



CITY OF HENDERSONVILLE CITY COUNCIL REGULAR MEETING

Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Thursday, March 07, 2024 – 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 - *Jill Murray, City Clerk*
February 7, 2024 Regular Meeting
February 28, 2024 Second Monthly Meeting
 - B. Annexation: Certificate of Sufficiency- Enclave on W. Park Avenue (C24-11-ANX) – *Tyler Morrow, Planner II*
 - C. March 2024 Budget Amendments – *Adam Murr, Budget Manager*
6. **PRESENTATIONS**
 - A. Proclamation - We Are Hope Week - *Barbara Volk, Mayor*
 - B. Presentation from Veteran Service Organizations – *Andrew Clark and Bob Scruggs*
 - C. YMCA Special Appropriation Presentation – *Katrina McGuire, Hendersonville YMCA Executive Director*
 - D. Recognition of Deanna Van Wyk, Payroll & Benefits Officer for obtaining the International Public Management Association- Human Resources Certified Professional Certification – *Jennifer Harrell, HR Director*
 - E. 2024 City Academy - *LuAnn Welter, HR Coordinator*
 - F. Certificate of Completion of International Association of Chiefs of Police Trust Building Campaign Pledge - *Blair Myhand, Police Chief*
7. **PUBLIC HEARINGS**

- A. Annexation: Public Hearing- 1019 Berkeley Rd | Fakhoury (C24-3-ANX) – *Matthew Manley, AICP - Strategic Projects Manager*
- B. Annexation: Public Hearing- Upward Road & Old Spartanburg Road (The Spinx Company LLC. [Formerly Jones]) (C23-97-ANX)– *Tyler Morrow, Planner II*
- C. Rezoning: Standard Rezoning – Upward Rd-Spinx (P24-07-RZO) – *Matthew Manley, Strategic Projects Manager*
- D. Water and Sewer System Development Fees (SDFs) – *Adam Steurer, Utilities Director*
- E. Zoning Text Amendment: Tree Canopy Preservation & Enhancement (P24-08-ZTA) - *Lew Holloway, Community Development Director*

8. UNFINISHED BUSINESS

9. NEW BUSINESS

- A. Resolution Approving Interlocal Agreement to Merge the Hendersonville and Laurel Park ABC Systems – *Chuck McGrady and Jeff Nance, Hendersonville ABC Board*
- B. S. Main Street Improvements – *Brent Detwiler, PE, Public Services Director*

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

- A. February Surplus Item Report - *John Connet, City Manager*
- B. February 2024 Contingency and Adjustment Report – *John Connet, City Manager*

11. CITY COUNCIL COMMENTS

12. 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.



MINUTES

February 7, 2024

REGULAR MEETING OF THE CITY COUNCIL

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

Present: Mayor Barbara G. Volk, Mayor Pro Tem Lyndsey Simpson and Council Members: Dr. Jennifer Hensley, Debbie O'Neal-Roundtree and Jeff Miller

Staff Present: City Manager John F. Connet, City Clerk Jill Murray, City Attorney Angela Becker, Communications Coordinator Brandy Heatherly, Budget Manager Adam Murr, and others

Absent: Assistant City Manager Brian Pahle

1. CALL TO ORDER

Mayor Volk called the meeting to order at 5:46 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.*

In Person:

Lynne Williams of 309 Chadwick Avenue, first asked for a moment of silence for Ms. King who lost her son. After that, she spoke about discrimination, threats of violence and brutality that invade this community, in particular, against Ms. Roundtree when two men in hoodies attempted to intimidate her family with death threats and therefore she needs immediate protection. Secondly, Ms. King was brutalized at the scene of her son's murder. She has not received answers or access to body cam footage. At this point, I also need answers and so does our community. We need access to body cam footage. With regards to the Comp Plan, I asked that you wait until December to vote on so we have the people that were voted for making the decisions.

Tranace Timmons of Asheville spoke about her brother, Elijah Timmons, who was killed the day after Thanksgiving. He has four sons and there is a person walking around that could hurt other people. I think we should make an example of the person who killed my brother. It was not self-defense and it doesn't matter what type of record they had prior to this. I want the community to get better and we need good leadership for these kids.

Patricia King of Candler spoke about her son that was murdered on November 24th in the parking lot of Orchard Bar and Grill. I have reached out several times to the Chief of Police and several officers in the Police Department and Sheriff's office and spoke to the Mayor and I have asked on all levels to call attention to what was done. My sons case was treated like a speeding ticket. I have been dumbed down and not listened to. I saw what the shooter did. He should have been arrested for something. I'm a mother and watched my son die on the pavement.

Digital:

Phillip Klein of 312 Delford Court, sent in a digital comment in opposition of the proposed hotel behind the mall.

Tanianicole Cooper of 454 Stony Mountain Rd. sent in a digital comment in opposition of the proposed hotel behind mall.

4. CONSIDERATION OF AGENDA

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

5. CONSENT AGENDA

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

- A. Adoption of City Council Minutes – Jill Murray, City Clerk
- January 4, 2024 Regular Meeting
- January 24, 2024 Second Monthly Meeting

- B. February 2024 Budget Amendments – Adam Murr, Budget Manager

TO MAYOR & COUNCIL

APPROVAL: February 07, 2024

FISCAL YEAR 2024

FORM: 02072024-06

BUDGET AMENDMENT

FUND 301 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
301-0000-420050-G2402	Contributions/Donations	-	14,750,000	-	14,750,000
301-0000-598901-G2402	Transfer Out (to 460, #22013)	-	2,342,000	-	2,342,000
301-0000-598901-G2402	Transfer Out (to 460, #16036)	-	12,408,000	-	12,408,000
FUND 301 (#G2402)	TOTAL REVENUES	-	-	-	-
FY24 State Approp.	TOTAL EXPENDITURES	-	-	-	-
460-0000-470010-22013	Debt Proceeds	1,480,000	-	1,480,000	-
460-0000-470100-22013	Transfer In (from 301, #G2402)	-	2,342,000	-	2,342,000
460-7035-550103-22013	Capital Outlay-CIP	1,480,000	-	-	2,342,000
FUND 460 (#22013)	TOTAL REVENUES	1,480,000	2,342,000	1,480,000	2,342,000
WTP Residuals	TOTAL EXPENDITURES	1,480,000	-	-	2,342,000
460-0000-470100-16036	Transfer In (from 301, #G2402)	-	12,408,000	-	12,408,000
460-0000-470010-16036	Debt Proceeds	12,530,000	-	7,446,000	5,084,000
460-7135-550102-16036	Capital Outlay - Services/ Fees	125,000	-	-	125,000
460-7135-550103-16036	Capital Outlay-CIP	12,405,000	4,962,000	-	17,367,000
FUND 460 (#16036)	TOTAL REVENUES	12,530,000	12,408,000	7,446,000	17,492,000
Biosolids Dryer	TOTAL EXPENDITURES	12,530,000	4,962,000	-	17,492,000

The State has provided the City with \$14,750,000 direct appropriation for the Biosolids and WTP Residuals projects. This amendment adjusts the existing capital project ordinances for the projects to reflect the use of grant funds, rather than debt proceeds where appropriate.

The City Manager and City Clerk certify budget ordinance amendment 02072024-06 was approved by City Council on February 07, 2024.

TO MAYOR & COUNCIL

APPROVAL: February 07, 2024

FISCAL YEAR 2024
FORM: 02072024-07

BUDGET AMENDMENT

FUND 021 060 410					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
021-0000-470900	Fund Balance Appropriated	63,443	81,439	-	144,882
021-0000-598901	Transfer Out (to 410, #16030)	-	81,439	-	81,439
FUND 021	TOTAL REVENUES	-	81,439	-	-
7th Ave MSD Fund (FY25)	TOTAL EXPENDITURES	-	81,439	-	-
459-0000-470900	Fund Balance Appropriated (FY25)	-	865,000	-	865,000
459-0000-598901	Transfer Out (to 410, #16030)	-	865,000	-	865,000
FUND 459	TOTAL REVENUES	-	865,000	-	-
W&S CRF	TOTAL EXPENDITURES	-	865,000	-	-
410-0000-420010-16030	Powell Bill Allocation (FY25)	-	460,000	-	460,000
410-0000-420050-16030	Grant Revenue (Stormwater SRF)	-	250,000	-	250,000
410-0000-470020-16030	Debt Proceeds (2021 IFC)	2,038,592	-	-	2,038,592
410-0000-470100-16030	Transfer In (from Fund 010 FY25)	-	140,000	-	140,000
410-0000-470100-16030	Transfer In (from Fund 021 FY24)	-	81,439	-	81,439
410-0000-470100-16030	Transfer In (from Fund 060 FY24)	-	865,000	-	865,000
410-2202-524040-16030	Powell Bill Expenditures	-	460,000	-	460,000
410-2202-550103-16030	Capital Outlay - CIP	2,005,607	1,215,000	-	3,342,046
410-2202-560900-16030	Cost of Issuance	32,985	-	-	32,985
FUND 410 (#16030)	TOTAL REVENUES	2,038,592	1,796,439	-	3,835,031
7th Ave. Streetscape	TOTAL EXPENDITURES	2,038,592	1,675,000	-	3,835,031

An amendment to the 7th Avenue Streetscape Project (#16030) increasing the budget from the closing book amount of \$2,038,592 (2021 Installment Financing). The amendment reflects the receipt of stormwater grant revenue, planned use of FY25 Powell Bill funding, and transfers in to cover water and sewer work on the project. The budget amendment makes funds available to reflect the full cost of the project according to the guaranteed maximum price (GMP).

The City Manager and City Clerk certify budget ordinance amendment 02072024-07 was approved by City Council on February 07, 2024.

TO MAYOR & COUNCIL

APPROVAL: February 07, 2024

FISCAL YEAR 2024

FORM: 02072024-08

BUDGET AMENDMENT

FUND 010 | 199

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470900	Fund Balance Appropriated	2,816,519	250,000	-	3,066,519
010-0000-598901	Transfer Out (to Fund 199, #00100)	175,000	250,000	-	425,000
FUND 010	TOTAL REVENUES	-	250,000	-	3,066,519
	TOTAL EXPENDITURES	-	250,000	-	425,000
199-0000-470100-00100	Transfer In (from Fund 010)	100,000	250,000	-	350,000
199-1001-540001-00100	Special Appropriations (ARP-IAM food security)	100,000	-	-	100,000
199-1001-540001-00100	Special Appropriations (Child.&Fam. Resource)	-	100,000	-	100,000
199-1001-540001-00100	Special Appropriations (Safelight-Phoenix)	-	100,000	-	100,000
199-1001-540001-00100	Special Appropriations (True Ridge)	-	50,000	-	50,000
FUND 199, #00100	TOTAL REVENUES	-	250,000	-	350,000
	TOTAL EXPENDITURES	-	250,000	-	350,000

An amendment continuing ARP Special Appropriation budget in FY24. This expenditure was budgeted originally in a project ordinance (multi-year budget); however, it is necessary to budget for the project annually in Fund 199. The ARP Appropriation budget was last amended in FY23, providing \$250,000 for the Children and Family Resource Center, Safelight’s Phoenix project, and True Ridge. \$400,000 was previously appropriated for the Apple Ridge Project. \$100,000 was previously appropriated for the IAM Food Assistance program.

The City Manager and City Clerk certify budget ordinance amendment 02072024-08 was approved by City Council on February 07, 2024.

C. Budget Amendments Mid-Year FY24 – Jenny Floyd, Budget and Management Analyst

TO MAYOR & COUNCIL

APPROVAL: February 07, 2024

FISCAL YEAR 2024

FORM: 02072024-01

BUDGET AMENDMENT

FUND 010

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-400101	Ad Valorem Taxes	(13,050,000)	(250,000)		(13,300,000)
010-0000-400102	Prior Years Ad Valorem Taxes	(50,000)	(25,000)		(75,000)
010-0000-410300	Electricity Utility Tax	(925,000)	(50,000)		(975,000)
010-0000-410303	Natural Gas Utility Tax	(71,000)	(10,000)		(81,000)
010-0000-420010	Powell Bill Allocation	(460,000)	(55,913)		(515,913)
010-0000-440005	Fire Permits & Fees	(8,000)	(3,000)		(11,000)
010-0000-440008	Zoning Permits	(10,000)	(1,000)		(11,000)
010-0000-440012	Street Sidewlk Encroachment	(250)	(1,200)		(1,450)
010-0000-450002	Powell Bill Interest	-	(2,000)		(2,000)
010-0000-450099	Market Adjustment	-	(34,000)		(34,000)
010-0000-460002	Miscellaneous Income - Police	(1,000)	(2,000)		(3,000)
010-0000-460003	Miscellaneous Income - Public Works	-	(13,000)		(13,000)
010-0000-460120	Refunds	-	(19,000)		(19,000)
010-0000-470030	Insurance Proceeds	(1,368)	(12,000)		(13,368)
010-0000-470050	Sale Of Capital Assets	(35,000)	(515,000)		(550,000)
010-0000-470900	Fund Balance Appropriated	(2,816,519)	(204,121)		(3,020,640)
010-1002-501001	Salaries - Regular	521,182	63,000		584,182
010-1005-501001	Salaries - Regular	124,157	8,300		132,457
010-1008-501001	Salaries - Regular	278,005		10,000	268,005
010-1010-501001	Salaries - Regular	38,412	3,900		42,312
010-1014-501001	Salaries - Regular	299,514	13,000		312,514
010-1200-501001	Salaries - Regular	396,212	65,500		461,712
010-1300-501001	Salaries - Regular	3,401,059	202,000		3,603,059
010-1400-501001	Salaries - Regular	2,781,517	145,868		2,927,385
010-1502-501001	Salaries - Regular	335,229	17,700		352,929
010-1521-501001	Salaries - Regular	189,200	20,000		209,200
010-1523-501001	Salaries - Regular	84,042	20,000		104,042
010-1525-501001	Salaries - Regular	361,193	40,500		401,693
010-1555-501001	Salaries - Regular	440,170		30,000	410,170
010-1001-501002	Salaries - Board/ Part Time/Temp/Aux	21,373	3,000		24,373
010-1002-501002	Salaries - Board/ Part Time/Temp/Aux	12,000		10,000	2,000
010-1008-501002	Salaries - Board/ Part Time/Temp/Aux	213	13,000		13,213
010-1300-501002	Salaries - Board/ Part Time/Temp/Aux	80,817		9,000	71,817
010-1523-501002	Salaries - Board/ Part Time/Temp/Aux	14,000		10,000	4,000
010-1525-501002	Salaries - Board/ Part Time/Temp/Aux	20,000		10,000	10,000
010-1300-501004	Salaries - Seperation	75,285	35,000		110,285
010-1014-501010	Salaries - Overtime	500	2,700		3,200
010-1300-501010	Salaries - Overtime	80,000	15,000		95,000
010-1400-501010	Salaries - Overtime	110,000	220,000		330,000
010-1502-501010	Salaries - Overtime	500	1,600		2,100
010-1521-501010	Salaries - Overtime	5,000	12,000		17,000
010-1523-501010	Salaries - Overtime	5,000		1,000	4,000
010-1555-501010	Salaries - Overtime	5,000	15,000		20,000
010-1560-501010	Salaries - Overtime	5,000	850		5,850
010-7855-501010	Salaries Overtime	-	610		610
010-1300-501011	Salaries - Holiday Pay	169,308		20,000	149,308
010-1400-501011	Salaries - Holiday Pay	98,391		15,000	83,391

	010-1300-501012	Salaries - Standby Pay	19,500	1,000		20,500
	010-1523-501012	Salaries - Standby Pay	5,000		2,000	3,000
	010-1525-501014	Salaries - Shift Diff	-	850		850
	010-1300-501025	Salaries - Uniform/Taxab	15,250	1,700		16,950
	010-1502-501025	Salaries - Uniform/Taxab	575	1,400		1,975
	010-7855-501025	Salaries - Uniform/Taxab	-	210		210
	010-1002-501050	Salaries - CM Ins Prem	4,000	550		4,550
	010-1001-502001	Fica Tax Expense	1,600	150		1,750
	010-1002-502001	Fica Tax Expense	40,550	2,600		43,150
	010-1005-502001	Fica Tax Expense	9,498	500		9,998
	010-1010-502001	Fica Tax Expense	2,938	350		3,288
	010-1014-502001	Fica Tax Expense	22,913	1,050		23,963
	010-1200-502001	Fica Tax Expense	31,248	3,500		34,748
	010-1300-502001	Fica Tax Expense	274,804	23,000		297,804
	010-1400-502001	Fica Tax Expense	231,570	22,804		254,374
	010-1521-502001	Fica Tax Expense	14,578	3,000		17,578
	010-1523-502001	Fica Tax Expense	6,476	1,900		8,376
	010-1525-502001	Fica Tax Expense	27,762	3,500		31,262
	010-1001-502005	Group Med & Life Ins	14,000	1,700		15,700
	010-1002-502005	Group Med & Life Ins	54,190	6,700		60,890
	010-1005-502005	Group Med & Life Ins	7,881	2,250		10,131
	010-1010-502005	Group Med & Life Ins	3,770	750		4,520
	010-1014-502005	Group Med & Life Ins	38,875	4,700		43,575
	010-1200-502005	Group Med & Life Ins	55,439	14,000		69,439
	010-1300-502005	Group Med & Life Ins	578,521	124,000		702,521
	010-1400-502005	Group Med & Life Ins	528,562	39,414		567,976
	010-1502-502005	Group Med & Life Ins	51,813	12,100		63,913
	010-1521-502005	Group Med & Life Ins	37,200	6,500		43,700
	010-1523-502005	Group Med & Life Ins	14,330	2,700		17,030
	010-1525-502005	Group Med & Life Ins	75,091	19,000		94,091
	010-1555-502005	Group Med & Life Ins	80,784	2,600		83,384
	010-7855-502005	Group Med & Life Ins	5,098		400	4,698
	010-1002-502050	Retirement Expense	68,114	7,050		75,164
	010-1005-502050	Retirement Expense	15,954	1,300		17,254
	010-1010-502050	Retirement Expense	4,936	560		5,496
	010-1014-502050	Retirement Expense	38,488	2,600		41,088
	010-1200-502050	Retirement Expense	52,489	7,400		59,889
	010-1300-502050	Retirement Expense	686,112		6,000	680,112
	010-1400-502050	Retirement Expense	388,977	42,780		431,757
	010-1502-502050	Retirement Expense	44,652	1,300		45,952
	010-1521-502050	Retirement Expense	24,489	5,100		29,589
	010-1523-502050	Retirement Expense	10,878	1,700		12,578
	010-1525-502050	Retirement Expense	46,632	4,800		51,432
	010-1002-502055	Retiree Insurance	18,396		10,000	8,396
	010-1300-502055	Retiree Insurance	85,848		20,000	65,848
	010-1400-502055	Retiree Insurance	73,584		30,000	43,584
	010-1502-502055	Retiree Insurance	24,528		5,000	19,528
	010-1002-502056	COH Match Retirement Expense	9,205	250		9,455
	010-1005-502056	COH Match Retirement Expense	2,730	40		2,770
	010-1014-502056	COH Match Retirement Expense	3,500	410		3,910
	010-1200-502056	COH Match Retirement Expense	6,100	1,200		7,300
	010-1300-502056	COH Match Retirement Expense	7,175	400		7,575
	010-1560-502056	COH Match Retirement Expense	870	25		895
	010-1300-502091	Worker's Comp Ins	48,164	3,300		51,464
	010-1002-519103	Prof Services-Medical	5,000		5,000	-
	010-1002-519200	Contract Services	85,000		10,000	75,000
	010-1005-519200	Contract Services	24,360		10,000	14,360
	010-1200-531220	Travel	6,000		6,000	-
	010-1502-531220	Travel	6,000		6,000	-
	010-1521-531220	Travel	5,000		5,000	-
	010-1555-531220	Travel	3,000		3,000	-
	010-1560-531220	Travel	4,500		4,500	-
	010-1002-539005	Health And Welfare Expenditures	61,015	92,000		153,015
	010-1200-556001	Capital Outlay - Other/Intangible	25,000		16,000	9,000
	010-1556-524040	R&M Streets/Sidewalks	600,000	55,913	-	655,913
FUND 010	TOTAL REVENUES		(17,428,137)	(1,197,234)	-	(18,625,371)
	TOTAL EXPENDITURES		14,692,793	1,451,134	253,900	15,890,027
A budget amendment in the General Fund to increase revenues and expenditure accounts where appropriate as the City approaches mid-year. Increased funds will be used for priority items within the General Fund including salaries, benefits, and health & welfare expenditures.						
The City Manager and City Clerk certify budget ordinance amendment 02072024-01 was approved by City Council on February 07, 2024.						

TO MAYOR & COUNCIL

FISCAL YEAR 2024

APPROVAL: February 07, 2024

FORM: 02072024-02

BUDGET AMENDMENT

FUND 020					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
020-0000-400150	Tax - Interest	-	(15)	-	(15)
020-0000-450001	Interest Income	(100)	(1,439)	-	(1,539)
020-0000-450099	Market Adjustment	-	(658)	-	(658)
020-0000-460040	Special Events - Nontaxable	(17,500)	(2,000)	-	(19,500)
020-0000-470900	Fund Balance Appropriated	(130,762)	(40,000)	-	(170,762)
020-1525-501002	Salaries - Board/ Part Time/Temp/Aux	-	460	-	460
020-2102-501002	Salaries - Board/ Part Time/Temp/Aux	-	20	-	20
020-1523-501010	Salaries - Overtime	-	80	-	80
020-1525-501010	Salaries - Overtime	-	160	-	160
020-1560-501010	Salaries - Overtime	-	250	-	250
020-7855-501010	Salaries - Overtime	-	630	-	630
020-1523-501012	Salaries - Standby Pay	-	80	-	80
020-1560-501012	Salaries - Standby Pay	-	770	-	770
020-1525-501014	Salaries - Shift Diff	-	50	-	50
020-2102-501014	Salaries - Shift Diff	-	2	-	2
020-1502-501025	Salaries - Uniform/Taxab	-	65	-	65
020-1523-501025	Salaries - Uniform/Taxab	-	60	-	60
020-1525-501025	Salaries - Uniform/Taxab	-	150	-	150
020-1560-501025	Salaries - Uniform/Taxab	-	60	-	60
020-2102-501025	Salaries - Uniform/Taxab	-	20	-	20
020-7855-501025	Salaries - Uniform/Taxab	-	260	-	260
020-1523-502001	Fica Tax Expense	564	20	-	584
020-1523-502005	Group Med & Life Ins	921	450	-	1,371
020-1525-502005	Group Med & Life Ins	3,626	1,250	-	4,876
020-1560-502005	Group Med & Life Ins	1,595	150	-	1,745
020-7855-502005	Group Med & Life Ins	5,118	600	-	5,718
020-1523-502050	Retirement Expense	946	40	-	986
020-1560-502056	COH Match Retirement Expense	45	10	-	55
020-2102-502056	COH Match Retirement Expense	1,860	70	-	1,930
020-1560-502091	Worker's Comp Ins	787	1,000	-	1,787
020-2102-521001	Supplies & Materials	47,500	-	11,600	35,900
020-2102-521010	Office Supplies	500	1,700	-	2,200
020-2102-521020	Janitorial Supplies	3,800.00		500	3,300
020-2102-523001	Utilities - Electricity	-	40,000	-	40,000
020-2102-523003	Utilities - Telephone & Internet	-	2,500	-	2,500
020-2102-524010	R & M - Bulidings	-	300	-	300
020-2102-531255	Bank Service Charges	-	5	-	5
020-2102-531700	Liab & Prop Ins & Bonds	685	5,000	-	5,685
FUND 020	TOTAL REVENUES	(148,362)	(44,112)	-	(192,474)
	TOTAL EXPENDITURES	67,947	56,212	12,100	112,059
A budget amendment in the Main St. Fund to increase revenues and expenditure accounts where appropriate as the City approaches mid-year. Increased funds will be used for priortiy items within the Main St. Fund including salaries, benefits, utilities, building repair, and liability & property insurance.					
The City Manager and City Clerk certify budget ordinance amendment 02072024-02 was approved by City Council on February 07, 2024.					

TO MAYOR & COUNCIL
APPROVAL: February 07, 2024

FISCAL YEAR 2024
FORM: 02072024-03

BUDGET AMENDMENT

FUND 060					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-0000-430003	Rental Income-Non Taxable	-	(4,300)	-	(4,300)
060-0000-431001	Lease Revenue	-	(10,400)	-	(10,400)
060-0000-444102	W&S Inspection Line Fees	(48,200)	(21,000)	-	(69,200)
060-0000-445001	Sewer Permits & Fees	(2,500)	(3,400)	-	(5,900)
060-0000-445201	Utility Billing Service Charges	(60,000)	(7,000)	-	(67,000)
060-0000-445202	Sewer Surcharges	(81,850)	(15,000)	-	(96,850)
060-0000-445203	Sewer Pretreatment Cost Recvry	-	(9,800)	-	(9,800)
060-0000-450001	Interest Income	(8,000)	(64,000)	-	(72,000)
060-0000-450099	Market Adjustment	-	(25,800)	-	(25,800)
060-0000-460001	Miscellaneous Income	-	(25,000)	-	(25,000)
060-0000-460003	Miscellaneous Income - Public Works	-	(25,000)	-	(25,000)
060-0000-460120	Refunds	-	(15,000)	-	(15,000)
060-0000-470030	Insurance Proceeds	-	(2,060)	-	(2,060)
060-0000-470050	Sale Of Capital Assets	-	(62,000)	-	(62,000)
060-1014-501001	Salaries - Regular	697,431	26,000	-	723,431
060-1502-501001	Salaries - Regular	19,100	6,200	-	25,300
060-1521-501001	Salaries - Regular	124,793	1,750	-	126,543
060-1523-501001	Salaries - Regular	86,835	6,500	-	93,335
060-7035-501001	Salaries - Regular	690,315	26,000	-	716,315
060-7055-501001	Salaries - Regular	1,194,004	89,000	-	1,283,004
060-7155-501001	Salaries - Regular	588,191	45,000	-	633,191
060-1005-501001	Salaries - Regular	135,161	-	1,000	134,161
060-1008-501001	Salaries - Regular	902,994	-	69,000	833,994
060-1010-501001	Salaries - Regular	192,682	-	10,000	182,682
060-7002-501001	Salaries - Regular	689,531	-	7,500	682,031
060-7050-501001	Salaries - Regular	450,437	-	12,000	438,437
060-7135-501001	Salaries - Regular	621,193	-	60,000	561,193
060-7150-501001	Salaries - Regular	222,508	-	4,300	218,208
060-1008-501002	Salaries - Board/ Part Time/Temp/Aux	337	35,200	-	35,537
060-7032-501002	Salaries - Board/ Part Time/Temp/Aux	859	32,000	-	32,859
060-7132-501002	Salaries - Board/ Part Time/Temp/Aux	423	15,500	-	15,923
060-7002-501002	Salaries - Board/ Part Time/Temp/Aux	51,937	-	20,000	31,937
060-1002-501010	Salaries - Overtime	-	2,400	-	2,400
060-1014-501010	Salaries - Overtime	3,000	4,300	-	7,300
060-1502-501010	Salaries - Overtime	-	50	-	50
060-1521-501010	Salaries - Overtime	9,000	1,300	-	10,300
060-7050-501010	Salaries - Overtime	8,000	2,800	-	10,800
060-7150-501010	Salaries - Overtime	4,000	1,700	-	5,700
060-1523-501010	Salaries - Overtime	7,000	-	80,000	(73,000)
060-7035-501010	Salaries - Overtime	16,000	-	4,500	11,500
060-7055-501010	Salaries - Overtime	70,000	-	10,000	60,000
060-7132-501010	Salaries - Overtime	50,000	-	25,000	25,000
060-7155-501010	Salaries - Overtime	40,000	-	10,000	30,000
060-7002-501011	Salaries - Holiday Pay	6,996	-	2,000	4,996
060-7035-501011	Salaries - Holiday Pay	31,434	-	15,000	16,434
060-7135-501011	Salaries - Holiday Pay	19,735	-	10,000	9,735
060-7155-501011	Salaries - Holiday Pay	3,745	-	2,000	1,745

060-1523-501012	Salaries - Standby Pay	-	950	-	950
060-7032-501012	Salaries - Standby Pay	-	12,500	-	12,500
060-7050-501012	Salaries - Standby Pay	-	12,500	-	12,500
060-7055-501012	Salaries - Standby Pay	-	12,000	-	12,000
060-7132-501012	Salaries - Standby Pay	-	6,100	-	6,100
060-7150-501012	Salaries - Standby Pay	-	6,000	-	6,000
060-7155-501012	Salaries - Standby Pay	-	5,900	-	5,900
060-7035-501014	Salaries - Shift Diff	-	7,000	-	7,000
060-7135-501014	Salaries - Shift Diff	-	2,500	-	2,500
060-1502-501025	Salaries - Uniform/Taxab	-	250	-	250
060-1521-501025	Salaries - Uniform/Taxab	-	1,750	-	1,750
060-1523-501025	Salaries - Uniform/Taxab	-	700	-	700
060-7002-501025	Salaries - Uniform/Taxab	-	400	-	400
060-7032-501025	Salaries - Uniform/Taxab	-	3,050	-	3,050
060-7050-501025	Salaries - Uniform/Taxab	-	2,500	-	2,500
060-7055-501025	Salaries - Uniform/Taxab	-	9,200	-	9,200
060-7132-501025	Salaries - Uniform/Taxab	-	1,500	-	1,500
060-7135-501025	Salaries - Uniform/Taxab	-	3,500	-	3,500
060-7150-501025	Salaries - Uniform/Taxab	-	1,500	-	1,500
060-7155-501025	Salaries - Uniform/Taxab	-	4,500	-	4,500
060-1002-501050	Salaries - CM Ins Prem	-	4,500	-	4,500
060-1014-502001	Fica Tax Expense	53,353	1,300	-	54,653
060-1502-502001	Fica Tax Expense	1,461	460	-	1,921
060-1521-502001	Fica Tax Expense	9,616	1,050	-	10,666
060-1523-502001	Fica Tax Expense	6,691	700	-	7,391
060-7032-502001	Fica Tax Expense	32,314	1,650	-	33,964
060-7055-502001	Fica Tax Expense	91,894	10,500	-	102,394
060-7132-502001	Fica Tax Expense	14,529	2,200	-	16,729
060-7155-502001	Fica Tax Expense	45,269	5,000	-	50,269
060-7002-502001	Fica Tax Expense	57,257	-	10,000	47,257
060-7135-502001	Fica Tax Expense	49,893	-	6,000	43,893
060-1005-502005	Group Med & Life Ins	7,581	2,200	-	9,781
060-1014-502005	Group Med & Life Ins	103,610	12,700	-	116,310
060-1502-502005	Group Med & Life Ins	2,051	2,100	-	4,151
060-1521-502005	Group Med & Life Ins	24,526	1,800	-	26,326
060-1523-502005	Group Med & Life Ins	14,801	2,000	-	16,801
060-7002-502005	Group Med & Life Ins	88,734	5,500	-	94,234
060-7035-502005	Group Med & Life Ins	126,008	30,050	-	156,058
060-7050-502005	Group Med & Life Ins	79,664	600	-	80,264
060-7055-502005	Group Med & Life Ins	237,625	58,000	-	295,625
060-7132-502005	Group Med & Life Ins	34,613	1,900	-	36,513
060-7150-502005	Group Med & Life Ins	39,375	1,300	-	40,675
060-7155-502005	Group Med & Life Ins	117,038	24,000	-	141,038
060-1010-502005	Group Med & Life Ins	28,718	-	1,500	27,218
060-1014-502050	Retirement Expense	89,620	5,200	-	94,820
060-1502-502050	Retirement Expense	2,454	750	-	3,204
060-1521-502050	Retirement Expense	16,152	1,800	-	17,952
060-1523-502050	Retirement Expense	11,239	1,300	-	12,539
060-7055-502050	Retirement Expense	154,359	20,000	-	174,359
060-7132-502050	Retirement Expense	24,406	1,850	-	26,256
060-7150-502050	Retirement Expense	28,592	350	-	28,942
060-7155-502050	Retirement Expense	76,039	9,600	-	85,639
060-7002-502050	Retirement Expense	96,178	-	15,000	81,178
060-7135-502050	Retirement Expense	83,808	-	10,000	73,808
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060-7002-502055	Retiree Insurance	-	4,050	-	4,050
060-7035-502055	Retiree Insurance	12,264	14,200	-	26,464
060-7050-502055	Retiree Insurance	-	14,000	-	14,000
060-7132-502055	Retiree Insurance	-	15,000	-	15,000
060-7055-502055	Retiree Insurance	24,528	-	20,000	4,528
060-1002-502056	COH Match Retirement Expense	5,176	3,700	-	8,876
060-1008-502056	COH Match Retirement Expense	9,075	50	-	9,125
060-1014-502056	COH Match Retirement Expense	8,766	250	-	9,016
060-7055-502056	COH Match Retirement Expense	8,535	400	-	8,935
060-7155-502056	COH Match Retirement Expense	4,205	200	-	4,405
060-7035-502091	Worker's Comp Ins	33,575	600	-	34,175
060-7050-502091	Worker's Comp Ins	272	350	-	622
060-7055-502091	Worker's Comp Ins	1,325	2,000	-	3,325
060-7132-502091	Worker's Comp Ins	2,297	3,500	-	5,797
060-7135-502091	Worker's Comp Ins	29,213	37,000	-	66,213
060-7155-502091	Worker's Comp Ins	687	900	-	1,587
060-1014-519104	Prof Services-Engring	55,000	-	2,000	53,000
FUND 060	TOTAL REVENUES	(200,550)	(289,760)	-	(490,310)
	TOTAL EXPENDITURES	8,982,028	696,560	406,800	9,271,788

The City Manager and City Clerk certify budget ordinance amendment 02072024-03 was approved by City Council on February 07, 2024.

TO MAYOR & COUNCIL

APPROVAL: February 7, 2024

FISCAL YEAR 2024

FORM: 02072024-04

BUDGET AMENDMENT

FUND 064					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
064-0000-430004	Monthly Parking Revenues	(225,000)	-	(45,000)	(180,000)
064-0000-430005	Parking Meter Revenues	(750,000)	-	(50,000)	(700,000)
064-0000-430011	Parking Garage Revenues	-	(150,000)	-	(150,000)
064-0000-450001	Interest Income	-	(2,000)	-	(2,000)
064-0000-450099	Market Adjustment	-	(500)	-	(500)
064-0000-460001	Miscellaneous Income	-	(100)	-	(100)
064-1008-531255	Bank Service Charges	-	10	-	10
064-1300-501001	Salaries - Regular	85,294	6,951	-	92,245
064-1300-501010	Salaries - Overtime	-	5,000	-	5,000
064-1300-502001	Fica Tax Expense	6,936	459	-	7,395
064-1300-502050	Retirement Expense	17,317	3,628	-	20,945
064-1502-501001	Salaries - Regular	7,676	-	7,676	0
064-7455-519200	Contract Services	4,845	-	4,302	543
064-7455-523001	Utilities - Electricity	-	5,000	-	5,000
064-7455-531260	Credit Card Processing Fees	-	60,000	-	60,000
064-7455-534000	Non-Capital Equipment	10,000	-	10,000	-
064-7455-554001	Capital Outlay - Equipment/Other Than Vehicles	8,000	-	1,470	6,530
FUND 064	TOTAL REVENUES	(975,000)	(152,600)	(95,000)	(1,032,600)
	TOTAL EXPENDITURES	140,068	81,048	23,448	197,668
A budget amendment in the Parking Fund to increase revenues and expenditure accounts where appropriate as the City approaches mid-year. Increased funds will be used for priortiy items within the Parking Fund including salaries, benefits, utilities, and credit card processing fees.					
The City Manager and City Clerk certify budget ordinance amendment 02072024-04 was approved by City Council on February 7, 2024.					

TO MAYOR & COUNCIL

APPROVAL: February 07, 2024

FISCAL YEAR 2024

FORM: 02072024-05

BUDGET AMENDMENT

FUND 068

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
068-0000-430803	Solid Waste Disposal Tax	(3,000)	(300)		(3,300)
068-0000-460120	Refunds	(200)	(350)		(550)
068-1502-501001	Salaries - Regular	56,123		1,260	54,863
068-7855-501001	Salaries - Regular	630,320		11,350	618,970
068-1502-501010	Salaries - Overtime	-	1,600		1,600
068-1521-501010	Salaries - Overtime	-	1,900		1,900
068-7855-501010	Salaries - Overtime	10,000	12,000		22,000
068-1502-501025	Salaries - Uniform/Taxab	-	500		500
068-1521-501025	Salaries - Uniform/Taxab	-	250		250
068-7855-501025	Salaries - Uniform/Taxab	-	5,000		5,000
068-1502-502005	Group Med & Life Ins	8,342	610		8,952
068-1521-502005	Group Med & Life Ins	6,996	50		7,046
068-7855-502005	Group Med & Life Ins	122,642		3,000	119,642
068-1521-502050	Retirement Expense	4,608	100		4,708
068-7855-502050	Retirement Expense	84,052		2,000	82,052
068-7855-502091	Worker's Comp Ins	18,657	2,000		20,657
068-7855-521001	521001-Supplies & Materials	59,000		2,000	57,000
068-7855-531100	531100-Fuel	70,000		5,200	64,800
068-7855-531210	531210-Permits, License And Fees	500	450		950
068-7855-531220	531220-Travel	2,500		1,500	1,000
068-7855-531225	531225-Training	5,500	2,500		8,000
FUND 068	TOTAL REVENUES	(3,200)	(650)	-	(3,850)
	TOTAL EXPENDITURES	1,079,240	26,960	26,310	1,079,890

A budget amendment in the Environmental Services Fund to revenue and expenditure accounts where appropriate as the City approaches mid-year. Amended funds will be used for priortiy items within the ESF Fund including salaries, benefits, supplies & materials, and truck repair.

The City Manager and City Clerk certify budget ordinance amendment 02072024-05 was approved by City Council on February 07, 2024.

D. Annexation Certificate of Sufficiency 1019 Berkeley Rd (C24-3-ANX)– Matthew Manley, AICP

The City of Hendersonville has received a petition from Kevin & Alexandra Fakhoury for contiguous annexation of PIN 9569-48-5695 located at 1019 Berkeley Rd near the intersection of Asheville Hwy. The property to be annexed is approximately 1.28 acres. Please refer to the attached maps for additional information. Attached is the Clerk's Certificate of Sufficiency finding that the petition is valid. The next step in the annexation process is to accept the Clerk's certificate and set a date for the public hearing on the question of adoption of an ordinance of annexation.

CERTIFICATE OF SUFFICIENCY

Re: Petition for Contiguous Annexation
Petitioners: Kevin & Alexandra Fakhoury
File No. C24-3-ANX

To the Honorable Mayor and members of the City Council of Hendersonville, North Carolina:
I, Jill Murray, City Clerk, being first duly sworn, hereby certify that:

1. A petition has been received for contiguous annexation of property consisting of +/- 1.27 acres located at 1019 Berkeley Rd in Hendersonville, NC, being tax parcel PIN 9569-48-5695, and being more particularly described on Exhibit A, attached hereto and incorporated by reference, hereinafter "Petition."
2. An investigation has been completed as required by N.C.G.S. § 160A-31 of the Petition for compliance with the requirements of N.C.G.S. § 160A-31.

Based upon this investigation, I find that

1. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein.
2. The Petition was prepared in substantially the form prescribed by 160A-31(b).
3. The area described in the petition is contiguous to the City of Hendersonville's primary corporate limits, as defined by N.C.G.S. 160A-31(f).
4. The area for annexation meets all other requirements defined in NC 160A-31 regarding the character of the area to be annexed.

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

In witness hereof, I have set my hand and the City Seal on this the 26th day of January, 2024.

(City Seal)




Jill Murray, City Clerk

EXHIBIT A
LEGAL DESCRIPTION

Being all of that real property consisting of PIN 9569-48-5695 as described in the plat recorded in Plat Book 2024 Slide _____ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9569-48-5695 being more particularly described by metes and bounds as follows:

Beginning at a set iron pin on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville, said iron pin being the northeast corner of that certain 2.076 acre tract as recorded in Plat Slide 12078, Henderson County Registry; thence leaving the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville and running with the east line of said 2.076 acre tract South 14°41'27" East for 338.92 feet to a found iron pin on the limits of the City of Hendersonville, being the southeast corner of said 2.076 acre tract; thence along the south line of said 2.076 acre tract and the limits of the City of Hendersonville running South 86°17'36" West for 222.87 feet to a point; thence leaving the south line of said 2.076 acre tract and running with the limits of the City of Hendersonville the following two (2) courses to wit: (1) North 03°52'32" East for 176.62 feet to a point; (2) North 04°26'58" West for 126.40 feet to a point on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville; thence along the on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville running North 73°24'37" East for 140.16 feet to the Point of Beginning. Containing 1.28 acres, more or less.

Resolution #R-24-07

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31

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

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

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

Section 1. A public hearing on the question of annexation of the contiguous area described herein will be held at the City Operations Center located at 305 William St. Hendersonville NC, 28792 at 5:45 p.m. March 7th, 2024, or as soon thereafter as it may be heard.

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

Being all of that real property consisting of PIN 9569-48-5695 as described in the plat recorded in Plat Book 2024 Slide ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9569-48-5695 being more particularly described by metes and bounds as follows:

Beginning at a set iron pin on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville, said iron pin being the northeast corner of that certain 2.076 acre tract as recorded in Plat Slide 12078, Henderson County Registry; thence leaving the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville and running with the east line of said 2.076 acre tract South 14°41'27" East for 338.92 feet to a found iron pin on the limits of the City of Hendersonville, being the southeast corner of said 2.076 acre tract; thence along the south line of said 2.076 acre tract and the limits of the City of Hendersonville running South 86°17'36" West for 222.87 feet to a point; thence leaving the south line of said 2.076 acre tract and running with the limits of the City of Hendersonville the following two (2) courses to wit: (1) North 03°52'32" East for 176.62 feet to a point; (2) North 04°26'58" West for 126.40 feet to a point on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville; thence along the on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville running North 73°24'37" East for 140.16 feet to the Point of Beginning. Containing 1.28 acres, more or less.

Re: Petition for Contiguous Annexation
Petitioners: Kevin & Alexandra Fakhoury
File No. C24-3-ANX

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of February, 2024.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

E. Acceptance of Gift from Frederick and Marilyn Young Revocable Trust for Health and Maintenance of Hendersonville Police Dogs – Daniel Heyman, Staff Attorney

The City of Hendersonville has been notified that a gift in the amount of \$193,901.82 has been left by the Frederick and Marylin Young Revocable Trust dated May 21, 2019 to be used “solely for the health and maintenance of the Hendersonville Police Department’s police dogs.”

The attached resolution authorizes the City Manager to accept this gift on behalf of the City. The money will be held by the City for the stated purpose.

Resolution #R-24-08

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ACCEPT A GIFT FROM THE FREDERICK AND MARILYN YOUNG REVOCABLE TRUST

WHEREAS, The City of Hendersonville has been notified that a gift in the amount of \$193,901.82 has been left by the Frederick and Marylin Young Revocable Trust dated May 21, 2019”; and

WHEREAS, The gift has been left to the City solely for the health and maintenance of the Hendersonville Police Department's police dogs.

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Hendersonville resolves that:

1. The City Manager is authorized to accept the gift from the Frederick and Marylin Young Revocable Trust dated May 21, 2019 in the amount of \$193,901.82 to be used solely for the health and maintenance of the Hendersonville Police Department's police dogs
2. The City Manager is authorized to execute all documents necessary to accept the gift from the Frederick and Marylin Young Revocable Trust dated May 21, 2019.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of February, 2024.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

F. Annexation: Certificate of Sufficiency – Upward Road & Old Spartanburg Road (Jones) (C23-97-ANX) – Tyler Morrow, Planner II

The City of Hendersonville has received a petition from Spevines Rex Jones Jr., Deitra Blythe Jones, Michael C. Jones, and Cecilia Jones for satellite annexation of PINs located on Upward Road and Ballenger Road that is approximately 3.795 acres. The subject property is set to be sold to "The Spinx Company LLC" between the certificate of sufficiency (February 7th) and the public hearing (March 7th). Staff have included both the signed annexation applications from the current owners and the future owners to show that all parties involved are agreeing to the annexation. Attached is the Clerk's Certificate of Sufficiency finding that the petition is valid. The next step in the annexation process is to accept the Clerk's certificate and set a date for the public hearing on the question of adoption of an ordinance of annexation.

CERTIFICATE OF SUFFICIENCY

Re: Petition for Satellite Annexation
Petitioners: Spevines Rex Jones Jr., Deitra Blythe Jones, Michael C. Jones, and Cecilia Jones
File No. C23-97-ANX

To the Honorable Mayor and members of the City Council of Hendersonville, North Carolina: I, Jill Murray, City Clerk, being first duly sworn, hereby certify that:

1. A petition has been received for satellite annexation of properties consisting of +/- 4.723 acres located on Upward Road, Old Spartanburg Road and Bell Avenue in Hendersonville, NC, being tax parcel(s) PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, 9577-89-6187, and 9577-89-8138, and being more particularly described on Exhibit A, attached hereto and incorporated by reference, hereinafter "Petition."
2. An investigation has been completed as required by N.C.G.S. § 160A-58.2 of the Petition for compliance with the requirements of N.C.G.S. § 160A-58.1.

Based upon this investigation, I find that

1. The Petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area.
2. The nearest point on the proposed satellite corporate limit is approximately 2,043' from the primary corporate limits of the City of Hendersonville, which is less than 3 miles.
3. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S.160A-58.1 (a).
4. No point on the propose satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
5. The area is situated so the City will be able to provide the same services within the proposed corporate limits that is provided within the primary corporate limits.
6. The area proposed for annexation is not subject to subdivision regulation as described N.C.G.S. § 160D-802.
7. The total area within the proposed satellite corporate limits, when added to the area within all the other satellite corporate limits of the City, does not exceed ten (10%) of the area within the primary corporate limits of the City.
8. The area for annexation meets all other requirements defined in NC 160A-58.54 regarding the character of the area to be annexed.

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

In witness hereof, I have set my hand and the City Seal on this the 30th day of January, 2024.

(City Seal)



Jill Murray
Jill Murray, City Clerk

EXHIBIT A
LEGAL DESCRIPTION

Being all of that real property consisting of PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, 9577-89-6187, and 9577-89-8138 described in the plat recorded in Book 2024- _____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, 9577-89-6187, and 9577-89-8138 being described by metes and bounds as follows:

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN HENDERSON COUNTY, NORTH CAROLINA, CONTAINING 4.723 ACRES AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT AN IRON PIN SET 1/2" REBAR LOCATED ON THE NORTHEASTERN RIGHT OF WAY OF OLD SPARTANBURG ROAD (SR 1828), N02-25-32W 5135.86 FEET FROM USGS MONUMENT FB0333, THENCE RUNNING ALONG SAID RIGHT OF WAY, N22-13-06W 65.25 FEET TO AN IRON PIN SET 1/2" REBAR, THENCE N14-54-41W 98.59 FEET TO AN OLD NCDOT CAP, THENCE N27-19-02W 103.39 FEET TO AN IRON PIN SET 1/2" REBAR, THENCE WITH A CURVE TO THE LEFT HAVING A LENGTH OF 169.66 FEET, A RADIUS OF 1655.00 FEET AND A CHORD BEARING AND DISTANCE OF N34-48-52W 169.59 FEET TO AN IRON PIN OLD 5/8" REBAR LOCATED ON THE SOUTHERN END OF A SITE TRIANGLE AT THE INTERSECTION OF THE NORTHEASTERN RIGHT OF WAY OF OLD SPARTANBURG ROAD (SR 1828) AND THE SOUTHEASTERN RIGHT OF WAY OF UPWARD ROAD (SR 1783), THENCE RUNNING ALONG SAID SITE TRIANGLE, N05-29-01E 61.29 FEET TO AN OLD NCDOT CAP LOCATED ON THE NORTHERN END OF SAID SITE TRIANGLE LOCATED ON THE SOUTHEASTERN RIGHT OF WAY OF UPWARD ROAD (SR 1783), THENCE RUNNING ALONG SAID RIGHT OF WAY, N50-23-14E 72.56 FEET TO AN IRON PIN OLD 5/8" REBAR, THENCE N50-37-23E 288.31 FEET TO AN OLD NCDOT CAP, THENCE N52-10-34E 54.50 FEET TO AN IRON PIN OLD 5/8" REBAR, THENCE LEAVING THE SOUTHEASTERN RIGHT OF WAY UPWARD ROAD (SR 1783) S49-04-21E 304.99 FEET TO AN IRON PIN OLD 3/4" OPEN TOP PASSING AN IRON PIN OLD 3/4" OPEN TOP @ 268.28 FEET, THENCE S35-14-50W 351.18 FEET TO AN IRON PIN OLD 3/4" OPEN TOP, THENCE S53-56-40E 123.20 FEET TO AN IRON PIN OLD 1/2" REBAR LOCATED ON THE NORTHWESTERN RIGHT OF WAY OF BELL AVENUE (SR 1785), THENCE RUNNING ALONG SAID RIGHT OF WAY, S35-57-19W 100.17 FEET TO AN IRON PIN OLD 3/4" OPEN TOP, THENCE LEAVING THE NORTHWESTERN RIGHT OF WAY OF BELL AVENUE (SR 1785), N53-51-32W 122.00 FEET TO AN IRON PIN OLD 1/2" REBAR, THENCE S36-01-53W 175.75 FEET TO THE POINT OF BEGINNING.

G. Selection of Auditor for Fiscal Year 2024 – John Buchanan, Finance Director

G.S. 159-34 requires each local unit to have its accounts audited as soon as possible after the end of each fiscal year. The auditor shall be selected by and reports to the governing board. Staff prepared and issued an RFP in January 2024 for audit services, which is recommended but not required. Four firms responded with proposals, Gould Killian CPA Group, Mauldin Jenkins LLC, Blackburn Childers Steagall PLC, and RH CPA's. Finance staff evaluated each proposal per the criteria detailed in the RFP. Staff recommends selecting Gould Killian CPA Group as the new City auditor.

Resolution #R-24-10

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO

AUTHORIZE A CONTRACT WITH GOULD KILLIAN CPA GROUP

WHEREAS, the North Carolina General Assembly has enacted Chapter 159-34 of the North Carolina General Statutes which requires all local governments to have their accounts audited as soon as possible after the close of each fiscal year by a certified public accountant, or accountant certified by the Local Government Commission as qualified to audit local government accounts, selected by and reporting to the governing board; and

WHEREAS, City staff issued a Request for Proposal from qualified auditing firms on January 11, 2024 and four proposals were received; and

WHEREAS, staff reviewed the proposals based on the criteria outlined in the Request for Proposal; and

WHEREAS, Gould Killian CPA Group scored the highest among the four proposals reviewed by staff.

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

1. City Council selects Gould Killian CPA Group as auditor for fiscal year 2024 for the amount of \$49,950 plus \$3,950 for each major Single Audit program.

2. City Council directs the Finance Director to submit the completed LGC-205 Contract to Audit Accounts to the Local Government Commission.
3. City Council authorizes the City Manager to sign the Gould Killian CPA Group Engagement Letter and the LGC-205 Contract to Audit Accounts for the fiscal year 2024 audit.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of February, 2024.

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

6. PRESENTATIONS

A. Proclamation-Black History Month – Barbara Volk, Mayor

Mayor Volk read the proclamation aloud and presented it to JT Williams and I’brahim Newborn from Bruce Drysdale Elementary School representing Black History Collective of Henderson County, NC.

Proclamation
Observing Black History Month
February, 2024

WHEREAS, noted historian, Dr. Carter G. Woodson, announced the second week of February as “Negro History Week” in 1926 in order to increase public awareness and appreciation of the important role that African-Americans have played in shaping America’s history; and

WHEREAS, the United States government officially recognized Negro History Week in 1976 as part of the U.S. Bicentennial, expanding it to Black History Month; and

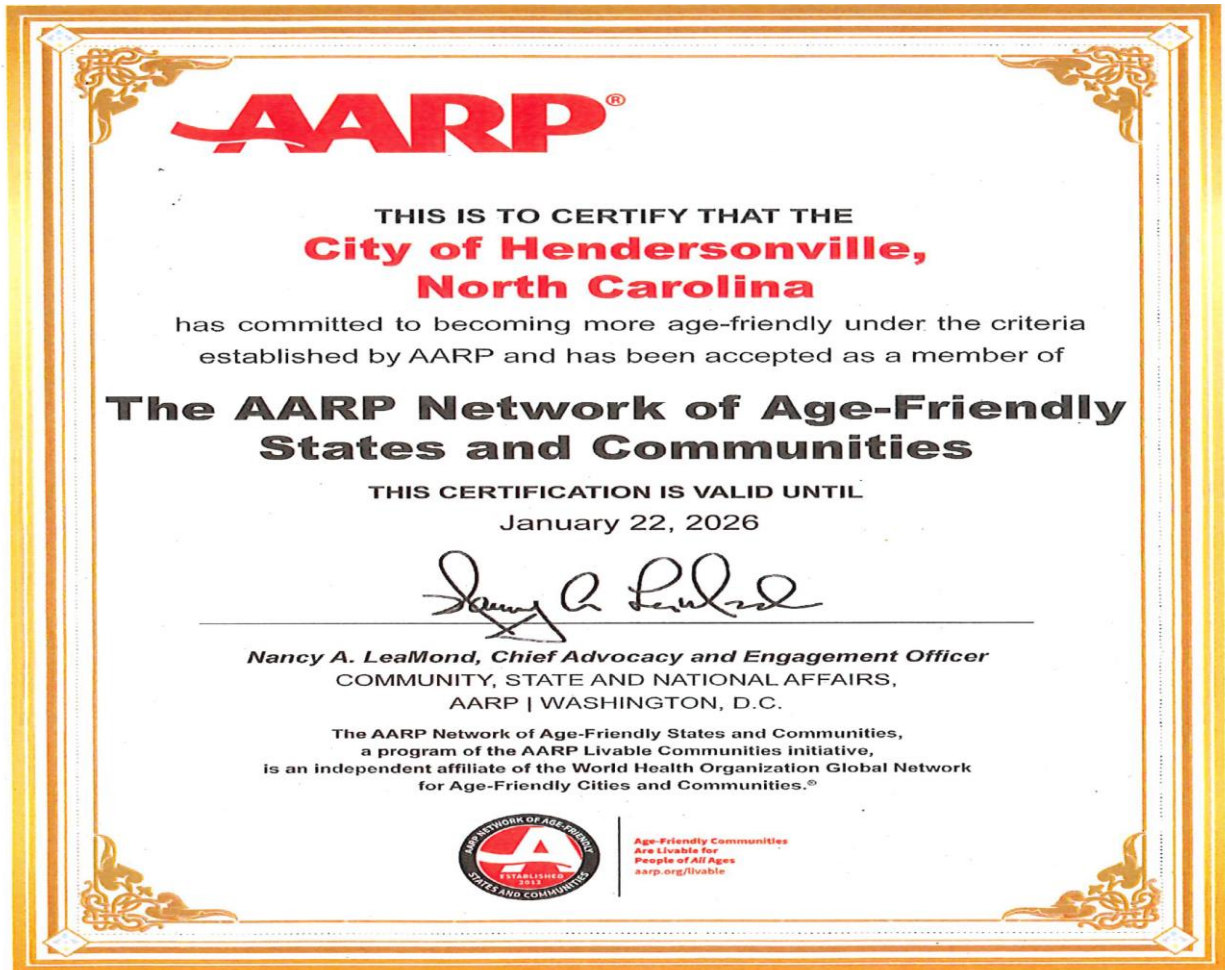
WHEREAS, the observance of Black History Month calls our attention to the continued need to build a society that lives up to its democratic ideals. This Black History Month, lets us draw inspiration and courage from those who came before us as we continue the work toward full diversity, equality, inclusion and representation.

NOW, THEREFORE, the City of Hendersonville, NC has proclaimed the month of February as Black History Month in the City of Hendersonville and we urge all citizens to celebrate the history and contributions of African Americans in our community who have been vital to the growth and development and commit to becoming an inclusive community in which all citizens-past, present and future are respected.

PROCLAIMED this 7th day of February, 2024.

B. Presentation of Certificate of Membership to AARP Network of Age-Friendly Communities – Rebecca Chaplain, Associate Director, AARP NC Mountain Region

At the January 2024 City Council meeting, the Council moved to submit an application to join the AARP Network of Age-Friendly Communities. The application for membership was submitted and approved. Rebecca Chaplin, Associate State Director of AARP’s NC Mountain Region presented the Certificate of Membership to City Council.



C. Quarterly MVP Recipients – John Connet, City Manager

City Manager John Connet Presented Certificates to each of the following MVP's.

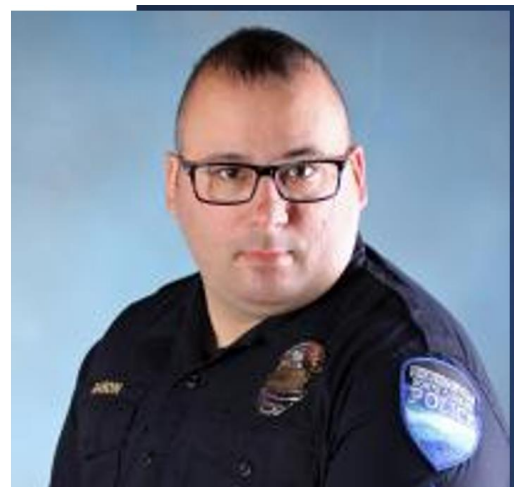
Chris Conard (Engineering)

Chris went way outside his job duties to ensure the 11th annual Turkey Trot was safer than in the past. As a volunteer in 2022, he saw the need to close Church Street and on his own, contacted NCDOT for permission and stayed on City departments to be sure everything was in place. With 1400 plus participants, his actions made for a much smoother and safer event.



Garrett Gardin (Police)

A citizen wrote a handwritten letter commending Garrett for assisting her after she was assaulted. She expressed how he helped her more than he could possibly know. He went above and beyond the call of duty when he paid \$30 to put gas in her car, so she could drive home. She called Garrett a "blessing from God," and she is forever grateful to him. Garrett exemplified the department's mission to "Serve with Excellence."



Brad Duncan, Jonathan Owen, James Clugh, Caleb Smathers, Brian McCall, Peyton Blackwell, Tommy Sheehan, and Chase Dowdy (Water & Sewer)

On the evening of 10/19/23, Brad Duncan was contacted by the Henderson County Sheriffs Dept about a ditch collapse in Edneyville and with two men trapped. He was asked to respond with personnel and equipment. Without hesitation, Brad had a crew ready to go with trucks and equipment to help.

They stayed on site until both men were rescued.



D. MVP Of The Year – John Connet, City Manager

City Manager John Connet explained that in 2023, 196 employees were nominated for MVP and each quarter three were chosen as Quarterly MVPs. From these, the Service Excellence Design Team selected the Water and Sewer crew of Brad Duncan, Jonathan Owen, James Clugh, Caleb Smathers, Brian McCall, Peyton Blackwell, Tommy Sheehan, and Chase Dowdy as MVP of the Year for 2023. Together with each getting a certificate, their names were put on a plaque as MVP's of the Year.

Brad Duncan, Jonathan Owen, James Clugh, Caleb Smathers, Brian McCall, Peyton Blackwell, Tommy Sheehan, and Chase Dowdy (Water & Sewer)

On the evening of 10/19/23, Brad Duncan was contacted by the Henderson County Sheriffs Dept about a ditch collapse in Edneyville and with two men trapped. He was asked to respond with personnel and equipment. Without hesitation, Brad had a crew ready to go with trucks and equipment to help.

They stayed on site until both men were rescued.



7. PUBLIC HEARINGS

A. Rezoning: Standard Rezoning – 116 Stewart St (P23-96-RZO) – Matthew Manley AICP Strategic Projects Manager

Matt Manley explained that the City of Hendersonville is in receipt of an application for a Standard Rezoning (Zoning Map Amendment) from Roger Grant, applicant / property owner. The applicant is requesting to rezone the subject property at 116 Stewart St (PIN: 9577-19-7262) totaling .44 acres (19,166.4 Sq Ft), from R-15, Medium Density Residential to GHMU, Greenville Highway Mixed Use. The Planning Board voted unanimously to recommend approval of the rezoning.

If rezoned, there will not be a binding site plan, list of uses or conditions placed on the site. All permitted uses within the GHMU district would be allowed on the site. The City of Hendersonville Zoning Ordinance states that, during a standard rezoning process, an applicant is prohibited from discussing the specific manner in which they intend to develop or use a site.

The public hearing was opened at 6:27 p.m.

There were no public comments.

The public hearing was closed at 6:27 p.m.

Council Member Jennifer Hensley moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs: 9577-19-7262) from R-15 (Medium Density Residential) to GHMU (Greenville Highway Mixed Use) based on the following:

1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The Development Guidelines and Primary Recommended Land Uses of the High Intensity Neighborhood designation align with the design standards and permitted uses outlined in the Greenville Highway Mixed Use Zoning District

2. We [find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- 1. The proposed rezoning would align the zoning of the subject parcel with other parcels on Stewart St.*
- 2. The proposed rezoning would allow an increase in residential density.*
- 3. The size of the lot would constrain potential high intensity uses from entering the surrounding residential neighborhood.*

A unanimous vote of the Council followed. Motion carried.

Ordinance #O-24-02

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBER: 9577-19-7262 BY CHANGING THE ZONING DESIGNATION FROM R-15 (MEDIUM DENSITY RESIDENTIAL) TO GHMU (GREENVILLE HIGHWAY MIXED USE)

IN RE: Parcel Number: 9577-19-7262
(File # P23-96-RZO)

WHEREAS, the City is in receipt of a Zoning Map Amendment application from Roger Grant [Applicant / Owner], and

WHEREAS, the Planning Board took up this application at its regular meeting on January 11th, 2024; voting 6-0 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 called meeting on February 7, 2024, and

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

- 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 9577-19-7262, from R-15 (Medium Density Residential) to GHMU (Greenville Highway Mixed Use)
- Any development of the parcels shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.
- This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 7th day of February, 2024.

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

B. Rezoning: Standard Rezoning – 799 S. Grove S. Grove (P23-95-RZO) – Matthew Manley AICP Strategic Projects Manager

The City of Hendersonville is in receipt of an application for a Standard Rezoning from Roy D. Neil, applicant/property owner. The applicant is requesting to rezone the subject property at 799 S. Grove Street (PIN: 9578-14-0598) totaling 0.52 acres, from R-15, Medium Density Residential to C-2 Secondary Business.

If rezoned, there will not be a binding site plan, list of uses or conditions placed on the site. All permitted uses within the C-2 district would be allowed on the site. The City of Hendersonville Zoning Ordinance states that, during a standard rezoning process, an applicant is prohibited from discussing the specific manner in which they intend to develop or use a site.

The public hearing was opened at 6:37 p.m.

Lynne Williams spoke about concerns about buffers, visibility, trees and impervious surfaces but didn't say if she was for or against the rezoning.

Roy Neill spoke in favor of the rezoning and believes that would be consistent with the other areas around.

The public hearing was closed at 6:40 p.m.

Council Member Jeff Miller moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9578-14-0598) from R-15 Medium Density Residential Zoning District to C-2 Secondary Business Zoning District based on the following:

1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The subject property is designated as a "Priority Infill Area" in the comprehensive plan which are areas that are considered a high priority for the City to encourage infill development on remaining vacant lots and redevelopment of underutilized or underdeveloped properties. The High Intensity Neighborhood designation also calls for offices and retail along thoroughfares as a secondary recommended land use.

2. We [find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- 1. C-2 zoning is present all along the Grove Street corridor north of the property until the zoning transitions to CMU at the intersection of S. Grove Street and E. Caswell Street.*
- 2. The proposed rezoning to C-2 could lead to infill commercial development on a long vacant and underutilized property.*

A unanimous vote of the Council followed. Motion carried.

Ordinance #O-24-03

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBER: 9578-14-0598 BY CHANGING THE ZONING DESIGNATION FROM R-15, (MEDIUM DENSITY RESIDENTIAL) TO C-2 (SECONDARY BUSINESS)

IN RE: Parcel Number: 9578-14-0598
(File # P23-95-RZO)

WHEREAS, the City is in receipt of a Zoning Map Amendment application from Roy D. Neil [Applicant/Property Owner].

WHEREAS, the Planning Board took up this application at its regular meeting on January 11th, 2024; voting 6-0 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 called meeting on February 7th, 2024, 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: 9578-14-0598 from R-15, (Medium Density Residential) to C-2 (Secondary Business).
2. Any development of the parcels shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 7th day of February, 2024.

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

8. NEW BUSINESS

A. Creation of an Affordable Housing Steering Committee – Lyndsey Simpson, Council Member

Council Member Simpson explained that at the last Council meeting she asked if she could move forward with putting together an affordable housing steering committee. She came back with a list of people.

Name	Organization	Position
Sarah Cosgrove	Builder's Assoc. of the Blue Ridge/Grove Manor Flooring	Legislative Committee/Owner
Robert Hooper	WNCSource	Housing Director
Jennifer Duvall	HAC/First Bank	Board Member/Mortgage Lender
Hilary Paradise	Land of Sky Assoc. Of Realtors	REALTOR/ Affordable Housing Committee
Madeline Offen	Pisgah Legal	Attorney
Debi Smith	TDA/Cascades Mountain Resort	Board Member/Hotel Manager
Connie Stewart	Housing Authority	Executive Director
TBD	Henderson County	County Commissioner
TBD	Partnership for Economic Dev.	TBD

Council Member Hensley nominated Bill Lapsley from Henderson County to be on the board.

Council Member Lyndsey Simpson moved to create the Affordable Housing Steering Committee and nominated Sarah Cosgrove, Robert Hooper, Jennifer Duvall, Hilary Paradise, Madeline Offen, Debi Smith, Connie Steward, Bill Lapsley and a TBD member for the Partnership of Economic Development to the board. A unanimous vote of the Council followed. Motion carried.

Council Member Roundtree said that she would like to be involved somehow and explained that she is holding an affordable housing workshop at the Presbyterian Church on May 4th and it's through the Napa program, the nations best mortgage and it entails affordable housing so I would like to be a part of that.

Council Member Lyndsey Simpson added that we need two Council Liaisons that perhaps could alternate meetings.

After some discussion, Jeff Miller moved that Council nominate Lyndsey Simpson and Jennifer Hensley be the board liaisons and that Debbie Roundtree be the alternate member.

City Manager Connet added that staff will help convene the meetings and help choose a chair etc.

A unanimous vote of the Council followed. Motion carried

9. BOARDS/COMMITTEES/COMMISSION

A. Appointment of Alternate Member of Community Advisory Committee (CAC) for Comprehensive Plan – Matthew Manley, AICP Strategic Projects Manager

City Manager John Connet explained In an effort to provide community-driven feedback over the course of the Gen H Comprehensive Planning process, City Council established a Community Advisory Committee (CAC). This committee is made up of a wide range of citizens and leaders within various sectors. With the final phases of the Comprehensive Plan remaining, it has become apparent that an alternate member be appointed to the CAC to ensure sufficient representation.

Ben Smith, resident of the City’s ETJ and Associate Pastor at Speak Life Community Church (400 1st Ave W), has expressed interest in serving as an Alternate Member of the CAC. Ben has lived in the community for 47 years having moved here when he was 3 years old. He is a graduate of Hendersonville High School and has been employed as a Service Provider at UPS for 26 years.

Council Member Debbie O’Neal-Roundtree moved that Ben Smith be appointed as an alternate member of the Community Advisory Committee (CAC) for the Gen H Comprehensive Plan.

A unanimous vote of the Council followed. Motion carried

11. CITY MANAGER REPORT

A. Cash & Investment Report – John Connet, City Manager

SUMMARY:

	9/30/2023	12/31/2023
U.S. Treasuries	\$0.00	\$0.00
Agencies	1,498,225.00	499,125.00
Commercial Paper	0	\$0.00
NCCMT Mutual Fund	9,469,511.60	10,594,093.91
NCCMT Cash Fund	850,455.21	842,249.25
Wells Fargo H&W	53,568.53	57,632.64
Wells Fargo Operating Account	5,591,128.63	7,687,833.55
Total	\$17,462,888.97	\$19,680,934.35
Undisbursed Restricted Proceeds		
2019 Revenue Bond	\$233,748.86	\$236,816.51
2022 Revenue Bond	\$740,687.85	\$750,962.14
2023 Revenue Bond	\$6,323,016.21	\$4,413,652.23
2021 LOB	\$2,098,205.33	\$2,125,759.94
2022 IFC Fire Station	\$11,862,255.88	\$9,787,637.88
2023 City Hall/Ops Construction	\$5,682,532.07	\$4,906,641.49
2024 Vehicle Loan	\$1,789,222.34	\$1,208,790.37
2024 Powell Bill	\$231,391.16	\$519,585.19
Fire Relief Fund Investments		406,809.36
First Citizen Firefighter Fund Account		22,267.57

B. January 2024 Contingency and Adjustment Report – John Connet, City Manager

In accordance with North Carolina General Statute (NCGS) 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.

NCGS 159-15 permits the Budget Officer (City Manager), to transfer budget from one appropriation to another within the same fund, provided any such transfers are reported to the Governing Board. The City of Hendersonville refers to transfers of budget from one appropriation to another within the same fund as a “budget adjustment”. City Council authorizes budget adjustments each year with the adoption of the annual budget ordinance (SECTION 4).

This agenda item serves to fulfill the reporting requirements of both NCGS 159-13(b) and 159-15 by providing City Council a summary of all amendments and adjustments occurring thus far in the fiscal year.

C. Response to Public Comments – John Connet, City Manager

City Manager Connet responded to the public comments from earlier in the meeting:

The City of Hendersonville is very sorry that Mr. Timmons was shot and killed on Thanksgiving evening. I will remind the public and community that this was two individuals that got in to a fight and chose to bring guns out in a private parking lot. After working with the Chief and talking to the Police Department, I am assured that our Police Department has done everything within their legal powers up to this point to investigate this matter. I will say based on the video evidence and evidence that we have received, they have done everything they can. No one is more disheartened than the Hendersonville Police Department that they could not charge the individual with a crime in this particular case. However, the laws of justice are what they are. They have met repeatedly with the District Attorney's office and reviewed the evidence. In addition, the video that Ms. King has asked for is not public record. By law, we cannot share that with anybody other than those involved with the case other than law enforcement and the District Attorney. However, we did show the video that we could to Ms. King and we have helped her petition the courts to release the other video because by law, it is not public record. I will say that members of our police department have spent countless hours meeting with Ms. King and her representatives, including City Attorney Angie Beeker one Friday afternoon, who spent four hours with Ms. King and her representatives and showed Ms. King what she could legally see which was video that she was involved in. They have taken their time and their effort. Regardless of what some members of our community have said, they have gone above and beyond and have met with her. Again, we have petitioned the court and it is now up to the court to determine what video can be released to Ms. King. That video still cannot be released to the public. The City Council may have some avenues to address that video. I would encourage you to speak with the city attorney in private about that. There are still privacy protections and we may not be able to view that video. The Chief has told me and I 100% trust him, that our officers went above and beyond to control the situation and to protect Ms. King. The video shows us working to console her. It was a very tense situation at 2:00 in the morning with a large crowd with weapons we knew were there. There were several law enforcement agencies there involved in the situation, a very tense situation and very chaotic after gunfire at 2:00 in the morning. It is easy for folks to Monday morning quarterback sitting in this room but they were not there at 2:00 in the morning trying to maintain order and protect the witnesses and other people in the parking lot. I will say if anyone wanted to come forward, the police department would welcome any additional evidence and video and would like nothing more than to charge someone with a crime. I thought it was important as City Manager of the City of Hendersonville, to support the Hendersonville Police Department and the job they're doing and to support City Attorney Beeker who spent her time meeting with Ms. King and her representatives so its important that that information be released to the public even though most of those folks and the new media has left. I just think that statement was important, thank you.

12. CITY COUNCIL COMMENTS - None**13. CLOSED SESSION**

Council Member Lyndsey Simpson moved that City Council enter closed session pursuant to NCGS § 143-318.11 (a) (1) and (3) 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 consult with an attorney employed or retrained by the public body in order to preserve the attorney-client privilege between the attorney and the public body and to discuss the case of Hendersonville Holdings, LLC v. City of Hendersonville, Henderson County Superior Court File 23-CVS 600. A unanimous vote of the Council followed.

14. **ADJOURN**

There being no further business, the meeting was adjourned at 7:13 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

ATTEST: _____
Jill Murray, City Clerk



MINUTES

February 28, 2024

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

Present: Mayor Barbara Volk, Mayor Pro Tem Lyndsey Simpson and Council Members: Dr. Jennifer Hensley, Debbie O'Neal-Roundtree and Jeff Miller

Staff Present: Assistant City Manager Brian Pahle, City Clerk Jill Murray, City Attorney Angela Beeker, Communications Manager Allison Justus, Budget Manager Adam Murr, Public Services Director Brent Detwiler, Community Development Director Lew Holloway, Utilities Director Adam Steurer, and others.

Via Zoom: City Manager John Connet

Consultants: Jared Hostetler and Crystal Broadbent of Hazen & Sawyer

1. CALL TO ORDER

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

2. CONSIDERATION OF AGENDA

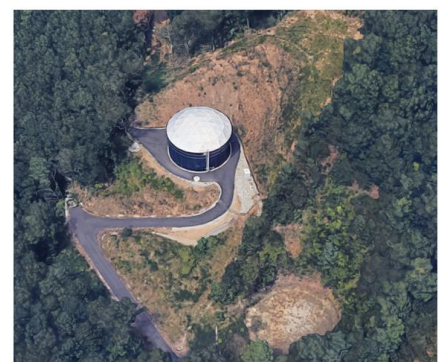
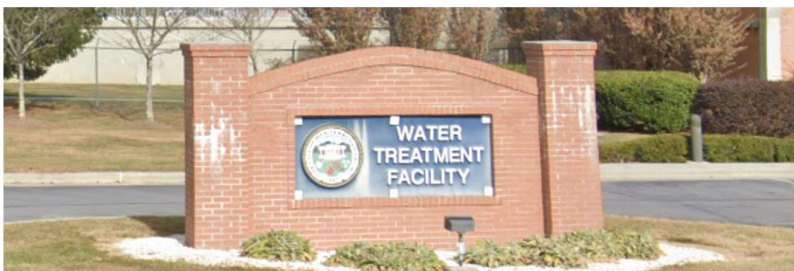
Council Member Lyndsey Simpson moved that City Council approve the agenda as presented. A unanimous vote of the Council followed. Motion carried.

3. PRESENTATIONS

- A. Presentation of City of Hendersonville Water Distribution and Water Treatment Facility Master Plans – Adam Steurer, Utilities Director

Adam Steurer introduced Jared Hostetler and Crystal Broadbent of Hazen & Sawyer who presented the following PowerPoint presentation.

Hazen



Water Treatment Facility and Distribution System Master Plans Hendersonville Water and Sewer Advisory Council

February 28, 2024

Introduction

Hazen Team

Crystal Broadbent, Senior Associate

- 23 years of experience with Hazen
- Focus on hydraulic and surge modeling

Jared Hostetler, Associate

- 12 years (8 with Hazen)
- Focus on drinking water/wastewater treatment and pumping systems

Hazen and Sawyer (Hazen)

- Formed in 1951
- Focused exclusively on water & sewer projects

Meeting Agenda

If you need a subhead, put it here

- *Master Plan Goals and Drivers*
- *Hendersonville System Demands*
- *Water Treatment Facility*
- *Water Distribution System*

Hazen

What is a Master Plan?

This is the first WTF Master Plan; This is an update for the Distribution System Master Plan

Both look at every component within the system

Master Plans Provide:

- Plan for growth
- Plan for redundancy and resiliency
- Improve system capacity
- Optimize operations
- Assist fire departments with Insurance Service Office (ISO) rating
- Provide preliminary engineering for developing projects to be constructed
- Identify major capital improvements to be incorporated into City's budget



Capital Improvement Projects (CIPs) – Overview of Drivers

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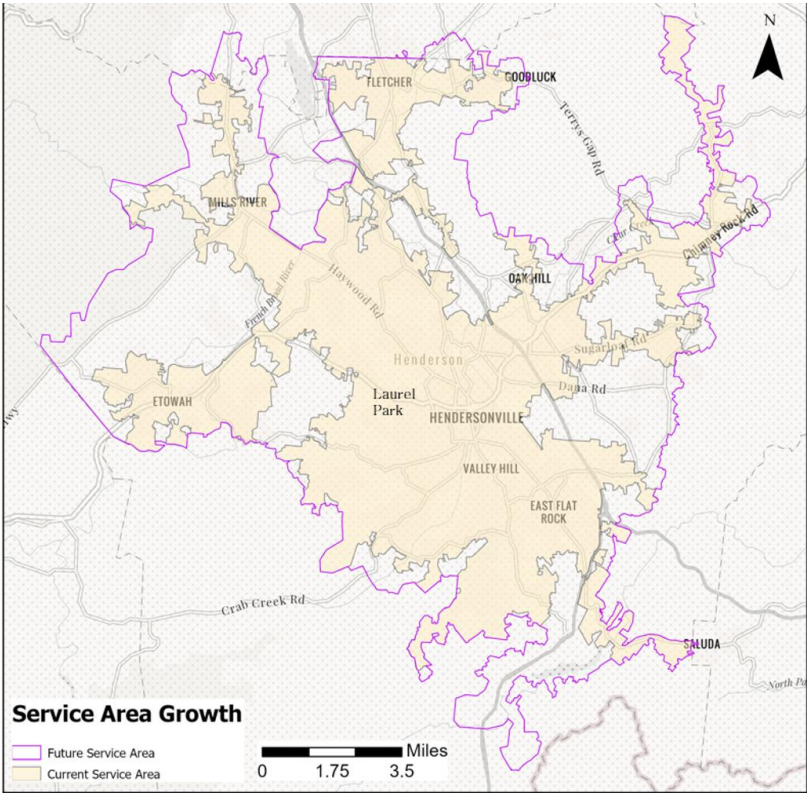
- Water Treatment Facility
 - Capacity expansion needs (meeting future demands)
 - Replacement of aging equipment
 - Rehabilitation of facilities
 - Risk reduction (process/personnel)
 - Process efficiency/operability improvements
- Distribution (project drivers not individual projects)
 - Improving Pressure
 - Connectivity/Redundancy
 - Fire Flow (areas less than 1,000 gpm)
 - Meet Future Demand

Future Demand

Current and Future Service Area

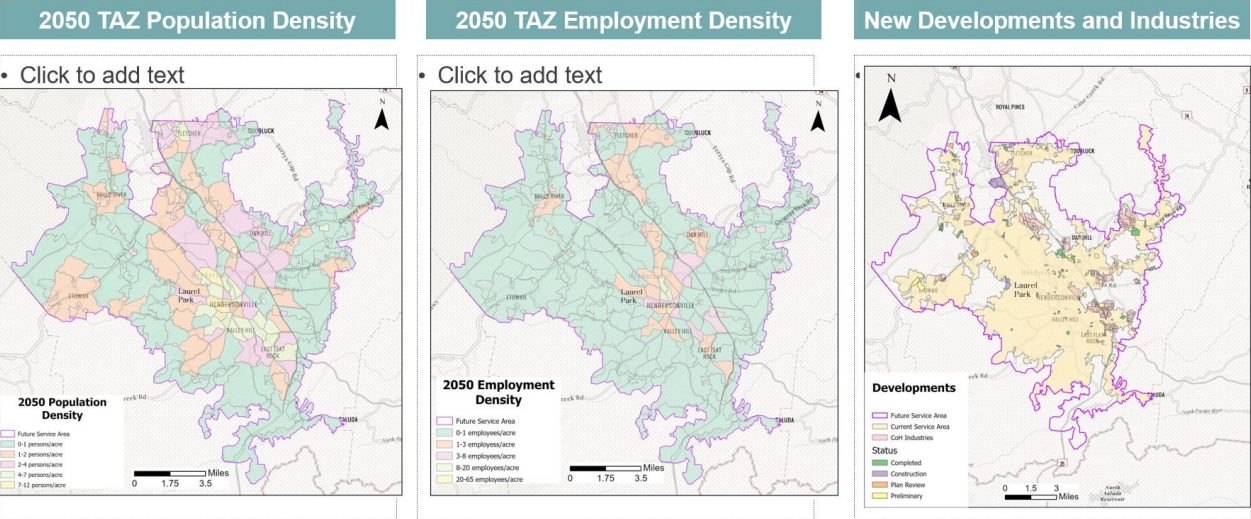
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Future Water Demands Based on Traffic Analysis Zones (TAZs) and Input From City and County Planning Department

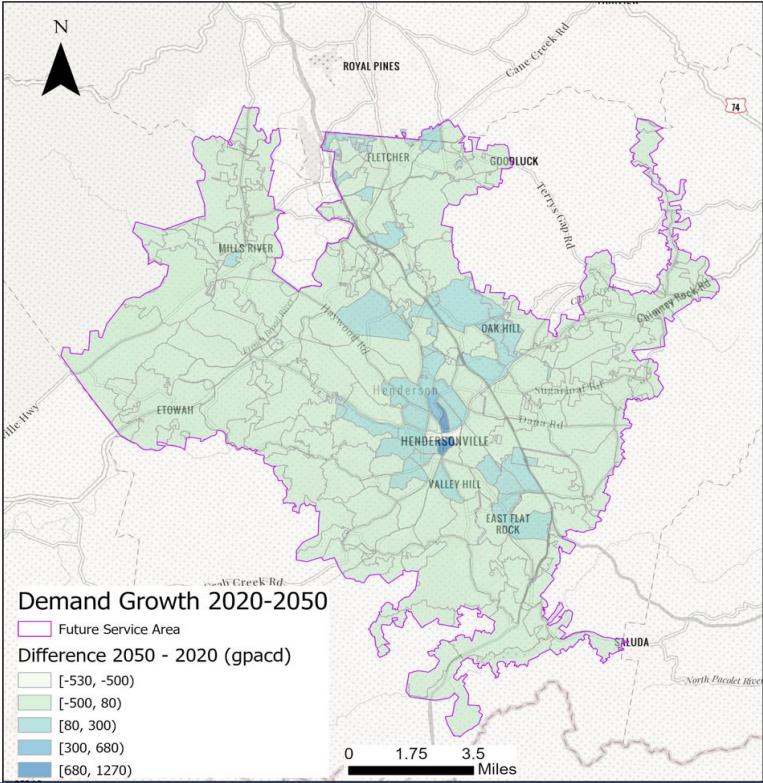
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Future Demand Projections and Growth Areas

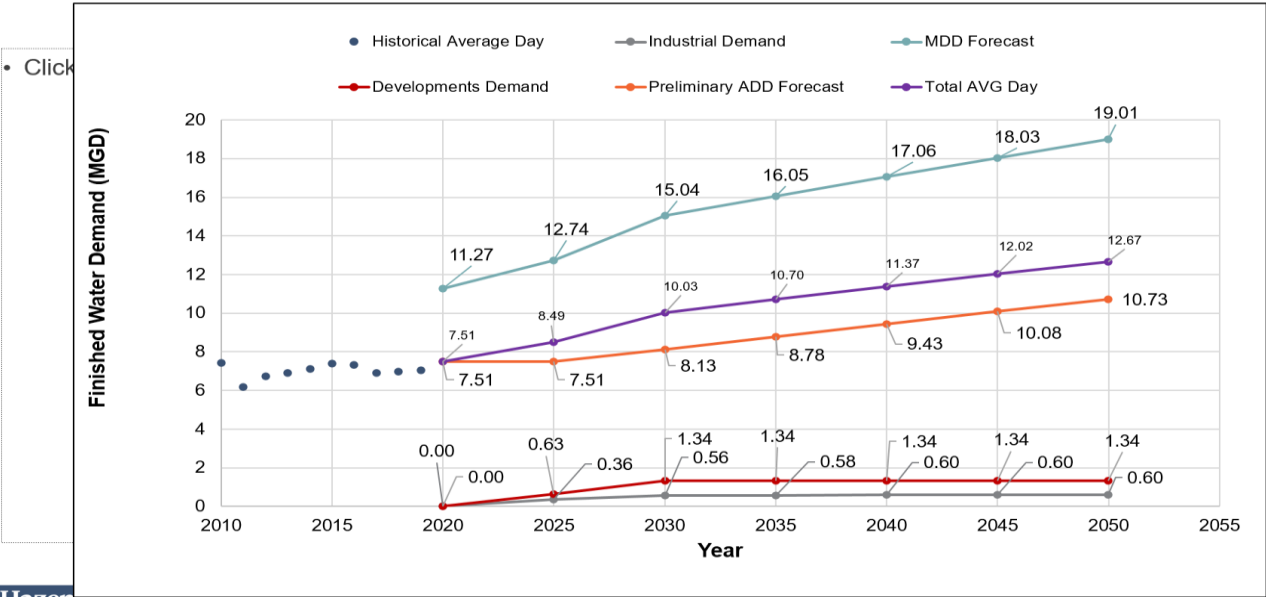
Demand Growth from 2020 – 2050

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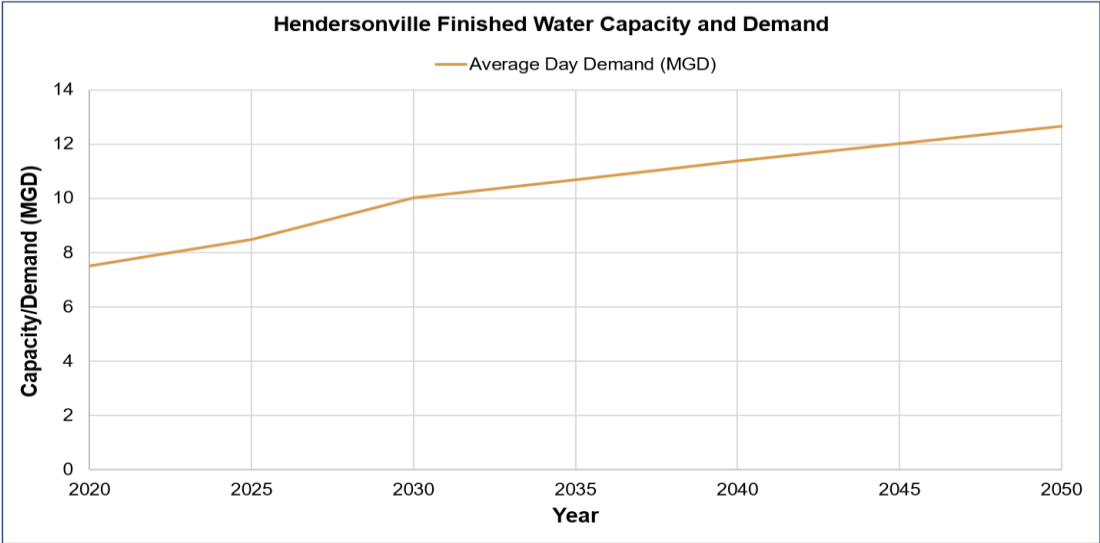
Future Demand Projections and Growth Areas

Finished Water Demand for City



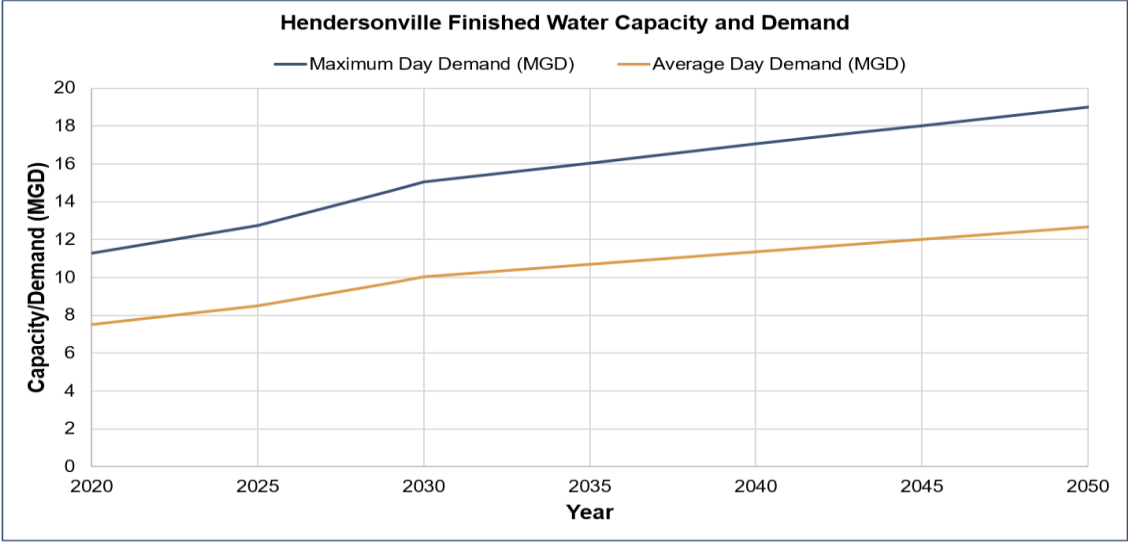
WTF Capacity, FWPS Capacity, and Future Demand

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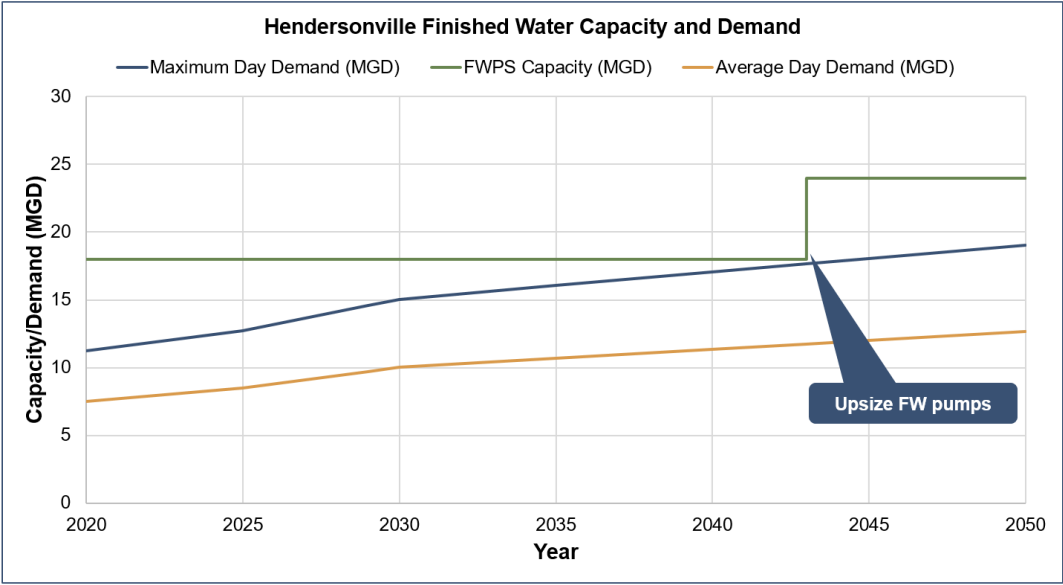
WTF Capacity, FWPS Capacity, and Future Demand

Peaking Factor 1.5



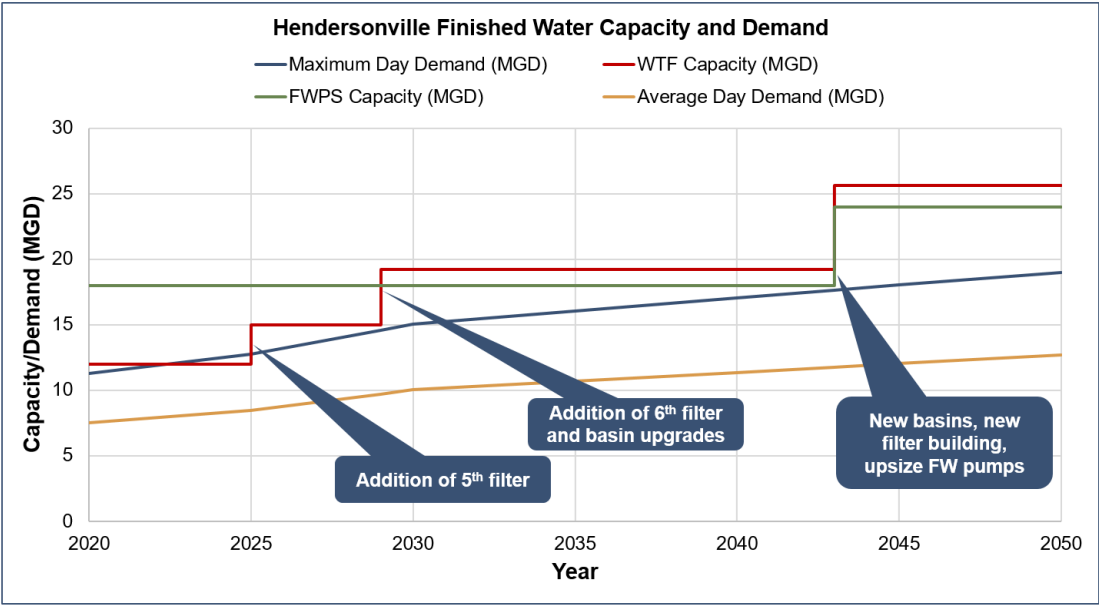
WTF Capacity, FWPS Capacity, and Future Demand

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WTF Capacity, FWPS Capacity, and Future Demand

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Water Treatment Facility

Water Treatment Facility

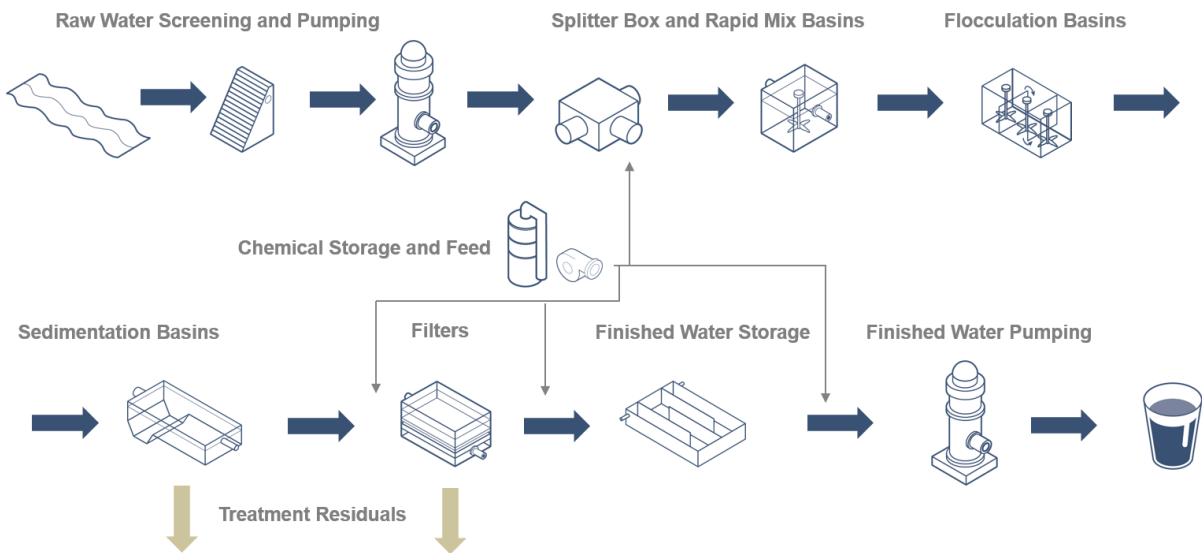
Overview

- Located on Hwy 191 (Haywood Rd.) in Mills River
- Originally constructed in the mid-1960s, with subsequent major improvements including:
 - Residuals thickening and dewatering facilities
 - Several upgrades to process basins, filters, chemical facilities, and pumping stations
- WTF is permitted to treat 12 MGD
 - 2023 average day flow: 7.3 MGD
 - 2023 maximum day flow: 9.4 MGD
- Finished water is analyzed for a wide range of potential contaminants and water quality parameters in accordance with state and federal regulations.



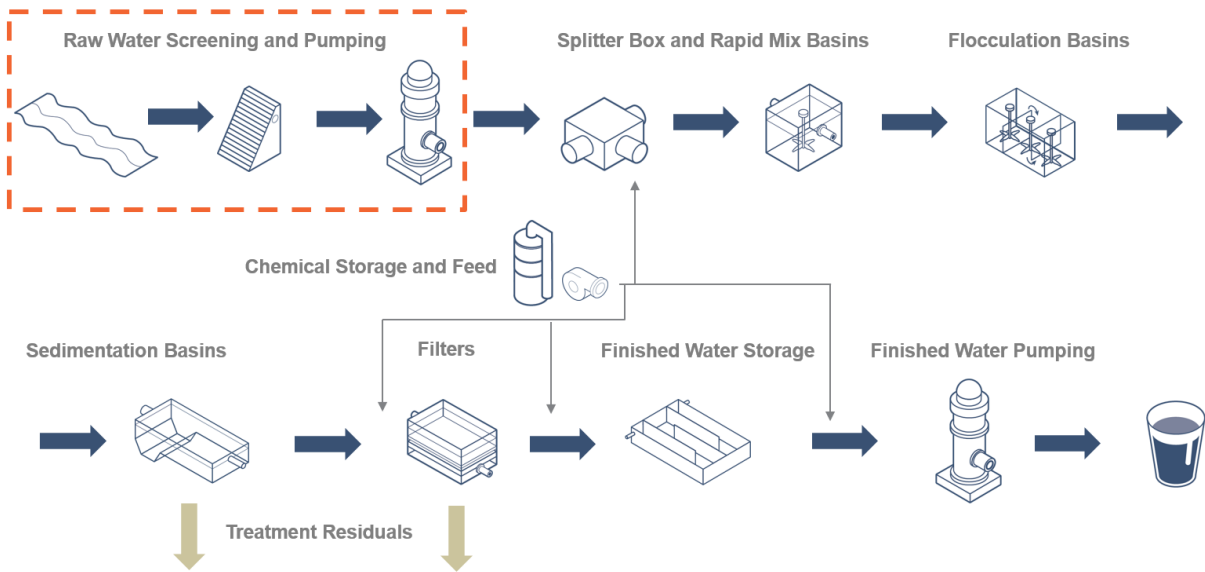
Water Treatment Facility Master Plan

Process Overview



Water Treatment Facility Master Plan

Process Overview

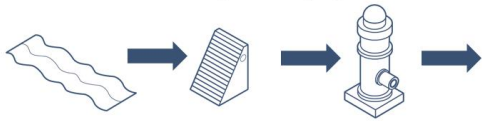


Water Treatment Facility Master Plan

Raw Water Screening and Pumping Facilities

- Mills River Intake and Pump Station
 - Permitted withdrawal capacity 12 MGD
- French Broad Intake and Pump Station
 - Under construction
 - Permitted withdrawal capacity 15 MGD
- North Fork Reservoir and Transmission Main
 - Located in Pisgah National Forest
 - Permitted withdrawal capacity 2 MGD
 - Flows by gravity to HWTF
- Bradley Creek Reservoir and Transmission Main
 - Located in Pisgah National Forest
 - Permitted withdrawal capacity 2.5 MGD
 - Flows by gravity to HWTF
- Total Permitted Raw Water Capacity = 31.5 MGD

Raw Water Screening and Pumping

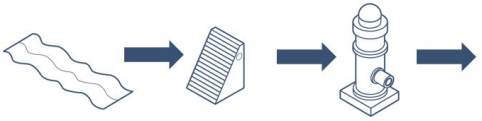


Water Treatment Facility Master Plan

Raw Water Screening and Pumping Facilities

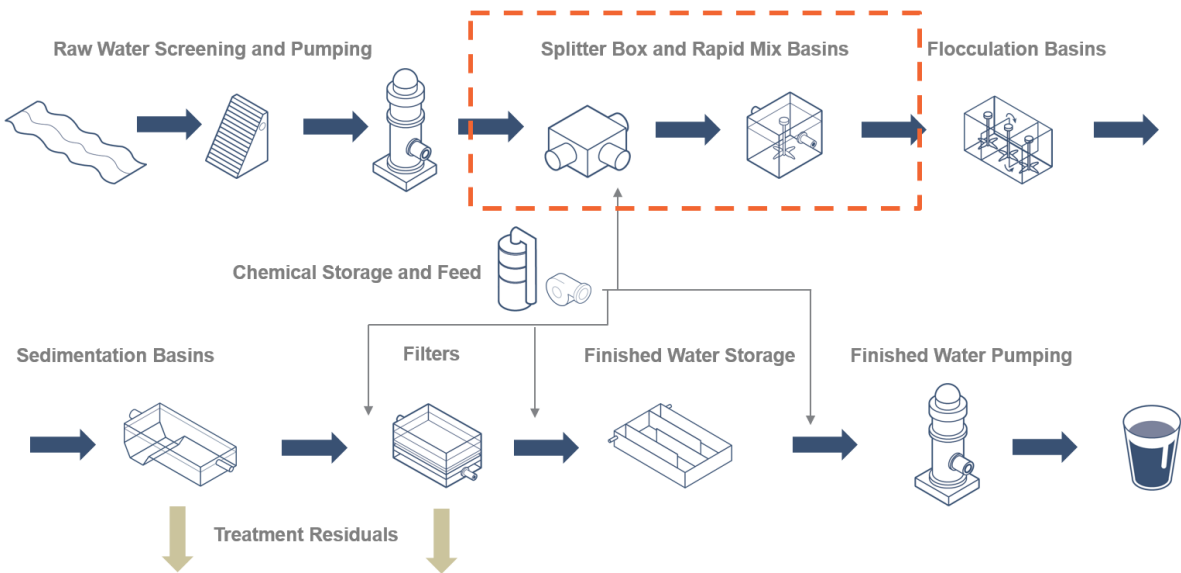
- Mills River Intake and Pump Station
 - Air burst equipment to be replaced
 - Will allow leaves and debris to more effectively be cleaned from intake screens
- French Broad Intake and Pump Station
 - N/A
- North Fork Reservoir and Transmission Main
 - Aging transmission main to be inspected and assessed
 - Remaining service life and needed repairs will be confirmed
- Bradley Creek Reservoir and Transmission Main
 - Aging transmission main to be inspected and assessed
 - Remaining service life and needed repairs will be confirmed

Raw Water Screening and Pumping



Water Treatment Facility Master Plan

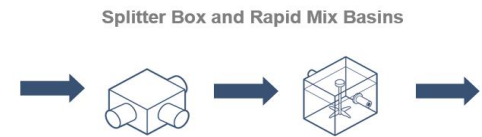
Process Overview



Water Treatment Facility Master Plan

Splitter Box and Rapid Mix Basins

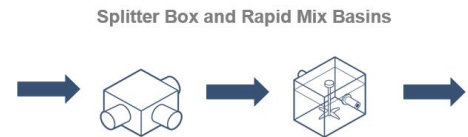
- Splitter Box
 - Receives flow from all raw water sources
 - Distributes it to the east and west process trains
 - Raw water treatment chemicals added here
- Rapid Mix Basins (East and West)
 - Equipped with vertical mixers which are not in service



Water Treatment Facility Master Plan

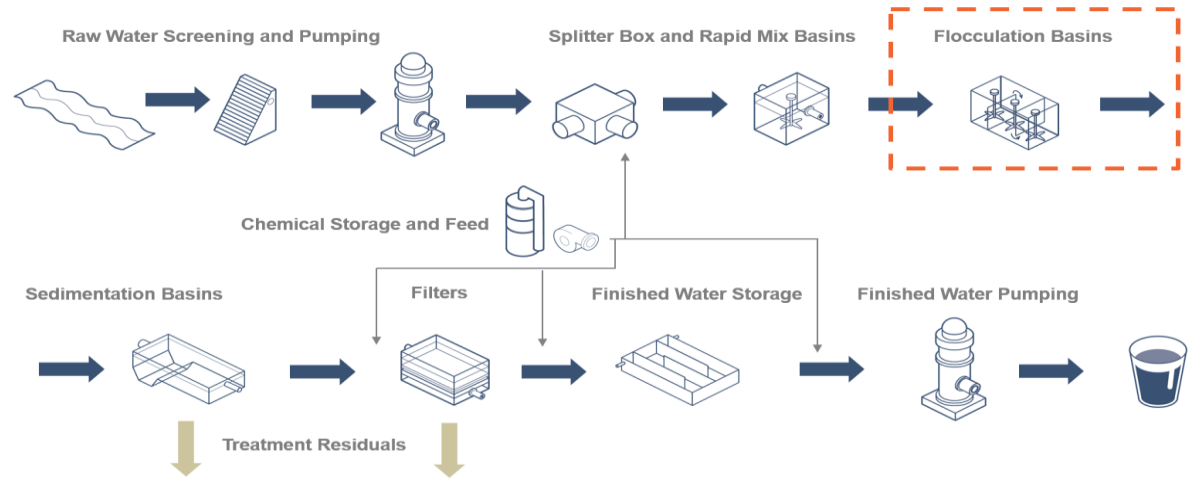
Splitter Box and Rapid Mix Basins

- Splitter Box
 - River water lines to be interconnected in the yard upstream
 - Will provide operational flexibility, allowing either rate setter to be used
 - Minor structural repairs
- Rapid Mix Basins (West)
 - Piping to be extended to west train during future expansion phase
 - Will allow capacity to be increased



Water Treatment Facility Master Plan

Process Overview

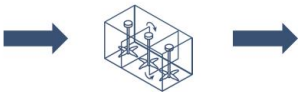


Water Treatment Facility Master Plan

Flocculation Basins

- Flocculation Basins
 - Promote growth of “flocs” by gentle mixing
 - Mixing energy is gradually decreased through the process
 - Certain amount of mixing time is required

Flocculation Basins

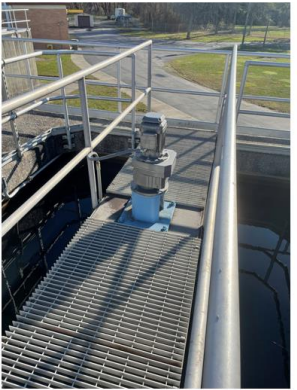
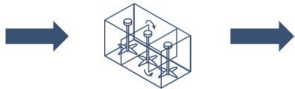


Water Treatment Facility Master Plan

Flocculation Basins

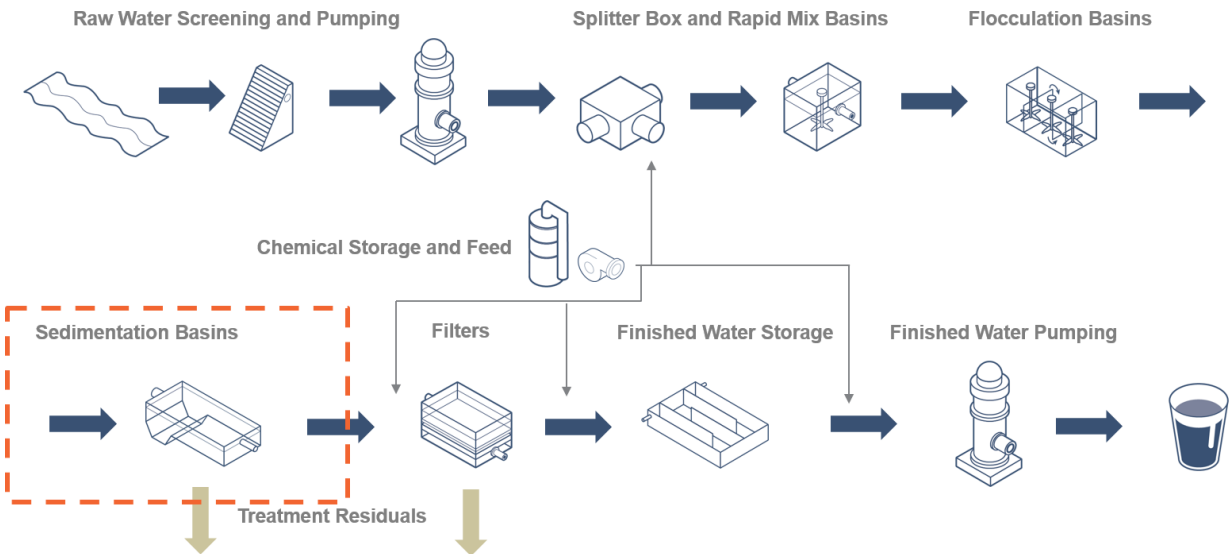
- Flocculation Basins
 - East basins to be retrofitted during future expansion phase
 - Will provide additional mixing time and address minor structural issues
 - New basins to be added to west train during future expansion phase
 - Will allow capacity to be increased

Flocculation Basins



Water Treatment Facility Master Plan

Process Overview



Water Treatment Facility Master Plan

Sedimentation Basins

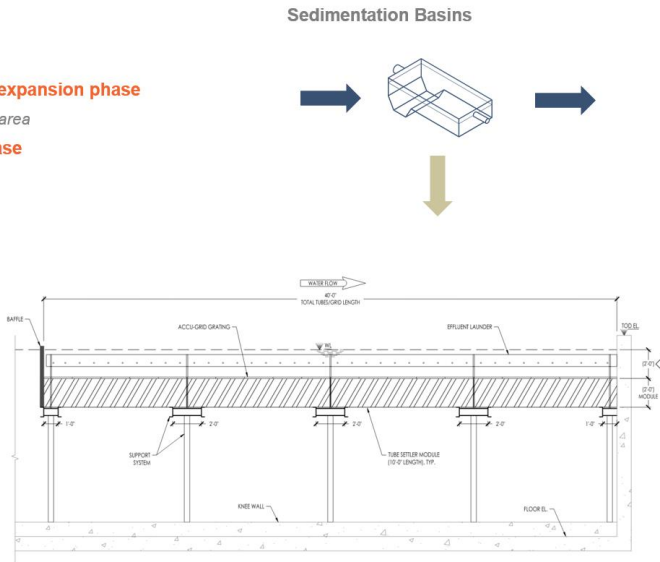
- Sedimentation Basins
 - Provide quiescent conditions for flocs to settle out
 - Settled sludge is removed periodically
 - Treatment capacity determined by basin geometry and the time the water spends in each basin



Water Treatment Facility Master Plan

Sedimentation Basins

- Sedimentation Basins
 - All existing basins to be outfitted with tube settlers during future expansion phase
 - Will maximize available treatment capacity by increasing effective settling area
 - New basins to be added to west train during future expansion phase
 - Will allow capacity to be increased



Water Treatment Facility Master Plan

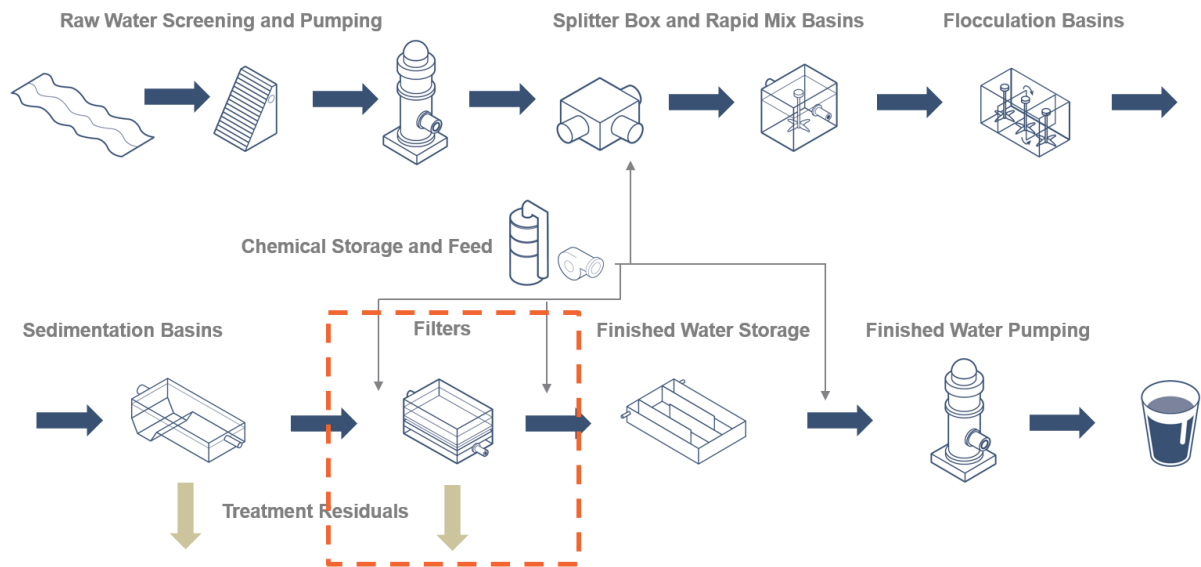
Sedimentation Basins

- Sedimentation Basins
 - Minor structural repairs to existing basins
 - To include leak injection, mortar repair, coating application, etc.
 - Minor process efficiency improvements to existing basins
 - To include ladder replacement, additional portable cranes, valve replacement, etc.



Water Treatment Facility Master Plan

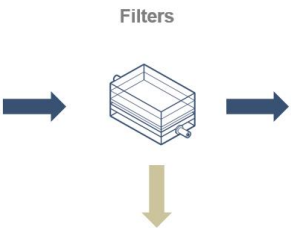
Process Overview



Water Treatment Facility Master Plan

Filters

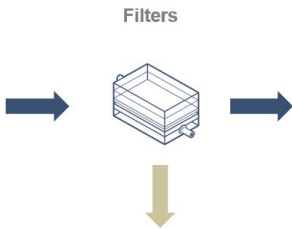
- Filters
 - Remove particles that are carried over from the sedimentation basins
 - Media bed consists of layers of anthracite coal and sand
 - Treatment capacity determined by basin geometry and media profile
 - Chlorine is added for disinfection
 - Filters are cleaned (backwashed) periodically



Water Treatment Facility Master Plan

Filters

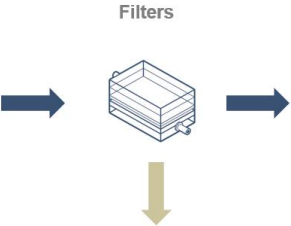
- Filters
 - **5th filter to be placed into service in 2025**
 - Will increase the rated filtration capacity to 15 MGD
 - **6th filter to be placed into service in future expansion phase**
 - Will increase the rated filtration capacity to 19.2 MGD
 - **7th and 8th filters to be constructed in future expansion phase**
 - Will increase the rated filtration capacity to 25.6 MGD



Water Treatment Facility Master Plan

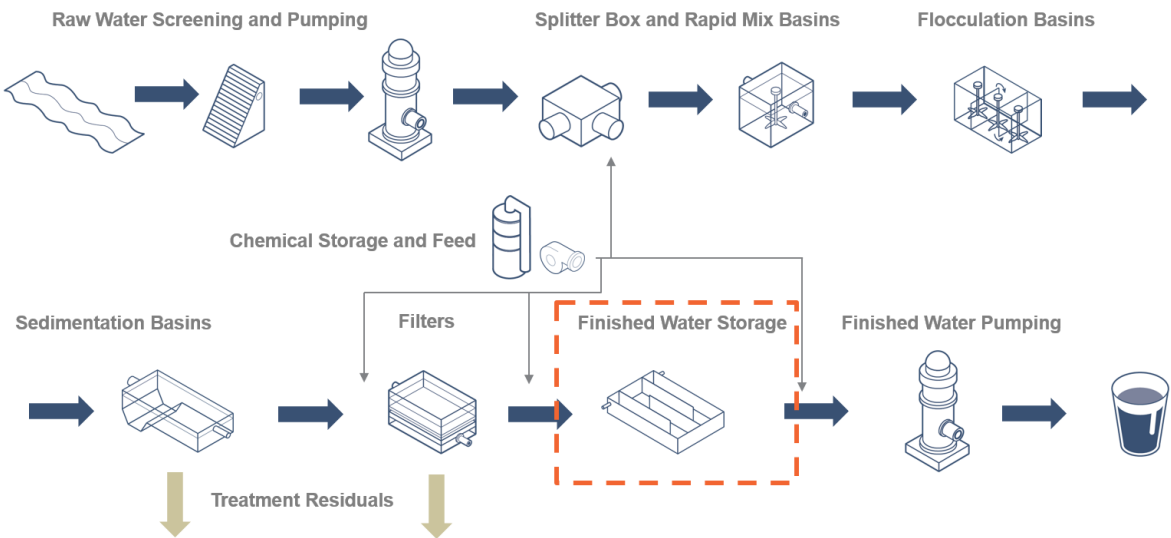
Filters

- Filters
 - Additional backwash pump to be furnished in the near term
 - Will provide redundancy for critical process
 - Backwash air scour blowers to be replaced/relocated in future expansion phase
 - Will make room for future filter building



Water Treatment Facility Master Plan

Process Overview



Water Treatment Facility Master Plan

Finished Water Storage

- Finished Water Storage
 - Clearwell provides contact time for chlorine and other finished water chemicals
 - Also provides reserve storage volume upstream of Finished Water Pump Station



Water Treatment Facility Master Plan

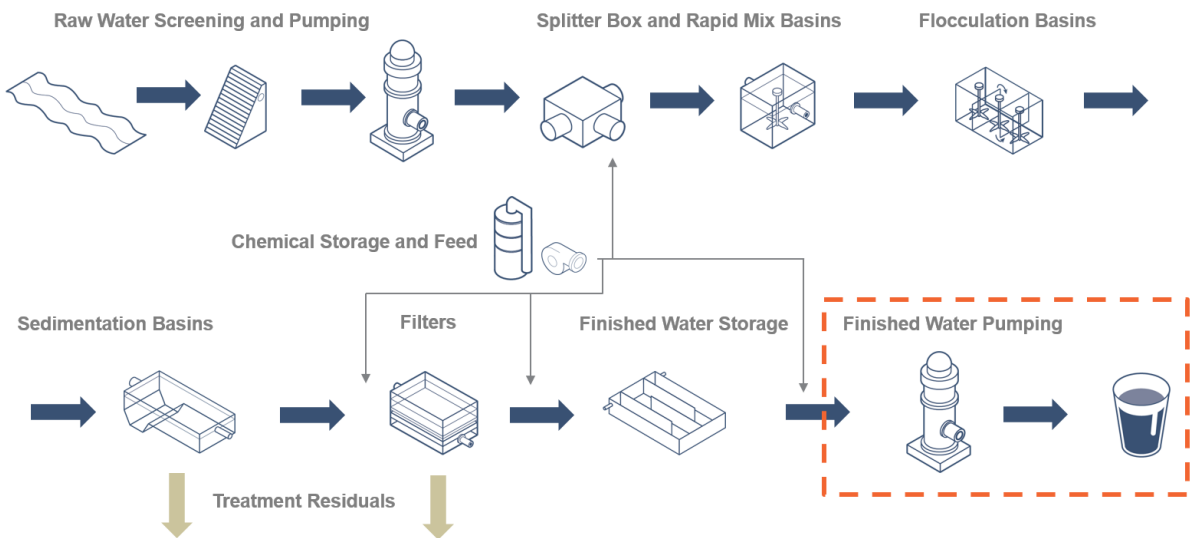
Finished Water Storage

- Finished Water Storage
 - Additional 2 MG clearwell to be constructed
 - Will provide redundancy and allow existing clearwell to be isolated for maintenance
 - Baffle curtains to be installed within existing clearwell following construction of new clearwell
 - Will improve chemical mixing and contact time within clearwell



Water Treatment Facility Master Plan

Process Overview



Water Treatment Facility Master Plan

Finished Water Pump Station

- Finished Water Pump Station
 - Recently upgraded (2019)
 - Pumps finished water into the distribution system to customers
 - Equipped with 4 FW pumps – firm capacity 18 MGD
 - Ultimate firm capacity 24 MGD
 - Houses backwash pump as well



Water Treatment Facility Master Plan

Finished Water Pump Station

- Finished Water Pump Station
 - FW Pumps No. 1 & No. 2 to be upsized in future expansion phase
 - Will increase firm pumping capacity to 24 MGD
 - Ancillary improvements to FWPS
 - To include access/egress and plumbing improvements
 - Redundant finished water line
 - Routed from FWPS to transmission main on Hwy 191

Finished Water Pumping

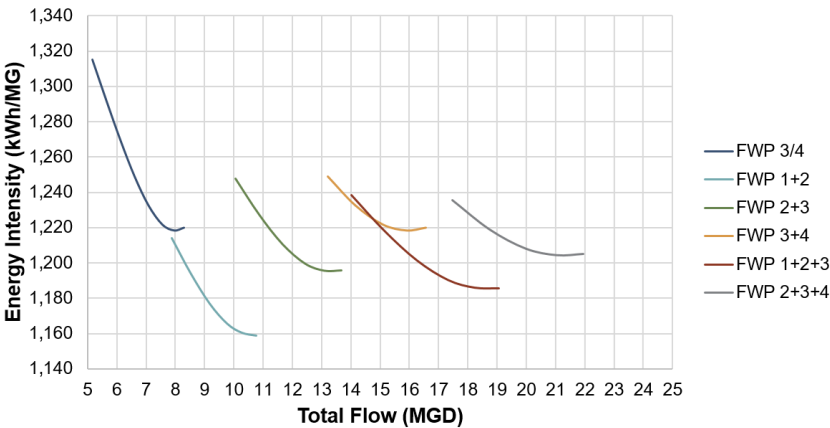


Water Treatment Facility Master Plan

Finished Water Pump Station – Energy Optimization

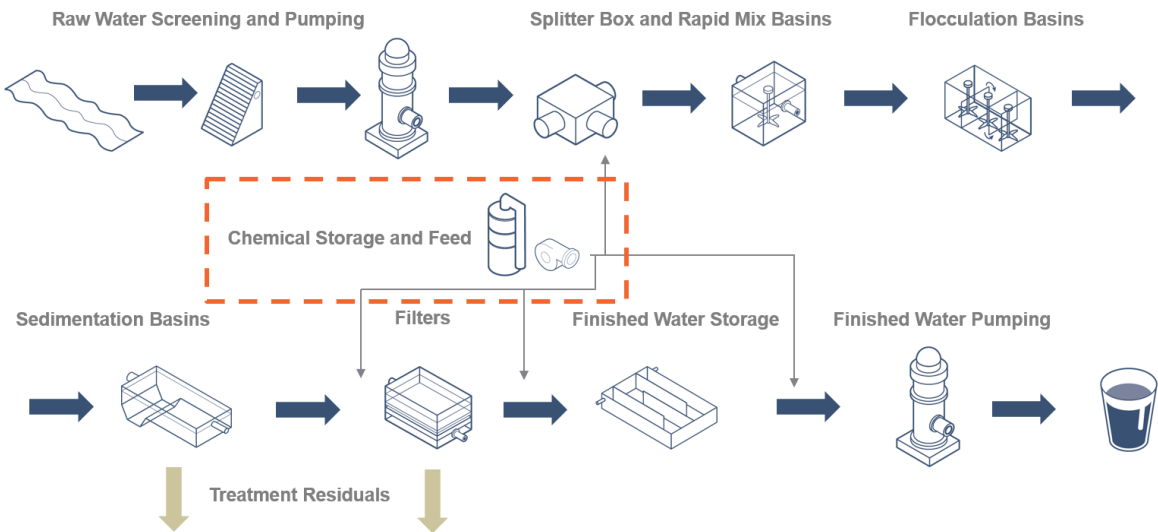
- No CIPs identified to improve energy efficiency at the WTF
- Hazen included recommendations to operate the FW pumps in the most efficient manner (minimizing kWh per MG pumped)

Finished Water Pumping

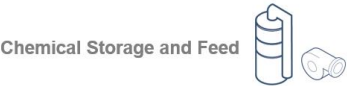


Water Treatment Facility Master Plan

Process Overview



Water Treatment Facility Master Plan



Chemical Storage and Feed Facilities

- Polyaluminum chloride
 - Coagulant
 - Fed at splitter box
 - Sodium hydroxide
 - pH adjustment
 - Fed at splitter box and upstream of clearwell
 - Sodium bicarbonate
 - Alkalinity adjustment/corrosion control optimization
 - Fed upstream of FWPS
- Gaseous chlorine
 - Disinfection
 - Fed upstream of each filter and upstream of FWPS
 - Fluoride
 - Dental health
 - Fed upstream of clearwell
 - Orthophosphate
 - Corrosion inhibitor
 - Fed upstream of clearwell



Water Treatment Facility Master Plan

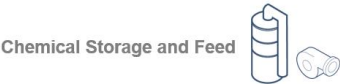


Chemical Storage and Feed Facilities

- Sodium bicarbonate
 - **Additional silo to be constructed**
 - Will provide redundancy for critical process
 - **Existing feed equipment to be replaced**
 - At end of useful life



Water Treatment Facility Master Plan

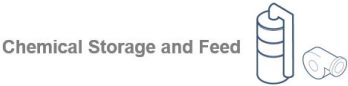


Chemical Storage and Feed Facilities

- Gaseous chlorine
 - Unit prices have increased substantially in recent years, and potential supply chain interruptions have been noted
 - **New Chemical Building to be constructed during future expansion phase**
 - Will house temporary sodium hypochlorite (bleach) storage and feed facilities
 - Could also house future bulk orthophosphate tank

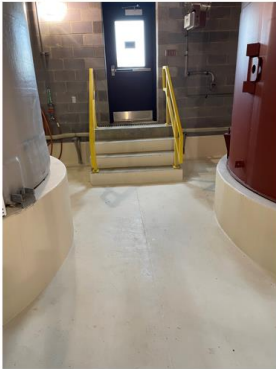


Water Treatment Facility Master Plan



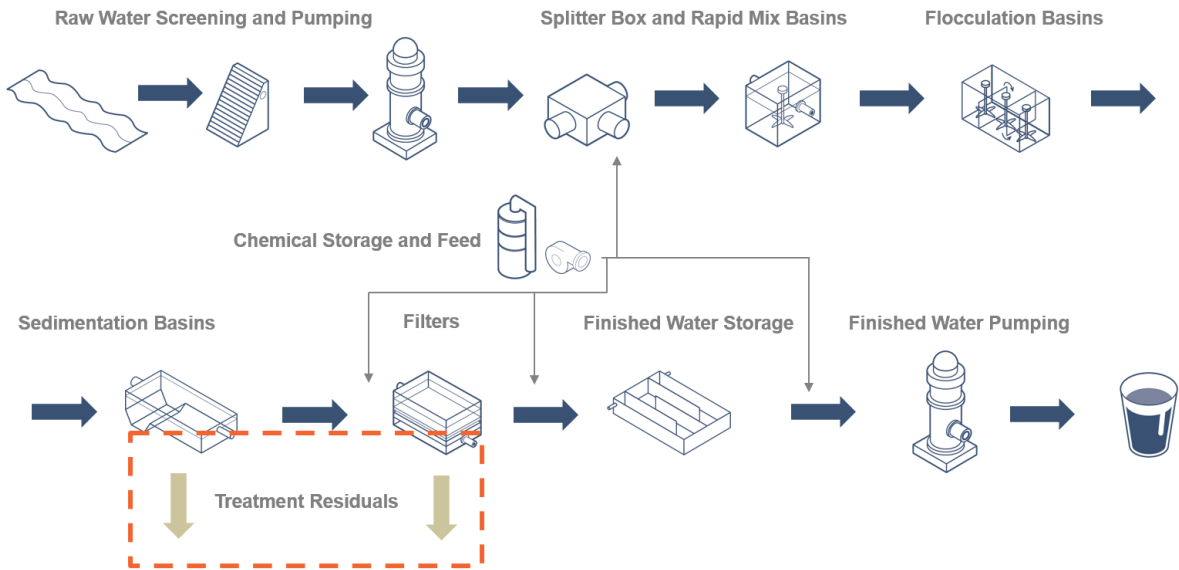
Chemical Storage and Feed Facilities

- Miscellaneous improvements
 - Spare orthophosphate metering pump to be installed
 - Will improve reliability/redundancy for critical process
 - Structural improvements to existing bulk chemical building
 - To separate acids and bases and mitigate risk of potential reaction
 - Duty/standby chemical transfer pumps for coagulant and caustic
 - Will improve reliability



Water Treatment Facility Master Plan

Process Overview



Water Treatment Facility Master Plan

Sludge Transfer Pump Station

- Sludge Transfer Pump Station
 - Receives all process drain flows
 - Pumps blended residuals to thickening and dewatering processes
 - Equipped with a single pump that is approaching the end of its useful life



Water Treatment Facility Master Plan

Sludge Transfer Pump Station

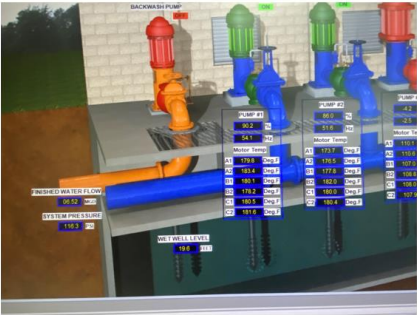
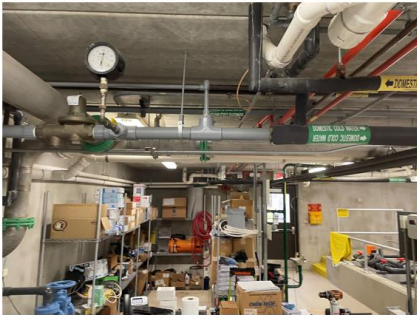
- Sludge Transfer Pump Station
 - Existing pump to be replaced
 - Second pump to be installed
 - Will provide redundancy for critical process



Water Treatment Facility Master Plan

Additional Facilities/Improvements

- Miscellaneous concrete/structural repairs
- New maintenance facility
- Miscellaneous control system improvements



Water Treatment Facility Master Plan

Buildout Capacity

Unit Process	Ultimate Operational Capacity
Raw Water Sources	31.5 MGD
Splitter Box/Rapid Mix/Flocculation/Sedimentation Basins	26.4 MGD
Filters	25.6 MGD
Finished Water Storage	24+ MGD
Chemical Storage and Feed Facilities	24+ MGD
Finished Water Pump Station	24+ MGD

Buildout capacity of the Water Treatment Facility is 24 MGD

Water Treatment Facility Master Plan

CIP Summary: 2020 - 2025

Process Area	Improvement	Driver	Timing	Estimated Cost
Raw Water Facilities	Replacement of Mills River RWPS air burst equipment	Replacement	2020 - 2025	\$539,000
Filters	Addition of 5th filter	Capacity Improvements	2020 - 2025	\$2,707,000
Filters	Addition of standby backwash pump	Risk Reduction	2020 - 2025	\$1,691,000
Sludge Transfer Pump Station	Pump upgrades	Replacement / Risk Reduction	2020 - 2025	\$896,000

Total (2023): \$5,833,000

Water Treatment Facility Master Plan

CIP Summary: 2025 - 2030

Process Area	Improvement	Driver	Timing	Estimated Cost
Raw Water Facilities	Inspection/assessment of aging raw water transmission mains from mountain reservoirs	Risk Reduction	2025 - 2030	\$1,278,000
Splitter Box / Rapid Mix Basins	Influent yard piping modifications	Process Efficiency	2025 - 2030	\$191,000
Flocculation / Sedimentation Basins	Retrofit of existing basins and addition of tube settlers	Capacity Improvements / Process Efficiency / Rehabilitation / Replacement	2025 - 2030	\$8,928,000
Filters	Addition of 6th filter	Capacity Improvements	2025 - 2030	\$2,707,000
Clearwells	Addition of 2nd clearwell	Risk Reduction	2025 - 2030	\$7,979,000
Clearwells	Installation of baffle curtains in existing clearwell	Process Efficiency	2025 - 2030	\$364,000

(continued)

Water Treatment Facility Master Plan

CIP Summary: 2025 - 2030

Process Area	Improvement	Driver	Timing	Estimated Cost
Finished Water Pump Station	Miscellaneous structural/plumbing improvements	Risk Reduction	2025 - 2030	\$106,000
Chemical Facilities	Construction of new chemical building, installation of 2nd sodium bicarbonate silo, and replacement of existing sodium bicarbonate feed equipment	Replacement / Risk Reduction / Rehabilitation	2025 - 2030	\$5,315,000
Chemical Facilities	Miscellaneous structural/mechanical improvements	Risk Reduction	2025 - 2030	\$251,000
Miscellaneous	Maintenance Facility	Replacement	2025 - 2030	\$1,944,000
Miscellaneous	Control system improvements	Process Efficiency	2025 - 2030	\$200,000

Total (2023): \$29,263,000

Water Treatment Facility Master Plan

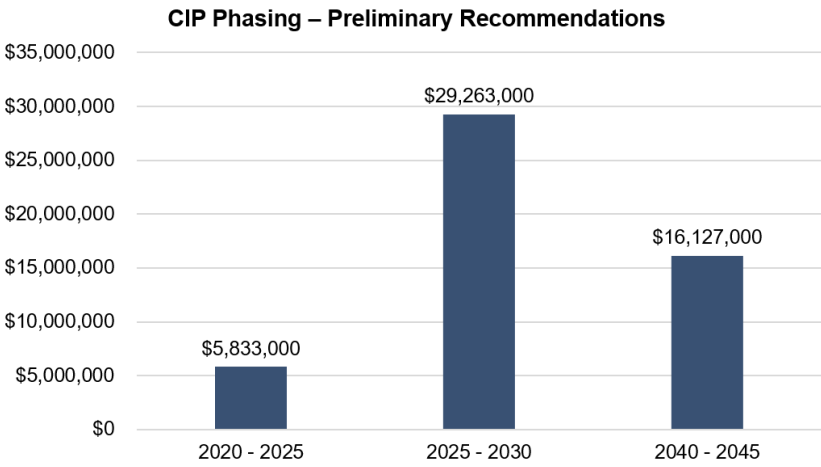
CIP Summary: 2040 - 2045

Process Area	Improvement	Driver	Timing	Estimated Cost
Splitter Box / Rapid Mix Basins	Yard piping to future basins	Capacity Improvements	2040 - 2045	\$554,000
Flocculation / Sedimentation Basins	Addition of future west basins	Capacity Improvements	2040 - 2045	\$4,793,000
Filters	Addition of 7th - 8th filters	Capacity Improvements	2040 - 2045	\$5,928,000
Filters	Relocation/replacement of air scour blowers	Capacity Improvements / Replacement	2040 - 2045	\$991,000
Finished Water Pump Station	Upsizing FWP No. 1/2	Capacity Improvements	2040 - 2045	\$2,154,000

Total (2023): \$16,127,000

Water Treatment Facility Master Plan

CIP Summary



Water Distribution System

Hendersonville's Hydraulic Model

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Model first built in 2015 with support from Fire Departments

Pipe network built from GIS water main info

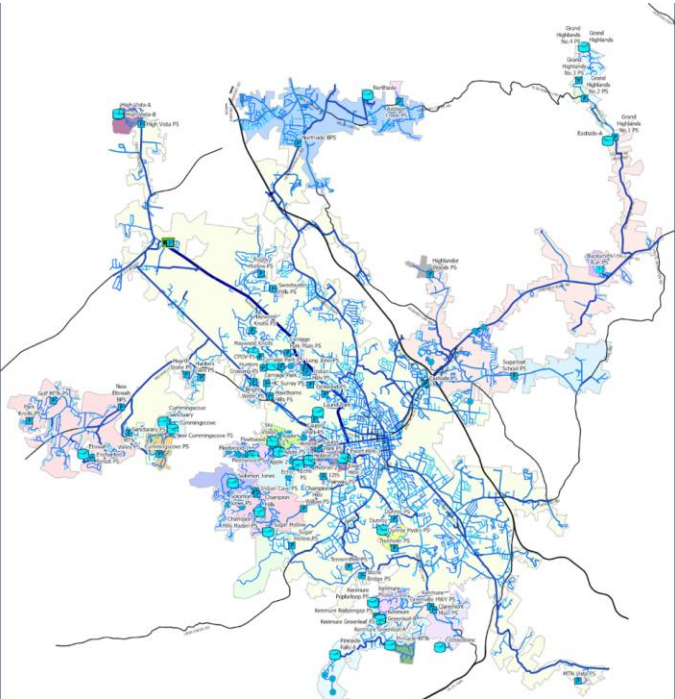
Existing water demand data from customer billing records

Elevations from digital topo data

Calculates flows and pressures

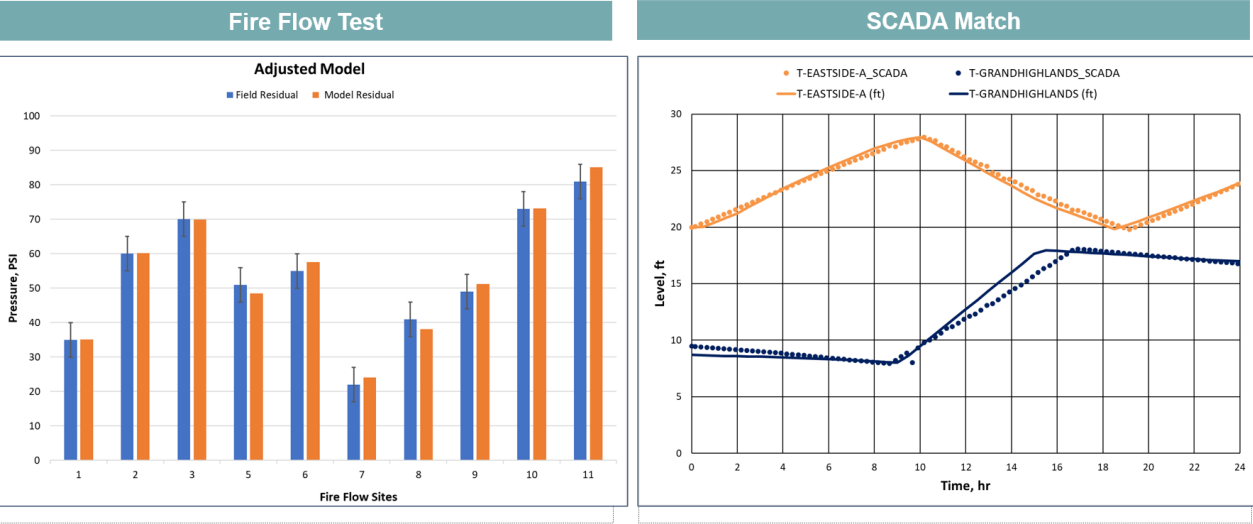
Predicts pump and tank performance

<div><div>Modeling</div><div>Length (ft)4674.2951362</div><div>Diameter (in)16.0000000</div><div>Roughness79.0000000</div><div>Minor Loss0.0000000</div><div>TotalizerNo</div><div>Check ValveNo</div><div>Information</div><div>Year of Installation1922</div><div>Year of Retirement9999</div><div>ZoneMain Zone</div><div>MaterialCast Iron</div></div>	<div><div>Modeling</div><div>2022 RES (mgd)0.0000000</div><div>Pattern 1</div><div>2022 LARGE (mgd)0.1271200</div><div>Pattern 2KIMBERLY_CLARK11326_DURN</div><div>2022 NRW (mgd)0.0000000</div><div>Pattern 3</div><div>Flushers/future growth for old rui0.0000000</div><div>Pattern 4</div><div>2025DEMAND (mgd)0.0000000</div><div>Pattern 5</div><div>2030DEMAND (mgd)0.0000000</div><div>Pattern 6</div><div>2035DEMAND (mgd)0.0000000</div><div>Pattern 7</div><div>2040DEMAND (mgd)0.0000000</div><div>Pattern 8</div><div>2045DEMAND (mgd)0.0000000</div><div>Pattern 9</div><div>2050DEMAND (mgd)0.0000000</div><div>Pattern 10</div></div>
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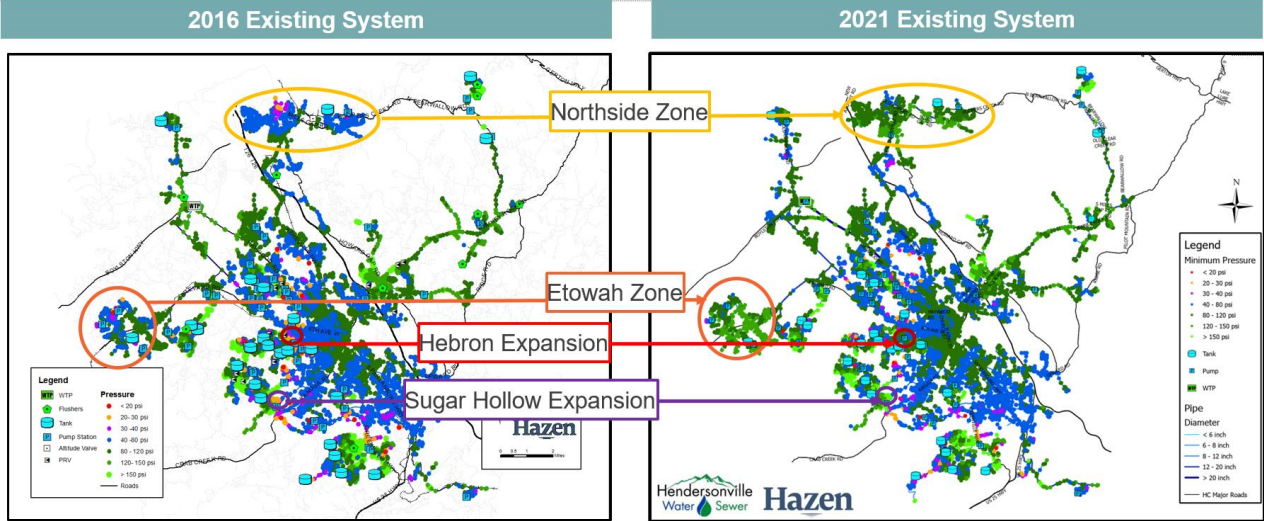
Model Calibration Using Field Test and SCADA

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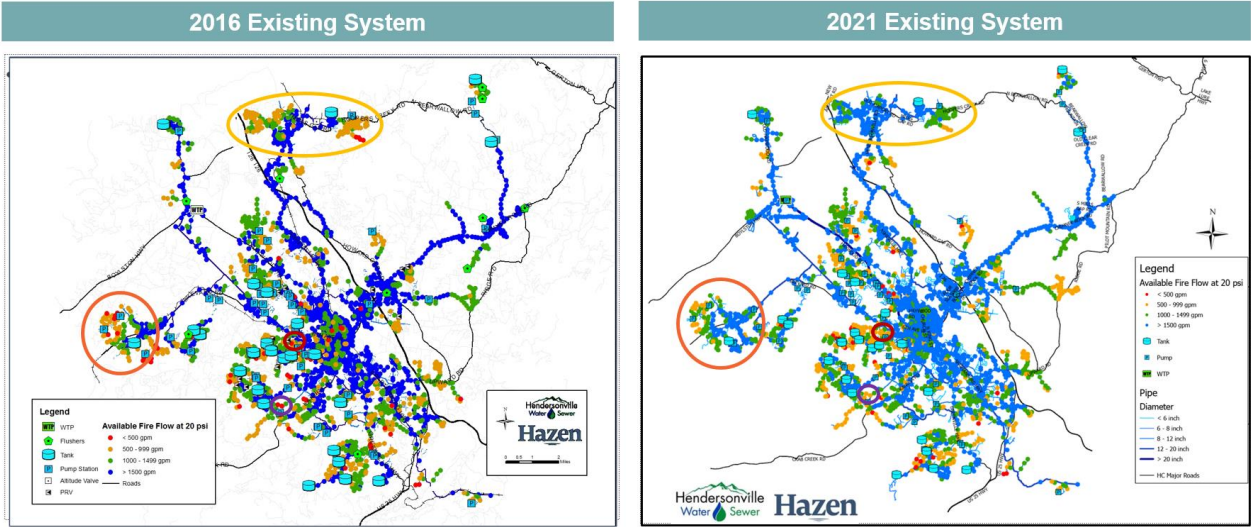
System Peak Hour Pressures

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Available Fire Flow

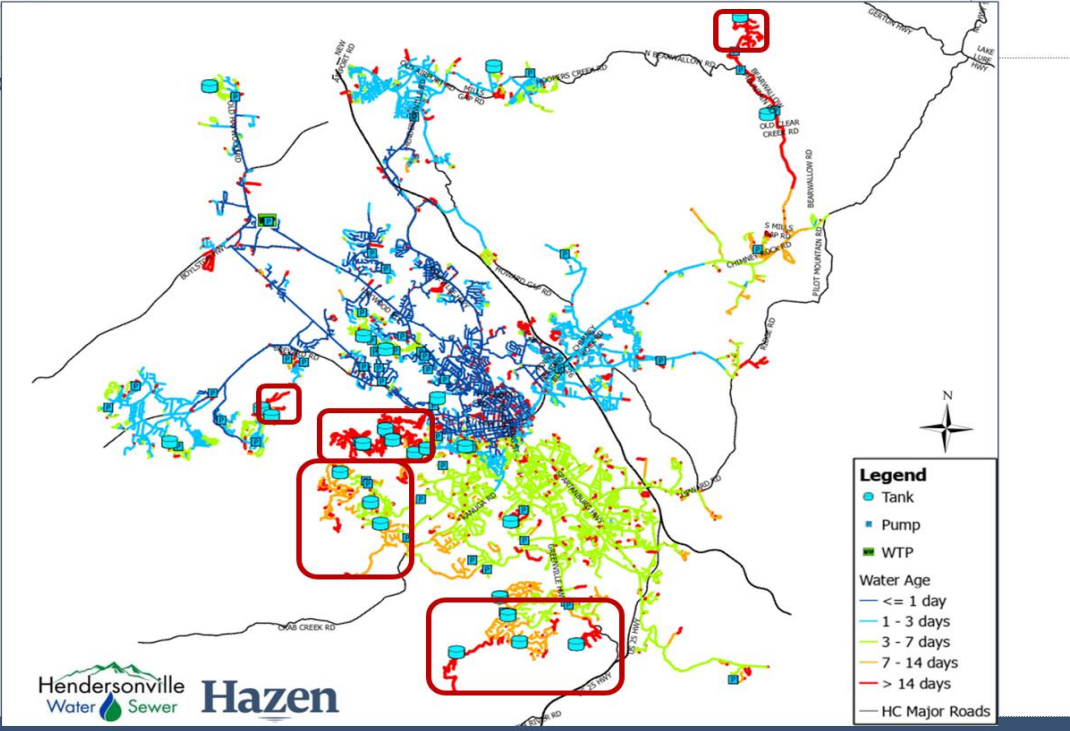
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Water Age Map and Unidirectional Flushing Plan

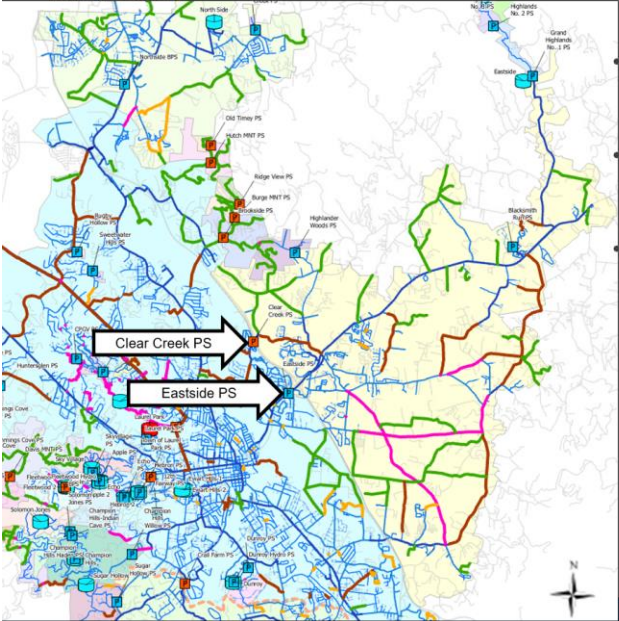
If you need a subhead, put it here

image photo/graphic

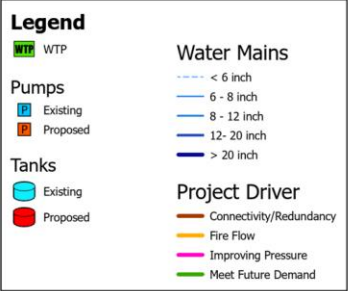


Pump Capacity Checked Against Project Water Demand in Each Zone

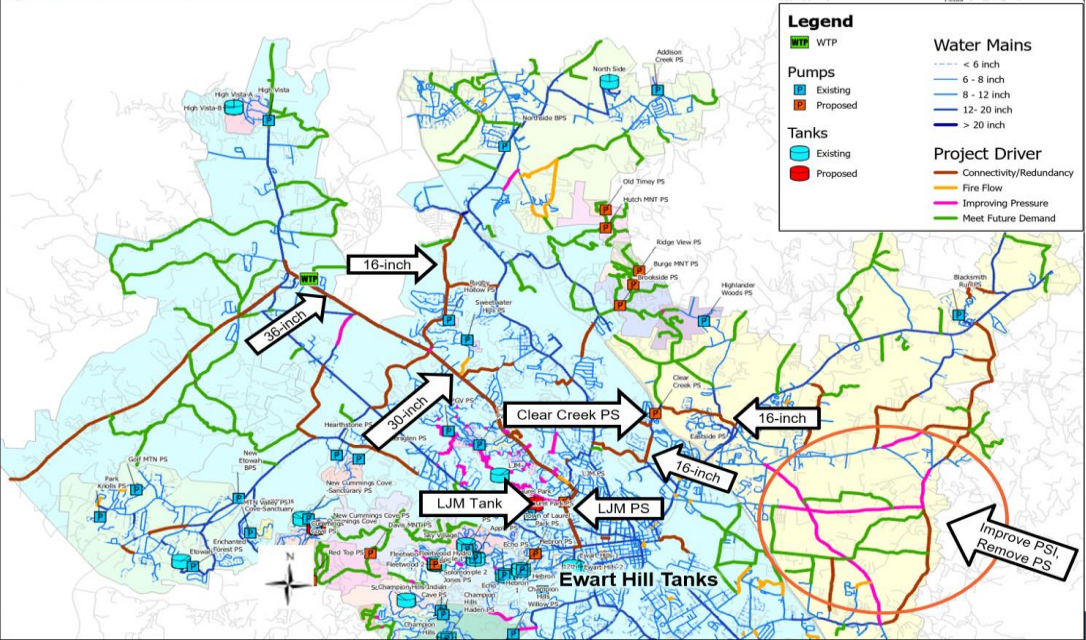
Example Eastside



- 2050 demand in Eastside zone is 2.84 mgd
- Existing firm capacity at Eastside Pump Station is 2 mgd
- Proposed Clear Creek Station firm capacity of 2 mgd

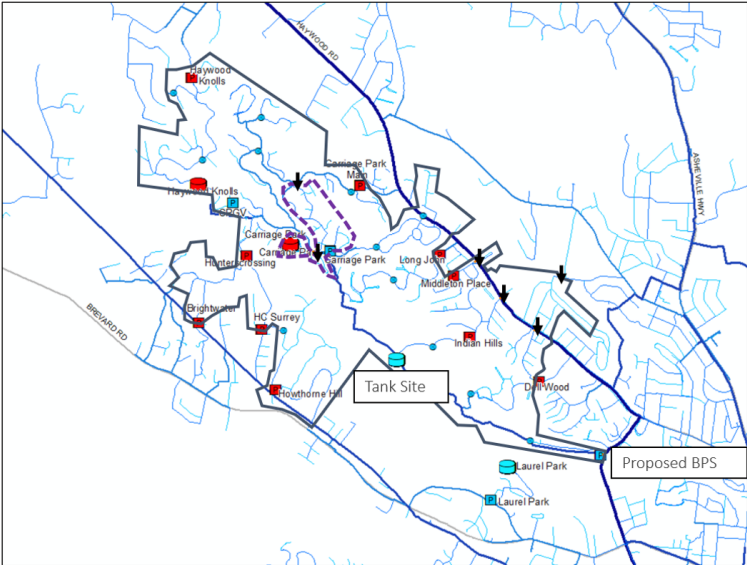


Northern Improvements



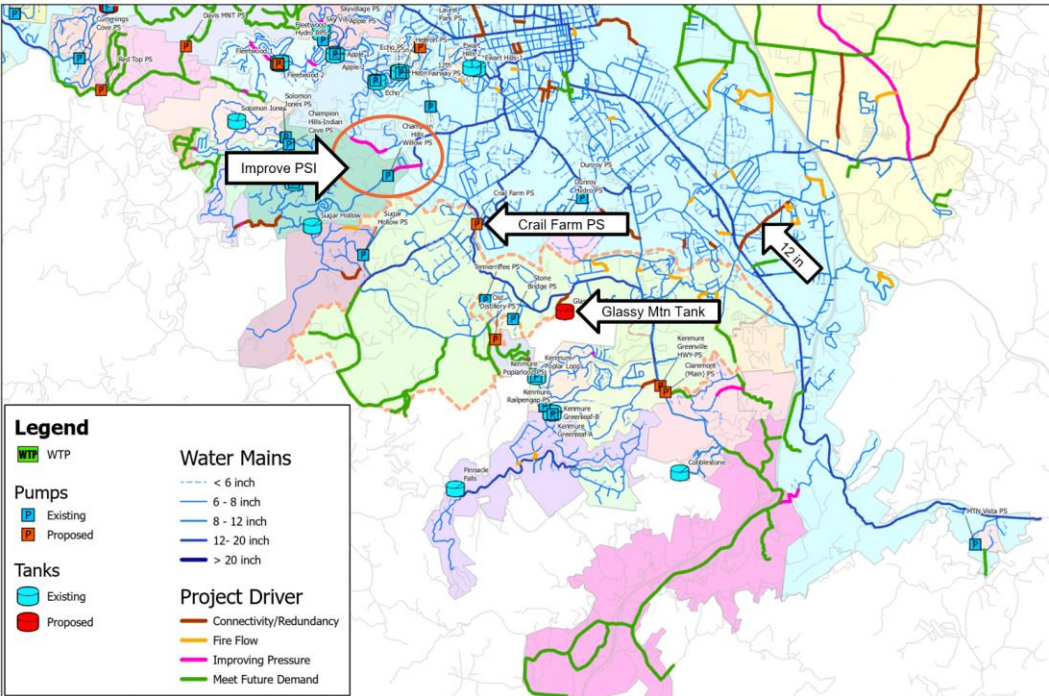
Long John Mountain Improvements

If you need a subhead, put it here



- 1 New PS
- 1 New Tank
- Series of Pressure Reducing Valves
- Abandon 2 Tanks (Red)
- Abandon 11 Pump Stations (Red)
- Expanded zone for improve fire
- 6 check valves for fire flow assistance

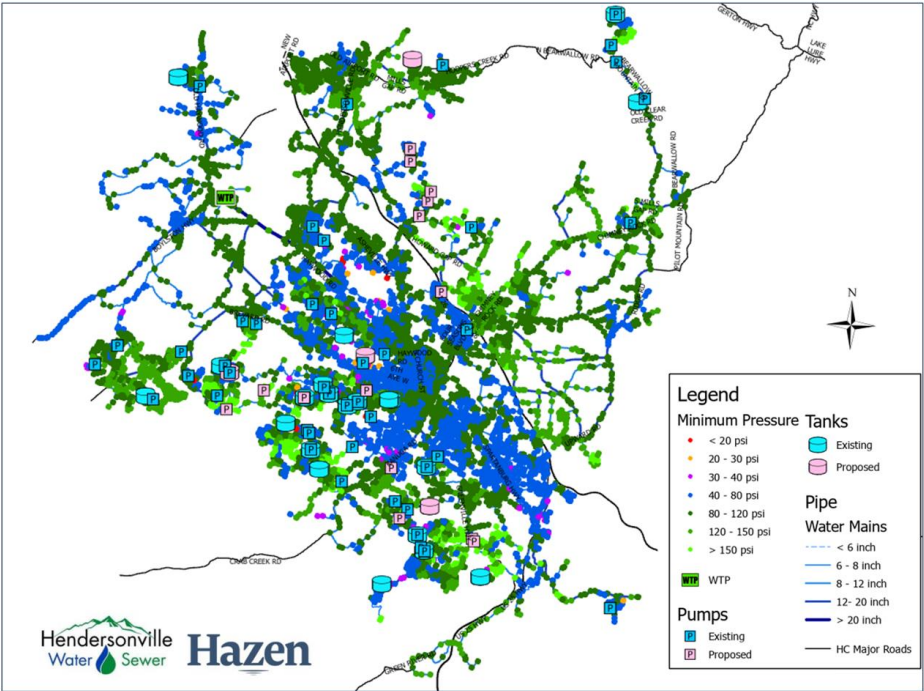
Southern Improvements



2050 Peak Hour Pressures

If you need a subhead, put it here

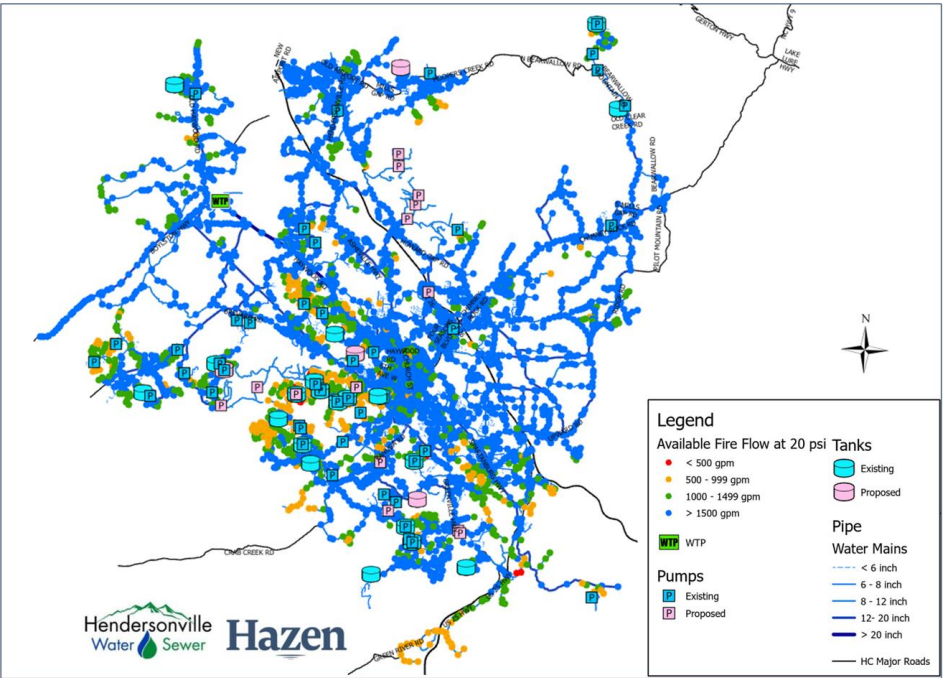
Caption for the image or graphic.
Should not need bullets because the image/graphic speaks for itself



2050 Available
Fire Flow at 20 psi

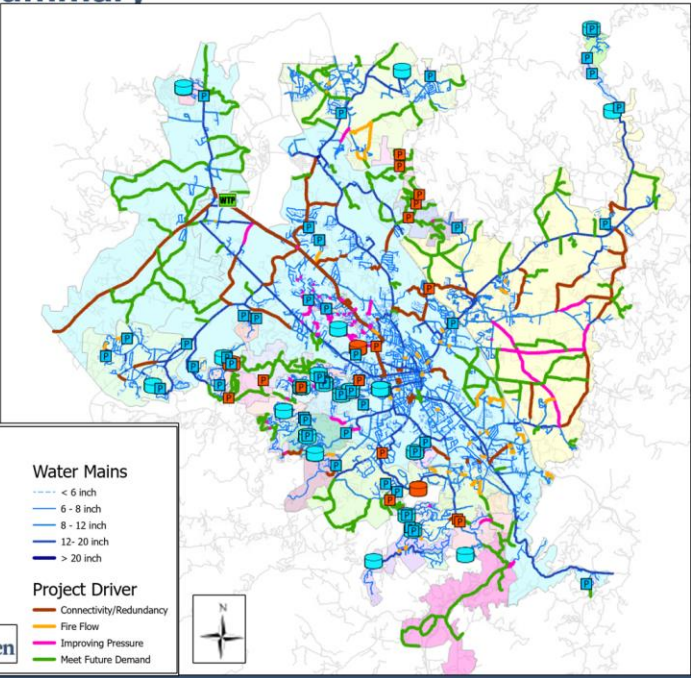
If you need a subhead, put it here

Caption for the image or graphic.
Should not need bullets because the
image/graphic speaks for itself



Water Distribution Master Plan Summary

- 13 new pump stations
- 2 new storage tanks
- 13 new pressure zones
- Abandon 11 pump stations
- Abandon 2 storage tanks
- 200 miles of new pipe



Distribution System CIP

If you need a subhead, put it here

City Projects driven by connectivity/ redundancy/ improving pressure and significant fire flow improvements

Projects driven by future demand not included here

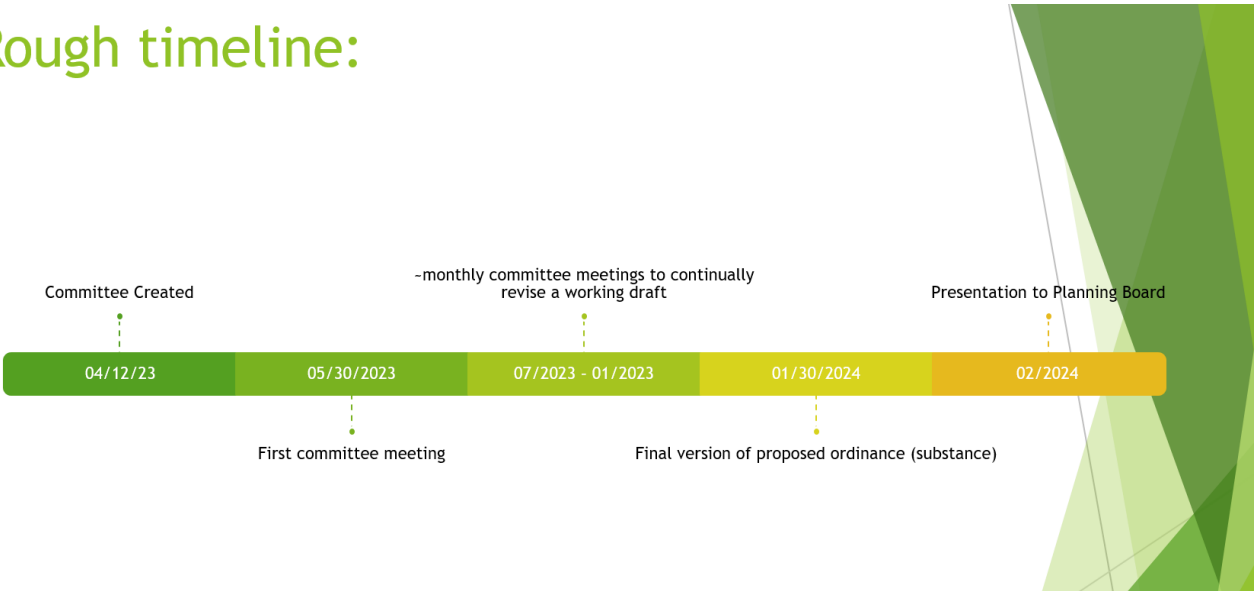
CIP Year	Demand Driver (mgd)	Projects	Tanks / PS	Estimated Cost (\$Million)
2025	9.5	Top 25 projects including Long John Mountain	1/1	120.0 (17.5 LJM)
2030	11.3	11	2/3	65.8
2035	12.0	7	1/0	79.5
2040	12.8	2	0/1	21.4

Staff Attorney Daniel Heyman presented the following PowerPoint presentation to Council.



- ▶ Tree Ordinance Study Committee purpose: “to study and recommend ordinance provisions related to the preservation of the tree canopy within the City of Hendersonville.”
- ▶ Members:
 - Glenn Lange (Tree Board)
 - Mary Davis (Tree Board)
 - Mark Steirwalt (Staff - PW)
 - Lyndsey Simpson (City Council)
 - Virginia Tegel (ESB)
 - Neil Brown (Planning Board)
 - Lew Holloway (Staff - Community Dev.)
 - Daniel Heyman (Staff - Legal)
 - Steve Dozier (formerly Business Advisory)
 - Susan Frady (At-large)
 - Caitlyn Gendusa (Staff - Sustainability)
 - Ken Gordon (Business Advisory)

Rough timeline:



Ordinance addresses:

- ▶ Preservation of existing trees
- ▶ Some expanded planting requirements (street trees, common open space)

Ordinance does not address:

- ▶ Other environmental issues (steep slopes, stream buffers)
- ▶ Overall developed canopy percentage/planting requirements

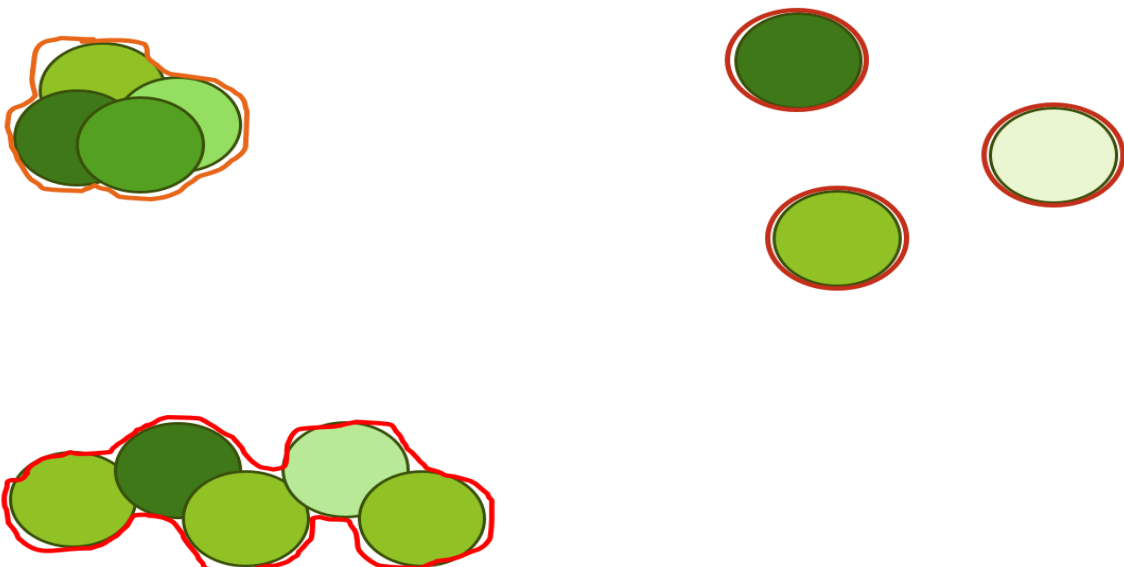
Benefits of preservation:

- ▶ Improved air quality
- ▶ Prevent stormwater runoff and erosion
- ▶ Control urban “heat-islands”
- ▶ Conserve energy (e.g. reduced AC use)
- ▶ Documented economic and health benefits

Some considerations:

- ▶ Tree canopy preservation
- ▶ Private property rights
- ▶ Affect on affordable housing
- ▶ Development constraints on small sites
- ▶ Development flexibility

Measuring Canopy



Tree Canopy Cover Assessment

- ▶ Measures the amount of the City covered by Tree Canopy (35%)
- ▶ City limits and ETJ only
- ▶ Looks at things like possible planting area, impervious area, and unsuitable planting area (biologically possible but inappropriate e.g. baseball field)
- ▶ Uses imagery from the USDA's National Agriculture Imagery Program (NAIP) - "leaf on" conditions.

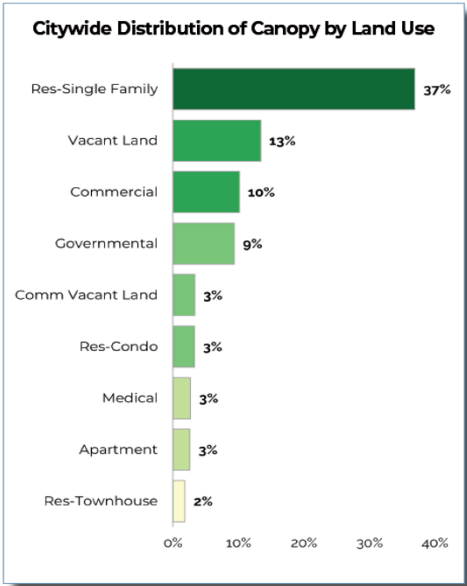


Figure 15. Distribution of citywide tree canopy by land use.

Tree Canopy Cover Assessment

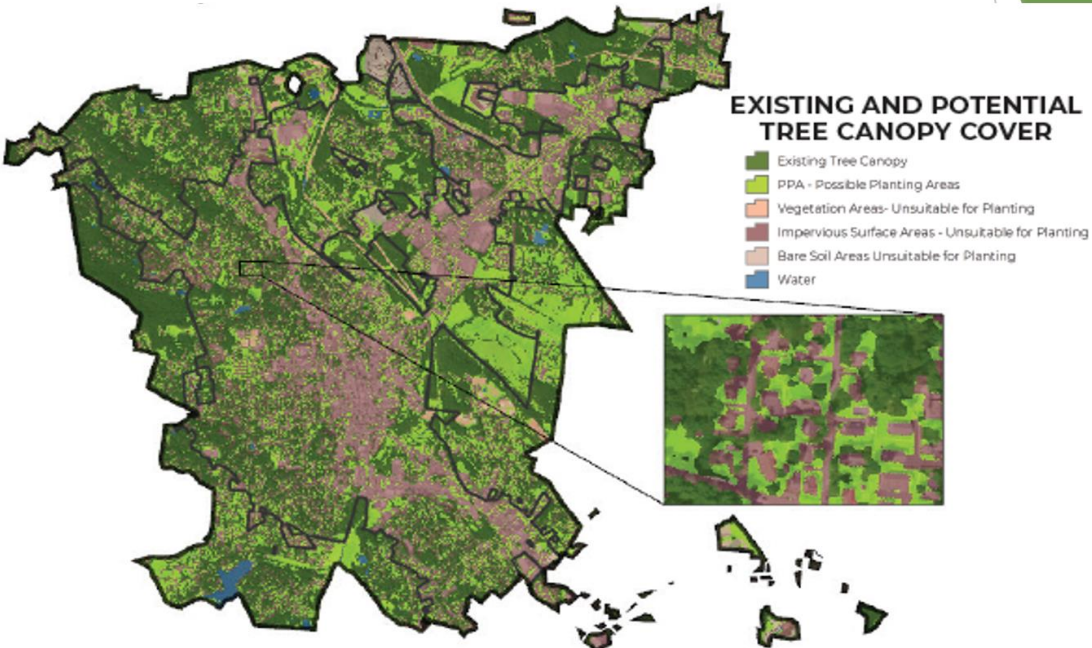
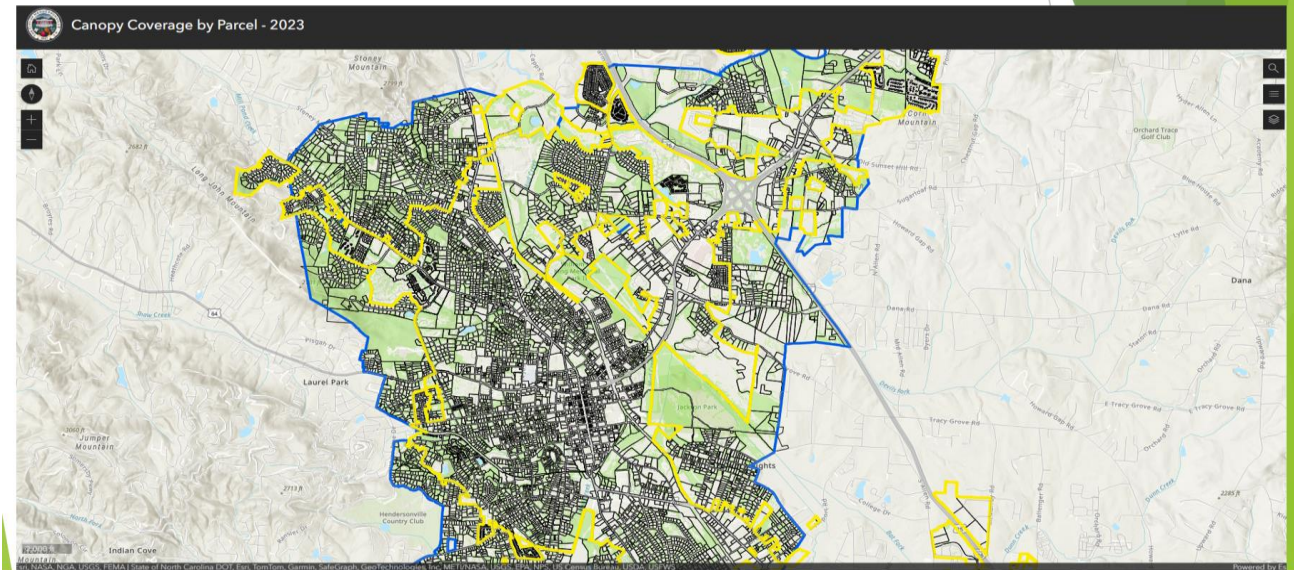


Figure 9. Distribution of existing and potential tree canopy cover throughout the combined study area.

Tree Canopy Coverage Map



Tree Canopy Coverage Map



Existing landscaping requirements (not an exhaustive list):

- ▶ Submit a tree survey showing all trees 12" diameter +
- ▶ Parking lot landscaping
- ▶ Buffer based on proposed and adjacent uses
- ▶ Credits toward landscaping requirements for preserving existing trees (incentive only, no requirement)
- ▶ Street trees in some areas (entry corridor, certain zoning districts)
- ▶ Open space landscaping in mixed-use districts
- ▶ No requirement to preserve existing trees

Proposed changes (according to the current draft):

- ▶ Tree preservation standards established
- ▶ No tree survey required, only a plan showing the tree line
- ▶ No credit for invasive species
- ▶ Trees used to meet landscaping new landscaping requirements must be 75 percent native species (not the preservation requirement)
- ▶ Multi-family residential to buffer lower density residential with an 8-foot type A buffer
- ▶ Common open space landscaping (1 tree/5 shrubs per 1,200 sq. ft.)
- ▶ Open space landscaping (1 tree/5 shrubs per 4,000 sq. ft.)
- ▶ Street trees along all streets (unless exempt from landscaping ordinance)

Proposed Tree Canopy Preservation Requirement:

- ▶ Does not apply to development sites with ≤ 30,000 sq. ft. existing tree canopy (staff recommendation)
- ▶ Existing canopy = canopy according to the most recent Tree Canopy Cover Assessment conducted by the City of Hendersonville
 - If no canopy data - developer submits a plan showing the drip-line of existing canopy
 - If developer disagrees - developer may submit a sealed plan showing existing canopy as of the date of the Cover Assessment
- ▶ Tier One - MUST preserve 20 percent of existing canopy. No fee-in-lieu (unless granted a variance)
- ▶ Tier Two - Preserve additional canopy according to the following schedule (or request a fee-in-lieu):

Select One:	Existing Canopy Preserved (in addition to Tier One):	New Canopy Installation Required:	Total Tier Two Canopy Required:
Option 1	10%	0%	10%
Option 2	5%	7%	12%
Option 3	0%	15%	15%

Proposed Tree Canopy Preservation Requirement (continued):

- ▶ Trees preserved eligible for credits toward other landscaping requirements as long as they meet criteria (e.g. VUA landscaping must be w/in 20 ft. of VUA)
- ▶ Fee-in-lieu for Tier Two Canopy
- ▶ Delay of development approval for three years if all or substantially all trees are removed in violation (and other remedies)
- ▶ Example below assuming: 5-acre site with 2 acres, or 87,120 sq. ft. of existing tree canopy:

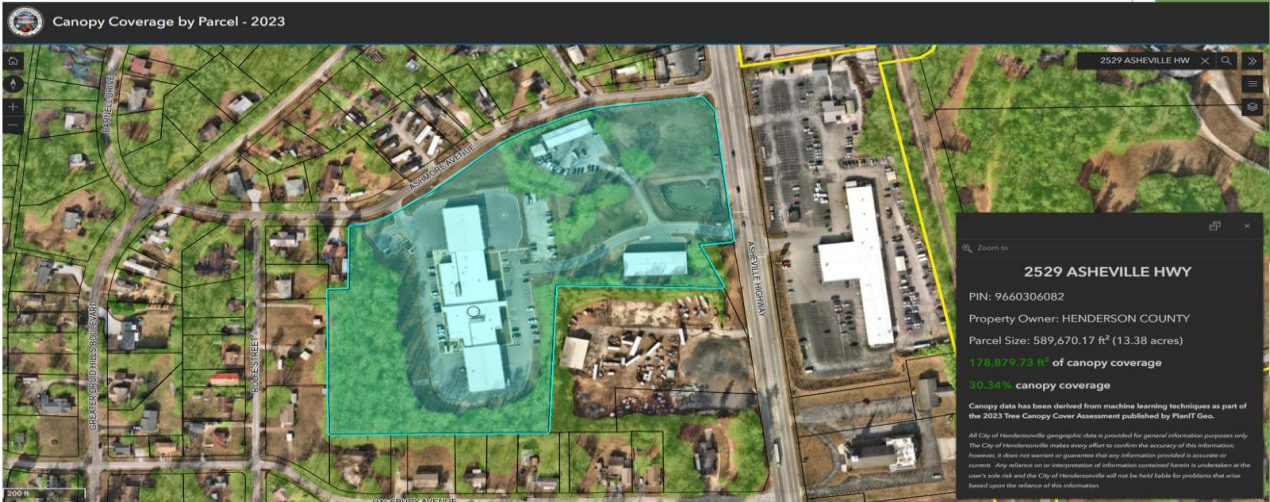
Example of Tree Canopy Preservation Requirement				
Select One:	Tier One Existing Canopy Preservation Requirement	Tier Two Tree Existing Canopy Preserved (in addition to Tier One):	New Canopy Installation Required:	Total Tree Canopy Requirement:
Option 1	17,424 sq. ft. (20%)	8,712 sq. ft. (10%)	0 sq. ft. (0%)	26,136 sq. ft. (30%)
Option 2	17,424 sq. ft. (20%)	4,356 (5%)	6,098 (7%)	27,878 sq. ft. (32%)
Option 3	17,424 sq. ft. (20%)	0 sq. ft. (0%)	13,068 sq. ft. (15%)	30,492 sq. ft. (35%)

Ex: Henderson County EMS

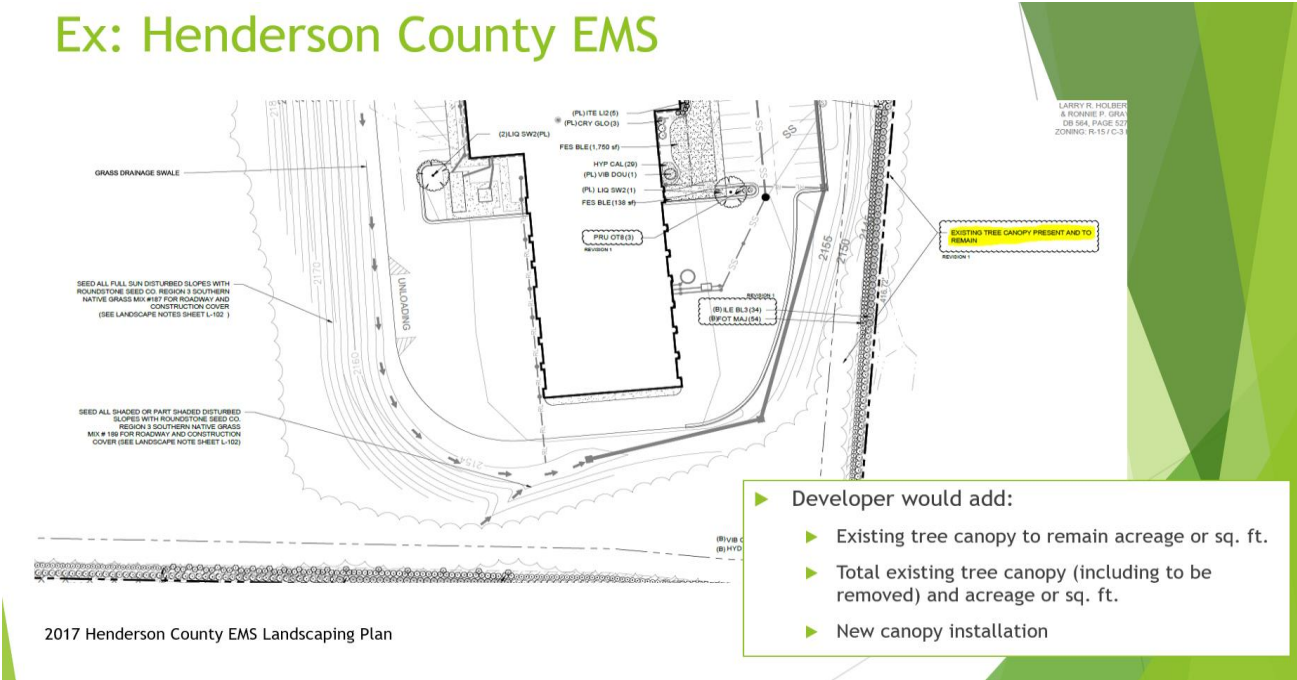


2015 Aerial - source: Henderson County GoMaps

Ex: Henderson County EMS



Ex: Henderson County EMS



New Canopy Credit Calculation:

MEDIUM MATURING TREES 25' - 50' TALL

Common Name	Botanical/Scientific Name
Norwegian Sunset Maple ^x	Acer truncatum x A. platanoides 'Keithsform'
Upright European Hornbeam ^x	Carpinus betulus 'Fastigiata'
American Hornbeam	Carpinus caroliniana
American Yellowwood	Cladrastis kentukea
Franklinia	Franklinia alatamaha
Carolina Silverbell	Halesia carolina
Savannah Holly	Ilex x attenuata 'Savannah'
American Holly ^k	Ilex opaca
Eastern Red Cedar ^k	Juniperus virginiana
Goldenrain Tree ^x	Koelreuteria paniculata
Galaxy Saucer Magnolia ^x	Magnolia liliiflora 'Nigra' x Magnolia sprengeri 'Diva'
Saucer Magnolia ^x	Magnolia x soulangeana
Sweetbay Magnolia	Magnolia virginiana
Black Gum ^k	Nyssa sylvatica
Sourwood ^k	Oxydendrum arboreum
Norway Spruce ^x	Picea abies
Japanese Black Pine ^x	Pinus thunbergii
Chinese Pistache ^x	Pistacia chinensis
Okame Cherry ^x	Prunus okame
Japanese Stewartia ^x	Stewartia pseudocamellia
Nigra American Arborvitae ^x	Thuja occidentalis 'Nigra'
Littleleaf Linden ^x	Tilia cordata
Greenspire Little Leaf Linden ^x	Tilia cordata 'Greenspire'

Source: Recommended Species List

New Canopy Credit Calculation:

NC STATE

EXTENSION

North Carolina

Extension Gardener

Plant Toolbox

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Find a Plant

Design Gallery

Help

Give Now

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Search

Plant Detail

Acer truncatum is often confused with:

Acer platanoides

Acer x 'JFS-KW202' Crimson Sunset®

Native alternative(s) for Acer truncatum:

Amelanchier canadensis

Cercis canadensis

Crataegus phaenopyrum

Halesia diptera

Acer truncatum

Common Name(s): Purple Blow Maple; Shangtung Maple

Phonetic Spelling

AY-ser trunk-AH-tum

Description

Shangtung maple is a deciduous tree in the Sapindaceae (soapberry) family native to China that grows to 20-25 feet tall. The genus Acer means maple in Latin.

It is heat and drought tolerant once established and grows in average well-drained soils in full sun to partial shade. The flowers occur in spring and are not ornamentally significant. Leaves are 5-lobed and have excellent fall colors in yellow, orange and red.

The size of this tree makes it a good shade tree for smaller yards or as a street tree under utility lines. Use it as a specimen in an Asian themed garden. It attracts moth larvae making it an excellent addition to a pollinator or nighttime garden.

Insects, Diseases, and Other Plant Problems: No serious problems. See potential insect and disease problem fact sheets to the left.

The Clemson Cooperative Extension Home and Garden Information Center has a factsheet on common maple diseases and insect pests.

Whole plant

Derek Ramsey

CC-BY-SA 2.0

Fall color

CC BY 2.0

IC Raulston Arboretum

Dimensions:

Height: 20 ft. 0 in. - 25 ft. 0 in.

Width: 15 ft. 0 in. - 20 ft. 0 in.

Source: N.C. Cooperative Extension - www.ces.ncsu.edu

New Canopy Credit Calculation:

Ex: Medium Maturing Trees

	A	B
1	Common Name	Average Canopy
2	Norwegian Sunset Maplex	177
3	Upright European Hornbeam x	481
4	American Hornbeam	297
5	American Yellowwood	709
6	Franklinia	43.5
7	Carolina Silverbell	531
8	Savannah Holly	78
9	American Holly k	88.5
10	Eastern Red Cedar k	132.75
11	Goldenrain Treex	962
12	Galaxy Saucer Magnoliax	123
13	Saucer Magnoliax	235.5
14	Sweetbay Magnolia	397
15	Black Gum k	445.5
16	Sourwood k	61.5
17	Norway Sprucex	594
18	Japanese Black Pine x	150.75
19	Chinese Pistachex	368.25
20	Okame Cherryx	368.25
21	Japanese Stewartiax	107
22	Nigra American Arborvitaex	61.5
23	Littleleaf Lindenx	709
24	Greenspire Little Leaf Lindenx	1063.5
25	Trident Maplex	368.25
26	Red Buckeye k	132.75
27	American Smoke Tree	245.5
28	Dwarf Labella Pine	61.5

New Tree Canopy Installation	
Size of Tree*:	Tree Canopy
Large Maturing	872 sq. ft.
Medium Maturing	350 sq. ft.
Small Maturing	144 sq. ft.

*As designated in the Recommended Species list

Fee-in-Lieu:

- ▶ Based on the cost to for the City to plant new canopy to replace the existing canopy removed.
- ▶ Weighted average of the following:

New Tree Canopy Installation			
Size of Tree:	Tree Canopy	Trees per Acre	Weight
Large Maturing	872 sq. ft.	49.943	0.105
Medium Maturing	350 sq. ft.	124.305	0.261
Small Maturing	144 sq. ft.	301.507	0.634

- ▶ Assigned weight based on the number of trees to reach a certain amount of canopy.
- ▶ Weighted average is 228.84 sq. ft.
- ▶ City’s average cost to plant and establish a tree is ~\$350.
- ▶ With an average replacement canopy of 228.84 sq. ft. per tree planted:
 - ▶ $350 / 228.84 =$ **\$1.53 per sq. ft. of tree canopy.**

Fee-in-Lieu example:

- ▶ For a development with 2 acres, or 87,120 sq. ft. of existing canopy:
 - ▶ Tier Two Canopy Preservation Requirement, Option 1 = 8,712 sq. ft.
 - ▶ $8,712 * \$1.53 = \$13,329.36$ fee-in-lieu of the entire Tier Two requirement.
 - ▶ Tier Two Canopy Preservation Requirement, Option 2 = 4,356 sq. ft.
 - ▶ $4,356 * \$1.53 = \$6,664.68$ fee-in-lieu of preservation requirement
 - ▶ (Developer installs 7 percent new canopy)

Community Development Department Review and Recommendations:

Recommended Planting List

- 1) We suggest that this list be titled “Approved Planting List.” This just clarifies language around this being a requirement of the zoning code, rather than a recommendation. [Definition Clarification]
- 2) We would request that the Tree Board establish a way of annually obtaining feedback on the list from site engineers and landscape architects or other professionals who may be developing planting plans within the community. [Administrative Clarification]

Tree Board Review

- 1) Conditional Zoning District (CZD) review currently includes a Tree Board review of planting plans associated with site plans going through the Conditional Zoning District approval process. As discussed in the Tree Ordinance Review Committee meetings, we recommend that with the adoption of these new canopy preservation and enhancement standards that the Tree Board review process be removed from the CZD process as the new ordinance establishes standards sought by the Tree Board in this process. [Administrative Clarification]

Community Development Department Review and Recommendations:

Exemption Standard Alignment

- 1) The Tree Canopy Preservation standard as proposed establishes an exemption for lots that are 2 acres or less in size. Staff would suggest al [Definition Clarification]
- 2) We would request that this exemption be aligned with the exemption standards for stormwater and erosion and sediment control standards. We propose that the exception standard would read as follows:

Tree Canopy Preservation. All developments required to comply with this Article pursuant to Sec. 15-2 herein, with the exception of development tracts whose area of disturbance is ~~no greater than two acres~~ less than an acre or whose total tree canopy does not exceed 30,000 square feet, shall preserve existing trees in compliance with this Section.

- 3) This recommendation is to simplify the review process while also continuing the potential downside impacts to sites with limited canopy coverage that the preservation standard might otherwise create. [Policy Recommendation]

Planning Board Review and Recommendation:

- ▶ Planning Board heard staff's presentation on the work of the Tree Ordinance Review Committee and on the Community Development Department recommendations, before accepting public comment.
 - ▶ Discussion of the Ordinance lasted a little over an hour and a half
 - ▶ Questions were around staff recommendations, the nature of the review and ordinance drafting process, the administrative review process and other implications of the proposed ordinance.
- ▶ The Planning Board broadly supported the ordinance specifically supporting two of the three Community Development recommendations and voting unanimously to recommend that the City Council adopt the Tree Canopy Preservation Enhancement Ordinance.

No decisions were made at this meeting.

4. ADJOURN

There being no further business, the meeting was adjourned at 5:30 p.m. upon unanimous assent of the Council.

Barbara Volk, Mayor

ATTEST:

Jill Murray, City Clerk

CERTIFICATE OF SUFFICIENCY

Re: Petition for Satellite Annexation
 Petitioners: Eric Oursler, Nichole Oursler, and Ourco Construction Company LLC
 File No. C24-11-ANX

To the Honorable Mayor and members of the City Council of Hendersonville, North Carolina:
 I, Jill Murray, City Clerk, being first duly sworn, hereby certify that:

1. A petition has been received for satellite annexation of properties consisting of +/- 1.62 acres located off of Greenville Highway on W. Park Avenue in Hendersonville, NC, being tax parcel(s) PINs 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, and 9577-27-2529, and being more particularly described on Exhibit A, attached hereto and incorporated by reference, hereinafter "Petition."
2. An investigation has been completed as required by N.C.G.S. § 160A-58.2 of the Petition for compliance with the requirements of N.C.G.S. § 160A-58.1.

Based upon this investigation, I find that:

1. The Petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area.
2. The nearest point on the proposed satellite corporate limit is approximately 700' from the primary corporate limits of the City of Hendersonville, which is less than 3 miles.
3. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S.160A-58.1 (a).
4. The proposed satellite corporate limits are closer to the primary corporate limits of the Village of Flat Rock (320'). The City of Hendersonville and the Village of Flat Rock reentered their annexation agreement on August 3rd, 2018. The area to be annexed is located within the area that the participating municipalities agreed could be annexed by the City of Hendersonville.
5. The area is situated so the City will be able to provide the same services within the proposed corporate limits that is provided within the primary corporate limits.
6. The area proposed for annexation is a subdivision as defined in N.C.G.S. § 160D-802. All portions of the subdivision are included in the annexation petition.
7. The total area within the proposed satellite corporate limits, when added to the area within all the other satellite corporate limits of the City, does not exceed ten (10%) of the area within the primary corporate limits of the City.
8. The area for annexation meets all other requirements defined in NC 160A-58.54 regarding the character of the area to be annexed.

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

In witness hereof, I have set my hand and the City Seal on this the 29th day of February, 2024.

(City Seal)

Jill Murray
Jill Murray, City Clerk



EXHIBIT A
LEGAL DESCRIPTION

Being all of that real property consisting of PINs 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, and 9577-27-2529 described in the plat recorded in Book 2024- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, and 9577-27-2529 being described by metes and bounds as follows:

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

Enclave of West Park Avenue Annexation Description

All those parcels or tracts of land situated in Henderson County, North Carolina and being known as the "Enclave on West Park Avenue" as recorded as Plat Slide 14993 with the Register of Deeds of Henderson County, North Carolina, being more particularly described as follows:

Beginning at a found iron pin on the west right of way line of Greenville Highway (NC Highway 225), said point being the northeast corner of Lot 1 of the "Enclave on West Park Avenue" Subdivision as recorded at Plat Slide 14993, Henderson County Registry (hereafter known as the Enclave); thence along said west right of way line of Greenville Highway and the East lines of Lots 1 & 5 of the Enclave, running South $11^{\circ}24'31''$ East for 204.47 feet to a found iron pin at the southeast corner of Lot 5 of the Enclave; thence leaving the west right of way of Greenville Highway and along the south lines of Lots 5, 4 & 3 of the Enclave, running South $88^{\circ}57'32''$ West for 364.69 feet to a found iron pipe at the southwest corner of Lot 3 of the Enclave; thence along the west line of Lot 3 of the Enclave the following three (3) course to wit: (1) North $11^{\circ}06'56''$ West for 4.39 feet to a found iron pipe; (2) North $05^{\circ}50'14''$ West for 95.40 feet to a found iron pipe; (3) North $06^{\circ}11'33''$ West for 97.24 feet to a found iron pipe at the northwest corner of Lot 3 of the Enclave; thence along the north lines of Lots 3, 2, & 1 of the Enclave, running North $88^{\circ}08'45''$ East for 345.40 feet to the Point of Beginning.

Resolution #__-__

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

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

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

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

Section 1. A public hearing on the question of annexation of the satellite area described herein will be held at City Operations Center located at 305 William St. Hendersonville NC, 28792 at 5:45 p.m. April 4th, 2024, or as soon thereafter as it may be heard.

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

Being all of that real property consisting of PINs 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, and 9577-27-2529 described in the plat recorded in Book 2024- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, and 9577-27-2529 being described by metes and bounds as follows:

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

Enclave of West Park Avenue Annexation Description

All those parcels or tracts of land situated in Henderson County, North Carolina and being known as the “Enclave on West Park Avenue” as recorded as Plat Slide 14993 with the Register of Deeds of Henderson County, North Carolina, being more particularly described as follows:

Beginning at a found iron pin on the west right of way line of Greenville Highway (NC Highway 225), said point being the northeast corner of Lot 1 of the “Enclave on West Park Avenue” Subdivision as recorded at Plat Slide 14993, Henderson County Registry (hereafter known as the Enclave); thence along said west right of way line of Greenville Highway and the East lines of Lots 1 & 5 of the Enclave, running South 11°24’31” East for 204.47 feet to a found iron pin at the southeast corner of Lot 5 of the Enclave; thence leaving the west right of way of Greenville Highway and along the south lines of Lots 5, 4 & 3 of the Enclave, running South 88°57’32” West for 364.69 feet to a found iron pipe at the southwest corner of Lot 3 of the Enclave; thence along the west line of Lot 3 of the Enclave the following three (3) course to wit: (1) North 11°06’56” West for 4.39 feet to a found iron pipe; (2) North 05°50’14” West for 95.40 feet to a found iron pipe; (3) North 06°11’33” West for 97.24 feet to a found iron pipe at the northwest corner of Lot 3 of the Enclave; thence along the north lines of Lots 3, 2, & 1 of the Enclave, running North 88°08’45” East for 345.40 feet to the Point of Beginning.

Re: Petition for Satellite Annexation

Petitioners: Eric Oursler, Nichole Oursler, and Ourco Construction Company LLC

File No. C24-11-ANX

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

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

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

LEGEND

○

EIP

EXISTING IRON PIN

○

CMF

MONUMENT FOUND

○

CP

CALCULATED POINT

PROPERTY BOUNDARY LINE

ADJOINING PROPERTY LINE

RIGHT OF WAY LINE

TIE LINE

MUNICIPAL LIMITS

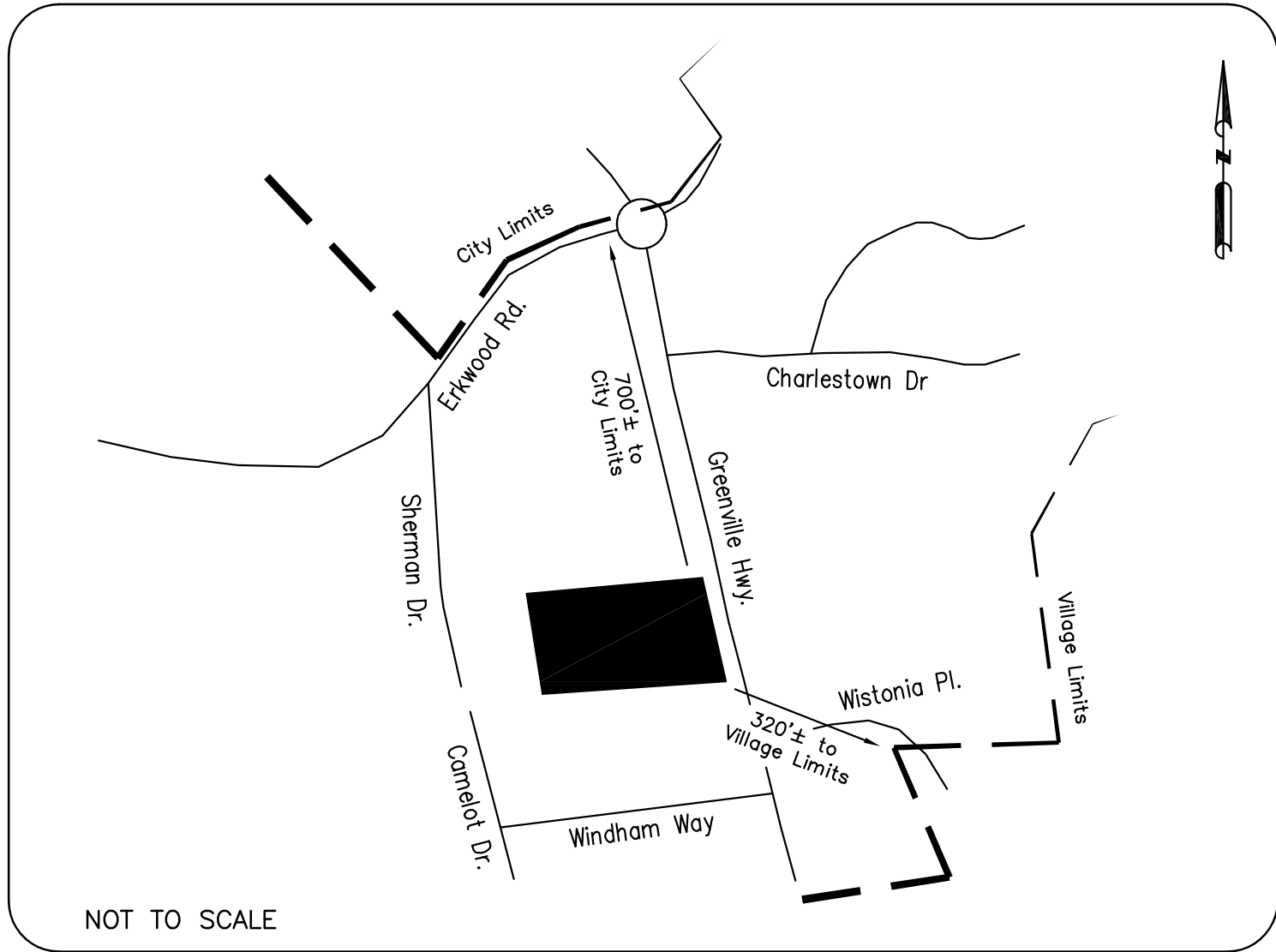
LINE	BEARING	DISTANCE
L1	N11°08'58"W	4.39'
L2	S30°36'00"W	44.51'
L3	S11°08'12"E	65.19'
L4	S79°08'55"W	22.89'
L5	S79°23'08"W	43.00'
L6	S17°35'01"E	11.81'
L7	S45°55'58"E	50.55'
L8	N88°40'20"E	37.56'



NOTES:

1) The Basis of Bearings for this survey is NAD83(2011)

2) The purpose of this plat is to annex Parcel Nos. 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, & 9577-27-2529 (1.62 satellite acres) into the City Limits of Hendersonville, as shown on this Plat.



Location Map

I, Fulton V. Clinkscales, Jr., certify that this plat was drawn under my supervision from an actual survey made under my supervision (Deed description recorded in Book 3923, page 585, etc.) that the boundaries not surveyed are clearly indicated as drawn from information found in Book ____ Page ____; that the ratio of precision as calculated is 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 2nd day of February, 2024, A.D.

G.S. 47-30(f)(11)(d) This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.

Fulton V. Clinkscales, Jr.
L-2614



PRELIMINARY

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

This the ____ day of _____, 2024

Jill Murray, City Clerk

Date

State of North Carolina
Henderson County

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

Review Officer

Date

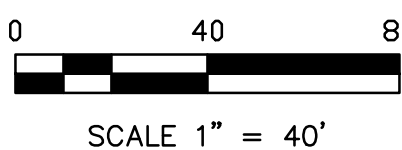
ANNEXATION PLAT FOR THE
City of Hendersonville
of
Enclave on West Park Avenue
Tax Parcels: 9577-27-2609, 9577-27-0679,
9577-17-9673, 9577-27-0588, & 9577-27-2529

OurCo Construction
Company LLC
(OWNER)
32 & 55 West Park Avenue

Eric Oursler
(OWNER)
29 & 52 West Park Avenue

Nicole Oursler
51 West Park Avenue

Hendersonville Township
Henderson County
State of North Carolina



FREELAND -- CLINKSCALES
& ASSOCIATES, INC. of NC
Engineers * Land Surveyors
201 2nd AVE. EAST
HENDERSONVILLE, N.C. 28792
(828) 697-8539
info@fcaofnc.com

REF. PLAT SLIDE	14993
REF. DEED BOOK	Various
TAX MAP	Various
PARTY CHIEF	IEC
DRAWN	IEC

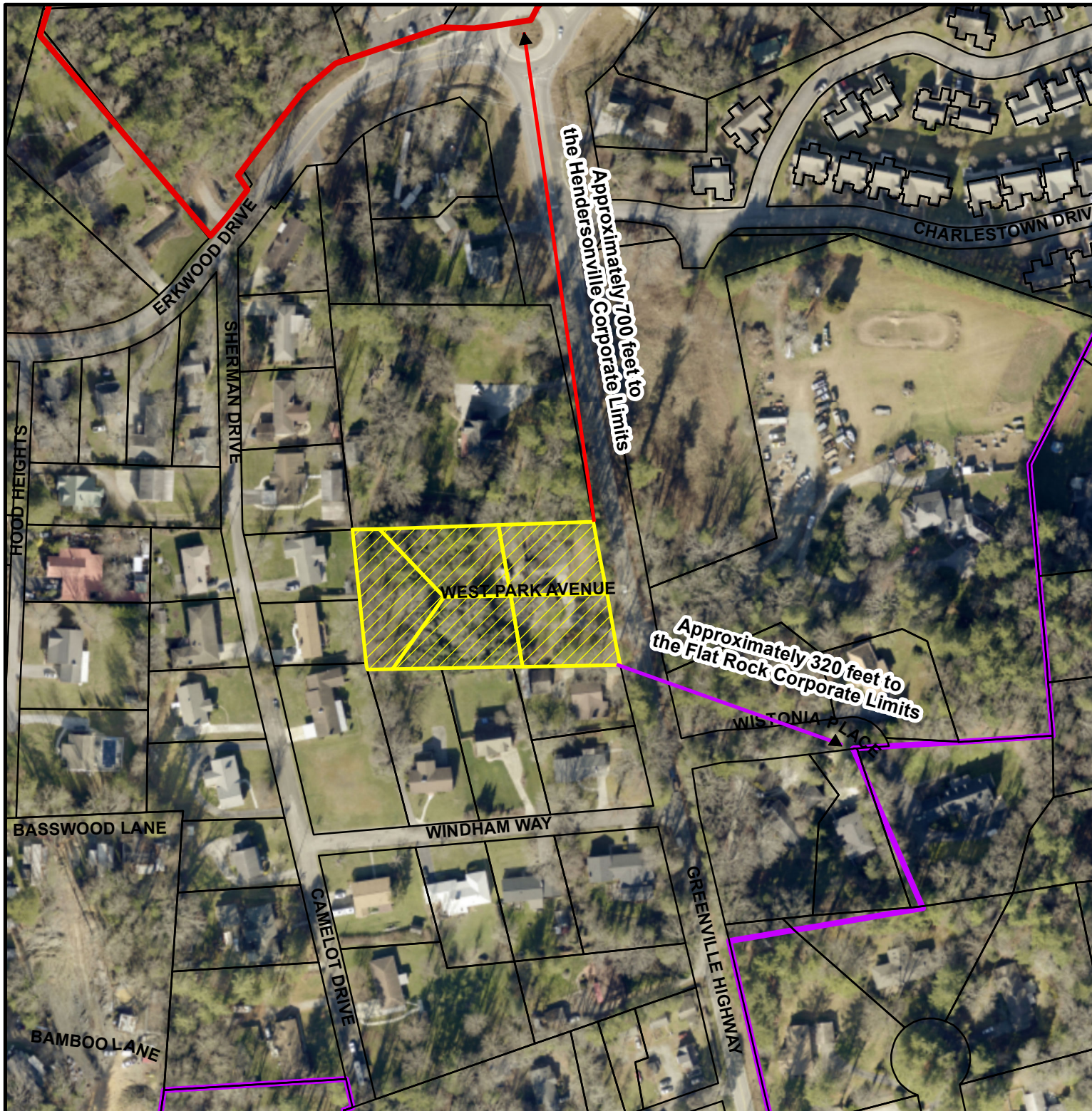
DATE: February 2, 2024
DWG. NO. 14440

RLS: F. V. CLINKSCALES, JR., P.E.
No. L-2614 Firm No. C-1562

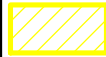


Enclave of West Park Avenue Annexation Description

All those parcels or tracts of land situated in Henderson County, North Carolina and being known as the "Enclave on West Park Avenue" as recorded as Plat Slide 14993 with the Register of Deeds of Henderson County, North Carolina, being more particularly described as follows:

Beginning at a found iron pin on the west right of way line of Greenville Highway (NC Highway 225), said point being the northeast corner of Lot 1 of the "Enclave on West Park Avenue" Subdivision as recorded at Plat Slide 14993, Henderson County Registry (hereafter known as the Enclave); thence along said west right of way line of Greenville Highway and the East lines of Lots 1 & 5 of the Enclave, running South $11^{\circ}24'31''$ East for 204.47 feet to a found iron pin at the southeast corner of Lot 5 of the Enclave; thence leaving the west right of way of Greenville Highway and along the south lines of Lots 5, 4 & 3 of the Enclave, running South $88^{\circ}57'32''$ West for 364.69 feet to a found iron pipe at the southwest corner of Lot 3 of the Enclave; thence along the west line of Lot 3 of the Enclave the following three (3) course to wit: (1) North $11^{\circ}06'56''$ West for 4.39 feet to a found iron pipe; (2) North $05^{\circ}50'14''$ West for 95.40 feet to a found iron pipe; (3) North $06^{\circ}11'33''$ West for 97.24 feet to a found iron pipe at the northwest corner of Lot 3 of the Enclave; thence along the north lines of Lots 3, 2, & 1 of the Enclave, running North $88^{\circ}08'45''$ East for 345.40 feet to the Point of Beginning.



Enclave on West Park Ave.
P24-11-ANX
PINs: 9577-27-2609, -0679,
-0588, -2529 -17-9673,
Acreage: 1.62
Annexation Map
Community Development Department

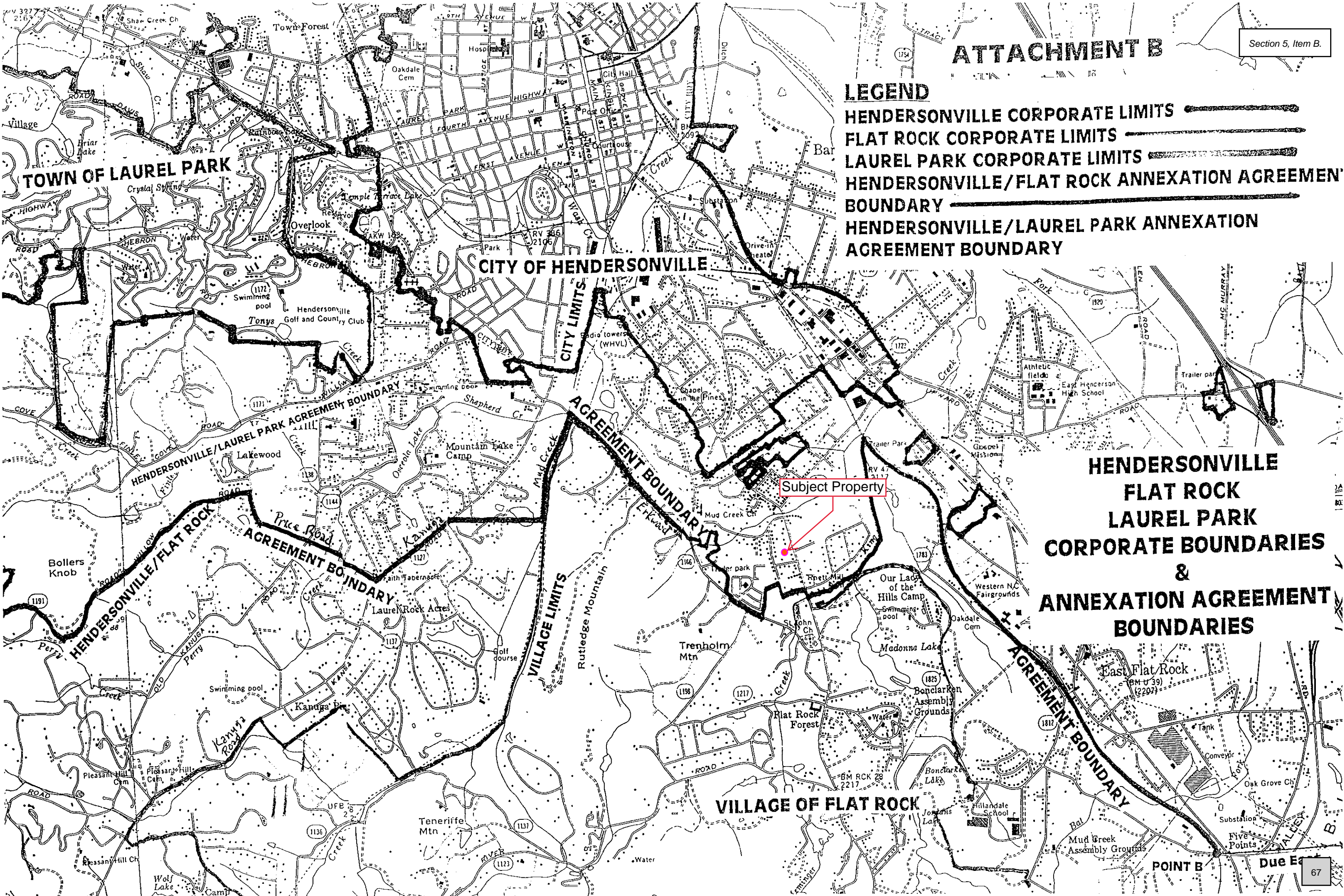
-  Subject Property
-  Hendersonville City Limits
-  Flat Rock Village Limits



ATTACHMENT B

LEGEND

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



HENDERSONVILLE
FLAT ROCK
LAUREL PARK
CORPORATE BOUNDARIES
&
ANNEXATION AGREEMENT
BOUNDARIES

VILLAGE OF FLAT ROCK

POINT B Due E



**CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT**

100 N. King Street, Hendersonville, NC 28792

Phone (828) 697-3010/Fax (828) 698-6185

www.hendersonvillenc.gov

Petition Requesting Annexation

The following are the **required** submittals for a complete application for a Voluntary Annexation. Staff will not review applications until each item has been submitted and determined complete. By placing a check mark by each of the following items, you are certifying that you have performed that task.

- ☐ 1. Completed Application Form
- ☐ 2. A copy of the deed indicating ownership of the property.
- ☐ 3. A Survey Plat of the property prepared by a registered surveyor licensed to practice in the state of North Carolina.
- ☐ 4. A typed boundary description of the property.

A. Property Information

PIN(s): 9577272529, 9577270679

Address(es) / Location of Property: 29 and 52 W Park Ave

Does this property adjoin the present City Limits? Yes X No

Is the property within the ETJ? Yes X No

Reason for Annexation:

To add a sewer extension to the property

Office Use:

Date Received: _____ By: _____ Fee Received? Y/N


B. Property Owner Contact Information**Eric Oursler**

* Printed Applicant Name

1/23/2024

Date

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership☐ Other:
Property Owner Signature

Property Owner Title (if applicable)

203 Connemara Overlook Dr

Address of Property Owner

Hendersonville, NC 28739

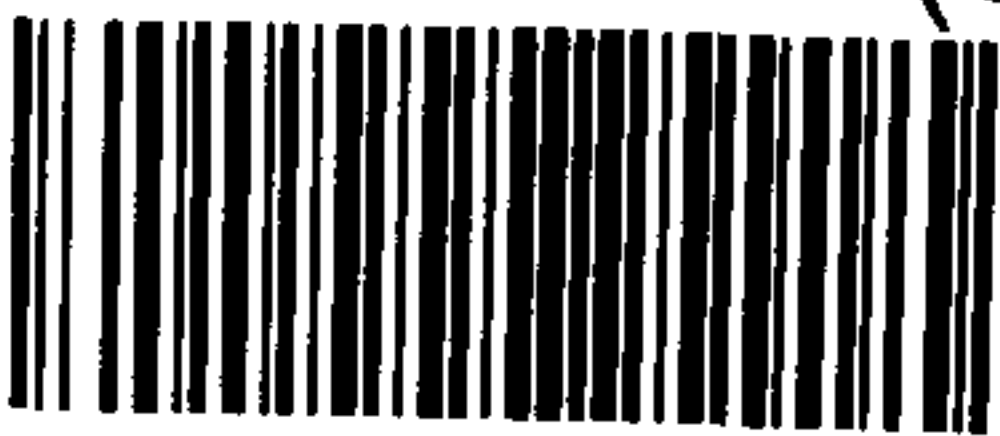
City, State, and Zip Code

828.335.1519

Telephone

eoursler@ourcollic.com

Email



This document presented and filed:
01/12/2024 04:24:53 PM

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: \$0.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 0.00

Parcel Identifier No. 10010975 & 10010978

By:

Mail/Box to: C. Page Collie – 1645 Asheville Highway, Hendersonville, NC 28791

This instrument was prepared by: C. Page Collie (Deed Preparation Only – No Title Search Performed)

Brief description for the Index: Lots 2 & 5 Plat Book 2023 at Page 14993

THIS DEED made this 12th day of January, 2024, by and between

GRANTOR

GRANTEE

**OurCo Construction Company, LLC a North
Carolina Limited Liability Company**

Eric Oursler, married

**Address: 2687 Greenville Highway
Flat Rock, NC 28731**

**Address: 203 Connemara Overlook Drive
Hendersonville, NC 28739**

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

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

BEING all of Lot 2, consisting of 0.29 acres +/- and all of Lot 5, consisting of 0.33 acres +/-,, as shown on that Plat of Survey recorded in Book 2023 at Page 14993, Henderson County Registry, which is titled "Minor Subdivision Enclave on West Park Avenue", prepared by Freeland-Clinkscates & Associates, Inc. of NC on May 22, 2023 as Dwg. No. H43129, reference to which is hereby made for a more definite description.

CONTAINING 0.29 +/- acres & 0.33 +/- acres

CONVEYED HERewith and SUBJECT TO that 30' right of way as shown on the above referenced Plat as "West Park Avenue - 30' Private Driveway Easement", along with an obligation to maintain the driveway, on a pro-rata basis with any others utilizing said driveway, in an all-weather condition.

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

BEING a portion of that property conveyed to OurCo Construction Company, LLC, a North Carolina Limited Liability Company by that deed recorded on June 8, 2022 in Book 3923 at Page 585, Henderson County Registry.

The property being transferred by this Deed does not include the primary residence of any of the Grantors. (Per N.C.G.S. §105-317.2).

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3923 at Page 585, Henderson County, North Carolina Register of Deeds Office.

A map showing the above-described property is recorded in Plat Book 2023 at Page 14993, Henderson County, North Carolina Register of Deeds Office.

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


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

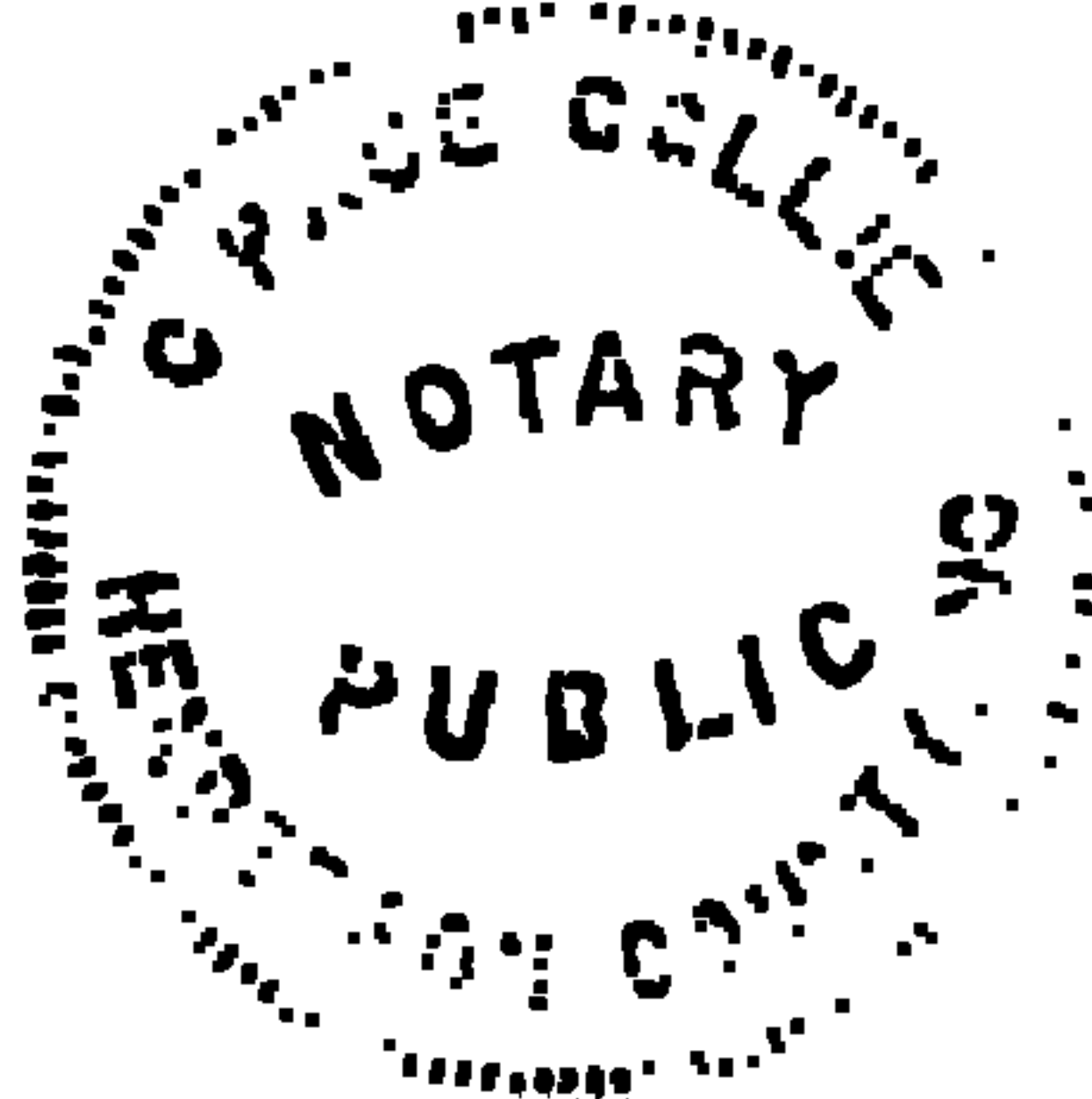
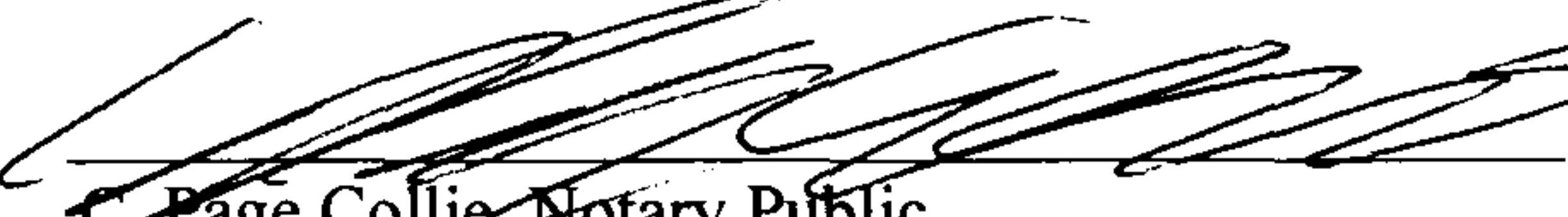
Henderson County ad valorem taxes for 2024, and subsequent years, which are a lien, but not yet due and payable, easements, rights of way and restrictions of record.

THE REMAINING PORTION OF THIS PAGE LEFT BLANK INTENTIONALLY

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

**OurCo Construction Company, LLC a
North Carolina Limited Liability Company**

By: 
Eric Oursler, Member/Manager

SEAL-STAMP	State of North Carolina – County of Henderson
<div></div>	<p>I, C. Page Collie, the undersigned Notary Public of the County and State aforesaid, certify that Eric Oursler as Member/Manager of OurCo Construction Company, LLC a North Carolina Limited Liability Company, Grantors, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.</p> <p>Witness my hand and Notarial stamp or seal this 12th day of January, 2024.</p> <p>My Commission Expires: 05/06/2027</p> <p><u></u> C. Page Collie, Notary Public</p>

B. Property Owner Contact InformationEric Oursler

* Printed Applicant Name

1/23/2024

Date

OURCO Construction Company

Printed Company Name (if applicable)

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

Property Owner Signature

MANAGING MEMBER

Property Owner Title (if applicable)

2687 Greenville Hwy Unit 1054

Address of Property Owner

Flat Rock, NC 28731

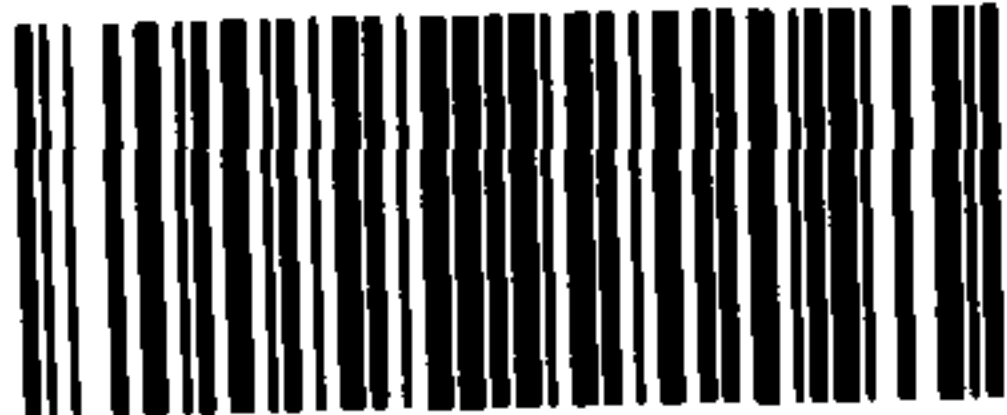
City, State, and Zip Code

828.335.1519

Telephone

eoursler@ourcolc.com

Email



This document presented and filed:
02/07/2024 02:17:58 PM

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: \$0.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 0.00

Parcel Identifier No. 10010974

By:

Mail/Box to: C. Page Collie – 1645 Asheville Highway, Hendersonville, NC 28791

This instrument was prepared by: C. Page Collie (Deed Preparation Only – No Title Search Performed)

Brief description for the Index: Lot 1 Plat Book 2023 at Page 14993

THIS DEED made this 7th day of February, 2024, by and between

GRANTOR

**OurCo Construction Company, LLC a North
Carolina Limited Liability Company**

**Address: 2687 Greenville Highway
Flat Rock, NC 28731**

GRANTEE

**OurCo Construction Company, LLC a North
Carolina Limited Liability Company**

**Address: 203 Connemara Overlook Drive
Hendersonville, NC 28739**

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

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

BEING all of Lot 1, consisting of 0.33 acres +/-, as shown on that Plat of Survey recorded in Book 2023 at Page 14993, Henderson County Registry, which is titled "Minor Subdivision Enclave on West Park Avenue", prepared by Freeland-Clinkscases & Associates, Inc. of NC on May 22, 2023 as Dwg. No. H43129, reference to which is hereby made for a more definite description.

CONTAINING 0.33 +/- acres

CONVEYED HERewith and SUBJECT TO that 30' right of way as shown on the above referenced Plat as "West Park Avenue - 30' Private Driveway Easement", along with an obligation to maintain the driveway, on a pro-rata basis with any others utilizing said driveway, in an all-weather condition.

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

BEING a portion of that property conveyed to OurCo Construction Company, LLC, a North Carolina Limited Liability Company by that deed recorded on June 8, 2022 in Book 3923 at Page 585, Henderson County Registry.

The property being transferred by this Deed does not include the primary residence of any of the Grantors. (Per N.C.G.S. §105-317.2).

The property hereinabove described was acquired by Grantor by instrument recorded in Book **3923** at Page **585**, Henderson County, North Carolina Register of Deeds Office.

A map showing the above-described property is recorded in Plat Book **2023** at Page **14993**, Henderson County, North Carolina Register of Deeds Office.

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

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

Henderson County ad valorem taxes for 2024, and subsequent years, which are a lien, but not yet due and payable, easements, rights of way and restrictions of record.

THE REMAINING PORTION OF THIS PAGE LEFT BLANK INTENTIONALLY

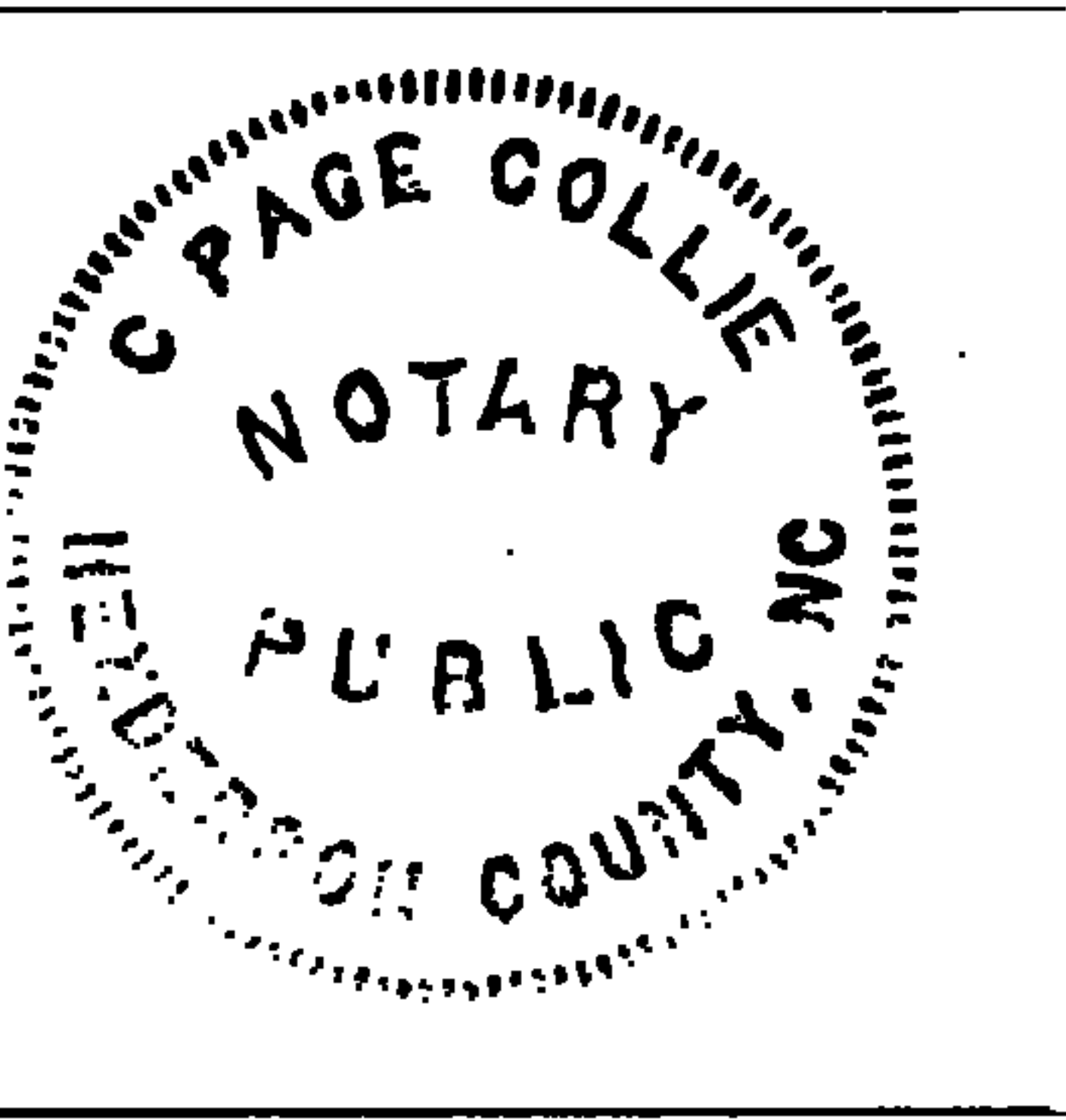
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

**OurCo Construction Company, LLC a
North Carolina Limited Liability Company**

By: 
Eric Oursler, Member/Manager

SEAL-STAMP

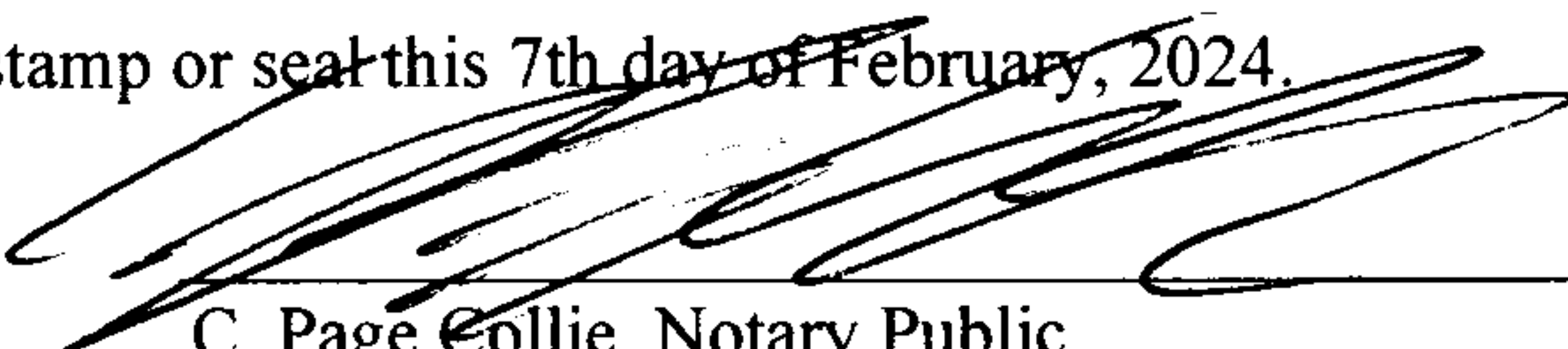
State of North Carolina – County of Henderson



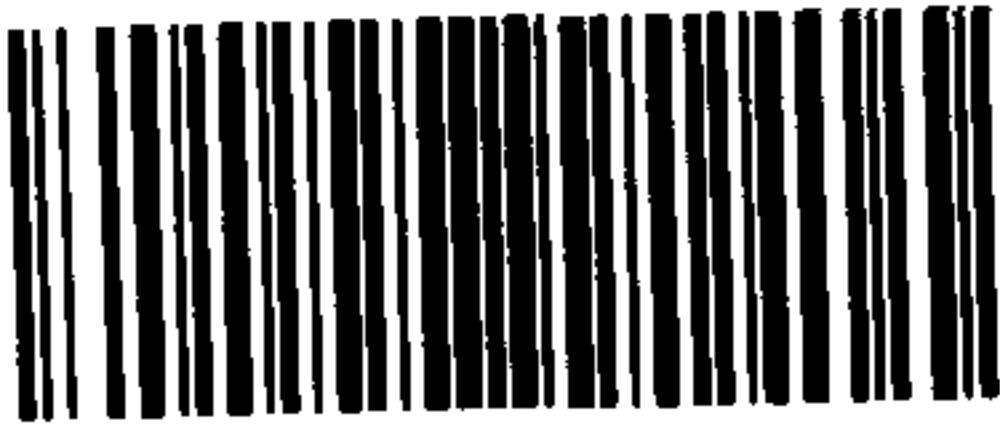
I, C. Page Collie, the undersigned Notary Public of the County and State aforesaid, certify that **Eric Oursler as Member/Manager of OurCo Construction Company, LLC a North Carolina Limited Liability Company**, Grantors, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal this 7th day of February, 2024.

My Commission Expires:
05/06/2027


C. Page Collie, Notary Public

1001010053



This document presented and filed:
02/07/2024 02:17:59 PM

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: \$0.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 0.00

Parcel Identifier No. 10010976

By:

Mail/Box to: C. Page Collie – 1645 Asheville Highway, Hendersonville, NC 28791

This instrument was prepared by: C. Page Collie (Deed Preparation Only – No Title Search Performed)

Brief description for the Index: Lot 3 Plat Book 2023 at Page 14993

THIS DEED made this 7th day of February, 2024, by and between

GRANTOR

**OurCo Construction Company, LLC a North
Carolina Limited Liability Company**

**Address: 2687 Greenville Highway
Flat Rock, NC 28731**

GRANTEE

**OurCo Construction Company, LLC a North
Carolina Limited Liability Company**

**Address: 203 Connemara Overlook Drive
Hendersonville, NC 28739**

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

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

BEING all of Lot 3, consisting of 0.35 acres +/-, as shown on that Plat of Survey recorded in Book 2023 at Page 14993, Henderson County Registry, which is titled "Minor Subdivision Enclave on West Park Avenue", prepared by Freeland-Clinkscases & Associates, Inc. of NC on May 22, 2023 as Dwg. No. H43129, reference to which is hereby made for a more definite description.

CONTAINING 0.35 +/- acres

CONVEYED HERewith and SUBJECT TO that 30' right of way as shown on the above referenced Plat as "West Park Avenue - 30' Private Driveway Easement", along with an obligation to maintain the driveway, on a pro-rata basis with any others utilizing said driveway, in an all-weather condition.

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

BEING a portion of that property conveyed to OurCo Construction Company, LLC, a North Carolina Limited Liability Company by that deed recorded on June 8, 2022 in Book 3923 at Page 585, Henderson County Registry.

The property being transferred by this Deed does not include the primary residence of any of the Grantors. (Per N.C.G.S. §105-317.2).

The property hereinabove described was acquired by Grantor by instrument recorded in Book **3923** at Page **585**, Henderson County, North Carolina Register of Deeds Office.

A map showing the above-described property is recorded in Plat Book **2023** at Page **14993**, Henderson County, North Carolina Register of Deeds Office.

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


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

Henderson County ad valorem taxes for 2024, and subsequent years, which are a lien, but not yet due and payable, easements, rights of way and restrictions of record.

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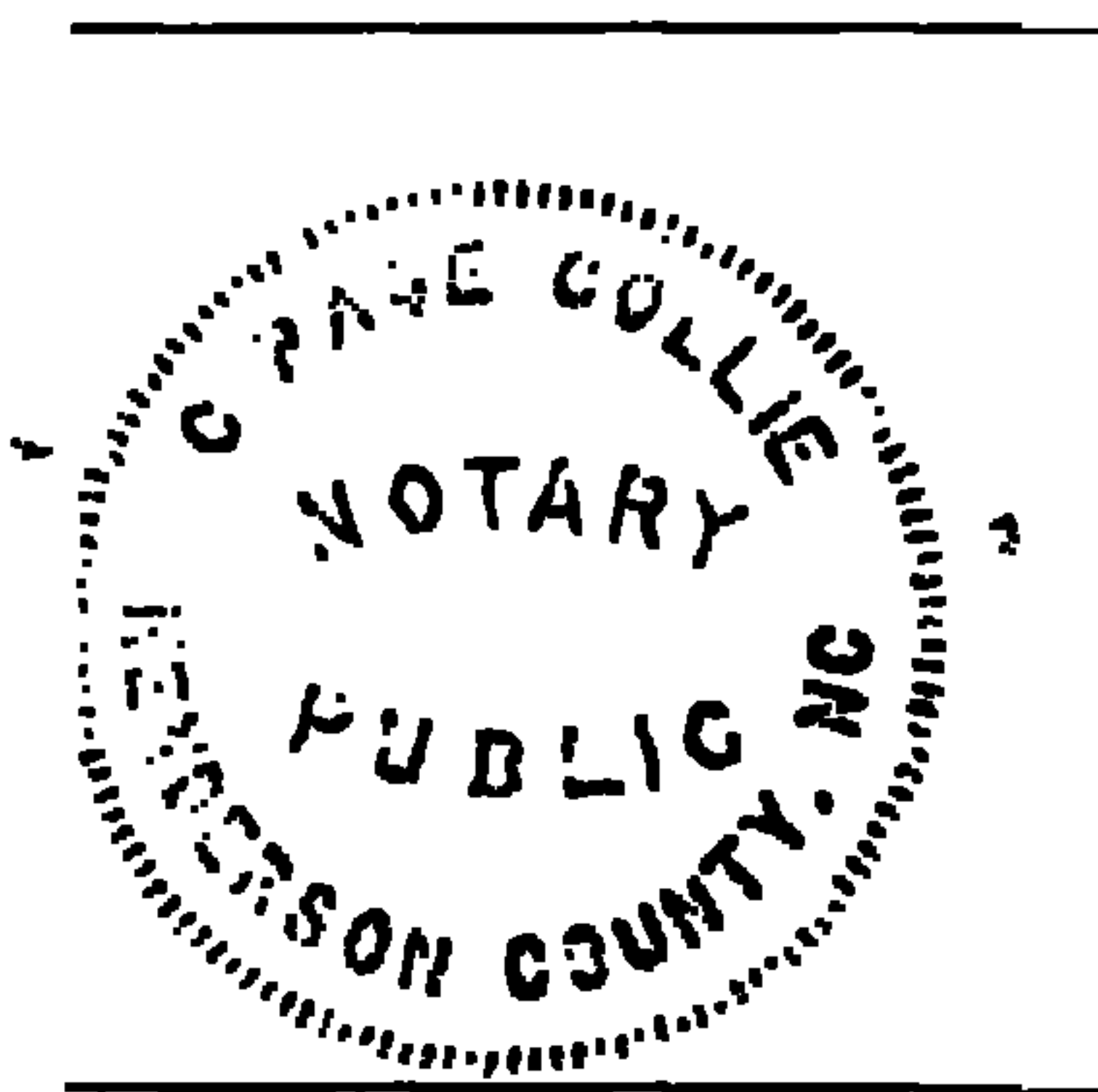
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

**OurCo Construction Company, LLC a
North Carolina Limited Liability Company**

By: 
Eric Oursler, Member/Manager

SEAL-STAMP

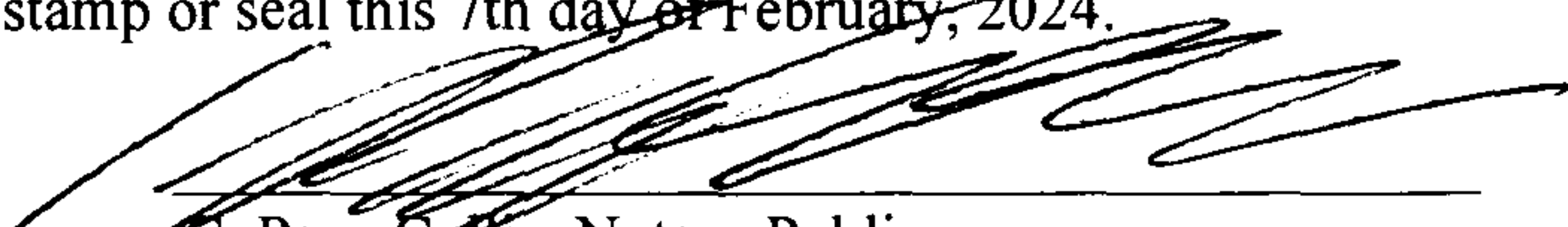
State of North Carolina – County of Henderson



I, C. Page Collie, the undersigned Notary Public of the County and State aforesaid, certify that **Eric Oursler as Member/Manager of OurCo Construction Company, LLC a North Carolina Limited Liability Company**, Grantors, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal this 7th day of February, 2024.

My Commission Expires:
05/06/2027


C. Page Collie, Notary Public



**CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT**

100 N. King Street, Hendersonville, NC 28792

Phone (828) 697-3010 | Fax (828) 698-6185

www.hendersonvillenc.gov

Petition Requesting Annexation

The following are the **required** submittals for a complete application for a Voluntary Annexation. Staff will not review applications until each item has been submitted and determined complete. By placing a check mark by each of the following items, you are certifying that you have performed that task.

- ☒ 1. Completed Application Form
- ☒ 2. A copy of the deed indicating ownership of the property.
- ☒ 3. A Survey Plat of the property prepared by a registered surveyor licensed to practice in the state of North Carolina.
- ☒ 4. A typed boundary description of the property.

A. Property Information

PIN(s): 9577270588

Address(es) / Location of Property: 51 W Park Ave

Does this property adjoin the present City Limits? Yes X No

Is the property within the ETJ? Yes X No

Reason for Annexation:

To add a sewer extension to the property

Office Use:

Date Received: _____ By: _____ Fee Received? Y/N

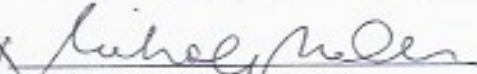
B. Property Owner Contact Information**Nichole Oursler**

* Printed Applicant Name

1/23/2024

Date

Printed Company Name (if applicable)

☐ Corporation☐ Limited Liability Company☐ Trust☐ Partnership☐ Other: _____
Property Owner Signature

Property Owner Title (if applicable)

203 Connemara Overlook Dr

Address of Property Owner

Hendersonville, NC 28739

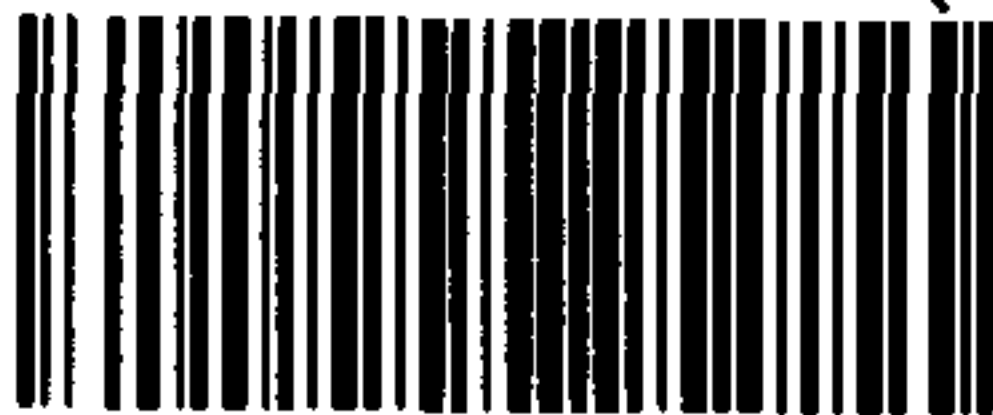
City, State, and Zip Code

786.299.7977

Telephone

noursler@ourcolic.com

Email



This document presented and filed:
01/12/2024 04:24:52 PM

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: \$0.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 0.00

Parcel Identifier No. 10010977

By:

Mail/Box to: C. Page Collie – 1645 Asheville Highway, Hendersonville, NC 28791

This instrument was prepared by: C. Page Collie (Deed Preparation Only – No Title Search Performed)

Brief description for the Index: Lot 4 Plat Book 2023 at Page 14993

THIS DEED made this 12th day of January, 2024, by and between

GRANTOR

**OurCo Construction Company, LLC a North
Carolina Limited Liability Company**

**Address: 2687 Greenville Highway
Flat Rock, NC 28731**

GRANTEE

Nichole Oursler, married

**Address: 203 Connemara Overlook Drive
Hendersonville, NC 28739**

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

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

BEING all of Lot 4, consisting of 0.32 acres +/-, as shown on that Plat of Survey recorded in Book 2023 at Page 14993, Henderson County Registry, which is titled "Minor Subdivision Enclave on West Park Avenue", prepared by Freeland-Clinkscales & Associates, Inc. of NC on May 22, 2023 as Dwg. No. H43129, reference to which is hereby made for a more definite description.

CONTAINING 0.32 +/- acres

CONVEYED HERewith and SUBJECT TO that 30' right of way as shown on the above referenced Plat as "West Park Avenue - 30' Private Driveway Easement", along with an obligation to maintain the driveway, on a pro-rata basis with any others utilizing said driveway, in an all-weather condition.

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

BEING a portion of that property conveyed to OurCo Construction Company, LLC, a North Carolina Limited Liability Company by that deed recorded on June 8, 2022 in Book 3923 at Page 585, Henderson County Registry.

The property being transferred by this Deed does not include the primary residence of any of the Grantors. (Per N.C.G.S. §105-317.2).

The property hereinabove described was acquired by Grantor by instrument recorded in Book **3923** at Page **585**, Henderson County, North Carolina Register of Deeds Office.

A map showing the above-described property is recorded in Plat Book **2023** at Page **14993**, Henderson County, North Carolina Register of Deeds Office.

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

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

Henderson County ad valorem taxes for 2024, and subsequent years, which are a lien, but not yet due and payable, easements, rights of way and restrictions of record.

THE REMAINING PORTION OF THIS PAGE LEFT BLANK INTENTIONALLY

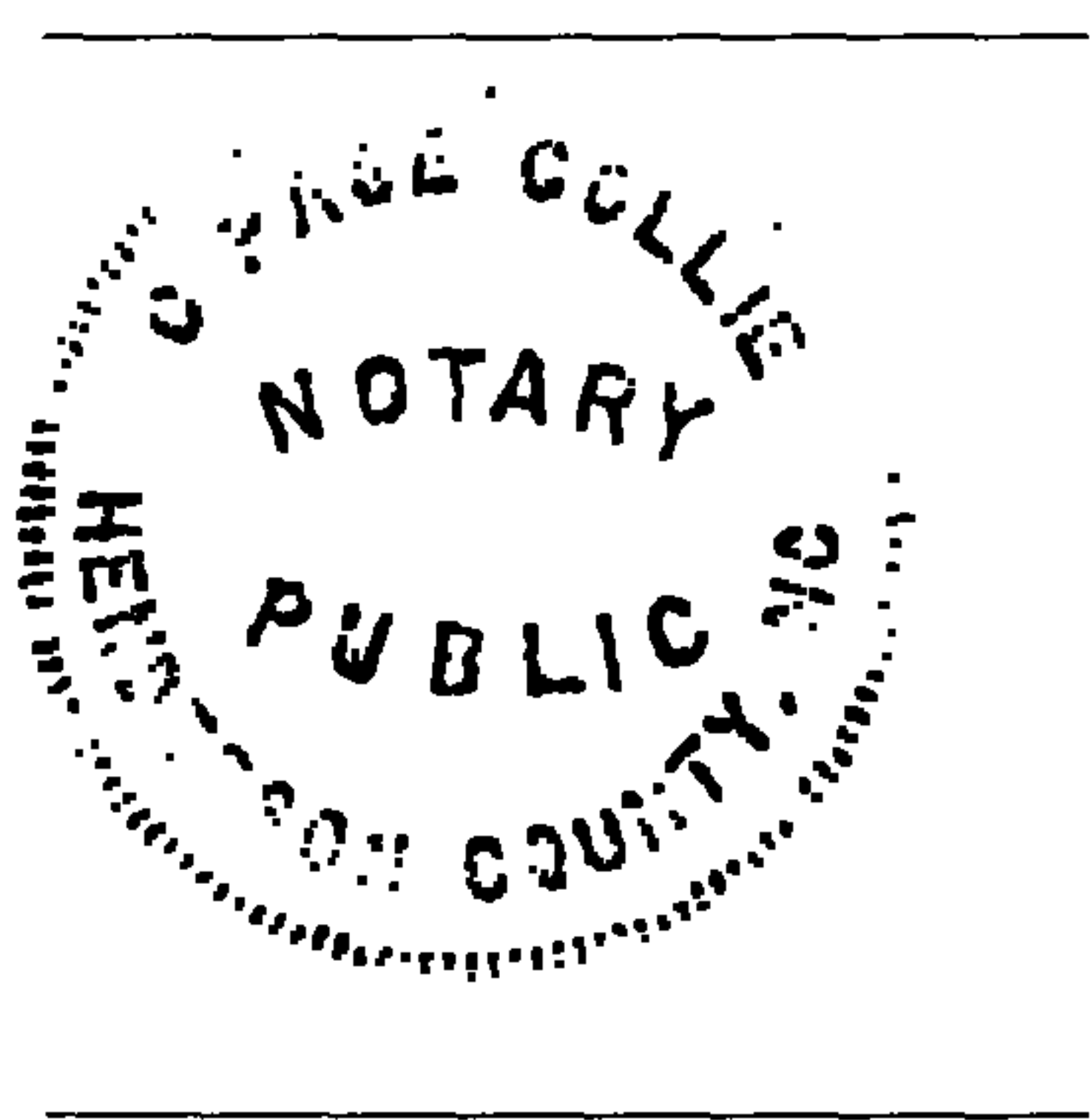
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

**OurCo Construction Company, LLC a
North Carolina Limited Liability Company**

By: 
Eric Oursler, Member/Manager

SEAL-STAMP

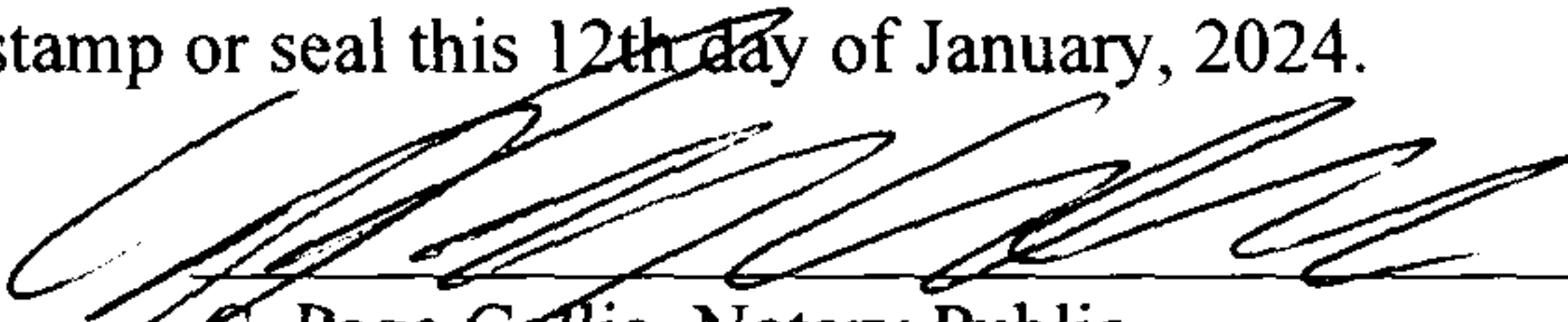
State of North Carolina – County of Henderson



I, C. Page Collie, the undersigned Notary Public of the County and State aforesaid, certify that **Eric Oursler as Member/Manager of OurCo Construction Company, LLC a North Carolina Limited Liability Company**, Grantors, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal this 12th day of January, 2024.

My Commission Expires:
05/06/2027


C. Page Collie, Notary Public

TO MAYOR & COUNCIL
APPROVAL: March 07, 2024

FISCAL YEAR 2024
FORM: 03072024-01

BUDGET AMENDMENT

FUND 410

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
410-0000-470100-19019	Transfer In (from 010)	415,529	-	-	415,529
410-0000-420050-19019	Grant Revenue (Stormwater)	70,000	-	-	70,000
410-0000-470010-19019	Bond Proceeds (2022 IFC)	13,691,943	-	104,337	13,587,606
410-1002-550102-19019	Capital Outlay - Services and Fees	-	-	-	-
410-1002-550103-19019	Capital Outlay - CIP	14,177,472	-	104,337	14,073,135
FUND 410	TOTAL REVENUES	14,177,472	-	-	14,073,135
(Fire Station #1)	TOTAL EXPENDITURES	14,177,472	-	-	14,073,135
410-0000-470010-19019	Bond Proceeds (2022 IFC)	652,204	-	-	652,204
410-1002-550103-19019	Capital Outlay - CIP	652,204	-	-	652,204
FUND 410	TOTAL REVENUES	652,204	-	-	652,204
(Temp. Fire Station)	TOTAL EXPENDITURES	652,204	-	-	652,204
410-0000-460090-21019	Contribution (Henderson County)	100,000	-	-	100,000
410-0000-460090-21019	Contribution (Other Agencies)	17,500	-	-	17,500
410-0000-470010-21019	Bond Proceeds (2022 IFC)	2,157,853	104,337	-	2,262,190
410-0000-470100-21019	Transfer In (From 010)	75,000	-	-	75,000
410-1002-550103-21019	Capital Outlay - CIP	2,350,353	104,337	-	2,454,690
FUND 410	TOTAL REVENUES	2,350,353	104,337	-	2,454,690
(Edwards Park)	TOTAL EXPENDITURES	2,350,353	104,337	-	2,454,690
410-0000-470010-19021	Bond Proceeds (2022 IFC)	1,500,000	-	-	1,500,000
410-1400-550103-19021	Capital Outlay - CIP	1,500,000	-	-	1,500,000
FUND 410	TOTAL REVENUES	1,500,000	-	-	1,500,000
(Replace HFD Ladder)	TOTAL EXPENDITURES	1,500,000	-	-	1,500,000
410-0000-470010-19020	Bond Proceeds (2022 IFC)	800,000	-	-	800,000
410-1400-550103-19020	Capital Outlay - CIP	800,000	-	-	800,000
FUND 410	TOTAL REVENUES	800,000	-	-	800,000
(Replace HFD Engine)	TOTAL EXPENDITURES	800,000	-	-	800,000

2022 Installment Financing Subtotal	18,802,000
Other Financing Sources Subtotal	713,029

Total Project Revenues (19019, 19020, 19021, and 21019)	19,480,029
Total Project Appropriation (19019, 19020, 19021, and 21019)	19,480,029
A budget amendment to move budget from the Fire Station portion of the 2022 Installment Financing to the Edwards Park portion to cover a general conditions correction by the Construction Manager at Risk.	

The City Manager and City Clerk certify budget ordinance amendment 03072024-01 was approved by City Council on March 07, 2024.

City Manager

Date

City Clerk

Date

TO MAYOR & COUNCIL
APPROVAL: March 07, 2024

FISCAL YEAR 2024
FORM: 03072024-02

BUDGET AMENDMENT

FUND 459 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470090	Fund Balance Appropriated	386,000	20,000	-	406,000
459-0000-598901	Transfer Out (to 460, #19014)	386,000	20,000	-	406,000
FUND 459	TOTAL REVENUES	386,000	20,000	-	406,000
	TOTAL EXPENDITURES	386,000	20,000	-	406,000
460-0000-470010-19014	Debt Proceeds ('23 Rev. Bond)	636,000	-	-	636,000
460-0000-470100-19014	Transfer In (from 459)	386,000	20,000		406,000
460-7055-550103-19014	Capital Outlay CIP	1,022,000	20,000	-	1,042,000
FUND 460	TOTAL REVENUES	1,022,000	20,000	-	1,042,000
	TOTAL EXPENDITURES	1,022,000	20,000	-	1,042,000

A budget amendment to increase the Church St. Sewer Project (#19014) for a total budget of \$1,042,000 using a \$20,000 transfer in from the Water & Sewer Capital Reserve Fund (459).

The City Manager and City Clerk certify budget ordinance amendment 03072024-02 was approved by City Council on March 07, 2024.

City Manager

Date

City Clerk

Date

TO MAYOR & COUNCIL
APPROVAL: March 07, 2024

FISCAL YEAR 2024
FORM: 03072024-03

BUDGET AMENDMENT

FUND 060

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-7002-501001	Salaries- Regular	682,031	-	50,000	632,031
060-7050-501001	Salaries- Regular	438,437	-	13,000	425,437
060-7135-501001	Salaries- Regular	561,193	-	13,000	548,193
060-1523-501010	Salaries- Overtime	(73,000)	76,000	-	3,000
FUND 060	TOTAL REVENUES	-	-	-	-
	TOTAL EXPENDITURES	1,608,661	76,000	76,000	1,608,661

A budget amendment increasing overtime budget in the W&S Fund, reversing a prior amendment made in February 2024.

The City Manager and City Clerk certify budget ordinance amendment 03072024-03 was approved by City Council on March 07, 2024.

City Manager

Date

City Clerk

Date

Proclamation

Honoring the Observance of “We Are Hope” Week in Henderson County Public Schools’ Middle & High Schools March 11 – March 15, 2024

WHEREAS, Substance and alcohol abuse negatively affects many areas of the brain, the liver, the heart, and other body parts and can cause adverse behavior, psychological, and social consequences; and

WHEREAS, there were more than 63,600 drug overdose deaths in the United States in 2016, and the drug overdose death rate has more than tripled from 1999 to 2016; and

WHEREAS, substance and alcohol abuse continues to occur among children and youth in our society: in 2017, 12.1 percent of high school students in North Carolina smoked cigarettes, 44.1 percent used an electronic vape product, 26.5 percent drank alcohol, 36.5 percent used marijuana, 5.3 percent used cocaine, and 15 percent took prescription drugs without a doctor’s prescription, according to the Centers for Disease Control and Prevention’s 2017 Youth Risk Behavior Surveillance; and

WHEREAS, student leaders in Henderson County Public Schools’ six high schools and four middle schools have joined with local Henderson County coalition HopeRx in educating their peers on alcohol, tobacco, marijuana and prescription drug use and abuse; and

WHEREAS, students at Apple Valley Middle, Flat Rock Middle, Hendersonville Middle, Rugby Middle, East Henderson High, Innovative High School, Henderson County Career Academy, Mountain Community School, Hendersonville High, North Henderson High, and West Henderson High are pledging to be and remain substance-free;

NOW THEREFORE BE IT RESOLVED, by the City of Hendersonville City Council Members, that March 11th, 2024 - March 15th, 2024, be observed in Henderson County Public Schools’ middle and high schools as “We Are Hope” substance abuse awareness week.

Proclaimed on the 7th day March, 2024.

Seal



Barbara G. Volk

Barbara G. Volk, Mayor
 City of Hendersonville

Attest:

Jill Murray
 Jill Murray, City Clerk



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER:

John Connet

MEETING DATE:

3/7/2024

AGENDA SECTION:

PRESENTATION

DEPARTMENT:

Administration

TITLE OF ITEM:

Presentation from Veteran Service Organizations – *Andrew Clark and Bob Scruggs*

SUGGESTED MOTION(S):

NA

SUMMARY:

The Veteran Service Organizations have a special presentation for the Hendersonville City Council

BUDGET IMPACT: \$ NA

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

If no, describe how it will be funded. NA

ATTACHMENTS:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: John Connet, City Manager **MEETING DATE:** 3/7/2024
AGENDA SECTION: PRESENTATIONS **DEPARTMENT:** Administration
TITLE OF ITEM: YMCA Special Appropriation Presentation – Katrina McGuire, Hendersonville
YMCA Executive Director

SUGGESTED MOTION(S):

NA

SUMMARY:

YMCA Executive Director Katrina McGuire will present the YMCA’s Special Appropriation Request. The YMCA of WNC is in the process of developing plans to expand the Hendersonville YMCA.

BUDGET IMPACT: \$ TBD

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

If no, describe how it will be funded. NA

ATTACHMENTS:

Special Appropriations Request



City of Hendersonville

Request for Special Appropriations FY24-25

Contact: Jennifer Floyd, 828-341-7071, jfloyd@hvlnc.gov,

[Submit forms by February 23, 2024]

Organization's Name: YMCA of Western North Carolina

Address: 40 N. Merrimon Ave., Suite 309

City, State, ZIP: Asheville, NC 28804

Website address: ymcawnc.org

A. GENERAL INFORMATION

1. Please identify the program you are requesting funding for: Hendersonville YMCA Feasibility _____

Note: The city may not fund general operational expenditures for a nonprofit, therefore the city will only consider funding a program that the city has the authority to provide.

2. Contact Person/Title: Katrina McGuire

Telephone Number: 828-575-2959

E-mail address: kmcguire@ymcawnc.org

3. Estimated total number of individuals served in the last complete fiscal year by this program: 7960

4. Estimated total number of the above individuals who are City residents: 1616

Please attach any documentation that supports this number.

Estimated percent of people served who are City residents: 20%

5. Amount of Request: \$7,000 6. Total Program Budget: \$46,000

Percent of total program budget you are requesting from Hendersonville: 15%

7. Please state the mission of your agency: To put Christian principles into practice through programs that build healthy spirit, mind, and body for all.

8. Will the funding be used to:

☐ Maintain an existing program ☐ Expand an Existing Program ☒ Start a new program

9. Has your organization received funds from the City in the past for this or a similar program? No.

If yes, please answer the following:

- a. Does the amount of your request represent an increase over your previous appropriation? No

If yes, explain the reason(s) for the increase. N/A

- b. Were any conditions or restrictions placed on the funds by the City Council? No

If yes, describe how those conditions or restrictions have been met. N/A

B. Program Overview.

1. Statement of Need: Identify the issue or need that the program will address (use statistical data to justify the need for the program). To what extent does this need, or problem exist in the City of Hendersonville?

Downtown Hendersonville is at the heart of our regional economy, and sound investments in its past have allowed the City to flourish as an international hotspot for tourism, topping all the “best of” lists. However, Hendersonville’s future faces critical challenges that need to be addressed for continued prosperity. One of those challenges is the condition of the Hendersonville Family YMCA. For over 60 years, the Y has served the community in its existing facility. Teaching thousands to swim, play ball, stay healthy, build community and maintain a healthy spirit, mind and body. The YMCA of Western North Carolina is asking for your partnership building a healthier Hendersonville by investing in the future of the Hendersonville Family Y for the next 60+ years.

A comprehensive site assessment, market analysis, site massing, and capital campaign feasibility study are needed to ensure that the YMCA is positioned to continue meeting the needs of city residents as Hendersonville grows.

2. Program Summary:

- a. **Identify the target/recipients of program services.** Specify the number of City residents your program will serve during the fiscal year and explain the basis upon which this number is calculated. Indicate any eligibility requirements your program has (e.g., income or other).

- b. Identify what is to be accomplished or what change will occur.** (e.g., begin your sentences with “The purpose of the program is to provide ...” and describe the services to be provided.)

In our existing facility, the Hendersonville Family YMCA serves 9.2% of households within a 21-minute drive time. Projections show that we could capture over 15% of the market with an updated facility.

The purpose of this due diligence (site analysis, massing study and PMA and a capital campaign feasibility) are to ensure that a new YMCA facility meets the evolving needs of a growing community and that the appropriate level of support exists within the community build and sustain a new YMCA.

This due diligence will also help us develop public-private partnerships, evaluate land use, and the viability of fundraising efforts. This is the first milestone of our predevelopment work.

3. Program Funding:

- a. Identify how City funds, specifically, will be used** (i.e., funds will provide “X” units of service.)

Funds from the City will be specifically utilized as a portion of the costs associated with this due diligence.

- b. List the other agencies to whom you are submitting a request for funds for this program and the amount requested. Please also identify other funding sources already secured.**

- Henderson County – Verbally committed \$10,000
- Town of Laurel Park – Presentation for \$5,000 request on 2/21/24

- c. How would this program be modified should the city not fund your request?**

This due diligence must be completed before the Y can move forward with this project. As a local non-profit, we need partners like the City of Hendersonville, to demonstrate their support for this effort by funding a portion of these costs. As such, should the City not fund our request, we will pause the work while searching for additional funders.

C. Organizational Capacity.

1. Describe your agency's capability to provide the program including its history, previous experience providing this service, management structure and staff expertise.

The YMCA of Western North Carolina is well-versed in projects of this magnitude, and have undertaken several feasibility studies and construction projects in the last decade. These include the construction of an overnight resident camp, YMCA Camp Watia, in Swain County, as well as the current revitalization of the downtown Asheville YMCA in the past several years. The oversight of these feasibility studies includes our Vice President of Financial Development, COO, and our Association Director of Facilities.

2. Does your organization have a strategic plan and a strategic planning process in place? Yes

The strategic plan includes a mission statement, goals, action steps to achieve the goals, and measures that assess the accomplishments of the goals. The Strategic Plan must be provided to the City upon request.

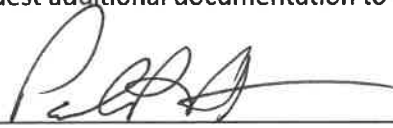
3. What is the authorized size of your board of directors? 25

How many meetings were held by the board last year? 6

4. Does your organization have an audit performed? Yes

The audit must be provided to the City upon request.

We, the undersigned, confirm the information contained herein is accurate and can be verified as such. We understand and agree if the request funds are approved the disbursement of funds are subject to all conditions established by the City Council. We further certify that if funding is approved that our organization has the resources and staffing capacity to carry out the program as described. The city reserves the right to request additional documentation to verify information provided or statements made in the application.

 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Signature of Applicant	<u>2/19/24</u> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Date
<u>President and CEO</u> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Typed Name and Title	



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Jennifer Harrell

MEETING DATE: March 7, 2024

AGENDA SECTION: PRESENTATION

DEPARTMENT: Human Resources

TITLE OF ITEM: Recognition of Deanna Van Wyk, Payroll & Benefits Officer for obtaining the International Public Management Association- Human Resources Certified Professional Certification – *Jennifer Harrell, HR Director*

SUGGESTED MOTION(S):

None

SUMMARY:

Deanna Van Wyk recently passed the examination obtaining the International Public Management Association- Human Resources Certified Professional Certification (IPMA-HR- CP).

IPMA-HR strives to encourage excellence in public sector human resources and promote continuous learning. To become IPMA-HR CP certified, one must demonstrate not only an understanding of contemporary theoretical knowledge, but also the ability to translate this knowledge into proper action in the workplace.

Deanna has been a great asset to the Human Resources department and the City.

BUDGET IMPACT: \$0.00

Is this expenditure approved in the current fiscal year budget?

If no, describe how it will be funded.

ATTACHMENTS: N/A

2024 WINTER CITY OF HENDERSONVILLE ACADEMY SESSIONS

This year, we held sixth session of the City of Hendersonville Academy (COHA). The goal of this program is to provide interested employees with a greater comprehension of City operations, services, programs, and monies to enhance their job performance and worth. We had twelve employees attend the six Monday night sessions on the following topics.

- January 22 – State & Local government/ City organization – John Connet
- January 29 – Departments – Multiple speakers
- February 5 – Budget – Brian Pahle
- February 12 - Human Resources Night - Angie Beeker, Jennifer Harrell, Deanna VanWyk, Lu Ann Welter
- February 19 – Local Growth / Development – Brittany Brady & Tyler Morrow
- February 26 – Leadership / Recap / participants choice (Brian Pahle & John Connet)

PARTICIPANTS

Ally Ceckowski	Finance/Customer Service
Savannah Tankersley	Finance/Customer Service
Lisa Brown	Finance/Customer Service
Brittany Watson	Finance/Customer Service
Terrye Jacobs	Community Development/Downtown
Lucas Stewart	Water/Sewer
Jody Martin	Public Works Facilities Maintenance
Ben Allamong	Engineering
Travis Penland	Engineering
Richard Shook	Engineering
Sylina Holbrook	Police
David Corey	Fire



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Blair Myhand, Police Department

MEETING DATE: March 7, 2024

AGENDA SECTION: Presentation

DEPARTMENT: Police

TITLE OF ITEM: Certificate of Completion of International Association of Chiefs of Police Trust Building Campaign Pledge

SUGGESTED MOTION(S):

SUMMARY:

The IACP Trust Building Campaign seeks to enhance trust between police agencies and the communities they serve by ensuring positive community-police partnerships that promote safe, effective interactions; create strategies to prevent and reduce crime; and improve the well-being and quality of life for all.

To join the campaign, police agencies must pledge to implement the outlined key policies and promising practices. These policies and practices represent six key focus areas that are essential to enhancing trust and collaboration between communities and police.

- Bias-Free Policing
- Use of Force
- Leadership and Culture
- Recruitment, Hiring, and Retention
- Victim Services
- Community Relations

Agencies and organizations demonstrating a serious commitment to implementing the key action items in all six areas will become publicly recognized members of the Trust Building Campaign.

BUDGET IMPACT: N/A

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

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

International Association of Chiefs of Police

Shaping the Future of the Policing Profession®



CERTIFICATE OF COMPLETION

This Document Recognizes

Hendersonville Police Department

For Fulfilling the Goals of the

Trust Building Campaign Pledge

February 16, 2024

Date

Vincent Talucci, CAE
Executive Director/Chief Executive Officer

ATTACHMENTS:	<ol style="list-style-type: none"> 1. Ordinance 2. Signed Certificate of Sufficiency 3. Signed Resolution Setting Public Hearing 4. Annexation Plat 5. Annexation Legal Description 6. Annexation Map 7. Deed 8. Annexation Application
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Ordinance #____-____

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

IN RE: Petition for Contiguous Annexation
 Parcel Number: 9569-48-5695
 Fakhoury Annexation (File# C24-03-ANX)

WHEREAS, The City of Hendersonville has been petitioned by Kevin & Alexandra Fakhoury, 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 7th day of March 2024, after due notice by publication as provided by law on Sunday, February 18th and Sunday, February 25th; 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 that:

- 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 7th day of March 2024.

Being all of that real property consisting of PIN 9569-48-5695 as described in the plat recorded in Plat Book 2024 Slide ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9569-48-5695 being more particularly described by metes and bounds as follows:

BEGINNING AT A SET IRON PIN ON THE SOUTHERN RIGHT OF WAY LINE OF BERKELEY ROAD (SR 1511) AND THE LIMITS OF THE CITY OF HENDERSONVILLE, SAID IRON PIN BEING THE NORTHEAST CORNER OF THAT CERTAIN 2.076 ACRE TRACT AS RECORDED IN PLAT SLIDE 12078, HENDERSON COUNTY REGISTRY; THENCE LEAVING THE SOUTHERN RIGHT OF WAY LINE OF BERKELEY ROAD (SR 1511) AND THE LIMITS OF THE CITY OF HENDERSONVILLE AND RUNNING WITH THE EAST LINE OF SAID 2.076 ACRE TRACT SOUTH 14°41'27" EAST FOR 338.92 FEET TO A FOUND IRON PIN ON THE LIMITS OF THE CITY OF HENDERSONVILLE, BEING THE SOUTHEAST CORNER OF SAID 2.076 ACRE TRACT; THENCE ALONG THE SOUTH LINE OF SAID 2.076 ACRE TRACT AND THE LIMITS OF THE CITY OF HENDERSONVILLE RUNNING SOUTH 86°17'36" WEST FOR 222.87 FEET TO A POINT; THENCE LEAVING THE SOUTH LINE OF SAID 2.076 ACRE TRACT AND RUNNING WITH THE LIMITS OF THE CITY OF HENDERSONVILLE THE FOLLOWING TWO (2) COURSES TO WIT: (1) NORTH 03°52'32" EAST FOR 176.62 FEET TO A POINT; (2) NORTH 04°26'58" WEST FOR 126.40 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY LINE OF BERKELEY ROAD (SR 1511) AND THE LIMITS OF THE CITY OF HENDERSONVILLE; THENCE ALONG THE ON THE SOUTHERN RIGHT OF WAY LINE OF BERKELEY ROAD (SR 1511) AND THE LIMITS OF THE CITY OF HENDERSONVILLE RUNNING NORTH 73°24'37" EAST FOR 140.16 FEET TO THE POINT OF BEGINNING. CONTAINING 1.28 ACRES, MORE OR LESS.

- 2: Upon and after the seventh day of March 2024, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hendersonville and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A- 58.10, as amended.
3. The Mayor of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Henderson County Board of Elections, as required by G. S. 163-288.1.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of March 2024.

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

Jill Murray, City Clerk

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

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk in her capacity of Mayor of the City of Hendersonville, and Jill Murray, in her capacity of City Clerk personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____ day of _____, 2022.

My commission expires: _____

CERTIFICATE OF SUFFICIENCY

Re: Petition for Contiguous Annexation
 Petitioners: Kevin & Alexandra Fakhoury
 File No. C24-3-ANX

To the Honorable Mayor and members of the City Council of Hendersonville, North Carolina:
 I, Jill Murray, City Clerk, being first duly sworn, hereby certify that:

1. A petition has been received for contiguous annexation of property consisting of +/- 1.27 acres located at 1019 Berkeley Rd in Hendersonville, NC, being tax parcel PIN 9569-48-5695, and being more particularly described on Exhibit A, attached hereto and incorporated by reference, hereinafter "Petition."
2. An investigation has been completed as required by N.C.G.S. § 160A-31 of the Petition for compliance with the requirements of N.C.G.S. § 160A-31.

Based upon this investigation, I find that

1. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein.
2. The Petition was prepared in substantially the form prescribed by 160A-31(b).
3. The area described in the petition is contiguous to the City of Hendersonville's primary corporate limits, as defined by N.C.G.S. 160A-31(f).
4. The area for annexation meets all other requirements defined in NC 160A-31 regarding the character of the area to be annexed.

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

In witness hereof, I have set my hand and the City Seal on this the 26th day of January, 2024.

(City Seal)


 Jill Murray, City Clerk



EXHIBIT A
LEGAL DESCRIPTION

Being all of that real property consisting of PIN 9569-48-5695 as described in the plat recorded in Plat Book 2024 Slide _____ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9569-48-5695 being more particularly described by metes and bounds as follows:

Beginning at a set iron pin on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville, said iron pin being the northeast corner of that certain 2.076 acre tract as recorded in Plat Slide 12078, Henderson County Registry; thence leaving the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville and running with the east line of said 2.076 acre tract South 14°41'27" East for 338.92 feet to a found iron pin on the limits of the City of Hendersonville, being the southeast corner of said 2.076 acre tract; thence along the south line of said 2.076 acre tract and the limits of the City of Hendersonville running South 86°17'36" West for 222.87 feet to a point; thence leaving the south line of said 2.076 acre tract and running with the limits of the City of Hendersonville the following two (2) courses to wit: (1) North 03°52'32" East for 176.62 feet to a point; (2) North 04°26'58" West for 126.40 feet to a point on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville; thence along the on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville running North 73°24'37" East for 140.16 feet to the Point of Beginning. Containing 1.28 acres, more or less.

Resolution #R-24-07

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL FIXING DATE OF
PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31**

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

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

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

Section 1. A public hearing on the question of annexation of the contiguous area described herein will be held at the City Operations Center located at 305 William St. Hendersonville NC, 28792 at 5:45 p.m. March 7th, 2024, or as soon thereafter as it may be heard.

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

Being all of that real property consisting of PIN 9569-48-5695 as described in the plat recorded in Plat Book 2024 Slide ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9569-48-5695 being more particularly described by metes and bounds as follows:

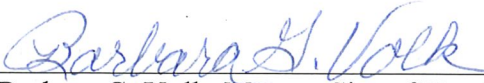
Beginning at a set iron pin on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville, said iron pin being the northeast corner of that certain 2.076 acre tract as recorded in Plat Slide 12078, Henderson County Registry; thence leaving the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville and running with the east line of said 2.076 acre tract South 14°41'27" East for 338.92 feet to a found iron pin on the limits of the City of Hendersonville, being the southeast corner of said 2.076 acre tract; thence along the south line of said 2.076 acre tract and the limits of the City of Hendersonville running South 86°17'36" West for 222.87 feet to a point; thence leaving the south line of said 2.076 acre tract and running with the limits of the City of Hendersonville the following two (2) courses to wit: (1) North 03°52'32" East for 176.62 feet to a point; (2) North 04°26'58" West for 126.40 feet to a point on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville; thence along the on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville running North 73°24'37" East for 140.16 feet to the Point of Beginning. Containing 1.28 acres, more or less.

Re: Petition for Contiguous Annexation
Petitioners: Kevin & Alexandra Fakhoury
File No. C24-3-ANX

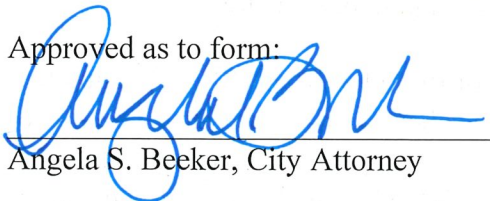
Section 3. Notice of the public hearing shall be published once in The Hendersonville Times-News, a newspaper having general circulation in the City of Hendersonville, at least 10 days prior to the date of the public hearing.

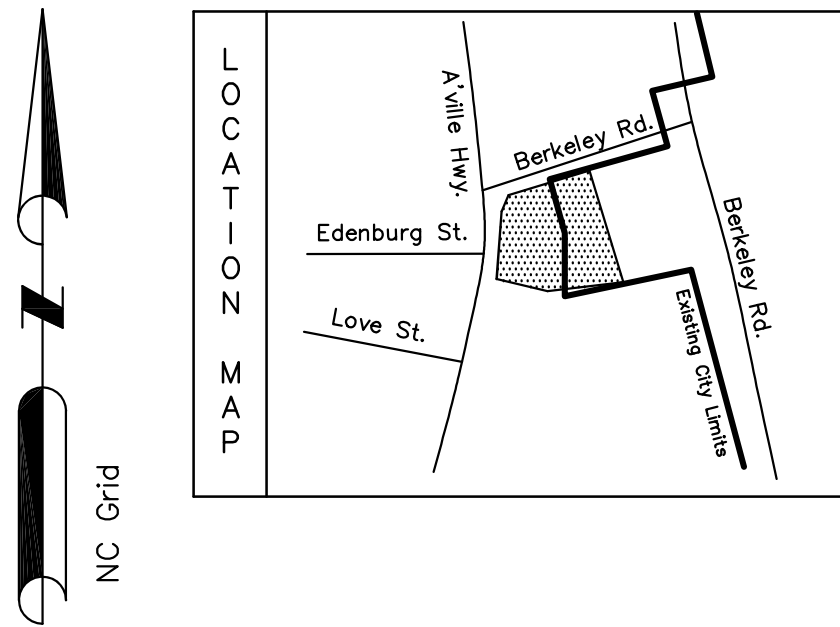
Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of February, 2024.

Attest:


Barbara G. Volk, Mayor, City of Hendersonville

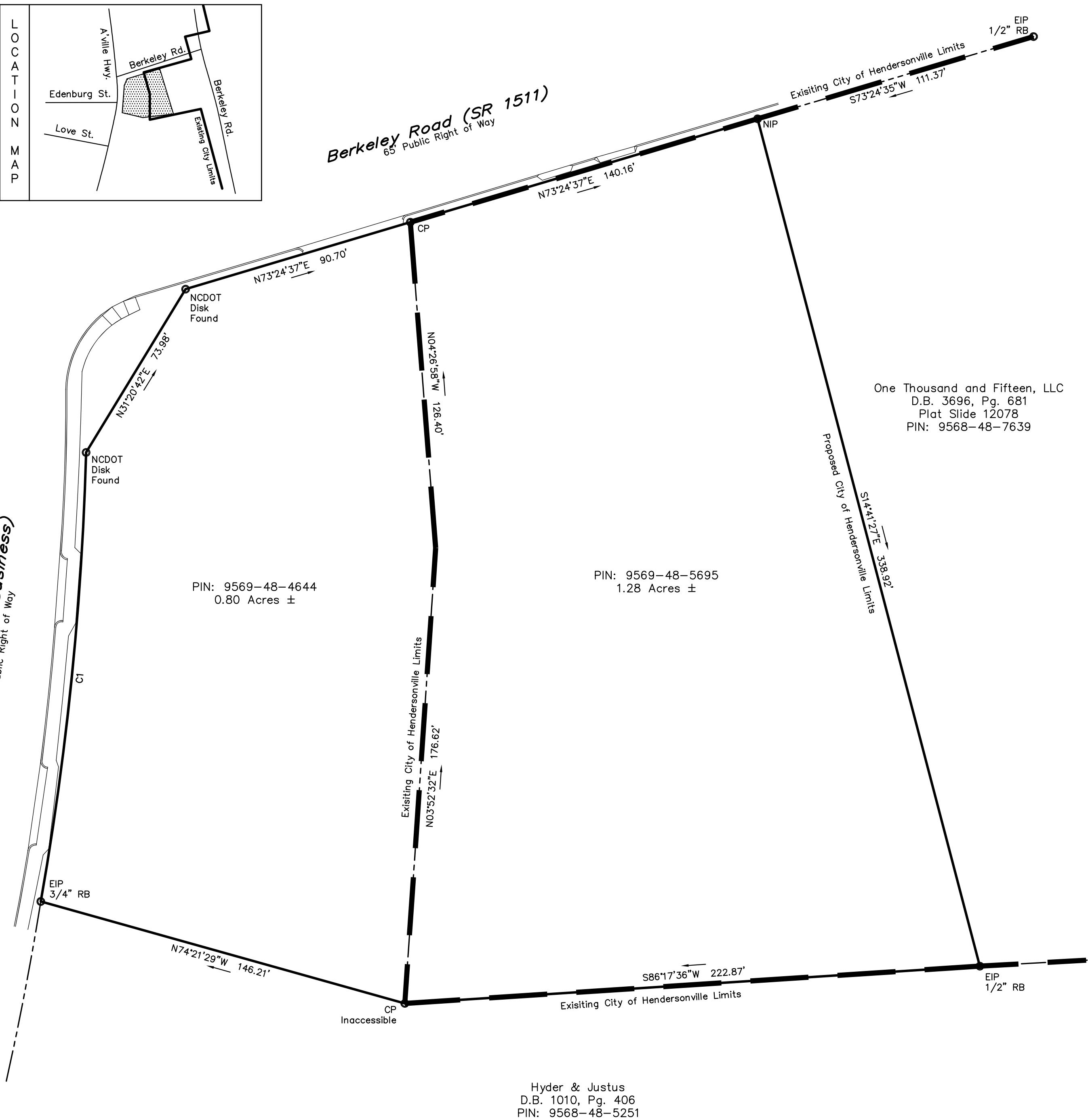

Jill Murray, City Clerk

Approved as to form:

Angela S. Becker, City Attorney



Asheville Highway
(U.S. Highway 25 Business)
80' Public Right of Way

LEGEND:		
○	NIP	NEW IRON PIN (1/2" REBAR)
○	EIP	EXISTING IRON PIN
○	CP	CALCULATED POINT



I, Fulton V. Clinkscales, Jr., certify that this plat was drawn under my supervision from an actual survey made under my supervision (Deed description recorded in Book 4106, page 174, etc.) that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____ Page _____; that the ratio of precision as calculated is 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 12th day of January, 2024, A.D.

G.S. 47-30(f)(11)(c)(1) This survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street.

Fulton V. Clinkscales, Jr.
L-2614



PRELIMINARY

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

This the _____ day of _____, 2024

Jill Murray, City Clerk

Date

State of North Carolina
Henderson County

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

Review Officer

Date

NOTES:

- 1) The Basis of Bearings for this survey is NAD83(2011)
- 2) The purpose of this plat is to annex Parcel No. 9569-48-5695 (1.28 contiguous acres) into the City Limits of Hendersonville, as shown on this Plat.

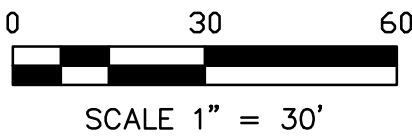
ANNEXATION PLAT FOR THE
City of Hendersonville

Tax Parcel: 9569-48-5695

Kevin Fakhoury

(OWNER)

1019 Berkeley Road
Hendersonville Township
Henderson County
State of North Carolina



FREELAND — CLINKSCALES
& ASSOCIATES, INC. of NC
Engineers * Land Surveyors
201 2nd AVE. EAST
HENDERSONVILLE, N.C. 28792
(828) 697-6539
info@fcaofnc.com

REF. PLAT SLIDE 12079

REF. DEED BOOK 4106/174

TAX MAP Various

PARTY CHIEF TEC

DRAWN TEC

DATE January 12, 2024

DWG.NO. H433

RLS: F. V. CLINKSCALES JR., P.E.
No: L-2614 Firm No. C-1562

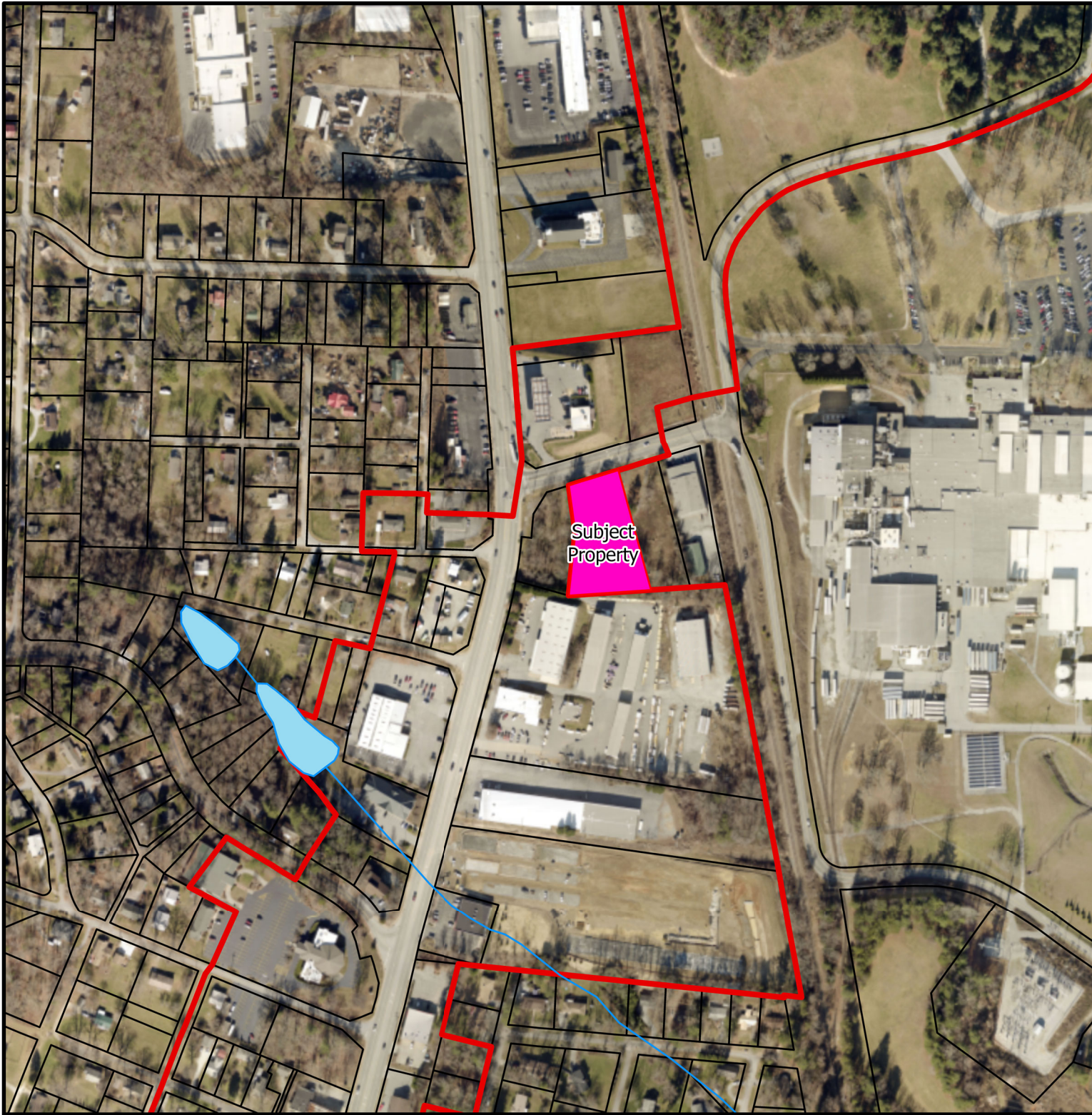
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	1185.92'	174.77'	N05°45'28"E	174.61'

Hyder & Justus
D.B. 1010, Pg. 406
PIN: 9568-48-5251

One Thousand and Fifteen, LLC
D.B. 3696, Pg. 681
Plat Slide 12078
PIN: 9568-48-7639

Fakhoury Annexation Description

Beginning at a set iron pin on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville, said iron pin being the northeast corner of that certain 2.076 acre tract as recorded in Plat Slide 12078, Henderson County Registry; thence leaving the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville and running with the east line of said 2.076 acre tract South $14^{\circ}41'27''$ East for 338.92 feet to a found iron pin on the limits of the City of Hendersonville, being the southeast corner of said 2.076 acre tract; thence along the south line of said 2.076 acre tract and the limits of the City of Hendersonville running South $86^{\circ}17'36''$ West for 222.87 feet to a point; thence leaving the south line of said 2.076 acre tract and running with the limits of the City of Hendersonville the following two (2) courses to wit: (1) North $03^{\circ}52'32''$ East for 176.62 feet to a point; (2) North $04^{\circ}26'58''$ West for 126.40 feet to a point on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville; thence along the on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville running North $73^{\circ}24'37''$ East for 140.16 feet to the Point of Beginning. Containing 1.28 acres, more or less.






Fakhoury Annexation

C24-03-ANX

PIN: 9569-48-5695

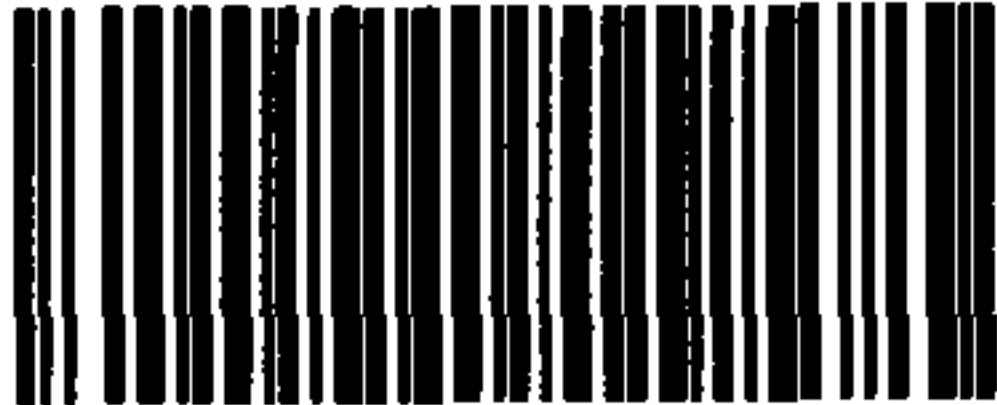
Acreage: 1.28 Acres

Annexation Map

-  Hendersonville City Limits
-  Parcels
-  Subject Property

Community Development Department





This document presented and filed:
11/14/2023 12:45:56 PM

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: \$1,062.00

Doc Stamps \$1062.00

Prepared By: Sharon B. Alexander
Deed Preparation Only

Return to: Hogan & Brewer

This instrument is prepared by Sharon B. Alexander, a licensed North Carolina Attorney. Delinquent taxes, if any are to be paid by the closing attorney to the County Tax Collector upon disbursement of closing proceeds.

STATE OF NORTH CAROLINA

SPECIAL WARRANTY DEED

COUNTY OF HENDERSON

THIS DEED, made and entered into this 14th day of November, 2023, by and between HENDERSONVILLE CHURCH, INC, a North Carolina Not for Profit Corporation (herein referred to as the "party of the first part" and having a mailing address of P. O. Box 425, Flat Rock, N.C. 28731) and KEVIN FAKHOURY AB (the "party of the second part" and having a mailing address of 24 Country Road, Hendersonville, N.C. 28791);

WITNESSETH:

The said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and Other Valuable Consideration to it in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does bargain, sell, and convey in fee simple unto said party of the second part, his heirs and assigns, a certain tract or parcel of land lying and being in Henderson County, North Carolina, more particularly described as follows:

BEING all of that 2.076 acre tract depicted on plat entitled "Recombination of the Property of Joseph W. Wright, Jr." of record at Plat Slide 12078 in the office of the Register of Deeds for Henderson County, North Carolina reference to which plat is hereby made for a more particular description.

ALSO BEING all of that real property described in deed of record in Book of Record 3764, Page 390 in the office of the Register of Deeds for Henderson County, North Carolina.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land, together with all privileges and appurtenances thereunto belonging to him, the said party of the second part, and his heirs and assigns in fee simple forever.

And said party of the first part does covenant that it is seized of said lands in fee simple and has the right to convey the same in fee simple, that title to same is marketable and free and clear of all encumbrances, and that it will warrant and defend the title herein conveyed against the lawful claims of all persons whomsoever. This conveyance and these warranties are made subject to the rights-of-way of U.S. Highway 25 and Berkley Road to their full legal widths, to all matters depicted on the above-described plat, to utility easements and restrictive covenants of record and to 2023 Hendersonville and Henderson County ad valorem property taxes.

The real property conveyed herein does not include the primary residence of the party of the first part.

IN TESTIMONY WHEREOF, the corporate party of the first part has hereunto caused this deed to be executed in its name by its undersigned officers all by authority of its Board of Directors, the day and year first above written.

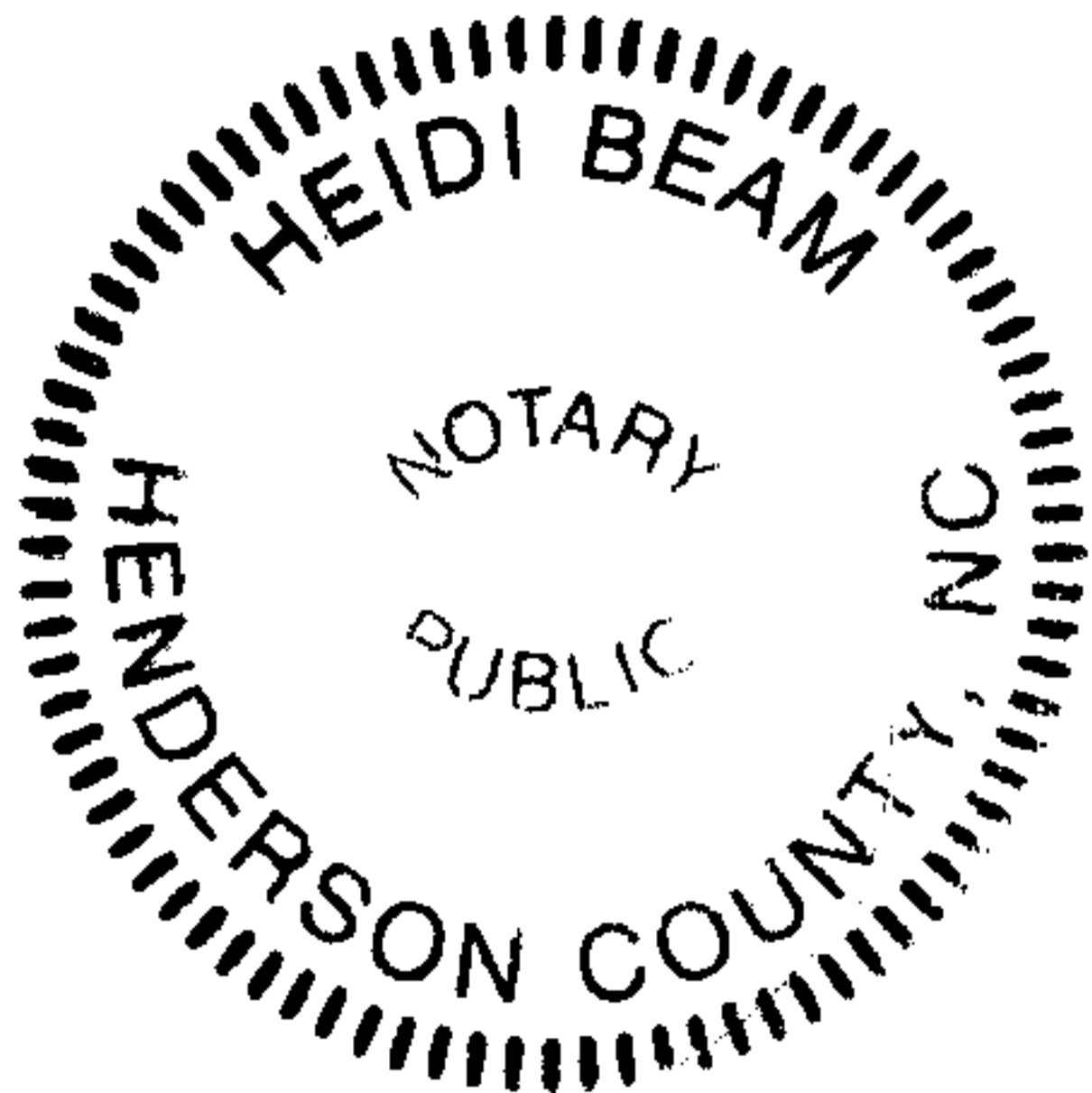
HENDERSONVILLE CHURCH, INC.,
By: [Signature]
Nathan Byrd
By: [Signature]
Ryan Sisney, Vice President

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, a Notary Public of the County and State aforesaid, certify that Nathan Byrd, President of Hendersonville Church, Inc. and Ryan Sisney,, Vice President of Hendersonville Church, Inc., personally came before me this day and acknowledged that the execution of the foregoing instrument on behalf act of Hendersonville Church, Inc., by authority duly given and as the act of the corporation. Witness my hand and official stamp or seal, this 14th day of November, 2023.

[Signature]
Notary Public

My commission expire: 11-24-2027





**CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT**

100 N. King Street, Hendersonville, NC 28792

Phone (828) 697-3010/Fax (828) 698-6185

www.hendersonvillenc.gov

Petition Requesting Annexation

The following are the **required** submittals for a complete application for a Voluntary Annexation. Staff will not review applications until each item has been submitted and determined complete. By placing a check mark by each of the following items, you are certifying that you have performed that task.

- ☒ 1. Completed Application Form
- ☒ 2. A copy of the deed indicating ownership of the property.
- ☒ 3. An Annexation Survey Plat of the property prepared by a registered surveyor licensed to practice in the state of North Carolina. *Provided by Freeland Clinkscales*
- ☒ 4. A typed boundary description of the property.

A. Property Information

PIN(s): 9568-48-5695

Address(es) / Location of Property: 1019 Berkley Rd.
Hendersonville, NC 28791

Does this property adjoin the present City Limits? ☒ Yes ☐ No

Is the property within the ETJ? ☐ Yes ☐ No

Reason for Annexation:

Office Use:

Date Received: _____ By: _____ Fee Received? Y/N



City Of Hendersonville
Community Development Department

100 N. King Street Hendersonville, NC 28792

Phone (828)697-3010 Fax (828)697-6185

www.hendersonvillenc.gov

Application Number: _____

Property Owner Signatures:

Printed Name Kevin Fakhoury

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

Signature *Kevin Fakhoury*

Title President/owner Email Kevin.Fakhoury@gmail.com

Address of Property Owner 1019 Berkley Rd, Hendersonville, NC 28791

Printed Name Alexandra Fakhoury

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

Signature *Alexandra Fakhoury*

Title Co-Owner Email alexfakhoury95@gmail.com

Address of Property Owner 1019 Berkley Road, Hendersonville NC 28791

Printed Name _____

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

Signature _____

Title _____ Email _____

Address of Property Owner _____

when added to the other sums secured by the Security Instrument, exceeds the face amount of the Note. Such amount shall be payable immediately on demand by Lender and shall bear interest at the default rate set forth in the Note.

NATURE OF AGREEMENT. This Assignment protects and benefits only Lender and its successors and assigns. No third party may bring an action under this Assignment. The relationship between Lender and Assignor established hereunder is only that of creditor and debtor. Nothing in this Assignment shall be construed to make the parties partners, joint venturers, or to stand in any other relationship with respect to each other besides that of creditor and debtor.

ERRORS AND OMISSIONS. Assignor will execute and deliver any further documents that Lender reasonably requests to effect the purposes of this Assignment.

NOTICES. Unless otherwise required by applicable law or provided under this Assignment, any notice or demand given by Lender to any party is considered effective when: (i) it is deposited in the United States Mail with the appropriate postage; (ii) when it is sent via electronic mail; (iii) when it is sent via facsimile; (iv) when it is deposited with a nationally recognized overnight courier service; (v) on the day of personal delivery; or (vi) any other commercially reasonable means. Such notice or demand shall be sent to the party at the address contained herein or at an alternative address, e-mail address, or facsimile number as may be provided to Lender in writing. Any notice given to Lender must be addressed to Lender at the address contained herein or at an alternative address as may be provided by Lender in writing.

NO WAIVER. No delay or failure of Lender to exercise any right, remedy, power, or privilege hereunder shall affect that right, remedy, power or privilege nor shall any single or partial exercise thereof preclude the exercise of any right, remedy, power or privilege. No delay or failure to demand strict adherence to the terms of this Assignment shall be deemed to constitute a course of conduct inconsistent with Lender's right at any time, before or after an event of default, to demand strict adherence to the terms of this Assignment. If Lender waives a right, or delays enforcing a right, Lender may still enforce the same right later.

ASSIGNABILITY. Lender may assign or otherwise transfer this Assignment without notice to Assignor. Any assignee will have the same rights as Lender. Assignor may not assign this Assignment or any part of it.

By signing this Assignment, Borrower acknowledges reading, understanding, and agreeing to all its provisions.

Kevin A. Fakhoury 11/14/2023
 KEVIN A FAKHOURY
 Individually Date

Alexandra H. Fakhoury 11/14/23
 ALEXANDRA H FAKHOURY
 Individually Date

INDIVIDUAL ACKNOWLEDGMENT

STATE OF NORTH CAROLINA
 COUNTY OF Henderson

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: KEVIN A FAKHOURY and ALEXANDRA H FAKHOURY.

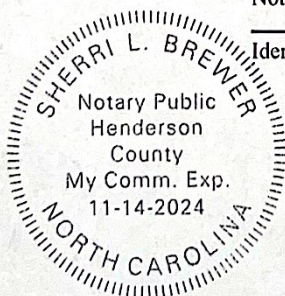
Date: 11-14-2023

My commission expires: 11-14-2024

Sherri L. Brewer
 Notary Name Sherri L. Brewer

Identification Number _____

(Official Seal)



A. U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT SETTLEMENT STATEMENT		B. TYPE OF LOAN:					Section 7, Item A.
		1. <input type="checkbox"/> FHA 2. <input type="checkbox"/> FmHA 3. <input checked="" type="checkbox"/> CONV. UNINS. 4. <input type="checkbox"/> VA 5. <input type="checkbox"/> CONV. INS					
		6. FILE NUMBER: FAKHOURY 23-4164			7. LOAN NUMBER:		
		8. MORTGAGE INS CASE NUMBER:					
C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "[POC]" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.							
D. NAME AND ADDRESS OF BORROWER: NRX as Qualified Intermediary for Kevin Fakhoury 24 Country Road Hendersonville, NC 28791		E. NAME AND ADDRESS OF SELLER: Hendersonville Church, Inc. ANC Non-Profit Corporation PO Box 425 Flat Rock, NC 28731		F. NAME AND ADDRESS OF LENDER: Movement Bank 201 North Union Street Danville, VA 24541			
G. PROPERTY LOCATION: 1019 Berkeley Rd. & adjoining Lot Hendersonville, NC 28791 Henderson County, North Carolina		H. SETTLEMENT AGENT: Hogan & Brewer, PLLC PLACE OF SETTLEMENT 229 North Main Street Hendersonville, NC 28792			I. SETTLEMENT DATE: November 14, 2023		
J. SUMMARY OF BORROWER'S TRANSACTION				K. SUMMARY OF SELLER'S TRANSACTION			
100. GROSS AMOUNT DUE FROM BORROWER:				400. GROSS AMOUNT DUE TO SELLER:			
101. Contract Sales Price 531,000.00				401. Contract Sales Price 531,000.00			
102. Personal Property				402. Personal Property			
103. Settlement Charges to Borrower (Line 1400) 15,461.49				403.			
104.				404.			
105.				405.			
<i>Adjustments For Items Paid By Seller in advance</i>				<i>Adjustments For Items Paid By Seller in advance</i>			
106. Taxes 10007692 11/15/23 to 01/01/24 335.29				406. Taxes 10007692 to			
107. Taxes 10007693 11/15/23 to 01/01/24 353.04				407. Taxes 10007693 to			
108. HOA Dues to				408. HOA Dues to			
109.				409.			
110.				410.			
111.				411.			
112.				412.			
120. GROSS AMOUNT DUE FROM BORROWER 547,154.82				420. GROSS AMOUNT DUE TO SELLER 531,000.00			
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:				500. REDUCTIONS IN AMOUNT DUE TO SELLER:			
201. Deposit or earnest money 5,000.00				501. Excess Deposit (See Instructions)			
202. Principal Amount of New Loan(s) - Construction Loan (881,000.00)				502. Settlement Charges to Seller (Line 1400) 33,422.00			
203. Existing loan(s) taken subject to				503. Existing loan(s) taken subject to			
204.				504. Payoff First Mortgage to First Citizens Bank/00910 368,750.73			
205.				505. Payoff Second Mortgage			
206.				506.			
207. Land Acquisition Draw 208,069.16				507. (Deposit disb. as proceeds)			
208. Due Diligence Fee				508. Due Diligence Fee			
209. Seller Paid Closing Costs				509. Seller Paid Closing Costs			
<i>Adjustments For Items Unpaid By Seller</i>				<i>Adjustments For Items Unpaid By Seller</i>			
210. Taxes 10007692 to				510. Taxes 10007692 01/01/23 to 11/15/23 2,268.59			
211. Taxes 10007693 to				511. Taxes 10007693 01/01/23 to 11/15/23 2,422.46			
212. HOA Dues to				512. HOA Dues to			
213.				513.			
214.				514.			
215.				515.			
216. Exchange funds from NRX, QI 334,085.66				516.			
217.				517.			
218.				518.			
219.				519.			
220. TOTAL PAID BY/FOR BORROWER 547,154.82				520. TOTAL REDUCTION AMOUNT DUE SELLER 406,863.78			
300. CASH AT SETTLEMENT FROM/TO BORROWER:				600. CASH AT SETTLEMENT TO/FROM SELLER:			
301. Gross Amount Due From Borrower (Line 120) 547,154.82				601. Gross Amount Due To Seller (Line 420) 531,000.00			
302. Less Amount Paid By/For Borrower (Line 220) (547,154.82)				602. Less Reductions Due Seller (Line 520) (406,863.78)			
303. CASH (FROM) (TO) BORROWER 0.00				603. CASH (X TO) (FROM) SELLER 124,136.22			



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER:

Tyler Morrow

MEETING DATE:

March 7th, 2024

AGENDA SECTION:

Public Hearing

DEPARTMENT:

Community Development

TITLE OF ITEM:

Annexation: Public Hearing- Upward Road & Old Spartanburg Road (The Spinx Company LLC. [Formerly Jones]) (C23-97-ANX)– *Tyler Morrow, Planner II*

SUGGESTED MOTION(S):

<u>For Approval:</u>	<u>For Denial:</u>
I move City Council adopt an ordinance of the City of Hendersonville to annex noncontiguous property owned by The Spinx Company LLC, identified as PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, 9577-89-6187, 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.	I move that City Council deny the petition received from The Spinx Company LLC, requesting the annexation of that property having PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, 9577-89-6187.

SUMMARY: *File # C23-97-ANX*

The City of Hendersonville has received a petition from The Spinx Company LLC for satellite annexation of PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, 9577-89-6187, located on Upward Road and Old Spartanburg Road that is approximately 4.441 acres. Please refer to the attached maps for additional information.

On February 7th, 2024, City Council accepted the City Clerk’s Certificate of Sufficiency for the petition submitted by Spevines Rex Jones Jr., Deitra Blythe Jones, Michael C. Jones, and Cecilia Jones and set March 7th, 2024, as the date for the public hearing.

The Spinx Company LLC closed on the parcels on February 8th, 2024. The certificate of sufficiency petition also included a signed application by the Spinx Company LLC with the understanding that they along with the then property owners all agreed to the annexation request.

The Spinx Company LLC also removed one parcel from the original annexation request. They removed PIN 9577-89-8138 from the annexation petition. This parcel fronts on Bell Avenue and is a residentially zoned parcel by Henderson County. This property is no longer attached to this request and is to remain in Henderson County and under Henderson County zoning.

PROJECT/PETITIONER NUMBER:	<ul style="list-style-type: none">• C23-97-ANX
PETITIONER NAME:	<ul style="list-style-type: none">• The Spinx Company LLC<ul style="list-style-type: none">a. (Formerly The Jones')
ATTACHMENTS:	<ol style="list-style-type: none">1. Ordinance2. Signed Certificate of Sufficiency3. Signed Resolution setting public hearing4. Annexation Plat5. Typed legal description6. GIS map7. Deeds8. Annexation Applications

Ordinance #____-____

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

Re: Petition for Satellite Annexation
Petitioners: The Spinx Company, LLC (Greg Minton, EVP of Real Estate)
File No. C23-97-ANX

WHEREAS, The City of Hendersonville has been petitioned by the Spinx Company LLC. pursuant to North Carolina General Statutes (NCGS) 160A-58.1, as amended, to annex the area described herein below; and,

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

WHEREAS, a public hearing on the question of this annexation was held at the City Operations Center at 305 Williams Street, Hendersonville, NC at 5:45 pm, on the 7th day of March 2024, after due notice by publication as provided by law on February 18th 2024; and

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

1. All The Petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area.
2. The nearest point on the proposed satellite corporate limit is approximately 2,043' from the primary corporate limits of the City of Hendersonville, which is less than 3 miles.
3. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S.160A-58.1 (a).

4. No point on the propose satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
5. The area is situated so the City will be able to provide the same services within the proposed corporate limits that is provided within the primary corporate limits.
6. The area proposed for annexation is not subject to subdivision regulation as described N.C.G.S. § 160D-802.
7. The total area within the proposed satellite corporate limits, when added to the area within all the other satellite corporate limits of the City, does not exceed ten (10%) of the area within the primary corporate limits of the City.
8. The area for annexation meets all other requirements defined in NC 160A-58.54 regarding the character of the area to be annexed.

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

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

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

- 1: By virtue of the authority granted by N.C.G.S. 160A-58.2, as amended, the following described noncontiguous area is hereby annexed and made part of the City of Hendersonville as of the seventh day of March 2024.

Being all of that real property consisting of PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, and 9577-89-6187 described in the plat recorded in Book 2024- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, and 9577-89-6187 being described by metes and bounds as follows:

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN HENDERSON COUNTY, NORTH CAROLINA, CONTAINING 4.441 ACRES AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT AN IRON PIN SET 1/2" REBAR LOCATED ON THE NORTHEASTERN RIGHT OF WAY OF OLD SPARTANBURG ROAD (SR 1828), N02-25-32W 5135.86 FEET FROM USGS MONUMENT FB0333, THENCE RUNNING ALONG SAID RIGHT OF WAY, N22-13-06W 65.25 FEET TO AN IRON PIN SET 1/2" REBAR, THENCE N14-54-41W 98.59 FEET TO AN OLD NCDOT CAP, THENCE N27-19-02W 103.39 FEET TO AN IRON PIN SET 1/2" REBAR, THENCE WITH A CURVE TO THE LEFT HAVING A LENGTH OF 169.66 FEET, A RADIUS OF 1655.00 FEET AND A CHORD BEARING AND DISTANCE OF N34-48-52W 169.59 FEET TO AN IRON PIN OLD 5/8" REBAR LOCATED ON THE SOUTHERN END OF A SITE TRIANGLE AT THE INTERSECTION OF THE NORTHEASTERN RIGHT OF WAY OF OLD SPARTANBURG ROAD (SR 1828) AND THE SOUTHEASTERN RIGHT OF WAY OF UPWARD ROAD (SR 1783), THENCE

RUNNING ALONG SAID SITE TRIANGLE, N05-29-01E 61.29 FEET TO AN OLD NCDOT CAP LOCATED ON THE NORTHERN END OF SAID SITE TRIANGLE LOCATED ON THE SOUTHEASTERN RIGHT OF WAY OF UPWARD ROAD (SR 1783), THENCE RUNNING ALONG SAID RIGHT OF WAY, N50-23-14E 72.56 FEET TO AN IRON PIN OLD 5/8” REBAR, THENCE N50-37-23E 288.31 FEET TO AN OLD NCDOT CAP, THENCE N52-10-34E 54.50 FEET TO AN IRON PIN OLD 5/8” REBAR, THENCE LEAVING THE SOUTHEASTERN RIGHT OF WAY UPWARD ROAD (SR 1783) S49-04-21E 304.99 FEET TO AN IRON PIN OLD 3/4” OPEN TOP PASSING AN IRON PIN OLD 3/4” OPEN TOP @ 268.28 FEET, THENCE S35-14-50W 351.18 FEET TO AN IRON PIN OLD 3/4" OPEN TOP, S35-16-06W 99.99 FEET TO AN IRON PIN OLD 1/2” REBAR, THENCE S36-01-53W 175.75 FEET TO THE POINT OF BEGINNING.

- 2: Upon and after the seventh day of March 2024, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Hendersonville and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-58.10, as amended.
- 3. The Mayor of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Henderson County Board of Elections, as required by G. S. 163-288.1.

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

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

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk in her capacity of Mayor of the City of Hendersonville; Jill Murray, in her capacity of City Clerk personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____ day of _____, 20____.

My commission expires:

CERTIFICATE OF SUFFICIENCY

Re: Petition for Satellite Annexation
 Petitioners: Spevines Rex Jones Jr., Deitra Blythe Jones, Michael C. Jones, and Cecilia Jones
 File No. C23-97-ANX

To the Honorable Mayor and members of the City Council of Hendersonville, North Carolina:
 I, Jill Murray, City Clerk, being first duly sworn, hereby certify that:

1. A petition has been received for satellite annexation of properties consisting of +/- 4.723 acres located on Upward Road, Old Spartanburg Road and Bell Avenue in Hendersonville, NC, being tax parcel(s) PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, 9577-89-6187, and 9577-89-8138, and being more particularly described on Exhibit A, attached hereto and incorporated by reference, hereinafter "Petition."
2. An investigation has been completed as required by N.C.G.S. § 160A-58.2 of the Petition for compliance with the requirements of N.C.G.S. § 160A-58.1.

Based upon this investigation, I find that

1. The Petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area.
2. The nearest point on the proposed satellite corporate limit is approximately 2,043' from the primary corporate limits of the City of Hendersonville, which is less than 3 miles.
3. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S.160A-58.1 (a).
4. No point on the propose satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
5. The area is situated so the City will be able to provide the same services within the proposed corporate limits that is provided within the primary corporate limits.
6. The area proposed for annexation is not subject to subdivision regulation as described N.C.G.S. § 160D-802.
7. The total area within the proposed satellite corporate limits, when added to the area within all the other satellite corporate limits of the City, does not exceed ten (10%) of the area within the primary corporate limits of the City.
8. The area for annexation meets all other requirements defined in NC 160A-58.54 regarding the character of the area to be annexed.

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

In witness hereof, I have set my hand and the City Seal on this the 30th day of January, 2024.

(City Seal)



Jill Murray
 Jill Murray, City Clerk

EXHIBIT A
LEGAL DESCRIPTION

Being all of that real property consisting of PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, 9577-89-6187, and 9577-89-8138 described in the plat recorded in Book 2024- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, 9577-89-6187, and 9577-89-8138 being described by metes and bounds as follows:

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN HENDERSON COUNTY, NORTH CAROLINA, CONTAINING 4.723 ACRES AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT AN IRON PIN SET 1/2" REBAR LOCATED ON THE NORTHEASTERN RIGHT OF WAY OF OLD SPARTANBURG ROAD (SR 1828), N02-25-32W 5135.86 FEET FROM USGS MONUMENT FB0333, THENCE RUNNING ALONG SAID RIGHT OF WAY, N22-13-06W 65.25 FEET TO AN IRON PIN SET 1/2" REBAR, THENCE N14-54-41W 98.59 FEET TO AN OLD NCDOT CAP, THENCE N27-19-02W 103.39 FEET TO AN IRON PIN SET 1/2" REBAR, THENCE WITH A CURVE TO THE LEFT HAVING A LENGTH OF 169.66 FEET, A RADIUS OF 1655.00 FEET AND A CHORD BEARING AND DISTANCE OF N34-48-52W 169.59 FEET TO AN IRON PIN OLD 5/8" REBAR LOCATED ON THE SOUTHERN END OF A SITE TRIANGLE AT THE INTERSECTION OF THE NORTHEASTERN RIGHT OF WAY OF OLD SPARTANBURG ROAD (SR 1828) AND THE SOUTHEASTERN RIGHT OF WAY OF UPWARD ROAD (SR 1783), THENCE RUNNING ALONG SAID SITE TRIANGLE, N05-29-01E 61.29 FEET TO AN OLD NCDOT CAP LOCATED ON THE NORTHERN END OF SAID SITE TRIANGLE LOCATED ON THE SOUTHEASTERN RIGHT OF WAY OF UPWARD ROAD (SR 1783), THENCE RUNNING ALONG SAID RIGHT OF WAY, N50-23-14E 72.56 FEET TO AN IRON PIN OLD 5/8" REBAR, THENCE N50-37-23E 288.31 FEET TO AN OLD NCDOT CAP, THENCE N52-10-34E 54.50 FEET TO AN IRON PIN OLD 5/8" REBAR, THENCE LEAVING THE SOUTHEASTERN RIGHT OF WAY UPWARD ROAD (SR 1783) S49-04-21E 304.99 FEET TO AN IRON PIN OLD 3/4" OPEN TOP PASSING AN IRON PIN OLD 3/4" OPEN TOP @ 268.28 FEET, THENCE S35-14-50W 351.18 FEET TO AN IRON PIN OLD 3/4" OPEN TOP, THENCE S53-56-40E 123.20 FEET TO AN IRON PIN OLD 1/2" REBAR LOCATED ON THE NORTHWESTERN RIGHT OF WAY OF BELL AVENUE (SR 1785), THENCE RUNNING ALONG SAID RIGHT OF WAY, S35-57-19W 100.17 FEET TO AN IRON PIN OLD 3/4" OPEN TOP, THENCE LEAVING THE NORTHWESTERN RIGHT OF WAY OF BELL AVENUE (SR 1785), N53-51-32W 122.00 FEET TO AN IRON PIN OLD 1/2" REBAR, THENCE S36-01-53W 175.75 FEET TO THE POINT OF BEGINNING.

Resolution #R-24-09

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

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

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

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

Section 1. A public hearing on the question of annexation of the satellite area described herein will be held at City Operations Center located at 305 William St. Hendersonville NC, 28792 at 5:45 p.m. March 7th, 2024, or as soon thereafter as it may be heard.

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

Being all of that real property consisting of PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, 9577-89-6187, and 9577-89-8138 described in the plat recorded in Book 2024-____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, 9577-89-6187, and 9577-89-8138 being described by metes and bounds as follows:

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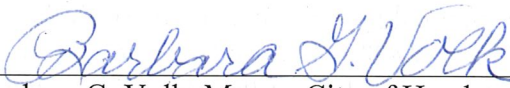
Re: Petition for Satellite Annexation

Petitioners: Spevines Rex Jones Jr., Deitra Blythe Jones, Michael C. Jones, and Cecilia Jones
File No. C23-97-ANX

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of February, 2024.

Attest:


Barbara G. Volk, Mayor, City of Hendersonville


Jill Murray, City Clerk

Approved as to form:

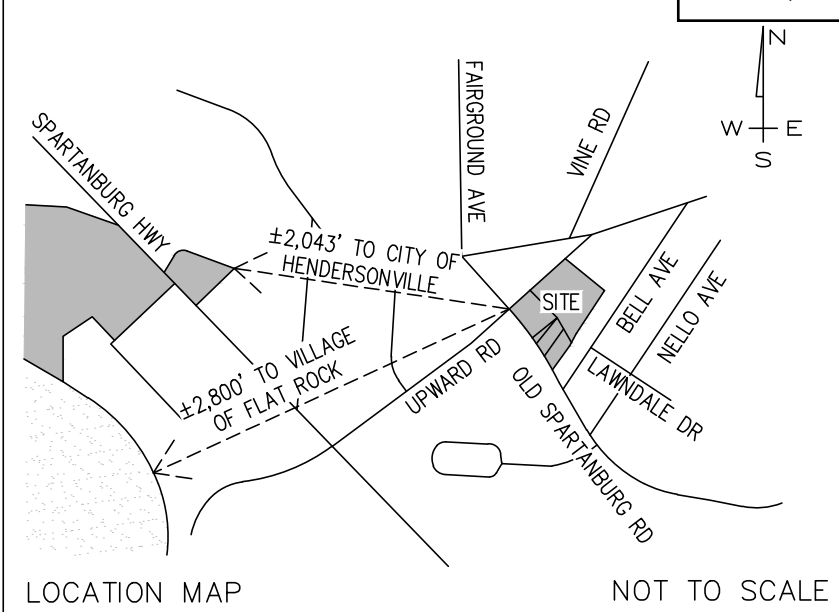

Angela S. Beeker, City Attorney

NOTE: EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: RIGHTS-OF-WAY, EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. - ANY FLOOD PLAIN DATA SHOWN HEREON IS AN APPROXIMATE LOCATION GRAPHICALLY PLOTTED FROM THE REFERENCED FEMA MAP UNLESS OTHERWISE NOTED. - THIS SURVEY DOES NOT CONSTITUTE A TITLE RESEARCH, FLOOD STUDY, WETLAND DELINEATION OR ENVIRONMENTAL INSPECTION BY SURVEYOR.



ANNEXATION PLAT

PID: 9577-89-7580; 9577-89-6187; 9577-89-6236; 9577-89-5289; 9577-89-6416
CITY OF HENDERSONVILLE

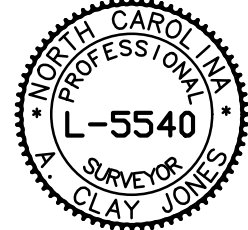


I, A. CLAY JONES, HEREBY CERTIFY THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

I, A. CLAY JONES, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DEED DESCRIPTION RECORDED IN (SEE DEED REFERENCE); THAT THE BOUNDARIES NOT SURVEYED, IF ANY, ARE CLEARLY INDICATED AS INFORMATION DRAWN IN (SEE PLAT REFERENCES); THAT THE RATIO OF PRECISION IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. I FURTHER CERTIFY THAT THE STATE PLANE COORDINATES AND BEARING BASIS WE DETERMINED FROM AN ACTUAL GNSS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY.

CLASS OF SURVEY: A
POSITIONAL ACCURACY: 0.05'
TYPE OF GNSS FIELD PROCEDURE: RTK
DATE OF SURVEY: JUNE 14, 2023
DATUM/EPOCH: NAD 83(2011)
PUBLISHED/FIXED CONTROL USE: USGS PID FB0333
GEOID MODEL: GEOID18
COMBINED FACTOR:
UNITS: U.S. SURVEY FEET

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER
AND SEAL THIS 20th DAY OF JUNE, 2023



A. CLAY JONES, P.L.S.
NC REG NO. L-5540

NOTES:

- THE PURPOSE OF THIS PLAT IS TO ANNEX THE FOLLOWING PARCELS (4.441 SATTELITE ACRES) INTO THE CITY LIMITS OF HENDERSONVILLE AS SHOWN ON THIS SURVEY:
 - 9577-89-7580
 - 9577-89-6236
 - 9577-89-5289
 - 9577-89-6416
 - 9577-89-6187
- REF DEED: DB 3569-180, DB 4009-614
- REF PLAT: SLIDE 9870
- REF PLAT: NCDOT HIGHWAY PLANS REF. NO. R-4430 SHEETS 5 & 6
- PID: 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, 9577-89-6187

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

THIS THE _____ DAY OF _____, 2023.

JILL MURRAY,
CITY CLERK

LEGAL DESCRIPTION

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AREA
193,455 SQ. FT.
4.441 ACRES

(INCLUDES ANY AND ALL R/W)

--- RIGHT OF WAY LINE
--- ADJONER'S PROPERTY LINE
--- PROPERTY LINE
--- PROPOSED CITY/COUNTY LINE
--- MONUMENT TIE LINE

LEGEND		
BL BUILDING LINE	CATV CABLE TV PEDESTAL	TC/BC TOP/BOTTOM CURB
CL CENTERLINE	TEL TELEPHONE PEDESTAL	TW/BW TOP/BOTTOM WALL
OMP CORRUGATED METAL PIPE	EM ELECTRIC METER	VCP VTRIFIED CLAY PIPE
CT CRIMP TOP	CB CATCH BASIN	WM WATER METER
DE DRAINAGE EASEMENT	DI DROP INLET	WV WATER VALVE
EP EDGE OF PAVEMENT	ET ELEC TRANS	WV WATER VALVE
IP IRON PIN OLD-O	E ELEVATION	CTV CABLE TV
IP IRON PIN SET-O	F FIRE HYDRANT	X FENCE LINE
N&C NAIL & CAP	G GAS METER	FOC FIBER OPTIC CABLE
OT OPEN TOP	GV GAS VALVE	GAS GAS LINE
RB REBAR	LP LIGHT POLE	OHP OVERHEAD POWER
RCP REINFORCED CONC PIPE	PP POWER POLE	OHT OVERHEAD TELEPHONE
SD STORM DRAIN	GP GUY ANCHOR	SD STORM DRAIN
SS SANITARY SEWER	SMH SS MANHOLE	SS SANITARY SEWER
SSE SS EASEMENT	TMH TELEPHONE MANHOLE	UGP UNDERGROUND POWER
	CO CLEAN OUT	UGT UNDERGROUND TEL
		W WATER LINE

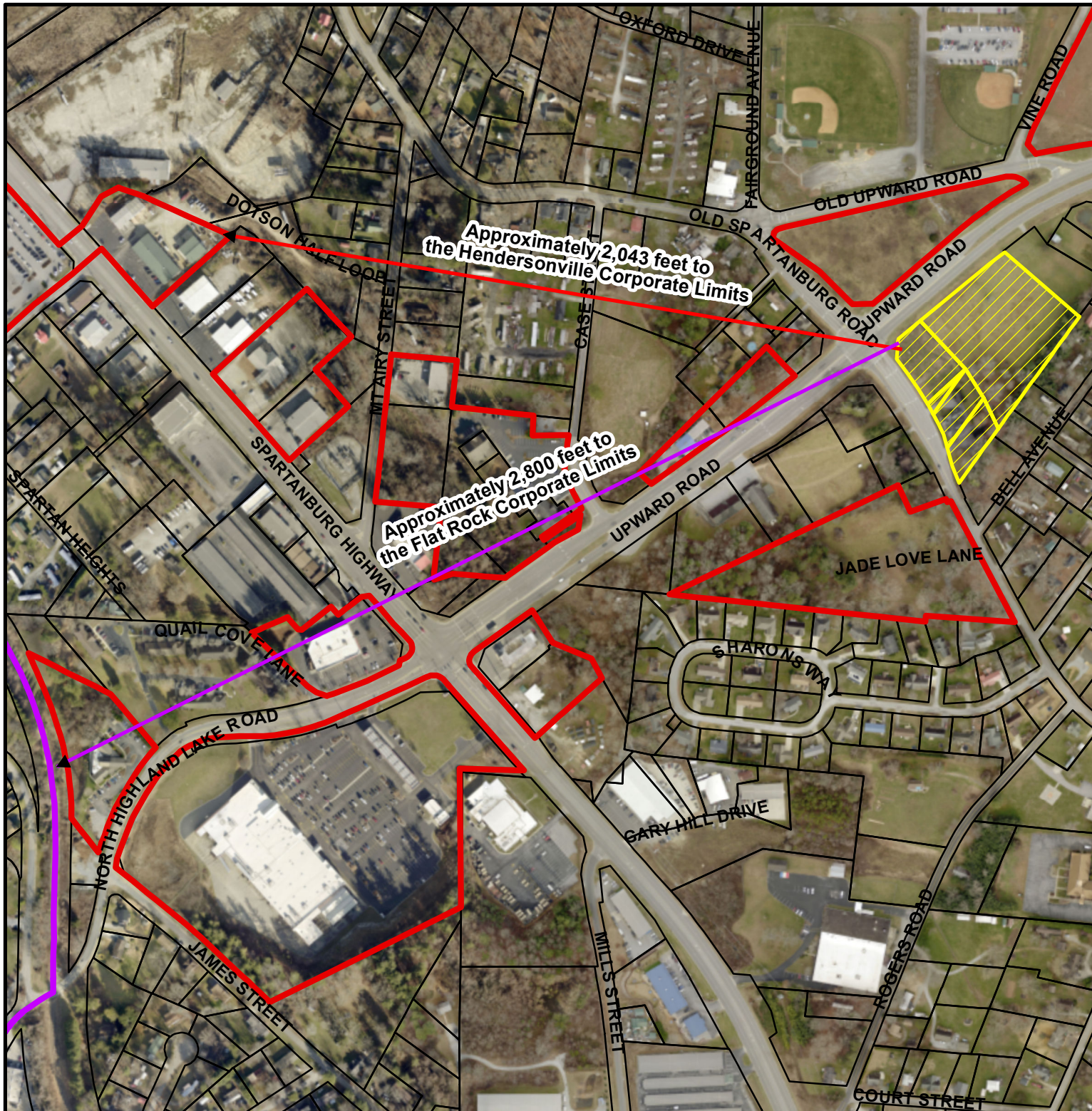
ANNEXATION PLAT FOR
THE SPINX COMPANY, LLC
HENDERSON COUNTY, NORTH CAROLINA

SCALE 1"=40'	PROPERTY ADDRESS UPWARD ROAD	TAX PIN AS NOTED
DATE 6/14/2023	40 0 40 80	FIELD CREW JM/ARM
		DRAWN BY HS

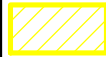


SITE DESIGN, INC.
CIVIL ENGINEERS - SURVEYORS - LANDSCAPE ARCHITECTS
225 ROCKY CREEK ROAD, GREENVILLE, SC 29615
PH: (864)271-0496
www.sitedesign-inc.com

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The Spinx Company LLC
P23-97-ANX
PINs: 9577-89-7580, -6416, -5289, -6236, -6187
Acreage: 4.441
Annexation Map
Community Development Department

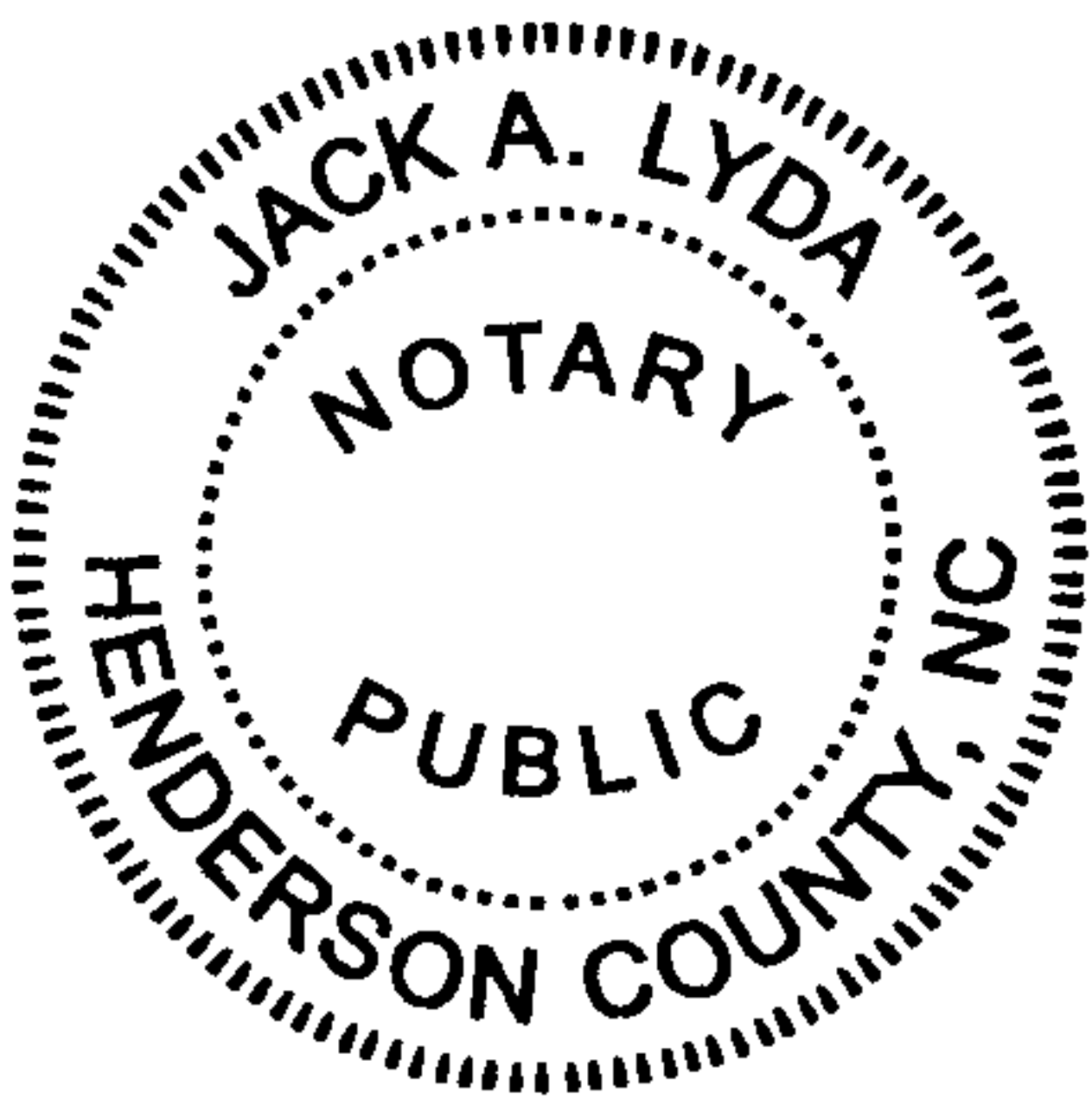
-  Subject Property
-  Hendersonville City Limits
-  Flat Rock Village Limits



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

Spevins R. Jones Jr. (SEAL)
Spevins R. Jones, Jr.

Deitra Blythe Jones (SEAL)
Deitra Blythe Jones



(Affix Seal)

State of North Carolina - County of Henderson

I, the undersigned Notary Public of the County and State aforesaid, certify that Spevins R. Jones Jr. and wife, Deitra Blythe Jones personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 8th day of February, 2024.

My Commission Expires:
3-14-2026

Jack A. Lyda Notary Public
Notary's Printed or Typed Name

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

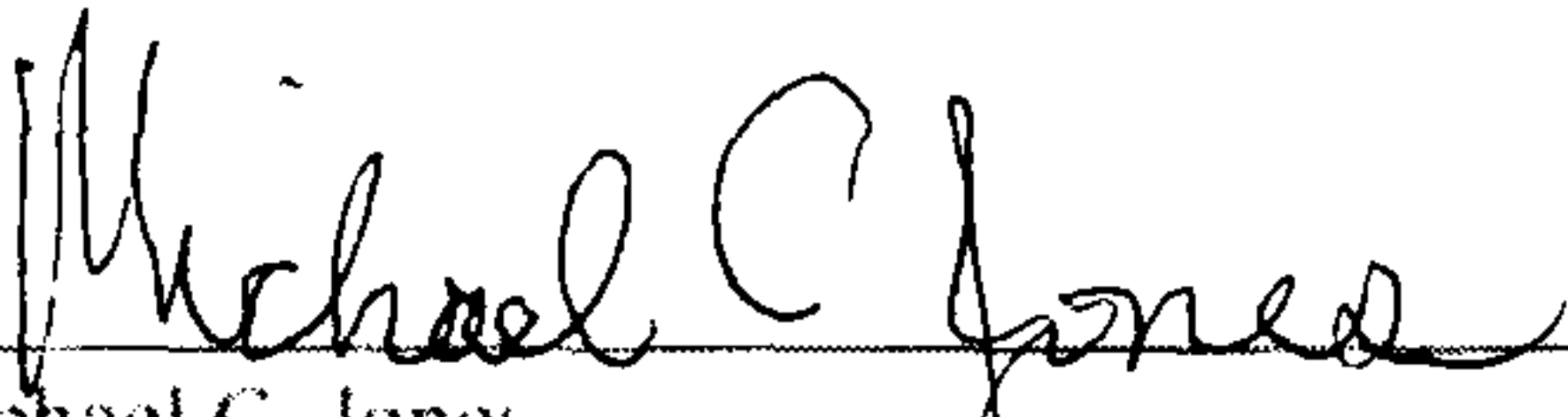
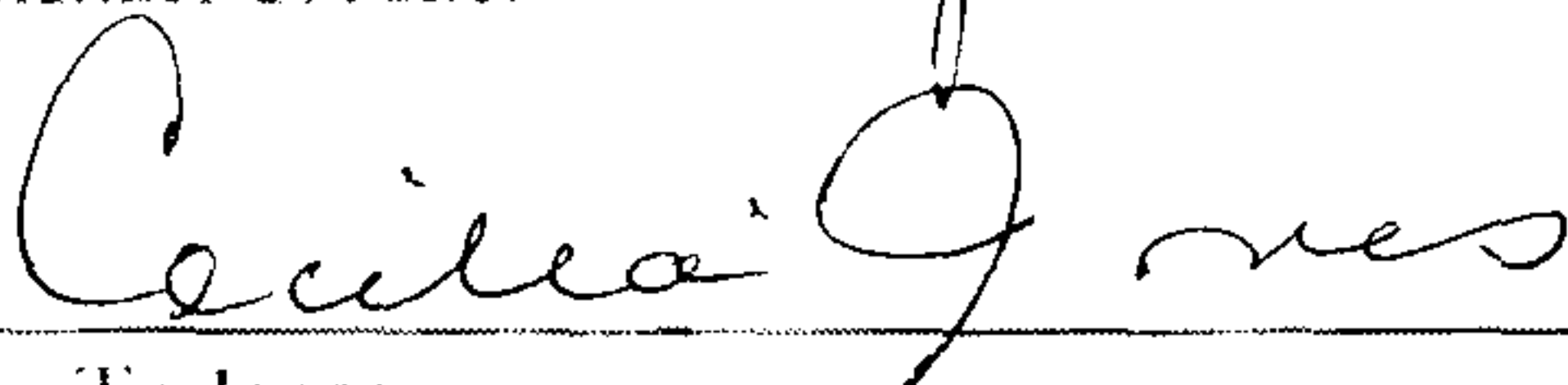
A map showing the above described property is recorded in Plat Slide _____.

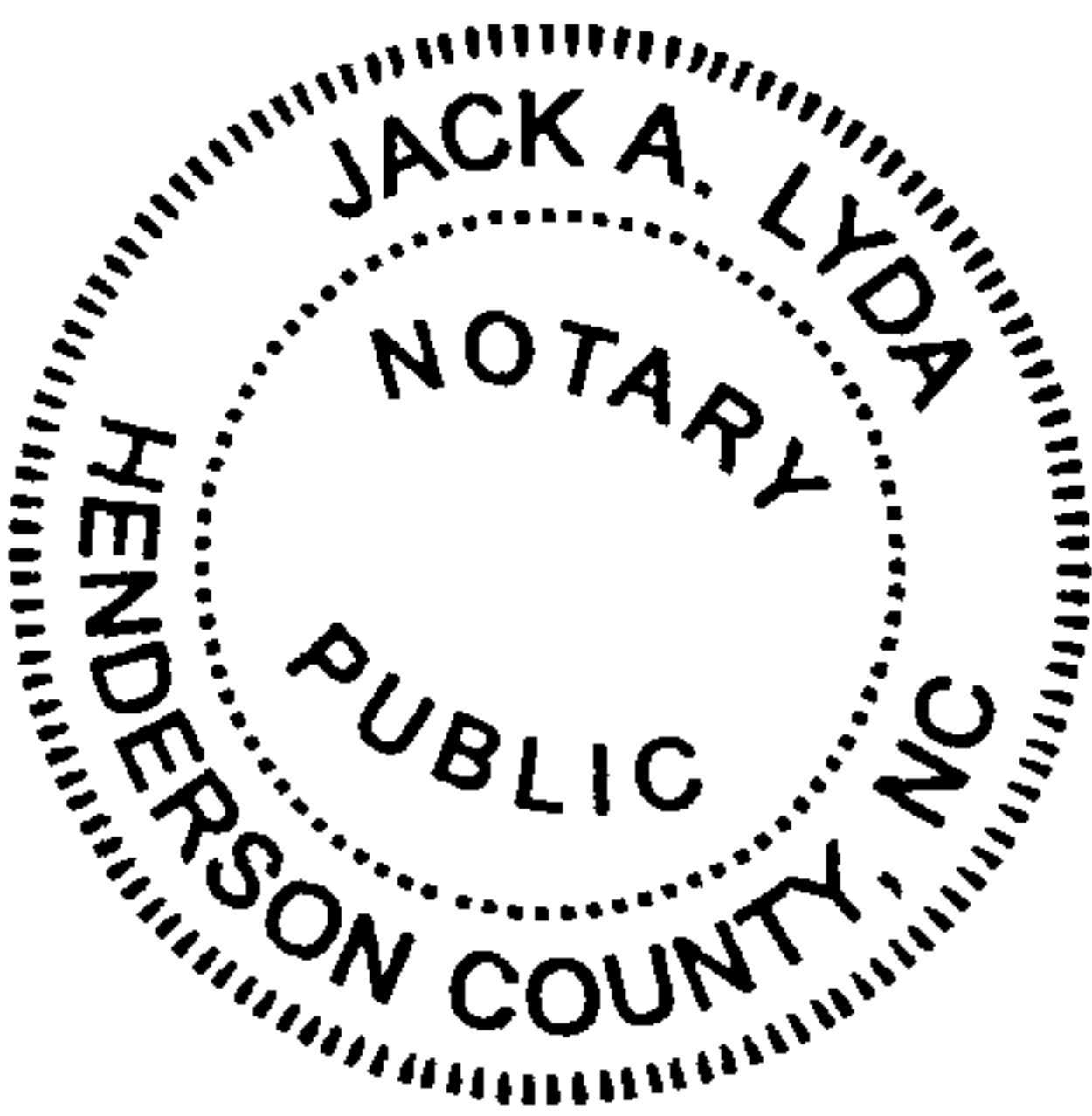
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

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

Subject to Henderson County ad valorem taxes.
Subject to Restrictions, Easements, and Rights of Way of Record.

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

 (SEAL)
Michael C. Jones
 (SEAL)
Cecilia Jones



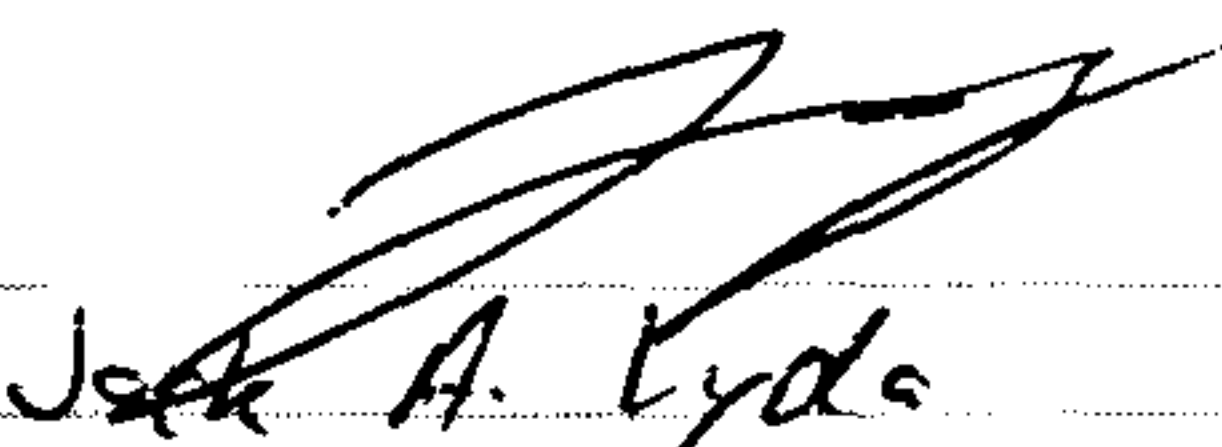
(Affix Seal)

State of North Carolina - County of Henderson

I, the undersigned Notary Public of the County and State aforesaid, certify that, Michael C. Jones and wife, Cecilia Jones personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal this 8th day of February , 2024.

My Commission Expires: 3-14-2026



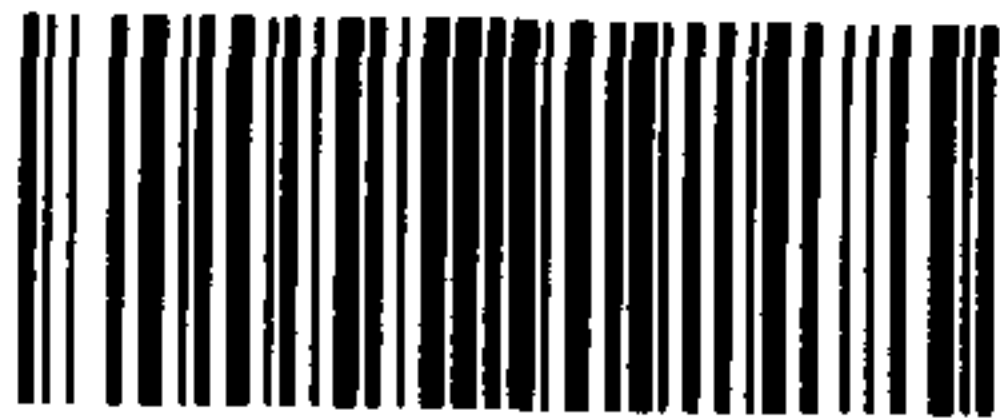
Notary Public

Notary's Printed or Typed Name

Exhibit "A"

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND, WITH ALL IMPROVEMENTS THEREON, SITUATE, LYING AND BEING IN HENDERSON COUNTY, NORTH CAROLINA, CONTAINING 4.723 ACRES, MORE OR LESS, ACCORDING TO AN ALTA/NPSP LAND TITLE SURVEY FOR THE SPINX COMPANY, LLC, PREPARED BY SITE DESIGN, INC. UNDER THE SEAL AND CERTIFICATION OF A. CLAY JONES, P.L.S., NC REG. NO. L-5540, DATED JUNE 14, 2023, BEARING DRAWING NO. 230494, AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT AN IRON PIN SET 1/2" REBAR LOCATED ON THE NORTHEASTERN RIGHT OF WAY OF OLD SPARTANBURG ROAD (SR 1828), N02-25-32W 5135.86 FEET FROM USGS MONUMENT FB0333, THENCE RUNNING ALONG SAID RIGHT OF WAY, N22-13-06W 65.25 FEET TO AN IRON PIN SET 1/2" REBAR, THENCE N14-54-41W 98.59 FEET TO AN OLD NCDOT CAP, THENCE N27-19-02W 103.39 FEET TO AN IRON PIN SET 1/2" REBAR, THENCE WITH A CURVE TO THE LEFT HAVING A LENGTH OF 169.66 FEET, A RADIUS OF 1655.00 FEET AND A CHORD BEARING AND DISTANCE OF N34-48-52W 169.59 FEET TO AN IRON PIN OLD 5/8" REBAR LOCATED ON THE SOUTHERN END OF A SITE TRIANGLE AT THE INTERSECTION OF THE NORTHEASTERN RIGHT OF WAY OF OLD SPARTANBURG ROAD (SR 1828) AND THE SOUTHEASTERN RIGHT OF WAY OF UPWARD ROAD (SR 1783), THENCE RUNNING ALONG SAID SITE TRIANGLE, N05-29-01E 61.29 FEET TO AN OLD NCDOT CAP LOCATED ON THE NORTHERN END OF SAID SITE TRIANGLE LOCATED ON THE SOUTHEASTERN RIGHT OF WAY OF UPWARD ROAD (SR 1783), THENCE RUNNING ALONG SAID RIGHT OF WAY, N50-23-14E 72.56 FEET TO AN IRON PIN OLD 5/8" REBAR, THENCE N50-37-23E 288.31 FEET TO AN OLD NCDOT CAP, THENCE N52-10-34E 54.50 FEET TO AN IRON PIN OLD 5/8" REBAR, THENCE LEAVING THE SOUTHEASTERN RIGHT OF WAY UPWARD ROAD (SR 1783) S49-04-21E 304.99 FEET TO AN IRON PIN OLD 3/4" OPEN TOP PASSING AN IRON PIN OLD 3/4" OPEN TOP @ 268.28 FEET, THENCE S35-14-50W 351.18 FEET TO AN IRON PIN OLD 3/4" OPEN TOP, THENCE S53-56-40E 123.20 FEET TO AN IRON PIN OLD 1/2" REBAR LOCATED ON THE NORTHWESTERN RIGHT OF WAY OF BELL AVENUE (SR 1785), THENCE RUNNING ALONG SAID RIGHT OF WAY, S35-57-19W 100.17 FEET TO AN IRON PIN OLD 3/4" OPEN TOP, THENCE LEAVING THE NORTHWESTERN RIGHT OF WAY OF BELL AVENUE (SR 1785), N53-51-32W 122.00 FEET TO AN IRON PIN OLD 1/2" REBAR, THENCE S36-01-53W 175.75 FEET TO THE POINT OF BEGINNING.



This document presented and filed:
02/08/2024 03:45:54 PM

SRS

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: \$1,600.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 1,600.00

Parcel Identifier No: 9577-89-6416 Verified by _____ Henderson _____ County on the _____ day
of _____, 20_____
By: _____

Mail/Box to: Womble Bond Dickinson, LLP 550 South Main Street, Ste. 400, Greenville, SC 29601



This instrument was prepared by: Sherri L. Brewer

Brief description for the Index: 1 Tract, Old Spartanburg Hwy.

THIS DEED made this 8th day of February, 2024, by and between

GRANTOR

GRANTEE

Spevines Rex Jones Jr., and wife, Deitra Blythe Jones
101 Sunningdale Drive, Flat Rock, NC 28791

The Spinx Company, LLC, A South Carolina
Limited Liability Company

1414 E. Washington Street, Suite N
Greenville, SC 29605

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

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

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

SEE ATTACHED EXHIBIT A.

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 4009 at Page 614.

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

A map showing the above described property is recorded in Plat Slide _____.

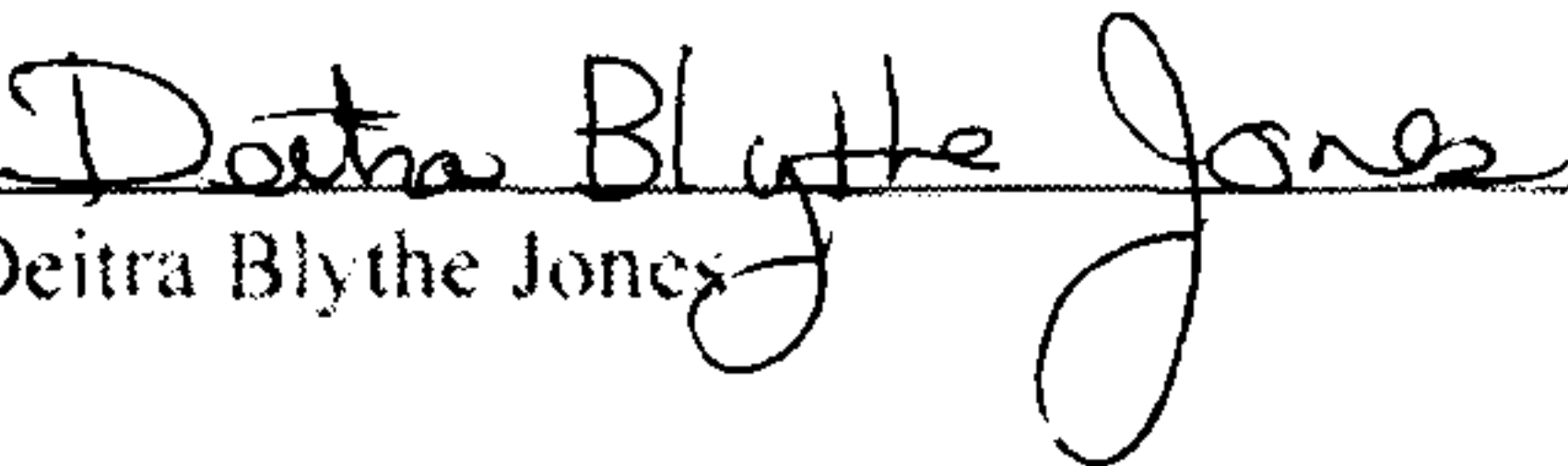
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

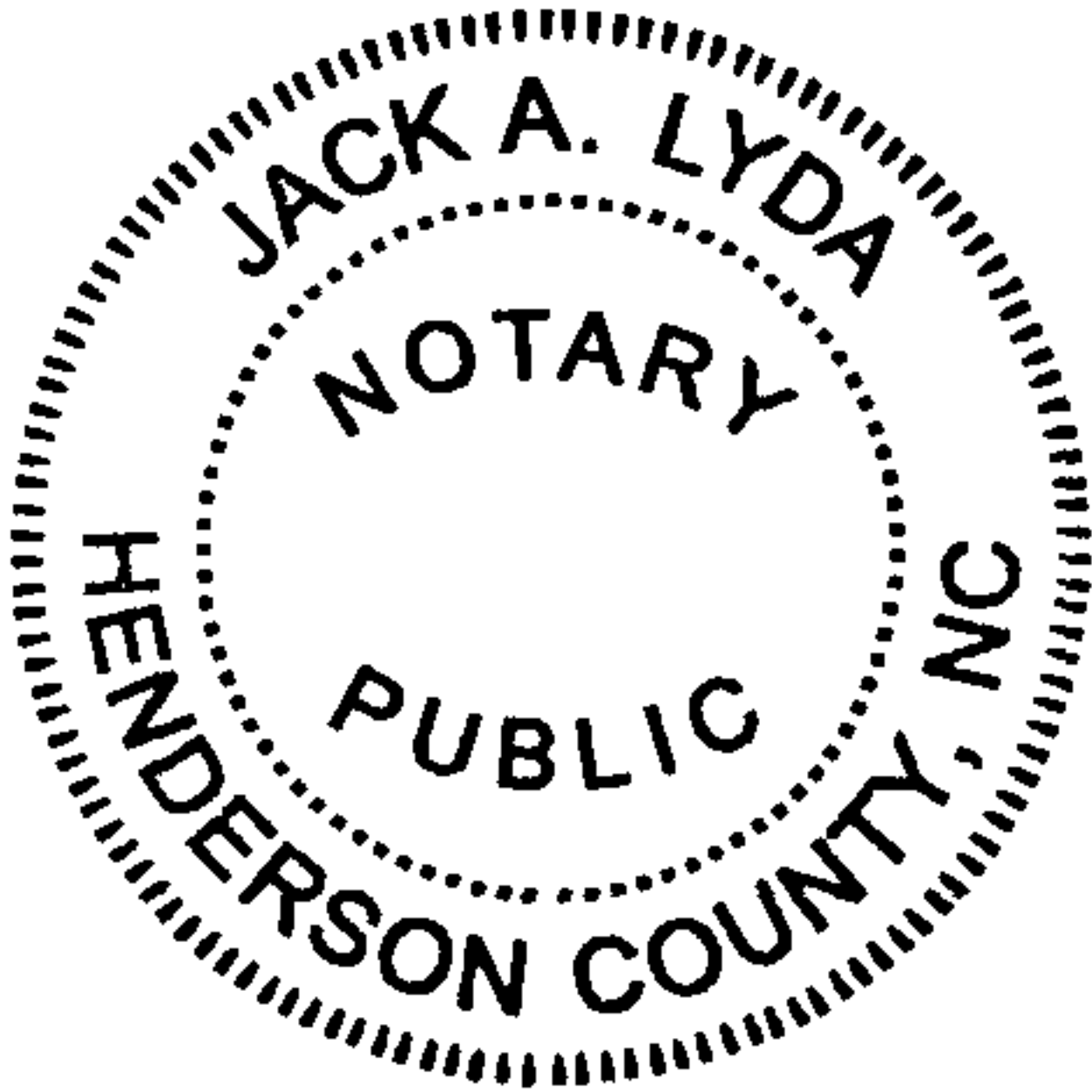
And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons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

Subject to Henderson County ad valorem taxes.
Subject to Restrictions, Easements, and Rights of Way of Record.

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

 (SEAL)
Spevines Rex Jones Jr.

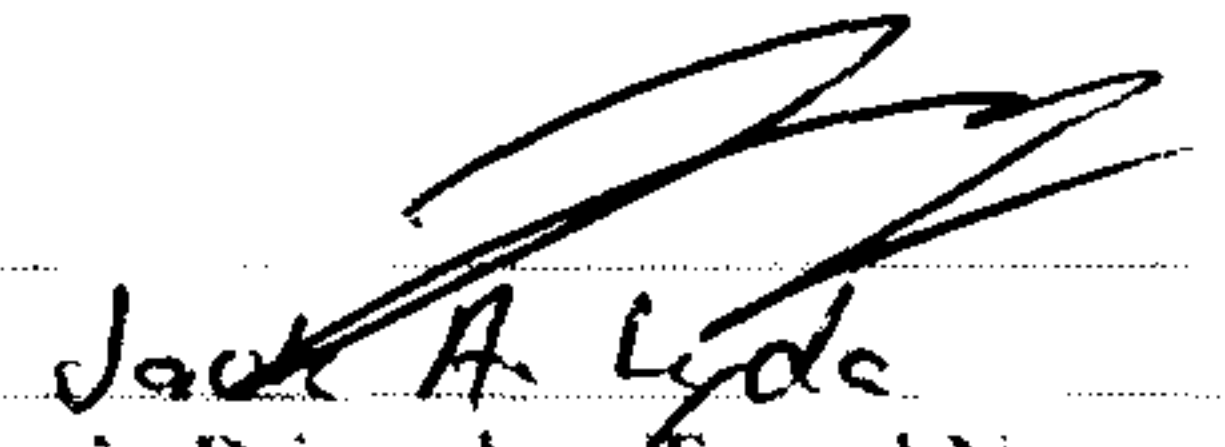
 (SEAL)
Deitra Blythe Jones



State of North Carolina - County of Henderson

I, the undersigned Notary Public of the County and State aforesaid, certify that Spevines Rex Jones Jr. and wife, Deitra Blythe Jones personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 8th day of February, 2024.

My Commission Expires:
3-14-2026

 Notary Public
Notary's Printed or Typed Name

(Affix Seal)

EXHIBIT A

TRACT 1: BEGINNING at a point in the centerline of the right of way of the Old Spartanburg Highway, said point being South 45 deg 00 min 00 sec East 95 feet from the southernmost corner of the Dewey Hunnicutt property described in Deed Book 407, Page 557, Henderson County Registry, and runs thence from said Beginning North 45 deg 30 min 00 sec East, passing a new iron pin at 30 feet, a total distance of 170 feet to a new iron pin; thence South 45 deg 00 min 00 sec East 95 feet to a new iron pin; thence South 45 deg 30 min 35 sec West, passing a new iron pin at 143.33 feet, a total distance of 173.33 feet to a point in the centerline of the Old Spartanburg Highway; thence with said highway North 41 deg 49 min 23 sec West 38.22 feet to a point, thence North 42 deg 42 min 15 sec West 30.20 feet to a p.K. Nail, and North 45 deg 00 min 00 sec West 26.61 feet to the BEGINNING and containing 0.373 acre more or less according to a survey by William Patterson, RLS, dated June 1988, captioned "Portion of the property of Margie Jones" and identified as Job No. 88-06-64B.

TRACT 2: BEGINNING at an established iron pin which stands South 35 deg 15 min West 491.7 feet; South 34 deg 46 min West 81.5 feet; North 25 deg 49 min West 105.1 feet and North 31 deg 52 min West 105 feet from the most southerly corner of that deed recorded in Deed Book 648 at Page 409, Henderson County Registry; and also being that property as described in the easternmost corner of the property now or formerly of Jones as described in Deed Book 343 at Page 209, Henderson County Registry; and running from said beginning point South 47 deg 11 min West 184.7 feet to a stake standing in the northeastern margin of the Old Spartanburg Highway (SR #1803); and running thence in a northwesterly direction on a curve to the left of a circle with a radius of 1,158.9 feet, an arc distance of 175.9 feet to a new iron pin, as Old Spartanburg Highway curves into and intersects with Upward Road Extension; and running thence with the turn of said intersection North 02 deg 36 min West 25.9 feet to an established iron pin; and running thence with the southeastern margin of the right of way of Upward Road Extension North 45 deg 59 min East 143.4 feet to an established iron pin which stands South 43 deg 27 min East 14.9 feet from a new iron pin, which last mentioned new iron pin stands in the southeastern margin of the 80-foot right of way of Upward Road Extension; and running thence South 43 deg 27 min East 197.1 feet to the point and place of BEGINNING, containing .76 acres, more or less, and being Lot #6 on the survey for Margie O. Jones as accomplished by Freeland-Clinkscases and Associates, Inc.

Both tracts are conveyed LESS AND EXCEPTING all that property conveyed to or taken by the NC Department of Transportation as shown on record in the Office of the Register of Deeds for Henderson County, North Carolina.

AND BEING all that property described as Tract One and Tract Two in that deed recorded in Book 4009 at Page 614 in the Office of the Register of Deeds for Henderson County, North Carolina.



**CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT**

100 N. King Street, Hendersonville, NC 28792

Phone (828) 697-3010|Fax (828) 698-6185

www.hendersonvillenc.gov

Petition Requesting Annexation

The following are the **required** submittals for a complete application for a Voluntary Annexation. Staff will not review applications until each item has been submitted and determined complete. By placing a check mark by each of the following items, you are certifying that you have performed that task.

- ☒ 1. Completed Application Form
- ☒ 2. A copy of the deed indicating ownership of the property.
- ☒ 3. An Annexation Survey Plat of the property prepared by a registered surveyor licensed to practice in the state of North Carolina.
- ☒ 4. A typed boundary description of the property.

A. Property Information

PIN(s): 9577-89-7580, 9577-89-6416, 9577-89-6236, 9577-89-6187, 9577-89-5289

Address(es) / Location of Property: Corner of Upward Rd & Old Spartanburg

across from Dairi-O of Hendersonville

Does this property adjoin the present City Limits? ___ Yes X No

Is the property within the ETJ? ___ Yes X No

Reason for Annexation:

Office Use:

Date Received: _____ By: _____ Fee Received? Y/N

A. Additional Property Owner Contact Information

The Spinx Company, LLC
* Printed Applicant Name

1/24/2024
Date

The Spinx Company, LLC
Printed Company Name (if applicable)

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Greg Minton
Property Owner Signature

EVP Of Real Estate

Property Owner Title (if applicable)

1414 East Washington Street

Address of Property Owner

Greenville, SC 29607 _____

City, State, and Zip Code

864-451-6656

Telephone

Gbm@spinxco.com

Email

MINUTES OF ANNUAL MEETING
OF THE BOARD OF DIRECTORS OF

Section 7, Item B.

THE SPINX COMPANY, LLC

The annual meeting of the Board of Directors of The Spinx Company, Inc. (the "Corporation") was held at its offices on September 28, 2023 at 2:00 p.m. at the offices of the Corporation, 1414 E. Washington Street, Suite N, Greenville, South Carolina. Present at the meeting in person or by phone were L. Stewart Spinks, Steve Spinks, and Linda Gysin, as Board members.

L. Stewart Spinks served as Chairman of the meeting and Linda Gysin served as Secretary of the meeting.

The Chairman stated the first order of business to come before the meeting was to elect officers for the corporation.

The floor was opened for nominations and the following persons were duly nominated, elected and qualified to serve as the officers of the Corporation until the next meeting of the Board of Directors or until their successors have been elected and qualified.

L. Stewart Spinks	Chairman of the Board
Steve C. Spinks	Chief Executive Officer
Steven Visser	Treasurer
Greg Minton	EVP Spinx Real Estate
Linda Gysin	Secretary

The matter was thoroughly discussed by all those present, and upon motion duly made and seconded, the following was unanimously adopted by the Board and consented to by the Shareholders:

"The Corporate Officers will be changed to reflect this motion effective today. Resolved, the Corporation confirms the election of officers for the company."


The Chairman stated the second order of the business to come before the meeting was to review the financial statements for the year ended December 31, 2022.

The matter was thoroughly discussed by all those present, and upon motion duly made and seconded, the following was unanimously adopted by the Board and consented to by the Shareholders:

"The Financial Statements appear to accurately reflect the business for 2022. Resolved, the Corporation accepts these statements as representative of 2022 activities."

There being no further business to come before the meeting, the same was adjourned.

Respectfully submitted,


Linda Gysin, Secretary

ACCEPTED:

L. Stewart Spinks, Shareholder


L. Stewart Spinks, Chairman

The above actions are hereby approved and ratified as of the date set forth on the Minutes of the Annual Meeting of the Board of Directors of The Spinx Company, Inc.



CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT
100 N. King Street, Hendersonville, NC 28792
Phone (828) 697-3010|Fax (828) 698-6185
www.hendersonvillenc.gov

Petition Requesting Annexation

The following are the **required** submittals for a complete application for a Voluntary Annexation. Staff will not review applications until each item has been submitted and determined complete. By placing a check mark by each of the following items, you are certifying that you have performed that task.

- ☒ 1. Completed Application Form
- ☒ 2. A copy of the deed indicating ownership of the property.
- ☒ 3. An Annexation Survey Plat of the property prepared by a registered surveyor licensed to practice in the state of North Carolina.
- ☒ 4. A typed boundary description of the property.

A. Property Information

PIN(s): 9577-89-8138, 9577-89-7580, 9577-89-6416, 9577-89-6236, 9577-89-6187, 9577-89-5289

Address(es) / Location of Property: Corner of Upward Rd & Old Spartanburg
across from Dairi-O of Hendersonville

Does this property adjoin the present City Limits? ___ Yes X No

Is the property within the ETJ? ___ Yes X No

Reason for Annexation:

Spinx has been working with the property owners to acquire these parcels to allow us to invest in Hendersonville by bringing our newest quality facility and offer to serve the Upward Road Community. The City of Hendersonville CHMU zoning district will provide Spinx with the sewer service and development planning needed to enhance the area along this corridor. Spinx feels strongly that the annexation of these parcels will not have a negative impact on the surrounding community. Spinx Value being a part of the communities we have the privilege to serve and support through the services we provide.

Office Use:
Date Received: _____ By: _____ Fee Received? Y/N

B. Property Owner Contact Information

Spevines Rex Jones, Jr. 12-3-2023
* Printed Applicant Name Date

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☒ Other: Individual

Spevines Rex Jones, Jr.
Property Owner Signature

Property Owner Title (if applicable)

101 Sunningdale Drive
Address of Property Owner

Flat Rock, NC 28731
City, State, and Zip Code

(828) 691-0510 828-691-1296
Telephone

deitra2@yahoo.com
Email

C. Additional Property Owner Contact Information

Deitra Blythe Jones

* Printed Applicant Name

12-03-2023

Date _____

Printed Company Name (if applicable)☐ Corporation☐ Limited Liability Company

☐ Trust

☐ Partnership

☒ Other: Individual

Debra Blythe Jones
Property Owner Signature

Property Owner Title (if applicable)

101 Sunningdale Drive

Address of Property Owner

Flat Rock, NC 28731

City, State, and Zip Code

828-691-0510 828-691-1296

Telephone _____

deitra2@yahoo.com

Email

C. Additional Property Owner Contact Information

Michael C. Jones
* Printed Applicant Name

12/4/2023
Date

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☒ Other: Individual

Michael C. Jones
Property Owner Signature

Property Owner Title (if applicable)

613 Crooked Creek Rd.
Address of Property Owner

Hendersonville, NC 28739
City, State, and Zip Code

828-691-1296
Telephone

Email

C. Additional Property Owner Contact Information

Cecilia Jones
* Printed Applicant Name
12/15/2023
Date

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☒ Other: Individual

Cecilia Jones
Property Owner Signature

Property Owner Title (if applicable)

613 Crooked Creek Rd.

Address of Property Owner

Hendersonville, NC 28739

City, State, and Zip Code

Telephone

Email



CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER: Matthew Manley **MEETING DATE:** March 7, 2024

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

TITLE OF ITEM: Rezoning: Standard Rezoning – Upward Rd-Spinx (P24-07-RZO) – *Matthew Manley, Strategic Projects Manager*

SUGGESTED MOTION(S):

<p>For Approval:</p> <p>I move City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property, PINs: 9577-89-7580; 9577-89-6187; 9577-89-6236; 9577-89-5289; 9577-89-6416, from Henderson County CC, Community Commercial to City of Hendersonville CHMU (Commercial Highway Mixed Use) based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:</p> <p>The Goals & Strategies of LU-7 “High-Intensity Neighborhood” calls for primary and secondary recommended land uses, locations, and development guidelines which align with the proposed CHMU zoning.</p> <p>2. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:</p> <ol style="list-style-type: none">1. Commercial Highway Mixed Use is the zoning district established for the Upward Rd Planning Area2. The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area3. The property is located in an area designated as a “Priority Infill Area” according to the City’s Comprehensive Plan <p>[DISCUSS & VOTE]</p>	<p>For Denial:</p> <p>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, PINs: 9577-89-7580; 9577-89-6187; 9577-89-6236; 9577-89-5289; 9577-89-6416, from Henderson County CC, Community Commercial to City of Hendersonville CHMU (Commercial Highway Mixed Use) based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:</p> <p>The Goals & Strategies of LU-7 “High-Intensity Neighborhood” calls for primary and secondary recommended land uses, locations, and development guidelines which align with the proposed CHMU zoning.</p> <p>2. We do not find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:</p> <ol style="list-style-type: none">1. While the CHMU zoning districts permits development that may align with the Development Guidelines found in LU-7.4, not all of the guidelines are requirements of this zoning district. <p>[DISCUSS & VOTE]</p>
--	---

SUMMARY: The City of Hendersonville received an Annexation application from the Spinx Company, LLC (anticipated owners) for 5 parcels totaling 4.58 Acres located along Upward Road at the southeast corner of the intersection with Old Spartanburg Rd (across from Dairi-O). The applicant has not requested zoning, therefore the City is initiating zoning for these parcels from County CC, Community Commercial to CHMU, Commercial Highway Mixed.

The subject property is outside of the corporate city limits on the southeastern edge of Hendersonville. The subject property sits outside of the City’s ETJ but within the Upward Road Planning District.

CHMU permits a range of intense commercial uses and residential uses (up to 12 units/acre) and includes design standards for all uses other than single-family and two-family (per State Statute). As a standard rezoning, all uses would be permitted if approved, including “convenience stores with or without gasoline sales”. CZD would be triggered by projects exceeding 50 units or exceeding a cumulative square footage of 50,000 Sq Ft.

Planning Board voted unanimously in recommending approval of the zoning.

PROJECT/PETITIONER NUMBER:	P24-07-RZO
PETITIONER NAME:	City of Hendersonville [applicant] Spinx Company, LLC [anticipated owner]
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Staff Report 2. Planning Board Summary 3. Draft Ordinance 4. Proposed Zoning Map

STANDARD REZONING: UPWARD RD - SPINX (P24-07-RZO)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY 2

EXISTING ZONING & LAND USE 3

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SITE IMAGES..... 5

SITE IMAGES..... 6

SITE IMAGES.....**Error! Bookmark not defined.**

FUTURE LAND USE 6

REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4) 8

REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4) 9

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT 10



PROJECT SUMMARY

- Project Name & Case #:
 - Upward Rd - Spinx
 - P24-07-RZO
- Applicant & Property Owner:
 - City of Hendersonville [Applicant]
 - Spinx Company, LLC.[Owner]
- Property Address:
 - 2120 Old Spartanburg Rd
- Project Acreage:
 - 4.58 Acres
- Parcel Identification (PINS):
 - 9577-89-7580; 9577-89-6187;
9577-89-6236; 9577-89-5289;
9577-89-6416
- Current Parcel Zoning:
 - County Community Commercial (CC)
- Proposed Zoning District:
 - CHMU (Commercial Highway Mixed Use)
- Future Land Use Designation:
 - City – High Intensity Neighborhood
 - County –Urban Services Area (residential density maximized where utilities present)



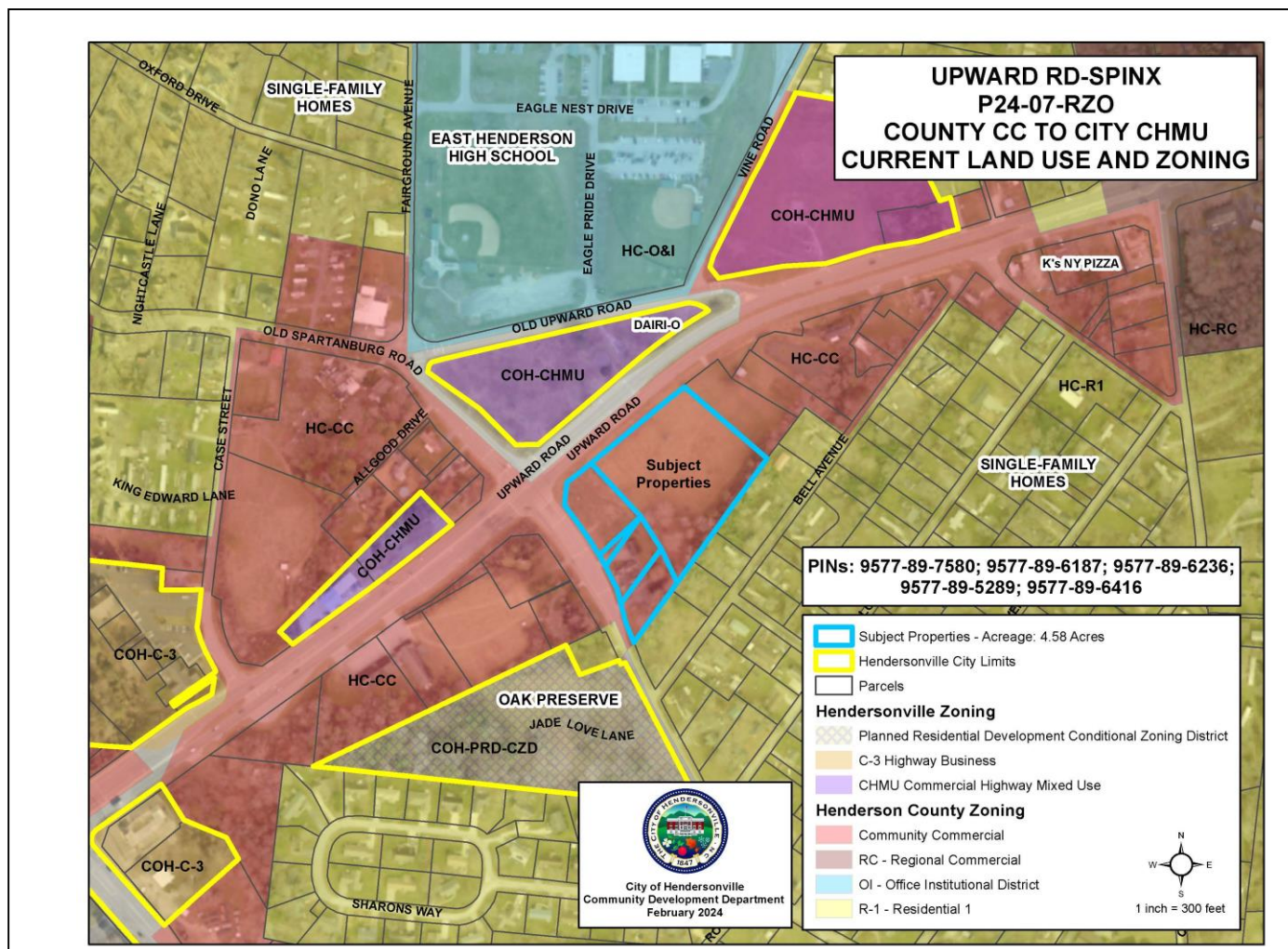
SITE VICINITY MAP

The City of Hendersonville received an Annexation application from the Spinx Company, LLC (owners) for 5 parcels totaling 4.58 Acres located along Upward Road at the southeast corner of the intersection with Old Spartanburg Rd (across from Dairi-O). The applicant has not requested zoning, therefore the City is initiating zoning for these parcels from County CC, Community Commercial to CHMU, Commercial Highway Mixed Use.

The subject property is outside of the corporate city limits on the southeastern edge of Hendersonville. The subject property sits outside of the City's ETJ but within the Upward Road Planning District.

CHMU permits a range of intense commercial uses and residential uses (up to 12 units/acre) and includes design standards for all uses other than single-family and two-family (per State Statute). As a standard rezoning, all uses would be permitted if approved, including "convenience stores with or without gasoline sales". CZD would be triggered by projects exceeding 50 units or exceeding a cumulative square footage of 50,000 Sq Ft.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently in the Zoning Jurisdiction of Henderson County. The parcels are primarily zoned Community Commercial. They are located outside of the corporate City Limits in an area where some satellite parcels have been annexed into the City with zoning designations including Commercial Highway Mixed Use (CHMU) and C-3 Highway Business. The properties within these districts are developed with fast food restaurant chains and lodging. There is a significant amount of vacant property as well as commercial, residential and institutional uses in proximity of the subject parcel.

The County zoning in this area is predominantly Community Commercial (CC) along Upward Road and Residential One (R1) further setback from Upward Rd. The CC zoning district includes, "a variety of retail sales and services, public and private administrations, offices and all other uses done with adjacent development and the surrounding community." The CC allows for up to 16 units / acre for residential development.

SITE IMAGES



View facing west along subject property frontage on Upward Rd.



*View facing east along subject property frontage at corner of
Upward Rd. & Old Spartanburg Rd*

SITE IMAGES



View facing north along subject property frontage on Old Spartanburg Rd. Single-family home is part of subject property



Typical view of site from Upward Rd. Dense bamboo lines entire rear boundary of site. Site of tree grove on right side of photo.

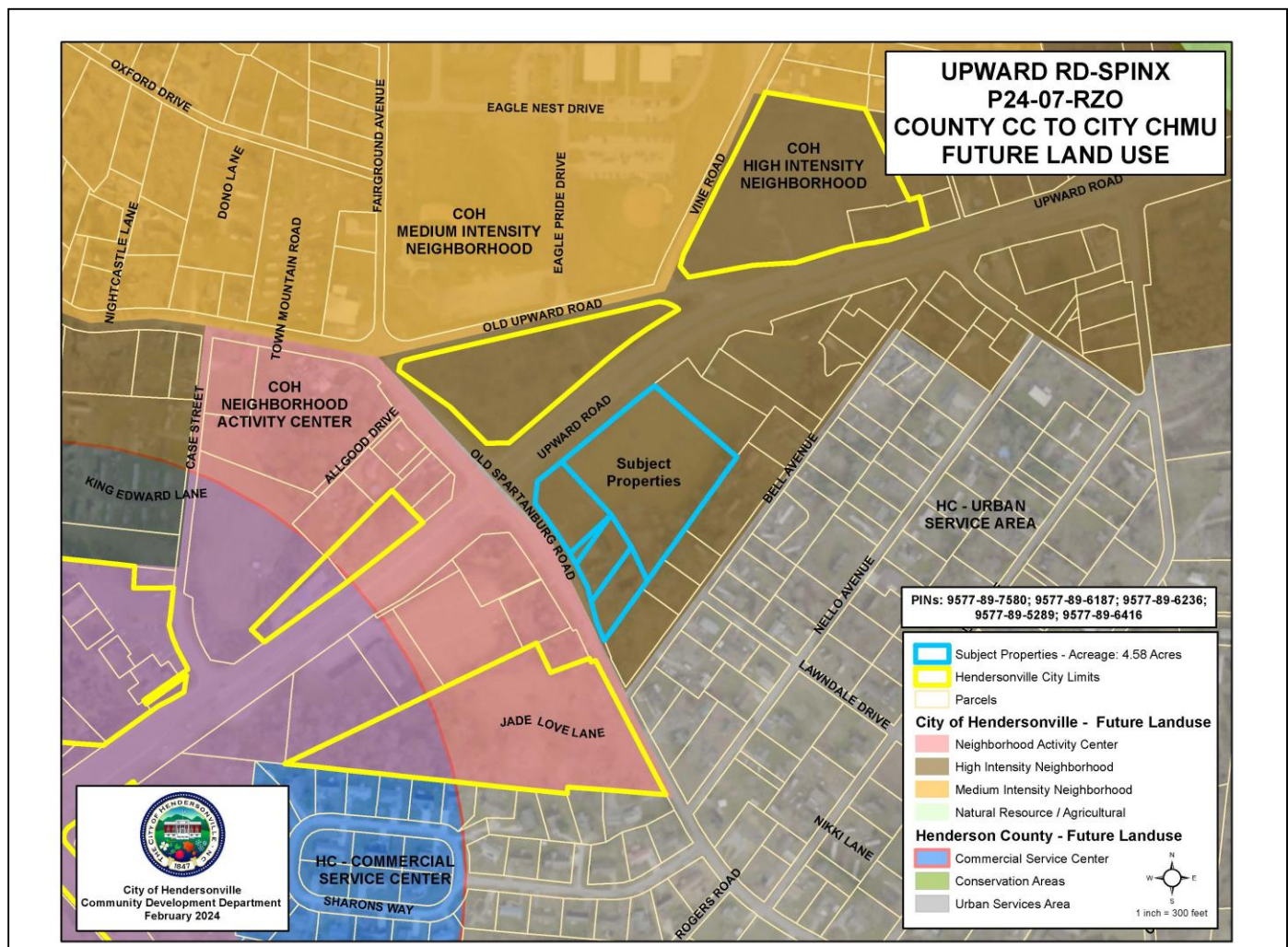
SITE IMAGES



View of tree grove in south/southwest area of the site (behind existing single-family home). Remainder of the site is field.



View of sinkhole or drainage basin at rear edge of subject property



City of Hendersonville Future Land Use Map

The City's 2030 Comprehensive Plan designates the subject property as High Intensity Neighborhood in the City's Future Land Use Map.

Adjacent parcels to the east on Upward Road are also designated High Intensity Neighborhood. Parcels to the west along Upward Rd are designated as Neighborhood Activity Center. Properties southeast of Bell Ave are outside of the City's Future Land Use Map study area.

The County's 2020 Future Land Use Map designates the properties to the rear of the subject property as Urban Service Area. It is also in close proximity to an area designated as Community Service Center where "a mix of commercial uses will be contained and residential densities are to be maximized where utilities are present."

The subject parcel is also part of the Upward Rd Planning Area which was adopted in 2011 in response to the need to manage growth outside the ETJ in an area where sewer service would be desired.

REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
Future Land Use	The subject property is designated as <i>High Intensity Neighborhood</i> on the <i>Future Land Use Map</i> . Goal LU-7 Encourage low-maintenance, high density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. [CONSISTENT]
	Strategy LU-7-1. Locations: • Priority infill development areas where high-density development is desirable and/or expected including boulevards and major thoroughfares near neighborhood activity centers [CONSISTENT]
	Strategy LU-7.2. Primary recommended land uses: • Single-family attached and multifamily residential, planned residential developments, and open space [CONSISTENT] Strategy LU-7-4 Development guidelines: • Encouragement of multi-story, mixed-use buildings with retail on ground floors and office/residential on upper floors [CONSISTENT] • Placement of higher-intensity uses close to boulevards and major thoroughfares [CONSISTENT] • Architectural guidelines to encourage compatibility between different land uses [CONSISTENT] • Encouragement of walkable neighborhood design [CONSISTENT] • At least 60% open space in new residential developments of greater than 3 acres [PARTIALLY CONSISTENT]
	The subject property is designated as a <i>Priority Infill</i> on the <i>Growth Management Map 8.3a</i> .
	The subject property is primarily designated as a <i>Development Opportunity</i> on the <i>Development Framework Map</i> .
Land Use & Development	Goal LU-1. Encourage infill development that utilizes existing infrastructure in order to maximize public investment and revitalize existing neighborhoods.
	Goal LU-3. Promote fiscal responsibility with development, annexation and expansion of Hendersonville's Extra-Territorial Jurisdiction (ETJ).
Population & Housing	Strategy PH-1.1. Promote compatible infill development.
	Strategy PH 3.2 – Encourage mixed land use patterns that place residents within walking distance of services.
Natural Resources	No Goals, Strategies or Actions are directly applicable to this project.
Cultural & Historic Resources	No Goals, Strategies or Actions are directly applicable to this project.
Community Facilities	No Goals, Strategies or Actions are directly applicable to this project.
Water Resources	No Goals, Strategies or Actions are directly applicable to this project.
Transportation & Circulation	Strategy TC-1.1. - Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.

REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS	
Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –
	Considering the vehicular traffic along Upward Rd (boulevard) and the interchange with I-26 (freeway), the CHMU zoning district permits uses that are compatible with this area and the design guidelines of the CHMU further support compatibility.
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
	Upward Road is a corridor experiencing significant growth. In the last three years, there have been no less than 9 development requests/approvals in the Upward Rd area alone. In addition to those development applications, there have been other development inquiries, some of which have been significant in scale. While other areas of Hendersonville are experiencing growth, no other specific area of town has seen this scale of development requests in recent years, especially when it comes to requests for commercial development.
Public Interest	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -
	Design guidelines found in CHMU support the creation of compatibility, high quality development. Additional quality commercial development within the City will generate additional tax revenue. Additional quality residential development within the City would provide needed housing.
Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment
	The site will be served by City water and sewer service, as well as City Fire and Police. Upward Road is designated as a Boulevard in the comprehensive transportation plan and is maintained by NCDOT. Old Spartanburg Rd is maintained by NCDOT and classified as a Collector. The City's Comprehensive Plan designates this road as a Minor Thoroughfare.
Effect on Natural Environment	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -
	As a standard rezoning, there is no proposed development consider as part of the rezoning process. The subject property features an existing single-family home. The site is primarily field with one small hardwood tree grove located in the southwest portion of the site. The rear property line is lined by a dense grove of bamboo.

The petition is found to be **consistent** with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The Goals & Strategies of LU-7 “High-Intensity Neighborhood” calls for primary and secondary recommended land uses, locations, and development guidelines which align with the proposed CHMU zoning.

We **[find/do not find]** this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

DRAFT [Rationale for Approval]

- *Commercial Highway Mixed Use is the zoning district established for the Upward Rd Planning Area*
- *The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area*
- *The property is located in an area designated as a “Priority Infill Area” according to the City’s Comprehensive Plan*

DRAFT [Rational for Denial]

- *While the CHMU zoning districts permits development that may align with the Development Guidelines found in LU-7.4, not all of the guidelines are requirements of this zoning district.*



PLANNING BOARD RECOMMENDATION

PROJECT #: P24-07-RZO

MEETING DATE: February 8, 2024

PETITION REQUEST: Upward Rd-Spinx - Standard Rezoning (County CC to CHMU)

APPLICANT/PETITIONER: City of Hendersonville

PLANNING BOARD ACTION SUMMARY:

Staff gave a 12-minute presentation on the request - reviewing the guidance from the Comprehensive Plan as well as the criteria for considering a rezoning. At the time of the Planning Board meeting, the rezoning included PIN: 9577-89-8138, which is a residential property fronting Bell Ave. This property is no longer part of the rezoning. It will remain in the County and zoned RI. The Planning Board asked a range of questions related to the particular use / zoning of this property on Bell Ave. These questions / answers are no longer relevant given the removal of this property from the annexation request.

Additional questions revolved around the annexation process and how it relates to the assigning of City zoning to newly annexed properties. They also asked questions related to the potential impacts of commercial uses adjacent to residential uses and how City zoning would address that. In total Planning Board considered this item for 41 minutes.

PUBLIC COMMENT:

Public comments include the following:

Jay Marlowe, adjacent property owner - spoke in opposition to the residential property on Bell Ave being zoned to a commercial zoning district.

Lynne Williams, Chadwick Ave – spoke about the need for open space and the loss of rural character along Upward Rd.

DELIBERATION:

The Planning Board deliberated about the zoning request with primary focus on the residential lot that is no longer included in the annexation request.

MOTION:

Peter Hanley moved that the Planning Board recommend approval providing the following:

COMPREHENSIVE PLAN CONSISTENCY STATEMENT:

The Goals & Strategies of LU-7 “High-Intensity Neighborhood” calls for primary and secondary recommended land uses, locations, and development guidelines which align with the proposed CHMU zoning.

REASONABLENESS STATEMENT:

[Rationale for Approval]

1. Commercial Highway Mixed Use is the zoning district established for the Upward Rd Planning Area
2. The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area
3. The property is located in an area designated as a “Priority Infill Area” according to the City’s Comprehensive Plan

BOARD ACTION

- **Motion/Second:** Hanley / Flores
- **Yeas:** J. Robertson (Chair), Hanley, B. Robertson, Flores, Waters, Peacock, Y. Robinson
- **Nays:** N/A
- **Absent:** Cromar
- **Recused:** N/A

Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR CERTAIN PARCELS (POSSESSING PIN NUMBERS 9577-89-7580; 9577-89-6187; 9577-89-6236; 9577-89-5289; AND 9577-89-6416) BY CHANGING THE ZONING DESIGNATION FROM HENDERSON COUNTY CC (COMMUNITY COMMERCIAL) ZONING DISTRICT TO CITY OF HENDERSONVILLE CHMU (COMMERCIAL HIGHWAY MIXED USE) ZONING DISTRICT

IN RE: Parcel Numbers: 9577-89-7580; 9577-89-6187; 9577-89-6236; 9577-89-5289; 9577-89-6416
Upward Rd - Spinx (File # P24-07-RZO)

WHEREAS, the Planning Board took up this application at its regular meeting on February 8th, 2024; 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 March 7th, 2024, and

WHEREAS, City Council has found that this zoning map amendment is consistent with the City’s comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on March 7th, 2024,

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: 9577-89-7580; 9577-89-6187; 9577-89-6236; 9577-89-5289; 9577-89-6416 from Henderson County CC (Community Commercial) Zoning District to City of Hendersonville CHMU (Commercial Highway Mixed Use) Zoning District.
- 2. Any development of this parcel shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.
- 3. This ordinance shall be in full force and effect from and after the date of its adoption.

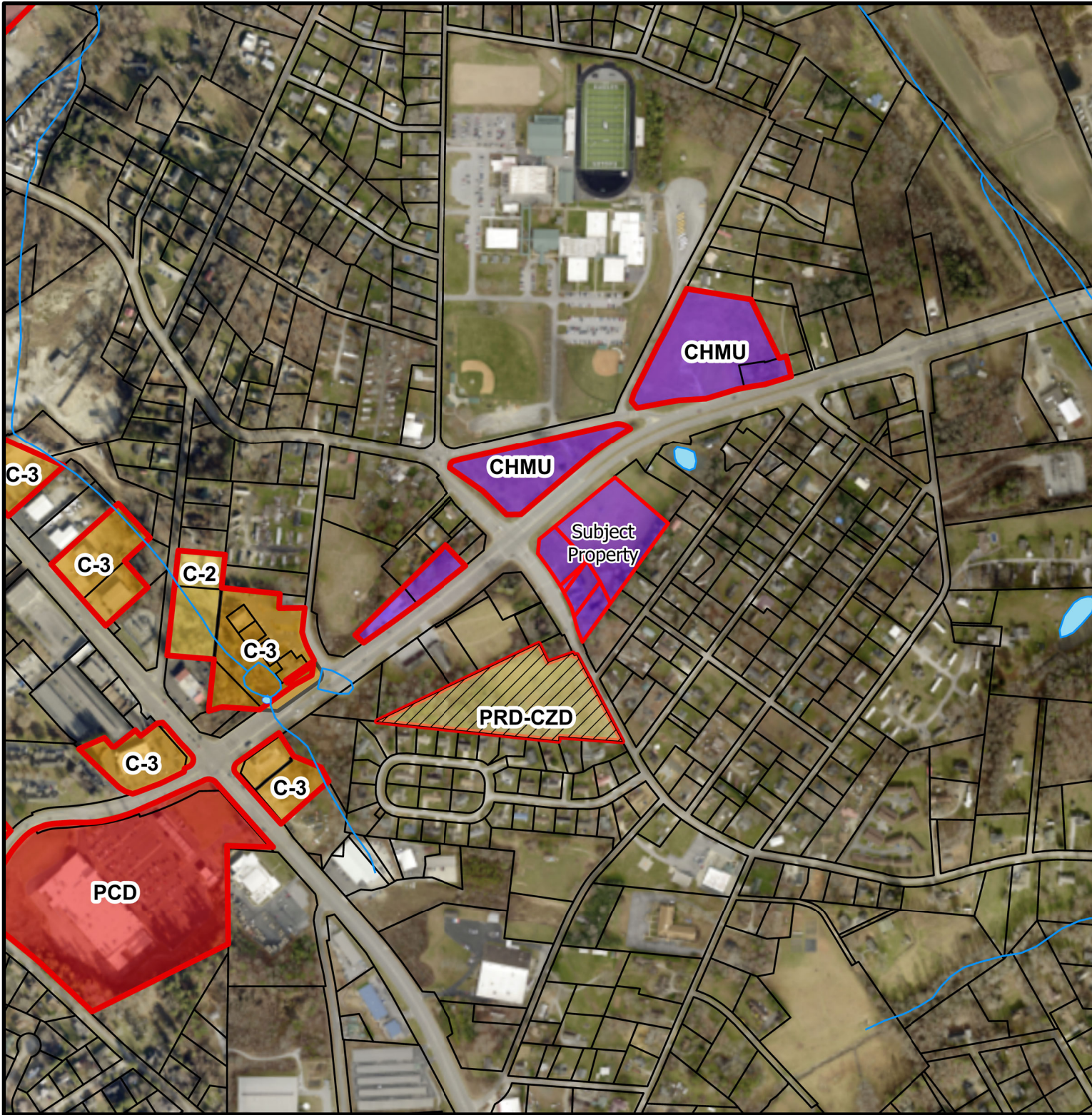
Adopted this 7th day of March 2024.

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

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



Upward Rd-Spinx P24-07-RZO

PINs: 9577-89-7580;
9577-89-8138; 9577-89-6187;
9577-89-6236; 9577-89-5289;
9577-89-6416

Acreage: 4.58 Acres

Proposed Zoning Map

- | | |
|-------------------------------------|---|
| City Zoning | PCD Planned Commercial Development |
| CZD Conditional Zoning Districts | Commercial Development |
| PRD Planned Residential Development | C-4 |
| C-3 Highway Business | Hendersonville City Limits |
| C-2 Secondary Business | Parcels |
| CHMU Commercial Highway Mixed Use | Subject Property |

Community Development Department



USE COMPARISON

USES	CC	CHMU	USES	CC	CH
Accessory dwelling units	-	P	Neighborhood community centers	P	P
Accessory uses and/or structures	P	P	Newspaper office & printing establishments	P	P
Adult care centers	P	SU	Offices, business, professional & public	P	P
Adult care homes	P	SU	Parks	P	P
Banks & other financial institutions	P	P	Personal services	-	P
Bed & breakfast facilities	-	P	Pet-sitting	P	-
Business services	P	P	Planned residential development (minor)	-	-
Camps	P	-	Public & semi-public buildings	P	P
Cemeteries, mausoleums, memorial gardens, crematoriums	P	-	Public utility facilities	P	SU
Childcare centers	P	SU	Religious institutions	P	P
Childcare home	P	SU	Residential dwellings, single-family	-	P
Convenience stores without gasoline sales	P	P	Residential dwellings, multi-family	S	P
Cultural arts buildings	P	P	Residential dwellings, two-family	-	P
Dance & fitness facilities	P	P	Restaurants	P	P
Dry cleaning & laundry (≤2,000SF)	-	P	Retail stores	P	SS
Funeral homes	P	P	School, post secondary, business, technical & vocational	P	SU
Home occupations	-	P	Schools, primary & secondary	-	SU
Hotels	P	P	Signs	P	SS
Laundries, coin-operated	-	P	Telecommunications antennas	P	SS
Lawn & garden centers	P	SU	Theaters, indoor	P	P
Microbreweries	-	SS	Veterinary clinics	P	P
Motels	P	P	Music & art studios	P	P

Section 7, Item C.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Adam Steurer **MEETING DATE:** 03/07/2024

AGENDA SECTION: Public Hearing **DEPARTMENT:** Utilities

TITLE OF ITEM: Water and Sewer System Development Fees (SDFs) – *Adam Steurer, Utilities Director*

SUGGESTED MOTION(S):

I move City Council adopt a System Development Fee Analysis, amend Chapter 52 Article I and II of the City Code of Ordinances, and amend the 23-24 Budget Ordinance to adopt and implement a System Development Fee.

SUMMARY:

Hendersonville City Council directed Staff to further pursue information on water and sewer System Development Fees (SDFs). SDFs are a one-time fee paid by new development requiring water and/or sewer services to recover a portion or all of the cost of constructing water and/or sewer system capacity. The fees can also be assessed to existing development requiring increased system capacity. In general, SDFs are based upon the costs of current and/or future utility infrastructure including, but not limited to, water supply facilities, treatment facilities, effluent disposal facilities, and transmission mains. SDFs serve as the mechanism by which growth can “pay its own way” and minimize the extent to which existing customers must bear the cost of facilities that will be used to serve new customers. Currently, the City does not assess SDFs and therefore does not recover the cost of providing water and sewer capacity from new development connecting to the utility systems.

Staff have worked with the qualified financial professional consulting firm, Stantec, to explore various SDF scenarios and impacts. Stantec has prepared a SDF Fee Analysis Report, which has been posted on the City’s website for public comment. No public comments were received.

BUDGET IMPACT: N/A

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

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

ATTACHMENTS:

DRAFT Water and Sewer System Development Fee Ordinance
Water and Sewer System Development Fee Analysis Report

Draft ordinance. If adopted, the final ordinance may differ from this draft as a result of comments received from the public or direction received from the City Council at the public hearing to be held on March 7, 2024 at 5:45 pm, City Operations Center, 305 Williams St, Hendersonville, NC.

Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADOPT A SYSTEM DEVELOPMENT FEE ANALYSIS, TO AMEND CHAPTER 52 ARTICLE I AND II OF THE HENDERSONVILLE CITY CODE OF ORDINANCES AND TO AMEND THE 23-24 BUDGET ORDINANCE TO ADOPT AND IMPLEMENT A SYSTEM DEVELOPMENT FEE

WHEREAS, the City Council of the City of Hendersonville ("City Council") advertised a public hearing to be held on March 7, 2024 indicating its intent to establish and implement a System Development Fee ("SDF") for water and sewer services in accordance with North Carolina General Statute 162A Article 8 titled "System Development Fees"(the "Act") effective July 1, 2018, and N.C.G.S. § 160A-314; and

WHEREAS, the City Council has the obligation to ensure there is sufficient water and sewer capacity available for public health and welfare of the community; and

WHEREAS, the City Council is of the opinion and declares SDFs as the mechanism for the growth requiring water and sewer service(s) to contribute to the cost for the City to provide water and sewer service capacity and to minimize the extent in which existing customers must bear the cost to construct water and sewer capacity infrastructure and facilities; and

WHEREAS, the City Council advertised a public hearing to be held March 7, 2024 indicating its intent to adopt and implement SDFs through the adoption of this Ordinance to approve the system development fee analysis, to amend Chapter 52, Article I and II of the City of Hendersonville Code of Ordinances, and to amend the 23-24 Budget Ordinance to adopt and implement SDFs for the City of Hendersonville water and sewer services.

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

Section I. Amendment to Chapter 52, Article I of the City of Hendersonville Code of Ordinances

There shall be added the following section 52-14 to Chapter 52, Article I of the City of Hendersonville Code of Ordinances, Commitment of Service.

Sec. 52-14. Commitment of Service.

Utility service shall be deemed committed for single family dwelling units, multifamily dwelling units, and nonresidential structures and uses of land as follows:

- (1) Utility service has already been established as of March 7, 2024, meaning that a meter has been set by the City and utility service is actually being provided by the City as of March 7, 2024; or
- (2) For new service applied for before March 7, 2024, (a) a complete application for utility service has been received; (2) all applicable fees required for the new meter have been received by the City and (3) a building permit has been issued (not required for open uses of land involving no structures); or
- (3) A letter of commitment has been issued pursuant to Section 52-27(6) of this chapter.

Section II. Amendment to Chapter 52, Article II of the City of Hendersonville Code of Ordinances, Rates and Charges.

There shall be added the following new sections to Chapter 52, Article II of the City of Hendersonville Code of Ordinances, Rates and Charges.

Sec. 52-57. System Development Fees.

- (1) Methodology Used in Development of SDFs. In accordance with the Act, the cost for additional capacity to serve new customers was determined by a qualified financial professional and was estimated on a per gallon per day ("gpd") of existing customers across various customer type categories. The City engaged Stantec Consulting Services, Inc. to complete a written analysis to determine such cost and to develop cost-justified water and sewer SDFs, such analysis to be posted on the City's website, as updated from time to time (the "SDF Report"). The City Council finds that the written analysis process began on September 9, 2022. The SDF was determined by using the Combined Approach, which takes a combination of the Buy-In and Marginal Incremental approaches and uses existing assets and capacity and combines that with planned capital improvements and additional capacity that will be constructed to calculate a blended value of both the existing and expanded system capacity. The cost of capacity per gallon

per day (gpd) was calculated to be \$7.01 per gpd for water system capacity and \$11.04 per gpd for sewer system capacity.

(2) Adoption of the SDF Report. The SDF Report prepared by Stantec Consulting Services, dated October 30, 2023, is hereby adopted.

(3) Definitions.

- (a) *Application* means an application, submitted to the appropriate governmental authority, for a permit, approval, or service, or for an approval or an authorization to undertake a regulated activity. An application will not be considered complete until all form(s), documents, plans, studies or other information required by law or by policy of the issuing agency have been submitted and all fees required for the application to be processed have been paid.
- (b) *Completeness determination* means the process of determining if an application is or is not complete.
- (c) *Development* means:
 - i. The subdivision of land;
 - ii. One or more, or the addition, construction or expansion of one or more, dwelling units, buildings, structures or uses on a single tract of land, whether such tract of land is within a subdivision or not; or
 - iii. One or more, or the addition, construction, or expansion of one or more dwelling units, buildings, structures or uses that are being developed under a common scheme of development on more than one tract of land, whether such tracts of land are within a subdivision or not.
- (d) *Development permit* means an administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project or development proposal pursuant to a land development regulation, including zoning compliance permits, site plan approvals, special use permits, variances, certificates of appropriateness, plat approvals, development agreements, state agency permits for development, driveway permits, or erosion and sedimentation control permits.
- (e) *Increase in capacity necessary to serve a development* means new development that requires additional water or sewer capacity to serve a development than is being provided to the development prior to the new development. As an example, for a subdivision approved for the construction of an individually metered residential dwelling unit on each lot within the subdivision, it is the construction of each residential dwelling unit based on that dwelling unit's heated square footage within the subdivision that causes an increase in capacity necessary to serve the

subdivision rather than the subdivision itself, and thus the construction of each new individually metered dwelling unit would be considered new development as defined in Subsection 52-57(3)(h)(ii). As another example, for an existing commercial, multi-building development served by a master meter, the addition of a new building within the multi-building development would not be an increase in capacity necessary to serve a development if the existing master meter serving the development is of sufficient size to serve the both the new building and the existing buildings within the development, and thus the addition of the new building would not be considered new development. As a third example, for a multi-family master metered residential development, the addition of each new residential dwelling unit will increase the capacity required to serve the development and thus each new residential dwelling unit would be considered new development as defined in Subsection 57(3)(h)(ii). As fourth example, for an existing individually metered single family dwelling unit with 2,000 heated square feet, either the addition of 1,501 heated square footage or an accessory dwelling unit of 1,501 heated square footage will increase the capacity required to serve the development and therefore either increase in heated square footage would be considered new development as defined in Subsection 57(3)(h)(ii).

- (f) *Individually metered* means that a building, structure or use of land has a unique meter serving such building, structure or use of land, and serving no other building, structure or use of land. Notwithstanding the foregoing, a primary dwelling unit and its accessory dwelling unit shall, for purposes of this Section 52-57, be considered as a single residential dwelling unit that is individually metered if they are served by the same meter.
- (g) *Letter of commitment* means a letter issued by the City of Hendersonville approving the provision of water or sewer capacity for new development. Notwithstanding the issuance of a Letter of Commitment, water or sewer capacity shall not be deemed “committed” by the City of Hendersonville until the circumstances outlined in Subsection 52-57 (7), below, have occurred for the new development.
- (h) *Master meter* means a water meter serving a common parcel with a single or multiple structures under single ownership generally containing residential leased units, or commercial/industrial sites. Common residential master metered uses include but are not limited to multi-family apartments, condominiums, mobile home parks, RV parks, and tiny home parks.
- (i) *New Development* means any of the following occurring after March 7, 2023, which increased or increases the capacity necessary to serve a development. It is specifically acknowledged that one or more of the following may occur and increase the capacity necessary to serve a particular development, and therefore one or more of the following may trigger the assessment of a system development fee for the same development. Notwithstanding the foregoing, only one SDF may be collected for each increase in capacity required for the particular development.

- i. The subdivision of land. As used herein, the date of subdivision shall be deemed to be the date of the recording of the subdivision plat in the appropriate Register of Deeds Office for the subdivision. For subdivisions containing more than one phase, the date of subdivision shall be determined separately for each phase, and shall be the date of the recording of the subdivision plat in the appropriate Register of Deeds Office for each phase of the subdivision; or
 - ii. The construction, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure which increases the number of service units. As used herein, the date of construction, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement shall be the date that a building permit is issued by the appropriate governmental agency, or if a building permit is not required, the earliest date that any development permit is issued by the appropriate governmental agency; or
 - iii. Any use or extension of the use of land which increases the number of service units. The date of the use or extension of land shall be deemed to be the earliest date that a development permit is issued by the appropriate governmental agency, or if no development permit is required, the date that the use or extension of the use that increases the number of service units is established.
- (j) *Structure* means any building or other structure containing a use that is served by the water system and/or sewer system of the City of Hendersonville.
- (k) *Subdivision of land* means the division of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and includes all divisions of land involving the dedication of a new street or a change in existing streets, but excluding those matters exempted from regulation under Chapter 160D, Article 8, Subdivision Regulation, pursuant to N.C.G.S. § 160D-802(a).
- (l) *System Development Fee(s)* (the “SDF” or “SDFs”) are charges or assessments for service, including service provided pursuant to a wholesale arrangement, imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to such new development, to recoup costs of existing facilities which serve such new development, or a combination of those costs, and adopted pursuant to the authority of North Carolina General Statutes Chapter 162A, and pursuant to the general rate making authority of the City as provided in N.C.G.S. § 160A-314.
- (4) Adoption of SDFs. SDFs shall be as adopted from time to time, but no less than annually, by the City Council, and on file in the City Clerk’s office. SDFs may be adopted or amended as part of the fee schedule adopted in the annual budget ordinance for the City. SDFs shall be assessed and collected for all new development served by the City’s water system and/or sewer system.

(5) Assessment of SDFs. For new development, SDFs shall be assessed as follows:

- (a) Residential Individually Metered. An SDF shall be assessed for each residential dwelling unit, such as single-family homes, accessory dwelling units, duplexes, townhomes, and mobile homes, that is individually metered, and shall be calculated on a heated square footage basis. Each individually metered residential dwelling unit shall be considered as a service unit evaluated by heated square footage size. For the purpose of assessment of a SDF, the total dwelling unit heated square footage shall be calculated as the sum of heated square footages of the primary and accessory dwelling units served by the same meter.
 - (b) Residential Multi-Family Master Metered. An SDF shall be assessed for structure(s) containing attached residential dwelling units, such as apartments and condominiums, that is/are master metered, and shall be calculated on a per multi-family residential dwelling unit basis. Each residential dwelling unit within a multi-family master-metered development shall be considered as a service unit.
 - (c) Residential Mobile Homes Master Metered. An SDF shall be assessed for a mobile home park that is master metered and shall be calculated on a per mobile home residential unit basis. RV Parks and Tiny Home Parks that are master metered shall be considered and assessed a SDF as non-residential new development. Each space within master-metered mobile home development capable of being occupied by a mobile home residential unit shall be considered as a service unit, regardless of whether or not a mobile home residential unit occupies the space.
 - (d) Non-Residential. An SDF shall be assessed for non-residential buildings, structures or uses of land, and shall be calculated based on a meter size or equivalent meter size basis for the master meter that will serve the non-residential buildings, structures or uses of land. Each meter size or equivalent meter size shall be considered as a service unit.
 - (e) Residential/Non-Residential Master Metered - Mixed Use Structures. An SDF shall be assessed for residential/non-residential mixed-use structure(s) that is/are master metered, and shall be calculated as the sum of the following:
 - i. the number of multi-family residential units multiplied by the per residential unit rate, plus;
 - ii. the size of the meter or meters that would be required for just the non-residential space. Common areas shall be considered as non-residential space.
 - (f) Other Connections. All other connections, including but not limited to irrigation connections, wholesale connections, institutional connections, or those not involving a structure, shall be assessed, and calculated as non-residential.
- (6) Letter of Commitment. A Letter of Commitment shall be required for the provision of water or sewer service for any new development. A letter of commitment will be issued

upon receipt and approval of a complete water or sewer application by the City and payment of an SDF by the applicant.

- (a) For new development requiring an engineering plan approval, the extension plan or utility connection plan must be approved by the City before the application for letter of commitment may be submitted.
 - (b) Applications for letter of commitment submitted before an engineering approval for the extension plan or utility connection plan will not be eligible for issuance of a letter of commitment.
 - (c) For all new development requiring a building permit, an application for a building permit, containing all information required by the issuing agency other than the letter of commitment, must be submitted to the appropriate agency prior to submitting an application for a letter of commitment.
 - (d) A building permit will not be issued until a letter of commitment from the City of Hendersonville is presented to the issuing agency. Building permits are issued by the Henderson County or Buncombe County Permits and Inspections Departments.
- (7) Commitment of Water or Sewer Capacity. For all new development, water or sewer capacity shall be deemed committed upon the following circumstances:
- i. Individually Metered. For all dwelling units, structures or uses of land that will be individually metered, water or sewer capacity shall be committed for each individually metered dwelling unit, structure or use of land independently of all other individually metered dwelling units, structures or uses of land, and shall be deemed to be committed for a dwelling unit, structure or use of land when the assessed SDF for the dwelling unit, or for a nonresidential structure or other use of land the SDF for the water or sewer capacity, has been paid and a letter of commitment has been issued for the dwelling unit, structure or use of land.
 - ii. Master-Metered. For all dwelling units, structures or uses of land that will be served by a master or common meter, water or sewer capacity will be committed for all dwelling units, structures and uses of land to be served by the common or master meter at the same time, and shall be deemed committed for all dwelling units, structures and uses of land to be served by the common or master meter when the assessed SDF for the master or common or master meter has been paid and a letter of commitment has been issued for all of the dwelling units, structures and uses of land to be served by the common or master meter.

- iii. Subdividing of Land. Where the subdivision of land will increase the capacity necessary to serve the subdivision without the construction or addition of residential units or structures, water or sewer capacity will be deemed committed when the assessed SDF for the subdivision has been paid and a letter of commitment has been issued for the subdivision.

(8) Utilization of SDFs and SDF Ordinance. The Utilities Director shall administer the assessment of SDFs and this Section 52-57, and shall ensure that the City Council is provided with sufficient financial information to allow the setting of appropriate financial policies. The Utilities Director shall establish and maintain records, which are consistent with the City of Hendersonville's annual budget, this Section 52-57 and the appropriate North Carolina statutes.

(9) Generally Applicable Provisions.

(a) The acquisition of water or sewer capacity through payment of a SDF is non-transferrable from parcel to parcel. A parcel shall mean a tract of land having its own legal description.

(b) Construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure which increases the number of units of service shall be assessed a SDF for the differential in service units using current rates in accordance with the most recently adopted fee schedule. Notwithstanding the foregoing, new development which does not increase the number of service units for a residential individually metered connection by more than 150% shall not be assessed a SDF reflecting the differential in service units. Construction, reconstruction, redevelopment, conversion, structural alteration, or relocation of any structure which decreases the number of units of service shall not be refunded a SDF for the differential in service units using current rates in accordance with the most recently adopted fee schedule.

(10) Completeness determination.

(a) Applicants shall submit applications under this Chapter in accordance with terms and requirements of this Chapter and the policies of the Hendersonville Utilities Department. *Until an application is determined to be complete an application has not been submitted.*

(b) On receiving an application under this Chapter, the Utilities Department personnel designated by the Utilities Director shall determine whether the application is complete or incomplete.

(c) On determining that the application is incomplete, the designated personnel shall, as appropriate, provide the applicant with written notice of the submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for a completeness

review. If the applicant fails to resubmit an application within thirty (30) consecutive calendar days after being first notified of submittal deficiencies, the application submittal shall be considered abandoned. The thirty (30) day period may be extended by the designated personnel.

(d) On determining that the application is complete, the designated Utilities Department personnel shall accept the application as submitted and provide the applicant with written notice of application submittal acceptance.

Section III. Amendment to the Budget Ordinance to Adopt the SDF Rate/Schedule of Fees

Section 8 of the Fiscal Year 2023-24 Budget Ordinance for the City of Hendersonville shall be amended to adopt and incorporate the System Development Fee Schedule pursuant to Section 52-57(4) of the Code of Ordinances for the City of Hendersonville, as follows:

Residential

Property Type	Water	Sewer	Combined
Residential – Individually Metered (Heated sq. ft.)			
<1,000	\$1,247	\$2,048	\$3,295
1,000 - 1,500	\$1,332	\$2,188	\$3,519
1,501 - 2,000	\$1,359	\$2,233	\$3,592
2,001 - 2,500	\$1,443	\$2,370	\$3,813
2,501 - 3,000	\$1,500	\$2,465	\$3,965
3,001 - 3,500	\$1,613	\$2,650	\$4,263
3,501 - 4,000	\$1,724	\$2,833	\$4,558
Over 4,000	\$1,992	\$3,273	\$5,265
Multi-Family per-unit Master-Metered	\$894	\$1,469	\$2,364
Mobile Homes per unit Master Metered Park	\$1,399	\$2,299	\$3,699

Non-Residential

Meter Size	Water	Sewer	Combined
3/4"	\$2,494	\$4,097	\$6,591
1"	\$4,156	\$6,828	\$10,984
1.5"	\$8,312	\$13,657	\$21,969
2"	\$13,300	\$21,850	\$35,150
3"	\$29,093	\$47,798	\$76,891
4"	\$52,368	\$86,036	\$138,405
6"	\$108,062	\$177,535	\$285,597
8"	\$232,748	\$382,383	\$615,131

Meter Size	Water	Sewer	Combined
10"	\$349,122	\$573,575	\$922,697

Section IV. It is the intention of the city council and it is hereby ordained, that the provisions of Section I and II of this ordinance shall become and be made part of the Code of Ordinances, City of Hendersonville, North Carolina, and the sections of Section I and II of this ordinance may be renumbered to accomplish such intention.

Section V. Effective Date

This Ordinance shall be effective upon adoption and shall apply to all new development occurring after the March 7, 2023.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of March, 2024.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk in her capacity of Mayor of the City of Hendersonville; Jill Murray, in her capacity of City Clerk; and Angela S. Beeker, in her capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____ day of _____, 20__.

My commission expires:



City of Hendersonville, NC

Water and Sewer System Development Fee Study

October 30, 2023





October 30, 2023

Mr. Adam Murr
Budget Manager
Hendersonville, NC

Re: Water and Sewer
System Development Fee Study

Dear Mr. Murr,

Stantec is pleased to present this Final Report on the Water and Sewer System Development Fee Study that we performed for the City of Hendersonville, North Carolina. We appreciate the professional assistance provided by you and all the members of the City staff who participated in the Study.

If you have any questions, please do not hesitate to call us at (202) 585-6391. We appreciate the opportunity to be of service to the city and look forward to the possibility of doing so again in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Hyder".

David A. Hyder
Senior Principal

1101 14th Street NW
Washington DC 20005
(202) 585-6391
David.hyder@stantec.com

Enclosure

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1. INTRODUCTION

Stantec Consulting Services Inc. (Stantec) has conducted a Water and Sewer System Development Fee Study (Study) for Hendersonville's water and sewer systems (hereafter referred to as the "City" or "Utility"). This report presents the results of the comprehensive Study, including background information, legal requirements, an explanation of the calculation methodology employed, and the results of the analysis.

1.1 BACKGROUND

A system development fee is a one-time charge paid by a new customer to recover a portion or all of the cost of constructing water and sewer system capacity. The fees can also be assessed to existing customers requiring increased system capacity. In general, system development fees are based upon the costs of current and/or future utility infrastructure including, but not limited to, water supply facilities, treatment facilities, effluent disposal facilities, and transmission mains. System development fees serve as the mechanism by which growth can "pay its own way" and minimize the extent to which existing customers must bear the cost of facilities that will be used to serve new customers.

Currently, the City does not assess system development fees and therefore does not recover the cost of providing water and sewer capacity from new connections to the utility systems. The City has retained the services of Stantec to calculate system development fees for each respective system in accordance with the North Carolina Public Water and Sewer System Development Fee Act, set forth in North Carolina General Statue 162A, Article 8 and provide recommendations developed during the study.

1.2 STUDY PROCESS AND ENGAGEMENT

To ensure a comprehensive and transparent study, the City devised a well-structured plan aimed at gathering input from various stakeholders, including City staff, management, elected officials, key stakeholders and interested members within the service area. To initiate the study Stantec developed and delivered a presentation outlining "System Development Fee 101." This presentation covered the purpose of the fees, the calculation methodology, potential policy considerations, and the necessary steps for their adoption. The information was initially presented at a public meeting before the Water and Sewer Advisory Council on October 24, 2022, and then presented at a City Council meeting on October 26, 2022.

The feedback and suggestions received during these meetings played a pivotal role in shaping the direction of the Study. Subsequently, the initial analysis results were shared with the Water and Sewer Advisory Council on April 24th, 2023, followed by a presentation to the City Council on April 26th, 2023. Throughout this process, the invaluable input from key stakeholders and City staff has been integrated into the Study and reflected in this report.

In addition to these key interactions, City staff took further strides to educate and inform the public about the Study. This involved briefing sessions conducted for the Business Advisory Committee on July 10th, 2023, the Water and Sewer Advisory Council on July 24th, 2023, and the City Council on August 23rd,

2023. As a result of this robust engagement effort, the Study has been able to effectively incorporate extensive input from diverse perspectives, ensuring transparency in the analysis and decision-making process. By completing the study in an open and transparent manner, the City has created an opportunity for the community to understand what system development fees would look like within the City's service area and to allow for input within the study process.

1.3 LEGAL REQUIREMENTS

The Public Water and Sewer System Development Fee Act ("SDF Act") was approved on July 20th, 2017 and grants local government entities that own or operate municipal water and sewer systems the authority to assess system development fees for the provision of utility service to new development.

The SDF Act defines new development as any of the following occurring within 1 year of a development fee being adopted 1) subdivision of land, 2) construction or change to existing structure that increases service needs or 3) any use of land which increased service needs.

According to the SDF Act, the following procedural requirements need to be followed in order to adopt a system development fee:

- **Requirement 1:** The fee should be calculated in a written analysis ("SDF Analysis") prepared by a financial professional or licensed professional engineer (qualified by experience and training or education) who employs generally accepted accounting, engineering, and planning methodologies to calculate system development fees for water and sewer systems, including the buy-in, incremental cost or marginal cost, and combined costs methods for each service; and that (1) documents the facts and data used in the analysis and their sufficiency and reliability; (2) provides analysis regarding the selection of the appropriate method of analysis; (3) documents and demonstrates reliable application of the methodology to the facts and data, including all reasoning, analysis, and interim calculations underlying each identifiable component of the system development fee; (4) identifies all assumptions and limiting conditions affecting the analysis and demonstrates that they do not materially undermine the reliability of the conclusions reached; (5) calculates a system development fee per service unit of new development and includes an equivalency or conversion table to use in determining the fees applicable for various categories of demand; and (6) covers a planning horizon of between 5 and 20 years.
- **Requirement 2:** The system development fee analysis must be posted on the City's website, and the City must solicit comments and provide a means by which people can submit their comments, for a period of at least 45 days.
- **Requirement 3:** Comments received from the public must be considered by preparer of the system development fee analysis for possible adjustments to the analysis.
- **Requirement 4:** The City must hold a public hearing prior to considering adoption of the system development fees including any adjustments made as part of the comments received by the City.

- **Requirement 5:** The City must publish the system development fee schedule as part of its annual budget or fee ordinance.
- **Requirement 6:** The City cannot adopt a fee that is higher than the fee calculated by the professional analysis.
- **Requirement 7:** The City must update the system development fee analysis at least every five years.

In addition to the procedural requirements listed above, the SDF Act provides specific requirements pertaining to the calculation of the system development fees. These requirements are highlighted within the body of this report in concert with the calculation of the system development fees for the City. Further, the City must follow the SDF Act guidance when charging the system development fee: it may be charged only to “new development” and only at the time specified in the legislation; and new development must be given a credit for costs in excess of the development’s proportionate share of connecting facilities required to be oversized for use of others outside of the development.

1.4 GENERAL METHODOLOGY

There are three primary approaches to the calculation of system development fees, all of which are outlined within the SDF Act. Each of the approaches are discussed below.

Buy-In Method

This approach determines the system development fees solely on the existing utility system assets. The replacement cost of each system’s major functional components serves as the cost basis for the system development fee calculation. This approach is most appropriate for a system with considerable excess capacity, such that most new connections to the system will be served by that existing excess capacity and the customers are effectively “buying-in” to the existing system, or limited capital improvement program (CIP).

Incremental/Marginal Cost Method

The second approach is to use the portion of each system’s multi-year CIP associated with the provision of additional system capacity by functional system component as the cost basis for the system development fee calculation. This approach is most appropriate where 1) the existing system has limited or no excess capacity to accommodate growth, and 2) the CIP contains a significant number of projects that provide additional system capacity for each functional system component representative of the cost of capacity for the entire system.

Combined Cost Method

The third approach is a combination of the two previous approaches described. This approach is most appropriate when 1) there is excess capacity in the current system that will accommodate some growth,

but additional capacity is needed in the near-term as reflected in each system's CIP, and 2) the CIP includes a significant number of projects that will provide additional system capacity.

While the SDF Act allows for the use of any one of the three methodologies discussed above, it specifies restrictions on how the revenues generated by the fees calculated using each methodology may be utilized. Table 1-1 summarizes each of the three methodologies, their typical application, and restriction of how the revenues can be utilized for each.

Table 1-1 Description of Methodologies & Restriction to Proceeds

Approach:	Description:	Fee Proceeds Allowed for:
Buy-In Method	New development shares in <u>capital costs previously incurred</u> which provided capacity for demand arriving with new development needs.	Expansion and/or rehabilitation projects. Since the buy-in method reimburses the system for certain past investments, proceeds can be utilized for all types of capital projects.
Incremental / Marginal Cost Method	New development share in <u>capital costs to be incurred in the future</u> which will provide capacity for demand arriving with new development needs.	Professional services costs in development of new fees and expansion costs (construction costs, debt service, capital, land purchase, other costs etc.) related to new development only. If no capital projects in next five years can be used for debt related to existing assets.
Combined Cost Method	Combination of Buy-In and Incremental / Marginal Cost methods	Professional services costs in development of new fees, expansion and/or rehabilitation costs. (same as both Buy-In and Incremental/Marginal Cost methods)

Given that the City has existing, but limited, capacity within both the water and sewer systems to sell, as well as capital spending planned for projects that will increase system capacity over the next 10 years, the Combined Cost approach is the most appropriate method for the calculation of the system development fee for both the water and sewer systems. To comply with the SDF Act, the City will revisit the methodology at least every five years to determine if the approach for each system is still the most appropriate to use should the City adopt system development fees.

2. BASIS OF ANALYSIS

Using the Combined Cost approach requires a Buy-In calculation and an Incremental/Marginal Cost calculation. The following outlines the process to determine the net value (cost basis) for each (water and sewer) system under the Combined Cost approach.

- 1) The City's existing major water and sewer system components assets are analyzed to determine the replacement cost if new less depreciation (RCNLD).
- 2) Any non-core system assets are excluded from the existing system value including items such as vehicles, meters, computer equipment and other non-core system assets.
- 3) Addition of spending on growth-related capital projects over the next 10 years as identified in the City's official Capital Improvement Plan (CIP). This includes projects designated to add new capacity to the system, whether partially or entirely.
- 4) Any donated assets and/or assets not funded by the City (funded by grants, developers, etc.) are removed from the net system value (both existing assets and future within the capital improvement plan).
- 5) The net value of the water and sewer systems is further reduced by the outstanding principal on existing debt and the net present value of future debt over the planning period for each system to provide a revenue credit (the revenue credit must be equal to at least 25% of the cost of the expansion related projects).
- 6) The resulting net system value is used in the determination of the system development fee using capacity and level of service standards.

The following section outlines the details of the analysis completed during the Study to calculate the water and sewer system development fees.

2.1 BUY-IN NET SYSTEM VALUE

The City provided an asset inventory which included description, asset category/class, year placed in service, original cost, and useful life for each asset through FY 2022 for both the water and sewer systems. Each asset was classified by each major system function; and a replacement cost new less depreciation was calculated using the data provided by the City and the Engineering News Record Construction Cost Index.

The SDF Act requires that the system development fee calculations include provisions for credits against the value of the system to account for assets that were not funded by the municipality. Assets that were identified to be contributed or paid for by developers and those that were grant funded were excluded from the overall results to determine the net asset value of each system. In addition to donated assets, non-core system assets are also excluded from the determination of the net asset value of each system. These include meters, vehicles, equipment, computers, and others. Results of the net asset value for the City's

existing water and sewer systems based upon the asset records provided by City staff are shown in Tables 2-1 and 2-2.

Table 2-1 Replacement Cost New, Less Depreciation: Water System

Asset Category	RCNLD Value	Less Contributed Assets / Non-Core Asset	Net Asset Value
Treatment	\$33,999,901	(\$584,317)	\$33,415,584
Supply & Pumping	\$1,827,398	(\$634,985)	\$1,192,413
Storage	\$7,314,728	(\$944,372)	\$6,370,356
Transmission & Distribution	\$53,351,047	(\$8,015,903)	\$45,335,144
Total	\$96,493,074	(\$10,179,577)	\$86,313,497

Table 2-2 Replacement Cost New, Less Depreciation: Sewer System

Asset Category	RCNLD Value	Less Contributed Assets / Non-Core Asset	Net Asset Value
Treatment	\$28,145,176	(\$63,282)	\$28,081,894
Pumping	\$343,488	(\$332,065)	\$11,423
Conveyance & Collection	\$35,459,106	(\$2,297,880)	\$33,161,226
Total	\$63,947,771	(\$2,693,227)	\$61,254,544

2.2 INCREMENTAL/MARGINAL COST NET SYSTEM VALUE

The City provided the Adopted FY2023 Capital Improvements Plan (CIP) which covers a 10-year period and totals \$294.2 million. The CIP included the project description, total spending, and an indication of whether the project was designated for expansion or rehabilitation. To calculate the Incremental/Marginal Cost approach, all expansion-related projects that would increase capacity and support growth were identified. This totaled \$182 million and included several water and sewer system projects, as well as expansions to both water and sewer treatment plants.

The water system CIP includes several projects that will expand the water system's capacity over the next 10 years at a total cost of \$108.5 million. This includes expansion to the existing water treatment facility, transmission and distribution improvements, and a new intake and pumping station. Expansion related capital projects for the water system are shown in Table 2-3.

Table 2-3 Expansion Related Capital Projects for the Water System

Project	Function	CIP Costs
French Broad Raw Water Intake #16007	Supply and Pumping	\$24,514,035
Water Distribution Master Plan Update #22012	Transmission & Distribution	\$425,000
WTP Expansion to 15.0 MGD #19207	Treatment	\$2,131,500
NCDOT 191 #16126	Transmission & Distribution	\$12,700,000
NCDOT HWY 64 #18140 ⁽¹⁾	Transmission & Distribution	\$680,000
Eastside Transmission Main, Phase 2 and 3	Transmission & Distribution	\$9,860,000
Upward Road Water Main Upgrade	Transmission & Distribution	\$1,010,000
Dana Rd. Water Main Extension	Transmission & Distribution	\$2,210,000
Airport Rd. - Water	Transmission & Distribution	\$720,000
East Campus Road	Transmission & Distribution	\$1,140,000
Pace Rd. Water Main Extension and Interconnect	Transmission & Distribution	\$1,710,000
S. Rugby Road Water Main Interconnect	Transmission & Distribution	\$2,850,000
Howard Gap Rd. Water Extension Mid	Transmission & Distribution	\$2,550,000
Howard Gap Rd. Water Extension North End	Transmission & Distribution	\$1,560,000
Southside Water System Improvements	Transmission & Distribution	\$4,090,000
Fruitland Rd. Water Main Extension	Transmission & Distribution	\$2,650,000
S. Mills Gap Rd. Water Main Extension	Transmission & Distribution	\$1,860,000
WTP Expansion to 18.0 MGD	Treatment	\$35,830,000
Total Expansion Costs		\$108,490,535

(1) During discussions with City staff NCDOT HWY 64 #18140 project was allocated 50% to water and 50% to sewer.

The City currently has several planned capital projects that will expand the capacity of the sewer system at a total cost of approximately \$74.0 million. Table 2-4 identifies each of the projects that are included in the analysis for the sewer system.

Table 2-4 Expansion Related Capital Projects for the Sewer System

Project	Function	Growth Related CIP Costs
Mud Creek Interceptor #18032	Collection & Conveyance	\$8,802,000
WWTP Headworks and Flow Equalization ⁽¹⁾	Treatment	\$11,355,769
Sewer Collection System Master Plan Update	Collection & Conveyance	\$220,000
WWTP Tertiary Filter Replacement Phase 2	Treatment	\$270,000
NCDOT HWY 64 #18140	Collection & Conveyance	\$680,000
Wash Creek Replacement Sewer G08	Collection & Conveyance	\$3,720,000
Devils Fork Sewer Replacement G05	Collection & Conveyance	\$2,790,000

Project	Function	Growth Related CIP Costs
WWTP Aeration Basin Modification	Treatment	\$2,125,000
WWTP 7.8 MGD Facility Expansion	Treatment	\$44,000,000
Total Expansion Costs		\$73,962,769

(1) Growth related portion represents 38% of the total cost of project as reminder of project is rehabilitation of existing capacity.

The SDF Act requires that the total project costs be reduced by a revenue credit equal to a minimum of 25 percent of the cost of the capital projects included in the analysis when the Incremental/Marginal Cost is utilized. The SDF Act “Minimum Requirements” allow for the credit to be determined by “*either the outstanding debt principal or the present value of projected water and sewer revenues received by the local government unit for the capital improvements.*” For this Study, the revenue credit was determined by removing the net present value of debt principal for the cost of the future capital projects that the City plans to finance over the 10-year CIP planning period. Specifically, of the \$182 million in expansion costs the City plans to finance approximately \$179 million. The net present value was determined assuming a 3 percent discount rate. Table 2-5 presents the determination of the net system value given the revenue credit for future debt service.

Table 2-5 Net System Value including Revenue Credits

	Water	Sewer
Total Expansion Costs	\$108,490,535	\$73,962,769
Net Present Value of Principal Over Planning Period	(\$50,533,085)	(\$34,450,627)
Additional Credit to Achieve 25%	(\$ -)	(\$ -)
Net System Value	\$57,957,450	\$39,512,143

2.3 SYSTEM CAPACITY

2.3.1 Existing System Capacity

The City’s water and sewer systems consist of numerous functional components such as water treatment, source of supply and/or pumping, storage, and transmission/conveyance. Each of the functional components have a physical or regulatory permitted capacity. While treatment, supply, and disposal capacities are readily available and generally accepted to be the physical or regulatory permitted capacity of such facilities, transmission system capacities are more difficult to quantify.

As such, it is common to define the capacity for all functional components (including the transmission or conveyance facilities) based on the system’s total treatment capacity. This approach was utilized for the determination of the capacities of the City’s utility systems. The rationale behind this decision is that even

if the pumping or transmission/conveyance portion of either system is larger than that system's treatment capacity, the maximum capacity the system can offer to its connections is its total treatment capacity.

For the City's water system, the City owns and operates the Hendersonville Water Treatment Facility (WTF). While permitted for a capacity of 12.0 million gallons per day (MGD), on average it currently treats and produces 7.575 MGD of water from the Pisgah National Forest and Mills River. Based on discussions with City staff, the capacity of 12.0 MGD was assumed for the system development fee analysis. Total existing maximum day water system capacity used in the system development fee analysis is 12.0 MGD.

For the City's sewer system, the City owns and operates the Hendersonville Wastewater Treatment Facility (WWTF) that has a capacity of 4.8 MGD. The WWTF currently treats an average influent flow of 3.0 MGD. At the time the new facility was constructed it was designed with a capacity of 4.8 MGD, but can be expanded up to 6.0 MGD in the future. A capacity of 4.8 MGD was used as the existing sewer system capacity for the system development fee analysis.

2.3.2 Added System Capacity

The expansion related capital improvement projects identified in the City's CIP will all add capacity to the City's water and sewer systems.

The water system capital projects will increase the City's water system capacity to 18.0 MGD, an incremental change of 6.0 MGD. This includes expansion to existing Water Treatment Facility, French Broad River intake and pumping station for added capacity. For the sewer system, the projects associated with the City's Wastewater Treatment Facility Master Plan will provide the WWTF with 3.0 MGD of incremental capacity in addition to rehabilitation and flow equalization of the WWTF Headworks bringing the total sewer capacity to 7.8 MGD after the future expansion. Table 2-6 summarizes the capacity by function used in the Combined Cost system development fee calculations. As shown in the table, the water treatment and sewer treatment capacities are assumed to be the limited factors within the systems and therefore the transmission/distribution and conveyance/collection capacities are assumed to be the same as the treatment capacities.

Table 2-6 System Capacity by Function

	Water Capacity (MGD)		Sewer Capacity (MGD)	
	Water Treatment	Transmission/ Distribution	Sewer Treatment	Conveyance / Collection
Current Capacity	12.0	12.0	4.8	4.8
Capacity Expansion	6.0	6.0	3.0	3.0
Total System Capacity	18.0	18.0	7.8	7.8

2.4 COMBINED COST CALCULATION

As previously stated, the Combined Cost approach includes the net system assets in addition to the net capital project costs to reach the total system value of the utility. Table 2-7 summarizes the Combined Cost calculation for both the water and sewer system development fee calculation. It also provides the cost per gallon per day for system capacity based on the total capacity within each system.

Table 2-7 Combined Approach Cost per Gallon

	Water	Sewer
RCNLD Value of Existing Assets	\$96,493,074	\$63,947,771
Expansion Capital Projects	\$108,490,535	\$73,962,769
Total Value	\$204,983,609	\$137,910,540
<i>Less Credits</i>		
Outstanding Debt Principal	(\$18,058,384)	(\$14,648,017)
Donated Assets / Non-Core Assets	(\$10,179,577)	(\$2,693,227)
Revenue Credit (NPV of future debt principal over planning period)	(\$50,533,085)	(\$34,450,627)
Additional credit to meet 25% requirement	(\$ -)	(\$ -)
Net System Value	\$126,212,563	\$86,118,669
System Capacity - Gallons per Day	18,000,000	7,800,000
Cost per Gallon Per Day	\$7.01	\$11.04

2.5 LEVEL OF SERVICE STANDARDS

Once the unit cost of capacity is determined the system development fees can be calculated by applying the unit cost to the estimated units of service required by new customers joining the water and/or sewer system. The estimated units of service must be calculated consistent with the methodology that is used to charge the system development fees. For example, some utilities charge system development fees for all property types based on the size of the meter serving the property. While this approach is simple it does not necessarily reflect the demands (units of service) associated with the various categories of users connecting to the utility. Based on discussions with City staff, we are recommending an approach that more closely aligns the units of service and the actual use demonstrated by City customers. Specifically, we have evaluated the units of service based on average use by household size (heated square feet) for single family residential customers, per unit for multi-family, per mobile home and based on meter size for non-residential customers.

To evaluate units of service, Stantec worked with City staff to review detailed customer usage data to calculate the average day use in gallons per day by residential housing size. The use by household size for existing City customers demonstrated a significant correlation between the amount of water used and the size of the homes heated area. The average use for multi-family customers on a per unit basis was

also examined as part of the study. A system-wide peaking factor of 1.5 was applied to provide the maximum day demand for each household size, multi-family unit and non-residential customer. The peaking factor is based on historical data and is used for water system planning purposes. The results are for residential customers are shown in Table 2-8. It should be noted that the average usage for single family homes for all household sizes is 136 gallons per day.

Table 2-8 Residential Units of Service - Water

Property Type	Average Usage (gpd)	Peaking Factor	Max Day Units of Service (gpd)*
Single Family (Heated sq. ft.)			
<1,000	118	1.50	178
1,000 - 1,500	127	1.50	190
1,501 - 2,000	129	1.50	194
2,001 - 2,500	137	1.50	206
2,501 - 3,000	143	1.50	214
3,001 - 3,500	153	1.50	230
3,501 - 4,000	164	1.50	246
Over 4,000	189	1.50	284
Multi-Family per unit	85	1.50	128
Mobile Homes	133	1.50	200

* Resulting units of service used to determine water system development fee for each property type

For the sewer system, the level of service standard is typically established based on the minimum design flow standards outlined in the North Carolina Administrative Code (15A NCAC 02T .0114 - Wastewater Design Flow Rates). During the course of the study, the North Carolina General Assembly legislation (House Bill 600) which includes a provision to reduce the wastewater design flow rate from the published 120 gpd per bedroom to 75 gpd per bedroom with a minimum of two bedrooms. As a result, to establish a sewer level of service per equivalent residential unit (ERU), the new guidance was used along with an assumption of two bedrooms per ERU and the application of a maximum month peaking factor of 1.42. The maximum month peaking factor is based on historical max month flows at the City wastewater treatment facility as identified in the City's Wastewater Treatment Facility Masterplan. The peaking factor is applied to account for the fact that the City's treatment facilities must be designed to meet maximum monthly flows. The resulting sewer level of service ERU was calculated to be 213 gpd. To convert the level of service to the individual household sizes and per multi-family unit the ratios of the units of service for the water system were applied to the 213 gpd standard. Table 2-9 reflects the calculations and the resulting units of service for each property type.

Table 2-9 Residential Units of Service - Sewer

Property Type	Water Use* Ratios	Units of Service (gpd)**
Single Family (Heated sq. ft.)		
<1,000	87%	186
1,000 - 1,500	93%	198
1,501 - 2,000	95%	202
2,001 - 2,500	101%	215
2,501 - 3,000	105%	223
3,001 - 3,500	113%	240
3,501 - 4,000	121%	257
Over 4,000	139%	297
Multi-Family per unit	63%	133
Mobile Homes	98%	208

*Ratio comparing average residential single family customer demand

**Resulting units of service used to determine sewer system development fee for each property type

The units of service for non-residential customers are based on demand by meter size. Specifically, the non-residential average use for a 3/4" meter was calculated based on an average usage per account for all non-residential customers with this size meter. This base demand is then scaled up for each meter size based on the American Water Works Association (AWWA) meter equivalency factors. A consistent system-wide peaking factor is applied for all meter sizes as mentioned above. The determination of the maximum day use by each meter size is shown in Table 2-10.

Table 2-10 Non-Residential Units of Service - Water

Meter Size	Meter Equivalency	Equivalent Use (gpd)	Max Day Peak Factor	Max Day Units of Service (gpd)*
3/4"	1.00	237	1.50	356
1"	1.67	395	1.50	593
1.5"	3.33	790	1.50	1,185
2"	5.33	1,264	1.50	1,896
3"	11.67	2,765	1.50	4,148
4"	21.00	4,977	1.50	7,466
6"	43.33	10,270	1.50	15,405
8"	93.33	22,120	1.50	33,180
10"	140.00	33,180	1.50	49,770

* Resulting units of service used to determine water system development fee for meter size

The sewer system units of service for non-residential customers are based on a similar analysis as the water system. The water use ratio (single family water use compared to non-residential use) for the 3/4" metered non-residential customer was determined to be 1.74. This factor was applied to the per ERU

planning standard of 213 gpd resulting in the units of service of 371 gpd for a 3/4" non-residential customer. The units of service for non-residential sewer customers are shown in Table 2-11.

Table 2-11 Non-Residential Units of Service - Sewer

Meter Size	Meter Equivalency	Units of Service (gpd)*
3/4"	1.00	371
1"	1.67	619
1.5"	3.33	1,237
2"	5.33	1,980
3"	11.67	4,330
4"	21.00	7,795
6"	43.33	16,085
8"	93.33	34,644
10"	140.00	51,966

**Resulting units of service used to determine sewer system development fee for each property type*

3. RESULTS

This section summarizes the results of the Study, the calculated system development fees, and conclusions and recommendations.

3.1 CALCULATED WATER AND SEWER SYSTEM DEVELOPMENT FEES

To calculate the system development fees, the total unit cost per gallon for capacity described in Section 2 is multiplied by the units of service associated with each of the categories of customers described in the prior section of this report. Tables 3-1 and 3-2 provide a schedule of the calculated water and sewer system development fees respectively based upon the cost and capacity information discussed in the Study.

Table 3-1 Calculated Residential Water and Sewer Development Fees

Property Type	Water	Sewer	Combined
Residential – Individually Metered (Heated sq. ft.)			
<1,000	\$1,247	\$2,048	\$3,295
1,000 - 1,500	\$1,332	\$2,188	\$3,519
1,501 - 2,000	\$1,359	\$2,233	\$3,592
2,001 - 2,500	\$1,443	\$2,370	\$3,813
2,501 - 3,000	\$1,500	\$2,465	\$3,965
3,001 - 3,500	\$1,613	\$2,650	\$4,263
3,501 - 4,000	\$1,724	\$2,833	\$4,558
Over 4,000	\$1,992	\$3,273	\$5,265
Multi-Family per-unit Master-Metered	\$894	\$1,469	\$2,364
Mobile Homes per unit Master Metered Park	\$1,399	\$2,299	\$3,699

It should be noted that for implementation purposes, we recommend that duplexes and individually-metered townhomes, mobile homes and condominiums be assessed the system development fees based on the heated square footage of the residential unit in the same manner as single family residential properties.

Table 3-2 Calculated Non-Residential Water and Sewer System Development Fees

Meter Size	Water	Sewer	Combined
3/4"	\$2,494	\$4,097	\$6,591
1"	\$4,156	\$6,828	\$10,984
1.5"	\$8,312	\$13,657	\$21,969
2"	\$13,300	\$21,850	\$35,150
3"	\$29,093	\$47,798	\$76,891

Meter Size	Water	Sewer	Combined
4"	\$52,368	\$86,036	\$138,405
6"	\$108,062	\$177,535	\$285,597
8"	\$232,748	\$382,383	\$615,131
10"	\$349,122	\$573,575	\$922,697

It is important to note that the City has discretion regarding the percentage of cost recovery utilized in the establishment of the system development fees. The system development fees can recover any amount up to, but not in excess of, the full cost recovery amounts identified herein for the calculated system development fees.

3.2 SYSTEM DEVELOPMENT FEE BENCHMARKING

System development fees are commonly adopted by utilities in North Carolina given the enabling legislation. A survey of current system development fees for surrounding and comparable utilities was completed to benchmark the calculated system development fees for the City. It is important to note that the system development fees used in the benchmarking are based on the fees that are currently in place as of the writing of this report. Since the enabling legislation requires an update of the fees every five years, many of the utilities are currently engaged with consultants to update the fees. The following figures present the results of the benchmarking.

Figure 3.1 - Water System Development Fees (Residential 2,100 Sq. Ft.)

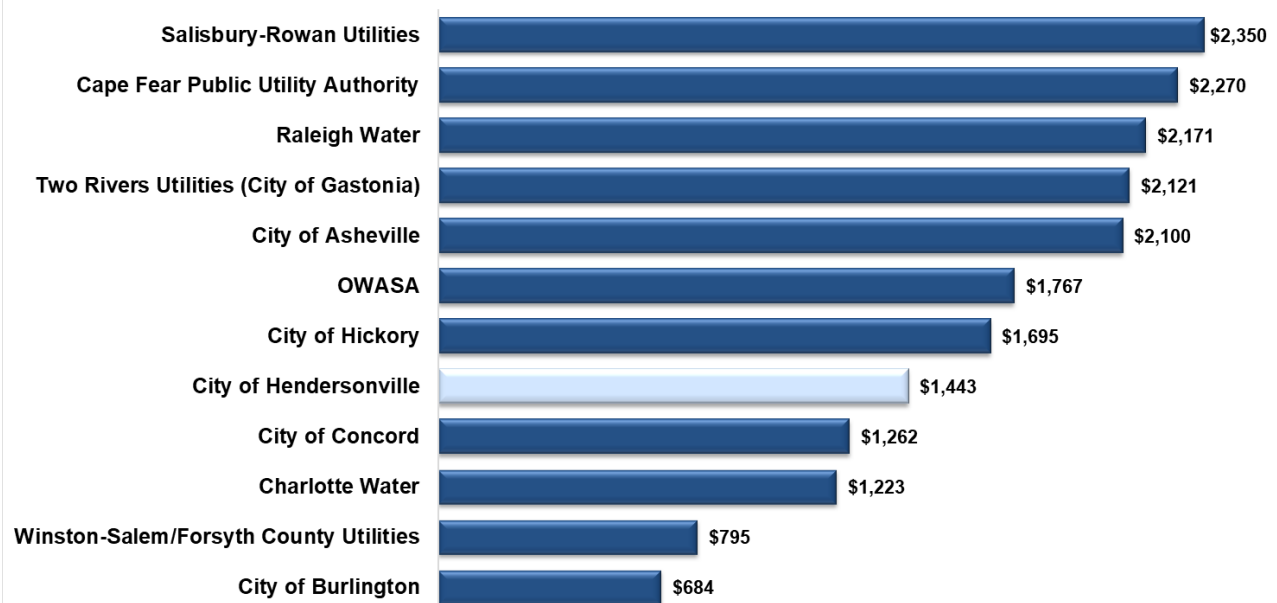
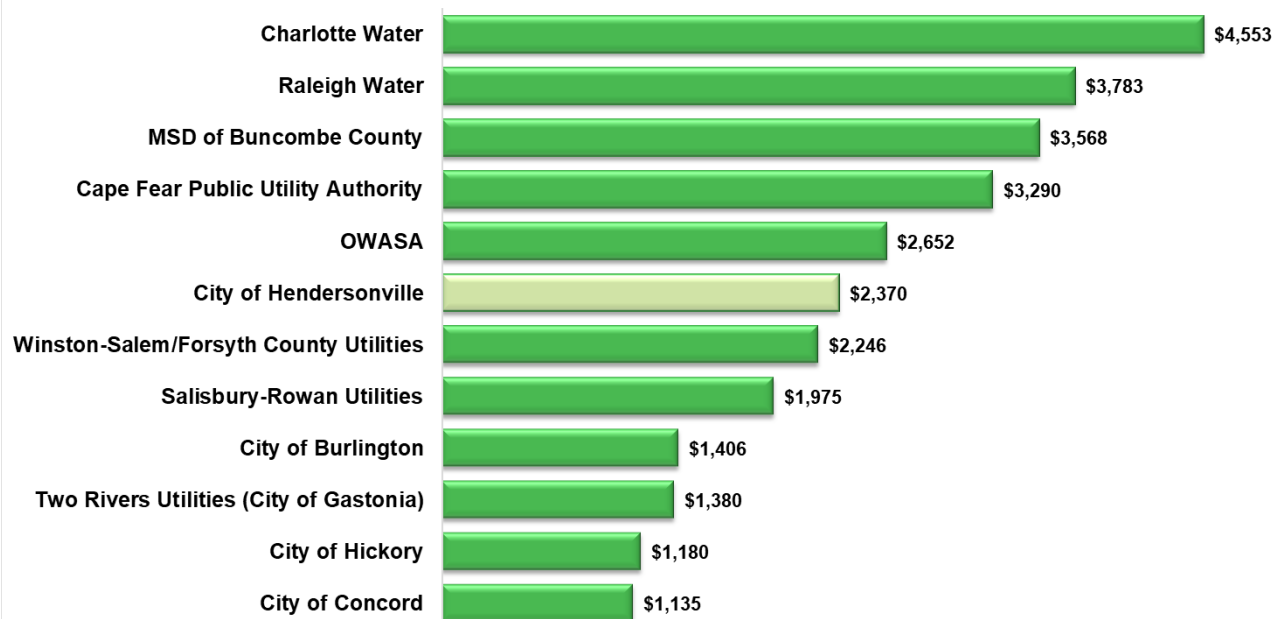


Figure 3.2 - Sewer System Development Fees (Residential 2,100 Sq. Ft.)

The benchmarking results demonstrate that the calculated fees are comparable with the benchmarked utilities current system development fees.

3.3 CONCLUSIONS AND RECOMMENDATIONS

Based upon the analysis presented herein, Stantec has developed the following conclusions and recommendations:

- 1) We recommend that the City adopt the calculated water and sewer system development fees as demonstrated in Tables 3-1, and 3-2. This will allow the City to recover a portion of the cost of providing water and sewer capacity from new connections joining the system.
- 2) We recommend that following the adoption of system development fees, the fees be collected from all new connections consistent with the required within the SDF Act outlined below:
 - For new development involving the subdivision of land, the system development fee shall be collected at the later of either of the following: (1) The time of application for a building permit. (2) When water or sewer service is committed by the City.
 - For all other new development, the fees should be collected at the earlier of either of the following: (1) The time of application for connection of the individual unit of development to the service or facilities. (2) When water or sewer service is committed by the City.
- 3) We recommend that the City review its development fees at least every five years to ensure that it follows requirements established by the SDF Act and to ensure that they remain fair and equitable and continue to reflect its current cost of capacity. As the City continues to expand its facilities,

future changes in technology, demands, development patterns, or other factors may necessitate additional adjustments to its development fees.

- 4) We recommend that as part of any system development fee update, the City also evaluates the most appropriate accepted methodology for calculating its system unit cost of capacity as system capacity may change over time.

Disclaimer

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In preparing this report, Stantec utilized information and data obtained from the city or public and/or industry sources. Stantec has relied on the information and data without independent verification, except only to the extent such verification is expressly described in this document. Any projections of future conditions presented in the document are not intended as predictions, as there may be differences between forecasted and actual results, and those differences may be material.

Additionally, the purpose of this document is to summarize Stantec's analysis and findings related to this project, and it is not intended to address all aspects that may surround the subject area. Therefore, this document may have limitations, assumptions, or reliance on data that are not readily apparent on the face of it. Moreover, the reader should understand that Stantec was called on to provide judgments on a variety of critical factors which are incapable of precise measurement. As such, the use of this document and its findings by city should only occur after consultation with Stantec, and any use of this document and findings by any other person is done so entirely at their own risk.

APPENDIX: SUPPORTING SCHEDULES

Schedule 1: Summary of System Fixed Assets & Administration Cost Allocation

Function		Gross RCNLD Asset Value	Less Donated and Minor Equipment (Non-Core Assets)	Net RCNLD Asset Value	% of Total	Net Asset Value + Allocated Admin
Water	Treatment	\$ 33,999,902	\$ 584,317	\$ 33,415,584	22.64%	\$ 33,415,584
Water	Supply and Pumping	\$ 1,827,398	\$ 634,985	\$ 1,192,413	0.81%	\$ 1,192,413
Water	Storage	\$ 7,314,728	\$ 944,372	\$ 6,370,356	4.32%	\$ 6,370,356
Water	Transmission & Distribution	\$ 53,351,047	\$ 8,015,903	\$ 45,335,144	30.72%	\$ 45,335,144
Sewer	Treatment	\$ 28,145,176	\$ 63,282	\$ 28,081,894	19.03%	\$ 28,081,894
Sewer	Pumping	\$ 343,488	\$ 332,065	\$ 11,423	0.01%	\$ 11,423
Sewer	Collection & Conveyance	\$ 35,459,106	\$ 2,297,880	\$ 33,161,226	22.47%	\$ 33,161,226
Total		\$ 160,440,845	\$ 12,872,804	\$ 147,568,041	100%	\$ 147,568,041

Schedule 2: Capital Improvement Summary

Function		Capital Improvement Costs	% of Total	Function Costs + Allocated Admin
Water	Treatment	\$ 37,961,500	20.81%	\$ 37,961,500
Water	Supply and Pumping	\$ 25,524,035	13.99%	\$ 25,524,035
Water	Storage	\$ -	0.00%	\$ -
Water	Transmission & Distribution	\$ 45,005,000	24.67%	\$ 45,005,000
Sewer	Treatment	\$ 57,750,769	31.65%	\$ 57,750,769
Sewer	Pumping	\$ -	0.00%	\$ -
Sewer	Collection & Conveyance	\$ 16,212,000	8.89%	\$ 16,212,000
Total Expansion CIP		\$ 182,453,304		\$ 182,453,304
Excluded Non-Expansion CIP		\$ 111,792,361		\$ 111,792,361
Total System CIP		\$ 294,245,665		\$ 294,245,665

Schedule 3: Capital Improvement Program Listing and Allocations

	Project Name	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032	FY 2033	Cost	Water Allocation	Sewer Allocation	% Growth	Growth Related CIP Cost
1	Apex Project Land Acquisition #18014	\$ 1,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,000,000	100%		0%	\$ -
2	Fleetwood Water Improvement Project #21012	\$ 1,400,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,400,000	100%		0%	\$ -
3	French Broad Raw Water Intake #16007	\$ 24,514,035	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 24,514,035	100%		100%	\$ 24,514,035
4	Mud Creek Interceptor #18032	\$ -	\$ -	\$ 8,802,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,802,000		100%	100%	\$ 8,802,000
5	North Fork Dredging #19010	\$ 1,110,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,110,000	100%		0%	\$ -
6	North Greenwood Water Project #16003	\$ 850,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 850,000	100%		0%	\$ -
7	Sewer Vector Truck Replacement #22011	\$ 550,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 550,000		100%	0%	\$ -
8	Sewer Vector Truck Replacement #22011 - 2	\$ -	\$ -	\$ 510,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 510,000		100%	0%	\$ -
9	Streambank Sewer Improvements #21013	\$ -	\$ 600,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 600,000		100%	0%	\$ -
10	Wastewater Evaluation - Basin 3 #21045	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100,000		100%	0%	\$ -
11	Water Distribution Master Plan Update #22012	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ 225,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 425,000	100%		100%	\$ 425,000
12	WTP Expansion to 15.0 MGD #19207	\$ -	\$ 2,131,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,131,500	100%		100%	\$ 2,131,500
13	WTP Residuals Storage Covered Building #22013	\$ -	\$ 1,480,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,480,000	100%		0%	\$ -
14	WWTP Aeration Basin Rehabilitation #21045	\$ 2,050,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,050,000		100%	0%	\$ -
15	WWTP Biosolid Drying System #16036	\$ -	\$ -	\$ -	\$ 12,530,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,530,000		100%	0%	\$ -
16	WWTP Ultraviolet Improvement Project #16023	\$ 2,800,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,800,000		100%	0%	\$ -
17	Carson Drive Neighborhood Water Replacement	\$ -	\$ 330,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 330,000	100%		0%	\$ -
18	NCDOT Highland Lake Rd	\$ -	\$ 575,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 575,000	90%	10%	0%	\$ -
19	Old Brickyard Rd. #20010	\$ -	\$ 470,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 470,000	100%		0%	\$ -
20	Rutledge Road Water Improvements #17002	\$ -	\$ 270,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 270,000	100%		0%	\$ -
21	WWTP Headworks and Flow Equalization	\$ -	\$ 4,505,000	\$ -	\$ -	\$ -	\$ 25,020,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 29,525,000		100%	38%	\$ 11,355,769
22	CCTV Truck Replacement	\$ -	\$ -	\$ 390,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 390,000		100%	0%	\$ -
23	North Main Water and Sewer Replacement	\$ -	\$ -	\$ 1,640,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,640,000	50%		0%	\$ -
24	Sewer Collection System Master Plan Update	\$ -	\$ -	\$ 220,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 220,000	100%		100%	\$ 220,000
25	Vector Truck Storage Building	\$ -	\$ -	\$ 660,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 660,000	100%		0%	\$ -
26	WWTP Tertiary Filter Replacement Phase 2	\$ -	\$ -	\$ 270,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 270,000		100%	100%	\$ 270,000
27	NCDOT 191 #16126	\$ -	\$ -	\$ -	\$ 12,700,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,700,000	100%		100%	\$ 12,700,000
28	NCDOT HWY 64 #18140	\$ -	\$ -	\$ -	\$ 1,360,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,360,000	50%		100%	\$ 1,360,000
29	NCDOT L26 #17141	\$ 3,409,130	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,409,130	100%		0%	\$ -
30	Wash Creek Replacement Sewer G08	\$ -	\$ -	\$ -	\$ 3,720,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,720,000		100%	100%	\$ 3,720,000
31	WWTP Blower Building Improvements	\$ -	\$ -	\$ -	\$ 400,000	\$ 2,200,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,600,000		100%	0%	\$ -
32	WWTP Recycle Pumping Station Project	\$ -	\$ -	\$ -	\$ 1,100,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,100,000		100%	0%	\$ -
33	WWTP Sludge Dewatering Conveyor Belt	\$ -	\$ -	\$ -	\$ 950,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 950,000		100%	0%	\$ -
34	Devils Fork Sewer Replacement G05	\$ -	\$ -	\$ -	\$ -	\$ 2,790,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,790,000		100%	100%	\$ 2,790,000
35	Eastside Transmission Main, Phase 2 and 3	\$ -	\$ -	\$ -	\$ -	\$ 9,860,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,860,000	100%		100%	\$ 9,860,000
36	Heatherwood Neighborhood Water Replacement	\$ -	\$ -	\$ -	\$ -	\$ 1,690,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,690,000	100%		0%	\$ -
37	Long John Mountain Water Improvements #18014	\$ -	\$ -	\$ -	\$ -	\$ 9,670,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,670,000	100%		0%	\$ -
38	NCDOT White St South Main #17126	\$ -	\$ -	\$ -	\$ -	\$ 2,900,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,900,000	50%	50%	0%	\$ -
39	Upward Road Water Main Upgrade	\$ -	\$ -	\$ -	\$ -	\$ 1,010,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,010,000	100%		100%	\$ 1,010,000
40	WWTP Sludge Ticking Rehabilitation	\$ -	\$ -	\$ -	\$ -	\$ 900,000	\$ 5,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,900,000		100%	0%	\$ -
41	AMI Metering Infrastructure Replacement	\$ 525,000	\$ -	\$ -	\$ -	\$ -	\$ 3,710,000	\$ 3,820,000	\$ 3,930,000	\$ -	\$ -	\$ -	\$ 11,985,000	100%		0%	\$ -
42	Dana Rd. Water Main Extension	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,210,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,210,000	100%		100%	\$ 2,210,000
43	Statenwoods Neighborhood Water Replacement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 920,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 920,000	100%		0%	\$ -
44	Willow Rd Price Rd & PRV Bypass	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500,000	100%		0%	\$ -
45	Airport Rd. - Water	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 720,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 720,000	100%		100%	\$ 720,000
46	Baystone Drive Neighborhood Water Replacement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,220,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,220,000	100%		0%	\$ -
47	Brittain Creek Sewer Replacement G-03	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,080,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,080,000		100%	0%	\$ -
48	Brookwood Sewer Pump Station Replacement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 359,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 359,000	100%		0%	\$ -
49	East Campus Road	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,140,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,140,000	100%		100%	\$ 1,140,000
50	Pace Rd. Water Main Extension and Interconnect	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,710,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,710,000	100%		100%	\$ 1,710,000
51	S. Rugby Road Water Main Interconnect	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,850,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,850,000	100%		100%	\$ 2,850,000
52	WWTP Aeration Basin Modification	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,800,000	\$ -	\$ -	\$ -	\$ -	\$ 2,125,000		100%	100%	\$ 2,125,000
53	Howard Gap Rd. Water Extension Mid	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,550,000	\$ -	\$ -	\$ -	\$ -	\$ 2,550,000	100%		100%	\$ 2,550,000
54	Howard Gap Rd. Water Extension North End	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,560,000	\$ -	\$ -	\$ -	\$ -	\$ 1,560,000	100%		100%	\$ 1,560,000
55	North Fork Raw Water Line Slip Lining	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,200,000	\$ -	\$ -	\$ -	\$ 5,200,000	100%		0%	\$ -
56	Southside Water System Improvements	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,090,000	\$ -	\$ -	\$ -	\$ 4,090,000	100%		100%	\$ 4,090,000
57	WTP to Ewart Hill Slip Lining	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,070,000	\$ -	\$ -	\$ -	\$ 5,070,000	100%		0%	\$ -
58	Bradley Creek Raw Water Line Slip Lining	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,935,000	\$ 1,935,000	\$ -	\$ 3,870,000	100%		0%	\$ -
59	Fruitland Rd. Water Main Extension	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,325,000	\$ 1,325,000	\$ -	\$ 2,650,000	100%		100%	\$ 2,650,000
60	NCDOT Kanuga #17131	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	50%	50%	100%	\$ -
61	S. Mills Gap Rd. Water Main Extension	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 930,000	\$ 930,000	\$ -	\$ 1,860,000	100%		100%	\$ 1,860,000
62	Smokey Ridge Apts Sewer P.S. Abandonment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 270,000	\$ 270,000	\$ -	\$ 540,000		100%	0%	\$ -
63	WTP Expansion to 18.0 MGD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 17,915,000	\$ 17,915,000	\$ -	\$ 35,830,000	100%		100%	\$ 35,830,000
64	WWTP 7.8 MGD Facility Expansion	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 22,000,000	\$ 22,000,000	\$ -	\$ 44,000,000	100%		100%	\$ 44,000,000
65	WWTP Secondary Clarifier Rehabilitation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,415,000	\$ 1,415,000	\$ -	\$ 2,830,000	100%		0%	\$ -
66	Church Street Sewer	\$ 515,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 515,000		100%	0%	\$ -
Total		\$ 39,023,165	\$ 10,361,500	\$ 12,492,000	\$ 32,760,000	\$ 31,020,000	\$ 37,585,000	\$ 15,224,000	\$ 9,840,000	\$ 14,360,000	\$ 45,790,000	\$ 45,790,000	\$ 294,245,665				\$ 182,453,304

Schedule 4: Capacity Summaries

Water System Capacity

Treatment		
Water Treatment Plants	Existing Capacity (MGD)	Incremental Capacity (MGD)
Existing Capacity Expansion to 18	12.00	
		6.00
	12.00	6.00

Supply and Pumping		
	Capacity (MGD)	Incremental Capacity (MGD)
	12.00	6.00
	12.00	6.00

Transmission & Distribution		
	Capacity (MGD)	Incremental Capacity (MGD)
	12.00	6.00
	12.00	6.00

Sewer System Capacity

Treatment		
Wastewater Treatment Plants	Capacity (MGD)	Incremental Capacity (MGD)
Existing Capacity Expansion to 7.8	4.80	
		3.00
	4.80	3.00

Pumping		
	Capacity (MGD)	Incremental Capacity (MGD)
	4.80	3.00
	4.80	3.00

Collection & Conveyance		
	Capacity (MGD)	Incremental Capacity (MGD)
	4.80	3.00
	4.80	3.00

Schedule 5: Water System Development Fee - Combined

Functional Component:	Treatment / Supply / Pumping	Transmission and Distribution	Total
Gross Plant in Service Value	\$35,827,300	\$60,665,774	\$96,493,074
Total Expansion Capital Projects	\$63,485,535	\$45,005,000	\$108,490,535
Combined System Value	\$99,312,835	\$105,670,774	\$204,983,609
Less:			
Principal Credit (Outstanding Debt)	\$ 6,704,970	\$ 11,353,414	\$ 18,058,384
Specific Asset Contributions/Exclusions	1,219,302	8,960,275	10,179,577
General Allowance for Asset Contributions/Exclusions	-	-	-
Grants (Historical and Future)	-	-	-
Revenue Credit (Principal Future Debt during Planning Period)	29,570,505	20,962,580	50,533,085
Additional credit to meet 25% requirement	-	-	-
Net System Value	\$ 61,818,058	\$64,394,506	\$126,212,563
Revenue Credit % Used in Fee Calculation			46.58%
<i>Cost per Gallon:</i>			
Capacity	18.00	18.00	
Unit Cost per Gallon:	\$3.43	\$3.58	\$7.01

Schedule 6: Sewer System Development Fee - Combined

Functional Component:	Treatment and Storage	Collection Conveyance and Pumping	Total
Gross Plant in Service Value	\$28,145,176	\$35,802,595	\$63,947,771
Total Expansion Capital Projects	\$57,750,769	\$16,212,000	\$73,962,769
Gross System Value	\$85,895,945	\$52,014,595	\$137,910,540
Less:			
Principal Credit	\$ 6,446,996	\$ 8,201,021	\$ 14,648,017
Specific Asset Contributions/Exclusions	63,282	2,629,945	2,693,227
General Allowance for Asset Contributions/Exclusions	-	-	-
Grants (Historical and Future)	-	-	-
Revenue Credit (Principal Future Debt during Planning Period)	26,899,347	7,551,280	34,450,627
Additional credit to meet 25% requirement	-	-	-
Net System Value	\$ 52,486,320	\$ 33,632,349	\$ 86,118,669
Revenue Credit % Used in Fee Calculation			46.58%
Cost per Gallon:			
Capacity	7.80	7.80	
Unit Cost per Gallon:	\$6.73	\$4.31	\$11.04

Schedule 7: Fee Summary

Water		
Residential		
Single Family (Heated Sq. Ft.)	Max Day Flow (gpd)	Calculated System Development Fee
<1000	178	\$1,247
1,000 - 1,500	190	\$1,332
1,501 - 2,000	194	\$1,359
2,001 - 2,500	206	\$1,443
2,501 - 3,000	214	\$1,500
3,001 - 3,500	230	\$1,613
3,501 - 4,000	246	\$1,724
4,000+	284	\$1,992
Multi-Family per-unit Master Metered	128	\$894
Mobile Homes	200	\$1,399

Non-Residential		
Meter Size	Max Day Flow (gpd)	Calculated System Development Fee
3/4"	356	\$2,494
1"	593	\$4,156
1.5"	1,185	\$8,312
2"	1,896	\$13,300
3"	4,148	\$29,093
4"	7,466	\$52,368
6"	15,405	\$108,062
8"	33,180	\$232,748
10"	49,770	\$349,122

Sewer		
Residential		
Single Family (Heated Sq. Ft.)	Planning Flow (gpd)	Calculated System Development Fee
<1000	186	\$2,048
1,000 - 1,500	198	\$2,188
1,501 - 2,000	202	\$2,233
2,001 - 2,500	215	\$2,370
2,501 - 3,000	223	\$2,465
3,001 - 3,500	240	\$2,650
3,501 - 4,000	257	\$2,833
4,000+	297	\$3,273
Multi-Family per-unit Master Metered	133	\$1,469
Mobile Homes	208	\$2,299

Non-Residential		
Meter Size	Planning Flow (gpd)	Calculated System Development Fee
3/4"	371	\$4,097
1"	619	\$6,828
1.5"	1,237	\$13,657
2"	1,980	\$21,850
3"	4,330	\$47,798
4"	7,795	\$86,036
6"	16,085	\$177,535
8"	34,644	\$382,383
10"	51,966	\$573,575

Combined	
Residential	
Single Family (Heated Sq. Ft.)	Calculated System Development Fee
<1000	\$3,295
1,000 - 1,500	\$3,519
1,501 - 2,000	\$3,592
2,001 - 2,500	\$3,813
2,501 - 3,000	\$3,965
3,001 - 3,500	\$4,263
3,501 - 4,000	\$4,558
4,000+	\$5,265
Multi-Family per-unit Master Metered	\$2,364
Mobile Homes	\$3,699

Non-Residential	
Meter Size	Calculated System Development Fee
3/4"	\$6,591
1"	\$10,984
1.5"	\$21,969
2"	\$35,150
3"	\$76,891
4"	\$138,405
6"	\$285,597
8"	\$615,131
10"	\$922,697



CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER: Lew Holloway **MEETING DATE:** March 7th, 2024

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

TITLE OF ITEM: Zoning Text Amendment: Tree Canopy Preservation & Enhancement (P24-08-ZTA)

SUGGESTED MOTION(S):

<u>For Approval:</u>	<u>For Denial:</u>
<p>I move City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Article VII, Sections 7-3-3 and 7-3-4 and Article XV, Sections 15-4, 15-5, 15-6, 15- 9 and 15-9 and to add the new Section 15-14 and 15-15 to establish additional requirements for the provision and protection of trees:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</p> <p>The petition aligns with the Comprehensive Plan’s Strategies; NR-2.3. Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville’s identity, LU-3.5. Minimize negative impacts from growth and land use changes on existing land uses and LU-3.6. Update the Zoning Code to ensure conformance with the Comprehensive Plan.</p> <p>2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <p>1. The proposed text amendment seeks to promote compatibility between new development on sites with surrounding existing development, by reducing the removal of existing site vegetation and</p>	<p>I move City Council deny an ordinance amending the official City of Hendersonville Zoning Ordinance, Article VII, Sections 7-3-3 and 7-3-4 and Article XV, Sections 15-4, 15-5, 15-6, 15- 9 and 15-9 and to add the new Section 15-14 and 15-15 to establish additional requirements for the provision and protection of trees:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</p> <p>The petition aligns with the Comprehensive Plan’s Strategies; NR-2.3. Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville’s identity, LU-3.5. Minimize negative impacts from growth and land use changes on existing land uses and LU-3.6. Update the Zoning Code to ensure conformance with the Comprehensive Plan.</p> <p>2. We [do not find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <p>1. The proposed text amendments decreases the flexibility available to property owners seeking to redevelop property within the City.</p> <p>2. The proposed text amendment reduces the available property for new</p>

<p>tree canopy and enhancing the integration of new plantings in required open space.</p> <p>2. The proposed text amendment aligns with the public interest in that it seeks to offset some of the impacts of large scale development on adjacent properties and on existing natural resources.</p> <p>3. The proposed text amendment will offset a portion of the ongoing impacts of new development on the natural environment within the City.</p> <p>[DISCUSS & VOTE]</p>	<p>development within the City, potentially increasing the costs associated with development and impacting affordability within the City.</p> <p>[DISCUSS & VOTE]</p>
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***SUMMARY:** The City of Hendersonville is initiating a zoning text amendment to establish a standard for tree canopy preservation and to increase efforts to enhance canopy established by new development. The ordinance amendment was initiated at the request of the City of Hendersonville Tree Board and guided to this point by an Ad Hoc Tree Ordinance Committee. That committee has been meeting since late spring/early summer of 2023 to review the tree board request and develop the ordinance which is presented here. In May 2023, the Tree Ordinance Committee began the first of nine meetings to review recommendations from the tree board for amendments to the City’s Zoning Ordinance.*

Primary recommendations found in the ordinance being presented for adoption are as follows; 1) the establishment of a canopy preservation standard. This standard would be applicable to lots which exceed 2 acres and establishes a baseline requirement to preserve 20% of the canopy with a requirement that an additional 10% (for a total of 30%) be preserved, allowing for alternative compliance approaches for the final 10%. 2) The establishment of additional canopy enhancement standards for new development. These can be broadly categorized by a) increased planting requirements for Vehicular Use Areas, b) the introduction of planting requirements to all “Open Space and Common Open Space” currently required by the code and c) the introduction of Street Tree requirements throughout the City’s Zoning Districts.

PROJECT/PETITIONER NUMBER:	P24-08-ZTA
PETITIONER NAME:	City of Hendersonville
ATTACHMENTS:	<p>1. Staff Report</p> <p>2. Legislative Committee Summary Report</p> <p>3. Draft Ordinance Changes</p> <p>4. Draft Ordinance Changes (Clean Version)</p>

PLANNING BOARD RECOMMENDATIONProject #: P24-08-ZTAMeeting Date: February 8th, 2024

PETITION REQUEST: Tree Canopy Preservation & Enhancement Ordinance

APPLICANT/PETITIONER: City-Initiated

PLANNING BOARD ACTION SUMMARY:

Staff gave a presentation, including a review by Daniel Heyman of the Tree Ordinance Review Committee (established by City Council in the late winter/early spring of 2023) and a review by Lew Holloway of the proposed Ordinance's Comprehensive Plan consistency and some suggested staff clarifications and recommendations. The staff presentation consisted of an approximately 35 minutes worth of staff presentation and a total discussion which extended for little over an hour and a half. The board heard from the public, including members of the Tree Ordinance Review Committee and had questions about the staff recommendations, the nature of the review and ordinance drafting process, the administrative review process and other implications of the proposed ordinance.

Overall there was a desire amongst the Planning Board to support the adoption of a new Tree Ordinance. The Board supported the two staff recommendations for the renaming of the "Recommended Planting List" to "Approved Planting List" and to align the exemption standard for canopy preservation with Stormwater and Erosion and Sediment Control Plans at less than an acre of disturbance or 30,000 square feet or less total on-site canopy.

Public Speakers Included: Ken Fitch, Lynne Williams, Glenn Lange, Susan Frady, Mary Davis and Janet Thew

MOTION:

Ms. Peacock made a motion to approve the petition. The motion was amended by Mr. Robertson and seconded by Mr. Hanley. The motion passed unanimously.

COMPREHENSIVE PLAN CONSISTENCY AND REASONABLENESS STATEMENT:

The petition is found to be [consistent] with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the Comprehensive Plan's Strategies; NR-2.3. Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville's identity, LU-3.5. Minimize negative impacts from growth and land use changes on existing land uses and LU-3.6. Update the Zoning Code to ensure conformance with the Comprehensive Plan

We [find] this proposed zoning text amendment petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

REASONABLENESS STATEMENT

We find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

[Rationale for Approval]

- *The proposed text amendment seeks to promote compatibility between new development on sites with surrounding existing development, by reducing the removal of existing site vegetation and tree canopy and enhancing the integration of new plantings in required open space.*
- *The proposed text amendment aligns with the public interest in that it seeks to offset some of the impacts of large scale development on adjacent properties and on existing natural resources.*
- *The proposed text amendment will offset a portion of the ongoing impacts of new development on the natural environment within the City.*

BOARD ACTION

- **Motion/Second:** Peacock / Hanley
- **Yeas:** J. Robertson, Hanley, Peacock, B. Robertson, Flores, Waters, Robinson.
- **Nays:** N/A
- **Absent:** Cromar
- **Recused:** N/A

ZONING TEXT AMENDMENT:
TREE CANOPY PRESERVATION & ENHANCEMENT (P24-08-ZTA)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY..... 2

AMMENDMENT ANALYSIS – AMENDMENT OVERVIEW..... 3

LEGISLATIVE COMMITTEE RECOMMENDATION 3

PROPOSED STANDARDS..... **Error! Bookmark not defined.**

AMENDMENT ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)**Error! Bookmark not defined.**

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT
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PROJECT SUMMARY

- Project Name & Case #:
 - Tree Canopy Preservation & Enhancement
 - P24-08-ZTA
- Applicant:
 - City of Hendersonville
- Articles Amended:
 - Article VII – Development Review; Sections 7-3-3 and 7-3-4, Article and Article XV – Buffering, Screening and Landscaping; Sections 15-4, 15-5, 15-6, 15-9, 15-13 and the addition of Sections 15-14 and 15-15.
- Applicable Zoning District(s):
 - Various
- Future Land Use Designation
 - Various
- Planning Board - Legislative Committee Meeting
 - January 16, 2024
- Summary Basics:
 - The petition proposes to establish Tree Canopy Preservation Standards for a certain scale of new development and enhances the requirements of the Buffering, Screening and Landscaping Standards of the Zoning Ordinance in favor of enhanced tree planting requirements for certain types of new development.



Summary of Amendment Petition:

The City of Hendersonville is initiating a zoning text amendment to establish a standard for tree canopy preservation and to increase efforts to enhance canopy established by new development. The ordinance amendment was initiated at the request of the City of Hendersonville Tree Board and guided to this point by an Ad Hoc Tree Ordinance Committee. That committee has been meeting since late summer/early fall to review the tree board request and develop the ordinance which is presented here. In May of 2023, the Tree Ordinance Committee began the first of nine meetings to review recommendations from the tree board for amendments to the City's Zoning Ordinance.

Primary recommendations found in the ordinance being presented for adoption are as follows; 1) the establishment of a canopy preservation standard. This standard would be applicable to lots which exceed 2 acres and establishes a baseline requirement to preserve 20% of the canopy with a requirement that an additional 10% (for a total of 30%) be preserved, allowing for alternative compliance approaches for the final 10%. 2) The establishment of additional canopy enhancement standards for new development. These can be broadly categorized by a) increased planting requirements for Vehicular Use Areas, b) the introduction of planting requirements to all "Open Space and Common Open Space" currently required by the code and c) the introduction of Street Tree requirements throughout the City's Zoning Districts.

AMMENDMENT ANALYSIS – AMENDMENT OVERVIEW

This zoning text amendment can be viewed as having two primary goals. 1) To establish Tree Canopy Preservation standards for certain new development and redevelopment. These standards are based on the existing canopy found on the site at the time of development/redevelopment. 2) To enhance planting requirements, specifically for trees, associated with new development with a particular interest in improving “Open Space” and “Common Open Space” planting requirements and “Street Tree” planting requirements. These requirements are triggered are development sites which exceed 2 acres.

To achieve the goal if canopy preservation the Committee has recommended a two tiered preservation standard. Tier I canopy represents a requirement that 20% of the existing canopy shall be preserved. Tier II is required in addition to Tier I and incentivizes additional preservation with additional plating requirements if the development does not achieve the canopy preservation targets in the Tier II standards.

To achieve the second goal the ordinance introduce three new and/or modified planting requirements for new development which exceeds the thresholds established in Section 15-2. These new requirements include; 1) changes to vehicular use area landscaping which increases the number required while also creating more flexibility in how those plantings are spaced throughout the vehicular use area. 2) Expansion of section 15-13 to include all ‘Open Space’ required in the code, not just that associated with “mixed-use” zoning districts, and “Common Open Space,” typically 10% of certain residential and commercial development that did not previously come with planting standards. 3) The addition of Section 15-14 Street Trees which is establishes a more broadly applicable in require for the integration of street trees across zoning districts and development within the City. Currently, this requirement is associated with entry corridor overlay districts and certain limited zoning districts. In combination, these three requirements are intended to facilitate the pursuit of canopy enhancement on new development or redevelopment sites.

There are a number of other administrative clarifications, including new definitions, site plan submittal requirements and clarifications to tree credit standards.

LEGISLATIVE COMMITTEE RECOMMENDATION

The Legislative Committee of the Planning Board met to discuss this petition at their recurring meeting on Tuesday, January 16, 2024. The members of the committee that were present were Jim Robertson, Peter Hanley and Donna Waters; staff attending included Matthew Manley. The Ordinance changes were discussed for approximately one hour and the following questions and recommendations were offered by the Committee members;

QUESTIONS

- If it is intended that future growth should occur within the existing city limits to limit pressure on surrounding environments, what effect will tree canopy preservation standards have on the City’s ability to house that growth?
- What expertise (model policies, resources, experts, etc.) was used to develop the policies in the ordinance?
- What was the impetus for creating Tree Canopy protection standards? Is it tied to

the results of the Tree Canopy Study?

- Will the Species List be updated?
- In calculating the 20%/10% tree preservation areas, are only the trees within that area that qualify as “canopy trees” counted? Are invasive species counted? How will the area be determined? From analysis of aerial views, data from Canopy Study or from field surveys?

RECOMMENDATIONS

- Species list should be referred to as “Required Landscape Species Lists for Street, Tree and Land Development Projects 2022” or just “Landscape Species Lists for Street, Tree and Land Development Projects 2022”.
 - 3-Year Hold is not long enough to deter clear-cutting sites in advance of development. This position is based on the length of time it takes to go through the development process including entitlement approvals, financing, final site plan approvals, etc. A more prohibitive penalty should be considered such as 5-10 year Hold plus standards for immediate mitigation (silt fencing, seed cover, tree plantings, etc.)
 - Clarify language for newly planted “canopy trees” - that they will be 50’ [at maturity].
 - Include illustrations for Street Tree so that recommendations are clearly understood.
 - Require street trees between street and sidewalks.
 - Require that trees adjacent to sidewalks have a minimum ground clearance of 7-8’.
 - For Sec 15-9, consider allowing for/requiring rain gardens or some form of water infiltration into Planting Islands in parking lots. Current planting requirements limits the amount of water getting to tree roots (planting space has curb and gutter and drip line of trees eventually exceeds the planting space). This burdens tree growth and/or causes trees to die.
-

AMENDMENT ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)

COMPREHENSIVE PLAN CONSISTENCY	
Land Use & Development	<i>Strategy LU-3.5. Minimize negative impacts from growth and land use changes on existing land uses. Strategy LU-3.6. Update the Zoning Code to ensure conformance with the Comprehensive Plan</i>
Population & Housing	<i>Strategy PH-1.5.6. Promote the installation of street trees through private redevelopment projects and targeted installations in locations such as “park streets” identified in Strategy CF-7.1.</i>
Natural & Environmental Resources	<i>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.</i>
Cultural & Historic Resources	<i>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</i>
Community Facilities	<i>Strategy CF-7.1 Create “park streets” that extend parks into neighborhoods by utilizing unique signage, landscaping, street trees and pedestrian path treatment.</i>
Water Resources	<i>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</i>
Transportation & Circulation	<i>Strategy TC-1.3. Incorporate Complete Streets concepts into future roadway improvements in order to create multi-modal streets.</i>

GENERAL REZONING STANDARDS	
Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses -
	<i>The proposed text amendment seeks to promote compatibility between new development on sites with surrounding existing development, by reducing the removal of existing site vegetation and tree canopy and enhancing the integration of new plantings in required open space.</i>
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
	<i>There has been increased pressure to develop Greenfield sites throughout the city. Previously unimpacted by large scale development these site within the City and ETJ contribute to the character of the surrounding neighborhoods. The large scale clearing and grading often associated with new development has generated considerable concerns regarding conservation and preservation of natural resources and quality of life for residents within the City.</i>
Public Interest	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -
	<i>The proposed text amendment aligns with the public interest in that it seeks to offset some of the impacts of large scale development on adjacent properties and on existing natural resources.</i>
Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment
	<i>The proposed text amendment does not have a large impact on public facilities.</i>
Effect on Natural Environment	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -
	<i>The proposed text amendment will offset a portion of the ongoing impacts of new development on the natural environment within the City.</i>

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND TEXT AMENDMENT REASONABLENESS STATEMENT

The petition is found to be [consistent] with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the Comprehensive Plan's Strategies; NR-2.3. Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville's identity, LU-3.5. Minimize negative impacts from growth and land use changes on existing land uses and LU-3.6. Update the Zoning Code to ensure conformance with the Comprehensive Plan

We [find] this proposed zoning text amendment petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

DRAFT [Rationale for Approval]

- *The proposed text amendment seeks to promote compatibility between new development on sites with surrounding existing development, by reducing the removal of existing site vegetation and tree canopy and enhancing the integration of new plantings in required open space.*
- *The proposed text amendment aligns with the public interest in that it seeks to offset some of the impacts of large scale development on adjacent properties and on existing natural resources.*
- *The proposed text amendment will offset a portion of the ongoing impacts of new development on the natural environment within the City.*

DRAFT [Rational for Denial]

- *The proposed text amendments decreases the flexibility available to property owners seeking to redevelop property within the City.*
- *The proposed text amendment reduces the available property for new development within the City, potentially increasing the costs associated with development and impacting affordability within the City.*

LEGISLATIVE COMMITTEE REVIEWPROJECT #: P24-08-ZTAMEETING DATE: January 16, 2024

PROJECT/AMENDMENT: Tree Canopy Preservation & Enhancement Ordinance

APPLICANT/PETITIONER: City-Initiated

COMMITTEE SUMMARY:

Planning Staff (Matt Manley) met with the Planning Board's Legislative Committee, including Peter Hanley (in-person), Donna Waters (in-person) and Jim Robertson (Zoom), to review the draft ordinance language as prepared on behalf of the Tree Ordinance Committee. This was the only item on the agenda. The committee discussed the item for approximately 1 hour.

QUESTIONS:

The following questions were posed by members of the Legislative Committee:

- If it is intended that future growth should occur within the existing city limits to limit pressure on surrounding environments, what effect will tree canopy preservation standards have on the City's ability to house that growth?
- What expertise (model policies, resources, experts, etc.) was used to develop the policies in the ordinance?
- What was the impetus for creating Tree Canopy protection standards? Is it tied to the results of the Tree Canopy Study?
- Will the Species List be updated?
- In calculating the 20%/10% tree preservation areas, are only the trees within that area that qualify as "canopy trees" counted? Are invasive species counted? How will the area be determined? From analysis of aerial views, data from Canopy Study or from field surveys?

RECOMMENDATIONS:

The following recommendations were made by members of the Legislative Committee:

- Species list should be referred to as "Required Landscape Species Lists for Street, Tree and Land Development Projects 2022" or just "Landscape Species Lists for Street, Tree and Land Development Projects 2022".
- 3-Year Hold is not long enough to deter clear-cutting sites in advance of development. This position is based on the length of time it takes to go through the development process including entitlement approvals, financing, final site plan approvals, etc. A more prohibitive penalty should be considered such as 5-10 year Hold plus standards for immediate mitigation (silt fencing, seed cover, tree plantings, etc.)

RECOMMENDATIONS (cont.):

- Clarify language for newly planted “canopy trees” - that they will be 50’ [at maturity].
- Include illustrations for Street Tree so that recommendations are clearly understood.
- Require street trees between street and sidewalks. Require that trees adjacent to sidewalks have a minimum ground clearance of 7-8’.
- For Sec 15-9, consider allowing for/requiring rain gardens or some form of water infiltration into Planting Islands in parking lots. Current planting requirements limits the amount of water getting to tree roots (planting space has curb and gutter and drip line of trees eventually exceeds the planting space). This burdens tree growth and/or causes trees to die.

DISCUSSION ONLY - NO ACTION TAKEN

Ordinance #

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND ARTICLE XII – DEVELOPMENT REVIEW, SECTION 7-3-3 AND SECTION 7-3-4 AND ARTICLE XV – BUFFERING , SCREENING, AND LANDSCAPING, SECTIONS 15-4 THROUGH 15-6, SECTION 15-9, SECTION 15-13, AND TO ADD NEW SECTIONS 15-14 AND 15-15 OF THE CITY OF HENDERSONVILLE ZONING ORDINANCE TO ESTABLISH ADDITIONAL REQUIREMENTS FOR THE PROVISION AND PROTECTION OF TREES.

WHEREAS, The City of Hendersonville has authority pursuant to N.C.G.S. Chapter 160D to adopt development regulations; and

WHEREAS, The City of Hendersonville recognizes that tree canopy within the City is beneficial to the health and welfare of the citizens of Hendersonville; and

WHEREAS, Preserving existing tree canopy and promoting new growth thereof promotes the natural beauty of the City, reduces soil erosion, enhances property values, improves air quality, aids in water absorption, and reduces energy consumption; and

WHEREAS, The City’s Comprehensive Plan encourages the preservation of mature trees; and

WHEREAS, The City also wishes to balance requirements related to the preservation of tree canopy with individual rights to develop private property; and

WHEREAS, the City now desires to enact the following regulations regarding the preservation and provision of tree canopy within the City’s planning and development regulation jurisdiction.

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

SECTION 1. This Ordinance shall be known as “An Ordinance to Establish New Requirements for the Provision and Protection of Trees.”

SECTION 2. Article XII. Development Review is hereby amended as follows:

Sec. 7-3-3. Review of preliminary site plans.

7-3-3.2 Contents of preliminary site plan. Applicants for developments required to undergo preliminary site plan review shall, as a part of the application for such development, submit a preliminary site plan which shall show the following:

n) A plan showing tree line before site preparation, identifying existing tree canopy, tree canopy proposed to be preserved, and new canopy installation areas, identifying the acreage of each, as well as areas to be screened, fenced, walled and/or landscaped;

t) Proposed limits of land disturbing activity.

Sec. 7-3-4. Review of final site plans.

Sec. 7-3-4.3 Contents of final site plan. A site plan showing the following shall accompany an application for site plan approval:

w) A plan showing tree line before site preparation, identifying existing tree canopy, tree canopy proposed to be preserved, and new canopy installation areas, identifying the acreage of each, as well as areas to be screened, fenced, walled and/or landscaped.

x) Proposed limits of land disturbing activity.

Sec. 7-4-6 Conditions to approval of conditional zoning district.

In considering an application for the reclassification of property to a conditional zoning district, the planning board may recommend, and the city council may recommend that reasonable and appropriate conditions be attached to the approval of the rezoning. Conditions and site specific standards shall be limited to those that address the conformance of the development and use of the site to City of Hendersonville ordinances and comprehensive plan. Any such conditions should relate to the impact of the proposed use on surrounding properties, support facilities, pedestrian and vehicular circulation systems, screening and buffering areas, timing of development, road and right-of-way improvements, water and sewer improvements, stormwater drainage, open space and other matters that the planning board and/or city council may find appropriate or the applicant may propose. The applicant shall have a reasonable opportunity to consider and respond to any such conditions prior to the final action by the city council. Only those conditions mutually approved by the city council and the applicant may be incorporated into the rezoning approval.

SECTION 3. Article XII. Definition of Terms is hereby amended as follows:

Sec. 12-2. Definition of commonly used terms and words.

Canopy tree: A tree with a large, broad spreading crown, usually broadleaf and deciduous with a minimum mature height of 50 feet.

Recommended Species List: The Recommended Landscape Species List for Street Trees and Land Development Projects adopted by the Hendersonville Tree Board, as amended.

Site: The spatial location of actual or planned development. A site may be a single lot, or a combination of lots under a unified plan of development.

Specimen Tree: A large or medium maturing tree that is 25 inch DBH or greater; or a small maturing tree that is 10 inch DBH or greater, as designated on the Recommended Species List.

Tree Canopy: The area of a tree or trees where the outermost leaves, stems, and branches extend. Tree canopy is measured on a horizontal plane and is typically represented in square feet or acres.

SECTION 3. Article XV. Buffering, Screening, and Landscaping is hereby amended as follows:

Sec. 15-2. Landscaping, buffering and screening required.

Landscaping, buffering and screening shall be required for developments within the planning jurisdiction of the City of Hendersonville, including its extraterritorial jurisdiction, as set forth herein.

- a) The following developments must bring the entire site into full compliance with the requirements of this article:
 - 1) Any new public or private development, with the exception of single or two-family homes on lots that were created by a method excluded from subdivision authority pursuant to G.S. 160D-802(1)-(5);
 - 2) A change of use to a higher impact. For purposes of this section, the following list ranks differing uses from lowest to highest impact: residential, mobile home park, institutional & cultural, commercial, industrial;
 - 3) Renovations with a total cost exceeding 50 percent of the assessed value of the building according to Henderson County tax records or an appraisal by a state licensed appraiser;
 - 4) Expansions exceeding 50 percent of the pre-expansion floor area or paved surface;
 - 5) Existing unpaved parking lots which are paved over.

Sec. 15-4. Existing vegetation.

- a) **Preservation of existing vegetation.** Preserving trees can improve the aesthetic

quality of the site and improve property values, provide environmental benefits, mitigate the impacts of development on the community, and help minimize opposition to a proposed development. It is recommended that groups of trees be preserved, as well as individual trees. Existing preserved trees and shrubs may be credited towards required buffer trees, street trees, and parking lot trees, in accordance with paragraph b), below.

- b) **Credits and other incentives to preserve vegetation.** Preserved trees may be credited at the following rate:

- 2—12 inch DBH (diameter at breast height) tree = 1 tree
- 13—18 inch DBH tree = 2 trees
- 19—24 inch DBH tree = 3 trees
- 25+ inch DBH tree = 4 trees

In order to receive credit, preserved vegetation must be in good health and condition, and must not be listed as an Invasive Plant on the Recommended Species List. Trees designated to be preserved must be indicated on the site plan and on landscape and grading plans. Protective barriers, if utilized in accordance with paragraph d), below, must also be shown on the landscape and grading plans. A preserved tree shall be replaced with the total number of trees which were credited to the existing tree if the preserved tree dies within ten years of completion of the project.

- c) **Tree Canopy Preservation.** All developments required to comply with this Article pursuant to Sec. 15-2 herein, with the exception of development of sites with existing tree canopy of less than 30,000 square feet, shall preserve existing tree canopy in compliance with this Section.

- (1) **Tree Canopy Coverage Map:** The Tree Canopy Coverage Map is hereby adopted. The Tree Canopy Coverage Map is based on the existing tree canopy data as established by the City’s tree canopy cover assessment. The Tree Canopy Coverage Map shall be rendered digitally and maintained via GIS or similar software. The Tree Canopy Coverage Map shall be updated at least every five-years to reflect the City’s most recent tree canopy cover assessment.
- (2) **Existing Tree Canopy:** Any reference in this Chapter to existing tree canopy shall refer to the most recent Tree Canopy Coverage Map created by the City of Hendersonville.

Developers must comply with the requirements of Sections 7-3-3.2(n) and 7-3-4.3(w) by one of the following methods:

- a. Using the Tree Canopy data shown on the Tree Canopy Coverage Map (reference definition of Tree Canopy in Section 12-2);
- b. For any development site for which the Tree Canopy Coverage Map

does not provide data, the developer shall submit a plan, showing the dripline of the existing tree canopy, and such plan shall be prepared by a land surveyor, civil engineer, landscape architect licensed by the State of North Carolina or Arborist certified by the International Society of Arboriculture; or

- c. A developer may submit a plan showing the existing tree canopy as of the date of the most recent Tree Canopy Coverage Map, such plan prepared and sealed by a land surveyor, civil engineer, landscape architect licensed by the State of North Carolina or Arborist certified by the International Society of Arboriculture.

(3) **Preservation Requirements**

- a. **Tier One Requirement:** 20 percent of the existing tree canopy on the site shall be preserved. The specific tree canopy preserved shall be at the discretion of the developer. Tier One Canopy is not eligible for fee-in-lieu without a variance issued by the Board of Adjustment.
- b. **Tier Two Requirement:** In addition to the Tier One Requirement, existing tree canopy on the site shall be preserved, and new tree canopy shall be installed, in accordance with one of the options in the table below:

Tier Two Tree Canopy Requirement			
Select One:	Percentage of Tier Two Tree Canopy Preserved (in addition to Tier One Canopy) ¹	Percentage of New Tree Canopy Installation Required ²	Percentage of Total Tier Two Canopy Required
Option 1	10%	0%	10%
Option 2	5%	7%	12%
Option 3	0%	15%	15%
¹ Percentages of Tier Two Tree Canopy Preserved refer to the total existing Tree Canopy on a site before calculation of the Tier One Requirement and are in addition to the Tier One Requirement.			
² Percentages of New Tree Canopy Installation refer to the total existing Tree Canopy on a site and shall be installed in accordance with the Credit for New Tree Canopy Installation table below.			

Credit for New Tree Canopy Installation	
Size of Tree*	Tree Canopy Credit

Large Maturing	872 sq. ft.
Medium Maturing	350 sq. ft.
Small Maturing	144 sq. ft.
*As designated in the Recommended Species List	

The developer may request to pay a fee-in-lieu of the Tier Two Canopy preservation requirements pursuant to this section.

- c. In calculating the percentage preserved, only trees that are fixtures on the site shall be counted towards existing tree canopy preserved.
- d. Specimen trees preserved shall receive 1.5 times their actual canopy coverage in the calculation of preserved tree canopy if such tree is protected during construction in accordance with the standards contained in Sec. 15-4(d) below.
- e. As an example, a five-acre development site with two-acres, or 87,120 sq. ft., of existing tree canopy would be required to preserve existing tree canopy as shown in the table below:

Example of Tree Canopy Preservation Requirement				
Select One:	Tier One Tree Canopy Preservation Requirement	Tier Two Tree Canopy Preserved (in addition to Tier One Canopy)	Tier Two New Tree Canopy Installation Required	Total Tree Canopy Requirement
Option 1	17,424 sq. ft. (20%)	8,712 sq. ft. (10%)	0 sq. ft. (0%)	26,136 sq. ft. (30 %)
Option 2	17,424 sq. ft. (20%)	4,356 sq. ft. (5%)	6,098 sq. ft. (7%)	27,878 sq. ft. (32%)
Option 3	17,424 sq. ft. (20%)	0 sq. ft. (0%)	13,068 sq. ft. (15%)	30,492 sq. ft. (35%)

- (4) **Protection of trees during construction:** All trees required to be preserved by this Section shall be protected during construction in accordance with the standards contained in Sec. 15-4(d) below.
- (5) **Credit for existing vegetation:** All trees preserved pursuant to this Section may be credited towards the requirements of this Article in accordance with the provisions of Sec. 15-4(b) above.
- (6) **Fee in lieu.** Where specifically provided, Community Development Director shall, in lieu of preserving trees pursuant to this Section, allow the developer to pay a fee-in-lieu of tree preservation to the City’s Tree Fund. The fee-in-lieu shall be established in the City’s Fee Schedule.

The fee-in-lieu shall be based on the average cost of tree canopy replacement per square foot, and shall be calculated using a weighted average of the Credit for New Tree Canopy Installation table above.

- (7) **Delay of development approval.** In addition to any other method of enforcement or remedy available, the City may refuse to issue a development approval for a period of three years following the removal of all or substantially all of the trees that are required to be protected under this Article.

 - (8) **Civil penalties.** Civil penalties for violation of this subsection, including but not limited to removal of tree canopy required to be preserved and failure to protect trees during construction, shall be assessed on a per tree basis.
- d) **Protection of existing trees during construction.** The regulations contained in this paragraph shall apply in those circumstances when a developer has either: (1) elected to protect trees during construction in order to receive credit under Sec. 15-2(b), or (2) been required to preserve canopy under Sec. 15-2(c).
- 1) No grading or other land-disturbing activity can occur on a site with existing trees which are designated to be preserved in order to meet landscaping requirements until protective barriers are installed by the developer and approved by the community development director or a designee appointed by the community development director. Trees designated for preservation which are counted toward the landscape requirements must be protected by barriers, while trees designated for preservation which do not count toward the landscape requirements are encouraged to be protected by barriers. The diameter of the preserved trees and the location of protective barriers must be shown on landscape and grading plans with the dimension between the tree trunk and barrier indicated.
- Barricades shall be placed around the critical root zone of preserved trees that are within 50 feet of any grading or construction activity. The critical root zone is a circle extending around the tree with a one-foot radius for every one inch of tree diameter. For example, a ten-inch diameter tree would have a barricade surrounding it, erected ten feet away from the trunk. All protective barriers must be maintained throughout the building construction process.
- Protective barriers shall consist of either:
- A) A fence which is at least three feet high and constructed in a post and rail configuration, using two-by-four posts and one-by-four rails; or
 - B) A fence with two-by-four posts placed no farther than ten feet apart covered with a four-foot orange polyethylene laminar safety fencing.
- 2) All contractors must be made aware of the areas designated for protection. No disturbance can occur within the tree protection areas including the following:

- A) Grading;
- B) Filling, unless an aeration system, certified by a registered landscape architect, certified arborist, or North Carolina Agricultural Extension Specialist, is installed to protect the tree from suffocation;
- C) Parking;
- D) Storage of debris or materials, including topsoil;
- E) Disposal of hazardous wastes or concrete washout; and
- F) Attaching of nails, ropes, cables, signs, or fencing to any tree designated for preservation.

If any area within the critical root zone will be disturbed for any reason, a registered landscape architect, certified arborist, or North Carolina Agricultural Extension Specialist must recommend measures to minimize any potential impact and certify that the activity will not damage the tree under normal circumstances.

- 3) The developer should coordinate with utility companies early in the design process to resolve potential conflicts about the placement of utilities and landscape requirements. Utilities must either be placed outside of the tree protection area or, with planning department approval, tunneled at least two feet directly below the tree roots, to minimize root damage.
- 4) If silt fencing is required to control sedimentation, the fencing must be placed along the uphill edge of a tree protection zone in order to prevent sediment from accumulating in the critical root zone area.
- e) Trees in public rights-of-way. Trees located in any public right-of-way cannot be pruned or removed without a permit from the public works department in accordance with the City of Hendersonville Tree Ordinance.

Sec. 15-5. General standards.

The following general standards shall apply to all landscaping requirements in this article.

- a) Unless otherwise specified, the exact placement of required plants and structures shall be the decision of the developer. The type of plants used shall be limited to those on the Recommended Species List. No plants listed as an Invasive Plant in the Recommended Species List may be used to meet the requirements of this ordinance. Required landscaping shall be designed in such a manner as to impart its aesthetic character when viewed from any area accessible to the public or from adjacent properties.

- h) **Native species.** For each development site, at least 75 percent of the trees

required to be planted under the provisions of this article shall be native species as listed on the Recommended Species List.

Sec. 15-6. Bufferyards.

TABLE OF BUFFER REQUIREMENTS

Proposed Land Use	Existing Land Use /Zoning District ¹					
	Residential ²	Residential, multi-family ³	Mobile Home Park ⁴	Institutional & Cultural ⁵	Commercial ⁶	Industrial ⁷
Residential	X	X	X	X	X	X
Residential, multi-family	8-foot A	X	X	X	X	X
Mobile Home Park	10-foot B	10-foot B	X	8-foot A	10-foot B	X
Institutional & Cultural	10-foot B	10-foot B	8-foot A	X	X	X
Commercial	10-foot B	10-foot B	10-foot B	8-foot A	X	X
Industrial	25-foot C	25-foot C	25-foot C	15-foot B	15-foot B	X

Notes for Table of Buffer Requirements:

- 1 Buffering is required if adjacent parcel of land is used or zoned for the category noted regardless whether adjacent parcel is located in the city, the city's extraterritorial jurisdiction (ETJ), or the planning jurisdiction of another governmental entity. Existing adjacent land use takes precedence over zoning district. Buffer requirement for the district will be used if adjacent land is vacant.
- 2 Includes the following use districts: R-40, R-20, R-15, R-10, R-6, RCT, PRD.
- 3 Includes only those sites developed as multi-family.
- 4 Includes the PMH district or an existing mobile/manufactured home park.
- 5 This category includes religious, recreational, child care and educational uses and the following use districts: MIC and PID.
- 6 Includes the following use districts: C-1, C-2, C-3, C-4, PCD, CMU, GHMU, HMU, UV, UR and CHMU.
- 7 Includes the following use districts: I-1, PMD.

Sec. 15-9. Landscaping for vehicular use areas.

Trees and shrubs are required in and around vehicular use areas with more than six spaces to provide attractive views from roads and adjacent properties, provide shade to

reduce the heat generated by impervious surfaces, reduce glare from vehicular use areas, and to help filter exhaust from vehicles.

- a) **Perimeter and interior plantings.** Vehicular use areas must be planted with at least one tree and two shrubs for every 3,000 square feet of vehicular use area, which includes parking spaces, aisles, driveways, and loading areas. Trees shall be evenly distributed throughout the vehicular use area, . At least 75 percent of the required parking lot trees must be broadleaf canopy trees. Trees and shrubs must be planted within 20 feet of the vehicular use area to count as parking lot landscaping; provided, however, all street trees required by other provisions of this zoning ordinance shall count as parking lot landscaping.

When a parking lot contains 20 or more parking spaces, 50 percent of the trees and shrubs required by paragraph a), above, must be planted in islands or medians located within the parking lot. Tree islands shall be evenly distributed throughout the parking lot in order to provide an even tree canopy throughout the lot. At a minimum, such tree islands shall consist of an area at least equal in size to two parking places side-by-side (360 square feet). Parking bays shall be broken up with landscaped islands or medians to avoid long monotonous rows of parking. Planting trees in groups is encouraged to increase the total amount of planting area for roots to grow.

- b) **Planting strips.** When a vehicular use area lot is located within 100 feet of an abutting property and no bufferyard is required, a planting strip which is a minimum of five feet wide shall be planted between the vehicular use area and the abutting property, 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. Fifty percent of these trees and shrubs may be counted toward the parking lot trees and shrubs required in paragraph a), above, if the planting strip is located within 20 feet of the vehicular use area. Adjacent businesses on separate lots which share parking or driveways shall be exempt from this requirement provided that the required planting strip would interfere with the reasonable use of the shared parking or driveway. Vehicular use areas located behind buildings and screened from view from public rights-of-way shall be exempt from this requirement.

Sec. 15-13. Common open space landscaping. In addition to all other landscaping required by this zoning ordinance, each development parcel required to provide common open space pursuant to Sec. 6-16 shall contain a minimum of one tree and five shrubs for every 1,200 square feet of common open space on such development parcel. A minimum of 50 percent of the trees shall be canopy trees.

At least 70 percent of the street trees planted shall be large-maturing trees (>50 feet in height). The remaining trees shall be medium maturing trees (25-50 feet in height).

No landscaped area shall be constructed with more than ten percent of the total area of gravel, stone, concrete, asphalt, or other similar material, excepting necessary walks.

Sec. 15-14. Open space landscaping. In addition to all other landscaping required by this zoning ordinance, each development parcel required to provide open space shall contain a minimum of one tree and five shrubs for every 4,000 square feet of common open space on such development parcel. A minimum of 50 percent of the trees shall be canopy trees.

At least 70 percent of the street trees planted shall be large-maturing trees (>50 feet in height). The remaining trees shall be medium maturing trees (25-50 feet in height).

No landscaped area shall be constructed with more than ten percent of the total area of gravel, stone, concrete, asphalt, or other similar material, excepting necessary walks.

Sec. 15-15. Street Trees. Street trees shall be required at the rate of one tree for every 35 linear feet of property abutting a street. Trees do not need to be spaced evenly. They may be clustered with a minimum spacing of 15 feet and a maximum spacing of 75 feet.

At least 70 percent of the street trees planted shall be large-maturing trees (>50 feet in height). The remaining street trees shall be medium maturing trees (25-50 feet in height).

Where overhead utility lines are present, streets trees shall be planted at the rate of one small-maturing tree (<25 feet in height) for every 25 linear feet of property abutting a street. Nothing herein shall be construed to prohibit a deviation from the mature height requirements or planting distance from the street right-of-way to accommodate existing overhead utility lines.

Street trees shall be placed in a planting strip on private property and not within the street right-of-way. No street tree can be planted farther than 35 feet from the edge of the right-of-way to count as a street tree. The width of the planting strip may vary, but the minimum width cannot be less than seven feet and the average width shall be at least ten feet. The planting area must be covered with living material, including ground cover and/or shrubs, except for mulched areas directly around trees and shrubs, so that no soil is exposed. When a sidewalk is proposed to be constructed on a development site and right-of-way configuration requires that it be constructed on the developer's property, the width of the planting strip may be reduced to an average of seven feet.

Street trees shall not be required on a property line abutting a street when the minimum setback provided is less than ten feet. By way of example, if the minimum setback required for a development is less than 10 feet from a property line abutting a street, but the setback provided is 10 feet or more, street trees are required.

During the development review process, the approving authority for the city may permit minor deviations in the placement of trees in order to avoid conflict with utility structures and utility lines.

SECTION 3. Section 8 of the Fiscal Year 2023-24 Budget Ordinance for the City of Hendersonville shall be amended to adopt and incorporate the Fee-in-Lieu of Tree Canopy Preservation pursuant to 15-4(c)(6) of the Zoning Ordinance of the City of Hendersonville, North Carolina as follows:

Fee-in-Lieu of Tree Canopy Preservation	
Per square foot of Existing Tree Canopy required to be preserved	\$1.53

SECTION 4. If any provision of this ordinance or its application is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

SECTION 5. It is the intention of the City Council and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Hendersonville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 6. This Ordinance shall be effective upon its adoption.
Adopted by the City Council of the City of Hendersonville, North Carolina on this ____ day of _____ 202__.

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

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: John Connet, City Manager **MEETING DATE:** 3/7/2024

AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Administration

TITLE OF ITEM: Resolution Approving Interlocal Agreement to Merge the Hendersonville and Laurel Park ABC Systems – Chuck McGrady and Jeff Nance, *Hendersonville ABC Board*

SUGGESTED MOTION(S):

I move that the City Council approve the **RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT WITH THE TOWN OF LAUREL PARK FOR THE MERGER OF THE ABC SYSTEMS** as presented.

SUMMARY:

The Hendersonville and Laurel Park ABC Boards have been working on a merger agreement for over twelve months. The two ABC boards have tentatively reached agreement on the attached document. City staff recommend the that the City Council approve the proposed resolution authorizing the Mayor and City Attorney to execute the merger agreement.

BUDGET IMPACT: \$ NA

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

If no, describe how it will be funded. NA

ATTACHMENTS:

Merger Agreement

Proposed Resolution

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

INTERLOCAL AGREEMENT TO PROVIDE FOR THE MERGER OF ABC SYSTEMS

THIS INTERLOCAL AGREEMENT TO PROVIDE FOR THE MERGER OF ABC SYSTEMS

("Interlocal Agreement"), entered into on the ____ day of _____, 2024, by and between the City of Hendersonville, a North Carolina municipal corporation ("City"), and the Town of Laurel Park, a North Carolina municipal corporation ("Town"),

WITNESSETH:

THAT WHEREAS, the City Council for the City of Hendersonville is the appointing authority for the Hendersonville ABC Board, duly established by election, pursuant to the authority of chapter 954 of the 1955 North Carolina Session Laws; and

WHEREAS, the Town Council for the Town of Laurel Park is the appointing authority for the Laurel Park ABC Board, duly established by election, pursuant to the authority of chapter 163 of the 1981 North Carolina Session Laws; and

WHEREAS, the City of Hendersonville Board of Alcoholic Beverage Control currently operates an ABC system consisting of three stores and a warehouse, plus inventory and equipment, said stores being located at 205 Church Street, Hendersonville, NC ("Church Street Store"), 275 Thompson Street, Hendersonville, NC ("Thompson Street Store"), and 32 McMurray Road, Hendersonville, NC ("McMurray Road Store"), the warehouse being located at the Church Street store ("Hendersonville Warehouse"), the Hendersonville System being collectively hereinafter referred to as the "Hendersonville System"; and

WHEREAS, the Town of Laurel Park Alcoholic Beverage Control Board currently operates an ABC system consisting of one store plus inventory and equipment, said store being located at 1709 Brevard Highway, Laurel Park, NC ("Laurel Park Store"), the Laurel Park System being collectively hereinafter referred to as the "Laurel Park System"; and

WHEREAS, the stores operated by the Hendersonville ABC System and the Laurel Park ABC System are operated in the same general area, and are in close proximity to one another;

WHEREAS, the Hendersonville City Council and the Laurel Park Town Council wish to merge the ABC systems, currently operated independently by the City of Hendersonville Board of Alcoholic Beverage Control and the Town of Laurel Park Alcoholic Beverage Control Board pursuant to the authority of N.C.G.S. § 18B-703 and N.C.G.S. Chapter 160A Article 20, Part 1; and

NOW THEREFORE THIS AGREEMENT, that for and in consideration of the mutual promises and covenants contained hereinbelow, the mutuality and sufficiency of each being acknowledged by the parties hereto, the parties agree as follows:

1. Whereas Clauses. The Whereas clauses are incorporated into this Agreement.

2. Merger. Upon the due approval and execution of this Interlocal Agreement by and on behalf of the City and the Town, the City of Hendersonville Board of Alcoholic Beverage Control, the Town of Laurel Park Alcoholic Beverage Control Board, and the approval by the North Carolina Alcoholic Beverage Control Commission (“Commission”), the independent boards shall be merged into one consolidated board and the Hendersonville System and the Laurel Park System shall be merged into one consolidated system, having a Hendersonville Division and a Laurel Park Division, said merger to be effective July 1, 2024, or the date approved by the Commission, whichever is later.
3. Name. The name of the consolidated ABC Board shall be the “Blue Ridge Alcoholic Beverage Control Board.”
4. Composition of the Board. The Blue Ridge Alcoholic Beverage Control Board (“Blue Ridge ABC Board”) will have five (5) members, with three members being appointed by the City Council, and two members being appointed by the Town Council. The initial members of the Blue Ridge ABC Board shall be appointed and serve an initial term as follows:
 - a. The City Council shall appoint an initial member to serve an initial three (3) year term.
 - b. The City Council and the Town Council shall each appoint an initial member to serve a two (2) year term.
 - c. The City Council and the Town Council shall each appoint an initial member to serve a one (1) year term.

From and after the initial appointments, each member seat shall be appointed by the original appointing Council for three-year staggered terms. Mid-term vacancies in a member seat shall be filled by the appointing Council for the remainder of the unexpired term. No member may serve for more than two (2) consecutive terms at a time. The Town Council and City Council shall appoint members on the basis of the appointees’ interest in public affairs, good judgment, knowledge, ability, and good moral character (ref. NCGS § 18B-700(d)).

5. Appointment of a Chair. The initial Chair of the Blue Ridge ABC Board shall be the initial member appointed by the City Council to a three (3) year membership term. The initial Chair of the Blue Ridge ABC Board shall serve as Chair for the first two years of their initial three (3) year term as a Blue Ridge ABC Board member. Subsequent appointments of a member to the office of Chair shall be for one (1) year, with the Chair appointments alternating between the Town Council and the City Council. All mid-year vacancies in the office of Chair shall be filled by the Council that named the vacating member as Chair, for the remainder of the one-year service period left by the vacating member. If the vacating Chair’s membership seat is also vacant, the membership vacancy shall be filled in accordance with paragraph 4, above.
6. Organizational Meeting. The initial Chair shall call a special meeting during the first week of July, 2024, to take all such actions as may be necessary to complete the organization of the Blue Ridge ABC Board and the Blue Ridge ABC System. Such meeting shall be advertised in accordance with the North Carolina Open Meetings Law. Such actions shall include, but not be limited to:

- a. Appointment of other officers (reference paragraph 7 below), including the Finance Officer and Secretary.
 - b. Adopt initial bylaws and rules of procedure.
 - c. Appointment of all employees, including approval of salaries and benefits (reference paragraph 11(c) below).
 - d. Adoption of the Hendersonville System policies and procedures, including but not limited to personnel policies and operations manuals (reference paragraph 11(c) below).
 - e. Ratification or termination of existing contracts and leases of the Hendersonville System and the Laurel Park System.
 - f. Adopt an interim budget until the budget for the remainder of the fiscal year can be approved.
 - g. Set a date for the required public hearing for the new budget of the merged Blue Ridge ABC System.
 - h. Such other actions as are required.
7. Other Officers. At their organizational meeting, and annually thereafter, the Blue Ridge ABC Board shall appoint a Vice Chair to serve for 1 year. The Vice Chair shall serve as Chair in the absence of the Chair. The Blue Ridge ABC Board shall also appoint a Secretary and Finance Officer. The Secretary shall be the official records custodian, shall take and compile minutes of the Blue Ridge ABC Board, and advertise Blue Ridge ABC Board meetings in accordance with the North Carolina Open Meetings Law, where required. The Secretary and Finance Officer shall be staff persons, employed by the Blue Ridge ABC Board who will serve at the pleasure of the Blue Ridge ABC Board.
8. Removal. Blue Ridge ABC Board members may be removed for cause, at any time, 1) by the Council that appointed the member without the consent or approval of the other Council, or 2) by the Commission in accordance with Chapter 18B of the North Carolina General Statutes. (ref NCGS § 18B-202, 700(f), and 704) Removal of a member appointed by the City Council shall only require action by the City Council and consent or approval by the Town Council shall not be required. Removal of a member appointed by the Town Council shall only require action by the Town Council and consent or approval by the City Council shall not be required.
9. Compensation. The Chair shall receive \$500.00 per meeting, and members shall receive \$150.00 per meeting.
10. Powers and Duties of the Blue Ridge ABC Board. Upon the effective date of the merger (ref paragraph 1 above), the Blue Ridge ABC Board shall have the powers and duties granted by Chapter 18B of the North Carolina General Statutes, in addition to and as modified by the powers and duties granted to the City of Hendersonville Board of Alcoholic Beverage Control or the Town of Laurel Park Alcoholic Beverage Control Board by local act.

11. Merger of ABC Systems. The Hendersonville System and the Laurel Park System shall become assets of the Blue Ridge ABC Board, and together both systems shall collectively be known as the Blue Ridge ABC System. A notice of merger shall be filed in the Henderson County Register of Deeds Office. Notwithstanding the merger, all tangible and intangible assets and inventory shall be accounted for separately within the merged system, as a Hendersonville division and a Laurel Park division. All assets, including inventory, and liabilities belonging to the Hendersonville System on June 30, 2024, shall be attributed to the Hendersonville division, and likewise, all assets, including inventory, and liabilities belonging to the Laurel Park System on June 30, 2024, shall be attributed to the Laurel Park division.

- a. Inventories. On June 30, 2024, both the Hendersonville System and the Laurel Park System shall be inventoried.
- b. Reserved.
- c. Employees. All employees of the Hendersonville System and the Laurel Park System shall become employees of the the Blue Ridge ABC Board. All policies and procedures of the City of Hendersonville Board of Alcoholic Beverage Control, including pay scale and benefits, shall apply to the Blue Ridge ABC System until such time as the Blue Ridge ABC Board can adopt new policies.
 - i. The current general manager of the Hendersonville System shall be the initial general manager of the Blue Ridge ABC System.
 - ii. The current general manager of the Laurel Park System shall be the initial assistant general manager of the Blue Ridge ABC System, who shall receive a 15% pay increase upon assuming the duties of assistant general manager.
 - iii. A final payroll shall take place prior to the effective date of the merger, or if paid in whole or in part after the effective date of the merger, such cost paid after the merger shall be paid from the Hendersonville division assets (for Hendersonville System employees) and Laurel Park division assets (for Laurel Park System employees). All employees may carry forward any accumulated vacation leave; however such accumulated leave shall be a liability against the division assets of their former ABC system – former Hendersonville System employees’ accumulated leave will be a liability of the Hendersonville division, and former Laurel Park System employees’ accumulated leave will be a liability of the Laurel Park division.
 - iv. All eligible employees of the Blue Ridge ABC System and the Blue Ridge ABC Board shall be participating members of the Local Government Employees’ Retirement System.
- d. Outstanding Expenses and Obligations. All outstanding expenses and obligations of the individual ABC systems existing on the effective date of the merger shall be satisfied from the division assets of each former ABC system – liabilities of the Hendersonville

System will be a liability of and shall be satisfied from the Hendersonville division, and liabilities of the Laurel Park System will be a liability of and be satisfied from the Laurel Park division..

- e. Net Position. Unrestricted net position shall be determined for both the Hendersonville System and the Laurel Park System as of June 30, 2024. Any unrestricted net position for the Hendersonville System in excess of ten percent (10%) of its operating budget for FY 2023-24 shall be distributed to the City of Hendersonville (after deducting Statutory Distribution Requirements for the Hendersonville System) with the City's first quarterly distribution from the Blue Ridge ABC System. Any unrestricted fund balance for the Laurel Park System in excess of ten percent (10%) of its operating budget for FY 2023-24 shall be distributed to the Town of Laurel Park with the Town's first quarterly distribution from the Blue Ridge ABC System, and the Town shall comply with the Statutory Distribution Requirements for the Laurel Park System with respect to the fund balance so distributed to the Town.

12. Distribution of Profits.

- a. Allocation Between Divisions. Accounting for revenues, expenses, debt, liabilities, payables, receivables, profits, depreciation, and assets (both tangible and intangible), and all other financial and managerial accounting, shall occur on a division basis (Hendersonville division and Laurel Park division), in addition to the overall merged system, in accordance with generally accepted accounting principles.
- b. ABC Stores. Each store operated by the merged ABC system shall be operated as its own profit center. Net profits from those stores located in the City of Hendersonville shall be attributed to the Hendersonville division, and net profits from those stores located in the Town of Laurel Park shall be attributed to the Laurel Park division.
 - i. In calculating net profit for a store, a proportional share of system wide administrative expenses shall be allocated to each store according to its gross revenue share as compared to the gross revenue of the merged system for the applicable period. As an example, system wide administrative expenses for the first quarter would be allocated to each store proportionally based on gross revenues of the store compared to the gross revenues of the entire system for the first quarter.
 - ii. Reserved.
- c. Warehouse. The warehouse operated as part of the Hendersonville Division; however inventory shall be sold at cost to each store within both the Hendersonville Division and the Laurel Park Division.
- d. Other Revenues and Expenses. All other revenues and expenses for the merged system shall be shall allocated proportionally between the Hendersonville Division and the Laurel Park Division according to gross revenues of each, as compared to the gross revenues of the total system for the applicable period. As an example, other revenues for the first quarter would be allocated proportionally between the Hendersonville division

and the Laurel Park Division based on gross revenues of each for the first quarter as compared to the gross revenues of the entire system for the first quarter.

- e. Statutory Distributions. Revenues from the Hendersonville division shall be used to meet the Statutory Distribution Requirements previously existing for the Hendersonville System, and revenues from the Laurel Park division shall be used to meet the Statutory Distribution Requirements existing as of the date of this Interlocal Agreement for the Laurel Park System, as either or both may be amended by local or generally applicable laws.

13. Location of ABC Stores.

- a. Within the Town or City. With the approval of the Commission, and as allowed by applicable law, future stores may be operated inside of municipal limits for the Town or the City. The location of ABC stores inside of the municipal limits of the Town and the City shall be at the discretion of the Blue Ridge ABC Board, as approved by the Commission. Notwithstanding this discretion, the Blue Ridge ABC Board shall operate at least one ABC store in the Laurel Park town limits for the duration of this interlocal agreement. If approval by the appointing authority is required for the operation of a new store within the City or the Town, new stores operated within the City shall only require the approval of the City Council, and new stores operated within the Town shall only require the approval of the Town Council.

- b. Reserved.

14. Allocated and Specialty Bourbons. The number of bottles of allocated and specialty bourbons shall not be decreased for the Laurel Park ABC Store beyond levels currently received as of the date of this Agreement unless distributions from the State of North Carolina are decreased below the levels currently received as of the date of this Agreement. Any increases or decreases in distributions from the State of North Carolina beyond the levels currently received shall be divided proportionately between the Hendersonville Division and the Laurel Park Division based upon the prior fiscal year's gross sales. As an example, if in FY 2025 9 additional bottles of specialty bourbon are allocated to the Blue Ridge ABC System, and for FY 2025 the Hendersonville Divisions gross sales were \$1.0 Million, and the Laurel Park Division's gross sales were \$500,000, then 2/3 of the bottles (6) would be allocated to the Hendersonville Division, and 1/3 of the bottles (3) would be allocated to the Laurel Park Division.

15. Delivery of Product to Laurel Park. The Laurel Park Store, or such other ABC store(s) as may be operated within the Town of Laurel Park shall receive at least one delivery of products every week from the Hendersonville warehouse.

16. Hours of Operation. All stores operated by the Blue Ridge ABC System shall be open from 9am to 9pm, except that the Laurel Park Store shall extend the hours of operation to 9am-9pm not later than twenty-four months after the effective date of the merger of the Hendersonville System and the Laurel Park System.

17. Definitions and Generally Applicable Terms.

- a. Appointing Authority. Except as otherwise provided in this Agreement, the term “appointing authority” shall be deemed to refer to both the Town Council and the City Council acting jointly.
 - i. Where applicable law requires approval by the “appointing authority,” if such approval is with respect to the assets or operations of the Hendersonville division approval by just the City Council shall be required. Likewise, if such approval is with respect to the assets or operations of the Laurel Park division, approval by just the Town Council shall be required.
 - ii. Where applicable law requires approval by the “appointing authority,” and such approvals are with respect to matters of the Blue Ridge ABC System as a whole, the approval of both the City Council and the Town Council shall be required.
 - iii. Where approval of both Councils is required, and both Councils do not approve, the matter shall be considered not approved. If the nonapproval by one Council results in a stalemate which negatively impacts the operations of the Blue Ridge ABC System, the Blue Ridge ABC Board may request that both Councils employ a mediation process to resolve the stalemate.
 - b. Fiscal Year. The fiscal year for the Blue Ridge ABC System shall be July 1 – June 30.
 - c. Systemwide Administrative Expenses. Systemwide administrative expenses are those expenses incurred that benefit the entire merged system including, but not limited to, the salary and office space of the general manager and assistant general manager, back office operations, accounting services, insurance, legal services, etc.
 - d. Statutory Distribution Requirements. Statutory Distribution Requirements are those distributions mandated by Chapter 18B of the North Carolina General Statutes from alcohol sales, as modified by local acts of the North Carolina General Assembly. For the Hendersonville System, as of the date of this Interlocal Agreement, the following local acts have been adopted: Chapter 954 of the 1955 Session Laws, Chapter 341 of the 1967 Session Laws, Chapter 672 of the 1967 Session Laws, Chapter 105 of the 1995 Session Laws, and Chapter 177 of the 1999 Session Laws. For the Laurel Park System, the following local acts have been adopted: Chapter 163 of the 1981 Session Laws.
18. Term. This Interlocal Agreement shall have a term of twenty (20) years.
19. Termination of the Interlocal Agreement. Either party hereto may terminate this Interlocal Agreement by giving at least 1 year's advanced notice in writing to the other party. Any such termination shall be effective at the end of a fiscal year. The notice required herein shall be a Resolution, duly adopted by the terminating party, and delivered in person or by certified mail to the mayor for the non-terminating party. No such termination shall be effective until approved by the Commission. Upon the effective date of termination, Blue Ridge ABC System shall be dissolved, and a notice of dissolution shall be filed in the Henderson County Register of Deeds Office. The City shall reconstitute and appoint the City of Hendersonville Board of Alcoholic Control, and the Town shall reconstitute and appoint the Town of Laurel Park Alcoholic

Beverage Control Board. All assets of the Hendersonville division shall be distributed to the City of Hendersonville Board of Alcoholic Control and all assets of the Laurel Park division shall be distributed to the Town of Laurel Park Alcoholic Beverage Control Board. Such distribution shall be confirmed and adjusted as required after an audit has been performed as of the effective date of the termination and dissolution. Notwithstanding the foregoing, neither party may terminate this Interlocal Agreement if there is outstanding debt, secured by revenues of the entire Blue Ridge ABC System, unless such debt can be retired through a refinancing or other available means as of the effective date of such termination.

20. This Interlocal Agreement constitutes the complete and entire agreement between the parties and supersedes all prior and contemporaneous negotiations. This Agreement may only be amended by written instrument, duly approved by Resolution of both parties hereto, and where required, with the approval of the Commission. There shall be no intended nor incidental beneficiaries of this Agreement.

21. Except a notice to terminate this Interlocal Agreement, all notices shall be deemed effective upon receipt if in writing, and delivered to the following persons in person, by certified mail, or by commercial carrier providing the ability to track delivery:

- a. If to the City: The City Manager
 160 6th Avenue West
 Hendersonville, NC 28792

- b. If to the Town: The Town Manager
 441 White Pine Dr
 Hendersonville, NC 28739

22. This Agreement shall be governed by the laws of the State of North Carolina. Exclusive venue shall be in a court having jurisdiction in Henderson County, North Carolina.

23. This Agreement may be executed in duplicate, each to have the force and effect of an original.

In witness whereof, the parties cause this contract to be duly approved by Resolution and have set their hand and seal.

THE TOWN OF LAUREL PARK

THE CITY OF HENDERSONVILLE

BY: _____
 Mayor

BY: _____
 Mayor

Attest:

Attest:

Town Clerk

(Town Seal)

City Clerk

(City Seal)

Resolution #__-____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL APRPROVING
AN INTERLOCAL AGREEMENT WITH THE TOWN OF LAUREL PARK
FOR THE MERGER OF THE ABC SYSTEMS**

THAT WHEREAS, the City Council for the City of Hendersonville is the appointing authority for the Hendersonville ABC Board, duly established by election, pursuant to the authority of chapter 954 of the 1955 North Carolina Session Laws; and

WHEREAS, the Town Council for the Town of Laurel Park is the appointing authority for the Laurel Park ABC Board, duly established by election, pursuant to the authority of chapter 163 of the 1981 North Carolina Session Laws; and

WHEREAS, the City of Hendersonville Board of Alcoholic Beverage Control currently operates an ABC system consisting of three stores and a warehouse, plus inventory and equipment, said stores being located at 205 Church Street, Hendersonville, NC (“Church Street Store”), 275 Thompson Street, Hendersonville, NC (“Thompson Street Store”), and 32 McMurray Road, Hendersonville, NC (“McMurray Road Store”), the warehouse being located at the Church Street store (“Hendersonville Warehouse”), the Hendersonville System being collectively hereinafter referred to as the “Hendersonville System”; and

WHEREAS, the Town of Laurel Park Alcoholic Beverage Control Board currently operates an ABC system consisting of one store plus inventory and equipment, said store being located at 1709 Brevard Highway, Laurel Park, NC (“Laurel Park Store”), the Laurel Park System being collectively hereinafter referred to as the “Laurel Park System”; and

WHEREAS, the stores operated by the Hendersonville ABC System and the Laurel Park ABC System are operated in the same general area, and are in close proximity to one another;

WHEREAS, the Hendersonville City Council and the Laurel Park Town Council wish to merge the ABC systems, currently operated independently by the City of Hendersonville Board of Alcoholic Beverage Control and the Town of Laurel Park Alcoholic Beverage Control Board pursuant to the authority of N.C.G.S. § 18B-703 and N.C.G.S. Chapter 160A Article 20, Part 1; and

WHEREAS, a draft of the “Interlocal Agreement to Provide for the Merger of ABC Systems” has been presented to City Council for approval to effectuate the merger of the ABC Systems;

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA that:

1. Pursuant to the authority of N.C.G.S. § 18B-703 and N.C.G.S. Chapter 160A Article 20, Part 1, the Interlocal Agreement to Provide for the Merger of ABC Systems (the “Agreement”) is approved as presented.

- 2. The Mayor is authorized to execute the Agreement with such changes as she deems appropriate in consultation with the City Attorney, provided that any changes to the Agreement regarding the calculation or distribution of profits from the merged system (paragraph 12), or the location of ABC stores (paragraph 13) shall require ratification of City Council.
- 3. The City Manager, City Attorney, and City Staff are authorized to take such other actions as may be necessary to carry out the terms and provisions of the Agreement as signed by the Mayor.

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

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Becker, City Attorney



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER:

Brent Detwiler

MEETING DATE:

March 7, 2024

AGENDA SECTION:

NEW BUSINESS

DEPARTMENT:

Public Services

TITLE OF ITEM:

S. Main Street Improvements – *Brent Detwiler, PE, Public Services Director*

SUGGESTED MOTION(S):

N/A

SUMMARY:

City staff have been working with Traffic Planning and Design, Inc. (TPD) to complete a bicycle and pedestrian improvement project along S. Main Street. The project will be completed in conjunction with paving improvements to provide a safer experience for Ecusta Trail users to access downtown and the Henderson County Visitor Center. Attached is a draft plan by TPD which is currently being reviewed by staff from multiple departments ahead of the final construction plan. We are providing this draft plan for Council’s feedback and welcome any questions you may have.

BUDGET IMPACT: Total paving and striping is estimated to cost approximately \$600,000. Paving work is currently being advertised for bidding. Striping work will be informally bid in coming weeks.

Is this expenditure approved in the current fiscal year budget? Yes, Powell Bill funds

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

ATTACHMENTS:

Draft S. Main Street Plan Sheets

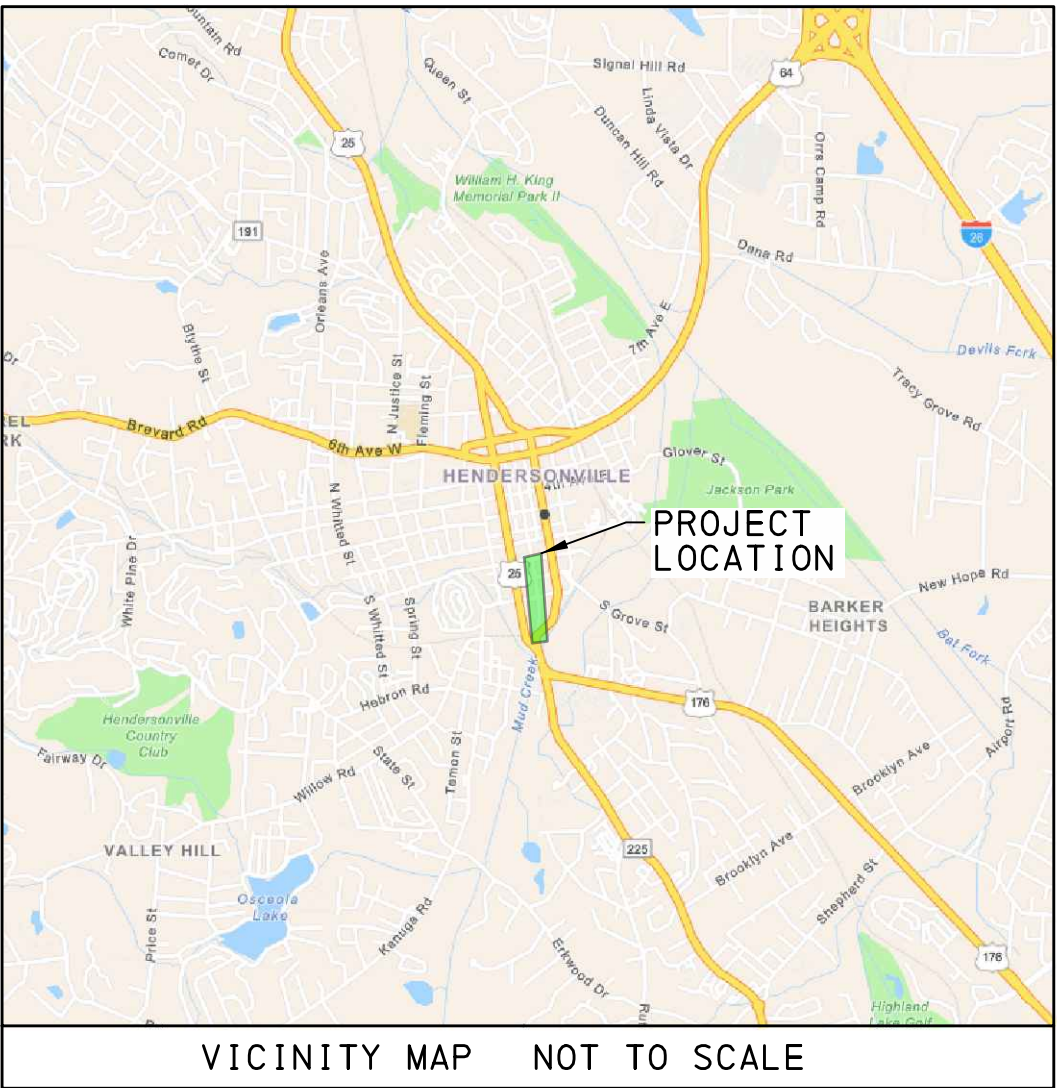
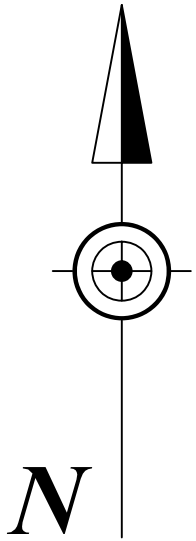
PLAN PREPARATION SWS
DESIGNER CS

SIGNING AND PAVEMENT MARKING PLANS
FOR
S. MAIN STREET BICYCLE FACILITY DESIGN
TPD JOB # COHV.00003
CITY OF HENDERSONVILLE
HENDERSON COUNTY, NORTH CAROLINA

GENERAL NOTES

THE FOLLOWING GENERAL NOTES APPLY AT ALL TIMES FOR THE DURATION OF THE CONSTRUCTION PROJECT, EXCEPT WHEN OTHERWISE NOTED IN THE PLAN, OR DIRECTED BY THE ENGINEER.

1. INSTALL PAVEMENT MARKINGS AS FOLLOWS:
- | ROAD NAME | MARKING |
|---------------------------------|---------------|
| ALL ROADS WITHIN PROJECT LIMITS | THERMOPLASTIC |
2. TIE PROPOSED PAVEMENT MARKING LINES TO EXISTING PAVEMENT MARKING LINES.
3. REMOVE EXISTING PAVEMENT MARKINGS NOT SHOWN ON THE PLANS AND ANY PAVEMENT MARKINGS THAT CONFLICT WITH THE PROPOSED MARKINGS
4. REPLACE ANY DAMAGED PAVEMENT MARKINGS AND MARKERS.
5. STOP BAR LOCATIONS AT NON-SIGNALIZED INTERSECTIONS MAY BE ADJUSTED AS DIRECTED BY THE ENGINEER.
6. UNLESS OTHERWISE SPECIFIED, HEATED IN-PLACE THERMOPLASTIC MAY BE USED IN LIEU OF EXTRUDED THERMOPLASTIC FOR ARROWS, STOP BARS, SYMBOLS, CHARACTERS, AND DIAGONALS. IF HEATED-IN-PLACE IS USED, IT SHALL BE PAID FOR USING THE EXTRUDED THERMOPLASTIC PAY ITEM.
7. ALL PROPOSED SIGNS TO BE FIELD LOCATED WITH CITY STAFF IN ORDER TO ADEQUATELY ADDRESS OVERLAPPING SIGNS, SIGHT DISTANCE FOR SIGNS, AND ANY EXISTING TRAFFIC CONTROL SIGNS THAT MAY BE CONFLICTING.
8. SIGN PLACEMENT AND HEIGHT SHOULD FOLLOW GUIDANCE FROM MUTCD. IN ADDITION, SIGN PLACEMENT SHOULD TAKE PEDESTRIAN ACCESS ROUTE INTO CONSIDERATION TO ENSURE ACCESSIBILITY WITHIN THE SIDEWALK.
9. ALL SURVEY ITEMS SHOWN ON THESE PLANS HAVE BEEN LOCATED FROM AERIAL IMAGERY AND A FIELD VISIT.
10. THESE PLANS ARE BASED ON INFORMATION AVAILABLE AT THE TIME THEY WERE PREPARED. ACTUAL CONDITIONS DETERMINED LATER MAY VARY. SOUND JUDGMENT SHOULD BE EXERCISED DURING CONSTRUCTION TO ASSURE THAT THE DESIGN IS COMPATIBLE WITH THE ACTUAL CONDITIONS.
11. ANY SCALED DIMENSION FROM THIS PLAN SHALL NOT BE USED FOR CONSTRUCTION WITHOUT CONFIRMATION BY TRAFFIC PLANNING AND DESIGN, INC. , CONSULTING ENGINEERS.
12. INSTALL BREAKAWAY POSTS FOR ALL SIGNS.
13. INSTALL ALL PAVEMENT MARKINGS, SIGNS, AND SIGN POSTS IN ACCORDANCE WITH NCDOT STANDARD SPECIFICATIONS FOR ROADS AND STRUCTURES, MUTCD, AND AASHTO GUIDE FOR THE DEVELOPMENT OF BICYCLE FACILITIES. THE LATEST EDITIONS OF ALL PUBLICATIONS MUST BE USED.
14. UTILITY COVERS LOCATED WITHIN THE BICYCLE LANES SHOULD BE REVIEWED TO ENSURE THEY ARE FLUSH.
15. MAINTENANCE AND PROTECTION OF TRAFFIC DURING CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MOST CURRENT REVISION OF THE MUTCD.



INDEX

TITLE AND STANDARD DRAWINGS	SHEET	1
PAVEMENT MARKING & SIGNING PLAN SHEETS	SHEET(S)	2-4
DETAIL SHEET	SHEET	5

ROADWAY STANDARD DRAWINGS

THE FOLLOWING ROADWAY STANDARDS AS APPEARING IN "ROADWAY STANDARD DRAWINGS" - PROJECT SERVICES UNIT - N.C. DEPARTMENT OF TRANSPORTATION - RALEIGH, N.C. , DATED JANUARY 2024 ARE APPLICABLE TO THIS PROJECT AND BY REFERENCE HEREBY ARE CONSIDERED A PART OF THESE PLANS:

NCDOT ROADWAY STANDARD DRAWINGS DATED JANUARY 2024		
STD. NO. 1205.01	PAVEMENT MARKINGS - LINE TYPES AND OFFSETS	
STD. NO. 1205.02	PAVEMENT MARKINGS - TWO-LANE AND MULTI-LANE ROADWAYS	
STD. NO. 1205.04	PAVEMENT MARKINGS - INTERSECTIONS	
STD. NO. 1205.05	PAVEMENT MARKINGS - TURN LANES	
STD. NO. 1205.07	PAVEMENT MARKINGS - PEDESTRIAN CROSSWALKS	
STD. NO. 1205.08	PAVEMENT MARKINGS - SYMBOLS AND WORD MESSAGES	
STD. NO. 1205.09	PAVEMENT MARKINGS - PAINTED ISLANDS	
STD. NO. 1205.16	PAVEMENT MARKINGS - BICYCLE FACILITIES	
STD. NO. 904.10	ORIENTATION OF GROUND MOUNTED SIGNS	
STD. NO. 904.20	SECONDARY SIGN MOUNTING	
STD. NO. 904.30	SUPPLEMENTAL SIGN MOUNTING	
STD. NO. 904.50	MOUNTING OF TYPE 'D' , 'E' AND 'F' SIGNS ON 'U' CHANNEL POSTS	

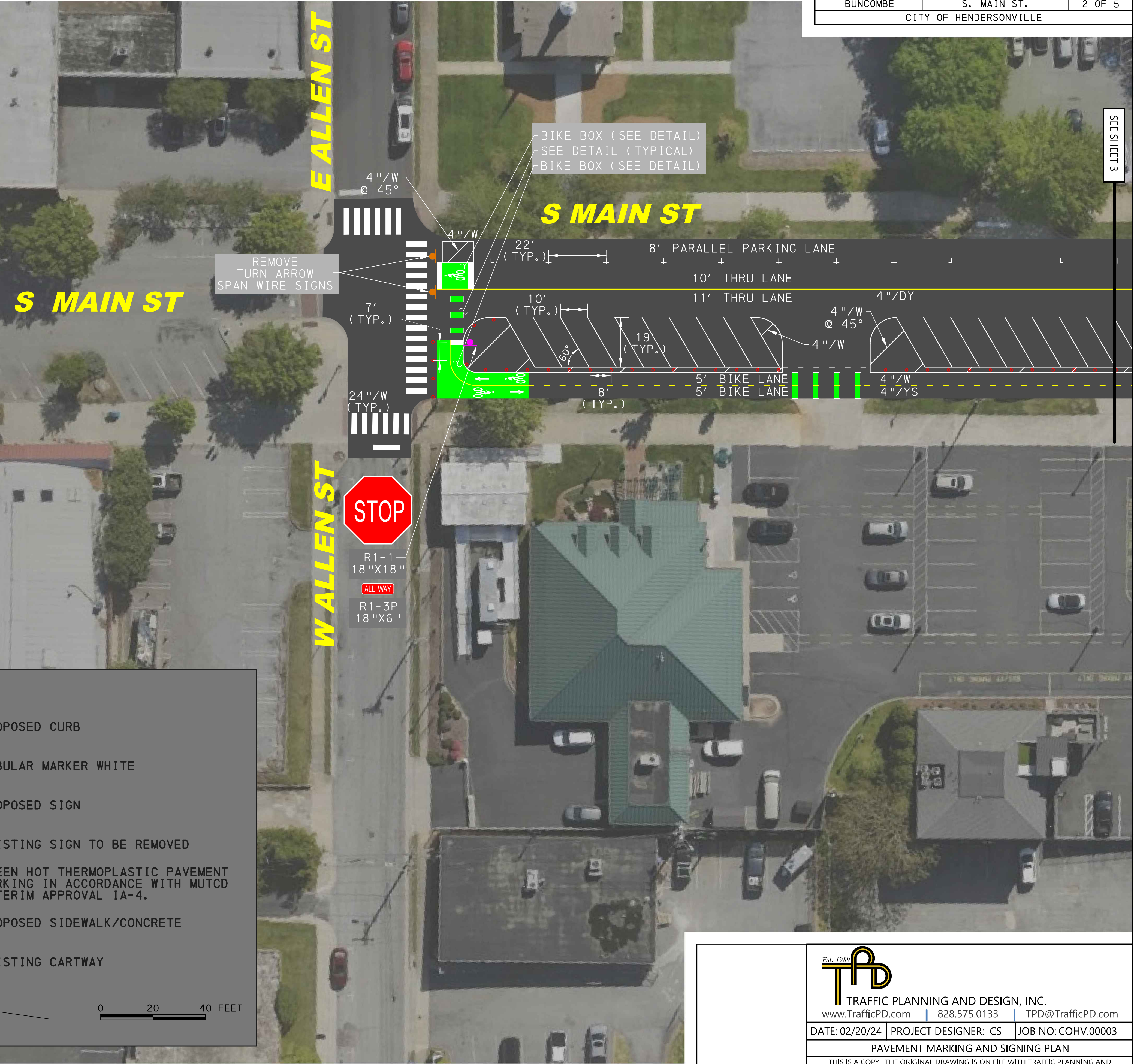
PREPARED BY:
TRAFFIC PLANNING &
DESIGN, INC.
80 CHARLOTTE STREET
SUITE 40
ASHEVILLE, NC 28801

FEBRUARY 20, 2024

DATE

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COUNTY	ROADWAY	Section 9, Item B.
BUNCOMBE	S. MAIN ST.	2 OF 5
CITY OF HENDERSONVILLE		



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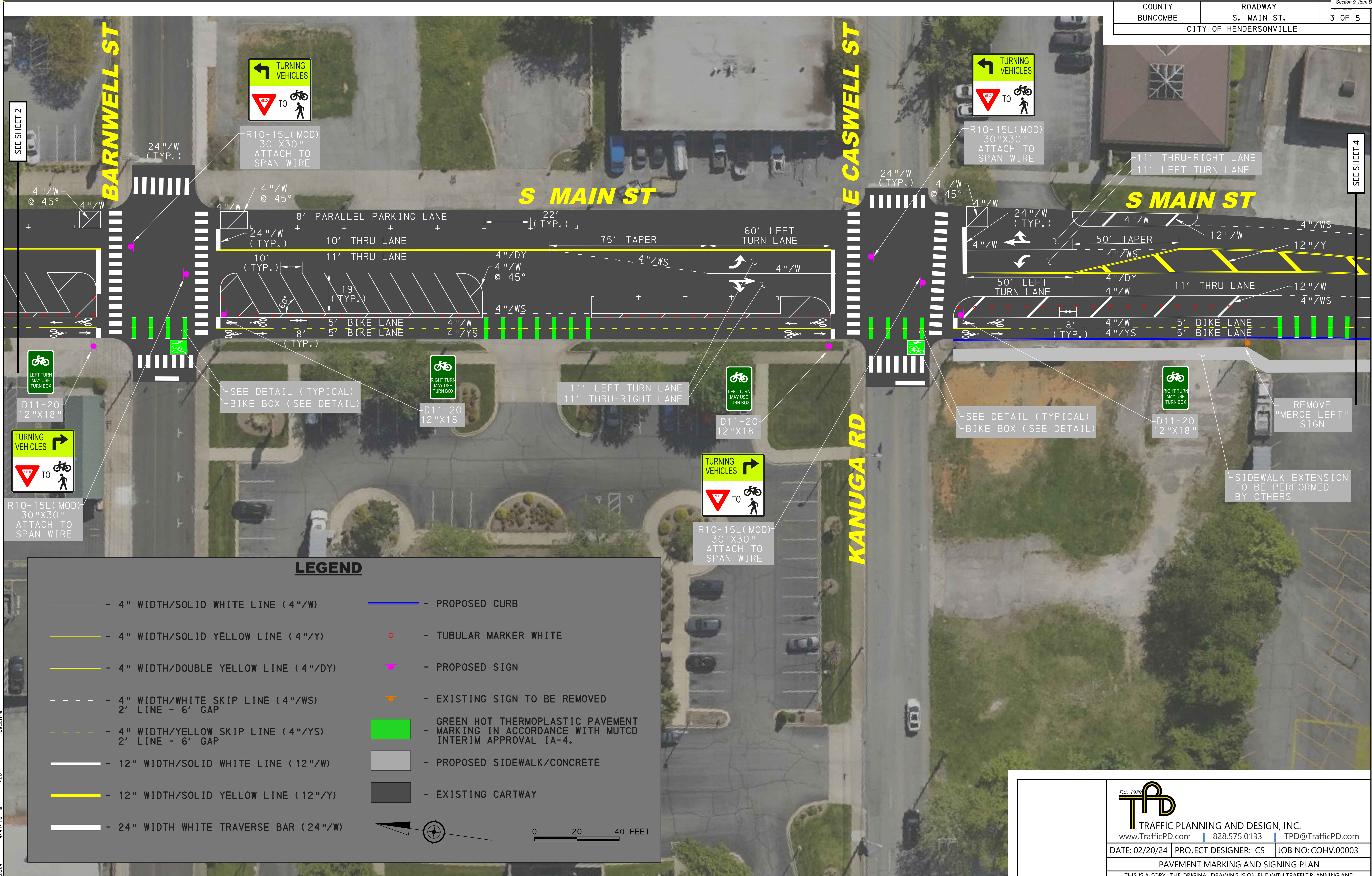
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| — 4" WIDTH/SOLID YELLOW LINE (4"/Y) | ○ TUBULAR MARKER WHITE |
| — 4" WIDTH/DOUBLE YELLOW LINE (4"/DY) | — PROPOSED SIGN |
| - - - 4" WIDTH/WHITE SKIP LINE (4"/WS)
2' LINE - 6' GAP | — EXISTING SIGN TO BE REMOVED |
| - - - 4" WIDTH/YELLOW SKIP LINE (4"/YS)
2' LINE - 6' GAP | GREEN HOT THERMOPLASTIC PAVEMENT
MARKING IN ACCORDANCE WITH MUTCD
INTERIM APPROVAL IA-4. |
| — 12" WIDTH/SOLID WHITE LINE (12"/W) | — PROPOSED SIDEWALK/CONCRETE |
| — 12" WIDTH/SOLID YELLOW LINE (12"/Y) | — EXISTING CARTWAY |
| — 24" WIDTH WHITE TRAVERSE BAR (24"/W) | |



0 20 40 FEET



TRAFFIC PLANNING AND DESIGN, INC. www.TrafficPD.com 828.575.0133 TPD@TrafficPD.com		
DATE: 02/20/24	PROJECT DESIGNER: CS	JOB NO: COHV.00003
PAVEMENT MARKING AND SIGNING PLAN		
THIS IS A COPY. THE ORIGINAL DRAWING IS ON FILE WITH TRAFFIC PLANNING AND DESIGN, INC. ANY AND ALL LIABILITY IS LIMITED TO THE ORIGINAL, UP TO AND INCLUDING THE LAST REVISIONS.		

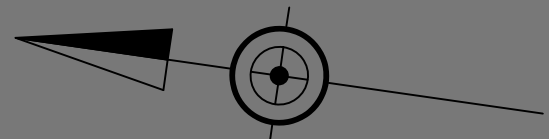


SEE SHEET 2

SEE SHEET 4


LEGEND

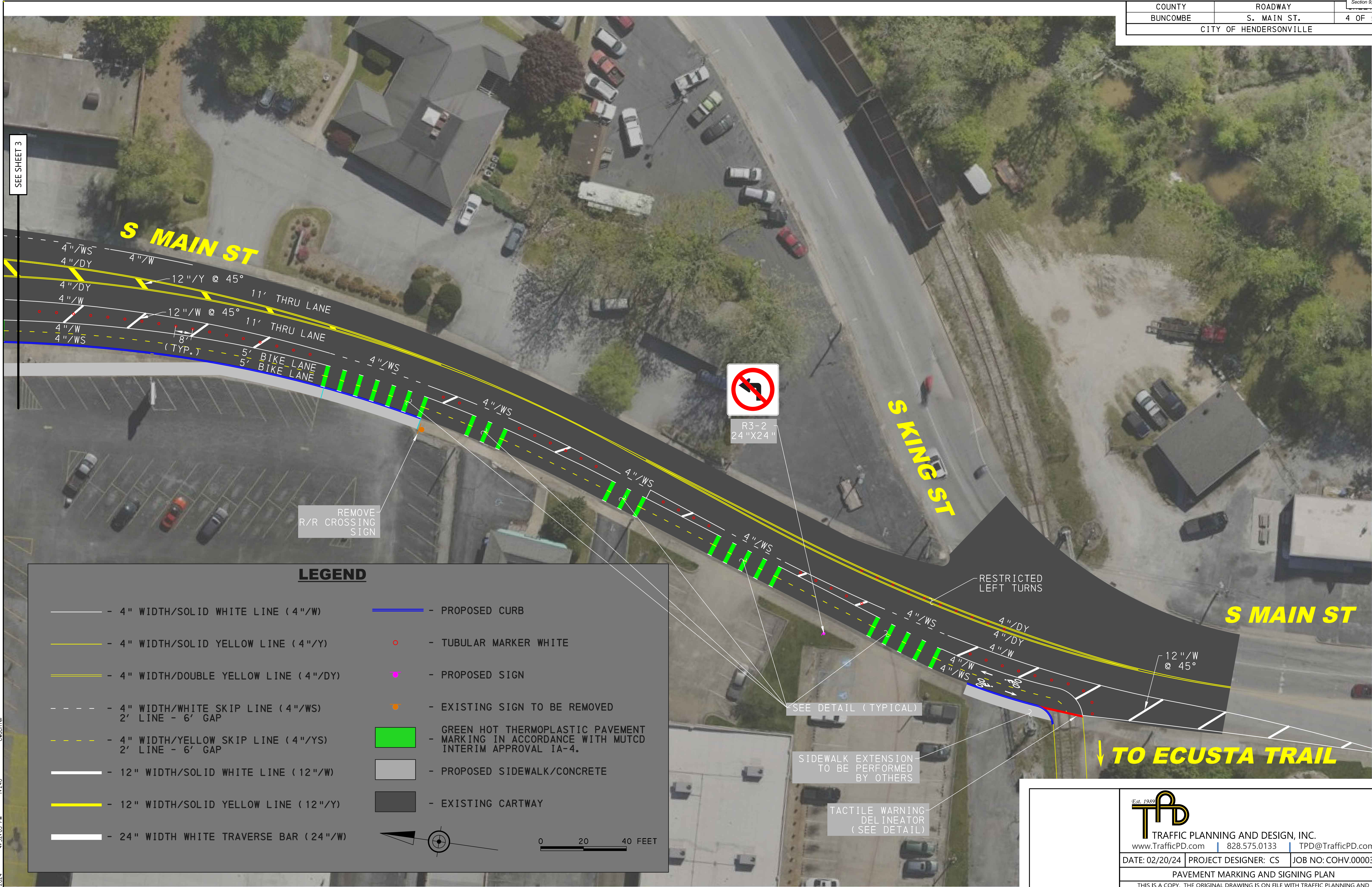
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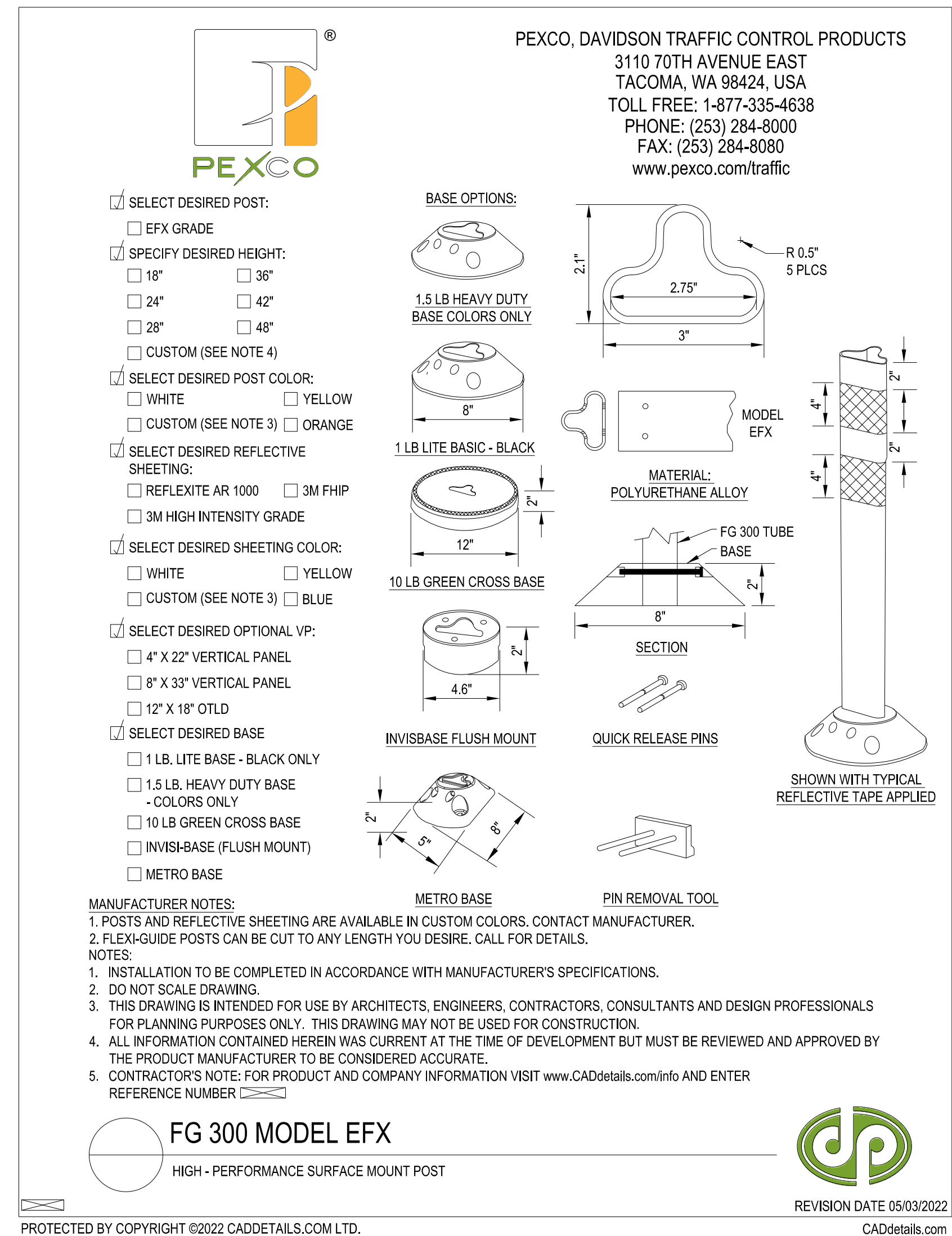
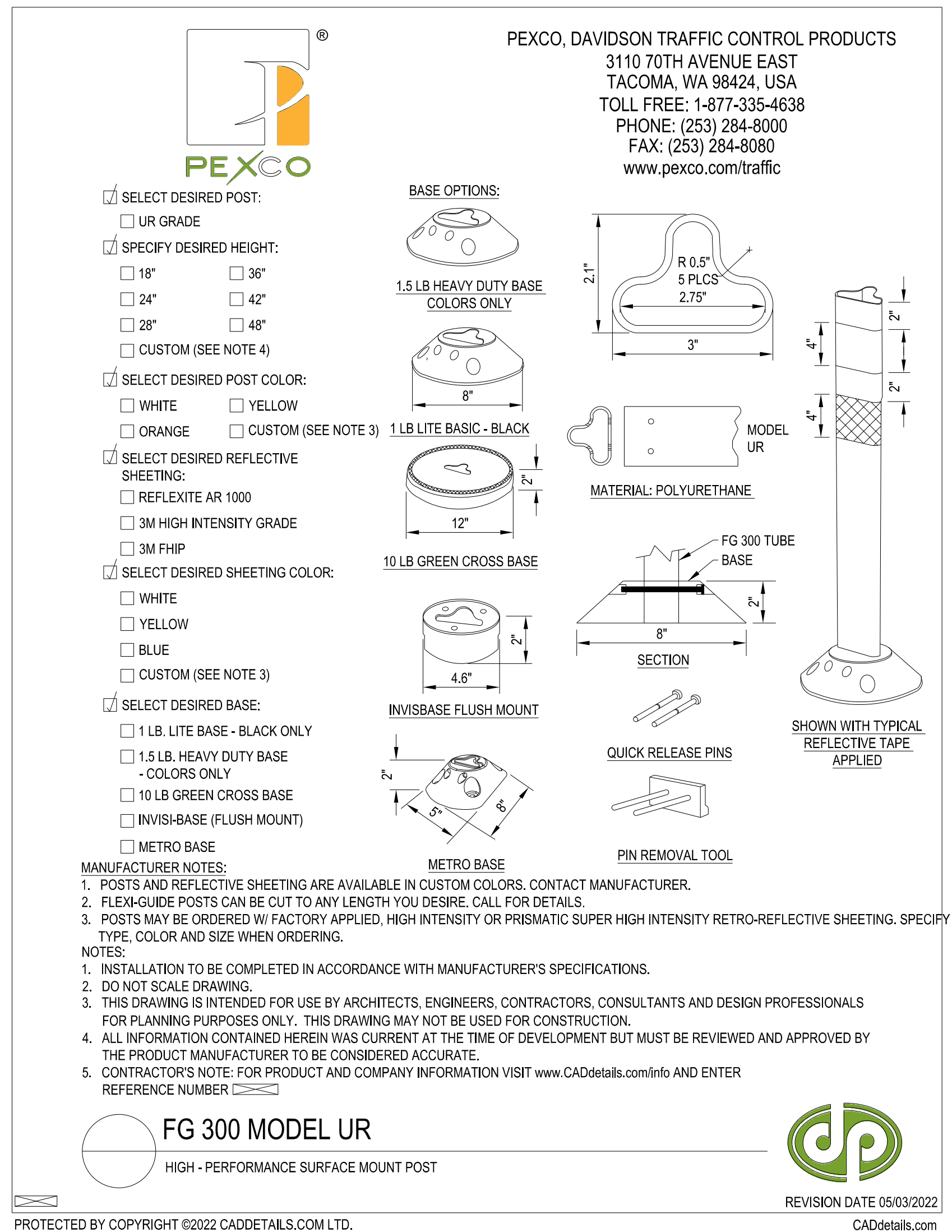


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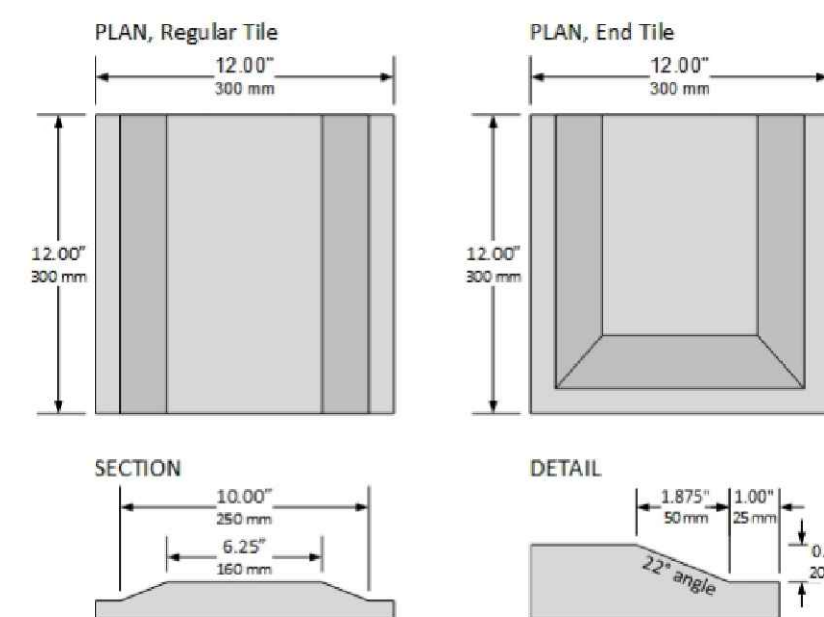
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 TRAFFIC PLANNING AND DESIGN, INC. www.TrafficPD.com 828.575.0133 TPD@TrafficPD.com		
DATE: 02/20/24	PROJECT DESIGNER: CS	JOB NO: COHV.00003
PAVEMENT MARKING AND SIGNING PLAN		
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TUBULAR MARKER DETAIL
NOT TO SCALE



TACTILE WARNING DELINEATOR DETAIL
NOT TO SCALE

NOTES

1. ALTERNATIVE EQUIVALENT MATERIAL MAY BE ALLOWED FOR TUBULAR MARKERS PENDING SUBMISSION OF PERFORMANCE DATA AND MANUFACTURER DETAILS.

APPROVED

By John Connet at 1:39 pm, Feb 08, 2024

MEMO

TO: John Connet, City Manager

FROM: Jennifer Case, Public Works

DATE: 02/08/2024

RE: A Request for Declaration of Surplus Items

The following items are no longer in use by the city, and we are requesting that these items be declared surplus with the intent to sell them by internet auction:

1. 15-17 2009 Chevrolet Tahoe Approximate Value: \$5000
2. 15-09 2008 Jeep Grand Cherokee Laredo AV: \$5000
3. 14-06 2001 Ford F150 AV: \$1800
4. 26-05 2004 Sterling L7500 Heavy Duty Truck AV\$14000
5. 20-01 2002 Chevrolet C6500 Heavy Duty Truck AV: \$8000
6. 14-42 2009 Jeep Grand Cherokee AV: \$3500
7. 14-52 2014 Ford Explorer AV: \$10000
8. 14-48 2014 Ford Explorer AV: \$10000
9. 15-22 2013 Chevrolet Tahoe AV: \$8000



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER:

Jennifer Floyd

MEETING DATE:

03/07/2024

AGENDA SECTION:

City Manager Report

DEPARTMENT:

Administration

TITLE OF ITEM:

February 2024 Contingency and Adjustment Report – *John Connet, City Manager*

SUGGESTED MOTION(S):

N/A – Presentation Only.

SUMMARY:

In accordance with North Carolina General Statute (NCGS) 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.

NCGS 159-15 permits the Budget Officer (City Manager), to transfer budget from one appropriation to another within the same fund, provided any such transfers are reported to the Governing Board. The City of Hendersonville refers to transfers of budget from one appropriation to another within the same fund as a “budget adjustment”. City Council authorizes budget adjustments each year with the adoption of the annual budget ordinance (SECTION 4).

This agenda item serves to fulfill the reporting requirements of both NCGS 159-13(b) and 159-15 by providing City Council a summary of all amendments and adjustments occurring thus far in the fiscal year.

BUDGET IMPACT: Detailed Above

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

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

ATTACHMENTS:

Contingency and Adjustment Report

FISCAL YEAR 2023 - 2024 (FY24) BUDGET AMENDMENTS			Completed	Corrected	
			Proposed	Denied	
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-1400-554001	CO- Equipment Other Than	39,000	-	7,867	31,133
010-1400-534000	Non-Capital Equipment	97,500	7,867	-	105,367
068-7855-524020	R&M Equipment	9,100	-	3,700	5,400
068-7855-524030	R&M Trucks	53,850	3,700	-	57,550
068-7855-521110	Protective Clothing	5,000	-	1,360	3,640
068-7855-521030	Medical	1,500	-	1,360	140
068-7855-531100	Fuel	70,000	-	2,653	67,347
068-7855-532250	Outreach Program	2,000	-	1,293	707
068-7855-524030	R&M Trucks	57,550	6,666	-	64,216
010-1002-519200	Contracted Services	133,000	-	27,000	106,000
010-1300-519200	Contracted Services	34,650	3,800	-	38,450
010-1300-534000	Non-Capital	74,000	23,200	-	97,200
010-0000-534999	Contingency	48,963		4,000	44,963
010-1002-531700	Liability & Property Insur. And Bonds	25,912	2,000	-	27,912
010-1300-519200	Contracted Services	34,650	2,000	-	36,650
010-1525-553000	Capital Outlay- Land Improvemnts	57,700		5,556	52,144
010-1525-531600	Lease/Rental Equipment	-	5,556	-	5,556
010-1400-519104	Prof Servies- Engineering	22,000		8,000	14,000
010-1400-524020	R&M Equipment	32,300	8,000	-	40,300

DESCRIPTION	APPROVED	TYPE	AMENDMENT NUMBER
Tablets	yes	adjustment	1/31/2024
Tablets	yes	adjustment	1/31/2024
Street Sweeper Part	yes	adjustment	1/31/2024
Street Sweeper Part	yes	adjustment	1/31/2024
Street Sweeper Part	yes	adjustment	2/1/2024
Street Sweeper Part	yes	adjustment	2/1/2024
Street Sweeper Part	yes	adjustment	2/1/2024
Street Sweeper Part	yes	adjustment	2/1/2024
Street Sweeper Part	yes	adjustment	2/1/2024
PD Zoom Upgrade	yes	adjustment	2/9/2024
PD Zoom Upgrade	yes	adjustment	2/9/2024
PD Zoom Upgrade	yes	adjustment	2/9/2024
Insurance Claims	yes	adjustment	2/9/2024
Insurance Claims	yes	adjustment	2/9/2024
Insurance Claims	yes	adjustment	2/9/2024
Mark- Disc Golf Mulcher	yes	adjustment	2/14/2024
Mark- Disc Golf Mulcher	yes	adjustment	2/14/2024
FD Equipment	yes	adjustment	2/23/2024
FD Equipment	yes	adjustment	2/23/2024