CITY OF HENDERSONVILLE
CITY COUNCIL REGULAR MEETING
Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Thursday, October 07, 2021 – 5:45 PM

AGENDA

1. **CALL TO ORDER**

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG**

3. **PUBLIC COMMENT** - *Up to 15 minutes is reserved for comments from the public not listed on the agenda.*

4. **CONSIDERATION OF AGENDA**

5. **CONSENT AGENDA** - *Items are considered routine, noncontroversial in nature and are considered approved by a single motion and vote.*

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

   B. Budget Amendments – *Adam Murr, Budget Manager*

   C. Utility Assessment Policy Amendment – *Drew Finley, Assistant to the Utilities Director*

   D. Special Event: Fallapalooza Trunk or Treat – *Lew Holloway, Community Development Director*

   E. Resolution Authorizing the City Manager to Prepare and Execute a Contract with Interfaith Assistance Ministries for COVID-19 Related Utility Bill Assistance – *Adam Murr, Budget Manager*

   F. FY22 Limited Obligation Bond Approving Resolution – *Adam Murr, Budget Manager*

   G. Contract Award – Garrison Lane Site Improvements – Project Wheel (R6) – *Adam Steurer, Utilities Engineer*

   H. Resolution Authorizing the City Manager to Negotiate and Execute a Contract for CMT and Special Inspections – *Adam Murr, Budget Manager*

   I. Amendment of the Facility Use Agreement with Hendersonville Bridge Club – *Tom Wooten, Director of Public Works*

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

6. **PRESENTATIONS**

   A. Proclamation - Fire Prevention Month

   B. Proclamation - American Pharmacist Month

C. Social Media Recruitment Campaign – *Brain Pahle, Assistant City Manager and Allison Justus, Communications Manager*

7. PUBLIC HEARINGS

A. Conditional Zoning District – Providence Walk (P21-31-CZD) – *Matthew Manley, AICP – Planning Manager*

B. Conditional Rezoning: Waterleaf at Flat Rock PIN 9588-11-8740 (P21-34-CZD) – *Tyler Morrow, Planner II*

8. UNFINISHED BUSINESS

A. Proposal to Compensate Rural Fire Departments for Automatic Aid – *John Connet, City Manager*

9. NEW BUSINESS

A. An Ordinance to Amend Chapter 10 – Animals of the Code of Ordinances for the City of Hendersonville to remove Section 10-7 Animals at Special Events. – *Lew Holloway, Community Development Director*

10. BOARD/COMMISSION/COMMITTEE APPOINTMENTS

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

11. CITY COUNCIL COMMENTS

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

A. Contingences Report – *Alex Norwood, Analyst*

B. Cash & Investment Report – *John Buchanan, Finance Director*

13. CLOSED SESSION

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

14. ADJOURN

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

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Angela Reece, *MPA, CMC, NCCMC* **MEETING DATE:** October 7, 2021

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

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

SUGGESTED MOTION(S):

I move that City Council adopt the minutes of the August 25, 2021, Special Call Meeting, September 2, 2021, Regular Meeting, and September 22, 2021 Special Call Meeting as presented [or as amended].

SUMMARY:

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

i. August 25, 2021, Special Call Meeting
ii. September 2, 2021, Regular Meeting
iii. September 22, 2021, Special Call Meeting

BUDGET IMPACT: $0

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

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

ATTACHMENTS:

i. August 25, 2021, Special Call Meeting (DRAFT)
ii. September 2, 2021, Regular Meeting (DRAFT)
iii. September 22, 2021, Special Call Meeting (DRAFT)

MINUTES

August 25, 2021

SPECIAL CALL

SECOND MONTHLY MEETING OF THE CITY COUNCIL

CITY OPERATIONS CENTER | 305 WILLIAMS ST. | 4:00 p.m.

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

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

1. CALL TO ORDER

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

2. PRESENTATIONS

A. Insurance Benefit Requirements - *Kourtney Looper, Water Sewer, & Brandon Roberts, Engineering*

Kourtney Looper presented proposed employee insurance benefit requirements to City Council and outlined suggested criteria and pricing. City Manager John Connet clarified he would send to staff for further comment. There were no questions by City Council.

B. Special Appropriations Discussion – *Adam Murr, Budget Manager*

Adam Murr presented special appropriations requests to City Council for consideration. After much discussion City Council reached a consensus for funding in the amount of $106,060 for various non-profit entities.

City Council Member Jeff Miller moved that City Council approve special funding FY21-22 Special Appropriations and increase the budget to 106,060. A unfamous vote of Council followed. Motion carried.

C. Fire Station #1 Design Update – *Keith Carlyon, ADW Architects*

Keith Carlyon of ADW Architects presented current renderings of new Fire Station #1 to City Council. Mr. Carlyon discussed Council preferences of alternative design elements consisting of solar panels, a cistern for water reclamation, and pavers for parking areas. City Council Member Jerry Smith inquired regarding the loss of on street parking adjacent to the fire department and City Manager John Connet confirmed NCDOT was looking at pedestrian safety measures in the area and advised it may be appropriate to consider installation of sidewalk along both sides of the street.

Adam Murr discussed project funding stating the city originally estimated the project cost estimate would be $9.5M and said due to the volatility of the construction market the cost estimate has now increased to approximately $10M or roughly $380.00 per square foot. Mr. Murr stated staff reduced the square footage of the facility from 21,362 square feet to 18,854 sq foot to further reduce costs. City Council Members agreed on the design elements and directed staff to move forward.

3. NEW BUSINESS

A. Approval of Resolution Awarding Demolition Contract to Target Constructors LLC – *John Connet, City Manager*

City Manager John Connet stated the city advertised for bids to remove the buildings on the parking deck site and said four bids were submitted. Manager Connet stated Target Contractors, LLC were the low bidder and said staff recommends awarding the demolition contract to Target Contractors, LLC in the amount of $86,981.

City Council Jeff Miller moved that City Council adopt the resolution awarding the demolition contract to Target Constructors, LLC as presented. A unanimous vote of the Council followed. Motion carried.

Resolution #R-21-89

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ACCEPTING DEMOLITION BIDS AND AWARDING CONTRACT TO TARGET CONTRACTORS, LLC IN THE AMOUNT OF $86,981

WHEREAS, City Council has determined that a downtown parking deck is needed provide sufficient parking in downtown Hendersonville; and

WHEREAS, the city solicited bids for demolition of buildings and improvements on the parking deck site; and

WHEREAS, the city received four bids for demolition activities; and

WHEREAS, the city made a good faith effort to solicit proposals from historically underutilized businesses; and

WHEREAS, Target Contractors, LLC were the lowest qualified bidders.

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

1. The City of Hendersonville accepts Target Contractors, LLC bid in the amount of $86, 981 for demolition of structures and improvements on the parking deck site.
2. The City Manager and City Attorney are authorized to negotiate and execute a final contract with Target Contractors, LLC for demolition of the structures and improvements on the downtown parking deck site.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 25th day of August, 2021.

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

4. ADJOURN

There being no further discussion, the meeting was adjourned at 5:10 p.m. upon unanimous assent of the Council.

_____
Barbara G. Volk, Mayor

ATTEST:

_____
Angela L. Reece, City Clerk

DRAFT

MINUTES

September 2, 2021

REGULAR MEETING OF THE CITY COUNCIL - ELECTRONIC

CITY OPERATIONS CENTER | 305 WILLIAMS ST. | 5:45 p.m.

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

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

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.*

Ben McDowell of 133 McDowell St. Canton addressed City Council expressing support for small scale manufacturing. Mr. McDowell stated he owns a business located at 429 N. Main St. and said this will allow his small business to expand and grow.

Crystal Cauley of 627 5th Ave. W. addressed City Council virtually via Zoom expressing thanks and appreciation to city staff regarding Smart Start Partnership for Children installation of a story walk in the parks and asked for consideration of the same in Sullivan Park and Four Seasons Rotary Park.

Lynn Williams of 309 Chadwick Ave. addressed City Council regarding installation of a plaque by the Historic Preservation Commission at Boyd Park and requested consideration of preservation of Boyd Park.

James and April Thompson of 316 Jordan Street submitted digital public comments to City Council expressing concerns regarding motorcycle noise in downtown.

Lynden Jones of 192 Piney Mountain Rd. submitted digital public comments to City Council expressing concerns regarding street line painting on Sugarloaf Rd.

4. CONSIDERATION OF AGENDA

Council Member Jeff Miller 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 Reece, City Clerk*

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

B. Special Event: Jingle Jog 5K– *Lew Holloway, Community Development Director*

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

C. Special Event: Tails in Town – *Lew Holloway, Community Development Director*

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

D. Special Event: Oktoberfest – *Lew Holloway, Community Development Director*

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

E. Special Event: Bearfootin' Bear Auction – *Lew Holloway, Community Development Director*

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

DRAFT

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

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

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

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

Ordinance #O-21-39

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

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

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

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

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

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

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

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

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

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

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

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

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

H. Engineering Services to Support the WWTF Ultraviolet Disinfection Improvements Project – *Adam Steurer, Utilities Engineer*

I move that City Council adopt the Resolution to Enter into a Contract with Mckim & Creed, Inc. for Engineering Services to Support the Wastewater Treatment Facility Ultraviolet Disinfection Improvements Project and Authorize the City Manager to Negotiate and Execute a Contract with the Selected Firm.

Resolution #R-21-90

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

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

DRAFT

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

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

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

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

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

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

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

I. Special Event: Meltdown Vintage Motorcycle Show – *Lew Holloway, Community Development Director*

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

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

6. PRESENTATIONS

A. Proclamation - Constitution Week – *Barbara G. Volk, Mayor*

Mayor Barbara G. Volk presented a proclamation designating the week of September 17 through 23, 2021 as Constitution Week to Penny Summey.

Proclamation
Constitution Week 2021

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

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

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

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

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

DRAFT

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

"**Constitution Week**"

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

PROCLAIMED this 2nd day of September 2021

/s/Barbara G. Volk, Mayor
Attest: /s/Angela L. Reece, City Clerk

B. Proclamation - Suicide Prevention and Awareness Month – *Barbara G. Volk, Mayor*

Mayor Barbara G. Volk presented a proclamation designating the month of September as Suicide Prevention and Awareness Month to Jodi Grabowski with the Partnership for Health and Matt Gruebmeyer with Henderson County Public Schools.

Proclamation
Suicide Prevention and Awareness Month

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

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

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

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

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

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

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

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

"**Suicide Prevention and Awareness Month**"

PROCLAIMED this 2nd day of September 2021

/s/Barbara G. Volk, Mayor
Attest: /s/Angela L. Reece, City Clerk

C. Hands On! Children's' Museum Update – *Joseph Knight, Executive Director*

Executive Director Joseph Knight presented an update to City Council of the Museum's outreach and milestones. Director Knight expressed thanks and appreciation to the City Council for their support to help develop and sustain the People's Museum and Walk of Fame. Director Knight stated the Museum is now 14 years old and serves over 400,000 children in the area. Director Knight stated the Museum

was successful in obtaining an additional $125,000 in funding to support this project from private donors. Director Knight stated construction is underway and said the project is on schedule to open by end of the fall season.

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

Utilities Engineer Adam Steurer and Hartwell Carson of Mountain True presented their findings of the aerial infrared imaging survey of the City's sewer collection system. Mr. Steurer stated the infrared imaging study took place on the night of January 18, 2021 and presented maps of the study area and discussed the study results. Mr. Steurer stated there were 49 anomalies identified and investigated which resulted in no issues being found from the City's water or sewer systems. Mr. Steurer noted that private septic pollution remains a concern.

7. PUBLIC HEARINGS

A. Negotiation of an Installment Financing Contract and Certain Other Related Matters – *Adam Murr, Budget Manager*

The City of Hendersonville has determined it is desirable to finance certain improvements related to a Parking Facility Project, 7th Avenue Streetscape Project, and refinancing of an existing loan. Budget Manager Adam Murr stated the city is considering installment financing not to exceed $17,000,000 for the purchase, acquisition, construction, and installation of the total project. Mr. Murr clarified the current estimated construction cost is $15,671,905.00 and said the "not to exceed" amount of $17,000,000 indicated in the contract is to provide flexibility in the event there is a price increase in the construction market. Mr. Murr stated staff recommends the City Council adopt the preliminary resolution, drafted by Special/Bond Counsel, Parker Poe Adams & Bernstein, LLP which directs staff and Special Counsel to negotiate financing and apply to the Local Government Commission for approval of Contracts.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened at 6:31p.m.

There were no public comments and no discussion by City Council.

The public hearing was closed at 6:32p.m.

Council Member Jeff Miller moved that City Council adopt the Resolution of the City Council of the City of Hendersonville, North Carolina, Authorizing the Negotiation of an Installment Financing Contract and Providing for Certain Other Related Matters Thereto. A unanimous vote of the Council followed. Motion carried.

Resolution #R-21-91

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

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

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

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

WHEREAS, the City Council has been advised by the City's staff that the City may be able to achieve debt service savings by refinancing some of its outstanding indebtedness (referred to as the "Prior Indebtedness"), including the Installment Financing Contract dated as of October 11, 2018 between Pinnacle Financial Partners and the City of Hendersonville, North Carolina, the proceeds of which were used to finance (a) the construction

and equipping of a public works maintenance facility, (b) the construction of public restroom facilities and (c) improvements to the Whitmire Building, a recreation center, including parking lot expansion/repaving and the replacement of interior flooring; and

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

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

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

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

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

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

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

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

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

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

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

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

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

DRAFT

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

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

1. **Authorization to Negotiate Contract**. That the City Manager, the Assistant City Manager and the Finance Director (the "Authorized Officers"), individually or collectively, with advice from the City Attorney and Bond Counsel, are hereby authorized and directed to proceed and negotiate on behalf of the City the Contract for a principal amount not to exceed $17,000,000 for the financing of the Projects and the refinancing of the Prior Indebtedness to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina and to provide in connection with the Contract, as security for the City's obligations thereunder, the Deed of Trust conveying a lien and interest in the projects to be financed or refinanced, as may be required by the entity, or its assigns, providing the funds to the City under the Contract.

2. **Application to LGC**. That the Finance Director or his designees are hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the City and its financial condition as may be required by the LGC.

3. **Direction to Retain Professionals**. That the Authorized Officers are hereby authorized and directed to retain the assistance of Robert W. Baird & Co. Incorporated to serve as underwriter for the 2021 Bonds, Parker Poe Adams & Bernstein LLP to serve as bond counsel and First Tryon Advisors to serve as financial advisor. The Authorized Officers, with advice from the City Attorney and Bond Counsel, are hereby authorized to retain the assistance of and engage such professionals as he or she deem necessary and desirable to carry out the intention of this Resolution.

4. **Repealer**. That all motions, orders, resolutions, and parts thereof in conflict herewith are hereby repealed.

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

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

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

B. Annexation Public Hearing: 0 Monroe Drive and 2115 N Stoney View Court (P21-43-ANX) – *Tyler Morrow, Planner II*

Community Development Director Lew Holloway stated the City of Hendersonville has received a petition from Larry and Mary Maitland for contiguous annexation of PINs 9569-46-0920 and 9569-46-1849 located on Monroe Drive and N. Stoney View Court that is approximately 0.53 acres and presented information and maps to City Council for consideration.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened at 6:34 p.m.

City Council Member Jerry Smith clarified the parcels are currently in the ETJ and said the zoning designation does not change by bringing them into the city.

There were no public comments.

The public hearing was closed at 6:34 p.m.

City Council Member Dr. Jennifer Hensley 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 Larry and Mary Maitland, identified as PINs 9569-46-0920 and 9569-46-1849, 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-21-40

DRAFT

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

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

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

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

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

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

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

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

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

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

LOT 1 AND LOT 2 OF PLAT SLIDE 2021-13355 AS RECORDED IN THE HENDERSON COUNTY REGISTER OF DEEDS CONTAINING 0.53 ACRES (23,257 SQUARE FEET). ALSO DESCRIBED AS FOLLOWS:
BEGIN AT THE NORTHEAST CORNER OF LOT 8, PLAT BOOK 5, PAGE 9 OF SAID HENDERSON COUNTY REGISTER OF DEEDS; THENCE N85°25'19"W ALONG THE NORTH LINE OF SAID LOT 8, ALONG THE EXISTING CITY LIMITS OF HENDERSONVILLE A DISTANCE OF 116.77 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE EAST, SAID POINT BEING ON THE RIGHT OF WAY LINE OF U.S. HIGHWAY 25; THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE, ALONG SAID EXITING CITY LIMITS AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 914.93 FEET AND HAVING A CHORD BEARING OF N05°33'16"E AND CHORD DISTANCE OF 38.95 FOR AN ARC DISTANCE OF 38.95 FEET TO A POINT ON A NON-TANGENT LINE; THENCE N55° 53'41"E ALONG SAID RIGHT OF WAY LINE, ALONG SAID EXISTING CITY LIMITS A DISTANCE OF 86.44 FEET;
THENCE N87°59'49"E ALONG SAID RIGHT OF WAY LINE, ALONG SAID EXISTING CITY LIMITS A DISTANCE OF 56.23 FEET; THENCE CONTINUE N87°59'49"E ALONG SAID RIGHT OF WAY LINE, ALONG THE PROPOSED NEW HENDERSONVILLE CITY LIMITS A DISTANCE OF 40.40 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF MONROE DRIVE; THENCE S76°07'17"E ALONG SAID SOUTH RIGHT OF WAY LINE, ALONG SAID NEW CITY LIMITS FOR A DISTANCE OF 103.14 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF NORTH STONEY VIEW COURT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, ALONG SAID EASTERLY RIGHT OF WAY LINE, ALONG SAID NEW CITY LIMITS, HAVING A RADIUS OF 592.70 AND A CHORD BEARING OF S09°18'12"W AND A CHORD DISTANCE OF 87.67 FEET FOR AN ARC DISTANCE OF 87.75 TO A POINT ON A NON-TANGENT LINE, SAID POINT BEING ON THE NORTH LINE OF LOT 2 OF SAID PLAT BOOK 5, PAGE 9; THENCE N85°25'19"W ALONG THE NORTH LINE OF SAID LOT 2, ALONG SAID NEW CITY LIMITS A DISTANCE OF 141.93 FEET TO THE POINT OF BEGINNING.

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

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

DRAFT

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

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

C. Annexation Public Hearing: Annexation Public Hearing: 0 South Allen Road PIN: 9588-11-9994 (P21-40-ANX) – *Tyler Morrow, Planner II*

Community Development Director Lew Holloway stated the city has received a petition from Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming for noncontiguous annexation of PIN 9588-11-9994 located on S. Allen Road that is approximately 32.66 acres. Director Holloway presented information and maps to City Council for consideration.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened at 6:37 p.m.

Kelton Lastene of 125 Continental Dr. Flat Rock addressed City Council requesting consideration of the annexation.

The public hearing was closed at 6:39 p.m.

City Council Member Jerry Smith moved that City Council adopt an ordinance of the City of Hendersonville to annex noncontiguous property owned by Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming, identified as PIN 9588-11-9994, finding that the standards established by North Carolina General Statute 160A-58.1 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-21-41

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

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

D. Amended Grey Hosiery Mill Local Landmark Designation (H21-10-LL) – *Matthew Manley, AICP | Planning Division Manager*

Planning Manager Matthew Manley stated the owner of the Grey Hosiery Mill, Ken Reiter, Grey Mill Ventures, LLC has requested an amendment to the local landmark designation. Mr. Manley stated MacRostie Historic Advisers were contracted to prepare a local historic landmark report which was reviewed by the City of Hendersonville Historic Preservation Commission and found that it meets the criteria of Section 28-77(c) of the City of Hendersonville Historic Preservation Ordinance. Mr. Manley stated the original Local Landmark designation of the Grey Mill site as approved by City Council in November 2019 did not include the parking lot and common area associated with the development. Mr. Manley stated the requested addition is located on an adjacent parcel identified in PIN 9568-88-9541and said the developer has amended his request to include this additional parcel in order to receive a tax incentive on local property taxes. Mr. Manley clarified a landmark status gives the property owners a 50% tax reduction on local property taxes and requires exterior changes to follow the certificate of appropriateness review process and said the amendment designation for Grey Mill would also be governed by Historic Preservation design standards.

Council Member Jerry Smith clarified this designation does not affect adjacent properties.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened at 6:43 p.m.

Ken Fitch of 1046 Patton St. addressed City Council via Zoom electronic software recalling brownfield area issues at the onset of the Grey Mill Project expressing concerns of the location of the brownfield on this site stating it may have relevance.

The public hearing was closed at 6:51 p.m.

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City Manager John Connet stated Mr. Fitch's comments were also questions of the Historic Preservation Commission and said staff view the historic significance of the site as being a center for the first industry in the community. Manager Connet stated there was a clerical error resulting in some parcel numbers being left off initially and said the site is owned by one entity and the purpose is to protect the entire site. Manager Connet stated the site is designated as a brownfield and is on file with the state.

City Council Member Lyndsey Simpson moved that City Council approve the adoption of an ordinance amending the designation of the Grey Mill Local Landmark to include the Grey Hosiery Mill Parking Lot and Common Space (PIN 9568-88-9541). A unanimous vote of the Council followed. Motion carried.

Ordinance #O-21-42

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

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

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

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

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

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

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

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

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

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

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

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

DRAFT

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

Section 1. The City Council makes the following findings:

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

Section 2. The designation of the Grey Hosiery Mill Property as a local historic landmark enacted by Ordinance #119-1186 is amended to include the Parking Lot and Common Areas (PIN 9568-88-9541). From and after the adoption of this Ordinance, the entirety of all of the property known as Grey Hosiery Mill and its associated properties including Parking Lot and Common Area and located at and adjacent to 301 4th Avenue East, and further described in Exhibit A, is hereby designated as a local historic landmark pursuant to Part 942 Chapter 160D of the North Carolina General Statutes and Chapter 28 of the Code of Ordinances of the City of Hendersonville, and is subject to the conditions and restrictions set forth therein and below:

a. The interior and exterior of the mill building, all of the historic acreage currently associated with the parcel (2.26 acres), and all contributing outbuildings or additions shall not be demolished, materially altered, restored, or removed, nor any new structure built upon the lot without a Certificate of Appropriateness issued by the Hendersonville Historic Preservation Commission.

b. The Certificate of Appropriateness shall reference the Historic Preservation Commission Design Standards.

c. Any application for demolition of the mill building or its additions shall require the waiting period set forth in Section 949 of Chapter 160D of the North Carolina General Statutes and Section 28-76(a) of the Code of Ordinances for the City of Hendersonville.

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

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

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

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

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

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

E. Rezoning Amendment: West Avenue Villas (P21-42-CZD) – *Matthew Manley, AICP | Planning Manager*

Matthew Manley, Planning Manager stated the City is in receipt of a conditional rezoning district amendment application from Andrew Riddle, of Riddle Development, LLC for the addition of one (1) garage apartment on a previously approved site plan and an adjustment of the floor area of proposed buildings. Mr. Manley recalled previous site plan approval for 10 dwelling units (2 quad-plexes + 2 garage apartments) at the August 6, 2020 Council meeting and said the applicant is requesting a total of 11 dwellings units (2 quadplexes + 3 garage apartments). Mr. Manley clarified the request would

equate to a 10% increase in dwelling units and said the applicant is also requesting that the total square footage of the site increase from 5,788 sq ft to 6,128 sq ft which is a 6% increase.

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.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened at 6:59 p.m.

Helen Youngblood of 103 South Washington Street addressed City Council via Zoom electronic software expressing support for the amendment and thanking City Council for conditions that were placed on the development.

Andrew Riddle, project developer, addressed City Council in support of the project asking City Council for consideration.

The public hearing was closed at 7:04 p.m.

City Council Member Jeff Miller moved that City Council adopt An Ordinance of the City of Hendersonville City Council to Amend the Official Zoning Map of the City of Hendersonville for Parcel Number 9568-77-1057 by Amending Conditional Zoning Ordinance #20-0563, finding that the proposed amendment, and the conditional zoning of the Parcel with the amendment, are consistent with the Comprehensive Plan's Future Land Use map, and that the conditional zoning with the proposed amendment is reasonable and in the public interest for the following reasons: That the additional housing unit will allow for a variety of housing types close to downtown. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-21-43

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBER 9568-77-1057 BY AMENDING CONDITIONAL ZONING ORDINANCE #20-0563

IN RE: Parcel Number: 9568-77-1057– West Ave Villas Site Plan Amendment
(File # P21-42-CZD)

WHEREAS, the City Council adopted Ordinance #20-0563, An Ordinance Amending the Official Zoning Map of the City of Hendersonville which rezoned Parcel Number 9568-77-1057 (the "Subject Parcel") from R-6 High Density Residential to CMUCZD Central Mixed-Use Conditional Zoning District; and

WHEREAS, Ordinance #20-0563 approved a site plan for the Subject Parcel and imposed conditions governing development of the Subject Parcel, which conditions were consented to by the Owner of the Subject Parcel; and

WHEREAS, as adopted, Ordinance #20-05653 approved the construction of 10 dwelling units consisting of 2 quadplexes and 2 garage apartments, and approved the total square footage to be constructed on the Subject Property as 5,788 square feet; and

WHEREAS, the city is in receipt of a Conditional Rezoning Amendment application from Andrew Riddle, of Riddle Development, LLC for the Subject Parcel, consisting of a proposed revised site plan for the Subject Parcel, to allow the construction of 11 dwelling units consisting of 2 quadplexes and 3 garage apartments (an increase of 1 garage apartment), and to increase the approved total building square footage for the Subject Parcel to 6,128 square feet, a 6% increase; and

WHEREAS, the Planning Board took up this application at its regular meeting on August 9, 2021; voting 4 to 1 to recommend City Council approve the requested amendment, finding that the proposed amendment was consistent with the adopt an ordinance amending the official zoning map of the City of Hendersonville; and

WHEREAS, City Council took up this application at its regular meeting on September 2, 2021, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by adopting the following modifications to Conditional Zoning Ordinance #20-05653:

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a. The revised site plan is approved as presented, including the increased number of dwelling units from 10 to 11, consisting of 2 quadplexes and 3 garage apartments, and to allow the increased approved total building square footage from 5,788 square feet to 6,128 total square feet.

2. Except as modified by this Ordinance, all other terms, and conditions of Conditional Zoning Ordinance #20-05653 shall remain in full force and effect and shall govern the development on the Subject Parcel, and the same are hereby ratified and incorporated herein by reference.

3. In addition to the requirements of Conditional Zoning Ordinance #20-05653, as modified by this Ordinance, development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.

4. The property Final plans for the project shall comply with approved plans, conditions imposed, allowable uses, and terms of Conditional Zoning Ordinance #20-05653 as amended by this Ordinance, and all applicable provisions of the Hendersonville Zoning Ordinance and Code of Ordinances.

5. This ordinance shall be effective upon its adoption.

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

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

F. Addition and Definition of Small-Scale Manufacturing with Supplementary Standards to C-1, C-2, C-3, CMU, GHMU, HMU and CHMU (P21-41-ZTA) – *Matthew Manley, AICP | Planning Manager*

Lew Holloway, Community Development Director stated the Planning Board needs to adopt a comprehensive plan consistency statement and written recommendation to the City Council and said staff recommends that the public hearing be opened and then continued so that City Council can receive the recommendation and consistency statement from the Planning Board. City Attorney Angela Beeker stated this requirement is part of the new Chapter 160D requirements by the state.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened at 7:12 p.m.

City Council Member Dr. Jennifer Hensley moved that City Council continue this public hearing until Wednesday September 22, at 4:00 p.m., or as soon thereafter as it may be heard, at the City Ops Center, at 305 Williams St, Hendersonville, NC 28792. A unanimous vote of the Council followed. Motion carried.

8. UNFINISHED BUSINESS - NONE

9. NEW BUSINESS

A. Proposal to Compensate Rural Fire Departments for Automatic Aid – *John Connet, City Manager*

City Manager John Connet recalled discussions by the Henderson County Board of Commissioners regarding the loss of revenue by rural fire departments due to annexation by the City of Hendersonville. Council Member Miller has asked staff to develop a policy to compensate these fire departments for lost revenue over a five-year period. Manager Connet provided an overview of various annexation statutes and said it is prudent for the city to continue to grow and to focus on annexations of high-density urban areas. Manager Connet provided an overview of § 160A-58.2A for compensating rural fire departments following annexation and presented the following recommendation:

The City of Hendersonville would negotiate a modification to the existing automatic aid agreements with the four rural fire departments surrounding Hendersonville to include a provision to compensate the rural fire departments for providing automatic aid to the Hendersonville Fire Department. The compensation would be based on lost revenue due to annexation. The lost revenue would be determined by multiplying the values of the properties annexed by the City times the rural fire district tax rate. The property values would be determined at the time of annexation. The rural department

would be compensated for loss of revenue due to annexation for each annexed parcel(s) for a five-year period.

Manager Connet clarified compensation could range from $51 per year up to $3,000 per year depending on the location and value of the parcel.

Council Member Jeff Miller commented this approach came about from frustrations with communications and the ability to annex property within the county stating he met with two County Commissioners who formed this suggestion. Council Member Miller clarified the five-year compensation term suggestion came from an old statute and said this information has been provided to the County for their consideration.

City Council members directed staff to place this item on their consent agenda for their October meeting.

B. Discussion Regarding Redevelopment of the Dogwood Parking Lot – *John Connet, City Manager*

City Manager John Connet recalled prior discussions and history of Council preferences for the best use of the Dogwood Parking Lot. City Attorney Angela Beeker discussed options for development of this site by any private developer and presented the following four options to City Council; Negotiated Offer with Upset Bid; Downtown Development Project; Economic Development Project; and Redevelopment Project.

Council Member Jerry Smith stated he feels an appraisal of the property is necessary regardless of any action the Council wishes to take regarding development and encouraged Council to direct staff to proceed with acquiring an appraisal before any decision is made. Council Member Smith stated he believes a park is the best use of the property and asked Council to at least consider preliminary plans to see what is possible on the site. Council Member Smith stated he was encouraged by the public private partnership information the City Attorney provided.

Council Member Dr. Jennifer Hensley inquired regarding appraisal costs versus market and tax value and City Attorney Beeker stated she always recommends having an appraisal. Council Member Hensley stated she supports the idea of downtown park but recalled prior votes by three Council members in support of a hotel and said she believes the highest and best use for this site is an economic development project.

Council Member Lyndsey Simpson stated she is in favor of obtaining an appraisal of the Dogwood Parking Lot to give the Council the most information and said she supports the idea of a park on this location. Council Member Simpson expressed reservations of having three downtown hotels.

Council Member Jeff Miller agreed with obtaining an appraisal regardless of the plans for the site in a timely manner. Council Member Miller stated he also greed with obtaining a conceptual rendering of what a park could look like on the site but not full plan due to the cost. Council Member Miller Stated although two hotels have been approved neither have begun construction and said there is much uncertainty.

Mayor Barbara G. Volk stated there is much uncertainty regarding hotels and agreed with obtaining an appraisal and park concept and said she prefers to hold off on formal decision making at this time.

City Manager John Connet suggested engaging Hunter Marks Landscape Architects along with staff to develop a park concept plan for the Dogwood Lot to include a splash pad.

The consensus of City Council was to direct staff to take the necessary steps to obtain an appraisal of the Dogwood Parking Lot property and to engage with Hunter Marks Landscape Architects to develop an initial park concept plan to include a splash pad on this site.

10. CITY COUNCIL COMMENTS

Mayor Barbara G. Volk recalled attending the first Diversity & Inclusion Advisory Committee meeting and said Jayne Jennings was selected as Chair and Josh Williams was selected as vice-chair.

Council Member Jerry Smith expressed thanks and appreciation to Police Department for traffic enforcement at the five points intersections.

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

City Manager John Connet shared a conceptual plan related to Edwards Park and stated he wanted to be very clear with the public that this is only a conceptual plan and no final decisions have been made.

12. CLOSED SESSION

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

At 8:08 p.m. City Council Member Jerry Smith moved that City Council enter into closed session pursuant to NCGS § 143-318.11(a) (1) (3) (5) (6) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, to consult with an attorney employed by the public body in order to preserve the attorney-client privilege between the attorney, to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property and to consider the qualifications, competence, performance, character, fitness of an individual public officer, or employee. A unanimous vote of the Council followed. Motion carried.

Council Member Jeff Miller moved that City Council return to Open Session at 9:55 p.m. A unanimous vote of the Council followed. Motion carried.

13. ADJOURN

There being no further business, the meeting was adjourned at 9:57 p.m. upon unanimous assent of the Council.

_____
Barbara G. Volk, Mayor

ATTEST: _____
Angela L. Reece, City Clerk

DRAFT

MINUTES

September 22, 2021

SPECIAL CALL

SECOND MONTHLY MEETING OF THE CITY COUNCIL

CITY OPERATIONS CENTER | 305 WILLIAMS ST. | 4:00 p.m.

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

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

1. CALL TO ORDER

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

2. PUBLIC HEARINGS

A. Zoning Text Amendment P21-41: Addition and Definition of Small-Scale Manufacturing with Supplementary Standards (P21-41-ZTA) - *Jamie Carpenter, Community Development – Downtown Division Manager*

Downtown Manager Jamie Carpenter presented information regarding the addition and definition of supplementary standards to City Council and said the proposal provides for additional compatible uses within certain districts which are not currently permitted. Ms. Carpenter provided examples which included artisan craft producers, outdoor gear builders, cooperative spaces or business incubators, and technology product developers. Ms. Carpenter stated microbreweries were modeled after small-scale manufacturing and said this type of business helped fill vacant spaces and activate otherwise difficult spaces in the downtown area. Ms. Carpenter stated the Downtown Advisory Board and Planning Board believe this new use will contribute positively to the vibrancy of the targeted zoning districts and said staff are proposing the addition and definition of a third categorical type of industrial use to be termed "Small-Scale Manufacturing." Small-Scale Manufacturing is proposed to be a permitted use subject to Supplementary Standards in zoning district classifications C-1, C-2, C-3, CMU and HMU.

Staff also 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.

Council Member Jeff Miller stated he has spoken with the Fire Chief and confirmed any new business is required to obtain a fire inspection.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was re-opened at 4:13 p.m.

Ben McDowell of 133 McDowell St. Canton addressed City Council expressing support for small scale manufacturing. Mr. McDowell stated he owns a small soap making business located at 429 N. Main St. and said this will allow his small business to expand and grow.

Ken Fitch of 1046 Patton St. addressed City Council via Zoom electronic software in support of the amendment with additional clarification regarding excessive vibration and particulates. Mr. Fitch expressed concerns of excessive vibration from particular types of equipment impacting historical building structures and asked for additional definition of the "means of production" to be considered.

There were no other digital comments received. The public hearing was closed at 4:19 p.m.

Council Member Jerry Smith inquired about excessive dust and particulate matter and excessive vibration as Mr. Fitch had raised. He also discussed the presented definition with Council Members who conceded the definition is defined broadly and is subject to building code and zoning enforcement. Community Development Director Lew Holloway addressed City Council via Zoom electronic software discussing multi-tenant structures and stated the intent of the definition allows flexibility for

staff to ask questions of applicants requesting to have this type of manufacturing in the residential areas and also reminded everyone that buffer requirements will be required. Council Member Jeff Miller clarified the ordinance can be amended in the future to mitigate any undesirable outcomes.

City Council Member Jeff Miller moved that City Council adopt the ordinance of the City of Hendersonville City Council to amend Article 5 - Zoning District Classifications: section 5-6-1, section 5-7-1, section 5-8-1, section 5-19-1, section 5-22-1, section 5-23-1, section 5-27-1; Article 12 - Definition of Terms: section 12-2; Article 16 - Supplementary Standards for Certain Uses: section 16-4 of the City of Hendersonville Zoning Ordinance to add and define small scale manufacturing to zoning district classifications c-1, c-2, c-3, CMU, GHMU, HMU and CHMU based on the following: It encourages infill development and redevelopment in areas planned for high intensity development (Goal LU-1); It will promote additional diversity of job opportunities within the City of Hendersonville; and It reflects adaptation by the City to changing market trends in retail and manufacturing. A unanimous vote of the Council followed. Motion carried.

Ordinance#O-21-44

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND ARTICLE 5 - ZONING DISTRICT CLASSIFICATIONS: SECTION 5-6-1, SECTION 5-7-1, SECTION 5-8-1, SECTION 5-19-1, SECTION 5-22-1, SECTION 5-23-1, SECTION 5-27-1; ARTICLE 12 - DEFINITION OF TERMS: SECTION 12-2; ARTICLE 16 - SUPPLEMENTARY STANDARDS FOR CERTAIN USES: SECTION 16-4 OF THE CITY OF HENDERSONVILLE ZONING ORDINANCE TO ADD AND DEFINE SMALL SCALE MANUFACTURING TO ZONING DISTRICT CLASSIFICATIONS C-1, C-2, C-3, CMU, GHMU, HMU AND CHMU.

WHEREAS, the City of Hendersonville's Downtown Advisory Board and Planning Board have reviewed and recommended for adoption a zoning text amendment adding and defining Small Scale Manufacturing to the City of Hendersonville Zoning Ordinance; and

WHEREAS, City Council desires to promote the efficient use and reuse of commercial space within City limits by permitting compatible development and redevelopment; and

WHEREAS, City Council desires to promote a diverse local economy which promotes and supports small business job creation; and

WHEREAS, the addition of Small-Scale Manufacturing as a use represents a response to changing trends and opportunities within manufacturing and economic development in the City of Hendersonville.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Article 5 – Zoning District Classifications: Section 5-6-1, Section 5-7-1, Section 5-8-1, Section 5-19-1, Section 5-22-1, Section 5-23-1 Section 5-27-1; Article 12 – Definition of Terms: Section 12-2; Article 16 – Supplementary Standards for Certain Uses: Section 16-4 of the City of Hendersonville Zoning Ordinance shall be amended to add and define small scale manufacturing to Zoning District Classifications C-1, C-2, C-3, CMU, GHMU, HMU, and CHMU as follows:

ARTICLE V ZONING DISTRICT CLASSIFICATIONS

Section 5-6 C-1 Central Business Zoning District Classification

5-6-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

Section 5-7 C-2 Secondary Business Zoning District Classification

5-7-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

Section 5-8 C-3 Highway Business Zoning District Classification

5-8-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

Section 5-19 CMU Central Mixed Use Zoning District Classification

5-19-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

Section 5-22 GHMU Greenville Highway Mixed Use Zoning District Classification

DRAFT

5-22-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

Section 5-23 HMU Highway Mixed Use Zoning District Classification

5-23-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

Section 5-27 CHMU Commercial Highway Mixed Use Zoning District Classification

5-27-1 Permitted Uses

Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

ARTICLE XII DEFINITION OF TERMS

Section 12-2 Definition of Commonly Used Terms and Words

Small Scale Manufacturing: The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noxious noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building where such assembly fabrication, or processing takes place. And where such processes are housed entirely within a building. And where such processes do not require frequent shipping and receiving activities by a truck rated Class 8 or above in the Federal Highway Administration's vehicle class system.

ARTICLE XVI SUPPLEMENTARY STANDARDS FOR CERTAIN USES

Section 16-4 Standards

16-4-30 SMALL SCALE MANUFACTURING

a) The front of the building at street level shall remain open and visible from the sidewalk with a view of the activities inside; and
b) A showroom, display area, or sales area shall be provided.
c) Outdoor storage of goods and materials shall not be permitted in zoning district classifications C-1, CMU, GHMU, HMU & CHMU.
d) Outdoor storage of goods and materials shall not exceed 25% of the total footprint of all buildings on the property in zoning district classifications C-2 & C-3.
e) Newly constructed shipping and receiving facilities shall be designed such that they are internal to the site, in service alleys or at the back of the building.
f) Shipping and receiving needs shall not exceed the equivalent of (1) FHWA Class 8 truck per week.
g) Reuse of an existing building shall not exceed 20,000 square feet of building floor space.
h) New construction shall not exceed 10,000 square feet of building floor space.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 22nd day of September, 2021.

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

3. NEW BUSINESS

A. Quarterly Financial Update – *Brain Pahle, Assistant City Manager*

Assistant City Manager Brian Pahle presented the Quarterly Financial Update to Council and clarified this is an unaudited estimate and said Council could expect their audit on schedule at year end. Manager Pahle reviewed the City's financial position for the end of Fiscal Year 21 (FY21), reviewed impacts on the FY22 Budget, and provided information regarding upcoming Budget impacts. Manager Pahle discussed the following figures:

FY21

- Revenues **$18.3M**
- Expenditures **$16.8M**
- Other Fund Sources **$62k**
- Fund Balance **+$1.5M**

FY22

- Revenues **$19.3M**
- Expenditures **$18.9M**
- Other Fund Sources **$838k**
- Fund Balance **+$1.2M**

City Manager John Connet discussed the health of the Fund Balance and recalled a bond rating discussion earlier this week and said having an adequate fund balance is very important to having a high bond rating.

4. **NEW BUSINESS**

A. Parking Deck Guaranteed Maximum Price (GMP) and Amendment to Contract with Edifice General Contractors – *Brian Pahle, Assistant City Manager*

Assistant City Manager Brian Pahle stated Edifice Construction has bid the construction of the Parking Deck project and said they are now providing us a guaranteed maximum price (GMP) of $9,575,372. Manager Pahle stated this does not include any of the bid alternates and said there may be opportunities to lower this price moving forward in the project. Edifice representative, Andy Aldridge attended the meeting and reviewed and summarized the GMP figures and answered questions by Council. Mr. Aldridge discussed project variances and stated his professional opinion is that prices will not decrease due to the high level of construction in all NC markets for the next two years. Mr. Aldridge discussed alternate additions for thin brick, bio-infiltration cells, and permeable pavers. Manager Pahle discussed affordability, revenues, and debt service of the project and presented the following options for Council consideration:

- Transfer of **$1M** from the General Fund (Jan. 2022)
- Transfer Lot Revenues = **$130k** (Jan. 2022)
- Parking Meters on Main St. = **$1.75** per Hour (Jan. 2023)
- Implement Leased Permit Fees (Jan. 2023)

Council Members discussed preferences of the amount of parking kiosks and clarified the desire is to have as few as possible while maintaining tourist friendly environment. The consensus of City Council was to proceed with transfers through a budget amendment at their next regularly scheduled meeting and to evaluate the number of parking kiosks as they begin to be implemented.

City Council Member Lyndsey Simpson moved that City Council adopt the Resolution Authorizing the City Manager to Execute a Contract Amendment with Edifice Construction for A Guaranteed Maximum Price (GMP) not to exceed $9,575,372 including the addition of the following alternates: thin brick veneer; bio-infiltration Cells; and permeable pavers; and to Authorize the City Manager to Make Change Orders for The Parking Deck Construction Project as presented. A unanimous vote of the Council followed. Motion carried.

Resolution #R-21-92

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR A GUARANTEED MAXIMUM PRICE (GMP) AND AUTHORIZE THE MANAGER TO MAKE CHANGE ORDERS FOR THE PARKING DECK CONSTRUCTION PROJECT

WHEREAS, the North Carolina General Assembly allows for construction management at risk contracts under G.S. 143-64.31; and

WHEREAS, the City entered into a contract with Edifice General Contractors for construction manager at-risk services for the Parking Deck project; and

WHEREAS, Edifice General Contractors have proposed a contract amendment to establish the guaranteed maximum price (GMP) for the project; and

WHEREAS, subsequent change orders made to the project after award of the GMP are not subject to competitive bidding requirements as the original contract GMP was competitively bid and there is no limitation on the dollar amount of change order work under G.S. 143-129(e)(4); and

WHEREAS, there is a list of unforeseen circumstances in the design of the project that require changes to deliver a quality construction project.

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

1. The City Manager is authorized to execute the guaranteed maximum price contract amendment for the Parking Deck project in an amount not to exceed $9,575,372.

2. The City Manager is authorized to approve any changes orders that include deductive changes, and any change orders that do not require a project budget ordinance amendment.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 22nd day of September, 2021.

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

B. Discuss Expansion of Public Works Department – *Tom Wooten, Public Works Director*

Public Works Director, Tom Wooten addressed City Council presenting information regarding projects, staffing, and workload in the department stating he must routinely pull staff from other departments to complete daily tasks. City Manager John Connet clarified that staff are making and repairing utility cuts for areas out in the county in which the city services water and said it is important to recognize that crews may be far out of the city at any given time. City Manager Connet discussed levels of service and expectations and stated the addition of positions were necessary to continue. The general consensus of Council Members was to approve the requested positions through a budget amendment at their next regularly scheduled meeting.

C. Mental Health Counseling for Public Safety Departments – *James Miller, Fire Chief and Blair Myhand, Police Chief*

Police Chief Blair Myhand addressed City Council expressing thanks and appreciation to Fire Chief James Miller for highlighting the need for a mental health professional on staff to combat the cumulative effects of stress on public safety staff. Fire Chief James Miller discussed the stresses of traumatic events, COVID, finances, and employee retention having adverse effects on staff and said it is important to have someone on hand that staff can build a relationship with to combat stressors. Chief Miller discussed recent child deaths and vehicle crashes that public safety personnel staff responded to and said fire and law enforcement staff are reluctant to discuss mental health issues with persons who are unfamiliar with their roles. Chief Miller and Chief Myhand discussed the need for "embedded clinicians" and referred to a successful program that began in Asheville in which the city could model after. Council Members unanimously supported mental health counseling services for public safety and expressed a desire to develop a program and directed staff prepare a budget amendment for approval at their next regularly scheduled meeting.

D. Request to Establish a Hiring Bonus Program for Recruitment of New Employees *- Jennifer Harrell, Human Resources Director and Blair Myhand, Chief of Police*

Human Resources Director Jennifer Harrell addressed City Council stating staff has noticed increasing challenges in hiring for all open positions across the organization and said staff recognizes that employees are crucial to the success of the City's mission and strategic goals in seeking quality new hires, increasing new hire retention, increasing diversity within the organization, acquire candidates with specific skills, and to expand the pool of potential applicants. Director Harrell stated many surrounding organizations have begun offering hiring bonuses and said in order to attract and retain qualified employees' staff is asking guidance from City Council to establish a hiring bonus program and employee referral program. Police Chief Blair Myhand and Fire Chief James Miller both addressed City Council discussing challenges their departments are facing with attracting qualified candidates. City Manager John Connet stated much research has been conducted on this topic and said many organizations are not sharing their bonus amounts due to it being so competitive. The consensus of the City Council was to support a program with any bonuses spread out over a period of time instead of one lump sum at onset of employment. Council Members unanimously supported establishing a hiring bonus program for recruiting new employees and directed staff prepare a budget amendment for approval at their next regularly scheduled meeting.

4. ADJOURN

There being no further discussion, the meeting was adjourned at 6:02 p.m. upon unanimous assent of the Council.

_____
Barbara G. Volk, Mayor

ATTEST: _____
Angela L. Reece, City Clerk

DRAFT

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Adam Murr **MEETING DATE:** 10/07/2021

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

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

SUGGESTED MOTION(S):

I move City Council approve budget amendments 10072021-01, 10072021-02, 10072021-03, and 10072021-04 as presented.

SUMMARY:

01. An amendment for Q1 FY22 to hire various key positions and provide hiring bonuses.
    a. $300,000 increase to Fund 010
    b. $ No change to Fund 060
    c. $48,208 increase to Fund 068
02. An amendment to tie-out budget in preparation for the FY21 audit.
    a. $ No Change to Fund 068
03. An amendment to increase revenues in the 7th Ave MSD Fund for wifi equipment.
    a. $6,756 increase to Fund 021
04. An amendment to increase revenues in the Health and Wellness Fund for the FY21 audit.
    a. $2,400 increase to Fund 080

BUDGET IMPACT: Described above

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

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

ATTACHMENTS:
Budget Amendment Forms:
1. 10072021-01
2. 10072021-02
3. 10072021-03
4. 10072021-04

TO MAYOR & COUNCIL - October 7th, 2021

FISCAL YEAR 2022

Form Number - 10072021-01

BUDGET AMENDMENT

Fund 010 | 060 | 068

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
010-0000-410001	Sales and Use Tax	250,000.00	-
010-0000-400110	Motor Vehicle Tax	50,000.00	-
010-1002-534999	Contingencies	-	8,193.00
010-1002-501002	Salaries and Wages - Part-time	7,586.00	-
010-1525-501001	Salaries and Wages	30,300.00	-
010-1525-502001	FICA Tax Expense	2,318.00	-
010-1525-502005	Medical Insurance	9,513.00	-
010-1525-502050	Retirement Expense	3,439.00	-
010-1525-501011	Holiday Pay	1,398.00	-
010-1525-502091	Workers Comp. Ins.	1,240.00	-
010-1502-501001	Salaries and Wages	66,140.00	-
010-1502-502001	FICA Tax Expense	5,060.00	-
010-1502-502005	Medical Insurance	9,513.00	-
010-1502-502050	Retirement Expense	7,507.00	-
010-1502-502091	Workers Comp. Ins.	1,240.00	-
010-1502-501001	Salaries and Wages	17,538.00	-
010-1502-502001	FICA Tax Expense	1,342.00	-
010-1502-502050	Retirement Expense	1,991.00	-
010-1502-502091	Workers Comp. Ins.	620.00	-
010-1300-519200	Contracted Services	25,000.00	-
010-1400-519200	Contracted Services	25,000.00	-
010-0000-534999	Contingencies	43,240.00	-
010-0000-598901	Transfer Out	48,208.00	-
FUND 010	TOTAL REVENUES	300,000.00	-
	TOTAL EXPENDITURES	308,193.00	8,193.00
060-0000-534999	Contingencies	-	8,193.00
060-7002-501002	Salaries and Wages - Part-time	7,586.00	-
060-7002-502001	FICA	607.00	-
FUND 060	TOTAL REVENUES	-	-
	TOTAL EXPENDITURES	8,193.00	8,193.00

068-0000-470100	Transfer In	48,208.00	-
068-7855-501001	Salaries and Wages	30,300.00	-
068-7855-502001	FICA Tax Expense	2,318.00	-
068-7855-502005	Medical Insurance	9,513.00	-
068-7855-502050	Retirement Expense	3,439.00	-
068-7855-501011	Holiday Pay	1,398.00	-
068-7855-502091	Workers Comp. Ins.	1,240.00	-
FUND 068	TOTAL REVENUES	48,208.00	-
	TOTAL EXPENDITURES	48,208.00	-

Based on the 09/22/2021 City Council meeting various items including embedded clinicians, additional personnel, and hiring bonuses were discussed. This amendment provides funding to hire 1 Assistant Public Works Director, 1 Prop. Maintenance Worker, 1 Sanitation Worker, 1 P/T Budget Analyst, and converting 1 P/T Fire Admin. Assistant to Full-time, funding for 2 days of an embedded clinician, and an increase in contingencies to cover hiring bonuses. Hiring bonuses in general will be addressed as they occur. Revenues in sales tax and motor vehicle tax are proposed to increase to cover the costs.

City Manager _____ Date _____

City Clerk _____ Date _____

Approved: 9/27/2021

TO MAYOR & COUNCIL - October 7th, 2021

FISCAL YEAR 2021

Form Number - 10072021-02

BUDGET AMENDMENT

Fund 068

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
068-7855-501001	Salaries - Regular	-	43,795.00
068-1521-501001	Salaries - Regular	655.00	-
068-7855-524020	R & M - Trucks	13,550.00	-
068-7855-524030	Fuel	8,800.00	-
068-7855-532400	Non-Capital Equipment	16,650.00	-
068-7855-534000	Health And Welfare Expenditures	4,140.00	-
FUND 068	TOTAL REVENUES	-	-
	TOTAL EXPENDITURES	43,795.00	43,795.00

An standard amendment for the end of fiscal year 2020-2021 to tie out the budget in preparation for the annual audit process.

City Manager — Date: 9/27/21

City Clerk — Date

Approved: 9/27/2021

TO MAYOR & COUNCIL - October 7th, 2021

FISCAL YEAR 2022

Form Number - 10072021-03

BUDGET AMENDMENT

21

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
021-2202-534000	Non-Capital Equipment	6,756.00	-
021-2202-410001	Sales Tax	4,000.00	-
021-2202-470900	Fund Balance Appropriated	2,756.00	-
		-	-
		-	-
		-	-
		-	-
		-	-
		-	-
FUND 021	TOTAL REVENUES	6,756.00	-
	TOTAL EXPENDITURES	6,756.00	-

An amendment to increase revenues to pay for new public wifi equipment on 7th avenue, to be available when the 7th Ave. Streetscape project is complete.

City Manager

9-27-21
Date

City Clerk

Date

Approved: 10/7/2021

TO MAYOR & COUNCIL - October 7th, 2021 **FISCAL YEAR 2021**

Form Number - 10072021-04

BUDGET AMENDMENT

Fund 080

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
080-0000-460040	Special Events - Nontaxable	2,400.00	-
080-3101-501030	Salaries - Incentive Payments	2,400.00	-
			-
			-
			-
			-
FUND 080	TOTAL REVENUES	2,400.00	-
	TOTAL EXPENDITURES	2,400.00	-

An standard amendment for the end of fiscal year 2020-2021 to tie out the budget in preparation for the annual audit process- for the health and wellness fund.

City Manager — Date 9-28-21

City Clerk — Date

Approved: 9/27/2021

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Drew Finley **MEETING DATE:** 10/7/2021

AGENDA SECTION: CONSENT **DEPARTMENT:** Water & Sewer

TITLE OF ITEM: Utility Assessment Policy Amendment – *Drew Finley, Assistant to the Utilities Director*

SUGGESTED MOTION(S):

I move that City Council amend the Utility Assessment Policy to include a timeframe provision for petitioners to gather signatures under Phase I of the Process and Procedure.

SUMMARY:

City Council recently adopted the Utility Assessment Policy ("policy") to provide an organized and coordinated process by which existing area residents may petition the City to receive public sewer and/or water service. Currently, the policy does not specify a timeframe for when property owners must gather the necessary signatures to move an assessment project forward. City staff have prepared this formal amendment to the policy which adds such a timeframe to Phase I of the Process and Procedure. Staff feel that adding this provision to the policy will encourage the timely and structured collection of property owner signatures. The amendment will also aid staff's record-keeping and tracking efforts for assessment projects. We would be happy to answer any questions.

BUDGET IMPACT: $ 0

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

If no, describe how it will be funded.

ATTACHMENTS:

Amended Utility Assessment Policy

CITY OF HENDERSONVILLE

[UTILITY ASSESSMENT POLICY AND PROCEDURE FOR SEWER AND WATER IMPROVEMENTS]

Adopted by City Council (Original Date)	**6/3/2021**	**10/7/2021**
Category & Subcategory:	City Council, Utilities Utility Assessment Policy and Procedure for Sewer and Water Improvements	

Persons Affected:	City Water/Sewer Customers

Approvals:	***Name, Title***	***Date Approved:***	***Signature***
	City Council		**Signature:**

Revision History

Revision Effective Date	Version	Section	Summary of Changes	Author
10/7/2021	**2**	**6 & 7**	**Additional language clarifying petition procedure added.**	**Drew Finley**

POLICY IS ATTACHED

UTILITY ASSESSMENT POLICY AND PROCEDURE

FOR SEWER AND WATER IMPROVEMENTS

Introduction and Purpose

The City of Hendersonville ("City") desires to provide a fiscally responsible method for area residents to connect to the City's public sewer and water systems. Through its sewer master planning efforts, the City identified various areas adjacent to the existing sewer service area that have the potential to convert from septic systems to public sewer. The City also conducted water master planning efforts that identified areas that have the potential to be served through extensions of the City's water system. The purpose of this utility assessment policy is to provide an organized and coordinated process by which existing area residents may petition the City to receive public sewer and/or water service through an extension of the City's water or sewer system and pay for these extensions through special assessments.

Scope

This policy applies to all property-owner driven requests to extend the sewer and/or water system owned and operated by the City of Hendersonville where the requested extension is proposed to be paid for by special assessments. This policy shall only be applied to existing, developed, residential areas and shall not be applied to new commercial, industrial, or residential development. These requests shall be in the form of a written petition submitted to the City in accordance with the process and procedure outlined herein.

Authority

This policy is adopted by the City Council of the City of Hendersonville in accordance with the authority granted by North Carolina General Statutes Chapter 160A Article 10 ("Special Assessments") and Sec. 52-89 et seq of the City of Hendersonville Code of Ordinances. This policy outlines the procedure for the City's consideration and approval of utility infrastructure improvements to be funded in whole or in part by special assessments as is hereinafter provided. Nothing herein shall be deemed to limit or restrict any other available options to proceed with utility infrastructure improvements as are now or may be prescribed by the general laws of the State.

PROCESS AND PROCEDURE

Phase I – Petition

1. Area property owner(s) expressing interest in extending the sewer and/or water system owned and operated by the City shall first contact the City and communicate such interest to appropriate City staff along with any additional background

information that may assist in identifying the level of interest present in the given area.

2. After receiving such notification of interest, City staff shall conduct a preliminary review of the feasibility of the proposed project and determine the project area including the properties within such area with cooperation from neighboring local government jurisdictions as applicable.
3. After conducting a feasibility review of the proposed project, City staff shall send interested property owner(s) a map of the potential project area along with a rough cost estimate (including a single-family equivalent assessment amount) and petition forms to be circulated among area residents. As part of the cost estimate, City staff shall identify the recommended basis upon which assessments would be determined. The single-family equivalent assessment amount shall be calculated by City staff in accordance with the recommended basis and shall be adjusted over time based on the Construction Cost Index provided by the Engineering News-Record. Until confirmation of an assessment roll, the City reserves the right to reevaluate and alter this amount from time to time at its discretion.
4. The interested property owner(s) shall be responsible for the circulation of petition forms and may identify a "neighborhood champion" to organize and coordinate the petition distribution and collection process. All assessment amounts and project cost estimates provided by the City at this stage are preliminary and subject to change. City staff shall notify other local government jurisdictions if required based on the location of the potential project.
5. Before a water and/or sewer extension will be considered by City Council under this policy, the owners of at least 66% of the assessable properties in the proposed project area shall submit signed petitions to the City requesting that the City extend the sewer and/or water system to serve the project area. Such petitions must acknowledge that **all** property owners in the proposed project area will be required to pay the full assessment amount once the petition percentage threshold requirement has been met.
6. ***The City will deliver petition forms to the interested property owners either at the City Operations Center or by regular US Mail. The interested property owners shall have six (6) months from the date of delivery of the petition (either the date received in-person or the date of mailing) to circulate the petition and obtain signatures of at least 66% of property owners within the project area. The expiration date will be indicated on the petition forms.***
7. ***If, after six (6) months from the date of delivery of the petition forms, the interested property owners have not obtained the signatures of at least 66% of property owners within the project area, the petition effort shall fail. Once a petition effort fails, a moratorium period will be imposed wherein no subsequent petition effort encompassing all or any part of the project area shall be prepared or accepted for consideration until the passage of eighteen (18) months from the***

date the original petition was delivered to the interested property owners. After the moratorium period has passed, interested property owners are free to initiate another petition effort but shall be subject to the same rules as the original petition effort.

8. The signed petitions shall be submitted in form and manner acceptable to and approved by the City. Upon receipt of the signed petitions, City staff shall secure approval to make special assessments from other local government jurisdictions, if required, by interlocal agreement. Alternatively, petitioners may request annexation into a municipality. ***RESOLUTION #20-0582 BY THE CITY OF HENDERSONVILLE CITY COUNCIL UPDATING THE 1997 WATER EXTENSION POLICY***, adopted October 1, 2020, ***RESOLUTION #R-21-45 BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADOPT A UTILITY ASSESSMENT POLICY & PROCEDURE, adopted June 3, 2021, and ORDINANCE #O-21-22 TO AMEND CHAPTER 52 OF THE CODE OF ORDINANCES FOR THE CITY OF HENDERSONVILLE TO ADD A NEW SECTION 52-96, SPECIAL ASSESSMENTS, adopted on June 3, 2021,*** are hereby incorporated into this policy. All official actions of the City Council pertaining to water and/or sewer extensions, whether effectuated by Ordinance, Resolution, or otherwise, shall be incorporated into this policy.

Phase II – Project

1. In accordance with the provisions stipulated in G.S.§160A-223, as amended, the City Council shall adopt a preliminary assessment resolution containing, at a minimum, the following information:
    a. A statement that the City Council intends to undertake the requested extension(s) (the "project").
    b. A general description of the nature, location, and scope of the project. (Please note that the scope of the project may not be increased after adoptionof the preliminary assessment resolution.)
    c. The percentage of the total cost that will be assessed.
    d. The proposed basis for making the assessments.
    e. The proposed terms of payment of the assessment, either payment in full within 30 days of confirmation of the assessment roll or payment in 10 annual installments at the specified interest rate.
    f. A statement as to which, if any, assessments will be held in abeyance and for how long.
    g. An order setting the time and place for a public hearing on all matters covered by the preliminary assessment resolution.

2. After the adoption of the preliminary assessment resolution by the City Council, a notice describing the project and its location, and summarizing the terms of the preliminary assessment resolution shall be published in the newspaper, at least 10 days prior to the public hearing date, in the manner prescribed by G.S. §160A-224, as amended. The City shall mail this notice to all affected property owners at least 10 days prior to the public hearing date.
3. Following the publication of this notice, a public hearing as outlined in G.S. §160A-225 shall be held on the preliminary resolution.
4. After this public hearing, the City Council may approve or reject the project. If the City Council elects to approve the project, the City Council shall adopt a final assessment resolution directing City staff to undertake the project. The final assessment resolution shall, at a minimum, contain the following information:
    a. A general description of the project.
    b. The basis on which the special assessments will be levied. (Please note, the basis of assessment may not be changed after adoption of the final assessment resolution.)
    c. The percentage of the project costs to be assessed. (Please note, this must be the same percentage as was stated in the preliminary assessment resolution.)

d. The terms of payment, including the conditions under which assessments will be held in abeyance, if any. (Please note, the City may not change the terms of payment after the final assessment resolution is adopted.)
e. City staff shall then establish an official project budget and present a capital project ordinance to City Council for adoption.

5. After the capital project ordinance has been adopted, the City shall complete the design, permitting, bidding, and construction of the project.

Phase III – Assessment

1. After the project has been completed, City staff shall prepare a preliminary assessment roll in accordance with the provisions in G.S. §160A-227. This preliminary assessment roll shall include a map showing each property to be assessed, the basis of the assessment, the amount to be assessed against each property, the name of each property owner, and the terms of payment.
2. The preliminary assessment roll shall then be filed in the City Clerk's office where it shall be available for public inspection. The City shall notify all affected property owners when the preliminary assessment roll has been filed.
3. The City shall then hold a public hearing on the contents of the preliminary assessment roll and make any modifications to it as are appropriate. Notice of the public hearing must be published at least ten days before the date of the public hearing. The notice must provide a general description of the project and alert individuals that the preliminary assessment roll is available in the City Clerk's office for inspection. In addition, a copy of the preliminary assessment roll must be mailed to each owner of the property subject to assessment, along with the amount of the assessment against the particular property.
4. At that same public hearing and after all persons in attendance have had an opportunity to be heard, the City Council may confirm the assessment roll, annul the assessments, or modify them as allowed by law. The City Clerk shall enter the date, hour, and minute of the confirmation in the minutes. From and after the time of confirmation, the assessments shall be a lien on the property assessed of the same nature and to the same extent as the lien for county and City property taxes, according to the priorities set out in G.S. §160A-233(c).

5. Following the confirmation of the assessment roll, the City shall publish a notice in accordance with G.S. §160A-229 that the assessment roll has been confirmed and the assessment roll shall be forwarded to the City Tax Collector for collection.
6. After the publication of this notice, all affected property owners shall make the assessment payments to the City in up to 10 (ten) annual installments over time or in one lump sum payment as may be authorized by the City. If the assessments are

to be paid annually, they shall be included on the property tax bill for each assessed property for all years in which payment is due.

7. Once confirmed, assessments may be set aside in whole as allowed by N.C.G.S. § 160A-231. The assessments on an individual property may not be released or altered.

Resolution #20-0582

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL UPDATING THE 1997 WATER EXTENSION POLICY

WHEREAS, the extensions of the City's water distribution system are necessary to provide safe, reliable drinking water and fire protection throughout Henderson County and its municipalities; and

WHEREAS, the Water Extension Policy established in 1997 specified that no extension will occur without the review by Henderson County and/or other governing jurisdictions; and

WHEREAS, the Policy was enacted to prevent uncontrolled growth in areas of Henderson County that lacked comprehensive land use planning and land use ordinances; and

WHEREAS, over the past twenty-three years, Henderson County and other jurisdictions have adopted comprehensive plans, small area plans and land development codes to allow them to have greater control of development; and

WHEREAS, the City of Hendersonville has the legal authority to reasonably extend water lines and set rates without the approval of any other local governing jurisdiction.

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

1. The Water Extension Policy will be updated to reemphasize that growth and development control is completely in the hands of the Henderson County Board of Commissioners and/or other governing boards through their land use and zoning control ordinances.
2. City staff will forward all water availability request to Henderson County staff or staff from other municipalities for use in their land use approval processes.
3. City staff will wait until each development project has been approved by the respective jurisdiction prior to approving its water extension final design.
4. City staff will communicate with Henderson County staff or staff from other municipalities regarding other system extensions or improvements.
5. Water extension policies will be periodically reviewed by the Water and Sewer Advisory Committee and approved by the Hendersonville the City Council.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of October 2020.

Barbara G. Volk, Mayor, City of Hendersonville

Attest:

Angela L. Reece, City Clerk

Resolution #R-21-45

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADOPT A UTILITY ASSESSMENT POLICY & PROCEDURE

WHEREAS, the City of Hendersonville desires to provide a fiscally responsible method for area residents to connect to the City's public sewer and water systems; and

WHEREAS, through its sewer master planning efforts, the City identified various areas adjacent to the existing sewer service area that have the potential to convert from septic systems to public sewer; and

WHEREAS, the City has also conducted water master planning efforts that identified areas that have the potential to be served through extensions of the City's water system; and

WHEREAS, this process resulted in the development of a Utility Assessment Policy & Procedure for Sewer and Water Improvements which outlines the process by which existing area residents may petition the City to receive public sewer and/or water service through an extension of the City's water or sewer system and pay for these extensions through special assessments; and

WHEREAS, this policy outlines the procedure for the City's consideration and approval of utility infrastructure improvements to be funded in whole or in part by special assessments.

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

1. The City of Hendersonville policy is adopted by the City Council of the City of Hendersonville in accordance with the authority granted by North Carolina General Statutes Chapter 160A Article 10 ("Special Assessments") and Sec. 52-89 et seq of the City of Hendersonville Code of Ordinances.
2. Nothing herein shall be deemed to limit or restrict any other available options to proceed with utility infrastructure improvements as are now or may be prescribed by the general laws of the State.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of June, 2021.

Barbara G. Volk

Barbara G. Volk, Mayor, City of Hendersonville

Attest:

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

UTILITY ASSESSMENT POLICY AND PROCEDURE FOR SEWER AND WATER IMPROVEMENTS

Introduction and Purpose

The City of Hendersonville ("City") desires to provide a fiscally responsible method for area residents to connect to the City's public sewer and water systems. Through its sewer master planning efforts, the City identified various areas adjacent to the existing sewer service area that have the potential to convert from septic systems to public sewer. The City also conducted water master planning efforts that identified areas that have the potential to be served through extensions of the City's water system. The purpose of this utility assessment policy is to provide an organized and coordinated process by which existing area residents may petition the City to receive public sewer and/or water service through an extension of the City's water or sewer system and pay for these extensions through special assessments.

Scope

This policy applies to all property-owner driven requests to extend the sewer and/or water system owned and operated by the City of Hendersonville where the requested extension is proposed to be paid for by special assessments. This policy shall only be applied to existing, developed, residential areas and shall not be applied to new commercial, industrial, or residential development. These requests shall be in the form of a written petition submitted to the City in accordance with the process and procedure outlined herein.

Authority

This policy is adopted by the City Council of the City of Hendersonville in accordance with the authority granted by North Carolina General Statutes Chapter 160A Article 10 ("Special Assessments") and Sec. 52-89 et seq of the City of Hendersonville Code of Ordinances. This policy outlines the procedure for the City's consideration and approval of utility infrastructure improvements to be funded in whole or in part by special assessments as is hereinafter provided. Nothing herein shall be deemed to limit or restrict any other available options to proceed with utility infrastructure improvements as are now or may be prescribed by the general laws of the State.

PROCESS AND PROCEDURE

Phase I – Petition

1. Area property owner(s) expressing interest in extending the sewer and/or water system owned and operated by the City shall first contact the City and communicate such interest to appropriate City staff along with any additional background

information that may assist in identifying the level of interest present in the given area.

2. After receiving such notification of interest, City staff shall conduct a preliminary review of the feasibility of the proposed project and determine the project area including the properties within such area with cooperation from neighboring local government jurisdictions as applicable.
3. After conducting a feasibility review of the proposed project, City staff shall send interested property owner(s) a map of the potential project area along with a rough cost estimate (including a single-family equivalent assessment amount) and petition forms to be circulated among area residents. As part of the cost estimate, City staff shall identify the recommended basis upon which assessments would be determined. The single-family equivalent assessment amount shall be calculated by City staff in accordance with the recommended basis and shall be adjusted over time based on the Construction Cost Index provided by the Engineering News-Record. Until confirmation of an assessment roll, the City reserves the right to reevaluate and alter this amount from time to time at its discretion.
4. The interested property owner(s) shall be responsible for the circulation of petition forms and may identify a "neighborhood champion" to organize and coordinate the petition distribution and collection process. All assessment amounts and project cost estimates provided by the City at this stage are preliminary and subject to change. City staff shall notify other local government jurisdictions if required based on the location of the potential project.
5. Before a water and/or sewer extension will be considered by City Council under this policy, the owners of at least 66% of the assessable properties in the proposed project area shall submit signed petitions to the City requesting that the City extend the sewer and/or water system to serve the project area. Such petitions must acknowledge that **all** property owners in the proposed project area will be required to pay the full assessment amount once the petition percentage threshold requirement has been met.
6. The signed petitions shall be submitted in form and manner acceptable to and approved by the City. Upon receipt of the signed petitions, City staff shall secure approval to make special assessments from other local government jurisdictions, if required, by interlocal agreement. Alternatively, petitioners may request annexation into a municipality.
7. City Council Resolution #20-0582, adopted October 1, 2020, and all its provisions are hereby incorporated into this policy. All official actions of the City Council pertaining to water and/or sewer extensions, whether effectuated by Ordinance, Resolution, or otherwise, shall be incorporated into this policy.

Phase II – Project

1. In accordance with the provisions stipulated in G.S.§160A-223, as amended, the City Council shall adopt a preliminary assessment resolution containing, at a minimum, the following information:
    a. A statement that the City Council intends to undertake the requested extension(s) (the "project").
    b. A general description of the nature, location, and scope of the project. (Please note that the scope of the project may not be increased after adoption of the preliminary assessment resolution.)
    c. The percentage of the total cost that will be assessed.
    d. The proposed basis for making the assessments.
    e. The proposed terms of payment of the assessment, either payment in full within 30 days of confirmation of the assessment roll or payment in 10 annual installments at the specified interest rate.
    f. A statement as to which, if any, assessments will be held in abeyance and for how long.
    g. An order setting the time and place for a public hearing on all matters covered by the preliminary assessment resolution.

2. After the adoption of the preliminary assessment resolution by the City Council, a notice describing the project and its location, and summarizing the terms of the preliminary assessment resolution shall be published in the newspaper, at least 10 days prior to the public hearing date, in the manner prescribed by G.S. §160A-224, as amended. The City shall mail this notice to all affected property owners at least 10 days prior to the public hearing date.
3. Following the publication of this notice, a public hearing as outlined in G.S. §160A-225 shall be held on the preliminary resolution.
4. After this public hearing, the City Council may approve or reject the project. If the City Council elects to approve the project, the City Council shall adopt a final assessment resolution directing City staff to undertake the project. The final assessment resolution shall, at a minimum, contain the following information:
    a. A general description of the project.
    b. The basis on which the special assessments will be levied. (Please note, the basis of assessment may not be changed after adoption of the final assessment resolution.)
    c. The percentage of the project costs to be assessed. (Please note, this must be the same percentage as was stated in the preliminary assessment resolution.)

d. The terms of payment, including the conditions under which assessments will be held in abeyance, if any. (Please note, the City may not change the terms of payment after the final assessment resolution is adopted.)
e. City staff shall then establish an official project budget and present a capital project ordinance to City Council for adoption.

5. After the capital project ordinance has been adopted, the City shall complete the design, permitting, bidding, and construction of the project.

Phase III – Assessment

1. After the project has been completed, City staff shall prepare a preliminary assessment roll in accordance with the provisions in G.S. §160A-227. This preliminary assessment roll shall include a map showing each property to be assessed, the basis of the assessment, the amount to be assessed against each property, the name of each property owner, and the terms of payment.
2. The preliminary assessment roll shall then be filed in the City Clerk's office where it shall be available for public inspection. The City shall notify all affected property owners when the preliminary assessment roll has been filed.
3. The City shall then hold a public hearing on the contents of the preliminary assessment roll and make any modifications to it as are appropriate. Notice of the public hearing must be published at least ten days before the date of the public hearing. The notice must provide a general description of the project and alert individuals that the preliminary assessment roll is available in the City Clerk's office for inspection. In addition, a copy of the preliminary assessment roll must be mailed to each owner of the property subject to assessment, along with the amount of the assessment against the particular property.
4. At that same public hearing and after all persons in attendance have had an opportunity to be heard, the City Council may confirm the assessment roll, annul the assessments, or modify them as allowed by law. The City Clerk shall enter the date, hour, and minute of the confirmation in the minutes. From and after the time of confirmation, the assessments shall be a lien on the property assessed of the same nature and to the same extent as the lien for county and City property taxes, according to the priorities set out in G.S. §160A-233(c).

5. Following the confirmation of the assessment roll, the City shall publish a notice in accordance with G.S. §160A-229 that the assessment roll has been confirmed and the assessment roll shall be forwarded to the City Tax Collector for collection.
6. After the publication of this notice, all affected property owners shall make the assessment payments to the City in up to 10 (ten) annual installments over time or in one lump sum payment as may be authorized by the City. If the assessments are

to be paid annually, they shall be included on the property tax bill for each assessed property for all years in which payment is due.

7. Once confirmed, assessments may be set aside in whole as allowed by N.C.G.S. § 160A-231. The assessments on an individual property may not be released or altered.

Ordinance #●-21-22

AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF ORDINANCES FOR THE CITY OF HENDERSONVILLE TO ADD A NEW SECTION 52-96, SPECIAL ASSESSMENTS

WHEREAS, The City desires to provide an organized and coordinated process by which existing area residents may petition the City to receive public sewer and/or water service through an extension of the City's water or sewer system and pay for these extensions through special assessments and

WHEREAS, through its sewer master planning efforts, the City identified various areas adjacent to the existing sewer service area that have the potential to convert from septic systems to public sewer and

WHEREAS, the City also conducted water master planning efforts that identified areas that have the potential to be served through extensions of the City's water system and

WHEREAS, North Carolina General Statutes Chapter 160A Article 10 ("Special Assessments") authorizes any City to make special assessments for constructing, reconstructing, extending, and otherwise building or improving water systems and sewage collection and disposal systems,

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

Section 1. A new Section 52-96, Special Assessments, to be added to Chapter 52 of the Code of Ordinances for the City of Hendersonville, is hereby adopted as follows:

> **Sec. 52-96. – Special Assessments.**
> In addition to the methods for requesting a utility extension provided in this Article III, property owners may petition the City for a utility extension to be financed through the special assessment process in accordance with the City's Utility Assessment Policy and Procedure, adopted by the City Council as authorized by North Carolina General Statutes Chapter 160A, Article 10, Special Assessments.

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of June 2021.

Barbara G. Volk, Mayor, City of Hendersonville

Attest:

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Lew Holloway, Community Development Director

MEETING DATE: October 7, 2021

AGENDA SECTION: CONSENT AGENDA

DEPARTMENT: Community Development

TITLE OF ITEM: Special Event: Fallapalooza Trunk or Treat – *Lew Holloway, Community Development Director*

SUGGESTED MOTION(S):

I move that City Council approve the special event permit for Fallapalooza Trunk or Treat.

SUMMARY:

Fallapalooza Trunk or Treat is proposed to be held on Wednesday, October 27, 2021, from 4-8pm using portions of Fifth Avenue and Buncombe Street. Fallapalooza was held in 2020 but did not incorporate use of public property. This year the request includes the closure of Buncombe Street between Fifth and Sixth Avenue as well as the closure of one lane of Fifth Avenue, in order to mitigate traffic. This is a drive-thru trunk or treat event organized by First Baptist Church of Henderson County. Three off-duty police officers will be utilized for event security and traffic control. The event is meant to benefit those who do not wish to participate in conventional trick-or-treating due to Covid-19. 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: Adam Murr **MEETING DATE:** 10/07/2021

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

TITLE OF ITEM: Resolution Authorizing the City Manager to Prepare and Execute a Contract with Interfaith Assistance Ministries for COVID-19 Related Utility Bill Assistance – *Adam Murr, Budget Manager*

SUGGESTED MOTION(S):

I move City Council adopt a resolution directing the City Manager to prepare and execute a contract with Interfaith Assistance Ministries to provide $25,000 incremental payments for utility customers who are experiencing economic/financial hardship related to the COVID-19 pandemic.

SUMMARY:

The City of Hendersonville is authorized by N.C.G.S. 160A-20.1 to contract with outside firms for services for a public purpose.

The City has been provided Federal American Rescue Plan (ARP) funds for the purpose of responding to negative economic impacts stemming from COVID-19. City Council has adopted a Grant Project Ordinance (G2102) for ARP funds, allocating $400,000 to Interfaith Assistance Ministries to deliver utility bill financial assistance for customers facing negative economic impacts stemming from COVID-19.

The proposed resolution authorizes the City Manager to prepare and execute a contract with Interfaith Assistance Ministries to provide $25,000 incremental payments for utility customers who are experiencing economic/financial hardship related to the COVID-19 pandemic.

BUDGET IMPACT: $400,000

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

If no, describe how it will be funded.
There is an existing Grant Project Ordinance (GPO), #G2101 for the project.

ATTACHMENTS:

Resolution authorizing the City Manager to prepare and execute a contract.

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO PREPARE AND EXECUTE A CONTRACT WITH INTERFAITH ASSISTANCE MINISTRIES TO PROVIDE COVID-19 RELATED UTILITY BILL ASSISTANCE

WHEREAS, the City of Hendersonville is authorized by N.C.G.S. 160A-20.1 to contract with outside firms for services for a public purpose, and;

WHEREAS, the City has been provided Federal American Rescue Plan (ARP) funds for the purpose of responding to negative economic impacts stemming from COVID-19, and;

WHEREAS, City Council has adopted a Grant Project Ordinance (G2102) for ARP funds, allocating $400,000 to Interfaith Assistance Ministries to deliver utility bill financial assistance for customers facing negative economic impacts stemming from COVID-19, and

WHEREAS, the City is authorized by N.C.G.S. § 160D-1311 "to accept federal and State grants and loans for, and to appropriate and expend funds for community development programs and activities";

WHEREAS, the City will draft a contract providing $25,000 incremental payments to Interfaith Assistance Ministries to meet the goal of providing COVID-19 related utility bill assistance for persons qualifying under applicable ARP and N.C.G.S. § 160D-1311 requirements, and;

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

1. City Council authorizes the City Manager to prepare and execute a contract with Interfaith Assistance Ministries to provide $25,000 incremental payments for qualifying utility customers who are experiencing economic/financial hardship related to the COVID-19 pandemic, in consultation with the City Attorney.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of October, 2021.

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

_____
Angela L. Reece, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

PLANNING BOARD
AGENDA ITEM SUMMARY

SUBMITTER: Adam Murr **MEETING DATE:** 10/07/2021

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

TITLE OF ITEM: FY22 Limited Obligation Bond Approving Resolution – *Adam Murr, Budget Manager*

SUGGESTED MOTION(S):
I move City Council adopt the RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA, APPROVING A CONTRACT AND A DEED OF TRUST AND THE DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS as presented.

SUMMARY:

NCGS 160A-20 provides the City authority to (re)finance projects through installment contracts.

City Council directed Staff at the September 02, 2021 regular meeting to work with financial advisors, bond counsel, and others to seek Local Government Commission (LGC) approval for an FY22 Limited Obligation Bond.
It is recommended that City Council adopt the attached resolution drafted by Bond Counsel – Parker Poe Adams & Bernstein, LLP, approving a contract and a deed of trust and the delivery thereof and providing for certain other related matters for the issuance of a Series 2021 Limited Obligation Bond at the October 07, 2021 regular meeting.

The bond amount is recommended with a not to exceed amount of $17,000,000. The resolution authorizes the approval, execution, and delivery of various documents in connection to the issuance, including an installment financing agreement, a deed of trust, an indenture of trust, and a bond agreement. The bond is being issued to finance the following purposes:

1. Parking Facility Project, #19101 $12,000,000
2. 7th Avenue Streetscape Project, #16030 $2,000,000
3. Re-finance the 2018 Public Works Maintenance Facility, #16031 $2,004,651

PROJECT/PETITIONER NUMBER: #19101, #16030, and #16031

PETITIONER NAME: Adam Murr

ATTACHMENTS:

1. Resolution of the City Council of the City of Hendersonville, North Carolina, Approving a Contract and a Deed of Trust and the Delivery Thereof and Providing for Certain Other Related Matters.
2. Unit Attorney Opinion Letter
3. Resolution by the Public Facilities Corporation

#R-21-____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA, APPROVING A CONTRACT AND A DEED OF TRUST AND THE DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

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

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

WHEREAS, the City Council of the City (the "*City Council*") has previously determined that it is in the best interest of the City to enter into an installment financing contract (the "*Contract*") with the Hendersonville Public Facilities Corporation, a North Carolina nonprofit corporation (the "*Corporation*"), in order to (1) finance the (a) construction, equipping and furnishing of a parking facility and (b) construction of various streetscape improvements in downtown Hendersonville (collectively, the "*Projects*"), (2) refinance an Installment Financing Contract dated as of October 11, 2018 between Pinnacle Financial Partners and the City of Hendersonville, North Carolina, the proceeds of which were used to finance (a) the construction and equipping of a public works maintenance facility, (b) the construction of public restroom facilities and (c) improvements to the Whitmire Building, a recreation center, including parking lot expansion/repaving and the replacement of interior flooring (the "*Prior Indebtedness*") and (3) pay the costs related to the execution and delivery of the Contract;

WHEREAS, in order to secure the City's obligations under the Contract, the City will enter into a Deed of Trust, Security Agreement and Fixture Filing (the "*Deed of Trust*") granting a lien on the site of the parking facility (the "*Site*") and the improvements thereon that may be necessary to effectuate the proposed financing;

WHEREAS, to assist the City in financing the Projects and refinancing the Prior Indebtedness, the Corporation will execute and deliver its Limited Obligation Bonds (City of Hendersonville, North Carolina), Series 2021 (the "*2021 Bonds*") in an aggregate principal amount not to exceed $17,000,000, evidencing proportionate undivided interests in rights to receive certain Revenues (as defined in the Contract) pursuant to the Contract;

WHEREAS, in connection with the sale of the 2021 Bonds by the Corporation to Robert W. Baird & Co. Incorporated (the "*Underwriter*"), the City will execute and deliver a Bond Purchase Agreement dated the date of delivery thereof (the *"Bond Purchase Agreement"*) among the City, the Corporation and the Underwriter;

WHEREAS, there have been described to the City Council the forms of the following documents (collectively, the "*Instruments*"), copies of which are available to the City Council, which the City Council proposes to approve, enter into and deliver, as applicable, to effectuate the proposed installment financing:

(1) the Contract;

(2) the Deed of Trust;

(3) an Indenture of Trust dated as of November 1, 2021 (the "*Indenture*") between the Corporation and The Bank of New York Mellon Trust Company, N.A., as trustee, including the form of the 2021 Bonds; and

(4) the Bond Purchase Agreement;

WHEREAS, to make an offering and sale of the 2021 Bonds, there will be prepared a Preliminary Official Statement with respect to the 2021 Bonds (the "*Preliminary Official Statement*"), a draft thereof having been made available to the City Council, and a final Official Statement relating to the 2021 Bonds (together with the Preliminary Official Statement, the "*Official Statement*"), which Official Statement will contain certain information regarding the City and the 2021 Bonds;

WHEREAS, it appears that each of the Instruments and the Preliminary Official Statement is in an appropriate form and is an appropriate instrument for the purposes intended;

WHEREAS, the City Council conducted a public hearing on September 2, 2021 to receive public comment on the proposed Contract; and

WHEREAS, the City has filed an application to the LGC for approval of the Contract and will receive the approval of the LGC before executing and delivering the Contract;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. **Ratification of Instruments**. All actions of the City, the City Manager, the Assistant City Manager, the Finance Director, the City Attorney and the City Clerk and their respective designees, whether previously or hereinafter taken, in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

Section 2. **Authorization of the Official Statement**. The form, terms and content of the Preliminary Official Statement are in all respects authorized, approved and confirmed, and the use of the Preliminary Official Statement and of the final Official Statement by the Underwriter in connection with the offering and sale of the 2021 Bonds is hereby in all respects authorized, approved and confirmed. The City Manager, the Assistant City Manager, the Finance Officer, the City Attorney or the City Clerk is hereby authorized and directed, individually and collectively, to deliver, on behalf of the City, the Official Statement in substantially such form, with such changes, insertions and omissions as he or she may approve.

Section 3. **Authorization to Execute the Contract**. The City hereby approves the financing in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the City in accordance with its terms. The form and content of the Contract are hereby in all respects authorized, approved and confirmed, and the City Manager, the Assistant City Manager, the Finance Director, the City Attorney and the City Clerk and their respective designees (the "*Authorized Officers*") are hereby authorized, empowered and directed to execute and deliver the Contract, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as they deem

necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the City's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Contract presented to the City Council. From and after the execution and delivery of the Contract, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

Section 4. **Authorization to Execute the Deed of Trust**. The City approves the form and content of the Deed of Trust, and the Deed of Trust is in all respects authorized, approved and confirmed. The Authorized Officers are hereby authorized, empowered and directed to execute and deliver the Deed of Trust, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as they deem necessary, desirable or appropriate. Execution by the Authorized Officers constitutes conclusive evidence of the City's approval of any and all such changes, modifications, additions or deletions therein from the form and content of the Deed of Trust presented to the City Council, and from and after the execution and delivery of the Deed of Trust, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Deed of Trust as executed.

Section 5. **Authorization to Execute the Bond Purchase Agreement**. The City approves the form and content of the Bond Purchase Agreement and the sale of the 2021 Bonds to the Underwriter as contemplated thereby, and the Bond Purchase Agreement is in all respects authorized, approved and confirmed. The Authorized Officers are hereby authorized, empowered and directed to execute and deliver the Bond Purchase Agreement, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as they deem necessary, desirable or appropriate. Execution by the Authorized Officers constitutes conclusive evidence of the City's approval of any and all such changes, modifications, additions or deletions therein from the form and content of the Bond Purchase Agreement presented to the City Council, and from and after the execution and delivery of the Bond Purchase Agreement, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Bond Purchase Agreement as executed.

Section 6. **City Representative**. The Authorized Officers, individually and collectively, are each hereby designated as the City's representative to act on behalf of the City in connection with the transactions contemplated by the Instruments and the Preliminary Official Statement, and the Authorized Officers are authorized to proceed with the financing in accordance with the Instruments and to seek opinions as a matter of law from the City Attorney, which the City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The City's representative and/or designee or designees are in all respects authorized on behalf of the City to supply all information pertaining to the City for use in the Official Statement and the transactions contemplated by the Instruments or the Preliminary Official Statement. The City's representatives or their respective designees are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by the Instruments or the Preliminary Official Statement or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution and the on-going administration of the Instruments. Any and all acts of the Authorized Officers permitted by this Resolution may be done individually or collectively.

Section 7. **Severability**. If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 8. **Repealer**. All motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

Section 9. **Effective Date**. This Resolution is effective on the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of October 2021.

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

_____
Angela L. Reece, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

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

I, *Angela Reece*, City Clerk of the City of Hendersonville, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution titled **"RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA, APPROVING A CONTRACT AND A DEED OF TRUST AND THE DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS"** adopted by the City Council of the City of Hendersonville, North Carolina in a regular meeting convened on the 7th day of October, 2021, as recorded in the minutes of the City Council of the City of Hendersonville, North Carolina.

WITNESS my hand and the seal of the City of Hendersonville, North Carolina, this the ____ day of October, 2021.

(SEAL)

_____

Angela Reece
City Clerk
City of Hendersonville, North Carolina

CITY COUNCIL:
BARBARA G. VOLK
Mayor
JERRY A. SMITH, JR.
Mayor Pro Tem
JEFF MILLER
DR. JENNIFER HENSLEY
LYNDSEY SIMPSON

CITY OF HENDERSONVILLE

The City of Four Seasons

J
City Manager
ANGELA S. BEEKER
City Attorney
ANGELA REECE
City Clerk

LEGAL DEPARTMENT
Angela S. Beeker, City Attorney

September 7, 2021

Department of State Treasurer
Local Government Commission
Long Leaf Building
3200 Atlantic Avenue
Raleigh, NC 27604

Re: City of Hendersonville financing of various City projects and refinancing of outstanding indebtedness pursuant to G.S. 160A-20 (Limited Obligation Bonds, Series 2021)

Ladies and Gentlemen:

I am the City Attorney for the City of Hendersonville, North Carolina (the "City"), and as such, am familiar with its organization and operation. I am familiar with the official action taken or to be taken on the part of the City Council of the City (the "City Council") in connection with the (1) financing of (a) the construction, equipping and furnishing of a parking facility, (b) the construction of various streetscape improvements in downtown Hendersonville (collectively, the "Projects") and (2) refinancing of some of the City's outstanding indebtedness (the "Prior Indebtedness") under G.S. 160A-20.

In connection with this opinion letter, I have examined:

A. Drafts of the financing documents;

B. Resolutions of the City Council;

C. Article V of the North Carolina Constitution and the appropriate provisions of Chapters 159 and 160A of the General Statutes; and

D. Such other documents as I deemed relevant or necessary in rendering this opinion.

Based upon the examination described above, I am of the opinion that:

(1) The City has the power and authority to enter into the transaction to finance the Projects and refinance the Prior Indebtedness under the provisions of G.S. 160A-20;

160 Sixth Ave. E.
Hendersonville, NC 28792

abeeker@hvlnc.gov
www.hvlnc.gov

Phone: 828.233.3210

(2) The appropriate documents have been or will be duly authorized by all necessary action on the part of the City Council and, when duly executed and delivered, will be valid and binding obligations of the City in accordance with the terms of the documents, except that the enforceability may be limited by bankruptcy, insolvency or similar laws affecting creditors' rights generally, including proceedings under Article 10 of Chapter 159 of North Carolina General Statutes, as such laws would apply in the event of bankruptcy, insolvency, reorganization or liquidation of or other similar occurrence with respect to the City, or in the event of any moratorium, temporary injunction, or similar occurrence affecting the City;

(3) The proposed undertaking by the City is authorized by law and does constitute a public purpose under the Constitution of the State of North Carolina;

(4) All necessary and appropriate actions by the City Council have been or will be taken including a public hearing, and that such public hearing satisfies the fundamental requirements of the statutes;

(5) The Notice of Public Hearing is timely and sufficient to identify the matter (installment financing) to be considered; and

(6) The City has followed or will follow applicable bid law requirements in full compliance with applicable public bid statutes.

I am a member of the Bar of the State of North Carolina and I do not purport to express any opinion except as to the laws of the State of North Carolina.

Yours very truly,

Angela S. Beeker
Hendersonville City Attorney

Resolution #21-001

UNANIMOUS WRITTEN CONSENT OF THE BOARD OF DIRECTORS OF HENDERSONVILLE PUBLIC FACILITIES CORPORATION AUTHORIZING THE EXECUTION, DELIVERY AND SALE OF LIMITED OBLIGATION BONDS (CITY OF HENDERSONVILLE, NORTH CAROLINA), SERIES 2021 IN CONNECTION WITH AN INSTALLMENT FINANCING CONTRACT BETWEEN HENDERSONVILLE PUBLIC FACILITIES CORPORATION AND THE CITY OF HENDERSONVILLE, NORTH CAROLINA IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $17,000,000; AND APPROVING THE FORM AND SUBSTANCE, AND AUTHORIZING THE EXECUTION AND DELIVERY, OF CERTAIN DOCUMENTS AND INSTRUMENTS NECESSARY TO CARRY OUT THE FINANCING.

WHEREAS, the Hendersonville Public Facilities Corporation (the "Corporation") is a nonprofit corporation duly incorporated and validly existing under the laws of the State of North Carolina, and;

WHEREAS, the Corporation has been duly created and organized pursuant to and in accordance with the provisions of the North Carolina Nonprofit Corporation Act, General Statutes of North Carolina Chapter 55A-1-01 et seq., as amended (the "Act"), to carry out the purposes stated in its Articles of Incorporation, among which is assisting the City of Hendersonville, North Carolina (the "City") in the financing and refinancing of the purchase of real or personal property, and;

WHEREAS, it has been proposed and deemed desirable to execute and deliver an Installment Financing Contract to be dated on or about November 1, 2021 (the "Contract") between the Corporation and the City to permit the City to (1) finance the (a) construction, equipping and furnishing of a parking facility and (b) construction of various streetscape improvements in downtown Hendersonville (collectively, the "Projects"), (2) refinance an Installment Financing Contract dated as of October 11, 2018 between Pinnacle Financial Partners and the City of Hendersonville, North Carolina, the proceeds of which were used to finance (a) the construction and equipping of a public works maintenance facility, (b) the construction of public restroom facilities and (c) improvements to the Whitmire Building, a recreation center, including parking lot expansion/repaving and the replacement of interior flooring (the "Prior Indebtedness") and (3) pay the costs related to the execution and delivery of the Contract, and;

WHEREAS, the Board finds and determines that it is advisable and in the best interest of the Corporation (1) to execute and deliver an aggregate principal amount not to exceed $17,000,000 of its Limited Obligation Bonds (City of Hendersonville, North Carolina), Series 2021 (the "Bonds"), evidencing proportionate undivided interests in rights to receive certain Revenues (as defined in the Contract) pursuant to the Contract under an Indenture of Trust dated as of November 1, 2021 (the "Indenture") between the Corporation and The Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee"), the proceeds of which will be applied by the City as set forth in the Contract and (2) to assign to the Trustee pursuant to the Indenture the Corporation's rights, title and interest in the Contract (except for certain reserved rights) and a Deed of Trust, Security Agreement and

Fixture Filing to be dated on or about November 1, 2021 (the "Deed of Trust") from the City to the Corporation securing the City's obligations under the Contract, and;

WHEREAS, arrangements have been made for the sale of the Bonds to Robert W. Baird & Co. Incorporated (the "Underwriter"), and;

WHEREAS, there have been presented to the Board the following documents, which the Corporation proposes to approve, execute and deliver, as applicable, to effectuate the financing contemplated by the Contract and the Indenture:

(1) the form of the Contract, and;
(2) the form of the Indenture, and;
(3) the form of a Bond Purchase Agreement (the "Purchase Agreement") among the Corporation, the City and the Underwriter relating to the sale of the Bonds, and;
(4) a Preliminary Official Statement relating to the offering and sale of the Bonds (the "Preliminary Official Statement"), and;
(5) the form of the Bonds as set forth in the Indenture, and;

WHEREAS, it appears that each of the instruments referred to above which have been presented to the Board is in appropriate form and is an appropriate instrument for the purposes intended, and;

NOW THEREFORE, BE IT RESOLVED by Hendersonville Public Facilities Corporation, as Follows:

1. All actions of the Corporation, including, without limitation, any such actions taken in connection with the transactions contemplated by this Unanimous Written Consent, are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Contract, the Indenture, the Purchase Agreement and the Preliminary Official Statement.

2. The execution and delivery of the Bonds, in the principal amount of not more than $17,000,000, in substantially the form and content set forth in the Indenture presented to the Board, subject to appropriate insertion and revision in order to comply with the provisions of the Indenture, are hereby in all respects approved and confirmed, and the provisions of the Indenture with respect to the Bonds (including without limitation the maturity dates and rates of interest to be determined at the time of the sale of the Bonds) are hereby approved and confirmed and are incorporated herein by reference.

3. The form and content of the Contract are hereby in all respects authorized, approved and confirmed, and the President, any Vice President, the Secretary and the Assistant Secretary (the "Authorized Officers") are hereby authorized, empowered and directed, individually and collectively, to execute and deliver the Contract prior to or simultaneously with the execution and delivery of the Bonds, including necessary counterparts, in substantially the form and content presented to the Board, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the Corporation's approval of any and all changes,

modifications, additions or deletions therein from the form and content of the Contract presented to the Board, and that from and after the execution and delivery of the Contract, the Authorized Officers are hereby authorized, empowered and directed, individually and collectively, to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

4. The form and content of the Indenture are hereby in all respects approved and confirmed, and the Authorized Officers are hereby authorized, empowered and directed, individually and collectively, to execute and deliver the Indenture prior to or simultaneously with the execution and delivery of the Bonds, including necessary counterparts, in substantially the form and content presented to the Board, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the Corporation's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Indenture presented to the Board, and that from and after the execution and delivery of the Indenture, the Authorized Officers are hereby authorized, empowered and directed, individually and collectively, to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Indenture as executed.

5. The form and content of the Purchase Agreement are hereby in all respects authorized, approved and confirmed, and the Authorized Officers are hereby authorized, empowered and directed, individually and collectively, to execute and deliver the Purchase Agreement in substantially the form and content presented to the Board, but with such changes, modifications, additions or deletions therein as he may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the Corporation's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Purchase Agreement presented to the Board, and that from and after the execution and delivery of the Purchase Agreement, the Authorized Officers are hereby authorized, empowered and directed, individually and collectively, to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Purchase Agreement as executed.

6. The sale of the Bonds to the Underwriter pursuant to the Purchase Agreement is hereby approved and confirmed.

7. The form, terms and content of the Preliminary Official Statement are hereby in all respects authorized, approved and confirmed, and the Authorized Officers are hereby authorized, empowered and directed, individually and collectively, to deliver the final Official Statement (the "Official Statement") in substantially the form and content presented to the Board, but with such changes, modifications, additions or deletions therein as shall to him seem necessary, desirable or appropriate, his delivery thereof to constitute conclusive evidence of the Corporation's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Preliminary Official Statement presented to the Board; and the use and distribution of the Preliminary Official Statement and Official Statement by the Underwriter in connection with the offering and sale of the Bonds are

hereby in all respects authorized, approved and confirmed.

8. The Authorized Officers are hereby authorized to execute and deliver, individually and collectively, for and on behalf of the Corporation any and all additional certificates, documents, opinions or other papers and perform all other acts, including, without limitation, the on-going administration of the Bonds and the related documents, the filing of any financing statements or any other documents to create and maintain a security interest in the properties and revenues pledged under the Indenture as may be required by the documents contemplated above or as they may deem necessary or appropriate in order to implement and carry out the intent and purposes of this Unanimous Written Consent.

9. If any section, phrase or provision of this Unanimous Written Consent is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Unanimous Written Consent.

10. By his or her signature below, each Director hereby waives, in accordance with Article IV of the Corporation's Bylaws, any notice with respect to this meeting required by applicable law or the Corporation's Bylaws. As permitted by Article IV of the Corporation's Bylaws and Section 55A-8-21 of the North Carolina General Statutes, this action is taken by written consent of each Director as evidenced by his or her signature below. This Unanimous Written Consent may be executed in one or more counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same instrument. This Unanimous Written Consent shall be filed with the minutes of the proceedings of this Board. Any copy, facsimile or other reliable reproduction of this Unanimous Written Consent may be substituted or used in lieu of the original writing for any and all purposes for which the original writing could be used.

11. This Resolution shall become effective on the date of its adoption.

THIS ACTION IS EFFECTIVE as of the 20th day of September, 2021.



John Connet, Director



Brian Pahle, Director



John P. Buchanan, Director

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Adam Steurer, Utilities Engineer **MEETING DATE:** October 7, 2021

AGENDA SECTION: Consent Agenda **DEPARTMENT:** Utilities

TITLE OF ITEM: Contract Award – Garrison Lane Site Improvements – Project Wheel (R6) – *Adam Steurer, Utilities Engineer*

SUGGESTED MOTION(S): I move City Council approve the Resolution authorizing the City Manager to enter into a contract for the construction of the Garrison Lane site improvements with Hyatt Pipeline, LLC– Project Wheel (R6) to Hyatt Pipeline, LLC, the lowest responsive and responsible bidder, in the amount of $522,907.50 and authorize the City Manager to approve change orders up to 10% of the contract amount.

SUMMARY:

On September 14, 2021 at 2:00pm, sealed formal bids were opened for the Garrison Lane Site Improvements – Project Wheel (R6). The project consists of a complete water and gravity sewer installation to serve the proposed development. Bids were received by five bidders with the following results:

Hyatt Pipeline, LLC - $522,907.50 (base bid)

Cooper Construction Co., LLC. - $559,629.00 (base bid)

Two Brothers Utilities, LLC. - $555,729.00 (base bid)

T.P. Howard's Plumbing Co., Inc. - $585,000.00 (base bid)

Buckeye Bridge, LLC - $797,449.50 (base bid)

BUDGET IMPACT: $522,907.50

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

If no, describe how it will be funded. This project is funded through a Capital Project Ordinance.

ATTACHMENTS:

Recommendation of Award

Bid Tabulation / Resolution

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF THE GARRISON LANE SITE IMPROVEMENTS HYATT PIPELINE, LLC – PROJECT WHEEL (R6)

WHEREAS, on September 14, 2021 at 2:00pm, sealed formal bids were opened for the Garrison Lane Site Improvements – Project Wheel (R6) by City Staff. Bids were received by five bidders; and

WHEREAS, City Staff reviewed each bid for completeness and accuracy. Hyatt Pipeline, LLC. was the lowest responsive, responsible bidder.

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

1. The bid for the construction of the Garrison Lane Site Improvements – Project Wheel (R6) is hereby awarded to Hyatt Pipeline, LLC., who is hereby determined to be the lowest responsive and responsible bidder, in the total amount of $522,907.50.

2. The City Manager is authorized to execute a contract with Hyatt Pipeline, LLC, in accordance with the terms of this Resolution, in consultation with the City Attorney.

3. The City Manager is authorized to approve change orders which, cumulatively, do not exceed 10% of the approved contract amount of $522,907.50, provided however that any necessary budget ordinance or project ordinance amendments must be brought back to the City Council for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of October 2021.

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

_____
Angela L. Reece, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

WGLA Engineering

WGLA Engineering, PLLC
724 5th Avenue West
Hendersonville, NC 28739
(828) 687-7177 wgla.com

September 21, 2021

Mr. Adam Steurer, PE
City of Hendersonville - Utilities Engineer
305 Williams Street
Hendersonville, NC 28792

RE: **FY2021-090 Garrison Lane Site Improvements - Project Wheel (R6)**
Recommendation of Award

Dear Mr. Steurer:

We have evaluated the bids received on 9/14/2021 for the FY2021-090 Garrison Lane Site Improvements – Project Wheel (R6) which consists of the installation of approximately 3,600 linear feet of 8-inch DIP water main along Crest Road and Commercial Blvd (Garrison Ln) in Henderson County. The project also contains sewer construction consisting of approximately 885 linear feet of 8-inch PVC gravity sewer. The project will involve a complete water and gravity sewer installation including all connections, manholes, abandonment of existing utilities, bypass pumping, surface restoration, and all related appurtenances necessary to complete the work.

We received five (5) bids as shown below:

Hyatt Pipeline, LLC	$522,907.50
Cooper Construction Co., LLC	$559,629.00
Two Brothers Utilities, LLC	$565,729.00
T.P. Howard's Plumbing Co., INC.	$585,000.00
Buckeye Bridge, LLC	$797,449.50
Engineers Estimate	$575,285.00

The low bid was submitted by Hyatt Pipeline, LLC in the amount of $522,907.50. Our evaluation of the experience, reputation, and financial condition of Hyatt Pipeline, LLC indicates that they are properly licensed and are capable of completing the work required. Therefore, we recommend the award of a contract for construction of the FY2021-090 Garrison Lane Site Improvements – Project Wheel (R6) to Hyatt Pipeline, LLC in the amount of $522,907.50.

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

Sincerely,

Jared L. DeRidder, P.E.

NORTH CAROLINA PROFESSIONAL SEAL 041349 ENGINEER JARED L. DERIDDER

9-21-2021

DocuSign Envelope ID: E4C37E65-6284-4E35-901D-4AF016332E87

WGLA Engineering, PLLC

FY2021-090 / GARRISON LANE SITE IMPROVEMENTS: PROJECT WHEEL (R6)

Bid Tabulation: 9/14/2021

Plans: FY2021-090 / GARRISON LANE SITE IMPROVEMENTS: PROJECT WHEEL (R6)

No.	DESCRIPTION	UNIT	QTY	Hyatt Pipeline, LLC UNIT PRICE	Hyatt Pipeline, LLC TOTAL PRICE	Cooper Construction Co., LLC UNIT PRICE	Cooper Construction Co., LLC TOTAL PRICE	Two Brothers Utilities, LLC UNIT PRICE	Two Brothers Utilities, LLC TOTAL PRICE	T.P. Howard's Plumbing Co., Inc UNIT PRICE	T.P. Howard's Plumbing Co., Inc TOTAL PRICE	Buckeye Bridge, LLC UNIT PRICE	Buckeye Bridge, LLC TOTAL PRICE	Engineers Estimate UNIT PRICE	Engineers Estimate TOTAL PRICE
Water System Improvements															
1	MOBILZATION, INSURANCE, CONSTRUCTION STAKING	LS	1	$12,000.00	$12,000.00	$7,500.00	$7,500.00	$15,398.00	$15,398.00	$11,712.00	$11,712.00	$20,240.00	$20,240.00	$19,000.00	$19,000.00
2	CLEARING & GRUBBING	LS	1	$5,000.00	$5,000.00	$3,550.00	$3,550.00	$10,500.00	$10,500.00	$5,000.00	$5,000.00	$2,393.00	$2,393.00	$5,000.00	$5,000.00
3	GRAVEL DRIVEWAY REPAIR	LS	1	$6,000.00	$6,000.00	$3,590.00	$3,590.00	$4,800.00	$4,800.00	$2,500.00	$2,500.00	$2,005.00	$2,005.00	$2,100.00	$2,100.00
4	ASPHALT DRIVEWAY REPAIR	LS	1	$8,000.00	$8,000.00	$13,650.00	$13,650.00	$15,000.00	$15,000.00	$14,000.00	$14,000.00	$12,936.00	$12,936.00	$3,000.00	$3,000.00
5	TRAFFIC CONTROL	LS	1	$20,000.00	$20,000.00	$2,305.00	$2,305.00	$6,000.00	$6,000.00	$8,300.00	$8,300.00	$25,069.00	$25,069.00	$29,000.00	$29,000.00
6	8" DIP/CL-350 WATER MAIN	LF	3,591	$56.50	$202,891.50	$57.00	$204,687.00	$57.00	$204,687.00	$68.00	$244,188.00	$74.50	$267,529.50	$55.00	$197,505.00
7	8" CAP & END OF LINE PLUG	EA	2	$1,375.00	$2,750.00	$556.00	$1,112.00	$722.00	$1,444.00	$1,500.00	$3,000.00	$1,296.50	$2,593.00	$1,500.00	$3,000.00
8	8" GATE VALVE W/BOX	EA	14	$2,450.00	$34,300.00	$2,200.00	$30,800.00	$1,600.00	$22,400.00	$2,200.00	$30,800.00	$2,471.00	$34,594.00	$1,800.00	$25,200.00
9	10" HDPE DR-9 WATER MAIN (DIRECTIONAL BORE)	LF	240	$150.00	$36,000.00	$208.00	$49,920.00	$233.00	$55,920.00	$200.00	$48,000.00	$475.00	$114,000.00	$350.00	$84,000.00
10	FIRE HYDRANT ASSEMBLY	EA	5	$6,900.00	$34,500.00	$6,320.00	$31,600.00	$4,900.00	$24,500.00	$7,200.00	$36,000.00	$7,443.00	$37,215.00	$7,200.00	$36,000.00
11	1" DOMESTIC WATER SERVICE	EA	10	$2,222.00	$22,220.00	$2,170.00	$21,700.00	$2,100.00	$21,000.00	$2,600.00	$26,000.00	$2,842.00	$28,420.00	$2,100.00	$21,000.00
12	1" AIR RELEASE VALVE W/BOX	EA	2	$3,400.00	$6,800.00	$1,942.00	$3,884.00	$1,995.00	$3,990.00	$2,500.00	$5,000.00	$2,234.00	$4,468.00	$2,200.00	$4,400.00
13	SEEDING & MULCHING	LS	1	$9,000.00	$9,000.00	$18,582.00	$18,582.00	$6,400.00	$6,400.00	$10,000.00	$10,000.00	$9,296.00	$9,296.00	$12,000.00	$12,000.00
14	16" BORE & EASEMENT @3/8" THICKNESS	LF	30	$640.00	$19,200.00	$466.00	$13,980.00	$277.00	$8,310.00	$600.00	$18,000.00	$957.00	$28,710.00	$410.00	$12,300.00
	SUBTOTAL				$418,661.50		$406,860.00		$400,349.00		$462,500.00		$589,468.50		$453,505.00
Sewer System Improvements															
15	MOBILZATION, INSURANCE, CONSTRUCTION STAKING	LS	1	$3,000.00	$3,000.00	$7,000.00	$7,000.00	$7,870.00	$7,870.00	$3,980.00	$3,980.00	$23,260.00	$23,260.00	$9,500.00	$9,500.00
16	8" PVC/SDR-35 SEWER LINE W/ WASHED STONE FOR PIPE BEDDING (PER DETAIL), ALL DEPTHS	LF	884	$50.00	$44,200.00	$113.00	$99,892.00	$85.00	$75,140.00	$65.00	$57,460.00	$135.50	$119,782.00	$65.00	$57,460.00
17	4' DIAMETER PRECAST CONCRETE SEWER MANHOLE W/ WATERTIGHT RIM AND LID & W/ WASHED STONE BED	VF	45.2	$605.00	$27,346.00	$410.00	$18,532.00	$600.00	$27,120.00	$625.00	$28,250.00	$480.00	$21,696.00	$475.00	$21,470.00
18	CLEARING & GRUBBING	LS	1	$5,000.00	$5,000.00	$6,992.00	$6,992.00	$26,000.00	$26,000.00	$12,000.00	$12,000.00	$3,152.00	$3,152.00	$5,000.00	$5,000.00
19	TIE TO EXISTING SANITARY SEWER MANHOLE	LS	1	$4,200.00	$4,200.00	$2,914.00	$2,914.00	$3,250.00	$3,250.00	$7,000.00	$7,000.00	$12,990.00	$12,990.00	$12,000.00	$12,000.00
20	SEEDING & MULCHING	LS	1	$6,700.00	$6,700.00	$5,244.00	$5,244.00	$3,000.00	$3,000.00	$5,000.00	$5,000.00	$3,216.00	$3,216.00	$6,000.00	$6,000.00
21	16" STEEL ENCASEMENT PIPE @ 3/8" THICKNESS	LF	60	$145.00	$8,700.00	$127.00	$7,620.00	$200.00	$12,000.00	$132.00	$7,920.00	$325.00	$19,500.00	$60.00	$3,600.00
22	TRENCH ROCK BLASTING, EXCAVATION, REMOVAL, AND DISPOSAL	CY	15	$240.00	$3,600.00	$160.00	$2,400.00	$650.00	$9,750.00	$1.00	$15.00	$144.00	$2,160.00	$350.00	$5,250.00
23	UNDERCUT UNSUITABLE MATERIAL, EXPORT/HAUL OFF-SITE, IMPORT SUITABLE BACKFILL MATERIAL	CY	25	$60.00	$1,500.00	$87.00	$2,175.00	$50.00	$1,250.00	$35.00	$875.00	$89.00	$2,225.00	$60.00	$1,500.00
	SUBTOTAL				$104,246.00		$152,769.00		$165,380.00		$122,500.00		$207,981.00		$121,780.00
	GRAND TOTAL				$522,907.50		$559,629.00		$565,729.00		$585,000.00		$797,449.50		$575,285.00
	BID ALTERNATE 10" HDPE DR-9 WATER MAIN (DIRECTIONAL BORE - ROCK BORE)	LF	240	$240.00	$57,600.00	$473.00	$113,520.00	$370.50	$88,920.00	$450.00	$108,000.00	$773.00	$185,520.00	$350.00	$84,000.00

This is to certify that bids tabulated herein were received at the office of
WGLA Engineering on 9/15/2021

Certified By: Jared DeRidder

WGLA Engineering, PLLC (Jared L. DeRidder, PE)

NORTH CAROLINA PROFESSIONAL SEAL 041349 ENGINEER JARED L. DERIDDER

9/14/2021

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Adam Murr **MEETING DATE:** 10/07/2021

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

TITLE OF ITEM: Resolution Authorizing the City Manager to Negotiate and Execute a Contract for CMT and Special Inspections – *Adam Murr, Budget Manager*

SUGGESTED MOTION(S):

I move City Council adopt a resolution directing the City Manager to negotiate and execute a contract with S&ME, Inc. for construction materials testing, site surveys, environmental engineering, geotechnical engineering, and special inspections for the Fire Station 1 and Park project as presented.

SUMMARY:

City Council has determined a Fire Station 1 and Park Project is needed in downtown Hendersonville to provide improved public safety and recreational facilities/opportunities for residents and guests.

The City must hire an independent engineering firm to test construction materials and conduct special inspections for the project. The City solicited bids for construction materials testing (CMT) and special inspections for the fire station 1 and park project sites. Six competitive firms responded to the posted request for qualifications (RFQ) with completed and timely statements of qualifications (SOQ).

Staff independently reviewed and scored the CMT and special inspections firms, with S&ME, Inc. being ranked as the most responsive, responsible, and qualified firm for the project.

BUDGET IMPACT: Within budgeted funds.

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

If no, describe how it will be funded.
There is an existing Capital Project Ordinance (CPO), #19019, for the project.

ATTACHMENTS:

1. Resolution authorizing the City Manager to negotiate and execute a contract.
2. Scoring summary of statements of qualifications (SOQs).

Resolution #R-21-96

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOR CONSTRUCTION MATERIALS TESTING, SITE SURVEYS, ENVIRONMENTAL ENGINEERING, GEOTECHNICAL ENGINEERING, AND SPECIAL INSPECTIONS

WHEREAS, City Council has determined a Fire Station 1 and Park Project is needed in downtown Hendersonville to provide improved public safety and recreational facilities/opportunities for residents and guests, and;

WHEREAS, the City must hire an independent engineering firm to test construction materials (CMT), conduct site surveys, environmental engineering, geotechnical engineering, and special inspections for the project, and;

WHEREAS, six competitive firms responded to a publicly posted request for qualifications (RFQ) with completed and timely statements of qualifications (SOQ), and;

WHEREAS, the City made a good faith effort to solicit proposals from historically underutilized businesses, and;

WHEREAS, Staff independently reviewed and scored the firms, with S&ME, Inc. being ranked as the most responsive, responsible, and qualified firm for the project, and;

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

1. City Council finds S&ME, Inc. the most responsible, responsive, qualified firm for the project, and finds Wood Environment & Infrastructure, Solutions, Inc. the next most qualified firm.
2. The City Manager and City Attorney are authorized to negotiate and execute a contract with S&ME, Inc. for construction materials testing, site surveys, environmental engineering, geotechnical engineering, and special inspections for the fire station 1 and park project, within the amount of funds budgeted.
3. If negotiations with S&ME, Inc. are not agreeable, the City Manager and City Attorney are authorized to negotiate with Wood Environment & Infrastructure, Solutions, Inc., and then the other qualified firms in order of score until an agreeable contract is negotiated, within the amount of funds budgeted.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of October, 2021.

_____

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

_____

Angela L. Reece, City Clerk

Approved as to form: _____Angela S. Beeker, City Attorney

EVALUATION CRITERIA	BLE	ECS	NOVA	S&ME	Summit	Wood
a. Reputation (30 possible points) • Experience with similar projects comparable in type, size, and complexity. Favorable references.	22.3	26.3	22.7	28.7	25.0	28.3
b. Experience (40 possible points) • Experience and technical qualifiecations with projects of similar scope; org. structure and roles defined.	32.7	35.3	35.7	38.7	35.3	37.7
c. Quality Control (15 possible points) • Technology availability, responsibilities and deliverables are accurate, technical review process information.	10.3	14.0	13.0	13.7	12.7	14.7
d. Proximity (15 possible points) • Distance to City Hall. One point deducted for every 10 miles the firm is located away.	14.0	14.0	11.7	14.0	13.0	13.7
SUB-TOTAL	**79.3**	**89.7**	**83.0**	**95.0**	**86.0**	**94.3**
RANK	**5.0**	**3.0**	**5.3**	**1.7**	**4.3**	**1.3**

		BLE	ECS	NOVA	S&ME	Summit	Wood
REVIEWER 1	**a.**	22	25	15	28	25	30
	b.	33	35	35	38	37	38
	c.	12	15	12	14	12	15
	d.	14	14	12	14	13	14
	SUB-TOTAL	81	89	74	94	87	97
	RANK	5	3	6	2	4	1
REVIEWER 2	**a.**	25	26	25	30	22	26
	b.	35	36	35	40	33	37
	c.	13	14	14	14	13	14
	d.	14	14	12	14	13	14
	SUB-TOTAL	87	90	86	98	81	91
	RANK	4	3	5	1	6	2
REVIEWER 3	**a.**	20	28	28	28	28	29
	b.	30	35	37	38	36	38
	c.	6	13	13	13	13	15
	d.	14	14	11	14	13	13
	SUB-TOTAL	70	90	89	93	90	95
	RANK	6	3	5	2	3	1

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Tom Wooten **MEETING DATE:** October 7, 2021

AGENDA SECTION: CONSENT AGENDA **DEPARTMENT:** Public Works

TITLE OF ITEM, Presenter Name, Title: Amendment of the Facility Use Agreement with Hendersonville Bridge Club – *Tom Wooten, Director of Public Works*

SUGGESTED MOTION(S): I move that City Council amends the facility use agreement with the Hendersonville Bridge Club as presented.

SUMMARY:

City Council recently approved a facility use agreement with the Hendersonville Bridge Club for $1500 per month. Historically, the City has reduced the rent in September due to the Gem and Mineral Show utilizing the building. We failed to include this in the new agreement, so staff is recommending the rent be lowered to $1000 for September for the duration of the agreement.

BUDGET IMPACT: -$500 every September for the duration of the facility use agreement.

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

If no, describe how it will be funded.

N/A

PROJECT NUMBER: N/A **PETITION NUMBER:** N/A

ADDITIONAL PETITION NUMBER: N/A

PETITIONER NAME: N/A

ATTACHMENTS:

Original Facility Use Agreement with the Hendersonville Bridge Club

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON Rev. 9/16

FACILITY USE AGREEMENT

THIS FACILITY USE AGREEMENT ("Agreement") is made as of the date of the last signature below (the "Effective Date") by and between **The City of Hendersonville,** a North Carolina Municipal Corporation, ("City") and **Hendersonville Bridge Center**, ("HBC"). City and HBC may be referenced collectively in this Agreement as the "Parties" or each individually as a "Party."

WHEREAS, City operates and controls the property described herein; and

WHEREAS, HBC desires to use City's property for the limited times and purposes set forth herein; and

WHEREAS, City desires to permit HBC's use of City's property pursuant to the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Permitted Use.** This Agreement permits HBC the use of property specified herein for the sole purpose of conducting an activity (the "Activity") as follows:

   a. Location (description):

      Those portions of Whitmire Center, located at 310 Lily Pond Drive as described in Exhibit A, attached hereto and incorporated by reference (collectively, the "Facility").

   b. Term of this Agreement: June 3, 2021 through June 3, 2024

   c. Permitted Activities: As described in Exhibit A, attached hereto and incorporated by reference.

2. **Use Fee and Additional Expenses.**

   a. HBC shall pay the sum of Fifteen Hundred Dollars ($ 1500.00) per month for use of the Facility (the "Use Fee"), with the exception that for the month of September each year, the sum due shall be reduced by $500.00. In addition to the sum of $1500.00 per month ($1,000 for each September), as consideration for the use of the Facility in accordance with this Agreement, HBC shall offer recreational activities to adults of the City at the Facility on a nondiscriminatory basis, in accordance with HBC's program guidelines.

   b. The Use Fee shall include the following:

      i. Use of the Facility as described in Exhibit A.
      ii. Any services to be provided by the City as described in Exhibit A.

   c. In addition to the Use Fee, HBC shall be responsible for any and all expenses incurred by City in

support of or as a result of HBC's use of the Facility ("Additional Expenses"). Such Additional Expenses may include, but are not limited to, cleaning costs, security costs, parking fees, and setup and takedowncosts, unless otherwise indicated in subsection (ii) above. HBC shall remit payment for all Additional Expenses within thirty (30) days of receipt of an invoice from City.

3. HBC's Obligations.

a. **Facility Rules.** HBC shall at all times comply with the rules for activities and HBC's use of the Facility, as amended from time to time. A current copy of such Facility rules, as well as additional rules applicable to this specific Activity, if any, will be provided to HBC.

b. **Compliance With Applicable Law.** HBC shall conduct the Activity in an orderly manner in full compliance with all City policies, regulations, rules, and practices and with all applicable federal, state and local laws.

c. **Activity With Minor Participants.** If Activity involves the participation of minors, HBC shall perform a criminal background check on all adult supervisors. Adult supervisors shall remain at the Facility for the duration of the Activity, and the following minimum adult supervisor to minor participantratio based upon the majority of participants' ages shall be observed at all times:

Participant Age	Supervisors	Participants
4-5 years	1	5
6-8 years	1	6
9-14 years	1	8
15-17 years	1	10

d. **Obstructions.** All portions of the sidewalks, entries, doors, passages, vestibules, halls, corridors, stairways, passageways, and all ways of access to public utilities of the Facility shall be kept unobstructed by HBC and shall not be used by HBC for any purpose other than ingress to or egress from the Facility.

e. **Alterations.** HBC shall not make alterations or modifications to the Facility or any equipment contained therein without the prior written approval of City.

f. **Logos and Marks.** HBC shall not use the logos, marks, or names of City for any purpose without the prior written approval of City, except to indicate location of the Activity.

g. **Activity Conclusion.** The Activity and all use of the Facility shall terminate and the Facility be vacated no later than the time and dates specified in this Agreement.

h. **Reimbursement.** HBC shall be solely responsible for all damages to buildings, grounds, and equipment, arising out of the conduct of the Activity or use of the Facility, including the actions of Activity participants and attendees, and shall promptly reimburse City the actual cost of repairing or replacing any such damaged property.

i. **Abandoned Property.** Any property left at the Facility shall, after a period of ten (10) days from the end of the term of this Agreement, be deemed abandoned and shall become property of City to be disposed of or utilized at City's sole discretion. H B C shall be responsible for any disposal costs incurred by City.

4. Termination.

a. Termination by HBC.

i. HBC may terminate this Agreement without cause upon 90 days prior written notice of such termination date to City. All outstanding amounts due for User Fees or Reimbursements, and any other fees and charges due from HBC, if any, through the date of termination shall be due and payable to the City on or before the date of termination.

ii. HBC may terminate this Agreement for a material breach of this Agreement by the City, and shall have all remedies provided at law or in equity, provided however prior to exercising its rights to terminate for cause, HBC shall be required to provide written notice to the City outlining the City's alleged material breach and the City shall have thirty (30) days to cure such breach. All outstanding amounts due for User Fees or Reimbursements, and any other fees and charges due from HBC, if any, through the date of termination shall be due and payable to the City on or before the date of termination.

b. Termination by City.

i. City may terminate this Agreement without cause upon 90 days prior written notice of such termination date to City. All outstanding amounts due for User Fees or Reimbursements, and any other fees and charges due from HBC, if any, through the date of termination shall be due and payable to the City on or before the date of termination.

ii. The City may terminate this Agreement for a material breach of this Agreement by HBC, and shall have all remedies provided at law or in equity, provided however prior to exercising its rights to terminate for cause, the City shall be required to provide written notice to the HBC outlining HBC's alleged material breach and the HBC shall have thirty (30) days to cure such breach. All outstanding amounts due for User Fees or Reimbursements, and any other fees and charges due from HBC, if any, through the date of termination shall be due and payable to the City on or before the date of termination.

c. **Survival of Terms Upon Termination.** All promises, requirements, terms, conditions, provisions, representations, guarantees and warranties contained herein shall survive the expiration or terminate date of this Agreement unless specifically provided otherwise herein, or unless superseded by applicable federal or state statutes of limitations.

5. **Force Majeure.** If the Facility is rendered unsuitable for the conduct of the Activityor if the Activity itself must be cancelled by reason of fire, earthquake, hurricane, flood, act of God, strikes, work stoppage or other labor disturbances, riots or civil commotions, war or other act of any foreign nation, power of government, governmental agency or authority, or any other cause which is beyond the control of City or HBC, the Parties are released from their obligations under this Agreement.

6. **Release.** HBC releases and discharges City from any and all liabilities for any loss, injury or damages to person or property that may be sustained by reason of the use of the Facility under this Agreement.

7. **Indemnification.** HBC shall indemnify, defend and save harmless the City along with its trustees, officers, employees and agents, from any and all liabilities, suits, actions, claims, demands, damages, losses, expenses and costs of every kind and nature incurred, asserted or imposed against the City by reason of any accident, injury (including death),or damage to any person or property howsoever caused, arising from or connected with the Activity or HBC's use of the Facility. This representation and warranty shall

survive the termination or expiration of this Agreement.

8. Insurance.

a. At all times during its use of the Facility, HBC, at its sole cost and expense, shall purchase and maintain the following policies:

i. Commercial General Liability insurance, using form ISO CG 00 01 or equivalent, covering the Activity contemplated by this Agreement, including coverage for public liability, bodily injury and property damage, with combined single coverage limits of no less than One Million Dollars ($1,000,000.00) per occurrence, Two Million Dollars ($2,000,000.00) aggregate; and,

ii. Worker's compensation insurance, where required by North Carolina law; and,

iii. Such insurance as required by federal, state or local laws, codes or regulations.

b. All insurance policies required to be purchased under this Agreement shall be issued by insurance companies with an A.M. Best rating of "A" or better, and shall be issued by companies qualified to do business in the State of North Carolina. Such insurance shall be issued in the name of HBC with City named as an additional insured, using ISO FormCG 2026 or equivalent. HBC agrees that their insurance shall be primary coverage and shall contain no terms allowing the insurer to be subrogated to the rights of any injured or damaged person or entity insofar as said person or entity may have claims against City. The certificate of insurance shall contain a valid provision or endorsement that the policy may not be cancelled,terminated, changed, or modified without reasonable prior written notice to City. HBC shall provide to City each policy or certificate of insurance evidencing such policy issued on Accord Form 25 or equivalent, at least five (5) business days prior to the start of the Term of this Agreement, and annually on the anniversary of the date of this Agreement during the Term.

9. **Assignment.** This Agreement is personal and HBC shall not assign this Agreement orany privileges granted hereunder, nor allow any other person, group, or entity to use the Facility during the time of the Activity without the prior written consent of City.

10. **Relationship of the Parties.** HBC and its representatives, agents, contractors, and employees have no employment relationship, no joint venture nor partnership with City with respect to the subject matter of this Agreement.

11. **Notices.** All notices shall be hand delivered, sent by private overnight mail service, or sent by registered or certified U.S. mail and addressed to the Party to receive such notice at the address given below, or such other address as may hereafter be designated by notice in writing:

If to City:	Tom Wooten, Public Works Director for the City 305 Williams Street, Hendersonville, NC 28792
If to HBC:	Harry N. (Nick) Weedman 130 Berry Creek Dr., Flat Rock, NC 28731

12. **Entire Agreement.** This Agreement contains the entire agreement of the Parties and there are no representations, inducements or other provisions other than those expressed herein. All changes, additions or deletions to this Agreement shall be in writing and executed by the authorized representatives of both Parties.

13. **No Waiver.** The waiver by City of any agreement, condition, or provision contained in this Agreement will not be deemed a waiver of any subsequent breach orany other agreement, condition, or provision contained in this Agreement, nor willany custom or practice that may develop between the Parties in the administration of the terms of this Agreement be construed to waive or lessen the right of City to insist upon HBC's performance in strict accordance with the terms of this Agreement.

14. **Governing Law.** This Agreement and the rights and obligations of the Parties hereto shall be interpreted, construed and enforced in accordance with the laws of the Stateof North Carolina, without regard for its conflict of law's provisions, which shall bethe exclusive venue for any legal proceedings arising from or incident to this Agreement.

15. **Severability.** Should any provision of this Agreement be declared illegal, void, or unenforceable under North Carolina law, or shall be considered severable, the Agreement shall remain in force and be binding upon the Parties hereto as though the said provision had never been included.

16. **No Property Right.** Under no circumstances shall this Agreement be construed as granting to HBC any right, title or interest of any kind in the Facility or any propertyof the City.

IN WITNESS WHEREOF, HBC and City have executed this Agreement by the signatures of their duly authorized representatives.

HBC	**THE CITY OF HENDERSONVILLE**
By: _____	By: _____
Name: _____	Name: _____
Title: _____	Title: _____
Date: _____	Date: _____

EXHIBIT A

1. The HBC will have exclusive use of the Whitmire Center Main Floor, Center Office (next to kitchen), Kitchen and Restrooms Monday through Friday from 9:00 am through 6:00 pm. This agreement will be in effect for a period of five (5) years beginning June 3, 2021 and ending June 3, 2024. Saturday and Sunday usage will have to reserved since other organizations are also using the building.

2. The HBC will also have access to areas called the Main Floor, Center Office (next to kitchen), Kitchen on Saturday and Sunday when not in use by other groups or when reserved by HBC through Hendersonville Public Works Department. Parking for the Whitmire building includes the paved parking lot in front and to the side. Additional parking is available on West Allen Street and South Washington Street.

3. The City of Hendersonville Public Works Department shall be responsible for general cleaning and maintenance of the facility. All cleaning and maintenance issues should be reported to the Hendersonville Public Works Department. HBC will be notified prior to being billed for "additional expenses".

4. The HBC will be responsible for all damages or stolen property during their usage of said facility replacing in full. HBC shall take out all trash and recycling and any other debris generated by activity and placed in approved receptacles located outside of building on the Wash Creek side of facility. HBC will clean the Main Floor and Kitchen after use and prior to another group using the building. The City of Hendersonville provides basic paper products for the facility including paper towels, toilet tissue paper, trash bags for receptacles and some basic cleaning supplies. A floor mop, wet mop and bucket are available and in the Hallway off the kitchen for cleanup of any debris generated by building user. The City of Hendersonville snow removal teams will keep the parking area around the buildings plowed in the event of inclement winter weather. The HBC will need to add rubber feet to the chairs and protective devices to the bottom of the table legs.

5. The HBC will be responsible for the conduct or action of all members, spectators, and staff during all times. The HBC will abide by all City Ordinances, especially those pertaining to No Smoking, No Alcohol, Profanity, and Loud Noise. HBC will notify proper law enforcement and City Officials of any serious violations. The building is a public building and is monitored and accessible to the City of Hendersonville Police Department and/or other City personnel for routine building maintenance and general upkeep and compliance of City Ordinances. Any violation of these rules will result in forfeiture of building usage.

6. Excluded Dates for HBC facility usage:

- 1st & 3rd Saturday evening of each month. 5pm-11pm for Southern Lights Square Dance Club
- Labor Day - Tuesday night before through Monday (Labor Day) 24/7 - Gem & Mineral Spectacular
- Spring Dance - date to be determined - Mountain Bowlers - Dance for Special Needs Adults 5/10pm
- December - Mountain Bowler - Dance for Special Needs Adults - Date to be determined
- December - Four Seasons Rotary Club - 10am - 1:00pm - Children's Party, Date to be determined
- December - City of Hendersonville Holiday Dinner - 7am - 2pm- Date to be determined
- Stripping and Waxing of the floors. Date to be determined.
- Elections - Henderson County Board of Elections- Election Day (All day). Occasional Runoff elections may require use of the building. Voting booths are delivered the day before the Elections take place.

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Amanda Lofton **MEETING DATE:** 10/07/2021

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 August 1, 2021, and September 31, 2021. 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? N/A

If no, describe how it will be funded.

PROJECT NUMBER: N/A **PETITION NUMBER:** N/A

ADDITIONAL PETITION NUMBER: N/A

PETITIONER NAME: N/A

ATTACHMENTS:

Summary Total of Tax Adjustments

NCPTS Pending Release/Refund Report. Monday, September 20, 2021*

TAX DISTRICT	OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	DISTRICT CODE	LEVY TYPE	BILLED	PAID	RELEASE
CITY OF HENDERSONVILLE	CIT BANK NA	0003100366-2021-2021-0000	DEPRECIATION SCHEDULE ADJUSTED ON BUSINESS PERSONAL PROPERTY LISTING.	($2,176)	7730	JURSC10	TAX	$80.62	$0.00	$11.32
							LATE LIST FEE	$0.00	$0.00	$0.00
							TOTAL:			$11.32
									ABSTRACT TOTAL:	$11.32
		0003103212-2021-2021-0000	ABSTRACT ADJUSTED TO CORRECTLY REFLECT PROPERTY REPORTED.	($3,712)	7751	JURSC10	TAX	$61.95	$0.00	$19.30
							LATE LIST FEE	$0.00	$0.00	$0.00
							TOTAL:			$19.30
									ABSTRACT TOTAL:	$19.30
		OWNER TOTAL:		**$0**						**$30.62**
	HYG FINANCIAL SERVICES INC	0003093959-2021-2021-0000	ABSTRACT VOIDED FOR 2021 AND WILL BE REBILLED TO REFLECT CORRECT BUSINESS PERSONAL PROPERTY VALUES.	($269,399)	7849	JURSC10	TAX	$1,400.87	$0.00	$1,400.87
							LATE LIST FEE	$140.09	$0.00	$140.09
							TOTAL:			$1,540.96
									ABSTRACT TOTAL:	$1,540.96
		OWNER TOTAL:		**$0**						**$1,540.96**
	IICNA, PC	0003102431-2021-2021-0000	BUSINESS PERSONAL PROPERTY DOUBLE BILLED ON ABSTRACTS 3102431 AND 3103075. ABSTRACT 3102431 VOIDED.	($20,170)	7840	JURSC10	TAX	$104.88	$0.00	$104.88
							LATE LIST FEE	$10.49	$0.00	$10.49
							TOTAL:			$115.37
									ABSTRACT TOTAL:	$115.37
		OWNER TOTAL:		**$0**						**$115.37**
	DISTRICT TOTAL:			**($295,457)**						**$1,686.95**

*Adjustments submitted for approval on or before

Proclamation

Fire Prevention Month
2021

WHEREAS, the City of Hendersonville, North Carolina is committed to ensuring the safety and security of all living in and visiting Hendersonville; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,770 people in the United States in 2019, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded to 339,500 home fires; and

WHEREAS, smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as 2 minutes to escape safely; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, Hendersonville's residents should be sure everyone in the home understands the sounds of the alarms and knows how to respond; and

WHEREAS, Hendersonville's residents who have planned and practiced a home fire escape plan are more prepared and are therefore more likely to survive a fire; residents should practice their home fire escape drill at least twice a year, during the day and at night; and

WHEREAS, Hendersonville's residents will make sure their smoke and CO alarms meet the needs of all their family members, including those with sensory or physical disabilities; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half and should be installed in every sleeping room, outside each separate sleeping area, and on every level of the home; when the smoke alarm sounds, every occupant of the home should respond by going outside immediately to the designated meeting place; and

WHEREAS, Hendersonville's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; our residents are responsive to public education measures and can take action to increase their safety from fire, especially in their homes; and

WHEREAS, the 2021 Fire Prevention Week theme, "Learn the Sounds of Fire Safety," effectively serves to remind us it is important to learn the different sounds of smoke and carbon monoxide alarms.

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

"Fire Prevention Month"

in the City of Hendersonville and commend its observance to all citizens.

PROCLAIMED this 7th day of October 2021.

Seal

_____
Barbara G. Volk, Mayor
City of Hendersonville

Attest:

_____
Angela Reece, City Clerk

Proclamation

American Pharmacists Month
2021

WHEREAS, pharmacy is one of the oldest of the health professions devoted to maintaining the health and well-being of all people; and

WHEREAS, the Wingate University School of Pharmacy – Hendersonville NC Campus -contributes to over 300,000 licensed pharmacists in the United States who provide services to assure the rational and safe use of all medications; and

WHEREAS, the use of medication, as a cost-effective alternative to more expensive medical procedures, is becoming a major force in moderating overall health care costs; and

WHEREAS, today's powerful medications require greater attention regarding the way they are used by different patient population groups - both clinically and demographically; and

WHEREAS, it is important that all users of prescription and nonprescription medications, and/or their caregivers, be knowledgeable about and share responsibility for their own drug therapy; and

WHEREAS, pharmacists are specifically educated with a focus on and level of expertise in medication therapy that exceeds that of other health care providers, making them ideally suited to work collaboratively with other health care providers and patients to improve medication use and outcomes; and

WHEREAS, pharmacists help to fully optimize patients' access to medications and provide patient care services that ensure the best possible medication therapy management; and

WHEREAS, the State of North Carolina recognizes pharmacists for their many contributions to health care in our state and nation, and commends their ongoing service to our communities;

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

"American Pharmacists Month"

in the City of Hendersonville and commend its observance to all citizens.

PROCLAIMED this 7th day of October 2021.

Seal

_____
Barbara G. Volk, Mayor
City of Hendersonville

Attest:

_____
Angela Reece, City Clerk

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet, City Manager **MEETING DATE:** 10/7/2021

AGENDA SECTION: PRESENTATION **DEPARTMENT:** Administration

TITLE OF ITEM: Social Media Recruitment Campaign – *Brain Pahle, Assistant City Manager and Allison Justus, Communications Manager*

SUGGESTED MOTION(S):

NA

SUMMARY:

Brian and Allision have worked with a regional marketing company to create an innovative recruitment strategy. I have asked them to share the final product and discuss the early results of the campaign.

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
PLANNING DIVISION

SUBMITTER:	Matthew Manley, Planning Manager	**MEETING DATE:**	October 7, 2021
AGENDA SECTION:	Public Hearing	**DEPARTMENT:**	Community Development

TITLE OF ITEM: Conditional Zoning District – Providence Walk (P21-31-CZD) – *Matthew Manley, AICP – Planning Manager*

SUGGESTED MOTION(S): The body recommending conditions shown abbreviated in brackets **[PB/TB/STF]**
PB = Planning Board, TB = Tree Board, STF = Staff

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 properties (Parcel Numbers: 9569857172; 9569834918; 9569853434; 9569851398; & 9569853178) from R-20 (Low Density Residential) & PCD-CZD (Planned Commercial Development-CZD) to PRD-CZD Planned Residential Development – Conditional Zoning District based on the site plan submitted by the applicant and subject to the following;

Permitted uses shall include:

1. Residential Dwellings, Single-Family

Conditions that shall be satisfied prior to final site plan approval include:

City-Initiated:

1. Require the developer to utilize trees and shrubs from the Recommended Landscape Species List for Street Trees **[TB/PB]** and
2. Require Development Projects, to comply with Section 15-4 of the Zoning Ordinance for preservation of existing trees **[TB/PB]** and
3. Require all new tree plantings to be a minimum of two-inch caliper **[TB]** and
4. The developer will work with staff to recess the garages and create longer driveways in accordance with the Comp Plan Chapter 2: Population and Housing for Walkable Neighborhoods **[PB]** and
5. Eastern-most access on N. Main St point will be a right-in/right-out only **[PB]** and
6. Main entrance on N. Main St. will include a deceleration lane **[PB]** and

Developer-Proposed:

7. Permit the rear setback to equal 20 feet for all single-family residential lots regardless of adjacent property uses or zoning. The single family lots around the exterior of the parcel have a 20feet wide setback **[PB]**.

Finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map and that the rezoning is reasonable and in the public interest for the following reasons:

[Please state reasons describing why this development is good for the community. Example suggestions below or include your own]

1. The location of the proposed Planned Residential Development is in keeping with the surrounding land uses. (*Chapter 8 LU-6.1)).*
2. Single-Family Detached is a primary use stated in the Land Use & Development Chapter (*Chapter 8 – LU-6.2*).
3. The proposed density of the development (4.6 Units / Acre) is in line with the Land Use & Development Chapter's guidance of 2 – 8 Unis / Acre. (*Chapter 9 – LU-6.4).*
4. The development has been laid out to minimize the impact to environmentally-sensitive resources on the site and to preserve existing vegetation (*Chapter 3 – NR-2.1*).

[DISCUSS & VOTE]

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 from PCD-CZD (Planned Commercial Development – Conditional Zoning District) and R-20 (Low Density Residential) District based on the following;

[Please state reasons describing why you are moving to deny the application. Examples suggestions below or include your own.]

1. The development does not provide a variety of housing types.
2. The development is incompatible with surrounding land uses.
3. The development is inconsistent with the Comprehensive Plan.

[DISCUSS & VOTE]

SUMMARY:

The City is in receipt of a Conditional Rezoning application from High Country Engineering, PC (Michael Goforth) on behalf of First Victory Construction, Inc. (Travis Fowler) for the development of 93 Detached Single-Family Residential homes on a 20.22 Acre tract on 5 parcels located in both the city limits and the ETJ. The largest parcel of the property is currently vacant - former agriculture land that has been unmaintained. Three smaller parcels are currently occupied by single-family homes. One additional parcel will remain undeveloped as it is primarily in the floodplain/floodway. The applicant is requesting to rezone the subject property to PRD (Planned Residential Development) Conditional Zoning District with a density of 4.6 Units / Acre.

PROJECT/PETITIONER NUMBER:	P21-31-CZD
PETITIONER NAME:	Travis Fowler, First Victory Construction, Inc.
ATTACHMENTS:	1. Staff Report 2. Draft Ordinance 3. Neighborhood Compatibility Meeting Minutes (2) 4. Site Plan 5. Application 6. Owner Signature Addendum

Ordinance #O-21-45

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PIN NUMBERS 9569857172; 9569834918; 9569853434; 9569851398; & 9569853178 BY CHANGING THE ZONING DESIGNATION FROM R-20 (LOW DENSITY RESIDENTIAL) & PCD-CZD (PLANNED COMMERCIAL DEVELOPMENT-CZD) TO PRD-CZD PLANNED RESIDENTIAL DEVELOPMENT - CONDITIONAL ZONING DISTRICT

IN RE: Parcel Numbers: 9569857172; 9569834918; 9569853434; 9569851398; & 9569853178 – 1828 N Main St (Providence Walk)
(File # P21-31-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant First Victory Construction, Inc. for the development of 93 detached single-family homes on approximately 20.22 acres; and

WHEREAS, the Planning Board took up this application at its regular meeting on September 13, 2021; 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 November 4, 2021.

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: 9569857172; 9569834918; 9569853434; 9569851398; & 9569853178 from R-20 (Low Density Residential) & PCD-CZD (Planned Commercial Development-CZD) 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, Single-Family.
   b. Conditions that shall be satisfied prior to final site plan approval include:
   City-initiated Conditions:
      i. Developer to comply with Section 15-4 of the Zoning Ordinance for the preservation of existing vegetation, and
      ii. Require all new tree plantings to be a minimum of two-inch caliper and;
      iii. Developer will work with staff to recess the garages and create longer driveways in accordance with the Comp Plan Chapter 2: Population and Housing for Walkable Neighborhoods and;
      iv. Eastern-most access point on N. Main St. to be a right-in/right-out only and;

v. Western-most main entrance on N. Main St. to include a deceleration lane.

Developer Proposed Condition:

vi. Permit the rear setback to equal 20 feet for all single-family residential lots regardless of adjacent property uses or zoning **[PB]** with the exception of those fronting N Main St, which will retain a 25' rear setback per the City's Subdivision Ordinance

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 this 4th, day of November 2021.

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: 9569857172; 9569834918; 9569853434; 9569851398; & 9569853178 – 1828 N Main St (Providence Walk)
(File # P21-31-CZD)

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to the imposition of all conditions stated in Ordinance# O-21-45 as attached hereto.

Applicant: First Victory Construction, Inc.

Signature:_____

Printed Name:_____

Title: _____

Date:_____

Property Owner: _____

Signature:_____

Printed Name:_____

Title:_____

Date:_____

Property Owner: _____

Signature:_____

Printed Name:_____

Title:_____

Date:_____

Providence Walk P21-31-CZD

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

Staff Report Contents

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PROJECT SUMMARY

Applicant: First Victory Construction, Inc.

Property Owner: Hickory Realty Fund; Claudia Brown Heirs; Tommy & Donna Fair,

Property Address: 1828 N Main St.

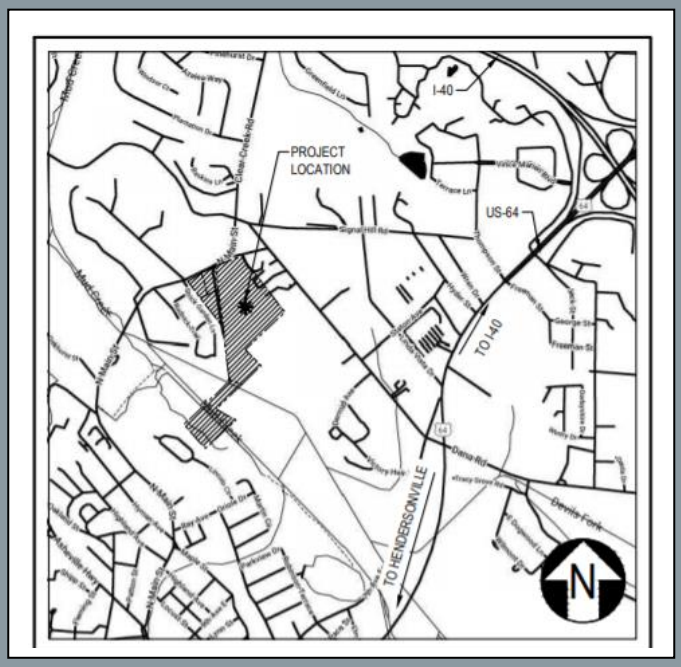
Project Acreage: 20.22 Acres

Parcel Identification Number(s): 9569857172; 9569834918; 9569853434; 9569851398; and 9569853178

Current Zoning: R-20 (Low Density Residential) & PCD-CZD (Planned Commercial Development-CZD)

Neighborhood Compatibility Meeting: May 26, 2021 & June 30, 2021

Planning Board: September 13, 2021



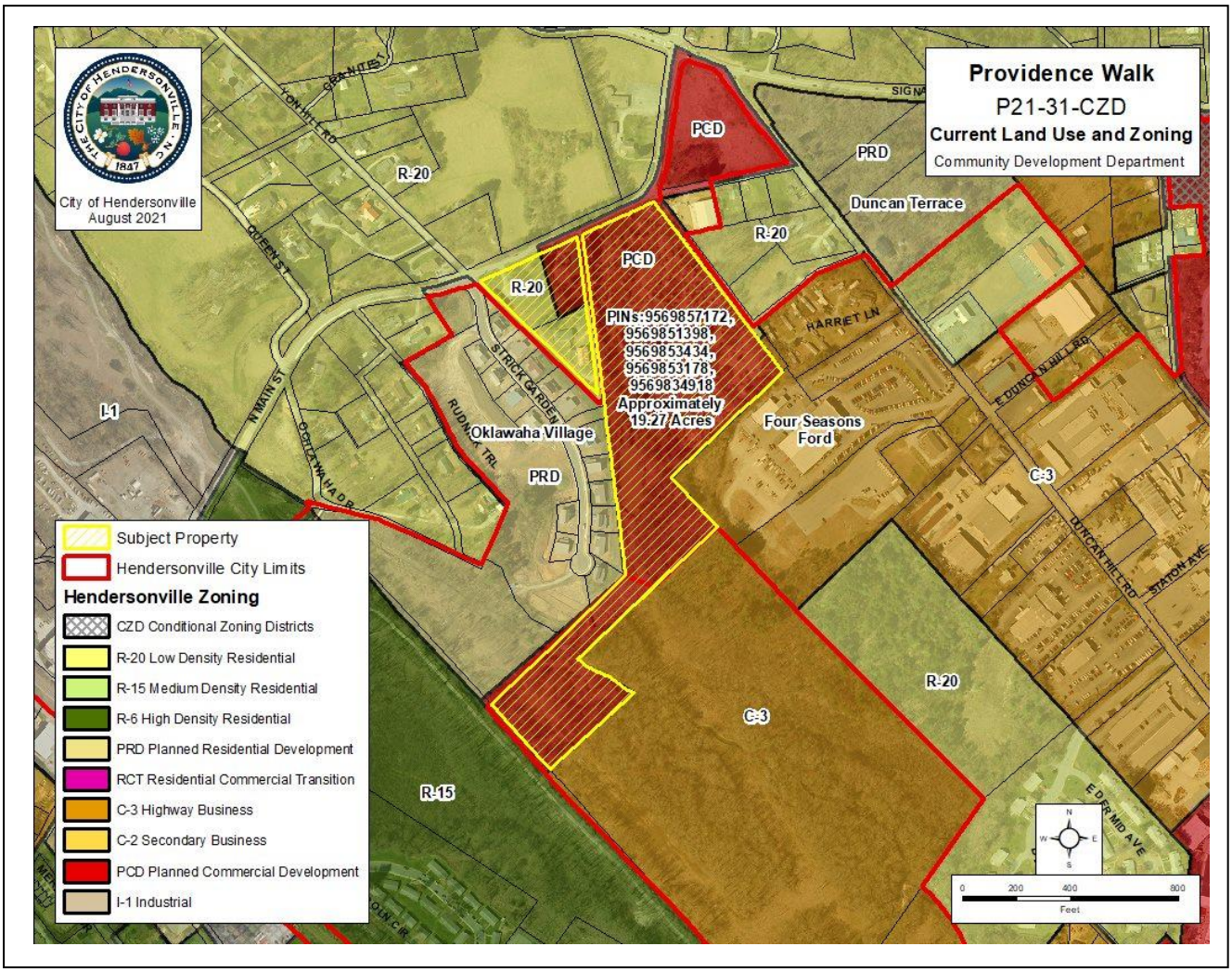
SITE VICINITY MAP

Summary Statement of Applicant Rezoning Request

The City is in receipt of a Conditional Rezoning application from High Country Engineering, PC (Michael Goforth) on behalf of First Victory Construction, Inc. (Travis Fowler) for the development of 93 Detached Single-Family Residential homes on a 20.22 Acre tract on 5 parcels located in both the city limits and the ETJ. The largest parcel of the property is currently vacant - former agriculture land that has been unmaintained. Three smaller parcels are currently occupied by single-family homes. One additional parcel will remain undeveloped as it is primarily in the floodplain/floodway. The applicant is requesting to rezone the subject property to PRD (Planned Residential Development) Conditional Zoning District with a density of 4.6 Units / Acre.

This project required a conditional rezoning due to the fact that there was a binding site plan attached to the existing zoning. A Major PRD is also required for projects with 50+ units. PRDs are only permitted as a Conditional Zoning District.

PROJECT SUMMARY - CONTINUED



City of Hendersonville Current Zoning & Land Use Map

Parcels to the north across N. Main St are zoned R-20 Low Residential as are parcels to the East. To the South, parcels stretching all the way towards Four Seasons Blvd along Duncan Hill Rd are zoned C-3 Highway Business. Parcels to the West are zoned PRD as part of a Housing Assistance Corporation development (Oklawaha Village). Primary land uses around this site are residential and vacant land. The largest non-residential use in proximity is the Four Seasons Ford dealership which is immediately adjacent to the site at the southeast corner of the development.

SITE CONDITIONS – SITE IMAGES

Example of primary site conditions



Existing pond on site which will be converted to serve as a stormwater management facility.



Typical of heavily wooded area at rear of site



SITE CONDITIONS – SITE IMAGES CONTINUED

View of neighboring Oklawaha Village



View of neighboring Oklawaha Village/ Duke Energy ROW & Transmission Line



View of neighboring Oklawaha Village

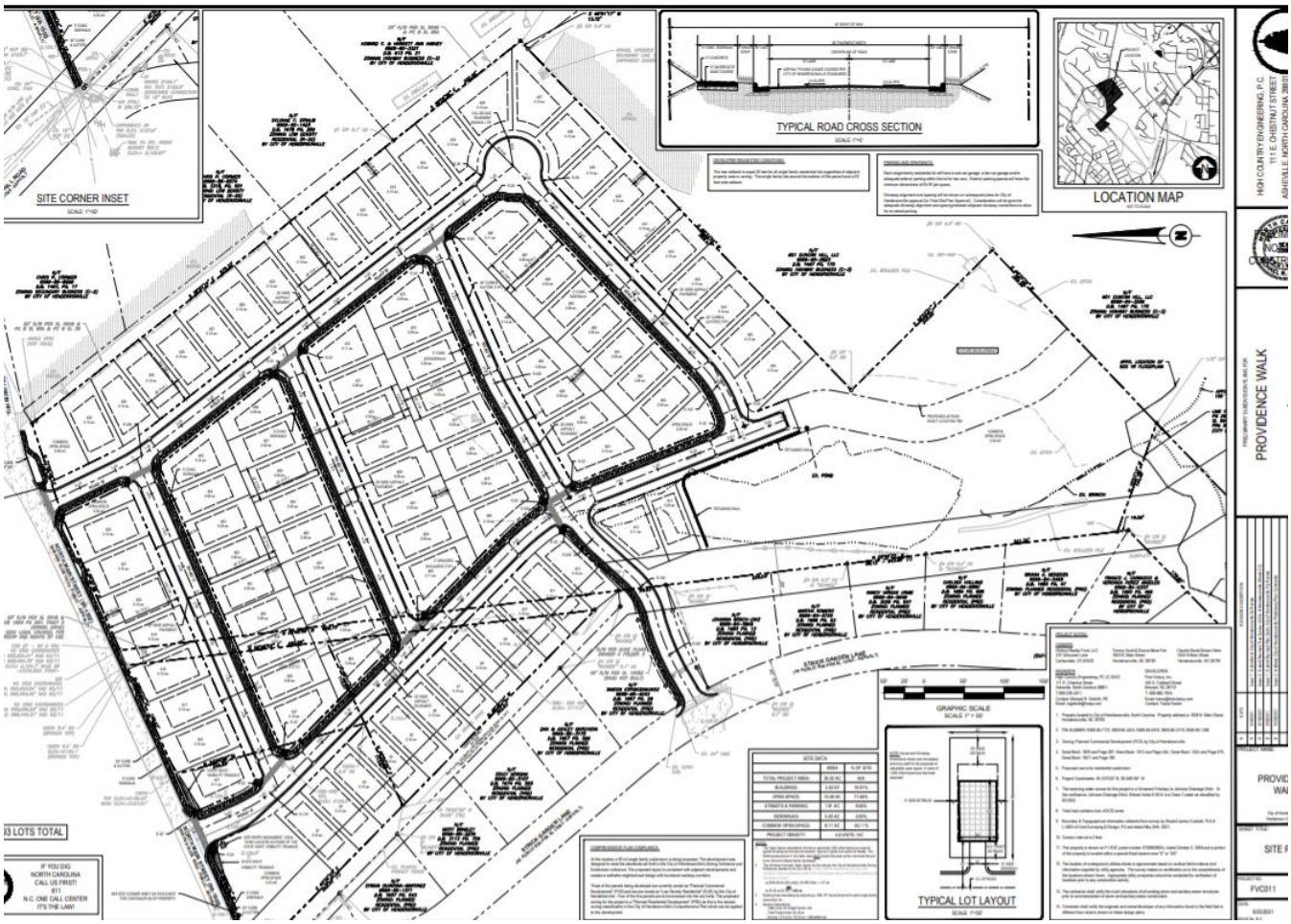


AERIAL PHOTOS

Bird's Eye View - Oriented North



SITE PLAN OVERVIEW



Proposed Site Plan

Site Plan Overview:

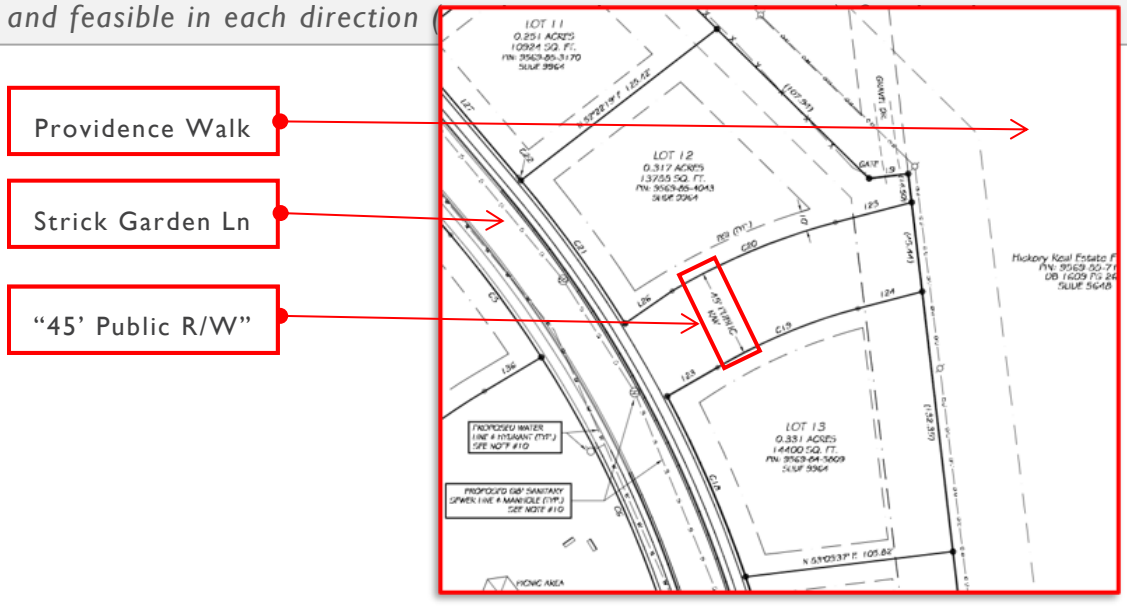
The site plan shows the following:

- *93 Individual Lots / Home Sites*
- *Public Streets with sidewalks*
- *Paved public street stub to edge of property line aligned with 45' Public ROW associated with Oklawaha Village (see below).*
- *Paved public street stub out to vacant land to the south*
- *Open Space on undeveloped lot in the floodplain and pockets throughout development*
- *Existing Pond for stormwater*
- *Setbacks and area of disturbance*
- *Preservation of Existing Trees:*
  - *Proposing to preserve 125 trees (greater than 12" dbh)*
  - *Proposing to remove 71 trees (greater than 12" dbh)*
- *Utilities: Water is available along N Main St. Sewer is available from Oklawha Village / Strick Garden Lane.*
- ***Site Plan Assessment**: Based on the review by staff, the submitted site plan for this project appears to meet the Zoning Ordinance standards established in Article 5-14 (PRD) of the City Zoning Ordinance as well as the standards of the City Subdivision Ordinance.*
- ***Connection to Strick Garden Ln:** This connection has been discussed at length. In order to address this issue, staff is providing language from the Subdivision Ordinance (4.03 5. c. & d). below, as well as a screenshot from the approved Final Site Plan for Oklawaha Village which features a "45' Public Right-of-Way". The developer will not be required to pave the connection beyond the Providence Walk property line. The City will retain the option to make the paved connection within the City's Right-of-Way should it be deemed necessary in the future.*

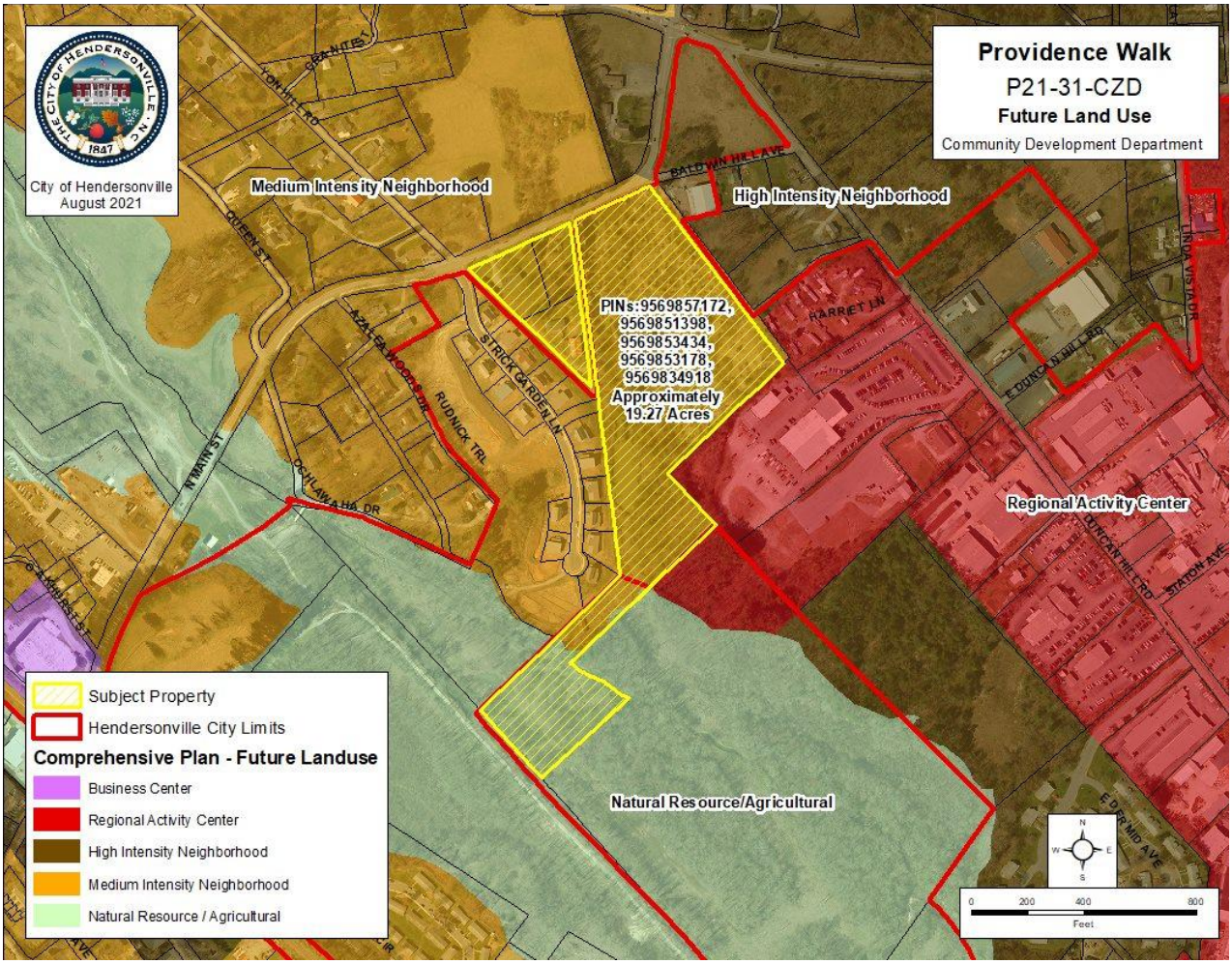
4.03 Streets -5. Continuation & Coordination of New Streets

c. The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands in those cases in which the adjoining lands are undeveloped and deemed appropriate by the DRC for future development or in which the adjoining lands are developed and include opportunities for such connections.

d. Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development where practicable and feasible in each direction (



REZONING CRITERIA – COMP PLAN CONSISTENCY



As indicated on the map, this area is transitional with a number of different future land use designations coming together around this specific area. The subject property is primarily designated as Medium Intensity Neighborhood according to the City Future Land Use Map. Due to the presence of floodplain, the Natural Resource/Agricultural designation is also present on a portion of the excess parcel which is located in the floodplain and not proposed to be developed. High Intensity Neighborhood is found to the east of the site around the intersection of N. Main St. / Baldwin Hill Ave. / Duncan Hill Rd / Signal Hill Rd. The Regional Activity Center designation extends from the rear of the site to US Hwy 64 (Four Seasons Blvd.).



Chapter 8: Land Use & Development designates the subject property as *Medium Intensity Neighborhood* on the 2030 Future Land Use Map.

The **Transportation & Circulation** (Chapter 7 of the City's Comprehensive Plan) designates N Main Street as a Major Thoroughfare. Nearby Duncan Hill Rd is also classified as a Major Thoroughfare.

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-6.1.

Locations:

- Existing neighborhoods zoned R-15, R-10, and R-6, including residential historic districts
- Existing or planned neighborhoods that reflect the same densities as the R-15, R-10 and R-6 zoning districts (Two to eight units per gross acre)
- Undeveloped properties that are surrounded by or adjacent to the above neighborhoods

Strategy LU-6.2.

Primary recommended land uses:

- Single-family attached and detached residential
- Open space

Strategy LU-6.3.

Secondary recommended land uses:

- Limited multi-family residential along roadways designated as Boulevards or Major Thoroughfares on the Future Land Use Map
- Planned Residential Developments
- Local public and institutional uses
- Recreational amenities

Strategy LU-6.4.

Development guidelines:

- Two to eight units per gross acre
- At least 60% open space in new developments on three or more acres
- Architectural guidelines to encourage compatibility when different housing types abut one another (e.g. similar building height, massing, roof pitch, and rhythm of windows and façade detailing)
- Encouragement of walkable neighborhood design, as described under Goal PH-3 in Chapter 2



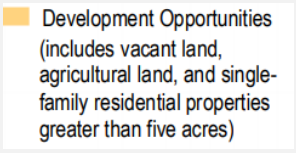
Single-family homes at densities comparable to Medium-Intensity Neighborhood

Growth Management

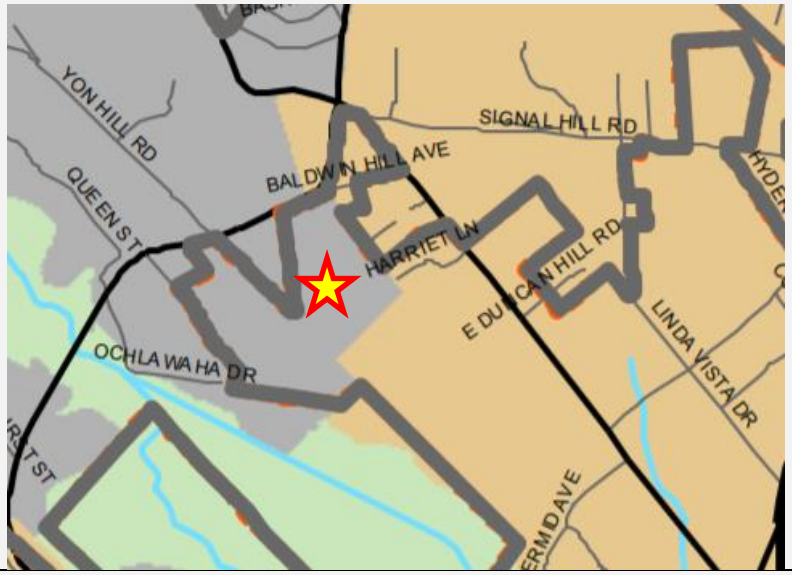
Preservation/Enhancement Areas *(gray): Developed areas in which few significant changes are expected, or undeveloped areas that are not considered a high priority for growth. The City should respond to development or redevelopment in these areas by maintaining and enhancing existing neighborhood character and maintaining consistency with Comprehensive Plan goals and strategies*



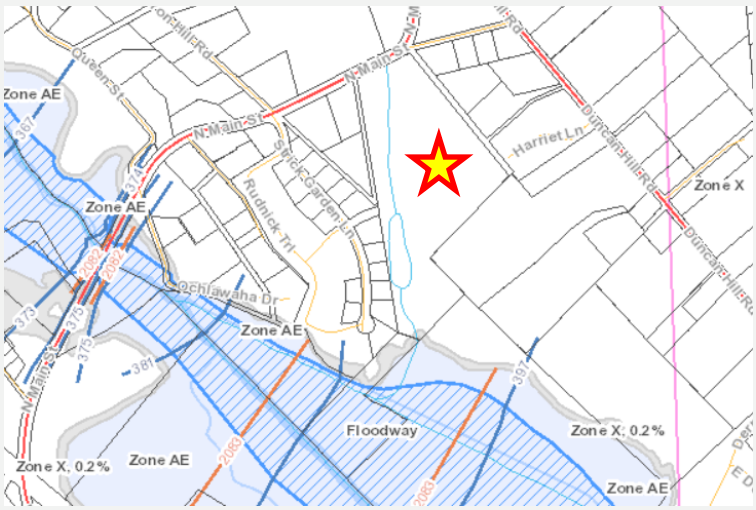
Development Framework Map: *The map depicts locations of greenfield development opportunities in Hendersonville and surrounding areas*



Floodplain Considerations: *The map indicates that the Subject Property has a blue line stream present on the site. However, this stream is piped. Areas of the property not proposed for development include Floodway / 100 Yr floodplain.*







COMPREHENSIVE PLAN CONSISTENCY–CONTINUED

Chapter 2: Population and Housing

While the development is not slated to provide affordable housing, the development does increase the city's overall housing stock. However, the development lacks variety in its offering of housing types.

While sidewalks are proposed for the site, the design appears to prioritize cars with parking areas in the front of the houses. Connectivity to surrounding parcels is an added benefit for maintaining an interconnected street network and planning for future development connections.

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.

Action PH-3.1.1.
Encourage pedestrian-friendly design features in residential developments, such as recessed or rear garages and front porches in single-family development, and rear parking lots and front entrances in multi-family developments.

Chapter 3: Natural & Environmental Resources

Aligning with the strategies of the Natural and Environmental Chapter of the Comprehensive Plan, the proposed development provides open space and preserves existing forest by clustering the development towards the front of the tract.



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. Clustering homes on smaller lots, or clustering commercial development in multi-story buildings, preserves open space without sacrificing housing units or leasable floor area. Zoning regulations can encourage such development by avoiding minimum lot area standards and promoting flexibility in design.

Action NR-2.1.1
Maintain density bonuses that allow additional density in return for open space preservation.

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.

STAFF ASSESSMENT

Zoning Compliance:

Based on the review by staff, the submitted preliminary site plan for this project meets the Zoning Ordinance standards established for Planned Residential Development CZDs (Section 5-14) and Site Plan Review (Section 7-3).

Final Site Plan -

Final zoning ordinance compliance will be established at the time of Final Site Plan review and approval. The developer has noted that the Final Site Plan will provide details related to parking, further stating that each home site will feature a one-car garage, a two-car garage and/or adequate exterior parking to accommodate two cars and that parking spaces will be 9'x18'. Additionally, staff is in the process of determining if right-of-way dedication can be required and if so, how much area would be required for the dedication along N. Main St. Initial indications are that a dedication cannot be required. Therefore, a reservation would be the next viable option. A reservation would prevent structures from being located in an area that could eventually be a acquired for right-of-way. By providing a reservation it helps to reduce expected acquisition cost in the future.

Zoning Map Amendment Standards:

Chapter XI of the Zoning Code provides standards for consideration of zoning map amendments. The following factors are to be included in decision-making process:

a) Comprehensive Plan Consistency:

Ch. 8 - Land Use & Development - Medium Intensity Neighborhood calls for new developments adjacent to or surrounded by other single-family neighborhoods / low to medium density residential zoning. This designation also states Single-Family Residential as a Primary Land Use. The development guidelines for Medium Intensity Neighborhood call for 2-8 Units / Acre, Walkable Neighborhood Design and minimum 60% Open Space.

Ch. 2 – Population & Housing - Considerations related to Walkable Neighborhood Design (PH-3.1.1) call for rear parking or recessed garages. This item has been addressed in the Planning Board's recommended conditions.

Ch. 3 – Natural & Environmental Resources – This chapter makes recommendations related to low-impact/cluster developments.

Staff finds that the proposed Conditional Rezoning is consistent with the City's 2030 Comprehensive Plan for the following reasons:

1. The location of the proposed Planned Residential Development is in keeping with the surrounding land uses. (*Chapter 8 LU-6.1)).*
2. Single-Family Detached is a primary use stated in the Land Use & Development Chapter (*Chapter 8 – LU-6.2*).
3. The proposed density of the development (4.6 Units / Acre) is in line with the Land Use & Development Chapter's guidance of 2 – 8 Unis / Acre. (*Chapter 9 – LU-6.4)*.

4. The development has been laid out to minimize the impact to environmentally-sensitive resources on the site and to preserve existing vegetation (*Chapter 3 – NR-2.1*).

b) Compatibility with surrounding uses

The surrounding land uses are single-family neighborhood, car dealership and vacant land.

c) Changed conditions

The adjacent parcel to the west was most recently developed (Oklawaha Village) with a mix of multi-family and single-family homes. Several other developments in this area have either received entitlements or have held pre-application meetings with Planning Division staff. It is anticipated that future build out of vacant land in the vicinity of this development will occur in the near term.

d) Public Interest

The addition of 93 single-family homes will fill a need for additional housing stock in Hendersonville.

e) Public facilities

According to the Water & Sewer department, there are adequate facilities in the area. The size of the project did not trigger a Transportation Impact Analysis and therefore impact to street capacity has not been studied.

f) Effect on natural environment.

As mentioned previously under the Comprehensive Plan Consistency, the project proposes to preserve an existing wooded area, an existing pond and floodplain. However, due to requirements to pave the right-of-way connection to adjacent vacant parcels, several trees in this area will likely need to be removed.

Proposed Conditions: Staff have no standalone recommendations for conditions. However, the developer has proposed the following condition. Staff finds no conflict with this proposed condition.

> *Developer Proposed Condition: The rear setback to equal 20 feet for all single-family residential lots regardless of adjacent property uses or zoning. The single family lots around the exterior of the parcel have a 20feet wide setback.*

Staff Comment on Developer Proposed Condition: It is important to highlight that the 25' setback required for the lots that back up to N. Main St is required by the Subdivision Ordinance and therefore cannot be reduced as part of a Conditional Rezoning. This setback could only be reduced by a variance request to the BOA. Furthermore, the reduction of this setback along N. Main St would potentially increase acquisition cost associated with any future widening or enhancement of N. Main St. All other setback reductions requested are within the purview of City Council.

Planning Board and Tree Board recommended conditions are outlined below.

PUBLIC COMMENT

Neighborhood Compatibility Meetings were held on April 5, 2021 and June 30, 2021 for this project.

At the April 5th meeting, Eight members of the public attended along with three members of the planning staff and a representative from the developer's engineering firm. Written statements submitted prior to the meeting were read into the record and addressed by the development team. Primary concerns were voiced by residents of the adjacent Oklawha Village. These concerns revolved around security, connections to Strick Garden Ln,, traffic safety on N. Main and within existing neighborhood, tree preservation, and stormwater management,

At the June 30th meeting, four members of the public attended including two representatives from the Housing Assistance Corporation. Attendees also include the developer and three members of the Planning Division staff. Primary concerns were connection to Strick Garden Ln., Sight Distance on N. Main St at access points, and other traffic related concerns. Please note that the site plan originally called for 28 apartment units that were removed between the April 5 NCM and the current proposal.

TREE BOARD / PLANNING BOARD - SUMMARY OF ACTION

Summary of Tree Board Recommendation

The Tree Board reviewed this project on two occasions, both in June and August. At their August 17, 2021 meeting they noted that the developer had changed their site plan – removing the apartments from the back of the property and adding additional home sites near the road. Further noting that this saved additional trees since a majority of the trees were in the proposed apartment complex area. A motion was made by Glenn Lang to require the developer to utilize trees and shrubs from the Recommended Landscape Species List for Street Trees and Development Projects, to comply with Section 15-4 of the Zoning Ordinance, and to require all new tree plantings to be a minimum of two inch caliper. Roll call vote – Glenn Lang – aye, Mark Madsen – aye, Pat Christy – aye, Mac Brackett – aye.

While staff have included portions of the Tree Board's recommended condition in the proposed List of Uses and Conditions, the recommendation to require plantings according to the Recommended Species List is a zoning code requirement and does not need to be included as a condition. Furthermore, only a portion of the Tree Board recommendation was supported by the Planning Commission. The distinction between those recommendations by the Tree Board and the Planning Board are noted in the Suggested Motion found in the Cover Sheet.

Summary of Planning Board Recommendations

The Planning Board discussed several aspects of this development at length at their hearing on September 13, 2021. The following issues were addressed: parking, connectivity/access, walkable design, use of open space, and impacts to N. Main St (traffic congestion/potential hazards).

Planning Board Motion

Ms. Peacock moved the Planning Board recommend City Council to approve an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from PCD CZD, Planned Commercial Development Conditional Zoning District and R-20, Low Density Residential District based on the site plan submitted by the applicant and subject to the following: ***1. Residential Dwellings, Single-family****. Conditions that shall be satisfied prior to final site plan approval include:*

1. Require developer to utilize trees and shrubs from the Recommended Landscape Species List for Street Trees and Development Projects, to comply with Section 15-4 of the Zoning Ordinance.

2. The developer will work with staff to recess the garages and create longer driveways in accordance with the Comp Plan Chapter 2: Population and Housing for Walkable Neighborhoods and

3. There will be a right-in/right-out northern entrance and the main entrance will include a deceleration lane.

Finding that the rezoning is consistent with the Comprehensive Plans Future Land Use map and that the rezoning is reasonable and in the public interest for the following reasons:

1. The location of the proposed Planned Residential Development is in keeping with the surrounding land uses (Chapter 8 LU-6.1).

2. Single family detached is a primary use stated in the Land Use and Development (Chapter 8 LU 6.2).

3. The proposed density of the development (4.6 units/acre) is in line with the Land Use and Development Chapter's guidance of 2-8 units/acre (Chapter 9 LU 6.4).

4. The development has been laid out to minimize the impact to environmentally sensitive resources on the site and to preserve existing vegetation (Chapter 3 NR 2.1).

Mr. Blatt seconded the motion. The vote was unanimous to approve.

SUGGESTED MOTION(S) & CONSISTENCY STATEMENTS

[SEE AGENDA COVER SHEET]

ATTACHMENTS:

1. Ordinance
2. Neighborhood Compatibility Meeting Minutes (meetings 1 & 2)
3. Site Plan
4. Application
5. Owner Signature Addendum

Planning Report
Neighborhood Compatibility Meeting
Application for a Conditional Zoning District
Providence Walk File # P21-31-CZD
Wednesday, May 26, 2021 11:00 a.m.

Matt Manley, Planner Manager, convened the compatibility meeting at 11:00 am in the Council Chambers of City Hall. Approximately two applicants, two adjacent property owners and three City staff were in attendance. Approximately four people were participating via Zoom. The following attended:

Name	***Address***	***Name***	***Address***
Matt Manley	staff		
Tyler Morrow	staff		
Terri Swann	staff		
Travis Fowler, Applicant	542 S. Caldwell St.		
Michael Goforth, App	111 E. Chestnut St.		
Tommy Fair	1830 N. Main Street		
Howard Harvey	707 Duncan Hill Rd.		

Mr. Manley opened the meeting explaining this is the first step in a three-step process. He explained the conditional rezoning process adding anyone who received notice of this meeting would receive notice of the City Council Public Hearing. Minutes of this meeting will be forwarded to Planning Board and City Council. Mr. Manley said the project will go before the Planning Board for their recommendation and City Council will hear the project and make a final decision. Mr. Manley stated this meeting is for the neighbors to learn about the project and they should focus on the compatibility of the project in the neighborhood. This is a virtual meeting and Mr. Manley explained the process and the steps to participate in the meeting. This is an informal meeting so state your name and address before making any comments as minutes of this meeting are being taken. Mr. Manley stated one written comment was received.

Mr. Manley stated the property is currently zoned PCD, Planned Commercial Development and the proposed zoning is PRD CZD, Planned Residential Development Conditional Zoning District. This project is for 71 single-family dwellings and 28-unit multi-family apartments on approximately 17.46 acres. This project would be limited to what is approved on the site plan.

Michael Goforth, High Country Engineering, stated he is the Engineer for the project. He is in attendance with Travis Fowler, First Victory who is the property owner. This is a preliminary site plan that they have proposed. It does show 71 single-family dwellings to the north of the property and a small cluster of 28, 2-bedroom apartments to the south. There is Floodplain on the property which makes for limited access. There is also an existing pond on the property. The primary entrance will be off North Main Street with a connection street from Strick Garden Lane. Sidewalks will be constructed along North Main Street and interior sidewalks will also be installed as required by the City. A site plan was shown. Mr. Goforth will be happy to answer any questions.

Mr. Manley opened the public comment time.

Zoom Call: Franco Carrasco, 229 Strick Garden Lane asked if the connection road to Strick Garden Lane is really necessary. He stated there is already a lot of traffic coming through the subdivision and it will increase with the connection road. There have been a lot of car break-ins and home invasions and this will increase crime

coming through their community. He would like to request City Council put a speed limit sign in their community. He just wanted to know if this connection road is really necessary. Mr. Goforth stated the City of Hendersonville requires that they have two accesses or entrances into the development because of the number of units proposed. This right-of-way was reserved for this property and was intended to be used. They cannot do anything to not make use of the connection. They can discourage people from using it. They will discourage the residents from using it and they will take input from the residents of Strick Garden Lane.

Zoom Call: Kim Carter, 1590 North Main Street stated she was concerned about the traffic on North Main already and this project is only going to add more. This will increase traffic and lessen the durability of the road and the small bridge over Mud Creek. What do they plan to do about this? Mr. Goforth stated they will follow all requirements that NCDOT has for street improvements and guidelines. The bridge would be the responsibility of NCDOT, but they will have to submit plans to NCDOT and follow their requirements for upgrades.

Zoom Call: Ken Fitch, 1046 Patton Street stated he would like to know if Strick Garden Lane is a public or private street. That is an issue. There is a problem there with the connection road and the safety of the children out walking, riding their bikes and catching the bus. Is it legal to use this connection if it is not a public road? Mr. Goforth stated to the best of his knowledge Strick Garden Lane is a public street maintained by the City of Hendersonville.

Mr. Fitch stated there is a major issue with traffic and they need to look at how to manage this without it turning into a nightmare situation. Will a TIA be required? There are already plans for the Duncan Terrace development and that development along with this one will increase traffic greatly in this area and that is an issue. Is a traffic signal needed? How about the proposed peanut roundabout? North Main Street is a very busy thoroughfare so they need to look at these issues and what can be done for the people living in this area. Mr. Goforth stated they will go through the full requirements from NCDOT and abide by them. He does not believe they meet the threshold to require a TIA with the City of Hendersonville. Sometimes NCDOT will require them for smaller thresholds.

Mr. Fitch stated he believes the public would be interested in a TIA because traffic is an issue there now and it is pretty intense. Will this be affordable housing or market rate housing? Are they going to be sales or rentals? Is there an age or income requirement for occupancy? Will the single-family homes have driveways or garages? What about the parking for the apartments? Mr. Goforth stated the 71 single-family lots will all have garages. They are market rate and the two-bedroom apartments will be market rate. There will be adequate parking for the apartment units.

Mr. Fitch stated on the east side of the property there appears to be a corridor. What is that? Mr. Goforth stated that is an unopened right-of-way. It is basically no-man's land in that area and they do not plan to touch it. They won't access it.

Mr. Fitch asked what impact the project will have on the power lines in that area. Mr. Goforth stated they will not impact the high power lines. They did a survey of those and they know where they are located, and they are fully aware of what they can and can't do.

Mr. Fitch asked if the property was in the city limits or the ETJ and if they will have water and sewer access. How will the garbage be handled? Mr. Goforth stated he is not sure about the city limits and ETJ. Mr. Morrow stated the large parcel is in the city limits and the smaller parcel is in the ETJ. So, about 1/3 of the property is inside the city limits.

Mr. Fitch stated so there is no water and sewer on the site. Mr. Goforth stated they plan to leave the smaller parcel in its natural state. They plan to either have a dumpster on site that will be screened or individual cans. They are not sure about this yet. They will have water and sewer access.

Mr. Fitch stated the apartments appear to be close to the property line, will they buffer them? Will there be street trees for the houses on North Main Street? Will there be buffering there? Mr. Goforth stated they have laid out a conceptual plan and the land will look nice with the houses on North Main Street having street trees. They will meet all buffering and landscaping requirements.

Mr. Fitch stated there is also an issue on the guidelines and what effect this will have on the natural environment. Mr. Goforth stated his thinking is they will not touch the highly sensitive areas such as the Floodplain. This will remain completely undisturbed. They will not touch the pond either. They will have a stormwater management system as required by the City.

Mr. Fitch stated this is a prime habitat for species and birds. Will they have a tree survey? There are large mature trees on this site. Do they plan to preserve those existing trees? How about the intake/outtake source for the pond? Preserving the trees is a major issue. Mr. Goforth stated yes, a tree survey will be provided. They will make the inlet/outlet of the pond safe and sound for the development.

Mr. Fitch stated there is an issue in the area with building and it makes it difficult to preserve the trees. A tree survey is much needed. Mr. Goforth stated they are not prepared to discuss how many trees will be preserved and how many will be removed today. They can revise the plan. This is just on a conceptual basis and they are still gathering information for the preliminary plan.

Mr. Fitch asked about the timeframe on completing the process with completed plans and having all things in place. People will want to know these things before it goes to the Boards for review. Also, what is the timeframe on construction? Will this project be done in phases? Mr. Goforth stated they will move through the city approval process as expediently as they can. The deadline for Planning Board is this Friday. They plan to present to the Planning Board in July and to City Council in August. Construction will be done in one phase. The timeline will depend on the approval process. They plan to start as soon as practical. Mr. Fitch asked when they would have the plans for the homes showing what they will look like. He also asked if the developer had done any comparable developments in the area. Mr. Goforth stated they will provide that information as they move through the process. Yes, they have done other projects in the region. Mr. Fitch stated housing is a need, but they need to have more details.

Mr. Carrasco stated directly behind him on Strick Garden Lane there are tires, concrete, trash, etc. Do they plan to clean this area up? Mr. Goforth stated they are willing to clean this up. They will evaluate the trash issue and they are planning to remove an old shed on the property. They want to use this as an amenity area and leave it in its natural state. They will plan to do improvements as they move through the process. Mr. Carrasco stated they care about their community and want to see it look nice.

Zoom Call: Ashlynn McCoy, 1414 North Main Street stated she was the Executive Director of the Housing Assistance Corporation. She asked about the connection road being a public right-of-way for utilities and asked that they use the connection road as an emergency access road only. Mr. Goforth stated they will work with the City of Hendersonville on this and maybe put up a gate or something with a signal raise for emergency vehicles.

Howard Harvey, adjacent property owner stated he has no critical input but would like to speak with the developers because he does have some solutions for the issues.

Mr. Manley read one public comment into the record:

Name: Simeon Espinoza
Address: 115 Strick Garden Lane, Hendersonville, North Carolina 28792
Public Comment: Hi, I was identified as the owner or property situated within 400 feet of the proposed rezoning to a Conditional Zoning District. I would like to comment about the road that will be constructed between my house (lot #115) and my neighbor's house, which will connect to Strick Garden Lane. With the construction of the new road, it will only increase the risk of my kids and the kids of my neighborhood being in danger by cars who don't respect the speed limit. Traffic will be a big problem and we already have problems with our neighbors from the apartments who don't respect the speed limit here. Ever since the apartments got occupied, there have been numerous reports of cars being broken into. There has been no one identified yet to know who it is but with the new road the number of reports can increase. The new site should have their own entrance and out-way for their neighborhood. From my knowledge, I was told that no other road or construction would happen near my house. I understand that it has changed but as an owner I should have my opinion heard; therefore, I believe that the construction of the road between my house and my neighbor's house is unnecessary. Thank you!

Mr. Manley asked if anyone else would like to comment. No other comments were made.

Mr. Manley stated this concludes the meeting. He stated staff will work on the review of the submittals and on getting a tree survey from the developer. This project will go before Planning Board on July 12th and City Council on August 5th. Adjacent property owners within 400 feet will be notified of each meeting.

With no further comments or questions, Mr. Manley closed the meeting at 11:39 am.

Planning Report
Neighborhood Compatibility Meeting
Application for a Conditional Zoning District
Providence Walk File # P21-31-CZD
Wednesday, June 30, 2021 2:00 p.m.

Matthew Manley, Planning Manager, convened the compatibility meeting at 2:00 pm in the Assembly Room of the City Operations Building, 305 Williams Street. Approximately three people attended in person and four City staff were in attendance. Approximately five people were on the Zoom call. The following attended:

Name	***Address***	***Name***	***Address***
Matt Manley	staff		
Tyler Morrow	staff		
Terri Swann	staff		
Tyler Henry	staff		
Travis Fowler, Applicant	542 S. Caldwell St.		
Sean Rose	Housing Assistance		
Susan Frady	Housing Assistance		
Lynn Clark	Zoom		
Ken Fitch	Zoom		

Mr. Manley opened the meeting explaining this is the first step in a three-step process. He explained the conditional rezoning process adding anyone who received notice of this meeting would receive notice of the City Council Public Hearing. Minutes of this meeting will be forwarded to Planning Board and City Council. Mr. Manley said the project will go before the Planning Board for their recommendation and City Council will hear the project and make a final decision. Mr. Manley stated this meeting is for the neighbors to learn about the project and they should focus on the compatibility of the project in the neighborhood. This is a virtual meeting and Mr. Manley explained the process and the steps to participate in the meeting. This is an informal meeting so state your name and address before making any comments as minutes of this meeting are being taken. Mr. Manley stated one written comment was received.

Mr. Manley stated this has not been reviewed by staff yet, it is just the first step in the process. A more detailed plan will be required prior to advancement of the project. This project went to the Tree Board for their review after the first Neighborhood Compatibility meeting. This is the second neighborhood meeting for the project as this now includes only single-family lots.

The Planning Board and the Tree Board are advisory boards and will make recommendations to City Council. City Council is the last step in the process and they will review the project and make a decision on the rezoning.

Pre-submitted comments were accepted via the website and email.

Mr. Manley stated the property is currently zoned PCD, Planned Commercial Development and R-20, Low Density Residential and the proposed rezoning would be PRD CZD, Planned Residential Development Conditional Zoning District. The revised site plan shows 90 single family home lots. This is a different concept plan from the first neighborhood meeting. The new proposal includes two parcels to the south and is now shifted down North Main Street to the west. There will be second entrance close to Baldwin Hill Avenue and the apartment buildings have been removed.

Mr. Manley stated based on the feedback from the first meeting, the developers came back with a different concept plan and scheduled a second neighborhood meeting. There is a connection to Strick Garden Lane that is not shown on this concept plan but a second access is required by the City and should be connected to street rights-of-way extended to undeveloped property so there will be revisions to this plan once they submit the preliminary plan.

Mr. Manley clarified that the Oklawaha Village approved site plan shows this section was reserved as a future access. A 45-foot public right-of-way is on the recorded plat that was approved. This was intended to be a connection.

Mr. Manley stated there were no pre-submitted public comments.

Travis Fowler, First Victory Construction stated he is the developer. This plan is different as there are more lots and additional land. They changed their site plan due to the comments from the first meeting and from the Tree Board. They have added two entrances when originally there was only one. He thinks this will help with the traffic flow. They are still working through that process. He stated concerning the access from Strick Garden Lane, this is a utility connection and has to be made. Concerning the lake area, they plan to use this area as a stormwater retention area. They will work through this process with the Corp and obtain any needed and required permits from them. They are not sure how durable the dam is and they are working through that as well. These are single-family and there will be no multi-family on the plan. They do not know the cost of the homes yet but the street frontage will stay the same. They plan to have a nice monument feature identifying the development.

Mr. Manley opened the public comment time.

Sean Rose, Housing Assistance stated that right-of-way was intended for a utility connection and not necessarily a road connection. He stated the zoning ordinance states access to PRD's shall be by means of a boulevard or thoroughfare (major or minor). It also states access may be provided by means of streets other than major or minor thoroughfares when it is clearly demonstrated that the PRD will not result in a significant increase in traffic on any such street. This will increase traffic coming to and from the developments. Mr. Manley stated this has not gone through the full review process yet. The Planning Board will require more detail to the site plan.

Mr. Rose stated this has to be a private street and he did not think you could have a private street in a PRD. He is not against this project, but he is worried about this connection.

Zoom call: Lynn Clark, 343 Yon Hill Road stated it is very difficult to see coming out of Yon Hill Road onto North Main Street and she is worried that creating two new roads in the sharp curve at Baldwin Hill Road will result in a dangerous traffic situation. How will this be addressed? Mr. Fowler stated Yon Hill Road is an existing city/county road and he does not believe their entrance will affect anyone on Yon Hill Road. He doesn't believe the site distance would affect them on Yon Hill Road. Mr. Manley stated NCDOT will review this for safe access and it will have to meet the NCDOT standards.

Ms. Clark stated there have been accidents at Baldwin Hill Road because of the sharp curve and it is a concern. It is difficult to see there already. It is dangerous for the people living on Yon Hill Road and she thinks they need to be included on the notifications. Mr. Manley explained there is a notification requirement of property within 400 feet of a proposed project. They apply the same standards to all of the projects and they do not go beyond what is required. Mr. Manley stated the property will be posted during each phase of the process and it will also be posted on the website. Ms. Clark stated she did see the poster on the property. She is concerned about the amount of traffic this project will have. The PT Green property is said to be under

contract and she asked about the City recommending multi-density housing. Mr. Manley stated the City has a future land use designation in the Comprehensive Plan and this is to create a vision for the City. It is also part of the Planning Board's review when they review projects. It is available online for the public and Ms. Clark may want to take a look at it for more information. Mr. Manley stated again that the property would be posted, it will be on the website and anyone is welcome to call the office for information. Ms. Clark thanked Mr. Manley and stated this project will affect her being able to get in and out of her home safely.

Ken Fitch, 1046 Patton Street stated he has several questions. He asked what the unit price would be, the size of the units, would they have multiple bedrooms, will they have a garage, and will it be one or a two-car garage and how will the driveway be articulated. Mr. Fowler stated this is the same footprint as the first neighborhood meeting. The square footage of the homes will be 1,500 sq. ft. to the low 2,000's. Potentially they will have a single-car garage. The homes will be one and two stories.

Mr. Fitch stated the number of cars could be an issue and the public will want to know the cost and price range. Will the driveway be large enough for guest parking or will they have to park in the street? Mr. Fowler stated they have developed the homes to sit back out of the setback to allow for driveways. He does not think that the guest parking will be an issue.

Mr. Fitch asked if these would be private roads. A right-of-way exists on this property or is it on the Oklawaha property? Mr. Fowler stated the streets will be public streets along with the water and utilities. They will meet the City's guidelines for this. Mr. Manley stated the access is a platted public right-of-way dedicated with the recorded plat for Oklawaha and is not part of anyone's property.

Mr. Fitch asked about the sidewalks internally. Mr. Fowler stated they have not completed the interior design of the development yet and it doesn't make sense to put sidewalks around the full interior of the development.

Mr. Fitch asked if they will have a Homeowner's Association and if they will construct a clubhouse. Mr. Fowler stated they will have a property owner association and there will not be a clubhouse.

Mr. Fitch asked about the mail. Mr. Fowler stated they are still working through this and they will either have a central area or they will each have an individual mailbox.

Mr. Fitch asked about the road "A" on the plan and how it dead ends. Mr. Fowler stated this is for future consideration for development. They have no plans yet for future development and they will take up that topic later.

Mr. Fitch stated the traffic issue is already a problem and there is a tricky three-way intersection on the northeast side. Will they work with NCDOT to come up with a solution? Even the people not living in the neighborhood have concerns about the traffic in this area. NCDOT input is important. Mr. Fowler stated he acknowledges the concerns about traffic and they plan to work with NCDOT and construct a safe entrance into the subdivision. They will lean on NCDOT for guidance on that permit.

Mr. Fitch asked about the inlet into the lake and where that water flow comes from. Mr. Fowler stated they are working on that.

Mr. Fitch stated the Tree Board raised an issue about the landscaping in the development and the tall trees. If they have some idea about trees it would be very helpful having a plan in place. Is there buffering to adjacent properties and if so what would that be? Mr. Fowler stated Duke Energy has overhead transmission lines that need to be considered. The rest of the property has nice vegetative buffers. They are not sure how to handle

the Duke easement yet. Mr. Manley stated they are not required to have a buffer between single-family and single-family.

Mr. Fitch stated the revised plan is an improvement but there are still major concerns and issues that need to be addressed. If they plan to develop the undeveloped land adjacent to them would it start the process all over again. Mr. Manley stated yes.

Mr. Manley stated concerning the subdivision requirements, they will need to have clear communication concerning the connection access before moving forward to Planning Board. This project could go to Planning Board in August and City Council in September.

Mr. Manley asked if anyone else would like to comment. No other comments were made.

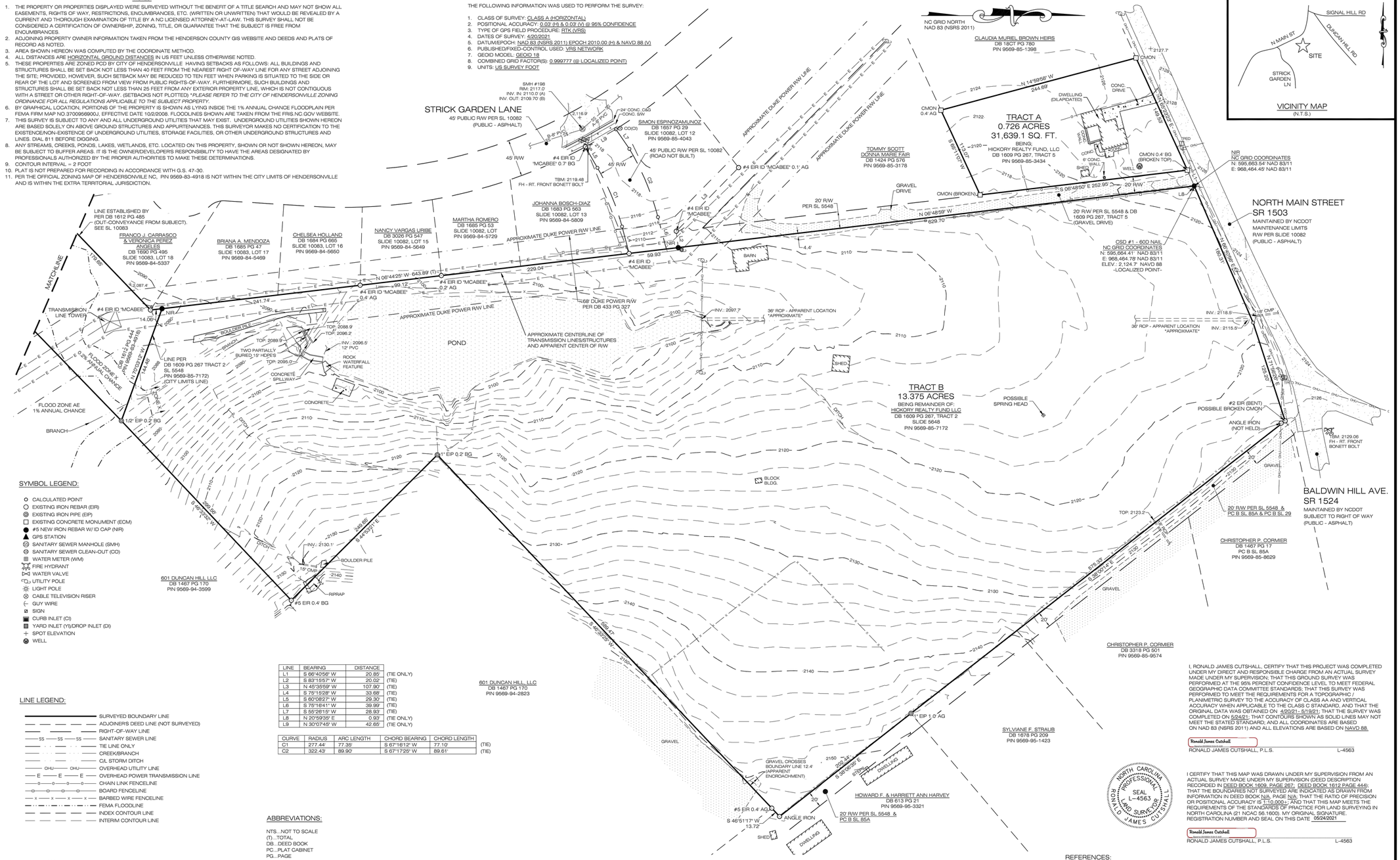
With no further comments or questions, Mr. Manley closed the meeting at 2:35 pm.

NOTES

1. THE PROPERTY OR PROPERTIES DISPLAYED WERE SURVEYED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY NOT SHOW ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, ENCUMBRANCES, ETC. (WRITTEN OR UNWRITTEN) THAT WOULD BE REVEALED BY A CURRENT AND THOROUGH EXAMINATION OF TITLE BY A NC LICENSED ATTORNEY-AT-LAW. THIS SURVEY SHALL NOT BE CONSIDERED A CERTIFICATION OF OWNERSHIP, ZONING, TITLE, OR GUARANTEE THAT THE SUBJECT IS FREE FROM ENCUMBRANCES.
2. ADJOINING PROPERTY OWNER INFORMATION TAKEN FROM THE HENDERSON COUNTY GIS WEBSITE AND DEEDS AND PLATS OF RECORD AS NOTED.
3. AREA SHOWN HEREON WAS COMPUTED BY THE COORDINATE METHOD.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN US FEET UNLESS OTHERWISE NOTED.
5. THESE PROPERTIES ARE ZONED PCD BY CITY OF HENDERSONVILLE HAVING SETBACKS AS FOLLOWS: ALL BUILDINGS AND STRUCTURES SHALL BE SET BACK NOT LESS THAN 40 FEET FROM THE NEAREST RIGHT-OF-WAY LINE FOR ANY STREET ADJOINING THE SITE; PROVIDED, HOWEVER, SUCH SETBACK MAY BE REDUCED TO TEN FEET WHEN PARKING IS SITUATED TO THE SIDE OR REAR OF THE LOT AND SCREENED FROM VIEW FROM PUBLIC RIGHTS-OF-WAY. FURTHERMORE, SUCH BUILDINGS AND STRUCTURES SHALL BE SET BACK NOT LESS THAN 25 FEET FROM ANY EXTERIOR PROPERTY LINE, WHICH IS NOT CONTIGUOUS WITH A STREET OR OTHER RIGHT-OF-WAY. (SETBACKS NOT PLOTTED) **PLEASE REFER TO THE CITY OF HENDERSONVILLE ZONING ORDINANCE FOR ALL REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY.*
6. BY GRAPHICAL LOCATION, PORTIONS OF THE PROPERTY IS SHOWN AS LYING INSIDE THE 1% ANNUAL CHANCE FLOODPLAIN PER FEMA FIRM MAP NO.3700956900J, EFFECTIVE DATE 10/2/2008. FLOODLINES SHOWN ARE TAKEN FROM THE FRIS.NC.GOV WEBSITE.
7. THIS SURVEY IS SUBJECT TO ANY AND ALL UNDERGROUND UTILITIES THAT MAY EXIST. UNDERGROUND UTILITIES SHOWN HEREON ARE BASED SOLELY ON ABOVE GROUND STRUCTURES AND APPURTENANCES. THIS SURVEYOR MAKES NO CERTIFICATION TO THE EXISTENCE/NON-EXISTENCE OF UNDERGROUND UTILITIES, STORAGE FACILITIES, OR OTHER UNDERGROUND STRUCTURES AND LINES. DIAL 811 BEFORE DIGGING.
8. ANY STREAMS, CREEKS, PONDS, LAKES, WETLANDS, ETC. LOCATED ON THIS PROPERTY, SHOWN OR NOT SHOWN HEREON, MAY BE SUBJECT TO BUFFER AREAS. IT IS THE OWNER/DEVELOPER'S RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY PROFESSIONALS AUTHORIZED BY THE PROPER AUTHORITIES TO MAKE THESE DETERMINATIONS.
9. CONTOUR INTERVAL = 2 FOOT
10. PLAT IS NOT PREPARED FOR RECORDING IN ACCORDANCE WITH G.S. 47-30.
11. PER THE OFFICIAL ZONING MAP OF HENDERSONVILLE NC, PIN 9569-83-4918 IS NOT WITHIN THE CITY LIMITS OF HENDERSONVILLE AND IS WITHIN THE EXTRA TERRITORIAL JURISDICTION.

THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

1. CLASS OF SURVEY: CLASS A (HORIZONTAL)
2. POSITIONAL ACCURACY: 0.03 (H) & 0.03 (V) @ 95% CONFIDENCE
3. TYPE OF GPS FIELD PROCEDURE: RTK (VRS)
4. DATES OF SURVEY: 4/20/2021
5. DATUM/EPOCH: NAD 83 (NSRS 2011) EPOCH 2010.00 (H) & NAVD 88 (V)
6. PUBLISHED/FIXED-CONTROL USED: VRS NETWORK
7. GEOID MODEL: GEOID 18
8. COMBINED GRID FACTOR(S): 0.999777 (@ LOCALIZED POINT)
9. UNITS: US SURVEY FOOT



LINE	BEARING	DISTANCE	
L1	S 66°40'56" W	20.85'	(TIE ONLY)
L2	S 83°15'57" W	20.02'	(TIE)
L3	N 45°35'59" W	107.90'	(TIE)
L4	S 75°15'28" W	33.68'	(TIE)
L5	S 60°08'27" W	29.30'	(TIE)
L6	S 75°16'41" W	39.99'	(TIE)
L7	S 55°26'15" W	28.93'	(TIE)
L8	N 20°59'35" E	0.93'	(TIE ONLY)
L9	N 30°07'45" W	42.65'	(TIE ONLY)

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	
C1	277.44'	77.35'	S 67°16'12" W	77.10'	(TIE)
C2	322.43'	89.90'	S 67°17'25" W	89.61'	(TIE)

SYMBOL LEGEND:

- CALCULATED POINT
- EXISTING IRON REBAR (EIR)
- EXISTING IRON PIPE (EIP)
- EXISTING CONCRETE MONUMENT (ECM)
- #5 NEW IRON REBAR W/ ID CAP (NIR)
- GPS STATION
- SANITARY SEWER MANHOLE (SMH)
- SANITARY SEWER CLEAN-OUT (CO)
- WATER METER (WM)
- FIRE HYDRANT
- WATER VALVE
- UTILITY POLE
- LIGHT POLE
- CABLE TELEVISION RISER
- GUY WIRE
- SIGN
- CURB INLET (CI)
- YARD INLET (YI)/DROP INLET (DI)
- SPOT ELEVATION
- WELL

LINE LEGEND:

- SURVEYED BOUNDARY LINE
- ADJOINER'S DEED LINE (NOT SURVEYED)
- RIGHT-OF-WAY LINE
- SANITARY SEWER LINE
- TIE LINE ONLY
- CREEK/BRANCH
- C/L STORM DITCH
- OVERHEAD UTILITY LINE
- OVERHEAD POWER TRANSMISSION LINE
- CHAIN LINK FENCELINE
- BOARD FENCELINE
- BARBED WIRE FENCELINE
- FEMA FLOODLINE
- INDEX CONTOUR LINE
- INTERIM CONTOUR LINE

ABBREVIATIONS:

NTS...NOT TO SCALE
(T)...TOTAL
DB...DEED BOOK
PC...PLAT CABINET
PG...PAGE
SL...SLIDE
PIN...PARCEL IDENTIFICATION NUMBER
NAD...NORTH AMERICAN DATUM
NAVD...NORTH AMERICAN VERTICAL DATUM
NSRS...NATIONAL SPATIAL REFERENCE SYSTEM
AG...ABOVE GRADE
BG...BELOW GRADE
R/W...RIGHT OF WAY
POL...POINT ON LINE
CONC...CONCRETE
TBM...TEMPORARY BENCH MARK
C&G...CURB AND GUTTER

COLE SURVEYING & DESIGN, PA
549 ELK PARK DRIVE, SUITE 707
ASHEVILLE, NC 28804
PHONE: 828-251-7025
NC FIRM #C-3106 | SC COA #4052

BOUNDARY AND TOPOGRAPHICAL SURVEY FOR:

FIRST VICTORY, INC.

(OWNER OF RECORD: HICKORY REALTY FUND, LLC)
CITY OF HENDERSONVILLE, HENDERSON COUNTY, NC

MAP SET
SHEET 1 OF 2

THIS SHEET IS PART OF A MAP SET AND IS INTENDED TO ACCOMPANY ALL OTHER SHEETS IN THIS SET AND IS TO BE CONSIDERED INCOMPLETE WITHOUT ALL OTHER SHEETS TO SUPPORT IT.

0' 50' 100' 150'

REFERENCES:

DB 1612 PG 444
DB 1609 PG 267
DB 1612 PG 485
DB 428 PG 471
SL 5648
SL 10082
SL 10083

I, RONALD JAMES CUTSHALL, CERTIFY THAT THIS PROJECT WAS COMPLETED UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THIS GROUND SURVEY WAS PERFORMED AT THE 95% PERCENT CONFIDENCE LEVEL TO MEET FEDERAL GEOGRAPHIC DATA COMMITTEE STANDARDS; THAT THIS SURVEY WAS PERFORMED TO MEET THE REQUIREMENTS FOR A TOPOGRAPHIC / PLANIMETRIC SURVEY TO THE ACCURACY OF CLASS AA AND VERTICAL ACCURACY WHEN APPLICABLE TO THE CLASS C STANDARD, AND THAT THE ORIGINAL DATA WAS OBTAINED ON 4/20/21 - 5/19/21; THAT THE SURVEY WAS COMPLETED ON 5/24/21; THAT CONTOURS SHOWN AS SOLID LINES MAY NOT MEET THE STATED STANDARD; AND ALL COORDINATES ARE BASED ON NAD 83 (NSRS 2011) AND ALL ELEVATIONS ARE BASED ON NAVD 88.

Ronald James Cutshall
RONALD JAMES CUTSHALL, P.L.S. L-4563

NORTH CAROLINA PROFESSIONAL SEAL L-4563 LAND SURVEYOR RONALD JAMES CUTSHALL

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 1609, PAGE 267; DEED BOOK 1612 PAGE 444); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN DEED BOOK N/A, PAGE N/A; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600). MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL ON THIS DATE 05/24/2021

Ronald James Cutshall
RONALD JAMES CUTSHALL, P.L.S. L-4563

DATE OF PLAT: 05/24/2021	REVISIONS			
DATE OF SURVEY: 04/20/21 THRU 05/19/21	NO.	DATE	DESC.	BY
PROJECT NO.: 21-062				
FIELD WORK: DG/CH				
DRAWN BY: RJC/JWC				
SCALE: 1" = 50'				
PINS: 9569-85-3434; 9569-85-7172; 9569-83-4918				

SITE SURVEY
NOT TO SCALE

DocVerify ID: 53700496-A080-480C-A4B1-E23FED5F4637
www.docverify.com

HIGH COUNTRY ENGINEERING, P.C.
111 E. CHESTNUT STREET
ASHEVILLE, NORTH CAROLINA 28801
T: 828.230.4511
F: 828.348.5040
NC FIRM NO.: C-3347

PRELIMINARY NOT FOR CONSTRUCTION

PRELIMINARY SUBDIVISION PLANS FOR
PROVIDENCE WALK
for
FIRST VICTORY, INC.
City of Hendersonville
Henderson County, North Carolina

#	DATE	REVISION DESCRIPTION
A	6/4/2021	Issue 1 - Submittal to City of Hendersonville for Review
A	6/15/2021	Issue 2 - Submit Revised Tree Survey to City of Hendersonville (Sheet C-3)
B	8/6/2021	Issue 1 - Submit Revised Plan Set to City of Hendersonville For Review
B	8/25/2021	Issue 2 - Address City of Hendersonville Preliminary Plat Comments

PROJECT NAME:
PROVIDENCE WALK
City of Hendersonville
Henderson County, NC

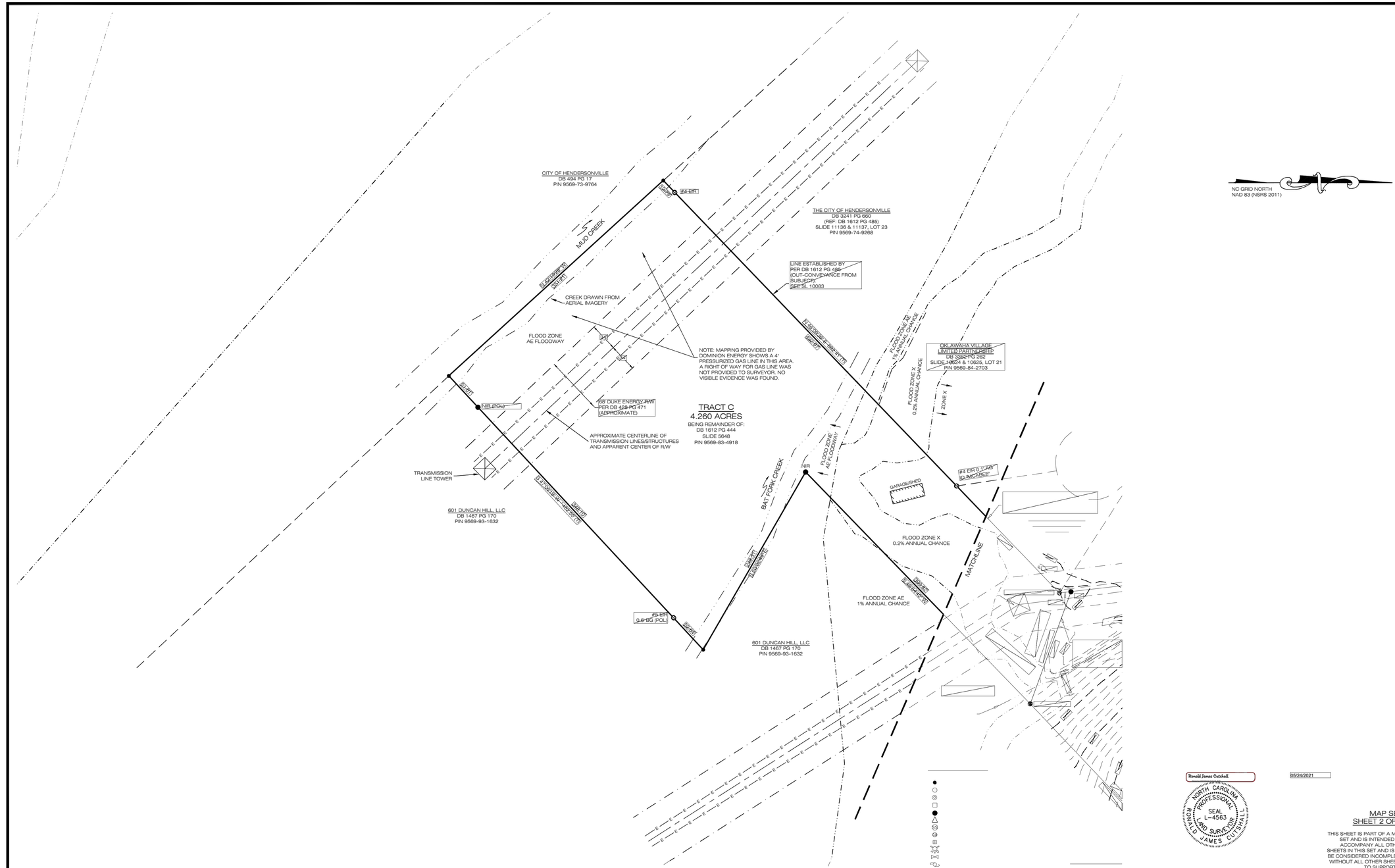
SHEET TITLE:
SITE SURVEY
(BY OTHERS)

PROJECT NO.
FVC011

SHEET NO.
C-1
of 9

DATE:
8/25/2021

ISSUE No. B-2


CITY OF HENDERSONVILLE
DB 494 PG 17
PIN 9569-73-9764
#4 EIR
S 47°40'29" W
300.47'
MUD CREEK
S 47°40'29" W
300.47'
CREEK DRAWN FROM AERIAL IMAGERY
FLOOD ZONE AE FLOODWAY
S 47°40'29" W
300.47'
NOTE: MAPPING PROVIDED BY DOMINION ENERGY SHOWS A 4' PRESSURIZED GAS LINE IN THIS AREA. A RIGHT OF WAY FOR GAS LINE WAS NOT PROVIDED TO SURVEYOR. NO VISIBLE EVIDENCE WAS FOUND.
S 47°40'29" W
300.47'
NIR (POL)
68' DUKE ENERGY R/W PER DB 428 PG 471 (APPROXIMATE)
APPROXIMATE CENTERLINE OF TRANSMISSION LINES/STRUCTURES AND APPARENT CENTER OF R/W
TRANSMISSION LINE TOWER
601 DUNCAN HILL, LLC
DB 1467 PG 170
PIN 9569-93-1632
S 47°40'29" W
300.47'
#5 EIR
0.6' BG (POL)
S 47°40'29" W
300.47'
601 DUNCAN HILL, LLC
DB 1467 PG 170
PIN 9569-93-1632
THE CITY OF HENDERSONVILLE
DB 3241 PG 660
(REF: DB 1612 PG 485)
SLIDE 11136 & 11137, LOT 23
PIN 9569-74-9268
LINE ESTABLISHED BY PER DB 1612 PG 485 (CUT-CONVEYANCE FROM SUBJECT) SEE SL 10083
N 47°40'29" E
300.47'
TRACT C
4.260 ACRES
BEING REMAINDER OF:
DB 1612 PG 444
SLIDE 5648
PIN 9569-83-4918
FLOOD ZONE X 0.2% ANNUAL CHANCE
OKLAWAHA VILLAGE LIMITED PARTNERSHIP
DB 3382 PG 262
SLIDE 10624 & 10625, LOT 21
PIN 9569-84-2703
FLOOD ZONE X 0.2% ANNUAL CHANCE
ZONE X
BAT FORK CREEK
FLOOD ZONE AE FLOODWAY
NIR
DAIRY BARN
DAIRY BARN
DAIRY BARN

SYMBOL LEGEND:

- CALCULATED POINT
- EXISTING IRON REBAR (EIR)
- EXISTING IRON PIPE (EIP)
- EXISTING CONCRETE MONUMENT (ECM)
- EXISTING #5 IRON REBAR W/D CAP (CSD)
- #5 NEW IRON REBAR W/ ID CAP (NIR)
- CSD CONTROL POINT
- SANITARY SEWER MANHOLE (SMH)
- SANITARY SEWER CLEAN-OUT (CO)
- WATER METER (WM)
- FIRE HYDRANT
- WATER VALVE
- UTILITY POLE
- LIGHT POLE
- CABLE TELEVISION RISER
- GUY WIRE
- ELECTRIC METER
- SIGN
- CURB INLET (CI)
- DROP INLET (DI)
- STORM WATER JUNCTION BOX (JB)
- SPOT ELEVATION
- WELL

LINE LEGEND:

- SURVEYED BOUNDARY LINE
- ADJOINERS DEED LINE (NOT SURVEYED)
- RIGHT-OF-WAY LINE
- SS — SANITARY SEWER LINE
- TIE LINE ONLY
- C/L STORM DITCH
- OHU — OVERHEAD UTILITY LINE
- E — OVERHEAD POWER TRANSMISSION LINE
- CENTERLINE OF TRANSMISSION LINE (APPROXIMATE)
- EASEMENT LINE (APPROXIMATE)
- CHAIN LINK FENCELINE
- BOARD FENCELINE
- WOVEN -WIRE FENCELINE
- INDEX CONTOUR LINE
- INTERIM CONTOUR LINE
- UGE — MARKED ELECTRIC LINE (APPROXIMATE)
- FOC — MARKED FIBER-OPTIC LINE (APPROXIMATE)

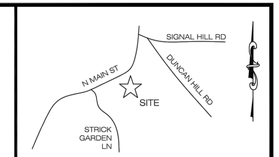
ABBREVIATIONS:

NTS...NOT TO SCALE
(T)...TOTAL
DB...DEED BOOK
PC...PLAT CABINET
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SL...SLIDE
PIN...PARCEL IDENTIFICATION NUMBER
NAD...NORTH AMERICAN DATUM
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CONC...CONCRETE
TBM...TEMPORARY BENCH MARK
C&G...CURB AND GUTTER
EOM...END OF MARKINGS
ID...SURVEYORS IDENTIFICATION CAP

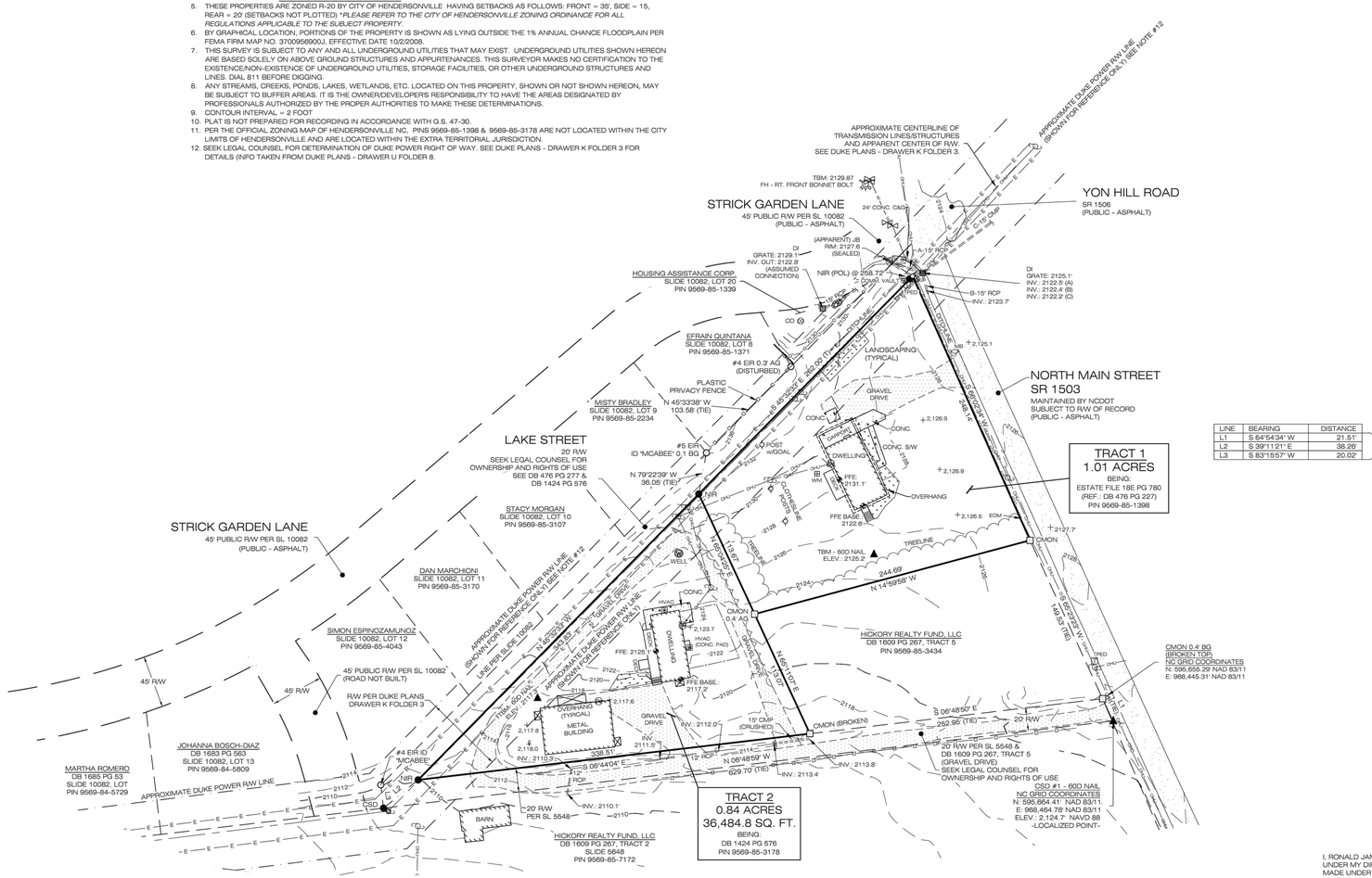
NOTES

1. THE PROPERTY OR PROPERTIES DISPLAYED WERE SURVEYED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY NOT SHOW ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, ENCUMBRANCES, ETC. (WRITTEN OR UNWRITTEN) THAT WOULD BE REVEALED BY A CURRENT AND THOROUGH EXAMINATION OF TITLE BY A NC LICENSED ATTORNEY-AT-LAW. THIS SURVEY SHALL NOT BE CONSIDERED A CERTIFICATION OF OWNERSHIP, ZONING, TITLE, OR GUARANTEE THAT THE SUBJECT IS FREE FROM ENCUMBRANCES.
2. ADJOINING PROPERTY OWNER INFORMATION TAKEN FROM THE HENDERSON COUNTY GIS WEBSITE AND DEEDS AND PLATS OF RECORD AS NOTED.
3. AREA SHOWN HEREON WAS COMPUTED BY THE COORDINATE METHOD.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN US FEET UNLESS OTHERWISE NOTED.
5. THESE PROPERTIES ARE ZONED R-20 BY CITY OF HENDERSONVILLE HAVING SETBACKS AS FOLLOWS: FRONT = 35', SIDE = 15, REAR = 20' (SETBACKS NOT PLOTTED) *PLEASE REFER TO THE CITY OF HENDERSONVILLE ZONING ORDINANCE FOR ALL REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY.*
6. BY GRAPHICAL LOCATION, PORTIONS OF THE PROPERTY IS SHOWN AS LYING OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN PER FEMA FIRM MAP NO. 3700969200J, EFFECTIVE DATE 10/2/2006.
7. THIS SURVEY IS SUBJECT TO ANY AND ALL UNDERGROUND UTILITIES THAT MAY EXIST. UNDERGROUND UTILITIES SHOWN HEREON ARE BASED SOLELY ON ABOVE GROUND STRUCTURES AND APPURTENANCES. THIS SURVEYOR MAKES NO CERTIFICATION TO THE EXISTENCE/NON-EXISTENCE OF UNDERGROUND UTILITIES, STORAGE FACILITIES, OR OTHER UNDERGROUND STRUCTURES AND LINES. DIAL 811 BEFORE DIGGING.
8. ANY STREAMS, CREEKS, PONDS, LAKES, WETLANDS, ETC. LOCATED ON THIS PROPERTY, SHOWN OR NOT SHOWN HEREON, MAY BE SUBJECT TO BUFFER AREAS. IT IS THE OWNER/DEVELOPERS RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY PROFESSIONALS AUTHORIZED BY THE PROPER AUTHORITIES TO MAKE THESE DETERMINATIONS.
9. CONTOUR INTERVAL = 2 FOOT
10. PLAT IS NOT PREPARED FOR RECORDING IN ACCORDANCE WITH G.S. 47-30.
11. PER THE OFFICIAL ZONING MAP OF HENDERSONVILLE NC, PINS 9569-85-1398 & 9569-85-3178 ARE NOT LOCATED WITHIN THE CITY LIMITS OF HENDERSONVILLE AND ARE LOCATED WITHIN THE EXTRA TERRITORIAL JURISDICTION.
12. SEEK LEGAL COUNSEL FOR DETERMINATION OF DUKE POWER RIGHT OF WAY. SEE DUKE PLANS - DRAWER K FOLDER 3 FOR DETAILS (INFO TAKEN FROM DUKE PLANS - DRAWER U FOLDER 8.

NC GRID NORTH
NAD 83 (NSRS 2011)



VICINITY MAP
(N.T.S.)



LINE	BEARING	DISTANCE
L1	S 64°54'34" W	21.51'
L2	S 39°11'21" E	38.26'
L3	S 83°15'57" W	20.02'

TIE LINES ONLY

THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

1. CLASS OF SURVEY: CLASS A (HORIZONTAL)
2. POSITIONAL ACCURACY: 0.03' (H) & 0.03' (V) @ 95% CONFIDENCE
3. TYPE OF GPS FIELD PROCEDURE: RTK (VRS)
4. DATES OF SURVEY: 4/20/2021
5. DATUM/EPOCH: NAD 83 (NSRS 2011) EPOCH 2010.00 (H) & NAVD 88 (V)
6. PUBLISHED/FIXED-CONTROL USED: VRS NETWORK
7. GEOID MODEL: GEOID 18
8. COMBINED GRID FACTOR(S): 0.999777 (@ LOCALIZED POINT)
9. UNITS: US SURVEY FOOT

I, RONALD JAMES CUTSHALL, CERTIFY THAT THIS PROJECT WAS COMPLETED UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THIS GROUND SURVEY WAS PERFORMED AT THE 95% PERCENT CONFIDENCE LEVEL TO MEET FEDERAL GEOGRAPHIC DATA COMMITTEE STANDARDS; THAT THIS SURVEY WAS PERFORMED TO MEET THE REQUIREMENTS FOR A TOPOGRAPHIC / PLANIMETRIC SURVEY TO THE ACCURACY OF CLASS AA AND VERTICAL ACCURACY WHEN APPLICABLE TO THE CLASS C STANDARD, AND THAT THE ORIGINAL DATA WAS OBTAINED ON 07/01/21– 07/02/21; THAT THE SURVEY WAS COMPLETED ON 07/14/21; THAT CONTOURS SHOWN AS SOLID LINES MAY NOT MEET THE STATED STANDARD; AND ALL COORDINATES ARE BASED ON NAD 83 (NSRS 2011) AND ALL ELEVATIONS ARE BASED ON NAVD 88.

Ronald James Cutshall

RONALD JAMES CUTSHALL, P.L.S. L-4563

NORTH CAROLINA PROFESSIONAL SEAL L-4563 LAND SURVEYOR RONALD JAMES CUTSHALL

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED) DESCRIPTION RECORDED IN DEED BOOK 476 PAGE 227; DEED BOOK 1424 PAGE 576); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN DEED BOOK N/A, PAGE N/A; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600). MY ORIGINAL SIGNATURE. REGISTRATION NUMBER AND SEAL ON THIS DATE 07/15/2021

Ronald James Cutshall

RONALD JAMES CUTSHALL, P.L.S. L-4563

REFERENCES:

ESTATE FILE 18E PG 780
DB 476 PG 227
DB 1424 PG 576
SL 5548
SL 10082
SL 10083

DATE OF PLAT: 07/14/2021	REVISIONS			
DATE OF SURVEY: 07/01/21 THRU 07/02/21	NO.	DATE	DESC.	BY
PROJECT NO.: 21-062				
FIELD WORK: DG/CH				
DRAWN BY: RJC/JWC				
SCALE: 1" = 50'				
PINS: 9569-85-1398 & 9569-85-3178				

COLE SURVEYING & DESIGN, PA
549 ELK PARK DRIVE, SUITE 707
ASHEVILLE, NC 28804
PHONE: 828-251-7025
NC FIRM #C-3106 | SC COA #4052

BOUNDARY AND TOPOGRAPHICAL SURVEY FOR:

FIRST VICTORY, INC.

(OWNERS OF RECORD: CLAUDIA MURIEL BROWN HEIRS - TRACT 1)
& TOMMY S. & DONNA M. FAIR -TRACT 2)
HENDERSONVILLE TOWNSHIP, HENDERSON COUNTY, NC

SITE SURVEY
NOT TO SCALE

DocVerify ID: C5BFC578-E2E7-448D-8679-52446DA90DAB
www.docverify.com

HIGH COUNTRY ENGINEERING, P.C.
111 E. CHESTNUT STREET
ASHEVILLE, NORTH CAROLINA 28801
T: 828.230.4511
F: 828.348.5040
NC FIRM NO.: C-3347

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 29582 RACHAEL R. GOFORTH

PRELIMINARY NOT FOR CONSTRUCTION

PRELIMINARY SUBDIVISION PLANS FOR
PROVIDENCE WALK
for
FIRST VICTORY, INC.
City of Hendersonville
Henderson County, North Carolina

#	DATE	REVISION DESCRIPTION
A	6/4/2021	Issue 1 - Submittal to City of Hendersonville for Review
A	6/15/2021	Issue 2 - Submit Revised Tree Survey to City of Hendersonville (Sheet C-3)
B	8/6/2021	Issue 1 - Submit Revised Plan Set to City of Hendersonville For Review
B	8/25/2021	Issue 2 - Address City of Hendersonville Preliminary Plan Comments

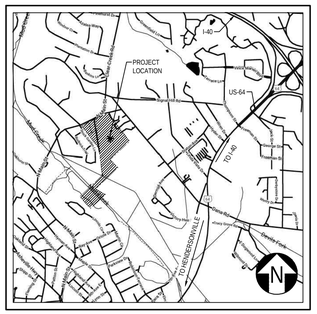
PROJECT NAME:
PROVIDENCE WALK
City of Hendersonville
Henderson County, NC

SHEET TITLE:
SITE SURVEY
(BY OTHERS)

PROJECT NO.
FVC011

DATE:
8/25/2021
ISSUE No. B-2

SHEET NO.
C-3
of 9



LOCATION MAP
NOT TO SCALE

EXISTING TREE INFORMATION TABLE																	
TREE #	DIAMETER & TREE SPECIES	TREE #	DIAMETER & TREE SPECIES	TREE #	DIAMETER & TREE SPECIES	TREE #	DIAMETER & TREE SPECIES	TREE #	DIAMETER & TREE SPECIES	TREE #	DIAMETER & TREE SPECIES	TREE #	DIAMETER & TREE SPECIES	TREE #	DIAMETER & TREE SPECIES	TREE #	DIAMETER & TREE SPECIES
1	14" MAPLE	26	13" PINE	51	18" OAK	76	36" PINE	101	14" OAK	126	16" OAK	151	16" OAK	176	20" MAGNOLIA		
2	27" PINE	27	12" PINE	52	23" POPLAR	77	28" POPLAR	102	18" OAK	127	27" POPLAR	152	33" PINE	177	36" MAGNOLIA		
3	25" PINE	28	23" COTTONWOOD	53	20" MAPLE	78	13" POPLAR	103	24" OAK	128	12" OAK	153	21" OAK	178	18" HARDWOOD		
4	27" PINE	29	14" POPLAR	54	29" PINE	79	36" PINE	104	21" OAK	129	14" OAK	154	21" POPLAR	179	56" MAPLE		
5	18" POPLAR	30	30" OAK	55	24" OAK	80	20" OAK	105	26" OAK	130	16" OAK	155	19" OAK	180	14" OAK		
6	18" POPLAR	31	32" PINE	56	30" OAK	81	28" OAK	106	18" OAK	131	32" POPLAR	156	14" PINE	181	20" PINE		
7	16" POPLAR	32	18" OAK	57	28" MAPLE	82	20" POPLAR	107	16" OAK	132	29" POPLAR	157	17" OAK	182	18" GINKGO		
8	14" POPLAR	33	26" OAK	58	20" MAPLE	83	24" POPLAR	108	12" OAK	133	36" PINE	158	12" OAK	183	24" PINE		
9	18" POPLAR	34	25" OAK	59	27" OAK	84	14" OAK	109	14" MAPLE	134	12" OAK	159	14" POPLAR	184	36" PINE		
10	12" POPLAR	35	26" PINE	60	24" OAK	85	19" OAK	110	22" OAK	135	26" OAK	160	16" OAK	185	30" PINE		
11	32" POPLAR	36	16" MAPLE	61	22" POPLAR	86	23" PINE	111	18" OAK	136	12" OAK	161	16" POPLAR	186	18" PINE		
12	20" MAPLE	37	16" MAPLE	62	30" POPLAR	87	14" HICKORY	112	12" HICKORY	137	23" OAK	162	18" OAK	187	36" PINE		
13	12" PINE	38	32" OAK	63	12" OAK	88	29" PINE	113	20" OAK	138	22" OAK	163	16" OAK	188	12" PINE		
14	16" PINE	39	23" OAK	64	12" OAK	89	24" POP	114	20" MAPLE	139	13" OAK	164	34" PINE	189	42" PINE		
15	18" PINE	40	33" PINE	65	22" PINE	90	18" OAK	115	17" OAK	140	22" OAK	165	28" POPLAR	190	32" PINE		
16	26" POPLAR	41	26" OAK	66	14" PINE	91	16" OAK	116	19" OAK	141	21" POPLAR	166	16" HICKORY	191	24" PINE		
17	18" POPLAR	42	36" PINE	67	20" PINE	92	27" POPLAR	117	16" OAK	142	13" OAK	167	36" MAPLE	192	24" PINE		
18	24" PINE	43	22" POPLAR	68	24" PINE	93	23" OAK	118	18" OAK	143	20" OAK	168	32" MAPLE	193	24" PINE		
19	36" POPLAR	44	16" OAK	69	12" COTTONWOOD	94	17" OAK	119	15" POPLAR	144	12" OAK	169	36" MAPLE	194	32" PINE		
20	18" POPLAR	45	13" OAK	70	18" OAK	95	21" POPLAR	120	15" POPLAR	145	18" OAK	170	30" MAPLE	195	32" PINE		
21	18" POPLAR	46	13" OAK	71	19" OAK	96	40" PINE	121	15" POPLAR	146	40" POPLAR	171	22" MAPLE	196	28" DOUGLAS FIR		
22	16" OAK	47	20" POPLAR	72	25" POPLAR	97	20" OAK	122	15" HICKORY	147	32" POPLAR	172	12" SUMAC				
23	18" OAK	48	24" OAK	73	16" OAK	98	24" OAK	123	20" OAK	148	17" OAK	173	32" MAGNOLIA				
24	32" OAK	49	17" OAK	74	16" OAK	99	22" OAK	124	20" OAK	149	16" OAK	174	48" PINE				
25	15" PINE	50	24" OAK	75	12" OAK	100	16" OAK	125	14" OAK	150	12" OAK	175	14" DOUGLAS FIR				

HIGH COUNTRY ENGINEERING, P.C.
111 E. CHESTNUT STREET
ASHEVILLE, NORTH CAROLINA 28801
T: 828.230.4511
F: 828.348.5040
NC FIRM NO.: C-3347

PRELIMINARY NOT FOR CONSTRUCTION

PRELIMINARY SUBDIVISION PLANS FOR
PROVIDENCE WALK
for
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City of Hendersonville
Henderson County, North Carolina

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PROJECT NAME:
PROVIDENCE WALK
City of Hendersonville
Henderson County, NC

SHEET TITLE:
EXISTING CONDITIONS, TREE SURVEY, & DEMOLITION PLAN

PROJECT NO. FVC011
SHEET NO. C-4 of 9
DATE: 8/25/2021
ISSUE No. B-2

PROJECT NOTES:

OWNERS:
Hickory Reality Fund, LLC
337 Schooner Lane
Carbondale, CO 81623

Tommy Scott & Donna Marie Fair
1830 N. Main Street
Hendersonville, NC 28792

Claudia Muriel Brown Heirs
1824 N Main Street
Hendersonville, NC 28792

ENGINEER:
High Country Engineering, PC (C-3347)
111 E. Chestnut Street
Asheville, North Carolina 28801
T:828-230-4511
Contact: Michael R. Goforth, PE
Email: mgoforth@hcepc.net

DEVELOPER:
First Victory, Inc
524 S. Caldwell Street
Brevard, NC 28712
T: 828-884-7934
Email: travis@firstvictory.com
Contact: Travis Fowler

1. Property located in City of Hendersonville, North Carolina. Property address is 1828 N. Main Street, Hendersonville, NC 28792
2. PIN NUMBER: 9569-85-7172, 9569-85-3434, 9569-83-4918, 9659-85-3178, 9659-85-1398
3. Zoning: Planned Commercial Development (PCD) by City of Hendersonville.
4. Deed Book: 1609 and Page 267; Deed Book: 1612 and Page 444.; Deed Book: 1424 and Page 576, Deed Book: 18CT and Page 780
5. Proposed use is for residential subdivision.
6. Project Coordinates: 35.337333° N, 82.459146° W
7. The receiving water course for this project is a Unnamed Tributary to Johnson Drainage Ditch. At the confluence, Johnson Drainage Ditch, Stream Index 6-55-8, is a Class C water as classified by NCDEQ.
8. Total tract contains over ±20.22 acres.
9. Boundary & Topographical information obtained from survey by Ronald James Cutshall, PLS # L-4563 of Cole Surveying & Design, PA and dated May 24th, 2021.
10. Contour interval is 2 feet.
11. This property is shown on F.I.R.M. panel number 3709956900J, dated October 2, 2008 and a portion of the property is located within a special flood hazard zone "X" or "AE".
12. The location of underground utilities shown is approximate based on surface field evidence and information supplied by utility agencies. The survey makes no certification as to the completeness of the locations shown heron. Appropriate utility companies should be contacted for verification of locations prior to any construction activity.
13. The contractor shall verify the invert elevations of all existing storm and sanitary sewer structures prior to commencement of storm and sanitary sewer construction.
14. Contractor shall notify the engineer and owner/developer of any information found in the field that is different from what is shown on these design plans.

TREE DATA	
TREES PRESERVED:	125
TREES REMOVED:	71
TOTAL NUMBER OF TREES:	196

TREE SURVEY LEGEND
= EXISTING TREE TO BE PRESERVED
= EXISTING TREE TO BE REMOVED

SITE CORNER INSET
SCALE: 1"=50'

GRAPHIC SCALE
SCALE 1" = 50'
50' 25' 0 50' 100' 150'

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SEE SITE CORNER INSET FOR CONTINUATION OF TRACT

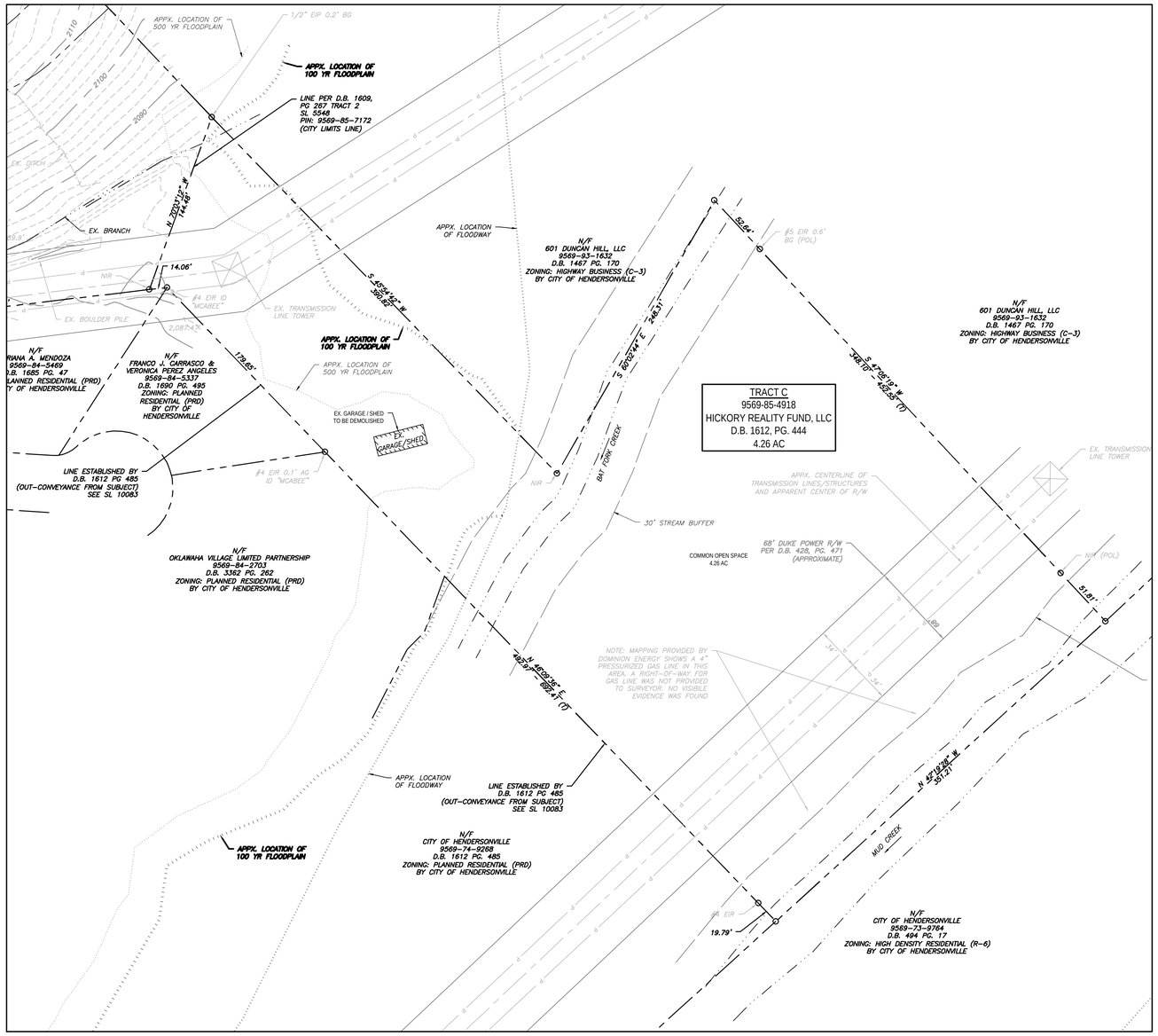
SEE TRACT C EXISTING CONDITIONS INSET ON SHEET C-4

TRACT A
9569-85-3434
HICKORY REALITY FUND, LLC
D.B. 1609, PG 267
0.73 AC

TRACT B
9569-85-7172
HICKORY REALITY FUND, LLC
D.B. 1609, PG. 267
13.38 AC

TRACT 1
9569-85-1398
CLAUDIA MURIEL BROWN HEIRS
D.B. 476, PG 227
1.01 AC

TRACT 2
9569-85-3178
TOMMY SCOTT &
DONNA MARIE FAIR
D.B. 1424, PG 576
0.84 AC



50' 25' 0 50' 100' 150'

GRAPHIC SCALE
SCALE 1" = 50'

TRACT C EXISTING CONDITIONS MAP

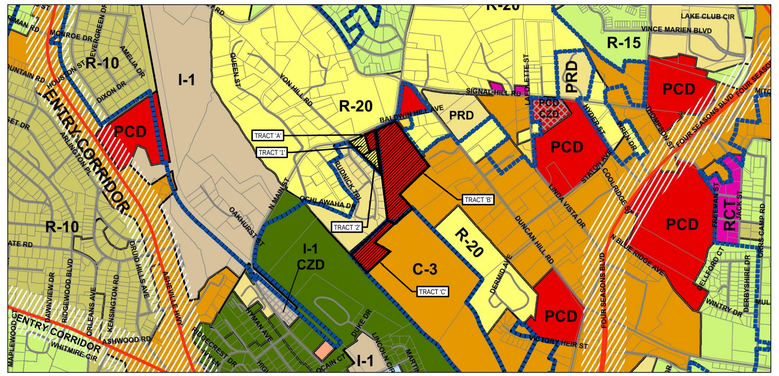
SCALE: 1"=50'

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LOCATION MAP

NOT TO SCALE



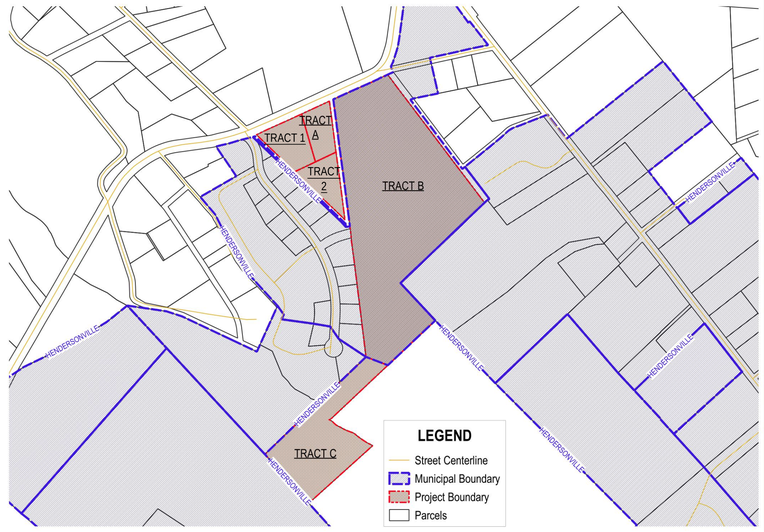
City of Hendersonville
Planning Jurisdiction Zoning Classification Districts

- R-40 Estate Residential
- R-20 Low Density Residential
- R-15 Medium Density Residential
- R-10 Medium Density Residential
- R-6 High Density Residential
- R-6SU High Density Residential Special Use
- PRD Planned Residential
- DHH Druid Hills Historic Overlay District
- HHH Hyman Heights Historic Overlay District
- MSH Main Street Historic Overlay District
- UV Urban Village
- UR Urban Residential
- RCT Residential Commercial Transition
- MIC Medical, Institutional, Cultural
- MIC-SU Medical, Institutional, Cultural, Special Use
- PID Planned Institutional
- PMH Planned Manufactured Housing
- C-4 Neighborhood Commercial
- C-3 Highway Business
- C-3SU Highway Business Special Use
- C-2 Secondary Business
- C-2SU Secondary Business Special Use
- C-1 Central Business
- C-1SU Central Business Special Use
- CHMU Commercial Highway Mixed Use
- CMU Central Mixed Use
- CMUSU Central Mixed Use Special Use
- PCD Planned Commercial
- PCD-SU Planned Commercial Special Use
- GHMU Greenville Highway Mixed Use
- GHMU-SU Greenville Highway Mixed Use Special Use
- HMU Highway Mixed Use
- I-1 Industrial
- PMD Planned Manufacturing
- CZD Conditional Zoning Districts*

*See Development Assistance Department for Project File

ZONING MAP

NOT TO SCALE



HENDERSONVILLE CITY LIMITS MAP

NOT TO SCALE

HIGH COUNTRY ENGINEERING, P.C.
111 E. CHESTNUT STREET
ASHEVILLE, NORTH CAROLINA 28801
T: 828.230.4511
F: 828.348.5040
NC FIRM NO.: C-3347

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 036852 MICHAEL R. GOFORTH

PRELIMINARY NOT FOR CONSTRUCTION

PRELIMINARY SUBDIVISION PLANS FOR

PROVIDENCE WALK

for

FIRST VICTORY, INC.

City of Hendersonville
Henderson County, North Carolina

#	DATE	REVISION DESCRIPTION
A	6/4/2021	Issue 1 - Submittal to City of Hendersonville for Review
A	6/15/2021	Issue 2 - Submit Revised Trail Survey to City of Hendersonville (Sheet C-3)
B	8/6/2021	Issue 1 - Submit Revised Plan Set to City of Hendersonville For Review
B	8/25/2021	Issue 2 - Address City of Hendersonville Preliminary Plan Comments

PROJECT NAME:

PROVIDENCE WALK

City of Hendersonville
Henderson County, NC

SHEET TITLE:

EXISTING CONDITIONS & ADDITIONAL SITE INFORMATION

PROJECT NO.
FVC011

DATE:
8/25/2021

ISSUE No. B-2

SHEET NO.
C-5
of 9

SITE CORNER INSET

SCALE: 1"=50'

TYPICAL ROAD CROSS SECTION

SCALE: 1"=5'

LOCATION MAP

NOT TO SCALE

DEVELOPER REQUESTED CONDITIONS:

The rear setback to equal 20 feet for all single family residential lots regardless of adjacent property uses or zoning. The single family lots around the exterior of the parcel have a 20 feet wide setback.

PARKING AND DRIVEWAYS:

Each single family residential lot will have a one car garage, a two car garage and/or adequate exterior parking within the lot for two cars. Exterior parking spaces will have the minimum dimensions of 9'x18' per space.

Driveway alignment and spacing will be shown on subsequent plans for City of Hendersonville approval (ie. Final Site Plan Approval). Consideration will be given for adequate driveway alignment and spacing between adjacent driveway connections to allow for on-street parking.

93 LOTS TOTAL

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COMPREHENSIVE PLAN COMPLIANCE:

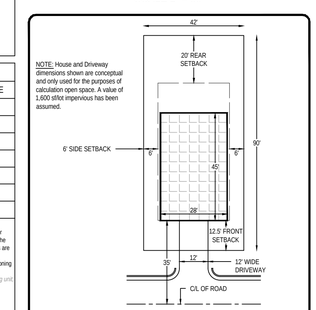
At this location a 93 lot single family subdivision is being proposed. The development was designed to meet the standards set forth in the City of Hendersonville's Zoning Ordinance and Subdivision ordinance. The proposed layout is consistent with adjacent developments and creates a walkable neighborhood design with functional roadway corridors.

Three of the parcels being developed are currently zoned as "Planned Commercial Development" (PCD)and two are zoned as "Low Density Residential" (R-20) by the City of Hendersonville . Four of the five parcels are to be annexed into the city limits. The proposed zoning for the project is a "Planned Residential Development" (PRD) as this is the closest zoning classification in the City of Hendersonville's Comprehensive Plan which can be applied to this development.

SITE DATA		
	AREA	% OF SITE
TOTAL PROJECT AREA:	20.22 AC	N/A
BUILDINGS:	3.42 SF	16.91%
OPEN SPACE:	14.49 AC	71.66%
STREETS & PARKING:	1.91 AC	9.45%
SIDEWALKS:	0.40 AC	2.00%
COMMON OPEN SPACE:	8.11 AC	40.11%
PROJECT DENSITY:	4.6 UNITS / AC	

NOTES:
1. The Open Space calculations include an assumed 1,600 sf/lot impervious area for typical driveway and house construction. See the Typical Lot Layout for details. The Building area shown in this table does NOT include this area as the individual lots are to be sold and independently developed.
2. The minimum Common Open Space for this site per the City of Hendersonville Zoning Ordinance, Section 6-16-2 is 2.02 ac. *There shall be reserved for the use of all residents of the development either 10% of the project area or 500 ft2 per dwelling unit, whichever is more.*
   a) [500 sf/unit (93 units)] / 43,560 sf/ac = 1.07 ac
   OR
   b) 20.22 ac (0.10) = 2.02 ac
3. Building Area calculating by assuming a 1600 SF house footprint for each single family subdivision lot.
4. Density Calculations:
   - Total Units: 93 Single Family Lots
   - Total Project Area: 20.22 ac
   - Density = 93 units / 20.22 ac = 4.6 units / ac

NOTE: House and Driveway dimensions shown are conceptual and only used for the purposes of calculation open space. A value of 1,600 sf/lot impervious has been assumed.



TYPICAL LOT LAYOUT

SCALE: 1"=30'

50' 25' 0 50' 100' 150'

GRAPHIC SCALE
SCALE 1" = 50'

PROJECT NOTES:

OWNERS:
Hickory Reality Fund, LLC
337 Schooner Lane
Carbondale, CO 81623

Tommy Scott & Donna Marie Fair
1830 N. Main Street
Hendersonville, NC 28792

Claudia Muriel Brown Heirs
1824 N Main Street
Hendersonville, NC 28792

ENGINEER:
High Country Engineering, PC (C-3347)
111 E. Chestnut Street
Asheville, North Carolina 28801
T:828-230-4511
Contact: Michael R. Goforth, PE
Email: mgoforth@hcepc.net

DEVELOPER:
First Victory, Inc
524 S. Caldwell Street
Brevard, NC 28712
T: 828-884-7934
Email: travis@firstvictory.com
Contact: Travis Fowler

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HIGH COUNTRY ENGINEERING, P.C.
111 E. CHESTNUT STREET
ASHEVILLE, NORTH CAROLINA 28801
T: 828.230.4511
F: 828.348.5040
NC FIRM NO.: C-3347

NORTH CAROLINA
SEAL
029852
MICHAEL R. GOFORTH

PRELIMINARY
NOT FOR
CONSTRUCTION

NO.	DATE	REVISION DESCRIPTION
-	6/4/2021	Issue 1 - Submittal to City of Hendersonville for Review
A	6/15/2021	Issue 2 - Submit Revised Tree Survey to City of Hendersonville (Sheet C-3)
B	8/6/2021	Issue 1 - Submit Revised Plat Set to City of Hendersonville For Review
B	8/25/2021	Issue 2 - Address City of Hendersonville Preliminary Plan Comments

PROJECT NAME:

PROVIDENCE WALK

City of Hendersonville
Henderson County, North Carolina

SHEET TITLE:

SITE PLAN

PROJECT NO. FVC011

DATE: 8/25/2021

ISSUE No. B-2

SHEET NO. C-6 of 9

PRELIMINARY SUBDIVISION PLANS FOR

PROVIDENCE WALK

for

FIRST VICTORY, INC.

City of Hendersonville
Henderson County, North Carolina

N/F
HOWARD F. & HARRIETT ANN HARVEY
9569-95-3321
D.B. 613 PG. 21
ZONING: HIGHWAY BUSINESS (C-3)
BY CITY OF HENDERSONVILLE

N/F
SYLVANE F. STRAUB
9569-85-1423
D.B. 1678 PG. 209
ZONING: LOW DENSITY RESIDENTIAL (R-20)
BY CITY OF HENDERSONVILLE

N/F
CHRIS P. CORMIER
9569-85-8574
D.B. 3318, PG. 501
ZONING: LOW DENSITY RESIDENTIAL (R-20)
BY CITY OF HENDERSONVILLE

N/F
CHRIS P. CORMIER
9569-85-8629
D.B. 1467, PG. 17
ZONING: SECONDARY BUSINESS (C-2)
BY CITY OF HENDERSONVILLE

N/F
601 DUNCAN HILL, LLC
9569-95-2823
D.B. 1467 PG. 170
ZONING: HIGHWAY BUSINESS (C-3)
BY CITY OF HENDERSONVILLE

N/F
601 DUNCAN HILL, LLC
9569-94-3599
D.B. 1467 PG. 170
ZONING: HIGHWAY BUSINESS (C-3)
BY CITY OF HENDERSONVILLE

N/F
JOHANNA BOSCH-DIAZ
9569-84-5809
D.B. 1683 PG. 13
ZONING: PLANNED RESIDENTIAL (PRD)
BY CITY OF HENDERSONVILLE

N/F
MARTHA ROMERO
9569-84-5729
D.B. 1685 PG. 53
ZONING: PLANNED RESIDENTIAL (PRD)
BY CITY OF HENDERSONVILLE

N/F
NANCY VARGAS URIBE
9569-84-5649
D.B. 3026 PG. 547
ZONING: PLANNED RESIDENTIAL (PRD)
BY CITY OF HENDERSONVILLE

N/F
CHELSEA HOLLAND
9569-84-5650
D.B. 1684 PG. 665
ZONING: PLANNED RESIDENTIAL (PRD)
BY CITY OF HENDERSONVILLE

N/F
BRIANA A. MENDOZA
9569-84-5469
D.B. 1685 PG. 47
ZONING: PLANNED RESIDENTIAL (PRD)
BY CITY OF HENDERSONVILLE

N/F
FRANCO J. CARRASCO & VERONICA PEREZ ANGELES
9569-84-5337
D.B. 1690 PG. 495
ZONING: PLANNED RESIDENTIAL (PRD)
BY CITY OF HENDERSONVILLE

N/F
SIMEON ESPINOZAMUNOZ
9569-85-4043
D.B. 1657 PG. 29
ZONING: PLANNED RESIDENTIAL (PRD)
BY CITY OF HENDERSONVILLE

N/F
DAN & ASHLEY MARCHIONI
9569-85-3170
D.B. 1657 PG. 526
ZONING: PLANNED RESIDENTIAL (PRD)
BY CITY OF HENDERSONVILLE

N/F
STACY MORGAN
9569-85-3107
D.B. 1674 PG. 550
ZONING: PLANNED RESIDENTIAL (PRD)
BY CITY OF HENDERSONVILLE

N/F
MISTY BRADLEY
9569-85-2234
D.B. 3113 PG. 709
ZONING: PLANNED RESIDENTIAL (PRD)
BY CITY OF HENDERSONVILLE

N/F
EFRAIN QUINTANA-MARTINEZ
9569-85-1371
D.B. 1657 PG. 543
ZONING: PLANNED RESIDENTIAL (PRD)
BY CITY OF HENDERSONVILLE

N/F
OKLAWAHA VILLAGE LIMITED PARTNERSHIP
9569-84-2703
D.B. 3362 PG. 262
ZONING: PLANNED RESIDENTIAL (PRD)
BY CITY OF HENDERSONVILLE

PROPOSED WET POND
STORMWATER MANAGEMENT POND

STORMWATER MANAGEMENT AREA
(PENDING ACOE AND NCDEQ APPROVAL)

COMMON OPEN SPACE 0.09 AC

COMMON OPEN SPACE 0.04 AC

COMMON OPEN SPACE 0.33 AC

OPEN SPACE 0.06 AC

COMMON OPEN SPACE 3.33 AC

STRICK GARDEN LANE
(45' PUBLIC R/W PER SL 10082 - ASPHALT)

LINE ESTABLISHED BY D.B. 1612 PG. 485 (OUT-CONVEYANCE FROM SUBJECT) SEE SL 10083

NORTH MAIN STREET (SR-1503)
(60' PER RIDE 1067, PUBLIC - ASPHALT)

20' R/W PER SL 5548 & DB 1609 PG 267, TRACT 5 (GRAVEL DRIVE)
SEEK LEGAL COUNSEL FOR OWNERSHIP AND RIGHTS OF USE

20' R/W PER SL 5548 & PC B SL 85A & PC B SL 29

BALDWIN HILL AVE. (SR-1526)

ROAD 'A'

ROAD 'B'

ROAD 'C'

ROAD 'D'

LAKE STREET

WATERLINE 'A' 6" DIP CLASS 350

WATERLINE 'B' 6" DIP CLASS 350

WATERLINE 'C' 6" DIP CLASS 350

WATERLINE 'D' 6" DIP CLASS 350

WATERLINE 'E' 6" DIP CLASS 350

HDPE PIPE (TYP.)

HOODED GRATE INLET (TYP.)

WATER METER (TYP.)

FIRE HYDRANT ASSEMBLY

STORMWATER JUNCTION BOX (TYP.)

M.H. S-1 thru S-6

M.H. T-1 thru T-7

M.H. U-2 thru U-3

M.H. V-1 thru V-4

M.H. W-1

6"X6" TEE

6"X8" TEE

6"X2" TEE

END OF LINE PLUG

6" TAPPING SLEEVE & VALVE

EX. DWELLING

EX. GRAVEL

EX. DITCH

EX. BRANCH

EX. POND

EX. BOULDER PILE

EX. RIP-RAP

EX. CONC S.W.

EX. PLASTIC PRIVACY FENCE

EX. ROCK

GRAVEL CROSSES BOUNDARY LINE 12.4' (APPARENT ENCROACHMENT)

APPX. LOCATION OF 500 YR FLOODPLAIN

CMON (BROKEN)

CMON 0.4' BG (BROKEN TOP)

CMON 0.4' BG ELEV.=2125.1' (BROKEN TOP)

CMON TOP ELEV.=2128.24' BASE ELEV.=2127.81'

CMON 0.4' AG

TMB-60D NAIL ELEV.: 2125.2'

TBM- 60D NAIL ELEV.: 2117.3

#1 EIP 0.1' AG

#5 EIR 0.4' BG

#5 EIP 0.2' BG

#4 EIR 0.2' AG ID "MCABEE"

#4 EIR ID "MCABEE"

#4 EIR 0.1' AG ID "MCABEE"

#4 EIR 0.3' AG (DISTURBED)

#4 EIR ID "MCABEE" 0.7' BG

#4 EIR ID "MCABEE" 0.1' AG

1/2" EIP

NIR

R/W PER DUKE PLANS DRAWER K FOLDER 3

45' R/W PER SL 10082 (ROAD NOT BUILT)

S 58°06'35" E 202.44'

S 58°06'14" E 575.51'

S 46°13'24" W 358.47'

S 45°13'12" W 299.56'

S 44°37'21" E 248.65'

N 06°48'59" W 629.70'

S 06°48'50" E 252.95'

N 14°59'58" W 244.69'

N 71°16'05" E 149.53'

S 68°22'27" E 149.53'

N 68°22'27" W 149.53'

S 45°37'33" E 340.00' (1)

N 45°37'33" W 343.43'

N 45°37'33" W 134.00'

N 79°22'39" W 36.05' (TIE)

N 06°44'25" W 99.12' - 643.89' (1)

N 20°01'13" W 144.48'

229.04'

241.74'

14.06'

179.85'

2,087.45'

59.93'

ESTIMATED AREA OF DISTURBANCE: 14.11 AC

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50' 25' 0 50' 100' 150'
GRAPHIC SCALE
SCALE 1" = 50'

LOCATION MAP
NOT TO SCALE

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PROVIDENCE WALK
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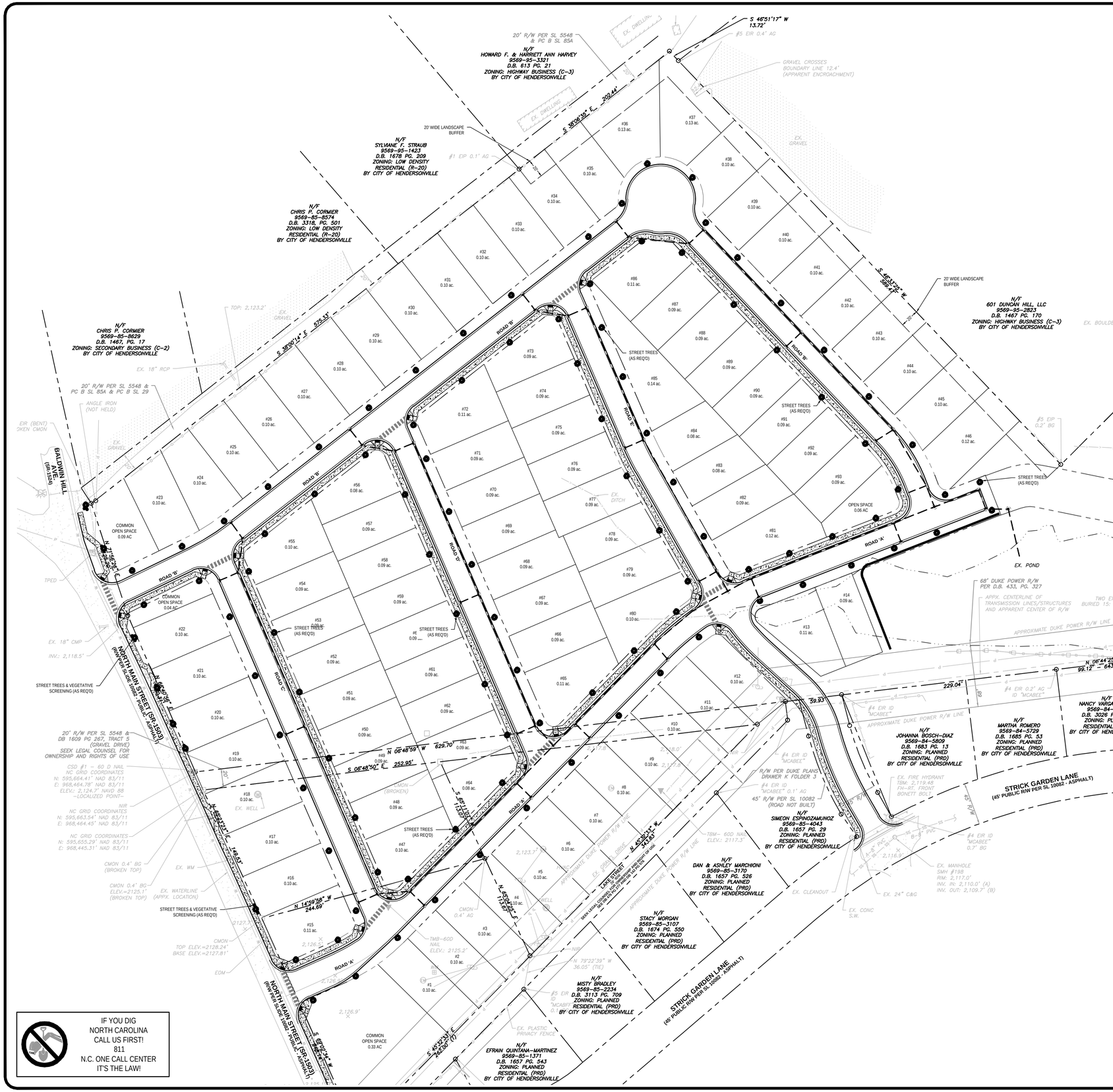
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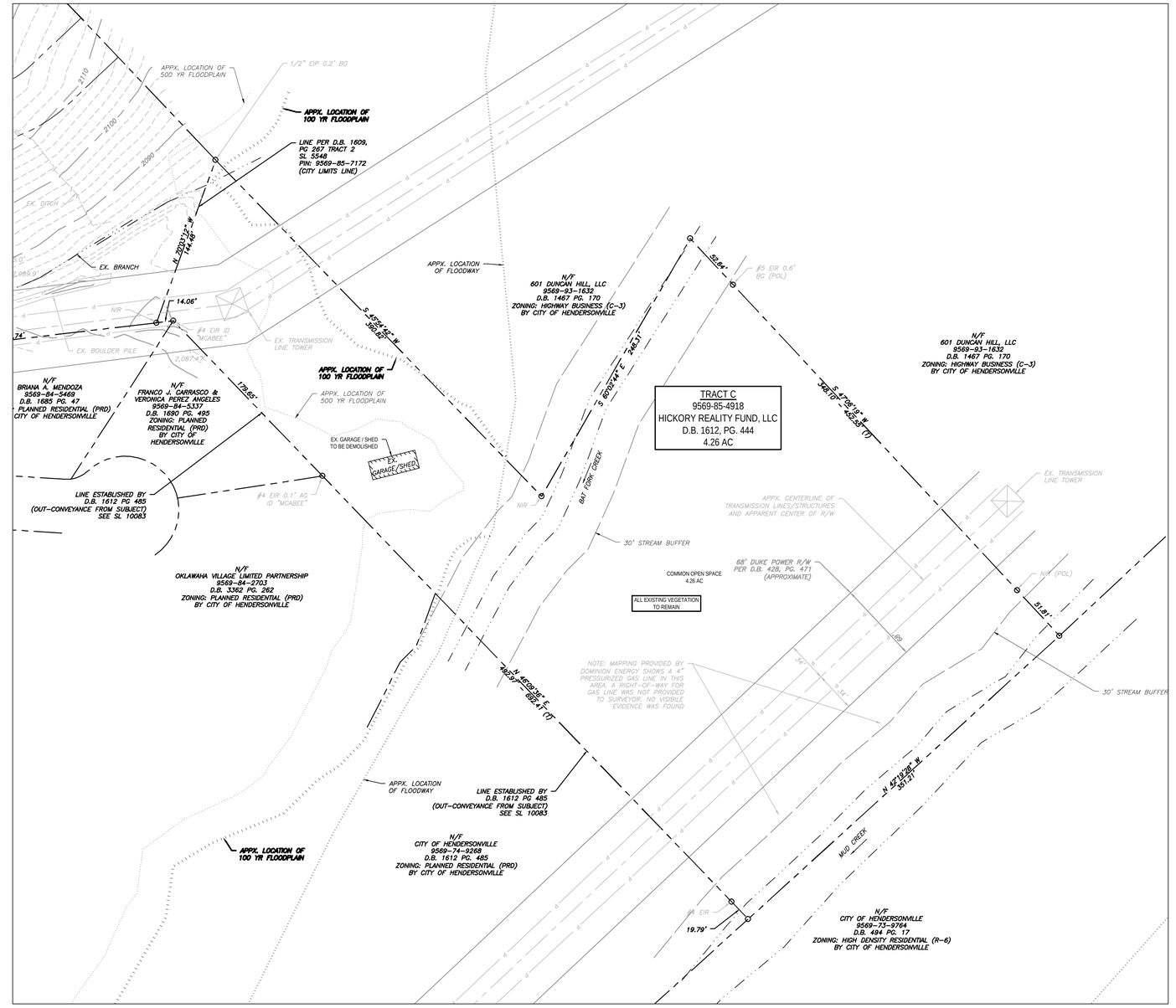
PROJECT NAME:
PROVIDENCE WALK
City of Hendersonville
Henderson County, NC

SHEET TITLE:
GRADING, STORMWATER, & UTILITY PLAN

PROJECT NO. FVC011
DATE: 8/25/2021
ISSUE No. B-2

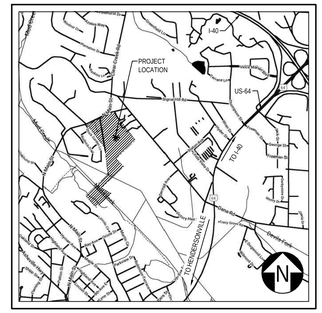
SHEET NO. C-7 of 9


S 46°51'17" W 13.72'
#5 EIR 0.4' AG
GRAVEL CROSSES BOUNDARY LINE 12.4' (APPARENT ENCROACHMENT)
20' R/W PER SL 5548 & PC B SL 85A
N/F HOWARD F. & HARRETT ANN HARVEY 9569-85-3321 D.B. 613 PG. 21 ZONING: HIGHWAY BUSINESS (C-3) BY CITY OF HENDERSONVILLE
EX. DWELLING
S 39°06'35" E 202.44'
20' WIDE LANDSCAPE BUFFER
N/F SYLVIANE F. STRAUB 9569-95-1423 D.B. 1678 PG. 209 ZONING: LOW DENSITY RESIDENTIAL (R-20) BY CITY OF HENDERSONVILLE
#1 EIP 0.1' AG
N/F CHRIS P. CORMIER 9569-85-8574 D.B. 3318, PG. 501 ZONING: LOW DENSITY RESIDENTIAL (R-20) BY CITY OF HENDERSONVILLE
EX. GRAVEL
TOP: 2,123.2'
S 38°01'14" E 575.13'
N/F CHRIS P. CORMIER 9569-85-8629 D.B. 1467, PG. 17 ZONING: SECONDARY BUSINESS (C-2) BY CITY OF HENDERSONVILLE
EX. 18" RCP
20' R/W PER SL 5548 & PC B SL 85A & PC B SL 29
ANGLE IRON (NOT HELD)
EIR (BENT) BROKEN CMON
BALDWIN HILL AVE (SR-1324)
EX. GRAVEL
N 71°56'54" E 49.36'
TPED
COMMON OPEN SPACE 0.09 AC
COMMON OPEN SPACE 0.04 AC
ROAD 'B'
ROAD 'C'
ROAD 'D'
ROAD 'E'
ROAD 'A'
STREET TREES (AS REQ'D)
EX. 18" CMP
INV.: 2,118.5'
STREET TREES & VEGETATIVE SCREENING (AS REQ'D)
NORTH MAIN STREET (SR-1563) (ROWER SLOPE GRADE, PUBLIC - ASPHALT)
N 65°43'23" E 149.53'
20' R/W PER SL 5548 & DB 1609 PG 267, TRACT 5 (GRAVEL DRIVE) SEEK LEGAL COUNSEL FOR OWNERSHIP AND RIGHTS OF USE
CSD #1 — 60' D NAIL NC GRID COORDINATES N: 595,664.41' NAD 83/11 E: 968,464.78' NAD 83/11 ELEV.: 2,124.7' NAVD 88 –LOCALIZED POINT–
NC GRID COORDINATES N: 595,663.54' NAD 83/11 E: 968,464.45' NAD 83/11
NC GRID COORDINATES N: 595,655.29' NAD 83/11 E: 968,445.31' NAD 83/11
CMON 0.4' BG (BROKEN TOP)
EX. WM
CMON 0.4' BG ELEV.=2125.1' (BROKEN TOP)
EX. WATERLINE (APPX. LOCATION)
N 14°29'58" W 244.69'
CMON TOP ELEV.=2128.24' BASE ELEV.=2127.81'
EOM
N 06°48'59" W 629.70'
S 06°48'50" E 252.95'
N 65°43'23" E 149.53'
CMON (BROKEN)
EX. WELL
N 65°43'23" E 114.07'
N 65°43'23" E 114.07'
TBM- 60D NAIL ELEV.: 2117.3
EX. GRAVEL DRIVE
APPROXIMATE DUKE POWER R/W LINE
LAKE STREET (50' PUBLIC R/W PER SL 10082 - ASPHALT)
SEEK LEGAL COUNSEL FOR OWNERSHIP AND RIGHT OF USE
S 45°32'31" W 54.43'
TMB-60D NAIL ELEV.: 2125.2'
N 79°22'39" W 36.05' (TIE)
EX. PLASTIC PRIVACY FENCE
S 45°32'31" E 742.00' (T)
N 45°32'31" W 1,106.07'
N/F EFRAIN QUINTANA-MARTINEZ 9569-85-1371 D.B. 1657 PG. 343 ZONING: PLANNED RESIDENTIAL (PRD) BY CITY OF HENDERSONVILLE
N/F STACY MORGAN 9569-85-3107 D.B. 1874 PG. 550 ZONING: PLANNED RESIDENTIAL (PRD) BY CITY OF HENDERSONVILLE
N/F DAN & ASHLEY MARCHIONI 9569-85-3170 D.B. 1657 PG. 526 ZONING: PLANNED RESIDENTIAL (PRD) BY CITY OF HENDERSONVILLE
N/F SIMEON ESPINOZAMUNOZ 9569-85-4043 D.B. 1657 PG. 29 ZONING: PLANNED RESIDENTIAL (PRD) BY CITY OF HENDERSONVILLE
45' R/W PER SL 10082 (ROAD NOT BUILT)
R/W PER DUKE PLANS DRAWER K FOLDER 3
EX. FIRE HYDRANT TBM: 2,119.46 FH-RT. FRONT BONETT BDL
N/F JOHANNA BOSCH-DIAZ 9569-84-5809 D.B. 1683 PG. 13 ZONING: PLANNED RESIDENTIAL (PRD) BY CITY OF HENDERSONVILLE
N/F MARTHA ROMERO 9569-84-5729 D.B. 1685 PG. 53 ZONING: PLANNED RESIDENTIAL (PRD) BY CITY OF HENDERSONVILLE
N/F NANCY YARGAS URIBE 9569-84-5649 D.B. 3026 PG. 547 ZONING: PLANNED RESIDENTIAL (PRD) BY CITY OF HENDERSONVILLE
N/F CHELSEA HOLLAND 9569-84-5650 D.B. 1684 PG. 665 ZONING: PLANNED RESIDENTIAL (PRD) BY CITY OF HENDERSONVILLE
N/F BRIANA A. MENDOZA 9569-84-5469 D.B. 1685 PG. 47 ZONING: PLANNED RESIDENTIAL (PRD) BY CITY OF HENDERSONVILLE
N/F FRANCO J. CARRASCO & VERONICA PEREZ ANGELES 9569-84-5337 D.B. 1690 PG. 495 ZONING: PLANNED RESIDENTIAL (PRD) BY CITY OF HENDERSONVILLE
N/F OKLAWAHA VILLAGE LIMITED PARTNERSHIP 9569-84-2703 D.B. 3362 PG. 262 ZONING: PLANNED RESIDENTIAL (PRD) BY CITY OF HENDERSONVILLE
STRICK GARDEN LANE (45' PUBLIC R/W PER SL 10082 - ASPHALT)
LINE ESTABLISHED BY D.B. 1612 PG 485 (OUT-CONVEYANCE FROM SUBJECT) SEE SL 10083
N/F 601 DUNCAN HILL, LLC 9569-95-2823 D.B. 1467 PG. 170 ZONING: HIGHWAY BUSINESS (C-3) BY CITY OF HENDERSONVILLE
20' WIDE LANDSCAPE BUFFER
S 46°51'17" W 459.72'
S 46°51'17" E 449.65'
N/F 601 DUNCAN HILL, LLC 9569-94-3595 D.B. 1467 PG. 170 ZONING: HIGHWAY BUSINESS (C-3) BY CITY OF HENDERSONVILLE
#5 EIR 0.4' BG
EX. 15" CMP INV. 2,130.1'
EX. RIP-RAP
EX. BOULDER PILE
EX. DITCH
S 46°51'30" W 320.66'
#5 EIP 0.2' BG
STREET TREES (AS REQ'D)
APPX. LOCATION OF 500 YR FLOODPLAIN
1/2" EIP
APP'D 100
LINE I PG 26 SL 55 PIN: 9 (CITY
COMMON OPEN SPACE 3.33 AC
EX. DITCH
EX. POND
68' DUKE POWER R/W PER D.B. 433, PG. 327
APPX. CENTERLINE OF TRANSMISSION LINES/STRUCTURES AND APPARENT CENTER OF R/W
TWO EX. PARTIALLY BURIED 15" HDPE PIPES
EX. 12" PVC INV. 2,096.5'
TOP: 2,096.2'
TOP: 2,095.0'
TOP: 2,089.9'
TOP: 2,088.9'
EX. BRANCH
N 70°21'17" W 144.48'
SEE TRACT C LANDSCAPE & RESOURCE LAYOUT ON SHEET C-9
14.0
APPROXIMATE DUKE POWER R/W LINE
N 06°44'25" W 99.12' — 643.89' (T)
241.74'
#4 EIR ID "MCABEE"
#4 EIR 0.4' AG ID "MCABEE"
#4 EIR 0.2' AG ID "MCABEE"
#4 EIR 0.1' AG ID "MCABEE"
EX. TRANSMIS. LINE TOWER
2,087.4'
229.04'
59.93'
191.65'
EX. MANHOLE SMH #198 RIM: 2,117.0' INV. IN: 2,110.0' (A) INV. OUT: 2,109.7' (B)
EX. CLEANOUT
EX. CONC S.W.
EX. 24" C&G
#4 EIR ID "MCABEE" 0.7' BG
2,116.5'
2,116.9'
EX. 12" PVC
EX. 6" PVC
EX. 8" PVC
EX. 4" PVC
EX. 2" PVC
EX. 1" PVC
EX. 3/4" PVC
EX. 1 1/2" PVC
EX. 2" PVC
EX. 6" PVC
EX. 8" PVC
EX. 12" PVC
EX. 4" PVC
EX. 3/4" PVC
EX. 1



TRACT C LANDSCAPE & RESOURCE LAYOUT PLAN

SCALE: 1"=50'



LOCATION MAP
NOT TO SCALE

IF YOU DIG
NORTH CAROLINA
CALL US FIRST!
811
N.C. ONE CALL CENTER
IT'S THE LAW!

50' 25' 0 50' 100' 150'

GRAPHIC SCALE
SCALE 1" = 50'

HIGH COUNTRY ENGINEERING, P.C.
111 E. CHESTNUT STREET
ASHEVILLE, NORTH CAROLINA 28801
T: 828.230.4511
F: 828.348.5040
NC FIRM NO.: C-3347

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT 2698 MICHAEL R. GOFORTH

PRELIMINARY NOT FOR CONSTRUCTION

PRELIMINARY SUBDIVISION PLANS FOR

PROVIDENCE WALK

for

FIRST VICTORY, INC.

City of Hendersonville
Henderson County, North Carolina

#	DATE	REVISION DESCRIPTION
A	6/4/2021	Issue 1 - Submittal to City of Hendersonville for Review
A	6/15/2021	Issue 2 - Submit Revised Tree Survey to City of Hendersonville (Sheet C-3)
B	8/6/2021	Issue 1 - Submit Revised Plan Set to City of Hendersonville For Review
B	8/25/2021	Issue 2 - Address City of Hendersonville Preliminary Plan Comments

PROJECT NAME:

PROVIDENCE WALK

City of Hendersonville
Henderson County, NC

SHEET TITLE:

LANDSCAPE & RESOURCE LAYOUT PLAN

PROJECT NO.
FVC011

SHEET NO.
C-9
of 9

DATE:
8/25/2021

ISSUE No. B-2

Entry #: 18

Date Submitted: 5/5/2021 5:14 PM

Date:
5/5/2021

Name of Project
Providence Place

Address/Location of Property

List 10 digit PIN or 7 digit PID number for each property
9569853434, 9569857172, 9569834918

Check type of Development
Residential

Current Zoning
PCD

Proposed Zoning
CZD

List requested uses
A mix of single family homes and apartment buildings

Total Acreage
17.46

Proposed Building Sq. ft.

Dwelling Units
100

Conceptual Plan

Hville_2021-03-22_Prelim Site Plan.pdf
732.69 KB

Conditional Zoning District Petition (Continued)

Proposed conditions for the site:
The site will have 72 single family home lots with 4 apartment buildings with a total of 28 apartment homes. The apartment homes will consist of a mix of two bedroom and three bedroom units. Parking will be provided for the apartment buildings. All roadway corridors will meet City specifications and there will be sidewalk access throughout the project.

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 parcel is currently zoned PCD however we are proposing all residential development. Chapter 8 of the City's Comprehensive Plan identifies this property as Single Family Residential. Our project is majority single family residential.

Explain compatibility with surrounding land uses:
The parcels surrounding this parcel are a mix of C-3, R-20 and PRD. This project has a proposed density of 5.7 units/acre and would fit as a transitional zoning between the C-3 and R-20.

Explain whether changed conditional require a map amendment:
This change would require a map amendment and the zoning would be tied to the development permanently.

Explain how the petition is in the public interest:
The neighborhood will be compatible with the adjacent Oklawaha Village and the adjacent C-3 zoning district. Providing medium density housing is this area will be a benefit between both current land uses.

Explain whether adequate public facilities are available:
No public facilities will be required.

Explain the impact the petition would have on the natural environment:
The site will be developed with keeping the flood plain on the property untouched and allowing leaving as much of the existing buffer landscaping as possible. The impervious surface increase will require a stormwater management feature which will meet the City's requirements to properly handle the additional runoff.

Additional information:
N/A

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
High Country Engineering, PC

Address
111 E. Chesnut Street, Asheville, North Carolina 28801

Phone
(828) 231-9380

Email
mgoforth@hcepc.net

Applicant Name
First Victory Construction, Inc.

Address
542 S. Caldwell Street, Brevard, North Carolina 28712

Phone

Signature

EMAILED

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
Hickory Reality Fund, LLC

Address
337 Schooner Lane, Carbondale, Colorado 81623

PID or PIN #
ALL SUBJECT PINS

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 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

Address

PID or PIN # Signature

Property Owner Name

Address

PID or PIN # Signature

Property Owner Name

Address

PID or PIN # Signature

City of Hendersonville
General Application
Applicant Signature Addendum

Application Information

Date of Application _____

Application Number _____

Name of Project Providence Walk Subdivision Phase # (if subdivision) 1

Parcel Identification Number(s) (PIN) 9569-85-7122, 9569-85-3434, 9569-83-4918

Additional Applicants: (Signature indicates intent that this page be affixed to Application.)

* Printed Name First Victory, Inc.
☒ Corporation ☐Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the Applicant named above my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature _____

Title Chief Executive Officer Email travis@firstvictory.com

Address of Applicant 542 S. Caldwell Street, Brevard, NC 28712-5643

---

* Printed Name _____
☐ Corporation ☐Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the Applicant named above my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature _____

Title _____ Email _____

Address of Applicant _____

---

* Printed Name _____
☐ Corporation ☐Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the Applicant named above my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature _____

Title _____ Email _____

Address of Applicant _____

City of Hendersonville
General Application
Owner Signature Addendum

Application Information

Date of Application _____ Application Number _____

Name of Project Providence Walk Subdivision Phase # (if subdivision) 1

Parcel Identification Number(s) (PIN) 9569-85-7122, 9569-85-3434, 9569-83-4918

Additional Owners: (Signature indicates intent that this page be affixed to Application.)

* ^ Printed Name Hickory Reality Fund, LLC
☐ Corporation ☒Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature Donald Flaks

Title Managing Member Email donflaks@gmail.com

Address of Property Owner 337 Schooner Lane, Carbondale, CO 81623

---

* ^ Printed Name _____
☐ Corporation ☐Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature _____

Title _____ Email _____

Address of Property Owner _____

---

* ^ Printed Name _____
☐ Corporation ☐Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature _____

Title _____ Email _____

Address of Property Owner _____

---

* 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.

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

010-1200-531205-0000-010-000-00000-00000
Planning Board Meeting

Order Confirmation
Not an Invoice

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:	Meeting 9/13/21

Date:	08/30/2021
Order Number:	6234339
Prepayment Amount:	$ 0.00

Column Count:	1
Line Count:	103.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
HEN Times-News	1	09/05/2021 - 09/05/2021	Public Notices
HEN blueridgenow.com	1	09/05/2021 - 09/05/2021	Public Notices

Total Order Confirmation	**$17.36**

PUBLIC NOTICE

Notice is hereby given that the City of Hendersonville Planning Board will hold their regular monthly meeting on Monday, September 13, 2021, at 4:00 p.m., in the City Operations Assembly Room located at 305 Williams Street, Hendersonville NC to consider the following:

I. **Conditional Zoning District – Waterleaf at Flat Rock (P21-34-CZD)** - Application for a conditional rezoning from Warren Sugg of Civil Design Concepts and Graycliff Capital Development, LLC. The applicants are requesting to rezone the subject property, PIN 9588-11-9994 and located on S. Allen Road, from Henderson County OI, Office Institutional District to City of Hendersonville PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a multi-family residential development containing 276 dwelling units on approximately 15.5 acres.

II. **Conditional Zoning District– Providence Walk (P21-31-CZD)** - Application for a conditional rezoning from Michael Goforth of High Country Engineering, PC, First Victory Construction, Inc., applicants and Hickory Reality Fund, LLC, property owners. The applicants are requesting to rezone the subject property, PIN 9569-85-3434, 9569-85-7172, 9569-83-4918, 9569-85-1398 and 9569-85-3178 and located on N. Main Street, from PCD, Planned Commercial Development and R-20, Low Density Residential to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a housing development containing 93 single-family homes on approximately 19.27 acres.

Planning Board Members will attend the hearings in person. Public hearing comments will be accepted from those attending in person at the designated time at this meeting. The public may also view and verbally comment during this public hearing live via ZOOM. For security reasons screen sharing will not be allowed. The meeting instructions to join by Zoom will be available on the City's website by visiting https://www.hendersonvillenc.gov/events-calendar. Comment period instructions will also be displayed at the appropriate times during the meeting.

Anyone wishing to submit written public comment for this public hearing prior to the meeting may visit https://www.hendersonvillenc.gov/comment to submit their comment. Written comments must be submitted by noon on September 13, 2021 to be considered by the Planning Board. If comments include photo(s) or video they must be submitted by 8:00 a.m. on September 12, 2021.

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 Community Development Department at 697-3010 no later than 24 hours in advance of the meeting.

9/5/2021 6234339

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Run one time: Sunday, September 5, 2021

CITY OF HENDERSONVILLE

CITY COUNCIL
AGENDA ITEM SUMMARY

SUBMITTER:	Tyler Morrow	**MEETING DATE:**	10-7-21
AGENDA SECTION:	Public Hearing	**DEPARTMENT:**	Community Development Department

TITLE OF ITEM: Conditional Rezoning: Waterleaf at Flat Rock PIN 9588-11-8740 (P21-34-CZD) – *Tyler Morrow, Planner II*

SUGGESTED MOTION(S): The body recommending conditions shown abbreviated in brackets **[PB/TB/STF]**
PB = Planning Board, TB = Tree Board, STF = Staff

City Council- 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 9588-11-8740 (previously portion of PIN 9588-11-9994) from Henderson County Office Institutional Zoning District to City of Hendersonville Planned Residential development Conditional Zoning District based on the site plan submitted by the applicant and subject to the following:

Permitted Uses shall include:

1) Multi-family residential dwellings

Conditions that shall be satisfied prior to final site plan approval include:

1) The developer shall construct the rear access that connects to Upward Crossing Drive to City street standards and allow it to be used as an ingress and egress for residents**. [PB/STF]**
2) To require the developer to plant trees 2 ½ inch caliper size trees rather than 1 ½ inch caliper size trees. **[TB]**
3) To preserve as many trees as possible on the site; and to plant the number of trees as specified by the City's Zoning Ordinance (No tree credits may be utilized). **[PB/TB]**
4) The developer work with city staff to comply with the five Outdoor Lighting Basics from the International Dark Sky Association **[PB]**
5) Work with NCDOT and city staff for a deceleration lane. **[PB]**

finding that the amended zoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons:

[Please state reasons describing why this development is good for the community. Examples follow, or to include your own]

1. Multi-family is a secondary use stated in the Land Use & Development Chapter (*Chapter 8 – LU-9.3)*

2.The development is in a priority growth area as described in the Land Use and development Chapter (Chapter 8 Section 8.3)

3.The development provides a type of housing that is underrepresented within the City. Outlined in the graphic

in Chapter 8 Section 8.2

City Council– DENIAL

I move City Council deny the application to amend the official zoning map of the City of Hendersonville for the subject property for the following reasons:

[Please state reasons describing why you are moving to deny the application. Examples follow or include your own.]

1. The development is not consistent with the Comprehensive Plan [if applicable];
2. The development is not compatible with the surrounding uses. [if applicable]
3. The development is not in the public interest because [state why if applicable]
4. The development will have a detrimental impact on the natural environment. [if applicable]

SUMMARY:

The City is in receipt of a Conditional Rezoning application from Graycliff Capital Development LLC and Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming for the development of a 263-unit multi-family development consisting of 15 total buildings. The property is current vacant and appears to have been used for agricultural uses in the past. The applicant is requesting to rezone the subject property from Henderson County Office Institutional to City of Hendersonville Planned Residential Development Conditional Zoning District..

The subject property was annexed into the City on September 2nd, 2021.

PROJECT/PETITIONER NUMBER: P21-34-CZD

PETITIONER NAME: Graycliff Capital Development LLC (applicant) and Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming (Property Owners)

ATTACHMENTS:

Staff Report, Full Size Site plan (New Square footages Date: 9-7-21), Full Size Landscaping Plan (New Square footages Date: 9-7-21), Ordinance, Tree Survey, Tree Preservation Plan, Proposed Zoning Map, Kimley-Horn TIA Memo 8-12-21, Kimley-Horn Revised TIA memo 9-9-21, NCM Minutes, Application, Planning Board Reviewed Site Plan (8-9-21), Planning Board Reviewed Landscaping Plan (8-9-21), Recorded Subdivision Plat

Ordinance #O-21-46

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBER 9588-11-8740 BY CHANGING THE ZONING DESIGNATION FROM HENDERSON COUNTY OFFICE INSTITUTIONAL TO CITY OF HENDERSONVILLE PLANNED RESIDENTIAL DEVELOPMENT CONDITIONAL ZONING DISTRICT

IN RE: Parcel Number: 9588-11-8740– Waterleaf at Flat Rock
(File # P21-34-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from Graycliff Capital Development LLC (applicant) and Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming (Property Owners) for the development of a 263-unit multi-family development on approximately 15.5 acres., and

WHEREAS, the Planning Board took up this application at its regular meeting on September 13th, 2021; voting unanimously 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 October 7th, 2021, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel number 9588-11-8740 from Henderson County Office Institutional to City of Hendersonville 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 subject to the following:
   Permitted Uses shall include:
   1) Multi-family residential dwellings
   Conditions that shall be satisfied prior to final site plan approval include:
   1) The developer shall construct the rear access that connects to Upward Crossing Drive to City street standards and allow it to be an ingress and egress for residents.
   2) To require the developer to plant trees 2 ½ inch caliper size trees rather than 1 ½ inch caliper size trees.
   3) To preserve as many trees as possible on the site; and to plant the number of trees as specified by the City's Zoning Ordinance (No tree credits may be utilized).
   4) The developer work with city staff to comply with the five Outdoor Lighting Basics from the International Dark Sky Association and
   5) Work with NCDOT and city staff for a deceleration lane.

3. This ordinance shall not be effective until the stipulated list of conditions 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 7th day of October 2021.

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

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

IN RE: Parcel Number: 9588-11-8740– Waterleaf at Flat Rock
(File # P21-34-CZD)

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to the imposition of all conditions stated in Ordinance #O-21-46 attached hereto.

Applicant: Graycliff Capital Development LLC

Signature:_____

Printed Name:_____

Date:_____

Title Within LLC:_____

Property Owner: Peggy C. Cabe

Signature:_____

Printed Name:_____

Date:_____

Title Within LLC:_____

Property Owner: Enno F. Camenzind

Signature:_____

Printed Name:_____

Date:_____

Title Within LLC:_____

Property Owner: Paula Camenzind Carter

Signature:_____

Printed Name:_____

Date:_____

Title Within LLC:_____

Property Owner: Robert O. Camenzind

Signature:_____

Printed Name:_____

Date:_____

Title Within LLC:_____

Property Owner: Joan C. Fleming

Signature:_____

Printed Name:_____

Date:_____

Title Within LLC:_____

Waterleaf at Flat Rock P21-34-CZD

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

Staff Report Contents

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PROJECT SUMMARY

Applicant: Graycliff Capital Development LLC

Property Owner: Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming

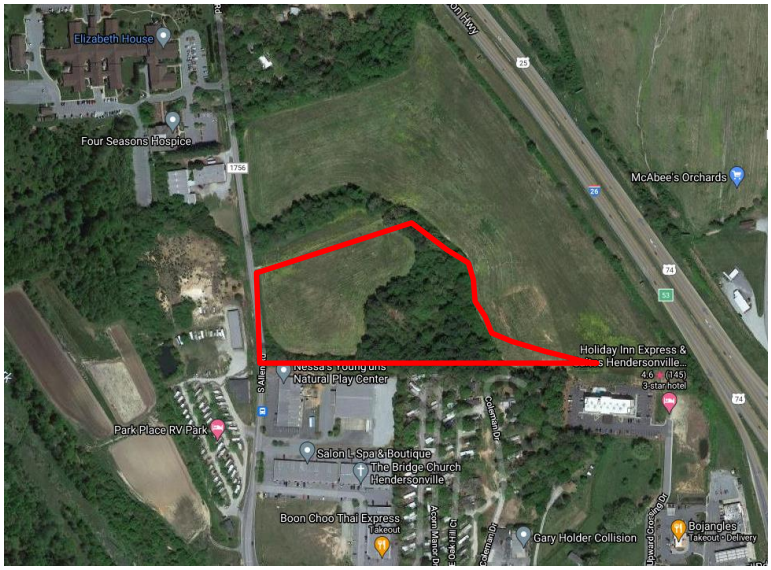
Property Address: No address- S. Allen Road

Project Acreage: 15.53 Acres

Parcel Identification Number(s):9588-11-8740 (Previously a portion of 9588-11-9994)

Current Parcel Zoning: Henderson County Office Institutional

Neighborhood Compatibility Meeting: June 11, 2021



SITE VICINITY MAP

Summary Statement of Applicant Rezoning Request

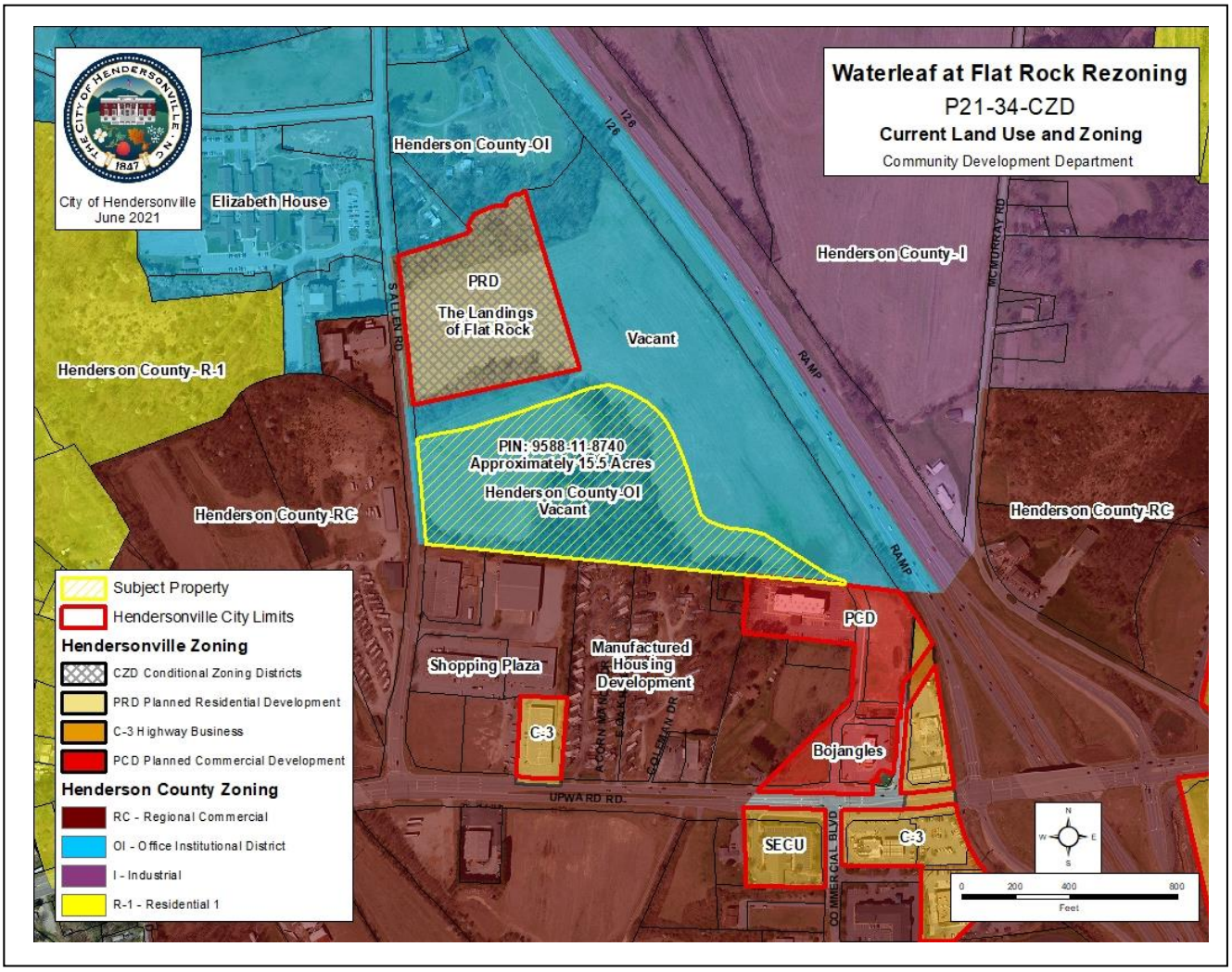
The City is in receipt of a Conditional Rezoning application from Graycliff Capital Development LLC (applicant) and Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming (property owners) for the development of a 263-unit multi-family development consisting of 15 buildings. The property is currently vacant and appears to have been used for agricultural uses in the past. The applicant is requesting to rezone the subject property from Henderson County Office Institutional to City of Hendersonville PRD-CZD (Planned Residential Development Conditional Zoning District).

This parcel was annexed into the City on September 2nd, 2021 for sewer access.

This project was located on a larger 32-acre parcel. The rezoning/PRD would only encompass 15.5 acres of the larger parcel. The project has been identified as a "portion of PIN 9588-11-9994" in past meetings, including Planning Board. Between the Planning Board and City Council meetings, the parcel was subdivided into two parcels. After the subdivision, the subject property is now identified as PIN 9588-11-8740. The recorded subdivision plat is included in your packet.

Please reference the "Changes between Planning Board and City Council section" to see what changes occurred to the site plan between Planning Board and City Council.

PROJECT SUMMARY - CONTINUED



City of Hendersonville Existing Land Use and Zoning

Parcels to the north are zoned Henderson County Office Institutional and City of Hendersonville Planned Residential Development (The Landings of Flat Rock) and contain the Elizabeth House, Residential Uses and Blue Ridge Community College property. Parcels to the west are zoned Henderson County Regional Commercial and Residential 1 and contain various uses including Park Place RV Park. Parcels located to the south are zoned Henderson County Regional Commercial, City of Hendersonville C3- Highway Business and City of Hendersonville Planned Commercial Development and contain various commercial uses such as Holiday Inn Express, Bojangles, and State Employees Credit Union and also include a residential use. Parcels located to the east are zoned Henderson County Office Institutional and Regional Commercial and contain I-26, vacant land and commercial uses.

SITE CONDITIONS – SITE IMAGES

View to the south showing existing mature trees



View to the north showing existing mature trees



View of existing trial between the tree line.



SITE CONDITIONS – SITE IMAGES CONTINUED

View of the existing tree line of the property



A view of the open area on the site.



View from the front side of the property looking east



View of where the project's secondary access will connect with the existing roadway



View of Upward Crossing Drive and sidewalk that this project will tie into.



View of the backside (eastern) side of the property



AERIAL PHOTOS

View from the South

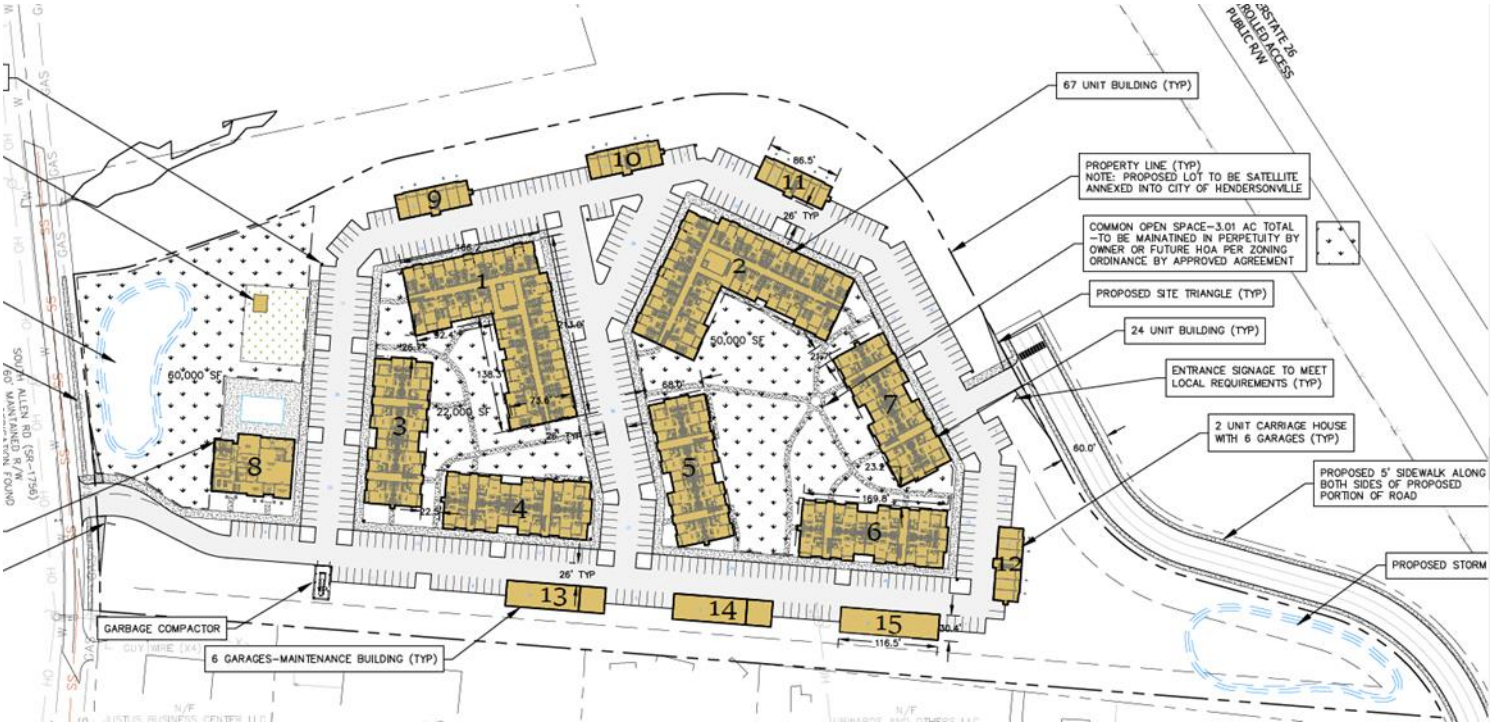


View from the North



REZONING/SITE PLAN TOPICS

Proposed Site Plan



Buildings

The site plan shows 15 structures (263 Units)
Density of 17 Units Per Acre

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
1–2	4–STORY "L"–68	40'	90,029 SF
3–7	4–STORY–24	40'	28,791 SF
8	CLUBHOUSE	20'	6,134 SF
9–12	CARRIAGE–2	20'	5,504 SF
13–15	GARAGE/MAINT.	10'	1,855 SF

Parking

PARKING CALCULATIONS:

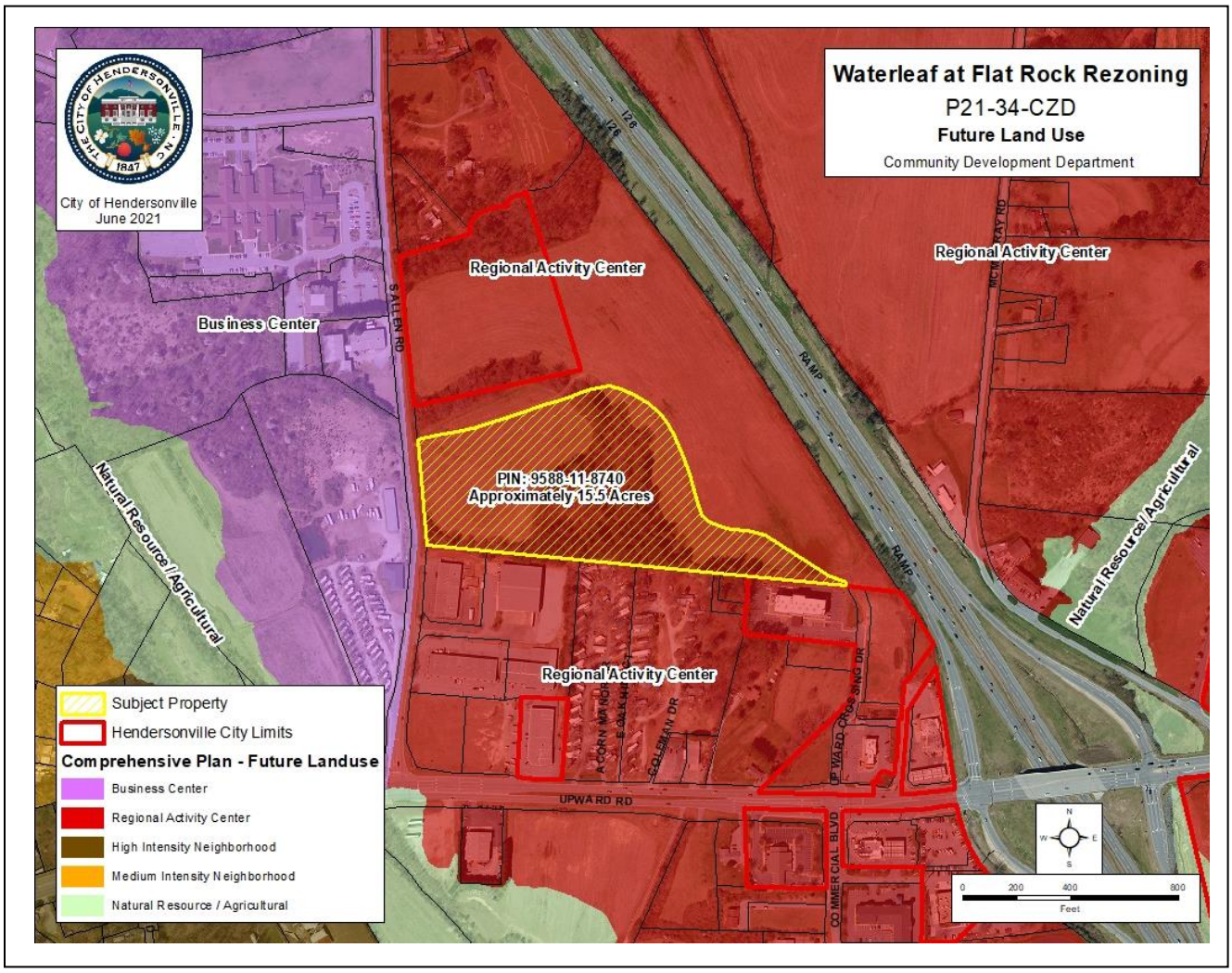
VEHICULAR:
REQUIRED SPACES: (1 OR 2 BED UNITS) 1.5 X 217=326
(3+ BED UNITS) 2 X 46=92
TOTAL SPACES REQUIRED: 418

SPACES PROVIDED: 444

HANDICAPPED SPACES:
SPACES REQUIRED: 22 SPACES PROVIDED: 22

REZONING CRITERIA:

COMPREHENSIVE PLAN CONSISTENCY



The 2030 Comprehensive Plan's Future Land Use Map designates this parcel as Regional Activity Center. Parcels located to the north, east and south are designated Regional Activity Center. The parcels to the west are designated as Business Center and Natural Resource & Agricultural. Natural Resource & Agricultural can be found around the general area of the project; this designation represents areas in the floodplain.

REZONING CRITERIA:

COMPREHENSIVE PLAN CONSISTENCY

The subject area is designated Regional Activity Center on the 2030 Comprehensive Plan's Future Land Use Map.

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.*

Strategy LU-9.1.
Locations:
- Commercial areas surrounding the US-64/I-26 and Upward Road/I-26 interchanges

Strategy LU-9.2.
Primary recommended land uses:
- Community and regional retail sales and services
- Restaurants

Strategy LU-9.3.
Secondary recommended land uses:
- Multi-family residential
- Offices
- Public and institutional uses
- Pedestrian amenities

Strategy LU-9.4.
Development guidelines:
- Mitigation of bulk of large buildings through façade detailing and window coverage
- Hiding of large parking lots (more than one double-row deep) from thoroughfares with outlot structures
- Provision of pedestrian connections to parking and other buildings and properties

Activity Nodes:
- Encouragement of multi-story, mixed-use buildings with retail on ground floors and office/residential on upper floors
- Placement of new buildings close to the street along thoroughfares (less than 20 feet) encouraged
- Location of all parking to the side or rear of buildings or in a garage encouraged
- Improved pedestrian connections to surrounding neighborhoods


Example of a Regional Activity Center

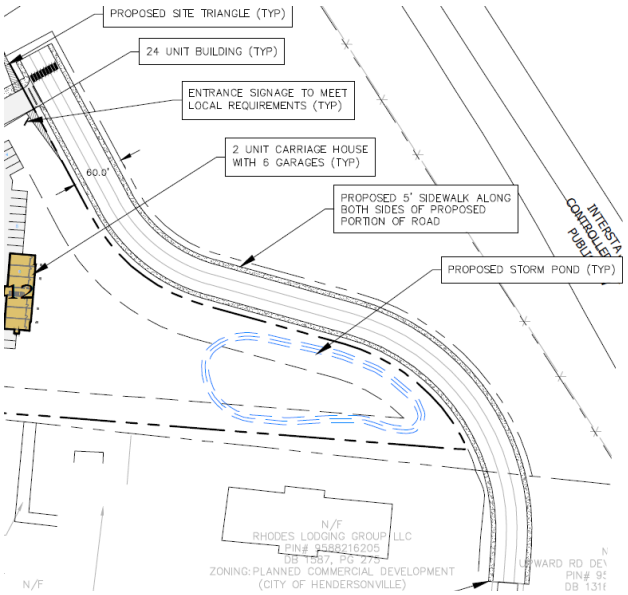
Goal PH-2.
Encourage a wide range of housing types and price points in order to meet the diverse and evolving needs of current and future residents, match the housing supply with the local workforce, and promote diverse neighborhoods.

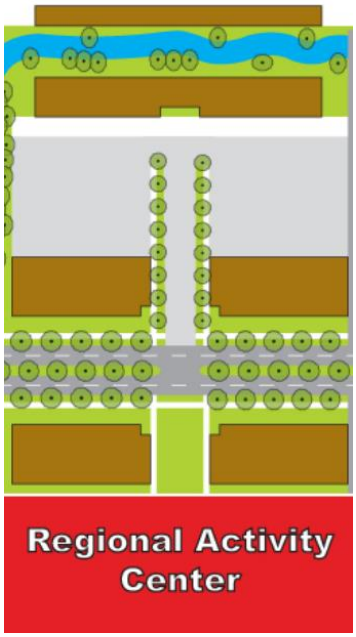
Table 8.2a: Existing Land Use Acreages and Percentages of ETJ/City

Land Use	Acres	Percentage
Single Family Residential	3,924	42.0%
Vacant	1,480	15.9%
Right of Way	1,060	11.4%
Retail	715	7.7%
Parks / Open Space	625	6.7%
Public/Institutional	442	4.7%
Multi-Family Residential	373	4.0%
Industrial	303	3.2%
Office	204	2.2%
Two Family Residential	155	1.6%
Agricultural	54	0.6%

Strategy TC-1.4.
Encourage pedestrian connections between dead end streets and adjacent neighborhoods.

Action TC-1.4.1
Incorporate dead-end street sidewalk connection requirements into the Zoning and Subdivision Codes.





Growth Management

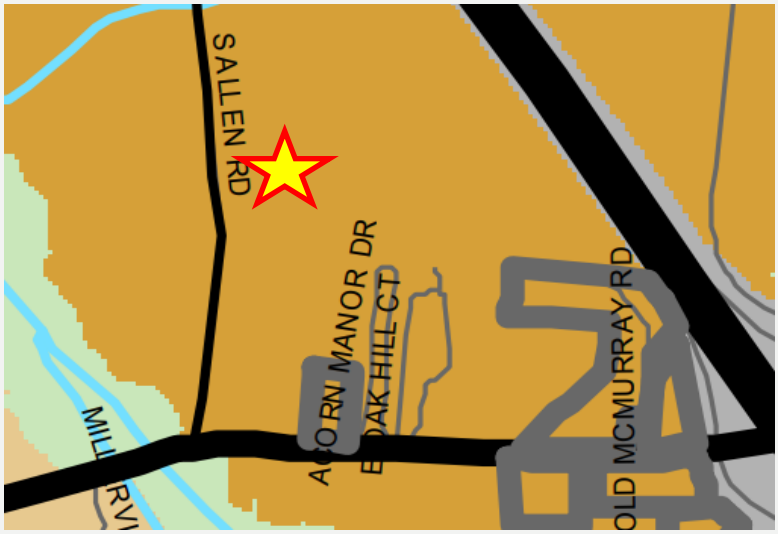
Priority Growth Areas (orange):

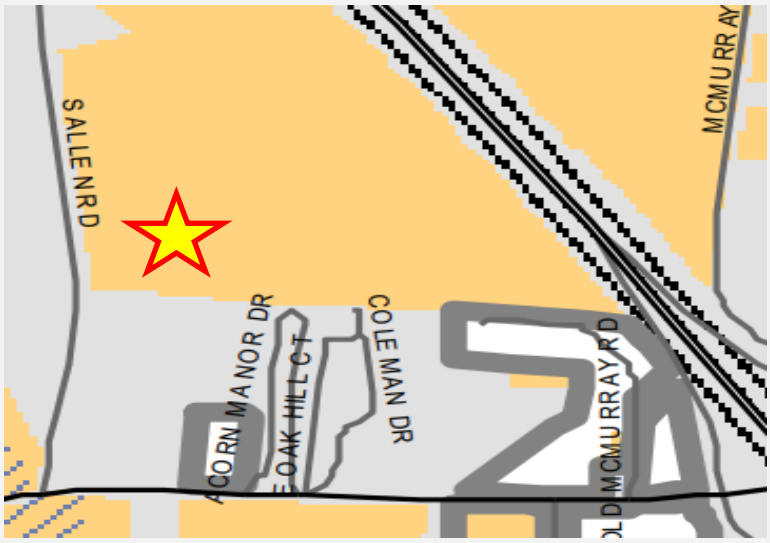
Areas that are considered a high priority for expansion of the ETJ, annexation, and extension of infrastructure and services

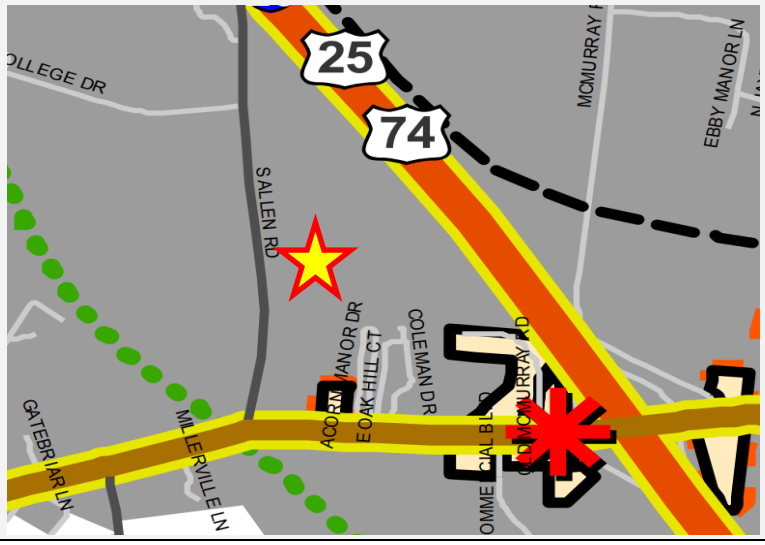
Development Opportunities (includes vacant land, agricultural land, and single-family residential properties greater than five acres)

Road Designations

- Freeway
- Boulevard
- Major Thoroughfare
- Minor Thoroughfare
- Proposed Improvement
- Local Street



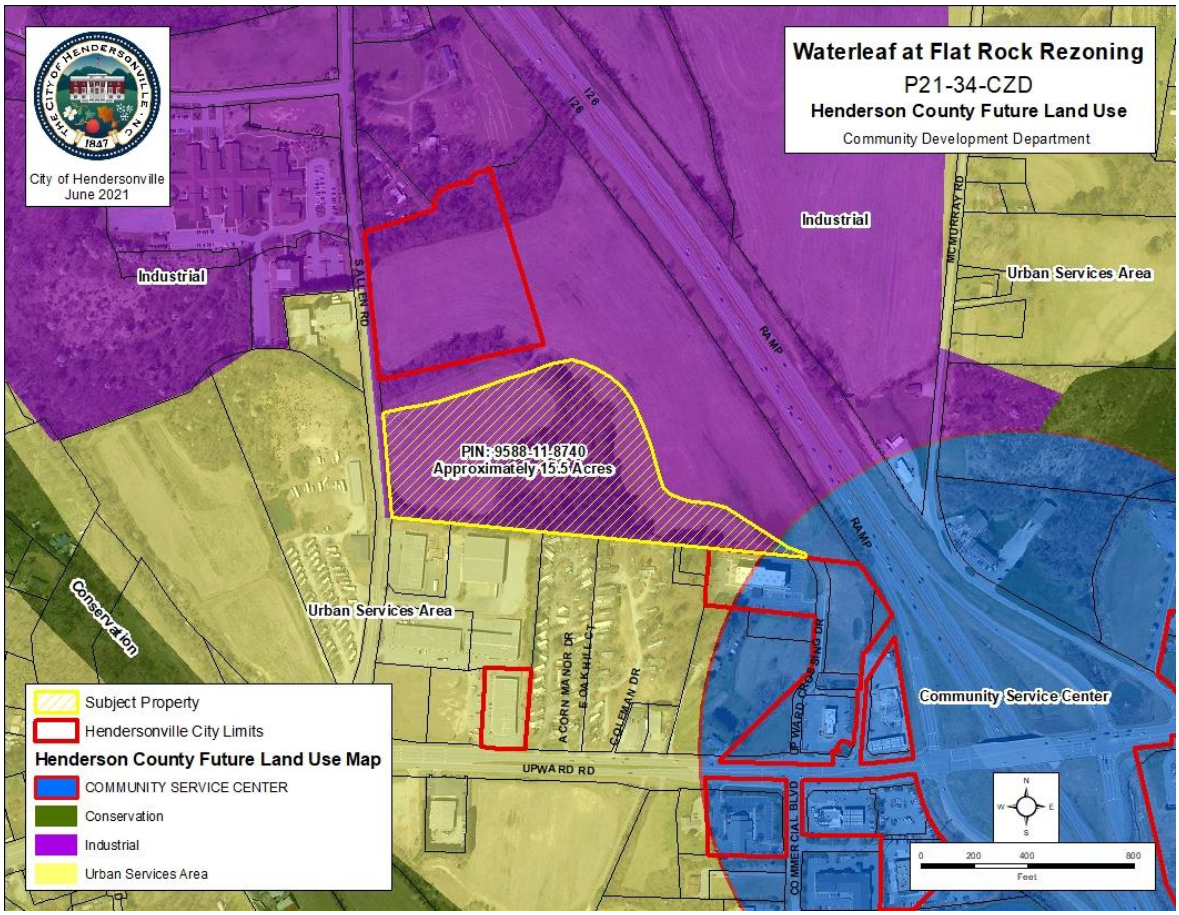




HENDERSON COUNTY COMPREHENSIVE PLAN

Until this property was annexed on September 2nd 2021, this property was outside the City of Hendersonville City limits and ETJ. This property was under the complete jurisdiction of Henderson County. Since this property is now under the jurisdiction of the City of Hendersonville it falls entirely under the City's Comprehensive plan when determining Comprehensive Plan consistency during the rezoning process. However, it is still important to understand the subject property's previous designation and surrounding Henderson County designations.

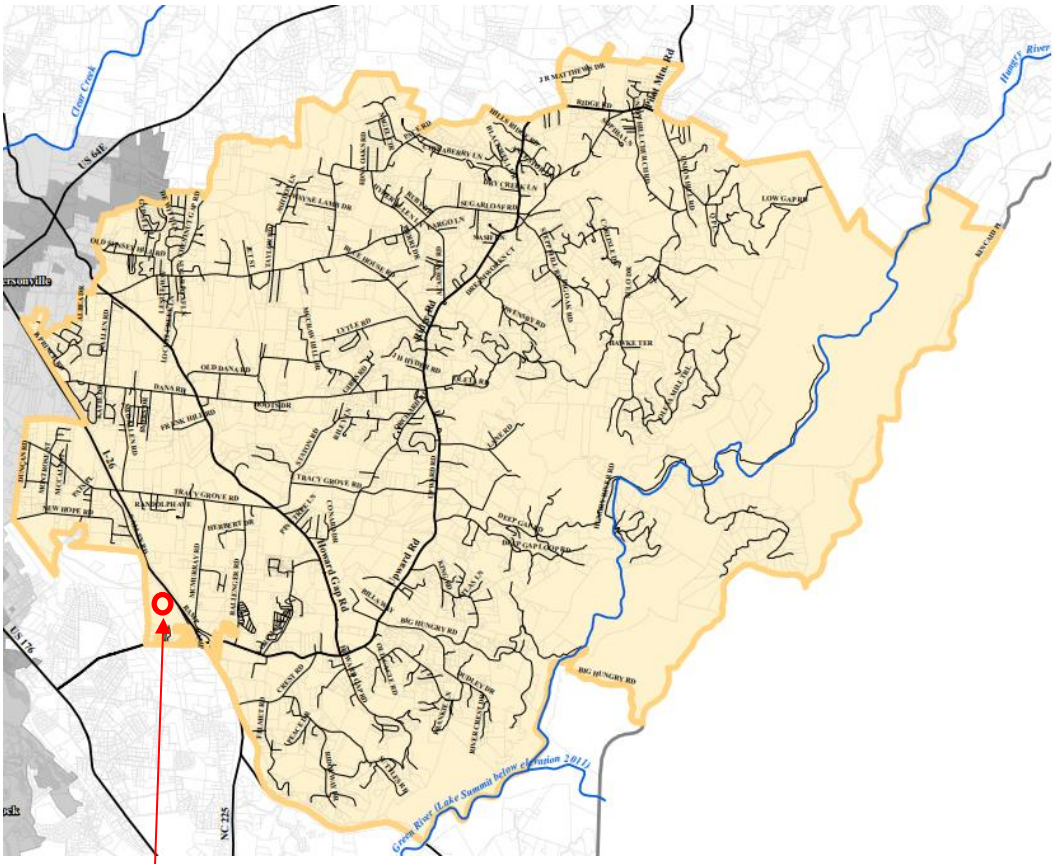
The Henderson County future land use map designates this area as Industrial, with a small section included in a Community Service Center.



Henderson County's Comprehensive Plan calls out the subject property as an area where a possible industrial site could be located in the future. As you will see, the "Project Wheel Industrial Park" property is also designated to the south. Project Wheel will be meeting this goal laid out in the Henderson County Comprehensive Plan.



HENDERSON COUNTY DANA COMMUNITY PLAN



The Subject property is one of the last parcels included in the adopted 2011 Henderson County Dana Community Plan. The Henderson County Comprehensive Plan identified the need to plan for individual communities within the County. The community planning areas were prioritized based on anticipated growth and relation to the Growth Management Strategy (established by the Henderson County Comprehensive Plan). Some sections of the Dana Community Plan are included below.

3.3: Housing (p. 23-28)

Expand affordable housing in the Dana Planning Area.

- Consider offering incentives for affordable housing.

Expand and diversify housing options.

- The County should encourage—and regulations should permit—a mix of housing types (including multifamily units) in the Dana Planning Area.
- The County should consider applying additional design standards for multifamily units in the Dana Planning Area to ensure continuity with the surrounding rural community.

Support the continuance and expansion of the existing local program for abandoned/dilapidated manufactured home removal.

Encourage quality housing for migrant workers through continued enforcement of the minimum housing code and by encouraging additional affordable housing options to serve this population.

3.6: Economic Development (p. 41-46)

The Upward Road interchange along Interstate 26 and surrounding area should be developed to draw businesses, tourists, County residents, and the residents of the surrounding region.

- Economic development at a regional scale should be focused at the interchange and in the surrounding area.
- Aesthetic improvements to the interchange should be considered to encourage economic growth and promote a positive perception of the Dana Community, Henderson County, and nearby municipalities.

Encourage higher density residential development in the areas near and mixed within nonresidential development at the interchange.

Promote high-tech and research and development operations in the Dana Planning Area in light of the Planning Area's adjacency to Blue Ridge Community College.

SITE PLAN REVIEW:

Landscaping

The applicant will be required to provide vehicular use landscaping for this project. Vehicular use landscaping consists of 1 tree and 2 shrubs for every 4,000 square feet of VUA.

The applicant will also be required to plant a planting strip which is required when a vehicular use area lot is located within 100 feet of an abutting property and no buffer yard is required, a planting strip which is a minimum of five feet wide shall be planted between the vehicular use area and the abutting property, except along approved driveway openings which run perpendicular to the planting strip. One large evergreen or deciduous tree and five evergreen or deciduous shrubs shall be planted for every 40 linear feet of property line that parallels the vehicular use area.

The property currently has 244 trees over 12" DBH. The developer is proposing to preserve 125 trees and remove 119 trees.

Stormwater/Flood Hazard Area

The developer will be required to install a post construction stormwater detention system since their land disturbance will exceed 1 acre. The City of Hendersonville Engineering Department will review the stormwater plan for this property at Final Site Plan Approval.

Parking Requirements

The zoning ordinance requires in PRD that a minimum of one-and-one-half spaces per residential unit containing one or two bedrooms. A minimum of two spaces per residential unit containing three or more bedrooms. Enclosed garages and carports count towards meeting the parking requirement. All parking spaces shall be located within 75 feet of the residential unit they serve.

214 - 1 or 2 bedrooms= **321 spaces required.**

50 - 3+ Bedrooms**= 100 spaces required.**

Total required: 421 spaces

The developer is proposing 444 spaces for the development.

Sidewalks

Sidewalks will be provided along the property frontage of S. Allen Road and along the newly constructed eastern entrance/exit that will tie into existing sidewalks along Upward Crossing Drive.

Access

The site will have access of off S. Allen Road and Upward Crossing Drive.

Density Bonus

The developer is requesting a density bonus since they exceed the allowable 10 units per acre. The developer is asking for a density of 16.96 units per acre. The requirements to obtain a density bonus are highlighted below. No Planned Residential Development is allowed to exceed 18 units per acre.

5-14-5 Density Bonus. A density bonus over and above the maximum density specified in Section 5-14-4, above, may be approved by City Council only upon determining that the

proposed planned residential development complies with the general considerations listed in Section 5-14-5 as well as the following additional considerations:

a) 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; S. Allen Road is designated as a thoroughfare on the Comprehensive Transportation Plan.

b) Vehicular access for such development shall be limited to one or more boulevards or thoroughfares designated as such in the Comprehensive Transportation Plan; S. Allen Road is designated as a thoroughfare on the Comprehensive Transportation Plan.

c) 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; The developer completed a Traffic Impact Analysis that was reviewed by the City's traffic consultant. Any mitigation recommendations will be presented to the board.

d) 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 has proposed to extend sidewalks along the rear (eastern) portion of the property that will connect into the existing Upper Crossing Drive sidewalks which will allow pedestrians to walk to businesses in the area such as Bojangles, Shell Station, State Employees Credit Union and McDonald's.

e) 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 providing 3.03 acres of common open space. This follows the guidelines of section 6-16-2 of the zoning ordinance.

Any density authorized by City Council pursuant to this section shall not exceed 18 dwelling units per acre. The proposed Density is 16.96 units per acre

Building Height

Buildings 1-7 of the development exceed the allowable maximum height of 35', they are proposed to be 40' high. Due to this the development must fall under these criteria.

5-14-6.5 Building Height. A building may exceed 35 feet in height only upon the granting of a height limitation exemption by the City Council. Upon application, the Council may grant a height limitation exemption upon finding that:

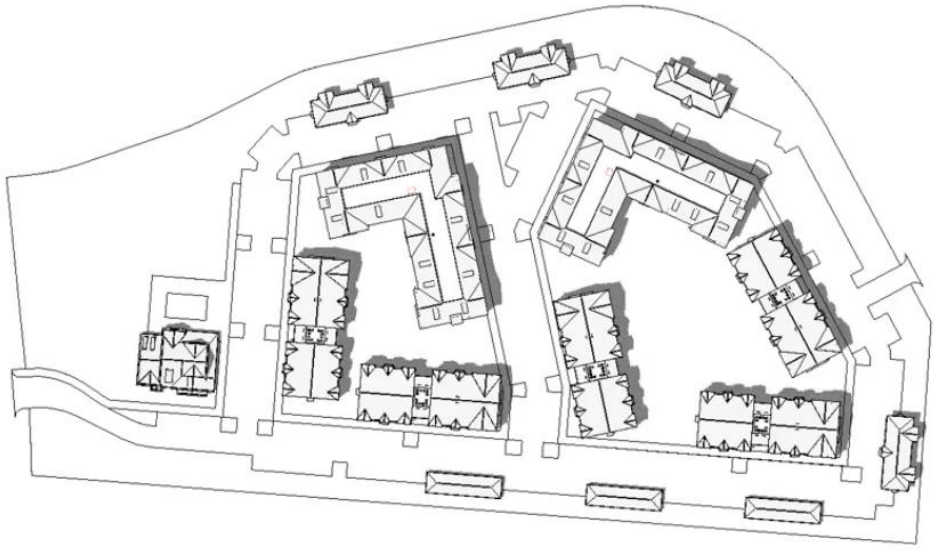
a) Such building will not block sunlight from adjacent property between the hours of 10:00 a.m. and 2:00 p.m. from the months of October 1st to May 1st.The developer provided a sun study. Photos from this study are included below.

b) Such building is adequately designed and served from the standpoint of safety, and the City Fire Chief certifies that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to the fire stations and equipment so as to offer adequate protection to life and property. In no case shall the building exceed 50 feet in height. The Fire Department have not raised any concerns about servicing these buildings. The Fire Department has reviewed the plans as a member of the City's Development Review Committee.

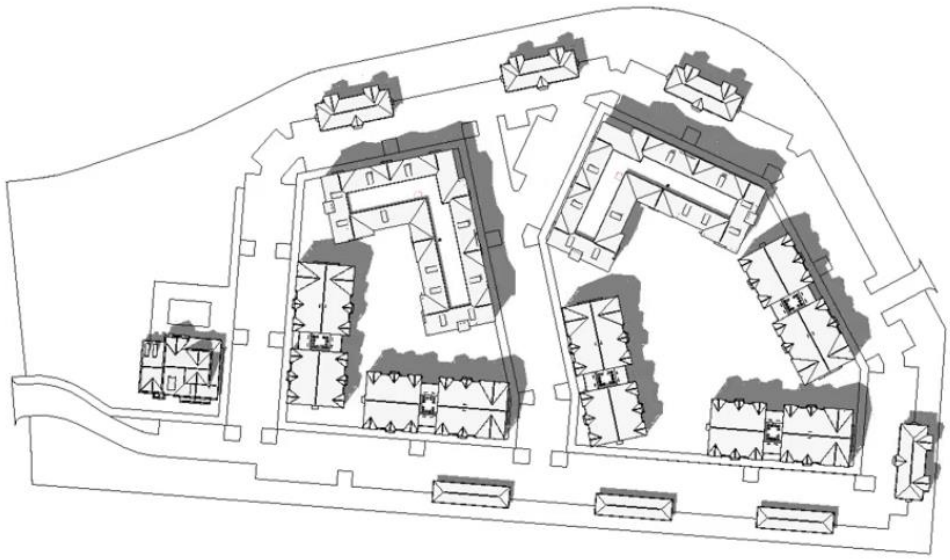
c) The side and rear yards for any structure in excess of 35 feet in height shall be increased by one foot for each one foot in height in excess of 35 feet. The setbacks for these structures meet this requirement.

This requirement is in place to ensure that shadows from this development will not impact neighboring properties, leaving them in darkness. This Sun Study shows where the shadows of the buildings will be on May 1st and October 1st. The photos below show the shadows at their peak. As you will see with these photos that no shadow will leave the subject property.

May 1st Shadows



October 1st Shadows



ZOOM - SITE PLAN



REZONING CRITERIA:

1. Comprehensive Plan Consistency
2. Compatibility
3. Changed Conditions
4. Public Interest
5. Adequate Public Facilities
6. Environmental Impacts

TRANSPORTATION:

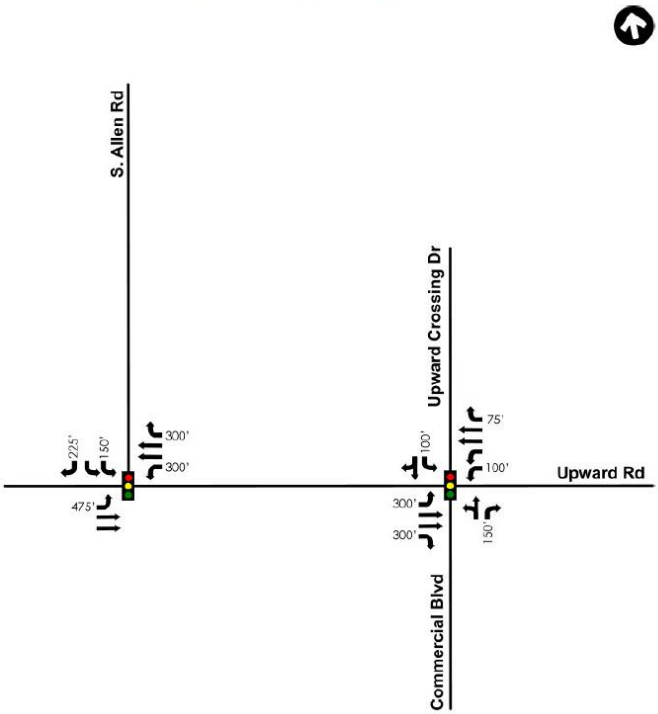
A traffic impact analysis was required for this project due to the number of trips. The Zoning ordinance requires a TIA for any project in which the proposed development, redevelopment, or change of use is expected to generate 100 or more peak-hour trips (a.m. or p.m.) or 1,000 or more trips daily. The proposed trips for this project are included below.

Land Use	ITE LUC	Size	Daily Trips			AM Peak Hour Trips			PM Peak Hour Trips		
			Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
Multi-Family Housing	221	264 D.U.	1438	719	719	89	23	66	112	68	44

The below areas and intersections were reviewed during the traffic study. These areas were agreed upon by the developer, NCDOT and City Staff.



Figure 3: Existing Roadway Laneage



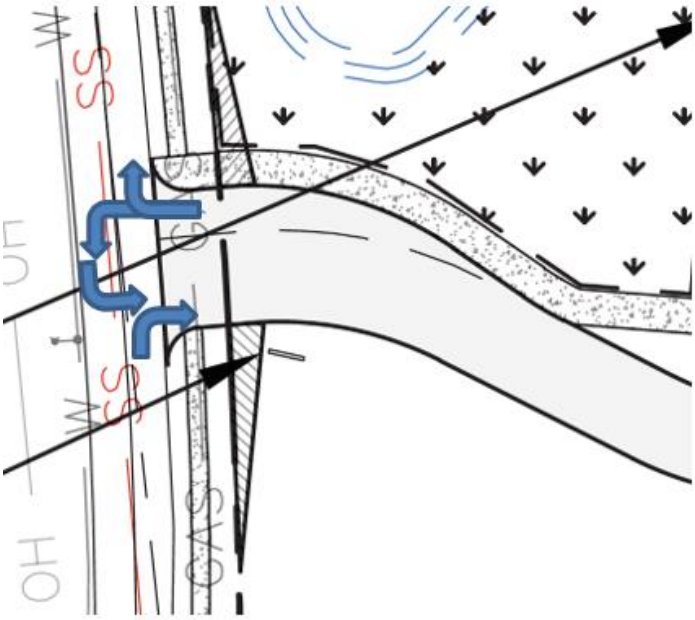
The developer provided the TIA to the City in accordance with the City's timeline requirements. Upon the review conducted by Kimley-Horn (the City's Traffic Consultant), it was determined that revisions were needed for the TIA to be acceptable. The City's Traffic Consultant reviewed the revised TIA and concurred with the findings of the revised TIA. A technical memo from Kimley Horn can be found as an attachment to this packet.

The TIA studied 3 intersections-

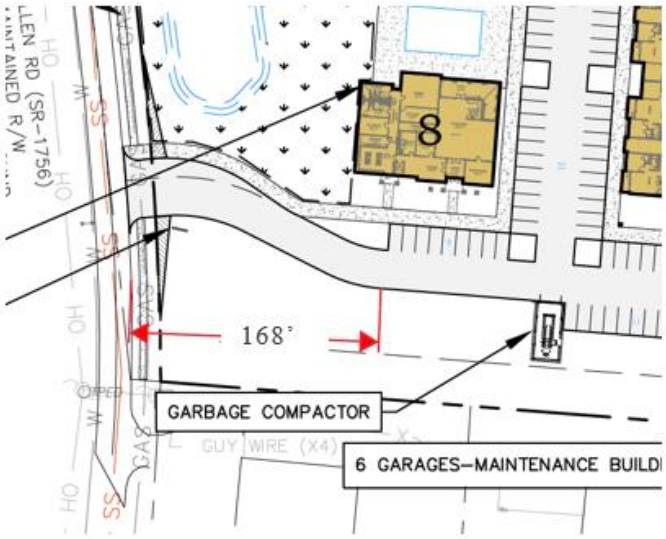
1. **South Allen Road at Upward Road**
2. **Upward Road at Upward Crossing Drive / Commercial Boulevard**
3. **South Allen Road at Site Driveway**

No mitigation measures were recommended for intersections 1 and 2 above, however intersection 3 (South Allen Road at Site Driveway) had recommendations. Those recommendations are as follows:

1. Construct the site driveway as a full-movement access point.
    - This means that the driveway should allow right in/right out and left in /left out to the development.



2. Construct the site driveway with one ingress and one egress lane with 100 feet of internal protected stem.
    - The plan currently appears to show a protected stem of 168 feet and one ingress and egress lane on the plan. This could be confirmed at final site plan approval



§ 136-18. POWERS OF DEPARTMENT OF TRANSPORTATION

North Carolina General Statute 136-18(29) states that:

> "To establish policies and adopt rules about the size, location, direction of traffic flow, and the construction of driveway connections into any street or G.S. 136-18 Page 9 highway which is a part of the State Highway System. The Department of Transportation may require the construction and public dedication of acceleration and **deceleration lanes**, and traffic storage lanes and medians by others for the driveway connections into any United States route, or North Carolina route, and on any secondary road route with an average daily traffic volume of 4,000 vehicles per day or more."

A deceleration lane was not a recommendation identified in the TIA. 2016 data shows that S. Allen Road has 3,400 average daily trips. This proposed development is projected to add a total of 1,438 daily trips. 50% of those trips are expected to use S. Allen Road. This would account for 719 trips added to S Allen Road daily.

The additional trips associated with this development would increase the daily vehicle count to 4,119, surpassing the 4,000 vehicle per day trigger set by general statutes. NCDOT has the power to require that a deceleration lane be constructed. **Carl Ownbey from NCDOT Division 14 stated that they would not require a deceleration lane since one was not recommended in the TIA, however they would support one if the developer chose to install one. He just stated that it would need to meet NCDOT's design standards for a deceleration lane.**

The City did not receive NCDOT's guidance until after the Planning Board meeting. Planning Board did recommend a condition that a deceleration lane be worked out between City Staff and the NCDOT for this project.

STAFF ASSESSMENT & COMPREHENSIVE PLAN CONSISTENCY:

Zoning Compliance:

Based on the review by staff, the submitted preliminary site plan for this project meets the Zoning Ordinance standards established for Planned Residential Development CZDs (Section 5-14) and Site Plan Review (Section 7-3).

Furthermore, staff finds that the application / proposed site plan is in keeping with the standards for a CZD zoning map amendment as established in Article 11-4 of the City Zoning Ordinance.

Final zoning ordinance compliance will be established at the time of Final Site Plan review and approval.

Comprehensive Plan Consistency:

Regional Activity Center states that multi-family is a recommended secondary use in this designation. This designation calls for pedestrian connections between buildings and other properties. This development does this by providing internal sidewalks on the site, sidewalks along the frontage of S Allen for future connections, and most importantly tying into existing sidewalks on Upward Crossing Blvd. This pedestrian connection will provide the ability of residents to walk to commercial areas without driving their car.

Staff finds that the proposed Conditional Rezoning is consistent with the City's 2030 Comprehensive Plan for the following reasons:

- The 2030 Comprehensive Plan highlights this parcel as a Priority Growth Area which are areas that are considered a high priority for expansion of the ETJ, annexation, and extension of infrastructure and services. The subject property is already annexed into the City of Hendersonville as a satellite annexation. The developer annexed into the City of Hendersonville for sewer service. This will extend the City's sewer infrastructure up S. Allen road for future connections.
- The Comprehensive Plan sets a goal to encourage a wide range of housing types and price points (Chapter 2 PH-2). This project is not proposing a mix of buildings types within this development itself. However, it is staff's position that this development provides a different type of housing for a wider range of citizens. According to the City's Comprehensive Plan only 4% of the City's land is devoted to multi-family residential. By adding this additional multi-family residential it adds more housing in an underrepresented housing type.
- The Comprehensive Plan sets a goal of promoting the preservation of woodlands (Chapter 3 NR-2.3). The developer is proposing to preserve a fair amount of mature (12"+ DBH) trees on the site. If the trees are to be counted as tree credits, then they will be required to be preserved in accordance with the City's Zoning Ordinance.

Zoning Map Amendments:

Chapter XI of the Zoning Code provides standards for consideration of zoning map amendments. The following factors are to be included in decision-making process:

Compatibility with surrounding uses

- The surrounding land uses are commercial uses, a high-density mobile home park and vacant land.

Changed conditions

- The parcel to the north was approved as a congregate care facility by City Council in December of 2020. The Upward Road corridor is continually seeing growth and development due to the NCDOT improvements made in years past.

Public Interest

- The addition of 263 apartment units will allow for a wider range of housing options for a wider range of citizens.

Public facilities

- The developer is proposing to extend water and sewer to the site which will allow for possible future connections along this corridor. The project did trigger a Transportation Impact Analysis and the capacity of the roads were studied.

Effect on natural environment.

As mentioned previously under the Comprehensive Plan Consistency, the project proposes to preserve a lot of the existing mature trees. However, some mature trees will be lost due to this development.

PROPOSED CONDITIONS

Staff recommends one condition to be place on the development. The second access at the rear of the development that is tying into Upward Crossing Drive is required per the fire code. Fire code does not require that this be an open access point for residents. This access could be gravel and have a fire access gate blocking resident ingress and egress. Staff feel that this entrance and exit should be an open access for residents to use. This would allow traffic to be dispersed at different points and not just on S Allen Road. This is why staff is proposing the following condition:

The developer shall build the second access to City Street standards and allow it to be used for resident ingress and egress.

PUBLIC COMMENT:

The Neighborhood Compatibility meeting was held on June 11th, 2021. Five members of the public attended in person with 2 citizens on Zoom. They had questions concerning the following:

- Density
- Height
- Traffic concerns
- Impact on the fire service.
- Parking

TREE BOARD – SUMMARY OF ACTION

The Tree Board considered this proposal at their meeting on July 20. The developer was in attendance. The following motion was supported unanimously:

To require the developer to plant trees 2 ½ inch caliper size trees rather than 1 ½ inch caliper size trees; to preserve as many trees as possible on the site; and to plant the number of trees as specified by the City's Zoning Ordinance.

Attached in the packet is the tree survey that shows all trees over 12" DBH that will be preserved and which ones will be removed.

PLANNING BOARD - SUMMARY OF ACTION

- Mr. Brown stated they are asking for a density bonus and height exemption, what will they be offering as a good faith measure. Mr. Sugg stated they are offering workforce housing as a good faith measure. Mr. Peterson stated they are paying more to upgrade the second access to city standards, and they will be putting in 5-foot sidewalks.
- Mr. Brown asked if they would consider meeting the Outdoor Lighting Basics from the International Dark Sky Association which are: only be on when needed, only light the area that needs it, be no brighter than necessary, minimize blue light emissions and be fully shielded, pointing downward. Mr. Sugg stated they would be agreeable to that.
- Chair asked about the deceleration lane. Matt Keech, Traffic Engineer stated the multiple access points will dispense the traffic very well. All of the traffic will not be dumped on South Allen Road. Chair stated he felt like deceleration lane was needed and should be considered. Mr. Sugg stated they are not against considering the deceleration lane, but they would like to hear from NCDOT on this. Mr. Holloway stated the driveway permits will be obtained through NCDOT and they will consult with them prior to City Council.

PLANNING BOARD MOTION

Mr. Brown moved the Planning Board recommend that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (portion of PIN 9588-11-9994) from Henderson County Office Institutional Zoning District to City of Hendersonville Planned Residential development Conditional Zoning District based on the site plan submitted by the applicant and subject to the following: Permitted Uses shall include: Multi-family residential dwellings.

Conditions that shall be satisfied prior to final site plan approval include:

1. The developer shall construct the rear access that connects to Upward Crossing Drive to City street standards and allow it to be used as an ingress and egress for residents.

2. To preserve as many trees as possible on the site; and to plant the number of trees as specified by the City's Zoning Ordinance.
3. The developer work with city staff to comply with the five Outdoor Lighting Basics from the International Dark Sky Association and
4. Work with NCDOT and city staff for a deceleration lane.

Finding that the amended zoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons: 1. Multi-family is a secondary use stated in the Land Use & Development Chapter (Chapter 8 – LU-9.3) 2.The development is in a priority growth area as described in the Land Use and development Chapter (Chapter 8 Section 8.3) 3.The development provides a type of housing that is underrepresented within the City. Outlined in the graphic in Chapter 8 Section 8.2. **Mr. Hanley seconded the motion which passed unanimously.**

CHANGES BETWEEN PLANNING BOARD AND CITY COUNCIL

Between the Planning Board meeting and the City Council meeting, the developer changed the proposed gross floors areas of buildings 1 & 2. This change in square footage was primarily due to a calculation error on the part of the developer. However, the footprints of these two buildings has also increased the total footprint of the buildings on the site by 1%.

Combining the corrected square footage and the slight increase in building footprint, we get the following changes to the site plan:

- The plan reviewed by the Planning Board showed a gross floor area of 57,621 per building, totaling 115,242 square feet.
- The corrected/modified gross floor area is 90,029 square feet per building, for a total of 180,058 square feet.

The developer provided the following key differences between the two versions:

- Buildings 1 and 2 footprints grew by **2,117 SF each.**
- The reason for this increase was to create extra sidewalk and stairwell access points.
  - The building now has four (4) connection points.
- The unit count and building height has not changed.
- We have since reduced the total site plan by one (1) unit to 263-units total now.
  - This residential unit has been re-designed as a Sky Lounge, which gives all residents access to an amenity viewing deck to see mountains.
- The 4-story building being listed in the chart on August 9th submission at 57,621 GSF was an error in the calculation.
  - The actual site plan (not chart) has only slightly altered to create more access points to the 4-story buildings.

The zoning ordinance does not consider an increase in square footage as an increase in intensity for residential developments. Rather, an increase in dwelling units would

constitute an increase in intensity. Below is an excerpt from **Section 7-6 Modification of Development Authorizations** "Intensity shall be measured in terms of dwellings or persons per acre, whichever is applicable, for residential developments and in terms of gross floor area for non-residential developments."

It is important to note that while the gross floor area did increase, the density decreased slightly. The overall unit count went from the 264 units to 263 units. The units per acre went from 17.03 to 16.96. This would be considered a decrease in intensity by our zoning ordinance.

It is important to note that this project has not received any type of development authorizations, so this section would not regulate this development. However, substantial changes submitted after the Planning Board review could trigger returning the application to the Planning Board before a final decision is rendered by City Council. Staff felt that the Site Plan reviewed by the Planning Board has not substantially changed and therefore the process can move forward for City Council to take final action. That said, it is important to point out the proposed changes to City Council and give some context to how similar modifications are calculated in our zoning ordinance.

A site plan with the Planning Board reviewed footprint and new proposed footprint is shown below.



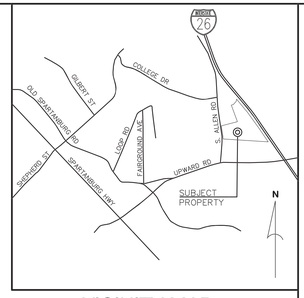
ATTACHMENTS IN THE PACKET:

1. Full Size Site plan (New Square footages Date: 9-7-21)
2. Full Size Landscaping Plan (New Square footages Date: 9-7-21)
3. Ordinance
4. Tree Survey
5. Tree Preservation Plan
6. Proposed Zoning Map
7. Kimley-Horn TIA Memo 8-12-21
8. Kimley-Horn Revised TIA memo 9-9-21
9. NCM Minutes
10. Application
11. Planning Board Reviewed Site Plan (8-9-21)
12. Planning Board Reviewed Landscaping Plan (8-9-21)

NOTES

1. SEE UTILITY DETAIL SHEETS FOR ALL GENERAL WATER & SEWER NOTES. CONTRACTOR RESPONSIBLE FOR INCLUSION OF DETAILS SHEETS WITH ALL UTILITY PLANS.
2. WATER METERS ARE TO BE PLACED MAXIMUM OF 5' OFF EDGE OF PAVEMENT/SIDEWALK. WHEN A UTILITY STRIP IS PRESENT, METERS SHALL BE INSTALLED WITHIN STRIP. WHEN SIDEWALK IS CONSTRUCTED AND NO STRIP IS AVAILABLE, SERVICE LINES CROSSING SIDEWALK SHALL BE CONSTRUCTED WITH PVC SLEEVE EXTENDING 6" ON EITHER SIDE OF SIDEWALK **PER CITY OF ASHEVILLE** STANDARDS AND SPECIFICATIONS.
3. CROSSINGS TO MAINTAIN MSD REQUIRED VERTICAL SEPARATION. CONTRACTOR TO CONTACT ENGINEER ON ANY CROSSING THAT DOES NOT MEET THIS SEPARATION, OR SEPARATION IS CLOSER THAN 1'. REFER TO GENERAL NOTES ON SEWER DETAIL SHEET FOR SEPARATION REQUIREMENTS BETWEEN UTILITIES.
4. TO SCHEDULE THE REQUIRED INSPECTIONS ON ALL WORK, CALL THE CIVIL DESIGN CONCEPTS INSPECTIONS HOTLINE AT 828-771-4755, OR EMAIL AT INSPECTIONS@CDCGO.COM. FAILURE TO SCHEDULE INSPECTIONS MAY RESULT IN UNCOVERING OR REDOING WORK.
5. TYPICAL EASEMENTS FOR WATER/SEWER LINES LOCATED OUTSIDE ESTABLISHED UTILITY EASEMENTS OR ROAD RIGHT-OF-WAYS SHALL BE AS SHOWN. THE ENTIRE WATER/SEWER EASEMENT MUST BE CLEAR AND REMAINED CLEARED OF TREE PLANTINGS, EXISTING TREES, AND ANY PERMANENT STRUCTURES.
6. NO PORTION OF THIS PROJECT LIES WITHIN THE 100-YR FEMA FLOODPLAIN.





VICINITY MAP

(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	GRAYCLIFF CAPITAL DEVELOPMENT, LLC 200 EAST BROAD STREET, SUITE 220 GREENVILLE, SC 29601
CONTACT:	SETH PETERSON (864) 679-4799
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801
CONTACT:	WARREN SUGG, P.E. (828) 252-5388
SURVEYOR:	ATLAS SURVEYING 570 BROOKSHIRE RD, SUITE D GREER, SC 29651
CONTACT:	TIMOTHY R. GOLDE (864) 655-5004

PROJECT DATA

PIN:	9588-11-9994
ADDRESS:	S. ALLEN ROAD
DEED BOOK/PAGE:	3578/329
SITE ACREAGE:	15.5 ACRES
EXISTING ZONING:	O&I
PROPOSED ZONING:	PRD-CZD
DENSITY:	17 UNITS/ACRE (263 TOTAL UNITS)

SETBACKS:

FROM R/W:	40'
FROM ADJACENT:	30'
DISTURBED AREA:	9.7 AC

PARKING CALCULATIONS:

VEHICULAR:

REQUIRED SPACES:	(1 OR 2 BED UNITS) 1.5 X 217=326 (3+ BED UNITS) 2 X 46=92
TOTAL SPACES REQUIRED:	418
SPACES PROVIDED:	444

HANDICAPPED SPACES:
SPACES REQUIRED: 22 SPACES PROVIDED: 22

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
1-2	4-STORY "L"-68	40'	90,029 SF
3-7	4-STORY-24	40'	28,791 SF
8	CLUBHOUSE	20'	6,134 SF
9-12	CARRIAGE-2	20'	5,504 SF
13-15	GARAGE/MAINT.	10'	1,855 SF

OPEN SPACE:
REQUIRED: 9.3 AC (60%) PROVIDED: 9.3 AC
COMMON OPEN SPACE:
REQUIRED: 3.01 AC (500 SF/UNIT) PROVIDED: 3.03 AC
BUILDINGS:
REQUIRED: <3.1 AC (<20%) PROVIDED: 2.9 AC (18%)
STREETS/PARKING (VUA): PROVIDED: 3.4 AC (22%)
OTHER: N/A

LANDSCAPING REQ'S: SEE L101 LANDSCAPE PLAN

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	15.5 ACRES (100%)	0.0 ACRES (0%)
POST-DEVELOPMENT:	7.6 ACRES (49%)	7.9 ACRES (51%)

SOIL TYPE: N/A
SOIL GROUP: N/A

CDC INSPECTIONS HOTLINE:
828-771-4755 OR INSPECTION@CDCGO.COM

811 Know what's **below.** **Call** before you dig.

NORTH

UTILITY PLAN

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-5385

52 WALNUT STREET - SUITE
WAYNESVILLE, NC 2878
PHONE (828) 456-44
FAX (828) 456-44

Civil Design Concepts, PA
www.civildesignconcepts.com
NCBELS LICENSE #: C-2184

NO.	DATE	DESCRIPTION	BY
1	07/02/2021	CZD SUBMITTAL	SDB
2	08/09/2021	CZD RE-SUBMITTAL	SDB
3	09/07/2021	CZD UPDATED PER OWNER	SDB

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

UTILITY PLAN FOR:

WATERLEAF AT FLAT ROCK APARTMENTS

GRAYCLIFF CAPITAL DEVELOPMENT, LLC - HENDERSONVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 12135
COH PERMIT NO. N/A

SHEET

C601

PLANTING SUMMARY:

PLANTING STRIPS (PS)

REQUIREMENTS: 1 LARGE EVERGREEN OR DECIDUOUS TREE AND 5 SHRUBS PER 40' LF OF PROPERTY LINE

TOTAL PS:	1,030 LF
TREES REQUIRED:	26
TREES PROVIDED:	26 PROPOSED ON SITE
TREE CREDITS APPLIED:	158 (53 TREES)
SHRUBS REQUIRED:	129
SHRUBS PROVIDED:	129

VEHICULAR USAGE LANDSCAPE AREA (VUA)

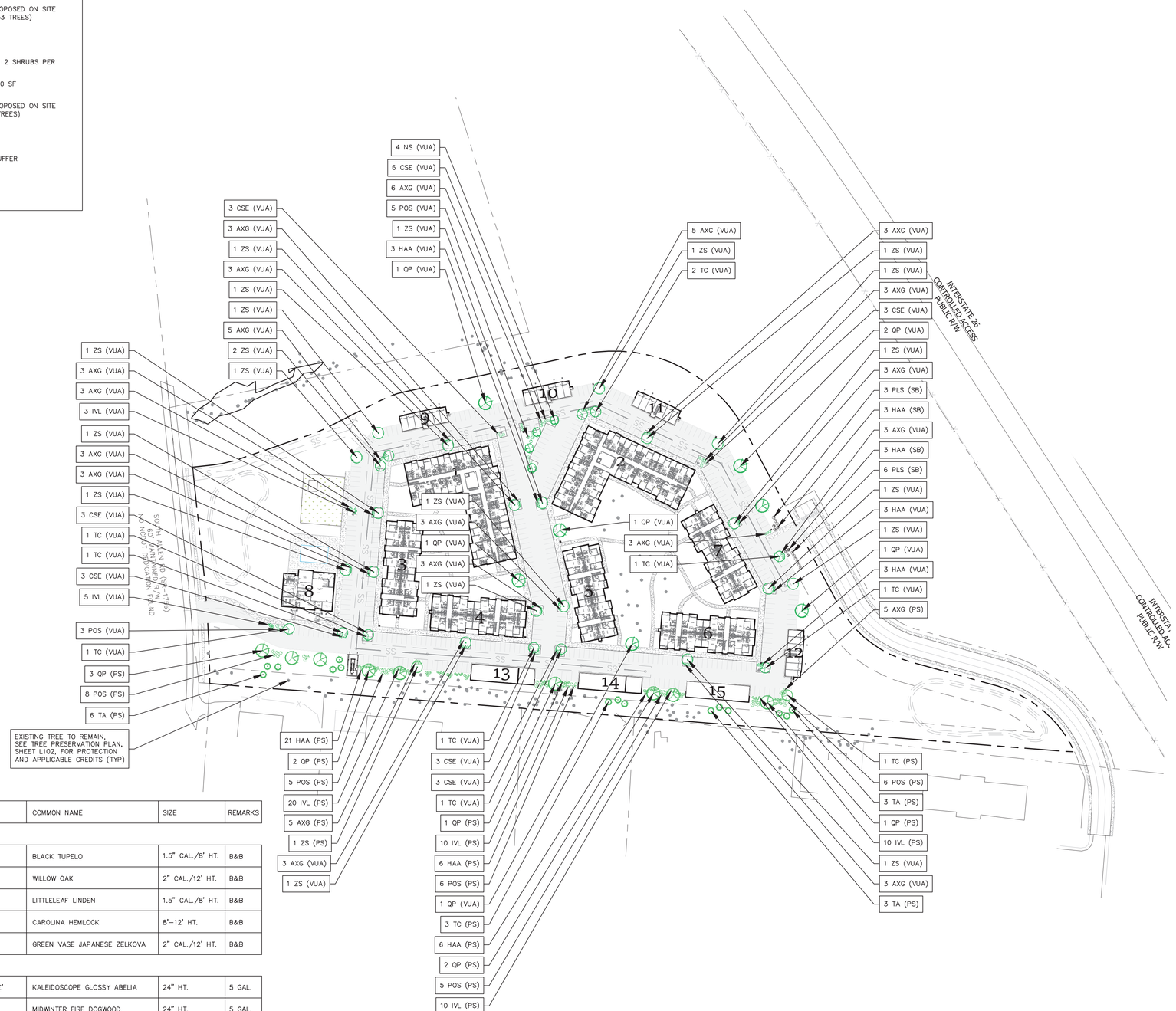
REQUIREMENTS: 1 LARGE DECIDUOUS TREE AND 2 SHRUBS PER 4,000 SF OF VUA

TOTAL VUA:	155,000 SF
TREES REQUIRED:	39
TREES PROVIDED:	40 PROPOSED ON SITE
TREE CREDITS APPLIED:	6 (2 TREES)
SHRUBS REQUIRED:	78
SHRUBS PROVIDED:	108

STREET BUFFER (SB)

REQUIREMENTS: 1 SHRUB PER 5 LF OF VUA BUFFER

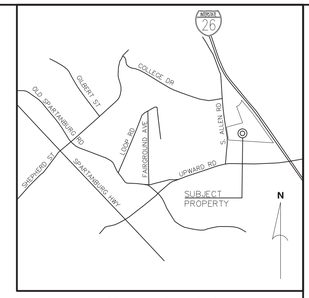
TOTAL SB:	75 LF
SHRUBS REQUIRED:	15
SHRUBS PROVIDED:	15



PROPOSED PLANT SCHEDULE *

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
TREES					
NS	4	NYSSA SYLVATICA	BLACK TUPELO	1.5" CAL./8' HT.	B&B
QP	16	QUERCUS PHELLOS	WILLOW OAK	2" CAL./12' HT.	B&B
TC	12	TILIA CORDATA	LITTLELEAF LINDEN	1.5" CAL./8' HT.	B&B
TA	15	TSUGA CAROLINIANA	CAROLINA HEMLOCK	8'-12' HT.	B&B
ZS	19	ZELKOVA SERRATA 'GREEN VASE'	GREEN VASE JAPANESE ZELKOVA	2" CAL./12' HT.	B&B
SHRUBS					
AXG	71	ABELIA X GRANDIFLORA 'KALEIDOSCOPE'	KALEIDOSCOPE GLOSSY ABELIA	24" HT.	5 GAL.
CSE	24	CORNUS SERICEA 'MIDWINTER FIRE'	MIDWINTER FIRE DOGWOOD	24" HT.	5 GAL.
HAA	54	HYDRANGEA ARBORESCENS 'ANNABELLE'	ANNABELLE SMOOTH HYDRANGEA	24" HT.	5 GAL.
IVL	58	ITEA VIRGINICA 'LITTLE HENRY'	LITTLE HENRY SWEETSPIRE	18" HT.	3 GAL.
POS	36	PHYSOCARPUS OPULIFOLIUS 'SUMMER WINE'	SUMMER WINE NINEBARK	24" HT.	5 GAL.
PLS	9	PRUNUS LAUROCERASUS 'SCHIPKAENSIS	SCHIP LAUREL	24" HT.	5 GAL.

*SUBSTITUTION OF SPECIES TO BE APPROVED BY ENGINEER
*A DIVERSE PLANT LIST IS RECOMMENDED SO THAT NO ONE SPECIES GETS OVER PLANTED AND TO ELIMINATE WIDE SPREAD DISEASE BETWEEN LIKE SPECIES.



VICINITY MAP
(NOT TO SCALE)

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SOIL TYPE:	N/A	
SOIL GROUP:	N/A	

CDC INSPECTIONS HOTLINE:
828-771-4755 OR INSPECTION@CDCGO.COM

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NORTH

LANDSCAPE & RESOURCE LAYOUT PLAN

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-5385

52 WALNUT STREET - SUITE
WAYNESVILLE, NC 2878
PHONE (828) 452-44
FAX (828) 452-44

Civil Design Concepts, PA
www.civildesignconcepts.com
NCBELS LICENSE #: C-2184

NO.	DATE	DESCRIPTION	BY
1	07/02/2021	CZD SUBMITTAL	SDB
2	08/09/2021	CZD RE-SUBMITTAL	SDB
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PRELIMINARY NOT RELEASED FOR CONSTRUCTION
WARREN L. SUGG, P.E. NORTH CAROLINA 038482

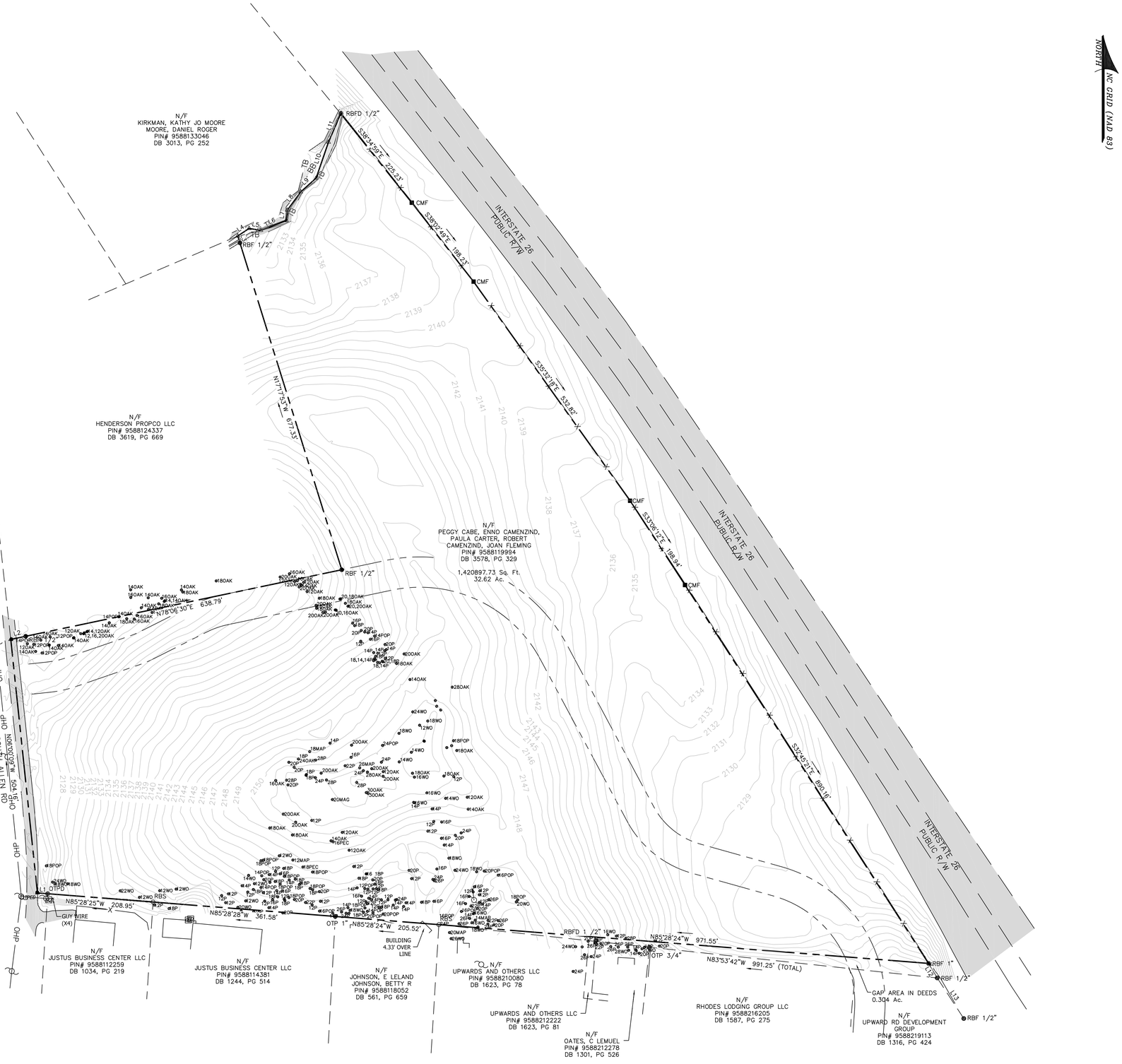
LANDSCAPE & RESOURCE LAYOUT PLAN FOR:

WATERLEAF AT FLAT ROCK APARTMENTS

GRAYCLIFF CAPITAL DEVELOPMENT, LLC - HENDERSONVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 12135
COH PERMIT NO. N/A

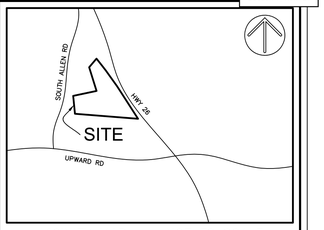
SHEET
L101



LINE TABLE		
LABEL	BEARING	DISTANCE
L1	N85°28'25"W	20.45'
L2	N78°06'30"E	30.17'
L3	N17°17'53"W	14.22'
L4	N56°08'52"E	26.98'
L5	S80°16'33"E	23.66'
L6	N69°00'41"E	54.24'
L7	N04°36'51"E	20.87'
L8	N36°21'19"E	44.82'
L9	N48°10'05"E	40.80'
L10	N18°52'18"E	75.32'
L11	N23°24'08"E	61.14'
L12	S30°45'37"E	33.45'
L13	S33°12'41"E	95.93'

100 50 0 100 200

GRAPHIC SCALE



VICINITY MAP NOT TO SCALE

LEGEND

	◬	CALC POINT – CORNER NOT SET
CMF	■	CONC. MONUMENT FOUND
RBF	●	IRON REBAR FOUND
RBFD	●	IRON REBAR FOUND DISTURBED
OTP	●	OPEN TOP PIPE
RBS	○	IRON REBAR SET
TB	——	TOP OF BANK
BB	——	BOTTOM OF BANK
X	——	FENCE LINE
OAK		OAK
P		PINE
MAP		MAPLE
POP		POPLAR

NOTES

1. PRELIMINARY DRAWING, NOT FOR DESIGN PURPOSES.
2. ALL DISTANCES ARE HORIZONTAL GROUND IN US SURVEY FEET UNLESS OTHERWISE SHOWN.
3. TAX MAP # 9588119994
4. PARCEL LOCATED IN HENDERSON COUNTY
5. BEARING REFERENCED TO NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD83
6. THIS PROPERTY LIES IN ZONES X AS SCALED FROM FLOOD INSURANCE RATE MAP #3700958800J, DATED OCTOBER 2, 2008
7. DATE OF FIELD SURVEY : 06-30-2021
8. OWNER OF RECORD: PEGGY CABE, ENNO CAMENZIND,PAULA CARTER, ROBERT CAMENZIND, JOAN FLEMING
9. TOTAL ACREAGE: 32.62 ACRES
10. 0.304 ACRE GAP OBSERVED BETWEEN PARCELS DURING SURVEY.
11. NO CEMETARIES OR BURIAL GROUNDS WERE OBSERVED ON THE PROPERTY
12. EVIDENCE OF OLD WETLAND FLAGGING OBSERVED DURING SURVEY.

REFERENCES

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

PREPARED FOR:
GRAYCLIFF CAPITAL PARTNERS, LLC

A PRELIMINARY BOUNDARY AND TOPOGRAPHIC SURVEY OF

±32.62 ACRE PARCEL BETWEEN SOUTH ALLEN ROAD & INTERSTATE 26

PARCEL ID No. 9588119994

HENDERSON COUNTY
NORTH CAROLINA

FIELD WORK:	WW
FIELD CHECK:	WHG
DRAWN BY:	APD
DATE:	07-02-2021
SCALE:	1"=100'
PROJECT No.:	GSP-21065
FILE:	GSP-21065 TI.DWG
PAGE:	PAGE 1 OF 1

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

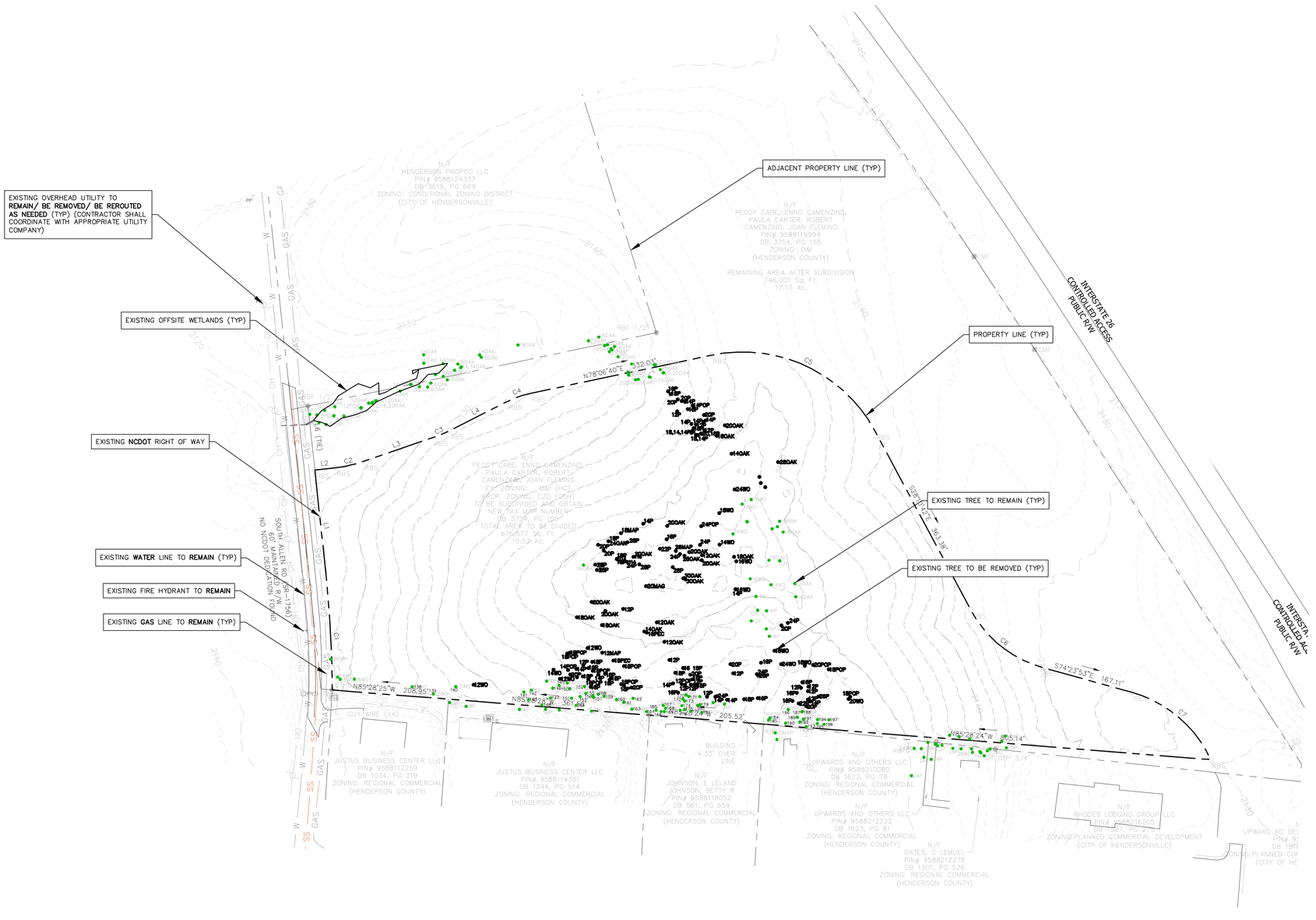
NORTH CAROLINA ATLAS SURVEYING CLT, P.C. No. C-4370 CERTIFICATE OF AUTHORITY

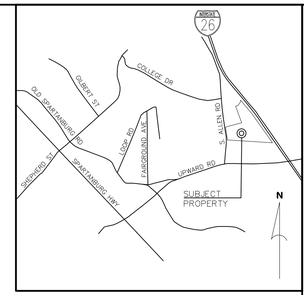
NORTH CAROLINA PROFESSIONAL SEAL L-5265 LAND SURVEYOR KEITH BURNS

CERTIFICATE OF ACCURACY

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS _A_ SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

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





VICINITY MAP

(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	GRAYCLIFF CAPITAL DEVELOPMENT, LLC 200 EAST BROAD STREET, SUITE 220 GREENVILLE, SC 29601
CONTACT:	SETH PETERSON (864) 679-4799
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801
CONTACT:	WARREN SUGG, P.E. (828) 252-5388
SURVEYOR:	ATLAS SURVEYING 570 BROOKSHIRE RD, SUITE D GREER, SC 29651
CONTACT:	TIMOTHY R. GOLDE (864) 655-5004

PROJECT DATA

PIN:	9588-11-9994
ADDRESS:	S. ALLEN ROAD
DEED BOOK/PAGE:	3578/329
SITE ACREAGE:	15.5 ACRES
EXISTING ZONING:	O&I
PROPOSED ZONING:	PRD-CZD
DENSITY:	17 UNITS/ACRE (263 TOTAL UNITS)
SETBACKS:	
FROM R/W:	40'
FROM ADJACENT:	30'
DISTURBED AREA:	9.7 AC

PARKING CALCULATIONS:

VEHICULAR:
- REQUIRED SPACES: (1 OR 2 BED UNITS) 1.5 X 217=326; (3+ BED UNITS) 2 X 46=92
- TOTAL SPACES REQUIRED: 418
- SPACES PROVIDED: 444

HANDICAPPED SPACES:
- SPACES REQUIRED: 22 SPACES PROVIDED: 22

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
1-2	4-STORY "L"-68	40'	90,029 SF
3-7	4-STORY-24	40'	28,791 SF
8	CLUBHOUSE	20'	6,134 SF
9-12	CARRIAGE-2	20'	5,504 SF
13-15	GARAGE/MAINT.	10'	1,855 SF

OPEN SPACE:
- REQUIRED: 9.3 AC (60%) PROVIDED: 9.3 AC

COMMON OPEN SPACE:
- REQUIRED: 3.01 AC (500 SF/UNIT) PROVIDED: 3.03 AC

BUILDINGS:
- REQUIRED: <3.1 AC (<20%) PROVIDED: 2.9 AC (18%)

STREETS/PARKING (VUA): PROVIDED: 3.4 AC (22%)

OTHER: N/A

LANDSCAPING REQ'S: SEE L101 LANDSCAPE PLAN

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	15.5 ACRES (100%)	0.0 ACRES (0%)
POST-DEVELOPMENT:	7.6 ACRES (49%)	7.9 ACRES (51%)

SOIL TYPE: N/A
SOIL GROUP: N/A

CDC INSPECTIONS HOTLINE:
828-771-4755 OR INSPECTION@CDCGO.COM

811 Know what's **below.** **Call** before you dig.

NORTH

EXISTING CONDITIONS & DEMOLITION PLAN

GRAPHIC SCALE

0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-3865

52 WALNUT STREET - SUITE 9
WAYNESVILLE, NC 28786
PHONE (828) 452-4410
FAX (828) 456-5455

CDC Civil Design Concepts, PA
www.civildesignconcepts.com
NCBELS LICENSE #: C-2184

NO.	DATE	DESCRIPTION	BY
1	07/02/2021	CZD SUBMITTAL	SDB
2	08/09/2021	CZD RE-SUBMITTAL	SDB
3	09/07/2021	CZD UPDATED PER OWNER	SDB

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

EXISTING CONDITIONS & DEMOLITION PLAN FOR:

WATERLEAF AT FLAT ROCK APARTMENTS

GRAYCLIFF CAPITAL DEVELOPMENT, LLC - HENDERSONVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 121.35
COH PERMIT NO. N/A

SHEET

C101

TREE PROTECTION NOTES

1. ALL LANDSCAPE SITE WORK SHALL BE IN ACCORDANCE WITH ALL **CITY OF HENDERSONVILLE** REGULATORY STANDARDS AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS. LANDSCAPE SHALL BE MAINTAINED IN ACCORDANCE WITH IN SEC. 15-4 OF THE ZONING ORDINANCE. CONSULT AN ENGINEER TO FIELD ADJUST LANDSCAPE AS NECESSARY.
2. TREE PROTECTION MEASUREMENTS SHALL BE INSTALLED IN ACCORDANCE WITH THE **CITY OF HENDERSONVILLE** REGULATORY STANDARDS AND INSPECTED BY THE **CITY OF HENDERSONVILLE PLANNING AND DEVELOPMENT DIRECTOR** PRIOR TO ANY GROUND DISTURBANCE WORK, CLEARING, AND GRADING WILL FOLLOW.
3. TREE PROTECTION MEASURES MUST BE MAINTAINED BY THE CONTRACTOR THROUGHOUT THE ENTIRE CONSTRUCTION PROCESS.
4. NO PERSON MAY CONDUCT ANY ACTIVITY WITHIN THE PROTECTED AREA OF ANY TREE DESIGNATED TO REMAIN, INCLUDING, BUT NOT LIMITED TO, PARKING, PLACING SOLVENTS, STORING DEBRIS OR BUILDING MATERIAL AND SOIL DEPOSITS, DUMPING CONCRETE WASHOUT OR HAZARDOUS WASTE.
5. NO PERSON SHALL ATTACH ANY OBJECT TO ANY TREE DESIGNATED FOR PRESERVATION, INCLUDING, BUT NOT LIMITED TO NAILS, ROPES, CABLES, SIGNS, OR FENCING.
6. THE GRADE MUST NOT BE ELEVATED OR REDUCED WITHIN THE TREE PROTECTION AREA WITHOUT AUTHORIZATION FROM A CERTIFIED ARBORIST.
7. IF THE GRADE ADJACENT TO A PRESERVED TREE IS RAISED SUCH THAT IT COULD SLOUGH OR ERODE INTO THE TREE PROTECTION AREA, IT MUST BE PERMANENTLY STABILIZED TO PREVENT SUFFOCATION OF THE ROOTS.
8. ALL DISTURBANCE AND ENCROACHMENTS SHOWN WITHIN TREE PROTECTION BARRIERS MUST RECEIVE WRITTEN RECOMMENDATION FROM A CERTIFIED ARBORIST TO MINIMIZE POTENTIAL IMPACTS AND CERTIFY THAT THE ACTIVITY WILL NOT COMPROMISE THE HEALTH AND SURVIVAL OF THE TREE.
9. TO THE GREATEST EXTENT POSSIBLE, UTILITY TRENCHES MUST BE LOCATED OUTSIDE OF THE TREE PROTECTION AREAS. IF SITE CONSTRAINTS EXIST, A CERTIFIED ARBORIST MUST BE CONSULTED TO DETERMINE IF UTILITIES CAN BE TUNNELED 2 FEET AT MINIMUM BELOW THE TREE ROOTS, WITHOUT COMPROMISING THE CHANCES OF THE TREES SURVIVAL.
10. THE CONTRACTOR IS TO NOTIFY ALL UTILITY COMPANIES AT LEAST 72 HOURS BEFORE CONSTRUCTION ACTIVITY IS TO BEGIN. THE CONTRACTOR SHALL NOTIFY NC ONE CALL AT 1-800-632-4949, 48 HOURS BEFORE CONSTRUCTION BEGINS.

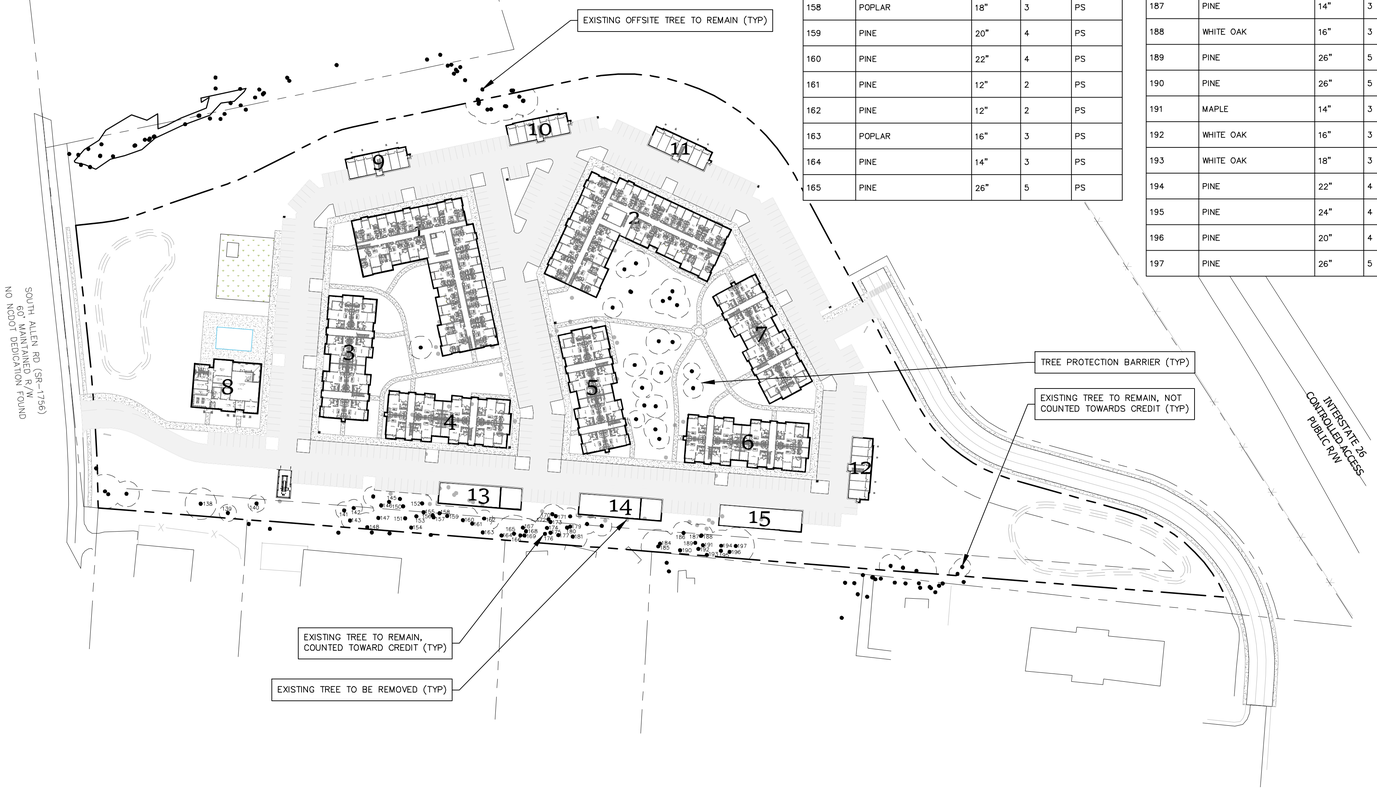
CRITICAL ROOT ZONE NOTES

ENCROACHMENT INTO THE CRITICAL ROOT ZONE IS ALLOWED WITH THE WRITTEN APPROVAL AND RECOMMENDATIONS BY A CERTIFIED ARBORIST AS DESCRIBED IN THE FOLLOWING NOTES:

1. EXCAVATION IN THE TOP 24" OF THE SOIL IN THE CRITICAL ROOT ZONE AREAS SHOULD BEGIN AT THE EXCAVATION LINE THAT IS CLOSEST TO THE TREE.
2. THE EXCAVATION SHOULD BE DONE BY HAND/SHOVEL OR WITH A BACKHOE AND A PERSON WITH A SHOVEL, PRUNING SHEARS, AND A PRUNING SAW.
3. IF DONE BY HAND, ALL ROOTS ONE (1) INCHES OR LARGER SHOULD BE PRUNED AT THE EXCAVATION LINE.
4. IF DONE WITH A BACKHOE (MOST LIKELY SCENARIO), OPERATOR MUST START THE CUT AT THE EXCAVATION LINE AND CAREFULLY "FEEL" FOR ROOTS/RESISTANCE. WHEN THERE IS RESISTANCE, THE PERSON WITH THE SHOVEL HAND DIGS AROUND THE ROOTS AND PRUNES THE ROOTS LARGER THAN ONE (1) INCH DIAMETER.

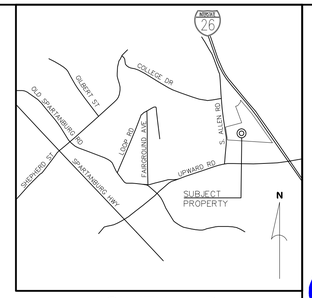
LEGEND

- EXISTING TREES TO BE REMOVED
- EXISTING TREES TO REMAIN
- TREE PROTECTION BARRIER; SEE TREE PROTECTION NOTE 2 FOR INSTALLATION REQUIREMENTS
- 000 TREE ID NUMBER; SEE TREE PRESERVATION TABLE, THIS SHEET, FOR SPECIES, DBH, TREE CREDITS, AND PLANTING CATEGORY.



TREE PRESERVATION

TREE ID	SPECIES	DBH	NUMBER OF CREDITS	PLANTING CATEGORY
138	WHITE OAK	22"	4	PS
139	WHITE OAK	12"	2	PS
140	WHITE OAK	12"	2	PS
141	PINE	12"	2	PS
142	PINE	12"	2	PS
143	PINE	12"	2	PS
145	PINE	18"	3	VUA
146	PINE	12"	2	PS
147	WHITE OAK	12"	2	PS
148	WHITE OAK	20"	4	PS
150	PINE	12"	2	PS
151	PINE	12"	2	PS
152	PINE	14"	3	VUA
153	PINE	16"	3	PS
154	PINE	14"	3	PS
155	PINE	18"	3	PS
156	PINE	12"	2	PS
157	PINE	18"	3	PS
158	POPLAR	18"	3	PS
159	PINE	20"	4	PS
160	PINE	22"	4	PS
161	PINE	12"	2	PS
162	PINE	12"	2	PS
163	POPLAR	16"	3	PS
164	PINE	14"	3	PS
165	PINE	26"	5	PS
166	PINE	24"	4	PS
167	PINE	14"	2	PS
168	WHITE OAK	18"	3	PS
169	POPLAR	18"	3	PS
170	PINE	14"	2	PS
171	PINE	14"	2	PS
172	PINE	12"	2	PS
173	PINE	12"	2	PS
174	POPLAR	18"	3	PS
175	POPLAR	14"	2	PS
176	POPLAR	18"	3	PS
177	POPLAR	20"	4	PS
179	PINE	18"	2	PS
180	POPLAR	12"	2	PS
181	POPLAR	20"	4	PS
184	POPLAR	16"	3	PS
185	PINE	24"	4	PS
186	POPLAR	16"	3	PS
187	PINE	14"	3	PS
188	WHITE OAK	16"	3	PS
189	PINE	26"	5	PS
190	PINE	26"	5	BI
191	MAPLE	14"	3	PS
192	WHITE OAK	16"	3	PS
193	WHITE OAK	18"	3	PS
194	PINE	22"	4	PS
195	PINE	24"	4	PS
196	PINE	20"	4	PS
197	PINE	26"	5	PS



VICINITY MAP

(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	GRAYCLIFF CAPITAL DEVELOPMENT, LLC 200 EAST BROAD STREET, SUITE 220 GREENVILLE, SC 29601
CONTACT:	SETH PETERSON (864) 679-4799
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801
CONTACT:	WARREN SUGG, P.E. (828) 252-5388
SURVEYOR:	ATLAS SURVEYING 570 BROOKSHIRE RD, SUITE D GREER, SC 29651
CONTACT:	TIMOTHY R. GLIDE (864) 655-5004

PROJECT DATA

PIN:	9588-11-9994
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PROPOSED ZONING:	PRD-CZD
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SETBACKS:	
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FROM ADJACENT:	30'
DISTURBED AREA:	9.7 AC

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HANDICAPPED SPACES:
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REQUIRED: <3.1 AC (<20%) PROVIDED: 2.9 AC (18%)
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OTHER: N/A

LANDSCAPING REQ'S: SEE L101 LANDSCAPE PLAN

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
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SOIL TYPE: N/A
SOIL GROUP: N/A

CDC INSPECTIONS HOTLINE:
828-771-4755 OR INSPECTION@CDCGO.COM

811 Know what's **below.** **Call** before you dig.

NORTH

TREE PRESERVATION PLAN

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-5365

52 WALNUT STREET - SUITE 9
WAYNESVILLE, NC 28786
PHONE (828) 452-4410
FAX (828) 456-5455

CDC Civil Design Concepts, PA
www.civildesignconcepts.com
NCBELS LICENSE #: C-2184

NO.	DATE	DESCRIPTION	BY
1	07/02/2021	CZD SUBMITTAL	SDB
2	08/09/2021	CZD RE-SUBMITTAL	SDB
3	09/07/2021	CZD UPDATED PER OWNER	SDB

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

TREE PRESERVATION PLAN FOR:

WATERLEAF AT FLAT ROCK APARTMENTS

GRAYCLIFF CAPITAL DEVELOPMENT, LLC - HENDERSONVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 121.35
COH PERMIT NO. N/A

SHEET
L102

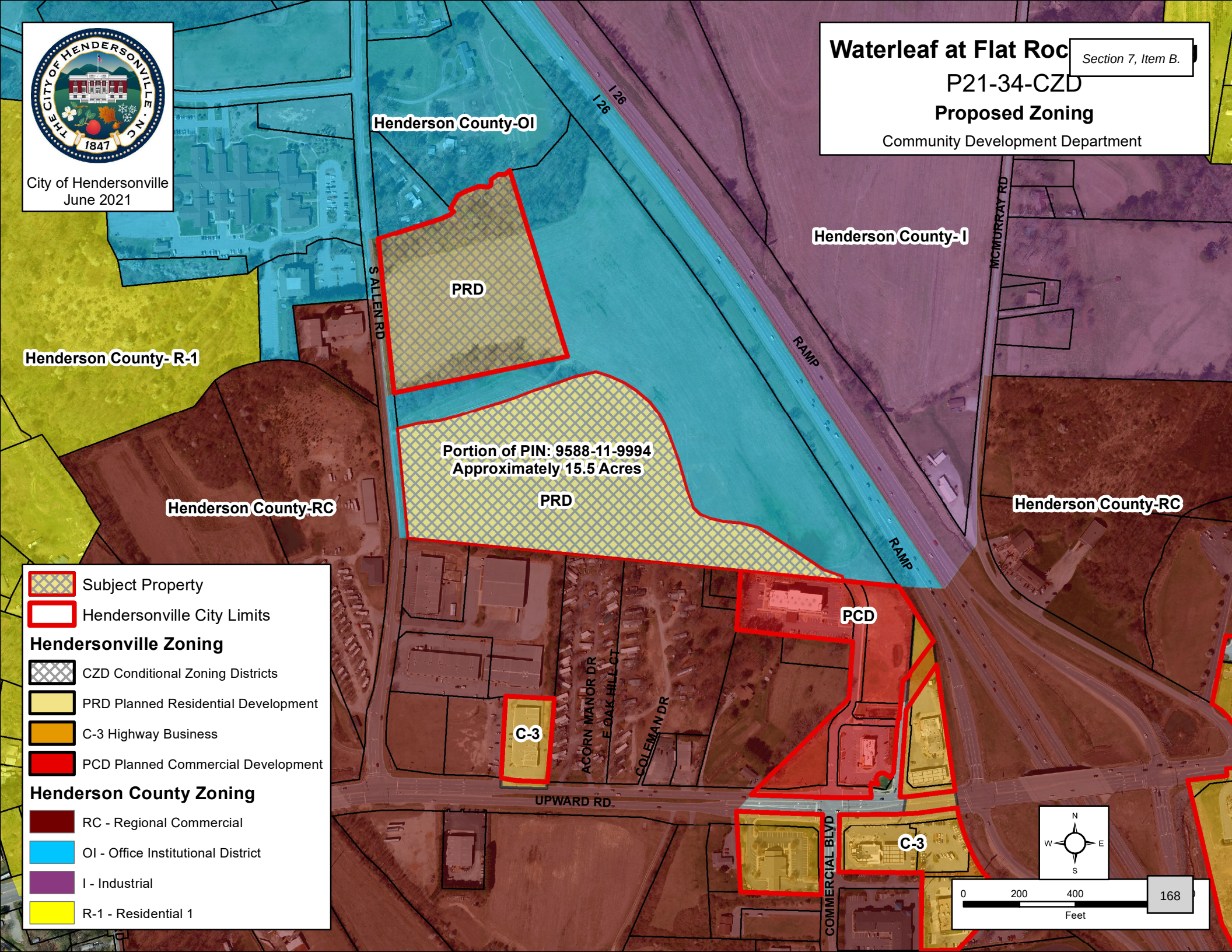
Waterleaf at Flat Roc

P21-34-CZD

Proposed Zoning

Community Development Department

City of Hendersonville
June 2021



Subject Property

Hendersonville City Limits

Hendersonville Zoning

- CZD Conditional Zoning Districts
- PRD Planned Residential Development
- C-3 Highway Business
- PCD Planned Commercial Development

Henderson County Zoning

- RC - Regional Commercial
- OI - Office Institutional District
- I - Industrial
- R-1 - Residential 1

Kimley»Horn

August 12, 2021

Mr. Tyler Morrow
City of Hendersonville
Community Development Department
100 N. King Street
Hendersonville, NC 28712

RE: *Waterleaf Multifamily Development TIA Review*

Dear Tyler,

At the request of the City of Hendersonville, Kimley-Horn has conducted a review of the draft sealed traffic impact analysis (TIA) prepared for the Waterleaf: South Allen Road Development TIA dated July 2021 by Stantec. The proposed site is anticipated to consist of up to 264 multifamily units and is located along S. Allen Road near the intersection with Upward Road. This memo outlines our review of the TIA.

TECHNICAL REVIEW COMMENTS

The following comments were developed in accordance with the traffic impact analysis guidelines contained within the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* and the NCDOT *Congestion Management Capacity Analysis Guidelines*.

- Table ES-1: Upward Road at Upward Crossing Dr/Commercial Boulevard – Northbound approach, AM Peak hour. The approach changes from LOS C (2024 No-Build) to LOS D (2024 Build).
- Table ES-1: Upward Road at Upward Crossing Dr/Commercial Boulevard – Northbound approach, AM Peak hour. The approach experiences an increase in delay of 38.6% (10.9 seconds) between the 2024 no build and build scenarios.
- Section 2.2, page 2.2 indicates that a second point of access will be considered along a private roadway to Upward Road. Figure 2: Annotated Site Plan, page 2.3 indicates that the private roadway extension was not included in the study. The analysis contained in the TIA utilizes the extension for access.
- The sealed TIA (provided for review) did not include the appendix

The TIA provides an overview of the operations of the subject intersections. The proposed development is projected to add approximately 100 peak hour trips in the AM and PM peak hours. It is important to note that the TIA did not recommend mitigation for the intersection of Upward Road and Upward Crossing Drive/Commercial Boulevard as recommended in the NCDOT driveway manual. Per the NCDOT Driveway Manual, mitigation should be recommended when an intersection or approach experiences the following:

- The total average delay increases by 25% or greater
- The LOS degrades by one level

- Level of Service F

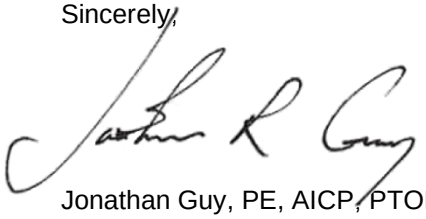
The NB approach of Upward Road and Upward Crossing Drive/Commercial Boulevard experiences both a LOS change and an increase in delay of more than 25%. Recommendations for mitigation should be offered in an updated TIA.

CONCLUSIONS

Based on the technical review of the documentation provided regarding the proposed development, the analysis as presented represents an accurate depiction of the potential operations within the study are considering the impact of the proposed development. The TIA should be updated, either through a revision or amendment, to provide mitigation at the intersection of Upward Road and Upward Crossing Drive/ Commercial Boulevard. Furthermore, clarification should be given regarding the private road and its timing for implementation and responsibility. If the private roadway does not coincide with the development as proposed, the analysis should be updated to reflect the approach.

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

Kimley»Horn

September 9, 2021

Mr. Tyler Morrow
City of Hendersonville
Community Development Department
100 N. King Street
Hendersonville, NC 28712

RE: *Waterleaf Multifamily Development TIA Review*

Dear Tyler,

At the request of the City of Hendersonville, Kimley-Horn has conducted a review of the sealed traffic impact analysis (TIA) prepared for the Waterleaf: South Allen Road Development TIA, which was originally submitted in July 2021 and updated in September 2021 by Stantec Consulting Services, Inc. This memo outlines our review of the updated TIA for concurrence with comments provided by the City and the guidelines prescribed by the NCDOT *Policy on Street and Driveway Access to North Carolina Highways,* the NCDOT *Congestion Management Capacity Analysis Guidelines,* and the City of Hendersonville *Zoning Ordinance*.

TECHNICAL REVIEW COMMENTS

The following comments were offered by the City based on Kimley-Horn's review of the original TIA dated July 2021:

- Increases in delay (+38.6%) and changes in level of service (LOS C to LOS D) on the northbound approach of the intersection of Upward Road with Upward Crossing Drive/Commercial Boulevard noted in the previous TIA warrant improvements based on NCDOT guidelines.
- The site plan provided in the original TIA did not include the proposed extension of Upward Crossing Drive to tie into a second point of access.
- The original TIA did not include the report appendix.

CONCLUSIONS

The updated TIA prepared for the Waterleaf: South Allen Road Development dated September 2021 addresses all prior comments provided by the City of Hendersonville and generally complies with NCDOT and City guidelines. The technical review comments provided herein should be addressed within the TIA report, as applicable.

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

Planning Report
Neighborhood Compatibility Meeting
Application for a Conditional Zoning District
Waterleaf at Flat Rock File # P21-34-CZD
Friday, June 11, 2021 2:00 p.m.

Matt Manley, Planning Manager, convened the compatibility meeting at 2:03 pm in the Assembly Room of the City Operations Building, 305 Williams Street. Approximately seven adjacent property owners and three City staff were in attendance and two people attended via Zoom. The following attended:

Name	***Address***	***Name***	***Address***
Matthew Manley	staff	Alan Aycock	170 Ridgeview
Tyler Morrow	staff		
Terri Swann	staff		
Kathy Tankersley	692 New Hope Road		
Chris Berg	6 Rosemary Trail		
Seth Peterson, Applicant	Greenville, SC		
Warren Sugg, Applicant	168 Patton Ave.		
Kelton Lastein	125 Continental Dr		
Bill Moss	H'ville Lightening		

Mr. Manley opened the meeting explaining this is the first step in a three-step process. He explained the conditional rezoning process adding anyone who received notice of this meeting would receive notice of the City Council Public Hearing. Minutes of this meeting will be forwarded to Planning Board and City Council. Mr. Manley said the project will go before the Planning Board for their recommendation and City Council will hear the project and make a final decision. This will also go before the Tree Board. Mr. Manley stated this meeting is for the neighbors to learn about the project and they should focus on the compatibility of the project in the neighborhood. This is a virtual meeting and Mr. Manley explained the process and the steps to participate in the meeting. This is an informal meeting so state your name and address before making any comments as minutes of this meeting are being taken.

Mr. Manley stated the property is zoned OI. Office Industrial by Henderson County. The proposed rezoning would be PRD CZD, Planned Residential Development Conditional Zoning District by the City of Hendersonville. This property is outside of the city limits and is requesting satellite annexation. They are proposing 276 multi-family units on 15.5 acres. If approved, it will be limited to what is shown on the site plan. This meeting is for the compatibility of the project and not whether the site should be developed or not.

Seth Peterson, Graycliff Capital Development stated he is the developer and is from Greenville, SC. He presented photos of previous projects and the site plan. He stated these will be garden style apartments with hardy plank materials. The apartments will have stainless steel appliances. They are proposing around 264 units and green space will be a big part of the design. They have created pocket park areas that are located between the buildings.

Warren Sugg, Civil Design Concepts stated he is the civil engineer for the project. He talked about working with Mr. Peterson and pushing the central courtyard area back because of the existing topo. This project will evolve over time with greater detail. This is the very early stages of the project. The main access will be off of South Allen Road. The blue area on the site plan shows the stormwater collection areas. The sewer will run up South Allen to the project. He stated he feels good about the utilities and layout of the project. The buildings have different shapes and sizes and they will have some carriage units that will give the project a good mix and have the ability to use the lower area. They feel good about the parking ratio and they are currently working

on a TIA. They have talked with the city about the traffic as well as NCDOT and they have taken into consideration the school traffic in the area. They are happy to answer any questions.

Mr. Manley stated he will open the public comment and asked if anyone would like to speak.

Alan Aycock, 170 Ridgeview Drive asked if it was correct that this project would be 17 to 18 units per acre. Mr. Sugg stated it would be 17 units per acre. Mr. Aycock stated with the elevation being 3 to 4 stories where will the parking go? He is not sure how they will fit parking into that area. Mr. Peterson stated they feel like they have adequate parking for the project. Mr. Aycock asked if the parking would be in the center of the development or around the exterior. Mr. Peterson stated they prefer around the exterior. Only two buildings will be four stories, the rest will be three. Mr. Aycock asked how many spaces are required. Mr. Peterson stated 1.2 to 1.5 spaces per unit. They are still playing around with the layout. They will have 42 garages. Mr. Peterson explained the carriage units. Mr. Sugg pointed out the parking spaces on the plan. Mr. Aycock asked when the project would be started and finished. Mr. Sugg stated they plan to start in the second quarter of 2022 and it should finished roughly 18 to 24 months after that.

Bill Steigerwald, 104 Barn Road, Burnsville, NC discussed one of the developer's previous projects and how nice the development is. He also discussed the uniqueness of the carriage units.

Chris Berg, 6 Rosemary Trail asked if there was a sketch of the carriage units. Mr. Peterson stated no, but he can provide one and there is a photo on their website. Mr. Berg asked if they would be saving trees onsite. Mr. Sugg explained the middle area and the natural vegetation that would remain. They will save as many trees as they can but they will also plant new landscaping throughout the development.

Mr. Peterson stated there is a nice grove of trees and they will protect as many as they can. There is a pond onsite and they will have a one-story clubhouse. The buildings will be tucked back. Mr. Berg asked if sidewalks would connect to the surrounding uses. Mr. Peterson stated they are working on that. Mr. Manley stated some sidewalks would be required per the zoning ordinance.

The written comments are below:

Jonathan Weber, 1804 Country Club Road - If you keep building it they will come. Please stop over taxing our beautiful and limited natural resources for the sake of the almighty dollar. As a small business owner I am on Hendersonville roads for most of my day. The traffic and road conditions are already deplorable. If we stay on this current course of destruction we will become just another big sprawling lost city
with no personality.

Britt Gordon, 152 east Lyda Road - How can the city keep telling the developers, then new owners of the housing that is built on these sites they are providing quality emergency services such as fire, when it has to respond from three to five miles away and there is a fire station within a mile. But it's county which the city each time it annexes is taking revenue from that would better the services of that department by allowing it to hire more manpower if it were to get the revenue from the new proposed development. No I'm not a landowner near the site but a employee of an organization as other emergency organizations near the city limits where the city is taking revenue that would allow county organizations to grow with manpower and better equipment nearby.

Mr. Manley stated he would now open up the public comment for anyone attending via zoom.

Ken Fitch, 1046 Patton Street stated he was concerned that these major developments and their impact is setting a precedent as to the fire and emergency services. Mr. Manley explained there being a state law for

compensation concerning fire and emergency services. He asked if this development would be age restricted or income restricted. Mr. Peterson stated it would not be age or income restricted. Depending on the number of bedrooms, the units would rent for $1,200 to $1,600 a month. Mr. Fitch asked if the parking is based on the number of units or the number of bedrooms. Mr. Sugg stated they look at the number of units for parking. They will make sure there is adequate parking for the development. Mr. Fitch asked if there were separate parking spaces for the clubhouse. Mr. Sugg stated they will have ten spaces for the clubhouse and parking in the aisle for any overflow. Mr. Peterson stated there would be two or three spots reserved for visitors. They will encourage people to walk and cut down on the traffic throughout the development. Mr. Fitch asked what is on the site plan outlined south of the clubhouse. Mr. Sugg stated that is the trash compactor/dumpster. Mr. Fitch asked about trash collection service, fire, police, mail and maintenance. Mr. Sugg stated trash is shown in that spot on the site plan and each tenant would be required to bring their own trash and deposit it in the dumpster. The City of Hendersonville will provide fire, water and police services. The buildings will be sprinkled. Mr. Fitch asked how they will handle mail service. Mr. Peterson stated there will be a mailroom inside the clubhouse, they will have a key pod access to it. Mr. Fitch asked if there will be places for those vehicles and with people stopping to pick up their mail it could cause major issues with traffic. Mr. Fitch asked if they plan to have a maintenance shed onsite. Mr. Peterson stated there will be a maintenance shed onsite and they plan to have two maintenance staff onsite.

Mr. Fitch talked about the existing grade and that there would be a major impact on how they handle the trees. There are mature trees onsite and they serve as a buffer to the north and the south. Mr. Sugg stated there would be some change to the topo from S. Allen to the clubhouse. They are still trying to work this out. Mr. Sugg stated they are doing a tree survey and will go to the Tree Board. They are not quite at that level of detail yet but will get feedback when the time comes and make informed decisions. Mr. Fitch asked if the access road would be public or private. Mr. Sugg stated most of the access would be coming in from the S. Allen Road entrance. Mr. Peterson stated it is still very early in the process and they are making the best effort to create a second access, currently Upper Crossing is a private drive.

Mr. Fitch asked if they would take into consideration the Dark Skies lighting requirements. Mr. Sugg stated they will comply with the City's requirements for lighting. The lighting plan will come at the appropriate time.

Mr. Fitch stated the TIA is a very critical element. There is a senior development in the area and will that be taken into account. Mr. Sugg stated yes, they will be looking at the other projects in the area. Mr. Fitch stated with a senior development there is a certain type of traffic and neighbors were already concerned with the speed on S. Allen Road. This could cause major traffic issues.

Mr. Fitch asked for clarification of satellite annexation. Mr. Manley explained satellite annexation.

Lurah Lowery with the Tines News asked if the annexation was a local policy. Mr. Manley stated yes. Ms. Lowery asked how many bedrooms the units would have. Mr. Peterson stated there would be one, two and three bedroom units.

Mr. Manley asked if anyone else would like to comment. No other comments were made.

Mr. Manley stated this concludes the meeting. He stated the next step for this project is the Planning Board and everyone that got noticed will be noticed of the Planning Board meeting as well. The property will also be posted with the meeting information on the sign. This project should go before the Planning Board on August 9th and City Council on September 2nd.

With no further comments or questions, Mr. Manley closed the meeting at 2:47pm.

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

Conditional Zoning District Petition

Section 7-4 and Article 11 City Zoning Ordinance

The following are required for conditional zoning district petition:

- **~ These forms including the property owner(s) signature(s)**
- **~ Proposed conditions and Comprehensive Plan explanation (page 2)**
- **~ Appropriate fee**
- **~ A conceptual plan meeting the requirements in Section 7-4-3.1 of the City Zoning Ordinance.**

After the neighborhood compatibility meeting, a final site plan meeting the requirements of Section 7-3-4.3 is required. Upon receipt of a complete application, a Planning Board meeting may be scheduled at least 24 days in the future.

Date	5/18/2021
Name of Project	Waterleaf at Flat Rock Apartments
Address / Location of Property	No address - located off of S Allen Rd, north of the Upward Road intersection
List 10 digit PIN or 7 digit PID Number for each property	9588-11-9994 - PIN is tied to parent parcel that will be subdivided. Proposed project will be Tract 1 of subdivided parcel.

CHECK TYPE OF DEVELOPMENT ☒ **Residential** ☐ **Commercial** ☐ **Other**

Current Zoning	Office Institutional District (O & I) (Henderson County)	**Proposed Zoning**	Planned Residential Development Conditional Zoning District (PRD CZD)
List requested uses	Proposed multi-family residential development.		
Total Acreage	15.5 Acres	**Proposed Building Sq.Ft.**	125,000 SF
Dwelling Units	276		

Official Use:
DATE RECEIVED:_____ **BY**_____ **FEE RECEIVED $**_____ **FILE NO.** _____

DEVELOPMENT ASSISTANCE DEPARTMENT
100 N. King St. ~ Hendersonville, NC ~ 28792
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www.hendersonvillenc.gov

CONDITIONAL ZONING DISTRICT PETITION
(Continued)
Section 7-4 and Article 11 City Zoning Ordinance

Proposed Conditions for the site:	The property is currently within Henderson County. The proposed project is a multi-family residential development to be annexed into the City of Hendersonville and rezoned.

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 City's Comprehensive Plan:	Rezoning of the subject property to a Planned Residential Development CZ is in accordance with the City's Comprehensive Plan as the property is within the city's priority growth areas for the expansion of the ETJ boundary and promotes orderly development annexation and the utilization of existing infrastructure.
Explain compatibility with surrounding land uses:	Currently, the surrounding land uses range from retail/commercial, office, and residential. All of which the subject project is compatible with. In addition, the development is compliant with the Comprehensive Plan's land use designation for this area of Regional Activity Center. The intension of the land use is to increase regional retail supported by multi-family residential, which the proposed project provides.
Explain whether changed conditions require a map amendment:	Annexation of the subject property within the City of Hendersonville ETJ will require a map amendment as it will need to reflect a revised zoning district and jurisdiction.
Explain how the petition is in the public interest:	The conditional rezoning petition is requesting approval of a multi-family residential development on what is currently vacant property within Henderson County. Annexation into the city will serve the public interest as it will promote growth and development in an orderly fashion.

Official Use:
FILE NO. _____

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

CONDITIONAL ZONING DISTRICT PETITION
(Continued)
Section 7-4 and Article 11 City Zoning Ordinance

Explain whether adequate public facilities are available:	Proposed project will be served by available water service and sewer service via a line extension north on South Allen Road constructed by an approved CZ project on the adjacent parcel. The proposed project will have internal pedestrian and vehicle circulation while simultaneously retaining vegetated open space.
Explain the impact the petition would have on the natural environment:	The development would utilize a portion of an existing vacant property, thus reducing undeveloped land.
Additional information:	

Note additional approvals prior to issuance of a 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 Development Assistance Department**

Official Use:
FILE NO. _____

Signature pages for Conditional Zoning District Petition

Designated Agent	Warren Sully @ Civil Design Concepts
Address	167 Patton Ave Asheville NC 28801
Phone	828-252-5388
Email	wsully@cdcgo.com
Applicant Name	Graycliff Capital Development, LLC
Address	Po Box 17437 ; Greenville SC 29606
Phone	(864) 679-4799

Signature _____

Printed Name Seth Peterson

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.

Property Owner: Name	
Address	
PID or PIN #	

Signature _____

Printed Name _____

Property Owner: Name	
Address	
PID or PIN #	

Signature _____

Printed Name _____

Official Use:
FILE NO. _____

Signature pages for Conditional Zoning District Petition

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

Address

PID or PIN

Signature _____

Printed Name _____

Property Owner: Name

Address

PID or PIN

Signature _____

Printed Name _____

Property Owner: Name

Address

PID or PIN

Signature _____

Printed Name _____

Property Owner: Name

Address

PID or PIN

Signature _____

Printed Name _____

Property Owner: Name

Address

PID or PIN

Signature _____

Printed Name _____

Official Use:

FILE NO. _____

Conditional Zoning
Petition Rev. 1.2018

City of Hendersonville
General Application
Owner Signature Addendum

Application Information

Date of Application 5/18/2021 Application Number _____

Name of Project Waterleaf at Flat Rock Apartments Phase # (if subdivision) _____

Parcel Identification Number(s) (PIN) 9588-11-9994 - PIN is tied to parent parcel that will be subdivided. Proposed project will be Tract 1 of subdivided parcel.

Additional Owners: (Signature indicates intent that this page be affixed to Application.)

* ^ Printed Name _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature See Exhibit "A"

Title N/A Email hramenzind@ramsey-pratt.com

Address of Property Owner 5133 Boylston Highway, Mills River, NC 28759

* ^ Printed Name See Exhibit "A"
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature _____

Title _____ Email _____

Address of Property Owner _____

* ^ Printed Name _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature _____

Title _____ Email _____

Address of Property Owner _____

* 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.

EXHIBIT "A"

OWNERS

5/14/21
DATE

Robert O. Camenzind
ROBERT O. CAMENZIND

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

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

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

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

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

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

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

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

BK 3693 PG 58 - 63 (6) DOC# 949906
This Document eRecorded: 04/16/2021 04:33:20 PM
Fee: $26.00
Henderson County, North Carolina
William Lee King, Register of Deeds

RAMSEY, PRATT & CAMENZIND, P.A.
Prepared by: Hannah L. Camenzind

STATE OF NORTH CAROLINA,

COUNTY OF HENDERSON. LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that WE, and each of us, namely, LYNDA HILL CAMENZIND, PEGGY C. CABE, PAULA CAMENZIND CARTER, and husband, CHARLES NORMAN CARTER, JOAN C. FLEMING, and husband, JOHN THOMAS FLEMING, ENNO F. CAMENZIND, and wife, BRENDA MERRILL CAMENZIND, have made, constituted, and appointed and by these presents do make, constitute and appoint ROBERT O. CAMENZIND as my true and lawful Attorney-in-Fact to do and perform the following acts for me, on my behalf and in my name to the same extent as if personally present and acting:

To execute all documents necessary in order to list for sale, sell and close the sale of property located in the Blue Ridge Township in Henderson County, North Carolina, being described in a deed from Robert O. Camenzind as Trustee of the Trust created under the Last Will and Testament of Ellison Smyth Hudgens, to Peggy C. Cabe, et al., and recorded in the office of the Register of Deeds for Henderson County in Book 3578, Page 329.

In connection therewith, to execute contracts for the sale of property and such deeds, easement agreements, bills of sale, affidavits, closing statements and other documents as my Attorney-in-Fact shall deem just and appropriate in order to complete the sale thereof.

And I do hereby ratify and confirm all things so done by my said Attorney-in-Fact within the scope of the authority herein given, as fully and to the same extent as if by my self personally done and performed, specifically ratifying and confirming any and all acts and things so done by my said Attorney-in-Fact within the terms of the authority herein given.

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

BK 3693 PG 58 - 63 (6) DOC# 949906

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this the 16 day of April, 2021.

Lynda Hill Camenzind (SEAL)
LYNDA HILL CAMENZIND

STATE OF NORTH CAROLINA,
COUNTY OF Transylvania.

I Jane C. Powell a Notary Public of said State and Buncombe County, do hereby certify that LYNDA HILL CAMENZIND, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this the 16th day of April, 2021.

Jane C. Powell
Notary Public

My Commission Expires: 4-14-2023.

JANE C. POWELL NOTARY PUBLIC EXP. 4-14-2023 BUNCOMBE CO., NC

BK 3693 PG 58 - 63 (6) DOC# 949906

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this the 9 day of April, 2021.

Peggy C. Cabe (SEAL)
PEGGY C. CABE

STATE OF NORTH CAROLINA,
COUNTY OF Transylvania

I Melissa L. Seacat a Notary Public of said State and County, do hereby certify that PEGGY C. CABE, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial stamp or seal this the 9 day of April, 2021.

Melissa L. Seacat
Notary Public

Melissa L. Seacat NOTARY PUBLIC Transylvania County

My Commission Expires: 5-28-24.

BK 3693 PG 58 - 63 (6) DOC# 949906

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this the 9 day of April, 2021.

Paula Camenzind Carter (SEAL)
PAULA CAMENZIND CARTER

Charles Norman Carter (SEAL)
CHARLES NORMAN CARTER

STATE OF Delaware
COUNTY OF New Castle

I Jason M. Raab a Notary Public of said State and County, do hereby certify that PAULA CAMENZIND CARTER and husband, CHARLES NORMAN CARTER, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this the 9 day of April, 2021.

Jason M. Raab
Notary Public

My Commission Expires: 8-1-2021.

Jason M. Raab
Notary Public
#20170601000016
Commission Expires 8/01/2021

JASON M. RAAB NOTARY PUBLIC STATE OF DELAWARE MY COMMISSION EXPIRES AUGUST 1, 2021

BK 3693 PG 58 - 63 (6) DOC# 949906

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this the 9th day of APRIL, 2021.

Joan C Fleming (SEAL)
JOAN C. FLEMING

John Thomas Fleming (SEAL)
JOHN THOMAS FLEMING

STATE OF FLORIDA,
COUNTY OF NASSAU.

I WENDEE ASHMORE a Notary Public of said State and County, do hereby certify that JOAN C. FLEMING and husband, JOHN THOMAS FLEMING, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this the 9th day of APRIL, 2021.

W Ashmore
Notary Public

My Commission Expires: 06-23-21.

WENDEE ASHMORE
MY COMMISSION # GG 089192
EXPIRES: June 23, 2021
Bonded Thru Notary Public Underwriters

BK 3693 PG 58 - 63 (6) DOC# 949906

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this the ____ day of April 9, 2021.

_____(SEAL)
ENNO F. CAMENZIND

_____(SEAL)
BRENDA MERRILL CAMENZIND

STATE OF North Carolina,
COUNTY OF Wake.

I Andre Washington a Notary Public of said State and County, do hereby certify that ENNO F. CAMENZIND and wife, BRENDA MERRILL CAMENZIND, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this the 9th day of April, 2021.

_____
Notary Public

My Commission Expires: 12/09/2024.

ANDRE WASHINGTON NOTARY PUBLIC WAKE COUNTY, NC

\\SERVER2012\Users\Hannah\CAMENZIND\Hendersonville property\Camenzind POA 2021.wpd

City of Hendersonville
General Application
Applicant Signature Addendum

Application Information

Date of Application _____

Application Number _____

Name of Project _____ Phase # (if subdivision) _____

Parcel Identification Number(s) (PIN) _____

Additional Applicants: (Signature indicates intent that this page be affixed to Application.)

* Printed Name Seth Peterson c/o Graycliff Capital Development, LLC
☐ Corporation ☑ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the Applicant named above my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature _____

Title Director Email SPeterson@graycliffcapital.com

Address of Applicant 200 E. Broad Street ; Suite 200 ; Greenville SC 29601

---

* Printed Name _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the Applicant named above my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature _____

Title _____ Email _____

Address of Applicant _____

---

* Printed Name _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the Applicant named above my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature _____

Title _____ Email _____

Address of Applicant _____

NORTH CAROLINA
Department of the Secretary of State

CERTIFICATE OF AUTHORITY

I, ELAINE F. MARSHALL, Secretary of State of the State of North Carolina, do hereby certify that

GRAYCLIFF CAPITAL DEVELOPMENT, LLC

having filed on this date an application conforming to the requirements of the General Statutes of North Carolina, a copy of which is hereto attached, is hereby granted authority to transact business in the State ofNorth Carolina.

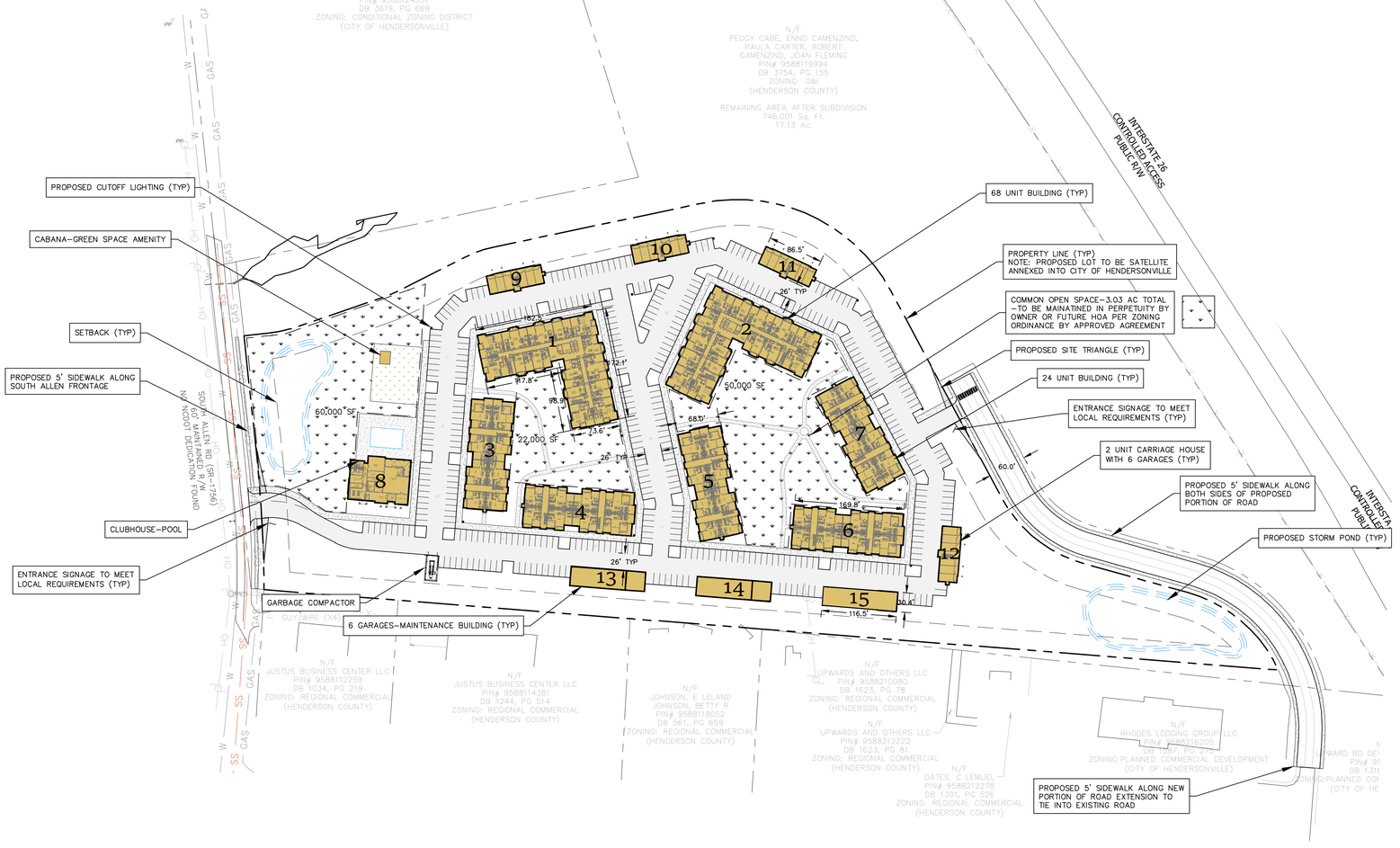
Scan to verify online.

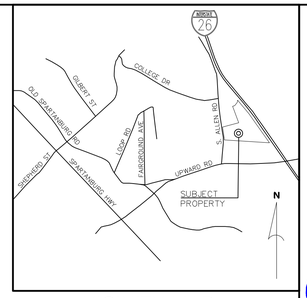
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 26th day of July, 2021.

Elaine F. Marshall

Secretary of State

Document Id: C202120401113
Verify this certificate online at https://www.sosnc.gov/verification





VICINITY MAP

(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	GRAYCLIFF CAPITAL DEVELOPMENT, LLC 200 EAST BROAD STREET, SUITE 220 GREENVILLE, SC 29601
CONTACT:	SETH PETERSON (864) 679-4799
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801
CONTACT:	WARREN SUGG, P.E. (828) 252-5388
SURVEYOR:	ATLAS SURVEYING 570 BROOKSHIRE RD, SUITE D GREER, SC 29651
CONTACT:	TIMOTHY R. GOLDE (864) 655-5004

PROJECT DATA

PIN:	9588-11-9994
ADDRESS:	S. ALLEN ROAD
DEED BOOK/PAGE:	3578/329
SITE ACREAGE:	15.5 ACRES
EXISTING ZONING:	O&I
PROPOSED ZONING:	PRD-CZD
DENSITY:	17 UNITS/ACRE (264 TOTAL UNITS)
SETBACKS:	
FROM R/W:	40'
FROM ADJACENT:	30'
DISTURBED AREA:	9.7 AC

PARKING CALCULATIONS:

VEHICULAR:

REQUIRED SPACES:	(1 OR 2 BED UNITS) 1.5 X 214=321	
	(3+ BED UNITS) 2 X 50=100	
TOTAL SPACES REQUIRED:		421
SPACES PROVIDED:		444

HANDICAPPED SPACES:
SPACES REQUIRED: 22 SPACES PROVIDED: 22

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
1-2	4-STORY "L"-68	40'	57,621 SF
3-7	4-STORY-24	40'	28,791 SF
8	CLUBHOUSE	20'	6,134 SF
9-12	CARRIAGE-2	20'	5,504 SF
13-15	GARAGE/MAINT.	10'	1,855 SF

OPEN SPACE:
REQUIRED: 9.3 AC (60%) PROVIDED: 9.3 AC
COMMON OPEN SPACE:
REQUIRED: 3.03 AC (500 SF/UNIT) PROVIDED: 3.03 AC
BUILDINGS:
REQUIRED: <3.1 AC (<20%) PROVIDED: 2.8 AC (18%)
STREETS/PARKING (VUA): PROVIDED: 3.4 AC (22%)
OTHER: N/A

LANDSCAPING REQ'S: SEE L101 LANDSCAPE PLAN

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	15.5 ACRES (100%)	0.0 ACRES (0%)
POST-DEVELOPMENT:	7.6 ACRES (49%)	7.9 ACRES (51%)
SOIL TYPE:	N/A	
SOIL GROUP:	N/A	

CDC INSPECTIONS HOTLINE:
828-771-4755 OR INSPECTION@CDCGO.COM

811 Know what's below. Call before you dig.

NORTH

SITE PLAN

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-3865

52 WALNUT STREET - SUITE 9
WAYNESVILLE, NC 28786
PHONE (828) 452-4410
FAX (828) 456-5455

CDC Civil Design Concepts, PA
www.civildesignconcepts.com
NCBELS LICENSE #: C-2184

NO.	DATE	DESCRIPTION	BY
1	07/02/2021	CZD SUBMITTAL	SDB
2	08/09/2021	CZD RE-SUBMITTAL	SDB

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

SITE PLAN FOR:

WATERLEAF AT FLAT ROCK APARTMENTS

GRAYCLIFF CAPITAL DEVELOPMENT, LLC - HENDERSONVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 12135
COH PERMIT NO. N/A

SHEET
C201

PLANTING SUMMARY:

PLANTING STRIPS (PS)

REQUIREMENTS: 1 LARGE EVERGREEN OR DECIDUOUS TREE AND 5 SHRUBS PER 40' LF OF PROPERTY LINE

TOTAL PS:	1,030 LF
TREES REQUIRED:	26
TREES PROVIDED:	26 PROPOSED ON SITE
TREE CREDITS APPLIED:	158 (53 TREES)
SHRUBS REQUIRED:	129
SHRUBS PROVIDED:	129

VEHICULAR USAGE LANDSCAPE AREA (VUA)

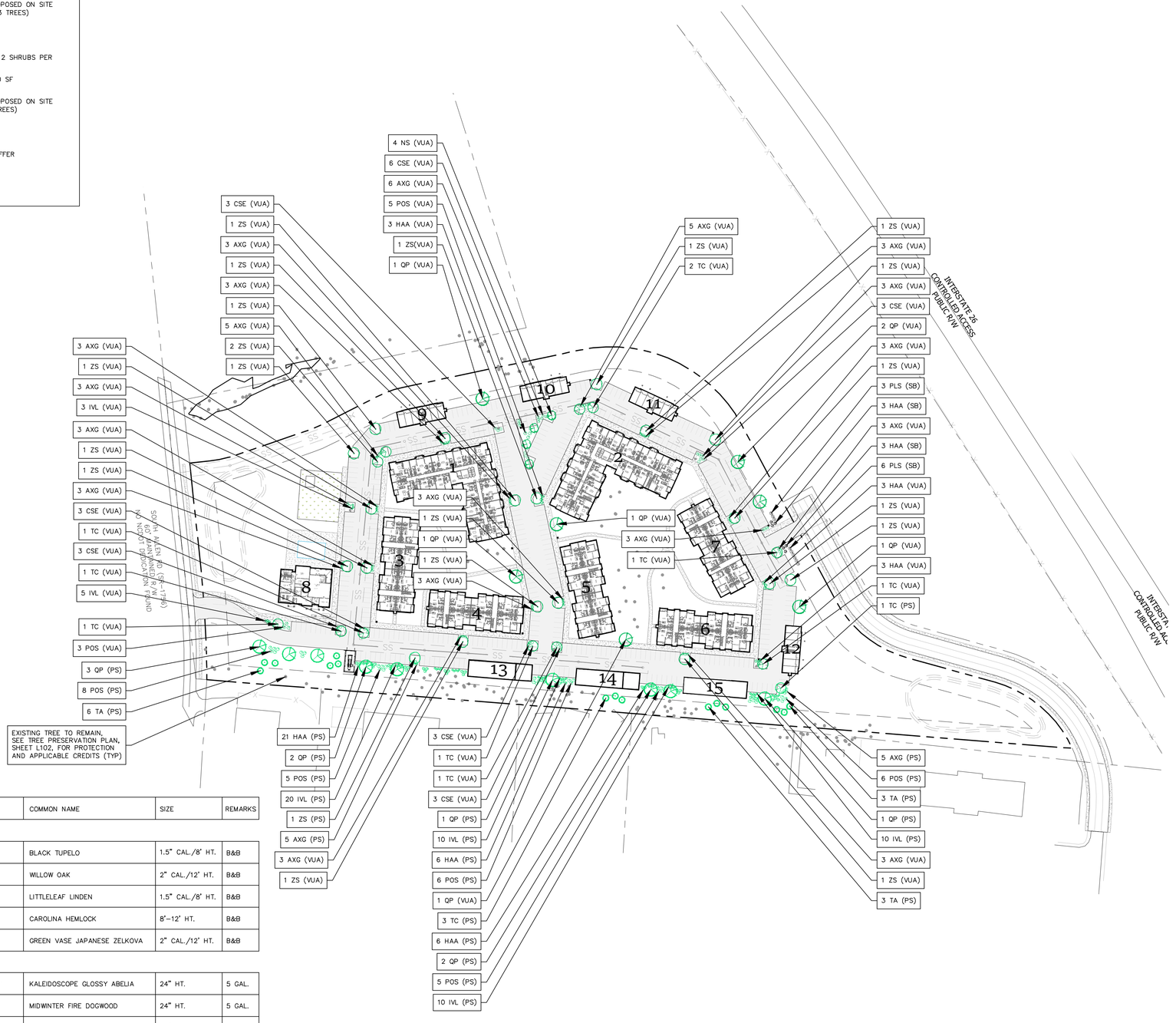
REQUIREMENTS: 1 LARGE DECIDUOUS TREE AND 2 SHRUBS PER 4,000 SF OF VUA

TOTAL VUA:	155,000 SF
TREES REQUIRED:	39
TREES PROVIDED:	40 PROPOSED ON SITE
TREE CREDITS APPLIED:	6 (2 TREES)
SHRUBS REQUIRED:	78
SHRUBS PROVIDED:	108

STREET BUFFER (SB)

REQUIREMENTS: 1 SHRUB PER 5 LF OF VUA BUFFER

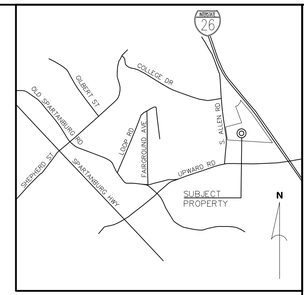
TOTAL SB:	75 LF
SHRUBS REQUIRED:	15
SHRUBS PROVIDED:	15



PROPOSED PLANT SCHEDULE *

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
TREES					
NS	4	NYSSA SYLVATICA	BLACK TUPELO	1.5" CAL./8' HT.	B&B
QP	16	QUERCUS PHELLOS	WILLOW OAK	2" CAL./12' HT.	B&B
TC	12	TILIA CORDATA	LITTLELEAF LINDEN	1.5" CAL./8' HT.	B&B
TA	15	TSUGA CAROLINIANA	CAROLINA HEMLOCK	8'-12' HT.	B&B
ZS	19	ZELKOVA SERRATA 'GREEN VASE'	GREEN VASE JAPANESE ZELKOVA	2" CAL./12' HT.	B&B
SHRUBS					
AXG	71	ABELIA X GRANDIFLORA 'KALEIDOSCOPE'	KALEIDOSCOPE GLOSSY ABELIA	24" HT.	5 GAL.
CSE	24	CORNUS SERICEA 'MIDWINTER FIRE'	MIDWINTER FIRE DOGWOOD	24" HT.	5 GAL.
HAA	54	HYDRANGEA ARBORESCENS 'ANNABELLE'	ANNABELLE SMOOTH HYDRANGEA	24" HT.	5 GAL.
IVL	58	ITEA VIRGINICA 'LITTLE HENRY'	LITTLE HENRY SWEETSPIRE	18" HT.	3 GAL.
POS	36	PHYSOCARPUS OPULIFOLIUS 'SUMMER WINE'	SUMMER WINE NINEBARK	24" HT.	5 GAL.
PLS	9	PRUNUS LAUROCERASUS 'SCHIPKAENSIS	SCHIP LAUREL	24" HT.	5 GAL.

*SUBSTITUTION OF SPECIES TO BE APPROVED BY ENGINEER
*A DIVERSE PLANT LIST IS RECOMMENDED SO THAT NO ONE SPECIES GETS OVER PLANTED AND TO ELIMINATE WIDE SPREAD DISEASE BETWEEN LIKE SPECIES.



VICINITY MAP

(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	GRAYCLIFF CAPITAL DEVELOPMENT, LLC 200 EAST BROAD STREET, SUITE 220 GREENVILLE, SC 29601
CONTACT:	SETH PETERSON (864) 679-4799
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801
CONTACT:	WARREN SUGG, P.E. (828) 252-5388
SURVEYOR:	ATLAS SURVEYING 570 BROOKSHIRE RD, SUITE D GREER, SC 29651
CONTACT:	TIMOTHY R. GOLDE (864) 655-5004

PROJECT DATA

PIN:	9588-11-9994
ADDRESS:	S. ALLEN ROAD
DEED BOOK/PAGE:	3578/329
SITE ACREAGE:	15.5 ACRES
EXISTING ZONING:	O&I
PROPOSED ZONING:	PRD-CZD
DENSITY:	17 UNITS/ACRE (264 TOTAL UNITS)
SETBACKS:	
FROM R/W:	40'
FROM ADJACENT:	30'
DISTURBED AREA:	9.7 AC

PARKING CALCULATIONS:

VEHICULAR:
REQUIRED SPACES: (1 OR 2 BED UNITS) 1.5 X 214=321
(3+ BED UNITS) 2 X 50=100
TOTAL SPACES REQUIRED: 421
SPACES PROVIDED: 444

HANDICAPPED SPACES:
SPACES REQUIRED: 22 SPACES PROVIDED: 22

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
1-2	4-STORY "L"-68	40'	57,621 SF
3-7	4-STORY-24	40'	28,791 SF
8	CLUBHOUSE	20'	6,134 SF
9-12	CARRIAGE-2	20'	5,504 SF
13-15	GARAGE/MAINT.	10'	1,855 SF

OPEN SPACE:
REQUIRED: 9.3 AC (60%) PROVIDED: 9.3 AC
COMMON OPEN SPACE:
REQUIRED: 3.03 AC (500 SF/UNIT) PROVIDED: 3.03 AC
BUILDINGS:
REQUIRED: <3.1 AC (<20%) PROVIDED: 2.8 AC (18%)
STREETS/PARKING (VUA): PROVIDED: 3.4 AC (22%)
OTHER: N/A

LANDSCAPING REQ'S: SEE L101 LANDSCAPE PLAN

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	15.5 ACRES (100%)	0.0 ACRES (0%)
POST-DEVELOPMENT:	7.6 ACRES (49%)	7.9 ACRES (51%)
SOIL TYPE:	N/A	
SOIL GROUP:	N/A	

CDC INSPECTIONS HOTLINE:
828-771-4755 OR INSPECTION@CDCGO.COM

811 Know what's below. Call before you dig.

NORTH

LANDSCAPE & RESOURCE LAYOUT PLAN

GRAPHIC SCALE

0 30 60 120 240 480

(IN FEET)
1" = 60' = 1440 ft.

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-3365

52 WALNUT STREET - SUITE 9
WAYNESVILLE, NC 28786
PHONE (828) 452-4410
FAX (828) 456-5455

CDC Civil Design Concepts, PA
www.civildesignconcepts.com
NCBELS LICENSE #: C-2184

NO.	DATE	DESCRIPTION	BY
1	07/02/2021	CZD SUBMITTAL	SDB
2	08/09/2021	CZD RE-SUBMITTAL	SDB

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

LANDSCAPE & RESOURCE LAYOUT PLAN FOR:

WATERLEAF AT FLAT ROCK APARTMENTS

GRAYCLIFF CAPITAL DEVELOPMENT, LLC - HENDERSONVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 12135
COH PERMIT NO. N/A

SHEET
L101

13636

I, KEITH BURNS, REGISTERED LAND SURVEYOR NO. L-5265, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED THUS, ☒ OR ☐

☐ A. THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

☐ B. THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SUCH PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.

☐ C. THAT THIS PLAT IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND.

☒ D. THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

☐ E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

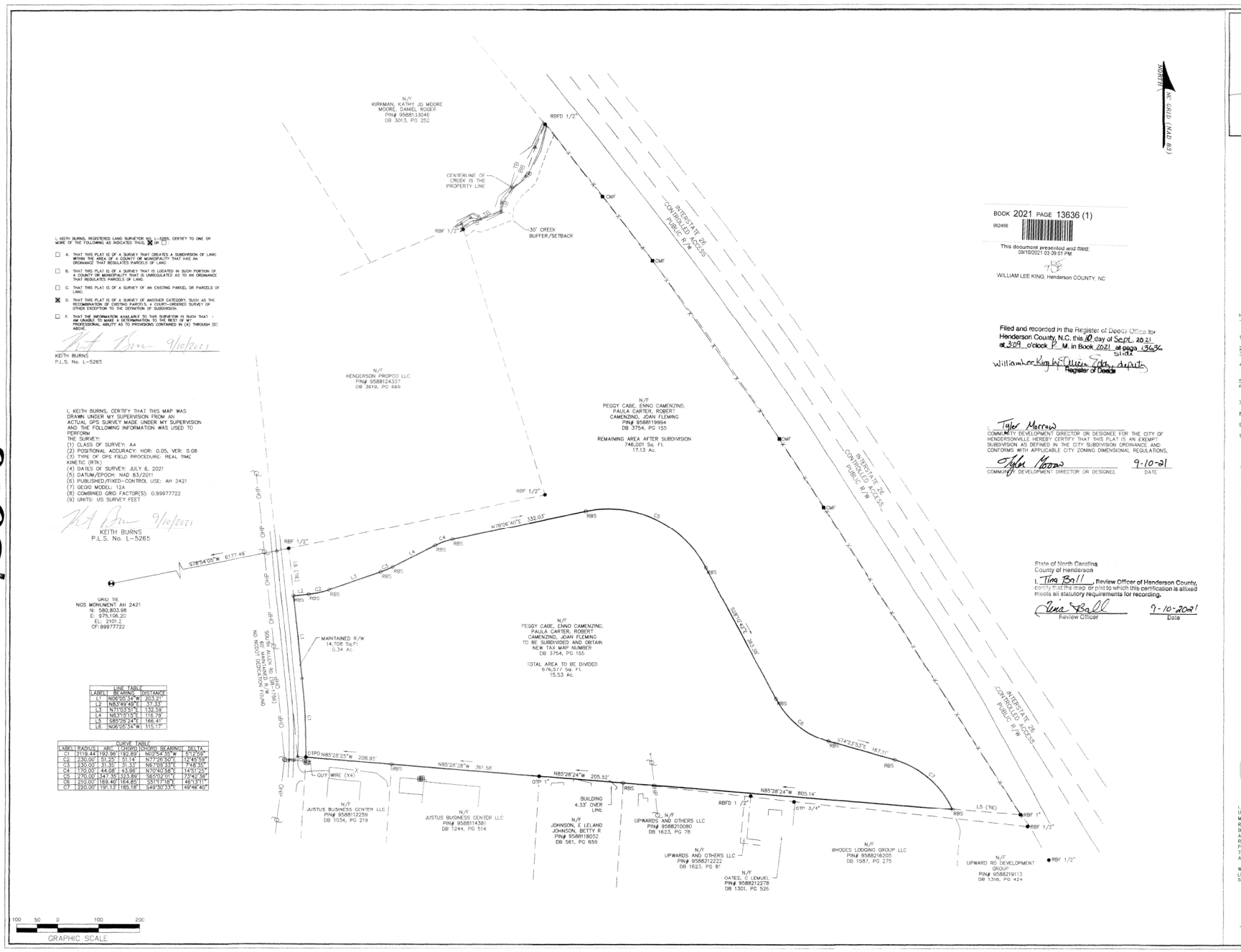
9/10/2021

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

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

9/10/2021

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



LINE TABLE		
LABEL	BEARING	DISTANCE
L1	N06°05'34"W	203.27'
L2	N83°49'48"E	57.33'
L3	N78°03'47"E	132.59'
L4	N83°15'12"E	116.79'
L5	S85°28'24"E	166.41'
L6	N06°05'34"W	115.17'

CURVE TABLE					
LABEL	RADIUS	ARC	CHORD	CHORD BEARING	DELTA
C1	2119.44'	192.96'	192.89'	N02°54'35"W	5°12'59"
C2	230.00'	51.25'	51.14'	N77°39'50"E	12°45'59"
C3	230.00'	31.55'	31.33'	N86°09'33"E	7°51'30"
C4	170.00'	44.08'	43.96'	N70°40'58"E	14°51'25"
C5	270.00'	147.35'	145.53'	S85°09'01"E	77°57'58"
C6	210.00'	169.40'	164.85'	S51°17'18"E	46°13'11"
C7	220.00'	191.13'	185.18'	S49°30'33"E	49°46'40"

100 50 0 100 200
GRAPHIC SCALE

BOOK 2021 PAGE 13636 (1)
962496
This document presented and filed:
09/10/2021 03:39:01 PM
WILLIAM LEE KING, Henderson County, NC

Filed and recorded in the Register of Deeds Office for Henderson County, N.C. this 10 day of Sept. 2021 at 3:39 o'clock P M. in Book 2021 at page 13636 Slide
William Lee King by Alicia Toth, deputy
Register of Deeds

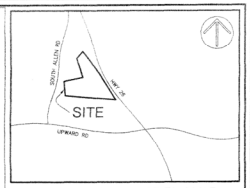
I, Tyler Morrow
COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE FOR THE CITY OF HENDERSONVILLE HEREBY CERTIFY THAT THIS PLAT IS AN EXEMPT SUBDIVISION AS DEFINED IN THE CITY SUBDIVISION ORDINANCE AND CONFORMS WITH APPLICABLE CITY ZONING DIMENSIONAL REGULATIONS.

COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE — 9-10-21 DATE

State of North Carolina
County of Henderson

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

Review Officer — 9-10-2021 Date



VICINITY MAP NOT TO SCALE

LEGEND

⚓		CALC POINT
CMF	■	CONC. MONUMENT FOUND
RBF	●	IRON REBAR FOUND
RBFD	●	IRON REBAR FOUND DISTURBED
OTP	●	OPEN TOP PIPE
RBS	○	IRON REBAR SET
TB	—	TOP OF BANK
BB	—	BOTTOM OF BANK
X	—	FENCE LINE

NOTES

1. ALL DISTANCES ARE HORIZONTAL GROUND IN US SURVEY FEET UNLESS OTHERWISE SHOWN.
2. PARCEL LOCATED IN THE CITY OF HENDERSONVILLE.
3. BEARING REFERENCED TO NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD83.
4. THIS PROPERTY LIES IN ZONES X AS SCALED FROM FLOOD INSURANCE RATE MAP #3700958800J, DATED OCTOBER 2, 2006
5. DATE OF FIELD SURVEY : 07-06-2021
6. OWNER OF RECORD: PEGGY CABE, ENNO CAMENZINO,PAULA CARTER, ROBERT CAMENZINO, JOAN FLEMING
7. TOTAL ACREAGE: 32.66 ACRES, TO SUBDIVIDE 15.32 ACRES
8. 0.304 ACRE GAP OBSERVED BETWEEN PARCELS DURING SURVEY
9. NO CEMETARIES OR BURIAL GROUNDS WERE OBSERVED ON THE PROPERTY.
10. EVIDENCE OF OLD WETLAND FLAGGING OBSERVED DURING SURVEY.

REFERENCES

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

PREPARED FOR:
GRAYCLIFF CAPITAL
AN EXEMPT SUBDIVISION OF
±15.53 ACRE PARCEL BETWEEN SOUTH ALLEN ROAD & INTERSTATE 26
PARCEL ID No. 9588119994
CITY OF HENDERSONVILLE
HENDERSON COUNTY, NORTH CAROLINA

FIELD WORK:	JWW
FIELD CHECK:	MHG
DRAWN BY:	ATO
DATE:	09-10-2021
SCALE:	1" = 100'
PROJECT No.:	GGP-21005
FILE:	GGP-21005 TOPO
SHEET:	SHEET 1 OF 1

Blue Ridge Township

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

NORTH CAROLINA — ATLAS SURVEYING CLT, P.C. No. C-4370 — CERTIFICATE OF AUTHORIZATION

NORTH CAROLINA — SEAL L-5265 — KEITH BURNS — REGISTERED LAND SURVEYOR

I, KEITH BURNS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED LISTED REFERENCES); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN LISTED REFERENCES; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS GREATER THAN 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION LICENSE NUMBER AND SEAL THIS 10TH DAY OF SEPTEMBER, A.D., 2020.

9/10/2021

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

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

010-1200-531205-0000-010-000-00000-00000
Planning Board Meeting

Order Confirmation
Not an Invoice

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:	Meeting 9/13/21

Date:	08/30/2021
Order Number:	6234339
Prepayment Amount:	$ 0.00

Column Count:	1
Line Count:	103.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
HEN Times-News	1	09/05/2021 - 09/05/2021	Public Notices
HEN blueridgenow.com	1	09/05/2021 - 09/05/2021	Public Notices

Total Order Confirmation	**$17.36**

PUBLIC NOTICE

Notice is hereby given that the City of Hendersonville Planning Board will hold their regular monthly meeting on Monday, September 13, 2021, at 4:00 p.m., in the City Operations Assembly Room located at 305 Williams Street, Hendersonville NC to consider the following:

I. **Conditional Zoning District – Waterleaf at Flat Rock (P21-34-CZD)** - Application for a conditional rezoning from Warren Sugg of Civil Design Concepts and Graycliff Capital Development, LLC. The applicants are requesting to rezone the subject property, PIN 9588-11-9994 and located on S. Allen Road, from Henderson County OI, Office Institutional District to City of Hendersonville PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a multi-family residential development containing 276 dwelling units on approximately 15.5 acres.

II. **Conditional Zoning District– Providence Walk (P21-31-CZD)** - Application for a conditional rezoning from Michael Goforth of High Country Engineering, PC, First Victory Construction, Inc., applicants and Hickory Reality Fund, LLC, property owners. The applicants are requesting to rezone the subject property, PIN 9569-85-3434, 9569-85-7172, 9569-83-4918, 9569-85-1398 and 9569-85-3178 and located on N. Main Street, from PCD, Planned Commercial Development and R-20, Low Density Residential to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a housing development containing 93 single-family homes on approximately 19.27 acres.

Planning Board Members will attend the hearings in person. Public hearing comments will be accepted from those attending in person at the designated time at this meeting. The public may also view and verbally comment during this public hearing live via ZOOM. For security reasons screen sharing will not be allowed. The meeting instructions to join by Zoom will be available on the City's website by visiting https://www.hendersonvillenc.gov/events-calendar. Comment period instructions will also be displayed at the appropriate times during the meeting.

Anyone wishing to submit written public comment for this public hearing prior to the meeting may visit https://www.hendersonvillenc.gov/comment to submit their comment. Written comments must be submitted by noon on September 13, 2021 to be considered by the Planning Board. If comments include photo(s) or video they must be submitted by 8:00 a.m. on September 12, 2021.

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 Community Development Department at 697-3010 no later than 24 hours in advance of the meeting.

9/5/2021 6234339

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Run one time: Sunday, September 5, 2021

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet **MEETING DATE:** 10/7/2021

AGENDA SECTION: UNFINISHED BUSINESS **DEPARTMENT:** Administration

TITLE OF ITEM: Proposal to Compensate Rural Fire Departments for Automatic Aid – *John Connet, City Manager*

SUGGESTED MOTION(S):

I move that City Council direct staff to amend Automatic Aid Contracts with Blue Ridge, Mountain Home, Valley Hill and Dana Fire Departments to compensate them for the loss of annexed property for a period of five years.

SUMMARY:

There has been a great deal of discussion by the Henderson County Board of Commissioners regarding the loss of revenue by rural fire departments due to annexation by the City of Hendersonville. Council Member Miller has asked staff to develop a proposal to compensate these fire departments for lost revenue over a five-year period. City staff will present a proposal to the City Council for consideration.

BUDGET IMPACT: $ TBD

Is this expenditure approved in the current fiscal year budget?

If no, describe how it will be funded.

ATTACHMENTS:

None

INTEROFFICE MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: JOHN CONNET, CITY MANAGER

SUBJECT: ANNEXATION BOUNDARY AND RURAL FIRE DEPARTMENTS

DATE: 8/23/2021

CC: ANGIE BEEKER, BRIAN PAHLE, JAMES MILLER, LEW HOLLOWAY

Over the last twelve months there has been a great deal of discussion by the Henderson County Board of Commissioners regarding voluntary annexation and compensation for rural fire departments. In addition, the issue of voluntary annexation was discussed during Edneyville Sewer Public Input Meeting. Therefore, Council Member Miller asked staff to develop policy recommendations for the City Council to discuss at you September 2, 2021 meeting.

Annexation

The following exerts from the North Carolina General Statutes provide an overview of your authority to annex property in North Carolina.

1. General Statutes
    a. **§160A-31(a) – Annexation by petition** - The governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all real property located within such area. The petition shall be signed by each owner of real property in the area and shall contain the address of each owner.
    b. **§ 160A-58.1. – Petition for noncontiguous annexation; standards**. (a) Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, a city may annex an area not contiguous to its primary corporate limits when the area meets the standards set out in subsection (b) of this section…….

        (b) A noncontiguous area proposed for annexation must meet all of the following standards:
        (1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.
        (2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section.
        (3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.

(4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.
(5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

(b2) A city may annex a noncontiguous area that does not meet the standard set out in subdivision (b)(2) of this section if the city has entered into an annexation agreement NC General Statutes - Chapter 160A Article 4A 10 pursuant to Part 6 of this Article with the city to which a point on the proposed satellite corporate limits is closer and the agreement states that the other city will not annex the area but does not say that the annexing city will not annex the area. The annexing city shall comply with all other requirements of this section.

These statutes provide a basic legal framework for what property City can and cannot annex. This framework is important to understand, because it can serve as a reasonable basis to ease the fears of the Board of Commissioners and public that the City is not going to annex the large areas of the county. This framework and other portions of the General Statutes restrict the City's ability to annex property. In addition to this legal framework, the City must also consider financial and service implications of the annexation.

The City of Hendersonville must have the ability to grow in order to promote orderly development and remain financially sustainable. However, the growth of the City must be focused on properties that are urban/high density in nature and require urban services. It is not cost effective for the City to annex property that are rural in nature and do not require urban services. Therefore, I believe that the existing North Carolina General Statutes can serve as foundation to discuss an annexation boundary between the City of Hendersonville and Henderson County.

Rural Fire Districts

The following exert from the North Carolina General Statutes provides an overview for compensating rural fire departments following annexation:

1. General Statutes
    a. § 160A-58.2A. Assumption of debt. (a) If the city has annexed under this Part any area which is served by a rural fire department and which is in:

        (1) An insurance district defined under G.S. 153A-233;
        (2) A rural fire protection district under Article 3A of Chapter 69 of the General Statutes; or
        (3) A fire service district under Article 16 of Chapter 153A of the General Statutes, then beginning with the effective date of annexation the city shall pay annually a proportionate share of any payments due on any debt (including principal and interest) relating to facilities or equipment of the rural fire department, if the debt was existing at the time of submission of the petition for annexation to the city under this Part. The rural fire department shall make available to the city not later than 30 days following a written request from the city, information concerning such debt. The rural fire department forfeits its rights under this section if it fails to make a good faith response within 45 days following receipt of the written request for

information from the city, provided that the city's written request so states by specific reference to this section.
(b) The annual payments from the city to the rural fire department on such shared debt service shall be calculated as follows:
(1) The rural fire department shall certify to the city each year the amount that will be expended for debt service subject to be shared by the city as provided by subsection (a) of this section; and
(2) The amount determined under subdivision (1) of this subsection shall be multiplied by the percentage determined by dividing the assessed valuation of the area of the district annexed by the assessed valuation of the entire district, each such valuation to be fixed as of the date the annexation ordinance becomes effective.
(c) This section does not apply in any year as to any annexed area(s) for which the payment calculated under this section as to all annexation ordinances adopted under this Part by a city during a particular calendar year does not exceed one hundred dollars ($100.00).
(d) The city and rural fire department shall jointly present a payment schedule to the Local Government Commission for approval and no payment may be made until such schedule is approved. The Local Government Commission shall approve a payment schedule agreed upon between the city and the rural fire department in cases where the assessed valuation of the district may not readily be determined, if there is a reasonable basis for the agreement.

In addition to the above statute, staff was asked to develop an additional proposal to compensate the rural fire districts for property annexed into the city limits. Therefore, staff is making the following proposal:

1. The City of Hendersonville would negotiate a modification to the existing automatic aid agreements with the four rural fire departments surrounding Hendersonville to include a provision to compensate the rural fire departments for providing automatic aid to the Hendersonville Fire Department. The compensation would be based on lost revenue due to annexation. The lost revenue would be determined by multiplying the values of the properties annexed by the City times the rural fire district tax rate. The property values would be determined at the time of annexation. The rural department would be compensated for each annexed parcel(s) for a five year period.

We realize that additional details would have to incorporated in the automatic aid agreements, but we wanted to give the City Council something to consider and offer to the Henderson County Board of Commissioners.

Thank you for your attention in this matter. If you have any questions or need additional information, please feel free to contact me.

CITY OF HENDERSONVILLE

PLANNING BOARD
AGENDA ITEM SUMMARY

SUBMITTER: Lew Holloway

MEETING DATE: October 7th, 2021

AGENDA SECTION: NEW BUSINESS

DEPARTMENT: Community Development – Planning Division

TITLE OF ITEM: An Ordinance to Amend Chapter 10 – Animals of the Code of Ordinances for the City of Hendersonville to remove Section 10-7 Animals at Special Events. – *Lew Holloway, Community Development Director*

SUGGESTED MOTION(S):

I move that City Council adopt an Ordinance to amend Chapter 10 of the Code of Ordinances for the City of Hendersonville to remove Section 10-7, Animals at Special Events.

SUMMARY:

The City Code of Ordinances currently prohibits animals at Special Events, whereas versions of the ordinance prior to early 2020 permitted special event organizers to allow animals. Confusion over which events permitted animals and which did not was an issue for residents and visitors alike and has presented the Police Department with challenges in enforcement. Additional challenges are presented by the limited ability to question the validity of service animal designations/prohibit service animals at events.

The resulting challenges precipitated a discussion by the Animal Advisory Committee at their September 16th, 2021 meeting about the ordinance and what direction to move in to best accommodate the variety of users. The Committee voted unanimously to recommend deletion of Section 10-7.

ATTACHMENTS:

Ordinance Amendment

Ordinance #O-21-47

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND CHAPTER 10 OF THE CODE OF ORDINANCES TO REMOVE SECTION 10.7 ANIMALS AT SPECIAL EVENTS

WHEREAS, Code of Ordinances currently prohibits animals at all special events: and

WHEREAS, Previous versions of the Code of Ordinances allowed special event organizers to allow animals and this is very confusing for residents and visitors; and

WHEREAS, under the American with Disabilities Act (ADA) individuals can bring service animals into special events and most establishments; and

WHEREAS, Law enforcement is limited in their ability to question the validity of service animal designation and prohibit service animals in special events; and

WHEREAS, this causes great confusion and frustration for all parties; and

WHEREAS, the Animal Advisory Committee discussed this matter at their September 16, 2021 meeting and unanimously recommended the deletion of Section 10.7 Animals at special events from the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Section 10-7 of the Code of Ordinances for the City of Hendersonville be amended as follows:

~~Sec. 10-7. - Animals at special events.~~
~~(a)It shall be unlawful for any person to allow or permit any animal owned, kept, or harbored by, or under the control of, such person to be present within the boundaries of any special event permitted pursuant to section 46-84, below, during the hours of operation of such special event.~~
~~(b)The following animals are exempted from the prohibition contained in subsection (a):~~
~~(1)Service dogs;~~
~~(2)Animals under the control of on-duty law enforcement personnel;~~
~~(3)Animals explicitly authorized by the terms of a street vendor permit issued pursuant to section 14-284, below.~~
~~(4)Dogs exempted under subsections (b) (1), (2), and (3) must be properly restrained and under the full control of their handler at all times.~~
~~(c)The special events committee, as established in section 46-85, may require the suspension of the exemption for domesticated dogs contained in subsection (b) item (4) above under either of two conditions.~~
~~(1)The health, safety and welfare of the community or the dogs or both will be compromised should dogs be allowed, or~~
~~(2)The event organizer requests that dogs be excluded from the event.~~

(Ord. No. 20-0206, § 1, 2-6-20)

Secs. 10-7~~8~~—10-40. - Reserved.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of October 2021.

Attest:

_____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Angela L. Reece, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Angela Reece, *MPA, CMC, NCCMC*

MEETING DATE: October 7, 2021

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
JERRY A. SMITH, JR
Mayor Pro Tem
JEFF MILLER
DR. JENNIFER HENSLEY
LYNDSEY SIMPSON

CITY OF HENDERSONVILLE

The City of Four Seasons

Office of the City Clerk

JOHN F. CONNET
City Manager
ANGELA S. BEEKER
City Attorney
ANGELA REECE
City Clerk

To: The Honorable Mayor and Members of the City Council
From: Angela Reece, MPA, CMC, NCCMC, City Clerk
Subject: Board and Commission Appointments
Date: October 7, 2021

Honorable Mayor and Members of City Council:

You have current vacancies on the Historic Preservation Commission, Downtown Advisory Board, and Tree Board which you have received applications to fill. Applications are provided directly to you in addition to this memo.

Appointments to Boards/Commissions Committees

A. <u>Downtown Advisory Board-</u> Appointment to a vacant seat
(1 vacancy/ unexpired term ending June 30, 2022) – 7th Avenue Stakeholder

Stakeholder members are defined as persons owning property within a municipal service district the City of Hendersonville, and business owners whose business is located within a municipal service district in the City of Hendersonville.

You have received 1 qualifying application:

1. Shaqwala Wilkes

B. <u>Historic Preservation Commission</u> - Appointment to vacant seats
(1 vacancy/ unexpired term ending December 31, 2023) Phillip Allen resigned
(1 vacancy/ unexpired term ending December 31, 2022) Mia Freeman resigned -moved
(1 vacancy/ unexpired term ending December 31, 2021) Kristie Ogletree resigned

You have received 8 applications:

1. Crystal Cauley– (NEW applicant)
2. Chris Dannals – (NEW applicant)
3. Evelyn Fuller– (NEW applicant)
4. Amy Jones– (NEW applicant)
5. Cheryl Jones – (NEW applicant)
6. Harry Petersen – (NEW applicant)
7. Charles Reed – (NEW applicant)
8. James Welter – (NEW applicant)

C. **Tree Board - Appointment to a vacant At-Large seat**
(1 vacancy/ unexpired term ending December 31, 2021) Mia Freeman resigned
You have received 1 application:

1. Landon Justice– (NEW applicant)

Other Vacancy Information

Animal Services Advisory Committee - (Veterinarian Appointment: 1 vacancy/ unexpired term ending June 30, 2023)
Dr. John Galligan resigned the seat in 2021. I mailed letters soliciting interest to all veterinarian offices in the area with no responses being received.

Board of Adjustment - (City Appointment: 1 vacancy/ unexpired term ending June 30, 2023)
Bob Ward resigned the City seat in 2020 and Karen Livingston was appointed in 2021 but declined the seat so it has remained vacant. No applications have been received for the City appointed seat which remains vacant.
Board of Adjustment - (County Appointed: 1 vacancy/ unexpired term ending June 30, 2023)
Jay Angel's seat expired in 2020 and remains vacant. No qualifying applications have been received for the County appointed seat which remains vacant. (Must reside in ETJ)

Housing Authority Board - (Mayor Volk Appoints these members NCGS 157-5)
There are two vacancies. Additional applications are being solicited.

Vacancies coming in December Historic Preservation Commission
(City Appointment: 2 vacancies/ term ending December 31, 2024)
Current members occupying these seats are eligible to reapply (Charles Reed and Cheryl Jones). These seats will be on your December agenda for consideration/appointment along with any new applicants.

Vacancies coming in December Planning Board
(1 City & 1 County Appointed: 1 vacancy/ unexpired term ending December 31, 2024)
Current members occupying these seats are eligible to reapply (Bob Johnson (city) and James Robertson (county)). These seats will be on your December agenda for consideration/appointment along with any new applicants.

Vacancy coming in December Tree Board
(City Appointment: At-Large 2 vacancies/ terms ending December 31, 2024)
The current member occupying this seat is eligible to reapply (Mark Madsen (at-large). The second seat is currently vacant and is on your agenda for consideration. This term will renew in December. Both seats will be on your December agenda for consideration/appointment along with any new applicants.

Vacancy coming in December Walk of Fame Steering Committee
(City Appointment: 1 vacancy/ term ending December 31, 2024)
The current member occupying this seat is eligible to reapply (Marcia Kelso). This seat will be on your December agenda for consideration/appointment along with any new applicants.

NEW/PROPOSED: **Stormwater Advisory Committee**
You have received 2 applications of interest for this Committee (both county residents). Additional applications are being solicited.

UPCOMING APPOINTMENTS OF CITY COUNCIL & STAFF TO ADVISORY BOARDS

For consideration during the business meeting during your regular December Council meeting additional appointments to various advisory boards of City Council Members include:

Firemen's Relief Fund (2)

Current Members are Council Members' Smith and Hensley.

Henderson Co. Public Schools Facility Committee (2)

Current Members are Council Members' Miller and Smith

Downtown Advisory Board (1)

Current Member is Council Member Simpson.

Land of Sky Regional Council (2)

Current Members are Mayor Volk and Council Member Simpson.
City Manager John Connet occupies the third seat, and this term is un-expiring.

Mills River Partnership (1)

Current Member is Council Member Miller.

Western Carolina Community Action Board (1)

Current Member is Tamara Lee.

LGCCA (2)

Current Members are Mayor Volk and Council Member Smith.

s/Angela L. Reece, MPA, CMC, NCCMC
City Clerk, City of Hendersonville

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Alex Norwood **MEETING DATE:** 10/07/2021

AGENDA SECTION: CITY MANAGER REPORT **DEPARTMENT:** Administration

TITLE OF ITEM: Contingences Report – *Alex Norwood, Analyst*

SUGGESTED MOTION(S):

N/A – No motion needed; staff report only.

SUMMARY:

In accordance with State Statute 159-13(b) it is required that all expenditures resulting from a contingency appropriation budget be reported to the governing board at its next regular meeting and recorded in the minutes.

The following contingency appropriations were made:

1. $15,000 from 060-0000-534999 to 060-7002-519200 for RingoFire marketing campaign.
2. $16,300 from 010-0000-534999 to 010-1300-521001 for equipment for two police officers.
3. $8,193 from 010-0000-534999 for a part-time Budget and Management Analyst position.
4. $8,193 from 060-0000-534999 for a part-time Budget and Management Analyst position.
5. $17,960 from 060-0000-534999 to 060-7002-519200 for Raftelis Agreed Upon Procedures (AUP) for FY22 Revenue Bond.

BUDGET IMPACT: $65,646

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

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

ATTACHMENTS:

N/A

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Buchanan, Finance Director **MEETING DATE:** October 7, 2021

AGENDA SECTION: Manager's Report **DEPARTMENT:** Finance Department

TITLE OF ITEM: Cash & Investment Report – *John Buchanan, Finance Director*

SUGGESTED MOTION(S): **N/A**

SUMMARY:
As of June 30, 2021 the City's cash and investments consisted of the following:

U.S. Treasuries	$	606,328.13
Federal Agency	$	3,497,725.00
Commercial Paper	$	0.00
NCCMT(FCB Cash)	$	5,960,714.44
Central Depository:	$	3,255,881.18
Health&Welfare Acct:	$	25,692.48
NCCMT Funds	$	7,780.02
Suntrust (Rev. Bond)	$	2,511,936.41
Hometrust (PD Const)	$	3,378,566.88
Total	$	19,244,624.54

Investment rate of return remains very low. Treasury yield on a 3 year maturity was 46 basis points at June 30. Investment revenue ended the year at $21,627 for all funds. Real and business/personal property tax collections are at 99% collected for the year-end of fiscal year 2021.

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:

CITY OF HENDERSONVILLE **INVESTMENT REPORT** **June 21**
FIRST CITIZENS CUSTODIAN ACCOUNT

Investment Name		Rating	Cusip	Price	Coupon	YTM	Purchased Date	Issued Date	Maturity Date	Callable	Cost Basis
TREASURY AND FEDERAL AGENCIES											
US Treasury Note	USTN		912828M80	101.05	2.00%	1.64%	12/11/2019	11/30/2015	11/30/2022	NO	606,328.13
Federal Home Loan Bks Cons Bds	FHL		3130ALLN2	99.825	0.50%	0.50%	3/24/2021	3/24/2021	3/24/2026	NO	499,125.00
Federal Home Loan Mtg Corp	FHLM		3137EAFA2	99.91	0.25%	0.25%	3/24/2021	12/4/2020	12/4/2023	No	999,100.00
Federal Farm Credit	FFCB	Aaa AA+ /	3133EL7EB	99.975	0.22%	0.23%	9/29/2020	9/15/2020	3/15/2023	Yes	1,999,500.00
TOTAL TREASURY AND FEDERAL AGENCIES											**4,104,053.13**
COMMERCIAL PAPER/CASH EQUIVALENT											
TOTAL COMMERCIAL PAPER/ CASH EQUIVALENT											**0.00**
OTHER INVESTMENTS (MUNI/BABS/)											
TOTAL OTHER INVESTMENTS (MUNI/BABS)											**0.00**
Total Securities											**4,104,053.13**
NC Capt Management	Cash										5,960,714.44
									Total Security - Cost Basis		**10,064,767.57**

Portfolio Allocation - by Security Type					**5,960,714.44**					**Portfolio Allocation - by Maturity Date:**	
DIRECT GOVERNMENT SECURITIES	TRES	$	-		**0.00%**					**2021**	$ -
Fannie Mae	FNMA		-	**0.00%**						**2022**	$ **606,328.13**
Federal Home Loan bank	FHLB		**1,498,225.00**	**8.89%**						**2023**	$ **2,998,600.00**
Freddie Mac	FHLMC		-	**0.00%**						**2024**	$ -
Federal Farm Credit Bank	FFCB	$	**1,999,500.00**	**11.86%**						**2025**	$ -
US Treasury Note	USTN		-	**0.00%**						**2026**	$ **499,125.00**
US Treasury Note	USTN		**606,328.13**	**3.60%**							
Total GOVERNMENT AGENCIES		$	**4,104,053.13**		**24.35%**	**5.00%**	**15%**	**20%**	**30%**		**$4,104,053.13**
Commercial Paper	**JPMC**		-		**0.00%**	**842,650.00**	**2,527,950.00**	**3,370,600.00**	**5,055,900.00**		
	MUNI/OTHER		-		**0.00%**						
		$	**4,104,053.13**		**24.35%**						

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet **MEETING DATE:** 10/7/2021

AGENDA SECTION: CLOSED SESSION **DEPARTMENT:** Administration

TITLE OF ITEM: Closed Session – *John Connet, City Manager*

SUGGESTED MOTION(S):

I move that City Council enter into closed session pursuant to NCGS § 143-318.11(a) (1) and (4) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes and to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations.

SUMMARY:

City staff is requesting a closed session to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes and consult with an attorney employed by the public body in order to preserve the attorney-client privilege between the attorney and to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

BUDGET IMPACT: $ TBD

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

If no, describe how it will be funded. NA

ATTACHMENTS: