



CITY OF HENDERSONVILLE CITY COUNCIL REGULAR MEETING

Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Thursday, June 02, 2022 – 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 L. Reece, City Clerk*
 - B. Annexation: Certificate of Sufficiency- Upward Road & Ballenger Road (Justus & Erwin) (C22-45-ANX) – *Tyler Morrow, Planner II*
 - C. Annexation: Certificate of Sufficiency- Erkwood Drive (Kilpatrick) (C22-38-ANX) – *Tyler Morrow, Planner II*
 - D. June 2022 Budget Amendments - *Adam Murr, Budget Manager*
 - E. June 2022 Capital Project Ordinances – *Alex Norwood, Budget Analyst*
 - F. Henderson County Tax Adjustments -*Amanda Lofton, Deputy Tax Collector*
 - G. Approval of Utility Billing Analyst Position and Job Description– *John Buchanan, Finance Director*
 - H. Utility Extension Agreement for the Waterleaf at Flat Rock Apartments – *Brendan Shanahan, Civil Engineer IV*
 - I. Street Closure: Resolution of Intent- Portion of Fitzsimmons Street (C22-36-SCL) – *Tyler Morrow, Planner II*
 - J. Speed Limit Reduction on Midway Street – *John Connet, City Manager*
 - K. Resolution to Approve Agreement for Janitorial Services – *Tom Wooten, Public Works Director*
 - L. Special Event: Friday Main Street Car Shows - *Lew Holloway, Community Development Director*
 - M. Special Event: Give Back to Old Brooklyn - *Lew Holloway, Community Development Director*

N. Special Event: Lazr Luvr at Oklawaha Brewing - *Lew Holloway, Community Development Director*

O. Special Event: Smart Start Sesame Street - *Lew Holloway, Community Development Director*

6. PRESENTATIONS

A. Presentation of Certificate - *Matthew Selves, NCLM*

7. PUBLIC HEARINGS

A. Budget Adoption, Fiscal Year 2022-2023

B. Zoning Text Amendment: Supplementary Standards for Day Centers (P22-29-ZTA) – *Matthew Manley, AICP – Planning Manager*

C. Rezoning: Conditional Zoning District – Upward Rd Restaurant (P22-15-CZD) – *Matthew Manley, AICP – Planning Manager*

D. Rezoning: Conditional Zoning District – Washburn Tract (P22-19-CZD) – *Matthew Manley, AICP – Planning Manager*

E. Rezoning: Conditional Zoning District – Duncan Terrace (P21-79-CZD) –*Matthew Manley, AICP – Planning Manager*

F. Public Hearing: Landscape Contract for Main Street and 7th Avenue Municipal Service Districts - *Jamie Carpenter, Downtown Manager*

G. Public Hearing: 7th Avenue Municipal Service District – *Vision & Brand Consultant, Jamie Carpenter, Downtown Manager*

8. UNFINISHED BUSINESS

9. NEW BUSINESS

A. Fund Balance Policy Revision

B. Edwards Park Design-Build Selection – *Brian Pahle, Assistant City Manager*

10. CITY COUNCIL COMMENTS

A. Duke North Carolina Leadership Forum – *Dr. Jennifer Hensley, City Council Member*

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

12. BOARDS/COMMISSIONS/COMMITTEE APPOINTMENTS

A. Board & Commission Vacant Seat Appointments – *Angela L. Reece, City Clerk*

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, *MPA, CMC, NCCMC*, **MEETING DATE:** June 2, 2022
City Clerk

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

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

SUGGESTED MOTION(S):

I move that City Council adopt the minutes of the April 29, 2022, Special Call Meeting and May 5, 2022 Regular Meeting.

SUMMARY:

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

- i. April 29, 2022, Special Call Meeting Minutes
- ii. May 5, 2022, Regular Session Minutes

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:

- i. April 29, 2022, Special Call Meeting Minutes (DRAFT)
- ii. May 5, 2022, Regular Session Minutes (DRAFT)



MINUTES

April 29, 2022

SPECIAL CALL MEETING OF THE CITY COUNCIL

CITY OPERATIONS CENTER | 305 WILLIAMS ST. | 8:30 a.m.

Present: Mayor Barbara G. Volk and Council Members: Mayor Pro Tem Lyndsey Simpson, Dr. Jennifer Hensley, Debbie O'Neal-Roundtree, and Jerry A. Smith Jr., J.D.

Staff Present: City Manager John F. Connet, Assistant City Manager Brian Pahle, City Attorney Angela Becker, City Clerk Angela Reece, Communications Manager Allison Justus, Community Development Director, Lew Holloway, and others

1. **CALL TO ORDER**

Mayor Barbara G. Volk called the meeting to order at 8:30 a.m. and welcomed those in attendance. A quorum was established with all members in attendance.

2. **PRESENTATIONS**

A. Presentation of the Draft FY 2022-23 Budget – *John Connet, City Manager, Brian Pahle, Assistant City Manager, Adam Murr, Budget Manager*

General Fund

Assistant City Manager Brian Pahle discussed recommendations for the FY 2022-2023 Budget with City Council. Manager Pahle reminded everyone that staff approached the development of the document with future years in mind. Manager Pahle stated there are no tax increases included in the budget and discussed financial trends and economic conditions. The City currently levies a tax rate of \$0.52 per \$100 of assessed value. Manager Pahle recommended approaching the budget in a conservative manner due to inflation and economic uncertainty in the coming months. City Manager John Connet agreed and said staff will continue to monitor the situation moving into the next fiscal year.

Assistant City Manager Brian Pahle discussed revenue totals and sales tax collection. Final revenue totals will be revised in the final budget amount concluding the fiscal year on June 30th. Manager Pahle discussed the importance of sales tax revenue on the ability to fund services without raising property taxes. Manager Pahle presented information regarding collection and percent change stating the total annual collection is estimated at \$3.85 million dollars and said this is a \$746,000 increase over the prior year. Manager Pahle advised Council that staff is monitoring a slowdown in economic conditions and said the GDP growth for the first quarter has declined by one percent which can be indicative of a recession. Manager Pahle provided conservative estimates for year end collections. City Manager Connet discussed the impact of development on the tax base and said the construction market drives sales tax tremendously year over year. In summary Manager Pahle advised staff are estimating a 4% budget increase and said factors accounted for include economic uncertainty, increases in local sales tax distributions, housing starts, and the construction market.

Personnel and Benefits

Assistant Manager Pahle discussed salary increases and retirement contribution rates stating along with health insurance premiums, it is one of the main expenses. Manager Pahle stated the City's health insurance premiums are claim driven and said with the stability over the last fiscal year staff does not expect an increase. City Manager John Connet discussed increases in the employer contribution to the retirement system and the stability of the fund and said analysts anticipate the local government employee retirement system will be fully funded by 2025. Manager Connet said once this happens the employer contribution may be reduced.

Police Chief Blair Myhand discussed the need for new positions and reorganization of current police department positions to incorporate a non-sworn officer to focus on animal control who would be supported by sworn officers if necessary. Chief Myhand proposed using two existing sworn positions to supplement a new traffic safety unit.

The meeting was recessed for a break at 10:00 a.m. and reconvened at 10:15 a.m.

Assistant City Manager Brian Pahle discussed the Fund Balance. He discussed various projects and illustrated their impacts to the available fund balance as they come online. Manager Pahle discussed property revaluation and revenue neutral calculations and said there may be a minimum property tax increase of 20% in the next fiscal year. Council Member Jerry A. Smith Jr., J.D. stated he does not think there is any way to avoid a tax increase in FY2024 and suggested implementing a 1 cent tax increase in the FY22-23 budget. Council Member Dr. Jennifer Hensley stated she is not opposed to this but would like time to consider.

Council Members discussed ¼ cent sales tax and unanimously agreed to support legislation to allow this citing it would bring an additional \$2.5M to the community. Council Member Dr. Jennifer Hensley acknowledged arguments that additional sales tax impacts low-income persons but clarified property taxes are passed down to renters directly. Council Member Hensley stated the additional tax would empower tourists to contribute to city services and said this would spread out the burden. Council Member Jerry A. Smith Jr. J.D. clarified the North Carolina General Assembly would have grant this authority to the City which would ultimately require a referendum. City Manager John Connet stated the process is difficult and would require multiple municipalities to support and said the initial step would be to adopt a resolution to ask delegates to support it.

Council Member Jerry A. Smith Jr. J.D. discussed recommended budget figures and inquired if Council should be addressed the increase now to avoid a significant increase later. Council Member Smith suggested utilizing capital outlay and reducing pay-go to \$750,000. Council Member Dr. Jennifer Hensley clarified the Fund Balance is estimated be approximately \$83,000 above the required threshold and said this may help lessen the impact to what Council perceives to happen in FY2024 with the revaluation.

Council Member Dr. Jennifer Hensley moved that City Council direct staff to develop a resolution in support of the ¼ cent sales tax to be placed on the May 5, 2022 agenda. A unanimous vote of the Council followed. Motion carried.

Council Member Lyndsey Simpson discussed the addition of a sustainability coordinator and parks position or combination position within the Planning Department which could be utilized to apply for grant funding to assist city-wide departments. Council Member Simpson stated she feels the position is necessary. Assistant City Manager Brian Pahle discussed additional positions and said two other positions would need to be cut to fund the request. City Manager John Connet clarified there is an environmental compliance officer position being proposed in the water treatment department to meet the requirements of the Clean Water Act. Manager Connet discussed the desire of Council for new positions and any requirements. Manager Connet recalled prior Council discussions of not wishing to duplicate county services and a desire of having a parks manager to work on park maintenance, improvements, and expansion. Council Member Dr. Jennifer Hensley agreed with Council Member Simpson and said she believes the needs are related. After much discussion City Manager John Connet stated based on the feedback, he believes the new position would be better suited to public works as a hybrid sustainability and parks management position. Council Member Simpson expressed concern that the amount of responsibility may set this position up for failure and stated if the initial position was funded, she would support splitting this into two in the future.

Council directed City Manager John Connet to begin the process and to present additional information as appropriate.

Assistant Manager Brian Pahle discussed the Main Street and 7th Ave. municipal service district funds stating both are in good shape and clarified street improvements were included. He further discussed the Parking Services Fund and said the general fund is supporting this fund initially.

Budget Manager Adam Murr discussed the Water and Sewer Fund and reminded everyone there is a 5% annual rate decrease built in for outside city customers until the rates are equalized in the year 2030. Mr. Murr said there are still overall rate increases to the fund and clarified they are adjusted to account for rate equalization. City Manager John Connet discussed the increased number of new taps and said residential development increasing in the community. Mr. Murr discussed increases in the operation costs due to chemicals, sludge hauling, fuel, and utilities.

The meeting was recessed for a break at 12:06 p.m. and reconvened at 12:30 p.m.

Budget Manager Adam Murr discussed the environmental service fund recalling rate adjustments in the prior year to allow the city to be more competitive and stated there is no rate increases

recommended this year. Staff discussed route efficiency and said a study will be conducted in future years and said options for franchise agreements for commercial waste management removal are being explored. He explained if the city chooses a single provider, it will be easier to determine waste management issues as well as the potential to generate revenue to this fund.

Assistant City Manager Brian Pahle acknowledged receiving special appropriations recommendations from Council. Council Member Jerry A. Smith Jr., J.D. and Council Member Lyndsey Simpson agreed they would like to see more overall funding applied to special appropriations. Council Member Smith said his reason is due to population increase and budget increases. City Manager Connet reminded everyone the funds must go toward a public purpose, will require a disclosure of conflicts of interest by Council for any nonprofit involvement, and must be voted on separately with the final sum contained in the budget. Council Member Dr. Jennifer Hensley expressed support for funding to go toward a public purpose which benefit taxpayers and the community equally. Mayor Barbara G. Volk stated she supports funding groups who support or supplement city services such as SafeLight. Council Member Smith advocated for funding cultural and arts groups and expressed the importance of funding to allow them to exist. Mayor Volk agreed with Council Member Smith and said this also ties into economic development. Council Member Lyndsey Simpson stated she supported having two categories, so she is not having to choose between arts and safelight services because both is important. Council Member Hensley stated she feels health and human services for people who cannot help themselves is always priority and said she would like to have some analysis to determine how to allocate funding.

City Manager John Connet wrapped up the workshop by discussing Council Values, meeting goals, and priorities and reminded everyone that staff utilizes these statements to recommend a budget.

4. ADJOURN

There being no further discussion, the meeting was adjourned at 1:11 p.m. upon unanimous assent of the Council.

ATTEST:

Barbara G. Volk, Mayor

Angela L. Reece, City Clerk



MINUTES

May 5, 2022

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: Mayor Pro Tem Lyndsey Simpson, Dr. Jennifer Hensley, Debbie O'Neal-Roundtree, and Jerry A. Smith Jr., J.D.

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

Staff Present Remotely: City Clerk Angela Reece

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.*

Mayor Barbara G. Volk limited comments to around 2 and ½ minutes to each speaker.

Virginia Tegel of Midway addressed City Council and expressed thanks and appreciation to various staff and departments for assisting her with relocating to the city. Ms. Tegel also thanked the City Manager regarding street speed asking for it not to exceed 20mph.

Lynne Williams of Chadwick Ave. addressed City Council via zoom electronic software announcing the Friends of Chadwick Avenue conducted a community trash pickup in the area of South Grove and Chadwick Avenue. Ms. Williams discussed ongoing concerns and suggestions regarding Boyd Park and the Laura E. Corn Mini Golf. Ms. Williams asked Council to consider leaving Fire Department Administration staff located at Fire Station #2.

Mayor Volk read comments submitted electronically from the following persons.

Amos Dawson of Little Mine Mtn. Dr. submitted digital comments requesting that the City Council consider and adopt a resolution requesting our federal Congressional representatives to adopt the Energy Innovation and Carbon Dividend Act to reduce carbon emissions.

Ann-Marie Sanservero of Highland Golf Dr. submitted digital comments asking the City Council to pledge their support of federal legislation which would create carbon pricing consistent with Citizen's Climate Lobby legislation.

Jan Partin of Beaumont Dr. submitted digital comments requesting that the City Council consider adopting a resolution supporting the Energy Innovation and Carbon Dividend Act

Mark Goldstein of Chatsworth Court submitted digital comments asking the City Council to support federal climate change legislation.

Stuart Rundlett of Dartmouth Rd. submitted digital comments requesting that the City Council consider Council to adopt a resolution supporting the Energy Innovation and Carbon Dividend Act

4. CONSIDERATION OF AGENDA

Council Member Debbie O'Neal-Roundtree moved that City Council approve the agenda as presented. A unanimous vote of the Council followed. Motion carried.

5. CONSENT AGENDA

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

I move that City Council approve the minutes of adopt the minutes of the March 23, 2022, Second Monthly Meeting, April 7, 2022 Regular Meeting, and April 21, 2022 Special Call Meeting. as presented.

B. **Revision of the Inclement Weather Policy** – Jennifer Harrell, HR Director

I move City Council adopt the Inclement Weather Policy as presented.

C. **Revision of the Travel Policy** – Jennifer Harrell, HR Director

I move City Council adopt the Travel Policy as presented.

D. **Special Event: Hendersonville’s 175th Birthday Party-** Lew Holloway, Community Development Director

I move that City Council approve the special event permit for Hendersonville’s 175th Birthday Party.

E. **Special Event: July Fourth Festival and Fireworks -** Lew Holloway, Community Development Director

I move that City Council approve the special event permit for July Fourth Festival and Fireworks.

F. **May 2022 Budget Amendments** – Adam Murr, Budget Manager

I move City Council adopt budget amendment(s) 05052022-02, and 05052022-03 as presented.

G. **May 2022 Grant Project Ordinances** – Adam Murr, Budget Manager

I move City Council adopt the grant and capital project ordinance(s) for the Mud Creek Stormwater Planning Project, #G2204, and the SCIF Grant Project #G2205 and the budget(s) as presented.

Grant Project Ordinance #O-22-19

**GRANT PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE
MUD CREEK STORMWATER PLANNING PROJECT**

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

Section 1: The project authorized is a City project described as the Mud Creek Stormwater Planning Project.

Section 2: The project will be complete in accordance with the requirements set by grant requirements and all relevant North Carolina state statutes.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
467	7555	550103	G2204	Capital Outlay – CIP	\$ 49,620

Total Project Appropriation \$ 49,620

Section 4: The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
467	0000	460090	G2204	Contribution/Donations	\$24,620

467	0000	470100	G2204	Transfers In	\$25,000
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Total Project Revenue

\$49,620

- Section 5:** The Finance Director is hereby directed to maintain within the grant project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.
- Section 6:** Funds may be advanced from the Stormwater Fund and General Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.
- Section 7:** The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.
- Section 8:** The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.
- Section 9:** Copies of this grant project shall be furnished to the City Clerk, Finance Director, and City Manager for direction in carrying out this project.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of May 2022.

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

Grant Project Ordinance #O-22-20

GRANT PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE
SCIF GRANT PROJECT

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

- Section 1:** The project authorized is a City project described as the SCIF Grant Project.
- Section 2:** The project will be complete in accordance with the requirements set by grant requirements and all relevant North Carolina state statutes.
- Section 3:** The following amounts are appropriated for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	1502	550103	G2205	Capital Outlay CIP	\$250,000

Total Project Appropriation

\$250,000

Section 4: The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	0000	420050	G2205	Grant Revenue	\$250,000

Total Project Revenue

\$250,000

- Section 5:** The Finance Director is hereby directed to maintain within the grant project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.
- Section 6:** Funds may be advanced from the General Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 9: Copies of this grant project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of May 2022.

/s/Barbara G. Volk, Mayor

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

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

H. Final Acceptance of Negotiated Offer to Purchase Lot 15, Overlook Subdivision, Plat Cabinet B, Slide 375A – Daniel Heyman, Staff Attorney

I move City Council to adopt the Resolution by The City of Hendersonville City Council of Final Acceptance of Negotiated Offer as presented.

Resolution #R-22-52

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL OF FINAL
ACCEPTANCE OF NEGOTIATED OFFER**

WHEREAS, the City of Hendersonville owns certain property described as 328 N Overlook Terrace, Hendersonville, NC 28739, being all of lot 15 of the Overlook Subdivision as shown on the plat thereof recorded in Plat Cabinet B, at Slide 375A, in the Office of the Register of Deeds for Henderson County, having a tax parcel ID of 9568057733, and having been acquired by the City of Hendersonville in Deed Book 773 at Page 879 of the Henderson County Register of Deeds Office (“Property”); and

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

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

WHEREAS, pursuant to the Offer, Keith M. Maxwell and Cynthia E. Maxwell, Trustees of the Keith M. Maxwell Living Trust; and Keith M. Maxwell and Cynthia E. Maxwell, Trustees of the Cynthia E. Maxwell Living Trust, (“Buyers”), are offering to purchase the Property for the sum of \$10,000, subject to the terms and conditions contained within the Offer; and

WHEREAS, on April 7, 2022, 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 April 15, 2022 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, the City Council of the City of Hendersonville resolves that:

1. The Council issues a final acceptance of the Offer pursuant to the procedures of 160A-269, and authorizes the sale to the Buyers, Keith M. Maxwell and Cynthia E. Maxwell, Trustees of the Keith M. Maxwell Living Trust; and Keith M. Maxwell and Cynthia E. Maxwell, Trustees of the Cynthia E. Maxwell Living Trust, 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 May 2022.

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

I. Utility Extension Agreement for the Heritage Park Subdivision – Brendan Shanahan, Engineering

I move that City Council approve the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with Richard Eugene Lance, Jennifer Michelle Lance, Ronald Page Lance, Christopher Page Lance, Tonya Lance Rice, and Jackson Family Developers, LLC for the Heritage Park Subdivision as presented.

Resolution #R-22-53

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO
AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION
AGREEMENT WITH RICHARD EUGENE LANCE, JENNIFER MICHELLE LANCE,
RONALD PAGE LANCE, CHRISTOPHER PAGE LANCE, TONYA LANCE RICE, AND
JACKSON FAMILY DEVELOPERS, LLC FOR THE HERITAGE PARK SUBDIVISION**

WHEREAS, the City of Hendersonville owns, operates and maintains a water distribution system to serve customers throughout Henderson County; and

WHEREAS, residential, commercial, and industrial developments often require public water service as a part of their development projects; and

WHEREAS, the Developer extends public water lines to their site, which upon completion and acceptance, are provided to the City to own, operate, and maintain; and

WHEREAS, the City requires a Utility Extension Agreement to be executed to establish requirements of both the Developer and the City for the water line extension process; and

WHEREAS, Richard Eugene Lance, Jennifer Michelle Lance, Ronald Page Lance, Christopher Page Lance, Tonya Lance Rice, the “Owners,” and Jackson Family Developers, LLC., the “Developer,” will enter into a Utility Extension Agreement with the City to provide water service to the Heritage Park Subdivision.

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

1. The Utility Extension Agreement with Richard Eugene Lance, Jennifer Michelle Lance, Ronald Page Lance, Christopher Page Lance, Tonya Lance Rice, the “Owners”, and Jackson Family Developers, LLC., the “Developer”, to provide water service to the Heritage Park Subdivision is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of May 2022.

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

J. Utility Extension Agreement for the Providence Walk Subdivision – Brendan Shanahan, Engineering

I move that City Council approve the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with Providence Walk, LLC., and First Victory, Inc. for the Providence Walk Subdivision as presented.

Resolution #R-22-54

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO
AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION
AGREEMENT WITH PROVIDENCE WALK, LLC AND FIRST VITORY, INC. FOR THE
HERITAGE PARK SUBDIVISION**

WHEREAS, the City of Hendersonville owns, operates, and maintains a water distribution system a gravity sewer system to serve customers throughout Henderson County; and

WHEREAS, residential, commercial, and industrial developments often require public water service as a part of their development projects; and

WHEREAS, the Developer extends public water and gravity sewer lines to their site, which upon completion and acceptance, are provided to the City to own, operate, and maintain; and

WHEREAS, the City requires a Utility Extension Agreement to be executed to establish requirements of both the Developer and the City for the water and sewer line extension process; and

WHEREAS, First Victory, Inc., the “Developer” and Providence Walk, LLC, the “Owner,” will enter into a Utility Extension Agreement with the City to provide water and sewer services to the Providence Walk Subdivision.

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

1. The Utility Extension Agreement with First Victory, Inc., the “Developer” and Providence Walk, LLC., the “Owner” to provide water service to the Providence Walk Subdivision is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of May 2022.

/s/Barbara G. Volk, Mayor

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

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

K. Selection of ADW’s Proposal for Phase I of the City Hall and City Operations Facilities Renovations Project – Drew Finley, Assistant Utilities Director

I move that City Council adopt the Resolution Accepting ADW’s Proposal For Architectural And Engineering Services for Phase I of the City Hall and City Operations Facilities Renovations Project in the Not to Exceed amount of \$279,000.

Resolution #R-22-55

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ACCEPTING
ADW’S PROPOSAL FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR
PHASE I OF THE CITY HALL AND CITY OPERATIONS FACILITIES RENOVATIONS
PROJECT**

WHEREAS City Council has determined that renovations are needed for both the City Hall building and the City Operations Facility; and

WHEREAS ADW Architects recently completed a space needs analysis study for the City that included an evaluation of the City’s physical space need; and

WHEREAS City staff conducted a qualifications-based selection process in accordance with the provisions of G.S.143-64.31 to determine the most qualified firm to perform the architectural and engineering services required for Phase I of the project as described in the attached proposal from ADW Architects; and

WHEREAS, City staff recommends that ADW Architects be determined as the most qualified firm to perform the architectural and engineering services required for Phase I of the project.

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

1. ADW Architects is declared to be the most qualified firm to perform the architectural and engineering services required for Phase I of the project.

2. The City of Hendersonville hereby accepts the attached proposal from ADW Architects to perform architectural and engineering services for Phase I of the City Hall and City Operations Facilities Renovations project and finds that ADW Architects is the most qualified firm.
3. The City Manager and City Attorney are hereby authorized to negotiate and execute a final contract with ADW Architects for architectural and engineering services in connection with this project not to exceed \$279,000.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of May 2022.

/s/Barbara G. Volk, Mayor

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

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

L. Adoption of Uniform Guidance Policies—Angela S. Beeker, City Attorney

I move that City Council adopt the By the City of Hendersonville City Council to Adopt Certain Policies to Comply With 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, And Audit Requirements For Federal Awards as presented.

Resolution #R-22-60

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADOPT CERTAIN POLICIES TO COMPLY WITH 2 CFR PART 200 UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

WHEREAS, the City of Hendersonville receives grants, subgrants, awards, subawards, and loans that are funded in whole or in part by federal funds; and;

WHEREAS, federal funding necessitates the adoption of certain policies required by 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, hereinafter “Uniform Guidance”; and

WHEREAS, City Council wishes to adopt the following policies in compliance with Uniform Guidance;

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

1. The following policies, attached hereto and incorporated by reference, hereinafter “Uniform Guidance Policies,” are hereby adopted as required by Uniform Guidance:
 - a. Conflict of Interest Policy Applicable to Contracts and Subawards of the City Of Hendersonville Funded In Whole or In Part With Federal Funds;
 - b. Policy of the City of Hendersonville City Council to Prohibit Discrimination in Programs and Services and in Activities Receiving Federal Financial Assistance (A Supplement to the Title Vi Plan);
 - c. Record Retention Policy: Documents Created or Maintained Pursuant to the ARP/CSLFRF Award
 - d. City of Hendersonville Property Management Policy for Real and Personal Property Purchased in Whole or in Part With Federal Funds;
 - e. Eligible Project Policy for the Expenditure of American Rescue Plan Act Of 2021 Coronavirus State and Local Fiscal Recovery Funds by the City of Hendersonville;
 - f. The City of Hendersonville Policy for Program Income Related to the Expenditure of Federal Funds;
 - g. The City of Hendersonville Policy for Allowable Costs and Cost Principles for Expenditure of Federal Funds;
2. The Uniform Guidance Conflict of Interest Policy for the City of Hendersonville adopted on December 3, 2020, is hereby repealed.

3. The City of Hendersonville Uniform Guidance Procurement Policy adopted on November 23, 2020 and amended on February 10, 2022, is ratified, and approved.
4. To the extent permitted by law, the Uniform Guidance Policies shall be considered administrative policies which may be amended by the City Manager in consultation with the City Attorney. Amendments which must be approved by City Council under applicable law shall be brought to City Council for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of May 2022.

/s/Barbara G. Volk, Mayor

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

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

M. Resolution to Approve Interlocal Agreement for Ecusta Trail Construction Between S. Main and Kanuga Road - John Connet, City Manager

I move that City Council adopt the Resolution to Approve Interlocal Agreement for Ecusta Trail Construction Between S. Main and Kanuga Road as presented.

Resolution #R-22-62

RESOLUTION TO APPROVE INTERLOCAL AGREEMENT FOR ECUSTA TRAIL CONSTRUCTION BETWEEN S. MAIN AND KANUGA ROAD

WHEREAS, Henderson County is the Tenant of the property, owned by the Ecusta Rails2Trail, LLC, a North Carolina nonprofit corporation (“ER2T”), obtained by ER2T by way of that special warranty deed recorded in Book of Record 2764 at Page 590 of the Henderson County Registry, for the development of a greenway along the former railroad corridor, running from Transylvania County to a point in Henderson County (the “R2T Property”); and

WHEREAS, the lease (the “Lease”) between Henderson County and ER2T dated November 1, 2021, for the R2T Property provides that the County will construct and maintain a greenway within the portions of the R2T Property lying in Henderson County (the “R2T Greenway”); and

WHEREAS, Henderson County has agreed to begin the R2T Greenway in Henderson County at a property owned by the City of Hendersonville on South Main Street, said property having a PIN of 9568850368, having been acquired by the City pursuant to that deed recorded in Book 1357 at Page 559 of the Henderson County Registry, (the “South Main Property”) and the City has agreed to contribute a lump sum amount of \$46,000.00 to be used for engineering costs associated with the construction of the R2T Greenway from the South Main Property to Kanuga Road; and

WHEREAS, Henderson County and the City of Hendersonville wish to enter into an interlocal agreement as allowed by N.C.G.S. Chapter 160A, Article 20, to carry out these terms as agreed.

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

1. The Interlocal Agreement between Henderson County and the City of Hendersonville providing for the construction of the R2T Greenway from the South Main Property to Kanuga Road, and the City’s payment of \$46,000 towards the cost of engineering and design is approved as presented.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of May 2022.

/s/Barbara G. Volk, Mayor

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

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

Council Member Lyndsey Simpson moved that City Council approve the consent agenda as presented. A unanimous vote of the Council followed. Motion carried.

6. PRESENTATIONS

A. Proclamation - Mental Health Awareness Month - Week of the Young Child - Mayor Barbara G. Volk

Mayor Barbara G. Volk issued a proclamation declaring the month of May 2022 as Mental Health Awareness Month in the City of Hendersonville and she called upon the citizens, government agencies, public and private institutions, businesses, and schools in the community to recommit increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental illnesses at all stages to ensure that community members who are struggling know they are not alone.

D. Quarterly MVP Recipients – John Connet, City Manager

City Manager John Connet and Mayor Barbara G. Volk recognized quarterly MVP recipients Robbie Baird (Police), Isaac Walden, Garrett Cairnes, James Clugh, Evan Doughty, Montana Riley, Bo Stepp, Kevin Albertson, Brandon Smith, Damian Bingham, Brandon Taylor, Hunter Wright, and Andrew Jones (Water & Sewer) for assisting two disabled persons and for repairs to high pressure water lines that enabled downtown businesses to continue to operate.

7. PUBLIC HEARINGS

A. Annexation: Public Hearing- 1448 and 1450 Old Spartanburg Road (C22-21-ANX) – Tyler Morrow, Planner II

Planner Tyler Morrow stated the City received a petition from Samuel R. Henderson of Appalachian Dew, LLC for contiguous annexation of PINs 9578-52-0340, and 9578-52-1337 located on Old Spartanburg Road that is approximately 1.21 acres. Mr. Morrow recalled the City Council accepting the City Clerk's Certificate of Sufficiency on April 7th, 2022.

Staff presented and discussed with City Council an analysis of the consistency with the relevant portions of the Comprehensive Land Use Plan and the Planning Board's recommendation. Both were considered by the City Council in addition to supporting maps and documents provided in the agenda packet.

The City Attorney confirmed this public hearing has been advertised in accordance with North Carolina General Statutes. The public hearing was opened at 6:10 p.m.

There were no comments. The public hearing was closed at 6:10 p.m.

Council Member Jerry A. Smith Jr., J.D. moved that City Council adopt an ordinance of the City of Hendersonville to extend the Corporate Limits of the City as a contiguous annexation, to annex that property owned by Appalachian Dew, LLC, identified as PINs 9578-52-0340, and 9578-52-1337, finding that the standards established by North Carolina General Statute 160A-31 have been satisfied and that the annexation is in the best interest of the City. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-22-21

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

Re: Petition for Contiguous Annexation
Petitioners: Appalachian Dew, LLC (Samuel R. Henderson, Vice President)
File No. C22-21-ANX

WHEREAS, The City of Hendersonville has been petitioned by Samuel R. Henderson of Appalachian Dew, LLC. 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 5th day of May, 2022, after due notice by publication as provided by law on April 24th, 2022; 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-58.2, as amended, the following described contiguous area is hereby annexed and made part of the City of Hendersonville as of the fifth day of May 2022.

Being all of that real property shown on that annexation plat recorded in Plat Book 2022 at Page _____ of the Henderson County Registry, and being also all of that real property shown on that plat recorded on Deed Book 3868; pages 411-412, and shown on Plat Slide 10786 of the Henderson County Registry, and being described by metes and bounds as follows:

Situated in the City of Hendersonville, Henderson County, North Carolina and being more particularly described as follows:

Commencing at an existing iron pin on the eastern margin of Old Spartanburg Road and being the northwest corner of Lot 1 as shown on Plat Slide 10786 as recorded in the Register of Deeds for Henderson County, North Carolina and running with the northern line of Lot 1 N58-03-07E for a distance of 191.68 feet to the Point of Beginning being the northwest corner of Lot 4 as shown on Plat Slide 10786, thence running N58-03-07E for a distance of 210.85 feet to an existing bedrail; thence running S36-45-28E for a distance of 168.69 feet to a point; thence running S36-16-28E for a distance of 47.89 feet to an existing iron pin; thence running with an unnamed private gravel road S50-41-48W for a distance of 245.62 feet to an existing iron pin; thence running N28-28-41W for a distance of 247.75 feet with the boundary of the City of Hendersonville to an existing iron pin being the Point of Beginning.

Said property contains 1.21 Acres more or Less

2: Upon and after the fifth day of May 2022, 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 this 5th day of May 2022.

/s/Barbara G. Volk, Mayor

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

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

B. Zoning Text Amendment: Conditional Zoning District Rezoning Required Triggers (P22-25-ZTA) – Lew Holloway; Community Development Director

Community Development Director Lew Holloway stated this is a City initiated zoning text amendment and explained the amendment addresses the thresholds for development which will trigger a Conditional Zoning District. Director Holloway recalled a recent development project within the City of Hendersonville's Greenville Highway Mixed Use District (GHMU) and said staff were directed to investigate a zoning text amendment that would require conditional rezoning for development or redevelopment of 50,000 square feet or greater that would apply to all zoning districts classifications. Director Holloway stated the best way to accomplish this is with an amendment to Article 4: Sec. 4-5 to establish a development and redevelopment threshold, alongside individual clarifying amendments to the "mirror Conditional Zoning Districts" within Article V: Zoning District Classifications.

Staff presented and discussed with City Council an analysis of the consistency with the relevant portions of the Comprehensive Land Use Plan and the Planning Board's recommendation. Both were considered by the City Council in addition to supporting maps and documents provided in the agenda packet.

The City Attorney confirmed this public hearing has been advertised in accordance with North Carolina General Statutes. The public hearing was opened at 6:18 p.m.

Lynne Williams of Chadwick Ave. addressed City Council via zoom electronic software expressing thanks and appreciation to staff with addressing compatibility issues within these districts.

The public hearing was closed at 6:20p.m.

Council Member Jerry A. Smith Jr., J.D. moved that City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Article IV – Section 4-5 and Article V – Sections 5-1-4; 5-2-4; 5-3-4; 5-4-4; 5-5-4; 5-6-5; 5-7-4; 5-8-4; 5-9-1; 5-9-5; 5-10-4; 5-12-4; 5-13-5; 5-19-4; 5-22-5; 5-23-6 & 5-27-5 based on the following: The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because the 2030 Comprehensive Plan Land Use and Development Chapter calls for the City to consider short- and long-term impacts on compatibility with existing development and further recommends the adjustment of review procedures to accomplish this goal as needed. We find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because the petition addresses an incongruency in our existing zoning ordinance regarding the standard review process required of projects of a particular size and the text amendment will permit the community to address potential short-term incompatibilities caused by new development, particularly infill development. A unanimous vote of the Council followed. Motion carried.

REZONING Ordinance #O-22-22

ARTICLE 4 - ESTABLISHMENT OF DISTRICTS: SECTION 4-5; ARTICLE 5 – ZONING DISTRICT CLASSIFICATIONS: SECTIONS 5-1-4, 5-2-4; 5-3-4; 5-4-4; 5-5-4; 5-6-5; 5-7-4; 5-8-4; 5-9-1; 5-9-5; 5-10-4; 5-12-4; 5-13-5; 5-19-4; 5-22-5; 5-23-6 AND 5-27-5 OF THE CITY OF HENDERSONVILLE ZONING ORDINANCE TO ESTABLISH A CONDITIONAL ZONING REQUIREMENT FOR DEVELOPMENT AND REDEVELOPMENT OF 50,000 SQUARE FEET AND/OR 51 DWELLING UNITS OR MORE

WHEREAS, the City of Hendersonville's Planning Board reviewed this City initiated zoning text amendment establishing a conditional zoning requirement for development and redevelopment of 50,000 square feet and/or 51 dwelling units or more at its regular meeting on April 11th, 2022; voting 8-0 to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

WHEREAS, City Council desires to provide for the consistent application of conditional zoning requirements across the Zoning District Classifications, and

WHEREAS, City Council took up this application at its regular meeting on May 5th, 2022, and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Article 4 – Establishment of Districts: Section 4-5; Article 5 – Zoning District Classifications: Sections 5-1-4, 5-2-4; 5-3-4; 5-4-4; 5-5-4; 5-6-5; 5-7-4; 5-8-4; 5-9-1; 5-9-5; 5-10-

4; 5-12-4; 5-13-5; 5-19-4; 5-22-5; 5-23-6 and 5-27-5 be amended as follows to establish a Conditional Zoning Requirement for Development and Redevelopment of 50,000 square feet and/or 51 dwelling units or more:

ARTICLE IV ESTABLISHMENT OF DISTRICT CLASSIFICATIONS

Sec. 4-5. Classification of uses.

The range of uses allowed in each district established in this ordinance is summarized in Table 4-5 Table of Permitted Uses, which is a part of this section. In the event of a conflict between Table 4-5 and the text of this appendix, the text shall control.

The Table of Uses orders uses into the following four classifications. All uses must comply with regulations of general application in the zoning ordinance, including, without limitation, those in articles VI, VII, and XV. In addition, uses must comply with specific development standards as noted below:

- a) **Permitted by right (P).** A use which is permitted by right must comply with the development standards for the relevant zoning district. This process requires administrative (i.e. professional city staff) review leading to an administrative decision.
- b) **Permitted by right subject to supplementary standards (SS).** Same as above except that the use must comply with one or more additional standards not required of other permitted uses in the district. These additional standards are either incorporated into the description of the use or, when they are too lengthy, a reference is given to their location in the ordinance. This process requires administrative (i.e. professional city staff) review leading to an administrative decision.
- c) **Special Use (SU).** A use which may be authorized only by means of a special use permit (SUP) issued by the board of adjustment pursuant to article X, below. This process requires initial administrative review (i.e. professional city staff) and a final quasi-judicial decision by the board of adjustment (quasi-judicial process).
- d) **Limited (L).**
- e) **Uses permitted only pursuant to a rezoning to a conditional zoning district.**
 - 1) Any building or structure that exceeds the maximum square footage as stated in a conventional zoning district shall require a rezoning to a conditional zoning district which allows the proposed square footage for the building or structure in order to be permitted.
 - 2) ~~Any building of the following development or structure that is more than 50,000 square feet of gross floor area redevelopment shall be required a rezoning to a conditional zoning district which allows the proposed gross square footage for the building it:~~
 - (a) Any nonresidential development or redevelopment that includes a cumulative total gross floor area for all buildings combined for all phases combined of the development or redevelopment of 50,000 square feet or more;
 - (b) Any mixed-use development or redevelopment that includes a cumulative total gross floor area for all buildings combined (including both residential and nonresidential) for all phases combined of the development or redevelopment of 50,000 square feet or more;
 - (c) Any amendment to an approved nonresidential or mixed-use development or redevelopment that, when added to the approved development or redevelopment for all phases of the development or redevelopment combined, brings the development or redevelopment (including the amendment) within the parameters of (a) or (b) above.
 - (d) Any single, two or multi-family residential development or redevelopment that includes 51 or more residential dwelling units for all phases combined; or
 - (e) Any amendment to an approved single, two or multi-family residential development or redevelopment that, when added to the approved number of dwelling units for all phases combined, brings the total number of dwelling units (including the amendment) for all phases of the development or redevelopment combined to 51 or more dwelling units.
 - 3) ~~The provisions in this Section 4-5(e) The 50,000 square foot gross floor area threshold~~ for requiring a rezoning to a conditional zoning district is ~~are~~ subject to any exemptions established in article V, zoning district classifications.

ARTICLE V ZONING DISTRICT CLASSIFICATIONS

5-1-4. R-40 CZD Estate Residential Conditional Zoning District Classification.

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the R-40 Estate Residential Zoning District Classification except that rezoning to R-40 Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the R-40 Estate Residential Conditional Zoning District

Classification only upon rezoning to R-40CZD, regardless of the square footage or number of residential units for the use:

Adaptive reuses

Telecommunications towers

Permitted uses for the R-40, Estate Residential Zoning District Classification as specified in subsection 5-1-1, above.

Special uses for the R-40, Estate Residential Zoning District Classification as specified in subsection 5-1-2, above.

5-2-4. R-20CZD Low-Density Residential Conditional Zoning District Classification.

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the R-20 Low-Density Residential Zoning District Classification except that rezoning to R-20 Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the R-20 Low-Density Residential Conditional Zoning District Classification only upon rezoning to R-20CZD, regardless of the square footage or number of residential units for the use:

Adaptive reuses

Telecommunications towers

Permitted uses for the R-20, Low-Density Residential Zoning District Classification as specified in subsection 5-2-1, above.

Special Uses for the R-20, Low Density Residential Zoning District Classification as specified in subsection 5-2-2 above.

5-3-4. R-15CZD Medium-Density Residential Conditional Zoning District Classification.

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the R-15 Medium-Density Residential Zoning District Classification except that rezoning to R-15 Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the R-15 Medium-Density Residential Conditional Zoning District Classification only upon rezoning to R-15CZD, regardless of the square footage or number of residential units for the use:

Adaptive reuses

Telecommunications towers

Permitted uses for the R-15 Medium-Density Residential Zoning District Classification as specified in subsection 5-3-1, above.

Special Uses for the R-15 Medium-Density Residential Zoning District Classification as specified in subsection 5-3-2, above.

5-4-4. R-10 CZD Medium-Density Residential Conditional Zoning District Classification.

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the R-10 Medium-Density Residential Zoning District Classification except that rezoning to R-10 Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the R-10 Medium-Density Residential Conditional Zoning District Classification only upon rezoning to R-10CZD, regardless of the square footage or number of residential units for the use:

Adaptive reuses

Telecommunications towers

Permitted uses for the R-10 Medium-Density Residential Zoning District Classification as specified in subsection 5-4-1, above.

Special uses for the R-10 Medium-Density Residential Zoning District Classification as specified in subsection 5-4-2, above.

5-5-4. R-6 CZD High-Density Residential Conditional Zoning District Classification.

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the R-6 High-Density Residential Zoning District Classification except that rezoning to R-6 Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the R-6 High-Density Residential Conditional Zoning District Classification only upon rezoning to R-6CZD, regardless of the square footage or number of residential units for the use:

Adaptive reuses

Telecommunications towers

Permitted uses for the R-6 High-Density Residential Zoning District Classification as specified in subsection 5-5-1, above.

Special Uses for the R-6 High-Density Residential Zoning District Classification as specified in subsection 5-5-2, above.

5-6-5. C-1 CZD Central Business Conditional Zoning District Classification.

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the C-1 Central Business Zoning District Classification except that rezoning to C-1 Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the C-1 Central Business Conditional Zoning District Classification ~~only~~ upon rezoning to C-1CZD, regardless of the square footage or number of residential units for the use:

- ~~a) Any development or redevelopment involving more than 50,000 square feet of gross floor area.~~
- b) Shelter facilities, subject to supplementary standards contained in section 16-4, below.
- e) Permitted uses for the C-1 Central Business Zoning District Classification as specified in subsection 5-6-1, above.
- d) Special uses for the C-1 Central Business Zoning District Classification as specified in subsection 5-6-2, above.

5-7-4. C-2 CZD Secondary Business Conditional Zoning District Classification.

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the C-2 Secondary Business Zoning District Classification except that rezoning to C-2 Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the C-2 Secondary Business Conditional Zoning District Classification ~~only~~ upon rezoning to C-2CZD, regardless of the square footage or number of residential units for the use:

Day center.

Shelter facilities.

Telecommunications towers.

~~Development or redevelopment involving more than 50,000 square feet of floor area.~~

Permitted uses for the C-2 Secondary Business Zoning District Classification as specified in subsection 5-7-1, above.

Special uses for the C-2 Secondary Business Zoning District Classification as specified in subsection 5-7-2, above.

5-8-4. C-3CZD Highway Business Conditional Zoning District Classification.

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the C-3 Highway Business Zoning District Classification except that rezoning to C-3 Conditional Zoning District as provided for in Article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the C-3 Highway Business Conditional Zoning District Classification ~~only~~ upon rezoning to C-3CZD, regardless of the square footage or number of residential units for the use:

Day centers

Shelter facilities

~~Development or redevelopment involving more than 50,000 square feet of floor area~~

Permitted uses for the C-3, Highway Business Zoning District Classification as specified in subsection 5-8-1, below)

Special uses for the C-3, Highway Business Zoning District Classification as specified in subsection 5-8-2, below

Sec. 5-9. C-4 Neighborhood Commercial Zoning District Classification.

The purpose of this zoning district classification is to provide for the most frequent daily needs of residents of an immediate neighborhood. Because these shops and stores will be most closely associated with residential uses, more restrictive requirements for light, air, open space, etc., are necessary.

5-9-1. Permitted uses.

The following uses are permitted by right in the C-4 Neighborhood Commercial Zoning District

Classification, provided they meet all requirements of this Section and all other requirements established in this appendix:

Accessory dwelling units
 Accessory uses and structures
Dry cleaning and laundry establishment containing less than 2,000 square feet of floor area
Garage apartments
Home occupations
Parks
Residential dwellings, single-family
Signs, subject to the provisions of article XIII
Telecommunications antennas, subject to supplementary standards contained in section 16-4, below

The following uses are permitted by right in the C-4 Neighborhood Commercial Zoning District Classification, provided they meet all requirements of this Section and all other requirements established in this appendix and have no more than 10,000 gross square feet of floor area, including all proposed phases of development or redevelopment. Expansions of any of the following uses which, when added to the gross floor area of the existing use, bring the total gross square footage of floor area, for all existing and planned phases to more than 10,000 square feet are prohibited.

Adult care centers registered with the NC Department of Health and Human Services (DHSS)
 Automobile car washes so long as no attendants are employed on the premises
 Banks and other financial institutions
 Business services
 Convenience stores with or without gasoline sales
 Dance and fitness facilities
~~Dry cleaning and laundry establishment containing less than 2,000 square feet of floor area~~
~~Garage apartments~~
~~Home occupations~~
 Laundries, coin-operated
 Music and art studios
 Offices, business, professional and public
 Parks
 Personal services
 Religious institutions
~~Residential dwellings, single-family~~
 Retail stores customarily serving neighborhoods and designed to serve a neighborhood
 Service stations
~~Signs, subject to the provisions of article XIII~~
~~Telecommunications antennas, subject to supplementary standards contained in section 16-4, below~~

5-9-5. C-4CZD Neighborhood Commercial Conditional Zoning District Classification.

The purpose, ~~and~~ requirements and standards of this district are identical to the C-4 Neighborhood Commercial Zoning District Classification except that a rezoning to C-4 Conditional Zoning District, as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the C-4 Neighborhood Commercial Conditional Zoning District Classification ~~only upon rezoning to C-4CZD, regardless of the square footage or number of residential units for the use:~~

Permitted uses for the C-4 Neighborhood Commercial Zoning District classification as specified in subsection 5-9-1, above.

Special uses for the C-4 Neighborhood Commercial Zoning District classification as specified in subsection 5-9-2, above.

~~Development or redevelopment involving more than 10,000 square feet of floor area.~~

5-10-4. MICCZD Medical, Institutional, Cultural Conditional Zoning District Classification.

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the MIC Medical, Institutional and Cultural Zoning District Classification except that rezoning to MIC Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the MIC Medical, Institutional and Cultural Zoning District Classification ~~only upon rezoning to MICCZD, regardless of the square footage or number of residential units for the use:~~

Telecommunications towers, subject to supplementary standards contained in section 16-4 below

~~Any development or redevelopment involving more than 50,000 square feet of gross floor area.~~

Permitted uses for the MIC, Medical, Institutional, Cultural Zoning District Classification as specified in subsection 5-10-1, above

Special Uses for the MIC, Medical, Institutional, Cultural Zoning District Classification as specified in subsection 5-10-2, above

5-12-4. I-1CZD Industrial Conditional Zoning District Classification.

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the I-1 Industrial Zoning District Classification except that rezoning to I-1 Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the I-1 Industrial Conditional Zoning District Classification ~~only~~ upon rezoning to I-1CZD, regardless of the square footage or number of residential units for the use:

Day centers

Shelter facilities

Permitted uses for the I-1 Industrial Zoning District Classification as specified in subsection 5-12-1, above

Special uses for the I-1 Industrial Zoning District Classification as specified in subsection 5-12-2, above

~~Development or redevelopment involving more than 50,000 square feet of floor area unless exempted in section 5-12-1(b), above~~

5-13-5. RCTCZD Residential Commercial Transition Conditional Zoning District Classification.

The purpose, ~~and~~ requirements and standards of this classification are identical to the RCT Residential Commercial Transition Zoning District Classification except that rezoning to RCT Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the RCTCZD Residential Commercial Transition Conditional Zoning District Classification ~~only~~ upon rezoning to RCTCZD, regardless of the square footage or number of residential units for the use:

Permitted uses for the RCT, Residential Commercial Transition Zoning District Classification as specified in subsection 5-13-1, below)

~~Conditional~~ Special uses for the RCT, Residential, Commercial Transition Zoning District Classification as specified in subsection 5-13-2, below

5-19-4 CMUCZD Central Mixed Use Conditional Zoning District Classification.

The purpose, ~~and~~ requirements and standards of this classification are identical to the CMU Central Mixed Use Zoning Classification except that a, rezoning as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the CMU Central Mixed Use Conditional Zoning District Classification ~~only~~ upon rezoning to CMUCZD, regardless of the square footage or number of residential units for the use:

~~Any development involving more than 50,000 square feet of gross floor area and/or 50 residential dwelling units.~~

Day centers, subject to the supplementary standards contained in section 16-4, below.

Shelter facilities, subject to the supplementary standards contained in section 16-4, below.

Telecommunications towers, subject to supplementary standards contained in section 16-4, below.

Permitted uses for the CMU Central Mixed Use Zoning District Classification as specified in section 5-19-1, above.

Conditional uses for the CMU Central Mixed Use Zoning District Classification as specified in section 5-19-2, above.

5-22-5 GHMUCZD Greenville Highway Mixed Use Conditional Zoning District Classification.

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the Greenville Highway Mixed Use Zoning District Classification except that rezoning to GHMU Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the GHMU Greenville Highway Mixed Use Conditional Zoning District Classification ~~only~~ upon rezoning to GHMUCZD, regardless of the square footage or number of residential units for the use:

Telecommunications towers, subject to supplementary standards contained in section 17-4 below.

Structures with a footprint greater than the maximum allowed under section 5-22-3.2 dimensional ~~Requirements, above.~~

Permitted uses for the GHMU Zoning District Classification as specified in 5-22-1, above.

Special uses for GHMU Zoning District Classification as specified in 5-22-2, above.

5-23-6 HMUCZD Highway Mixed Use Conditional Zoning District Classification.

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the Highway Mixed Use Zoning District Classification except that rezoning to HMU Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the HMU Highway Mixed Use Conditional Zoning District Classification ~~only~~ upon rezoning to HMUCZD, regardless of the square footage or number of residential units for the use:

Telecommunications towers, subject to supplementary standards contained in section 16-4, below.

Structures with a footprint greater than the maximum allowed under section 5-23-3.2 dimensional
~~Requirements, above.~~

Permitted uses for the GHMU Zoning District Classification as specified in 5-23-1, above.

Special uses for GHMU Zoning District Classification as specified in 5-23-2, above.

5-27-5 CHMUCZD Commercial Highway Mixed Use Conditional Zoning District Classification.

The purpose, ~~and~~ requirements and standards of this classification are identical to the CHMU Commercial Highway Mixed Use Zoning District Classification except that a rezoning to CHMU Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the CHMU Commercial Highway Mixed Use Conditional Zoning District Classification ~~only~~ upon rezoning to CHMUCZD, regardless of the square footage or number of residential units for the use:

~~Development or redevelopment exceeding 50,000 square feet of gross floor area.~~

Telecommunications towers, subject to supplementary standards contained in section 16-4, below.

Permitted uses for the CHMU Commercial Highway Mixed Use Zoning District Classification as specified in section 5-27-1, above.

Special uses for the CHMU Commercial Highway Mixed Use Zoning District Classification as specified in section 5-27-1, above.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of May 2022.

/s/Barbara G. Volk, Mayor

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

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

C. Rezoning: Conditional Zoning District – Hawkins Pointe (P22-16-CZD) – Matthew Manley, AICP – Planning Manager

Planning Manager Matthew Manley stated the City is in receipt of an application for a Conditional Zoning District from David & Clay Cooper with Woda Cooper Companies, Inc (applicant) and Dr. Leon Elliston with Regional Properties ANC General Partnership and Nicholas Iosue with Castles & Cottages, LLC, (property owners). Mr. Manley stated the applicants are requesting to rezone the subject properties (PINs 9568-58-3734; 9568-58-4911; 9568-58-2974; 9568-48-9996; 9568-58-1916 and 9568-48-9860) from MIC (Medical Institutional Cultural) to UR-CZD (Urban Residential – Conditional Zoning District), for the construction of 49' 5" tall, 52-unit affordable housing tax credit apartment building on approximately 1.66 acres (Density = 31.3 units/acre). Mr. Manley stated the UR district does not have a density cap and explained there is one 3/4-story split building proposed with a total of 55,500 Sq Ft (Gross Floor Area). Mr. Manley stated the use of the site is residential, multi-family and clarified this is a redevelopment project. Mr. Manley stated the site is currently vacant with the exception of one building and was previously occupied by multiple buildings. Mr. Manley discussed the Planning Board's rationale and recommendation to deny the project. Mr. Manley stated two additional rationales for the denial included lack of community greenspace and of a ten-year stormwater management plan.

Staff presented and discussed with City Council an analysis of the consistency with the relevant portions of the Comprehensive Land Use Plan and the Planning Board's recommendation. Both were considered by the City Council in addition to supporting maps and documents provided in the agenda packet.

Clay Cooper of Woda Cooper Companies addressed City Council regarding the project Mr. Cooper stated his company are long term property owners and outlined the project overview Mr. Cooper outlined the affordability of the units being proposed stating it is a top competitor for affordable housing and discussed the current MIC zoning uses of surrounding businesses and homes. Mr. Cooper

stated there is an increased demand for smaller units with less maintenance to assist aging population with affordable housing. Mr. Cooper stated he believes the higher intensity and density use is consistent with the City's comprehensive plan and growth management map said he believes the project to be a priority infill area. Mr. Cooper discussed traffic and trip generation being conducted by a local traffic engineer stating their calculation indicate 118 peak hours a.m. trips and 160 peak hour pm trips. Mr. Cooper discussed community engagement and concessions to the plan they have made to accommodate the surrounding neighbors' requests. Mr. Cooper stated his company is willing to reduce the height to three stories at a cost of losing 9 units and said he recently spoke with the Housing Finance Agency yesterday about amending the plan and they agreed. Mr. Cooper stated he feels the project does comply with open space requirements as set forth in the zoning ordinance and said the project is located adjacent to two open spaces. He also discussed connectivity and walkability illustrating sidewalk connections stating the project has a 68-walk score which is a high score. Mr. Cooper stated he believes the bus location is perfect where it is.

Council Member Jerry A. Smith Jr., J.D. expressed appreciation for the thorough presentation.

Mayor Barbara G. Volk inquired if the rental rates would change with the reduction of units and Mr. Cooper stated the percentages of affordability will change but said the rental rates would still be applicable. Mayor Volk also inquired if the parking spaces would be reduced, and Mr. Cooper stated they would request the number of spaces be preserved but further clarified some could be reduced at the turnaround.

Council Member Dr. Jennifer Hensley inquired how the reduction in building footprint would impact parking and Mr. Cooper illustrated removal of some parking spaces and installation of a turnaround.

The City Attorney confirmed this public hearing has been advertised in accordance with North Carolina General Statutes. The public hearing was opened at 7:07 p.m.

Ginny Faust addressed the City Council stating she believes the project is over development and is not a good fit. Ms. Faust asked for consideration of the applicant to provide a sidewalk or turnaround on the site. Ms. Faust stated she does not believe the project is oriented around open space and stated she believes the intent of the zoning ordinance is to require open space within the project area. Ms. Faust stated she believes the two parking lots within the project area are not connected due to limited space on the site and expressed concerns of traffic having to drive around the block to enter in the opposite side of the development and said this would be an inconvenience to future residents and neighboring residents. Ms. Faust expressed concerns if the project does not receive the tax credits and asked if another developer could build the same project. Ms. Faust stated she believes this is the first rezoning to the urban residential district and said it will set a precedent for future applications and said it is important to set the right tone for the future. Ms. Faust stated the applicant has proven they can build a first-class award-winning project and said the city deserves the same.

Ellen Keates of Florida Ave. addressed City Council expressing concerns of traffic lights and stated the developer agreed to build a 10ft fence on the property line. Ms. Keates inquiring if this would be approved through the zoning ordinance. Planner Tyler Morrow clarified a 9ft fence would be required to meet certain setbacks.

Ken Fitch of Patton St. addressed City Council via Zoom electronic software stating this project would bring an interruption to the area residents and said it would bring uncertainty and incompatibility as well. Mr. Fitch stated he believed there is inadequate parking and said the unconnected parking lots pose a hazard and facilitates potential parking on Florida Avenue. Mr. Fitch stated he believes the impact to the adjacent historic district due to the project mass and size would diminish the historic district's character.

Mayor Volk read the following digital comments.

Beverly Hiott of North Oak Street submitted digital comments to City Council in opposition to the project. Ms. Hiott requested City Council follow the wishes of the residents and Planning Board not to approve the project.

TD King of North Oak Street submitted digital comments to City Council in opposition to the project. Mr. King stated he supported the Planning Boards recommendation not to approve and said the Medical, Institutional, and Cultural Zoning is correct, proper, and desirable for this Historical District.

The public hearing was closed at 7:37p.m.

Council Member Jerry A. Smith Jr., J.D. expressed concerns of the developer previously indicating that the project would not be viable by reducing the height of the building and inquired why it was changed at the last minute. Council Member Smith stated he feels this is a significant change in the plan and said he believes the Planning Board should be able to review the newly proposed changes. Council Member Smith additionally acknowledged parking and stated he feels it is inadequate. Council Member Smith asked City Council to send this matter back to Planning Board for review. Council Member Smith stated the process could have been started any time in the last year and said the tax credit application is due next week and inquired why the plan was altered the day prior to the Council meeting. The developer, Mr. Clay Cooper, stated their pre-application process is very lengthy and stated the property brokers negotiate to hold property for over a year during the process. The property owner stated they discussed the change with the NC Housing Finance Agency late yesterday afternoon and received approval for height reduction at that time.

Council Member Lyndsey Simpson stated she supports the project with the concessions the developer has made in conjunction with the 10-year stormwater management plan, fencing, building height, and assigned parking. She clarified that the zoning changes would stay with the property unless modifications were requested. Council Member Simpson stated she feels the property is suitable for this type of affordable housing.

Mayor Barbara G. Volk agreed with Council Member Simpson acknowledging it is a difficult piece of property to develop. Mayor Volk disagreed with Council Member Smith on parking stating not everyone would have a vehicle who lives there and said a reduction to three stories will make a big difference.

Council Member Jerry A. Smith Jr., J.D. stating he feels it needs to go back to Planning Board with all the changes. Mayor Volk stated she disagreed and acknowledged that although it is not easy for the neighbors, she believes the reduction to three stories is adequate and clarified that City Council could have made this a requirement without going back to Planning Board. Council Member Smith expressed additional concerns that developers continue to make last minute changes which do not allow Council adequate time to consider and said they are absent any Planning Board input on newly proposed changes.

Council Member Dr. Jennifer Hensley stated she spoke with Planning Board members who indicated they would have recommended the project with conditions and commended Council Member Smith for asking that the project be reduced in height. Council Member Hensley stated she has several clients who are on a very long housing wait list who would benefit from a project of this type in the area.

Council Member Debbie O'Neal-Roundtree stated she agreed with Council Member Smith in that the plan should go back to Planning Board for review and approval.

Council Member Jerry A. Smith Jr., J.D. moved that City Council send this application back to the Planning Board with changes discussed during this meeting for review and recommendation. The motion failed by 3-2, with Council Members Hensley, Simpson, and Mayor Volk voting against.

Council Member Dr. Jennifer moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINS: 9568-58-3734; 9568-58-4911; 9568-58-2974; 9568-48-9996; 9568-58-1916 and 9568-48-9860 from MIC (Medical Institutional Cultural) to UR (Urban Residential – Conditional Zoning District) based on the site plan and list of conditions submitted by and agreed to by the applicant, today, May 5, 2022, and presented at this meeting and subject to the following: The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses: Residential Dwellings, Multi-Family. The permitted uses and applicable conditions presented on the site plan shall be amended to include: the developer shall provide a 9' fence along the Keats property (PIN 9568-58-0820); the developer shall provide assigned parking for residents of the project; the developer shall install a 10-year stormwater management system; and; the developer shall limit the building to a max of 3-stories 35' height. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because the Urban Institutional designation calls for Multi-Family Residential as a secondary recommended land use and compliments the surrounding primary recommended land uses (public & institutional uses and offices) and the proposed location and site plan aligns with a majority of development guidelines listed under LU 11.4/12.4.

Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because: the petition is located in a Priority Infill Area which recommends redevelopment of underutilized lots; the petition provides infill development utilizing existing infrastructure; the petition provides additional housing in close proximity to large employment opportunities, medical needs, shopping and educational centers; the petition proposes affordable homes for those aged 55+; the petition is in scale with other large medical, institutional, and educational along 6th Ave/US 64 major throughfare corridor; the MIC zoning district permits hospitals and office buildings by-right up to 50,000 Sq Ft. The proposed multi-family development is less intense than these other permitted uses; the MIC zoning permits Congregate Care, Nursing Homes, Rest Homes, and Progressive Care Facilities; and Portions of the site plan that are within the National Register Historic District do not contain any existing or proposed structures.

The motion carried by 3-2, with Council Members Smith and O'Neal-Roundtree voting against.

CONDITIONAL REZONING Ordinance #O-22-23

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL POSSESSING PIN NUMBERS 9568-58-3734; 9568-58-4911; 9568-58-2974; 9568-48-9996; 9568-58-1916 and 9568-48-9860 BY CHANGING THE ZONING DESIGNATION FROM MIC (MEDICAL INSTITUTIONAL CULTURAL) TO UR (URBAN RESIDENTIAL – CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9568-58-3734; 9568-58-4911; 9568-58-2974; 9568-48-9996; 9568-58-1916 and 9568-48-9860
Addresses: 745 Florida Ave; 738 6th Ave W; 728 6th Ave W; and 714 6th Ave W
Hawkins Pointe (File # P22-16-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant, David & Clay Cooper with Woda Cooper Companies, Inc and property owners, Dr. Leon Elliston with Regional Properties ANC General Partnership and Sixth Ave LLC and Nicholas Iosue with Castles & Cottages, LLC for the development of 52 Apartments on approximately 1.66 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on April 11, 2022; voting 7-1 to recommend City Council deny 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 May 5, 2022, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9568-58-3734; 9568-58-4911; 9568-58-2974; 9568-48-9996; 9568-58-1916 and 9568-48-9860 from MIC (Medical Institutional Cultural) to UR (Urban Residential – Conditional Zoning District).
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and conditions listed therein and subject to the following.
 - a. Permitted uses shall include:
 - i. Residential Dwellings, Multi-Family
 - b. Conditions that shall be satisfied prior to final site plan approval include:
 - i. The development shall be consistent with the preliminary site plan and conditions therein as submitted and dated April 1, 2022 to be modified to comply with conditions imposed by City Council.
 - ii. The developer shall provide a 9' fence along the Keats property (PIN 9568-58-0820);
 - iii. The developer shall provide assigned parking for residents of the project;

- iv. The developer shall install a 10-year stormwater management system; and
 - v. The developer shall limit the building to a max of 3-stories 35' height
3. This ordinance shall not be effective until the stipulated list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of May 2022.

/s/Barbara G. Volk, Mayor

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

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

The meeting was briefly recessed at 8:00 p.m. for a short break and reconvened at 8:05 p.m.

D. Rezoning: Conditional Zoning District –White Pine Villas (P22-13-CZD)– Tyler Morrow, Planner II

Planner Tyler Morrow stated the City is in receipt of an application for a conditional zoning district from Dennis Tharrington and Stephen Drake of WDT Development, LLC. Mr. Morrow stated the applicants are requesting to rezone the subject properties identified as PINs 9670-70-6498, 9670-70-8607 and 9670-70-8864 and located at 2620 Chimney Rock Road. from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a four-story, 88,500 sq. ft. apartment building with 78 units on approximately 4.64 acres. Mr. Morrow explained the underlying zoning on the site currently permits a 78-unit apartment building with a height of 34' 11" to the midpoint of the roof and said the developer is proposing a 78-unit 55+ senior living apartment building with a height of 50' at the midpoint of the roof. Mr. Morrow stated the request for increased height, reconfiguration of the vehicular use area, and the reduction in building footprint are the main deviations from the previously approved site plan. Mr. Morrow presented a sun study and discussed a proposed condition regarding improving the vegetation around the stormwater control measure stating the developer did not agree to this condition due to the type of stormwater measure they are proposing. Mr. Morrow clarified the term "turf" means natural grass and not artificial grass.

Staff presented and discussed with City Council an analysis of the consistency with the relevant portions of the Comprehensive Land Use Plan and the Planning Board's recommendation. Both were considered by the City Council in addition to supporting maps and documents provided in the agenda packet.

Stephen Drake of WDT Development LLC addressed City Council stating his company is responding to the need for senior affordable housing group in the area. Mr. Drake discussed the design of the development and benefits to the residents and city. Mr. Drake stated there would be two elevators and said each unit would have its own washer and dryer with access to a large community room and outside gazebo and ample outdoor sitting areas.

Council Member Jerry A. Smith Jr., J.D. expressed thanks and appreciation to Mr. Drake for the addition of two high speed elevators in the project design.

The City Attorney confirmed this public hearing has been advertised in accordance with North Carolina General Statutes. The public hearing was opened at 8:25 p.m.

Ken Fitch of Patton St. addressed Council via Zoom electronic software stating the improvements made by the developer are important to emergency access. Mr. Fitch expressed concern for preservation of mature trees on the property and of parking. Mr. Fitch also asked Council to consider flood impacts to the adjacent NCDOT structure. Mr. Drake clarified they have planned the 68 trees and are adding another 25 to the project.

The public hearing was closed at 8:28p.m.

Council Member Jerry A. Smith Jr., J.D. moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs: 9670-70-6498, 9670-70-8607 and 9670-70-8864) from PRD-CZD (Planned Residential Development – Conditional Zoning District) to PRD-CZD (Planned Residential

Development – Conditional Zoning District) based on the site plan submitted by the applicant, [dated revision 4-19-22,] and presented at this meeting and subject to the following: The development shall be consistent with the site plan, including the list of permitted uses and applicable conditions as presented on the site plan. There are no additional conditions added to the site plan. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because the neighborhood activity center designates multi-family residential as a secondary recommended land use and the addition of more multi-family in this area further diversifies the mix of uses present while retaining neighborhood retail sales and services as the prominent use within this Future Land Use category's boundaries. We find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because: the current underlying zoning on the subject property permits the requested density; this development will provide senior multi-family within walking distance (+0.15 miles) of Miracle-Ear Hearing Aid Center, Blue Ridge Health and Ingles/Ingles Pharmacy; the project is proposed to be 100% affordable (at 80% AMI or below); and the subject property is identified as a priority infill area.

A unanimous vote of the Council followed. Motion carried.

CONDITIONAL REZONING Ordinance #O-22-24

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PARCEL IDENTIFICATION NUMBERS 9670-70-6498, 9670-70-8607 AND 9670-70-8864 BY CHANGING THE ZONING DESIGNATION FROM PRD-CZD (PLANNED RESIDENTIAL DEVELOPMENT– CONDITIONAL ZONING DISTRICT TO PRD-CZD (PLANNED RESIDENTIAL DEVELOPMENT– CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9670-70-6498, 9670-70-8607 and 9670-70-8864– 2620 Chimney Rock Road (White Pine Villas) - (File # P22-13-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from Dennis Tharrington, WDT Development LLC for the development of 78 affordable senior living (55+) multi-family units on approximately 4.64 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on April 11th, 2022; voting 7-1 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on May 5th, 2022, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9670-70-6498, 9670-70-8607 and 9670-70-8864 from PRD-CZD (Planned Residential Development – Conditional Zoning District) to PRD-CZD (Planned Residential Development – Conditional Zoning District)
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and subject to the following.
 - a. Permitted uses shall include:
 - i. Residential Dwellings, Multi-Family
 - b. Conditions that shall be satisfied prior to final site plan approval include:
 - i. Developer shall be granted a height limitation exemption in accordance with section 5-14-6.5 of the Zoning Ordinance. The height limitation exemption shall be for a structure measuring 50' to the midpoint of a gable, hip or gambrel roof.
 - ii. Developer shall be granted a density bonus in accordance with 5-14-5 of the Zoning Ordinance. The density bonus shall allow a density of 16.8 units per acre.

- iii. All preserved trees must be protected from construction activities as prescribed in the zoning code 15-4-C regardless of use as tree credits.
 - iv. An additional 25 large and medium canopy trees, 2 ½" or larger caliper, beyond those shown as preserved (10) on the site plan reviewed by the Tree Board, must be planted throughout the site.
 - v. Implement a vegetative planting plan that will enhance the banks of and a 20-foot corridor around the stormwater pond to provide filtration and infiltration of stormwater from turf managed areas and enhance wildlife habitat. The plan must include diverse and appropriate species of native upland shrubs and perennial herbaceous plants (including warm season grasses, sedges, and plants important to pollinators) selected from the city's Recommended Landscape Species List for Street Trees and Land Development Projects.
3. This ordinance shall not be effective until the stipulated list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of May 2022.

/s/Barbara G. Volk, Mayor

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

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

E. Rezoning: Conditional Zoning District – Southgate Apartments (P21-62-CZD) – Matthew Manley, AICP – Planning Manager

Planning Manager Matthew Manley stated the City is in receipt of an application for a conditional zoning district from Suzanne Godsey of Sitework Studios, applicant and David W. Royster, III of Capitol Funds, Inc., property owner. Mr. Manley stated the applicants are requesting to rezone the subject property (PIN 9568-75-5382) from C-2, Secondary Business to CMU-CZD, for the construction of a 60' tall, 70-unit apartment building on approximately 3.63 acres and said the Central Mixed-Use district does not have a density cap. Mr. Manley stated there is one 4-story building proposed with a total of 81,897 Sq Ft (Gross Floor Area) and said the stated use of the site is residential, multi-family. Mr. Manley stated the site is currently vacant and contains approximately 1.44 Acres of 100-year floodplain (40%). He said the site features a cluster of mature trees alongside Israel Street are proposed to be removed and the area will be replanted. Mr. Manley stated the site had previously been occupied for outdoor storage and reminded everyone this project required a conditional rezoning due to the scale of the proposed development exceeding 50,000 Sq Ft and more than 50 units.

Staff presented and discussed with City Council an analysis of the consistency with the relevant portions of the Comprehensive Land Use Plan and the Planning Board's recommendation. Both were considered by the City Council in addition to supporting maps and documents provided in the agenda packet.

Attorney Craig Justus of the Van Winkle Law Firm represented the project applicant and addressed City Council clarifying there are no tax credits associated with this project. Suzanne Godsey, project landscape architect with SiteWorks discussed site plan. Chris Day of Civil Design Concepts addressed Council discussing stormwater and flood concerns. Mr. Day stated they are requesting to utilize a portion of the zoning ordinance that allows up to ten percent fill within a flood plain to construct their parking lot and said Andrew Bick has conducted a preliminary analysis of the parking area and flood plain and said it did not have an impact on conditions. Mr. Bick presented renderings of the 100-year flood plain and said the project site is elevated and the building will not flood. Mr. Bick stated he believes they have provided safe parking access and discussed concerns of the site being along the watershed for Wash Creek and presented stormwater retention measures to mitigate stormwaters. Attorney Justus further discussed the sidewalk on Israel Street and said it was not feasible due to the right of way being less than sixteen feet. David Royster, property owner, stated his family has owned the property for over sixty years and said he feels that this project is an opportunity to do something with the parcel that has been sitting vacant.

Council Member Jerry A. Smith Jr., J.D. inquired if the developer would be willing to build the project at 3 stories rather than 4. Attorney Justus stated they have reduced the units previously but are unable to reduce the height and clarified the project height is 52 feet and the district allows 68 feet. Council Member Smith additionally asked if the gates could be removed, and Attorney Justus stated they are providing a greenway on the property that they are turning over to the city but expressed concerns of

persons parking on their property to visit the trail as well as the potential use as a cut through. Attorney Justus cited concerns of traffic, safety, privacy and security of the residents and said the gate could not be negotiated away.

Council Member Smith asked if they could negotiate the parking infill and Attorney Justus clarified the current zoning ordinance allows 10% infill and said their project is at 5%. Attorney Justus stated as a condition for parking, they are willing to install pervious paving in 14 parking spaces to assist in flood storage. Council Member Smith asked if they were willing to replace the existing Wash Creek culvert to assist with better flood conditions and Attorney Justus clarified their project has a very low impact to stormwater in the area and said the external culvert is beyond their control. Council Member Smith inquired about the culvert being cleaned out and Attorney Justus said they were open to cleaning it out but said it would be to the extent and in accordance with what the State of NC will allow.

The City Attorney confirmed this public hearing has been advertised in accordance with North Carolina General Statutes. The public hearing was opened at 9:22 p.m.

Kelly McKlinton of White Street addressed City Council expressing concerns regarding ingress and egress, parking, and potential for flooding asking Council to delay a decision on the project to investigate if the site is a wetland. Attorney Justus clarified there will be two entrances for public safety to the project and stated necessary grading permits are issued by the state and will be vetted for appropriateness in the future.

Lynne Williams of Chadwick Ave. addressed Council stating she believes this development is in direct violation of the City's flood prevention ordinance and said she witnessed marsh like conditions on the site and asked Council not to approve the project.

Ken Fitch of Patton St. addressed Council via Zoom electronic software stating he believes this project does not match the structure of the trail and expressed concerns regarding flooding in the area and of the undersized culvert and the role it plays in the area and the impact to nearby developments for the future. Attorney Justus stated the staff report was updated to clarify an incorrect earlier interpretation of the zoning ordinance compliance and said the project is compliant with the ordinance and infill requirements and further clarified the project is not within the floodway.

The public hearing was closed at 9:45p.m.

Council Member Jerry A. Smith Jr., J.D. addressed concerns regarding the culvert as indicated by the City's Stormwater Administrator, Mike Huffman who indicated the proposed development would have impact on the culvert.

Council Member Lyndsey Simpson stated she toured the area and suggested Council making Israel Street a one-way street to address ingress and egress.

Stormwater Administrator Mike Huffman stated the culvert is undersized and the proposed development is proposing to utilize this area as a primary entrance. Mr. Huffman said this area is one of the first areas to be inundated with flooding with more frequent storm events. Council Member Simpson inquired if there were any plans to replace the culvert and Mr. Huffman clarified it was located on private property. Suzanne Godsey, project landscape architect with SiteWorks provided illustrations and stated NCDOT will be conducting a large flood study of the area and said it is not conceivable that they may have to make improvements to the culvert due to the proposed roundabout and the entrance location approved by NCDOT. She clarified that right of way acquisition would begin in 2023 with construction beginning in 2025.

Council Member Jerry A. Smith Jr., J.D. inquired if the developer would consider moving the entrance gate slightly back into the garden area to allow the public to have a small area to park to access the greenway. Attorney Justus stated if parking is provided it could be problematic for the site and people wanting to use private amenities as a park.

Council Member Lyndsey Simpson moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9568-75-5382) from C-2, Secondary Business to CMU-CZD Central Mixed Use - Conditional Zoning District based on the site plan and list of conditions submitted by and agreed to by the applicant, [dated April 8, 2022,] and presented at this meeting and subject to the

following: The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses: Residential Dwellings, Multi-Family. Permitted uses and applicable conditions presented on the site plan shall be amended to include pervious pavers will be used for the construction of the 14 parking spaces located on the far side of the drive aisle within the floodplain. The 14 spaces to be constructed with pervious pavers shall be noted on the final site plan. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because the High Intensity Neighborhood designation calls for Multi-Family Residential as a primary land use and the proposed site plan aligns with a majority of development guidelines listed under LU 7.4. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because the petition is located in a Priority Infill Area which recommends redevelopment of underutilized lots; the petition provides infill development utilizing existing infrastructure; the petition provides additional housing in close proximity to downtown and the future Ecusta Trail and in close proximity to goods and services; the petition provides a transition from uses of high intensity to lower intensity uses; the existing C-2 zoning provides a wide range of high intensity commercial uses including car washes, automobile and farm equipment sales, hotels, animal hospitals, service stations, and small-scale manufacturing by right up to 50,000 Sq Ft. The petition for multi-family housing in the CMU District provides greater compatibility with surrounding land uses than other potential by-right developments; and the proposed development provides access from a major thoroughfare.

The motion carried by 3-2, with Council Members Smith and O'Neal-Roundtree voting against.

Council Member Dr. Jennifer Hensley clarified staff would need to prepare a recommendation to make Israel Street one-way.

CONDITIONAL REZONING Ordinance #O-22-25

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL POSSESSING PIN NUMBER 9568-75-5382 BY CHANGING THE ZONING DESIGNATION FROM C-2 (SECONDARY BUSINESS) TO CMU-CZD (CENTRAL MIXED USE - CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9568-75-5382
Addresses: No Address Assigned
Southgate Apartments (File # P21-62-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant, Suzanne Godsey and property owner, David Royster with Capitola Funds, Inc. for the development of 70 Apartments on approximately 3.63 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on April 11, 2022; voting 3-5 (motion failed) to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, the Planning Board took up this application again at its regular meeting on April 11, 2022; voting 4-4 (motion failed) to recommend City Council deny 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 May 5, 2022, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9568-75-5382 from C-2 (Secondary Business) to CMU-CZD (Central Mixed Use - Conditional Zoning District)
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville,

North Carolina, and shall be based on the site plan submitted by the applicant and the conditions listed therein and subject to the following:

- a. Permitted uses shall include:
 - i. Residential Dwellings, Multi-Family
- b. Conditions that shall be satisfied prior to final site plan approval include:
 - i. The development shall be consistent with the revised preliminary site plan dated April 25, 2022, and conditions listed therein, as presented at the public hearing, which shall be updated to include the additional conditions imposed by City Council stated in 2.b.ii. below.
 - ii. Pervious pavers will be used for the construction of the 14 parking spaces located on the far side of the drive aisle within the floodplain. The 14 spaces to be constructed with pervious pavers shall be noted on the final site plan.
3. This ordinance shall not be effective until the stipulated list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of May 2022.

/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

There was no unfinished business.

9. NEW BUSINESS

A. Local Option Sales Tax Resolution – John Connet, City Manager

City Manager recalled prior discussions by City Council and direction for staff to prepare a resolution asking the local delegation to adopt in the upcoming short session.

Council Member Dr. Jennifer Hensley moved that the City Council adopt the resolution asking the Henderson County legislative delegation to introduce a local bill authorizing the establishment of a new one-quarter cent sales and use tax for the City of Hendersonville. A unanimous vote of the Council followed. Motion carried.

Resolution #R-22-61

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL REQUESTING A LOCAL OPTION ONE-QUARTER CENT (1/4) CITY SALES AND USE TAX

WHEREAS, the City of Hendersonville is the commercial center of Henderson County and provides services to all Henderson County residents and visitors, including public safety, street maintenance and general public services; and

WHEREAS, the property tax is currently the only revenue source that is within complete control of the City Council; and

WHEREAS, the City of Hendersonville's property tax rate for fiscal year 2021-22 is \$0.52 per \$100, and the City Council is often faced with increasing this rate to fund services that are used by all county residents and visitors; and

WHEREAS, the City of Hendersonville City Council is seeking alternative revenue sources to fund city services; and

WHEREAS, it is estimated that a one-quarter cent City sales and use tax would bring an estimated \$2.5 million dollars in additional revenues per year.

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

1. We request the Henderson County legislative delegation to introduce a local bill authorizing the City of Hendersonville to hold a public referendum to authorize the establishment of an additional one-quarter cent sales tax for all qualified purchases within the City of Hendersonville.
2. This tax would be collected by the North Carolina Department of Revenue and directly allocated to the City of Hendersonville as unrestricted revenue for the provision of local government serves as directed by the Hendersonville City Council.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of May 2022.

/s/Barbara G. Volk, Mayor

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

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

B. Resolutions of Support for Apple Ridge, Hawkins Pointe and White Pine Villas Low Income Housing Tax Credit (LIHTC) Applications – John Connet City Manager

Council Member Jerry A. Smith Jr., J.D. moved that the City Council adopt the resolutions of support for the Apple Ridge low-income housing tax credit project. A unanimous vote of the Council followed. Motion carried.

Council Member Jerry A. Smith Jr., J.D. moved that the City Council adopt the resolutions of support for the White Pine Villas low-income housing tax credit project. A unanimous vote of the Council followed. Motion carried.

Council Member Dr. Jennifer Hensley move that the City Council adopt the resolutions of support for the Hawkins Pointe low-income housing tax credit project. The motion carried by 3-2, with Council Members Smith and O’Neal-Roundtree voting against.

Resolution #R-22-56

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO SUPPORT THE FEDERAL TAX CREDIT APPLICATION FOR APPLE RIDGE DEVELOPMENT

WHEREAS, Housing Assistance Corporation has submitted a federal tax credit application to the North Carolina Housing Finance Agency for Apple Ridge Apartments and Subdivision, Application #APP22-0058, Project # 9279272; and

WHEREAS, Apple Ridge consists of sixty (60) multi-family housing units and twenty (20) single family units on Sugarloaf Road; and

WHEREAS, the Bowen Research Report indicates that Henderson County has 99.8% occupancy rate for multi-family projects, 453 families on rental housing wait lists and 42.8% of renters are cost burdened; and

WHEREAS, the City Council has a core belief that it must pursue and provide opportunity for responsible growth in order to generate affordable housing options and reduce the impacts of high cost of living within our community.

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

1. The City Council supports Housing Assistance Corporation’s application for federal tax credits and requests that the North Carolina Housing Finance Agency give the application serious consideration for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of May 2022.

/s/Barbara G. Volk, Mayor

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

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

Resolution #R-22-58**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO SUPPORT THE FEDERAL TAX CREDIT APPLICATION FOR WHITE PINE VILLAS**

WHEREAS, WDT Development, LLC has submitted a federal tax credit application to the North Carolina Housing Finance Agency for White Pine Villas, Application #APP22-0132, Project #9279483; and

WHEREAS, White Pine Villas consists of seventy-eight (78) multi-family housing units on Chimney Rock Road (U.S. 64 East); and

WHEREAS, the Bowen Research Report indicates that Henderson County has 99.8% occupancy rate for multi-family projects, 453 families on rental housing wait lists and 42.8% of renters are cost burdened; and

WHEREAS, the City Council has a core belief that it must pursue and provide opportunity for responsible growth in order to generate affordable housing options and reduce the impacts of high cost of living within our community.

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

1. The City Council supports WDT Corporation's application for federal tax credits and requests that the North Carolina Housing Finance Agency give the application serious consideration for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of May 2022.

/s/Barbara G. Volk, Mayor

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

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

Resolution #R-22-57**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO SUPPORT THE FEDERAL TAX CREDIT APPLICATION FOR HAWKINS POINTE APARTMENTS**

WHEREAS, Woda Cooper Companies, Inc. has submitted a federal tax credit application to the North Carolina Housing Finance Agency for Hawkins Pointe Apartments, Application #APP22-0141, Project #9279496; and

WHEREAS, Hawkins Pointe consists of forty-three (43) multi-family housing units on 6th Avenue W. (U.S. 64); and

WHEREAS, the Bowen Research Report indicates that Henderson County has 99.8% occupancy rate for multi-family projects, 453 families on rental housing wait lists and 42.8% of renters are cost burdened; and

WHEREAS, the City Council has a core belief that it must pursue and provide opportunity for responsible growth in order to generate affordable housing options and reduce the impacts of high cost of living within our community.

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

1. The City Council supports Woda Cooper Companies Inc's application for federal tax credits and requests that the North Carolina Housing Finance Agency give the application serious consideration for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of May 2022.

/s/Barbara G. Volk, Mayor

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

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

C. City of Hendersonville, NC participation in the French Broad River Partnership –
Michael Huffman, Stormwater Administrator

Stormwater Administrator Michael Huffman addressed Council stating the City of Hendersonville has been invited to participate in the French Broad River Partnership

Council Member Debbie O’Neal-Roundtree moved that City Council adopt the Resolution Approving the City’s Participation in the French Broad River Partnership and to appoint Stormwater Administrator Mike Huffman as liaison. A unanimous vote followed. Motion carried.

Resolution #R-22-59

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL APPROVING
THE CITY’S PARTICIPATION IN THE FRENCH BROAD RIVER PARTNERSHIP**

WHEREAS, the French Broad River basin is a vital resource that provides critical aquatic habitat for wildlife, supplies drinking water to many communities and supports a variety of forms of recreation; and

WHEREAS, the City of Hendersonville represents the 2nd largest municipality by population in the French Broad River basin; and

WHEREAS, the City of Hendersonville is directly affected by water quality impairments in Mud Creek and the French Broad River basin and strives for excellent water quality in our community; and

WHEREAS, the French Broad River Partnership are a group of 50+ nonprofits, businesses, and government agencies working “To maintain and improve stream health within the French Broad River Watershed for environmental and economic benefits”; and

WHEREAS, the City of Hendersonville believes that it is our responsibility to protect all our natural resources and the environment through the implementation of sustainable and responsible projects and the City must lead by example to ensure we protect or repair the natural environment and are environmentally sustainable.

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

1. The City of Hendersonville accepts the invitation from the French Broad River Partnership to participate as a member organization.

Adopted by the City Council of the City of Hendersonville, North Carolina this 5th day of May 2022.

/s/Barbara G. Volk, Mayor

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

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

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

City Manager John Connet stated Ms. Lynne Williams has filed a code of ethics complaint against Council Member Dr. Jennifer Hensley. Mayor Barbara G. Volk instructed parties on decorum of the proceeding and opened the floor for discussion.

Lynne Williams of Chadwick Ave. addressed Council regarding the complaint she has filed stating she believes provisions of the Council’s Code of Ethics were violated citing abuse of power, access to privileged information, and harassment. Ms. Williams discussed an email exchange between herself, the City Manager, and Council Member Hensley and stated she feels the responses were unethical

citing Section 2 of the Code of Ethics: The City Council Member did not demonstrate the highest standards of personal integrity, truthfulness, honesty and fortitude in their public activities in order to inspire public confidence and trust in City government. Ms. Williams also cited Section 4 (B3): The City Council Member was not honest, patient, dignified and courteous to those with whom they deal in their official capacity, and did not require similar conduct of their staff and others subject to their direction and control.

Council Member Dr. Jennifer Hensley stated in the last ten months city staff have received and responded professionally to Ms. Williams' approximately 500 emails, 10 special meetings, 26 phone calls, several text messages, and countless Tree Board and Planning Board meeting questions and complaints. Council Member Hensley stated on the evening of December 2, 2021 Ms. Williams exhibited behavior that was concerning to herself and others. Council Member Hensley expressed concern of an ethics complaint being filed several months after the December 2, 2021 meeting and said she takes her position seriously and said she will continue to advocate for staff, residents, and visitors as their health and well being is her top priority.

Mayor Barbara Volk allowed rebuttal and cautioned there will be not back and forth.

Lynne Williams stated she has been involved in many public meetings as she has been encouraged to do.

Council Member Jerry A. Smith Jr., J.D. moved that City Council find that Council Member JH did not violate the Code of Ethics. A unanimous vote followed. Motion carried.

Mayor Barbara G. Volk stated City Council feels it was not justified that Council Member Hensley violated the Code of Ethics with regard to this complaint.

10. CITY COUNCIL COMMENTS

There were no comments.

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

No report was provided.

13. ADJOURN

There being no further business, the meeting was adjourned at 10:18 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

ATTEST:

Angela L. Reece, City Clerk

CERTIFICATE OF SUFFICIENCY

Re: Petition for Satellite Annexation
Petitioners: Jeff C. Justus, James S. & Ruth G. Erwin Jr.
File No. C22-45-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 properties consisting of +/- 3.795 acres located on Upward Road in Hendersonville, NC, being tax parcel(s) PIN 9588-40-8795, 9588-40-7844, and 9588-40-6934, and being more particularly described on Exhibit A, attached hereto and incorporated by reference, 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 8,060 feet 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 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.
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.
8. 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 hereof, I have set my hand and the City Seal on this the _____ day of _____, 2022.

(City Seal)

Angela L. Reece, City Clerk

EXHIBIT A
LEGAL DESCRIPTION

PROPOSED ANNEXATION AREA DESCRIPTION:

ALL THAT CERTAIN PIECE, PARCEL, OR TRACT OF LAND LYING AND BEING IN HENDERSON COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A MONUMENT (POB 1) ON THE MITER FORMING THE INTERSECTION OF THE NORTHERLY MARGIN OF THE RIGHT-OF-WAY OF UPWARD ROAD (S.R. 1722) (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) AND THE WESTERLY MARGIN OF THE RIGHT-OF-WAY OF BALLENGER ROAD (S.F. 1791) (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) HAVING NC GRID COORDINATES OF N 580,610.84, E 984,932.78; THENCE ALONG THE NORTHERLY MARGIN OF THE RIGHT-OF-WAY OF UPWARD ROAD N69°52'41"W A DISTANCE OF 135.03 FEET TO A MONUMENT, THENCE S20°22'38"W A DISTANCE OF 7.61 FEET TO A MONUMENT, THENCE N69°54'11"W A DISTANCE OF 135.97 FEET TO A MONUMENT, THENCE N66°07'48"W A DISTANCE OF 64.14 FEET TO AN IRON PIN, N65°48'42"W A DISTANCE OF 48.68 FEET TO AN IRON PIN, THENCE ALONG A COUNTERCLOCKWISE CURVE FOR 29.33 FEET HAVING A RADIUS OF 922.70 FEET A CHORD BEARING OF N76°26'00"W AND A CHORD DISTANCE OF 29.33 FEET TO AN IRON PIN, THENCE ALONG THE COMMON LINE OF OATES N13°14'56"E A DISTANCE OF 422.58 FEET TO AN IRON PIN, THENCE ALONG THE COMMON LINE OF MOUNTAIN INN & LODGES, LLC. S46°57'39"E A DISTANCE OF 93.64 FEET TO AN IRON PIN, THENCE S46°56'39"E A DISTANCE OF 114.57 FEET TO AN IRON PIN, THENCE ALONG THE COMMON LINE OF JUSTUS S76°08'56"E A DISTANCE OF 278.66 FEET TO AN IRON PIN, THENCE ALONG THE WESTERLY MARGIN OF THE RIGHT-OF-WAY OF BALLENGER ROAD (FOR THE FOLLOWING FOUR CALLS) (1) S12°45'24"W A DISTANCE OF 126.10 FEET TO AN IRON PIN, (2) THENCE S18°04'21"W A DISTANCE OF 149.78 FEET TO AN IRON PIN, (3) THENCE S19°44'13"W A DISTANCE OF 43.03 FEET TO AN IRON PIN, (4) THENCE S49°50'55"W A DISTANCE OF 54.96 FEET TO THE POINT OF BEGINNING AND CONTAINING 165,300 S.F. OR 3.795 ACRES MORE OR LESS.

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2

WHEREAS, a petition requesting annexation of the satellite area described herein has been received; and

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

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

Section 1. A public hearing on the question of annexation of the satellite area described herein will be held at City Operations Center located at 305 William St. Hendersonville NC, 28792 at 5:45 p.m. July 7th, 2022, or as soon thereafter as it may be heard.

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

BEING all of that real property consisting of PINs 9588-40-8795, 9588-40-7844, and 9588-40-6934 described in the plat recorded in Book 2022 - ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9588-40-8795, 9588-40-7844, and 9588-40-6934 being described by metes and bounds as follows:

Situated in the City of Hendersonville, Henderson County, North Carolina and being more particularly described as follows:

PROPOSED ANNEXATION AREA DESCRIPTION:

ALL THAT CERTAIN PIECE, PARCEL, OR TRACT OF LAND LYING AND BEING IN HENDERSON COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A MONUMENT (POB 1) ON THE MITER FORMING THE INTERSECTION OF THE NORTHERLY MARGIN OF THE RIGHT-OF-WAY OF UPWARD ROAD (S.R. 1722) (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) AND THE WESTERLY MARGIN OF THE RIGHT-OF-WAY OF BALLENGER ROAD (S.F. 1791) (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) HAVING NC GRID COORDINATES OF N 580,610.84, E 984,932.78; THENCE ALONG THE NORTHERLY MARGIN OF THE RIGHT-OF-WAY OF UPWARD ROAD N69°52'41"W A DISTANCE OF 135.03 FEET TO A MONUMENT, THENCE S20°22'38"W A DISTANCE OF 7.61 FEET TO A MONUMENT, THENCE N69°54'11"W A DISTANCE OF 135.97 FEET TO A MONUMENT, THENCE N66°07'48"W A DISTANCE OF 64.14 FEET TO AN IRON PIN, N65°48'42"W A DISTANCE OF 48.68 FEET TO AN IRON PIN, THENCE ALONG A COUNTERCLOCKWISE CURVE FOR 29.33 FEET HAVING A RADIUS OF 922.70 FEET A CHORD BEARING OF N76°26'00"W AND A CHORD DISTANCE OF 29.33 FEET TO AN IRON PIN, THENCE ALONG THE COMMON LINE OF OATES N13°14'56"E A DISTANCE OF 422.58 FEET TO AN IRON PIN, THENCE ALONG THE COMMON LINE OF MOUNTAIN INN & LODGES, LLC. S46°57'39"E A DISTANCE OF 93.64 FEET TO AN IRON PIN, THENCE

S46°56'39"E A DISTANCE OF 114.57 FEET TO AN IRON PIN, THENCE ALONG THE COMMON LINE OF JUSTUS S76°08'56"E A DISTANCE OF 278.66 FEET TO AN IRON PIN, THENCE ALONG THE WESTERLY MARGIN OF THE RIGHT-OF-WAY OF BALLENGER ROAD (FOR THE FOLLOWING FOUR CALLS) (1) S12°45'24"W A DISTANCE OF 126.10 FEET TO AN IRON PIN, (2) THENCE S18°04'21"W A DISTANCE OF 149.78 FEET TO AN IRON PIN, (3) THENCE S19°44'13"W A DISTANCE OF 43.03 FEET TO AN IRON PIN, (4) THENCE S49°50'55"W A DISTANCE OF 54.96 FEET TO THE POINT OF BEGINNING AND CONTAINING 165,300 S.F. OR 3.795 ACRES MORE OR LESS.

Re: Petition for Satellite Annexation
 Petitioners: Jeff C. Justus, James S. & Ruth G. Erwin Jr.
 File No. C22-45-ANX

Section 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.

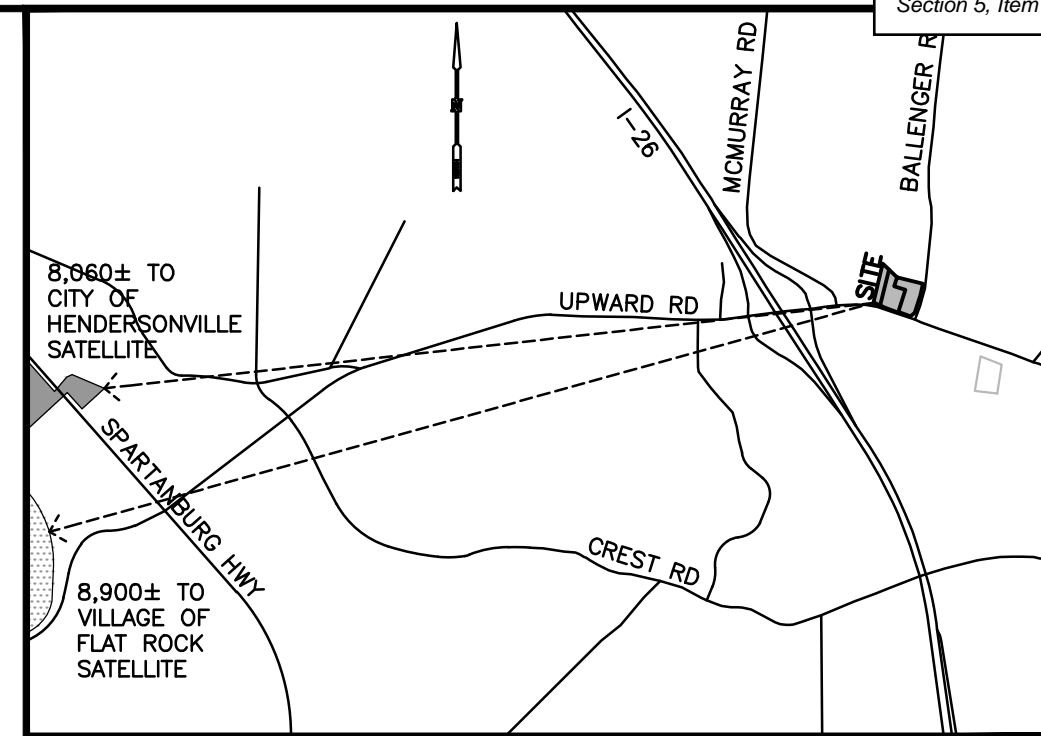
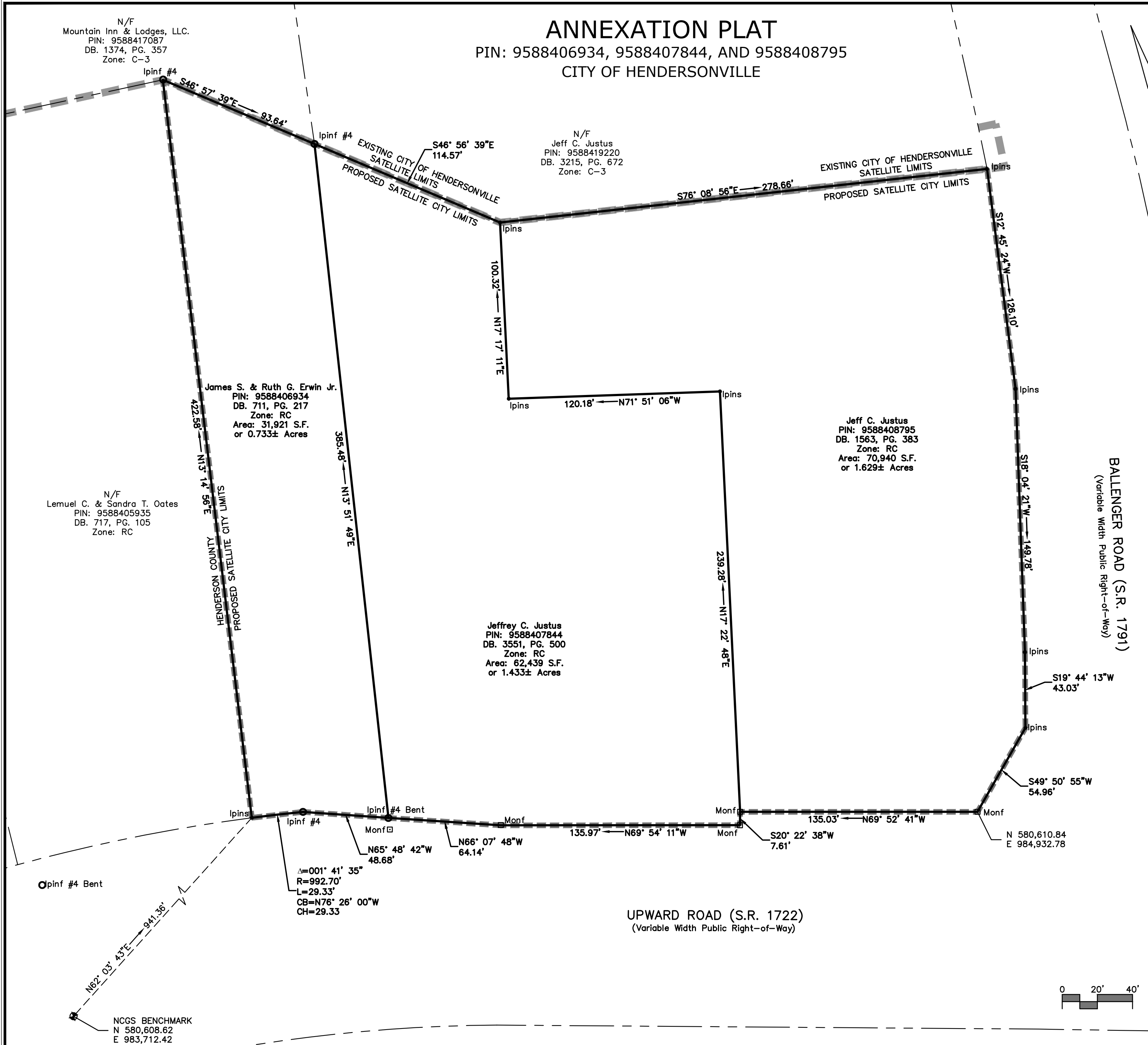
Adopted by the City Council of the City of Hendersonville, North Carolina on this ____ day of _____ 20____.

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

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



NOTES:

1. THE PUPOSE OF THIS PLAT IS TO ANNEX PARCEL # 9588406934, 9588407844, AND 9588408795 (3.795 SATELLITE ACRES) INTO THE CITY LIMITS OF HENDERSONVILLE AS SHOWN ON THIS SURVEY.
2. THIS SURVEY IS OF OF AN EXISTING PARCEL OF LAND.
3. NORTH ARROW, BEARINGS, AND COORDINATES ARE BASED UPON NC GRID NAD 83 ESTABLISHED BY VIRTUAL REFERENCE STATION REAL TIME NETWORK GPS OBSERVATION.
4. THIS SURVEY MEETS THE REQUIREMENT FOR A CLASS "A" SURVEY (1:10,000) AS DEFINED FOR THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF NORTH CAROLINA.
5. THE AREA WAS DETERMINED BY DMD METHOD.
6. ALL HORIZONTAL DISTANCES ARE GROUND DISTANCES.
7. THE PROPERTY APPEARS TO BE IN FEMA ZONE "X" (AREA OF MINIMAL FLOOD HAZARD), PER MAP #3700958800J; EFFECTIVE OCTOBER 2, 2008.
8. ZONING PROVIDED BY HENDERSON COUNTY TO BE USED FOR INFORMATIONAL PURPOSES ONLY.
9. TOTAL AREA = 165,300 S.F. = 3.795± ACRES
10. * THE WORDS "CERTIFY", "CERTIFICATES" OR "CERTIFICATION" AS USED HEREON ARE UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL OPINION BY THE SURVEYOR, BASED UPON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF, AS SUCH, DO NOT CONSTITUTE A GUARANTEE NOR A WARRANTY, EXPRESSED OR IMPLIED.

OWNERS INFORMATION:

JAMES S. & RUTH G. ERWIN JR.
124 SONG BIRD RAIL
PICKENS, SC 29671

JEFFREY C. JUSTUS
303 S CHURCH STREET
HENDERSONVILLE, NC 28792

THIS PLAT REPRESENTS THE AREA BEING ANNEXED TO THE CITY OF HENDERSONVILLE, NC PURSUANT TO NCGS 160A-31, BY ORDINANCE DULY ADOPTED (ANNEXATION ORDINANCE _____).

THIS THE ____ DAY OF _____, 202__.

ANGELA L. REECE, CITY CLERK

ANNEXATION PLAT

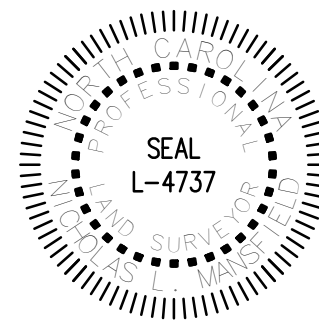
PROPERTY OF: JEFFREY C. JUSTUS AND
JAMES S. & RUTH G. ERWIN JR.
775 & 779 UPWARD ROAD
HENDERSON COUNTY, NORTH CAROLINA

NLM		NLM		SURVEY MATTERS	22-042
DRAWN		CHECKED			PROJECT NO.
SCALE		1" = 40'			1 OF 1
DATE		5/11/2022			
				LAND SURVEYING SERVICES 107 Hillcrest Avenue Simpsonville, South Carolina 29681 (864) 451-0176 nick@survey-matters.com NC #P-0869	SHEET NO.

I, NICHOLAS L MANSFIELD, CERTIFY* THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 711, PAGE 217, BOOK 3551, PAGE 500, BOOK 1563, PAGE 383); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 717, PAGE 105, BOOK 1374, PAGE 357, BOOK 3215, PAGE 672; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 11TH DAY OF MAY, A.D., 2022.

NICHOLAS L. MANSFIELD, PLS

LICENSE NUMBER L-4737

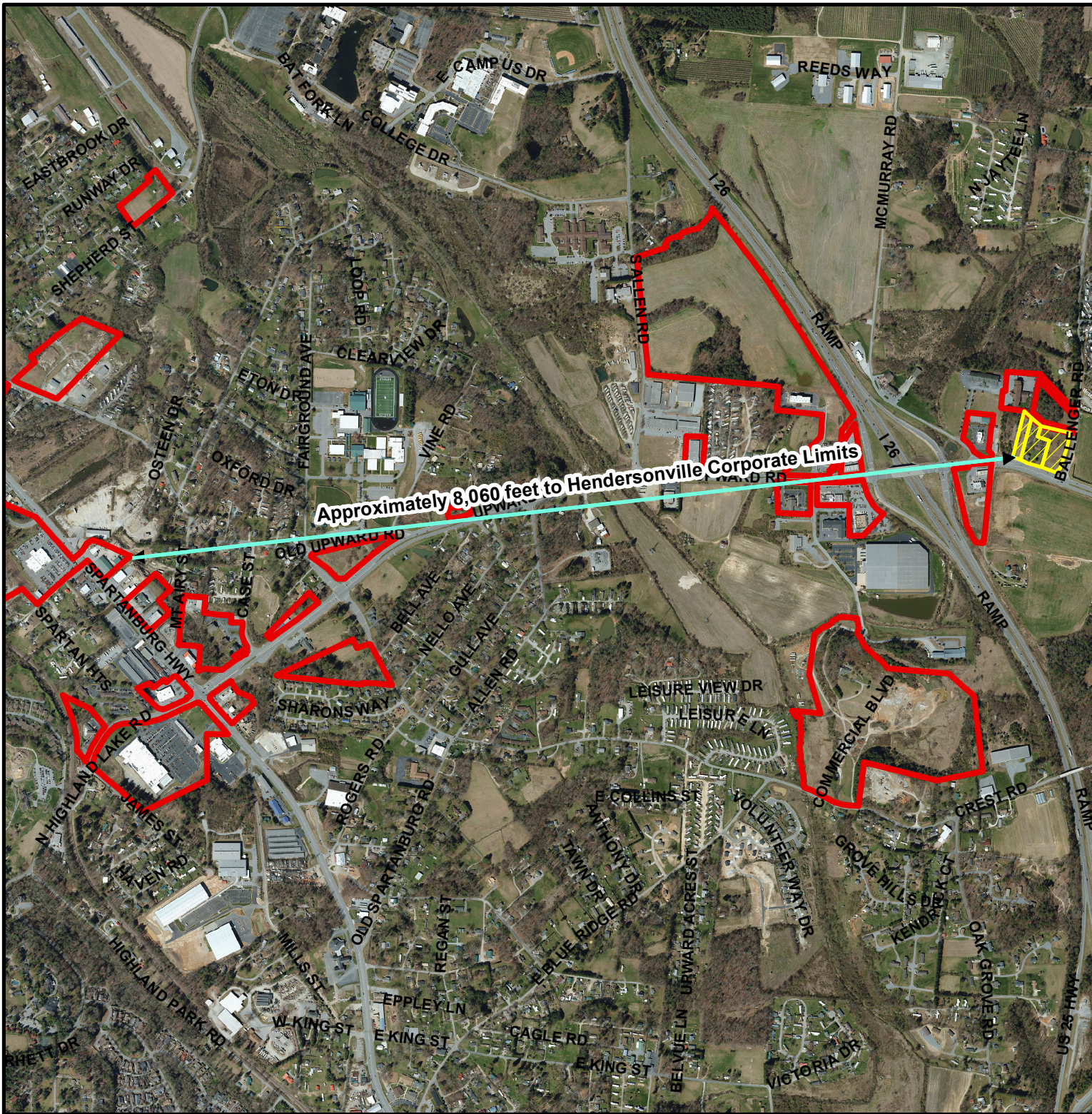


Nicholas L. Mansfield



PROPOSED ANNEXATION AREA DESCRIPTION:

ALL THAT CERTAIN PIECE, PARCEL, OR TRACT OF LAND LYING AND BEING IN HENDERSON COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

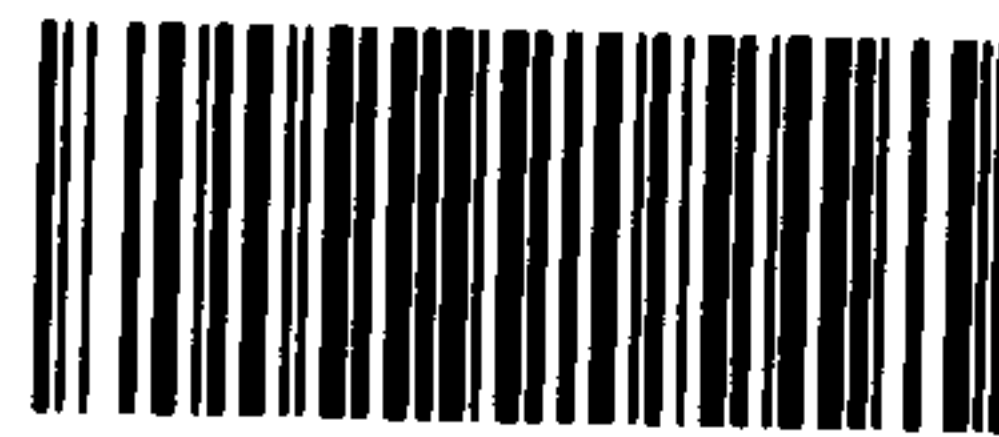
BEGINNING AT A MONUMENT (POB 1) ON THE MITER FORMING THE INTERSECTION OF THE NORTHERLY MARGIN OF THE RIGHT-OF-WAY OF UPWARD ROAD (S.R. 1722) (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) AND THE WESTERLY MARGIN OF THE RIGHT-OF-WAY OF BALLENGER ROAD (S.F. 1791) (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) HAVING NC GRID COORDINATES OF N 580,610.84, E 984,932.78; THENCE ALONG THE NORTHERLY MARGIN OF THE RIGHT-OF-WAY OF UPWARD ROAD N69°52'41"W A DISTANCE OF 135.03 FEET TO A MONUMENT, THENCE S20°22'38"W A DISTANCE OF 7.61 FEET TO A MONUMENT, THENCE N69°54'11"W A DISTANCE OF 135.97 FEET TO A MONUMENT, THENCE N66°07'48"W A DISTANCE OF 64.14 FEET TO AN IRON PIN, N65°48'42"W A DISTANCE OF 48.68 FEET TO AN IRON PIN, THENCE ALONG A COUNTERCLOCKWISE CURVE FOR 29.33 FEET HAVING A RADIUS OF 922.70 FEET A CHORD BEARING OF N76°26'00"W AND A CHORD DISTANCE OF 29.33 FEET TO AN IRON PIN, THENCE ALONG THE COMMON LINE OF OATES N13°14'56"E A DISTANCE OF 422.58 FEET TO AN IRON PIN, THENCE ALONG THE COMMON LINE OF MOUNTAIN INN & LODGES, LLC. S46°57'39"E A DISTANCE OF 93.64 FEET TO AN IRON PIN, THENCE S46°56'39"E A DISTANCE OF 114.57 FEET TO AN IRON PIN, THENCE ALONG THE COMMON LINE OF JUSTUS S76°08'56"E A DISTANCE OF 278.66 FEET TO AN IRON PIN, THENCE ALONG THE WESTERLY MARGIN OF THE RIGHT-OF-WAY OF BALLENGER ROAD (FOR THE FOLLOWING FOUR CALLS) (1) S12°45'24"W A DISTANCE OF 126.10 FEET TO AN IRON PIN, (2) THENCE S18°04'21"W A DISTANCE OF 149.78 FEET TO AN IRON PIN, (3) THENCE S19°44'13"W A DISTANCE OF 43.03 FEET TO AN IRON PIN, (4) THENCE S49°50'55"W A DISTANCE OF 54.96 FEET TO THE POINT OF BEGINNING AND CONTAINING 165,300 S.F. OR 3.795 ACRES MORE OR LESS.



Upward/Ballenger Road Annexation
C22--45-ANX
PINs:9588-40-8795, -7844, -6934
Acreage: 3.795
Satellite Annexation Map
Community Development Department

-  Subject Property
-  Hendersonville City Limits





This document presented and filed:
01/31/2014 12:15:24 PM

NEDRA W. MOLES, Henderson COUNTY, NC
Transfer Tax: \$337.00

SPECIAL WARRANTY DEED

Excise Tax: \$ 337.00

Tax ID#: _____

Property Address: 1.63 ACRES UPWARD & BALLENGER, HENDERSONVILLE, NC

Mail to: _____

Carpenter ←

Drawn by: Lancaster & Trotter, P.A.
4430 Park Road
Charlotte, NC 28209
(704) 525-1702

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

THIS INDENTURE Made this 30th day of January, 2014, between TD BANK, N.A., hereafter GRANTOR, and JEFF C. JUSTUS, hereafter GRANTEE. 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 HENDERSON County, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference.

Deed Reference: Book 1456 Page 38

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

And the Grantor covenants with the Grantee, the Grantor has done nothing to impair such title as Grantor received, and Grantor will

warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors, the day and year first above written.

TD BANK, N.A.

By: Margaret Broughtman, VP
Vice President

STATE OF South Carolina
COUNTY OF Greenville

I, Cynthia Lynne Rich a, Notary Public of the said County and State certify that Margaret Broughtman, personally came before me this day and acknowledged that (s)he is Vice -President of TD BANK, N.A., and that as Vice -President being authorized to do so, (s)he executed the foregoing on behalf of the corporation.

Witness my hand and official seal this 30th day of January, 2014.
Cynthia Lynne Rich
Notary Public

My Commission expires: 8-17-2015

(Notary Seal)

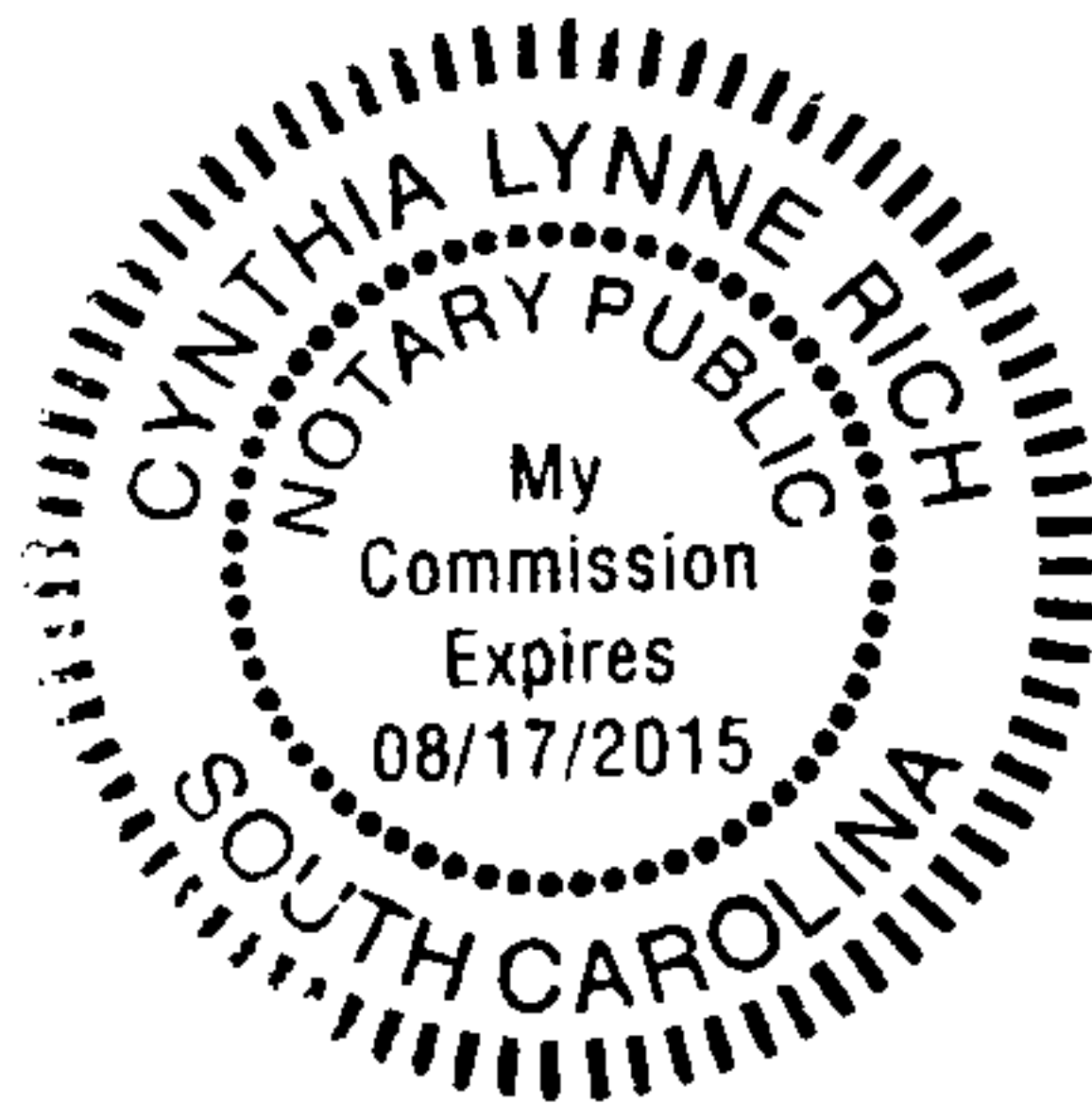
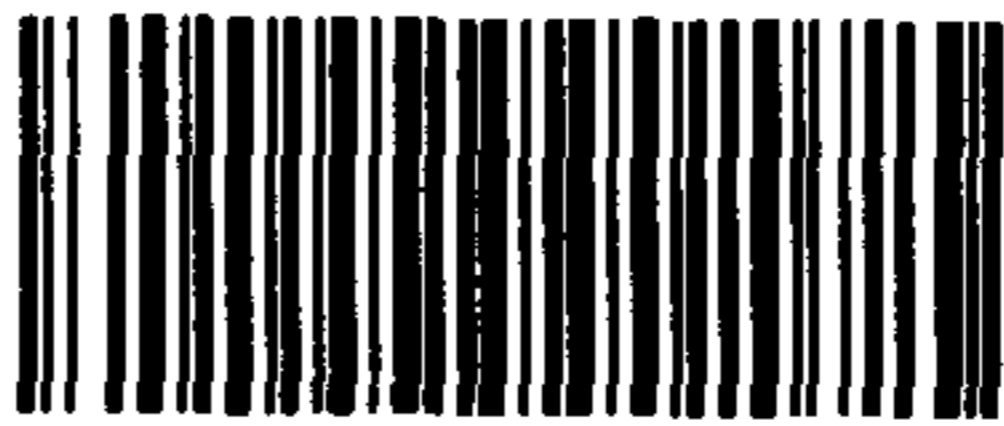


EXHIBIT A

BEING all of that 1.63 acre tract shown on plat of survey for Jeff Justus by Stacy Kent Rhodes dated January 9, 2014, being Job No. 14-004, recorded at Plat Slide 9/79 in the Office of the Register of Deeds of Henderson County, North Carolina.



This document presented and filed:
08/27/2020 04:10:33 PM

[Signature]

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: \$930.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 930.00

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

Mail/Box to: The Collie Law Firm, 1645 Asheville Hwy, Hendersonville, NC 28791

This instrument was prepared by: The Collie Law Firm, 1645 Asheville Hwy, Hendersonville, NC 28791

Brief description for the Index: _____

THIS DEED made this 27th day of August, 2020, by and between

GRANTOR

GRANTEE

Richard Powell aka Richard H. Powell and
Imogene Powell aka Imogene J.Powell

Jeffrey C. Justus, married

369 Ole Two Tops Lane
Flat Rock, NC 28731

303 S. Church Street
Hendersonville, NC 28792

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

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, parcel of land or condominium unit situated in the City of _____, Blue Ridge Township, Henderson County, North Carolina and more particularly described as follows:

See attached Exhibit A for legal description, incorporated herein by reference.

The property hereinabove described was acquired by Grantor by instrument recorded in Book _____ page _____.

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

A map showing the above described property is recorded in Plat Book 2020 page 12692.


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:
SUBJECT TO county ad valorem taxes for the current tax year, and subsequent years, which are a lien on the subject property and to restrictions, easements, rights of way and any other such matters of record.

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

_____	_____ (SEAL)
(Entity Name)	Print/Type Name: Richard Powell aka Richard H Powell
By: _____	_____ (SEAL)
Print/Type Name & Title: _____	Print/Type Name: Imogene Powell aka Imogene S Powell
By: _____	_____ (SEAL)
Print/Type Name & Title: _____	Print/Type Name: _____
By: _____	_____ (SEAL)
Print/Type Name & Title: _____	Print/Type Name: _____

State of North Carolina - County or City of Henderson
I, the undersigned Notary Public of the County or City of Buncombe and State aforesaid, certify that
Richard Powell aka Richard H. Powell and Imogene Powell aka Imogene J. Powell 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 27th day of
August, 2020.
My Commission Expires: April 27, 2021
(Affix Seal)



OFFICIAL SEAL
MARK TAULBEE
NOTARY PUBLIC
Buncombe County, North Carolina
My Commission Expires April 27, 2021

Mark Taulbee Notary Public
Notary's Printed or Typed Name

State of _____ - County or City of _____
I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that
_____ 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 _____ day of
_____, 20____.
My Commission Expires: _____
(Affix Seal)

Notary Public
Notary's Printed or Typed Name

State of _____ - County or City of _____
I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that
_____ personally came before me this day and acknowledged that
he is the _____ of _____, a North Carolina or
_____ corporation/limited liability company/general partnership/limited partnership (strike through the
inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its
behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.
My Commission Expires: _____
(Affix Seal)

Notary Public
Notary's Printed or Typed Name

EXHIBIT A**LYING AND BEING IN BLUE RIDGE TOWNSHIP,
HENDERSON COUNTY, NORTH CAROLINA**

BEING all of that 1.43 acres +/-, as shown on that Plat of Survey recorded in Book 2020 at Page 12692, Henderson County Registry, which is titled "Plat of Survey for: Jeff Justus", prepared by Stacy Kent Rhodes, NC, PLS 2959 dated August 18, 2020 as Job No. 20-060.

CONTAINING 1.43 +/- acres

TOGETHER WITH and SUBJECT TO easements, rights of way and all other such matters as shown on the above-referenced plat and further of record in the Henderson County Registry.

BEING all of that property conveyed to Richard Powell and wife, Imogene Powell by those deeds recorded in Deed Book 489 at Page 337, and in Deed Book 716 at Page 857, Henderson County Registry.

It is the intention of the parties hereto that the above described tracts having the current Tax REID numbers of 202342 and 9934059 be combined into one parcel for tax purposes.

20-642 Justus

115.00 Fee

Prepared By: Don H. Garren

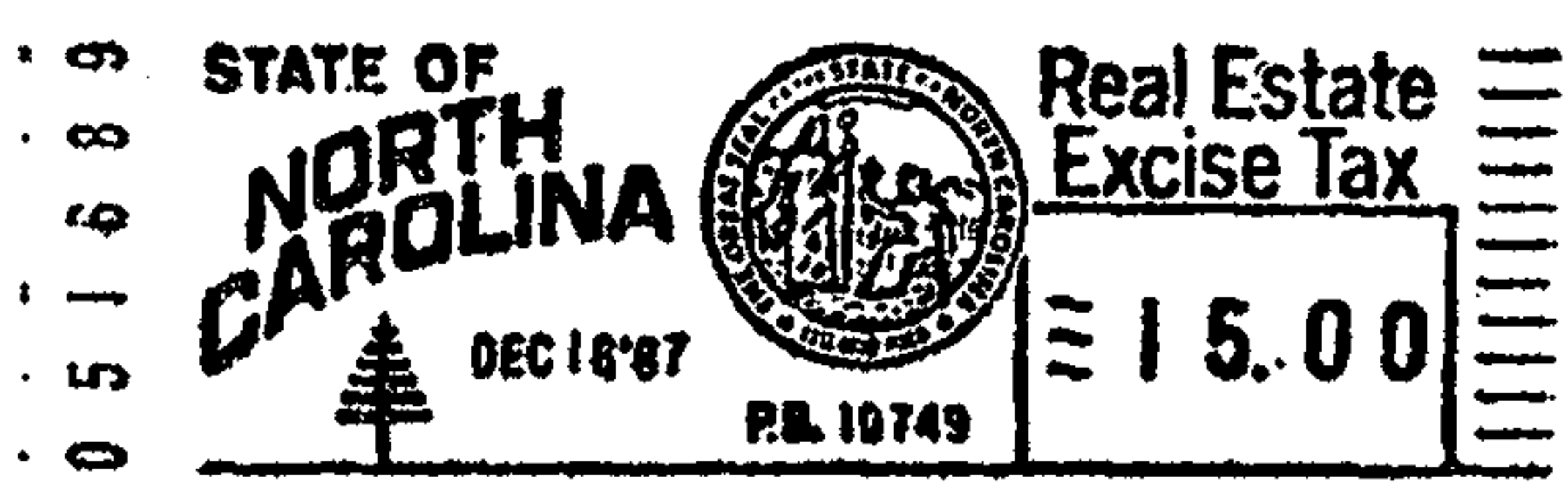
STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

217

This Deed, Made this 17th day of December, in the year of our Lord, one thousand nine hundred and 87, between
RICHARD H. POWELL et ux IMOGENE J. POWELL

of the County of Henderson, and State of North Carolina, of the first part, and
JAMES S. ERWIN, JR. et ux RUTH G. ERWIN
Rt. 2, Box 24A, Flat Rock, NC 28731

of the County of Henderson, and State of North Carolina, of the second part,
WITNESSETH:



WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of (\$ 10.00),
TEN DOLLARS AND OTHER VALUABLE CONSIDERATION, DOLLARS,

in hand paid by the said part ies of the second part, the receipt whereof is hereby acknowledged, ha VE Bargained and Sold, Conveyed
and Confirmed, and by these presents do Bargain and Sell and Convey and Confirm, unto the said part ies of the second part,
their heirs and assigns forever, all the following described piece or parcel of land lying and being in the
Township of Blue Ridge, County of Henderson, and State of North Carolina, and known and designated as follows, viz:

TRACT I: BEGINNING at a point located at the northwestern corner of that property described in Deed Book 667, Page 725 of the Henderson County Registry; thence South 17 Deg. 25 min. 49 sec. West 370.64 feet to a point; thence running in a westerly direction on a curve to the left following the arc of a circle having a radius of 899.06 feet, an arc length of 76.79 feet (chord being North 73 deg. 30 min. 49 sec. West 76.77 feet) to a point; thence North 13 deg. 50 min. 1 sec. East 422.27 feet to a point; thence South 46 deg. 56 min. 27 sec. East 114.51 feet to point and place of BEGINNING.

TRACT II: BEGINNING at a point located North 46 deg. 56 min. 27 sec. West 114.51 feet from the northwestern corner of that property described in Deed Book 667, Page 725 of the Henderson County Registry; thence South 13 deg. 50 min. 01 sec. West 422.27 feet to a point; thence running in a westerly direction on a curve to the left following the arc of a circle having a radius of 899.06 feet, an arc length of 76.79 feet (chord being North 78 deg. 24 min. 27 sec. West 76.77 feet) to a point; thence North 13 deg. 13 min. 26 sec. East 471.02 feet to a point; thence South 46 deg. 56 min. 27 sec. East 93.64 feet to point and place of BEGINNING.

The above-described tracts contain a total of 1.62 acres, more or less, and is shown on a survey prepared by William Patterson, R.L.S., dated December, 1987, designated Job No. 87-12-93-C, and entitled, "Proposed Property of Richard Powell and wife, Imogene Powell," reference to which is hereby made and incorporated herein.

This conveyance is made SUBJECT TO the right-of-way of Upward Road running along the southern boundary of the above-described property and as set forth in Deed Book 405, at page 129, of the Registry for Henderson County, North Carolina.

TO HAVE AND TO HOLD THE SAME, Together with all hereditaments and appurtenances thereunto in any wise appertaining, unto the said part ies of the second part, their heirs and assigns forever.

And the said part ies of the first part do _____ covenant with the said part ies of the second part their heirs and assigns, as follows: FIRST, that the said part ies of the first part are the owner S and lawfully seized of said land and premises. SECOND, That they ha ve good right and full power to convey the same. THIRD, That the same are free from all incumbrances whatsoever. And, FOURTH, That the said part ies of the second part, their heirs and assigns, shall quietly enjoy and possess the same, and that the said part ies of the first part, their heirs, executors and administrators, will forever warrant and defend the title to the same against all lawful claims.

IN TESTIMONY WHEREOF, The said part ies of the first part ha ve hereunto set their hand S and seal S the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Richard H. Powell (SEAL)
RICHARD H. POWELL
Imogene J. Powell (SEAL)
IMOGENE J. POWELL (SEAL)

STATE OF NORTH CAROLINA COUNTY OF HENDERSON
Karen Y. Gilliland, a Notary Public, _____, in and for the above

County and State do hereby certify that RICHARD H. POWELL et ux IMOGENE J. POWELL

personally appeared before me this day and acknowledged the due execution by them of the foregoing Deed of conveyance.

WITNESS my hand and notarial seal, this 17th day of December, A.D. 1987

My commission expires 11/18/92 Karen Y. Gilliland Notary Public

STATE OF _____ COUNTY OF _____

I, _____, a Notary Public, _____, in and for the above

County and State do hereby certify that _____

personally appeared before me this day and acknowledged the due execution by _____ of the foregoing Deed of conveyance.

WITNESS my hand and notarial seal, this _____ day of _____, A.D. 19 _____

My commission expires _____ Notary Public

WARRANTY

DEED

RICHARD H. POWELL et ux
IMOGENE J. POWELL

TO
JAMES S. ERWIN, JR. et ux
RUTH G. ERWIN

NORTH CAROLINA, HENDERSON COUNTY

The foregoing certificate is
Karen Y. Gilliland

Notary Public (Notaries Public is/are certified to be correct. This instrument presented for registration and recorded in this office this 18 day of

December, 1987, at 3:45 P M in Book 711 Page 217 and verified by Richard H. Powell

Register of Deeds
Karen Y. Gilliland (Deputy)

Don H. GREGG
210 N. Main Street
Hendersonville, NC 28739

Printed and For Sale By
FLANAGAN PRINTING COMPANY
HENDERSONVILLE, N.C.



**CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT 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

Date 04/22/2022

Location / Property Address Upward Rd and Ballenger Rd.

List 10 digit PIN or 7 digit PID number 9588406934

Does this property adjoin the present City Limits?

☐ YES

☒ NO

Is the property within the ETJ?

☐ YES

☒ NO

Reason for annexation Access to Utilites

Applicant Name Quik Trip Corporation-Judy Allie

Address 3701 Arco Corporate Drive. Suite 150 Charlotte NC 28273

Phone 704-559-8014

Fax

Email jallie@quiktrip.com

Property Owner: Name James S and Ruth G Erwin Jr

Address 124 SONG BIRD TRAIL, PICKENS, SC 29671

Signature _____

Printed Name _____

Official Use:

DATE RECEIVED: _____ BY _____



City Of Hendersonville
Community Development Department
100 N. King Street Hendersonville, NC 28792
Phone (828)697-3010 Fax (828)697-6185
www.hendersonvillenc.gov

Application Number: _____

Property Owner Signatures:

Printed Name JAMES S. ERWIN, JR.

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: INDIVIDUAL

Signature James S. Erwin, Jr.

Title OWNER Email jr960ebellsouth.net

Address of Property Owner 124 SONG BIRD TRAIL, PICKENS, SC 29671

Printed Name RUTH G. ERWIN

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: INDIVIDUAL

Signature Ruth G. Erwin

Title OWNER Email jr960@bellsouth.net

Address of Property Owner 124 SONG BIRD TRAIL, PICKENS, SC 29671

Printed Name _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature _____

Title _____ Email _____

Address of Property Owner _____



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COMMUNITY DEVELOPMENT DEPARTMENT

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PETITION REQUESTING ANNEXATION

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- ~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

Date

4/22/2022

Location / Property Address

Upward Rd & Ballenger Rd.

List 10 digit PIN or 7 digit PID number

9588-40-7844, 9588-40-8795

Does this property adjoin the present City Limits?

☐

YES

☒

NO

Is the property within the ETJ?

☐

YES

☒

NO

Reason for annexation

Access to utilities

Applicant Name

Quik-Trip Corporation - Judy Allie

Address

3701 Arco Corporate Dr. Suite 150 Charlotte, NC 28273

Phone

704-559-8014

Fax

Email

jallie@quiktrip.com

Property Owner: Name

Jeff. C. Justus

Address

Signature

Printed Name

Jeff C Justus

Official Use:

DATE RECEIVED: _____ BY _____

CERTIFICATE OF SUFFICIENCY

Re: Petition for Contiguous Annexation
 Petitioners: Cameron and Kina Kilpatrick
 File No. C22-38-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 property consisting of +/- 1.89 acres located on Erkwood Drive in Hendersonville, NC, being tax parcel PIN 9577-18-7316, and being more particularly described on Exhibit A, attached hereto and incorporated by reference, 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.160A-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 hereof, I have set my hand and the City Seal on this the _____ day of _____, 2022.

(City Seal)

 Angela L. Reece, City Clerk

EXHIBIT A
LEGAL DESCRIPTION

Beginning at a Point in the South Margin of Erkwood Drive, Point being the southeast corner of the property conveyed to Rick and Carol Huhn by Deed Book 1325, Pg. 382, and running thence from said beginning point North 38-38-31 W 63.90 feet to a Point as recorded and described in Deed Book 3112, Pg. 112 to the Department of Transportation as a Permanent Utility Easement; running thence N 38-38-31 W 348.14 feet to an Existing 1" Iron Pipe; thence running N 15-09-03 E 23.01 feet to an Existing 3" Iron Pipe located at the Southwest corner of the Friebus and Kilpatrick property as recorded at D.B. 788, Pg. 731 and a point in the Boundary of the City of Hendersonville; running thence with Friebus and Kilpatrick Line and with the Boundary of the City of Hendersonville the following two calls, N 87-21-39 E 290.74 feet to an Existing ½" Iron Stake; thence N 43-26-07 E 35.74 feet to a Point located at the Northwest corner of the Flat Rock Centre LLC property as recorded at D.B. 3285, Pg. 382, Plat Slide 4193 and a point in the Boundary of the City of Hendersonville, and thence running with the Boundary of the City of Hendersonville the following five calls, S 76-34-36 E 98.91 feet to a Point; thence S 87-11-44 W 10.78 feet to a Point; thence S 19-29-51 E 23.54 feet to an Existing 1" Iron Pipe located at the Northwest corner of the Sherman Business Park property recorded at D.B. 3285, Pg. 380 and Plat Slide 4193; thence running S 18-44-33 E 43.46 feet to a Point as recorded and described in in D.B. 3112, Pg. 112 to the Department of Transportation as a Permanent Utility Easement; running thence with the same line, S-18-44-33 E 19. 85 feet to a point located in the Boundary of the City of Hendersonville, said Point being located S 71-40-39 W 60.94 feet from an Existing Right of Way Monument; running thence S 71-43-18 W 14.15 feet to a Point; thence S 49-28-04 W 58.84 feet to a Point; thence S 38-23-43 W 55.60 to an Existing Right of Way Monument; thence S 36-17-41 W 92.98 feet to an Existing Right of Way Monument; thence S 34-00-10 E 27.47 feet to a Point; thence S 53-08-23 E 19.95 feet to a Point in the Southern Margin of Erkwood Drive; thence S 31-25-42 W 29.02' to a Point and thence S 38-46-12 W 73.17 feet to the Point of Beginning.

Resolution #__-____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL FIXING DATE OF
PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2**

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

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

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

Section 1. A public hearing on the question of annexation of the contiguous area described herein will be held at the City Operations Center located at 305 William St. Hendersonville NC, 28792 at 5:45 p.m. July 7th, 2022, or as soon thereafter as it may be heard.

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

BEING all of that real property consisting of PIN 9577-18-7316, described in the plat recorded in Book 2022 - ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9577-18-7316 being described by metes and bounds as follows:

Beginning at a Point in the South Margin of Erkwood Drive, Point being the southeast corner of the property conveyed to Rick and Carol Huhn by Deed Book 1325, Pg. 382, and running thence from said beginning point North 38-38-31 W 63.90 feet to a Point as recorded and described in Deed Book 3112, Pg. 112 to the Department of Transportation as a Permanent Utility Easement; running thence N 38-38-31 W 348.14 feet to an Existing 1" Iron Pipe; thence running N 15-09-03 E 23.01 feet to an Existing 3" Iron Pipe located at the Southwest corner of the Friebus and Kilpatrick property as recorded at D.B. 788, Pg. 731 and a point in the Boundary of the City of Hendersonville; running thence with Friebus and Kilpatrick Line and with the Boundary of the City of Hendersonville the following two calls, N 87-21-39 E 290.74 feet to an Existing ½" Iron Stake; thence N 43-26-07 E 35.74 feet to a Point located at the Northwest corner of the Flat Rock Centre LLC property as recorded at D.B. 3285, Pg. 382, Plat Slide 4193 and a point in the Boundary of the City of Hendersonville, and thence running with the Boundary of the City of Hendersonville the following five calls, S 76-34-36 E 98.91 feet to a Point; thence S 87-11-44 W 10.78 feet to a Point; thence S 19-29-51 E 23.54 feet to an Existing 1" Iron Pipe located at the Northwest corner of the Sherman Business Park property recorded at D.B. 3285, Pg. 380 and Plat Slide 4193; thence running S 18-44-33 E 43.46 feet to a Point as recorded and described in in D.B. 3112, Pg. 112 to the Department of Transportation as a Permanent Utility Easement; running thence with the same line, S-18-44-33 E 19. 85 feet to a point located in the Boundary of the City of Hendersonville, said Point being located S 71-40-39 W 60.94 feet from an Existing Right of Way Monument; running thence S 71-43-18 W 14.15 feet to a Point; thence S 49-28-04 W 58.84 feet to a Point; thence S 38-23-43 W 55.60 to an Existing Right of Way Monument; thence S 36-17-41 W 92.98 feet to an Existing Right

of Way Monument; thence S 34-00-10 E 27.47 feet to a Point; thence S 53-08-23 E 19.95 feet to a Point in the Southern Margin of Erkwood Drive; thence S 31-25-42 W 29.02' to a Point and thence S 38-46-12 W 73.17 feet to the Point of Beginning.

Re: Petition for Contiguous Annexation
Petitioners: Cameron and Kina Kilpatrick
File No. C22-38-ANX

Section 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 ____ day of _____ 20____.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

L4-L11 Are Proposed City of Hendersonville Boundary Lines
L14-L15 are Tie Lines

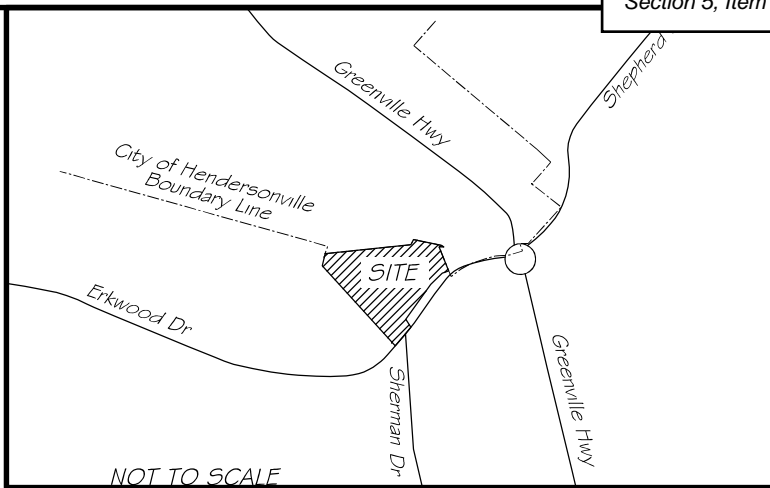
Course	Bearing	Distance
L1	S 87°11'44" W	10.78'
L2	S 19°29'51" E	23.54'
L3	S 18°44'33" E	63.31'
L4	S 71°43'18" W	14.15'
L5	S 49°28'04" W	58.84'
L6	S 38°23'43" W	55.60'
L7	S 36°17'41" W	92.98'
L8	S 34°00'10" E	27.47'
L9	S 53°08'23" E	19.95'
L10	S 31°25'42" W	29.02'
L11	S 38°46'12" W	73.17'
L12	N 15°09'03" E	23.01'
L13	N 43°26'07" E	35.74'
L14	N 71°40'39" E	60.94'
L15	S 16°42'26" E	12.08'

This Plat represents the area being annexed to the City of Hendersonville, N.C. pursuant to NCGS 160A-31, by Ordinance duly adopted (Annexation Ordinance _____).

This the _____ day of _____, 20__

Angela L. Reece, City Clerk

Zone AE, 1 % Annual Chance Floodplains Line
as per FRIS Map Panel 9577, Map
#3700957700J, effective date 10-2-2008.



Vicinity Map

I, Cameron S. Baker, certify that this plat was drawn under my supervision from an actual survey under my supervision, (deed description recorded in Book 3875, Page 309), that the ratio of precision as calculated by latitudes and departures does not exceed 1:10,000 and that this map was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this _____ day of _____, 20__.

Professional Land Surveyor No. L-4920

Global Positioning System Certification (RTK)
The Positional Accuracy Of The RTK Derived Positional Information Is 0.03' Horizontal & 0.03' Vertical

Horizontal Positions Are Referenced to NAD 83 (NSRS 2011)

Vertical Positions Are Referenced To NAVD 88 (Geoid 12)

Combined Factor 0.99977722 (Ground To Grid)

Equipment Used: Carlson GPS-BRx6

The Purpose Of This Plat Is To Annex
Pin # 9577-18-7316 (1.89 Acres) Into
The City of Hendersonville as Shown on this Survey

Being All of the Property as Described in
D.B. 3875, Pg. 309, Less and Excepting the
Area Transferred to NCDOT as Described
in D.B. 3112, Pg. 112

Annexation Plat for

The City of Hendersonville

Pin# 9577-18-7316

-Owners-

Cameron & Kina Kilpatrick
D.B. 3875, Pg. 309

Pin: 9577-18-7316

Hendersonville Township Henderson County, NC



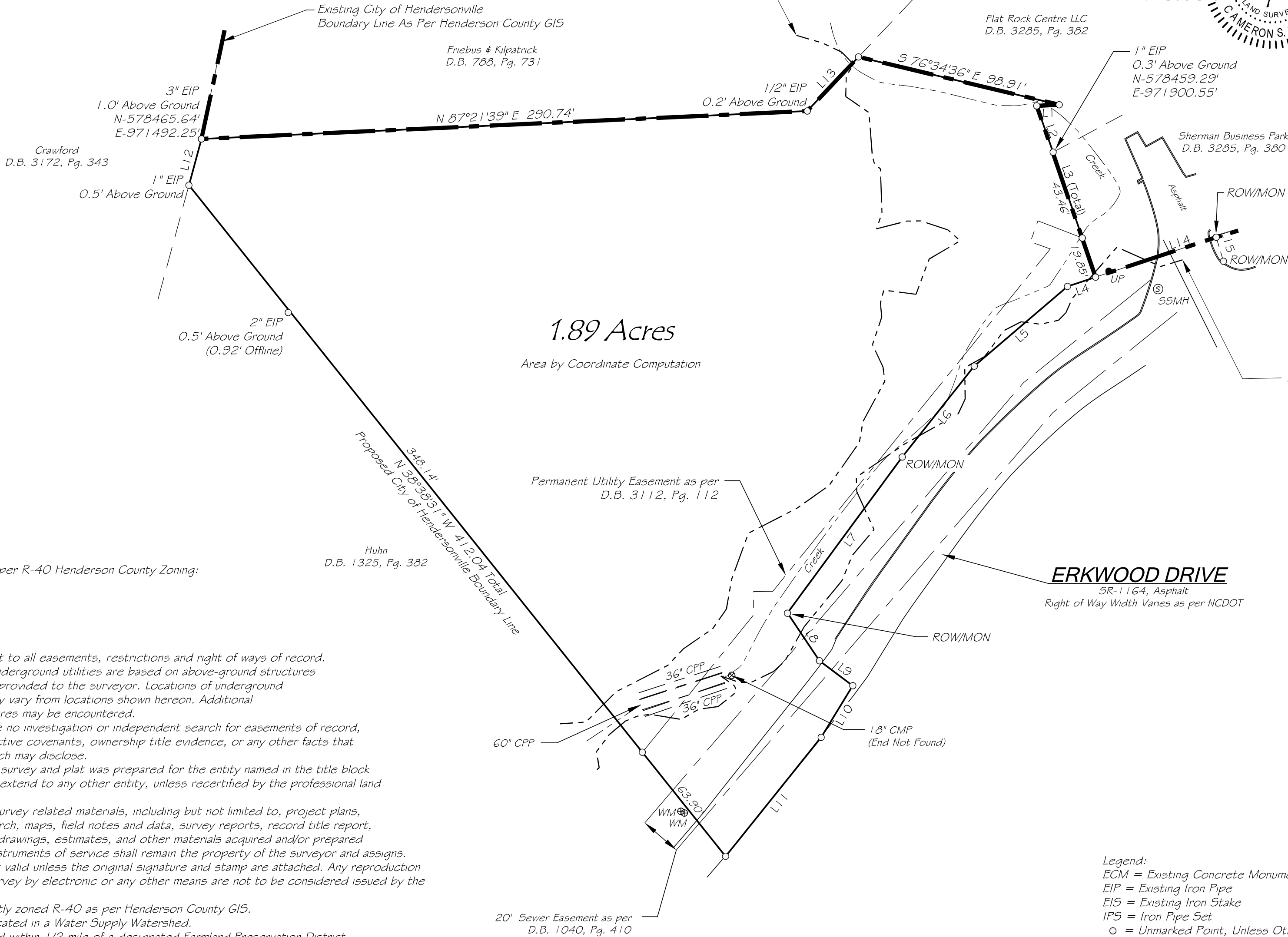
ASSOCIATED LAND SURVEYORS

& PLANNERS P.C.

P.O. BOX 578 * HORSE SHOE, NC 28742
(828) 890-3507 NC BUSINESS LICENSE NO. C-2774

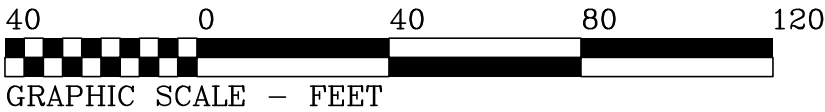
SCALE: 1 Inch = 40 Feet DATE: April 8, 2022
JOB NO.: S-22-173 DRAWN BY: LDJ/JTB IntellCAD 62

Grnd North
NAD 83 (2011)

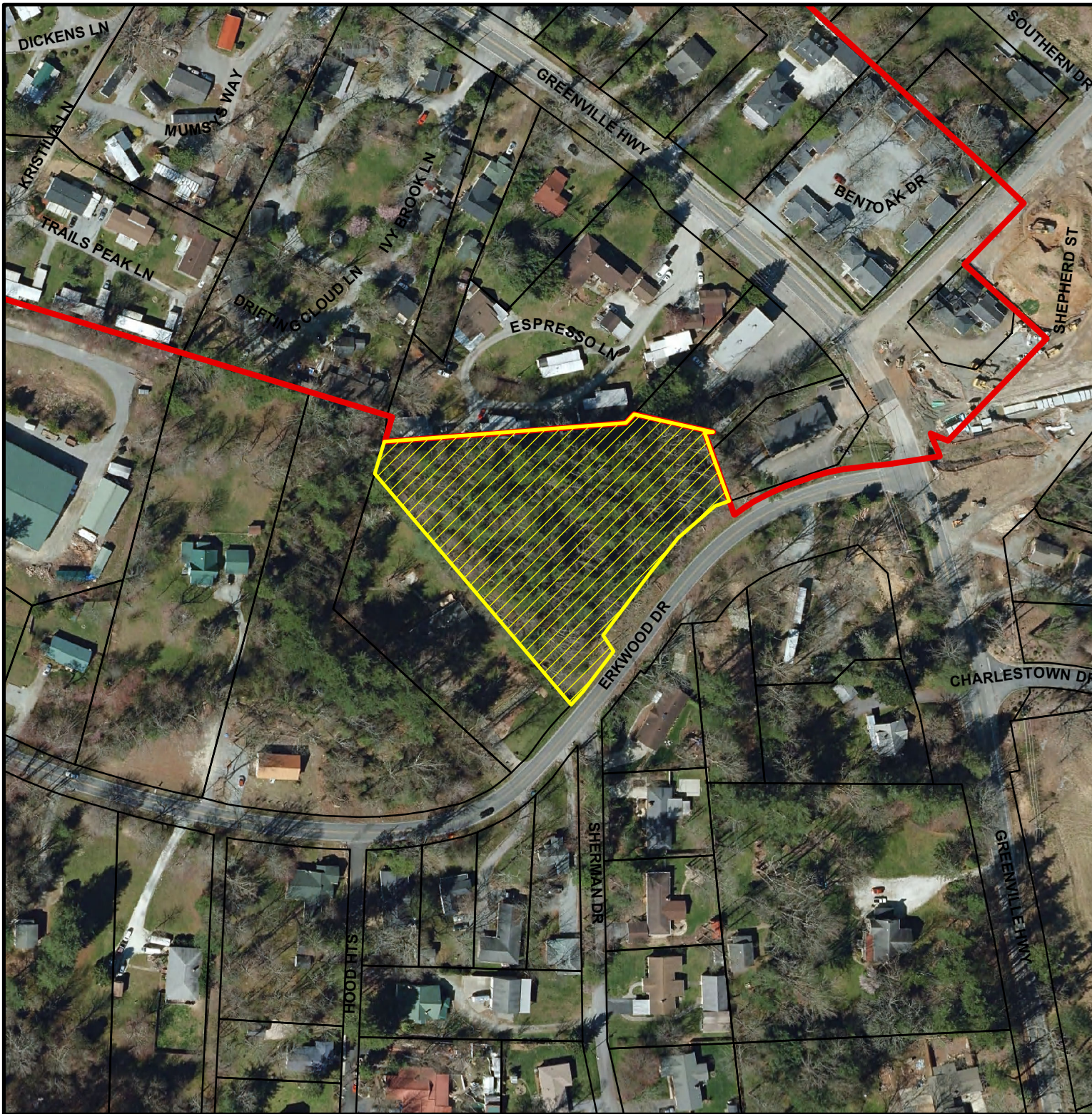


Building Setbacks as per R-40 Henderson County Zoning:
Front: 60'
Side: 35'
Rear: 35'



- Notes:
- Property is subject to all easements, restrictions and right of ways of record.
 - The locations of underground utilities are based on above-ground structures and record drawings provided to the surveyor. Locations of underground utilities/structures may vary from locations shown hereon. Additional buried utilities/structures may be encountered.
 - Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate title search may disclose.
 - The certification of survey and plat was prepared for the entity named in the title block hereon and does not extend to any other entity, unless recertified by the professional land surveyor.
 - All miscellaneous survey related materials, including but not limited to, project plans, deed and ROW research, maps, field notes and data, survey reports, record title report, calculations, working drawings, estimates, and other materials acquired and/or prepared by the surveyor as instruments of service shall remain the property of the surveyor and assigns.
 - This drawing is not valid unless the original signature and stamp are attached. Any reproduction or variance to this survey by electronic or any other means are not to be considered issued by the professional surveyor.
 - Property is currently zoned R-40 as per Henderson County GIS.
 - Property is not located in a Water Supply Watershed.
 - Property is located within 1/2 mile of a designated Farmland Preservation District.
 - Property is located in Zone AE (1% Annual Chance Flood Risk) as per FRIS Map Panel 9577, Map #3700957700J effective date 10-2-2008.



Beginning at a Point in the South Margin of Erkwood Drive, Point being the southeast corner of the property conveyed to Rick and Carol Huhn by Deed Book 1325, Pg. 382, and running thence from said beginning point North 38-38-31 W 63.90 feet to a Point as recorded and described in Deed Book 3112, Pg. 112 to the Department of Transportation as a Permanent Utility Easement; running thence N 38-38-31 W 348.14 feet to an Existing 1" Iron Pipe; thence running N 15-09-03 E 23.01 feet to an Existing 3" Iron Pipe located at the Southwest corner of the Friebus and Kilpatrick property as recorded at D.B. 788, Pg. 731 and a point in the Boundary of the City of Hendersonville; running thence with Friebus and Kilpatrick Line and with the Boundary of the City of Hendersonville the following two calls, N 87-21-39 E 290.74 feet to an Existing ½" Iron Stake; thence N 43-26-07 E 35.74 feet to a Point located at the Northwest corner of the Flat Rock Centre LLC property as recorded at D.B. 3285, Pg. 382, Plat Slide 4193 and a point in the Boundary of the City of Hendersonville, and thence running with the Boundary of the City of Hendersonville the following five calls, S 76-34-36 E 98.91 feet to a Point; thence S 87-11-44 W 10.78 feet to a Point; thence S 19-29-51 E 23.54 feet to an Existing 1" Iron Pipe located at the Northwest corner of the Sherman Business Park property recorded at D.B. 3285, Pg. 380 and Plat Slide 4193; thence running S 18-44-33 E 43.46 feet to a Point as recorded and described in in D.B. 3112, Pg. 112 to the Department of Transportation as a Permanent Utility Easement; running thence with the same line, S-18-44-33 E 19.85 feet to a point located in the Boundary of the City of Hendersonville, said Point being located S 71-40-39 W 60.94 feet from an Existing Right of Way Monument; running thence S 71-43-18 W 14.15 feet to a Point; thence S 49-28-04 W 58.84 feet to a Point; thence S 38-23-43 W 55.60 to an Existing Right of Way Monument; thence S 36-17-41 W 92.98 feet to an Existing Right of Way Monument; thence S 34-00-10 E 27.47 feet to a Point; thence S 53-08-23 E 19.95 feet to a Point in the Southern Margin of Erkwood Drive; thence S 31-25-42 W 29.02' to a Point and thence S 38-46-12 W 73.17 feet to the Point of Beginning.



Erkwood Drive- Kilpatrick
C22-38-ANX
PIN: 9577-18-7316
Acreage: 1.89
Contiguous Annexation
Community Development Department

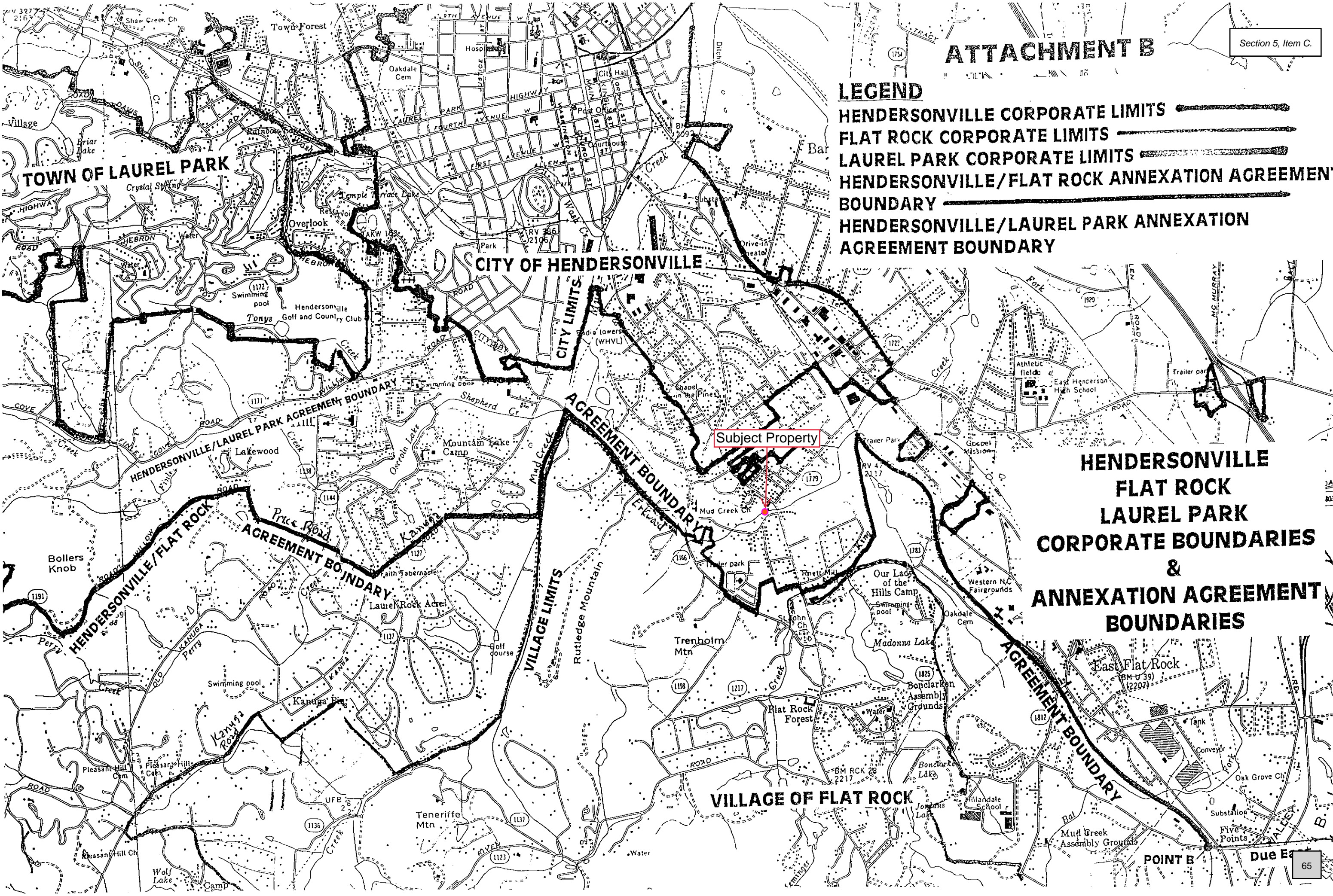
-  Subject Property
-  Hendersonville City Limits



ATTACHMENT B

LEGEND

- HENDERSONVILLE CORPORATE LIMITS
- FLAT ROCK CORPORATE LIMITS
- LAUREL PARK CORPORATE LIMITS
- HENDERSONVILLE/FLAT ROCK ANNEXATION AGREEMENT BOUNDARY
- HENDERSONVILLE/LAUREL PARK ANNEXATION AGREEMENT BOUNDARY



HENDERSONVILLE
FLAT ROCK
LAUREL PARK
CORPORATE BOUNDARIES
&
ANNEXATION AGREEMENT
BOUNDARIES

VILLAGE OF FLAT ROCK

BK 3875 PG 309 - 311 (3)

DOC# 974539

This Document eRecorded:

02/28/2022

12:16:18 PM

Fee: \$26.00

Henderson County, North Carolina

Tax: \$200.00

William Lee King, Register of Deeds

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: **200.00**

Parcel Identifier No. 10002123 Verified by _____ County on the ____ day of _____, 20 ____

By: _____

Mail/Box to: Staton Law Firm - 112 North Washington Street, Hendersonville, NC 28739

This instrument was prepared by: Staton Law Firm, 112 North Washington Street, Hendersonville, NC 28739

Brief Description for the Index: _____

THIS DEED made this 28th day of February, 2022, by and between

GRANTOR

Thomas Prince and wife, Jennifer Prince

40 Glover Gilliam Ln
Flat Rock, NC 28731

GRANTEE

Cameron Kilpatrick and wife, Kina Kilpatrick

108 Wolf Shoals Dr.
Hendersonville, NC 28739

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

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 Town of, Hendersonville Township, Henderson County, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference. This instrument was prepared by Whitney Staton, a licensed NC attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

Submitted electronically by "Staton Law 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.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3537 page 361.
All or a portion of the property herein conveyed includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book page .

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:

Subject to 2022 ad valorem property taxes.

Subject to 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.

(Entity Name)
By: _____
Print/Type Name & Title: _____

Thomas Prince (SEAL)
Print/Type Name: Thomas Prince

By: _____
Print/Type Name & Title: _____

Jennifer Prince (SEAL)
Print/Type Name: Jennifer Prince

By: _____
Print/Type Name & Title: _____

Print/Type Name: _____

By: _____
Print/Type Name & Title: _____

Print/Type Name: _____

State of North Carolina - County or City of Henderson

I, the undersigned Notary Public of the County or City of Henderson and State aforesaid, certify that
Thomas Prince and wife, Jennifer Prince 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 28th day of
February, 2022.

My Commission Expires: 9/7/25
(Affix Seal)

HANNAH MCCONNELL
Notary Public, North Carolina
Henderson County
My Commission Expires
September 07, 2025

Hannah McConnell
Notary Public
Notary's Printed or Typed Name

State of _____ - County or City of _____

I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that
_____ 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 _____ day of
_____, 20____.

My Commission Expires: _____
(Affix Seal)

Notary Public
Notary's Printed or Typed Name

State of _____ - County or City of _____

I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that
_____ personally came before me this day and acknowledged that
he is the _____ of _____, a North Carolina or
_____ corporation/limited liability company/general partnership/limited partnership (strike through the
inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its
behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____
(Affix Seal)

Notary Public
Notary's Printed or Typed Name

EXHIBIT A

Lying on the North side of Erkwood Drive, and BEGINNING at a stake in the South margin of said Erkwood Drive, said stake being the southeast corner of that property conveyed to Guy H. Clark by J.R. McMurray by Deed recorded in Deed Book 332 at Page 201, and running thence from said beginning point with said southeast margin of said Erkwood Drive, North 41 deg. 45 min. East 77 feet to a stake in said margin of said Drive; thence with said Drive the following courses and distances: North 34 deg. 25 min. East 150 feet, North 48 deg. 30 min. East 50 feet, North 62 deg. 30 min. East 36 feet to a stake in said margin of said Drive; thence leaving said Drive North 18 deg. 35 min. West 137 feet to a stake in a branch, Dewey Sherman's corner, thence with said Branch North 76 deg. 30 min. West 100 feet to a stake in said branch; thence South 45 deg. West 25 feet to a stake in the Lipp line; thence with the line South 84 deg. West 300 feet to a stake; thence South 16 deg. 03 min. West 26 feet to a stake, corner of property already owned by H. Stephen Thomas and wife, Margaret Thomas (now or formerly); thence with the line of said property South 40 deg. 18 min. West 412 feet to the place of BEGINNING.

The deeds in the chain of title for this property refer to the same as being located on Rutledge Drive. However, this property is actually located on Erkwood Drive in Henderson County, North Carolina.

BEING the same property conveyed from Gloria Ashley and husband, William Ashley, by deed dated December 18, 2017, and recorded in Deed Book 3143 at page 459, Henderson County registry.

ALSO BEING the same property conveyed from Gloria Ashley and husband, William Ashley, to Gloria Morgan Ashley by deed dated March 22, 2019 and recorded in Deed Book 3313 at page 38-41, Henderson County Registry.

AND ALSO BEING recorded in Deed Book 3313 at Page 109-111, Henderson County Registry.

AND ALSO BEING all of that property as described in deed recorded in Deed Book 3537, Page 361, Henderson County Registry.

REID: 10002123



CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT 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

Date

4/21/22

Location / Property Address

Erkwood

List 10 digit PIN or 7 digit PID number

~~808~~ 9577187316

Does this property adjoin the present City Limits?



YES



NO

Is the property within the ETJ?



YES



NO

Reason for annexation

City Water and Sewer use.

Applicant Name

Cameron Kilpatrick

Address

108 Wolf Shoals Dr

Phone

828 5514715

Fax

Email

associatedbuildersnc@gmail.com

Property Owner: Name

Cameron and King Kilpatrick

Address

Signature

Printed Name

Cameron Kilpatrick King Kilpatrick

Official Use:

DATE RECEIVED: _____ BY _____



City Of Hendersonville
Community Development Department
100 N. King Street Hendersonville, NC 28792
Phone (828)697-3010 Fax (828)697-6185
www.hendersonvillenc.gov

Application Number: _____

Property Owner Signatures:

Printed Name Cameron Kilpatrick

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature [Handwritten Signature]

Title _____ Email associatedbuildersnc@gmail.com

Address of Property Owner 108 Wolf Shoals Dr. / 28739

Printed Name Kina Kilpatrick

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature Kina Kilpatrick

Title _____ Email Kina.Kilpatrick@gmail.com

Address of Property Owner 108 Wolf Shoals Dr. / 28739

Printed Name _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature _____

Title _____ Email _____

Address of Property Owner _____



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Adam Murr **MEETING DATE:** 06/02/2022

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

TITLE OF ITEM: June 2022 Budget Amendments – *Adam Murr, Budget Manager*

SUGGESTED MOTION(S):

I move City Council adopt budget amendment(s) 06022022-01, 06022022-02, 06022022-03, 06022022-04, and 06022022-05 as presented.

SUMMARY:

Amendment 06022022-01 will decrease expenditures in operating funds to transfer budget to capital project funds.

Amendment 06022022-02 increases grant revenue budget along with a transfer in to reflect grant proceeds received for the Police Department to purchase a \$34,100 virtual training platform which will assist in development of knowledge and skill in de-escalation and use of force scenarios.

Amendment 06022022-03 transfers budget from the Fire Department (General Fund) to the Fire SAFER Grant within the Grant Project Fund (301). This amendment will assist the finance department with grant tracking and reporting and does not impact operations.

Amendment 06022022-04 transfers existing budget to a capital project ordinance for a comprehensive plan update extending beyond FY21-22.

Amendment 06022022-05 transfers budget to the Parking Deck project for the construction of sidewalk related to the project and increases debt proceeds/refunding for accounting purposes only.

BUDGET IMPACT: 06022022-01 | Fund 010 decrease \$226,865, Fund 410 increase \$226,865,
Fund 460 increase \$478,040, Fund 068 \$380,000 decrease, Fund 467
\$380,000 increase
06022022-02 | Fund 199 decrease \$9,600, Fund 410 \$34,100 increase
06022022-03 | Fund 010 \$543,000 decrease, Fund 301 \$543,000 increase
06022022-04 | Fund 010 \$150,000 decrease, Fund 410 \$200,000 increase
06022022-05 | Fund 010 \$47,000 decrease, Fund 410 \$1,047,000 increase

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

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

ATTACHMENTS:

- | | |
|--------------------------|--------------------------|
| 1. Amendment 06022022-01 | 4. Amendment 06022022-04 |
| 2. Amendment 06022022-02 | 5. Amendment 06022022-05 |
| 3. Amendment 06022022-03 | |

TO MAYOR & COUNCIL - June 2, 2022

FISCAL YEAR 2022
Form Number - 06022022-01**BUDGET AMENDMENT**

FUND 010 | 060 | 068 | 410 | 460 | 467

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
010-1300-554002	Capital Outlay - Vehicles	-	28,500
010-1560-554002	Capital Outlay - Vehicles	-	159,365
010-1400-554002	Capital Outlay - Vehicles	-	39,000
010-0000-470010	Debt Obligations Issued	-	226,865
FUND 010	TOTAL REVENUES	-	226,865
	TOTAL EXPENDITURES	-	226,865
410-0000-470010-22010	Debt Obligations Issued	226,865	-
410-1300-554002-22010	Capital Outlay - Vehicles	28,500	-
410-1560-554002-22010	Capital Outlay - Vehicles	159,365	-
410-1502-554002-22010	Capital Outlay - Vehicles	39,000	-
FUND 410	TOTAL REVENUES	226,865	-
	TOTAL EXPENDITURES	226,865	-
060-7002-554002	Capital Outlay - Vehicles	-	64,255
060-7002-554002	Capital Outlay - Vehicles	-	64,255
060-7155-554002	Capital Outlay - Vehicles	-	349,530
060-0000-598901	Transfer Out (to 460)	245,815	-
FUND 060	TOTAL REVENUES	-	-
	TOTAL EXPENDITURES	478,040	478,040
460-0000-470100-22010	Transfer In (from 060)	478,040	-
460-7002-554002-22010	Capital Outlay - Vehicles	64,255	-
460-7002-554002-22010	Capital Outlay - Vehicles	64,255	-
460-7155-554002-22010	Capital Outlay - Vehicles	349,530	-
FUND 460	TOTAL REVENUES	478,040	-
	TOTAL EXPENDITURES	478,040	-
068-0000-470010	Debt Obligations Issued	-	380,000
068-7855-554001	Capital Outlay - Equipment	-	380,000
FUND 068	TOTAL REVENUES	-	380,000
	TOTAL EXPENDITURES	-	380,000
467-0000-470010-22010	Debt Obligations Issued	380,000	-
467-7855-554001-22010	Capital Outlay - Equipment	380,000	-
FUND 467	TOTAL REVENUES	380,000	-
	TOTAL EXPENDITURES	380,000	-

An amendment moving budget from the various departments' annual operating budgets to a capital project ordinance to fund the purchase of a necessary vehicles which will arrive after July 1, 2022. This amendment is needed due to longer than anticipated lead times associated with vehicle supply chains.

City Manager

Date

City Clerk

Date

Approved:

6/2/2022

TO MAYOR & COUNCIL - June 2, 2022

FISCAL YEAR 2022
Form Number - 06022022-02**BUDGET AMENDMENT**

FUND 199 | 410

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
199-1300-521001-00007	Capital Outlay - Equipment	-	4,400
199-0000-570900-00007	Fund Balance Appropriated	5,200	-
199-0000-598901-00007	Transfer Out (to 410)	9,600	-
FUND 199	TOTAL REVENUES	5,200	-
	TOTAL EXPENDITURES	9,600	4,400
410-0000-420050-G2206	Grant Revenue	24,500	-
410-0000-470100-G2206	Transfer In (from 199)	9,600	-
410-1300-554001-G2206	Capital Outlay - Equipment	34,100	-
FUND 410	TOTAL REVENUES	34,100	-
	TOTAL EXPENDITURES	34,100	-

An amendment increasing grant revenue in Fund 410 and a transfer from Fund 199 to Fund 410 for a virtual training equipment project. The Police Department has received a \$24,500 grant and intends to supplement with Special Revenue Fund budget (\$9,600) to cover the virtual platform purchase, improving the department's ability to train on de-escalation and use of force scenarios.

City Manager_____
Date_____
City Clerk
 Approved: _____
 Date
 6/2/2022

TO MAYOR & COUNCIL - June 2, 2022

FISCAL YEAR 2022
Form Number - 06022022-03

BUDGET AMENDMENT

FUND 010 | 301

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
010-1400-501001	Salaries and Wages - Regular	-	404,177
010-1400-501002	Salaries and Wages - P/T, Temp, Aux	-	7,078
010-1400-501011	Salaries and Wages - Holiday Pay	-	1,130
010-1400-501013	Salaries and Wages - Halftime	-	3,730
010-1400-502001	FICA Tax Expense	-	27,785
010-1400-502005	Group Med and Life Insurance	-	47,365
010-1400-502050	Retirement Expense	-	48,960
010-1400-502055	Retiree Insurance	-	2,775
010-0000-598901	Transfer out (to 301, SAFER#2)	543,000	-
FUND 010	TOTAL REVENUES	-	-
	TOTAL EXPENDITURES	543,000	543,000
301-0000-470100-G2000	Transfer in (from 010)	543,000	-
301-1400-501001-G2000	Salaries and Wages - Regular	404,177	-
301-1400-501002-G2000	Salaries and Wages - P/T, Temp, Aux	7,078	-
301-1400-501011-G2000	Salaries and Wages - Holiday Pay	1,130	-
301-1400-501013-G2000	Salaries and Wages - Halftime	3,730	-
301-1400-502001-G2000	FICA Tax Expense	27,785	-
301-1400-502005-G2000	Group Med and Life Insurance	47,365	-
301-1400-502050-G2000	Retirement Expense	48,960	-
301-1400-502055-G2000	Retiree Insurance	2,775	-
FUND 301	TOTAL REVENUES	543,000	-
	TOTAL EXPENDITURES	543,000	-
An amendment moving SAFER grant related firefighter salaries and wages from the General Fund to the Grant Fund, SAFER Project. This amendment is for budgetary/accounting purposes and does not affect operations.			

City Manager

Date

City Clerk

Approved:

Date

6/2/2022

TO MAYOR & COUNCIL - June 2, 2022

FISCAL YEAR 2022
Form Number - 06022022-04

BUDGET AMENDMENT

FUND 010 | 410

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
010-1555-501001	Salaries and Wages - Regular	-	10,000
010-1555-501010	Salaries and Wages - P/T, Temp, Aux	-	140,000
010-0000-598901	Transfer out (to 410)	150,000	-
FUND 010	TOTAL REVENUES	-	-
	TOTAL EXPENDITURES	150,000	150,000
410-0000-470100-22014	Transfer in (from 010)	150,000	-
410-0000-460090-22014	Contributions/Donations	50,000	-
410-1200-519200-22014	Contracted Services	200,000	-
FUND 410	TOTAL REVENUES	200,000	-
	TOTAL EXPENDITURES	200,000	-
An amendment transferring \$150k available budget from the General Fund (010) to the Governmental Capital Project Fund (410) and increasing a \$50k grant/contribution from the TDA. This amendment allows the City to budget for the comprehensive plan across fiscal years.			

City Manager

Date

City Clerk

Approved:

Date

6/2/2022

TO MAYOR & COUNCIL - June 2, 2022

FISCAL YEAR 2022
Form Number - 06022022-05

BUDGET AMENDMENT

FUND 010 | 410

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
010-1555-501001	Salaries and Wages - Regular	-	45,000
010-1555-502001	FICA	-	2,000
010-0000-598901	Transfer out (to 410, #19101)	47,000	-
FUND 010	TOTAL REVENUES	-	-
	TOTAL EXPENDITURES	47,000	47,000
410-0000-470010-19101	Transfer in (from 010)	47,000	-
410-0000-550103-19101	Capital Outlay - CIP	47,000	-
410-0000-470010-19101	Debt Proceeds	1,000,000	-
410-1002-598200-19101	Debt Refunding	1,000,000	-
FUND 410	TOTAL REVENUES	1,047,000	-
	TOTAL EXPENDITURES	1,047,000	-

An amendment transferring \$47,000 from the General Fund budget to the Parking Deck CPO to fund the construction of sidewalks associated with the project. The amendment also records a debt refunding associated with the capital project.

City Manager

Date

City Clerk

Approved:

Date

6/2/2022

Ordinance # _____

CAPITAL PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE FY22 CIP VEHICLE AND EQUIPMENT PROJECT

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

Section 1: The project authorized is a City project described as the FY22 CIP Vehicle and Equipment Project.

Section 2: The project will be complete in accordance with the requirements set by all relevant North Carolina state statutes.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	1300	554002	22010	Capital Outlay – Vehicles	\$ 28,500
410	1560	554002	22010	Capital Outlay – Vehicles	\$159,365
410	1502	554002	22010	Capital Outlay – Vehicles	\$39,000
460	7002	554002	22010	Capital Outlay – Vehicles	\$128,510
460	7155	554002	22010	Capital Outlay – Vehicles	\$349,530
467	7855	554001	22010	Capital Outlay – Vehicles	\$380,000

Total Project Appropriation	\$ 1,084,905
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Section 4: The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	0000	470010	22010	Debt Obligations Issued	\$226,865
460	0000	470100	22010	Transfers In (from 060)	\$478,040
467	0000	470010	22010	Debt Obligations Issued	\$380,000

Total Project Revenue	\$1,084,905
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Section 5: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 6: Funds may be advanced from the General, Water/Sewer, and Environmental Services Funds as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 9: Copies of this project ordinance shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 2th day of June, 2022.

Barbara G. Volk, Mayor

ATTEST:

City Clerk

Approved as to form:

City Attorney

Ordinance # _____

GRANT PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE COMPREHENSIVE PLAN PROJECT

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

Section 1: The project authorized is a City project described as the Comprehensive Plan Project.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	1200	519200	22014	Contracted Services	\$200,000

Total Project Appropriation \$200,000

Section 3: The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	0000	460090	22014	Contributions/Donations	\$50,000
410	0000	470100	22014	Transfers In (From 010)	\$150,000

Total Project Appropriation \$200,000

PROJECT TO BE FUNDED USING

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

Section 5: Funds may be advanced from the General Fund (010) as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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

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

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 2nd day of June 2022.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

Ordinance # _____

**GRANT PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE
POLICE VIRTUAL LAB EQUIPMENT PROJECT**

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

Section 1: The project authorized is a City project described as the Police Virtual Lab Equipment Project.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	1300	554001	G2206	Capital Outlay Equipment	\$34,100

Total Project Appropriation	\$34,100
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Section 3: The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	0000	420050	G2206	Grant Revenue	\$24,500
410	0000	470100	G2206	Transfers In (From 199)	\$9,600

Total Project Appropriation	\$34,100
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PROJECT TO BE FUNDED USING

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

Section 5: Funds may be advanced from the General Fund (010) as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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

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

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 2nd day of June 2022.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER:

Amanda Lofton

MEETING DATE:

06/02/2022

AGENDA SECTION:

CONSENT

DEPARTMENT:

Finance

TITLE OF ITEM,
Presenter Name, Title:

Henderson County Tax Adjustments -*Amanda Lofton, Deputy Tax Collector*

SUGGESTED MOTION(S):

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.

SUMMARY:

The Deputy Tax Collector, Amanda Lofton, would like to submit for your approval the tax bill adjustments occurring between May 1, 2022 and May 31, 2022. These adjustments include all Discoveries, Releases, Refunds, and Forgiven Interest. These adjustments were provided by Henderson County Tax Department. Documentation is available in the Tax Office.

BUDGET IMPACT:

\$ 0.00

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

If no, describe how it will be funded.

EnterTextHere

PROJECT NUMBER:

N/A

PETITION NUMBER:

N/A

ADDITIONAL PETITION NUMBER:

N/A

PETITIONER NAME:

N/A

ATTACHMENTS:

Summary Total of Tax Adjustments

NCPTS Pending Release/Refund Report. Wednesday, May 18, 2022*

TAX DISTRICT	OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	DISTRICT CODE	LEVY TYPE	BILLED	PAID	RELEASE	
CITY OF HENDERSONVILLE	HEATHERLY, THOMAS	0002664634-2020-2020-0000	MR. HEATHERLY PASSED IN MARCH OF 2019. PER SUSAN IN THE ESTATE OFFICE, NO ESTATE WAS FILED FOR MR. HEATHERLY. PER NCSOS, THERE IS NO CURRENT FILING FOR THE BUSINESS. GOOGLE STATES THAT THE BUSINESS IS CLOSED. ADJUSTMENT SUBMITTED TO VOID THE 2020 ABSTRACT AND BILL.	(\$3,780)	8175	JURSC10	TAX	\$18.52	\$0.00	\$18.52	
							LATE LIST FEE	\$1.85	\$0.00	\$1.85	
							TOTAL:			\$20.37	
						ABSTRACT TOTAL:				\$20.37	
		0002664634-2021-2021-0000	MR. HEATHERLY PASSED IN MARCH OF 2019. PER SUSAN IN THE ESTATE OFFICE, NO ESTATE WAS FILED FOR MR. HEATHERLY. PER NCSOS, THERE IS NO CURRENT FILING FOR THE BUSINESS. GOOGLE STATES THAT THE BUSINESS IS CLOSED. ADJUSTMENT SUBMITTED TO VOID THE 2021 ABSTRACT AND BILL.	(\$3,780)	8174	JURSC10	TAX	\$19.66	\$0.00	\$19.66	
							LATE LIST FEE	\$1.97	\$0.00	\$1.97	
							TOTAL:			\$21.63	
						ABSTRACT TOTAL:				\$21.63	
		OWNER TOTAL:			\$0						\$42.00
		REYNOLDS, SHERRIE LYNN	0000222582-2021-2021-0000	VOID ABSTRACT DUE TO MOBILE HOME BEING CONDEMNED AND DESTROYED; PER PICTOMETRY MOBILE HOME NOT PICTURED IN 2021	(\$7,462)	8143	JURSC10	TAX	\$38.80	\$0.00	\$38.80
							LATE LIST FEE	\$3.88	\$0.00	\$3.88	
							TOTAL:			\$42.68	
	ABSTRACT TOTAL:						\$42.68				
OWNER TOTAL:				\$0						\$42.68	
	DISTRICT TOTAL:			(\$15,022)						\$84.68	



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: John Buchanan

MEETING DATE: 6/2/2022

AGENDA SECTION: CONSENT

DEPARTMENT: Finance

TITLE OF ITEM: Approval of Utility Billing Analyst Position and Job Description— *John Buchanan, Finance Director*

SUGGESTED MOTION(S):

I move City Council approve the position job description for the Utility Billing Analyst as presented effective retroactively to May 9, 2022.

SUMMARY:

Staff is requesting approval of the job description for a new position. The new position will provide an opportunity to review billing and account information in greater detail than is currently possible. The position will not increase the current number of employees as it will be filled by reallocating one of the existing billing positions to this role. The Utility Billing Analyst will be a grade 13, and the current Utility Billing Specialist I will be a grade 11 next year.

BUDGET IMPACT: Approximately \$1,200

Is this expenditure approved in the current fiscal year budget? Budget is available

If no, describe how it will be funded. EnterTextHere

ATTACHMENTS:

Utility Billing Analyst Job Description



JOB DESCRIPTION

To perform this job successfully, an individual must be able to perform the essential job functions satisfactorily. Reasonable accommodations may be made to enable individuals with disabilities to perform the primary job functions herein described. Since every duty associated with this position may not be described herein, employees may be required to perform duties not specifically spelled out in the job description, but which may be reasonably considered to be incidental in the performing of their duties just as though they were actually written out in this job description.

Utility Billing Analyst

Department: Finance
Pay Grade: 13
FLSA Status: Non-Exempt

JOB SUMMARY

Responsible for performing a variety of skilled and technical tasks to support and ensure accuracy and completeness of all utility billing and meter reading functions, as well as playing a customer service role, including dealing with difficult meter billing inquiries and problems. The position will also coordinate closely with the Operations division in the execution of his or her duties. Other responsibilities include: ensuring the integrity of the City's billing and AMI meter reading systems and processes, including maintaining accurate billing, customer records; identifying and troubleshooting problematic meters; managing service requests; and developing analyses and reporting for the Billing Supervisor.

An employee in this class will have a solid understanding of generally accepted accounting principles as well as internal controls, and have demonstrated experience in an accounting, billing or other comparable role where accuracy is critical. The position will be held accountable for accurate and timely billing and meter reading; and must also be able to act independently and proactively in order to identify and troubleshoot problems and bring issues forward to the Billing Supervisor. This employee must also possess strong systems analysis skills. Tact, courtesy, and diplomacy are required in the frequent public contact functions, especially in the resolutions of complaints. Provides billing and collections information to citizens and businesses; explains municipal policies and procedures regarding utilities to others. Work requires employee to establish and maintain office filing and database systems. Work is performed under general supervision of the Billing Supervisor and is evaluated based on attainment of individual performance objectives, observation, accuracy and feedback from employees and general public.

ESSENTIAL JOB FUNCTIONS

- Reviews, and analyzes data on customer accounts for accuracy and completeness.
- Develops reports and procedures to ensure review of all accounts and service areas and a routine basis.

- Reviews all available data sources and works with other departments to share information, develop reports and procedures to prevent, identify and correct unbilled accounts.
- When necessary, assists billing and customer service representatives with account inquiries.
- Maintain and update as needed all rates, fees, and all account charges in the utility billing system.
- Provide input to supervisor on creating/updating Standard Operating & Billing Procedures.
- Monitor all billing functions to ensure prompt and accurate billing of accounts.
- Perform all other duties as assigned.
- Resolves problems requiring immediate attention and verifies that underlying systematic or process issues have been addressed.
- Performs other related job duties as assigned.

QUALIFICATIONS

Education and Experience:

High school diploma; and two (2) years of experience in a billing/accounts receivable/customer service environment, enterprise accounting/utility billing system, public utility/agency in a customer service role; or an equivalent combination of education and experience. Minimum of an associate's degree is preferred.

Special Qualifications:

- Possession of a valid driver's license to operate a motor vehicle. Requirement exists at the time of hire and as a condition of continued employment.

Knowledge, Skills and Abilities:

- Knowledge of Utility Billing and Collections Public Enterprise Utility Services, North Carolina General Statutes, bankruptcy laws and laws related to utility collections.
- Knowledge of standard office practices, procedures, equipment and administrative support techniques.
- Knowledge of departmental programs and policies.
- Knowledge of business English, spelling and arithmetic
- Skills in dealing effectively with the public.
- Ability to organize and maintain accurate records utilizing Excel, Munis, Word, Adobe Acrobat and others as may be required.
- Ability to communicate and explain policies and procedures to departmental staff.
- Ability to type accurately at a reasonable rate of speed.
- Ability to perform mathematical calculations while maintaining accuracy
- Ability to organize and prioritize work
- Ability to understand and apply laws, regulations, and policies to the maintenance of financial records.
- Ability to give and follow oral and written instructions.
- Ability to read and understand detailed and complicated policies, procedures and materials.
- Ability to effectively communicate both orally and in writing.
- Ability to establish and maintain effective relationships with general public, county officials and other employees.

- Ability to operate a variety of office equipment to produce complex/technical documents.
- Ability to establish and maintain effective working relationships with City officials, associates and with the general public.

PHYSICAL DEMANDS

Work in this classification is defined as light work requiring the physical exertion of up to 10 pounds of force occasionally and a negligible amount of force constantly to move objects. Physical demands require climbing, crouching, crawling, standing, walking and lifting. Vocal communication is required for responding to inquiries, expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels. Visual acuity is required for extensive reading, to prepare and analyze written or computer data, determine the accuracy and thoroughness of work, and observe general surroundings and activities.

WORK ENVIRONMENT

Work is primarily performed in an office with a controlled environment without exposure to harmful conditions.

The City of Hendersonville has the right to revise this job description at any time. This description does not represent in any way a contract of employment.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Brendan Shanahan, Civil Engineer IV

MEETING DATE: June 2, 2022

AGENDA SECTION: CONSENT

DEPARTMENT: Engineering

TITLE OF ITEM: Utility Extension Agreement for the Waterleaf at Flat Rock Apartments—*Brendan Shanahan, Civil Engineer IV*

SUGGESTED MOTION(S): I move that City Council approve the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with Peggy C. Cabe, Enno F. Camenzind, Joan C. Fleming, Paula Camenzind Carter, Robert O. Camenzind, and Graycliff Capital Development, LLC for the Waterleaf at Flat Rock Apartments as presented and recommended by staff.

SUMMARY:

The Waterleaf at Flat Rock Apartments located off South Allen Road in Henderson County proposes to extend the City's water and sanitary sewer systems to serve said expansion. The attached Utility Extension Agreement (UEA) outlines the water and sewer utility line extension process and assigns responsibilities to the Developer and City. We welcome any questions that you may have.

BUDGET IMPACT: \$0

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

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

PROJECT NUMBER: 21130

PETITION NUMBER: N/A

ADDITIONAL PETITION NUMBER: N/A

PETITIONER NAME: N/A

ATTACHMENTS:

Utility Extension Agreement – Waterleaf at Flat Rock Apartments

Map showing Waterleaf at Flat Rock Apartments parcel

Resolution # __-____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO
AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION
AGREEMENT WITH PEGGY C. CABE, ENNO F. CAMENZIND, JOAN C. FLEMING,
PAULA CAMENZIND CARTER, ROBERT O. CAMENZIND AND GRAYCLIFF CAPITAL
DEVELOPMENT, LLC FOR THE WATERLEAF AT FLAT ROCK APARTMENTS**

WHEREAS, the City of Hendersonville owns, operates and maintains a water distribution and a sanitary sewer system to serve customers throughout Henderson County; and

WHEREAS, residential, commercial, and industrial developments often require public water and sanitary sewer service as a part of their development projects; and

WHEREAS, the Developer extends public water and sewer lines to their site, which upon completion and acceptance, are provided to the City to own, operate, and maintain; and

WHEREAS, the City requires a Utility Extension Agreement to be executed to establish requirements of both the Developer and the City for the water and sewer line extension process; and

WHEREAS, Graycliff Capital Development, LLC, the “Developer” and Peggy C. Cabe, Enno F. Camenzind, Joan C. Fleming, Paula Camenzind Carter, and Robert O. Camenzind, the “Owners”, will enter into a Utility Extension Agreement with the City to provide water and sanitary sewer services to the Waterleaf at Flat Rock Apartments.

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

1. The Utility Extension Agreement with Graycliff Capital Development, LLC, the “Developer” and Peggy C. Cabe, Enno F. Camenzind, Joan C. Fleming, Paula Camenzind Carter, and Robert O. Camenzind, the “Owners” to provide water and sanitary sewer services to the Waterleaf at Flat Rock Apartments is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.
3. City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of June, 2022.

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

Prepared by and return to: Daniel Heyman, Staff Attorney, City of Hendersonville, in the City Box

UTILITY EXTENSION AGREEMENT

THIS AGREEMENT, Made and entered into this ____ day of _____, 20____, by and between the **CITY OF HENDERSONVILLE**, a North Carolina municipal corporation, situate in Henderson County, herein referred to as the "City", and **PEGGY C. CABE, ENNO F. CAMENZIND, JOAN C. FLEMING, PAULA CAMENZIND CARTER, ROBERT O. CAMENZIND, AND GRAYCLIFF CAPITAL DEVELOPMENT, LLC (a South Carolina limited liability company)**, the foregoing herein collectively referred to as "Developer,"

WITNESSETH:

THAT WHEREAS, Developer is the owner of, and is desirous of developing and improving, a tract of land situated in Henderson County, State of North Carolina, described as follows:

Consisting of two parcels that total +/- 32.66 acres, and being all of that real property described in that deed recorded in Deed Book 3754 at page 155 , Henderson County registry, having REIDs of 10007593 and 10007594, hereinafter referred to as the "Property"; and

WHEREAS, the Developer has submitted an application for the development of a project known as Waterleaf at Flat Rock Apartments (project number 21130); and

WHEREAS, in the process of such development and improvement, Developer is desirous of constructing water infrastructure and/or sanitary sewer infrastructure to and on said tract(s) of land, for which the City requires that the Developer enter into a utility extension agreement with the City, said water and/or sewer infrastructure to consist of the following:

Being and consisting of: 1) Water Service Extension consisting of a +/- 3,092 lineal feet of 8" water line (DIP/CL 350), +/- 417 lineal feet of 6" water line (DIP/CL 350), and five hydrants, together with all valves, meters, and other appurtenances, connecting to an existing 8" water main along South Allen Road; and 2) and a Sanitary Service Extension consisting of a +/- 2,314 lineal feet of 8" sewer line (PVC/SDR 35) and 11 manholes, together with all valves, meters, and other appurtenances, collecting to the existing 8" sewer main along South Allen Road, and being more particularly shown and described on those

construction plans and specifications, dated March 23, 2022, prepared by Civil Design Concepts, PA a Civil Engineering firm, bearing project number 12135, said plans being incorporated herein by reference. 1) and 2) collectively are collectively hereinafter referred to as the "New Infrastructure". It is understood and agreed that the New Infrastructure may be modified or amended from and after the date of this Agreement as may be required to meet the standards of the City of Hendersonville. As used herein, "New Infrastructure" shall be deemed to include any and all of any such modifications and amendments.; and

WHEREAS, the Developer has received zoning approval from the designated governing body for such development and improvement on the Property; and

WHEREAS, the Property is located within the City's municipal; and

WHEREAS, Developer desires to have the completed New Infrastructure connected to the City's municipal water system and/or sanitary sewer system and made an integral portion thereof; and

WHEREAS, the City will permit said system(s) to be connected to the municipal system(s) under the terms and conditions heretofore established and agreed upon between the parties and specifically in conformance with the requirements of the most recent extension policy, most recent water and sewer standard construction specifications and details, and the City's Code of Ordinances currently in force.

NOW, THEREFORE, in consideration of the mutual benefits which will result to the parties in carrying out the terms of this Agreement, it is agreed as follows:

1. Developer shall, at Developer's own expense, employ a North Carolina registered and licensed professional engineer ("Engineer") to complete design and permitting of the proposed New Infrastructure in conformance with NCAC Title 15A Subchapter 18C (water) and NCAC Title 15A Subchapter 02T(sanitary sewer), the City's water and sewer standard construction specifications and details, and the City water and/or sewer Master Plan(s).
2. Developer shall require the Engineer to submit plans, reports, technical specifications, fees, permit applications, and any other items as required and approvable by the City ("Required Documents"). The Engineer shall disclose all proposed changes in the approved construction plans to the City in writing. If proposed changes are deemed by the City to be "significant" in nature, the City may require the Engineer to resubmit plans for re-permitting. The determination of whether a change is deemed to be significant shall be in the sole and absolute discretion of the City, and the Developer agrees to be bound thereby. This will require written approval by the City prior to re-submitting to the permitting agency or before proceeding with changes, even if permitting agency re-submittal is not required. City approval of a utility extension is subject to expiration should construction not be completed after a period of two years from the date of approval. Once the Required Documents have been approved by the City, they shall be deemed to be incorporated herein by reference as an amendment to this Agreement to indicate the Developers construction obligations under this Agreement.
3. The City will perform construction inspection during installation of the New Infrastructure and upon project completion submit written certification that the project was completed in accordance with the approved plans and specifications as required by NCAC Title 15A Subchapter 18C (water) and NCAC Title 15A Subchapter 02T (sanitary sewer). Water and Sewer inspection fees shall be in accordance with the adopted City Fee Schedule

as of the date of this agreement. Fees will be paid by the Developer upon certification and acceptance of the New Infrastructure, with amounts due being based on length of lines inspected, certified and accepted.

4. The Developer shall, at his or her own expense, furnish and transfer to the City all on-site and off-site easements, rights-of-way, and real property required for access to and perpetual maintenance and operation of the New Infrastructure and its appurtenances in accordance with the terms of this Agreement as provided herein below.

Developer will be required to enter into the City's standard Deed of Dedication and Conveyance With Associated Easements for conveyance of the New Infrastructure and on-site easements, as amended. Further, Developer will be required to use the City's standard Utility Infrastructure Easement Agreement when securing the necessary off-site right of way for the operation and maintenance of the New Infrastructure. For the avoidance of doubt, both standard forms permit use of the easements for the future installation of water, sewer and stormwater lines, and their associated appurtenances and accessories, in addition to the New Infrastructure, by or on behalf of the City. The City shall provide a copy of these standard forms upon request by the Developer.

5. Developer shall, at his or her own cost and expense, furnish all materials and all equipment and perform all the work necessary to complete the construction of the New Infrastructure described in the plans and specifications as approved by the City's authorized representative and permitting agency.
6. The installation and construction of the New Infrastructure shall be performed by a reputable and responsible Contractor possessing a valid North Carolina Public Utility Contractor's License directly related to the installation of the New Infrastructure issued by the North Carolina Licensing Board for General Contractors. As used herein, a "responsible Contractor" shall mean one possessing the requisite knowledge, experience, and financial resources to complete the construction of the New Infrastructure in accordance with the plans and specifications within the time allotted.
7. The Engineer shall contact the City prior to the start of construction in order to schedule a preconstruction conference between the Developer, Contractor, Engineer, and City staff. This request should be made at least seven (7) days in advance of the anticipated starting date. Developer or Engineer shall receive a written notice to proceed (NTP) from the City before commencing with construction. If construction is anticipated to be greater than sixty (60) days, a monthly progress meeting shall be scheduled once every thirty (30) days. The date and time of the monthly progress meeting shall be established during the preconstruction conference.
8. Developer shall submit the name, address and the Public Utility Contractor's License Identification Number of the proposed Contractor to the City prior to the preconstruction meeting. The City may investigate the validity of the Contractor's license and the Contractor's status as a responsible Contractor by methods including but not limited to contacting the owners of past projects for which the Contractor furnished work in order to obtain reference information
9. City staff will be assigned for the express purpose of periodic construction observation and inspection. The City's construction inspector(s) shall have the authority to report all discrepancies identified in all phases of construction to the Engineer regarding conformance with the approved construction drawings and

specifications. This report shall in no way relieve the Developer of his or her obligation to engage a professional engineer to perform construction inspection and coordinate construction.

10. During construction, no deviations from the approved plans and specifications shall be allowed without the prior express written approval of the City and permitting agency if deemed necessary by the City.
11. The City Engineer, or authorized representative, shall be authorized to resolve disagreements between Developer's Contractor(s), and the City's construction inspector(s) regarding conformance with approved plans and/or specifications.
12. Upon completion of construction, the Developer shall cause the Engineer to arrange for a final inspection to be performed jointly by the Engineer, the contractor, and the City's construction inspector to determine if the project is acceptable to the City. At this time, a draft as-built shall be submitted to the City. If the project is not immediately acceptable, any deficiencies shall be noted in a written report (punch list) prepared by the City. This report shall be transmitted to the responsible parties. It shall be the responsibility of the Developer to correct any such deficiencies and arrange for a re-inspection of the system.
13. As part of the final inspection process for sewer collection systems, Developer shall satisfactorily complete the following as described in the most recent water and sewer standard construction specifications and details: air test, manhole vacuum tests, and mandrel deflection test. Video of the new sanitary sewer collection system by means of closed-circuit television (CCTV) will be performed by the City. All testing shall be certified and all certifications, along with the related data and any video of the sewer system, shall be submitted to the City before final acceptance of the project is granted by the City.
14. As part of the final inspection process for water distribution systems, Developer shall satisfactorily complete the following: pressure test lines, bacteriological sampling performed by a certified laboratory. The City's certified laboratory may be utilized. All testing shall be certified and all certifications, along with related data, shall be submitted to the City before final acceptance of the project is granted by the City.
15. Once all deficiencies are corrected and the project is deemed acceptable to the City, the Developer shall cause the Engineer to submit as-builts in formats acceptable to the City. The Engineer shall also submit any easements required for the New Infrastructure and any deeds necessary to convey ownership to the City. The Developer shall be responsible for acquiring easements from any third parties owning property over which any portion of the New Infrastructure is constructed, said easements to be titled in the name of the City, using forms to be provided by the City.
16. Prior to the activation of services on the newly constructed New Infrastructure, Developer shall convey unencumbered title and ownership to the City, of the New Infrastructure and its appurtenances, and shall assign and transfer all associated permits, licenses and permissions to the City. If a water extension was permitted for the same or similar project, the City shall receive final approval from the permitting agency. In certain circumstances as approved by the City, activation of services on portion(s) of the New Infrastructure may be permitted after partial certification(s) completion and approval(s).

17. The conveyance, assignment or transfer of (1) all permits, licenses or other permissions, and (2) all property and assets to the City, including but not limited to real or personal property, the New Infrastructure and its appurtenances, easements, rights of way or encroachments, (1) and (2) collectively hereinafter referred to as "Required Conveyances," shall be in form as approved by the City's legal counsel, and unless specifically excepted by the City Attorney, shall be in form proper for recording in the appropriate public registry. The conveyance of real property shall be in the form of a fee simple deed and without encumbrance as approved by the City's legal counsel. The Developer shall cause all affiliates or other third parties or entities having an ownership interest in the New Infrastructure or the Property to join the Required Conveyances, as reasonably determined by the City to be necessary to convey full title to the New Infrastructure and Required Conveyances to the City. With the execution hereof, Developer and City specifically agree that the New Infrastructure shall remain personal property, and shall not become a part of the real property, regardless of whether or not the New Infrastructure is permanently affixed to the real property comprising the Property.
18. The Developer shall provide a written release of the City's interest in the Required Conveyances (in form approved by the City Attorney) from any and all liens or other legal interests held by lenders, vendors or other third parties. The release(s) must be delivered in form for recording in the appropriate public registry, and must be received by the City in conjunction with the City's receipt of the Required Conveyances.
19. To the fullest extent allowed by law, and regardless of the approval(s) of any document(s) by the City's legal counsel, the Developer shall indemnify and hold the City harmless from all actions, causes and claims whatsoever against the City by any persons, firms, and corporations whatsoever relating in any manner to this Agreement (including but not limited to damages to persons or property related to construction and/or installation of the New Infrastructure) or the Required Conveyances. Without limiting the Developer's obligations under this paragraph in any manner, the Developer shall defend any and all claims, causes or actions whatsoever regarding the City's title or ownership in any of the Required Conveyances.
20. Developer shall guarantee the accepted and dedicated New Infrastructure to be free of defects in materials and workmanship and to be properly functioning in all respects for a period of one calendar year from the date of acceptance by the City. During this year of guarantee, Developer shall correct, or have corrected, any defects that may develop in material, equipment, or workmanship. Should Developer fail to correct defects within a reasonable period of time after being notified, as determined in good faith by the City Engineer or designee, the City may proceed to correct defects and Developer shall be liable for the City's expense in doing so. It shall be the Developer's responsibility to attend, or to provide an authorized representative to attend, a warranty inspection with the City prior to the expiration of said warranty period.
21. Before the issuance of final acceptance, the Developer or Engineer shall schedule a project closeout meeting with the City. The Developer or Engineer shall submit to the City, not later than the start of the project closeout meeting, all required closeout documents, including but not limited to recorded easement plats, warranty deeds, affidavits of lien waiver, as-built drawings with georeferenced infrastructure data, final walk-through inspection punch list and evidence of completion of said punch list, utility extension agreements, fixed asset evaluation form and infrastructure testing results. The City shall be under no obligation to [and in the absence of extraordinary circumstances will not] activate any services before receipt of all required documentation. Partial receipt shall be treated as an incomplete project closeout and no services shall be activated. A project closeout form shall be completed and executed by the Developer or by an authorized representative of the

Developer and the City for each project. If the project described in this utility extension agreement is divided into phases, a project closeout form shall be executed for each phase prior to issuance of final acceptance. For purposes of this paragraph, and notwithstanding any other provision of this agreement, every required document shall be considered material, and "substantial compliance" shall not apply.

22. Once all items are complete, City staff shall submit the project to City Council for formal acceptance during a regularly scheduled meeting. The City shall issue a formal "Letter of Acceptance" upon acceptance by City Council to the Developer for the project. The City shall incorporate the accepted system as an integral part of its utility system and shall furnish service therefrom in accordance with the rules, regulations, rates, and policies established for its customers.
23. There shall be no intended nor incidental third-party beneficiaries of this Agreement.
24. This Agreement may not be assigned by the Developer without the express written consent of the City. Any assignment without the express written consent of the City shall be void. Any assignment approved by the City shall be in form approved by the City's legal counsel. Such consent by the City and approval by the City's legal counsel shall be for the sole and exclusive benefit and reliance of the City, and shall not be relied upon by the Developer nor any third party as to the validity or legal effect of an assignment.
25. All inspections of the New Infrastructure performed by the City shall be for the sole and exclusive benefit and reliance of the City. The inspection, approval and acceptance of the New Infrastructure shall not be deemed a warranty or guarantee upon which any person or entity can rely that the construction of the extension was done in a workmanlike manner, or was completed in accordance with the construction contract documents, with standards of the profession in and around Hendersonville, North Carolina, or in accordance with the applicable federal, State, or local laws, rules or regulations.
26. This agreement is executed in the State of North Carolina, and shall be construed in accordance with the laws of the State of North Carolina. Both parties submit their persons to the jurisdiction of the Courts for North Carolina. Exclusive venue for any action brought in connection with this agreement, its interpretation and breach shall be in the courts for Henderson County, North Carolina.
27. This Agreement may be recorded in the Henderson County Register of Deeds Office at the option of the City.

The remainder of this page is left blank intentionally.

PLEASE BE ADVISED: The City shall not allow the activation of any water or sewer services until the City receives partial certification approval or final approval from the permitting agency and shall not allow the issuance of any certificates of occupancy until the City deems the project complete.

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

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, the day and year first above written.

DEVELOPERS:

THE CITY OF HENDERSONVILLE

BY: _____ (SEAL)
Peggy C. Cabe

BY: _____ (SEAL)
John F. Connet, City Manager

BY: _____ (SEAL)
Enno F. Camenzind

BY: _____ (SEAL)
Joan C. Fleming

BY: _____ (SEAL)
Paula Camenzind Carter

BY: _____ (SEAL)
Robert O. Camenzind

Graycliff Capital Development, LLC

BY: _____ (SEAL)

Printed name: _____

Title: _____

STATE OF _____ COUNTY OF _____

I, _____, (printed name of notary) a Notary Public in and for the State and County aforesaid, do hereby certify that **Peggy C. Cabe**, personally appeared before me acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal, this _____ day of _____, 20____

My commission expires _____

Notary Public Signature

(OFFICIAL SEAL)

STATE OF _____ **COUNTY OF** _____

I, _____, (printed name of notary) a Notary Public in and for the State and County aforesaid, do hereby certify that **Enno F. Camenzind**, personally appeared before me acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal, this _____ day of _____, 20____

My commission expires _____

Notary Public Signature

(OFFICIAL SEAL)

STATE OF _____ **COUNTY OF** _____

I, _____, (printed name of notary) a Notary Public in and for the State and County aforesaid, do hereby certify that **Joan C. Fleming**, personally appeared before me acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal, this _____ day of _____, 20____

My commission expires _____

Notary Public Signature

(OFFICIAL SEAL)

STATE OF _____ **COUNTY OF** _____

I, _____, (printed name of notary) a Notary Public in and for the State and County aforesaid, do hereby certify that **Paula Camenzind Carter**, personally appeared before me acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal, this _____ day of _____, 20____

My commission expires _____

Notary Public Signature

(OFFICIAL SEAL)

STATE OF _____ **COUNTY OF** _____

I, _____, (printed name of notary) a Notary Public in and for the State and County aforesaid, do hereby certify that **Robert O. Camenzind**, personally appeared before me acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal, this _____ day of _____, 20____

My commission expires _____

Notary Public Signature

(OFFICIAL SEAL)

STATE OF _____ COUNTY OF _____

I, _____, (printed name of notary) a Notary Public in and for the State and County aforesaid, do hereby certify that _____, as _____ for **Graycliff Capital Development, LLC**, personally appeared before me acknowledged the due execution of the foregoing instrument on behalf of Graycliff Capital Development, LLC.

WITNESS my hand and official seal, this _____ day of _____, 20____

My commission expires _____

Notary Public Signature (OFFICIAL SEAL)

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, (printed name of notary) a Notary Public in and for the State and County aforesaid, do hereby certify that John F. Connet, personally appeared before me and, being duly sworn, stated that he is City Manager of the City of Hendersonville, North Carolina, and that he executed and acknowledged the foregoing instrument on behalf of the City of Hendersonville pursuant to order of the City Council of said City and that the instrument is the act and deed of the City of Hendersonville.

WITNESS my hand and official seal, this _____ day of _____, 20____

My commission expires _____

Notary Public Signature (OFFICIAL SEAL)

Resolution #__-__

**RESOLUTION OF INTENT TO CLOSE AN UNOPENED,
UNIMPROVED PORTION OF FITZSIMMONS STREET**

WHEREAS, NC General Statute (G.S.) 160A-299 authorizes the City Council to close public streets and alleys; and

WHEREAS, Lawrence Douglas Marshall has petitioned the City of Hendersonville City Council to close an unopened and unimproved portion of the street known as Fitzsimmons Street, located between PIN 9578-30-6667 and PIN 9578-31-3322; and

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

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

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

1. City Council herewith calls a public hearing to be held at 5:45 p.m. (or as soon thereafter as it may be heard) on the 7th day of July 2022, in the Assembly Room of the City Operations Center to consider closing an unopened and unimproved portion of the street known as Fitzsimmons Street located between PIN 9578-30-6667 and PIN 9578-31-3322. Persons shall be allowed to attend and comment in person or via Zoom at the following address:

<https://zoom.us/join>

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

Meeting ID: 822 0104 2528

Passcode: 1847

Digital public hearing comments may be submitted prior to the public hearing on the City's webpage at www.hendersonvillenc.gov/public-comment or directly to the City Clerk, Angela Reece, areece@hvlnc.gov, 160 6th Avenue East, Hendersonville, NC 28792.

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

Being a Portion of the 40' Right of Way for Fitzsimmons Street for closure adjoining Deed Book 872, Page 341, Deed Book 597, Page 899 and Norfolk Southern Railroad.

Beginning at a #5 Rebar set at the Southwest corner of Deed Book 597, Page 899 and Lot 20, Block "A", W.R. E.B. Sherman Subdivision Revised, Shown on Plat Cabinet "C", Slide 038.

Also being at the intersection of the Northern margin of said right of way and the Eastern Margin of the unopened 1st Avenue, Shown on Plat Cabinet "C", Slide 038;

Thence with the Northern margin of Fitzsimmons Street N 58°17'09" E a distance of 199.32'to a #5 Rebar set at the Southeast corner of Deed Book 597, Page 899 and Lot 17, Block "A", W.R. E.B. Sherman Subdivision Revised, Shown on Plat Cabinet "C", Slide 038; Also being 50' west of the centerline of Norfolk Southern Railroad.

Thence on a line 50' west of the centerline of Norfolk Southern Railroad and parallel with said railroad S 25°48'00" E a distance of 40.21'to a point being in the Southern margin of Fitzsimmons Street and 50' west of the centerline of Norfolk Southern Railroad;

Thence with the Southern margin of Fitzsimmons Street S 58°17'09" W a distance of 192.36'to a point in the Western line of Deed Book 872, Page 341 and Eastern line of Book of Record 3474, Page 097;

Thence with the Western line Deed Book 872, Page 341 and the Eastern line of Book of Record 3474, Page 097 N 21°13'18" W a distance of 12.06'to a 1 1/2" Iron Pipe, the Northwest corner of Deed Book 872, Page 341 and the Northeast corner of Book of Record 3474, Page 097;

Thence N 31°42'51" W a distance of 8.14'to a #5 Rebar set in the centerline of Fitzsimmons Street;

Thence with the centerline of Fitzsimmons Street S 58°17'09" W a distance of 5.01'to a #5 Rebar set;

Thence N 31°42'51" W a distance of 20.00'to a #5 Rebar set which is the point of beginning;

Having an area of 7803 square feet, 0.18 acres

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

6. The City Council herewith declares its intent to close the street as described above.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of June 2022.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

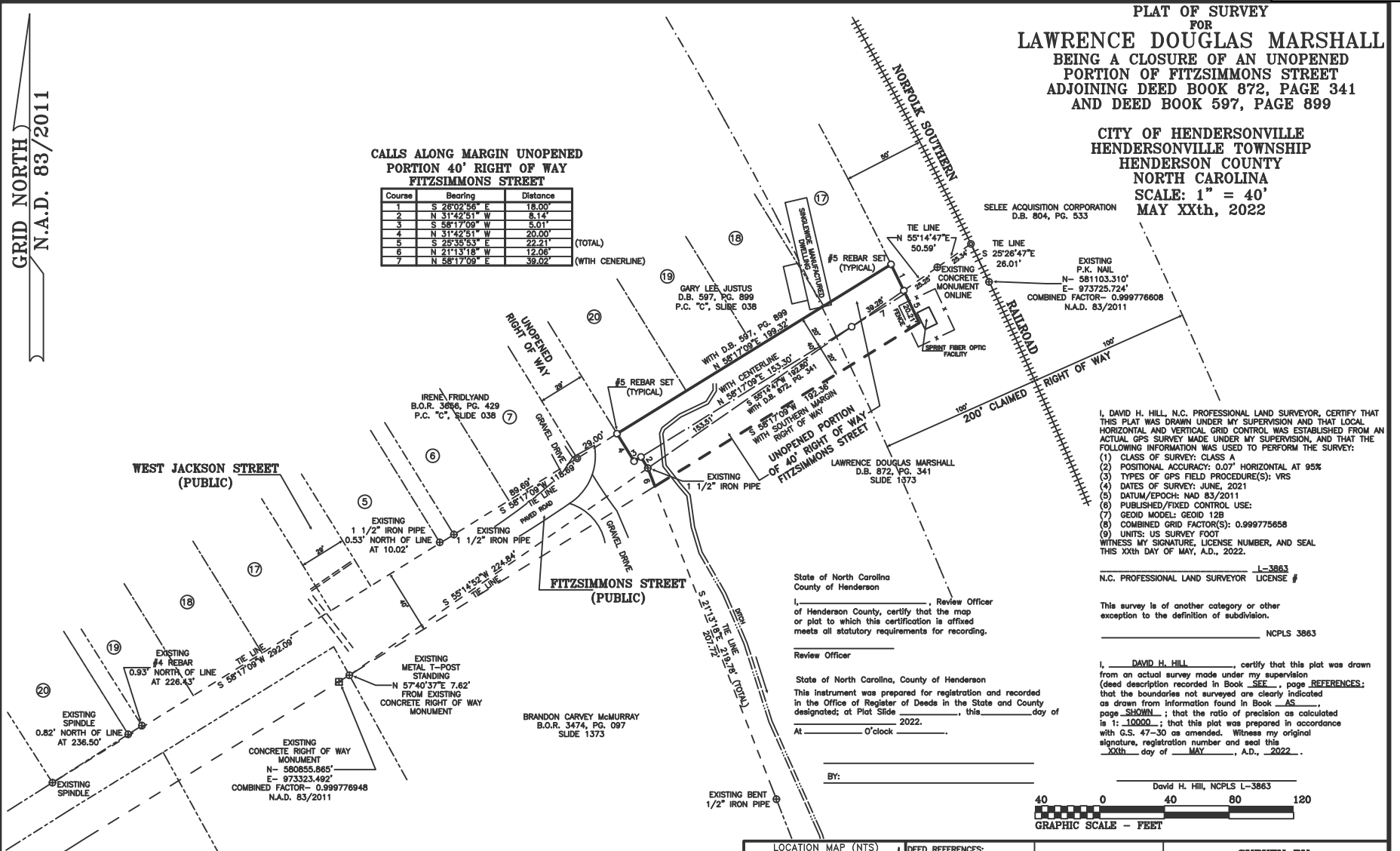
PLAT OF SURVEY
FOR
LAWRENCE DOUGLAS MARSHALL
BEING A CLOSURE OF AN UNOPENED
PORTION OF FITZSIMMONS STREET
ADJOINING DEED BOOK 872, PAGE 341
AND DEED BOOK 597, PAGE 899

CITY OF HENDERSONVILLE
HENDERSONVILLE TOWNSHIP
HENDERSON COUNTY
NORTH CAROLINA
SCALE: 1" = 40'
MAY XXth, 2022

**CALLS ALONG MARGIN UNOPENED
PORTION 40' RIGHT OF WAY
FITZSIMMONS STREET**

Course	Bearing	Distance
1	S 26°02'56" E	18.00'
2	N 31°42'51" W	8.14'
3	S 58°17'09" W	5.01'
4	N 31°42'51" W	20.00'
5	S 25°35'53" E	22.21'
6	N 21°13'18" W	12.06'
7	N 58°17'09" E	39.02'

(TOTAL)
(WITH CENTERLINE)



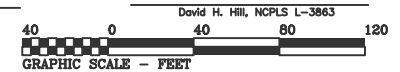
I, DAVID H. HILL, N.C. PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION AND THAT LOCAL HORIZONTAL AND VERTICAL GRID CONTROL WAS ESTABLISHED FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION, AND THAT THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
(1) CLASS OF SURVEY: CLASS A
(2) POSITIONAL ACCURACY: 0.07' HORIZONTAL AT 95%
(3) TYPES OF GPS FIELD PROCEDURE(S): VRS
(4) DATES OF SURVEY: JUNE, 2021
(5) DATUM/EPOCH: NAD 83/2011
(6) PUBLISHED/FIXED CONTROL USE:
(7) GEOID MODEL: GEOID 12B
(8) COMBINED GRID FACTOR(S): 0.999776558
(9) UNITS: US SURVEY FOOT
WITNESS MY SIGNATURE, LICENSE NUMBER, AND SEAL THIS XXth DAY OF MAY, A.D., 2022.

N.C. PROFESSIONAL LAND SURVEYOR L-3863
LICENSE #

This survey is of another category or other exception to the definition of subdivision.

NCPLS 3863

I, DAVID H. HILL, certify that this plat was drawn from an actual survey made under my supervision (deed description recorded in Book SEE, page REFERENCES; that the boundaries not surveyed are clearly indicated as drawn from information found in Book AS, page SHOWN; that the ratio of precision as calculated is 1: 10000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this XXth day of MAY, A.D., 2022.

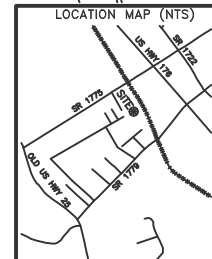


NOTES:

- 1- AREAS BY COORDINATE COMPUTATION.
- 2- ALL AREAS SHOWN ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD OR UNRECORDED THAT MAY DIRECTLY AFFECT ALL AREAS SHOWN.
- 3- ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS UNLESS OTHERWISE NOTED.
- 4- THE PROPERTIES SHOWN ARE WITHIN AREAS ZONED I-1 AND R-15 BY THE CITY OF HENDERSONVILLE.
- 5- THE CURRENT OWNERS OF RECORD ARE LAWRENCE DOUGLAS MARSHALL AND GARY LEE JUSTUS.

LEGEND

- ⊙ MONUMENT FOUND AS NOTED
- MONUMENT SET AS NOTED
- POINT NOT STAKED
- P-PED - PHONE PEDESTAL
- UP - UTILITY POLE
- PHP - PHONE POLE
- TRANS - TRANSFORMER
- TV-PED - CABLE TV PEDESTAL
- WM - WATER METER
- WV - WATER VALVE





DEED REFERENCES: D.B. 872, PG. 341 SLIDE 1373
TAX REFERENCES: 9578-30-6667
PARTY CHIEF: TW
REVISIONS:

<p>SURVEY BY HILL AND ASSOCIATES SURVEYORS, P.A. LICENSE NUMBER C-1991 DAVID H. HILL N.C.P.L.S. 3863 403 WEST BLUE RIDGE ROAD EAST FLAT ROCK, NORTH CAROLINA 28726 (828) 693-1409</p>	
CHECKED BY: DHM	DRAWING: 20222574RWC1
DATE: MAY XXXX, 2022	FILE: 20222574



Portion of Fitzsimmons Street
C22--36-SCL
PINs:9578-30-6667 & 9578-31-3322
Acreage:0.18
Street Closure Map
Community Development Department

-  Area to be Closed
-  Hendersonville City Limits



Filed and recorded in the Register of Deeds Office for
Henderson County, N. C. this 21 day of June, 19 95
at 1:50 o'clock, P.M. in Book 872 at page 341
Pedra Whitlock Moler
Register of Deeds

By: Patsy B Higgins
asst -

Excise Tax -0-

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____
Verified by _____ County on the _____ day of _____, 19____
by _____

Mail after recording to MULLINAX & ALEXANDER
7 PO Box 1164, Hendersonville, NC 28793
This instrument was prepared by THERON E. MULLINAX, JR. DEED PREPARATION ONLY____
Brief description for the Index 3.817 Acres, Shepherd Street NO TITLE EXAMINED

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this <u>15th</u> day of <u>June</u> , 19 <u>95</u> , by and between	
GRANTOR	GRANTEE
LINDA C. MARSHALL (a/k/a LINDA LEE CRISP MARSHALL) now known as LINDA LEE COOKSEY AND HUSBAND, ROBERT COOKSEY	LAWRENCE DOUGLAS MARSHALL Address: <u>599 Lane Road</u> <u>Flat Rock, NC 28731</u>

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

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 _____, Hendersonville Township, Henderson County, North Carolina and more particularly described as follows:

BEING all that property described on Exhibit A attached hereto and incorporated into this instrument as if fully set forth herein.

The property hereinabove described was acquired by Grantor by instrument recorded in
Deed Book 694, at Page 536 of the Henderson County Registry.

A map showing the above described property is recorded in Plat Book page.....
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 except for the exceptions hereinafter stated.
Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

By: -----
----- President

ATTEST:

----- Secretary (Corporate Seal)

USE BLACK INK ONLY

Linda C. Marshall (SEAL)
LINDA C. MARSHALL

Linda Lee Crisp Marshall (SEAL)
a/k/a LINDA LEE CRISP MARSHALL

Linda Lee Cooksey (SEAL)
now known as LINDA LEE COOKSEY

Robert Cooksey (SEAL)
ROBERT COOKSEY
----- County.

SEAL-STAMP
FLORIDA
NOTARY PUBLIC
TAMMY E TACKETT
My Commission CC429998
Expires Dec 28 1998
Bonded by ANB
800-852 5878
Use Black Ink
I, a Notary Public of the County and State aforesaid, certify that LINDA C. MARSHALL (a/k/a LINDA LEE CRISP MARSHALL, NOW LINDA LEE COOKSEY) AND HUSBAND, ROBERT COOKSEY, Grantor,
personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 15th day of June, 1995.
My commission expires Dec 28 1998
Bonded by ANB
800-852 5878
Notary Public

SEAL-STAMP
NORTH CAROLINA, ----- County.
I, a Notary Public of the County and State aforesaid, certify that -----
personally came before me this day and acknowledged that ----- he is ----- Secretary of -----
a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its -----
President, sealed with its corporate seal and attested by ----- as its ----- Secretary.
Witness my hand and official stamp or seal, this ----- day of -----, 19-----
My commission expires: ----- Notary Public

The foregoing Certificate(s) of Tammy E Tackett
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.
Peggy Whitlock Moore
By Cathy B Higgins
REGISTER OF DEEDS FOR Henderson COUNTY
Deputy/Assistant - Register of Deeds

EXHIBIT A

BEGINNING at a p.k. nail located at the point of intersection of the centerline of Shepherd Street with the southern line of Southern Railway tracts, and said beginning point also being the beginning point of that property described in deed found in Deed Book 358 at Page 577 of the records of the Henderson County Registry, and moving thence from said beginning point along and with the center of Shepherd Street South 53 deg. 28 min. 56 sec. west 129.01 feet to a point; thence South 47 deg. 53 min. 10 sec. West 84.40 feet to a railroad spike; thence turning and running North 33 deg. 48 min. 27 sec. West 338.95 feet to a set iron pin; thence turning and running North 26 deg. 12 min. 18 sec. West 358 feet to a set iron pin in the southern margin of an unopened street known as Fitzsimmons Street; thence turning and running North 50 deg. 18 min. 12 sec. East 242.65 feet to a point in the centerline of the Southern Railway tracts; thence along and with the center of Southern Railway tracts South 29 deg. 02 min. 35 sec. East 218.08 feet to a point; thence South 26 deg. 56 min. 00 sec. East 486.59 feet to a p.k. nail that is the point and place of BEGINNING, and containing 3.817 acres, more or less.

This conveyance is made subject to the rights of way of Shepherd Street and to Southern Railroad as they extend to their full legal width.

The above description is taken from a plat prepared by William G. Bradley, RLS #2653, under date of February 20, 1987 and being entitled "Survey for Douglas Marshall".

This conveyance is made pursuant to that Consent Judgment rendered on the 24th day of February, 1992, in Henderson County File No. 90 CVD 467.



CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT

100 N. King Street ~ Hendersonville, NC ~ 28792

Phone (828) 697-3010 ~ Fax (828) 697-6185

<https://www.hendersonvillenc.gov/>**PETITION TO PERMANENTLY CLOSE A STREET / ALLEY**

The following are required to constitute a complete application for closing a street or alley:

~This form including the signature(s) of property owner(s) adjoining the street or alley.

~ Appropriate fee.

~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 area to be closed, in digital format if possible.

Date

4-19-22

Name of street/alley

FITZSIMMONS Street

List 10 digit PIN or 7 digit PID number

9578-30-0667

Are you proposing to close a street or alley?

☒ STREET☐ ALLEY

Are you closing all or a portion of the street/ alley?

☒ ALL☐ PORTION

Applicant Name

L Douglas Marshall

Address

599 Lane Rd Flat Rock, N.C. 28731

Phone

828-606-3026

Fax

Email

Marshallardards@gmail.com

Property Owner: Name

Lawrence Douglas Marshall

Address

599 Lane Rd Flat Rock, N.C. 28731

Signature Lawrence Douglas Marshall

Printed Name Lawrence Douglas Marshall

Property Owner: Name

Address

Signature _____

Printed Name _____

Official Use:

DATE RECEIVED:

4/19/22

BY

FEE RECEIVED \$



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: John Connet **MEETING DATE:** 6/2/2022
AGENDA SECTION: CONSENT AGENDA **DEPARTMENT:** Administration
TITLE OF ITEM: Speed Limit Reduction on Midway Street – *John Connet, City Manager*

SUGGESTED MOTION(S):

I move that City Council adopt the ordinance reducing the speed limit on Midway Street from thirty-five miles per hour to twenty-five miles per hour.

SUMMARY:

Ms. Virginia Tegel requested that the City Council reduce the speed limit on Midway Street from thirty-five (35) miles per hour to twenty (20) miles per hour. The City Code stipulates that the speed limit in business areas is twenty-miles per hour and thirty-five miles per hour in residential areas. However, the City Council is authorized to reduce the speed limit when it is in the best interest of the city. Staff recommends reducing the speed limit from thirty-five (35) to twenty-five (25) miles per hour on Midway Street.

BUDGET IMPACT: \$ NA

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

If no, describe how it will be funded. NA

ATTACHMENTS:

Proposed Ordinance.

Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO REDUCE THE SPEED LIMIT ON MIDWAY STREET FROM THIRTY -FIVE MILES PER HOUR TO TWENTY-FIVE MILES PER HOUR

WHEREAS, § 50-142 of the Hendersonville City Code specifies that it shall be unlawful for any person to operate a vehicle in excess of thirty-five miles per hour in a residential district; and

WHEREAS, §50-144 of the Hendersonville City Code authorizes the City Council to alter the speed limit when it is in the best interest of the City; and

WHEREAS, a resident has requested that the speed limit on Midway Street be reduced due to the lack of sidewalks and larger number of pedestrians that utilize the street; and

WHEREAS, the Chief of Police and Public Works Director support reducing the speed limit on Midway Street from thirty-five miles per hour to twenty-five miles per hour.

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

1. That the official speed limit on Midway Street shall be reduced from thirty-five (35) miles per hour to twenty-five (25) miles per hour.
2. The Public Works Director is hereby directed to install twenty-five (25) miles per hour speed limit signs in conspicuous locations on Midway Street

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of June 2022.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Angela Reece, *MPA, CMC, NCCMC*, **MEETING DATE:** June 2, 2022
City Clerk

AGENDA SECTION: CONSENT **DEPARTMENT:** Public Works

TITLE OF ITEM: Resolution to Approve Agreement for Janitorial Services – *Tom Wooten, Public Works Director*

SUGGESTED MOTION(S):

I move that City Council adopt the Resolution to Authorize The City Manager to Execute an Agreement With Spartanburg Maintenance LLC Dba City Wide Facility Solutions for Spartanburg Maintenance LLC, Dba City Wide Facility Solutions Janitorial Services.

SUMMARY:

The City advertised for proposals for Janitorial Services on April 27, 2022. Two proposals were received and evaluated by staff for approach/strategy, technical competency, schedule, and costs. After review of both proposals, staff recommend Spartanburg Maintenance LLC DBA: City Wide Facility Services as the preferred vendor.

BUDGET IMPACT:

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

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

ATTACHMENTS:

- i. Resolution

Resolution #__-____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO
AUTHORIZE THE CITY MANAGER TO EXECUTE AGREEMENT WITH
SPARTANBURG MAINTENANCE LLC DBA CITY WIDE FACILITY SOLUTIONS
FOR SPARTANBURG MAINTENANCE LLC, DBA CITY WIDE FACILITY SOLUTIONS
JANITORIAL SERVICES**

WHEREAS, the City Council approved janitorial services as part of the 2023 budget, the “Project”; and;

WHEREAS, the Public Works Department has solicited bids in an effort to hire a reputable and responsible Contractor to perform the Project; and

WHEREAS, Spartanburg Maintenance LLC, dba City Wide Facility Solutions, submitted the lowest price proposal, the best strategy to address the overall scope of work, the technical competency to address our needs, the appropriate staff and schedule to address our requirements, and references indicate that they are a responsible Contractor, able to complete the Project within the bid or price stated, and within the time frames requested; and

WHEREAS, Public Works Department is recommending that the Project be awarded to Spartanburg Maintenance LLC dba City Wide Facility Solutions, and that the City Manager be authorized to sign an Agreement with this vendor;

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA that:

1. The Project is awarded to Spartanburg Maintenance LLC, dba City Wide Facility Solutions in the amount of \$144,937.67.
2. The City Manager is authorized to sign an Agreement Spartanburg Maintenance LLC, dba City Wide Facility Solutions in such form as he deems appropriate after consultation with the City Attorney, consistent with the terms of this Resolution.
3. The City Manager, City Attorney, and City Staff are authorized to take such other actions as may be necessary to carry out the terms and provisions of the Agreement as signed by the City Manager.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of June, 2022.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

SELECTION CRITERIA: Each criteria listed below is weighted by the percentage listed and will be graded on a scale of 1 to 5 with 1 being the lowest score and 5 being the highest.

Spartanburg Maintenance LLC; DBA City Wide Facility Solutions			
Evaluator	Jennifer Case	Tammy Ledford	Mark Stierwalt
Approach/Strategy 30% The firm's ability to provide a plan to address the overall scope of work, based on Owner's needs.	25	30	30
Technical Competency 30% The firm must demonstrate their ability to provide and clearly define a solution that addresses Owner's needs. Consideration will be given to the type of equipment, cleaning processes, Page 12 of 27 number of staff, supervision, and qualifications of staff offered in the proposal.	25	30	30
Schedule 20% The firm shall provide schedule(s) addressing the requirements of each location. Include an outline of the task, frequency (day/week/month) of completing task, and the estimate of time in minutes/hours to accomplish each task. The record (via customer references) of the firm's ability to meet established schedule and deadlines and to provide timely support and maintenance will be considered along with the firm's current workload.	15	20	20
Cost 20% The firm shall, at a minimum, provide cost per facility and a total cost for the proposed work.	20	18	20
Summary of Scores	85	98	100

Tom Wooten
25
25
15
20
85

SELECTION CRITERIA: Each criteria listed below is weighted by the percentage listed and will be graded on a scale of 1 to 5 with 1 being the lowest score and 5 being the highest.

Cara Mia Solutions Inc.; DBA Stratus Building Solutions of Upstate Carolina			
Evaluator	Jennifer Case	Tammy Ledford	Mark Stierwalt
Approach/Strategy 30% The firm's ability to provide a plan to address the overall scope of work, based on Owner's needs.	20	20	15
Technical Competency 30% The firm must demonstrate their ability to provide and clearly define a solution that addresses Owner's needs. Consideration will be given to the type of equipment, cleaning processes, Page 12 of 27 number of staff, supervision, and qualifications of staff offered in the proposal.	20	20	25
Schedule 20% The firm shall provide schedule(s) addressing the requirements of each location. Include an outline of the task, frequency (day/week/month) of completing task, and the estimate of time in minutes/hours to accomplish each task. The record (via customer references) of the firm's ability to meet established schedule and deadlines and to provide timely support and maintenance will be considered along with the firm's current workload.	15	15	10
Cost 20% The firm shall, at a minimum, provide cost per facility and a total cost for the proposed work.	20	18	19
Summary of Scores	75	73	69

Tom Wooten
20
20
15
15
70



Request for Proposal # 221523001

For

Janitorial Services

April 27, 2022

OWNER: City of Hendersonville, NC

SCOPE: The Owner request responses for the purpose of gathering specification information, costs, and selecting a service provider to provide personnel, equipment, cleaning supplies, supervision, and transportation in order to provide janitorial services at multiple facilities. The successful vendor will be responsible for providing proper personnel, equipment, cleaning supplies, supervision, and transportation necessary to perform high quality work.

All proposals are due by 2:00pm EST Monday, May 23, 2022. Please submit four (4) copies of your response and one (1) media file flash drive with an electronic copy to the Director of Public Works for the City of Hendersonville in a sealed envelope at the address below:

City of Hendersonville
Attn: Tom Wooten
Director of Public Works
305 Williams Street
Hendersonville, NC 28792
828-697-3084

There will be a mandatory Pre-Bid Meeting held at 10:00am EST Tuesday, May 10, 2022 at the address below. All interested vendors must be in attendance. The Pre-Bid Meeting will be an opportunity for each vendor to discuss the specifications and requirements and ask questions related to this RFP.

City Operation Center
Large Assembly Room
305 Williams Street
Hendersonville, NC 28792

Proposed Schedule for RFP submittal and review:

Action	Date
Mandatory Pre-Bid Meeting	Tuesday May 10, 2022
Submit Clarifying Questions: Owner will collect all questions (email only) and answers will be posted as an addendum online.	Monday May 16, 2022
Question Responses to bidders	Wednesday May 18, 2022
<u>Proposals due by 2:00pm EST</u>	Monday May 23, 2022
Interviews (if necessary)	Friday May 27, 2022 & Monday May 31, 2022
Anticipated Award	TBD
Anticipated Start	Friday July 1, 2022

I. SCOPE OF WORK:

Prospective bidders shall be responsible for the upkeep and cleanliness of the City of Hendersonville's buildings listed below and set forth in the proposal. Prospective bidders must be capable of providing the minimum services outline in this document.

- City Hall 160 6th Ave - 3 days per week
- Police Department – 630 Ashe St. - 3 days per week
- Whitmire Activity Bldg. – 301 Lily Pond Rd. - 3 days per week
- Operations Center- 305 Williams St. - 3 days per week
- Fleet Maintenance – 312 Williams St. – 3 days per week
- Downtown Restrooms – 125 5th Avenue West – 7 days per week; twice per day from Memorial Day through December 31.
- Grounds and Building Maintenance 1369 N. Main Street – 3 days per week
- Additional Rest Room cleanings at Sullivan Park and Patton Park – schedule included below.
- Emergency cleaning of Downtown Public Restrooms, Sullivan Park Restrooms, and Patton Park Restrooms. Emergency cleaning as needed.

1. The work covered in this specification includes furnishing all labor, equipment, cleaning supplies, supervision, and transportation necessary for complete janitorial service. It shall be understood that in addition to these services, all tasks incidental to cleaning functions not specifically listed but normally included in general janitorial practices will be provided.

2. These specifications will apply to the present facilities. Minor alterations in the physical layout or changes in operation will not affect the provisions of the contract.
3. The janitorial task and frequency schedule agreed to by the Owner and Contractor will be the minimum acceptable cleaning frequencies. Optional cleaning hours/shifts for each facility may be proposed by Contractor.
4. The Contractor will employ only personnel who are trained and proficient in performing janitorial services, using modern equipment, methods, and techniques including at least one staff who is trained/certified to use Dry Extraction Carpet Cleaning System and has the equipment necessary to clean the carpets. Personnel must comply with all safety and OSHA regulations. All janitorial personnel shall present a neat, clean and well-groomed appearance, and be of good moral character. The Owner reserves the right to require the replacement of any employee whose deeds, conduct, or criminal history is believed to be detrimental to the Owner. All staff who enter the Police Department must be CJIS (criminal justice information system) compliant.
5. The Contractor's employees shall not utilize any of the Owner's telephones, office equipment, or furnishings.
6. The Contractor shall provide Owner, and keep current, a list of all employees, by name, title and address, which are under the employ of the Contractor and assigned work under this contract.
7. All janitorial employees are required to:
 - a. Wear distinctive and/or identifiable uniform.
 - b. Wear clearly readable identification card issued by Contractor.
8. Upon completion and during the sequence of their duties, janitorial personnel will turn off all lights in unoccupied areas unless otherwise directed. It is also the responsibility of the janitorial personnel to check for open or unlocked doors and windows and to close and secure them. When difficulty is encountered in keeping areas locked or windows closed and locked, Owner shall be notified.
9. Building Security: The Contractor shall be responsible for assisting in maintaining the security of the building. Lock and unlock doors as required to clean an immediate area.
10. Any conditions in the facility that may require repair shall be reported to the Owner. For example, graffiti, vandalism, dripping faucets, damaged walls, burned out lights, etc.
11. The Contractor is responsible for transporting supplies from the Operation Center to all of the other sites. A record of all supplies leaving the supply room must be recorded along with the destination and date.
12. Emergency cleaning shall include a two (2) hour or less response time to the site. The Contractor will be responsible for cleaning the restrooms so they can be immediately reopened to the public.

Supplies:

1. For the treatment of various types of flooring, carpeting, furniture, etc., only such material recommended and approved by the manufacturers and/or Owner shall be used.
2. The Contractor will provide all cleaning products to complete the contract.
3. The Owner will provide hand soap for dispensers, paper products such as, roll paper towels, multi-fold paper towels, toilet paper, along with trash can liners and trash bags as needed.
4. It will be the responsibility of the Contractor to contact the Owner in a timely manner for the delivery of the aforementioned products.

Equipment:

1. All power and hand equipment will be furnished by the Contractor. The Contractor shall be responsible for keeping all equipment and tools in good repair and comply with OSHA regulations. Any damage caused to the building or furnishings by the contractor's employees shall be the responsibility of the Contractor. The Owner shall repair said damage and back charge the Contractor for the costs. Any equipment found defective will be removed from the premises by the Contractor.
2. Non-expendable items must be identified as the Contractor's by marking it as such in an identifiable manner.
3. The Contractor is solely responsible for equipment and tools stored on the property.

III. SUBMITTAL REQUIREMENTS

Each response submitted shall address the following requirements, providing sufficient detail in the response whereby the Owner can clearly comprehend what is being offered. The supplier should take the initiative to address any features, or services that may not be mentioned below, that should be considered by the Owner.

- A. The responding vendor's qualifications, years in business, staff profile, supervisor profile, and experience to provide janitorial services required by Owner.
(Attach as Addenda A)
- B. The bidder shall identify the business entity as individual, assumed name, partnership (naming partners), or corporation. Indicate the official capacity of the person(s) executing the proposal and bid.
(Attach as Addenda B)
- C. The number of full-time hourly employees employed by the business currently.
(Attach as Addenda C)
- D. The number of part-time hourly employees employed by the business currently.
(Attach as Addenda D)

- E. The number of salaried supervisory employees employed by the business currently.
(Attach as Addenda E)
- F. A list of not less than three (3) organizations where the contractor is currently providing janitorial services. This list is to include the names and telephone numbers and contact personnel of each organization.
(Attach as Addenda F)
- G. A list of two (2) organizations where the contractor is no longer providing janitorial services. This list is to include the names and telephone numbers of contact personnel at each organization.
(Attach as Addenda G)
- H. The number of square footage and type of facilities presently being serviced and for how many years for each facility.
(Attach as Addenda H)
- I. List the knowledge, training, certification of staff who are experienced in using the Dry Extraction Carpet Cleaning System and Materials.
(Attach as Addenda I)
- J. **Pricing and Cost information**
Pricing information should be submitted on Appendix I-Pricing Sheet as part of the response. It shall be noted if any fees are not included on the pricing sheet, along with what those fees are and detailed description.
- K. **Minority and Women Owned Business Enterprises**
The Owner is committed to the intentional utilization of Minority and Women Owned Business Enterprises (MWBE) on all construction projects. In keeping with this commitment, the Owner encourages participation from firms who are either minority firms or who have a minority partner. In addition to the use of a minority partner, if any, the Owner encourages the use of MWBE subcontractors for these anticipated projects. Therefore, as a part of your response to this RFP:
1. Note whether you are a certified MWBE firm;
 2. Note whether you will have a certified MWBE partner;
 3. Describe your MWBE subcontractor participation plan; and
 4. Describe your past performance in achieving MWBE participation goals or requirements.
- L. **Licensing and Permits:**
Contractor shall comply with all federal, state and local statutes, ordinances and regulations. Contractor shall obtain all permits and licenses that are required to perform the Scope of Work described in the Bid Documents, and it shall be Contractor's obligation to determine whether such licenses or permits are

necessary. By submitting a bid, the Contractor represents that it is properly licensed and/or authorized to conduct the activities contemplated in the Bid Documents. To the extent the Owner is damaged (i) as a result of the Contractor not having proper licenses or permits, (ii) as a result of having its licenses or permits revoked for any action committed by Contractor after the execution of the Agreement; (iii) as a result of Contractor violating any federal, state and local statutes, ordinances, or regulations; or (iv) as a result of any other action committed by Contractor after the execution of the Agreement, Contractor shall indemnify the Owner from all such damages, including but not limited to the Owner's own expenditure for attorneys' fees, that Owner may incur as a result thereof.

IV. SUBMITTAL INFORMATION

- A. Submitted responses should thoroughly address all the items listed in the preceding section(s).

Final decision and selection of a successful supplier rests solely with the Owner. The Owner reserves the right to select any or none of the submitting suppliers if it is in the best interest of the Owner. The Owner reserves the right to reject any and all responses and to waive any informality in responses received whenever such rejection or waiver is in the interest of the Owner. Please be advised that the Owner considers response to this Request for Proposal by competing firms as purely voluntary, and the Owner is under no financial obligation to said firms regarding the contents of their response, or in the preparation of the same.

All responding suppliers should understand that all or any portion of this project is subject to approval of the Commission of the Owner.

B. Receipt of Responses

1. Please submit four (4) copies of your response/proposal and one 1) media file flash drive with an electronic copy to the Director of Public Works for the City of Hendersonville in a sealed envelope at the address below by **2:00pm EST Monday May 23, 2022:**

Attn: Tom Wooten
 Director of Public Works
 City of Hendersonville
 305 Williams St.
 Hendersonville, NC 28792
 828-697-3084

2. All responses shall be submitted **no later than 2:00pm EST Monday May 16, 2022:**
3. Please direct all inquiries concerning this project (in writing) to:

Attn: Tom Wooten
 Director of Public Works
 City of Hendersonville
 305 Williams St.
 Hendersonville, NC 28792
 828-697-3084
 twooten@hvlnc.gov

V. SELECTION EVALUATION CRITERIA

Proposals will be evaluated based on the evaluation matrix attached as part of this RFP.

Contractor Terms and Conditions

INSURANCE: The Contractor shall provide certificates of insurance in accordance with the requirements set forth below. Upon notification of intent to award, the successful bidder will have (10) ten days to purchase the necessary insurance and comply with the terms of this section. The Owner will not enter into an agreement with a contractor unable to obtain the necessary insurance. No work will commence until all insurance requirements are met.

CONTRACTOR'S AND SUBCONTRACTOR'S INSURANCE: The Contractor shall not commence work under this Contract until he has obtained all the insurance required under this paragraph and such insurance has been approved by owner. All certificates of insurance and policies shall contain the following clause; "The insurance covered by this Certificate will not be canceled or materially altered except after ten (10) days written notice has been received by the owner". Insurance must be written by a licensed firm doing business in the State of North Carolina.

a. **WORKER'S COMPENSATION INSURANCE:** The Contractor shall procure and maintain during the life of this Contract Worker's Compensation Insurance for all of the employees to be engaged in work on the project under this contract and in any case any such work is sublet, the Contractor shall require the subcontractor similarly to provide Worker's Compensation Insurance for all the latter's employees to be engaged in such work unless such employees are covered by the protection afforded by the Contractor's Workers Compensation Insurance. In case any class of employees engage in work on the project under this Contract is not protected under the Worker's Compensation Insurance Statue, the Contractor shall provide a Worker's Compensation Policy for the protection of such of his employees not otherwise protected.

b. **PUBLIC LIABILITY, PROPERTY DAMAGE, AND AUTOMOBILE LIABILITY INSURANCE:** The Contractor shall take out, and maintain during the life of the Contract such Comprehensive General Liability Insurance including products and completed operations, SC and U and the ISO Broadform General Liability

endorsement or its equivalent thereof and Automotive Liability Insurance as shall protect him and any subcontractor performing work covered by this contract from claims for damage for personal injury including accidental death as well as from claims for property damage, which may arise from operations under this Contract, whether directly or indirectly employed by either of them.

THE AMOUNT OF SUCH INSURANCE SHALL BE AS FOLLOWS:

Insurance Provisions

- a. Worker's Compensation: The Contractor agrees during the pendency of any agreement with the City to carry Insurance covering all employees meeting statutory limits in compliance with the applicable state and federal laws. The coverage must include employer's liability with a limit of \$100,000 for each accident, \$100,000 bodily injury by disease each employee; and \$500,000 bodily injury by disease, policy limit.
- b. Commercial General Liability: The Contractor agrees during the pendency of any agreement with the City to carry Commercial General Liability Insurance. Coverage shall have minimum limits of \$1,000,000 general aggregate, products/completed operations aggregate, personal and advertising injury and each occurrence. This shall include premises and operations, broad form property damage, XCU coverage and contractual liability. The coverage shall be written on an occurrence basis.
- c. Business Auto Liability: The Contractor agrees during the pendency of any agreement with the City to carry Business Auto liability insurance. Coverage shall have a minimum limit of \$1,000,000 per occurrence, combined single limit for bodily injury liability and property damage liability. This shall include owned vehicles, hired and non-owned vehicles and employee non-ownership.
- d. Proof of Coverage of Insurance: Current valid insurance policies meeting the requirements herein identified shall be maintained for the Contractor to be considered an "eligible contractor". Renewal certificates shall be sent to the City 30 days prior to any expiration date. There shall also be a 30-day notification to the City in the event of cancellation or modification of any stipulated insurance coverage. **Certificates of Insurance meeting the required insurance provisions shall be forwarded to the City of Hendersonville prior to the start of any work.** Wording on certificate, which states that no liability shall be imposed upon the company for failure to provide such notice, is not acceptable. **It shall be the responsibility of the contractor to insure that all subcontractors comply with the same insurance requirements that the Contractor is required to meet.
- e. Scope of Insurance: The insurance required under subparagraphs (a) and (b) hereof shall provide adequate protection for the contractor and his subcontractor respectively, as well as the Owner, against damage claims which may arise from operations under this Contract, whether such operations are by the insured or by anyone directly or indirectly employed by him.

ACCIDENT PREVENTION: Precaution shall be exercised at all times for the protection of all persons, including employees, and property, and hazardous conditions. The Contractor shall be responsible for all injuries or damages to persons or property, and all indemnify, defend, and save harmless the Owner, its Officers and Agents, from any and all damages and costs by reason of

injury to person or property, resulting from negligence or carelessness in the performance of the work or in guarding the same. Also, from any improper materials, implements or appliances used in its construction, or on account of any act or omission of the Contractor, his agents or employees. The whole or as much of the monies due under and by virtue of this contract as may be considered necessary by the Owner shall or may be retained by the Owner until all suits or claims for damages shall have been settled, and evidence to that effect furnished to the satisfaction of the Owner.

- a. In emergencies affecting the safety of persons, the work or property at the site or adjacent thereto, the Contractor, without special instruction or authorization from the Owner, shall act to prevent threatened damage, injury or loss. The contractor shall make prompt written notice to the Owner of any changes in the work or deviations from the Contract Documents caused thereby.
- b. Safety and health facilities and procedures shall be in accordance with the requirements of the Federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., as amended, as well as any applicable safety and health laws or regulations promulgated by the State of North Carolina. The Contractor shall comply with federal and North Carolina safety and health regulations for construction and any other applicable regulations promulgated under the Occupation Safety and Health Act of 1970, 29 U.S.C. 651 et seq. and the Occupational Safety and Health Act of North Carolina.

Indemnity

The Owner agrees to indemnify, and save harmless the Contractor, its agents, employees, and subcontractors from and against any and all losses, liabilities, and costs and expenses of every kind (including cost of defense, investigation, settlement, and reasonable attorney's fees), which the Contractor, its agents, employees, and subcontractors may incur, become responsible for, or payout as a result of bodily injuries (including death) to any person, damage to any property, or both, to the extent caused by the Owner's negligence or willful misconduct.

The Contractor agrees to indemnify, and save harmless the Owner from and against any and all losses, liabilities, and costs and expenses of every kind (including cost of defense, investigation, settlement, and reasonable attorney's fees) which the Owner may incur, become responsible for, or payout as a result of bodily injuries (including death) to any person, damage to any property, or both, to the extent caused by Contractor's negligence or willful misconduct.

The Owner and the Contractor shall, in the event of liability arising out of their joint negligence or willful misconduct indemnify, and save harmless each other in proportion to their relative degree of fault.

Personnel Security / Employee Screening: At any time it is requested, the offering contractor shall provide to The Owner, documentation demonstrating the contractor's ability to hire responsible, trustworthy employees that pose no security risk to the organization or project, they will be engaged in. Failure to provide this documentation or otherwise define the hiring / employment practices and explain the measures being taken to employ responsible staff may result in rejection of the bid or proposal or termination of the contract.

At any time subsequent to an award or during the progression of the contract, the Owner reserves the right to require the Contractor to perform background checks / employment screening on any

or all employees to be engaged in work or providing service within the scope of this project and furthermore reserves the right to review the complete results and make final determination as to allow any employee(s) to begin or continue to work or provide service within the scope of the project. *The contractor shall comply with the provisions of the Fair Credit Reporting Act (FCRA), when applicable, and shall cause the applicant / employee to execute appropriate documentation allowing contractor to share results of background check / employment screening with the Owner.* Failure to perform the requested background checks / employment screening when requested, or provide complete disclosure of the results may result in the rejection of the proposal / bid and or termination of the agreement. All personnel are subject to a background check prior to working within any city building or at any city property.

CONSEQUENTIAL DAMAGES: Any provision waiving consequential damages shall be stricken.

DISPUTE RESOLUTION: Contractor shall utilize a partnering approach with the Owner to implement the Project should a serious problem or dispute arise during the course of this Project it shall be resolved using a two-step process of communication at the following levels

<i>Contractor</i>	<i>Owner</i>
Level 1. Project Manager <u>Josh Sword</u>	1. Assistant City Manager _____
Level 2. Project Executive <u>Charles Hugler</u>	2. City Manager _____

Issues that are not resolved in forty-eight (48) hours at a level indicated above shall be referred to the next level for resolution.

For problems or disputes that reach the second level for review and resolution every effort shall be made to reach a mutually acceptable agreement within the Agreement and the understanding that all issues can be resolved in a timely, fair and equitable manner. Should the second level be unable to resolve a dispute, it will be referred to mediation per rules to be established by mutual agreement, if needed. If mediation fails, then claims, disputes or other matters in question between the Parties arising out of or relating to this Agreement or breach thereof shall be tried before a Circuit Court judge without a jury. The Contractor and Owner hereby waive their respective rights to a jury trial and agree that the venue of the action will be in Hendersonville, North Carolina. Any legal proceeding arising out of our relating to this Agreement shall include, by consolidation, joinder, or joint filing, any additional person or entity not a party to this Agreement to the extent necessary to the final resolution of the matter in controversy.

WOMEN AND MINORITY OWNED BUSINESS ENTERPRISES. The Owner is committed to the intentional utilization of Women and Minority Business Enterprises (MWBE) for the

Project, and as part of the consideration for this Agreement the Service Provider has agreed to commit to the good faith attempts to utilize MWBE Subcontractors where applicable.

PAYMENTS: The contractor shall receive monthly payment(s) from the Owner calculated by the services provided, as stipulated by the contractor and verified by the Owner.

City of Hendersonville
Attn: Public Works
305 Williams Street
Hendersonville, NC 28792

Standard payments terms are Net 30 days from invoice date.

CONTRACT: The contract will be a twelve (12) month term. All pricing provided in response must remain unchanged during the course of the contract unless noted otherwise in this document. The Owner reserves the right to extend this contract annually provided the Contractor’s performance is acceptable and the original pricing structure remains unchanged.

The contract extensions will not exceed two (2) terms in addition to the original awarded term.

Upon thirty (30) days written notice to the Contractor, the Owner reserves the right to terminate the contract at any such time the Contractor is not performing the duties or complying with the terms and conditions of the specifications.

The Contractor may not assign their obligation of this contract to another firm.

Owner reserves the right to take from and/or add to the services or facilities included in the Appendices with written notice over the course of the contract. Costs will be adjusted based on the services added or removed.

DAMAGE TO PROPERTY: The successful contractor will be liable for damage to the Owner’s facilities and property when such damage is caused by a willful, careless or negligent act. In addition, the contractor will likewise be responsible for any damage to private property.

Owner reserves the right to take from and/or add to the services or facilities included in the Appendices with written notice over the course of the contract. Costs will be adjusted based on the services added or removed.

SELECTION CRITERIA: Each criteria listed below is weighted by the percentage listed and will be graded on a scale of 1 to 5 with 1 being the lowest score and 5 being the highest.

Approach/Strategy	30%	The firm’s ability to provide a plan to address the overall scope of work, based on Owner’s needs.
Technical Competency	30%	The firm must demonstrate their ability to provide and clearly define a solution that addresses Owner’s needs. Consideration will be given to the type of equipment, cleaning processes,

		number of staff, supervision, and qualifications of staff offered in the proposal.
Schedule	20%	The firm shall provide schedule(s) addressing the requirements of each location. Include an outline of the task, frequency (day/week/month) of completing task, and the estimate of time in minutes/hours to accomplish each task. The record (via customer references) of the firm's ability to meet established schedule and deadlines and to provide timely support and maintenance will be considered along with the firm's current workload.
Cost	20%	The firm shall, at a minimum, provide cost per facility and a total cost for the proposed work.

City of Hendersonville

Janitorial Maintenance Schedule

Item A: Buildings Receiving Janitorial Services

City Hall	160 6th Ave East	3 days per week
Police Department	630 Ashe Street	3 days per week
Whitmire Activity Bldg	301 Lily Pond Rd	3 days per week
Operations Center	305 Williams St	3 days per week
Fleet Maintenance	312 Williams St	3 days per week
Downtown Restrooms	125 5th Avenue West	7 days per week

(Twice per day from Memorial Day to December 31. A 10 am and 3 pm cleaning is preferred.)

Grounds and Building Maintenance 1369 N. Main St. 3 days per week

*Contractor to supply all cleaning, equipment and chemicals.

City to supply all paper products, i.e., toilet paper, paper towels, and refills for hand soap dispensers, floor products, (i.e., wax, cleaner and strippers).

Areas to be serviced

All offices, work areas, meeting rooms

1. All lobby areas
2. Restrooms
3. Break rooms/kitchens
4. Outside walkways; entrance and exit

5. Stairwells and landings
6. Corridors
7. Elevators
8. Interior windows and window seals
9. HVAC vent covers and exhaust fan covers.

Floors (every cleaning)

Vacuum carpet; under, around and behind furniture, all traffic areas

1. Spot clean spillages.
2. Vacuum tile, terrazzo and other composition floors paying special attention to corners.
3. Mop up spillages before vacuuming.
4. Damp mop all floors using clean water.
5. Remove all scuffmarks.
6. Apply floor finish as needed.
7. The wall base is to be clean with no streaks or buildup of wax in the corners, around the edges of door frames, or steps, on the baseboard, or on the furniture.
8. Hallways: sweep and damp mop.
9. City Hall - marble floor. Marble mop provided by City for treatment of marble for cleaning and buffing.
10. Stripping and waxing of floors (once per year). High traffic areas or buildings with excessive use will require more frequent application of floor finishing (polish).
11. Carpet Cleaning (twice per year) for all carpet. Elevator carpet, hallways, conference rooms, assembly room will require two additional cleanings per year. (Contractor is required to remove and replace chairs, plants, trash cans, chair mats etc. in order to clean the carpet. Desk, bookshelves, and tables can remain in place.)

Dusting (every cleaning)

1. All office furniture; filing cabinets, bookcases, chairs, tables, counter tops.
2. Letter files, phones, calculators and other items shall be moved where feasible and dusted hereunder; and then placed to their original position.
3. Window sills, low ledges, window blinds, molding, picture frames, doors, doorframes, etc.
4. Decorative objects in private offices and receptionist/lobby areas should be dusted with special care taken not to damage.
5. Individual desks to be dusted upon request. (Dust if you don't have to move papers/files)
6. Remove fingerprints and smudges from around light switches, door handles, etc.

Restrooms (every cleaning)

1. Floors- sanitized mopped and rinsed, pay close attention to corners (*Use clean mop heads).
2. Fixtures - toilet bowls, urinals, basins, sinks - cleaned and sanitized.
3. Fittings and supply pipes under the sinks - wiped clean and sanitized.
4. Stall partitions and walls cleaned and sanitized (including block walls).
5. Waste receptacles emptied, cleaned and sanitized (inside and outside).
6. Mirrors cleaned with no haze or streaks remaining.

7. Refill hand soap receptacles as needed.
8. Refill towel and toilet tissue receptacles as needed, leave our extra product where feasible.
9. Wall base is to be cleaned and wiped dry with no buildup of wax.
10. Special attention will be given to insure maximum cleanliness.
11. Tile grout should be cleaned quarterly.

Stairwells and Landings (every cleaning)

1. Vacuum and damp mop, starting at top and working downward.
2. Spot clean spillages immediately.
3. Dust, clean, and sanitize the stairwell railings.
4. Sweep or blow outside steps and landings.
5. Dust window seals.

Break rooms and Kitchens (every cleaning)

1. Clean and sanitize; table tops, counter tops, backs of chairs and seats of chairs, sinks and all other fixtures.
2. Clean microwave (inside and outside).
3. Refrigerators and stoves (clean inside, outside and handles)
4. Waste receptacles and recycling receptacles shall be cleaned and sanitized (inside and outside)
5. Walls near waste receptacles shall be cleaned as needed.
6. Walls behind sinks, stoves, microwaves, etc. shall be cleaned as needed.

Elevator (every cleaning)

1. Clean thoroughly (walls, floors, control panel...), including vacuuming and wiping door tracks.
2. Spot clean all spillages immediately upon noticing them.
3. Vacuum and damp mop VCT (operation Center).
4. Clean and polish all metal trim including doors. (Stainless Steel Cleaner).
5. Vacuum Carpet in City Hall Elevator - (spot clean as needed).
6. Clean the carpet in the City Hall elevator quarterly.

Glass (every cleaning)

1. Clean entrance and exit door glass, removing haze, smudges, streaks, and fingerprints.
2. Clean all inside partition and door glass, display cases, removing smudges, streaks, haze, and fingerprints.
3. Clean interior portion of windows. Vacuum around the edges of the windows, window seals, window screens. once per month
4. Clean exterior portion of windows on the first-floor level. Once per month

Miscellaneous (every cleaning)

1. Drinking fountains: Clean and Sanitize daily, walls behind fountain to be kept clean and wiped dry.
2. Pick up litter and debris from around entrances of building.
3. **Use minimum lighting while cleaning is in progress.**
4. Turn off all lights, fans, etc. when cleaning is complete, except those that are necessary for Security.
5. Lock all doors as instructed when cleaning is complete.
6. Notify point of contact of any irregularities or emergencies such as plumbing leaks, HVAC problems etc.
7. During cleaning operations, extreme care should be exercised to avoid damages to office furniture and buildings walls. Special care should be taken around old artifacts and objects in City Hall. If damaged, contractor will be responsible for cost of repairs.
8. Inside office and building refuse shall be containerized in roll cart prior to being disposed of in outside trash receptacles.
9. Empty recycling containers and carry to recycling receptacles outside. Empty all trash receptacles. Clean and sanitize containers then re-apply bags as needed.

Weekly Service (once per week)

1. All tile, terrazzo and other composition floors are to be cleaned and machine polished/buffed with non-skid floor finish.
2. Terrazzo floor is to be soap mopped, rinsed and machine polished to a neat, clean and high gloss appearance. Non-skid floor finish shall be applied.
3. Dust all window blinds with a dust control treated cloth.
4. Remove cobwebs and dust from ceiling, window sills, light fixtures, corners, wall areas, window blinds, vent registers, ceiling tile, etc.
5. Dust statues at City Hall and vacuum around the base of the statue.
6. Dust trophy case, vacuum and clean floor in trophy case. (Floor in the trophy case must match the adjacent floor.)

VCT Flooring

Whitmire Activity Center – Strip and wax once per year just after Labor Day.

All other buildings – VCT must be stripped and waxed once per year (two coats of wax).

Machine spray buff/polish once per week to provide maximum shine.

Carpets

High traffic carpet area must be cleaned quarterly using the dry extraction carpet cleaning system and materials.

All other carpet must be cleaned twice per year using the dry extraction carpet cleaning system and materials. (Contractor is required to remove and replace chairs, plants, protective chair mats, etc in order to clean the carpet. Desk, bookshelves, file cabinets, etc. can remain in place.)

Item B: Restrooms Receiving Janitorial Services

Sullivan Park Public Restrooms 7 days per week

(Typically closed for the winter Nov. - March)

Patton Park Public Restrooms 7 days per week

(Open all year)

Restrooms (every cleaning)

1. Floors- sanitized mopped and rinsed, pay close attention to corners (*Use clean mop heads)
2. Fixtures - toilet bowls, urinals, basins, sinks, cleaned and sanitized.
3. Fittings and supply pipes wiped clean and sanitized.
4. Stall partitions and walls wiped clean and sanitized.
5. Waste receptacles emptied, cleaned and sanitized.
6. Mirrors cleaned with no haze or streaks remaining.
7. Refill hand soap receptacles as needed.
8. Refill towel and toilet tissue receptacles as needed, leave out extra product where feasible.
9. Special attention will be given to insure maximum cleanliness.
10. Notify point of contact of any irregularities or emergencies such as plumbing leaks, HVAC problems etc. or of any damage or graffiti.

Item C: Emergency Cleaning of Public Restrooms

Sullivan Park Public Restrooms As Needed

Patton Park Public Restrooms As Needed

Downtown Public Restrooms As Needed

Restrooms (emergency cleaning) – we anticipate 12 emergency cleanings for each restroom per year as a guide for providing costs. The actual quantity could vary at each restroom.

1. Respond to the site within two (2) hours and begin cleaning. Reopen the restroom for public use after cleaning has been completed.
2. Floors- sanitized mopped and rinsed, pay close attention to corners (*Use clean mop heads)
3. Fixtures - toilet bowls, urinals, basins, sinks, cleaned and sanitized.
4. Fittings and supply pipes wiped clean and sanitized.
5. Stall partitions and walls wiped clean and sanitized.
6. Waste receptacles emptied, cleaned and sanitized.
7. Mirrors cleaned with no haze or streaks remaining.
8. Refill towel and toilet tissue receptacles as needed, leave out extra product where feasible.
9. Clean ceiling, as needed.

10. Special attention will be given to insure maximum cleanliness.
11. We anticipate 35 – 40 emergency cleaning per year.
12. Contractor shall plan to encounter and clean human waste, body fluids, and/or other types of waste and body fluids.
13. In most cases, only half of the restrooms will need to be cleaned for the emergency cleaning. For this RFP, provide a cost to clean the entire restroom per site.

Conditions:

Contractor shall provide proof of insurance with bid sheet and annually thereafter. All insurance must name the City of Hendersonville as an additional insured, excluding workers compensation and vehicle policies. This is a one-year contract renewable each year, three years maximum, if both parties agree.

Contractor shall provide the necessary supervision to ensure that all work is properly completed and that all listed tasks are completed. The contractor shall provide a manager to complete monthly inspections to ensure the cleaning staff are completing all listed tasks and document this process. Documentation shall be submitted to the city after each inspection. Any deficiencies can justify the loss of the contract.

All employees who work in city buildings must pass a background check and keep a clean criminal record. Any employee not meeting this requirement will not allowed to enter the buildings.

Contractor shall abide by ALL OSHA and safety regulations.

Any damage caused by the contractor, subcontractors, or any of their employees will be repaired by the contractor at their expense to the satisfaction of City Staff.

Square Footages of Each Building:

City Hall -

	total SF	Ceramic Tile	Paint/epoxy	Marble	Terrazo	Carpet	VCT
1st Floor	5983	1686	284	0	0	4013	0
2nd Floor	6730	257	529	1509	310	4125	0
3rd Floor	6730	130	817	0	0	5080	703
4th Floor	4379	72	529	0	0	3778	0
	23822	2145	2159	1509	310	16996	703
	(First floor has a 5' x 7' janitor closet and the second floor has a 5' x 10' janitor closet.)						
	(First Floor -removed 405 sf from total area for PD secure area that is not cleaned.)						

Operation Center –

	Carpet	VCT	Ceramic Tile	Paint/epoxy	Vinyl
Square Footages	6862.5	4360.3	792	2470	702.5

Whitmire Center –

	Vinyl	VCT	
Square footage	351	5710	

Fleet Maintenance

	Epoxy coated flakes over concrete	Includes offices, restroom, and kitchen.	
Square footage	650		

Grounds Maintenance and Building Maintenance

	Stained Concrete	Includes four offices (144 sf each), two individual showers, men's room, women's room, break room, lobby, hallways.
Square Footages	2476	

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Downtown Public Restrooms

	Carpet (Offices)	Tile (Single Bathroom)	Unfinished Concrete (vault and Storage)	Tile (Public Bathrooms and Lobby)
Square Footages	2100	45	1200	800

Police Department

	Tile	VCT	LVT	Carpet	Unfinished Concrete
	4180 sf	738 sf	1126 sf	11430 sf	6664 sf

Police Department notes:

Evidence area is off limits (square footage removed from the totals above). The garage area will not be cleaned, just empty the trash. (square footage removed from the totals above).



BID SUBMISSION COVER SHEET:

Please complete the pricing information below. All blanks must be filled in. Failure to completely fill out and properly sign this Bid Submission cover sheet will render your proposal ineligible for consideration.

Please attach additional pages to this cover sheet to provide the additional information requested in the Request for Proposals.

Please sign and submit with your proposal the non-collusion affidavit. Failure to submit the non-collusion affidavit will render your proposal ineligible for consideration.

The City reserves the right to reject any and all proposals and to make the award to the contract demonstrating the proposal that is in the best interest of the City taking into account the evaluation criteria as stated.

Gentlemen:

The undersigned Bidder, having examined carefully the Request for Proposals, and having attended the pre-bid conference, hereby proposes to furnish all labor, materials, equipment and services necessary to perform the work required in the aforementioned documents for the prices stated below.

ITEM A: BUILDINGS RECEIVING JANITORIAL SERVICES

Building/Address	Frequency of Cleaning Per week	Price per cleaning	COST PER WEEK	TOTAL ANNUAL COST
City Hall 160 6 th Avenue East Hendersonville, NC	3 days per week	\$ 174.77	\$ 524.31	\$ 27,264.12
Police Department 630 Ashe Street Hendersonville, NC	3 days per week	\$ 147.73	\$ 443.20	\$ 23,046. ⁴⁰

Building/Address	Frequency of Cleaning Per week	Price per cleaning	COST PER WEEK	TOTAL ANNUAL COST
Whitmore Activity Center 301 Lily Pond Road Hendersonville, NC	3 days per week	\$ 54.15	\$ 177.46	\$ 9,227.92
Operations Center 305 Williams St. Hendersonville, NC	3 days per week	\$ 106.96	\$ 320.40	\$ 16,686.80
Fleet Maintenance 312 Williams Street Hendersonville, NC	3 days per week	\$ 36.77	\$ 92.31	\$ 4,800.12
Downtown Restrooms 125 5 th Avenue West Hendersonville, NC	7 days per week* *Twice per day from Memorial Day to December 31 st .	\$ 38.97 \$ 64.95	January 1 – May 30: \$ 272.80 May 31 – December 31: \$ 454.65	\$ 14,185.60 \$ 11,520.90
Grounds and Building Maintenance 1369 N. Main St. Hendersonville, NC	3 days per week	\$ 34.23	\$ 117.69	\$ 6,119.88
			ANNUAL TOTAL	\$ 113,151.74

THE PRICES QUOTED ARE A FULLY INCLUSIVE PRICE, WITH CONTRACTOR PROVIDING ALL CLEANING SUPPLIES AND EQUIPMENT AND CHEMICALS. City to supply all paper products, i.e., toilet paper, paper towels, and refills for hand soap dispensers, floor products, (i.e., wax, cleaner and strippers).

ITEM B: RESTROOMS RECEIVING JANITORIAL SERVICES:

Restroom/Address	Frequency of Cleaning Per week	Price per cleaning	COST PER WEEK	TOTAL ANNUAL COST
Sullivan Park Restrooms	7 days per week* *Closed during Nov- March	\$ 56	\$ 350.00	\$ 11,200.00 (Excluding Nov-March)
Patton Park Public Restrooms	7 days per week* *Open all year.	\$ 44.96	\$ 349.73	\$ 18,185.96
			ANNUAL TOTAL	\$ 29,385.96

THE PRICES QUOTED ARE A FULLY INCLUSIVE PRICE, WITH CONTRACTOR PROVIDING ALL CLEANING SUPPLIES AND EQUIPMENT AND CHEMICALS. City to supply all paper products, i.e., toilet paper, paper towels, and refills for hand soap dispensers, floor products, (i.e., wax, cleaner and strippers).

ITEM C: EMERGENCY CLEANING OF PUBLIC RESTROOMS:

Restroom/Address	Frequency of Cleaning Per week	Price per cleaning	TOTAL ANNUAL COST (estimate 12 emergency cleanings per restroom per year)
Sullivan Park Restrooms	As Needed	\$ 75.00	\$ 900.00

Patton Park Restrooms	As Needed		\$ 50. ⁰⁰		\$ 600. ⁰⁰
Downtown Public Restrooms	As Needed		\$ 75. ⁰⁰		\$ 900. ⁰⁰
				ANNUAL TOTAL	\$ 2,400. ⁰⁰

THE PRICES QUOTED ARE A FULLY INCLUSIVE PRICE. WITH CONTRACTOR PROVIDING ALL CLEANING SUPPLIES AND EQUIPMENT AND CHEMICALS. City to supply all paper products, i.e., toilet paper, paper towels, and refills for hand soap dispensers, floor products, (i.e., wax, cleaner and strippers).

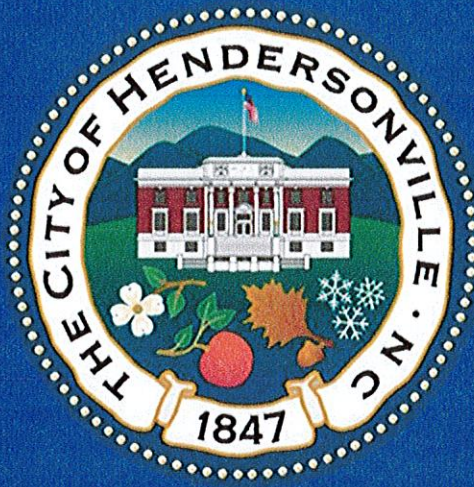
The prices stated include profit and overhead and represent the entire price for the work stated.

The undersigned further agrees that this Bid Proposal shall be valid for a period of sixty (60) days from the date of receipt of the Bid Proposal and that if this Bid Proposal is accepted by the City within this period, the Bidder will execute the Agreement provided as part of the Contract Documents.

The undersigned further agrees to begin the work within 10 days of receiving a Notice to Proceed and to pursue the work with an adequate work force to satisfactorily perform the work for the entirety of the Contract term.

The undersigned acknowledges receipt of the following addenda which will be considered as part of the Contract Documents.

- Addendum No. 1 Dated 5/18/2022
- Addendum No. Dated
- Addendum No. Dated
- Addendum No. Dated



City of Hendersonville, NC

Addendum # 1

Request for Proposal # 221523001

Janitorial Services

Date Issued: 5/18/2022



I. Questions and Answers

Questions	Answers
Do the tiled floors need to be revitalized once a year?	Tile floors with grout should be deep cleaned/revitalized once per year.
Will blood born parthenogen kits be provided?	Ten (10) Blood born pathogen kits will be provided by the COH.
If an office is locked, then do we unlock it to clean it?	Offices that are locked may be unlocked then relocked after cleaning.

City of Hendersonville

Company Information- City Wide Facility Solutions (South Carolina/North Carolina)

- 1.) Our company owner, Rick Cobden, opened our doors in 2009 in the Upstate of South Carolina after finding there were no suitable companies to provide the quality service he was seeking for his property management firm. Since then, he has grown City Wide to become one of the most sought-after service providers in the janitorial and building maintenance industry across the entire state of South Carolina. Between our now five offices, City Wide provides hands-on, facility service management to approximately 350 clients and an additional 50 facilities for clients that are remote managed.

Our mission is to create a ripple effect by positively impacting the communities and people that we serve. Our vision, starting in 2015, is to create service markets for our business in each corner of the state. By the end of 2022, City Wide, will manage services in the Myrtle Beach area as well. City Wide is a family-owned business with a strong focus on developing and promoting from within. Our continued growth plan includes promoting from within to support our expansion.

- 2.) City Wide South Carolina has offices in Greenville, Charleston, Savannah and Asheville with Greenville office considered our company headquarters. The company is owned by Rick Cobden, who brings over 20 years' experience in the building and property management world. In addition to hands-on owner/operator management, City Wide thrives due to its diverse management team between all offices.

Greenville has 15 full-time employees, along with 90 independent contractors (who act as our janitorial staff). Charleston has 11 full-time employees and 60 independent contractors and Savannah has 2 full time employees and around 12 independent contractors. Asheville has 2 full-time employees and 20 plus independent contractors.

- 3.) City Wide is independently owned and operated. Rick Cobden being the entity that holds the company.
 - City Wide is considered Self-Certified small business, not "certified" by any governing body-under 35 employees.
 - **Federal Business Classification Representation- none apply- not a minority or disadvantaged business or entrepreneur**
- 4.) City Wide is a member of ISSA, but not CIMS any longer. We do not have a member number, as it is carried through City Wide Kansas City. We proudly have a national office that supports marketing and IT, but we are independently owned and operated.

Differentiators:

- 1.) The top 3 things that set City Wide apart from other suppliers in our market is our Management structure, our client retention, and our buildings maintenance capabilities. We are also not a franchised cleaning company, as we hold and manage All of our accounts in house.

- We developed a service model that starts with the sales process and trickles all the way down to our janitorial crews as a whole. Once we start business with our customer, it is a team effort. It starts with an all hands on deck approach that involves our General Manager, Director of Operations, Facility Solutions Manager, and lastly our Night Managers.
- Our service model resolves the majority of reoccurring customer requests and complaints through weekly site visits by the Facility Solutions Manager and honoring the 24-Hour Complaint policy managed between the FSM and our Night Managers. We work in a human business and we understand mistakes will be made. When we have a complaint request, we dispatch our Night Managers to our accounts to ensure task is completed. The Night Manager retrain our cleaning teams when needed and also acts as a liaison to our teams, managers, and customers. This is a service we proudly provide at no additional cost to our customers, and is also how we retain 92-95% of our customers on an annual basis.
- While Janitorial is our core service, we are also a full scale facilities maintenance company. We offer 20+ additional services to our customers and want to be your go to vendor for any and all facility needs. This includes, Lawncare, floor maintenance, window cleaning, and we also have a full handyman service that we offer. We want to bring as much value as we possibly can to each and every customer that we work with.

- 2.) City Wide, like most companies, primarily use web-based platforms and job boards to post ads for employment opportunities. We have a mixture of in-house, 1099, and independently contracted staff, which helps create a deep bench of support. All employees and agents of City Wide complete e-verify, drug testing, a state level background check, and a personality assessment to ensure we are only putting the most qualified and secure people in our accounts.

Every City Wide employee completes an online facilities maintenance training that includes handling of unsafe and hazardous materials, SHARPs training, DOT label awareness, sterile cleaning processes, and Performance Plus. Managers and Supervisors take tutorials on using our CRM software and processes for completing site inspections. Additional trainings will be assigned based on the type of work that person is assigned to complete.

City Wide does not have a published retention policy. Rather, we make every effort to keep our staff engaged in what each department is working on, host quarterly company outings, hand out gift cards on pay day to the highest performers and celebrate important milestones. Our annual employee turnover rate over the last three years is 8%.

Implementation:

- 1.) Typically, if we are starting a single account that does not require a mandated 30 day notice for their previous provider, we ask for two weeks after receiving an agreement before providing janitorial services. This can vary depending on circumstances, emergencies, etc. If City Wide is rewarded all locations included in this RFP, we would realistically ask for 30 days prior to us starting janitorial services. This gives us the proper amount of time to allow our facility solutions managers to visit each site, get a cleaning crew in the location, work out all logistics (keys, alarm

codes, etc,) and properly understand the scope of work for each location. Again, City Wide has a deep bench of capable and reliable cleaning crews, as well as a driven and motivated operations team that will make a scope such as this and the transition be as seamless as possible. If awarded this business City Wide will implement all of our management and structural processes to ensure we are guaranteed a successful New Start at any and all locations.

Uniforms:

All City Wide employees will wear red City Wide T-shirts at all times while on property. They will be identifiable this way. This is mandatory and is monitored by your facility solutions manager.

Reporting/Task Management:

City Wide has a number of reporting capabilities pertinent to our daily operations as well as those of our customers we service. Usage reports for consumables and cost reports are all tracked using our IPAD system. Our facility managers are able to purchase, and also track usage of supplies using this technology and cost reports, related to extra services performed are also handled using this technology. Satisfaction reports, or what we call customers surveys, are sent out monthly to our customer through our operations department. These reports reflect customers overall satisfaction with services provided by City Wide, level of customer service they are receiving from Facility Managers, as well as how likely they are to recommend City Wide's services to potential future customers. This is very crucial to our operation model, as this also helps manage quality control over each and every customer account. City Wide is able to provide any and all reporting that is necessary for customer ranging from operational reporting to accounting and so on.

City Wide is capable of providing on demand reporting for the City of Hendersonville. We use formats ranging from excel, to pdf, and our unique IPAD systems used by our facility managers in the field, are also able to pull reporting if necessary. We have the capability of running automatic reports at defined intervals, and a report can be customizable to any degree. At NO point in time, will the customer be charged for any reporting asked of City Wide. This is something available to our customers to show the value that City Wide provides each and every day.

Request for Taxpayer Identification Number and Certification

Give **Section 5, Item K.**
requester **do not**
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

Spartanburg Maintenance LLC

2 Business name/disregarded entity name, if different from above

DBA: City Wide Facility Solutions

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☒ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► **S**
Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ►

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

1200 Woodruff Road - Suite G-12

Requester's name and address (optional)

6 City, state, and ZIP code

Greenville, SC 29607

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number								
				-				

or

Employer identification number								
2	6		-	4	2	9	6	8

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign
Here

Signature of
U.S. person ►

Date ►

01-01-2021

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

ACORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

Section 5, Item K.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer any rights to the certificate holder in lieu of such endorsement(s).

PRODUCER McGriff Insurance Services 47 Airpark Court (29607) P.O. Box 27149 Greenville, SC 29616-2149	<table border="1"> <tr> <td colspan="2">CONTACT NAME: SC Certificate Team</td> </tr> <tr> <td>PHONE (A/C, No, Ext): 864 297-4444</td> <td>FAX (A/C, No):</td> </tr> <tr> <td colspan="2">E-MAIL ADDRESS: SCcertificates@mcgriff.com</td> </tr> <tr> <td colspan="2">INSURER(S) AFFORDING COVERAGE</td> </tr> <tr> <td>INSURER A: Union Insurance Company</td> <td>NAIC # 25844</td> </tr> <tr> <td>INSURER B: Builders Mutual Insurance Company</td> <td>10844</td> </tr> <tr> <td>INSURER C: Selective Insurance Co of America</td> <td>12572</td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	CONTACT NAME: SC Certificate Team		PHONE (A/C, No, Ext): 864 297-4444	FAX (A/C, No):	E-MAIL ADDRESS: SCcertificates@mcgriff.com		INSURER(S) AFFORDING COVERAGE		INSURER A: Union Insurance Company	NAIC # 25844	INSURER B: Builders Mutual Insurance Company	10844	INSURER C: Selective Insurance Co of America	12572	INSURER D:		INSURER E:		INSURER F:	
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INSURER D:																					
INSURER E:																					
INSURER F:																					
INSURED Spartanburg Maintenance LLC dba City Wide Facility Solutions 1200 Woodruff Rd, Suite G12 Greenville, SC 29607																					

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:		CPA428800247	11/30/2021	11/30/2022	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		CPA428800247	11/30/2021	11/30/2022	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED. <input checked="" type="checkbox"/> RETENTION \$0		CPA428800247	11/30/2021	11/30/2022	EACH OCCURRENCE \$5,000,000 AGGREGATE \$5,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	WCP103410807	07/15/2021	07/15/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000
C	Theft of Customer Property Emp Dishonesty		B605890701	10/01/2021	10/01/2022	\$1,000,000 Limit \$10,000 Deductible \$100,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

*Earl Richard Cobden III is excluded from the Workers Compensation coverage.

CERTIFICATE HOLDER

CANCELLATION

Spartanburg Maintenance LLC dba City Wide Facility Solutions 1200 Woodruff Road, Suite G12 Greenville, SC 29607	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Jeanne McBride</i>
--	--

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Section 5, Item K.

CONTRACTOR: City Wide Facility Solutions
(Company)

Contractor ☒ is or ☐ is not a historically underutilized business, registered with the North Carolina Office of Historically Underutilized Businesses. (Must be completed by all Bidders.)

ADDRESS: 15 Loop Road, Suite A, Arden, NC 28704

BY: [Signature]
(Signature)

Aaron Harris
(Typed Name)

TITLE: Sales Manager

NC State Sales and Use Tax Registration N/A

☒ Non-collusion Affidavit has been completed and is attached to this Bid Proposal Form (Required)

(Note: Inclusion of the non-collusion affidavit is mandatory. A bid will be rejected as non-responsive if not included in the bid submission.)



NON-COLLUSION AFFIDAVIT

I, on behalf of the Bidder, being first duly sworn or affirmed, do hereby represent on behalf of the Bidder that the Bid Proposal submitted was made without collusion or fraud and that neither I, nor anyone else affiliated with the Bidder to my knowledge, have offered or received any kickbacks or inducements from any other supplier, manufacturer or subcontractor in connection with their Bid Proposal, and neither I, nor anyone else affiliated with the Bidder to my knowledge, have conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.

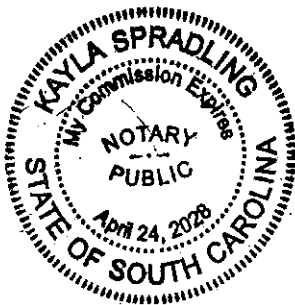
This the 19th day of May, 2022.

BIDDER: City Wide Facility Solutions [Name of Bidder] By: [Signature]
Signature Print Name: Aaron Harris Print Title:

State of South Carolina County of Greenville

Sworn to or subscribed before me this the 19th day of MAY, 2022. (Official Seal)

[Signature]
Notary Public
Print Name: Kayla Spradling



(3) Organizations where City Wide Facility Solutions is currently providing janitorial services:

Kemet Corporation (126,000 square feet & 7 plus years' service)

Gerald Cooksey

864-208-5276

Geraldcooksey@kemet.com

Selee Corporation (200,000 square feet & 1 year and 2 months of service)

Gerald Rice

828-243-0921

Grice@selee.com

Columbia Forest Products

Danielle Stilwell

828-273-9098

HStilwell@cfpwood.com

(2) Organizations City Wide Facility Solutions is no longer servicing:

Walgreens Distribution

David McDowell

864-222-7300

David.Mcdowell@walgreens.com

The Manual Woodworkers & Weavers Inc.

Sandy Vitella

828-692-7333

Humanresources@manualww.com



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Lew Holloway, Community Development Director **MEETING DATE:** June 2, 2022

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

TITLE OF ITEM: Special Event: Friday Main Street Car Shows - *Lew Holloway, Community Development Director*

SUGGESTED MOTION(S):

I move that City Council approve the special event permit for the Friday Main Street Car Shows.

SUMMARY:

The Friday Main Street Car Shows are organized by William Jacobs of the Carolina Mountain Car Club in concert with the Apple Country Corvette Club. The events directly coincide with Music on Main, organized by the Tourism Development Authority, which is a recurring Friday evening event starting June 10 and ending on August 19. The purpose of this event is to bring excitement downtown and encourage evening dining and shopping coinciding with Music on Main. The car show historically closes two blocks of Main Street from Caswell to Allen. This year, the applicants are requesting that on every other Friday of the series the closure be extended to Second Avenue (two blocks north, totaling four blocks for the closure). The reason for the addition to the closure is to accommodate the Corvette Club vehicles. The Special Events Committee originally voted to recommend approval of this event as presented, which encompassed the four-block closure every single Friday of the series. Then the Downtown Advisory Board voted to reduce the four-block closure to every other Friday of the series given the impact of the closure on businesses. The historic two-block closure of Main from Allen to Caswell will remain intact every Friday of the series. The Corvette Club has agreed to rescind the additional part of the closure if, for any reason on any event date, there are not enough vehicles to fill the closure area.

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: June 2, 2022

AGENDA SECTION: CONSENT AGENDA

DEPARTMENT: Community
Development

TITLE OF ITEM: Special Event: Give Back to Old Brooklyn - *Lew Holloway, Community
Development Director*

SUGGESTED MOTION(S):

I move that City Council approve the special event permit for Give Back to Old Brooklyn.

SUMMARY:

The Give Back to Old Brooklyn event will be held on Saturday, July 23, 2022, from approximately 11 a.m. until 5 p.m. Sullivan Park. This is a first-time event planned by community native Ruben Ramirez, Sr and organized by his organization RR Youth Services for the purpose of promoting neighborly skills and “giving back” to the community of Old Brooklyn. The event will include amplified live performances and speakers, free food for the community, and other activities. 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: June 2, 2022
AGENDA SECTION:	CONSENT AGENDA	DEPARTMENT: Community Development
TITLE OF ITEM:	Special Event: Lazr Luvr at Oklawaha Brewing - <i>Lew Holloway, Community Development Director</i>	

SUGGESTED MOTION(S):

I move that City Council approve the special event permit for Lazr Luvr at Oklawaha Brewing.

SUMMARY:

The Lazr Luvr at Oklawaha Brewing event will be held on Saturday, July 2, 2022, from approximately 8 p.m. until 11 p.m. (with set up beginning at 4 p.m.). This is a first-time event planned by Oklawaha Brewing for the purpose of allowing the live music attendees to overflow into the street given that the last Lazr Luvr event at this location was uncomfortably congested. The event will require the closure of First Avenue from the Papa John's driveway to Main Street. There will not be scheduled programming or equipment in the street itself, but the organizer is requesting a one-time permit to allow alcohol to be carried into the street. The Special Events Committee unanimously voted to recommend approval of this event as presented, contingent on permission from the state to allow alcohol in the event area.

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:** June 2, 2022

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

TITLE OF ITEM: Special Event: Smart Start Sesame Street - *Lew Holloway, Community Development Director*

SUGGESTED MOTION(S):

I move that City Council approve the special event permit for Smart Start Sesame Street.

SUMMARY:

The Smart Start Sesame Street event will be held on Saturday, August 20, 2022, from 9am until 12 p.m. on the south end of Main Street, closing the two blocks between Allen and Caswell. This is a first-time event planned by the Smart Start Partnership for Children as part of a regional effort to promote a Sesame Street Communities program. The event includes inflatable bounce houses, games, food trucks, and use of the Visitors Center stage for additional activities. Organizers are working with Hendersonville Police and Fire departments to have safety personnel on site. 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



Vision Statement

Hendersonville is a vibrant mountain city where the government and citizens work together for a high quality of life.

Mission Statement

The City of Hendersonville is committed to providing quality, efficient services to all citizens, visitors, and businesses through open communication, timely responses, and quality results.

About the Cover

“Celebration ‘22”

Sponsor(s): Friends of Downtown Hendersonville

Artist: Diamond Cash

To Benefit: Friends of Downtown Hendersonville

Auction Date: October 2022

Bearfootin’ Public Art

Started in 2003, Bearfootin’ was created as a fun way to raise money for local charities, while displaying colorful artwork along the downtown sidewalks. A yearly event, the public display of art begins every April and continues through October. Local artists create unique and beautiful artwork, made of fiberglass and hand painted, and every year the new art display is unveiled for exhibition in the spring.

The Bearfootin’ Public Art Walk has consistently brought joy to visitors of Historic Downtown Hendersonville while raising a considerable amount of money for local charities and art in Historic Downtown. Sponsored by downtown businesses, each year has a different theme. While most of the years have been bears, there have been several that were other animals. In 2009 it was the year of goats.

Each work is unique and creative, with their personal theme. They are displayed along the sidewalks throughout Main Street and 7th Avenue in Downtown Hendersonville, and can be viewed at any time of the day or night.

Preface

No other aspect of public administration has undergone as much reform or been the focus of attention for political leaders, mayors to presidents, as the annual budget. The budget document and its preparation and adoption express the basic political values of a government. Budgets reflect the negotiations and compromises undergone during the continuous process of budget adoption. They define government's economic and political role in a community, guiding, sanctioning, and limiting administrative action. Budgets not only represent plans for the future, they also mold that future by the policies they contain. A good budget establishes a vision for its respective community and communicates, with utmost transparency, the vision for the future.

The budget document is a tool for maintaining financial accountability. Yet as its preparation has evolved, it has become a forum for establishing strategic goals and performance expectations. The resulting budget has become the public record of a community dialogue for improving organizational performance and management oversight. These attributes demand accountability from administrators and policy makers alike. The budget's quality is dependent upon the quality of input provided throughout the budgeting process.

As the City of Hendersonville continues to advance its organizational excellence and budgetary practices, ultimately making the leap from a good organization to a great one, it will be mindful of the role of public budgeting. Providing a transparent document, setting policy and providing accountability will be common practice in this City. The most successful cities are helping citizens, customer, and partners discover budget linkages. Our City will provide the tools necessary to not only decipher this important document but also participate in its conception. This practice is not an accomplishment easily achieved however, by acknowledging the criteria and goals the City of Hendersonville continues its pursuit of exemplary budget practices.

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The purpose of the *Budget Guide* is to introduce readers to the budget document and processes, assisting in the reader's understanding of the information contained throughout. The Local Government Budget and Fiscal Control Act (LGBFCA) defines the annual budget as “a proposed plan for raising and spending money for specified programs, functions, activities, or objectives during a fiscal year” [G.S. 159-7(b)(1)]. The *Budget Guide* will briefly describe the sections contained within the budget document, explain the budget process, clarify how to read charts and graphs, and interpret numbers, as well as how to understand the effects of inflation. Note that sample charts and tables do not reflect accurate financial information for the City of Hendersonville.



The Budget Document

This annual budget provides local officials an opportunity to review and evaluate programs and services. During most of the year, local officials are hard pressed to maintain day-to-day duties and may not have time to evaluate how efficiently and effectively a particular program is achieving its established goals. Even if no changes are made, the City of Hendersonville benefits from the overview of programs and enhances perspective for decisions that must be made every day. The budget document submitted for FY22-23 will consist of six (6) major sections: Introduction and Guide, Budget Message, Budget Ordinances and Resolutions, Fee Schedule, Capital Improvement Plan (CIP), and Pay and Classification Schedule.

Budget Message & Ordinance

The Budget Message is a letter from the City Manager to the City Council that provides an overview of the upcoming fiscal year budget and how it fits with the City Council's priorities. This message should introduce and summarize the budget document, including issues facing the development of the budget, significant budgetary items and trends, and the budgetary effect on short and long-term plans. General Statute 159-11(b) states that the message should include the following:

- A concise explanation of the governmental goals fixed by the budget for the budget year
- Important features of the activities anticipated by the budget
- Reasons for stated changes from the previous year in program goals, programs, and appropriation levels
- Any major changes in fiscal policy

Budget Ordinance & Resolutions

The Budget Ordinance is a statute, legally adopted by the City Council to set spending limits for the coming fiscal year, which runs from July 1 to June 30. The Budget Ordinance also establishes the Capital Improvement Plan, Pay and Classification Schedule, and Fee Schedule set for the coming fiscal year. Additionally, the City adopts a variety of ordinances and resolutions to establish capital reserve funds, capital and grant project ordinances, and resolutions of intent to follow future fee schedules and future CIP schedules.

Fee Schedule

The Fee Schedule is a legally adopted schedule listing specific fees, licenses, and utility rates charged by the City of Hendersonville for the use of City facilities and equipment for the purposes of making them available to public, specific utility rates the proceeds of which are for the maintenance and expansion of its utility systems, the reproduction of public records and other miscellaneous services to cover the actual cost of producing these documents and information under the provision of NCGS §132-6.2, and other various fees associated with enhanced direct services provided by the City.

Capital Improvement Plan (CIP)

A Capital Improvement Plan (CIP) is the central planning tool for capital projects and acquisitions. The CIP is a multiyear forecast detailing major capital infrastructure and equipment needs, appropriations needed to satisfy needs, sources of financing for specified projects, and the impacts of projects on the organization. The CIP is reevaluated annually, and the document changes as project timelines come closer to execution.

Pay & Classification Schedule

The Pay & Classification Schedule (Pay & Class) section contains the listing of all approved City positions and respective salary ranges. Salary ranges detail each grade's minimum, probationary completion, midpoint, and maximum salary. This schedule is considered, revised, and adopted annually. The City of Hendersonville periodically receives recommendations from expert consulting firms on the pay & class schedule. The City's most recent pay & class recommendations were received in FY22 and will be fully implemented with the FY23 annual budget.

The Budget Process

In accordance with the Local Government Budget and Fiscal Control Act (LGBFCA), the budget document for the fiscal year ending June 30, 2023, meets the balanced budget and inclusiveness requirements.

The inclusiveness requirement means the City may only spend moneys that have been budgeted [G.S. 159-8(a)].

The balanced budget requirement means that any budget ordinance, project ordinance, financial plan, or internal service fund must balance. G.S. 159-8(a) states “budget ordinance is balanced when the sum of estimated net revenues and appropriated fund balances is equal to appropriations.”

A legal limit on the budget document includes G.S. 159-15, addressing a local government’s ability to set a property tax levy and the regulations regarding that levy. Whether the budget is used primarily as a planning vehicle, or as a means of reaching political agreement about budgetary policies, the document adheres to the three legal limits listed above and follows a process provided by the LGBFCA.

There are three general stages of budget preparation and enactment including: (1) departmental formulation of expenditure requests and revenue estimates, (2) preparation of a recommended budget document by the budget officer, and (3) review and enactment of the annual budget ordinance by the respective governing body.

At the start of the budgeting process, it is common for the budget officer to produce a budget calendar, detailing the dates by which each stage in the annual budget process is to be completed. The LGBFCA requires mandatory dates at which certain processes must be completed [G.S. 159-10-13]. Departmental requests must be submitted to the budget officer before April 30. A recommended budget must be given to the governing body no later than June 1, and the governing body must enact the budget ordinance at the start of the fiscal year, July 1.

The following is a copy of the City of Hendersonville's proposed Budget Calendar for FY22-23:

City of Hendersonville Budget Calendar Fiscal Year 2022-2023		
Budget Procedure	Legally Required Date	Projected Date
Distribute CIP Requests		10/11/2021
Department Head Retreat		12/03/2021
CIP Requests Due		12/06/2021
CIP Meetings w/ Department Heads		December & January
Distribute Budget Request Forms		01/03/2022
Budget Request Forms Due	04/30/2022	02/07/2022
Preliminary Rev./Exp. Estimates		02/14/2022 - 02/18/2022
Council Workshop Meeting		02/23/2022
Special Appropriations Due		02/25/2022
Prelim. Budget Review - Admin.		03/07/2022 - 03/11/2022
Council-Staff Retreat		03/11/2022
Meetings w/ Dept. Heads		03/14/2022 - 03/25/2022
Council Workshop Meeting		03/23/2022
Revised Rev./Exp. Estimates		03/28/2022
Budget Review & Adjustments		April
Budget Memos		April
Budget Workshop		05/06/2022
Public Notice of Budget Hearing	By 06/01/2022	05/16/2022
Budget to City Council and Clerk	By 06/01/2022	06/02/2022
Public Budget Hearing & Adoption	By 07/01/2022	06/02/2022
Fee Schedule, Pay Scale, Special Budgets, and CIP included in Budget Ordinance		
See the Local Government Budget and Fiscal Control Act for information on budget formulation and adoption		

Upon submission of the annual budget document, the governing body must schedule a public hearing, detailing that a budget has been submitted and that copies are available for public inspection [G.S. 159-12(b)]. The notice will provide the time, date, and place of the budget hearing. The City of Hendersonville strives to provide ample time between notice and the hearing date in order to provide the public an opportunity to attend the hearing. These strong public participation practices will improve the City's responsiveness and accountability. Stakeholder input throughout the planning and budgeting process is highly recommended by the National Advisory Council on State and Local Budgeting Recommended Budget Practices.

Several legal provisions apply to the governing body review and adoption of the Budget Ordinance. First, ten (10) days must elapse between submission of the budget and adoption of the Budget Ordinance [G.S. 159-13(a)]. The governing body may conduct its budget review in both special and regular meetings. Open meetings laws (see G.S. 143-318.12) apply to the aforementioned situations, each board member must be notified of said meetings, and only budget matters may be discussed during the meetings (G.S. 159-17). There is no provision allowing for closed sessions for the local budget process.

Another process in budget preparation and enactment is amending the budget. A policy statement detailing the procedures required in amending the budget is found in the *Budget Ordinance* section of this document. A budget may need to be amended because revenue forecasts are developed months in advance of the fiscal year, these revenue collections may deviate, and expenditures and emergencies may arise requiring extra funding. A policy should specify the exact circumstances under which the legislative body may amend the budget. Most budget amendments follow the same deliberative process: the Budget Officer first proposes a package of amendments, and the full Council then considers and acts upon the proposal.

Finally, the budget is enacted upon official adoption of the Budget Ordinance, not later than July 1st. If the budget is not adopted, then G.S. 159-16 requires that an interim budget be adopted. The purpose of an interim budget is to ensure normal operations continue without any changes in program funding. Upon adoption of the Budget Ordinance, G.S. 159-13(d) requires the budget be entered into governing body's minutes within five days of adoption.

Reading the Budget Document

The budget document contains an abundance of diverse and valuable information. The hefty amount of numbers and information can make navigating and deciphering the document a difficult task for any reader. This section is meant to assist the reader in understanding the data presented and other supplemental information.

Sections of the budget are identified in the top left and right corner of each page. These headings identify the fiscal year, subject, fund, department, or division being discussed and assist the reader in locating the information for which they are looking. Within each section, bold and underlined headings identify major topics related to that section. Under these headings, the reader may find written information as well as information presented in table or chart form. The document highlights other important terms and categories by identifying them in **bold** or *italic*.

Interpreting Tables & Charts

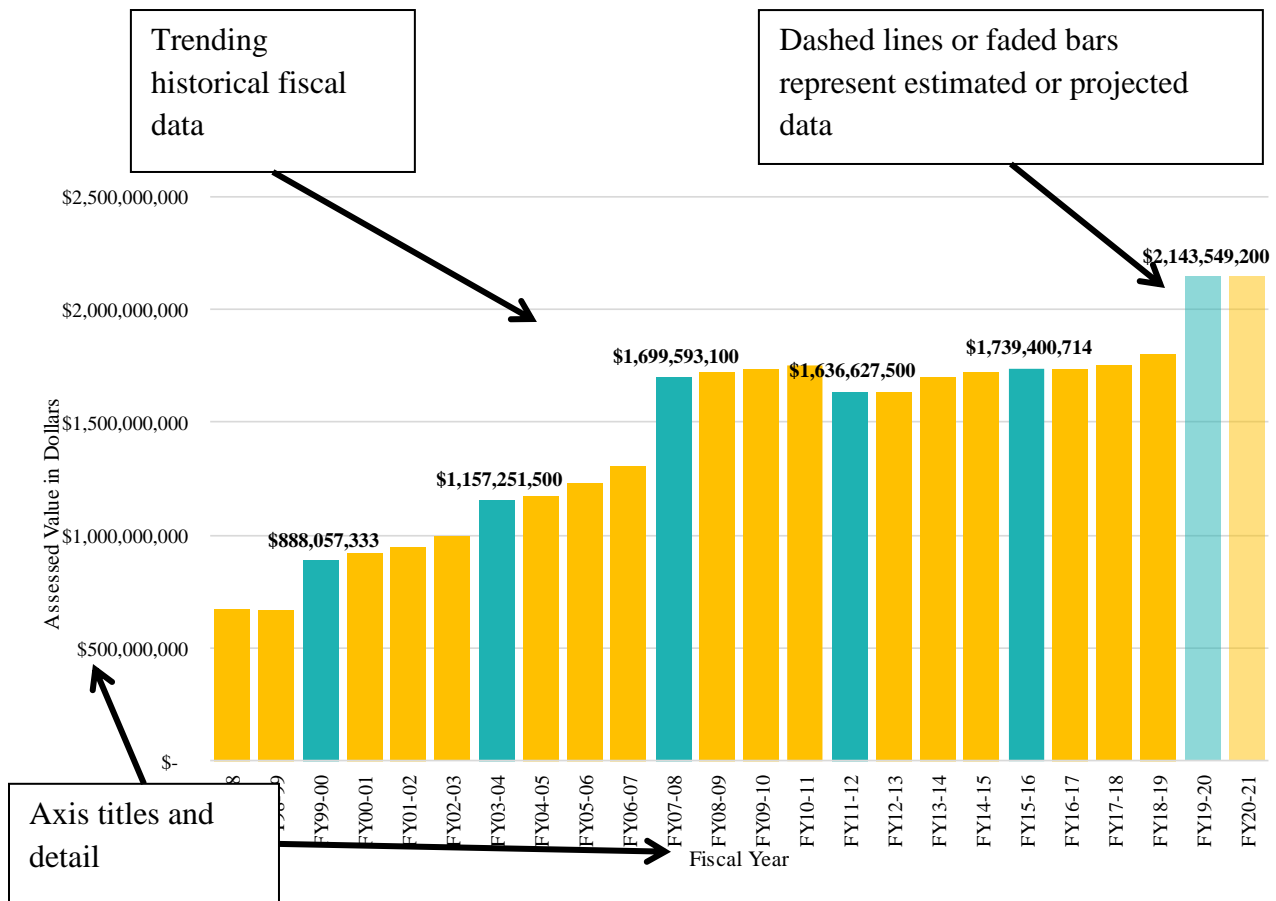
The budget document uses tables and charts to provide visual representations of data. The tables and charts allow readers to easily compare funds and departments as well as observe historical trends. Most sections contain tables and charts like the examples depicted in this section. The diagrams identify the major characteristics of each table and chart and explain what information the reader can find.

The following are examples of summary tables which a reader may encounter in reading this budget document (all data is fictional):

	<div>Prior year actual budget data from audit reports</div>	<div>Current year budget, including amendments</div>	<div>Adopted budget for the upcoming year</div>	
	FY20-21 ACTUAL	FY21-22 REVISED	FY22-23 BUDGET	DOLLAR CHANGE
EXPENDITURES				
Personnel/Benefits	9,920,258	12,705,417	13,379,589	674,172
Operating	4,764,166	5,685,692	5,745,246	59,554
Capital	712,046	1,300,237	1,613,700	313,463
Debt Service	1,319,851	1,557,566	2,313,568	756,002
TOTAL	16,716,321	21,248,912	23,052,103	1,803,191

	<div>Includes salaries, FICA costs, insurance, 401k, & retirement costs</div>	<div>Includes all items not associated with personnel, benefits, or capital such as utilities, dues, phone, supplies, etc.</div>		
	FY20-21 ACTUAL	FY21-22 REVISED	FY22-23 BUDGET	DOLLAR CHANGE
EXPENDITURES				
Personnel/Benefits	9,920,258	12,705,417	13,379,589	674,172
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Capital	712,046	1,300,237	1,613,700	313,463
Debt Service	1,319,851	1,557,566	2,313,568	756,002
TOTAL	16,716,321	21,248,912	23,052,103	1,803,191
<div>Includes capital items such as land, vehicles, equipment, etc.</div>	<div>Includes annual debt service payments</div>			<div>Change between current year and adopted budgets</div>

The following is an example of a historical chart which a reader may encounter in reading this budget document (all data is fictional):



Performance Budgeting

Performance measurement is the creation of criteria for reporting the quality or quantity of performance by a specific individual or organization. In response to heightened public scrutiny and pressure for increased service quality, the public sector has seen an equal increase in performance measurement initiatives. A good set of performance measures will reveal how efficiently a given service was rendered, at what level of quality it was delivered, and what effect it is having on the recipients of the service and the community. The following is a list of some of the advantages of engaging in performance measurement:

- ✓ Accountability/communication
- ✓ Support of planning/budgeting efforts
- ✓ Catalyst for improved operations
- ✓ Program evaluation
- ✓ Reallocation of resources
- ✓ Directing operations
- ✓ Contract monitoring
- ✓ Benchmarking

The City of Hendersonville is aware that without considerable thought and planning a performance measurement initiative can produce externalities, or unwanted/anticipated results. For example, say the City adopts a *tons of asphalt used per employee* performance measure. If not monitored and communicated effectively, then the City may experience employees digging cutouts wider and deeper than necessary (i.e., using more asphalt) to “improve” performance ratings. The overall implication of any performance measurement is that managers and supervisors can select the appropriate measure by narrowly defining the function they want to know more about and effectively communicating the purpose to which they want to put that information.

Current Dollars, Constant Dollars, and Inflation Comparisons

Comparing the amount of revenues received or expenditures spent by a local government one year to the amount received or spent in another year can be misleading. Although the more recent number may be large, it might represent resources with less buying or spending power than the smaller figure from an earlier year. This is the result of market inflation. So, steadily increasing expenditures may be more attributable to inflation rather than loss of efficiency or service expansion. Meaningful comparisons can be made possible by controlling for inflation and converting current dollars to constant dollars. Comparisons can also be seen by converting revenue and expenditure numbers to an index.

The saying “a dollar doesn’t go as far as it used to,” is exactly right. Consider the case of current dollars and constant dollars. First, current dollars are those dollars that are represented in financial statements. They are real and represent the actual spending that year. Constant dollars are a conversion of the current dollars, controlling for the effects of inflation. So, a current dollar is \$1.00; however, a constant dollar may be worth \$0.85. This conversion is done using a price index. There are two good indexes that provide representative effects of inflation. They are the Consumer Price Index (CPI) and the Implicit Price Deflator (IPD); this document utilizes the CPI. It is important to remember that these gauges are not perfect but do provide more meaningful values for comparisons.

CITY COUNCIL:
BARBARA G. VOLK
Mayor
LYNDSEY SIMPSON
Mayor Pro Tem
DR. JENNIFER HENSLEY
DEBBIE O'NEAL-ROUNDTREE
JERRY A. SMITH JR., J.D.

CITY OF HENDERSONVILLE

The City of Four Seasons



Section 7, Item A.

City Manager
ANGELA S. BEEKER
City Attorney
ANGELA L. REECE
City Clerk

May 18th, 2022

The Honorable Barbara G. Volk, Mayor
Members of the City Council
Hendersonville, North Carolina

Dear Mayor Volk and Members of the City Council,

Pursuant to section 159-11 of the North Carolina General Statutes, I am pleased to present the recommended budget for Fiscal Year 2022-2023 (FY23) for your review and consideration.

The FY23 budget is based upon information presented and discussed during our City Council and Staff Retreat on March 11th, 2022. Additionally, City Council reviewed the City Manager's recommended budget for FY23 at the April 29th, 2022 Budget Workshop. These meetings provided an avenue for priority setting, fact finding, and general inquiries regarding the City's FY23 Budget.

The City maintains six goals, provided below.

Economic Vitality. Hendersonville is a welcoming place for all businesses and promotes growth-encouraging policies.

Strong Partnerships. Hendersonville develops strong partnerships with residents, government agencies, non-profits, and visitors to ensure effective two-way communication.

Sound Infrastructure. Hendersonville constructs and maintains efficient and accessible roads, sidewalks, and greenway trails – extending connectivity. Hendersonville provides high quality water and wastewater services and protects natural resources – ensuring capacity for sustainable growth.

Numerous Amenities. Hendersonville advances the beauty, diversity, and well-being of western North Carolina by supporting the community's ability to provide educational, recreational, and cultural activities, events, and programs for all residents and visitors.

Great Public Services. Hendersonville provides high quality customer service – enhancing the health, safety, and quality of life for citizens and visitors.

Financial Sustainability. Hendersonville supports fiscal policies and controls that ensure the long-term financial health and responsiveness of the City to unforeseen challenges and opportunities. Hendersonville promotes the responsible management of public resources to ensure efficient and effective delivery of quality services.

At a February 26th, 2021 workshop, City Council Members brainstormed a set of values that will guide decision-making as they strive to achieve their six goals. The values below, represent the City's approach to achieving established goals.

The City of Hendersonville believes municipal government should be non-partisan.

- Political affiliations are not productive to solving problems of local communities.
- City leaders and staff must lead by example and meet regularly with people who have different points of view.
- City leaders and staff must maintain an awareness of local, state, and national political trends but must lead the City in a manner that serves all community members.

The City of Hendersonville values open, transparent communication and trust with the community and each other.

- The City will openly communicate with the public and each other to ensure information about services, policies and programs are available to all.
- The City will build trust through ethical and transparent leadership.
- The City will share information and solicit feedback prior to the implementation of new programs and policies.
- The City will be open to concerns and comments from all stakeholders and will ensure the community can easily speak to leaders without fear of retribution/embarrassment.

The City of Hendersonville believes community members expect services to be delivered at a high level.

- The City will deliver services at a high level to make people feel their taxes and fees are being used effectively and to encourage others to live in our community.
- The City will deliver services in a manner that ensures the safety of the community.
- The City will deliver services in a manner that limits the disruption of our community members' daily lives to the greatest extent possible.

The City of Hendersonville values all community members through promoting diversity, equity, and inclusion.

- The City must evaluate all laws, policies, and rules to ensure that they can be implemented and enforced in a fair and equitable manner.
- The City must evaluate all current and future programs, projects, or initiatives to ensure they build a culture where differences are valued.
- The City must ensure that leaders and staff consistently work to build trust and positive relationships throughout our entire community.

The City of Hendersonville believes environmental sustainability is critical to preserving the community for future generations.

- The City will evaluate the environmental sustainability of all projects and programs while maintaining a solid relationship with residential and business development.
- The City believes that it is our responsibility to protect all our natural resources and the environment through the implementation of sustainable and responsible projects.
- The City must lead by example by evaluating all city operations to ensure they protect or repair the natural environment and are environmentally sustainable.

The City of Hendersonville values its employees and must support them to ensure the provision of high-quality services to its residents.

- The City must provide growth opportunities to employees and educational tools to allow them to grow in their roles and responsibilities.
- The City must respect and pay employees fairly and competitively.
- The City must support employees by providing a safe and hazard free workplace.

The City of Hendersonville believes that it must pursue and provide opportunity for responsible growth.

- The City will establish and maintain policies and programs that encourage economic opportunity and help grow small business and entrepreneurship.
- The City will work with our community to provide educational opportunities about growth and its impact on economic vitality and quality of life.
- The City will encourage responsible growth that provides opportunities for success to all segments of our community.
- The City will make efforts to generate affordable housing options and reduce the impacts of the high cost of living within our community.

The City of Hendersonville values the lives of all community members and must protect them through collective action.

- Our goal is to make the lives of all residents better through collective action.
- The City recognizes the sanctity of each person's life.
- The City must be open to change priorities and policies as circumstances change in the world around us.

Following a values discussion, City Council deliberated “Big Ideas” for the City of Hendersonville. Council Members devised a plan for the City’s future growth and strategized on working through competing interests and decision-making points. The priority areas noted below summarize the conversation among City Council members. Areas of elevated interest are noted with a star (★).

Narrowing King Street. ★

- Enhanced connectivity to downtown and the east side.
- Opportunity for parkway overlook and investment partnership with NCDOT.

Improve US-64.

- Removal of litter, brush, and other obstructions.
- Enhanced community gateway.
- Opportunity for partnerships with local organizations.

Encourage Re-Investment of Blue Ridge Mall.

- Opportunity creation for commercial development and high-density housing.

Affordable Housing and Unhoused Population.

- Expand available addiction and mental health-related resources.
- Shift narrative to focuses on causes and assisting people.
- Seek affordable housing development opportunities.
- Research and mirror successful programs.
- Create a “Restart Committee” to build partnerships, find solutions, and focus on big picture items.
- Work with the Department of Social Services to identify City roles and responsibilities.

City Council Member Safety. ★

- Research underway to identify best practices and develop guidance on free speech v. threats.
- Meeting security is being updated and improved.

Mud Creek Water Quality.

- The City of Hendersonville should lead by example on water quality.
- Partnerships with external organizations should continue to alleviate environmental concerns.
- Identification of issues and roles in management of water upstream from the City.

2021 Special Events.

- Safely operate and adapt to “new normal” resulting from the pandemic.
- Seek Downtown Advisory Board input on Rhythm and Brews restart in June or July.
- Art Walk scheduled for May with online streaming options.
- Farmers Market and Holiday Event planning should continue with precautions.

Employee Pay and Benefits. ★

- Retain employees and provide a salary level needed to support family.

First Responder Mental Health.

- Add staff or create a partnership to assist with mental health needs of first responders.
- Build community trust and identify practices used to relieve burden on first responder staff.
- Continue making mental health staff available for all City staff.

Sustainability – Non-Compostable Items.

- Recycling and reduction of litter is important to sustainability efforts.
- The City should identify methods and best-practices for sustainability promotion.

Non-Profit Partnerships for Credit Counseling.

- A financially educated population contributes to a vibrant local economy.
- Resources should be made available to high-school students to get education.

City Elections Schedule.

- Pursue discussions on switching municipal elections to even years to increase participation.
- More voices could be heard if elections are switched from odd years to even years.
- Understand how COVID has impacted local government voting practices.
- Research the challenges and opportunities of precinct-aligned elections.

Broadband. ★

- The City will continue to actively advocate for a change in North Carolina law that prevents municipal government from expanding broadband or identify alternative ways to improve broadband service.
- Broadband improvements will attract remote workers to relocate to Hendersonville.
- The City should assemble a broadband advocacy committee including community stakeholders.
- The Business Advisory Committee should provide input and advocate for broadband infrastructure.

Park Development. ★

- The City will establish a Parks Department to manage programs, land, and advocate.
- Downtown Park opportunity in existing Dogwood Parking Lot.
- Create plans for Berkeley Park, Edwards Park, the Ecusta Trail, Aquatics Center, and others.
- Program to offer free swim lessons to the community to reduce risks, recognizing the minority community – everyone should have access to swim lessons.
- Research and advocate a bond referendum for future park projects.

We continue to enhance our programs and services in the FY23 budget. We plan to review our accomplishments and conduct a goal-setting exercise again in FY24. Staff will use the goals, values, and big-picture ideas identified by City Council as direction moving forward.

The following budget message contains an overview of all budgeted funds for FY23.

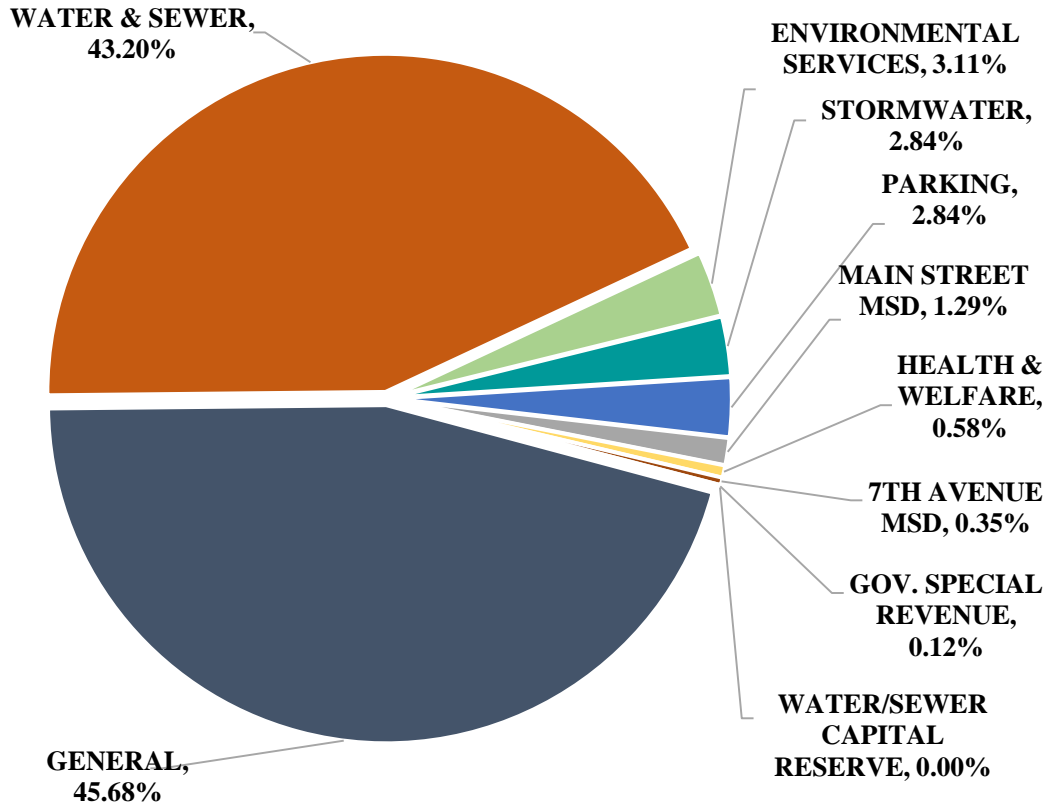
Introduction

The following document contains the City Manager's FY23 Recommended Budget. This budget includes ten (10) governmental and proprietary funds.

The table below presents the budget for each City fund and the total budget in balance.

FUND	EXPENDITURES	REVENUES	FUND BALANCE APPROP.
GENERAL	\$ 23,965,983	\$ 22,299,393	\$ 1,666,590
WATER/SEWER	22,664,786	22,100,250	564,536
ENVIRONMENTAL SERVICES	1,631,401	1,523,100	108,301
STORMWATER	1,490,476	1,298,290	192,186
PARKING	1,488,666	806,063	682,603
MAIN STREET MSD	675,218	559,285	115,933
HEALTH & WELFARE	304,025	304,025	-
7TH AVENUE MSD	183,919	99,638	84,281
GOV. SPECIAL REVENUE	65,500	16,000	49,500
WATER/SEWER CAPITAL RESERVE	-	-	-
SUB-TOTAL	\$ 52,469,974	\$ 49,006,044	\$ 3,463,930
TOTAL IN BALANCE		\$ 52,469,974	

The chart below presents each fund as a percent of total expenditures.



General Fund

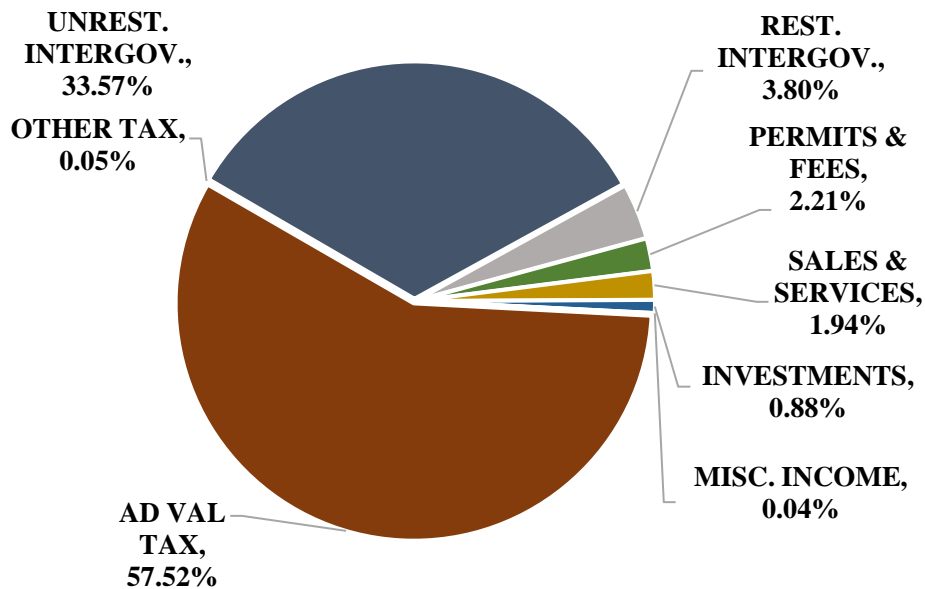
The General Fund is the primary fund in terms of the operating budget. It is “general” because any transaction that cannot be accounted for in another fund must be recorded in the General Fund. The FY23 recommended General Fund budget totals **\$23,965,983**, or **45.68%** of the City’s FY23 total **\$52,469,974** appropriation.

General Fund – Revenues

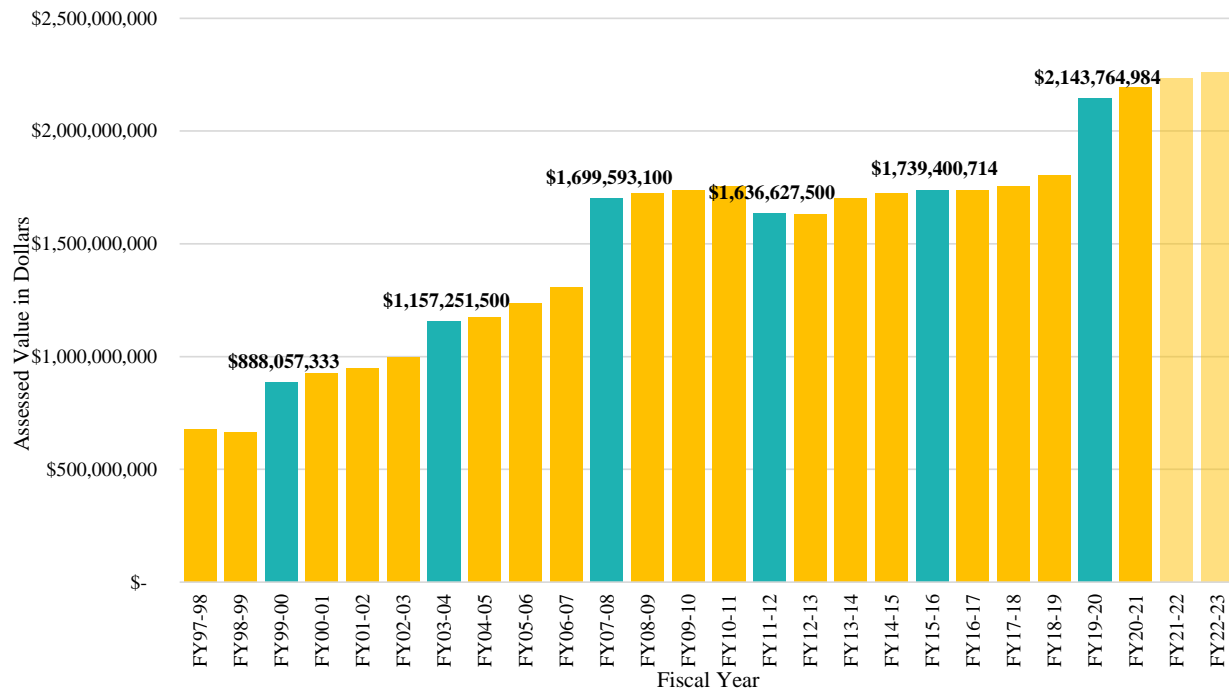
The following section will detail the City’s operating revenues for the General Fund. The total FY23 recommended budget for General Fund revenues, excluding “Other Financing Sources”, is **\$19,940,693**. The table below details the City’s General Fund operating revenues by source.

	FY21-22 REVISED	FY21-22 ESTIMATE	FY22-23 BUDGET	FY22-23 ESTIMATE
REVENUES				
Ad Valorem Taxes	(11,379,753)	(11,553,992)	(11,469,868)	(11,817,011)
Other Taxes & Licenses	(8,603)	(9,787)	(9,000)	(9,272)
Unrestricted Intergov.	(6,352,106)	(6,045,870)	(6,694,346)	(6,896,954)
Restricted Intergov.	(792,780)	(542,034)	(757,779)	(780,714)
Permits & Fees	(473,350)	(456,723)	(440,600)	(453,935)
Sales & Services	(114,852)	(284,376)	(386,100)	(397,786)
Investment Earnings	(100,000)	(100,000)	(175,000)	(175,000)
Miscellaneous	(24,217)	(29,875)	(8,000)	(8,242)
TOTAL REVENUES	(19,245,661)	(19,022,657)	(19,940,693)	(20,538,914)

The chart below presents each source as a percent of the total budgeted revenues for FY23.



Ad Valorem Tax. Ad valorem taxes encompass the largest portion of the General Fund revenues. These are the most controllable revenues in the City's budget. The recommended tax rate is **\$0.52 per \$100 valuation**, no change over the current year. The **\$0.52** rate is budgeted to generate **\$10,688,868** in ad valorem tax revenue and **\$775,000** in ad valorem motor vehicle tax revenue for the current year. The remaining FY23 budgeted **\$26,000** ad valorem tax revenue to be collected comes from prior year ad valorem taxes (**\$25,000**) and tax interest (**\$1,000**). The chart below presents the total assessed value for all property in the City, less tax-exempt property:



The green columns represent years where a county-wide revaluation of real property took place. Transparent, yellow, columns represent estimates for FY22 and FY23.

Property taxes total **\$11.5M** for the FY23 recommended budget. They are estimated to total **\$11.5M** in the current year (FY22). The FY23 budget includes an **\$90k (0.8%)** increase over the current year revised budget. In FY22, the City increased the ad valorem tax rate by **\$0.03 per \$100 valuation** to support an expansive list of critical capital projects and the need to improve salaries and benefits to retain and attract dedicated, fulfilled employees. We have estimated a **98.0%** rate for tax collections through a partnership with Henderson County. Property tax continues to be the most stable revenue source for local government in North Carolina and pending any major externalities should remain relatively stable until the next county-wide revaluation in FY24.

Unrestricted Intergovernmental – Sales Taxes. Two and one-half percent (2.5%) of sales tax paid on retail sales in North Carolina represents the local sales tax portion levied by the City and County. These taxes consist of a one percent (1.0%) tax that was first levied in 1971, a one-half cent (\$0.50) levied in 1983, a one-half cent (\$0.50) levied in 1986 and a one-half cent (\$0.50) levied in 2001. The State of North Carolina collects the sales tax and distributes it to the local

units. Sales tax revenues are distributed on a proportional ad valorem tax levy basis in Henderson County. The City of Hendersonville has the second largest tax levy in Henderson County and receives the second largest proportional share of sales tax revenues behind Henderson County.

Local option sales taxes are an elastic revenue source, totaling approximately **\$5.0M** in the FY23 budget. This budget amount represents an approximate **\$325k** increase over our current year estimated total collection. A few indicators are driving the recommended sales tax increase in FY23:

- As individual federal stimulus (4 packages, tax credits, unemployment benefits) subsidies we are seeing an uptick in job growth. The States' **unemployment rate was 3.9%** in Jan. 2022.
- **Real personal income grew by 2.9%** in Q1 of 2022 in North Carolina. Hourly earnings also grew by **\$2.48 per hour** on average since Jan. 2021.
- Retail taxable sales grew by **\$2.3 billion or 14.6%** as of Jan. 2022.
- **Inflation (up 7.9%)** is impacting basic affordability. Adults reporting difficulties in covering normal household expenses is up **15.0%** in March 2022.
- The Fed raised interest rates from 0.25% to 0.50% and plans for further hikes in 2022.
- North Carolina **housing starts were up 34.2%**, with building permits hitting a 5-year high at **8,504** in March 2022.

The table below displays actual sales tax data from FY21, estimates for FY22, and budget for FY23.

Sales Tax Comparison											
Sales	Month	Collection Month	FY20-21 Actual	FY21-22 Actual	\$ Change (FY21-FY22)	% Change (FY21-FY22)	FY21-22 Budget	\$ Change (Act.-Budget)	% Change (Act.-Budget)	FY22-23 Budget	\$ Change (FY22-FY23)
	July	Oct.	375,802	428,156	52,353	13.9%	394,593	33,563	8.5%	446,849	52,257
	Aug.	Nov.	335,050	385,629	50,579	15.1%	351,802	33,827	9.6%	402,466	50,663
	Sep.	Dec.	367,103	412,477	45,374	12.4%	385,458	27,019	7.0%	430,486	45,028
		Q1	1,077,955	1,226,261	148,306	13.8%	1,131,853	94,409	8.3%	1,279,800	147,948
	Oct.	Jan.	369,740	422,057	52,317	14.1%	388,227	33,830	8.7%	440,484	52,257
	Nov.	Feb.	382,039	447,543	65,504	17.1%	401,141	46,402	11.6%	467,083	65,942
	Dec.	March	418,197	481,611	63,414	15.2%	439,107	42,504	9.7%	502,639	63,532
		Q2	1,169,976	1,351,212	181,235	15.5%	1,228,475	122,737	10.0%	1,410,206	181,731
	Jan.	April	346,531	353,927	7,396	2.1%	363,857	(9,930)	-2.7%	369,380	5,522
	Feb.	May	306,440	337,084	30,644	10.0%	321,291	15,794	4.9%	351,802	30,511
	March	June	436,382	458,202	21,819	5.0%	344,655	113,547	32.9%	478,207	133,552
		Q3	1,089,354	1,149,213	59,859	5.5%	1,029,802	119,411	11.6%	1,199,388	169,586
	April	July	400,172	432,186	32,014	8.0%	324,936	107,249	33.0%	451,055	126,119
	May	August	415,680	457,248	41,568	10.0%	386,314	70,934	18.4%	477,212	90,898
	June	Sep.	444,702	489,172	44,470	10.0%	457,940	31,232	6.8%	510,530	52,590
		Q4	1,260,554	1,378,606	118,052	9.4%	1,169,191	209,416	17.9%	1,438,797	269,606
Total			\$4,597,839	\$5,105,292	\$ 507,453	11.0%	\$4,559,320	\$ 545,971	12.0%	\$5,328,191	\$ 768,871
Minus Transfers to MSD Funds			275,870	306,318	30,447	11.0%	273,559	32,758.29	12.0%	319,691	46,132.26
Sub-Total General Fund			4,321,969	4,798,974	477,006	11.0%	4,285,761	513,213.19	12.0%	5,008,500	722,738.77
Sub-Total Main St. MSD			229,892	255,265	25,373	11.0%	227,966	27,298.57	12.0%	266,410	38,443.55
Sub-Total 7th Ave. MSD			45,978	51,053	5,075	11.0%	45,593	5,459.71	12.0%	53,282	7,688.71

It is important to note that the City's collections lag the actual taxable sale by four months. The "Minus Transfers to MSD Funds" row reflects a portion of sales tax revenue that is distributed to the City's two municipal service districts (MSDs), based on the percentage of assessed value. The Main St. MSD receives **5.0%** of the actual revenues and the 7th Avenue MSD receives **1.0%** of the actual revenues. This continues to be a strong revenue source for the two MSDs.

Restricted Intergovernmental – Powell Bill Street Allocation. In 2015, the General Assembly eliminated the tie between the gas tax and Powell Bill funds and instead made the Powell Bill a direct appropriation of state dollars (Session Law 2015-241, Section 29.17D[a]). The General Assembly could choose to adjust the amount of Powell Bill funds during its budget process. We anticipate a total **\$467,859** allocation from the State, based on current year actuals. In addition to Powell Bill funds provided by the State, the City has, historically, contributed approximately **\$200,000** of motor vehicle tag fee revenue to the program. In FY23, the City will contribute **\$220,000** of motor vehicle tag fee revenue. The total recommended appropriation for the Powell Bill in FY23 is **\$687,859**. Restricted intergovernmental revenue also includes various other contributions. Some of these funds are for ABC law enforcement, Hendersonville Housing Authority police officers, and school resource officer reimbursements.

Sales & Services. Sales and services revenues in the General Fund are budgeted to decrease by **\$189,950** to **\$86,100**. This change reflects the movement of budgeted parking revenues out of the General Fund in the current year to a newly created Parking Fund, which will collect parking revenues and appropriate funds towards parking-specific activities.

Other Financing Sources – Fund Balance. The North Carolina Local Government Commission (LGC) recommends local governments maintain a minimum available fund balance of no less than eight percent (**8.0%**) of expenditures. The LGC has also provided guidance to local governments on maintaining an adequate fund balance availability. Recommendations from the LGC were previously based on a local government's population group; however, a revision now groups units based on General Fund expenditure levels. The City's new, FY23, policy establishes an available fund balance target of **25.00%**. This policy directive is in adherence with the LGC's recommendations for Cities and Counties with General Fund Expenditures greater than or equal to **\$10.0M**.

According to LGC's calculation methods, the City's available fund balance as of June 30th, 2021 is **\$3,460,866**, or **16.85%** of total General Fund expenditures. The total fund balance is **\$9,636,447** as of June 30th, 2021. We estimate the current year total fund balance will increase by **\$319,231**, based on historical revenue and expenditure trend averages, at the end of the fiscal year. In FY23, we estimate total fund balance will decrease by **\$12,241** to a total of **\$9,943,437**. This is a strong fund balance and is within City Council's stated goal. The table below summarizes other financing sources and uses, as well as fund balance estimates.

American Rescue Plan. The American Rescue Plan (ARP), issued in March 2021, will provide the City of Hendersonville approximately **\$4.5M** of funding to be obligated by December 2024 and spent no later than December 2026. There are several categories eligible for ARP appropriation according to Federal and State guidance. The City plans to use approximately **\$2.5M** of ARP funds to offset revenue loss in accordance with Federal and State guidance. Included in the FY23 budget is one-half (**\$1.25M**) of a General Fund transfer in. An additional **\$1.25M** transfer in to the General Fund is anticipated in FY24. The remaining **\$2.0M** of ARP funding will be used directly for transformative community projects addressing economic externalities, health impacts, and infrastructure projects which were delayed or otherwise affected by the COVID-19 pandemic.

	FY21-22 REVISED	FY21-22 ESTIMATE	FY22-23 BUDGET	FY22-23 ESTIMATE
OTHER FINANCING (SOURCES)/USES				
Insurance Proceeds	(53,164)	-	-	-
Debt Proceeds	(798,000)	(798,000)	(1,088,700)	(1,088,700)
Capital Lease	-	-	-	-
Sale of Capital Assets	(45,000)	(10,000)	(20,000)	(35,000)
Transfers (In)	-	-	(1,250,000)	(1,250,000)
Transfers Out	1,237,953	-	829,800	829,800
TOTAL OTHER FINANCING (SOURCES)/USES	341,789	(808,000)	(1,528,900)	(1,543,900)
Fund Balance Appropriated	3,085,535	(319,231)	1,666,590	12,241
NET CHANGE IN FUND BALANCE	3,085,535	(319,231)	1,666,590	12,241
FUND BALANCE, BEGINNING OF YEAR	9,636,447	9,636,447	9,955,678	9,955,678
FUND BALANCE, END OF YEAR	6,550,912	9,955,678	8,289,088	9,943,437

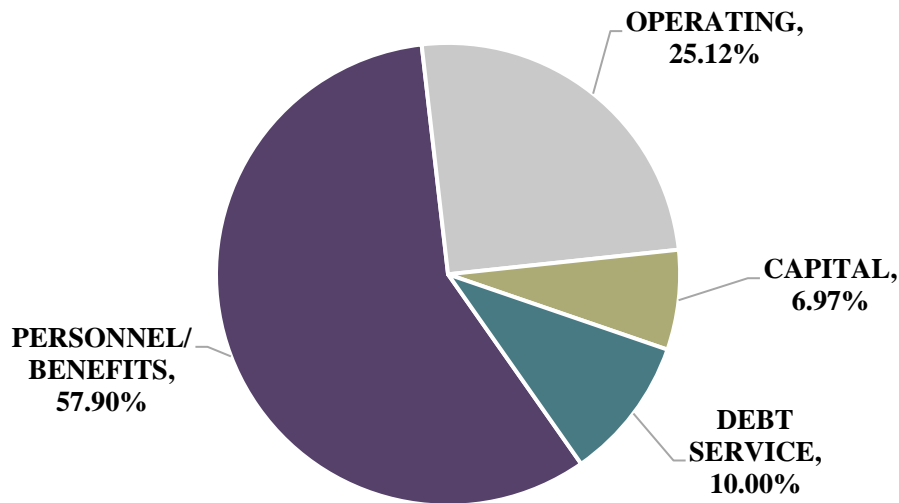
General Fund – Expenditures

The following section will detail the City's operating expenditures for the General Fund. The total budget for General Fund expenditures is **\$23,136,183**.

The table below details the City's General Fund expenditures by type for FY23.

	FY21-22 REVISED	FY21-22 ESTIMATE	FY22-23 BUDGET	FY22-23 ESTIMATE
EXPENDITURES				
Personnel/Benefits	13,241,962	11,665,948	13,396,669	12,726,837
Operating	5,784,765	5,097,737	5,812,246	5,521,634
Capital	1,405,114	1,190,175	1,613,700	1,533,015
Debt Service	1,557,566	1,557,566	2,313,568	2,313,568
TOTAL EXPENDITURES	21,989,407	19,511,426	23,136,183	22,095,055

The chart below shows each expenditure type as a percent of FY23 total budgeted expenditures.



Personnel and benefits type expenditures make up the largest portion of General Fund expenditures, at approximately **57.90%** of the total budget. Operating expenditures make up another large portion at **25.12%** of the total budget. The remainder of the General Fund budget is spent on capital outlay (**6.97%**) and debt service (**10.00%**).

Personnel/Benefits. Personnel and benefits type expenditures include salaries, stipends, insurance, retirement contributions, and respective taxes (i.e. income tax, etc.). The total increase, for this expenditure type, between the FY22 adopted and FY23 adopted budgets is **\$1.0M (8.6%)**. Notable personnel/benefits items are listed below.

- No Additional COLA based on the move to 75th Pay/Class Position.
- Merit Pay – 1.00% (achieves), 2.00% (exceeds), or 3.00% (outstanding).
- No mid-year incentive payment, approximately **\$130k**.
- Retirement benefit contributions increased to 13.24% for sworn police officers and 12.14% for all other employees.
- A **12.00% decrease** in health insurance costs, approximately **\$126k**.
- SAFER #2 Firefighters Grant will conclude in March 2023 – the City will be responsible for 100.00% of pay for 12 firefighters, up from the current 65.00% grant match.
- Addition of recommended positions, including: 1 Police Sgt., 1 Animal Enforcement (civilian position), 1 Deputy Fire Chief (Administration), 1 IT Director, 1 Communications Coordinator, 0.5 Budget Analyst, 1 Sustainability Manager, and 3 Street Maintenance Workers, approximately **\$633k**.

The combination of decreases in mid-year incentive payments and health insurance premiums has helped lessen the impact of the 75th percentile move in the pay/class and added positions. Additionally, the SAFER grant costs do not appear in the personnel expenditure type category. They are budgeted as a transfer to the grant fund which is in the operating expenditure type category. This transfer increased by approximately **\$125k**.

During the budget development process, **\$1.13M** was adjusted out of the General Fund personnel request. A total of **twenty-one (21)** positions were requested with a budgetary impact totaling **\$1.78M**. **Nine and one half full-time equivalent positions (9.5 FTE)** are recommended for funding in the FY23 budget.

Operating & Capital. The FY23 operating budget is recommended at **\$422,931**, or **7.8%** above the FY22 adopted budget. Noteworthy operating changes include a **\$155k** increase to special appropriations to non-profits, increases to repairs and fuel (**\$170k**) due to market factors, increases for board expenses (**\$45k**), and increases to liability and property insurance (**\$40k**).

The General Fund's capital outlay budget is recommended to increase by **\$355,450 (28.2%)** in FY23, compared to the FY22 adopted budget. The recommended capital budget includes critical equipment needed to sustain operations and provide high-level service across various departments. Items in the budget for FY23 include, but are not limited to:

- **\$1.1M** for 7 Police Department vehicles, 3 Fire Department vehicles, 1 Public Works bucket truck, 1 Public Works backhoe, and 1 Public Works pothole patcher.
- Other capital/pay-go items, including: police body-worn camera and cloud-based video storage, replacement of multi-gas monitors for fire personnel, improvements to Patton Park (bridge and tennis court improvements), and gateway signage installation are budgeted at approximately **\$500k**.

Debt Service. The total debt service budget for FY23 totals, \$2.31 million. This is a **\$756k (48.5%)** increase over the FY22 adopted budget. The increase in debt service can be attributed to the following:

- USDA | Police Department Loan | \$522,445
- ½ LOB | Fire Station, Fire Tower, Fire Engine, Edwards Park, and City Hall | \$305,745
- ½ 160A | Small Vehicles and Large Equipment | \$122,246

In addition to the new debt service costs, approximately **\$950k**, the City had existing debt service costs decrease by **\$86k**. The debt listed above includes a United States Department of Agriculture (USDA) Community Facilities loan for the new Police Department, a half payment for a Limited Obligation Bond (LOB) for the upcoming slate of projects including the new Fire Station #1, and a half payment for a simple installment financing or 160a for the vehicles and equipment listed in the capital section of this memo.

An expanded list of capital projects with General Fund impacts is listed below.

Description	Amount	Timing (FY)	Funding Type	Term	Rate
Annual Vehicle Replacement FY23	582,700	2023	L.O.B.	4	3.500%
Annual Large Vehicle Replacement FY23	520,000	2023	L.O.B.	7	3.500%
City Hall/Ops Renovations	1,000,000	2023	L.O.B.	20	3.500%
Fire Engine 1 Replacement	800,000	2023	L.O.B.	15	3.500%
Fire Ladder 1 Replacement	1,500,000	2023	L.O.B.	15	3.500%
Fire Station 1 Construction	11,500,000	2023	L.O.B.	20	3.500%
Edwards Park Development	1,500,000	2023	L.O.B.	20	3.500%
Annual Vehicle Replacement FY24	507,208	2024	L.O.B.	4	4.000%
Dogwood Park Development	1,500,000	2025	L.O.B.	20	4.000%
Annual Vehicle Replacement FY25	511,560	2025	L.O.B.	4	4.000%
Annual Vehicle Replacement FY26	659,829	2026	L.O.B.	4	4.000%
Fire Station 3 Construction	5,000,000	2026	L.O.B.	20	4.000%
Annual Vehicle Replacement FY27	630,078	2027	L.O.B.	4	4.000%
Annual Vehicle Replacement FY28	646,504	2028	L.O.B.	4	4.500%
Annual Vehicle Replacement FY29	567,820	2029	L.O.B.	4	4.500%
Annual Vehicle Replacement FY30	654,971	2030	L.O.B.	4	4.500%

The City will continue to evaluate project timelines, budgets, and the market to determine the best financing option for each project to obtain the best long-term financial outcome.

Water & Sewer Fund

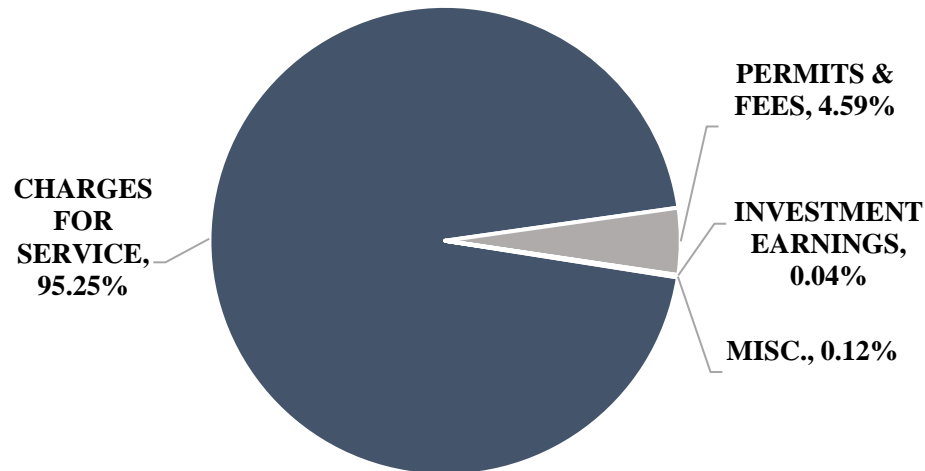
The Water and Sewer Fund is an enterprise fund and is primarily funded through user charges. The Fund is the second largest portion of the City of Hendersonville's operating budget, **\$22,664,786 (43.2%)** of the City's FY23 total **\$52,469,974** appropriation.

Water & Sewer Fund – Revenues

The following section will detail the City's operating revenues for the Water and Sewer Fund. The total operating revenue budget for this Fund, excluding "Other Financing Sources" is **\$22,100,250**. The table below shows the revenues for FY23.

	FY21-22 REVISED	FY21-22 ESTIMATE	FY22-23 BUDGET	FY22-23 ESTIMATE
REVENUES				
Sales & Services	(19,407,600)	(19,663,582)	(21,050,000)	(21,166,291)
Permits & Fees	(866,353)	(768,337)	(1,014,850)	(1,020,457)
Investment Earnings	(8,000)	(8,000)	(8,000)	(8,000)
Miscellaneous	(47,050)	(21,680)	(27,400)	(27,551)
TOTAL REVENUES	(20,329,003)	(20,461,600)	(22,100,250)	(22,222,299)

The chart below presents revenue sources as a percent of total budgeted revenues for FY23.

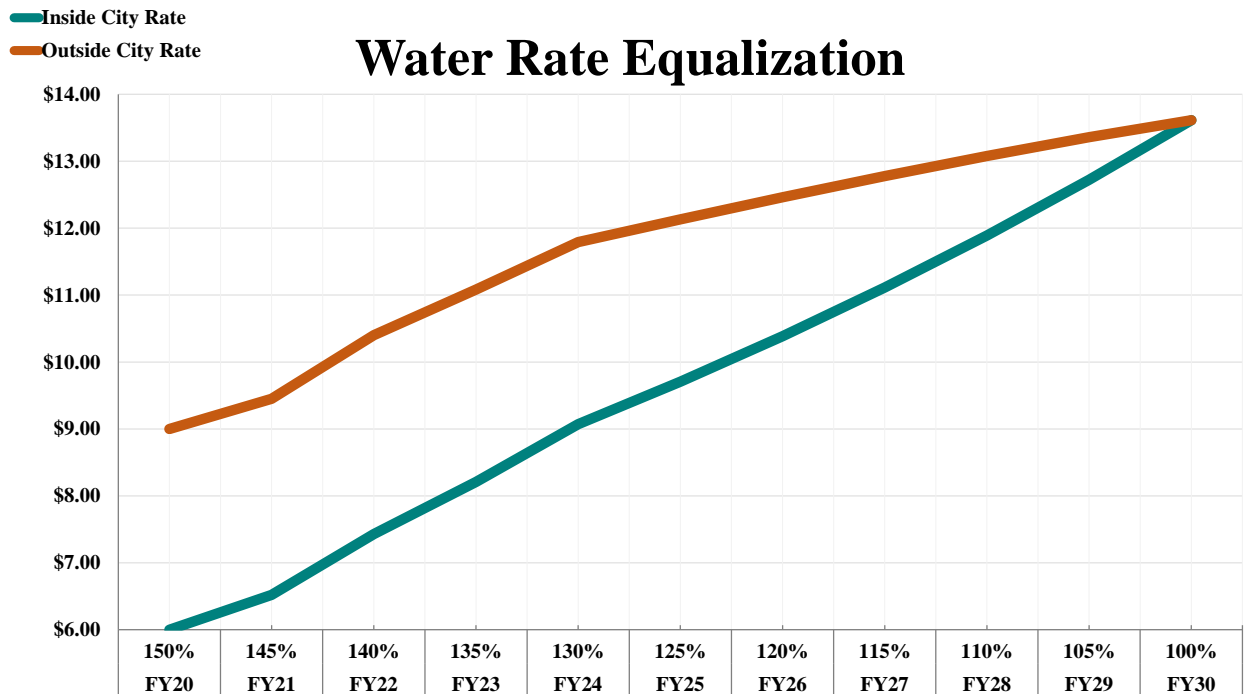


The Water and Sewer Fund's primary revenue source is water and sewer charges for service – fees assessed for the consumption/usage of service. Charges for service account for approximately **95.25%** of the total FY23 budget. Other revenues sources include but are not limited to, permits and fees (**4.59%**), investment earnings (**0.04%**), and miscellaneous sources (**0.12%**).

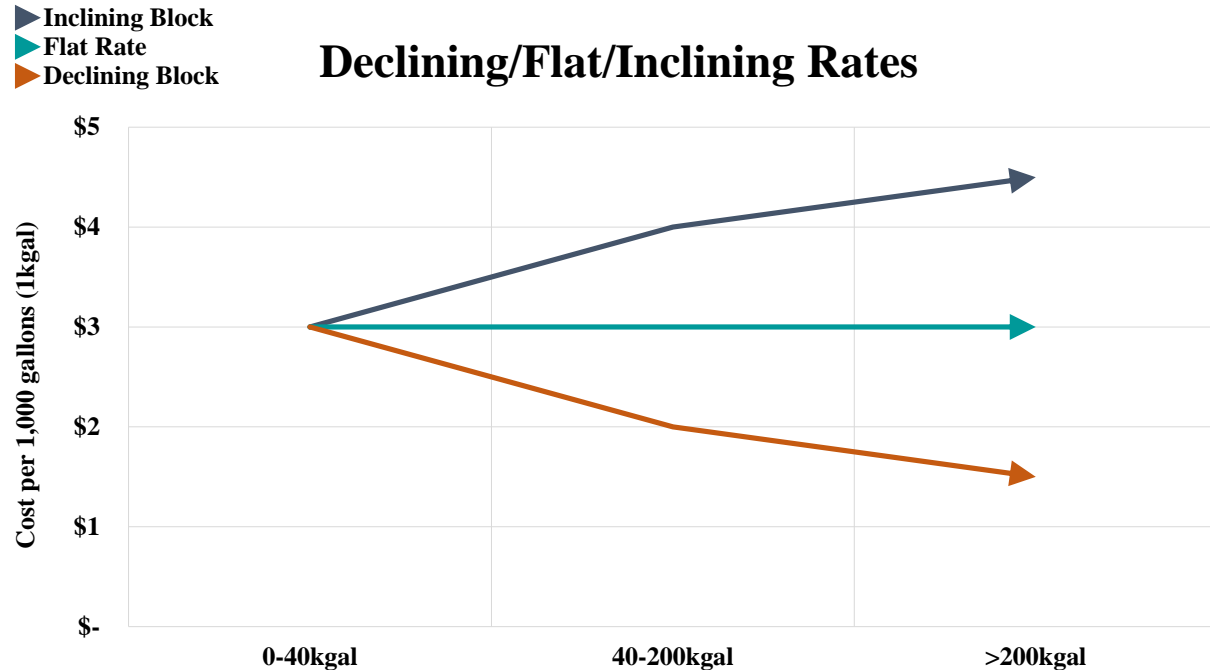
Charges for Service. Charges for service total **\$21.05M (95.25%)** in the FY23 Water and Sewer Fund budget. They are estimated to total **\$19.66M** for FY22. The FY23 budget includes estimated revenues earned from meter-based and volumetric usage charges. The City is recognizing a pattern of residential, commercial, and industrial growth that will bring a higher demand for service adding additional connections and revenue to the utility system.

Permits and Fees. Permits and fees are the second largest revenue source for the Water and Sewer Fund. Permits and fees are an elastic revenue source, primarily driven by the amount of development and connection to the water and sewer system. For the FY23, permits and fees are budgeted at **\$1.01M (4.59%)**. This budgeted amount is a **\$148,497** increase over the FY22 revised budget, **\$866,353**. New building permit growth is strong FY23 – according to the Community Development team, there are 1,578 units of commercial, industrial, and residential projects either awaiting final approval or in the approval process. We can conservatively anticipate many projects will require water and sewer connections between FY23 and FY25.

Inside/Outside Rate Differential. In FY21, City Council adopted a water rate structure which gradually phases out the 150% inside/outside water customer differential - allowable by statute. The current plan is to reduce the differential 5% (over a 10-year period) until both inside-city and outside-city customers pay equal rates for water service. A 140% differential was adopted with the FY22 budget. **A 135% water rate differential is recommended in the FY23 budget.** This rate differential is currently applied only to water service. Wastewater service rates will maintain a 150% differential. An image depicting the gradual convergence of inside-city and outside-city rates is provided below.



Industrial/Commercial Rate Comparisons. The City Manager is recommending that City Council continue to phase commercial and industrial rates to a flat block structure over a 5-year period, opposed to the historical declining block structure. The phase-in will give current industries time to react to the changes and provide an opportunity to maintain a competitive edge for utility costs as they relate to economic development. FY23 will be year 4 of the 5-year plan. An image depicting inclining, flat, and declining block rate structures is provided below.



Other Financing Sources – Fund Balance. The Water and Sewer Fund maintains a fund balance or retained earnings; however, the LGC does not provide a recommended minimum level for the Water and Sewer Fund. The City Council previously established and adopted its own fund balance goal of a range from 50% - 75% of expenditures. In FY23, this fund balance policy will be superseded by City Council's recognition of a revenue bond rate covenant as the Fund's most critical financial indicator. Details on the revenue bond covenant may be found on page 32 of this budget message. The fund balance as of June 30th, 2021, was **\$8,526,178**, or **48.98%** of actual FY21 operating expenditures. This fund balance calculation is provided on a modified accrual basis of accounting. It is estimated that the Water and Sewer Fund's fund balance will increase by **\$444,930** to end FY22 at **\$8,971,108**. In FY23, we estimate a **\$539,747** increase in fund balance, based on historical average. This increase would bring the total fund balance at the end of FY23 to **\$9,510,855**.

It is important to note the fund balance increases are planned for the financing of future capital projects. The City continually monitors its rates and works to prioritize, plan, and execute capital projects. The fund balance level in the Water and Sewer Fund is an indicator the City is taking necessary steps to carry out projects essential to providing water and wastewater service to customers.

The table below summarizes other financing sources and uses, as well as fund balance estimates.

	FY21-22 REVISED	FY21-22 ESTIMATE	FY22-23 BUDGET	FY22-23 ESTIMATE
OTHER FINANCING (SOURCES)/USES				
Insurance Proceeds	-	-	-	-
Debt Issuance	-	-	-	-
Debt Proceeds	-	-	-	-
Capital Lease	-	-	-	-
Sale of Capital Assets	-	-	-	-
Transfers (In)	-	-	-	-
Transfers Out	100,000	100,000	-	-
TOTAL OTHER FINANCING (SOURCES)/USES	100,000	100,000	-	-
Fund Balance Appropriated	699,287	(444,930)	564,536	(539,747)
NET CHANGE IN FUND BALANCE	699,287	(444,930)	564,536	(539,747)

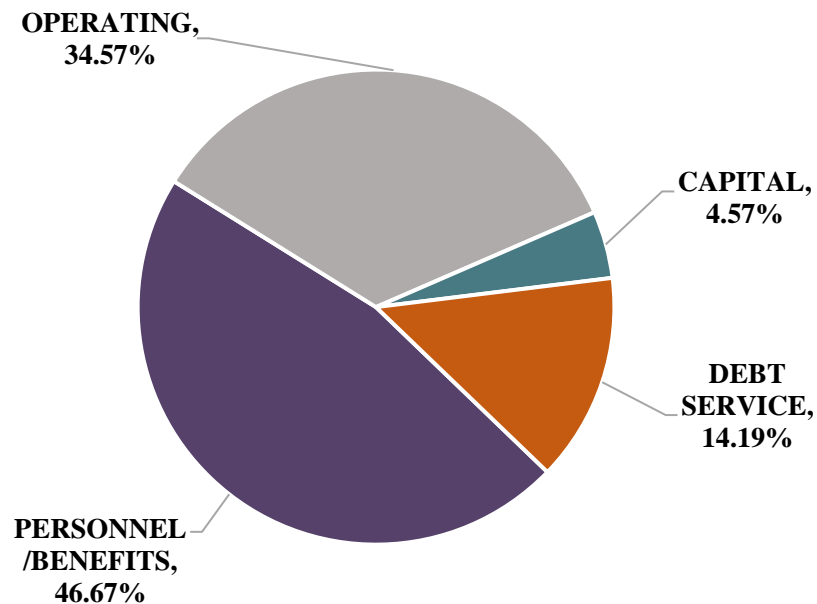
The most notable change to the Water and Sewer Fund's "Other Financing (Sources)/Uses" category is an un-budgeted transfer to the Water and Sewer Capital Reserve Fund. In FY22 and prior years, the City budgeted a **\$100,000** transfer. The City has determined that delaying this transfer for FY23 is appropriate to fund other priority capital needs.

Water & Sewer Fund – Expenditures

Hendersonville Water and Sewer is responsible for providing water service to more than **65,000** residents and businesses and sewer service to more than **21,000** residents and businesses of both Hendersonville and Henderson County. The Water and Sewer Fund continues to evaluate and improve its already high-quality services through work with various outside consultants, stakeholder groups, and internal strategic priority meetings. The recommended expenditures in this memo reflect the priorities identified in the above-mentioned initiatives. Below is a breakdown of the Fund's total expenditures for FY23.

	FY21-22 REVISED	FY21-22 ESTIMATE	FY22-23 BUDGET	FY22-23 ESTIMATE
EXPENDITURES				
Personnel/Benefits	9,501,703	8,858,150	10,577,212	10,043,008
Operating	7,174,692	6,591,740	7,834,984	7,439,277
Capital	1,039,725	1,254,609	1,036,000	983,677
Debt Service	3,212,170	3,212,170	3,216,590	3,216,590
TOTAL EXPENDITURES	20,928,290	19,916,670	22,664,786	21,682,552

The chart below presents expenditures by type as a percent of FY23 total budgeted expenditures.



Personnel and benefits expenditures are the largest portion of Water and Sewer Fund expenditures, at approximately **\$10.6M (46.67%)** of the total **\$22.7M** FY23 budget. FY23 Operating expenditures make up another large portion at **\$7.8M (34.57%)**. The remainder of the budget is capital outlay **\$1.0M (4.57%)** and debt service **\$3.2M (14.19%)**.

Personnel/Benefits. Personnel and benefits expenditures include salaries, insurance, retirement contributions, and respective taxes (i.e., income tax, etc.). The total personnel/benefits budget for FY23 totals **\$10.6M**. This is an **11.32%** increase over the FY22 revised budget. Some items to note are listed below:

- 12.0% decrease to employee medical insurance coverage costs.
- Pay and Class 75th percentile recommended for July 1, 2022.
 - 5.0% increase for positions moving up one grade.
- Merit-based increases: 1.0% achieves, 2.0% exceeds, 3.0% outstanding.
- Position additions totaling \$596k (7 employees, 3 admin position splits):
 - 1 Excavation/Line Maintenance Crew (3 positions).
 - 1 Facilities Maintenance Mechanic.
 - 1 CCTV Crew (2 positions).
 - 1 Environmental Compliance Technician.
 - Salary split percentages included for new Information Technology Director, Budget & Management Analyst, and Communications Coordinator roles.

Operating. Operating type expenditures include everything that is not considered capital, salaries/benefits, or debt; it includes a wide array of expenditures. During the budget development process, administration worked with operating departments to reduce the requested FY23 operating budget from **\$8.1M** to **\$7.8M**. The FY23 budget is a **\$560,292 (7.70%)** increase over the FY22 revised budget, which totals **\$7.2M**. This increase is mainly attributed to forecasted increases in prices for chemicals, waste removal contracts (“sludge mgmt.”), fuel, utilities, and materials.

- Chemicals: FY22 Adopted \$512k | FY22 Rev. \$513k | FY23 Budget. \$603k
- Sludge Mgmt.: FY22 Adopted \$377k | FY22 Rev. \$682k | FY23 Budget \$820k
- Fuel: FY22 Adopted \$150k | FY22 Rev. \$150k | FY23 Budget \$215k
- Utilities: FY22 Adopted \$849k | FY22 Rev. \$849k | FY23 Budget \$1.1M

Capital. The recommended FY23 capital budget is **\$1,036,000**; a **\$3,725 (-0.36%)** decrease compared to the FY22 revised budget, **\$1,039,725**. Priority pay-go capital items are listed in the table below.

Project/Equipment Title	Estimated Cost
Annual Vehicle Replacement	\$ 300,000
Equipment Trailer for a Repair Crew	15,000
Excavator for a new Repair Crew	80,000
Fleet Garage Door Replacement	15,000
Generators and ATS (Wastewater)	80,000
Generators and ATS (Water)	80,000
Heavy Duty, 29-ton Vehicle Lifts	16,000
SCADA for Water & Sewer Pump Stations	100,000
Sewer Line Rapid Assessment Tool	40,000
Single Axle Dump Truck for a Repair Crew	110,000
Water Pump Station Pressure Control System	200,000
Total Pay-Go Capital	\$ 1,036,000

Debt Service. The total debt service budget for FY23 totals **\$3,216,590**. Of the FY23 debt service, **\$2,944,165** is budgeted for payments on existing debt, listed in the table below.

Project/Loan Title	Actual Loan Amount
2011 - Brightwater SRF	\$ 34,970
2015 - Jackson Park SRF	273,458
2015 - Shepherd/Atkinson SRF	114,345
2016 - Wolfpen SRF	175,453
2019 - Enterprise Vehicles	17,934
2019 - Revenue Bond	1,399,904
2020 - Northside SRF	331,306
2020 - Streambank #1 SRF	149,124
2022 - Revenue Bond	447,673
Total Existing Debt	\$ 2,944,165

One notable debt item that will be paid in full (in FY22) is the 2001 – WWTP SRF loan. The total amount paid to close out this loan in FY22 is **\$681,779**.

Finally, the City anticipates new debt payments totaling **\$272,425**. This new debt incorporates a half-year interest payment on an anticipated **\$8.0M** 2023 Series Revenue Bond and the initiation of payments on the 4th & Ashe Street Water and Sewer SRF Loan. The 2023 Revenue Bond will include the projects listed on the next table, and a **5.0%** budgetary contingency:

Project/Loan Title	Estimated Project Amount
Fleetwood Water Improvements	\$ 1,400,000
Long John Mountain Land Acquisition	750,000
North Fork Dredging	800,000
Sewer Vactor Truck	480,000
Streambank Improvements	600,000
WTP Expansion to 15.0 MGD	2,131,500
WTP Residuals Storage Covered Building	1,480,000
Budget Contingency (5.0%)	408,500
Total 2023 Revenue Bond	\$ 8,050,000

Our list of future year capital projects totals **\$292.4M**. The utility continues master planning efforts, identifies areas in need of upgrades, and grows alongside major developments occurring in Henderson County. Future growth for our various revenue sources and an assortment of financing options are available to support the immense economic development opportunity of our community. We look forward to coming discussions on rates, system development fees, revenue bonds, SRF loans, and grants.

Revenue Bond Covenants. The City's first revenue bond and general trust indenture (2019) established a bond "covenant" as a critical financial indicator. To meet this covenant and issue revenue bond related debt, the City must maintain a favorable ratio of at least 1.0 for both bond test (a) and bond test (b). A summary of test (a) and (b) requirements is provided on the next page.

Bond Test (a)

Revenues plus 20% of the Surplus Fund equal at least:

- i. 100% of current expenses.
- ii. 120% of annual principal and interest requirements of (parity) revenue bonds.
- iii. 100% of debt service requirements on other (subordinate) debt.

**Note: Surplus Fund = unrestricted cash and investments.*

Bond Test (b)

Revenues equal at least:

- i. 100% of current expenses.
- ii. 110% of annual principal and interest requirements of (parity) revenue bonds.
- iii. 100% of debt service requirements on other (subordinate) debt.

We estimate exceeding the revenue bond requirements in FY22 and FY23:

In FY22, we estimate we will end the year with ratio (a) = **1.159** and ratio (b) = **1.064**.

In FY23, we estimate we will end the year with ratio (a) = **1.173** and ratio (b) = **1.078**.

A summary of our FY21 actual bond covenant ratio is provided in the image below.

Requirement	Code	Amount
Revenues plus 20% of Surplus Fund (a)	(a)	19,651,624
100% of Current Expenses (a)	(a)(i)	14,393,397
120% of Annual Principal and Interest on Revenue Bond (a)	(a)(ii)	1,724,724
100% of Annual Principal and Interest on Other Indebtedness (a)	(a)(iii)	1,332,231
Subtotal of Revenue Coverage (a)	(a) Subtotal	17,450,352
Covenant Met (a)	Covenant Met Requirement (a)	2,201,272

Ratio Calc. (a)

1.72

Revenues (b)	(b)	17,742,080
100% of Current Expenses (b)	(b)(i)	14,393,397
110% of Annual Principal and Interest on Revenue Bond (b)	(b)(ii)	1,580,997
100% of Annual Principal and Interest on Other Indebtedness (b)	(b)(iii)	1,332,231
Subtotal of Revenue Coverage (b)	(b) Subtotal	17,306,625
Covenant Met (b)	Covenant Met Requirement (b)	435,455

Ratio Calc. (b)

1.15

Transfers Out. No transfers out from the Water and Sewer Fund to the Water and Sewer Capital Reserve Fund (CRF) have been budgeted for FY23; however, the City intends to continue contributing to the CRF in future years. The CRF is used to save for water and sewer infrastructure projects related to commercial and industrial expansions/additions to the utility.

Other Funds

In addition to the two largest City funds, (1) the General Fund and (2) the Water and Sewer Fund, the City budgets for a variety of other funds. These include enterprise funds, special revenue funds, capital reserve funds, and internal service funds. These remaining funds make up approximately **11.13%**, or **\$5,839,205**, of the total **\$52,469,974** FY23 budgeted appropriations.

Downtown Program

Under the authority provided by N.C.G.S. 160A-536, the City levies two separate municipal service district (MSD) taxes in addition to its base ad valorem taxing authority. These two MSDs participate in the North Carolina Main Street Program and provide services above and beyond the standard services provided throughout the City. Using the National Trust for Historic Preservation's Main Street Four Point Approach, the Advisory Committees seek to support and build upon inherent strengths in the City's two historic commercial districts. The Main Street Four Point approach includes Organization, Design, Economic Restructuring and Promotions. The two historic commercial districts that are part of the City of Hendersonville's Downtown Economic Development Program are each defined by Municipal Service Districts.

Advisory Boards. In February of FY21, the City Council voted to merge the two downtown advisory groups to form one board, the Downtown Advisory Board (DAB). This Board serves to advise City Council in matters pertaining to the Main Street and 7th Avenue Municipal Service Districts (MSDs). The merger is one result of the desire to create one vision for downtown, initially conceived as a strategic goal during a 2016 community charette focused on the future of downtown. The intervening years have seen several the identified strategies implemented, such as the restoration of the Grey Hosiery Mill, facilitating the advisory committees' merger. The proposed budget reflects recommendations from this joint Board and Staff.

Main Street MSD Fund. The Main Street municipal service district is bounded by Church and King Streets to the west and east and 7th Avenue and Allen Street to the north and south. The total FY23 budget is **\$675,218**. The Main Street MSD ad valorem tax rate will remain at **\$0.24 per \$100 valuation** in FY23. Notable budget items include:

- Sales tax budgeted revenue increased **\$41,175** over the FY22 adopted budget.
- Fund balance will be appropriated (**\$115,933**) to support the purchase of capital and needed operating items.
- Personnel and benefits costs increased **\$113,586** compared to the adopted FY22 budget due to the full implementation of a pay and classification study, new positions recommended in the FY23 budget, and changes to existing personnel salary splits.
- A **\$42,000** budget for capital outlay includes electric panel upgrades, planter renovation, and crosswalk repair.

7th Avenue MSD Fund. The 7th Avenue District's boundary encompasses the Avenue from Four Seasons Boulevard east to the Oklawaha Greenway and extends down Locust Street at its intersection with 7th North to 9th Avenue. The 7th Avenue MSD Fund tax rate will remain at **\$0.17 per \$100 valuation** in FY23. The FY23 total budgeted appropriation is **\$183,919**.

Important facts and trends include:

- Sales tax budgeted revenue increased **\$9,735 (22.4%)** over the adopted FY22 budget.
- An **\$84,281** fund balance appropriation is budgeted to support one-time operating and capital expenditures.
- Personnel and benefits costs increased **\$28,936 (53.9%)** over the adopted FY22 budget for the full implementation of a pay and classification study, new positions recommended in the FY23 budget, and changes to existing personnel salary splits.
- The following one-time expenditures are included in the 7th Avenue MSD Fund's FY23 budget: **\$7k** for retractable bollards, **\$15k** for depot plaza design study, and **\$25k** for holiday décor.

Environmental Services Fund

The Environmental Services Fund (ESF) provides sanitation services to rate payers within the City. The ESF's total budget for FY23 is **\$1,631,401**, including a fund balance appropriation of **\$108,301**. The Fund's balance as of June 30th, 2021, totals **\$100,551**. Our year-end fund balance estimate for FY22 is **\$187,219**. Notable ESF trends are listed below.

- A **\$31k** increase to ESF fees for waste pickup is included in FY23's budget due to forecasted increases development and the number of customers served.
- A **\$90,558 (9.9%)** increase in personnel expenditures is budgeted in FY23 to fully implement a pay and classification study as well as changes to employee salary splits.
- The operating budget will decrease **\$11,288 (2.2%)** as the City moves FY23 Environmental Sustainability Board appropriations to the General Fund.
- The ESF will not purchase a dump or brush truck in FY23, resulting in a **\$360,000 (94.7%)** decrease to capital outlay appropriations – the fund's only capital purchase will be a refuse body pickup.
- A **\$19,150 (25.8%)** increase to debt service is included for payments on a waste truck and a brush truck acquired in FY22 using debt proceeds.

Stormwater Fund

The Stormwater Fund provides stormwater infrastructure improvements, maintains the City's NPDES Phase II Permit, and completes street, curb, and gutter maintenance. The total FY22 budget for this Fund is **\$1,490,476** – a **\$153,834 (11.5%)** increase over the FY22 adopted budget. The FY23 budget includes a fund balance appropriation of **\$192,186**. Based on historical revenue and expenditure trends, the estimated FY23 fund balance appropriation is **\$10,708**. Other important facts and trends include:

- The City Manager recommends City Council maintains the following stormwater rates and fees in FY23 (the same as FY22):
 - **\$5.00/month** flat fee for single family residential properties.
 - **\$5.00/month** per equivalent residential unit (ERU) fee for non-residential properties with either: (1) a maximum payment of **\$250.00/month**; **OR**, (2) a **50% credit** for properties with functioning stormwater control measures, whichever is less.
- Stormwater fees will no longer be charged to customers in the City's extraterritorial jurisdiction (ETJ).
- The FY22 capital improvement plan (CIP) includes a budget of **\$467k** for project construction, infrastructure assessments, and necessary equipment - listed below. It is important to note this list includes both capital and major operating expenditures.

Project/Equipment Title	Estimated Cost
Annual Brush and Leaf Grinding	\$ 42,000
Asset Inventory Assessment (AIA), Phase II	\$ 40,000
Flood Sensor System	\$ 25,000
General Stormwater Infrastructure	\$ 75,000
Stormwater Easement Acquisition	\$ 5,000
Stormwater Pipe CCTV Survey	\$ 50,000
Sullivan Park Stream Restoration	\$ 65,000
Water Quality Grant Matching	\$ 65,000
Watershed Master Planning, Phase II	\$ 100,000
Total Pay-Go Projects	\$ 467,000

- The FY23 Stormwater Fund includes a **\$784,376** salaries and benefits budget, a **53.0%** increase over the FY22 adopted budget of **\$547,048**– this increase reflects more staff focus on stormwater-related activities, a new full-time stormwater position, a new full-time stormwater dedicated construction crew, and increases resulting from implementation of a pay and classification study.

Parking Fund

The Parking Fund was established by City Council on December 2nd, 2021. City Council voted to move all parking-related revenues (**\$206,500**) to the new fund, in addition to a **\$750,000** transfer in from the General Fund. The FY22 total appropriation for the Parking Fund is **\$956,500**. This newly formed fund is an enterprise-type fund, providing parking services through revenues generated following the installation of a new downtown parking facility and parking kiosks, in addition to collections from parking violations. Services include the operation and maintenance of convenient, clean, safe, and affordable parking to residents and visitors. Included in the Parking Fund's FY23 budget are salaries for parking maintenance personnel, parking enforcement personnel, and capital equipment such as kiosks, street sweepers, and parking enforcement officer vehicles. The fund is estimated to end FY22 with a **\$682,603** fund balance. In FY23, the City has budgeted for revenues totaling **\$806,063**, not including a fund balance appropriation of **\$682,603**. FY23 total appropriations are budgeted at **\$1,488,666**. We estimate that the fund, based on expert financial forecasting completed by the City's parking consultants, will end FY23 with a **\$6,835** fund balance.

Internal Service Fund

The City provides one internal service fund for the provision of health and welfare employee benefits. Internal service funds are used to account for the financing of goods or services provided by one department or agency of a governmental unit to other departments or agencies of the same governmental unit on a cost-reimbursement basis. The City's Health and Welfare Fund is adopted by ordinance as a financial plan, in accordance with North Carolina law.

Health & Welfare Fund. The total budget for this Fund is **\$304,025** in FY23, a **3.0%** increase over the FY21 revised budget of **\$295,209**. This Fund pays for the City's MERP plan claims and provides other employee benefit services. These services are managed by the Wellness Committee and program. Each City fund makes annual contributions to this Fund to pay for the services provided.

Governmental Special Revenue Fund

The City supports a variety of other programs. These programs are relatively small in comparison to the other functions of the City. Some of the functions that these programs provide are related to police and fire community services, historic preservation, and the City's Walk of Fame Committee. The FY23 Governmental Special Revenue Fund budget makes up **\$65,500** of the total budget. The primary revenue source comes from donations or events which creates uncertainty when budgeting for revenues. The Government Special Revenue Fund is balanced using fund balance until revenues are realized; therefore, the fund is budgeted to need **\$49,500** in fund balance for FY23. This appropriation level is the same as FY22.

Water and Sewer Capital Reserve Fund

North Carolina General Statute 159-18 authorizes local governments to establish and maintain capital reserve funds for any purpose which a bond (debt) may be issued. The Water and Sewer Capital Reserve Fund (CRF) was established to raise funds for future economic development projects. In FY23, the City will not adopt a budget including a transfer to the Water and Sewer CRF from the Water and Sewer Fund; however, the City intends to continue approximately **\$100,000** budgeted transfers in future fiscal years.

Budget in Total

The City of Hendersonville has accomplished much in FY21-22; and, in large, our proven ability to provide the highest-quality public services promotes our bustling community. No topic this year has been more important to the City's leadership than our unrelenting community expansion. We have attended a plethora of discussions with regional and national-level experts on development. Council Members had an in-depth conversation with community leaders in Holly Springs, NC and Matthews, NC on how their communities reacted to and enjoyed aggressive periods of economic expansion. Developers continue to visit, purchase property, present to Hendersonville City Council, and demand services including law enforcement and fire protection, waste collection, stormwater management, and water and sewer utility provision. This FY22-23 budget document is an extension of our growth policies.

While optimistic for the future, the City has conservatively budgeted for FY22-23; having researched key economic indicators. The United States Economy, in whole, is inflating. The U.S. Bureau of Labor Statistics (BLS) has indicated that from March 2021 to March 2022, the "South Region" consumer price index (CPI) has increased 9.1%. The BLS further indicates the average occupational employment and wages of the Asheville, NC area (\$22.26 per hour) lag the United States average (\$27.07 per hour). A Bowen Housing Study (a.k.a. Dogwood Study) reviewed by City Council led to a decision that no City employee working 2,080 hours annually will earn a wage lower than \$16.88 per hour. City Council has responded to economic facts with prudence; providing a 10.0% cost of living adjustment to employees upon adoption of the FY21-22 budget and fully implementing a pay and classification study, extending most City employees an additional 13.0% salary increase upon adoption of this FY22-23 budget. These critical decisions have protected the livelihood of our valued employees and strengthened the City's position in retaining and recruiting the best people to provide the greatest public service.

FY23-24 will bring a property revaluation. Henderson County's 2019 revaluation led to a twenty five percent increase to property values – we cautiously and optimistically anticipate a 2024 revaluation of similar magnitude. In our "float" year, FY22-23, City Council will continue weighing priorities and balancing the need for future revenue to fund transformational projects against maintaining reasonable costs to join and remain in our community. This balancing act has led to discussion around quarter-cent sales tax being discussed with the North Carolina General Assembly. We believe it is important to collect revenues from not only residents, but those who visit our community and utilize our services without carrying a property tax burden.

"The year of No" has been descriptive of FY22-23, a positive for those in our community feeling the gravity of economic conditions. All General Fund and Municipal Service District ad valorem taxes are locked in at the FY22-23 level. Environmental Services and Stormwater rates are also unchanged by the FY22-23 budget. The only rate adjustments our residents, businesses, and customers will note are through increases to water and sewer bills – to continue chipping away at a 10-year, \$292 million list of vital infrastructure projects.

Our ability to maintain a high level of service while keeping all governmental taxes and fees the same is thanks to higher than anticipated sales tax collections in FY22-23 and a favorable, yet conservative forecast for FY23-24.

The City Council is continuing to support the Hendersonville Fire Department by providing matching grant funds for twelve firefighters and supporting the development of the new Fire Station 1. The construction of the new police headquarters is complete. The downtown parking deck project is under construction and estimated to be ready for visitors in January 2023. Staff are developing designs for a new Laura E. Corn Mini-Golf course along with a variety of transformative parks and recreational opportunities to come. Sustainability and environmental stewardship is being advocated for at the City Council level and is gaining traction, with solar panels slated to be installed on the upcoming Fire Station 1 and new park facilities. Stormwater practices to maintain streambanks, reduce water runoff, protect property, and increase foliage add to eco-friendly initiatives. Upcoming topics include the management of streetscapes, walkability, and the community's models of transportation. Water and Sewer projects such as the mud creek interceptor, French Broad River water intake, North Fork dredging, Fleetwood water improvements, and various upgrades to our Water and Wastewater Treatment Facilities are moving at a rapid pace. These items as well as numerous other capital projects, employee benefits, and equipment purchases in the FY22-23 Budget and capital improvement plan are positioning the City of Hendersonville to serve our citizens for the next fifty years.

We must be vigilant in understanding how the growth of the community affects how services are provided to our citizens and visitors. Service and program costs can directly impact the long-term financial health of the City of Hendersonville and the affordability of our community. In addition, expecting City departments to maintain a high level of service in a fast-growing community without additional resources will lead to low morale, significant organizational turnover, and poor service. City management will work with the City Council to continue balancing service level expectations and the needs for additional personnel and equipment. However, it must be recognized that Hendersonville is a unique community with unique challenges. It will be the responsibility of the City Council, staff, and our residents to develop unique solutions to these challenges. We will be responsible for our own destiny.

In summary, this proposed budget is balanced in accordance the State statutes and attempts to address the priorities, which have been set by the City Council for the 2022-2023 Fiscal Year. The budget is fiscally sound, and although it does not fund all the requests made by departments or external agencies, it does address the top priority needs of the City and will maintain a high level of service for Hendersonville's citizens, customers, and partners.

My appreciation is expressed to Brian Pahle, Adam Murr, and others who assisted with budget preparation.

I recommend the proposed budget for Fiscal Year 2022-2023 to the Mayor and City Council.

Respectfully submitted,



John F. Connet
City Manager

Ordinance # _____

BUDGET ORDINANCE

**AN ORDINANCE MAKING APPROPRIATIONS FOR CERTAIN EXPENSES,
CAPITAL IMPROVEMENTS AND INDEBTEDNESS OF
THE CITY OF HENDERSONVILLE, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2022, AND ENDING JUNE 30, 2023**

WHEREAS, the City of Hendersonville is coming to the conclusion of its fiscal year and will enter into a new fiscal year on July 1, 2022; and

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

WHEREAS, the FY 22-23 budget and budget message were submitted to the Hendersonville City Council by the budget officer, the City Manager, on May 18, 2022 as required by N.C.G.S. § 159-11(b); and

WHEREAS, a copy of the FY 22-23 budget was filed with the Hendersonville City Clerk on May 18, 2022 as required by N.C.G.S. § 159-12(a); and

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

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

SECTION 1: That the following amounts are hereby appropriated for the following governmental and proprietary funds for the fiscal year beginning July 1, 2022, and ending June 30, 2023, with the estimated, budgeted revenues and other finance sources for each fund being as stated:

GOVERNMENTAL FUNDS**General Fund****General Fund**

Budgeted Revenues	\$ (19,940,693)
Ad Valorem Taxes	(11,469,868)
Other Taxes & Licenses	(9,000)
Unrestricted Intergovernmental	(6,694,346)
Restricted Intergovernmental	(757,779)
Permits & Fees	(440,600)
Sales & Services	(386,100)
Investment Earnings	(175,000)
Miscellaneous	(8,000)
Budgeted Expenditures	23,136,983
General Government	3,948,020
Community Development	717,710
Fire	4,306,904

Police	6,727,812
Public Works	5,122,969
Debt Service	2,313,568
Other Finance (Sources)/Uses	(3,196,290)
Proceeds of Debt	(1,088,700)
Sale of Capital Assets	(20,000)
Transfers (In)	(1,250,000)
Transfers Out	829,000
Fund Balance Appropriated	(1,666,590)
Sub-Total Estimated Revenues & Other Finance Sources	\$(23,965,983)
Sub-Total Appropriations	\$23,965,983

Special Revenue Funds**Governmental Special Revenue Fund**

Budgeted Revenues	\$(16,000)
Miscellaneous	(16,000)
Budgeted Expenditures	65,500
Fire	4,000
Historic Preservation	7,500
Police	50,000
Walk of Fame	4,000
Other Finance (Sources)/Uses	(49,500)
Fund Balance Appropriated	(49,500)
Sub-Total Estimated Revenues & Other Finance Sources	\$(65,500)
Sub-Total Appropriations	\$65,500

Main Street MSD Fund

Budgeted Revenues	\$(559,285)
Ad Valorem Taxes	(279,660)
Other Taxes & Licenses	(-)
Unrestricted Intergovernmental	(266,175)
Restricted Intergovernmental	(-)
Permits & Fees	(13,250)
Sales & Services	(-)
Investment Earnings	(100)
Miscellaneous	(100)
Budgeted Expenditures	675,218
Downtown Program	629,950
Debt Service	45,268
Other Finance (Sources)/Uses	(115,933)
Fund Balance Appropriated	(115,933)
Sub-Total Estimated Revenues & Other Finance Sources	\$(675,218)
Sub-Total Appropriations	\$675,218

Seventh Avenue MSD Fund

Budgeted Revenues	\$(99,638)
Ad Valorem Taxes	(41,303)
Other Taxes & Licenses	(-)
Unrestricted Intergovernmental	(53,235)
Restricted Intergovernmental	(-)
Permits & Fees	(-)
Sales & Services	(5,000)
Investment Earnings	(100)
Miscellaneous	(-)
Budgeted Expenditures	183,919
Downtown Program	183,919
Other Finance (Sources)/Uses	(84,281)
Fund Balance Appropriated	(84,281)
Sub-Total Estimated Revenues & Other Finance Sources	\$(183,919)
Sub-Total Appropriations	\$183,919

PROPRIETARY FUNDS**Environmental Services Fund**

Budgeted Revenues	\$(1,523,100)
Sales & Services	(1,521,000)
Permits & Fees	(-)
Investment Earnings	(300)
Miscellaneous	(1,800)
Budgeted Expenditures	1,631,401
Sanitation	1,538,108
Debt Service	93,293
Other Finance (Sources)/Uses	(108,301)
Proceeds of Debt	(-)
Fund Balance Appropriated	(108,301)
Transfers (In)	(-)
Transfers Out	-
Sub-Total Estimated Revenues & Other Finance Sources	\$(1,631,401)
Sub-Total Appropriations	\$1,631,401

Parking Fund

Budgeted Revenues	\$(548,810)
Sales & Services	(538,410)
Permits & Fees	(-)
Investment Earnings	(-)
Miscellaneous	(10,400)
Budgeted Expenditures	1,488,666
Parking	670,264
Debt Service	818,402
Other Financing (Sources)/Uses	(939,856)
Proceeds of Debt	(55,000)
Fund Balance Appropriated	(682,603)
Transfers (In)	(202,253)
Transfers Out	-
Sub-Total Estimated Revenues & Other Finance Sources	\$(1,488,666)
Sub-Total Appropriations	\$1,488,666

Stormwater Fund

Budgeted Revenues	\$(1,158,290)
Sales & Services	(1,157,000)
Permits & Fees	(1,040)
Investment Earnings	(50)
Miscellaneous	(200)
Budgeted Expenditures	1,490,476
Stormwater	1,429,096
Debt Service	61,380
Other Finance (Sources)/Uses	(332,186)
Proceeds of Debt	(140,000)
Fund Balance Appropriated	(192,186)
Transfers (In)	(-)
Transfers Out	-
Sub-Total Estimated Revenues & Other Finance Sources	\$(1,490,476)
Sub-Total Appropriations	\$1,490,476

Water & Sewer Capital Reserve Fund

Budgeted Revenues	\$(-)
Budgeted Expenditures	-
Other Financing (Sources)/Uses	-
Transfers (In)	-
Transfers Out	-
Sub-Total Estimated Revenues & Other Finance Sources	\$(-)
Sub-Total Appropriations	\$ -

Water & Sewer Fund

Budgeted Revenues	\$(22,100,250)
Sales & Services	(21,213,200)
Permits & Fees	(470,350)
Water & Sewer Taps	(382,500)
Investment Earnings	(8,000)
Miscellaneous	(26,200)
Budgeted Expenditures	22,664,786
General Business	7,990,354
Water Distribution	2,884,050
Water Facilities Maintenance	1,298,627
Water Operations Support	998,279
Water Treatment Plant	2,212,956
Wastewater Collection	1,570,494
Wastewater Facilities Maintenance	457,670
Wastewater Operations Support	257,672
Wastewater Treatment Plant	1,778,094
Debt Service	3,216,590
Other Finance (Sources)/Uses	(564,536)
Transfers (In)	(-)
Transfers Out	-
Fund Balance Appropriated	(564,536)
Sub-Total Estimated Revenues & Other Finance Sources	\$(22,664,786)
Sub-Total Appropriations	\$22,664,786

INTERNAL SERVICE FUNDS

Health & Welfare Fund	
Budgeted Revenues	\$(304,025)
Sales & Services	(292,025)
Grant Revenue	(-)
Miscellaneous	(12,000)
Budgeted Expenditures	304,025
Employee Benefits	304,025
Other Finance (Sources)/Uses	(-)
Fund Balance Appropriated	(-)
Sub-Total Estimated Revenues & Other Finance Sources	\$(304,025)
Sub-Total Appropriations	\$304,025
<hr/>	
Total Estimated Revenues & Other Finance Sources	\$(52,469,974)
Total Appropriations	\$52,469,974

SECTION 2: That the attached detailed budget document reflects the estimated revenues, revenue contributions, and budget appropriations of the City of Hendersonville, North Carolina, for the period beginning July 1, 2022, and ending June 30, 2023. A copy of the budget document shall be furnished to the City Clerk, City Manager and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

SECTION 3: That the financial plan supporting the Internal Service Fund as required by N.C.G.S. § 159-13.1 is approved. The *Financial Plan* for the Internal Service Fund is incorporated herein by reference and shall be placed on file in the office of the City Clerk.

SECTION 4: That no appropriations for salaries shall be changed unless authorized by the Council. Appropriations between departments or divisions within one fund, other than salaries, including contingency appropriations, may be transferred therein by the City Manager for the purpose of equalizations, when necessary, if the original total appropriated balance for the fund is not changed. Appropriations within a department, other than salaries, may be transferred by the department head to make equalizations when necessary.

SECTION 5: That there is hereby levied a tax at the rate of fifty-two cents (\$0.52) per one hundred dollars (\$100) valuation of property. This rate is based on an estimated total valuation of property for the purpose of taxation of \$2,260,199,815 and estimated collection rate of 98.00%.

SECTION 6: That there is hereby levied a tax at the rate of twenty-four cents (\$0.24) per one hundred dollars (\$100) valuation of property, for the Main Street Municipal Service District formed upon a petition of some of the property owners, established for the purpose of infrastructure improvements and special events in the district. This rate is based on an estimated total valuation of property for the purpose of taxation of \$118,872,132 and an estimated collection rate of 98.00%.

SECTION 7: That there is hereby levied a tax at the rate of seventeen cents (\$0.17) per one hundred dollars (\$100) valuation of property, for the Seventh Avenue Municipal Service District formed upon a petition of some of the property owners, established for the purpose of infrastructure improvements and special events in the district. The rate is based on an estimated total valuation of property for the purpose of taxation of \$25,685,138 and an estimated collection rate of 98.00%.

SECTION 8: That there is hereby adopted an official Fee Schedule listing specific fees, licenses, and utility rates charged by the City of Hendersonville for the use of City facilities and equipment for the purposes of making them available to public, specific utility rates the proceeds of which are for the maintenance and expansion of its utility systems, the reproduction of public records and other miscellaneous services to cover the actual cost of producing these documents and information under the provision of NCGS §132-6.2, and other various fees associated with enhanced direct services provided by the City. The *Fee Schedule* is incorporated herein by reference and shall be placed on file in the office of the City Clerk.

SECTION 9: That the City's Position Allocation to Salary Range which provides all jobs and associated pay bands be adopted as the official Pay and Classification Schedule of the City of Hendersonville. The *Pay and Classification Schedule* is incorporated by reference and shall be placed on file in the office of the City Clerk.

SECTION 10: This ordinance shall become effective on and after July 1, 2022.

SECTION 11: That all ordinances and parts of ordinances in conflict herewith be and the same hereby repealed.

Passed and adopted at the regular meeting of the City Council of the City of Hendersonville, North Carolina, held this 2nd day of June, 2022.

ATTEST:

Barbara G. Volk, Mayor, City of Hendersonville

City Clerk

Approved as to form:

City Attorney

Ordinance # _____

CAPITAL RESERVE FUND ORDINANCE**AN ORDINANCE SETTING CAPITAL RESERVE GUIDELINES FOR
THE CITY OF HENDERSONVILLE, NORTH CAROLINA
FOR THE YEAR BEGINNING JULY 1, 2022, AND ENDING JUNE 30, 2023**

WHEREAS, under North Carolina General Statute 159-18 the City of Hendersonville is authorized to establish and maintain a capital reserve for any purposes for which bonds may be issued; and

WHEREAS, the City Council deems it is in the best interest of the citizens of Hendersonville to establish a capital reserve to fund future capital improvements; and

WHEREAS, the capital reserve fund will be used in conjunction with a multi-year capital improvement program to be reviewed annually during the budget process;

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

SECTION 1 BUDGET: That the following Capital Reserve Fund (CRF) budget, purpose, anticipated revenues, and project appropriations are hereby adopted for the operation of the City of Hendersonville and its activities for the fiscal year beginning July 1, 2022 and ending June 30, 2023, in the amount of \$0.00.

SECTION 2 PURPOSE: That the purpose of the City of Hendersonville CRF will be to (1) raise funds for water and sewer system expansion projects, (2) provide greater levels of transparency and flexibility in raising and expending funds on capital projects, (3) delineate the timeframe for which revenues will be raised for and expended on capital projects, (4) display the amounts of revenues and expenditures for capital projects funded through the CRF, and (5) detail revenue sources of the fund.

This Capital Reserve Fund Ordinance will, more specifically, be established alongside the City's Budget Ordinance to provide for Water and Sewer Fund system expansion. The City has recognized the need to fund future system expansion projects and desires to fund such projects through a CRF to enhance transparency and accountability.

SECTION 3 TIMEFRAME: That revenues for Water and Sewer Fund related capital projects will be raised over a period of five (5) fiscal years- from July 1, 2022 to June 30, 2026.

SECTION 4 AMOUNTS ACCUMULATED: That this fiscal year (FY23), the City will transfer \$0.00 from the Water and Sewer Fund (060) to the Capital Reserve Fund (459). The Capital Reserve Fund has an estimated balance to end the fiscal year June 30th, 2022 of \$100,000. The City will save \$500,000 of revenue in the CRF for future system expansion projects. The City anticipates expending \$500,000 on system expansion projects.

SECTION 5 REVENUE SOURCES: That the revenue source planned for the CRF is the Water and Sewer Fund. Each year delineated, the City will transfer \$0.00 from the Water and Sewer Fund to the CRF until \$500,000 is accumulated.

Passed and adopted at the regular meeting of the City Council of the City of Hendersonville, North Carolina, held this 2nd day of June, 2022.

ATTEST:

Barbara G. Volk, Mayor, City of Hendersonville

City Clerk

Approved as to form:

City Attorney

Resolution # _____

RESOLUTION OF INTENT**A RESOLUTION TO CONSIDER AND ADOPT THE RECOMMENDED CAPITAL IMPROVEMENT PLAN (CIP) AND FOLLOW THE RATE SCHEDULE FOR THE CITY OF HENDERSONVILLE, NORTH CAROLINA FOR THE FISCAL YEAR 2022-23 THROUGH THE FISCAL YEAR 2032-33**

WHEREAS, the City of Hendersonville recognizes that a Capital Improvement Plan (CIP) enables staff and the Board to plan for a vibrant community; and

WHEREAS, the CIP is a 10-year planning tool designed to help the City plan for the repair, replacement, and acquisition of capital items; to assist in financial planning; to ensure better coordination and evaluation of projects; to provide necessary lead time for project planning, and to maintain or improve the City's credit rating and fiscal health; and

WHEREAS, the recommended FY22-23 through FY32-33 CIP updates preceding budgets and CIPs of prior fiscal years; and

WHEREAS, this plan is updated annually for Board review; and

WHEREAS, this flexibility in the planning and implementation of capital needs makes the City's CIP responsive to the changing needs of its community; and

WHEREAS, the City intends to reimburse itself for funds expended with debt proceeds for any projects identified as such in the CIP table; and

WHEREAS, the Board intends to follow the recommendations of the water and sewer rate recommendations as to provide adequate funding for the projects identified in the CIP while maintaining a strong financially sustainable fiscal position; and

WHEREAS, this CIP will provide a vibrant future for our community and is intended to further the vision and mission of the City.

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA that the City of Hendersonville City Council has received and adopts the recommended Capital Improvement Plan (CIP) in conjunction with the annual City Budget for Fiscal Year 2022-2023.

Passed and adopted at the regular meeting of the City Council of the City of Hendersonville, North Carolina, held this 2nd day of June, 2022.

ATTEST:

Barbara G. Volk, Mayor, City of Hendersonville

City Clerk

Approved as to form:

City Attorney

Ordinance # _____

**CAPITAL PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF
THE SEWER VACTOR TRUCK PROJECT**

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

Section 1: The project authorized is a City project described as the Sewer Vactor Truck Project.

Section 2: The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	7155	554002	22011	Capital Outlay - Vehicles	\$480,000
Total Project Appropriation					\$480,000

Section 3: The following revenues are anticipated to be available for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	0000	470010	22011	Debt Issuance	\$480,000
Total Project Appropriation					\$480,000

PROJECT TO BE FUNDED USING

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

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

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

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

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

Passed and adopted at the regular meeting of the City Council of the City of Hendersonville, North Carolina, held this 2nd day of June, 2022.

ATTEST:

Barbara G. Volk, Mayor, City of Hendersonville

City Clerk

Approved as to form:

City Attorney

Ordinance # _____

**CAPITAL PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF
THE WATER DISTRIBUTION MASTER PLAN PROJECT**

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

Section 1: The project authorized is a City project described as the Water Distribution Master Plan Project.

Section 2: The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	7055	519200	22012	Contracted Services	\$200,000
Total Project Appropriation					\$200,000

Section 3: The following revenues are anticipated to be available for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	0000	470100	22012	Transfer In	\$200,000
Total Project Appropriation					\$200,000

PROJECT TO BE FUNDED USING

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

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

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

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

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

Passed and adopted at the regular meeting of the City Council of the City of Hendersonville, North Carolina, held this 2nd day of June, 2022.

ATTEST:

Barbara G. Volk, Mayor, City of Hendersonville

City Clerk

Approved as to form:

City Attorney

Ordinance # _____

**CAPITAL PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF
THE WATER TREATMENT PLANT RESIDUALS STORAGE PROJECT**

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

Section 1: The project authorized is a City project described as the Water Treatment Plant Residuals Storage Project.

Section 2: The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	7035	550103	22013	Capital Outlay - CIP	\$1,480,000

Total Project Appropriation \$1,480,000

Section 3: The following revenues are anticipated to be available for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	0000	470010	22013	Debt Proceeds	\$1,480,000

Total Project Appropriation \$1,480,000

PROJECT TO BE FUNDED USING

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

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

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

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

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

Passed and adopted at the regular meeting of the City Council of the City of Hendersonville, North Carolina, held this 2nd day of June, 2022.

ATTEST:

Barbara G. Volk, Mayor, City of Hendersonville

City Clerk

Approved as to form:

City Attorney

Ordinance # _____

**CAPITAL PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF
THE ECUSTA TRAIL PROJECT**

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

Section 1: The project authorized is a City project described as the Ecusta Trail Project.

Section 2: The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	1014	550103	21044	Capital Outlay - CIP	\$3,831,000
Total Project Appropriation					\$3,831,000

Section 3: The following revenues are anticipated to be available for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	0000	470010	21044	Debt Proceeds	\$3,831,000
Total Project Appropriation					\$3,831,000

PROJECT TO BE FUNDED USING

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

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

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

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

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

Passed and adopted at the regular meeting of the City Council of the City of Hendersonville, North Carolina, held this 2nd day of June, 2022.

ATTEST:

Barbara G. Volk, Mayor, City of Hendersonville

City Clerk

Approved as to form:

City Attorney

Resolution # _____

**HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE**

BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina, this declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of HENDERSONVILLE, North Carolina (the "Issuer") with respect to the matters contained herein.

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE SEWER VACTOR TRUCK PROJECT (#22011), ORDINANCE # _____ (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Projects with the proceeds of debt to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is **\$480,000**.

Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Passed and adopted at the regular meeting of the City Council of the City of Hendersonville, North Carolina, held this 2nd day of June, 2022.

ATTEST:

Barbara G. Volk, Mayor, City of Hendersonville

City Clerk

Approved as to form:

City Attorney

Resolution # _____

**HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE**

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The undersigned is authorized to declare the official intent of HENDERSONVILLE, North Carolina (the "Issuer") with respect to the matters contained herein.

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE ECUSTA TRAIL PROJECT (#21044), ORDINANCE # _____ (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Projects with the proceeds of debt to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is **\$3,831,000**.

Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Passed and adopted at the regular meeting of the City Council of the City of Hendersonville, North Carolina, held this 2nd day of June, 2022.

ATTEST:

Barbara G. Volk, Mayor, City of Hendersonville

City Clerk

Approved as to form:

City Attorney

Resolution # _____

**HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE**

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Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE ECUSTA TRAIL PROJECT (#21044), ORDINANCE # _____ (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Projects with the proceeds of debt to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is **\$3,831,000**.

Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Passed and adopted at the regular meeting of the City Council of the City of Hendersonville, North Carolina, held this 2nd day of June, 2022.

ATTEST:

Barbara G. Volk, Mayor, City of Hendersonville

City Clerk

Approved as to form:

City Attorney

CITY OF HENDERSONVILLE FEE SCHEDULE

ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2022 - 2023

Public Hearing required for items denoted with asterisk

DESCRIPTION	COST / CHARGE / FEE
ADMINISTRATION	
General	
Clerk's Certification of Public Records	\$3.00 per page (after first page)
Application for Certificate of Public Convenience & Necessity (taxicab)	\$60.00
Horse-Drawn Carriage Permit	\$60.00
Flash Drives:	
0-8 GB	\$5.00 each
16-128 GB	\$7.00 each
>= 128 GB	\$20.00 each
Copy Charges (per page)	
Black	\$0.050 per sheet
Color	\$0.065 per sheet
City Council Agenda Subscription	
Meeting Subscription & Printing	\$16.00 per agenda packet
Annual Subscription & Printing	\$180.00 per fiscal year
Special Event Vendors: (per day)	
Single-Day Food Vendors	\$30.00
Multi-Day Food Vendors	\$55.00 per day
Non-Food Vendors	\$15.00

COMMUNITY DEVELOPMENT	
General	
Administrative Review	No Charge
Annexation Waiver, Voluntary (contiguous or satellite)	\$26.00
Comprehensive Plan (per page)	
Black	\$0.15
Color	\$0.25
Conditional Use	\$200.00
Copy Charges (per page)	
Black	\$0.15
Color	\$0.25
Large Format Copy	\$10.00
Demolition Admin Fee	\$100.00
Floodplain Development Permit	\$300.00
Non-Conforming Use	\$100.00
Nuisance Fee (Admin. Cost Doubles for each Offense within a Year)	Cost + \$100.00 Admin. Cost
Outdoor Dining Fee (Annual)	\$0.50 per Sq. Ft.
Sign Permits (based on cost of sign)	
Minimum	\$40.00
\$1,000	\$45.00
\$2,000	\$50.00
\$3,000	\$55.00
\$4,000	\$60.00
\$5,000	\$65.00
\$6,000	\$70.00
\$7,000	\$75.00
\$8,000	\$80.00
\$9,000	\$85.00
\$10,000	\$90.00
Over \$10,000	\$40.00 per \$1,000.00 over \$10,000.00

CITY OF HENDERSONVILLE FEE SCHEDULE

ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2022 - 2023

Public Hearing required for items denoted with asterisk

DESCRIPTION	COST / CHARGE / FEE
Site Plan Reviews & Amendments	
Commercial, Industrial or Institutional	
5,000 - 19,999 square feet in floor area	\$300.00
20,000 - 50,000 square feet in floor area	\$450.00
Minor Planned Residential Developments	
3 - 10 dwellings	\$300.00
11 - 50 dwellings	\$450.00
Conditional Use Reviews & Amendments	\$100.00 per acre, \$500.00 minimum
Street Closing Petition (\$1,000 deposit)	Actual Cost
Subdivision Ordinance (per page)	\$0.15
Subdivision Plats	\$20.00 per lot
Telecommunications Towers, Antennas and Equipment	
Basic Permit (C-3, I-1)	\$450.00
Special Use Permit ¹	\$2,500.00
Small Wireless Facilities (first 5 facilities)	\$100.00 each
Additional small wireless facilities on the same application	\$50.00 each
Temporary Use Permit	\$60.00
Traffic Impact Analysis Study	\$1,000.00
Variance	\$75.00
Zoning Map	\$5.00
Zoning Ordinance (per page)	\$0.15
Zoning Ordinance Map Amendment (Legislative Rezoning)	
Commercial or Industrial	\$275.00
Residential < 3 acres	\$175.00
Residential > 3 acres	\$225.00
Zoning Ordinance Text Amendments	\$175.00
Zoning Permit	\$50.00
<i>Note 1: Applicable only to applications required to meet the additional standards contained in Section 16-4-23.4.</i>	
<i>Fees for towers proposed for siting in PCD or PID district are included in the fee for conditional use review.</i>	

CITY OF HENDERSONVILLE FEE SCHEDULE

ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2022 - 2023

Public Hearing required for items denoted with asterisk

DESCRIPTION	COST / CHARGE / FEE
FIRE DEPARTMENT	
General	
Illegal Burn Fee	\$100.00
Operational Permits	
ABC License Fee	\$50.00
Amusement Buildings	\$50.00
Carnival and Fairs	\$50.00
Combustible dust-producing operations	\$100.00
Covered and Open Mall Buildings	\$50.00
Exhibits and trade shows (per event)	\$50.00
Explosives	\$100.00
Flammable and Combustible Liquids	\$100.00
Fumigation and thermal insecticide fogging	\$100.00
Liquid or gas-fueled vehicles or equipment in assembly buildings	\$100.00
Private Hydrants	\$50.00
Pyrotechnic special effects material	\$100.00
Spraying and Dipping	\$100.00
Temporary membrane structures, tents, and canopies (excludes special events)	\$50.00
Construction Permits	
Automatic fire extinguishing systems	\$100.00
Battery systems	\$100.00
Compressed gas	\$100.00
Cryogenic fluids	\$100.00
Emergency responder radio coverage system	\$100.00
Fire alarm and detection systems and related equipment	\$100.00
Fire pumps and related equipment	\$100.00
Flammable and Combustible liquids	\$100.00
Gates and barricades across fire apparatus access roads	\$100.00
Hazardous Materials	\$100.00
Industrial Ovens	\$100.00
LP Gas	\$100.00
Private fire hydrant	\$100.00
Smoke control or smoke exhaust systems	\$100.00
Solar photovoltaic power systems	\$100.00
Spraying and Dipping	\$100.00
Standpipe systems	\$100.00
Temporary membrane structures, tents, canopies (per site, excludes special	\$50.00
Construction Plans Review	
Commercial hood suppression systems	\$100.00
Explosives and fireworks	\$100.00
Petroleum tanks and appurtenances	\$100.00

CITY OF HENDERSONVILLE FEE SCHEDULE

ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2022 - 2023

Public Hearing required for items denoted with asterisk

DESCRIPTION	COST / CHARGE / FEE
Sprinkler systems, fire alarm systems and Emergency Responder Radio Coverage Systems	
Minimum up to 1,000 square feet	\$50.00
1,001 - 5,000 square feet	\$100.00
5,001 - 10,000 square feet	\$150.00
10,001 - 25,000 square feet	\$200.00
25,001 - 50,000 square feet	\$250.00
50,001 - 100,000 square feet	\$300.00
100,001 - 200,000 square feet	\$350.00
Over 200,000 square feet	\$400.00
Work without a permit	\$250.00
Fire Inspection Fees	
Minimum up to 1,000 square feet	\$50.00
1,001 - 5,000 square feet	\$100.00
5,001 - 10,000 square feet	\$150.00
10,001 - 25,000 square feet	\$200.00
25,001 - 50,000 square feet	\$250.00
50,001 - 100,000 square feet	\$300.00
100,001 - 200,000 square feet	\$350.00
Over 200,000 square feet	\$400.00
R-2 & S Occupancies (Apartment Complexes, Storage Units, etc.)	
1-20 Units	\$50.00
21-50 Units	\$100.00
51-100 Units	\$150.00
101-150 Units	\$200.00
151-200 Units	\$250.00
201-250 Units	\$300.00
251-300 Units	\$350.00
Over 300 Units	\$400.00
Re-inspections	
Re-inspection Fee (Follow-up) per re-inspection	\$100.00
Annual Non-Compliant Inspection Fee	\$250.00
Hazardous Material Response Fees	
Chief Officer - per officer (per hr.)	\$75.00
Engine Company Response - per engine (per hr.)	\$150.00
Fire Marshal/Deputy Fire Marshal - per person (per hr.)	\$50.00
Ladder/Truck Response - per ladder/truck (per hr.)	\$200.00
Materials/Supplies Used	Actual replacement cost
Off Duty/Call Back Personnel	Average hourly rate x 1.5
Site Assessment Fee	\$50.00

CITY OF HENDERSONVILLE FEE SCHEDULE

ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2022 - 2023

Public Hearing required for items denoted with asterisk

DESCRIPTION	COST / CHARGE / FEE
FINANCE	
General	
Beer License - On Premises	\$15.00
Beer License - Off Premises	\$5.00
Carnival Permit	\$100/week + \$5 per device
Delinquent Account Fee	\$40.00
Returned item fee	\$25.00
Itinerant Merchant/Peddlers Permit	\$100.00
Utility Application Fee	\$10.00
Motor Vehicle Tag Fee	\$15.00
Wholesale Dealers License - Beer Only	\$37.50
Wholesale Dealers License - Wine Only	\$37.50
Wholesale Dealers License - Beer & Wine	\$62.50
Wine License - On Premises	\$15.00
Wine License - Off Premises	\$10.00
<i>Note: In accordance with G.S. 105-113.77 and G.S. 105-113.79 If a business has multiple locations in one county or city, that business will need to obtain separate ABC licenses for each location. City beer and wine taxes must increase by 10% for each additional license of the same type issued to the same taxpayer for use at a separate location. Furthermore, G.S. 105-236 applies penalties for failure to pay for and obtain local beer and wine license taxes. Operating a business without the required privilege license triggers a monthly penalty of 5 % of the applicable privilege license tax, up to a total of 25 %. Failure to pay the required tax triggers a separate 10% penalty. These violations are also Class 1 misdemeanors.</i>	

POLICE	
General	
Fingerprinting	\$10.00
Precious Metals Dealer Background Check	\$75.00
Precious Metals Dealer Permit	\$180.00
Parking Fees, Fines & Penalties:	
All Other Parking Violations C.O. 50	\$25.00
Construction parking permit (per day)	\$5.00
Crosswalk	\$25.00
Fire Lane	\$100.00
Fire Hydrant	\$100.00
Habitual Offender (3 Tickets or more in 30 days)	\$100.00
Handicapped	\$250.00
Limited Zone (Same Block Parking)	\$50.00
Loading Zone/15 minute parking	\$25.00
Monthly Parking Space - G Permit Interior	\$40.00
Monthly Parking Space - G Permit Exterior	\$30.00
Monthly Parking Space - R Permit Interior	\$30.00
Monthly Parking Space - R Permit Exterior	\$20.00
Monthly Parking Space - S Permit Interior	\$20.00
Monthly Parking Space - S Permit Exterior	\$10.00
Overtime/Expired meter	\$25.00
Parking meter (per 1/2 hour)	\$0.50
Penalty after 15 days	\$25.00
Penalty after 30 days additional	\$50.00
Subsequent overtime	\$50 + Doubles each Overtime

CITY OF HENDERSONVILLE FEE SCHEDULE

ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2022 - 2023

Public Hearing required for items denoted with asterisk

DESCRIPTION	COST / CHARGE / FEE
PUBLIC WORKS	
Boyd Park Mini-Golf Admission	
Adults	\$3.00
Children	\$2.00
Course Rental (half day - with concessions)	\$300.00
Course Rental (half day - without concessions)	\$200.00
General	
Backhoe (per hour)	\$125.00
Building Maintenance Fees (per hour)	\$75.00
Bush Hogs/Tractor Mowing (per hour)	\$80.00
Electrical Usage for Special Events - 20 Amps or Less	\$25.00 per day
Electrical Usage for Special Events - 21 Amps - 50 Amps	\$50.00 per day
Electrical Usage for Special Events - over 50 Amps	\$100.00 per day
Encroachment Permit Fee (asphalt & concrete cuts)	\$100.00
Encroachment Permit Fee (temporary sidewalk and road closure)	\$50.00
Fleet Maintenance Fees (per hour)	\$75.00
Sidearm Mower Rental (per hour)	\$125.00
Water/Flusher Truck (per load)	\$100.00
Weed Eater/Hedge Trimmer (per hour)	\$40.00
Asphalt Curb Installation - per linear foot	\$15.00
Oakdale Cemetery	
City Resident (per grave space)	\$500.00
Out of City Resident (per grave space)	\$1,000.00
Infant Lots - City Resident (per grave space)	\$250.00
Infant Lots - Out of City Resident (per grave space)	\$500.00
Temporary Grave Marker Not Installed - Fine ¹	\$100.00
Operation Center Room Rental Rates	
Large Assembly Room (8 a.m. - 5 p.m.)	\$100.00
Large Assembly Room (5 p.m. - 10 p.m.)	\$50.00
Park Usage	
Patton Park - Small Pavilion	\$25.00 per half day
Patton Park - Large Pavilion (May through September)	\$50.00 per half day
Patton Park - Field Usage for Organized Groups (per player per season)	\$10.00
Patton Pool	
Daily Admittance Fee (adults)	\$5.00
Daily Admittance Fee (children) (3yrs or younger will be free with adult)	\$4.00
Lap Swim	\$4.00
Paving Cut Repairs	
Mobilization/Base Fee (cuts less than or equal to 25square feet)	\$600.00
Repair fee per square foot, greater than 25 square feet	\$12.00/sqft
<i>Note 1: The City requires the installation of a temporary grave marker within 24 hours of a burial. Failure to install a temporary</i>	

CITY OF HENDERSONVILLE FEE SCHEDULE

ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2022 - 2023

Public Hearing required for items denoted with asterisk

DESCRIPTION	COST / CHARGE / FEE
ENVIRONMENTAL SERVICES	
General	
Sanitation Service Deposit	\$60.00
Utility Bill Late Fee	\$10.00 or 5% of past due balance, whichever is greater
Small Special Load (collected with pickup truck and city staff)	\$50.00
Large Special Loads (tipping fee added to special fee)	\$150.00
Stolen/Damaged Cart Replacement Fee	\$100.00
Televisions/computer monitors - per item	\$30.00
White Goods (washers, dryers, refrigerators, hot water heaters, etc.) - per item	\$25.00
Special Event - Cart Delivery, Pickup, and Material Disposal - per cart fee	\$20.00
Violations	
Illegal Dumping Fee - Offense 1	Warning
Illegal Dumping Fee - Offense 2	\$50.00
Illegal Dumping Fee - Offense 3	\$100.00
Illegal Dumping Fee - Offense 4 (+)	\$150.00
Commercial Waste and Recycling	
Commercial Recycling (up to four 65gal. bins, collected once/week)	\$14.00 per bin
Commercial Recycling (up to four 65gal. bins, collected twice/week)	\$28.00 per bin
Commercial Waste (per 96gal. bin)	\$28.00 per bin
Commercial Waste and Recycling (96gal. bin)	\$28.00 per set of bins
Residential Waste and Recycling	
Residential Waste - 32gal.	\$20.00 per bin
Residential Waste, Assisted - 32gal.	\$20.00 per bin
Residential Waste and Recycling - 32gal.	\$20.00 per set of bins
Residential Waste and Recycling, Assisted - 32gal.	\$20.00 per set of bins
Residential Waste - 96gal.	\$22.00 per bin
Residential Waste, Assisted - 96gal.	\$22.00 per bin
Residential Waste and Recycling - 96gal.	\$22.00 per set of bins
Residential Waste and Recycling, Assisted - 96gal.	\$22.00 per set of bins

Note: 1 set of bins includes 1 waste and 1 recycling container.

STORMWATER	
Single-Family Residential Stormwater Fee	\$5.00 per month
Multi-Unit Residential Stormwater Fee	\$5.00 per unit, per month
Non-Residential Property Stormwater Fee, per ERU ¹	\$5.00 per month
Non-Residential Property Stormwater Fee Cap ²	\$250.00 per month
OR	
Non-Residential Property Stormwater 50% Credit (if < \$250.00) ²	50% Credit
Stormwater Service Charge Credit Application Fee	\$50.00
Post-Construction Stormwater Management Review Fee	\$500.00

Note 1: 1 Equivalent Residential Unit (ERU) = 3,000sqft.

Note 2: Non-Residential properties are eligible for either a cap or a credit, not both.

CITY OF HENDERSONVILLE FEE SCHEDULE

ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2022 - 2023

Public Hearing required for items denoted with asterisk

DESCRIPTION	COST / CHARGE / FEE
WATER AND SEWER	
Water	
General	
Residential Water & Sewer Deposit	
Tier 1	\$0.00
Tier 2	\$80.00
Tier 3	\$120.00
Customer unable to perform utility credit check - Residential	\$240.00
Residential - Rental Water & Sewer Deposit	
Tier 1	\$60.00
Tier 2	\$80.00
Tier 3	\$120.00
Customer unable to perform utility credit check - Residential Rental	\$240.00
Commercial Water & Sewer Deposit	
Tier 1	\$125.00
Tier 2	\$175.00
Tier 3	\$250.00
Customer unable to perform utility credit check - Commercial/Industrial	\$500.00
Utility Bill Late Fee	\$10.00 or 5% of past due balance, whichever is greater
Inside City Limits	
Base Charge by Meter Size	
3/4"	\$8.32
1"	\$9.71
1 1/2"	\$13.15
2"	\$17.56
3"	\$27.87
4"	\$42.60
6"	\$79.40
8"	\$123.56
Volumetric Charges	
Residential	
0 to 6,000 gallons	\$4.48 per 1000 gallons
6,000 to 14,000 gallons	\$4.93 per 1000 gallons
14,000 gallons and greater	\$5.60 per 1000 gallons
Commercial/Industrial	
0 to 40,000 gallons	\$4.48 per 1000 gallons
40,000 to 200,000 gallons	\$4.28 per 1000 gallons
200,000 gallons and greater	\$3.80 per 1000 gallons
Irrigation	
0 to 40,000 gallons	\$5.60 per 1000 gallons
40,000 gallons and greater	\$6.10 per 1000 gallons

CITY OF HENDERSONVILLE FEE SCHEDULE

ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2022 - 2023

Public Hearing required for items denoted with asterisk

DESCRIPTION	COST / CHARGE / FEE
Outside City Limits	
Base Charge by Meter Size	
3/4"	\$11.23
1"	\$13.11
1 1/2"	\$17.75
2"	\$23.70
3"	\$37.63
4"	\$57.51
6"	\$107.19
8"	\$166.81
Volumetric Charges	
Residential	
0 to 6,000 gallons	\$6.05 per 1000 gallons
6,000 to 14,000 gallons	\$6.65 per 1000 gallons
14,000 gallons and greater	\$7.56 per 1000 gallons
Commercial/Industrial	
0 to 40,000 gallons	\$6.05 per 1000 gallons
40,000 to 200,000 gallons	\$5.78 per 1000 gallons
200,000 gallons and greater	\$5.13 per 1000 gallons
Irrigation	
0 to 40,000 gallons	\$7.56 per 1000 gallons
40,000 gallons and greater	\$8.06 per 1000 gallons
Wholesale	
Base Charge by Meter Size	
3/4"	\$11.23
1"	\$13.11
1 1/2"	\$17.75
2"	\$23.70
3"	\$37.63
4"	\$57.51
6"	\$107.19
8"	\$166.81
Volumetric Charges	
Municipal/Wholesale	
All Usage	\$4.48 per 1000 gallons
Bulk Water	
All Usage	\$7.56 per 1000 gallons

CITY OF HENDERSONVILLE FEE SCHEDULE

ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2022 - 2023

Public Hearing required for items denoted with asterisk

DESCRIPTION	COST / CHARGE / FEE
Other Customers	
Public Schools	
Base Charge per Account	\$8.32
All Usage	\$4.48 per 1000 gallons
Taps & Connections	
Water Main Tap and Service, 3/4" Meter	\$1,000.00
Water Main Tap and Service, 1" Meter	\$1,400.00
Water Main Tap and Service > 1" Meter	Cost plus 10%
Water Service - Stub Out, 3/4" (install meter box and meter)	\$600.00
Water Service - Stub Out, 1" (install meter box and meter)	\$650.00
Water Service - Stub Out, >1" (install meter box/multi-box/vault and meter)	Cost plus 10%
Water Service - Drop Meter, 3/4" (install meter only)	\$300.00
Water Service - Drop Meter, 1" (install meter only)	\$350.00
Water Service - Drop Meter, >1" (install meter and MXU only)	
1.5" Meter and Set-up	\$1,850.00
2" Meter and Set-up	\$2,125.00
4" Meter and Set-up	\$4,350.00
6" Meter and Set-up	\$7,275.00
8" Meter and Set-up	\$11,575.00
Irrigation Tee, 3/4" (install meter box and meter)	\$600.00
Irrigation Tee, 1" (install meter box and meter)	\$650.00
Meters	
Turn On/Off/Set Meter During Business Hours	\$40.00
Turn On/Off/Set Meter After Business Hours	\$100.00
Meter Replacement Charge	Cost plus 10%
Test Meter, at customer's request (<1-in.); if meter faulty - No Charge	\$45.00
Test Meter, at customer's request (>1-in.); if meter faulty - No Charge	Cost plus 10%
Engineering Review Fees	
Base Fee	\$400.00
Cost per sheet	\$15.00 per sheet
Re-submittal fee (second re-submittal)	\$200.00
Re-submittal fee (fourth re-submittal)	\$200.00
Re-submittal fee (sixth re-submittal)	\$200.00
Line Extensions	\$400.00
Failure to Install Backflow Assembly, 1st Notice	\$400.00
Failure to Install Backflow Assembly, 2nd Notice	\$500.00
Failure to Test Backflow Assembly Annually	\$100.00
Failure to Replace/Repair Backflow Assembly	\$500.00
Falsifying Records Regarding the Testing of Backflow Assemblies	\$500.00
Water Line Inspections (\$100 min)	\$3.00 per linear foot

CITY OF HENDERSONVILLE FEE SCHEDULE

ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2022 - 2023

Public Hearing required for items denoted with asterisk

DESCRIPTION	COST / CHARGE / FEE
Miscellaneous Fees	
Assist with Fire Hydrant Flow/Pressure Testing Conducted by Others	\$50.00
Chemical Analysis of Water	Cost plus 10%
Drill for Main Tap, Cost/Inch of Diameter	\$150.00
Fire Hydrant Installation	Cost plus 10%
Assist with Hydrant Flow/Pressure Testing Conducted by Others	\$50.00
Small Meter Box Access Program Permit Fee (good for 5-years, requires renew:	\$50.00
Small Meter Box Access Key, each	Cost plus 10%
Illegal Use of Fire Hydrant	\$500.00 + Damages
Premise Visit	\$40.00
Reconnection of Service at Main	Cost plus 10%
Replace Removed Meter due to additional usage after non-payment cut-off:	
During Business Hours	\$75.00
After Business Hours	\$100.00
Water Conservation Incentives Program Rebate Schedule	
Clothes Washer (\$75 min; \$150 max) - Limit one per account	15% of purchase price
High-Efficiency Toilet (\$25 min; \$100 max) - Limit 2 per residential account	15% of purchase price
Customer-Side Shut-Off Valve - Limit one per account	up to \$300.00
Weather-Based Irrigation System Controller - Limit one per account	50% of purchase price or \$200, whichever is less
<i>Note: Limited number of rebates offered annually</i>	

CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2022 - 2023

Public Hearing required for items denoted with asterisk

DESCRIPTION	COST / CHARGE / FEE
Sewer	
General	
Residential Water & Sewer Deposit	
Tier 1	\$0.00
Tier 2	\$80.00
Tier 3	\$120.00
Customer unable to perform utility credit check - Residential	\$240.00
Residential - Rental Water & Sewer Deposit	
Tier 1	\$60.00
Tier 2	\$80.00
Tier 3	\$120.00
Customer unable to perform utility credit check - Residential Rental	\$240.00
Commercial Water & Sewer Deposit	
Tier 1	\$125.00
Tier 2	\$175.00
Tier 3	\$250.00
Customer unable to perform utility credit check - Commercial/Industrial	\$500.00
Utility Bill Late Fee	\$10.00 or 5% of past due balance, whichever is greater
Inside City Limits	
Base Charge by Meter Size	
3/4"	\$8.92
1"	\$11.25
1 1/2"	\$17.04
2"	\$24.03
3"	\$40.44
4"	\$63.89
6"	\$122.45
8"	\$192.74
Volumetric Charges	
All Usage	\$6.33 per 1000 gallons
Sewer Only-Flat Rate	\$32.98 per month
Outside City Limits	
Base Charge by Meter Size	
3/4"	\$13.38
1"	\$16.88
1 1/2"	\$25.57
2"	\$36.04
3"	\$60.66
4"	\$95.83
6"	\$183.67
8"	\$289.12
Volumetric Charges	
All Usage	\$9.50 per 1000 gallons
Sewer Only-Flat Rate	\$49.80 per month

CITY OF HENDERSONVILLE FEE SCHEDULE

ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2022 - 2023

Public Hearing required for items denoted with asterisk

DESCRIPTION	COST / CHARGE / FEE
Wholesale	
Base Charge by Meter Size	
3/4"	\$13.38
1"	\$16.88
1 1/2"	\$25.57
2"	\$36.04
3"	\$60.66
4"	\$95.83
6"	\$183.67
8"	\$289.12
Volumetric Charges	
All Usage	\$9.50 per 1000 gallons
Other Customers	
Public Schools	
Base Charge per Account	\$8.92
All Usage	\$6.33 per 1000 gallons
Municipal	
Base Charge per Account	\$8.92
All Usage	\$9.50 per 1000 gallons
Internal Sewer	
Base Charge per Account	See Wholesale Charges
All Usage	\$9.50 per 1000 gallons
Henderson County Sewer	
Base Charge per Account	See Wholesale Charges
All Usage	\$9.50 per 1000 gallons
<i>Note: City sewer rates are not applicable to the Cane Creek Sanitary Sewer District</i>	
Taps and Connections	
4" Gravity Sewer Service Installation	\$1,600.00
6" Gravity Sewer Service Installation	\$2,000.00
8" Gravity Sewer Service Installation	\$2,400.00
Surcharges	
Biochemical Oxygen Demand (BOD), per lb. in excess of 250-mg/l	\$0.28
Total Suspended Residue (TSR), per lb. in excess of 250-mg/l	\$0.17
Ammonia nitrogen, per lb. in excess of 30-mg/l	\$1.65
Engineering Review Fees	
Base Fee	\$400.00
Cost per sheet	\$15.00 per sheet
Re-submittal fee (second re-submittal)	\$200.00
Re-submittal fee (fourth re-submittal)	\$200.00
Re-submittal fee (sixth re-submittal)	\$200.00
Line Extensions	\$300.00
Sewer Line Inspections (\$100 min)	\$5.00 per linear foot
Miscellaneous Fees	
Concrete Core Drill (manhole), Cost/Inch of Diameter	\$200.00
Drill for Main Extension or Fire Line Connection, Cost/Inch of Diameter	\$150.00
Food Services Sewer Connection Application Fee	\$75.00
Non-discharge Permit Fee	\$300.00
Pretreatment Program	Cost of Program per SIU
Septic Tank Waste Disposal, per 1000-gallons	\$60.00
Septic Tank Waste Disposal Permit	\$75.00

CITY OF HENDERSONVILLE FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2022 - 2023

Public Hearing required for items denoted with asterisk

DESCRIPTION	COST / CHARGE / FEE
Equipment Usage (hourly rates)	
Rubber-Tired Backhoe, Small	\$33.00
Rubber-Tired Backhoe, Large	\$38.00
Mini-Excavator, 8,000-lb	\$18.00
Mini-Excavator, 12,000-lb	\$39.00
Excavator, 30,000-lb	\$65.00
Vac Truck	\$75.00
Dump Truck (single-axle), Small	\$20.00
Dump Truck (single-axle), Large	\$35.00
Dump Truck (dual axle)	\$55.00
Dump Truck (triaxle)	\$65.00
Pick-Up Truck	\$14.00
Harben	\$25.00
Camera Truck	\$75.00
Air Compressor	\$20.00
Air Hammer/Pusher	\$0.65
Soil Tamp	\$20.00

10-Year Water Rate Forecast

Rate Equalization (%):	150%	145%	140%	135%	130%	125%	120%	115%	110%	105%	100%	100%	100%	100%
	FY19-20	FY20-21	FY21-22	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28	FY28-29	FY29-30	FY30-31	FY31-32	FY32-33
	Adopted	Adopted	Adopted	Proposed	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast

Inside City

Base Charges															
3/4"	\$ 6.00	\$ 6.52	\$ 7.43	\$ 8.32	\$ 9.32	\$ 10.44	\$ 11.69	\$ 13.09	\$ 14.66	\$ 16.42	\$ 18.39	\$ 18.76	\$ 18.95	\$ 19.14	
1"	7.11	7.61	8.67	9.71	10.88	12.18	13.65	15.28	17.12	19.17	21.47	21.90	22.12	22.34	
1.5"	9.87	10.51	11.74	13.15	14.73	16.49	18.47	20.69	23.17	25.95	29.07	29.65	29.95	30.24	
2"	13.17	14.04	15.67	17.56	19.66	22.02	24.66	27.62	30.94	34.65	38.81	39.58	39.98	40.38	
3"	20.92	22.29	24.89	27.87	31.22	34.97	39.16	43.86	49.12	55.02	61.62	62.85	63.48	64.12	
4"	31.96	34.06	38.04	42.60	47.71	53.44	59.85	67.03	75.07	84.08	94.17	96.06	97.02	97.99	
6"	59.58	63.48	70.89	79.40	88.93	99.60	111.55	124.94	139.93	156.72	175.53	179.04	180.83	182.64	
8"	92.71	98.79	110.32	123.56	138.39	155.00	173.59	194.43	217.76	243.89	273.15	278.62	281.40	284.22	
Vol. Charges - Residential															
0 - 6 kgal	\$ 2.85	\$ 3.17	\$ 4.00	\$ 4.48	\$ 5.02	\$ 5.62	\$ 6.29	\$ 7.05	\$ 7.90	\$ 8.84	\$ 9.90	\$ 10.10	\$ 10.20	\$ 10.30	
6 - 14 kgal	3.14	3.49	4.40	4.93	5.52	6.18	6.92	7.75	8.68	9.73	10.89	11.11	11.22	11.34	
> 14 kgal	3.56	3.97	5.00	5.60	6.27	7.02	7.87	8.81	9.87	11.05	12.38	12.63	12.75	12.88	
Vol. Charges - Commercial/Industrial															
0 - 40 kgal	\$ 2.85	\$ 3.17	\$ 4.00	\$ 4.48	\$ 5.02	\$ 5.62	\$ 6.29	\$ 7.05	\$ 7.90	\$ 8.84	\$ 9.90	\$ 10.10	\$ 10.20	\$ 10.30	
40 - 200 kgal	2.35	2.75	3.65	4.28	5.02	5.62	6.29	7.05	7.90	8.84	9.90	10.10	10.20	10.30	
> 200 kgal	2.22	2.53	3.28	3.80	5.02	5.62	6.29	7.05	7.90	8.84	9.90	10.10	10.20	10.30	
Vol. Charges - Irrigation															
0 - 40 kgal	\$ 3.56	\$ 3.97	\$ 5.00	\$ 5.60	\$ 6.27	\$ 7.02	\$ 7.87	\$ 8.81	\$ 9.87	\$ 11.05	\$ 12.38	\$ 12.63	\$ 12.75	\$ 12.88	
> 40 kgal	4.06	4.47	5.50	6.10	6.77	7.52	8.37	9.31	10.37	11.55	12.88	13.13	13.25	13.38	

10-Year Water Rate Forecast

Rate Equalization (%):	150%	145%	140%	135%	130%	125%	120%	115%	110%	105%	100%	100%	100%	100%
	FY19-20	FY20-21	FY21-22	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28	FY28-29	FY29-30	FY30-31	FY31-32	FY32-33
	Adopted	Adopted	Adopted	Proposed	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast

Outside City

Base Charges															
3/4"	\$ 9.00	\$ 9.45	\$ 10.40	\$ 11.23	\$ 12.11	\$ 13.05	\$ 14.03	\$ 15.06	\$ 16.13	\$ 17.24	\$ 18.39	\$ 18.76	\$ 18.95	\$ 19.14	
1"	10.66	11.03	12.14	13.11	14.14	15.23	16.38	17.58	18.83	20.13	21.47	21.90	22.12	22.34	
1.5"	14.80	15.24	16.44	17.75	19.14	20.62	22.17	23.79	25.49	27.25	29.07	29.65	29.95	30.24	
2"	19.76	20.35	21.94	23.70	25.56	27.53	29.60	31.77	34.03	36.38	38.81	39.58	39.98	40.38	
3"	31.37	32.32	34.84	37.63	40.58	43.71	46.99	50.44	54.04	57.77	61.62	62.85	63.48	64.12	
4"	47.95	49.39	53.25	57.51	62.02	66.80	71.82	77.09	82.58	88.29	94.17	96.06	97.02	97.99	
6"	89.37	92.05	99.25	107.19	115.60	124.50	133.86	143.68	153.92	164.56	175.53	179.04	180.83	182.64	
8"	139.07	143.25	154.45	166.81	179.91	193.74	208.31	223.59	239.53	256.08	273.15	278.62	281.40	284.22	
Vol. Charges - Residential															
0 - 6 kgal	\$ 4.28	\$ 4.60	\$ 5.60	\$ 6.05	\$ 6.52	\$ 7.02	\$ 7.55	\$ 8.11	\$ 8.68	\$ 9.28	\$ 9.90	\$ 10.10	\$ 10.20	\$ 10.30	
6 - 14 kgal	4.70	5.06	6.16	6.65	7.18	7.73	8.31	8.92	9.55	10.21	10.89	11.11	11.22	11.34	
> 14 kgal	5.34	5.75	7.00	7.56	8.15	8.78	9.44	10.13	10.86	11.61	12.38	12.63	12.75	12.88	
Vol. Charges - Commercial/Industrial															
0 - 40 kgal	\$ 4.28	\$ 4.60	\$ 5.60	\$ 6.05	\$ 6.52	\$ 7.02	\$ 7.55	\$ 8.11	\$ 8.68	\$ 9.28	\$ 9.90	\$ 10.10	\$ 10.20	\$ 10.30	
40 - 200 kgal	3.52	3.99	5.11	5.78	6.52	7.02	7.55	8.11	8.68	9.28	9.90	10.10	10.20	10.30	
> 200 kgal	3.33	3.67	4.60	5.13	6.52	7.02	7.55	8.11	8.68	9.28	9.90	10.10	10.20	10.30	
Vol. Charges - Irrigation															
0 - 40 kgal	\$ 5.34	\$ 5.75	\$ 7.00	\$ 7.56	\$ 8.15	\$ 8.78	\$ 9.44	\$ 10.13	\$ 10.86	\$ 11.61	\$ 12.38	\$ 12.63	\$ 12.75	\$ 12.88	
> 40 kgal	5.84	6.25	7.50	8.06	8.65	9.28	9.94	10.63	11.36	12.11	12.88	13.13	13.25	13.38	

10-Year Water Rate Forecast

Rate Equalization (%):	150%	145%	140%	135%	130%	125%	120%	115%	110%	105%	100%	100%	100%	100%
	FY19-20	FY20-21	FY21-22	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28	FY28-29	FY29-30	FY30-31	FY31-32	FY32-33
	Adopted	Adopted	Adopted	Proposed	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast

Wholesale & Other	Base Charges														
	3/4"	\$ 9.00	\$ 9.45	\$ 10.40	\$ 11.23	\$ 12.11	\$ 13.05	\$ 14.03	\$ 15.06	\$ 16.13	\$ 17.24	\$ 18.39	\$ 18.76	\$ 18.95	\$ 19.14
	1"	10.66	11.03	12.14	13.11	14.14	15.23	16.38	17.58	18.83	20.13	21.47	21.90	22.12	22.34
	1.5"	14.80	15.24	16.44	17.75	19.14	20.62	22.17	23.79	25.49	27.25	29.07	29.65	29.95	30.24
	2"	19.76	20.35	21.94	23.70	25.56	27.53	29.60	31.77	34.03	36.38	38.81	39.58	39.98	40.38
	3"	31.37	32.32	34.84	37.63	40.58	43.71	46.99	50.44	54.04	57.77	61.62	62.85	63.48	64.12
	4"	47.95	49.39	53.25	57.51	62.02	66.80	71.82	77.09	82.58	88.29	94.17	96.06	97.02	97.99
	6"	89.37	92.05	99.25	107.19	115.60	124.50	133.86	143.68	153.92	164.56	175.53	179.04	180.83	182.64
	8"	139.07	143.25	154.45	166.81	179.91	193.74	208.31	223.59	239.53	256.08	273.15	278.62	281.40	284.22
	Vol. Charges - Municipal/Wholesale														
	All Usage, Per 1kgal	\$ 2.85	\$ 3.17	\$ 4.00	\$ 4.48	\$ 6.27	\$ 7.02	\$ 7.87	\$ 8.81	\$ 9.87	\$ 11.05	\$ 12.38	\$ 12.63	\$ 12.75	\$ 12.88
Vol. Charges - Bulk Water															
	All Usage, Per 1kgal	\$ 5.34	\$ 5.75	\$ 7.00	\$ 7.56	\$ 8.15	\$ 8.78	\$ 9.44	\$ 10.13	\$ 10.86	\$ 11.61	\$ 12.38	\$ 12.63	\$ 12.75	\$ 12.88
Base Charges - Public Schools															
		\$ 6.00	\$ 6.52	\$ 7.43	\$ 8.32	\$ 9.32	\$ 10.44	\$ 11.69	\$ 13.09	\$ 14.66	\$ 16.42	\$ 18.39	\$ 18.76	\$ 18.95	\$ 19.14
Vol. Charges - Public Schools															
	All Usage, Per 1kgal	\$ 2.85	\$ 3.17	\$ 4.00	\$ 4.48	\$ 5.02	\$ 5.62	\$ 6.29	\$ 7.05	\$ 7.90	\$ 8.84	\$ 9.90	\$ 10.10	\$ 10.20	\$ 10.30

10-Year Wastewater Rate Forecast

Rate Equalization (%):	150%	150%	150%	150%	150%	150%	150%	150%	150%	150%	150%	150%	150%	150%
	FY19-20	FY20-21	FY21-22	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28	FY28-29	FY29-30	FY30-31	FY31-32	FY32-33
	Adopted	Adopted	Adopted	Proposed	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast

Base Charges															
Inside City	3/4"	\$ 7.21	\$ 7.27	\$ 8.00	\$ 8.92	\$ 9.54	\$ 10.21	\$ 10.93	\$ 11.69	\$ 12.51	\$ 13.39	\$ 14.32	\$ 14.61	\$ 14.76	\$ 14.90
	1"	9.07	9.14	10.09	11.25	12.04	12.89	13.79	14.75	15.78	16.89	18.07	18.43	18.62	18.80
	1.5"	13.66	13.77	15.29	17.04	18.24	19.51	20.88	22.34	23.91	25.58	27.37	27.92	28.20	28.48
	2"	19.20	19.35	21.55	24.03	25.71	27.51	29.43	31.50	33.70	36.06	38.58	39.35	39.75	40.15
	3"	32.14	32.39	36.27	40.44	43.27	46.30	49.54	53.01	56.72	60.69	64.94	66.24	66.90	67.57
	4"	50.62	51.02	57.30	63.89	68.36	73.14	78.26	83.74	89.60	95.88	102.59	104.64	105.68	106.74
	6"	96.77	97.53	109.82	122.45	131.02	140.19	150.00	160.50	171.74	183.76	196.62	200.55	202.56	204.59
	8"	152.17	153.37	172.87	192.74	206.24	220.67	236.12	252.65	270.33	289.26	309.51	315.70	318.85	322.04
Vol. Charges - Inside City															
All Usage, Per 1kgal		\$ 5.05	\$ 5.07	\$ 5.68	\$ 6.33	\$ 6.78	\$ 7.25	\$ 7.76	\$ 8.30	\$ 8.88	\$ 9.50	\$ 10.17	\$ 10.37	\$ 10.48	\$ 10.58

10-Year Wastewater Rate Forecast

Rate Equalization (%):	150%	150%	150%	150%	150%	150%	150%	150%	150%	150%	150%	150%	150%	150%
	FY19-20	FY20-21	FY21-22	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28	FY28-29	FY29-30	FY30-31	FY31-32	FY32-33
	Adopted	Adopted	Adopted	Proposed	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast

Outside City

Base Charges															
3/4"	\$ 10.82	\$ 10.90	\$ 12.00	\$ 13.38	\$ 14.32	\$ 15.32	\$ 16.39	\$ 17.54	\$ 18.77	\$ 20.08	\$ 21.49	\$ 21.92	\$ 22.13	\$ 22.36	
1"	13.60	13.70	15.14	16.88	18.06	19.33	20.68	22.13	23.68	25.33	27.11	27.65	27.93	28.21	
1.5"	20.49	20.60	22.93	25.57	27.36	29.27	31.32	33.51	35.86	38.37	41.05	41.87	42.29	42.72	
2"	28.81	29.03	32.32	36.04	38.56	41.26	44.15	47.24	50.55	54.09	57.87	59.03	59.62	60.22	
3"	48.21	48.59	54.41	60.66	64.91	69.45	74.31	79.52	85.08	91.04	97.41	99.36	100.35	101.36	
4"	75.93	76.52	85.94	95.83	102.54	109.71	117.39	125.61	134.40	143.81	153.88	156.96	158.53	160.11	
6"	145.16	146.30	164.73	183.67	196.53	210.28	225.00	240.75	257.61	275.64	294.93	300.83	303.84	306.88	
8"	228.26	230.06	259.30	289.12	309.36	331.01	354.18	378.97	405.50	433.89	464.26	473.54	478.28	483.06	
Vol. Charges - Outside City															
All Usage, Per 1kgal	\$ 7.58	\$ 7.60	\$ 8.52	\$ 9.50	\$ 10.16	\$ 10.88	\$ 11.64	\$ 12.45	\$ 13.32	\$ 14.26	\$ 15.25	\$ 15.56	\$ 15.72	\$ 15.87	
Vol. Charges - Public Schools															
All Usage, Per 1kgal	\$ 5.05	\$ 5.07	\$ 5.68	\$ 6.33	\$ 6.78	\$ 7.25	\$ 7.76	\$ 8.30	\$ 8.88	\$ 9.50	\$ 10.17	\$ 10.37	\$ 10.48	\$ 10.58	

10-Year Wastewater Rate Forecast

Rate Equalization (%):	150%	150%	150%	150%	150%	150%	150%	150%	150%	150%	150%	150%	150%	150%
	FY19-20	FY20-21	FY21-22	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28	FY28-29	FY29-30	FY30-31	FY31-32	FY32-33
	Adopted	Adopted	Adopted	Proposed	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast

Wholesale & Other	Base Charges														
	3/4"	\$ 10.82	\$ 10.90	\$ 12.00	\$ 13.38	\$ 14.32	\$ 15.32	\$ 16.39	\$ 17.54	\$ 18.77	\$ 20.08	\$ 21.49	\$ 21.92	\$ 22.13	\$ 22.36
	1"	13.60	13.70	15.14	16.88	18.06	19.33	20.68	22.13	23.68	25.33	27.11	27.65	27.93	28.21
	1.5"	20.49	20.60	22.93	25.57	27.36	29.27	31.32	33.51	35.86	38.37	41.05	41.87	42.29	42.72
	2"	28.81	29.03	32.32	36.04	38.56	41.26	44.15	47.24	50.55	54.09	57.87	59.03	59.62	60.22
	3"	48.21	48.59	54.41	60.66	64.91	69.45	74.31	79.52	85.08	91.04	97.41	99.36	100.35	101.36
	4"	75.93	76.52	85.94	95.83	102.54	109.71	117.39	125.61	134.40	143.81	153.88	156.96	158.53	160.11
	6"	145.16	146.30	164.73	183.67	196.53	210.28	225.00	240.75	257.61	275.64	294.93	300.83	303.84	306.88
	8"	228.26	230.06	259.30	289.12	309.36	331.01	354.18	378.97	405.50	433.89	464.26	473.54	478.28	483.06
	Vol. Charges - Wholesale, Internal, Henderson County														
All Usage, Per 1kgal	\$ 7.58	\$ 7.60	\$ 8.52	\$ 9.50	\$ 10.16	\$ 10.88	\$ 11.64	\$ 12.45	\$ 13.32	\$ 14.26	\$ 15.25	\$ 15.56	\$ 15.72	\$ 15.87	
Base Charges - Public Schools															
All Usage, Per 1kgal	\$ 7.21	\$ 7.27	\$ 8.00	\$ 8.92	\$ 9.54	\$ 10.21	\$ 10.93	\$ 11.69	\$ 12.51	\$ 13.39	\$ 14.32	\$ 14.61	\$ 14.76	\$ 14.90	
Vol. Charges - Public Schools															
All Usage, Per 1kgal	\$ 5.05	\$ 5.07	\$ 5.68	\$ 6.33	\$ 6.78	\$ 7.25	\$ 7.76	\$ 8.30	\$ 8.88	\$ 9.50	\$ 10.17	\$ 10.37	\$ 10.48	\$ 10.58	

The City of Hendersonville maintains a Capital Improvement Plan (CIP) to track and plan for future-year projects. The CIP is amended and adopted on an annual basis, with each fiscal year's budget process. The adopted CIP spans 10 years from date of adoption.

The City's CIP utilizes a two-dimension rating system where two types of priorities are established, the categories for each are ranked and assigned a numeric score, and the scores for the categories from one dimension are multiplied by the scores for the categories from the other dimension to produce a matrix of ratings. The two dimensions used in the City's matrix are (1) the degree of urgency and (2) the priority of the function, each with subsets ranked from high to low. A low rating on this matrix would equate to a high priority project for the City, and a high rating would equate to a low priority project. The image below is an excerpt from the City's CIP illustrating the City's rating system. As priorities change over time, the corresponding priority ranking for respective projects are re-evaluated each fiscal year

City of Hendersonville Two-Dimension Rating Matrix							
Degree of Urgency		Priority of Function					
		1	2	3	4	5	6
		Protection	Environmental Health	General Government	Maintenance	Community Development	Recreation
	1 Legislation	1	2	3	4	5	6
	2 Hazard	2	4	6	8	10	12
	3 Efficiency	3	6	9	12	15	18
	4 Economic Advantage	4	8	12	16	20	24
	5 Expand Service	5	10	15	20	25	30
	6 New Program or Convenience	6	12	18	24	30	36

The ratings for each category are detailed in the CIP as follows:

Degrees of Urgency:

1. Legislation: Required by legislation or regulation of federal or state government.
2. Hazard: Removes an obvious or potential hazard to public health or safety.
3. Efficiency: Replaces equipment or a facility that is obsolete, or would be too costly to repair, or maintains and better utilizes existing equipment and facilities.
4. Economic Advantage: Directly benefits the City's economic base by increasing property values or other revenue potential.
5. Expand Service: Expands or increase a service or improves a standard of service.
6. New Program or Convenience: Makes possible a new service or increase convenience or comfort.

Priority of Function:

1. Protection of persons and property: police, fire, rescue, inspections, etc.
2. Environmental Health: water, sewer, sanitation, public health, etc.
3. General Government: office facilities, central services, etc.
4. Maintenance: general maintenance of City owned property.
5. Community Development: public housing, rehabilitation, etc.
6. Recreation: Parks, athletic programs, etc.
7. Heritage/Culture: education, libraries, historic districts, etc.

In FY23, the City has prioritized all water and wastewater capital projects to be included in the Water and Sewer Capital Project Fund (460). Generally, projects in this fund are multi-year and utilize financing sources other than pay-as-you-go (“pay-go”) resources. Typical funding sources include, but are not limited to grants, state revolving fund (SRF) loans, major debt issuances (such as revenue bonds), and reserve funding. In the Water and Sewer Capital Project Fund section of this annual budget, numerical priority levels may be found to the immediate left column of project names. An example of the prioritization is highlighted in the table below.

DEPARTMENT	PRIORITY LEVEL	TITLE	TOTAL COST
Water & Sewer Capital Fund	4	Apex Project Land Acquisition	750,000
	2	Fleetwood Water Improvement Project	1,400,000
	4	French Broad Raw Water Intake #16007	23,514,035
	4	Mud Creek Interceptor #18032	8,802,000
	6	North Fork Dredging #19010	800,000
	15	North Greenwood Forest Water Line Replacement	850,000
	9	Sewer Vactor Truck Replacement (New plus 29-05)	990,000
	2	Streambank Improvements	600,000
	9	Wastewater Evaluation - Basin 3	100,000
	9	Water Distribution Master Plan Update	425,000
	4	WTP Expansion to 15.0 MGD	2,131,500
	4	WTP Residuals Storage Covered Building	1,480,000
	2	WWTP Aeration Basin Rehabilitation	2,050,000
	4	WWTP Biosolid Drying System #16036	12,530,000
	2	WWTP Ultraviolet Improvement Project #16023	2,800,000
	2023 Total		59,222,535

Dept.	Fiscal Year	Project Title	Total Cost	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28	FY28-29	FY29-30	FY30-31	FY32+	Fund	Dept.	Acct.	Funding Source
City Engineer		City Hall/Ops Renovations #21017	2,000,000	2,000,000	-	-	-	-	-	-	-	-	-	410/460	1014	550103	Loan
		Ecusta Trail Greenway Extension #21044	3,831,000	150,000	159,000	2,122,000	200,000	1,200,000	-	-	-	-	-	410	1014	550103	Loan/Grant
		Edwards Park Project, Project #21019	1,500,000	1,500,000	-	-	-	-	-	-	-	-	-	410	1014	550103	Loan
	2023 Total		7,331,000	3,650,000	159,000	2,122,000	200,000	1,200,000	-	-	-	-	-				
		Annual Traffic Calming Improvements	324,000	-	32,000	33,000	34,000	35,000	36,000	37,000	38,000	39,000	40,000	10	1014	555001	GF Cash
		Church Street Improvements, Project #21011	500,000	-	500,000	-	-	-	-	-	-	-	-	410	1014	550103	Loan
		EB-5860 Blythe Street Sidewalk, Project #21042	320,000	-	320,000	-	-	-	-	-	-	-	-	10/60	1014	555001	GF/WS Cash/Loan
		EB-5963 Grove Street Sidewalk, Project #21043	400,000	-	400,000	-	-	-	-	-	-	-	-	10/60	1014	555001	GF/WS Cash/Loan
		King Street Improvements, Project #21011	500,000	-	500,000	-	-	-	-	-	-	-	-	410	1014	550103	GF Cash/Grant
		Operations Center Parking Lot Replacement	530,000	-	530,000	-	-	-	-	-	-	-	-	10	1014	555001	GF Cash
		Parks, Recreation, and Greenway Master Plan	200,000	-	200,000	-	-	-	-	-	-	-	-	10	1014	550102	GF Cash
		Permitting and Inspection Database Software	50,000	-	50,000	-	-	-	-	-	-	-	-	10	1014	555001	GF Cash
		Sidewalk Connection to Ecusta Trail	200,000	-	200,000	-	-	-	-	-	-	-	-	10	1014	550102	GF Cash
		Vehicle Replacement	40,000	-	40,000	-	-	-	-	-	-	-	-	10/60	1014	554002	Loan
	2024 Total		3,064,000	-	2,772,000	33,000	34,000	35,000	36,000	37,000	38,000	39,000	40,000				
		5th Avenue Streetscape (Church to Maple)	1,850,000	-	-	250,000	1,600,000	-	-	-	-	-	-	410	1014	550103	Loan/Grant
		Dogwood Park Project, Project #21018	1,500,000	-	-	1,500,000	-	-	-	-	-	-	-	410	1014	550103	Loan
	2025 Total		3,350,000	-	-	1,750,000	1,600,000	-	-	-	-	-	-				
		3rd Avenue Streetscape (Church to King)	1,750,000	-	-	-	-	250,000	1,500,000	-	-	-	-	410	1014	550103	Loan/Grant
		7th Avenue Streetscape Improvements Phase II & III	3,837,500	-	-	-	-	464,000	298,500	3,075,000	-	-	-	410	1014	550103	Loan/Grant
		Maple Street Sidewalk Improvements	250,000	-	-	-	-	250,000	-	-	-	-	-	410	1014	550103	Loan/Grant
	2027 Total		5,837,500	-	-	-	-	964,000	1,798,500	3,075,000	-	-	-				
		2nd Avenue Streetscape (Church to King)	1,860,000	-	-	-	-	-	260,000	1,600,000	-	-	-	410	1014	550103	Loan/Grant
	2028 Total		1,860,000	-	-	-	-	-	260,000	1,600,000	-	-	-				
		1st Avenue Streetscape (Church to King)	1,970,000	-	-	-	-	-	-	270,000	1,700,000	-	-	410	1014	550103	Loan/Grant
	2029 Total		1,970,000	-	-	-	-	-	-	270,000	1,700,000	-	-				
		Allen Branch Greenway	2,144,000	-	-	-	-	-	-	-	317,000	1,827,000	-	410	1014	550103	Loan/Grant
		Britton Creek Greenway, Phase I	868,000	-	-	-	-	-	-	-	196,000	672,000	-	410	1014	550103	Loan/Grant
		Cherry Branch Greenway	1,739,000	-	-	-	-	-	-	-	261,000	1,478,000	-	410	1014	550103	Loan/Grant
		Clear Creek Road Sidewalk Extension	1,000,000	-	-	-	-	-	-	-	200,000	800,000	-	410	1014	550103	Loan/Grant
		S. Main St. Streetscape (Allen to S. King)	4,489,000	-	-	-	-	-	-	-	457,000	4,032,000	-	410	1014	550103	Loan/Grant
	2030 Total		10,240,000	-	-	-	-	-	-	-	1,431,000	8,809,000	-				
City Engineer Total			33,652,500	3,650,000	2,931,000	3,905,000	1,834,000	2,199,000	2,094,500	4,982,000	3,169,000	8,848,000	40,000				
Main Street & 7th Ave.		Décor and Branding - 7th Avenue	34,000	25,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	21	2202	534000	MSD Cash
		Depot Plaza Improvement Planning/Design	15,000	15,000	-	-	-	-	-	-	-	-	-	21	2202	519200	MSD Cash
		Main Street Electrical Panel Upgrade	21,000	7,000	7,000	7,000	-	-	-	-	-	-	-	20	2102	554001	MSD Cash
		Planter Renovation - S. Main St.	20,000	20,000	-	-	-	-	-	-	-	-	-	20	2102	553000	MSD Cash
		Repair Brick Crosswalks on Main Street	75,000	15,000	-	15,000	-	15,000	-	15,000	-	15,000	-	20	2102	555001	MSD Cash
		Retractable Bollards - Maple Street	7,000	7,000	-	-	-	-	-	-	-	-	-	21	1502	555001	MSD Cash
	2023 Total		172,000	89,000	8,000	23,000	1,000	16,000	1,000	16,000	1,000	16,000	1,000				
		Depot Plaza Improvement Construction	300,000	-	200,000	100,000	-	-	-	-	-	-	-	21	2202	555001	MSD Cash
		Downtown Master Plan	100,000	-	100,000	-	-	-	-	-	-	-	-	20	2102	519200	MSD Cash
		Pedestrian Wayfinding	60,000	-	50,000	5,000	5,000	-	-	-	-	-	-	20/21	2102	555001	MSD Cash
		Retractable Bollards - Traffic Barricades	61,200	-	20,400	20,400	20,400	-	-	-	-	-	-	10	1502	555001	GF Cash
	2024 Total		521,200	-	370,400	125,400	25,400	-	-	-	-	-	-				
		Alley Improvements	250,000	-	-	250,000	-	-	-	-	-	-	-	20	2102	555001	MSD Cash
		S. Main St. Parking	500,000	-	-	500,000	-	-	-	-	-	-	-	20	2102	555001	MSD Cash
		Sound System	45,000	-	-	45,000	-	-	-	-	-	-	-	20	2102	554001	MSD Cash
	2025 Total		795,000	-	-	795,000	-	-	-	-	-	-	-				
		Decorative Lighting on Avenues	400,000	-	-	-	25,000	25,000	25,000	25,000	25,000	25,000	250,000	20	2102	555001	MSD Cash
	2026 Total		400,000	-	-	-	25,000	25,000	25,000	25,000	25,000	25,000	250,000				
Main Street & 7th Avenue Total			1,888,200	89,000	378,400	943,400	51,400	41,000	26,000	41,000	26,000	41,000	251,000				

Dept.	Fiscal Year	Project Title	Total Cost	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28	FY28-29	FY29-30	FY30-31	FY32+	Fund	Dept.	Acct.	Funding Source
Environmental Services		Annual Brush and Leaf Grinding	420,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000	67/68	7855	519200	STW/ESF Cash
		Miscellaneous Tree Removal from Street ROW	200,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	68	7855	519200	ESF Cash
		Refuse Body Pickup	20,000	20,000	-	-	-	-	-	-	-	-	-	68	7855	554001	ESF Cash
	2023 Total		640,000	82,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000				
		Waste Truck Replacement	280,000	-	280,000	-	-	-	-	-	-	-	-	68	7855	554001	Loan
	2024 Total		280,000	-	280,000	-	-	-	-	-	-	-	-				
		Leaf Machine Replacement	60,000	-	-	60,000	-	-	-	-	-	-	-	68	7855	554001	Loan
	2025 Total		60,000	-	-	60,000	-	-	-	-	-	-	-				
Environmental Services Total			980,000	82,000	342,000	122,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000				
Fire		Deputy Chief of Administration SUV	51,000	51,000	-	-	-	-	-	-	-	-	-	10	1400	554002	Loan
		Fire Engine #1 Replacement #19020	800,000	800,000	-	-	-	-	-	-	-	-	-	410	1400	550103	Loan
		Fire Station #1 Construction #19019	11,500,000	11,500,000	-	-	-	-	-	-	-	-	-	410	1400	550103	Loan
		Fire Tower #1 Replacement #19021	1,500,000	1,500,000	-	-	-	-	-	-	-	-	-	410	1400	550103	Loan
		Kubota RTU 900 w/ Trailer	25,000	25,000	-	-	-	-	-	-	-	-	-	10	1400	554001	Grant
		Lion Digital Fire Extinguisher Trainer	40,000	20,000	20,000	-	-	-	-	-	-	-	-	10	1400	554001	GF Cash
		Lion Smart Dummy	7,000	7,000	-	-	-	-	-	-	-	-	-	10	1400	554001	GF Cash
		OSCR360 Investigative Camera	15,000	15,000	-	-	-	-	-	-	-	-	-	10	1400	554001	GF Cash
		Replace 14-43 2011 SUV	51,000	51,000	-	-	-	-	-	-	-	-	-	10	1400	554002	Loan
		Replace 14-67 Small SUV	41,000	41,000	-	-	-	-	-	-	-	-	-	10	1400	554002	Loan
		Replace Multi Gas Monitors	100,000	20,000	20,000	-	-	-	10,000	10,000	-	-	40,000	10	1400	554001	GF Cash
		Tablet Replacement	80,000	20,000	-	-	20,000	-	-	20,000	-	-	20,000	10	1400	554001	GF Cash
		Zodiac Rescue Boat	6,500	6,500	-	-	-	-	-	-	-	-	-	10	1400	554001	GF Cash
	2023 Total		14,216,500	14,056,500	40,000	-	20,000	-	10,000	30,000	-	-	60,000				
		Commission on Fire Accreditation International	16,250	-	6,250	-	10,000	-	-	-	-	-	-	10	1400	519000	GF Cash
		LUCAS Chest Compression System	37,000	-	20,000	-	-	-	17,000	-	-	-	-	10	1400	554001	GF Cash
		Replace 14-101 2019 Truck	38,000	-	38,000	-	-	-	-	-	-	-	-	10	1400	554002	Loan
		Replace 14-61 2016 SUV	51,000	-	51,000	-	-	-	-	-	-	-	-	10	1400	554002	Loan
		Replacement of Self-Contained Breathing Apparatus	400,000	-	400,000	-	-	-	-	-	-	-	-	10	1400	554001	Loan
		Rescue Jack	20,000	-	20,000	-	-	-	-	-	-	-	-	10	1400	554001	GF Cash
		Thermal Imaging Camera Replacement	60,000	-	15,000	-	-	30,000	15,000	-	-	-	-	10	1400	554001	GF Cash
	2024 Total		622,250	-	550,250	-	10,000	30,000	32,000	-	-	-	-				
		Fire Department Training Facility	250,000	-	-	250,000	-	-	-	-	-	-	-	10	1400	552001	Loan
		Replace 14-101 Truck	38,000	-	-	38,000	-	-	-	-	-	-	-	10	1400	554002	Loan
		Replace 14-103 Truck	38,000	-	-	38,000	-	-	-	-	-	-	-	10	1400	554002	Loan
		Replace 15-29 - Battalion Chief	51,000	-	-	51,000	-	-	-	-	-	-	-	10	1400	554002	Loan
		Replace AED's	65,000	-	-	65,000	-	-	-	-	-	-	-	10	1400	554001	GF Cash
		Replace Station 1 Breathing Air Compressor	85,000	-	-	85,000	-	-	-	-	-	-	-	10	1400	552001	GF Cash
	2025 Total		527,000	-	-	527,000	-	-	-	-	-	-	-				
		Fire Station #3 #19018	5,000,000	-	-	-	5,000,000	-	-	-	-	-	-	410	1400	550103	Loan
		Replace 14-105 Truck	38,000	-	-	-	38,000	-	-	-	-	-	-	10	1400	554002	Loan
		Vehicle Stabilization Struts	20,000	-	-	-	20,000	-	-	-	-	-	-	10	1400	554001	GF Cash
	2026 Total		5,058,000	-	-	-	5,058,000	-	-	-	-	-	-				
		Replace 15-28 SUV	51,000	-	-	-	-	51,000	-	-	-	-	-	10	1400	554002	Loan
		Replace Engine 4	800,000	-	-	-	-	800,000	-	-	-	-	-	10	1400	550103	Loan
		Replace Exercise Equipment	30,000	-	-	-	-	30,000	-	-	-	-	-	10	1400	554001	GF Cash
	2027 Total		881,000	-	-	-	-	881,000	-	-	-	-	-				
		Replace 14-01 Truck	38,000	-	-	-	-	-	38,000	-	-	-	-	10	1400	554002	Loan
		Service/Rescue Company - Station 1	900,000	-	-	-	-	-	900,000	-	-	-	-	10	1400	550103	Loan
	2028 Total		900,000	-	-	-	-	-	900,000	-	-	-	-				
Fire Total			22,204,750	14,056,500	590,250	527,000	5,088,000	911,000	942,000	30,000	-	-	60,000				

Dept.	Fiscal Year	Project Title	Total Cost	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28	FY28-29	FY29-30	FY30-31	FY32+	Fund	Dept.	Acct.	Funding Source
Parking		Compact Sweeper	37,000	37,000	-	-	-	-	-	-	-	-	-	64	7455	554001	Parking Cash
		License Plate Recognition Equipment	15,000	15,000	-	-	-	-	-	-	-	-	-	64	7455	554001	Parking Cash
		Parking Enforcement Vehicle	26,000	26,000	-	-	-	-	-	-	-	-	-	64	7455	554002	Parking Cash
		Parking Kiosks	405,000	405,000	-	-	-	-	-	-	-	-	-	64	7455	554001	Parking Cash
		Truck for Parking Deck Street Sweeper	29,000	29,000	-	-	-	-	-	-	-	-	-	64	7455	554002	Parking Cash
	2023 Total		512,000	512,000	-	-	-	-	-	-	-	-	-				
		Electric Vehicle Charging Station Replacement	72,000	-	8,000	-	8,000	-	8,000	-	16,000	-	32,000	64	7455	554002	Parking Cash
		Surface Parking - 7th Avenue	200,000	-	50,000	50,000	50,000	50,000	-	-	-	-	-	64	7455	555001	Parking Cash
	2024 Total		272,000	-	58,000	50,000	58,000	50,000	8,000	-	16,000	-	32,000				
Parking Total			784,000	512,000	58,000	50,000	58,000	50,000	8,000	-	16,000	-	32,000				
Police		14-50 Unmarked	40,100	40,100	-	-	-	-	-	-	-	-	-	10	1300	554002	Loan
		14-54 Marked	54,600	54,600	-	-	-	-	-	-	-	-	-	10	1300	554002	Loan
		14-55 Marked	54,600	54,600	-	-	-	-	-	-	-	-	-	10	1300	554002	Loan
		14-68 Marked	54,600	54,600	-	-	-	-	-	-	-	-	-	10	1300	554002	Loan
		14-69 Marked	54,600	54,600	-	-	-	-	-	-	-	-	-	10	1300	554002	Loan
		14-70 Marked	54,600	54,600	-	-	-	-	-	-	-	-	-	10	1300	554002	Loan
		14-71 Marked	54,600	54,600	-	-	-	-	-	-	-	-	-	10	1300	554002	Loan
		Camera Systems and A/V Cloud Storage	1,231,000	151,000	120,000	120,000	120,000	120,000	120,000	120,000	120,000	120,000	120,000	10	1300	554001	GF Cash
		Computer Voice Stress Analyzer (CVSA)	12,000	12,000	-	-	-	-	-	-	-	-	-	10	1300	554001	GF Cash
		Laptop Replacements	27,000	27,000	-	-	-	-	-	-	-	-	-	10	1300	554001	GF Cash
		Rifle and Accessory Replacements	53,500	53,500	-	-	-	-	-	-	-	-	-	10	1300	534000	GF Cash
		Virtual Training Equipment	56,000	56,000	-	-	-	-	-	-	-	-	-	10	1300	554001	Grant
	2023 Total		1,747,200	667,200	120,000	120,000	120,000	120,000	120,000	120,000	120,000	120,000	120,000				
		911 Computer Replacement (all 911 funds)	10,000	-	10,000	-	-	-	-	-	-	-	-	10	1300	554001	GF Cash
		Annual Vehicle Replacement	385,528	-	385,528	-	-	-	-	-	-	-	-	10	1300	554002	Loan
		Computer Replacements	30,000	-	30,000	-	-	-	-	-	-	-	-	10	1300	554001	GF Cash
		Fingerprint Device	6,500	-	6,500	-	-	-	-	-	-	-	-	10	1300	554001	GF Cash
		Laptop Replacements	27,000	-	27,000	-	-	-	-	-	-	-	-	10	1300	554001	GF Cash
		Polygraph	6,000	-	6,000	-	-	-	-	-	-	-	-	10	1300	554001	GF Cash
	2024 Total		465,028	-	465,028	-	-	-	-	-	-	-	-				
		911 Voice Logger (all 911 funds)	30,000	-	-	30,000	-	-	-	-	-	-	-	10	1300	554001	GF Cash
		Annual Vehicle Replacement	367,710	-	-	367,710	-	-	-	-	-	-	-	10	1300	554002	Loan
		Computer Replacements	30,000	-	-	30,000	-	-	-	-	-	-	-	10	1300	554001	GF Cash
	2025 Total		427,710	-	-	427,710	-	-	-	-	-	-	-				
		Annual Vehicle Replacement	335,469	-	-	-	335,469	-	-	-	-	-	-	10	1300	554002	Loan
		Laptop Replacements	27,000	-	-	-	27,000	-	-	-	-	-	-	10	1300	554001	GF Cash
	2026 Total		362,469	-	-	-	362,469	-	-	-	-	-	-				
		Annual Vehicle Replacement	327,776	-	-	-	-	327,776	-	-	-	-	-	10	1300	554002	Loan
		Laptop Replacements	27,000	-	-	-	-	27,000	-	-	-	-	-	10	1300	554001	GF Cash
		Side-Arm Replacements	40,000	-	-	-	-	40,000	-	-	-	-	-	10	1300	534000	GF Cash
		Tasers	150,000	-	-	-	-	150,000	-	-	-	-	-	10	1300	554001	GF Cash
	2027 Total		544,776	-	-	-	-	544,776	-	-	-	-	-				
		Annual Vehicle Replacement	322,504	-	-	-	-	-	322,504	-	-	-	-	10	1300	554002	Loan
	2028 Total		322,504	-	-	-	-	-	322,504	-	-	-	-				
		Annual Vehicle Replacement	325,820	-	-	-	-	-	-	325,820	-	-	-	10	1300	554002	Loan
		Computer Replacements	30,000	-	-	-	-	-	-	30,000	-	-	-	10	1300	554001	GF Cash
		Rifle and Accessory Replacements	16,500	-	-	-	-	-	-	16,500	-	-	-	10	1300	534000	GF Cash
		Server Replacement	15,000	-	-	-	-	-	-	15,000	-	-	-	10	1300	554001	GF Cash
	2029 Total		387,320	-	-	-	-	-	-	387,320	-	-	-				
		Annual Vehicle Replacement	393,921	-	-	-	-	-	-	-	393,921	-	-	10	1300	554002	Loan
		Computer Replacements	30,000	-	-	-	-	-	-	-	30,000	-	-	10	1300	554001	GF Cash
		Laptop Replacements	27,000	-	-	-	-	-	-	-	27,000	-	-	10	1300	554001	GF Cash
		Server Replacement	15,000	-	-	-	-	-	-	-	15,000	-	-	10	1300	554001	GF Cash
	2030 Total		465,921	-	-	-	-	-	-	-	465,921	-	-				

Dept.	Fiscal Year	Project Title	Total Cost	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28	FY28-29	FY29-30	FY30-31	FY32+	Fund	Dept.	Acct.	Funding Source
Police		Annual Vehicle Replacement	377,545	-	-	-	-	-	-	-	-	377,545	-	10	1300	554002	Loan
		Laptop Replacements	27,000	-	-	-	-	-	-	-	-	27,000	-	10	1300	554001	GF Cash
	2031 Total		404,545	-	-	-	-	-	-	-	-	404,545	-				
		Net motion Server Replacement	10,000	-	-	-	-	-	-	-	-	-	10,000	10	1300	554001	GF Cash
	2031+ Total		10,000	-	-	-	-	-	-	-	-	-	10,000				
Police Total			5,137,473	667,200	585,028	547,710	482,469	664,776	442,504	507,320	585,921	524,545	130,000				
Public Works		11-06 and 14-14 3500 Series (1 unit)	36,000	36,000	-	-	-	-	-	-	-	-	-	10	1521	554002	Loan
		14-58 2500 Series - Replacement	36,000	36,000	-	-	-	-	-	-	-	-	-	10	1525	554002	Loan
		60-Month Lease : Mowers, UTV, and Spreader	35,000	35,000	-	-	-	-	-	-	-	-	-	10	1525	554001	GF Cash
		City Hall Exterior Improvements #19140	1,013,965	263,000	465,865	263,000	22,100	-	-	-	-	-	-	410	1523	550103	GF Cash/Loan
		Fleet Facility Re-roof	50,000	50,000	-	-	-	-	-	-	-	-	-	10/60	1523	552001	GF Cash
		Fleet Garage Door Replacement	15,000	15,000	-	-	-	-	-	-	-	-	-	10/60	1521	552001	GF Cash
		Heavy Duty (29 ton) Vehicle Lifts	16,000	16,000	-	-	-	-	-	-	-	-	-	10/60	1521	554001	GF Cash
		New Prop. Crew Vehicle	36,000	36,000	-	-	-	-	-	-	-	-	-	10	1555	554002	Loan
		New Wet Blaster	15,000	15,000	-	-	-	-	-	-	-	-	-	10	1521	554001	GF Cash
		Patton Park Improvements #G2205	250,000	250,000	-	-	-	-	-	-	-	-	-	301	1502	550103	Grant
		Patton Pool Diving Platform Replacement	15,000	15,000	-	-	-	-	-	-	-	-	-	10	1523	554001	GF Cash
		Powell Bill Improvements	7,050,000	600,000	650,000	650,000	650,000	650,000	750,000	750,000	775,000	775,000	800,000	10	1556	524040	GF Cash
		Purchase Mechanics Tool Box and Tools	36,000	12,000	12,000	12,000	-	-	-	-	-	-	-	10	1521	554001	GF Cash
		Replace 17-14 2004 Bucket Truck	160,000	160,000	-	-	-	-	-	-	-	-	-	10	1560	554002	Loan
		Replace Equip # 22-05 (Pothole Patcher)	200,000	200,000	-	-	-	-	-	-	-	-	-	10	1555	554001	Loan
		Replace Equip # 44-02 (Backhoe)	110,000	110,000	-	-	-	-	-	-	-	-	-	10	1555	554001	Loan
		Replace HVAC at Depot	15,000	15,000	-	-	-	-	-	-	-	-	-	10	1523	552001	GF Cash
		Stainless Steel Salt Spreader Stands	22,500	7,500	7,500	-	-	-	-	-	-	-	-	10	1555	554001	GF Cash
		Trailer Replacements	14,000	14,000	-	-	-	-	-	-	-	-	-	10	1525	554001	GF Cash
		VanAir Power System	18,000	18,000	-	-	-	-	-	-	-	-	-	10	1521	554001	GF Cash
	2023 Total		9,218,465	1,928,500	1,160,365	957,500	672,100	650,000	750,000	750,000	775,000	775,000	800,000				
		14-30 2500 Series Truck	36,000	-	36,000	-	-	-	-	-	-	-	-	10	1525	554002	Loan
		16-03 2500 Series Utility Body	44,000	-	44,000	-	-	-	-	-	-	-	-	10	1523	554002	Loan
		16-04 3500 Series Flatbed	38,000	-	38,000	-	-	-	-	-	-	-	-	10	1560	554001	Loan
		16-15 3500 Series - 5500 series	80,000	-	80,000	-	-	-	-	-	-	-	-	10	1560	554001	Loan
		Annual Vehicle Replacement	68,640	-	68,640	-	-	-	-	-	-	-	-	10	1502	554002	Loan
		Columbarium at Oakdale Cemetery	7,000	-	7,000	-	-	-	-	-	-	-	-	10	1525	552001	GF Cash
		Dump Truck for Leaves and Greenways	80,000	-	80,000	-	-	-	-	-	-	-	-	10	1525	554001	GF Cash
		Expand Greenway Parking	25,000	-	25,000	-	-	-	-	-	-	-	-	10	1555	555001	GF Cash
		Fleet Fabrication Building	15,000	-	15,000	-	-	-	-	-	-	-	-	10/60	1521	552001	GF/WS Cash
		Furnace and Air Handlers at City Ops - Replacement	40,000	-	40,000	-	-	-	-	-	-	-	-	10	1525	552001	GF Cash
		Generator - Maintenance and Grounds Facility	80,000	-	80,000	-	-	-	-	-	-	-	-	10/60	1523	554001	GF/WS Cash
		Large Fans at Building and Grounds	20,000	-	20,000	-	-	-	-	-	-	-	-	10	1525	552001	GF Cash
		New Tractor with Loader Bucket & Blower Unit	55,000	-	55,000	-	-	-	-	-	-	-	-	10	1525	554001	Loan
		Oakdale Cemetery Round House Repairs	36,000	-	36,000	-	-	-	-	-	-	-	-	10	1523	519200	GF Cash
		Patton Pool Building Repair - Design/Architect	35,000	-	35,000	-	-	-	-	-	-	-	-	10	1535	519200	GF Cash
		Re-Marcite Patton Pool & Kid's Pool	150,000	-	150,000	-	-	-	-	-	-	-	-	10	1535	519200	GF Cash
		Street and Sidewalk Assessment for Resurfacing	60,000	-	30,000	-	-	-	-	-	30,000	-	-	10	1555	519200	GF Cash
		Street/Transportation Planning Consultation	100,000	-	100,000	-	-	-	-	-	-	-	-	10	1555	519200	GF Cash
		Sugarloaf Shed Replacement	30,000	-	30,000	-	-	-	-	-	-	-	-	10	1523	552001	GF Cash
		Sullivan Park Playground Equipment Replacement	125,000	-	125,000	-	-	-	-	-	-	-	-	10	1523	552001	GF Cash
		Tracey Grove Bridge Replacement Project #15929	208,000	-	208,000	-	-	-	-	-	-	-	-	410	1555	555001	GF Cash
		Traffic Signal Cabinet Replacements	119,000	-	17,000	17,000	17,000	-	17,000	17,000	-	-	34,000	10	1560	554001	GF Cash
		Vehicle Key Lock System	15,000	-	15,000	-	-	-	-	-	-	-	-	10	1521	554001	GF Cash
	2024 Total		1,466,640	-	1,334,640	17,000	17,000	-	17,000	17,000	30,000	-	34,000				

Dept.	Priority Level	Project Title	Total Cost	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28	FY28-29	FY29-30	FY30-31	FY32+	Fund	Dept.	Acct.	Funding Source
Public Works		Annual Vehicle Replacement	90,300	-	-	90,300	-	-	-	-	-	-	-	10	1502	554002	Loan
	2025 Total		90,300	-	-	90,300	-	-	-	-	-	-	-				
		Annual Vehicle Replacement	243,800	-	-	-	243,800	-	-	-	-	-	-	10	1502	554002	Loan
	2026 Total		243,800	-	-	-	243,800	-	-	-	-	-	-				
		Annual Vehicle Replacement	221,970	-	-	-	-	221,970	-	-	-	-	-	10	1502	554002	Loan
	2027 Total		221,970	-	-	-	-	221,970	-	-	-	-	-				
		Annual Vehicle Replacement	224,640	-	-	-	-	-	224,640	-	-	-	-	10	1502	554002	Loan
	2028 Total		224,640	-	-	-	-	-	224,640	-	-	-	-				
		Annual Vehicle Replacement	99,000	-	-	-	-	-	99,000	-	-	-	-	10	1502	554002	Loan
	2029 Total		99,000	-	-	-	-	-	99,000	-	-	-	-				
Public Works Total			11,564,815	1,928,500	2,495,005	1,064,800	932,900	871,970	991,640	866,000	805,000	775,000	834,000				
Stormwater		Annual Brush and Leaf Grinding	420,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000	67/68	7555	519200	STW/ESF Cash
		Asset Inventory Assessment (AIA), Phase II	140,000	40,000	-	50,000	-	50,000	-	-	-	-	-	67	7555	519200	SW Cash
		Excavator - Stormwater Crew	100,000	100,000	-	-	-	-	-	-	-	-	-	67	7555	554001	Loan
		Flood Sensor System	25,000	25,000	-	-	-	-	-	-	-	-	-	67	7555	554001	SW Cash
		General Stormwater Infrastructure	1,425,000	75,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	67	7555	553000	SW Cash
		Stormwater Easement Acquisition	95,000	5,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	67	7555	551000	SW Cash
		Stormwater Pipe CCTV Survey	245,000	50,000	-	-	-	50,000	50,000	50,000	15,000	15,000	15,000	67	7555	519200	SW Cash
		Sullivan Park Stream Restoration	65,000	65,000	-	-	-	-	-	-	-	-	-	67	7555	553000	SW Cash
		Vehicle Replacement - Truck	100,000	40,000	-	-	-	-	-	-	60,000	-	-	67	7555	554002	Loan
		Wash Creek Master Plan CIP Projects	500,000	500,000	-	-	-	-	-	-	-	-	-	467	7555	550103	SRF/DWI Loan
		Water Quality Grant Matching	328,000	65,000	233,000	-	-	-	-	30,000	-	-	-	67	7555	550103	SW Cash
		Watershed Master Planning, Phase II	1,050,000	100,000	150,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	67	7555	519200	SW Cash
	2023 Total		4,493,000	1,107,000	585,000	352,000	302,000	402,000	352,000	382,000	377,000	317,000	317,000				
		Green Infrastructure in City ROW	1,500,000	-	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	300,000	67	7555	553000	SW Cash
		Stream Bank Stabilization/ Buffer Enhancement	215,000	-	20,000	20,000	20,000	20,000	20,000	20,000	20,000	25,000	50,000	67	7555	553000	SW Cash
	2024 Total		1,715,000	-	170,000	170,000	170,000	170,000	170,000	170,000	170,000	175,000	350,000				
		Invasive Species Control	950,000	-	-	200,000	150,000	100,000	100,000	100,000	100,000	100,000	100,000	67	7555	553000	SW Cash
	2025 Total		950,000	-	-	200,000	150,000	100,000	100,000	100,000	100,000	100,000	100,000				
Stormwater Total			7,158,000	1,107,000	755,000	722,000	622,000	672,000	622,000	652,000	647,000	592,000	767,000				
Water & Sewer Operating Fund		305 Excavator, Repair Crew	80,000	80,000	-	-	-	-	-	-	-	-	-	60	7055	554001	WS Cash
		Annual Vehicle Replacement	2,145,000	300,000	205,000	205,000	205,000	205,000	205,000	205,000	205,000	205,000	205,000	60	7002	554002	WS Cash
		Equipment Trailer, Repair Crew	15,000	15,000	-	-	-	-	-	-	-	-	-	60	7055	554001	WS Cash
		Fleet Garage Door Replacement	15,000	15,000	-	-	-	-	-	-	-	-	-	10/60	1521	552001	GF/WS Cash
		Generators and ATS (Wastewater)	380,000	80,000	75,000	75,000	75,000	75,000	-	-	-	-	-	60	7132	554001	WS Cash
		Generators and ATS (Water)	380,000	80,000	75,000	75,000	75,000	75,000	-	-	-	-	-	60	7032	554001	WS Cash
		Heavy Duty, 29-ton Vehicle Lifts	16,000	16,000	-	-	-	-	-	-	-	-	-	10/60	1521	554001	GF/WS Cash
		SCADA - Water & Sewer Pump Stations	550,000	100,000	150,000	150,000	150,000	-	-	-	-	-	-	60	7032/7132	556001	WS Cash
		Sewer Line Rapid Assessment Tool	40,000	40,000	-	-	-	-	-	-	-	-	-	60	7150	554001	WS Cash
		Single Axle Dump Truck, Repair Crew	110,000	110,000	-	-	-	-	-	-	-	-	-	60	7055	554001	WS Cash
		Water Pump Station Pressure Control System	200,000	200,000	-	-	-	-	-	-	-	-	-	60	7050	554001	WS Cash
	2023 Total		3,931,000	1,036,000	505,000	505,000	505,000	355,000	205,000	205,000	205,000	205,000	205,000				
		Excavator 44-08	82,000	-	82,000	-	-	-	-	-	-	-	-	60	7002	554001	WS Cash
		HDD Machine	250,000	-	250,000	-	-	-	-	-	-	-	-	60	7055	554001	WS Cash
		Operations Center SCADA	100,000	-	50,000	50,000	-	-	-	-	-	-	-	60	7032	556001	WS Cash
	2024 Total		432,000	-	382,000	50,000	-	-	-	-	-	-	-				
		All Terrain Vehicle	16,400	-	-	16,400	-	-	-	-	-	-	-	60	7155	554001	WS Cash
		Dump Truck (22-07)	82,000	-	-	82,000	-	-	-	-	-	-	-	60	7005	554001	WS Cash
		Dump Truck (22-13)	82,000	-	-	82,000	-	-	-	-	-	-	-	60	7002	554001	WS Cash
		WWTP SCADA Server Replacement	75,000	-	-	35,000	-	-	-	-	-	40,000	-	60	7135	519200	WS Cash
	2025 Total		255,400	-	-	215,400	-	-	-	-	-	40,000	-				

Dept.	Priority Level	Project Title	Total Cost	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28	FY28-29	FY29-30	FY30-31	FY32+	Fund	Dept.	Acct.	Funding Source
Water & Sewer Operating Fund		Dump Truck (17-21)	139,000	-	-	-	139,000	-	-	-	-	-	-	60	7002	554001	WS Cash
		Dump Truck (22-12)	85,000	-	-	-	85,000	-	-	-	-	-	-	60	7055	554001	WS Cash
		Dump Truck (22-17)	154,000	-	-	-	154,000	-	-	-	-	-	-	60	7002	554001	WS Cash
		Dump Truck (22-20)	154,000	-	-	-	154,000	-	-	-	-	-	-	60	7002	554001	WS Cash
		Excavator (44-16)	140,000	-	-	-	140,000	-	-	-	-	-	-	60	7002	554001	WS Cash
		Excavator (44-11)	77,000	-	-	-	77,000	-	-	-	-	-	-	60	7002	554001	WS Cash
		Excavator (44-17)	77,000	-	-	-	77,000	-	-	-	-	-	-	60	7002	554001	WS Cash
		Skid Steer (50-03)	71,000	-	-	-	71,000	-	-	-	-	-	-	60	7002	554001	WS Cash
	2026 Total		897,000	-	-	-	897,000	-	-	-	-	-	-				
		WWTP Lawnmower	21,000	-	-	-	-	21,000	-	-	-	-	-	60	7135	554001	WS Cash
	2027 Total		21,000	-	-	-	-	21,000	-	-	-	-	-				
		Dump Truck (22-03)	80,000	-	-	-	-	-	80,000	-	-	-	-	60	7035	554001	WS Cash
		Skid Steer, Construction Crew (50-00)	108,000	-	-	-	-	-	108,000	-	-	-	-	60	7002	554001	WS Cash
	2028 Total		188,000	-	-	-	-	-	188,000	-	-	-	-				
		Slope Mower	108,000	-	-	-	-	-	-	-	108,000	-	-	60	7155	554001	WS Cash
		Soil Screen	45,000	-	-	-	-	-	-	-	45,000	-	-	60	7002	554001	WS Cash
		Tapping Machine (4" to 12")	64,000	-	-	-	-	-	-	-	64,000	-	-	60	7055	554001	WS Cash
		Trailer mounted sewer jetter (29-04)	56,000	-	-	-	-	-	-	-	56,000	-	-	60	7155	554001	WS Cash
		Vacuum Excavator	64,000	-	-	-	-	-	-	-	64,000	-	-	60	7002	554001	WS Cash
	2030 Total		337,000	-	-	-	-	-	-	-	337,000	-	-				
Water & Sewer Operating Fund Total			6,061,400	1,036,000	887,000	770,400	1,402,000	376,000	393,000	205,000	542,000	245,000	205,000				

Dept.	Priority Level	Project Title	Total Cost	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28	FY28-29	FY29-30	FY30-31	FY32+	Fund	Dept.	Acct.	Funding Source
Water & Sewer Capital Fund	4	Apex Project Land Acquisition #18014	750,000	750,000	-	-	-	-	-	-	-	-	-	460	7055	550103	2023 Rev. Bond
	2	Fleetwood Water Improvement Project #21012	1,400,000	1,400,000	-	-	-	-	-	-	-	-	-	460	7050	550103	2023 Rev. Bond
	4	French Broad Raw Water Intake #16007	23,514,035	23,514,035	-	-	-	-	-	-	-	-	-	460	7035	550103	SRF Loan
	4	Mud Creek Interceptor #18032	8,802,000	8,802,000	-	-	-	-	-	-	-	-	-	460	7155	550103	SRF Loan
	6	North Fork Dredging #19010	800,000	800,000	-	-	-	-	-	-	-	-	-	460	7035	550103	2023 Rev. Bond
	15	North Greenwood Water Project #16003	850,000	850,000	-	-	-	-	-	-	-	-	-	460	7050	550103	Reserve
	9	Sewer Vactor Truck Replacement #22011	990,000	480,000	510,000	-	-	-	-	-	-	-	-	460	7155	554002	2023 Rev. Bond
	2	Streambank Sewer Improvements #21013	600,000	600,000	-	-	-	-	-	-	-	-	-	460	7150	550103	2023 Rev. Bond
	9	Wastewater Evaluation - Basin 3 #21045	100,000	100,000	-	-	-	-	-	-	-	-	-	460	7155	550103	Reserve
	9	Water Distribution Master Plan Update #22012	425,000	200,000	-	-	-	-	225,000	-	-	-	-	460	7055	550103	Reserve
	4	WTP Expansion to 15.0 MGD #19207	2,131,500	2,131,500	-	-	-	-	-	-	-	-	-	460	7035	550103	2023 Rev. Bond
	4	WTP Residuals Storage Covered Building #22013	1,480,000	1,480,000	-	-	-	-	-	-	-	-	-	460	7035	550103	2023 Rev. Bond
	2	WWTP Aeration Basin Rehabilitation #21045	2,050,000	2,050,000	-	-	-	-	-	-	-	-	-	460	7135	550103	Grant
	4	WWTP Biosolid Drying System #16036	12,530,000	1,860,000	10,670,000	-	-	-	-	-	-	-	-	460	7135	550103	SRF Loan
	2	WWTP Ultraviolet Improvement Project #16023	2,800,000	2,800,000	-	-	-	-	-	-	-	-	-	460	7135	550103	Grant
	2023 Total		59,222,535	47,817,535	10,670,000	510,000	-	-	225,000	-	-	-	-				
	15	Carson Drive Neighborhood Water Replacement	330,000	-	330,000	-	-	-	-	-	-	-	-	460	7055	550103	2024 Rev. Bond
	5	NCDOT Highland Lake Rd	575,000	-	575,000	-	-	-	-	-	-	-	-	460	7055	550103	2024 Rev. Bond
	15	Old Brickyard Rd. #20010	470,000	-	470,000	-	-	-	-	-	-	-	-	460	7055	550103	2024 Rev. Bond
	15	Rutledge Road Water Improvements #17002	270,000	-	270,000	-	-	-	-	-	-	-	-	460	7055	550103	2024 Rev. Bond
	4	WWTP Headworks and Flow Equalization	29,525,000	-	4,505,000	-	25,020,000	-	-	-	-	-	-	460	7135	550103	SRF Loan
	2024 Total		31,170,000	-	6,150,000	-	25,020,000	-	-	-	-	-	-				
	9	CCTV Truck Replacement	390,000	-	-	390,000	-	-	-	-	-	-	-	460	7155	550103	2026 Rev. Bond
	15	North Main Water and Sewer Replacement	1,640,000	-	-	1,640,000	-	-	-	-	-	-	-	460	7055	550103	2026 Rev. Bond
	9	Sewer Collection System Master Plan Update	220,000	-	-	220,000	-	-	-	-	-	-	-	460	7155	550103	Reserve
	9	Vactor Truck Storage Building	660,000	-	-	660,000	-	-	-	-	-	-	-	460	7155	550103	2026 Rev. Bond
	9	WWTP Tertiary Filter Replacement Phase 2	270,000	-	-	270,000	-	-	-	-	-	-	-	460	7135	550103	Reserve
	2025 Total		3,180,000	-	-	3,180,000	-	-	-	-	-	-	-				
	5	NCDOT 191 #16126	12,700,000	-	-	-	12,700,000	-	-	-	-	-	-	460	7055	550103	2026 Rev. Bond
	5	NCDOT HWY 64 #18140	1,360,000	-	-	-	1,360,000	-	-	-	-	-	-	460	7055	550103	2026 Rev. Bond
	5	NCDOT I-26 #17141	4,190,000	-	-	-	4,190,000	-	-	-	-	-	-	460	7055	550103	2026 Rev. Bond
	6	Wash Creek Replacement Sewer G08	3,720,000	-	-	-	3,720,000	-	-	-	-	-	-	460	7155	550103	2026 Rev. Bond
	9	WWTP Blower Building Improvements	2,600,000	-	-	-	400,000	2,200,000	-	-	-	-	-	460	7135	550103	Reserve
	9	WWTP Recycle Pumping Station Project	1,100,000	-	-	-	1,100,000	-	-	-	-	-	-	460	7135	550103	2026 Rev. Bond
	9	WWTP Sludge Dewatering Conveyor Belt	950,000	-	-	-	950,000	-	-	-	-	-	-	460	7135	550103	2026 Rev. Bond
	2026 Total		26,620,000	-	-	-	24,420,000	2,200,000	-	-	-	-	-				
	6	Devils Fork Sewer Replacement G05	2,790,000	-	-	-	-	2,790,000	-	-	-	-	-	460	7155	550103	2028 Rev. Bond
	6	Eastside Transmission Main, Phase 2 and 3	9,860,000	-	-	-	-	9,860,000	-	-	-	-	-	460	7055	550103	2028 Rev. Bond
	15	Heatherwood Neighborhood Water Replacement	1,690,000	-	-	-	-	1,690,000	-	-	-	-	-	460	7055	550103	2028 Rev. Bond
	4	Long John Mountain Water Improvements #18014	9,670,000	-	-	-	-	9,670,000	-	-	-	-	-	460	7055	550103	2028 Rev. Bond
	5	NCDOT White St/ South Main #17126	2,900,000	-	-	-	-	2,900,000	-	-	-	-	-	460	7055	550103	2028 Rev. Bond
	10	Upward Road Water Main Upgrade	1,010,000	-	-	-	-	1,010,000	-	-	-	-	-	460	7055	550103	2028 Rev. Bond
	9	WWTP Sludge Ticking Rehabilitation	5,900,000	-	-	-	-	900,000	5,000,000	-	-	-	-	460	7135	550103	2028 Rev. Bond
	2027 Total		33,820,000	-	-	-	-	28,820,000	5,000,000	-	-	-	-				

Dept.	Priority Level	Project Title	Total Cost	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28	FY28-29	FY29-30	FY30-31	FY32+	Fund	Dept.	Acct.	Funding Source
Water & Sewer Capital Fund	12	AMI Metering Infrastructure Replacement	11,460,000	-	-	-	-	-	3,710,000	3,820,000	3,930,000	-	-	460	7002	550103	2028 Rev. Bond
	15	Dana Rd. Water Main Extension	2,210,000	-	-	-	-	-	2,210,000	-	-	-	-	460	7055	550103	Reserve
	15	Statonwoods Neighborhood Water Replacement	920,000	-	-	-	-	-	920,000	-	-	-	-	460	7055	550103	2028 Rev. Bond
	15	Willow Rd:Price Rd & PRV Bypass	500,000	-	-	-	-	-	500,000	-	-	-	-	460	7155	550103	2028 Rev. Bond
	2028 Total		15,090,000	-	-	-	-	-	7,340,000	3,820,000	3,930,000	-	-				
	10	Airport Rd. - Water	720,000	-	-	-	-	-	-	720,000	-	-	-	460	7055	550103	2029 Rev. Bond
	15	Baystone Drive Neighborhood Water Replacement	1,220,000	-	-	-	-	-	-	1,220,000	-	-	-	460	7055	550103	2029 Rev. Bond
	6	Brittain Creek Sewer Replacement G-03	3,080,000	-	-	-	-	-	-	3,080,000	-	-	-	460	7155	550103	2029 Rev. Bond
	10	Brookwood Sewer Pump Station Replacement	359,000	-	-	-	-	-	-	359,000	-	-	-	460	7155	555003	WS Cash
	10	East Campus Road	1,140,000	-	-	-	-	-	-	1,140,000	-	-	-	460	7055	550103	2029 Rev. Bond
	10	Pace Rd. Water Main Extension and Interconnect	1,710,000	-	-	-	-	-	-	1,710,000	-	-	-	460	7055	550103	2029 Rev. Bond
	10	S. Rugby Road Water Main Interconnect	2,850,000	-	-	-	-	-	-	2,850,000	-	-	-	460	7055	550103	2029 Rev. Bond
	9	WWTP Aeration Basin Modification	2,125,000	-	-	-	-	-	-	325,000	1,800,000	-	-	460	7135	550103	2029 Rev. Bond
	2029 Total		13,204,000	-	-	-	-	-	-	11,404,000	1,800,000	-	-				
	10	Howard Gap Rd. Water Extension Mid	2,550,000	-	-	-	-	-	-	-	2,550,000	-	-	460	7055	550103	Loan
	10	Howard Gap Rd. Water Extension North End	1,560,000	-	-	-	-	-	-	-	1,560,000	-	-	460	7055	550103	Loan
	2030 Total		4,110,000	-	-	-	-	-	-	-	4,110,000	-	-				
	15	North Fork Raw Water Line Slip lining	5,200,000	-	-	-	-	-	-	-	-	5,200,000	-	460	7055	550103	Loan
	10	Southside Water System Improvements	4,090,000	-	-	-	-	-	-	-	-	4,090,000	-	460	7055	550103	Loan
	15	WTP to Ewart Hill Slip Lining	5,070,000	-	-	-	-	-	-	-	-	5,070,000	-	460	7055	550103	Loan
	2031 Total		14,360,000	-	-	-	-	-	-	-	-	14,360,000	-				
	15	Bradley Creek Raw Water Line Slip lining	3,870,000	-	-	-	-	-	-	-	-	-	3,870,000	460	7055	550103	Loan
	10	Fruitland Rd. Water Main Extension	2,650,000	-	-	-	-	-	-	-	-	-	2,650,000	460	7055	550103	Loan
	0	NCDOT Kanuga #17131	3,530,000	-	-	-	-	-	-	-	-	-	3,530,000	460	7055	550103	Loan
	10	S. Mills Gap Rd. Water Main Extension	1,860,000	-	-	-	-	-	-	-	-	-	1,860,000	460	7055	550103	Loan
	15	Smokey Ridge Apts Sewer P.S. Abandonment	540,000	-	-	-	-	-	-	-	-	-	540,000	460	7155	550103	Loan
	4	WTP Expansion to 18.0 MGD	35,830,000	-	-	-	-	-	-	-	-	-	35,830,000	460	7035	550103	Loan
	4	WWTP 7.8 MGD Facility Expansion	44,000,000	-	-	-	-	-	-	-	-	-	44,000,000	460	7135	550103	Loan
	9	WWTP Secondary Clarifier Rehabilitation	2,830,000	-	-	-	-	-	-	-	-	-	2,830,000	460	7135	550103	Loan
	2032+ Total		95,110,000	-	-	-	-	-	-	-	-	-	95,110,000				
Water & Sewer Capital Fund Total			295,886,535	47,817,535	16,820,000	3,690,000	49,440,000	31,020,000	12,565,000	15,224,000	9,840,000	14,360,000	95,110,000				
Capital Improvement Plan (CIP) Grand Total			385,317,673	70,945,735	25,841,683	12,342,310	59,972,769	36,867,746	18,146,644	22,569,320	15,692,921	25,447,545	97,491,000				

City of Hendersonville
Pay and Classification Schedule

*Market Increase=0.0%, Merit Increase=1.0% achieves | 2.0% exceeds | 3.0% outstanding - July 1, 2022 to June 30, 2023

Grade	Position Title	Minimum	Midpoint	Maximum
1	Not Assigned	23,288.26	29,366.05	35,438.68
2	Not Assigned	24,452.67	30,834.35	37,210.61
3	Not Assigned	25,675.31	32,376.07	39,071.14
4	Not Assigned	26,959.07	33,994.87	41,024.70
5	Not Assigned	28,307.03	35,694.62	43,075.93
6	Not Assigned	29,722.38	37,479.35	45,229.73
7	Not Assigned	31,208.50	39,353.31	47,491.21
8	Not Assigned	32,768.92	41,320.98	49,865.77
9	Administrative Assistant I	34,407.37	43,387.03	52,359.06
9	Customer Service Representative I	34,407.37	43,387.03	52,359.06
9	Environmental Services Worker I	34,407.37	43,387.03	52,359.06
9	Police Support Specialist I	34,407.37	43,387.03	52,359.06
9	Property Maintenance Worker I	34,407.37	43,387.03	52,359.06
9	Street Maintenance Worker I	34,407.37	43,387.03	52,359.06
10	Customer Service Representative II	36,127.73	45,556.38	54,977.02
10	Environmental Services Worker II	36,127.73	45,556.38	54,977.02
10	Facilities Maintenance Technician	36,127.73	45,556.38	54,977.02
10	Line Maintenance Mechanic I	36,127.73	45,556.38	54,977.02
10	Meter Services Technician	36,127.73	45,556.38	54,977.02
10	Parking Services Ambassador	36,127.73	45,556.38	54,977.02
10	Police Support Specialist II/Senior	36,127.73	45,556.38	54,977.02
10	Property Maintenance Worker II	36,127.73	45,556.38	54,977.02
10	Street Maintenance Worker II	36,127.73	45,556.38	54,977.02
10	Traffic Engineering Technician I	36,127.73	45,556.38	54,977.02
10	Warehouse Specialist	36,127.73	45,556.38	54,977.02
10	WTP Operator I	36,127.73	45,556.38	54,977.02
10	WWTP Operator I	36,127.73	45,556.38	54,977.02

City of Hendersonville
Pay and Classification Schedule

*Market Increase=0.0%, Merit Increase=1.0% achieves | 2.0% exceeds | 3.0% outstanding - July 1, 2022 to June 30, 2023

Grade	Position Title	Minimum	Midpoint	Maximum
11	Building Maintenance Technician	37,934.12	47,834.20	57,725.87
11	Customer Service Representative III	37,934.12	47,834.20	57,725.87
11	Facilities Maintenance Mechanic I	37,934.12	47,834.20	57,725.87
11	Fleet Technician I	37,934.12	47,834.20	57,725.87
11	Operations Support Specialist	37,934.12	47,834.20	57,725.87
11	Police Operations Specialist	37,934.12	47,834.20	57,725.87
11	Utility Billing Specialist I	37,934.12	47,834.20	57,725.87

12	Administrative Assistant II	39,830.83	50,225.91	60,612.16
12	Animal Services Officer	39,830.83	50,225.91	60,612.16
12	Environmental Services Equipment Operator	39,830.83	50,225.91	60,612.16
12	Events & Marketing Assistant	39,830.83	50,225.91	60,612.16
12	Evidence Technician	39,830.83	50,225.91	60,612.16
12	Firefighter/EMT In Training	39,830.83	50,225.91	60,612.16
12	Fleet Technician II	39,830.83	50,225.91	60,612.16
12	Inflow Infiltration Technician I	39,830.83	50,225.91	60,612.16
12	Leak Detection Technician I	39,830.83	50,225.91	60,612.16
12	Line Maintenance Mechanic II	39,830.83	50,225.91	60,612.16
12	Police Officer In Training	39,830.83	50,225.91	60,612.16
12	Police Telecommunicator I	39,830.83	50,225.91	60,612.16
12	Property Maintenance Equipment Operator	39,830.83	50,225.91	60,612.16
12	Street Maintenance Equipment Operator	39,830.83	50,225.91	60,612.16
12	Traffic Engineering Technician II	39,830.83	50,225.91	60,612.16
12	Utilities Location Specialist	39,830.83	50,225.91	60,612.16
12	Utility Billing Specialist II	39,830.83	50,225.91	60,612.16
12	Utility Production Specialist	39,830.83	50,225.91	60,612.16
12	WTP Operator II	39,830.83	50,225.91	60,612.16
12	WWTP Operator II	39,830.83	50,225.91	60,612.16

13	Environmental Services Crew Leader	41,822.37	52,737.20	63,642.77
13	Facilities Maintenance Mechanic II	41,822.37	52,737.20	63,642.77
13	Firefighter/EMT I	41,822.37	52,737.20	63,642.77
13	Generator Maintenance Technician	41,822.37	52,737.20	63,642.77
13	Inflow Infiltration Technician II	41,822.37	52,737.20	63,642.77
13	Leak Detection Technician II	41,822.37	52,737.20	63,642.77
13	Police Telecommunicator II	41,822.37	52,737.20	63,642.77
13	Property Maintenance Crew Leader	41,822.37	52,737.20	63,642.77
13	Street Maintenance Crew Leader	41,822.37	52,737.20	63,642.77
13	WTP Laboratory Technician	41,822.37	52,737.20	63,642.77
13	WWTP Laboratory Technician	41,822.37	52,737.20	63,642.77
13	Zoning Enforcement Officer	41,822.37	52,737.20	63,642.77

City of Hendersonville
Pay and Classification Schedule

*Market Increase=0.0%, Merit Increase=1.0% achieves | 2.0% exceeds | 3.0% outstanding - July 1, 2022 to June 30, 2023

Grade	Position Title	Minimum	Midpoint	Maximum
14	Accounting Coordinator I	43,913.49	55,374.06	66,824.91
14	Administrative Assistant III	43,913.49	55,374.06	66,824.91
14	Downtown Event Coordinator	43,913.49	55,374.06	66,824.91
14	Fire and Life Safety Educator	43,913.49	55,374.06	66,824.91
14	Fire Inspector I	43,913.49	55,374.06	66,824.91
14	Firefighter/EMT II	43,913.49	55,374.06	66,824.91
14	Fleet Technician III	43,913.49	55,374.06	66,824.91
14	Inflow Infiltration Technician III	43,913.49	55,374.06	66,824.91
14	Leak Detection Technician III	43,913.49	55,374.06	66,824.91
14	Lead Customer Support Specialist	43,913.49	55,374.06	66,824.91
14	Line Maintenance Crew Leader	43,913.49	55,374.06	66,824.91
14	Operations Support Coordinator	43,913.49	55,374.06	66,824.91
14	Parking Services Supervisor	43,913.49	55,374.06	66,824.91
14	Police Officer I	43,913.49	55,374.06	66,824.91
14	Police Telecommunicator III	43,913.49	55,374.06	66,824.91
14	WTP Operator III	43,913.49	55,374.06	66,824.91
14	WWTP Operator III	43,913.49	55,374.06	66,824.91

15	Accounting Coordinator II	46,109.16	58,142.77	70,166.15
15	AMI Data Analyst I	46,109.16	58,142.77	70,166.15
15	Assistant Fire Marshal	46,109.16	58,142.77	70,166.15
15	Assistant to the Utilities Director	46,109.16	58,142.77	70,166.15
15	CCTV Crew Leader	46,109.16	58,142.77	70,166.15
15	Environmental Compliance Coordinator	46,109.16	58,142.77	70,166.15
15	Fire Engineer	46,109.16	58,142.77	70,166.15
15	Fire Inspector II	46,109.16	58,142.77	70,166.15
15	GIS Technician I	46,109.16	58,142.77	70,166.15
15	GIS/IT Analyst I	46,109.16	58,142.77	70,166.15
15	Instrumentation & Electrical Technician I	46,109.16	58,142.77	70,166.15
15	Police Detective I	46,109.16	58,142.77	70,166.15
15	Police Officer II	46,109.16	58,142.77	70,166.15
15	Police Telecommunications Supervisor	46,109.16	58,142.77	70,166.15

City of Hendersonville
Pay and Classification Schedule

*Market Increase=0.0%, Merit Increase=1.0% achieves | 2.0% exceeds | 3.0% outstanding - July 1, 2022 to June 30, 2023

Grade	Position Title	Minimum	Midpoint	Maximum
16	Accountant I	48,414.62	61,049.91	73,674.46
16	AMI Data Analyst II	48,414.62	61,049.91	73,674.46
16	Budget & Management Analyst I	48,414.62	61,049.91	73,674.46
16	Building Maintenance Supervisor	48,414.62	61,049.91	73,674.46
16	Communications Coordinator I	48,414.62	61,049.91	73,674.46
16	Downtown Coordinator I	48,414.62	61,049.91	73,674.46
16	Engineering Technician I	48,414.62	61,049.91	73,674.46
16	Environmental Services Supervisor	48,414.62	61,049.91	73,674.46
16	Fleet Coordinator	48,414.62	61,049.91	73,674.46
16	GIS/IT Analyst II	48,414.62	61,049.91	73,674.46
16	Human Resources Coordinator I	48,414.62	61,049.91	73,674.46
16	Instrumentation & Electrical Technician II	48,414.62	61,049.91	73,674.46
16	Planner I	48,414.62	61,049.91	73,674.46
16	Police Detective II	48,414.62	61,049.91	73,674.46
16	Police Officer III	48,414.62	61,049.91	73,674.46
16	Property Maintenance Supervisor	48,414.62	61,049.91	73,674.46
16	Street Maintenance Supervisor	48,414.62	61,049.91	73,674.46
16	Traffic Engineering Supervisor	48,414.62	61,049.91	73,674.46

17	Accountant II	50,835.35	64,102.40	77,358.18
17	AMI Data Analyst III	50,835.35	64,102.40	77,358.18
17	Construction Inspector I	50,835.35	64,102.40	77,358.18
17	Downtown Coordinator II	50,835.35	64,102.40	77,358.18
17	Engineering Technician II	50,835.35	64,102.40	77,358.18
17	Fire Lieutenant	50,835.35	64,102.40	77,358.18
17	GIS Technician II	50,835.35	64,102.40	77,358.18
17	GIS/IT Analyst III	50,835.35	64,102.40	77,358.18
17	Instrumentation & Electrical Technician III	50,835.35	64,102.40	77,358.18
17	Police Detective III	50,835.35	64,102.40	77,358.18
17	Police Officer IV	50,835.35	64,102.40	77,358.18

City of Hendersonville
Pay and Classification Schedule

*Market Increase=0.0%, Merit Increase=1.0% achieves | 2.0% exceeds | 3.0% outstanding - July 1, 2022 to June 30, 2023

Grade	Position Title	Minimum	Midpoint	Maximum
18	Budget & Management Analyst II	53,377.12	67,307.52	81,226.09
18	Chief WTP Operator	53,377.12	67,307.52	81,226.09
18	Chief WWTP Operator	53,377.12	67,307.52	81,226.09
18	Communications Coordinator II	53,377.12	67,307.52	81,226.09
18	Construction Inspector II	53,377.12	67,307.52	81,226.09
18	Engineering Technician III	53,377.12	67,307.52	81,226.09
18	Facilities Maintenance Supervisor	53,377.12	67,307.52	81,226.09
18	Fleet Shop Foreman	53,377.12	67,307.52	81,226.09
18	Human Resources Coordinator II	53,377.12	67,307.52	81,226.09
18	Planner II	53,377.12	67,307.52	81,226.09
18	Police Sergeant	53,377.12	67,307.52	81,226.09
18	Stormwater Technician	53,377.12	67,307.52	81,226.09
18	Utility Systems Supervisor	53,377.12	67,307.52	81,226.09
18	WTP Laboratory Supervisor	53,377.12	67,307.52	81,226.09
18	WWTP Laboratory Supervisor	53,377.12	67,307.52	81,226.09

19	Billing Supervisor	56,045.97	70,672.90	85,287.40
19	Cityworks Administrator	56,045.97	70,672.90	85,287.40
19	Construction Inspector III	56,045.97	70,672.90	85,287.40
19	GIS Technician III	56,045.97	70,672.90	85,287.40
19	IT System Administrator	56,045.97	70,672.90	85,287.40
19	Purchasing Administrator	56,045.97	70,672.90	85,287.40

20	Budget & Management Analyst III	58,848.27	74,206.54	89,551.77
20	Civil/Utilities Engineer I	58,848.27	74,206.54	89,551.77
20	Communications Coordinator III	58,848.27	74,206.54	89,551.77
20	Deputy Fire Marshal	58,848.27	74,206.54	89,551.77
20	Fire Captain	58,848.27	74,206.54	89,551.77
20	Fire Training Officer	58,848.27	74,206.54	89,551.77
20	Human Resources Coordinator III	58,848.27	74,206.54	89,551.77
20	Planner III	58,848.27	74,206.54	89,551.77

21	Fleet Manager	61,790.69	77,916.87	94,029.36
21	Police Lieutenant	61,790.69	77,916.87	94,029.36
21	Sustainability Manager	61,790.69	77,916.87	94,029.36
21	Wastewater Treatment Facilities Manager	61,790.69	77,916.87	94,029.36
21	Water Treatment Facilities Manager	61,790.69	77,916.87	94,029.36

City of Hendersonville
Pay and Classification Schedule

*Market Increase=0.0%, Merit Increase=1.0% achieves | 2.0% exceeds | 3.0% outstanding - July 1, 2022 to June 30, 2023

Grade	Position Title	Minimum	Midpoint	Maximum
22	Civil/Utilities Engineer II	64,880.22	81,812.71	98,730.82
22	Downtown Division Manager	64,880.22	81,812.71	98,730.82
22	Fire Battalion Chief	64,880.22	81,812.71	98,730.82
22	Senior Accountant	64,880.22	81,812.71	98,730.82
22	Utilities Technology Manager	64,880.22	81,812.71	98,730.82
23	Fire Marshal	68,124.23	85,903.35	103,667.36

23	Public Works Superintendent	68,124.23	85,903.35	103,667.36
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24	Assistant Finance Director	71,530.44	90,198.52	108,850.73
24	Budget Manager	71,530.44	90,198.52	108,850.73
24	City Clerk	71,530.44	90,198.52	108,850.73
24	Civil/Utilities Engineer III	71,530.44	90,198.52	108,850.73
24	Communications Manager	71,530.44	90,198.52	108,850.73
24	Construction Division Manager	71,530.44	90,198.52	108,850.73
24	GIS Division Manager	71,530.44	90,198.52	108,850.73
24	Operations Manager	71,530.44	90,198.52	108,850.73
24	Planning Division Manager	71,530.44	90,198.52	108,850.73
24	Police Captain	71,530.44	90,198.52	108,850.73
24	Stormwater Division Manager	71,530.44	90,198.52	108,850.73

25	Assistant Police Chief	75,106.97	94,708.44	114,293.27
25	Deputy Fire Chief	75,106.97	94,708.44	114,293.27

26	Project Division Manager	78,862.32	99,443.87	120,007.94
26	Staff Attorney	78,862.32	99,443.87	120,007.94
26	Utilities Engineering Manager	78,862.32	99,443.87	120,007.94

27	Not Assigned	82,805.43	104,416.06	126,008.33
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28	City Engineer	86,945.70	109,636.86	132,308.75
28	Community Development Director	86,945.70	109,636.86	132,308.75
28	Finance Director	86,945.70	109,636.86	132,308.75
28	Fire Chief	86,945.70	109,636.86	132,308.75
28	Human Resources Director	86,945.70	109,636.86	132,308.75
28	Information Technology (IT) Director	86,945.70	109,636.86	132,308.75
28	Police Chief	86,945.70	109,636.86	132,308.75
28	Public Works Director	86,945.70	109,636.86	132,308.75
28	Utilities Director	86,945.70	109,636.86	132,308.75

City of Hendersonville
Pay and Classification Schedule

*Market Increase=0.0%, Merit Increase=1.0% achieves | 2.0% exceeds | 3.0% outstanding - July 1, 2022 to June 30, 2023

Grade	Position Title	Minimum	Midpoint	Maximum
29	Not Assigned	91,292.99	115,118.70	138,924.18
30	Not Assigned	95,857.64	120,874.64	145,870.39
31	Assistant City Manager	100,650.52	126,918.37	153,163.91
32	Not Assigned	105,683.04	133,264.29	160,822.11
33	Not Assigned	110,967.19	139,927.50	168,863.21
34	Not Assigned	116,515.55	146,923.88	177,306.37
35	Not Assigned	122,341.33	154,270.07	186,171.69
36	Not Assigned	128,458.40	161,983.58	195,480.28

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Pay Scale – Summary

Grade	Minimum	Probation Completion (Minimum + 5.0%)	Midpoint	Maximum
1	23,288.26	24,452.67	29,366.05	35,438.68
2	24,452.67	25,675.30	30,834.35	37,210.61
3	25,675.31	26,959.08	32,376.07	39,071.14
4	26,959.07	28,307.02	33,994.87	41,024.70
5	28,307.03	29,722.38	35,694.62	43,075.93
6	29,722.38	31,208.50	37,479.35	45,229.73
7	31,208.50	32,768.93	39,353.31	47,491.21
8	32,768.92	34,407.37	41,320.98	49,865.77
9	34,407.37	36,127.74	43,387.03	52,359.06
10	36,127.73	37,934.12	45,556.38	54,977.02
11	37,934.12	39,830.83	47,834.20	57,725.87
12	39,830.83	41,822.37	50,225.91	60,612.16
13	41,822.37	43,913.49	52,737.20	63,642.77
14	43,913.49	46,109.16	55,374.06	66,824.91
15	46,109.16	48,414.62	58,142.77	70,166.15
16	48,414.62	50,835.35	61,049.91	73,674.46
17	50,835.35	53,377.12	64,102.40	77,358.18
18	53,377.12	56,045.98	67,307.52	81,226.09
19	56,045.97	58,848.27	70,672.90	85,287.40
20	58,848.27	61,790.68	74,206.54	89,551.77
21	61,790.69	64,880.22	77,916.87	94,029.36
22	64,880.22	68,124.23	81,812.71	98,730.82
23	68,124.23	71,530.44	85,903.35	103,667.36
24	71,530.44	75,106.96	90,198.52	108,850.73
25	75,106.97	78,862.32	94,708.44	114,293.27
26	78,862.32	82,805.44	99,443.87	120,007.94
27	82,805.43	86,945.70	104,416.06	126,008.33
28	86,945.70	91,292.99	109,636.86	132,308.75
29	91,292.99	95,857.64	115,118.70	138,924.18
30	95,857.64	100,650.52	120,874.64	145,870.39
31	100,650.52	105,683.05	126,918.37	153,163.91
32	105,683.04	110,967.19	133,264.29	160,822.11
33	110,967.19	116,515.55	139,927.50	168,863.21
34	116,515.55	122,341.33	146,923.88	177,306.37
35	122,341.33	128,458.40	154,270.07	186,171.69
36	128,458.40	134,881.32	161,983.58	195,480.28

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

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:	05/13/2022
Order Number:	7297466
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	99.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
HEN Times-News	1	05/22/2022 - 05/22/2022	Govt Public Notices
HEN blueridgenow.com	1	05/22/2022 - 05/22/2022	Govt Public Notices

Total Order Confirmation	\$16.88
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CITY COUNCIL
CITY OF
HENDERSONVILLE
FY22-23 BUDGET PUBLIC
HEARING

Thursday, June 2, 2022, at 5:45
p.m.

The City of Hendersonville City Council will hold the FY22-23 Budget Public Hearing during their regularly scheduled meeting on Thursday, June 2, 2022, at 5:45 p.m. in the Assembly Room of the City Operations Building located at 305 Williams St. Hendersonville, NC.

On May 18, 2022, the proposed annual operating and capital budget for Fiscal Year 2022-23 was submitted to the City Council of the City of Hendersonville. The proposed budget has been filed with, and is available for public inspection in the office of the City Clerk, City Hall, 160 Sixth Ave. E., Hendersonville, NC, and on the City's website: www.hvnc.gov. In accordance with NCGS § 159-12, a public hearing on the Fiscal Year 2022-23 Budget will be held during their regularly scheduled meeting on June 2, 2022 at 5:45 p.m., or as soon thereafter as it may be heard. Please note that this public hearing will also include (a) the City's fee schedules for Fiscal Year 2022-23, including but not limited to land development fees and the revised stormwater utility fees; and (b) proposed expenditures for economic development pursuant to N.C.G.S. § 158-7.1.

The public may also view, listen, and verbally comment on public hearings or give general public comment 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> and below. Comment period instructions will also be displayed at the appropriate times during the meeting.

ZOOM <https://zoom.us/join> OR Dial-in by phone: (646) 558-8656 Meeting ID: 822 0104 2528 Passcode: 1847

In accordance with NC GS 166A-19.24(e), written/digital public hearing comments must be received 24 hours in advance of the public hearing/ by 5:45 p.m. on June 1, 2022, to be considered by the City Council. Please visit <https://www.hendersonvillenc.gov/comment> to submit comments or contact the City Clerk's office. Comments must comply with the City's policy for security.

Angela L. Reece, City Clerk

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

Posted 5/18/2022 Advertised in Times-News on 5/22/2022 <https://www.hendersonvillenc.gov>
May 22, 2022 7297466

NOTICE

City of Hendersonville 160 Sixth Avenue East Hendersonville, NC 28792

CITY COUNCIL

CITY OF HENDERSONVILLE

FY22-23 BUDGET PUBLIC HEARING

Thursday, June 2, 2022, at 5:45 p.m.

The City of Hendersonville City Council will hold the **FY22-23 Budget Public Hearing** during their regularly scheduled meeting on **Thursday, June 2, 2022, at 5:45 p.m.** in the Assembly Room of the City Operations Building located at 305 Williams St. Hendersonville, NC.

On May 18, 2022, the proposed annual operating and capital budget for Fiscal Year 2022-23 was submitted to the City Council of the City of Hendersonville. The proposed budget has been filed with, and is available for public inspection in the office of the City Clerk, City Hall, 160 Sixth Ave. E., Hendersonville, NC, and on the City’s [website: www.hvlncc.gov](http://www.hvlncc.gov). In accordance with NCGS § 159-12, a public hearing on the Fiscal Year 2022-23 Budget will be held during their regularly scheduled meeting on June 2, 2022 at 5:45 p.m., or as soon thereafter as it may be heard. Please note that this public hearing will also include (a) the City’s fee schedules for Fiscal Year 2022-23, including but not limited to land development fees and the revised stormwater utility fees; and (b) proposed expenditures for economic development pursuant to N.C.G.S. § 158-7.1.

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Meeting ID: 822 0104 2528
Passcode: 1847

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Posted 5/18/2022

 *Advertised in Times-News on 5/22/2022*
<https://www.hendersonvillenc.gov>



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Matthew Manley **MEETING DATE:** June 2, 2022

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

TITLE OF ITEM: Zoning Text Amendment: Supplementary Standards for Day Centers (P22-29-ZTA) – *Matthew Manley, AICP – Planning Manager*

SUGGESTED MOTION(S):

<p><u>For Recommending Approval:</u></p> <p>I move City Council <u>adopt</u> an ordinance amending the official City of Hendersonville Zoning Ordinance, Article XVI. - Supplementary Standards for Certain Uses, Section 16-4-12 Day Center, based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</p> <p>The 2030 Comprehensive Plan Land Use and Development Chapter calls for the City to consider short- and long-term impacts on compatibility with existing development and further recommends the consideration be given to determine if an application demonstrates a clear public purpose.</p> <p>2. We [find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none">1. The petition addresses the provision of services for the needy, homeless and transient population within the City of Hendersonville’s zoning jurisdiction.2. The text amendment addresses separation of day centers from residential uses through the provision of buffers that exceed standard commercial / residential buffers <p>[DISCUSS & VOTE]</p>	<p><u>For Recommending Denial:</u></p> <p>I move City Council <u>deny</u> an ordinance amending the official City of Hendersonville Zoning Ordinance, Article XVI. - Supplementary Standards for Certain Uses, Section 16-4-12 Day Center, based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</p> <p>The 2030 Comprehensive Plan Land Use and Development Chapter calls for the City to consider short- and long-term impacts on compatibility with existing development and further recommends the consideration be given to determine if an application demonstrates a clear public purpose.</p> <p>2. We [do not find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none">1. The text amendment would permit an incompatible use in closer proximity to residential districts and residential uses than what is currently allowed. <p>[DISCUSS & VOTE]</p>
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SUMMARY: *The City of Hendersonville is in receipt of an application for a Zoning Text Amendment from Tamara Peacock Company Architects and Morgan Marks for the revision of the Supplementary Standards for Day Centers (Sec. 16-4-12)*

The applicant is proposing the following revisions to the text:

A Day Center may be adjacent to a residential use and/or residential district in the case in which a buffer is implemented. A Buffer must consist of twenty- five feet (25 ft) of landscaped separation or fifteen feet (15 ft) of separation with a vertical barrier of at least six feet (6 ft) in height.

Currently Day Centers are not permitted adjacent to a residential use nor within 200’ of a residential district in any zoning district.

The Planning Board voted 6-0 to recommend APPROVAL of the proposed text revisions.

PROJECT/PETITIONER NUMBER:	P22-29-ZTA
PETITIONER NAME:	The Tamara Peacock Company Architects / Morgan Marks
ATTACHMENTS:	<div><div>1. Staff Report</div><div>2. Planning Board Summary</div><div>3. Draft Ordinance</div><div>4. Application / Amended Application</div></div>

Ordinance #

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND
ARTICLE XVI. - SUPPLEMENTARY STANDARDS FOR CERTAIN USES, SECTION 16-4-
12 'DAY CENTER' OF THE CITY OF HENDERSONVILLE ZONING ORDINANCE TO
ADDRESS STANDARDS FOR ADJACENCY AND PROXIMITY BETWEEN DAY CENTERS
AND RESIDENTIAL USES & RESIDENTIAL DISTRICTS**

IN RE: P22-29-ZTA (Supplementary Standards for Day Centers)

WHEREAS, the City of Hendersonville's Planning Board reviewed this petition for a zoning text amendment at its regular meeting on May 9th, 2022; voting 6-0 to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

WHEREAS, City Council has found that this text amendment is consistent with the City's comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on June 2nd, 2022, and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Article XVI. - Supplementary Standards For Certain Uses, Section 16-4-12 'Day Center' be amended as follows:

16-4-12 Day center.

- a) The parcel on which a day center is situated shall not be closer than 1,500 feet to any parcel on which another day center is situated. The application of the 1,500 foot separation standard shall be determined by measuring from the two points which represent the closest two points between the two day center parcel boundaries, and shall be measured as the crow flies.
- b) ~~The parcel on which a day center is situated shall not be adjacent to a residential use.~~ A day center shall be separated from any adjacent residential use, regardless of the zoning district where located, by a 15-foot B-type buffer meeting the requirements of article XV. Additionally, the buffer shall include a fully opaque vertical masonry wall or wood fence at least six feet (6') in height. "Fully opaque" shall mean that no more than ten percent (10%) of the surface of the fence or wall shall be left open and the finished side of the fence or wall shall face the abutting property. For purposes of this paragraph, parcels situated across a public or private street right-of-way from a proposed day center shall be deemed to be adjacent. Additionally, for the purposes of this paragraph, these buffer standards shall prevail over the standards found in Section 15-6 b).
- c) ~~The parcel on which a day center is situated shall not be within 200 feet of a residential district.~~ A day center parcel shall be buffered from any residential district within 200 feet by a 15-foot B-type buffer meeting the requirements of article XV. Additionally, the buffer shall include a fully opaque vertical masonry wall or wood fence barrier at least six feet (6') in height. "Fully opaque" shall mean that no more than ten percent (10%) of the surface of a fence or wall shall be left open and the finished side of the fence or wall shall face the abutting property. For the purposes of this paragraph:
 - 1) These buffer standards shall prevail over the standards found in Section 15-6 b);
 - 2) The application of the 200 foot separation standard shall be determined by measuring from the two points which represent the closest two points between the proposed day center parcel boundary and any residential zoning district boundary, and shall be measured as the crow flies; and

3) Residential zoning district means the following use districts: R-40, R-20, R-15, R-10, R-6, RCT, PRD.

d) Permissible hours of operations shall be limited to the hours between 6:00 a.m. and 6:00 p.m.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of June, 2022.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

ZONING TEXT AMENDMENT: SUPPLEMENTARY STANDARDS FOR DAY
CENTERS (P22-029-ZTA)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PETITION SUMMARY 2

AMENDMENT ANALYSIS – AMENDMENT OVERVIEW 3

AMENDMENT ANALYSIS – AMENDMENT OVERVIEW 4

AMENDMENT ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4) 5

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT 6



PROJECT SUMMARY

- Project Name & Case #:
 - Supplementary Standards for Day Centers
 - P22-029-ZTA
- Applicant:
 - The Tamara Peacock Company Architects
 - Morgan Marks
- Articles Amended:
 - Section 16-4-12 Day center.
- Applicable Zoning District(s):
 - This would apply to all the districts which permit Day Centers subject to supplementary standards:
 - C-2 CZD
 - C-3 CZD
 - I-1 CZD
 - CMU CZD



Summary of Amendment Petition:

The City of Hendersonville is in receipt of an application for a Zoning Text Amendment from Tamara Peacock Company Architects and Morgan Marks for the revision of the Supplementary Standards for Day Centers (Sec. 16-4-12)

The applicant is proposing the following revisions to the text:

A Day Center maybe adjacent to residential use and/or residential district in the case in which a buffer is implemented. A Buffer must consist of twenty- five feet (25 ft) of landscaped separation or fifteen feet (15 ft) of separation with a vertical barrier of at least six feet (6 ft) in height.

Currently Day Centers are not permitted adjacent to a residential use in any zoning district nor within 200' of a residential zoning district.

AMMENDMENT ANALYSIS – AMENDMENT OVERVIEW

Article XII of the Zoning Code defines Day Centers as follows:

Day Center: An establishment that provides a combination of case management, resources or a range of like services to aid persons who are primarily indigent, needy, homeless, or transient.

The following Conditional Zoning Districts are the only districts which currently permit Day Center as a use subject to Supplementary Standards:

- C-2 CZD
- I-I CZD
- C-3 CZD
- CMU CZD

As a use, Day Center requires a Conditional Zoning District petition and the associated process which includes a Neighborhood Compatibility Meeting, Preliminary Site Plan submittal, Tree Board recommendation, Planning Board recommendation, and City Council approval/denial. No changes to the existing process for the approval of a Day Center nor changes to zoning districts permitting Day Centers as a conditional use are part of the proposed text amendment. Rather this text amendment seeks to alter the current supplementary standards as are outlined below:

16-4-12 Day center.

- The parcel on which a day center is situated shall not be closer than 1,500 feet to any parcel on which another day center is situated.
- The parcel on which a day center is situated shall not be adjacent to a residential use. For purposes of this paragraph, parcels situated across a street right-of-way from a proposed day center shall be deemed to be adjacent.
- The parcel on which a day center is situated shall not be within 200 feet of a residential district.
- Permissible hours of operations shall be limited to the hours between 6:00 a.m. and 6:00 p.m.

The text amendment, as proposed, would result in the following changes:

16-4-12 Day center.

- The parcel on which a day center is situated shall not be closer than 1,500 feet to any parcel on which another day center is situated.
- ~~The parcel on which a day center is situated shall not be adjacent to a residential use.~~ A day center may be adjacent to a residential use in cases in which a buffer is implemented. A buffer must consist of twenty-five feet (25') of landscaped separation or fifteen feet (15') of separation with a vertical barrier of a least six feet (6') in height. For purposes of this paragraph, parcels situated across a street right-of-way from a proposed day center shall be deemed to be adjacent.
- The parcel on which a day center is situated shall not be within 200 feet of a residential district unless a buffer consisting of twenty-five feet (25') of landscaped

separation or fifteen feet (15') of separation with a vertical barrier of a least six feet (6') in height is implemented.

- d) Permissible hours of operations shall be limited to the hours between 6:00 a.m. and 6:00 p.m.

Article XII of the Zoning Code defines Buffers as follows:

Buffer: A specified land area together with the planting, landscaping and improvements required on the land used to visibly separate one use from another or to shield or block noise, lights or other nuisances.

LEGISLATIVE COMMITTEE RECOMMENDATION

The Legislative Committee of the Planning Board met to discuss this petition at their recurring meeting on Tuesday, April 19, 2022. The members of the committee that were present were: Neil Brown, Jim Robertson and Stuart Glassman. The petitioner was also present for the discussion. In general, the Committee members were supportive of the proposed text changes along with suggestions from staff. A primary consideration was that Day Centers are only permitted as part of a petition for a Conditional Zoning District which requires Site Plan approval and does not permit Day Centers by-right.

The Legislative Committee considered the buffer requirements, as proposed, compared to the buffer requirements that would typically be triggered when C-2, C-3, CMU and I-I zoning are adjacent to a residential use or district (see Section 15-6. – Bufferyards). For C-2, C-3 and CMU, a 10' Type B buffer would typically be required when adjacent to residential uses/districts. For I-I, a 25' Type C buffer would be required.

Considering the proposed text amendment, the proposed buffer would be x2.5 times greater than what would be required for other uses in the C-2, C-3 and CMU districts or 5' greater with the addition of a masonry wall (or wood fence is approved under alternative compliance).

In the case of I-I, the proposal, as written, would be a reduction of the typically required buffer as I-I buffers require a berm and fence or wall in addition to the 25' of separation and would not permit a reduction to 15' unless a condition was granted as part of a CZD petition or under alternative compliance (Section 15-3).

Under Article VI, Sections 6-1 and 6-3-2, the Zoning Code states that regulations which establish a higher standard shall prevail. Consideration should be given to whether additional language should be added to make it clear that the proposed revisions to the Supplementary Standards for Day Centers would only apply in the C-2 CZD, C-3 CZD, and CMU-CZD and not the I-I CZD – where the 25' Type C buffer would prevail in the case of a Day Center

The requirements for Type B and Type C buffers per 100 linear feet are as follows:

Type of Buffer	Planting Requirements per 100 Linear Feet	Size Requirements
B	4 broadleaf canopy <u>tree</u> 25 evergreen shrubs (4-foot centers) 33 flowering shrubs	1½—1¾ inch caliper 18—24 inches 18—24 inches
C	4 broadleaf canopy <u>tree</u> 10 understory trees 33 flowering shrubs berm fence or wall on top of berm	1¾— <u>2 inch</u> caliper 5—6 feet 18—24 inches 6 feet 8 feet

The separation requirements for buffers from residential uses / districts are as follows:

Proposed Land Use	Existing Land Use /Zoning District ¹
	Residential²
Residential	X
Mobile Home Park	10-foot B
Institutional & Cultural	10-foot B
Commercial	10-foot B

The Legislative Committee also considered the standards for Day Centers as they related to the standards for other similar uses which included Food Pantries and Shelter Facilities as defined in Article XII below:

Food pantry: A nonprofit establishment that primarily distributes food but may also distribute non-food items and other resources to needy individuals and families.

Shelter facility: A building or group of buildings owned or operated by a governmental or non-profit organization used for the purpose of providing boarding and/or lodging and ancillary services on the premises to primarily indigent, needy, homeless, or transient persons.

The Supplementary Standards for Food Pantries and Shelter Facilities are as follows:

16-4-13 - Food pantries.

a) The parcel on which a food pantry is situated shall not be closer than 1,500 feet to any parcel on which another food pantry is situated.

b) Storage of items for distribution shall be located entirely within the building

16-4-28 - Shelter facilities.

- a) The parcel on which a shelter facility is situated shall not be closer than 1,500 feet to any parcel on which another shelter facility is situated.
- b) The parcel on which a shelter facility is situated shall not be within 200 feet of a residential zoning district.

The Legislative Committee noted that there should be alignment between these 3 similar uses and that the lesser intense uses, such as Food Pantries and Day Centers, should not have greater restrictions than more intense uses, such as Shelter Facilities. Consideration of reducing the 1,500 separation requirements for all three uses was also discussed. Upon staff's suggestion, there was a consensus that revisions to the standards should be considered separately and apart from the current petition which is specifically related to Day Centers.

The Legislative Committee also suggested that consideration be given to making Day Centers a permitted use subject to Supplementary Standards in the I-I zoning district as opposed to only permitting the use in the I-I CZD. Ultimately the following language is recommended by the Legislative Committee. Additional language from staff is provided in blue.

16-4-12 Day center.

- a) The parcel on which a day center is situated shall not be closer than 1,500 feet to any parcel on which another day center is situated.
- b) ~~The parcel on which a day center is situated shall not be adjacent to a residential use.~~ A day center may be adjacent to a residential use in cases in which a Type B buffer is implemented. The buffer must consist of twenty-five feet (25') of landscaped separation or fifteen feet (15') of separation with a vertical barrier of a least six feet (6') in height. The vertical barrier shall meet the specifications of Sec. 15-5. e) – General Standards. For purposes of this paragraph, parcels situated across a street right-of-way from a proposed day center shall be deemed to be adjacent.
- c) The parcel on which a day center is situated shall not be within 200 feet of a residential district unless a Type B buffer consisting of twenty-five feet (25') of landscaped separation or fifteen feet (15') of separation with a vertical barrier of a least six feet (6') in height is implemented. The vertical barrier shall meet the specifications of Sec. 15-5. e) – General Standards.
- d) Permissible hours of operations shall be limited to the hours between 6:00 a.m. and 6:00 p.m.

For reference, Section 15-5. e) states the following:

- e) **Walls and fences.** Any walls used for screening or as part of a buffer shall be constructed in a durable fashion of brick, stone, or other masonry materials. When concrete block is utilized, it shall be finished with stucco on both sides. Wood posts and planks or metal or other materials specifically

designed as fencing materials may be approved by the zoning administrator for use in a Type C Buffer. Other materials may also be considered through the alternative buffer and screening process described in [section 15-3](#). No more than ten percent of the surface of a fence or wall shall be left open and the finished side of the fence or wall shall face the abutting property. A chain link fence may not be used to satisfy the requirements of this article.

The Zoning code continues under Section 15-6 c) 2) to state the following:

For type A and B buffers, the developer may, at their option, substitute a masonry wall for the evergreen shrubs. A wooden fence may be incorporated into a buffer but shall not be allowed to substitute for evergreen shrubs.

STAFF ANALYSIS

After additional review and consideration staff are recommending that the vertical barrier be required in cases of residential adjacency/proximity. Staff are also recommending a Type B buffer as a standard planting requirement for Day Centers having found varying buffer requirements in the zoning code depending on the base zoning district. In consideration of these recommendations and in an effort to clarify the requirements for Day Centers across permitted zoning districts (to include I-ICZD, C-2CZD, C-3CZD & CMUCZD), staff proposed the following language:

16-4-12 Day center.

- a) The parcel on which a day center is situated shall not be closer than 1,500 feet to any parcel on which another day center is situated.
- b) ~~The parcel on which a day center is situated shall not be adjacent to a residential use.~~ A day center shall be separated from any adjacent residential use, regardless of the zoning district where located, by a 15-foot B-type buffer meeting the requirements of article XV. Additionally, the buffer shall include a vertical masonry wall or wood fence at least six feet (6') in height. No more than ten percent (10%) of the surface of a fence or wall shall be left open and the finished side of the fence or wall shall face the abutting property. For purposes of this paragraph, parcels situated across a street right-of-way from a proposed day center shall be deemed to be adjacent. Additionally, for the purposes of this paragraph, these buffer standards shall prevail over the standards found in Section 15-6 b).
- c) ~~The parcel on which a day center is situated shall not be within 200 feet of a residential district.~~ A day center parcel shall be buffered from any residential district within 200 feet by a 15-foot B-type buffer meeting the requirements of article XV. Additionally, the buffer shall include a vertical masonry wall or wood fence barrier at least six feet (6') in height. No more than ten percent (10%) of the surface of a fence or wall shall be left open and the finished side of the fence or wall shall face the abutting property. For the purposes of this paragraph:
 - 1) These buffer standards shall prevail over the standards found in Section 15-6 b);
 - 2) The application of the 200-foot separation standard shall be

determined by measuring from the two points which represent the closest two points between the proposed day center parcel boundary and any residential zoning district boundary; and

3) Residential zoning district means the following use districts: R-40, R-20, R-15, R-10, R-6, RCT, PRD.

- d) Permissible hours of operations shall be limited to the hours between 6:00 a.m. and 6:00 p.m.

AMENDMENT ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)

COMPREHENSIVE PLAN CONSISTENCY	
Land Use & Development	Strategy LU-1.1. Encourage infill development and redevelopment in areas planned for high-intensity development. Action LU-1.1.1. Review zoning standards and revise as necessary to enable compatible infill projects.
	Strategy LU-3.5 Minimize negative impacts from growth and land use changes on existing land uses. Some zoning map changes and other development applications may create short-term incompatibilities with existing neighborhoods, even if they are consistent with the Future Land Use Plan. It is critical that City officials consider the full range of impacts of all development applications, in addition to conformance with the Future Land Use Plan. Action LU-3.5.1 Consider a full range of short- and long-term impacts when reviewing zone change applications and other proposals that introduce land use changes. When reviewing zone change applications, the City should consider whether applications demonstrate a clear public purpose as well as the criteria listed in Figure 8.3a.
	Strategy LU-3.6. - Update the Zoning Code to ensure conformance with the Comprehensive Plan. The Zoning Code is the City's primary regulatory tool in implementing the Comprehensive Plan. Amendments to the Zoning Code and Map will be necessary to reflect Comprehensive Plan recommendations and ensure orderly growth and development.
Population & Housing	Strategy PH-1.1 – Promote compatible infill development
	Strategy PH-3.2 - Encourage mixed land use patterns that place residents within walking distance of services.
Natural & Environmental Resources	There are no Goals, Strategies, or Actions that are directly applicable to this petition.
Cultural & Historic Resources	There are no Goals, Strategies, or Actions that are directly applicable to this petition.
Community Facilities	Strategy CF-1.1. Encourage co-location of new community facilities.
	Strategy CF-1.2. Continue to encourage joint use of existing community facilities, as well as usage of these facilities by community organizations.
	Strategy CF-1.3. Encourage location of community facilities in mixed-use community centers with excellent multimodal access.
	Strategy CF-6.1. Encourage community open-space or play areas in new or redeveloped residential neighborhoods.
Water Resources	There are no Goals, Strategies, or Actions that are directly applicable to this petition.
Transportation & Circulation	Strategy TC-1.1. Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.
	Strategy TC-3.1. Continue to develop and require a <u>connected</u> street grid.
	Strategy TC-5.1. Incorporate aesthetic improvements such as landscaped medians and street trees along roadways.

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

The petition is found to be [consistent] with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The 2030 Comprehensive Plan Land Use and Development Chapter calls for the City to consider short- and long-term impacts on compatibility with existing development and further recommends the consideration be given to determine if an application demonstrates a clear public purpose.

We [find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

DRAFT [Rationale for Approval]

- The petition addresses additional opportunities for the provision of services for the needy, homeless and transient population within the City of Hendersonville’s zoning jurisdiction.*
- The text amendment addresses separation of day centers from residential uses through the provision of buffers that exceed typical commercial / residential buffer standards for the C-2 CZD, C-3 CZD, and CMU CZD.*

DRAFT [Rational for Denial]

- The text amendment would permit an incompatible use in closer proximity to residential uses / residential zoning districts.*

PLANNING BOARD RECOMMENDATIONProject #: P22-29-CZDMay 9, 2022

PETITION REQUEST: Zoning Text Amendment – Supplementary Standards for Day Centers

APPLICANT/PETITIONER: Tamara Peacock Architects [Applicant]

PLANNING BOARD ACTION SUMMARY:

Staff gave a presentation on the request and the review by the Legislative Committee as well as an overview of the guidance from the Comprehensive Plan as well as the criteria for considering a text amendment. Planning Board considered this item for 19 minutes. The main topics discussed by the Planning Board members related to location of current day centers, impetus for the application, potential for allowing Day Centers by-right in the I-I zoning district.

A representative of the applicant, Dennis Bro, spoke in favor of the proposal.

No members of the general public spoke in regards to the proposal.

Mr. Nace made a motion for approval with Mr. Brown seconding. The Planning Board voted 7-0 to recommend **APPROVAL** of this petition and adopted the following statements:

COMPREHENSIVE PLAN CONSISTENCY AND REASONABLENESS STATEMENT:

The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The 2030 Comprehensive Plan Land Use and Development Chapter calls for the City to consider short- and long-term impacts on compatibility with existing development and further recommends the consideration be given to determine if an application demonstrates a clear public purpose.

REASONABLENESS STATEMENT

We find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

[Rationale for Approval]

1. The petition addresses the provisions of services for the needy, homeless and transient population within the City of Hendersonville's zoning jurisdiction.
2. The text amendment addresses separation of day centers from residential uses through the provision of buffers that exceed standard commercial / residential buffers.

BOARD ACTION

- Motion/Second: Nace / Brown
- Yeas: Hanley, Brown, Robertson, Nace, Cromar
- Nays: N/A
- Recused: Peacock • Absent: Glassman, Blatt



CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT

100 N. King St. ~ Hendersonville, NC ~ 28792
Phone (828) 697-3010 ~ Fax (828) 697-6185
www.cityofhendersonville.org

ZONING ORDINANCE TEXT AMENDMENT
Sections 4-1 and 11-1 of the City Zoning Ordinance

**Amended
application from
4/1/2022**

The following are required to constitute a complete application for a zoning text amendment:

~ This form.

~ Appropriate fee.

Applications for zoning text amendments are due at least 30 days prior to any Planning Board Meeting.

Date 04/01/2022

Section of Ordinance proposed to be changed 16-4-12 (B and C)

Proposed change

Proposing to change the following language to

"A day center may be adjacent to a residential district and/or residential use in the case in which a buffer is implemented. A Buffer must consist of twenty- five feet (25 ft) of landscaped separation or fifteen feet (15 ft) of separation with a vertical barrier of at least six feet (6 ft) in height.

Reason for change

To permit day centers in additional areas and to provide more opportunities for day centers in the City of Hendersonville.

Applicant Name The Tamara Peacock Company Architect

Address 104 First Ave East, Suite A Hendersonville, North Carolina 28792

Phone 828-696-4000

Fax

E-mail Moe@peacockarchitect.com

Signature

Morgan Marks

Official Use:

DATE RECEIVED: _____ **BY** _____ **FEE RECEIVED \$** _____

Section 11-4 Standards The advisability of amending the text of this Zoning Ordinance or the Official Zoning Map is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. Whether to adopt or disapprove the proposed amendment to the text of this Ordinance or the Official Zoning Map, the City Council shall consider the following factors among others:

a) **Comprehensive Plan Consistency.** Consistency with the Comprehensive Plan and amendments thereto.

b) **Compatibility with surrounding uses.** Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.

Proposed amendment which explains the purpose for the amendment: A day center may be adjacent to residential use in the case which a buffer is implemented. A Buffer must consist of twenty- five feet (25 ft) of landscaped separation or fifteen feet (15 ft) of separation with a vertical barrier of at least six feet (6 ft) in height.

c) **Changed conditions.** Whether and the extent to which there are changed conditions, trends or facts that require an amendment.

d) **Public Interest.** Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.

e) **Public facilities.** Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment.

N/A

f) **Effect on natural environment.** Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, stormwater management, streams, vegetation, wetlands and wildlife.

N/A



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Matthew Manley, Planning Manager

MEETING DATE: June 2, 2022

AGENDA SECTION: Public Hearing

DEPARTMENT: Community Development

TITLE OF ITEM: Rezoning: Conditional Zoning District – Upward Rd Restaurant (P22-15-CZD) – *Matthew Manley, AICP – Planning Manager*

SUGGESTED MOTION(S):

For Recommending Approval:

I move City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9588-20-6649) from PCD, Planned Commercial Development to CHMU CZD, Commercial Highway Mixed Use Conditional Zoning District, based on the site plan and list of conditions submitted by and agreed to by the applicant, [dated May 10, 2022] and presented at this meeting and subject to the following:

1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses

Permitted Uses:

1. Restaurant

[for amendments to uses or conditions discussed and agreed upon in the Council meeting (between City & Developer) and not yet represented on the site plan, please use the following language, disregard #2 if not needed]

2. Permitted uses and applicable conditions presented on the site plan shall be amended to include:

3. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:

The Future Land Use designation of Regional Activity Center recommends restaurant as a primary land use and the location and site design of the project align with the goals and strategies of LU-9

For Recommending Denial:

I move City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9588-20-6649) from PCD, Planned Commercial Development to CHMU CZD, Commercial Highway Mixed Use Conditional Zoning District, based on the following:

- 1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:**

The Future Land Use designation of Regional Activity Center recommends restaurant as a primary land use and the location and site design of the project align with the goals and strategies of LU-9

- 1. We do not find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:**

1. The development request to use Tree Credits without meeting the standards of Sec. 15-4.
2. The development would require a reduction of the vehicular area setback standards
3. The development requires a 50% reduction of the required Common Open Space

<p>4. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:</p> <ol style="list-style-type: none"> 1. The Upward Road corridor is classified as a Boulevard and is appropriate for drive-in restaurants. 2. The development will provide additional food options for residents and visitors 3. The subject property is consistent with the interstate interchange-oriented development occurring in this area. 4. The subject property is located in a “Priority Growth Area” <p>[DISCUSS & VOTE]</p>	<ol style="list-style-type: none"> 4. The development does not meet all the design standards for the CHMU due to a reduction in the dept of the building offsets. <p>[DISCUSS & VOTE]</p>
--	---

***SUMMARY:** The City of Hendersonville is in receipt of an application for a Conditional Zoning District from Dennis Terry (applicant) and NC Hendersonville Upward Road, LLC (Property Owners). The applicants are requesting to rezone the subject property, PIN 9588-20-6649 and located on Upward Road, from PCD, Planned Commercial Development to CHMU CZD, Commercial Highway Mixed Use Conditional Zoning District for the construction of a 950 square foot drive in restaurant on approximately 0.75 acres. The CHMU permits drive-in restaurants.*

The subject parcel was previously a part of a multi-phased Planned Commercial Development – Special Use Permit that was first approved in 2008 and later re-approved in 2014 however the approved site plan expired in 2019. The portion of the PCD involving the subject parcel was slated for a 3,080 Sq Ft restaurant.

PROJECT/PETITIONER NUMBER:	P22-15-CZD
PETITIONER NAME:	Dennis Terry [applicant] NC Hendersonville Upward Road, LLC [owner]
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Staff Report 2. Planning Board Summary 3. Neighborhood Compatibility Summary 4. Tree Board Summary 5. Proposed Site Plan / Elevations 6. Proposed Zoning Map 7. Draft Ordinance 8. Application / Owner Signature Addendum

Ordinance #O-22-__

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL POSSESSING PARCEL IDENTIFICATION NUMBER 9588-20-6649 BY CHANGING THE ZONING DESIGNATION FROM PCD, PLANNED COMMERCIAL DEVELOPMENT TO CHMU-CZD, COMMERCIAL HIGHWAY MIXED USE - CONDITIONAL ZONING DISTRICT

IN RE: Parcel Number: 9588-20-6649 – (Upward Road Restaurant) - (File # P22-15-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from Dennis Terry (Applicant) and Philip Wilson of NC Hendersonville Upward Road, LLC. (Owner) for the development of a 950 square foot drive-in/walk-up restaurant on approximately 0.75 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on May 9th, 2022; voting 7-0 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on June 2nd, 2022, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Number: 9588-20-6649 by changing the zoning designation from PCD, Planned Commercial Development to CHMU-CZD, Commercial Highway Mixed Use - Conditional Zoning District.
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and the conditions listed therein and subject to the following.
 - a. Permitted uses shall include:
 - i. Restaurant
 - b. Conditions that shall be satisfied prior to final site plan approval include:
 - i. The development shall be consistent with the preliminary site plan and conditions listed therein as submitted and dated May 10, 2022 [or as modified and presented].
3. This ordinance shall not be effective until the stipulated list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this ____ day of _____, 20____.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

IN RE: Parcel Number: 9588-20-6649 – (Upward Road Restaurant) - (File # P22-15-CZD)

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to the imposition of all conditions stated.

Applicant/Developer: Dennis Terry

Signature: _____

Printed Name: _____

Date: _____

Property Owner: NC Hendersonville Upward Road, LLC.

Signature: _____

Printed Name: _____

Date: _____

CONDITIONAL REZONING: UPWARD ROAD RESTAURANT (P22-15-CZD)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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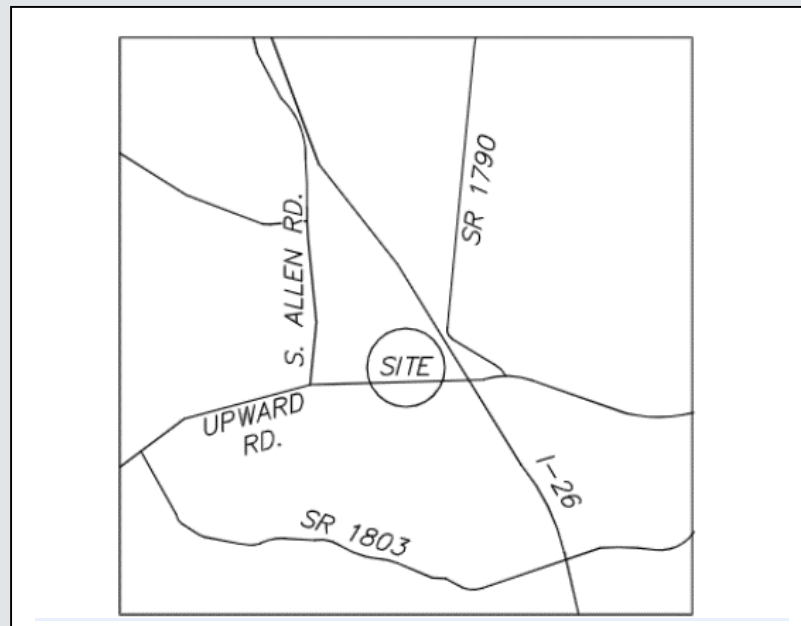
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PROJECT SUMMARY

- Project Name & Case #:
 - Upward Road Restaurant
 - P22-15-CZD
- Applicant & Property Owner:
 - Dennis Terry [applicant]
 - NC Hendersonville Upward Road, LLC [owner]
- Property Address:
 - No Address Assigned
- Project Acreage:
 - 0.75 Acres
- Parcel Identification (PIN):
 - 9588-20-6649
- Current Parcel Zoning:
 - PCD (Planned Commercial Development Conditional Zoning District)
- Requested Zoning:
 - CHMU-CZD (Central Highway Mixed Use - Conditional Zoning District)
- Future Land Use Designation:
 - Regional Activity Center
- Neighborhood Compatibility Meeting:
 - March 1, 2022

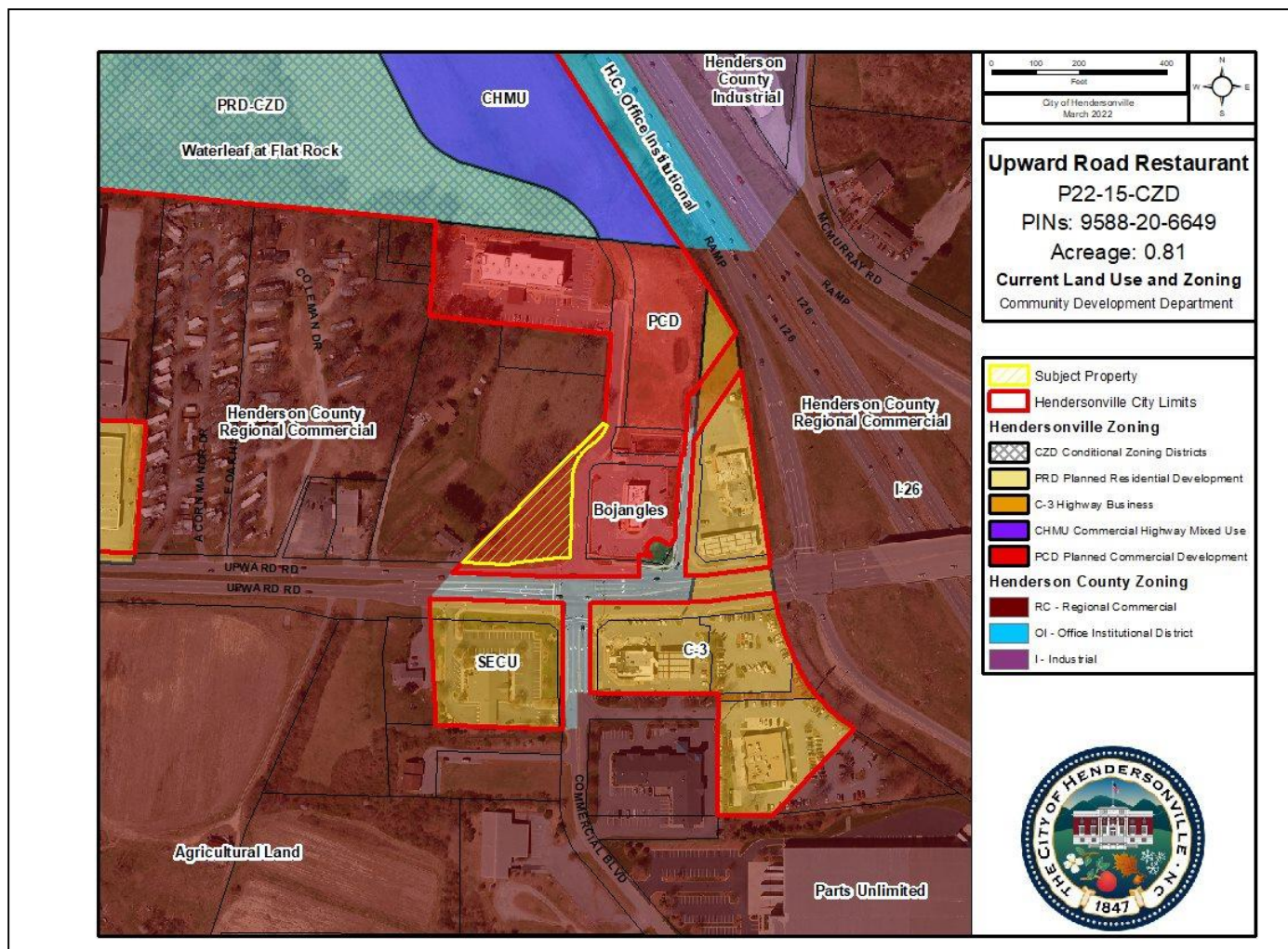


SITE VICINITY MAP

The City of Hendersonville is in receipt of an application for a Conditional Zoning District from Dennis Terry (applicant) and NC Hendersonville Upward Road, LLC (Property Owners). The applicants are requesting to rezone the subject property, PIN 9588-20-6649 and located on Upward Road, from PCD, Planned Commercial Development to CHMU CZD, Commercial Highway Mixed Use Conditional Zoning District for the construction of a 950 square foot drive in restaurant on approximately 0.75 acres. The CHMU permits drive-in restaurants.

The subject parcel was previously a part of a multi-phased Planned Commercial Development – Special Use Permit that was first approved in 2008 and later re-approved in 2014 however the approved site plan expired in 2019. The portion of the PCD involving the subject parcel was slated for a 3,080 Sq Ft restaurant.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned PCD-CZD, Planned Commercial Development Conditional Zoning District as it was part of a multi-phased project discussed later in this report. The property is bordered to the east, northeast and adjoined via Upward Crossing Blvd to the remainder of the parcels zoned PCD. Access to the I-26 interchange at Upward Rd is the dominate factor driving development/redevelopment in the area.

To the west and north of the parcel the zoning is Henderson County – Regional Commercial. Some of the uses present in this area are fast food, financial (bank), convenience/gas station, hotel, manufacturing, mobile home park, large agricultural tracts and single-family homes on large tracts of land that could be redeveloped.

Other recent rezonings have occurred on properties north of the site which lay between I-26 and S. Allen Rd. These properties include not-yet-constructed multi-family residential uses (PRD zoning) that have been approved in the last 12 months. Additional vacant land in this area was recently annexed and zoned CHMU – a zoning district created specifically for this area.

The subject property is located in the Upward Rd Planning District adopted in 2011 along with the CHMU zoning district.

SITE IMAGES



View facing north along Upward Crossing from Upward Rd



View facing east along Upward Rd from Upward Crossing

SITE IMAGES



View of large mature trees along site boundary



View of large mature trees along site boundary

SITE IMAGES



View of proposed site entrance area



View of proposed site entrance area looking toward intersection of Upward Crossing and Upwards Rd..

REZONING HISTORY

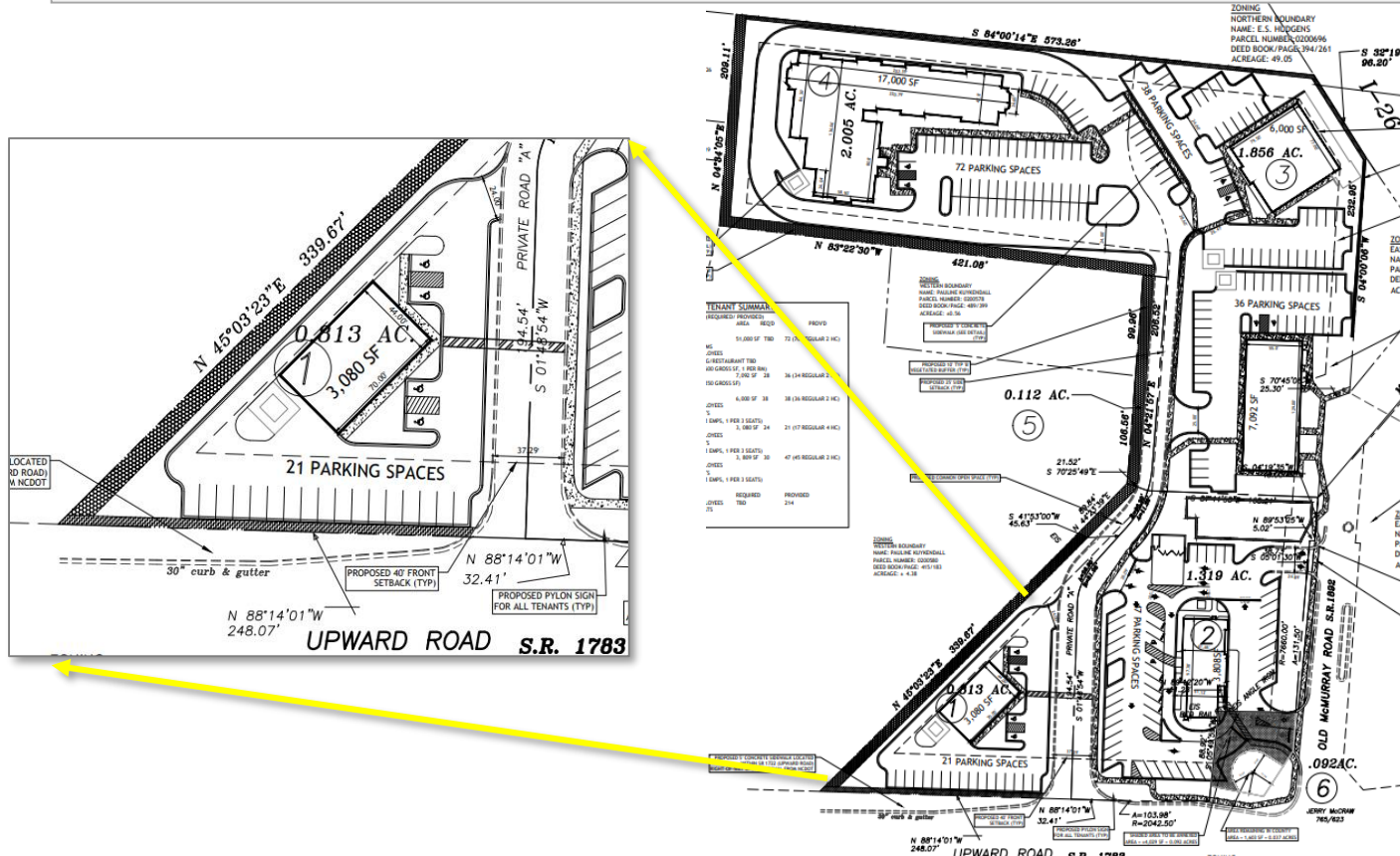
Prior Rezoning	Summary of Prior Petition	Status
Initial PCD zoning (2008) PCD Reapproved (7/3/2014) Expired (7/3/2019)	A site plan for a multi-phased retail, hotel and restaurant Planned Commercial Development.	Preliminary Site plan was approved by City Council-Final site plan was approved for portions of the development, but never fully developed.

Minutes from July 3, 2014 City Council meeting:

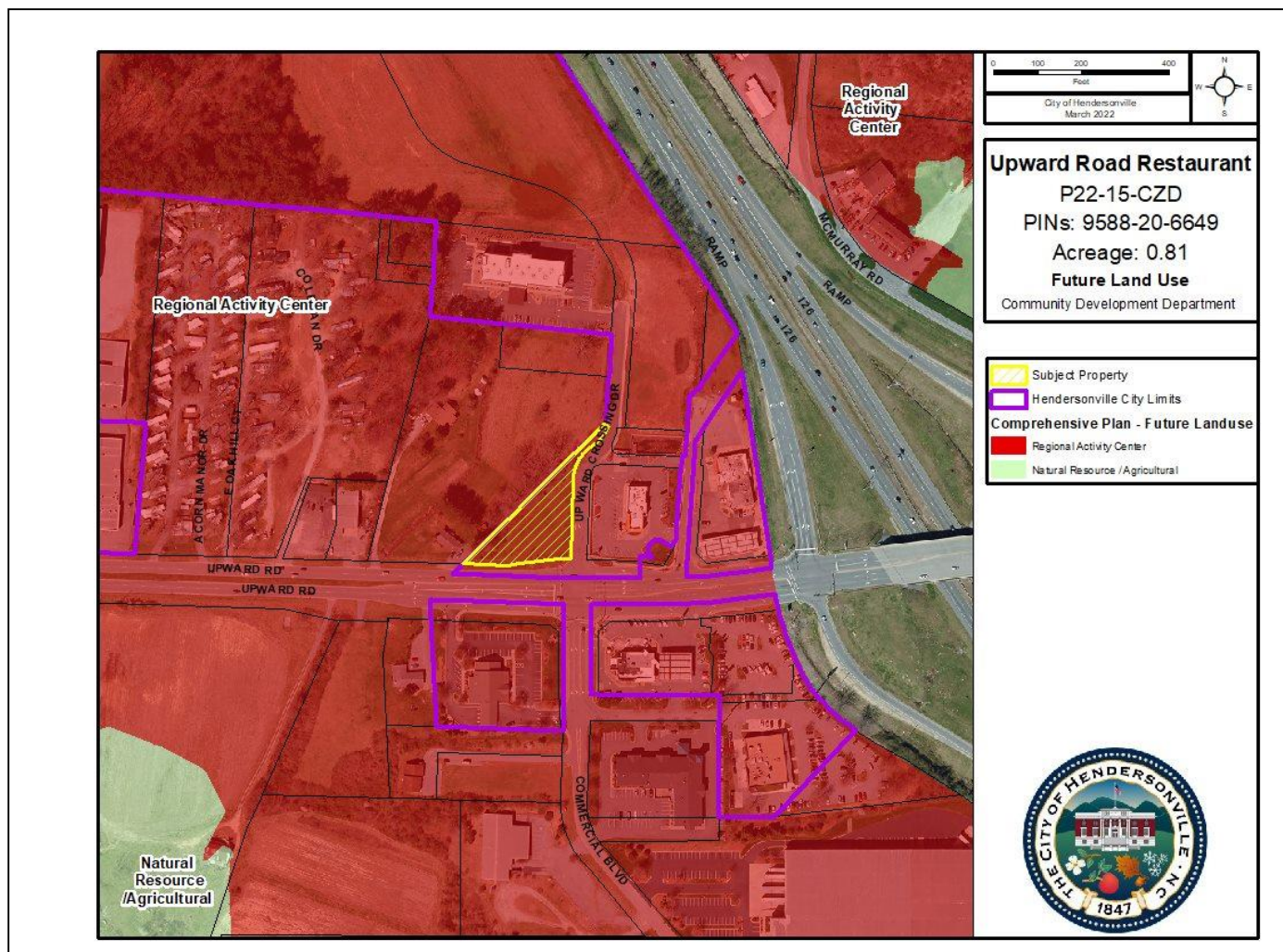
<https://library.municode.com/nc/hendersonville/munidocs/munidocs?nodeId=2d9a5168057e4>

Upward Road Property PCD

- 6.197 Acres
- 70,981 Sq Ft of Buildings
 - Hotel 51,000 Sq Ft (built)
 - Retail 7,092 Sq Ft
 - Restaurant 6,000 Sq Ft
 - Restaurant 3,809 Sq Ft (built)
 - Restaurant 3,080 Sq Ft (current proposal)



FUTURE LAND USE



City of Hendersonville Future Land Use Map

The City's 2030 Comprehensive Plan designates the subject property as **Regional Activity Center** and it is located within an **Activity Node** as indicated in the City's Future Land Use Map. Restaurants are a primary recommended land use in the Regional Activity Center designation.

All parcels in the surrounding area share this same designation which can be attributed to the proximity to the interchange with I-26 and Upward Rd. I-26 is classified as a Freeway and Upward Rd is a Boulevard according to the City's Comprehensive Plan.

The only other future land use designation in proximity to the subject property is Natural Resource / Agricultural due to the presence of the Dunn Creek floodplain to the south of Upward Rd and east of I-26.

The subject parcel is also part of the Upward Rd Planning Area which was adopted in 2011 in response to the need to manage growth outside the ETJ in an area where sewer service would be desired.

REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY

Future Land Use	<p>Goal LU-9. - Regional Activity Center: “Meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects.” [CONSISTENT]</p>
	<p>Strategy LU-9.1. Locations:</p> <ul style="list-style-type: none"> Commercial areas surrounding the US64/I-26 and Upward Road/I-26 interchanges. [CONSISTENT]
	<p>Strategy LU-9.2. Primary recommended land uses:</p> <ul style="list-style-type: none"> Restaurants [CONSISTENT]
	<p>Strategy LU-9.4. Development guidelines:</p> <ul style="list-style-type: none"> Mitigation of bulk of large buildings through façade detailing and window coverage [CONSISTENT] Hiding of large parking lots (more than one double-row deep) from thoroughfares with out-lot structures [CONSISTENT] Provision of pedestrian connections to parking and other buildings and properties [CONSISTENT] <p><u>Activity Nodes:</u></p> <ul style="list-style-type: none"> Encouragement of multi-story, mixed-use buildings with retail on ground floors and office/residential on upper floors [INCONSISTENT] Placement of new buildings close to the street along thoroughfares (less than 20 feet) encouraged [INCONSISTENT] Location of all parking to the side or rear of buildings or in a garage encouraged [CONSISTENT] Improved pedestrian connections to surrounding neighborhoods [CONSISTENT]
Land Use & Development	<p>Growth Management: The property is designated as a “Priority Growth Area” on the Growth Management Map (Map 8.3a). “Areas that are considered a high priority for expansion of the ETJ, annexation, and extension of infrastructure and services”. [CONSISTENT]</p>
	<p>Development Framework: The subject parcel is not listed as “Development Opportunity” in the Comprehensive Plan’s Map 8.2b: Development Framework due to the fact that the parcel was part of a previously-approved PCD that was not fully constructed. [CONSISTENT]</p>

REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
Population & Housing	<ul style="list-style-type: none"> Strategy PH-1.4. Allow redevelopment and/or reuse of single-family homes that directly front on arterials into office or high-density residential uses in coordination with the Future Land Use Map.
	<ul style="list-style-type: none"> Strategy PH-3.2. Encourage mixed land use patterns that place residents within walking distance of services
Natural & Environmental Resources	<ul style="list-style-type: none"> Strategy NR-2.3. Promote preservation of woodlands
	<ul style="list-style-type: none"> Strategy NR-3.2. Enable and encourage Low-Impact Development practices in stormwater management.
Cultural & Historic Resources	No Goals, Strategies or Actions are directly applicable to this project.
Community Facilities	No Goals, Strategies or Actions are directly applicable to this project.
Water Resources	<ul style="list-style-type: none"> Strategy WR-2.3. Enable and encourage Low-Impact Development practices in stormwater management.
Transportation & Circulation	<ul style="list-style-type: none"> Strategy TC-1.1. - Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.
	<ul style="list-style-type: none"> Goal TC-5. - Enhance key gateways to the community in order to present a positive first impression and increase civic pride.
	<ul style="list-style-type: none"> Strategy TC-5.1. - Incorporate aesthetic improvements such as landscaped medians and street trees along roadways.
	<ul style="list-style-type: none"> Strategy TC-5.2. - Enhance key entrances within the City, as indicated on Map 7.3a

REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS	
Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –
	The proposed site plan is for a automobile-oriented quick service restaurant which also features a walk-up window. Considering the vehicular traffic along Upward Rd (boulevard) and the interchange with I-26 (freeway) and proximity to proposed Multi-Family apartments, both the drive-through and walk-up windows and location of the site are compatible with the area.
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
	The corridor along Upward Rd has seen and will continue to see growth and development. The addition of manufacturing, multi-family and interstate-oriented restaurants and services is expected for the area.
Public Interest	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -
	Additional commercial development within the City will generate additional tax revenue. Additional food options will expand opportunities for residents and visitors and the
Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment
	The development has been reviewed by the City of Hendersonville Water & Sewer Dept. The site will be served by City water and sewer service. Upward Road is designated as a boulevard on the comprehensive transportation plan and is maintained by NCDOT. Upward Crossing Rd is currently privately maintained. The proposed use did not trigger a TIA based on the City's thresholds for the number of Daily trips, AM peak trips and PM peak trips forecasted to be generated by a Drive-in coffee shop with no indoor seating. The development has been reviewed by the City Fire Dept and will also be served by the City of Hendersonville Police.
Effect on Natural Environment	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -
	Site is mostly a greenfield, new development reflects an increase in impervious surfaces.
	The site currently has 14 trees 12" or greater DBH on or adjacent to the property line of the site. The developer is proposing to remove approximately 5 trees and retain 3 trees on the site. The remaining 6 trees are on the adjacent property. The applicant is also proposing to plant 8 new trees. An additional 18 are required to meet the standards for a Type B buffer.

The petition is found to be **consistent** with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The Future Land Use designation of Regional Activity Center recommends restaurant as a primary land use and the location and site design of the project align with the goals and strategies of LU-9.

We **[find/do not find]** this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

DRAFT [Rationale for Approval]

- *The Upward Road corridor is classified as a Boulevard and is appropriate for drive-in restaurants.*
- *The development will provide additional food options for residents and visitors*
- *The subject property is consistent with the interstate interchange-oriented development occurring in this area.*
- *The subject property is located in a “Priority Growth Area”*

DRAFT [Rational for Denial]

- *The development would require a reduction of the vehicular area setback standards*
- *The development requires a 50% reduction of the required Common Open Space*
- *The development does not meet all the design standards for the CHMU due to a reduction in the dept of the building offsets.*

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS

PROPOSED REQUEST DETAILS

- The site plan accompanying this petition contains the following provisions:
 - 1 - 1-story, 950 Sq Ft drive-thru/walk-up restaurant building
 - 18' in height
 - 12 Parking Spaces provided
- Requested Uses: Restaurant

Developer Proposed Conditions:

- Reduce Vehicular use setback: 5' from ROW line
- Reduce Common Space Ratio: Greater than or equal to 0.05
- Reduce Building offset: the depth of the offset can be as little as 1/15th and up to 1/5th the length of the longest adjacent wall panel.
- Loading Zone to be removed from required standards.
- Preserved trees shall be protected to the extent feasible with respect to required construction activities.
- Eradicate invasive plant species throughout the property as listed in the recommended landscape species list for street trees and land development projects.
- Trees that are required for Type B buffer that are not able to be placed adjacent to retaining wall shall be relocated on property.

OUTSTANDING ISSUES & PROPOSED CONDITIONS:

COMMUNITY DEVELOPMENT

Site Plan Comments

- The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Planned Residential Development (5-14) and Site Plan Review (7-3) with the following exceptions:
 - Addressed through Developer Proposed Conditions:
 - The Type B buffer needs to include 4 canopy trees per 100 linear feet [See developer proposed condition]
 - 1 - 36" Oak is slated for preservation and Tree Credits (5). Existing vegetation protection standards are not satisfied [See developer proposed condition].
 - Common Open Space is provided at 5% of the site rather than the required 10%. [See developer proposed condition]
 - Vehicular use area setback is 5' rather than the required 20'. [See developer proposed condition]
 - The building offsets are proposed to be 1/5th the length of the longest adjacent wall panel rather than the required 1/10th or minimum of 1' projection depth. [See developer proposed condition]
 - Resolved:
 - Type B buffer shown as 175 LF but site has 450 LF of adjacent property line. As shown, site plan reflects 7 required trees. 450 LF of buffer requires 18 trees. [resolved]]

- Indicate how 5-27-4.1.4 d & e will be satisfied [resolved]
- Provide info on how you are satisfying 5-27-4.1.5 (3 Architectural Details) [resolved]
- Provide Building Materials per 5-27-4.1.6 and 5.27-4.1.10 and 18-6-4.8 [resolved]
- Indicate how 5-27-4.1.7 is being satisfied [resolved]
- Address cross-connection with adjacent property (18-6-4.6) [resolved]
- Provide internal pedestrian access / connection to building from public sidewalk and consider sharpening radius at drive-thru exit, creating shorter crossing and placing crosswalk for walk-up orders/employee access (6-12-2, 5-27-4.1.3, 5-27-4.1.9, & 18-6-4.6).[resolved]
- Provide Landscaping Calculations to determine compliance [resolved]

Proposed City-Initiated Conditions:

- None

CITY ENGINEER

Site Plan Comments:

- Concrete drive apron/sidewalk through drive should be called out as 6" thick

Proposed City-Initiated Conditions:

- None

WATER – SEWER:

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

FIRE MARSHAL

Site Plan Comments

- None

Proposed City-Initiated Conditions:

- None

STORMWATER ADMINISTRATOR

Site Plan Comments:

- It appears that the current drainage plan is to tie into the existing stormwater basin behind Bojangles. If this is the plan, stormwater calculation will be required to demonstrate that the existing basin has the capacity to treat the additional runoff from the new site. [resolved]

Proposed City-Initiated Conditions:

- None

FLOODPLAIN ADMINISTRATOR**Site Plan Comments:**

- None

Proposed City-Initiated Conditions:

- None

PUBLIC WORKS DIRECTOR:**Site Plan Comments:**

- Sidewalk encroachment permit needed from NCDOT - submit to City for approval.

Proposed City-Initiated Conditions:

- None

NCDOT**Site Plan Comments:**

- None

Proposed City-Initiated Conditions:

- None

TRANSPORTATION CONSULTANT**Site Plan Comments**

- Jonathan Guy with Kimley Horn provided City Staff with the projected Trip Generation numbers for the proposed use based on the 11th Edition of the ITE Manual. The proposed use (coffee shop with no indoor dining) is anticipated to generate the following number of trips which do not exceed the City's thresholds:
 - Daily – 179 trips
 - AM – 36 trips
 - PM – 15 trips

Proposed City-Initiated Conditions:

- None

TREE BOARD**Site Plan Comments & Recommended Conditions:**

- See attached Tree Board Summary

PLANNING BOARD RECOMMENDATIONProject #: P22-15-CZDMay 9, 2022

PETITION REQUEST: Conditional Rezoning – Upward Road Restaurant

APPLICANT/PETITIONER: NC Hendersonville Upward Road, LLC. [Owner]
Dennis Terry [Applicant]

PLANNING BOARD ACTION SUMMARY:

Staff gave a presentation on the request and reviewed the guidance from the Comprehensive Plan as well as the criteria for considering a rezoning. Planning Board considered this item for 19 minutes. The main topics discussed by the Planning Board members related to clarification of the landscaping requirements and the associated condition related to tree plantings.

Dan Soder, Civil Designer with V3 Companies represented the development team. Mr. Soder presented details of the site plan and included that the use was for a nationwide coffee house chain.

No members of the public spoke in regards to the development.

Mr. Hanley made a motion for approval with Mr. Nace seconding. The Planning Board voted 7-0 to recommend **APPROVAL** of this petition and adopted the following statements:

CONDITIONS:

The Conditions as shown on the site plan and agreed to by the developer were included in the motion.

COMPREHENSIVE PLAN CONSISTENCY AND REASONABLENESS STATEMENT:

The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The Future Land Use designation of Regional Activity Center recommends restaurant as a primary land use and the location and site design of the project align with the goals and strategies of LU-9. 3.

REASONABLENESS STATEMENT

We find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

[Rationale for Approval]

- 1. The Upward Road corridor is classified as a Boulevard and is appropriate for drive-in restaurants.
- 2. The development will provide additional food options for residents and visitors.
- 3. The subject property is consistent with the interstate interchange-oriented development occurring in this area.
- 4. The subject property is located in a Priority Growth Area.

BOARD ACTION

- **Motion/Second:** Hanley / Nace
- **Yeas:** Hanley, Peacock, Brown, Robertson, Nace, Blatt, Cromar
- **Nays:** N/A
- **Absent:** Glassman
- **Recused:** N/A



NEIGHBORHOOD COMPATIBILITY MEETING REPORT
UPWARD RD RESTAURANT (P22-15-CZD)
NCM Meeting Dates: March 1, 2022

PETITION REQUEST: Conditional Rezoning: Central Highway Mixed Use - Conditional Zoning District (CHMU-CZD)

APPLICANT/PETITIONER: Dennis Terry (applicant) / Philip Wilson, NC Hendersonville Upwards Road LLC (owner)

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

A Neighborhood Compatibility Meeting was held for this project on March 1, 2022 at 2pm in the City Operations Building at 305 Williams St and via Zoom. The meeting lasted approximately 16 minutes.

There were 0 members of the public in attendance in-person with 2 others attending virtually including the development team's Landscape Architect, Dennis Terry. Three members of City staff were in attendance.

Staff gave the formal introduction and a brief overview of the request.

There were no pre-submitted comments.

The development team was allowed to present their proposed project. And an opportunity was given for those in attendance to ask questions and share their thoughts.

Ken Fitch of Patton St was the only person to speak. He asked questions about interior dining (there will not be interior dining), number of staff on a shift (not known at the time), utilization of Dark Sky compliant lighting, and the hours of operation (not known at the time). He also asked if a TIA was triggered (it was not) and responsible parties for reviewing access to Upward Crossing Blvd (private drive).

Full minutes from the Neighborhood Compatibility Meeting and pre-submitted public comments are available for review by request.



TREE BOARD RECOMMENDATION
UPWARD ROAD RESTAURANT (P22-15-CZD)
APRIL 19, 2022

PETITION REQUEST: Conditional Rezoning: Central Highway Mixed Use - Conditional Zoning District (CHMU-CZD)

APPLICANT/PETITIONER: Dennis Terry (applicant) / Philip Wilson, NC Hendersonville Upwards Road LLC (owner)

TREE BOARD ACTION SUMMARY:

The developer presented to the Tree Board at a regular meeting on April 19, 2022. The following Tree Board members were present: Mark Madsen, Mary Davis, Andy Crawford, and Glenn Lange. The following Members were absent: Mac Bracket, Landon Justice, and Pat Christie.

After a discussion with the developer regarding the proposed site layout and the impact of the proposed retaining wall and proposed stormwater management system, the Tree Board made the following motion:

MOTION

The motion was made by Glenn Lange:

Based on the following guiding city code documents (the Municipal Code, Chapter 46, Article IV, Division I, Trees & Shrubs, Section 46, 116 & 117; the Zoning Code, Article XV Buffering, Screening & Landscaping Sections 15-1, A & C and 15-4 A; the Subdivision Ordinance, Purpose and Intent, Section I.04, Part H; and the Comprehensive Plan, Vision Statement and Section 3.3, Goal NR-1, Strategy 1.2 and Goal NR-2, Strategy 2.3) and the City Council's adoption (Feb., 2021) of core values and beliefs as guiding principles as they apply to protection of natural resources and the prioritization of existing tree canopy, the Tree Board recommends the following development conditions be placed on this property:

1. All preserved trees must be protected from construction activities as prescribed in the zoning code 15-4c regardless of use for a tree credit. **[Developer Counter: Preserved trees shall be protected to the extent feasible with respect to required construction activities]**
2. Of the proposed trees depicted on the review documents (7) and those required for the Type B buffer (4 per 100 feet), 25% must be large maturing trees and 25% must be medium maturing trees as listed in the Recommended Landscape Species List for Street Trees and Land Development Projects. **[Developer Agreed]**
3. Eradicate invasive plant species throughout the property as listed in the Recommended Landscape Species List for Street Trees and Land Development Projects. **[Developer Agreed]**
4. Recommend shortening of northern end of the retaining wall and to shift the location of the northern end of the retaining wall toward the drive-thru lane to minimize impact to the existing trees. **[Developer Agreed]**

BOARD ACTION

Motion: Lange

Yeas: All

Nays: None

Recused: None

1. CONTRACTOR IS RESPONSIBLE FOR PLACEMENT OF ALL BARRICADES, SIGNAGE, FLAGGERS, SHORING, ETC., TO ENSURE THE SAFETY OF WORKERS AND THE PUBLIC.
2. ALL PAVEMENT CUTS SHALL BE REPLACED ACCORDING TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE CITY OF HENDERSVILLE.

PROTOTYPICAL DRAWINGS

SITE & BUILDING PLAN CRITERIA

PROTOTYPICAL DRAWING SET

DTO - A

USE OF THIS DOCUMENT IS INTENDED FOR DESIGN DEVELOPMENT ONLY AND IS NOT FOR CONSTRUCTION USE.

REVISION LOG			
DATE	VERSION	SHEET	DESCRIPTION
01-22-2021	Q2 FY21	03 - BUILDING FLOOR PENETRATION PLAN	LISTED SHEETS UPDATED FOR THE FOLLOWING REVISIONS: 1. CUSTOM ESPRESSO WORKSTATION REPLACED WITH STANDARDIZED ESP 12-01 WORKSTATION 2. DT POS CUSTOM COUNTERTOP LENGTH ADJUSTED TO ALIGN WITH EDGE OF UPDATED ESPRESSO WORKSTATION. 3. ADDITIONAL STORAGE CABINET ADDED BELOW DT POS COUNTERTOP. 4. DOUBLE DOOR UNDERCOUNTER REFRIGERATOR BELOW DT POST COUNTERTOP REPLACED WITH TWO SEPARATE UNDERCOUNTER REFRIGERATORS. COUNTERTOP SUPPORT PANELS REPOSITIONED TO ACCOMMODATE THIS CHANGE. 5. WARMING WORKSTATION REPLACED WITH STANDARDIZED DTW 06-01 WORKSTATION. 6. WALK-UP POS CUSTOM COUNTERTOP LENGTH ADJUSTED TO ALIGN TO EDGE OF UPDATED WARMING WORKSTATION. 7. POS SAFE RELOCATED TO BE ADJACENT TO WALK-UP WINDOW POS. 8. TRASH CABINET AND FILLER PANEL ADDED TO MOBILE ORDER AND PAY AREA WHERE SAFE WAS PREVIOUSLY LOCATED. 9. NITROGEN GENERATOR UPDATED TO NEW MODEL.
		07 - FF & E PLAN 09 - INTERIOR ELEVATIONS 13 - POWER PLAN	
07-28-2020	Q4 FY20	01 - ARCHITECTURAL SITE PLAN 1.1 - ARCHITECTURAL SITE PLAN ALTERNATE	STANDARDIZED DRIVE THRU LANE SIZE; DIMENSIONS; TURNING RADII AND CAR STACK; RELOCATED DOS AND DT MENU LOCATIONS; ADJUSTED SITE SIGNAGE ACCORDINGLY.
		12 - ELECTRICAL SITE PLAN	REVISED POWER, DATA AND LV CONDUIT RUNS TO MATCH ALL STANDARDIZED REVISIONS.

WALL BLOCKING KEY

SYMBOL	ITEM	WEIGHT	HEIGHT A.F.F.	APPROX. WIDTH
A	WORKROOM HAND SINK	128 LBS (58 KG)	36" TO 40" (915MM TO 1015MM)	30" (760MM) BEHIND SINK
B	SHELVES ABOVE COMPARTMENT SINK	200 LBS (91 KG)	48" TO 76" (1220MM TO 1930MM)	96" (2440MM) CENTERED ABOVE COMPARTMENT SINK
C	UPPER WIRE SHELVES	BLOCKING SPECIFICATION TO BE PROVIDED BY VENDOR		
D	SHELVES AT MANAGER'S DESK	300 LBS (136 KG)	32" TO 96" (810MM TO 2440MM)	48" (1220MM) 3/4 (19MM) ACX PLYWOOD, CENTERED ON SHELVES
E	EQUIPMENT RACK AT MANAGER'S DESK	300 LBS (136 KG)	44" TO 96" (1120MM TO 2440MM)	28" (710MM) 3/4 (19MM) ACX PLYWOOD, CENTERED ON RACK
F	METRO SHELVES	BLOCKING SPECIFICATION TO BE PROVIDED BY VENDOR. IN-WALL BLOCKING PREFERRED, HOWEVER EXISTING FRP FINISHED WALL MAY RECEIVE SURFACE MOUNTED, PAINTED WHITE.		
G	RESTROOM GRAB BARS	200 LBS (91 KG)	30" TO 36" (760MM TO 915MM)	60" (1525MM) AROUND WATER CLOSET
H	RESTROOM HAND SINK	200 LBS (91 KG)	COMMERCIAL INSTALLATION REQUIRES CONCEALED ARM CARRIER. REFER TO MFR'S SPECIFICATION.	
I	LOCKERS (3/4" PLYWOOD)	300 LBS (136 KG)	60" TO 72" (1030MM TO 1830MM)	18" (455MM) PAST LOCKERS EA. SIDE
J	UPPER CBE SHELVING	BLOCKING SPECIFICATION FOR CBE METAL SHELVES. REFER TO VENDOR'S SPECIFICATION AND DETAILS.		
K	WATER FILTRATION SYSTEM	TBD BY VENDOR	COORDINATE LOCATION AND EXTENT WITH PENTAIR	
L	WALK-UP MENU BOARDS	25 LBS (12 KG)	SEE ELEVATIONS	8" MINIMUM BEYOND LIMITS
M	DRIVEV-THRU POS CUBBY	300 LBS (136 KG)	SEE ELEVATIONS	8" MINIMUM BEYOND LIMITS

Section 7, Item C.

KEYED NOTES

1. OUTLINE OF ENGINE (FOR REFERENCE ONLY)
2. ELECTRICAL PANEL LOCATION. MAINTAIN 36" MINIMUM CLEARANCE IN FRONT OF PANEL FOR SERVICING. EOR TO CONFIRM PANEL SIZES. 54-CIRCUIT PANEL MINIMUM REQUIRED.
3. 30" X 36" CLEAR FOR ROOF LADDER ACCESS
4. STRUCTURAL SHELF FOR WATER HEATER ABOVE. REFERENCE INTERIOR ELEVATION. IF REQUIRED, LOCATE HATCH FOR UTILITY ACCESS.
5. DATA ENTRY POINT. ROUTE OVERHEAD TO MANAGER'S DESK
6. WATER SERVICE ENTRY POINT
7. EXTERIOR ELECTRICAL METER AND CT CABINET
8. SANITARY AND GREASE WASTE DISCHARGE
9. GAS METER, PIPING CONTINUES TO ROOF
10. LOCKABLE HOSE BIBB
11. PREFERRED LOCATION FOR GREASE INTERCEPTOR TO BE COORDINATED WITH SITE

GENERAL NOTES

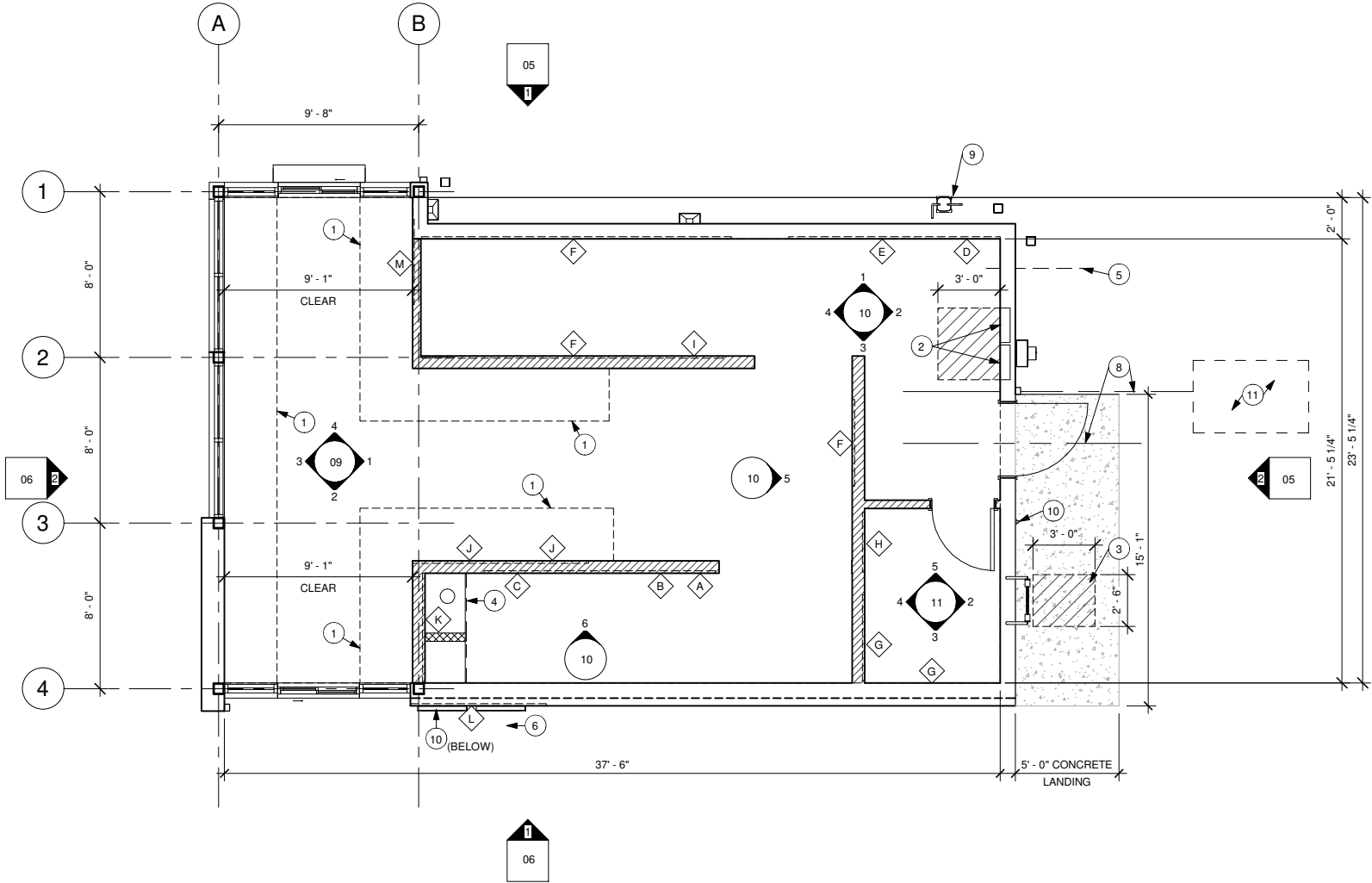
- A. ALL DIMENSIONS SHOWN ARE TO FINISH FACE OF STRUCTURE, UNLESS SHOWN OR OTHERWISE NOTED.
- B. INSTALL MOISTURE RESISTANT GREEN BOARD BEHIND BAR AND ON ALL WET WALLS.
- C. PROVIDE FURRED OUT WALLS ALONG BACK BAR AND DT BUMP FOR PLUMBING SUPPLY AND DRAINAGE.
- D. FUR OUT INTERIOR FACE OF MASONRY WALLS AND ALL EXTERIOR WET WALLS.
- E. ALL INTERIOR WET WALLS SHALL BE 6" CONSTRUCTION.
- F. INCLUDE WALL BLOCKING AS REQUIRED PER WALL BLOCKING KEY.
- G. PROVIDE 6" CURB AT BASE OF STORE FRONT SYSTEMS TO LIMIT WATER ENTRY.
- H. ALL DOORS SHALL BE 32" MINIMUM CLEAR. CENTER THRESHOLDS AND MATERIAL TRANSITIONS AT CENTER OF DOOR LEAF. STANDARD WIDTH FOR ACCESSIBLE RESTROOM DOORS ARE 36". STANDARD WIDTH FOR SERVICE DOOR IS 42".
- I. ENTRY POINT TO BACK OF HOUSE (WORKROOM) TO INCLUDE DOUBLE-IMPACT ELYSIAN DOOR. IF NO DOOR IS USED, LOCATE ENTRY TO REDUCE CUSTOMER VISIBILITY INTO THE WORKROOM.
- J. FOR COLDER CLIMATES, INCLUDE A HEATED VESTIBULE AT BUILDING PRIMARY ENTRY TO LIMIT UNCONDITIONED AIR ENTRY.

GENERAL LEGEND

- NEW FULL HEIGHT WALL
- NEW PARTIAL HEIGHT WALL
- WALL BLOCKING CALL-OUT
- EXTERIOR WALL

DESIGN DEVELOPMENT ONLY - NOT INTENDED FOR CONSTRUCTION USE

BUILDING FLOOR PLAN



1 BUILDING FLOOR PLAN
Scale: 1/4" = 1'-0"



DESIGN DEVELOPMENT ONLY - NOT INTENDED FOR CONSTRUCTION USE

BUILDING FLOOR PENETRATION PLAN

GENERAL NOTES

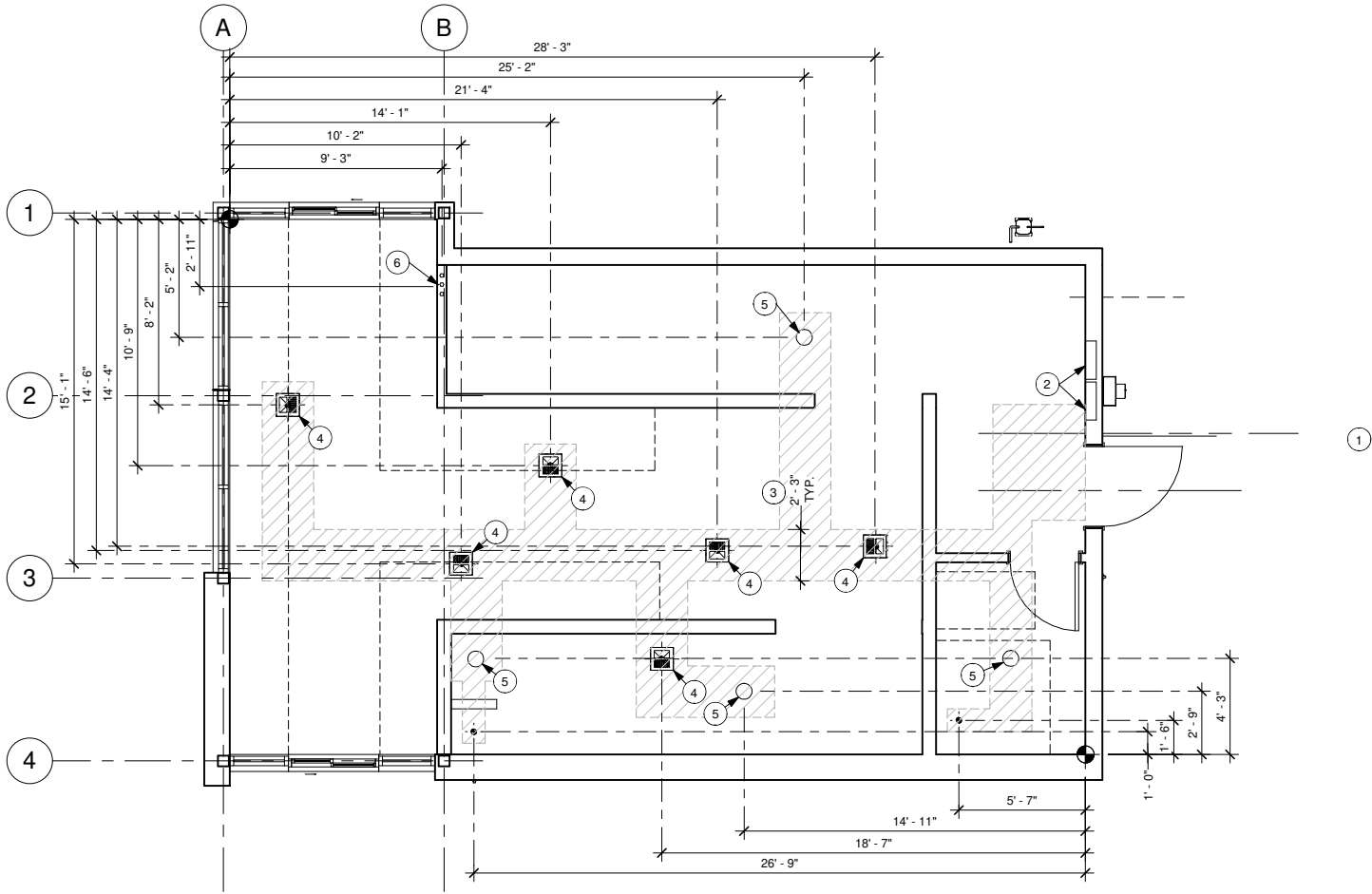
- A. DIMENSIONS SHOWN TO CENTERLINE OF ALL PENETRATIONS, DRAINS, AND STUB UPS.
- B. FLOOR PENETRATIONS SHOWN FOR REFERENCE ONLY.
- C. FLOOR SINKS, DRAINS, AND CLEAN OUTS SHOULD BE LOCATED IN ACCESSIBLE AREA FOR EASE OF ACCESS FOR CLEANING. TYPICALLY LOCATE AT CENTERLINE OF FRONT EDGE OF BAR.
- D. ENSURE ALL INDIRECT DRAIN LINES ARE TO FLOOR SINK WITH MIN. 1" AIR GAP.
- E. ENGINEER OF RECORD SHALL LOCATE CLEANOUTS BASED ON LAYOUT OF SUB SURFACE PLUMBING.

KEYED NOTES

- 1. PROPOSED GREASE TRAP LOCATION: WHEN REQUIRED, GREASE TRAP LINE TO BE LOCATED MIN. 27" BELOW FLOOR.
- 2. ELECTRICAL PANELS
- FLOOR PENETRATIONS
- 3. AREA OF CONCRETE POUR BACK: GENERAL CONTRACTOR TO COORDINATE TRENCHING WITH SPECIFIC TRADES AND SITE CONDITIONS TO DETERMINE ACTUAL LAYOUT.
- 4. FLOOR SINK: LOCATE FLOOR SINKS IN THE FOLLOWING LOCATIONS. EQUIPMENT DRAINAGE CAN SHARE FLOOR SINKS IF WITHIN REASONABLE DISTANCE OF EACH OTHER. INSURE MINIMUM ¼" PER FOOT SLOPE TO DRAIN.
 - A. BACK OF ENGINE: ICE MACHINE, 3-COMP SINK, DISHWASHING MACHINE, WATER FILLING STATION.
 - B. FRONT OF ENGINE: ESPRESSO STATION, COLD BEVERAGE STATION, NITRO STATION.
- 5. FLOOR DRAIN: LOCATE MINIMUM (1) IN ENGINE, (1) IN BOH, (1) AT WATER FILTRATION AND (1) IN RESTROOMS
- 6. DRIVE THRU CONDUIT: TERMINATE IN WALL AT DRIVE-THRU EQUIPMENT. REFER TO DRIVE THRU EQUIPMENT DETAILS FOR ADDITIONAL INFORMATION.

LEGEND

- EXISTING WALL
- CONCRETE LEAVE-OUT
- DATUM POINT
- FLOOR DRAIN
- FLOOR CLEAN-OUT
- FLOOR SINK



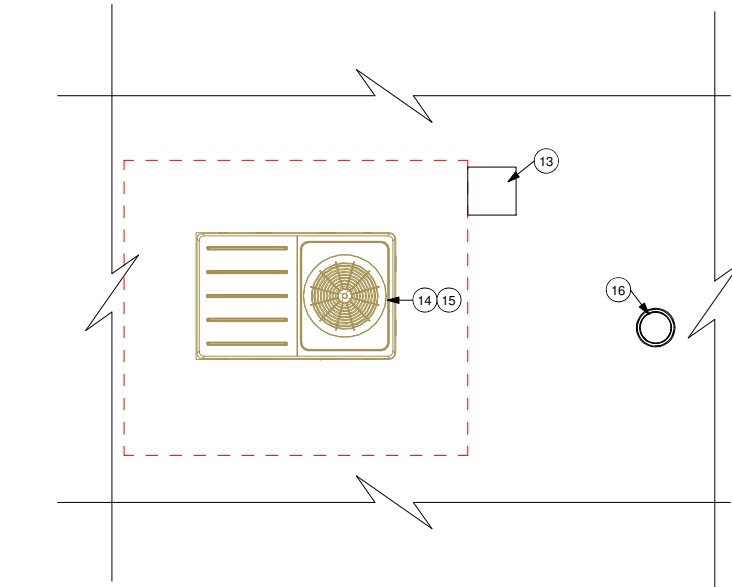
1 FLOOR PENETRATION PLAN
Scale: 1/4" = 1'-0"

GENERAL NOTES

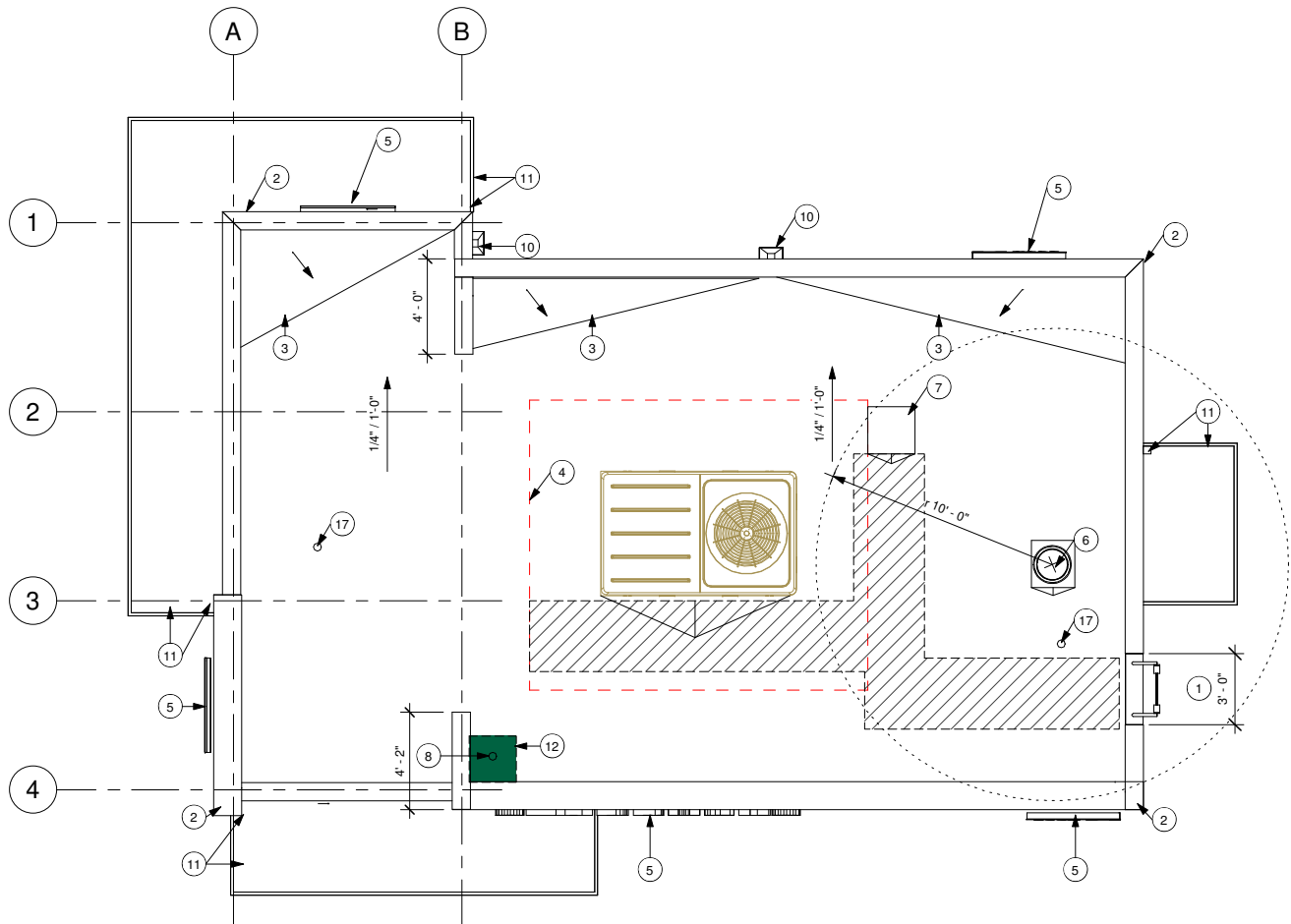
- A. MECHANICAL SHOWN FOR REFERENCE ONLY. HVAC ENGINEER SHALL CALCULATE SIZE, NUMBER, AND LOCATE TO OPTIMIZE DUCT RUNS AND STRUCTURAL FRAMING REQUIREMENTS.
- B. STARBUCKS PREFERRED VENDORS ARE TRAIN AND CARRIER. PURCHASE CURBS, UNITS, AND ACCESSORIES THROUGH NATIONAL ACCOUNTS PROGRAM.
- C. ONE TEMPERATURE SENSOR PER HVAC UNIT SHALL BE PLACED TO REPRESENT THE OPTIMAL AMBIENT TEMPERATURE OF THE SPACE BEING CONTROLLED. DO NOT LOCATE SENSORS NEXT TO HEAT GENERATING EQUIPMENT, THE 3-COMPARTMENT SINK, OR DELIVERY DOORS. DO NOT PLACE SENSORS UNDER SUPPLY AIR DEVICES, ON EXTERIOR WALL, OR IN DIRECT SUN.
- D. PROVIDE SINGLE PLY ROOF MEMBRANE SLOPE MIN. ¼" PER FOOT. INSTALL TRAFFIC PADS ADJACENT TO ROOF TOP EQUIPMENT AND TO ROOF ACCESS POINT.
- E. ENSURE POWER IN SIGNAGE LOCATIONS. COORDINATE CONDUIT RUNS AND J-BOXES WITH SIGNAGE VENDOR. RUN CONDUIT THROUGH WALL TO DISCONNECT (PREFERRED). DO NOT PENETRATE BACK SIDE OF CANOPY.

KEYED NOTES

1. ROOF ACCESS LADDER
2. PRE-FINISHED METAL COPING, TYPICAL
3. ROOF CRICKET
4. MAINTAIN MIN. 4'-0" CLEARANCE AROUND RTU ZONE
5. EXTERIOR SIGNAGE
- ROOFTOP EQUIPMENT**
6. **RESTROOM EXHAUST FAN:** LOCATE UTILITY SET FAN IN CLOSE PROXIMITY TO RESTROOMS. ENSURE MIN. 10'-0" DISTANCE FROM RTU INTAKE.
7. **ICE MACHINE CONDENSER:** SET CONDENSER ON SLEEPERS WHICH SPAN MIN. (2) JOIST BAYS. FASTEN SLEEPERS TO STRUCTURE BELOW.
8. **WATER HEATER FLUE:** LOCATE IN CLOSE PROXIMITY TO WATER HEATER. ENSURE MIN. 10'-0" DISTANCE FROM RTU INTAKE.
9. **PENETRATIONS:** ENSURE ALL ELECTRICAL, GAS, CONDENSATE, AND REFRIGERATION PENETRATIONS ARE PROPERLY SEALED TO MAINTAIN WATER PROOF INTEGRITY OF ROOFING.
10. **SCUPPER AND DOWNSPOUT:** CONNECT TO SITE STORM DRAIN SYSTEM. NO DIRECT DISCHARGE TO SIDEWALKS OR PARKING LOT.
11. **CANOPY:** OUTLINE OF CANOPY BELOW. SLOPE ¼" TOWARD BUILDING TO GUTTER AND DOWNSPOUT. CONNECT DOWNSPOUT TO SITE DRAINAGE SYSTEM.
12. STRUCTURAL MODIFICATION AS NEEDED FOR WATER HEATER HEAD CLEARANCE.
13. ICE MACHINE RECEPTACLE 72" AFF. CONDENSER ON ROOF
14. GFI RECEPTACLE ON RTU
15. DISCONNECT FOR RTU AND JUNCTION BOX FOR DUCT SMOKE DETECTOR
16. PROVIDE DISCONNECTION MEANS FOR EXAHUST FAN ON ROOF
17. **SANITARY VENT:** ENSURE MIN10'-0" DISTANCE FROM RTU INTAKE.



2 ROOF POWER PLAN
Scale: 1/4" = 1'-0"



1 ROOF PLAN
Scale: 1/4" = 1'-0"



DESIGN DEVELOPMENT ONLY - NOT INTENDED FOR CONSTRUCTION USE

BUILDING ROOF PLAN

GENERAL NOTES

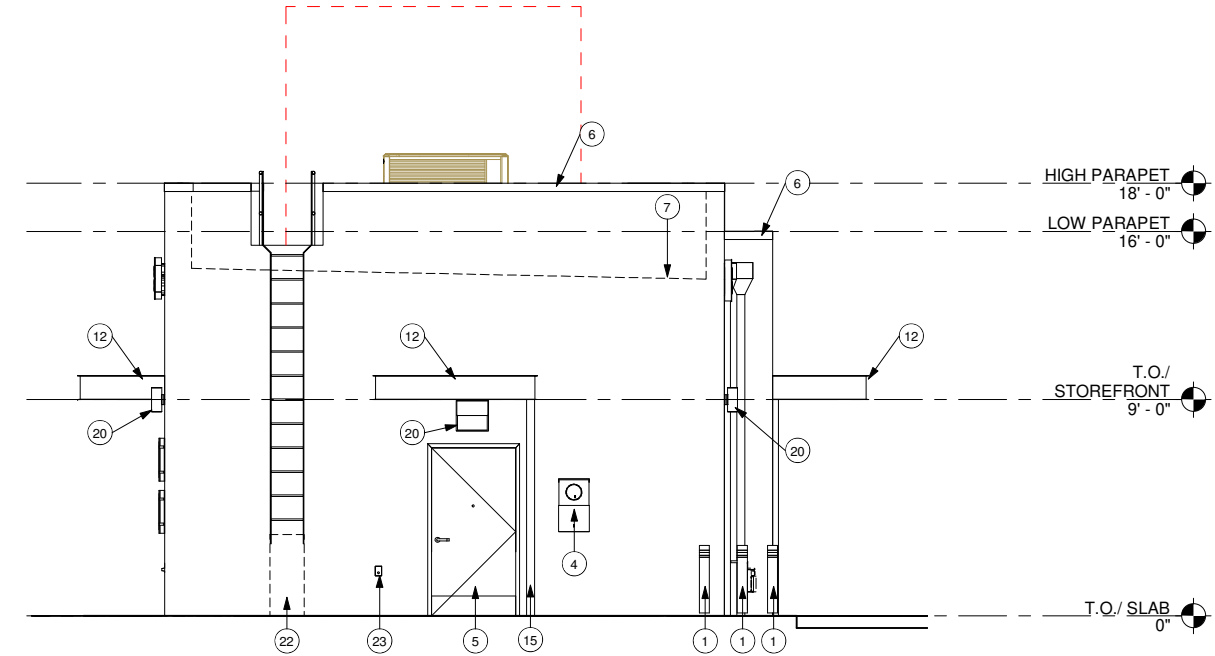
- A. ARCHITECTURAL BUILDING MASSING, HEIGHTS, CANOPIES, AND SIGNAGE SHOWN FOR REFERENCE ONLY. PROVIDE SITE ADAPT ARCHITECTURE BASED ON THE REGIONAL AND SITE-SPECIFIC REQUIREMENTS OF THE CAFÉ.
- B. SIGNAGE DIRECTION, USAGE, AND PLACEMENT FOR REFERENCE ONLY. FINAL DESIGN PER STARBUCKS DESIGN REGIONAL OR SITE-SPECIFIC DESIGN CONCEPT. ALIGN CENTER OF SIGN WITH CENTER OF ADJACENT SIGNAGE, UNLESS OTHERWISE NOTED.
- C. PROVIDE J-BOX WITH PULL STRING FOR FUTURE BUILDING SIGNAGE. LOCATE SIGNAGE DISCONNECT INSIDE BUILDING SPACE ADJACENT TO SIGN.
- D. PROVIDE 3/4" MARINE GRADE BLOCKING FOR EXTERIOR SIGNAGE. EXTEND BLOCKING 8" BEYOND EDGE OF SIGNAGE, TYPICAL.
- E. PROVIDE ROOF EQUIPMENT SCREENING AS REQUIRED BY LOCAL JURISDICTION.

SIGNAGE TO BE SUBMITTED UNDER SEPARATE PERMIT BY OTHERS - SHOWN FOR REFERENCE ONLY.

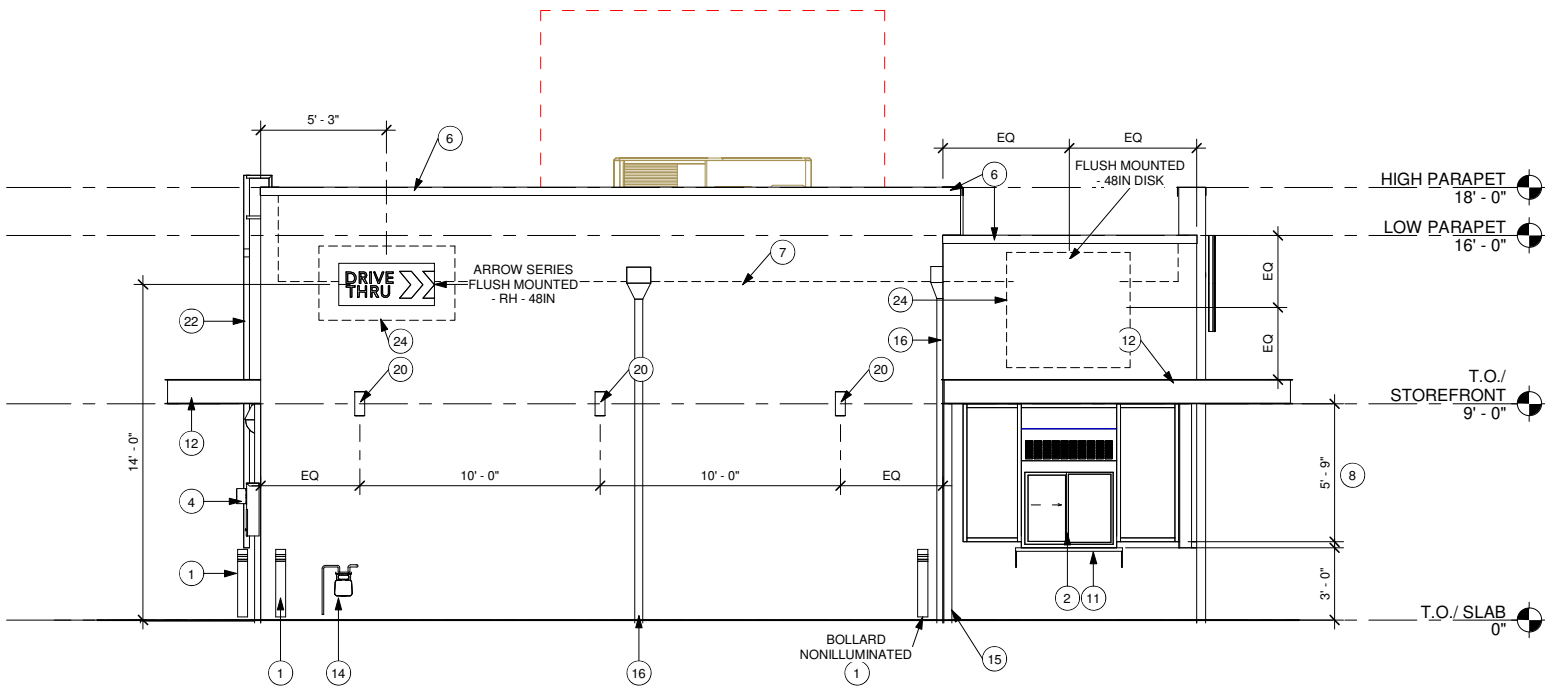
DIMENSIONS OF BUILDING SHELL FOR REFERENCE ONLY

KEYED NOTES

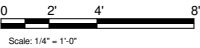
1. NON-ILLUMINATED PROTECTIVE BOLLARD
2. PRIMARY DRIVE THRU SERVICE WINDOW
3. SECONDARY WALK-UP SERVICE WINDOW
4. ELECTRICAL METER
5. SERVICE DOOR
6. PRE-FINISHED METAL COPING, TYPICAL
7. OUTLINE OF ROOF BEYOND
- STOREFRONT SYSTEM AND DOORS**
8. **STOREFRONT:** EXTEND GLAZING TO 9'-0" AFF. WITH TEMPERED GLAZING PER CODE.
9. **STORE ADDRESS:** PROVIDE 3" HIGH BLACK ACRYLIC STORE ADDRESS ON GLAZING ABOVE WALK-UP WINDOW.
10. **DT WINDOW:** PROVIDE READY ACCESS DT SERVICE WINDOW PER REGIONAL SPECIFICATION. WINDOW AND AIR CURTAIN FINISH TO MATCH ADJACENT STOREFRONT. SPECIFIC WINDOW SELECTION BASED ON REGIONAL AND CLIMATE VARIATIONS.
11. **DT WINDOW SHELVE:** INSTALL SERVICE WINDOW SHELVE AT 36" AFF INSIDE AND 42" AFF OUTSIDE, AS MEASURED ABOVE THE DT SURFACE, OR AS PER REGIONAL OR SITE REQUIREMENTS.
- CANOPIES AND AWNINGS**
12. **DT CANOPY:** CANOPY AT DT WINDOW SHALL BE MIN. 9'-6" AFF CLEAR ABOVE THE DT LANE. PREFERRED 10'-0" AFF TO ALIGN WITH VISUAL HEIGHT OF STOREFRONT CANOPY.
13. **STOREFRONT:** INCLUDE EXTERIOR CANOPY, AWNINGS, OR VERTICAL FAÇADE ARTICULATION AT WINDOWS TO REDUCE SOLAR HEAT GAIN AND GLARE. PREFERRED BOTTOM HEIGHT OF 9'-0" AFF TO ALIGN WITH TOP OF STOREFRONT HEADER.
14. GAS METER
15. **CANOPY DOWNSPOUTS:** CONNECT TO UNDERGROUND STORM DRAIN.
16. **ROOF SCUPPER AND OVERFLOW:** CONNECT TO UNDERGROUND STORM DRAIN.
- BUILDING SIGNAGE**
17. **SIREN DISK:** PRIMARY SIGNAGE OPTION. CENTER SIREN ABOVE ENTRY DOORS, TYPICAL.
18. **WORDMARK:** SECONDARY SIGNAGE OPTION. PREFERRED USAGE OF "STARBUCKS" RATHER THAN "STARBUCKS COFFEE".
19. **DRIVE THRU SIGN:** LOCATE SIGN ON BUILDING TO INFORM DRIVERS WHICH DIRECTION TO TRAVEL TO DT LANE ENTRY.
20. **EXTERIOR LIGHTING:** PROVIDE EXTERIOR SCONCES AS INDICATED. LOCATE SECURITY LIGHT AT EXTERIOR ENTRANCES. MOUNT AT 10'-0" AFF OR AS CANOPY HEIGHT PERMITS.
21. FOUR (4) WALK-UP MENU BOARDS, SECURE TO BUILDING FACADE. .
22. **ROOF ACCESS LADDER:** LOCATE RETRACTABLE ROOF ACCESS LADDER IN INCONSPICUOUS LOCATION, AWAY FROM CUSTOMER VIEW. REAR OF BUILDING ADJACENT TO SERVICE DOOR PREFERRED.
23. LOCKABLE HOSE BIB
24. PROVIDE 3/4" MARINE GRADE PLYWOOD FOR FIXTURE ATTACHMENTS, TYPICAL.



2 Exterior B
Scale: 1/4" = 1'-0"



1 Exterior A
Scale: 1/4" = 1'-0"



DESIGN DEVELOPMENT ONLY - NOT INTENDED FOR CONSTRUCTION USE

BUILDING EXTERIOR ELEVATIONS

GENERAL NOTES

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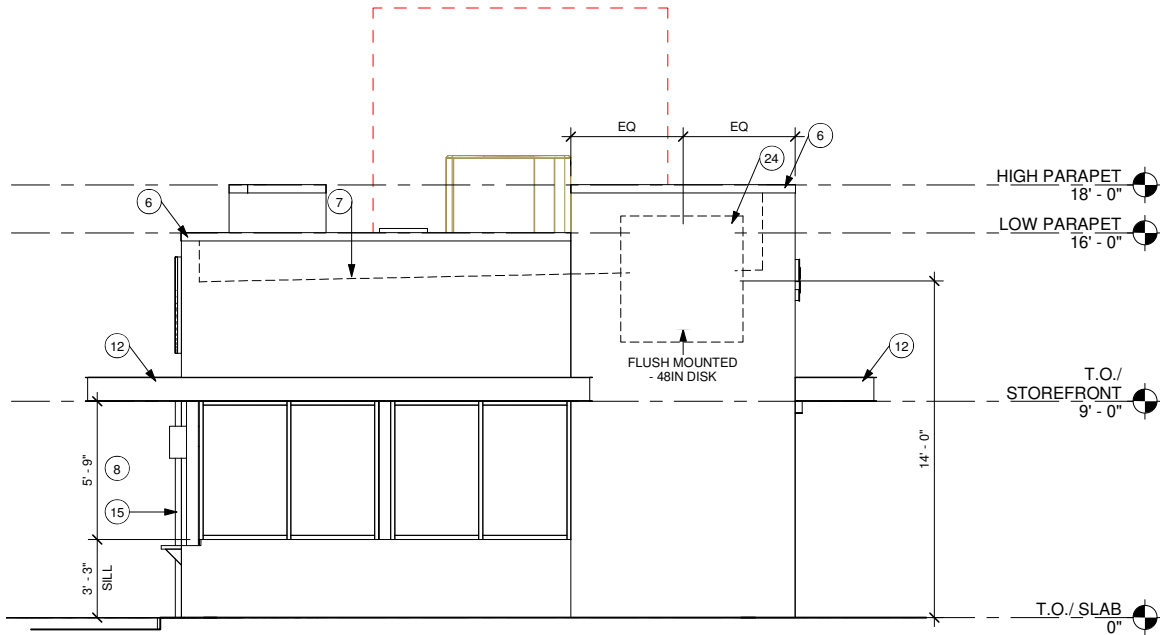
DIMENSIONS OF BUILDING SHELL FOR REFERENCE ONLY

KEYED NOTES

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3. SECONDARY WALK-UP SERVICE WINDOW
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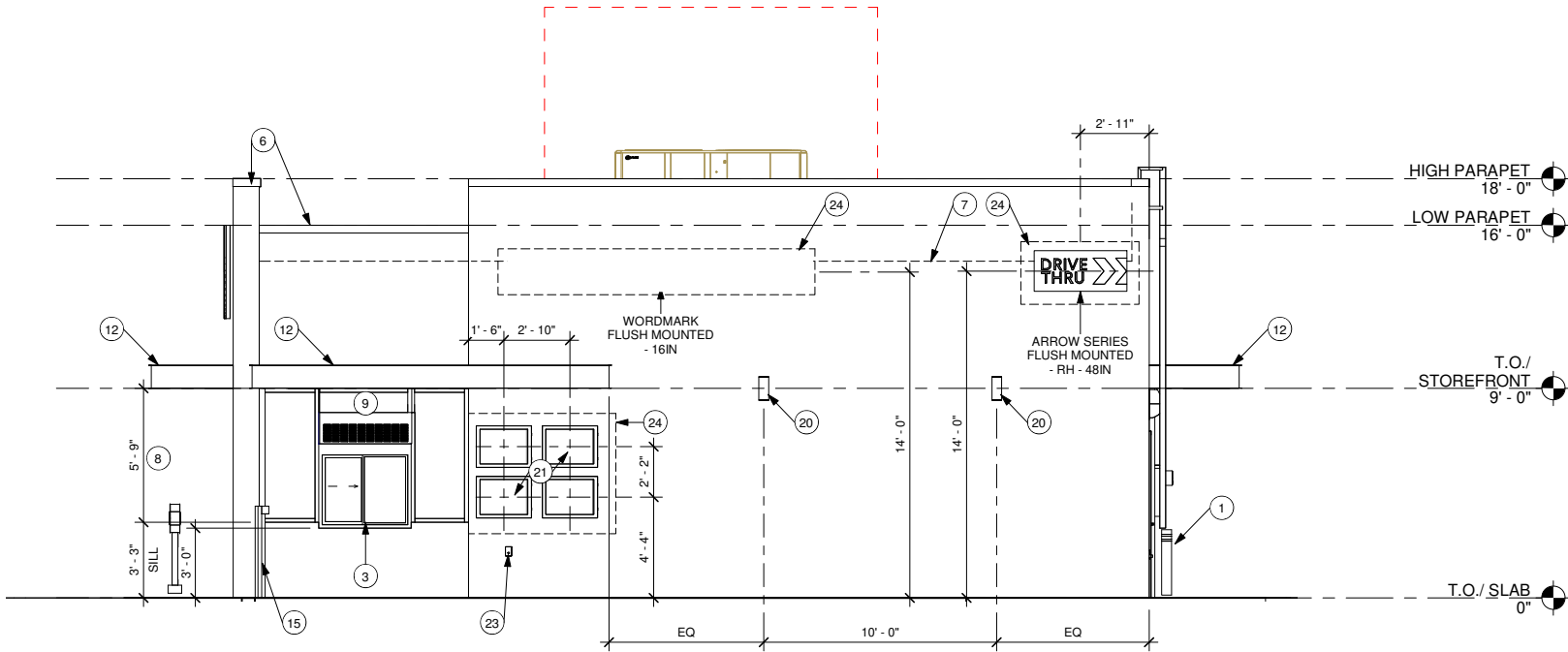
2 Exterior D

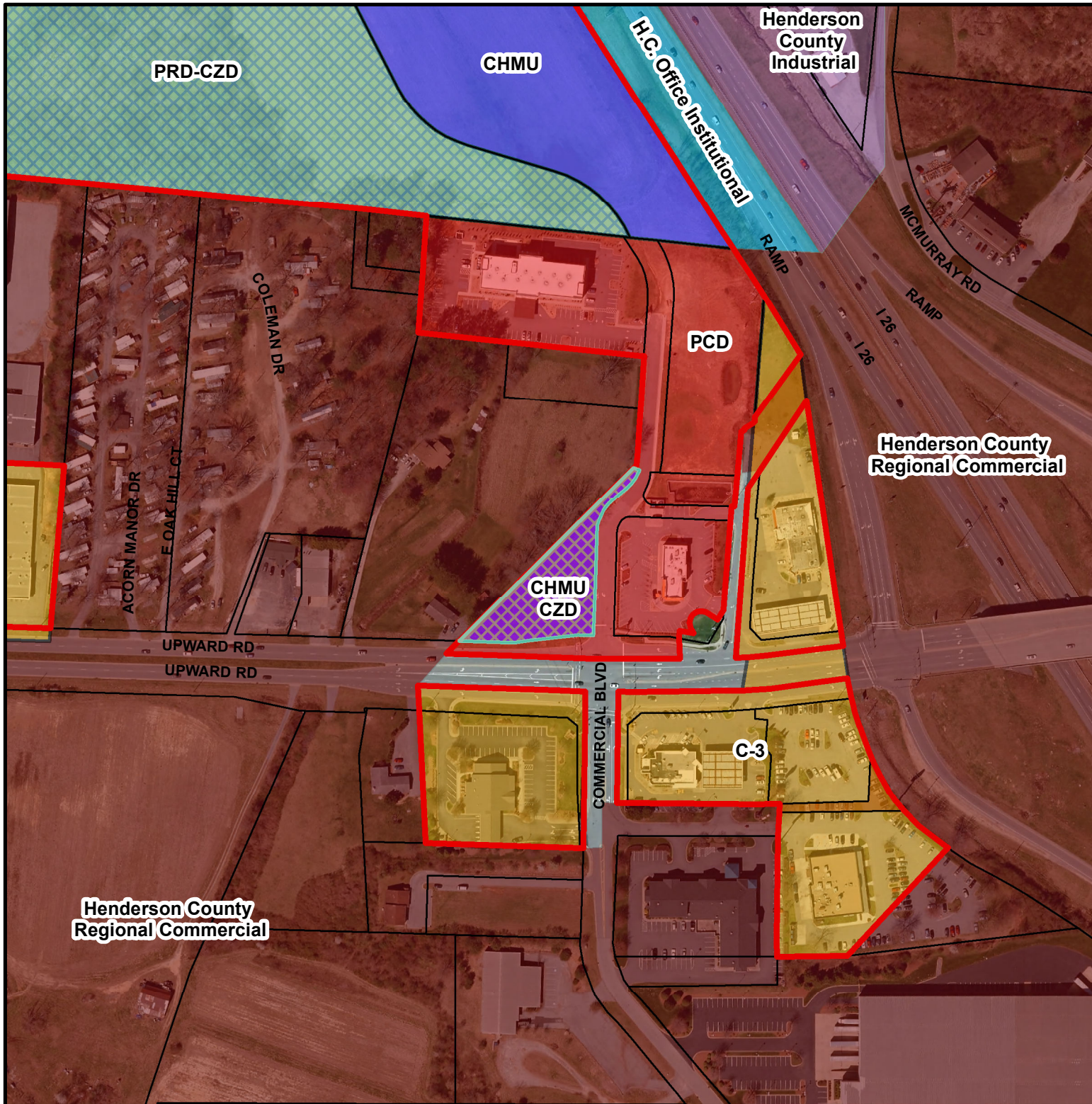
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









1 Exterior C

Scale: 1/4" = 1'-0"





Upward Road Restaurant
P22-15-CZD
PINs: 9588-20-6649
Acreage: 0.81
Proposed Zoning
Community Development Department

-  Subject Property
 Hendersonville City Limits
- Hendersonville Zoning**
-  CZD Conditional Zoning Districts
 -  PRD Planned Residential Development
 -  C-3 Highway Business
 -  CHMU Commercial Highway Mixed Use
 -  PCD Planned Commercial Development
- Henderson County Zoning**
-  RC - Regional Commercial
 -  OI - Office Institutional District
 -  I - Industrial



Read ▾

Section 7, Item C.

○ Unread

Entry #: 22

Date Submitted: 2/10/2022 11:17 AM

Date:

2/3/2022

Name of Project

00971 - Hendersonville Retail

Address/Location of Property

605 Lexington Ave

List 10 digit PIN or 7 digit PID number for each property

9588206649

Check type of Development

Commercial

Current Zoning

PCD

Proposed Zoning

CHMU-CZD - Commercial Highway Mixed Use with Conditional Zoning

List requested uses

Restaurants, Drive-in

Total Acreage

0.75

Proposed Building Sq. ft.

1150

Dwelling Units

0

Conceptual Plan


[00971_Hendersonville Drive-In Restaurant Sketch Plan \(02.08.2](#)
 0.8 MB

Conditional Zoning District Petition (Continued)

Proposed conditions for the site:

The proposed conditions are such that:

The vehicular use proposed setback shall be lowered from 20 feet to 5 feet from the right of way line from Upward Road. The Common Space Ratio shall be lowered from 0.10 to 0.05. The depth of the building offset can be as little as 1/15th and up to 1/5th the length of the longest adjacent wall panel.

It is important that the applicant consider the following factors. See Section 11-4 of the Zoning Ordinance for more information. Please use additional pages and/or attachments if necessary.

Explain consistency with the City's Comprehensive Plan:

The proposed rezoning fits the City's plan for this corridor as a commercial space.

Explain compatibility with surrounding land uses:

East of the subject property is zoned as PCD and contains a Bojangles restaurant. South and East of the subject property is zoned as C-3 and contains a State Employees' Credit Union, McDonald's, and an Exxon gas station. North and West of the subject property is residential and not within Hendersonville City limits.

Explain whether changed conditional require a map amendment:

Modified conditions should not require a map amendment as this is not considered a "large-scale rezoning".

Explain how the petition is in the public interest:

The development would be a great addition to the area being that it is so close to Interstate 26. The proposed use follows the surrounding area by providing a service that has been very popular all over the country.

Explain whether adequate public facilities are available:

There is existing water and an existing fire hydrant located on site on the corner of the site.

Sanitary sewer is located on the northeast corner of the property.

There are two bus stops located close to the site, the first one is across the street immediately adjacent to the McDonald's and the second is located along South Allen Road ~0.4 miles away. The Blue Ridge Fire & Rescue is located ~1.0 miles away from the site.

The Hendersonville Police Department is located ~4.5 miles away from the site.

Explain the impact the petition would have on the natural environment:

The proposed development would increase runoff volume in the immediate area of the property but would be mitigated by storm water control measures.

There will be no adverse impacts to wetlands or streams as there are no wetlands or streams within the property.

Air and Noise measures would increase during construction but will return to similar levels once the project is fully constructed.

Additional information:**Note additional approvals prior to issuance of Zoning Compliance Permit may include, but are not limited to:**

1. Henderson County Sedimentation & Erosion Control Permit
2. Stormwater management plan
3. Utility approval
4. NCDOT permit
5. Any other applicable permits as determined by the Development Assistance Department

Signature pages for Conditional Zoning District Petition**Designated Agent**

Dennis Terry

Address

2923 S Tryon Street, Charlotte, North Carolina 28203

Phone

(704) 940-2883

Email

DTerry@Bloc-NC.com

Applicant Name

Dennis Terry

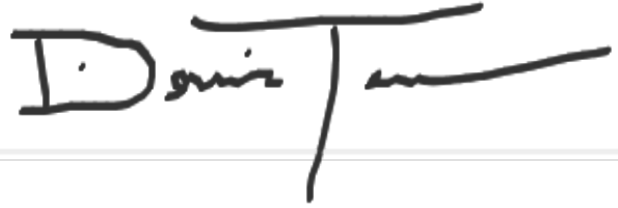
Address

2923 S Tryon Street, Charlotte, North Carolina 28203

Phone

(704) 940-2883

Signature



Signature of the property owner acknowledges if the property is rezoned 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

NC Hendersonville Upward Road LLC

Address

201 Riverplace Ste 400, Greenville, South Carolina 29601

PID or PIN #

9588206649

Signature



Property Owner Name

Address

PID or PIN #

Signature

Signature pages for Conditional Zoning District Petition (continued)

Signature of the property owner acknowledges if the property is rezoned the property involved in this request is bound to the zoning ordinance, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

Property Owner Name

Address

PID or PIN #

Signature

Property Owner Name

Address

PID or PIN #

Signature

Property Owner Name

Address

201 Riverplace, Suite 400, c/o Realtylink, LLc, c/o Realtylink, LLc, Greenville, South Carolina 29601

PID or PIN #

Signature



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Matthew Manley, Planning Manager **MEETING DATE:** June 2, 2022

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

TITLE OF ITEM: Rezoning: Conditional Zoning District – Washburn Tract (P22-19-CZD) – Matthew Manley, AICP – Planning Manager

SUGGESTED MOTION(S):

For Recommending Approval:

I move City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9578-39-5229 & 9579-11-8417) from PRD-CZD (Planned Residential Development-Conditional Zoning District) to PRD-CZD (Planned Residential Development – Conditional Zoning District) based on the site plan and list of conditions submitted by the applicant, [dated March 2, 2022,] and presented at this meeting and subject to the following:

1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses

Permitted Uses:

1. Residential Dwellings, Single-Family
2. Residential Dwellings, Multi-Family

[for amendments to uses or conditions discussed and agreed upon in the Council meeting (between City & Developer) and not yet represented on the site plan, please use the following language, disregard #2 if not needed]

2. Permitted uses and applicable conditions presented on the site plan shall be amended to include:

1. Based on the proposed site trip distribution a right-turn lane may be warranted at the intersection of Tracey Grove Rd at Wilmont Dr. The TIA should be revised based on the comments from Kimley-Horn dated May 5.

For Recommending Denial:

I move City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9578-39-5229 & 9579-11-8417) from PRD-CZD (Planned Residential Development – Conditional Zoning District) to PRD-CZD (Planned Residential Development) based on the following:

1. **The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:**

The Medium Intensity Neighborhood designation calls for Planned Residential Developments as a secondary recommended land use and the proposed site plan aligns with development guidelines under strategy LU 6.4.

2. **We do not find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:**

1. The comprehensive plan's Future Land Use designation of Medium Intensity Neighborhood does not recommend multi-family on Minor Throughfares. Therefore, Tracey Grove Rd's classification as a minor thoroughfare does not support dense residential development.
2. The TIA provided by the developer includes inaccuracies and needs revision. The revisions could result in mitigation not reflected in the current site plan.

<p>3. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:</p> <p>The Medium Intensity Neighborhood designation calls for Planned Residential Developments as a secondary recommended land use and the proposed site plan aligns with development guidelines under strategy LU 6.4.</p> <p>4. Furthermore, we [find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none">1. The development would provide 300 “market-rate” rental units. These units would help reduce the rental housing gap estimated to be between 1,364 and 1,722 units that are needed within Henderson County to satisfy demand according to the 2021 Housing Needs Assessment (Bowen Study).2. The development would provide 161 owner housing units. These units would help reduce the owner housing gap estimated to be between (-268) and 585 units that are needed within Henderson County to satisfy demand according to the 2021 Housing Needs Assessment (Bowen Study).3. The development is near the US 64 commercial corridor, an area of the city experiencing on-going development and redevelopment.4. The addition of multi-family and single-family residential is in keeping with the surrounding land uses.5. The proposal to conserve, via a conservation easement, the floodplain area on the site, including efforts to restore the ecological function of this important area is a general public good for the community.6. The site plan clusters development impacts away from the Natural Resource/Agriculture designated portions of the site, aligning with guidance from the Natural & Environmental Resource Chapter of the Comprehensive Plan.7. Greenway construction and ROW dedication adds to existing greenway	<p>[DISCUSS & VOTE]</p>
--	------------------------------------

<p>network of aligns with specific goals established for greenways.</p> <p>[DISCUSS & VOTE]</p>	
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SUMMARY: *The City of Hendersonville is in receipt of an application for a conditional rezoning from Mike Washburn (applicant). The applicant is requesting to rezone the subject property, PIN 9579-11-8417 and 9578-39-5229 and located off of Tracy Grove Road., from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a multi-family / single-family development consisting of 300 apartment units and 160 single family homes on approximately 162 acres with a density of 2.8 Units / Acre.*

There are 13 apartment buildings proposed. The apartments are proposed to be 3-Story or 3/4-Story Split and consisting of 270 – 1 to 2 bedroom units and 30 – 3 bedroom units. A clubhouse and pool are also featured in the site plan for the apartments.

The single-family home lots are proposed to be 50'x100' (5,000 Sq Ft or .115 Acres). They feature a 20' wide driveway in front of the building area.

86% of the Site (139.4 Acres) would be preserved as Open Space. 80,000 Sq Ft (1.84 Acres) of the tract will be dedicated to the City for parkland. The developer is working with Conserving Carolina to mitigate impacts to the wetlands and make improvements to the natural habitat on the site.

Due to the existing zoning for the subject property being an expired PRD-CZD, any development proposal for this site requires a rezoning. Additionally, the request for PRD-CZD requires a conditional rezoning.

Planning Board voted 4-2 in support of a recommendation for APPROVAL of the project with conditions.

PROJECT/PETITIONER NUMBER:	P22-19-CZD
PETITIONER NAME:	Mike Washburn
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Staff Report 2. Planning Board Summary 3. Neighborhood Compatibility Meeting Summary 4. Tree Board Summary 5. Natural Resource Summary 6. Proposed Site Plan/Sun Study 7. Draft Ordinance 8. Proposed Zoning Map 9. Application / Owner Addendum

Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL POSSESSING PIN NUMBERS 9578-39-5229 & 9579-11-841 BY CHANGING THE ZONING DESIGNATION FROM PRD-CZD (PLANNED RESIDENTIAL DEVELOPMENT-CONDITIONAL ZONING DISTRICT) TO PRD-CZD (PLANNED RESIDENTIAL DEVELOPMENT – CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9578-39-5229 & 9579-11-841– 240 Wilmont Dr (Washburn Tract Development) - (File # P22-19-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant Mike Washburn for the development of 300 Apartments and 160 detached single-family homes on approximately 162.1 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on May 9, 2022; voting 4-2 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on June 2, 2022, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9578-39-5229 & 9579-11-841 from PRD-CZD (Planned Residential Development-Conditional Zoning District) to PRD-CZD (Planned Residential Development – Conditional Zoning District)
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and the conditions listed therein and subject to the following.
 - a. Permitted uses shall include:
 - i. Residential Dwellings, Single-Family
 - ii. Residential Dwellings, Multi-Family
 - b. Conditions that shall be satisfied prior to final site plan approval include:
 - i. The development shall be consistent with the preliminary site plan as submitted March 2, 2022 [or as modified and presented].
 - ii. Based on the proposed site trip distribution a right-turn lane may be warranted at the intersection of Tracey Grove Rd at Wilmont Dr. The TIA should be revised based on the comments from Kimley-Horn dated May 5.
3. This ordinance shall be not be effective until the stipulated list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted this 2nd, day of June 2022.

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

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

IN RE: Parcel Numbers: 9578-39-5229 & 9579-11-841– 240 Wilmont Dr (Washburn Tract Development) - (File # P22-19-CZD)

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to the imposition of all conditions stated.

Applicant: Mike Washburn

Signature:_____

Printed Name:_____

Title: _____

Date:_____

Property Owner:_____

Signature:_____

Printed Name:_____

Title:_____

Date:_____

Property Owner:_____

Signature:_____

Printed Name:_____

Title:_____

Date:_____

Property Owner:_____

Signature:_____

Printed Name:_____

Title:_____

Date:_____

REZONING: CONDITIONAL ZONING DISTRICT
- WASHBURN TRACT DEVELOPMENT (P22-19-CZD)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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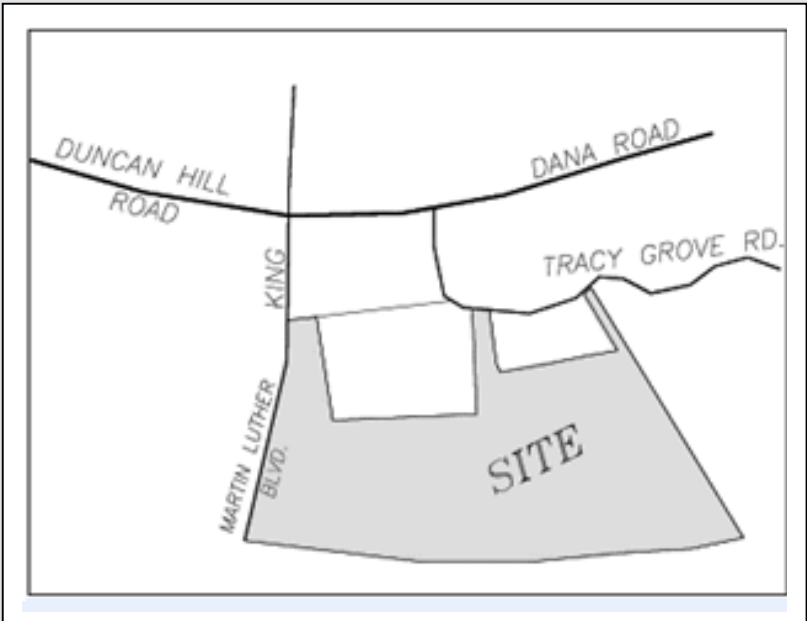
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- Project Name & Case #:
 - Washburn Tract Development
 - P22-19-CZD
- Applicant & Property Owner:
 - Mike Washburn [Applicant]
 - Thomas Family [Owner]
- Property Address:
 - 240 Wilmont Drive
- Project Acreage:
 - 162.1 Acres
- Parcel Identification (PIN):
 - 9578-39-5229 & 9579-11-8417
- Current Parcel Zoning:
 - Planned Residential Development Conditional Zoning District (PRD-CZD)
- Future Land Use Designation:
 - Medium Intensity Neighborhood & Natural Resource/Agriculture
- Requested Zoning:
 - Planned Residential Development Conditional Zoning District (PRD-CZD)
- Requested Uses:
 - Multi-family Residential
 - Single-family Residential
- Neighborhood Compatibility Meeting:
 - March 18, 2022
- Previous Application (P21-68-CZD)
 - Withdrawn on Feb. 14, 2022



SITE VICINITY MAP

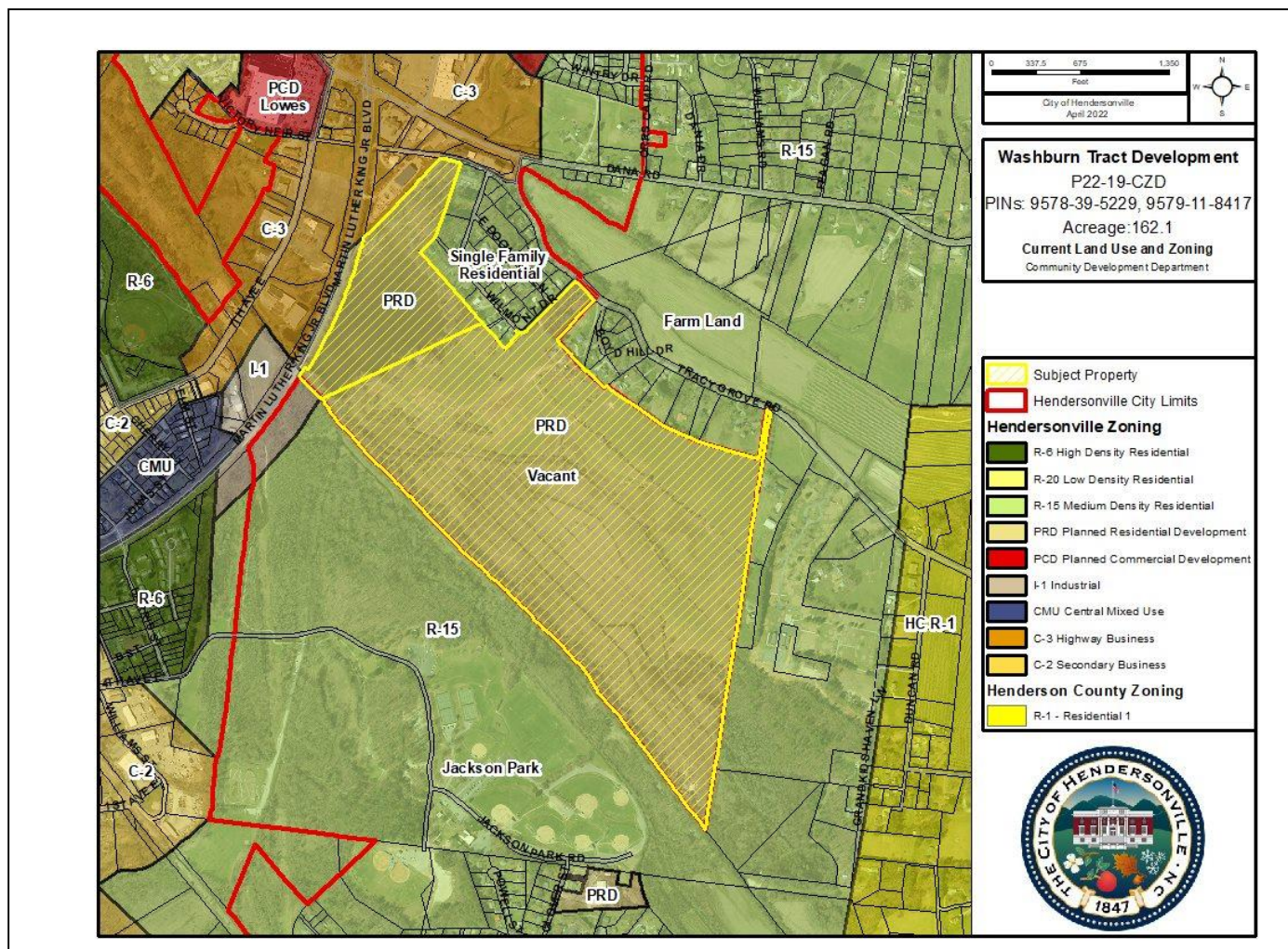
The City of Hendersonville is in receipt of an application for a conditional rezoning from Mike Washburn (developer). The applicants are requesting to rezone the subject property located off Tracy Grove Road for the for the construction of a multi-family / single-family development consisting of 300 apartment units and 160 single family homes on approximately 162 acres with a density of 2.8 Units / Acre. No other uses are proposed to be permitted by the rezoning.

There are 13 apartment buildings proposed. The apartments are proposed to be 3-Story or 2/3 - Story Split and consist of 270 – 1-to-2-bedroom units and 30 – 3-bedroom units. A clubhouse and pool are also features of the apartment development.

The single-family home lots are proposed to be 50'x100' (5,000 Sq Ft or .115 Acres). They feature a 20' wide driveway in front of the building area.

The project triggers a rezoning with PRD being a CZD district and as a result of the previously approved site-specific PRD zoning which is now expired for the site.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

Parcels to the north and northeast are zoned R-15 and consist of single-family homes which are located along Tracy Gove Rd, along with the Woodlawn neighborhood which is accessed off of Wilmont Dr and Dogwood Ln. There are three multi-family buildings (East Wind Apartments and 150 & 152 Wilmont Dr) adjacent to the site. The density of this area is 1.86 units per acre not including the multi-family use (number of units not known). The properties to the east are zoned R-15 and consist of long, narrow, single family home lots along with a 40-Acre cemetery that abuts a portion of the eastern boundary. The density permitted by R-15 equates to approx. 6 units/acre. To the southwest, the property is bordered by Jackson Park which is owned and operated by Henderson County. This area is primarily wetlands/floodplain associated with Bat Fork Creek and a series of drainage ditches. To the west the property abuts Martin Luther King Jr. Blvd (US 64). Commercial (C-3) zoning is located across US 64 from the site. There is a large pond consisting of approximately 16 acres on the western end of the subject property.

SITE IMAGES



View looking north. Immediate foreground is proposed for single family with distant views of the knoll where multi-family is proposed.



Area proposed for single-family homes along eastern edge of property.

SITE IMAGES



*Area proposed to be developed for single-family homes
(looking back towards Wilmont Drive; North)*



*Typical existing vegetated buffer in place between proposed
site and adjacent single-family homes.*

SITE IMAGES



Grove of trees around location of old home place slated for preservation in Open Space.



Wooded area which fronts Tracy Grove Rd and abuts Wilmont Dr is slated for development. Narrow strips on either side are slated for preservation.

SITE IMAGES



Looking southeast over wetlands from site where apartments are proposed



View of 16 Acre Pond/wetland (Ewbank Swamp) on the subject property and adjacent to Route 64.

REZONING HISTORY

Prior Rezoning	Summary of Prior Petition	Status
2-7-08 (R-15 & C-3 to PRD-SU)	28.47 Acre development for skilled care, assisted living and independent living facilities, condos, and duplexes	Site Plan Expired

Full Minutes from City Council Meeting:

<https://library.municode.com/nc/hendersonville/munidocs/munidocs?nodeId=2d9a767e4edaf>

OAK PARK PLACE

Units / Buildings (Total Building Square Footage = 204,732 Sq Ft)

305 Units (79 - 1-bedroom units / 195 – 2-bedroom units / 31 additional units)

- 4 – 4-story buildings (tallest building 49' 4")
- 2 – 3-story buildings
- 2 – 2-story building
- 5 – 1-story duplexes

Circulation:

- New entrance off of Tracy Grove Rd (remainder of wooded area to be used for trails/recreation)
- Additional Access off of Wilmont Dr (Emergency Only)

Parking:

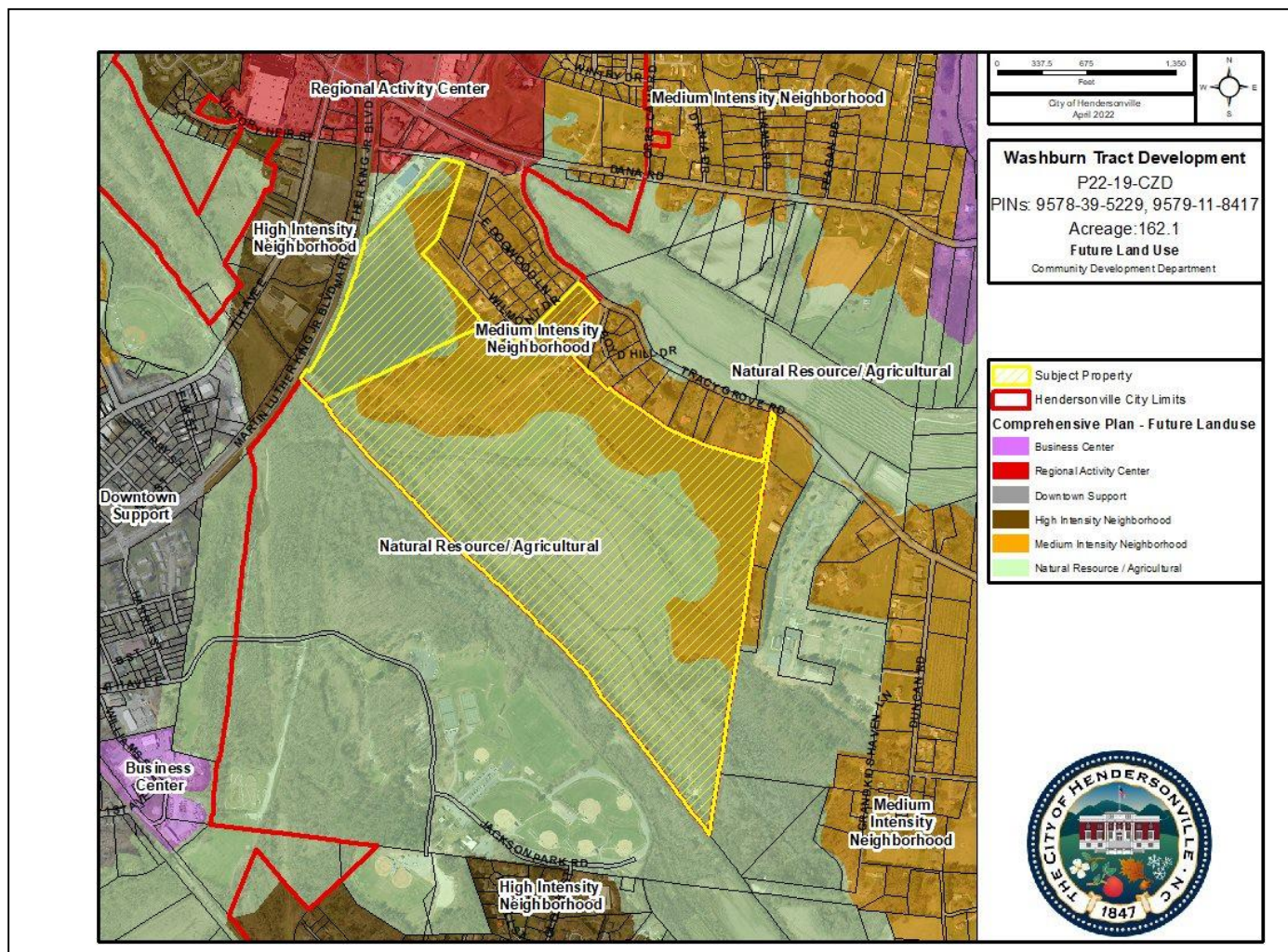
- Includes surface parking, underground parking and garage parking
 - 429 Parking Spaces for Apartment Buildings
 - 44 Parking Spaces for Duplexes

Previously Approved Conditions (only those relevant to current proposal):

- 1) City of Hendersonville Zoning Ordinance Section 17-3 Stream Buffer Protection Standards shall be applied to the entire perimeter of the marsh/pond area.
- 2) All living trees 12-in or greater in DBH shall be preserved and protected with the exception of those trees located with the proposed roadway areas that connects the project with Tracy Grove Road.
- 3) No sedimentation ponds shall be located within the 100 year floodplain.
- 4) The developer will pursue a conservation easement or mitigation program in accordance with the requirements of the City Attorney.



FUTURE LAND USE



City of Hendersonville Future Land Use Map

The majority of the site is designated Natural Resource/Agricultural due to the presence of a large floodplain/wetland area. The portion of the property not in the special flood hazard area (100 year floodplain) is designated as Medium Intensity Neighborhood, as are adjacent residential neighborhoods between the subject property and Tracey Grove Road.

Looking at surrounding properties you can see the prevalence of the floodplain (Bat Fork, Mud Creek & Devils Fork), Jackson Park and an adjacent cemetery in the large areas dedicated to Natural Resource/Agriculture on the future land use map. Looking to the border with Rte 64 and Dana Road you see Regional Activity Center and High Intensity Neighborhood designations near the site.

The primary access corridor to the site is via Tracey Grove Road which is designated a Minor Thoroughfare on the Future Land Use Map and further identified on the Transportation Plan for proposed improvements. No improvements to Tracey Grove Rd are included in the current 2020-2029 State Transportation Improvement Plan (STIP).

REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY

Future Land Use	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.
	Strategy LU-6.2 Primary Land Uses: <ul style="list-style-type: none"> • Single Family attached and detached [CONSISTENT] • Open Space [CONSISTENT]
	Strategy LU-6.3 Secondary Land Uses: <ul style="list-style-type: none"> • Limited multi-family residential along roadways designated as Boulevards or Major Throughfares on the Future Land Use Map [INCONSISTENT] • Planned Residential Developments [CONSISTENT]
	Strategy LU-6.4 Development Guidelines: <ul style="list-style-type: none"> • 2 to 8 Units per gross acre [CONSISTENT] 2.8 Units/Acre proposed • At least 60% Open Space [CONSISTENT] 86% Open Space proposed
Land Use & Development	Development Framework: The project area is identified as a “development opportunity”
	Growth Management: The portion of the property outside the floodplain is designated as a “Preservation/Enhancement Area” on the Growth Management Map (Map 8.3a). ... respond to development or redevelopment in these areas by maintaining and enhancing existing neighborhood character and maintaining consistency with Comprehensive Plan goals and strategies. [CONSISTENT]
	Growth Management: The portion of the property in the floodplain is designated Natural Resource/Agricultural, “...areas in which...preservation of environmentally sensitive features” should be promoted. [CONSISTENT]
	Goal LU-2 - Discourage development in areas needed for protection of natural and agricultural resources and protection of citizens from natural hazards. Strategy LU-2.1 - Implement strategies under Goal NR-1 for the preservation of environmentally sensitive areas. Strategy LU-2.2. - Implement strategies identified under Goal NR-4 for the preservation of agricultural resources

REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY

Population & Housing	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 – 2.1 - Encourage variation in lot sizes and housing types within new developments.
	Strategy PH – 2.2 - Encourage provision of affordable housing units in new developments.
	Strategy PH-3.1 - Establish neighborhood design guidelines that promote safe walkable and bikeable neighborhoods while accommodating the automobile.
	Strategy PH-3.2. - Encourage mixed land use patterns that place residents within walking distance of services.
Natural & Environmental Resources	Goal NR-1. -Preserve environmentally sensitive areas in order to protect life and property from natural hazards, protect water resources, and preserve natural habitat.
	Strategy NR-1.1 - Discourage and reduce development of structures and impervious surfaces within the FEMA Floodway and 100 Floodplain.
	Strategy NR-1.2 Protect land adjacent to streams to protect water quality, reduce erosion and protect wildlife habitat.
	Strategy NR-1.3 Encourage restoration of natural habitat and drainage patterns in developed areas.
	NR-1.5 - Continuously assess development and preservation efforts within areas planned as Natural Resources/Agricultural on the Future Land Use Map (Map 8.3b in Chapter 8) based on their conservation value
	Goal NR-2. - Provide a variety of quality open space, distributed equitably throughout Hendersonville, that can be used for recreational opportunities and aesthetic enhancements
	Strategy NR-2.1. - Encourage clustered development that preserves open space while allowing a return on investment.
	Strategy NR-2.2. - Acquire or encourage acquisition of environmentally sensitive properties
	Strategy NR-2.3. -Promote preservation of woodlands
	Strategy NR-2.4. - Promote the location and design of open space areas within developments so that they contribute to and link individual homes to the City's green infrastructure network.
	Strategy NR-3.2. Enable and encourage Low-Impact Development practices in stormwater management
	Goal NR-4. - Preserve Hendersonville's agricultural resources in order to maintain a rich heritage and promote locally-grown food. Map 3.3a identifies areas for which the Comprehensive Plan recommends preservation of agricultural uses [subject property not indicated at "Agricultural Land" on Map 3.3a]
Cultural & Historic Resources	There are no Goals, Strategies, or Actions that are directly applicable to this petition.

REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
Community Facilities	<i>Strategy CF-6.1 - Encourage community open-space or play areas in new or redeveloped residential neighborhoods.</i>
	<i>Strategy CF-7.2 - Preserve and expand the public greenway system as a means of connecting neighborhoods to parks and increasing recreational amenities and open space.</i>
Water Resources	<i>Strategy WR-2.3 - Enable and encourage Low-Impact Development practices in stormwater management.</i>
Transportation & Circulation	<i>Strategy TC 2.2 - Preserve and expand the public greenway system as a core component of the bicycle and pedestrian transportation system. TC-2.2.1 Pursue opportunities for greenway expansion along stream corridors and rail lines; TC-2.2.2 Design and locate new greenways so that the greenways provide a logical link to neighborhoods...parks...and future regional greenways.</i>
	<i>Strategy TC-3.4 - Improve roadways as needed to implement the land use vision and meet level of service requirements. TC-3.4.5 widen and improve existing roadways as indicated on Map 7.3a (includes Tracey Grove)</i>
	<i>See “Staff Site Plan Review” for transportation consultant’s summary review of applicant’s traffic impact analysis (TIA).</i>

REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS	
Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property -
	The surrounding land uses are single-family neighborhood, rural farmland, one multi-family apartment complex, cemetery and vacant land.
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
	The existing site plan for the site has expired. Development in vicinity of US Hwy 64 has continued to intensify and further commercial / multi-family development is anticipated. While on the edge of a significant commercial corridor, this area remains primarily low-density single family residential. There is a continued need for housing in close proximity to goods and services and with walking connections to commercial nodes.
Public Interest	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -
	This project is proposing to be a mix of market rate rental units (300 units) owner-occupied single-family homes (161 units).
	Rental Housing - Based on the 2021 Bowen Housing Needs Assessment for Western North Carolina, Henderson County has an estimated rental housing gap of 1,650 to 2,008 Units for incomes between <50%-120% AMI. This represents one of the largest gaps in the WNC region. Over the last 3 years, the City of Hendersonville has approved 346 rental units (286 market rate / 60 affordable). An additional 792 (including this project) are seeking entitlements to construct rental housing. If all projects are approved, Hendersonville's recently-approved rental units would total 1,138. It should also be noted that the Housing Needs Assessment Study does not account for the housing gap for incomes above 120% AMI. An additional gap, beyond that reflected in this 1,650 to 2,008-unit gap, exist for those income levels greater than 120% AMI.
	Owner-Housing - Based on the 2021 Bowen Housing Needs Assessment for Western North Carolina, Henderson County has an owner "for sale" housing gap of between approximately 311 to 1,184 Units for incomes between <50%-120% AMI. This represents one of the largest gaps in the WNC region. Over the last 3 years, the City of Hendersonville has approved 599 owner housing units (579 market rate / 20 affordable). This project (161 units) is the only project currently seeking entitlements for owner housing. If approved, Hendersonville's recently-approved owner units would total 759. It should also be noted that the Housing Needs Assessment Study does not account for the housing gap for incomes above 120% AMI. An additional gap, beyond that reflected in this 311 to 1,184-unit gap, exist for those income levels greater than 120% AMI. <i>It is important to note that not all approved projects get constructed. It is also important to note that the housing gap is for Henderson County and that other areas of Henderson County, outside of the City of Hendersonville jurisdiction are experiencing development which is also addressing demand.</i>
	The proposed development will provide a greenway connection for the public to cross Mud Creek floodplain to Jackson Park/Oklawha Greenway and within one mile of downtown. Proximity to commercial nodes promotes orderly connections.

	The site does include several high-value and sensitive environmental resources. The project's clustering of development outside the floodplain and the developer's proposal to dedicate property to Conserving Carolina includes the potential for long term habitat restoration.
Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment
	The size of the project did trigger a Transportation Impact Analysis, our transportation consultant's assessment of the TIA is provided in the "Site Plan Review – Summary Comments" section of this report.
	The Water & Sewer department has received an availability request and has indicated there are adequate facilities in the area to serve the development.
Effect on Natural Environment	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife
	Site is currently a greenfield, new development reflects a significant increase in impervious surfaces. However, 86% of the Site (139.4 Acres) would be preserved as Open Space. 80,000 Sq Ft (1.84 Acres) of the tract will be dedicated to the City for parkland. The developer is working with Conserving Carolina to mitigate impacts to the wetlands and make improvements to the natural habitat on the site.
	NC Wildlife Resources Commission's Green Growth Toolbox habitat assessment tool identifies multiple portions of the site associated with the floodplain as having some level of conservation value, giving high value to the Rte. 64/Ewbank Swamp. The project's proposal is to conserve all the floodplain on the site including the Ewbank Swamp.

The petition is found to be **consistent** with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The Medium Intensity Neighborhood designation calls for Planned Residential Developments as a secondary recommended land use and the proposed site plan aligns with development guidelines under strategy LU 6.4.

We **[find/do not find]** this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

DRAFT [Rationale for Approval]

- *The development would provide 300 “market-rate” rental units. These units would help reduce the rental housing gap estimated to be between 1,364 and 1,722 units that are needed within Henderson County to satisfy demand according to the 2021 Housing Needs Assessment (Bowen Study).*
- *The development would provide 161 owner housing units. These units would help reduce the owner housing gap estimated to be between (-268) and 585 units that are needed within Henderson County to satisfy demand according to the 2021 Housing Needs Assessment (Bowen Study).*
- *The addition of multi-family and single-family residential is in keeping with the surrounding land uses.*
- *The development is near the US 64 commercial corridor, an area of the city experiencing on-going development and redevelopment.*
- *The proposal to conserve, via a conservation easement, the floodplain area on the site, including efforts to restore the ecological function of this important area is a general public good for the community.*
- *The site plan clusters development impacts away from the Natural Resource/Agriculture designated portions of the site, aligning with guidance from the Natural & Environmental Resource Chapter of the Comprehensive Plan. (NR-1 & LU-4)*
- *Greenway construction and ROW dedication adds to existing greenway network and aligns with specific goals established for greenways. (TC-2 & CF 7.2)*

DRAFT [Rational for Denial]

- *The comprehensive plan Medium Intensity Neighborhood does not recommend multi-family residential on Minor Throughfares (LU-6). Tracey Grove Rd is classified as a minor thoroughfare and is not recommended for intense development.*

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS**PROPOSED REQUEST DETAILS**

- Site Plan Summary:
 - The site plan accompanying this petition contains the following provisions:
 - 300-Unit Apartment complex on approximately 14 Acres of the site
 - 13 – 3-Story / 3-4 Story Split Apartment Buildings
 - 10 - 9,420 Sq Ft Footprint
 - 3 - 12,370 Sq Ft Footprint
 - Pool and Clubhouse
 - 161 - Single-Family detached homes on the remaining 32 acres (approx.) of developable (non-floodplain) land of the site
 - Total Density = 2.8 Units/Acre
 - Open Space = 139.4 Acres (86% of site)
 - Impervious Surface = 21.67 Acres (13.4% of site)
- Proposed Uses:
 - Residential, Multi-Family
 - Residential, Single-Family
- Developer Conditions:
 - Developer Proposed Concessions:
 - Dedication of a 50' greenway easement.
 - Preservation of 62.6% of on-site trees greater than 12" dbh.
 - Stream buffer standard around the edge of the wetland. This buffer is typically required from top of bank of blue line stream.
 - Developer Proposed Conditions:
 - Access I at the southeastern corner of the property be permitted as a full movement access but will not have the 45' of ROW as required.
 - Height limitation for the project be increased from the 35' to 46' in compliance with the standards established for building height in Section 5-14-6.5 of the Zoning Ordinance.
 - A sun study was submitted to provide support for a request to allow multi-family buildings to exceed 35'. The multi-family residential is proposed to be 46'. The proposal complies with criteria established for building height in association with PRD (5-14-6.5). City Council has the authority to grant this increase in height limit and it is included as a developer proposed condition.

OUTSTANDING ISSUES & PROPOSED CONDITIONS**COMMUNITY DEVELOPMENT****Site Plan Comments:**

The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Planned Residential Development (5-14) and Site Plan Review (7-3) and the Subdivision Ordinance with the following exceptions:

- Site Plan does not include List of Conditions as requested. [resolved]
- The proposed southeastern access as shown does not meet city standards for

45' ROW. Developer has proposed a 30' ROW as an alternative. [see developer proposed condition]

- Per the Zoning Ordinance Section 5-14-3, Wilmont Drive or the southeastern entrance will have to be improved to City standards to meet the requirement that “access...shall be by means of a boulevard or thoroughfare (major or minor). [resolved]

Proposed City-Initiated Conditions:

- None

CITY ENGINEER

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

WATER / SEWER

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

FIRE MARSHAL

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

STORMWATER ADMINISTRATOR

Site Plan Comments:

- The site plan accompanying this petition increases onsite impervious services from less than a ½ acre of impervious surface to over 22 acres of impervious surface.
- Conceptual Stormwater treatment facilities meet the standards of the City’s Stormwater Ordinance.
- Due to the significant increase in impervious surface alongside the site’s proximity to valuable and sensitive natural resources, we do suggest some enhanced stormwater features to further protect and ensure the health of those resources.

Proposed City-Initiated Conditions:

- Enhance the Stormwater run-off system to treat and retain, at a minimum a 25-year event. Treatment and retention are currently required for a 10-year

event. [Developer Agrees]

- Utilize Low Impact Development practices through incorporation of bioretention ponds to retain and treat on-site stormwater (NR-3.2) [Developer Agrees]

FLOODPLAIN ADMINISTRATOR

Site Plan Comments:

- The site includes over 100 acres of 100-year floodplain. No development is proposed within the floodplain.
- Proposed conservation and restoration efforts within the floodplain are permitted via state and local law and have the capacity to strengthen the function of the floodplain area.

Proposed City-Initiated Conditions:

- Provide details related to the provision of a Conservation Easement and/or Dedication of land to Conserving Carolina including commitment from Conserving Carolina as a note on the site plan [Developer Agrees]
- Provide details related to developer proposed restoration of on-site wetlands, delineating areas proposed for restoration on the site plan [Developer Agrees]

PUBLIC WORKS

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

NCDOT

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

TRANSPORTATION CONSULTANT

The proposed development is anticipated to generate 3,244 daily trips as per the International Transportation Engineer Trip Generation Manual, 10th Edition, thus triggering the Zoning Code 1,000 daily trip threshold (Section 6-18). The City's Transportation Consultant (Jonathan Guy, Kimley Horn) provided the following feedback on the TIA submitted by the development team:

Based on a technical review of the revised TIA report as dated April 11, 2022, several elements of the report and analysis do not address comments provided by Kimley-Horn on January 3, 2022. Due to the nature of the TIA, many of the revisions were technical in nature, the comments ranged from low, moderate and high impact. You may find the Technical Memo from Kimley-Horn in the agenda packet. Below are the Conclusions and recommended mitigation measures from that Memo.

Technical Observation Conclusions – Kimley-Horn:

Based on a technical review of the TIA as submitted, there are still several items that are outstanding that have not been addressed within the TIA. In addition, following a question from staff about why a right turn lane wasn't required at Wilmont, Kimley-Horn revisited the TIA and offered the following additional comments on May 5th, 2022.

I took some time today to look back over the Tracy Grove Road site because the TIA did not include a turn lane warrant for Wilmont Drive and Tracy Grove Road (Associated with the Northwestern Entrance @ Wilmont) to see if a right turn lane might be needed. A couple items jumped out at me as I looked through this:

- *The distribution and assignment puts 80% of the site traffic through Access #1 – this is the access on the southeastern edge of the property.*
- *In looking at the site plan the 300 multi-family homes (100 am/127 PM trips) and approximately 30 single family homes are positioned in a manner that they would most likely use Wilmont Drive over Access 1 (southeastern access).*
- *Based on the layout of the lots and considering the likely draw to Dana Road and US 64 traffic is more likely to use Wilmont Drive over Access 1*
- *The TIA has 35% of the traffic from the west passing Wilmont Drive to go to Access 1 for access to the site. It assumes only 15% from the west will use Wilmont Drive.*

Based on this second look it validates a need for an updated traffic study. What is currently shown is likely not how traffic will enter and leave the site.

Including the updated observations from May 5th, the following are mitigation measures proposed in the TIA and/or recommended by Kimley-Horn to mitigate the impact of the proposed development.

- Revise TIA based on comments from Kimley-Horn TIA Review dated April 21, 2022, including trip distribution calculations.
- Dedicate ROW along frontage of Tracey Grove Road. [Developer Agrees]
- Commit to the construction of the following mitigation measures as identified in the Transportation Impact Analysis.
 - Construct an Eastbound right turn lane on Dana Road with 200 feet of full width storage and appropriate taper [Developer Agrees]
 - Modify the existing traffic signal at Dana Road and Tracey Grove Road to accommodate the addition of the Eastbound right turn lane [Developer Agrees]
 - Construction of a Northbound left-turn lane at the southeastern site access with 150 feet of storage and appropriate tape [Developer Agrees]
 - Based on concerns related to the proposed trip distribution in the TIA and the need to amend that distribution, a right-turn lane is warranted at the intersection of Tracy Grove Road with Wilmont Drive. [Developer Agrees].

TREE BOARD

Site Plan Comments & Recommended Conditions:

- See attached Tree Board Summary

PLANNING BOARD RECOMMENDATIONProject #: P22-19-CZDMeeting Date: May 9, 2022

PETITION REQUEST: Conditional Rezoning – Washburn Tract

APPLICANT/PETITIONER: Thomas Family [Owner]
Mike Washburn [Applicant/Developer]

PLANNING BOARD ACTION SUMMARY:

Staff gave a presentation on the request and reviewed the guidance from the Comprehensive Plan as well as the criteria for considering a rezoning. Planning Board considered this item for 2 hours and 22 minutes. The main topics discussed by the Planning Board members related to shortcoming with the TIA and the need for revisions, the project's impact on traffic and access to the site. Density was also discussed and recognized that 2.8 units per acre is quite low and that development standards permit inclusion of floodplain and slopes in the calculations. While environmental impacts did concern many members of the Board, overall the sentiment was that the developer is doing what they need to appropriately address the environmental issues. . Specifically, Mr. Brown would like to see the Conserving Carolina plan for the critical areas including details related to monitoring impacts from construction. Lighting impacts to the rich habitat in the area was also a concern

The following members of the development team were present and provided information related to the proposed project: Mike Washburn, applicant/developer; John Kinnard, engineer; David Hyder, traffic engineer; Tom Fonslow, Conserving Carolina; and Brian Gulden, Attorney for the applicant.

The development team addressed topics that had been the areas of primary concern under the previous application for this project. Those topics included traffic, environment and affordable housing. The development team spoke to the TIA, the mitigation of impacts to the floodplain, and pointed out that 6 lots would be made available to the Housing Assistance Corp. Ashlynn McCoy, Executive Director of HAC was available via Zoom.

Six members of the public spoke in opposition to the development:

- Janet Moore, 305 Dellford Court – spoke about insufficient changes since the last Planning Board meeting, concerns with impact to Wilmont and Dana, 4 Seasons and Tracey Grove Rd.
- Mary Alt, 209 E. Dogwood Lane – spoke to understanding the need for housing, but this is not the location for it. Further stating that this is a unique area with bogs, and she feels like single-family is more appropriate.
- Mary West, 444 and 446 Tracy Grove Road - had concerns about the traffic issues and the cars already backing up at the intersection of Tracy Grove and Dana Road.

- Ken Fitch, 1046 Patton Street - had concerns about the site plan being dysfunctional and having major impacts on the existing neighborhoods. The connection to Tracy Grove Road is dangerous. He was concerned about the National Wildlife Refuge.
- Lynne Williams, Chadwick Avenue - was concerned about the residents being worn out after 30 hours of public meetings. She felt this development is too dense. Multi-family on minor thoroughfares cause issues. She had concerns about flooding.
- Dr. Vogel, 218 Tracy Grove Road - had concerns about the amount of pollution from the traffic this will generate. She had concerns about the large amount of people in this small area and also had concerns about a recession and more people moving in with family members.

MOTION:

Mr. Brown made a motion to deny based on the access from a minor thoroughfare. The motion failed 3-3.

Mr. Blatt made a follow-up motion for approval with Mr. Nace seconding. The Planning Board voted 4-2 to recommend **APPROVAL** of this petition and adopted the following statements:

CONDITIONS:

In addition to the Conditions on the site plan agreed to by the developer, Planning Board include the following in their motion:

Permitted uses and applicable conditions presented on the site plan shall be amended to include:

1. TIA should be revised based on the comments from Kimley-Horn dated May 5th 2022. Based on the proposed site trip distribution a right turn lane may be warranted at the intersection of Tracy Grove Road and Wilmont Drive.

COMPREHENSIVE PLAN CONSISTENCY AND REASONABLENESS STATEMENT:

The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The Medium Intensity Neighborhood designation calls for Planned Residential Developments as a secondary recommended land use and the proposed site plan aligns with development guidelines under strategy LU 6.4.

REASONABLENESS STATEMENT

We find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

[Rationale for Approval]

1. The development is near US Highway 64 commercial corridor, an area of the city experiencing on-going development and redevelopment.
2. The addition of multi-family and single-family residential addresses an ongoing supply need and is in keeping with the surrounding land uses which is single family homes and multi-family is approved all the time in the city.

3. There is a proposal to conserve by Conserving Carolina, a conservation easement, the flood plain area on the site, including efforts to restore the ecological function of this important area is a general public good for the community.
4. The site plan clusters development impacts away from the Natural Resource/Agriculture designated portions of the site, aligning with guidance from the Natural & Environmental Resource Chapter of the Comprehensive Plan.
5. Greenway construction and ROW dedication adds to existing greenway network and aligns with specific goals established for greenways.

BOARD ACTION

- **Motion/Second:** Blatt / Nace
- **Yeas:** Hanley, Nace, Blatt, Cromar
- **Nays:** Robertson, Brown
- **Absent:** Glassman
- **Recused:** Peacock



NEIGHBORHOOD COMPATIBILITY MEETING REPORT

P21-68-CZD & P22-19-CZD

Current Application (P22-19-CZD) NCM Meeting Dates: March 18, 2022

Previous Application (P21-68-CZD) NCM Meeting Dates: November 2 & 30, 2021

PETITION REQUEST: Rezoning: Planned Residential Development-Conditional Zoning District

APPLICANT/PETITIONER: Mike Washburn

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

The initial application for this project (P21-68-CZD) was withdrawn at Planning Board on February 14, 2022. There were two Neighborhood Compatibility Meeting were held for the initial application and a third NCM held for the resubmitted application (P22-19-CZD) currently up for consideration. An overview of topics discussed at each of the three NCMs is provided below.

NCM #1 (P21-68-CZD) – November 2nd, 2021

There were 19 members of the public in attendance along with 5 members of staff and 4 members of the development team. The development team was allowed to present following the introduction from staff. Concerned citizens raised issues related to decrease of property values, impact on environment, increased noise, increased light, increased traffic congestion, planting of buffers, loss of farmland/rural character, and visual impact of buildings.

NCM #2 (P21-68-CZD) – November 30th, 2021

There were 7 members of the public in attendance. The format was the same as the previous meeting. Concerned citizens raised issues related to impact on neighboring properties, flooding, increased “aggression” due to population density, impact on public services, air quality and water quality, and other concerns like those expressed at the first NCM.

NCM #3 (P22-19-CZD) – February 14, 2022

There were 6 members of the public in attendance along with 5 virtual participants. Mike Washburn (developer), Rob Dull with Design Concepts and John Kinnard from Brooks Engineering represented the development team. There were three members of staff present. The format was the same as for the previous meetings. Concerned citizens raised issues related to previous agricultural use of the property, impact on traffic/existing road conditions, highest and best use of the property, impact on neighboring properties, flooding, differences in new application, impact on public services, and other concerns like those expressed at the previous NCMs.

Full minutes from all Neighborhood Compatibility Meetings are available for review at request

TREE BOARD RECOMMENDATIONP22-19-CZDApril 19, 2022

PETITION REQUEST: Rezoning: Planned Residential Development - Conditional Zoning District

APPLICANT/PETITIONER: Mike Washburn

TREE BOARD ACTION SUMMARY:

The developer presented to the Tree Board on April 19, 2021. There were 4 members of the Tree Board present. The following Recommendation were made:

The Tree Board proposed the recommended conditions outlined below based on the following guiding city code documents:

Municipal Code, Chapter 46, Article IV, Division I, Trees & Shrubs, Section 46, 116 & 117; Zoning Code, Article XV Buffering, Screening & Landscaping Sections 15-1, A & C and 15-4 A; Subdivision Ordinance, Purpose and Intent, Section 1.04, Part H; Comprehensive Plan, Vision Statement and Section 3.3, Goal NR-1, Strategy 1.2 and Goal NR-2, Strategy 2.3 and;

The Tree Board's assessment that this tract contains an important and sensitive natural area, one of the few major wetland habitats remaining in Hendersonville and the tract lies adjacent to the Bat Fork Bog, a state designated Natural Heritage Area, the Tree Board recommends the following development conditions be placed on this property:

Recommended Conditions:

- 1) Provide and implement a vegetative planting plan developed by a landscape architect and approved by staff to vegetate between all built areas/impervious surfaces and the entire required buffer line along the wetland with diverse and appropriate species of native upland and wetland trees, native shrubs and other native perennial herbaceous plants (including warm season grasses, sedges, and plants important to pollinators) to enhance wildlife habitat, increase tree canopy, assist in stormwater filtering of pollution from built areas and slow down and infiltrate stormwater runoff from the site. No turf grasses can be used in this area and invasive plants (as listed in the city's Recommended Landscape Species List for Street Trees and Land Development Projects) must be removed; [Developer Agreed] and
- 2) The developer shall protect the trees that they have proposed to save in accordance with Section 15-4 Existing Vegetation of the Zoning Ordinance; [Developer Agreed] and

TREE BOARD RECOMMENDATION

- 3) The developer should eliminate the proposed parking spaces at the apartment complex site where mature trees exist; [Developer Agreed] and
- 4) Implement a minimum 25-foot Type C Buffer without any walls, fences or berms (defined in Zoning Code Section 15-6 [c]) in all areas where the apartments [are proposed] bordering R-15 residential zoned properties to increase tree canopy, wildlife habitat, and provide additional buffering for existing residential areas. Existing non-invasive trees and shrubs should remain and can contribute to this buffer; [Developer Agreed] and
- 5) Shift lots 7 and 8 to the common space area to preserve the mature Oak Trees where lots 7 and 8 are shown on the current site plan [Developer Agreed].

BOARD ACTION

Motion: Glenn Lange

Yeas: Mark Madsen, Mary Davis, Andy Crawford, and Glenn Lange

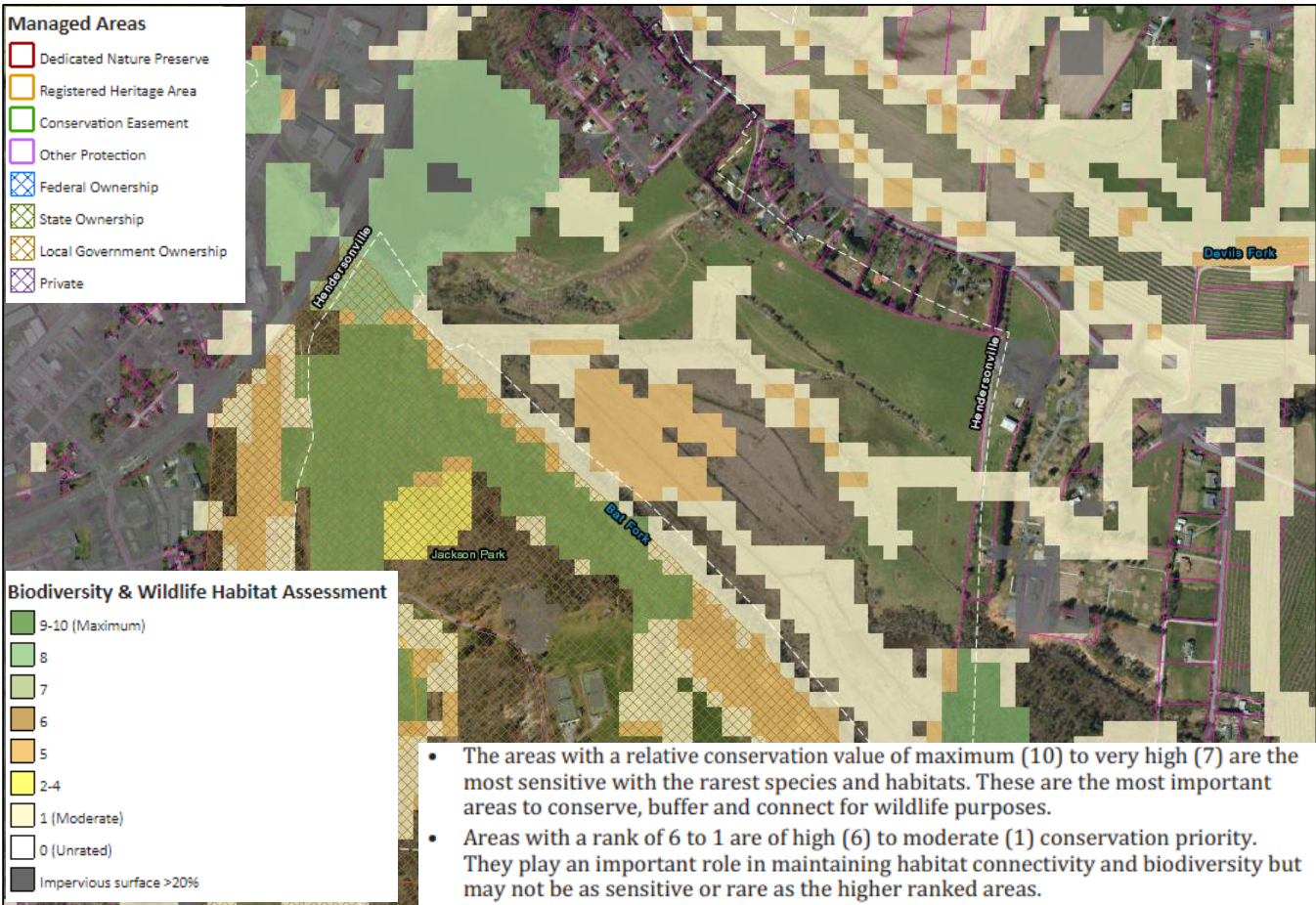
Nays: None

Absent: Mac Bracket, Landon Justice, Pat Christie

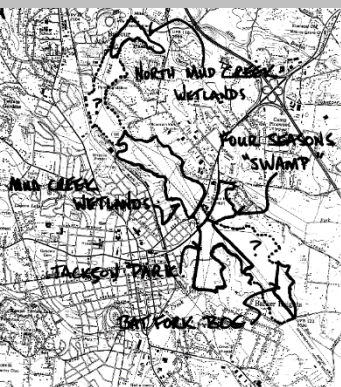
Recused: None

Natural Resources Summary – Washburn Tract (P2I-68-CZD)

Given the number of the City’s Comprehensive Plan goals that are relevant to this project, staff is providing data compiled for the NC Wildlife Resources Commission. The following map presents data from the Natural Heritage Program and recommendations from the Green Growth Toolbox.



Biodiversity ratings of 8, 5 and 1 are present on the site. Additional recommendations related to Natural Resource protection can be found here: https://www.ncwildlife.org/Portals/0/Conserving/documents/GGT/Manual/GGT_handbook_2017.pdf



A [study of Natural Areas in Henderson County](#) was completed in January 1994. There are four natural areas located in the City of Hendersonville, each of which is ranked based on their ecological values. One, the Four Seasons / Ewbanks Swamp (High Value) is located on the subject property. Three others are adjacent to the subject property. Those include Jackson Park Wetlands (Very High), Bat Fork Bog (Very High) and the Mud Creek Wetlands (High). “These sites support rare and high-quality populations of native plants, wildlife, and natural communities (habitats) on both land and water and are extremely important to the conservation of...biodiversity.

SITE DEVELOPMENT PLANS FOR WASHBURN PROPERTY DEVELOPMENT

PREPARED FOR:
MIKE WASHBURN

REVISION #3 - 3/2/2022

sitework
STUDIOS

LANDSCAPE ARCHITECTURE
82 Patton Ave | Suite 700 | Asheville, NC 28801
828.225.4945 | siteworkstudios.com



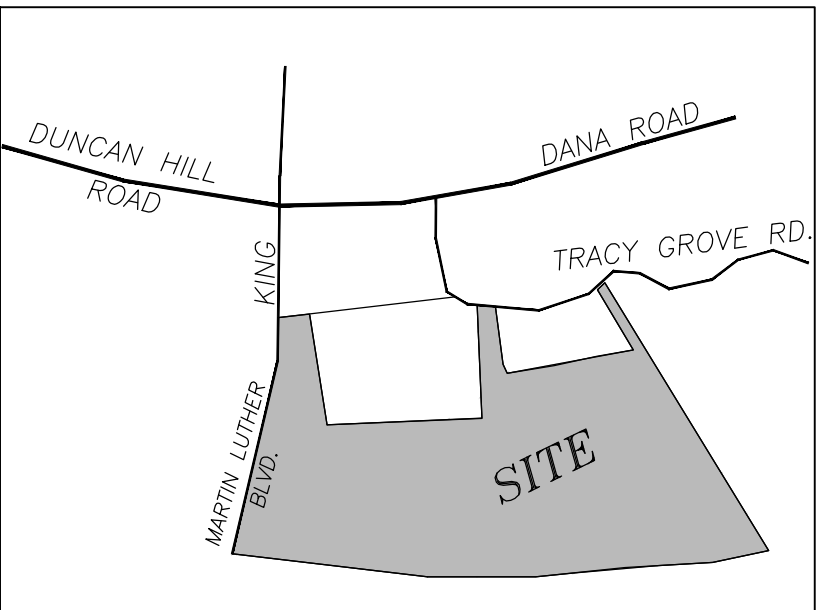
PROPERTY OWNER:
THOMAS, MARGARET S TRUSTEE;ROYCE P THOMAS TRUST;THOMAS,
MARGARET S;THOMAS, CHARLES W TRUSTEE;THOMAS, DORA E
TRUSTEE;CHARLES W THOMAS AND DORA E THOMAS
830 4TH AVE W – HENDERSONVILLE, NC 28739
5050 E SAINT ANDREWS DR. TUCSON, AZ 85718

DEVELOPER CONTACT:
MIKE WASHBURN
PO BOX 898 – SULLIVANS ISLAND, SC 29842
828.343.3947

LANDSCAPE ARCHITECT:
ROB DULL, PLA
SITEWORK STUDIOS, PLLC
82 PATTON AVENUE, SUITE 700
ASHEVILLE, NC 28801
828.225.4945

CIVIL ENGINEER:
JOHN KINNAIRD, PE
BROOKS ENGINEERING ASSOCIATES, PA
17 ARLINGTON STREET
ASHEVILLE, NC 28801
828.232.4700

SURVEYOR:
WAGGONER & RHODES LAND SURVEYORS, INC.
545 OLD SPARTANBURG ROAD
HENDERSONVILLE, NC 28792
828.693.1022



VICINITY MAP
NTS

PROPERTY INFORMATION
PROPERTY PIN: 9578-39-5229
SIZE OF PROPERTY: 161.47 AC

DRAWING INDEX

SHEET #	SHEET TITLE
C-2.0	OVERALL EXISTING CONDITIONS & TREE SURVEY
C-2.1	EXISTING CONDITIONS & TREE SURVEY
C-2.2	EXISTING CONDITIONS & TREE SURVEY
C-2.3	EXISTING CONDITIONS & TREE SURVEY
C-2.4	EXISTING CONDITIONS & TREE SURVEY
L-100	PRELIMINARY SITE PLAN REFERENCE SHEET
L-101	PRELIMINARY SITE PLAN
L-102	PRELIMINARY SITE PLAN
L-103	PRELIMINARY SITE PLAN
L-104	PRELIMINARY SITE PLAN
L-200	PRELIMINARY LANDSCAPE PLAN REFERENCE SHEET
L-201	PRELIMINARY LANDSCAPE PLAN
L-202	PRELIMINARY LANDSCAPE PLAN
L-203	PRELIMINARY LANDSCAPE PLAN
L-204	PRELIMINARY LANDSCAPE PLAN
L-600	SHADOW STUDY PLAN
L-601	SHADOW STUDY PLAN
C-5.0	OVERALL STORMWATER & UTILITY PLAN
C-5.1	STORMWATER & UTILITY PLAN
C-5.2	STORMWATER & UTILITY PLAN
C-5.3	STORMWATER & UTILITY PLAN
C-5.4	STORMWATER & UTILITY PLAN



WASHBURN PROPERTY
DEVELOPMENT

PREPARED FOR:

REVISIONS

NO.	REMARKS	DATE
1	TRC COMMENTS	12.17.2021
2	TRC COMMENTS	1.21.2022
3	REVISIONS	3.02.2022

CONDITIONAL
ZONING REVIEW

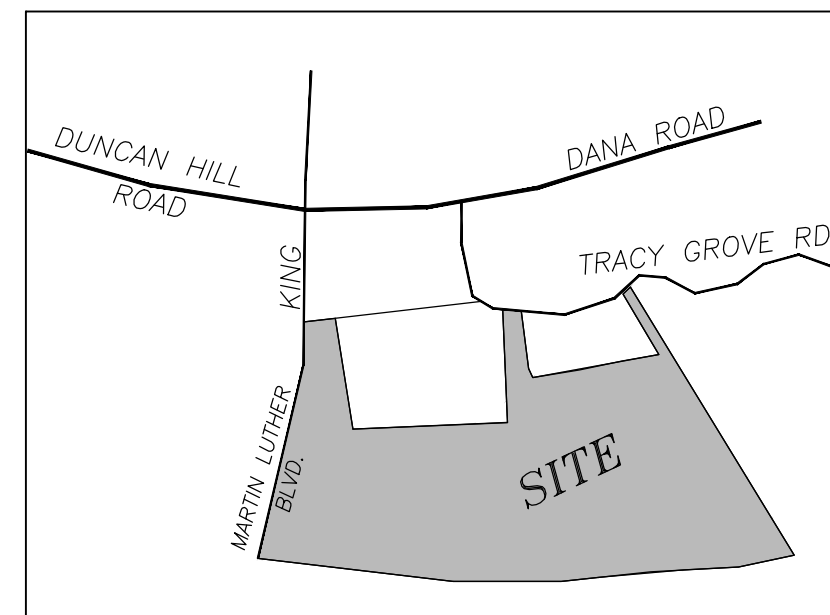
DATE:
03.02.22

SHEET TITLE:

PRELIMINARY
SITE PLAN
REFERENCE SHEET

SHEET NO.

L-100



VICINITY MAP - NTS

PROPERTY OWNER:
THOMAS, MARGARET S TRUSTEE; ROYCE P THOMAS TRUST; THOMAS, MARGARET S; THOMAS, CHARLES W TRUSTEE; THOMAS, DORA E TRUSTEE; CHARLES W THOMAS AND DORA E THOMAS
830 4TH AVE W - HENDERSONVILLE, NC 28739; 5050 E SAINT ANDREWS DR - TUCSON, AZ 85718

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828.693.1022

ZONING:
CURRENT ZONING: PRD PLANNED RESIDENTIAL DEVELOPMENT
PROPOSED ZONING: PRD PLANNED RESIDENTIAL DEVELOPMENT
CONDITIONAL ZONING DISTRICT CLASSIFICATION

PROPOSED USE: RESIDENTIAL
300 APARTMENT UNITS
160 SINGLE FAMILY HOME LOTS

PIN: 9578-39-5229
SIZE OF PROPERTY: 161.47 AC
SIZE OF PROPERTY MINUS FLOODWAY AREA: 56.8 AC

EXISTING IMPERVIOUS SURFACE:
0 SF (0 ACRES)
0
PROPOSED IMPERVIOUS SURFACE:
944,220 SF (21.67 AC)
13.4% OF SITE

DENSITY:
MAXIMUM ALLOWABLE DENSITY: 10 UNITS PER ACRE
PROPOSED DENSITY: 2.8 UNITS PER ACRE

TOTAL PROJECT AREA CALCULATIONS:

FOOTPRINT REQUIREMENT:
MAXIMUM 20% ALLOWABLE SITE FOOTPRINT: 32.3 ACRES
PROPOSED FOOTPRINT: 22.1 ACRES (13.7% OF SITE)

OPEN SPACE REQUIREMENT:
MINIMUM 60% OF SITE TO BE OPEN SPACE: 98 ACRES
PROPOSED OPEN SPACE: 139.4 ACRES (86% OF SITE)

COMMON OPEN SPACE:
REQUIRED AT 500 SF PER APT. DWELLING UNIT: 150,000 SF (3.4 AC)
REQUIRED AT 500 SF PER SINGLE FAMILY LOT: 80,000 SF (1.83 AC)
PROPOSED COMMON OPEN SPACE: 528,850 SF (12.1 AC)

DEDICATION OF PUBLIC PARK AT 500 SF PER LOT = 80,000 SF
GREENWAY DEDICATION AT 50 FT WIDE GREENWAY EASEMENT

MIN. CONNECTIVITY INDEX FOR "OTHER DISTRICTS" ZONING = 1.40
PROPOSED CONNECTIVITY INDEX WITH 16 LINKS/11 NODES = 1.45

BUILDING COVERAGE = 451,958 SF / 10.4 AC (6.4% OF SITE)
STREETS AND PARKING = 348,646 SF / 8 AC (4.9% OF SITE)
SIDEWALKS = 160,718 SF / 3.7 AC (2.3% OF SITE)

TOTAL PROJECT AREA: 1,814,350 (41.7 ACRES)

SETBACKS:
MINIMUM 40 FT SETBACK FROM NEAREST ROW FROM ANY STREET.
MINIMUM 30 FT SETBACK FROM ANY EXTERIOR PROPERTY LINE.
MINIMUM 35 FT SETBACK FROM ROAD CENTERLINE.

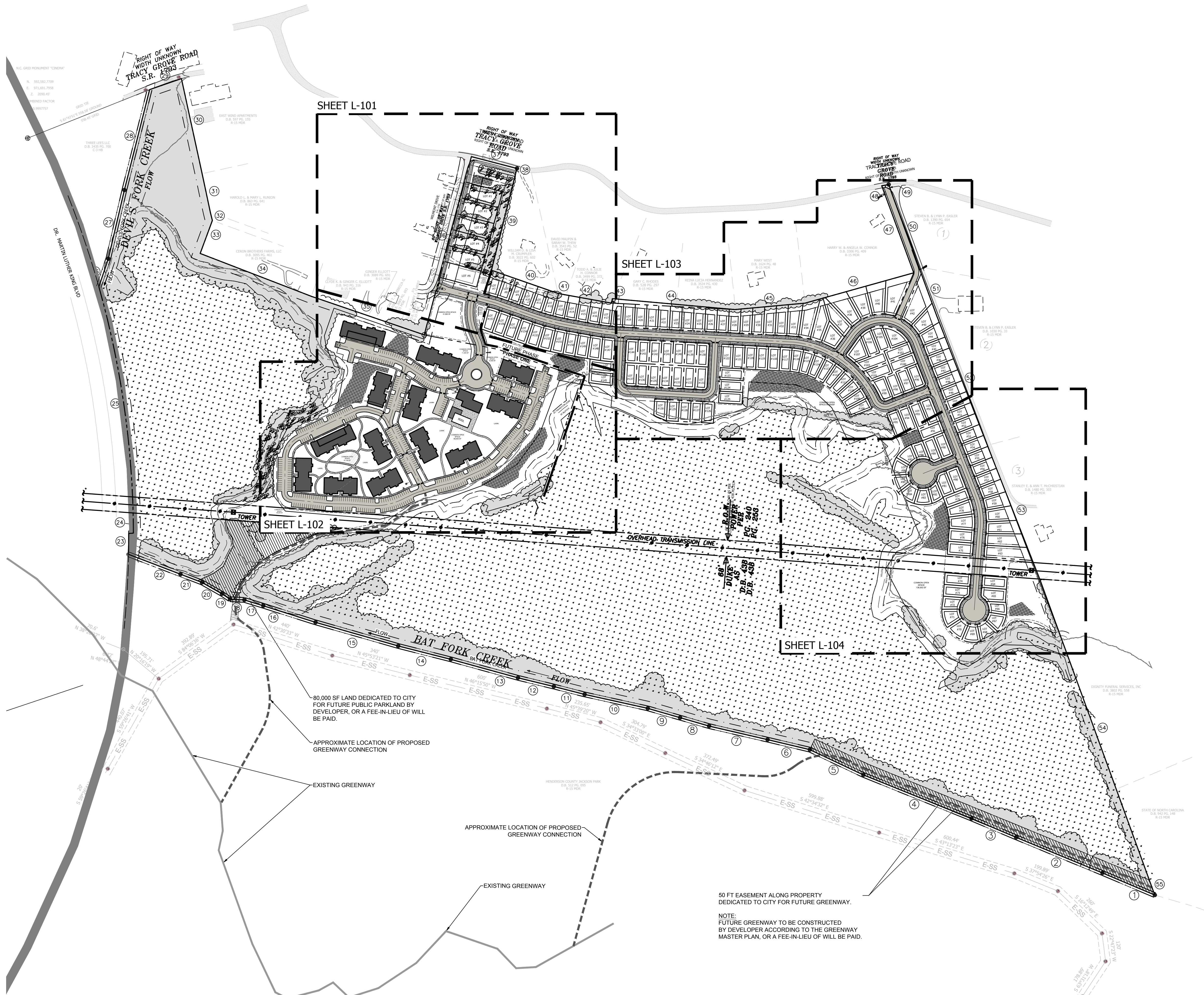
BUILDING HEIGHT MAXIMUM: 35 FT
PROPOSED BUILDING HEIGHT: 48 FT (HEIGHT LIMITATION EXEMPTION)

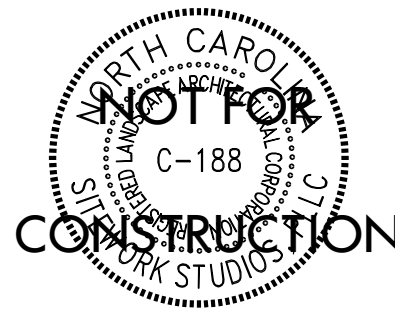
PARKING REQUIREMENTS:

REQUIRED AT 1.5 SPACES PER 1-2 BEDROOM UNIT & 2 SPACES PER 3+ BEDROOM UNIT
PROPOSED APARTMENT BUILDING UNITS: 270 UNITS (1-2 BEDROOMS) + 30 UNITS (3 BEDROOMS)
REQUIRED PARKING = 465 SPACES
PROVIDED PARKING = 515 SPACES (INCLUDING 12 HC SPACES)

NOTES:

- ALL PROPOSED ENTRANCE AND EXIT POINTS SHALL FOLLOW THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION'S "POLICY ON STREET AND DRIVEWAY ACCESS TO NC HIGHWAYS".
- PROJECT SITE IS WITHIN THE HENDERSONVILLE CITY LIMITS.





WASHBURN PROPERTY
DEVELOPMENT

PREPARED FOR:

REVISIONS

NO.	REMARKS	DATE
1	TRC COMMENTS	12.17.2021
2	TRC COMMENTS	1.21.2022
3	REVISIONS	3.02.2022

CONDITIONAL
ZONING REVIEW

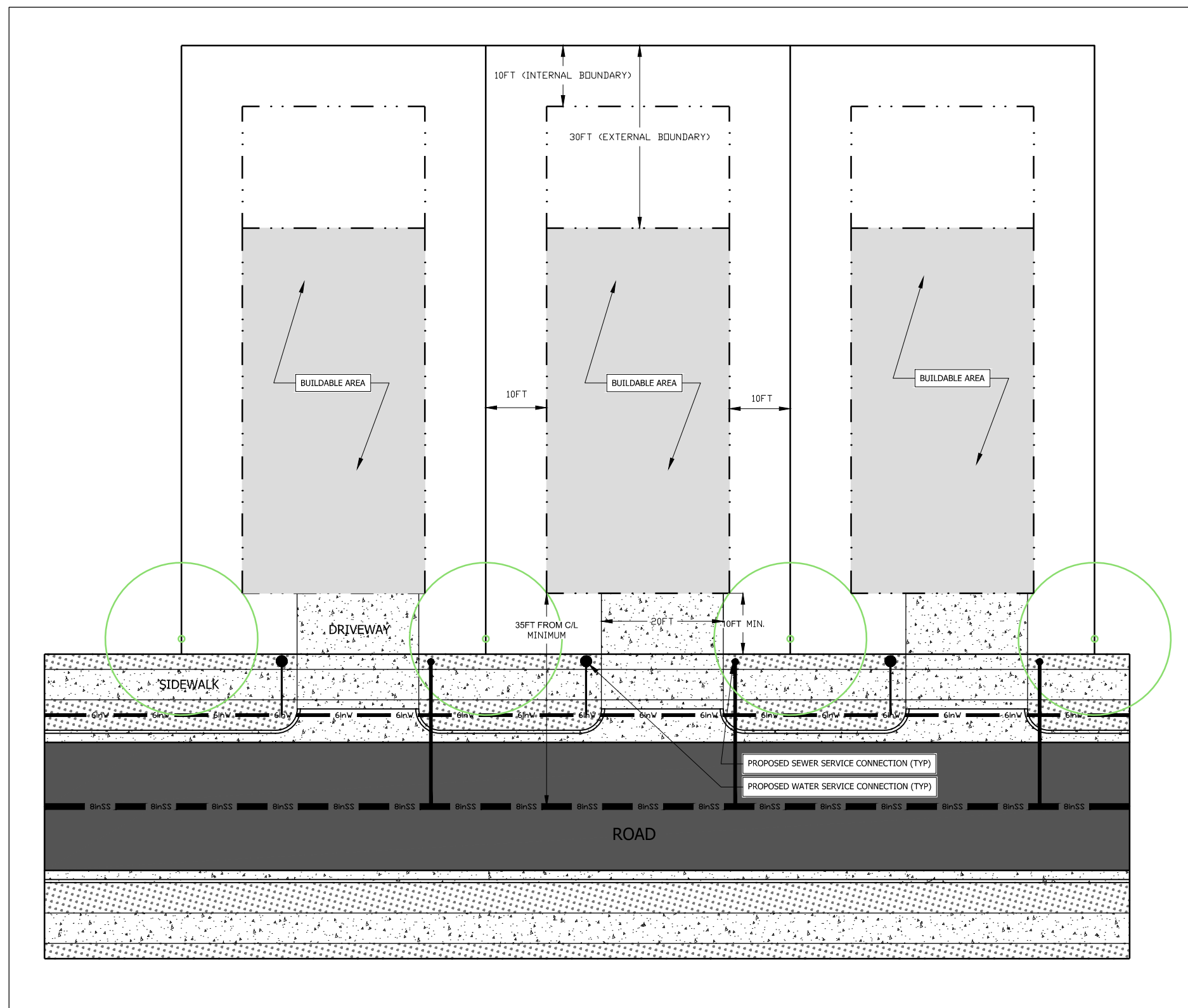
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03.02.2021

SHEET TITLE:

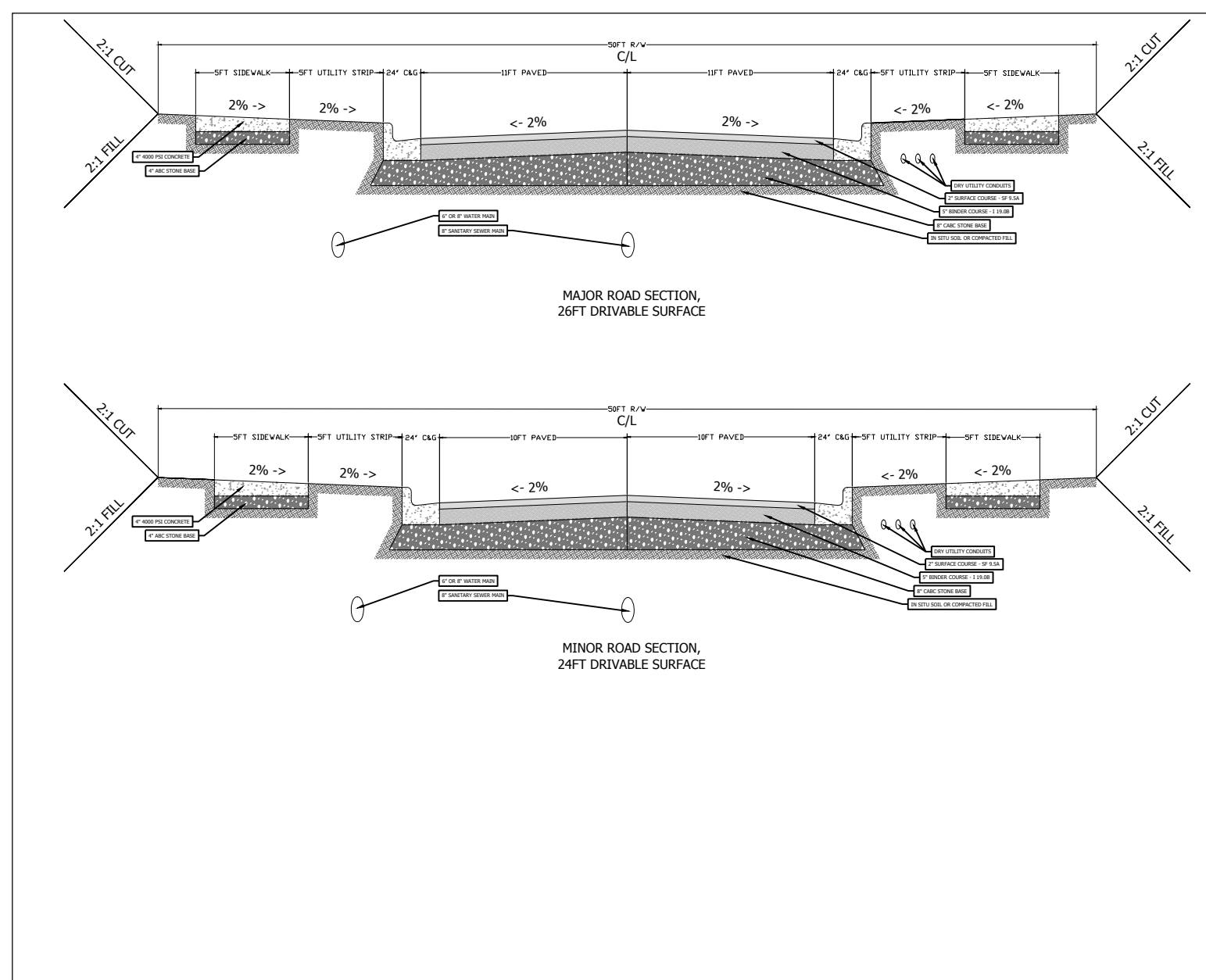
PRELIMINARY
SITE PLAN

SHEET NO.

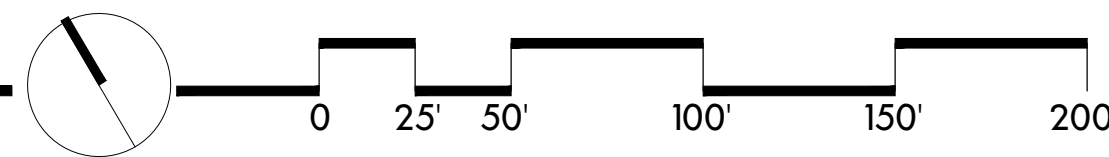
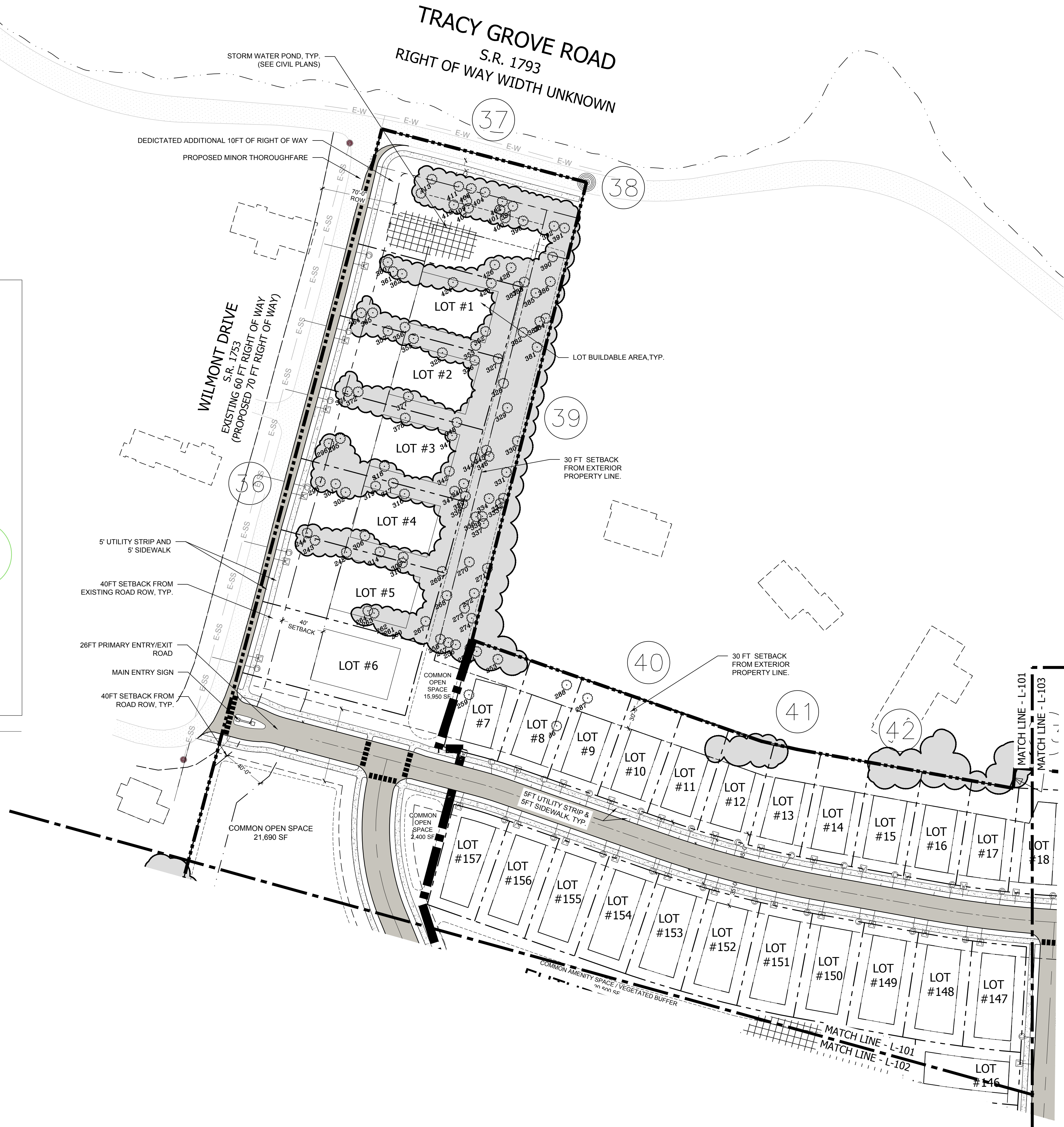
L-101



TYPICAL SINGLE FAMILY LOT LAYOUT
SCALE: 1" = 10'



26FT AND 24FT ROAD SECTIONS
SCALE: 3/8" = 1'





WASHBURN PROPERTY
DEVELOPMENT

PREPARED FOR:

REVISIONS

NO.	REMARKS	DATE
1	TRC COMMENTS	12.17.2021
2	TRC COMMENTS	1.21.2022
3	REVISIONS	3.02.2022

CONDITIONAL
ZONING REVIEW

DATE:
03.02.2021

SHEET TITLE:

PRELIMINARY
SITE PLAN

SHEET NO.

L-102





WASHBURN PROPERTY
DEVELOPMENT

PREPARED FOR:

REVISIONS

NO.	REMARKS	DATE
1	TRC COMMENTS	12.17.2021
2	TRC COMMENTS	1.21.2022
3	REVISIONS	3.02.2022

CONDITIONAL
ZONING REVIEW

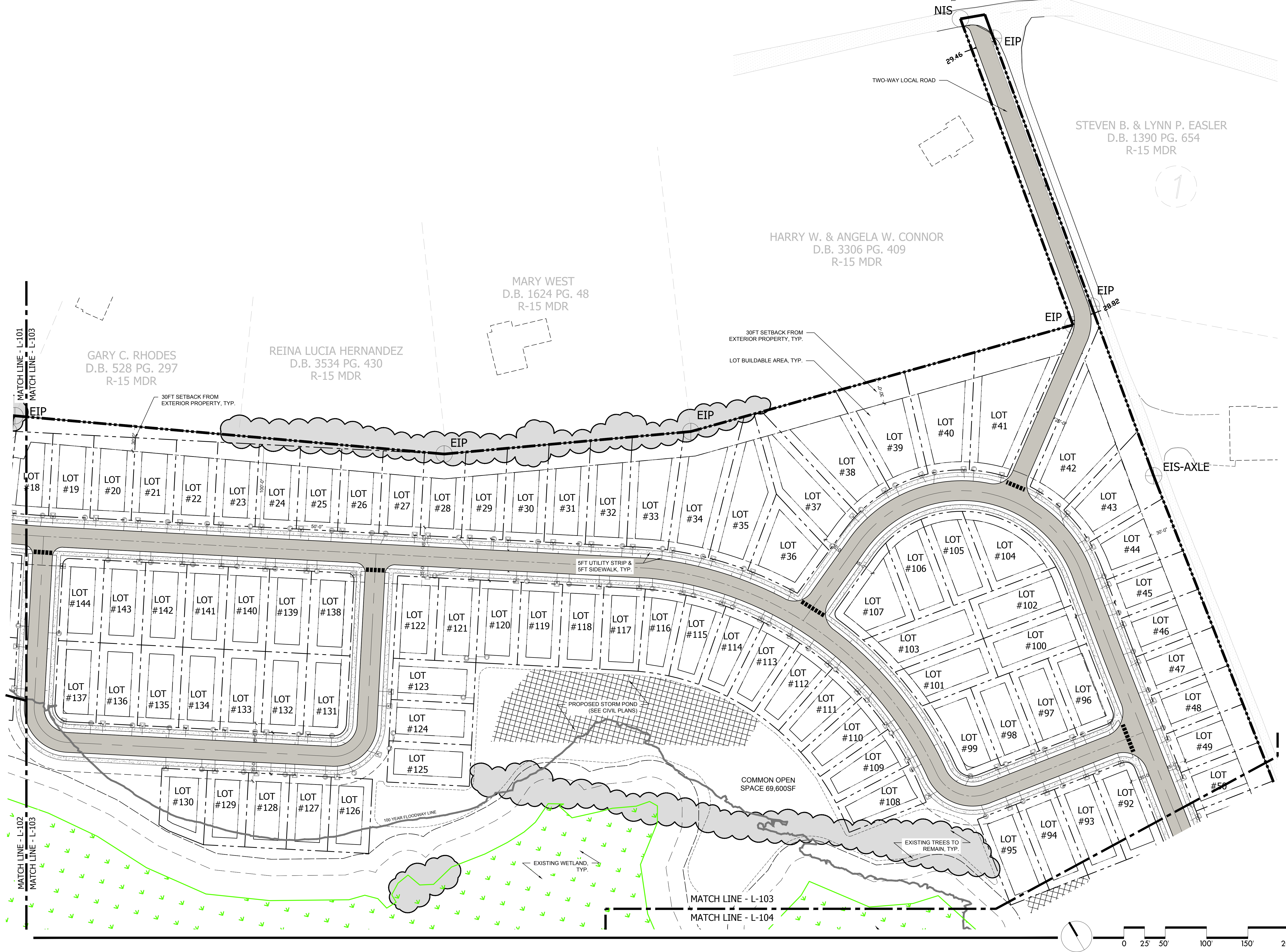
DATE:
03.02.2021

SHEET TITLE:

PRELIMINARY
SITE PLAN

SHEET NO.

L-103



WASHBURN PROPERTY
DEVELOPMENT

PREPARED FOR:

REVISIONS		
NO.	REMARKS	DATE
1	TRC COMMENTS	12.17.2021
2	TRC COMMENTS	1.21.2022
3	REVISIONS	3.02.2022

CONDITIONAL ZONING REVIEW

DATE:
03.02.2021

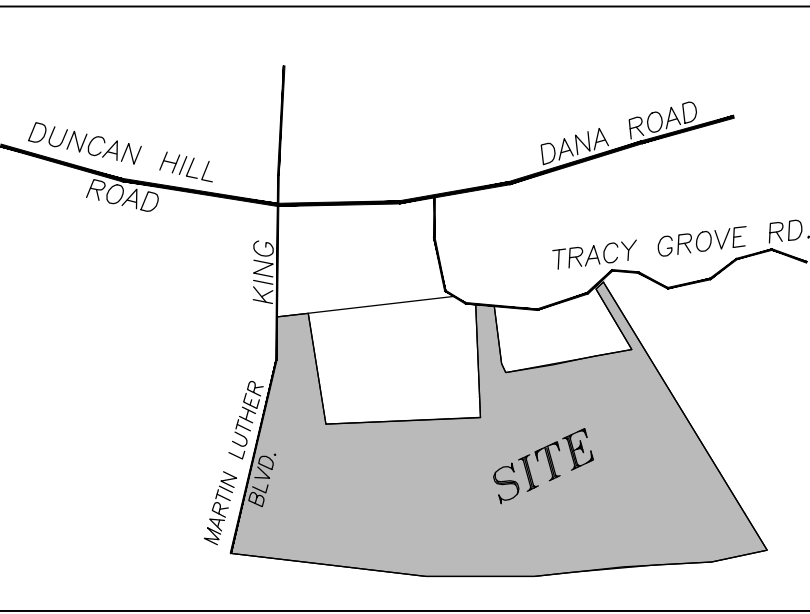
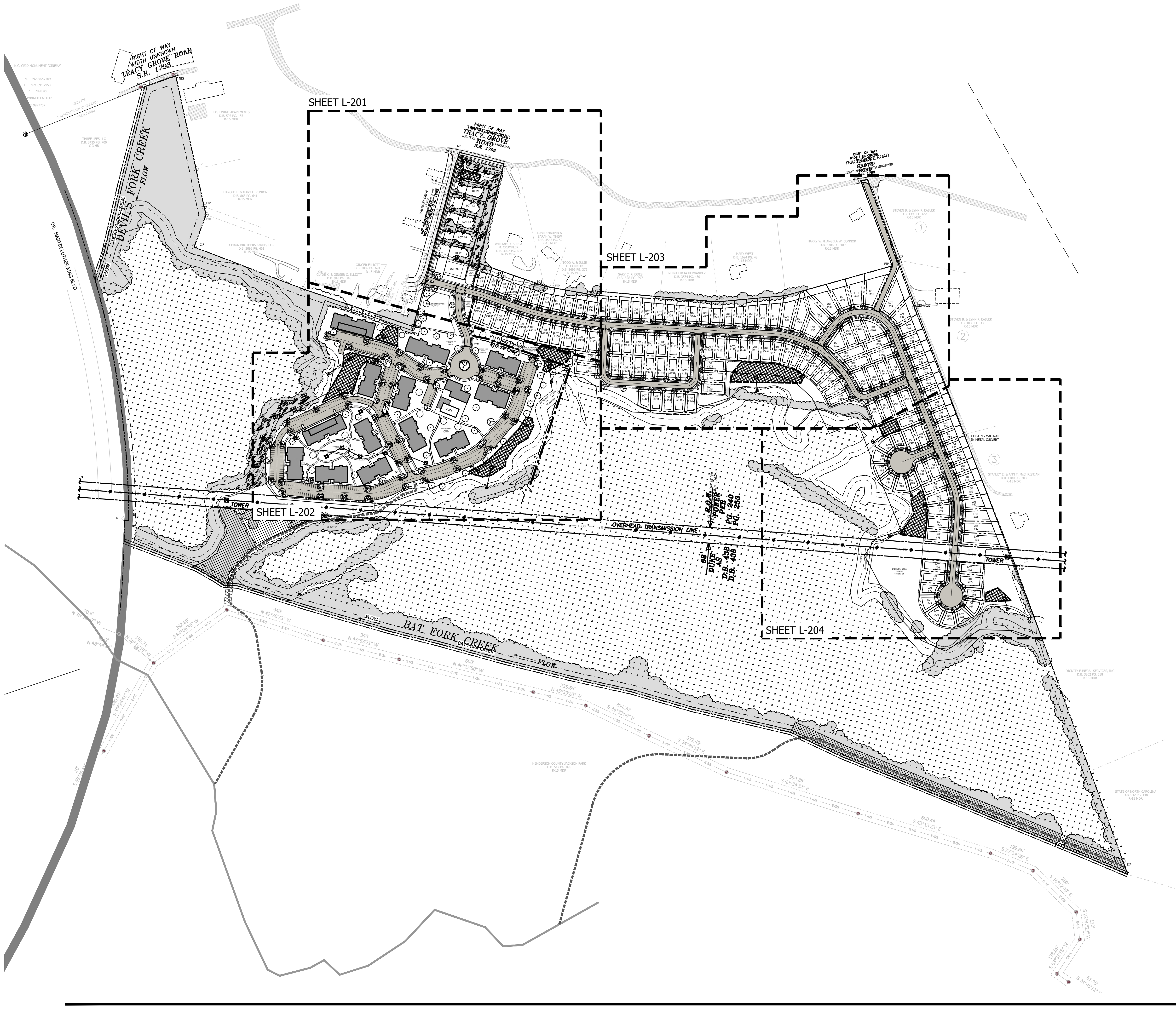
SHEET TITLE:

PRELIMINARY SITE PLAN

SHEET NO.

L-104





PROPERTY OWNER:
THOMAS, MARGARET S TRUSTEE; ROYCE P THOMAS TRUST; THOMAS, MARGARET S; THOMAS, CHARLES W TRUSTEE; THOMAS, DORA E TRUSTEE; CHARLES W THOMAS AND DORA E THOMAS
830 4TH AVE W – HENDERSONVILLE, NC 28739; 5050 E SAINT ANDREWS DR – TUCSON, AZ 85718

DEVELOPER CONTACT:
MIKE WASHBURN
PO BOX 898 – SULLIVANS ISLAND, SC 29842
828-343-3947

LANDSCAPE ARCHITECT:
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SURVEYOR:
WAGGONER & RHODES LAND SURVEYORS, INC.
545 OLD SPARTANBURG ROAD
HENDERSONVILLE, NC 28792
828.693.1022

ZONING:
CURRENT ZONING: PRD PLANNED RESIDENTIAL DEVELOPMENT
PROPOSED ZONING: PRD PLANNED RESIDENTIAL DEVELOPMENT
CONDITIONAL ZONING DISTRICT CLASSIFICATION

PROPOSED USE: RESIDENTIAL
300 APARTMENT UNITS
160 SINGLE FAMILY HOME LOTS

PIN: 9578-39-5229

SIZE OF PROPERTY: 161.47 AC

PARKING REQUIREMENTS:

REQUIRED AT 1.5 SPACES PER 1-2 BEDROOM UNIT & 2 SPACES PER 3+ BEDROOM UNIT
PROPOSED APARTMENT BUILDING UNITS: 270 UNITS (1-2 BEDROOMS) + 30 UNITS (3 BEDROOMS)
REQUIRED PARKING = 465 SPACES
PROVIDED PARKING = 515 SPACES

LANDSCAPE REQUIREMENTS:

BUFFERYARD:
NONE REQUIRED

PARKING LOT LANDSCAPE REQUIREMENTS (VUA):

1 TREE / 2 SHRUBS PER 4,000 SF OF VEHICULAR USE AREA (VUA)
TOTAL SQUARE FOOTAGE OF VUA = 348,646 SF
PLANTINGS REQUIRED = 47 TREES / 93 SHRUBS
NUMBER OF TREES PROVIDED = 57 TREES
NUMBER OF SHRUBS PROVIDED = 184 SHRUBS
*NO SINGLE TREE SPECIES SHALL COMPRISE OF MORE THAN 25% OF TREES PLANTED.

STREET TREE NOT REQUIRED YET PROPOSED (ST):

NUMBER OF STREET TREES PROVIDED = 173 TREES
*NO SINGLE TREE SPECIES SHALL COMPRISE OF MORE THAN 25% OF TREES PLANTED.

SCREENING LANDSCAPE REQUIREMENT (SP):

5FT PLANTING STRIP REQUIRED AROUND DUMPSTER FENCE.
NUMBER OF SCREEN PLANTS PROVIDED = 14

PLANTING STRIP LANDSCAPE REQUIREMENT (PS):

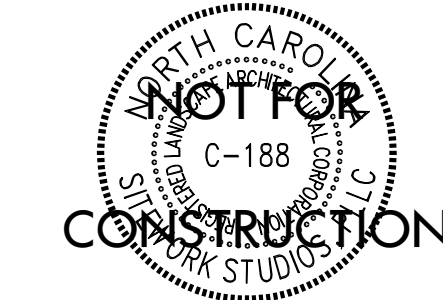
NONE REQUIRED

STREET BUFFER LANDSCAPE REQUIREMENTS:

NONE REQUIRED

ADDITIONAL LANDSCAPE:

84 DECIDUOUS / EVERGREEN LANDSCAPE AND SCREEN TREES.



WASHBURN PROPERTY DEVELOPMENT

PREPARED FOR:

REVISIONS		
NO.	REMARKS	DATE
1	TRC COMMENTS	12.17.2021
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3	REVISIONS	3.02.2022

CONDITIONAL ZONING REVIEW

DATE:
03.02.22

SHEET TITLE:

PRELIMINARY LANDSCAPE PLAN REFERENCE SHEET

SHEET NO.

L-200



WASHBURN PROPERTY
DEVELOPMENT

PREPARED FOR:

REVISIONS

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CONDITIONAL
ZONING REVIEW

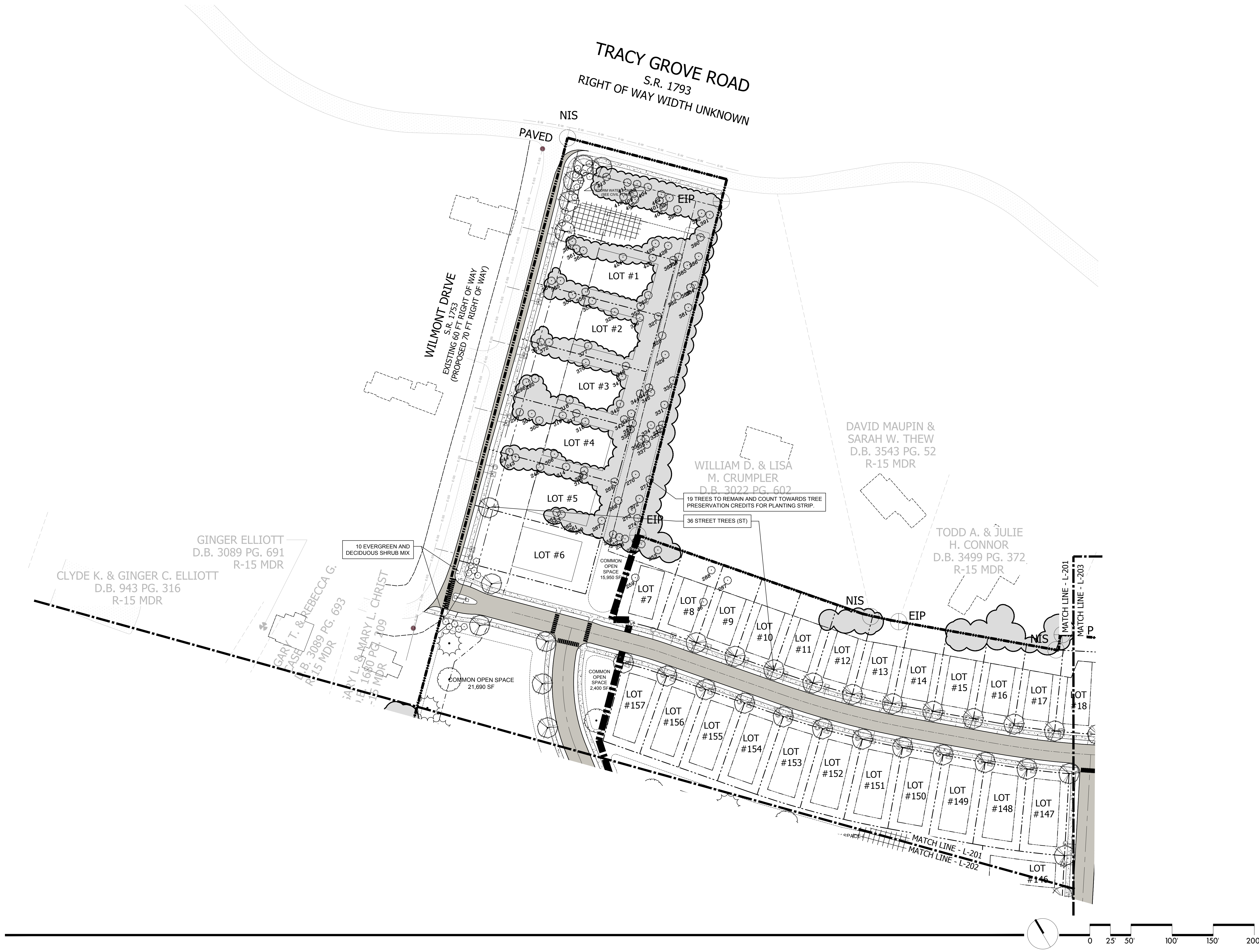
DATE:
03.02.2021

SHEET TITLE:

PRELIMINARY
LANDSCAPE PLAN

SHEET NO.

L-201





WASHBURN PROPERTY
DEVELOPMENT

PREPARED FOR:

REVISIONS

NO.	REMARKS	DATE
1	TRC COMMENTS	12.17.2021
2	TRC COMMENTS	1.21.2022
3	REVISIONS	3.02.2022

CONDITIONAL
ZONING REVIEW

DATE:
03.02.2021

SHEET TITLE:

PRELIMINARY
LANDSCAPE PLAN

SHEET NO.

L-202



WASHBURN PROPERTY
DEVELOPMENT

PREPARED FOR:

REVISIONS		
NO.	REMARKS	DATE
1	TRC COMMENTS	12.17.2021
2	TRC COMMENTS	1.21.2022
3	REVISIONS	3.02.2022

CONDITIONAL ZONING REVIEW

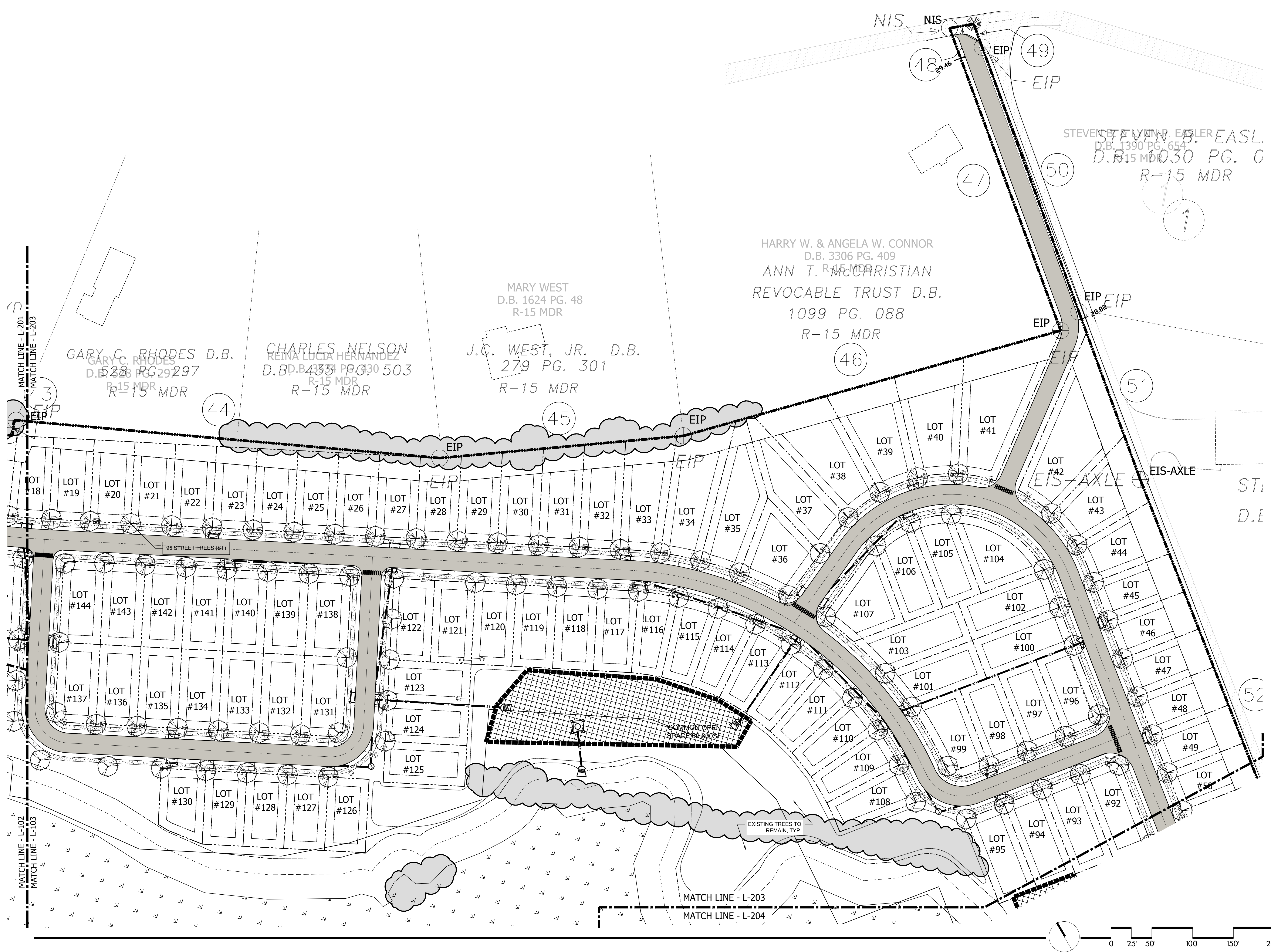
DATE:
03.02.2021

SHEET TITLE:

PRELIMINARY LANDSCAPE PLAN

SHEET NO.

L-203





WASHBURN PROPERTY
DEVELOPMENT

PREPARED FOR:

REVISIONS

NO.	REMARKS	DATE
1	TRC COMMENTS	12.17.2021
2	TRC COMMENTS	1.21.2022
3	REVISIONS	3.02.2022

CONDITIONAL
ZONING REVIEW

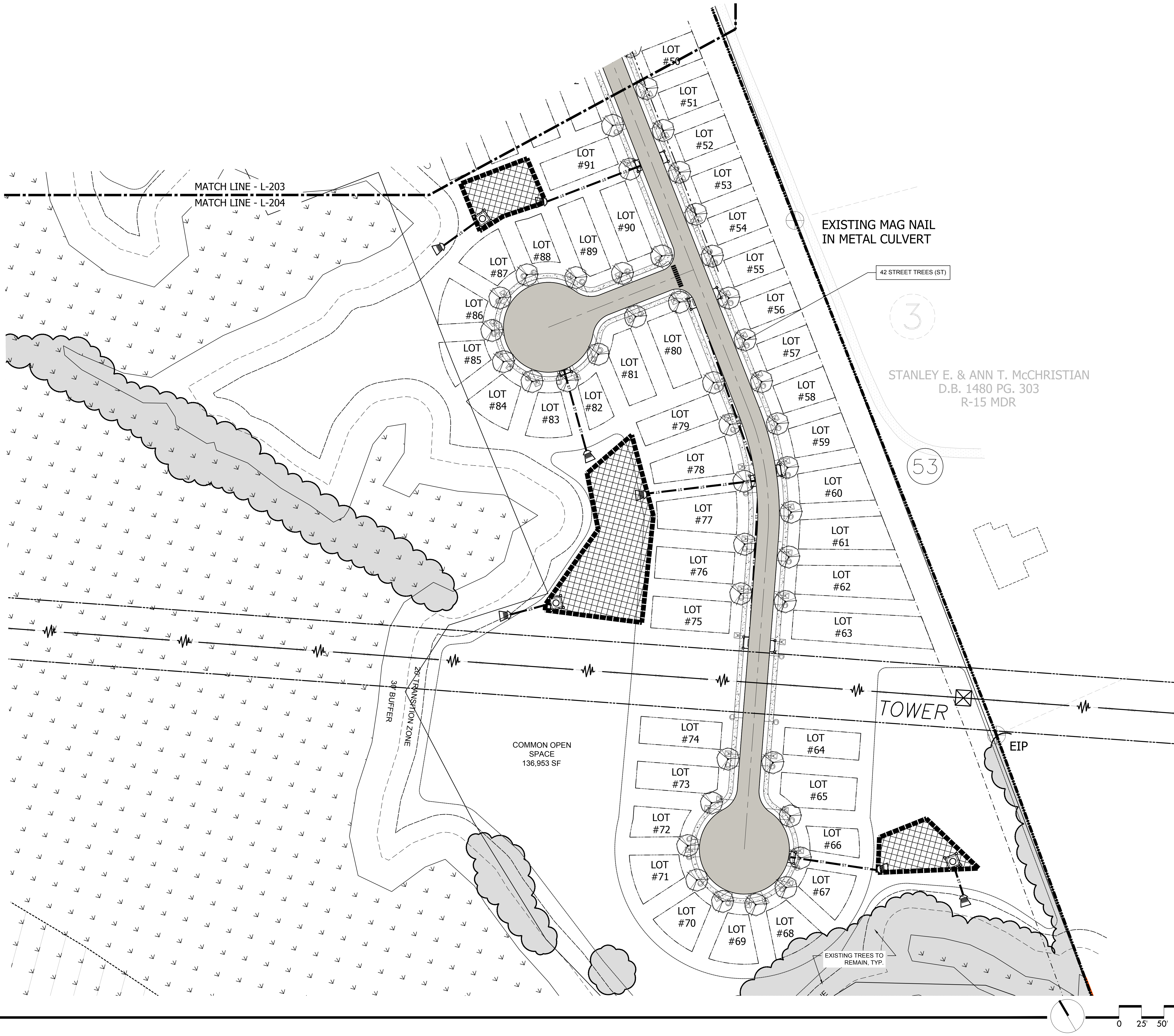
DATE:
03.02.2021

SHEET TITLE:

PRELIMINARY
LANDSCAPE PLAN

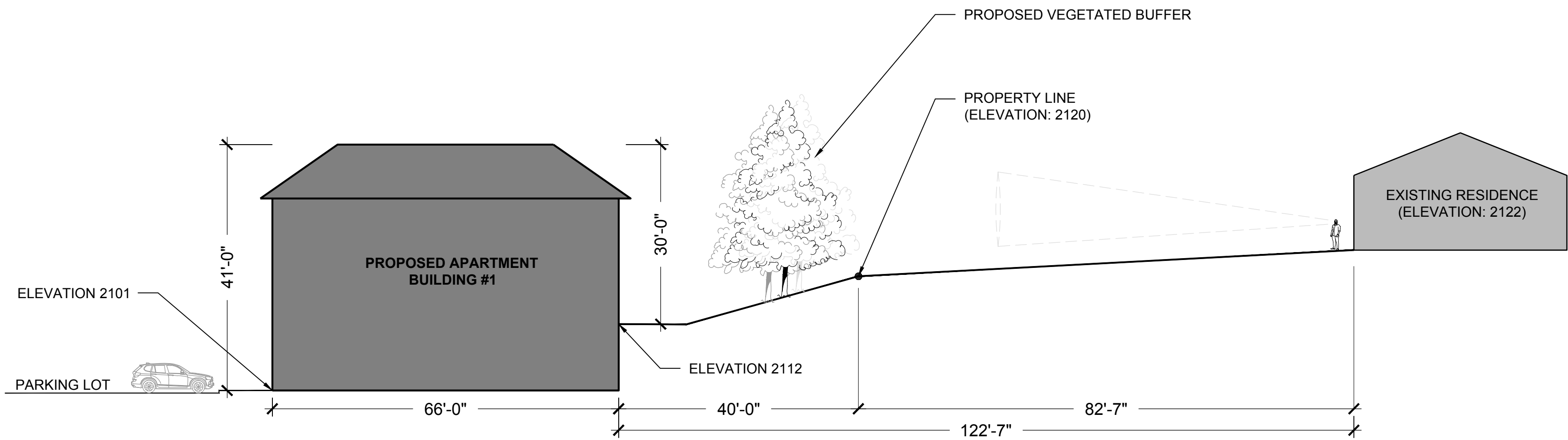
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L-204

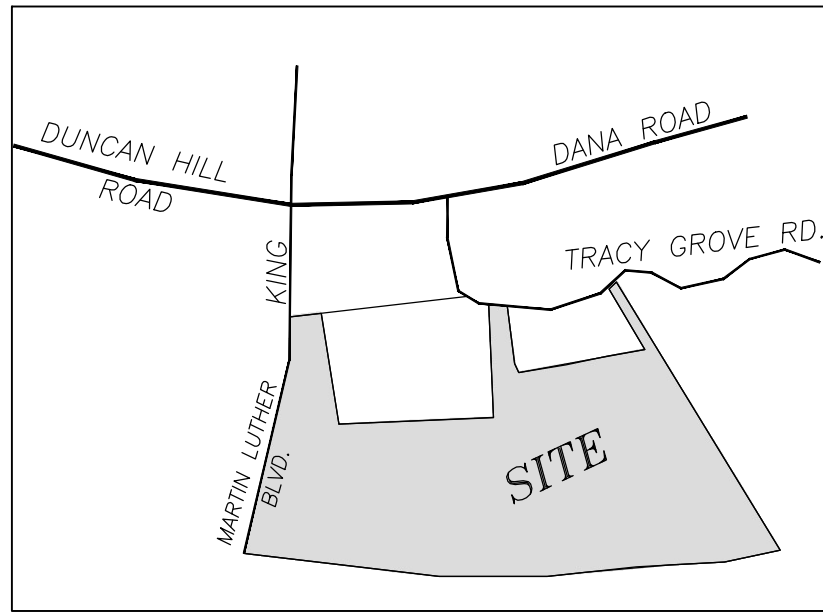




SHADOW STUDY AREA
SCALE: 1"=100'



APARTMENT AND ADJACENT PROPERTY SECTION
SCALE: 1"=100'



VICINITY MAP - NTS

sitework
STUDIOS

LANDSCAPE ARCHITECTURE
82 Patton Avenue | Suite 700 | Asheville, NC 28801 | 828.225.0945



WASHBURN PROPERTY
DEVELOPMENT

PREPARED FOR:

REVISIONS

NO.	REMARKS	DATE

CONDITIONAL
ZONING REVIEW

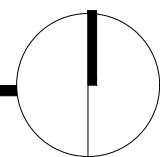
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12.21.2021

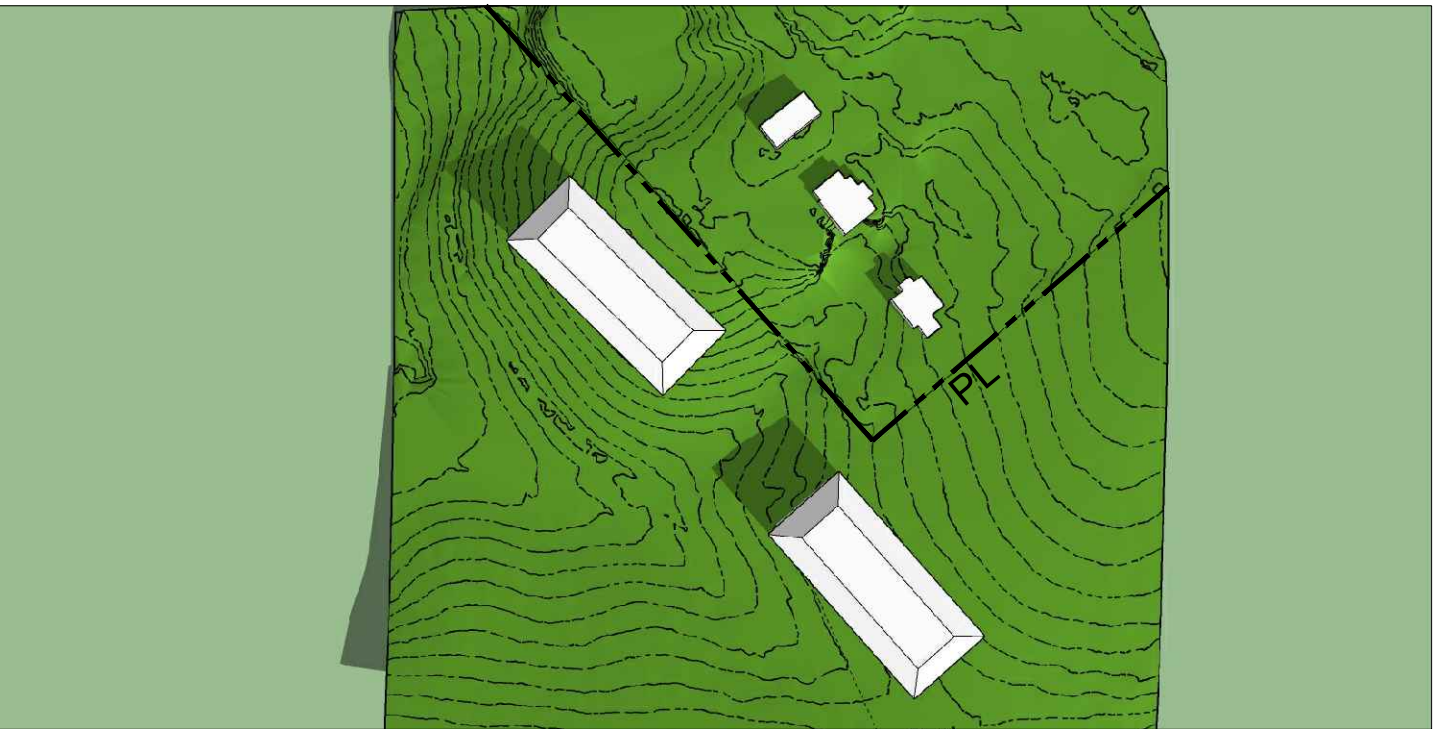
SHEET TITLE:

SHADOW
STUDY PLAN

SHEET NO.

L-600

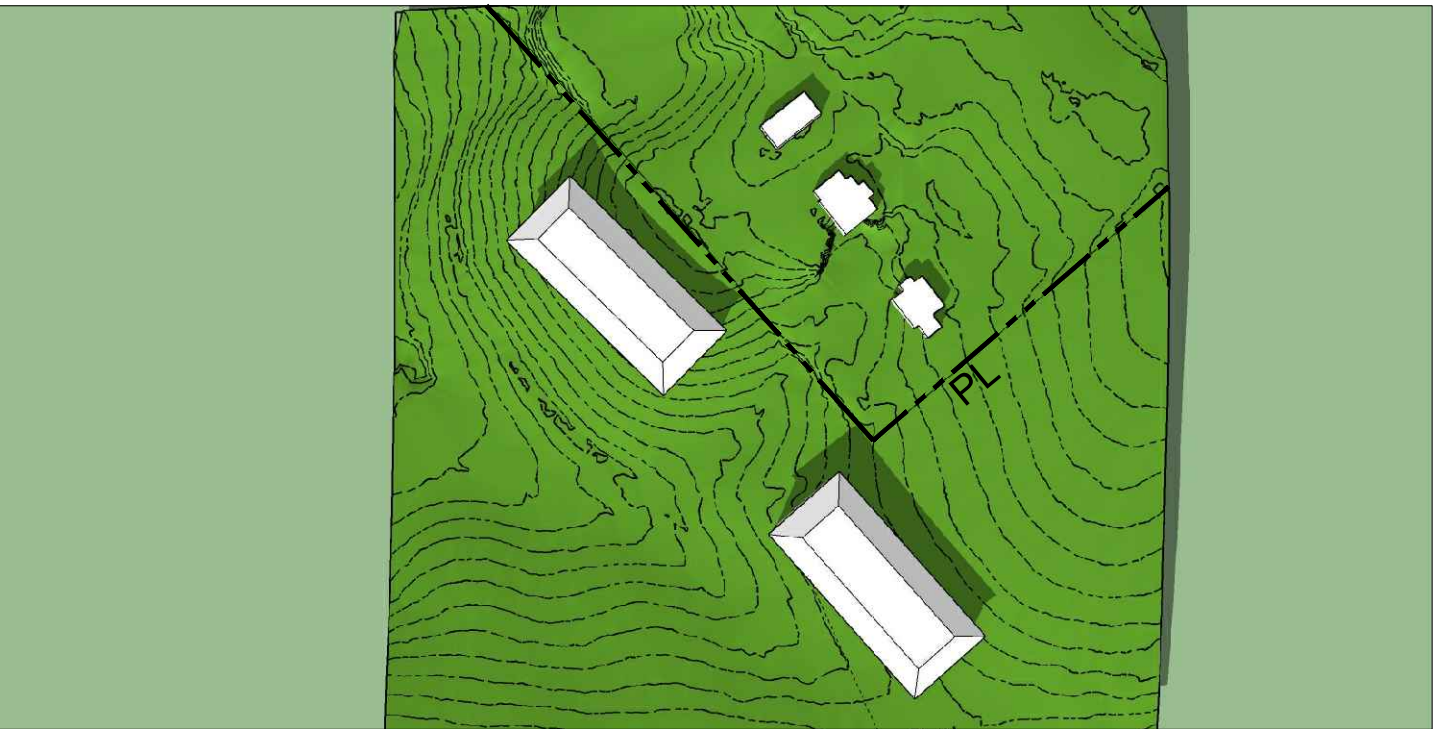




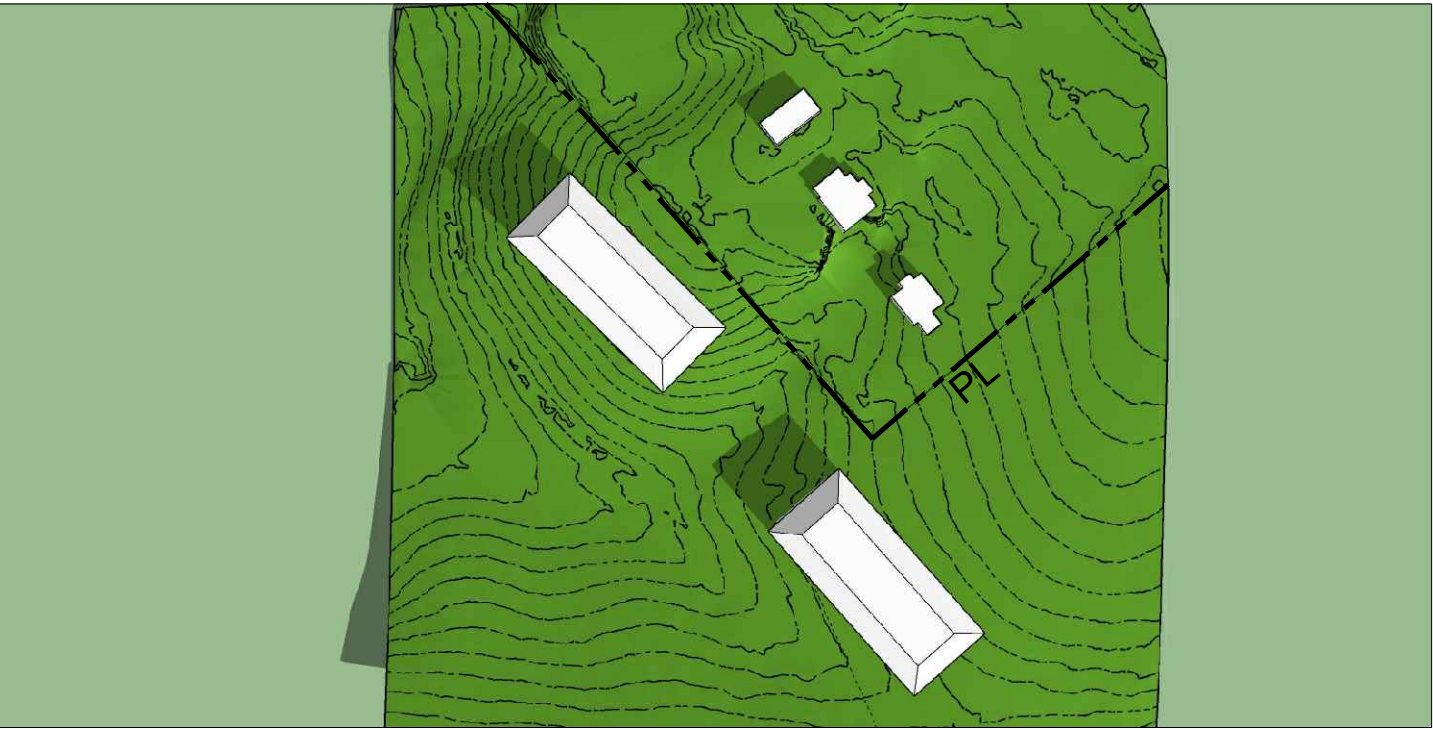
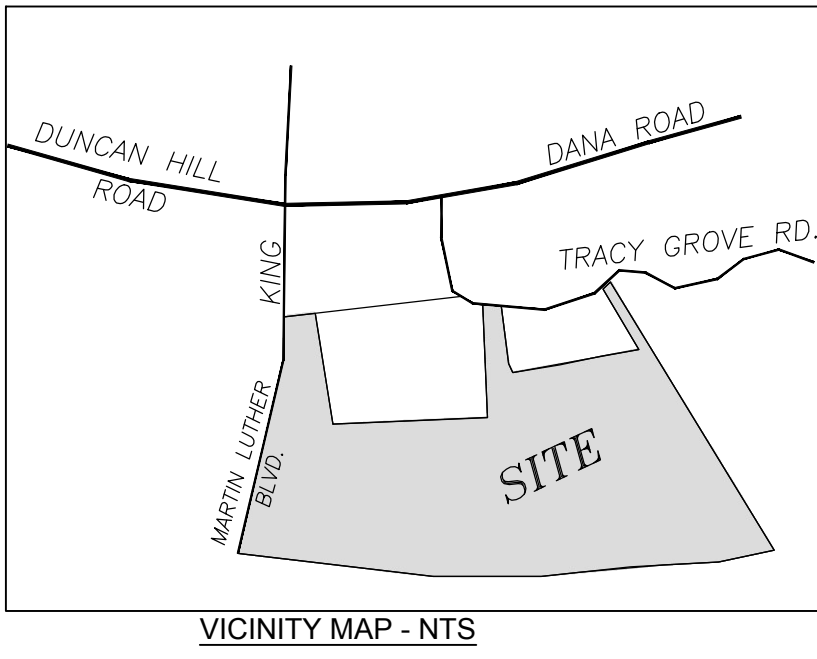
JANUARY 1ST - 10AM
NTS



JANUARY 1ST - 12PM
NTS



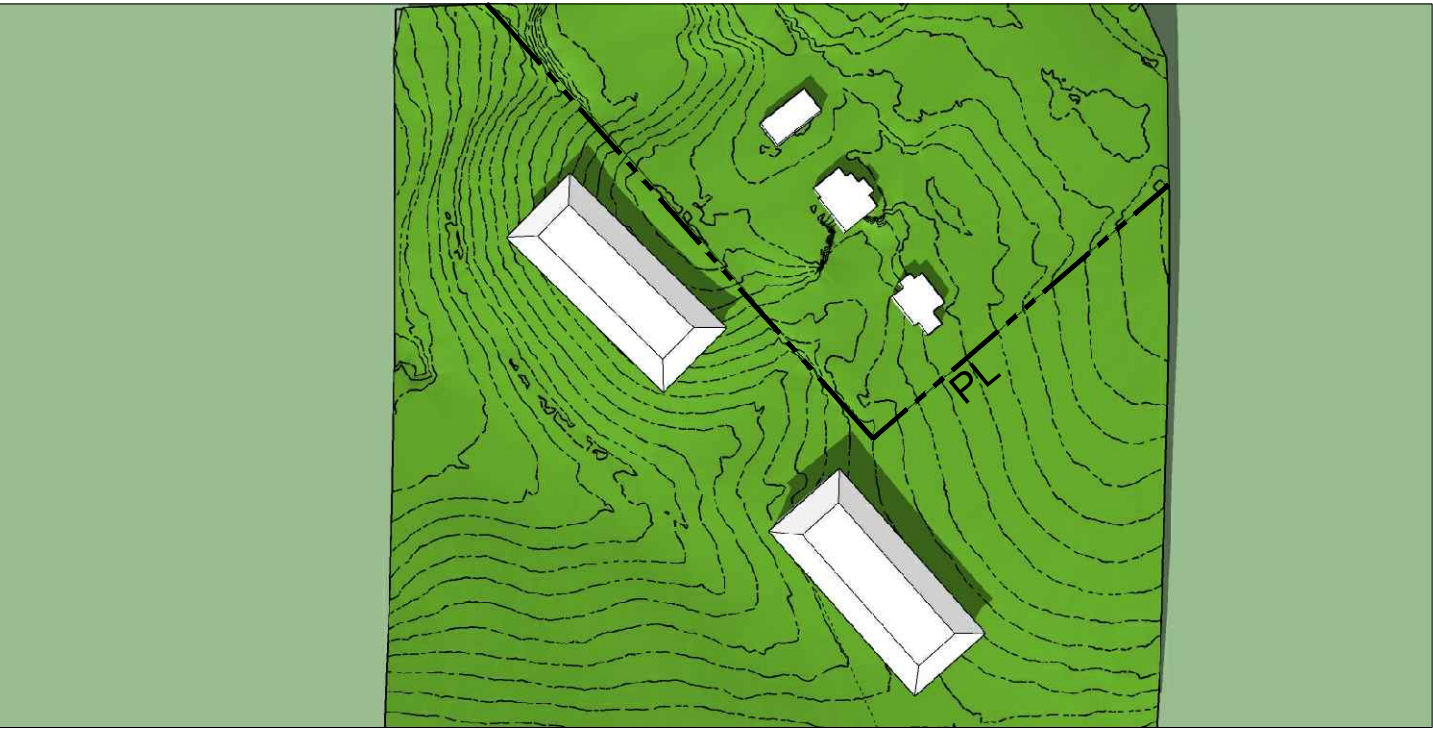
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NTS



FEBRUARY 1ST - 10AM
NTS



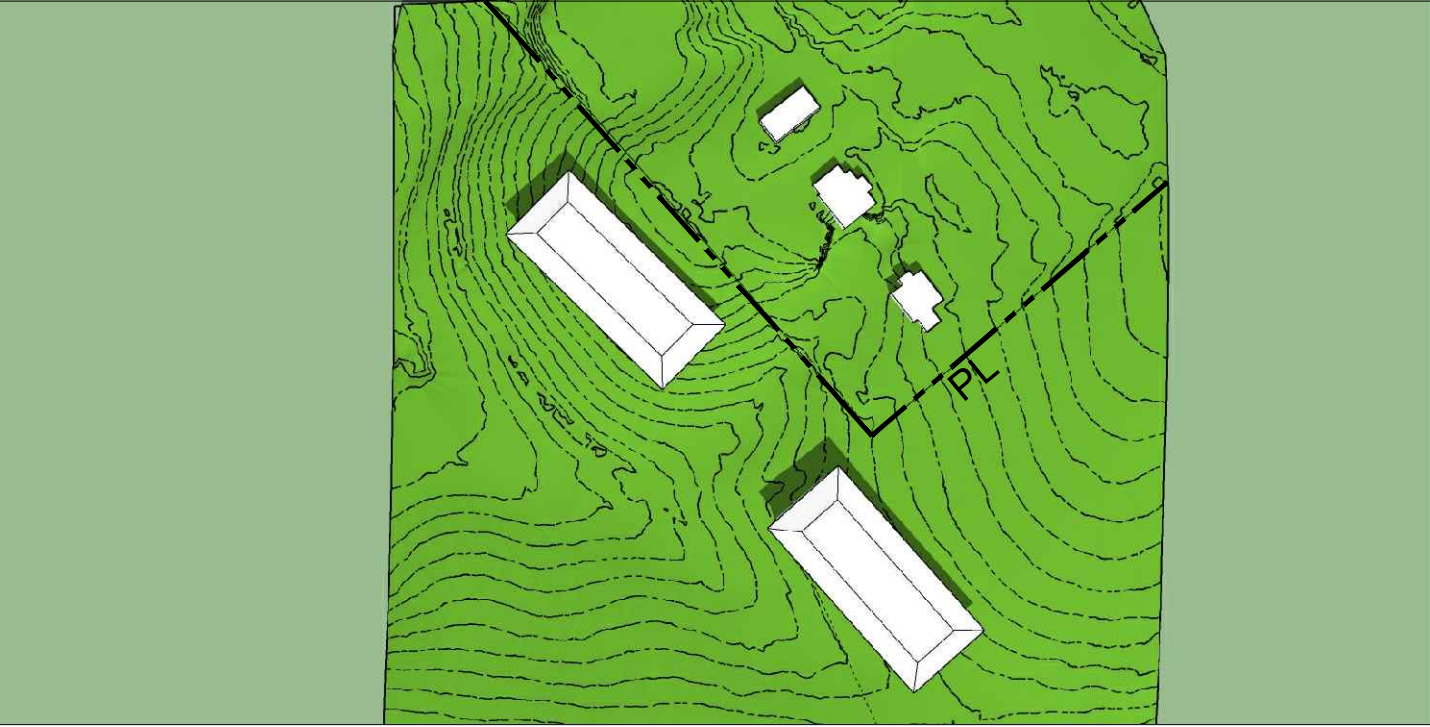
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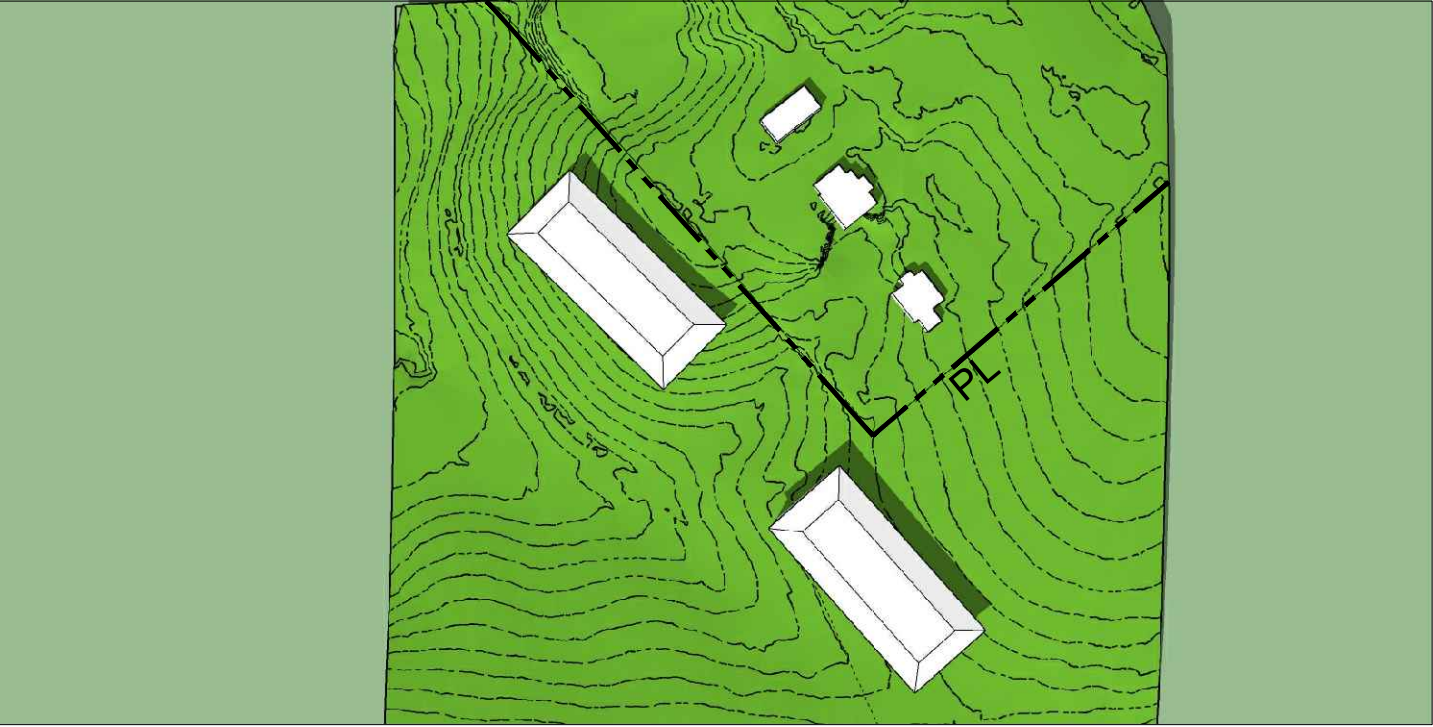
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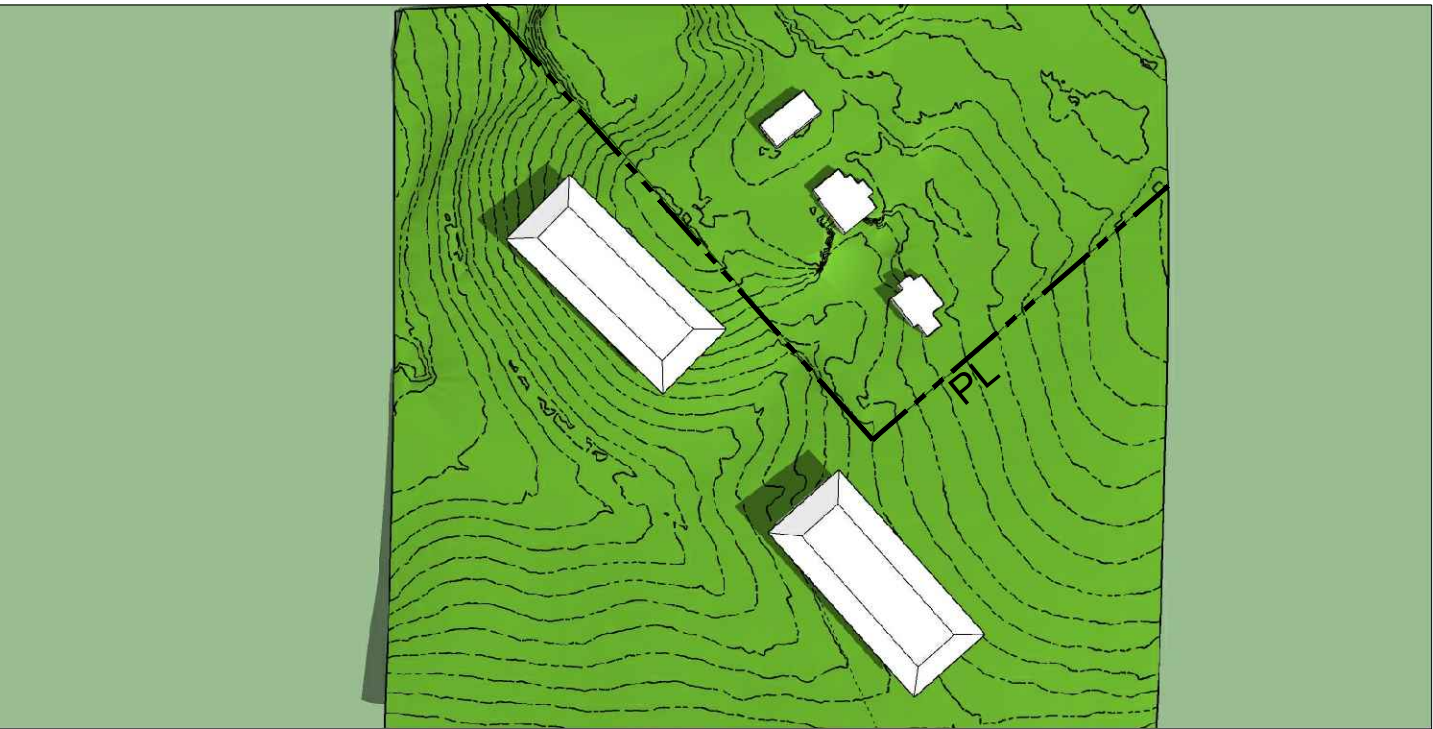
MARCH 1ST - 10AM
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MARCH 1ST - 12PM
NTS



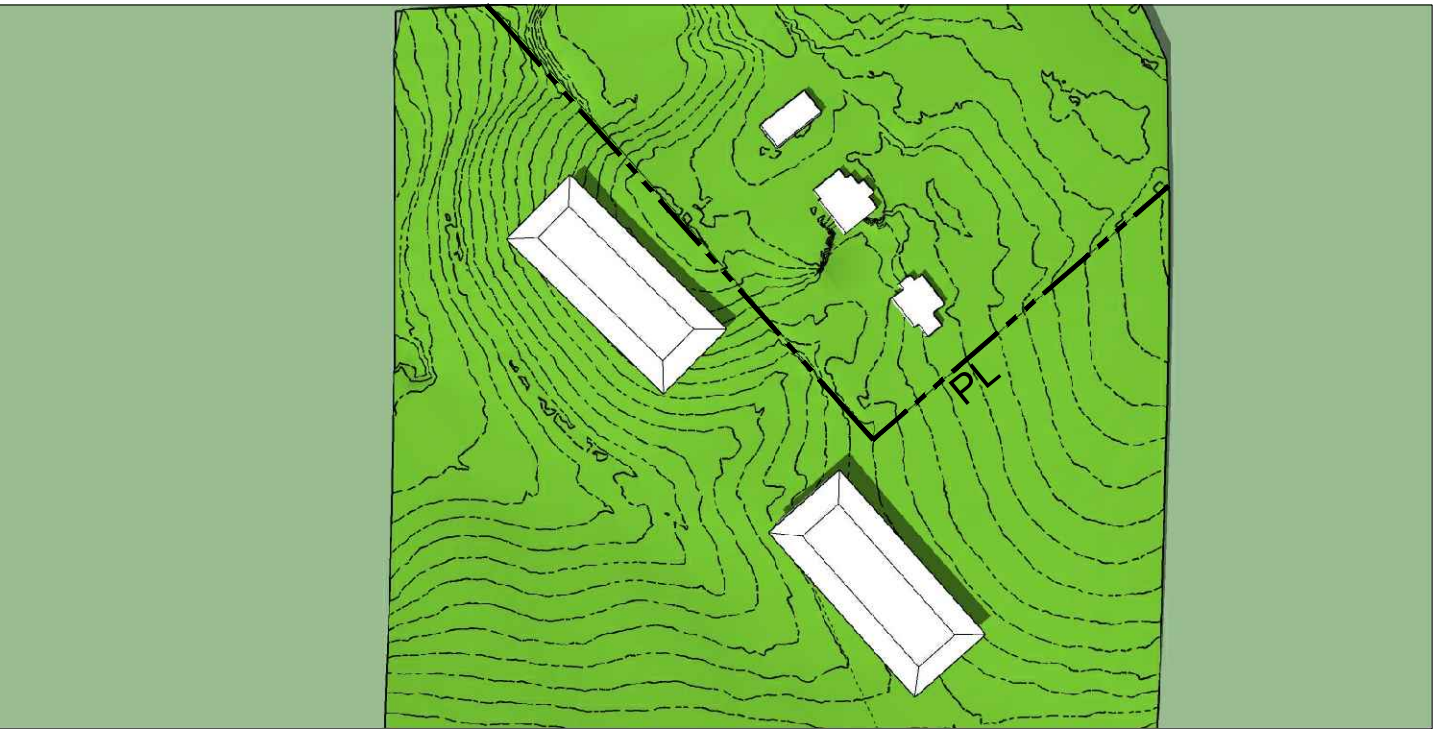
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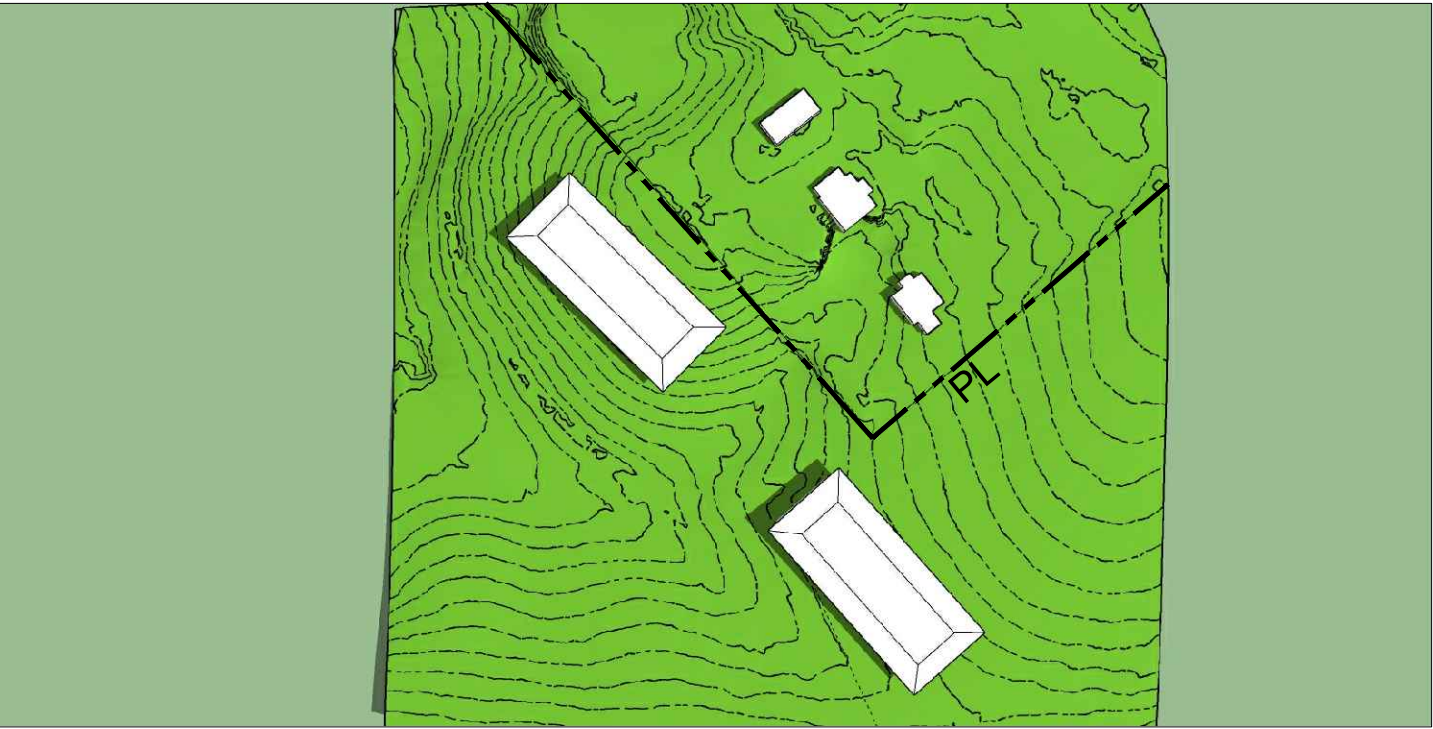
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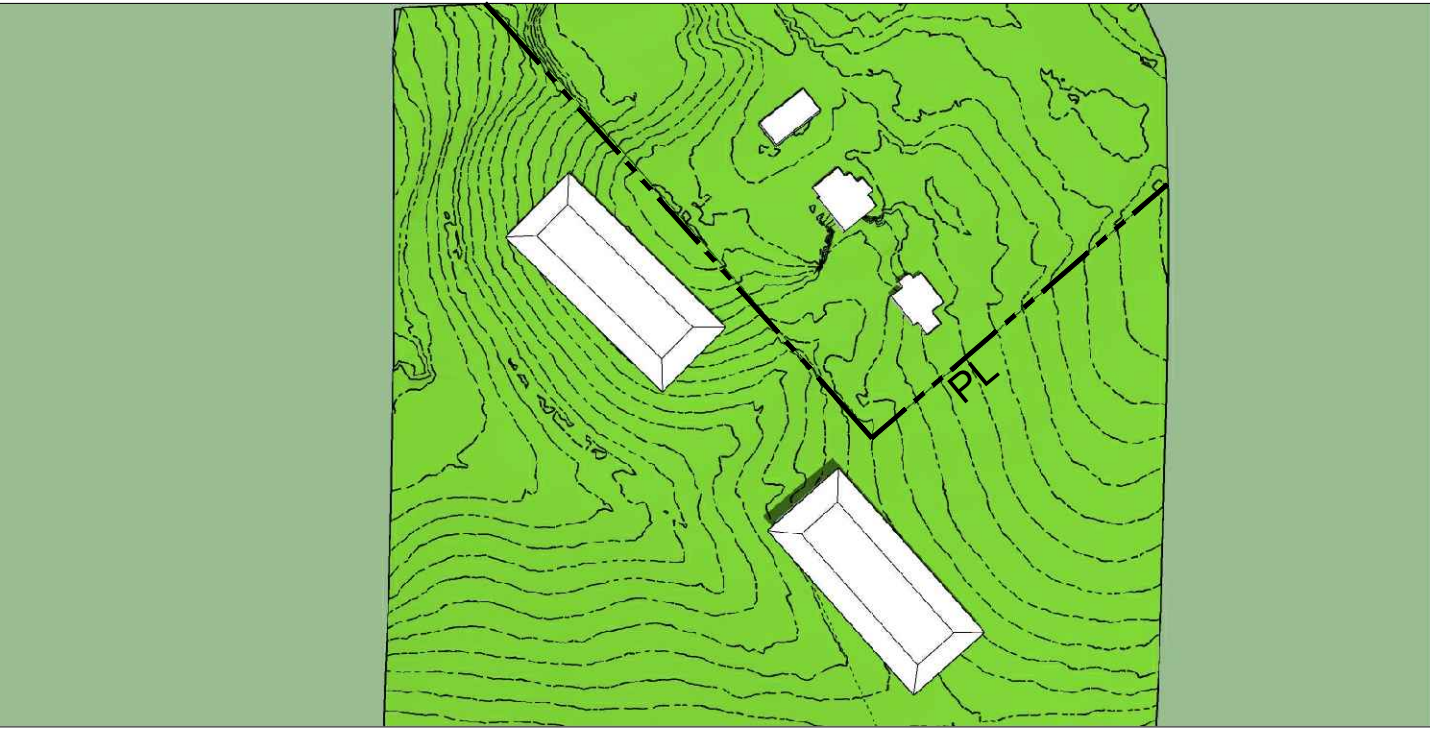
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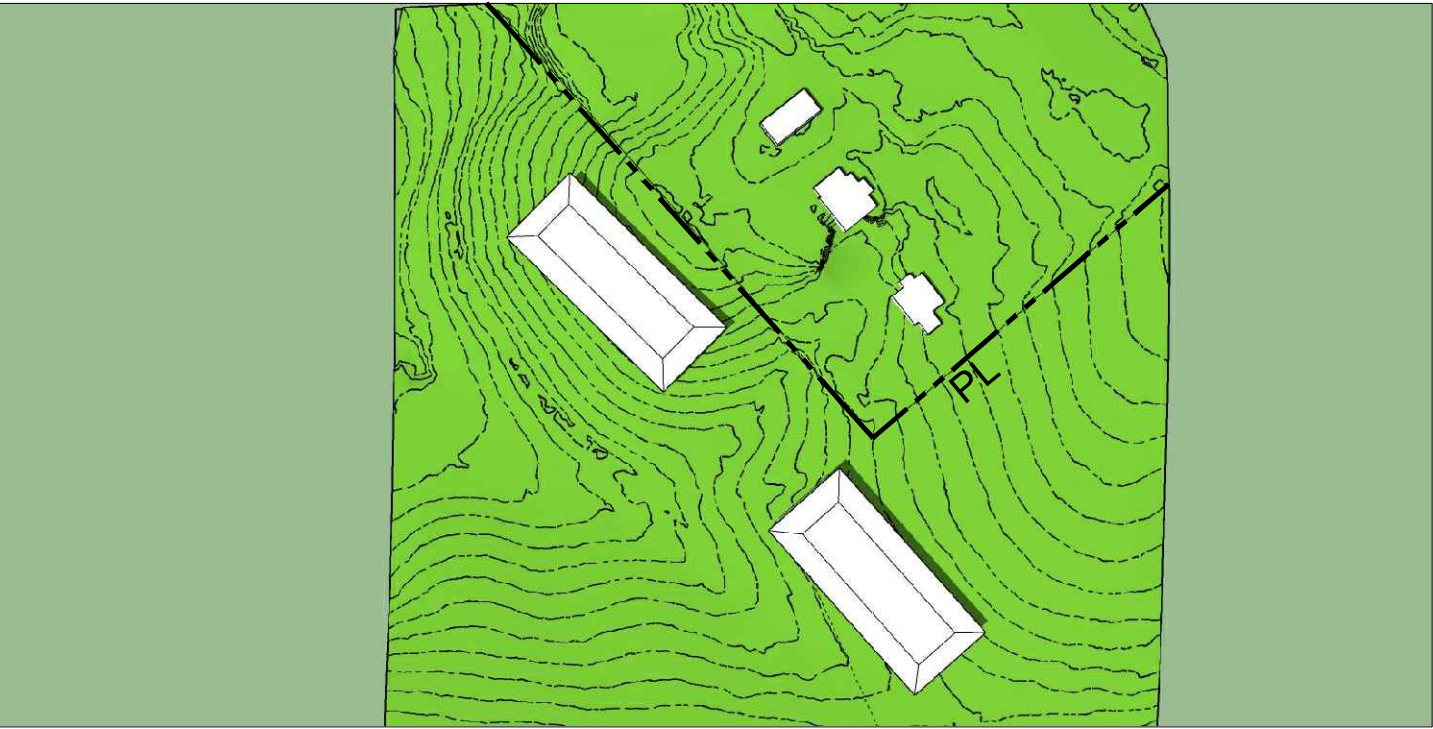
APRIL 1ST - 2 PM
NTS



MAY 1ST - 10AM
NTS



MAY 1ST - 12PM
NTS



MAY 1ST - 2 PM
NTS

sitework
STUDIOS

LANDSCAPE ARCHITECTURE
80 Patton Avenue | Suite 700 | Asheville, NC 28801 | 828.225.0945



WASHBURN PROPERTY
DEVELOPMENT

PREPARED FOR:

REVISIONS		
NO.	REMARKS	DATE

CONDITIONAL
ZONING REVIEW

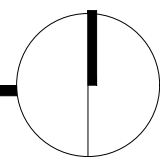
DATE:
12.21.2021

SHEET TITLE:

SHADOW
STUDY PLAN

SHEET NO.

L-601



——— EXIST. BOUNDARY
 - - - EXIST. ADJINER
 ■ MONUMENT FOUND
 ● REBAR FOUND
 ● IRON PIPE FOUND
 ● NAIL FOUND
 ● CORNER TREE FOUND
 - . . . EXIST. STREAM
 - - - EXIST. STREAM BUFFER
 - - - EXIST. WETLAND

 EXIST. FEMA NON-ENCROACHMENT
 EXIST. FEMA FLOOD HAZARD AREA (1%)
 EXIST. FEMA FLOOD HAZARD AREA (0.2%)
 - - - EXIST. RIGHT OF WAY
 - - - EXIST. EASEMENT
 - - - EXIST. BUILDING SETBACK
 [] EXISTING BUILDING

 EXISTING SIDEWALK

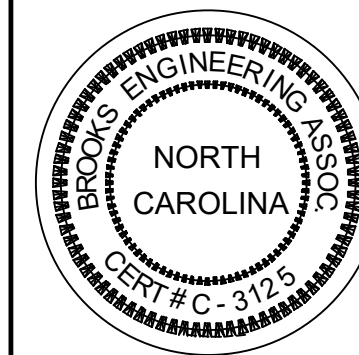
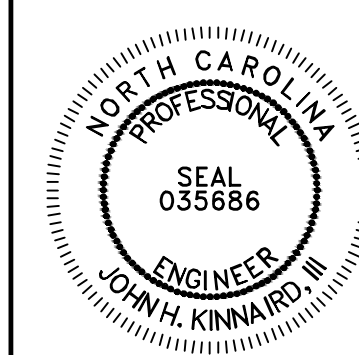
 EXISTING PAVEMENT

 EXISTING GRAVEL
 ——— EXIST. CURB
 (S) EXIST. MANHOLE
 ——— E-SS EXIST. SANITARY SEWER
 ——— E-W EXIST. WATER LINE
 EXIST. WATER METER
 EXIST. FIRE HYDRANT
 EXIST. WATER VALVE
 EXIST. OVERHEAD UTILITIES
 EXIST. POWER POLE
 EXIST. UNDERGRD UTILITIES
 ——— E-U EXIST. STORM DRAIN
 ——— E-ST EXIST. CURB INLET
 - - - EXIST. MINOR CONTOUR
 - - - EXIST. MAJOR CONTOUR
 - - - ELEV
 (C) EXIST. TREE



No.	REVISIONS/SUBMISSIONS	Date
1	WATER & SEWER ALLOCATIONS	10-05-2021
2	CZD SUBMISSION	12-03-2021
3	CZD RESUBMISSION	12-17-2021
4	CZD RESUBMISSION	01-21-2022
5	SITE PLAN REVISIONS	03-02-22

Revision/Submitter number with a triangle indicates changes made on this sheet



PRELIMINARY - NOT FOR
CONSTRUCTION

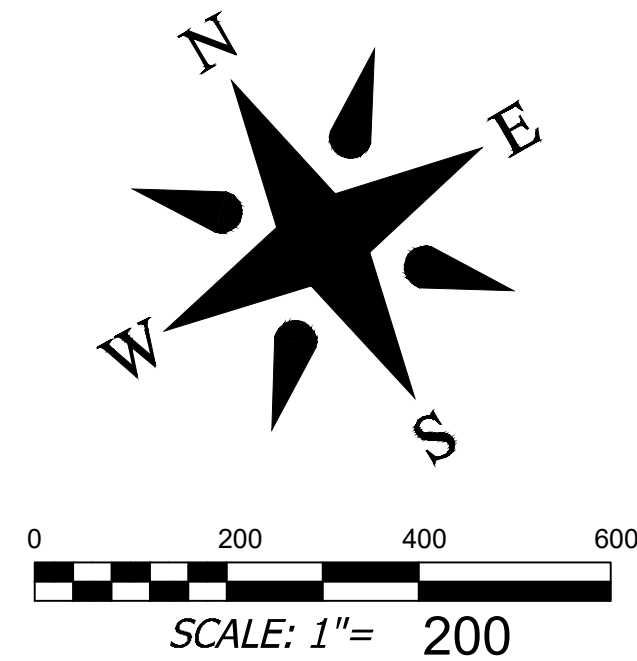
Designed: EJH	Reviewed: JHK
Drawn: LBC	Scale: AS NOTED
Checked: EJH	Date: 03-02-2022

15 Arlington Street
 Asheville, N.C. 28801
 Phone: 1-828-232-4700
 Fax: 1-828-232-1331
 www.brooksea.com



**Planning • Engineering • Surveying
• Environmental Services •**

Project No: 543521L	<p style="text-align: center;">LOVE STOCKPILE</p> <p style="text-align: center;">CONDITIONAL ZONING REVIEW</p>	HENDERSON COUNTY	NORTH CAROLINA
C-2.0		<p>Drawing Title:</p> <p style="text-align: center;">OVERALL EXISTING CONDITIONS & TREE SURVEY</p>	



PROPERTY ADDRESS: 1792 LOCUST GROVE RD
HENDERSOINVILLE NC 28792

PIN NUMBER: 9671-48-3594 and 9671-59-4941

PROPERTY SIZE: 97.49 AC

ZONING REVIEW: HENDERSON COUNTY

EROSION CONTROL REVIEW: HENDERSON COUNTY

STORMWATER REVIEW: HENDERSON COUNTY

ZONING CLASSIFICATION: R3

PROPOSED NUMBER OF UNITS: N/A

PROPOSED DENSITY: N/A

PROPERTY OWNERS: ROBERT T. LOVE

ROBERT T. LOVE
828-685-8775

ADDRESS: 2236 N CLEAR CREEK ROAD
HENDERSOINVILLE, NC 28792

DEVELOPER: ANDY BAKER

ADDRESS: 69 CLARK GAP ROAD
FLETCHER NC

EMAIL: ANDY@TETMCAROLINA.COM

PHONE: 616 402 0367

ENGINEER: BROOKS ENGINEERING

CONTACT: WYATT EDELSE PE

ADDRESS: 15 ARLINGTON ST
ASHEVILLE, NC 28801

EMAIL: WYDELSE@BROOKSSEA.COM

PHONE: 828-232-4700

LANDSCAPE ARCH: ----

CONTACT: ----

ADDRESS: ----

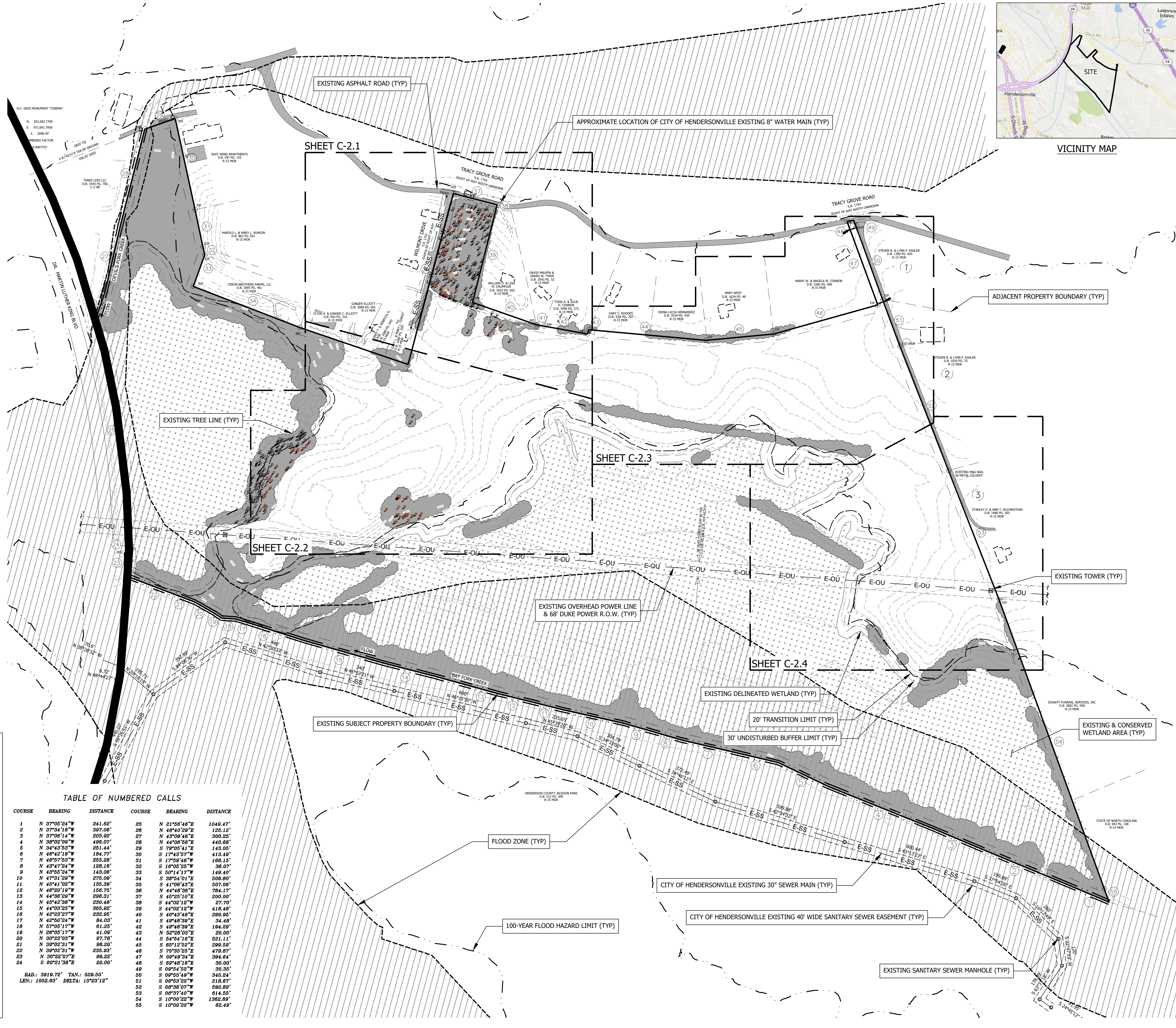
ADDRESS: ----

EMAIL: ----

PHONE: ----

TABLE OF NUMBERED CALLS					
COURSE	BEARING	DISTANCE	COURSE	BEARING	DISTANCE
1	N 37°05'24"W	241.82'	25	N 21°56'46"E	1049.47'
2	N 37°04'16"W	207.92'	26	N 49°04'29"E	125.18'
3	N 37°06'14"W	355.08'	27	N 49°00'46"E	300.25'
4	N 37°05'16"W	486.97'	28	N 47°00'55"E	168.64'
5	N 34°43'53"W	251.44'	29	S 79°05'41"E	143.05'
6	N 44°45'18"W	184.77'	30	N 74°33'57"E	413.49'
7	N 44°05'53"W	355.39'	31	S 59°52'46"E	168.64'
8	N 37°44'24"W	128.18'	32	S 10°05'25"E	36.07'
9	N 45°54'24"W	143.06'	33	N 50°14'17"W	149.40'
10	N 45°54'29"W	273.29'	34	N 47°54'01"E	168.64'
11	N 44°54'02"W	135.39'	35	N 41°08'43"E	507.06'
12	N 49°20'18"W	156.75'	36	N 44°04'38"E	784.17'
13	N 49°20'18"W	156.75'	37	S 79°05'41"E	143.05'
14	N 44°02'38"E	365.48'	38	N 44°02'12"E	27.70'
15	N 44°02'38"E	365.48'	39	S 44°02'12"E	418.48'
16	N 44°02'38"E	365.48'	40	N 49°43'49"E	299.85'
17	N 45°05'24"W	84.03'	41	N 49°43'49"E	299.85'
18	N 57°05'17"W	61.23'	42	N 49°43'49"E	184.29'
19	N 57°05'17"W	61.23'	43	N 52°26'03"E	30.00'
20	N 57°05'17"W	61.23'	44	N 52°26'03"E	30.00'
21	N 39°02'31"W	49.00'	45	S 65°15'52"E	299.59'
22	N 39°02'31"W	255.33'	46	S 79°35'25"E	478.87'
23	N 39°02'31"W	90.25'	47	N 49°04'34"E	30.00'
24	S 80°18'18"E	20.00'	48	S 79°35'25"E	30.00'
			49	S 09°54'52"E	30.35'
			50	S 09°54'59"E	345.24'
			51	S 09°53'52"E	218.67'

TURN: 391.91° TURN: 529.50°
LEN: 1052.63' DELTA: 15°23'12"



--- EXIST. BOUNDARY
 --- EXIST. ADJOINER
 ■ MONUMENT FOUND
 ● REBAR FOUND
 ● IRON PIPE FOUND
 ▲ NAIL FOUND
 ● CORNER TREE FOUND
 --- EXIST. STREAM
 --- EXIST. STREAM BUFFER
 --- EXIST. WETLAND

 --- EXIST. FEMA NON-ENCROACHMENT
 --- EXIST. FEMA FLOOD HAZARD AREA (1%)
 --- EXIST. FEMA FLOOD HAZARD AREA (0.2%)
 --- EXIST. RIGHT OF WAY
 --- EXIST. EASEMENT
 --- EXIST. BUILDING SETBACK
 [---] EXISTING BUILDING

 [---] EXISTING SIDEWALK

 [---] EXISTING PAVEMENT

 [---] EXISTING GRAVEL
 --- EXIST. CURB
 (S) EXIST. MANHOLE
 --- E-SS EXIST. SANITARY SEWER
 --- E-W EXIST. WATER LINE
 (WV) EXIST. WATER METER
 (HYD) EXIST. FIRE HYDRANT
 (WV) EXIST. WATER VALVE
 --- E-OU EXIST. OVERHEAD UTILITIES
 (PP) EXIST. POWER POLE
 --- E-U EXIST. UNDRGRND UTILITIES
 --- E-ST EXIST. STORM DRAIN
 [■] EXIST. CURB INLET
 --- EXIST. MINOR CONTOUR
 --- ELEV EXIST. MAJOR CONTOUR
 (●) EXIST. TREE

POINT	DESCRIPTION	POINT	DESCRIPTION	POINT	DESCRIPTION
234	14" WHITE PINE	300	12" MAPLE	387	12" WHITE OAK
235	14" POPLAR	304	14" MAPLE	388	16" WHITE PINE
236	13" WHITE OAK	305	12" BLACK PINE	389	14" BLACK PINE
237	12" WHITE PINE	306	15" BLACK PINE	370	12" BLACK PINE
238	12" WHITE PINE	307	12" BLACK PINE	371	12" BLACK PINE
239	12" WHITE PINE	308	15" WHITE PINE	372	13" BLACK PINE
240	12" BLACK OAK	309	14" BLACK OAK	373	12" BLACK PINE
241	12" BLACK OAK	310	12" BLACK OAK	374	12" WHITE OAK
242	12" BLACK OAK	311	12" BLACK OAK	375	12" WHITE OAK
243	12" BLACK OAK	312	14" BLACK OAK	376	12" WHITE OAK
244	12" BLACK OAK	313	14" MAPLE	377	13" BLACK OAK
245	12" BLACK OAK	315	12" MAPLE	378	12" BLACK OAK
246	12" BLACK OAK	315	14" BLACK OAK	381	16" BLACK OAK
247	12" BLACK OAK	316	20" BLACK OAK	382	19" WHITE OAK
248	12" BLACK OAK	317	12" BLACK PINE	383	12" WHITE OAK
252	24" MAPLE	318	14" BLACK PINE	394	12" WHITE PINE
253	20" WHITE PINE	319	14" BLACK PINE	385	14" WHITE OAK
254	20" WHITE PINE	320	12" WHITE OAK	386	16" WHITE OAK
255	19" WHITE PINE	323	20" WHITE OAK	387	16" BLACK OAK
256	16" WHITE PINE	324	28" WHITE-PINE	388	13" BLACK GUM
257	16" WHITE PINE	325	17" WHITE OAK	389	13" BLACK PINE
258	16" WHITE PINE	326	17" WHITE OAK	390	12" WHITE OAK
259	16" WHITE PINE	327	13" WHITE OAK	391	12" MAPLE
260	16" WHITE PINE	328	13" WHITE OAK	392	20" WHITE OAK
261	16" WHITE PINE	329	12" WHITE PINE OAK	393	12" WHITE OAK
262	12" WHITE PINE	330	12" BLACK PINE	394	12" BLACK OAK
263	16" WHITE PINE	331	12" BLACK PINE	395	12" BLACK PINE
264	24" WHITE PINE	332	16" MAPLE	396	20" WHITE PINE
265	16" WHITE PINE	333	13" BLACK GUM	397	16" BLACK OAK
266	16" BLACK OAK	334	12" BLACK PINE	398	16" WHITE PINE
267	14" BLACK OAK	335	14" BLACK PINE	399	13" WHITE PINE
268	14" BLACK OAK	336	14" BLACK PINE	400	14" BLACK OAK
269	14" BLACK OAK	337	13" BLACK PINE	401	12" BLACK OAK
270	12" WHITE OAK	338	12" WHITE OAK	402	12" BLACK OAK
271	16" MAPLE	339	12" BLACK OAK	403	12" BLACK OAK
272	14" WHITE PINE	340	16" BLACK PINE	404	16" BLACK OAK
273	22" WHITE OAK	341	13" BLACK PINE	407	13" BLACK OAK
274	12" BLACK OAK	342	17" BLACK PINE	408	12" WHITE OAK
275	22" TWYCAMORE	343	14" WHITE OAK	409	12" BLACK OAK
280	20" TWIN MAPLE	344	12" BLACK GUM	410	12" BLACK GUM
281	20" WHITE OAK	345	12" WHITE OAK	411	15" BLACK PINE
282	20" WHITE OAK	346	12" WHITE OAK	412	16" BLACK PINE
283	20" WHITE OAK	347	12" BLACK GUM	413	12" TRIPLE MAPLE
284	24" TWIN MAPLE	348	14" WHITE OAK	414	15" BLACK OAK
285	24" BLACK GUM	351	22" WHITE OAK	415	14" WHITE OAK
286	26" WHITE OAK	352	24" WHITE OAK	416	21" BLACK OAK
287	16" WHITE OAK	353	20" WHITE OAK	417	20" WHITE OAK
288	20" WHITE OAK	354	12" MAPLE	418	20" WHITE OAK
289	20" WHITE OAK	355	19" WHITE OAK SNAG	419	18" BLACK OAK
292	16" WHITE OAK	356	14" WHITE PINE	420	12" BLACK GUM
293	22" BLACK OAK	357	13" WHITE PINE SNAG	421	12" WHITE OAK
294	24" WHITE OAK	358	12" WHITE OAK	422	12" WHITE OAK
295	14" BLACK PINE	359	19" BLACK OAK	423	16" BLACK OAK
296	12" BLACK PINE	360	14" WHITE OAK	424	12" BLACK OAK
297	16" BLACK OAK	361	12" WHITE OAK	425	30" TWIN WHITE OAK
298	19" BLACK OAK	362	12" BLACK PINE	426	12" BLACK PINE
299	14" BLACK PINE	363	12" WHITE OAK	427	25" BLACK OAK
300	16" BLACK OAK	364	19" BLACK OAK	428	13" WHITE OAK
301	15" BLACK OAK	365	20" WHITE OAK	429	12" BLACK PINE
302	16" MAPLE	366	19" WHITE OAK		

MAP KEY

PROPERTY ADDRESS: 1792 LOCUST GROVE RD
HENDERSONVILLE NC 28792

PIN NUMBER: 9671-48-3594 and 9671-59-4941

PROPERTY SIZE: 97.49 AC

ZONING REVIEW: HENDERSONSON COUNTY

EROSION CONTROL REVIEW: HENDERSONSON COUNTY

STORMWATER REVIEW: HENDERSONSON COUNTY

ZONING CLASSIFICATION: R3

PROPOSED NUMBER OF UNITS: N/A

PROPOSED DENSITY: N/A

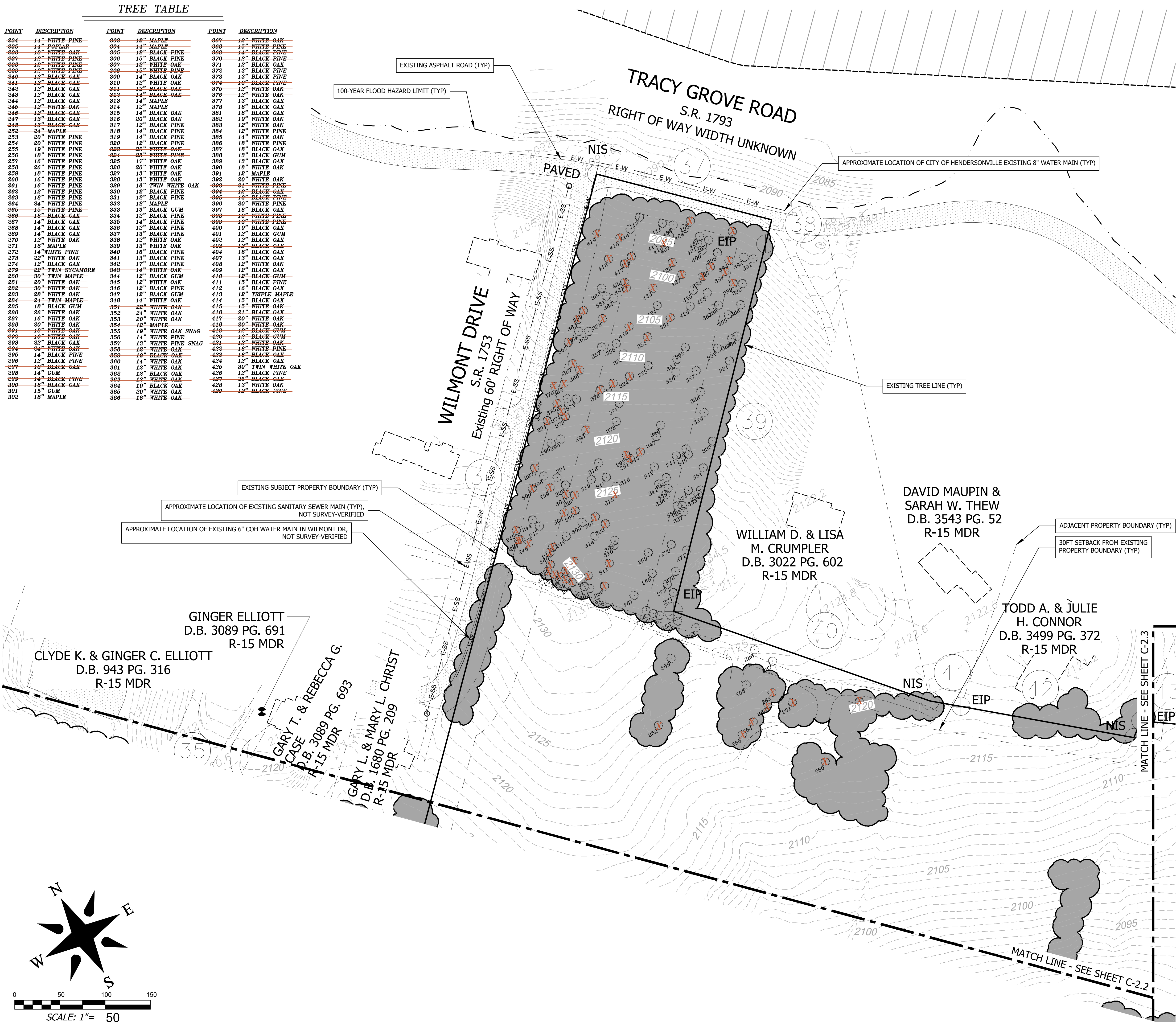
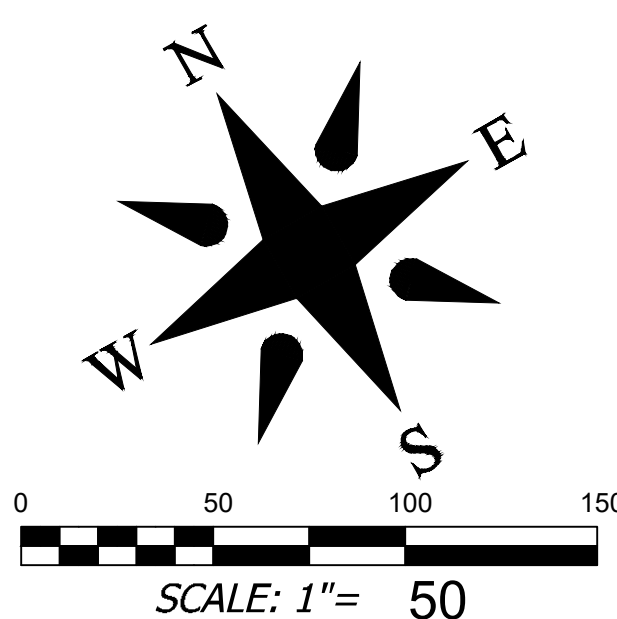
PROPERTY OWNERS: ROBERT T. LOVE



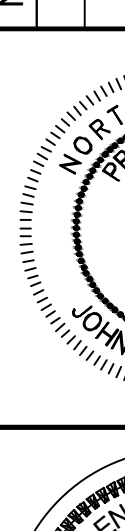
ROBERT T. LOVE
828-685-8775
ADDRESS: 2236 N CLEAR CREEK ROAD
HENDERSONVILLE, NC 28792
DEVELOPER: ANDY BAKER
ADDRESS: 69 CLARK GAP ROAD
FLETCHER NC
EMAIL: ANDY@TFMCAROLINA.COM
PHONE: 616 402 0367
ENGINEER: BROOKS ENGINEERING
CONTACT: WYATT EDSSEL PE
ADDRESS: 15 ARLINGTON ST
ASHEVILLE, NC 28801
EMAIL: WEDSEL@BROOKSEA.COM
PHONE: 828-232-4700

LANDSCAPE ARCH.: ____
CONTACT: ____
ADDRESS: ____

EMAIL: ____
PHONE: ____

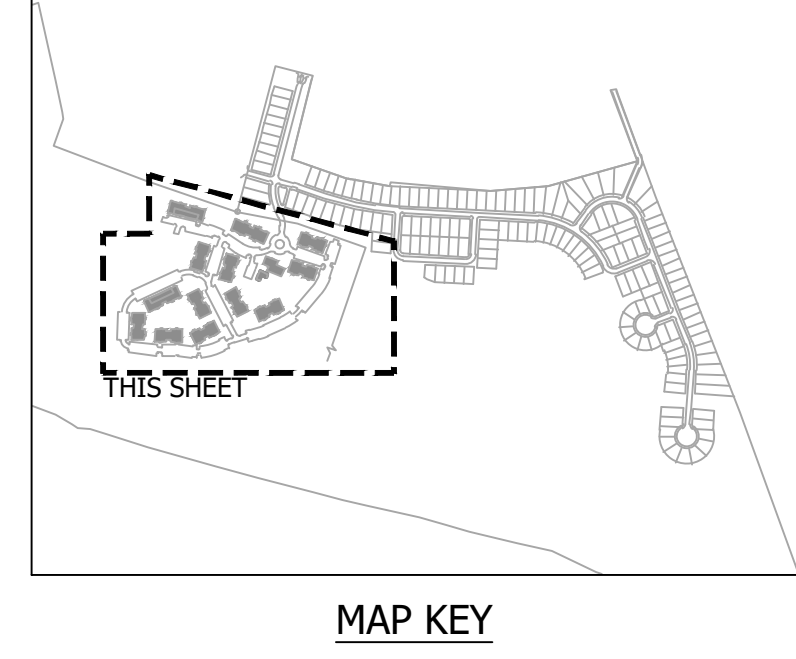
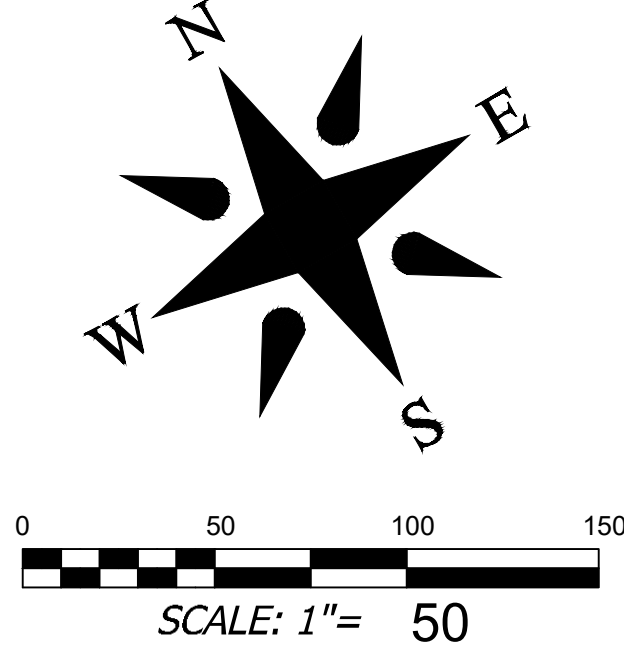
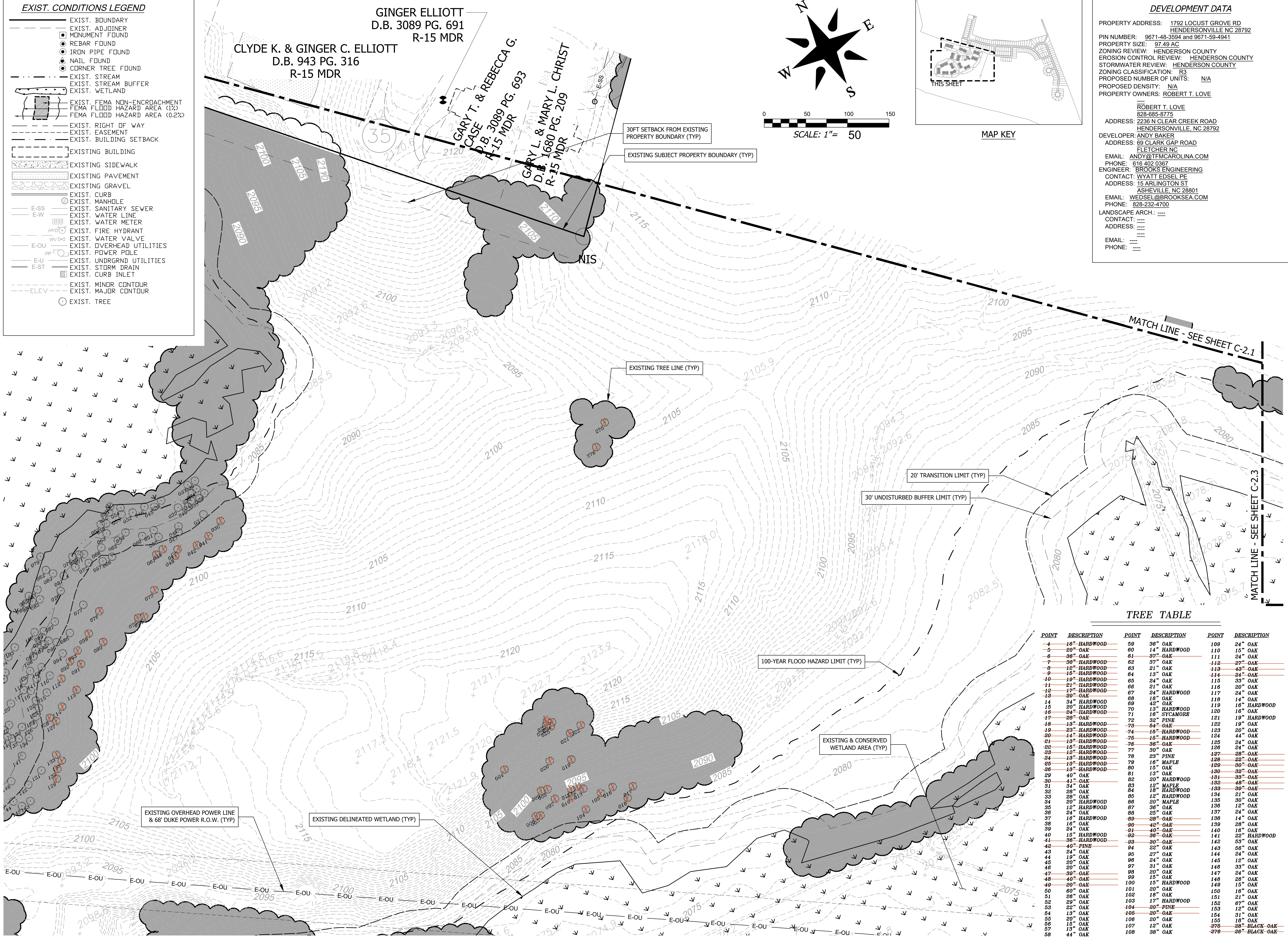
EMAIL: _____
PHONE: _____



Project No: 543521L	LOVE STOCKPILE		Designed: EJH Drawn: LBC Checked: EJH	Reviewed: JHK Scale: AS NOTED Date: 03-02-2022			No. REVISIONS/SUBMISSIONS Date 1 WATER & SEWER ALLOCATIONS 10-05-2021 2 C2D SUBMISSION 12-03-2021 3 C2D RESUBMISSION 12-17-2021 4 C2D RESUBMISSION 01-21-2022 5 SITE PLAN REVISIONS 03-02-22
C-2.1	CONDITIONAL ZONING REVIEW						
Drawing Title:	HENDERSON COUNTY NORTH CAROLINA EXISTING CONDITIONS & TREE SURVEY 1	PRELIMINARY - NOT FOR CONSTRUCTION		Reviewer/Revision number with a triangle indicates changes made on the sheet			
Location: L:\2021\Projects\539621\ Washburn - Hendersonville DD & Plan\DWG\Civil-Basis-539621.dwg		Section 7. Item D.					

EXIST. CONDITIONS LEGEND

- EXIST. BOUNDARY
- EXIST. ADJOINER
- MONUMENT FOUND
- REBAR FOUND
- IRON PIPE FOUND
- NAIL FOUND
- CORNER TREE FOUND
- EXIST. STREAM
- EXIST. STREAM BUFFER
- EXIST. WETLAND
- EXIST. FEMA NON-ENCROACHMENT
- FEMA FLOOD HAZARD AREA (1%)
- FEMA FLOOD HAZARD AREA (0.2%)
- EXIST. RIGHT OF WAY
- EXIST. EASEMENT
- EXIST. BUILDING SETBACK
- EXISTING BUILDING
- EXISTING SIDEWALK
- EXISTING PAVEMENT
- EXISTING GRAVEL
- EXIST. CURB
- EXIST. MANHOLE
- EXIST. SANITARY SEWER
- EXIST. WATER LINE
- EXIST. WATER METER
- EXIST. FIRE HYDRANT
- EXIST. WATER VALVE
- EXIST. OVERHEAD UTILITIES
- EXIST. POWER POLE
- EXIST. UNDERGROUND UTILITIES
- EXIST. STORM DRAIN
- EXIST. CURB INLET
- EXIST. MINOR CONTOUR
- EXIST. MAJOR CONTOUR
- EXIST. TREE



DEVELOPMENT DATA

PROPERTY ADDRESS: 1792 LOCUST GROVE RD
HENDERSONVILLE NC 28792

PIN NUMBER: 9671-48-3594 and 9671-59-4941

PROPERTY SIZE: 97.49 AC

ZONING REVIEW: HENDERSON COUNTY

EROSION CONTROL REVIEW: HENDERSON COUNTY

STORMWATER REVIEW: HENDERSON COUNTY

ZONING CLASSIFICATION: R3

PROPOSED NUMBER OF UNITS: N/A

PROPOSED DENSITY: N/A

PROPERTY OWNERS: ROBERT T. LOVE

ROBERT T. LOVE
828-685-8775
ADDRESS: 2236 N CLEAR CREEK ROAD
HENDERSONVILLE, NC 28792

DEVELOPER: ANDY BAKER
ADDRESS: 69 CLARK GAP ROAD
FLETCHER NC

EMAIL: ANDY@TFM-CAROLINA.COM
PHONE: 816 402 0367

ENGINEER: BROOKS ENGINEERING
CONTACT: WYATT EDESEL PE
ADDRESS: 15 ARLINGTON ST
ASHEVILLE, NC 28801

EMAIL: WEDSEL@BROOKSEA.COM
PHONE: 828-232-4700

LANDSCAPE ARCH.: ---
CONTACT: ---
ADDRESS: ---
EMAIL: ---
PHONE: ---

Date	10-05-2021	REVISIONS/SUBMISSIONS	1	WATER & SEWER ALLOCATIONS	No.	1
	12-03-2021		2	CZD SUBMISSION		2
	12-17-2021		3	CZD RESUBMISSION		3
	01-21-2022		4	CZD RESUBMISSION		4
	03-02-22		5	SITE PLAN REVISIONS		5

PROFESSIONAL SEAL
NORTH CAROLINA
ENGINEER
SEAL 035686
JOHN KINNAIRD

ENGINEERING ASSOCIATES
NORTH CAROLINA
CERT. NO. 3725

Reviewed: JHK
Scale: AS NOTED
Date: 03-02-2022

Designed: E.J.H.
Drawn: L.B.C.
Checked: E.J.H.

15 Arlington Street
Asheville, N.C. 28801
Phone: 1-828-232-4700
Fax: 1-828-232-1331
www.brooksea.com

BROOKS ENGINEERING ASSOCIATES
Planning • Engineering • Surveying
• Environmental Services •

Project No: 543521L

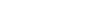
CONDITIONAL ZONING REVIEW

C-2.2

Drawing Title: EXISTING CONDITIONS & TREE SURVEY 2

Location: L:\2021 Projects\539821_Washington_Hendersonville_DD & Plan\DWG\Civil_Base-539821.dwg

378

 EXIST. BOUNDARY
 EXIST. ADJAINER
 MONUMENT FOUND
 REBAR FOUND
 IRON PIPE FOUND
 NAIL FOUND
 CORNER TREE FOUND
 EXIST. STREAM
 EXIST. STREAM BUFFER
 EXIST. WETLAND
 EXIST. FEMA NON-ENCROACHMENT
 FEMA FLOOD HAZARD AREA (1%)
 FEMA FLOOD HAZARD AREA (0.2%)
 EXIST. RIGHT OF WAY
 EXIST. EASEMENT
 EXIST. BUILDING SETBACK
 EXISTING BUILDING
 EXISTING SIDEWALK
 EXISTING PAVEMENT
 EXISTING GRAVEL
 EXIST. CURB
 EXIST. MANHOLE
 EXIST. SANITARY SEWER
 EXIST. WATER LINE
 EXIST. WATER METER
 EXIST. FIRE HYDRANT
 EXIST. WATER VALVE
 EXIST. OVERHEAD UTILITIES
 EXIST. POWER POLE
 EXIST. UNDERGROUND UTILITIES
 EXIST. STORM DRAIN
 EXIST. CURB INLET
 EXIST. MINOR CONTOUR
 EXIST. MAJOR CONTOUR
 EXIST. TREE



PROPERTY ADDRESS: 1792 LOCUST GROVE RD
HENDERSONVILLE NC 28792
PIN NUMBER: 9671-48-3594 and 9671-59-4941
PROPERTY SIZE: 97.49 AC
ZONING REVIEW: HENDERSON COUNTY
EROSION CONTROL REVIEW: HENDERSON COUNTY
STORMWATER REVIEW: HENDERSON COUNTY
ZONING CLASSIFICATION: R3
PROPOSED NUMBER OF UNITS: N/A
PROPOSED DENSITY: N/A
PROPERTY OWNERS: ROBERT T. LOVE

ADDRESS: 2236 N CLEAR CREEK ROAD
HENDERSONVILLE, NC 28792

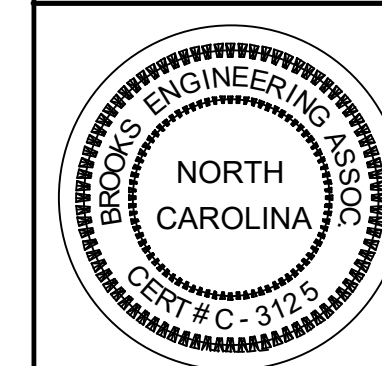
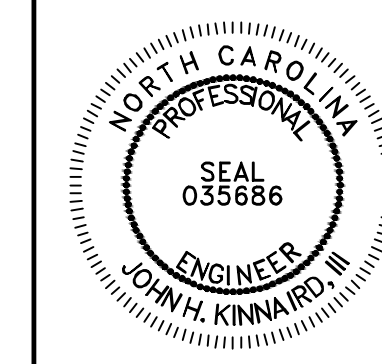
DEVELOPER: ANDY BAKER
ADDRESS: 69 CLARK GAP ROAD
FLETCHER NC
EMAIL: ANDY@TFMCAROLINA.COM
PHONE: 616 402 0367
ENGINEER: BROOKS ENGINEERING
CONTACT: WYATT EDEL PE
ADDRESS: 15 ARLINGTON ST
ASHEVILLE, NC 28801
EMAIL: WEDSEL@BROOKSEA.COM
PHONE: 828-232-4700

LANDSCAPE ARCH.: ---
CONTACT: ---
ADDRESS: ---

EMAIL: ---
PHONE: ---

No.	REVISIONS/SUBMISSIONS	Date
1	WATER & SEWER ALLOCATIONS	10-05-2021
2	CZD SUBMISSION	12-03-2021
3	CZD RESUBMISSION	12-17-2021
4	CZD RESUBMISSION	01-21-2022
5	SITE PLAN REVISIONS	03-02-22

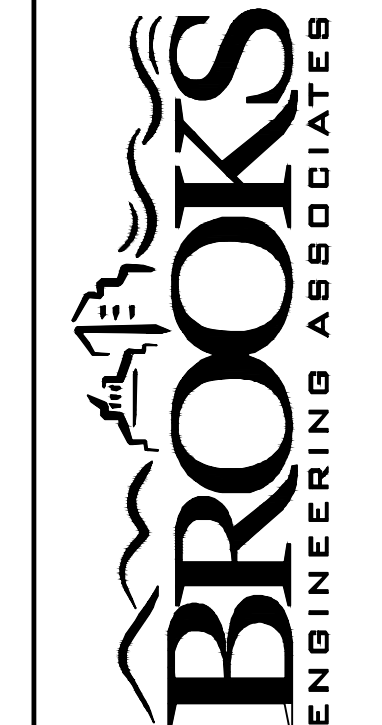
Section 7. Item D



PRELIMINARY - NOT FOR CONSTRUCTION

Designed:	EJH	Reviewed:	JHK
Drawn:	LBC	Scale:	AS NOTED
Checked:	EJH	Date:	03-02-2022

15 Arlington Street
Asheville, N.C. 28801
Phone: 1-828-232-4700
Fax: 1-828-232-1331
www.brooksea.com



Planning • Engineering • Surveying
• Environmental Services •

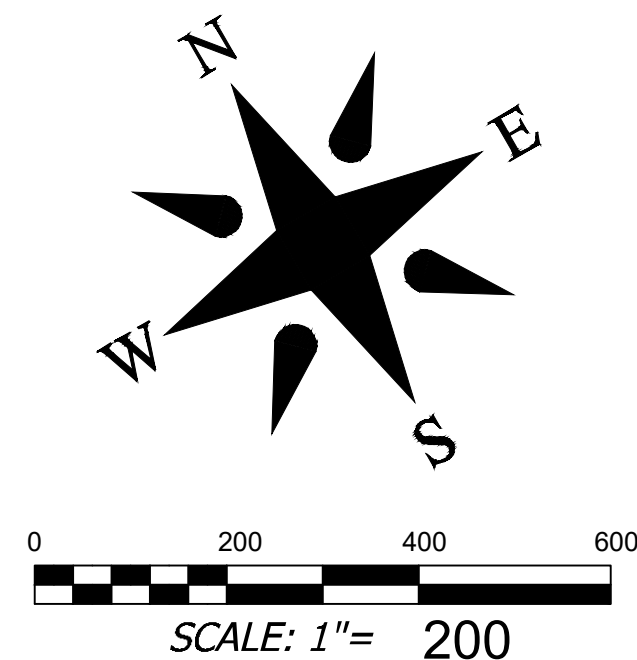
Project No: 543521L	<p>LOVE STOCKPILE</p> <p>CONDITIONAL ZONING REVIEW</p> <p>HENDERSON COUNTY</p> <p>NORTH CAROLINA</p>
C-2.4	

Drawing Title:
EXISTING CONDITIONS & TREE SURVEY 4

Location: 19904 Duende EF20004 Washington
 Identification: 3808 8 Dias/Duende 520004 Dias

STORMWATER & UTILITIES LEGEND

- NEW BUILDING
- NEW PAVEMENT
- NEW CONCRETE SIDEWALK
- NEW GRAVEL
- NEW CURB & GUTTER
- NEW YARD INLET
- NEW DROP INLET
- NEW CURB INLET
- NEW JUNCTION BOX
- NEW HEADWALL
- NEW FLARED END SECTION
- NEW STORM PIPE
- RIP RAP LINED DITCH
- NEW MINOR CONTOUR
- NEW MAJOR CONTOUR
- NEW PROPERTY LINES
- NEW RIGHT OF WAY
- NEW WATER DISTRIBUTION MAIN
- NEW WATER FIRE HYDRANT
- NEW WATER VALVE
- NEW AIR/VAC RLS VALVE
- NEW WATER BLOW-OFF VALVE
- NEW WATER DOMESTIC METER
- NEW WATER EASEMENT
- NEW MANHOLE
- NEW SEWER LINE
- NEW SANITARY CO / SERVICE
- NEW SEWER EASEMENT
- NEW WALL (BY OTHERS)
- EXIST. TREE TO REMAIN



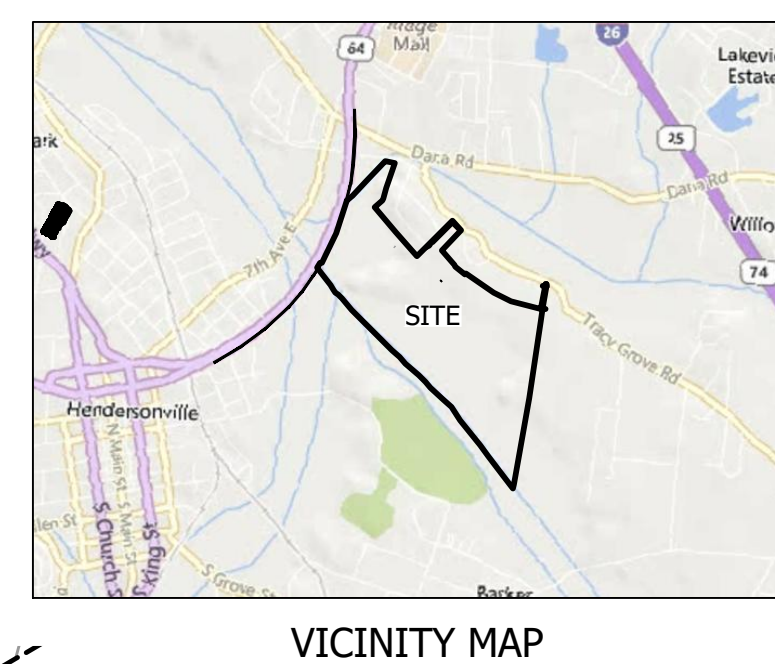
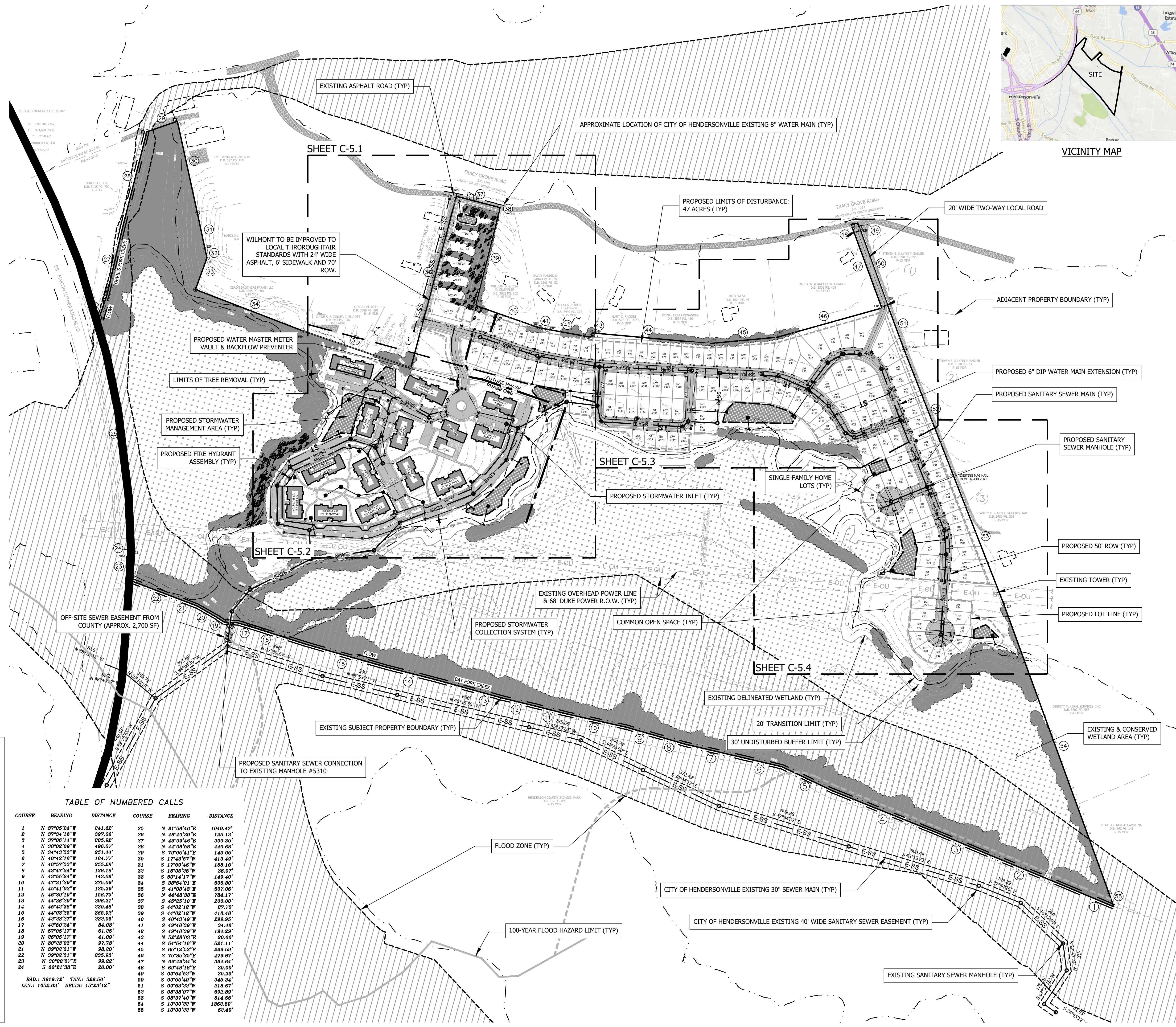
DEVELOPMENT DATA

PROPERTY ADDRESS: 1792 LOCUST GROVE RD
HENDERSONVILLE, NC 28792
PIN NUMBER: 9671-48-3594 and 9671-59-4941
PROPERTY SIZE: 97.43 AC
ZONING REVIEW: HENDERSON COUNTY
EROSION CONTROL REVIEW: HENDERSON COUNTY
STORMWATER REVIEW: HENDERSON COUNTY
ZONING CLASSIFICATION: R3
PROPOSED NUMBER OF UNITS: N/A
PROPOSED DENSITY: N/A
PROPERTY OWNERS: ROBERT T. LOVE
ROBERT T. LOVE
826-685-8775
ADDRESS: 2236 N CLEAR CREEK ROAD
HENDERSONVILLE, NC 28792
DEVELOPER: ANDY BAKER
ADDRESS: 69 CLARK GAP ROAD
FLETCHER, NC
EMAIL: ANDY@TFM-CAROLINA.COM
PHONE: 616 402 0367
ENGINEER: BROOKS ENGINEERING
CONTACT: WYATT EDELPE
ADDRESS: 15 ARLINGTON ST
ASHEVILLE, NC 28801
EMAIL: WEDSEL@BROOKSEA.COM
PHONE: 828-232-4700
LANDSCAPE ARCH.: ---
CONTACT: ---
ADDRESS: ---
EMAIL: ---
PHONE: ---

TABLE OF NUMBERED CALLS

COURSE	BEARING	DISTANCE	COURSE	BEARING	DISTANCE
1	N 37°05'24"W	241.82'	25	N 21°56'46"E	1049.47'
2	N 37°34'18"W	397.06'	26	N 48°40'29"E	128.12'
3	N 37°08'14"W	205.92'	27	N 43°09'46"E	300.25'
4	N 38°02'09"W	496.07'	28	N 44°06'58"E	440.88'
5	N 34°44'53"W	251.44'	29	S 70°05'41"E	143.05'
6	N 46°42'18"W	184.77'	30	S 17°43'57"W	413.49'
7	N 46°57'53"W	255.28'	31	S 17°59'46"W	188.15'
8	N 49°47'24"W	128.18'	32	S 16°05'28"W	38.07'
9	N 43°55'24"W	143.06'	33	S 60°14'17"W	148.40'
10	N 47°31'29"W	275.00'	34	S 38°54'01"E	506.80'
11	N 45°41'02"W	135.39'	35	S 41°08'43"E	507.06'
12	N 46°00'18"W	156.70'	36	N 44°48'38"E	784.17'
13	N 44°38'28"W	296.31'	37	S 45°25'10"E	200.00'
14	N 45°42'38"W	230.48'	38	S 44°02'12"W	27.70'
15	N 44°03'25"W	385.92'	39	S 44°02'12"W	418.48'
16	N 42°23'27"W	235.95'	40	S 40°43'40"E	599.95'
17	N 42°50'24"W	84.03'	41	S 49°48'39"E	34.48'
18	N 57°05'17"W	61.25'	42	S 49°48'39"E	194.39'
19	N 30°05'17"W	41.00'	43	N 52°28'00"E	20.00'
20	N 30°23'03"W	97.78'	44	S 54°54'16"E	521.11'
21	N 39°02'31"W	98.20'	45	S 65°12'52"E	299.59'
22	N 39°02'31"W	235.93'	46	S 75°35'25"E	479.87'
23	N 30°26'07"E	98.23'	47	N 09°42'34"E	394.64'
24	S 60°21'38"E	20.00'	48	S 69°48'18"E	30.00'
			49	S 09°54'52"W	30.35'
			50	S 09°55'49"W	345.24'
			51	S 09°53'22"E	218.67'
			52	S 08°38'07"W	592.89'
			53	S 08°37'49"W	614.55'
			54	S 10°00'25"W	1365.59'
			55	S 10°00'22"W	62.49'

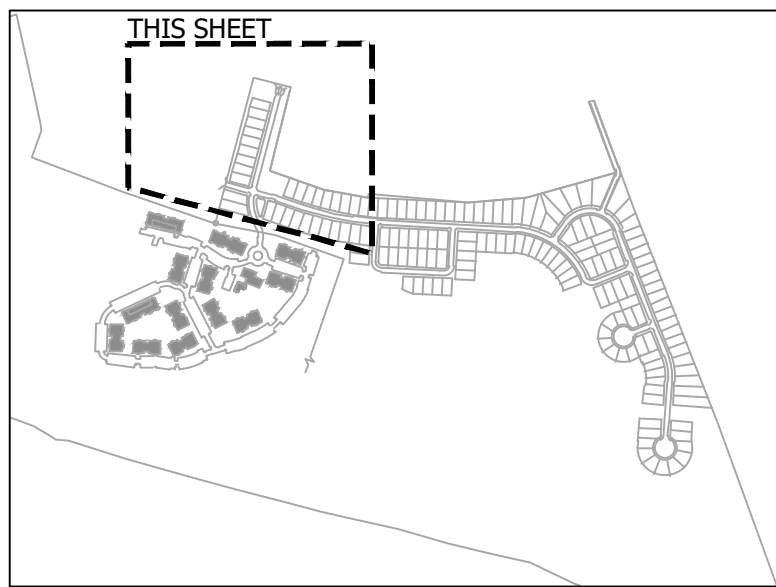
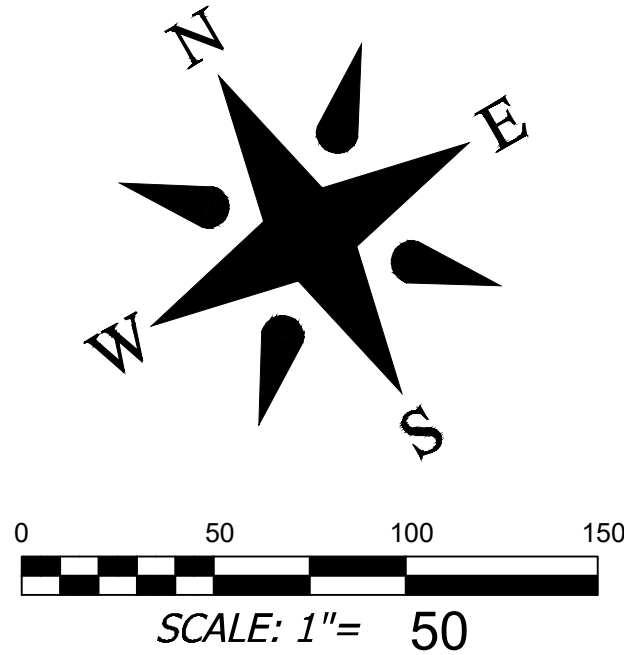
RAP: 3919.72' TAN: 629.50'
LEN: 1052.63' DELTA: 15°23'12"



Project No: 543521L	C-5.0	Drawing Title: OVERALL STORMWATER & UTILITY PLAN	LOVE STOCKPILE CONDITIONAL ZONING REVIEW NORTH CAROLINA HENDERSON COUNTY	BROOKS ENGINEERING ASSOCIATES Planning • Engineering • Surveying • Environmental Services •	Designated: EJH Drawn: LBC Checked: EJH	Reviewed: JHK Scale: AS NOTED Date: 03-02-2022	15 Arlington Street Asheville, N.C. 28801 Phone: 1-828-232-4700 Fax: 1-828-232-1331 www.brooksea.com	PRELIMINARY - NOT FOR CONSTRUCTION	NORTH CAROLINA PROFESSIONAL SEAL 035686 NORTH CAROLINA ENGINEER BROOKS ENGINEERING ASSOCIATES CERT. NO. 3725	REVISIONS/SUBMISSIONS No. 1 WATER & SEWER ALLOCATIONS No. 2 CZD SUBMISSION No. 3 CZD RESUBMISSION No. 4 CZD RESUBMISSION No. 5 SITE PLAN REVISIONS	Date 10-05-2021 12-03-2021 12-17-2021 01-21-2022 03-02-22	Section 7, Item D.
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STORMWATER & UTILITIES LEGEND

- NEW BUILDING
- NEW PAVEMENT
- NEW CONCRETE SIDEWALK
- NEW GRAVEL
- NEW CURB & GUTTER
- NEW YARD INLET
- NEW DROP INLET
- NEW CURB INLET
- NEW JUNCTION BOX
- NEW HEADWALL
- NEW FLARED END SECTION
- NEW STORM PIPE
- RIP RAP LINED DITCH
- NEW MINOR CONTOUR
- NEW MAJOR CONTOUR
- NEW PROPERTY LINES
- NEW RIGHT OF WAY
- NEW WATER DISTRIBUTION MAIN
- NEW WATER FIRE HYDRANT
- NEW WATER VALVE
- NEW AIR/VAC RLS VALVE
- NEW WATER BLOW-OFF VALVE
- NEW WATER DOMESTIC METER
- NEW WATER EASEMENT
- NEW MANHOLE
- NEW SEWER LINE
- NEW SANITARY CO / SERVICE
- NEW SEWER EASEMENT
- NEW WALL (BY OTHERS)
- EXIST. TREE TO REMAIN



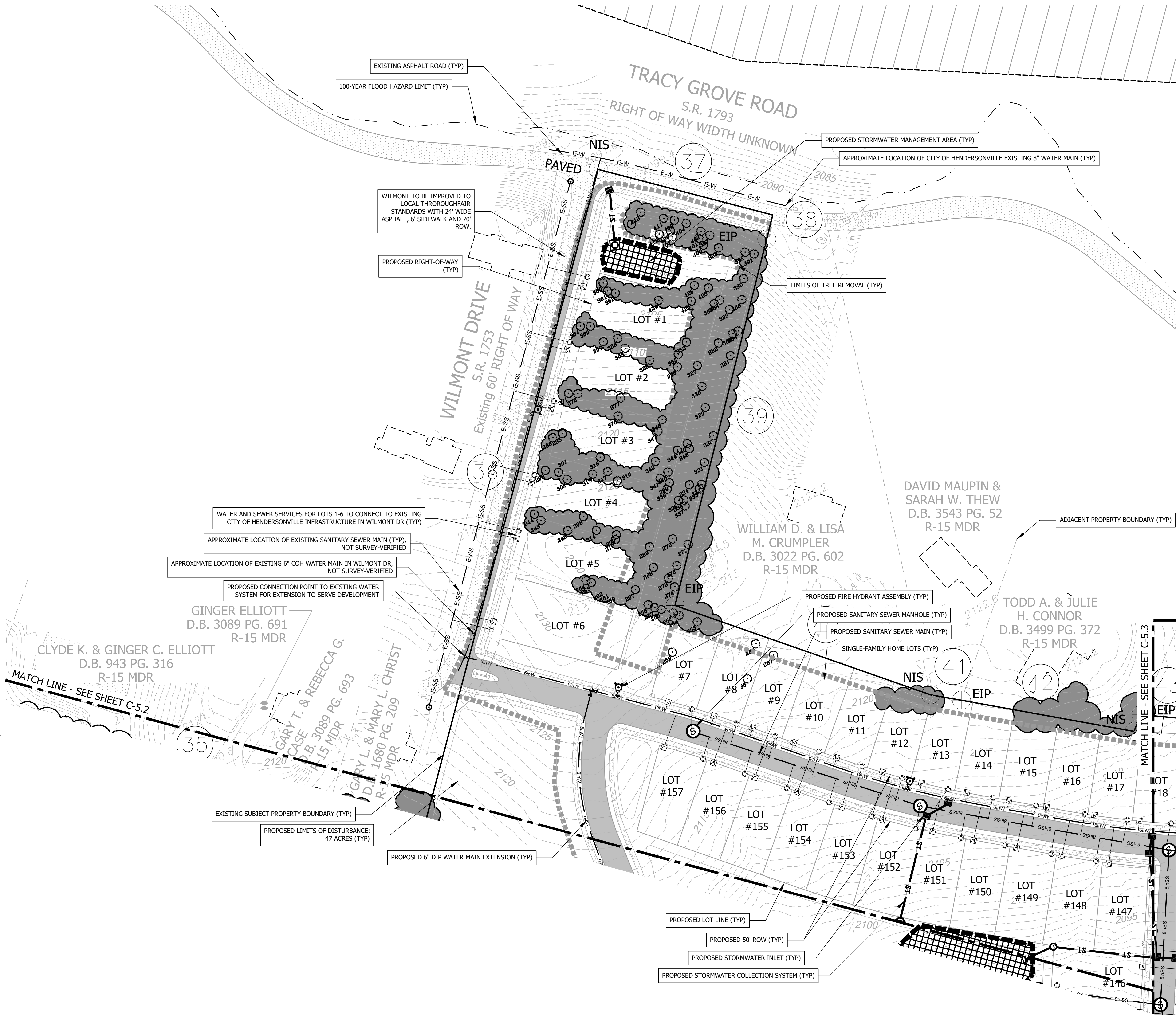
MAP KEY

DEVELOPMENT DATA

PROPERTY ADDRESS: 1792 LOCUST GROVE RD
HENDERSONVILLE, NC 28792
PIN NUMBER: 9671-48-3594 and 9671-59-4941
PROPERTY SIZE: 97.49 AC
ZONING REVIEW: HENDERSON COUNTY
EROSION CONTROL REVIEW: HENDERSON COUNTY
STORMWATER REVIEW: HENDERSON COUNTY
ZONING CLASSIFICATION: R3
PROPOSED NUMBER OF UNITS: N/A
PROPOSED DENSITY: N/A
PROPERTY OWNERS: ROBERT T. LOVE

ROBERT T. LOVE
828-685-8775
ADDRESS: 2236 N CLEAR CREEK ROAD
HENDERSONVILLE, NC 28792
DEVELOPER: ANDY BAKER
ADDRESS: 69 CLARK GAP ROAD
FLETCHER, NC
EMAIL: ANDY@TFMCAROLINA.COM
PHONE: 616 402 0367
ENGINEER: BROOKS ENGINEERING
CONTACT: WYATT EDESEL PE
ADDRESS: 15 ARLINGTON ST
ASHEVILLE, NC 28801
EMAIL: WEDSEL@BROOKSEA.COM
PHONE: 828-232-4700

LANDSCAPE ARCH.:
CONTACT:
ADDRESS:
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PHONE:

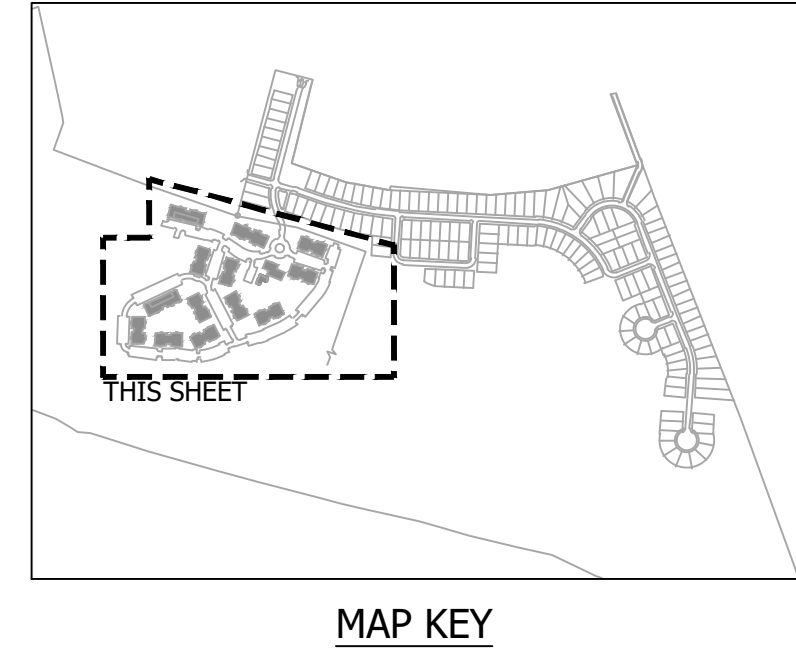
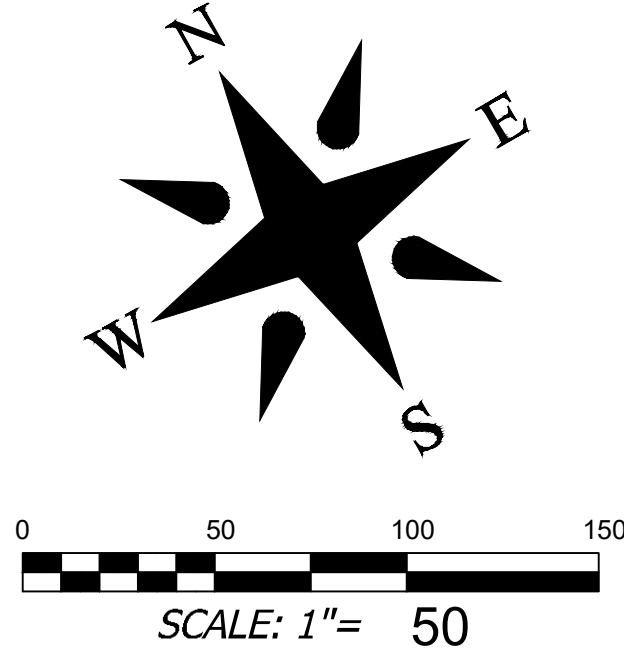
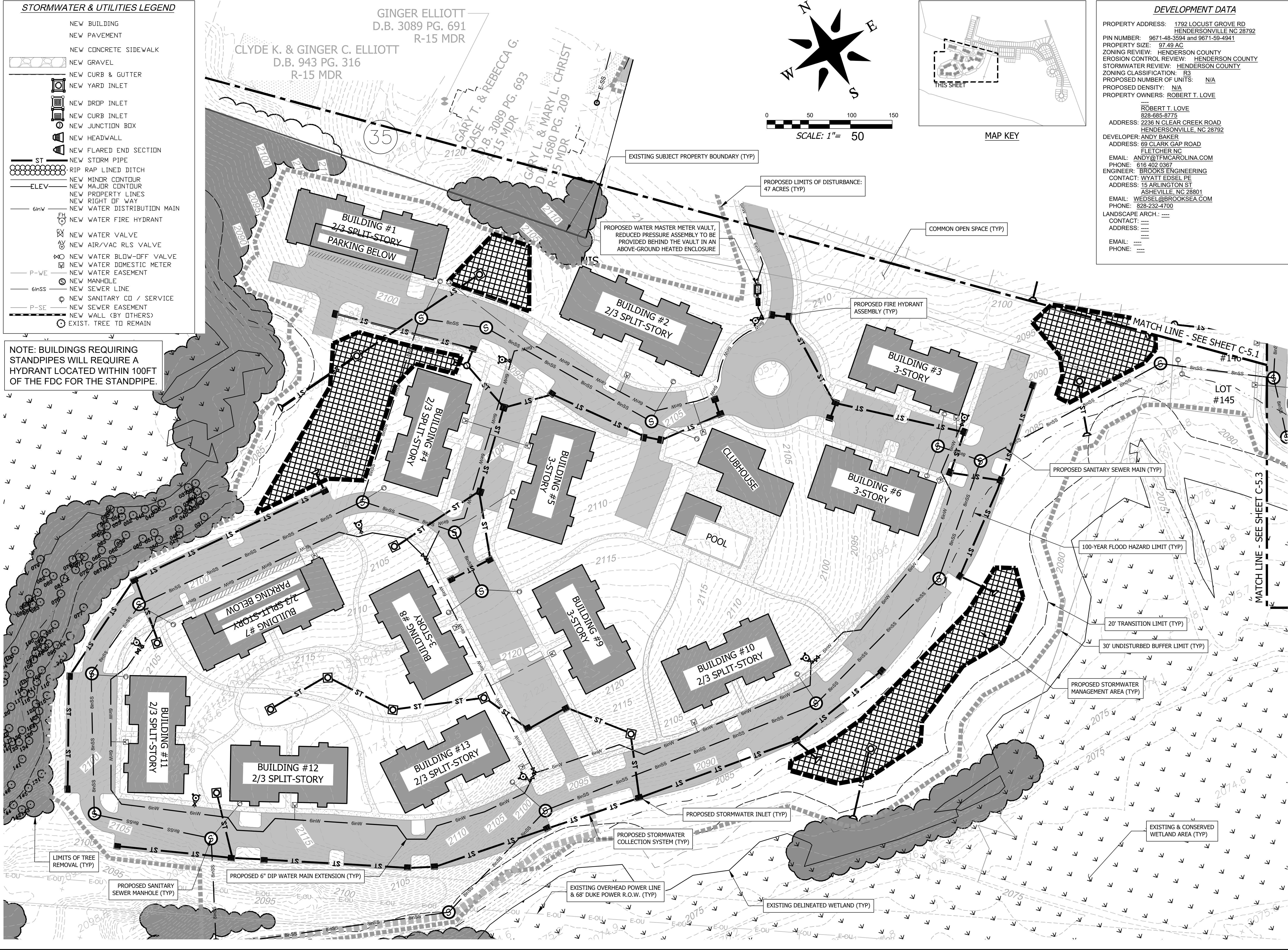


Project No: 543521L		Drawing Title: STORMWATER & UTILITY PLAN 1	
C-5.1		CONDITIONAL ZONING REVIEW	
LOVE STOCKPILE		NORTH CAROLINA	
HENDERSON COUNTY		PRELIMINARY - NOT FOR CONSTRUCTION	
REVISIONS/SUBMISSIONS		REVISIONS/SUBMISSIONS	
No.		Date	
1		10-05-2021	
2		12-03-2021	
3		12-17-2021	
4		01-21-2022	
5		03-02-22	
WATER & SEWER ALLOCATIONS		CZD SUBMISSION	
CZD SUBMISSION		CZD RESUBMISSION	
CZD RESUBMISSION		SITE PLAN REVISIONS	
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 035686 NORTH CAROLINA ENGINEER CERT. NO. 3725		NORTH CAROLINA ENGINEERING ASSOCIATES	
DESIGNED: E.J.H.		CHECKED: E.J.H.	
DRAWN: L.B.C.		DATE: 03-02-2022	
SCALE: AS NOTED		15 Arlington Street Asheville, N.C. 28801 Phone: 1-828-232-4700 Fax: 1-828-232-1331 www.brooksea.com	
PLANNING • Engineering • Surveying • Environmental Services •		Section 7, Item D.	

STORMWATER & UTILITIES LEGEND

- NEW BUILDING
NEW PAVEMENT
NEW CONCRETE SIDEWALK
NEW GRAVEL
NEW CURB & GUTTER
NEW YARD INLET
NEW DROP INLET
NEW CURB INLET
NEW JUNCTION BOX
NEW HEADWALL
NEW FLARED END SECTION
NEW STORM PIPE
RIP RAP LINED DITCH
NEW MINOR CONTOUR
NEW MAJOR CONTOUR
NEW PROPERTY LINES
NEW RIGHT OF WAY
NEW WATER DISTRIBUTION MAIN
NEW WATER FIRE HYDRANT
NEW WATER VALVE
NEW AIR/VAC RLS VALVE
NEW WATER BLOW-OFF VALVE
NEW WATER DOMESTIC METER
NEW WATER EASEMENT
NEW MANHOLE
NEW SEWER LINE
NEW SANITARY CO / SERVICE
NEW SEWER EASEMENT
NEW WALL (BY OTHERS)
EXIST. TREE TO REMAIN

NOTE: BUILDINGS REQUIRING STANDPIPES WILL REQUIRE A HYDRANT LOCATED WITHIN 100FT OF THE FDC FOR THE STANDPIPE.



DEVELOPMENT DATA

PROPERTY ADDRESS: 1792 LOCUST GROVE RD
HENDERSONVILLE NC 28792

PIN NUMBER: 9671-48-3594 and 9671-59-4941

PROPERTY SIZE: 97.49 AC

ZONING REVIEW: HENDERSON COUNTY

EROSION CONTROL REVIEW: HENDERSON COUNTY

STORMWATER REVIEW: HENDERSON COUNTY

ZONING CLASSIFICATION: R3

PROPOSED NUMBER OF UNITS: N/A

PROPOSED DENSITY: N/A

PROPERTY OWNERS: ROBERT T. LOVE

ROBERT T. LOVE
828-685-8775
ADDRESS: 2236 N CLEAR CREEK ROAD
HENDERSONVILLE, NC 28792

DEVELOPER: ANDY BAKER
ADDRESS: 69 CLARK GAP ROAD
FLETCHER NC

EMAIL: ANDY@TFMNCAROLINA.COM

PHONE: 816 402 0367

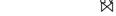
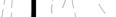
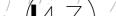
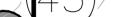
ENGINEER: BROOKS ENGINEERING
CONTACT: WYATT EDEL PE
ADDRESS: 15 ARLINGTON ST
ASHEVILLE, NC 28801

EMAIL: WEDSEL@BROOKSEA.COM

PHONE: 828-232-4700

LANDSCAPE ARCH.: ---
CONTACT: ---
ADDRESS: ---
EMAIL: ---
PHONE: ---

Project No:		Drawing Title:	
543521L		STORMWATER & UTILITY PLAN 2	
C-5.2		CONDITIONAL ZONING REVIEW	
LOVE STOCKPILE		NORTH CAROLINA	
HENDERSON COUNTY		PRELIMINARY - NOT FOR CONSTRUCTION	
DESIGNED: E.J.H.		REVIEWED: J.H.K.	
DRAWN: L.B.C.		SCALE: AS NOTED	
CHECKED: E.J.H.		DATE: 03-02-2022	
BROOKS ENGINEERING ASSOCIATES		15 Arlington Street Asheville, N.C. 28801 Phone: 1-828-232-4700 Fax: 1-828-232-1331 www.brooksea.com	
PLANNING • Engineering • Surveying • Environmental Services •		Section 7, Item D.	

	NEW BUILDING
	NEW PAVEMENT
	NEW CONCRETE SIDEWALK
	NEW GRAVEL
	NEW CURB & GUTTER
	NEW YARD INLET
	NEW DROP INLET
	NEW CURB INLET
	NEW JUNCTION BOX
	NEW HEADWALL
	NEW FLARED END SECTION
	NEW STORM PIPE
	RIP RAP LINED DITCH
	NEW MINOR CONTOUR
	NEW MAJOR CONTOUR
	NEW PROPERTY LINES
	NEW RIGHT OF WAY
	NEW WATER DISTRIBUTION MAIN
	NEW WATER FIRE HYDRANT
	NEW WATER VALVE
	NEW AIR/VAC RLS VALVE
	NEW WATER BLOW-OFF VALVE
	NEW WATER DOMESTIC METER
	NEW WATER EASEMENT
	NEW MANHOLE
	NEW SEWER LINE
	NEW SANITARY CO / SERVICE
	NEW SEWER EASEMENT
	NEW WALL (BY OTHERS)
	EXIST. TREE TO REMAIN

PROPERTY ADDRESS: 1792 LOCUST GROVE RD
 HENDERSONSVILLE NC 28792

PIN NUMBER: 9671-48-3594 and 9671-59-4941

PROPERTY SIZE: 97.49 AC

ZONING REVIEW: HENDERSON COUNTY

EROSION CONTROL REVIEW: HENDERSON COUNTY

STORMWATER REVIEW: HENDERSON COUNTY

ZONING CLASSIFICATION: R3

PROPOSED NUMBER OF UNITS: N/A

PROPOSED DENSITY: N/A

PROPERTY OWNERS: ROBERT T. LOVE

 ROBERT T. LOVE
 828-685-8775

ADDRESS: 2236 N CLEAR CREEK ROAD
 HENDERSONSVILLE, NC 28792

DEVELOPER: ANDY BAKER

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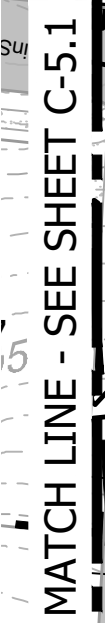
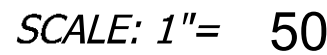
LANDSCAPE ARCH: ____

CONTACT: ____

ADDRESS: ____

 EMAIL: ____

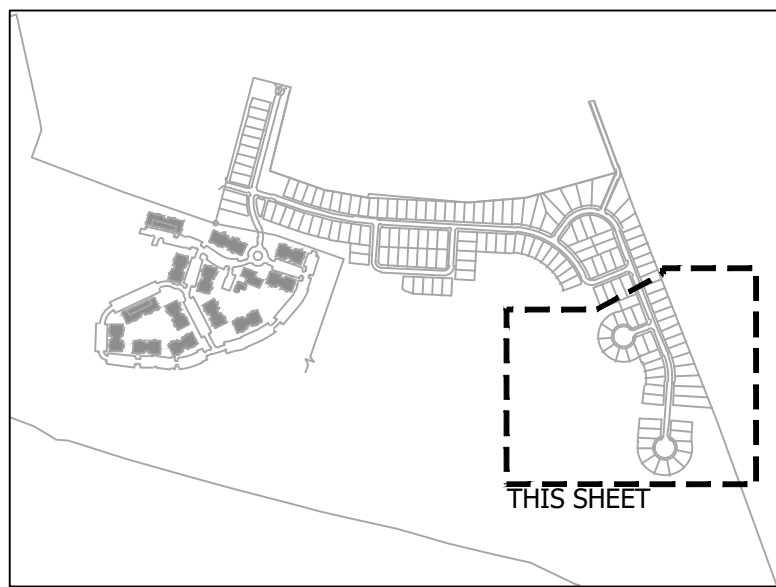
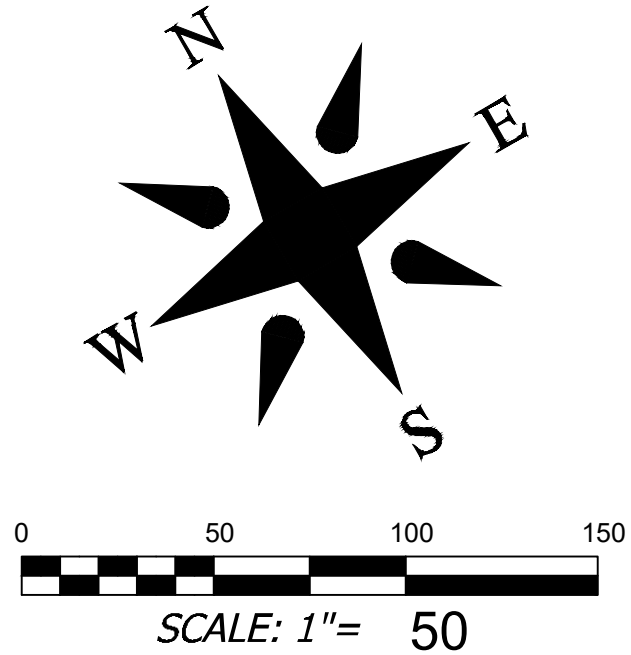
PHONE: ____



BROOKS
ENGINEERING ASSOCIATES

STORMWATER & UTILITIES LEGEND

NEW BUILDING
NEW PAVEMENT
NEW CONCRETE SIDEWALK
NEW GRAVEL
NEW CURB & GUTTER
NEW YARD INLET
NEW DROP INLET
NEW CURB INLET
NEW JUNCTION BOX
NEW HEADWALL
NEW FLARED END SECTION
NEW STORM PIPE
RIP RAP LINED DITCH
NEW MINOR CONTOUR
NEW MAJOR CONTOUR
NEW PROPERTY LINES
NEW RIGHT OF WAY
NEW WATER DISTRIBUTION MAIN
NEW WATER FIRE HYDRANT
NEW WATER VALVE
NEW AIR/VAC RLS VALVE
NEW WATER BLOW-OFF VALVE
NEW WATER DOMESTIC METER
NEW WATER EASEMENT
NEW MANHOLE
NEW SEWER LINE
NEW SANITARY CO / SERVICE
NEW SEWER EASEMENT
NEW WALL (BY OTHERS)
EXIST. TREE TO REMAIN



MAP KEY

DEVELOPMENT DATA

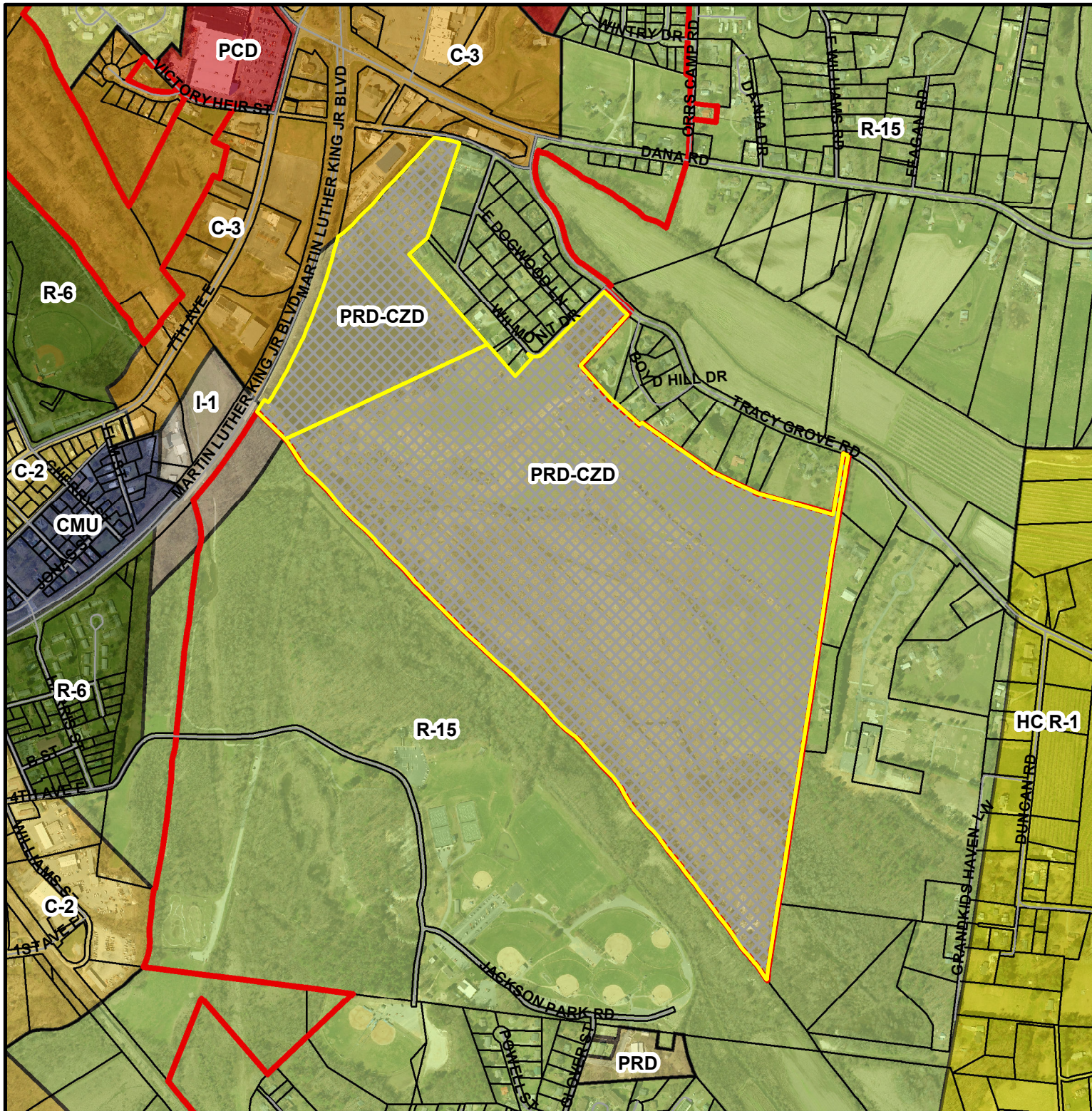
PROPERTY ADDRESS: 1792 LOCUST GROVE RD
HENDERSONVILLE, NC 28792
PIN NUMBER: 9671-48-3594 and 9671-59-4941
PROPERTY SIZE: 97.49 AC
ZONING REVIEW: HENDERSON COUNTY
EROSION CONTROL REVIEW: HENDERSON COUNTY
STORMWATER REVIEW: HENDERSON COUNTY
ZONING CLASSIFICATION: R3
PROPOSED NUMBER OF UNITS: N/A
PROPOSED DENSITY: N/A
PROPERTY OWNERS: ROBERT T. LOVE

ROBERT T. LOVE
826-685-8775
ADDRESS: 2236 N CLEAR CREEK ROAD
HENDERSONVILLE, NC 28792
DEVELOPER: ANDY BAKER
ADDRESS: 69 CLARK GAP ROAD
FLETCHER, NC
EMAIL: ANDY@TFMNCAROLINA.COM
PHONE: 616 402 0367
ENGINEER: BROOKS ENGINEERING
CONTACT: WYATT EDELSPE
ADDRESS: 15 ARLINGTON ST
ASHEVILLE, NC 28801
EMAIL: WEDSEL@BROOKSEA.COM
PHONE: 828-232-4700

LANDSCAPE ARCH.:
CONTACT:
ADDRESS:
EMAIL:
PHONE:

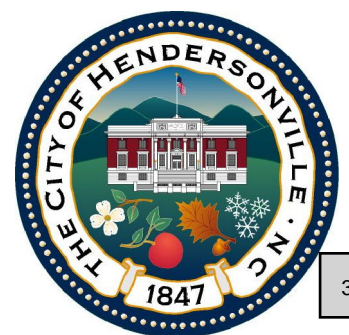


Project No: 543521L	C-5.4	Drawing Title: STORMWATER & UTILITY PLAN 4	LOVE STOCKPILE CONDITIONAL ZONING REVIEW NORTH CAROLINA HENDERSON COUNTY	 Planning • Engineering • Surveying • Environmental Services •	15 Arlington Street Asheville, N.C. 28801 Phone: 1-828-232-4700 Fax: 1-828-232-1331 www.brooksea.com	Reviewed: JHK Scale: AS NOTED Date: 03-02-2022	Designed: EJH Drawn: LBC Checked: EJH	North Carolina Professional Engineer SEAL 035686 JOHN KINNAIRD	North Carolina Professional Engineer SEAL 035686 JOHN KINNAIRD	REVISIONS/SUBMISSIONS					Date
										No.	1	2	3	4	5
										WATER & SEWER ALLOCATIONS	12-03-2021				
										CZD SUBMISSION	12-17-2021				
										CZD RESUBMISSION	01-21-2022				
										CZD RESUBMISSION	03-02-22				
										SITE PLAN REVISIONS					
Section 7, Item D.															



Washburn Tract Development
 P22-19-CZD
 PINs: 9578-39-5229, 9579-11-8417
 Acreage: 162.1
Proposed Zoning
 Community Development Department

- Subject Property
- Hendersonville City Limits
- Hendersonville Zoning**
- R-6 High Density Residential
 - R-20 Low Density Residential
 - R-15 Medium Density Residential
 - PRD Planned Residential Development
 - PCD Planned Commercial Development
 - I-1 Industrial
 - CMU Central Mixed Use
 - C-3 Highway Business
 - C-2 Secondary Business
- Henderson County Zoning**
- R-1 - Residential 1





**CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT**

100 N. King Street, Hendersonville, NC 28792
Phone (828) 697-3010|Fax (828) 698-6185
www.hendersonvillenc.gov

**Conditional Zoning District Petition
Section 7-4 and Article 11 City Zoning Ordinance**

The following are the **required** submittals for a complete application for rezoning a property or properties to a Conditional Zoning District. Staff will not review applications until each item has been submitted and determined complete. By placing a check mark by each of the following items, you are certifying that you have performed that task.

- ☒ 1. Scheduled Pre-Application meeting with Planning Staff
 - 1a. Completed Neighborhood Compatibility Meeting – Contact Staff & Review CZD Checklist for additional information
- ☒ 2. Water and Sewer Availability Request
- ☒ 3. Completed Application Form
- ☒ 4. Completed Signature Page (completed Owner's Affidavit if different from applicant)
- ☒ 5. Completed Site Plan as described in Section 7-4.3-1 of the City Zoning Ordinance
- ☒ 6. Detailed explanation of any Proposed Development Description
- ☒ 7. Application Fee

Note: Additional Approvals prior to the issuance of a Zoning Compliance Permit may include, but are not limited to the following:

- Henderson County Sedimentation & Erosion Permit
- Stormwater Management Plan
- Utility Approval
- NCDOT Permit
- Any other applicable permits as determined by the Community Development

[Application Continued on Next Page]

Office Use:

Date Received: _____ **By:** _____ **Fee Received? Y/N**

A. Applicant Contact Information

Mike Washburn

* Printed Applicant Name

Printed Company Name (if applicable)

☐ Corporation☐ Limited Liability Company☐ Trust☐ Partnership☒ Other: Individual

DocuSigned by:



Applicant Signature

Applicant Title (if applicable)

PO Box 898

Address of Applicant

Sullivans Island, SC 29842

City, State, and Zip Code

843-343-3947

Telephone

emwashburn@gmail.com

Email

* Signature of the property owner acknowledges that if the property is rezoned, 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.

[Application Continued on Next Page]

Additional Property Owners: (Signature indicates intent that this page be affixed to Application.)

Richard Thomas

*Printed Owner Name

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☒ Other: Individual

Richard L Thomas dotloop verified
10/13/21 10:04 PM EDT
MG85-XG3N-BED6-F970

Property Owner Signature

Property Owner Title (if applicable)

830 4th Ave W, Hendersonville, NC 28739

City, State, and Zip Code

Telephone

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

Additional Property Owners: (Signature indicates intent that this page be affixed to Application.)

Charles W Thomas and Dora E Thomas Revocable Trust dated August 31, 2017

*Printed Owner Name

Printed Company Name (if applicable)

☐ Corporation


☐ Limited Liability Company



Trust

☐ Partnership

☐ Other: _____

x 

Property Owner Signature

Trustee

Property Owner Title (if applicable)

5050 E St Andrews Dr Tucson AZ 85718

City, State, and Zip Code

Telephone

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

Additional Property Owners: (Signature indicates intent that this page be affixed to Application.)

James R Thomas

*Printed Owner Name

Printed Company Name (if applicable)

☐ Corporation

☐ Limited Liability Company

☐ Trust

☐ Partnership



☒ Other: Individual

Property Owner Signature

Attorney in fact for James R Thomas

Property Owner Title (if applicable)

830 4th Ave W Hendersonville, NC 28739

City, State, and Zip Code

Telephone

mtv8650@gmail.com

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

Additional Property Owners: (Signature indicates intent that this page be affixed to Application.)

Mary T Viera

*Printed Owner Name

Printed Company Name (if applicable)

☐ Corporation

☐ Limited Liability Company

☐ Trust

☐ Partnership



Other: Individual

Property Owner Signature

Property Owner Title (if applicable)

830 4th Ave W Hendersonville, NC 28739

City, State, and Zip Code

Telephone

mtv8650@gmail.com

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.



April 21, 2022

Mr. Tyler Morrow
City of Hendersonville
Community Development Department
100 N. King Street
Hendersonville, NC 28712

RE: *Tracy Grove Road Residential Development TIA Review*

Dear Tyler,

At the request of the City of Hendersonville, Kimley-Horn has conducted a review of the revised traffic impact analysis (TIA) prepared for the Tracy Grove Road Residential Development, dated February 12, 2022 by J.M. Teague Engineering & Planning. The proposed site is located along Tracy Grove Road, just south of the intersection with Dana Road. Based on the approved scoping document dated December 1, 2021, up to 161 single-family detached dwelling units and 300 multifamily mid-rise dwelling units are proposed as part of the development. Access to the site is planned to consist of three total driveways on Wilmont Drive (approximately 575 feet west of Tracy Grove Road) and Tracy Grove Road (approximately 1,210 and 2,960 feet south of Dana Road, respectively). The northernmost access point on Tracy Grove Road is located approximately 140 feet south of Wilmont Drive.

The analyses contained within the sealed TIA were reviewed for conformance with the traffic impact analysis guidelines presented within the NCDOT *Policy on Street and Driveway Access to North Carolina Highways*, NCDOT *Congestion Management Capacity Analysis Guidelines*, and City of Hendersonville *Zoning Ordinance*. This memo outlines our technical review of the revised TIA and corresponding recommendations.

TECHNICAL REVIEW COMMENTS

Based on a technical review of the revised TIA report as submitted, several elements of the report and analysis do not address comments provided by Kimley-Horn on January 3, 2022. These unaddressed comments are summarized in the bulleted list below, with the relative impact on the analysis results and recommendations noted in brackets.

- In Figure 9, an imbalance of +1 vehicle during the PM peak hour is still shown between the intersections of US 64 with Dana Road and Dana Road with Tracy Grove Road. The imbalance is most likely attributable to rounding error but should be corrected in the figure for clarity. **[Low Impact] – This has been corrected in the updated TIA.**
- In Tables 6 through 9 and supporting text within the body of the report, the terms “queue length” and “queue” are used generically. The tables and report text should be updated to specify that these queue lengths correspond to the maximum queue length observed in SimTraffic. **[Low Impact] – This has been corrected in the updated TIA.**

- In Tables 6 through 9, the reported queue lengths are categorized by approach. Queue lengths should be reported by movement to provide further insight into the critical turning movements they apply to. **[Low Impact] – This was noted in the response, but the engineer did not change how they reported the findings.**
- A review of the mitigation presented in the TIA and on Figure 11 offers the following observations:
 - The TIA recommends a new eastbound right-turn lane from Dana Road to Tracy Grove Road with 150 feet of storage. However, the maximum queue length observed in SimTraffic for this movement (per the revised analysis results) is approximately 200 feet. The recommended storage length should be extended to accommodate this queue. **[Moderate Impact] – This has been addressed in the updated TIA. In the comments it is noted that right of way needs to be provided by a party with eminent domain. The procurement of the necessary right of way for the improvement should be the responsibility of the developing party. Furthermore, economics relative to the cost born by a developer relative to an improvement should not be a factor by which an improvement is to be considered or not.**
- Proposed Access 1 is located 140 feet from existing Wilmont Drive. Consideration should be given to relocating this driveway further south on Tracy Grove Road to maximize separation between Access 1 and Wilmont Drive. **[High Impact] – This has been addressed in the updated TIA.**
 - A third access point is shown in the approved scoping document but was not analyzed as part of the TIA. This access point should be removed from the scoping document and submitted for reapproval or added to the TIA accordingly. **[High Impact] – This has been addressed in the TIA.**

The following additional comments are offered based on a review of the revised TIA against NCDOT and City of Hendersonville guidelines and should be addressed as appropriate:

- On Page 4, the word “cope” should be corrected to “scope” on Line 3 of the Parameters and Study Area section. **[Low Impact] – This has been addressed in the TIA**
- In Table 3, the following should be added or corrected:
 - The applicable year should be provided for all NCDOT AADTs. **[Low Impact] - This has been addressed in the TIA**
 - The speed limit on US 64 is 35 mph to the north of Dana Road and 45 mph to the south of Dana Road; this should be noted in the “Speed Limit” column or as a footnote to the table. **[Low Impact] - This has been addressed in the TIA**
 - The speed limit on Wilmont Drive is posted at 20 mph per Google Street View; the “Speed Limit” column should be updated accordingly. **[Low Impact] - This has been addressed in the TIA**
- On Page 6, the definition of the Peak Hour Factor is not correct. The text should be revised to note that the Peak Hour Factor is defined as “the hourly volume during the maximum-volume hour of the day divided by **four times** the highest 15-minute flow rate...” and “A PHF of **1.0**”

means that traffic during the peak is steady.” [Low Impact] - **This has been addressed in the TIA**

- In Figure 7 and Figure 10, several turning movement volumes less than 4 vehicles per hour are shown. Per NCDOT Congestion Management *Capacity Analysis Guidelines*, all turning movement volumes should be increased to a minimum of 4 vehicles per hour under future conditions. The report figures and analysis should be updated as appropriate. [Low Impact]- **This has been addressed in the TIA**
- On Page 15, references to ITE Land Use Code 220 should be replaced with “221”. - **This has been addressed in the TIA**
- In Table 5, the total AM Peak Hour trip generation should read “119” not “191”. - **This has been addressed in the TIA**
- Based on a review of the Synchro capacity analysis reports in Appendix B, the following analysis elements should be corrected as appropriate:
 - Detector size and placement in Synchro are not in agreement with that shown in the signal plans at the intersections of Dana Road/Duncan Hill Road with 7th Avenue and Tracy Grove Road. [Low Impact] – **This has not been addressed in the updated TIA.**
 - Protected-permissive phasing is coded at the intersection of Dana Road/Duncan Hill Road with 7th Avenue under future conditions. Per NCDOT Congestion Management *Capacity Analysis Guidelines*, the westbound left-turn movement should be coded to operate with protected only phasing. The analysis should be updated or justification for deviating from the guidance otherwise provided within the report text. [Moderate Impact] – **The comment responses contained in the Appendix A, notes that this item has been addressed. A review of the analysis files contained in the Appendix B indicates that the coding of Dana Road/Duncan Hill Road at 7th Avenue for the WB left is still shown with Protected Permissive phasing. Furthermore, it is noted that splits (time for each phase) were modified between the Existing, Background, and Build scenarios for signalized intersections. Phasing splits should be maintained consistent between the background and build scenarios for accurate comparison to measure the impact of the development and determine the necessary mitigation. It is appropriate to show a change in splits between existing and background as it can be reasonably assumed that timings will change from current (existing) conditions.**
 - A protected northbound left-turn phase (Phase 5) is coded at the intersection of Duncan Hill Road with 7th Avenue under some scenarios, but the existing signal does not operate with this phasing per the signal plans included in Appendix D. Signal phasing should be adjusted in the analysis accordingly or justification for deviating from existing phasing should otherwise be provided within the report text. [Moderate Impact] – **The synchro files contained in the Appendix still show the NB left has been coded with protected + permissive phasing. The comment response in Appendix A indicates that this has been corrected. Per Congestion Management guidelines dedicated left-turns at signalized intersection with a phase should be coded as protected only.**

- The signal cycle length and splits differ between scenarios, making comparisons of delay and queue length more convoluted. The report text should clearly state that signal splits were optimized between scenarios and provide justification. **[Moderate Impact] – See note above. The cycle lengths are consistent, but the splits are varying between scenarios.**
- On Page 23, increases in queue length on the eastbound approach of the intersection of Duncan Hill Road with 7th Avenue should be acknowledged in the text. If no mitigation is proposed, additional justification should be provided as to why. **[Low Impact] – The response noted in Appendix A dealing with this comment indicates text has been correct. The document provided does not contain this text.**
- On Page 23, the text states that a “queue increase of over 25% is expected along the southbound approach” at the intersection of US 64 with Duncan Hill Road/Dana Road. The text should be revised to replace “queue” with “delay” or otherwise note that delay increases by more than 60 seconds per vehicle on the southbound approach under Build conditions. **[Low Impact] – No change in the TIA made**
- On Page 23, for Dana Road at Tracy Grove Road, the phrase “While the westbound approach increase is greater than...” should be revised to clarify what is increasing. **[Low Impact] - No change in the TIA made**
- The Turn Lane Warrants section of the TIA report examines the need for left-turn lanes at the site access points but does not explore the potential need for right-turn lanes. **[High Impact]**
 - Based on the proposed site trip distribution and the nomograph provided within the NCDOT *Policy on Street and Driveway Access to North Carolina Highways*, a right-turn lane is warranted at the intersection of Tracy Grove Road with Proposed Site Access 1.
 - Right-turn lane warrants should be analyzed and included in revisions to the TIA report. **Turn lane warrants were provided for Access 1, but not for Wilmont Drive and Tracy Grove Road and Wilmont Drive and Access 2. Both of these are unsignalized and will have the presence of site traffic. Clarification on why these were not analyzed should be provided.**
- The recommended storage shown for the southbound right-turn lane from Dana Road to Tracy Grove Road in Figure 11 differs from that mentioned in the report text. One or both should be revised for agreement. **[Low Impact] – this has been addressed**

CONCLUSIONS

A review of the April 11th, 2022 provided by the applicant indicates that the TIA provides a reasonable representation of the traffic impacts associated with the proposed development on the adjacent street network and generally conforms with NCDOT and City of Hendersonville guidelines, but does not adhere to all of the guidelines for analysis of a site. However, several comments provided by Kimley-Horn during initial review and noted in the March 3rd Memo have not been addressed in the TIA report submitted for review and should be revised in a final sealed study.

Based on a technical review of the revised TIA as submitted, the additional comments presented herein should be addressed as appropriate. Most critically:

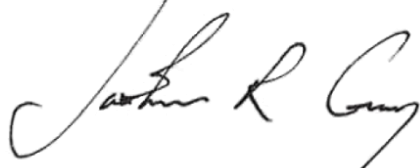
- Existing protected-permissive signal phasing should be coded as protected-only phasing under future conditions at all applicable study intersections per NCDOT guidelines.
- The northbound left-turn movement at the intersection of Duncan Hill Road with 7th Avenue should be modeled with permissive phasing under all scenarios based on the existing signal plans included in Appendix D.
- The Turn Lane Warrants section of the TIA report examines the need for left-turn lanes at the site access points but does not explore the potential need for right-turn lanes.
 - Based on the proposed site trip distribution and the nomograph provided within the NCDOT *Policy on Street and Driveway Access to North Carolina Highways*, a right-turn lane is warranted at the intersection of Tracy Grove Road with Proposed Site Access 1.
 - Right-turn lane warrants should be analyzed and included in revisions to the TIA report.

In review of the mitigation provided for the proposed development we recommend the following mitigation for the proposed development:

- Construct a EB right turn lane on Dana Road with 200 feet of full width storage and appropriate taper
- Modify the existing traffic signal at Dana Road and Tracey Grove Road to accommodate the addition of the EB right turn lane
- Construction of a NB left-turn lane at Access 1 with 150 feet of storage and appropriate taper

Please contact me at (704) 488-3055 or jonathan.guy@kimley-horn.com should you have any questions regarding this analysis.

Sincerely,





Jonathan Guy, PE, AICP, PTOE
Vice President



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Matthew Manley **MEETING DATE:** June 2, 2022

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

TITLE OF ITEM: Rezoning: Conditional Zoning District – Duncan Terrace (P21-79-CZD) – Matthew Manley, AICP – Planning Manager

SUGGESTED MOTION(S):

For Recommending Approval:

I move City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs: 9569-95-7758, 9569-95-5941 and 9569-96-4013) from PRD-CZD (Planned Residential Development – Conditional Zoning District) to PRD-CZD (Planned Residential Development – Conditional Zoning District) based on the site plan submitted by the applicant, [dated May 17, 2022] and the conditions listed therein and presented at this meeting and subject to the following:

1. The development shall be consistent with the site plan, including the list of permitted uses and applicable conditions as presented on the site plan.

[for amendments to uses or conditions discussed and agreed upon in the Council meeting and not yet represented on site plan submitted by the applicant please use the following language, disregard if not needed]

2. Permitted uses and applicable conditions presented on the site plan shall be amended to include:

[list any additional permitted uses or conditions]

3. The petition is found to be [consistent] with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:

The High Intensity Neighborhood designation calls for multi-family residential, Planned Residential Developments and open space as primary recommended land uses. The proposed project satisfies a majority of design guidelines under LU-7.4.

4. We find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public comment, and because:

For Recommending Denial:

I move deny an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs: 9569-95-7758, 9569-95-5941 and 9569-96-4013) from PRD-CZD (Planned Residential Development – Conditional Zoning District) to PRD-CZD (Planned Residential Development – Conditional Zoning District) based on the site plan submitted by the applicant

The petition is found to be [consistent] with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:

The High Intensity Neighborhood designation calls for multi-family residential, Planned Residential Developments and open space as primary recommended land uses. The proposed project satisfies a majority of design guidelines under LU-7.4.

We do not find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

1. The site plan does not address the recommended mitigations from the traffic impact analysis to address traffic congestion caused by this development.
2. The proposed site is wooded. If developed as proposed, it would not result in clustered development which preserves significant existing mature trees / woodlands which serve as a community-defining natural feature.

[DISCUSS & VOTE]

<div>1. The development would provide 45 “affordable” rental units (for 10 years) for those with household incomes at 80% AMI or less. These units would help to fill the need for affordable housing which currently has a projected gap (shortage) of approximately between 1,329 – 1,622 units in Henderson County according to the 2021 Housing Needs Assessment (Bowen Study).</div> <div>2. The development would provide 87 “market-rate” rental units. These units would help reduce the rental housing gap estimated to be between 1,364 and 1,722 units needed within Henderson County to satisfy demand according to the 2021 Housing Needs Assessment (Bowen Study).</div> <div>3. The applicant is dedicating +/- 0.59 Acres of right of way at the intersection of Signal Hill and Duncan Hill Road to facilitate future NCDOT road improvements.</div> <div>4. The area in proximity to the subject property includes similar and comparable development, including multi-family residential within 0.25 miles of the project.</div> <div>5. This development would serve as a transition between the US-64 commercial corridor and the lower density residential northeast of Signal Hill Rd / Berkeley Rd.</div> <div>[DISCUSS & VOTE]</div>	
---	--

SUMMARY: *The City of Hendersonville is in receipt of an application for a conditional rezoning from Leah Bergman of Lee Ray Bergman LLC. The applicant is requesting to rezone the subject property, PINs 9569-95-7758, 9569-95-5941, and 9569-96-4013 and located between Duncan Hill Road and Signal Hill Road, from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a multi-family development consisting of 132 apartment units on approximately 8.66 acres - a density of 15.24 units per acre. The project would provide 25% of the units to those with an AMI of 80% or less.*

The site plan shows 6 - 3-story multi-family structures, a club house and a pool. The total footprint of buildings is 52,242 Sq Ft. The total Gross Floor Area proposed is 150,636 Sq Ft. This includes 12 - 3-bedroom units, 72 - 2-bedroom units and 48 - 1-bedroom units.

The site would have access from Duncan Hill Road and Signal Hill Road.

Planning Board voted 7-0 in favor of Approval for this development.

PROJECT/PETITIONER NUMBER:	P21-79-CZD
PETITIONER NAME:	<div>- Leah Bergman of Lee Ray Bergman LLC [Applicant]</div> <div>- Lee Ray Bergman LLC [Owner]</div>

ATTACHMENTS:	<ol style="list-style-type: none"> 1. Staff Report 2. Proposed Site Plan 3. Neighborhood Compatibility Meeting Summary 4. Tree Board Summary 5. Proposed Zoning Map 6. Draft Ordinance 7. Application / Owner Addendum
---------------------	---

Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PARCEL IDENTIFICATION NUMBERS 9569-95-7758, 9569-95-5941 AND 9569-96-4013 BY CHANGING THE ZONING DESIGNATION FROM PRD-CZD (PLANNED RESIDENTIAL DEVELOPMENT– CONDITIONAL ZONING DISTRICT TO PRD-CZD (PLANNED RESIDENTIAL DEVELOPMENT– CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9569-95-7758, 9569-95-5941 and 9569-96-4013 –710 Duncan Hill Road (Duncan Terrace) - (File # P21-79-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from Leah Bergman of Lee Ray Bergman LLC (applicant) and Lee Ray Bergman LLC (property owner) for the development of 132 apartments on approximately 8.66 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on May 9th, 2022; voting 7-0 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on June 2nd, 2022, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9569-95-7758, 9569-95-5941 and 9569-96-4013 from PRD-CZD (Planned Residential Development – Conditional Zoning District) to PRD-CZD (Planned Residential Development – Conditional Zoning District)
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant, the conditions listed therein and subject to the following.
 - a. Permitted uses shall include:
 - i. Residential Dwellings, Multi-Family
 - b. Conditions that shall be satisfied prior to final site plan approval include:
 - i. The development shall be consistent with the preliminary site plan and conditions listed therein as submitted on May 17, 2022, [or as modified and presented].
3. This ordinance shall be not be effective until the stipulated list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted this 2nd day of June 2022.

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

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

IN RE: Parcel Numbers: 9569-95-7758, 9569-95-5941 and 9569-96-4013 –710 Duncan Hill

Road (Duncan Terrace) - (File # P21-79-CZD)

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to the imposition of all conditions stated.

Applicant/Developer: Leah Bergman of Lee Ray Bergman LLC

Property Owner: Lee Ray Bergman LLC

Signature:_____

Signature:_____

Printed Name:_____

Printed Name:_____

Title: _____

Title: _____

Date:_____

Date:_____

REZONING: CONDITIONAL REZONING - DUNCAN TERRACE (P21-79-GED)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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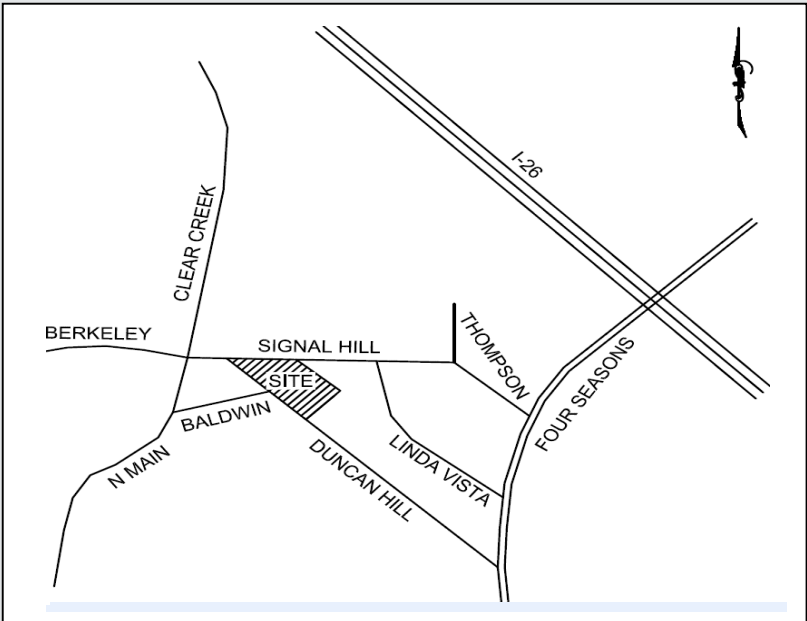
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- Project Name & Case #:
 - Duncan Terrace
 - P21-79-CZD
- Applicant & Property Owner:
 - Leah Bergman of Lee Ray Berman LLC. [Applicant]
 - Lee Ray Berman LLC [Owner]
- Property Address:
 - 710 Duncan Hill Road
- Project Acreage:
 - 8.66 Acres
- Parcel Identification (PIN):
 - 9569-95-7758
 - 9569-95-5941
 - 9569-96-4013
- Current Parcel Zoning:
 - Planned Residential Development Conditional Zoning District (PRD-CZD)
- Proposed Zoning:
 - Planned Residential Development Conditional Zoning District (PRD-CZD)
- Requested Uses:
 - Residential dwelling, multi-family
- Neighborhood Compatibility Meeting:
 - December 9th, 2021
- Future Land Use Designation:
 - High Intensity Neighborhood



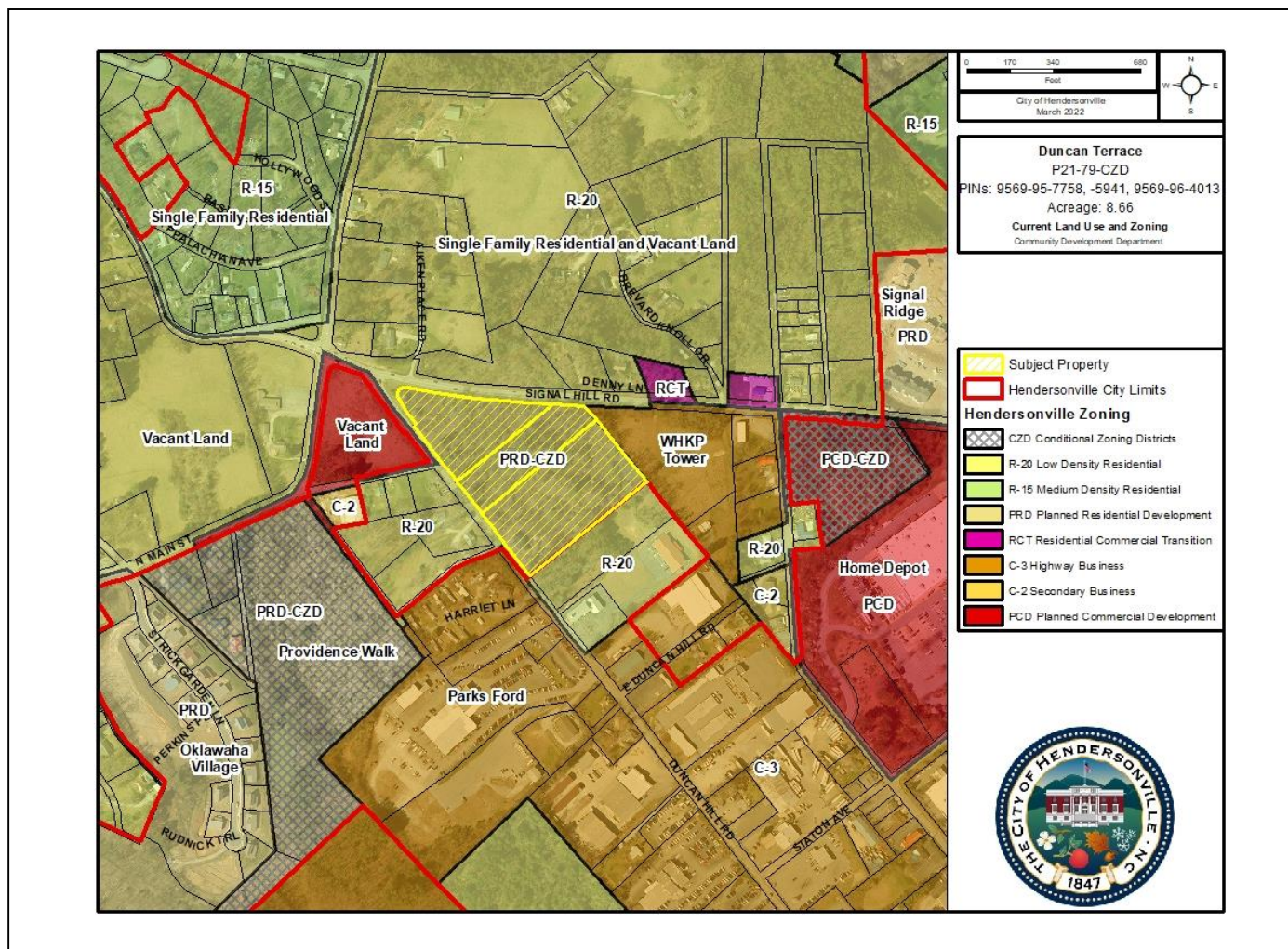
SITE VICINITY MAP

The City of Hendersonville is in receipt of an application for a conditional rezoning from Leah Bergman of Lee Ray Bergman LLC. The applicant is requesting to rezone the subject property, PINs 9569-95-7758, 9569-95-5941, and 9569-96-4013 and located between Duncan Hill Road and Signal Hill Road, from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a multi-family development consisting of 132 apartment units on approximately 8.66 acres. This equates to a density of 15.24 units per acre.

The site plan shows 6 - 3-story multi-family structures, a club house and a pool. The total footprint of buildings is 52,242 Sq Ft. The total Gross Floor Area proposed is 150,636 Sq Ft. This includes 12 - 3-bedroom units, 72 - 2-bedroom units and 48 - 1-bedroom units.

The site plan proposes access from Duncan Hill Road and Signal Hill Road.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned Planned Residential Development Conditional Zoning District. The parcel is surrounded by a variety of zoning classifications and uses. The residential uses in this area range from single family neighborhoods to a mobile home community. The Commercial uses in this area range from a telecommunication tower to a UPS distribution center.

Parcels to the north, across Signal Hill Rd and Berkeley Rd are zoned R-15 Medium Density Residential, R-20 Low Density Residential and RCT- Residential Commercial Transition. This area is largely made up of single-family lots, vacant land and single-family homes converted into commercial uses. Parcels to the east primarily contain commercial uses. This area contains the Home Depot, WHKP radio tower and the under-construction Signal Hill Mini Storage. Parcels to the south are mostly comprised of commercial uses and C-3 zoning. Parcels to the west are zoned PCD, Planned Commercial Development (Eastside Meadows – which was never constructed but an NCM has been held for a potential multi-family development on this site), PRD Planned Residential Development (Providence Walk and Oklawaha Village) and R-20 Low Density Residential.

SITE IMAGES



*View of existing single-family home on the site
(710 Duncan Hill Road)
*To be demolished, if approved**

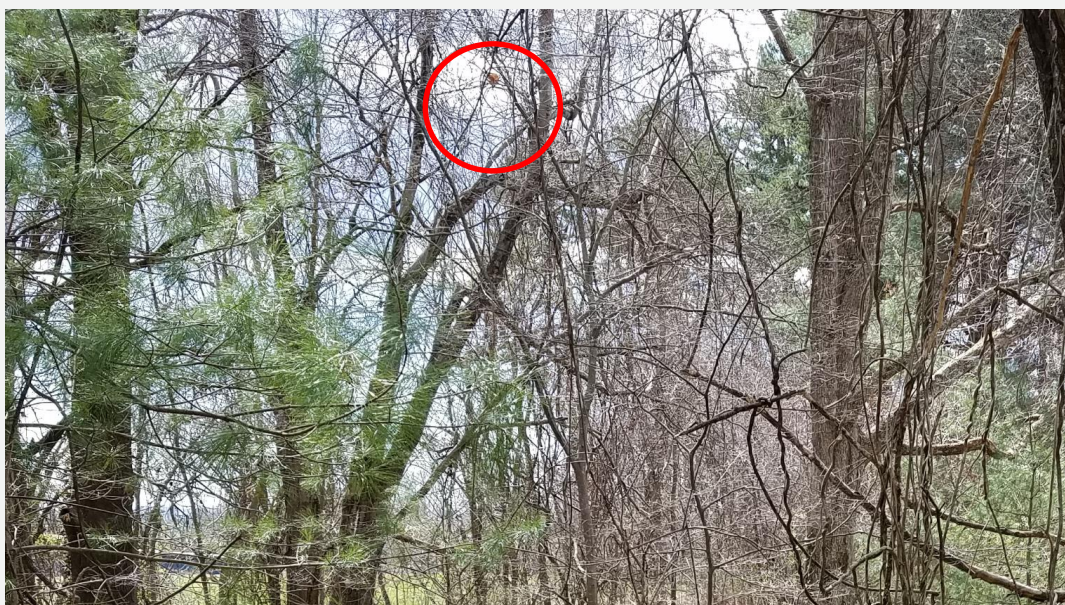


View from the southern point of the property looking northwest

SITE IMAGES



Interior view of the site looking northeastward



View of the WHKP tower from the property

SITE IMAGES



Interior view of the site looking westward



View from where the subject property abuts Signal Hill Road looking westward

SITE IMAGES



*View from the intersection of Signal Hill and Duncan Hill Roads
looking southeast along Duncan Hill Road*



View of Baldwin Hill Avenue and Duncan Hill Road intersection

Prior Rezoning	Summary of Prior Petition	Status
Approved March 4 th , 2021 P20-48-CZD R-20 Low Density Residential to PRD-CZD Planned Residential Development Conditional Zoning District	8.66 acres multi-family development containing 84 units. The project was tied to a Low-Income Housing Tax Credit application that did not receive tax credits.	Preliminary plan approved by City Council- Final site plan never submitted for staff review.

Minutes from the City Council meeting: <https://mccmeetings.blob.core.usgovcloudapi.net/hvlncc-pubu/MEET-Minutes-56eb57685a524f15a2cf7030399c3f70.pdf>

Duncan Terrace

Units/Building- 84 units. 9.7 Units per acre.

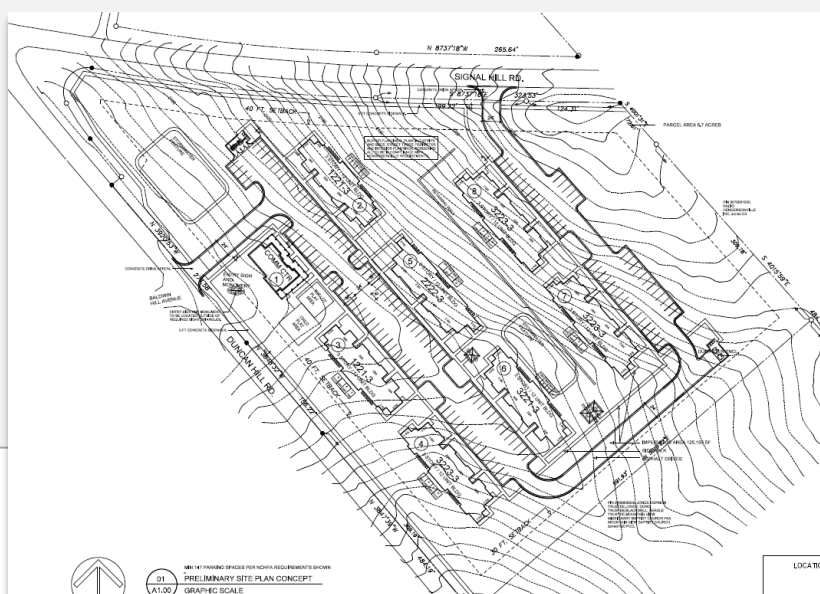
- 7 3-story multi-family buildings. Each building contained 12 units.
- 1 Community Center
- 40,977 Sq Ft of Building Footprint
- 105,776 Sq Ft of GFA

Conditions of Approval:

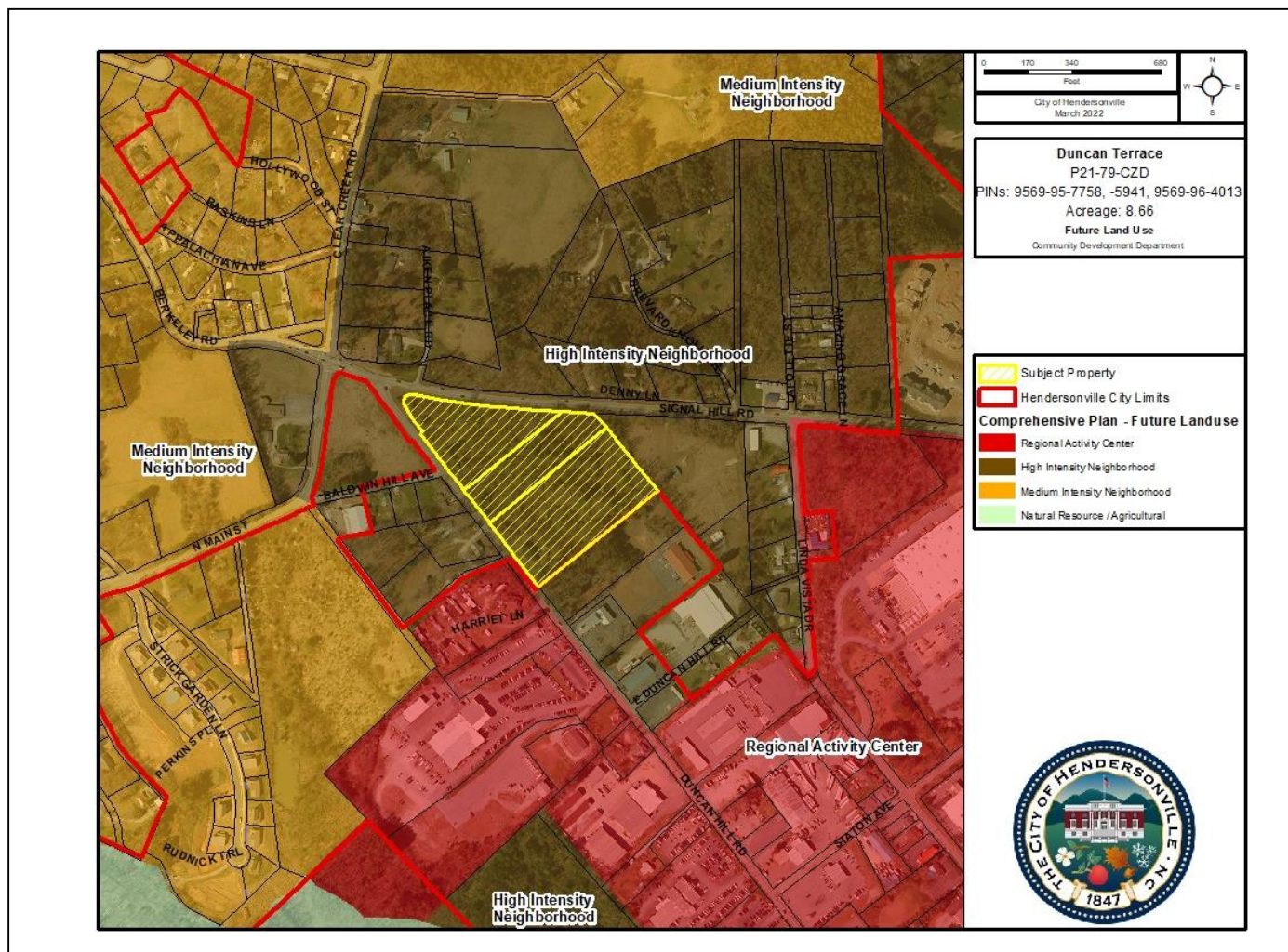
- The Duncan Hill Road entrance/exit will be realigned to match Baldwin Hill Ave.
- Make all reasonable efforts to preserve the three (3) existing trees in front of the existing single-family home at 710 Duncan Hill Road.
- Exterior site lighting should be in accordance with the International Dark Sky Association's recommendations subject to any ADA and the North Carolina Housing Finance Agency requirements.

Uses:

- Residential dwellings, multi-family
- Accessory structures
- Parks
- Home Occupations
- Customary accessory uses



FUTURE LAND USE



City of Hendersonville Future Land Use Map

The site is designated as High Intensity Neighborhood. This designation is due to this parcel being located between a Regional Activity Center (Duncan Hill Road and US 64) and Medium Intensity Neighborhood (Clear Creek Road) This area is intended to serve as a transition between the high intensity commercial uses along the US 64 corridor and the single-family neighborhoods to the north (Windsor Hills). And to serve as a node of higher density residential around an intersection of minor thoroughfares.

Parcels to the north are designated as Medium Intensity Neighborhood and High Intensity Neighborhood. Other than the Signal Ridge Apartments, most parcels designated as High Intensity Neighborhood do not currently reflect the goals or strategies for this designation. This area is largely comprised of single-family homes and vacant land that reflect the current R-20 zoning. Parcels to the east are designated as High Intensity Neighborhood and Regional Activity Center. This area has a mix of housing types and commercial use. The parcels to the south are designated as Regional Activity Center and High Intensity Neighborhood. Parcels to the west are designated as High Intensity Neighborhood and Medium Intensity Neighborhood.

REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)

COMPREHENSIVE PLAN CONSISTENCY

Future Land Use	<p>Goal LU-7 High Intensity Neighborhood: <i>“Encourage low-maintenance, high density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods”</i> [CONSISTENT]</p>
	<p>Strategy LU-7.1. Locations:</p> <ul style="list-style-type: none"> Existing or planned high-density housing neighborhoods (greater than eight units per acre) [CONSISTENT] Priority infill development areas where high-density development is desirable and/or expected, including: <ul style="list-style-type: none"> Areas surrounding Regional Activity Centers [CONSISTENT]
	<p>Strategy LU-7.2. Primary recommended land uses:</p> <ul style="list-style-type: none"> Single-family attached and multi-family residential [CONSISTENT] Planned Residential Developments [CONSISTENT] Open space [CONSISTENT]
	<p>Strategy LU-7.3. Secondary recommended land uses:</p> <ul style="list-style-type: none"> Recreational amenities [CONSISTENT]
	<p>Strategy LU-7.4. Development guidelines:</p> <ul style="list-style-type: none"> Eight or more units per gross acre [CONSISTENT] Placement of higher-intensity uses (e.g. office or higher-density residential) close to Boulevards and Major Thoroughfares, and/or adjacent to Neighborhood and Regional Activity Centers [CONSISTENT] At least 60% open space in new residential developments greater than three acres [CONSISTENT] Architectural guidelines to encourage compatibility between different land uses (e.g. similarities in building height, massing, roof pitch, and rhythm of windows and façade detailing) [INCONSISTENT (elevations not required)] Encouragement of walkable neighborhood design, as described under Goal PH-3 in Chapter 2 [CONSISTENT]
Land Use & Development	<p>The property is designated as a “Priority Infill Area” on the Growth Management Map (Map 8.3a). “Areas that are considered a high priority for the City to encourage infill development on remaining vacant lots and redevelopment of underutilized or underdeveloped properties”. [CONSISTENT]</p>
	<p>A portion of the project area is identified as a “Development Opportunity” in the Comprehensive Plan’s Map 8.2b: Development Framework. This includes vacant land, agricultural land, and single-family residential properties greater than five acres. [CONSISTENT]</p>

REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
Population & Housing	<ul style="list-style-type: none"> Strategy PH-1.1 Promote compatible infill development.
	<ul style="list-style-type: none"> 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.
	<ul style="list-style-type: none"> Strategy PH – 2.2. Encourage provision of affordable housing units in new developments. Action PH 2.2.1 Develop performance standards and/or density bonuses that encourage at least 10% of new housing units sold in a new development to be affordable to people making up to 80% of the area median household income. Action PH-2.2.2. Support development proposals that mix subsidized housing with market rate housing
	<ul style="list-style-type: none"> Strategy PH-3.1 Establish neighborhood design guidelines that promote safe walkable and bikeable neighborhoods while accommodating the automobile. Action PH 3.1.2 Encourage public space design features that calm traffic and provide space for pedestrian gathering and circulation.
Natural & Environmental Resources	<ul style="list-style-type: none"> Strategy NR-2.1. Encourage clustered development that preserves open space while allowing a return on investment. Action NR-2.1.1 Maintain density bonuses that allow additional density in return for open space preservation.
	<ul style="list-style-type: none"> Strategy NR-2.3. Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville's identity. Trees provide several additional community benefits, as described in Figure 3.3c. Action NR-2.3.1 Continue to encourage tree preservation by providing existing tree preservation credit toward landscaping requirements. Action NR-2.3.2 Continue to allow the Tree Board to review and provide recommendations for tree preservation for Special Use Permit projects.
	<ul style="list-style-type: none"> Strategy NR-3.2. Enable and encourage Low-Impact Development practices in stormwater management.
Cultural & Historic Resources	No Goals, Strategies or Actions are directly applicable to this project.
Community Facilities	<ul style="list-style-type: none"> Strategy CF-6.1 Encourage community open-space or play areas in new or redeveloped residential neighborhoods. Action CF-6.1.1 Incorporate recreational amenity requirements and/or incentives in the Planned Residential Development District. Action CF-6.1.2 Maintain open space set-aside standards and incentives in the Planned Residential Development District
Water Resources	<ul style="list-style-type: none"> Strategy WR-2.3. Enable and encourage Low-Impact Development practices in stormwater management.
Transportation & Circulation	<ul style="list-style-type: none"> Strategy TC-1.2. Identify and prioritize needed pedestrian connections within the community Strategy TC-3.4. Improve roadways as needed to implement the land use vision and meet level-of-service requirements. (Duncan Hill Road is included)

REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS	
Compatibility	Is the proposed rezoning compatible or incompatible with surrounding uses?
	<p>Two apartment complexes are currently within 0.25 miles of the subject property (Signal Ridge and Oklawaha Village).</p> <ul style="list-style-type: none"> - Signal Ridge Multi-family- 72 units on 7 acres- 10.29 units per acre. - Oklawaha Village Multi-family- 78 units on 6.43 acres- 12.13 units per acre. <p>This area is designated to serve as a high-density transition between commercial uses and single-family neighborhoods in the Comprehensive plan.</p> <p>An 84-unit apartment complex with a similar layout and design is already permitted on this site with conditions.</p> <p>Much of the existing development northeast of the site is single-family detached housing.</p>
Changed Conditions	Highlight any changed conditions, on surrounding property, etc. that suggest a rezoning is appropriate.
	<p>The site is currently associated with a Conditional Zoning District that approved 84 multi-family units. The previous project was associated with Low-Income Housing Tax Credits and did not get funding. The current developer does not want to develop in accordance with the previously approved Conditional Zoning District. They are also not pursuing LIHTC funding.</p> <p>Additionally, 93 single-family homes off on N. Main St (Providence Walk) were approved in 2021 and site work has begun on this project.</p>
Public Interest	Are there public interests or benefits that would be derived for the greater population from the rezoning?
	<p>This project is proposing to be a mix of market rate (87 units) and “affordable” (80% AMI) apartments (45 units).</p> <p>Based on the 2021 Bowen Housing Needs Assessment for Western North Carolina, Henderson County has an estimated rental housing gap of <u>1,650 to 2,008</u> Units for incomes between <50%-120% AMI. Between 1,389 – 1,682 units within the gap are specifically needed to satisfy incomes ranging from <50%-80%. Over the last 3 years, the City of Hendersonville has approved 346 rental units (286 market rate / 60 affordable). An additional 792 (including this project) are seeking entitlements to construct rental housing. If all projects are approved, the recently-approved rental units would total <u>1,138</u>. Of the 792-units seeking approval, 175 units will target income levels at or below 80% AMI. It should be noted that the Housing Needs Assessment Study does not account for the housing gap for incomes above 120% AMI. An additional gap, beyond that reflected in this 1,650 to 2,008-unit gap, exist for those income levels greater than 120%.</p>
Public Facilities	Are there public facilities that can support the proposed rezoning, water, wastewater, fire and police, schools, and transportation?
	<ul style="list-style-type: none"> - The development is proposing to use City of Hendersonville water and sewer. A sewer lift station is proposed. A water-sewer availability request has <u>not</u> been issued for this project. The Water-Sewer Dept has indicated that a pump station would not be permitted for this site. - The site is also accessed by 2 NCDOT maintained roads. - The developer is extending sidewalks off their property on Duncan Hill and Baldwin Hill Roads in order to meet Density Bonus requirements and to foster better pedestrian connections. They will also be providing internal sidewalks and sidewalks along some frontages. - The property will be served by City Police and Fire
Effect on Natural Environment	Would the proposed amendment result in “significantly adverse impacts” on the natural environment?
	<p>Some of the site is currently greenfield, new development reflects a significant increase in impervious surfaces.</p> <p>The site is currently wooded. A significant number of mature trees would be lost if developed.</p> <p>The developer will have to provide stormwater control measures for the site.</p>

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

The petition is found to be **consistent** with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The High Intensity Neighborhood designation calls for multi-family residential, Planned Residential Developments and open space as primary recommended land uses. The proposed project satisfies a majority of design guidelines under LU-7.4.

We **[find/do not find]** this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

DRAFT [Rationale for Approval]

- *The development would provide 33 “affordable” rental units (for 15 years) for those with household incomes at 80% AMI or less. These units would help to fill the need for affordable housing which currently has a projected gap (shortage) of approximately between 1,329 – 1,622 units in Henderson County according to the 2021 Housing Needs Assessment (Bowen Study).*
- *The development would provide 99 “market-rate” rental units. These units would help reduce the rental housing gap estimated to be between 1,364 and 1,722 units needed within Henderson County to satisfy demand according to the 2021 Housing Needs Assessment (Bowen Study).*
- *The applicant is dedicating +/- 0.59 Acres of right of way at the intersection of Signal Hill and Duncan Hill Road to facilitate future NCDOT road improvements.*
- *The area in proximity to the subject property includes similar and comparable development, including multi-family residential within 0.25 miles of the project.*
- *This development would serve as a transition between the US-64 commercial corridor and the lower density residential northeast of Signal Hill Rd / Berkeley Rd.*

DRAFT [Rational for Denial]

- *The requested revisions to the TIA have not been completed and additional clarity of impacts would be required to determine the potential mitigation needed to offset development impacts.*
- *The proposed site is wooded. If developed as proposed, it would not result in clustered development which preserves significant existing mature trees / woodlands which serve as a community-defining natural feature.*

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS**PROPOSED REQUEST DETAILS**

- The site plan accompanying this petition contains the following provisions:
 - 132-Unit Apartment Development on 8.66 Acres (Density = 15.24 Units/Acre)
 - 6 – 3-story buildings (34.67' Height*)
 - *measurement not based on zoning code standards
 - 150,636 Sq Ft of Gross Floor Area
 - Bedroom units
 - 48 1-Bedroom Units
 - 72 2-Bedroom Units
 - 12 3-bedroom Units
- Requested Uses:
 - Residential, Multi-Family
- Developer Conditions:
 - Developer Proposed Concessions:
 - Dedicate +/- 0.59 Acres of land to NCODT as depicted on the site plan to permit future road upgrades to Duncan Hill and Signal Hill Roads.
 - Make 25% of rental units available to residents at or below 80% Area Median Income (AMI) for the initial 15 years that the buildings are in service. The developer shall provide an annual report to the City of Hendersonville to prove compliance with this requirement.
 - Developer Proposed Conditions:
 - The developer is requesting that a Density Bonus be granted by City Council for this project in accordance with section 5-14-5 Density Bonus of the Zoning Ordinance. [see comments below]
 - Developer shall be granted permission to serve the development with a sanitary sewer lift station to pump to gravity lines at the crest of Duncan Hill Road. Once sewer has been run to the site, developer will tie into City sewer. [Water-Sewer Dept policy does not permit lift stations, subject to certain hardships]

OUTSTANDING ISSUES & PROPOSED CONDITIONS:**COMMUNITY DEVELOPMENT****Site Plan Comments**

- The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Planned Residential Development (5-14) and Site Plan Review (7-3) with the following exceptions:
 - Parking spaces are 9'x20' – exceeding the minimum site requirements. [resolved]
 - Some plants on the proposed landscaping plan are not on the City's recommended species list. [resolved]

- The height is not measured correctly to the mean point of the gabled roof from the average elevation at the base of the structures. If accurate height measurement exceeds 35' then a height exemption will be needed.
[resolved]
- The developer is requesting a density bonus. City Council can grant a density bonus if the following standards are met.
 - The property on which the development is proposed to be situated shall be located in close proximity to a thoroughfare designated as such in the Comprehensive Transportation Plan.
 - Duncan Hill Road is a minor throughfare on the comprehensive transportation plan. [standard satisfied]
 - Vehicular access for such development shall be limited to one or more boulevards or thoroughfares designated as such in the Comprehensive Transportation Plan.
 - Duncan Hill Road is a minor throughfare. [standard satisfied]
 - Signal Hill Road is designated as a local street on the comprehensive plan [see staff recommended condition].
 - The carrying capacity of the roadway shall be adequate to handle increased traffic associated with the development without reducing the level of service of such roadway. [Please see the City of Hendersonville Traffic Consultant comments].
 - The development is proposed to be located within reasonable walking distance of places of employment and/or shopping facilities and shall provide pedestrian amenities in order to foster pedestrian access to such facilities.
 - The developer is fostering pedestrian access to places of employment by extending sidewalks off their site down Duncan Hill Road to connect with existing sidewalks. A plan for this is shown in your packet. [standard satisfied]
 - The development shall provide common open space sufficient for the needs of its residents, which shall not be less than the greater of the common open space required by Section 6-16-2, below, or 1% of the land area of the development for each dwelling unit per acre proposed.
 - The developer is required to provide 15.23%. they are providing 18.1%. [standard satisfied]
 - Any density authorized by City Council pursuant to this section shall not exceed 18 dwelling units per acre.
 - The developer is proposing 15.23 units per acre. [standard satisfied]

Proposed City-Initiated Conditions:

- Allow a right in, right out access onto Signal Hill Road even though Signal Hill Road is not designated as a boulevard or throughfare as required in section 5-14-5 (b) Density Bonus. [Developer Agreed]
- Allow the developer to construct sidewalks along Baldwin Hill Avenue to tie into Providence Walk's future sidewalk network instead of constructing sidewalks

between the driveway accesses on Duncan Hill and Signal Hill Roads due to the probability of those sidewalks being removed when NCDOT makes improvements to Duncan Hill and Signal Hill Roads. [Developer Agreed]

CITY ENGINEER

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

WATER & SEWER

Site Plan Comments:

- The Site Plan indicates that a Private Lift Station is proposed for this site.
- An Availability Request was received on May 3, 2022 and is currently under review.
- The following comments were provided in regard to the previously approved project at this site:
 - The City requires that all development be served by gravity sewer instead of pump stations, where feasible. It appears gravity sewer service is feasible for this project. On the water side, if the plan is to master meter the development, a public water main extension should not be required.
 - The parcels do affirmatively have frontage that abuts ductile iron water mains on Signal Hill Rd (8" DIP) and Duncan Hill Rd (12" AC). Obtaining water service for these parcels may not require an extension. The parcels do not have frontage that abuts a public sewer main and would require an extension for service. There is an 8" public gravity main approximately 2,100 ft to the west along Halford Dr. Connection to sewer may require the owner to apply for voluntary annexation.

Response to Developer-Proposed Condition:

- A lift station will not be permitted at this site.

FIRE MARSHAL

Site Plan Comments

- Final site plans will require location of FDC's and hydrants.

Proposed City-Initiated Conditions:

- None

STORMWATER ADMINISTRATOR

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

FLOODPLAIN ADMINISTRATOR

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

PUBLIC WORKS DIRECTOR:

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

NCDOT

Site Plan Comments:

- Increase island size for the right in, right out to deter people from turning left [Address at Final Site Plan].
- Will need a sidewalk encroachment from NCDOT

Proposed City-Initiated Conditions:

- None

TRANSPORTATION CONSULTANT

The proposed development is anticipated to generate 1,123 Daily Trips, 72 AM peak hour trips, and 87 PM peak hour trips per the ITE Trip Generation Manual, 10th Edition. The daily trips calculation triggered the threshold of 1,000 daily trips to require a TIA (Section 6-18). The City's Transportation Consultant (Jonathan Guy, Kimley-Horn) provided the following feedback on the TIA submitted by the development team:

Based on a technical review of the TIA report submitted by the applicant on March 8th 2022, the City's traffic consultant provided his formal review which required revisions on behalf of the applicant. Those revisions were submitted on April 13. The revised TIA was reviewed and comments were again received by the City's Transportation Consultant. Due to the nature of the TIA, many of the revisions were technical in nature, the comments ranged from low, moderate and high impact. You may find the Technical Memo from Kimley-Horn in the agenda packet. Below are the Conclusions and recommended mitigation measures from that Memo.

Technical Observation Conclusions – Kimley-Horn:

Based on a technical review of the TIA as submitted, there are still several items that are outstanding that have not been addressed within the TIA. Therefore, the following measures are recommended to mitigate the impact of the proposed development.

- Duncan Hill Road at Site Access #1
 - Provide for a Northbound right turn lane with 25 ft of full width storage and an appropriate taper.
- Signal Hill Road at Access #2 RIRO

- Provide for an Eastbound right turn lane with 25 ft of full width storage and an appropriate taper.

The improvements recommended above would be in lieu of the recommended mitigation of a 75 ft long right turn lane at the intersection of N. Main Street and Signal Hill Road as well as the turn lane need shown in the turn lane warrants for Access #1.

Proposed City-Initiated Conditions:

- Revise TIA to address outstanding comments [Developer Agreed]
- Require the developer construct the proposed traffic mitigations from the TIA.
 - Site Access #1
 - Construct Access 1 as with shared left/right egress lane and one ingress lane. [Developer Agreed]
 - Duncan Hill Road at Site Access #1
 - Provide for a Northbound right turn lane with 25 ft of full width storage and an appropriate taper. [Developer Agreed]
 - Signal Hill Road at Access #2 (RIRO)
 - Provide for a Eastbound right turn lane with 25 ft of full width storage and an appropriate taper. [Developer Agreed]

TREE BOARD

Site Plan Comments & Recommended Conditions:

- See attached Tree Board Summary

PLANNING BOARD RECOMMENDATIONProject #: P21-79-CZDMeeting Date: May 9, 2022

PETITION REQUEST: Conditional Rezoning – Duncan Terrace

APPLICANT/PETITIONER: Lee Ray Bergman LLC. [Owner]
Leah Bergman [Applicant/Developer]

PLANNING BOARD ACTION SUMMARY:

Staff gave a presentation on the request and reviewed the guidance from the Comprehensive Plan as well as the criteria for considering a rezoning. Planning Board considered this item for 1 hour and 24 minutes. The main topics discussed by the Planning Board members related to the Tree Board conditions, the increase in the number of units from the previously approved rezoning and the sewer lift station.

The following members of the development team were present and provided information related to the proposed apartment complex: Leah Bergman, applicant/developer and Jeff Harmon and Erik Horton, engineers/site planners for the project.

The development team discussed how the proposed development is satisfying a need for Work Force Housing in Hendersonville. She presented search results for rental housing currently available in Hendersonville. The developer showed images and provided details related to other similar projects they developed in NC.

Five members of the public spoke in opposition to the development:

- Glenn Lange of the Tree Board, Ferncliff Dr - urged the Planning Board to uphold the condition that an additional 75 trees be planted on the site.
- Lynn Clark, Yon Hill Rd - spoke about the loss of trees and greenspace in Hendersonville and the impact to traffic.
- Ester Padula, Brevard Knoll Dr - spoke about the impact to the area due to the loss of trees/habitat for wildlife that she seen on her property nearby.
- Lynne Williams, Chadwick Ave – spoke about concerns with access to the site, traffic impacts, environmental impacts and change of character to the area.
- Ken Fitch, Patton Ave – shared concerns about the traffic impact to intersection in the area and impact to the character of the area.

Mr. Hanley made a motion for approval with Mr. Blatt seconding. The Planning Board voted 7-0 to recommend **APPROVAL** of this petition and adopted the following statements:

CONDITIONS:

In addition to the Conditions on the site plan agreed to by the developer, Planning Board include the following in their motion:

Permitted uses and applicable conditions presented on the site plan shall be amended to include:

- 1. Exterior site lighting should be in accordance with the International Dark Sky Association’s recommendations subject to any ADA requirements and*
- 2. 15 years instead of 10 years for the affordable housing maintenance term of 25% of the housing and people in the residences will be grandfathered in until they leave and will not be evicted.*

COMPREHENSIVE PLAN CONSISTENCY AND REASONABLENESS STATEMENT:

The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The High Intensity Neighborhood designation calls for multi-family residential, Planned Residential Developments and open space as primary recommended land uses. The proposed project satisfies a majority of design guidelines under LU-7.4.

REASONABLENESS STATEMENT

We find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

[Rationale for Approval]

1. The development would provide 33 “affordable” rental units (for 15 years) for those with household incomes at 80% AMI or less. These units would help to fill the need for affordable housing which currently has a projected gap (shortage) of approximately 700 units in Henderson County according to the 2021 Housing Needs Assessment (Bowen Study).
2. The development would provide 99 “market-rate” rental units. These units would help reduce the rental housing gap estimated 500 units needed within Henderson County to satisfy demand according to the 2021 Housing Needs Assessment (Bowen Study).
3. The applicant is dedicating +/- 0.59 Acres of right of way at the intersection of Signal Hill and Duncan Hill Road to facilitate future NCDOT road improvements.
4. The area in proximity to the subject property includes similar and comparable development, including multi-family residential within 0.25 miles of the project.
5. This development would serve as a transition between the US-64 commercial corridor and the lower density residential northeast of Signal Hill Rd / Berkeley Rd.

BOARD ACTION

- **Motion/Second:** Hanley / Blatt
- **Yeas:** Hanley, Peacock, Brown, Robertson, Nace, Blatt, Cromar
- **Nays:** N/A
- **Absent:** Glassman
- **Recused:** N/A



NEIGHBORHOOD COMPATIBILITY MEETING REPORT
DUNCAN TERRACE (P21-79-CZD)
NCM MEETING DATE: DECEMBER 9TH, 2021

PETITION REQUEST: Rezoning: Planned Residential Development Conditional Zoning District (PRD-CZD)

APPLICANT/PETITIONER: Leah Bergman of Lee Ray Berman LLC.

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

A Neighborhood Compatibility Meeting was held for this project on December 9th, 2021 at 2pm in the City Operations Building at 305 Williams St and via Zoom.

5 members of the public were in attendance in-person with 6 others attending virtually. Additionally, in attendance were 2 members of the applicant team and 4 members of City staff.

There was 1 pre-submitted comments.

A citizen asked a question about what the 80% AMI (area median income) in Henderson County was. The applicant stated for a one-person family it is \$40,160 a year, for a two-person family it is \$45,840 a year, for a three-person family it is \$51,600 a year, for a four-person family it is 57,280 a year, five-person is 61,920, six-person is \$66,480 and seven -person is \$71,040. One person asked about the prices for the affordable units and the applicant stated one-bedroom, one-bath \$680, two-bedroom, two baths is \$800, and three-bedroom, two baths would be \$1,050. This would not include electricity but would include cable. Questions were also raised about the access to the site, number of accesses, how the 10 year “affordable term limit” would work, prices of the affordable units.

Citizens raised concerns related to the amount of development in this area, increased traffic, current traffic infrastructure, future NCDOT improvements, impact on environment (tree removal and flooding near US 64), density and the one proposed access off of Duncan Hill Road.

Full minutes from the Neighborhood Compatibility Meeting and pre-submitted public comments are available for review by request.



TREE BOARD RECOMMENDATION
DUNCAN TERRACE (P21-79-CZD)
Meeting Date: March 15th, 2022

PETITION REQUEST: Rezoning: Planned Residential Development Conditional Zoning District (PRD-CZD)

APPLICANT/PETITIONER: Leah Bergman of Lee Ray Berman LLC.

TREE BOARD ACTION SUMMARY:

Staff and the applicant presented to the Tree Board at their regular meeting on March 15th, 2022. The following recommendations were made:

Based on the following guiding city code documents (the Municipal Code, Chapter 46, Article IV, Division I, Trees & Shrubs, Section 46, 116 & 117; the Zoning Code, Article XV Buffering, Screening & Landscaping Sections 15-1, A & C and 15-4 A; the Subdivision Ordinance, Purpose and Intent, Section 1.04, Part H; and the Comprehensive Plan, Vision Statement and Section 3.3, Goal NR-2, Strategy 2.3) and the City Council's adoption (Feb., 2021) of core values and beliefs as guiding principles as they apply to protection of natural resources and the prioritization of existing tree canopy, the Tree Board believes that this project is inconsistent and incompatible with the preservation of tree canopy or even the replanting of some canopy trees removed as compensation for trees removed for the following reasons:

1. Based on the documents provided prior to the Tree Board meeting, more than 300 10" and 12" trees on this property consist primarily of Oak, Maple, Hickory, Poplar, and Pine.
2. It appears that a large number (more than 200 of the more than 300) 10" and 12" trees will be removed from this property and not be preserved or replanted.
3. Of the trees proposed to be planted, only about half (about 35) would be considered to be future large canopy trees and only 6 Maple and 8 Oak are proposed to be planted.
 1. Note: The oak tree listed is not listed for our hardiness zone.
4. This property is one of the few remaining forested properties of this size and tree diversity in Hendersonville.

The Tree Board recommends the following conditions be applied to this development:

1. All tree and shrub planting materials must be selected from the city's Recommended Landscape Species List for Street Trees and Land Development Projects. None of the listed undesirable plants can be planted on this project which specially applies to Wintercreeper (*Euonymus fortunei*). [Developer Agreed]

TREE BOARD ACTION SUMMARY CONTINUED:

2. Gulf Stream Heavenly Bamboo (*Nandina domestica*) is considered invasive by the North Carolina Invasive Species Council and the US Forest Service. It cannot be planted on this project. [Developer Agreed]
3. All preserved trees must be protected from construction activities as prescribed in the zoning code 15-4c regardless of use as tree credits. [Developer Agreed]
4. An additional 75, 2 1/2" or larger caliper, trees must be planted throughout the project and selected from the city's Recommended Landscape Species List for Street Trees and Land Development Projects. [Developer Counter – Developer agrees to plant 87 trees from the recommended species list on site]
5. Implement a vegetative planting plan that will enhance the banks of and a 20 foot corridor around the stormwater pond to provide filtration and infiltration of stormwater from turf managed areas and enhance wildlife habitat. The plan must include diverse and appropriate species of native upland and wetland shrubs and perennial herbaceous plants (including warm season grasses, sedges, and plants important to pollinators) selected from the city's Recommended Landscape Species List for Street Trees and Land Development Projects. No turf grasses should be used. [Developer Agrees]

BOARD ACTION

Motion: Glenn Lange

Roll Call Vote:

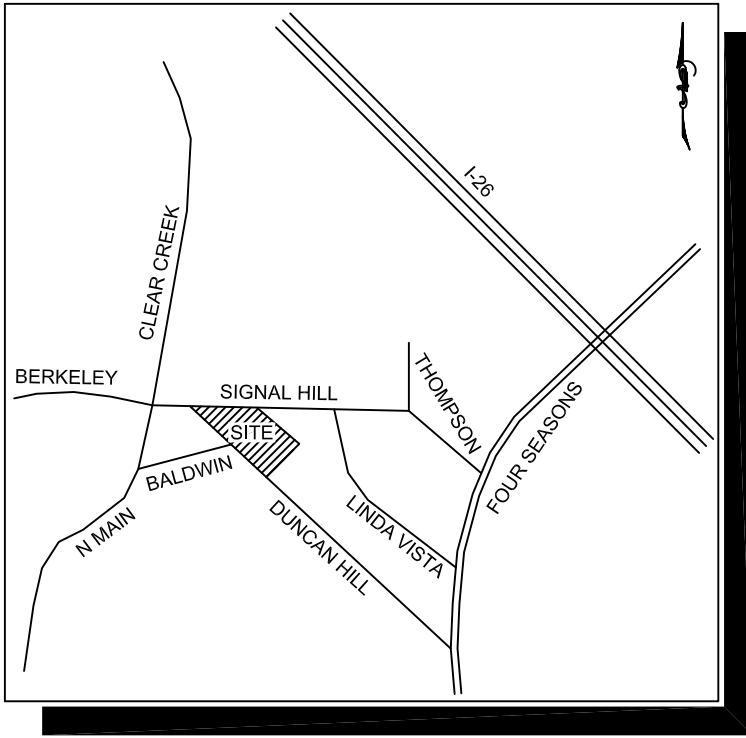
- Yeas: *Mac Brackett, Mark Madsen, Glenn Lange, Pat Christie, Andy Crawford.*
- Nays: *None*
- Absent: *Mary Davis and Landon Justice*
- Recused: *None*

Site Development Plans
for
DUNCAN TERRACE
APARTMENTS
Duncan Hill Rd.
Hendersonville, North Carolina

INDEX

DESCRIPTION	SHEET
TITLE SHEET	T-1
SITE PLAN	CV-1
UTILITY PLAN	CV-2
TREE PLAN	CV-3
TREE SCHEDULE	CV-4
EXISTING CONDITIONS PLAN	CV-5
EXISTING CONDITIONS W/ SITE PLAN OVERLAY	CV-6
OFFSITE SIDEWALK PLAN	CV-7
OVERALL LANDSCAPE PLAN	L1
AMENITY AND BUILDING PLAN	L2

DEVELOPER PROPOSED CONCESSIONS	CONDITIONS
<ul style="list-style-type: none">DEDICATE +- 0.69 ACRES (+- 25,879 SQUARE FEET) OF LAND TO NCDOT AS DEPICTED ON THE SITE PLAN TO ALLOW FOR POSSIBLE FUTURE ROAD UPGRADES TO DUNCAN HILL AND SIGNAL HILL ROADS.	<ul style="list-style-type: none">DEVELOPER SHALL BE GRANTED A DENSITY BONUS IN ACCORDANCE WITH 5-14-5 OF THE ZONING ORDINANCE. THE DENSITY BONUS SHALL ALLOW A DENSITY OF 15.23 UNITS PER ACRE.
<ul style="list-style-type: none">DEVELOPER WILL MAKE 25% OF RENTAL UNITS AVAILABLE TO RESIDENTS AT OR BELOW 80% AREA MEDIAN INCOME (AMI) FOR THE INITIAL 15 YEARS THAT THE BUILDINGS ARE IN SERVICE. THE DEVELOPER SHALL PROVIDE AN ANNUAL REPORT TO THE CITY OF HENDERSONVILLE TO PROVE COMPLIANCE WITH THIS REQUIREMENT.	<ul style="list-style-type: none">ALLOW A RIGHT IN, RIGHT OUT ACCESS POINT ONTO SIGNAL HILL ROAD EVEN THOUGH SIGNAL HILL ROAD IS NOT DESIGNATED AS A BOULEVARD OR THROUGHFARE AS REQUIRED IN SECTION 5-14-5 (B) DENSITY BONUS.
	<ul style="list-style-type: none">ALLOW THE DEVELOPER TO CONSTRUCT SIDEWALKS ALONG BALDWIN HILL AVENUE TO TIE INTO PROVIDENCE WALK'S FUTURE SIDEWALK NETWORK INSTEAD OF CONSTRUCTING SIDEWALKS BETWEEN THE DRIVEWAY ACCESSES ON DUNCAN HILL ROAD AND SIGNAL HILL ROAD DUE TO THE PROBABILITY OF THOSE SIDEWALKS BEING REMOVED WHEN NCDOT MAKES IMPROVEMENTS TO DUNCAN HILL ROAD AND SIGNAL HILL ROAD.
	<ul style="list-style-type: none">REVISE TIA TO ADDRESS ALL OUTSTANDING COMMENTS.
	<ul style="list-style-type: none">DEVELOPER TO CONSTRUCT THE PROPOSED TRAFFIC MITIGATIONS FROM THE TIA.
	<ul style="list-style-type: none">DEVELOPER SHALL BE GRANTED PERMISSION TO SERVE THE DEVELOPMENT WITH A SANITARY SEWER LIFT STATION TO PUMP TO GRAVITY LINES AT THE CREST OF DUNCAN HILL RD. ONCE PUBLIC SEWER HAS BEEN MADE AVAILABLE TO WITHIN 600' OF THE SITE, DEVELOPER WILL CONNECT TO THE PUBLIC MAINS.
	<ul style="list-style-type: none">DEVELOPER AGREES TO PLANT FROM THE RECOMMENDED SPECIES LIST AND WILL PROTECT PRESERVED TREES FROM CONSTRUCTION ACTIVITIES AS PRESCRIBED IN ZONING CODE 15-4c.
	<ul style="list-style-type: none">DEVELOPER WILL PLANT ON SITE 87 TREES FROM THE RECOMMENDED SPECIES LIST.
	<ul style="list-style-type: none">A VEGETATIVE PLANTING PLAN AROUND THE STORMWATER POND WILL BE IMPLEMENTED ALONG WITH THE FINAL SITE PLAN.
	<ul style="list-style-type: none">EXTERIOR LIGHTING SHOULD BE IN ACCORDANCE WITH THE INTERNATIONAL DARK SKY ASSOCIATION'S RECOMMENDATIONS SUBJECT TO ANY ADA REQUIREMENTS.
	<ul style="list-style-type: none">ALL PRESERVED TREES MUST BE PROTECTED FROM CONSTRUCTION ACTIVITIES AS PRESCRIBED IN THE ZONING CODE 15-4C REGARDLESS OF USE AS TREE CREDITS.



SITE LOCATION MAP
NTS

SITE ANALYSIS

- 5-17-2022
 - DUNCAN TERRACE APARTMENTS
 - OWNER/DEVELOPER
 - LEE RAY BERGMAN, LLC
 - P.O. BOX 685
 - DURHAM, NC 27702
 - ENGINEER
 - ERIK HORTON, PE
 - BLUE LINE CONSULTING, LLC
 - 108 RIDGE RD.
 - LANDRUM, SC 29356
 - PARCEL IS NOT CURRENTLY IN CITY LIMITS, BUT IS WITHIN THE HENDERSONVILLE ETJ; DISTANCE TO NEAREST CITY PROPERTY IS 0 FT.
 - PARCEL NUMBER 9569964013
 - PLAT B 237
 - DEED 3841/517
 - PARCEL NUMBER 9569955941
 - PLAT B 237
 - DEED 3841/517
 - PARCEL NUMBER 9569957758
 - PLAT B 213
 - DEED 3841/514
 - PROPOSED 132-UNIT APARTMENT COMPLEX (25% OF RENTAL UNITS WILL BE MADE AVAILABLE TO RESIDENTS AT OR BELOW 80% AREA MEDIAN INCOME (AMI) FOR THE INITIAL 10 YEARS THAT THE BUILDINGS ARE IN SERVICE)
 - DENSITY - 15.23 UNITS/ACRE
 - CURRENT ZONING - PRD
 - PROPOSED ZONING - PRD
 - PROJECT AREA 8.67 ACRES / 377,992 FT²
 - AREA OF BUILDINGS 52,242 FT² 13.8%
 - OPEN SPACE AREA 248,447 FT² 65.7%
 - STREET/PARKING AREA 71,227 FT² 18.8%
 - OTHER FACILITIES AREA 5,500 FT² 1.5%
 - COMMON OPEN SPACE AREA 68,364 FT² 18.1% (66,000 FT² REQ'D)
 - NO PORTION OF THE PROPERTY IS LOCATED WITHIN AN ESTABLISHED FEMA FLOOD PLAIN PER PANEL NO. 3700956900J & 3700957900J.
 - PLAN BASED ON CURRENT CITY OF HENDERSONVILLE PARKING REGS: 1.5 PER 1/2-BEDROOM UNITS & 2 PER 3-BEDROOM UNITS
 - 3-BR 12 UNITS 24 SP REQ'D
 - 2-BR 72 UNITS 108 SP REQ'D
 - 1-BR 48 UNITS 72 SP REQ'D
 - 204 TOTAL SP REQ'D
 - 204 TOTAL SP PROV'D
 - BUILDINGS ARE THREE STORIES WITH A MAXIMUM MEAN LEVEL HEIGHT FROM SURROUNDING GRADE OF 34.67'.
 - PROJECT WILL BE COMPLETED IN ONE PHASE.

BLUE LINE
CONSULTING, LLC

108 RIDGE RD.
LANDRUM, SC 29356
(864) 884-2158

NO.	DATE	REVISION
1		
2		
3		
4		
5		
6		
7		

Duncan Terrace
Apartments
Hendersonville, North Carolina

Title Sheet

SHEET TITLE:

SCALE:
DRAWN:
DATE:

NTS PROJECT NO.
MEH SHEET NO.
5-17-2022

21038

T-1

CORPORATE SEAL
ENGINEER SEAL

BLUE LINE
CONSULTING, LLC

108 RIDGE RD.
LANDRUM, SC 29356
(854) 884-2158

NO.	DATE	REVISION
1		
2		
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7		

**Duncan Terrace
Apartments**

Hendersonville, North Carolina

PROJECT:

SHEET TITLE:

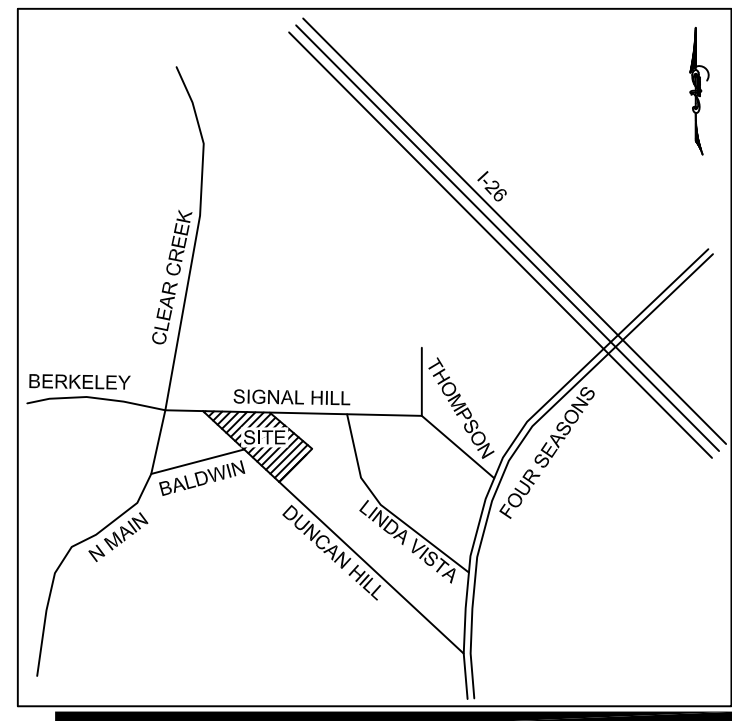
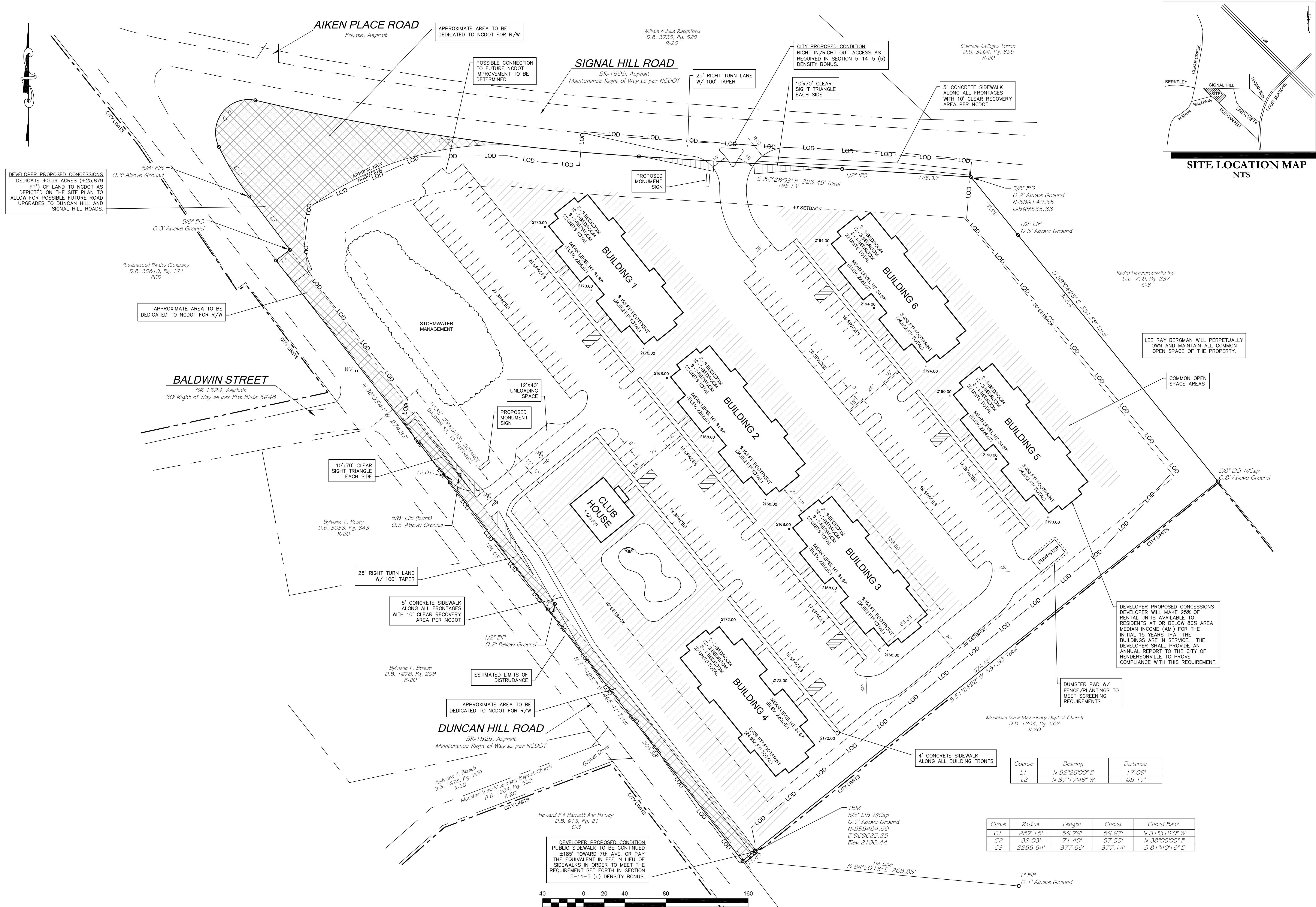
Site Plan

SCALE: 1"=40' PROJECT NO. 21038

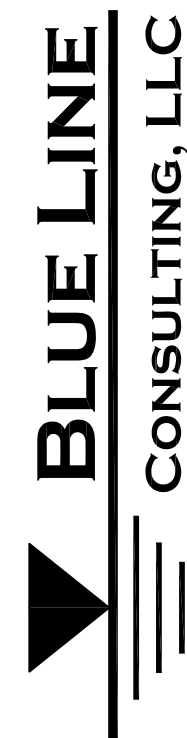
DRAWN: MEH SHEET NO.

DATE: 5-17-2022

CV-1



SITE LOCATION MAP
NTS



108 RIDGE RD.
LANDRUM, SC 29356

NO.	DATE	REVISION
1		
2		
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Duncan Terrace Apartments

Hendersonville, North Carolina

PROJECT:

Utility Plan

SCALE:	1"=40'	PROJECT NO.	21038
DRAWN:	MEH	SHEET NO	

SCALE:	1"=40'	PROJECT NO.
DRAWN:	MEH	SHEET NO.

SCALE: 1" = 40'

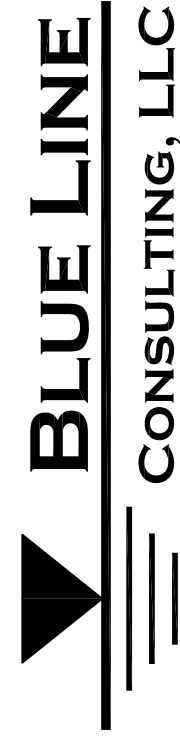
DRAWN: MCH

CV-2



CORPORATE SEAL

ENGINEER SEAL



CONSULTING, LLC
108 RIDGE RD.
LANDRUM, SC 29356
(864) 884-2158

NO.	DATE	REVISION
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Duncan Terrace
Apartments

Hendersonville, North Carolina

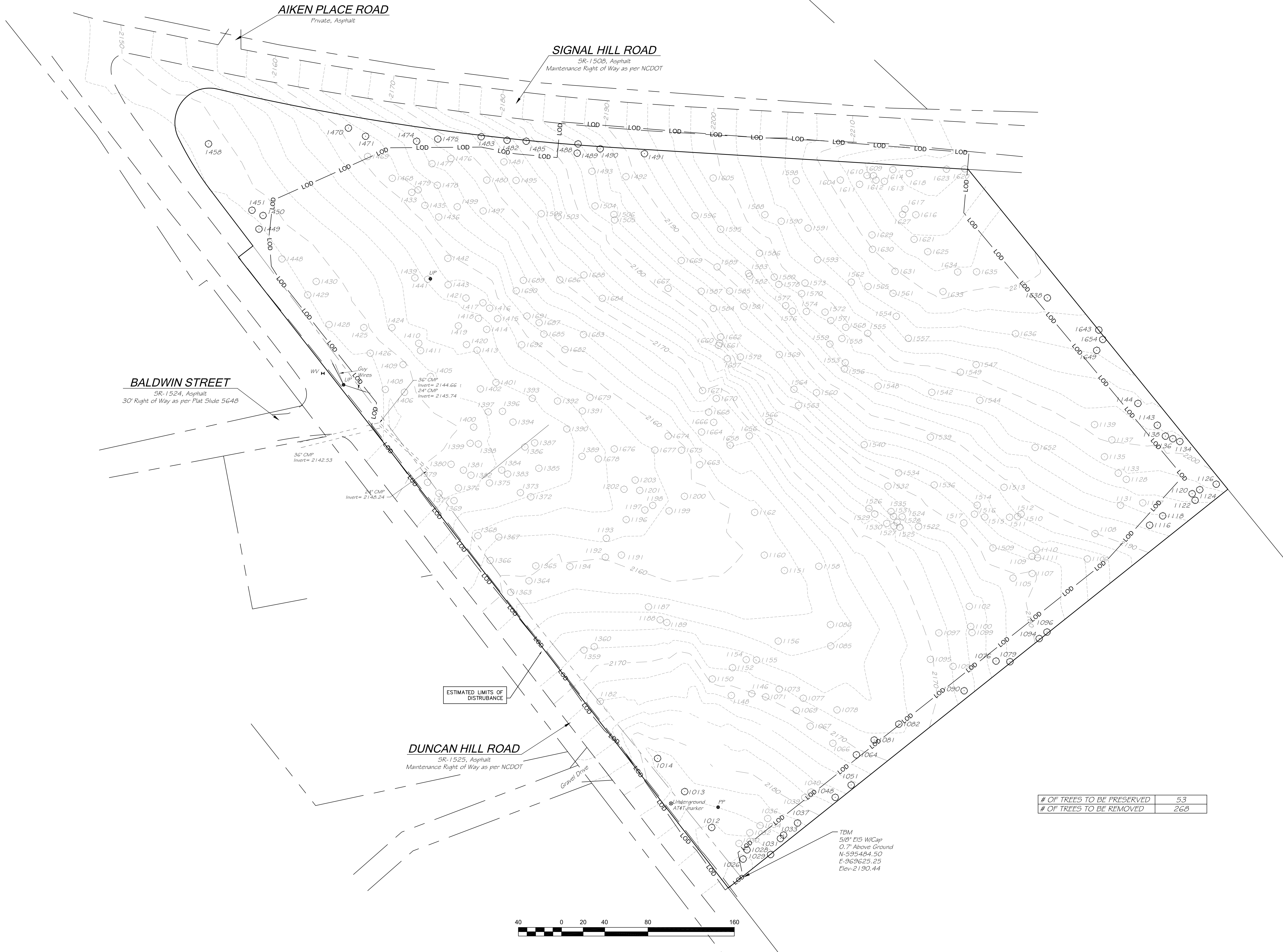
PROJECT:

SHEET TITLE:

Tree Plan

SCALE:	1"=40'	PROJECT NO.	21038
DRAWN:		MEH SHEET NO.	
DATE:	5-17-2022		

CV-3



Point	Description
1012	12" Maple
1013	36" Maple
1014	32" Maple
1026	30" OAK
1028	20" PINE
1029	14" OAK
1030	14" OAK
1031	12" PINE
1032	16" OAK
1033	10" PINE
1034	10" PINE
1036	16" PINE
1037	24" OAK
1039	12" PINE
1040	12" PINE
1048	16" OAK + 10" LOCUST
1051	12" PINE
1064	10" PINE
1066	18" POPLAR
1067	16" OAK
1069	18" OAK
1071	18" OAK
1073	10" LOCUST
1076	20" PINE
1077	10" HICKORY
1078	10" HICKORY
1079	22" OAK
1081	10" POPLAR
1082	12" + 10" POPLAR
1085	30" OAK
1086	14" PINE
1090	10" POPLAR
1093	10" POPLAR
1094	12" MAPLE
1095	10" POPLAR
1096	10" POPLAR
1097	10" MAPLE
1099	30" PINE
1100	30" PINE
1102	14" POPLAR
1105	30" OAK
1106	22" OAK
1107	10" + 20" MAPLE
1108	18" POPLAR x 3
1109	26" OAK
1110	20" PINE
1111	12" BEECH x 2
1116	14" OAK
1118	30" OAK
1120	24" OAK
1122	22" OAK
1124	24" MAPLE
1126	34" PINE + 30" OAK
1127	10" PINE
1128	10" PINE
1131	10" PINE
1133	10" PINE

1134	22" OAK
1135	10" PINE
1136	40" OAK
1137	14" PINE
1138	24" OAK
1139	14" PINE
1143	42" + 22" OAK
1144	30" OAK
1146	10" POPLAR
1148	10" OAK
1150	12" OAK
1151	10" POP
1152	20" POP
1154	12" HICKORY
1155	10" HICKORY
1156	10" POPLAR
1158	10" PINE
1160	10" POPLAR
1162	10" POPLAR
1182	22" POPLAR
1187	16" + 10" MAPLE
1188	16" OAK x 2
1189	10" HICKORY
1191	10" OAK
1192	22" OAK
1193	18" OAK
1194	10" POPLAR
1196	22" POPLAR
1197	26" + 14" MAPLE x 2
1198	10" HICKORY
1199	10" OAK
1200	10" POPLAR
1201	10" OAK
1202	12" BIRCH
1203	12" HICKORY
1359	10" OAK x 2
1360	14" OAK
1363	26" OAK
1364	10" POPLAR
1365	8" OAK
1366	40" OAK
1367	20" CEDAR
1368	36" OAK
1369	10" OAK
1372	12" HICKORY
1373	10" HICKORY
1375	12" HICKORY
1376	10" OAK
1377	10" OAK
1379	10" OAK x 2
1380	40" PINE
1381	10" OAK
1382	10" OAK
1383	10" HICKORY
1384	10" OAK
1385	10" POPLAR x 2
1386	10" MAPLE
1387	10" POPLAR
1389	8" POPLAR

Point	Description
1390	8" POPLAR
1391	14" HICKORY
1392	16" HICKORY
1393	16" HICKORY
1394	12" HICKORY
1396	16" HICKORY / 12" HICKORY
1397	8" OAK
1398	16" OAK
1399	40" PINE
1400	10" PINE
1401	14" OAK
1402	22" OAK
1404	16" POPLAR
1405	48" OAK
1406	24" HOLLY
1408	12" CEDAR
1409	8" HICKORY
1410	16" HICKORY
1411	14" CEDAR
1413	10" OAK
1414	10" OAK
1415	18" OAK
1416	14" OAK / 10" OAK
1417	8" BIRCH
1418	16" OAK
1419	14" HICKORY
1420	16" OAK
1421	10" OAK x 2
1424	20" OAK
1425	36" PINE
1426	8" OAK
1428	10" OAK
1429	8" OAK
1430	8" OAK
1433	14" OAK x 2
1435	16" HICKORY
1436	14" OAK
1439	16" HICKORY
1441	8" PINE
1442	8" OAK
1443	16" OAK / 12" OAK
1448	8" OAK
1449	6" POPLAR
1450	8" OAK
1451	OAK CLUSTER
1458	OAK CLUSTER
1468	14" HICKORY
1469	10" OAK x 2
1470	12" OAK
1471	10" OAK
1474	22" POPLAR
1475	40" OAK
1476	8" OAK
1477	10" HICKORY
1478	16" OAK
1479	12" POPLAR / 12" OAK
1480	12" POPLAR

1481	10" HICKORY
1482	12" POPLAR / 12" POPLAR
1483	POPLAR CLUSTER
1485	POPLAR CLUSTER
1488	MAPLE CLUSTER
1489	10" HICKORY
1490	10" POPLAR x 2
1491	12" POPLAR
1492	14" POPLAR
1493	10" OAK
1495	16" OAK
1497	10" HICKORY
1499	12" OAK
1502	10" OAK
1503	10" HICKORY
1504	14" POPLAR
1505	8" POPLAR
1506	10" HICKORY
1509	30" MAPLE
1510	14" POPLAR
1511	10" POPLAR
1512	10" PINE / 12" PINE
1513	10" LOCUST
1514	12" PINE
1515	10" POPLAR
1516	10" POPLAR
1517	10" POPLAR
1522	40" PINE
1524	12" OAK
1525	20" OAK
1526	20" OAK x 3
1527	18" OAK
1528	10" POPLAR
1529	20" OAK
1530	30" OAK
1531	20" OAK
1532	10" BIRCH
1534	14" POPLAR
1535	20" OAK
1536	10" PINE
1539	10" PINE
1540	36" PINE
1542	22" OAK
1544	14" PINE
1547	14" PINE
1548	22" OAK
1549	14" PINE
1553	34" PINE
1554	14" PINE
1555	8" PINE
1556	26" OAK
1557	22" OAK
1558	10" OAK
1559	18" HOLLY
1560	36" PINE
1561	20" OAK
1562	8" OAK x 2
1563	16" PINE
1564	20" PINE

Point	Description
1564	20" PINE
1565	20" POPLAR
1566	22" OAK
1568	8" OAK
1569	24" PINE / 22" PINE
1570	10" POPLAR
1571	18" PINE
1572	12" HOLLY
1573	12" POPLAR
1574	18" PINE
1576	10" PINE
1577	10" POPLAR
1578	10" OAK
1579	24" PINE
1580	16" PINE
1581	14" PINE
1582	24" POPLAR
1583	16" OAK
1584	20" PINE
1585	12" PINE
1586	12" PINE x 2
1587	36" PINE x2
1588	36" OAK x2
1589	12" PINE
1590	10" OAK
1591	10" OAK
1593	10" OAK
1595	48" OAK
1596	12" POPLAR
1598	36" OAK
1604	10" OAK
1605	14" OAK
1609	10" MAPLE
1610	10" MAPLE
1611	10" OAK
1612	12" OAK
1613	10" OAK
1614	10" OAK
1616	10" OAK
1617	10" BIRCH
1618	20" PINE
1620	10" OAK
1621	10" BIRCH
1623	10" OAK
1625	10" BIRCH
1627	14" PINE / 10" BIRCH
1629	10" PINE
1630	10" OAK
1631	10" MAPLE
1633	24" OAK
1634	12" PINE / 12" OAK
1635	12" OAK
1636	10" POPLAR
1638	10" PINE / 10" PINE
1643	24" OAK
1649	HOLLY CLUSTER
1652	12" POPLAR

1654	24" OAK
1656	10POPLAR x 2
1657	24" PINE
1658	26" PINE
1660	18" PINE
1661	18" PINE
1662	20" PINE
1663	30" POPLAR
1664	10" MAPLE
1666	14" PINE
1667	8" POPLAR x 2
1668	10" OAK / 20" OAK
1669	10" MAPLE
1670	10" POPLAR
1671	14" OAK
1674	16" MAPLE
1675	16" MAPLE x 3
1676	10" OAK
1677	10" POPLAR
1678	12" BIRCH
1679	10" OAK
1682	20" OAK
1683	14" POPLAR
1684	10" PINE
1685	12" OAK
1686	10" HICKORY
1687	12" POPLAR
1688	10" POPLAR
1689	14" MAPLECLUSTER
1690	16" OAK
1691	12" MAPLECLUSTER
1692	14" HICKORY

# OF TREES TO BE PRESERVED	53
# OF TREES TO BE REMOVED	268

Tree Schedule			
SCALE:	NTS	PROJECT NO.	21038
DRAWN:		MEH	SHEET NO.
DATE:	5-17-2022		

CV-4

Duncan Terrace
Apartments
Hendersonville, North Carolina

NO.	DATE	REVISION
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LANDRUM, SC 29356
(864) 884-2158

ENGINEER SEAL

CORPORATE SEAL

CORPORATE SEAL
ENGINEER SEAL

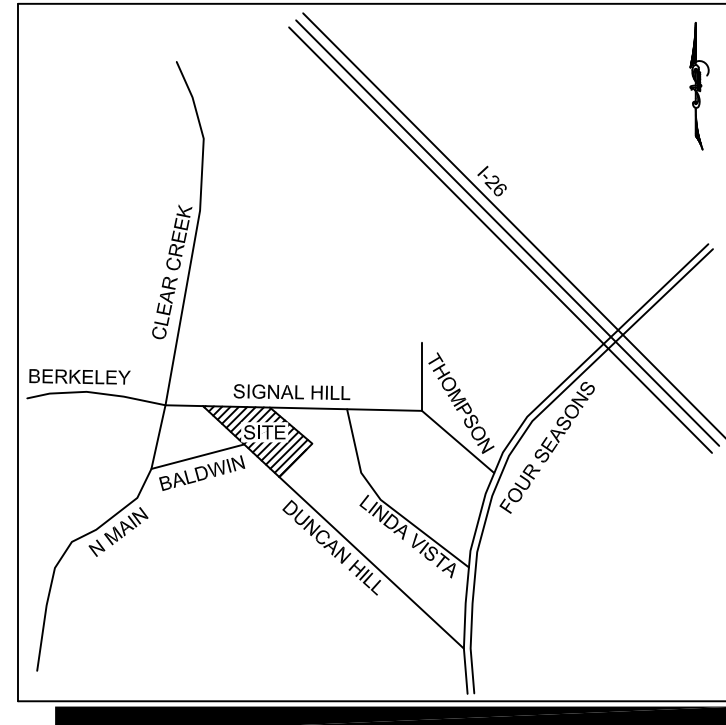
BLUE LINE
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108 RIDGE RD.
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(864) 884-2158

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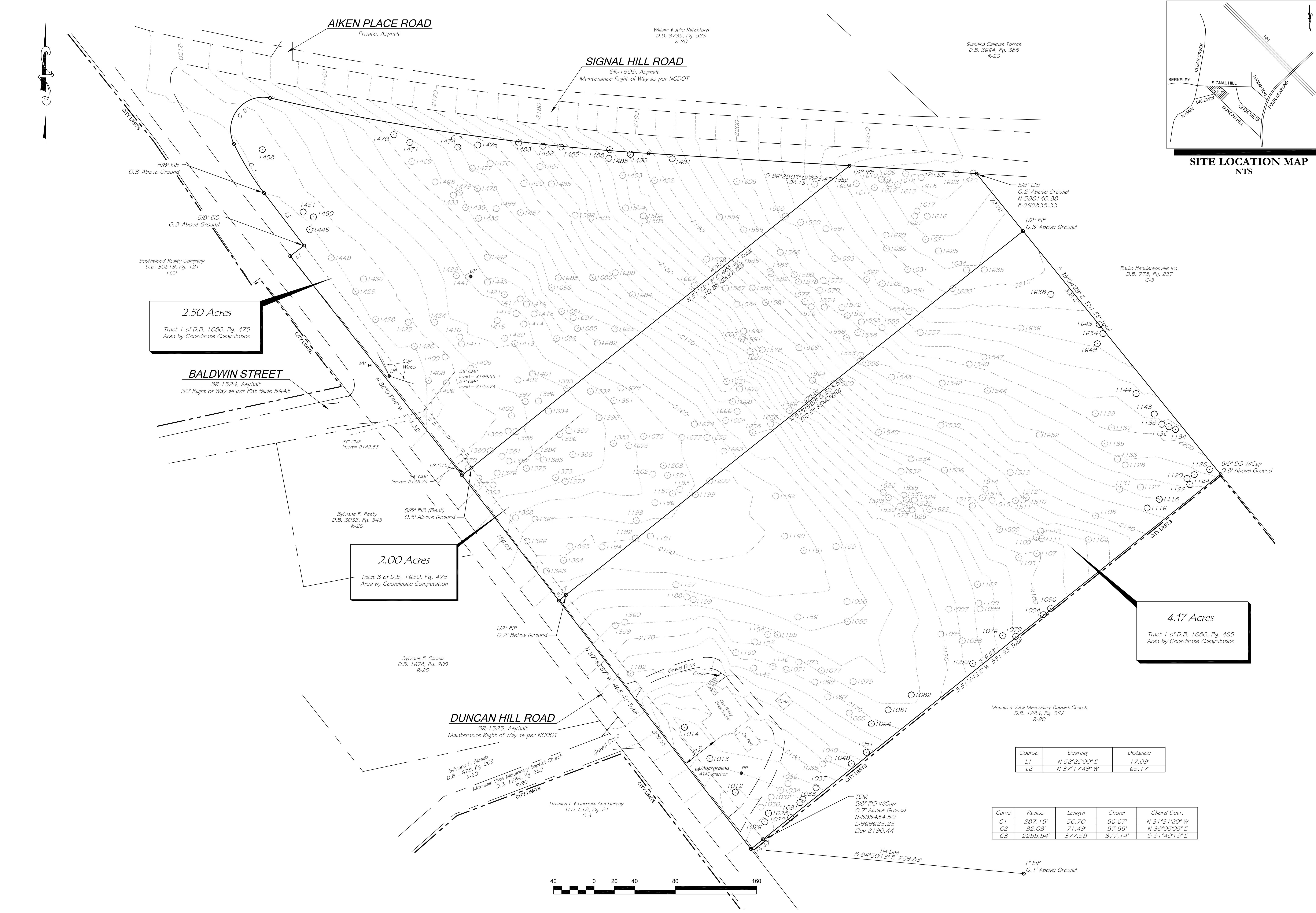
Duncan Terrace Apartments
Hendersonville, North Carolina

PROJECT:	21038
SHEET TITLE:	Existing Conditions
SCALE:	1"=40' PROJECT NO.
DRAWN:	MEH SHEET NO.
DATE:	1-27-2022

CV-5



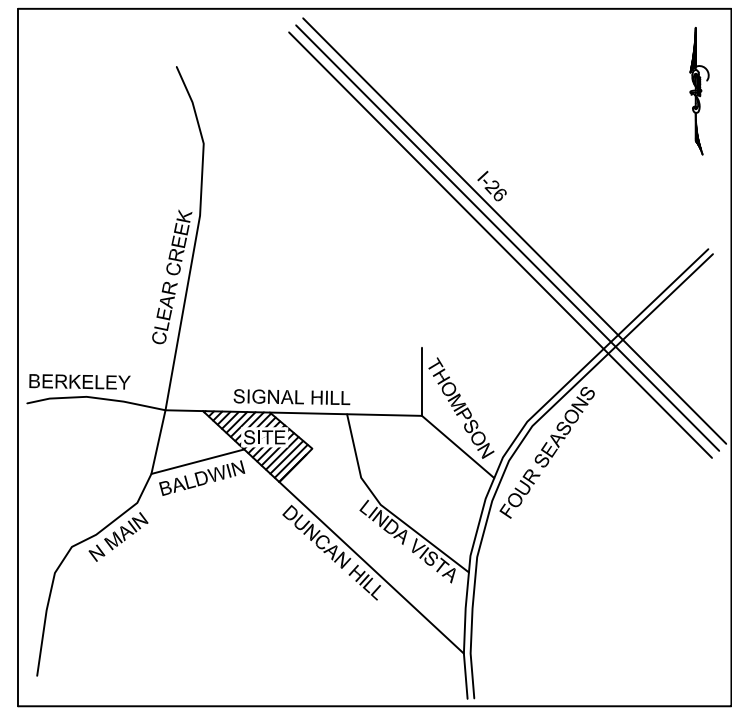
SITE LOCATION MAP
NTS



Course	Bearing	Distance
L1	N 52°25'00" E	17.09'
L2	N 37°17'49" W	65.17'

Curve	Radius	Length	Chord	Chord Bear.
C1	287.15'	56.76'	56.67'	N 31°31'20\"/>
C2	32.03'	71.49'	57.55'	N 38°05'05\"/>
C3	2255.54'	377.58'	377.14'	S 81°40'18\"/>





SITE LOCATION MAP
NTS

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ENGINEER SEAL
CORPORATE SEAL

NO. DATE REVISION

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Duncan Terrace
Apartments

Hendersonville, North Carolina

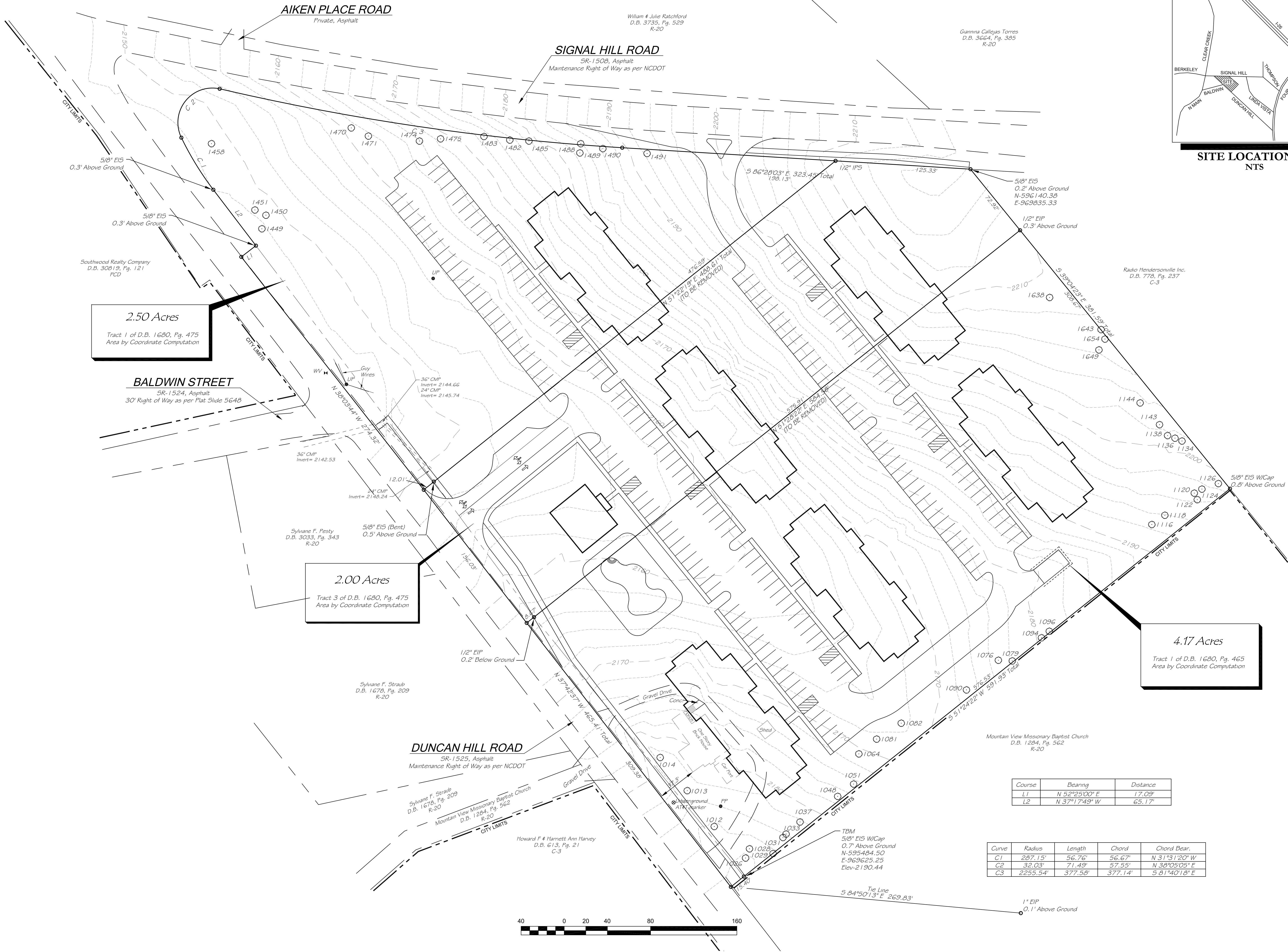
PROJECT:

Existing Conditions w/
Site Plan Overlay

1"=40' PROJECT NO. 21038
DRAWN: MEH SHEET NO.
DATE: 1-27-2022

SHEET TITLE:

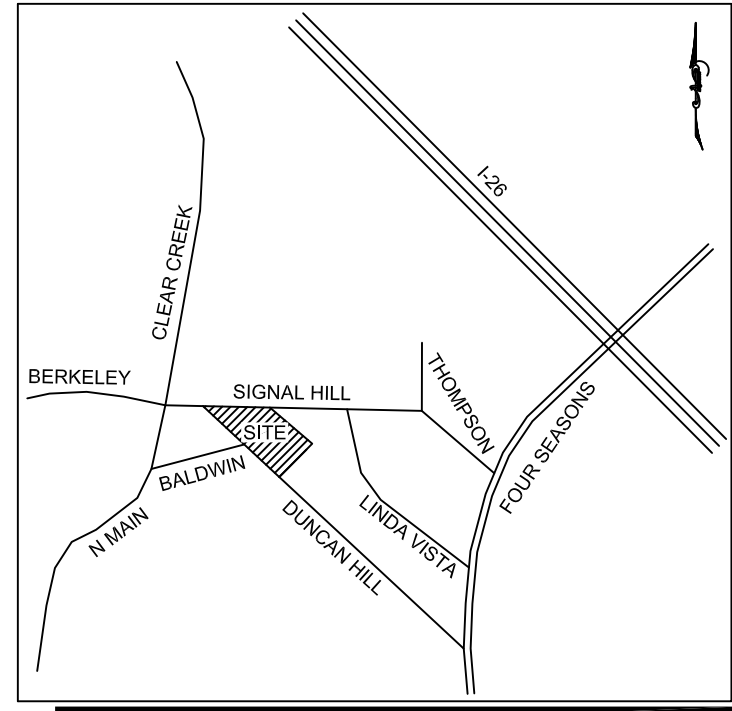
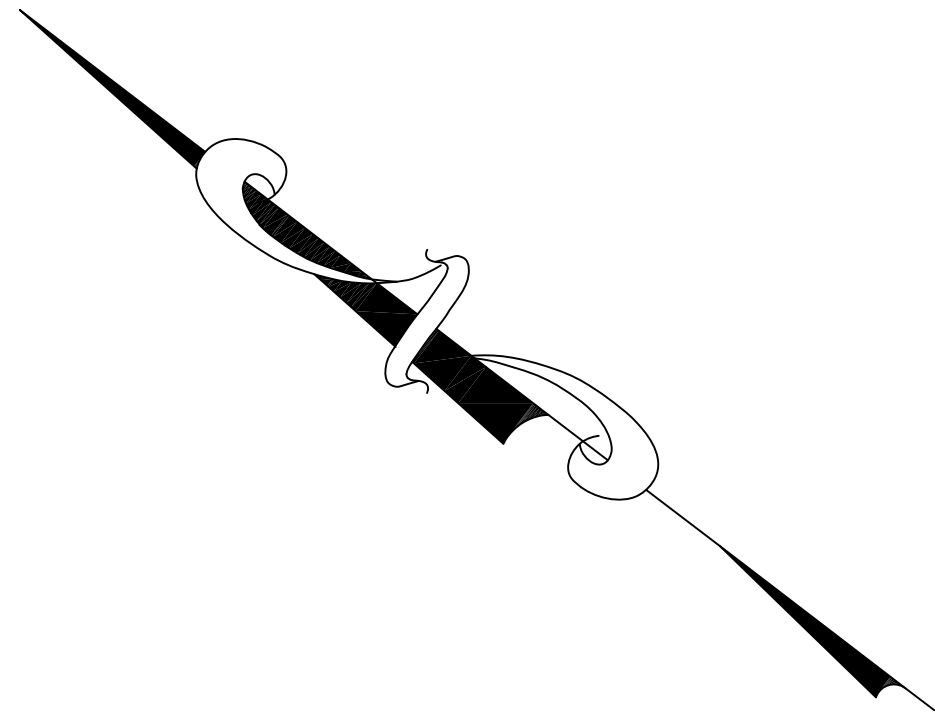
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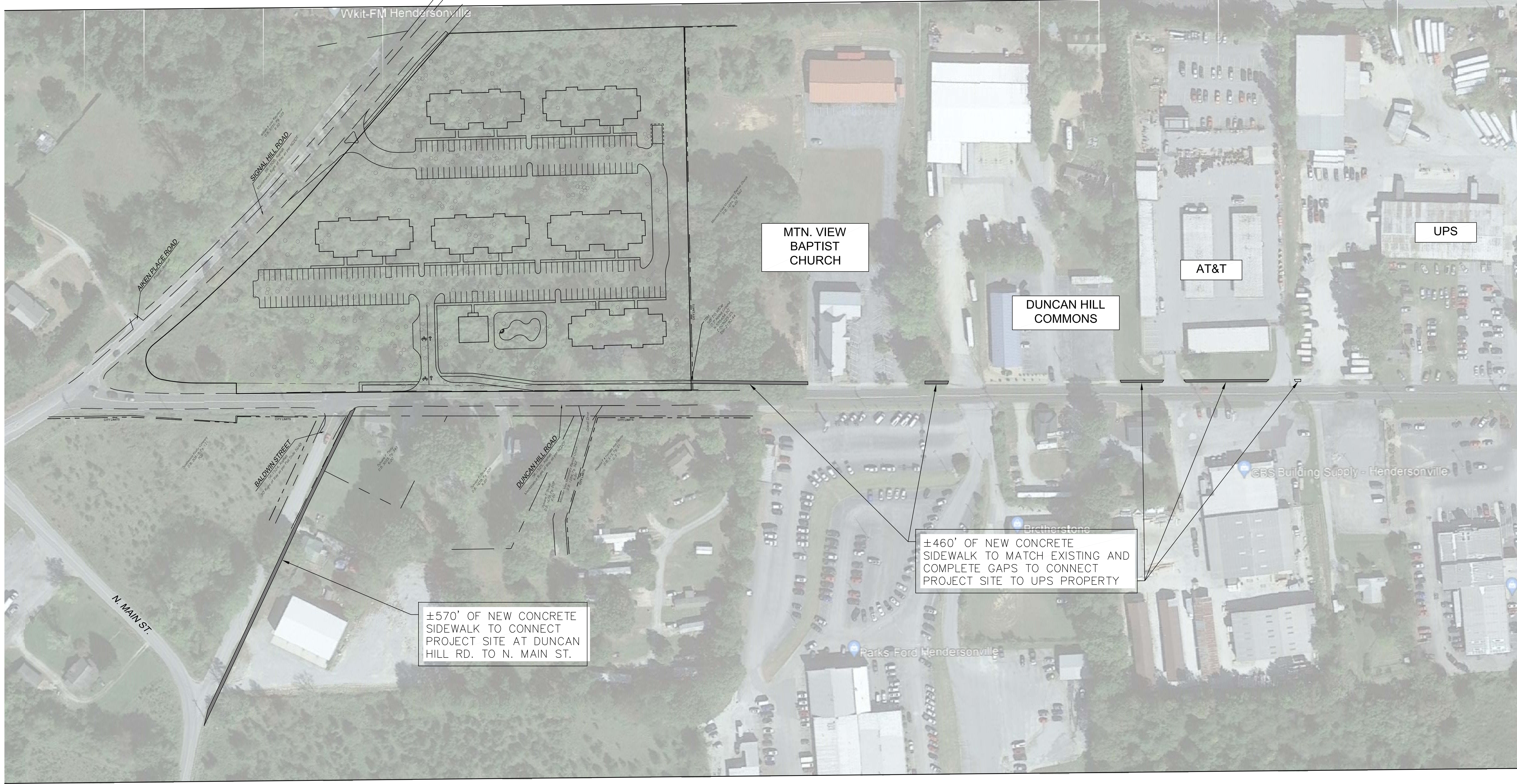
Course	Bearing	Distance
L1	N 52°25'00" E	17.09'
L2	N 37°17'49" W	65.17'

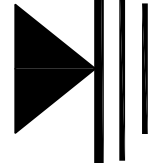
Curve	Radius	Length	Chord	Chord Bear.
C1	287.15'	56.76'	56.67'	N 31°31'20" W
C2	32.03'	71.49'	57.55'	N 38°05'05" E
C3	2255.54'	377.58'	377.14'	S 81°40'18" E





SITE LOCATION MAP
NTS





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**Duncan Terrace
Apartments**
Hendersonville, North Carolina

SHEET TITLE:	Off-Site Sidewalk Plan	
	NTS PROJECT NO.	21038
	MEH SHEET NO.	
	DATE:	5-17-2022

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BUFFER YARD REQUIREMENTS

BASED ON CODE OF ORDINANCES CITY OF
HENDERSONVILLE, NC - SECTION 15-6: BUFFERYARDS
TABLE OF BUFFER REQUIREMENTS

- PROPOSED LAND USE
- RESIDENTIAL DWELLING, MULTI-FAMILY - PRD
- ADJACENT LAND USE
- NE PROPERTY
 - TELECOMMUNICATIONS TOWER
 - C3 COMMERCIAL (NO BUFFERYARD REQUIRED)
 - SE ADJACENT PROPERTY- CHURCH (R20 RESIDENTIAL) (NO BUFFERYARD REQUIRED)
 - ALL OTHER ADJACENT LAND USE ABUTS ROADWAYS

PARKING LANDSCAPE REQUIREMENTS

BASED ON CODE OF ORDINANCES CITY OF
HENDERSONVILLE, NC - SECTION 15-9: LANDSCAPING
FOR VEHICULAR USE AREAS

- A) PERIMETER AND INTERIOR PLANTINGS
- 1 TREE AND 2 SHRUBS PER 4,000 SQ. FT. OF VEHICULAR USE AREA
 - TOTAL VEHICULAR USE AREA - 79,323 SF
 - 79,323 SF / 4,000 SF = 20 TREES REQUIRED
 - 40 SHRUBS REQUIRED
 - 22 TOTAL TREES PROVIDED
 - 51 SHRUBS PROVIDED
 - AT LEASE 75% OF THE REQUIRED PARKING LOT TREES MUST BE BROADLEAF CANOPY TREES.
 - 18 BROADLEAF CANOPY TREES PROVIDED = 82%
 - AT LEAST 50% OF THE REQUIRED TREES AND SHRUBS MUST BE PLANTED IN ISLANDS OR MEDIANS
 - 12 ISLAND/MEDIAN TREES 57%
 - 35 ISLAND/MEDIAN SHRUBS 88%
- B) PLANTING STRIPS
- WHEN A VEHICULAR USE AREA LOT IS LOCATED WITHIN 100 FEET OF AN ABUTTING PROPERTY AND NO BUFFERYARD 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.
 - 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.
 - TOTAL LF OF ADJACENT PROPERTY - 267 LF
 - 267 LF / 40 LF = 7 LARGE TREES REQUIRED
 - 34 SHRUBS REQUIRED
 - 7 LARGE TREES PROVIDED
 - 34 SHRUBS PROVIDED

- C) BUFFERING FROM STREET
- VEHICULAR USE AREAS GREATER THAN 4,000 FT² ANY PORTION OF WHICH IS LOCATED WITHIN 50 FEET OF THE RIGHT-OF-WAY OF A STREET MUST BE BUFFERED FROM THE STREET.
 - THE BUFFER SHALL BE AT LEAST THREE FEET HIGH AT MATURITY AND CAN CONSIST OF PLANT MATERIAL ALONE.
 - A VEGETATIVE BUFFER SHALL CONSIST OF AT LEAST ONE EVERGREEN OR DECIDUOUS SHRUB PLANTED FOR EVERY FIVE LINEAR FEET OF BUFFER REQUIRED.
 - TOTAL LF OF STREET RIGHT-OF-WAY - 80 LF
 - 80 LF / 5 LF = 16 SHRUBS REQUIRED
 - 16 SHRUBS PROVIDED

***NOTE: CALCULATION BASED ON APPROXIMATE
NEW NCDOT RIGHT-OF-WAY

LANDSCAPE PLAN

SCALE: 1"=50'

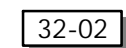


PLANT SCHEDULE

TREES	QTY	BOTANICAL / COMMON NAME	CONT	CAL	SIZE
ACE OCG	7	ACER RUBRUM 'OCTOBER GLORY' / OCTOBER GLORY MAPLE	B & B	2.5" CAL	14" MIN.
CER CAN	12	CERCIS CANADENSIS / EASTERN REDBUD	15 GAL		6" MIN.
COR KOU	12	CORNUS KOUSA / KOUSA DOGWOOD	7 GAL		6" MIN.
JUN EAS	3	JUNIPERUS VIRGINIANA / EASTERN RED CEDAR	15 GAL		6" MIN.
JUN BUR	3	JUNIPERUS VIRGINIANA 'BURKII' / BURKII RED CEDAR	15 GAL		6" MIN.
LIR EMC	7	LIRIODENDRON TULIPIFERA 'EMERALD CITY' TM / EMERALD CITY TULIP TREE	B & B	2.5" CAL	14" MIN.
QUE PHE	11	QUERCUS PHELLOS 'QPSTA' / HIGHTOWER WILLOW OAK	B & B	2.5" CAL	14" MIN.
THU NIG	12	THUJA OCCIDENTALIS 'NIGRA' / BLACK ARBORVITAE	7 GAL		
ULM ALL	6	ULMUS PARVIFOLIA 'ALLEE' TM / ALLEE LACEBARK ELM	B & B	2" CAL	

SHRUBS	QTY	BOTANICAL / COMMON NAME	CONT	SIZE
AES PVF	11	AESCULUS PARVIFLORA / BOTTLEBRUSH BUCKEYE	3 GAL	
AND THE	34	ANDROPOGON SCOPARIUS 'THE BLUES' / LITTLE BLUESTEM	1 GAL	
ASC TUB	41	ASCLEPIAS TUBEROSA / BUTTERFLY MILKWEED	1 GAL	
CAL AME	19	CALLICARPA AMERICANA / AMERICAN BEAUTYBERRY	3 GAL	
CEP FAS	32	CEPHALOTAXUS HARRINGTONIA 'FASCIATA' / COLUMNAR PLUM YEW	3 GAL	
CHA DWI	24	CHAMAECYPARIS OBTUSA 'DWARF HINOKI' / DWARF HINOKI FALSE CYPRESS	5 GAL	
HEL ANG	16	HELIANTHUS ANGSTIFOLIUS / SWAMP SUNFLOWER	1 GAL	
HYD LI2	28	HYDRANGEA PANICULATA 'LITTLE LIME' / LITTLE LIME HYDRANGEA	3 GAL	
ILE CA2	119	ILEX CORNUTA 'CARISSA' / CARISSA HOLLY	3 GAL	
ILE BUR	23	ILEX CORNUTA 'BURFORDII' NANA / DWARF BURFORD HOLLY	3 GAL	
ILE CON	116	ILEX CRENATA 'CONVEXA' / CONVEX-LEAVED JAPANESE HOLLY	3 GAL	18" HT. MIN.
ILE GLA	30	ILEX GLABRA / INKBERY HOLLY	3 GAL	
ILE JID	5	ILEX VERTICILLATA 'JIM DANDY' / JIM DANDY WINTERBERRY	3 GAL	
ILE SCH	143	ILEX VOMITORIA 'SCHILLINGS DWARF' / DWARF YAUPOIN HOLLY	3 GAL	18" HT. MIN.
ITE VIR	29	ITEA VIRGINICA 'VIRGINIA' / VIRGINIA SWEETSPICE	3 GAL	
KAL LAT	98	KALMIA LATIFOLIA / MOUNTAIN LAUREL	3 GAL	
LIN XGR	119	LINNAEA X GRANDIFLORA / GLOSSY ABELIA	3 GAL	
LIR B2	230	LIRIOPE MUSCARI 'BIG BLUE' / BIG BLUE LILYTURF	1 GAL	
MUH CAP	13	MUHLENBERGIA CAPILLARIS / PINK MUHLY GRASS	3 GAL	
PAN SHE	39	PANICUM VIRGATUM 'SHENENDOAH' / BURGUNDY SWITCH GRASS	3 GAL	
RHO IEX	12	RHOODODENDRON X HYBRIDUM / HYBRID RHOODODENDRON	7 GAL	
RUD FUL	29	RUIDECKIA FULGIDA 'GOLDSTURM' / GOLDSTURM BLACK-EYED SUSAN	1 GAL	
SCH STO	32	SCHIZACHYRIUM SCOPARIUM 'STANDING OVATION' / LITTLE BLUESTEM GRASS	1 GAL	
TER HLE	86	TERNSTROEMIA GYMNANTHERA 'BLTG01' TM / MONTAGUE CLEYERA	5 GAL	
THU DEG	26	THUJA OCCIDENTALIS 'DEGROOT'S SPIRE' / DEGROOT'S SPIRE ARBORVITAE	7 GAL	

GROUND COVERS	QTY	BOTANICAL / COMMON NAME	CONT
CYN DAC	165,432 SF	CYNODON DACTYLON '419' / 419 HYBRID BERMUDA GRASS	SOD

REFERENCE NOTES SCHEDULE

SYMBOL	32 EXTERIOR IMPROVEMENTS DESCRIPTION	QTY	DETAIL
	STEEL EDGING	145 LF	
SYMBOL	32 EXTERIOR IMPROVEMENTS DESCRIPTION	QTY	DETAIL
	TRIPLE HAMMERED HARDWOOD MULCH (3" THICK)	258.17 CY	
SYMBOL	ROCK DESCRIPTION	QTY	DETAIL
	TAN CREEK STONE - 3-4" SIZE (WITH FILTER FABRIC)	22.6 CY	

SCREENING LANDSCAPE REQUIREMENTS

BASED ON CODE OF ORDINANCES CITY OF
HENDERSONVILLE, NC - SECTION 15-7: SCREENING

- A) DUMPSTERS OR TRASH HANDLING AREAS:
- DUMPSTER AREA OPAQUE SCREENING - 21 SHRUBS PROVIDED

PLANTING NOTES:

- MATERIALS LIST WAS PREPARED FOR ESTIMATING PURPOSES. CONTRACTOR SHALL MAKE OWN QUANTITY TAKE-OFF USING DRAWINGS AND SPECIFICATIONS TO DETERMINE QUANTITIES TO HIS SATISFACTION. REPORTING PROMPTLY ANY DISCREPANCIES WHICH MAY EFFECT BIDDING.
- ROOT TYPES MAY BE FREELY SUBSTITUTED IN CASE OF BALLED AND BURLAPPED OR CONTAINER GROWN. ALL PLANT MATERIAL MUST ADHERE TO ANSI Z60.1-2004 (AMERICAN STANDARD FOR NURSERY STOCK) SPECIFICATIONS FOR ROOT BALLS AND CONTAINER SIZES.
- CONTRACTOR TO VERIFY THAT ALL PLANT MATERIALS ARE AVAILABLE AS SPECIFIED WHEN BID/PROPOSAL IS SUBMITTED. UNLESS SPECIFICALLY NOTED, ALL PLANTS SHALL BE OF SPECIMEN QUALITY, EXCEPTIONALLY HEAVY, SYMMETRICAL, AND SO TRAINED OR FAVORED IN DEVELOPMENT AND APPEARANCE AS TO BE UNQUESTIONABLY AND OUTSTANDINGLY SUPERIOR IN FORM, COMPACTNESS AND SYMMETRY. THEY SHALL BE SOUND, HEALTHY, VIGOROUS, WELL BRANCHED AND DENSELY FOLIATED WHEN IN LEAF; FREE OF DISEASE AND INSECTS, EGGS OR LARVAE; AND SHALL HAVE HEALTHY, WELL-DEVELOPED ROOT SYSTEMS. THEY SHALL BE FREE FROM PHYSICAL DAMAGE OR OTHER CONDITIONS THAT WOULD PREVENT VIGOROUS GROWTH.
- SUBSTITUTIONS OF PLANT MATERIALS WILL NOT BE PERMITTED UNLESS AUTHORIZED IN WRITING BY THE LANDSCAPE ARCHITECT. IF PROOF IS SUBMITTED IN WRITING THAT A PLANT SPECIFIED IS NOT OBTAINABLE, CONSIDERATION WILL BE GIVEN TO THE NEAREST AVAILABLE SIZE OR SIMILAR VARIETY, WITH A CORRESPONDING ADJUSTMENT OF THE CONTRACT PRICE.
- PLANTS SHALL CONFORM TO THE MEASUREMENTS SPECIFIED, EXCEPT THAT PLANTS LARGER THAN THOSE SPECIFIED MAY BE USED IF APPROVED BY THE LANDSCAPE ARCHITECT IN WRITING. USE OF LARGER PLANTS SHALL NOT INCREASE THE CONTRACT PRICE. IF LARGER PLANTS ARE APPROVED, THE ROOT BALL SHALL BE INCREASED IN PROPORTION TO THE SIZE OF THE PLANT.
- ROOT FLARE OF PLANT MATERIAL MUST BE AT OR SLIGHTLY HIGHER THAN EXISTING GRADE. PULL MULCH BACK 6 IN. FROM ROOT FLARE.
- TREES WITH MULTIPLE LEADERS, UNLESS SPECIFIED, WILL BE REJECTED. TREES WITH A DAMAGED OR CROOKED LEADER, BARK ABRASIONS, SUNSCALD, DISFIGURING KNOTS, INSECT DAMAGE, CUTS OF LIMBS OVER 20 MM (3/4 IN.) IN DIAMETER THAT ARE NOT COMPLETELY CLOSED OR FLUSH PRUNING CUTS THAT DO NOT PRESERVE THE COLLAR AT THE BRANCH WILL BE REJECTED.
- TREE PLANTING DETAILS AND SPECIAL PROVISIONS FOR PLANTING MUST BE FOLLOWED. DETAILS ARE PROVIDED ON THIS SHEET.
- CONTRACTOR SHALL TEST SOIL pH AND CONDITIONS FOR ALL SOD AREAS TO INSURE THAT PROPER SOIL REQUIREMENTS ARE MET FOR THE SODDED LAWN. SOIL SHALL BE AMENDED BY CONTRACTOR AS INDICATED BY SOIL TEST AND SPECIFICATIONS TO ACHIEVE PROPER SOIL CONDITIONS.
- ALL PLANT BEDS TO RECEIVE 3" DEEP HARDWOOD MULCH, PULLED 6" AWAY FROM THE TRUNK.
- CONTRACTOR TO MAINTAIN THE PLANTINGS AND CONTROL WEEDS IN MULCH AREAS THROUGH THE DURATION OF CONSTRUCTION UNTIL FINAL ACCEPTANCE.
- ALL PLANT BEDS AND SOD AREAS TO RECEIVE 100% IRRIGATION COVERAGE.
- IN THE PLANT SCHEDULE, PLANTS NOTED AS "SPECIMEN" SHALL BE SELECTED BY THE LANDSCAPE ARCHITECT AT THE NURSERY OR PHOTOS OF THE PLANTING STOCK SHALL BE SUBMITTED TO THE LANDSCAPE ARCHITECT FOR APPROVAL.
- PREEMERGENT HERBICIDE SHALL BE APPLIED TO PLANTING AREAS PRIOR TO LANDSCAPE INSTALLATION AND ACCORDING TO MANUFACTURER'S INSTRUCTIONS.
- PLANT BEDS SHALL BE TESTED FOR pH AND AMENDED PRIOR TO INSTALLATION.
- ALL PLANT MATERIAL SHALL CONFORM TO STANDARD SET FORTH BY "AMERICAN STANDARDS FOR NURSERY STOCK" ANSI Z60.1-2004 PUBLISHED BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION.
- ALL PLANT MATERIAL SHALL BE PROTECTED DURING TRANSPORT AND DELIVERY TO JOB SITE WITH SHADE CLOTH OR OTHER ACCEPTABLE MEANS OF WINDBURN PREVENTION.
- ANY SUBSTITUTIONS IN SIZE AND/OR PLANT MATERIAL MUST BE APPROVED BY THE LANDSCAPE ARCHITECT BEFORE PLANTING CAN BEGIN.
- ALL TREES MUST BE STRAIGHT TRUNK, FULL HEADED, AND MEET ALL REQUIREMENTS SPECIFIED.
- PRIOR TO CONSTRUCTION, THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING CONSTRUCTION. SHOULD THE CONTRACTOR CAUSE DAMAGE TO ANY UTILITIES, NECESSARY REPAIRS SHALL BE MADE AS QUICKLY AS PRACTICABLE, AT CONTRACTOR'S EXPENSE.
- ALL ELEMENTS OF LANDSCAPING SHALL BE INSTALLED SO AS TO MEET ALL APPLICABLE ORDINANCES AND CODES REQUIREMENTS.
- CONTRACTOR SHALL ASSURE DRAINAGE AND PERCOLATION OF PLANTING PITS PRIOR TO INSTALLATION OF PLANT MATERIAL. CONTRACTOR IS RESPONSIBLE FOR THE REPLACEMENT OF ALL PLANTS LOST DUE TO INADEQUATE DRAINAGE CONDITIONS.
- BALLED AND BURLAP MATERIAL SHALL HAVE THE TOP ONE HALF (1/2) OF THE BURLAP AND STRAPS REMOVED.
- CONTRACTORS SHALL REFER TO THE LANDSCAPE PLANTING DETAILS, PLANTS LISTS, GENERAL NOTES AND THE PLANTING SPECIFICATIONS FOR COMPLETE LANDSCAPE PLANTING INSTRUCTIONS.
- TURF GRASS SHALL BE PLANTED AFTER ALL PLANTS ARE INSTALLED AND MULCHED. SEED AND/OR SOD BED PREPARATIONS BY MEANS OF PULVERIZATION TO LOOSEN SOIL. SMOOTH AND FINE GRADE AREA REMOVING ANY ROCKS, ROOTS, TRASH, AND CLODS OVER ENTIRE AREA.
- THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING IN FULL ALL PLANTING AREAS (INCLUDING WATERING, SPRAYING, MULCHING, MOWING, FERTILIZING, ETC.) UNTIL THE OWNER AND LANDSCAPE ARCHITECT ACCEPT CONSTRUCTION IN FULL AT THE END FOR THE ESTABLISHED PERIOD.
- CONTRACTOR TO GUARANTEE PLANT MATERIAL FOR 12 MONTHS ESTABLISHMENT PERIOD FOLLOWING DATE OF COMPLETED CONSTRUCTION.

IRRIGATION NOTES

THE CONTRACTOR TO PROVIDE AN IRRIGATION SYSTEM THAT CONFORMS TO THE FOLLOWING STANDARDS AND THE ACCOMPANYING SPECIFICATIONS.

THE CONTRACTOR SHALL:

- CONTRACTOR SHALL PROVIDE AN IRRIGATION LAYOUT PLAN FOR OWNER APPROVAL BEFORE CONSTRUCTION.
 - 1 SET OF AS-BUILT IRRIGATION DRAWINGS AFTER CONSTRUCTION IS COMPLETE AND APPROVED BY OWNER.
 - ENSURE ALL LANDSCAPE SHRUB AREAS ARE DRIP IRRIGATED.
 - PROVIDE 2 SETS OF AS-BUILT IRRIGATION DRAWINGS AFTER CONSTRUCTION IS COMPLETE AND APPROVED BY THE OWNER.
 - PROVIDE APPROVED BACKFLOW PREVENTER AND COORDINATE THE INSTALLATION OF 1" METER SERVICE FOR IRRIGATION SYSTEM UNLESS OTHERWISE PROVIDED BY THE G.C.
 - PROVIDE AUTOMATIC TIMER CONTROL AND RELATED ITEMS SUCH AS RAIN/FREEZE SENSOR AS SPECIFIED.
 - ENSURE THAT ALL TRENCHING IS OUTSIDE OF TREE DRIP LINE IF POSSIBLE AND NO ROCKS, DEBRIS OR SHARP OBJECTS SHALL BE BACKFILLED IN THE TRENCH.
 - FLUSH ALL PIPING PRIOR TO INSTALLATION OF SPRINKLERS.
 - COORDINATE THE LOCATION AND INSTALL ALL IRRIGATION SLEEVES UNDER ALL PAVEMENT PRIOR TO PAVING (MIN. SCHEDULE 40, 4" SLEEVE).
 - REVIEW AND FAMILIARIZE A REPRESENTATIVE OF THE OWNER WITH ALL SETTINGS AND FEATURES OF THE IRRIGATION SYSTEM. ALL DOCUMENTATION SUCH AS MANUALS SHALL BE PROVIDED TO THE OWNER AT THIS TIME.
 - PROVIDE A 1 YEAR WARRANTY OF PRODUCTS AND WORKMANSHIP TO INCLUDE WINTERIZING AND FOLLOWING STARTUP AS REQUIRED BY LOCATION.
 - CLEAN UP AND DISPOSE OF ALL DEBRIS, WASTE AND EXCESS CONSTRUCTION MATERIALS PRIOR TO FINAL ACCEPTANCE OF THE SYSTEM BY THE OWNER.
- THE IRRIGATION SYSTEM SHALL:
- PROVIDE 100% COVERAGE OF ALL NEW PLANT BEDS & SOD AREAS.
 - HAVE ALL VALVES LOCATED IN PLANTED BEDS IF POSSIBLE.
 - HAVE A MINIMUM OF 18" OF COVER ON ALL MAINLINES AND A MINIMUM OF 12" OF COVER ON ALL LATERALS.
 - SHALL NOT HAVE ANY SPRAY HEADS OR PIPING IN NCDOT RIGHTS OF WAY.

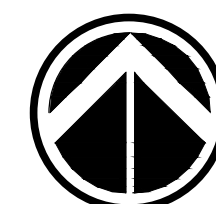
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LANDART
landscape architecture
LandArtDesignGroup.com

Sheet List Table	
Sheet Number	Sheet Title
L1	OVERALL LANDSCAPE PLAN
L2	AMENITY AND BUILDING PLAN



Know what's below.
Call before you dig.



0 50 100 150 feet
SCALE: 1" = 50'

OVERALL LANDSCAPE PLAN

DUNCAN TERRACE APARTMENTS
DUNCAN HILL ROAD AND SIGNAL HILL ROAD
CITY OF HENDERSONVILLE, NORTH CAROLINA

LANDART
landscape architecture
640 E Main St., Spartanburg, SC 29302
phone 864.585.7500 / fax 864.585.3808
LandArtDesignGroup.com / info@landartdesigngroup.com

SHEET TITLE:
OVERALL LANDSCAPE
PLAN

JOB #:

19012-00

DATE:

04/01/22

DRAWN:

BB/ev

APPROVED:

TP

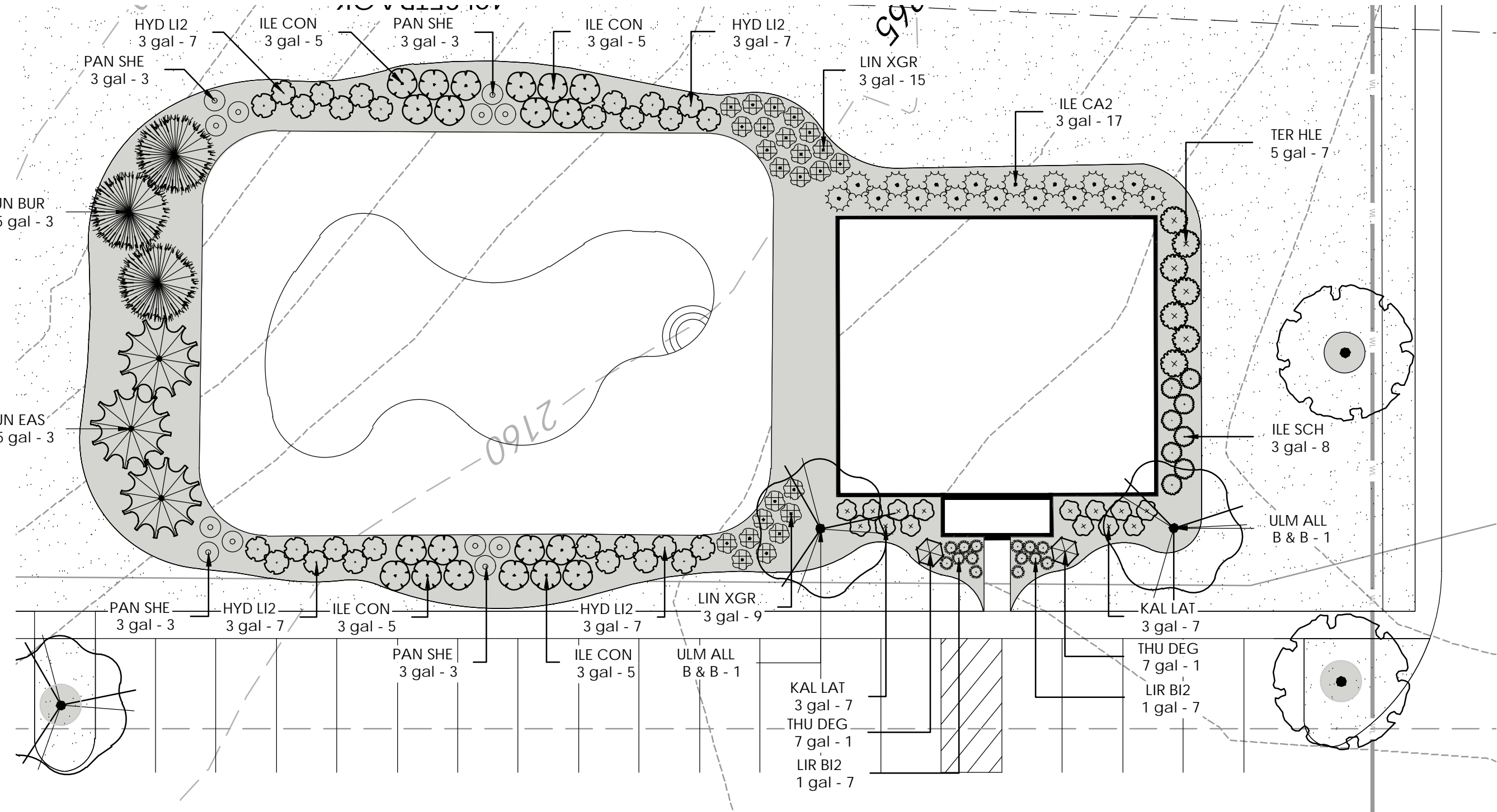
REVISIONS:					
1. REV. PER CIVIL CHANGES	02/28/22				
2. REV. PER CIVIL COMMENTS	04/07/22				
3. REV. PER CIVIL COMMENTS	04/29/22				
4.					
5.					
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SHEET

L1

OF 2

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1 AMENITIES LANDSCAPE PLAN

SCALE: 1/16" = 1'

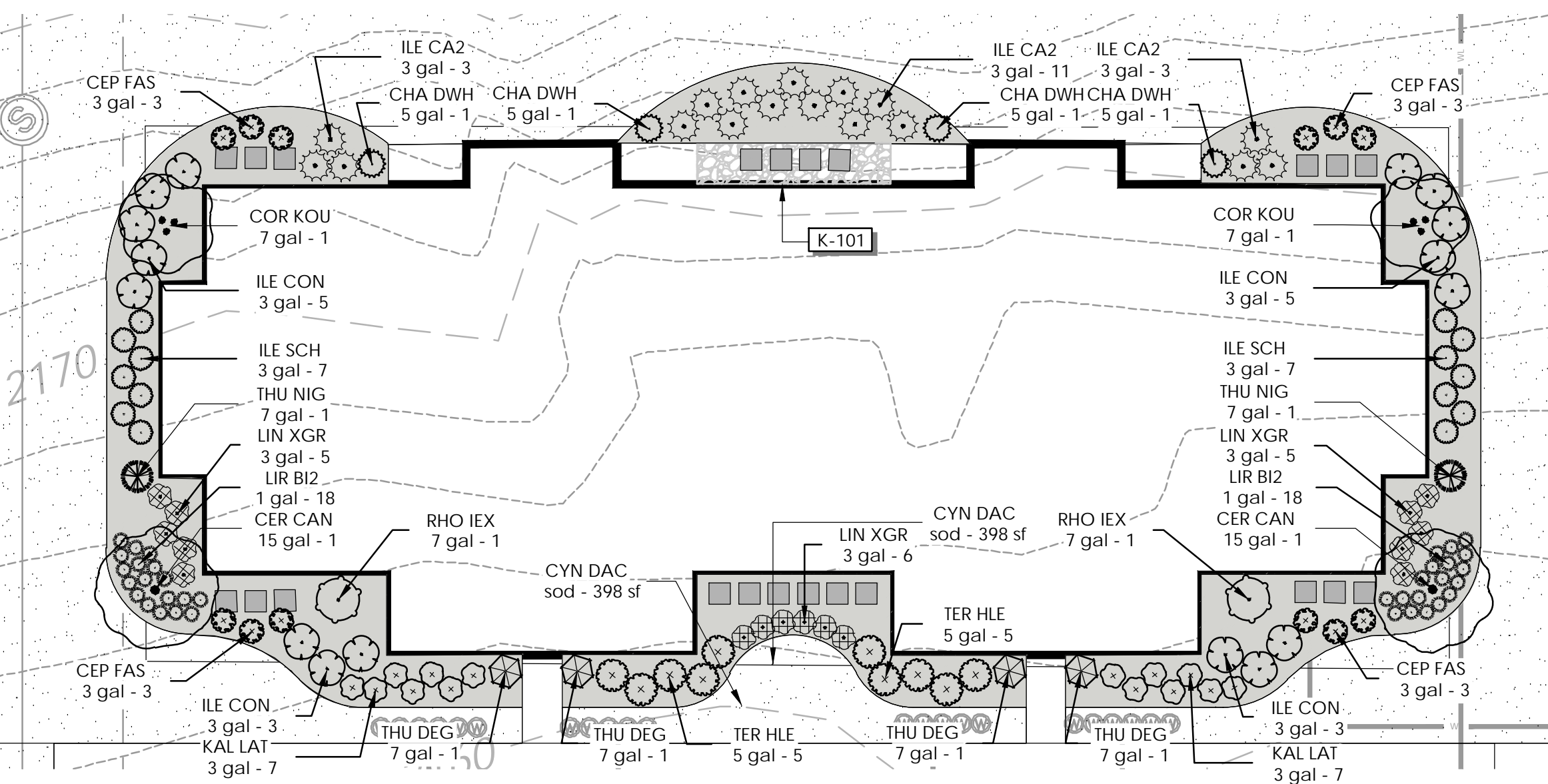
PLANT SCHEDULE AMENITIES

TREES	QTY	BOTANICAL / COMMON NAME	CONT	CAL	SIZE
CRY RA2	3	CRYPTOMERIA JAPONICA 'RADICANS' / RADICANS CRYPTOMERIA	15 GAL		6' MIN.
JUN BUR	3	JUNIPERUS VIRGINIANA 'BURKII' / BURKII RED CEDAR	15 GAL		6' MIN.
ULM CKV	2	ULMUS PARVIFOLIA 'SMALL FRYE' / 'SMALL FRYE'	B & B	2" CAL.	
SHRUBS	QTY	BOTANICAL / COMMON NAME	CONT	SIZE	
ABE LIR	24	ABELIA X GRANDIFLORA 'LITTLE RICHARD' / LITTLE RICHARD ABELIA	3 GAL		
AZA A16	14	AZALEA X 'ROBLED' TM / AUTUMN CHIFFON ENCORE AZALEA	3 GAL		
DIS MYR	28	DISTYLUM MYRICAIDES / BLUE LEAF ISU	3 GAL		
HYD LI2	28	HYDRANGEA PANICULATA 'LITTLE LIME' / LITTLE LIME HYDRANGEA	3 GAL		
ILE CA2	17	ILEX CORNUTA 'CARISSA' / CARISSA HOLLY	3 GAL		
ILE SCH	8	ILEX VOMITORIA 'SCHILLINGS DWARF' / DWARF YAUPON HOLLY	3 GAL		18" HT. MIN.
LIR BI2	14	LIRIOPE MUSCARI 'BIG BLUE' / BIG BLUE LILYTURF	1 GAL		
PAN SHE	12	PANICUM VIRGATUM 'SHENENDOAH' / BURGUNDY SWITCH GRASS	3 GAL		
TER HLE	7	TERNSTROEMIA GYMANTHERA 'BLTGOY' TM / MONTAGUE CLEYERA	5 GAL		
THU DEG	2	THUJA OCCIDENTALIS 'DEGROOT'S SPIRE' / DEGROOT'S SPIRE ARBORVITAE	7 GAL		

TREE REMOVAL

TREE PROTECTION

NOTE: TREE PROTECTION TBD WITH FINAL GRADING PLAN



2 TYPICAL BUILDING LANDSCAPE PLAN

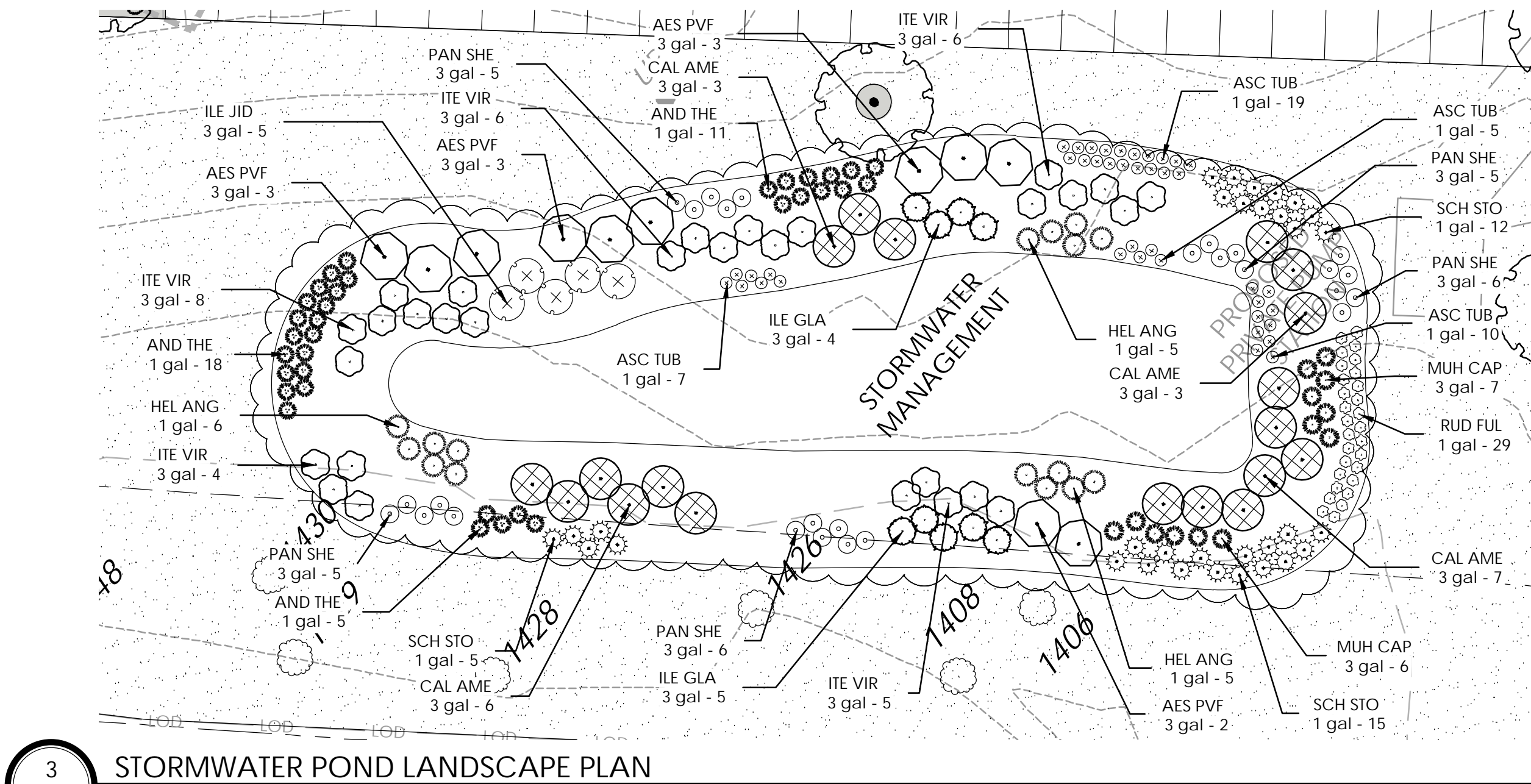
SCALE: 1/16" = 1'

PLANT SCHEDULE BLDG

TREES	QTY	BOTANICAL / COMMON NAME	CONT	CAL	SIZE
COR R57	2	CORNUS X 'RUTICAN' TM / CONSTELLATION FLOWERING DOGWOOD	15 GAL		6' MIN.
THU EME	2	THUJA OCCIDENTALIS 'EMERALD' / EMERALD ARBORVITAE	7 GAL		6' MIN.
VIT SHO	2	VITEX AGNIUS-CASTUS 'SHOAL CREEK' / SHOAL CREEK CHASTE TREE	7 GAL		
SHRUBS	QTY	BOTANICAL / COMMON NAME	CONT	SIZE	
ABE LIR	16	ABELIA X GRANDIFLORA 'LITTLE RICHARD' / LITTLE RICHARD ABELIA	3 GAL		
AZA A16	14	AZALEA X 'ROBLED' TM / AUTUMN CHIFFON ENCORE AZALEA	3 GAL		
CAM THE	12	CAMELLIA JAPONICA 'WHITE BY THE GATE' / WHITE BY THE GATE CAMELLIA	7 GAL		
CEP FAS	2	CEPHALOTAXUS HARRINGTONIA 'FASTIGIATA' / COLUMNAR PLUM YEW	3 GAL		
CHA DWH	4	CHAMAECYPARIS OBUSA 'DWARF HINOKI' / DWARF HINOKI FALSE CYPRESS	5 GAL		
DIS MYR	16	DISTYLUM MYRICAIDES / BLUE LEAF ISU	3 GAL		
ILE CA2	17	ILEX CORNUTA 'CARISSA' / CARISSA HOLLY	3 GAL		
ILE SCH	14	ILEX VOMITORIA 'SCHILLINGS DWARF' / DWARF YAUPON HOLLY	3 GAL		18" HT. MIN.
LIR BI2	36	LIRIOPE MUSCARI 'BIG BLUE' / BIG BLUE LILYTURF	1 GAL		
TER HLE	10	TERNSTROEMIA GYMANTHERA 'BLTGOY' TM / MONTAGUE CLEYERA	5 GAL		
THU DEG	4	THUJA OCCIDENTALIS 'DEGROOT'S SPIRE' / DEGROOT'S SPIRE ARBORVITAE	7 GAL		

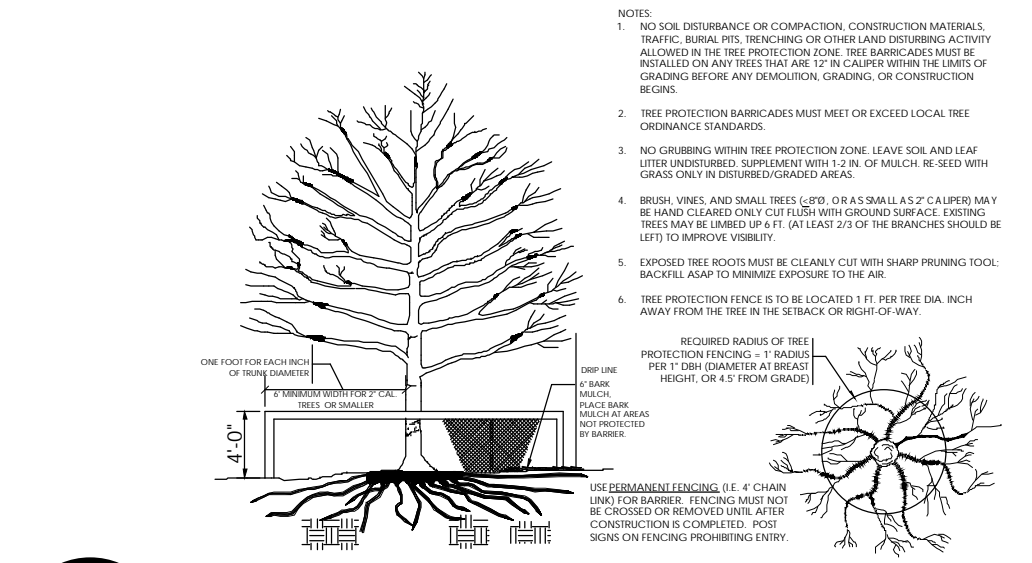
REFERENCE NOTES SCHEDULE BLDG

SYMBOL	DESCRIPTION	QTY	DETAIL
32-01	TRIPLE HAMMERED HARDWOOD MULCH (3" THICK)	28.11 CY	
32-02	STEEL EDGING	24 LF	
SYMBOL	DESCRIPTION	QTY	DETAIL
K-101	TAN CREEK STONE - 3-4" SIZE (WITH FILTER FABRIC)	2.29 CY	



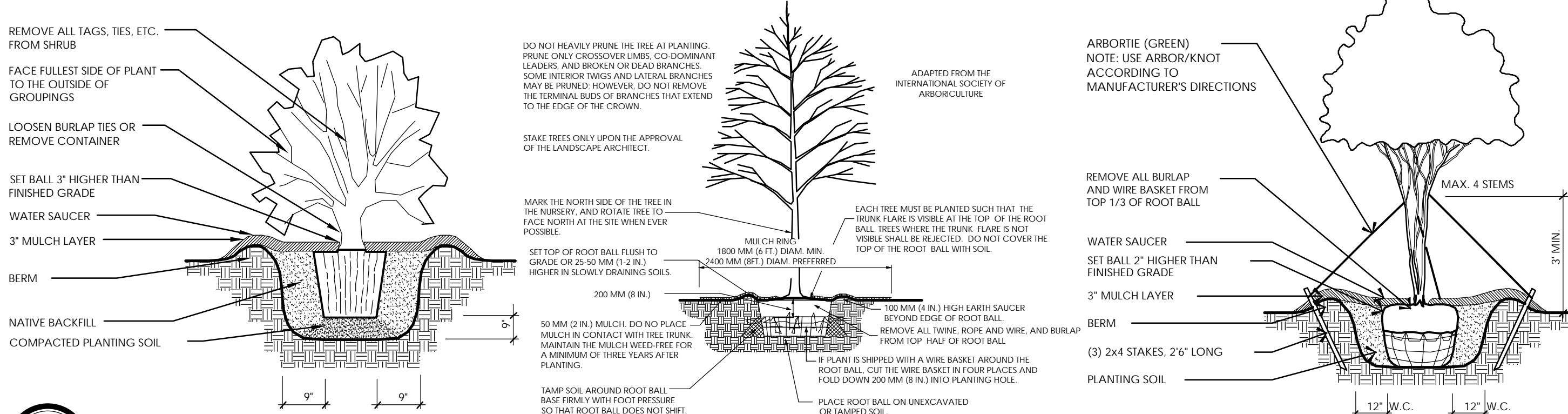
3 STORMWATER POND LANDSCAPE PLAN

SCALE: 1" = 20'



4 TREE PROTECTION DETAIL

SCALE: NTS



4 PLANTING DETAILS

SCALE: NTS

IRRIGATION NOTES

THE CONTRACTOR TO PROVIDE AN IRRIGATION SYSTEM THAT CONFORMS TO THE FOLLOWING STANDARDS AND THE ACCOMPANYING SPECIFICATIONS.

- CONTRACTOR SHALL PROVIDE AN IRRIGATION LAYOUT PLAN FOR OWNER APPROVAL BEFORE CONSTRUCTION.
- 1 SET OF AS-BUILT IRRIGATION DRAWINGS AFTER CONSTRUCTION IS COMPLETE AND APPROVED BY OWNER.
- ENSURE ALL LANDSCAPE SHRUB AREAS ARE DRIP IRRIGATED.
- PROVIDE 2 SETS OF AS-BUILT IRRIGATION DRAWINGS AFTER CONSTRUCTION IS COMPLETE AND APPROVED BY THE OWNER.
- PROVIDE AUTOMATIC TIMER CONTROL AND RELATED ITEMS SUCH AS RAIN/FREEZE SENSOR AS SPECIFIED.
- ENSURE THAT ALL TRENCHING IS OUTSIDE OF TREE DRIP LINE IF POSSIBLE AND NO ROCKS, DEBRIS OR SHARP OBJECTS SHALL BE BACKFILLED IN THE TRENCH.
- FLUSH ALL PIPING PRIOR TO INSTALLATION OF SPRINKLERS.
- COORDINATE THE LOCATION AND INSTALL ALL IRRIGATION SLEEVES UNDER ALL PAVEMENT PRIOR TO PAVING (MIN. SCHEDULE 40, 4" SLEEVE).
- REVIEW AND FAMILIARIZE A REPRESENTATIVE OF THE OWNER WITH ALL SETTINGS AND FEATURES OF THE IRRIGATION SYSTEM. ALL DOCUMENTATION SUCH AS MANUALS SHALL BE PROVIDED TO THE OWNER AT THIS TIME.
- PROVIDE A 1 YEAR WARRANTY OF PRODUCTS AND WORKMANSHIP TO INCLUDE WINTERIZING AND FOLLOWING STARTUP AS REQUIRED BY LOCATION.
- CLEAN UP AND DISPOSE OF ALL DEBRIS, WASTE AND EXCESS CONSTRUCTION MATERIALS PRIOR TO FINAL ACCEPTANCE OF THE SYSTEM BY THE OWNER.
- THE IRRIGATION SYSTEM SHALL:
 - PROVIDE 100% COVERAGE OF ALL NEW PLANT BEDS & SOD AREAS.
 - HAVE ALL VALVES LOCATED IN PLANTED BEDS IF POSSIBLE.
 - HAVE A MINIMUM OF 18" OF COVER ON ALL MAINLINES AND A MINIMUM OF 12" OF COVER ON ALL LATERALS.
 - SHALL NOT HAVE ANY SPRAY HEADS OR PIPING IN SCOT RIGHTS OF WAY.

NOTE: WHEN STORM WATER MANAGEMENT POND DESIGN IS COMPLETE, PLANTINGS MAY BE ADJUSTED

PLANT SCHEDULE STORMWATER MANAGEMENT POND

SHRUBS	QTY	BOTANICAL / COMMON NAME	CONT
AES PVF	11	AESCLUS PARVIFLORA / BOTTLEBRUSH BUCKEYE	3 GAL
AND THE	34	ANDROPOGON SCOPARIUS 'THE BLUES' / LITTLE BLUESTEM	1 GAL
ASC TUB	41	ASCLEPIAS TUBEROSA / BUTTERFLY MILKWEED	1 GAL
CAL AME	19	CALICARPA AMERICANA / AMERICAN BEAUTYBERRY	3 GAL
HEL ANG	16	HELIANTHUS ANGUSTIFOLIUS / SWAMP SUNFLOWER	1 GAL
ILE GLA	9	ILEX GLABRA / INKERRY HOLLY	3 GAL
ILE JID	5	ILEX VERTICILLATA 'JIM DANDY' / JIM DANDY WINTERBERRY	3 GAL
ITE VIR	29	ITEA VIRGINICA 'VIRGINIA' / VIRGINIA SWEETSPICE	3 GAL
MUH CAP	13	MUHLENBERGIA CAPILLARS / PINK MUHLY GRASS	3 GAL
PAN SHE	27	PANICUM VIRGATUM 'SHENENDOAH' / BURGUNDY SWITCH GRASS	3 GAL
RUD FUL	29	RUDBECKIA FULGIDA 'GOLDSTURM' / GOLDSTURM BLACK-EYED SUSAN	1 GAL
SCH STO	32	SCHIZACHYRIUM SCOPARIUM 'STANDING OVATION' / LITTLE BLUESTEM GRASS	1 GAL

DUNCAN TERRACE APARTMENTS
DUNCAN HILL AND SIGNAL HILL ROAD
CITY OF HENDERSONVILLE, NORTH CAROLINA

LANDART
landscape architecture
641 E Main St., Spartanburg, SC 29302
phone: (864) 585-7500 / fax: (864) 585-3808
info@landartdesigngroup.com

SHEET TITLE:
AMENITY AND BUILDING PLAN

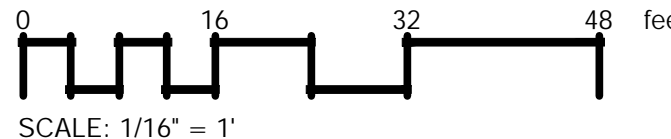
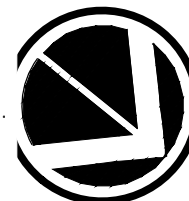
JOB #:
19012-00
DATE:
04/01/22
DRAWN:
BB/ev
APPROVED:
TP

REVISIONS:			
1. REV. PER CIVIL CHANGES	02/28/22		
2. REV. PER CIVIL COMMENTS	04/01/22		
3. REV. PER CIVIL COMMENTS	04/29/22		
4.			
5.			
6.			

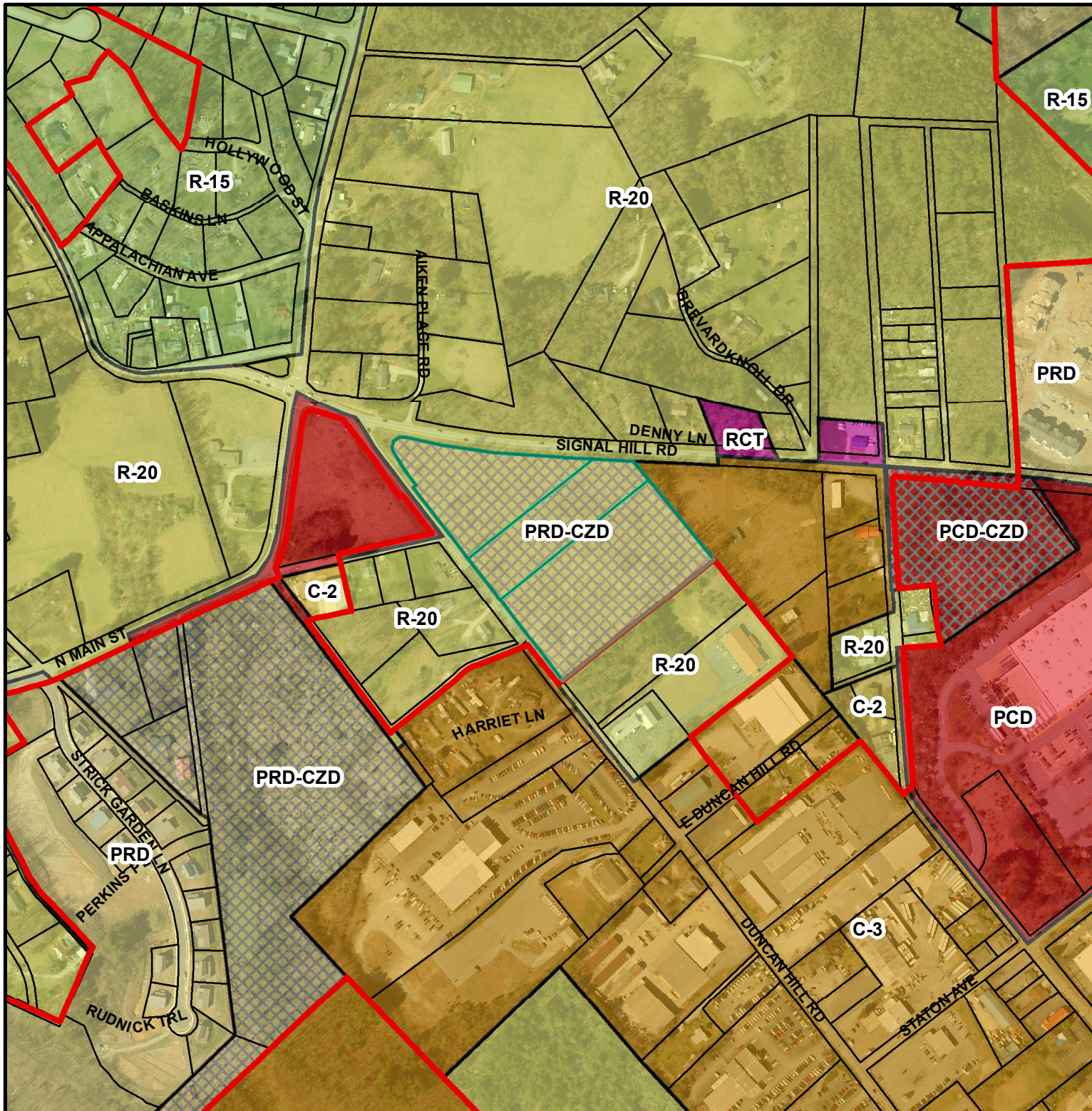
LANDSCAPE ARCHITECT:
The LandArt Design Group, Inc.
P.O. Box 3161
Spartanburg, SC 29304
Phone: (864) 585-7500
Fax: (864) 585-3808
Tipton Pitts, ASLA
tip@landartdesigngroup.com

LANDART
landscape architecture
LandArtDesignGroup.com





AMENITY AND BUILDING PLAN



SHEET
L2
OF 2



Duncan Terrace
P21-79-CZD
PINs: 9569-95-7758, -5941, 9569-96-4013
Acreage: 8.66
Proposed Zoning
Community Development Department

-  Subject Property
-  Hendersonville City Limits
- Hendersonville Zoning**
-  CZD Conditional Zoning Districts
 -  R-20 Low Density Residential
 -  R-15 Medium Density Residential
 -  PRD Planned Residential Development
 -  RCT Residential Commercial Transition
 -  C-3 Highway Business
 -  C-2 Secondary Business
 -  PCD Planned Commercial Development





**CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT**

100 N. King Street, Hendersonville, NC 28792

Phone (828) 697-3010 | Fax (828) 698-6185

www.hendersonvillenc.gov

**Conditional Zoning District Petition
Section 7-4 and Article 11 City Zoning Ordinance**

The following are the **required** submittals for a complete application for rezoning a property or properties to a Conditional Zoning District. Staff will not review applications until each item has been submitted and determined complete. By placing a check mark by each of the following items, you are certifying that you have performed that task.

- ☐ 1. Scheduled Pre-Application meeting with Planning Staff
 - 1a. Completed Neighborhood Compatibility Meeting – Contact Staff & Review CZD Checklist for additional information
- ☐ 2. Water and Sewer Availability Request
- ☐ 3. Completed Application Form
- ☐ 4. Completed Signature Page (completed Owner's Affidavit if different from applicant)
- ☐ 5. Completed Site Plan as described in Section 7-4.3-1 of the City Zoning Ordinance
- ☐ 6. Detailed explanation of any Proposed Development Description
- ☐ 7. Application Fee

Note: Additional Approvals prior to the issuance of a Zoning Compliance Permit may include, but are not limited to the following:

- **Henderson County Sedimentation & Erosion Permit**
- **Stormwater Management Plan**
- **Utility Approval**
- **NCDOT Permit**
- **Any other applicable permits as determined by the Community Development**

[Application Continued on Next Page]

Office Use:

Date Received: _____ **By:** _____ **Fee Received? Y/N**

A. Applicant Contact Information

Leah M Bergman

* Printed Applicant Name

Lee Ray Bergman, LLC

Printed Company Name (if applicable)

☐ Corporation

☒ Limited Liability Company

☐ Trust

☐ Partnership

☐ Other:

DocuSigned by:

Leah M Bergman

Applicant Signature

Member/Manager

Applicant Title (if applicable)

PO Box 685, Durham NC 27702 or Physical address 2814 Chapel Hill Road, Durham NC 27707

Address of Applicant

PO Box 685, Durham NC 27702 or Physical address 2814 Chapel Hill Road, Durham NC 27707

City, State, and Zip Code

917-714-9601

Telephone

lmb2691@hotmail.com

Email

* Signature of the property owner acknowledges that if the property is rezoned, 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.

[Application Continued on Next Page]

B. Property Owner Contact Information (if different from Applicant)

Lee Ray Bergman LLC

*Printed Owner Name

Printed Company Name (if applicable)

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership☐ Other:

DocuSigned by:

Lee Bergman

9FEE824BA90041A...

Property Owner Signature

Member/Manager

Property Owner Title (if applicable)

PO Box 685 Durham NC 27702

City, State, and Zip Code

917 714 9601

Telephone

Lmb2691@hotmail.com

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

Note: Additional Owner Signature pages attached.

C. Property Information**Name of Project:** Duncan Terrace**PIN(s):** 9569957758, 9569955941, 9569964013**Address(es) / Location of Property:** Approximated 710 Duncan Hill Road, Hendersonville**Type of Development:** ☒ **Residential** ☐ **Commercial** ☐ **Other****Current Zoning:** R-20**Total Acreage:** 8.66**Proposed Zoning:** Planned Residential Development Conditional Zoning**Proposed Building Square Footage:** 164,650=160,650 residential + Clubhouse/amenities**Number of Dwelling Units:** 132**List of Requested Uses:**

Three story walkup (no elevator) multi family community consisting of seven residential buildings and one clubhouse building. Amenities include clubhouse, fitness center and swimming pool. For a period of ten years immediately following the issuance of the first certificate of occupancy for the site, property owner will make 25% of the dwelling units at the property available for lease at rents not to exceed the rents established for a household at 80% of the annual area median income (AMI) for Henderson County, North Carolina at the time the rental application is made.

D. Proposed Development Conditions for the Site

In the spaces provided below, please provide a description of the Proposed Development for the site.

The Proposed Development Site will have seven residential dwelling buildings which are approximately 22,950 square feet each plus a clubhouse/leasing office/fitness center building. The buildings will be attractive and consistent with other similar multi family and single family residential buildings in the area. The primary siding materials will be brick and vinyl and will have charming landscape features. The Development will contain an element of affordability for a period of ten years immediately following the issuance of the first certificate of occupancy for the project, property owner will make 25% of the dwelling units at the property available for lease at rents not to exceed the rents established for a household at 80% of the annual area median income (AMI) for Henderson County, North Carolina at

Additional Property Owners: (Signature indicates intent that this page be affixed to Application.)

*Printed Owner Name

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Property Owner Signature

Property Owner Title (if applicable)

City, State, and Zip Code

Telephone

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

*Printed Owner Name

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Property Owner Signature

Property Owner Title (if applicable)

City, State, and Zip Code

Telephone

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER:	Jamie Carpenter	MEETING DATE: June 2, 2022
AGENDA SECTION:	Public Hearing	DEPARTMENT: Community Development, Downtown Division
TITLE OF ITEM, Presenter Name, Title:	Public Hearing: Landscape Contract for Main Street and 7 th Avenue Municipal Service Districts, Jamie Carpenter, Downtown Manager	
<u>SUGGESTED MOTION(S):</u>	I move to adopt the resolution by the City of Hendersonville City Council to authorize the City Manager to execute agreement with Bruce Lowe for landscaping in the Main Street and Seventh Avenue Municipal Service Districts.	

SUMMARY:

The City Council will hold a public hearing to consider a proposed contract for landscaping services with the apparent successful bidder Bruce Lowe. The scope of work includes landscaping ground level and raised beds within the Main Street Municipal Service District and the 7th Avenue Service District, as well as to develop and install the hanging planters. The contract is proposed to be three years at a price of \$126,650 per year. The apparent successful bidder was selected through a competitive bid process pursuant to N.C.G.S. § 160A-536.

BUDGET IMPACT: \$126,650 per year

Is this expenditure approved in the current fiscal year budget? Yes, this is a part of the annual budget for Main Street and 7th Avenue Municipal Service Districts

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

ATTACHMENTS: Resolution, Contract

Resolution #__-____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE
THE CITY MANAGER TO EXECUTE AGREEMENT WITH
BRUCE LOWE FOR LANDSCAPING IN THE MAIN STREET & SEVENTH AVENUE
MUNICIPAL SERVICE DISTRICTS**

WHEREAS, the City Council approved Landscaping and Maintenance in the Main Street and 7th Avenue Municipal Service Districts as part of the 2023 budget, the “Project”; and;

WHEREAS, the Community Development Department has solicited proposals in an effort to hire a reputable and responsible Contractor to perform the Project; and

WHEREAS, Bruce Lowe submitted the lowest price proposal, and references indicate that they are a responsible Contractor able to complete the Project within the bid or price stated, and within the time frames requested; and

WHEREAS, a draft contract with Bruce Lowe has been presented to the City Council for consideration, the “Agreement”; and

WHEREAS, the Community Development Department is recommending that the Project be awarded to Bruce Lowe and the Agreement be approved;

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA that:

1. The Project is awarded to Bruce Lowe in the amount of \$126,650 per year for a three-year agreement.
2. The Agreement with Bruce Lowe is approved as presented.
3. The City Manager is authorized to sign the Agreement with such changes as he may deem appropriate, after consultation with the City Attorney, provided that the price may not be changed without approval from the City Council.
4. The City Manager, City Attorney, and City Staff are authorized to take such other actions as may be necessary to carry out the terms and provisions of the Agreement as signed by the City Manager.

Adopted by the City Council of the City of Hendersonville, North Carolina on this _____ day of _____, 20____.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk



160 6TH Avenue East
Hendersonville, NC 28792
(828) 697-3000

CONTRACT FOR LANDSCAPING SERVICES

FIRM: Bruce N. Lowe 622 Kanuga Rd Hendersonville, NC 28739 lowela49@gmail.com	PROJECT: PROJECT DESCRIPTION:	Downtown Landscaping Services and Hanging Baskets Preparation and maintenance of planters and hanging baskets in the Main Street and Seventh Avenue Municipal Service Districts.
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This Contract for Landscaping Services, and all exhibits, (collectively this "Contract") is entered into this 1st day of July, 2022 by and between, the City of Hendersonville, a municipal corporation of the State of North Carolina, (the "CITY") and, BRUCE N. LOWE, in his personal capacity, having an address of 622 Kanuga Rd, Hendersonville, NC 28739 (the "FIRM")

WITNESSETH

That for and in consideration of the mutual promises set forth in this Contract below, the sufficiency of which is acknowledged by the parties hereto, the parties do mutually agree as follows:

1. Scope of Services. The FIRM agrees to perform for the City the following services according to the following requirements:

The FIRM agrees to provide materials, labor, and equipment necessary to complete the Project. Such materials, labor and equipment shall constitute the "Work." The Scope of Services and FIRM's Fee Schedule are attached as Exhibits B and C, and are incorporated herein by reference.

The FIRM agrees to coordinate its Work with the work of any other separate professional services, contractors or with the work of the City's own forces to avoid delaying or interfering with their work.

The City reserves the right to terminate the professional service contract of the FIRM based on the FIRM's breach of this Contract (ex: schedule, responsiveness, quality of work, etc.) or for convenience. The City reserves the right to modify the Scope of Work described in Exhibit B Scope of Services, and in such event the City and FIRM shall negotiate in good faith to make corresponding modifications to the Fee Schedule in Exhibit C.

2. Required Insurance. FIRM shall be required to purchase and maintain during its performance under this Contract insurance coverage as shown on the Insurance Requirements as stated in Exhibit A, which is incorporated herein by reference. With the exception of Worker's Compensation and Professional Liability policies, all insurance purchased shall have a specific endorsement, copy of which shall be provided to the City, naming the City as an additional insured and for all insurance purchased, an endorsement providing that such insurance will not be cancelled without providing thirty (30) days advance written notice to the City.
3. Standard Terms and Conditions. The attached Standard Terms and Conditions shall be a part of this Contract. Such Standard Terms and Conditions are hereby incorporated by reference, and all parties agree to be bound thereby.
4. Marketing Use. The use of this project for marketing and reference purposes is subject to the City's consent.
5. Term. The initial term of this Contract shall be for 36 months commencing on the effective date, unless otherwise terminated or canceled as provided in this Contract. The Contractor shall guarantee all plantings according to the

expectation established in the attached Scope of Services.

6. Payment for Services. In consideration of the above services, the City will pay the FIRM monthly, in accordance with the submitted fee schedule in Exhibit C, attached hereto and incorporated by reference. City will conduct monthly inspections prior to payment of the monthly invoices, and FIRM will submit quarterly activity reports as described in the attached Scope of Services. The City reserves the right to withhold payment for a monthly invoice payment if the City's monthly inspection reveals that services provided were not in accordance with the standard of care, or if services were not performed or materials used were not as required by the scope of work as contained in Exhibit B for that month. If the subpar performance or materials can be corrected, then the City shall state the necessary corrective actions in a written notice to the contractor, who shall complete such corrective actions within 48 hours of receipt of the written notice, after which time the FIRM shall be paid their monthly invoice. If the subpar performance or materials are of such a nature that they cannot be corrected, no payment will be made by the City for that month for the portion of the invoice representing the uncorrected services or materials. Three or more monthly inspections (during the entire term of the Agreement) that indicate that the services performed or materials provided were not in accordance with the standard of care or scope of services (in whole or in part) will constitute a default by the FIRM; however any monthly inspection revealing subpar performance or materials that can be and are corrected (resulting in performance by the FIRM in whole) within the 48 hour period shall not be counted. If any invoice is otherwise disputed by the City, in whole or in part, it shall provide a written explanation for such dispute to FIRM within five days of receipt of the invoice and shall pay all undisputed amounts therein.

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals at Hendersonville, North Carolina, this _____ day of July, 2022.

BRUCE N. LOWE

THE CITY OF HENDERSONVILLE

BY: _____ (SEAL)
Signature

BY: _____ (SEAL)
John Connet, City Manager

Printed Name and Title

This instrument has been preaudited in that manner required by the North Carolina Local Government Budget and Fiscal Control Act.

John Buchanan, Finance Director, City of Hendersonville

STANDARD TERMS & CONDITIONS

1. **Acceptance.** FIRM's acknowledgment of the terms of this Contract constitutes an agreement to (i) all terms and conditions set forth or referenced herein, (ii) Exhibits A, B, & C hereto, and (iii) any other terms and conditions of a written agreement signed by FIRM and the CITY that deals with the same subject matter as this Contract (collectively, the "Contract Documents"). The terms and provisions set forth in the Contract Documents shall constitute the entire agreement between FIRM and the CITY with respect to the performance of the Work as described in the Contract Documents. The agreements set forth in the Contract Documents are sometimes referred to herein as the "Contract." Except as provided herein, no additional or supplemental provision or provisions in variance herewith that may appear in FIRM's quotation, acknowledgment, invoice or in any other communication from FIRM to the CITY shall be deemed accepted by or binding on the CITY. The CITY hereby expressly rejects all such provisions which supplement, modify or otherwise vary from the terms of the Contract Documents, and such provisions are superseded by the terms and conditions stated in the Contract Documents, unless and until the CITY's authorized representatives expressly assent, in writing, to such provisions. Stenographic and clerical errors and omissions by the CITY are subject to correction.
2. **Entire Agreement.** The Contract Documents constitute and represent the complete and entire agreement between the CITY and FIRM and supersede all previous communications, either written or verbal with respect to the subject matter of this Contract.
3. **Changes, Additions, Deletions.** No changes, additions, deletions or substitutions of scope of work, specifications, terms and conditions, quantity, unit of issue, delivery date, delivery charges or price will be permitted without the prior written approval from the CITY. However, the FIRM will not be liable for delays caused by circumstances beyond its control including without limitation, delays caused by acts of God, the CITY or its other consultants/contractors, federal, state, and local government authorities, strikes, riots, civil unrest, war, or unknown or concealed conditions, and if such delays occur, the FIRM will be entitled to an equitable adjustment in the time for the performance of the Work and compensation.
4. **Relationship of the Parties.** The FIRM is an independent Professional Engineering Company and not an affiliate of the CITY. The conduct and control of the work will lie solely with the FIRM. The Contract shall not be construed as establishing a joint venture, partnership or any principal-agent relationship for any purpose between the FIRM and the CITY. Employees of the FIRM shall remain subject to the exclusive control and supervision of the FIRM, which is solely responsible for their compensation.
5. **Prices.** If the FIRM's price or the regular market price of any of the Work covered hereunder is lower than the price stated in the Contract Documents on the date of performance of the Work, the FIRM agrees to give the CITY the benefit of such lower price on such Work. In no event shall the FIRM's price be higher than the price contained in the FIRM's Fee Schedule attached as Exhibit C unless otherwise agreed in writing.
6. **Taxes.** Any applicable taxes shall be invoiced as a separate item.
7. **Substitutions.** No substitutions or cancellations shall be permitted without prior written approval from the CITY.
8. **Indemnification.** To the greatest extent allowed by the law each Party (the "Indemnifying Party") shall indemnify and hold harmless the other, its officers, agents, employees and assigns from and against all claims, losses, costs, damages, expenses, attorneys' fees ("Claims") arising from the Indemnifying Party's willful misconduct, negligence, and or breach of the Contract. In the event that any portion of the Work performed under the Contract shall be defective in any respect whatsoever, the FIRM shall indemnify and save harmless the CITY, its officers, agents, employees and assigns from all loss or the payment of all sums of money. The parties shall, in the event of liability arising out of their joint negligence or willful misconduct indemnify and hold harmless each other in proportion to their relative degree of fault.
9. **Invoices and Payment Terms.** Invoice and Payment Terms are set forth in Section 5 in the Contract for Professional Engineering Services. All invoices and statements shall reference the Contract number and be submitted to: CITY of Hendersonville, Accounts Payable, PO Box 664, Hendersonville, North Carolina 28070.
10. **Anti-Discrimination.** During the performance of the Contract, the FIRM shall not discriminate against or deny the Contract's benefits to any person on the basis of sexual orientation, national origin, race, ethnic background, color, religion, gender, age or disability.
11. **Insurance.** The FIRM shall provide the insurance coverages shown on Exhibit A, attached hereto and incorporated herein by reference. The FIRM shall provide the CITY with a North Carolina Certificate of Insurance and such endorsements as may be required by the Contract Documents PRIOR to the commencement of any work under the Contract and agrees to maintain such insurance until the completion of the Contract. Such certificates of insurance shall be considered part of the Contract.
12. **Ethics in Public Contracting.** By submitting their prices and acceptance of this Contract, the FIRM certifies that their proposal was made without collusion or fraud and that they have not offered or received any kickbacks or inducements

from any other supplier, manufacturer or subcontractor in connection with their proposal, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.

13. **Applicable Laws and Courts.** This Contract shall be governed in all respects by the laws of the State of North Carolina. All matters, whether sounding in contract or tort relating to the validity, construction, interpretation and enforcement of the Contract, shall be governed in all respects by the laws of the State of North Carolina and exclusive venue shall be in a court of competent jurisdiction for Henderson County, North Carolina. The FIRM represents and warrants that it shall comply with all applicable federal, state and local laws, regulations and orders.
14. **Strict Compliance.** The CITY may at any time insist upon strict compliance with these terms and conditions notwithstanding any previous course of dealing or course of performance between the parties to the contrary.
15. **Assignment.** The FIRM shall not assign, subcontract or otherwise transfer any interest in the Contract without the prior written approval of the CITY.
16. **General Provisions.** The CITY's remedies as set forth herein are not exclusive. Any delay or omission by the CITY in exercising any right hereunder, or any waiver by the CITY of any single breach or default hereunder, shall not be deemed to be a waiver of such right or of any other right, breach, or default.
17. **Obligations of the FIRM.** The FIRM shall adhere to all applicable laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Henderson, and the CITY of Hendersonville in the performance of the Work outlined in this Contract and any design documents, drawings and specifications applicable to the Work. The Work shall also adhere to all applicable laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Henderson, and the CITY of Hendersonville.
18. **Quality and Workmanship.** The FIRM shall perform all Work in accordance with this Contract and the standard of care and skill ordinarily exercised, under similar circumstances, by others ordinarily providing similar services in and at the same time in Henderson County. In the event any portion of the Work fails to substantially comply with this standard of care obligation and the FIRM is promptly notified in writing prior to one year after completion of such portion of the Work, the FIRM will re-perform such portion of the Work, or if re-performance is impractical, the FIRM will refund the amount of compensation paid to the FIRM for such portion of the Work.
19. **Default.** Either Party may terminate the Contract, in whole or in part, upon thirty (30) days written notice upon a material breach by the other Party unless the alleged default is cured within the thirty (30) day notice period. The nonbreaching party shall have all remedies available at law or in equity in addition to any remedies provided in this Contract for material breach. In the event of a material breach by the FIRM the CITY may procure upon such terms as the CITY shall deem appropriate, professional engineering services substantially similar to those so terminated, in which case the FIRM shall be liable to the CITY for any excess costs for such similar services and any expenses incurred in connection therewith. It is specifically understood that CITY may withhold any payments to FIRM for the purpose of offset until such time as the exact amount of damages due to the CITY from the FIRM is determined.
20. **Termination for Convenience.** The CITY shall have the right, without assigning any reason therefore, to terminate any Work under the Contract, in whole or in part, at any time at its complete discretion by providing ten (10) consecutive calendar days' notice in writing from the CITY to the FIRM. If the Contract is terminated by the CITY in accordance with this paragraph, the FIRM will be paid for all Work performed and reimbursable expenses incurred up to the effective date of the termination. The CITY will not be liable to the FIRM for any costs for materials acquired or contracted for, if such costs were incurred prior to the date of this Contract. Upon Termination for Convenience, FIRM shall have no further rights or remedies other than those included in this paragraph.
21. **Safety.** The FIRM will maintain a safety program for its employees. The FIRM specifically disclaims any authority or responsibility for general job safety and for the safety of persons who are not employed by FIRM. Should the City, or third parties, be conducting activities on the site, then each shall have responsibility for their own safety and compliance with applicable safety requirements. The presence of FIRM's field personnel, either full-time or part-time, may be for the purpose of providing project administration, assessment, observation, or field-testing of specific aspects of the project as authorized by the City. The FIRM will be solely responsible for working conditions on the jobsite, including safety of all persons and property during performance of the work, and compliance with OSHA regulations. These requirements will apply continuously and will not be limited to normal working hours.
22. **Instruments of Service and Work for Hire.** All Work performed by the FIRM, and all data compiled, shall be considered Instruments of Service and Work for Hire, and shall be the Property of the Owner. The FIRM shall retain a license in the Work performed and data compiled to use for the FIRM's own purposes, and not for the benefit of any third party without

the CITY's consent. The terms of this Paragraph shall survive the termination of this Contract for any reason limited to for a material breach of either Party, or for the convenience of the Owner. In the event this Contract is terminated for any reason, the CITY shall be entitled to keep and use all design work provided by the Engineer and all data compiled by the Engineer. All representations and obligations with respect to the Work by the FIRM under this Contract shall survive termination of this Agreement unless this Contract is terminated by the FIRM for the CITY's material breach, in which case use by the CITY of the FIRM's design work and data compiled shall be at the CITY's own risk, and without any representation by the Engineer as to its accuracy or fitness for any purpose.

23. **Utilities.** The CITY agrees to disclose the location of all utilities known by the CITY to be present on the project site and accurate location of hidden or obscure man-made objects known to CITY.
24. **Assignment.** FIRM may not assign, pledge, or in any manner encumber the FIRM's rights under this Contract, or delegate the performance of any of its obligations hereunder, without the CITY's prior, express written consent.
25. **No Third Party Beneficiaries.** There shall be no intended nor incidental third party beneficiaries of this Contract. The FIRM shall include in all contracts, subcontracts or other agreements relating to the Contract an acknowledgment by the contracting parties that the Contract creates no third party beneficiaries.
26. **Valid Contract.** In order for this Contract for Professional Engineering Services to be valid, it must be executed by the CITY Manager or his or her authorized designee, and must be pre-audited in that manner required by the Local Government Budget and Fiscal Control Act, as the same may be amended.
27. **Severability.** If any provision of this Contract is found to be invalid or unlawful, then remainder of this Agreement shall not be affected thereby, and each remaining provision shall be valid and enforced to the fullest extent permitted by law.
28. **Verification of Work Authorization.** The FIRM shall comply with, and require all contractors and subcontractors to comply with, the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," sometimes known as E-verify for all contractors and subcontractors.
29. **Iran Divestment List.** With the execution hereof, FIRM, certifies that they are not on the Iran Final Divestment List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.58, and will not contract with anyone on such List in performance of the work hereunder.
30. **Companies that Boycott Israel List.** With the execution hereof, FIRM, certifies that they are not on the Companies that Boycott Israel List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.80, and will not contract with anyone on such List in performance of the work hereunder.

EXHIBIT A

MINIMUM INSURANCE REQUIREMENTS

The Work under this Contract shall not commence until the FIRM has obtained all required insurance and verifying certificates of insurance have been approved in writing by the CITY. The CITY shall be named as additional insured on all policies, except Worker’s Compensation and Professional Liability policies. These certificates shall document that coverages afforded under the policies will not be cancelled until at least thirty (30) days after mailing written notice, by certified mail, return receipt requested, to the insured and the CITY of such cancellation. If endorsements are needed to comply with the notification or other requirements of this article copies of the endorsements shall be submitted with the certificates.

a. **Worker’s Compensation and Employer's Liability**

The FIRM shall provide and maintain, until final acceptance, workers’ compensation insurance, as required by law, as well as employer's liability coverage with minimum limits of \$100,000.

b. **Comprehensive General Liability Insurance**

The FIRM shall provide and maintain, until final acceptance, comprehensive general liability insurance, including coverage for premises operations, independent contractors, completed operations, products and contractual exposures, as shall protect such contractors from claims arising out of any bodily injury, including accidental death, as well as from claims for property damages which may arise from operations under this contract, whether such operations be by the FIRM or by any subcontractor, or by anyone directly or indirectly employed by either of them and the minimum limits of such insurance shall be as follows:

Bodily Injury: \$1,000,000 per occurrence / \$2,000,000 aggregate
Property Damage: \$100,000 per occurrence / \$300,000 aggregate
Or,
Bodily Injury and Property Damage, combined single limit (CSL): \$1,000,000 per occurrence / \$2,000,000 aggregate

Such coverage for completed operations must be maintained for at least two (2) years following final acceptance of the Work performed under the contract.

c. **Deductible**

Any deductible, if applicable to loss covered by insurance provided, is to be borne by the FIRM.

d. **Other Insurance**

The FIRM shall obtain such additional insurance as may be required by the CITY or by the General Statutes of North Carolina including motor vehicle insurance, in amounts not less than the statutory limits.

e. **Proof of Carriage**

The FIRM shall furnish the CITY with satisfactory proof of carriage of the insurance required before written approval is granted by the CITY

EXHIBIT B

FIRM’S SCOPE OF SERVICES

Downtown Landscaping Services and Hanging Baskets
Duties and Level of Service

Project Site

Downtown Hendersonville consists of two Municipal Services Districts otherwise known as Business Improvement Districts. One is the Main Street District and the other is the Seventh Avenue District.

The Main Street Municipal Service District consists of 14 city blocks which lie between Seventh Avenue to the north, King Street to the east, Allen Street to the south and Church Street to the west.

The Seventh Avenue Municipal Service District consists of the area along Seventh Avenue from N Grove Street to the southwest to the Okalawaha Greenway to the northeast, and from E Pace Street to the southeast to Eighth Avenue to the northwest.

A map of both districts is appended to this Scope of Services, said map being incorporated herein by reference.

The landscaped areas in the Main Street Municipal Service District consist of 35 raised brick planters and 41 at-grade planters along Main Street, the planting buffers adjacent to four City owned public parking lots, the at-grade planters that surround City Hall, and 96 hanging basket poles (each holding two hanging baskets) throughout the District.

The landscaped areas in the Seventh Avenue Municipal Service District consist of 900 square feet of raised bed planters at the historic Hendersonville Train Depot, 30 at-grade tree pits, and 28 hanging basket poles (each holding two hanging baskets) throughout the District.

Raised Planter & City Hall Planter Maintenance

- ≈ Maintain and keep the planters clean and free of debris and trash.
- ≈ Maintain plantings to promote sidewalk visibility, plant health and aesthetic variety.
- ≈ Work with Program Director to prepare a conceptual plan (see Exhibit B), which reduces the overall area dedicated to annual plantings throughout the district, focusing on pedestrian side plantings and a stronger mix of perennials to deliver aesthetic appeal.
- ≈ Develop corresponding plant list for new perennial additions, examples might include, native azaleas, iris’, peonies, hostas, etc.
- ≈ Water, as needed, plantings.
- ≈ Guarantee all new plantings for twelve months or annual lifespan as applies.
- ≈ Remove and replace any plantings which have become unacceptable to either the Project Director or Contractor.
- ≈ Contractor’s guarantee shall cover replacement without additional cost to the City of all damaged or diseased plants regardless of the cause, including without limitation from acts of God, vandalism or incidental damage occasioned by parades, festivals, etc.
- ≈ Rotate annuals three times a year in spring, late summer and winter, plant at a maximum spacing of 10” O.C.
- ≈ Include bulbs (tulips) in annual planting plan for spring color.
- ≈ Note: Trees are maintained by a certified arborist & are not part of this Maintenance RFP.

At Grade Planter Maintenance

- ≈ Maintain and keep planters clean and free of debris and trash.
- ≈ Maintain perennial plantings to promote sidewalk visibility, plant health and aesthetic variety.
- ≈ Guarantee all new plantings for twelve months.
- ≈ Remove and replace any plantings which have become unacceptable to either the Project Director or Contractor

- ≈ Contractor's guarantee shall cover replacement without cost to the City of all damaged or diseased regardless of the cause, including without limitation from acts of God, vandalism or incidental damage occasioned by parades, festivals, etc.
- ≈ Note: Trees are maintained by a certified arborist & are not part of this Maintenance RFP.

Annual Mulch Application

- ≈ Annually apply a finely ground pine mulch (such as Nature's Helper or equal) to all raised planter beds along Main Street & at-grade planters at City Hall. This should occur once a year following the planting of the spring rotation of annuals. This mulch application should take place before May 15th.
- ≈ Mulch all at grade planters along Main Street twice a year. Use either double ground aged hardwood or pine mulch.
- ≈ Mulch at grade planters in City Owned parking lots in the Main Street District and in the Seventh Avenue district once a year. Use either double ground aged hardwood or pine mulch.
- ≈ Once annual mulch applications should take place April 15th to May 15th.
- ≈ Twice annual applications should take place between April 15th to May 15th and the Second Week of November.
- ≈ Variation to the application schedule is permissible upon discussion with Program Director.
- ≈ Remove old mulch to 2 inches below sidewalk level prior to replacement.

Activity Monitoring and Reporting

- ≈ Provide Project Director with a quarterly Activity Report
 - Identify # of staff and hours worked
 - Identify hours worked by category of work, i.e. on Maintenance, New Plantings, Mulching, Watering, etc.
- ≈ Report graffiti, unsafe conditions and street/pedestrian light outages or damaged amenities to the City of Hendersonville. Note any trouble spots in the beds or areas in general that need review by Project Director.

General Responsibilities

- ≈ Work with the Project Director to obtain branded "Downtown Hendersonville" hi-vis vests for staff to use while performing tasks related to this project.
- ≈ Avoid materials or methods that could damage or deteriorate exterior surfaces. In the event that any damage occurs, assume liability, correct the damage as feasible and notify the City of Hendersonville of the incident.
- ≈ Maintain best safety practices for staff and pedestrians according to work in progress. Supply and use temporary barriers or cones when necessary.

Hanging Baskets

- ≈ Prepare a total of 255 baskets.
- ≈ The 192 baskets prepared for Main Street and 7 prepared for the pool and mini-golf course are in standard coconut weave basket hangers. The city currently has the metal frames, liners will need to be replaced. The city owns 5 23" H2O Labor Saving Hanging Baskets that shall replace the metal frame/liners at a location to be determined by contractor.
- ≈ The 61 baskets for Seventh Avenue are planted in 23" H2O Labor Saving Hanging Baskets. The city currently has these baskets and associated inserts. 5 baskets will be placed on the Depot.
- ≈ Each basket should have a minimum of three plant species.
- ≈ There should be, at a minimum, three basket varieties. I.e. three different combinations of plants provided equally in each district. For example in Main Street, where there is a total of 192 baskets, you would have 66 baskets with species A, B & C, 66 Baskets with species C, D & E and 60 baskets with species D, F & A.
- ≈ Species should be chosen for durability, drought tolerance, visual interest (both alone and in combination with the other species in the basket) and longevity of interest and vibrancy.
- ≈ Baskets should be planted using a quality soil designed for use in planters. It should reflect a good mixture of loamy topsoil and organic materials.
- ≈ Baskets should be planted using a water retaining soil amendment to promote water retention.

- ≈ Baskets must be prepared and grown prior to installation on Main Street. Plant maturity should be, month at time of installation. The City is unable to provide a location for this, contractor must provide the needed space and protection for the baskets to reach this level of maturity.
- ≈ Install baskets on Hangers in districts.
- ≈ Assure that installation is consistent. Maintain consistency in chain length and height: chain length shall be no more than 18" and height from sidewalk shall not be less than 7'.
- ≈ Remove baskets and dispose of plant materials in late October.
- ≈ Review condition of all existing baskets, inform City staff of any needed replacements.
- ≈ Prepare basket materials for storage and deliver to city directed storage facility.
- ≈ Regular fertilizer application (monthly)

EXHIBIT C

Fee Schedule

Fees:

FIRM proposes to provide the Work, as outlined in the Scope of Services, for at following rates:

Activity	Total Cost during Contract Term
Planting of annuals	\$216,600
Planting of perennials	\$44,100
Mulching	\$26,250
Main Street Baskets	\$71,250
Seventh Avenue Baskets	\$21,750

Total for Contract Term: \$ 379950

All amounts listed above are inclusive of all related costs, including but not limited to: material cost, installation cost, maintenance, labor, equipment, and any miscellaneous costs.

Terms of Payment:

Payments by CITY shall be made to FIRM upon monthly inspections and upon receipt of FIRM’s generated quarterly activity report described in the Scope of Services.

Monthly payments shall total \$10,554.16 or 1/36 of the total cost during the Contract Term. The final payment shall be \$ 10554.40.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER:	Jamie Carpenter	MEETING DATE: June 2, 2022
AGENDA SECTION:	Public Hearing	DEPARTMENT: Community Development, Downtown Division
TITLE OF ITEM, Presenter Name, Title:	Public Hearing: 7 th Avenue Municipal Service District – Vision & Brand Consultant, Jamie Carpenter, Downtown Manager	
<u>SUGGESTED MOTION(S):</u>	I move to adopt the resolution by the City of Hendersonville City Council to authorize the City Manager to execute agreement with Arnett Muldrow & Associates, Ltd. for branding and visioning services for the Seventh Avenue Municipal Service District.	

SUMMARY:

The City Council will hold a public hearing to consider a proposed contract for branding strategy with the apparent successful bidder Arnett Muldrow. The scope of work includes information gathering and background review, community resource visit and public information, draft strategy, implementation workshop and BrandPrint Report which includes a logo and tagline for the 7th Avenue district, refinement of the current downtown "H" logo and recommended uses for the final design. The contract is proposed to be \$10,500. The apparent successful bidder was selected through a competitive bid process pursuant to N.C.G.S. § 160A-536.

BUDGET IMPACT: \$10,500

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

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

ATTACHMENTS: Resolution, Contract

Resolution #__-____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE
THE CITY MANAGER TO EXECUTE AGREEMENT WITH
ARNET MULDROW & ASSOCIATIES LTD FOR BRANDING AND VISIONING FOR THE
SEVENTH AVENUE MUNICIPAL SERVICE DISTRICT**

WHEREAS, the Downtown Advisory Board recommended branding and visioning process for the Seventh Avenue Municipal Service Districts as part of the 2023 budget, the “Project”; and;

WHEREAS, the Community Development Department has solicited proposals in an effort to hire a reputable and responsible Contractor to perform the Project; and

WHEREAS, Arnett Muldrow & Associates, Ltd submitted most fitting proposal and references indicate that they are a responsible Contractor able to complete the Project within the bid or price stated, and within the time frames requested; and

WHEREAS, a draft contract with Arnett Muldrow & Associates, Ltd has been presented to the City Council for consideration, the “Agreement”; and

WHEREAS, the Community Development Department is recommending that the Project be awarded to Arnett Muldrow & Associates, Ltd and the Agreement be approved;

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA that:

1. The Project is awarded to Arnett Muldrow & Associates, Ltd in the amount of \$10,500.
2. The Agreement with Arnett Muldrow & Associates, Ltd is approved as presented.
3. The City Manager is authorized to sign the Agreement with such changes as he may deem appropriate, after consultation with the City Attorney, provided that the price may not be changed without approval from the City Council.
4. The City Manager, City Attorney, and City Staff are authorized to take such other actions as may be necessary to carry out the terms and provisions of the Agreement as signed by the City Manager.

Adopted by the City Council of the City of Hendersonville, North Carolina on this _____ day of _____, 20____.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk



CONTRACT FOR SERVICES

FIRM: Arnett Muldrow & Associates, Ltd.
316 West Stone Avenue
Greenville, SC 29609
864-233-0950

PROJECT: Seventh Avenue Branding
PROJECT DESCRIPTION: Development of a branding strategy for the Seventh Avenue District in Hendersonville.

PROJECT NUMBER:

This Contract for Services, and all exhibits, (collectively this "Contract") is entered into this ____ day of ____, 2022 by and between, the City of Hendersonville, a municipal corporation of the State of North Carolina, (the "CITY") and, Arnett Muldrow & Associates, Ltd., a South Carolina corporation, having an address of 316 West Stone Avenue, Greenville, SC 29609 (the "FIRM")

WITNESSETH

That for and in consideration of the mutual promises set forth in this Contract below, the sufficiency of which is acknowledged by the parties hereto, the parties do mutually agree as follows:

1. Scope of Services. The FIRM agrees to perform for the City the following services according to the following requirements:

The FIRM agrees to provide design services needed to complete the Project. Such services shall constitute the "Work." The Scope of Services and FIRM's Fee Schedule are attached as Exhibits B and C and are incorporated herein by reference.

The City reserves the right to terminate the service contract of the FIRM based on the FIRM's breach of this Contract (ex: schedule, responsiveness, quality of design, accuracy of documents etc.) or for convenience. The City reserves the right to modify the Scope of Work described in Exhibit B Scope of Services, and in such event the City and FIRM shall negotiate in good faith to make corresponding modifications to the Fee Schedule below.

2. Required Insurance. FIRM shall be required to purchase and maintain during its performance under this Contract insurance coverage as shown on the Insurance Requirements as stated in Exhibit A, which is incorporated herein by reference. With the exception of Worker's Compensation and Professional Liability policies, all insurance purchased shall have a specific endorsement, copy of which shall be provided to the City, naming the City as an additional insured and for all insurance purchased, an endorsement providing that such insurance will not be cancelled without providing thirty (30) days advance written notice to the City.
3. Standard Terms and Conditions. The attached Standard Terms and Conditions shall be a part of this Contract. Such Standard Terms and Conditions are hereby incorporated by reference, and all parties agree to be bound thereby.
4. Marketing Use. The use of this project for marketing and reference purposes is subject to the City's consent.
5. Time for Performance of the Work. The Work will begin within fifteen (15) days of receipt of the Notice to Proceed from the City and tasks shall be completed according to the expectation established in Exhibit B Scope of Services.

6. Terms of Payment. In consideration of the above services, the City will pay the FIRM monthly, in accordance with the submitted fee schedule in Exhibit C, attached hereto and incorporated by reference. The City reserves the right to withhold payment for a monthly invoice payment if the CITY's inspection of such invoice reveals that services provided were not in accordance with the standard of care, or if services were not performed as required by the scope of work as contained in Exhibit B for that period. If the performance can be corrected, then the CITY shall state the necessary corrective actions in a written notice to the FIRM, who shall complete such corrective actions promptly upon receipt of the written notice, after which time the FIRM shall be paid their monthly invoice. If the performance is of such a nature that it cannot be corrected, no payment will be made by the CITY for that month for the portion of the invoice representing the uncorrected services. If any invoice is otherwise disputed by the City, in whole or in part, it shall provide a written explanation for such dispute to FIRM within five days of receipt of the invoice and shall pay all undisputed amounts therein.

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals at Hendersonville, North Carolina, this _____ day of _____, 2022.

ARNETT MULDROW & ASSOCIATES, LTD.

THE CITY OF HENDERSONVILLE

BY: _____ (SEAL) BY: _____ (SEAL)
Signature John Connet, City Manager

Printed Name and Title

This instrument has been preaudited in that manner required by the North Carolina Local Government Budget and Fiscal Control Act.

John Buchanan, Finance Director, City of Hendersonville

STANDARD TERMS & CONDITIONS

1. **Acceptance.** FIRM's acknowledgment of the terms of this Contract constitutes an agreement to (i) all terms and conditions set forth or referenced herein, (ii) Exhibits A, B, & C hereto, and (iii) any other terms and conditions of a written agreement signed by FIRM and the CITY that deals with the same subject matter as this Contract (collectively, the "Contract Documents"). The terms and provisions set forth in the Contract Documents shall constitute the entire agreement between FIRM and the CITY with respect to the performance of the Work as described in the Contract Documents. The agreements set forth in the Contract Documents are sometimes referred to herein as the "Contract." Except as provided herein, no additional or supplemental provision or provisions in variance herewith that may appear in FIRM's quotation, acknowledgment, invoice or in any other communication from FIRM to the CITY shall be deemed accepted by or binding on the CITY. The CITY hereby expressly rejects all such provisions which supplement, modify or otherwise vary from the terms of the Contract Documents, and such provisions are superseded by the terms and conditions stated in the Contract Documents, unless and until the CITY's authorized representatives expressly assent, in writing, to such provisions. Stenographic and clerical errors and omissions by the CITY are subject to correction.
2. **Entire Agreement.** The Contract Documents constitute and represent the complete and entire agreement between the CITY and FIRM and supersede all previous communications, either written or verbal with respect to the subject matter of this Contract.
3. **Changes, Additions, Deletions.** No changes, additions, deletions or substitutions of scope of work, specifications, terms and conditions, quantity, unit of issue, delivery date, delivery charges or price will be permitted without the prior written approval from the CITY. However, the FIRM will not be liable for delays caused by circumstances beyond its control including without limitation, delays caused by acts of God, the CITY or its other consultants/contractors, federal, state, and local government authorities, strikes, riots, civil unrest, war, or unknown or concealed conditions, and if such delays occur, the FIRM will be entitled to an equitable adjustment in the time for the performance of the Work and compensation.
4. **Relationship of the Parties.** The FIRM is an independent company and not an affiliate of the CITY. The conduct and control of the work will lie solely with the FIRM. The Contract shall not be construed as establishing a joint venture, partnership or any principal-agent relationship for any purpose between the FIRM and the CITY. Employees of the FIRM shall remain subject to the exclusive control and supervision of the FIRM, which is solely responsible for their compensation.
5. **Prices.** If the FIRM's price or the regular market price of any of the Work covered hereunder is lower than the price stated in the Contract Documents on the date of performance of the Work, the FIRM agrees to give the CITY the benefit of such lower price on such Work. In no event shall the FIRM's price be higher than the price contained in the FIRM's Fee Schedule unless otherwise agreed in writing.
6. **Taxes.** Any applicable taxes shall be invoiced as a separate item.
7. **Substitutions.** No substitutions or cancellations shall be permitted without prior written approval from the CITY.
8. **Indemnification.** To the greatest extent allowed by the law each Party (the "Indemnifying Party") shall indemnify and hold harmless the other, its officers, agents, employees and assigns from and against all claims, losses, costs, damages, expenses, attorneys' fees ("Claims") arising from the Indemnifying Party's willful misconduct, negligence, and or breach of the Contract. In the event that any portion of the Work performed under the Contract shall be defective in any respect whatsoever, the FIRM shall indemnify and save harmless the CITY, its officers, agents, employees and assigns from all loss or the payment of all sums of money. The parties shall, in the event of liability arising out of their joint negligence or willful misconduct indemnify and hold harmless each other in proportion to their relative degree of fault. Further, the FIRM shall indemnify and hold harmless the City, if officer, agents, employees, elected officials and assigns, from all damages, costs or losses associated with any claims made for copyright infringement or trademark infringement, whether or no such claim is successful, associated in any manner with the Work produced by the Firm pursuant to this Agreement.
9. **Invoices and Payment Terms.** Invoice and Payment Terms are set forth in Section 5 in the Contract for Services. All invoices and statements shall reference the Contract number and be submitted to: CITY of Hendersonville, Accounts Payable, PO Box 664, Hendersonville, North Carolina 28070.
10. **Anti-Discrimination.** During the performance of the Contract, the FIRM shall not discriminate against or deny the Contract's benefits to any person on the basis of sexual orientation, national origin, race, ethnic background, color, religion, gender, age or disability.
11. **Ethics in Public Contracting.** By submitting their prices and acceptance of this Contract, the FIRM certifies that their proposal was made without collusion or fraud and that they have not offered or received any kickbacks or inducements.

from any other supplier, manufacturer or subcontractor in connection with their proposal, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.

12. **Applicable Laws and Courts.** This Contract shall be governed in all respects by the laws of the State of North Carolina. All matters, whether sounding in contract or tort relating to the validity, construction, interpretation and enforcement of the Contract, shall be governed in all respects by the laws of the State of North Carolina and exclusive venue shall be in a court of competent jurisdiction for Henderson County, North Carolina. The FIRM represents and warrants that it shall comply with all applicable federal, state and local laws, regulations and orders.
13. **Strict Compliance.** The CITY may at any time insist upon strict compliance with these terms and conditions notwithstanding any previous course of dealing or course of performance between the parties to the contrary.
14. **General Provisions.** The CITY's remedies as set forth herein are not exclusive. Any delay or omission by the CITY in exercising any right hereunder, or any waiver by the CITY of any single breach or default hereunder, shall not be deemed to be a waiver of such right or of any other right, breach, or default.
15. **Obligations of the FIRM.** The FIRM shall adhere to all applicable laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Henderson, and the CITY of Hendersonville in the performance of the Work outlined in this Contract. The Work shall also adhere to all applicable laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Henderson, and the CITY of Hendersonville.
16. **Quality and Workmanship.** The FIRM shall perform all Work in accordance with this Contract and the standard of care and skill ordinarily exercised, under similar circumstances, by others ordinarily providing similar services in and at the same time in Henderson County. In the event any portion of the Work fails to substantially comply with this standard of care obligation and the FIRM is promptly notified in writing prior to one year after completion of such portion of the Work, the FIRM will re-perform such portion of the Work, or if re-performance is impractical, the FIRM will refund the amount of compensation paid to the FIRM for such portion of the Work. FIRM represents and warrants to the CITY that the Work produced will be unique and original, and will not infringe on any copyright, trademark, patent, right of privacy, contain any libelous material, or infringe or violate any other right of any third party.
17. **Default.** Either Party may terminate the Contract, in whole or in part, upon thirty (30) days written notice upon a material breach by the other Party unless the alleged default is cured within the thirty (30) day notice period. The nonbreaching party shall have all remedies available at law or in equity in addition to any remedies provided in this Contract for material breach. In the event of a material breach by the FIRM the CITY may procure upon such terms as the CITY shall deem appropriate, services substantially similar to those so terminated, in which case the FIRM shall be liable to the CITY for any excess costs for such similar services and any expenses incurred in connection therewith.
18. **Termination for Convenience.** The CITY shall have the right, without assigning any reason therefore, to terminate any Work under the Contract, in whole or in part, at any time at its complete discretion by providing ten (10) consecutive calendar days notice in writing from the CITY to the FIRM. If the Contract is terminated by the CITY in accordance with this paragraph, the FIRM will be paid for all Work performed and reimbursable expenses incurred up to the effective date of the termination. The CITY will not be liable to the FIRM for any costs for materials acquired or contracted for, if such costs were incurred prior to the date of this Contract.
19. **Instruments of Service and Work for Hire.** All Work performed by the FIRM, including intellectual property and all data compiled, shall be considered Instruments of Service and Work for Hire, and shall be the Property of the CITY. The City shall hold the sole and absolute copyrights and trademarks in the Work produced. In the event that any portion of the Work should be deemed not to be a Work for Hire for any reason, FIRM hereby assigns, conveys, transfers and grants, and agrees to assign, convey, transfer and grant to CITY all of FIRM's right, title, and interest in and to the Work and any copyright therein, and agrees to cooperate with CITY in the execution of appropriate instruments assigning and evidencing such ownership rights. The FIRM shall retain a license in the Work performed and data compiled to use for the FIRM's own purposes, and not for the benefit of any third party without the CITY's consent. The terms of this Paragraph shall survive the termination of this Contract for any reason, including but limited to for a material breach of either Party, or for the convenience of the Owner. In the event this Contract is terminated for any reason, the CITY shall be entitled to keep and use all design work provided and all data compiled by the FIRM. All representations, warranties, and obligations with respect to the Work by the FIRM under this Contract shall survive termination of this Agreement.
20. **Assignment.** FIRM may not assign, pledge, or in any manner encumber the FIRM's rights under this Contract, or

delegate the performance of any of its obligations hereunder, without the CITY's prior, express written consent.

21. **No Third Party Beneficiaries.** There shall be no intended nor incidental third party beneficiaries of this Contract. The FIRM shall include in all contracts, subcontracts or other agreements relating to the Contract an acknowledgment by the contracting parties that the Contract creates no third party beneficiaries.
22. **Valid Contract.** In order for this Contract for Services to be valid, it must be executed by the CITY Manager or his or her authorized designee, and must be pre-audited in that manner required by the Local Government Budget and Fiscal Control Act, as the same may be amended.
23. **Severability.** If any provision of this Contract is found to be invalid or unlawful, then remainder of this Agreement shall not be affected thereby, and each remaining provision shall be valid and enforced to the fullest extent permitted by law.
24. **Verification of Work Authorization.** The FIRM shall comply with, and require all contractors and subcontractors to comply with, the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," sometimes known as E-verify for all contractors and subcontractors.
25. **Iran Divestment List.** With the execution hereof, FIRM, certifies that they are not on the Iran Final Divestment List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.58, and will not contract with anyone on such List in performance of the work hereunder.
26. **Companies that Boycott Israel List.** With the execution hereof, FIRM, certifies that they are not on the Companies that Boycott Israel List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.80, and will not contract with anyone on such List in performance of the work hereunder.

EXHIBIT A

MINIMUM INSURANCE REQUIREMENTS

The Work under this Contract shall not commence until the FIRM has obtained all required insurance and verifying certificates of insurance have been approved in writing by the CITY. The CITY shall be named as additional insured on all policies, except Worker’s Compensation and Professional Liability policies. These certificates shall document that coverages afforded under the policies will not be cancelled until at least thirty (30) days after mailing written notice, by certified mail, return receipt requested, to the insured and the CITY of such cancellation. If endorsements are needed to comply with the notification or other requirements of this article copies of the endorsements shall be submitted with the certificates.

a. Worker’s Compensation and Employer's Liability

The FIRM shall provide and maintain, until final acceptance, workers’ compensation insurance, as required by law, as well as employer's liability coverage with minimum limits of \$100,000.

b. Comprehensive General Liability Insurance

The FIRM shall provide and maintain, until final acceptance, comprehensive general liability insurance, including coverage for premises operations, independent contractors, completed operations, products and contractual exposures, as shall protect such contractors from claims arising out of any bodily injury, including accidental death, as well as from claims for property damages which may arise from operations under this contract, whether such operations be by the FIRM or by any subcontractor, or by anyone directly or indirectly employed by either of them and the minimum limits of such insurance shall be as follows:

Bodily Injury:

\$1,000,000 per occurrence / \$2,000,000 aggregate

Property Damage:

\$100,000 per occurrence / \$300,000 aggregate

Or,

Bodily Injury and Property Damage, combined single limit (CSL):

\$1,000,000 per occurrence / \$2,000,000 aggregate

Such coverage for completed operations must be maintained for at least two (2) years following final acceptance of the Work performed under the contract.

c. Deductible

Any deductible, if applicable to loss covered by insurance provided, is to be borne by the FIRM.

d. Other Insurance

The FIRM shall obtain such additional insurance as may be required by the CITY or by the General Statutes of North Carolina including motor vehicle insurance, in amounts not less than the statutory limits.

e. Proof of Carriage

The FIRM shall furnish the CITY with satisfactory proof of carriage of the insurance required before written approval is granted by the CITY

EXHIBIT B

FIRM'S SCOPE OF SERVICES

BRANDING STRATEGY FOR SEVENTH AVENUE DISTRICT, HENDERSONVILLE

Task One: Information Gathering and Background Review

Arnett Muldrow will evaluate existing marketing, tourism initiatives, community histories, other applicable documentation that would provide branding and marketing material for Seventh Avenue District. This will be an important step to understand what has happened in the past as well as to coordinate this effort so that it is not duplicative of prior efforts.

Task Two: Kick-off Meeting with the Project Steering Committee (Visit One or Online)

Arnett Muldrow will work with the City and stakeholders from the Seventh Avenue District to serve as a steering committee that will be the executive body for the branding effort from start to finish. We will come to Hendersonville to host a kick-off meeting with the steering committee. We expect this committee to work hand-in-hand with the Arnett Muldrow team towards the successful development and implementation of the branding and marketing strategy.

Task Three: Community Branding/Image Resource Visit (Visit Two)

Modeled after a community planning charrette, the Community Branding/Image Resource Visit is designed to immerse the project team in the community in a rapid way in order to produce a branding program quickly and efficiently. We have conducted these resource visits in over four hundred communities that have gone on to implement the branding in creative ways. The resource visit will involve a two-and-a-half-day process, as described below.

Day One and Part of Day Two: Gathering Input and Community Tour

The first day will concentrate on a series of up to six roundtable meetings with image-setting groups as selected by the Client. These will likely include:

- City of Hendersonville staff;
- Stakeholders from the Seventh Avenue District;
- Key partners in the community;
- Business and property owners;
- Other stakeholders as selected by the Steering Committee; and

The input sessions will be facilitated group sessions that will concentrate on the brand image of Seventh Avenue District as a whole as well as its individual attractions. (These meetings can be as open ended as you desire, we prefer to invite anyone interested to attend as the stakeholders get to value seeing their input put into concepts within days of their initial input.)

We will also conduct a detailed tour and reconnaissance of downtown and its relationship to the Seventh Avenue District recognizing that Hendersonville continues to undergo investment, change, and expansion of its dynamic central business district. During the tour, we will conduct a professional photo shoot of key area assets, including places and people. We will edit these photographs and include them as a photo library as part of our final deliverables. Many of our clients have found these photographs to be a helpful resource in their future marketing initiatives.

Day Two, Afternoon: Optional Progress Report

By the end of the second day, we will have worked with the public and community stakeholders to develop some preliminary concepts, so that the third day can focus on brand refinement as well as continued production of marketing concepts and brand extension. If needed, in the afternoon of the second day we will have a small roundtable meeting with the steering committee to review the progress on the brand's development.

Day Two Evening and Day Three: Brand Development

During the course of the workshop, we will focus not only on developing the brand identity itself that will include such things as logos, themes, typefaces, colors, sample print pieces, and partnership initiatives. As a value-added service

also coordinate with the City of Hendersonville to ensure that the existing “H” brand is refined, clarified, and examined in concert with the Seventh Avenue District.

We will also develop many of the creative marketing concepts and brand extension components that focus on the district, its businesses, special events, and attractions. These pieces would include event logos, imagery, digital media, web page concepts, and a host of other creative uses as determined by the client. We like to leave this component open-ended as the roundtable input sessions will help us frame these creative recommendations.

Day Three, Midday-Afternoon: Presentation

Arnett Muldrow will share the draft brand concept in a presentation to the steering committee at the end of the resource team visit on the third day. We believe that this presentation is a critical element in the branding process because while we will develop the brand, it will belong not only to the City as a client but also to the Seventh Avenue District itself. meeting allows us to garner feedback for further refinement to come after the presentation.

As mentioned before, the resource visit deliverables will vary by community but will typically include a variety of components that may include logo designs, typefaces, color palettes, and taglines. We will also develop a compelling brand statement that can be used as a script in marketing the district. In addition, the team will develop a host of creative collateral material including conceptual gateway design. Our presentations have also included banners, brochure templates, mock advertisements, event posters, billboards, shopping bags, hats, tee shirts, sculptures, recognition programs, and many others.

Task Four: Refinement

The presentation at the end of the work session represents a draft version of the brand identity. Arnett Muldrow will coordinate with the Steering Committee to gather input and responses on the draft brand. Typically, this effort works best if the input is provided through a single point of contact who can work directly with Arnett Muldrow. Typically, these include suggestions for refinements to the identity system and for additional collateral and supporting material.

We will provide the Steering Committee a worksheet or internal survey to provide us feedback of modifications and additions to the brand system. We will coordinate these revisions within four weeks of receiving feedback and communicate them via email and conference call for final sign off and review.

Task Five: Draft Branding and Implementation Strategy

Within six weeks of the final “sign off” in Task Four, we will deliver the final products for the market assessment and branding effort. This will include four specific deliverables in draft form:

- A branding resource package with all graphics produced in the work session for the Client and its partners (the resource package will include the designs in a variety of file formats for use by different vendors). This will include the brand statement.
- A style guide for the proper usage of all brand materials, a photo library, and the final PowerPoint presentation.
- Refined messaging strategy targeted at specific interest groups: residents, economic development, downtown, etc.
- Implementation and partnership strategy.

Task Six: Implementation Workshop (Visit three)

We will return to Hendersonville’s Seventh Avenue District to conduct an implementation workshop with the Steering Committee. We will use this workshop to refine the recommendations of task five and will that review the entire branding package. Suggest an implementation action plan that will affirm goals, identify recommendations, place them in timeframes, assign responsible parties, and identify funding techniques and approaches.

Task Seven: BrandPrint Report

The Arnett Muldrow team will make refinements to the plan and deliver three key items: a final BrandPrint Report that outlines the “rules of the road” on implementing the plan, a strategy board with implementation recommendations, and all resources including the brand positioning statement, any PowerPoint presentations, and a complete folder of all designs in five different file formats to the Client.

Arnett Muldrow will also release all intellectual rights for the system to the client. This is a very important consideration for the City as designs can then be modified and used as the client sees fit.

PROJECT DELIVERABLES

- Logo and tagline designs for the Seventh Avenue District plus brand extensions as desired by the client.
- Refinement of the “H” logo as the client sees fit.
- Brand narrative for the district.
- Gateway designs and potential wayfinding extension as desired by the client.
- Custom banner designs applicable to the Client and other initiative partners if desired.
- Print collateral designs.
- Digital media formats.
- Ad templates and marketing concepts.
- Other collateral pieces as desired by the Client
- All related photography.
- Resource package with all deliverables in a variety of digital file formats.
- Style guide for brand implementation.
- Brand presentation on PowerPoint.
- Release granting ownership of all intellectual property to the Client.

PROJECT TIMELINE (PROJECTED)

Arnett Muldrow is prepared to begin this project as soon as June of 2021 with a maximum six-month time frame upon project start to project completion.

EXHIBIT C

Fee Schedule

Fee and Terms of Payment

FIRM proposes to complete the Work for a lump sum cost as follows:

Branding Strategy for Seventh Avenue District \$10,500 (Lump Sum)*

All anticipated expenses for the Work, including three trips to Hendersonville’s Seventh Avenue District, will be included in the lump sum fee.

Payments by CITY shall be made to FIRM upon receipt of monthly invoices for Work performed based upon the FIRM’s estimate of the percentage of the total Work completed during the billing period. Monthly invoices shall be paid by CITY thirty (30) days after receipt of undisputed invoices delivered. If any invoice is disputed by the City, in whole or in part, it shall provide a written explanation for such dispute to FIRM within five days of receipt of the invoice and shall pay all undisputed amounts therein.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Adam Murr **MEETING DATE:** 06/02/2022

AGENDA SECTION: New Business **DEPARTMENT:** Administration

TITLE OF ITEM: Fund Balance Policy Revision – *Adam Murr, Budget Manager*

SUGGESTED MOTION(S):

I move City Council adopt the revised fund balance policy as presented.

SUMMARY:

The Local Government Budget and Fiscal Control Act (“the Act”) includes the formula the City must use to calculate fund balance. Within the Act, North Carolina General Statute (NCGS) 159-8 is the requirement to have an annual balanced budget ordinance. The Local Government Commission (LGC) also recommends fund balance policies and defines the unassigned, or available, fund balance as a portion of the fund balance that has not been restricted, committed, or assigned to specific purposes or other funds.

On August 11, 2021, the LGC issued Memorandum 2022-03, altering the fund balance available. Prior to the change, the LGC recommended a percent available fund balance depending upon a local government’s population group. The new policy establishes that a unit’s percent available fund balance is more accurately calculated based upon General Fund expenditures. The City of Hendersonville falls into the municipalities with General Fund expenditures above \$10 million group. The target available fund balance for the group is 25.00%. As a result, Staff have provided an updated available fund balance policy reflecting the LGC’s new recommendations.

The City has also recognized our revenue bond covenant as the most critical financial indicator for the Water and Sewer Fund. The City’s general trust indenture establishes and defines revenue bond covenant calculations. Also included in the revised fund balance policy is the removal of a fund balance target for the Water and Sewer Fund, in favor of maintaining bond covenant ratios in compliance with the general trust indenture.


BUDGET IMPACT: N/A

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

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

ATTACHMENTS:

Revised Fund Balance Policy

	CITY OF HENDERSONVILLE	Policy Number:	
		Adopted by Resolution Number:	
Policy Name:	Fund Balance Policy	Council Date	06/02/2022

SECTION 1. Purpose

The Hendersonville City Council hereby establishes an Available Fund Balance Policy for the purpose of improving and maintaining fiscal responsibility as required under the Local Government Budget and Fiscal Control Act, NC General Statue Chapter 150. This policy defines the level of Available Fund Balance and establishes guidelines for preserving an adequate fund balance in each of the City of Hendersonville (City) major operating funds to sustain financial stability and to provide prudent management of the City's financial reserves.

SECTION 2. Definitions

- 2.1 Fund balance is a measurement of available financial resources and is the difference between total assets and total liabilities in each fund.
- 2.2 An accounting distinction is made between the portions of governmental fund balance that is spendable and nonspendable. Government Accounting Standards Board (GASB) Statement 54 distinguishes fund balance classified based on the relative strength of the constraints that control the purposes for which specified amounts can be spent. Beginning with the most restrictive constraints, fund balance amounts will be reported in the following five categories:
 - a. **Nonspendable** fund balance – includes amounts that are not in a spendable form or are required to be maintained intact. Examples include inventory and prepaid items.
 - b. **Restricted** fund balance – includes amounts that can be spent only for the specific purposes stipulated by external resource providers either constitutionally or through enabling legislation. Examples include grants and debt proceeds.
 - c. **Committed** fund balance – includes amounts that can be used only for specific purposes determined by a formal action of the City's highest level of decision-making authority which is the City Council. Commitments may be changed or lifted only by the City Council taking the same formal action that imposed the commitment originally.
 - d. **Assigned** fund balance – comprises amounts intended to be used by the City for specific purposes. Intent can be expressed by the City Council by the approval of a budget appropriation. In governmental funds other than the General Fund, assigned fund balance represents the amount that is not restricted or committed. This indicates that resources in other governmental funds are, at

a minimum, intended to be used for the purpose of that fund. An example includes funds assigned by City Council for specific capital projects.

- e. **Unassigned** fund balance – is the residual classification of the General Fund and includes all amounts not contained in other classifications. The City often uses the term available fund balance when referring to unassigned fund balance. Unassigned fund balance is the amount that is available for appropriation for public purposes.
- 2.3 The legal definition of available fund balance in North Carolina is defined in the Local Government Budget and Fiscal Control Act (LGBFCA) section 159-8(a). The statute states “appropriated fund balance in any fund shall not exceed the sum of cash and investments minus the sum of liabilities, encumbrances, and deferred revenues arising from cash receipts, as those figures stand at the close of the fiscal year next preceding the budget year.”
- 2.4 Percent available fund balance shall be defined as and match the calculation used by the Local Government Commission (LGC). The calculation is defined as the LGBFCA definition of available fund balance, divided by the total actual operating expenditures plus transfers out minus installment purchases and issuance of capital leases for the fiscal year. This calculation will match the calculation used by the Local Government Commission (LGC) in reporting on local government fund balances.
- 2.5 Enterprise funds are used to account for utility operations. The City's Water and Sewer Fund is an enterprise fund. Enterprise funds are also known as proprietary funds and business-type funds. Enterprise funds have separate terminology for fund balance or retained earnings which is termed as net position in financial reports; however, the City commonly uses the term fund balance for these funds as well. The fund balance or retained earnings of each enterprise fund is to be used for the operating purpose of the fund and used for budgeting on a modified-accrual basis. The Water and Sewer Fund's bond covenant ratio are the most decisive financial indicators for the fund. The City's general trust indenture contains directions on calculating bond covenant ratios.

SECTION 3. Objectives

- 3.1 The City's management and Council recognize that it is essential to maintain adequate available fund balance to mitigate financial risk that can occur from unforeseen revenue fluctuations, unanticipated expenditures, and similar circumstances.
- 3.2 The fund balance also provides cash flow liquidity for the City's operations and increases the potential for investment income.
- 3.3 Ample fund balance enhances short term and long-term financial credit by helping to achieve the highest credit and bond ratings possible to provide the City the ability to borrow at the lowest possible rate.

- 3.4 A fund balance policy promotes long-term financial stability by establishing clear and consistent guidelines.
- 3.5 Adequate available fund balance will provide funding flexibility during unanticipated emergencies and natural disasters.

SECTION 4. Guidelines

- 4.1 The North Carolina Local Government Commission is charged with overseeing the fiscal health of North Carolina cities and counties and recommends that a minimum of at least eight percent (8%) of annual budgeted expenditures be maintained for available fund balance for the purposes of cash flow. They further recommend that local governments maintain an adequate fund. Their meaning of adequate is an available fund balance that can meet operating needs, cash-flow shortfalls, and unforeseen needs and to take advantage of unexpected opportunities. LGC staff consider the average percent available fund of comparable sized NC cities or counties to be a good guide of what is adequate. The percent available fund balance level at 50% of the average percent available fund balance of their respective population group is the guide recommended by the LGC. Additionally, the LGC may send written notices if the percent available falls below this mark or if the percent available drops a large amount in consecutive years. Higher levels may be set based on the current operating needs of the City and the individual fund and future funding needs.
- 4.2 The City commits to maintaining reserves required by law, ordinance, and/or bond covenants. The City Council hereby establishes a goal for the Water and Sewer Fund, maintaining a revenue bond covenant ratio (a) and revenue bond covenant ratio (b) at a minimum of 1.000. The revenue bond covenant ratios are a critical financial indicator which determine capacity to issue revenue bonds and other Water and Sewer Fund indebtedness.
- 4.3 The City Council hereby establishes a goal for percent available fund balance for the General Fund to be at a minimum of 25% of the City's expenditure group as determined by the Local Government Commission. The City is classified by the LGC as a municipality with General Fund expenditures above \$10,000,000. The City will adjust these goals as appropriate based upon the recommendation from the LGC, modifications in North Carolina law, and potential changes in the City's financial outlook.
- 4.4 All expenditures drawn from fund balance will require City Council approval unless previously authorized by the City Council for expenditure within the City's annual budget.
- 4.5 If fund balance falls below the goal levels, the City Manager shall implement a plan to restore percent available fund balance within thirty-six (36) months and include within annual budget the plan to restore fund balance to required levels.

- 4.6 The City Council may, from time to time, appropriate fund balances that will reduce the percent available fund balance below the minimum goal in the General Fund or below the minimum goal for the Water and Sewer Fund for the purpose of a declared fiscal emergency or other such global purpose as to protect the long-term fiscal security of the City. In such circumstances, the City Council will adopt a plan to restore the percent available fund balance to the policy level within thirty-six (36) months from the date of the appropriation. If restoration cannot be accomplished within such time period without severe hardship to the City, then the City Council will establish a different but appropriate time period.
- 4.7 The City Manager is charged to annually monitor and report to City Council during the preparation of the annual operating budget regarding the status and forecast of percent available fund balance and or retained earnings and compliance with the stated range goals.

SECTION 5. Capital Reserves

- 5.1 Under North Carolina General Statute 159-18 the City is authorized to establish and maintain a capital reserve for any purpose for which bonds may be issued. The City of Hendersonville votes to either establish or not establish a capital reserve fund annually in its budget process, following applicable legal procedures. Capital reserve funds are defined annually in the City's budget ordinance.
- 5.2 If the percent available fund balance exceeds five (5) percentage points higher than the stated goal in any fund, the City Manager may choose to transfer remaining spendable fund balance that is not restricted, committed, or assigned to a capital reserve fund or capital projects fund for purposes approved by the City Council.

SECTION 6. Order of Expenditure of Funds

- 6.1 When multiple categories of fund balance are available for expenditure (e.g., a project is being funded partly by a grant, funds set aside by the City Council, and available fund balance), the City will start with the most restricted category and spend those funds first before moving down to the next category with available funds.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Brian Pahle

MEETING DATE: 06/02/2022

AGENDA SECTION: New Business

DEPARTMENT: Administration

TITLE OF ITEM: Edwards Park Design-Build Selection – *Brian Pahle, Assistant City Manager*

SUGGESTED MOTION(S):

I move that City Council approve the Resolution to authorize the City Manager to enter into a contract with Harris Miniature Golf Courses Inc. to provide design-build services for the Edwards Park Project.

SUMMARY:

An agenda item to authorize the City Manager to enter into a contract with Harris Miniature Golf Courses Inc.

BUDGET IMPACT: \$TBD

Is this expenditure approved in the current fiscal year budget? Approved in a Project Ordinance

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

ATTACHMENTS:

Resolution

Harris Submittal

Resolution #__-____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO
AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HARRIS
MINIATURE GOLF**

WHEREAS, the North Carolina General Statute 123-128.1A guides the procurement of design-build services; and

WHEREAS, the City received qualifications in accordance with said statute for the Edwards Park project; and

WHEREAS, Harris Miniature Golf Courses Inc. is determined to be a responsible and most qualified submitter; and

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

1. The City Manager is authorized to enter into a contract with Harris Miniature Golf Courses Inc. to serve as design-builder for the City of Hendersonville Edwards Park project, in an amount not to exceed \$350,575.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of June 2022.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

Harris Miniature Golf Courses, Inc.

631 N Keyser Ave

Scranton, PA 18504

570-618-8818

pat@harrisminigolf.com

Established 1958

NJ Corporation 2/1979

NC License #70314

INTRODUCTION

Harris Miniature Golf Courses, Inc. has been building miniature golf courses since 1958. We have seen miniature golf evolve from small wooden facilities to elaborate contoured courses featuring interactive water systems and breaking greens. As the miniature golf industry grew, so did its players. The game no longer appeals to just children. Miniature golf has become a serious business.

Over the years, Harris has built strong relationships with many of its customers. These relationships have proven to be the perfect vehicle for the exchange of information and the development of new ideas so critical for the growth of a business. Our client base represents a good cross-section of the industry with varied geographic regions and demographic conditions. Many of our patrons are repeat customers. Their facilities offer diverse levels of competition, a wide range of adjacent profit centers and an assortment of challenging physical site locations. Nevertheless, all are sowed together with one common thread, all are focused on the same pursuit, and all are united in one goal, success! Harris is committed to that success and is confident that its product, customer service and reputation will ensure continued growth in the industry.

Regards,


Patrick Boylan
Vice President Sales

Licenses Year

2021

Licenses No.

70314

North Carolina

Licensing Board for General Contractors

This is to Certify That:

Harris Miniature Golf Courses, Inc.
Wildwood, NJ

is duly registered and entitled to practice

General Contracting

Limitation: Limited
Classification: Building

until

December 31, 2021

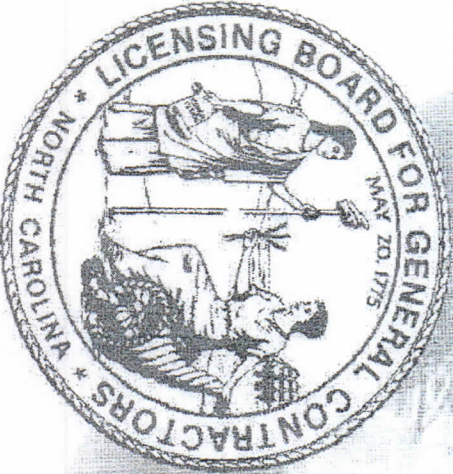
when this Certificate expires.

Witness our hands and seal of the Board.

Dated, Raleigh, N.C.

January 19, 2021

This certificate may not be altered.



J. E. Newberry
Chairman

C. Frank Wilson
Secretary-Treasurer

QUALIFICATIONS STATEMENT

Harris Miniature Golf Courses contributes its status as the recognized leader in the design and construction of miniature golf courses to two basic principles. The first principle is to offer the “best playing course” in the industry, and the second is to maintain high standards of professional construction practices.

Harris, a design and build firm in a unique niche industry, is responsible for constructing well over 900 courses within the last 35 years, and while primarily catering to a national customer base, Harris has successfully built miniature golf courses in over twenty foreign countries.

Currently, Harris’ skilled contractors typically construct between 25 and 30 projects annually. Our four very experienced crews travel to each site to create custom facilities for our very discriminating customers. Over 25% of our annual revenue is generated from contracts with municipal and governmental entities while the remaining 75% is derived from private entrepreneurs. Both types of customers are attracted by the Harris reputation that is known for building courses that encourage repeat play. Repeat play translates into a successful business.

Quality control is crucial and plays a critical role in the construction of a miniature golf course. Individual consideration and attention is given to playability, access, topography, drainage, landscaping, water features, lighting and overall aesthetics. Upon award of a contract, the entire Harris team maps a strategy to ensure the delivery of a product that meets the expectations our customers. Harris’ Account Executives monitor the progress of the project for detail while the Vice-President of Construction Management coordinates project management with the on-site foreman and all related subcontractors. During the course of each project, client involvement is very important and routine communication on a regular schedule should be anticipated.

The on-site foreman is responsible for the day-to-day construction. He and his crew of highly skilled technicians are masters of concrete. Much more than masons, these artists, truly go the “extra mile” to deliver the project in a timely manner, and in so doing, the finished product is often much better than anticipated with the original design. Their wealth of experience has taught them the best construction practice, and their participation in continuing education in the concrete arena instructs them in the newest techniques utilizing the latest equipment. Harris carpet crews are professional installers whose area of expertise is miniature golf carpeting. Harris Miniature Golf and its Vice-President of

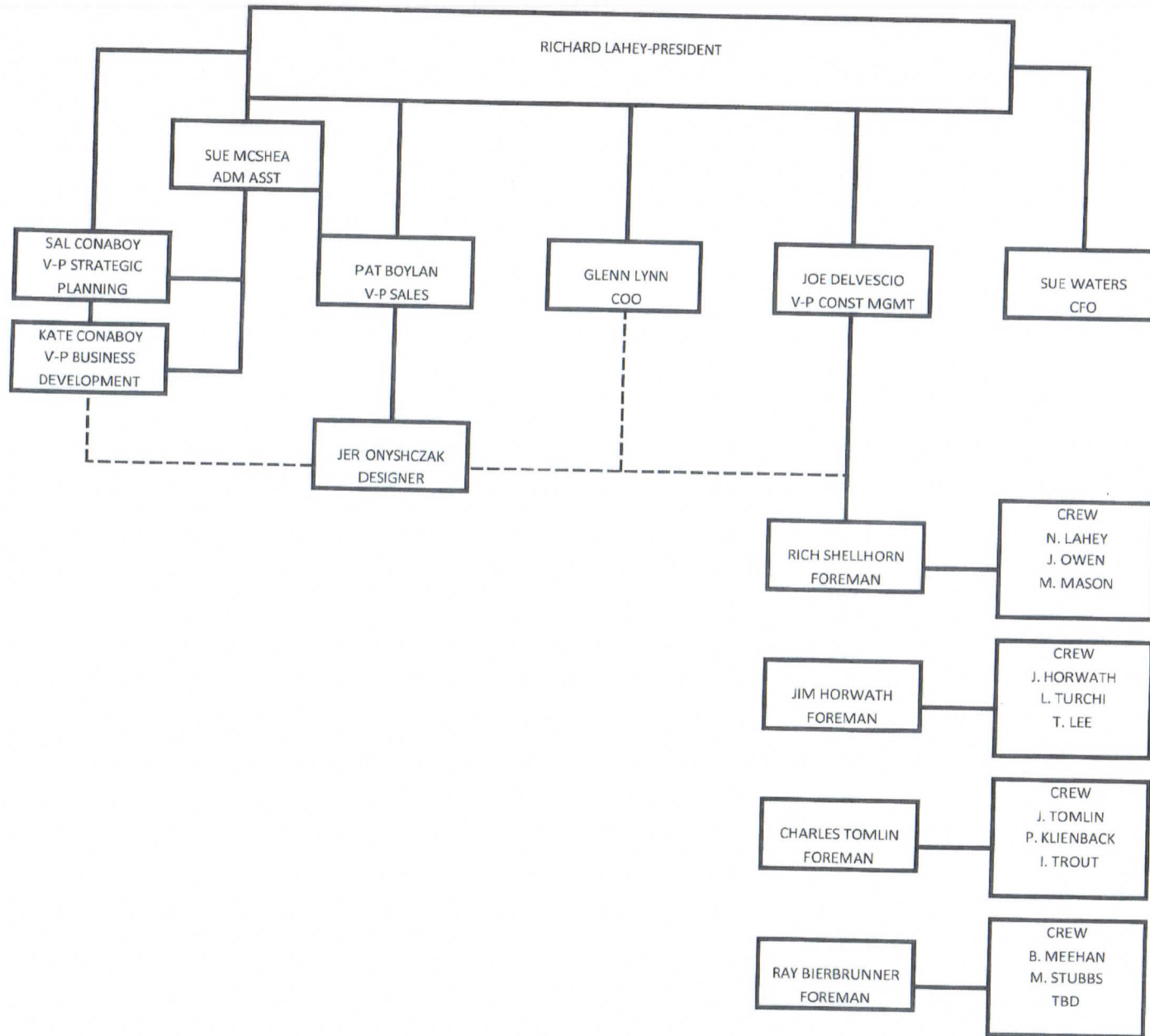
Construction Management hold all required Building/General Contracting Licenses necessary to the construction of miniature golf courses.

After course construction, Harris does not end the relationship. Harris wants our customers to succeed. To this end, Harris has developed a marketing manual that is of great assistance to our customers. This booklet highlights the feedback, and more importantly, the income producing programs that course owners throughout the nation have successfully implemented in their business plan. Harris has an ongoing commitment to our customers, and the dedicated team that professionally managed the initial construction of the facility will continue to provide "service after the sale".

The City of Hendersonville is the perfect venue to support a continued investment in a miniature golf course. Operationally, the experience needed to run and manage this type of facility currently exists, and a new updated facility will without a doubt widen the customer base allowing Hendersonville's citizens and visitors alike an opportunity to participate in wholesome family fun.

It is with great pleasure and enthusiasm that the following Statement of Qualifications is offered to the City of Hendersonville, NC, truly a "City of Four Seasons".

HARRIS MINIATURE GOLF COURSES ORGANIZATIONAL CHART



Richard P. Lahey
 7000 Park Avenue
 Wildwood Crest, NJ 08260
 (570) 575-5812 (Cell)
 (609) 522-4200 (Business)

QUALIFICATIONS SUMMARY

Chief Executive Officer and successful entrepreneur; Recognized leader in the family entertainment industry.

KEY ACCOMPLISHMENTS-Harris Miniature Golf Courses, Inc.

- . Owner and Chief Executive Officer-1988 through present

The Corporation, under the ownership of Richard Lahey since 1988, is widely recognized as the largest designer and builder of miniature golf courses in the industry. Since assuming ownership, Harris Miniature Golf has designed and built over 900 facilities. Operating out of Wildwood, NJ, the company currently employs five construction crews and a full staff of design, sales, marketing, maintenance, purchasing and administrative personnel.

OTHER RELATED PROFESSIONAL HISTORY

- . Atlantic City Scape Associates, LLC- A limited liability company that operates under the name of Atlantic City Miniature Golf is a Harris built course. Established in 2001, its members/owners, Richard and Patricia Lahey, have operated the Kennedy Plaza facility for the past seventeen years. Their tenure brought stability, aesthetics, excitement and quality safe family fun to the boardwalk. (2001 through present)
- . RPKG Golf Ocean City, LLC- A managing member of this business, Richard Lahey and his resources at Harris Miniature Golf were responsible for the construction of this non-traditional, glow-in-the-dark, themed, roof top miniature golf facility located on the Ocean City Boardwalk, and he along with three additional partners manage the daily operations of this "Medieval Fantasy". In addition to Richard Lahey, two of the members of this LLC are key employees with Harris Miniature Golf while the remaining member is the general manager of Atlantic City Miniature Golf. (2009 through present)
- . Lahey Family Fun Park, LLC-Richard and Patricia Lahey have owned and operated this multi-faceted entertainment attraction for twenty-three years. Located in Scranton, PA, the Harris built facility includes two world-class, environmentally themed miniature golf courses. Other attractions at the park include batting cages, go-carts, bumper boats and a 5,000 square foot arcade. The center employs thirty people and is open for most of the year. Richard is the managing member of this facility. (1995 through present)
- . Dragon Golf, LLC-Richard Lahey along with three key employees of Harris Miniature Golf, designed and built this Wildwood Boardwalk indoor, glow-in-the-dark, themed facility. Richard Lahey is the managing member of this business. (2010 through present)
- . Shipwreck Island Miniature Golf-A beachfront miniature golf course designed and built by Harris Miniature Golf, Richard Lahey is the owner of a ten-year lease to operate this facility in Bradley Beach, New Jersey. (2012 through present)

Joseph J. Delvescio

QUALIFYING SUMMARY

- . HARRIS MINIATURE GOLF COURSES, INC. 2002-PRESENT
Vice-President of Construction Management responsible for all phases of construction
 1. Estimating
 2. Bid solicitation
 3. Design review/specification approval
 4. Budgeting
 5. Procurement
 6. Supervision of field foreman/crews
 7. Quality control
 8. Research & Development
 9. Job Safety
- . UNGARINI IRONWORKS, LLC 1996-2001
Co-owner of company specialization in the following:
 1. Fabrication and erection of steel components including rebar splice and shim plates, angle clips, beams and columns
 2. Estimating
 3. Budget
 4. Design and layout
- . JDV BUILDER & GENERAL CONTRACTING 1980-1995
Owner of JDV Building & General Contracting specializing in the construction of premiere residential housing
 1. Design consultation
 2. Estimating & Budget
 3. Materials procurement
 4. On-site construction supervision of crew and sub-contractors
- . LEAD CARPENTER 1975-1979
- . LABORER 1973-1975

RELATED EXPERIENCE

- . Board of Directors; Cape May County Home Builders Association (CMC HBA)
- . President; Cape May County Home Builders Association (CMC HBA)
- . Board of Directors; New Jersey Builders Association
- . 1992 Hall of Fame Recipient; New Jersey Builders Association
- . Board of Directors; National Association of Home Builders

EDUCATION

- . Widener University- Business Administration 1974-1975
- . Union Carpentry- Concrete Form Design & Construction 1975-1976
- . Graduate Builders Institute-National Association of Home Builders 1985-1992

Patrick Boylan
 PO Box 154
 South Dennis, NJ 08245
 (609) 425-1252 (Cell)
 (609) 522-4200 (Business)

QUALIFICATIONS SUMMARY

Accomplished operations executive with highly developed people skills. The consummate mentor, motivator and team builder. A leader, establishing the goals, educating and empowering his staff. An administrator dedicated to increased productivity, profitability and customer satisfaction.

KEY ACCOMPLISHMENTS-Harris Miniature Golf Courses, Inc.

- Vice-President Operations Management-1998 through present

- 100% increase in project starts over 1997
 - Restructured sales staff of individuals into a sales team
 - Established an advertising and marketing department
 - Launched the "Harris Cup" project
 - Expanded staff educational opportunities
 - Significantly reduced administrative operating expense
 - Project Manager for international facilities in UK, South Korea, Denmark

- Senior Sales Account Executive-1993 through 1998

- Increased participation in industry trade shows thereby increasing revenue and name recognition
 - Personally responsible for a majority of contracts sold

OTHER PROFESSIONAL HISTORY

- Sales Account Executive-1975 through 1993

- Roberts Oxygen
 - Wagner Associates
 - Hunter Associates
 - Century Distributors

- Medieval Fantasy Golf-2009-through present

- Member/Operator of RPGK, LLC, a rooftop miniature golf course in Ocean City, NJ

- Dragon Lair Miniature Golf-2010 through present

- Member/Operator of Dragon Golf, LLC, an indoor black-light miniature golf course in Wildwood, NJ

EDUCATION

- B.S. Business Management, University of Maryland-1991

Jeremy Onyshczak
149 Fellowship Lane
Mullica Hill, NJ 08062
(609) 287-6406 (Cell)
(609) 522-4200 (Business)

QUALIFICATIONS SUMMARY

Experienced designer of miniature golf courses. Professionally trained, artistically oriented in all phases of individualized miniature golf designs including layout, grading, lighting and ADA compliance.

KEY ACCOMPLISHMENTS-Harris Miniature Golf Courses, Inc.

- . Senior Designer-2003 through present

Personally responsible for the design of over 700 miniature golf courses. Develops individual plans specifically tailored to meet the budget and aesthetic requirements of the customer. Produces all construction documents including design renderings, grading, lighting and landscape plans. Supports field construction.

EDUCATION

- . Bachelor of Landscape Architecture, Pennsylvania State University 2002

SKILLS

- . Auto CAD 2008, Adobe Photoshop CS3, Adobe Acrobat, Google Sketchup, Microsoft Office

Richard Shellhorn
 418 West New Jersey Avenue
 Somers Point, NJ 08244
 (609) 576-4982 (Cell)
 (609) 522-4200 (Business)

QUALIFICATIONS SUMMARY

A well-respected builder extremely knowledgeable in all phases of construction, artistic in the masterful interpretation and construction application of miniature golf course designs.

KEY ACCOMPLISHMENTS 1986-Present-Harris Miniature Golf Courses, Inc.

• Construction Foreman-1995 through present

Longest tenured contractor for Harris Miniature Golf
 Twenty-six year career with Harris Miniature Golf
 In-house foreman building well over 100 miniature golf courses
 Primary foreman for "high end" projects
 Highly artistic interpretation of designs
 Excellent teacher/supervisor of a well-trained, highly experienced crew
 Customer focused
 International project foreman
 Product research and development implementer

SIGNIFICANT ROJECTS

Rancho Jurupa Park, Riverside CA
 Skyline Boutique Hotel-Horseshoe Resort, Barrie, Ontario/Canada,
 Turtleback Zoo-County of Essex, West Orange, NJ
 Vail Resorts, Breckenridge and Vail, CO
 Wyndham Resorts-VA, MD and St. Thomas,
 Bermuda Golf Academy, East Hamilton, Bermuda
 Newcastle Race Course, High Gosforth Park, United Kingdom
 Thornleigh Miniature Golf, New South Wales, Australia

LIST OF SIMILAR PROJECTS

SAMPELING OF SIMILAR PROJECTS FOR THE
DESIGN AND BUILD OF MINIATURE GOLF COURSES
ADDITIONAL OFFERINGS AVAILABLE UPON REQUEST

NOTE: THE TYPICAL CONSTRUCTION CREW IS
STAFFED BY A FOREMAN AND THREE WORKERS.
KEY PERSONNEL IN THE DESIGN/CONSTRUCTION
HAVE AN AVERAGE OF TWENTY YEARS EXPERIENCE
IN THE MINIATURE GOLF ARENA.

- | | | |
|---|---|--|
| 1 | 2010
MAJOR CONSTRUCTION ITEMS:
ENGINEER/OWNER/CONTACT
DATES: 09/20/10-12/22/10
NUMBER OF CHANGE ORDERS: 1 | CITY OF FLORENCE KENTUCKY
MINIATURE GOLF COURSE DESIGN/CONSTRUCTION
FLORENCE GOVERNMENT CENTER
8100 EWING BOULEVARD
FLORENCE, KY 41042
ATTN: PETER GLENN 859-647-8179 |
| 2 | 2018
MAJOR CONSTRUCTION ITEMS:
ENGINEER/OWNER/CONTACT
DATES: 02/23/18-09/30-18
NUMBER OF CHANGE ORDERS: 0 | JEN'S LINKS AT LBI
HEAVILY THEMED MINIATURE GOLF COURSE
DESIGN AND CONSTRUCTION
JENNIFER LACKLAND
53 MOUNTAIN VIEW BOULEVARD, SUITE #204
WARREN, NJ 07059
908-226-9700 |
| 3 | 2014
MAJOR CONSTRUCTION ITEMS:
ENGINEER/OWNER/CONTACT
DATES: 11/20/14-03/20-15
NUMBER OF CHANGE ORDERS: 0 | RIVERVIEW PARK MINIATURE GOLF
MINIATURE GOLF COURSE DESIGN/CONSTRUCTION
RIVERFRONT DEVELOPMENT CORP. OF DELAWARE
CHASE CENTER ON THE RIVERFRONT
815 JUSTISON STREET
WILMINGTON, DE 19801
ATTN: MEGAN MCGLINCHEY 302-425-4890 X117 |
| 4 | 2014
MAJOR CONSTRUCTION ITEMS:
ENGINEER/OWNER/CONTACT
DATES: 09/26/14-10/31/14
NUMBER OF CHANGE ORDERS: 0 | ALTUS AIR FORCE BASE MINIATURE GOLF
MINIATURE GOLF COURSE DESIGN/CONSTRUCTION
CCI SOLUTIONS, LLC
1509 NORTH MAIN STREET
ALTUS, OK 73521
ATTN: MIKE HUNT 580-480-2792 OR 508-480-0104 |
| 5 | 2015
MAJOR CONSTRUCTION ITEMS:
ENGINEER/OWNER/CONTACT
DATES: 12/21/15-04/04/16
NUMBER OF CHANGE ORDERS: 1 | CITY OF SAN ANGELO MINIATURE GOLF
MINIATURE GOLF COURSE DESIGN/CONSTRUCTION
CITY OF SAN ANGELO
702 SOUTH CHADBOURNE STREET
SAN ANGELO, TX 76904
ATTN: DAVID KNAPP 325-657-4279 OR 325-262-1357 |

LIST OF SIMILAR PROJECTS-CONTINUED

- | | | |
|----|---|--|
| 6 | 2005
MAJOR CONSTRUCTION ITEMS:
ENGINEER/OWNER/CONTACT
DATES: 10/05/05-11/28/05
NUMBER OF CHANGE ORDERS: 0 | BOONDOCKS MINIATURE GOLF
MINIATURE GOLF COURSE DESIGN/CONSTRUCTION
LANNY GARDNER
27205 OVERSEAS HIGHWAY
RAMROD KEY, FL 33042
305-797-8425 |
| 7 | 2012
MAJOR CONSTRUCTION ITEMS:
ENGINEER/OWNER/CONTACT
DATES: 06/19/12-08/07/12
NUMBER OF CHANGE ORDERS: 0 | MONMOUTH PARK MINIATURE GOLF
MINIATURE GOLF COURSE DESIGN/CONSTRUCTION
JOHN FORBES
175 OCEANPORT AVENUE
OCEANPORT, NJ 07757
732-547-0755 |
| 8 | 2011
MAJOR CONSTRUCTION ITEMS:
ENGINEER/OWNER/CONTACT
DATES: 05/27/11-11/17/11
NUMBER OF CHANGE ORDERS: 1 | WOODBIDGE TOWNSHIP MINIATURE GOLF
MINIATURE GOLF COURSE DESIGN/CONSTRUCTION
WOODBRIDGE TOWNSHIP
1 MAIN STREET
WOODBRIDGE, NJ 07095
ATTN: VITO CIMILLUCA
732-596-4105 |
| 9 | 2016
MAJOR CONSTRUCTION ITEMS:
ENGINEER/OWNER/CONTACT
DATES: 03/11/16-04/22/16
NUMBER OF CHANGE ORDERS: 0 | MR. PUTTY'S FUN PARK
MINIATURE GOLF COURSE DESIGN/CONSTRUCTION
CHRISTOPHER SCUDERI
2333 DAM ROAD
TEGA CAY, SC 29708
803-554-6462 |
| 10 | 2018
ENGINEER/OWNER/CONTACT
MAJOR CONSTRUCTION ITEMS:
ENGINEER/OWNER/CONTACT
DATES: 03/01/18-03/31-18
NUMBER OF CHANGE ORDERS: 0 | FRONTIER TOWN MINIATURE GOLF-BERLIN, MD
MINIATURE GOLF COURSE DESIGN/CONSTRUCTION
SUN COMMUNITIES, INC.
27777 FRANKLIN ROAD, SUITE #200
SOUTHFIELD, MI 48034
ATTN: NICK DIBELLA 248-864-0314 |
| 11 | 2013
MAJOR CONSTRUCTION ITEMS:
ENGINEER/OWNER/CONTACT
DATES: 11/14/13-12/31/13
NUMBER OF CHANGE ORDERS: 0 | LAKE O'NEILL MINIATURE GOLF
USMC CAMP PENDLETON
7TH ESB PFT TRAIL
LAKE O'NEILL
CAMP PENDLETON, CA 92055
ATTN: DELORES PEREZ 760-725-5611 |

REFERENCE LIST

ADDITIONAL REFERENCES AVAILABLE
UPON REQUEST

- 1 LESLIE BLAYLOCK-OWNER
 LAKEVIEW PUTT & PLAY
 2245 HENDERSONVILLE ROAD
 ARDEN, NC 28704
 828-275-5701
 BLAYLOCKLESLIE@GMAIL.COM

- 2 CITY OF CEDAR RAPIDS
 HEATHER MELL-PURCHASING AGENT
 101 FIRST STREET SE
 CEDAR RAPIDS, IOWA 52401
 319-286-5117
 H.MELL@CEDAR-RAPIDS.ORG
 STEVE KRUG
 PARKS & RECREATION
 319-286-5740

- 3 DON BRINGLE-MAYOR
 DAN NICHOLS PARK
 6800 BRINGLE FERRY ROAD
 SALISBURY, NC 28146
 704-216-7818
 704-326-6070 (CELL)
 DON.BRINGLE@ROWANCOUNTYNC.GOV

- 4 ELISE JOHNSON-OWNER
 PUTT' N AROUND DELARY BEACH
 350 NE 5TH AVENUE
 DELRAY BEACH, FL 33483
 561-450-6162
 561-613-2077 (CELL)
 ELISE@PUTTNAROUND.NET



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: John Connet **MEETING DATE:** June 2, 2022
AGENDA SECTION: CITY COUNCIL COMMENTS **DEPARTMENT:** City Council
TITLE OF ITEM: Duke North Carolina Leadership Forum – *Dr. Jennifer Hensley, City Council Member*

SUGGESTED MOTION(S):

NA

SUMMARY:

Council Member Hensley just recently completed the Duke North Carolina Leadership Forum, and she requested a moment to discuss her experiences as a participant.

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: Angela Reece, *MPA, CMC, NCCMC* **MEETING DATE:** June 2, 2022

AGENDA SECTION: BOARD/COMMISSION/COMMITTEE APPOINTMENTS **DEPARTMENT:** ADMINISTRATION

TITLE OF ITEM: Board & Commission Vacant Seat Appointments – *Angela L. Reece, City Clerk*

SUGGESTED MOTION(S):

SUMMARY: The City of Hendersonville has vacancies on various Boards and Committees. The City Clerk has received applications for consideration of appointment and disseminated to City Council. Information is detailed in the attached memo.

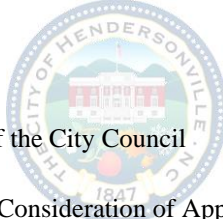
ATTACHMENTS:
Memo

CITY COUNCIL:
BARBARA G. VOLK
Mayor
LYNDSEY SIMPSON
Mayor Pro Tem
DR. JENNIFER HENSLEY
DEBBIE O'NEAL ROUNDTREE
JERRY A. SMITH, JR., J.D.

CITY OF HENDERSONVILLE

The City of Four Seasons

Office of the City Clerk



Section 12, Item A.

City Manager
ANGELA S. BEEKER
City Attorney
ANGELA REECE
City Clerk

To: The Honorable Mayor and Members of the City Council
From: Angela L. Reece, City Clerk
Subject: Board and Commission Vacancies for Consideration of Appointment at June 2, 2022 Meeting
Date: May 19, 2022

Honorable Mayor and Members of City Council:

I am providing you with information and applications regarding the upcoming June appointment cycle for your advisory boards. I prepared advertisements which ran throughout the month of April/May in two papers as well as solicited via social media posts. As a reminder, the City Manager and I discussed term limits for clarification and have provided guidance to board/committee members that their next full-term appointment will begin the two-term limit preference as adopted in the Handbook in order to be fair to everyone. City Council always reserves the right to alter or extend at its discretion. Below are the applicants and vacancy types.

Appointments to Boards/Commissions Committees

A. ABC Board

(1 vacancy/ ending June 30, 2025)

You have received 4 applications:

1. Chuck McGrady – (re-applying for a full term)
2. Brittany Carriker– (New Applicant)
3. Anderson Ellis– (New Applicant)
4. Angela Meyers – (New Applicant)

B. Animal Services Advisory Committee

(2 vacancies/ ending June 30, 2025)

You have received 2 applications:

1. Jean Greeson – (re-applying for a full term)
2. Melissa Vazquez – (New Applicant)

C. **Board of Adjustment**

CITY SEATS: (4 vacancies/ ending June 30, 2025)

You have received 2 applications:

- 1. Libby Collina – (re-applying for a full term)
- 2. Melinda Lowrance – (re-applying for a full term)

D. **Business Advisory Committee**

(2 vacancies/ ending June 30, 2025) terms of

You have received 2 applications:

- 1. Jay Egolf – (New Applicant)
- 2. John Stevens – (New Applicant)

E. **Diversity & Inclusion Advisory Committee**

(3 vacancies/ ending June 30, 2025)

You have received 12 applications:

- 1. Nancy Diaz – (re-applying for a full term)
- 2. Melinda Lowrance – (re-applying for a full term)
- 3. Josh Williams – (re-applying for a full term)
- 4. Anthony Baltiero – (New Applicant)
- 5. Kimberly Blackwell – (New Applicant)
- 6. Sharon Campbell – (New Applicant)
- 7. Scott Hricsina– (New Applicant)
- 8. Mary Kay Krokowski– (New Applicant)
- 9. Steve Matthews– (New Applicant)
- 10. Victor Mills– (New Applicant)
- 11. Richard Reagen– (New Applicant)
- 12. Keang H Uy– (New Applicant)

F. **Downtown Advisory Board** **There are 3 Categories of Vacancies**

You have received 8 total applications:

- 1. **7th Avenue Stakeholder**: **(1 vacancy/ ending June 30, 2025)**
(1 vacancy/ unexpired term ending June 30, 2024)

You have received 1 application:

- 1. Phil Wilmot – (New Applicant) [Art on 7th business owner]

2. Main Street Stakeholder: (1 vacancy/ ending June 30, 2025)

You have received 1 application:

2. Mark Pavao – (re-applying for a full term)

3. At-Large: (2 vacancies/ ending June 30, 2025)

You have received 6 applications:

3. Julie Buckman – (re-applying for a full term)
4. Gerald Fitzgerald – (re-applying for a full term)
5. Anthony Baltiero – (New Applicant)
6. Bruce Macdonald– (New Applicant)
7. Lindsay Ridgley– (New Applicant)
8. Keang H Uy– (New Applicant)

G. Environmental Sustainability Board

(2 vacancies/ unexpired term ending June 30, 2024)

You have received 3 applications:

1. Anthony Baltiero– (New Applicant)
2. Martha Markham – (New Applicant)
3. Virginia Tegel– (New Applicant)

H. Historic Preservation Commission

(1 vacancy/ unexpired term ending December 31, 2022)

You have received 3 applications:

1. Anthony Baltiero – (New Applicant)
2. Jim Boyd – (New Applicant)
3. Jane Branigan – (New Applicant) *historian
- 4.

I. Planning Board

(1 vacancy/ unexpired term ending December 31, 2022)

You have received 2 applications:

1. David McKinley – (New Applicant)
2. Bryant Smith – (New Applicant)

J. TDA

(1 vacancy/ term ending June 30, 2026) (Seat 4)

**Appointed person must be registered to vote in Henderson County AND be affiliated with a business that collects occupancy tax within Henderson County.*

You have received 1 application:

- 1. Julie Hall – (New Applicant) [WNC Mountain Rentals]
√ Henderson Co. Voter Registration Confirmed

s:/Angela L. Reece, MPA, CMC, NCCMC
City Clerk, City of Hendersonville