



**CITY OF HENDERSONVILLE
CITY COUNCIL (3/4/21 CONT. MEETING) &
SECOND MONTHLY MEETING**

City Hall - 2nd Floor Chambers | 160 Sixth Ave. E. | Hendersonville NC 28792
Wednesday, March 24, 2021 – 4:00 PM

AGENDA

- 1. RECONVENE** (3/4/21 Regular Meeting)
- 2. UNFINISHED BUSINESS**
 - A. Continuation for Vote on Brown Street ROW Abandonment (P21-04-SC) – *Lew Holloway, Community Development Director*
- 3. ADJOURN**
- 4. City Council Second Monthly Meeting**
- 5. CALL TO ORDER** (Second Monthly Meeting)
- 6. PRESENTATIONS**
 - A. Update from Children and Family Resource Center – *Jamie Wiener, Executive Director*
 - B. Department Update – Police Department – *Blair Myhand, Police Chief*
 - C. Pay & Classification Update – *Brian Pahle, Assistant City Manager*
- 7. ADJOURN**

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



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER:	Lew Holloway	MEETING DATE: March 24, 2021
AGENDA SECTION:	CONTINUATION OF PUBLIC HEARING – FOR VOTE ONLY	DEPARTMENT: Comm. Dev. Dept.
TITLE OF ITEM, Presenter Name, Title:	Brown Street ROW Abandonment (P21-04-SC) – <i>Lew Holloway, Community Development Director</i>	

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

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

General Statue 160A-299 outline procedures and provides the City with authority for permanently closing streets and alleys. Whenever there is a proposal to permanently close any street or public alley, the City Council shall first adopt a resolution declaring its intent to close the street or alley and shall set a date for a public hearing. At the February 4th, 2021 City Council meeting, the Council adopted a Resolution of Intent to close a portion of an opened and improved ROW for Brown Street. The resolution scheduled a public hearing for March 4th, 2021. At this public hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest or the property rights of any individual.

To permanently close the street, City Council must find that.

- 1) The closing of a portion of an opened and improved ROW for Brown Street located on parcels PINs 9569-50-9133, 9569-50-8164, 9569-50-7165, 9568-59-9771 and described in the attached street closure survey and description are not contrary to the public interest; and
- 2) No individual owning property in the vicinity of the opened ROW would be deprived of reasonable means of ingress and egress to their property by the street closing and ROW abandonment.

BUDGET IMACT: NA

Ad Proof, Certificate of Mailing, Order to Close, Resolution of Intent, Survey

ORDER #21-07

**ORDER TO PERMANENTLY CLOSE, A PORTION OF BROWN STREET
(Petition of the Henderson County Hospital Corporation)**

NORTH CAROLINA
HENDERSON COUNTY

TO WHOM IT MAY CONCERN:

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

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

WHEREAS, on February 4th, 2021, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close portions of these streets and setting March 4th, 2021 as the date of a public hearing regarding such closure; and

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

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

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

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

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

IN CONSIDERATION THEREOF, IT IS HEREBY ORDERED:

1. The following portions of Brown Street is permanently closed and no longer existent as of the effective date of this order:

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

2. The plat, depicting the above described portion of Brown Street to be closed, recorded on Plat Slide _____ of the Henderson County Registry, is attached hereto and incorporated by reference.

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

This order shall take effect the twenty-fourth day of March 2021.

Barbara G. Volk, Mayor, City of Hendersonville

ATTEST:

Angela L. Reece, 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 as Mayor of the City of Hendersonville, Angela L. Reece, in her capacity as 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 _____.

My commission expires _____

CERTIFICATE OF MAILING

This is to certify that the foregoing document has been duly served by depositing a copy of the same in the United States Mail, first-class, postage pre-paid, to the following:

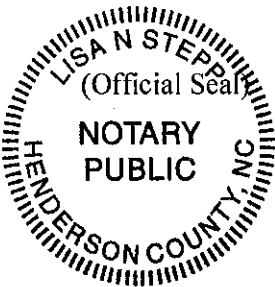
- 1. Henderson County – 800 N. Justice Street
- 2. Henderson County – 1 Historic Courthouse Square
- 3. Henderson County Board of Trustees, Pardee Hospital – 820 N. Justice St.,
- 4. Debra Austin Chapman Revocable Trust – 9 Claremont Dr. Flat Rock, NC 28731
- 5. William O & Annissa H Barnwell – 284 Terrys Gap Rd, Fletcher NC, 28732

Terri Swann 2/12/21
Terri Swann Date
Administrative Assistant, Community Development Department

Henderson County, North Carolina

I certify that the following person personally appeared before me this day, acknowledging to me that she signed the foregoing document: _____.

Date: 2/12/2021
Notary Signature: Lisa N Stepp
Notary Printed Name: Lisa N Stepp
My Commission Expires: Sept. 5, 2021



Order:	J000673571	Pubs:	2,3	Rate:	LE
Phone:	(828)697-3003	Class:	0001		
Account:	32002031	Start Date:	02/07/2021		
Name:	ATTN: Angela	Stop Date:	02/28/2021	Payments:	\$ 0.00
Caller:	Angela Reece	Insertions:	8	Balance:	\$ 341.76
Taken By:	S037	Columns:	2	Lines:	98
Schedule:	HTN Times News 2/7 1x, s2/14 1x, s2/21 1x, s2/28 1x			Taken On:	02/05/2021
SalesRep	Nancy Mullinax				

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

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

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

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

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

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

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

<https://zoom.us/j/95746846396?pwd=YmlXdxHcRfVIM2VElqcEVWt1ZLZz09#success>

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

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

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

BEGINNING at an iron pin set, being the southwest corner of Tract 2 as described in deed book 1580 page 534; thence from said beginning point N 06°16'35" E 1.18'to a calculated and

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

3.The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.

4.The City Clerk further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.

5.The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be prominently posted in at least two along the portion of Brown Street proposed for closure as required by G.S. 160A-299.

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

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

Angela L. Reece, City Clerk
Approved as to form:
Angela S. Beeker, City Attorney

2/7, 2/14, 2/21, 2/28, 2021

673571

Attention: _____ Fax: _____

This is a final proof. If any information is incorrect, please contact your sales representative prior to the deadline of the first insertion. Otherwise your order is accepted as having been approved.

STATE OF NORTH CAROLINA
COUNTY OF HENDERSONI, _____, REVIEW OFFICER OF HENDERSON
COUNTY, CERTIFY THAT THIS MAP OR PLAN TO WHICH THIS CERTIFICATION IS
AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____

DATE _____

GRID NORTH
N.A.D. 83 / 2001

LINE	BEARING	DISTANCE
L1	N 06°16'35" E	1.18'
L2	S 84°21'40" E	82.31'
L3	N 85°10'57" W	82.28'

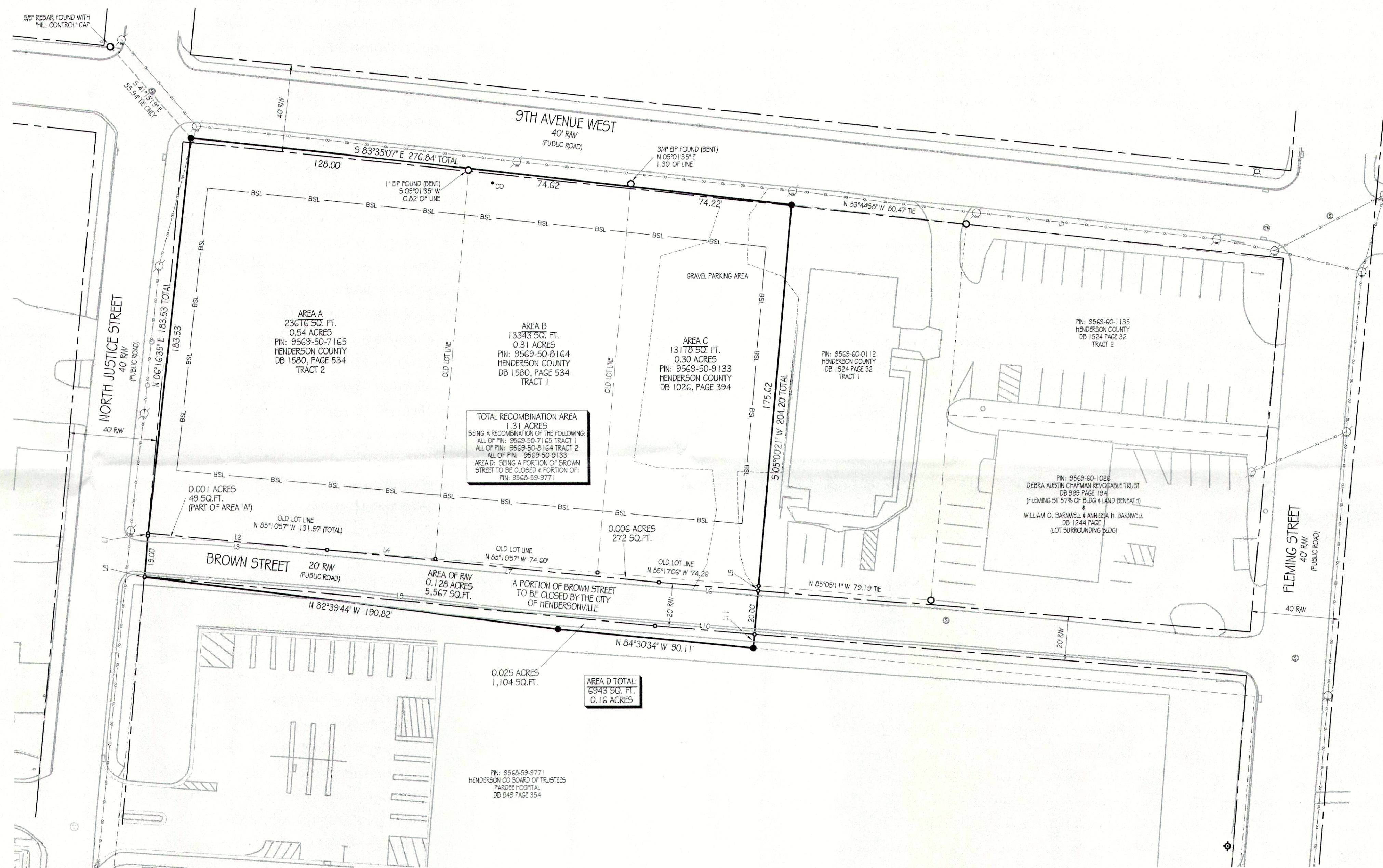
LINE	BEARING	DISTANCE
L4	S 85°10'57" E	49.68'
L5	S 05°00'21" W	2.31'
L6	N 85°12'17" W	45.79'
L7	N 84°21'40" W	152.77'

LINE	BEARING	DISTANCE
L8	N 04°49'03" E	0.18'
L9	S 84°21'40" E	234.92'
L10	S 85°12'17" E	45.86'
L11	S 05°00'21" W	6.20'

LEGEND:

EP = EXISTING REIN. PIPE
CTP = CRIMPED TOP PIPE
RSD = RAILROAD SPIKE
IPS = IRON PIN SET 3/4" REAR WITH CAP
RW = RIGHT OF WAY
EP = EDGE OF PAVEMENT
CMP = CORRUGATED METAL PIPE
CPP = CORRUGATED PLASTIC PIPE
RCP = REINFORCED CONCRETE PIPE
C = CALCULATED UNMARKED POINT
O = PROPERTY CORNER FOUND (AS NOTED)
● = SET 3/4" REAR WITH "J.R. OWNBEY" I.D. CAP
UT = UTILITY POLE
WM = WATER METER
WV = WATER VALVE
FH = FIRE HYDRANT
TP = TELEPHONE POSTAL
SM = SANITARY SINK MANHOLE
SS = STORM SINK MANHOLE
OU = OVERHEAD UTILITY LINE
E = UNDERGROUND ELECTRIC
G = UNDERGROUND GAS
SS = SANITARY SINK LINE
TL = UNDERGROUND TELEPHONE
--- = EDGE OF GRAVEL
--- = FENCE
--- = SUBJECT PROPERTY LINE (SURVEYED)
--- = ADJOINER LINE (LINE NOT SURVEYED)
--- = BUILDING SETBACK LINE (B.S.L.)
--- = RIGHT OF WAY LINE (RW)
--- = TIE LINE

PRELIMINARY
FOR REVIEW PURPOSES ONLY.
NOT FOR RECORDING, SALES, OR
CONVEYANCE



OWNBEY
LAND SURVEYING, PLLC

FIRM LICENSE NO. P-11189
522 FLEMING STREET
HENDERSONVILLE, NC 28739
PHONE: (828)-595-9668
MOUNTAINLANDSURVEYOR.COM

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

I ALSO HEREBY CERTIFY THAT THIS SURVEY IS OF THE FOLLOWING CATEGORY AS DESCRIBED IN G.S. 47-30(f)(1):

(d) THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

WITNESS MY SIGNATURE, LICENSE NUMBER, AND SEAL THIS _____ DAY OF _____, A.D., 20____.

N.C. PROFESSIONAL LAND SURVEYOR

L-4782
LICENSE #

NOTES:

- * THIS SURVEY IS OF AN EXISTING PARCEL OF LAND.
- * ALL AREAS CALCULATED BY COORDINATE COMPUTATION METHOD.
- * THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ABSTRACT TITLE AND MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY-AT-LAW.
- * THIS SURVEY MAY BE SUBJECT TO ALL RIGHTS-OF-WAYS, EASEMENTS, RESERVATIONS, AND RESTRICTIONS WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED.
- * ADJOINING PROPERTY OWNER INFORMATION TAKEN FROM THE HENDERSON COUNTY GIS WEBSITE.
- * NO HORIZONTAL CONTROL; FOUND WITHIN 2000'.
- * NO UNDERGROUND UTILITIES WERE LOCATED. CALL 1-800-632-4949 BEFORE DIGGING.
- * BASED ON GRAPHICAL DETERMINATION, A THIS SUBJECT PROPERTY DOES NOT LIE IN FEMA/FIRM SPECIAL FLOOD HAZARD AREA PER THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP 5700956800, WITH EFFECTIVE DATE OF OCTOBER 2, 2008.
- * ANY RIVERS, STREAMS, CREEKS, PONDS, LAKES, WETLANDS, ETC., LOCATED ON THIS PROPERTY, SHOWN OR NOT SHOWN HEREON, MAY BE SUBJECT TO BUFFER AREAS. IT IS THE OWNER/DEVELOPER'S RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY PERSON(S)/FIRM(S) AUTHORIZED, BY THE PROPER AUTHORITIES, TO MAKE SUCH DETERMINATION.
- * ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
- * THE SUBJECT PARCELS LIES WITHIN THE CITY OF HENDERSONVILLE ZONING DISTRICT "M1C" AND IS SUBJECT TO THE FOLLOWING SETBACKS:
FRONT = 30'
SIDES = 10'
REAR = 20'

OWNER INFORMATION:

AREAS A, B & C
HENDERSON COUNTY

AREA D
CITY OF HENDERSONVILLE

A RECOMBINATION SURVEY FOR
HENDERSON COUNTY
REFERENCES

BEING A RECOMBINATION OF THE FOLLOWING:
ALL OF PIN: 9569-50-7165 TRACT 1
ALL OF PIN: 9569-50-7165 TRACT 2
ALL OF PIN: 9569-50-9133
AREA D: BEING A PORTION OF BROWN STREET TO BE CLOSED
TOTAL AREA = 1.31 ACRES
CITY OF HENDERSONVILLE
HENDERSONVILLE TOWNSHIP, HENDERSON COUNTY, N.C.
DATE: 1/7/2021
DRAWN BY: RAW CREW CHIEF: JRO
CHECKED BY: J.R. OWNBEY
JOB #201216

30' 0 30' 60'
SCALE 1" = 30'



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: John Connet

MEETING DATE: 3/24/21

AGENDA SECTION: PRESENTATION

DEPARTMENT: Administration

TITLE OF ITEM: Update from Children and Family Resource Center – *Jamie Wiener, Executive Director*

SUGGESTED MOTION(S):

None

SUMMARY:

Council Member Simpson asked that we invite Jamie Wiener to speak to City Council about the importance of early childhood care.

BUDGET IMPACT: \$

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

If no, describe how it will be funded. EnterTextHere

ATTACHMENTS:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: John Connet

MEETING DATE: 3/24/2021

AGENDA SECTION: PRESENTATION

DEPARTMENT: Police

TITLE OF ITEM: Department Update – Police Department – *Blair Myhand, Police Chief*

SUGGESTED MOTION(S):

NA

SUMMARY:

Chief Myhand and staff will give an update on the activities and needs of Hendersonville Police Department.

BUDGET IMPACT: \$

Is this expenditure approved in the current fiscal year budget?

If no, describe how it will be funded.

ATTACHMENTS:

None

