



CITY OF HENDERSONVILLE CITY COUNCIL REGULAR MEETING

Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Thursday, September 02, 2021 – 5:45 PM

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. Special Event: Jingle Jog 5K– *Lew Holloway, Community Development Director*
 - C. Special Event: Tails in Town *Lew Holloway, Community Development Director*
 - D. Special Event: Oktoberfest - *Lew Holloway, Community Development Director*
 - E. Special Event: Bearfootin' Bear Auction *Lew Holloway, Community Development Director*
 - F. Transport and Disposal of WWTP Biosolids Quote Approval – *Lee Smith, Utilities Director*
 - G. An Ordinance to Amend Chapter 52 of the Code of Ordinances for the City of Hendersonville to Add a New Section 52-97, Policy and Procedures for the Extension of Water and Sewer Utilities – *Drew Finley, Lead for North Carolina Fellow*
 - H. Engineering Services to Support the WWTF Ultraviolet Disinfection Improvements Project – *Adam Steurer, Utilities Engineer*
 - I. Special Event: Meltdown Vintage Motorcycle Show - *Lew Holloway, Community Development Director*
6. **PRESENTATIONS**
 - A. Proclamation - Constitution Week
 - B. Proclamation - Suicide Prevention and Awareness Month
 - C. Hands On! Children's' Museum Update – *Joseph Knight, Executive Director*

- D. Aerial Infrared Imaging Survey of Sewer Collection System - Results - *Adam Steurer, Utilities Engineer*

7. PUBLIC HEARINGS

- A. Negotiation of an Installment Financing Contract and Certain Other Related Matters – *Adam Murr, Budget Manager*
- B. Annexation Public Hearing: 0 Monroe Drive and 2115 N Stoney View Court (P21-43-ANX) – *Tyler Morrow, Planner II*
- C. Annexation Public Hearing: 0 South Allen Road PIN: 9588-11-9994 (P21-40-ANX) – *Tyler Morrow, Planner II*
- D. Amended Grey Hosiery Mill Local Landmark Designation (H21-10-LL) – *Matthew Manley, AICP | Planning Division Manager*
- E. Conditional Rezoning Amendment: West Avenue Villas (P21-42-CZD) – *Matthew Manley, AICP | Planning Manager*
- F. Addition and Definition of Small Scale Manufacturing with Supplementary Standards to C-1, C-2, C-3, CMU, GHMU, HMU and CHMU (P21-41-ZTA)

8. UNFINISHED BUSINESS

9. NEW BUSINESS

- A. Proposal to Compensate Rural Fire Departments for Automatic Aid – *John Connet, City Manager*
- B. Discussion Regarding Redevelopment of the Dogwood Parking Lot – *John Connet, City Manager*

10. CITY COUNCIL COMMENTS

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

12. CLOSED SESSION

- A. Closed Session – *John Connet, City Manager*

13. 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:** September 2, 2021

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

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

SUGGESTED MOTION(S):

I move that City Council adopt the minutes of the July 28, 2021, Second Monthly Meeting, and the August 5, 2021, Regular Meeting as presented [or as amended].

SUMMARY:

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

- i. July 28, 2021, Second Monthly Meeting
- ii. August 5, 2021, Regular Meeting

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

ATTACHMENTS:

- iii. July 28, 2021, Second Monthly Meeting (DRAFT)
- iv. August 5, 2021, Regular Meeting (DRAFT)



MINUTES

July 28, 2021

SECOND MONTHLY MEETING OF THE CITY COUNCIL CITY OPERATIONS CENTER | 305 WILLIAMS ST. | 4:00 p.m.

Present: Mayor Barbara G. Volk and Council Members: Jeff Miller, and Dr. Jennifer Hensley

Absent: Mayor Pro Tem Jerry Smith, Council Member Lyndsey Simpson

Staff Present: City Manager John F. Connet, Assistant City Manager Brian Pahle, City Attorney Angela Beeker, City Clerk Angela Reece, Communications Manager Allison Justus, and others

Special Guest: NC Commissioner of Labor, Josh Dobson

1. CALL TO ORDER

Mayor Volk called the meeting to order at 4:02 p.m. and welcomed those in attendance. A quorum was established with three members in attendance.

2. PRESENTATIONS

A. **SHARP Designation Fire Station #2** – *Lu Ann Welter, HR Coordinator*

City Manager John Connet extended thanks and appreciation to LuAnn Welter and Fire Chief James Miller for their efforts over the last five years to focus on the City's safety program. Manager Connet stated Ms. Welter has gone above and beyond in her new role to strengthen the safety program and announced her recent accomplishment is the implementation of the ASK M.E.E. program. Manager Connet explained that the program develops a safety culture and reminds employees to watch out for themselves and each other both on and off the job. Manager Connet stated all of these efforts have culminated in a safety award being presented to Fire Station #2 by the NC Department of Labor.

The N.C. Department of Labor's Safety and Health Achievement Recognition Program (SHARP) is administered through the Consultative Bureau of the Occupational Safety and Health Division. It is designed for small and mid-size employers that have established, implemented, and maintained exceptional workplace safety standards. Currently, there are 169 SHARP-designated entities in North Carolina, six of them fire stations falling in the Public Sector Recognition Program. There are no other SHARP designations in Henderson, Polk, or Transylvania Counties and only one in Buncombe County.

North Carolina Commissioner of Labor Josh Dobson presented an award to the Hendersonville Fire Department Station #2 for achieving the Safety and Health Achievement Recognition Program (SHARP) designation. Commissioner Dobson stated the NC Department of Labor regulates approximately 200,000 to 270,000 private and public sector business and organizations in North Carolina and said approximately 200 have received this award. Commissioner Dobson thanked Mayor Volk, City Council Members, City Manager Connet, and staff for their commitment to safety.

B. **Sidewalk Mural Project** – *Friends of Downtown, Downtown Manager Jamie Carpenter*

Downtown Manager Jamie Carpenter announced the Friends of Downtown Hendersonville are one of 244 communities across the United States who have been awarded an AARP grant. Ms. Carpenter outlined the 5th Avenue Art Route project stating it is a sidewalk mural design project involving the community. Ms. Carpenter stated the work must be completed by November and announced community members have been invited to submit their ideas.

C. King Street Pedestrian Improvements and S. Main Roundabout Concept Presentation by Kimley-Horn – City Engineer Brent Detwiler, and Jonathan Guy, Vice President Kimley-Horn

City Engineer Brent Detwiler recalled prior discussions regarding the possibility of narrowing King Street and increasing connectivity along 3rd and 4th Ave. Jonathan Guy, Vice President of Kimley-Horn presented concepts to implement improvements along this corridor utilizing the third lane to provide on street parking and buffering. Mr. Guy presented various renderings of the proposed concepts. City Manager John Connet stated there will need to be conversations with the First Contact regarding repositioning the sidewalk and relocation of a driveway. Manager Connet stated staff recommends moving the sidewalk adjacent to the street is a better option rather than having persons opening their doors into the plant bed.

Mr. Guy stated the NCDOT has plans to resurface this street in the next year and a half and said there could be a significant cost savings to the city to proceed with the project to take advantage of NCDOT's resources to repave the area. Mayor Volk inquired if reducing lanes would impact traffic flow and Mr. Guy stated the proposal is a natural transition and said the proposal is in line with the NCDOT's complete streets model and said he does not believe it will be disruptive. Council Member Jeff Miller inquired about parallel parking along this section and Mr. Guy stated this is a consideration but did not think it would diminish the day-to-day operations or be a detriment long term. Council Member Miller stated he would not prefer parallel parking in front of the Azalea Drive section and Mr. Guy stated there could be a wider sidewalk in that area.

Mr. Guy discussed the proposed roundabout by NCDOT becoming gateway for multimodal transportation and stated there are a multitude of opportunities to work with NCDOT to replace gateway signage and landscaping in this area. Mr. Guy presented concepts to incorporate future connectivity between the Ecusta Trail, city owned properties, and future sewer infrastructure projects.

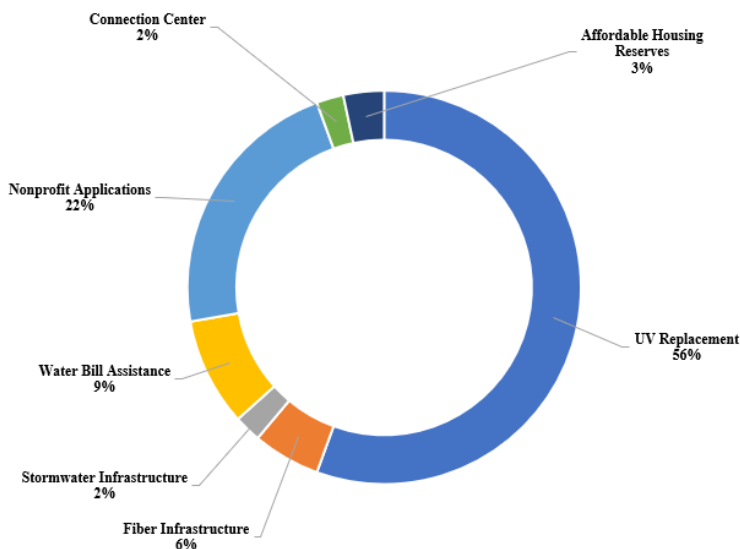
City Manager John Connet reiterated this is a concept and said there are opportunities to open discussions with NCDOT and Ecusta Trail project and clarified staff would come back to City Council with formalized designs which will suit and benefit the community as a whole.

D. ARP Funding Presentation – Alex Norwood, Intern, UNC Chapel Hill

Mr. Alex Norwood, UNC Chapel Hill Intern presented an overview of funding city has received from the American Rescue Plan (ARP), staff recommendations for city allocations, and a potential framework for awarding ARP funds to nonprofit organizations. Mr. Norwood stated the city has been awarded \$4.5 million as part of the ARP and has received \$2.25 million to date. Mr. Norwood stated funds must be obligated by the end of calendar year 2024 and spent by the end of 2026. Mr. Norwood stated staff have also developed an application which nonprofits would use to apply for ARP funds for the City Council to consider allocation. Mr. Norwood discussed criteria for eligibility stating the two goals that staff believes the City is in the best position to address are making improvements to water and sewer infrastructure and addressing negative economic impacts caused by the pandemic.

Mr. Norwood stated staff have developed a list of potential projects that would qualify for ARP funding ranging from water/sewer infrastructure improvements to funding nonprofit organizations and provided the following recommendation for expending ARP funds.

Proposed ARP Spending



- Infrastructure Improvements: \$2.85 million
- \$2,500,000: UV Replacement Project
- \$250,000: Fiber Infrastructure Project
- \$100,000: Future Stormwater Infrastructure Improvements
- Nonprofit Assistance: \$1.65 million
- \$400,000: Interfaith Assistance Ministry
- \$1,000,000: Nonprofit Application Fund
- \$100,000: Connection Center
- \$150,000: Affordable Housing Projects

City Manager John Connet reminded everyone that the recommendations will ultimately come from City Council and said staff proposed projects that benefit the community as a whole. City Attorney Beeker further clarified funding requests must meet certain criteria and be directly related to COVID or the ARP funding may not be used. Attorney Beeker stated each request will be evaluated according to the federal rules.

City Manager John Connet stated staff are recommending proceeding with the \$100,000 special appropriation funding which is Council usually allocates in their annual budget at their August meeting.

3. ADJOURN

There being no further discussion, the meeting was adjourned at 5:07 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

ATTEST:

Angela L. Reece, City Clerk

DRAFT



MINUTES

August 5, 2021

REGULAR MEETING OF THE CITY COUNCIL - ELECTRONIC CITY OPERATIONS CENTER | 305 WILLIAMS ST. | 5:45 p.m.

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

Participating Remotely: Mayor Pro Tem Jerry Smith

Staff Present: City Manager John F. Connet, Assistant City Manager Brian Pahle, City Attorney Angela Beeker, City Clerk Angela Reece, Communications Manager Allison Justus, and others

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.

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.*

Indián Jackson of 11 Mountain Rd. addressed City Council inviting everyone to attend a BBQ on Sunday September 5th at 1:00 p.m. at Sullivan Park in the Green Meadows Community.

Crystal Cauley of 627 5th Ave. W. addressed City Council requesting consideration of two city building dedications. Ms. Cauley stated she feels it would be appropriate if the new police department could be named in honor of retired Police Chief, Donnie Parks, and the new fire station to be named after retired Fire Engineer, Terry Martin. Ms. Cauley stated both men were highlighted as a local African American leader during Black History Month.

Larry Phillips of 1102 Pinebrook Circle addressed City Council stating he has submitted a packet of information and petition to the City Clerk regarding the Boyd Park exchange stating no park should be utilized for other purposes than recreation. Mr. Phillip read excerpts from the material he submitted.

Mayor Volk recognized digital comments submitted by Renato Flores of 832 4th Ave. W. expressing concerns regarding noise pollution from airlines.

4. CONSIDERATION OF AGENDA

City Manager John Connet requested removal of Item M on the Consent Agenda, An Ordinance to Amend Chapter 52 of the Code of Ordinances and Item D under New Business, Special Appropriations Discussion. Manager Connet requested reordering the remaining items under New Business to hear the Code of Ethics Complaint as New Item B, and City Park Development Discussion as New Item C.

Council Member Jeff Miller moved that City Council approve the agenda as amended. A unanimous roll call vote of the Council followed. Motion carried.

5. CONSENT AGENDA

A. Adoption of City Council Minutes – Angela Reece, City Clerk

I move that move that City Council adopt the minutes of July 1, 2021, Regular Meeting, and July 2, 2021, Special Call Meeting as presented.

B. Henderson County Tax Adjustments – Amanda Lofton, Deputy Tax Collector

I move that City Council resolve to direct and authorize the tax releases submitted by Henderson County Tax Collector as presented and relieve the Henderson County Tax Collector and the Deputy Tax Collectors of the charges owed.

C. Budget Amendments August 2021– Adam Murr, Budget Manager

I move that City Council approve budget amendments 08052021-01, 08052021-02, and 08052021-03 as presented.

D. Revision of the Human Resource Job Descriptions – Jennifer Harrell, HR Director

I move that City Council approve the amended HR Coordinator job descriptions as presented.

E. Revision of the Personnel Policy – Clarifying a statement in reference to continuous service and retiree health insurance and updating short term disability – Jennifer Harrell, HR Director

I move City Council adopt the Resolution amending the City of Hendersonville Personnel Policy as presented

Resolution #R-21-81**RESOLUTION AMENDING THE CITY OF HENDERSONVILLE PERSONNEL POLICY**

WHEREAS, the City of Hendersonville maintains a personnel policy the purpose of which is to establish a system of personnel administration for recruiting, selecting, employing, developing, and maintaining an effective and responsible work force; and

WHEREAS, the City of Hendersonville wishes to amend that policy by adding a statement to Article VII. Section 26 – Short Term disability that during the disability period, under certain circumstances there are no contributions to the retirement system, or 401(k) or 457 plans; and

WHEREAS, the following statement will be added to the Short-Term disability provision that employees cannot receive more than 100% of their basic salary between all benefits; and:

WHEREAS, there has been some confusion concerning the City’s intent to continue medical insurance for employees retiring with 30 or more years of service to the City. Staff is updating Article I. Section. 9. “Continuous service in regard to the Health Insurance for Retirees only includes full-time, regular employees.” By removing the word continuous and moving the sentence to Article VII. Section 5. Leaving this contradicts what City Council adopted as a City Ordinance on June 1, 1988 and reaffirmed on September 4, 2014.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that from and after the effective date of this resolution, the Personnel Policy attached to this resolution, is hereby adopted.

This policy will become effective as of the date of adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of August 2021.

/s/Barbara G. Volk, Mayor

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

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

F. Water and Sewer Advisory Council Charter & Rules of Procedure Amendment – John Connet, City Manager and Angela Reece, City Clerk

I move that the City Council approve the revised Charter and Rules of Procedures for the Water & Sewer Advisory Council as recommended by the WSAC Council as presented.

G. Resolution of Final Acceptance of Negotiated Offer – John Connet, City Manager

I move that the City Council adopt the Resolution of Final Acceptance of Negotiated Offer received from George Terry Young Jr. for Parcel Number 111082/PIN Number 9569909023 as presented.

Resolution #R-21-80**RESOLUTION OF FINAL ACCEPTANCE OF NEGOTIATED OFFER**

WHEREAS, the City of Hendersonville owns certain property described as follows: that +/- 0.12 more accurately described in the Sherriff’s Deed recorded in Deed Book 1516 Page 457 of the Henderson County Registry. Being the same property as described in Deed Book 495, Page 314 of the Henderson County Registry, and being identified for property tax purposes as Parcel Number 111082/PIN Number 9569909023 (“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 George Terry Young, Jr., (“Buyer”), is offering to purchase the property described above for the sum of Eight Thousand and no/100 dollars (\$8,000.00), subject to the terms and conditions contained within the Offer; and

WHEREAS, on July 1, 2021, 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 July 8, 2021, 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.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hendersonville as follows:

The Council issues a final acceptance of the Offer pursuant to the procedures of 160A-269, and authorizes the sale to, 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 5th day of August 2021.

/s/Barbara G. Volk, Mayor

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

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

H. Resolution Accepting Proposal from Jennings Environmental, PLLC for the Sullivan Park Stream Restoration Feasibility Study – Mike Huffman, Stormwater Administrator

I move that City Council approve the resolution accepting Jennings Environmental, PLLC proposal to conduct a feasibility study of stream restoration opportunities at Sullivan Park and Authorize the City Manager to Negotiate and Execute a Contract with the Selected Firm.

Resolution #R-21-88

RESOLUTION ACCEPTING PROPOSAL FROM JENNINGS ENVIRONMENTAL, PLLC FOR THE SULLIVAN PARK STREAM RESTORATION FEASIBILITY STUDY AND TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH THE SELECTED FIRM

WHEREAS, Jennings Environmental, PLLC has submitted a scope of services to complete a stream restoration feasibility study in Sullivan Park; and

WHEREAS, Jennings Environmental, PLLC has extensive experience in stream restoration projects; and

WHEREAS, this feasibility study will help City Staff develop a stream restoration plan and pursue grant funding to implement the project; and

WHEREAS, the restoration of the stream in Sullivan Park will provide water quality benefits, environmental education opportunities, and enhance the natural amenities in the Green Meadows community.

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

1. The City Manager is authorized to negotiate and execute a contract with Jennings Environmental, PLLC in an amount not to exceed \$48,000 to assist the City of Hendersonville with a stream restoration feasibility study in Sullivan Park.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of August 2021.

/s/Barbara G. Volk, Mayor

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

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

I. Resolution Authorizing the City Manager to Enter into Contract for Engineering Services to Support the Sewer Infrastructure Streambank Restoration – Adam Steurer, Utilities Engineer

I move City Council adopt the Resolution to Authorize the City Manager to Enter into a Contract for Engineering Services to Support the Sewer Infrastructure Streambank Restoration Project.

Resolution #R-21-82

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ROBINSON DESIGN ENGINEERS FOR ENGINEERING SERVICES TO SUPPORT THE SEWER INFRASTRUCTURE STREAMBANK RESTORTION PROJECT

WHEREAS, the City recently successfully completed the Multi-Area Streambank Restoration Project; and

WHEREAS, City Staff have identified an additional six locations in which the integrity of existing sanitary sewer infrastructure is threatened by nearby streams; and

WHEREAS, City Staff have recommended a streambank restoration project that will protect the threatened sanitary sewer infrastructure through a combination of live plantings and bioengineering and enhancing the overall health of the stream; and

WHEREAS, City Staff have solicited a proposal to provide Engineering Services to support the project from Robinson Design Engineers.

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

2. The scope of engineering services from Robinson Design Engineers of Hendersonville, NC is approved in the amount of \$40,550.
3. The City Manager is authorized to execute an agreement with Robinson Design Engineers consistent with the terms of this Resolution, as approved by the City Attorney.
4. The agreement is exempt from the requirements of the Mini-Brooks Act.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of August 2021.

/s/Barbara G. Volk, Mayor

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

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

J. Resolution Accepting Proposal from McGill Associates, PA for the Wash Creek Stormwater Improvements Preliminary Engineering Report– Michael Huffman, Stormwater Administrator

I move City Council approve the resolution accepting McGill Associates, PA proposal for the Wash Creek Stormwater Improvements Preliminary Engineering Report.

Resolution #R-21-83

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MCGILL ASSOCIATES, PA TO ASSIST THE CITY OF HENDERSONVILLE WITH A PRELININARY ENGINEERING REPORT FOR THE WASH CREEK SUBWATERSHED

WHEREAS, McGill Associates, PA has submitted a scope of services to complete a preliminary engineering report for stormwater projects in the Wash Creek subwatershed; and

WHEREAS, McGill Associates, PA has extensive experience in developing and implementing municipal stormwater capital improvement plans; and

WHEREAS, this preliminary engineering report will help City Staff develop a detailed capital improvement plan for the Wash Creek subwatershed; and

WHEREAS, a preliminary engineering report will provide City staff with the necessary data to develop an accurate and cost-effective capital improvement plan for the Wash Creek subwatershed.

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

5. The City Manager is authorized to enter into a contract with McGill Associates, PA to assist the City of Hendersonville with a preliminary engineering report for the Wash Creek subwatershed in the amount of \$44,200.00 and to exempt the contract from the requirements of the Mini-Brooks Act.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of August 2021.

/s/Barbara G. Volk, Mayor

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

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

K. Annexation Certificate of Sufficiency: 0 South Allen Road PIN: 9588-11-9994 (P21-40-ANX)

— Tyler Morrow, Planner II

I move City Council to accept the City Clerk's Certificate of Sufficiency for the petition submitted by Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming and adopt the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to N.C. G.S. 160A-58.2 as presented.

Resolution #R-21-84

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION
PERSUANT TO N.C. G.S. 160A-58.2**

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received from Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming PIN 9588-11-9994 located on S. Allen Road that is approximately 32.66 acres (P21-40-ANX; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made; and

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

1. A public hearing on the question of annexation of the contiguous area described herein will be held at City Operations Center located at 305 Williams St. at 5:45 p.m. on September 2, 2021, or as soon thereafter as it may be heard.

2. The area proposed for annexation is described as follows:

BEGINNING AT A 1/2" IRON REBAR IN THE NORTHEAST CORNER OF THE PROPERTY AT THE SHARED CORNER OF KATHY & DANIEL MOORE, ALSO LYING IN THE CENTERLINE OF THE CREEK AND ALONG THE INTERSTATE 26 RIGHT OF WAY, THENCE S 38°34'59" E A DISTANCE OF 225.23' TO A CONCRETE MONUMENT. THENCE S 38°02'49" E A DISTANCE OF 198.23' TO A CONCRETE MONUMENT. THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 532.93', WITH A RADIUS OF 7504.42', WITH A CHORD BEARING OF S 35°32'18" E, WITH A CHORD LENGTH OF 532.82', TO A CONCRETE MONUMENT. THENCE S 33°06'12" E A DISTANCE OF 198.94' TO A CONCRETE MONUMENT. THENCE S 32°45'21" E A DISTANCE OF 890.16' TO A 1" REBAR. THENCE N 85°28'24" W A DISTANCE OF 971.55' TO A 5/8" REBAR. THENCE N 85°28'24" W A DISTANCE OF 205.52' TO A 1" OPEN TOP PIPE. THENCE N 85°28'28" W A DISTANCE OF 361.58' TO A 5/8" REBAR. THENCE N 85°28'25" W A DISTANCE OF 208.95' TO AN OPEN TOP PIPE. THENCE N 85°28'25" W A DISTANCE OF 20.45' TO A CALCULATED POINT IN SOUTH ALLEN ROAD. THENCE N 06°00'09" W A DISTANCE OF 504.16' TO A CALCULATED POINT IN SOUTH ALLEN ROAD. THENCE N 78°06'30" E A DISTANCE OF 30.17' TO A 1/2" REBAR. THENCE N 78°06'30" E A DISTANCE OF 638.79' TO A 1/2" REBAR. THENCE N 17°17'53" W A DISTANCE OF 677.33' TO A 1/2" REBAR. THENCE N 17°17'53" W A DISTANCE OF 14.22' TO A CALCULATED POINT IN THE CENTERLINE OF CREEK. THENCE FOLLOWING THE CENTERLINE OF CREEK N 56°08'52" E A DISTANCE OF 26.98' TO A CALCULATED POINT. THENCE S 80°16'33" E A DISTANCE OF 23.66' TO A CALCULATED POINT. THENCE N 69°00'41" E A DISTANCE OF 54.24' TO A CALCULATED POINT. THENCE N 04°36'51" E A DISTANCE OF 20.87' TO A CALCULATED POINT. THENCE N 36°21'19" E A DISTANCE OF 44.82' TO A CALCULATED POINT. THENCE N 48°10'05" E A DISTANCE OF 40.80' TO A CALCULATED POINT. THENCE N 18°52'18" E A DISTANCE OF 75.32' TO A CALCULATED POINT. THENCE N 23°24'08" E A DISTANCE OF 61.14' TO A CALCULATED POINT AND RETURNING TO THE POINT OF BEGINNING OF THE DESCRIBED PROPERTY CONTAINING 32.66 ACRES, MORE OR LESS.

3. Notice of the public hearing shall be published once in The Hendersonville Times-News, a newspaper having general circulation in the City of Hendersonville, at least 10 days prior to the date of the public hearing

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of August 2021.

/s/Barbara G. Volk, Mayor

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

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

L. Annexation Certificate of Sufficiency: 0 Monroe Drive and 2115 N. Stoney View Court (P21-43-ANX – Tyler Morrow, Planner II

I move City Council to accept the City Clerk's Certificate of Sufficiency for the petition submitted by Larry and Mary Maitland and adopt the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to N.C. G.S. 160A-58.2 as presented.

Resolution #R-21-85

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION
PERSUANT TO N.C. G.S. 160A-58.2**

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received from Larry and Mary Maitland for PINs 9569-46-0920 and 9569-46-1849 located on Monroe Drive and N. Stoney View Court that is approximately 0.53 acres (P21-43-ANX); and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made; and

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

1. A public hearing on the question of annexation of the contiguous area described herein will be held at City Operations Center located at 305 Williams St. at 5:45 p.m. on September 2, 2021, or as soon thereafter as it may be heard.

2. The area proposed for annexation is described as follows:

LOT 1 AND LOT 2 OF PLAT SLIDE 2021-13355 AS RECORDED IN THE HENDERSON COUNTY REGISTER OF DEEDS CONTAINING 0.53 ACRES (23,257 SQUARE FEET). ALSO DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 8, PLAT BOOK 5, PAGE 9 OF SAID HENDERSON COUNTY REGISTER OF DEEDS; THENCE N85°25'19"W ALONG THE NORTH LINE OF SAID LOT 8, ALONG THE EXISTING CITY LIMITS OF HENDERSONVILLE A DISTANCE OF 116.77 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE EAST, SAID POINT BEING ON THE RIGHT OF WAY LINE OF U.S. HIGHWAY 25; THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE, ALONG SAID EXISTING CITY LIMITS AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 914.93 FEET AND HAVING A CHORD BEARING OF N05°33'16"E AND CHORD DISTANCE OF 38.95 FOR AN ARC DISTANCE OF 38.95 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE N55° 53'41"E ALONG SAID EXISTING CITY LIMITS A DISTANCE OF 86.44 FEET;

THENCE N87°59'49"E ALONG SAID EXISTING CITY LIMITS A DISTANCE OF 56.23 FEET;

THENCE CONTINUE N87°59'49"E ALONG SAID RIGHT OF WAY LINE, ALONG THE PROPOSED NEW HENDERSONVILLE CITY LIMITS A DISTANCE OF 40.40 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF MONROE DRIVE;

THENCE S76°07'17"E ALONG SAID SOUTH RIGHT OF WAY LINE, ALONG SAID NEW CITY LIMITS FOR A DISTANCE OF 103.14 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE, SAID POINT BEING ON THE WESTERLY RIGHT OF WAY LINE OF NORTH STONEY VIEW COURT;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, ALONG SAID WESTERLY RIGHT OF WAY LINE, ALONG SAID NEW CITY LIMITS, HAVING A RADIUS OF 592.70 AND A CHORD BEARING OF S09°18'12"W AND A CHORD DISTANCE OF 87.67 FEET FOR AN ARC DISTANCE OF 87.75 TO A POINT ON A NON-TANGENT LINE, SAID POINT BEING ON THE NORTH LINE OF LOT 2 OF SAID PLAT BOOK 5, PAGE 9;

THENCE N85°25'19"W ALONG THE NORTH LINE OF SAID LOT 2, ALONG SAID NEW CITY LIMITS A DISTANCE OF 141.93 FEET TO THE POINT OF BEGINNING.

3. Notice of the public hearing shall be published once in The Hendersonville Times-News, a newspaper having general circulation in the City of Hendersonville, at least 10 days prior to the date of the public hearing

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of August 2021.

/s/Barbara G. Volk, Mayor
Attorney

Attest: /s/Angela L. Reece, City Clerk Approved as to form: /s/Angela S. Beeker, City

M. REMOVED ~~An Ordinance to Amend Chapter 52 of the Code of Ordinances for the City of Hendersonville to Add a New Section 52-97, Policy and Procedures for the Extension of Water and Sewer Utilities – Drew Finley, Lead for North Carolina Fellow~~

N. Renewal of Licensing Agreement with ESRI for ArcGIS Software– Brent Detwiler, City Engineer

I move that City Council approve the Resolution by the City of Hendersonville City Council Approving the Renewal of the Licensing Agreement with ESRI for the ArcGIS Software.

Resolution #R-21-86

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL APPROVING
THE RENEWAL OF THE LICENSING AGREEMENT WITH ESRI FOR THE
ARCGIS SOFTWARE**

WHEREAS, the City maintains GIS data as part of its website and uses ArcGIS software, developed by ESRI to maintain it; and

WHEREAS, it is time to renew the licensing agreement with ESRI for a three (3) year term; and

WHEREAS, the proposed licensing agreement is in the nature of a lease, rather than a purchase.

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

1. The proposed licensing agreement with ESRI for the ArcGIS Software is hereby approved. To the extent that this transaction might be considered a purchase, City Council declares that standardization and compatibility is the overriding consideration in the approval of this agreement, making it exempt under the provisions of NCGS § 143-129(e)(6).
2. The City Engineer is authorized to execute the licensing agreement in an amount not to exceed \$89,568.75.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of August 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 that City Council approve the consent agenda as amended. A unanimous roll call vote of the Council followed. Motion carried.

6. PRESENTATIONS

A. Quarterly MVP Recipients – John Connet, City Manager

City Manager John Connet City Manager John Connet presented the Quarterly MVPs recognizing Kasey Sudderberg, Wastewater Treatment Plant, Chris Hearn, Fire Department, and Michael Ostrander, Fire Department for going above and beyond their normal job duties to assist citizens by exemplifying excellent customer service.

7. PUBLIC HEARINGS

A. Street Closure Order: 1804 Meadowbrook Terrace PIN 9569-44-6625 (Kirby Family) (P20-40-SC) – Tyler Morrow, Planner II

Community Development Director Lew Holloway stated the city has received an application from Carla and Clifford Kirby to close a portion of unimproved right-of-way lying within PIN 9569-44-6625. There were no questions by City Council.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened at 6:06 p.m.

There were no public comments.

The public hearing was closed at 6:07 p.m.

Council Member Jeff Miller moved that City Council adopt an ordinance permanently closing a portion of an unimproved right-of-way lying within property described in a deed recorded in the Henderson County Registry in Deed Book 1447 at page 582, having PIN of 9569-44-6625. A unanimous roll call vote of the Council followed. Motion carried.

Ordinance #O-21-39

**ORDER TO PERMANENTLY CLOSE, AN UNOPENED,
UNIMPROVED PORTION OF AN UNIMPROVED RIGHT-OF-WAY LYING WITHIN PIN: 9569-
44-6625**

(Petition From Carla and Clifford Kirby)

NORTH CAROLINA
HENDERSON COUNTY

TO WHOM IT MAY CONCERN:

WHEREAS, North Carolina General Statute Section §160A-299 authorizes a city council to permanently close any street or public alley way within its corporate limits or area of extraterritorial jurisdiction and provides a procedure for the closing such streets or alleyways; and

WHEREAS, Carla S. and Clifford E. Kirby, owners, have petitioned the City of Hendersonville City Council to close a portion of unimproved right-of-way lying within property described in a deed recorded in the Henderson County Registry in Deed Book 1447 at page 582, having PIN of 9569-44-6625

WHEREAS, on July 1st 2021, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close portions of these streets and setting August 5th, 2021, as the date of a public hearing regarding such closure; and

WHEREAS, the aforementioned resolution has been published once a week for four successive weeks prior to the public hearing in the Hendersonville Times-News (a newspaper of general and regular circulation in Hendersonville and Henderson County) and a copy thereof has been sent by certified mail to all owners of property adjoining the street as shown on the county tax records; and

WHEREAS, notice of the closings and of the public hearing has been posted in at least two places along the streets; and

WHEREAS, a public hearing was held in conformance with the aforementioned public notice on the fifth day of August 2021.

NOW, THEREFORE, the City Council of the City of Hendersonville does hereby make the following findings of fact:

1. The closing of the street portion hereafter described are not contrary to the public interest.
2. No individual owning property in the vicinity of the streets or in the subdivision in which it is located would be deprived by the closing of such streets of reasonable means of ingress and egress to his property.

IN CONSIDERATION THEREOF, IT IS HEREBY ORDERED:

1. The following portions of streets are permanently closed and no longer existent as of the effective date of this order:

All of that certain parcel of land situated in the Henderson County, North Carolina and more particularly described as shown on that survey labeled as “A PROPOSED ROAD CLOSURE SURVEY FOR CARLA & CLIFF KIRBY” prepared by KEE Mapping & Survey: Job #2104037 Dated 05/06/2021 (the “KEE Plat”), and further described as follows:

BEGINNING at a point shown as an IPC designated as the originating point of C4 on the KEE Plat; thence with C4 on the KEE Plat with a chord bearing of South 09 deg 28 min 15 sec East (Chord Length 21.31

feet and Arc Length 22.48 feet) and a Radius of 20.00 feet to an unmarked point; thence South 41 deg 40 min 04 sec East, 119.74 feet to an IPC; thence South 55 deg 44 min 56 sec West, 20.17 feet to a set 5/8" Rebar; thence North 41 deg 40 min 04 sec West, 101.32 feet to an unmarked point; thence along the Curve designated as C5 on the KEE Plat with a Chord Bearing of North 84 deg 31 min 02 sec West (Chord Length 27.20 feet and Arc Length 29.91 feet) and a Radius of 20.00 feet to an IPC; thence along the Curve designated as C2 with a Chord Bearing of North 32 deg 44 min 42 sec East (Chord Length 51.76 feet and Arc Length 51.84 feet) and a Radius of 262.00 feet to the point of BEGINNING.

And for a further description, the property described herein is labeled on the KEE Plat as follows:

UNOPENED ROAD
REFERENCE PC B; PG 804
PORTION OF PIN 9569-44-6625
0.06 ACRES (2,827 SQ FT)

2. The City Clerk shall forthwith cause a certified copy of this order to be filed in the Office of the Register of Deeds of Henderson County.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of August 2021.

/s/Barbara G. Volk, Mayor

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

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

8. UNFINISHED BUSINESS - NONE

9. NEW BUSINESS

A. Resolution to Select Contractor for 2021 Resurfacing Project – Tom Wooten, Public Works Director

Public Works Director Tom Wooten stated the City received and opened formal bids on Friday July 30, 2021 for the 2021 resurfacing project. Tarheel Paving was the low bidder out of six companies, submitting a bid in the amount of \$420,060.19. Staff is requesting to contract with the low bidder this project.

Council Member Dr. Jennifer Hensley moved that City Council approve the resolution to Select a Contractor for the 2021 Street Resurfacing Project and Direct the Director of Public Works to Execute a Contract with the Low Bidder. A unanimous roll call vote of the Council followed. Motion carried.

Resolution #R-21-87

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO SELECT A CONTRACTOR FOR THE 2021 STREET RESURFACING PROJECT AND DIRECT THE DIRECTOR OF PUBLIC WORKS TO EXECUTE A CONTRACT WITH THE LOW BIDDER

WHEREAS, the City posted a request for formal bids for the 2021 Street Resurfacing Project; and

WHEREAS, formal bids were opened on Friday, July 30, 2021, and Tarheel Paving submitted the lowest, responsive bid, and was determined by staff to be the lowest responsible bidder; and

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

1. Tarheel Paving is the declared to be the lowest responsible bidder for 2021 Street Resurfacing Project, and the contract is awarded to Tarheel Paving in the amount of \$420,060.19.
2. The Public Works Director is authorized to execute the contract for the 2021 Street Resurfacing Project with Tarheel Paving Company in an amount not to exceed \$420,060.19.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of August 2021.

/s/Barbara G. Volk, Mayor

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

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

B. Code of Ethics Complaint – John Connet, City Manager

City Manager John Connet stated Ms. Dosia K. Phillips has filed a Code of Ethics complaint against Council Member Jerry Smith. The complaint alleges that Council Member Smith violated the Code of Ethics when he voted to approve the property exchange with Henderson County Public Schools due to the fact that he works for the school system.

Mayor Barbara Volk stated all City Council Members have received a copy of the written complaint and invited Ms. Phillips to speak.

Ms. Phillips addressed City Council responding to the matter inquiring why she was not contacted about the matter prior to the response being published in the agenda. Ms. Phillips discussed her complaint with the City Council.

Mayor Volk stated the Council has also received the full written response from Mayor Pro-Tem Smith, as well as a copy of a letter from Dr. John Bryant, Superintendent of the Henderson County Schools.

Mayor Pro-Tem Jerry Smith addressed City Council regarding the complaint stating he has received no personal gain or benefit in this matter.

There were no questions of Mr. Smith.

Council Member Jeff Miller moved to excuse Mayor Pro-Tem Jerry Smith from the Council's deliberations and vote in this matter pursuant to N.C. G.S. 160A-75A as it involves his own official conduct. A unanimous roll call vote of the Council followed. Motion carried.

Mayor Barbara Volk clarified Mayor Pro-Tem Smith will no longer participate in any deliberation or vote in this matter and said he did not violate the City Council's Code of Ethics based on the information that Council received and reviewed.

Council Member Dr. Jennifer Hensley moved that the Council finds that by voting on Resolution # R-21-55 that Mayor Pro-Tem Jerry Smith did not violate City Council's Code of Ethics nor applicable law. A roll call vote of Council Members, Hensley, Miller, Simpson, and Mayor Volk followed. Motion carried.

C. City Park Development Discussion – John Connet, City Manager

City Manager John Connet recalled prior discussions, timeline of projects, and presented options for consideration by Council regarding their preferences for the following:

1: Location tennis courts:

City Council Members agreed with the City Manager's suggestion to relocate the tennis courts to Patton Park. Council Members clarified the city may move forward with demolition and planning. Council Member Dr. Jennifer Hensley clarified the recently purchased tennis court lighting can be relocated to the new courts.

2. Location of put-put:

After much discussion, City Council Members directed staff to move forward with planning and design at Edwards Park and to present a concept at a future meeting to make a final decision. Council Member Dr. Jennifer Hensley requested additional locations such as Jackson Park and the Depot be considered. Council Member Jerry Smith requested that no plans alter the existing Boy Scout huts. Council Member Jeff Miller clarified there is an agreement between Boy Scouts and the school system to maintain the buildings and not the grounds. City Manager Connet stated he believes Edwards Park is the first park in the city and referenced notations found in the City Council minutes of 1919.

3: Location of splash pad.

City Council Members agreed with the City Manager's Suggestion to relocate the splash pad to Dogwood Park.

4: Dogwood Park

City Manager John Connet advised the city cannot begin on the Dogwood Park until the parking deck is completed and said this will delay implementation of proposed amenities. Council Member Lyndsey Simpson stated she anticipates funding for the splash pad will be completed in next 9 months and feels this is a priority depending on the parking garage timeline. City Council Member Dr. Jennifer Hensley expressed reservations for committing the Dogwood lot to a park rather than developing for a hotel. City Council Members conceded the splash pad is a priority and directed staff to move forward with planning and design at Dogwood Park and to present a concept at a future meeting to make a final decision based on the timeline of the parking deck construction completion.

5: Future workshop meetings to discuss all parks:

City Manager John Connet clarified the city has designated the property behind school administration offices as green space and has agreed not to develop it. Manager Connet stated staff feels it important to hold workshops over the next year to discuss parks and connections to the Ecusta Trail and Oklawaha Greenway as well as development and redevelopment of all city parks. City Council Members agreed.

D. REMOVED Special Appropriations Discussion — ~~John Connet, City Manager, Adam Murr~~
~~Budget Manager~~

10. CITY COUNCIL COMMENTS

There were no comments.

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

The City Manager had no comments.

12. BOARDS/COMMISSIONS/COMMITTEE APPOINTMENTS

A. Appoint City Representative to Asheville Regional Housing Consortium — *John Connet, City Manager*

City Council Member Jeff Miller moved that City Council appoint Tyler Henry to the Asheville Regional Housing Consortium. A unanimous roll call vote of the Council followed. Motion carried.

13. ADJOURN

There being no further business, the meeting was adjourned at 6:54 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: Lew Holloway, Community Development Director

MEETING DATE: September 2, 2021

AGENDA SECTION: CONSENT AGENDA

DEPARTMENT: Community Development

TITLE OF ITEM: Special Event: Jingle Jog 5K– *Lew Holloway, Community Development Director*

SUGGESTED MOTION(S):

I move that City Council approve the special event permit for the Jingle Jog 5k.

SUMMARY:

The Jingle Jog 5K race is proposed to be held on Saturday, December 11, 2021. The race would begin at 9am on the 500 block of Main Street using the same 5K route as the annual recurring event known as the Turkey Trot. The event is sponsored by the Hope Coalition and is organized by iDaph Events. The event will provide a fun, healthy and safe way to celebrate the upcoming holidays and support the Hope Coalition nonprofit. The event organizers request police support on course, earlier opening of public restrooms on Fifth Avenue as well as closure of the 500 block from 7-10:30am. The Special Events Committee unanimously voted to recommend approval of this event as presented.

BUDGET IMPACT: NA

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded.

ATTACHMENTS:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Lew Holloway, Community Development Director

MEETING DATE: September 2, 2021

AGENDA SECTION: CONSENT AGENDA

DEPARTMENT: Community Development

TITLE OF ITEM: Special Event: Tails in Town *Lew Holloway, Community Development Director*

SUGGESTED MOTION(S):

I move that City Council approve the special event permit for the Tails in Town.

SUMMARY:

Tails in Town is organized by WTZQ and is proposed to be held on Saturday, November 13, 2021 from 10am until 4pm. In recent years this event was held on Maple Street, but this would not be possible on a Saturday due to the Hendersonville Farmers Market. Tails in Town features pet friendly vendors and offers a free platform for area pet shelters to showcase adoptable pets. Tails in Town helps raise funds and awareness for area animal nonprofits and has proven to be successful for animal adoptions. Predicted attendance is 500-1000 people, and the organizers expect a higher turnout with the event moving to Main Street.. Organizers request the closure of Main Street from Fifth Avenue to Allen from 9am until 4pm as well as access to electricity. The Special Events Committee unanimously voted to recommend approval of this event as presented.

BUDGET IMPACT: NA

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded.

ATTACHMENTS:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Lew Holloway, Community Development Director

MEETING DATE: September 2, 2021

AGENDA SECTION: CONSENT AGENDA

DEPARTMENT: Community Development

TITLE OF ITEM: Special Event: Oktoberfest - *Lew Holloway, Community Development Director*

SUGGESTED MOTION(S):

I move that City Council approve the special event permit for the Oktoberfest event.

SUMMARY:

Oktoberfest is organized by Southern Appalachian Brewery and is proposed to be held on Saturday, September 25, 2021 from 12pm until 6pm. The event is meant to be a family friendly celebration with a live polka band, German food, festival games, and an ale release. In past years, the event was held entirely on the property of Southern Appalachian Brewery, but this year organizers request a closure of a portion of Locust Street to help with social distancing. The organizers are working with local contacts to extend their premises to allow for alcohol to be brought from the closed street to the property. The Special Events Committee unanimously voted to recommend approval of this event as presented.

BUDGET IMPACT: NA

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded.

ATTACHMENTS:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Lew Holloway, Community Development Director **MEETING DATE:** September 2, 2021

AGENDA SECTION: CONSENT AGENDA **DEPARTMENT:** Community Development

TITLE OF ITEM: Special Event: Bearfootin' Bear Auction *Lew Holloway, Community Development Director*

SUGGESTED MOTION(S):

I move that City Council approve the special event permit for the Bearfootin' Bear Auction.

SUMMARY:

The 2021 Bearfootin' Bear Auction is proposed to be held on Saturday, October 16 from 4pm until 6pm on Maple Street and the Historic Train Depot Plaza. Now in its nineteenth year, the Bearfootin' Bear Auction helps raise funds for local nonprofits through the proceeds from 20 bears uniquely painted by local artists. Previously the Bearfootin' auctions were hosted in traditional style with a live auctioneer. Then, in response to the pandemic, Friends of Downtown Hendersonville pivoted to a virtual format for the 2020 auction. The virtual bidding format allowed people to bid over the course of a month until a scheduled bidding cutoff. This turned out to be a considerable success, with the 2020 auction raising more than \$84,000. This year the Downtown Events Team and Staff are incorporating the virtual bidding format with an in-person event. This means bidders will be able to begin bidding as early as September 15, 2021. Bidding will end with an exciting in-person event on October 16, when all bidding will end at 6pm. There will be no bidding out loud/in person, but attendees will be able to bid via cell phone. Predicted attendance is 200 people, and the Friends of Downtown Hendersonville hopes to incorporate food trucks and local craft beverage vendors. Organizers request an extended closure of Maple Street after the Hendersonville Farmers Market until 7pm. The Special Events Committee unanimously voted to recommend approval of this event as presented.

BUDGET IMPACT: NA

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded.

ATTACHMENTS:

None



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER:

Lee Smith, Utilities Director

MEETING DATE:

September 2, 2021

AGENDA SECTION:

NEW BUSINESS

DEPARTMENT:

Administration

TITLE OF ITEM:

Transport and Disposal of WWTP Biosolids Quote Approval – Lee Smith, Utilities Director

SUGGESTED MOTION(S):

I move that City Council authorize the Utilities Director to contract with Southern Logistics, Inc., for the transport and disposal of sludge from the WWTP, in accordance with the pricing terms as presented, through June 30, 2022, within budgeted funds available.

SUMMARY:
Due to unforeseen, uncontrollable circumstances related to the sale of the current landfill disposal site and the inability of the City’s usual hauling company to dispose at the current landfill, the WWTP’s cost dispose of biosolids (sludge) at the White Oak landfill in Haywood County (now owned and operation by Republic) is now \$80/ton for disposal only. Transportation costs are in addition to this fee and are approximately \$24 to \$30/ton for a total of \$104 to \$110/ton.

Staff is requesting emergency authorization to contract with Southern Logistics, Inc., for the transport and disposal of sludge from the WWTP. The sludge would be disposed of at the Twin Chimney landfill in Honea Path, SC for transport and dispose of biosolids from the WWTP. The proposed cost is \$80/ton, inclusive of transportation costs, plus a cost index related to fuel charges.

The contract with Southern Logistics would be through June 30, 2022, with expenditures to be within budgeted funds available.

BUDGET IMPACT: Within budgeted funds available in the current year’s budget

Is this expenditure approved in the current fiscal year budget? Yes

If no, describe how it will be funded. N/A

ATTACHMENTS:

Quote with pricing terms, including fuel surcharge schedule



SOUTHERN LOGISTICS INC.

Section 5, Item F.



SLI HAZARDOUS TRANSPORT

A DIVISION OF SOUTHERN LOGISTICS INC.

[Date]

[Main Contact Name]

Dear [Main Contact Name],

Southern Logistics Inc. is pleased to provide the following pricing:

PROJECT:

Approximately 2 loads per day of Wastewater Treatment Sludge

SITE ADDRESS:

99 Balfour Row
Hendersonville, NC

Transportation and Disposal:

\$80 per ton

22 ton minimum per load for trailers

20 ton minimum per load for quads

*The above rates include all fuel surcharges based on current US Average Fuel Prices. A FSC Schedule would apply.

*The site must be readily accessible, and the material must be ready to ship. The demurrage rate will be \$95.00 per hour after 1 hr.

*Our Terms are Net 30.

Respectfully,

Henry Smith

Southern Logistics, Inc.



SOUTHERN LOGISTICS INC.

Section 5, Item F.



SLI HAZARDOUS TRANSPORT

A DIVISION OF SOUTHERN LOGISTICS INC.

Please sign and date below:

Representative

Name and Title

Date of Signature



FUEL SURCHARGE SCHEDULE

<u>US average price per</u> <u>gallon:*</u>		<u>But not to exceed:</u>	<u>Fuel surcharge:</u>
\$3.28	to	\$3.33	3.00%
\$3.34	to	\$3.39	4.00%
\$3.40	to	\$3.45	5.00%
\$3.46	to	\$3.51	6.00%
\$3.52	to	\$3.57	7.00%
\$3.58	to	\$3.63	8.00%
\$3.64	to	\$3.69	9.00%
\$3.70	to	\$3.75	10.00%
\$3.76	to	\$3.81	11.00%
\$3.82	to	\$3.87	12.00%
\$3.88	to	\$3.93	13.00%
\$3.94	to	\$3.99	14.00%
\$4.00	to	\$4.05	15.00%
\$4.06	to	\$4.11	16.00%
\$4.12	to	\$4.17	17.00%
\$4.18	to	\$4.23	18.00%
\$4.24	to	\$4.29	19.00%
\$4.30	to	\$4.35	20.00%
\$4.36	to	\$4.41	21.00%
\$4.42	to	\$4.47	22.00%
\$4.48	to	\$4.53	23.00%
\$4.54	to	\$4.59	24.00%
\$4.60	to	\$4.65	25.00%
\$4.66	to	\$4.71	26.00%
\$4.72	to	\$4.77	27.00%
\$4.78	to	\$4.83	28.00%
\$4.84	to	\$4.89	29.00%
\$4.90	to	\$4.95	30.00%
\$4.96	to	\$5.01	31.00%
\$5.02	to	\$5.07	32.00%
\$5.08	to	\$5.13	33.00%
\$5.14	to	\$5.19	34.00%
\$5.20	to	\$5.25	35.00%
\$5.26	to	\$5.31	36.00%
\$5.32	to	\$5.37	37.00%
\$5.38	to	\$5.43	38.00%
\$5.44	to	\$5.49	39.00%
\$5.50	to	\$5.55	40.00%
\$5.56	to	\$5.61	41.00%
\$5.62	to	\$5.67	42.00%
\$5.68	to	\$5.73	43.00%
\$5.74	to	\$5.79	44.00%
\$5.80	to	\$5.85	45.00%
\$5.86	to	\$5.91	46.00%
\$5.92	to	\$5.97	47.00%
\$5.98	to	\$6.03	48.00%
\$6.04	to	\$6.09	49.00%
\$6.10	to	\$6.15	50.00%
\$6.16	to	\$6.21	51.00%
\$6.22	to	\$6.27	52.00%
\$6.28	to	\$6.33	53.00%
\$6.34	to	\$6.39	54.00%
\$6.40	to	\$6.45	55.00%
\$6.46	to	\$6.51	56.00%
\$6.52	to	\$6.57	57.00%
\$6.58	to	\$6.63	58.00%
\$6.64	to	\$6.69	59.00%
\$6.70	to	\$6.75	60.00%
\$6.76	to	\$6.81	61.00%
\$6.82	to	\$6.87	62.00%
\$6.88	to	\$6.93	63.00%

*AND WILL CONTINUE TO GO UP 1% PER NICKLE INCREASE, BASED UPON US ON-HIGHWAY AVG DIESEL FUEL PRICES (<https://www.eia.gov/petroleum/gasdiesel/>)



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Drew Finley

MEETING DATE: 7/1/2021

AGENDA SECTION: CONSENT

DEPARTMENT: Water & Sewer

TITLE OF ITEM: An Ordinance to Amend Chapter 52 of the Code of Ordinances for the City of Hendersonville to Add a New Section 52-97, Policy and Procedures for the Extension of Water and Sewer Utilities – *Drew Finley, Lead for North Carolina Fellow*

SUGGESTED MOTION(S):

I move that City Council adopt *An Ordinance to Amend Chapter 52 of the Code of Ordinances for the City of Hendersonville to Add a New Section 52-97, Policy and Procedures for the Extension of Water and Sewer Utilities, and that the City Council adopt and approve the Extension of Water and Sewer Utilities Policy as presented.*

SUMMARY:

The City's official policy for the extension of water and sewer utilities has not been comprehensively revised in over twenty years. However, over the past two years, staff have made a concerted effort to review, update, and compile the various regulations applicable to utility extensions and the policy included here represents the culmination of those efforts. Staff presented this policy to the Water and Sewer Advisory Council at their January 25, 2021 meeting and have updated it to reflect the feedback provided. We are now recommending that City Council adopt this policy and would be happy to answer any questions.

BUDGET IMPACT: \$0

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

If no, describe how it will be funded.

ATTACHMENTS:

Ordinance to Adopt Policy and Procedures for the Extension of Water and Sewer Utilities

Extension of Water and Sewer utilities Policy

Ordinance #O-21-39

AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSONVILLE TO ADD A NEW SECTION 52-97, POLICY AND PROCEDURES FOR THE EXTENSION OF WATER AND SEWER UTILITIES

WHEREAS, North Carolina General Statutes Chapter 160A Article 16 (“Public Enterprises”) stipulates that the rules for any public enterprise system that the City operates shall be adopted by ordinance and

WHEREAS, the City’s official policy for the extension of water and sewer utilities has not been comprehensively revised in over twenty years and

WHEREAS, City staff have made a concerted effort over the past two years to review, update, and compile the various regulations applicable to utility extensions and

WHEREAS, the policy to be included in this new section represents the culmination of those efforts and

WHEREAS, City staff presented this policy to the Water and Sewer Advisory Council at their January 25, 2021 meeting and have updated it to reflect the feedback provided,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina as follows:

Section 1. A new section 52-97, Policy and Procedures for the Extension of Water and Sewer Utilities, to be added to Chapter 52 of the Code of Ordinances for the City of Hendersonville, is hereby adopted as follows:

Sec. 52-97. – Policy and Procedures for the Extension of Water and Sewer Utilities

All utility extensions will be made in accordance with the Policy and Procedures for the Extension of Water and Sewer Utilities adopted by the City Council.

Section 2. This Ordinance shall be effective upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of September 2021.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

Policy and Procedures



Extension of Water and Sewer Utilities

Last Updated January 21, 2021

**CITY OF HENDERSONVILLE
HENDERSON COUNTY
NORTH CAROLINA**

*POLICY AND PROCEDURES FOR THE
EXTENSION OF WATER AND SEWER
SERVICE*

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PREAMBLE

The City of Hendersonville recognizes that there will be a need from time to time to extend the water and/or sewer systems operated by the City to serve new industrial, commercial and residential development and to serve existing development not currently served by the City. The purpose of this document is to set forth the policy, rules, and procedures for extension of water and sewer systems to serve users and allow for future orderly development of these systems, to the end that a healthy, orderly, and coordinated system of growth and development will be attained in a manner most conducive to the public health and general welfare. This policy shall provide for the orderly and fiscally responsible extension of the systems and is applicable to the entire City water and sewer utility service area. In general, all extensions of water and sewer mains shall be dependent on adequate capacity within the existing system, approved funding, and receipt of all required permits, approvals, and any other required ancillary material and documentation. This policy is intended to afford sufficient flexibility to accommodate the particularity of each project while simultaneously maintaining high, uniform standards and an orderly procedure. Terms used herein are defined below (“General Provisions – Definitions”) and shall retain their respective meanings throughout the entirety of this document unless otherwise specified or unless context clearly indicates a separate meaning. Terms not explicitly defined are subject to their common or customary meaning.

GENERAL PROVISIONS

- a. All water and sewer extensions shall be constructed in accordance with the City [Code of Ordinances](#), all applicable rules promulgated by the [North Carolina Department of Environmental Quality](#), the City’s design and construction [Standard Specifications and Details](#), the City’s [Fee Schedule](#), the City’s [Water System Master Plan](#) and [Sewer System Master Plan](#), and any other material that the City may deem relevant and applicable to extensions of the System.
- b. Public water and sewer facilities constructed within public rights of way or utility easements are owned by the City and are subject to the same rules, regulations, and policies as other water and sewer facilities.
- c. All extensions must be constructed in accordance with the City’s Standard Specifications and Details and must adhere to all requirements outlined in the City’s standard Utility Extension Agreement (UEA) executed by the Applicant as well as all correspondence from appropriate personnel.

- d. All contracts for extension of mains are subject to approval by the City Council, City Manager, or his/her designee where allowed by law. All extensions are subject to review, approval, and regulation by local, state, and/or federal agencies as required by law.
- e. The size, depth, and location of all mains extended shall be determined or approved by the City based on NCDEQ requirements, prevailing industry standards, anticipated fire flow and fire protection needs of all buildings and structures, and typical service requirements. The Applicant may withdraw his/her application if he/she does not wish to meet these requirements. If the application is withdrawn, the Applicant shall reimburse the City for any costs incurred by the City up to the date of withdrawal.
- f. This policy is applicable to proposed extensions which involve the subdivision or re-subdivision of land. The rules and regulations outlined in the City's [Subdivision Ordinance](#) also apply when the project is to be constructed within the City's corporate limits or within the City's ETJ. This policy shall control in any instance where the language of this policy is determined to conflict with the Subdivision Ordinance.
- g. Whenever reference is made to an Ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition or amendment of such Ordinance, statute, regulation, or document and all provisions, rules, and guidelines contained therein shall be incorporated by reference into this policy.
- h. City Council Resolution #20-0582, adopted October 1, 2020, and all its provisions are hereby incorporated into this policy. All official actions of the City Council pertaining to water and/or sewer extensions, whether effectuated by Ordinance, Resolution, or otherwise, shall be incorporated into this policy.
- h.i. [City Council reserves the right to deny any or all water and/or sewer extension requests under this Policy. Successfully meeting all requirements outlined herein does not in and of itself guarantee approval of any water and/or sewer extension.](#)

DEFINITIONS

Applicant: Any person(s), firm, association, partnership, corporation, or other entity requesting water and or/sewer service from the system whose request requires an extension of said system in accordance with this policy; all authorized agents of the Applicant, including but not limited to persons or entities that the Applicant may engage to assist in the design, construction, and/or installation of an extension.

Availability Letter: The document sent by the City to all Applicants in response to a request for water and/or sewer service. This document provides information regarding the requirements for public water and sewer extensions as stipulated by the North Carolina Department of Environmental Quality, the City's Code of Ordinances, the City's design and construction Standard Specifications and Details, the City's Fee Schedule, and any other material that the City may deem relevant and applicable to extensions of the system. This document also states that the City's water and/or sewer infrastructure has the capability to serve the proposed development's preliminary demand estimates. This document provides information to the Applicant regarding the feasibility of an extension of the system as a means of assisting the Applicant with preliminary plan development. This document is not an approval for any extension of or connection to the system. This document is valid for two years from the date of issuance by the City.

Availability Request: The document sent to the City by the Applicant in which the Applicant provides general information regarding the proposed extension of the system. This information includes the number of lots/units, estimated demand per day, and adjacent public streets to the proposed project or development. Once submitted, appropriate personnel review the document and communicate their response to the Applicant in the form of the Availability Letter (see definition above).

Capital Improvements Plan (CIP): A short-range plan (usually four to ten years) that identifies capital projects, provides a planning schedule, and identifies options for financing the projects listed in the plan. The CIP can be found online in the City's annual budget document.

City: The City of Hendersonville, North Carolina. A political subdivision located in Henderson County in the State of North Carolina.

City Attorney: The City Attorney appointed by the City Council or such other attorney contracted with to provide legal advice to the City when the City Attorney is unavailable or unable to provide legal advice.

City Council: The governing board of the City of Hendersonville.

City Engineer: Head of the City's Engineering Department.

City Manager: The City Manager of the City of Hendersonville.

Construction: The erection of any water or sewer facilities or appurtenances, or any preparations (including land-disturbing activities) for the same.

Contractor: An individual, firm, or corporation that is properly registered and licensed to perform public utility and/or unclassified construction projects in the State of North Carolina by the North Carolina Licensing Board for General Contractors (ref. 21 NCAC 12A.0202).

Designee: A person selected or designated to carry out a duty or role.

Director: The Utilities Director of the City's Water and Sewer Department. This term includes any permutations or changes to the name, structure, or organization of this position that may occur after the adoption of this policy.

Encroachment: An agreement with the North Carolina Department of Transportation, a railroad, or other entity to place water or sewer facilities within that entity's right of way.

ETJ: A municipal extraterritorial planning area or jurisdiction.

Easement (Utility): A permanent easement which grants the right to install and maintain utilities including, but not limited to, water lines, sewer lines, and storm sewer lines and provides for continuous and unrestricted public vehicular and pedestrian access to the properties subject to said easement; and the construction, reconstruction, operation, maintenance, and repair of one or more water and/or sewer lines and associated facilities. Utility easements constitute a recognized interest in real property, but legal title to the underlying land is retained by the owner granting the easement.

Easement (Construction): A right in a specific tract of land for which the City or developer has entered into an agreement with the owner granting the City the right to use the land in order to provide space needed to construct water, sewer, or stormwater facilities. Construction easements constitute a recognized interest in real property, but legal title to the underlying land is retained by the owner granting the easement.

Easement (Drainage): An easement which grants the right to maintain, relocate, or utilize land within the easement for the improvement of drainage and stormwater flow. Drainage easements constitute a recognized interest in real property, but legal title to the underlying land is retained by the owner granting the easement.

Extension: A new or proposed water, sewer, or stormwater main.

Fee Schedule: The list of all rates and fees adopted each year by the City Council with the City's annual budget. Unlike the tax levy, these fees may be amended at any formal meeting of the City Council throughout the fiscal year. Stormwater Fees require a public hearing.

Finance Director: The Finance Director of the City of Hendersonville. This term includes any permutations or changes to the name, structure, or organization of this position that may occur after the adoption of this policy.

Gravity sewer system: The typical form of wastewater collection system that relies on the natural, downhill flow of wastewater through pipes constructed along drainage patterns and creeks to a wastewater treatment facility.

Jurisdiction: The geographic boundaries of a municipality; or, the extent over which a particular entity has control; or, the official power to make legal decisions and judgements.

Standard Specifications and Details: A written compilation of specifications, construction requirements, design details, engineering standards, and drawings for construction of water distribution and wastewater collection and transmission facilities. This information is maintained on file with the City's Water and Sewer and Engineering departments.

Lateral: The portion of a water connection which does not include the meter, meter box, or meter setter, and the portion of a sewer connection between the main line and right-of-way or easement limit. A sewer service (or lateral) connection consists of the connection to a public sewer main or manhole of a service line which is extended to the street right of way line or to the edge of the utility easement if the public sewer main is not at the street. The Applicant is responsible for the cost of connecting their private plumbing system at that point and for securing any additional easements that may be required to connect into the lateral.

Main: The water or sewer pipe usually laid in or adjacent to a street running parallel to the property line within a public right of way or utility easement which distributes water or collects sewage.

Master Plan: A written document that provides a roadmap to maintain, improve, and expand the City's water distribution system or sewer collection system. This document contains information such as condition assessments, hydraulic models, flow projections, projected growth patterns, as well as risk-based, prioritized capital improvement projects.

May: Is permissive (see "Shall")

North Carolina Department of Environmental Quality (NCDEQ/DEQ): The regulatory agency in the State of North Carolina responsible for the stewardship, preservation, and protection of the State's natural resources and public health; the principal State regulatory body that administers water quality and public health-related regulatory programs to which all local governments in North Carolina must adhere. This term includes any permutations or changes to the name, structure, or organization of this agency that may occur after the adoption of this policy.

Ordinance: A legislative enactment of the City.

Owner: The person or persons who own, rent or lease a structure or facility at the time of water/sewer service application.

Personnel: A staff member employed by the City

Private Street: A road or way for the use of private individuals that is not dedicated to the City, the State, or any other public entity.

Public Street: A dedicated public right-of-way in which the roadway has been accepted and typically constructed to public standards for vehicular traffic, but not an alley.

Private System: Any water, sewer, and/or stormwater systems and/or infrastructure not owned, operated, and maintained by the City.

Public Health Hazard: A situation that has the potential to cause a significant threat to human life, a significant threat of serious adverse health effects, or a serious risk of damage to the environment if swift and deliberate action is not taken. This definition shall only cover public health hazards that are substantially related to potable water and or wastewater issues. The City shall, in conjunction with Henderson County Environmental Health staff and any other relevant officials, determine whether a given situation falls within the parameters of this definition based on prevailing public health industry standards.

Resolution: A formal administrative action of the City Council

Pump Station: A structure owned, operated, and maintained by the City containing pumps designed to collect and transfer wastewater via pressurized force main to a section of the collection system that ultimately leads to the City's wastewater treatment facility or is designed to transfer water, treated at the City's water treatment facility, via pressurized pipeline to a portion of the water distribution system located at higher elevations.

Shall: Is mandatory (see "May")

System: The public water and sewer system owned, operated, and maintained by the City. This term encompasses all infrastructure and basic components of the water and sewer system outlined above ("General Provisions") .

Utilities Director: See Director.

Utilities Engineer: Civil engineer in the City's Water and Sewer Department.

Utility Extension Agreement (UEA): A legal agreement, in standard form as approved by the City, executed by and between the City and an Applicant that formalizes responsibilities and obligations for the utility extension process. Applicants shall be required to sign a UEA as part of a request for an extension of the system.

Water & Sewer Utility Service Area: All properties that receive water and/or sewer service from the system. This term includes all properties currently receiving such services, along with any properties that may receive these services at any point in the future after review and approval by the City in accordance with the rules and requirements outlined in this policy.

SOURCE OF AUTHORITY, EFFECTIVENES, SEVERABILITY

Authority: This policy and all associated rules and procedures contained herein are adopted by the City of Hendersonville. Whenever a provision of this policy requires or authorizes an officer or employee of the City to do some act or perform some duty, the officer or employee may designate, delegate, and authorize subordinates to perform the act or duty, unless the terms of the provision specifically provide otherwise. In addition to the officer or employee designated, the City Manager shall have authority to take any action that the designated officer or employee is authorized to take.

Effectiveness: This policy was revised and restated effective the ____ day of _____ 2021 and supersedes all previously adopted rules, regulations, and policies pertaining to extensions of the system.

Severability: If any provision of this policy or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application, and to that end, the various provisions of this policy are hereby declared to be severable.

APPLICANT RESPONSIBILITIES

- a. The Applicant shall be solely responsible for all costs and expenses associated with extensions that will serve new development, including construction inspection fees, unless otherwise approved in writing by the City.
- b. The Applicant shall only be allowed to seek reimbursement for an extension of the system in accordance with the “Reimbursements” section of this policy.
- c. The Applicant shall be solely responsible for all planning, engineering, and/or architectural design necessary to determine the purpose(s) and rate(s) of delivery of water required for the size and type of project proposed, including conformance with building and/or fire code requirements. The City shall not warrant nor guarantee that the capacity, volume, pressure, or quantity of service provided will be adequate to meet the needs of any Applicant other than the minimum requirements of a typical single-family residential service. The Applicant is responsible for judging the adequacy of service for his/her intents and purposes prior to requesting an extension of the system.
- d. The Applicant shall be entirely responsible for the installation of water and sewer lines that connect to the City’s water and sewer laterals or mains at the

property line and extend across the Applicant's property to connect to the structure(s) being served.

- e. The Applicant shall be responsible for securing jurisdictional approval from the appropriate unit of local government for his/her proposed development project.
- f. Water and sewer mains shall only be installed within dedicated public streets or duly recorded rights-of-way secured by easements satisfactory to the City. The Applicant shall be solely responsible for providing and securing the necessary easements and rights-of-way in name of the City required for the extension, both on-site and off-site. All Applicants shall be required to use the City's standard Utility Infrastructure Easement Agreement or Deed of Dedication and Conveyance with Associated Easements as applicable, in securing the easements in the name of the City, or documents otherwise approved by the City Attorney.
- g. As part of the process for requesting an extension of the system, the Applicant shall be required to enter into the City's standard Utility Extension Agreement (UEA) as amended with the City. The Applicant shall be subject to all rules and requirements set forth in the UEA. The UEA shall control in any instance where the language of this policy is determined to conflict with the UEA.
- h. Applicants shall be responsible for securing and recording any easements and/or encroachment agreements necessary for an extension. All easements shall be of unlimited depth. Water and sewer facilities shall be placed within the permanent easement or right of way, to allow at least ten feet of distance between the outer dimensions of the facility and any easement boundary. The Director or his/her designee or the City Engineer or his/her designee may require additional easement footage based upon location, depth, slope, terrain, or topography of the line as deemed appropriate to replace, repair, install and/or maintain water and sewer facilities. The Applicant shall adhere to all rules and requirements outlined in the "Utility Easements" Standard Operating Procedure (No. 0631.00AD or version currently in force) document, a copy of which is on file with the City's Water and Sewer and Engineering departments.
- i. The Applicant shall convey real property in fee simple to the City for all property on or in which pumps or water storage tanks are constructed as part of an extension. The dimensions of the real property shall be of sufficient size to allow proper access for maintenance and/or repair of such facilities, as determined by the City Engineer or his/her designee based on prevailing industry standards and typical service requirements.

- j. The Applicant shall convey to the City one or more permanent utility easements for future expansion of the system, to serve adjoining properties or to complete future looped connections with the system serving adjoining property or to add an additional water storage tank in the future or to expand the pump station in the future as determined by the City Engineer or his/her designee based on prevailing industry standards and typical service requirements
- k. This policy is intended to provide that the water pumping and distribution system be designed and operated to provide flow rates and pressures that meet standard fire protection requirements at the time the water mains are designed and constructed for existing land uses and construction methods. If higher flow rates or pressures are required due to changes in land use, differing construction types, changes in fire code requirements, or other circumstances, the City will endeavor to work with the affected party to satisfy the new requirements. However, the City shall not assume any obligation of the public distribution system for the adequacy of public or private fire protection service. Each case shall be evaluated on its individual merits and public benefits, but the Applicant shall generally be responsible for making the necessary improvements and shall bear all the costs incurred to satisfy the higher level of service required.
- l. This policy is also intended to provide that the sewer pumping, if so required, and collection system be designed and operated to provide flow rates that meet or exceed all State and local standard requirements at the time the sewer systems are designed and constructed for existing land uses and construction methods. If additional capacities are required due to changes in land use, differing construction types, changes in State and local requirements, or other circumstances, the City will endeavor to work with the affected party to satisfy the new requirements. Each case shall be evaluated on its individual merits and public benefits, but the Applicant shall generally be responsible for making the necessary improvements and shall bear all the costs incurred to satisfy the higher level of service required.

The enumeration in this section of the responsibilities of the Applicant shall not be construed as an exhaustive or comprehensive list. The Applicant may be required, at any given stage of the proposed project, to fulfill other reasonable and necessary tasks or duties at the request and direction of the Utilities Director or his/her designee or the City Engineer or his/her designee.

CITY RESPONSIBILITIES

- a. The City shall provide certain basic components of the water and sewer system. These components include existing treatment facilities, regional water pumping stations, regional wastewater lift stations, regional water storage tanks, wastewater interceptor and trunk mains, and major water transmission mains. The purpose of these facilities is to treat, store, and convey water and wastewater throughout the service area. These facilities shall be constructed and/or improved according to the City's Master Plans (water and sewer) and Capital Improvements Program ("CIP") which is reviewed and approved annually by the City Council. Some requests by Applicants for an extension of the system may require the new installation or additional capacity of these components or facilities, the costs for which shall be borne exclusively by the Applicant unless otherwise approved in writing by the City.
- b. The City reserves the right to terminate or abandon any project to extend water or sewer service at any time if the City discovers at any point that such project will result in unreasonable cost increases incurred by the City, deleterious environmental impact, or excessive disruption to the public or the system.
- c. The City shall not be required to improve or expand pavement, structures, drainage facilities, or landscaping features at any time during or after any extension of the system. If work of this nature is required by applicable law or is necessary for the construction of any extension of the system, the Applicant shall agree to be responsible for the costs of such work.
- d. All municipalities in North Carolina must meet certain service requirements for newly annexed areas as prescribed by State law. The City is required to extend water and sewer service to involuntarily annexed areas so that involuntarily annexed property owners can secure water and sewer service as required by applicable law.
- e. City funds shall not be used for construction of any facility which would reasonably be expected to be infeasible unless such facility is required to fulfill statutory requirements or to maintain service to existing customers.
- f. The City does not guarantee that minimum fire flow, water pressure or flow rates will be available to operate fire suppression, irrigation and/or plumbing fixtures. The Applicant shall ensure that a minimum pressure of 40-psi can be maintained at each meter serving his/her project. If pumping is required to provide adequate pressure inside any structure to be constructed that may be located at a higher elevation than the meter, it shall be the responsibility of the

Applicant or the owner of the structure to provide such pumping at their expense and perpetual maintenance of same.

- g. Sanitary sewer service connections shall be installed at a depth that is practical and alleviates the need for extensive or unusual construction or safety methods. The City does not guarantee that the depth of all sewer service connections will allow gravity flow connections. If pumping is required, the pumping equipment and installation may be the responsibility of the Applicant or Owner and shall be completed in accordance with all applicable Ordinances, rules, and regulations.
- h. This policy is intended to provide sewer mains that can serve the ground floor of most buildings when the ground floor is approximately at street level and where the distance from the structure to the street, topography, other utilities, structures, natural features or other conditions does not make gravity service infeasible. The City does not guarantee that any customer (particularly those who have basements or buildings substantially lower than the street) can be served without pumping by the property owner.
- i. The City has no obligation to provide water or sewer service to premises located outside the City's service area. However, upon request and in accordance with this policy (or at its own initiative) the City may, after appropriate consultation with other relevant governmental entities including Henderson County and all municipalities therein, extend the water or sewer system to serve premises outside the service area upon a finding by the City that such extension is feasible and can be achieved in a manner conducive to public health and the general welfare.

The enumeration in this section of the responsibilities of the City shall not be construed as an exhaustive or comprehensive list. The City may determine, at any point, that other reasonable and necessary tasks or duties be completed by appropriate personnel in order to properly address any given project.

NEW PUBLIC EXTENSIONS

Availability

- a. All Applicants desiring an extension of the system must first complete and submit an availability request to appropriate personnel (see "Definitions,"

“Availability Request” for a more detailed description of the submittal process).

- b. Upon receipt of the availability request, City personnel shall review the Applicant’s submission and communicate the City’s response to the request in the form of the availability letter (see “Definitions, “Availability Letter” for a more detailed description of the availability letter). City personnel shall provide this response within a reasonable timeframe.
- c. Upon receipt of the availability letter, the Applicant shall review the letter and comply with all requirements therein as outlined by City personnel. The availability letter is solely an informational document to assist the Applicant with preliminary plan development and is not an approval for any extension of or connection to the system.

Requirements

- a. Prior to the commencement of any construction activities, the Applicant shall sign and execute a Utility Extension Agreement (UEA) with the City. Construction shall not commence until the UEA has been executed and the Applicant has received all required permits and encroachments and has received City approval.
- b. All construction of water and sewer facilities shall be performed by utility contractors properly registered and licensed to do business in the State of North Carolina. These contractors shall also be approved and deemed satisfactory by the City based on objective criteria. All work is subject to inspection and approval by the City. The Applicant shall be required to reconstruct or replace any work that fails to meet the City’s standards. Construction observation by the City does not in and of itself imply supervision or acceptance of the work.
- c. The City shall only consider gravity sewer extensions to the system. Pump stations shall only be allowed on extensions to the system where, in the sole opinion of the City, gravity service is not achievable or is determined to be financially infeasible. The rationale that informs this policy is that pump stations may cause disproportionate operation and maintenance expense to provide service to a limited customer base and that failure of pump stations poses significant environmental risks.
- d. Water and sewer extensions having the capability to be further extended beyond the Applicant’s property shall be constructed along the entire street frontage of the property, in accordance with Chapter 52, Section 52-95 Extensions Inside Public or Private Street Rights-of-Way in the City Code of Ordinances.

- e. Each residential, commercial, or industrial structure under one roof and/or under single ownership shall have an individual water meter for each structure, in accordance with Chapter 52, Section 52-130 Separate Connections Required; Service Easements Required of the City Code of Ordinances. Master meters may be considered for certain or unusual circumstances including, but not necessarily limited to, the following:
- Residential or commercial structures with individual units intended as rental units (apartment buildings, office complexes, etc.)
 - Commercial, industrial, or institutional complexes with multiple structures under single ownership
 - Recreational facilities (parks, golf courses, etc.)
 - Areas designated as manufactured home, mobile home, and/or recreational vehicle parks or courts where the spaces are rented may be considered for service by a master meter
 - A manufactured home, mobile home, and or recreational vehicle placed on a lot with an existing house may be served from that meter provided that the person financially responsible for the house account is also financially responsible for the additional service required of the manufactured or mobile unit

Master meters shall be approved by the Director or his/her designee. A master meter does not relieve the owner from compliance with fire protection provisions of other policies.

- f. Where feasible, sewer extensions shall be extended to the uppermost portion of the property or of the entire street frontage of the property, following the natural terrain of the property while maintaining distance from streambanks, in order to allow upstream properties to access the installed sewers, where feasible. Such extensions to the terminus of the property shall be required as a condition of service.
- g. Low pressure sewers, vacuum sewers, inverted siphons, or any other specialized modes of conveyance or alternative systems shall not be allowed unless approved in writing by the Director or his/her designee.
- h. All Applicants shall participate in a pre-construction conference with City personnel and the contractor responsible for completing the work prior to the commencement of any construction activities. In no event shall a project schedule or timeline be binding upon the City.

- i. Under no circumstances shall construction begin prior to approval of the UEA, issuance of all required permits, and proper notification of the City, unless otherwise approved in writing by the City.
- j. Upon completion of project close-out requirements and final acceptance by the City of all facilities constructed under this policy, such facilities shall become the property of the City and the City shall be responsible for their perpetual operation and maintenance. The Applicant shall convey such property by instruments in form and content satisfactory to the City.
- k. The Applicant shall warrant and guarantee to the City the entire extension and each part thereof against defective materials and workmanship for 12 months from the date of final acceptance and approval by the City including, without limitation, such incidental and consequential damages that may arise from such claims. The Applicant and/or his/her agent(s) shall correct or have corrected any defects resulting from substandard materials or workmanship. If the Applicant or his/her agent(s) neglect to correct such defects, the City shall retain the right to remove and/or disconnect any connections that may have been made to the system, or the City may elect to make the necessary repairs and improvements and institute a lien on the Applicant's property, both real and personal. The Applicant shall guarantee to indemnify and hold harmless the City from all claims for injury to person or property arising out of or resulting in any way from such defective materials and workmanship.
- l. Nothing in this section shall be interpreted to preclude the City from extending the system at its own initiative.

Easements and Ownership

- a. Water and sewer mains shall only be installed within dedicated public streets or duly recorded rights-of-way secured by easements satisfactory to the City. The Applicant shall be solely responsible for providing and securing all necessary easements (including access easements, utility easements, temporary construction easements, and drainage easements, as applicable) and rights-of-way required for the extension.
- b. Following proper installation and acceptance by the City, all infrastructure and facilities associated with the approved extension up to and including the point of connection (water meter and sewer cleanout) shall become and remain the property of the City. No Applicant by payment, charge, fee, or any other means, shall acquire any interest or right in any of such facilities or infrastructure or any portion thereof other than the privilege of having their property connected thereto and service provided in accordance with all applicable City policies, rules, and regulations.

Outside Service Area

- a. It is the intent of the City to continue to expand existing water and sewer facilities into certain areas located outside the corporate limits of the City (particularly those areas located within the City's ETJ) in order to adequately and efficiently provide water and sewer services to these areas in a fiscally responsible and sustainable manner.
- b. All Applicants proposing to extend sewer service to properties wholly or partly outside the corporate limits of the City shall sign and submit a petition for voluntary annexation where required unless annexation is prohibited by state law or interlocal agreement. Applications will also be governed by the City's POLICY GOVERNING VOLUNTARY ANNEXATIONS AS A RESULT OF SEWER EXTENSION REQUESTS, as amended.¹
- c. Proposed water and/or sewer extensions to serve areas outside the corporate limits of the City may be eligible to receive financial participation from the City. However, such participation shall only take place in accordance with the rules outlined in the "Reimbursements" section of this policy.
- d. The "Reimbursements" section of this policy outlines various financing options available to the Applicant. The City, in its sole discretion, shall determine which (if any) of these financing options may be utilized. This decision shall be made based on a dispassionate personnel review of the proposed project, taking into consideration such relevant factors as the availability of funds, project priority and degree of alignment with the CIP and Master Plans, and project constructability.

EXISTING PRIVATE SYSTEMS

- a. The City recognizes that there are existing sub-standard private water and sewer systems within or adjacent to the City's water and sewer utility service area. These private systems have not been accepted for ownership by the City and are neither maintained nor operated by the City.
- b. Such substandard systems shall not be considered for acceptance for ownership by the City unless upgraded at the private owner's expense to conform with the City's standard specifications and details and all other applicable rules.
- c. The City is not obligated to accept ownership of private water and sewer systems.

¹ As of the date of the adoption of this Sewer Extension Policy, the date of the last amendment was March 3, 2011.

REIMBURSEMENTS

Generally

- a. Reimbursements shall only be available for extensions proposed to serve areas within or adjacent to the City's water and sewer utility service area or areas identified in the City's CIP and/or Master Plans.
- b. The Applicant shall be solely responsible for requesting reimbursement from the City.
- c. The Applicant's ability to seek reimbursement from the City shall be subject to City Council review and approval.
- d. The Applicant shall pay the total cost of all extensions constructed outside the corporate limits of the City, except for any extensions which may, in the sole opinion of the City, require oversizing.
- e. If the City determines that an extension requires oversizing, the Applicant shall be subject to the rules outlined below ("Additional Capacity Reimbursement") and the terms of a written utility oversize reimbursement application, if the City determines that such an application is required.
- f. The City may also require the Applicant to install extra or larger mains, service lines, and/or other or additional water and/or sewer facilities and appurtenances, including but not limited to storage tanks and pumps as part of an extension not then necessary solely for the Applicant's purposes. These additional improvements may also be covered in a written reimbursement agreement between the Applicant and the City.
- g. Applicants receiving approval for reimbursements shall be required to enter into the City's standard Reimbursement Agreement, as amended.
- h. The City recognizes that it may only provide reimbursements to Applicants in accordance with the provisions outlined in [§G.S. 160A-320](#) and [§G.S. 160A-499](#)

This policy is intended to provide for the construction of water and sewer mains sized to provide long-term service as described in the CIP. If a requested extension conflicts with or is in the same location as a project identified in the CIP, the City shall decide whether to approve the extension as described in the CIP or a smaller or temporary main. This decision shall consider the following factors:

- ☐ Funding availability from other sources
- ☐ Impact of expenditure on appropriated funds for this program
- ☐ Physical space and/or any other constraints of installation

- ☐ Time required to provide the requested service
- ☐ Other considerations unique to the circumstances

Installed facilities that are smaller than those identified in the CIP or that are smaller than required for long-term service shall be funded solely by the Applicant with no opportunity or consideration for reimbursement from the City. The City furthermore retains the discretion to require appropriately sized mains to be extended to serve the area.

City reimbursement to the Applicant shall be subject to available funding. The City shall have no obligation to reimburse any Applicant until the extension of the system has been conveyed to and accepted by the City in accordance with all applicable rules outlined in this policy.

Additional Capacity Reimbursement

1. Reimbursements for additional capacity shall only be considered where the extension will serve additional properties outside of the Applicant's project that are conducive to public health and the general welfare and allow for future orderly development of the system to serve other properties in accordance with the CIP and/or Master Plans.
2. Any Applicant desiring reimbursement for additional capacity must receive approval from the Director or his/her designee and must complete the "Utility Oversize Reimbursement Application," along with any other required material.
3. The reimbursement amount is strictly limited to that portion of the cost of the Applicant's project which is in excess of the minimum line size required for the development. The precise amount of the reimbursement shall be at the sole and absolute discretion of the City.
4. The City shall remit payment of the additional capacity reimbursement to the Applicant after construction of the Applicant's project is complete and accepted by the City.
5. Additional capacity reimbursement requests are to be submitted to the Director or his/her designee at the same time that plans are initially submitted for the proposed extension. Requests submitted outside this timeframe shall not be considered.
6. Additional capacity reimbursement determinations shall be at the sole and absolute discretion of the City.

Developer to Developer Reimbursement

The City recognizes the potential for additional beneficiaries of certain extensions of the system aside from the Applicant. Where such users were not identified in the original extension request and where such users desire service after the City's acceptance of the extension, these users may be required to reimburse the original Applicant a portion of the cost paid by the original Applicant to construct the extension (including engineering design, construction, land and easements, and other administrative costs). Such reimbursements shall be based on the ratio of the water or wastewater flows for the potential users to their total combined flow (i.e., a development installed water infrastructure to provide 10,000 gallons per day capacity and a new development makes connection).

Water and sanitary sewer pump station reimbursements shall be on a percentage participation basis as defined by the size of the station built compared to the size of the station necessary to serve the development itself. This difference in cost shall be reimbursed by the beneficiaries to the original Applicant as determined by the development's percentage of peak design flow of the basin that flows to the station (i.e., a station built to provide 1000 gallons per minute peak capacity but only 500 gallons per minute of which is for the specific development would have a base reimbursement percentage participation of 50%).

The precise amount of the reimbursement shall be at the sole and absolute discretion of the City. This requirement shall remain in effect for five years after the date of City acceptance of the extension. The determination of this time period shall be based on all records the City has retained in connection with the original Applicant's extension request.

NEW ATTAINABLE HOUSING PROJECTS

The City Council supports the policy objective of creating new, attainable housing units as a means of strengthening the local economy and providing development assistance to interested parties. The City recognizes that it may only provide financial support to such projects insofar as this activity is permitted by the laws of the State of North Carolina, including but not necessarily limited to the provisions of Article 1 of §G.S. 157 (Housing Authorities Law). Proposed projects in this category shall be subject to the requirements outlined in this section and shall be eligible to receive revenues generated by user fees at the discretion of the City Council and upon recommendation of City personnel after review of factors

specific to the project. Disbursement of estimated revenues shall only be made after the extension is complete and has been accepted and approved by the City.

- a. The Applicant's proposed project must meet the criteria for attainable/affordable housing of the local governing jurisdiction where the project will be located.
- b. Reimbursement may include construction and engineering costs.
- c. The recovery of costs by the City shall be achieved solely from user fees applied by the City over a five-year period.
- d. The City, in its sole discretion, shall determine the size, extent, layout, alignment, and details of any water or sewer extension considered under this section.

Any Applicant wishing to participate in the City's attainable housing cost recovery reimbursement program shall first submit a written request to the Director. This request must be submitted concurrently with the initial plans for the proposed water or sewer extension. Requests submitted after City approval has been issued to construct the water or sewer extension will not be considered. The written request shall include, at a minimum, the following information:

1. Applicant's contact information (Applicant's name, organization, physical mailing address, email address, and telephone number)
2. Project narrative (project name, project location, PINs and addresses of proposed connections)
3. Water and/or sewer extension information (pipe size and linear feet of proposed water and/or sewer extensions)
4. Proposed construction schedule with estimated progress milestones and final completion dates
5. Construction cost estimate (including unit prices) for all water and/or sewer extensions
6. Proposed schedule of connections to City water and or sewer facilities for each year of the five-year period
7. Letter confirming that the proposed project meets the definition of attainable/affordable housing

Appropriate personnel will review the Applicant's request and determine, based on the information provided by the Applicant, if the proposed project is eligible for reimbursement under this section. If the project is deemed eligible, the Director or his/her designee shall notify the Applicant and begin discussions regarding the specific parameters of the reimbursement agreement.

ECONOMIC DEVELOPMENT

A key strategic focus area of the City Council is the promotion and encouragement of economic development initiatives both within the City and in the County at-large. In support of this objective, the City may offer some incentives for water and sewer extensions to Applicants considering Hendersonville or Henderson County as a site. The purpose of this section is to encourage the creation of permanent, quality jobs in Hendersonville and Henderson County, to increase the tax base and diversify the economy of these jurisdictions, and to foster the orderly and continual economic growth of the region as a whole. The City recognizes that it may only offer such economic development incentives as are expressly permitted in the laws of the State of North Carolina, including but not necessarily limited to the Local Development Act of 1925 (§G.S.158-7.1. et seq.).

- a. Applicants may request that the City participate in the cost to extend water and/or sewer service to the Applicant's property, facility, or development. The City Manager, City Engineer, Director and/or their designee(s) shall facilitate negotiations between the City and the Applicant.
- b. Proposed economic development projects located within and outside the City's water and sewer utility service area may be eligible for City participation towards costs relating to the construction of water and/or sewer infrastructure. The City's level of cost participation shall be at the discretion of the City Council and may vary based on project-specific circumstances and other relevant factors.
- c. The City shall endeavor to partner with other units of local government that may contribute similar cost participation towards the project whenever possible.
- d. No deferral or waiver of tap fees shall be allowed under this policy.
- e. No offer for reduced consumption charges shall be made in connection with this policy.
- f. The City Council may augment any initial offer made on its behalf by the City Manager, City Engineer, Director or their designee(s).

CITY'S PREFERRED METHOD OF INSTALLATION

The City recognizes that for certain projects, multiple methods of installation may be available to the Applicant that are both technically and financially feasible and meet all extension requirements as outlined herein. The City furthermore acknowledges the need to extend water and sewer infrastructure in a manner that

supports long-range infrastructure planning objectives and overall system viability benchmarks. The City prefers and encourages project installation methods that promote long-term system viability.

1. The Applicant may be eligible for reimbursement if the City determines that the project can be installed utilizing the City's preferred method of installation.
2. Subject to available funding and City review and approval, the Applicant may be reimbursed for eligible construction costs incurred by the Applicant as a result of utilizing the City's preferred method of installation.
3. Determination of eligible reimbursement amounts shall be at the sole and absolute discretion of the City based on a dispassionate personnel review of the project exercised in good faith.

EXTENSIONS TO ELIMINATE PUBLIC HEALTH HAZARDS

This method for extending the system shall only be employed when there is a documented public health hazard requiring swift and deliberate action to remediate adverse effects to the occupant and/or the general public. Common examples of such public health hazards include, but are not necessarily limited to, contaminated drinking water wells and failing septic systems. This method shall only be employed when personnel deem the project feasible after considering such relevant factors as cost and constructability. The City shall reimburse the Applicant for extensions of this type only as set forth in this section. The City's ability to reimburse the Applicant shall be subject to available funding, and the City shall have no obligation to reimburse any Applicant until the extension of the system has been conveyed to and accepted by the City in accordance with the requirements outlined below.

1. To qualify for this extension method, the Applicant must first furnish evidence from Henderson County Environmental Health staff, a registered sanitarian, or a soil scientist properly licensed in the State of North Carolina that a public health hazard exists. The Applicant may seek assistance from City or County staff or other government officials in order to obtain such evidence.
2. Failure of mechanical equipment does not constitute a public health hazard.
3. This extension method shall not be used for new construction or when a mobile home or other structure is moved onto a new site.
4. Homes that are unoccupied or ineligible for a certificate of occupancy for any reason other than lack of sanitary sewer service are not eligible for this extension method.

5. This extension method is only available to existing residential dwellings.
6. An Applicant may apply for water and sewer extensions simultaneously provided that adequate funding is available and that both the Applicant's water and wastewater facilities meet the definition of a public health hazard as determined by City and/or County staff.
7. The Applicant shall be required to pay all applicable fees and charges required to establish service to the City prior to construction of the extension.

APPENDICES

APPENDIX I - FEES

The City Council adopts the Fee Schedule each year with the annual budget. These fees may be amended at any formal meeting of the Council throughout the fiscal year. The most current Fee Schedule can be found on the [City's website](#). Fees are listed alphabetically under their respective department. The Applicant shall be responsible for the cost of all fees associated with extension projects.

APPENDIX II - APPEALS

This policy has been approved by the Water & Sewer Advisory Council and adopted by the City Council for implementation by City personnel. It is the intent of the City Council that City personnel apply the provisions of this policy equitably to all Applicants and potential Applicants. It is recognized, though, that situations may arise where disagreements may materialize concerning equitable treatment. In these instances, the Applicant may petition for a deviation that relaxes or waives a requirement of this policy. However, no deviations from the standards, rules, and regulations outlined in this policy shall be allowed unless the Applicant demonstrates that, due to special circumstances or conditions beyond the Applicant's control, a literal application of the standards would result in undue and unique hardship to the Applicant and that allowing the requested deviation would not be contrary to the public interest. As such, the burden rests solely with the Applicant to completely and persuasively demonstrate inequitable application of this policy.

APPENDIX III - AMENDMENTS (REVISION TABLE)

This policy and any portions, parts, sections, or subsections of it may be modified, amended, supplemented, or deleted at any time by a majority vote of the City Council acting in formal session upon the recommendation of City staff. All

modifications, amendments, and additions shall carry the same force and effect as these policies. All such revisions shall appear in the table below and shall have the same force and application as all other sections of this policy once adopted.

ORD #	TITLE	DESCRIPTION	AFFECTED SECTIONS	DATE ADOPTED

REFERENCES

- City of Hendersonville Code of Ordinances ([Chapter 52 – Utilities](#))
- City of Hendersonville [Standard Specifications and Details](#)
- City of Hendersonville [Fee Schedule](#)
- City of Hendersonville [Water System Master Plan](#)
- City of Hendersonville [Sanitary Sewer Asset Inventory and Assessment \(Master Plan\)](#)
- City of Hendersonville [Subdivision Ordinance](#)
- City of Hendersonville [Staff Contact Directory](#)
- [§G.S. 158 Article 1](#) “Local Development Act of 1925”
- [§G.S. 157 Article 1](#) “Housing Authorities Law”
- [§G.S. 160A-320](#) “Public enterprise improvements”
- [§G.S. 160A-499](#) “Reimbursement agreements”

Resolution #R-21-90

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ENTER INTO A CONTRACT FOR ENGINEERING SERVICES TO SUPPORT THE WWTF ULTRAVIOLET DISINFECTION IMPROVEMENTS PROJECT

WHEREAS, the city owns and operates a wastewater treatment facility (WWTF) that disinfects treated wastewater with ultraviolet (UV) disinfection equipment before discharging the treated wastewater to Mud Creek; and

WHEREAS, the existing, antiquated UV disinfection equipment was commissioned in 2001 and is in need of replacement due to unreliable operation, significant wear, lack of redundancy, damage potentially related to lightning strikes, and the increasing cost of continued maintenance; and

WHEREAS, City Council previously adopted a Capital Project Ordinance on June 6, 2019 that will fund the project; and

WHEREAS, City Staff have performed a qualifications-based selection, determined McKim & Creed best qualified, and received a proposal from McKim & Creed, Inc. to provide Engineering Services to support the project;

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

1. McKim & Creed, Inc. is best qualified to provide professional engineering services for the project, as recommended by Staff.
2. The scope of engineering services from McKim & Creed, Inc. is approved in the amount of \$393,000.
3. The City Manager is authorized to execute an agreement with McKim & Creed, Inc. consistent with the terms of this Resolution, as approved by the City Attorney.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of September, 2021

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

WWTF UV Disinfection Improvements Engineering Design Services- QUALIFICATION STATEMENT EVALUATION								
SOQs due: July 23, 2021								
			Evaluation Criteria					
Firm Name	Location	Reviewer	Firm Rep Proj Exp. (40)	Staff Exp (40)	QC (15)	Prox to City (5)	TOTAL (100)	FINAL SCORE (100)
McGill	Asheville, NC	Reviewer 1	38	36	12	5	91	91.3
		Reviewer 2	38	35	14	5	92	
		Reviewer 3	38	35	13	5	91	
McKim & Creed	Charlotte, NC	Reviewer 1	38	38	15	2	93	94.0
		Reviewer 2	39	39	15	2	95	
		Reviewer 3	38	39	15	2	94	

EXHIBIT A
PROFESSIONAL ENGINEERING SERVICES
for the
CITY OF HENDERSONVILLE
WWTF ULTRAVIOLET DISINFECTION IMPROVEMENTS PROJECT

PROJECT UNDERSTANDING

The City of Hendersonville owns and operates a wastewater treatment facility (WWTF) with a permitted capacity of 4.8 MGD and with the capability to increase permitted capacity to 6.0 MGD with approved plans for expansion. The City uses ultraviolet (UV) disinfection at the WWTF to disinfect treated effluent prior to being discharged to Mud Creek. The existing UV disinfection equipment was commissioned in 2001 and is in need of replacement due to unreliable operation, significant wear, lack of redundancy, damage potentially related to lightning strikes, and the increasing cost of continued maintenance. The City intends to construct a new concrete channel and install new UV disinfection equipment to replace the existing equipment.

McKim & Creed (M&C) and/or its subconsultants will provide the following professional engineering consulting services for the WWTF Ultraviolet Disinfection Improvements Project:

- Preparation of a Basis of Design (BOD) Document
- Geotechnical Investigations
- Preliminary Design
- Final Design
- Permitting Assistance
- Equipment Sole-Source Procurement Assistance
- Bidder Prequalification Assistance
- Services During Bidding and Award
- Construction Administration
- Construction Observation
- Post-construction Phase Services

The following Professional Engineering Services shall be performed by McKim & Creed and/or its subconsultants and will be initiated upon written authorization by the City:

SCOPE OF SERVICES

ITEM 1 – PROJECT ADMINISTRATION

M&C will perform the following project administration activities:

1. Manage and coordinate the activities of the Project Team including M&C’s staff and sub-consultants, according to the project scope.
2. Prepare a project management plan for all services that will be performed on the project including project set-up, project schedule, and QA/QC plan.

3. Conduct a project kick-off meeting with OWNER and project team to review project goals, critical success factors, risks, communication protocols, team roles and responsibilities and confirm project milestones and schedule. Prepare and distribute written meeting minutes.
4. Prepare and distribute written meeting summaries of project status meetings.
5. Prepare monthly invoices for M&C's services in format acceptable to the City.

ITEM 2 – PRELIMINARY ENGINEERING

Design Survey and SUE Services

McKim & Creed will provide design survey and SUE services as described below:

1. Provide survey and SUE Level B and A services to determine horizontal and vertical locations of existing utilities in the immediate vicinity of the existing filter basins, utility building, and disinfection channel. Utilities expected to be located include:
 - a. Filter Effluent 36" ductile iron piping
 - b. One level A test hole on the Filter Bypass 36" ductile iron piping
 - c. Two level A test holes on Plant NPW lines
 - d. Electrical power, lighting, and controls circuit duct banks
2. Provide limited topographic survey of the existing grade surrounding the existing UV disinfection channel for the purpose of delineating the existing 100-year flood zone limits based on FEMA mapping.
3. Quality Level B services include the horizontal detection and mapping of underground facilities. Non-gravity utilities such as water, gas, power, sanitary force main, telephone (direct buried and in conduit) and cable TV are investigated, identified and marked in the field in order to be surveyed and mapped. Quality Level B information should not be used for construction purposes, or where exact horizontal and vertical measurements are required. Utility exposure (Quality Level A) permits precise three-dimensional measurements to be taken on utilities for accurate locations. Quality Level A services allow for direct visual inspection of underground facilities. McKim & Creed uses a non-destructive and minimally intrusive vacuum excavation method to expose utilities at critical points. Verification of type and location of each utility is recorded and reported in a document describing the utility and the surrounding work site or tag and table.
4. Only Quality Level A information can be guaranteed. The accuracy of Quality Level B, designating information is subject to field conditions beyond our control. However, McKim & Creed will make every attempt to provide a comprehensive and positionally correct utility map to the limit allowable by the instrumentation.
5. The subsurface utilities will be identified with inverted spray paint and the following color code:
 - a. Red = Electric
 - b. Blue = Water

- c. Orange = Telecommunications
 - d. Yellow = Natural Gas
 - e. Green = Sanitary Sewer
 - f. White = Unknown utility
6. SUE services will be performed in accordance with the standards as set forth by the American Society of Civil Engineers in publication CI/ASCE 38-02 – Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data.
 7. Survey work will be performed to the Standards of Practice for Land Surveying in North Carolina. Horizontal survey control will be referenced to NC Grid NAD 83 or as otherwise specified. Vertical survey control will be referenced to NAVD88 or as otherwise specified.
 8. Horizontal and vertical locations of located utilities will be incorporated into the design drawings.
 9. This scope of work assumes only the services listed below will be included:
 - a. Limited topographic survey of the existing grade adjacent to the existing UV disinfection channel for the purpose of delineating the existing 100-year flood zone limits.
 - b. Three level A test holes
 - c. Three Level A test hole reports (PDF)
 - d. AutoCAD file provided with four invert elevations and level B SUE located utilities for approximately a 150-foot by 70-foot area in the vicinity of the existing disinfection channel, utility building, and filter basin.

Geotechnical Investigations

McKim & Creed will coordinate with our geotechnical subconsultant, S&ME, to provide a limited geotechnical investigation for the potential sites of the new UV disinfection channel. This task includes geotechnical investigations to provide data needed to design structural foundations. The geotechnical investigations will include:

1. Explore subsurface conditions by performing soil test borings (assumed two borings, one for each potential location of the new UV disinfection channel) across the proposed foundation areas to depths of 30 feet below the existing ground surface, for a total of 60 feet of soil test boring.
2. Laboratory testing will be performed to verify soil classification and obtain soil strength parameters for construction and structure foundation design recommendations.
3. A findings report will be prepared which will include the following:
 - a. Site and exploration location plan
 - b. Soil test boring logs and generalized subsurface profiles
 - c. Recommendations for foundation bearing for the structures, including recommendations for pile foundations if necessary

- d. Recommendations for site preparation and construction of structural compacted fills
- e. Recommendations for control of groundwater or drainage systems if necessary

Basis of Design (BOD) Document Development

M&C will prepare a BOD document which will include the following tasks:

1. Obtain testing and samples as required to assist with development of UV disinfection system design requirements
2. Review current and future treatment needs and select UV disinfection equipment design criteria
 - a. It is assumed that the future flow projections, future expansion requirements, and other findings of the City's WWTF Master Plan (currently in progress) will be utilized to assist in the selection of appropriate design criteria for the UV disinfection equipment.
3. Solicit and review UV manufacturer equipment proposals
4. Review of UV equipment O&M requirements to determine 20-year life cycle costs for comparison of UV manufacturer equipment proposals
5. Evaluate UV disinfection channel location and UV equipment installation alternatives
6. Evaluate WWTF effluent flow metering alternatives to improve the accuracy of effluent flow metering
7. Evaluate alternatives to maintain the existing Trojan UV4000 disinfection equipment as a back-up to the new UV disinfection equipment, or decommission the existing Trojan UV4000 equipment and retrofit the existing disinfection channel to accept the installation of new UV disinfection equipment in the future
8. Review and evaluate electrical requirements of the proposed UV disinfection equipment, including:
 - a. Examine existing WWTF single-line diagrams
 - b. Analyze electrical loading of proposed UV equipment
 - c. Determine if proposed UV equipment can be powered/fed from existing panelboard(s) in the adjacent/nearby Utility Building
 - d. Prepare basic single-line diagram with proposed feeder and control cables
9. Review and evaluate SCADA requirements for the proposed UV system, including:
 - a. Coordinate with the City's SCADA integrator, Fortech, Inc. on SCADA hardware requirements and I/O data requirements.
 - b. Evaluate integration of new systems with existing control systems
 - c. Determine if SCADA controls can be sourced from the existing Utility Building
10. Evaluate structural requirements to include:
 - a. Geotechnical investigations report provided by M&C's subconsultant, S&ME

- b. Foundation design requirements to determine if pile foundations will be required for the new UV disinfection channel based on findings of geotechnical investigations
 - c. Structural considerations for piping connections to existing structures
 - d. Access walkways
 - e. Canopy structure(s) to cover both the new and existing UV disinfection channels
- 11. Develop opinions of probable cost
 - a. Opinion of probable cost to include option to retrofit the existing UV disinfection channel to receive new UV disinfection equipment in the future
- 12. Prepare design calculations
- 13. Develop Maintenance of Plant Operations (MOPO) protocols
- 14. Identify permit requirements to include:
 - a. NPDES permit modifications
 - b. NPDES Authorization To Construct (ATC)
 - c. Environmental requirements for work within 100-year floodplain
- 15. A Draft BOD document will be developed and submitted for the City's review and comment. Comments received will be incorporated as appropriate and a Final BOD will be prepared. Deliverables of the Draft and Final BOD document will be submitted in PDF format.

30% Preliminary Design

M&C will develop the 30% Preliminary Design, which will consist of the following tasks:

1. Develop 30% design submittal including:

Civil/Mechanical

- a. Existing site plan
- b. Proposed site plan
- c. Proposed demolition plans – civil/mechanical
- d. Proposed hydraulic profile
- e. Proposed UV equipment plan
- f. Updated design calculations

Structural

- a. Proposed UV disinfection channel foundation and section plans
- b. Proposed canopy, foundation, and framing plans
- c. Proposed walkway access plans and preliminary framing
- d. Basic technical specifications

Electrical

- a. Proposed demolition plans – electrical
- b. Proposed electrical site plan
- c. Proposed electrical riser diagram, grounding, and power details
- d. Basic technical specifications

2. Basis of Design Update: Amend the Basis of Design Document as required based on the preliminary design effort.
3. Preliminary Engineer's Opinion of Probable Construction Cost: Prepare an updated preliminary construction cost opinion using the various preliminary design documents to improve the accuracy of the initial, conceptual construction cost opinion.
4. Submit Preliminary Design Documents for Review: Compile and submit the updated Basis of Design Document, 30% design drawings, basic technical specifications, and cost opinion to the City for review and approval as part of the 30% stage of design completion.
5. Review 30% Submittal with the City: Meet with the City staff to review, discuss, and receive owner input on the 30% design submittal.
6. Revise and Address City Comments on 30% Submittal: Revise the appropriate preliminary design documents (as necessary within the original scope of the project) to address the City's 30% design review comments. The amended Basis of Design document will be finalized and included as part of the Authorization to Construct (ATC) application package to be submitted during final design.

ITEM 3 – FINAL DESIGN

Upon receiving authorization from the City, M&C will proceed with the Final Design Phase, including the following efforts:

60%, 90%, and Final Design

1. Prepare 60%, 90%, and final design drawings and construction documents based on a single prime construction contract.
2. Prepare detailed plans for the new UV disinfection equipment channel and installation of new equipment; including civil/site, mechanical, structural, and electrical designs.
3. Develop technical specifications for sole-source procurement and pre-purchase of the UV disinfection equipment.
4. Prepare technical specifications following the format of the Construction Specifications Institute MasterFormat. Prepare bid and construction documents for a single prime construction contract incorporating the City's standard front end documents.
5. Prepare and submit a 60% design level set of documents including Drawings, Technical Specifications and the Engineer's Opinion of Probable Construction Cost.
6. Prepare and submit a 90% design level set of documents including Drawings, Technical Specifications and the Engineer's Opinion of Probable Construction Cost. The 90% design level documents shall incorporate the City comments and concerns received from the 60% design submittal.
7. Review Meetings: McKim & Creed will attend regular meetings with the City staff as needed during the final design effort to provide project status updates, review project documents and receive comments. In addition, we will schedule and participate in two

formal Final Design review meetings with the City's project team at the 60% and 90% stage of Final Design preparation.

8. Upon approval of the 90% submittal and responses to the City's comments and concerns, and following the project permitting process, McKim & Creed will finalize contract documents for procurement. This task will include the following:
 - a. Incorporate permit approval conditions in contract documents
 - b. Prepare the final Engineer's Opinion of Probable Construction Cost
 - c. Solicit a final UV disinfection equipment proposal from the selected equipment manufacturer based on the finalized technical specification to support the City in sole-source equipment procurement and pre-purchase.
 - d. Prepare recommended schedule for bidding and construction
 - e. Submit final contract documents to the City

Quality Assurance and Quality Control

McKim & Creed will include an in-house quality assurance/quality control (QA/QC-Value Engineering Review) review with staff members not involved in the project. The QA/QC review will be entirely separate from the normal in-house reviews conducted by the project team and the City's staff. The QA/QC review will be conducted after the 30, 60, and 90% design submittals and its findings presented to the design team prior to comments from the City's 30, 60, and 90% design reviews.

ITEM 4 – PERMITTING

McKim & Creed will assist the City with obtaining all permits required for the project. Permitting for this project is expected to consist of an application for the Authorization To Construct from NCDEQ. It is assumed that an NPDES Permit Modification will not be required because the method of treatment will remain the same, the total facility capacity will remain unchanged, and the composition of the wastewater being discharged will not be changed.

The existing UV disinfection channel resides adjacent to the 100-year flood zone of Mud Creek, however, it is not located within its boundaries. The new UV disinfection channel is assumed to be constructed adjacent to the existing UV disinfection channel, outside of the 100-year floodplain. The scope of work assumes no permitting will be required through the US Army Corps of Engineers or FEMA for construction within the 100-year flood zone. However, if required based on the selected location for the new UV disinfection channel, additional permitting services will be provided through an amendment to this scope of work. The permitting services expected to be provided for this project are described below.

1. M&C will prepare the permit applications and supporting documentation for the NCDEQ Division of Water Resources NPDES Authorization To Construct (ATC).
2. Submit the application for the ATC at the 90% design level. NCDEQ does not currently require an application fee for an ATC.

3. Proposed responses to comments received from the permitting agency will be prepared and presented to the City for acceptance prior to finalizing the responses. Changes that are accepted will be incorporated into the final bid documents.
4. The cost of all application fees will be paid for by M&C and will be reimbursed by the City.

ITEM 5 – BIDDER PREQUALIFICATION ASSISTANCE

M&C will assist the City in conducting a prequalification process for potential bidders in order to develop a list of qualified construction contractors for the project. The prequalification process will adhere to the City's standard process. Specific tasks include the following:

1. Assist in the preparation of an Invitation to Prequalify and Bid advertisement for the project.
2. Review the list of prequalification standard requirements with City staff and incorporate suggested revisions to the list that may be beneficial to the project.
3. Place formal advertisement of the prequalification package in the agreed upon advertisement media. M&C will pay for all fees associated with advertisement of the prequalification package, which will be reimbursed by the City.
4. Issue electronic prequalification documents to prospective bidders via the City's QuestCDN on-line advertisement and bidding service.
5. Schedule and conduct a virtual pre-submittal meeting, receive questions from prospective attendees, prepare and distribute minutes.
6. Respond to prospective bidder inquiries and prepare Addenda as required.
7. Receive prospective bidder submittals on specified and appropriate closing date.
8. Review prospective bidder documentation and request clarifications to determine if prospective bidder has met the requirements of the prequalification solicitation.
9. Review the list of proposed prequalified bidders with the City and make any final edits and revisions to the list of prequalified bidders. McKim & Creed will work jointly with City staff to assist in developing the prequalified bidders list; however, the City shall be responsible for the final determination of which bidders will be deemed as prequalified. Additional assistance or responses to protests from prospective contractors is not included in this scope of work and is considered an additional service. If required, additional services will be provided utilizing the Unallocated Project Budget phase upon written authorization from the City.
10. Notify all prospective bidders of the final approved list of pre-qualified bidders.

ITEM 6 – BIDDING AND AWARD PHASE

The bid documents will consist of the plans (drawings) and specifications for the WWTF Ultraviolet Disinfection Improvements Project. The bid documents will be used by the contractor to prepare bids for the work detailed on the plans and described in the specifications. The bid documents will include specifications and contractual requirements associated with the pre-purchased UV disinfection equipment. Other tasks to be performed by the Consultant will include preparation of a final opinion of construction cost.

Our scope of work for Bid Phase services is premised on our understanding that McKim & Creed will be responsible for managing the bids and contracting process for one (1) single prime construction contract.

Bidding and Award Phase tasks performed by M&C will include:

1. Provide necessary information to the City for the preparation of the project bid advertisement.
2. Issue electronic bid documents to plan rooms and the City's QuestCDN on-line advertisement and bidding service.
3. Conduct the pre-bid conference and prepare and issue minutes.
4. Assist in answering bidders' questions concerning elements designed by McKim & Creed and prepare technical information as necessary for inclusion in addenda if required.
5. Prepare addenda as appropriate to interpret, clarify, or further define the Contract Documents. Addenda will be issued by McKim & Creed upon the City's approval.
6. Consult with and advise the City to determine the acceptability of substitute materials and equipment proposed by bidders when substitution prior to the award of contracts is allowed by the contract documents.
7. Conduct the bid opening.
8. Review bid packages and prepare the certified bid tabulations.
9. Provide written letter of recommendation of award to the City.
10. Assist the City in the contract award process.
11. Assist the City in coordinating the sole-source procurement and pre-purchase of the UV disinfection equipment.
12. Prepare and issue conformed documents to incorporate addenda issued during the bidding process into the contract documents to be used by the contractor for construction.
13. Provide for three (3) sets of conformed documents for execution for the City, McKim & Creed, and contractor.

The Bidding and Award Phase will conclude upon the City's issuance of a notice of award to the selected construction contractor. If a re-bid is required, this effort shall be considered additional services. If required, additional services will be provided utilizing the Unallocated Project Budget phase upon written authorization from the City.

ITEM 7 – CONSTRUCTION PHASE SERVICES

Construction Administration

Our scope of work for Construction Administration services assumes one (1) single prime construction contract over a 14-month consecutive construction period. The construction period is based on 12 months to reach substantial completion and an additional 2 months to reach final completion. If the contract duration extends beyond this construction period, or is delayed, McKim & Creed shall be entitled to adjustment of the scope and fee associated with this task. If required, additional services associated with construction administration will be provided utilizing the Unallocated Project Budget phase upon written authorization from the City.

Our construction administration services will include:

1. Conduct the pre-construction meeting on-site at the WWTF, or virtually via Microsoft Teams or Zoom, and issue meeting minutes.
2. Schedule and hold regular monthly construction progress meetings with the City and contractor. These meetings are assumed to be held on-site at the WWTF, or virtually via Microsoft Teams or Zoom, for a period of 14 months. Prepare and distribute construction meeting minutes to document discussions and responsibilities.
3. Receive, log, track and perform shop drawing reviews. Compare shop drawings to the plans and technical specifications, note deficiencies or compliance issues, and issue comments to the contractor within 10 business days of receipt.
4. Receive, log, track, & respond to contractor's written requests for information or clarification of the contract documents.
5. Provide clarification of requirements as indicated on the construction plans and specifications if/when questions arise during construction.
6. Receive, log, track, & respond to notifications from contractor of changes to work conditions and requests for change orders.
7. Review materials testing for conformance to the specifications.
8. Receive, log, track, & review contractor's monthly invoices and make recommendations for payment.
9. Conduct site visits with City staff as often as necessary to review project status, and confirm/certify that work is progressing in accordance with the approved construction documents.
10. Assist the City in coordinating schedules and communication with the pre-purchased UV disinfection equipment manufacturer and the Contractor during construction.
11. Attend system startup and commissioning and provide technical guidance and assistance to the City in support of the startup and commissioning process. This task includes coordination with the City, the Contractor, and equipment manufacturers to provide operator training on new equipment.

12. Schedule and conduct the substantial completion evaluation. Prepare the substantial completion punch list and submit to the City for concurrence, and work with the Contractor to ensure outstanding work is completed.
13. Upon satisfactory completion of the substantial completion punch list and after reviewing test results from the Contractor, prepare the Engineer's Substantial Completion Certification.
14. Schedule and conduct the final completion evaluation. Prepare the final completion punch list and submit to the City for concurrence, and work with the Contractor to ensure work is fully complete.
15. After the Contractor has satisfactorily completed the final punch list, submitted all test results, as-built redlined drawings, O&M manuals, and release of waivers and claims, McKim & Creed will prepare the Engineer's Final Completion Certification.

Construction Observation

McKim & Creed will provide periodic field observation during construction as required for certification to regulatory agencies. This scope of work is based on an average of 8 hours per week and a construction timeline of 14 consecutive months. If the contract duration extends beyond this construction period or is delayed, McKim & Creed shall be entitled to adjustment of the scope and fee associated with this task. If required, additional services associated with construction observation will be provided utilizing the Unallocated Project Budget phase upon written authorization from the City. McKim & Creed will provide the following services:

1. Preparation of daily reports for each day construction observation services are provided.
2. Maintain a photographic record during construction to document aspects of the construction process.
3. Document field conditions and maintain a record of the weather, Contractor's personnel on-site, Contractor's equipment on-site, and the specific work task(s) completed since the last site visit.
4. Verify that the work being performed complies with the approved plans and specifications and coordinate with the City, Engineer, and Contractor to remedy any situations where the work is not in compliance.
5. Confirm that Contractor as-built documents are continuously being kept up-to-date and being completed to the minimum standards of care.
6. Review the Contractor's monthly pay requests to confirm that quantities are accurate and that lump sum percentages are representative of the current progress of lump sum work.
7. Participate in the substantial completion and final completion evaluations.

ITEM 8 – POST-CONSTRUCTION SERVICES

Upon authorization from the OWNER, the ENGINEER shall perform the following post-construction services:

1. Record Drawings

Our effort for Record Drawing preparation services is premised on the understanding that the contractor will be responsible for continuously maintaining the red-lined “as-built” markups on the approved construction drawings. McKim & Creed will utilize the red-lined markups provided by the contractor to prepare the final Record Drawings. Record Drawings will be submitted to the City upon completion. After City review and approval, digital copies (AutoCAD and PDF format) of the Record Drawings will be delivered to the City.

2. One Year Assistance

McKim & Creed will assist the City with operational and warranty assistance on a time and materials basis as may be needed. Generally, the services will be as follows:

- a. Provide for a mid-year warranty inspection with the City and the contractor to develop a warranty punch list and then review the completed work of the contractor to verify items have been corrected.
- b. Provide for final warranty inspection with the City and the contractor at 11 months after substantial certification to develop a warranty punch list and then review the completed work of the contractor to verify items have been corrected.
- c. Provide process support assistance and associated administrative support to assist with operational questions and optimization of the plant process.

ITEM 9 – UNALLOCATED PROJECT BUDGET

Item 9 will be set aside as unallocated project budget to provide for changes in the scope of work or unforeseen revisions to the project approach. McKim & Creed will not utilize or expend effort on Item 9 without prior development of a scope, schedule, and fee estimate for the change in scope, and written authorization from the City. All tasks invoiced under the unallocated budget shall require prior approval from the City.

ITEM 9 –COMPENSATION

McKim & Creed will perform the services outlined in this Exhibit A as indicated below. Services will be billed monthly on an hourly time and expense basis in accordance with the hourly rate schedule included as an attachment to this Exhibit A.

Item	Fee	Fee Type
Item 1: Project Administration	\$11,500	Not To Exceed
Item 2: Preliminary Engineering	\$83,000	Not To Exceed
Item 3: Final Design	\$87,000	Not To Exceed
Item 4: Permitting	\$8,500	Not To Exceed
Item 5: Bidder Prequalification Assistance	\$10,000	Not To Exceed
Item 6: Bidding and Award Phase	\$14,000	Not To Exceed
Item 7: Construction Phase Services	\$128,000	Not To Exceed
Item 8: Post-Construction Services	\$15,000	Not To Exceed
Item 9: Unallocated Project Budget	\$36,000	Not to Exceed
Total Estimated Fee (Items 1-9)	\$393,000	

Not To Exceed = To be billed on an hourly time and expense basis

ITEM 10 – ANTICIPATED PROJECT SCHEDULE

The following is the estimated schedule for the scope outlined above:

Task	Anticipated Duration from NTP (Calendar Days)	Anticipated Task Duration (Calendar Days)
Notice to Proceed	0	0
Project Kickoff	10	10
BOD Document	55	45
30% Design Submittal	100	45
City of Hendersonville Review	115	15
60% Design Submittal	175	60
City of Hendersonville Review	190	15
90% Design Submittal/Submit Permit Applications	250	60
City of Hendersonville Review	265	15
Bid Documents Submittal	295	30
Receive Permits	310	60
Advertise for Bids	340	45
Open Bids	340	0
Contract/Bonds Preparation/NTP	400	60
Construction Substantially Complete/ UV Equipment Start-up	760	360
Construction Final Completion	820	60
Record Drawings Submittal	850	30
Warranty Period Complete	1,185	365

Note: The schedule provided is approximate and may vary depending on City review and regulatory approval.

ITEM 11 – ADDITIONAL SERVICES

If authorized in writing by the City, McKim & Creed shall furnish or obtain from others Additional Services of the types listed below. These services will be paid for by the City on an hourly rate basis in accordance with the current Hourly Rate Schedule. If required, additional services will be provided utilizing the Unallocated Project Budget phase upon written authorization from the City.

1. Expert witness or technical support concerning property surveying or engineering matters for which the Engineer has no direct liability.
2. Assistance with protests by prospective bidders associated with the City's prequalification process.
3. Easement mapping or easement surveys.
4. Providing for additional soil borings or geotechnical analyses beyond the identified scope of work.
5. Providing for an environmental impact statement (EIS).
6. Providing for detailed investigations and/or surveys for archeological sites, protected/threatened/endangered species of shellfish, fish, wildlife, and natural vegetation.
7. Providing for determining, evaluating, and assistance with contaminated soils for the project area.
8. Providing assistance for wetland mitigation.
9. Providing for assistance with easement acquisitions.
10. Preparing for, coordinating with, participating in and responding to structured independent review processes for construction management, cost estimating, value engineering and constructability reviews requested by the City and performing or furnishing services required to revise studies, reports, drawings, specifications, or other bidding documents as a result of such review processes.
11. Providing for any re-designs requested by the City after final design drawings have been approved.
12. Boundary or easement surveys for the wastewater treatment facility site.
13. Construction survey and staking.
14. Preparing for multi-prime contracts and bidding.
15. Providing for funding assistance for grant or loan applications that the City may decide to seek funding.
16. Development of design or bid documents to comply with alternate funding agencies or other funding mechanisms.
17. Engineer-led operator training on equipment, processes, or other miscellaneous training related to the existing or proposed facilities.

18. Providing for Special Inspections (North Carolina State Building Code) if required by the Local Inspections Departments.
19. Assistance in connection with Bid protest, re-bidding, or renegotiation contracts for construction, materials, equipment, or services.
20. Preparing to serve or serving as a consultant or witness for the City in any litigation, arbitration or other dispute resolution process related to the project.
21. Other services performed or furnished by McKim & Creed not otherwise provided for in this Agreement. These services are to be identified as additional services for City approval prior to McKim & Creed performing the service.

ITEM 12 – OWNER’S RESPONSIBILITIES

The following items shall be the responsibility of the City:

1. Provide McKim & Creed with all criteria and full information as to the City's requirements for the project, including design objectives and constraints, space, capacity and performance requirements, flexibility and expandability, and any budgetary limitations; and furnish copies of all design and construction standards which the City will require to be included in the Drawings and Specifications; and furnish copies of the City's standard forms, conditions and related documents for McKim & Creed to include in the Bidding Documents, when applicable.
2. The timely provision of all available information, data, reports, records, and maps to which the City has access and which are needed by McKim & Creed for the performance of the services provided herein.
3. Providing assistance and cooperation for McKim & Creed in obtaining any other needed material which the City does not have in its possession.
4. Making available the services of the City as may be necessary to obtain information as needed to perform the work program set forth in the Scope of Services.
5. The designation of a single representative who will be authorized to make necessary decisions required on behalf of the City and will serve to provide the necessary direction and coordination for the project.
6. Advise McKim & Creed of the identity and scope of services of any independent consultants employed by the City to perform or furnish services in regard to the project, including, but not limited to, cost estimating, project peer review, value engineering and constructability review.
7. Attend the pre-bid conference, bid opening, pre-construction conferences, construction progress and other job-related meetings and Substantial Completion, final payment, and warranty reviews.

ITEM 13 – MISCELLANEOUS PROVISIONS

1. Opinion of Probable Construction Costs: Engineer's opinions of probable construction costs are based on assumed labor costs and approximate quantities of material and equipment, and therefore is of a conditional character. The Engineer cannot and does not guarantee the cost of work to be performed by others since market or bidding conditions can change at any time and changes in the scope or quality of the project may affect estimates. The City waives and releases McKim & Creed from any loss, liability, or claim arising out of or in any way related to the Engineer's opinion of probable construction costs.
2. McKim & Creed's current hourly rate schedule is attached. Hourly rates are subject to adjustment on January 1st of each calendar year.

END OF EXHIBIT A

Water Market 2021 Schedule of Hourly Rates

Employee Classification	(Rate/Hour)
Principal.....	\$295.00
Engineering Manager.....	\$260.00
Project Manager III	\$225.00
Project Manager II	\$205.00
Project Manager I.....	\$185.00
Technical Specialist.....	\$270.00
Project Engineer IV	\$215.00
Project Engineer III	\$200.00
Project Engineer II	\$165.00
Project Engineer I.....	\$145.00
Engineer Intern	\$133.00
Land Planner/Landscape Architect	\$140.00
I&C Specialist III	\$205.00
I&C Specialist II	\$175.00
I&C Specialist I.....	\$138.00
Programmer III.....	\$185.00
Programmer II.....	\$165.00
Programmer I	\$130.00
Designer IV	\$152.00
Designer III	\$135.00
Designer II	\$125.00
Designer I.....	\$105.00
Sr. CAD Technician	\$90.00
CAD Technician.....	\$75.00
Sr. Project Administrator	\$103.00
Project Administrator.....	\$88.00
Administrative Assistant	\$72.00
Construction Administrator IV	\$180.00
Construction Administrator III.....	\$160.00
Construction Administrator II	\$145.00
Construction Administrator I.....	\$120.00
Project Representative III.....	\$142.00
Project Representative II.....	\$123.00
Project Representative I	\$99.00
GIS Technician I	\$79.00
GIS Technician II.....	\$99.00
Field Technician I.....	\$88.00
Field Technician II	\$115.00
Field Services Manager	\$138.00

Water Market 2021 Schedule of Hourly Rates

Expenses

In addition to labor, McKim & Creed bills for the following project related costs at a contractually agreed markup: printing; conference calling charges; document review, permit or recording fees paid on behalf of the client; shipping; bid advertisement; specialty materials, software or equipment rental; sub-consultant fees; costs of project related employee travel including meals, lodging, airfare and miscellaneous travel costs such as tolls, parking etc.; mileage for all company-owned vehicles (trucks) will be billed at \$0.85/mile; employee owned vehicles used for transportation related to the project will be charged at the prevailing federal mileage rate allowed by the IRS at the time the travel occurs.

McKim & Creed also bills for the cost of internal reproduction and the use of specialized equipment related to subsurface utility vacuum excavation, mobile scanning (LIDAR), and hydrographic surveying.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Lew Holloway, Community Development Director **MEETING DATE:** September 2, 2021

AGENDA SECTION: CONSENT AGENDA **DEPARTMENT:** Community Development

TITLE OF ITEM: Special Event: Meltdown Vintage Motorcycle Show - *Lew Holloway, Community Development Director*

SUGGESTED MOTION(S):

I move that City Council approve the special event permit for the Meltdown Vintage Motorcycle Show.

SUMMARY:

The Meltdown Vintage Motorcycle Show is organized by Southern Appalachian Brewery and is proposed to be held on Saturday, October 2, 2021, from 11am until 6pm. The event is meant to be a gathering of vintage motorcycles and enthusiasts with an estimated attendance of 1000 throughout the day. The recurring event will close parts of Locust Street and Eighth Avenue. The organizers are requesting to extend their ABC permit to allow for alcohol to be brought back and forth between the closed portion of the street and the brewery. The Special Events Committee unanimously voted to recommend approval of this event as presented.

BUDGET IMPACT: NA

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded.

ATTACHMENTS:

None

Proclamation

Constitution Week 2021

WHEREAS, September 17, 2021, marks the two hundred and thirty fourth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, The Daughters of the American Revolution (DAR) has been the foremost advocate for the awareness, promotion and celebration of Constitution Week and initiated its observance in 1955, when the organization petitioned the U.S. Congress to dedicate September 17–23 of each year to the commemoration of Constitution Week; and

WHEREAS, the United States Congress adopted the resolution, and on August 2, 1956, President Dwight D. Eisenhower signed it into Public Law #915; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; to encourage the study of the historical events that led to the framing of the Constitution in September 1787; and to inform people that the Constitution is the basis of America's great heritage and the foundation of our way of life; and to emphasize U.S. citizens' responsibility to protect, defend and preserve the Constitution; and

WHEREAS, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America to officially recognize the patriotic celebrations which will commemorate the occasion by designating September 17 through 23 as constitution week.

NOW, THEREFORE, I, Barbara Volk, Mayor of the City of Hendersonville do hereby proclaim the week of September 17 through 23, 2021 to be

“Constitution Week”

in the City of Hendersonville and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

PROCLAIMED this 2nd day of September 2021

Seal

Barbara G. Volk, Mayor
City of Hendersonville

Attest:

Angela L. Reece, City Clerk

Proclamation

Suicide Prevention and Awareness Month

WHEREAS, September is known around the United States as National Suicide Prevention and Awareness Month and is intended to affirm the need for suicide prevention awareness, to increase the community's awareness about suicide's warning signs, to reduce the stigma associated with suicide, and to advocate for the availability of mental health services to all, and;

WHEREAS, Suicide is a complex, but preventable, health issue that requires compassion, empathy, trust, understanding, and access to professional services; and

WHEREAS, according to the US Centers for Disease Control and Prevention, suicide rates increased 33% between 1999 and 2019 and suicide was responsible for more than 47,500 deaths in 2019; and

WHEREAS, Suicide is the 10th leading cause of death in the United States and the second leading cause of death for people ages 10-34; and

WHEREAS, Suicide prevention is especially vital for youth. According to the National Alliance on Mental Illness (NAMI), 16.5% of United States Youth aged 6-17 experienced a mental health disorder in 2016, and 18.8% of high school students and 11.8% of young adults aged 18-25 reported serious thoughts of suicide; and

WHEREAS, according to the Trevor Project, young people who identify as LGBTQ+ are almost five times as likely to have attempted suicide as compared to their heterosexual counterparts.

WHEREAS, Suicide and its associated mental health conditions are family and community challenges. NAMI reports that at least 8.4 million Americans provide care to an adult with a mental or emotional health issue, that high school students with significant symptoms of depression are more than twice as likely to drop out of school compared to their peers, that mental illness and substance use disorders are involved in 1 out of every 8 emergency department visits, and that more than 70% of youth in the juvenile justice system have a diagnosed mental illness

NOW, THEREFORE, I, Barbara Volk, Mayor of the City of Hendersonville, do hereby proclaim September 2021 as

“Suicide Prevention and Awareness Month”

PROCLAIMED this 2nd day of September 2021

Seal

Barbara G. Volk, Mayor
City of Hendersonville

Attest:

Angela Reece, City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: John Connet

MEETING DATE: 9/2/2021

AGENDA SECTION: PRESENTATION

DEPARTMENT: Administration

TITLE OF ITEM: Hands On! Children's' Museum Update – *Joseph Knight, Executive Director*

SUGGESTED MOTION(S):

NA

SUMMARY:

Museum Executive Director Joseph Knight will provide the City Council with an update on the construction of the People's Museum and renovations to Hands On! Children's Museum.

BUDGET IMPACT: \$NA

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded. NA

ATTACHMENTS:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Adam Steurer **MEETING DATE:** September 2, 2021

AGENDA SECTION: PRESENTATIONS **DEPARTMENT:** Utilities

TITLE OF ITEM: Aerial Infrared Imaging Survey of Sewer Collection System - Results - *Adam Steurer, Utilities Engineer*

SUGGESTED MOTION(S):

Presentation Only

SUMMARY:

The City partnered with MountainTrue to perform an aerial infrared imaging survey of the City's sanitary sewer collection system, splitting the cost of the contracted work and sharing field investigation responsibilities. The main purpose of the study was to locate potential sources of pollution from the City's sewer collection system but also to identify potential privately-owned septic system discharges as well as water leaks from the City's water distribution system. Staff will present the results of the aerial infrared survey.

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

ATTACHMENTS:

Presentation: Aerial Infrared Imaging Survey of City's Sewer Collection System - Results



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER:	Adam Murr	MEETING DATE: 09/02/2021
AGENDA SECTION:	PUBLIC HEARING	DEPARTMENT: Administration
TITLE OF ITEM:	Negotiation of an Installment Financing Contract and Certain Other Related Matters – <i>Adam Murr, Budget Manager</i>	

SUGGESTED MOTION(S):

I move City Council adopt the *Resolution of the City Council of the City of Hendersonville, North Carolina, Authorizing the Negotiation of an Installment Financing Contract and Providing for Certain Other Related Matters Thereto.*

SUMMARY:

The City of Hendersonville has determined it is desirable to finance certain improvements related to a Parking Facility Project, 7th Avenue Streetscape Project, and refinancing of an existing loan (“the Project”). The City is considering the issuance of a not to exceed \$17,000,000 installment financing for the purchase, acquisition, construction, and installation of the Project.

Staff recommends the City Council adopt the attached resolution, drafted by Special/Bond Counsel, Parker Poe Adams & Bernstein, LLP. The resolution directs Staff and Special Counsel to negotiate financing and apply to the Local Government Commission for approval of Contracts.

BUDGET IMPACT: \$17,000,000

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

If no, describe how it will be funded.

The capital project ordinance budgets have been established with project numbers:

Parking Facility #19101

7th Avenue Streetscape #16030

ATTACHMENTS:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO (“Initial Resolution”)

Resolution #R-21-91

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE,
NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT
FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED
MATTERS THERETO**

WHEREAS, the City of Hendersonville, North Carolina (the “City”) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes, and laws of the State of North Carolina (the “State”); and

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price; and

WHEREAS, the City Council of the City (the “City Council”) hereby determines it is in the best interest of the City to proceed with financing of (1) the construction, equipping and furnishing of a parking facility and (2) the construction of various streetscape improvements in downtown Hendersonville (collectively, the “Projects”); and

WHEREAS, the City Council has been advised by the City’s staff that the City may be able to achieve debt service savings by refinancing some of its outstanding indebtedness (referred to as the “Prior Indebtedness”), including the Installment Financing Contract dated as of October 11, 2018 between Pinnacle Financial Partners and the City of Hendersonville, North Carolina, the proceeds of which were used to finance (a) the construction and equipping of a public works maintenance facility, (b) the construction of public restroom facilities and (c) improvements to the Whitmire Building, a recreation center, including parking lot expansion/repaving and the replacement of interior flooring; and

WHEREAS, the City Council determines that it is in the best interest of the City to enter into (a) an installment financing contract (the “Contract”) with a North Carolina nonprofit corporation (the “Corporation”) to be created to assist the County with its financings to (1) pay all or a portion of the capital costs of the Projects, (2) refinance all or a portion of the Prior Indebtedness and (3) pay the costs related to the execution and delivery of the Contract and (b) a deed of trust and security agreement (the “Deed of Trust”) related to the City’s fee simple interest in the site of the parking facility and the improvements thereon, and such other of the sites on which projects to be financed or refinanced under the Contract are located as may be necessary to secure the City’s obligations under the Contract; and

WHEREAS, the Corporation will assist the City by the issuance of Limited Obligation Bonds (the “2021 Bonds”) to finance the Projects and refinance the Prior Indebtedness; and

WHEREAS, the City hereby determines that the Projects and refinancing the Prior Indebtedness are essential to the City's proper, efficient and economic operation and to the general health and welfare of its citizens; that the financing of the Projects and the projects originally financed from the proceeds of the Prior Indebtedness provide an essential use and will permit the City to carry out public functions that it is authorized by law to perform; and that entering into the Contract and the Deed of Trust are necessary and expedient for the City by virtue of the findings presented herein; and

WHEREAS, the City hereby determines that the Contract allows the City to complete the Projects and take title thereto at a favorable interest rate currently available in the financial marketplace and upon terms advantageous to the City; and

WHEREAS, the City hereby determines that the estimated cost of the portion of the Projects to be financed and the cost of refinancing the Prior Indebtedness exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the City in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State; and

WHEREAS, although the cost of financing the Projects and refinancing the Prior Indebtedness pursuant to the Contract is expected to exceed the cost of financing the Projects and refinancing the Prior Indebtedness pursuant to a bond financing for the same undertaking, the City hereby determines that the cost of financing the Projects and refinancing the Prior Indebtedness pursuant to the Contract and the Deed of Trust and the obligations of the City thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of financing the Projects and refinancing the Prior Indebtedness; and (3) revenues produced by the Projects are insufficient to permit a revenue bond financing; and

WHEREAS, the City has determined and hereby determines that the estimated cost of financing the Projects and refinancing the Prior Indebtedness pursuant to the Contract reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles; and

WHEREAS, the City anticipates that any property tax increase, if necessary, to pay installment payments falling due under the Contract will not be excessive; and

WHEREAS, Parker Poe Adams & Bernstein LLP, as bond counsel, will render an opinion to the effect that entering into the Contract and the transactions contemplated thereby are authorized by law; and

WHEREAS, no deficiency judgment may be rendered against the City in any action for its breach of the Contract, and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract; and

WHEREAS, the City is not in default under any of its debt service obligations; and

WHEREAS, the City's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act; and

WHEREAS, past audit reports of the City indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the City has not been censured by the North Carolina Local Government Commission (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies; and

WHEREAS, a public hearing on entering into Contract after publication of a notice with respect to such public hearing was held by the City Council on September 2, 2021, and approval of the LGC with respect to entering into the Contract must be received; and

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

1. **Authorization to Negotiate Contract.** That the City Manager, the Assistant City Manager and the Finance Director (the "Authorized Officers"), individually or collectively, with advice from the City Attorney and Bond Counsel, are hereby authorized and directed to proceed and negotiate on behalf of the City the Contract for a principal amount not to exceed \$17,000,000 for the financing of the Projects and the refinancing of the Prior Indebtedness to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina and to provide in connection with the Contract, as security for the City's obligations thereunder, the Deed of Trust conveying a lien and interest in the projects to be financed or refinanced, as may be required by the entity, or its assigns, providing the funds to the City under the Contract.
2. **Application to LGC.** That the Finance Director or his designees are hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the City and its financial condition as may be required by the LGC.
3. **Direction to Retain Professionals.** That the Authorized Officers are hereby authorized and directed to retain the assistance of Robert W. Baird & Co. Incorporated to serve as underwriter for the 2021 Bonds, Parker Poe Adams & Bernstein LLP to serve as bond counsel and First Tryon Advisors to serve as financial advisor. The Authorized Officers, with advice from the City Attorney and Bond Counsel, are hereby authorized to retain the assistance of and engage such professionals as he or she deem necessary and desirable to carry out the intention of this Resolution.
4. **Repealer.** That all motions, orders, resolutions, and parts thereof in conflict herewith are hereby repealed.

5. **Effective Date.** That this Resolution is effective on the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of September 2021.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

(SEAL)

Approved as to form:

Angela S. Beeker, City Attorney

STATE OF NORTH CAROLINA	)	
	)	SS:
CITY OF HENDERSONVILLE	)	

I, *Angela Reece*, City Clerk of the City of Hendersonville, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution titled “**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO**” adopted by the City Council of the City of Hendersonville, North Carolina in a regular meeting convened on the 2nd day of September, 2021, as recorded in the minutes of the City Council of the City of Hendersonville, North Carolina.



StarNews | The Dispatch | Times-News
Sun Journal | The Daily News | The Star
The Free Press | Gaston Gazette

Order Confirmation

Not an Invoice

Section 7, Item A.

Account Number:	488558
Customer Name:	City Of Hendersonville
Customer Address:	City Of Hendersonville 160 6Th AVE E City Clerk Hendersonville NC 28792-3775
Contact Name:	Angela Reece
Contact Phone:	828-697-3005
Contact Email:	areece@hvlnc.gov
PO Number:	

Date:	08/18/2021
Order Number:	6192015
Prepayment Amount:	\$ 0.00

Column Count:	1
Line Count:	146.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
HEN Times-News	1	08/22/2021 - 08/22/2021	Govt Public Notices
HEN blueridgenow.com	1	08/22/2021 - 08/22/2021	Govt Public Notices

Total Order Confirmation

\$22.52

NOTICE OF PUBLIC HEARING

Notice is hereby given, pursuant to Section 160A-29 of the General Statutes of North Carolina, that the City of Hendersonville City Council will hold a public hearing on Thursday, September 2, 2021, at 5:45 p.m., or as soon thereafter as possible in the Assembly Room of the City Operations Center located at 305 Williams St., Hendersonville, NC to consider the following:

The City Council (the "City Council") of the City of Hendersonville, North Carolina (the "City") is considering authorizing the City to proceed with entering into an installment financing contract (the "Contract") in a principal amount expected not to exceed \$17,000,000, under which the City will make certain installment payments, to (a) pay all or a portion of the capital costs of (i) the construction, equipping and furnishing of a parking facility and (ii) the construction of various streetscape improvements in downtown Hendersonville (collectively, the "Projects"), (b) refinance certain of the City's outstanding indebtedness that financed and refinanced projects for the City (the "Prior Indebtedness") in order to achieve debt service savings and (c) pay the costs related to the execution and delivery of the Contract. In connection with the Contract, the City will enter into a deed of trust and security agreement (the "Deed of Trust") under which the City's interest in the real property on which the new parking facility will be located in downtown Hendersonville at the intersection of Fifth Avenue and North Church Street, and the improvements and fixtures thereon, and such other of the sites on which projects to be financed or refinanced under the Contract are located as may be necessary (the "Mortgaged Property"), will be mortgaged by the City to create a lien thereon for the benefit of the entity, or its assigns, providing the funds to the City under the Contract. The Contract and the Deed of Trust will permit the City to enter into amendments to refinance projects and finance additional projects using the Mortgaged Property as collateral and the City may or may not grant additional collateral in connection with such amendments.

NOTICE IS HEREBY GIVEN that some Hendersonville City Council Members may participate remotely at the above designated time and place. Public hearing comments will be accepted during the meeting 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. Anyone wishing to submit written/digital public comment for this public hearing prior to the meeting may visit <https://www.hendersonvilenc.gov/comment> to submit their comment. Digital/written public hearing comments must be received twenty-four hours prior to the meeting (by 5:45 p.m. on Wednesday September 1st) to be considered by the City Council and must comply with security criteria in the Council's Public Comment Policy, available on the City's website by visiting <https://www.hendersonvilenc.gov/public-comment>. The meeting instructions to join by Zoom will be available on the City's website by visiting <https://www.hendersonvilenc.gov/events-calendar> and as follows:

Zoom information for the meeting is:
<https://zoom.us/j/95746846396?pwd=VnNkXzdkNCRlRFVlMjVlcEYwTlZkZz09MjUuc2p1>
Dial-in by phone: (408) 588-8656
Meeting ID: 957 4684 6396
Passcode: 28792

Contact information for the City Clerk, Angela Reece, is: 146 6th Avenue East, Hendersonville, NC 28792; areece@hinc.gov; (828) 697-3000.

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 (828) 697-3000 no later than 24 hours in advance of the meeting.

/s/ Angela Reece
City Clerk
City of Hendersonville, North Carolina
08/23/2021 6192015

NOTICE OF PUBLIC HEARING

Notice is hereby given, pursuant to Section 160A-20 of the General Statutes of North Carolina, that the City of Hendersonville City Council will hold a public hearing on Thursday, September 2, 2021, at 5:45 p.m., or as soon thereafter as possible in the Assembly Room of the City Operations Center located at 305 Williams St., Hendersonville, NC to consider the following:

The City Council (the “*City Council*”) of the City of Hendersonville, North Carolina (the “*City*”) is considering authorizing the City to proceed with entering into an installment financing contract (the “*Contract*”) in a principal amount expected not to exceed \$17,000,000, under which the City will make certain installment payments, to (a) pay all or a portion of the capital costs of (i) the construction, equipping and furnishing of a parking facility and (ii) the construction of various streetscape improvements in downtown Hendersonville (collectively, the “*Projects*”), (b) refinance certain of the City’s outstanding indebtedness that financed and refinanced projects for the City (the “*Prior Indebtedness*”) in order to achieve debt service savings and (c) pay the costs related to the execution and delivery of the Contract. In connection with the Contract, the City will enter into a deed of trust and security agreement (the “*Deed of Trust*”) under which the City’s interest in the real property on which the new parking facility will be located in downtown Hendersonville at the intersection of Fifth Avenue and North Church Street, and the improvements and fixtures thereon, and such other of the sites on which projects to be financed or refinanced under the Contract are located as may be necessary (the “*Mortgaged Property*”), will be mortgaged by the City to create a lien thereon for the benefit of the entity, or its assigns, providing the funds to the City under the Contract. The Contract and the Deed of Trust will permit the City to enter into amendments to refinance projects and finance additional projects using the Mortgaged Property as collateral and the City may or may not grant additional collateral in connection with such amendments.

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<https://zoom.us/j/95746846396?pwd=YmlXdXdhcjlRFVlM2VElqcEVwT1ZLZz09#success>

Dial-in by phone: (646) 558-8656
Meeting ID: 957 4684 6396
Passcode: 28792

Contact information for the City Clerk, Angela Reece, is: 160 6th Avenue East, Hendersonville, NC 28792; areece@hvlnc.gov; (828) 697-3000.

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/s/ Angela Reece

City Clerk

City of Hendersonville, North Carolina

Run 1 time: Sunday August 22, 2021

PROOF OF PUBLICATION

Angela Reece
City Clerk
City Of Hendersonville
160 6Th AVE E
Hendersonville NC 28792-3775

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

The Hendersonville Times-News, a newspaper printed and published in the city of Gastonia, and of general circulation in the County of Henderson, State of North Carolina, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

08/22/2021

and that the fees charged are legal.
Sworn to and subscribed before on 08/22/2021



Legal Clerk



Notary, State of W., County of Brown



My commission expires

Publication Cost: \$22.52

Order No: 6192015

of Copies:

Customer No: 488558

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

AMY KOKOTT
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING

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Section 7, Item A.

Zoom information for the meeting is:
[https://zoom.us/j/95746846396?](https://zoom.us/j/95746846396?pwd=YmlXdxHcjRFVtM2VElqcEVwT1ZLZz09#success)
[pwd=YmlXdxHcjRFVtM2VElqcEVwT1ZLZz09#success](https://zoom.us/j/95746846396?pwd=YmlXdxHcjRFVtM2VElqcEVwT1ZLZz09#success)
Dial-in by phone: (646) 558-8656
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areece@hvlnc.gov; (828) 697-3000.

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/s/ Angela Reece
City Clerk
City of Hendersonville, North Carolina
08/22/2021 6192015

Section 7, Item A.

ATTACHMENTS:

Ordinance, Signed Certificate of Sufficiency, Resolution setting public hearing, Annexation Plat, Typed legal description, GIS map, Deed, Annexation Application

Ordinance #O-21-40

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO
EXTEND THE CORPORATE LIMITS OF THE CITY AS A CONTIGUOUS
ANNEXATION**

WHEREAS, The City of Hendersonville has been petitioned by Larry and Mary Maitland pursuant to North Carolina General Statutes (NCGS) 160A-31, as amended, to annex the area described herein below; and,

WHEREAS, the City Clerk has investigated and certified the sufficiency of said petition; and,

WHEREAS, a public hearing on the question of this annexation was held at 305 Williams Street (City Operations Center), Hendersonville, NC at 5:45 pm, on the 2nd day of September, 2021, after due notice by publication as provided by law on August 22nd and August 29th, 2021; and,

WHEREAS, the City Council further finds the areas described therein meets the standards of N.C. G.S. 160A-31.

WHEREAS, the City further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the City further finds that the petition is otherwise valid, and that the public health, safety and welfare of the City and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina:

1: By virtue of the authority granted by N.C.G.S. 160A-31, as amended, the following described contiguous area is hereby annexed and made part of the City of Hendersonville as of the 2nd day of September 2021.

Being all of that real property shown on that annexation plat recorded in Book 2021 at Page _____ of the Henderson County Registry, and being also all of that real property shown on that plat recorded on Deed Book 3741; pages 319-321, Plat Slide 13355 of the Henderson County Registry, and being described by metes and bounds as follows:

LOT 1 AND LOT 2 OF PLAT SLIDE 2021-13355 AS RECORDED IN THE HENDERSON COUNTY REGISTER OF DEEDS CONTAINING 0.53 ACRES (23,257 SQUARE FEET). ALSO DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 8, PLAT BOOK 5, PAGE 9 OF SAID HENDERSON COUNTY REGISTER OF DEEDS; THENCE N85°25'19"W ALONG THE NORTH LINE OF SAID LOT 8, ALONG THE EXISTING CITY LIMITS OF HENDERSONVILLE A DISTANCE OF 116.77 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE EAST, SAID POINT BEING ON THE RIGHT OF WAY LINE OF U.S. HIGHWAY 25; THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE, ALONG SAID EXISTING CITY LIMITS AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 914.93 FEET AND HAVING A CHORD BEARING OF N05°33'16"E AND CHORD DISTANCE OF 38.95 FOR AN ARC DISTANCE OF 38.95 FEET TO A POINT ON A NON-TANGENT LINE; THENCE N55° 53'41"E ALONG SAID RIGHT OF WAY LINE, ALONG SAID EXISTING CITY LIMITS A DISTANCE OF 86.44 FEET; THENCE N87°59'49"E ALONG SAID RIGHT OF WAY LINE, ALONG SAID EXISTING CITY LIMITS A DISTANCE OF 56.23 FEET; THENCE CONTINUE N87°59'49"E ALONG SAID RIGHT OF WAY LINE, ALONG THE PROPOSED NEW HENDERSONVILLE CITY LIMITS A DISTANCE OF 40.40 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF MONROE DRIVE; THENCE S76°07'17"E ALONG SAID SOUTH RIGHT OF WAY LINE, ALONG SAID NEW CITY LIMITS FOR A DISTANCE OF 103.14 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF NORTH STONEY VIEW COURT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, ALONG SAID EASTERLY RIGHT OF WAY LINE, ALONG SAID NEW CITY LIMITS, HAVING A RADIUS OF 592.70 AND A CHORD BEARING OF S09°18'12"W AND A CHORD DISTANCE OF 87.67 FEET FOR AN ARC DISTANCE OF 87.75 TO A POINT ON A NON-TANGENT LINE, SAID POINT BEING ON THE NORTH LINE OF LOT 2 OF SAID PLAT BOOK 5, PAGE 9; THENCE N85°25'19"W ALONG THE NORTH LINE OF SAID LOT 2, ALONG SAID NEW CITY LIMITS A DISTANCE OF 141.93 FEET TO THE POINT OF BEGINNING.

2: Upon and after the second day of September 2021, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Hendersonville and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-58.10, as amended.

3. The Mayor of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Henderson County Board of Elections, as required by G. S. 163-288.1.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of September, 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 _____, 2020.

My commission expires:

Amy H. Knight

CERTIFICATE OF SUFFICIENCY

Re: Petition for Contiguous Annexation
 Petitioners: Mary and Larry Maitland
 File No. P21-43-ANX

To the Honorable Mayor and members of the City Council of Hendersonville, North Carolina:

I, Angela L. Reece, City Clerk, being first duly sworn, hereby certify that:

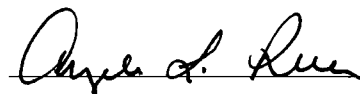
1. A petition has been received for contiguous annexation of properties consisting of +/- 0.53 acres located on Monroe Drive and N. Stoney View Court in Hendersonville, NC, being tax parcel(s) (PIN 9569-46-1849 & 9569-46-0920) and being more particularly described on the plat recorded in Deed Book 3741 at Pages 319-321 Lot 1 and 2, in the Henderson County, North Carolina Register of Deeds Office, hereinafter "Petition."
2. An investigation has been completed as required by N.C.G.S. § 160A-58.2 of the Petition for compliance with the requirements of N.C.G.S. § 160A-58.1.

Based upon this investigation, I find that

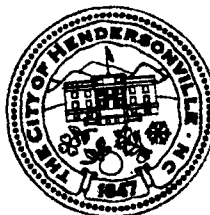
1. The Petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed contiguous area.
2. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S.60A-58.1 (a).
3. The area is situated so the City will be able to provide the same services within the proposed corporate limits that is provided within the primary corporate limits.
4. The area for annexation meets all other requirements defined in NC 160A-58.54 regarding the character of the area to be annexed.

Having made the findings stated above, I hereby certify the Petition appears to be valid.

In witness whereof, I have here unto set my hand and affixed the seal of the City of Hendersonville, this 29 day of July, 2021.



Angela L. Reece, City Clerk



Resolution #__-____

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION
PERSUANT TO N.C. G.S. 160A-58.2**

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received from Larry and Mary Maitland for PINs 9569-46-0920 and 9569-46-1849 located on Monroe Drive and N. Stoney View Court that is approximately 0.53 acres (P21-43-ANX); and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made; and

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

1. A public hearing on the question of annexation of the contiguous area described herein will be held at City Operations Center located at 305 Williams St. at 5:45 p.m. on September 2, 2021, or as soon thereafter as it may be heard.

2. The area proposed for annexation is described as follows:

LOT 1 AND LOT 2 OF PLAT SLIDE 2021-13355 AS RECORDED IN THE HENDERSON COUNTY REGISTER OF DEEDS CONTAINING 0.53 ACRES (23,257 SQUARE FEET). ALSO DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 8, PLAT BOOK 5, PAGE 9 OF SAID HENDERSON COUNTY REGISTER OF DEEDS; THENCE N85°25'19"W ALONG THE NORTH LINE OF SAID LOT 8, ALONG THE EXISTING CITY LIMITS OF HENDERSONVILLE A DISTANCE OF 116.77 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE EAST, SAID POINT BEING ON THE RIGHT OF WAY LINE OF U.S. HIGHWAY 25; THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE, ALONG SAID EXISTING CITY LIMITS AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 914.93 FEET AND HAVING A CHORD BEARING OF N05°33'16"E AND CHORD DISTANCE OF 38.95 FOR AN ARC DISTANCE OF 38.95 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE N55° 53'41"E ALONG SAID EXISTING CITY LIMITS A DISTANCE OF 86.44 FEET;

THENCE N87°59'49"E ALONG SAID EXISTING CITY LIMITS A DISTANCE OF 56.23 FEET;

THENCE CONTINUE N87°59'49"E ALONG SAID RIGHT OF WAY LINE, ALONG THE PROPOSED NEW HENDERSONVILLE CITY LIMITS A DISTANCE OF 40.40 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF MONROE DRIVE;

THENCE S76°07'17"E ALONG SAID SOUTH RIGHT OF WAY LINE, ALONG SAID NEW CITY LIMITS FOR A DISTANCE OF 103.14 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE, SAID POINT BEING ON THE WESTERLY RIGHT OF WAY LINE OF NORTH STONEY VIEW COURT;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, ALONG SAID WESTERLY RIGHT OF WAY LINE, ALONG SAID NEW CITY LIMITS, HAVING A RADIUS OF 592.70 AND A CHORD BEARING OF S09°18'12"W AND A CHORD DISTANCE OF 87.67 FEET FOR AN ARC DISTANCE OF 87.75 TO A POINT ON A NON-TANGENT LINE, SAID POINT BEING ON THE NORTH LINE OF LOT 2 OF SAID PLAT BOOK 5, PAGE 9;

THENCE N85°25'19"W ALONG THE NORTH LINE OF SAID LOT 2, ALONG SAID NEW CITY LIMITS A DISTANCE OF 141.93 FEET TO THE POINT OF BEGINNING.

3. Notice of the public hearing shall be published once in The Hendersonville Times-News, a newspaper having general circulation in the City of Hendersonville, at least 10 days prior to the date of the public hearing

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of August 2021.

Attest: _____
Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

REVIEW OFFICER

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, REVIEW OFFICER
HENDERSON COUNTY, CERTIFY THAT THE MAP OR PLAT
TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL
STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER

DATE

CITY OF HENDERSONVILLE

CITY OF HENDERSONVILLE,
HENDERSON COUNTY:

I HEREBY CERTIFY THAT THE PLAT SHOW HEREON
COMPLIES WITH THE CITY OF HENDERSONVILLE
SUBDIVISION AND ZONING DEPARTMENT FOR
RECORDING IN THE HENDERSON COUNTY REGISTER
OF DEEDS OFFICE.

MATTHEW MANLEY
PLANNING DIVISION MANAGER
CITY OF HENDERSONVILLE

CITY OF HENDERSONVILLE

THIS PLAT REPRESENTS ONE AREA BEING ANNEXED TO THE CITY OF HENDERSONVILLE,
NORTH CAROLINA PURSUANT TO NCOS 1804-31, BY ORDINANCE DULY ADOPTED
(ANNEXATION ORDINANCE)
THE CITY OF HENDERSONVILLE PLANNING BOARD, THIS DAY OF 2021.

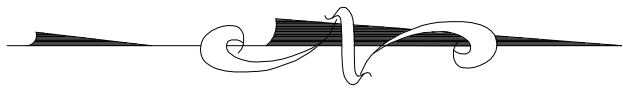
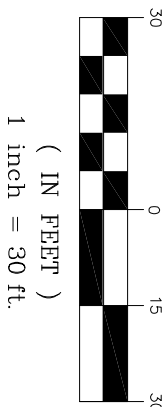
MAYOR OF HENDERSONVILLE

ATTEST: CITY CLERK

LEGAL DESCRIPTION

LOT 1 AND LOT 2 OF PLAT SLIDE 2021-13355 AS RECORDED IN THE
HENDERSON COUNTY REGISTER OF DEEDS CONTAINING 0.53 ACRES
(23,257 SQUARE FEET), ALSO DESCRIBED AS FOLLOWS:
BEGIN AT THE NORTHEAST CORNER OF LOT 8, PLAT BOOK 5, PAGE 9 OF
SAID HENDERSON COUNTY REGISTER OF DEEDS; THENCE N85°25'19"W
ALONG THE NORTH LINE OF SAID LOT 8, ALONG THE EXISTING CITY LIMITS
OF HENDERSONVILLE A DISTANCE OF 116.77 FEET TO A POINT ON THE
ARC OF A NON-TANGENT CURVE CONCAVE TO THE EAST, SAID POINT
BEING ON THE RIGHT OF WAY LINE OF U.S. HIGHWAY 25; THENCE
NORTHERLY ALONG SAID RIGHT OF WAY LINE, ALONG SAID EXISTING CITY
LIMITS AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A
RADIUS OF 914.93 FEET AND HAVING A CHORD BEARING OF N05°33'16"E
AND CHORD DISTANCE OF 38.95 FOR AN ARC DISTANCE OF 38.95 FEET
TO A POINT ON A NON-TANGENT LINE;
THENCE N65°33'41"E ALONG SAID RIGHT OF WAY LINE, ALONG SAID
EXISTING CITY LIMITS A DISTANCE OF 86.44 FEET;
THENCE N67°59'49"E ALONG SAID RIGHT OF WAY LINE, ALONG SAID
EXISTING CITY LIMITS A DISTANCE OF 56.23 FEET, TO A POINT ON THE
PROPOSED NEW HENDERSONVILLE CITY LIMITS A DISTANCE OF 40.40
FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF MONROE DRIVE;
THENCE S76°07'17"E ALONG SAID NORTH RIGHT OF WAY LINE, ALONG SAID
NEW CITY LIMITS FOR A DISTANCE OF 103.14 FEET TO A POINT ON THE
ARC OF A NON-TANGENT CURVE, SAID POINT BEING ON THE WESTERLY
RIGHT OF WAY LINE OF NORTH STONEY VIEW COURT;
THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT,
ALONG SAID WESTERLY RIGHT OF WAY LINE, ALONG SAID NEW CITY LIMITS,
HAVING A RADIUS OF 592.70 AND A CHORD BEARING OF S09°18'12"W
AND A CHORD DISTANCE OF 87.67 FEET FOR AN ARC DISTANCE OF
87.75 TO A POINT ON A NON-TANGENT LINE, SAID POINT BEING ON THE
NORTH LINE OF LOT 2 OF SAID PLAT BOOK 5, PAGE 9;
THENCE N85°25'19"W ALONG THE NORTH LINE OF SAID LOT 2, ALONG
SAID NEW CITY LIMITS A DISTANCE OF 141.93 FEET TO THE POINT OF
BEGINNING.

GRAPHIC SCALE



NC DOT R/W MAP U-2106

REGISTER OF DEEDS

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

PLAT BOOK PAGE

FILED FOR REGISTRATION ON THE DAY OF

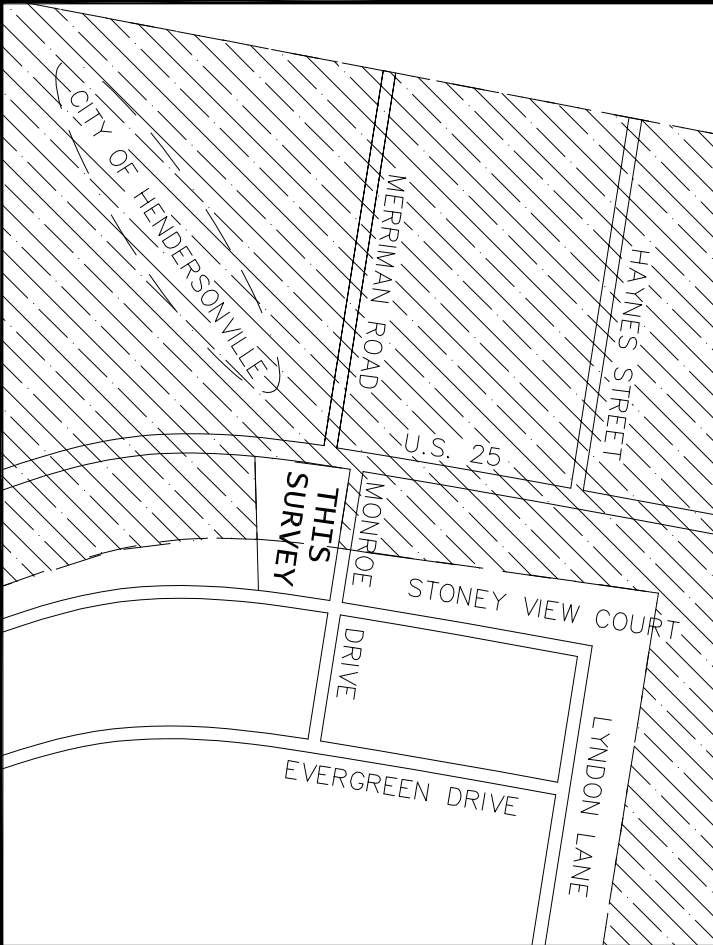
2021 AT

REGISTER OF DEEDS, HENDERSON COUNTY

BY: DEPUTY:

LOCATION SKETCH

NOT TO SCALE



LEGEND

- CHORD
- BKG BEARING
- ARC LENGTH
- RADIUS
- R/W RIGHT OF WAY
- FOUND IRON PIN
- FOUND STONE
- SET BENCHMARK
- WOOD POWER POLE
- CENTERLINE
- PROPERTY LINE
- FIRE HYDRANT
- WELL
- GAS METER
- BOUNDARY LINE NOT SURVEYED
- CENTERLINE POINT NOT SET
- SET 5/8" IRON ROD WITH L-4379 CAP UNLESS NOTED
- LINE NOT TO SCALE

NOTES

- THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
- THE BEARINGS SHOWN HEREON ARE BASED ON NC DOT R/W MAP PROJECT 9.814349, I.D. NO. U-2106 HIGHWAY 25.
- THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, RIGHT OF WAYS OR OWNERSHIPS.
- THE RATIO OF PRECISION OF THE UNBALANCED TRAVERSE MEETS OR EXCEEDS 1 : 10,000.
- THE SUBJECT PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY FEMA. FLOOD INSURANCE RATE MAP # 3700956900U EFFECTIVE DATE: 10/02/2008.
- THE FEATURE SYMBOL LOCATIONS ARE TO THE CENTER OF THE SYMBOL AND MAY BE ENLARGED FOR CLARITY.
- UNDERGROUND FOUNDATIONS AND/OR UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED.
- BEARINGS AND DISTANCES SHOWN IN PARENTHESES REPRESENT DEED AND/OR PLAT VALUES.
- ACREAGE COMPUTED BY THE COORDINATE METHOD.
- THERE ARE NO NORTH CAROLINA GEODETIC CONTROL POINTS WITHIN 2000 FEET OF THIS SITE.

REFERENCES

- DEED BOOK 862, PAGE 603 (R/W)
- DEED BOOK 3536, PAGE 336
- PLAT BOOK 5, PAGE 9
- PLAT BOOK 2021-13355

CERTIFICATE

I, KEITH R. SANDERS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY
DIRECT SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY
SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 3536 PAGE 336,
HENDERSON COUNTY REGISTRY); THAT THE BOUNDARIES NOT SURVEYED
ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN THE
HENDERSON COUNTY REGISTRY (SEE REFERENCES); THAT THE RATIO OF
PRECISION AS CALCULATED IS 1 : 10,000+; THAT THIS PLAT WAS
PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS
21ST DAY OF JUNE, A.D. 2021.

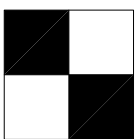
KEITH R. SANDERS

PROFESSIONAL LAND SURVEYOR # L-4379
STATE OF NORTH CAROLINA

Curve Table				
Curve #	Length	Radius	Delta	Chord Direction
C1	87.75	592.70	8.48	S9° 18' 12" W
C2	38.95	914.93	2.44	N5° 33' 16" E

ANNEXATION PLAT PURPOSE STATEMENT

THE PURPOSE OF THIS PLAT IS TO ANNEX PARCELS 9569-46-0920 AND
9569-46-1849 (0.53 CONTIGUOUS ACRES) INTO THE CITY LIMITS OF
HENDERSONVILLE AS SHOWN ON THIS SURVEY.



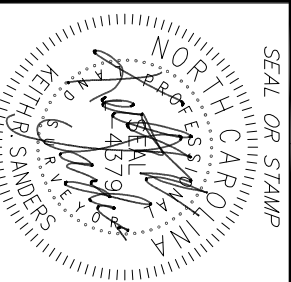
SANDERS
SURVEYING & MAPPING
SERVICES, INC.

(828) 669-2777
C-2384

510 AVENA ROAD, BLACK MOUNTAIN, NORTH CAROLINA, 28711

ANNEXATION PLAT FOR THE
CITY OF HENDERSONVILLE
LARRY AND MARY ANN MAITLAND, OWNERS
PIN # 9569-46-0920 & 9569-46-1849
DEED BOOK 3536, PAGE 336
CITY OF HENDERSONVILLE,
HENDERSON COUNTY, NORTH CAROLINA

DATE:	04/28/21
DRAWN:	KRS
CHECKED:	KRS
F.B. #:	TDS
SCALE:	1" = 30'
21-0032.DWG	



PROJECT:
21-0032
SHEET:
1 OF 1

LOT 1 AND LOT 2 OF PLAT SLIDE 2021-13355 AS RECORDED IN THE HENDERSON COUNTY REGISTER OF DEEDS CONTAINING 0.53 ACRES (23,257 SQUARE FEET). ALSO DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 8, PLAT BOOK 5, PAGE 9 OF SAID HENDERSON COUNTY REGISTER OF DEEDS; THENCE N85°25'19"W ALONG THE NORTH LINE OF SAID LOT 8, ALONG THE EXISTING CITY LIMITS OF HENDERSONVILLE A DISTANCE OF 116.77 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE EAST, SAID POINT BEING ON THE RIGHT OF WAY LINE OF U.S. HIGHWAY 25; THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE, ALONG SAID EXISTING CITY LIMITS AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 914.93 FEET AND HAVING A CHORD BEARING OF N05°33'16"E AND CHORD DISTANCE OF 38.95 FOR AN ARC DISTANCE OF 38.95 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE N55° 53'41"E ALONG SAID EXISTING CITY LIMITS A DISTANCE OF 86.44 FEET;

THENCE N87°59'49"E ALONG SAID EXISTING CITY LIMITS A DISTANCE OF 56.23 FEET;

THENCE CONTINUE N87°59'49"E ALONG SAID RIGHT OF WAY LINE, ALONG THE PROPOSED NEW HENDERSONVILLE CITY LIMITS A DISTANCE OF 40.40 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF MONROE DRIVE;

THENCE S76°07'17"E ALONG SAID SOUTH RIGHT OF WAY LINE, ALONG SAID NEW CITY LIMITS FOR A DISTANCE OF 103.14 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE, SAID POINT BEING ON THE WESTERLY RIGHT OF WAY LINE OF NORTH STONEY VIEW COURT;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, ALONG SAID WESTERLY RIGHT OF WAY LINE, ALONG SAID NEW CITY LIMITS, HAVING A RADIUS OF 592.70 AND A CHORD BEARING OF S09°18'12"W AND A CHORD DISTANCE OF 87.67 FEET FOR AN ARC DISTANCE OF 87.75 TO A POINT ON A NON-TANGENT LINE, SAID POINT BEING ON THE NORTH LINE OF LOT 2 OF SAID PLAT BOOK 5, PAGE 9;

THENCE N85°25'19"W ALONG THE NORTH LINE OF SAID LOT 2, ALONG SAID NEW CITY LIMITS A DISTANCE OF 141.93 FEET TO THE POINT OF BEGINNING.



City of Hendersonville
July 2021

**0 Monroe Drive &
2115 N Stony View Ct** Section 7, Item B.
P21-43-ANX
Contiguous Annexation
Community Development Department

**PIN:
9569-46-0920
Approximately
0.3 Acres**

**PIN:
9569-46-1849
Approx.
0.23 Acres**

 Subject Property
 Hendersonville City Limits



0 50 100 104
Feet

NORTH CAROLINA QUITCLAIM DEED

Excise Tax: \$0.00

Parcel Identifier No. 9904560 & 9904559 Verified by _____ County on the ____ day of _____, 20____
By: _____

Mail/Box to: A. Scott McDuffy- McDuffy Law Firm, PLLC- 317 Banner Farm Rd. Ste. A Mills River, NC 28759

This instrument was prepared by: A. Scott McDuffy- McDuffy Law Firm, PLLC- 317 Banner Farm Rd. Ste. A Mills River, NC 28759 Deed Preparation Only, No Title Opinion Rendered.

Brief description for the Index: Lot 1 & Lot 2, Slide 13355

THIS DEED made this 1 day of July , 2021 by and between

GRANTOR	GRANTEE
Larry Robert Maitland and wife, Mary Ann Maitland	Larry Robert Maitland and wife, Mary Ann Maitland
452 Beach Dr. Hendersonville NC 28273	452 Beach Dr. Hendersonville, NC 28273

Transfer of Ownership: Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has remised and released and does hereby remise, release and forever quitclaim to Grantee the Property described below.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Henderson County, North Carolina and more particularly described as follows:

SEE ATTACHED EXHIBIT A

_____ If initialed, the property being transferred by this Deed includes the primary residence of at least one of the Grantors, otherwise, note as N/A. (Per N.C.G.S. §105-317.2)

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3536 at Page 336, Henderson County, North Carolina Register of Deeds Office.

A map showing the above described property is recorded in Plat Book 2021 page 13355, Henderson County, North Carolina Register of Deeds Office.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

The Grantor makes no warranty, express or implied, as to title to the property hereinabove described.

Henderson County and ~~Mills River~~ ad valorem taxes for 2021, which are a lien, but not yet due and payable, easements, rights of way and restrictions of record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Larry Robert Maitland (Seal)
Larry Robert Maitland

Mary Ann Maitland (Seal)
Mary Ann Maitland

State of North Carolina – County of Henderson

I, the undersigned Notary Public of the County and State aforesaid, certify that **Larry Robert Maitland and wife, Mary Ann Maitland** personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal this 1 day of July, 2021.

My Commission Expires: 11-9-2024

A Scott McDuffy
Notary Public

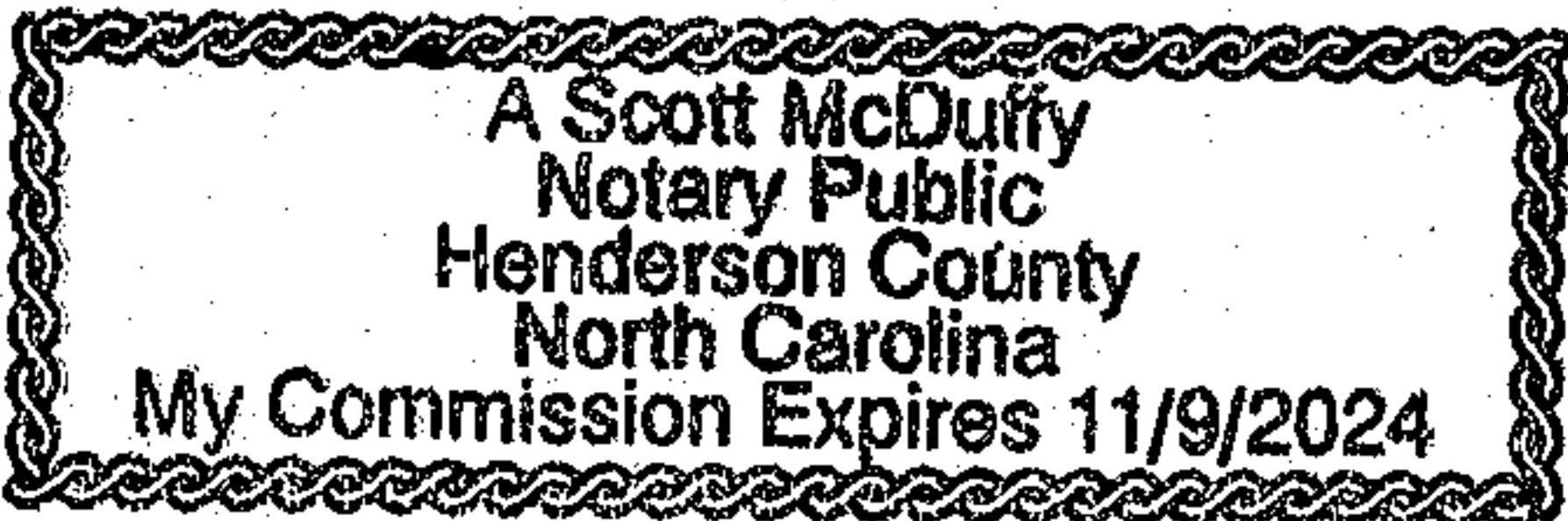


EXHIBIT A

Lying in Henderson County, North Carolina

The purpose of this Deed is to establish two new and distinct tracts, to be taxed separately, and to have separate parcel numbers according to a new survey that was drawn on property owned by the Grantors which was conveyed to Grantors by Deed recorded in Book 3536 Page 336 in the Henderson County Register of Deeds. The new tracts are described as follows:

Tract 1

BEING all of that 0.23 acre tract identified as Lot 1 on the survey performed by Keith R. Sanders of Sanders Surveying & Mapping Services, Inc., dated 4/28/2021, project no. 21-0032, and recorded in Plat Slide 13355 of the Henderson County, NC Register of Deeds. Said survey is incorporated as if fully set out herein.

Tract 2

BEING all of that 0.30 acre tract identified as Lot 2 on the survey performed by Keith R. Sanders of Sanders Surveying & Mapping Services, Inc., dated 4/28/2021, project no. 21-0032, and recorded in Plat Slide 13355 of the Henderson County, NC Register of Deeds. Said survey is incorporated as if fully set out herein.



CITY OF HENDERSONVILLE
DEVELOPMENT ASSISTANCE DEPARTMENT
100 N. King St. ~ Hendersonville, NC ~ 28792 Phone
(828) 697-3010 ~ Fax (828) 697-6185
www.hendersonvillenc.gov

PETITION REQUESTING ANNEXATION

The following are required to constitute a complete application for voluntary annexation:

- ~This form including the property owner's signature
- ~A copy of the deed indicating ownership of the property.
- ~A survey plat (8 1/2 " by 11") of the property prepared by a registered surveyor licensed to practice in the state of North Carolina.
- ~ A typed boundary description of the property, in digital format if possible.

Date 07/02/2021 Location / Property Address 215 S. STONEY VIEW COURT

List 10 digit PIN or 7 digit PID number 9569-46-0920, 9569-46-1849

Does this property adjoin the present City Limits? ☒ YES ☐ NO

Is the property within the ETJ? ☒ YES ☐ NO

Reason for annexation CURRENTLY ZONED COMMERCIAL, WOULD LIKE TO BE CONNECTED TO CITY WATER & SEWER

Applicant Name MARY ANN MAITLAND / LARRY R. MAITLAND

Address 452 BEACH DRIVE, HENDERSONVILLE, NC 28792

Phone 828-775-8646 Fax Email manaitland@aatt.net

Property Owner: Name MARY ANN MAITLAND / LARRY R. MAITLAND

Address 452 BEACH DRIVE, HENDERSONVILLE, NC 28792

Signature Mary Ann Maitland
Larry R. Maitland
Printed Name MARY ANN MAITLAND
LARRY R. MAITLAND

Official Use:
DATE RECEIVED: BY



StarNews | The Dispatch | Times-News
Sun Journal | The Daily News | The Star
The Free Press | Gaston Gazette

Order Confirmation

Not an Invoice

Section 7, Item B.

Account Number:	488558
Customer Name:	City Of Hendersonville
Customer Address:	City Of Hendersonville 160 6Th AVE E City Clerk Hendersonville NC 28792-3775
Contact Name:	Angela Reece
Contact Phone:	828-697-3005
Contact Email:	areece@hvlnc.gov
PO Number:	PH 9/2/21

Date:	08/11/2021
Order Number:	6172232
Prepayment Amount:	\$ 0.00

Column Count:	1
Line Count:	153.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
HEN Times-News	2	08/22/2021 - 08/29/2021	Public Notices
HEN blueridgenow.com	2	08/22/2021 - 08/29/2021	Public Notices

Total Order Confirmation	\$41.72
--------------------------	---------

Ad Preview

Section 7, Item B.

PUBLIC HEARING NOTICE
Notice is hereby given that the

Notice is hereby given that the City of Hendersonville City Council will hold four public hearings on Thursday, September 2, 2021, at 5:45 p.m., in the City Operations Assembly Room located at 305 Williams Street, Hendersonville NC to consider the following:

1. Annexation Petition -
South Allen Road PIN: 9588-
11-9994 (P21-40-ANX)- Applica-
tion from Peggy C. Cabe, Enne-
F. Camenzind, Paula Camen-
zind Carter, Robert O. Camen-
zind, Joan C. Fleming petition
requesting annexation of the
satellite area described as PIN
9588-11-9994 located on S. Allen
Road that is approximately
32.66 acres.

II. Annexation Petition -
Monroe Drive and 2115 N.
Stoney View Court (P21-43-
ANX)- Application from Larry
and Mary Maitland for contig-
uous annexation of PINs 9569-46-
0920 and 9569-46-1849 located on
Monroe Drive and N. Stoney
View Court that is approxi-
mately 0.63 acres.

III. Conditional Zoning District Amendment – West Avenue Villas (P21-42-CZD) Application from Andrew L.C. of Riddle Development, LLC, The Hendersonville City Council voted to approve the original conditional zoning district of their August 6th, 2020 meeting. The amendment is to add one additional apartment to the garage for a total of 10 units. The original of the 2 apartments that were approved by City Council. The previously approved Conditional Zoning District was approved for 10 units, the amendment for a total of 11 units. The applicant is also requesting to adjust the approved square footages of the structures.

V. Zoning Text Amendments
Small-Scale Manufacture: Amend Article 16A, § 10-1 to allow small-scale manufacturing as one permitted use subject to supplementary standards in the C-1, Central Business District, C-2, Secondary Business, C-3, Highway Business, CHMU, Commercial Highway Mixed Use, CHMU Commercial Highway Mixed Use and CHMU Highway Mixed Use districts. The addition of the definition of small scale manufacture in Article 16A, Districts; Section 10-1.
Definition of Commonly Used Terms and Words. The addition of supplementary standards in Article XV, Supplementary Standards for Certain Uses, Section 16-1, Standards

NOTICE IS HEREBY GIVEN that some Hendersonville City Council Members may participate remotely in these hearings of the above designated time/day/place and via Zoom with the information below.

Digital/written public comments will be accepted until twenty-four hours prior to the scheduled public hearing and will be accepted during the meeting 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. Anyone wishing to submit written/digital public comment for this public hearing prior to the meeting may visit

<https://www.hendersonvillenc.gov/comment> to submit their comment

Digital/written public hearing comments must be received

Twenty-four hours prior to the meeting (by 5:45 p.m. on Wednesday September 1st) will be considered by the City Council and must comply with security criteria in the Council's Public Comment Policy, available on the City's website by visiting <http://www.bendoregon.gov/city/council/policies>

The meeting instructions to join by Zoom will be available on the City's website by visit-

<https://www.hendersonvillenc.gov/events-calendar> and as follows:

Zoom information for the meeting is:

```
https://200m.us/1/95746846396?
pwd=YmlXdxHciRFVIM2VE
lacEVwT1Zl.Zz09%success
```

Dial-in by phone: (646) 558-8656
Meeting ID: 957 4684 6396

Control information for the

Contact information for the City Clerk, Angela Reece, is: 160 6th Avenue East, Hender-

sonville, NC 28792;
areece@hvlnc.gov; (828) 697-
2222

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 697-3000 no later than 24 hours in advance of the meeting.

PUBLIC HEARING NOTICE

Notice is hereby given that the City of Hendersonville City Council will hold four public hearings on Thursday, September 2, 2021, at 5:45 p.m., in the City Operations Assembly Room located at 305 Williams Street, Hendersonville NC to consider the following:

- I. **Annexation Petition –0 South Allen Road PIN: 9588-11-9994 (P21-40-ANX)-** Application from Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming petition requesting annexation of the satellite area described as PIN 9588-11-9994 located on S. Allen Road that is approximately 32.66 acres.
- II. **Annexation Petition –0 Monroe Drive and 2115 N Stoney View Court (P21-43-ANX)–** Application from Larry and Mary Maitland for contiguous annexation of PINs 9569-46-0920 and 9569-46-1849 located on Monroe Drive and N. Stoney View Court that is approximately 0.53 acres.
- III. **Conditional Zoning District Amendment – West Avenue Villas (P21-42-CZD) -** Application from Andrew Riddle of Riddle Development, LLC. The Hendersonville City Council voted to approve the original conditional zoning district at their August 6th, 2020 meeting. The amendment is to add one additional apartment above the garage for a total of 3 apartments instead of the 2 apartments that were approved by City Council. The previously approved Conditional Zoning District was approved for 10 units, the amendment is for a total of 11 units. The applicant is also requesting to adjust the approved square footages of the structures.
- IV. **Zoning Text Amendment – Small-Scale Manufacturing (P21-41-ZTA) -** The addition of small-scale manufacturing as a permitted use subject to supplementary standards in the C-1, Central Business District, C-2, Secondary Business, C-3, Highway Business, CMU, Central Mixed Use, GHMU, Greenville Highway Mixed Use, CHMU Commercial Highway Mixed Use and HMU, Highway Mixed Use Districts. The addition of the definition of small-scale manufacturing in Article XII, Definition of Terms; Section 12-2, Definition of Commonly Used Terms and Words. The addition of supplementary standards in Article XVI, Supplementary Standards for Certain Uses; Section 16-4, Standards.

NOTICE IS HEREBY GIVEN that some Hendersonville City Council Members may participate remotely in these hearings at the above designated time/day/place and via Zoom with the information below.

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public comment for this public hearing prior to the meeting may visit <https://www.hendersonvillenc.gov/comment> to submit their comment.

Digital/written public hearing comments must be received **twenty-four hours prior to the meeting (by 5:45 p.m. on Wednesday September 1st)** to be considered by the City Council and must comply with security criteria in the 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 will be available on the City's website by visiting <https://www.hendersonvillenc.gov/events-calendar> and as follows:

Zoom information for the meeting is:

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

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

Meeting ID: 957 4684 6396

Passcode: 28792

Contact information for the City Clerk, Angela Reece, is: 160 6th Avenue East, Hendersonville, NC 28792; areece@hvlnc.gov; (828) 697-3000.

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 697-3000 no later than 24 hours in advance of the meeting.

Run two times: Sunday, August 22, 2021
Sunday, August 29, 2021

ATTACHMENTS:

Ordinance, Certificate of Sufficiency, Annexation plat, Legal description, Deed, Annexation application

Ordinance #O-21-41

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO
EXTEND THE CORPORATE LIMITS OF THE CITY AS A SATELLITE ANNEXATION**

WHEREAS, The City of Hendersonville has been petitioned by Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming pursuant to North Carolina General Statutes (NCGS) 160A-58.1, as amended, to annex the area described herein below; and,

WHEREAS, the City Clerk has investigated and certified the sufficiency of said petition; and,

WHEREAS, a public hearing on the question of this annexation was held at the City Operations Center at 305 Williams Street, Hendersonville, NC at 5:45 pm, on the 2nd day of September 2021, after due notice by publication as provided by law on August 22nd and August 29th, 2021; and,

WHEREAS, the City Council further finds the areas described therein meets the standards of N.C. G.S. 160A-58.1(b), to wit;

- a. All of the proposed satellite corporate limits are less than three miles from the primary corporate limits of Hendersonville. The map distance is approximately 5,825 feet.
- b. No point on the proposed satellite corporate limit is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
- c. The area described is so situated that the City of Hendersonville will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- d. The area proposed for annexation is not a subdivision as defined in NCGS 160A-376.
- e. The area within the proposed satellite corporate limits, when added to the areas within all other satellite corporate limits does not exceed 10 percent (10%) of the area within the primary corporate limits of the City of Hendersonville.

WHEREAS, the City further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the City further finds that the petition is otherwise valid, and that the public health, safety and welfare of the City and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina:

1: By virtue of the authority granted by N.C.G.S. 160A-58.2, as amended, the following described noncontiguous area is hereby annexed and made part of the City of Hendersonville as of the second day of September 2021.

Being all of that real property shown on that annexation plat recorded in Plat Book 2021 at Page _____ of the Henderson County Registry, and being also all of that real property shown on that plat recorded on Deed Book 3754; pages 155-159, Plat Slide 13516 of the Henderson County Registry, and being described by metes and bounds as follows:

BEGINNING AT A 1/2" IRON REBAR IN THE NORTHEAST CORNER OF THE PROPERTY AT THE SHARED CORNER OF KATHY & DANIEL MOORE, ALSO LYING IN THE CENTERLINE OF THE CREEK AND ALONG THE INTERSTATE 26 RIGHT OF WAY, THENCE S 38°34'59" E A DISTANCE OF 225.23' TO A CONCRETE MONUMENT. THENCE S 38°02'49" E A DISTANCE OF 198.23' TO A CONCRETE MONUMENT. THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 532.93', WITH A RADIUS OF 7504.42', WITH A CHORD BEARING OF S 35°32'18" E, WITH A CHORD LENGTH OF 532.82', TO A CONCRETE MONUMENT. THENCE S 33°06'12" E A DISTANCE OF 198.94' TO A CONCRETE MONUMENT. THENCE S 32°45'21" E A DISTANCE OF 890.16' TO A 1" REBAR. THENCE N 85°28'24" W A DISTANCE OF 971.55' TO A 5/8" REBAR. THENCE N 85°28'24" W A DISTANCE OF 205.52' TO A 1" OPEN TOP PIPE. THENCE N 85°28'28" W A DISTANCE OF 361.58' TO A 5/8" REBAR. THENCE N 85°28'25" W A DISTANCE OF 208.95' TO AN OPEN TOP PIPE. THENCE N 85°28'25" W A DISTANCE OF 20.45' TO A CALCULATED POINT IN SOUTH ALLEN ROAD. THENCE N 06°00'09" W A DISTANCE OF 504.16' TO A CALCULATED POINT IN SOUTH ALLEN ROAD. THENCE N 78°06'30" E A DISTANCE OF 30.17' TO A 1/2" REBAR. THENCE N 78°06'30" E A DISTANCE OF 638.79' TO A 1/2" REBAR. THENCE N 17°17'53" W A DISTANCE OF 677.33' TO A 1/2" REBAR. THENCE N 17°17'53" W A DISTANCE OF 14.22' TO A CALCULATED POINT IN THE CENTERLINE OF CREEK. THENCE FOLLOWING THE CENTERLINE OF CREEK N 56°08'52" E A DISTANCE OF 26.98' TO A CALCULATED POINT. THENCE S 80°16'33" E A DISTANCE OF 23.66' TO A CALCULATED POINT. THENCE N 69°00'41" E A DISTANCE OF 54.24' TO A CALCULATED POINT. THENCE N 04°36'51" E A DISTANCE OF 20.87' TO A CALCULATED POINT. THENCE N 36°21'19" E A DISTANCE OF 44.82' TO A CALCULATED POINT. THENCE N 48°10'05" E A DISTANCE OF 40.80' TO A CALCULATED POINT. THENCE N

18°52'18" E A DISTANCE OF 75.32' TO A CALCULATED POINT. THENCE N 23°24'08" E A DISTANCE OF 61.14' TO A CALCULATED POINT AND RETURNING TO THE POINT OF BEGINNING OF THE DESCRIBED PROPERTY CONTAINING 32.66 ACRES, MORE OR LESS.

2: Upon and after the second day of September 2021, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Hendersonville, and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-58.10, as amended.

3. The Mayor of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Henderson County Board of Elections, as required by G. S. 163-288.1.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of September 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 _____, 2020.

My commission expires:

Amy H. Knight

CERTIFICATE OF SUFFICIENCY

Re: Petition for Satellite Annexation

Petitioners: Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming
File No. P21-40-ANX

To the Honorable Mayor and members of the City Council of Hendersonville, North Carolina:

I, Angela L. Reece, City Clerk, being first duly sworn, hereby certify that:

1. A petition has been received for satellite annexation of a property consisting of +/- 32.66 acres between South Allen Road and Interstate 26 in Hendersonville, NC, being tax parcel 9588-11-9994 (32.66 Acres), and being more particularly described on that plat recorded in Plat Book 2021 at Slide 13516, in the Henderson County, North Carolina Register of Deeds Office, hereinafter "Petition."
2. An investigation has been completed as required by N.C.G.S. § 160A-58.2 of the Petition for compliance with the requirements of N.C.G.S. § 160A-58.1.

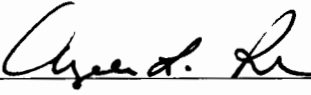
Based upon this investigation, I find that

1. The Petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area.
2. The nearest point on the proposed satellite corporate limit is approximately 5,825 from the primary corporate limits of the City of Hendersonville, which is less than 3 miles.
3. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S. 160A-58.1(a).
4. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
5. The satellite area is situated so the City will be able to provide the same services within the proposed satellite corporate limits that is provided within the primary corporate limits.
6. The area proposed for annexation is not a subdivision as defined in N.C.G.S. § 160D-802.

7. The total area within the proposed satellite corporate limits, when added to the area within all the other satellite corporate limits of the City, does not exceed ten (10%) of the area within the primary corporate limits of the City.

Having made the findings stated above, I hereby certify the Petition appears to be valid.

In witness whereof, I have here unto set my hand and affixed the seal of the City of Hendersonville, this 27 day of July, 2021.



Angela L. Reece, City Clerk



Resolution #__-____

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION
PERSUANT TO N.C. G.S. 160A-58.2**

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received from Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming PIN 9588-11-9994 located on S. Allen Road that is approximately 32.66 acres (P21-40-ANX; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made; and

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

1. A public hearing on the question of annexation of the contiguous area described herein will be held at City Operations Center located at 305 Williams St. at 5:45 p.m. on September 2, 2021, or as soon thereafter as it may be heard.

2. The area proposed for annexation is described as follows:

BEGINNING AT A 1/2" IRON REBAR IN THE NORTHEAST CORNER OF THE PROPERTY AT THE SHARED CORNER OF KATHY & DANIEL MOORE, ALSO LYING IN THE CENTERLINE OF THE CREEK AND ALONG THE INTERSTATE 26 RIGHT OF WAY, THENCE S 38°34'59" E A DISTANCE OF 225.23' TO A CONCRETE MONUMENT. THENCE S 38°02'49" E A DISTANCE OF 198.23' TO A CONCRETE MONUMENT. THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 532.93', WITH A RADIUS OF 7504.42', WITH A CHORD BEARING OF S 35°32'18" E, WITH A CHORD LENGTH OF 532.82', TO A CONCRETE MONUMENT. THENCE S 33°06'12" E A DISTANCE OF 198.94' TO A CONCRETE MONUMENT. THENCE S 32°45'21" E A DISTANCE OF 890.16' TO A 1" REBAR. THENCE N 85°28'24" W A DISTANCE OF 971.55' TO A 5/8" REBAR. THENCE N 85°28'24" W A DISTANCE OF 205.52' TO A 1" OPEN TOP PIPE. THENCE N 85°28'28" W A DISTANCE OF 361.58' TO A 5/8" REBAR. THENCE N 85°28'25" W A DISTANCE OF 208.95' TO AN OPEN TOP PIPE. THENCE N 85°28'25" W A DISTANCE OF 20.45' TO A CALCULATED POINT IN SOUTH ALLEN ROAD. THENCE N 06°00'09" W A DISTANCE OF 504.16' TO A CALCULATED POINT IN SOUTH ALLEN ROAD. THENCE N 78°06'30" E A DISTANCE OF 30.17' TO A 1/2" REBAR. THENCE N 78°06'30" E A DISTANCE OF 638.79' TO A 1/2" REBAR. THENCE N 17°17'53" W A DISTANCE OF 677.33' TO A 1/2" REBAR. THENCE N 17°17'53" W A DISTANCE OF 14.22' TO A CALCULATED POINT IN THE CENTERLINE OF CREEK. THENCE FOLLOWING THE CENTERLINE OF CREEK N 56°08'52" E A DISTANCE OF 26.98' TO A CALCULATED POINT. THENCE S 80°16'33" E A DISTANCE OF 23.66' TO A CALCULATED POINT. THENCE N 69°00'41" E A DISTANCE OF 54.24' TO A CALCULATED POINT. THENCE N 04°36'51" E A

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3. Notice of the public hearing shall be published once in The Hendersonville Times-News, a newspaper having general circulation in the City of Hendersonville, at least 10 days prior to the date of the public hearing

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of August 2021.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

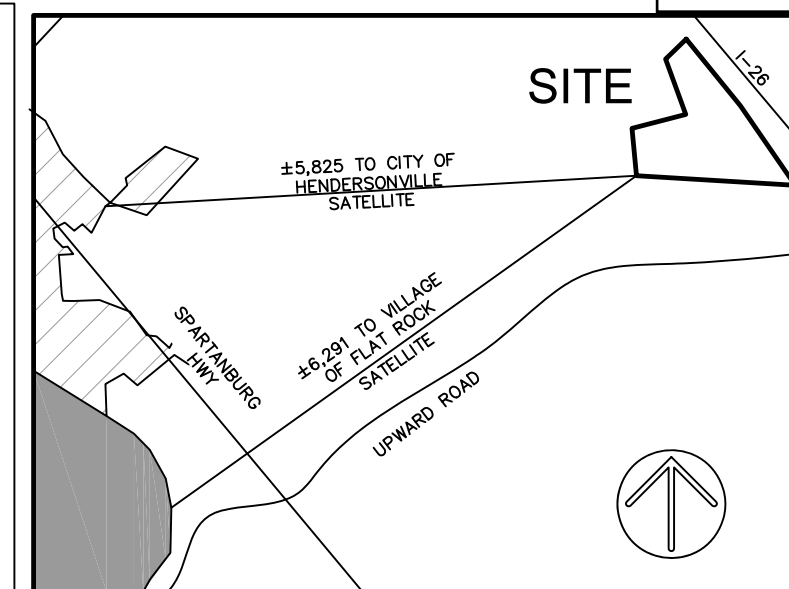
Approved as to form:

Angela S. Beeker, City Attorney

ANNEXATION PLAT

PIN: 9588119994

CITY OF HENDERSONVILLE



VICINITY MAP NOT TO SCALE

LEGEND	
▲	CALC POINT
CMF	CONC. MONUMENT FOUND
RBF	IRON REBAR FOUND
Rbfd	IRON REBAR FOUND DISTURBED
OTP	OPEN TOP PIPE
RBS	IRON REBAR SET
—TB—	TOP OF BANK
—BB—	BOTTOM OF BANK
—X—	FENCE LINE
—	CITY LIMIT

NOTES

1. THE PURPOSE OF THIS PLAT IS TO ANNEX PARCEL #9588119994 (32.66 SATELLITE ACRES) INTO THE CITY LIMITS OF HENDERSONVILLE AS SHOWN ON THIS SURVEY.
2. ALL DISTANCES ARE HORIZONTAL GROUND IN US SURVEY FEET UNLESS OTHERWISE SHOWN.
3. PARCEL LOCATED IN HENDERSON COUNTY.
4. BEARING REFERENCED TO NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD83.
5. THIS PROPERTY LIES IN ZONES X AS SCALED FROM FLOOD INSURANCE RATE MAP #3700958800J, DATED OCTOBER 2, 2008.
6. DATE OF FIELD SURVEY : 07-06-2021
7. OWNER OF RECORD: PEGGY CABE, ENNO CAMENZIND, PAULA CAMENZIND, ROBERT CAMENZIND, JOAN FLEMING
8. TOTAL ACREAGE: 32.66 ACRES
9. 0.304 ACRE GAP OBSERVED BETWEEN PARCELS DURING SURVEY.
9. NO CEMETARIES OR BURIAL GROUNDS WERE OBSERVED ON THE PROPERTY.
10. EVIDENCE OF OLD WETLAND FLAGGING OBSERVED DURING SURVEY.

REFERENCES

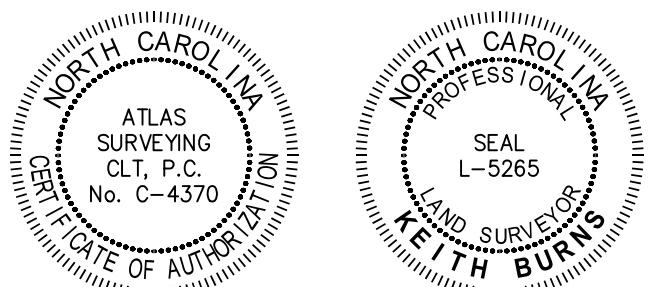
1. MAP BY CLARENCE A. JENKINS, P.L.S. FOR E.S. HUGGINS DATED JULY 9, 2002 (PB 2002, PG 4376)
2. MAP BY WAGGONER & RHODES LAND SURVEYORS, INC. FOR JUSTUS BUSINESS CENTER, LLC. DATED OCTOBER 17, 2008 (PB 2007, PG 6471)
3. MAP BY SURVEY CAROLINA, PLLC FOR NC LLC DATED AUGUST 17, 2020 (PB 2020, PG 12688)

PREPARED FOR:
PEGGY CABE, ENNO CAMENZIND,
PAULA CAMENZIND, ROBERT
CAMENZIND, JOAN FLEMING
A BOUNDARY & ANNEXATION SURVEY OF
±32.66 ACRE PARCEL BETWEEN
SOUTH ALLEN ROAD &
INTERSTATE 26
PARCEL ID No. 9588119994

HENDERSON COUNTY
NORTH CAROLINA
FIELD WORK: JWB
FIELD CHECK: WJO
DRAWN BY: AFD
DATE: 07-21-2021
SCALE: 1"=100'
PROJECT No.: GSP-21065
FILE: GSP-21065 TIDING
PAGE: PAGE 1 OF 1

ATLAS
SURVEYING, INC.

13331 YORK CENTER DRIVE, SUITE E
CHARLOTTE, NC 28273
PHONE: (980)949-8475
WEBSITE: WWW.ATLASSURVEYING.COM



I, KEITH BURNS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE LISTED REFERENCES); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM LISTED REFERENCES; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS ±1:10000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).

THIS 21ST DAY OF JULY, 2021

Keith Burns 7/21/21
KEITH BURNS
P.L.S. No. L-5265

I, KEITH BURNS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- (1) CLASS OF SURVEY: AA
- (2) POSITIONAL ACCURACY: HOR: 0.05, VER: 0.08
- (3) TYPE OF GPS FIELD PROCEDURE: REAL TIME KINETIC (RTK)
- (4) DATES OF SURVEY: JULY 6, 2021
- (5) DATUM/EPOCH: NAD 83/2011
- (6) PUBLISHED/FIXED-CONTROL USE: AH 2421
- (7) GEOID MODEL: 12A
- (8) COMBINED GRID FACTOR(S): 0.99977722
- (9) UNITS: US SURVEY FEET

Keith Burns 7/21/21
KEITH BURNS
P.L.S. No. L-5265

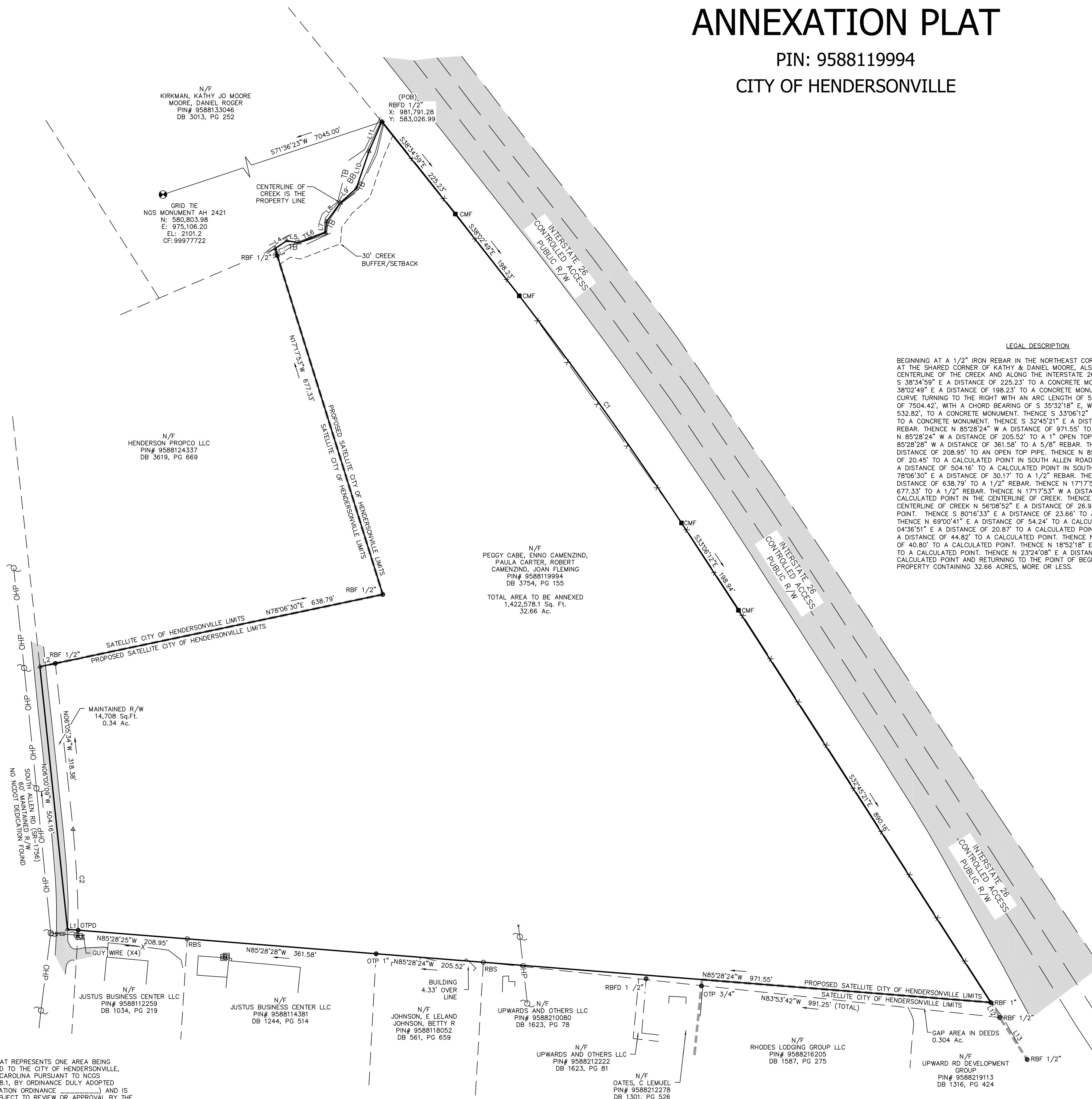
LINE TABLE		
LABEL	BEARING	DISTANCE
L1	N85°28'25" W	20.45'
L2	N78°06'30" E	30.17'
L3	N17°17'53" W	14.22'
L4	N50°08'52" E	26.98'
L5	S80°16'33" E	23.66'
L6	N69°00'41" E	54.24'
L7	N04°36'51" E	20.87'
L8	N36°21'19" E	44.82'
L9	N48°10'05" E	40.80'
L10	N18°52'18" E	75.32'
L11	N23°24'08" E	61.14'
L12	S30°45'37" E	33.45'
L13	S33°12'41" E	95.93'

CURVE TABLE				
LABEL	RADIUS	ARC	CHORD	CHORD BEARING
C1	7504.42'	532.93'	532.82'	S35°32'18" E
C2	2119.44'	192.96'	192.89'	N02°54'35" W



THIS PLAT REPRESENTS ONE AREA BEING ANNEXED TO THE CITY OF HENDERSONVILLE, NORTH CAROLINA PURSUANT TO NC GS 160A-58.1, BY ORDINANCE DULY ADOPTED (ANNEXATION ORDINANCE _____) AND IS NOT SUBJECT TO REVIEW OR APPROVAL BY THE CITY OF HENDERSONVILLE PLANNING BOARD. THIS _____ DAY OF _____ 2021.

MAYOR CITY OF HENDERSONVILLE
ATTEST: _____
CITY CLERK



LEGAL DESCRIPTION

BEGINNING AT A 1/2" IRON REBAR IN THE NORTHEAST CORNER OF THE PROPERTY AT THE SHARED CORNER OF KATHY & DANIEL MOORE, ALSO LYING IN THE CENTERLINE OF THE CREEK AND ALONG THE INTERSTATE 26 RIGHT OF WAY, THENCE S 38°34'59" E A DISTANCE OF 225.23' TO A CONCRETE MONUMENT. THENCE S 38°02'49" E A DISTANCE OF 198.23' TO A CONCRETE MONUMENT. THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 532.93', WITH A RADIUS OF 7504.42', WITH A CHORD BEARING OF S 35°32'18" E, WITH A CHORD LENGTH OF 532.82', TO A CONCRETE MONUMENT. THENCE S 33°06'12" E A DISTANCE OF 198.94' TO A CONCRETE MONUMENT. THENCE S 32°45'21" E A DISTANCE OF 890.16' TO A 1" REBAR. THENCE N 85°28'24" W A DISTANCE OF 971.55' TO A 5/8" REBAR. THENCE N 85°28'24" W A DISTANCE OF 205.52' TO A 1" OPEN TOP PIPE. THENCE N 85°28'28" W A DISTANCE OF 361.58' TO A 5/8" REBAR. THENCE N 85°28'25" W A DISTANCE OF 208.95' TO AN OPEN TOP PIPE. THENCE N 85°28'25" W A DISTANCE OF 20.45' TO A CALCULATED POINT IN SOUTH ALLEN ROAD. THENCE N 06°00'09" W A DISTANCE OF 504.16' TO A CALCULATED POINT IN SOUTH ALLEN ROAD. THENCE N 78°06'30" E A DISTANCE OF 30.17' TO A 1/2" REBAR. THENCE N 78°06'30" E A DISTANCE OF 638.79' TO A 1/2" REBAR. THENCE N 17°17'53" W A DISTANCE OF 677.33' TO A 1/2" REBAR. THENCE N 17°17'53" W A DISTANCE OF 14.22' TO A CALCULATED POINT IN THE CENTERLINE OF CREEK. THENCE FOLLOWING THE CENTERLINE OF CREEK N 56°08'52" E A DISTANCE OF 26.98' TO A CALCULATED POINT. THENCE S 80°16'33" E A DISTANCE OF 23.66' TO A CALCULATED POINT. THENCE N 69°00'41" E A DISTANCE OF 54.24' TO A CALCULATED POINT. THENCE N 04°36'51" E A DISTANCE OF 20.87' TO A CALCULATED POINT. THENCE N 36°21'19" E A DISTANCE OF 44.82' TO A CALCULATED POINT. THENCE N 48°10'05" E A DISTANCE OF 40.80' TO A CALCULATED POINT. THENCE N 18°52'18" E A DISTANCE OF 75.32' TO A CALCULATED POINT. THENCE N 23°24'08" E A DISTANCE OF 61.14' TO A CALCULATED POINT AND RETURNING TO THE POINT OF BEGINNING OF THE DESCRIBED PROPERTY CONTAINING 32.66 ACRES, MORE OR LESS.

Henderson County, North Carolina
William Lee King, Register of Deeds

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$0.00

Parcel Identifier No. 9588119994 Verified by Henderson County on the ____ day of ____, 20__

By:

Mail/Box to: HANNAH L. CAMENZIND, Ramsey, Pratt & Camenzind, P.A., 35 N Gaston Street, Brevard, NC 28712

This instrument was prepared by: HANNAH L. CAMENZIND (NO TITLE SEARCH PERFORMED BY THE PREPARER)

Brief description for the Index: _____

THIS DEED made this 22nd day of July, 2021, by and between

GRANTOR

ROBERT O. CAMENZIND and wife, LYNDA HILL CAMENZIND; PEGGY C. CABE (Widow), ENNO FRANK CAMENZIND, JR. (a/k/a ENNO F. CAMENZIND), and wife, BRENDA MERRILL CAMENZIND, PAULA CAMENZIND CARTER (a/k/a PAULA C. CARTER) and husband, CHARLES NORMAN CARTER, and JOAN C. FLEMING and husband, JOHN THOMAS FLEMING;

5133 Boylston Highway
Mills River, NC 28759

GRANTEE

PEGGY C. CABE, ENNO F. CAMENZIND, JOAN C. FLEMING, PAULA CAMENZIND CARTER, and ROBERT O. CAMENZIND

5133 Boylston Highway
Mills River, NC 28759

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of ____, Blue Ridge Township, Henderson County, North Carolina and more particularly described as follows:

BEING ALL OF THE SAME LAND DESCRIBED ON THE PAGE WHICH IS ATTACHED HERETO, DESIGNATED AS EXHIBIT "A" AND INCORPORATED HEREIN BY REFERENCE.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3578, page 329.

All or a portion of the property herein conveyed ____ does X does not include the primary residence of the Grantor.

Submitted electronically by "Ramsey, Pratt & Camenzind, P.A."
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Henderson County Register of Deeds.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Exceptions and reservations contained in this deed and/or in instruments referenced herein.
Easements and rights of way for public and private roads and utilities, of public record.
Lien of ad valorem taxes for the current year and subsequent years, not yet due and payable.

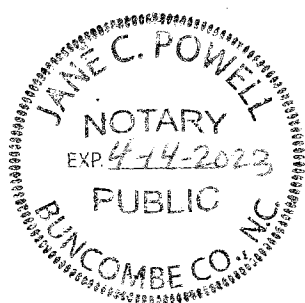
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.


_____(SEAL)
ROBERT O. CAMENZIND

STATE OF NORTH CAROLINA, COUNTY OF Transylvania.

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: ROBERT O. CAMENZIND

WITNESS my hand and Notarial Seal, this the 22nd day of July, 2020.





Signature of Notary Public
JANE C. POWELL

Printed or typed name of Notary Public

My commission expires: 4-14-2023

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Exceptions and reservations contained in this deed and/or in instruments referenced herein.
Easements and rights of way for public and private roads and utilities, of public record.
Lien of ad valorem taxes for the current year and subsequent years, not yet due and payable.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Lynda Hill Camenzind, by and through her attorney-in-fact Robert O. Camenzind (SEAL)
LYNDA HILL CAMENZIND, by and through her attorney-in-fact, ROBERT O. CAMENZIND

Peggy C. Cabe, by and through her attorney-in-fact Robert O. Camenzind (SEAL)
PEGGY C. CABE, by and through her attorney-in-fact, ROBERT O. CAMENZIND

Enno Frank Camenzind, Jr., by and through his attorney-in-fact, Robert O. Camenzind (SEAL)
ENNO FRANK CAMENZIND, JR., by and through his attorney-in-fact, ROBERT O. CAMENZIND

Brenda Merrill Camenzind, by and through her attorney-in-fact Robert O. Camenzind (SEAL)
BRENDA MERRILL CAMENZIND, by and through her attorney-in-fact, ROBERT O. CAMENZIND

Paula Camenzind Carter, by and through her attorney-in-fact Robert O. Camenzind (SEAL)
PAULA CAMENZIND CARTER, by and through her attorney-in-fact, ROBERT O. CAMENZIND

Charles Norman Carter, by and through his attorney-in-fact Robert O. Camenzind (SEAL)
CHARLES NORMAN CARTER, by and through his attorney-in-fact, ROBERT O. CAMENZIND

Joan Camenzind Fleming, by and through her attorney-in-fact, Robert O. Camenzind (SEAL)
JOAN CAMENZIND FLEMING, by and through her attorney-in-fact, ROBERT O. CAMENZIND

John Thomas Fleming, by and through his attorney-in-fact, Robert O. Camenzind (SEAL)
JOHN THOMAS FLEMING, by and through his attorney-in-fact, ROBERT O. CAMENZIND

STATE OF NORTH CAROLINA, COUNTY OF Transylvania.

I, JANE C. POWELL, a Notary Public, do hereby certify that ROBERT O. CAMENZIND, attorney-in-fact for LYNDIA HILL CAMENZIND (Wife of ROBERT O. CAMENZIND), PEGGY C. CABE (Widow), ENNO FRANK CAMENZIND, JR., and wife, BRENDA MERRILL CAMENZIND, PAULA CAMENZIND CARTER and husband, CHARLES NORMAN CARTER, JOAN CAMENZIND FLEMING and husband, JOHN THOMAS FLEMING, personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of LYNDIA HILL CAMENZIND (Wife of ROBERT O. CAMENZIND), PEGGY C. CABE (Widow), ENNO FRANK CAMENZIND, JR., and wife, BRENDA MERRILL CAMENZIND, PAULA CAMENZIND CARTER and husband, CHARLES NORMAN CARTER, JOAN CAMENZIND FLEMING and husband, JOHN THOMAS FLEMING, and that his authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded on the 16th day of April, 2021, in the office of the Register of Deeds for Henderson County in Book 3693, page 58, and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney; that the said ROBERT O. CAMENZIND acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said LYNDIA HILL CAMENZIND (Wife of ROBERT O. CAMENZIND), PEGGY C. CABE (Widow), ENNO FRANK CAMENZIND, JR., and wife, BRENDA MERRILL CAMENZIND, PAULA CAMENZIND CARTER and husband, CHARLES NORMAN CARTER, JOAN CAMENZIND FLEMING and husband, JOHN THOMAS FLEMING

WITNESS my hand and Notarial Seal, this the 22nd day of July, 2020.

My Commission Expires:

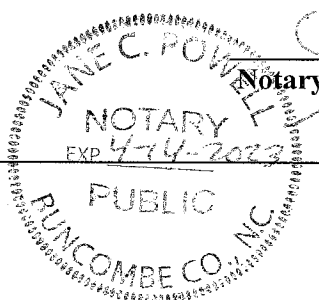


EXHIBIT "A" TO A DEED FROM CAMENZIND, ET AL., TO CAMENZIND, ET AL.

BEGINNING AT A 1/2" IRON REBAR IN THE NORTHEAST CORNER OF THE PROPERTY AT THE SHARED CORNER OF KATHY & DANIEL MOORE, ALSO LYING IN THE CENTERLINE OF THE CREEK AND ALONG THE INTERSTATE 26 RIGHT OF WAY, THENCE S 38°34'59" E A DISTANCE OF 225.23' TO A CONCRETE MONUMENT. THENCE S 38°02'49" E A DISTANCE OF 198.23' TO A CONCRETE MONUMENT. THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 532.93', WITH A RADIUS OF 7504.42', WITH A CHORD BEARING OF S 35°32'18" E, WITH A CHORD LENGTH OF 532.82', TO A CONCRETE MONUMENT. THENCE S 33°06'12" E A DISTANCE OF 198.94' TO A CONCRETE MONUMENT. THENCE S 32°45'21" E A DISTANCE OF 890.16' TO A 1" REBAR. THENCE N 85°28'24" W A DISTANCE OF 971.55' TO A 5/8" REBAR. THENCE N 85°28'24" W A DISTANCE OF 205.52' TO A 1" OPEN TOP PIPE. THENCE N 85°28'28" W A DISTANCE OF 361.58' TO A 5/8" REBAR. THENCE N 85°28'25" W A DISTANCE OF 208.95' TO AN OPEN TOP PIPE. THENCE N 85°28'25" W A DISTANCE OF 20.45' TO A CALCULATED POINT IN SOUTH ALLEN ROAD. THENCE N 06°00'09" W A DISTANCE OF 504.16' TO A CALCULATED POINT IN SOUTH ALLEN ROAD. THENCE N 78°06'30" E A DISTANCE OF 30.17' TO A 1/2" REBAR. THENCE N 78°06'30" E A DISTANCE OF 638.79' TO A 1/2" REBAR. THENCE N 17°17'53" W A DISTANCE OF 677.33' TO A 1/2" REBAR. THENCE N 17°17'53" W A DISTANCE OF 14.22' TO A CALCULATED POINT IN THE CENTERLINE OF CREEK. THENCE FOLLOWING THE CENTERLINE OF CREEK N 56°08'52" E A DISTANCE OF 26.98' TO A CALCULATED POINT. THENCE S 80°16'33" E A DISTANCE OF 23.66' TO A CALCULATED POINT. THENCE N 69°00'41" E A DISTANCE OF 54.24' TO A CALCULATED POINT. THENCE N 04°36'51" E A DISTANCE OF 20.87' TO A CALCULATED POINT. THENCE N 36°21'19" E A DISTANCE OF 44.82' TO A CALCULATED POINT. THENCE N 48°10'05" E A DISTANCE OF 40.80' TO A CALCULATED POINT. THENCE N 18°52'18" E A DISTANCE OF 75.32' TO A CALCULATED POINT. THENCE N 23°24'08" E A DISTANCE OF 61.14' TO A CALCULATED POINT AND RETURNING TO THE POINT OF BEGINNING OF THE DESCRIBED PROPERTY CONTAINING 32.66 ACRES, MORE OR LESS.

Being all of that certain tract of land containing 32.66 acres, more or less, as shown on a plat thereof recorded in Book 2021, Page 13516, Records of Plats for Henderson County.

Being a portion of the land described in a deed from Robert O. Camenzind as Trustee of the Trust created under the terms of the Last Will and Testament of Ellison Smyth Hudgens, to Peggy C. Cabe, et al., dated October 5, 2020, and recorded in the office of the Register of Deeds for Henderson County in Book 3578, page 329.



CITY OF HENDERSONVILLE
DEVELOPMENT ASSISTANCE DEPARTMENT
100 N. King St. ~ Hendersonville, NC ~ 28792 Phone
(828) 697-3010 ~ Fax (828) 697-6185
www.hendersonvillenc.gov

PETITION REQUESTING ANNEXATION

The following are required to constitute a complete application for voluntary annexation:

- ~This form including the property owner's signature
- ~A copy of the deed indicating ownership of the property.
- ~A survey plat (8 1/2 " by 11") of the property prepared by a registered surveyor licensed to practice in the state of North Carolina.
- ~ A typed boundary description of the property, in digital format if possible.

Date 7/12/21

Location / Property Address 0 South Allen Road

List 10 digit PIN or 7 digit PID number 9588119994

Does this property adjoin the present City Limits?

☐

YES

☒

NO

Is the property within the ETJ?

☐

YES

☒

NO

Reason for annexation

Water/Sewer

Applicant Name Robert O Camenzind, et al.

Address 5133 Boylston Highway, Mills River, NC 28759

Phone 828-329-2956

Fax

Email

hcamenzind@ramsey-pratt.com

Property Owner: Name Robert O. Camenzind, et al., (See Exhibit "A")

Address 5133 Boylston Highway, Mills River, NC 28759

Signature See Attached Exhibit "A"

Printed Name

Official Use:

DATE RECEIVED: BY

EXHIBIT "A"

PROPERTY OWNERS & APPLICANTS

7/14/21
DATE

Robert O. Camenzind
ROBERT O. CAMENZIND

Peggy C. Cabe by and through her attorney-in-fact Robert Otto Camenzind
PEGGY C. CABE, by and through her attorney-in-fact, Robert Otto Camenzind

Lynda Hill Camenzind, by and through her attorney-in-fact, Robert Otto Camenzind
LYNDA HILL CAMENZIND, by and through her attorney-in-fact, Robert Otto Camenzind

Enno F. Camenzind by and through his attorney-in-fact, Robert Otto Camenzind
ENNO F. CAMENZIND, by and through his attorney-in-fact, Robert Otto Camenzind

Brenda Merrill Camenzind, by and through her attorney-in-fact, Robert Otto Camenzind
BRENDA MERRILL CAMENZIND, by and through her attorney-in-fact, Robert Otto Camenzind

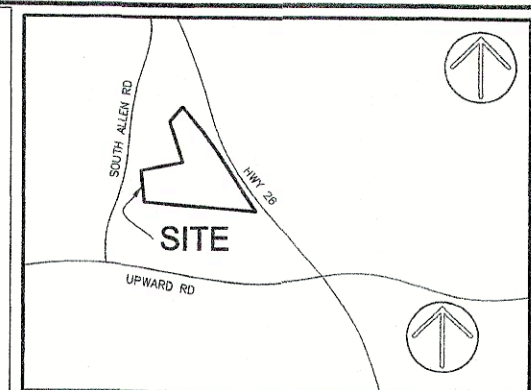
Paula C. Carter, by and through her attorney-in-fact, Robert Otto Camenzind
PAULA C. CARTER, by and through her attorney-in-fact, Robert Otto Camenzind

Charles Norman Carter, by and through his attorney-in-fact, Robert Otto Camenzind
CHARLES NORMAN CARTER, by and through his attorney-in-fact, Robert Otto Camenzind

Joan C. Fleming, by and through her attorney-in-fact, Robert Otto Camenzind
JOAN C. FLEMING, by and through her attorney-in-fact, Robert Otto Camenzind

John Thomas Fleming, by and through his attorney-in-fact, Robert Otto Camenzind
JOHN THOMAS FLEMING, by and through his attorney-in-fact, Robert Otto Camenzind

13516



VICINITY MAP NOT TO SCALE

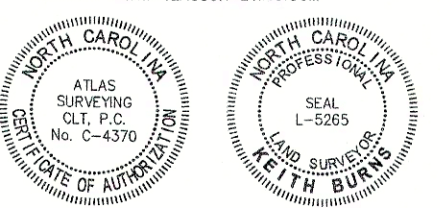
- LEGEND
- ▲ CALC POINT
 - CMF CONC. MONUMENT FOUND
 - RBF IRON REBAR FOUND
 - RBF IRON REBAR FOUND DISTURBED
 - OTF OPEN TOP PIPE
 - RBS IRON REBAR SET
 - TB — TOP OF BANK
 - BB — BOTTOM OF BANK
 - X — FENCE LINE

- NOTES
- ALL DISTANCES ARE HORIZONTAL GROUND IN US SURVEY FEET UNLESS OTHERWISE SHOWN.
 - PARCEL LOCATED IN HENDERSON COUNTY.
 - BEARING REFERENCED TO NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD83.
 - THIS PROPERTY LIES IN ZONES X AS SCALED FROM FLOOD INSURANCE RATE MAP #3700958800, DATED OCTOBER 2, 2008.
 - DATE OF FIELD SURVEY: 07-06-2021
 - OWNER OF RECORD: PEGGY CABE, ENNO CAMENZIND, PAULA CARTER, ROBERT CAMENZIND, JOAN FLEMING
 - TOTAL ACREAGE: 32.66 ACRES
 - 0.304 ACRE GAP OBSERVED BETWEEN PARCELS DURING SURVEY.
 - NO CEMETARIES OR BURIAL GROUNDS WERE OBSERVED ON THE PROPERTY.
 - EVIDENCE OF OLD WETLAND FLAGGING OBSERVED DURING SURVEY.

- REFERENCES
- MAP BY CLARENCE A. JENKINS, P.L.S. FOR E.S. HUDGENS DATED JULY 9, 2002 (PB 2002, PG 4376)
 - MAP BY WAGGONER & RHODES LAND SURVEYORS, INC. FOR JUSTUS BUSINESS CENTER, LLC, DATED OCTOBER 17, 2006 (PB 2007, PG 6471)
 - MAP BY SURVEY CAROLINA, PLLC FOR NC LLC DATED AUGUST 17, 2020 (PB 2020, PG 12688)

PREPARED FOR:
PEGGY CABE, ENNO CAMENZIND,
PAULA CAMENZIND, ROBERT
CAMENZIND, JOAN FLEMING
A BOUNDARY SURVEY OF
±32.66 ACRE PARCEL BETWEEN
SOUTH ALLEN ROAD &
INTERSTATE 26

ATLAS
SURVEYING, INC.
13331 YORK CENTER DRIVE, SUITE E
CHARLOTTE, NC 28273
PHONE: (800)949-8475
WEBSITE: WWW.ATLASSURVEYING.COM



I, KEITH BURNS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE LISTED REFERENCES); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM LISTED REFERENCES; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS ±1:10000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600). THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. I ALSO HEREBY CERTIFY THAT THIS SURVEY IS OF THE FOLLOWING CATEGORY: G.S. 47-30 (F)(1)(C)(1) THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

KEITH BURNS
P.L.S. No. L-5265

State of North Carolina
County of Henderson
I, Tina Ball, Review Officer of Henderson County,
certify that the map or plat to which this certification is affixed
meets all statutory requirements for recording.

Tina Ball
Review Officer
7-23-2021
Date

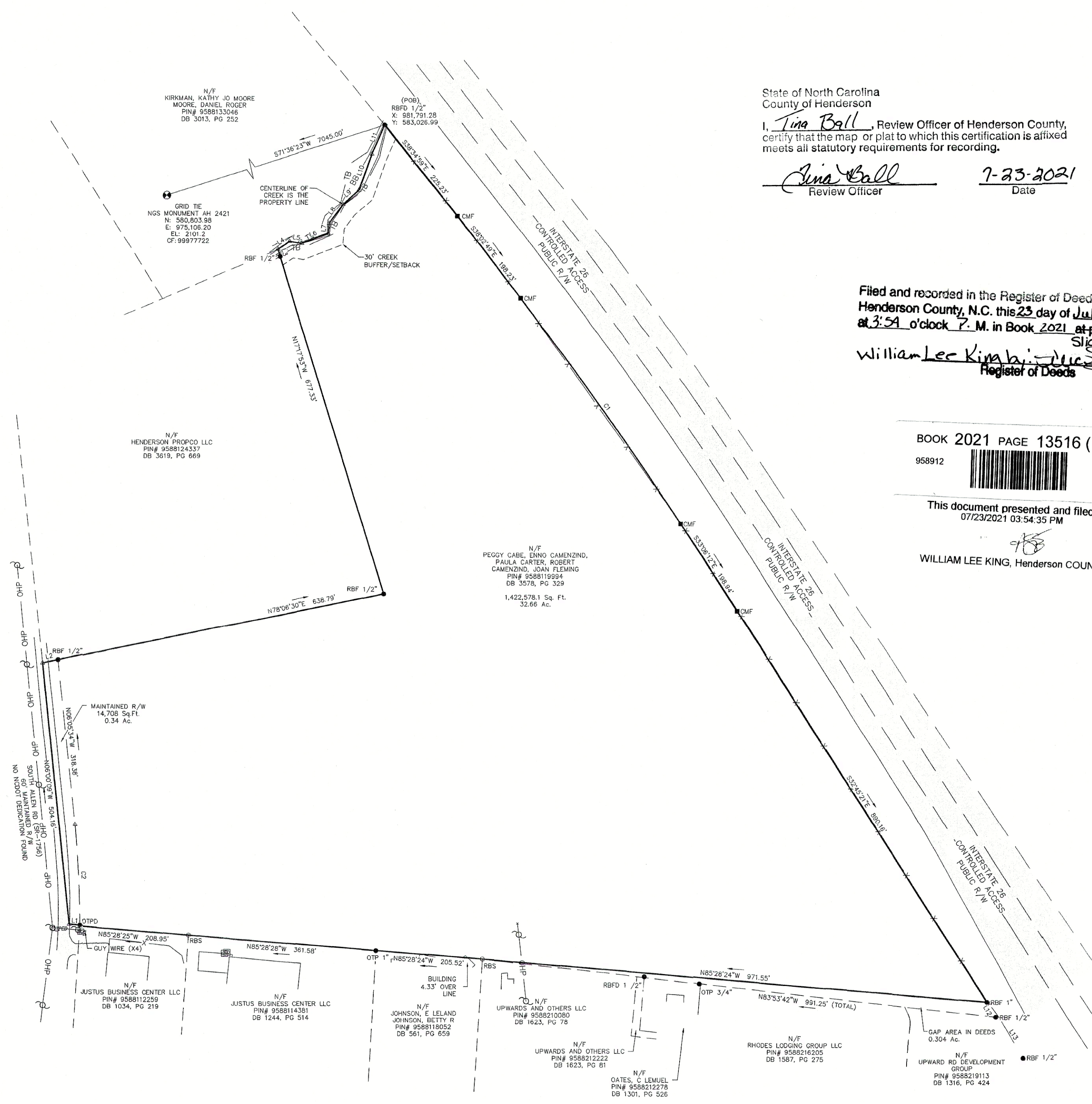
Filed and recorded in the Register of Deeds Office for
Henderson County, N.C. this 23 day of July, 2021
at 3:54 o'clock P. M. in Book 2021 at page 13516
Slide
William Lee King, Jr. Deputy
Register of Deeds

BOOK 2021 PAGE 13516 (1)



This document presented and filed:
07/23/2021 03:54:35 PM

WILLIAM LEE KING, HENDERSON COUNTY, NC

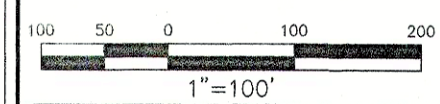


I, KEITH BURNS, CERTIFY THAT THIS MAP WAS
DRAWN UNDER MY SUPERVISION FROM AN
ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION
AND THE FOLLOWING INFORMATION WAS USED TO
PERFORM
THE SURVEY:
(1) CLASS OF SURVEY: AA
(2) POSITIONAL ACCURACY: HOR: 0.05, VER: 0.08
(3) TYPE OF GPS FIELD PROCEDURE: REAL TIME
KINETIC (RTK)
(4) DATES OF SURVEY: JULY 6, 2021
(5) DATUM/EPOCH: NAD 83/2011
(6) PUBLISHED/FIXED-CONTROL USE: AH 2421
(7) GEOID MODEL: 12A
(8) COMBINED GRID FACTOR(S): 0.99977722
(9) UNITS: US SURVEY FEET

Keith Burns 7/21/21
KEITH BURNS
P.L.S. No. L-5265

LINE	BEARING	DISTANCE
L1	N85°28'25"W	20.45
L2	N75°06'30"E	20.17
L3	N17°17'53"W	14.22
L4	N55°08'52"E	26.99
L5	S80°16'33"E	23.85
L6	N89°00'41"E	54.24
L7	N04°36'51"E	20.87
L8	N36°21'19"E	44.82
L9	N48°10'05"E	40.80
L10	N18°52'18"E	75.32
L11	N23°24'08"E	61.14
L12	S30°45'37"E	33.45
L13	S33°12'41"E	55.93

CURVE	RADIUS	ARC	CHORD	BEARING	DELTA
C1	7504.42'	532.93'	532.83'	S33°32'18"E	40°4'08"
C2	2119.44'	192.86'	192.89'	N02°54'35"W	57°2'59"





StarNews | The Dispatch | Times-News
Sun Journal | The Daily News | The Star
The Free Press | Gaston Gazette

Order Confirmation

Not an Invoice

Section 7, Item C.

Account Number:	488558
Customer Name:	City Of Hendersonville
Customer Address:	City Of Hendersonville 160 6Th AVE E City Clerk Hendersonville NC 28792-3775
Contact Name:	Angela Reece
Contact Phone:	828-697-3005
Contact Email:	areece@hvlnc.gov
PO Number:	PH 9/2/21

Date:	08/11/2021
Order Number:	6172232
Prepayment Amount:	\$ 0.00

Column Count:	1
Line Count:	153.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
HEN Times-News	2	08/22/2021 - 08/29/2021	Public Notices
HEN blueridgenow.com	2	08/22/2021 - 08/29/2021	Public Notices

Total Order Confirmation

\$41.72

Ad Preview

Section 7, Item C.

PUBLIC HEARING NOTICE
Notice is hereby given that the City of Hendersonville City Council will hold four public hearings on Thursday, September 2, 2021, at 5:45 a.m., in the City Operations Assembly Room located at 205 Williams Street, Hendersonville, NC to consider the following:

I. **Annexation Petition -#0 South Allen Road PIN: 9588-11-9994 (P21-40-ANK)** - Application from Peggy C. Cobb, Enno F. Comerford, Paolo Cornenzini, Carol Carter, Robert O. Cornenzini, Joan C. Fleming petition requesting annexation of the satellite area described as PIN 9588-11-9994 located on S. Allen Road that is approximately 32.66 acres.

II. **Annexation Petition -#0 Monroe Drive and 2115 N Stoney View Court (P21-40-ANK)** - Application from Lorry and Mary Wolford for contiguous annexation of PINs 9549-46-0920 and 9549-46-1849 located on Monroe Drive and N. Stoney View Court that is approximately 6.53 acres.

III. **Conditional Zoning District Amendment - West Avenue Villas (P21-42-C2D)** - Application from Andrew Riddle of Riddle Development, LLC. The Hendersonville City Council voted to approve the original conditional zoning district at their August 4th, 2020 meeting. The amendment is to add one additional apartment above the garage for a total of 3 apartments instead of the 2 apartments that were approved by City Council. The previously approved Conditional Zoning District was approved for 10 units, the amendment is for a total of 11 units. The applicant is also requesting to adjust the approved square footages of the structures.

IV. **Zoning Text Amendment - Small-Scale Manufacturing (P21-41-Z1A)** - The addition of small-scale manufacturing as a permitted use subject to supplementary standards in the C-1, Central Business District, C-2, Secondary Business, C-3, Highway Business, CMU, Central Mixed Use, CHMU, Greenville Highway Mixed Use, CHMU Commercial Highway Mixed Use and HMU, Highway Mixed Use Districts. The addition of the definition of small-scale manufacturing in Article XII, Definition of Terms, Section 12-2, Definition of Commonly Used Terms and Words. The addition of supplementary standards in Article XVI, Supplementary Standards for Certain Uses, Section 16-4, Standards.

NOTICE IS HEREBY GIVEN that some Hendersonville City Council Members may participate remotely in these hearings of the above designated times/dates and via Zoom with the information below.

Digital/written public hearing comments will be accepted until twenty-four hours prior to the scheduled public hearing and will be accepted during the meeting from those attending in person and also from those participating live via ZOOM at the designated time of this meeting. For security reasons screen sharing will not be allowed. Anyone wishing to submit written/digital public comment for this public hearing prior to the meeting may visit

<https://www.hendersonvilenc.gov/comment> to submit their comment.

Digital/written public hearing comments must be received

twenty-four hours prior to the meeting (by 5:45 a.m. on Wednesday, September 1st) to be considered by the City Council and must comply with

security criteria in the Council's Public Comment Policy, available on the City's website by visiting

<https://www.hendersonvilenc.gov/public-comment>.

The meeting instructions to join by Zoom will be available on the City's website by visiting

<https://www.hendersonvilenc.gov/events-calendar> and as follows:

Zoom information for the meeting is:

<https://zoom.us/j/957468463967>

pwd=VmlXoX4HcIRFVIM2VE

lscEVuTTLZ209Rsuccess

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

Meeting ID: 957 468 4396

Passcode: 28792

Contact information for the City Clerk, Angela Rees, is: 160 6th Avenue East, Hendersonville, NC 28752; areece@hvinc.gov; (828) 697-3000.

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 Rees at 697-3000 no later than 24 hours in advance of the meeting.

8/22, 8/29/2021 6172232

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- III. **Conditional Zoning District Amendment – West Avenue Villas (P21-42-CZD) -** Application from Andrew Riddle of Riddle Development, LLC. The Hendersonville City Council voted to approve the original conditional zoning district at their August 6th, 2020 meeting. The amendment is to add one additional apartment above the garage for a total of 3 apartments instead of the 2 apartments that were approved by City Council. The previously approved Conditional Zoning District was approved for 10 units, the amendment is for a total of 11 units. The applicant is also requesting to adjust the approved square footages of the structures.

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public comment for this public hearing prior to the meeting may visit <https://www.hendersonvillenc.gov/comment> to submit their comment.

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The meeting instructions to join by Zoom will be available on the City's website by visiting <https://www.hendersonvillenc.gov/events-calendar> and as follows:

Zoom information for the meeting is:

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

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

Meeting ID: 957 4684 6396

Passcode: 28792

Contact information for the City Clerk, Angela Reece, is: 160 6th Avenue East, Hendersonville, NC 28792; areece@hvlnc.gov; (828) 697-3000.

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Run two times: Sunday, August 22, 2021
Sunday, August 29, 2021



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION



SUBMITTER: Matthew Manley, AICP – Planning Manager **MEETING DATE:** September 2, 2021

AGENDA SECTION: Public Hearing **DEPARTMENT:** Community Development

TITLE OF ITEM: Amended Grey Mill Local Landmark Designation (H21-10-LL) – *Matthew Manley, AICP | Planning Division Manager*

SUGGESTED MOTION(S):

<u>For Recommending Approval:</u>	<u>For Recommending Denial:</u>
I move City Council Approve the adoption of an ordinance amending the designation of the Grey Mill Local Landmark to include the Grey Hosiery Mill Parking Lot and Common Space (PIN 9568-88-9541). [ADD, IF APPLICABLE, “WITH THE FOLLOWING MODIFICATIONS”]	I move City Council Deny the adoption of an ordinance amending the designation of the Grey Mill Local Landmark to include the Grey Hosiery Mill Parking Lot and Common Space (PIN 9568-88-9541). [INSERT REASONS FOR DENIAL].

SUMMARY:

This local designation request comes from Ken Reiter of Grey Mill Ventures, LLC, owner of the Grey Hosiery Mill. MacRostie Historic Advisers were hired to prepare a local historic landmark report (see revised report attached). The City of Hendersonville Historic Preservation Commission has reviewed the draft report and finds that it meets the criteria of Section 28-77(c) of the City of Hendersonville Historic Preservation Ordinance.

The original Local Landmark designation of the Grey Mill site (approved November 2019) did not include the Parking Lot and Common Area associated with the development - which is located on an adjacent parcel (PIN 9568-88-9541). The developer has amended his request to include this additional parcel in order to receive a tax incentive on local property taxes. Landmark status gives the property owners a 50% tax reduction on local property taxes and requires exterior changes to follow the Certificate of Appropriateness review process. The current Grey Mill designation is governed by the Hendersonville Historic Preservation Commission Design Standards, commonly referred to as the “residential standards”. This subsequent amended designation for Grey Mill would also be governed by the HPC Design Standards.

PROJECT/PETITIONER NUMBER:	H21-10-LL
PETITIONER NAME:	Ken Reitner of Grey Mill Ventures
ATTACHMENTS:	1. Staff Memo 2. Current Site Photos 3. 2021 Application 4. 2021 Amended Designation Report 5. 2021 Non-binding SHPO Comments 6. 2021 Amended Grey Mill Local Landmark Ordinance 7. 2021 (May) HPC Minutes 8. 2021 (July) HPC Minutes 9. 2019 (June) Designation Report 10. 2019 (November) City Council Memo 11. 2019 Grey Mill Local Landmark Ordinance 12. 2000 National Register of Historic Places Registration Form

Ordinance #O-21-42

**AN ORDINANCE AMMENDING ORDINANCE #19-1186 DESIGNATING PROPERTY
KNOWN AS GREY HOSIERY MILL TO INCLUDE PARKING LOT & COMMON
AREA (PIN 9568-88-9541) AS PART OF LOCAL HISTORIC LANDMARK
DESIGNATION**

WHEREAS, pursuant to N.C. General Statutes Sections. 160D-942 and Chapter 28 of the Code of Ordinances of the City of Hendersonville, the City has the authority for designation of a local historic landmark; and

WHEREAS, Henderson County Tax Records for Parcels # 9568-88-7494 and #9568-88-9541, located at 301 4th Avenue East and known as Grey Hosiery Mill, lists Grey Mill Ventures, LLC as the property owners; and

WHEREAS, The property owners have caused to be made an investigation and report on the historic, architectural, and cultural significance of the buildings and property proposed for designation located at/adjacent to 301 4th Avenue East; and

WHEREAS, the North Carolina Department of Cultural Resources has reviewed and commented on the proposed designation; and

WHEREAS, a public hearing on the original designation of the portion of the Grey Hosiery Mill property, having a PIN of 9568-88-7494, as a local historic landmark was held by the Hendersonville Historic Preservation Commission on September 18, 2019, and the following findings were made:

- a. First constructed in 1915, the Grey Hosiery Mill is the only remaining early twentieth century industrial structure in Hendersonville.
- b. The Grey Hosiery Mill is significant for its association with Hendersonville's industrial and social history.
- c. The Grey Hosiery mill is significant in the area of architecture for being representative of early twentieth century mill design in the area: one-to-two story brick buildings with minimalist, unadorned facades characteristic of International Modernism architecture.

WHEREAS, a public hearing on the original designation of of the portion of the Grey Hosiery Mill property, having a PIN of 9568-88-7494, as a local historic landmark was held by the City of Hendersonville City Council on November 7, 2019 and subsequently City Council adopted Ordinance #19-1186 designating the 1.09 Acre parcel of the Grey Hosiery Mill property as a Local Landmark.

WHEREAS, the initial Local Landmark Designation for Grey Mill did not include the Parking Lot & Common Area (PIN 9568-88-9541).

WHEREAS, a public hearing on the amendment to the designation of Grey Mill as a local historic landmark to add the Parking Lot & Common Area (PIN 9568-88-9541) was held by the Hendersonville Historic Preservation Commission on May 19, 2021, and the following findings were made subsequently at a meeting held on July 21, 2021:

- a. The parcel in question serves as the parking lot and common area for the Grey Mill Condo's.
- b. The developer's proposal is to add this associated parcel to the existing Local Landmark Designation.
- c. The HPC found that amending the designation to include the associated parcel was appropriate based on the standards set forth in Chapter 28 of the City's Code of Ordinances.

WHEREAS, the Hendersonville City Council has taken into full consideration all statements and information presented at its public hearing on September 2, 2021, and considered the recommendation of the Hendersonville Historic Preservation Commission after its public hearing held on May 19, 2021, on the question of amending the designation of the property known as Grey Hosiery Mill to include the associated Parking Lot & Common Area (PIN 9568-88-9541) as a part of the Grey Hosiery Mill local historic landmark.

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

Section 1. The City Council makes the following findings:

- a. The Parking Lot and Common Area (PIN 9568-88-9541) are an integral part and parcel of the Grey Hosiery Mill local historic landmark designated through that Ordinance #119-1186, adopted by City Council on November 7, 2019.
- b. As an integral part of the Grey Hosiery Mill local historic landmark, the Parking Lot and Common Area (PIN 9568-88-9541) are of special significance in terms of its historical, architectural and cultural significance, and together with the Grey Hosiery Mill, possess integrity of setting, feeling and association.
- c. The proposed amendment to Ordinance #119-1186, to add the Parking Lot Common Area (PIN 9568-88-9541) to the Grey Hosiery Mill local historic landmark designation meets the requirements of Chapter 28 of the City's Code of Ordinances.

Section 2. The designation of the Grey Hosiery Mill Property as a local historic landmark enacted by Ordinance #119-1186 is amended to include the Parking Lot and Common Areas (PIN 9568-88-9541). From and after the adoption of this Ordinance, the entirety of all of the property known as Grey Hosiery Mill and its associated properties including Parking Lot and Common Area and located at and adjacent to 301 4th Avenue East, and further described in Exhibit A, is hereby designated as a local historic landmark pursuant to Part 942 Chapter 160D

of the North Carolina General Statutes and Chapter 28 of the Code of Ordinances of the City of Hendersonville, and is subject to the conditions and restrictions set forth therein and below:

- a. The interior and exterior of the mill building, all of the historic acreage currently associated with the parcel (2.26 acres), and all contributing outbuildings or additions shall not be demolished, materially altered, restored, or removed, nor any new structure built upon the lot without a Certificate of Appropriateness issued by the Hendersonville Historic Preservation Commission.
- b. The Certificate of Appropriateness shall reference the Historic Preservation Commission Design Standards.
- c. Any application for demolition of the mill building or its additions shall require the waiting period set forth in Section 949 of Chapter 160D of the North Carolina General Statutes and Section 28-76(a) of the Code of Ordinances for the City of Hendersonville.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. This ordinance shall be in full force and effect on the date of adoption.

Section 6. Violation of this ordinance shall be subject to the remedies set forth in Section 1-6 of the City Code, in addition to other remedies provided by law.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of September 2021.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

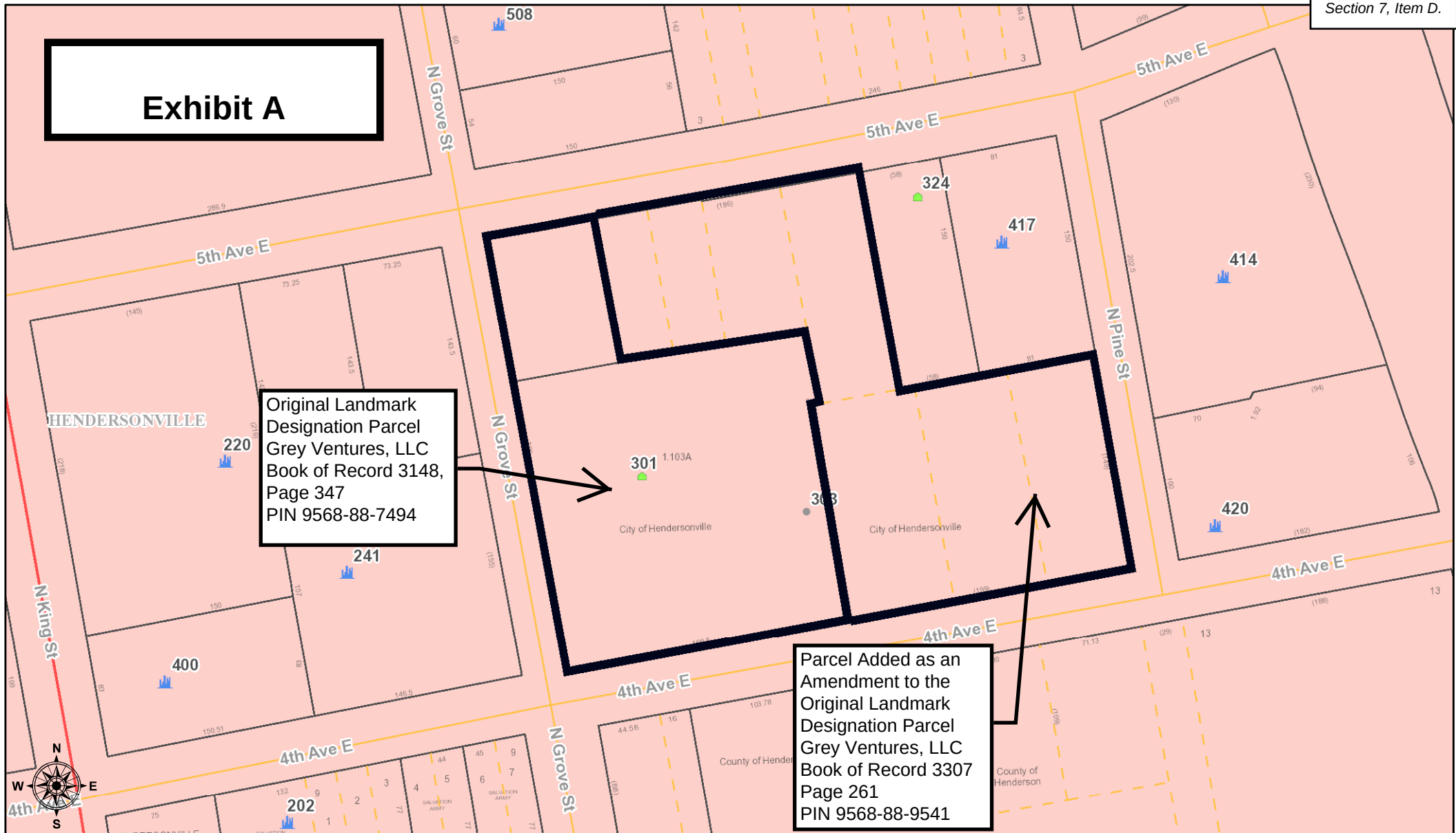
Exhibit A

[ATTACH MAP]

Grey Hosiery Mill Landmark Designation Map

Section 7, Item D.

Exhibit A



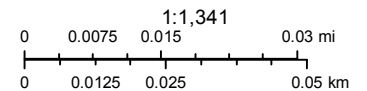
August 26, 2021

Streets and Highways

- | | |
|--|--------------|
| | THOROUGHFARE |
| | FREEWAY |
| | COLLECTOR |
| | INTERSTATE |
| | BOULEVARD |
| | Local Roads |
| | Parcels |

THIS IS NOT A SURVEY.

All information or data provided, whether subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk. Henderson County makes no warranties or guarantees, including the warranties of merchantability or of fitness for a particular purpose. Map data is not appropriate for, and is not to be used as, a geodetic, legal, or engineering base system. The data is not intended as a substitute for surveyed locations such as can be determined by a registered Public Land Surveyor, and does not meet the minimum accuracy standards of a Land Information System/Geographic Information System Survey in North Carolina (21 NCAC 56.1608).



MEMORANDUM

TO: City Council

FROM: Community Development Department – Matthew Manley, AICP | Planning Manager

RE: Amended Designation of *Grey Hosiery Mill Local Landmark* to include the *Parking Lot / Common Space* (PIN 9568-88-9541) as an additional portion of this existing Local Historic Landmark (H21-10-LL)

DATE: September 2, 2021

BACKGROUND

According to NC General Statutes 160D-942, the Historic Preservation Commission has the ability to recommend individual properties as “local landmarks”. Such properties lie outside of historic districts but warrant such consideration based on the historical, prehistorical, architectural, or cultural importance and to possess integrity of design, setting, workmanship, materials, feeling and/or association.

Currently the City has four local landmarks: Erle Stillwell House 1 located at 1300 Pinebrook Street, Erle Stillwell House 2 located at 541 Blythe Street, the Brookland house at 299 Balsam Rd and the primary structure of the Grey Mill Hosiery. The primary structure was originally designated as a local landmark by the City Council on November 7, 2019.

The original designation of the Grey Mill site did not include the Parking Lot and Common Area associated with the development which is located on an adjacent parcel (PIN 9568-88-9541). The developer has amended his request to include this additional parcel in order to receive a tax incentive on local property taxes. Landmark status gives the property owners a 50% tax reduction on local property taxes and requires exterior changes to follow the Certificate of Appropriateness review process. The current Grey Mill designation is governed by the Hendersonville Historic Preservation Commission Design Standards, commonly referred to as the “residential standards”. This subsequent amended designation for Grey Mill would also be governed by the HPC Design Standards.

This local designation request comes from Ken Reiter of Grey Mill Ventures, LLC, owner of the Grey Hosiery Mill. MacRostie Historic Advisers were hired to prepare a local historic landmark report (see revised report attached). The HPC has reviewed the draft report and finds that it meets the criteria of Section 28-77(c) of the City of Hendersonville Historic Preservation Ordinance listed below.

HPC FINDINGS

The HPC held a public hearing for this proposal on two occasions, the first being a meeting on May 19, 2021 where the item was deferred, and again at their meeting on July 21 where the following motion was passed finding that the proposal met the criteria of Section 28-76 (b) of the City of Hendersonville Historic Preservation Ordinance:

Commissioner Reed moved the Commission recommend City Council to approve the adoption of an ordinance designating the Grey Hosiery Mill Parking Lot and Common Area and any other associated properties with PIN 9568-88-9541 as a local historic landmark. Mr. Cote seconded the motion which passed unanimously.

Full minutes for both meeting is available in your packet.

PROCESS

Pursuant to NC General Statue 160D-945 & 946 and Chapter 28 Article III of the Hendersonville Municipal Code, the Commission shall hold a public hearing on any ordinance designating a local historic landmark. The Commission may then, if it chooses, recommend to City Council that the property be designated a landmark. By making this recommendation, the designation report would be sent to NC SHPO for their review. City Council will hold an additional public hearing after which City Council will vote on whether to designate the landmark by ordinance (draft attached).

SHPO COMMENTS

This item was sent to NC SHPO for their review. A letter including their non-binding comments on the proposed designation was received on July 26, 2021. An excerpt from the letter is provided below. The full letter is included as an attachment.

“While there is a great deal of information provided in the report as to the special significance and integrity of the Grey Hosiery Mill itself, we observed that little to no information was included in the report that indicates how the adjacent lot next to Grey Hosiery Mill is itself of special significance or was associated with the locally designated Grey Hosiery Mill. N.C.G.S. § 160D-945 provides that the designation, “*shall describe each property designated in the regulation, ...[including] those elements of the property that are integral to its historical, architectural, or prehistorical value, including the land area of the property so designated, ...*” While it is possible this adjacent lot may be historically associated with the Mill, we are unable to offer a conclusive review of the substance and effect of designation without evidence to support that association.”

CRITERIA

Criteria for commission's recommendation of designation. No property shall be recommended for designation as a historic landmark unless it is deemed and found by the historic preservation commission to be of special significance in terms of its

HISTORIC PRESERVATION COMMISSION
GREY HOSIERY MILL PARKING LOT & COMMON SPACE AMENDED DESIGNATION REPORT
SEPTEMBER 2, 2021
PAGE 3

historical, prehistorical, architectural or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling and/or association.

SUGGESTED MOTIONS

Approval: I move City Council Approve the adoption of an ordinance amending the designation of the Grey Mill Local Landmark to include the Grey Hosiery Mill Parking Lot and Common Space (PIN 9568-88-9541).

[ADD, IF APPLICABLE, "WITH THE FOLLOWING MODIFICATIONS"]

Denial: I move City Council Deny the adoption of an ordinance amending the designation of the Grey Mill Local Landmark to include the Grey Hosiery Mill Parking Lot and Common Space (PIN 9568-88-9541). **[Insert reason for Denial]**

ATTACHED:

- 1) Current Site Photos
- 2) 2021 Application
- 3) 2021 Amended Designation Report
- 4) 2021 Non-Binding SHPO Comments Letter
- 5) 2021 Amended Grey Mill Local Landmark Ordinance
- 6) 2021 (May) HPC Minutes
- 7) 2021 (July) HPC Minutes
- 8) June 2019 Designation Report
- 9) November 2019 City Council Memo
- 10) Grey Mill Local Landmark Ordinance 11-7-19
- 11) 2000 National Register of Historic Places Registration Form

CURRENT SITE PHOTOS

Section 7, Item D.





GREY MILL PARKING LOT & COMMON AREA

Section 7, Item D.

CURRENT SITE PHOTOS







APPLICATION FOR LOCAL HISTORIC LANDMARK DESIGNATION

100 N. King Street ~ Hendersonville, NC ~ 28792

Phone (828)697-3010 ~ Fax (828) 697-6185

www.hendersonvillenc.gov

HENDERSONVILLE HISTORIC PRESERVATION COMMISSION

The following are required to constitute a complete application:

~ This form including the property owner's signature.

~ A designation report with information required by City Code 28-77(c).

Date 4/16/2021

Property Common Name Grey Hosiery Mill

Other Name(s) Grey Mill Apartments

Address of Property
No address assigned; parking/open area

PIN 9568889541

Ownership: ☐ Public ☒ Private

Property Owner: Name Grey Mill Ventures, LLC

Mailing Address
PO Box 1622, Carrboro, NC 27510

Phone (919) 885-4508

E-mail kreiter@belmontsayre.com

Category: ☒ Building ☐ Other structure ☐ Object/Artistic feature ☒ Site ☐ District

Brief description of property including historic use, current use, and features to be including in designation.

Grey Mill is significant for its contributions to industry as an early 20th century textile facility in the City of Hendersonville. This property is adjacent to a previously designated parcel that contains the historic Grey Hosiery Mill. This property currently holds a parking lot and common space for the historic building's current use, as an apartment. Historically this property was associated with the mill and held ancillary structures, and infrastructure for the mill operation.

Signature of the property owner(s) acknowledges that if City Council adopts an ordinance designating the property a local historic landmark the property will be bound by the requirements of City Code Chp. 28 and any other applicable regulations, including the requirement to obtain a Certificate of Appropriateness permit prior to any changes to the landmark.

Owner's Signature Kenneth Reiter
Digitally signed by Kenneth Reiter
Date: 2021.04.16 14:08:15 -04'00'

Owner's Signature _____

Printed Name April 16, 2021

Printed Name _____

Grey Hosiery Mill

301 Fourth Avenue East
Hendersonville NC, 28792

Local Landmark Designation

Prepared by
MacRostie Historic Advisors

In Partnership With
Grey Mill Ventures, LLC

Completed June 2019
Revised April 2021

**Local Landmark Designation Report
Grey Hosiery Mill
Hendersonville, NC**

1. Name of Property

Grey Hosiery Mill

2. Name and Address of Current Property Owner

Grey Mill Ventures, LLC, 103 Parker Street, Carrboro, NC 27510

3. Location of Property, Legal Description, National Register Status

Grey Hosiery Mill (also referred to as Grey Mill) is located at 301 Fourth Avenue East in the city limits of Hendersonville, North Carolina. This current designation is a parcel (PIN #9568889541) which was historically associated with the mill and located just east of the mill building and currently contains a parking lot and common space for the current use. The mill building parcel was previously designated. Fourth Avenue East forms the southern property line, parcel # 9568887494 bounds the west side of the property, and the east side is bounded by North Pine Street and parcels # 9568889505 and # 9568889576. The north property line is bounded by Fifth Avenue East.

Grey Hosiery Mill was listed on the National Register of Historic Places on October 6, 2000.

4. Ad Valorem Tax Appraisal

As listed in the Henderson County Real Property database, the parcel (PIN #9568889541) is land only (1.17 acres) and is appraised at \$763,600.

5. Justification of Land Proposed to be Designated

All acreage included in the above described boundaries was associated with the operation of the Grey Hosiery Mill.

6. Property Included in Designation and Boundary

This designation includes a parcel of land (PIN #9568889541), containing a total of 1.17 acres.

7. Dates of Construction

The parcel in this designation contains no buildings. Below is a timeline of construction for the Grey Mill on the adjacent (previously designated) property to the west.

1915 – Original mill plant is constructed. Construction included the knitting room, located at the corner of East 4th Avenue and North Grove Street.

1919-1920 – The finishing room and a dye house were constructed to the east of the original mill plant. These new structures were connected to the knitting room by way an office. Significant.

1926 – Further additions to the complex were made including the addition of space to the original mill knitting room and the conversion of the original finishing room to a shipping and storage area. A substantial addition was made to the east side of the complex by replacing the dye house with a new structure consisting of a finishing room, boarding room, and drying room. This new section was connected to the knitting room via a one-story passageway. Significant.

1947 – Knitting Room Addition at the north elevation of the building. Significant.

1970s – Shipping Docks added at the northeast corner of the factory building. Not Significant.

8. Period of Significance

The period of significance for the property is 1915, when the original plant was constructed on the adjacent parcel, through 1947. These are the dates listed in the nomination form for the National Register of Historic Places, which was completed in 2000.

9. Summary Statement of Significance

Grey Hosiery Mill is significant under Criterion A for industry as an early 20th century textile facility in the City of Hendersonville. At the time of its construction, Grey Hosiery Mill added jobs and investment to an economy that was in need of diversification and innovation. The Mill was spearheaded by Captain James P. Grey and his son James P. Grey, Jr. Additionally, the Mill is significant under Criterion C for Architecture as an example of an early twentieth century industrial structure. Constructed in 1915, with significant additions in 1919, 1926, and 1947, the timber framing, glass and steel windows and clerestory exemplify industrial architecture during this period.

10. Architectural Description

Site

The entire mill complex was completed over a few decades beginning in 1915. As the mill grew, so did the property. The first building was constructed on a north-south axis along N. Grove Street. Later additions were built to the north and to the east, connected by an office at the south of the property. A small courtyard separates the two wings that run north to south. A gravel parking area off Fourth Ave East fills the southeastern portion of the historic site, the subject of this designation. To the west stands the Grey Hosiery Mill on a previously designated parcel. That building, though not on this parcel is described below for an understanding of the history of the historic site.

Exterior

The exterior of Grey Mill is defined by the different building campaigns the mill underwent during its time. The main entrances to the structure are along the south façade on Fourth Street. The 1915 Knitting Room, the first structure built on the site, occupies the southwest corner of the greater Grey Mill complex and contains a centrally located double-door entrance on its southern elevation that leads directly to the Knitting Room. Concrete steps with rough-cut stone sidewalls and a low-slope

canopy surround the door. The Knitting Room is a single-story brick structure with two large steel sash windows on either side of the south entrance. Past the Knitting Room and centrally located on the southern elevation is a larger porch with four bays, alternating between nine-over-nine wooden residential windows and single-leaf wood doors. The doors lead to the Office to the west and the Shipping Room to the east. The 1919 Shipping Room addition fills the remaining portion of the south elevation. The south elevation of the Shipping Room has six bays. The western-most bay was converted to a wood loading door with a concrete loading dock. The other five bays are replacement eight-over-eight paired windows with infilled brick above. This portion of the southern elevation has a raised basement with small paired six-pane windows in each bay.

The west elevation is composed of two sections: the 1915 Knitting Room and a later 1947 addition to the north. The older 1915 portion has an overhanging roof with exposed rafter tails and large rectangular window openings with concrete sills. Five of the original steel-sash 36-pane windows with two operable pivoting panels remain at the southern end of the west elevation. The other remaining window bays have been infilled with brick and four have a smaller glass block window within the infill. The seventh bay from the south was later altered to fit a door that remains today. The single-story 1947 portion is primarily a blank brick wall with a flat roof and simple brick parapet. There are eight small, elevated windows that have since been infilled.

The north elevation of the Grey Mill complex consists of the 1947 addition, the 1926 Finishing Rooms, and the 1970s Warehouse. All are relatively single-story blank brick facades. The 1947 addition has four paired one-over-one aluminum windows and a single doorway. There is a small series of vents along the 1970s Loading Room.

The east elevation is three main sections. The southern portion is the 1926 Shipping Room which has a blank brick wall on a stone foundation with a stepped parapet and terracotta coping. The 1926 Finishing Room has a brick wall, large rectangular steel sash windows and a low slope roof with over-hanging eaves and exposed rafter tails. A poured concrete loading dock extends along most of this portion of the east elevation and includes a small brick bathroom on top of the loading dock. The brick 1926 Boiler Room is at the northern portion of the Finishing Room and is partly enclosed in the circa 1970s Loading Room. The east elevation of the Loading Room is a blank brick façade with an elevated concrete basement.

Interior

The interior of Grey Mill consists of eight main areas: the 1915 Knitting Room, the 1947 Knitting Room addition, the 1919 Office, the 1919 Shipping Room, the 1926 Dye House, the 1926 Finishing Rooms, the 1926 Boiler, and the ca. 1970s Loading Room. The interior of the Knitting Room now holds a lobby at the south end and offices along a part of the west walls with lowered ceilings that conceal the original industrial space and features of the building. The majority of the south Knitting Room remains open with wood flooring, painted brick walls and exposed beams, ceiling and clerestory. A central line of columns runs down the middle of the building supporting the beams above. The columns are now a combination of wood and steel and in places have additional I-beams for support. A frame partition with windows and beadboard divides the north eight bays of the 1915-1926 Knitting Room from the south portion. A single loading opening at the east end provides circulation to the north part of the Knitting Room and the large 1947 addition. To the north of the partition the Knitting Room and 1947 addition run together as a single open manufacturing space.

with concrete floors and painted brick walls. The only indications of the change from the older Knitting Room to the addition are the roof structure which changes to steel beams with no clerestory, a change of window type and the increased width of the 1947 addition which expands to the east just north of a brick mechanical addition along the east wall. A series of offices have been created at the north end of the Knitting Room addition with lowered ceilings.

The Office addition is now divided into two sections of rooms with carpet, faux wood paneling and vinyl tile dating to the 1990s. At the south end of the Office plan, a corridor (or lobby) joins the Shipping and Knitting Building. A doorway to the north of the corridor leads into office and storage space with carpet and gypsum board walls. At the north side of the Office plan another hallway with faux wood paneling and vinyl floor tiles leads to small offices and connects the Knitting and Shipping Rooms.

The Shipping Room is an open space with wood floors, exposed ceiling beams and a central column line running east to west through the space. A simple wood staircase along the west wall leads to the basement and appears to have been altered many times. The current material of the stairs appears to have been built in the 1990s. A doorway at the northwest area of the Shipping Room holds tall double wooden doors with horizontal raised panels. A freight elevator now enclosed with gypsum board sits at the north wall near the northwest doorway. A storage or office enclosure has been built of plywood at the east end of the Shipping Room and a small doorway at the northeast corner of the Shipping Room leads into a restroom that was added after the original construction. A basement level exists below the Shipping Room with exposed stone foundation walls at the perimeter and unpainted exposed beams and columns.

The interior of the Finishing Room is now divided into two sections with the four south bays separated from the remainder of the room by a floor to ceiling gypsum board partition. A single door at the east side of the partition provides access between the spaces. The south space is open with central wood columns, wood flooring, painted brick walls and exposed beams, ceiling and clerestory. A doorway holding paired wood doors with panels and 9-light windows sits in one bay along the west wall providing access to the courtyard. The remainder of the Finishing Room to the north of the partition has a series of framed office partitions along the east and west walls with hard ceilings below the full height of the building and concrete floors. Like the other older sections, a central line of columns runs down the middle of the building supporting the beams above and clerestory. The columns in the Finishing Room all appear to be wood with the exception of the north two bays that were added after the 1947 addition. This addition has steel columns and a corresponding change in brick visible from the courtyard.

The Boiler Room is a single open space that sits at ground level, below the main floor level of the other buildings. A wood stairway in the southwest corner connects to a doorway, now infilled with concrete block, into the Finishing Room. Another doorway at the north wall of the Boiler Room appears to have been added and leads to an inaccessible space that must sit below the Loading Room.

Mechanical equipment fills the space and a low brick enclosure surrounds the boiler at the east side of the space. The walls of the Boiler room are exposed brick stained black by soot. A series of large metal I-beams span the entire room from east to west and support the concrete roof.

The Loading Room is an open room with exposed brick walls and steel scissor trusses spanning the space from north to south to support the flat roof. Plywood office enclosures have been created at the northeast and west and south sides of the room. Two garage doors sit at floor level to the east side of the uninsulated south wall and a concrete ramp at the west side of the Loading Room leads down to a third garage door at ground level.

11. Historic Significance

Adapted from the Grey Hosiery Mill National Register of Historic Places Form, completed in 1999 by William A. Gray, Jr. and Amanda Blosser of Preservation Society of Henderson County. New sources not found in the National Register Form have been cited within this document.

The founding of Grey Hosiery Mill coincided with the rapid growth of the town of Hendersonville. While in existence since 1841, it was not until the first railroad line in 1879 reached the town that considerable development began. The city saw an exponential rise in population and commercial ventures in the beginning of the twentieth century, but it never grew to be more than a one-street downtown, far over-shadowed by nearby Asheville, North Carolina. As the town grew though, industry in the area did not. Some mills had popped up in the area, but not enough to support all of the town's citizens. The citizens of Hendersonville were eventually so frustrated with the lack of jobs that they approached Captain James P. Grey and his son James P. Grey, Jr. in 1915 with the sum of six hundred dollars (some reports say only five hundred)¹ to build a mill after plans for a flour mill in Hendersonville had fallen through.

Captain Grey had made his fortune through business ventures in Louisville, Kentucky and decided to learn the textile business at a mill in Johnson City, Tennessee. His son Grey Jr. also worked in Johnson City in the textile industry and was the driving force behind the construction of the hosiery mill in Hendersonville. Grey Jr. was an alumnus of Davidson College and knew the area, but it was not until the opportunity arose to construct his own mill that he became a resident of Hendersonville. The area had already experienced success with two other hosiery mills.² He purchased a lot at the corner of Grove Street and Fourth Avenue East near the railroad. A newspaper article from the *Western North Carolina Times* describes Grey, Jr.'s plans for the building as "a nice brick mill building, which he will equip with the most up-to-date machinery for the manufacture of hosiery." Grey Jr.'s goal at first was to produce on average almost 2,500 pairs of seamless hose a day. The building was originally built with the potential to increase to 12,000 pairs a day.

By 1919, the operation had already outgrown the original building and an addition was built to the east to create an L-shaped structure.³ Grey Mill saw a slight downturn in production during the early 1920s when women's hosiery was not selling as well, but about a decade later the mill was running day and night and employed around 75 people.⁴ Based on Sanborn Maps, in 1926 two additions were built to the north of the 1919 addition, creating a slightly U-shaped structure with a narrow courtyard between the original 1915 Knitting Room and the 1926 Dye House and Finishing Rooms. After 1932 and throughout the Depression Grey Mill, along with many others in the area, experienced some periods of continuous work and other periods where they were forced to cut mill production down to only three days of the week.

¹ "Prospects Bright for New Hosiery Mill in this City," *Western Carolina Democrat and French Broad Hustler* (Hendersonville, NC), July 29, 1915, accessed June 18, 2019, <https://www.newspapers.com/image/144105676/?terms=%22james%2Bgrey%22>.

² "Third Hosiery Mill: James P. Grey and James P. Grey, Jr., Locate Plant at Hendersonville," *The Charlotte Observer*, September 23, 1915, accessed June 18, 2019, <https://www.newspapers.com/image/74204786/?terms=%22james%2Bgrey%22>.

³ "Enlarge Mill," *French Broad Hustler* (Hendersonville, NC), June 26, 1919, accessed June 21, 2019, <https://www.newspapers.com/image/64212149/?terms=%22grey%2Bhosiery%2Bmill%22>.

⁴ "Business Shows Several Gains," *Asheville Citizen-Times*, September 21, 1931, accessed June 21, 2019, <https://www.newspapers.com/image/195748586/?terms=%22grey%2Bhosiery%2Bmill%22>.

Around this time local baseball and basketball leagues were created for the women of the local mills. Grey Hosiery Mill often had a team, with their 1941 women's basketball team winning the B League for Hendersonville.⁵ The mill stayed in business through World War II and in 1946 applied for a permit to build a 7,700 square foot addition to the north of the 1915 Knitting Room. This extended the building all the way to 5th Street and allowed for Grey, Jr. to accommodate "new full-fashioned knitting machinery."⁶ After the addition the mill was producing about 66,000 pairs of stockings a week and reached its highest employment number of about 250 people. The mill was one of the largest employers in Henderson County and Grey Jr. became a prominent figure in the area. He had brought significant employment to Hendersonville and Grey Mill was known for its more progressive management style, including insurance for employees, a nurse on duty, and even childcare along with the sports teams supported by the mill.

Grey Mill was an important part of industrial and social life in Hendersonville. It also stands as an important structure today as the only surviving representative of early twentieth century mill design in the area. Fire safety had become an important issue by the time of its construction, which led to the construction of primarily brick mill buildings that were only one- or two-stories tall. Grey Mill has very few architectural details and the later additions have even less. Industrial design at the time was moving further and further towards and into International Modernism, where architectural details were shunned in favor of simple unadorned facades. The original 1915 structure contains a few details that are reminiscent of earlier mill design, where a few architectural details were found. At Grey mill these details included the overhanging roof with exposed rafter tails and large, steel and glass windows. The clerestory roof provided natural light to the workers inside and was a very inductive design element of industrial structures. The later additions at Grey Mill saw fewer and fewer details, till the walls were mostly just blank brick walls with a few, small windows and simple low-slope roofs.

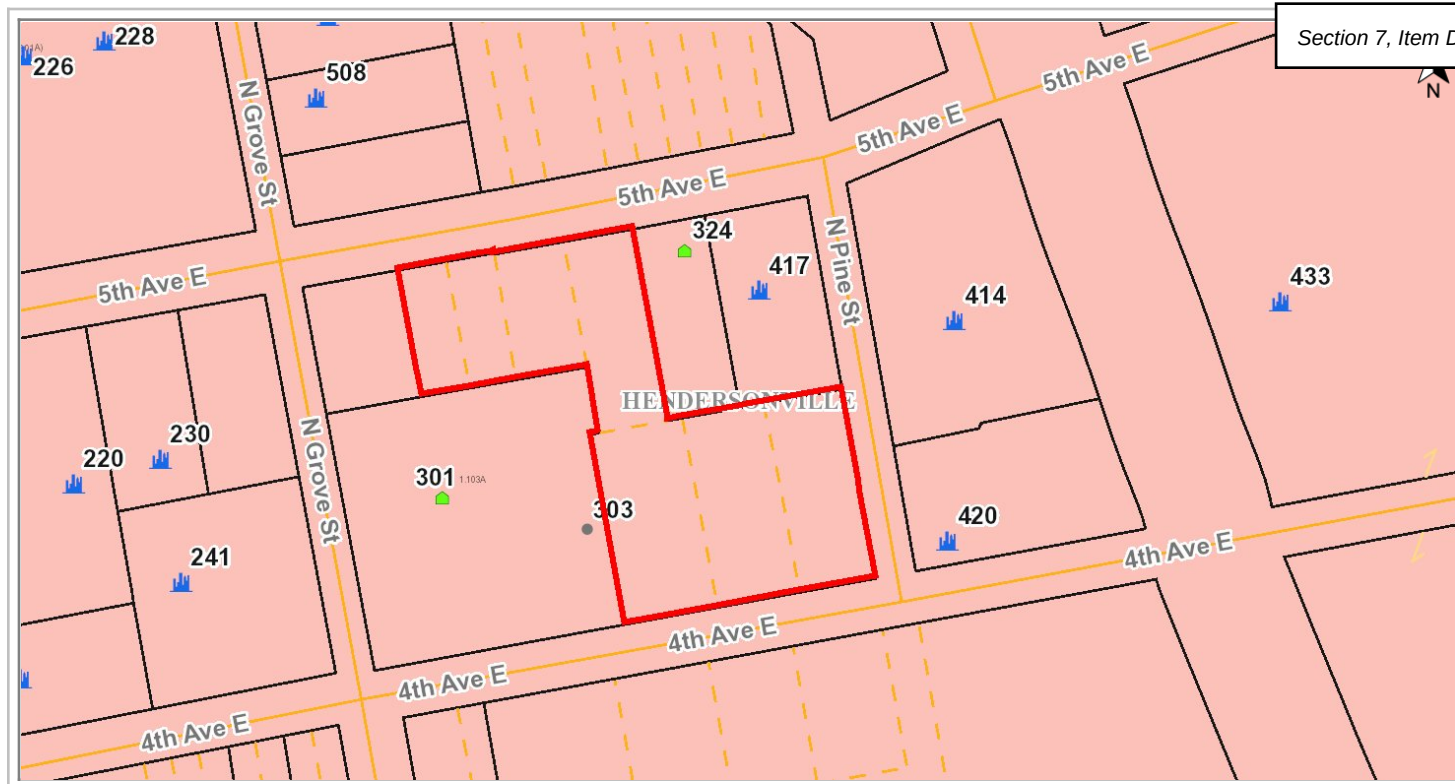
Grey Hosiery Mill continued to produce hosiery until 1965 under the Grey family's leadership, after which the property was sold to Holt Hosiery Mills, Inc. It ran under the name of Holt Hosiery until the plant was closed only two years later. Afterwards it changed hands until the city came into ownership. A few different redevelopment plans were in the works through the first decade of the twenty-first century, but ultimately, they all fell through. The building has fallen into disrepair, but fortunately Grey Mill was recently purchased by a developer and it is under redevelopment as a hotel and event space. Grey Mill is the last standing testament to the industrial might of Hendersonville in the first half of the twentieth century.

12. Integrity

Grey Mill is a mostly intact, early 20th century industrial building. Character defining features of the property such as steel framed multi-paned windows, the steel framed clerestory, hardwood floors, and circulation patterns are intact. Building campaigns completed in 1919, 1926, 1947, and the addition of a modern shipping warehouse and dock in the 1970s added significant additional space. These additions are intact with original materials preserved. Overall, the complex has good integrity and is an important entry into the textile history of the region.

⁵ "Fine Record Chalked Up by Grey Hosiery Sextet," *Asheville Citizen Times*, March 14, 1941, accessed June 21, 2019.

⁶ "Grey Hosiery Mill Planning New Addition," *Asheville Citizen Times*, March 22, 1946, accessed June 21, 2019, <https://www.newspapers.com/image/197964906/?terms=%22grey%2Bhosiery%2Bmill%22>.



WARNING: THIS IS NOT A SURVEY

Parcel Information

REID:	10004094	Pin:	9568889541
Listed to:	GREY MILL VENTURES, LLC	Neighborhood:	GROVE STREET
Mailing Address:	102 STRATFORD DR	Township:	Hendersonville
Mailing City, State, Zip:	CHAPEL HILL, NC 27516	Municipality:	HENDERSONVILLE
Physical Address:	0 NO ADDRESS ASSIGNED	Tax District:	HENDERSONVILLE CITY
Deed:	003307/00261	Plat:	SLD 9482
Date Recorded:	2019-03-08 11:37:00.0	Elementary School District:	BRUCE DRYSDALE
Revenue Stamps:	0	Middle School District:	HENDERSONVILLE MIDDLE
County Zoning:	Cities	High School District:	HENDERSONVILLE HIGH
Property Description:	GREY MILL OPEN AREA	Soil:	Hayesville loam, 7 to 15 percent slopes
Map Sheet:	9568.08	Voting Precinct:	Hendersonville 2
Assessed Acreage:	1.17000000	Commissioner District	2
Building Value:	\$0.00	Agricultural District	None Found
Land Value:	\$763,600.00	North Carolina House District	117
Value To Be Billed:	\$763,600.00	U.S. House District	11
North Carolina Senate District	48	Flood Zone:	Zone X, Not Shaded (Areas outside of the floodplain)



Henderson County
Geographic Information Systems (GIS)
200 North Grove Street
Hendersonville, NC 28792
P: (828) 698-5124
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**North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Roy Cooper

Secretary D. Reid Wilson

July 23, 2021

Matthew Manley
Hendersonville HPC
100 North King Street
Hendersonville, NC 28792

RE: Proposed Designation of the Adjacent Lot next to Grey Hosiery Mill, 301 Fourth Avenue, East, Hendersonville, Henderson County

Dear Mr. Manley:

Thank you for the report we received on the proposed designation of the adjacent lot next to Grey Hosiery Mill located at 301 Fourth Avenue, East in Hendersonville. We have reviewed the report and offer the following comments under N.C.G.S. § 160D-946.

According to the report, the adjacent lot next to Grey Hosiery Mill currently holds a parking lot and common space for Grey Hosiery Mill and is historically associated with the Grey Hosiery Mill as it held ancillary structures and infrastructure for the Mill operation.

While there is a great deal of information provided in the report as to the special significance and integrity of the Grey Hosiery Mill itself, we observed that little to no information was included in the report that indicates how the adjacent lot next to Grey Hosiery Mill is itself of special significance or was associated with the locally designated Grey Hosiery Mill. N.C.G.S. § 160D-945 provides that the designation, "*shall describe each property designated in the regulation, ...[including] those elements of the property that are integral to its historical, architectural, or prehistorical value, including the land area of the property so designated, ...*" While it is possible this adjacent lot may be historically associated with the Mill, we are unable to offer a conclusive review of the substance and effect of designation without evidence to support that association.

Thank you for the opportunity to comment on the report as submitted. Please note, our comments are advisory only and therefore, nonbinding. If the governing board receives a recommendation from the Hendersonville Historic Preservation Commission, it should proceed in the same manner as would otherwise be required for local landmark designation. If an affirmative decision for designation is made, please return a completed copy of the enclosed form to our office.

This letter serves as our comments on the proposed designation of the adjacent lot next to the Grey Hosiery Mill. Please contact me at Kristi.brantley@ncdcr.gov should you have any questions about our comments.

Sincerely,

A handwritten signature in black ink that reads "Kristi Brantley". The signature is written in a cursive, flowing style with a long, sweeping tail on the letter "y".

Kristi Brantley
Local Preservation Commissions / CLG Coordinator

CC: Commission Chair

Enclosure

CITY OF HENDERSONVILLE
Historic Preservation Commission

Minutes of the Regular Meeting of May 19, 2021

Commissioners Present: Ralph Hammond-Green, Chuck Reed (Vice-Chair), Derek Cote, Sam Hayes, Cheryl Jones (Chair)

Commissioners Absent: Phillip Allen, Chris Barron, Kristie Ogletree, Mia Freeman

Staff Present: Matt Manley, Planning Manager/Commission Coordinator, Terri Swann, Administrative Assistant III

- I **Call to Order.** The Chair called this meeting of the Hendersonville Historic Preservation Commission to order at 5:02 pm.
- II **Agenda.** Commissioner Hammond-Green made an addition to the agenda to add the issued COA updates from Mr. Manley. Chair also included the approval of the Findings of Fact and Conclusion of Law from the last meeting and the Adoption of the Annual Schedule of Regular Meetings. On motion of Commissioner Reed seconded by Commissioner Cote the Commission approved the revised agenda.
- III **Minutes.** On motion of Commissioner Reed seconded by Commissioner Cote the minutes of the December 1, 2020 meeting were approved.
- IV **Local Landmark Designation,** Grey Mill Parking Lot and Common Space, (File No. H21-10-LL). Matthew Manley, Commission Coordinator stated this is a legislative decision and not a quasi-judicial hearing. The Commission will take action but not final action.

Mr. Manley stated the applicant was on a zoom call since this is not a public hearing and they will be able to hear from him during public comment.

Mr. Manley stated the original Local Landmark designation of the Grey Mill site was supported by the Commission and approved by Council in 2019. This approval did not include the Parking Lot and the Common Area associated with the development. This is on an adjacent parcel (PIN 9568-88-9541). The developer has amended his request including this additional parcel in order to receive a tax deferral on local property taxes.

The original request did include an additional parcel that was essentially removed on the revised application just before it was approved. The applicant is coming back to amend that approval with the inclusion of this additional parcel. Commissioner Reed asked why it was removed. Mr. Manley stated the feedback at the time, he wasn't here at the time and does not know the exact sequence. What is required is the Commission hears a request, a recommendation is made and at that time it is sent to the state, SHPO, for their informal guidance or comments, advisory comments. Whether that happened before it went to the Commission or after it went to City Council, they provided feedback that the request should be reduced just to include the building, the original mill site and the building that was on that parcel. That was SHPO's recommendation, it was not a requirement, it was received by staff, staff passed it on to the applicant and he believes there may have been some confusion but he will let the

applicant speak to that. There is a report on the landmark itself and that report was revised based on that feedback from SHPO. That revised report made its way into the staff report and that was the ordinance that was adopted. Commissioner Reed asked if there was a new report now. Mr. Manley stated yes included in your staff report.

Mr. Manley gave a brief presentation:

Local Landmarks are properties of historical significance that are located outside of historic districts. Local Designation gets a 50% tax deferral on local property taxes.

Property was added to the National Register in 2000 (1.64 acres).
Property was designated as a Local Landmark in 2019 (1.09 acres). This did not include the associated Parking Lot or the Common Area.

Mr. Manley stated the inclusion of the Parking Lot and Common Area (1.17 acres) would amend the designated Landmark boundaries (2.26 acre), extend the City's requirements for a COA to the additional parcel, and provide tax incentive to the developer.

Mr. Manley showed the Sanborn Map and explained the areas on it. He also showed the 2000 Tax Map, the 2014 survey, 2019 survey and site photos.

Mr. Manley stated the criteria for the Commission's recommendation of designation is no property shall be recommended for designation as a historic landmark unless it is deemed and found by the Historic Preservation Commission to be of special significance in terms of its historical, prehistorical, architectural or cultural importance and to possess integrity of design, setting, workmanship, materials, feeling and/or association.

Mr. Manley stated this is not a stand-alone application it is a request to amend a previously approved application.

Chair asked if they had any tax parcel information. She was curious to see how the tax value changed. Mr. Manley stated he cannot speak on any of the tax information, but the applicant might be able to.

Mr. Manley asked if there were any questions and stated again, this is a legislative decision and not quasi-judicial.

The Commission will either recommend or not recommend this amendment to the application and City Council will have the final decision.

Chair asked if he had been able to find any parking lots that were included in a Local Landmark designation. Mr. Manley stated all of our Local Landmarks are residential, the best he could tell and there wasn't a need or requirement for parking because they were single family. He did not look regionally or across the state.

Mr. Manley stated even if there was parking associated with a Local Landmark whether it was on a parcel that was historically not part of the original parcel that was a Local Landmark, this is unique in that way. Staff's opinion is today, that parking lot is directly associated with that use. That's a fact. It is

also on a parcel that was not part of the National Register nomination. His assumption is that the parking lot that is referenced in that register nomination was likely located on the south side of Fourth Street. They walked across the street to go to the mill, so it wasn't this parking lot. The question before you is; was there some historical significance in the way this parking lot relates to this structure and he thinks there some ability to show some discretion given the adaptive reuse, redevelopment of the site and consideration to the extended COA process given to the City.

Commissioner Hammond-Green asked if there was any history of any other uses of those smaller parcels surrounding it. Mr. Manley stated he did not know what the historic uses of those sites were. He did not come across that.

Chair asked if he knew when the City acquired the parking across Fourth Avenue. Mr. Manley stated he did not know that. He thought it might be mainly the MLK Park area.

There were no further questions for staff.

Chair opened the public hearing.

Ken Reiter, owner/developer of the Grey Mill thanked the Commission. He stated everyone had been super helpful and thanked Matt and the City staff for all of their help. He stated they were trying to come up with a resolution that he thinks was an oversight and the paperwork was not filed. They want the Commission to be able to see this properly and therefore brought the amendment to them. Simply the request is to add an associated parcel. To answer one of the questions is it typical for parking to be included in the historic property, he has been doing this for over 20 years now and in North Carolina on the projects they do have; they are typically included and have been included in prior designations. The parking associated with these mills is typically included. When they got the property tax bill and couple of years ago and it was not eligible they went back and looked at it and he thinks there was some transition of staff and he was surprised that SHPO in between submittals and approval of the ordinance had recommended not including it and he never really got a definitive answer from them about that. From their perspective as part of redevelopment of this site both the 1.09 acre and the 1.17 acre, they are both part of a Brownfield Agreement that helps the full redevelopment of the parcel. Both parcels are included in the Part 2 application that was approved. So, the standard for the development and the developer and the rehabilitation that they did was not only the building but the parking and the common area and the sitework are part and parcel to the overall redevelopment. At both the state and federal level their construction activity and design was held to a standard that included both parcels and while they can discuss and argue on whether the parking lot is historical or not historical the intent was that they would develop both parcels so that they are harmonious with each other and they would work together. The goal is to basically put together the two parcels as they were intended and treat them as one project. Technically the COA provides some enforcement to make sure they are not doing something more than they could at this level. One of the caveats is that in exchange for the tax deferral they are limited on what they can do to the property.

Mr. Reiter stated on the question of the property tax values, the value of the deferment of the parking/common area is far less than the building. The monetary gain is not significant, but it is meaningful.

Mr. Reiter stated their request is to treat the property, both parcels as one. That is how the Federal Part 1 application and the State Part A application and the Federal Part 2, there were specific design intent such that the overall project would be considered in accordance with the Secretary Interior Standards of Historic Rehabilitation.

Chair stated she was still confused looking at the documents, the ones they have seen and the ones in the packets it looks like the original tract and the parking that was associated with the mill was across Fourth Avenue, which is now courthouse parking and MLK Park. At one time there was some houses and structures behind it, was this actually the parking that went with the mill or was this part of something else. Mr. Reiter stated part of it was parking and part of it is unknown. From the aerial there appears to be parcels of land that were platted for residential. He doesn't know if there were actual structures there at one time, but he is sure there were. Typically, as the mills grew the mill owner would acquire properties for storage. He doesn't know if that happened for sure or not. Chair stated isn't that the crux of this, if they are going to say this separate parcel is historically significant then they need to know how it relates and how significant it is. Right now, they don't even know this parcel was associated with the mill at the time of its operation. She understands his point but doesn't want to approve something with no historical context.

Mr. Reiter stated there is a report showing the timeline, but he is not sure of the specifics of it.

Commissioner Hammond-Green stated it would seem logical if there were homes there, that would be associated with the millworkers. Small single-family homes (such as at the end of Elizabeth Street) are usually associated with some type of industry.

Commissioner Hayes stated the Sanborn Map from 1926 shows some houses on that parcel and one from 1939 where there are different houses.

Chair stated the burden is on the applicant to prove it and she is just not hearing or seeing anything conclusively that any mill activity, significant mill activity was on this parcel. That is what she is looking for to connect it up.

Commissioner Reed stated he failed to see from the report what the historical significance to this parcel is. There are two parts to the designation one is the significance and two is the integrity. There is nothing left of the houses so there is no integrity left. He understands what he is trying to do but he doesn't see that there is any historic significance to the property they are talking about.

Chair stated if there was something there to show they were repurposing a historically significant site, that would make this a fully intact parcel but she cannot find anything that says what was on this site and what makes it historic. This is like a ghost parcel.

Mr. Manley stated he does not know that they have the information they are looking for to get them over this. He stated to be able to move forward today they can look at the way it is today and does it have significance as a project associated with this historic mill. The only rational or reasonable path forward is to look at it from the standpoint of the adaptive reuse, redevelopment project.

Discussion was made on when the construction was completed at the end of 2019. It was under construction and finishing up at the time of this request and if SHPO saw the site after it was constructed. Mr. Manley talked about the one parcel that was designated and that was where all the activity was and how SHPO may have looked at it from that viewpoint. He doesn't know and he doesn't know who from SHPO made comments, but they were informal, but it is the Commission's decision to make a recommendation and the local City Council to make a final decision.

Mr. Reiter talked about the parcel and how they didn't know what happened on each parcel but as a collection of parcels it was contiguous to a historic property. It is reasonable to assume that historic activity and significance was created on these parcels. They need to keep the property in line with the state and federal standards.

Mr. Manley discussed the recombination of the parcels over time.

Commissioner Cote stated he understands the spirit of what is trying to happen, but the guidelines won't allow for emotional spirit decisions.

Chair stated she was trying to find a way but was struggling with it.

Mr. Reiter discussed having the freedom to do whatever they wanted on the property, not that they would do that but if they had the designation then any work or development would have to first have a COA approval.

Discussion was made about selling the property and if that were to happen.

Commission Reed asked if the property was on the National Register. Mr. Reiter stated he believes only the 1.09 acre is on the National Register.

Mr. Reiter stated if they did something wrong on the 1.17 acre parcel regardless of whether it is on the National Register or not, their application with both the Federal and State regulators both SHPO and National Park Service meeting the Secretary of Interior Standards included both parcels. That is his main argument. Whether it is on the National Register or not, they want to make sure that the common area and parking and site work in their mind is of significant importance to the mill.

Discussion was made about the Local Landmark designation and how a property that has this designation would need a COA approval even if it is not in a historic district.

Chair discussed how she felt like the Commission needed more information before they could make a recommendation on this application.

Commissioner Hammond-Green asked if there are any disadvantages for not approving the application. Mr. Manley stated the disadvantage for the City would be less district area which they would require a COA for. This is not a decision of City management or City staff it is a decision of elected and appointed officials.

Mr. Reiter stated they always talked about the parcel as a whole and it was their intent to have the project and the parcels considered as a whole. It is an important incentive to this property to get the tax deferrals. They are planning to complete some softscape work and they have not completed all the work out there. For their consideration they did have approved some hardscape work north of the property, it has been approved and they have not done it yet. Whatever improvements they do would be within the standards.

Chair stated her frustration is no one can show them what was on this property. The ordinance is clear, it has to have some historic significance.

Mr. Reiter stated this is an odd situation and he doesn't mind going back to research the property again. He would just ask that the Commission let him know what kind of information they are looking for.

Discussion was made on other incentives for economic development, other than tax deferral for the Local Landmark designation.

Mr. Reiter stated the City has been incredibly helpful with this project. They did help provide loans for this project. Looking at the designation criteria he would see it might not fit the historic event, but he does believe there was cultural activity that happened on the 1.17 acre parcel. He does not know if that was documented but it would be reasonable to make that determination that there was. He also thinks the Council was under the understanding that they would be asking for the designation for both of the parcels. It was part of the negotiations and discussions they had for redevelopment of the property.

Discussion was made about not having the supporting information they need to make the recommendation.

Mr. Manley discussed the Commission deferring their decision until they have the feedback from SHPO and additional feedback from the applicant.

Commissioner Hayes asked if they come back with information that this was actually mill houses and associated with the mill would that be enough for them to approve it. Commissioner Cote stated it would satisfy their criteria to a degree.

Commissioner Hammond-Green stated from his own personal industrial experience the area immediately adjacent to the building and definitely in the 1.17 acres had to have been used by the industry because they store materials and there is not enough room within the existing block for them to store their incoming and outgoing materials. It is logical that industrial activity took place on the 1.17 acres.

The Commission discussed not having enough information on the parcels and needing more information to make the decision to approve the application. Mr. Manley stated he felt like if they deferred this, they could get more information, but he was unsure how much they would need to feel good about making a decision. Mr. Reiter stated he wasn't sure how much information they would be able to find but they would be happy to do some more research and see what they can find to bring back to the Commission if this is deferred. Commissioner Cote stated it could be photos or a recounting of life at the mill.

There were no other questions for the applicant.

Chair closed the public hearing.

Commissioner Hammond-Green moved to postpone the decision until the next meeting. Commissioner Cote seconded the motion which passed unanimously.

V Mr. Manley gave an update on the COA's that have been approved from February until current.

VI(a) **Findings of Fact/Conclusions of Law.**

- Pulliam Justus Partners, LLC – 101 N. Church Street, File No. H20-26-COA

Commissioner Reed made a motion to approve the findings of fact as written. Commissioner Hammond-Green seconded the motion which passed unanimously

VI(b) **Adoption of annual schedule of regular meeting dates.** On motion of Commissioner Reed seconded by Commissioner Cote the monthly meeting dates for 2021-2022 were approved.

VII **Adjournment.** The Chair adjourned the meeting at 6:49 p.m.

CITY OF HENDERSONVILLE
Historic Preservation Commission

Minutes of the Regular Meeting of July 21, 2021

Commissioners Present: Cheryl Jones, Chair, Chuck Reed (Vice-Chair), Ralph Hammond-Green, Derek Cote, Kristie Ogletree

Commissioners Absent: Sam Hayes, Chris Barron

Staff Present: Matthew Manley, Planning Manager/Commission Coordinator, John Connet, City Manager, Terri Swann, Administrative Assistant III

- I **Call to Order.** Chair called this meeting of the Hendersonville Historic Preservation Commission to order at 5:30 pm.
- II **Agenda.** Chair stated a few revisions were made to the agenda. On motion of Commissioner Reed, the Findings of Fact Items 5A and 5B were removed and the addition of the staff approved COA's were included as 5A. The motion was seconded by Commissioner Hammond-Green; the Commission approved the revised agenda.
- III **Minutes.** On motion of Commissioner Reed seconded by Commissioner Cote the minutes of the Special meeting of June 29, 2021 were approved.
- IV(A) **Local Landmark Designation,** Grey Mill Parking Lot and Common Space, (File No. H21-10-LL). Matthew Manley, Commission Coordinator stated this was deferred from the May meeting and it has stayed the same therefore he would not be presenting any other information and the Commission can pick up on their discussion. John Connet, City Manager would like to speak with the Commission.

John Connet, City Manager stated he wanted to give the Commission more background information of the Grey Mill designation. They are asking to extend the Local Landmark Designation to the parking lot and common area. This project started roughly 13 years ago and has a prolonged history. The developer Ken Reiter came to the city five years ago and wanted to preserve the whole site. They wanted the whole site designated as a Local Landmark and extend protections over the whole site. The paperwork came in and it was to designate the building itself. From City Council's perspective the whole site should have been designated. City Council would like the whole site designated so that the protection standards would apply. Chair asked if the site could be recombined. Mr. Connet stated that is a question for the developer.

Ken Reiter stated he is not aware of any reason why it could not be recombined. They have several agreements in place concerning this development such as the Brownfield Agreement so he would need to check into this. The site has agreements in place with both Federal and State restrictions in place for both parcels.

Chair stated SHPO had taken out the designation for this parcel so was it a tax credit thing or the lack of historic fabric that they had a struggle with. Did they look to see if the mill actually functioned on this site? Mr. Connet stated staff has not received the report from SHPO yet. Mr. Manley stated after having

an informal conversation with SHPO, he believes their comments reflect some of the Commission's concerns.

Mr. Connet stated the original idea of the City Council was for the entire site to be included in the designation. He understands this is coming before the Commission in two pieces, but it was considered by City Council to be the whole site. He believes that was their understanding.

Chair stated they were stuck because their duty is not to normally recommend a designation without some historic significance shown for the site. They are looking for testimony that some historic activity took place on this site and they have not received anything.

Commissioner Reed stated they are being asked to look at this subject property and determine if special historic significance is associated with the mill, but they still haven't heard anything from the developer for the Commission to determine this.

Mr. Connet stated he appreciates the Commission and he asks that they take action on the recommendation to City Council whether that is to recommend or not recommend.

Chair asked if they recommend approval or denial, will their reasoning behind the recommendation go to City Council. Mr. Connet stated the Commission is playing an advisory role to City Council and they will take all information presented to them. This is not a quasi-judicial hearing, it is legislative, but they will consider the Commission's comments.

Mr. Reiter stated he understands the circumstance but if you look at the 1.17 acre site, it is reasonable to assume that the physical mill building and the lots immediately adjacent to it, it is reasonable to assume some historic activity was significant to those lots. If you look at how the mill operated one can assume that whole site had historic significance at some time. He couldn't find anything solid, but he has been doing these types of rehab for over 20 years and they normally have a spillover effect to the adjacent properties. Chair stated she gets that but now there have been artificial lines drawn for the site. Mr. Reiter stated concerning the 1.09 acres, he does not know if physical activity happened from the mill at this location, but it is reasonable to assume that it did.

Commissioner Reed asked if Mr. Reiter was saying he had proof there was some significant value to the lot because he has not provided that level of proof to the Commission. Mr. Reiter stated no, he was saying it is safe to assume there was some type of physical activity from the mill historically done on the whole site.

Chair stated they are trying to build a record; can the landmark designation be amended to bring this parcel into the designation with the mill? Mr. Manley stated this is to amend it to include this PIN. Mr. Manley stated it is one landmark and two parcels. Chair stated amending the designation is a different discussion than having to approve a new application. Is this a new application or an amendment?

Mr. Manley stated he is sorry that was left out of the staff report. This is an amendment and if the designation is approved, the residential guidelines would apply to this parcel.

Mr. Connet stated this is one landmark designation and not two. About four-fifths of the lot shows a Local Landmark Designation already.

Mr. Manley stated the report stands alone and the memo talks about amending the designation. The Commission could clarify that in their motion.

The Commission discussed the designation with all members not in favor of recommending the designation if the parcel was a stand-alone designation. The Commission was in favor of recommending approval if it was an amendment and the designation was being added to the site as a whole. Commissioner Reed stated the main problem was the way this has been presented to them.

Chair asked if City Council passes this, the adoption would be an amendment. Mr. Manley stated the report is part of the application and even though they are applying separately, this is an amendment.

Commissioner Reed stated this is for the parking lot and common area, are there any other associated properties? Mr. Manley stated the developer is indicating no.

Commissioner Reed moved the Commission recommend City Council to approve the adoption of an ordinance designating the Grey Hosiery Mill Parking Lot and Common Area and any other associated properties with PIN 9568-88-9541 as a local historic landmark. Mr. Cote seconded the motion which passed unanimously.

Mr. Connet thanked the Commission.

- IV(B) **Certificate of Appropriateness**, Gus Campano of ACC, LP & DAC, LP, PIN 9568-87-1778 – 3rd Avenue East at N. Edwards Street (File No. H21-18-COA). Prior to the opening of the public hearing, Chair announced that any persons desiring to testify at any of the public hearings must first be sworn as witnesses and will be subject to cross-examination by parties or persons whose position may be contrary to yours. A copy of the protocol for a quasi-judicial hearing is provided on the back table next to the agenda. Since this is a quasi-judicial hearing, it is very important that we have an accurate record of what goes on. Therefore, we must ask that you refrain from speaking until recognized by the Chair and, when recognized, come forward to the podium and begin by stating your name and address. Anyone who wishes to testify during the public hearings should come forward to be sworn in. Chair swore in all potential witnesses.

Mr. Manley gave the following analysis:

The Community Development Department is in receipt of an application for a Certificate of Appropriateness permit from ACC, LP & DAC, LP to undertake the following work at the above referenced property:

1. Construction of a new residence as indicated in the sketches submitted with the application which include a 2.5 story building, front façade is brick with stucco accents between stairwell windows on the first and second floor and the third level and third level terrace wall, metal railing on the second level balcony. The east side is stucco with metal railing and cloth awning on the third level, brick accent on northern most portion of the second and third levels. The west side is stucco with brick accent wall, metal canopies, walk-in door and two-car garage with the garage doors on the first level. The rear side is stucco.

The subject property is currently a vacant lot and having no structures, is not defined as contributing or non-contributing within the Main Street Local Designation Report which refers to it as a “vacant lot to west of 128 3rd Avenue East.”

Mr. Manley stated there is a public right-of-way beside the lot with an easement behind the property.

A site plan was shown to the Commission. The two-car garage will be entered from the alley. An elevation of the property was shown. Mr. Manley explained the view of the proposed home from the N. King Street side looking up. There is a proposed screening wall and he is not sure what is behind that wall. The applicant can speak to this.

Mr. Manley stated a structure was previously approved for this location on two occasions by the HPC. The first was approved in October 2016. The first version, which received feedback from DRAC in August 2016, varied significantly from the second design, which was approved in January 2017. The second design and the current application are essentially identical.

Mr. Manley stated design changes have occurred, but they are very similar. Mr. Manley showed several of the design guidelines that were relevant.

Mr. Manley stated he has listed the Utility Retro-fit Guidelines because an adjacent property called with concerns about the utilities. This is the section of the guidelines that cover utilities. The guidelines for new construction do not cover utilities.

Chair asked if there were any questions for staff.

Commissioner Reed asked if this was essentially the same. Mr. Manley stated yes, there is only a minor dimensional change.

Chair stated looking at the application Gus Campano is the property owner; will the Commission need permission from Mr. Campano for the buyer to speak to the plan and have authority to make binding decisions on the application.

Gaston Campano, property owner stated he gives his authorization for Mr. David McKinley, purchaser to speak on his behalf.

Commissioner Hammond-Green asked if the utilities would be underground. Mr. Manley stated he can get clarification from the applicant.

Chair asked if there were any further questions for staff. There were no further questions for staff.

David McKinley, 11 King View Drive, Fletcher, NC stated he is in the process of purchasing the property. The biggest change is that the building is two feet wider and the walkway is a little narrower. Edwards Alley has a 10-foot right-of-way and he will not infringe on that. The front will have a little bit different access.

Commission Cote asked about the front set-up. Mr. McKinley stated he does not have the full details on that yet.

Discussion was made about the windows and the time it will take to receive them due to the construction delays and costs. Chair explained minor deviations being approved by staff and major works having to come back before the Commission for approval.

Commissioner Cote asked about the iron gate on the side. Mr. McKinley stated there will be an iron gate with their address on the right side.

Chair asked what color the brick would be. Mr. McKinley stated a light gray with red tones. He presented a sample for the Commission to see. Mr. McKinley stated the stucco will also have a hint of gray in it. The windows, gutters, down spouts and railings will be black. He is trying to get an older look without being false.

Commissioner Hammond-Green asked about the utilities being underground. Mr. McKinley stated the meter will be on the backside. Duke Energy actually has a right-of-way that runs on the backside with power lines overhead.

Chair asked if the HVAC unit would be on the back or the roof. Mr. McKinley stated his intention is to locate it in the back, but he is willing to put it on the roof if need be. Mr. Manley stated given there is a right-of-way located there, the developer will have to stay out of it. The placement of the utilities was a concern that came in from an adjacent property owner.

Mr. Campano stated the right-of-way is not being use for vehicles. It would not be a practical way to use the right-of-way. There are patio areas behind there.

Chair stated this is unique for downtown. She asked if Mr. McKinley was willing to screen the utilities. Mr. McKinley stated yes, as long as it meets the easement requirements and he will meet with his attorney concerning those.

Mr. Campano stated the back of the property will not be visible. You can walk down the alley and it is only about a 10-foot strip.

Discussion was made on the size of the units and the exterior vents. Mr. McKinley stated the vents will be located up through the roof. Chair asked if the roof could be occupied. Mr. McKinley stated the roof will not have access; it will only be accessed for repairs. He stated they will not be using solar.

Mr. McKinley stated the garage door will be a combo of synthetic type wood and will look like a carriage door.

Mr. Campano talked about the elevation change where Detours is located. He stated he went through the approval process last time and there are clear differences between new construction and alterations of a building in the guidelines. He did not try to imitate the historic buildings.

Mr. Manley stated in the new construction guidelines it does not reference the utilities, therefore he included the section on utilities. They need to meet some of the intent of those guidelines. The Commission could make a condition that the developer put as much as they can on the roof and screen anything that would be placed in the rear. The mechanical equipment could be placed on the rear if

screened but the developer could make all attempts to put it on the roof. Chair stated the Commission can discuss this when the public hearing is closed.

Commissioner Cote asked if the railings were steel. Mr. McKinley stated yes, they are black and would be steel. There will be no color change to the stucco, all windows and transoms will be black. They will have a 2' x 4' window up high on the garage door to bring light into the garage area.

Chair asked if they plan to have any plantings. Mr. McKinley stated there is a bump out area where they are planning to have a planter on the backside if there is enough room once they check the easement.

Chair has concerns about the utilities and the easement and keeping the utilities out of the easement. This may cause the developer not to be able to locate the utilities in the rear. Mr. McKinley stated if he cannot keep the utilities out of the easement, he will place them on the roof. He stated it would just be easier to maintain on the back of the property.

Commissioner Reed asked if the setback has been changed. Mr. Campano stated there are no setbacks in this district.

Chair asked if there was anyone in the audience that had questions for the applicant or staff. No one had questions. Chair asked if there was anyone that would like to testify concerning the application. Chair asked if there was anyone that wished to speak before they close the public hearing. When no one came forward Chair closed the public hearing.

The Commission discussed the application and how it has already been approved twice.

Chair re-opened the public hearing.

Commissioner Reed asked staff about applying the utility guidelines to the motion and have staff interpret the guidelines. Mr. Manley stated typically the motion is to approve or deny the application as shown but they can add the utility guidelines into the motion. This is to make sure what the HPC meant is included in the COA approval.

Chair closed the public hearing.

The Commission discussed the utilities and where to locate them. They also discussed the guidelines that were relevant to this application and the previous approval.

Chair reopened the public hearing.

Chair asked the developer if he plans to use any aluminum or vinyl. Mr. McKinley stated no.

Chair closed the public hearing.

The Commission discussed the three units being placed on the roof and the location of the electrical meter in the rear. They discussed the utility guidelines that would apply. They also discussed screening if the units are located in the rear.

Chair reopened the public hearing.

Commissioner Reed asked how feasible it was to do screening on the units. Mr. McKinley stated he would have to verify with his attorney the location of the easement and he just won't know the answer to this until he sits down with his attorney. When he gets a clearer picture of what that utility easement means then he will determine whether to put it on the roof or on the rear. He will not put the units below if they cannot be screened.

Chair closed the public hearing.

Commissioner Reed moved the Commission to find as a fact that the proposed application for a Certificate of Appropriateness, as identified in file # H21-18-COA, if constructed according to the information reviewed at this hearing and any representations made by the applicant on the record of this hearing, is not incongruous with the character of the Main Street Local Historic District for the following reasons: the proposed project is in compliance with guideline 4.1.1 it keeps the setback of the proposed building consistent with the setback of adjacent buildings, consistent with 4.1.2 the distance between the proposed building and adjacent buildings is compatible with the spacing between existing buildings, is compatible with 4.1.3 as the building is oriented toward the street with the main pedestrian access in the front, and in accordance with 4.1.6 the height of the proposed building in this application is compatible with historic buildings on the block which it is located, in compliance with 4.1.7 the building is block face and is not taller than the adjacent structures, in compliance with 4.1.12 the materials used in this proposed project are similar to those commonly found in the district, and in compliance with 4.1.18 the contemporary construction does not directly copy from the historic buildings in the district but is compatible with them in height, proportion, roof-shape and materials used. Also with the condition that the utilities; electrical utilities, HVAC be behind the building or on the roof and if HVAC units are positioned behind the building they should be screened and with the condition that this COA approval supersedes the previous approvals and any other utilities will need to be on the roof or vented through the roof and the utilities be located in compliance with the design standard consideration for utilities 3.7.9, .10 and .11 and the gas meter can also be on the rear if screened. Commissioner Hammond-Green seconded the motion which passed unanimously.

VI **Staff update on approved COA's.** Mr. Manley gave an update on the staff issued COA's.

VII **Adjournment.** The Chair adjourned the meeting at 6:57 p.m.

Grey Hosiery Mill

301 Fourth Avenue East
Hendersonville NC, 28792

Local Landmark Designation

Prepared by
MacRostie Historic Advisors

In Partnership With
Grey Mill Ventures

Completed June 2019

**Local Landmark Designation Report
Grey Hosiery Mill
Hendersonville, NC**

1. Name of Property

Grey Hosiery Mill

2. Name and Address of Current Property Owner

Grey Mill Ventures, 103 Parker Street, Carrboro, NC 27510

3. Location of Property, Legal Description, National Register Status

Grey Hosiery Mill (also referred to as Grey Mill) is located at 301 Fourth Avenue East in the city limits of Hendersonville, North Carolina. The mill sits on the northeast corner lot at the intersection of North Grove Street and Fourth Avenue East. Fifth Avenue East bounds the northern property line. The property consists of 1.09 acres.

Grey Hosiery Mill was listed on the National Register of Historic Places on October 6, 2000.

4. Ad Valorem Tax Appraisal

As listed in the Henderson County Real Property database, the total appraised value of the property (including the building) is \$1,170,500. The parcel is appraised at \$759,700 and the building is appraised at \$410,800.

5. Justification of Land Proposed to be Designated

All acreage on site was associated with the operation of the Grey Hosiery Mill.

6. Property Included in Designation and Boundary

This designation includes the interior and exterior of the mill building and all its additions, and the 1.09 acres historically related to the complex.

7. Dates of Construction

1915, 1919, 1926, 1947, 1970s

8. Period of Significance

The period of significance for the property is 1915, when the original plant was constructed, through 1950, which was the 50-year end date at the time of the property's listing in 2000.

9. Summary Statement of Significance

Listed individually on the National Register of Historic Places in 2000, Grey Hosiery Mill is the only remaining early twentieth century industrial structure in Hendersonville. First constructed in 1915 with later additions in subsequent years up until the 1970s, Grey Mill was the product of hard work on the part of Captain James P. Grey and his son James P. Grey, Jr. His family ran the mill until 1965 when they sold it to Holt Hosiery Mills, Inc. of Burlington.

10. Architectural Description

Site

The entire mill complex was completed over a few decades beginning in 1915. As the mill grew, so did the property. The first building was constructed on a north-south axis along N. Grove Street. Later additions were built to the north and to the east, connected by an office at the south of the property. A small courtyard separates the two wings that run north to south. A gravel parking area off Fourth Ave East fills the southeastern portion of the lot. The undeveloped land to the north of the east additions does not fall within the property lines of Grey Mill.

Exterior

The exterior of Grey Mill is defined by the different building campaigns the mill underwent during its time. The main entrances to the structure are along the south façade on Fourth Street. The 1915 Knitting Room, the first structure built on the site, occupies the southwest corner of the greater Grey Mill complex and contains a centrally located double-door entrance on its southern elevation that leads directly to the Knitting Room. Concrete steps with rough-cut stone sidewalls and a low-slope canopy surround the door. The Knitting Room is a single-story brick structure with two large steel sash windows on either side of the south entrance. Past the Knitting Room and centrally located on the southern elevation is a larger porch with four bays, alternating between nine-over-nine wooden residential windows and single-leaf wood doors. The doors lead to the Office to the west and the Shipping Room to the east. The 1919 Shipping Room addition fills the remaining portion of the south elevation. The south elevation of the Shipping Room has six bays. The western-most bay was converted to a wood loading door with a concrete loading dock. The other five bays are replacement eight-over-eight paired windows with infilled brick above. This portion of the southern elevation has a raised basement with small paired six-pane windows in each bay.

The west elevation is composed of two sections: the 1915 Knitting Room and a later 1947 addition to the north. The older 1915 portion has an overhanging roof with exposed rafter tails and large rectangular window openings with concrete sills. Five of the original steel-sash 36-pane windows with two operable pivoting panels remain at the southern end of the west elevation. The other remaining window bays have been infilled with brick and four have a smaller glass block window within the infill. The seventh bay from the south was later altered to fit a door that remains today.

The single-story 1947 portion is primarily a blank brick wall with a flat roof and simple brick parapet. There are eight small, elevated windows that have since been infilled.

The north elevation of the Grey Mill complex consists of the 1947 addition, the 1926 Finishing Rooms, and the 1970s Warehouse. All are relatively single-story blank brick facades. The 1947 addition has four paired one-over-one aluminum windows and a single doorway. There is a small series of vents along the 1970s Loading Room.

The east elevation is three main sections. The southern portion is the 1926 Shipping Room which has a blank brick wall on a stone foundation with a stepped parapet and terracotta coping. The 1926 Finishing Room has a brick wall, large rectangular steel sash windows and a low slope roof with over-hanging eaves and exposed rafter tails. A poured concrete loading dock extends along most of this portion of the east elevation and includes a small brick bathroom on top of the loading dock. The brick 1926 Boiler Room is at the northern portion of the Finishing Room and is partly enclosed in the circa 1970s Loading Room. The east elevation of the Loading Room is a blank brick façade with an elevated concrete basement.

Interior

The interior of Grey Mill consists of eight main areas: the 1915 Knitting Room, the 1947 Knitting Room addition, the 1919 Office, the 1919 Shipping Room, the 1926 Dye House, the 1926 Finishing Rooms, the 1926 Boiler, and the ca. 1970s Loading Room. The interior of the Knitting Room now holds a lobby at the south end and offices along a part of the west walls with lowered ceilings that conceal the original industrial space and features of the building. The majority of the south Knitting Room remains open with wood flooring, painted brick walls and exposed beams, ceiling and clerestory. A central line of columns runs down the middle of the building supporting the beams above. The columns are now a combination of wood and steel and in places have additional I-beams for support. A frame partition with windows and beadboard divides the north eight bays of the 1915-1926 Knitting Room from the south portion. A single loading opening at the east end provides circulation to the north part of the Knitting Room and the large 1947 addition. To the north of the partition the Knitting Room and 1947 addition run together as a single open manufacturing space with concrete floors and painted brick walls. The only indications of the change from the older Knitting Room to the addition are the roof structure which changes to steel beams with no clerestory, a change of window type and the increased width of the 1947 addition which expands to the east just north of a brick mechanical addition along the east wall. A series of offices have been created at the north end of the Knitting Room addition with lowered ceilings.

The Office addition is now divided into two sections of rooms with carpet, faux wood paneling and vinyl tile dating to the 1990s. At the south end of the Office plan, a corridor (or lobby) joins the Shipping and Knitting Building. A doorway to the north of the corridor leads into office and storage space with carpet and gypsum board walls. At the north side of the Office plan another hallway with faux wood paneling and vinyl floor tiles leads to small offices and connects the Knitting and Shipping Rooms.

The Shipping Room is an open space with wood floors, exposed ceiling beams and a central column line running east to west through the space. A simple wood staircase along the west wall leads to the basement and appears to have been altered many times. The current material of the stairs

appears to have been built in the 1990s. A doorway at the northwest area of the Shipping Room holds tall double wooden doors with horizontal raised panels. A freight elevator now enclosed with gypsum board sits at the north wall near the northwest doorway. A storage or office enclosure has been built of plywood at the east end of the Shipping Room and a small doorway at the northeast corner of the Shipping Room leads into a restroom that was added after the original construction. A basement level exists below the Shipping Room with exposed stone foundation walls at the perimeter and unpainted exposed beams and columns.

The interior of the Finishing Room is now divided into two sections with the four south bays separated from the remainder of the room by a floor to ceiling gypsum board partition. A single door at the east side of the partition provides access between the spaces. The south space is open with central wood columns, wood flooring, painted brick walls and exposed beams, ceiling and clerestory. A doorway holding paired wood doors with panels and 9-light windows sits in one bay along the west wall providing access to the courtyard. The remainder of the Finishing Room to the north of the partition has a series of framed office partitions along the east and west walls with hard ceilings below the full height of the building and concrete floors. Like the other older sections, a central line of columns runs down the middle of the building supporting the beams above and clerestory. The columns in the Finishing Room all appear to be wood with the exception of the north two bays that were added after the 1947 addition. This addition has steel columns and a corresponding change in brick visible from the courtyard.

The Boiler Room is a single open space that sits at ground level, below the main floor level of the other buildings. A wood stairway in the southwest corner connects to a doorway, now infilled with concrete block, into the Finishing Room. Another doorway at the north wall of the Boiler Room appears to have been added and leads to an inaccessible space that must sit below the Loading Room.

Mechanical equipment fills the space and a low brick enclosure surrounds the boiler at the east side of the space. The walls of the Boiler room are exposed brick stained black by soot. A series of large metal I-beams span the entire room from east to west and support the concrete roof.

The Loading Room is an open room with exposed brick walls and steel scissor trusses spanning the space from north to south to support the flat roof. Plywood office enclosures have been created at the northeast and west and south sides of the room. Two garage doors sit at floor level to the east side of the uninsulated south wall and a concrete ramp at the west side of the Loading Room leads down to a third garage door at ground level.

11. Historic Significance

Adapted from the Grey Hosiery Mill National Register of Historic Places Form, completed in 1999 by William A. Gray, Jr. and Amanda Blosser of Preservation Society of Henderson County. New sources not found in the National Register Form have been cited within this document.

The founding of Grey Hosiery Mill coincided with the rapid growth of the town of Hendersonville. While in existence since 1841, it was not until the first railroad line in 1879 reached the town that considerable development began. The city saw an exponential rise in population and commercial ventures in the beginning of the twentieth century, but it never grew to be more than a one-street downtown, far over-shadowed by nearby Asheville, North Carolina. As the town grew though, industry in the area did not. Some mills had popped up in the area, but not enough to support all of the town's citizens. The citizens of Hendersonville were eventually so frustrated with the lack of jobs that they approached Captain James P. Grey and his son James P. Grey, Jr. in 1915 with the sum of six hundred dollars (some reports say only five hundred)¹ to build a mill after plans for a flour mill in Hendersonville had fallen through.

Captain Grey had made his fortune through business ventures in Louisville, Kentucky and decided to learn the textile business at a mill in Johnson City, Tennessee. His son Grey Jr. also worked in Johnson City in the textile industry and was the driving force behind the construction of the hosiery mill in Hendersonville. Grey Jr. was an alumnus of Davidson College and knew the area, but it was not until the opportunity arose to construct his own mill that he became a resident of Hendersonville. The area had already experienced success with two other hosiery mills.² He purchased a lot at the corner of Grove Street and Fourth Avenue East near the railroad. A newspaper article from the *Western North Carolina Times* describes Grey, Jr.'s plans for the building as "a nice brick mill building, which he will equip with the most up-to-date machinery for the manufacture of hosiery." Grey Jr.'s goal at first was to produce on average almost 2,500 pairs of seamless hose a day. The building was originally built with the potential to increase to 12,000 pairs a day.

By 1919, the operation had already outgrown the original building and an addition was built to the east to create an L-shaped structure.³ Grey Mill saw a slight downturn in production during the early 1920s when women's hosiery was not selling as well, but about a decade later the mill was running day and night and employed around 75 people.⁴ Based on Sanborn Maps, in 1926 two additions were built to the north of the 1919 addition, creating a slightly U-shaped structure with a narrow courtyard between the original 1915 Knitting Room and the 1926 Dye House and Finishing Rooms. After 1932 and throughout the Depression Grey Mill, along with many others in the area, experienced some periods of continuous work and other periods where they were forced to cut mill production down to only three days of the week.

¹ "Prospects Bright for New Hosiery Mill in this City," *Western Carolina Democrat and French Broad Hustler* (Hendersonville, NC), July 29, 1915, accessed June 18, 2019, <https://www.newspapers.com/image/144105676/?terms=%22james%2Bgrey%22>.

² "Third Hosiery Mill: James P. Grey and James P. Grey, Jr., Locate Plant at Hendersonville," *The Charlotte Observer*, September 23, 1915, accessed June 18, 2019, <https://www.newspapers.com/image/74204786/?terms=%22james%2Bgrey%22>.

³ "Enlarge Mill," *French Broad Hustler* (Hendersonville, NC), June 26, 1919, accessed June 21, 2019, <https://www.newspapers.com/image/64212149/?terms=%22grey%2Bhosiery%2Bmill%22>.

⁴ "Business Shows Several Gains," *Asheville Citizen-Times*, September 21, 1931, accessed June 21, 2019, <https://www.newspapers.com/image/195748586/?terms=%22grey%2Bhosiery%2Bmill%22>.

Around this time local baseball and basketball leagues were created for the women of the local mills. Grey Hosiery Mill often had a team, with their 1941 women's basketball team winning the B League for Hendersonville.⁵ The mill stayed in business through World War II and in 1946 applied for a permit to build a 7,700 square foot addition to the north of the 1915 Knitting Room. This extended the building all the way to 5th Street and allowed for Grey, Jr. to accommodate "new full-fashioned knitting machinery."⁶ After the addition the mill was producing about 66,000 pairs of stockings a week and reached its highest employment number of about 250 people. The mill was one of the largest employers in Henderson County and Grey Jr. became a prominent figure in the area. He had brought significant employment to Hendersonville and Grey Mill was known for its more progressive management style, including insurance for employees, a nurse on duty, and even childcare along with the sports teams supported by the mill.

Grey Mill was an important part of industrial and social life in Hendersonville. It also stands as an important structure today as the only surviving representative of early twentieth century mill design in the area. Fire safety had become an important issue by the time of its construction, which led to the construction of primarily brick mill buildings that were only one- or two-stories tall. Grey Mill has very few architectural details and the later additions have even less. Industrial design at the time was moving further and further towards and into International Modernism, where architectural details were shunned in favor of simple unadorned facades. The original 1915 structure contains a few details that are reminiscent of earlier mill design, where a few architectural details were found. At Grey mill these details included the overhanging roof with exposed rafter tails and large, steel and glass windows. The clerestory roof provided natural light to the workers inside and was a very inductive design element of industrial structures. The later additions at Grey Mill saw fewer and fewer details, till the walls were mostly just blank brick walls with a few, small windows and simple low-slope roofs.

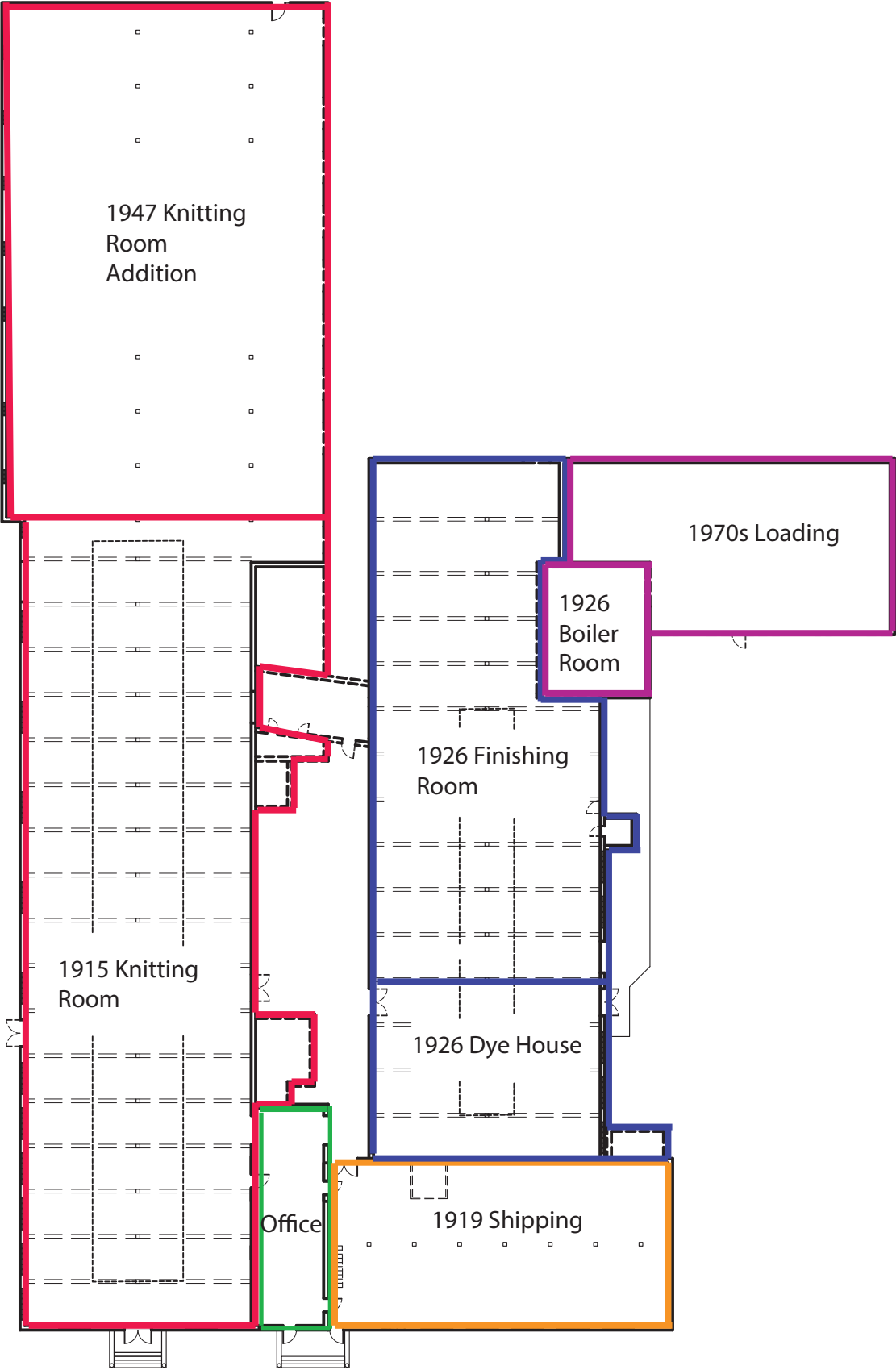
Grey Hosiery Mill continued to produce hosiery until 1965 under the Grey family's leadership, after which the property was sold to Holt Hosiery Mills, Inc. It ran under the name of Holt Hosiery until the plant was closed only two years later. Afterwards it changed hands until the city came into ownership. A few different redevelopment plans were in the works through the first decade of the twenty-first century, but ultimately, they all fell through. The building has fallen into disrepair, but fortunately Grey Mill was recently purchased by a developer and it is under redevelopment as a hotel and event space. Grey Mill is the last standing testament to the industrial might of Hendersonville in the first half of the twentieth century.

12. Integrity

Grey Mill is a mostly intact, early 20th century industrial building. Character defining features of the property such as steel framed multi-paned windows, the steel framed clerestory, hardwood floors, and circulation patterns are intact. Building campaigns completed in 1919, 1926, 1947, and the addition of a modern shipping warehouse and dock in the 1970s added significant additional space. These additions are intact with original materials preserved. Overall, the complex has good integrity and is an important entry into the textile history of the region.

⁵ "Fine Record Chalked Up by Grey Hosiery Sextet," *Asheville Citizen Times*, March 14, 1941, accessed June 21, 2019.

⁶ "Grey Hosiery Mill Planning New Addition," *Asheville Citizen Times*, March 22, 1946, accessed June 21, 2019, <https://www.newspapers.com/image/197964906/?terms=%22grey%2Bhosiery%2Bmill%22>.



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1. Grey Mill, South Facade, Looking North



2. Grey Mill, 1915 Building, Southwest Corner,
Looking Northeast



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3. Grey Mill, 1915 Building, South Facade, Looking Northwest



4. Grey Mill, 1919 Building, South Facade, Looking Northeast



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5. Grey Mill, 1919 Building, South Facade, Looking Northwest



6. Grey Mill, 1919 Building, South Facade, Looking North



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7. Grey Mill, 1915 Building, West Elevation, Window Detail



8. Grey Mill, 1915 Building, West Elevation, Looking Southeast



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9. Grey Mill, 1915 Building, West Elevation, Looking Northeast



10. Grey Mill, 1915 Building and 1947 Addition,
West Elevation, Looking Northeast



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11. Grey Mill, 1947 Addition and 1915 Building, West Elevation, Looking Southeast



12. Grey Mill, 1947 Addition, Northwest Corner,
Looking Southeast



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13. Grey Mill, 1947 Addition, North Elevation, Looking Southwest



14. Grey Mill, 1947 Addition, North Elevation, Inside Wall, Looking Southwest



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15. Grey Mill, 1947 Addition, North Elevation, Looking South



16. Grey Mill, 1947 Addition, North Elevation,
Looking West



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17. Grey Mill, 1970s Warehouse, Looking North



18. Grey Mill, 1919 Building and 1970s Warehouse,
East Elevation, Looking Northwest



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19. Grey Mill, 1919 Building, East Elevation, Looking West



20. Grey Mill, 1919 Building, East Elevation, Looking Southwest



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21. Grey Mill, 1919 Building, East Elevation, Window Detail



22. Grey Mill, 1919 Building, East Elevation, Loading Dock, Looking West



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23. Grey Mill, 1970s Warehouse, Looking Northwest



24. Grey Mill, 1919 Building, East Elevation,
Looking West



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27. Grey Mill, 1919 Building to Office, Looking West



28. Grey Mill, Rear Office, Looking West

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31. Grey Mill, 1915 Building, South End, Looking West



32. Grey Mill, 1915 Building, South End, Looking North

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33. Grey Mill, 1915 Building, South End, Looking East



34. Grey Mill, 1915 Building Entrance Doors, Looking South



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37. Grey Mill, 1915 Building, Looking North



38. Grey Mill, 1915 Building, Looking West

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41. Grey Mill, 1915 Building, Looking North



42. Grey Mill, 1915 Building, Looking South



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43. Grey Mill, 1915 Building, Monitor Detail



44. Grey Mill, 1947 Addition, Looking North



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47. Grey Mill, 1947 Addition, Looking North



48. Grey Mill, 1947 Addition, Looking South

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49. Grey Mill, 1947 Addition, Looking East



50. Grey Mill, 1947 Addition, Looking North

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51. Grey Mill, 1947 Addition, Looking Northwest



52. Grey Mill, 1947 Addition, Looking South

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55. Grey Mill, 1919 Building, Looking East



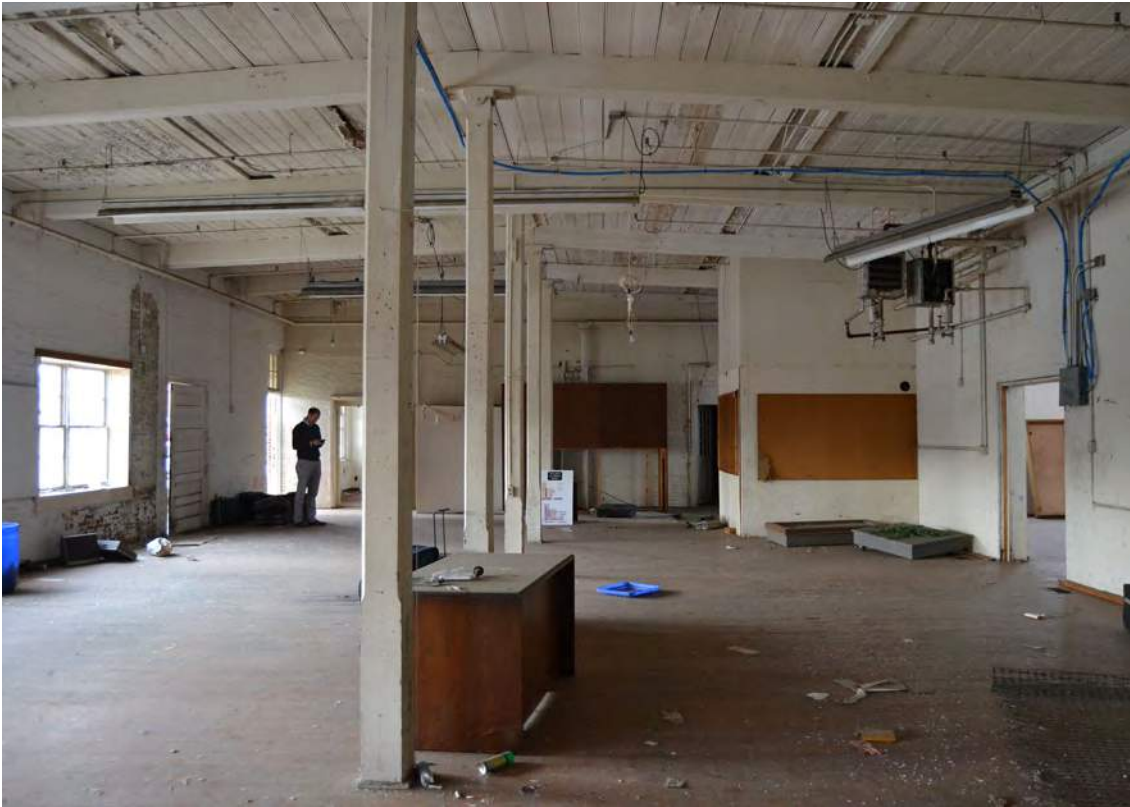
56. Grey Mill, 1919 Building, Looking Northeast



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63. Grey Mill, 1919 Building, Looking Southwest



64. Grey Mill, 1919 Building, Looking West



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67. Grey Mill, 1926 Addition, Finishing Room, Looking Northeast



68. Grey Mill, 1926 Addition, Finishing Room, Looking North



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69. Grey Mill, 1926 Addition, Finishing Room, Looking Southeast



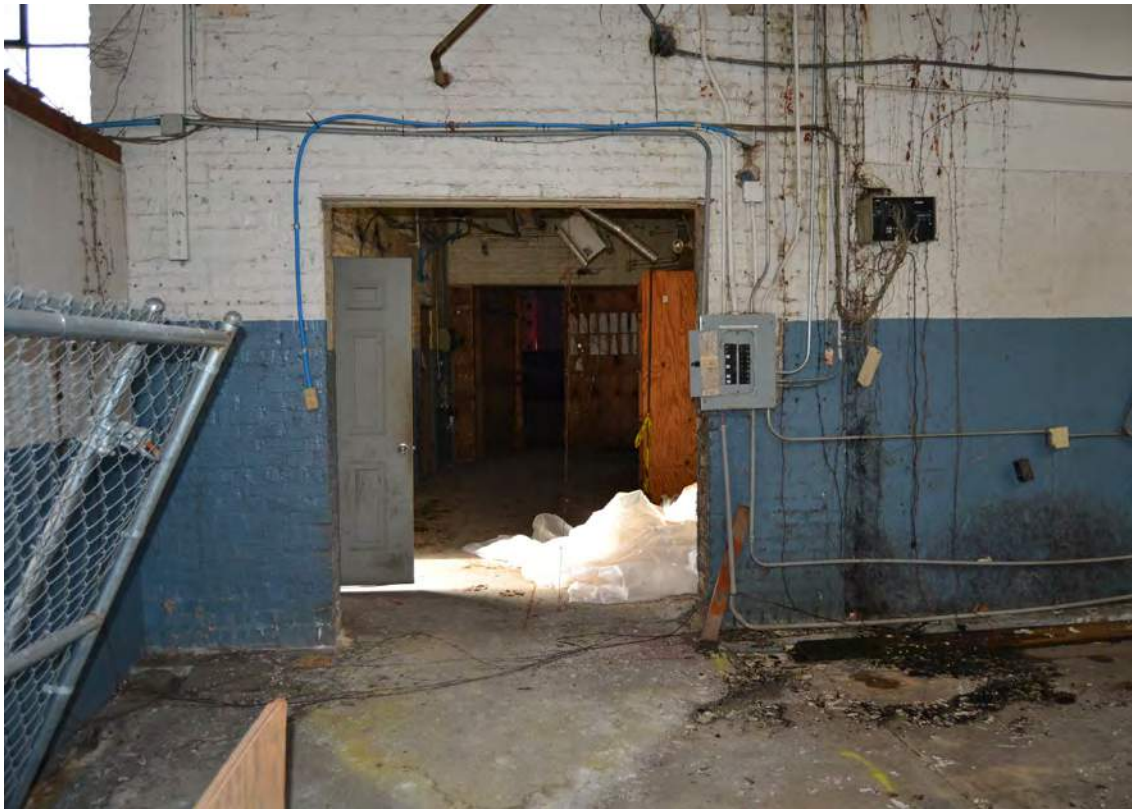
70. Grey Mill, 1926 Addition, Finishing Room,
Looking Southwest



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77. Grey Mill, 1926 Addition, Drying Room, Looking West to the Connector



78. Grey Mill, 1926 Addition, Drying Room, Looking East



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80. Grey Mill, 1926 Addition, Looking West



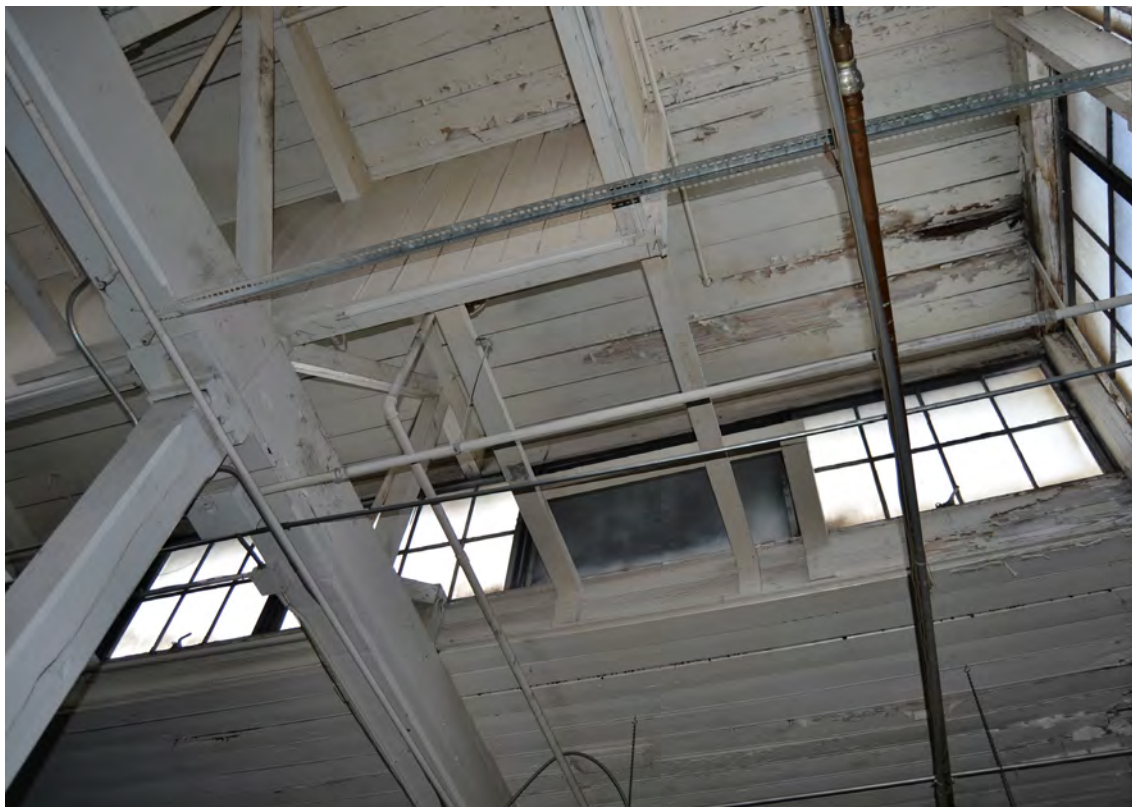
81. Grey Mill, 1926 Addition, Looking East

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82. Grey Mill, 1926 Addition, Looking South



83. Grey Mill, 1926 Addition, Monitor Detail



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86. Grey Mill, 1926 Addition, Looking Southeast



87. Grey Mill, 1970s Warehouse, Looking East

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Hendersonville Local Landmark Designation Photos

December 2017



88. Grey Mill, 1970s Warehouse, Looking Northeast



89. Grey Mill, 1970s Warehouse, Looking East



MacRostie Historic Advisors
Bringing strategy, equity, and experience
to historic building development

Grey Hosiery Mill, Hendersonville, NC
Hendersonville Local Landmark Designation Photos

December 2017



90. Grey Mill, 1970s Warehouse, Looking West



91. Grey Mill, 1970s Warehouse, Looking Southeast



MacRostie Historic Advisors
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to historic building development



93. Grey Mill, Courtyard, Looking South



94. Grey Mill, Courtyard, Looking South

Grey Hosiery Mill, Hendersonville, NC
Hendersonville Local Landmark Designation Photos

December 2017



95. Grey Mill, Courtyard, Looking Southwest



96. Grey Mill, Courtyard, Looking North



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to historic building development

Grey Hosiery Mill, Hendersonville, NC
Hendersonville Local Landmark Designation Photos

December 2017



102. Grey Mill, Rear Courtyard, Looking North



103. Grey Mill, Rear Courtyard, Looking South



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Grey Hosiery Mill, Hendersonville, NC
Hendersonville Local Landmark Designation Photos

December 2017



105. Grey Mill, Entrance to Basement, Looking North



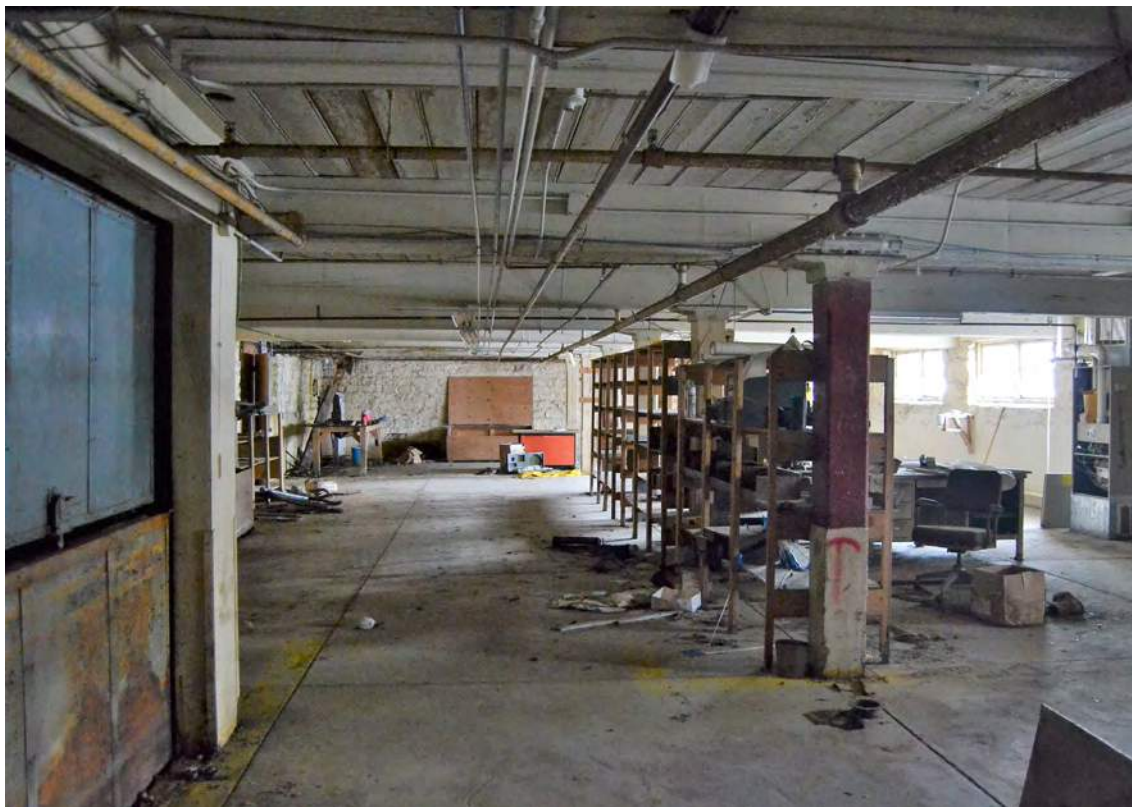
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to historic building development

Grey Hosiery Mill, Hendersonville, NC
Hendersonville Local Landmark Designation Photos

December 2017



106. Grey Mill, Shipping and Storage Basement, Looking North



107. Grey Mill, Shipping and Storage Basement,
Looking East



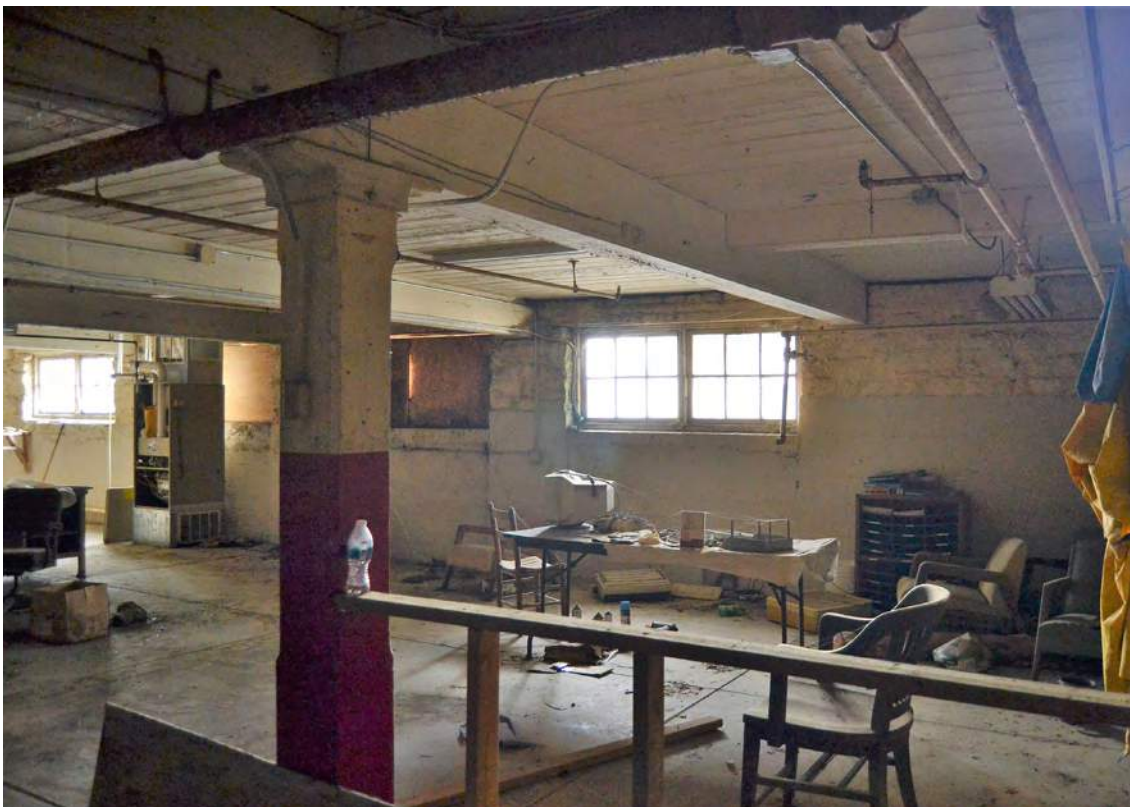
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Grey Hosiery Mill, Hendersonville, NC
Hendersonville Local Landmark Designation Photos

December 2017



108. Grey Mill, Shipping and Storage Basement, Looking North



109. Grey Mill, Shipping and Storage Basement,
Looking Southeast



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Grey Hosiery Mill, Hendersonville, NC
Hendersonville Local Landmark Designation Photos

December 2017



110. Grey Mill, Shipping and Storage Warehouse, Looking East



111. Grey Mill, Shipping and Storage Warehouse,
Looking West



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Grey Hosiery Mill, Hendersonville, NC
Hendersonville Local Landmark Designation Photos

December 2017



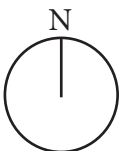
116. Grey Mill, Dye House Basement, Looking Northwest

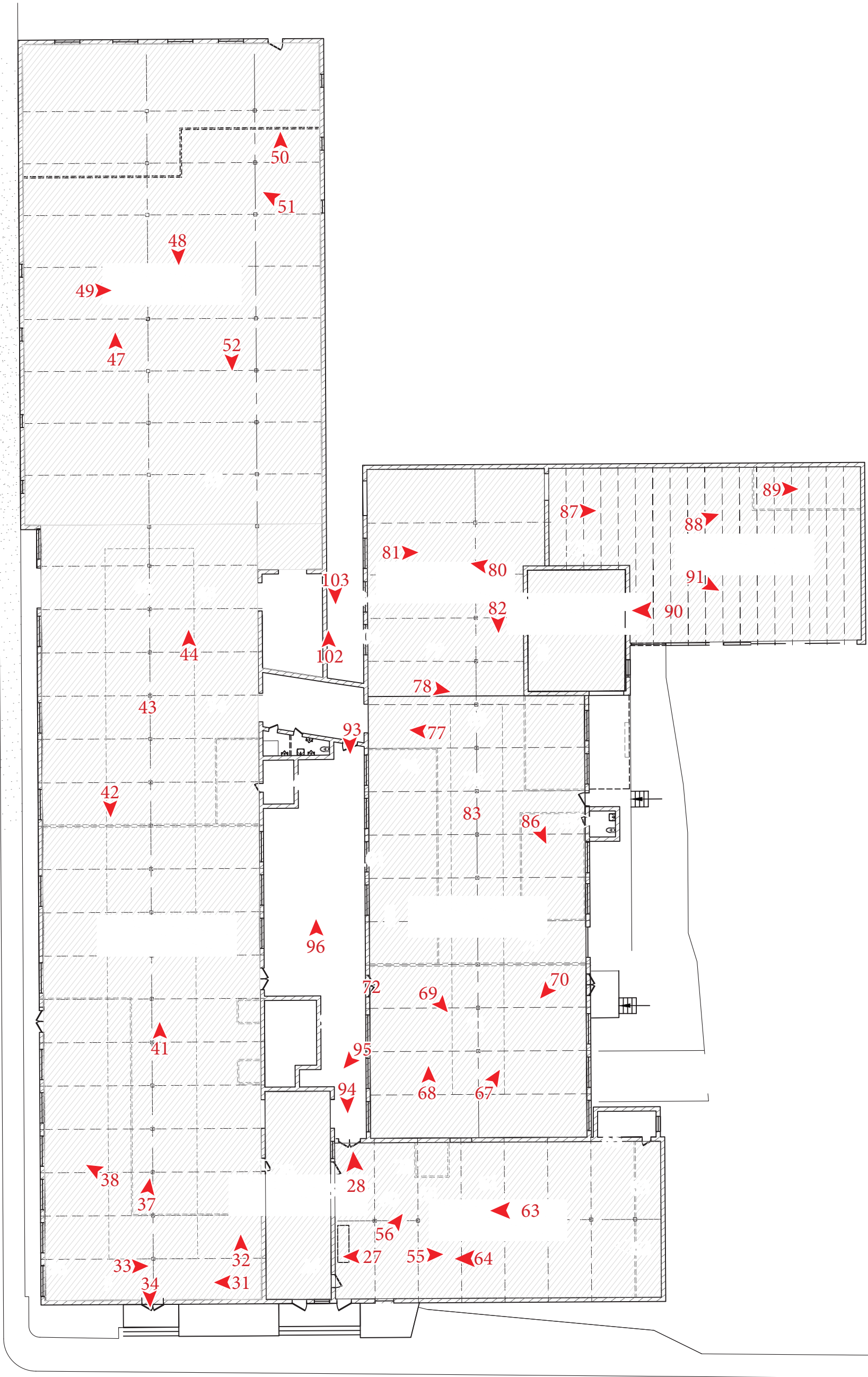


117. Grey Mill, Dye House Basement, Looking West

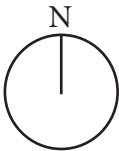


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to historic building development





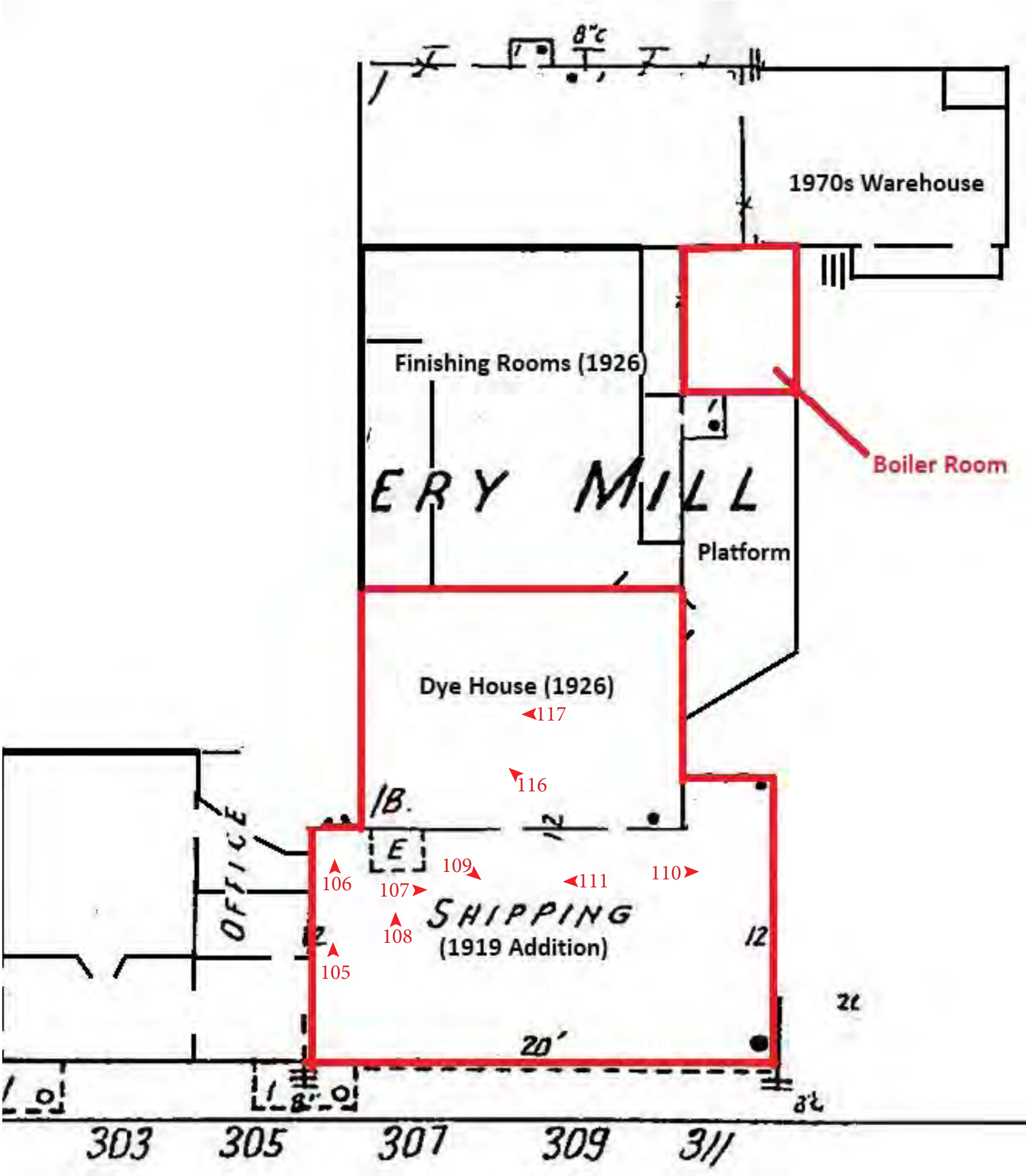
Grey Hosiery Mill
301 Fourth Avenue East
Hendersonville, NC 28792



National Park Service
Part 1 Certification Photo Key
First Floor Plan

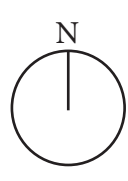


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to historic building development



MacRostie Historic Advisors
Bringing strategy, equity, and experience
to historic building development

Grey Hosiery Mill
301 Fourth Avenue East
Hendersonville, NC 28792



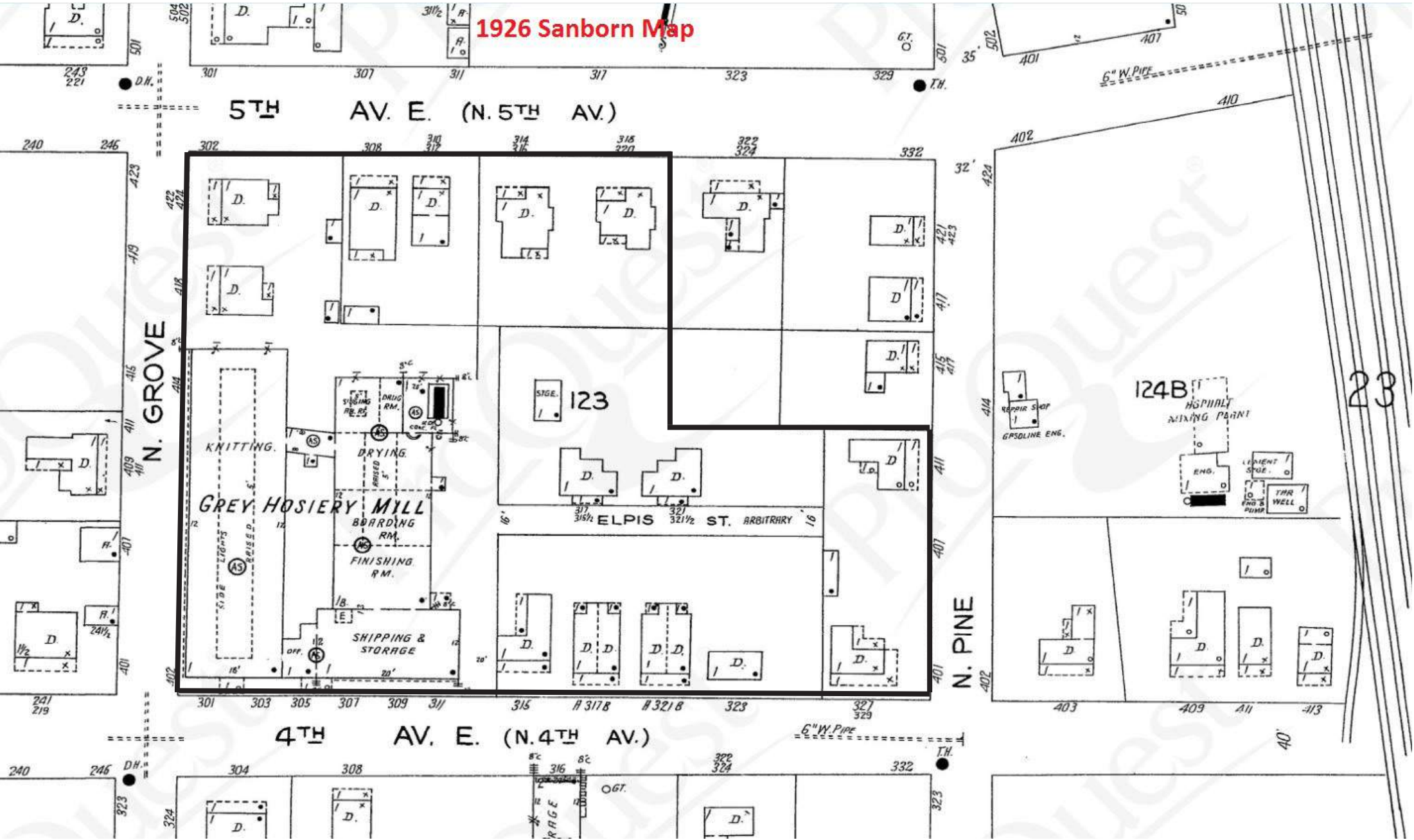
National Park Service
Part 1 Certification Photo Key
Basement Plan

Grey Hosiery Mill Hendersonville, NC

Local Landmark - Parcel History

Image Origin | Sanborn Fire Insurance
Image Date | 1922

**Outline shows proposed
landmark boundaries



Bringing strategy, equity, and experience
to historic building development

Grey Hosiery Mill
Hendersonville, NC

Local Landmark - Parcel History

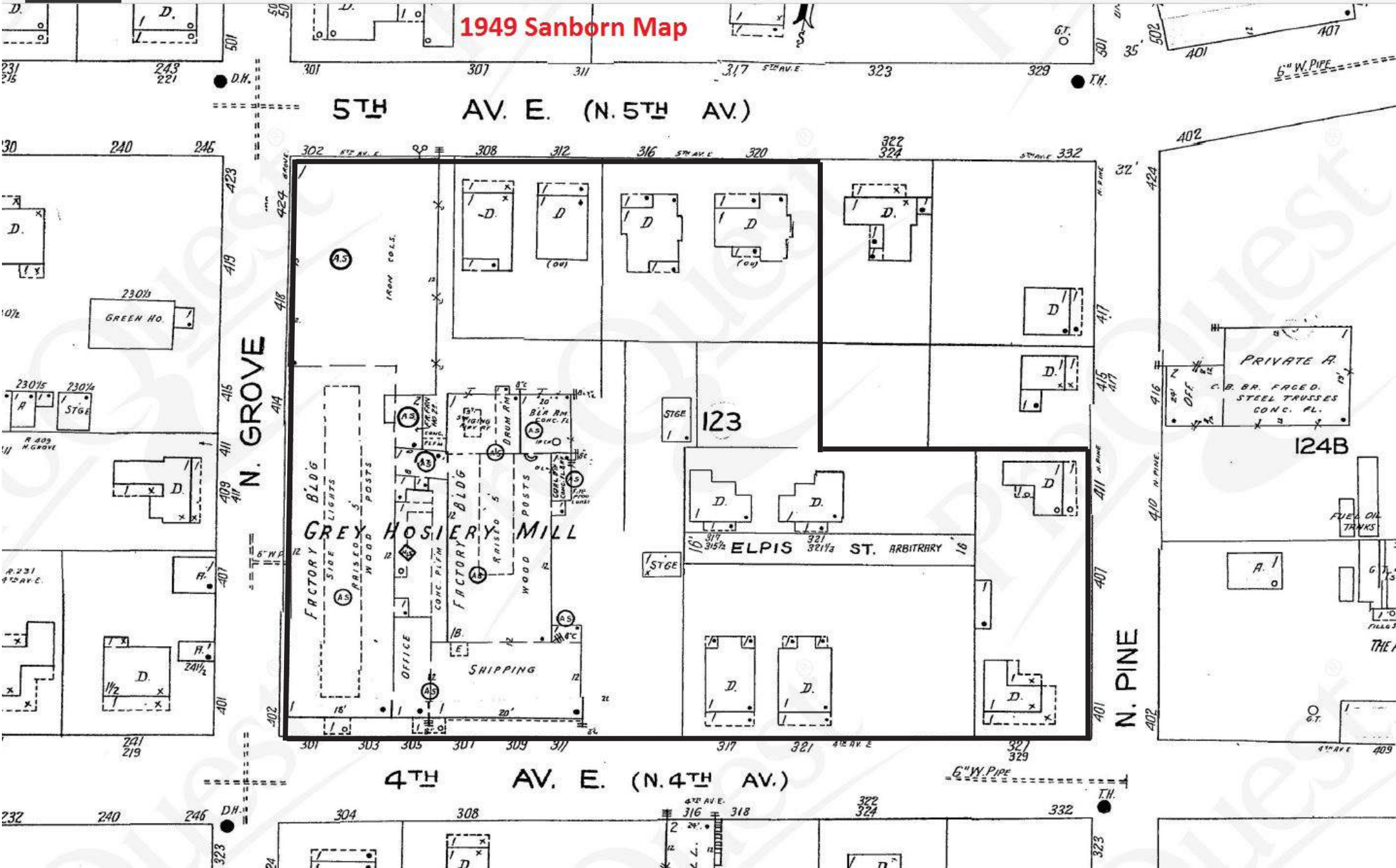
Image Origin | Sanborn Fire Insurance
Image Date | 1949

**Outline shows proposed
landmark boundaries



MacRostie Historic Advisors LLC

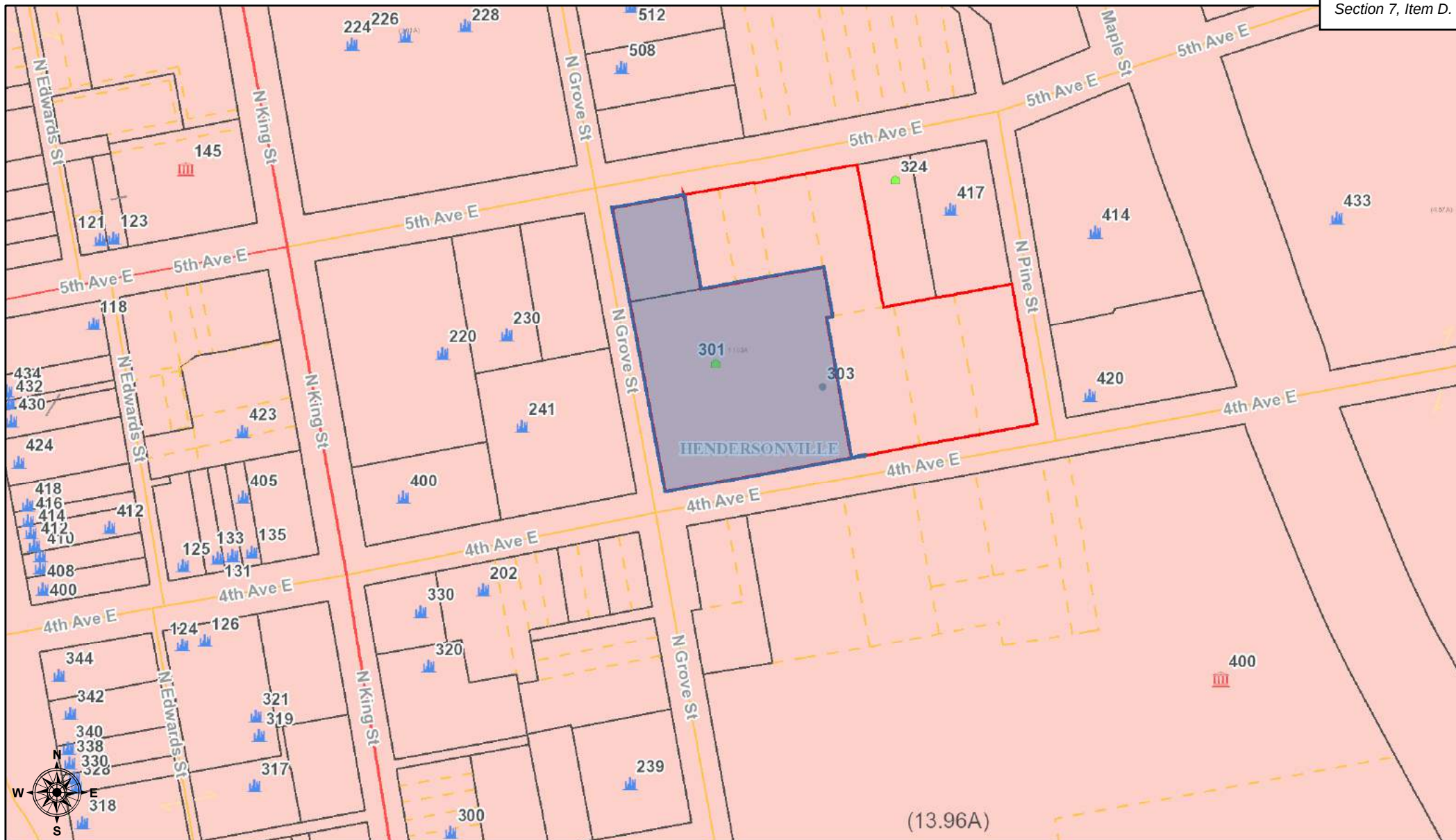
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**Grey Hosiery Mill - Hendersonville, NC
Proposed Boundary for Landmark
Designation**

Section 7, Item D.



THIS IS NOT A SURVEY.

All information or data provided, whether subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk. Henderson County makes no warranties or guarantees, including the warranties of merchantability or of fitness for a particular purpose. Map data is not appropriate for, and is not to be used as, a geodetic, legal, or engineering base system. The data is not intended as a substitute for surveyed locations such as can be determined by a registered Public Land Surveyor, and does not meet the minimum accuracy standards of a Land Information System/Geographic Information System Survey in North Carolina (21 NCAC 56.1608).

 FREEWAY
 INTERSTATE
 BOULEVARD



MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Development Assistance Department

RE: Designation of *Grey Hosiery Mill* as a Local Historic Landmark
File Number H19-27-LL

DATE: November 7, 2019

BACKGROUND

According to NC General Statutes 160A-400.5 and 160A-400.6, the Historic Preservation Commission has the ability to recommend individual properties as “local landmarks”. Such properties lie outside of historic districts but warrant such consideration based on the historical, prehistorical, architectural, or cultural importance and to possess integrity of design, setting, workmanship, materials, feeling and/or association.

Landmark status gives the property owners a 50% tax deferral on local property taxes and requires exterior changes to follow the Certificate of Appropriateness review process.

Currently the City has three local landmarks: Erle Stillwell House 1 located at 1300 Pinebrook Street, Erle Stillwell House 2 located at 541 Blythe Street, and the Brookland house at 299 Balsam Rd.

This local designation comes as a request from Ken Reiter of Grey Mill Ventures, LLC, owner of the Grey Hosiery Mill. MacRostie Historic Advisors were hired to prepare a local historic landmark report (see attached). Staff has reviewed the report and finds that it meets the criteria of Section 28-77(c) of the City of Hendersonville Historic Preservation Ordinance.

DESIGNATION REPORT

Following are excerpts from the designation report prepared by MacRostie Historic Advisors:

Summary Statement of Significance

Grey Hosiery Mill is significant under Criterion A for industry as an early 20th century textile facility in the City of Hendersonville. At the time of its construction, Grey Hosiery Mill added jobs and investment to an economy that was in need of diversification and innovation. The Mill was spearheaded by Captain James P. Grey and his son James P. Grey, Jr. Additionally, the Mill is significant under Criterion C for Architecture as an example of an early twentieth century industrial structure. Constructed in 1915, with significant additions in 1919, 1926, and 1947, the timber framing, glass and steel windows and clerestory exemplify industrial architecture during this period.

Dates of Construction

1915 – Original mill plant is constructed. Construction included the knitting room, located at the corner of East 4th Avenue and North Grove Street.

1919-1920 – The finishing room and a dye house were constructed to the east of the original mill plant. These new structures were connected to the knitting room by way an office. Significant.

1926 – Further additions to the complex were made including the addition of space to the original mill knitting room and the conversion of the original finishing room to a shipping and storage area. A substantial addition was made to the east side of the complex by replacing the dye house with a new structure consisting of a finishing room, boarding room, and drying room. This new section was connected to the knitting room via a one-story passageway. Significant.

1947 – Knitting Room Addition at the north elevation of the building. Significant.

1970s – Shipping Docks added at the northeast corner of the factory building. Not Significant.

Integrity

Grey Mill is a mostly intact, early 20th century industrial building. Character defining features of the property such as steel framed multi-paned windows, the steel framed clerestory, hardwood floors, and circulation patterns are intact. Building campaigns completed in 1919, 1926, 1947, and the addition of a modern shipping warehouse and dock in the 1970s added significant additional space. These additions are intact with original materials preserved. Overall, the complex has good integrity and is an important entry into the textile history of the region.

SHPO RESPONSE

The State Historic Preservation Office reviewed the designation report and provided nonbinding, advisory comments. MacRostie Historic Advisors revised the report to reflect the SHPO's recommendations as indicated.

Special Significance

We recommend amending the report to include a more legally defensible argument for special significance.

The statement of significance was revised to more directly define local significance to the City of Hendersonville and what criteria was being used to determine significance.

Historic Background/Context

Due to the complex nature of the property, the Historic Background section of the report should clearly differentiate changes that have occurred to the property that are character-defining and historic from those that are not historic or character-defining.

The Dates of Construction and Architectural Description were revised to more specifically state what additions and features are being deemed historically significant.

Supporting Documentation

It appears the 1.09 acres cited at the beginning of the report is associated with the parcel that contains the historic mill building (which is also the National Register boundary). However, the proposed designation boundary for the property is over 2 acres and includes a second parcel which has only one dwelling at the southeast corner. Thus, the map or the boundary description in the report needs to be amended so the proposed designation boundary is consistent throughout. As the second parcel only contains a small residence at the southeast corner, we recommend the designation boundary be limited to the property associated with the historic mill.

The Location of Property and Property Included in Designation sections of the report were revised to more specifically state that the property proposed for designation is the 1.09 acres listed as PIN# 9568-88-7494. This boundary is also shown on the attached "Exhibit A."

HISTORIC PRESERVATION COMMISSION

Pursuant to NC General Statute 160A-400.6 and Section 28-77 of the Hendersonville Municipal Code, the Historic Preservation Commission held a public hearing on any ordinance designating a local historic landmark. Notice of the time and place of the meeting was mailed to adjoining property owners.

The Historic Preservation Commission voted unanimously to recommend that the City Council adopt an ordinance designating the Grey Hosiery Mill, located at 301 4th Ave E, as a local historic landmark.

SUGGESTED MOTIONS

Approval: I move City Council adopt an ordinance designating the Grey Hosiery Mill, located at 301 4th Ave E, as a local historic landmark.

[ADD, IF APPLICABLE, "WITH THE FOLLOWING MODIFICATIONS"]

Denial: Fail for lack of a motion

CITY COUNCIL
GREY HOSIERY MILL DESIGNATION REPORT
NOVEMBER 7, 2019
PAGE 4

**AN ORDINANCE DESIGNATING PROPERTY KNOWN AS
GREY HOSIERY MILL AND LOCATED AT 301 4TH AVENUE EAST
AS A LOCAL HISTORIC LANDMARK**

WHEREAS, pursuant to N.C. General Statutes Sections. 160A-400.5 and 160A-400.6 and Chapter 28 of the Code of Ordinances of the City of Hendersonville, the City has the authority for designation of a local historic landmark; and

WHEREAS, Henderson County Tax Records for Parcel # 9568-88-7494, located at 301 4th Avenue East and known as Grey Hosiery Mill, lists Grey Mill Ventures, LLC as the property owners; and

WHEREAS, The property owners have caused to be made an investigation and report on the historic, architectural, and cultural significance of the buildings and property proposed for designation located at 301 4th Avenue East; and

WHEREAS, the North Carolina Department of Cultural Resources has reviewed and commented on the proposed designation; and

WHEREAS, a public hearing on the designation of Brookland as a local historic landmark was held by the Hendersonville Historic Preservation Commission on September 18, 2019, and the following findings were made:

- a. First constructed in 1915, the Grey Hosiery Mill is the only remaining early twentieth century industrial structure in Hendersonville.
- b. The Grey Hosiery Mill is significant for its association with Hendersonville's industrial and social history.
- c. The Grey Hosiery mill is significant in the area of architecture for being representative of early twentieth century mill design in the area: one-to-two story brick buildings with minimalist, unadorned facades characteristic of International Modernism architecture.

WHEREAS, the Hendersonville City Council has taken into full consideration all statements and information presented at its public hearing on November 7, 2019, and considered the recommendation of the Hendersonville Historic Preservation Commission after its public hearing held on September 18, 2019, on the question of designating the property known as Grey Hosiery Mill, 301 4th Avenue East, a local historic landmark.

CITY COUNCIL
GREY HOSIERY MILL DESIGNATION REPORT
NOVEMBER 7, 2019
PAGE 5

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

Section 1. The findings set out above are hereby adopted, and all of the property known as Grey Hosiery Mill and located at 301 4th Avenue East, and further described in Exhibit A, is hereby designated as a local historic landmark pursuant to Part 3C of Article 19 of Chapter 160A of the North Carolina General Statutes and Section 28 of the Code of Ordinances of the City of Hendersonville, and is subject to the conditions and restrictions set forth therein and below:

- a. The interior and exterior of the mill building, all of the historic acreage currently associated with the parcel (1.09 acres), and all contributing outbuildings or additions shall not be demolished, materially altered, restored, or removed, nor any new structure built upon the lot without a Certificate of Appropriateness issued by the Hendersonville Historic Preservation Commission.
- b. The Certificate of Appropriateness shall reference the Historic Preservation Commission Design Guidelines.
- c. Any application for demolition of the mill building or its additions shall require the waiting period set forth in Part 3C of Article 19 of Chapter 160A of the North Carolina General Statutes.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 4. This ordinance shall be in full force and effect on the date of adoption.

Section 5. Violation of this ordinance shall be subject to the remedies set forth in Section 1-6 of the City Code, in addition to other remedies provided by law.

Adopted by the City Council at a meeting held on the sixth day of November 7, 2019.

CITY COUNCIL
GREY HOSIERY MILL DESIGNATION REPORT
NOVEMBER 7, 2019
PAGE 6

Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, MMC, City Clerk

(Seal)

CITY COUNCIL
GREY HOSIERY MILL DESIGNATION REPORT
NOVEMBER 7, 2019
PAGE 7

Exhibit A



BOOK 3412 PAGE 327 (4)

914554



This document presented and filed:
11/12/2019 02:50:09 PM

[Signature]
WILLIAM LEE KING, Henderson COUNTY, NC

↓
return to: City Box

**AN ORDINANCE DESIGNATING PROPERTY KNOWN AS
GREY HOSIERY MILL AND LOCATED AT 301 4TH AVENUE EAST
AS A LOCAL HISTORIC LANDMARK**

Ordinance #19-1186

WHEREAS, pursuant to N.C. General Statutes Sections. 160A-400.5 and 160A-400.6 and Chapter 28 of the Code of Ordinances of the City of Hendersonville, the City has the authority for designation of a local historic landmark; and

WHEREAS, Henderson County Tax Records for Parcel # 9568-88-7494, located at 301 4th Avenue East and known as Grey Hosiery Mill, lists Grey Mill Ventures, LLC as the property owners; and

WHEREAS, The property owners have caused to be made an investigation and report on the historic, architectural, and cultural significance of the buildings and property proposed for designation located at 301 4th Avenue East; and

WHEREAS, the North Carolina Department of Cultural Resources has reviewed and commented on the proposed designation; and

WHEREAS, a public hearing on the designation of Grey Hosiery Mill as a local historic landmark was held by the Hendersonville Historic Preservation Commission on September 18, 2019, and the following findings were made:

- a. First constructed in 1915, the Grey Hosiery Mill is the only remaining early twentieth century industrial structure in Hendersonville.
- b. The Grey Hosiery Mill is significant for its association with Hendersonville's industrial and social history.
- c. The Grey Hosiery mill is significant in the area of architecture for being representative of early twentieth century mill design in the area: one-to-two story brick buildings with minimalist, unadorned facades characteristic of International Modernism architecture.

WHEREAS, the Hendersonville City Council has taken into full consideration all statements and information presented at its public hearing on November 7, 2019, and considered the recommendation of the Hendersonville Historic Preservation Commission after its public hearing held on September 18, 2019, on the question of designating the property known as Grey Hosiery Mill, 301 4th Avenue East, a local historic landmark.

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

Section 1. The findings set out above are hereby adopted, and all of the property known as Grey Hosiery Mill and located at 301 4th Avenue East, and further described in Exhibit A, is hereby designated as a local historic

landmark pursuant to Part 3C of Article 19 of Chapter 160A of the North Carolina General Statutes and Section 28 of the Code of Ordinances of the City of Hendersonville, and is subject to the conditions and restrictions set forth therein and below:

- a. The interior and exterior of the mill building, all of the historic acreage currently associated with the parcel (1.09 acres), and all contributing outbuildings or additions shall not be demolished, materially altered, restored, or removed, nor any new structure built upon the lot without a Certificate of Appropriateness issued by the Hendersonville Historic Preservation Commission.
- b. The Certificate of Appropriateness shall reference the Historic Preservation Commission Design Guidelines.
- c. Any application for demolition of the mill building or its additions shall require the waiting period set forth in Part 3C of Article 19 of Chapter 160A of the North Carolina General Statutes.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

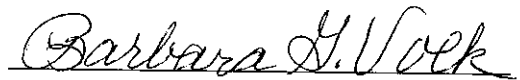
Section 3. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 4. This ordinance shall be in full force and effect on the date of adoption.

Section 5. Violation of this ordinance shall be subject to the remedies set forth in Section 1-6 of the City Code, in addition to other remedies provided by law.

Adopted by the City Council at a meeting held on the sixth day of November 7, 2019.

ATTEST:


Barbara G. Volk, Mayor


Tammie K. Drake, MMC, City Clerk

Approved as to form:


Samuel H. Fritschner, 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; Tammie K. Drake, in her capacity of City Clerk; and Samuel H. Fritschner, in his capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Amy H Knight

Witness my hand and notarial seal, this 8 November, 2019.

My commission expires: 9-23-2024

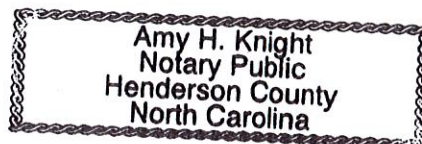


Exhibit A



This map may not be a survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations and has not been reviewed for compliance with recording requirements for plats.

United States Department of the Interior
National Park ServiceNational Register of Historic Places
Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in *How to Complete the National Register of Historic Places Registration Form* (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

historic name Grey Hosiery Millother names/site number Water Department - City of Hendersonville: Hold Hosiery

2. Location

street & number 301 Fourth Avenue East not for publication N/A
city or town Hendersonville vicinity N/A
state North Carolina code NC county Henderson code 089 zip code 28792

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act of 1986, as amended, I hereby certify that this X nomination request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property X meets does not meet the National Register Criteria. I recommend that this property be considered significant nationally statewide X locally. (See continuation sheet for additional comments.)

Jeffrey J. Crow SHPO 8/30/00
Signature of certifying official Date

State or Federal agency and bureau

In my opinion, the property meets does not meet the National Register criteria. (See continuation sheet for additional comments.)

Signature of commenting or other official Date

State or Federal agency and bureau

4. National Park Service Certification

I, hereby certify that this property is:

Signature of the Keeper

Date of Action

entered in the National Register
See continuation sheet.
determined eligible for the
National Register
See continuation sheet.
determined not eligible for the
National Register
removed from the National Register
other (explain):

Grey Hosiery Mill
Name of Property

Henderson County, North Carolina
County and State

Section 7, Item D.

5. Classification

Ownership of Property Property

(Check as many boxes as apply)

☐ private
☒ public-local
☐ public-State
☐ public-Federal

Category of

(Check only one box)

☒ building(s)
☐ district
☐ site
☐ structure
☐ object

Number of Resources within Property

(Do not include previously listed resources in the count)

Contributing

1

Noncontributing

buildings
sites
structures
objects
Total

Number of contributing resources previously listed
In the National Register

0

Name of related multiple property listing

(Enter "N/A" if property is not part of a multiple property listing.)

N/A

6. Function or Use

Historic Functions

(Enter categories from instructions)

Industry/Manufacturing Facility

Current Functions

(Enter categories from instructions)

Government/Public Works

7. Description

Architectural Classification

(Enter categories from instructions)

Other: Industrial

Materials

(Enter categories from instructions)

foundation stone
roof asbestos
walls brick
other

Narrative Description

(Describe the historic and current condition of the property on one or more continuation sheets.)

8. Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing)

- ☒ **A** Property is associated with events that have made a significant contribution to the broad patterns of our history.
- ☐ **B** Property is associated with the lives of persons significant in our past.
- ☒ **C** Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- ☐ **D** Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

(Mark "X" in all the boxes that apply.)

Property is:

- ☐ **A** owned by a religious institution or used for religious purposes.
- ☐ **B** removed from its original location.
- ☐ **C** a birthplace or a grave.
- ☐ **D** a cemetery.
- ☐ **E** a reconstructed building, object, or structure.
- ☐ **F** a commemorative property.
- ☐ **G** less than 50 years of age or achieved significance within the past 50 years.

Narrative Statement of Significance

(Explain the significance of the property on one or more continuation sheets.)

9. Major Bibliographical References

Bibliography

(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

Previous documentation on file (NPS):

- ☐ preliminary determination of individual listing (36 CFR 67) has been requested.
- ☐ previously listed in the National Register
- ☐ previously determined eligible by the National Register
- ☐ designated a National Historic Landmark
- ☐ recorded by Historic American Buildings Survey # _____
- ☐ recorded by Historic American Engineering Record # _____

Areas of Significance

(Enter categories from instructions)

Architecture

Industry

Period of Significance

1915 – 1947

Significant Dates

1915

1919

1947

Significant Person

(Complete if Criterion B is marked above)

N/A

Cultural Affiliation

N/A

Architect/Builder

Unknown

Grey Hosiery Mill
Name of Property

Henderson County, North Carolina
County and State

Section 7, Item D.

10. Geographical Data

Acreage of Property 1.64 acres

UTM References

(Place additional UTM references on a continuation sheet)

1 17 367470 3909 020
Zone Easting Northing

2 _____

3 _____
Zone Easting Northing

4 _____
See continuation sheet

Verbal Boundary Description

(Describe the boundaries of the property on a continuation sheet.)

Boundary Justification

(Explain why the boundaries were selected on a continuation sheet.)

11. Form Prepared By

name/title William A. Gray, Jr. and Amanda Blosser

organization Preservation Society of Henderson County date May 11, 1999

street & number PO Box 2136 telephone (828) 891-7288

city or town Hendersonville state NC zip code 28739

Additional Documentation

Submit the following items with the completed form:

Continuation Sheets

Maps

A **USGS map** (7.5 or 15 minute series) indicating the property's location.

A **sketch map** for historic districts and properties having large acreage or numerous resources.

Photographs

Representative **black and white photographs** of the property.

Additional items

(Check with the SHPO or FPO for any additional items)

Property Owner

(Complete this item at the request of the SHPO or FPO.)

name City of Hendersonville

street & number 145 Fifth Ave East telephone _____

city or town Hendersonville state North Carolina zip code 28792

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 18.1 hours per response including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reductions Project (1024-0018), Washington, DC 20503.

United States Department of the Interior
National Park ServiceNational Register of Historic Places
Continuation SheetSection number 7 Page 1

Grey Hosiery Mill, Henderson County, NC

Narrative Description

The Grey Hosiery Mill, built in 1915 with additions in 1919 and 1947, is the only historic industrial building remaining in the city of Hendersonville. Located three blocks east of Hendersonville's historic Main Street area, the mill occupies approximately one-half of the western side of the block bound by Fourth Avenue East to the south, Grove Street to the west, Fifth Avenue East to the north and Pine Street to the east. The mill is located in the downtown area of Hendersonville, but is removed from the Main Street Historic District (NR, 1989) by one block of modern, non-contributing structures.

The horizontally-massed, one-story mill building is typical of early twentieth century industrial architecture with its large multi-pane steel sash windows, plain brick exterior, and stepped gable roof with clerestory. Overall, the building is shaped like a backward J with the 1915 and 1947 portions positioned in a north-south orientation along Grove Street connected to the 1919 section--which is also positioned in a north-orientation--by a hyphen located at the south side of the parcel. To the east of the mill is a small parking lot and yard. The entire building rests on a coursed stone foundation. The interior consists of large open areas with exposed heavy timbers. Partition walls, which do not extend from the ceiling to floor, divide all of the open areas into temporary offices but do not detract from the overall scale of the original spaces.

Original Portion of Mill (1915)

Built in 1915, the original portion of the mill served as the knitting room. The façade of this long, rectangular building faces south towards Fourth Avenue East with its long side along Grove Street. A low hip roof portico supported by plain square columns marks the entrance to the building on Fourth Avenue. Concrete steps lead to a pair of glazed-over-single-panel doors, which are each topped by a six-light transom. Large multi-pane steel-sash windows with concrete sills flank the entrance and the facade rises to a stepped parapet that is peaked slightly in the center. The side elevation on Grove Street consists of the same large steel-sash windows running the length of the building. A double-leaf, nine-over-two-panel door located in the center of the elevation is accessed by a low wooden-deck ramp. A second entrance, which is fitted with a metal roll-up door, replaced the next to the northern most window bay on the Grove Street elevation. The northern most window bay has been partially enclosed around a seven-by-seven glass block window.

The interior of the original section has wood floors, beaded-board ceilings, and clerestory windows on both the east and west elevations that can be opened and closed with the original pulley system. The heavy timber posts supporting the roof beams and truss system are chamfered. The exposed ends of the timber beams project through the exterior walls and are carved to a rounded end. The interior plan is open except for the new partitions added by the City of Hendersonville upon occupying the mill.

1919 Addition to Mill

In 1919, the building was enlarged with a roughly rectangular-shaped brick addition extending to the east along Fourth Avenue and then north within the block. This addition created an overall backward J configuration with a courtyard separating the two north-south oriented sections of the building. The one-story-

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Grey Hosiery Mill, Henderson County, NC

on-basement brick wing along Fourth Avenue that connects the two parallel sections of the mill was used for shipping and storage and is similar in detail to the original portion of the building although it lacks a clerestory. A portico that mimics the detail of the main entrance shelters a pair of separate entrance doors that face Fourth Avenue. A simple loading dock stands on the east side of the portico. The windows on the Fourth Street side of the addition have been replaced with pairs of six-over-six, double-hung wooden sash windows and enclosed above. On the courtyard elevation facing west similar modern six-over-six windows have replaced the lower half of the original steel sash. A stepped parapet with a slight peak in the center dominates the unadorned brick east end of the addition. The portion of the wing extending north into the block contained rooms for finishing, boarding, and drying. At the rear of the wing and projecting from the mill to the east stands a four-bay, shed-roof shop, which is constructed of corrugated metal siding on all elevations and a brick foundation. The shop is accessed through four metal roll-up doors.

1947 Addition to the Mill

Another brick addition, constructed in 1947, extends from the north side of the original mill building and completes the block face along Grove Street. This portion of the mill is utilitarian design with only small square louvered vents punctuating the west elevation. Four pairs of double-hung windows and a recessed doorway mark the north end or Fifth Avenue elevation of the addition. This section of the mill has concrete floors, steel roof beams, and no clerestory and is open in plan.

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Grey Hosiery Mill, Henderson County, NC

Summary

The Grey Hosiery Mill is significant as the only historic industrial building remaining in the city of Hendersonville. Grey Hosiery Mill survives as an intact example of early twentieth century industrial architecture that is eligible under National Register Criterion C. Founded in 1915 by Captain James P. Grey, the original mill structure was expanded in 1919 and 1947, but has retained its brick and heavy timber construction, large steel-sash windows, and clerestory roof. Grey Hosiery Mill is also eligible under Criterion A in the area of industry. Located three blocks from Main Street in downtown Hendersonville, the Grey Hosiery Mill was an integral part of the developing and diversifying economy of the town in the early twentieth century, providing stable manufacturing jobs and garnering recognition for Hendersonville through the national distribution of hosiery produced at the mill. The Grey family operated the mill until 1965 when Holt Hosiery Mills, Inc. of Burlington purchased the operation. Holt Hosiery halted production at the plant in 1967.

Historical Background

Henderson County is situated at the southeast edge of Blue Ridge Mountains in North Carolina. The central section of the county is a relatively level plateau, one of the broadest valleys in the mountainous western part of the state. Hendersonville, the county seat, is located in this intermontane valley, near the geographic center of the county, at approximately 2,200 feet above sea level.¹

The town of Hendersonville, while in existence since as early as 1841, did not reach its peak of development until the late nineteenth and early twentieth centuries. As elsewhere in western North Carolina, the railroad was slow in arriving in the area (a line from Spartanburg, South Carolina, reached Hendersonville in 1879), but once it did, the boom began.² Commercial development expanded tremendously, both in the downtown area and the area around the depot. Tourists began arriving daily all summer by the trainload, which spurred the construction of resort hotels and boarding houses. As the community prospered, fine residential homes were built.³

The rapid growth of Hendersonville broadened the gap between the rural and town populations. Most rural residents remained oriented to their local communities, which developed at a much slower rate. The arrival of the railroad provided a larger market for county farmers, and many growers took advantage of the railroad to ship their produce. Consequently, the area of Hendersonville centered on the depot developed quickly in the late nineteenth and early twentieth centuries.⁴

¹ "Historic and Architectural Properties in Hendersonville, North Carolina," National Register of Historic Places Multiple Property Documentation Form (1983): Sect. E, p. 1.

² Sadie Smathers Patton, The Story of Henderson County (Spartanburg, SC: The Reprint Company, 1982), p. 223.

³ "Historic and Architectural Properties in Hendersonville, North Carolina," op. cit., Sect. E, p. 1.

⁴ Ibid., Sect. E, p. 4.

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Grey Hosiery Mill, Henderson County, NC

Building and development continued into the first quarter of the twentieth century, but unlike Asheville in adjacent Buncombe County, which had a dispersed business district, Hendersonville was essentially a one-street town laid out on a simple grid centered on Main Street. One block removed from Main Street, the commercial district begins to thin out. In this sense Hendersonville was a typical western North Carolina county seat and market town. Between 1902 and 1906, the population of Hendersonville increased from 1,200 to 3,000. A new courthouse was erected in 1905, and in 1910, Main Street became the first street in town to be paved. Commercial development continued steadily, but slower to come, however, was industrial development ushered in by the railroad.

By the 1920s, real estate speculation in town and the scenic mountainous countryside reached unrealistic proportions. The stock market crash put an end to many grandiose resort schemes, and the influx of tourists declined precipitously. The local economy remained stagnant for several decades until tourism and the town's reputation as a retirement community helped revitalize the area.⁵

Grey Hosiery Mill was established in February 1915, at the request of the citizens of Hendersonville in order to bring industrial development to Hendersonville. The citizens contributed the sum of six hundred dollars (\$600) to Captain James P. Grey and his son, James P. Grey Jr.⁶ Captain Grey, a native North Carolinian and Davidson College alumnus, began his career as a teacher, and after investing wisely in a Louisville, Kentucky timber company, he retired early. Captain Grey grew bored with retirement and learned the textile business through a large operation in Johnson City, Tennessee. He later moved to Hendersonville and established the mill.⁷ Capt. Grey's brother, Charles L. Grey, joined the company in 1919. James P. Grey Jr., who had attended Davidson College for a short time, was previously employed at Freeze-Bacon Hosiery Mills in Henderson County.⁸ Captain Grey later left the business and relocated to Bristol, Tennessee, where he started another mill. James Grey Jr. and Charles Grey remained in Hendersonville to supervise operations.⁹

The mill operations first began in a small brick building and a small frame structure in 1915 at the corner of Fourth Avenue and Grove Street.¹⁰ The mill originally produced knee-length ribbed stockings for children, manufactured on thirty-two knitting machines. At this time, the mill employed approximately twenty-five people. With the invention of nylon around the time of the second World War, production was changed to women's seamless hosiery. Grey Hosiery produced 66,000 pair of hosiery weekly and employed 250 people at

⁵ "Main Street Historic District" [Hendersonville, NC], National Register of Historic Places Nomination (1989): Sect. 8, p. 1.

⁶ Henderson County Register of Deeds Book 431, pp. 467-8, and Book 510, pp. 495-6.

⁷ Betty Grey Finch interview, 25 August 1999.

⁸ Dorothy McDowell Wood, Gleanings from the French Broad Hustler, Vol. IV (microfilm), pp. 191-92 and 200.

⁹ Finch interview.

¹⁰ James T. Fain, Jr., A Partial History of Henderson County (New York: Aron Press, 1980), p. 391.

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Grey Hosiery Mill, Henderson County, NC

its peak. The city of Hendersonville gained recognition through the distribution of Grey Hosiery Products, and James Grey Jr. held several exclusive patents.¹¹ The company distributed its products through sales agents and into department stores under their well-known brand names. Grey Hosiery also distributed stockings under its own brand names (e.g. "Betty Grey", "Dolly Grey", "Grey Moor", "Flamingo", and "Sarita"). James Grey's wife also ran a mail order business that sold the "Flamingo" brand.¹² In 1965 Grey Hosiery mill was sold to Holt Hosiery Mills Inc. of Burlington, North Carolina. Holt Hosiery operated on this site for only two years and halted production in 1967.¹³

During the fifty-year period that the mill operated under the management of the Grey family, Grey Hosiery was a key employer in Hendersonville and Henderson County, and the expansion of the company coincided with the expansion of the town. The mill also employed personnel residing in neighboring counties. The Grey family was highly regarded by the employees of the mill for their progressive management. Although the company did not provide housing for its workers, the mill provided insurance for its employees, a nurse on duty, and childcare. The mill also sponsored a number of sports teams. Upon the sale of the mill to Holt Hosiery, and after fifty years in the business, James Grey Jr. expressed his appreciation for all the past and present employees of the mill. "If there is any pleasure to be had in operating a hosiery mill the greatest pleasure to me has been my association with a very fine group of Henderson and Polk County people who have worked with me for so many years."¹⁴

Since 1967 the building has served for a number of uses including a craft store and temporary home for the Henderson County Library. At the present time the building is owned by the City of Hendersonville and houses the Water and Sewer Department.

Architectural and Industrial Context

Historically three types of manufacturing predominated in North Carolina during the nineteenth and early twentieth centuries: furniture, tobacco, and textiles. Of these, only textile manufacturing grew to prominence in Henderson County.¹⁵ Textile manufacturing first appeared in western North Carolina with the Elkin Manufacturing Company in Surry County, established in 1848 by the Gwyn family for making cotton cloth. By 1884, Elkin Manufacturing Company employed thirty-five and produced five hundred yards of sheeting and five hundred pounds of yarn daily.¹⁶ Other textile operations began appearing further west in Buncombe and Rutherford counties by the late 1860s.

¹¹ Finch interview.

¹² Ibid.

¹³ The Times-News (Hendersonville, NC), 31 May 1945.

¹⁴ "Grey Hosiery Mills Is Sold to Holt Hosiery Mills Inc.," The Times-News (31 May 1965), and Finch interview.

¹⁵ James W. Clay, et al., eds., North Carolina Atlas, Portrait of a Changing Southern State (Chapel Hill: University of North Carolina Press, 1975), p. 202.

¹⁶ John J. and Ina W. Van Noppen, Western North Carolina Since the Civil War (Boone, NC: Appalachian Consortium, 1973), p. 49.

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Grey Hosiery Mill, Henderson County, NC

Textile mills of the late nineteenth century looked quite different than those built near the river in the earlier part of the century. The old mill stream was losing ground to Main Street as a geographic center for industry. In many communities the mills were located close to the railroad instead of the river, conformed to design standards imposed by New England machinery manufacturers, and more important, to New England factory insurance mutuals that had developed standards for what they called "slow burning construction."¹⁷ The new mills, much like Grey Hosiery Mill in Hendersonville, were always brick rather than wood, unlike their predecessors, usually two story structures, had flat roofs and large windows, and heavy interior timbers. Brick fire walls separated the main mill room from other sections in which fires were likely to occur and other fire safety features were installed such as sprinkler systems. The introduction of electric lighting eliminated the use of lanterns and indoor fires. The increased safety and decrease in annual insurance rates were a justification for the lack of architectural detail.

Only in the elaborate cornice design or diverse roof details was there evidence of architectural detail. The brickwork around the cornice or windows of the mill might be corbelled, or the design might call for a contrasting treatment around the windows. Many mills with weaving departments used "saw-tooth" roof construction to improve lighting. In general, however, the exterior of the mills did not reflect the spirit of residential architecture of the time.¹⁸ In the interior the mill was standardized to follow the flow of the textile process. Since most mills were expected to grow, mill builders provided for future expansion.

The furniture and hosiery industries grew out of the textile industry. Furniture manufacturers supplied wooden parts including spindles, bobbins, and shuttles to the textile mills and inexpensive furniture to the company stores in the mill villages. Hosiery production started in Durham and then spread to Burlington, High Point, and other cities. By 1914, North Carolina ranked fourth nationwide in hosiery production with seventy-four plants employing nearly 8,000 workers.¹⁹

There were a relatively small number of industrial facilities with 50 or more workers which operated in Henderson County in the late 19th and early 20th century. The accompanying table (see page 6) outlines the development of industrial facilities with fifty or more employees within a year of formation. Earlier smaller operations such as saw mills, grist mills, and iron foundries, although important to the history of the county, have been excluded from the chart. Of the mills noted in the following chart, Grey Hosiery Mill is the only one remaining which is intact.

The first industry with 50 or more employees in Henderson County was Hart Manufacturing, established in 1894, in Flat Rock. Hart Manufacturing was actually located on the rock from which the town derives its

¹⁷ Brent D. Glass, The Textile Industry in North Carolina, A History (Raleigh: Division of Archives and History, North Carolina Department of Cultural Resources, 1992), p. 38.

¹⁸ Brent D. Glass, The Textile Industry in North Carolina, A History (Raleigh: Division of Archives and History, North Carolina Department of Cultural Resources, 1992), p. 40.

¹⁹ Brent D. Glass, The Textile Industry in North Carolina, A History (Raleigh: Division of Archives and History, North Carolina Department of Cultural Resources, 1992), p. 44.

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Grey Hosiery Mill, Henderson County, NC

name, and produced hosiery for ten years. During its peak, approximately seventy people worked at the mill.²⁰ There is little evidence of the wooden frame Hart Manufacturing building today.

Asheville Brick Company, Green River Mills and Skyland Hosiery were established in 1907. Asheville Brick Company operated in Fletcher, but only scattered bricks remain today. Skyland Hosiery was built in what is now East Flat Rock, on land owned by Mr. P. H. Walker. In a period of ten years the size and capacity of the mill more than doubled. Skyland Hosiery later became Chipman-La Cross Hosiery and operated until 1968.²¹

Green River Mills, a cotton textile operation founded and managed by Mr. F. O. Bell, was constructed in Tuxedo at a cost of \$250,000. The main building is a one-story brick structure with glass blocks on two sides and covers approximately 26,000 square feet under a "saw tooth" roof. The homes surrounding the mill were originally under the same ownership as the mill, but have since been sold to individual owners. The area is no longer recognizable as a "mill village".²²

A woodworking business, the Hendersonville Column Company, began operations in 1910. The company manufactured porch columns and employed about fifty people. The Freeze-Bacon Hosiery Mill began operation in 1912, and existed until 1928. The Michaelian Kohlberg Company opened in 1913 and manufactured custom rugs. All of these buildings are no longer intact.

Nearly a decade later, in 1923, the Christian Life Calendar Company opened in Naples, in a single story brick building. The company only survived a few years and closed in 1930.²³ In the same building, the Diamond Brand Canvas Company, which remains active today, set up operations in 1939. In 1924, Captain Ellison Adger Smythe began construction of Balfour Mill. International Cellucotton subsequently purchased this mill. Many new additions have been made to the Balfour Mill, but a portion of the original brick building is visible and remains in use today.²⁴

²⁰ Lenoir Ray, Postmarks: A History of Henderson County, North Carolina, 1787-1968 (Chicago: Adams Press, 1970), p. 292.

²¹ Louise Bailey and Jody Barber, Hendersonville and Henderson County: A Pictorial History (Norfolk, VA: The Donning Company, 1988), p. 152.

²² Ibid.

²³ Fain, p. 391.

²⁴ Bailey and Barber, p. 153.

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Grey Hosiery Mill, Henderson County, NC

A chronology of industrial development in Henderson County is show on the table below.²⁵

<u>Company Name</u>	<u>Product</u>	<u>Opened</u>	<u>Closed</u>	<u>Max. Employees</u>
Hart Manufacturing	Hosiery	1894	1904	60+
Moland-Drysdale	Brick	1907	1987	100
Farley Textile	Textile Fabric	1907	Open	300+
Chipman-La Cross	Hosiery	1907	1968	350
Hendersonville Columns	Woodworking	1910	1918	50
Freeze-Bacon Hosiery	Hosiery	1912	1928	200+
Grey Hosiery	Hosiery	1915	1965	250
Christian Life Calendar	Printing	1923	1930	50
Michaelian Kohlberg	Custom Rug	1923	Open	50+
Kimberly-Clark	Textiles	1924	Open	500+
Manual Woodworkers and Weavers	Wood-tapestry	1932	Open	500+
Diamond Brand Canvas	Tents and backpacks	1939	Open	100+
Ada Co.	Apparel	1947	1965	60

²⁵ Greater Hendersonville Chamber of Commerce. Industrial Directory, Henderson County, North Carolina. (June 1998), pp. 1-12.

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Section number 10 Page 1

Grey Hosiery Mill, Henderson County, NC

Verbal Boundary Description

The nominated property is parcel number 5655, sheet 9568.08, section 88 of the Henderson County tax map.

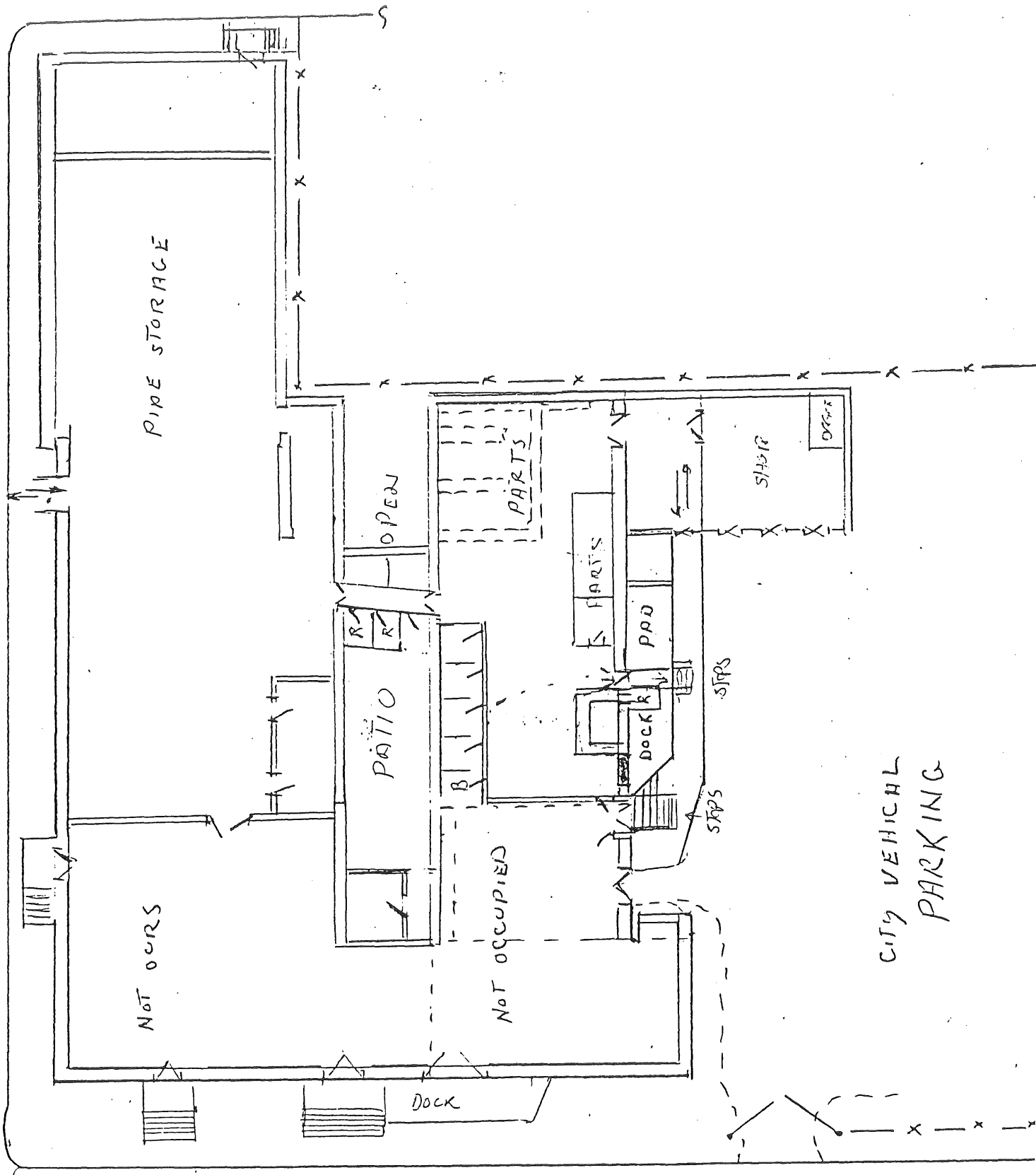
Boundary Justification

The National Register boundary includes the entire 1.64 acre parcel historically associated with the former Grey Hosiery Mill. The property contains the mill building, a small yard, and a parking lot. The property is a clearly defined and fenced urban lot.

FIFTH AVE EAST

Section 7, Item D.

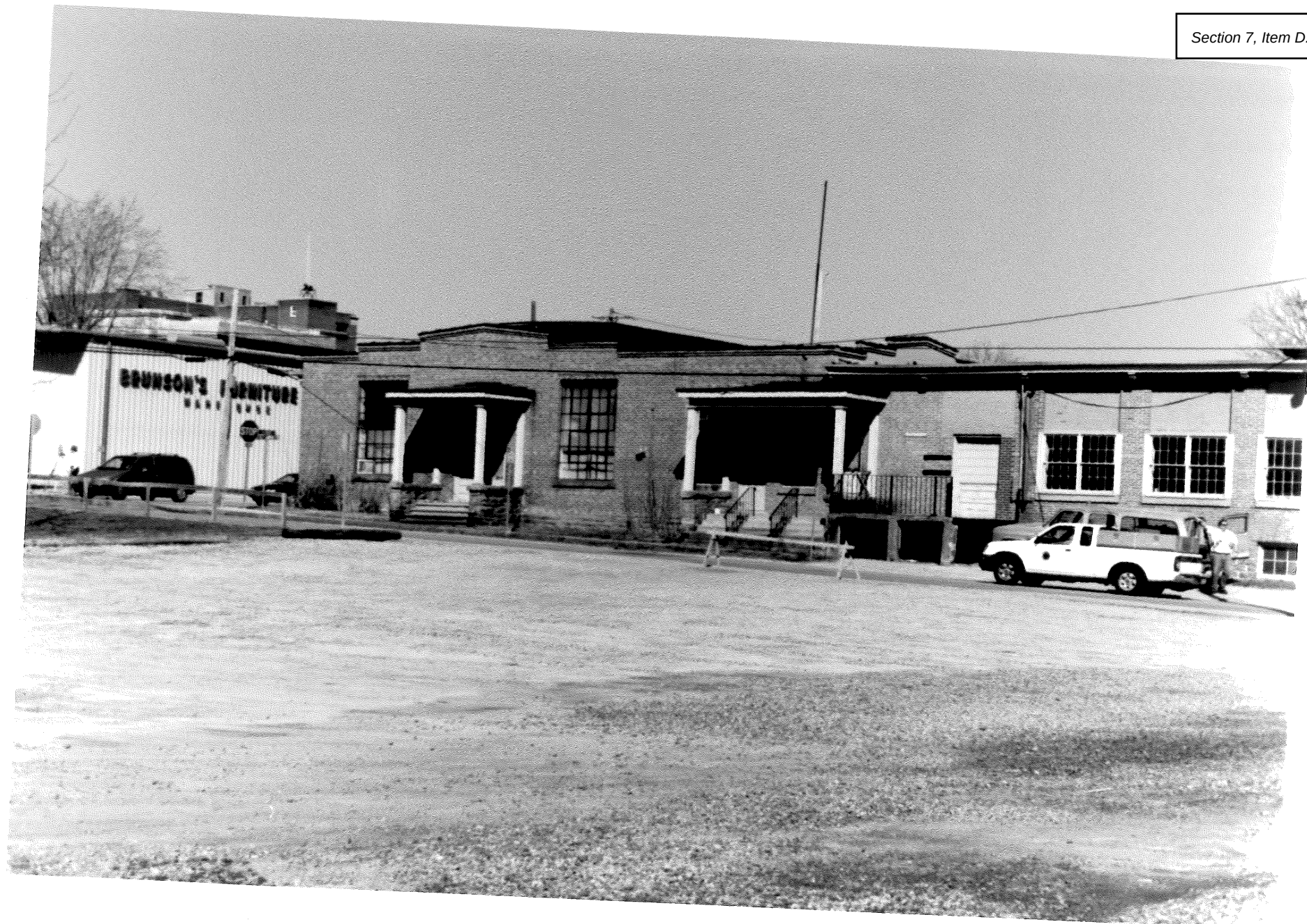
GROVE STREET



FOURTH AVE EAST



HENDERSON COUNTY
GREY HORSEY MILL
17 267470 31-10-20





StarNews | The Dispatch | Times-News
Sun Journal | The Daily News | The Star
The Free Press | Gaston Gazette

Order Confirmation

Not an Invoice

Section 7, Item D.

Account Number:	488558
Customer Name:	City Of Hendersonville
Customer Address:	City Of Hendersonville 160 6Th AVE E City Clerk Hendersonville NC 28792-3775
Contact Name:	Angela Reece
Contact Phone:	828-697-3005
Contact Email:	areece@hvlnc.gov
PO Number:	

Date:	08/18/2021
Order Number:	6191986
Prepayment Amount:	\$ 0.00

Column Count:	1
Line Count:	73.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
HEN Times-News	2	08/22/2021 - 08/29/2021	Govt Public Notices
HEN blueridgenow.com	2	08/22/2021 - 08/29/2021	Govt Public Notices

Total Order Confirmation

\$22.52

Ad Preview

Section 7, Item D.

PUBLIC HEARING NOTICE

Notice is hereby given that the City of Hendersonville City Council will hold one public hearing on Thursday, September 2, 2021, at 5:45 p.m., in the City Operations Assembly Room located at 305 Williams Street, Hendersonville NC to consider the following:

I. Local Landmark Designation – Grey Mill Parking Lot & Common Space (H21-10-LL)

An ordinance to amend Ordinance #19-1186 to include the parking lot and common area (PIN 9568-88-9541) as part of the Historic Designation of the Grey Hosiery Mill property as a Local Historic Landmark.

The Mayor and City Council Members will attend the hearings in person. Public hearing comments will be accepted from those attending in person at the designated time at this meeting. The public may also view and verbally comment during this public hearing 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.hendersonvillenc.gov/events-calendar>. Comment period instructions will also be displayed at the appropriate times during the meeting.

Anyone wishing to submit digital comments for the public hearings prior to the meeting may visit <https://www.hendersonvillenc.gov/comment> to submit their comment. Digital comment submissions for public hearings must be received by 8:00 a.m. on September 1, 2021 to be considered by the City Council in accordance with the City's Public Comment Policy and security protocols. All comments and materials submitted are considered public records as defined in §132.1.

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 697-3000 no later than 24 hours in advance of the meeting.

08/22, 08/29/2021 6191986

PUBLIC HEARING NOTICE

Notice is hereby given that the City of Hendersonville City Council will hold four public hearings on Thursday, September 2, 2021, at 5:45 p.m., in the City Operations Assembly Room located at 305 Williams Street, Hendersonville NC to consider the following:

- I. **Local Landmark Designation – Grey Mill Parking Lot & Common Space (H21-10-LL)** An ordinance to amend Ordinance #19-1186 to include the parking lot and common area (PIN 9568-88-9541) as part of the Historic Designation of the Grey Hosiery Mill property as a Local Historic Landmark.

NOTICE IS HEREBY GIVEN that some Hendersonville City Council Members may participate remotely in these hearings at the above designated time/day/place.

Digital/written public hearing comments will be accepted until twenty-four hours prior to the scheduled public hearing and will be accepted during the meeting 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. Anyone wishing to submit written/digital public comment for this public hearing prior to the meeting may visit <https://www.hendersonvillenc.gov/comment> to submit their comment.

Digital/written public hearing comments must be received **twenty-four hours prior to the meeting (by 5:45 p.m. on Wednesday September 1st)** to be considered by the City Council and must comply with security criteria in the 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 will be available on the City's website by visiting <https://www.hendersonvillenc.gov/events-calendar> and as follows:

Zoom information for the meeting is:

<https://zoom.us/j/95746846396?pwd=YmlXdXdhcjlRFVlM2VElqcEVwT1ZLZz09#success>

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

Meeting ID: 957 4684 6396

Passcode: 28792

Contact information for the City Clerk, Angela Reece, is: 160 6th Avenue East, Hendersonville, NC 28792; areece@hvlnc.gov; (828) 697-3000.

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 697-3000 no later than 24 hours in advance of the meeting.

Run two times: Sunday, August 22, 2021
Sunday, August 29, 2021



CITY OF HENDERSONVILLE CITY COUNCIL AGENDA ITEM SUMMARY

SUBMITTER: Matthew Manley

MEETING DATE: 9-2-21

AGENDA SECTION: Public Hearing

DEPARTMENT: Community
Development
Department

TITLE OF ITEM: Conditional Rezoning Amendment: West Avenue Villas (P21-42-CZD) –
Matthew Manley, AICP | Planning Manager

SUGGESTED MOTION(S):

CITY COUNCIL - APPROVAL

I move that City Council adopt **An Ordinance of the City of Hendersonville City Council to Amend the Official Zoning Map of the City of Hendersonville for Parcel Number 9568-77-1057 by Amending Conditional Zoning Ordinance #20-0563**, finding that the proposed amendment, and the conditional zoning of the Parcel with the amendment, are consistent with the Comprehensive Plan's Future Land Use map, and that the conditional zoning with the proposed amendment is reasonable and in the public interest for the following reasons:

[Please state reasons describing why this development is good for the community. Examples follow, or to include your own]

- 1.The additional unit will allow for a variety of housing types close to downtown [if applicable];
- 2.The proposed development with the amendment is compatible with the area. [if applicable]
- 3.The development with the amendment is in the public interest because [state why if applicable]
- 4.The site has the needed infrastructure to accommodate the additional unit. [if applicable]

CITY COUNCIL – DENIAL

I move the Planning Board recommend that City Council deny the application to amend the site plan for the Conditional Zoning District for the subject property for the following reasons:

[Please state reasons describing why you are moving to deny the application. Examples follow or include your own.]

1. The development is not consistent with the Comprehensive Plan [if applicable];
2. The development is not compatible with the surrounding uses. [if applicable]
3. The development is not in the public interest because [state why if applicable]
4. The development will have a detrimental impact on the natural environment. [if applicable]

SUMMARY:

The City is in receipt of a Conditional Rezoning District Amendment application from

Andrew Riddle, of Riddle Development, LLC for the addition of one (1) garage apartment on the approved site plan and an adjustment of the floor area of proposed buildings. The site plan was approved for 10 dwelling units (2 quad-plexes + 2 garage apartments) at the August 6, 2020 meeting. The applicant is requesting for a total of 11 dwellings units (2 quadplexes + 3 garage apartments). This equates to a 10% increase in dwelling units. Additionally, it is requested that the total square footage of the site increase from 5,788 Sq Ft to 6,128 Sq Ft (6% increase). The zoning code states the following as it relates to modification of CZDs:

7-6-3 Modifications of Developments Authorized Under Special Use Review and Conditional Zoning Districts. *The City Manager is authorized to approve minor modifications to the approved final plans of developments authorized under special use review and conditional zoning districts, but major modifications may only be authorized by City Council in accordance with procedures set forth herein. A modification shall be deemed minor if it is not a major modification.*

- c) A substantial increase in the floor area approved by City Council;*
- d) A substantial increase in the number of residential dwelling units.*

Furthermore, the application was considered by the Planning Board on May 10, 2021, voting to recommend approval. However the application was put on hold by the applicant. State statute requires that a rezoning application be considered by City Council within 45 days of the Planning Boards recommendation. Due to these procedural issues, the Planning Board considered this item again at their meeting on August 9, 2021.

PROJECT/PETITIONER NUMBER: P21-42-CZD

PETITIONER NAME: Andrew Riddle, of Riddle Development, LLC

ATTACHMENTS:

1. Staff Report
2. Neighborhood Compatibility Meeting minutes
3. Ordinance
4. Full Size Site plan
5. Survey with Water Line
6. Tree Survey
7. Application

Ordinance #O-21-43

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBER 9568-77-1057 BY AMENDING CONDITIONAL ZONING ORDINANCE #20-0563

IN RE: Parcel Number: 9568-77-1057– West Ave Villas Site Plan Amendment
(File # P21-42-CZD)

WHEREAS, the City Council adopted Ordinance #20-0563, An Ordinance Amending the Official Zoning Map of the City of Hendersonville which rezoned Parcel Number 9568-77-1057 (the “Subject Parcel”) from R-6 High Density Residential to CMUCZD Central Mixed-Use Conditional Zoning District; and

WHEREAS, Ordinance #20-0563 approved a site plan for the Subject Parcel and imposed conditions governing development of the Subject Parcel, which conditions were consented to by the Owner of the Subject Parcel; and

WHEREAS, as adopted, Ordinance #20-05653 approved the construction of 10 dwelling units consisting of 2 quadplexes and 2 garage apartments, and approved the total square footage to be constructed on the Subject Property as 5,788 square feet; and

WHEREAS, the City is in receipt of a Conditional Rezoning Amendment application from Andrew Riddle, of Riddle Development, LLC for the Subject Parcel, consisting of a proposed revised site plan for the Subject Parcel, to allow the construction of 11 dwelling units consisting of 2 quadplexes and 3 garage apartments (an increase of 1 garage apartment), and to increase the approved total building square footage for the Subject Parcel to 6,128 square feet, a 6% increase; and

WHEREAS, the Planning Board took up this application at its regular meeting on August 9, 2021; voting 4 to 1 to recommend City Council approve the requested amendment, finding that the proposed amendment was consistent with the 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 September 2, 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 adopting the following modifications to Conditional Zoning Ordinance #20-05653:

- a. The revised site plan is approved as presented, including the increased number of dwelling

units from 10 to 11, consisting of 2 quadplexes and 3 garage apartments, and to allow the increased approved total building square footage from 5,788 square feet to 6,128 total square feet.

2. Except as modified by this Ordinance, all other terms and conditions of Conditional Zoning Ordinance #20-05653 shall remain in full force and effect and shall govern the development on the Subject Parcel, and the same are hereby ratified and incorporated herein by reference.
3. In addition to the requirements of Conditional Zoning Ordinance #20-05653, as modified by this Ordinance, 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.
4. The property Final plans for the project shall comply with approved plans, conditions imposed, allowable uses, and terms of Conditional Zoning Ordinance #20-05653 as amended by this Ordinance, and all applicable provisions of the Hendersonville Zoning Ordinance and Code of Ordinances.
5. This ordinance shall be effective upon its adoption.

Adopted this 2nd day of September 2021.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

Ordinance #20-0563

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

IN RE: West Avenue Villas
(File # P20-1-CZD)

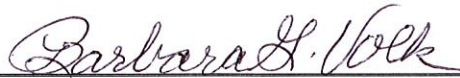
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville,
North Carolina:

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 9568-77-1057 from R-6 High Density Residential to CMUCZD Central Mixed-Use Conditional Zoning District.

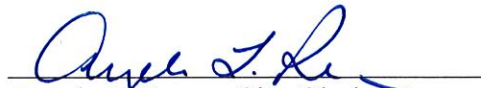
2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 6th, day of August 2020.



Barbara G. Volk, Mayor, City of Hendersonville

Attest:


Angela L. Reece, City Clerk

Approved as to form:



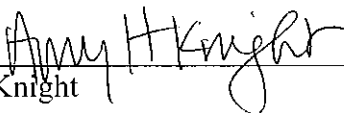
Samuel H. Fritschner, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

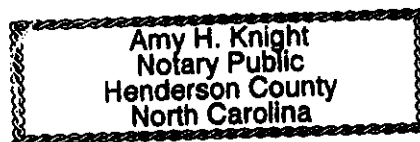
I, Amy H. Knight, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk in her capacity of Mayor of the City of Hendersonville; Angela L. Reece, in her capacity of City Clerk; and Samuel H. Fritschner, in his capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this 12th day of August, 2020.

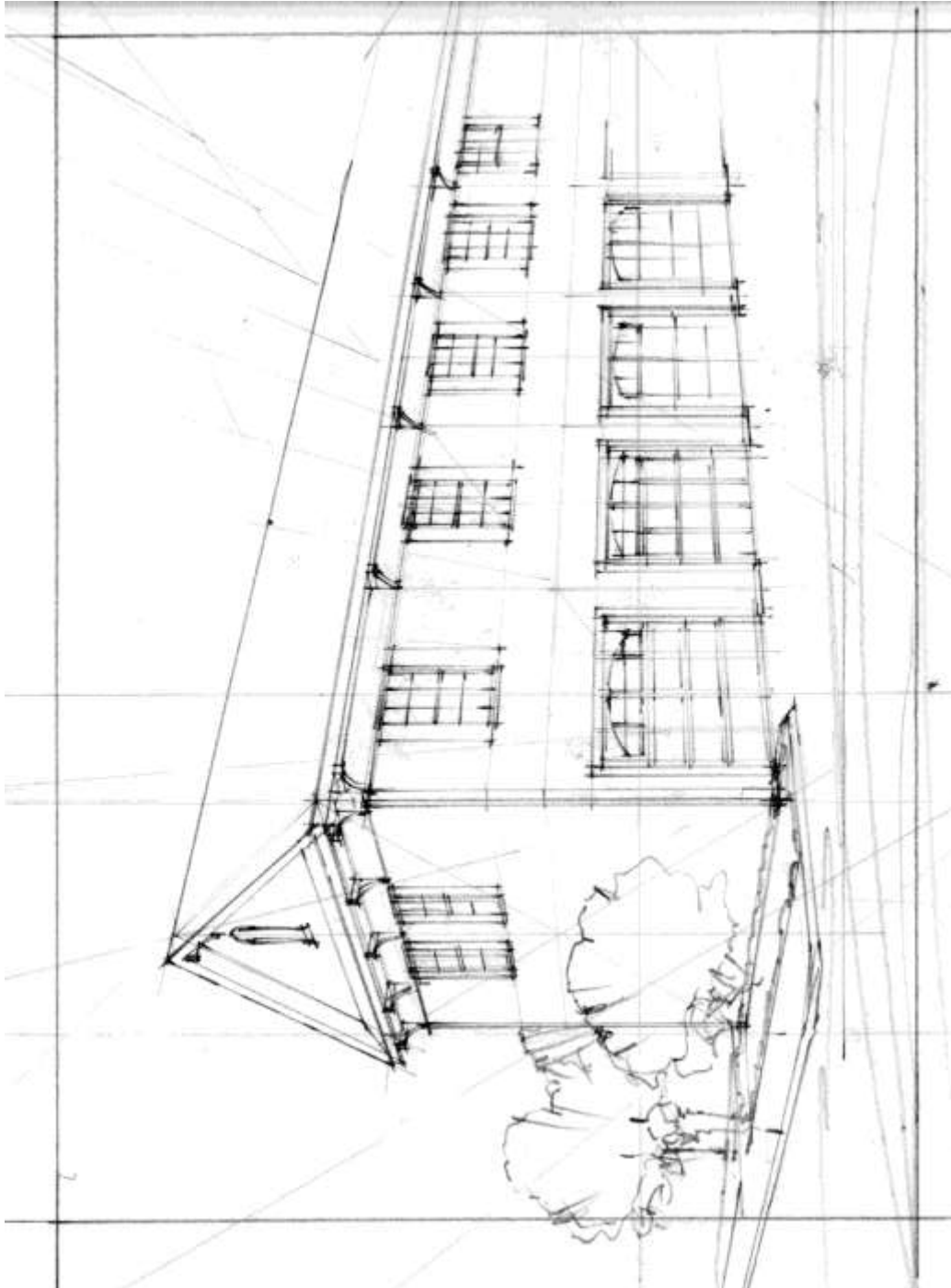
My commission expires: 9-23-2024



Amy H. Knight







Amendment

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

Staff Report Contents

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PROJECT SUMMARY

Applicant: Andrew Riddle, of Riddle Development, LLC

Property Owner: Riddle Development, LLC

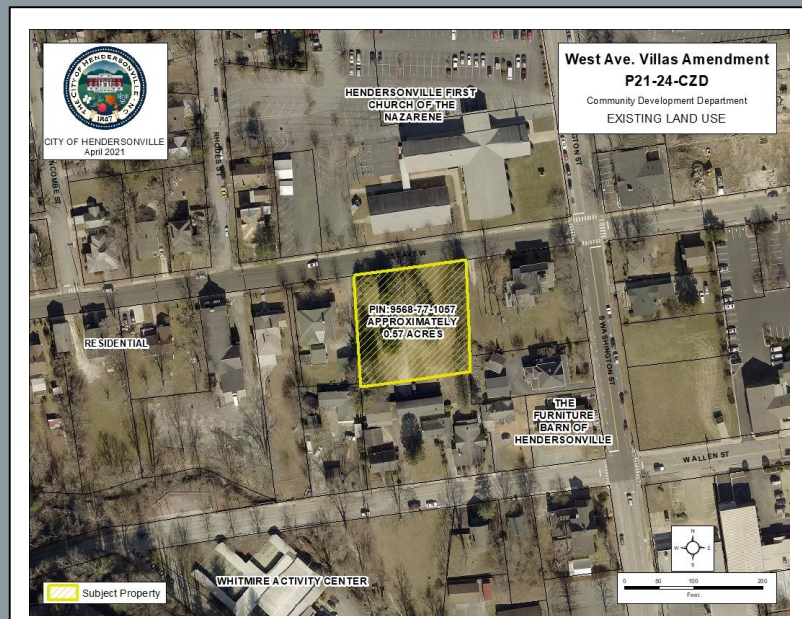
Property Address: No address currently- 1st Ave.

Project Acreage: 0.57 Acres

Parcel Identification Number(s):9568-77-1057

Current Parcel Zoning: CMU-CZD
Central Mixed-Use Conditional Zoning District

Neighborhood Compatibility Meeting: July 2, 2021



SITE VICINITY MAP

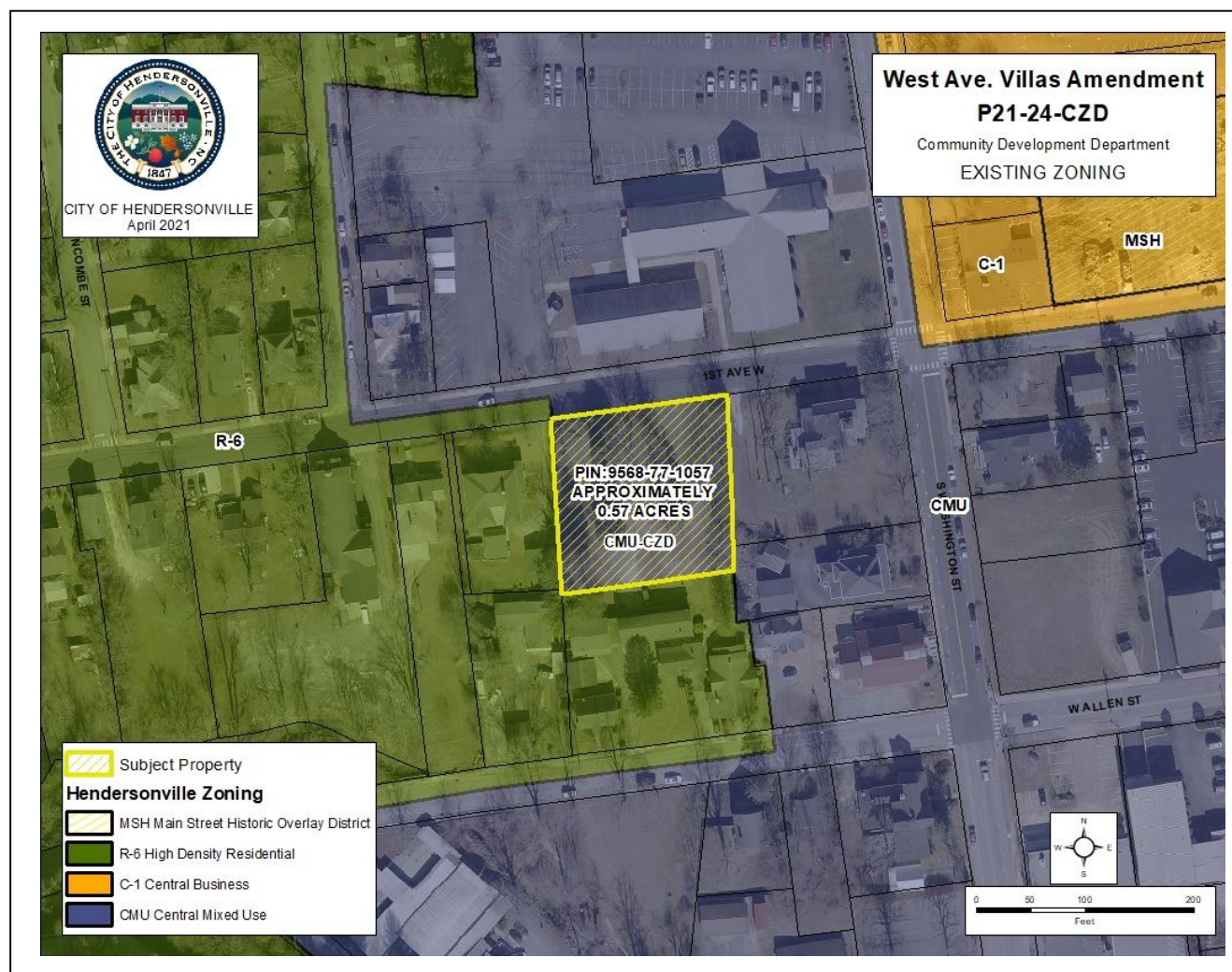
Summary Statement of Applicant Rezoning Request

The City is in receipt of a Conditional Rezoning District Amendment application from Andrew Riddle, of Riddle Development, LLC for the addition of one (1) garage apartment on the approved site plan and an adjustment of the floor area of proposed buildings. The site plan was approved for 10 dwelling units (2 quadplexes + 2 garage apartments) at the August 6, 2020 meeting. The applicant is requesting for a total of 11 dwellings units (2 quadplexes + 3 garage apartments). This equates to a 10% increase in dwelling units. Additionally, it is requested that the total square footage of the site increase from 5,788 Sq Ft to 6,128 Sq Ft (6% increase). The zoning code states the following as it relates to modification of CZDs:

7-6-3 Modifications of Developments Authorized Under Special Use Review and Conditional Zoning Districts. *The City Manager is authorized to approve minor modifications to the approved final plans of developments authorized under special use review and conditional zoning districts, but major modifications may only be authorized by City Council in accordance with procedures set forth herein. A modification shall be deemed minor if it is not a major modification.*

- c) A substantial increase in the floor area approved by City Council;
- d) A substantial increase in the number of residential dwelling units.

PROJECT SUMMARY - CONTINUED



City of Hendersonville Existing Land Use and Zoning

Parcels to the north are zoned CMU (Central Mixed Use) and contain Hendersonville First Church of the Nazarene and residential uses. Parcels located to the east are zoned CMU and include residential and commercial uses. Parcels located to the south are zoned R-6 (High Density Residential) and CMU and include commercial and residential uses. Parcels located to the west are R-6 and contain religious and residential uses.

SITE CONDITIONS – SITE IMAGES

View from 1st Avenue.



*View of existing
buffer along the
eastern property
line*



*View from west to east
at front of site*



SITE CONDITIONS – SITE IMAGES CONTINUED

*View from east to west
at center of site*



*View from south to
north at center of site*



*View of the existing
buffer along the
eastern property line*



Similar multi-family structures within West Side Neighborhood



Similar multi-family structures within West Side Neighborhood



Similar multi-family structures within West Side Neighborhood



AERIAL PHOTOS

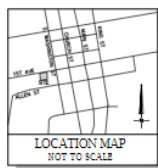
View from the South



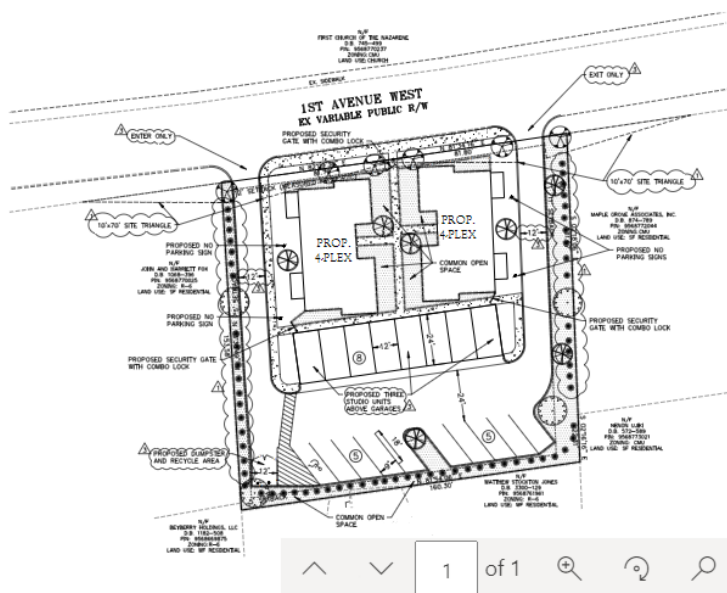
View from the North



REZONING/SITE PLAN TOPICS

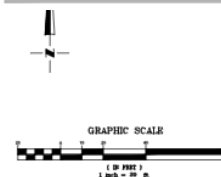


DEVELOPMENT NOTES
 1. DOCUMENTATION SHALL BE PROVIDED PRIOR TO FINAL SITE PLAN APPROVAL FOR EXISTING MAINTENANCE OF COMMON FACILITIES.
 2. STORMWATER MANAGEMENT
 3. STORMWATER APPROVAL FROM THE CITY ENGINEERING DEPARTMENT IS REQUIRED PRIOR TO FINAL SITE PLAN APPROVAL.
 4. EROSION CONTROL APPROVAL IS REQUIRED FROM HENDERSON COUNTY PRIOR TO FINAL SITE PLAN APPROVAL.
 5. UTILITIES
 1. LOTS TO HAVE INDIVIDUAL WATER METERS.
 2. SANITARY SEWER TO BE A SINGLE CONNECTION.



LAND OWNER:	RIDDLE DEVELOPMENT, LLC 732 JONESBOROUGH ST HENDERSONVILLE, NC 28739
PIN:	9568771057
JURISDICTION:	HENDERSONVILLE
DEED BOOK & PAGE:	3131 / 595
TOTAL SITE ACREAGE:	0.57 AC (24,766 SF)
CURRENT ZONING:	R-6
PROPOSED ZONING:	CMUCZD
EXISTING USE:	VACANT
PROPOSED USE:	MULTI-FAMILY (APARTMENTS)
TOTAL UNITS:	11
FRONT SETBACK:	12'
-MEASURED FROM BACK OF CURB	
SIDE YARD SETBACK (WEST):	5'
SIDE YARD SETBACK (EAST):	11'
REAR YARD SETBACK:	5'
REQUIRED PARKING:	11
-1 SPACE PER EACH DWELLING UNIT	
PROPOSED PARKING:	18
-H.C. VAN ACCESSIBLE PARKING:	1
OPEN SPACE REQUIRED:	
-PROPOSED DWELLING UNITS:	11
-REQUIRED MINIMUM OPEN SPACE (500 SF PER DU):	5,500 SF
(HATCHED AREA INDICATES COMMON OPEN SPACE)	
-PROPOSED OPEN SPACE:	5,500 SF
-PROPOSED ASPHALT:	±9,000 SF
-PROPOSED SIDEWALK:	±1,120 SF
(HATCHED AREA INDICATES COMMON OPEN SPACE)	
REQUIRED TREES:	11
-1 TREE PER 500 SF OF OPEN SPACE	
PROVIDED TREES:	11
PROPOSED BUILDING HEIGHT:	25'
PROPOSED BUILDING AREA:	1,912 SF (EACH APT BLDG) 2,304 SF (GARAGE/STUDIO BLDG) 6,128 SF (TOTAL)
	(24.74% OF TOTAL SITE AREA)

DEVELOPMENT SUMMARY



REVISIONS	
1	1/28/20 HENDERSONVILLE COMMENTS
2	8/11/20 OWNER REVISION
3	8/28/21 SETBACK CHANGES

CAD FILE: 19-037 REZONING
 PROJECT NO: 19-037
 DESIGNED BY: JDM
 DATE: JANUARY 2, 2020

RZ1.0

Proposed Site Plan

Buildings

The site plan shows 3 structures. 2 Quad-Plexes and 1 garage structure.

2 Quad Plex buildings totaling 3,824 Square feet- 8 dwelling units

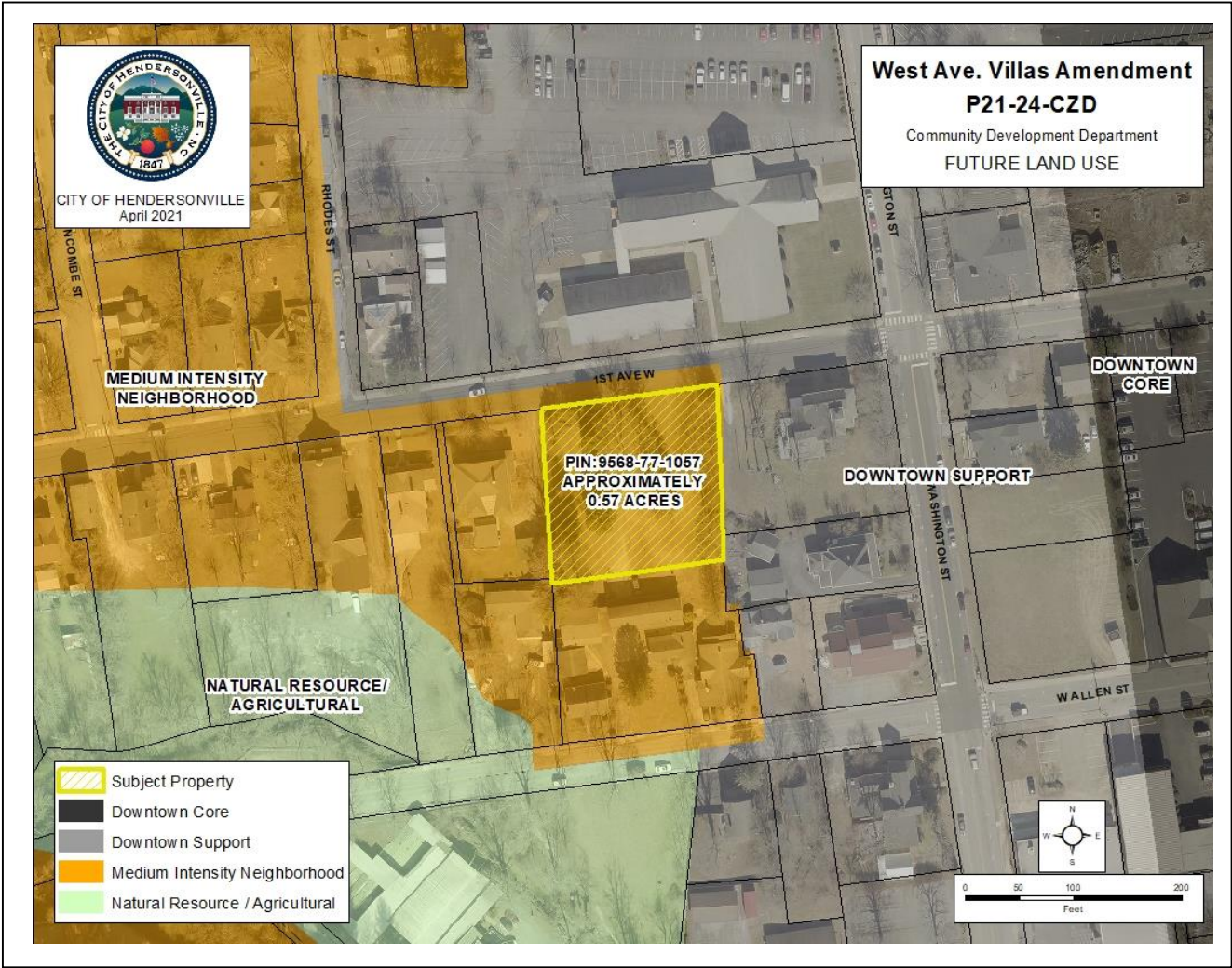
1 garage building totaling 2,304 square feet- 3 dwelling units

3 garage apartments at 768 square feet each instead of 2 garage apartments at 1,152 square feet.

Total of 11 dwelling units

Proposed Building Height- 25'

REZONING CRITERIA:
COMPREHENSIVE PLAN CONSISTENCY



The 2030 Comprehensive Plan’s Future Land Use Map designates parcels located to the north and east of the subject property as Downtown Support. The parcels located to the south and west of the project are classified as Medium Intensity Neighborhood and Natural Resource and Agricultural.



Goal LU-6.

Medium-Intensity Neighborhood:
Provide a transition between High- and Low-Intensity Neighborhood areas while providing a wide range of housing formats and price points. Promote walkable neighborhood design and compatible infill development in new neighborhoods and as a means of preserving and enhancing existing neighborhoods.

Major Thoroughfares on the Future Land Use Map

- Planned Residential Developments
- Local public and institutional uses
- Recreational amenities

Strategy LU-6.4.

Development guidelines:

- Two to eight units per gross acre
- At least 60% open space in new developments on three or more acres
- Architectural guidelines to encourage compatibility when different housing types abut one another (e.g. similar building height, massing, roof pitch, and rhythm of windows and façade detailing)
- Encouragement of walkable neighborhood design, as described under Goal PH-3 in Chapter 2

Strategy LU-6.1.

Locations:

- Existing neighborhoods zoned R-15, R-10, and R-6, including residential historic districts
- Existing or planned neighborhoods that reflect the same densities as the R-15, R-10 and R-6 zoning districts (Two to eight units per gross acre)
- Undeveloped properties that are surrounded by or adjacent to the above neighborhoods

Strategy LU-6.2.

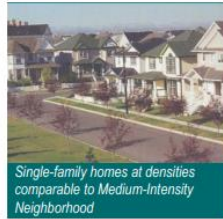
Primary recommended land uses:

- Single-family attached and detached residential
- Open space

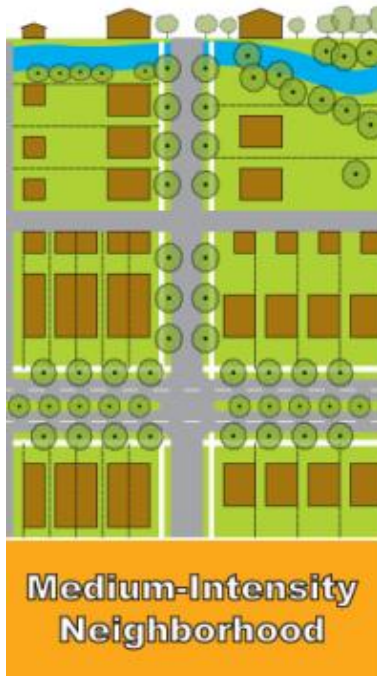
Strategy LU-6.3.

Secondary recommended land uses:

- Limited multi-family residential along roadways designated as Boulevards or



Single-family homes at densities comparable to Medium-Intensity Neighborhood



REZONING CRITERIA: COMPREHENSIVE PLAN CONSISTENCY

The subject area is designated Medium Intensity Neighborhood on the 2030 Comprehensive Plan's Future Land Use Map.

Goal PH-2.

Encourage a wide range of housing types and price points in order to meet the diverse and evolving needs of current and future residents, match the housing supply with the local workforce, and promote diverse neighborhoods.

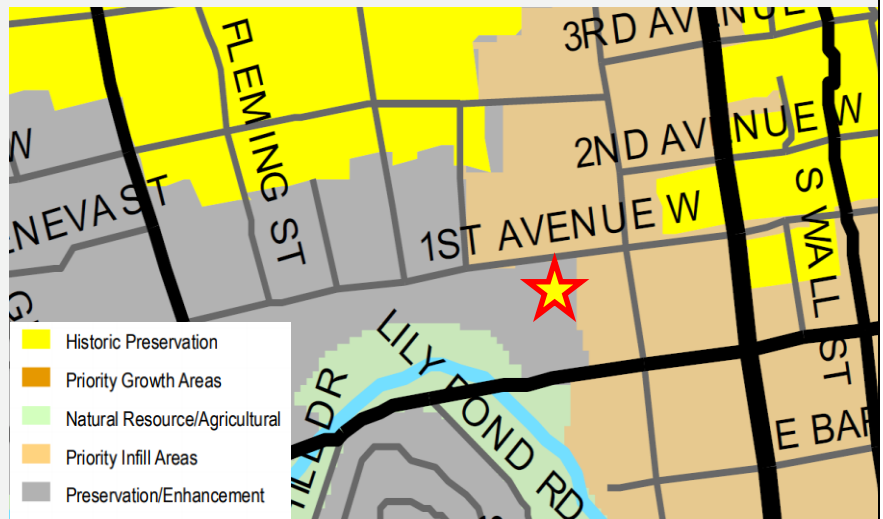
Strategy PH-1.1.

Promote compatible infill development.

Compatible infill development helps to re-invigorate older neighborhoods with new housing products, amenities or services while minimizing negative impacts. Compatibility is achieved through selection of appropriate land uses and/or design strategies that smooth the transition between potentially conflicting land uses. Design strategies should address architectural compatibility and scale as well as landscape buffering.

Growth Management

Preservation/Enhancement Areas (gray): Developed areas in which few significant changes are expected, or undeveloped areas that are not considered a high priority for growth. The City should respond to development or redevelopment in these areas by maintaining and enhancing existing neighborhood character and maintaining consistency with Comprehensive Plan goals and strategies.



BiPeds Sidewalk Assessment

- Both Sides Continuous
- One Side Continuous
- Both Sides Partial
- One Side Continuous and One Side Partial
- One Side Partial
- None



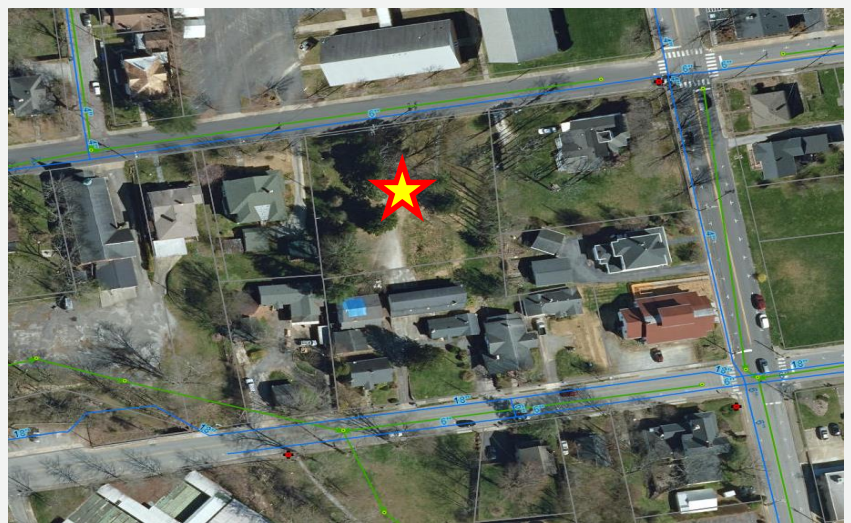
Water and Sewer Availability

Water Mains

— City Water Main

Gravity Mains

— Public Gravity Main



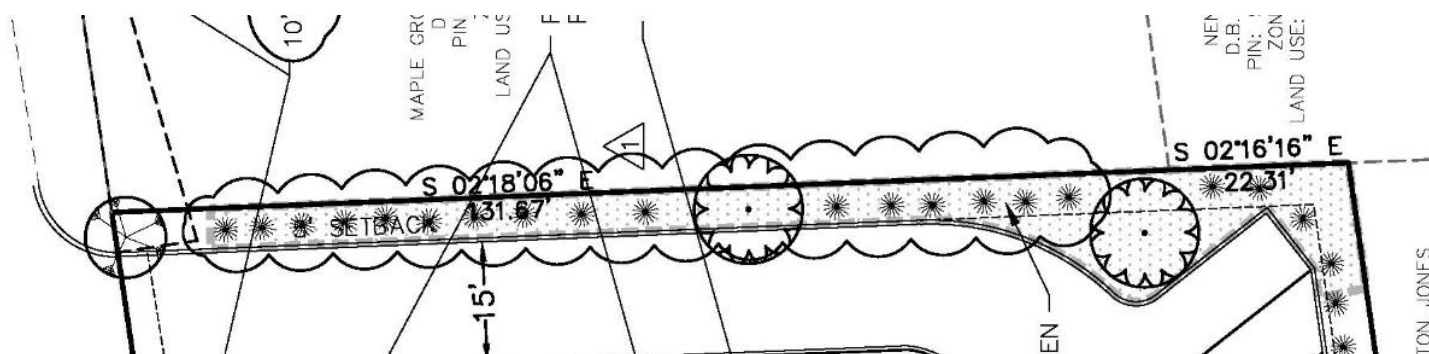
SITE PLAN REVIEW

City Council Conditions from the August 2020 Decision: These conditions are still attached to the original rezoning approval. These conditions are included in the attached list of uses and conditions.

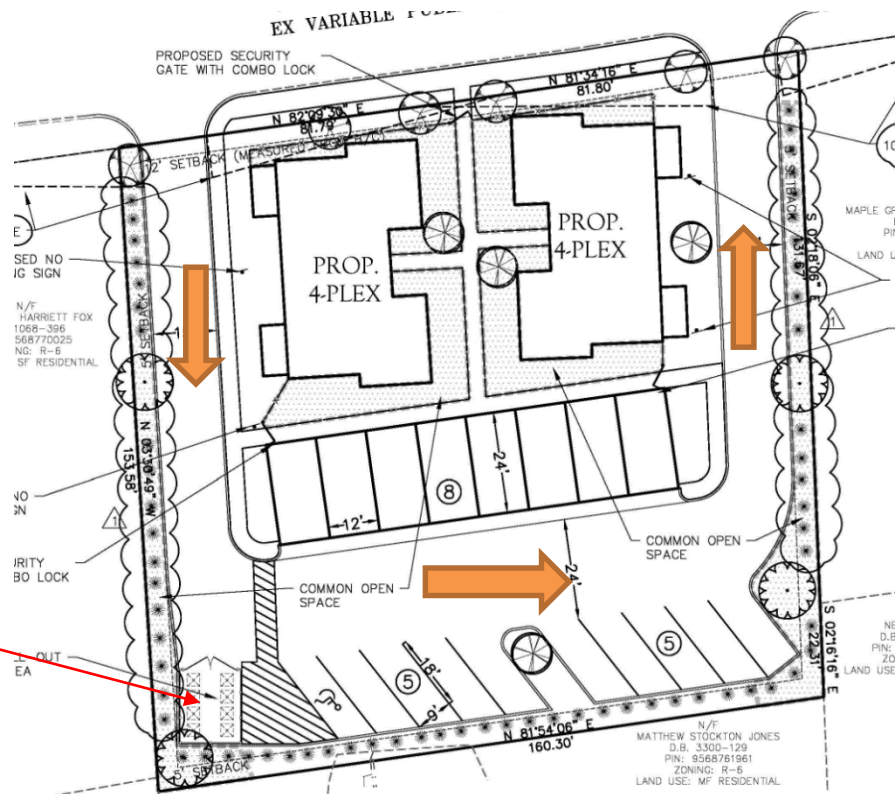
1. The architectural style that will resemble what is depicted in the rendering submitted by the applicant including the coloring of white with black shutters



2. The property owner will not cause or permit the destruction of trees where the trunk is at least 12 inches in diameter within the 11-foot buffer.



- The driveway widths shall be 12 feet and not 15 feet. The driveways shall be one-way in and one-way out with the entrance being on the west side, which will subsequently add an 11-foot buffer on the eastern side and will not change the buffer on the west side.



Current Site Plan shows dumpster rather than roll-out cans

- The developer use the outdoor lighting basic guidelines from the International Dark Sky Association.



STAFF REVIEW:

Landscaping: The applicant will be required to provide vehicular use landscaping for this project. Vehicular use landscaping consists of 1 tree and 2 shrubs for every 4,000 square feet of VUA.

The applicant will also be required to plant a planting strip which is required when a vehicular use area lot is located within 100 feet of an abutting property and no buffer yard is required, a planting strip which is a minimum of five feet wide shall be planted between the vehicular use area and the abutting property, except along approved driveway openings which run perpendicular to the planting strip. One large evergreen or deciduous tree and five evergreen or deciduous shrubs shall be planted for every 40 linear feet of property line that parallels the vehicular use area.

Stormwater/Flood Hazard Area

The land disturbance for this project does not exceed an acre; a storm water management system is not required.

Parking Requirements - Table 6-5-2

The zoning ordinance requires in CMU that residential developments shall be provided with a minimum of one off-street parking space per dwelling unit.

11 Dwelling Units proposed = **11 spaces required.**

18 spaces provided = 8 garage spaces and 10 surface parking spaces.

The zoning ordinance states “As far as practicable, in consideration of site constraints and reasonable development requirements, parking for non-residential and multi-family residential developments shall be situated to the side or rear of principal structures”

All parking is proposed to be located at the rear of the property

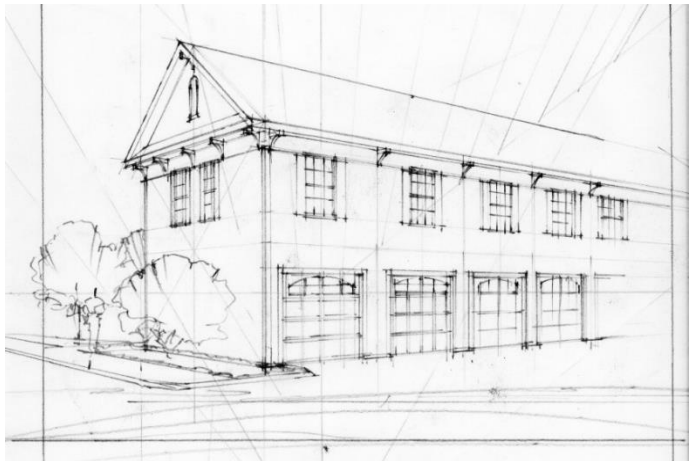
Sidewalks

Sidewalks will be provided along the property frontage on 1st Avenue.

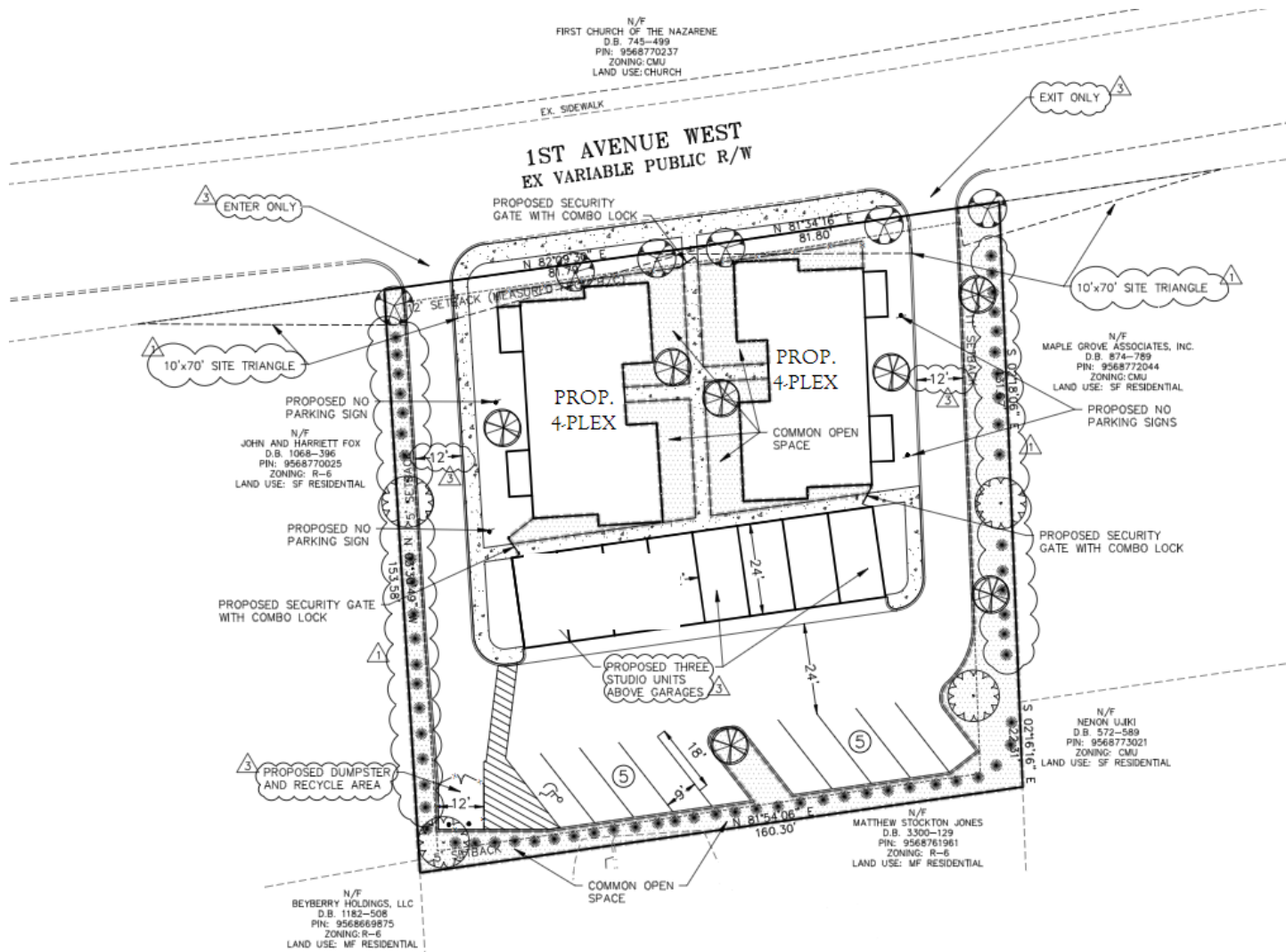
Entrance

The site will have a one-way entrance off of 1st Avenue.

This is an elevation provided by the applicant during the initial rezoning in August of 2020. This elevation depicts the proposed garage/garage apartment structure at the rear of the property. If approved this proposed structure would include 3 dwelling units rather than 2 as previously approved by City Council.



ZOOM - SITE PLAN



REZONING CRITERIA:

1. COMPREHENSIVE PLAN CONSISTENCY
2. COMPATABILITY
3. CHANGED CONDITIONS
4. PUBLIC INTEREST
5. ADEQUATE PUBLIC FACILITIES
6. ENVIRONMENTAL IMPACTS

TRANSPORTATION TOPICS:

TRANSPORTATION IMPACT
ANALYSIS: ACCORDING TO THE 7TH
EDITION 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 to require a TIA.

Apartment Calculation

11 Units

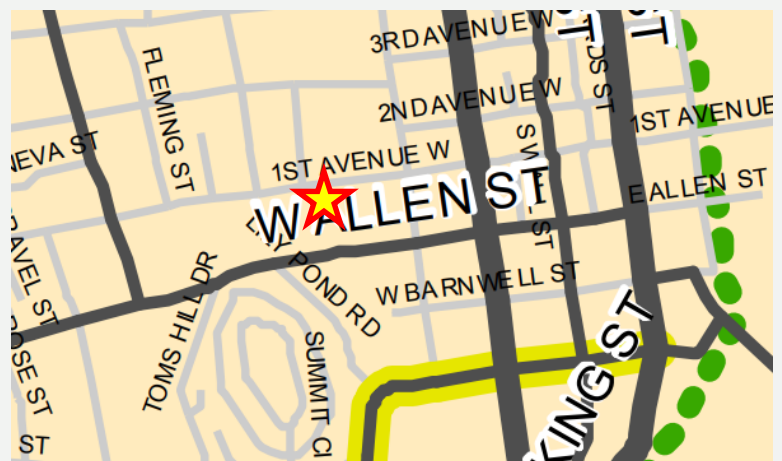
6.05 Trips AM peak hour.

7.37 Trips PM peak hour

73.92 Daily Weekday Trips.

2030 COMPREHENSIVE PLAN
TRANSPORTATION MAP

— Local Street



NOTABLE AREA
PUBLIC WORKS PROJECTS

“We don’t have any improvements planned for that area other than our regular street and sidewalk maintenance program. 1st Avenue and Washington is a four way stop. No plans to change that to a signalized intersection, at this time. Washington St has marked on-street parking spaces. 1st Avenue has marked on-street parking spaces between Washington St. and Church St. West of Washington Street, there are no marked on-street parking spaces on 1st Avenue but parking is allowed unless it is marked “no parking”.”

-Tom Wooten, Public Works Director

STAFF ASSESSMENT & COMPREHENSIVE PLAN CONSISTENCY:

The 2030 Comprehensive Plan highlights this parcel as a Preservation/Enhancement Area, which focuses on preserving and enhancing existing neighborhood character. City Council at their last meeting approved a condition that aligned with this goal. City Council approved a condition that tied the developer to the architectural style and color shown in the elevation provided by the applicant. This aided in the building fitting in with the existing neighborhood and preserving the existing neighborhood character. Staff also believes that additional design such as a front porch/front balcony/stoop would also improve the projects interface with the public realm and improve compatibility with the neighborhood. This type of development would serve as a transition between the commercial focused downtown corridor and the traditionally residential area going down 1st avenue West.

The Comprehensive Plan sets a goal to encourage a wide range of housing types and price points. It is staff's position that this type of infill development achieves this by providing small-unit, multi-family housing in close proximity to a variety of places of employment and entertainment, while also maintaining compatibility with the surrounding land uses and neighborhood character.

The Comprehensive Plan states that the City should encourage infill development that utilizes existing infrastructure, this project meets this strategic goal. Staff's assessment is that the road network and water and sewer infrastructure abutting this site would be capable of serving this development. It should be noted that a private water-line servicing 317 W Allen St is currently traversing this site. That water line will be required to be removed and a new service line will need to be installed from W Allen St. This is noted in the attached survey.

During the site plan review process staff identified a number of small technical corrections that are required for zoning ordinance compliance which can be addressed during final site plan approval. None of these items would need to be made a condition since they are in the ordinance - they will have to be met prior to final site plan approval. The only correction that is directly tied to the additional unit is the required increase (500 SqFt) in common open space. Staff feel that there is enough area on the site plan that is currently not being utilized as common open space to meet this requirement at final site plan approval.

Staff does not have any additional conditions for this project. The 4 conditions that were approved by Council at the original meeting are attached in the list of uses and conditions.

PUBLIC COMMENT:

The Neighborhood Compatibility meeting was held on the original application on January 30th, 2020. This amendment required that the applicant host a new neighborhood compatibility meeting which was held on July 2, 2021. Four members of the public attended with 1 on Zoom. They had questions concerning the following:

- Buffers (Maintenance and Expansion)
- Parking on-street (one side only)
- Traffic concerns
- Water line on property
- Need for affordable housing

TREE BOARD – SUMMARY OF ACTION

The Tree Board considered this proposal at their meeting on July 20. The developer was in attendance. The following motion was supported unanimously:

The property owner will not cause or permit the destruction of trees where the trunk is at least 12 inches in diameter within the eleven foot buffer; any tree that will remain on site shall have the invasive vines removed; and any tree that is slated for preservation that dies within ten years shall be replaced

PLANNING BOARD - SUMMARY OF ACTION

SUMMARY OF PLANNING BOARD RECOMMENDATIONS

The Planning Board considered this application at their meeting on August 9, 2021. The history of this project and the various modifications were recapped. The specific adjustment of adding 1 additional unit and a minor increase in square footage were discussed. One member of the public spoke and in general stated that the developer had been accommodating in regards to concerns from adjacent residents. Ultimately the motion to recommend approval was supported however there was 1 recusal and 1 vote against the development. The Planning Board member voting against the project voiced concerns that the developer was stretching the project out too long, that the repeated revisions had an impact of staff time and the Planning Boards time and that it sent a bad message to residents.

PLANNING BOARD MOTION

Mr. Hanley moved the Planning Board recommend City Council adopt an ordinance amending the site plan associated with the CMU CZD zoning designation for the subject parcel (PIN 9568-77-1057) on the official zoning map of the City of Hendersonville based on the site plan submitted by the applicant and subject to the following: Permitted uses shall include multi-family residential dwellings. Conditions that shall be satisfied prior to final site plan approval include: 1) The developer use the outdoor lighting basic guidelines from the International Dark Sky Association. 2) the driveway widths shall be 12 feet and 15 feet. The driveways shall be one-way in and one -way out with the entrance being on the west side, which will subsequently add an 11-foot buffer on the eastern side and will not change the buffer on the west side. 3) The property owner will not cause or permit the destruction of trees where the trunk is at least 12 inches in diameter within the 11-foot buffer. 4) The architectural style will resemble what is depicted in the rendering submitted by the applicant including the coloring of white with black shutters...finding that the amended zoning 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: 1. The additional unit will allow for a variety of housing types close to downtown. 2. The proposed development is compatible with the area. 3. The development is in the public interest because of the need for additional housing in this part of town. 4. The site has the needed infrastructure to accommodate the additional unit. Mr. Johnson seconded the motion. The vote was 4 in favor and 1 opposed to the motion. Mr. Brown opposed.

ATTACHMENTS IN THE PACKET:

1. Neighborhood Compatibility Meeting minutes
2. Ordinance
3. Full Size Site plan
4. Survey (marked up with water line)
5. Tree Survey (marked with staff notes)
6. Application

Planning Report
 Neighborhood Compatibility Meeting
 Application for a Conditional Zoning District
 West Ave. Villas Amendment File # P21-42-CZD
 Friday, July 2, 2021 2:00 p.m.

Tyler Morrow, Planner II, convened the compatibility meeting at 2:00 pm in the Assembly Room of the City Operations Building, 305 Williams Street. Approximately three people attended in person and four City staff were in attendance. Approximately two people were on the zoom call. The following attended:

Name	Address	Name	Address
Matt Manley	staff		
Tyler Morrow	staff		
Terri Swann	staff		
Tyler Henry	staff		
Andrew Riddle, App.	Hendersonville NC		
Nenon Ujiki	115A S. Washington St.		
Martha Markham	316 1 st Ave. West Apt B		
Robert Waldrop	103 S. Washington Street		

Mr. Morrow opened the meeting explaining this is the Neighborhood Compatibility meeting for the West Ave Villas project.

This Neighborhood Compatibility meeting is the first step in the conditional zoning process. The project will now go to Planning Board and Tree Board, which are advisory boards to City Council. Planning Board and Tree Board will both make recommendations that will be reviewed by City Council. City Council is the last step in the conditional rezoning process. City Council will review the project and recommendations and make a decision on the rezoning. A property is not rezoned until it is approved by City Council.

Pre-submitted public comments for today's meeting were accepted via the City of Hendersonville website and will be addressed during this meeting. Comments can also be made during the meeting in person and through zoom by following these procedures, if commenting through participants must use the raise hand feature to make comments or ask questions. At the appropriate time, we will identify users by name and unmute you. You may need to click "participants" to see the raise hand feature. On the telephone, you must press star-9.

If you are in the room and would like to speak, please make yourself known and we will direct you up to the podium.

Before you speak, please state your name and address to be included in the record.

Mr. Morrow stated the subject property is currently CMU CZD, or Central Mixed Use Conditional Zoning district. A rezoning on this property was approved by City Council in August of 2020. Since this was a conditional rezoning, the subject property was limited to a site plan and a particular use.

This is the site plan that was approved by City Council in August of last year. The applicant has requested to make changes to the approved site plan, and this has triggered the project coming back through the Conditional Zoning process. City Council approved multi-family as the permitted use for this project. They also placed four conditions on the approval. Mr. Morrow went through those conditions which were:

1. The architectural style that will resemble what is depicted in the rendering submitted by the applicant including the coloring of white with black shutters.
2. The property owner will not cause or permit the destruction of trees where the trunk is at least 12 inches in diameter within the 11-foot buffer.
3. The driveway widths shall be 12 feet and not 15 feet. The driveways shall be one-way in and one-way out with the entrance being on the west side, which will subsequently add an 11-foot buffer on the eastern side and will not change the buffer on the west side.
4. The developer use the outdoor lighting basic guidelines from the International Dark Sky Association.

The applicant is proposing to make an amendment to the current conditional zoning district. If approved by City Council the zoning district for the property would still be CMU CZD, Central Mixed Use Conditional Zoning District. The site plan shows two quad plex buildings and one garage structure. Each quad plex building is proposed to be enlarged, totaling 1,912 square feet each. The applicant is also proposing to add one additional garage unit. The applicant was approved for two garage units by City Council and now he is requesting three. The footprint of the garage structure will not change. The applicant has also tried to address some of the conditions placed by council on the original rezoning with this new site plan, such as the one way in and out layout as well as increase the buffer and lowering the road width.

Staff has not started their formal review of the plan for zoning compliance. This will occur between today's meeting and Planning Board.

If approved, the development would be limited to what is shown on the approved plan which includes the use of the property.

Following the developer's presentation, you will be able to question the developer about points which remain unclear. Questioning shall center on the proposal's compatibility as presented, not the question of whether the site should be developed, or its use changed. We will identify speakers in order and unmute you.

Before you speak, please give your name and address for the record. Minutes of this meeting will be forwarded to the Planning Board and City Council.

One pre-submitted public comment was received from Ronnie Redden, 336 1st Avenue West. His comment is below:

Good day. I have concerns about recycling bins left on the street and on-street parking. I have the following recommendations. Have the Public Works Department unload all recycling and garbage bins at the rear of the Villas. Also have on-street parking only on one side of the street because if vehicles are across from each other it pinches traffic to one lane. Thank you for listening to these concerns.

Andrew Riddle, developer apologized for having to come back for these changes. They are trying to narrow down what the market is looking for. Concerning Mr. Redden's concerns, the garbage will be deposited in a dumpster on-site and there will not be any cans along the street. There are actually two changes being made. One change is he has added a garage apartment which will have no change to the footprint of the building. They are still meeting the ordinance requirements for parking. The apartment is 768 square feet. The second change is they are extending the buildings from north to south by five feet. The extension is five feet to the south and will be toward the garage apartments. He has looked at modular buildings and stick-built buildings and it is more cost efficient for the modular which will result in the extension of the buildings.

Mr. Morrow opened up the public comment.

Robert Waldrop, 103 S. Washington Street stated they own the house at the corner of 1st Avenue and Washington Street. They own it under a family association. The house was built in 1881 and purchased in 1884 by their family. The home is on the National Historic Register. He is glad to see the narrow drive on the site plan. He would also like to see the existing evergreen buffer increased. They would like a 15-foot buffer compared to the approved 11-foot buffer. He is not sure if there is an actual survey for the property and where the property line falls. Mr. Riddle stated he had a survey done about 1 ½ years ago. He has waked the property line and pulled the footage on the setbacks. He does have a survey. Mr. Waldrop stated until he sees an actual property line marked, he does not know where the property line is. The buffer is currently 11 feet and they would like to see a 15-foot buffer.

Mr. Waldrop asked if there would be 11 units and 18 parking spaces. Mr. Riddle stated yes. Mr. Waldrop also stated he strictly supports parking on only one side of the street. He asked Mr. Riddle if he has decided on stick-built or modular. Mr. Riddle stated not yet.

Nenon Ujiki, 115 S. Washington Street stated she has been to three of these meetings and she has three concerns. One concern is the maintenance of the buffer, the next concern is the population density in the rear of the property and the third issue is the parking. The Boutique Hotel that has been proposed will greatly increase the parking in the area. She has already posted a “no parking” sign on her property at her driveway due to having people park there and block her in. She stated she does agree with the six issues Helen Waldrop Youngblood wrote in her previous letter concerning this project. The letter was dated February 6, 2020. She stated she loves trees and nature, but they do need to consider the safety factor also.

Ms. Ujiki showed photos of the trees and stated she is concerned that some of these trees will fall on her property. She discussed the walnut tree being removed. She stated she would like to have the weeds removed from the buffer and is willing to work with Mr. Riddle on the property line to make a nice buffer.

Mr. Riddle stated they do have a history of working together and he would work with her to make the buffer look nice. He was not sure about the walnut tree, but he thought it was at her request to take it down.

Martha Markham, 316 1st Avenue West stated she lives in an apartment, owned by Matt Johnes and she is very upset about the waterline and how there has been no discussion about having access to the waterline. She was afraid that her water would be cut, and she doesn’t want to wake up and not have any water. Matthew Manley, Planning Manager stated he was unaware about the waterline but that should be a public waterline and he will talk with the Water Department about this. Mr. Riddle stated there has been some discussion about a galvanized waterline that runs through the property and he assumes it is a private line.

Mr. Manley stated he will talk with the Water Department staff concerning this waterline. He stated Ms. Markham does not have to worry, they will not just cut her water off. He will get her contact information after the meeting and he will get some answers for her. He stated staff will have to review this project and they are not at that stage yet. Any issues with water lines will be resolved during the review process with the other departments. He stated he does not want her to be worried or upset and she will not have to worry about any cost coming to her for any issues this waterline may have. There may not even be an issue with the line. He will get some answers for her.

Ms. Markham asked if this should not have been addressed back in 2020 when it first was approved by City Council. Mr. Manley stated it did not get that far in the process since changes were made and it had to start the process over again. This would not be officially addressed until after a City Council approval. Mr. Manley will look into the issue now that he has been made aware of it.

Mr. Waldrop stated the letter Ms. Ujiki referred to was written by his sister Helen Waldrop Youngblood and she is not a realtor. She is a retired Zoning Officer. He also stated the walnut tree was struck by a microburst which caused it to have to be taken down.

Mr. Morrow asked if anyone else attending would like to speak. No one spoke.

Zoom call: Ken Fitch, 1046 Patton Street, stated he would like clarification that this is an amendment to an application that was previously approved and if this amendment does not get approval can the applicant revert back to the first approval. Mr. Morrow stated yes, the previous approval will remain in place.

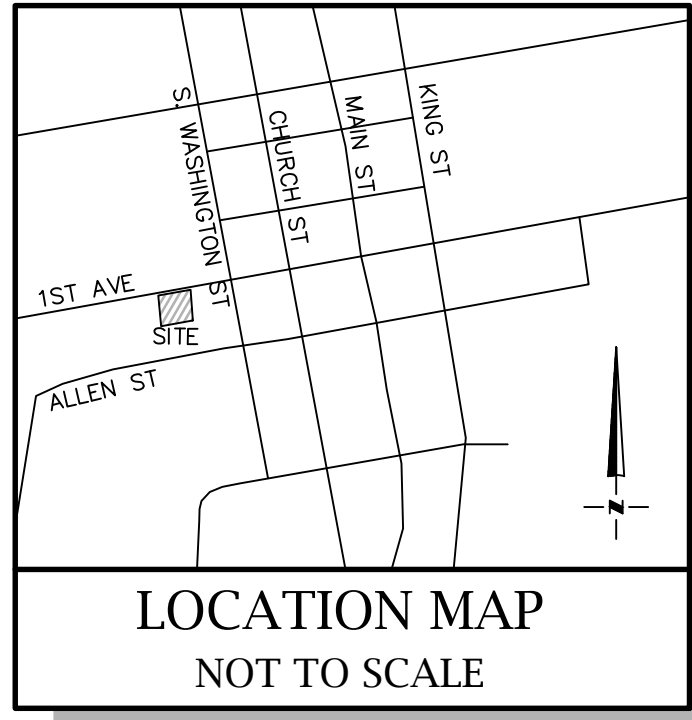
Mr. Fitch asked if they are expanding the building in size, which will move the buildings closer together. Mr. Riddle stated yes, he is expanding in size and it will close the gap between the two buildings. Mr. Fitch stated this does not change the occupancy of the building. Mr. Riddle stated no.

Ms. Ujiki asked about it being stated at the January 2020 meeting that the tenants would be snowbirds and she felt like this would be better if it was affordable housing. She is a proponent of affordable housing and felt like the locals needed it. Mr. Riddle stated he tried to get affordable housing with his first proposal. He proposed 18 units at \$800 a month to meet the affordable housing crisis and that was shot down by the neighbors.

Mr. Morrow stated the next step is the Planning Board which is an advisory board to City Council. That meeting will be in August. City Council would hear the application in September. That timeframe could change.

Mr. Morrow asked if anyone else would like to comment. No other comments were made.

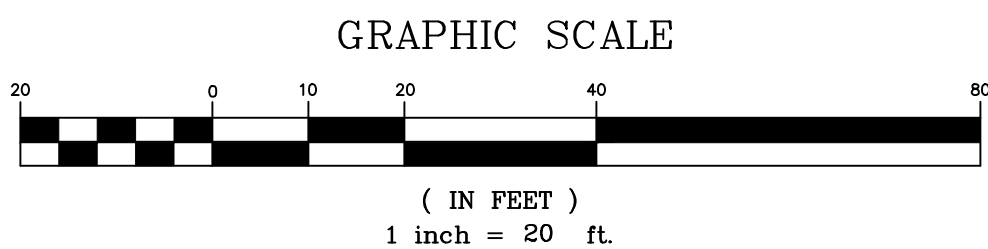
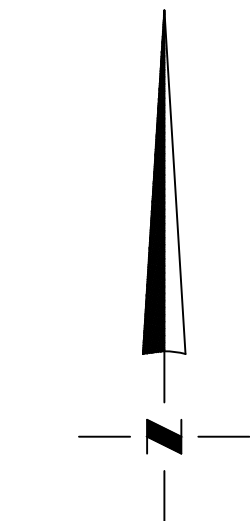
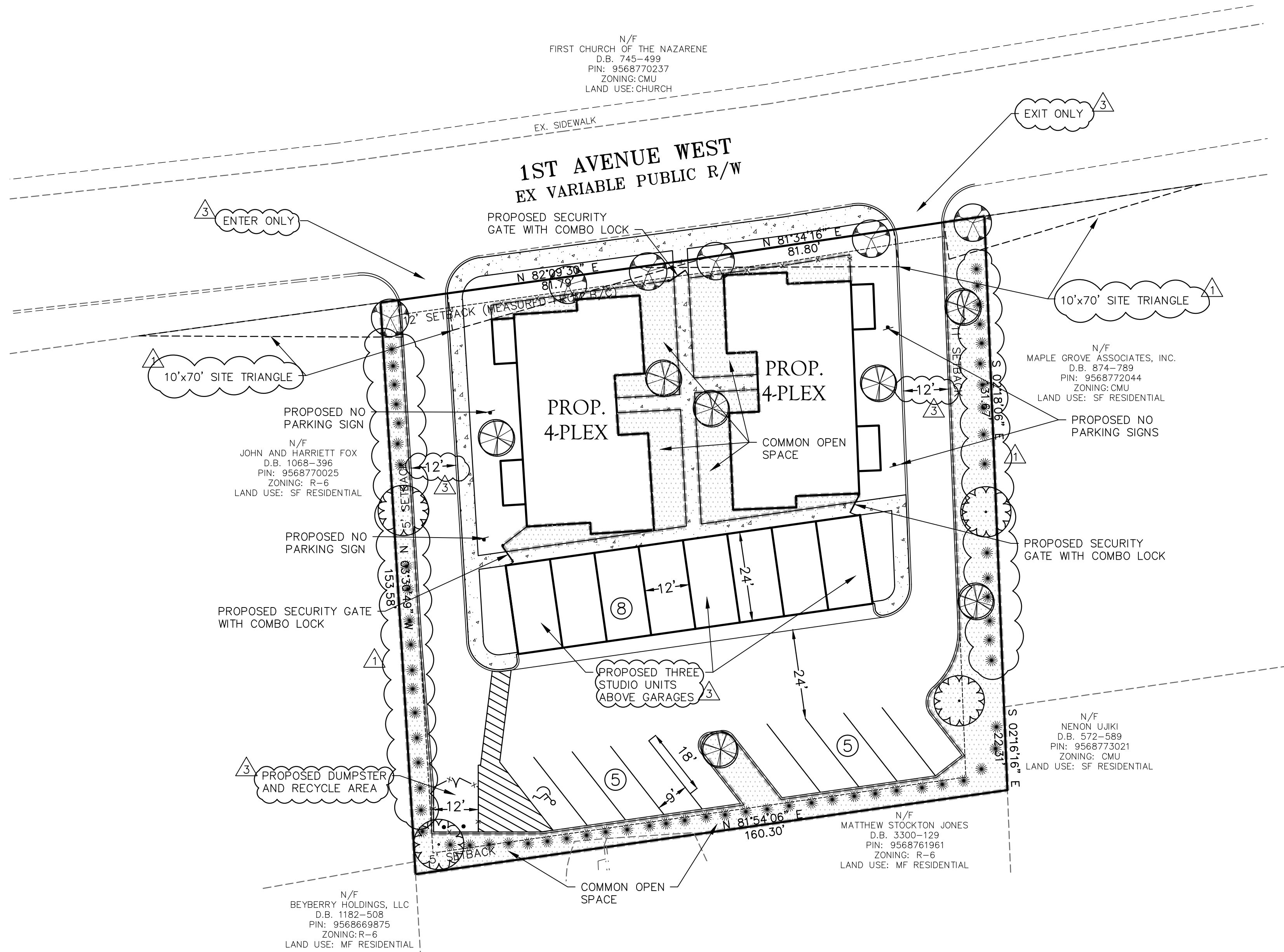
With no further comments or questions, Mr. Morrow closed the meeting at 2:43 pm.



- DEVELOPMENT NOTES:**
- COMMON OPEN SPACE**
1. DOCUMENTATION SHALL BE PROVIDED PRIOR TO FINAL SITE PLAN APPROVAL FOR ONGOING MAINTENANCE OF COMMON FACILITIES.
- STORMWATER MANAGEMENT**
1. STORMWATER APPROVAL FROM THE CITY ENGINEERING DEPARTMENT IS REQUIRED PRIOR TO FINAL SITE PLAN APPROVAL.
2. EROSION CONTROL APPROVAL IS REQUIRED FROM HENDERSON COUNTY PRIOR TO FINAL SITE PLAN APPROVAL.
- UTILITIES**
1. UNITS TO HAVE INDIVIDUAL WATER METERS.
2. SANITARY SEWER TO BE A SINGLE CONNECTION.

LAND OWNER:	RIDDLE DEVELOPMENT, LLC 732 JONESBOROUGH ST HENDERSONVILLE, NC 28739
PIN:	9568771057
JURISDICTION:	HENDERSONVILLE
DEED BOOK & PAGE:	3131 / 595
TOTAL SITE ACREAGE:	0.57 AC (24,766 SF)
CURRENT ZONING:	R-6
PROPOSED ZONING:	CMUCZD
EXISTING USE:	VACANT
PROPOSED USE:	MULTI-FAMILY (APARTMENTS)
TOTAL UNITS:	11
FRONT SETBACK:	12'
-MEASURED FROM BACK OF CURB	
SIDE YARD SETBACK (WEST):	5'
SIDE YARD SETBACK (EAST):	11'
REAR YARD SETBACK:	5'
REQUIRED PARKING:	11
-1 SPACE PER EACH DWELLING UNIT	
PROPOSED PARKING:	18
-H.C. VAN ACCESSIBLE PARKING:	1
OPEN SPACE REQUIRED:	
-PROPOSED DWELLING UNITS:	11
-REQUIRED MINIMUM OPEN SPACE (500 SF PER DU):	5,500 SF
(HATCHED AREA INDICATES COMMON OPEN SPACE)	
-PROPOSED OPEN SPACE:	5,500 SF
-PROPOSED ASPHALT:	±9,000 SF
-PROPOSED SIDEWALK:	±1,120 SF
(HATCHED AREA INDICATES COMMON OPEN SPACE)	
REQUIRED TREES:	11
-1 TREE PER 500 SF OF OPEN SPACE	
PROVIDED TREES:	11
PROPOSED BUILDING HEIGHT:	25'
PROPOSED BUILDING AREA:	1,912 SF (EACH APT BLDG) 2,304 SF (GARAGE/STUDIO BLDG) 6,128 SF (TOTAL) (24.74% OF TOTAL SITE AREA)

DEVELOPMENT SUMMARY



Mc²
ENGINEERING

Mc² ENGINEERING, INC.
2110 BEN CRAIG DR., STE. 400
CHARLOTTE, NC 28262
PHONE 704.510.9797

PROPOSED DEVELOPMENT:
WEST AVENUE VILLAS

DEVELOPED BY:
RIDDLE DEVELOPMENT, LLC
732 JONESBOROUGH ST
HENDERSONVILLE, NC 28739

LANDOWNER:
RIDDLE DEVELOPMENT, LLC
732 JONESBOROUGH ST
HENDERSONVILLE, NC 28739

SCHEMATIC SITE PLAN

REVISIONS		
1	1/28/20	HENDERSONVILLE COMMENTS
2	6/11/20	OWNER REVISION
3	6/28/21	SETBACK CHANGES

CAD FILE: 19-037 REZN.DWG
PROJECT NO.: 19-037
DESIGNED BY: JDM
DATE: JANUARY 2, 2020

RZ1.0

NORTH CAROLINA
HENDERSON COUNTY

I, _____ REVIEW OFFICER
OF HENDERSON COUNTY, CERTIFY THAT THE MAP OR
PLAN TO WHICH THIS CERTIFICATION IS AFFIXED
MEETS ALL STATUTORY REQUIREMENTS FOR
RECORDING

REVIEW OFFICER _____ DATE _____

NORTH CAROLINA
HENDERSON COUNTY

THIS INSTRUMENT WAS FILED FOR REGISTRATION THIS
THE _____ DAY OF _____ 2016
AT _____ O'CLOCK
IN PLAT NUMBER _____

REGISTER OF DEEDS _____

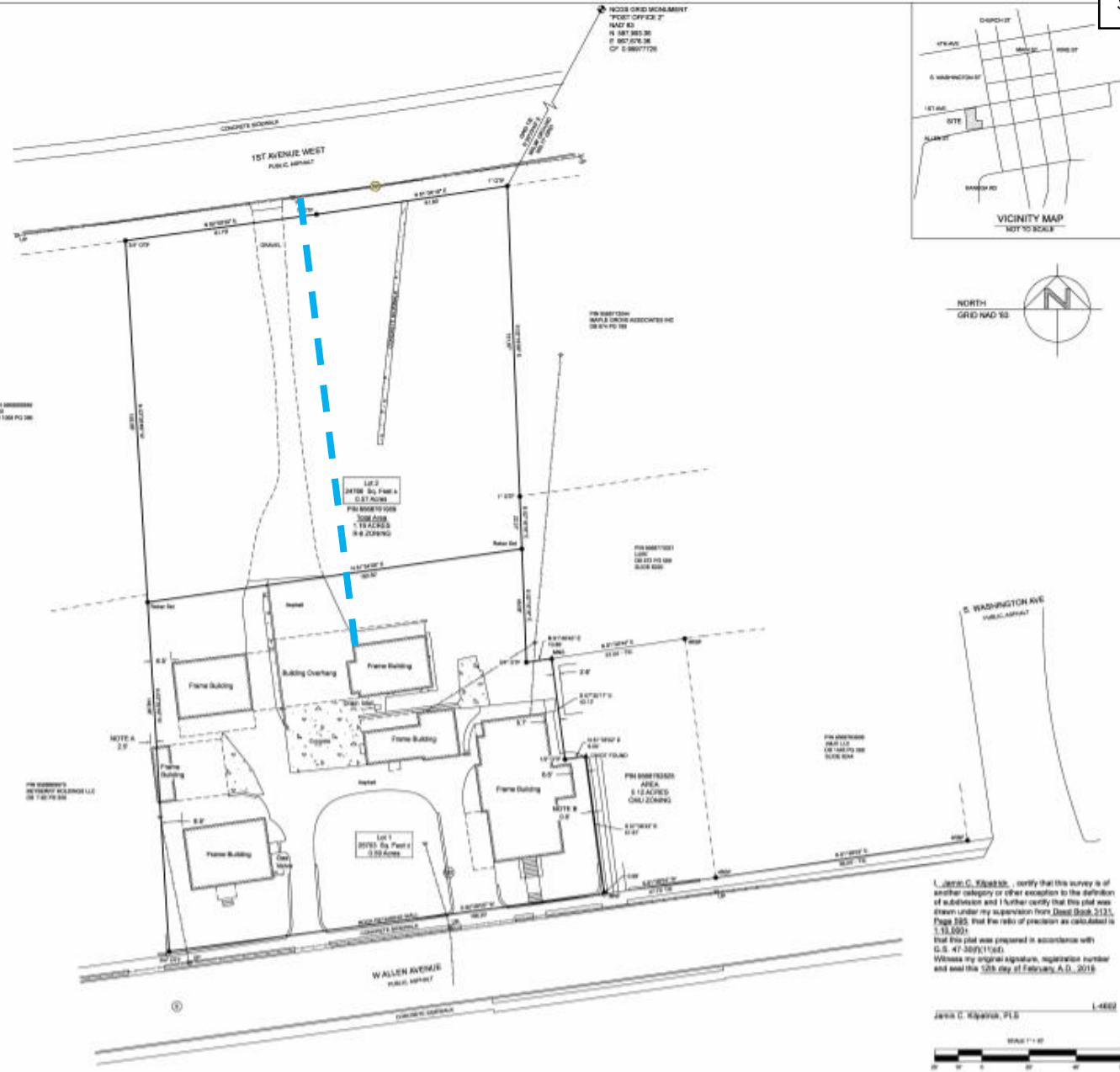
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NOTES

1. SURVEY PROPERTY 1.50 TO 10.00 ACRES MAY BE USED FOR ANY PURPOSE.
2. ORIGINAL DOCUMENT SURVEY COMPLETED ON MARCH 5, 2011. THIS SURVEY IS TO SUPERSEDE PREVIOUS
3. THIS PROPERTY IS NOT LOCATED IN AN UNPLATTED AREA AND IS NOT BOUND BY THE FLOODING
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I, J. J. Kipars, P.L.S., certify that this survey is of
another category or other exception to the definition
of subdivision and I further certify that this plat was
drawn under my supervision from David D. Kipars, P.L.S.,
Page 285, that the ratio of precision as calculated is
1:11,691.
that this plat was prepared in accordance with
G.S. 47-38(b)(1)(b).
Witness my original signature, registration number
and seal this 15th day of February, A.D., 2016.



LAND SURVEYING PLLC

PO BOX 2704, HENDERSONVILLE, NC 27534-0274

919-896-4117 www.kipars.com

RIDDLE DEVELOPMENT, LLC

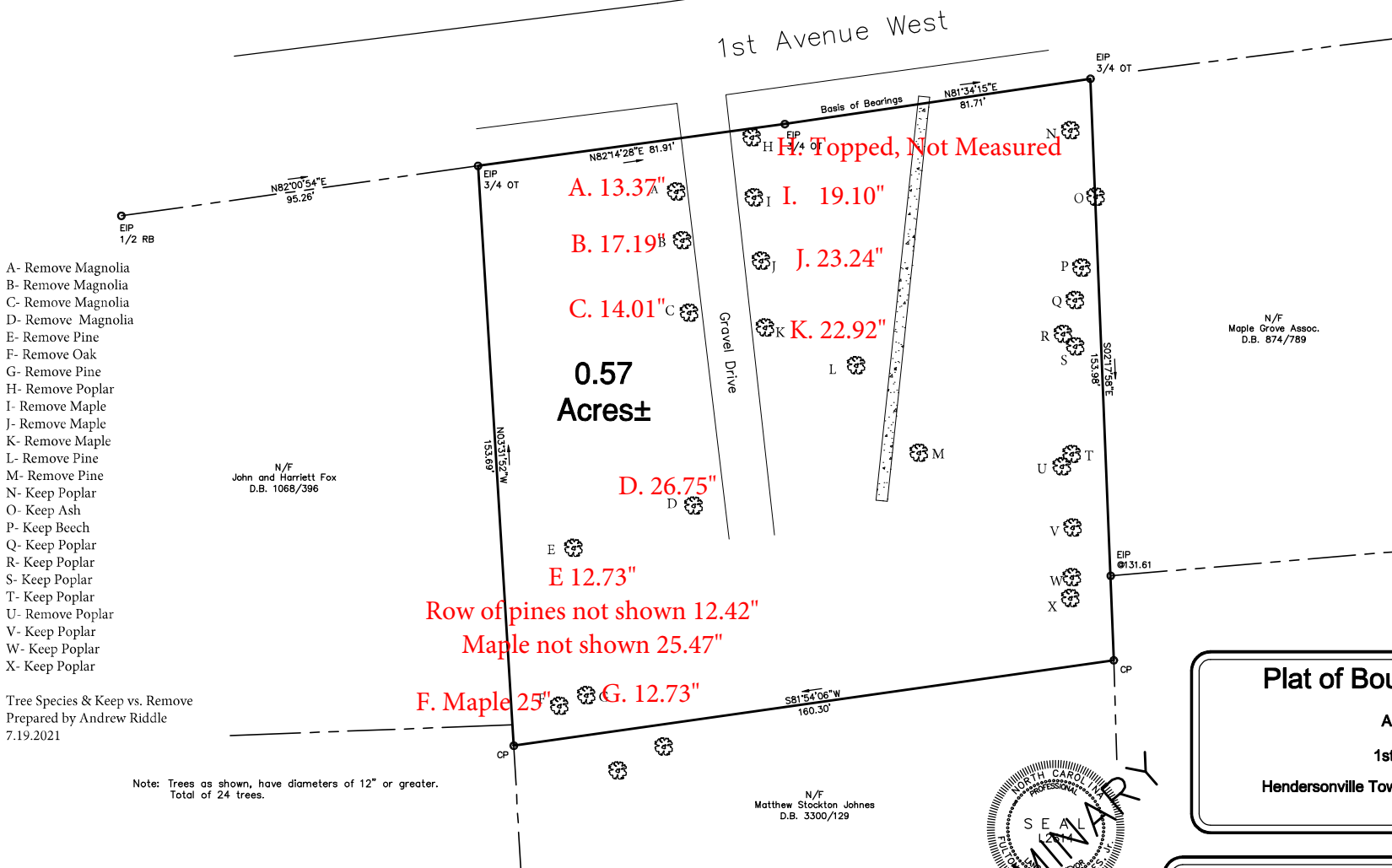
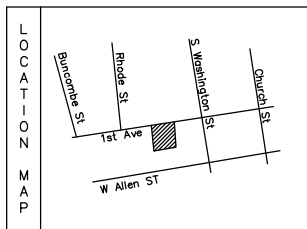
CURRENT OWNER: RIDDLE DEVELOPMENT LLC

City of Hendersonville, Hendersonville, Tennessee
Henderson County, North Carolina

PH 580071-1658

SUBDIVISION OF PROPERTY FOR

Date: 8 MARCH 2017
Drawn By: JCH
Scale: 1" = 30'
Revision: 02-12-16
Dwg No: G-17-366



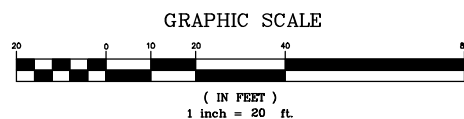
Tree Species & Keep vs. Remove
Prepared by Andrew Riddle
7.19.2021

Note: Trees as shown, have diameters of 12" or greater.
Total of 24 trees.

Not For Recordation

The original drawing and/or all copies of it are not transferable to any future owner(s) of the platted property and shall not be used or relied upon by future owner(s) and/or their representatives for any reason without written release by the professional surveyor.

This is to certify that the property shown on this plat was surveyed under my direct supervision. Property lines and improvements are located correctly and that no visible encroachments exist unless otherwise shown.



Not valid without the signature
and the original seal of a North Carolina
licensed land surveyor.

Plat of Boundary Survey for

Andrew Riddle

1st Avenue West

Hendersonville Township, Henderson County, N.C.

**FREELAND - CLINKSCALES
& ASSOCIATES, INC. OF N.C.**
ENGINEERS * LAND SURVEYORS
201 2nd AVE. EAST
HENDERSONVILLE, N.C. 28792
fcaofnc@outlook.com
(828) 697-6539
Fax (828)-697-4195
Firm No. C-1562

REF. PLAT BOOK	2019/11633
REF. DEED. BOOK	3131/595
TAX MAP	9568-77-1057
PARTY CHIEF	FVC
DRAWN	BLB
DATE	January 27, 2020
DWG.NO.	



**CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT**

100 N. King Street ~ Hendersonville, NC ~ 28792

Phone (828) 697-3010 ~ Fax (828) 697-6185

www.cityofhendersonville.org

APPLICATION FOR CONDITIONAL ZONING DISTRICT AMENDMENT

Section 7-6-3 City Zoning Ordinance

The following are required to amend a Conditional Zoning District:

~ This form including the property owner(s) signature(s)

~ Appropriate fee

~ 2 copies of the amended site plan.

Date

6.22.2021

Name of Project

First Ave Villas

Address / Location of Property

Vacant Land on First Avenue

List 10 digit PIN or 7 digit PID Number for each property

9568771057

Contact Information

Andrew Riddle 828.243.3610

Address

P.O. Box 1025 Flat Rock, NC 28731

Phone

828.243.3610

Fax

Email

andrew@riddledevelopment.com

**Proposed change(s)
to Conditional
Zoning District**

Add one apartment above the garages for a total of three versus two. Add 350 square feet to the footprint of each quadplex building.

Designated Agent

Andrew Riddle

Address

Same

Phone

828.243.3610

Signature

Official Use:

DATE RECEIVED: 6/25/21

BY Terri Swann

FEE RECEIVED \$ 175.00

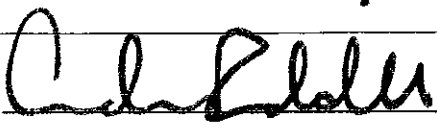
FILE NO. P21-42-CZD

Signature of the property owner acknowledges if the amendment to the Conditional Zoning District is approved. The property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

Property Owner: Name	Riddle Development, LLC
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Address	P.O. Box 1025 Flat Rock NC 28731
---------	----------------------------------

PID or PIN	9568771057
------------	------------

Signature  Managing Director

Printed Name Andrew Riddle

Property Owner: Name	
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Address	
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PID or PIN	
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Signature _____

Printed Name _____

Property Owner: Name	
----------------------	--

Address	
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PID or PIN	
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Signature _____

Printed Name _____

Property Owner: Name	
----------------------	--

Address	
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PID or PIN	
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Signature _____

Printed Name _____



StarNews | The Dispatch | Times-News
Sun Journal | The Daily News | The Star
The Free Press | Gaston Gazette

Order Confirmation

Not an Invoice

Section 7, Item E.

Account Number:	488558
Customer Name:	City Of Hendersonville
Customer Address:	City Of Hendersonville 160 6Th AVE E City Clerk Hendersonville NC 28792-3775
Contact Name:	Angela Reece
Contact Phone:	828-697-3005
Contact Email:	areece@hvlnc.gov
PO Number:	PH 9/2/21

Date:	08/11/2021
Order Number:	6172232
Prepayment Amount:	\$ 0.00

Column Count:	1
Line Count:	153.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
HEN Times-News	2	08/22/2021 - 08/29/2021	Public Notices
HEN blueridgenow.com	2	08/22/2021 - 08/29/2021	Public Notices

Total Order Confirmation	\$41.72
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Ad Preview

Section 7, Item E.

PUBLIC HEARING NOTICE
Notice is hereby given that the

Notice is hereby given that the City of Hendersonville City Council will hold four public hearings on Thursday, September 2, 2021, at 5:45 p.m., in the City Operations Assembly Room located at 305 Williams Street, Hendersonville NC to consider the following:

I. Annexation Petition -
South Allen Road PIN: 9588-
11-9994 (P21-40-ANX)- Applica-
tion from Peggy C. Cabe, Enna
F. Camenzind, Paula Camenzind,
Robert O. Camenzind, Joan C. Fleming petition
requesting annexation of the
satellite area described as PIN
9588-11-9994 located on S. Allen
Road that is approximately
32.66 acres.

11. Annexation Petition -
Monroe Drive and 2115 N.
Stoney View Court (P21-43-
ANX)- Application from Larry
and Mary Maitland for contigu-
ous annexation of PINs 9569-46-
0920 and 9569-46-1849 located on
Monroe Drive and N. Stoney
View Court that is approxi-
mately 0.63 acres.

III. Conditional Zoning District Amendment - West Avenue Villas (P21-42-CZD) Application from Andrew Riddle of Riddle Development, Inc. of Hendersonville, NC. The Council voted to approve the original conditional zoning district of their August 6th, 2020 meeting. The amendment is to add one additional apartment above the garage for a total of 2 apartments. The 2 apartments that were approved by City Council. The previously approved Conditional Zoning District was approved for 10 units, the applicant is requesting for 12 units. The applicant is also requesting to adjust the approved square footages of the structures.

W. Zoning Text Amendment –
Small-Scale Manufacturing
(P21-41-ZTA) - The addition of
the small-scale manufacturing as
permitted use subject to
supplementary standards in
the C-1, Central Business
District, C-2, Secondary Busi-
ness, C-3, Highway Business,
C-4, Community Mixed Use,
GMMU, Gravelly Highway
Mixed Use, CHMU Commercial
Highway Mixed Use and
HMU, Highway Mixed Use
Districts. The addition of the
definition of small-scale manu-
facturing in Article XVI, Chap-
ter of Terms; Section 12-2-1.
Definition of Commonly Used
Terms and Words. The addi-
tion of supplementary stan-
dards in Article XVI, Supple-
mentary Standards for Certain
Uses, Section 16-1-1, Non-

NOTICE IS HEREBY GIVEN that some Hendersonville City Council Members may participate remotely in these hearings at the above designated time/day/place and via Zoom with the information below.

Digital/written public hearing comments will be accepted until twenty-four hours prior to the scheduled public hearing and will be accepted during the meeting 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. Anyone wishing to submit written/digital public comment for this public hearing prior to the meeting may visit

<https://www.hendersonvillenc.gov/comment> to submit their comment.

Digital/written public hearing comments must be received

meeting (by 5:45 p.m. on
Wednesday September 1st) to

be considered by the City Council and must comply with security criteria in the Court

security criteria in the Council's Public Comment Policy, available on the City's website

by <https://www.hendersonvillenc.gov/public-comment> visiting

The meeting instructions to join by Zoom will be available on the City's website.

on the City's website by visiting
<https://www.hendersonvillenc.org>

ov/events-calendar and as follows:

Zoom information for the meeting is:
<https://zoom.us/j/95746846396?>

pwd=YmIXdXdHcIRFVIM2VE
lqcEVwT1ZLZz09#success
Dial-in by phone: (646) 558-8656

Meeting ID: 957 4684 6396
Passcode: 28792

Contact information for the City Clerk, Angela Reece, is:

160 6th Avenue East, Hendersonville, NC 28792;
ssssss@hulcs.net; (928) 483-

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 697-3000 no
later than 24 hours in advance

8/22, 8/29/2021 6172233

PUBLIC HEARING NOTICE

Notice is hereby given that the City of Hendersonville City Council will hold four public hearings on Thursday, September 2, 2021, at 5:45 p.m., in the City Operations Assembly Room located at 305 Williams Street, Hendersonville NC to consider the following:

- I. **Annexation Petition –0 South Allen Road PIN: 9588-11-9994 (P21-40-ANX)-** Application from Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming petition requesting annexation of the satellite area described as PIN 9588-11-9994 located on S. Allen Road that is approximately 32.66 acres.

- II. **Annexation Petition –0 Monroe Drive and 2115 N Stoney View Court (P21-43-ANX)–** Application from Larry and Mary Maitland for contiguous annexation of PINs 9569-46-0920 and 9569-46-1849 located on Monroe Drive and N. Stoney View Court that is approximately 0.53 acres.

- III. **Conditional Zoning District Amendment – West Avenue Villas (P21-42-CZD) -** Application from Andrew Riddle of Riddle Development, LLC. The Hendersonville City Council voted to approve the original conditional zoning district at their August 6th, 2020 meeting. The amendment is to add one additional apartment above the garage for a total of 3 apartments instead of the 2 apartments that were approved by City Council. The previously approved Conditional Zoning District was approved for 10 units, the amendment is for a total of 11 units. The applicant is also requesting to adjust the approved square footages of the structures.

- IV. **Zoning Text Amendment – Small-Scale Manufacturing (P21-41-ZTA) -** The addition of small-scale manufacturing as a permitted use subject to supplementary standards in the C-1, Central Business District, C-2, Secondary Business, C-3, Highway Business, CMU, Central Mixed Use, GHMU, Greenville Highway Mixed Use, CHMU Commercial Highway Mixed Use and HMU, Highway Mixed Use Districts. The addition of the definition of small-scale manufacturing in Article XII, Definition of Terms; Section 12-2, Definition of Commonly Used Terms and Words. The addition of supplementary standards in Article XVI, Supplementary Standards for Certain Uses; Section 16-4, Standards.

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public comment for this public hearing prior to the meeting may visit <https://www.hendersonvillenc.gov/comment> to submit their comment.

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The meeting instructions to join by Zoom will be available on the City's website by visiting <https://www.hendersonvillenc.gov/events-calendar> and as follows:

Zoom information for the meeting is:

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

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

Meeting ID: 957 4684 6396

Passcode: 28792

Contact information for the City Clerk, Angela Reece, is: 160 6th Avenue East, Hendersonville, NC 28792; areece@hvlnc.gov; (828) 697-3000.

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Run two times: Sunday, August 22, 2021
Sunday, August 29, 2021

LIST OF USES AND CONDITIONS

Name/Address: West Avenue Villas (No Address)

File #: (File # P20-01-CZD)

PIN#: (PIN# 9568-77-1057)

1. STIPULATED USES:

Only the following uses are authorized for the referenced development:

- a) Residential dwellings, multi-family

2. CONDITIONS:

- a) **Shall be attached to the conditional rezoning and satisfied prior to issuance of final Site Plan approval:**

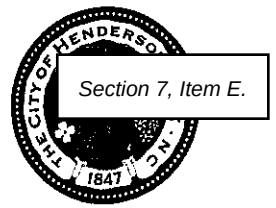
City-Initiated Conditions:

- 1) The developer use the outdoor lighting basic guidelines from the International Dark Sky Association.
- 2) The driveway widths shall be 12 feet and not 15 feet. The driveways shall be one-way in and one-way out with the entrance being on the west side, which will subsequently add an 11-foot buffer on the eastern side and will not change the buffer on the west side.
- 3) The property owner will not cause or permit the destruction of trees where the trunk is at least 12 inches in diameter within the 11-foot buffer.
- 4) The architectural style will resemble what is depicted in the rendering submitted by the applicant including the coloring of white with black shutters.

- b) **Shall be attached to the conditional rezoning:**

- 1) 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.

City of Hendersonville Community Development Department
100 N. King Street Hendersonville, NC 28792
(828) 697-3010



With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to the imposition of all conditions stated.

Applicant:

Riddle Development LLC: Andrew Riddle

Printed Name: ANDREW RIDDLE

Title within LLC: MANAGING DIRECTOR

Property Owner:

Riddle Development LLC: Andrew Riddle

Printed Name: ANDREW RIDDLE

Title within LLC: MANAGING DIRECTOR



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Lew Holloway, Community Development Director

MEETING DATE: September 2nd, 2021

AGENDA SECTION: Public Hearing

DEPARTMENT: Community Development

TITLE OF ITEM: Addition and Definition of Small Scale Manufacturing with Supplementary Standards to C-1, C-2, C-3, CMU, GHMU, HMU and CHMU (P21-41-ZTA)

SUGGESTED MOTION(S):

I move that City Council continue this public hearing until Thursday, October 7, at 5:45 p.m., or as soon thereafter as it may be heard, at the City Ops Center, at 305 Williams St, Hendersonville, NC 28792.

SUMMARY:

Community Development staff initiated a conversation about the addition of “Small Scale Manufacturing” as an allowed use in zoning districts associated with our downtown, boulevards and major thoroughfares following a series of inquiries from small business owners and other measures of project interest. Staff first brought the proposed use to the Downtown Advisory Board for review and recommendation, followed by a two round review by the Planning Board. The proposed definition and associated supplementary standards for “Small Scale Manufacturing” are the end result of those conversations.

The definition alongside the supplementary standards provide for additional compatible uses within these districts not currently permitted. Examples include artisan craft producers, outdoor gear builders, cooperative spaces or business incubators and technology product developers. Much like the addition of Microbreweries (after which Small Scale Manufacturing was modeled) helped fill vacant spaces and activate otherwise difficult spaces, the Downtown and Planning Boards believe this new use will contribute positively to the vibrancy of the targeted zoning districts.

The Planning Board needs to adopt a comprehensive plan consistency statement and written recommendation to the City Council; therefore staff recommends that the public hearing be opened and then continued until the October 7, 2021 meeting so that City Council can receive the recommendation and consistency statement from the Planning Board at that time.

PROJECT/PETITIONER NUMBER:	P21-41-ZTA
-----------------------------------	------------

PETITIONER NAME:	City of Hendersonville
ATTACHMENTS:	1. Proposed Amendments of the City of Hendersonville Zoning Ordinance 2. Ordinance to Amend the City of Hendersonville Zoning Ordinance with the definition and addition of Small Scale Manufacturing with Supplementary Standards.

ARTICLE V ZONING DISTRICT CLASSIFICATIONS

Section 5-6 C-1 Central Business Zoning District Classification

5-6-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

Section 5-7 C-2 Secondary Business Zoning District Classification

5-7-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

Section 5-8 C-3 Highway Business Zoning District Classification

5-8-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

Section 5-19 CMU Central Mixed Use Zoning District Classification

5-19-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

Section 5-22 GHMU Greenville Highway Mixed Use Zoning District Classification

5-22-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

Section 5-23 HMU Highway Mixed Use Zoning District Classification

5-23-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

Section 5-27 CHMU Commercial Highway Mixed Use Zoning District Classification

5-27-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

ARTICLE XII DEFINITION OF TERMS

Section 12-2 Definition of Commonly Used Terms and Words

Small Scale Manufacturing: The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noxious noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building where such assembly fabrication, or processing takes place. And where such processes are housed entirely within a building. And where such processes do not require frequent

shipping and receiving activities by a truck rated Class 8 or above in the Federal Highway Administration's vehicle class system.

ARTICLE XVI SPECIAL REQUIREMENTS SUPPLEMENTARY STANDARDS FOR CERTAIN USES

Section 16-4 Standards

16-4-30 SMALL SCALE MANUFACTURING

- a) The front of the building at street level shall remain open and visible from the sidewalk with a view of the activities inside; and
- b) A showroom, display area, or sales area shall be provided.
- c) Outdoor storage of goods and materials shall not be permitted in zoning district classifications C-1, CMU, GHMU, HMU & CHMU.
- d) Outdoor storage of goods and materials shall not exceed 25% of the total footprint of all buildings on the property in zoning district classifications C-2 & C-3.
- e) Newly constructed shipping and receiving facilities shall be designed such that they are internal to the site, in service alleys or at the back of the building.
- f) Shipping and receiving needs shall not exceed the equivalent of (1) FHWA Class 8 truck per week.
- g) Reuse of an existing building shall not exceed 20,000 square feet of building floor space.
- h) New construction shall not exceed 10,000 square feet of building floor space.

Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND ARTICLE 5 - ZONING DISTRICT CLASSIFICATIONS: SECTION 5-6-1, SECTION 5-7-1, SECTION 5-8-1, SECTION 5-19-1, SECTION 5-22-1, SECTION 5-23-1, SECTION 5-27-1; ARTICLE 12 - DEFINITION OF TERMS: SECTION 12-2; ARTICLE 16 - SUPPLEMENTARY STANDARDS FOR CERTAIN USES: SECTION 16-4 OF THE CITY OF HENDERSONVILLE ZONING ORDINANCE TO ADD AND DEFINE SMALL SCALE MANUFACTURING TO ZONING DISTRICT CLASSIFICATIONS C-1, C-2, C-3, CMU, GHMU, HMU AND CHMU.

WHEREAS, the City of Hendersonville’s Downtown Advisory Board and Planning Board have reviewed and recommended for adoption a zoning text amendment adding and defining Small Scale Manufacturing to the City of Hendersonville Zoning Ordinance; and

WHEREAS, City Council desires to promote the efficient use and reuse of commercial space within City limits by permitting compatible development and redevelopment; and

WHEREAS, City Council desires to promote a diverse local economy which promotes and supports small business job creation; and

WHEREAS, the addition of Small Scale Manufacturing as a use represents a response to changing trends and opportunities within manufacturing and economic development in the City of Hendersonville.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Article 5 – Zoning District Classifications: Section 5-6-1, Section 5-7-1, Section 5-8-1, Section 5-19-1, Section 5-22-1, Section 5-23-1 Section 5-27-1; Article 12 – Definition of Terms: Section 12-2; Article 16 – Supplementary Standards for Certain Uses: Section 16-4 of the City of Hendersonville Zoning Ordinance shall be amended to add and define small scale manufacturing to Zoning District Classifications C-1, C-2, C-3, CMU, GHMU, HMU, and CHMU as follows:

ARTICLE V ZONING DISTRICT CLASSIFICATIONS

Section 5-6 C-1 Central Business Zoning District Classification

5-6-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

Section 5-7 C-2 Secondary Business Zoning District Classification

5-7-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

Section 5-8 C-3 Highway Business Zoning District Classification

5-8-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

Section 5-19 CMU Central Mixed Use Zoning District Classification

5-19-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

Section 5-22 GHMU Greenville Highway Mixed Use Zoning District Classification

5-22-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

Section 5-23 HMU Highway Mixed Use Zoning District Classification

5-23-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

Section 5-27 CHMU Commercial Highway Mixed Use Zoning District Classification

5-27-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

ARTICLE XII DEFINITION OF TERMS

Section 12-2 Definition of Commonly Used Terms and Words

Small Scale Manufacturing: The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noxious noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building where such assembly fabrication, or processing takes place. And where such processes are housed entirely within a building. And where such processes do not require frequent shipping and receiving activities by a truck rated Class 8 or above in the Federal Highway Administration's vehicle class system.

ARTICLE XVI SUPPLEMENTARY STANDARDS FOR CERTAIN USES

Section 16-4 Standards

16-4-30 SMALL SCALE MANUFACTURING

- a) The front of the building at street level shall remain open and visible from the sidewalk with a view of the activities inside; and
- b) A showroom, display area, or sales area shall be provided.
- c) Outdoor storage of goods and materials shall not be permitted in zoning district classifications C-1, CMU, GHMU, HMU & CHMU.
- d) Outdoor storage of goods and materials shall not exceed 25% of the total footprint of all buildings on the property in zoning district classifications C-2 & C-3.
- e) Newly constructed shipping and receiving facilities shall be designed such that they are internal to the site, in service alleys or at the back of the building.
- f) Shipping and receiving needs shall not exceed the equivalent of (1) FHWA Class 8 truck per week.

- g) **Reuse of an existing building shall not exceed 20,000 square feet of building floor space.**
- h) **New construction shall not exceed 10,000 square feet of building floor space.**

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of October 2021.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



StarNews | The Dispatch | Times-News
Sun Journal | The Daily News | The Star
The Free Press | Gaston Gazette

Order Confirmation

Not an Invoice

Section 7, Item F.

Account Number:	488558
Customer Name:	City Of Hendersonville
Customer Address:	City Of Hendersonville 160 6Th AVE E City Clerk Hendersonville NC 28792-3775
Contact Name:	Angela Reece
Contact Phone:	828-697-3005
Contact Email:	areece@hvlnc.gov
PO Number:	PH 9/2/21

Date:	08/11/2021
Order Number:	6172232
Prepayment Amount:	\$ 0.00

Column Count:	1
Line Count:	153.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
HEN Times-News	2	08/22/2021 - 08/29/2021	Public Notices
HEN blueridgenow.com	2	08/22/2021 - 08/29/2021	Public Notices

Total Order Confirmation	\$41.72
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Ad Preview

Section 7, Item F.

PUBLIC HEARING NOTICE
Notice is hereby given that the City of Hendersonville City Council will hold four public hearings on Thursday, September 2, 2021, at 5:45 a.m., in the City Operations Assembly Room located at 205 Williams Street, Hendersonville, NC, to consider the following:

I. **Annexation Petition -#0 South Allen Road** PIN: 9588-11-9994 (P21-40-ANK) - Application from Peggy C. Cobb, Enno F. Comerford, Paolo Cornenzini, Joan C. Fleming petition requesting annexation of the satellite area described as PIN 9588-11-9994 located on S. Allen Road that is approximately 32.66 acres.

II. **Annexation Petition -#0 Monroe Drive and 2115 N Stoney View Court** (P21-40-ANK) - Application from Lorry and Mary Wolford for contiguous annexation of PINs 9549-45-0920 and 9549-46-1849 located on Monroe Drive and N. Stoney View Court that is approximately 6.53 acres.

III. **Conditional Zoning District Amendment - West Avenue Villas (P21-42-C2D)** - Application from Andrew Riddle of Riddle Development, LLC. The Hendersonville City Council voted to approve the original conditional zoning district at their August 4th, 2020 meeting. The amendment is to add one additional apartment above the garage for a total of 3 apartments instead of the 2 apartments that were approved by City Council. The previously approved Conditional Zoning District was approved for 10 units; the amendment is for a total of 11 units. The applicant is also requesting to adjust the approved square footages of the structures.

IV. **Zoning Text Amendment - Small-Scale Manufacturing (P21-41-Z1A)** - The addition of small-scale manufacturing as a permitted use subject to supplementary standards in the C-1, Central Business District, C-2, Secondary Business, C-3, Highway Business, CMU, Central Mixed Use, CHMU, Greenville Highway Mixed Use, CHMU Commercial Highway Mixed Use and HMU, Highway Mixed Use Districts. The addition of the definition of small-scale manufacturing in Article XII, Definition of Terms, Section 12-2, Definition of Commonly Used Terms and Words. The addition of supplementary standards in Article XVI, Supplementary Standards for Certain Uses, Section 16-4, Standards.

NOTICE IS HEREBY GIVEN that some Hendersonville City Council Members may participate remotely in these hearings of the above designated times/dates and via Zoom with the information below.

Digital/written public hearing comments will be accepted until twenty-four hours prior to the scheduled public hearing and will be accepted during the meeting from those attending in person and also from those participating live via ZOOM at the designated time of this meeting. For security reasons screen sharing will not be allowed. Anyone wishing to submit written/digital public comment for this public hearing prior to the meeting may visit

<https://www.hendersonvilenc.gov/comment> to submit their comment.

Digital/written public hearing comments must be received

twenty-four hours prior to the meeting (by 5:45 a.m. on Wednesday, September 1st) to be considered by the City Council and must comply with security criteria in the Council's Public Comment Policy, available on the City's website by visiting

<https://www.hendersonvilenc.gov/public-comment>.

The meeting instructions to join by Zoom will be available on the City's website by visiting

<https://www.hendersonvilenc.gov/events-calendar> and as follows:

Zoom information for the meeting is:

<https://zoom.us/j/957468463967>

pwd=VmlXoX4HcIRFVIM2VE

lscEVuTTLZ209Rsuccess

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

Meeting ID: 957 468 4396

Passcode: 28792

Contact information for the City Clerk, Angela Rees, is:

160 6th Avenue East, Hendersonville, NC 28752;

areece@hvinc.gov; (828) 697-3000.

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 Rees at 697-3000 no later than 24 hours in advance of the meeting.

8/22, 8/29/2021 6172232

PUBLIC HEARING NOTICE

Notice is hereby given that the City of Hendersonville City Council will hold four public hearings on Thursday, September 2, 2021, at 5:45 p.m., in the City Operations Assembly Room located at 305 Williams Street, Hendersonville NC to consider the following:

- I. **Annexation Petition –0 South Allen Road PIN: 9588-11-9994 (P21-40-ANX)-** Application from Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming petition requesting annexation of the satellite area described as PIN 9588-11-9994 located on S. Allen Road that is approximately 32.66 acres.
- II. **Annexation Petition –0 Monroe Drive and 2115 N Stoney View Court (P21-43-ANX)–** Application from Larry and Mary Maitland for contiguous annexation of PINs 9569-46-0920 and 9569-46-1849 located on Monroe Drive and N. Stoney View Court that is approximately 0.53 acres.
- III. **Conditional Zoning District Amendment – West Avenue Villas (P21-42-CZD) -** Application from Andrew Riddle of Riddle Development, LLC. The Hendersonville City Council voted to approve the original conditional zoning district at their August 6th, 2020 meeting. The amendment is to add one additional apartment above the garage for a total of 3 apartments instead of the 2 apartments that were approved by City Council. The previously approved Conditional Zoning District was approved for 10 units, the amendment is for a total of 11 units. The applicant is also requesting to adjust the approved square footages of the structures.
- IV. **Zoning Text Amendment – Small-Scale Manufacturing (P21-41-ZTA) -** The addition of small-scale manufacturing as a permitted use subject to supplementary standards in the C-1, Central Business District, C-2, Secondary Business, C-3, Highway Business, CMU, Central Mixed Use, GHMU, Greenville Highway Mixed Use, CHMU Commercial Highway Mixed Use and HMU, Highway Mixed Use Districts. The addition of the definition of small-scale manufacturing in Article XII, Definition of Terms; Section 12-2, Definition of Commonly Used Terms and Words. The addition of supplementary standards in Article XVI, Supplementary Standards for Certain Uses; Section 16-4, Standards.

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public comment for this public hearing prior to the meeting may visit <https://www.hendersonvillenc.gov/comment> to submit their comment.

Digital/written public hearing comments must be received **twenty-four hours prior to the meeting (by 5:45 p.m. on Wednesday September 1st)** to be considered by the City Council and must comply with security criteria in the 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 will be available on the City's website by visiting <https://www.hendersonvillenc.gov/events-calendar> and as follows:

Zoom information for the meeting is:

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

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

Meeting ID: 957 4684 6396

Passcode: 28792

Contact information for the City Clerk, Angela Reece, is: 160 6th Avenue East, Hendersonville, NC 28792; areece@hvlnc.gov; (828) 697-3000.

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Run two times: Sunday, August 22, 2021
Sunday, August 29, 2021



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: John Connet **MEETING DATE:** 9/2/2021

AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Administration

TITLE OF ITEM: Proposal to Compensate Rural Fire Departments for Automatic Aid – *John Connet, City Manager*

SUGGESTED MOTION(S):

I move that City Council direct staff to amend Automatic Aid Contracts with Blue Ridge, Mountain Home, Valley Hill and Dana Fire Departments to compensate them for the loss of annexed property for a period of five years.

SUMMARY:

There has been a great deal of discussion by the Henderson County Board of Commissioners regarding the loss of revenue by rural fire departments due to annexation by the City of Hendersonville. Council Member Miller has asked staff to develop a proposal to compensate these fire departments for lost revenue over a five year period. City staff will present a proposal to the City Council for consideration.

BUDGET IMPACT: \$ TBD

Is this expenditure approved in the current fiscal year budget?

If no, describe how it will be funded.

ATTACHMENTS:

None

INTEROFFICE MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: JOHN CONNET, CITY MANAGER

SUBJECT: ANNEXATION BOUNDARY AND RURAL FIRE DEPARTMENTS

DATE: 8/23/2021

CC: ANGIE BEEKER, BRIAN PAHLE, JAMES MILLER, LEW HOLLOWAY

Over the last twelve months there has been a great deal of discussion by the Henderson County Board of Commissioners regarding voluntary annexation and compensation for rural fire departments. In addition, the issue of voluntary annexation was discussed during Edneyville Sewer Public Input Meeting. Therefore, Council Member Miller asked staff to develop policy recommendations for the City Council to discuss at you September 2, 2021 meeting.

Annexation

The following excerpts from the North Carolina General Statutes provide an overview of your authority to annex property in North Carolina.

1. General Statutes

- a. **§160A-31(a) – Annexation by petition** - The governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all real property located within such area. The petition shall be signed by each owner of real property in the area and shall contain the address of each owner.
- b. **§ 160A-58.1. – Petition for noncontiguous annexation; standards.** (a) Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, a city may annex an area not contiguous to its primary corporate limits when the area meets the standards set out in subsection (b) of this section.....

(b) A noncontiguous area proposed for annexation must meet all of the following standards:

- (1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.
- (2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section.
- (3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.

- (4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.
 - (5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.
- (b2) A city may annex a noncontiguous area that does not meet the standard set out in subdivision (b)(2) of this section if the city has entered into an annexation agreement NC General Statutes - Chapter 160A Article 4A 10 pursuant to Part 6 of this Article with the city to which a point on the proposed satellite corporate limits is closer and the agreement states that the other city will not annex the area but does not say that the annexing city will not annex the area. The annexing city shall comply with all other requirements of this section.

These statutes provide a basic legal framework for what property City can and cannot annex. This framework is important to understand, because it can serve as a reasonable basis to ease the fears of the Board of Commissioners and public that the City is not going to annex the large areas of the county. This framework and other portions of the General Statutes restrict the City’s ability to annex property. In addition to this legal framework, the City must also consider financial and service implications of the annexation.

The City of Hendersonville must have the ability to grow in order to promote orderly development and remain financially sustainable. However, the growth of the City must be focused on properties that are urban/high density in nature and require urban services. It is not cost effective for the City to annex property that are rural in nature and do not require urban services. Therefore, I believe that the existing North Carolina General Statutes can serve as foundation to discuss an annexation boundary between the City of Hendersonville and Henderson County.

Rural Fire Districts

The following exert from the North Carolina General Statutes provides an overview for compensating rural fire departments following annexation:

- 1. General Statutes
 - a. § 160A-58.2A. Assumption of debt. (a) If the city has annexed under this Part any area which is served by a rural fire department and which is in:
 - (1) An insurance district defined under G.S. 153A-233;
 - (2) A rural fire protection district under Article 3A of Chapter 69 of the General Statutes; or
 - (3) A fire service district under Article 16 of Chapter 153A of the General Statutes, then beginning with the effective date of annexation the city shall pay annually a proportionate share of any payments due on any debt (including principal and interest) relating to facilities or equipment of the rural fire department, if the debt was existing at the time of submission of the petition for annexation to the city under this Part. The rural fire department shall make available to the city not later than 30 days following a written request from the city, information concerning such debt. The rural fire department forfeits its rights under this section if it fails to make a good faith response within 45 days following receipt of the written request for

information from the city, provided that the city's written request so states by specific reference to this section.

(b) The annual payments from the city to the rural fire department on such shared debt service shall be calculated as follows:

(1) The rural fire department shall certify to the city each year the amount that will be expended for debt service subject to be shared by the city as provided by subsection (a) of this section; and

(2) The amount determined under subdivision (1) of this subsection shall be multiplied by the percentage determined by dividing the assessed valuation of the area of the district annexed by the assessed valuation of the entire district, each such valuation to be fixed as of the date the annexation ordinance becomes effective.

(c) This section does not apply in any year as to any annexed area(s) for which the payment calculated under this section as to all annexation ordinances adopted under this Part by a city during a particular calendar year does not exceed one hundred dollars (\$100.00).

(d) The city and rural fire department shall jointly present a payment schedule to the Local Government Commission for approval and no payment may be made until such schedule is approved. The Local Government Commission shall approve a payment schedule agreed upon between the city and the rural fire department in cases where the assessed valuation of the district may not readily be determined, if there is a reasonable basis for the agreement.

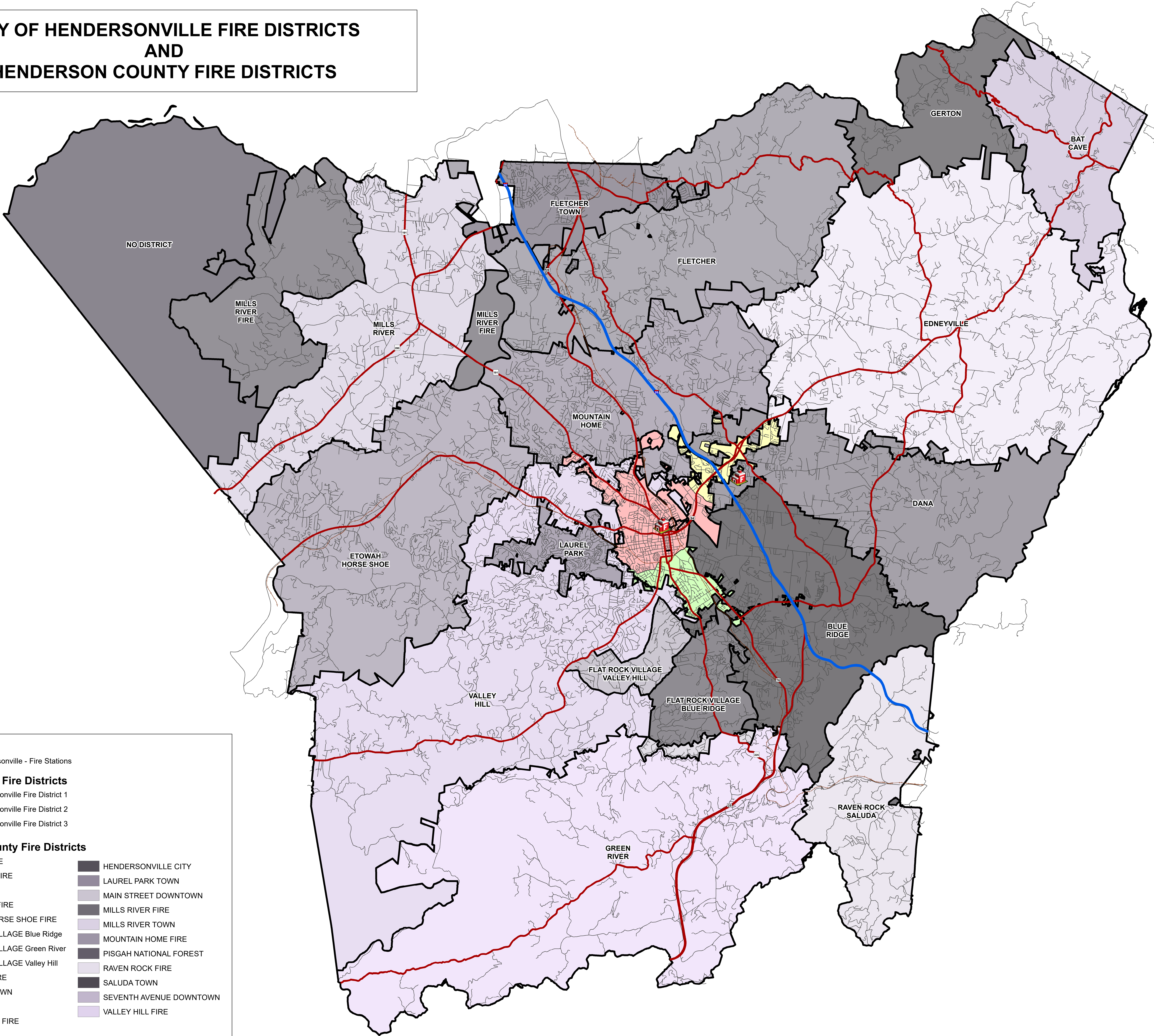
In addition to the above statute, staff was asked to develop an additional proposal to compensate the rural fire districts for property annexed into the city limits. Therefore, staff is making the following proposal:

1. The City of Hendersonville would negotiate a modification to the existing automatic aid agreements with the four rural fire departments surrounding Hendersonville to include a provision to compensate the rural fire departments for providing automatic aid to the Hendersonville Fire Department. The compensation would be based on lost revenue due to annexation. The lost revenue would be determined by multiplying the values of the properties annexed by the City times the rural fire district tax rate. The property values would be determined at the time of annexation. The rural department would be compensated for each annexed parcel(s) for a five year period.

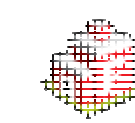
We realize that additional details would have to be incorporated in the automatic aid agreements, but we wanted to give the City Council something to consider and offer to the Henderson County Board of Commissioners.

Thank you for your attention in this matter. If you have any questions or need additional information, please feel free to contact me.

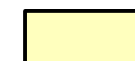
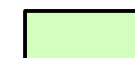
CITY OF HENDERSONVILLE FIRE DISTRICTS
AND
HENDERSON COUNTY FIRE DISTRICTS



CITY OF HENDERSONVILLE
2021

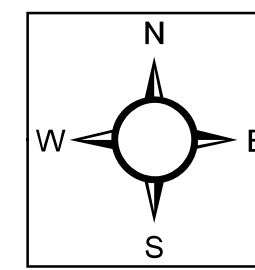
 City of Hendersonville - Fire Stations

Hendersonville Fire Districts

-  City of Hendersonville Fire District 1
-  City of Hendersonville Fire District 2
-  City of Hendersonville Fire District 3

Henderson County Fire Districts

- | | |
|--|---|
|  BAT CAVE FIRE |  HENDERSONVILLE CITY |
|  BLUE RIDGE FIRE |  LAUREL PARK TOWN |
|  DANA FIRE |  MAIN STREET DOWNTOWN |
|  EDNEYVILLE FIRE |  MILLS RIVER FIRE |
|  ETOWAH - HORSE SHOE FIRE |  MILLS RIVER TOWN |
|  FLAT ROCK VILLAGE Blue Ridge |  MOUNTAIN HOME FIRE |
|  FLAT ROCK VILLAGE Green River |  PISGAH NATIONAL FOREST |
|  FLAT ROCK VILLAGE Valley Hill |  RAVEN ROCK FIRE |
|  FLETCHER FIRE |  SALUDA TOWN |
|  FLETCHER TOWN |  SEVENTH AVENUE DOWNTOWN |
|  GERTON FIRE |  VALLEY HILL FIRE |
|  GREEN RIVER FIRE | |



1 inch = 4,000 feet



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: John Connet **MEETING DATE:** 9/2/2021

AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Administration

TITLE OF ITEM: Discussion Regarding Redevelopment of the Dogwood Parking Lot – *John Connet, City Manager*

SUGGESTED MOTION(S):

I move that the City Council instruct staff to take the necessary steps to develop a _____ on the Dogwood Parking Lot property.

SUMMARY:

Over the last couple of weeks, I have had conversations with individual City Council members regarding the best use of the Dogwood Parking Lot after the construction of the parking deck. Staff would like to get formal guidance from the City Council regarding the redevelopment of the Dogwood Parking Lot.

BUDGET IMPACT: \$ TBD

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded. NA

ATTACHMENTS:

None



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER:

John Connet

MEETING DATE:

9/2/2021

AGENDA SECTION:

CLOSED SESSION

DEPARTMENT:

Administration

TITLE OF ITEM:

Closed Session – *John Connet, City Manager*

SUGGESTED MOTION(S):

I move that City Council enter into closed session pursuant to NCGS § 143-318.11(a) (1) (3) (5) (6) 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, to consult with an attorney employed by the public body in order to preserve the attorney-client privilege between the attorney, 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 and to consider the qualifications, competence, performance, character, fitness of an individual public officer, or employee.

SUMMARY:

City staff is requesting a closed session 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 and consult with an attorney employed by the public body in order to preserve the attorney-client privilege between the attorney, 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 and to consider the qualifications, competence, performance, character, fitness of an individual public officer, or employee.

BUDGET IMPACT: \$ TBD

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded. NA

ATTACHMENTS: none