed book 1580 page 534; thence from said beginning point N 06°16'35" E 1.18'to a calculated and unmarked point, said point being the intersection of the east margin of the right-of-way for North Justice Street and the north margin of the right-of-way for Brown Street; thence with the north margin of the right-of-way of Brown Street S 85°10'57" E 82.28' to a calculated and unmarked point; thence S 84°21'40" E 152.77' to a calculated and unmarked point; thence S 85°12'17" E 45.79' to a calculated and unmarked point, said point being the intersection of the north margin of the right-of-way for Brown Street and the east line of that property as described in deed book 1026 page 394; thence crossing Brown Street and with the east line of said property S 05°00'21" W 20.00' to a calculated and unmarked point, said point being the intersection of the south margin of the right-of-way for Brown Street and the east line of said property; thence with the southern margin of the right-of-way of Brown Street N 85°12'17" W 45.86' to a calculated and unmarked point; thence still with the southern margin of the right-of-way N 84°21'40" W 234.92' to a calculated and unmarked point, said point lying N 04°49'03" E 0.18' from a chiseled "X" in the sidewalk, the northwest corner of the Pardee Hospital tract; thence N 04°49'03" E 18.82'to the point and place of BEGINNING. Having an area of 5,567 square feet, or 0.128 acres as shown on plat by Ownbey Land Surveying, PLLC entitled Exhibit Map Illustrating Proposed Partial Closure of Brown Street for Henderson County dated January 7, 2021.**

If you have any questions about this submittal or if you need additional information, don't hesitate to contact our office.

Sincerely,  
WGLA Engineering, PLLC

Jared L. DeRidder, P.E.

CC: Mr. Craig Franks, Pardee Hospital



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**SUBMITTER:** Adam Murr **MEETING DATE:** 02/04/2021

**AGENDA SECTION:** Council Action, **DEPARTMENT:** Administration

**TITLE OF ITEM, Presenter Name, Title:** Budget Amendments: Mid-Year FY20-21  
– Adam Murr, Senior Analyst

**SUGGESTED MOTION(S):** I move City Council approve the budget amendments as presented.

### SUMMARY:

A mid-year report on the City’s budget. Each fiscal year in January/February, staff reviews and makes recommended adjustments to the budget. Attached is a 6-page Mid-Year Budget Report and associated amendment recommendations.

<b>BUDGET IMPACT:</b>	010 - General Fund	\$384,499 increase
	020 - Main Street Fund	\$1,250 increase
	021 - 7 <sup>th</sup> Avenue Fund	\$4,000 increase
	060 - Water and Sewer Fund	\$220,595 decrease
	067 - Stormwater Fund	\$56,535 increase
	068 - Environmental Services Fund	\$35,237 decrease

**Is this expenditure approved in the current fiscal year budget? YES / NO**

**If no, describe how it will be funded.**

N/A

**PROJECT NUMBER:** N/A

**PETITION NUMBER:** N/A

**ADDITIONAL PETITION NUMBER:** N/A

**PETITIONER NAME:** N/A

### ATTACHMENTS:

Attachment 1: Mid-Year Budget Report  
Attachment 2: Budget Amendments

To: John Connet, City Manager  
 CC: City Council  
 Department Heads  
 Re: Mid-Year Budget Report  
 Date: January 22<sup>nd</sup>, 2021  
 From: Brian Pahle, Assistant City Manager  
 Adam Murr, Sr. Budget & Management Analyst

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The following report provides information on the City of Hendersonville's FY20-21 budget and the respective analysis for revenues and expenditures at mid-year, through December 2020. The report will summarize high-level observations, provide an overview of recommended adjustments, and provide an amendment for accounts requiring Council approval.

The report is broken down by a governmental and enterprise section and reports on the main six City funds (General, Main St. MSD, 7<sup>th</sup> Ave. MSD, Water/Sewer, Stormwater, and Environmental Services). This report will be submitted to City Council at their regular February 4<sup>th</sup>, 2021 meeting.

### **Governmental Funds**

The three governmental funds covered in this report include the General Fund, Main St. MSD Fund, and 7<sup>th</sup> Avenue MSD Fund. The General Fund revised budget as of 12/31/2020 totals \$19,717,610 including a budgeted fund balance appropriation of \$2,631,547. The Main Street MSD Fund revised budget totals \$509,553 including a budgeted fund balance appropriation of \$37,143. The 7<sup>th</sup> Avenue MSD Fund revised budget totals \$102,256 including a budgeted fund balance appropriation of \$27,006.

Major highlights of these fund's mid-year performance and recommended adjustments are presented in the following sections.

#### *Ad Valorem Tax (Revenues)*

For the tax year 2020, the City continued an interlocal agreement with Henderson County to consolidate tax collection under the County. The County provides this service for a fee of 0.5% of the total collections. At mid-year, collections for the tax year 2020 (FY21) General Fund ad valorem taxes total approximately 81.18% of the total levy. Comparably, in 2019 (FY20), collections totaled 83.81%. Staff assumes this 2% decrease in collection period over period, is in part due to the on-going pandemic and strain being felt by businesses. Approximately 6% of the total levy is made up by personal property taxes. Knowing that tax bills are not delinquent until January, we will monitor to see if this collection percentage increases once the County officially begins collection of late tax payments. The Main Street MSD Fund and 7<sup>th</sup> Avenue MSD Fund are experiencing similar collection decreases, at 4% and 7% below 2019, respectively.

Prior year collections are up \$30,000 over budget and we have included an amendment to reflect that increase. The partnership with the County for tax collections continues to go well.

#### *Unrestricted Intergovernmental Taxes (Revenues)*

These taxes are revenues received through other governmental entities, primarily the State, and are not restricted, outside of the standard authorized expenditures provided to municipalities by the State. The largest revenue budget in this source, is the local sales and use tax. For the General Fund, the City seeing an average increase of 13.34% for FY21, after four collections. Even under a conservative 7.57% increase for the remaining collections, we would see a total of approximately \$4,214,924 in revenues at year end. Staff recommends amending the General Fund budget at an increase of \$400,000 for this

account and allow any additional collections to be used to offset the budgeted fund balance appropriation at year end. We estimate the General Fund could end the year \$687,140 over budget for sales taxes. For the MSD funds an increase of \$30,000 is recommended for Main Street, and an increase of \$5,000 is recommended for 7<sup>th</sup> Avenue.

ABC revenues is another revenue source, that has recommended changes in the General Fund. These revenues are distributed to the City as a share of total profit made by the local ABC board. The board's audit provided that the board's net profit was \$665,000 in 2020. This is an increase of 47.78% over FY19. Per State law, the City receives half of this net profit. The total revised FY21 budget in the General Fund is \$300,000. Concurrently, staff recommends this budget be increased by \$32,500 to reflect the total \$332,5000 the City received last year.

Other (Revenues)

The City's investment earnings are expected to take a major hit due to plummeting interest rates and the market's reaction to the pandemic. Out of an abundance of caution, this proposal includes decreasing interest income by \$140,000.

Additional proposed amendments for FY21 includes a decrease of \$38,482 in Powell Bill distribution as a result of cuts at NCDOT, a decrease of \$30,000 in parking meter revenues, an increase of \$10,500 in cemetery lot revenues, an increase of \$15,900 in payment in lieu of sidewalks, an increase of \$12,000 in insurance proceeds, and an increase of \$70,000 in sale of capital assets.

Overall, the proposed amendments result in a net increase in revenues of \$384,499 for the General Fund.

The Main St. Fund's revenues for Apple Festival vendor permits is proposed to decrease by \$12,000. This fund is also proposed to decrease its fund balance appropriation by \$15,750.

Salary & Benefits (Expenditures)

There are a few salary and benefit lines that are forecasted to exceed budget. The Finance Department will be looking into the payroll records and make sure the employees were allocated correctly across funds. We have included an amendment and increase to these accounts to cover this forecasted overage if it does turn out to be accurate in the system. If it is not, we will have additional cushion in those accounts through the remainder of the fiscal year.

Capital Outlay Land (Expenditures)

There is a proposed increase of \$100,000 in the administration capital outlay land account to cover costs associated with the purchase of 622 Pace Street, previously approved at the City Council January 2021 regular meeting.

Transfer Out (Expenditures)

There is a proposed increase of \$127,000 for additional improvements to the City Operations Center Assembly Room. This project will be split with the Water and Sewer Fund. This will reflect as a transfer to the governmental capital projects fund, Fund 410. This amendment includes AV upgrades at \$54,000, furniture at \$32,000, and a change order to the construction contract of \$41,000 (planned phase II).



Special Appropriations (Expenditures)

There is a proposed increase in special appropriations of \$95,000 to cover costs associated with the Center for Arts and Inspiration and Hand’s On Children’s Museum contracts that were approved by City Council at their December 2020 and January 2021 regular meetings, respectively.

Other Equipment, Supplies, & Services (Expenditures)

Additionally, there is a long list of smaller proposed amendments to regular operating accounts to fix budget issues that have arisen in the first half of the fiscal year. These are typical amendments for repairs and other supplies. Some items include street traffic light upgrades for \$18,000, FEMA expenditures, and a structural wall/tunnel study underneath the road of 8<sup>th</sup> Avenue and Locust Street for \$6,000. The total increase for these type of expenditures is approximately \$233,000.

Contingencies (Expenditures)

Finally, the General Fund’s contingency account was increase by \$400,000 due to an increase in funding availability for firefighter salaries and CARES funds. This amendment proposes decreasing the contingencies by \$343,446 to balance the amendment, leaving \$77,141 available for the remainder of FY21.

The total recommended increase/decrease in total budget for the governmental funds is presented, as follows.

<b>Fund</b>	<b>\$ Change</b>
General Fund	Increase \$384,499
Main St. MSD Fund	Increase \$1,250
7 <sup>th</sup> Ave. MSD Fund	Increase \$4,000

The amendment detailing these changes is included with the agenda item.

## Enterprise Funds

The three enterprise funds covered in this report include the Water and Sewer Fund, Stormwater Fund, and Environmental Services Fund. The Water and Sewer Fund revised budget as of 01/22/2021 totals \$18,802,395 including a budgeted fund balance appropriation of \$1,196,720. The Stormwater Fund revised budget totals \$584,315 including a budgeted fund balance appropriation of \$42,525. The Environmental Services Fund revised budget totals \$1,419,017 including a budgeted fund balance appropriation of \$110,217.

Major highlights of these fund's mid-year performance and recommended adjustments is presented in the following sections.

### User Charges (Revenues)

User charges for the sale of utility services are the largest income source for the enterprise funds. Operating under a business-like structure, the City charges customers directly based on the amount of a service or resource consumed. The City has deliberated with rate experts and consultants to recommend rates to the City Council. Adherence to recommendations for the current fiscal year (FY20-21) and forward will be an important consideration as we continually prioritize capital projects, analyze the health and longevity of our utility systems, and meet financial covenants set through our revenue bond (parity bond) and other borrowings.

As of January 22, 2021, the water sales account has collected \$5,698,022 (52.04%) of budgeted user charge revenue. This collection amount reflects 24 weeks of revenue collection out of 52 total. 28 major collection cycles remain this fiscal year. Compared to prior fiscal years, water sales revenues are higher. This increased actual water sale revenue trend can be attributed to a few factors. Notably, the finance department has worked to improve collections and associated processes. The City has also added a major water-consuming industry which appears to use approximately 7,000 gallons of water per hour. Staff are monitoring this water customer for major changes in usage trends.

The sewer charges account has collected \$2,443,644 (43.40%) of budgeted revenues. At this same time in 2019, the account totaled approximately \$2,325,681, or 43.9% of budgeted revenues. The Stormwater Fund has collected \$303,493 (56.20%) of budgeted user charge revenue. Included in our mid-year budget amendment recommendations is an increase to stormwater fee budgeted revenue of \$57,475. The Environmental Services Fund has collected \$518,625 (46.31%) of budgeted user charge revenue; this collection level is comparable to the same time in FY19-20, where 46.21% of revenue had been collected.

Overall, staff recommends the following changes to user charge revenues at mid-year: increase water sales \$300,000, decrease sewer charges \$300,000, increase stormwater fee revenues \$57,475, and decrease environmental services waste collection fees \$19,222.

### Tap Fees (Revenues)

In addition to user charges, the Water and Sewer Fund tracks revenues collected from the connection of customers to our infrastructure. The tap fee revenue source is a good indicator of the local economy, providing insight to the rate of development in the City and Henderson County. In FY20-21, we have collected \$206,425 (55.09%) of budgeted water and sewer tap revenues. Based on current collections, staff recommend a \$30,000 increase in budgeted revenues for water and sewer tap fees. The trend in this revenue source indicates more users are connecting to our water and wastewater utility.

Other (Revenues)

Various other minor revenue sources are accounted for in the enterprise funds. Some other sources of revenue include disconnect/reconnect fees, customer participation charges, investment earnings, sale of assets, and miscellaneous income. At mid-year FY20-21, staff recommends Council approve the following adjustments to other revenues: \$120,000 decrease in water and sewer late fee revenues, \$12,500 decrease in disconnection fees, \$30,300 decrease in Brightwater fees, \$35,000 increase in sewer surcharges, \$38,305 increase in market adjustment revenues, and a \$172,000 decrease in interest income revenues.

Salary & Benefits (Expenditures)

Several salary and benefit accounts have exceeded budget or are projected to do so. Many of these accounts involve uniforms, overtime expenses, and cellphone stipends. Each year, we budget for these items based on historical trends. Trend analysis provides a reasonably accurate insight to these accounts; however, adjustments are needed from time to time. In addition, some outliers are explained through expense codification conflicts in the Finance Department. The Finance Department will investigate records for the current year, ensuring salary and benefits expenses were appropriately categorized.

Salary and benefit expenses are split each year to match the anticipated work to be completed by employees in each fund. For example, a Water and Sewer Line Maintenance Mechanic may be paid on a 67% water, 33% sewer basis in one fiscal year and 50% water, 50% sewer the next fiscal year – depending on the work the department anticipates. For the Water and Sewer Fund, Stormwater Fund, and Environmental Services Fund, this factor may contribute to codification adjustment needs.

Professional and Contracted Services (Expenditures)

Professional and contracted services expenditures cover items we often request assistance with from outside firms. Engineering consulting, construction management, land surveying, information technology consulting, and master planning are a few common expenditures in this category within our Enterprise Funds. In FY20-21 there are limited changes to the Water and Sewer Fund's professional and contracted services budgets. The recommended changes include: an increase of the Administration Department's professional services engineering account of \$28,500, and a \$75,000 increase to the Water and Sewer I.T. Department's contracted services account.

Other Equipment, Supplies, & Services (Expenditures)

Included in equipment, supplies and services are a few items recommended for adjustment at mid-year. Staff recommends the following other expenditure changes in the Water and Sewer Fund: \$82,376 increase for a heavy-service vehicle, \$22,000 increase for sludge management, a \$43,018 increase for the repair of a generator at the water treatment facility, and \$60,532 for vehicle repairs.

Contingencies (Expenditures)

Contingencies in the Stormwater Fund, and Environmental Services Fund will be unaffected by the mid-year amendment as proposed. The Water and Sewer Fund's contingencies account will decrease by \$79,601 to transfer a portion of funds necessary for the operations center upgrades and to balance the mid-year amendment.

The total recommended increase/decrease in total budget for the enterprise funds is presented, as follows.

<b>Fund</b>	<b>\$ Change</b>
Water and Sewer Fund	Decrease \$220,595
Stormwater Fund	Increase \$56,535
Environmental Services Fund	Decrease \$35,237

The amendment detailing these changes is included with the agenda item.

TO MAYOR &amp; COUNCIL - February 4, 2021

FISCAL YEAR 2021

## BUDGET AMENDMENT

010

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
010-0000-400102	PriorYearsAdValoremTaxes	30,000	-
010-0000-410001	LocalSales&UseTax	400,000	-
010-0000-410110	ABCRevenues	32,500	-
010-0000-420003	SROR reimbursement	16,081	-
010-0000-420010	PowellBillAllocation	-	38,482
010-0000-430005	ParkingMeterRevenues	-	30,000
010-0000-430009	CemeteryLotRevenue	10,500	-
010-0000-440015	PaymentInLieuOfSidewalk	15,900	-
010-0000-450001	InterestIncome	-	140,000
010-0000-460001	MiscellaneousIncome	6,000	-
010-0000-470030	InsuranceProceeds	12,000	-
010-0000-470050	SaleOfCapitalAssets	70,000	-
010-0000-534999	Contingencies	-	303,688
010-1001-540001	SpecialAppropriations	95,000	-
010-1001-598901	TransferOut	63,362	-
010-1002-501010	Salaries-Overtime	2,000	-
010-1002-551000	CapitalOutlay-Land,Easements,Row	100,000	-
010-1008-502091	Worker'sComplns	100	-
010-1008-531255	BankServiceCharges	8,500	-
010-1010-534000	Non-CapitalEquipment	-	2,500
010-1010-539990	FEMAREimbursableExpenditures	2,500	-
010-1014-501010	Salaries-Overtime	1,600	-
010-1014-519104	ProfServices-Engring	100	-
010-1014-524030	R&M-Trucks	3,000	-
010-1014-531700	Liab&PropIns&Bonds	2,000	-
010-1200-501010	Salaries-Overtime	1,200	-
010-1200-554001	CapitalOutlay-Equipment/OtherThanVehicles	1,000	-
010-1300-501002	Salaries-Board/PartTime/Temp/Aux	-	18,000
010-1300-501010	Salaries-Overtime	18,000	-
010-1300-519103	ProfServices-Medical	500	-
010-1300-519200	ContractServices	1,000	-
010-1300-521001	Supplies&Materials	-	2,500
010-1300-531100	Fuel	-	6,000
010-1300-531210	Permits,LicenseAndFees	5,000	-
010-1300-531700	Liab&PropIns&Bonds	1,000	-
010-1300-539990	FEMAREimbursableExpenditures	1,845	-
010-1300-554001	CapitalOutlay-Equipment/OtherThanVehicles	2,500	-
010-1400-501010	Salaries-Overtime	40,000	-
010-1400-502005	GroupMed&LifeIns	80,000	-
010-1400-524030	R&M-Trucks	10,000	-
010-1400-531100	Fuel	-	5,000
010-1400-531700	Liab&PropIns&Bonds	25,000	-
010-1400-531950	PyMtOnBehalf-FiremenPension	50	-
010-1400-539990	FEMAREimbursableExpenditures	15,000	-
010-1502-501010	Salaries-Overtime	100	-
010-1502-519104	ProfServices-Engring	2,500	-
010-1502-519200	ContractServices	-	2,500
010-1521-502005	GroupMed&LifeIns	5,000	-
010-1521-521001	Supplies&Materials	5,000	-
010-1521-521010	OfficeSupplies	1,000	-
010-1521-531220	Travel	-	2,500
010-1523-501001	Salaries-Regular	15,000	-
010-1523-502005	GroupMed&LifeIns	3,000	-
010-1523-524010	R&M-Bulidings	25,000	-

010-1523-531210	Permits,LicenseAndFees	250	-
010-1523-531605	Lease/Rental-Building/Land	150	-
010-1523-534000	Non-CapitalEquipment	2,500	-
010-1523-539990	FEMAREimbursableExpenditures	1,250	-
010-1525-501001	Salaries-Regular	16,000	-
010-1525-502005	GroupMed&LifeIns	6,000	-
010-1525-531700	Liab&PropIns&Bonds	750	-
010-1525-534000	Non-CapitalEquipment	13,250	-
010-1525-539990	FEMAREimbursableExpenditures	50	-
010-1525-554001	CapitalOutlay-Equipment/OtherThanVehicles	40,000	-
010-1535-519200	ContractServices	8,000	-
010-1555-519104	ProfServices-Engring	11,880	-
010-1555-519200	ContractServices	-	6,000
010-1555-531210	Permits,LicenseAndFees	2,000	-
010-1555-531700	Liab&PropIns&Bonds	6,000	-
010-1555-554001	CapitalOutlay-Equipment/OtherThanVehicles	36,000	-
010-1560-501025	Salaries-Uniform/Taxab	250	-
010-1560-502005	GroupMed&LifeIns	1,000	-
010-1560-519104	ProfServices-Engring	5,000	-
010-1560-519200	ContractServices	18,250	-
010-1560-521100	Uniforms	-	250
010-1560-531210	Permits,LicenseAndFees	7,500	-
010-1560-531220	Travel	-	1,000
010-1560-531225	Training	-	1,000
010-1560-534000	Non-CapitalEquipment	22,500	-
FUND 010	TOTAL REVENUES	592,981.00	208,482.00
	TOTAL EXPENDITURES	735,437.00	350,938.00

A standard mid-year budget amendment for the General Fund to address various needed budgetary changes. Notable changes in revenues include a \$400,000 increase in sales tax revenues, \$32,500 increase in ABC revenues, \$140,000 interest income revenue decrease, decrease of \$38,482 in Powell Bill distribution, a decrease of \$30,000 in parking meter revenues, an increase of \$10,500 in cemetery lot revenues, an increase of \$15,900 in payment in lieu of sidewalks, an increase of \$12,000 in insurance proceeds, and an increase of \$70,000 in sale of capital assets. The net change in General Fund revenues as proposed is (+) \$384,499. Additional information on the General Fund amendment can be found on pages 1-3 of the Mid-Year Report.

**APPROVED**  
 By John Connet at 7:56 pm, Jan 25, 2021

Signed Date: \_\_\_\_\_

Draft Date: 1/22/2021

TO MAYOR & COUNCIL - February 4, 2021

FISCAL YEAR 2021

BUDGET AMENDMENT

020

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
020-0000-410001	Local Sales & Use Tax	30,000	-
020-0000-440001	Vendor Permits	-	12,000
020-0000-450001	Interest Income	-	1,000
020-0000-470900	Fund Balance Appropriated	-	15,750
020-1008-531230	Tax Billing	500	-
020-2102-501010	Salaries - Overtime	750	-
020-2102-521001	Supplies & Materials	-	10,000
020-2102-534000	Non-Capital Equipment	10,000	-
FUND 020	TOTAL REVENUES	30,000.00	28,750.00
	TOTAL EXPENDITURES	11,250.00	10,000.00

A standard mid-year budget amendment for the Main Street MSD Fund to address various needed budgetary changes. Notable changes include an increase in local sales and use tax revenues of \$30,000, decrease of \$12,000 in vendor permit revenues, \$1,000 decrease in interest income revenues, and a \$15,750 decrease in fund balance appropriated. The net change in Main Street MSD Fund revenues as proposed is (+) \$1,250. Additional information on this Fund's amendment can be found on pages 1-3 of the Mid-Year Report.

**APPROVED**  
By John Connet at 7:58 pm, Jan 25, 2021

Signed Date: \_\_\_\_\_

Draft Date: 1/22/2021

TO MAYOR & COUNCIL - February 4, 2021

FISCAL YEAR 2021

**BUDGET AMENDMENT**

021

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
021-0000-410001	Local Sales & Use Tax	5,000	-
021-0000-450001	Interest Income	-	1,000
021-2202-501010	Salaries - Overtime	250	-
021-2202-502005	Group Med & Life Ins	3,000	-
021-2202-519200	Contracted Services	3,250	-
021-2202-521001	Supplies & Materials	-	2,500
FUND 021	TOTAL REVENUES	5,000.00	1,000.00
	TOTAL EXPENDITURES	6,500.00	2,500.00

A standard mid-year budget amendment for the 7th Avenue MSD Fund to address various needed budgetary changes. Notable changes include an increase of \$5,000 in local sales and use tax revenues and a decrease of \$1,000 in interest income. The net change in 7th Avenue MSD Fund revenues as proposed is (+) \$4,000. Additional information on this Fund's amendment can be found on pages 1-3 of the Mid-Year Report.

**APPROVED**

*By John Connet at 7:58 pm, Jan 25, 2021*

Signed Date: \_\_\_\_\_

Draft Date: 1/22/2021



TO MAYOR &amp; COUNCIL - February 4, 2021

FISCAL YEAR 2021

## BUDGET AMENDMENT

060

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
060-0000-430001	MiscellaneousSales	1,000	-
060-0000-430003	RentalIncome-NonTaxable	-	1,200
060-0000-430501	WaterSales-General	300,000	-
060-0000-430502	WaterSales-Miscellaneous	200	-
060-0000-430701	SewerCharges	-	300,000
060-0000-444201	WaterSewerLateFees	-	120,000
060-0000-444202	Disconnect/ReconnectAdminFee	-	12,500
060-0000-444900	BrightwaterFees	-	30,300
060-0000-445001	SewerPermits&Fees	500	-
060-0000-445202	SewerSurcharges	35,000	-
060-0000-445401	WaterTapFees	17,325	-
060-0000-445402	SewerTapFees	12,675	-
060-0000-450001	InterestIncome	-	172,000
060-0000-450099	MarketAdjustment	38,305	-
060-0000-460001	MiscellaneousIncome	-	6,000
060-0000-460080	DiscountsEarned	-	10,000
060-0000-460100	CustomerParticipation	-	1,000
060-0000-460130	WarrantyFees-ServicePartners	11,200	-
060-0000-470030	InsuranceProceeds	16,200	-
060-0000-534999	Contingencies	-	79,601
060-1008-521001	Supplies&Materials	3,410	-
060-1008-523003	Utilities-Telephone&Internet	150	-
060-1008-524020	R&M-Equipment	-	500
060-1008-531220	Travel	-	6,800
060-1008-531225	Training	-	7,380
060-1008-531260	CreditCardProcessingFees	6,100	-
060-1008-554001	CapitalOutlay-Equipment/OtherThanVehicles	1,200	-
060-1010-501010	Salaries-Overtime	290	-
060-1010-502001	FicaTaxExpense	1,300	-
060-1010-502005	GroupMed&LifeIns	7,151	-
060-1010-502050	RetirementExpense	1,645	-
060-1010-502091	Worker'sComplns	3,947	-
060-1010-519200	ContractServices	75,000	-
060-1010-523003	Utilities-Telephone&Internet	12,900	-
060-1010-523004	CellphoneStipend	6,300	-
060-1010-524020	R&M-Equipment	-	5,000
060-1010-531210	Permits,LicenseAndFees	-	39,708
060-1010-531225	Training	-	1,000
060-1010-531230	TaxBilling	-	3,000
060-1014-501001	Salaries-Regular	-	10,360
060-1014-501010	Salaries-Overtime	3,265	-
060-1014-501030	Salaries-IncentivePayments	6,750	-
060-1014-531220	Travel	-	1,000
060-1014-531225	Training	-	2,515
060-1521-501025	Salaries-Uniform/Taxab	314	-
060-7002-501001	Salaries-Regular	61,500	-
060-7002-501002	Salaries-Board/PartTime/Temp/Aux	400	-
060-7002-501010	Salaries-Overtime	400	-
060-7002-501025	Salaries-Uniform/Taxab	1,300	-
060-7002-501030	Salaries-IncentivePayments	12,135	-
060-7002-519104	ProfServices-Engring	28,500	-
060-7002-531220	Travel	-	5,200
060-7002-531225	Training	-	2,000
060-7002-534000	Non-CapitalEquipment	240	-

060-7002-554002	CapitalOutlay-Vehicles	82,376	-
060-7002-598901	TransferOut	63,362	-
060-7032-501025	Salaries-Uniform/Taxab	3,000	-
060-7032-519200	ContractServices	-	30,000
060-7032-521001	Supplies&Materials	-	1,000
060-7032-521100	Uniforms	-	3,000
060-7032-523001	Utilities-Electricity	-	20,000
060-7032-523003	Utilities-Telephone&Internet	-	4,000
060-7032-524010	R&M-Bulidings	-	4,000
060-7032-524020	R&M-Equipment	-	40,000
060-7032-531100	Fuel	-	2,000
060-7032-531220	Travel	-	2,500
060-7032-531225	Training	-	7,500
060-7035-502091	Worker'sComplns	3,000	-
060-7035-519205	SludgeManagement	22,000	-
060-7035-521050	LaboratorySupplies	8,000	-
060-7035-523001	Utilities-Electricity	-	75,000
060-7035-524010	R&M-Bulidings	-	23,000
060-7035-524020	R&M-Equipment	43,018	-
060-7035-531210	Permits,LicenseAndFees	200	-
060-7035-531220	Travel	-	3,500
060-7035-531225	Training	-	3,500
060-7035-551000	CapitalOutlay-Land,Easements,Row	-	5,000
060-7035-552001	CapitalOutlay-Buildings	-	5,000
060-7035-554001	CapitalOutlay-Equipment/OtherThanVehicles	-	10,000
060-7035-555003	CapitalOutlay-Plants,PumpStations	2,460	-
060-7050-521001	Supplies&Materials	-	4,000
060-7050-521010	OfficeSupplies	-	3,000
060-7050-521100	Uniforms	-	4,000
060-7050-523003	Utilities-Telephone&Internet	3,500	-
060-7050-524010	R&M-Bulidings	13,700	-
060-7050-524020	R&M-Equipment	-	4,000
060-7050-524030	R&M-Trucks	-	1,000
060-7050-531100	Fuel	-	5,000
060-7050-531210	Permits,LicenseAndFees	-	1,200
060-7050-531220	Travel	-	1,300
060-7050-531225	Training	-	1,700
060-7050-531700	Liab&PropIns&Bonds	92	-
060-7055-502091	Worker'sComplns	4,180	-
060-7055-519104	ProfServices-Engring	-	10,000
060-7055-519200	ContractServices	-	10,000
060-7055-521001	Supplies&Materials	-	10,000
060-7055-521100	Uniforms	-	5,000
060-7055-523004	CellphoneStipend	-	2,200
060-7055-524020	R&M-Equipment	-	5,000
060-7055-524030	R&M-Trucks	-	1,000
060-7055-524060	R&M-Lines	-	120,000
060-7055-524070	R&M-PavingCutRepairs	-	10,000
060-7055-531100	Fuel	-	2,000
060-7055-531210	Permits,LicenseAndFees	6,000	-
060-7055-531215	Dues&Subscriptions	-	2,000
060-7055-531220	Travel	-	2,000
060-7055-531225	Training	-	2,500
060-7055-531700	Liab&PropIns&Bonds	576	-
060-7132-501001	Salaries-Regular	-	2,000
060-7132-501012	Salaries-StandbyPay	460	-
060-7132-502091	Worker'sComplns	5,170	-
060-7132-531700	Liab&PropIns&Bonds	10,616	-
060-7135-501025	Salaries-Uniform/Taxab	1,500	-
060-7135-521001	Supplies&Materials	2,000	-
060-7135-521010	OfficeSupplies	-	1,000

060-7135-521100	Uniforms	-	3,000
060-7135-523001	Utilities-Electricity	-	26,250
060-7135-524020	R&M-Equipment	20,000	-
060-7135-531210	Permits,LicenseAndFees	2,500	-
060-7135-531220	Travel	-	1,500
060-7135-531225	Training	-	2,000
060-7150-501012	Salaries-StandbyPay	1,500	-
060-7150-501025	Salaries-Uniform/Taxab	505	-
060-7155-501001	Salaries-Regular	-	50,000
060-7155-501025	Salaries-Uniform/Taxab	1,781	-
060-7155-502091	Worker'sComplns	700	-
060-7155-519104	ProfServices-Engring	400	-
060-7155-519200	ContractServices	-	20,000
060-7155-521001	Supplies&Materials	-	5,000
060-7155-521100	Uniforms	-	4,976
060-7155-523004	CellphoneStipend	-	1,000
060-7155-524030	R&M-Trucks	60,532	-
060-7155-524060	R&M-Lines	-	120,000
060-7155-524070	R&M-PavingCutRepairs	-	10,000
060-7155-524099	R&M-IndirectCharges	1,000	-
060-7155-531100	Fuel	-	2,000
060-7155-531220	Travel	-	4,000
060-7155-531225	Training	-	4,500
060-7155-531600	Lease/Rental-Equipment	-	2,000
060-7155-531700	Liab&PropIns&Bonds	770	-
060-7155-531705	DamageClaims	-	2,000
060-7155-554001	CapitalOutlay-Equipment/OtherThanVehicles	51,500	-
FUND 060	TOTAL REVENUES	432,405.00	653,000.00
	TOTAL EXPENDITURES	650,595.00	871,190.00

A standard mid-year budget amendment to address needed budgetary changes in the Water and Sewer Fund (060). Notable changes include an increase to water sales budgeted revenues of \$300,000, a decrease to sewer charges revenues of \$300,000, decreases to water and sewer late fees revenues of \$120,000, and a decrease of \$172,000 to interest income revenues. The net change in Water and Sewer Fund's revenues as proposed is (-) \$220,595. Additional information on this Fund's amendment can be found on pages 3-6 of the Mid-Year Report.

**APPROVED**  
By John Connet at 7:59 pm, Jan 25, 2021

Signed Date: \_\_\_\_\_

Draft Date: 1/22/2021

**BUDGET AMENDMENT**

067

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
067-0000-430901	StormwaterFee	57,475	-
067-0000-447000	StormwaterPermits	460	-
067-0000-450001	InterestIncome	-	700
067-0000-450000	InvestmentEarnings	-	700
067-0000-470900	FundBalanceAppropriated	-	-
067-7555-501001	Salaries-Regular	32,200	-
067-7555-501010	Salaries-Overtime	620	-
067-7555-501030	Salaries-IncentivePayments	1,750	-
067-7555-502001	FicaTaxExpense	2,675	-
067-7555-502005	GroupMed&LifeIns	7,575	-
067-7555-502050	RetirementExpense	3,390	-
067-7555-502091	Worker'sComplns	3,710	-
067-7555-531215	Dues&Subscriptions	100	-
067-7555-554001	CapitalOutlay-Equipment/OtherThanVehicles	660	-
067-7555-555002	CapitalOutlay-Lines	21,725	-
067-7555-556001	CapitalOutlay-Other/Intangible	-	17,870
FUND 067	TOTAL REVENUES	57,935.00	1,400.00
	TOTAL EXPENDITURES	74,405.00	17,870.00

A standard mid-year budget amendment to address needed budgetary changes in the Stormwater Fund (067). Notable changes include an increase to budgeted stormwater revenues of \$100,000 and decrease to the fund balance appropriation of \$42,525. Other changes in the fund include amendments for salaries and wages, and capital related items. The net change in the Stormwater Fund's revenues as proposed is (+) \$56,535. Additional information on this Fund's amendment can be found on pages 3-6 of the Mid-Year Report.

**APPROVED**  
*By John Connet at 7:59 pm, Jan 25, 2021*

Signed Date: \_\_\_\_\_

Draft Date: 1/22/2021

TO MAYOR & COUNCIL - February 4, 2021

FISCAL YEAR 2021

**BUDGET AMENDMENT**

068

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
068-0000-430801	WasteDisposalFees-Residential	-	7,500
068-0000-430802	WasteDisposalFees-Commercial	-	11,722
068-0000-430803	SolidWasteDisposalTax	-	9,000
068-0000-450001	InterestIncome	-	7,700
068-0000-450099	MarketAdjustment	685	-
068-1521-501025	Salaries-Uniform/Taxab	93	-
068-7855-501001	Salaries-Regular	-	750
068-7855-501010	Salaries-Overtime	-	225
068-7855-501011	Salaries-HolidayPay	-	250
068-7855-501025	Salaries-Uniform/Taxab	475	-
068-7855-519104	ProfServices-Engring	-	100
068-7855-519200	ContractServices	-	7,000
068-7855-521001	Supplies&Materials	-	12,000
068-7855-521010	OfficeSupplies	-	250
068-7855-521100	Uniforms	-	2,050
068-7855-523003	Utilities-Telephone&Internet	-	500
068-7855-524020	R&M-Equipment	-	1,000
068-7855-524030	R&M-Trucks	-	2,000
068-7855-531100	Fuel	-	9,000
068-7855-531200	Postage	-	100
068-7855-531210	Permits,LicenseAndFees	-	100
068-7855-531220	Travel	-	700
068-7855-531225	Training	-	200
068-7855-531255	BankServiceCharges	220	-
068-7855-531265	DrugTesting	200	-
FUND 068	TOTAL REVENUES	685.00	35,922.00
	TOTAL EXPENDITURES	988.00	36,225.00

A standard mid-year budget amendment to address needed budgetary changes in the Environmental Services Fund (068). Notable changes include decreases to solid waste disposal fees of \$19,222 total, a decrease of \$9,000 to budgeted solid waste disposal tax revenues, and a decrease of \$7,700 for budgeted interest income. The net change in the Environmental Service Fund's revenues as proposed is (-) \$35,237. Additional information on this Fund's amendment can be found on pages 3-6 of the Mid-Year Report.

**APPROVED**

*By John Connet at 8:00 pm, Jan 25, 2021*

Signed Date: \_\_\_\_\_

Draft Date: 1/22/2021

TO MAYOR & COUNCIL - February 4, 2021

FISCAL YEAR 2021

BUDGET AMENDMENT

410

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
410-1002-550103-19101	Capital Outlay - CIP	8,484,529	-
410-0000-470010-19101	Installment Purchase/Debt Obligations	8,484,529	-
FUND 410	TOTAL REVENUES	8,484,529.00	-
	TOTAL EXPENDITURES	8,484,529.00	-

A budget amendment to increase debt proceed revenues and associated capital outlay CIP account for the construction portion of the parking deck project.

**APPROVED**  
By John Connet at 7:44 pm, Jan 25, 2021

Signed Date: \_\_\_\_\_

Draft Date: 1/22/2021



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**SUBMITTER:** Jennifer Harrell                      **MEETING DATE:** 01/27/2021

**AGENDA SECTION:** CONSENT                      **DEPARTMENT:** Human Resources

**TITLE OF ITEM,  
Presenter Name, Title:** Operations Support Coordinator -Revised Job Description – *Jennifer Harrell, HR Director*

**SUGGESTED MOTION(S):** I move that City Council approve the revised Operations Support Coordinator job description and pay grade as presented.

**SUMMARY:** Staff has reviewed the Operations Support Supervisor job description and determined it needs to be modified and the title changed due to recent internal realignment of certain Operations Support staff and specific workflow functions. It will more accurately reflect the intended duties and responsibilities of this position as we continue efforts to streamline our organizational structure and more effectively posture for future growth. Staff is recommending the position be moved from Pay Grade 13 to Pay Grade 14 due to the responsibilities of the position.

**BUDGET IMACT:**        N/A

**Is this expenditure approved in the current fiscal year budget? YES / NO**

**If no, describe how it will be funded.**

**PROJECT NUMBER:** N/A

**PETITION NUMBER:** N/A

**ADDITIONAL PETITION NUMBER:** N/A

**PETITIONER NAME:** N/A

**ATTACHMENTS:**

Operations Support Coordinator – Revised Job Description

Operations Support Coordinator – Previous Job Description

## **Operations Support Coordinator** **Proposed New Job description**

### **Primary Reason Why Classification Exists**

To perform a variety of para-professional and supervisory activities associated with supporting the activities of utilities operations.

### **Distinguishing Features of the Class**

An employee in this class performs a variety of tasks that directly supports the efficient operation of the Water and Sewer Department's field operations divisions. The primary job responsibilities are managing procurement and accounts payable functions, facilitating warehouse operations, inventory control, and other administrative tasks. Work is performed under the general direction of the Operations Manager and performance is evaluated based on the of attainment of specific performance objectives, personal observation, feedback from department managers and employees.

### **Examples of Work**

- Manages the field operations accounts payable program and appropriate assignment of funds, including annual budgeting process.
- Performs purchase requisition coordination, execution, and tracking with Finance Department.
- Coordinates directly with existing and potential vendors to ensure most effective and cost-efficient acquisition of products and services.
- Actively monitors inventory levels and performs various tasks in inventory accounting.
- Reconciles field operations inventory on a monthly basis; ensures inventory is properly managed and recorded; supervises warehouse staff.
- Orders supplies, materials, and uniforms as needed by field operations.
- Assists customers when necessary and facilitate the tap application process in direct coordination with the Operations Support Specialists.
- Fills-in, as needed, and assists in other divisions of department.
- Performs other related tasks as required by the Operations Manager.

### **Knowledge, Skills and Abilities**

- Considerable knowledge of budgeting and accounts payable processes and procedures.
- Considerable knowledge of effective supervisory principles and practices and organizational personnel policies and procedures
- Ability to effectively coordinate all departmental purchase requisition requirements.
- Ability to maintain a proactive approach to inventory management to ensure appropriate inventory levels and count.
- Ability to maintain positive relationships with current and potential vendors.
- Aptitude for various types of computer aided technology utilized by the department.
- Ability to deal tactfully and courteously with the general public and vendors in explaining policies and procedures.
- .
- Ability to operate assigned equipment such as forklift, scissor lift and shop truck.
- Ability to develop and maintain effective working relationships with other divisions and departments, the public, vendors and employees.



- Ability to communicate effectively in oral and written forms.
- Ability to maintain and prepare accurate reports and records.

**Education**

- Graduation from high school or GED.
- Associate degree in accounting/inventory control.
- Bachelor’s degree preferred.

**Experience**

Four (4) years of related experience.

**Physical Requirements**

This is light work requiring the lifting of up to 10 pounds frequently and 20 pounds occasionally, and a negligible amount of force frequently or constantly to move objects. Physical activities include reaching, walking, grasping, and feeling. Effective verbal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for depth perception, preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, operation of machines, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the worker is subject to inside environmental conditions.

**Working Conditions**

Work is performed in an indoor environment and employee is not substantially exposed to adverse environmental conditions.

**Special Requirements**

- Valid driver’s license
- Must complete Basic Purchasing Course given by the School of Government, UNC within first year of assignment.
- Must complete Introduction to Local Government given by the School of Government, UNC within first year or assignment.
- Forklift Operator Certification.

**FLSA Status**

Non-Exempt

**Disclaimer**

This classification specification has been designed to indicate the general nature and level of work performed by employees within this classification. It is not designed to contain or be interpreted as a comprehensive inventory of all duties, responsibilities, and qualifications required of employees to perform the job. The City of Hendersonville reserves the right to assign or otherwise modify the duties assigned to this classification.

January 2021

## **Operations Support Supervisor**

### **Previous job description**

#### **Primary Reason Why Classification Exists**

To perform a variety of para-professional and supervisory activities associated with supporting the activities of utilities operations.

#### **Distinguishing Features of the Class**

An employee in this class performs a variety of tasks ensuring the efficient operation of the Water and Sewer Department's field operations divisions. Focus of the work is on participating and facilitating the operations of the warehouse, taps, locations and assisting meter operations by establishing new accounts and ensuring proper account billing. Work is performed under the general direction of the Operations Manager and performance is evaluated on the basis of attainment of specific performance objectives, personal observation, feedback from department managers and employees.

#### **Examples of Work**

- Performs inventory accounting, purchase requisition creation and tracking; processing invoices using Laserfische; procurement card (Works) approval and proper budget coding for payment.
- Answers telephone or greets walk-in customers to respond to service issues, concerns or questions; creates work orders for field operations personnel to respond to potential problems.
- Oversees water and sewer tap application process; answers questions from realtors, contractors and homeowners regarding tap costs, water and sewer availability, receives and processes water and sewer tap applications; creates new accounts; reconciles meters to accounts for correct billing process; performs miscellaneous billing and bulk water sales billing.
- Creates and assigns work orders for locators from the NC 811 System (underground utility locator service); closes work orders upon execution.
- Reconciles water and sewer inventory on a monthly basis; ensures inventory is properly managed and recorded; supervises warehouse staff and ensures the
- Orders supplies, materials, uniforms, etc.
- Fills-in, as needed, and assists in other divisions of department.
- Performs other related tasks as required.

#### **Knowledge, Skills and Abilities**

- Thorough knowledge of water and sewer billing software programs and work order system and procedures.
- Ability to deal tactfully and courteously with the general public in explaining policies and procedures.
- Ability to establish and maintain effective working relationships as necessitated by work assignments
- Applicable knowledge of budgeting and accounts payable processes.
- Considerable knowledge of effective supervisory principles and practices and organizational personnel policies and procedures.
- Applicable knowledge of bookkeeping, accounting terminology, account coding and utility fee collections procedures.
- Ability to operate assigned equipment such as forklift, scissor lift and shop truck.
- Ability to develop and maintain effective working relationships with other divisions and departments, the public and employees.

Operations Support Supervisor  
City of Hendersonville

- Ability to communicate effectively in oral and written forms.
- Ability to maintain and prepare accurate records.

**Education**

- Graduation from high school or GED.
- Associate's Degree or Equivalent Educational Background in Accounting

**Experience**

Two (2) to four (4) years of related experience.

**Physical Requirements**

This is light work requiring the lifting of up to 10 pounds frequently and 20 pounds occasionally, and a negligible amount of force frequently or constantly to move objects. Physical activities include reaching, walking, grasping, and feeling. Effective verbal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for depth perception, preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, operation of machines, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the worker is subject to inside environmental conditions.

**Working Conditions**

Work is performed in an indoor environment and employee is not substantially exposed to adverse environmental conditions.

**Special Requirements**

- Valid driver's license
- Forklift Operator Certification within six months of hire date.

**FLSA Status**

Non-Exempt

**Disclaimer**

This classification specification has been designed to indicate the general nature and level of work performed by employees within this classification. It is not designed to contain or be interpreted as a comprehensive inventory of all duties, responsibilities, and qualifications required of employees to perform the job. The City of Hendersonville reserves the right to assign or otherwise modify the duties assigned to this classification.

March 2020



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**SUBMITTER:** Brent Detwiler **MEETING DATE:** 2/4/2021  
**AGENDA SECTION:** Council Action **DEPARTMENT:** Engineering  
**TITLE OF ITEM, Presenter Name, Title:** Clear Creek Greenway – Water Resources Development Grant Agreement, Brent Detwiler, City Engineer

**SUGGESTED MOTION(S):** I move City Council to resolve to approve the NC Department of Environmental Quality’s Water Resources Development Grant Agreement for the Clear Creek Greenway Project and to authorize the City Manager to execute said agreement.

**SUMMARY:**

The City was recently awarded a \$150,000 Water Resources Development Grant (WRDG) for design and construction of the Clear Creek Greenway. The attached agreement between the City and the North Carolina Department of Environmental Quality summarizes the grant amount (\$150,000), local government match (provided through donations, and other grants) and time period (through 2/2/23). Staff is working with other agencies to coordinate the remaining grant agreement (PARTF Agreement was approved in November 2020). We are asking Council to approve the agreement in order for the Mayor to execute. Please let us know if you have any questions.

**BUDGET IMPACT:** \$150,000

**Is this expenditure approved in the current fiscal year budget?** YES / NO

**If no, describe how it will be funded.**

Budget amendment forthcoming with subsequent grant agreement approvals.

**PROJECT NUMBER:** 18026 **PETITION NUMBER:** N/A

**ADDITIONAL PETITION NUMBER:** N/A

**PETITIONER NAME:** N/A

**ATTACHMENTS:**

CW18280 WRDG 2019S Clear Creek Greenway (Certain attachments deleted due to length and size)

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

GRANTEE'S FEDERAL  
IDENTIFICATION  
NUMBER: \*\* - \*\*1242

## North Carolina Department of Environmental Quality Financial Assistance Agreement

This financial assistance agreement is hereby made and entered into, by and between the NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY (the "Department") and CITY OF HENDERSONVILLE (the "Grantee").

1. Audit and Other Reporting Requirements of the Local Government Commission. If subject to the audit and other reporting requirements of the Local Government Commission pursuant to Article 3 of Chapter 159 of the North Carolina General Statutes (Local Government Budget and Fiscal Control Act), the Grantee understands and agrees that the terms, conditions, restrictions and requirements hereinafter set forth shall only apply to the extent not inconsistent with, or superseded by, the audit and other reporting requirements of the Local Government Commission.
2. Contract Documents. The agreement between the parties consists of this **document (the "Contract Cover")** and its attachments, which are identified by name as follows:
  - a. **State's** General Terms and Conditions (Attachment A)
  - b. **Department's** Request for Proposal ("RFP") (Attachment B)
  - c. **Grantee's Response to RFP**, including scope of work, line item budget, budget narrative and, *if applicable*, indirect cost documentation (hereinafter **referred to generally as the "Award Proposal"**) (Attachment C)
  - d. **Grantee's Award Letter (Attachment D)**
  - e. Notice of Certain Reporting and Audit Requirements (Attachment E)
  - f. **Grantee's No Conflict of Interest Certification (Attachment F)**

Together, these documents (the "**Contract Documents**") constitute the entire agreement between the parties (the "**Agreement**"), superseding all prior oral or written statements or agreements. Modifications to this Contract Cover or to any other Contract Document may only be made through written amendments processed by the **Department's** Financial Services Division. Any such written amendment must be duly executed by an authorized representative of each party prior to the contract expiration date.

3. Precedence Among Contract Documents. In the event of a conflict or inconsistency between or among the Contract Documents, the document with the highest relative precedence shall prevail. This Contract Cover shall have the highest precedence. The order of precedence thereafter shall be determined by the order of documents listed in § 2 above, with the first-listed document having the second-highest precedence and the last-listed document having the lowest precedence. If there are multiple contract amendments, the most recent amendment has the highest precedence and the oldest amendment has the lowest precedence.
4. Contract Period. This Agreement shall be effective from the date upon which all parties have signed this Agreement to **02/02/2023**, inclusive of those dates.
5. **Grantee's Duties**. As a condition of the grant award, the Grantee agrees to:
  - a. Undertake and deliver the grant award project, plan or services as described in the Award Proposal (Attachment C), adhering to all budgetary provisions set out therein throughout the course of performance.

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<sup>1</sup> The contract documents attached hereto may at times use alternative terms to describe the Grantee. Such terms might include, but are not necessarily limited to, the following (in common or proper form): "recipient," "applicant," or "participant."

- b. Ensure that all award funds are expended in a manner consistent with the purposes for which they were awarded, as described more fully in the attached Contract Documents.
  - c. Comply with the requirements of 09 NCAC 03M .0101, *et seq.* (Uniform Administration of State Awards of Financial Assistance), including, but not limited to, those provisions relating to audit oversight, access to records, and availability of audit work papers in the possession of any auditor of any recipient of State funding.
  - d. Comply with the applicable provisions of Attachment E, Notice of Certain Reporting and Audit Requirements.
  - e. Maintain all records related to this Agreement (i) for a period of six (6) years following the date on which this Agreement expires or terminates, or (ii) until all audit exceptions have been resolved, whichever is longer.
  - f. Comply with all laws, ordinances, codes, rules, regulations, and licensing requirements applicable to its performance hereunder and/or the conduct of its business generally, including those of Federal, State, and local agencies having jurisdiction and/or authority.
  - g. Obtain written approval from the **Department's** Contract Administrator (see § 14 below) prior to making any subaward or subgrant not already described in the Award Proposal.
  - h. Ensure that the terms, conditions, restrictions and requirements of this Contract Cover, including those incorporated by reference to other Contract Documents and/or applicable law, are made applicable to, and binding upon, any subgrantee who receives as a subaward or subgrant any portion of the award funds made available to the Grantee hereunder.
  - i. Take reasonable measures to ensure that any subgrantee (i) complies with the terms, conditions, restrictions and requirements set forth in this Contract Cover, including those incorporated by reference to other Contract Documents and/or applicable law, and (ii) provides such information in its possession as may be necessary for the Grantee to comply with such terms, conditions, restrictions and requirements.
6. **Historically Underutilized Businesses.** Historically Underutilized Businesses (HUBs) consist of minority, women and disabled business firms that are at least fifty-one percent owned and operated by an individual(s) of the categories. Also included in this category are disabled business enterprises and non-profit work centers for the blind and severely disabled.

Pursuant to G.S. 143B-1361(a), 143-48 and 143-128.4, the Department invites and encourages participation in this procurement process by businesses owned by minorities, women, disabled, disabled business enterprises and non-profit work centers for the blind and severely disabled. This includes utilizing subcontractors to perform the required functions in this contract. Any questions concerning NC HUB certification, contact the [North Carolina Office of Historically Underutilized Businesses](#) at (919) 807-2330.

- 7. **Department's Duties.** The Department shall pay the Grantee in the manner and amounts specified below and in accordance with the approved budget set forth in the Award Proposal.
- 8. **Total Award Amount.** The total amount of award funds paid by the Department to the Grantee under this Agreement shall not exceed ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) (the "**Total Award Amount**"). This amount consists of:

*Funding:*

Type of Funds	Funding Source	CFDA No.
Appropriations	NC General Assembly	NA

*Account Coding Information:*

Dollars	GL Company	GL Account	GL Center
\$150,000.00	1604	536990	4018

*Grantee Matching Information:*

- a. There are no matching requirements from the Grantee.
- b. There are no matching requirements from the Grantee; however, the Grantee has committed the following match to this project:

	In-Kind	\$
	Cash	\$
	Cash and In-Kind	\$
	Other / Specify:	\$

- c. The Grantee's matching requirement is \$150,000.00, which shall consist of:

	In-Kind	\$
X	Cash	\$150,000.00
	Cash and In-Kind	\$
	Other / Specify:	\$

- d. The Grantee is committing to an additional \$1,065,590.00 to complete the project or services described in the Award Proposal.

Based on the figures above, the total contract amount is \$1,365,590.00.

9. Invoice and Payment. The award funds shall be disbursed to the Grantee in accordance with the following provisions:
  - a. The Grantee shall submit invoices to the **Department's** Contract Administrator at least quarterly. The final invoice must be received by the Department thirty (30) days prior to the date on which termination or expiration of this Agreement becomes effective. Amended or corrected invoices must be received by the **Department's Financial Services Division** prior to the date on which the termination or expiration of this Agreement becomes effective. Any invoice received thereafter shall be returned without action.
  - b. The Department shall reimburse the Grantee for actual allowable expenditures, with the Department retaining a minimum of ten percent (10%) of the Total Award Amount until all grant-related activities are completed and all reports/deliverables are received and accepted by the Department. **As used herein, "allowable expenditures"** are expenditures associated with work conducted to meet performance obligations under this Agreement, provided such work is carried out in a manner consistent with the Award Proposal. The Department may withhold payment on invoices when performance goals and expectations have not been met or when the manner of performance is inconsistent with Attachment C.
10. **Grantee's Fiscal Year.** The Grantee represents that its fiscal year is from July 1 to June 30.
11. **Availability of Funds.** The Grantee understands and agrees that payment of the sums specified herein shall be subject to, and contingent upon, the allocation and appropriation of funds to the Department for the purposes described in this Agreement.
12. **Reversion of Unexpended Funds.** The Grantee understands and agrees that any unexpended grant funds shall revert to the Department upon termination of this Agreement.

- 13. Supplantation of Expenditure of Public Funds. The Grantee understands and agrees that funds received pursuant to this Agreement shall be used only to supplement, not to supplant, the total amount of Federal, State and local public funding that the Grantee would otherwise expend to carry out the project or services described in the Award Proposal.
- 14. Contract Administrators. Each party shall submit notices, questions and correspondence related to this Agreement to the other party's Contract Administrator. The contact information for each party's Contract Administrator is set out below. Either party may change its Contract Administrator and/or the associated contact information by giving timely written notice to the other party.

Grantee Contract Administrator	Department's Contract Administrator
Brendan Shanahan, Civil Engineer City of Hendersonville 305 Williams Street Hendersonville, NC 28792 Telephone: 828-233-3237  Email: bshanahan@hvlnc.gov	Amin Davis, State and Local Projects Manager NC DEQ Division of Water Resources 1617 Mail Service Center Raleigh, NC 27699-1617 Telephone: 919-707-9132  Email: amin.davis@ncdenr.gov

- 15. Assignment. The Grantee may not assign its obligations or its rights to receive payment hereunder.
- 16. Procurement. The Grantee understands and agrees that all procurement activities undertaken in connection with this Agreement shall be subject to the following provisions:
  - a. None of the work or services to be performed under this Agreement involving the specialized skill or expertise of the Grantee shall be contracted without prior written approval from the Department.
  - b. In the event the Grantee or any subrecipient of the Grantee contracts for any of the work to be performed hereunder, the Grantee shall not be relieved of any duties or responsibilities herein set forth.
  - c. The Grantee shall not contract with any vendor who is restricted from contracting with the State of North Carolina pursuant to N.C.G.S. §§ 143-133.3, 143-59.1, 143-59.2 or 147.86.60.
- 17. Subawards. The Grantee understands and agrees that any subaward or subgrant of any portion of the financial assistance provided hereunder shall not relieve the Grantee of any duties or responsibilities herein set forth.
- 18. Title VI and Other Nondiscrimination Requirements. Throughout the course of its performance hereunder, the Grantee shall comply with all applicable State and Federal laws, regulations, executive orders and policies relating to nondiscrimination, including, but not limited to:

- Title VI of the Civil Rights Act of 1964, as amended;
- Civil Rights Restoration Act of 1987, as amended;
- Section 504 of the Rehabilitation Act of 1973, as amended;
- Age Discrimination Act of 1975, as amended;
- Titles II and III of the Americans with Disabilities Act of 1990, as amended;



Title IX of the Education Amendments of 1972, as amended;

Part III of Executive Order No. 11246 (September 24, 1965), as amended; and

Section 13 of the Federal Water Pollution Control Act Amendments of 1972.

In accordance with the above laws and their implementing regulations, the Grantee agrees to ensure that no person in the United States is, on the basis of race, color, national origin, sex, age or disability, excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity for which the Grantee receives Federal assistance. For purposes of this provision, **“program or activity” shall have the meaning ascribed to that term under Federal law** (see 42 U.S.C.S. § 2000d-4a).

The Grantee understands and acknowledges that, in addition to itself, any lower-tier recipient of the financial assistance provided hereunder must also comply with the requirements of this section. Accordingly, the Grantee agrees to include a similar provision in any financial assistance agreement made with any lower-tier recipient of such assistance.

19. E-Verify. To the extent applicable, the Grantee represents that it and each of its subgrantees, contractors and/or subcontractors performing work pursuant to, or in association with, this Agreement are in compliance with Article 2 of Chapter 64 of the North Carolina General Statutes, including, in particular, the requirement that certain employers verify the work authorization of newly hired employees using the Federal E-Verify system.
20. Termination by Mutual Consent. This Agreement may be terminated by mutual consent of the parties, provided the consent is documented in writing and duly executed by an authorized representative of each party.
21. Survival. Any provision contained in this or any other Contract Document that contemplates performance or observance subsequent to the termination or expiration of this Agreement shall survive the termination or expiration hereof and continue in full force and effect.
22. Signature Warranty. The undersigned represent and warrant that they are authorized to bind their principals to the terms and conditions of this Contract Cover and the Agreement generally, including those incorporated by reference to applicable law.

IN WITNESS WHEREOF, each party has caused this Agreement to be executed by the duly authorized representative in duplicate originals, one of which is retained by each of the Parties.

CITY OF HENDERSONVILLE

NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY

By \_\_\_\_\_  
Grantee's **Signature**

By \_\_\_\_\_  
Signature of Department Head or Authorized Agent

\_\_\_\_\_  
Printed Name and Title

Tommy Kirby, Purchasing Director  
\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Organization

Financial Services Division, Purchasing and Contracts Section  
\_\_\_\_\_  
Division/Section

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

ORIGINAL

**General Terms and Conditions  
 Governmental Entities**

**DEFINITIONS**

Unless indicated otherwise from the context, the following terms shall have the following meanings in this Contract. All definitions are from 9 NCAC 3M.0102 unless otherwise noted. If the rule or statute that is the source of the definition is changed by the adopting authority, the change shall be incorporated herein.

- (1) "Agency" (as used in the context of the definitions below) means and includes every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political sub-agency of government. For other purposes in this Contract, "Agency" means the entity identified as one of the parties hereto.
- (2) "Audit" means an examination of records or financial accounts to verify their accuracy.
- (3) "Certification of Compliance" means a report provided by the Agency to the Office of the State Auditor that states that the Grantee has met the reporting requirements established by this Subchapter and included a statement of certification by the Agency and copies of the submitted grantee reporting package.
- (4) "Compliance Supplement" refers to the North Carolina State Compliance Supplement, maintained by the State and Local Government Finance Agency within the North Carolina Department of State Treasurer that has been developed in cooperation with agencies to assist the local auditor in identifying program compliance requirements and audit procedures for testing those requirements.
- (5) "Contract" means a legal instrument that is used to reflect a relationship between the agency, grantee, and sub-grantee.
- (6) "Fiscal Year" means the annual operating year of the non-State entity.
- (7) "Financial Assistance" means assistance that non-State entities receive or administer in the form of grants, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other assistance. Financial assistance does not include amounts received as reimbursement for services rendered to individuals for Medicare and Medicaid patient services.
- (8) "Financial Statement" means a report providing financial statistics relative to a given part of an organization's operations or status.
- (9) "Grant" means financial assistance provided by an agency, grantee, or sub-grantee to carry out activities whereby the grantor anticipates no programmatic involvement with the grantee or sub-grantee during the performance of the grant.
- (10) "Grantee" has the meaning in G.S. 143C-6-23(a)(2): a non-State entity that receives a grant of State funds

- from a State agency, department, or institution but does not include any non-State entity subject to the audit and other reporting requirements of the Local Government Commission. For other purposes in this Contract, "Grantee" shall mean the entity identified as one of the parties hereto. For purposes of this contract, Grantee also includes other State agencies such as universities.
- (11) "Grantor" means an entity that provides resources, generally financial, to another entity in order to achieve a specified goal or objective.
  - (12) "Non-State Entity" has the meaning in N.C.G.S. 143C-1-1(d)(18): A firm, corporation, partnership, association, county, unit of local government, public authority, or any other person, organization, group, or governmental entity that is not a State agency, department, or institution.
  - (13) "Public Authority" has the meaning in N.C.G.S. 159-7(10): A municipal corporation that is not a unit of local government or a local governmental authority, board, commission, council, or agency that (i) is not a municipal corporation, (ii) is not subject of the State Budget Act, and (iii) operates on an area, regional, or multiunit basis, and the budgeting and accounting systems of which are not fully a part of the budgeting and accounting systems of a unit of local government.
  - (14) "Single Audit" means an audit that includes an examination of an organization's financial statements, internal controls, and compliance with the requirements of Federal or State awards.
  - (15) "Special Appropriation" means a legislative act authorizing the expenditure of a designated amount of public funds for a specific purpose.
  - (16) "State Funds" means any funds appropriated by the North Carolina General Assembly or collected by the State of North Carolina. State funds include federal financial assistance received by the State and transferred or disbursed to non-State entities. Both Federal and State funds maintain their identity as they are sub-granted to other organizations. Pursuant to N.C.G.S. 143C-6-23(a)(1), the terms "State grant funds" and "State grants" do not include any payment made by the Medicaid program, the Teachers' and State Employees' Comprehensive Major Medical Plan, or other similar medical programs.
  - (17) "Sub-grantee" has the meaning in G.S. 143C-6-23(a)(4): a non-State entity that receives a grant of State funds from a grantee or from another sub-grantee but does not include any non-State entity subject to the audit and other reporting requirements of the Local Government Commission.

(18) "Unit of Local Government has the meaning in G.S. 159-7(b)(15): A municipal corporation that has the power to levy taxes, including a consolidated city-county as defined by G.S. 160B-2(1), and all boards, agencies, commissions, authorities, and institutions thereof that are not municipal corporations.

### Relationships of the Parties

**Independent Contractor:** The Grantee is and shall be deemed to be an independent contractor in the performance of this Contract and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. The Grantee represents that it has, or shall secure at its own expense, all personnel required in performing the services under this agreement. Such employees shall not be employees of, or have any individual contractual relationship with, the Agency.

**Subcontracting:** To subcontract work to be performed under this contract which involves the specialized skill or expertise of the Grantee or his employees, the Grantee first obtains prior approval of the Agency Contract Administrator. In the event the Grantee subcontracts for any or all of the services or activities covered by this contract: (a) the Grantee is not relieved of any of the duties and responsibilities provided in this contract; (b) the subcontractor agrees to abide by the standards contained herein or to provide such information as to allow the Grantee to comply with these standards, and; (c) the subcontractor agrees to allow state and federal authorized representatives access to any records pertinent to its role as a subcontractor.

**Sub-grantees:** The Grantee has the responsibility to ensure that all sub-grantees, if any, provide all information necessary to permit the Grantee to comply with the standards set forth in this Contract.

**Assignment:** The Grantee may not assign the Grantee's obligations or the Grantee's right to receive payment hereunder. However, upon Grantee's written request approved by the issuing purchasing authority, the Agency may:

- (a) Forward the Grantee's payment check(s) directly to any person or entity designated by the Grantee, or
- (b) Include any person or entity designated by Grantee as a joint payee on the Grantee's payment check(s).

Such approval and action does not obligate the State to anyone other than the Grantee and the Grantee remains responsible for fulfillment of all contract obligations.

**Beneficiaries:** Except as herein specifically provided otherwise, this Contract inures to the benefit of and is binding upon the parties hereto and their respective successors. It is expressly understood and agreed that the enforcement of the terms and conditions of this Contract, and all rights of action relating to such enforcement, are strictly reserved to the Agency and the named Grantee. Nothing contained in this document shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the Agency and Grantee that any

third person receiving services or benefits under this Contract is an incidental beneficiary only.

### Indemnity

**Indemnification:** In the event of a claim against either party by a third party arising out of this contract, the party whose actions gave rise to the claim is responsible for the defense of the claim and any resulting liability, provided that a party may not waive the other party's sovereign immunity or similar defenses. The parties agree to consult with each other over the appropriate handling of a claim and, in the event they cannot agree, to consult with the Office of the Attorney General.

**Insurance:** During the term of the contract, the Grantee at its sole cost and expense provides commercial insurance of such type and with such terms and limits as may be reasonably associated with the contract. As a minimum, the Grantee provides and maintains the following coverage and limits:

- (a) **Worker's Compensation:** The Grantee provides and maintains Worker's Compensation insurance as required by the laws of North Carolina, as well as employer's liability coverage with minimum limits of \$500,000.00, covering all of Grantee's employees who are engaged in any work under this contract. If any work is sublet, the Grantee requires the subgrantee to provide the same coverage for any of his employees engaged in any work under this contract.
- (b) **Commercial General Liability:** General Liability Coverage on a Comprehensive Broad Form on an occurrence basis in the minimum amount of \$1,000,000.00 Combined Single Limit. (Defense cost shall be in excess of the limit of liability.)
- (c) **Automobile:** Automobile Liability Insurance, to include liability coverage, covering all owned, hired and non-owned vehicles used in performance of the contract. The minimum combined single limit is \$500,000.00 bodily injury and property damage; \$500,000.00 uninsured/under insured motorist; and \$25,000.00 medical payment.

Providing and maintaining adequate insurance coverage is a material obligation of the Grantee and is of the essence of this contract. The Grantee may meet its requirements of maintaining specified coverage and limits by demonstrating to the Agency that there is in force insurance with equivalent coverage and limits that will offer at least the same protection to the Agency. Grantee obtains insurance that meets all laws of the State of North Carolina. Grantee obtains coverage from companies that are authorized to provide such coverage and that are authorized by the Commissioner of Insurance to do business in North Carolina. The Grantee complies at

all times with the terms of such insurance policies, and all requirements of the insurer under any such insurance policies, except as they may conflict with existing North Carolina laws or this contract. The limits of coverage under each insurance policy maintained by the Grantee do not limit the Grantee's liability and obligations under the contract.

### Default and Termination

**Termination by Mutual Consent:** Either party may terminate this agreement upon sixty (60) days notice in writing from the other party. In that event, all finished or unfinished documents and other materials, at the option of the Agency, be submitted to the Agency. If the contract is terminated as provided herein, the Grantee is paid in an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Grantee covered by this agreement; for costs of work performed by subcontractors for the Grantee provided that such subcontracts have been approved as provided herein; or for each full day of services performed where compensation is based on each full day of services performed, less payment of compensation previously made. The Grantee repays to the Agency any compensation the Grantee has received which is in excess of the payment to which he is entitled herein.

**Termination for Cause:** If, through any cause, the Grantee fails to fulfill in timely and proper manner the obligations under this agreement, the Agency thereupon has the right to terminate this contract by giving written notice to the Grantee of such termination and specifying the reason thereof and the effective date thereof. In that event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports prepared by the Grantee, at the option of the Agency, be submitted to the Agency, and the Grantee is entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials. The Grantee is not relieved of liability to the Agency for damages sustained by the Agency by virtue of any breach of this agreement, and the Agency may withhold payment to the Grantee for the purpose of set off until such time as the exact amount of damages due the Agency from such breach can be determined.

**Waiver of Default:** Waiver by the Agency of any default or breach in compliance with the terms of this Contract by the Grantee is not a waiver of any subsequent default or breach and is not a modification of the terms of this Contract unless stated to be such in writing, signed by an authorized representative of the Agency and the Grantee and attached to the contract.

**Availability of Funds:** The parties to this Contract agree and understand that the payment of the sums specified in this Contract is dependent and contingent upon and subject to the appropriation, allocation, and availability of funds for this purpose to the Agency.

**Force Majeure:** Neither party is in default of its obligations hereunder if it is prevented from performing such obligations by any act of war, hostile foreign action, nuclear explosion, riot, strikes, civil insurrection, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.

**Survival of Promises:** All promises, requirements, terms, conditions, provisions, representations, guarantees, and warranties contained herein shall survive the contract expiration or termination date unless specifically provided otherwise herein, or unless superseded by applicable Federal or State statutes of limitation.

### Intellectual Property Rights

**Copyrights and Ownership of Deliverables:** Any and all copyrights resulting from work under this agreement shall belong to the Grantee. The Grantee hereby grants to the North Carolina Department of Environmental Quality a royalty-free, non-exclusive, paid-up license to use, publish and distribute results of work under this agreement for North Carolina State Government purposes only.

### Compliance with Applicable Laws

**Compliance with Laws:** The Grantee understands and agrees that it is subject to compliance with all laws, ordinances, codes, rules, regulations, and licensing requirements that are applicable to the conduct of its business, including those of federal, state, and local agencies having jurisdiction and/or authority.

**Equal Employment Opportunity:** The Grantee understands and agrees that it is subject to compliance with all Federal and State laws relating to equal employment opportunity.

### Confidentiality

**Confidentiality:** As authorized by law, the Grantee keeps confidential any information, data, instruments, documents, studies or reports given to or prepared or assembled by the Grantee under this agreement and does not divulge or make them available to any individual or organization without the prior written approval of the Agency. The Grantee acknowledges that in receiving, storing, processing or otherwise dealing with any confidential information it will safeguard and not further disclose the information except as otherwise provided in this Contract or without the prior written approval of the Agency.

### Oversight

**Access to Persons and Records:** The State Auditor and the using agency's internal auditors shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions in accordance with General Statute 147-64.7 and Session Law 2010-194, Section 21 (i.e., the State Auditors and internal auditors may audit the records of the contractor during the term of the contract to verify accounts and data affecting fees or performance). The Contractor shall retain all records for a period of six (6) years

following completion of the contract or until any audits begun during this period are completed and findings resolved, whichever is later.

**Record Retention:** The Grantee may not destroy, purge or dispose of records without the express written consent of the Agency. State basic records retention policy requires all grant records to be retained for a minimum of six (6) years or until all audit exceptions have been resolved, whichever is longer. If the contract is subject to Federal policy and regulations, record retention may be longer than six (6) years since records must be retained for a period of three years following submission of the final Federal Financial Status Report, if applicable, or three years following the submission of a revised final Federal Financial Status Report. Also, if any litigation, claim, negotiation, audit, disallowance action, or other action involving this Contract has started before expiration of the six (6) year retention period described above, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular six (6) year period described above, whichever is later.

**Time Records:** The GRANTEE will maintain records of the time and effort of each employee receiving compensation from this contract, in accordance with the appropriate OMB circular.

### Miscellaneous

**Choice of Law:** The validity of this Contract and any of its terms or provisions, as well as the rights and duties of the parties to this Contract, are governed by the laws of North Carolina. The Grantee, by signing this Contract, agrees and submits, solely for matters concerning this Contract, to the exclusive jurisdiction of the courts of North Carolina and agrees, solely for such purpose, that the exclusive venue for any legal proceedings shall be Wake County, North Carolina. The place of this Contract and all transactions and agreements relating to it, and their situs and forum, shall be Wake County, North Carolina, where all matters, whether sounding in contract or tort, relating to the validity, construction, interpretation, and enforcement shall be determined.

**Amendment:** This Contract may not be amended orally or by performance. Any amendment must be made in written form and executed by duly authorized representatives of the Agency and the Grantee.

**Severability:** In the event that a court of competent jurisdiction holds that a provision or requirement of this Contract violates any applicable law, each such provision or requirement shall continue to be enforced to the extent it is not in violation of law or is not otherwise unenforceable and all other provisions and requirements of this Contract shall remain in full force and effect.

**Headings:** The Section and Paragraph headings in these General Terms and Conditions are not material parts of the agreement and should not be used to construe the meaning thereof.

**Time of the Essence:** Time is of the essence in the performance of this Contract.

**Care of Property:** The Grantee agrees that it is responsible for the proper custody and care of any State owned property furnished him for use in connection with the performance of his contract and will reimburse the State for its loss or damage.

Ownership of equipment purchased under this contract rests with the Grantee. Upon approval of the Agency Contract Administrator, such equipment may be retained by the Grantee for the time the Grantee continues to provide services begun under this contract.

**Travel Expenses:** All travel, lodging, and subsistence costs are included in the contract total and no additional payments will be made in excess of the contract amount indicated in above. Contractor must adhere to the travel, lodging and subsistence rates established in the Budget Manual for the State of North Carolina.

**Sales/Use Tax Refunds:** If eligible, the Grantee and all sub-grantees shall: (a) ask the North Carolina Department of Revenue for a refund of all sales and use taxes paid by them in the performance of this Contract, pursuant to G.S. 105-164.14; and (b) exclude all refundable sales and use taxes from all reportable expenditures before the expenses are entered in their reimbursement reports.

**Advertising:** The Grantee may not use the award of this Contract as a part of any news release or commercial advertising.

**Recycled Paper:** The Grantee ensures that all publications produced as a result of this contract are printed double-sided on recycled paper.

**Sovereign Immunity:** The Agency does not waive its sovereign immunity by entering into this contract and fully retains all immunities and defenses provided by law with respect to any action based on this contract.

**Gratuities, Kickbacks or Contingency Fee(s):** The parties certify and warrant that no gratuities, kickbacks or contingency fee(s) are paid in connection with this contract, nor are any fees, commissions, gifts or other considerations made contingent upon the award of this contract.

**Lobbying:** The Grantee certifies that it (a) has neither used nor will use any appropriated funds for payments to lobbyist; (b) will disclose the name, address, payment details, and purpose of any agreement with lobbyists whom the Grantee or its sub-tier contractor(s) or sub-grantee(s) will pay with profits or non-appropriated funds on or after December 22, 1989; and (c) will file quarterly updates about the use of lobbyists if material changes occur in their use.

**By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32:** It is unlawful for any vendor or contractor ( i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Natural and Cultural Resources, Environmental Quality, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor). This prohibition covers those vendors and contractors who:

- (1) have a contract with a governmental agency; or
- (2) have performed under such a contract within the past year; or
- (3) anticipate bidding on such a contract in the future.

For additional information regarding the specific requirements and exemptions, vendors and contractors are encouraged to review Executive Order 24 and G.S. Sec. 133-32.

Executive Order 24 also encouraged and invited other State Agencies to implement the requirements and prohibitions of the Executive Order to their agencies. Vendors and contractors should contact other State Agencies to determine if those agencies have adopted Executive Order 24.”

# N.C. Division of Water Resources

## Water Resources Development Grant Program – State&Local Spring 2019 Guidelines

**Administered by:** Division of Water Resources (DWR), N.C. Department of Environmental Quality (DEQ), 1611 Mail Service Center, Raleigh, N.C., 27699-1611. Contact Amin Davis at [amin.davis@ncdenr.gov](mailto:amin.davis@ncdenr.gov) or (919) 707-9132.

**Authority:** DWR is authorized to provide grants to local governments for water resources development projects by General Statutes 143-215.70-.73 and 15A NCAC 02G .0100. These statutes can be viewed online at the following web addresses:

<http://www.ncleg.net/gascripts/Statutes/StatutesTOC.pl?Chapter=0143>

<http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2002%20-%20environmental%20management/subchapter%20g/subchapter%20g%20rules.pdf>

**Who is Eligible:** Units of local government and local political subdivisions.

**Application Deadlines:** Applications are received throughout the year for two standard grant cycles for all non-navigation projects listed below. The spring 2019 grant cycle began January 1 and will end June 30. The fall 2019 grant cycle will begin July 1 and will end December 31. **Any complete application submittals that are not received by these dates will not be eligible for review and funding for this application review cycle.**

**Eligible Purposes and Cost-Share Percentages:** The department may provide state funds in amounts not to exceed the percentages stated in G.S. 143-215.71 of either the non-federal costs (in the case of a federal agency project) or the total costs (in the case of a project not receiving federal funds). The General Assembly placed a 50% cost-share maximum on Water Resources Development Grant awards during their 2011 session. This limit will remain in place until rescinded by the General Assembly. Navigation and Natural Resources Conservation Service's Environmental Quality Incentives Program (NRCS-EQIP) stream restoration projects may be funded at a different percentage depending on the funding source. DWR can issue grants for the non-federal share of water resources development projects for the following purposes: Based on limited annual funding received for grant awards statewide, Applicants are generally encouraged to not exceed a \$200,000 funding request; however larger awards are allowed. **Additionally, it is recommended that Administrative costs not exceed 10% of the total project budget.** Grants may be made for the nonfederal share of water resources development projects for the following purposes:

- **Stream Restoration:** Restoration or stabilization of degraded streams & shorelines, aquatic barrier removals, etc.
- **Water Management:** Stormwater control measures, drainage, flood control, hydrologic restoration, etc.
- **Water-based Recreation Sites:** Greenways/Boardwalks, Paddle Access, Fishing Docks/Piers; land acquisition for water based recreation.
- **Preliminary Feasibility or Engineering Study:** towards implementation of one of the four eligible categories listed here.
- **NRCS Environmental Quality Incentives Program (EQIP) Stream Restoration Projects**
  - See *NRCS EQIP Grant Guidelines* document on grant's website below for details.



Please contact Amin Davis ([amin.davis@ncdenr.gov](mailto:amin.davis@ncdenr.gov)) for questions regarding projects listed above. Funding is also available through Water Resources Development Grant awards for dredging projects associated with General and Recreational Navigation. Applicants should contact Coley Cordeiro ([Coley.Cordeiro@ncdenr.gov](mailto:Coley.Cordeiro@ncdenr.gov)) for more information about the guidelines, eligibility and application process for these projects.

**Project Eligibility:** Projects planned and constructed by a federal agency with a local cost-share and projects without federal assistance are both eligible for state financial assistance provided that the applicant is a unit of local government. **Non-eligible purposes include projects directly associated with meeting an existing permit requirement (i.e., NPDES Phase I and Phase II Stormwater), generating nutrient credits, environmental regulatory enforcement actions and small watershed projects of the NRCS (reviewed by the N.C. Soil and Water Conservation Commission). Compensatory mitigation projects and the generation of compensatory mitigation credits for impacts to aquatic resources per the Federal Mitigation Rule (33 CFR Part 332) are non-eligible purposes.** Compensatory mitigation projects can be located directly adjacent to an eligible project for the purposes of achieving maximum ecological benefit. Should a compensatory mitigation project be conducted on land previously acquired using DWR grant funds the mitigation project sponsor shall reimburse either DWR or its grantee for the full value, plus appreciation, of the DWR investment in that portion of the land to be used for compensatory mitigation to ensure that DWR does not directly or indirectly subsidize the mitigation project.

**Pre-Application Site Visit:** A pre-application site visit shall be scheduled with the DWR Grant Administrator (or designee) to gather additional information regarding a proposed project to assist DWR in determining if the project meets the applicable review criteria listed in GS §143-215.72. **This site visit shall be scheduled with DWR prior to the end of the grant application cycle if possible. A scaled conceptual project plan map and brief project narrative shall be provided to the DWR Grant Administrator prior to this site visit. For greenway/trail projects, applicants are encouraged to flag proposed alignments if not in obvious rights-of-ways prior to a site visit.**

The primary objectives of this site visit are: 1.) for the DWR Grant Administrator (or designee) to address any questions or concerns the project team may have about this grant program; 2) for the project team to share with the DWR Grant Administrator (or designee) information about the conceptual restoration plans associated with a proposed project, and 3.) for the DWR Grant Administrator (or designee) to photo-document the project area to facilitate the application review process.

### **Application Submittal**

An application for Water Resources Development Grant funding shall include information about the five items listed below to be considered complete. Additional supplementary documentation (reports, photos, etc.) are not required but can be provided as separate attachments via email. The most recent versions of all required forms and grant information shall be used and can be found at the following website: <https://deq.nc.gov/about/divisions/water-resources/water-resources-grants/financial-assistance>. Please check this website frequently for updates.

**I. Application Spreadsheet (MS Excel) – The most recent version of the application spreadsheet shall be used.** All applications should include the appropriate project information in the designated sheets including contacts, general information, narratives, treatment amounts, benefits, budget, and budget in-kind notes. Detailed instructions about how to complete this application are provided on the *Instructions* sheet of this spreadsheet.

The project narrative shall begin with a statement outlining the overall project scope (what is being proposed), followed by the project justification (why it is being proposed). For stream restoration projects, a brief description of how the proposed stream treatments will mitigate the documented stream impairments shall be included. **Information about proposed riparian buffers (minimum/maximum or average proposed widths) and stream crossings shall also be provided. For Preliminary Feasibility or Engineering Studies, a brief letter on the Applicant’s official letterhead shall be provided** that clearly states: 1.) the primary purpose and objective(s) of this Study, 2.) the Applicant’s intention to implement an associated WRDG-eligible project resulting from this Study, and 3.) the estimated project implementation timeline after completion of this Study. Studies may be used to more accurately determine project costs, benefits and/or scale of development.

**The application budget will serve as the basis for the financial administration of the grant contract and reimbursement requests for projects that are awarded funding. Applicants shall list all sources of *Non-Federal* funding contributions, (i.e., other grant funding sources) that are not considered *Local Match* to minimize the potential for duplicative funding for identical work activities associated with a single project. The complete application will be included in the DEQ contract documentation; therefore it is very important that its contents are accurate and complete.**

**II. Project Plan and Location Maps** – A minimum of two scaled maps is required. The first map shall include the project footprint delineated on a USGS topographic quadrangle map or overlain on recent aerial photography. This map shall be at a small scale (zoomed out) to show the project area within the context of a watershed, county or region. The second map shall be a conceptual plan that describes the location of project elements listed in the project narrative. This map shall be larger scale (zoomed in) to show greater detail within the immediate project area. 30% project design drawings shall also be provided if available.

**III. Official Resolution** - The Applicant shall include a resolution adopted by the governing board stating the amount of state aid requested and accepting the applicant's responsibilities. A representative of the Project Sponsor with signatory authority shall sign this resolution. An Official Resolution template is available for download from our grant [website](#). In most circumstances the responsibilities listed below shall be included in the Official Resolution. However, this resolution template can be adapted to fit the unique circumstances of a specific project. **Written justification shall be provided to DWR for any responsibilities listed below that are not included in the Official Resolution.**

1. Assume full obligation for payment of the balance of project costs.
2. Obtain all necessary state and federal environmental permits.
3. Comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
4. Supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction in accordance with approved plans and specifications.
5. Obtain appropriate easements, rights-of-way or suitable spoil disposal areas that may be necessary for the construction and operation of the project without cost or obligation to the State.
6. Assure that the project is open for use by the public on an equal basis with limited restrictions (if on public property).
7. Hold the state harmless for any damages that may result from the construction, operation, and maintenance of the project.
8. Accept responsibility for operation and long-term maintenance of the completed project.

*\* For “Feasibility / Engineering Study Grants” only Items 1 and 3 are required in the Resolution. See Study Resolution Template located on our [website](#).*

**IV. No Conflict of Interest Certification** – Applicants must provide certification that the applicant, applicant’s subordinates and any person or persons designated to act on behalf of the applicant do not have an actual or apparent conflict of interest with respect to the project. A representative of the Project Sponsor with signatory authority shall sign this certification.

**V. Supplementary Documentation** – Additional supplementary documentation (reports, photos, letters of support, etc.) is not required but can be provided as separate attachments via email as part of the application submittal.

Application submittal documents shall be emailed to [amin.davis@ncdenr.gov](mailto:amin.davis@ncdenr.gov) by the close of business of the last day of the application cycle. **If an application is submitted by a non-governmental organization (non-profit, consultant, etc.) on behalf of an eligible unit of local government, a staff person of that eligible unit of local government must be copied on the email submittal and all subsequent application-related correspondence.**

**Note: It is the Applicant’s responsibility to ensure their application is accurate and complete at the time of submission to DWR. Any application errors or modifications must be submitted by the Applicant to DWR within one month of the end of the Application Cycle in which the application was submitted. Erroneous or incomplete application information can also lead to significant delays with the issuance of a DEQ Contract should the project be recommended for grant funding.**

**DWR may not be able to grant requests for additional funding caused by inaccurate or incomplete information provided in the application or project budget. Any changes to the original project budget and/or project scope submitted with the application will require the prior written approval of DWR. Unapproved changes to the project scope or budget throughout the course of a project will not be eligible for cost-share funding or reimbursement.**

### **Grant Application Review and Approval**

**The following criteria will be used to approve, approve in part, or disapprove grant applications:**

1. The economic, social, and environmental benefits to be provided by the projects;
2. Regional benefits of projects to an area greater than the area under the jurisdiction of the local sponsoring entity;
3. The financial resources of the local sponsoring entity;
4. The environmental impact of the project;
5. Any direct benefit to State-owned lands and properties.

#### **Applicant Obligation – Environmental Permitting**

All proposed projects are subject to environmental review and permitting under applicable federal and state laws. It is the applicant’s responsibility to prepare, provide and remain in compliance with all applicable environmental permitting requirements associated with project implementation.

#### **Review Decisions**

**This is a competitive grant program due to limited funding availability. The grant’s review criteria is contained within the *Benefits & Evaluation Criteria* sheet of the application form. A multi-agency review team comprised of various subject-matter experts reviews each application to assist the DWR Grant Administrator and Division Director with establish funding priorities. Applications that receive a total cumulative review team score of less than 50% will not be recommended for funding.**

Review decisions and notifications for applications received during the spring application cycle are generally made in October. Review decisions and award notifications for applications received during the fall application cycle are generally made in April of the next calendar year. However, unforeseen circumstances such as legislative, policy or funding allocation changes may delay award notifications.

**Projects Not Awarded Funding**

Applicants who are not awarded funding within one calendar year from the end date of the grant cycle in which their application was originally submitted must complete and submit a new application to DWR if they wish to re-apply for funding consideration. A new application submittal will also be required if there have been changes to the project scope or budget. The spring grant cycle ends on June 30<sup>th</sup> and the fall cycle ends on December 31<sup>st</sup> of each year.

**Post Grant Funding Award**

Acceptance of a grant award will require the applicant to enter in to a grant contract with DEQ. A DEQ grant contract is considered ‘fully-executed’ once it has been signed by both a signatory authority of the Grantee and DEQ Financial Services. A copy of the fully-executed contract shall be provided to the Grantee after being signed by DEQ. No portion of work or expenditure of funds for the project, plan or services shall begin prior to receiving a fully-executed contract from DEQ. **Contracts are valid for two years from the date the contract document is sent to grant recipient for contract execution.**

**Contract Modifications**

**Any changes to the project’s scope, budget or duration after a contract has been fully-executed will require the written approval from the DWR Grant Administrator and may also require a DEQ contract amendment.** Typical changes that require a contract modification are listed below.

**Project Scope/Budget Changes:** The minimum information that shall be supplied to the Grant Administrator for consideration includes a justification for any proposed changes, revised scope of work narrative, and a revised budget. Unapproved changes to the project scope or budget shall not be eligible for, and may result in additional reductions to, cost-share funding or reimbursement.

**Extension Requests:** Grant recipients can submit an extension request for one additional year beyond the grant expiration date if progress toward project completion can be sufficiently documented. An extension request shall be submitted at least 45 days prior to the DEQ contract expiration date by the project sponsor or primary contact via email in a cover letter on official agency letterhead. This request shall include a justification statement, current project status update and anticipated project schedule moving forward.

Any documentation associated with a contract modification should be submitted electronically to [Amin.Davis@ncdenr.gov](mailto:Amin.Davis@ncdenr.gov).

**Grant Reimbursement Payments**

The grant award amount is the maximum possible reimbursement amount. Only expenditures incurred after a fully-executed contract has been issued that are detailed in the contract budget are eligible for reimbursement. Allowable expenditures are expenditures associated with the work performed for a specific invoicing cycle that are in accordance with the DWR-approved application budget sheet for the project. **Reimbursement requests can be submitted no more frequently than monthly but must be submitted at least quarterly.** DWR will normally pay the Grantee by check or electronically within 30 days of receipt of a complete reimbursement payment request, provided the expenses are in accordance with the budget/contract, or as amended. If the Grantee decides that significant changes to a project’s scope from that in the original application are necessary, the Grantee must send a request in writing to the DWR Grant

Administrator and receive approval of those changes. Unapproved changes will not be eligible for state cost-sharing. **For additional information, please see the *Reimbursement Instructions* document on our [website](#).**

**Reimbursement requests shall include:**

1. A Cover Memo/Letter signed and dated on the Grantee’s official letterhead that lists:
  - a) DEQ Contract Number
  - b) total amount of the reimbursement request
  - c) actual cost (expenses) by approved budget categories
  - d) total amount spent on the project to date
  
2. Copies of subcontractor invoices or other documentation of materials, services and other project costs listed on the subcontractor’s letterhead.
  
3. A completed *Reimbursement Tracking Summary* spreadsheet.

**The reimbursement request and supporting documentation should be submitted electronically to [Amin.Davis@ncdenr.gov](mailto:Amin.Davis@ncdenr.gov).** DWR will retain 10% of the total grant award amount until after the final project has been inspected and accepted by DWR staff.

**\*\* An example reimbursement summary table is provided as *Attachment 1* at the end of this document.**

**Requests For Additional Funding**

Grant recipients can submit a request for additional funding consideration to DWR for a maximum of 25% of total project costs, not to exceed \$100,000. This request shall be submitted by the project sponsor or primary contact on a cover letter with official agency letterhead via email. The following information shall be submitted by the Grantee to DWR for additional funding consideration:

- a narrative describing the circumstances/need for an increased funding award, summary of current project status and anticipated project implementation schedule.
- copies of all subcontractor invoices for design, permitting, surveying, construction, construction oversight and project administration.

DWR will review this information and respond to the Grantee with a decision regarding increased funding within 30 calendar days. Funding increases are subject to the availability of funds and to DWR’s actual cost reimbursement policy. **DWR may not be able to grant requests for additional funding caused by inaccurate or incomplete information in the application or project budget provided by the Applicant or Co-Applicant.**

**Project Close-Out**

**The Grantee shall notify the DWR Grant Administrator upon project completion and provide DWR with a scaled version of the most recent set of permit, as-built/record or construction drawings electronically in an Adobe PDF format prior to the close-out site visit.** Applicants who are awarded funding for Feasibility/Engineering Studies shall provide DWR with the associated summary report(s) and deliverables in an electronic format.

The DWR Grant Administrator may schedule a close-out inspection of the completed project with a representative of the Grantee. However, DWR may also substitute its personnel with that of other state or federal agencies that are located closer to the project to minimize the state's costs. This inspection will verify that the project was implemented in accordance with the information provided in the grant application, DEQ contract (including amendments, if applicable) and approved plans/specifications.

The Grantee shall address any remedial or compliance actions identified during this close out inspection prior to DWR project acceptance. After the project is inspected and accepted, DWR will review the accounting statements and request DEQ to reimburse the Grantee for the remaining 10% of the department's share of the non-federal cost.

**Attachment 1 – Grant Reimbursement Example for 50/50 Match**

**Project Cost:** \$100,000  
**Federal Cost Share:** \$50,000  
**Non-Federal Cost Share:** \$25,000  
**DWR Grant Award:** \$25,000

Invoice #1	Administration	Design	Permitting	Construction Oversight	Construction
Amount	\$200.00	\$4,800.00	\$2,000.00		

Total Expenditure	\$7,000.00
50% Reimbursement	\$3,500.00
Payment Amount	\$3,500.00

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Invoice #2	Administration	Design	Permitting	Construction Oversight	Construction
Amount	\$250.00			\$750.00	\$29,000.00

Total Expenditure	\$30,000.00
50% Reimbursement	\$15,000.00
Payment Amount	\$15,000.00

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Invoice #3	Administration	Design	Permitting	Construction Oversight	Construction
Amount	\$250.00			\$1,000.00	\$47,000.00

Total Expenditure	\$48,250.00
Remaining DWR Grant Amount	\$6,500.00
10% Withholding	\$2,500.00
Payment Amount	\$4,000.00

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Payments	Amount
#1	\$3,500.00
#2	\$15,000.00
#3	\$4,000.00
#4 (Post close-out)	\$2,500.00
<b>Total DWR Payment</b>	<b>\$25,000.00</b>

## 2019 EQIP/RCPP Guidelines for Natural Stream Channel Work

### *580 – Streambank and Shoreline Protection – Bioengineered Scenario*

This is the most common 580 scenario that will be contracted when grading and installing woody vegetation on stream banks. This scenario would include bank grading and woody vegetation establishment (live stakes, plugs, rooted material, potted material, etc.) so do not plan 342 – Critical Area Planting *below the top of bank grading*. Also, do not plan 484 – Mulching where 580 is implemented since the cost of matting is included in the Financial Assistance (FA) rate.

584 – Channel Bed Stabilization - Structural scenario will be commonly contracted for in-stream structures alongside 580 Bioengineered. The 580 Bioengineered scenario includes any of the following:

- Benching/grading with Erosion Control Matting
- Tree Revetments
- Toe Wood
- Brush Toe
- Root Wads
- Vegetated Geogrids

The 580 Bioengineered scenario would not include the following:

- Structures in the channel (log or rock vanes, cross-vanes, wing deflectors, toe boulders, etc.). Contract 584 for in-stream structures.

This 580 Bioengineered scenario will be measured by the linear foot (LF) of bank treated. If both banks on a 100 LF reach of stream are treated then measure 200 LF of this practice. This can be applied on one or both banks.

FA is quantified by the square foot (ft<sup>2</sup>). To convert from linear feet to square feet for this scenario, multiply the linear feet treated by 20 to get square feet. Example: 1,000 LF = 20,000 ft<sup>2</sup>



### *580 – Streambank and Shoreline Protection – Structural Scenario*

This 580 scenario may be contracted when installing rock structures for bank protection that do not meet the requirements of NRCS Practice Standard 584 - Channel Bed Stabilization (do not alter channel dimension or profile). The 580 Structural scenario may include any of the following:

- Rock vanes
- Rock spurs
- Boulder toe
- Any structural bank protection measures that do not alter channel dimension or profile.

The 580 Structural scenario will be measured by the ton of rock installed, therefore wood structures are not measurable. This scenario can be applied on one or both banks. There is no conversion factor for FA quantities.

Do not apply 580 Structural on any section of stream where Practice 584 is planned. These two practices must not overlap.

Do not apply 580 Structural and 580 Bioengineered on the same linear footage of stream bank.

## 584 - Channel Bed Stabilization

### Structural - J-Hook, Cross-Vane, etc. Requiring Boulders Scenario

This practice may be used for installing rock or wood structures using natural stream channel design when the work meets NRCS Practice Standard 584 - Channel Bed Stabilization. To meet Practice Standard 584 channel dimension and profile will be altered in order to stabilize the system. This scenario does not include bank grading and woody vegetation establishment. Plan 580 Bioengineered as described on the first page for bank grading, matting, and vegetation establishment.

The 584 Structural scenario may include any of the following boulder, log, or combination structures:

- J-Hooks
- Cross-vanes
- Step-pool sequences
- Wing Deflectors
- Brush runs
- Constructed riffle structures installed for the purpose of correcting dimension or profile

This scenario would not include bank grading and shaping, which is covered under 580 – Streambank and Shoreline Protection – Bioengineered Scenario, therefore 580 may be planned according to this guidance document along the same footage of stream where 584 is applied.

For natural channel design where aquatic habitat will be significantly enhanced through implementation of this practice, consider planning 395 – Stream Habitat Improvement – Rock and Wood Scenario along with 584.

This scenario will be measured by the linear foot of channel bed stabilized. Measurement will be from the upstream to downstream extent of the hydraulic effect of the structure(s) installed. Units are in stream length (do not double for both banks).

The length of 584 applied for a structure with up and/or downstream hydraulic influence and bank protection beyond grade control (J-Hook, Cross-Vane, Wing Deflector – downstream arm only, log vane, arch structure, some constructed runs, etc.) will be measured along the plan view as 1.5 times the length of the structure upstream and downstream plus the length of the structure itself along the bank. A series of structures may have overlapping effects and therefore will be measured from the upstream extent of the effect of the upstream structure to the downstream extent of the effect of the downstream structure. Constructed riffles (for the purpose of profile stabilization) and interlocking step-pool structures will be measured by the length of the actual structure with no upstream or downstream effect *no matter how far up or downstream the structure affects the water surface profile.*

FA is quantified by the cubic yard (CY). To convert from linear feet to cubic yards for this scenario, multiply the linear feet treated by 0.5 to get cubic yards. Example: 1,000 LF = 500 CY

### ***395 – Stream Habitat Improvement – Rock and Wood Structures Scenario***

This practice may be planned where habitat enhancement features will be installed in the stream channel. The Rock and Wood Scenario would be the only scenario offered because the majority of this practice incorporates both materials.

395 may be contracted on the same linear feet of stream as 580 and 584 if the habitat enhancement features are *separate and distinct* from those features installed to stabilize the streambanks and channel bed. Habitat enhancement features shall be installed throughout the contracted reach with a minimum of one habitat enhancing feature in 50% of pools and/or riffles. Examples of habitat enhancement features include boulder clusters, cover logs, and other fish holding structures. Design report shall include applicable items found in current NRCS Conservation Practice Standard 395, PLANS AND SPECIFICATIONS section. Design drawings must show details and locations of planned enhancement features. Installation of habitat enhancement features may not be possible on smaller tributaries therefore should not be planned.

Payment will be calculated by the reach length x design riffle bankfull width. Reach length is defined from the most upstream enhancement structure to the most downstream enhancement structure if these structures are installed throughout the reach.

***On completing the CPA 52:***

**SECTION F: RESOURCE CONCERNS**

Under Animals; INADEQUATE HABITAT FOR FISH AND WILDLIFE. Use the drop down button and select: "Habitat Degradation"

**SECTION I: Effects of Alternatives;** You should pick at least two sections: the NO Action column and Alternative 1. In the NO action column, describe what will happen if we do nothing and damage continues, destroying habitat, etc.

In Alternative I, describe what will be done with EQIP contract work; List practice 395- Stream Habitat Improvement here; list what tool was used to access the resource here: SVAP. Show what the SVAP score was here to indicate Poor or Fair condition that we were treating. List if possible what the score will be with improvement after 395 is implemented. Be descriptive, show amounts, tons of sediment, etc. This justifies our expenditure of federal funds to improve and protect.

FA is quantified by the acre. To convert from linear feet to acres for this scenario, multiply the linear feet applied by the riffle bankfull width of the stream to get acres.

## *578 – Stream Crossing*

### *Low Water Crossing Scenario*

This 578 scenario should be planned where a standard cloth and gravel ford type crossing is needed, and is the preferred type of stream crossing for most projects. If the stream bed is coarse, cloth and gravel may not be needed in the stream bed portion of the crossing. If this is the case, do not count the square footage of the crossing in the stream bed toward the contract. This practice is measure by the square foot.

### *Culvert Installation Scenario*

This 578 scenario should be planned for any size and type of culvert unless the intent of the culvert is to meet the 396 Aquatic Organism Passage. If 396 is the goal please contact the Area Office staff for guidance. Quantity is based on diameter (inches) of the culvert x length (feet) of culvert; (ex. 30" culvert that is 40' long = 30 x 40 = 1200 in-ft.).

\* Note – Contact Area Office Staff if any barrier to aquatic organism movement exists (dam, perched culvert, etc.) to see if any practice scenario is applicable to remove the barrier.

## *572 – Spoil Spreading Scenario*

This practice may be planned when significant amounts of spoil are generated on projects with high banks. The practice is measured by the cubic yards of spoil generated from bank grading/benching that must be moved away from the stream corridor and stabilized. Do not plan this practice for any other earth moving activities other than bank excavation and spoil disposal. This practice is measured by the cubic yards of earth moved. Plan 342 Critical Area Planting along with this practice to stabilize the spoil.

## *342 – Critical Area Planting – Native and Introduced Vegetation – Moderate Grading Scenario*

This practice will be implemented to establish herbaceous cover over areas disturbed during construction activities. Do not plan this item below top of bank where 580 is applied. This practice is measured by the acre.

### *612 – Tree/Shrub Establishment – Hand plant bare root hardwoods, no tubes Scenario*

This practice will be implemented to establish a woody vegetative buffer on the terrace/floodplain. Approximate planting spacing is 12'x12' grid. Do not plan this item below top of bank where 580 is applied. Use when a buffer with an average width of less than 35 feet will be established. This practice is measured by the acre.

### *612 – Tree/Shrub Establishment – Hand plant bare root hardwoods, with tubes, 300 per acre Scenario*

This practice will be implemented to establish a woody vegetative buffer on the terrace/floodplain where wildlife or other concerns validate the need for tubes on the plantings. Approximate planting spacing is 12'x12' grid. Do not plan this item below top of bank where 580 is applied. Use when a buffer with an average width of less than 35 feet will be established. This practice is measured by the acre.

### *391 – Riparian Forest Buffer – Bare root shrubs, 300 per acre, no tubes Scenario*

This practice will be implemented to establish a woody vegetative buffer on the terrace/floodplain where the **average width will be equal to or greater than 35 feet**. Approximate planting spacing is 12'x12' grid. Do not plan this item below top of bank where 580 is applied. This practice is measured by the acre.

### *391 – Riparian Forest Buffer – Bare root hardwoods, 300 per acre, with tubes Scenario*

This practice will be implemented to establish a woody vegetative buffer on the terrace/floodplain where the **average width will be equal to or greater than 35 feet** and where wildlife or other concerns validate the need for tubes on the plantings. Approximate planting spacing is 12'x12' grid. Do not plan this item below top of bank where 580 is applied. This practice is measured by the acre.

### ***390 – Riparian Herbaceous Buffer – Pollinator Habitat***

This practice will be implemented to establish pollinator habitat enhancement as a component of the vegetated stream buffer. There is no minimum width unless this practice is implemented specifically to maintain or improve water quality (ex. filter from concentrated livestock area, excessive erosion from crop field, or other identified source of pollution). If the practice is installed primarily to maintain or improve water quality then minimum buffer width shall be increased to 2.5 times stream bank full width.

This practice is measured by the acre. Do not plan 342, 612, or 391 on the same acreage as this practice.

Additional requirements: A minimum of nine (9) species MUST be included in the planting specification. Only two (2) grasses may be included in the prescribed seeding mix. At least three (3) species shall have their primary blooming period during each of the following time frames: Period 1: April 1 – June 15; Period 2: June 15 – July 31; Period 3: August 1 – October 31. The Planting Specification Worksheet and Native Pollinator Seed List OR a list that has been developed by an appropriate experienced professional (e.g., wildlife biologist, biologist, WRC biologist, entomologist, etc.; if in question, please contact the NRCS State Biologist) can be utilized to identify appropriate species for the site.

### ***484 – Mulching – Erosion Control Blanket Scenario***

This practice may be planned with 612 – Tree/Shrub Establishment or 391 – Riparian Forest Buffer. This practice could be used to mulch around desirable trees planted after removal of invasive plants on a section of stream bank with stable cross-section dimensions. Do not plan this practice on the same footage where 580 is planned. This practice is measure by the square footage of area treated.



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**SUBMITTER:** Lu Ann Welter **MEETING DATE:** February 4, 2021

**AGENDA SECTION:** Presentation Only **DEPARTMENT:** Human Resources

**TITLE OF ITEM, Presenter Name, Title:** Quarterly MVP Recipients – *John Connet, City Manager*

**SUGGESTED MOTION(S):** None

### SUMMARY:

The Service Excellence Design Team voted these employees as the MVPs for the October through December quarter of 2020.

**BUDGET IMPACT:** \$

**Is this expenditure approved in the current fiscal year budget?** NO

**If no, describe how it will be funded.**

**PROJECT NUMBER:** N/A

**PETITION NUMBER:** N/A

**ADDITIONAL PETITION NUMBER:** N/A

**PETITIONER NAME:** N/A

### ATTACHMENTS:

PowerPoint Presentation



# Quarterly MVPs

October – December 2020

The Service Excellence Design Team voted on the 24 employees who received an MVP and the following three received the highest votes.



### **Scott Chovan, Wastewater Treatment Plan**

One of our OSHA consultants requested a copy of the Chemical Hygiene Plan from the lab at the WWTP. A company he was working with needed some samples and sent them plans from Yale, Harvard and the Hendersonville WWTP. Scottie is to be commended for reaching the highest level of work in his field. Well done.



## **Tammy Ledford – Public Works**

There has never been an instance when Tammy has not gone above and beyond to help our department (Fire) with any issues. She is always kind, helpful, and efficient. She follows through to be sure any kind of repair or fix that is needed to maintain our safety and the maintenance of our buildings is taken care of as quickly as possible. We appreciate her very much and thank her for her hard work.



**(Brendan Shanahan & Travis Penland)** Brendan and Travis are responsible for the City receiving almost \$2 million in grants through the French Broad River MPO and \$376,000 in grants through the North Carolina Parks & Recreation Trust Fund. Grant applications are beyond their normal tasks, so it should be commended that they were able to complete other work and quickly put together a successful application. Brendan has managed the grant application process with such extreme professionalism and high level of detail that all our residents will benefit from it! Travis's maps have been key components in the grant processes! Thanks to Brendan and Travis for their outstanding work!





## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**SUBMITTER:** Lu Ann Welter **MEETING DATE:** February 4, 2021

**AGENDA SECTION:** Presentation Only **DEPARTMENT:** Human Resources

**TITLE OF ITEM, Presenter Name, Title:** MVP of the Year – *John Connet, City Manager*

**SUGGESTED MOTION(S):** None

### SUMMARY:

In 2020, 154 employees were nominated for MVP and each quarter three were chosen as Quarterly MVPs. From these, the Service Excellence Design Team selected Joreeca Dinnall as the MVP of the Year for 2020.

Responding to a call of damage to property, officers realized the juvenile was experiencing a mental health crisis. Once transported, Pardee was unable to make contract with the family, Officer Dinnall, off-duty, was able to contact the mother and alert her to the situation. Following the incident, Officer Dinnall spent a considerable amount of time working with the juvenile and the family to seek the appropriate treatment.

The juvenile needed to be transported to Mission Hospital in Asheville but was unwilling to ride with anyone except Officer Dinnall. Officer Dinnall immediately responded in her personal vehicle and not only transported the juvenile to Mission but stayed with him and his family until he was admitted. Officer Dinnall went above and beyond leaving her family to help a family in crisis obtain the care he needed.

Officer Dinnall will receive \$500 and her name added to the MVP of the Year plaque.

**BUDGET IMPACT:** \$

**Is this expenditure approved in the current fiscal year budget?** NO

**If no, describe how it will be funded.**

**PROJECT NUMBER:** N/A

**PETITION NUMBER:** N/A

**ADDITIONAL PETITION NUMBER:** N/A

**PETITIONER NAME:** N/A

**ATTACHMENTS:**



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**SUBMITTER:** Lew Holloway                      **MEETING DATE:** February 4<sup>th</sup>, 2021

**AGENDA SECTION:** Council Action,                      **DEPARTMENT:** Community Development

**TITLE OF ITEM, Presenter Name, Title:** The Cedars - 227 7<sup>th</sup> Avenue West: Conditional Zoning District – *Lew Holloway, Community Development Director*

**SUGGESTED MOTION(S): For Recommending Approval:**

I move the City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from CMU, Central Mixed Use to CMU CZD, Central Mixed Use Conditional Zoning District, based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the Published List of Uses and Conditions, finding that the rezoning is consistent with the Comprehensive Plan’s Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons:

[please state your reasons]

Suggested Categories for Reasons

- Comprehensive Plan consistency.
- Compatibility with surrounding uses.
- Changed conditions.
- Public interest.
- Public facilities.
- Effect on natural environment.

**For Recommending Denial:**

I move the City Council not adopt an ordinance rezoning the subject property for the following reasons:

[please state your reasons]

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**SUMMARY:**

The City is in receipt of a Conditional Rezoning application from Tom Shipman for the rehabilitation of one 4-story historic inn which totals 15,310 square feet and the development of two new 6 story plus basement garage buildings, one along the Buncombe St. edge of the property and the other along the Church St. edge of the property. Each of the buildings consists of a total of approximately 100,000 square feet of conditioned space, the Church Street building includes two levels of parking garage for at approximately 37,500 square feet while the Buncombe Street building includes one level of parking garage at approximately 18,750 square feet. In addition, an approximately 6,250 square foot atrium connects the three facilities. In total the project consists of nearly 235,000 square feet of conditioned space.

**BUDGET IMPACT:**    \$

**Is this expenditure approved in the current fiscal year budget? YES / NO**

**If no, describe how it will be funded.**

**PROJECT NUMBER:** N/A

**PETITION NUMBER:** N/A

**ADDITIONAL PETITION NUMBER:** N/A

**PETITIONER NAME:** N/A

**ATTACHMENTS:**

Community Development Staff Report

## Community Development Staff Report

**TO:** City Council

**FROM:** Community Development Department - Planning Division

**RE:** 227 7<sup>th</sup> Avenue West - The Cedars

**FILE #:** P20-09-CZD

**DATE:** January 7<sup>th</sup>, 2021

### PROJECT DESCRIPTION

The City is in receipt of a Conditional Rezoning application from Tom Shipman for the rehabilitation of one 4-story historic inn which totals 15,310 square feet and the development of two new 6 story plus basement garage buildings, one along the Buncombe St. edge of the property and the other along the Church St. edge of the property. Each of the buildings consists of a total of approximately 100,000 square feet of conditioned space, the Church Street building includes two levels of parking garage for at approximately 37,500 square feet while the Buncombe Street building includes one level of parking garage at approximately 18,750 square feet. In addition, an approximately 6,250 square foot atrium connects the three facilities. In total the project consists of nearly 235,000 square feet of conditioned space.

The project is being presented as a combined hotel/condominium development with 11 traditional hotel rooms in the historic inn and another 132 condo/hotel suites, 48 of which include a lock-outs, for a total of 180 potential rooms within the Buncombe and Church Street buildings. Additional amenities included in the project are conference center and restaurant facilities. The subject properties which are subject to the rezoning request are identified as parcel numbers 9568-79-3224, 9568-79-2254, 9568-79-0293 and 9568-79-0388; parcel # 9568-79-3224 is the current location of “The Chariot” event space, 9568-79-2254 includes a one-story frame house, 9568-79-0293 includes the historic Cedars Inn and 9568-79-0388 includes a 2 story house. The applicant is requesting to rezone the subject property from CMU, Central Central Mixed Use to CMU CZD, Central Mixed-Use Conditional Zoning District.

Mr. Shipman started the conditional rezoning process in April of 2020. Mr. Shipman participated in a neighborhood compatibility meeting held on May 26<sup>th</sup>, 2020. Following design development work, Mr. Shipman submitted a Preliminary Site Plan for staff and Planning Board review on November 20<sup>th</sup>, 2020.

## NEIGHBORHOOD COMPATIBILITY

Several people representing the public, development team and staff attended the meeting in person as well as virtually. The minutes from that neighborhood compatibility meeting are included as Appendix A in this staff report.

## PLANNING BOARD

The Planning Board took this matter up at its regular meeting on December 14<sup>th</sup>, 2020. The Planning Board voted 6-0 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville. Changing the zoning designation of the subject property from CMU Central Mixed Use District to CMU-CZD Central Mixed Use Conditional Zoning District based on the site plan submitted and subject to the limitations and conditions stipulated on the published list of uses and conditions, finding that the rezoning is consistent with the Comprehensive Plan, and that the rezoning is reasonable and in the public interest.

The list of conditions reviewed and recommended for adoption by the Planning Board are listed below:

- 1) *That the Schematic Site Plan be updated to reflect the required spot elevations and associated calculations to determine the “Average Grade.”*
  - a. *“Average Grade” to be established by identifying at least three spot elevations, measured at equal distances from each other and spaced no more than 50’ apart, along each façade of a building. The resultant spot elevations shall be added together and divided by the total number of spot elevations identified to determine the building’s “average grade.”*
    - i. *Spot elevations shall be measured within 2’ of the building foundation and reflect the proposed finished grade for the project.*
    - ii. *Spot elevations shall not be taken from berms or another fill which would artificially impact the site elevation.*
- 2) *That the “Elevations” provided as a component of the CZD application be amended to the height measured from the roof deck line on the mansard roofs.*
- 3) *With the “Average Grade” established as described above and the point of measurement for the height of the mansard roof adjusted, the building(s) then be shown to meet the 64’ height limitation.*
- 4) *That Ramey Kemp submit a technical memo or addendum to the TIA as a response to the comments which satisfies the concerns raised by the City’s Traffic Consultant.*
- 5) *That NCDOT driveway permits be obtained prior to Final Site Plan Approval.*



- 6) *That the proposed off-site parking lot be included in the schematic site plan and improved per the requirements of the Conditional Zoning District zoning and comprehensive plan standards and guidance.*
- 7) *That a combination of planters with elevations changes and a sidewalk widened to 8' be used to enhance the pedestrian experience along the Church Street edge of the project.*
- 8) *That the "Ballroom Patio" be better connected visually and via physical access to the sidewalk itself and that the area for pedestrian respite be integrated into this design solution.*
- 9) *Note those trees which will be preserved during the renovation and construction process on the schematic site plan. Include a note that preservation efforts will comply with the standards set forth in Section 15-4 of the Zoning Ordinance.*

### PROCESS GUIDELINES

In reviewing a rezoning request, staff, the Planning Board and City Council are tasked with reviewing the project to determine how it fits into our community based on our guiding planning documents. The specific categories of review are identified in Section 11-4 of the City's Zoning Ordinance, which highlights that the following factors shall be considered prior to adopting or disapproving an amendment to the City's Official Zoning Map:

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

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

## Rezoning Request Context Analysis

### COMPREHENSIVE PLAN STANDARDS

The subject property is classified as Urban Institutional on the 2030 Comprehensive Plan's Future Land Use Map. A site-specific section of the Future Land Use Map is included as Appendix C in this staff report.

The 2030 Comprehensive Plan's Future Land Use Map designates parcels to the north, west and south as Urban Institutional. Parcels to the east are designated as Downtown Support.

The goal of the Urban Institutional classification is to "Create a cohesive, well-defined urban campus for medical and educational institutions, with supportive office, service and residential uses, that is integrated with Downtown."

The recommended primary and secondary land use in Urban Institutional are as follows:

#### Recommended Primary Land Uses:

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

#### Recommended Secondary Land Uses:

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

#### Urban Institutional Development Guidelines:

- Similar development standards to Downtown Support
- Encouragement of neighborhood master-planning that links hospital with offices, services and Downtown
- Development and maintenance of traffic calming improvements

The goal of the Downtown Support classification is to "Support the Downtown retail core and create a transition between Downtown Core and adjacent residential neighborhoods"

#### Recommended Primary Land Uses:

- Offices
- Single-family attached and multi-family residential
- Live-work units

- Public and institutional uses
- Arts and entertainment establishments
- Structured or underground parking

Recommended Secondary Land Uses:

- Retail
- Parks and plaza

Downtown Support Development Guidelines:

- Minimal front setback
- Rear or limited side parking only
- Façade articulation
- Development and maintenance of traffic calming improvements
- Ground-floor storefronts and/or architectural detailing on parking structures

## **EXISTING LAND USE & ZONING REGULATIONS**

The subject property is currently zoned CMU, Central Mixed-Use District and is currently vacant. Surrounding land uses and zoning districts are shown on the “Existing Land Use Map” and “Existing Zoning Map” which are included as Appendix D and E in this staff report.

The parcels proposed to be a part of the development project are directly abutted by CMU Central Mixed-Use zoning in all directions. Beyond the project boundary parcels to the north and west are zoned Planned Institutional Development – CZD and MIC Medical, Institutional & Cultural.

It is notable that the site is located catty-corner to the Main Street Municipal Service district and one block from Main Street proper. It is also approximately, one block from the Hendersonville High School campus and two blocks from the Pardee Medical Campus.

## **SITE PLAN REVIEW**

The site plan is included as Appendix G in this report.

### **Buildings**

- The site contains one 4 story historic building (The Cedars) which is slated to be renovated into a restaurant and hotel rooms. The building is a little over 15,000 square feet of the project.
- A commercial event space (The Chariot), two residential buildings and two shed structures are proposed for demolition on the site.
- Two new buildings, referred to as the Buncombe tower and Church tower by staff in this review document, along with an atrium connecting the new towers to the historic hotel are to be constructed on the site. The total square footage of the new construction is over 200,000 square feet. The footprint for each tower is approximately 18,850 square feet.
- The Church tower contains two floors of parking garage with 6 stories of conditioned space above. There is no internal vehicular connection between deck levels.
- The Buncombe tower contains 1 floor of parking garage with 6 stories of conditioned space above.

### **Lot Size**

- The lot size shown on the site plan is 2.3 acres or 100,355 square feet.
- Total Building Footprint: 57,567 square feet (57.4%)
- Open Space: 29,461 square feet (29.3%)

### **Zoning District Standards - CMU Central Mixed-Use Section 5-19**

- Development Standards for CMU include guidelines in following categories
  - Uses
    - The proposed site uses included; Hotel, Multi-Family Residential and Restaurant/Conference Space, are all permitted uses within CMU.
  - Parking & Loading: Section 5-19-3.1
    - Section 6-5 applies. 1 per guestroom plus 1 per 600 square feet of public meeting area/restaurants. Residential requirement are 1 per dwelling unit or 1.5 per dwelling unit exceeding three bedrooms.
    - Proposed total parking meets or exceeds requirements for either use category.
    - 64 spaces or 29.5% of required spaces are noted as off-site parking; staff are currently requesting additional information on off-site spaces.
  - Dimensional Requirements: Section 5-19-3.2
    - The maximum building height in the district is 36'; provided however that structures containing at least three floors limited to

- residential uses may be constructed to a height not exceeding 64’.
- The properties are also within the “Downtown Height District” and limited by this local bill to a height of 64’. Height is measured from average finished grade.
- Setbacks are 12’ from the back of the curb of any street.
- Streetscape Design: Section 5-19-3.3
  - Street Walls must engage the pedestrian public landscapes, blank walls are limited in their length.
  - Screening
  - Street Trees
  - Reflective Surfaces
  - Urban Open Spaces requires 5% of building square footage be dedicated to open space. This equates to 11,750 square feet.

#### **Parking Requirements - Table 6-5-2**

- See Parking & Loading requirements under Zoning District Standards

#### **Traffic Impact Analysis - Section 6-18**

- A traffic impact analysis was required and conducted for this project. Staff are currently working with our traffic consultant to review the analysis submitted.

#### **Entrance**

- Access to the two levels of the Church tower parking garage is from Church Street.
- Access to the Buncombe tower parking garage is from Buncombe Street.
- There is a drop-off area, 5 parking spots and associated one-way drive that exits and enters off of 7<sup>th</sup> Avenue West.
- The Church Street and 7<sup>th</sup> Ave. drives will have to be reviewed by NC DOT for a driveway permit. Buncombe Street is a city-maintained road.

#### **Sidewalks - Section 6-12**

- Sidewalks are required on both sides of the street within the CMU- Central Mixed-Use district.
- Sidewalks will be provided on the subject property’s frontage on Church Street, 7<sup>th</sup> Ave and Buncombe Streets.

#### **Project Phasing - Section 7-5**

- The project does not appear to be phased.

#### **Tree Survey & Buffering - Section 15**

- The site plan appears to indicate that a total of 28 trees identified on the site survey will be preserved during the construction process.

- The majority of proposed preservation is along the south-western edges of the property.
- There are also a line of 6 trees along Church Street that appear to be slated for preservation.
- Buffer yards:
  - The property is surrounded by properties zoned CMU; ROW's on Church, 7<sup>th</sup> Ave. and Buncombe Street all exceed 30'
  - However, as the ordinance states that existing use take precedent over zoning; staff believe that it would be appropriate to require a 10' Type B buffer along the northern property boundary adjacent to 730 Buncombe Street.
  - The project developers have proposed a series of buffer types along the northern boundary of the project, including the suggested type B buffer suggested above.

## Staff Report Recommendations

### STAFF COMMENTS

In this section Planning Board members can find staff comments relating to the consistency of the proposed site plan with the guidance offered in the City's Comprehensive Plan and Zoning Ordinance. Staff will also include recommended conditions for approval here, alongside references to supporting comprehensive plan and ordinance standards for the Planning Board's review. Planning Board may recommend approval of the rezoning request to City Council with or without conditions or recommend denial of the rezoning request.

#### Preliminary Site Plan Review:

- The Development Review Committee conducted an initial review of the submitted site plan on Wednesday December 2<sup>nd</sup>.
  - Items discussed included:
    - Concrete apron through each drive
    - Stormwater in Buncombe installed by developer; coordination with City to precede installation.
    - DOT & City Driveway permits required.
    - Will deck be power-washed? Pressure washing run-off not permitted in stormwater drains.
    - 3-party encroachment agreement for sidewalks, DOT, City & Developer)
    - Stormtech must have inspection ports.
  - Possible Conditions:
    - Silva Cells or similar infrastructure required for all proposed street trees.
    - Bring all existing site sidewalks into compliance, 5' wide and ADA compliant ramps at intersections.
- Staff Initial Review conducted of the submitted site plan on Friday December 4<sup>th</sup>.
  - Initial Review Comments
    - All of the required information for a Preliminary Site Plan review appears to be in the submitted plan set, however, it is widely dispersed and has made the review process less transparent for staff.
    - We are requesting that the development team produce a more detailed schematic site plan to better illuminate the intent of some areas of the project.
      - This includes the Church Street and 7<sup>th</sup> Avenue corner of the property.
      - The Church Street entrance to the property.



Comprehensive Plan Consistency:

- The Project is in what the Comprehensive Plan notes as a “Priority Growth Area.” These areas are identified as a part of an overall growth management strategy that “encourages infill development that maximizes use of existing infrastructure, preservation of natural and agricultural resources, and fiscally responsible growth.”
- Urban Institutional calls for residential as a recommended secondary land use.
- Urban Institutional highlights development standards which are similar to Downtown Support, including:
  - Traffic Calming Improvements
  - Ground Floor storefronts and/or architectural detailing on parking structures.
  - Façade Articulation
  - Minimal Setback
- Staff noted that the Church Street corridor will be impacted most dramatically by the scale of the Church tower, because of the grade changes, i.e. you are traveling uphill towards 7<sup>th</sup> Ave.
- The site overall is located at a high point in the general area and within downtown overall.
- Staff noted the significance of the 7<sup>th</sup> Ave. and Church Street corner of the property in
  - Connecting the overall building to the public realm.
  - Bringing the Conference facility within the building into contact and connection with the surrounding streetscape.
  - Because of the scale of the building along Church Street, it may be appropriate to have a wider sidewalk requirement along that edge to promote pedestrian comfort.
  - Other strategies with planting etc. along that edge might help to soften the pedestrian experience along that corridor.
  - It seems likely that this corridor, along with Buncombe, likely see foot traffic from the Hendersonville High School campus.
  - Staff also noted the potential of improvements at this intersection to promote traffic calming along Church Street and 7<sup>th</sup> Avenue.
- Staff feel that the Schematic Site Plan needs additional detail to define how this edge of the property will interact with the public realm.

**Planning Board Recommended Rezoning Conditions:** These conditions are included in the attached suggested motion. They can be included, removed or amended at Council’s discretion and upon agreement by the parties involved.

- 1) *That the Schematic Site Plan be updated to reflect the required spot elevations and associated calculations to determine the “Average Grade.”*
  - a. *Average Grade” to be established by identifying at least three spot elevations, measured at equal distances from each other and spaced no more than 50’ apart, along each façade of a building. The resultant spot elevations shall be added together and divided by the total number of spot elevations identified to determine the building’s “average grade.”*
    - i. *Spot elevations shall be measured within 2’ of the building foundation and reflect the proposed finished grade for the project.*
    - ii. *Spot elevations shall not be taken from berms or another fill which would artificially impact the site elevation.*
- 2) *That the “Elevations” provided as a component of the CZD application be amended to the height measured from the roof deck line on the mansard roofs.*
- 3) *With the “Average Grade” established as described above and the point of measurement for the height of the mansard roof adjusted, the building(s) then be shown to meet the 64’ height limitation.*
- 4) *That Ramey Kemp submit a technical memo or addendum to the TIA as a response to the comments which satisfies the concerns raised by the City’s Traffic Consultant.*
- 5) *That NCDOT driveway permits be obtained prior to Final Site Plan Approval.*
- 6) *That the proposed off-site parking lot be included in the schematic site plan and improved per the requirements of the Conditional Zoning District zoning and comprehensive plan standards and guidance.*
- 7) *That a combination of planters with elevations changes and a sidewalk widened to 8’ be used to enhance the pedestrian experience along the Church Street edge of the project.*
- 8) *That the “Ballroom Patio” be better connected visually and via physical access to the sidewalk itself and that the area for pedestrian respite be integrated into this design solution.*
- 9) *Note those trees which will be preserved during the renovation and construction process on the schematic site plan. Include a note that preservation efforts will comply with the standards set forth in Section 15-4 of the Zoning Ordinance.*

10) *That all site lighting be dark sky compliant.*

**Developer Proposed Conditions:** These conditions are included in the attached suggested motion. They can be included, removed or amended at Council's discretion and upon agreement by the parties involved.

*Developer proposed condition:*

*For purposes of this conditional zoning permit, the following shall apply:*

- 1) *A floor of a building shall be considered in residential use if at least 75% of the floor's square footage is dedicated to residential use;*
- 2) *The 75% threshold shall be measured according to the percentage of a floor's square footage dedicated to residential use;*
- 3) *Residential use shall mean multi-family dwelling units which (although located in the same building or on the same floor as hotel units) are not hotel units; and*
- 4) *Classification of multi-family dwelling units as residential use versus hotel use shall be done on a calendar year basis; and*
- 5) *Hotel units shall mean those multi-family dwelling units used or available for use as short-term rentals for more than 250 days during a calendar year, and;*
- 6) *The offering of multi-family dwelling units for short term rentals shall not disqualify such units from being considered "residential."*
- 7) *Short term rentals are defined as rental stays which do not exceed 30 consecutive calendar days.*
- 8) *If the standards for height in the CMU district become less restrictive via a text amendment to the City of Hendersonville Zoning Ordinance, then the less restrictive standards would apply to this project from the date of the adoption of the ordinance amendment.*

**Post Planning Board Staff Notes:**

- 1) Planning Board did not see the “Developer Proposed Conditions” listed above. This condition was established for alternative compliance with the height restrictions in the Central Mixed-Use (CMU) zoning district. CMU allows for the 64’ height in cases where 3 floors are dedicated to residential use. The Cedars proposes to mix residential and hotel uses on each of the floors dedicated to condominium use. The proposed condition is their suggestion for how to establish a minimum measure of residential throughout the project.
- 2) The design team has begun addressing the conditions recommended by the Planning Board. Initial review by staff of the developer responses indicates the following;
  - a. Conditions 1 – 3: Staff have worked with the developer to establish how to measure these elements and believe that they are, at a schematic level, meeting the requirements of the height restriction as measured by the described method.
  - b. Conditions 4 & 5: Ramey Kemp is working to address the City consultant’s comments and is communicating with NCDOT re: driveway permits.
  - c. Condition 6: The developer has submitted an amended site plan, including the parking, that will be reviewed as a component of the final site plan approval.
  - d. Conditions 7 & 8: Changes have been made and included in the developers updated design documents. Staff feel that these changes address the enhancements proposed in these two conditions.
  - e. Condition 9: The design team has indicated that they will update the final site plan to include this information.
- 3) Staff will work with the design team during Final Site Plan review to confirm their compliance with the Published List of Uses and Conditions.

## **SUGGESTED MOTIONS**

### **1) For Recommending Approval:**

I move the City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from CMU, Central Mixed Use to CMU CZD, Central Mixed Use Conditional Zoning District, based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the Published List of Uses and Conditions, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons:

**[PLEASE STATE YOUR REASONS]**

#### **SUGGESTED CATEGORIES FOR REASONS**

1. Comprehensive Plan consistency.
2. Compatibility with surrounding uses.
3. Changed conditions.
4. Public interest.
5. Public facilities.
6. Effect on natural environment.

### **2) For Recommending Denial:**

I move the City Council not adopt an ordinance rezoning the subject property for the following reasons:

**[PLEASE STATE YOUR REASONS]**

#### **SUGGESTED CATEGORIES FOR REASONS**

1. Comprehensive Plan consistency.
2. Compatibility with surrounding uses.
3. Changed conditions.
4. Public interest.
5. Public facilities.
6. Effect on natural environment.

**IN RE: 227 7<sup>th</sup> Avenue Rezoning – The Cedars (File # P20-09-CZD)**

**List of Uses & Conditions**

**I. Stipulated Uses:**

**Only the following uses are authorized for the referenced development:**

- Condominiums
- Hotels and motels
- Conference Facilities
- Restaurants
- Parking lots and parking garages

**II. Conditions:**

**(1) Shall Be Attached to the Conditional Rezoning and Satisfied Prior to Issuance of Final Site Plan Approval:**

- a. *That the Schematic Site Plan be updated to reflect the required spot elevations and associated calculations to determine the “Average Grade.”*
  - i. *“Average Grade” to be established by identifying at least three spot elevations, measured at equal distances from each other and spaced no more than 50’ apart, along each façade of a building. The resultant spot elevations shall be added together and divided by the total number of spot elevations identified to determine the building’s “average grade.”*
  - ii. *Spot elevations shall be measured within 2’ of the building foundation and reflect the proposed finished grade for the project.*
  - iii. *Spot elevations shall not be taken from berms or another fill which would artificially impact the site elevation.*
- b. *That the “Elevations” provided as a component of the CZD application be amended to the height measured from the roof deck line on the mansard roofs.*
- c. *With the “Average Grade” established as described above and the point of measurement for the height of the mansard roof adjusted, the building(s) then be shown to meet the 64’ height limitation.*
- d. *That Ramey Kemp submit a technical memo or addendum to the TIA as a response to the comments which satisfies the concerns raised by the City’s Traffic Consultant.*

- e. *That NCDOT driveway permits be obtained prior to Final Site Plan Approval.*
- f. *That the proposed off-site parking lot be included in the schematic site plan and improved per the requirements of the Conditional Zoning District zoning and comprehensive plan standards and guidance.*
- g. *That a combination of planters with elevations changes and a sidewalk widened to 8' be used to enhance the pedestrian experience along the Church Street edge of the project.*
- h. *That the "Ballroom Patio" be better connected visually and via physical access to the sidewalk itself and that the area for pedestrian respite be integrated into this design solution.*
- i. *Note those trees which will be preserved during the renovation and construction process on the schematic site plan. Include a note that preservation efforts will comply with the standards set forth in Section 15-4 of the Zoning Ordinance.*
- j. *That all site lighting be dark sky compliant.*
- k. *For purposes of this conditional zoning permit, the following shall apply:*
  - i. *A floor of a building shall be considered in residential use if at least 75% of the floor's square footage is dedicated to residential use;*
  - ii. *The 75% threshold shall be measured according to the percentage of a floor's square footage dedicated to residential use;*
  - iii. *Residential use shall mean multi-family dwelling units which (although located in the same building or on the same floor as hotel units) are not hotel units; and*
  - iv. *Classification of multi-family dwelling units as residential use versus hotel use shall be done on a calendar year basis; and*
  - v. *Hotel units shall mean those multi-family dwelling units used or available for use as short-term rentals for more than 250 days during a calendar year, and;*
  - vi. *The offering of multi-family dwelling units for short term rentals shall not disqualify such units from being considered "residential."*

- vii. *Short term rentals are defined as rental stays which do not exceed 30 consecutive calendar days.*
- viii. *If the standards for height in the CMU district become less restrictive via a text amendment to the City of Hendersonville Zoning Ordinance, then the less restrictive standards would apply to this project from the date of the adoption of the ordinance amendment.*

**(2) Shall Be Attached to the Conditional Rezoning:**

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

*With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to the imposition of all conditions stated.*

Applicant

Property Owner:

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Title within LLC: \_\_\_\_\_



Ordinance # \_\_\_ - \_\_\_

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR 227 7<sup>TH</sup> AVENUE WEST – THE CEDARS BY CHANGING THE ZONING DESIGNATION FROM CMU: CENTRAL MIXED-USE DISTRICT TO CMU CZD: CENTRAL MIXED-USE CONDITIONAL ZONING DISTRICT**

IN RE: 227 7<sup>th</sup> Avenue West – The Cedars  
(File # P20-09-CZD)  
PIN # 9568-79-3224, 9568-79-2254, 9568-79-0293 and 9568-79-0388

**WHEREAS**, the City is in receipt of a Conditional Rezoning application from Tom Shipman for the rehabilitation of one 4-story historic inn and the development of two, 6 story plus basement garage, condominium towers.

**WHEREAS**, the Planning Board took up this application at its regular meeting on December 14<sup>th</sup>, 2020; voting to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

**WHEREAS**, City Council took up this application at its regular meeting on January 7<sup>th</sup>, 2021, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following:  
  
Parcels 9568-79-3224, 9568-79-2254, 9568-79-0293 and 9568-79-0388 from CMU Central Mixed-Use District to CMU-CZD Central Mixed-Use Conditional Zoning District.
2. Development of the parcels shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be subject to the site limitations and conditions stipulated on the published List of Uses and Conditions.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 7<sup>th</sup>, day of January 2021.

Attest:

\_\_\_\_\_  
Barbara G. Volk, Mayor, City of Hendersonville

\_\_\_\_\_  
Angela L. Reece, City Clerk

Approved as to form:

\_\_\_\_\_  
Angela S. Beeker, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, Amy H. Knight, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk in her capacity of Mayor of the City of Hendersonville; Angela L. Reece, in her capacity of City Clerk; and Angela S. Beeker, in her capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

My commission expires:

\_\_\_\_\_  
Amy H. Knight

**APPENDIX A**

Planning Report  
 Neighborhood Compatibility Meeting  
 Application for a Conditional Zoning District  
 The Cedars Hotel File # P20-9-CZD  
 Tuesday, May 26, 2020 2:00 p.m.

Daniel Heyman, Planner, convened the compatibility meeting at 2:00 pm in the Assembly Room of the City Operations Center. Approximately one member of the public, three application representatives and five City staff were in attendance. The follow attended:

<i><b>Name</b></i>	<i><b>Address</b></i>	<i><b>Name</b></i>	<i><b>Address</b></i>
Tamara Peacock (app)	Hendersonville, NC		
Joey Burnett (app)	Hendersonville, NC		
Tommy Shipman & Wife	211 7 <sup>th</sup> Ave. East		
Susan Frady	staff		
Daniel Heyman	staff		
Tyler Morrow	staff		
Terri Swann	staff		
Allison Nock	staff		

Mr. Heyman opened the meeting explaining this is the first step in a three-step process. He explained the conditional rezoning process adding anyone who received notice of this meeting would receive notice of the City Council Public Hearing. Minutes of this meeting will be forwarded to Planning Board and City Council. Mr. Heyman said the project will go before the Planning Board in July and City Council will hear the project in August. Mr. Heyman stated this meeting is for the neighbors to learn about the project and they should focus on the compatibility of the project in the neighborhood. This is virtual meeting and Mr. Heyman explained the process and the steps to participate in the meeting. This is an informal meeting so please state your name and address before making any comments as minutes of this meeting are being taken.

Mr. Heyman stated the property is zoned CMU, Central Mixed Use. The applicants are asking for a conditional rezoning to CMU CZD, Central Mixed-Use Conditional Zoning District as this project exceeds 50,000 square feet in size. This project will have 139 hotel rooms, condos, a restaurant, conference room and other amenities. If approved, the project will be limited to what is on the approved plan.

The applicants submitted a video that was played concerning the project.

Tamara Peacock with Tamara Peacock Architects stated after the video, it was touching how important this project is to the City of Hendersonville. This site works wonderfully for what is being proposed. They did encounter challenges, but they worked through them. They plan to utilize The Cedars as the

main feature of the whole project. They did not take away from The Cedars building as the state guidelines for preservation of historic buildings state this as a requirement. Concerning the setbacks and height requirements, this project meets everything per code. The new buildings will not exceed the height of the chimneys on the original building. There will be parking underground and they took traffic into consideration when planning the underground parking. The architecture of the new buildings will complement The Cedars building. This is something the town will be proud of.

Tommy Shipman stated he is the property owner and he was born and raised here in Hendersonville. He wants to preserve the old building and build the new buildings to resemble the old one. He tried to sell the property, but most potential buyers just wanted to tear down The Cedars. He did not want the building to be torn down, so he worked with Ms. Peacock on this project. He has received a lot of support on this project.

Mr. Heyman read the written comments:

**Reab Berry – 494 Whitehead Road**

I am in favor of The Cedars - P20-09-CZD Project. It will be a welcome addition to Hendersonville. I plan to use the facility and promote its use to my family and friends.

**Derek Luebbe – 730 Buncombe St**

Living adjacent to the property, I would like to understand the planning document in more detail especially in regards to the service entrance. What barriers (natural and/or manmade) will be enacted to preserve my property's sound and sight aesthetic appeal? What operational hours will the service entrance be able to operate? I would like to see the plans in more detail to better understand the impact on my property. Considering most of the property is surrounded by non-residential usage, I'm concerned with the placement of that service entrance in that particular location and the impact it may have.

Ms. Peacock responded to this comment. She stated this is the first meeting concerning this project and they do not have a lot of the specifics worked out. They will be working with the Fire Department and Engineers on the project. There will be a 10-foot landscape buffer and they plan to take Mr. Luebbe's comments into consideration. They are willing to meet with him and work out any concerns he may have.

**Scott Keels – 22 Lakemoor Ln**

I believe the Cedars proposal would be a perfect use of this property and great asset to Hendersonville in many ways. I'm glad that the original building is being retained as the centerpiece of this design and appreciate the effort to harmonize the new construction with the old.

**Ken Fitch – 1046 Patton St (emailed comment)**

There is considerable discussion in the community along with many questions about this major project.

I had mentioned to you previously about other views of the project. The renderings so far are from perspectives that are not the primary viewpoints.

it would be helpful to see:

- 1) a rendering of view from the 7th avenue entry into the City
- 2) a rendering of view from Asheville Highway/Church Street. /HHS football field.
- 3) Site plan of the project with entries, etc.
- 4) the height of project relative to the Catholic Church
- 5) clarification of what current properties/buildings would be removed
- 6) What existing tall trees would remain

As we have discussed before, the more information available upfront in these times of limited meetings would be helpful.

Ms. Peacock stated there are several cedar trees on the property that are not in great shape. Mr. Shipman stated a lot of the trees are not in great health and need to be replaced. They will replace any trees they have to remove. Ms. Peacock stated they plan to add retaining walls and they will give more detail on this at a later time.

Mr. Heyman stated they will now move to the live comment portion of this meeting. Anyone wanting to speak will need to press the hand raise option.

Deborah Holt stated she has lived here for 15 years and she is a supporter of this project. This will be a first-class quality hotel and she would like to thank the owners for preserving the building. She feels this project will preserve the downtown historic feel of Hendersonville. She compared this project to the Martha Washington Inn and feels it will be a great asset to the city.

Mr. Heyman asked if anyone else would like to comment. No other comments were made.

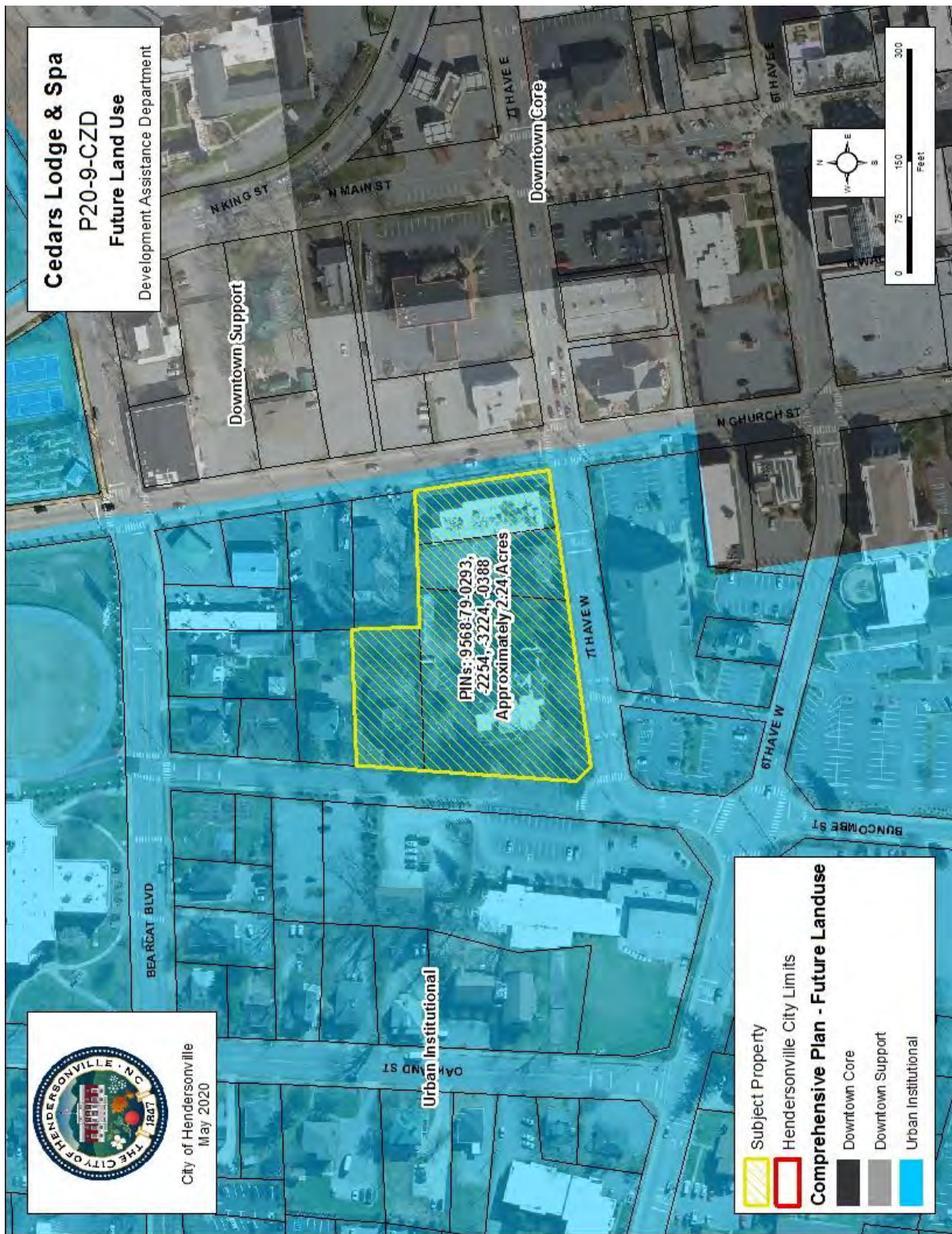
Mr. Heyman stated this concludes the meeting. He stated the next step for this project is the Planning Board and everyone that got noticed will be noticed of the Planning Board meeting as well.

With no further comments or questions, Mr. Heyman closed the meeting at 2:30 pm.

**APPENDIX B**

Reserved – Planning Board Minutes

**APPENDIX C**

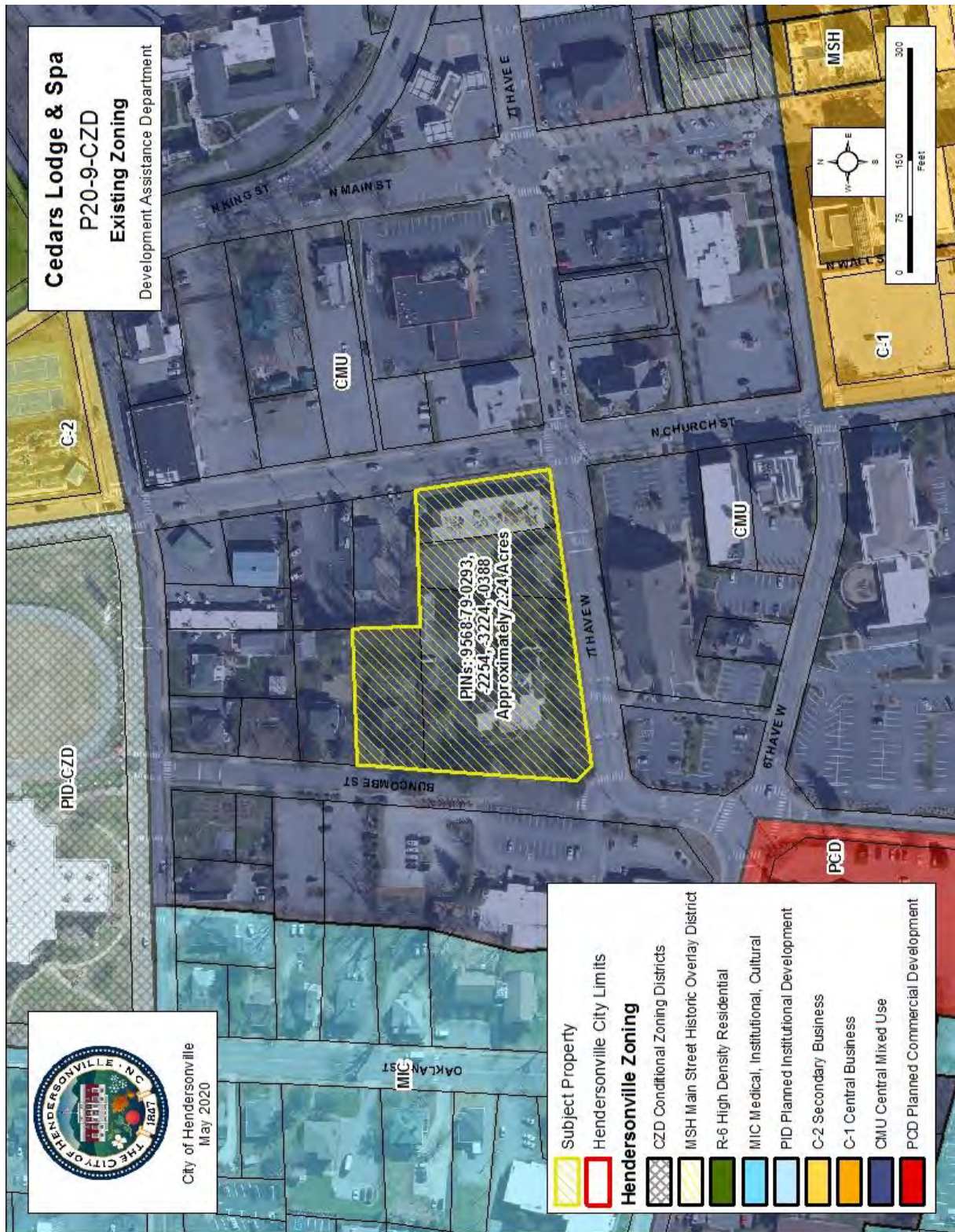


**APPENDIX D**





**APPENDIX E**



**APPENDIX F**

Preliminary Site Plan Review  
File Name: P20-09-CZD – The Cedars  
Reviewed by - Lew Holloway  
Date: 12/04/2020

**Date with Month, Day, and Year (7-3-3.2(a)):**

**Title of Project (7-3-3.2(b)):**

**Name of Project Designer, Developer, and Property Owner (7-3-3.2(b)):**

**North Arrow, Scale, and Landmarks Sufficient to Identify Location (7-3-3.2(c)):**

**Vicinity Map (7-3-3.2(d)):**

**Zoning of Project and Adjacent Properties (7-3-3.2(e)):**

**City Limits (7-3-3.2(f)):**

**Names of Adjacent Property Owners (7-3-3.2(g)):**

General comments regarding the above; while this information is available via the total package submission, it needs to be consolidated onto a “Schematic Site Plan.” In the package submitted it would appear this might be considered page AS101, which is not sufficient. Staff recommend that the schematic site plan be set-up more like the “Utility Plan – C201” in the package.

**Site Survey (7-3-3.2(h)):** Submitted

**Floodplain and Other Significant Natural Features (7-3-3.2(i)):** N/A - Completed

**Proposed Streets, Alleys, Driveways, Parking Requirements, etc. (7-3-3.2(j)):**

Completed

**Preliminary Utility Layout (7-3-3.2(k)):**

- 1) Utility Plan Included

**Entrance and Exit Locations (7-3-3.2(l)):**

- 1) Locations shown;
- 2) **Comment:** All driveways along 7<sup>th</sup> Avenue and Church Street will require DOT driveway permits. Driveway along Buncombe will require coordination with City.

**Proposed Reservations (7-3-3.2(m)):**

- 1) Proposed Urban Open Space is included in site calculations but not identified on Schematic Site Plan.
- 2) **Comment:** Include and highlight the proposed area that will meet the standards established in Section 5-19-3.3 f) Urban Open Spaces. Also please note the maintenance provisions via note.

**Tree Survey and Proposed Areas for Buffering (7-3-3.2(n)):**

- 1) It does appear that existing vegetation is being preserved, but this is not clearly identified on the schematic site plan.
- 2) **Comment:** Please include the tree(s) (species & DBH) that will be preserved as a component of the revised schematic site plan. Please note the tree preservation standards that will be applied. This information can be included as a component of the planting plan if the two are to be kept separate.

**Building(s) Locations, Dimensions, and Uses (7-3-3.2(o)):**

- 1) **Comment:** Please include basic dimensions on building footprint.

**Notations in Chart Format (square footage and percentage of total site) (7-3-3.2(p)):**

Total Project Area  
Proposed Lot Areas  
Site Coverage - Buildings  
Site Coverage - Open Space  
Site Coverage – Streets and Parking  
Site Coverage – Other Facilities  
Site Coverage – Urban Open Space:

Completed

**Comment:** Please include this information on the revised Schematic Site Plan.

**Sign Data (7-3-3.2(q)):**

**Comment:** Please include any proposed signage locations on the Schematic Site Plan.

**Phasing Lines (7-3-3.2(r)):** N/A

**Transportation Impact Analysis (7-3-3.2(s)):** Required; Plan received. Staff consultant is currently reviewing the document.

**Zoning District Standards** (applicable zoning district in Article 5):

- 1) Development Standards for CMU include guidelines in following categories
  - a. Uses
    - i. The proposed site uses included; Hotel, Multi-Family Residential and Restaurant/Conference Space, are all permitted uses within CMU.
  - b. Parking & Loading: Section 5-19-3.1
    - i. Section 6-5 applies. 1 per guestroom plus 1 per 600 square feet of public meeting area/restaurants. Residential requirement are 1 per dwelling unit or 1.5 per dwelling unit exceeding three bedrooms.
    - ii. Proposed total parking meets or exceeds requirements for either use category.
    - iii. 64 spaces or 29.5% of required spaces are noted as off-site parking; staff are currently requesting additional information on off-site spaces.
  - c. Dimensional Requirements: Section 5-19-3.2
    - i. The maximum building height in the district is 36'; provided however that structures containing at least three floors limited to residential uses may be constructed to a height not exceeding 64'.
    - ii. The properties are also within the "Downtown Height District" and limited by this local bill to a height of 64'. Height is measured from average finished grade.
    - iii. Setbacks are 12' from the back of the curb of any street.
  - d. Streetscape Design: Section 5-19-3.3
    - i. Street Walls – The first floors of all buildings, including structured parking, shall be designed to encourage and complement pedestrian-scale activity. Blank wall expanses are not to exceed 20 feet in length (defined in the referenced article)
    - ii. Screening required – any screening used to comply with this provision shall consist of a planting area which is at least five feet wide. The area may contain any type of screening materials sufficient to separate visually the land uses, provided such materials meet the requirements of 15-5 of the city's zoning ordinance. If only a wall or fence is used, then the area devoted to the screen need only be wide enough to accommodate the wall or fence and allow for its maintenance.
    - iii. Street Trees
    - iv. Reflective Surfaces
    - v. Urban Open Spaces requires 5% of building square footage be dedicated to open space. This equates to 11,750 square feet.

**Entry Corridor (5-18):** N/A

**Site Lighting Plan** (7-3-4.3(r) & 6-13-4):

**Comment:** Need a site lighting plan, lighting can be included on utilities.

**Railroad Right-of-Way Issues** (if applicable): N/A

**Off-Street Parking** (6-5): See Parking 7 Loading Above.

**Off-Street Loading and Unloading** (6-6): Completed

**Sidewalks** (6-12): Completed

**Rights-of-Way (Thoroughfare) Compliance** (6-15): Completed

**Common Open Space** (common space or urban open space where applicable) (6-16):  
See comments re: Schematic Site Plan. The specific identification of the area meeting  
Urban Open Space requirements is being requested.

**Stormwater Management** (COD Chapter 24 Article III): Provide a completed  
Stormwater Maintenance Agreement. Contact Engineering for additional details.  
**Comment:** Site will require stormwater maintenance.

**Minor Planned Residential Developments** (5-14-7.1) (if applicable): N/A

**Density- Residential only** (5-14-4): There is no density cap in CMU.

**Adequate Facilities** (7-11): Reviewing; Water & Sewer has been confirmed to be  
adequate in the area. TIA currently being assessed in concert with City's traffic  
consultant.

**Comprehensive Plan Compliance** (Section 14-1): See staff comments.

**Landscaping** (Article 15): See comments under Zoning District Standards

**Natural Resource Protection Standards** (floodplain, stream buffer, etc., where  
applicable) (Article 17): N/A

**Downtown Height Limit** (64' height limitation for downtown area): Requested the  
project development team submit additional information regarding "Average Finished  
Grade" to determine compliance with site height restrictions.

# CEDARS LODGE & SPA

211 7TH AVE W  
HENDERSONVILLE, NC 28791



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THE SHIPMAN FAMILY  
TOM SHIPMAN  
828.674.6133

**DEVELOPER**  
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CHRIS BYERS  
980.256.7640

**CIVIL ENGINEER**  
CDC  
WARREN SUGG  
828.252.5388

**LANDSCAPE ARCHITECT**  
TIM HESS - FLA  
TIM HESS  
919.349.0174

**BUILDING SQUARE FOOTAGE**  
GROUND FLOOR (EXCLUDING CEDARS):  
ATRIUM: 43,885 SF  
HISTORIC CEDARS (TOTAL): 6,286 SF  
HOTEL (ALL FLOORS) = 132 + 11 IN CEDARS, 143 (TOTAL): 15,310 SF  
TOTAL CONDITIONED SPACE: 175,694 SF  
234,889 SF

PROJECT NAME:  
**The Cedars Lodge**  
211 7TH AVE W  
HENDERSONVILLE, NC  
28791

**THE TAMARA PEACOCK COMPANY**  
*Architects*  
104 1st Ave E, Hendersonville, NC 28792  
Phone: 828.696.4000 Fax: 954.728.9225

122-b west bland st  
charlotte nc 28203  
704.344.9098

REVISION	REVISION DATE	ISSUED FOR
A	YEAR.MONTH.D AY	BY

12/22/2020  
175,694 SF  
234,889 SF  
A001

**COVER SHEET**

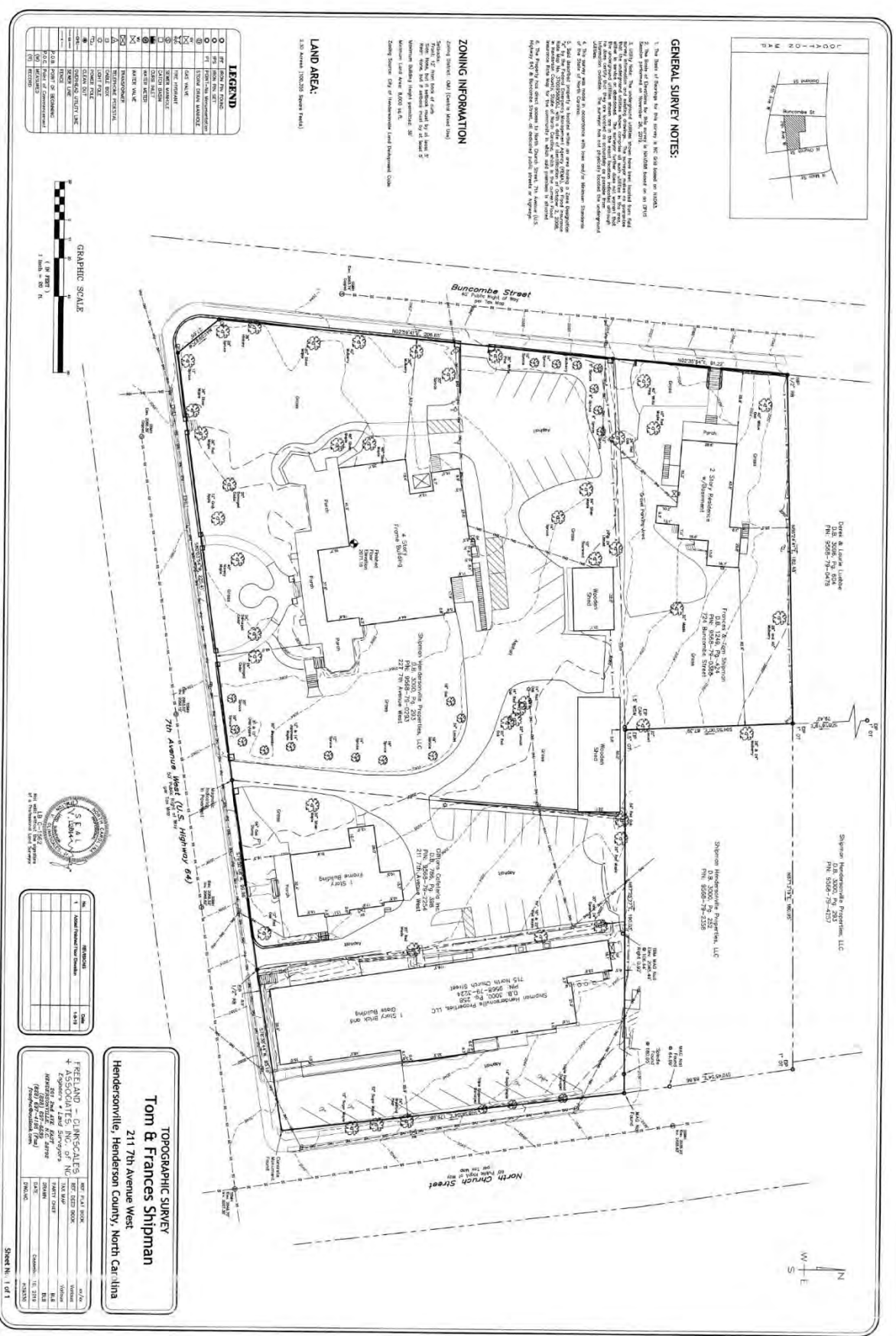
**APPENDIX G**



**SITE MAP**



**VICINITY MAP**



**SITE STATISTICS:**

SITE: 211 7TH AVE W, HENDERSONVILLE, NC 28791			
ALL CALCULATIONS APPLY TO THE AREA OF THE SITE AFFECTED			
LAND USE DESIGNATION: CMU - CENTRAL MIXED USE			
CURRENT USE	PROPOSED USE	OCCUPANCY	
HISTORIC HOTEL	HISTORICAL HOTEL/CONDOS AND CONFERENCE CENTER	R-1/A	
ADJACENT ZONING: CMU - ALL			
<b>SITE DATA:</b>			
DESCRIPTION			
1.B) INTENSITY: PREVIOUS: HISTORIC HOTEL (24 ROOMS), APARTMENTS (4), ASSEMBLY SPACE (50 OCCUPANTS), OFFICE PROPOSED: HISTORIC HOTEL (11 ROOMS), NEW HOTEL/CONDO SUITES (32), LOCKOUTS (48, FOR TOTAL OF 180 ROOMS) CONFERENCE CENTER, 2 MEET/RESTAURANTS			
1.A) ZONING:	CMU		
2) SITE AREA:	MINIMUM REQUIRED LOT AREA: 8,000 SQ. FT.	GROSS LOT S.F.:	100,365 SQ. FT. / 2.30 ACRES
3) YARD DIMENSIONS:	FRONT YARD SETBACK: 12'-0"	REQUIRED:	12'-0"
	SIDE YARD SETBACK (ADJ. ROAD): 0'-0"	PROVIDED:	26'-0"
	REAR SETBACK (NO ROAD): 0'-0"		15'-0" CHURCH
			12'-0" BUNCOMBE
			20'-0"
NOTE: ANY YARDS PROVIDED, THEY MUST BE A MINIMUM OF 5'-0" MEASURED FROM THE PROPERTY LINE			
4) BUILDING HEIGHT:	64'-0" MAX.		64'-0"
5) URBAN OPEN SPACE:	10,500 SQ. FT.		24,890 SQ. FT.
6) SITE AREAS:		EXISTING	PROPOSED
A. BUILDING FOOT PRINT:	16,175 SQ. FT.	57,587 SQ. FT.	57.4%
B. STREETS/PARKING:	27,796 SQ. FT.	11,942 SQ. FT.	11.6%
C. OTHER FACILITIES:	--- SQ. FT.	1,344 SQ. FT.	1.3%
D. PATIOS:	--- SQ. FT.	29,481 SQ. FT.	29.3%
E. OPEN SPACE:	--- SQ. FT.	15,735 SQ. FT.	15.7%
-COMMON OPEN SPACE:			
7) TOTAL PROJECT AREA:	43,895 SQ. FT.		
A. NEW BUILDINGS:	7,388 SQ. FT.		
B. EXISTING CEDARS:	6,285 SQ. FT.		
C. PATIOS/PLAZAS:	1,655 SQ. FT.		
E. TOTAL:	99,252 SQ. FT.		
8) PARKING:		REQUIRED	PROVIDED
1 PARKING SPACE PER UNIT	180	217	
1 PARKING SPACE PER 800 SF MEETINGS/RESTAURANT SPACE	25	7	
TOTALS	205	217	7

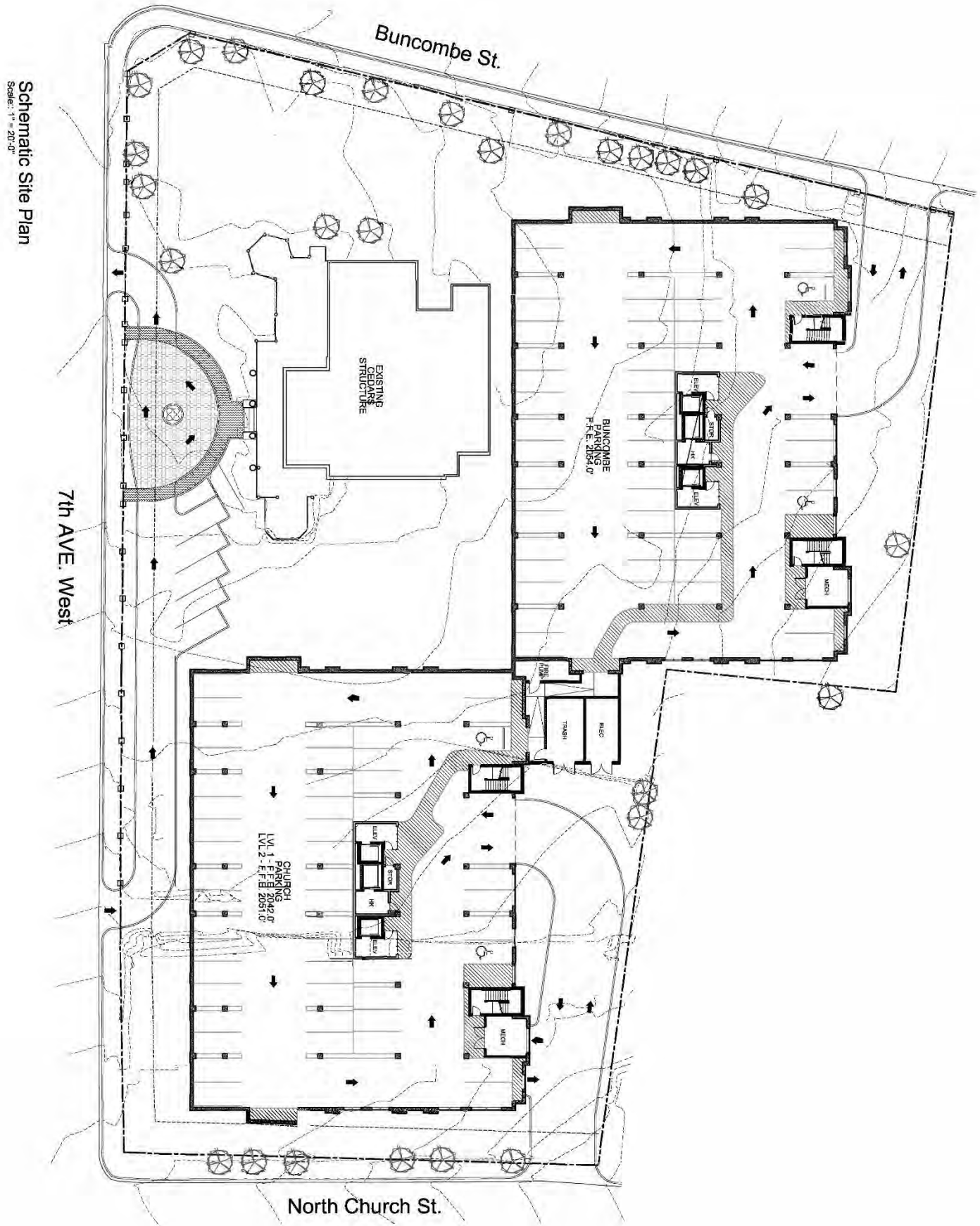
**SURVEY/ SITE STAT**  
 DATE: 1922  
 SHEET No.: 407  
**AS100**

PROJECT NAME:  
**The Cedars Lodge**  
 211 7TH AVE W  
 HENDERSONVILLE, NC  
**28791**

**THE TAMARA PEACOCK COMPANY**  
*Architects*  
 104 1st Ave E, Hendersonville, NC 28792  
 Phone: 828.696.4000 Fax: 954.728.9225

122-b west bland st  
 charlotte nc 28203  
 704.344.9095

REVISION	REVISION DATE	ISSUED FOR

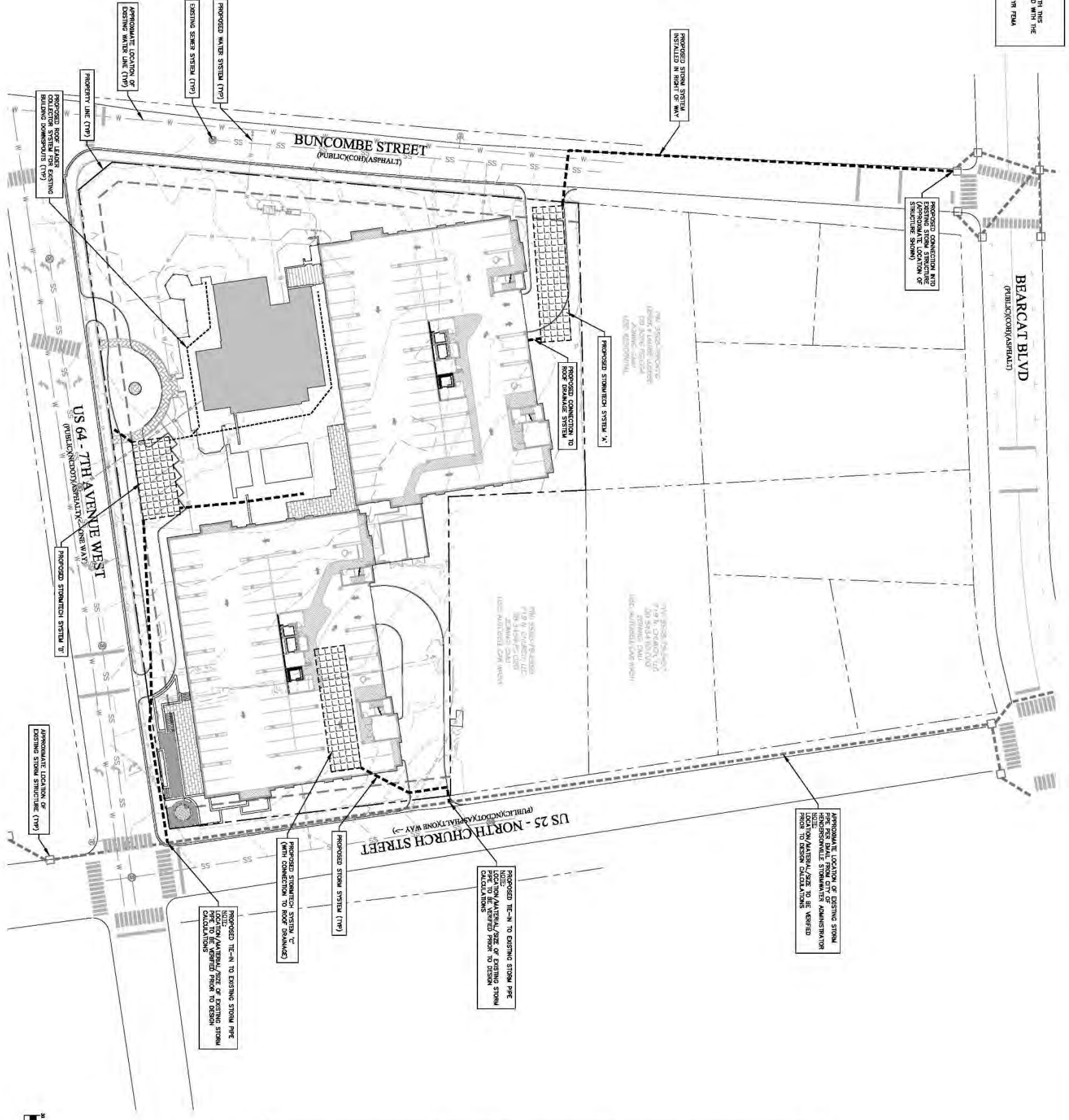


Schematic Site Plan  
 Scale: 1" = 20'-0"

<b>AS101</b> SHEET NO.	PROJECT NAME: <b>The Cedars Lodge</b> 211 7th AVE W HENDERSONVILLE, NC 28791	<b>THE TAMARA PEACOCK COMPANY</b> <i>Architects</i> 104 1st Ave E, Hendersonville, NC 28792 Phone: 628.696.4000 Fax: 954.728.9225	<b>rba.</b> 122-b west bland st charlotte nc 28203 704.344.9098	REVISION	REVISION DATE	ISSUED FOR
	SHEET NAME: <b>Architectural Site Plan</b>			REVISION REVISION DATE ISSUED FOR	REVISION REVISION DATE ISSUED FOR	



- NOTES**
1. THE PROPOSED DRAINAGE DESIGN IS NOT PROVIDED WITH THE FUTURE GROUND AND STORM SEWER LINES.
  2. NO PORTION OF THIS PROJECT LIES WITHIN THE 100-YR FLOOD FLOODPLAIN.

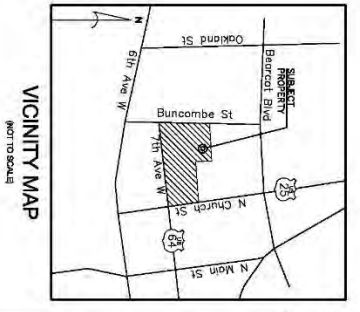


APPROXIMATE LOCATION OF EXISTING STORM PIPES TO BE VERIFIED FROM CITY OF HENDERSONVILLE RECORDS. MATERIALS TO BE VERIFIED PRIOR TO DESIGN CALCULATIONS.

PROPOSED 12-IN. TO EXISTING STORM PIPE. NOTE: SHOW MATERIAL, SIZE OF EXISTING STORM PIPE TO BE VERIFIED PRIOR TO DESIGN CALCULATIONS.

PROPOSED STORM SYSTEM 'N' (WITH CONNECTION TO SOFT SWANKING)

PROPOSED 12-IN. TO EXISTING STORM PIPE. NOTE: SHOW MATERIAL, SIZE OF EXISTING STORM PIPE TO BE VERIFIED PRIOR TO DESIGN CALCULATIONS.



**DEVELOPMENT DATA**

OWNER/DEVELOPER: THE SHIPMAN FAMILY, 211 7TH AVENUE WEST, HENDERSONVILLE, NC 28791

CIVIL ENGINEER: DON GIBSON CONSULTANTS, P.A., 400 W. MAIN ST., ASHEVILLE, NC 28601, (828) 252-5188

SIGNOFFOR: FRED AND JANE GIBSON & ASSOCIATES, INC., 201 2ND AVENUE EAST, HUNTER V. CLARK BUILDING, P.L.S., (828) 697-5539

DESIGN ARCHITECT: THE TAMARA PEACOCK COMPANY ARCHITECTS, 104 1ST AVENUE EAST, TAMARA PEACOCK, A.L.A., (828) 944-4000

PRODUCTION ARCHITECT: RBA GROUP, 8 AND STREET, CHARLOTTE, NC 28203, (770) 541-8949

LANDSCAPE ARCHITECT: TUDOR PERRY, 111 W. RALEIGH, NC 27616, (919) 348-0774

**PROJECT DATA**

DN: 5824-79-0203, 5824-79-0204, 5824-79-0204, 5824-79-0204, 5824-79-0204

ADDRESS: 211 7TH AVENUE W, HENDERSONVILLE, NC 28791

DEED BOOK/PAGE: 3000/293, 796/206, 3000/296

SITE AVERAGE: 2.20 ACRES

ZONING: CMU - CENTRAL MIXED USE

SETBACKS: FRONT: 12', SIDE: 12', REAR: 0'

**PLANNING CALCULATIONS**

VEHICULAR REQUIRED SPACES: 206

SPACES PROVIDED: 217 (64 SPACES)

HANDICAPPED SPACES: 7

BUILDING DATA:

DESCRIPTION	HEIGHT	GFA
BUILDING SIX STORY BLDG	64'-0"	234,889 SF

**UTILITIES CALCULATIONS**

PRE-DEVELOPMENT	0.29 ACRES (KAND)	1.31 ACRES (9740)
POST-DEVELOPMENT	1.73 ACRES (7750)	0.57 ACRES (4250)
SOIL TYPE:	H/C	
SOIL GROUP:	C	

811  
 Keep what's below.  
 Call before you dig.

GRAPHIC SCALE  
 1 inch = 20 ft.

NORTH

SHEET NAME: **STORM DRAINAGE PLAN**  
 SHEET NO.: **C101**  
 DATE: 10/6/2020

PROJECT NAME: **The Cedars Lodge**  
 211 7TH AVE W  
 HENDERSONVILLE, NC  
 28791

**THE TAMARA PEACOCK COMPANY**  
 Architects  
 104 1st Ave E, Hendersonville, NC 28792  
 Phone: 828.696.4000 Fax: 954.728.9225

**rba.**  
 122-b west bland at  
 charlotte nc 28203  
 704.344.9098

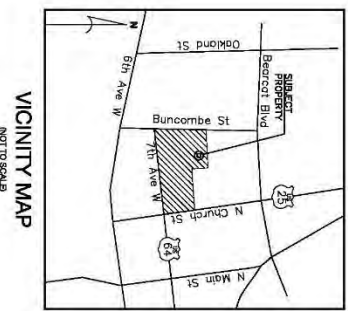
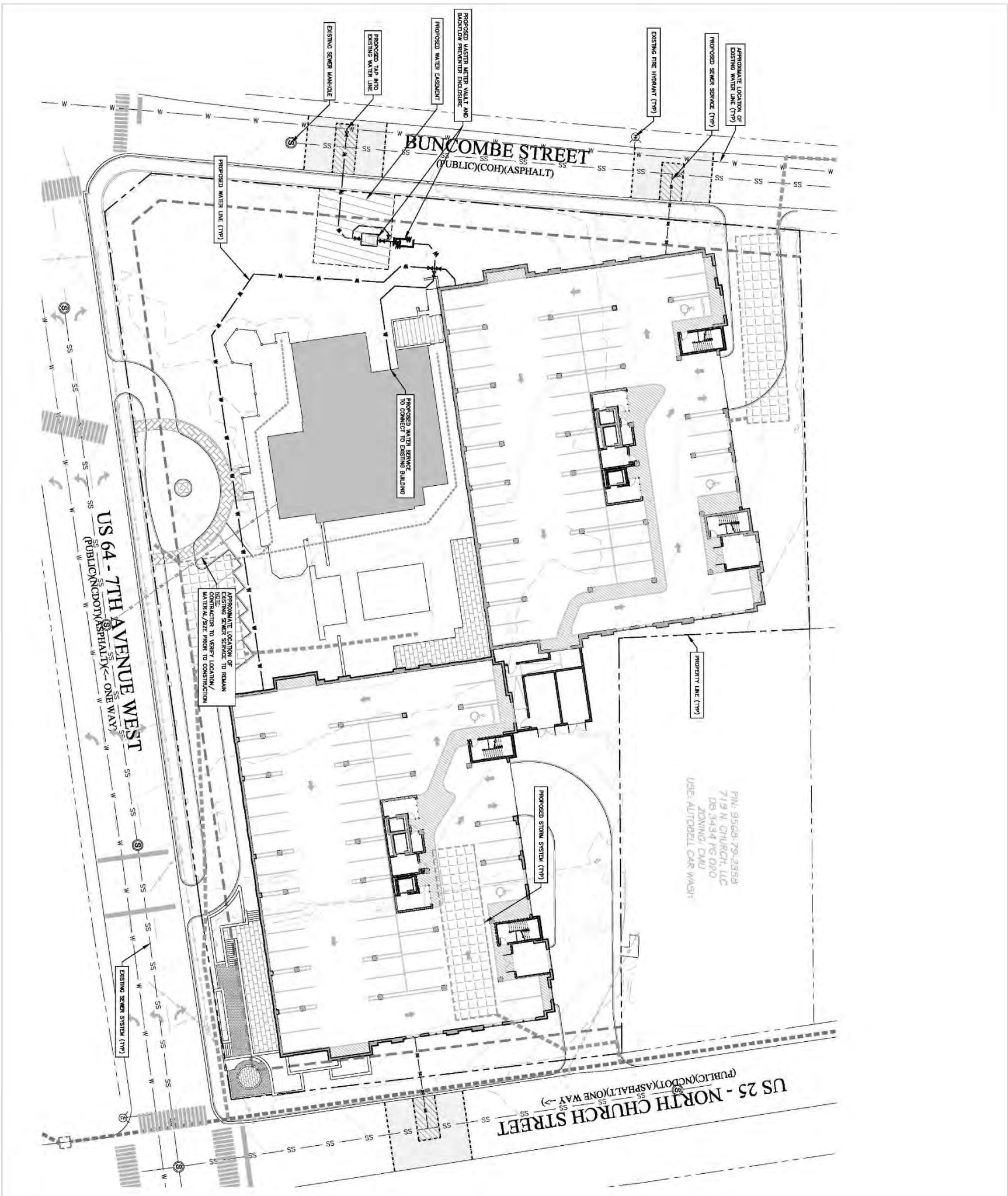


REVISION	REVISION DATE	ISSUED FOR

APPROVED FOR CONSTRUCTION



**PRELIMINARY NOT RELEASED FOR CONSTRUCTION**



811  
 Know what's below.  
 Call before you dig.

GRAPHIC SCALE  
 1 Inch = 20 ft.

NORTH

<b>DEVELOPMENT DATA</b>	
OWNER/DEVELOPER:	THE SHIRAZI FAMILY 211 7TH AVENUE WEST HENDERSONVILLE, NC 28791
OWNER/ENGINEER:	ONE SHIRAZI COMPANY, P.A. 100 NATION AVENUE ASHEVILLE, NC 28701 (828) 252-5388
CONTACT:	FREEMAN - CLINGSOLES & ASSOCIATES, INC. 201 2ND AVENUE EAST FULTON V. CLINGSOLES JR. P.L.L.C. (828) 697-6539
DESIGN ARCHITECT:	THE TAMARA PEACOCK COMPANY ARCHITECTS 100 1ST AVENUE EAST TAMARA PEACOCK, AIA (828) 888-4000
PRODUCTION ARCHITECT:	RBA GROUP 8 AND STREET CHARLOTTE, NC 28203 CHRISTOPHER ALIBED, AIA (704) 574-8989
LANDSCAPE ARCHITECT:	MANTON HESS, R.L.A. 2000 W. HESS DRIVE RALEIGH, NC 27619 (919) 946-9574
CONTACT:	
<b>PROJECT DATA</b>	
PH:	888-78-0231 888-78-2264
ADDRESS:	211 7TH AVENUE W
DEED BOOK/PAGE:	3000/253 798/798 3000/256
SITE ACREAGE:	2.466 ACRES
ZONING:	OUU - CENTRAL MIXED USE
SETBACKS:	
FRONT:	12'
REAR:	0'
SIDE:	0'
<b>PARKING CALCULATIONS</b>	
VEHICLE:	205
REQUIRED SPACES:	
SPACES PROVIDED:	217 (64 OTHER)
<b>BUILDING DATA</b>	
BUILDING:	RESIDENTIAL
DESIGNATION:	LODGE
USE:	RESIDENTIAL
BLDG. AREA:	54,477 SQ. FT.
FOUNDATION:	CONCRETE
<b>INTERIOR CALCULATIONS:</b>	
PRE-DEVELOPMENT:	RESIDENTIAL (430)
POST-DEVELOPMENT:	RESIDENTIAL (576)
SOIL TYPE:	1.73 ACRES (790)
SOIL GROUP:	1.57 ACRES (290)
	C

**UTILITY PLAN**

SHEET NAME:  
 PROJECT NO.:  
 DATE:  
 1922 04/28/20

SHEET NO.:  
**C201**

PROJECT NAME:  
**The Cedars Lodge**  
 211 7TH AVE W  
 HENDERSONVILLE, NC  
 28791

**THE TAMARA PEACOCK COMPANY**  
 Architects  
 104 1st Ave E, Hendersonville, NC 28792  
 Phone: 828.896.4000 Fax: 954.728.9225

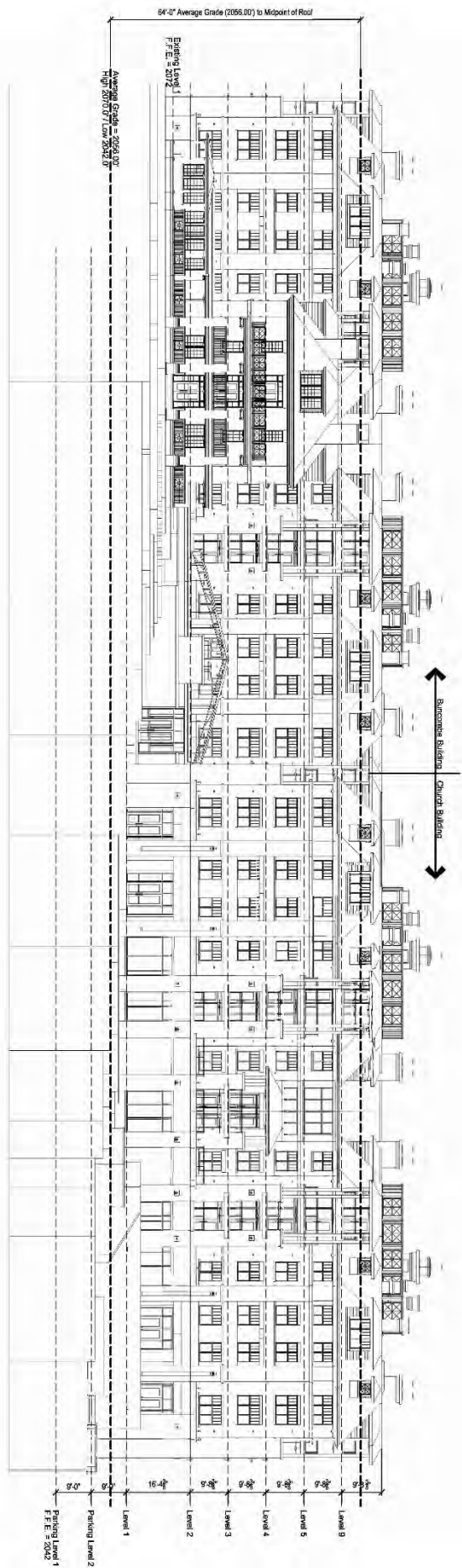
**rba.**  
 122-b west bland st  
 charlotte nc 28203  
 704.344.8098



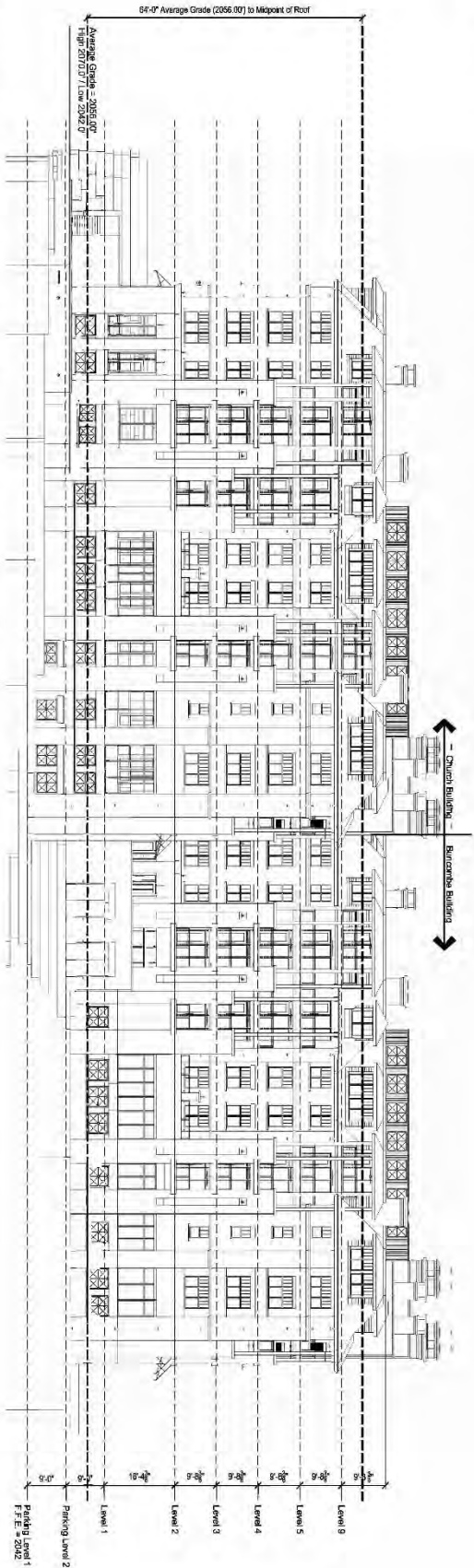
REVISION	REVISION DATE	ISSUED FOR

PRELIMINARY  
 NOT RELEASED  
 FOR  
 CONSTRUCTION

DATE: 04/28/20  
 TIME: 11:40  
 USER: WJS



Schematic Building Elevation - 7th AVENUE West Elevation (Front South Elevation)  
 Scale: 1/16" = 1'-0"



Schematic Building Elevation - Church Street Elevation (East Elevation)  
 Scale: 1/16" = 1'-0"

SHEET NO.: **A200**

SHEET NAME: **Elevations**

PROJECT NAME:  
**The Cedars Lodge**  
 211 7th AVE W  
 HENDERSONVILLE,  
 NC  
 28791

**THE TAMARA PEACOCK COMPANY**  
*Architects*  
 104 1st Ave E, Hendersonville, NC 28792  
 Phone: 828.696.4000 Fax: 954.728.9225

**rba.**  
 122-b west bland st  
 charlotte nc 28203  
 704.344.9098

REVISION	REVISION DATE	ISSUED FOR

TAMARA PEACOCK, P.A.  
 LICENSE NO. 06-0318







Order:	J000672359	Pubs:	2,3	Rate:	LE
Phone:	(828)697-3003	Class:	0001		
Account:	32002031	Start Date:	01/17/2021		
Name:	ATTN: Angela	Stop Date:	01/24/2021	Payments:	\$ 0.00
Caller:	Angela Reece	Insertions:	4	Balance:	\$ 128.88
Taken By:	S037	Columns:	2	Lines:	76
Schedule:	HTN Times News 1/17 1x, s1/24 1x			Taken On:	01/12/2021
SalesRep	Nancy Mullinax				

**PUBLIC HEARING NOTICE**

Notice is hereby given that the City of Hendersonville City Council will hold two public hearings on Thursday, February 4, 2021, at 5:45 p.m., both remotely by Zoom (instructions below) and in person at City Hall on the Second Floor located at 160 Sixth Avenue E, Hendersonville NC to consider the following:

**I. Conditional Zoning District** - Application for a conditional rezoning from Carleton Collins Architecture, PLLC. The applicant is requesting to rezone the subject property, PIN 9569-60-1341 and 9569-60-1454 and located at 903 & 919 Fleming Street, from MIC, Medical, Institutional and Cultural District to MIC CZD, Medical, Institutional and Cultural Conditional Zoning District for the construction of a three-story, 13,536 sq. ft. medical office building.

**II. Conditional Zoning District**- Application for a conditional rezoning from the Tamara Peacock Company and Tom Shipman. The applicant is requesting to rezone the subject properties, PIN 9568-79-0293, 9568-79-2254, 9568-79-3224 and 9568-79-0388 and located at 227 7th Avenue West, from CMU, Central Mixed Use to CMU CZD, Central Mixed Use Conditional Zoning District for the construction of 132 condo/hotel suites, conference center and 2 restaurants

At least one City Council member will attend the hearing remotely. Members of the public may attend in-person, however, in compliance with Governor Cooper's Executive Orders and social distancing guidelines, in person attendance of the public will be limited as spacing permits. Public hearing comments will be accepted from those attending in person and also from those participating live via ZOOM at the designated time at this meeting. For security reasons screen sharing will not be allowed. Persons participating in person or via Zoom who wish to have photos or video considered by the Council may submit them to the City Clerk, Angela Reece in person, by mail, or by email. Videos or photos must be received by the Clerk not later than 8:00 a.m., February 3, 2021. Photo and video submissions are governed by the City Council's Public Comment Policy, available on the City's

website by visiting <https://www.hendersonvillenc.gov/public-comment>

The meeting instructions to join by Zoom are listed below and will also be available on the City's website by visiting <https://www.hendersonvillenc.gov/events-calendar>. Comment period instructions for those participating remotely via Zoom will also be displayed at the appropriate times during the meeting.

Zoom information for the meeting is:

<https://zoom.us/>  
Dial-in by phone: (646) 558-8656  
Meeting ID: 957 4684 6396  
Passcode: 28792

Anyone wishing to submit written public comment for this public hearing may visit <https://www.hendersonvillenc.gov/public-comment> to submit their comment.

Comments may also be mailed or emailed to the attention of the City Clerk, Angela Reece. Written comments pertaining to the public hearing must be received by the Clerk no later than twenty-four hours following the close of the public hearing to be considered by the City Council.  
Contact information for the City Clerk, Angela Reece, is: 160 6th Avenue East, Hendersonville, NC 28792; areece@hvinc.gov; (828) 697-3005.

The City of Hendersonville is committed to providing accessible facilities, programs, and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact the City Clerk, Angela Reece at 697-3005 no later than 24 hours in advance of the meeting.

1/17, 1/24, 2021 672359

**Attention:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

This is a final proof. If any information is incorrect, please contact your sales representative prior to the deadline of the first insertion. Otherwise your order is accepted as having been approved.





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**SUMMARY:** The City is in receipt of a Conditional Rezoning application from Carleton Collins of Carleton Collins Architecture and CCP Fleming LLC for the development of a 3 story 13,536 square foot medical office on approximately 0.86 acres. The subject property is identified as parcel numbers 9569-60-1341 and 9569-60-1454 is currently vacant. The applicant is requesting to rezone the subject property from MIC Medical, Institutional, Cultural and MIC-SU Medical, Institutional, Cultural, Special Use to MIC-CZD Medical, Institutional, Cultural Conditional Zoning District. The Planning Board has recommended 5 conditions for this conditional rezoning application.

**BUDGET IMPACT:** N/A

**Is this expenditure approved in the current fiscal year budget?** N/A

**If no, describe how it will be funded.**

EnterTextHere

**PROJECT NUMBER:** N/A

**PETITION NUMBER:** P20-41-CZD

**ADDITIONAL PETITION NUMBER:** N/A

**PETITIONER NAME:** Carleton Collins (applicant) CCP Fleming LLC (property owner)

**ATTACHMENTS:** Staff report, which includes various appendices

## Community Development Staff Report

**TO:** Honorable Mayor and City Council

**FROM:** Community Development Department- Planning Division

**RE:** Fleming Street Medical Office Building Rezoning

**FILE #:** P20-41-CZD

**DATE:** February 4<sup>th</sup>, 2021

### PROJECT DESCRIPTION

The City is in receipt of a Conditional Rezoning application from Carleton Collins of Carleton Collins Architecture and CCP Fleming LLC for the development of a 3 story 13,536 square foot medical office on approximately 0.86 acres. The subject property is identified as parcel numbers 9569-60-1341 and 9569-60-1454 is currently vacant. The applicant is requesting to rezone the subject property from MIC Medical, Institutional, Cultural and MIC-SU Medical, Institutional, Cultural, Special Use to MIC-CZD Medical, Institutional, Cultural Conditional Zoning District. The Planning Board has recommended 5 conditions for this conditional rezoning application.

### PREVIOUSLY APPROVED SPECIAL USE PERMIT

On August 6<sup>th</sup>, 1998, City Council at its regular meeting rezoned the subject property from R-6 High Density Residential to MIC-SU Medical, Institutional, Cultural, Special Use to allow the property owner to operate a professional office or medical facility in the existing single-family structure. The rezoning was approved By City Council with the following conditions: 1) The existing structure to remain subject to renovation and expansion per NC building code. 2) one-way entrance to the rear parking from Fleming Street. 3) one-way exit from rear parking lot from Fassifern Court. 4) No on street parking is specified. 5) the submittal of a storm water management plan that meet the City's requirements. 6) shall have a sign that does not exceed 30 square feet.

The minutes from the City Council meeting concerning this item is Appendix A in your memo.

### NEIGHBORHOOD COMPATIBILITY

A neighborhood compatibility meeting concerning this application was held on November 24<sup>th</sup>, 2020. Notice was provided by U.S. mail to the owners of record of all

property situated within 400 feet of the subject property as required by the Zoning Ordinance.

Several people representing the public attended the meeting virtually. They had questions concerning height of the building, buffering, stormwater runoff and flooding. A copy of the neighborhood compatibility report accompanies this memorandum as Appendix C.

## **CHANGES TO THE PLAN BETWEEN NEIGHBORHOOD COMPATIBILITY AND PLANNING BOARD**

The applicant submitted an updated site plan on December 3<sup>rd</sup>, 2020. The applicant proposed the revisions after comments received at the Neighborhood Compatibility meeting. The site plan that was presented at Neighborhood Compatibility is listed as Appendix I and Appendix J.

The following changes were made between the November 3<sup>rd</sup> and December 2<sup>nd</sup> submissions:

- 13 Green Giant and 9 Norway Spruce were added to the rear of the property, in addition to the already proposed type B buffer.
- The new plan shows the building 25' from the rear property line. The previous plan showed the building 20' from the rear property line.
- The new site plan shows building approximately 2 feet closer to the southern property line.

## **PLANNING BOARD**

The Planning Board took this matter up at its regular meeting on December 14<sup>th</sup>, 2020. The Planning Board voted 5-1 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville. Changing the zoning designation of the subject property from MIC Medical, Institutional, Cultural and MIC-SU Medical, Institutional, Cultural, Special Use to MIC-CZD Medical, Institutional, Cultural Conditional Zoning District based on the site plan submitted and subject to the limitations and conditions stipulated on the published list of uses and conditions, finding that the rezoning is consistent with the Comprehensive Plan, and that the rezoning is reasonable and in the public interest.

The list of conditions reviewed and recommended for adoption by the Planning Board are listed below:

1. That the building be relocated on the site plan to sit on the front setback line and that the parking located at the front of the property be relocated to the side and rear of the site plan to conform to the Comprehensive Plan's guidance to use a

“minimal front setback” and limit parking to the “rear and side only.”

2. That the existing type B buffer along the western property line of parcel number 9569601454 and the existing buffer along the western property line of parcel number 9569601341 be preserved during the redevelopment of the site in accordance with Section 15-4 Existing Vegetation of the City’s zoning ordinance.
3. That a stormwater management plan be submitted by the applicant demonstrating compliance with Chapter 24 Article 3: Stormwater Ordinance in the City Code of Ordinances.
4. That site lighting be dark sky compliant.

### **TREE BOARD REVIEW**

The Tree Board directed Mark Madsen and Pat Christie to evaluate the existing buffers on the site. Mark and Pat are both members of the Tree Board as well as ISA Certified Arborists. Their review comments are below. The tree survey for this project is appendix K. Photos of the current vegetation can be found as appendix L.

“We paid close attention to the request for and intent to provide screening along the west property line. Currently, there is heavy cover with hemlocks, Leyland cypress, bamboo and holly, all in reasonably good condition. The developer stated his intent to preserve as much existing vegetation as possible along the west property line. After walking the site, we were curious whether the landscape designer for the property was even aware of that intent. No existing plantings show as remaining in the new landscape, even though many of them could be quite suitable in the effort to provide vegetative screening.

A retaining wall will obviously be required along the west property line. The plan indicates that, but does not indicate the height or length of such a wall. Some desirable existing plantings could be at risk, depending on the addition of much fill soil for final grading.”

### **ZONING ORDINANCE GUIDELINES**

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

1. **Comprehensive Plan consistency.** Consistency with the Comprehensive Plan and amendments thereto.

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

## Rezoning Request Analysis

### EXISTING LAND USE & ZONING

The subject property is currently zoned MIC Medical, Institutional, Cultural and MIC-SU Medical, Institutional, Cultural, Special Use and is currently vacant.

Parcels to the north are zoned MIC-SU, PID, Planned Intuition Development and R-6. Parcels to the east are zoned MIC, PID-CZD and R-6 and contain Hendersonville High School. Parcels to the south are zoned MIC, and PCD, Planned Commercial Development and contain Pardee Hospital. Parcels to the west are zoned R-6, MIC and R-15, Medium Density Residential. Surrounding land uses and zoning districts are shown in Appendix D “Existing Land Use Map” and Appendix E “Existing Zoning Map”.

### COMPREHENSIVE PLAN CONSISTENCY

The subject property is classified as Urban Institutional on the 2030 Comprehensive Plan’s Future Land Use Map. The goal of the Urban Institutional classification is to “Create a cohesive, well-defined urban campus for medical and educational institutions, with supportive office, service and residential uses, that is integrated with Downtown.”

The recommended primary and secondary land use in Urban Institutional are as follows:

Recommended Primary Land Uses:

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

Recommended Secondary Land Uses:

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

Development guidelines:

- Similar development standards to Downtown Support
  - Minimal front setback
  - Rear or limited side parking only
  - Façade articulation
  - Development and maintenance of traffic calming improvements
  - Ground-floor storefronts and/or architectural detailing on parking structures
- Encouragement of neighborhood master-planning that links hospital with offices, services and Downtown
- Development and maintenance of traffic calming improvements

The 2030 Comprehensive Plan's Future Land Use Map designates all surrounding parcels as Urban Institutional . Neighborhood Activity Center and Medium Intensity Neighborhood classifications are also in the general area of the project.

The 2030 Comprehensive Plan's Future Land Use Map is located in Appendix F.

**PLAN REVIEW:**

The site plan is Appendix G of this memo.

**Buildings**

The site plan shows a three-story 13,536 square foot medical office building

**Parking Requirements - Table 6-5-2**

The zoning ordinance requires that medical offices provide 1 per each 250 ft<sup>2</sup> of gross floor area.

- $13,536/250=54.14$ 
  - 55 spaces required
  - 55 spaces provided.

### **Traffic Impact Analysis - Section 6-18**

- It was determined that a Traffic Impact Analysis was not necessary for this project. According to the 7<sup>th</sup> edition volume 2 of the Institute of Transportation Engineers trip generation manual the project is not expected to meet either the 100 or more peak-hour trips or the 1,000 or more daily trips thresholds.

### **Entrance**

The development would have two points of ingress and egress, one off of Fleming Street and one off of Ninth Ave. West.

### **Stormwater/Flood Hazard Area**

The project is disturbing less than an acre, so a stormwater management plan is not a requirement.

### **Sidewalks - Section 6-12**

Sidewalks will be provided on all of the subject property's frontages that isn't already served by an existing sidewalk.

**Landscaping:** The landscaping plan is identified as appendix H

The site plan is showing a type B buffer along the western property line. A type B buffer is required when commercial uses abuts a residential zone or use.

- A type B buffer consists of 4 broadleaf canopy tree, 25 evergreen shrubs (4-foot centers) 33 flowering shrubs per 100 linear feet.
- The plan also provides an additional 13 Green Giants and 9 Norway Spruces between the proposed Type B buffer and the proposed rear retaining wall.

The site plan also provides vehicular use landscaping of 1 tree 2 shrubs for every 4,000 square feet of VUA.

The site plan provides a buffer from street which is 1 shrub for every 5 feet of VUA that is within 50' of the nearest right of way.

### **6-16-3 Common Open Space Requirements for Non-Residential Developments.:**

- a) At least 10% of the project area shall be devoted to common open space.
- b) Common open space for non-residential developments shall be used for landscaping, lawns, screening or buffering. It may not contain any streets, parking or loading areas, outdoor storage, trash handling, utility or service areas, or areas with impervious surfaces other than sidewalks, recreational facilities and meeting areas.

### **Zoning District Standards - Section 5-10 Medical, Institutional and Cultural Zoning District Classification (MIC)**

- 5-10-3 Dimensional Requirements:
  - Setbacks

- Front: 30
- Side: 10
- Rear: 20
- Height
  - 50 (No building shall exceed 50 feet in height unless the depth of the front and total width of the side yards required herein shall be increased by one foot for each two feet, or fraction thereof, of building height in excess of 50 feet.)

## **Staff Report Recommendations**

### **STAFF COMMENTS**

City Council members can find staff comments relating to the consistency of the proposed site plan with the guidance offered in the City’s Comprehensive Plan and Zoning Ordinance in appendix B. Staff will also include recommended conditions for approval here, alongside references to supporting comprehensive plan and ordinance standards for Council’s consideration. City Council may approve the rezoning request with or without conditions or deny the rezoning request.

**Planning Board/Staff Recommended Rezoning Conditions:** These conditions are included in the attached suggested motion. They can be included or removed at Council’s discretion and upon agreement by the parties involved.

The following (5) conditions are suggested for consideration to address guidance included in the Comprehensive Plan and Zoning Ordinance.

- That the building be relocated on the site plan to sit on the front setback line and that the parking located at the front of the property be relocated to the side and rear of the site plan to conform to the Comprehensive Plan’s guidance to use a “minimal front setback” and limit parking to the “rear and side only.”
  - Set-back in MIC is 30’; further flexibility shall be offered by allowing this required set-back to be measured from either the back of the existing curb, the property line or anywhere in between those two features of the site survey.
- That the existing type B buffer along the western property line of parcel number 9569601454 and the existing buffer along the western property line of parcel number 9569601341 be preserved during the redevelopment of the site in accordance with Section 15-4 Existing Vegetation of the City’s zoning ordinance.



- That a stormwater management plan be submitted by the applicant demonstrating compliance with Chapter 24 Article 3: Stormwater Ordinance in the City Code of Ordinances.
  - This condition mimics, with updated references a condition required in the Special Use permit originally issued in August of 1998 by City Council.
- Site lighting shall be dark sky compliant.
- Final plans for the project shall comply with approved plans, the conditions agreed to on the record of this proceeding and applicable provisions of the Hendersonville Zoning Ordinance and Code of Ordinances.

**Developer Proposed Conditions:** These conditions are included in the attached suggested motion. They can be included or removed at Council’s discretion and upon agreement by the parties involved.

- 1) None

## **SUGGESTED MOTIONS**

### **1) For Recommending Approval:**

I move City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from MIC Medical, Institutional, Cultural and MIC-SU Medical, Institutional, Cultural, Special Use to MIC-CZD Medical, Institutional, Cultural Conditional Zoning District, based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the Published List of Uses and Conditions, finding that the rezoning is consistent with the Comprehensive Plan’s Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons:

**[PLEASE STATE YOUR REASONS]**

### **SUGGESTED CATEGORIES FOR REASONS**

1. Comprehensive Plan consistency.

2. Compatibility with surrounding uses.
3. Changed conditions.
4. Public interest.
5. Public facilities.
6. Effect on natural environment.

**2) For Recommending Denial:**

I move City Council not adopt an ordinance rezoning the subject property for the following reasons:

**[PLEASE STATE YOUR REASONS]**

**SUGGESTED CATEGORIES FOR REASONS**

1. Comprehensive Plan consistency.
2. Compatibility with surrounding uses.
3. Changed conditions.
4. Public interest.
5. Public facilities.
6. Effect on natural environment.

## **IN RE: Fleming Street Medical Office Building Rezoning (File # P20-41-CZD)**

### **List of Uses & Conditions**

#### **I. Stipulated Uses:**

**Only the following uses are authorized for the referenced development:**

- Offices, business, professional and public
- Personal services consistent with the purposes of this classification, such as medical & dental labs and clinics, opticians & optical services and prosthetics & orthopedics

#### **II. Conditions:**

**(1) Shall Be Attached to the Conditional Rezoning and Satisfied Prior to Issuance of Final Site Plan Approval:**

1. That the building be relocated on the site plan to sit on the front setback line and that the parking located at the front of the property be relocated to the side and rear of the site plan to conform to the Comprehensive Plan's guidance to use a "minimal front setback" and limit parking to the "rear and side only."
2. That a stormwater management plan be submitted by the applicant demonstrating compliance with Chapter 24 Article 3: Stormwater Ordinance in the City Code of Ordinances.

**(2) Shall Be Attached to the Conditional Rezoning:**

3. Final plans for the project shall comply with approved plans, the conditions agreed to on the record of this proceeding and applicable provisions of the Hendersonville Zoning Ordinance and Code of Ordinances.
4. That the existing type B buffer along the western property line of parcel number 9569601454 and the existing buffer along the western property line of parcel number 9569601341 be preserved during the redevelopment of the site in accordance with Section 15-4 Existing Vegetation of the City's zoning ordinance.
5. That site lighting be dark sky compliant

Applicant: Carleton Collins

Property Owner: CCP Fleming LLC

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Title within LLC: \_\_\_\_\_

Ordinance # \_\_\_\_ - \_\_\_\_

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBERS 9569-60-1341 and 9569-60-1454 BY CHANGING THE ZONING DESIGNATION FROM MIC MEDICAL, INSTITUTIONAL, CULTURAL AND MIC-SU MEDICAL, INSTITUTIONAL, CULTURAL, SPECIAL USE TO MIC-CZD MEDICAL, INSTITUTIONAL, CULTURAL CONDITIONAL ZONING DISTRICT**

IN RE: Parcel Numbers 9569-60-1341 and 9569-60-1454- Fleming Street Medical Office Building (File # P20-41-CZD)

**WHEREAS**, the City is in receipt of a Conditional Rezoning application from Carleton Collins of Carleton Collins Architecture and CCP Fleming LLC for the development of a of a 3 story 13,536 square foot medical office on approximately 0.86 acres, and

**WHEREAS**, the Planning Board took up this application at its regular meeting on December 14<sup>th</sup>, 2020; voting 5 to 1 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

**WHEREAS**, City Council took up this application at its regular meeting on February 4<sup>th</sup>, 2021, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following:  
  
Parcel numbers 9569-60-1341 and 9569-60-1454 from MIC Medical, Institutional, Cultural And MIC-SU Medical, Institutional, Cultural, Special Use To MIC-CZD Medical, Institutional, Cultural Conditional Zoning District.
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be subject to the site limitations and conditions stipulated on the published List of Uses and Conditions.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 4<sup>th</sup>, day of February 2021.

Attest:

\_\_\_\_\_  
Barbara G. Volk, Mayor, City of Hendersonville

\_\_\_\_\_  
Angela L. Reece, City Clerk

Approved as to form:

\_\_\_\_\_  
Angela S. Beeker, City Attorney

CITY COUNCIL  
FLEMING STREET MEDICAL OFFICE BUILDING  
FEBRUARY 4TH, 2021  
PAGE 13

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, Amy H. Knight, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk in her capacity of Mayor of the City of Hendersonville; Angela L. Reece, in her capacity of City Clerk; and Angela S. Becker, in her capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

My commission expires:

\_\_\_\_\_  
Amy H. Knight

## Appendix A

### **7. Klein/Helppie Rezoning and Special use Permit application - Requesting the rezoning of a lot situated at the southeastern corner of Fleming Street and Fassifem Court intersection from R-6 High Density Residential District to MIC-SU Medical, Institutional, Cultural-Special Use District.**

Mayor Niehoff explained this hearing is for the Klein/Helppie rezoning and special use permit request. He stated Mr. Philip Klein and Dr. Joanne Helppie are requesting a special use rezoning to allow a medical office or other specified use within an existing residential structure. The requested rezoning is from R-6 high-density residential district to MIC-SU Medical-Institutional-Cultural Special Use District. He stated the property is located at the southwestern corner of the Fleming Street/Fassifem Court intersection.

Mayor Niehoff opened the public hearing at 9:34 p.m. in accordance with North Carolina General Statutes by notice published in the Times News.

Mayor Niehoff reminded those present of the rules of procedure for a quasi-judicial hearing. He asked all those who wish to speak, either for or against the rezoning, to come forward to be sworn in. The following were sworn in: Mr. Roger Briggs, Mr. Jim Hall, Mr. Luther Smith, and Mr. Philip Klein.

Mayor Niehoff asked if anyone wanted to reserve the right to cross examine. No one spoke. That right was deemed waived.

Mr. Briggs submitted the Planning Department file number 98-34-SUR into the record of this proceeding. Mayor Niehoff received that file into the record. Mr. Briggs requested that the Council take official notice of the Land Development Plan, the Thoroughfare Plan, and the Zoning Ordinance of the City of Hendersonville. Mayor Niehoff responded that Council takes official notice of those documents.

Mr. Briggs addressed the Council providing the following information for this project: "The applicants for this project are Philip Klein and Dr. Joanne Helppie and are also the property owners. Mr. Klein and Dr. Helppie are the owners of a single-family dwelling situated on the southwestern corner of the intersection of Fleming Street and Fassifem Court. The property is currently zoned R-6 High Density Residential. The rezoning application requests MIC-SU Medical Institutional Cultural-Special Use. The rezoning application is accompanied by another application for a special use permit that states certain conditions. The conditions regarding use state that the property (if rezoned) could only be used for professional offices, medical clinical facilities, a residence, and/or business and medical support facilities. Other conditions stated in the application include, (1) the existing structure to remain, subject to renovation or expansion per the building code, (2) one-way entrance to rear parking from Fleming Street, (3) one-way exit from rear parking lot to Fassifem Court, and, (4) no on-street parking is specified. A conceptual site plan accompanied the application."

Mr. Briggs continued: "The *Land Development Plan* was amended by City Council on February 8, 1996 for this portion of the neighborhood. The amendment now indicates public and semi-public for this area. This is the classification in the Land Development Plan that supports medical facilities. The *Thoroughfare Plan* indicates Fleming Street as a major existing facility. Mr. Briggs stated a neighborhood compatibility meeting was held on May 15, 1998. A report of that meeting was in the agenda material. Owners of 46 neighboring properties were notified. We did have a significant attendance - about 12-15 individuals came to the meeting which was held in City Hall. Most of the questions revolved around the future of Fassifem Court and not so much specifically with this application. It was my observation, in summary, that neighbors in attendance either endorsed this application or had no objections to it. The Planning Board reviewed this application at its regular meeting on July 20, 1998. At that meeting the Board voted unanimously to recommend to City Council that it approve the application of Mr. Klein and Dr. Helppie, for: 1) an amendment to the official zoning map rezoning the subject property from R-6 High Density

Residential to MIC-SU Medical Institutional District, and, 2) the issuance of a special use permit based on the site plan submitted by the applicant as well as the following conditions: submittal of a stormwater management plan demonstrating compliance with Section 7-11 of the Zoning Ordinance and the Resolution Establishing Standards to Determine the Adequacy of Stormwater Facilities, and that a maximum sign area of 30 square feet be imposed on this application. An analysis of any issues that may be outstanding: This application is for a rezoning and a special use permit. A final site plan review and approval is required prior to the issuance of a zoning compliance permit. No unresolved issues have been identified."

Commissioner Harley stated the summary of the project calls for one-way streets, but the preliminary plan shows two-way streets and this is not listed as a Planning Board recommendation. Mr. Briggs explained the site plan was revised to reflect the one-way streets. Mr. Smith stated the streets are one-way in, it is wider at the entrance because of the handicap parking. Mr. Briggs stated that is addressed in the project narrative as one-way traffic flow.

Commissioner Padgett asked how stormwater management would be addressed. Mr. Briggs responded this will be reviewed during the final site plan review by submitting it to the City Engineer for review, but this information was not indicated on the conceptual site plan. Commissioner Padgett expressed a concern about the stormwater plan for the properties downhill from this project. Mayor Niehoff explained the stormwater management plan is required in the final site plan. Mr. Briggs explained that special use review only requires a conceptual site plan which is at a lower level from a technical standpoint than a preliminary site plan. He stated in his opinion, the applicant has complied with the conceptual site plan requirements.

Mayor Niehoff asked if anyone wanted to speak in favor of this proposal:

Jim Hall, 30 Westminister Court, "I was here three years ago when we had two of the same Council members and the same Mayor. That was my first experience here and the bottom line of the application was we were turned down because there was no special use ordinance in place. And, we had concurrence from the neighbor behind us but there was no way for the City to make us do what we promised and so we learned a lesson. This time, we have the ability to deliver, and you can make us deliver, I think that is really what this is about, there is a new neighbor in the back. I have a letter from her. She could not be here but she was at the neighborhood compatibility meeting. She is a practicing physician. She endorses this quite strongly. I would like to point out that on all of Fleming there are only four properties that are not zoned MIC. And this particular property, to the immediate right is a business and directly across the street there is a rather large physician's office. We think it is time to put this to good use. There will not be a lot of pavement, I can tell you, there's not going to be a development here. It's really going to be restoring the house that is there and then just trying to provide adequate parking with the ample land that is provided behind the house in this case which is unusual for Fleming. That's what makes this very well-suited for some sort of an office practice and easy walking distance to the hospital. 111 answer any questions you may have. Is this letter admissible or necessary? She just restated what she stated at the compatibility meeting. I have to tell you, compared to the experience three years, the compatibility meeting was a picnic. It was really quite pleasant. Everybody was pleased with what we are doing."

No one else spoke in favor of or in opposition to the proposal. The public hearing was closed at 9:45 p.m.

Mayor Niehoff asked the owner or agent of the owner to come forward. He asked Mr. Jim Hall if he agreed to accept the conceptual site plan and the conditions that were recommended by the Planning Board and have those binding on the future use of the property if it is rezoned to MIC-SU. Mr. Hall responded yes.



**Commissioner Volk moved, with regard to the application of Mr. Philip Klein and Dr. Joanne Helppie, requesting the rezoning of their property from R-6 High Density Residential to MIC-SU Medical Institutional Cultural-Special Use, and for the issuance of a special use permit, based on the record before Council, moved that Council make the following factual findings:**

- (1) The development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;**
- (2) There are, or will be at the time they are required, adequate public facilities to serve the development;**
- (3) The development complies with all required regulations and standards of the zoning ordinance, or with variances thereto granted pursuant to Section 7-4-15, and with all other applicable regulations;**
- (4) The development is located, designed, and proposed to be operated so as to be compatible with adjacent properties and neighborhoods; and**
- (5) The development conforms with the general plans for the physical development of the City.**

**She further moved that Council approve the application of Mr. Klein and Dr. Helppie, for (1) an amendment to the official zoning map rezoning the subject property MIC-SU Medical Institutional Cultural-Special Use, and (2) the issuance of a special use permit, based on the site plan submitted by the applicant, as well as the limitations and conditions proposed by the applicant, the conditions recommended by the Planning Board, and any conditions to which the applicant has agreed on the record of this proceeding. Commissioner Harley seconded the motion. The Council voted unanimously; motion carried.**

Ordinance #98-0846

**AN ORDINANCE AMENDING THE  
 OFFICIAL ZONING MAP OF THE CITY  
 OF HENDERSONVILLE IN RE:  
 KLEIN/HELPPIE; FILE NO. 98-34-  
 SUR**

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

1. Pursuant to Section 4-2 and Article XI of the Zoning Ordinance of the Qty of Hendersonville, North Carolina, the Official Zoning Map is hereby amended in the following manner:

Tax parcel PIN 9569-60-1454, as depicted on the sketch attached to this ordinance, is rezoned from R-6 High Density Residential to MICSU Medical Institutional Cultural Special Use.

2. This amendment involves a rezoning to a special use district and, thus, is subject to a special use permit, the terms of which may be found in the referenced file in the records of the Hendersonville Planning Department.

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

Adopted this sixth day of August 1998.

## **Appendix B**

**Date with Month, Day, and Year (7-3-3.2(a)):** Completed

**Title of Project (7-3-3.2(b))** Completed

**Name of Project Designer, Developer, and Property Owner (7-3-3.2(b)):** Please add a note with all of this information.

**North Arrow, Scale, and Landmarks Sufficient to Identify Location (7-3-3.2(c)):** Completed

**Vicinity Map (7-3-3.2(d)):** Completed.

**Zoning of Project and Adjacent Properties (7-3-3.2(e)):** Completed

**City Limits (7-3-3.2(f)):** Please add note stating that the property is within the City limits of Hendersonville.

**Names of Adjacent Property Owners (7-3-3.2(g)):** Completed.

**Site Survey (7-3-3.2(h)):** Completed.

**Floodplain and Other Significant Natural Features (7-3-3.2(l)):** Completed.

**Proposed Streets, Alleys, Driveways, Parking Requirements, etc. (7-3-3.2(j)):** Completed.

**Preliminary Utility Layout (7-3-3.2(k)):** Completed.

**Entrance and Exit Locations (7-3-3.2(l)):** Completed

**Proposed Reservations (7-3-3.2(m)):** N/A

**Tree Survey and Proposed Areas for Buffering (7-3-3.2(n)):** Please provide a survey showing tree line before site preparation with species and diameter of trees 12 inches or greater DBH (diameter at breast height) indicated and showing areas to be screened, fenced, walled and/or landscaped. Please also show existing trees and shrubs that will be retained.

**Building(s) Locations, Dimensions, and Uses (7-3-3.2(o)):** Please show building height.

We shall require a measure of the building heights that determines the “average grade” in the following manner.

- 1) Average grade is determined by identifying at least three spot elevations, measured at equal distances from each other and spaced no more than 50' apart, along each façade of a building. The resultant spot elevations shall be added together and divided by the total number of spot elevations identified to determine the building's "average grade."
  - a. Spot elevations shall be measured within 2' of the building foundation and reflect the proposed finished grade for the project.

Spot elevations shall not be taken from berms or other fill which would artificially impact the site elevation.

**Notations in Chart Format** (square footage and percentage of total site) (7-3-3.2(p)): It does not appear that the parking/vehicular use area calculations is correct on the site plan.

Total Project Area  
Proposed Lot Areas  
Site Coverage - Buildings  
Site Coverage - Open Space  
Site Coverage – Streets and Parking  
Site Coverage – Other Facilities  
Site Coverage – Common Open Space:

**Sign Data** (7-3-3.2(q)): Completed.

**Phasing Lines** (7-3-3.2(r)): N/A

**Transportation Impact Analysis** (7-3-3.2(s)): What is the approximate number of employees?

**Off-Street Parking** (6-5): Completed.

**Off-Street Loading and Unloading** (6-6): Completed.

**Sidewalks** (6-12): Providing sidewalks would be required along the entire northern property line. Most of the property line is served by an existing sidewalk, but the north western corner is missing a section. This section would need to be provided or a fee in lieu proposed.

**Rights-of-Way (Thoroughfare) Compliance** (6-15): N/A

**Common Open Space** (common space or urban open space where applicable) (6-16): It appears that you are currently meeting these requirements; I just wanted to make sure that the calculations are following the guidelines of subsection b.

- a) At least 10% of the project area shall be devoted to common open space.

- b) Common open space for non-residential developments shall be used for landscaping, lawns, screening or buffering. It may not contain any streets, parking or loading areas, outdoor storage, trash handling, utility or service areas, or areas with impervious surfaces other than sidewalks, recreational facilities and meeting areas.

**Adequate Facilities (7-11):** Completed.

**Entry Corridor (5-18):** (checklist attached if applicable) N/A

**Zoning District Standards** (applicable zoning district in Article 5): Completed

**Landscaping** (Article 15): Completed

**Natural Resource Protection Standards** (floodplain, stream buffer, etc., where applicable) (Article 17): N/A

**Stormwater Management** (COD Chapter 24 Article III): Provide a completed Stormwater Maintenance Agreement. Contact Engineering for additional details.

Please add

1. a note indicating that a final plan must include a stormwater management system that complies with the City stormwater ordinance,
2. an approximate footprint area and proposed location for a stormwater management system.

**Comprehensive Plan Compliance** (Section 14-1):

Development Guidelines

- Minimal front setback-
  - Required front setback: 30'
  - Proposed front setback: Approximately 75'
- Rear or limited side parking only
  - Front and side parking proposed.
- Façade articulation
- Development and maintenance of traffic calming improvements
- Ground-floor storefronts and/or architectural detailing on parking structures
- Encouragement of neighborhood master-planning that links hospital with offices, services and Downtown
- Development and maintenance of traffic calming improvements

**Appendix C**  
 Planning Report  
 Neighborhood Compatibility Meeting  
 Application for a Conditional Zoning District  
 Fleming Street Medical Office File # P20-41-CZD  
 Tuesday, November 24, 2020 2:00 p.m.

Tyler Morrow, Planner, convened the compatibility meeting at 2:00 pm in the Assembly Room of the City Operations Center. Approximately one application representative and four City staff were in attendance. The follow attended:

<b>Name</b>	<b>Address</b>	<b>Name</b>	<b>Address</b>
Carleton Collins (app)	105 Cranford Rd.		
Lew Holloway	staff		
Tyler Morrow	staff		
Tyler Henry	staff		
Terri Swann	staff		

Mr. Morrow opened the meeting explaining this is the first step in a three-step process. He explained the conditional rezoning process adding anyone who received notice of this meeting would receive notice of the City Council Public Hearing. Minutes of this meeting will be forwarded to Planning Board and City Council. Mr. Morrow said the project will go before the Planning Board in December and City Council will hear the project in January. Mr. Morrow stated this meeting is for the neighbors to learn about the project and they should focus on the compatibility of the project in the neighborhood. This is a virtual meeting and Mr. Morrow explained the process and the steps to participate in the meeting. This is an informal meeting so state your name and address before making any comments as minutes of this meeting are being taken.

Mr. Morrow stated the property is currently zoned MIC, Medical, Institutional and Cultural and MICSU, Medical, Institutional and Cultural Special Use. The proposed rezoning is MIC CZD, Medical Institutional and Cultural Conditional Zoning District. The site plan shows a 13,536 square foot building. This is a three-story medical office building. If approved the project will be limited to what is on the approved site plan. They plan to have access from Fleming Street and from 9<sup>th</sup> Avenue West. The applicant Mr. Carleton Collins is here to give a presentation.

Carleton Collins, Architect for the project stated his name for the record. The design of the building is a three-story medical office building with parking that will wrap around the building. There will be 4,500 square feet per floor. They imagine this to be acute health care, family pediatrics or orthopedic offices. They will comply with the buffer requirements for a Type B buffer between commercial and residential and they plan to add landscaping to the other areas as well. The main entry will be off Fleming Street and that entry will align with a covered drop-off. The other entrance/exit will be off 9<sup>th</sup> Avenue West.

He did read the comments concerning stormwater and they will manage this in such a way as to not impede on the neighboring properties. The character of the building is not highly modern and not highly traditional. It is a combination of both. They plan to use stucco, brick and glass. It will feature an outdoor staircase, enclosed dumpster and a covered canopy at the main entrance.

Mr. Collins stated along Fleming there exists several medical offices that are small one-story buildings but also in the area are taller buildings such as the hospital and high school. They plan to have this building blend in with the area. The height of this building does meet the zoning ordinance requirements. The project will meet all the requirements of the City of Hendersonville.

Lew Holloway, Community Development Director stated the public comments will be included fully in the minutes of this meeting. He summarized the comments.

**Pre-Submitted Public Comments:**

**Candis Killam, 524 Fassifern Court:** I have lived on Fassifern Ct for almost 20 years, it is a great little neighborhood. My house is only 2 properties down from the proposed building. I do not want the rezoning to change, besides the hospital and high school, there are not any buildings residential or medical etc that are larger than one story. I do not think it would be appropriate to build anything above a one story building so close to residential areas. Before they tore down the 2 (one story) pervious buildings they were medically related and did well to fit in to our neighborhood and surrounding area. Please do not allow this change to take place. Thank you

**Heather B West, 505 9th ave W:** Our house is adjacent to the property on 9th Ave. We are concerned about a building of this size being right beside our house. A 3 story medical building would tower over my house. My children would play in the back yard with a huge building looming over them. Instead of looking out onto trees, my daughter would get to see a retaining wall and dumpster when she looks out her window. And what would this kind of property, so out of keeping with this neighborhood, do to my property value? The financial impact of an enormous building so close to my house would be huge.

**John B Hunter, 923 Fassifern Ct:** Last year we purchased the home at 923 Fassifern Ct in Hendersonville. This home was built by Dr. Joseph Sevier in 1928 and holds quite a bit of historical value. Dr. Sevier took over as Headmaster at the Fassifern School for girls from 1925 until his passing in 1945. Below are a couple links articles with more information about the Fassifern School. <https://www.blueridgenow.com/article/NC/20131020/News/606028276/HT> [https://www.greetingsfromthepast.com/2019/07/fassifern-school/Dr. Sevier was also the founder of Camp Greystone that has been in operation for over 100 years and is still in operation today in nearby Tuxedo, NC.](https://www.greetingsfromthepast.com/2019/07/fassifern-school/Dr.-Sevier-was-also-the-founder-of-Camp-Greystone-that-has-been-in-operation-for-over-100-years-and-is-still-in-operation-today-in-nearby-Tuxedo,-NC/) <https://www.campgreystone.com> We are disappointed we haven't been given much time to prepare for this meeting and we are not going to be able to attend or make comments on the Zoom meeting today. We were only recently notified by the Community Development Department Planning Division that a developer wants to rezone the nearby property for this large 3 story medical office building. We are close to the hospital and understand that medical offices and similar businesses will pop up nearby, but never expected a monstrosity like this to be permitted so close to a residential and historical area. This building is much too large and out of character with the neighborhood. We have reached out to the Hendersonville Historic Preservation Commission and will be working on ways to protect the residential

community from this type of project. We hope your department does not allow this rezoning so that we are not forced to take additional action.

**Zach Forrest, 520 Fassifern court:** Please do NOT allow this property to be rezoned. After seven years of living in my beloved travel trailer, I purchased the home right beside this property just 6 months ago. When I moved to the neighborhood the house on the property was being used as a medical facility and that was working out just fine. Since then the house has been torn down and the basements filled resulting in my backyard (and my neighbors) becoming a mud river upon raining that I'm happy to share videos of. After contacting the owners and promises to fix the issue nothing was done. Due to the work already done on the property the rainwater is already inches from entering the basement and creating a tremendous financial burden. I had to further ruin my yard by digging a trench to divert the water away from the basement and I have spent thousands (happy to provide receipts) on sump pump installation. Careful consideration will need to be made regarding the stormwater drainage so that I can have my backyard and not have to worry about a flooded basement. I'll summarize my remaining concerns;- Parking- 52 parking spaces for a 13,500+ square foot building is concerning. There are not enough parking spaces for a building of this size. This is concerning because this will result in people blocking my driveway or parking down the streets of our currently quiet neighborhood. -Water Drainage- Based on the map the plan is to divert stormwater into my and my neighbor's properties. This is concerning as it effectively passes the burden of stormwater to myself and my neighbors rather than taking responsibility for and properly disposing of the additional water created from building this structure. I'm concerned that this will cause a tremendous financial burden that would otherwise be addressed with proper development.-Proposed building proximity to property line-The map scaling is very unclear making it impossible to understand how close the proposed building site or retaining walls are to my property line. I'm also concerned that the brush/trees/landscaping between our properties will be removed or not be sufficient to maintain the privacy and barrier between the properties.-Retaining walls-The retaining walls look alarmingly close to the property line and there is a gap that would allow water to flow directly into my neighbors and my own yard. This is very concerning. -The map provided does not have an accurate scale-Will it be possible to have a map with an accurate scale or get confirmation of which scaling is correct? Right now it has scale as 1" = 20' but directly above it, there is another scale that is not the same. Which one is it? Can we get a new map or confirmation on which scale is accurate before we move forward?-3 story building will likely block the sun-I'm concerned that the sun will be blocked by the 3 story building.-Only proposed 3 story building in the area-I was promised by the owners of the property that the building would be built to blend in with the neighborhood. The mockups are of a very modern building. This neighborhood is from the late 1800s and early 1900s so how does a modern building fit in with the neighborhood? Further, this 3 story building would be the only one other than the hospital so further does not fit in with the neighborhood. The whole neighborhood shares these concerns including Candis who has sent in her comments and others including the other adjacent property owner. Please do not allow this re-zone to occur.

**Jason Peiffer, 1005 Fassifern Ct:** I reside in the Fassifern Ct. neighborhood adjoining the properties and have concerns regarding marketability of the proposed medical office building and question the need for rezoning. We already have several vacant or nearly vacant medical office buildings nearby, one of which is directly across the street on the opposing side of the entrance to our neighborhood (containing a single shoulder clinic in a much larger vacant complex). Is there need for rezoning so that an even larger 3 story medical building may be placed on the properties? Does the builder already have contracts in place that we are assured all 3 stories of an imposing complex will be needed directly next to our

neighborhood? Should the rezoning and proposed building take place as envisioned, what will be the maximum height of the retaining wall immediately next to the houses of our court as builders seek to level the property? What considerations have been given to run-off from the proposed parking lot? We already have flooding and heavy flow through the lawns of properties just below the proposed building site during rainstorms. Will the parking lot divert rainwater directly into storm drains or exacerbate existing problems?

Mr. Morrow stated they will hear the live comments. He explained the raise hand feature and asked each person to state their name and address for the record.

Ken Fitch, 1046 Patton Street stated the comments should be noted and there are questions that have not been answered. There are many concerns with this project such as the elevation of the building. He asked if the elevation would be altered to align with Fleming Street and had concerns about the bank on the Fassifern side. He asked if the stakes with pink ribbons are on the property lines. Mr. Collins stated he cannot speak to the stakes on the property. The sitework team will blend into the existing grade. They will raise the elevation slightly to accommodate the building and the parking lot will remain flat. He stated the upper right portion has a low part on the property and he read in the comments the mention of the retaining wall. The retaining wall will be at the edge of the building and the parking lot. They will work out the stormwater details and they do not plan to impede on the surrounding neighbors.

Mr. Fitch stated retaining the lower grade at the rear of the building could have an impact to the adjoining properties. He asked if the Tree Board will review this project and if they plan to keep any of the existing trees on the property. Is a tree survey required and what are the details of the buffer?

Mr. Collins stated there will be a combination of taller trees and smaller landscaping to provide a soft visual screen. They plan to retain what trees they can, but some will have to be removed for construction.

Donald Cooper, 900 Fleming Street stated he owns the Edward Jones building on the corner. Will the first floor be level with Fleming Street? Mr. Collins stated yes. Mr. Cooper stated that will cause the property to be 5,6,7,8 feet higher. Mr. Collins stated several feet yes, but not 8 feet. Mr. Cooper stated having a three-story building and raising the elevation of this property will make it significantly higher than Dr. Hornsby's office building that sits across the street and his building is only one story. Mr. Collins stated this property will be relatively level with Fleming Street. The property across the street is higher than street level.

John Hunter, 923 Fassifern Court stated this building is too high for the character of the neighborhood. He wanted it noted on record that he opposes the project and that he does not reside in Ann Arbor, Michigan. He asked who gets the final decision on this. Mr. Holloway stated this is the first step in the process. The project will move on from here to the Planning Board in December and they will give their recommendation on the project to City Council. It will be heard by City Council in January and they will have the final approval. This is only a public input session and the neighbors will have another opportunity to give their comments to the Planning Board and City Council.



Heather West, 505 9<sup>th</sup> Avenue West stated she is an adjacent property owner and she stated the height of the retaining wall is a big concern to her. The house is only 10 feet off the property, and she is concerned the wall will have an effect on her property. Mr. Collins stated they do not anticipate any retaining wall near the dumpster. The wall will only be five to six feet. Ms. West asked if the wall is part of the building. Mr. Collins stated yes that is correct, it is part of the building. It is not a freestanding retaining wall. It is next to the staff entry and the five-foot sidewalk and is up against the building.

Ms. West's husband stated the neighbors and himself have spent money on the upkeep and landscaping of their yards and now this will change the whole outlook of the neighborhood. They will have to listen to a dumpster being emptied every day.

Mr. Fitch asked if a client has been identified for the project and will there be any surgical procedures done at the building or will the building include a lab. He had concerns about the right and left turn onto the street from the property. There is also only one ADA parking space and he feels that is inadequate. He asked what the rear view from Fassifern would be.

Mr. Collins stated they will provide more information on the views at the next meeting. He is not sure that he understands Mr. Fitch's comments on the entryway. He explained how they will enter the property and where the drop-off is located. He also stated they have no potential tenants as of right now. They wanted to get the approval for the project before they market the building. They will have flexibility with the practice type and lean towards non-surgical procedures.

Ms. West asked if the landscaping would be enough to provide a privacy barrier for their property. Mr. Collins stated they could tailor one to meet her needs.

Ms. West's husband stated for the record that he does not want this building and he did not get a response from Mr. Collins. Mr. Collins stated he understands their concerns.

Mr. Holloway stated the notes become part of the public record from this meeting and they will be included in the Planning Board and City Council memos.

Zach Forrest, 520 Fassifern Court stated he is opposed to this being built for many different reasons. There are two different scales on the map, and he doesn't know which one is accurate. Mr. Morrow stated the site plan submitted is 24" x 36" and staff had to shrink that down to mail it out. The 24" x 36" site plan is in the Planning office located at 100 N. King Street and any of the neighbors can come by and get a copy of it. Mr. Forrest had concerns about the 20-foot buffer zone from the property line. Mr. Collins stated the City of Hendersonville has landscaping requirements for the buffers and it is placed in the 20-foot zone of the property line. They have submitted different plant materials with more detail, and they can tailor the landscaping along the property line to achieve the privacy that the residents want on their side of the property.

Mr. Forrest stated a great point was made concerning the height of the building by Mr. Fitch. If they plan to raise the elevation six to eight feet, will the first story be at ground level? Mr. Collins stated the civil engineer has done the grading for the site; their intent is to try to establish a level grade to the site

then blend back to the existing grade with the retaining wall at the building. They will study this and have more detail at the next meeting. Mr. Forrest stated if they have an additional three stories from Fleming Street then that actually makes the building four stories and it is unreasonable to build it at that height. The high school and the hospital are the only three-story buildings in the area. If he plans to level the property, they will have to bring in 100 dump trucks with sand and that is just ridiculous. Mr. Collins stated at this stage, not all the details have been worked out.

Mr. Forrest stated it would be great to see a 360 of the building and the rear view. He feels that a three- or four-story building will block the sun from his house, and he will never see the sun in his back yard again. What is the actual height of the building? Mr. Collins stated the levels are twelve feet high floor to floor. Mr. Forrest asked what landscaping materials can shield the privacy of a four-story building? The trees would have to be extremely tall. Mr. Collins stated the intent of the landscaping is not to shield a building that high but rather to screen the residential areas.

Mr. Forrest feels like it would be more accommodating for a one- or two-story office building. They will not have the privacy they once had once this building is built.

Mr. Collins stated this meeting is to have a discussion with the neighbors. They meet all the ordinance requirements for the City of Hendersonville including the landscaping. The owner will try to work with the neighbors, and they can have a neighborhood meeting if possible with the neighbors.

Mr. Forrest was concerned about getting noticed for the next meetings. Mr. Morrow stated if you were notified for this meeting then you will also be notified for the Planning Board and City Council meetings. The property will also be posted for each meeting.

Mr. Fitch asked about the buffer requirements for residential and commercial. Mr. Holloway stated there are specific requirements to buffer residential from commercial uses. Staff will do a review of the site plan prior to the Planning Board meeting. December 14<sup>th</sup> is the date of the Planning Board meeting and this project could move forward to that meeting. There is nothing to prevent this from the moving forward to the December Planning Board meeting.

Ms. West had concerns about the traffic on school days in the afternoon and asked if a traffic study is required. She is worried about the children that walk to and from school. Mr. Collins stated there is no requirement for a traffic study for this project.

Mr. Morrow asked if anyone else would like to comment. No other comments were made.

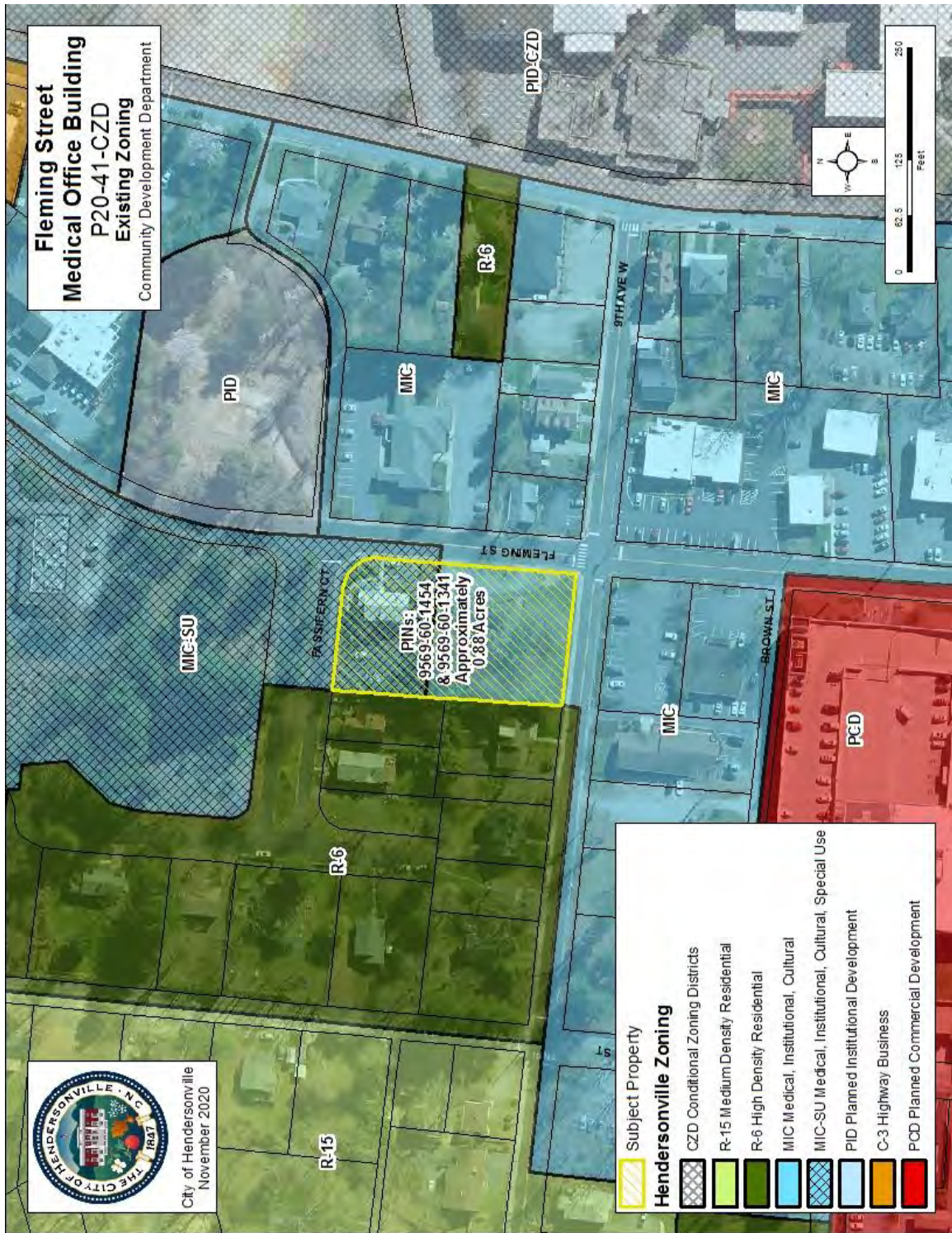
Mr. Morrow stated this concludes the meeting. He stated the next step for this project is the Planning Board and everyone that got noticed will be noticed of the Planning Board meeting as well. The property will also be posted with the meeting information on the sign.

With no further comments or questions, Mr. Morrow closed the meeting at 2:54 pm.

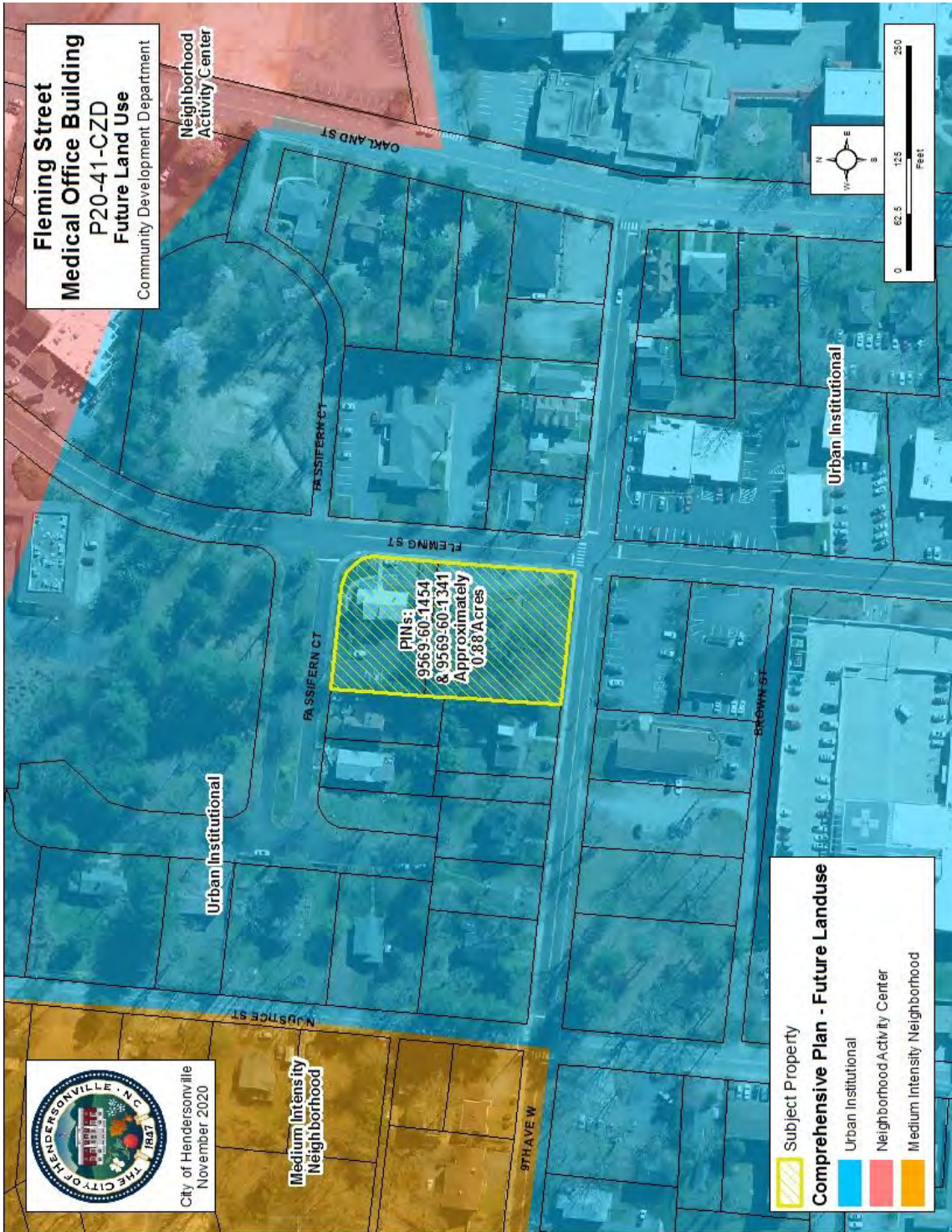
**Appendix D**




**Appendix E**



### Appendix F



# Appendix G



HIGH COUNTRY ENGINEERING, P.C.  
 111 E CHESTNUT STREET  
 ASHEVILLE, NORTH CAROLINA 28801  
 T: 828.230.4511  
 F: 828.348.5040  
 NC FIRM NO. C-3347



CONSTRUCTION PLANS FOR  
**HENDERSONVILLE MEDICAL OFFICE BUILDING**  
 For  
**CARLETON COLLINS ARCHITECTURE**  
 Henderson County, North Carolina

DATE	2/22/20
PROJECT NAME	HENDERSONVILLE MEDICAL OFFICE BUILDING

**HENDERSONVILLE MEDICAL OFFICE BUILDING**  
 City of Hendersonville, Henderson County, NC  
**PRELIMINARY SITE PLAN**  
 SHEET TITLE: CCA001  
 PROJECT NO: 1207809  
 DATE: 02/22/20  
 SHEET NO: 3 of 3



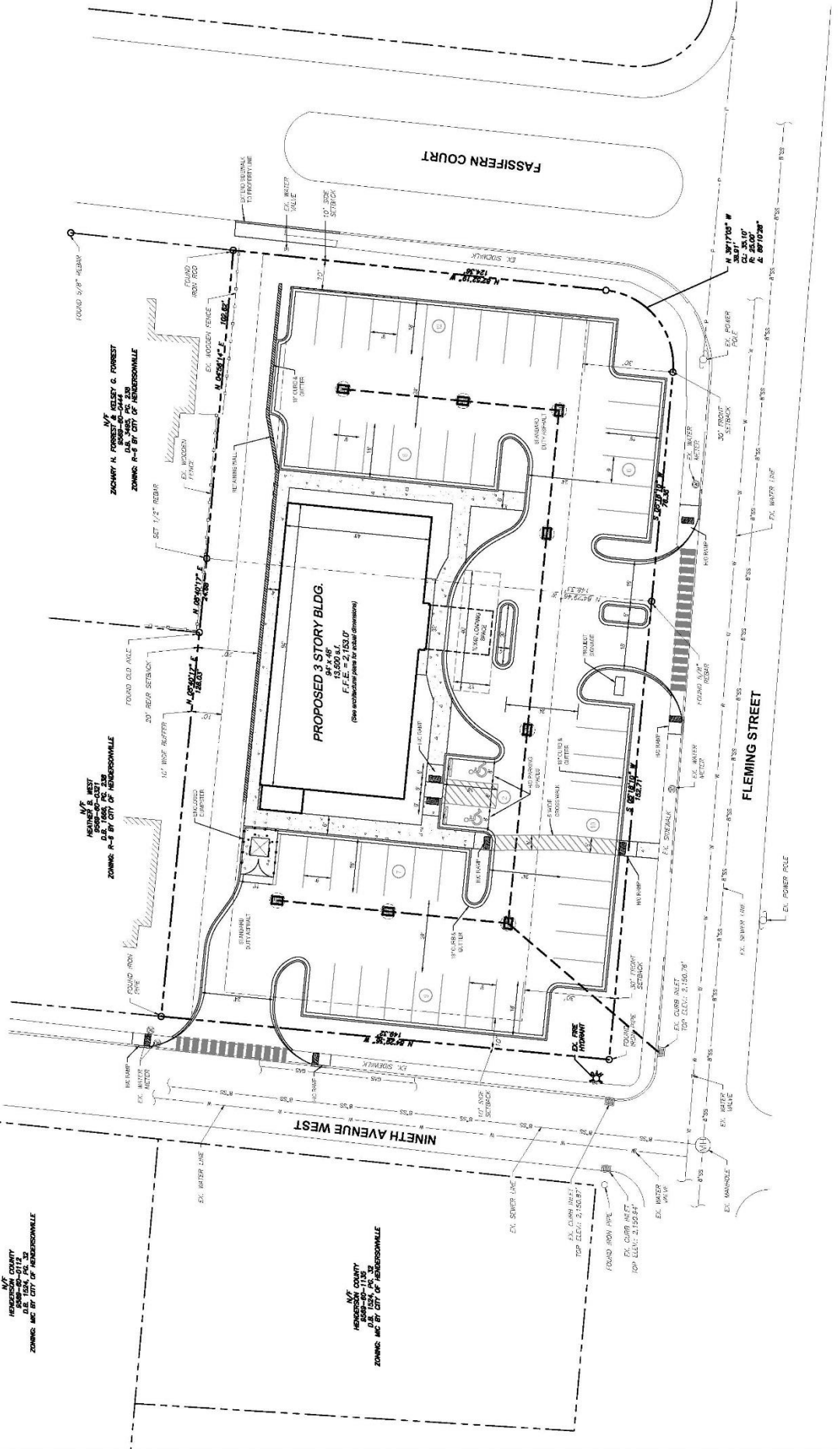
**PROJECT NOTES:**  
 1. Project located in Henderson County, North Carolina. Property address is 880 Fleming Street, Hendersonville, NC.  
 2. PHILIPPER ARCHITECTS, 4850 W. 10th Street, Hendersonville, NC.  
 3. Land Use: 200, and Page 955.930.  
 4. Project: 3-story medical office building.  
 5. Project: 13,500 SF, 2.15037 F.F.E.  
 6. Project: 13,500 SF, 2.15037 F.F.E.  
 7. The building is located on the east side of Fleming Street, between Chestnut Street and 9th Street. The building is a 3-story structure with a total area of 13,500 SF. The building is located on a 2.15037-acre site.  
 8. The building is located on the east side of Fleming Street, between Chestnut Street and 9th Street. The building is a 3-story structure with a total area of 13,500 SF. The building is located on a 2.15037-acre site.  
 9. The building is located on the east side of Fleming Street, between Chestnut Street and 9th Street. The building is a 3-story structure with a total area of 13,500 SF. The building is located on a 2.15037-acre site.  
 10. The building is located on the east side of Fleming Street, between Chestnut Street and 9th Street. The building is a 3-story structure with a total area of 13,500 SF. The building is located on a 2.15037-acre site.  
 11. The building is located on the east side of Fleming Street, between Chestnut Street and 9th Street. The building is a 3-story structure with a total area of 13,500 SF. The building is located on a 2.15037-acre site.  
 12. The building is located on the east side of Fleming Street, between Chestnut Street and 9th Street. The building is a 3-story structure with a total area of 13,500 SF. The building is located on a 2.15037-acre site.  
 13. The building is located on the east side of Fleming Street, between Chestnut Street and 9th Street. The building is a 3-story structure with a total area of 13,500 SF. The building is located on a 2.15037-acre site.  
 14. The building is located on the east side of Fleming Street, between Chestnut Street and 9th Street. The building is a 3-story structure with a total area of 13,500 SF. The building is located on a 2.15037-acre site.

SITE AREA DATA	
TOTAL PROJECT AREA	21,500 SF
SITE COVERAGE - BUILDINGS	13,500 SF
SITE COVERAGE - OPEN SPACE	2,880 SF
SITE COVERAGE - PARKING	7,120 SF

**PARKING SPACES REQUIRED**  
 • 13,500 SF / 250 SF PER PARKING SPACE = 54 SPACES  
 • PROVIDED 54 SPACES



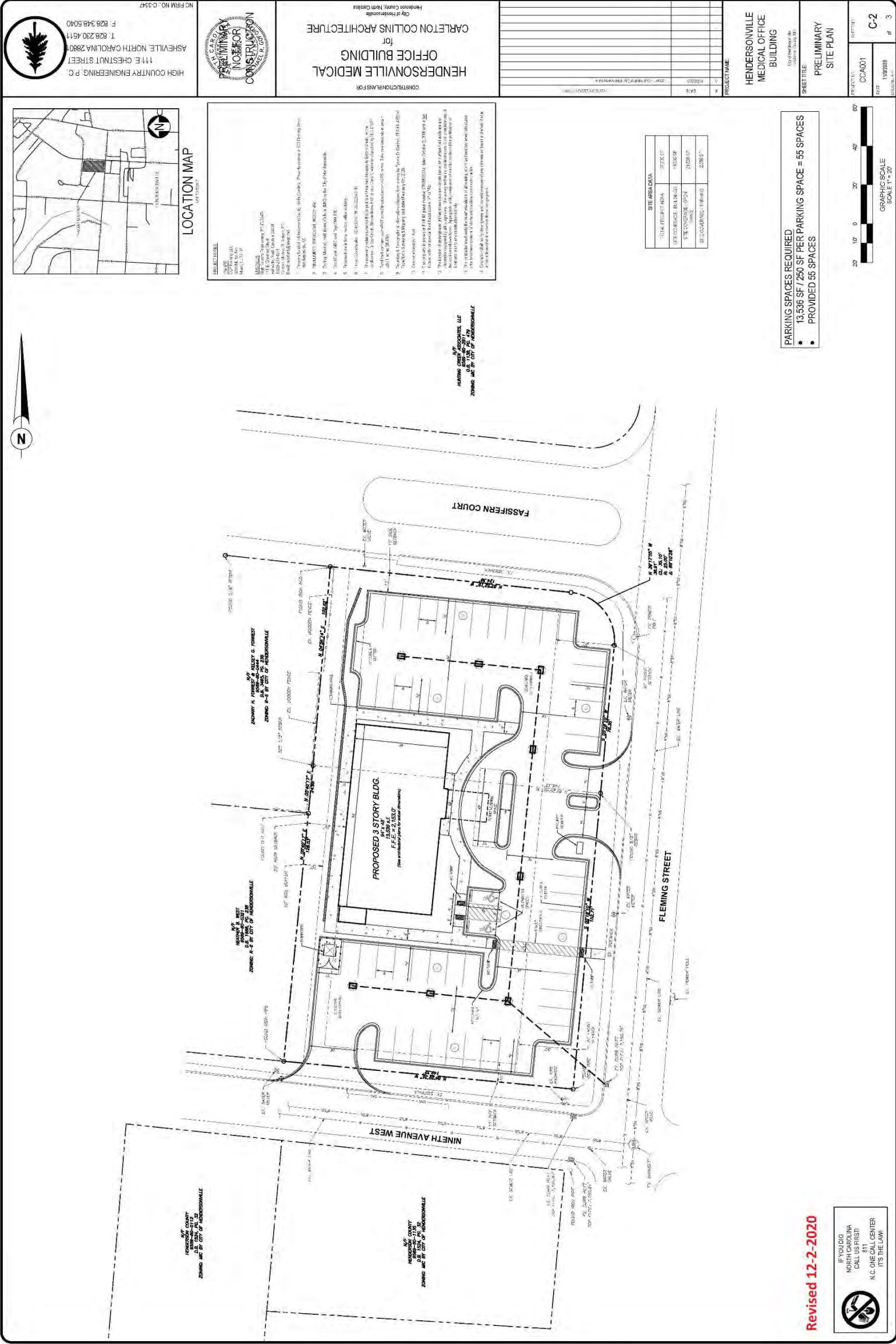
HANING CONSULTANTS, LLC  
 100 S. 10th Street, Suite 200  
 Hendersonville, NC 28801  
 ZONING: MC-2 BY CITY OF HENDERSONVILLE



IF YOU DIG  
 NORTH CAROLINA  
 CALL US FIRST!  
 WE'LL CENTER  
 N.C. ONE CALL  
 IT'S THE LAW!



Appendix I



**LOCATION MAP**

111 E CHESTNUT STREET  
 ASHEVILLE, NORTH CAROLINA 28801  
 F: 828 348 5040  
 T: 828 230 4511

HIGH COUNTRY ENGINEERING, P.C.  
 NC FIRM NO. C-3347

**HENDERSONVILLE MEDICAL OFFICE BUILDING**

CONSTRUCTION PLANS FOR

for

**CARLETON COLLINS ARCHITECTURE**

City of Hendersonville  
 Henderson County, North Carolina

**PRELIMINARY CONSTRUCTION**

1. The owner is Hendersonville Medical Office, LLC, 111 E. Chestnut Street, Asheville, NC 28801. The owner is hereby authorizing the architect to prepare these preliminary construction plans for the proposed building. The owner is not responsible for the accuracy of the information provided herein. The architect is not responsible for the accuracy of the information provided herein. The architect is not responsible for the accuracy of the information provided herein.

**SITE AREA DATA**

TOTAL FOOTPRINT AREA	13,536 SF
PERMITTED BUILDING AREA	13,536 SF
PERMITTED OPEN SPACE	2,000 SF
PERMITTED TOTAL AREA	15,536 SF

**PROJECT NAME**  
 HENDERSONVILLE MEDICAL OFFICE BUILDING

**SHEET TITLE**  
 PRELIMINARY SITE PLAN

**PROJECT NO.**  
 CCA001

**DATE**  
 1/19/2020

**SHEET NO.**  
 3

**SCALE**  
 GRAPHIC SCALE  
 1" = 20'

**PARKING SPACES REQUIRED**  
 • 13,536 SF / 250 SF PER PARKING SPACE = 55 SPACES  
 • PROVIDED 55 SPACES

**REVISIONS**

NO.	DATE	DESCRIPTION
1	1/19/2020	ISSUED FOR PERMIT

**IF YOU DO NOT AGREE WITH THESE TERMS, PLEASE CONTACT THE ARCHITECT IMMEDIATELY.**

**REvised 12-2-2020**

**IF YOU DO NOT AGREE WITH THESE TERMS, PLEASE CONTACT THE ARCHITECT IMMEDIATELY.**

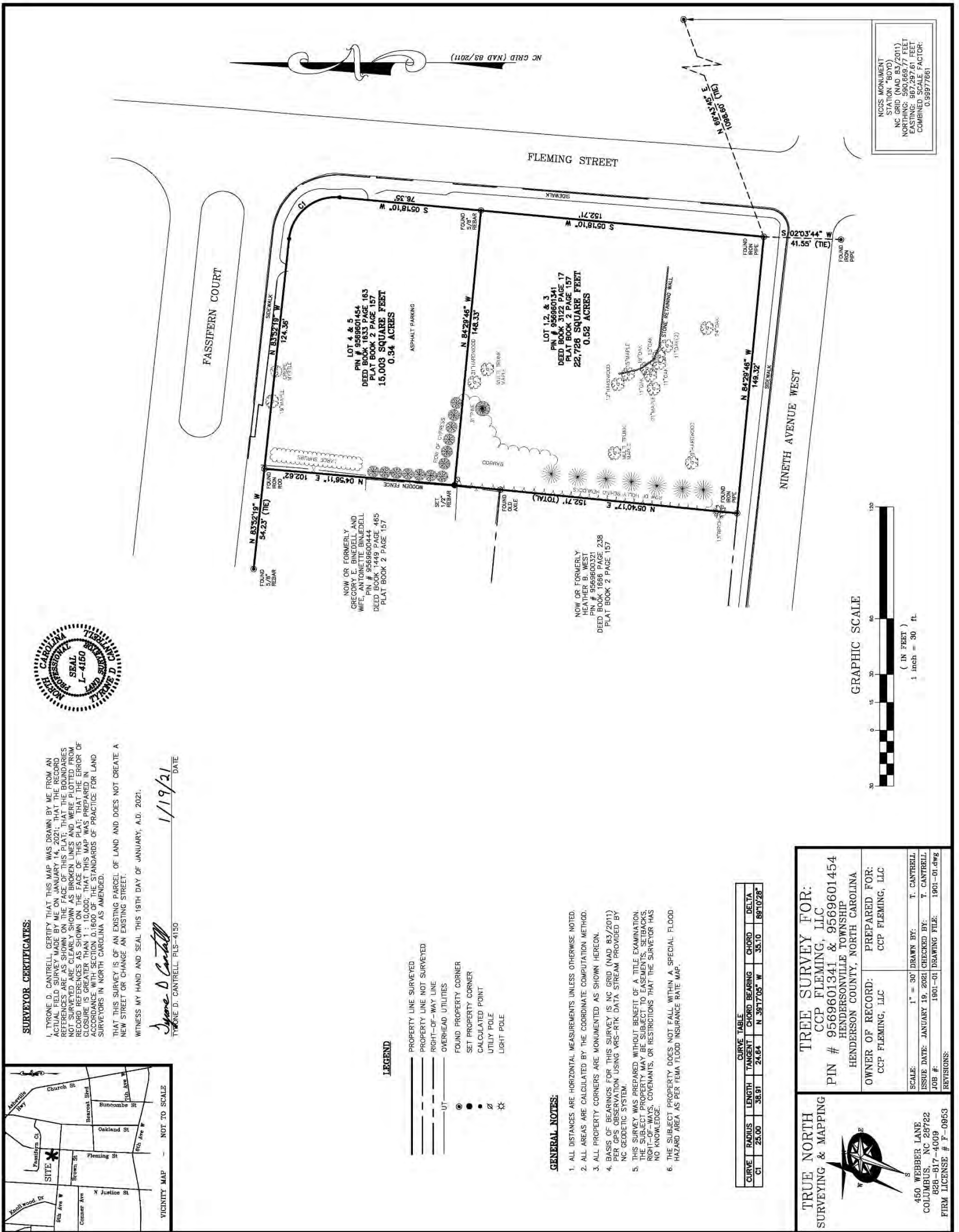
**IF YOU DO NOT AGREE WITH THESE TERMS, PLEASE CONTACT THE ARCHITECT IMMEDIATELY.**

**IF YOU DO NOT AGREE WITH THESE TERMS, PLEASE CONTACT THE ARCHITECT IMMEDIATELY.**





Appendix K

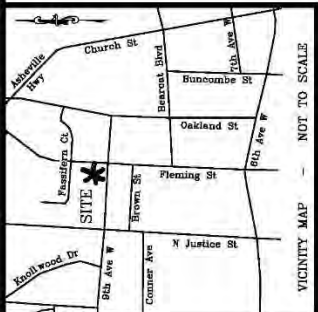


NCGS MONUMENT  
 STATION "BOYD"  
 NC GRID (NAD 83/2011)  
 NORTHING: 890,669.77 FEET  
 EASTING: 88,268.77 FEET  
 COMBINED SCALE FACTOR:  
 0.99977861



**SURVEYOR CERTIFICATES:**  
 I, TYRONE D. CANTRELL, CERTIFY THAT THIS MAP WAS DRAWN BY ME FROM AN ORIGINAL SURVEY MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE BEARINGS AND DISTANCES SHOWN ON THE FACE OF THIS PLAT, THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY SHOWN AS BROKEN LINES AND WERE PLOTTED FROM RECORD REFERENCES AS SHOWN ON THE FACE OF THIS PLAT; THAT THE ERROR OF CLOSURE IS GREATER THAN 1 : 10,000; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH SECTION 01.600 OF THE STANDARDS OF PRACTICE FOR LAND SURVEYORS IN NORTH CAROLINA AS AMENDED.  
 THAT THIS SURVEY IS OF AN EXISTING PARCEL OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.  
 WITNESS MY HAND AND SEAL THIS 19TH DAY OF JANUARY, A.D. 2021.

*Tyrone D. Cantrell*  
 TYRONE D. CANTRELL, PLS-4150  
 DATE 1/19/21



- LEGEND**
- PROPERTY LINE SURVEYED
  - - - PROPERTY LINE NOT SURVEYED
  - RIGHT-OF-WAY LINE
  - UT — OVERHEAD UTILITIES
  - FOUND PROPERTY CORNER
  - SET PROPERTY CORNER
  - CALCULATED POINT
  - UTILITY POLE
  - ⊗ LIGHT POLE

- GENERAL NOTES:**
1. ALL DISTANCES ARE HORIZONTAL MEASUREMENTS UNLESS OTHERWISE NOTED.
  2. ALL AREAS ARE CALCULATED BY THE COORDINATE COMPUTATION METHOD.
  3. ALL PROPERTY CORNERS ARE MONUMENTED AS SHOWN HEREON.
  4. BASIS OF BEARINGS FOR THIS SURVEY IS NC GRID (NAD 83/2011) PER GPS OBSERVATION USING VRS-RTK DATA STREAM PROVIDED BY NC GEODETIC SYSTEM.
  5. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE EXAMINATION. THE SUBJECT PROPERTY MAY BE SUBJECT TO EASEMENTS, SETBACKS, RIGHT-OF-WAYS, COVENANTS, OR RESTRICTIONS THAT THE SURVEYOR HAS NO KNOWLEDGE.
  6. THE SUBJECT PROPERTY DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD AREA AS PER FEMA FLOOD INSURANCE RATE MAP.

CURVE	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD	DELTA
C1	25.00	38.91	24.64	N 38°17'05" W	35.10	68°10'28"

**TRUE NORTH SURVEYING & MAPPING**  
 450 WEBBER LANE  
 COLUMBUS, NC 28722  
 828-617-4009  
 FIRM LICENSE # T-0953

**TREE SURVEY FOR:**  
 CCP FLEMING, LLC  
 PIN # 9569601341 & 9569601454  
 HENDERSONVILLE TOWNSHIP  
 HENDERSON COUNTY, NORTH CAROLINA

**OWNER OF RECORD:** CCP FLEMING, LLC  
**PREPARED FOR:** CCP FLEMING, LLC

SCALE: 1" = 30'  
 DRAWN BY: T. CANTRELL  
 ISSUE DATE: JANUARY 19, 2021  
 CHECKED BY: T. CANTRELL  
 JOB #: 1901-01  
 DRAWING FILE: 1901-01.dwg  
 REVISIONS:

Appendix L





Order:	J000672359	Pubs:	2,3	Rate:	LE
Phone:	(828)697-3003	Class:	0001		
Account:	32002031	Start Date:	01/17/2021		
Name:	ATTN: Angela	Stop Date:	01/24/2021	Payments:	\$ 0.00
Caller:	Angela Reece	Insertions:	4	Balance:	\$ 128.88
Taken By:	S037	Columns:	2	Lines:	76
Schedule:	HTN Times News 1/17 1x, s1/24 1x			Taken On:	01/12/2021
SalesRep	Nancy Mullinax				

**PUBLIC HEARING NOTICE**

Notice is hereby given that the City of Hendersonville City Council will hold two public hearings on Thursday, February 4, 2021, at 5:45 p.m., both remotely by Zoom (instructions below) and in person at City Hall on the Second Floor located at 160 Sixth Avenue E, Hendersonville NC to consider the following:

**I. Conditional Zoning District** - Application for a conditional rezoning from Carleton Collins Architecture, PLLC. The applicant is requesting to rezone the subject property, PIN 9569-60-1341 and 9569-60-1454 and located at 903 & 919 Fleming Street, from MIC, Medical, Institutional and Cultural District to MIC CZD, Medical, Institutional and Cultural Conditional Zoning District for the construction of a three-story, 13,536 sq. ft. medical office building.

**II. Conditional Zoning District**- Application for a conditional rezoning from the Tamara Peacock Company and Tom Shipman. The applicant is requesting to rezone the subject properties, PIN 9568-79-0293, 9568-79-2254, 9568-79-3224 and 9568-79-0388 and located at 227 7th Avenue West, from CMU, Central Mixed Use to CMU CZD, Central Mixed Use Conditional Zoning District for the construction of 132 condo/hotel suites, conference center and 2 restaurants

At least one City Council member will attend the hearing remotely. Members of the public may attend in-person, however, in compliance with Governor Cooper's Executive Orders and social distancing guidelines, in person attendance of the public will be limited as spacing permits. Public hearing comments will be accepted from those attending in person and also from those participating live via ZOOM at the designated time at this meeting. For security reasons screen sharing will not be allowed. Persons participating in person or via Zoom who wish to have photos or video considered by the Council may submit them to the City Clerk, Angela Reece in person, by mail, or by email. Videos or photos must be received by the Clerk not later than 8:00 a.m., February 3, 2021. Photo and video submissions are governed by the City Council's Public Comment Policy, available on the City's

website by visiting <https://www.hendersonvillenc.gov/public-comment>

The meeting instructions to join by Zoom are listed below and will also be available on the City's website by visiting <https://www.hendersonvillenc.gov/events-calendar>. Comment period instructions for those participating remotely via Zoom will also be displayed at the appropriate times during the meeting.

Zoom information for the meeting is:

<https://zoom.us/>  
Dial-in by phone: (646) 558-8656  
Meeting ID: 957 4684 6396  
Passcode: 28792

Anyone wishing to submit written public comment for this public hearing may visit <https://www.hendersonvillenc.gov/public-comment> to submit their comment.

Comments may also be mailed or emailed to the attention of the City Clerk, Angela Reece. Written comments pertaining to the public hearing must be received by the Clerk no later than twenty-four hours following the close of the public hearing to be considered by the City Council.  
Contact information for the City Clerk, Angela Reece, is: 160 6th Avenue East, Hendersonville, NC 28792; areece@hvinc.gov; (828) 697-3005.

The City of Hendersonville is committed to providing accessible facilities, programs, and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact the City Clerk, Angela Reece at 697-3005 no later than 24 hours in advance of the meeting.

1/17, 1/24, 2021 672359

**Attention:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

This is a final proof. If any information is incorrect, please contact your sales representative prior to the deadline of the first insertion. Otherwise your order is accepted as having been approved.

**IN RE: Fleming Street Medical Office Building Rezoning (File # P20-41-CZD)**

**List of Uses & Conditions**

**I. Stipulated Uses:**

**Only the following uses are authorized for the referenced development:**

- Offices, business, professional and public
- Personal services consistent with the purposes of this classification, such as medical & dental labs and clinics, opticians & optical services and prosthetics & orthopedics

**II. Conditions:**

**(1) Shall Be Attached to the Conditional Rezoning and Satisfied Prior to Issuance of Final Site Plan Approval:**

1. That the building be relocated on the site plan to sit on the front setback line and that the parking located at the front of the property be relocated to the side and rear of the site plan to conform to the Comprehensive Plan’s guidance to use a “minimal front setback” and limit parking to the “rear and side only.”
2. That a stormwater management plan be submitted by the applicant demonstrating compliance with Chapter 24 Article 3: Stormwater Ordinance in the City Code of Ordinances.

**(2) Shall Be Attached to the Conditional Rezoning:**

3. Final plans for the project shall comply with approved plans, the conditions agreed to on the record of this proceeding and applicable provisions of the Hendersonville Zoning Ordinance and Code of Ordinances.
4. That the existing type B buffer along the western property line of parcel number 9569601454 and the existing buffer along the western property line of parcel number 9569601341 be preserved during the redevelopment of the site in accordance with Section 15-4 Existing Vegetation of the City’s zoning ordinance.
5. That site lighting be dark sky compliant

With their signatures below, Applicant and Property owner indicate their consent to these conditions.

Applicant: Carleton Collins

Property Owner: CCP Fleming LLC

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Title within LLC: \_\_\_\_\_

Ordinance # \_\_\_ - \_\_\_

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBERS 9569-60-1341 and 9569-60-1454 BY CHANGING THE ZONING DESIGNATION FROM MIC MEDICAL, INSTITUTIONAL, CULTURAL AND MIC-SU MEDICAL, INSTITUTIONAL, CULTURAL, SPECIAL USE TO MIC-CZD MEDICAL, INSTITUTIONAL, CULTURAL CONDITIONAL ZONING DISTRICT**

IN RE: Parcel Numbers 9569-60-1341 and 9569-60-1454- Fleming Street Medical Office Building (File # P20-41-CZD)

**WHEREAS**, the City is in receipt of a Conditional Rezoning application from Carleton Collins of Carleton Collins Architecture and CCP Fleming LLC for the development of a of a 3 story 13,536 square foot medical office on approximately 0.86 acres, and

**WHEREAS**, the Planning Board took up this application at its regular meeting on December 14<sup>th</sup>, 2020; voting 5 to 1 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

**WHEREAS**, City Council took up this application at its regular meeting on February 4<sup>th</sup>, 2021, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following:  
  
Parcel numbers 9569-60-1341 and 9569-60-1454 from MIC Medical, Institutional, Cultural And MIC-SU Medical, Institutional, Cultural, Special Use To MIC-CZD Medical, Institutional, Cultural Conditional Zoning District.
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be subject to the site limitations and conditions stipulated on the published List of Uses and Conditions.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 4<sup>th</sup>, day of February 2021.

Attest: Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, Amy H. Knight, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk in her capacity of Mayor of the City of Hendersonville; Angela L. Reece, in her capacity of City Clerk; and Angela S. Beeker, in her capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

My commission expires:

\_\_\_\_\_  
Amy H. Knight



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**SUBMITTER:** Jennifer Musselwhite      **MEETING DATE:** 2/4/2021  
**AGENDA SECTION:** Council Action      **DEPARTMENT:** Finance  
**TITLE OF ITEM, Presenter Name, Title:** Billing Policy Update -Leak Adjustments-*Jennifer Musselwhite, Revenue Supervisor*

**SUGGESTED MOTION(S):** I move Council approve the Leak Adjustments policy changes as presented [or as amended].

### SUMMARY:

Submit for your approval a billing policy change for utility customers that apply for a leak adjustment. The change will approve the adjustment process for leak request that are submitted to the Finance Department. In the revision, we have eliminated the proof of repair documents which are receipts or itemized plumbers' invoices. Residential customers will have a flat amount adjustment based on the meter size of the customer account. We have updated policy definitions and these changes are to simplify customer requirements and streamline the leak adjustment policy.

**BUDGET IMPACT:** \$ 0.00

**Is this expenditure approved in the current fiscal year budget? YES / NO**

**If no, describe how it will be funded.**

**PROJECT NUMBER:** N/A

**PETITION NUMBER:** N/A

**ADDITIONAL PETITION NUMBER:** N/A

**PETITIONER NAME:** N/A

### ATTACHMENTS:

Leak Policy

## 1. Consideration of Credits and Refunds

### 1. Refunds.

No refunds less than \$5.00 may be made on a customer's account.

### 2. Credits.

#### Filling Swimming Pools

The City does not allow adjustments for filling pools or spas.

### 3. Leak Adjustments

Customers are responsible for the service lines on the customer side of the meter. This is defined as that point at which the customer's plumbing connects to the meter box. This includes a customer's shut off valve connected directly to the meter box. The City does not maintain or repair leaks on the customer's side of the water meter. The customer is responsible for all metered usage, including usage caused by leaks. The City of Hendersonville may allow an adjustment for utility charges resulting from leaks on the customer's side of the meter. All of the following apply:

1. An adjustment may be extended to the customer's account/property only once every 36 calendar months upon approval.
2. Residential and Commercial customers billed under a master meter or one meter feeding multiple structures are not eligible for leak adjustments. Customers with meters larger than 1" are not eligible for a leak adjustment.
3. City policy is to consider leak adjustments for water and wastewater or water only usage caused by a leak that occurred on the customer's side of the meter.
4. Leak adjustments will be calculated up to a maximum of 2 highest usage billing cycles per account. The two highest billing cycles will be determined by City staff after staff determines the end of the abnormal usage caused by the leak through review of meter data. The customer is responsible for all charges related to abnormal usage that occurs for greater than the two highest billing cycles.
5. Leak adjustments will not exceed \$1,000 for any customers. Customer is responsible for all charges exceeding that amount.
6. The customer must submit a Leak Adjustment Request Form for approval to receive an adjustment. The Leak Adjustment Request Form must be submitted within 45 days after the leak is corrected as determined by City staff. Staff will review meter usage data to determine the correction of the leak.
7. Customers are responsible for paying the entire amount due within the normal payment period or enter into payment arrangements for the billed amount to remain in good standing on all current billings. If payment is not received on time, the customer is subject to all current and applicable collection processes and procedures, including but not limited to disconnection of service.

- 8. If all other requirements have been met and the Customer is approved for a leak adjustment, they will receive an adjustment for the total consumption amount billed above the usage flat rate outlined in the table below. The amount adjusted cannot exceed \$1,000. This usage charge is in addition to the Base Charge for the billing cycles. The adjustment will be applied as a credit on the Customer account unless that Customer account is no longer active.

Water:

Residential Inside 3/4”-\$ 20.00  
Residential Outside- 3/4”-\$ 25.00

Residential Inside 1”- \$ 30.00  
Residential Outside 1”- \$ 35.00

Sewer:

Residential Inside 3/4”-\$ 30.00  
Residential Outside- 3/4”-\$ 37.50

Residential Inside 1”- \$45.00  
Residential Outside 1”- \$ 52.50

- 9. Leak adjustments for commercial customers are calculated based on one and one half (1 ½) times the commercial customer’s average consumption. Average consumption is based on the previous twelve (12) month usage. If previous consumption is less than 12 months, the City may require up to an additional 3 months of billed usage before an adjustment will be processed.
- 10. Leak adjustment will apply to the customer account as a credit. Payments made prior to adjustment that do not exceed more than 3 months normal billed activity will remain as a credit on the account unless the account is no longer active. Amounts paid greater than 3 months normal billed activity may be requested to be refunded by the Customer. Any credits or payments received may be applied to outstanding Customer balances



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**SUBMITTER:** John Connet / Angie Beeker      **MEETING DATE:** 02/04/21

**AGENDA SECTION:** Council Action      **DEPARTMENT:** Administration / Legal

**TITLE OF ITEM, Presenter Name, Title:** Consideration of Property Trade Between the City of Hendersonville and Henderson County Public Schools – *John Connet, City Manager and City Attorney Angie Beeker*

**SUGGESTED MOTION(S):** I move that the City Council approve the Letter of Intent directing the City Manager and City Attorney to negotiate an exchange agreement for the transfer of a portion of Berkeley Park for a portion of Edwards Park and bring back to City Council for final approval.

**SUMMARY:**

City Manager John Connet and City Attorney Angie Beeker will present the details of the proposed transfer and ask City Council to adopt a Letter of Intent. The Letter of Intent will allow the organizations to negotiate an exchange agreement during the month of February.

**BUDGET IMPACT:** \$ 0.00

**Is this expenditure approved in the current fiscal year budget? YES / NO**

**If no, describe how it will be funded.**

**PROJECT NUMBER:** N/A

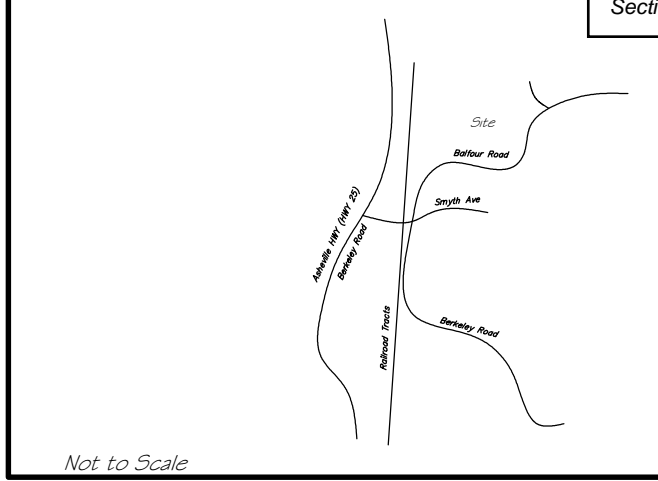
**PETITION NUMBER:** N/A

**ADDITIONAL PETITION NUMBER:** N/A

**PETITIONER NAME:** N/A

**ATTACHMENTS:**

Draft Property Surveys



Vicinity Map

I, Cameron S. Baker, certify that this plat was drawn under my supervision from an actual survey under my supervision (deed description recorded in Book 1363, Page 221) that the ratio of precision as calculated by latitudes and departures does not exceed 1:10,000 and that this map was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this 22nd day of January, 2021.

Professional Land Surveyor No. L-4920

I, Cameron S. Baker, Professional Land Surveyor, certify that this survey creates a subdivision of land within the jurisdiction of Henderson County, which has an ordinance that regulates parcels of land.

Professional Land Surveyor L-4920

Global Positioning System Certification (RTK) The Positional Accuracy Of The RTK Derived Positional Information is 0.03' Horizontal & 0.03' Vertical Horizontal Positional Are Referenced to NAD 83 (NSRS 2011) Vertical Positions Are Referenced To NAVD 88 (Geoid 12) Combined Factor 0. 99977821 (Ground To Grid) Equipment Used: Carlson GPS-BRX6

Being All of D.B. 1363, Pg. 221 Map of Division For City of Hendersonville -Owners- D.B. 1363, Pg. 221 Pin: 9660-50-2582 Hendersonville Township Henderson County, NC

ASSOCIATED LAND SURVEYORS & PLANNERS PC. P.O. BOX 578 \* HORSE SHOE, NC 28742 (828) 890-3507 NC BUSINESS LICENSE NO. C-2774 SCALE: 1 Inch = 120 Feet DATE: January 22, 2021 JOB NO: S-21-033 DRAWN BY: JTB

State of North Carolina County of Henderson I, Review Officer of Henderson County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer Date

State of North Carolina, County of Henderson filed for registration on the day of 20 at o'clock M and recorded in slide in the office of the Register of Deeds of Henderson County.

Register of Deeds By: Deputy

I, Subdivision Administrator for Henderson County certify that this plat plan has been reviewed and approved as a(n) in accordance with the Henderson County Subdivision Ordinance.

Subdivision Administrator Date

I hereby certify that this plat meets applicable requirements as contained in the zoning ordinance and subdivision ordinance of the city of Hendersonville, North Carolina.

Planning Director Date

- Notes: 1. Property is subject to all easements, restrictions and right of ways of record. 2. The locations of underground utilities are based on above-ground structures and record drawings provided to the surveyor. 3. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate title search may disclose. 4. The certification of survey and plat was prepared for the entity named in the title block hereon and does not extend to any other entity, unless recertified by the professional land surveyor. 5. All miscellaneous survey related materials, including but not limited to, project plans, field and ROV research, maps, field notes and data, survey reports, record title report, calculations, working drawings, estimates, and other materials acquired and/or prepared by the surveyor as instruments of service shall remain the property of the surveyor and assigns. 6. This drawing is not valid unless the original signature and stamp are attached. Any reproduction or variance to this survey by electronic or any other means are not to be considered issued by the professional surveyor. 7. Property is currently zoned I-1 Industrial by the City of Hendersonville. 8. Property is not located in a Water Supply Watershed. 9. Property is not located within 1/2 mile of a designated Farmland Preservation District.

Table with 3 columns: Course, Bearing, Distance. Lists courses L1 through L28 with their respective bearings and distances.



200' Rail Road Right of Way as shown on a plat for Southern Railway Spur Track to Balfour Quarry recorded at Plat Cab B Slide 335 and shown on the Southern Railway Right of Way and Track Map dated December 31, 1927

Note: D.B. 527 Pg. 583 is shown based on Henderson County GIS maps. Unable to accurately plat because of insufficient deeds.

Curve data table with columns: Curve, Radius, Length, Chord, Chord Bear. Lists curves C1 through C5.



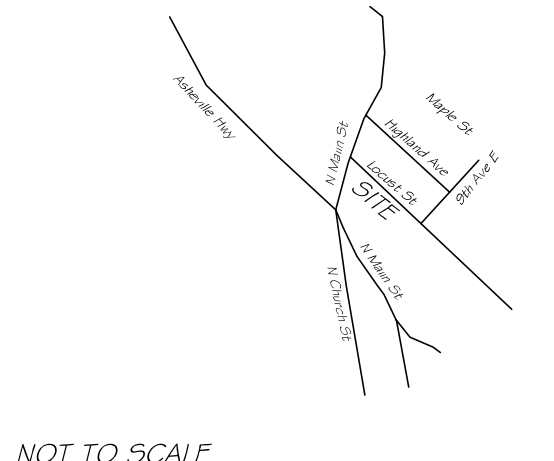
- Legend: WV = Water Valve, EIP = Existing Iron Pipe, EIS = Existing Iron Stake, IPS = Iron Pipe Set, RW = Right of Way, OHU = Overhead Utilities, ECM = Existing Concrete Monument, D = Drain Grate, P = Power Pole, S = Sewer Manhole, L = Light Pole, F/H = Fire Hydrant, --- = Fence, - - - - - = Gas Line

State of North Carolina, County of Henderson  
filed for registration on the \_\_\_\_ day of \_\_\_\_ 20\_\_\_\_  
at \_\_\_\_ o'clock \_\_\_\_ M and recorded in  
slide \_\_\_\_ in the office of the  
Register of Deeds of Henderson County.

Register of Deeds  
By: \_\_\_\_\_, Deputy

State of North Carolina  
County of Henderson  
I, \_\_\_\_\_ Review Officer of Henderson County,  
certify that the map or plat to which this certification is affixed  
meets all statutory requirements for recording.

Review Officer \_\_\_\_\_ Date \_\_\_\_\_



Vicinity Map



I, \_\_\_\_\_ Cameron S. Baker \_\_\_\_\_, certify that this plat was  
drawn under my supervision from an actual survey under my  
supervision, (deed description recorded in Book \_\_\_\_ 825\_\_\_\_  
Page 670\_\_\_\_) that the ratio of precision as calculated by  
latitudes and departures does not exceed 1:10,000 and that  
this map was prepared in accordance with G.S. 47-30 as amended  
by \_\_\_\_\_ original signature, license number and seal  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Professional Land Surveyor No. L-4920

I, \_\_\_\_\_ Cameron S. Baker \_\_\_\_\_, certify that this survey  
is of another category, such as the recombination of existing  
parcels, a court ordered survey, or other exception to the  
definition of subdivision such as an easement.

Professional Land Surveyor No. L-4920

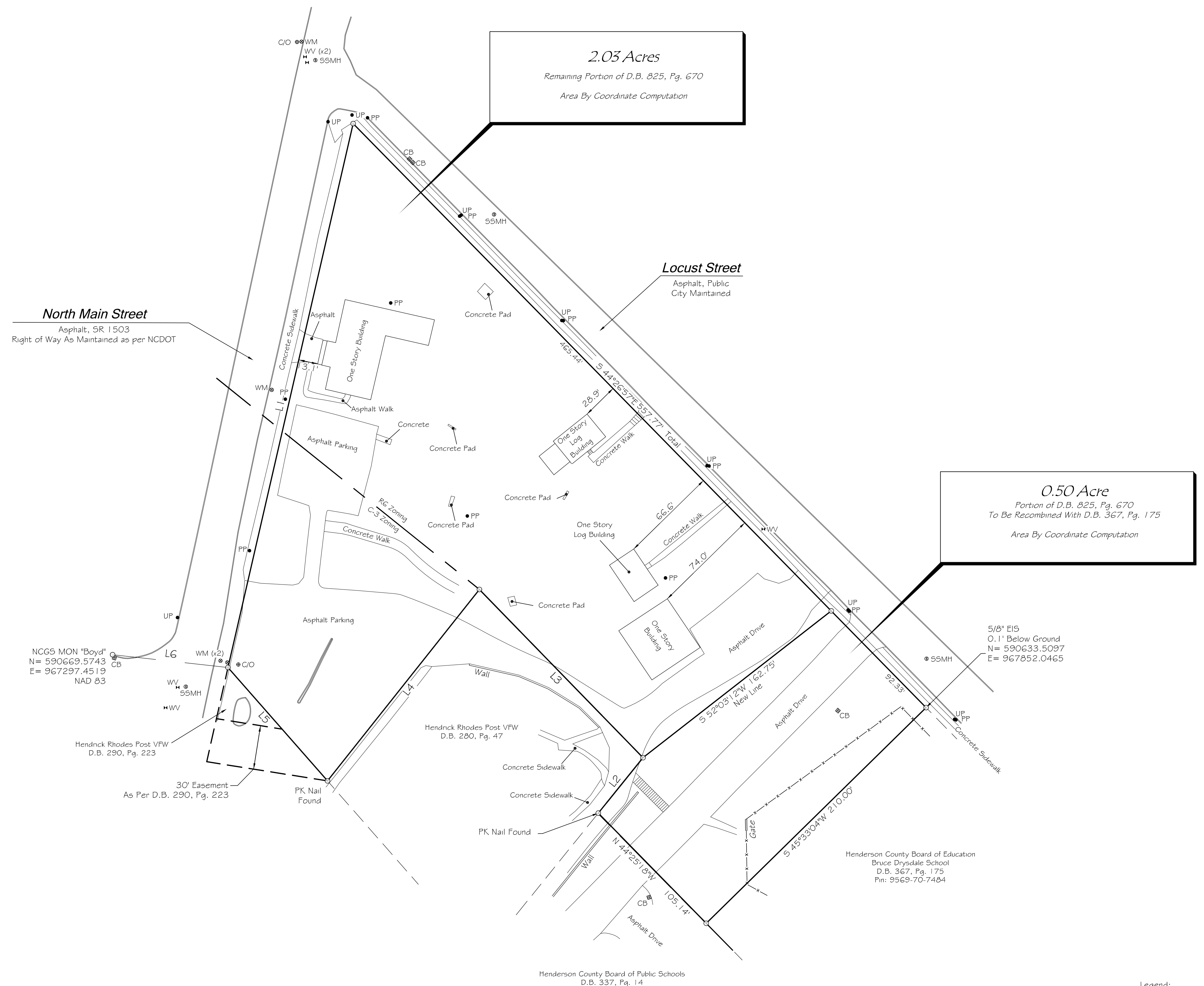
Global Positioning System Certification (RTK)  
The Positional Accuracy Of The RTK Derived Positional  
Information Is 0.03' Horizontal & 0.03' Vertical

Horizontal Positional Are Referenced to NAD 83 (NSRS 2011)

Vertical Positions Are Referenced To NAVD 88 (Geoid 12)

Combined Factor 0.99977681 (Ground To Grid)

Equipment Used: Carlson GPS-BRx6



Grid North  
NAD 83 (2011)

Building Setbacks as per  
The City of Hendersonville C3 Zoning:  
Front: 40'  
Side: 15'  
Rear: 20'

The City Of Hendersonville RG Zoning:  
Front: 20'  
Side: 8'  
Rear: 10'

- Notes:  
1. Property is subject to all easements, restrictions and right of ways of record.  
2. The locations of underground utilities are based on above-ground structures and record drawings provided to the surveyor. Locations of underground utilities/structures may vary from locations shown hereon. Additional buried utilities/structures may be encountered.  
3. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate title search may disclose.  
4. The certification of survey and plat was prepared for the entity named in the title block hereon and does not extend to any other entity, unless recertified by the professional land surveyor.  
5. All miscellaneous survey related materials, including but not limited to, project plans, deed and ROW research, maps, field notes and data, survey reports, record title report, calculations, working drawings, estimates, and other materials acquired and/or prepared by the surveyor as instruments of service shall remain the property of the surveyor and assigns.  
6. This drawing is not valid unless the original signature and stamp are attached. Any reproduction or variance to this survey by electronic or any other means are not to be considered issued by the professional surveyor.  
7. Property is currently zoned C-3 and RG by the City of Hendersonville.  
8. Property is not located in a Water Supply Watershed.  
9. Property is not located within 1/2 mile of a designated Farmland Preservation District.  
10. Property is located in Zone X, minimal flood hazard as per FRIS Map Panel 9569, Map # 3700956900J effective date 10-2-08.

L6 Is A Tie Line

Course	Bearing	Distance
L1	N 12°57'45" E	380.53'
L2	N 38°54'08" E	48.58'
L3	N 44°12'03" W	160.00'
L4	S 38°25'46" W	166.59'
L5	N 41°16'37" W	102.87'
L6	N 83°40'25" W	79.13'



GRAPHIC SCALE - FEET

Being All of D.B. 825, Pg. 670

Map of Recombination Survey For

Henderson County Board of Education

-Owners-  
D.B. 825, Pg. 670

Henderson County Board of Education  
Bruce Drysdale School  
D.B. 367, Pg. 175

Pin: 9569-70-4782

Hendersonville Township Henderson County, NC

**ASSOCIATED LAND SURVEYORS & PLANNERS PC.**  
P.O. BOX 578 \* HORSE SHOE, NC 28742  
(828) 890-3507 NC BUSINESS LICENSE NO. C-2774  
SCALE: 1 Inch = 40 Feet DATE: January 21, 2021  
JOB NO.: S-21-034 DRAWN BY: JTB

- Legend:  
ECM = Existing Concrete Monument  
EIP = Existing Iron Pipe  
EIS = Existing Iron Stake  
IPS = Iron Pipe Set  
O = Unmarked Point, Unless Otherwise Noted  
ROW/MON = Right of Way Monument  
ROW = Right of Way  
RRS = Railroad Spike  
CB = Catch Basin  
C/O = Clean Out  
PP = Power Pole  
SSMH = Sanitary Sewer Manhole  
UP = Utility Pole  
WM = Water Meter  
WV = Water Valve  
- - - - - = Fence



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**SUBMITTER:** Adam Steurer **MEETING DATE:** 02/04/2021  
**AGENDA SECTION:** Council Action **DEPARTMENT:** Utilities  
**TITLE OF ITEM, Presenter Name, Title:** Contract Award – Hebron Pressure Zone Water Improvements – *Adam Steurer, Utilities Engineer*

**SUGGESTED MOTION(S):**

I move City Council resolve to authorize the City Manager to award and execute a contract for the construction of the Hebron Pressure Zone Water Improvements in the amount of \$380,467 with Huntley Construction Company, the lowest responsive and responsible bidder and authorize the City Manager to approve change orders up to 10% of the contract amount, not to exceed budgeted funds available in the capital project ordinance; as presented and recommended by Staff.

**SUMMARY:** Informal bids are due by November 3, 2020 for the construction of the proposed Hebron Pressure Zone Water Improvements. The project consists of installation of approximately 2,075 linear feet of 6-inch and 8-inch diameter ductile iron water main and appurtenances; two master meter vaults; and abandonment of an existing water pumping station. The project’s intent is to boost insufficient water pressures and available fire flows for existing City water customers in the project area.

**BUDGET IMACT:** \$0 Funds are allocated for this project through a CPO

**Is this expenditure approved in the current fiscal year budget?** YES

**If no, describe how it will be funded.**

N/A

**PROJECT NUMBER:** 19037

**PETITION NUMBER:** N/A

**ADDITIONAL PETITION NUMBER:** N/A

**PETITIONER NAME:** N/A

**ATTACHMENTS:**

Bid Tabulation - Hebron Pressure Zone Water Improvements



City of Hendersonville Hebron Pressure Zone Water Improvements 11/3/2020 - Bid Tabulation				Huntley Construction, Co. Asheville, NC		TP Howard's Plumbing Company, Inc. Fairview, NC		Carolina Specialties Construction, LLC Hendersonville, NC		Chonzie, Inc. Asheville, NC		Two Brothers Utilities, LLC Shelby, NC		Teraflex Group, LLC. Williston, ND		Payne, McGinn and Cummins, Inc. Travelers Rest, SC		Cooper Construction Company, Inc. Hendersonville, NC	
Item	Description	Unit of Measure	Quantity	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
2.2	Mobilization	LS	1	\$ 13,071.00	\$ 13,071.00	\$ 11,000.00	\$ 11,000.00	\$ 10,200.00	\$ 10,200.00	\$ 20,224.22	\$ 20,224.22	\$ 10,000.00	\$ 10,000.00	\$ 12,000.00	\$ 12,000.00	\$ 14,000.00	\$ 14,000.00	\$ 32,500.00	\$ 32,500.00
2.3	Traffic Control	LS	1	\$ 16,339.00	\$ 16,339.00	\$ 10,500.00	\$ 10,500.00	\$ 19,211.00	\$ 19,211.00	\$ 22,500.00	\$ 22,500.00	\$ 10,000.00	\$ 10,000.00	\$ 6,000.00	\$ 6,000.00	\$ 10,350.00	\$ 10,350.00	\$ 25,705.00	\$ 25,705.00
2.16	Abandon Pump Station	LS	1	\$ 16,050.00	\$ 16,050.00	\$ 10,000.00	\$ 10,000.00	\$ 13,178.00	\$ 13,178.00	\$ 11,300.00	\$ 11,300.00	\$ 20,000.00	\$ 20,000.00	\$ 3,500.00	\$ 3,500.00	\$ 41,400.00	\$ 41,400.00	\$ 23,560.00	\$ 23,560.00
3.5	DIP Water Pipe including fittings , 6-inch	LF	1550	\$ 52.00	\$ 80,600.00	\$ 52.00	\$ 80,600.00	\$ 55.00	\$ 85,250.00	\$ 56.99	\$ 88,334.50	\$ 59.00	\$ 91,450.00	\$ 101.00	\$ 156,550.00	\$ 85.00	\$ 131,750.00	\$ 77.50	\$ 120,125.00
3.5	DIP Water Pipe including rest. fittings , 6-inch	LF	450	\$ 61.00	\$ 27,450.00	\$ 57.00	\$ 25,650.00	\$ 75.50	\$ 33,975.00	\$ 61.71	\$ 27,769.50	\$ 64.00	\$ 28,800.00	\$ 127.00	\$ 57,150.00	\$ 90.00	\$ 40,500.00	\$ 75.00	\$ 33,750.00
3.5	DIP Water Pipe including rest. fittings, 8-inch	LF	75	\$ 117.00	\$ 8,775.00	\$ 75.00	\$ 5,625.00	\$ 141.00	\$ 10,575.00	\$ 84.15	\$ 6,311.25	\$ 83.00	\$ 6,225.00	\$ 130.00	\$ 9,750.00	\$ 101.00	\$ 7,575.00	\$ 137.00	\$ 10,275.00
3.6	Valve, resilient gate valve, 2-inch	EA	1	\$ 758.00	\$ 758.00	\$ 1,050.00	\$ 1,050.00	\$ 781.00	\$ 781.00	\$ 1,207.50	\$ 1,207.50	\$ 895.00	\$ 895.00	\$ 900.00	\$ 900.00	\$ 1,725.00	\$ 1,725.00	\$ 598.00	\$ 598.00
3.6	Valve, resilient gate valve, 6-inch	EA	14	\$ 1,330.00	\$ 18,620.00	\$ 1,250.00	\$ 17,500.00	\$ 1,438.00	\$ 20,132.00	\$ 1,622.00	\$ 22,708.00	\$ 1,436.00	\$ 20,104.00	\$ 1,500.00	\$ 21,000.00	\$ 2,250.00	\$ 31,500.00	\$ 2,500.00	\$ 35,000.00
3.6	Valve, resilient gate valve, 8-inch	EA	2	\$ 1,750.00	\$ 3,500.00	\$ 1,700.00	\$ 3,400.00	\$ 1,926.00	\$ 3,852.00	\$ 2,682.50	\$ 5,365.00	\$ 2,112.00	\$ 4,224.00	\$ 2,200.00	\$ 4,400.00	\$ 2,675.00	\$ 5,350.00	\$ 3,045.00	\$ 6,090.00
3.7	Connection to Existing 6" Water Main #1 - Crystal Spring Drive, W-1	EA	1	\$ 4,059.00	\$ 4,059.00	\$ 4,000.00	\$ 4,000.00	\$ 3,112.00	\$ 3,112.00	\$ 5,000.00	\$ 5,000.00	\$ 6,800.00	\$ 6,800.00	\$ 2,500.00	\$ 2,500.00	\$ 4,500.00	\$ 4,500.00	\$ 2,675.00	\$ 2,675.00
3.7	Connection to Existing 6" Water Main #2- Laurel Park PS, W-2	EA	1	\$ 4,011.00	\$ 4,011.00	\$ 4,000.00	\$ 4,000.00	\$ 3,223.00	\$ 3,223.00	\$ 5,000.00	\$ 5,000.00	\$ 6,000.00	\$ 6,000.00	\$ 2,500.00	\$ 2,500.00	\$ 4,500.00	\$ 4,500.00	\$ 2,846.00	\$ 2,846.00
3.7	Connection to Existing 8" Water Main #3 - Laurel Park PS, W-2	EA	1	\$ 3,376.00	\$ 3,376.00	\$ 4,000.00	\$ 4,000.00	\$ 2,995.00	\$ 2,995.00	\$ 6,500.00	\$ 6,500.00	\$ 6,200.00	\$ 6,200.00	\$ 3,500.00	\$ 3,500.00	\$ 4,600.00	\$ 4,600.00	\$ 1,734.00	\$ 1,734.00
3.7	Connection to Existing 6" Water Main #4 - Hebron Road/N Overlook, W-4	EA	1	\$ 6,804.00	\$ 6,804.00	\$ 4,000.00	\$ 4,000.00	\$ 7,398.00	\$ 7,398.00	\$ 5,000.00	\$ 5,000.00	\$ 9,577.00	\$ 9,577.00	\$ 6,000.00	\$ 6,000.00	\$ 4,500.00	\$ 4,500.00	\$ 8,096.00	\$ 8,096.00
3.7	Connection to Existing 6" Water Main #5 - Hebron Road/Chariton, W-5	EA	1	\$ 6,569.00	\$ 6,569.00	\$ 4,000.00	\$ 4,000.00	\$ 5,006.00	\$ 5,006.00	\$ 6,000.00	\$ 6,000.00	\$ 7,900.00	\$ 7,900.00	\$ 6,000.00	\$ 6,000.00	\$ 4,500.00	\$ 4,500.00	\$ 8,399.00	\$ 8,399.00
3.7	Connection to Existing 4" Water Main #6 - Ewart Drive/Chariton, W-6	EA	1	\$ 4,029.00	\$ 4,029.00	\$ 4,000.00	\$ 4,000.00	\$ 5,953.00	\$ 5,953.00	\$ 5,000.00	\$ 5,000.00	\$ 7,900.00	\$ 7,900.00	\$ 3,500.00	\$ 3,500.00	\$ 4,500.00	\$ 4,500.00	\$ 3,010.00	\$ 3,010.00
3.8	COH Standard Fire Hydrant Assembly, 250 PSI	EA	1	\$ 5,202.00	\$ 5,202.00	\$ 6,500.00	\$ 6,500.00	\$ 5,935.00	\$ 5,935.00	\$ 9,460.00	\$ 9,460.00	\$ 6,000.00	\$ 6,000.00	\$ 8,900.00	\$ 8,900.00	\$ 7,200.00	\$ 7,200.00	\$ 7,073.00	\$ 7,073.00
3.9	Air Release Valve, 1-inch	EA	1	\$ 2,255.00	\$ 2,255.00	\$ 2,500.00	\$ 2,500.00	\$ 2,139.00	\$ 2,139.00	\$ 3,105.66	\$ 3,105.66	\$ 3,600.00	\$ 3,600.00	\$ 2,200.00	\$ 2,200.00	\$ 2,600.00	\$ 2,600.00	\$ 3,588.00	\$ 3,588.00
3.10	Large Meter Vault and Assembly inc. bypass 6-inch, meter manhole WD-3,2, Davis Mtn Road, 6" meter provided by City	EA	1	\$ 15,008.00	\$ 15,008.00	\$ 24,000.00	\$ 24,000.00	\$ 21,187.00	\$ 21,187.00	\$ 20,036.00	\$ 20,036.00	\$ 34,743.00	\$ 34,743.00	\$ 22,000.00	\$ 22,000.00	\$ 30,000.00	\$ 30,000.00	\$ 20,640.00	\$ 20,640.00
3.10	Large Meter Vault and Assembly inc. bypass 6-inch, meter vault WD-3,1, Laurel Park PS, 6" meter provided by City	EA	1	\$ 27,779.00	\$ 27,779.00	\$ 35,000.00	\$ 35,000.00	\$ 28,732.00	\$ 28,732.00	\$ 34,656.90	\$ 34,656.90	\$ 43,996.00	\$ 43,996.00	\$ 38,000.00	\$ 38,000.00	\$ 27,000.00	\$ 27,000.00	\$ 34,495.00	\$ 34,495.00
3.11	Water Service Connection, Short Service, 1-inch	EA	5	\$ 1,355.00	\$ 6,775.00	\$ 1,600.00	\$ 8,000.00	\$ 1,619.00	\$ 8,095.00	\$ 1,500.00	\$ 7,500.00	\$ 1,500.00	\$ 7,500.00	\$ 975.00	\$ 4,875.00	\$ 1,900.00	\$ 9,500.00	\$ 1,700.00	\$ 8,500.00
3.11	Water Service Connection, Long Service, 1-inch	EA	4	\$ 2,697.00	\$ 10,788.00	\$ 2,000.00	\$ 8,000.00	\$ 2,313.00	\$ 9,252.00	\$ 2,500.00	\$ 10,000.00	\$ 1,800.00	\$ 7,200.00	\$ 1,250.00	\$ 5,000.00	\$ 2,600.00	\$ 10,400.00	\$ 2,980.00	\$ 11,920.00
3.11	Water Service Connection, Short Service and Meter Box, 1-inch	EA	6	\$ 1,910.00	\$ 11,460.00	\$ 2,300.00	\$ 13,800.00	\$ 2,639.00	\$ 15,834.00	\$ 1,815.00	\$ 10,890.00	\$ 2,100.00	\$ 12,600.00	\$ 1,275.00	\$ 7,650.00	\$ 2,500.00	\$ 15,000.00	\$ 2,165.00	\$ 12,990.00
3.11	Water Service Connection, Long Service and Meter Box, 1-inch	EA	4	\$ 3,253.00	\$ 13,012.00	\$ 2,500.00	\$ 10,000.00	\$ 3,210.00	\$ 12,840.00	\$ 2,800.00	\$ 11,200.00	\$ 2,500.00	\$ 10,000.00	\$ 1,800.00	\$ 7,200.00	\$ 3,150.00	\$ 12,600.00	\$ 3,590.00	\$ 14,360.00
3.12	Abandon Existing 2-inch Water Main - Crystal Springs Drive	EA	1	\$ 1,613.00	\$ 1,613.00	\$ 2,000.00	\$ 2,000.00	\$ 1,915.00	\$ 1,915.00	\$ 2,000.00	\$ 2,000.00	\$ 1,500.00	\$ 1,500.00	\$ 1,000.00	\$ 1,000.00	\$ 1,850.00	\$ 1,850.00	\$ 1,490.00	\$ 1,490.00
3.12	Abandon Existing 8-inch Water Main - Laurel Park Pump Station	EA	1	\$ 1,613.00	\$ 1,613.00	\$ 3,000.00	\$ 3,000.00	\$ 2,679.00	\$ 2,679.00	\$ 3,000.00	\$ 3,000.00	\$ 3,500.00	\$ 3,500.00	\$ 7,000.00	\$ 7,000.00	\$ 2,000.00	\$ 2,000.00	\$ 1,550.00	\$ 1,550.00
3.12	Abandon Existing 2-inch Water Main - Chariton Avenue (both ends)	EA	2	\$ 4,074.00	\$ 8,148.00	\$ 2,000.00	\$ 4,000.00	\$ 1,446.00	\$ 2,892.00	\$ 2,000.00	\$ 4,000.00	\$ 1,500.00	\$ 3,000.00	\$ 1,000.00	\$ 2,000.00	\$ 1,850.00	\$ 3,700.00	\$ 1,490.00	\$ 2,980.00
2.10	Remove & Replace Roadway Asphalt, per detail WD-2, 5	SY	175	\$ 64.00	\$ 11,200.00	\$ 100.00	\$ 17,500.00	\$ 92.00	\$ 16,100.00	\$ 50.00	\$ 8,750.00	\$ 70.00	\$ 12,250.00	\$ 100.00	\$ 17,500.00	\$ 144.00	\$ 25,200.00	\$ 163.00	\$ 28,525.00
2.10	Remove & Replace Roadway Asphalt, per NCDOT detail 654.01	SY	80	\$ 164.00	\$ 13,120.00	\$ 175.00	\$ 14,000.00	\$ 33.00	\$ 2,640.00	\$ 60.00	\$ 4,800.00	\$ 160.00	\$ 12,800.00	\$ 225.00	\$ 18,000.00	\$ 160.00	\$ 12,800.00	\$ 165.00	\$ 13,200.00
2.10	Asphalt Mill & Overlay, 1.5", restriping																		
2.10	Sheets W-4 (STA 1+50 -1+68) and W-5 (STA 0+00-0+18) Hebron Road	SY	400	\$ 30.00	\$ 12,000.00	\$ 57.00	\$ 22,800.00	\$ 47.80	\$ 19,120.00	\$ 35.00	\$ 14,000.00	\$ 50.00	\$ 20,000.00	\$ -	\$ -	\$ 40.00	\$ 16,000.00	\$ 70.95	\$ 28,380.00
2.11	Remove & Replace asphalt and driveway, detail WD-2, 3	SY	10	\$ 67.00	\$ 670.00	\$ 150.00	\$ 1,500.00	\$ 187.00	\$ 1,870.00	\$ 50.00	\$ 500.00	\$ 65.00	\$ 650.00	\$ 120.00	\$ 1,200.00	\$ 84.00	\$ 840.00	\$ 194.00	\$ 1,940.00
2.11	Remove & Replace concrete and driveway, detail WD-2,3	SY	15	\$ 89.00	\$ 1,335.00	\$ 150.00	\$ 2,250.00	\$ 65.00	\$ 975.00	\$ 126.00	\$ 1,890.00	\$ 100.00	\$ 1,500.00	\$ 250.00	\$ 3,750.00	\$ 160.00	\$ 2,400.00	\$ 405.00	\$ 6,075.00
2.13	Gravel Driveway Repair, ABC Stone	TN	50	\$ 40.00	\$ 2,000.00	\$ 30.00	\$ 1,500.00	\$ 47.00	\$ 2,350.00	\$ 45.00	\$ 2,250.00	\$ 33.00	\$ 1,650.00	\$ 30.00	\$ 1,500.00	\$ 52.00	\$ 2,600.00	\$ 58.00	\$ 2,900.00
2.14	Restoration and permanent seeding	LS	1	\$ 3,228.00	\$ 3,228.00	\$ 9,975.00	\$ 9,975.00	\$ 3,161.00	\$ 3,161.00	\$ 10,000.00	\$ 10,000.00	\$ 4,150.00	\$ 4,150.00	\$ 4,500.00	\$ 4,500.00	\$ 20,000.00	\$ 20,000.00	\$ 4,850.00	\$ 4,850.00
2.5	Erosion Control, Silt Fence, as approved by Engineer	LF	800	\$ 5.00	\$ 4,000.00	\$ 4.00	\$ 3,200.00	\$ 4.50	\$ 3,600.00	\$ 5.00	\$ 4,000.00	\$ 5.00	\$ 4,000.00	\$ 4.35	\$ 3,480.00	\$ 5.00	\$ 4,000.00	\$ 23.60	\$ 18,880.00
2.6	Rock Excavation, as approved by Engineer	CY	50	\$ 128.00	\$ 6,400.00	\$ 50.00	\$ 2,500.00	\$ 50.00	\$ 2,500.00	\$ 200.00	\$ 10,000.00	\$ 300.00	\$ 15,000.00	\$ 135.00	\$ 6,750.00	\$ 220.00	\$ 11,000.00	\$ 276.00	\$ 13,800.00
2.7	Select Backfill Material, as approved by Engineer	CY	50	\$ 15.00	\$ 750.00	\$ 20.00	\$ 1,000.00	\$ 24.00	\$ 1,200.00	\$ 45.00	\$ 2,250.00	\$ 60.00	\$ 3,000.00	\$ 100.00	\$ 5,000.00	\$ 30.00	\$ 1,500.00	\$ 45.80	\$ 2,290.00
2.8	Stone Embedment and Undercut, 6-inch depth, #57 Stone, as approved by Engineer	LF	100	\$ 17.00	\$ 1,700.00	\$ 7.00	\$ 700.00	\$ 12.00	\$ 1,200.00	\$ 45.00	\$ 4,500.00	\$ 8.00	\$ 800.00	\$ 25.00	\$ 2,500.00	\$ 20.00	\$ 2,000.00	\$ 4.40	\$ 440.00
2.9	Incidental Stone, #57 Stone, as approved by Engineer	TN	50	\$ 39.00	\$ 1,950.00	\$ 35.00	\$ 1,750.00	\$ 39.00	\$ 1,950.00	\$ 35.00	\$ 1,750.00	\$ 38.00	\$ 1,900.00	\$ 31.00	\$ 1,550.00	\$ 60.00	\$ 3,000.00	\$ 59.00	\$ 2,950.00
2.9	Incidental Stone, Rip Rap, as approved by Engineer	TN	50	\$ 49.00	\$ 2,450.00	\$ 38.00	\$ 1,900.00	\$ 67.00	\$ 3,350.00	\$ 74.00	\$ 3,700.00	\$ 43.00	\$ 2,150.00	\$ 140.00	\$ 7,000.00	\$ 125.00	\$ 6,250.00	\$ 52.00	\$ 2,600.00
2.9	Incidental Stone, ABC, as approved by Engineer	TN	50	\$ 40.00	\$ 2,000.00	\$ 26.00	\$ 1,300.00	\$ 36.00	\$ 1,800.00	\$ 45.00	\$ 2,250.00	\$ 33.00	\$ 1,650.00	\$ 30.00	\$ 1,500.00	\$ 40.00	\$ 2,000.00	\$ 52.00	\$ 2,600.00
				<b>\$ 380,467.00</b>		<b>\$ 388,000.00</b>		<b>\$ 398,157.00</b>		<b>\$ 424,708.53</b>		<b>\$ 451,214.00</b>		<b>\$ 475,305.00</b>		<b>\$ 542,690.00</b>		<b>\$ 563,379.00</b>	
				Corrected mathematical error on bid										Addendum 2 was not acknowledged.					



Resolution # \_\_ - \_\_\_\_

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO MERGE THE DOWNTOWN ADVISORY COMMITTEE AND 7<sup>TH</sup> AVENUE ADVISORY COMMITTEE TO CREATE A DOWNTOWN ADVISORY BOARD**

**WHEREAS**, the Downtown Main Street Advisory Committee was established June 2, 2011 to advise and recommend updates to Hendersonville City Council regarding the Downtown Municipal Service District; and;

**WHEREAS**, the 7<sup>th</sup> Avenue Advisory Committee was established March 9, 2015 to advise and recommend updates to Hendersonville City Council regarding the 7<sup>th</sup> Avenue Municipal Service District; and

**WHEREAS**, the Downtown Main Street Advisory Committee and 7<sup>th</sup> Avenue Advisory Committee share a common vision for the overall economic vibrancy of Downtown Hendersonville; and

**WHEREAS**, Historic Downtown Hendersonville was designated a North Carolina Main Street Program in 1986 and has been recognized as a nationally accredited Main Street Program; and

**WHEREAS**, best practices of nationally Accredited Main Street Programs include one advisory board with three teams to follow the pillars of the Main Street Four Point Approach™ being design, promotion, economic vitality and organization; and

**WHEREAS**, in a joint meeting of the Downtown Main Street Advisory committee and 7<sup>th</sup> Avenue Advisory Committee held December 8, 2020 members of both committees approved a recommendation to merge to form a Downtown Advisory Board; and

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Hendersonville, North Carolina that:

1. The Downtown Main Street Advisory Committee and 7<sup>th</sup> Avenue Advisory Committee are hereby merged and to form the **Downtown Advisory Board**.
2. The Downtown Main Street Advisory Committee and 7<sup>th</sup> Avenue Advisory Committee and their subcommittees are hereby disbanded; and
3. The merged Downtown Advisory Board is hereby established, and the Charter & Rules of Procedure are hereby approved as presented.
4. The Downtown Advisory Board shall consist of sixteen (16) members, including (14) voting members and (2) non-voting members. Membership shall be composed from the following membership categories:

- (5) Stakeholders representing Seventh Avenue Municipal Service District (all voting members)
- (5) Stakeholders representing Main Street Municipal Service District (all voting members)
- (4) At-large members (all voting members)
- (1) City Council liaison member (non-voting member)
- (1) Representative from the Hendersonville Rescue Mission (non-voting member)

Adopted by the City Council of the City of Hendersonville, North Carolina on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Attest:

\_\_\_\_\_  
Barbara G. Volk, Mayor, City of Hendersonville

\_\_\_\_\_  
Angela L. Reece, City Clerk

Approved as to form:

\_\_\_\_\_  
Angela S. Beeker, City Attorney

**CITY OF HENDERSONVILLE**  
**DOWNTOWN ADVISORY BOARD**

**CHARTER & Rules of Procedure**

**Article 1. Name**

The name of this organization is the City of Hendersonville Downtown Advisory Board, hereinafter referred to as the “Board.”

**Article 2. Purpose and Powers**

The general purpose of the Board is to serve in an advisory role to the City Council in matters pertaining to the Main Street Municipal Service District, subject to such limitations as may be imposed by state law or by ordinances of the city. The Boards shall be embodied for the following purposes: Advise, deliberate and make recommendations to the City Council to help facilitate the implementation of the Comprehensive Plan as it relates to downtown; Serve to support economic development efforts, and the marketing and promotion of downtown; Identify appropriate uses for downtown and identify developers/investors for downtown development; Recommend to City Council an overall policy for the continued development and sustainability of downtown; Develop financial tools for downtown development; Promote and facilitate the improvement of downtown infrastructure, including water, public safety, parks, parking, transportation, utilities, sidewalks, sewer, and streetscape; Promote and facilitate a program to assist in business retention in the downtown; Promote and facilitate a marketing program to increase sales, visitors, and awareness of downtown; Provide City Council with representative community participation in preparing and implementing plans and reports concerning the development of downtown; Promote, facilitate, and act as liaison to catalytic developments significantly affecting the downtown area. Promote and support downtown as a special event location.

**Article 3. Jurisdiction**

The City of Hendersonville Downtown Advisory Board’s jurisdiction shall apply to the Hendersonville Main Street Municipal Service District and the Seventh Avenue Municipal Service District. The Main Street Municipal Service District is formed by the boundaries of 7<sup>th</sup> Ave. to the north, King St. to the east, Allen St. to the south and Church St. to the west. The Seventh Avenue Municipal Service District begins at the intersection of Seventh Avenue and Four Season’s Boulevard and extends along the length and northern and southern sides of Seventh Avenue to its intersection with Robinson Terrace where the district is found only on the southern side of Seventh Avenue to the intersection with Mud Creek where the district ends. A significant appendage to the district extends off Seventh Avenue to the north, down Locust and Ashe Streets to 8th Avenue. The Board may also discuss and be consulted on matters outside of the Main Street Municipal Services District and Seventh Avenue Municipal Service District, provided the subject is related to the core mission of supporting a healthy and vibrant downtown.

## Article 4. Membership

**Section 1. Membership and Appointment.** All appointments shall be made by the City of Hendersonville City Council. The Board shall consist of sixteen (16) members, including (14) voting members and (2) non-voting members. Membership shall be composed from the following membership categories:

- (5) Stakeholders representing Seventh Avenue Municipal Service District (all voting members)
- (5) Stakeholders representing Main Street Municipal Service District (all voting members)
- (4) At-large members (all voting members)
- (1) City Council liaison member (non-voting member)
- (1) Representative from the Hendersonville Rescue Mission (non-voting member)

Stakeholder members are defined as persons owning property within a municipal service district the City of Hendersonville, and business owners whose business is located within a municipal service district in the City of Hendersonville.

At-large members are defined as persons owning property or residing within the City of Hendersonville or Henderson County, or business owners whose business is located within the City of Hendersonville or Henderson County.

Staff Support City staff shall be assigned to the Downtown Advisory Board, acting as the Secretary and liaison between the Board, City Departments, and the City Council and shall have the charge of correspondence, minutes, notifying members of meetings, and other information.

**Section 2. Member Terms and Term Limits.** Board members shall be appointed to staggered three-year terms by the City Council annually in June. The term of service shall be three years. No member shall serve more than two consecutive full three-year terms. Members shall serve without compensation.

At the end of a member's second full term they must take a one-year hiatus before seeking reappointment to the Board.

At initial appointment for this Board, City Council shall hereby implement staggered terms for members, meaning that six (6) members of the Board membership shall be appointed for an initial term to run from February 4, 2021 to June 30, 2022, six (6) members of the Board membership shall be appointed for an initial term to run from February 4, 2021 to June 30, 2023, and four (4) members of the Board membership shall be appointed for an initial term to run from February 4, 2021 to June 30, 2024. Thereafter appointments shall be for 3 year terms unless filling an unexpired term.

**Section 3. Attendance at Meetings.** Any member who misses more than three consecutive regular meetings or more than one-half the regular meetings actually held in a calendar year shall cease to be a Board member.

**Section 4. Vacancies and Reasons for Dismissal.** All members serve at the pleasure of the City of Hendersonville City Council. Members may be dismissed for any reason with or without cause

including but not limited to failure to attend meetings. Vacancies shall be filled at the earliest convenience of the City Council. A vacancy of the chair or vice chair shall be elected by a majority of the Board at the next regularly scheduled meeting.

**Article 5. Meetings**

**Section 1. Open-Meetings Law.** All meetings of the Board shall be open to the public, and any person may attend its meetings. Except as permitted below, all meetings of the Board shall be open to the public and any person may attend its meetings. For purposes of these rules, a meeting of the Board occurs whenever a majority of the Board’s members gather, either in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the Board’s real or apparent jurisdiction. The term “majority” as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half. No meeting shall occur except as part of a duly called and advertised meeting. For the avoidance of doubt informal gatherings of a majority of the members where business of the Board is discussed are strictly prohibited.

**Section 2. Closed Session.** The Board may enter a closed session from which the public is excluded on any of the grounds listed in G.S. 143-318.11(a).

- 1. Motion to Enter Closed Session. The Board may hold a closed session only upon a motion duly made and adopted in open session. The motion to enter closed session shall cite one or more of the permissible bases listed in G.S. 143-318.11(a) for closed sessions. For a closed session held under G.S. 143-318.11(a)(1) (prevent disclosure of privileged or confidential information or information not considered public record), the motion shall name or cite the law that renders the information confidential or privileged. For a closed session called pursuant to G.S. 143-318.11(a)(3) (attorney consultation and preservation of attorney-client privilege), the motion shall name the parties to any pending lawsuit that the Board’s attorney plans to discuss in the closed session.
  
- 2. Closed-Session Participants. Aside from the Board members themselves, only those individuals invited by the Board may participate in a closed session. The Board will invite only those individuals whose presence is reasonably necessary to aid the Board in its closed-session deliberations.
  
- 3. Motion to Return to Open Session. Upon completing its closed-session business, the Board shall return to open session.

**Section 3. Regularly Scheduled Meetings.** The Board shall hold regular meetings monthly on the Second Tuesday at 4:00 p.m. The Board shall annually adopt a regular meeting schedule showing the dates, times, and places of its regular meetings for the year.

- 1. Notice of Regular Meeting Schedule. The Board shall ensure that a copy of its current regular meeting schedule, complete with the date, time, and place of each regular meeting,

is filed with the City Clerk and posted on the City's website, and the Board's webpage if they have one.

2. Change to Regular Meeting Schedule. The Board may revise its regular meeting schedule to change the date, time or place of a particular regular meeting or all regular meetings within a specified period. The Board shall ensure that the revised regular meeting schedule is filed with the City Clerk at least seven (7) consecutive calendar days before the first meeting held pursuant to the revised schedule. The Board shall also have the revised schedule posted on the City's website and the Board's webpage if they have one.

**Section 4. Special Meetings.** The chair or the majority of the members of the Board may at any time call a special meeting of the Board by signing a notice stating the date, time and place of the special meeting and the subjects to be considered. Alternatively, a special meeting may be called by vote of the Board in open session during a regular meeting or another duly called special meeting if on the special meeting agenda.

1. Notice to the public. At least 48 hours before a special meeting, the Board shall cause written notice of the meetings date, time, place and purpose(s) to be:
  - i Posted on the Board's principal bulletin Board or, if the Board has no such bulletin Board, at the door of the Board's usual meeting room.
  - ii Mailed or delivered to each newspaper, wire service, radio station and television station and person who has filed a written request for notice with the secretary;
2. Notice to Board Members. For all meetings called by the chair, or a majority of the members, notice of the meeting date, time, place and purpose(s) shall be mailed, emailed, or delivered to all members of the Board at least 48 hours before the meeting. If the special meeting was called at another duly held meeting of the Board, and one or more members were absent, the chair shall ensure that notice of the meeting's date, time, place, and purpose(s) is mailed, emailed, or delivered to any absent member(s) a minimum of forty-eight hours in advance of the special meeting.
3. Business Conducted at a Special Meeting. Only the business that is specified in the notice of the meeting may be transacted during a special meeting.

**Section 5. Organizational Meeting.** On the date and at the time of the regular meeting in July, the Board shall elect a chair and vice chair as its first order of business. The second order of business shall be to adopt an annual scheduled of meetings for the upcoming calendar year. Newly appointed and reappointed members must have taken their oath prior to the start of the organizational meeting.

**Section 6. Electronic Board Meetings and Member Participation.** No member who is not physically present may participate in a meeting of the Board by electronic means except in accordance with this rule.



1. **Electronic Meetings Generally.** Provided a quorum is present, in person, at a meeting, Board members may participate in a meeting electronically provided the meeting does not involve a quasi-judicial matter. All members participating in a quasi-judicial hearing must attend in person. Any member wishing to participate electronically in a meeting not involving a quasi-judicial matter shall be required to give the Chair and the Secretary at least thirty-six (36) Hours before the start of the meeting. When one or more members are participating remotely, the following rules shall apply:

(a) *Member Identification.* Each member who attends by electronic means shall identify himself or herself in each of the following situations:

- i when roll is taken or the meeting begins;
- ii before taking part in deliberations, including making any motions, proposing any amendments, or raising any points of order; and
- iii before voting.

(b) *Method of Electronic Participation.* Any member who attends electronically shall use a means of communication that enables the member

- i to hear what is said by other Board members and any person who addresses the Board and
- ii to be heard by other Board members.

(c) *Voting.* The Board shall conduct all votes by roll call. It may not vote by secret or written ballots. The votes of any member who attends by electronic means shall be counted as if the member were physically present, but only while the Board maintains electronic communication with that member.

(d) *Minutes.* The minutes shall which members took part electronically, and when such members joined or left the electronic meeting.

2. **Electronic Meetings During a State of Emergency Declared by the Governor or General Assembly.** During any state of emergency declared by the Governor or General Assembly pursuant to G.S. 166A-19.20, a meeting of the Board shall comply with the requirements of this paragraph if the Board falls within the emergency area and at least one Board member attends the meeting by conference call, conference video, or other electronic means.

(a) *Notice.* The public notice for any regular, special, emergency, or recessed meeting that is subject to this paragraph shall specify how the public can access the electronic meeting in real time.

(b) *Member Identification.* Each member who attends by electronic means shall identify himself or herself in each of the following situations:

- i when roll is taken or the meeting begins;
- ii before taking part in deliberations, including making any motions, proposing any amendments, or raising any points of order; and
- iii before voting.

(c) *Meeting Materials.* All documents considered during the meeting shall be furnished to each Board member.

(d) *Method of Electronic Participation.* Any member who attends electronically shall use a means of communication that enables the member

- iii to hear what is said by other Board members and any person who addresses the Board and
- iv to be heard by other Board members.

(e) *Quorum.* A member who attends by electronic means counts as present for quorum purposes, but only while the Board maintains electronic communication with that member.

(f) *Voting.* The Board shall conduct all votes by roll call. It may not vote by secret or written ballots. The votes of any member who attends by electronic means shall be counted as if the member were physically present, but only while the Board maintains electronic communication with that member.

(g) *Acting by Reference.* The Board shall not deliberate, vote, or otherwise take action on any matter by reference to the agenda or any other document unless copies of the agenda or document are available for public inspection at the meeting and so worded that persons in attendance can understand what is being deliberated or acted upon.

(h) *Minutes.* The minutes shall indicate that the meeting was conducted by electronic means, which members took part electronically, and when such members joined or left the electronic meeting.

(i) *Live Streaming.* The meeting shall be streamed live online so that live audio (and video, if any) are available to the public. If the Board meets by conference call, the public shall have an opportunity to dial in or stream the audio live and listen to the electronic meeting.

(j) *Public Hearings.* Although it may conduct any public hearing mandated or permitted by law, the Board shall allow the public to submit written comments on the hearing's subject matter between the publication of any required notice and twenty-four hours after the hearing.

**Section 7. Cancellation of Meetings.** Whenever there is no business for the Board the chair may cancel a meeting by giving reasonable notice to all members before the time set for the meeting. However, in the case of a special meeting called by a majority of the Board, the chair may cancel the meeting only upon the concurrence of a majority of the Board. The majority concurring in the cancellation need not be the same majority that called the special meeting.

**Section 8. Recessed Meetings**

1. **Calling Recessed Meetings.** When conducting a properly called regular, special, or emergency meeting, the Board may recess the meeting to another date, time, or place by a procedural motion made and adopted in open session, as provided in Article 10, Section 5 (Motion 3). The motion shall state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will resume.
2. **Notice of Recessed Meetings.** If the Board’s website is maintained by one or more Board employees, notice of the recessed meeting’s date, time, and place shall appear on the website prior to the meeting. No further notice of a properly called recessed meeting is required.

**Article 6. Agenda**

**Section 1. Proposed Agenda.** The Secretary shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least two working days before the meeting. Any board member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed policies shall be attached to the proposed agenda. Each board member shall receive a copy of the proposed agenda and any attachments and they shall be available for public inspection and/or distribution when they are distributed to the Board members.

**Section 2. Adoption of the Agenda.** As its first order of business at each meeting, the Board shall, as specified in Article 8, discuss and revise the proposed agenda and adopt an agenda for the meeting. The Board may by majority vote add items to or subtract items from the proposed agenda, except that the Board may not add items to the agenda of a special meeting unless (a) all members are present and (b) the Board determines in good faith at the meeting that it is essential to discuss or act on the item immediately. If items are proposed to be added to the agenda, the Board may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all board members.

The Board may designate certain agenda items "for discussion and possible action." Such designation means that the Board intends to discuss the general subject area of that agenda item before making any motion concerning that item.

**Section 3. Open Meetings Requirements.** The Board shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the Board to understand what is being deliberated, voted, or acted on. However, the Board may deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda--sufficiently

worded to enable the public to understand what is being deliberated, voted, or acted on--are available for public inspection at the meeting.

**Article 7. Agenda Items from Members of the Public & Public Input**

**Section 1. Agenda Items from Members of the Public.** If a member of the public wishes to request that the Board include an item on its regular-meeting agenda, the individual shall submit the request in writing to the Board’s secretary at least five working days before the meeting date. The Board shall decide whether or not to add any agenda items submitted by the public at the adoption of the agenda. The Board is not obligated to place an item on the agenda merely because such a request has been received.

**Section 2. Public Input.** Public input at all Board meetings that are not quasi-judicial in nature shall have a three-minute limit per speaker. The Chair reserves the right to alert time limits for public comment periods.

**Section 3. Broadcasting and Recording Meetings.** Any person may photograph, film, tape-record, or otherwise reproduce any part of a Board meeting that must take place in open session. Except as provided in paragraph (c) of this rule, any radio or television station may broadcast any such part of a Board meeting.

1. Advance Notice. Any radio or television station that plans to broadcast any portion of a Board meeting shall so notify the secretary no later than twenty-four hours before the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a Board meeting.

2. Equipment Placement. The Board chair or an appropriate staff member may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a Board meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the Board chair or staff member determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the chair or staff member may require the pooling of the equipment and the personnel operating it.

3. Alternative Meeting Site. If the news media request an alternative meeting site to accommodate news coverage, and the Board grants the request, the news media making the request shall pay the costs incurred by the local government unit in securing an alternative meeting site

**Article 8. Order of Business**

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

Discussion and revision of the proposed agenda; adoption of an agenda

- Approval of the minutes
- Public comment
- Public hearings
- Administrative reports
- Team reports
- Unfinished business
- New business
- Informal discussion

By general consent of the Board items may be considered out of order.

**Article 9. Officers**

**Section 1 Presiding Officer.** The presiding officer of each meeting of the Board shall be the chair of the Board. In situations where the chair is unavailable or unable to participate in the meeting or any particular matter before the Board, the vice chair shall preside. In the event that neither the chair nor the vice chair is available, the members of the Board, by affirmative vote of the majority, may appoint an acting chair who shall have all powers of the chair while acting as presiding officer.

**Section 2. Selection Of The Chair And Vice Chair.** The chair shall be selected by majority vote of the Board unless the City Council indicates to the Board that the City Council will appoint said chair, in which case the appointment shall be made by the City Council. The vice chair shall be elected by a majority vote of the Board.

**Section 3. Powers And Duties Of The Chair And Vice Chair.** The chair shall preside at all meetings of the Board but shall also have the right to engage in discussion and vote on any matter before the Board unless otherwise excused. The chair shall have the power to call a special meeting, rule on procedural matters during a meeting, call a brief recess of a meeting at any time, and adjourn a meeting in an emergency. At any other time, adjournment shall be by motion, duly approved. The vice chair shall have all powers and perform all the duties of the chair in his or her absence.

**Section 4. The Chair**

1. Presiding Officer. The chair shall preside at meetings of the Board.
2. Voting by the Chair. The chair has the same duty to vote as other members, though in no event may the chair break a tie on a motion on which he or she has already voted.
3. Recognition of Members. A member must be recognized by the chair (or other presiding officer) in order to address the Board, but recognition is not necessary for an appeal pursuant to Article 10, Section 5 (Motion 1).
4. Powers as Presiding Officer. As presiding officer, the chair is to enforce these rules and maintain order and decorum during Board meetings. To that end, the chair may

- (a) rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
- (b) determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain and rule on objections from other members on this ground;
- (c) entertain and answer questions of parliamentary procedure;
- (d) call a brief recess at any time; and
- (e) adjourn in an emergency.
- (f) Appeals of Procedural Rulings. A member may appeal a decision made or an answer given by the chair under subparagraph (d)(1), (2), or (3) of this rule in accordance with Article 10, Section 5 (Motion 1).

**Section 5. Duties Of The Secretary.** The City Manager shall assign a staff person to the Board who shall serve as the secretary of the Board and shall perform the following:

1. The secretary shall ensure that all meetings of the Board are properly noticed.
2. The secretary shall maintain the sunshine list that is a list of those persons or entities that have filed a written request indicating a desire to receive notice of all special meetings of the Board.
3. The secretary shall take and record the actions of the Board and draft minutes of the meetings accordingly. Minutes shall be sent to Board members prior to their next regularly scheduled meeting. The secretary shall also forward a copy of the minutes as they are approved to the Clerk to the City Council and post on the City’s website
4. The secretary shall be responsible for maintaining an accurate list of members of the Board, submitting to the City Clerk a quarterly attendance report for its members and notifying the City Clerk of any resignations of any of its members, or any other change in membership of the Board.

**Section 6. Schedule for Elections.** of the Chair, and Vice-Chair shall take place annually at the organizational meeting of the Board.

**Article 10. Action by the Board**

**Section 1. Quorum.** A majority of the members shall constitute a quorum for any meeting which does not involve a quasi-judicial matter. For purposes of conducting a quasi-judicial hearing, however, four (4) members shall constitute a quorum. No other business may be conducted during a meeting at which a quasi-judicial hearing is held unless a majority of the members are present. No action of the Board may be taken at any meeting where less than the

required quorum is present, except to adjourn the meeting. For non-quasi-judicial matters, once a quorum has been established, it will not be defeated if members leave.

**Section 2. Motions and Voting.** Action of the Board may be taken upon a motion made by any member, including the chair, without the need for a second. A motion shall be adopted if approved by the affirmative vote of a majority of the members present and not excused after full discussion of the motion by the members.

**Section 3. Withdrawal of Motion.** The member who introduces a motion may withdraw the motion unless the motion has been amended or put to a vote.

**Section 4. Substantive (or Main) Motions.** A substantive motion is not in order when any other motion is pending. Once the Board disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting unless it first adopts a motion to reconsider pursuant to Article 10, Section 5 (Motion 13).

**Section 5. Procedural Motions**

(a) **Certain Motions Allowed.** The Board may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.

(b) **Priority of Motions.** The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that

- any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 11 and
- a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 8.

When several procedural motions are pending, voting shall begin with the procedural motion highest in priority, except that a motion to amend or end debate on the highest-priority motion shall be voted on first.

**Motion 1. To Appeal a Ruling of the Presiding Officer.** Any member may appeal the presiding officer’s ruling on whether a motion is in order or on whether a speaker has violated reasonable standards of courtesy. The presiding officer’s response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

**Motion 2. To Adjourn.** This motion may be used to close a meeting. It is not in order if the Board is in closed session.

**Motion 3. To Recess to a Time and Place Certain.** This motion may be used to call a recessed meeting as permitted under Rule 12. The motion must state the time (including the date, if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the Board is in closed session.

**Motion 4. To Take a Brief Recess.**

**Motion 5. To Follow the Agenda.** This motion must be made at the time an item of business that deviates from the agenda is considered; otherwise, the motion is out of order as to that item.

**Motion 6. To Suspend the Rules.** To be adopted, a motion to suspend the rules must receive affirmative votes equal to two-thirds of the Board's actual membership, excluding any vacant seats. The Board may not suspend provisions in these rules that restate state law requirements.

**Motion 7. To Defer Consideration.** The Board may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires unless the Board votes to revive it pursuant to Motion 12 within 100 days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

**Motion 8. To End Debate (Call the Previous Question).** If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion.

**Motion 9. To Postpone to a Certain Time.** This motion may be employed to delay the Board's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the Board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.

**Motion 10. To Refer a Motion to a Board.** The Board may vote to refer a substantive motion to a Board for study and recommendations. While the substantive motion is pending before the Board, the Board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6. If the Board fails to report on the motion within sixty days of the referral date, the Board shall take up the motion if asked to do so by the member who introduced it.

**Motion 11. To Amend**

(a) Germaneness. A motion to amend must concern the same subject matter as the motion it seeks to alter.

(b) Limit on Number of Motions to Amend. When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time.



**Motion 12. To Revive Consideration.** The Board may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 7, provided it does so within 100 days of its vote to defer consideration.

**Motion 13. To Reconsider.** The Board may vote to reconsider its action on a matter, provided the motion to reconsider is made (1) at the same meeting during which the action to be reconsidered took place and (2) by a member who voted with the prevailing side. For purposes of this motion, “the same meeting” includes any continuation of a meeting through a motion to recess to a certain time and place (Motion 3). The motion is not in order if it interrupts the Board’s deliberation on a pending matter.

**Motion 14. To Rescind.** The Board may vote to rescind an action taken at a prior meeting, provided rescission is not forbidden by law.

**Motion 15. To Prevent Reintroduction for Six Months.** This motion may be used to prevent the reintroduction of a failed substantive motion for a time, but it is in order only when made immediately following the substantive motion’s defeat. To be adopted, this motion must receive affirmative votes equal to at least two-thirds of the Board’s total membership, excluding vacant seats. If this motion is adopted, the ban on reintroduction remains in effect for six months or until the Board’s next organizational meeting, whichever occurs first.

**Rule 26. Debate**

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the principles listed below.

- The maker of the motion is entitled to speak first.
- A member who has not spoken on the issue shall be recognized before a member who has already spoken.
- To the extent practicable, debate shall alternate between proponents and opponents of the measure.

**Rule 27. Adoption by Majority Vote**

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.

**Rule 28. Changing a Vote**

A member may change the member’s vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change a vote without the unanimous consent of the remaining members present. A member’s request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer’s announcement of the result.

### Article 11. Reports

**Section 1. Annual Report.** The Board shall make a report to the City of Hendersonville City Council at least annual. This report must be submitted no later than January 31<sup>th</sup> of each year.

**Section 2. Public Records Law.** The Board shall abide by North Carolina Public Records Law N.C.G.S. Chapter 132.

### Article 12. Duty to Vote

Every member must vote unless excused by the remaining members of the Board. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. No member shall be excused from voting except in cases involving conflicts of interest, as defined by the Board or by law, or the member's official conduct, as defined by the Board. In all other cases, a failure to vote by a member who is physically present, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as a vote with the prevailing side.

### Article 13. Public Hearings

**Section 1. Calling Public Hearings.** The Board may hold public hearings to solicit the public's input on specific issues. The Board may schedule its public hearings or delegate that responsibility to staff members, as appropriate.

**Section 2. Public Hearing Locations.** The Board may hold public hearings anywhere within the area served by the Board.

**Section 3. Notice of Public Hearings.** Any public hearing attended by a majority of members shall be considered part of a regular or special meeting of the Board. Consequently, the relevant notice and related requirements of the open meetings law apply to such hearings. If a hearing's subject matter triggers additional notice requirements under state law or local rules, the Board shall see that they are also satisfied.

**Section 4. Rules for Public Hearings.** The Board may adopt reasonable rules for public hearings that, among other things,

- fix the maximum time allotted to each speaker;
- provide for the designation of spokespersons for groups supporting or opposing the same positions;
- provide for the selection of delegates from groups supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the meeting room (so long as arrangements are made, in the case of a hearing subject to the open meetings law, for those excluded from the meeting room to listen to the hearing); and
- provide for the maintenance of order and decorum in the conduct of the hearing.

**Section 5. Continuing Public Hearings.** The Board may continue any public hearing without further advertisement, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to Section 7 of this Article, if a quorum of the Board is not present for a properly scheduled public hearing, the hearing shall be continued until the Board's next regular meeting without further advertisement.

**Section 6. Conduct of Public Hearings.** At the time appointed for the hearing, the chair shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the Board for the hearing. Unless the Board votes to extend the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not already done so, the chair shall declare the hearing closed, and the Board shall resume the regular order of business.

**Section 7. Public Hearings by Less Than a Majority of Board Members.** Unless inconsistent with state law or local rules, the Board may appoint a member or members to hold a public hearing on its behalf. The notice provisions in Section 3 of this Article apply when the Board appoints more than one member to conduct such a hearing.

**Section 8. Public Comment.** The Board may hold a public comment period at any regular meeting or special meeting called, at least in part, for that purpose. During the public comment period, members of the public may speak on any matters within the Board's real or apparent jurisdiction. The provisions in Section 4 and 6 of this Article apply to the Board's public comment periods.

**Article 14. Meeting Minutes Required for All Meetings**

**Section 1. Meeting Minutes. Minutes Required for All Meetings.** The Board shall keep full and accurate minutes of its meetings, including any closed sessions. To be "full and accurate," the minutes must record all actions taken by the Board, as well as the Board's compliance with any applicable procedural requirements. The minutes should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record Board member discussions, though the Board in its discretion may decide to incorporate such details into the minutes.

1. Record of "Ayes" and "Noes." At the request of any member, the minutes shall indicate how each member voted by name on a particular matter.
2. General Accounts of Closed Sessions. In addition to minutes, the Board shall keep a general account of each closed session. The general account shall be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The Board may combine the minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken and the level of detail required for a general account.
3. Sealing Closed-Session Records. Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the Board or in accordance with instructions adopted by competent authority. The sealed minutes and general account of any closed session may be

withheld from public inspection, so long as public inspection would frustrate the purpose(s) of the closed session.

### **Article 15. Appointments**

The Board may consider and make appointments to other bodies, including its own sub-Boards, if any, only in open session. The Board may not consider or fill a vacancy among its own membership except in open session.

The Board shall use the following procedure to make appointments for Board officers and to the various Teams (sub-committees): The Organization Team of the Board shall report on nominations received and reviewed and make its appointment recommendations, if any. The chair shall then open the floor for nominations, whereupon the names of other possible appointees may be put forward by the Board members. The names submitted by the Board and by individual board members shall be debated. When the debate ends, the chair shall call the roll of the members, and each member shall cast his or her vote.

The nominee(s) receiving the highest number of votes shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes as there are slots to be filled. A member must cast all of his or her votes and cast them for different nominees.

### **Article 16. Sub-Committees and Teams**

**Section 1. Establishment and Appointment.** The Board may establish and appoint members for such temporary and standing sub-committees and teams as are required by law or needed to help carry on the committee's work. Any specific provisions of law relating to particular sub-committees and teams shall be followed.

**Section 2. Open Meetings Law.** The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils, or other bodies of a local governmental unit that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, administrative, or advisory functions. However, the law's requirements shall not apply to a meeting solely among a unit's professional staff. All meetings of subcommittees shall be considered special meetings and shall comply with special meeting requirements provided in Article 5.

### **Article 17. Reference to Robert's Rules of Order**

Boards shall refer to the current edition of *Robert's Rules of Order Newly Revised*, to answer procedural questions not resolved in these rules, so long as RONR does not conflict with North Carolina law or with the spirit of these rules.

### **Article 18. Amendments**

The Board may amend these bylaws by action of the Board; provided however, that amendments shall not be effective until they are approved by the Hendersonville City Council.

Adopted by the City Council of the City of Hendersonville, North Carolina on this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

Attest:

\_\_\_\_\_  
Barbara G. Volk, Mayor, City of Hendersonville

\_\_\_\_\_  
Angela L. Reece, City Clerk

Approved as to form:

\_\_\_\_\_  
Angela S. Beeker, City Attorney



CITY COUNCIL:  
BARBARA G. VOLK  
Mayor  
JERRY A. SMITH, JR  
Mayor Pro Tem  
JEFF MILLER  
DR. JENNIFER HENSLEY  
LYNDSEY SIMPSON

# CITY OF HENDERSONVILLE

*The City of Four Seasons*



Section 12, Item B.

JOHN F. CONNET  
City Manager  
ANGELA S. BEEKER  
City Attorney  
ANGELA REECE  
City Clerk

**To:** The Honorable Mayor and Members of the City Council  
**From:** Angela Reece, City Clerk  
**Subject:** Board and Commission Appointments  
**Date:** January 27, 2021

## Appointments to the Downtown Advisory Board

1. The Downtown Advisory Board shall consist of sixteen (16) members, including (14) voting members and (2) non-voting members. Membership shall be composed from the following membership categories:
  - (5) Stakeholders representing Seventh Avenue Municipal Service District (all voting members)
  - (5) Stakeholders representing Main Street Municipal Service District (all voting members)
  - (4) At-large members (all voting members)
  - (1) City Council liaison member (non-voting member)
  - (1) Representative from the Hendersonville Rescue Mission (non-voting member)
2. At initial appointment for this Board, City Council shall implement staggered terms for members, meaning that six (6) members of the Board membership shall be appointed for an initial term to run from February 4, 2021 to June 30, 2022, six (6) members of the Board membership shall be appointed for an initial term to run from February 4, 2021 to June 30, 2023, and four (4) members of the Board membership shall be appointed for an initial term to run from February 4, 2021 to June 30, 2024. Thereafter appointments shall be for 3 year terms unless filling an unexpired term. No member shall serve more than two consecutive full three-year terms. Members shall serve without compensation. At the end of a member's second full term they must take a one-year hiatus before seeking reappointment to the Board.

Stakeholder members are defined as persons owning property within a municipal service district the City of Hendersonville, and business owners whose business is located within a municipal service district in the City of Hendersonville.

At-large members are defined as persons owning property or residing within the City of Hendersonville or Henderson County, or business owners whose business is located within the City of Hendersonville or Henderson County.

### Downtown Advisory Board –

**(2 vacancies/ 3-yr, & 5 month terms expiring June 2024)**

**Stakeholder- Seventh Avenue Municipal Service District**

- Becky Ayers (*current member*)

- Matthew Hickman (*current member*)

**(2 vacancies/ 2-yr & 5 month terms expiring June 2023)**

Stakeholder- Seventh Avenue Municipal Service District

- John Ryan (*current member*)
- Chris Cormier (*current member*)

**(1 vacancy/ 1-yr term expiring June 2022)**

Stakeholder- Seventh Avenue Municipal Service District

- VACANT

-----

**(2 vacancies/ 3-yr & 5 month terms expiring June 2024)**

Stakeholder- Main Street Municipal Service District

- Caroline Gunther (*current member*)
- Carol Sitzler (*current member*)

**(2 vacancies/ 2-yr & 5 month terms expiring June 2023)**

Stakeholder- Main Street Municipal Service District

- Matt Johnes (*current member*)
- Jared Bellmund (*current member*)

**(1 vacancy/1-yr & 5 month term expiring June 2022)**

Stakeholder- Main Street Municipal Service District

- Mark Pavao (NEW applicant)

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**(2 vacancies/ 2-yr & 5 month terms expiring June 2023)**

At-Large-

- Walt Slagel (*current member*)
- Patsy Dupre (NEW applicant)

**(2 vacancies/ 1-yr terms expiring June 2022)**

At-Large-

- VACANT
- VACANT

**(1 vacancy/1-yr & 5 month term expiring June 2022)**

City Council Member– liaison- Non-Voting

- Lyndsey Simpson (*current member*)

**(1 vacancy/1-yr & 5 month term expiring June 2022)**

Representative (Director or Designee) from Hendersonville Rescue Mission- liaison- Non-Voting

- Director of Hendersonville Rescue Mission or Designee



**Motions for Consideration:**

*I move that City Council appoint \_\_\_\_\_, and \_\_\_\_\_ each to fill a 3-year & 5-month term as a Stakeholder of the Seventh Avenue MSD on the Downtown Advisory Board ending June 30, 2024.*

*I move that City Council appoint \_\_\_\_\_, and \_\_\_\_\_ each to fill a 3-year & 5-month term as a Stakeholder of the Main Street MSD on the Downtown Advisory Board ending June 30, 2024.*

*I move that City Council appoint \_\_\_\_\_, and \_\_\_\_\_ each to fill a 2-year & 5-month term as a Stakeholder of the Seventh Avenue MSD on the Downtown Advisory Board ending June 30, 2023.*

*I move that City Council appoint \_\_\_\_\_, and \_\_\_\_\_ each to fill a 2-year & 5-month term as a Stakeholder of the Main Street MSD on the Downtown Advisory Board ending June 30, 2023.*

*I move that City Council appoint \_\_\_\_\_ to fill a 1-year & 5-month term as a Stakeholder of the Main Street MSD on the Downtown Advisory Board ending June 30, 2023.*

*I move that City Council appoint City Council Member \_\_\_\_\_ to fill a 1-year & 5-month term as a liaison (non-voting) on the Downtown Advisory Board ending June 30, 2022.*

*I move that City Council appoint \_\_\_\_\_ to fill a 1-year & 5-month term representing the Hendersonville Rescue Mission as a liaison (non-voting) on the Downtown Advisory Board ending June 30, 2022.*

**OTHER VACANCY INFORMATION**

**(3) Board of Adjustment** – 1. Karen Livingston declined appointment due to moving which leave an unexpired term ending June 30<sup>th</sup>, 2023. You have not received any applications. 2. COUNTY Appointment – full term remains vacant and expires 2023. 3. COUNTY Appointment – Alternate remains unfilled.

**(2) Environmental Services Advisory Board** – 1. Reid Barwick resigned on 12/17 leaving a vacancy that expires on June 30, 2022.

**(1) Business Advisory Committee** – 1. COUNTY Appointment – Tom Cooper resigned on 9/9/2020 leaving a vacant term which expired December 31, 2020. The new vacant term expires in 2023.

**(2) Planning Board** – 1. COUNTY Appointment- Steven Orr resigned on 1/2/2020 leaving a vacancy that expires on June 30, 2023. 2. COUNTY Appointment – James Thorndike resigned on 11/19/2019 and the term has remained unfilled which expires June 30, 2022.

**(1) Water Sewer Advisory Council** – 1. COUNTY Appointment – Henderson Co. WS Customer. (County considering applications at their February meeting.

June vacancies will continue to be solicited and will be advertised in the spring to present to City Council at their May meeting for consideration.

Angela L. Reece  
Angela L. Reece, MPA, CMC, NCCMC  
City Clerk, City of Hendersonville



## ANIMAL SERVICES ADVISORY COMMITTEE

### CHARTER AND RULES OF PROCEDURE

The Animal Services Advisory Committee (ASAC) shall assist the Hendersonville City Council by providing input on the operations and policies of the Hendersonville Police Department regarding the enforcement of the Animal Ordinance. This may include efforts such as collaborating with staff on operating procedures or providing expertise and recommendations regarding the Animal Ordinance. This Committee shall also hear dangerous dog appeals in a quasi-judicial format. The terms of the charter shall govern the activities of the Committee. However, to the extent that this Charter conflicts with North Carolina Law, North Carolina shall control.

**ARTICLE I. NAME.** Animal Services Advisory Committee (ASAC).

**ARTICLE II. PURPOSE.** The purpose of this Committee is to make recommendations to the City Council a staff regarding the Animal Ordinance, policies and procedures, and any other issues requested by the City Council. This Committee shall also hear dangerous dog appeals.

**ARTICLE III. JURISDICTION.** The Committee shall exercise its purpose with regards to matters and issues within the corporate limits of the City of Hendersonville.

#### ARTICLE IV. MEMBERSHIP AND DUTIES

**Section 1. Membership and Appointment.** All appointments shall be made by the City of Hendersonville City Council. The Committee shall consist of eight (8) members: Seven (7) members from the general public with various affiliations and diverse background and one (1) veterinarian. The City Manager shall appoint a staff liaison from the City of Hendersonville Police Department to the Committee who shall assist the Committee with carrying out their duties and responsibilities.

**Section 2. Terms of Service.** Committee members shall be appointed to staggered three-year terms by the City Council annually in June. No member shall serve more than two consecutive full three-year terms. Members shall serve without compensation.

**Section 2. Attendance.** Any member who misses more than three consecutive regular meetings or more than one-half the regular meetings actually held in a calendar year may be subject to removal by City Council.

**Section 4. Vacancies and Reasons for Dismissal.** All members serve at the pleasure of the City of Hendersonville City Council. Members may be dismissed for any reason, with or without cause. Vacancies shall be filled at the earliest convenience of the City Council. A vacancy of the chair or vice chair shall be elected by a majority of the Committee at the next regularly scheduled meeting. Notwithstanding the foregoing, at any meeting where both the Chair and Vice Chair are absent, the Committee shall elect from those members present a member to preside at that meeting.

**Section 5. Resignations.** Any member who feels they can no longer serve or otherwise fulfil the duties of a member may resign from the committee. Such resignation must be in writing and delivered to the secretary. The secretary shall promptly send a copy of the written resignation to the City Clerk.

**Section 6. Compliance with Animal Ordinance.** All members must comply with the City of Hendersonville Animal Ordinance, and local, state and federal law as applies to animals. Failure to comply with this provision may result in the immediate dismissal from the Committee by City Council.

## ARTICLE V. MEETINGS

**Section 1. Meetings to Be Open to the Public.** All meetings of the Committee shall be open to the public, and any person may attend its meetings. Except as permitted below, all meetings of the Committee shall be open to the public and any person may attend its meetings. For purposes of these rules, a meeting of the Committee occurs whenever a majority of the Committee’s members gather, either in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the Committee’s real or apparent jurisdiction. The term “majority” as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half. No meeting shall occur except as part of a duly called and advertised meeting. For the avoidance of doubt informal gatherings of a majority of the members where business of the committee is discussed are strictly prohibited.

**Section 2. Closed Session.** The Committee may enter a closed session from which the public is excluded on any of the grounds listed in G.S. 143-318.11(a).

- a) **Motion to Enter Closed Session.** The Committee may hold a closed session only upon a motion duly made and adopted in open session. The motion to enter closed session shall cite one or more of the permissible bases listed in G.S. 143-318.11(a) for closed sessions. For a closed session held under G.S. 143-318.11(a)(1) (prevent disclosure of privileged or confidential information or information not considered public record), the motion shall name or cite the law that renders the information confidential or privileged. For a closed session called pursuant to G.S. 143-318.11(a)(3) (attorney consultation and preservation of attorney-client privilege), the motion shall name the parties to any pending lawsuit that the Committee’s attorney plans to discuss in the closed session.
- b) **Closed-Session Participants.** Aside from the Committee members themselves, only those individuals invited by the Committee may participate in a closed session. The Committee will invite only those individuals whose presence is reasonably necessary to aid the Committee in its closed-session deliberations.
- c) **Motion to Return to Open Session.** Upon completing its closed-session business, the Committee shall return to open session.

**Section 3. Regularly Scheduled Meetings.** The Committee shall hold regular meetings at least quarterly of the Animal Services Advisory Committee. The Committee shall annually adopt a regular meeting schedule showing the dates, times and places of its regular meetings for the year.

- a) **Notice of Regular Meeting Schedule.** The Committee shall ensure that a copy of its current regular meeting schedule, complete with the date, time, and place of each regular meeting, is filed with the City Clerk and posted on the City’s website, and the Committee’s webpage if they have one.
- b) **Change to Regular Meeting Schedule.** The Committee may revise its regular meeting schedule to change the date, time or place of a particular regular meeting or all regular meetings within a specified period. The Committee shall ensure that the revised regular meeting schedule is filed with the City Clerk at least seven (7) consecutive calendar days before the first meeting held pursuant to the revised schedule. The Committee shall also have the revised schedule posted on the City’s website and the Committee’s webpage if they have one.

**Section 4. Special Meetings.** The chair or the majority of the members of the Committee may at any time call a special meeting of the Committee by signing a notice stating the date, time and place of the special meeting and the subjects to be considered. Alternatively, a special meeting may be called by vote of the

Committee in open session during a regular meeting or another duly called special meeting if on the special meeting agenda.

- 1) **Notice to the public.** At least 48 hours before a special meeting, the Committee shall cause written notice of the meetings date, time, place and purpose(s) to be:
  - i Posted on the Committee’s principal bulletin Committee or, if the Committee has no such bulletin Committee, at the door of the Committee’s usual meeting room.
  - ii Mailed or delivered to each newspaper, wire service, radio station and television station and person who has filed a written request for notice with the secretary;
- 2) **Notice to Committee Members.** For all meetings called by the chair, or a majority of the members, notice of the meeting date, time, place and purpose(s) shall be mailed, emailed, or delivered to all members of the Committee at least 48 hours before the meeting. If the special meeting was called at another duly held meeting of the committee, and one or more members were absent, the chair shall ensure that notice of the meeting’s date, time, place, and purpose(s) is mailed, emailed, or delivered to any absent member(s) a minimum of forty-eight hours in advance of the special meeting.
- 3) **Business Conducted at a Special Meeting.** Only the business that is specified in the notice of the meeting may be transacted during a special meeting.

**Section 5. Organizational Meeting.** On the date and at the time of the regular meeting in January, the committee shall elect a chair and vice chair as its first order of business. The second order of business shall be to adopt an annual scheduled of meetings for the upcoming calendar year. Newly appointed and reappointed members must have taken their oath prior to the start of the organizational meeting.

**Section 6. Electronic Committee Meetings and Member Participation.** No member who is not physically present may participate in a meeting of the Committee by electronic means except in accordance with this rule.

- 1) **Electronic Meetings Generally.** Provided a quorum is present, in person, at a meeting, Committee members may participate in a meeting electronically provided the meeting does not involve a quasi-judicial matter. All members participating in a quasi-judicial hearing must attend in person. Any member wishing to participate electronically in a meeting not involving a quasi-judicial matter shall be required to give the Chair and the Secretary at least thirty-six (36) Hours before the start of the meeting. When one or more members are participating remotely, the following rules shall apply:
  - (a) *Member Identification.* Each member who attends by electronic means shall identify himself or herself in each of the following situations:
    - i when roll is taken or the meeting begins;
    - ii before taking part in deliberations, including making any motions, proposing any amendments, or raising any points of order; and
    - iii before voting.
  - (b) *Method of Electronic Participation.* Any member who attends electronically shall use a means of communication that enables the member

- i to hear what is said by other Committee members and any person who addresses the Committee and
- ii to be heard by other Committee members.

(c) *Voting*. The Committee shall conduct all votes by roll call. It may not vote by secret or written ballots. The votes of any member who attends by electronic means shall be counted as if the member were physically present, but only while the Committee maintains electronic communication with that member.

(d) *Minutes*. The minutes shall which members took part electronically, and when such members joined or left the electronic meeting.

2) **Electronic Meetings During a State of Emergency Declared by the Governor or General Assembly.** During any state of emergency declared by the Governor or General Assembly pursuant to G.S. 166A-19.20, a meeting of the Committee shall comply with the requirements of this paragraph if the Committee falls within the emergency area and at least one Committee member attends the meeting by conference call, conference video, or other electronic means.

(a) *Notice*. The public notice for any regular, special, emergency, or recessed meeting that is subject to this paragraph shall specify how the public can access the electronic meeting in real time.

(b) *Member Identification*. Each member who attends by electronic means shall identify himself or herself in each of the following situations:

- i when roll is taken or the meeting begins;
- ii before taking part in deliberations, including making any motions, proposing any amendments, or raising any points of order; and
- iii before voting.

(c) *Meeting Materials*. All documents considered during the meeting shall be furnished to each Committee member.

(d) *Method of Electronic Participation*. Any member who attends electronically shall use a means of communication that enables the member

- i to hear what is said by other Committee members and any person who addresses the Committee and
- ii to be heard by other Committee members.

(e) *Quorum*. A member who attends by electronic means counts as present for quorum purposes, but only while the Committee maintains electronic communication with that member.

(f) *Voting*. The Committee shall conduct all votes by roll call. It may not vote by secret or written ballots. The votes of any member who attends by electronic means shall be counted as if the member were physically present, but only while the Committee maintains electronic communication with that member.

(g) *Acting by Reference.* The Committee shall not deliberate, vote, or otherwise take action on any matter by reference to the agenda or any other document unless copies of the agenda or document are available for public inspection at the meeting and so worded that persons in attendance can understand what is being deliberated or acted upon.

(h) *Minutes.* The minutes shall indicate that the meeting was conducted by electronic means, which members took part electronically, and when such members joined or left the electronic meeting.

(i) *Live Streaming.* The meeting shall be streamed live online so that live audio (and video, if any) are available to the public. If the Committee meets by conference call, the public shall have an opportunity to dial in or stream the audio live and listen to the electronic meeting.

(j) *Public Hearings.* Although it may conduct any public hearing mandated or permitted by law, the Committee shall allow the public to submit written comments on the hearing's subject matter between the publication of any required notice and twenty-four hours after the hearing.

**Section 7. Cancellation of Meetings.** Whenever there is no business for the committee the chair may cancel a meeting by giving reasonable notice to all members before the time set for the meeting. However, in the case of a special meeting called by a majority of the Committee, the chair may cancel the meeting only upon the concurrence of a majority of the Committee. The majority concurring in the cancellation need not be the same majority that called the special meeting.

**Section 8. Recessed Meetings**

(a) *Calling Recessed Meetings.* When conducting a properly called regular, special, or emergency meeting, the Committee may recess the meeting to another date, time, or place by a procedural motion made and adopted in open session, as provided in Article XI, Section 5 (Motion 3). The motion shall state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will resume.

(b) *Notice of Recessed Meetings.* If the Committee's website is maintained by one or more Committee employees, notice of the recessed meeting's date, time, and place shall appear on the website prior to the meeting. No further notice of a properly called recessed meeting is required.

**Section 9. Order of Business** Items shall be placed on a regular-meeting agenda according to the order of business. The usual order of business for each regular meeting shall be as follows:

- adoption of the agenda,
- approval of the previous meeting minutes,
- public comment,
- public hearings,
- administrative reports,
- committee reports,
- unfinished business, and
- new business.

Without objection, the chair may call agenda items in any order most convenient for the dispatch of business.

**Section 10. Agenda Items from Members of the Public.** If a member of the public wishes to request that the Committee include an item on its regular-meeting agenda, the individual shall submit the request in writing to the Committee’s secretary at least five working days before the meeting date. The committee shall decide whether or not to add any agenda items submitted by the public at the adoption of the agenda. The committee is not obligated to place an item on the agenda merely because such a request has been received.

**Section 11. Meeting Minutes. Minutes Required for All Meetings.** The Committee shall keep full and accurate minutes of its meetings, including any closed sessions. To be “full and accurate,” the minutes must record all actions taken by the Committee, as well as the Committee’s compliance with any applicable procedural requirements. The minutes should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record Committee member discussions, though the Committee in its discretion may decide to incorporate such details into the minutes.

- a) Record of “Ayes” and “Noes.” At the request of any member, the minutes shall indicate how each member voted by name on a particular matter.
- b) General Accounts of Closed Sessions. In addition to minutes, the Committee shall keep a general account of each closed session. The general account shall be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The Committee may combine the minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken, and the level of detail required for a general account.
- c) Sealing Closed-Session Records. Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the Committee or in accordance with instructions adopted by competent authority. The sealed minutes and general account of any closed session may be withheld from public inspection, so long as public inspection would frustrate the purpose(s) of the closed session.

**Section 12. Public Input.** Public input at all Committee meetings that are not quasi-judicial in nature shall have a three-minute limit per speaker. The Chair reserves the right to alert time limits for public comment periods.

**Section 13. Broadcasting and Recording Meetings.** Any person may photograph, film, tape-record, or otherwise reproduce any part of a Committee meeting that must take place in open session. Except as provided in paragraph (c) of this rule, any radio or television station may broadcast any such part of a Committee meeting.

- a) Advance Notice. Any radio or television station that plans to broadcast any portion of a Committee meeting shall so notify the secretary no later than twenty-four hours before the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a Committee meeting.
- b) Equipment Placement. The Committee chair or an appropriate staff member may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a Committee meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the Committee chair or staff member determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative



meeting room is not readily available, the chair or staff member may require the pooling of the equipment and the personnel operating it.

- c) Alternative Meeting Site. If the news media request an alternative meeting site to accommodate news coverage, and the Committee grants the request, the news media making the request shall pay the costs incurred by the local government unit in securing an alternative meeting site.

**Section 14. VOTING**

- a) Duty to vote. It is the duty of each member, including the chair, to vote unless otherwise excused. The Committee may excuse members from voting on any matter involving their own financial interest, official conduct, or when a member has indicated an inability to be impartial in any quasi-judicial matter before the Committee.
- b) Abstentions. Should a member fail to vote on any matter before the Committee, without having been excused from such vote, such abstention will count as an affirmative vote.

**ARTICLE VI. QUASI-JUDICIAL HEARINGS**

**Section 1. Appeals.** All quasi-judicial public hearings heard by the Committee pursuant to the Chapter 10 of the City of Hendersonville Code, Article III, Dogs, Section 10-110, Dangerous/Potentially Dangerous Dogs Restricted, shall be conducted in accordance with the Rules provided below. All such hearings shall be scheduled as special-called meetings and shall be held within ten (10) days of receipt of the written appeal.

**Section 2. Conduct of Quasi-judicial (Evidentiary) Hearing.**

- a) Appearance of the Parties. Any party may appear in person or by agent or by attorney at the hearing. The Committee shall not permit the unauthorized practice of law by a non-lawyer or not properly licensed lawyer at the hearing.
- b) Order of Business for the Hearing. The order of business for hearing shall be as follows:
  - i. The Chair, or such other person as the Chair may direct, shall give an opening statement regarding the nature of the hearing and the process to be followed.
  - ii. The Chair, or such other person as the Chair may direct, shall poll all Committee members participating regarding any ex parte communications, bias, or conflicts of interest.
  - iii. All participants in the hearing shall be identified. Issues regarding standing, permitted level of participation of the participants and other jurisdictional issues shall be addressed. (Only persons who have standing will be recognized as a party to the hearing. Other interested persons who do not have standing may testify, but will not be allowed to offer opening or closing statements, call witnesses, cross examine witnesses.)
  - iv. All persons who will testify must be placed under oath before testifying.

- v. City staff shall present an overview of the matter, including a summary of the facts and relevant ordinance provisions. Staff shall also present the application, supporting materials, staff report, and any other written materials received and distributed prior to the hearing for introduction into the hearing record.
- vi. The Committee shall permit the parties (not other interested persons) to offer opening statements.
- vii. The party(ies) bearing the burden of proof or production shall present evidence in support of the relief requested from the Committee.
- viii. The opposing party(ies) shall present evidence in support of their position to the Committee.
- ix. Other interested persons who have been identified may present relevant evidence.
- x. The party(ies) bearing the burden of proof or production may present rebuttal evidence. Surrebuttal may be permitted at the Committee's discretion. Only parties (not other interested persons) will be permitted to introduce rebuttal and surrebuttal evidence.
- xi. Closing statements and arguments may be made by parties to the case.
- xii. The Committee shall deliberate on and make a determination of the case.

c) Rules Governing Conduct of the Hearing.

- i. Witness may be called and factual evidence may be submitted.
- ii. The Chair must recognize witnesses before they are heard and confirm that they are under oath.
- iii. The Chair shall allow all witnesses to be heard, but may limit testimony or evidence that is irrelevant, repetitive, incompetent, hearsay, or inadmissible opinion testimony.
- iv. The Chair shall allow the parties to the case to make direct and cross-examination of witnesses and to present rebuttal evidence.
- v. The Chair may establish reasonable procedures to assure that the hearing is conducted in a fair, impartial and efficient manner.
- vi. Committee members may ask questions of any witness.
- vii. The Committee shall not be limited to such evidence as would be admissible in a court of law (except such evidence requiring expert opinion), but all decisions

must be based on competent, material, and substantial evidence properly placed in the hearing record.

- viii Committee members are discouraged from viewing the premises at issue before the hearing, but if they do so, any key facts observed by members shall be disclosed at the hearing and made part of the record.
- ix Upon completion of the presentation of evidence, Committee members shall discuss the case among themselves in open session and may recall any witness to ask further questions and otherwise deliberate among themselves.
- x Committee members shall not discuss the case or give opinions on the evidence until presentation of the case is completed.

d) Decisions. The Committee shall make a writing decision within a reasonable period of time from completion of the evidentiary hearing. The required majority to make a decision shall such as is required by law or ordinance for the matter being considered by the Committee. All decisions shall be reduced to writing, and such contain such findings of fact and conclusions of law sufficient to support the decision made by the Committee. Decisions shall be effective the date the written decision is filed with the Secretary to the Committee, unless otherwise provided by law or ordinance.

**ARTICLE VII. Public Hearings**

**Section 1. Calling Public Hearings.** The Committee may hold public hearings to solicit the public’s input on specific issues. The Committee may schedule its public hearings or delegate that responsibility to staff members, as appropriate.

- a) Public Hearing Locations. The Committee may hold public hearings anywhere within the area served by the Committee.
- b) Notice of Public Hearings. Any public hearing attended by a majority of members shall be considered part of a regular or special meeting of the Committee. Consequently, the relevant notice and related requirements of the open meetings law, as set out in Article V apply to such hearings. If a hearing’s subject matter triggers additional notice requirements under state law or local rules, the Committee shall see that they are also satisfied.
- c) Rules for Public Hearings. The Committee may adopt reasonable rules for public hearings that, among other things,
  - i fix the maximum time allotted to each speaker;
  - ii provide for the designation of spokespersons for groups supporting or opposing the same positions;
  - iii provide for the selection of delegates from groups supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the meeting room (so long as arrangements are made, in the case of a

hearing subject to the open meetings law, for those excluded from the meeting room to listen to the hearing); and

iv provide for the maintenance of order and decorum in the conduct of the hearing.

- d) Continuing Public Hearings. The Committee may continue any public hearing without further advertisement, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to paragraph (f) of this Section, if a quorum of the Committee is not present for a properly scheduled public hearing, the hearing shall be continued until the Committee’s next regular meeting without further advertisement.
- e) Conduct of Public Hearings. At the time appointed for the hearing, the chair shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the Committee for the hearing. Unless the Committee votes to extend the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not already done so, the chair shall declare the hearing closed, and the Committee shall resume the regular order of business.
- f) Public Hearings by Less Than a Majority of Committee Members. Unless inconsistent with state law or local rules, the Committee may appoint a member or members to hold a public hearing on its behalf. The notice provisions in paragraph (b) of this Section apply when the Committee appoints more than one member to conduct such a hearing.
- g) Public Comment. The Committee may hold a public comment period at any regular meeting or special meeting called, at least in part, for that purpose. During the public comment period, members of the public may speak on any matters within the Committee’s real or apparent jurisdiction. The provisions in paragraphs (c) and (e) of this Section apply to the Committee’s public comment periods.

**ARTICLE VIII. REQUIRED OFFICERS**

**Section 1. Presiding Officer.** The presiding officer of each meeting of the Committee shall be the chair of the Committee. In situations where the chair is unavailable or unable to participate in the meeting or any particular matter before the Committee, the vice chair shall preside. In the event that neither the chair nor the vice chair is available, the members of the Committee, by affirmative vote of the majority, may appoint an acting chair who shall have all powers of the chair while acting as presiding officer.

**Section 2. Selection of the Chair and Vice Chair.** The chair shall be selected by majority vote of the Committee unless the City Council indicates to the Committee that the City Council will appoint said chair, in which case the appointment shall be made by the City Council. The vice chair shall be elected by a majority vote of the Committee.

**Section 3. Powers and Duties of the Chair and Vice Chair.** The chair shall preside at all meetings of the Committee but shall also have the right to engage in discussion and vote on any matter before the Committee unless otherwise excused. The chair shall have the power to call a special meeting, rule on procedural matters during a meeting, call a brief recess of a meeting at any time, and adjourn a meeting in an emergency. At any other time, adjournment shall be by motion, duly approved. The vice chair shall have all powers and perform all the duties of the chair in his or her absence.

**Section 4. THE CHAIR**

- (a) Presiding Officer. The chair shall preside at meetings of the Committee.
- (b) Voting by the Chair. The chair has the same duty to vote as other members, though in no event may the chair break a tie on a motion on which he or she has already voted.
- (c) Recognition of Members. A member must be recognized by the chair (or other presiding officer) in order to address the Committee, but recognition is not necessary for an appeal pursuant to Article XI, Section 5 (Motion 1).
- (d) Powers as Presiding Officer. As presiding officer, the chair is to enforce these rules and maintain order and decorum during Committee meetings. To that end, the chair may
  - (1) rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
  - (2) determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain and rule on objections from other members on this ground;
  - (3) entertain and answer questions of parliamentary procedure;
  - (4) call a brief recess at any time; and
  - (5) adjourn in an emergency.
- (e) Appeals of Procedural Rulings. A member may appeal a decision made or an answer given by the chair under subparagraph (d)(1), (2), or (3) of this rule in accordance with Article XI, Section 5 (Motion 1).

**Section 5. Duties of the Secretary.** The City Manager shall assign a staff person to the Committee who shall serve as the secretary of the Committee and shall perform the following:

- a) The secretary shall ensure that all meetings of the Committee are properly noticed.
- b) The secretary shall maintain the sunshine list that is a list of those persons or entities that have filed a written request indicating a desire to receive notice of all special meetings of the Committee.
- c) The secretary shall take and record the actions of the Committee and draft minutes of the meetings accordingly. Minutes shall be sent to Committee members prior to their next regularly scheduled meeting. The secretary shall also forward a copy of the minutes as they are approved to the Clerk to the City Council and post on the City’s website
- d) The secretary shall be responsible for maintaining an accurate list of members of the Committee, submitting to the City Clerk a quarterly attendance report for its members and notifying the City Clerk of any resignations of any of its members, or any other change in membership of the Committee.

**Section 6. Schedule for Elections.** of the Chair, and Vice-Chair shall take place annually at the organizational meeting of the committee.

**ARTICLE IX. REFERENCE TO ROBERT’S RULES OF ORDER NEWLY REVISED.** The Committee shall refer to *Robert’s Rules of Order Newly Revised* for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *Robert’s*, the presiding officer shall make a ruling on the issue subject to appeal to the Committee under Article XI, Section 5 (Motion 1).

**ARTICLE X. REPORTS.**

**Section 1. Annual Report.** The Committee shall make a report to the City of Hendersonville City Council at least annual. This report must be submitted no later than December 31<sup>st</sup> of each year.

**Section 2. Public Records Law.** The Committee shall abide by North Carolina Public Records Law N.C.G.S. Chapter 132.

**ARTICLE XI. ACTION BY THE COMMITTEE.**

**Section 1. Quorum.** A majority of the members shall constitute a quorum for any meeting which does not involve a quasi-judicial matter. For purposes of conducting a quasi-judicial hearing, however, four (4) members shall constitute a quorum. No other business may be conducted during a meeting at which a quasi-judicial hearing is held unless a majority of the members are present. No action of the Committee may be taken at any meeting where less than the required quorum is present, except to adjourn the meeting. For non-quasi-judicial matters, once a quorum has been established, it will not be defeated if members leave.

**Section 2. Motions and Voting.** Action of the Committee may be taken upon a motion made by any member, including the chair, without the need for a second. A motion shall be adopted if approved by the affirmative vote of a majority of the members present and not excused after full discussion of the motion by the members.

**Section 3. Withdrawal of Motion**

The member who introduces a motion may withdraw the motion unless the motion has been amended or put to a vote.

**Section 4. Substantive (or Main) Motions**

A substantive motion is not in order when any other motion is pending. Once the Committee disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting unless it first adopts a motion to reconsider pursuant to Article XI, Section 5 (Motion 13).

**Section 5. Procedural Motions**

(a) Certain Motions Allowed. The Committee may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.

(b) Priority of Motions. The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that

- any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 11 and
- a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 8.

When several procedural motions are pending, voting shall begin with the procedural motion highest in priority, except that a motion to amend or end debate on the highest-priority motion shall be voted on first.

**Motion 1. To Appeal a Ruling of the Presiding Officer.** Any member may appeal the presiding officer’s ruling on whether a motion is in order or on whether a speaker has violated reasonable standards of courtesy. The presiding officer’s response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

**Motion 2. To Adjourn.** This motion may be used to close a meeting. It is not in order if the Committee is in closed session.

**Motion 3. To Recess to a Time and Place Certain.** This motion may be used to call a recessed meeting as permitted under Article V Section 8. The motion must state the time (including the date, if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the Committee is in closed session.

**Motion 4. To Take a Brief Recess.**

**Motion 5. To Follow the Agenda.** This motion must be made at the time an item of business that deviates from the agenda is considered; otherwise, the motion is out of order as to that item.

**Motion 6. To Suspend the Rules.** To be adopted, a motion to suspend the rules must receive affirmative votes equal to two-thirds of the Committee’s actual membership, excluding any vacant seats. The Committee may not suspend provisions in these rules that restate state law requirements.

**Motion 7. To Defer Consideration.** The Committee may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires unless the Committee votes to revive it pursuant to Motion 12 within 100 days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

**Motion 8. To End Debate (Call the Previous Question).** If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion.

**Motion 9. To Postpone to a Certain Time.** This motion may be employed to delay the Committee’s consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the Committee may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.

**Motion 10. To Refer a Motion to a Committee.** The Committee may vote to refer a substantive motion to a committee for study and recommendations. While the substantive motion is pending before the committee, the Committee may not take up a new motion raising essentially the same issue without first

suspending its rules pursuant to Motion 6. If the committee fails to report on the motion within sixty days of the referral date, the Committee shall take up the motion if asked to do so by the member who introduced it.

**Motion 11. To Amend**

- (a) Germaneness. A motion to amend must concern the same subject matter as the motion it seeks to alter.
- (b) Limit on Number of Motions to Amend. When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time.

**Motion 12. To Revive Consideration.** The Committee may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 7, provided it does so within 100 days of its vote to defer consideration.

**Motion 13. To Reconsider.** The Committee may vote to reconsider its action on a matter, provided the motion to reconsider is made (1) at the same meeting during which the action to be reconsidered took place and (2) by a member who voted with the prevailing side. For purposes of this motion, “the same meeting” includes any continuation of a meeting through a motion to recess to a certain time and place (Motion 3). The motion is not in order if it interrupts the Committee’s deliberation on a pending matter.

**Motion 14. To Rescind.** The Committee may vote to rescind an action taken at a prior meeting, provided rescission is not forbidden by law.

**Motion 15. To Prevent Reintroduction for Six Months.** This motion may be used to prevent the reintroduction of a failed substantive motion for a time, but it is in order only when made immediately following the substantive motion’s defeat. To be adopted, this motion must receive affirmative votes equal to at least two-thirds of the Committee’s total membership, excluding vacant seats. If this motion is adopted, the ban on reintroduction remains in effect for six months or until the Committee’s next organizational meeting, whichever occurs first.

**Section 6. Debate**

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the principles listed below.

- The maker of the motion is entitled to speak first.
- A member who has not spoken on the issue shall be recognized before a member who has already spoken.
- To the extent practicable, debate shall alternate between proponents and opponents of the measure.

**Section 7. Adoption by Majority Vote**

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.

**Section 8. Changing a Vote**



A member may change the member’s vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change a vote without the unanimous consent of the remaining members present. A member’s request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer’s announcement of the result.

**Section 9. Staff Support.** City staff shall be assigned to the ASAC, acting as the Secretary and liaison between the ASAC, City Departments, and the City Council and shall have the charge of correspondence, minutes, notifying members of meetings, and other information.

**Section 10. Appointing Sub Committees.** Subcommittees may only be appointed by vote of the committee members at a regular meeting. The Committee by vote shall also establish the purpose of which subcommittees are established and the subcommittee should only conduct business that is within the purpose so adopted. All meetings of subcommittees shall be considered special meetings and shall be conducted in accordance with Article 5, Section 4. Special Meetings.

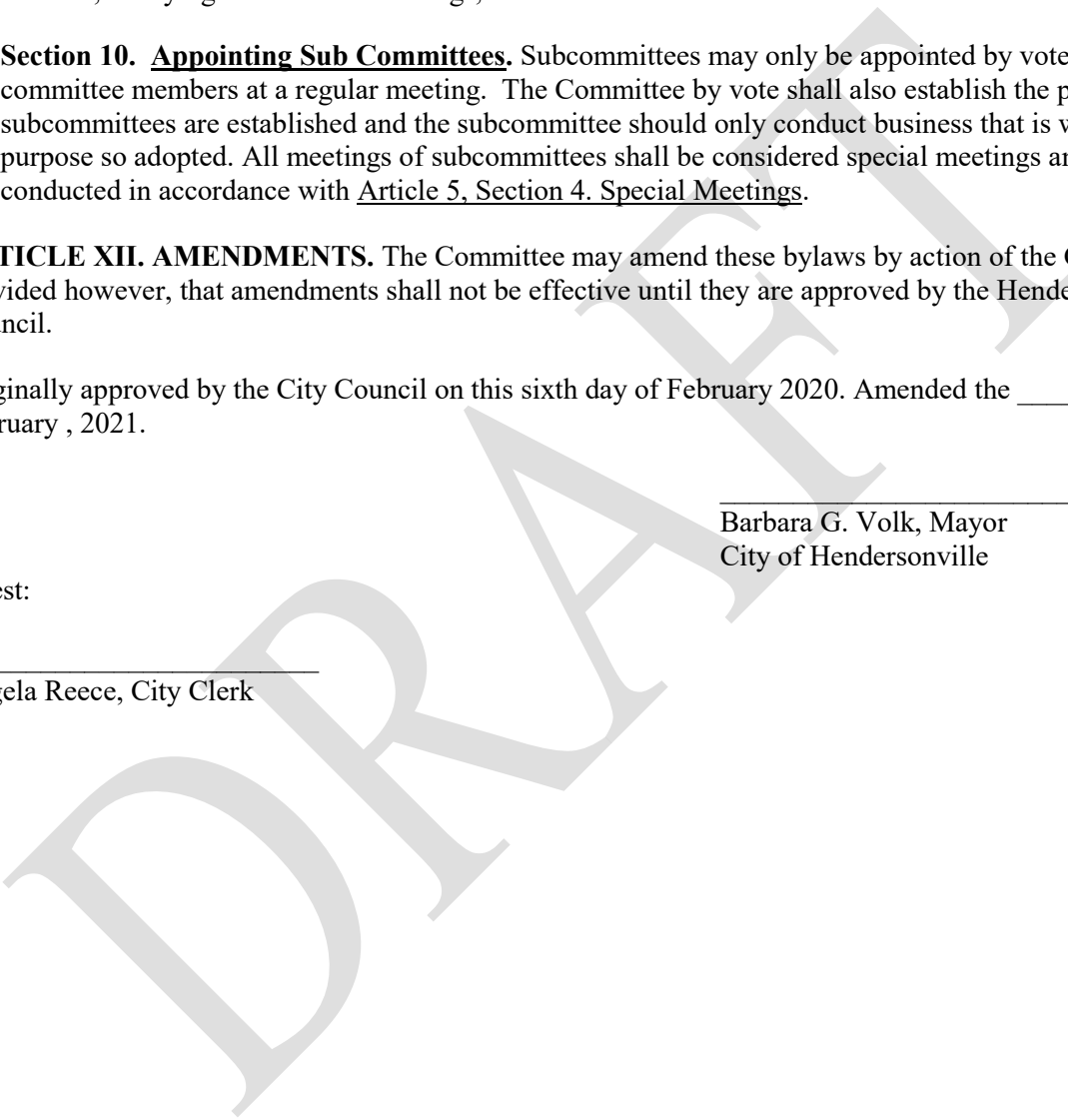
**ARTICLE XII. AMENDMENTS.** The Committee may amend these bylaws by action of the Committee; provided however, that amendments shall not be effective until they are approved by the Hendersonville City Council.

Originally approved by the City Council on this sixth day of February 2020. Amended the \_\_\_\_ day of February , 2021.

\_\_\_\_\_  
Barbara G. Volk, Mayor  
City of Hendersonville

Attest:

\_\_\_\_\_  
Angela Reece, City Clerk





## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**SUBMITTER:** John Connet and Angie Beeker      **MEETING DATE:** 02/04/21

**AGENDA SECTION:** Closed Session      **DEPARTMENT:** Administration and Legal

**TITLE OF ITEM, Presenter Name, Title:** Closed Session – *John Connet, City Manager and Angie Beeker, City Attorney*

**SUGGESTED MOTION(S):** I move that the City Council enter into closed session pursuant to NCGS § 143-318.11(a)(1) and (3) to prevent the disclosure of information that is privileged or confidential; to consult with an attorney employed by the public body in order to preserve the attorney-client privilege between the attorney and the public body and to discuss and give instructions regarding the following matters: *Hansley vs. City of Hendersonville, 20 CVS 1049, Henderson County Superior Court, and City of Hendersonville v. Eisenhauer, 20 CVS 1163, Henderson County Superior Court*

**SUMMARY:**

City Council is requested to go into Closed Session as allowed by NCGS § 143-318.11(a)(1) and (3) to prevent the disclosure of information that is privileged or confidential; to consult with an attorney employed by the public body in order to preserve the attorney-client privilege between the attorney and the public body and to discuss and give instructions regarding the following matters: Hansley vs. City of Hendersonville, 20 CVS 1049, Henderson County Superior Court, and City of Hendersonville v. Eisenhauer, 20 CVS 1163, Henderson County Superior Court

**BUDGET IMPACT:** \$ TBD

**Is this expenditure approved in the current fiscal year budget?** YES / NO

**If no, describe how it will be funded.** N/A

**PROJECT NUMBER:** N/A

**PETITION NUMBER:** N/A

**ADDITIONAL PETITION NUMBER:** N/A

**PETITIONER NAME:** N/A

**ATTACHMENTS:**

None