CITY OF HENDERSONVILLE
CITY COUNCIL REGULAR MEETING

Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Thursday, September 05, 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*

August 1, 2024 Regular Meeting

August 28, 2024 Second Monthly Meeting

B. Ashe St Neighborhood and 4th Ave Water and Sewer Replacement Loan Acceptance - *Richard Shook, Civil Engineer III*

C. Purchase of Biosolid Thermal Dryer Equipment - *Adam Steurer, Utilities Director*

D. Annexation: Certificate of Sufficiency- Lakeside Drive (Summerville) (C24-52-ANX) – *Tyler Morrow, Current Planning Manager*

E. Resolution to Apply for Funding for the WWTF 6-MGD Expansion and Improvements Project - *Adam Steurer, Utilities Director*

F. Resolution to Accept Grant Funds (#C2501) – *Matthew Manley, AICP - Long-Range Planning Manager*

G. Contract Award for Construction of the Water Treatment Filter Expansion Project – *Adam Steurer, Utilities Director*

H. Telecommuting Policy – *Jennifer Harrell, HR Director*

I. FY25 Special Appropriations – *Adam Murr, Budget Manager*

J. September 2024 Budget Amendments – Jenny Floyd, *Budget & Management Analyst*

6. PRESENTATIONS

A. Proclamation - National Recovery Month - *Barbara Volk, Mayor*

B. Proclamation-World Suicide Prevention Day/National Suicide Prevention Month - *Barbara Volk, Mayor*

C. Above the Mud Greenway Feasibility Study Presentation and Adoption – *Kristy Carter, Senior Project Manager and Christy Staudt, Regional Manager, Traffic Planning and Design, Inc.*

7. PUBLIC HEARINGS

A. Rezoning: Conditional Zoning District – First Ave Villas (P24-26-CZD) – *Matthew Manley, AICP – Long-Range Planning Manager*

B. Public Hearing to Consider the Submission of a Community Development Block Grant Application, Neighborhood Revitalization, for the FY 24-25 Funding Cycle – *Angela S. Beeker, City Attorney*

8. UNFINISHED BUSINESS

A. Rezoning: Conditional Zoning District – Felicia Reeves Home (P24-24-CZD) – *Tyler Morrow– Current Planning Manager*

9. NEW BUSINESS

A. Annexation: Analysis and Advisement - Old Sunset Hill Road (Taylor & Albea) (C24-56-ANX) – *Tyler Morrow, Current Planning Manager*

B. Establishment of the Brooklyn Bird Sanctuary – *John Connet, City Manager*

C. Dogwood Grant Proposal – *John Connet, City Manager and Brian Pahle, Assistant City Manager*

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

A. August 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

August 1, 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, Jeff Miller and Melinda Lowrance

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

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:

Sandra Williams spoke about the Gen H Comp Plan and her concerns for Chadwick Avenue. Single family homes are being encroached and she is worried about rezoning for condos and apartments. Traffic has already picked up on our road and if you make it a connector road, it will get even busier.

Lynne Williams spoke about the Gen H Comp Plan and thinks we need more time as Chadwick Avenue is historic. There have been changes to the map and there is no wildlife study in here. Asked that we wait to vote until the majority of council has been elected by the people. We're waiting on the Strategic Housing Plan and Parks and Greenspace Plan and we're waiting on the County's 2010 Agricultural Comp Plan.

Kacy Kerak spoke about the Gen H Comp Plan and is concerned about the flooding that is already occurring and how much worse it will get after construction and the reality of the homes being able to stay there.

Ken Fitch spoke via Zoom about the Gen H Comp Plan and is disappointed about the limited attention to the environment with us being a mountain town and there is nothing about wildlife habitat and pollinator fields. The future economic plan doesn't mention anything about tourism and we are dependent upon it. The Ecusta Plan only emerges as an amenity instead of something huge that can connect us. We are a bit off track here. Is the plan a match to the thousands of citizens that responded to our call for comments/suggestions?

4. CONSIDERATION OF AGENDA

Council Member Melinda Lowrance 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*
July 10, 2024 Regular Meeting

July 24, 2024 Second Monthly Meeting

B. Approval of United Financial, a Division of HomeTrust Bank to Provide Installment Financing for Vehicles and Equipment Purchased in Fiscal Year 2025 – *John Buchanan, Finance Director*

Resolution #R-24-64

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE FINANCING TERMS FOR THE PURCHASE OF VEHICLES AND EQUIPMENT

WHEREAS, The City of Hendersonville has previously determined to undertake a project for the financing of vehicles and equipment, and

WHEREAS, United Financial has provided a proposal with an acceptable interest rate and terms to meet the City's needs; and

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

1. The City of Hendersonville herby determines to finance the purchase of vehicles and equipment through United Financial, in accordance with the proposal dated July 2, 2024. The amount financed shall not exceed $570,000 with an annual interest rate of 4.49% for a term of 4 years.

2. All financing contracts and all related documents for the closing of the financing shall be consistent with the foregoing terms. City staff are hereby authorized to and directed to execute and deliver any financing documents, and to take all such action as they may consider necessary to carry out the financing as contemplated by the proposal and this resolution.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of August, 2024.

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

C. Purchase of Chlorine – *Logan Hickey & Ricky Levi*

Resolution #R-24-65

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE SOLE-SOURCE PURCHASE OF CHLORINE FOR THE WATER TREATMENT PLANT

WHEREAS, the City of Hendersonville's Finance Department is submitting this request on behalf of the City's Water Treatment Plant ("WTP"); and,

WHEREAS, the City's WTP utilizes chlorine; and,

WHEREAS, Chlorine is required by the state for certain levels in the treatment train for certain CT/Contact Times and a certain residual level must be maintained in the distribution system; and,

WHEREAS, G.S. § 143-129I list authorized exceptions to formal bid procedures. G.S. § 143-129I(6) allows for purchases of apparatus, supplies, materials, or equipment without following the procedures of when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration; and

WHEREAS, The EPA has documented factors limiting chlorine availability in the US, especially chlorine produced for water and wastewater treatment operations; and

WHEREAS, WTP have conducted a diligent search for chlorine suppliers. Vendors contacted are unable to supply the amount of chlorine needed by the City in ton containers and are not equipped to supply currently, or are unable to guarantee product availability and safety; and

WHEREAS, Other suppliers are unable to provide the necessary chlorine controlling for product availability and safety; and,

WHEREAS, the City's RMP Risk Management Plan (which is filed with the USEPA, NCDEQ) and Emergency Management require certain safety training along with training at City facilities to be documented. Safety inspectors prefer that chemicals be sourced consistently from the same vendor to ensure safe handling controls.; and,

WHEREAS, JCI Jones Chemicals, Inc. (out of Charlotte, NC) is the only supplier who can provide chlorine gas in the ton containers the City requires, ensuring product availability and in the volume for water treatment disinfection at the City's 12 million per gallon a day rated water treatment facility.

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

1. Performance competition is not available for the purchase of chlorine as it is required by the City.
2. JCI Jones Chemicals, Inc. is the only supplier who can provide chlorine as it is required by the City.
3. The City Council approves the purchase of chlorine for the water treatment plant from JCI Jones Chemicals, Inc.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of August, 2024.

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

D. Resolution Authorizing Sale of Stock – *Angela S. Beeker, City Attorney*

Resolution #R-24-66

RESOLUTION AUTHORIZING THE SALE OF STOCK

WHEREAS, the City currently holds shares of Duke Power stock bequeathed to the City of Hendersonville Police Department; and

WHEREAS, the City currently holds additional shares of Duke Power stock bequeathed to the City of Hendersonville Police Department – Police K9 Unit; and

WHEREAS, the City is not authorized to hold shares of stock as an investment;

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

1. The Finance Director is authorized to sell all shares of Duke Power stock held in the name of City of Hendersonville Police Department and City of Hendersonville – Police K9 Unit.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of August, 2024.

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

E. Amendment No. 2 to Engineering Services Contract to Support the Fleetwood Water Improvements Project– *Devin Owen, Utilities Engineer*

Resolution #R-24-67

RESOLUTION BY THE CITY OF HENDERSONVILLE TO EXECUTE AMENDMENT NUMBER TWO FOR ENGINEERING SERVICES TO SUPPORT THE FLEETWOOD WATER IMPROVEMENTS PROJECT AND AUTHORIZE THE CITY MANAGER OR APPROVED REPRESENTATIVE TO ENTER INTO AN AGREEEMENT FOR ENGINEERING SERVICES TO SUPPORT THE FLEETWOOD WATER IMPROVEMENTS PROJECT.

WHEREAS, the Fleetwood Water Improvements generally consist of installation of approximately 800 feet of 12-inch, 900 feet of 8-inch water main and retrofit or replacement of an aging and undersized hydropneumatic pump station with a dual domestic and high-service pumping station. After completion of the project, the Fleetwood Community in Laurel Park will have sufficient flow for fire protection; and

WHEREAS, City Council selected Summit Engineering Group as the best qualified engineering services provider for this project in March 2022. Due to a higher level of construction administration services than anticipated by the engineering services provider, an additional budget amendment is requested to effectively manage the Construction of this project by the Summit Engineering Group.

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

1. The City Manager or authorized representative is authorized to execute Amendment Number Two for engineering services to support the Fleetwood Water Improvements Project.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of August, 2024.

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

F. August 2024 Budget Amendments – *Adam Murr, Budget & Evaluation Director*

TO MAYOR & COUNCIL **FISCAL YEAR 2025**
APPROVAL: August 01, 2024 **FORM: 08012024-01**

BUDGET AMENDMENT

FUND 010

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-460120	Refunds/Rebates	19,000	11,175	-	30,175
010-1002-523001	Utilities - Electricity	460,000	11,175	-	471,175
FUND 010	TOTAL REVENUES	19,000	11,175	-	30,175
	TOTAL EXPENDITURES	460,000	11,175	-	471,175

An amendment reflecting the receipt of a Duke Energy rebate for building automation system and energy improvements related to the City Hall HVAC system.

The City Manager and City Clerk certify budget ordinance amendment 08012024-01 was approved by City Council on August 01, 2024.

TO MAYOR & COUNCIL **FISCAL YEAR 2025**
APPROVAL: August 01, 2024 **FORM: 08012024-02**

BUDGET AMENDMENT

FUND 010

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470050	Sale of Capital Assets	-	85,000	-	85,000
010-0000-534999	Contigency	-	85,000	-	85,000
FUND 010	TOTAL REVENUES	-	85,000	-	85,000
	TOTAL EXPENDITURES	-	85,000	-	85,000

An FY25 amendment reflecting a $85k increase in Sale of Capital Assets in 010 for the sale of the Street Sweeper purchased in 2011.

The City Manager and City Clerk certify budget ordinance amendment 08012024-02 was approved by City Council on August 01, 2024.

TO MAYOR & COUNCIL **FISCAL YEAR 2025**
APPROVAL: August 01, 2024 **FORM: 08012024-03**

BUDGET AMENDMENT

FUND 410

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470900	Fund Balance Appropriated - FY25	-	100,000	-	100,000
010-0000-598901	Transfer Out (to 410, #19019)	-	100,000	-	100,000
FUND 410	TOTAL REVENUES	-	100,000	-	-
(Fire Station #1)	TOTAL EXPENDITURES	-	100,000	-	-
410-0000-470100-19019	Transfer In (from 010)	415,529	188,104	-	603,633
410-0000-420050-19019	Grant Revenue (Stormwater)	70,000	-	-	70,000
410-0000-470010-19019	Bond Proceeds (2022 IFC)	13,587,606	-	-	13,587,606
410-1002-550102-19019	Capital Outlay - Services and Fees	-	-	-	-
410-1002-550103-19019	Capital Outlay - CIP	14,073,135	188,104	-	14,261,239
FUND 410	TOTAL REVENUES	14,073,135	188,104	-	14,261,239
(Fire Station #1)	TOTAL EXPENDITURES	14,073,135	188,104	-	14,261,239
410-0000-470010-19019	Bond Proceeds (2022 IFC)	652,204	-	88,104	564,100
410-1002-550103-19019	Capital Outlay - CIP	652,204	-	88,104	564,100
FUND 410	TOTAL REVENUES	652,204	-	-	564,100
(Temp. Fire Station)	TOTAL EXPENDITURES	652,204	-	-	564,100
410-0000-460090-21019	Contribution (Henderson County)	100,000	250,000	-	350,000
410-0000-460090-21019	Contribution (Other Agencies)	17,500	-	-	17,500
410-0000-470010-21019	Bond Proceeds (2022 IFC)	2,262,190	-	-	2,262,190
410-0000-470100-21019	Transfer In (From 010)	75,000	-	-	75,000
410-1002-550103-21019	Capital Outlay - CIP	2,454,690	250,000	-	2,704,690
FUND 410	TOTAL REVENUES	2,454,690	250,000	-	2,704,690
(Edwards Park)	TOTAL EXPENDITURES	2,454,690	250,000	-	2,704,690
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)	**19,830,029**
Total Project Appropriation (19019, 19020, 19021, and 21019)	**19,830,029**

A budget amendment to tie-out the fire station 1 (#19019) and edwards park (#21019) projects following reconciliation of the projects for change orders.

The City Manager and City Clerk certify budget ordinance amendment 08012024-03 was approved by City Council on August 01, 2024.

TO MAYOR & COUNCIL
APPROVAL: August 01, 2024

FISCAL YEAR 2025
FORM: 08012024-04

BUDGET AMENDMENT

FUND 410

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
410-0000-470010-21042	Debt Proceeds	53,401	-	41,039	12,362
410-1014-550102-21042	Capital Outlay- Fees and Services	53,401	-	41,039	12,362
FUND 410	TOTAL REVENUES	53,401	-	41,039	12,362
NCDOT Blythe St. #21042	TOTAL EXPENDITURES	53,401	-	41,039	12,362
410-0000-470010-21043	Debt Proceeds	54,700	41,039	-	95,739
410-1014-550102-21043	Capital Outlay- Fees and Services	54,700	41,039	-	95,739
FUND 410	TOTAL REVENUES	54,700	41,039	-	95,739
NCDOT Grove St. #21043	TOTAL EXPENDITURES	54,700	41,039	-	95,739

An amendment decreasing the NCDOT Blythe St. Improvement Project, #21042 by $41,039 to reflect an indefinite delay in the project. The Blythe budget reduction will be used to increase the NCDOT Grove St. Improvement Project, #21043 by $41,039 for pre-construction activities (design and survey). A construction amendment for the Grove St. project is anticipated in late 2024/early 2025.

The City Manager and City Clerk certify budget ordinance amendment 08012024-04 was approved by City Council on August 01, 2024.

TO MAYOR & COUNCIL
APPROVAL: August 01, 2024

FISCAL YEAR 2025
FORM: 08012024-05

BUDGET AMENDMENT

FUND 060 | 067 | 410 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-0000-470020	Bond Proceeds (2023 IFC)	4,016,000	-	-	4,016,000
060-0000-470900	Fund Balance Appropriated	-	10,000	-	10,000
060-0000-598901	Transfer Out (to 410, #21017)	4,016,000	10,000	-	4,026,000
FUND 060	TOTAL REVENUES	4,016,000	10,000	-	4,026,000
	TOTAL EXPENDITURES	4,016,000	10,000	-	4,026,000
067-0000-470020	Bond Proceeds (2023 IFC)	377,000	-	-	377,000
067-0000-598901	Transfer Out (to 410, #21017)	377,000	-	-	377,000
FUND 067	TOTAL REVENUES	377,000	-	-	377,000
	TOTAL EXPENDITURES	377,000	-	-	377,000
410-0000-470010-21017	Debt Proceeds (2023 IFC)	2,032,000	-	-	2,032,000
410-0000-470100-21017	Transfer In (from 060 & 067, FY23)	4,393,000	-	-	4,393,000
410-0000-470100-21017	Transfer In (from 060 FY24)	-	10,000	-	10,000
410-1002-550103-21017	Capital Outlay - CIP	5,162,500	108,500	-	5,271,000
410-1002-560900-21017	Cost of Issuance	80,000	-	-	80,000
410-1002-598901-21017	Transfer Out (to #23021)	150,000	-	60,000	90,000
410-1002-598901-21017	Transfer Out (to #23022)	1,032,500	-	38,500	994,000
FUND 410 #21017	TOTAL REVENUES	6,425,000	10,000	-	6,435,000
City Hall & Ops Imprv.	TOTAL EXPENDITURES	6,425,000	108,500	98,500	6,435,000
410-0000-470100-23021	Transfer In (from #21017)	150,000	-	60,000	90,000
410-1002-550103-23021	Capital Outlay - CIP	150,000	-	60,000	90,000
FUND 410 #23021	TOTAL REVENUES	150,000	-	60,000	90,000
City Hall 3rd Floor	TOTAL EXPENDITURES	150,000	-	60,000	90,000
410-0000-470100-23022	Transfer In (from #21017)	1,032,500	-	38,500	994,000
410-1002-550103-23022	Capital Outlay - CIP	1,032,500	-	38,500	994,000
FUND 410 #23022	TOTAL REVENUES	1,032,500	-	38,500	994,000
City Hall Ext. Phase II	TOTAL EXPENDITURES	1,032,500	-	38,500	994,000

An amendment to the 2023 installment financing projects, City Hall and Operations Improvements, City Hall 3rd Floor Improvements, and City Hall Exterior Phase II Improvements. The amendment transfers a total of $98,500 from the City Hall and Operations project to the City Hall 3rd Floor Improvement project (+$60,000) and the City Hall Exerior Phase II project (+$38,500).

The City Manager and City Clerk certify budget ordinance amendment 08012024-05 was approved by City Council on August 01, 2024.

460-0000-470010-19025	Debt Proceeds ('22 Revenue Bond)	750,000	-	-	750,000
460-7055-550103-19025	Capital Outlay - CIP	750,000	-	10,550	739,450
460-0000-598901-19025	Transfer Out (to 460, #23018)	-	10,550	-	10,550
FUND 460	TOTAL REVENUES	750,000	-	-	750,000
Ewart Hill, #19025	TOTAL EXPENDITURES	750,000	10,550	10,550	750,000
460-0000-470100-23018	Transfer In (from 459)	135,000	-	69,500	65,500
460-0000-470100-23018	Transfer In (from 460, #18014)	-	8,465	-	8,465
460-0000-470100-23018	Transfer In (from 460, #19025)	-	10,550	-	10,550
460-0000-470100-23018	Transfer In (from 460, #18014)	-	50,485	-	50,485
460-7055-550103-23018	Capital Outlay - CIP	135,000	-	-	135,000
FUND 460	TOTAL REVENUES	135,000	69,500	69,500	135,000
Somersby Park, #23018	TOTAL EXPENDITURES	135,000	-	-	135,000
460-0000-470100-23019	Transfer In (from 459)	110,000	-	96,440	13,560
460-0000-470100-23019	Transfer In (from 460, #19010)	-	44,882	-	44,882
460-0000-470100-23019	Transfer In (from 460, #17141)	-	51,558	-	51,558
460-7055-550103-23019	Capital Outlay - CIP	110,000	-	-	110,000
FUND 460	TOTAL REVENUES	110,000	96,440	96,440	110,000
WWTP Thickener, #23019	TOTAL EXPENDITURES	110,000	-	-	110,000
460-0000-470100-21012	Debt Proceeds ('23 Revenue Bond)	1,557,917	-	-	1,557,917
460-0000-470100-21012	Transfer In (from 460, #17141)	-	35,000	-	35,000
460-7055-550103-21012	Capital Outlay - CIP	1,557,917	35,000	-	1,592,917
FUND 460	TOTAL REVENUES	1,557,917	35,000	-	1,592,917
Fleetwood, #21012	TOTAL EXPENDITURES	1,557,917	35,000	-	1,592,917

An amendment to Water and Sewer Capital Project Ordinances: 17141,18014, 19010, and 19025. These projects budgets will be decreased to reflect project completion. Remaining bond funds are to be transferred into Water and Sewer Capital Project Ordinances: 21012, 23018, and 23019. The transfer will allow the City to leverage prior revenue bond funds on ongoing projects.

The City Manager and City Clerk certify budget ordinance amendment 08012024-06 was approved by City Council on August 01, 2024.

TO MAYOR & COUNCIL
APPROVAL: August 01, 2024

FISCAL YEAR 2025
FORM: 08012024-06

BUDGET AMENDMENT

FUND 459 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470900	Fund Balance Appropriated	135,000	-	69,500	65,500
459-0000-470900	Fund Balance Appropriated	110,000	-	96,440	13,560
459-0000-598901	Transfer Out (to 460, #23018)	135,000	-	69,500	65,500
459-0000-598901	Transfer Out (to 460, #23019)	110,000	-	96,440	13,560
FUND 459	TOTAL REVENUES	245,000	-	165,940	79,060
WS CRF	TOTAL EXPENDITURES	245,000	-	165,940	79,060
460-0000-470010-17141	Debt Proceeds ('23 Revenue Bond)	3,134,054	-	-	3,134,054
460-0000-450001-17141	Interest Income ('23 Revenue Bond Interest)	-	181,725	-	181,725
460-7150-550103-17141	Capital Outlay - CIP	3,134,054	-	-	3,134,054
460-0000-598901-17141	Transfer Out (to 460, #23019)	-	51,558	-	51,558
460-0000-598901-17141	Transfer Out (to 460, #21012)	-	35,000	-	35,000
FUND 460	TOTAL REVENUES	3,134,054	181,725	-	3,315,779
NCDOT I-26, #17141	TOTAL EXPENDITURES	3,134,054	86,558	-	3,220,612
460-0000-470010-18014	Debt Proceeds ('23 Revenue Bond)	1,000,000	-	-	1,000,000
460-7150-550103-18014	Capital Outlay - CIP	1,000,000	-	8,465	991,535
460-0000-598901-18014	Transfer Out (to 460, #23018)	-	8,465	-	8,465
FUND 460	TOTAL REVENUES	1,000,000	-	-	1,000,000
LongJohn/Apex, #18014	TOTAL EXPENDITURES	1,000,000	8,465	8,465	1,000,000
460-0000-470010-19010	Debt Proceeds ('23 Revenue Bond)	1,103,929	-	-	1,103,929
460-7150-550103-19010	Capital Outlay - CIP	1,103,929	-	95,367	1,008,562
460-0000-598901-19010	Transfer Out (to 460, #23018)	-	50,485	-	50,485
460-0000-598901-19010	Transfer Out (to 460, #23019)	-	44,882	-	44,882
FUND 460	TOTAL REVENUES	1,103,929	-	-	1,103,929
North Fork, #19010	TOTAL EXPENDITURES	1,103,929	95,367	95,367	1,103,929

G. Budget Amendments End-of-Year FY24 – *Jennifer Floyd, Budget & Management Analyst*

Fund 010

TO MAYOR & COUNCIL
APPROVAL: August 01, 2024

FISCAL YEAR 2024
FORM: 08012024-07

BUDGET AMENDMENT

FUND 010

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-400101	Ad Valorem Taxes	(13,300,000)	(486,400)	-	(13,786,400)
010-0000-400102	Prior Years Ad Valorem Taxes	(85,931)	(10,000)	-	(95,931)
010-0000-400103	Prior Years Ad Valorem Taxes - Collected by COH	-	(4,340)	-	(4,340)
010-0000-400150	Tax - Interest	(27,163)	(20,000)	-	(47,163)
010-0000-420003	SRO Reimbursement	(249,920)	(88,000)	-	(337,920)
010-0000-420051	Local/Private Grant Revenue	-	(50,000)	-	(50,000)
010-0000-430008	Facility Rental Income	(15,000)	(8,660)	-	(23,660)
010-0000-440004	Fire Inspection Fees	(215,250)	(34,000)	-	(249,250)
010-0000-450001	Interest Income	(175,000)	(69,000)	-	(244,000)
010-0000-470030	Insurance Proceeds	(13,368)	(94,600)	-	(107,968)
010-0000-400110	Ad Valorem Taxes - DMV	(840,000)	(145,000)		(985,000)
010-0000-410110	ABC Revenues	(330,000)	(100,000)		(430,000)
010-0000-410300	Electricity Utility Tax	(975,000)	(125,000)		(1,100,000)
010-0000-410303	Natural Gas Utility Tax	(81,000)	(12,000)		(93,000)
010-0000-410001	Local Sales & Use Tax	(5,914,000)	-	(134,000)	(5,780,000)
010-0000-598901	Transfer Out (to 468 and 080)	694,700	113,000	-	807,700
010-0900-560001	Debt Principal	2,581,670	294,560	-	2,876,230
010-0900-560010	Debt Principal GASB 87 - Leases	-	34,400	-	34,400
010-0900-560011	Debt Principal GASB 96 - Subscriptions	-	93,300	-	93,300
010-0900-560500	Debt Interest	997,043	164,000	-	1,161,043
010-0900-560510	Debt Interest GASB 87 - Leases	-	3,900	-	3,900
010-0900-560511	Debt Interest GASB 96 - Subscriptions	-	4,100	-	4,100
010-1001-540001	Special Appropriations	306,709	5,130	-	311,839
010-1002-501001	Salaries - Regular	584,182	600	-	584,782
010-1002-502091	Worker's Comp Ins	2,299	17,000	-	19,299
010-1002-519200	Contract Services	106,000	100,000	-	206,000
010-1002-523001	Utilities - Electricity	400,000	60,000	-	460,000
010-1005-501001	Salaries - Regular	132,457	3,000	-	135,457
010-1008-501001	Salaries - Regular	268,005	6,000	-	274,005
010-1008-502050	Retirement Expense	35,749	715	-	36,464
010-1010-501001	Salaries - Regular	42,312	2,850	-	45,162
010-1010-502001	Fica Tax Expense	3,288	170	-	3,458
010-1010-502050	Retirement Expense	5,496	110	-	5,606
010-1010-519200	Contract Services	343,056	25,000	-	368,056
010-1010-531210	Permits, License And Fees	211,299	20,000	-	231,299
010-1014-501001	Salaries - Regular	312,514	15,000	-	327,514

010-1014-502001	Fica Tax Expense	23,963	730	-	24,693
010-1014-502050	Retirement Expense	41,088	1,300	-	42,388
010-1014-502056	COH Match Retirement Expense	3,910	170	-	4,080
010-1014-519104	Prof Services-Engring	5,300	40,000	-	45,300
010-1300-501001	Salaries - Regular	3,603,059	6,000	-	3,609,059
010-1300-501004	Salaries - Seperation	110,285	2,600	-	112,885
010-1300-502091	Worker's Comp Ins	51,464	10,500	-	61,964
010-1300-554002	Capital Outlay - Vehicles	-	30,000	-	30,000
010-1300-557001	Capital Outlay - Leases/Subscriptions - GASB 87 & 96	114,000	-	38,640	75,360
010-1400-501002	Salaries - Board/ Part Time/Temp/Aux	42,818	20,000	-	62,818
010-1400-502091	Worker's Comp Ins	33,017	4,600	-	37,617
010-1502-501001	Salaries - Regular	352,929	6,000	-	358,929
010-1502-502050	Retirement Expense	45,952	165	-	46,117
010-1502-502056	COH Match Retirement Expense	4,000	1,070	-	5,070
010-1521-501001	Salaries - Regular	209,200	3,000	-	212,200
010-1521-502091	Worker's Comp Ins	5,665	400	-	6,065
010-1523-501002	Salaries - Board/ Part Time/Temp/Aux	4,000	3,000	-	7,000
010-1523-521020	Janitorial Supplies	12,600	2,500	-	15,100
010-1525-501012	Salaries - Standby Pay	-	260	-	260
010-1525-502056	COH Match Retirement Expense	1,625	380	-	2,005
010-1525-502091	Worker's Comp Ins	4,437	370	-	4,807
010-1555-501001	Salaries - Regular	410,170	45,000	-	455,170
010-1555-502001	Fica Tax Expense	33,913	1,100	-	35,013
010-1555-502005	Group Med & Life Ins	83,384	4,700	-	88,084
010-1555-502050	Retirement Expense	56,964	2,500	-	59,464
010-1560-502005	Group Med & Life Ins	36,848	1,050	-	37,898
010-1560-502050	Retirement Expense	22,497	750	-	23,247
010-1560-502056	COH Match Retirement Expense	895	660	-	1,555
FUND 010	TOTAL REVENUES	(22,221,632)	(1,247,000)	(134,000)	(23,334,632)
	TOTAL EXPENDITURES	12,340,764	1,151,640	38,640	13,453,764

A budget amendment in the General Fund to increase revenues and expenditure accounts where appropriate as the City approaches end-ofyear. Increased funds will be used for priortiy items within the General Fund Fund including salaries, benefits, and operating expenditures.

The City Manager and City Clerk certify budget ordinance amendment 08012024-07 was approved by City Council on August 01, 2024.

Fund 020

TO MAYOR & COUNCIL **FISCAL YEAR 2024**
APPROVAL: August 01, 2024 **FORM: 08012024-08**

BUDGET AMENDMENT

FUND 020

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
020-0000-400101	Ad Valorem Taxes	(288,000)	(8,300)	-	(296,300)
020-0000-450001	Interest Income	(1,539)	(3,600)	-	(5,139)
020-0000-460040	Special Events - Nontaxable	(19,500)	(12,000)	-	(31,500)
020-0000-410001	Local Sales & Use Tax	(314,000)	-	(6,600)	(307,400)
020-1523-501010	Salaries - Overtime	80	75	-	155
020-1525-501001	Salaries - Regular	21,237	700	-	21,937
020-1525-501012	Salaries - Standby Pay	-	20	-	20
020-1525-502001	Fica Tax Expense	1,632	50	-	1,682
020-1525-502050	Retirement Expense	2,742	60	-	2,802
020-1525-502056	COH Match Retirement Expense	95	20	-	115
020-1560-502005	Group Med & Life Ins	1,745	130	-	1,875
020-1560-502056	COH Match Retirement Expense	55	25	-	80
020-2102-502056	COH Match Retirement Expense	1,930	370	-	2,300
020-2102-523001	Utilities - Electricity	40,000	12,000	-	52,000
020-2102-523003	Utilities - Telephone & Internet	2,500	700	-	3,200
020-2102-524010	R & M - Bulidings	300	270	-	570
020-2102-524030	R & M - Trucks	-	650	-	650
020-2102-531220	Travel	3,500	900	-	4,400
020-2102-531230	Tax Billing	1,500	90	-	1,590
020-2102-532105	Incentive Program	-	20,000	-	20,000
020-2102-519104	Prof Services-Engring	3,500	-		3,500
020-2102-521001	Supplies & Materials	32,715	-	13,360	19,355
020-2102-534000	Non-Capital Equipment	55,776	-	5,400	50,376
FUND 301	TOTAL REVENUES	(623,039)	(23,900)	(6,600)	(640,339)
	TOTAL EXPENDITURES	169,307	36,060	18,760	186,607

A budget amendment in the Downtown Fund to increase revenues and expenditure accounts where appropriate as the City approaches end-of-year. Increased funds will be used for priortiy items within the Downtown Fund including salaries, benefits, and operating expenditures.

The City Manager and City Clerk certify budget ordinance amendment 08012024-08 was approved by City Council on August 01, 2024.

Fund 021

TO MAYOR & COUNCIL **FISCAL YEAR 2024**
APPROVAL: August 01, 2024 **FORM: 08012024-09**

BUDGET AMENDMENT

FUND 021

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
021-0000-400101	Ad Valorem Taxes	(46,900)	(1,800)	-	(48,700)
021-0000-450001	Interest Income	(3,490)	(3,300)		(6,790)
021-0000-410002	Local Sales & Use Tax	(50,456)	-	(510)	(49,946)
021-1525-501001	Salaries - Regular	5,368	500		5,868
021-1525-501002	Salaries - Board/ Part Time/Temp/Aux	110	115		225
021-1560-501012	Salaries - Standby Pay	187	200		387
021-2202-502056	COH Match Retirement Expense	555	200	-	755
021-2202-531230	Tax Billing	350	120	-	470
021-2202-532299	Miscellaneous Program Expenditures	-	3,455	-	3,455
FUND 021	TOTAL REVENUES	(100,846)	(5,100)	(510)	(105,436)
	TOTAL EXPENDITURES	6,570	4,590	-	11,160

A budget amendment in the 7th Avenue Fund to increase revenues and expenditure accounts where appropriate as the City approaches end-of-year. Increased funds will be used for priortiy items within the 7th Avenue Fund including salaries, benefits, and operating expenditures.

The City Manager and City Clerk certify budget ordinance amendment 08012024-09 was approved by City Council on August 01, 2024.

Fund 060

TO MAYOR & COUNCIL **FISCAL YEAR 2024**
APPROVAL: August 01, 2024 **FORM: 08012024-10**

BUDGET AMENDMENT

FUND 060

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-0000-430701	Sewer Charges	(6,600,000)	(650,000)	-	(7,250,000)
060-0000-430702	Sewer Septic Tank Disposal	(150,000)	(74,000)	-	(224,000)
060-0000-431001	Lease Revenue	(10,400)	(12,000)	-	(22,400)
060-0000-444102	W&S Inspection Line Fees	(69,200)	(75,000)	-	(144,200)
060-0000-444201	Water Sewer Late Fees	(150,000)	(40,550)	-	(190,550)
060-0000-444202	Disconnect/Reconnect Admin Fee	(70,500)	(16,000)	-	(86,500)
060-0000-445201	Utility Billing Service Charges	(67,000)	(366,510)	-	(433,510)
060-0000-445202	Sewer Surcharges	(96,850)	(85,000)	-	(181,850)
060-0000-445401	Water Tap Fees	(302,500)	(120,000)	-	(422,500)
060-0000-445402	Sewer Tap Fees	(64,800)	(9,000)	-	(73,800)
060-0000-450001	Interest Income	(72,000)	(170,000)		(242,000)
060-0000-460001	Miscellaneous Income	(25,000)	(22,000)	-	(47,000)
060-0000-460120	Refunds	(15,000)	(3,700)	-	(18,700)
060-0000-460130	Warranty Fees - Service Partners	(11,000)	(5,500)	-	(16,500)
060-0000-470025	Lease & Subscription Debt Proceeds GASB 87 & 96	-	(4,940)	-	(4,940)
060-0000-470030	Insurance Proceeds	(2,060)	(2,500)	-	(4,560)
060-0000-470050	Sale Of Capital Assets	(62,000)	(26,000)	-	(88,000)
060-0000-430501	Water Sales General	(16,200,000)	-	(450,000)	(15,750,000)
060-0000-444001	Water Permits & Fees	(95,000)	-	(84,000)	(11,000)
060-0000-598901	Transfer Out (to 080)	839,000	64,000	-	903,000
060-900-560010	Debt Principal GASB 87 - Leases	-	13,000	-	13,000
060-900-560011	Debt Principal GASB 96 - Subscriptions	-	107,100	-	107,100
060-900-560510	Debt Interest GASB 87 - Leases	-	1,550	-	1,550
060-900-560511	Debt Interest GASB 96 - Subscriptions	-	8,750	-	8,750
060-1002-501001	Salaries - Regular	567,369	8,000	-	575,369
060-1002-502056	COH Match Retirement Expense	8,876	215	-	9,091
060-1002-519200	Contracted Services	-	65,325	-	65,325
060-1008-531260	Credit Card Processing Fees	115,000	29,000	-	144,000
060-1010-501001	Salaries - Regular	182,682	1,350	-	184,032
060-1010-519200	Contract Services	351,000	40,500	-	391,500
060-1014-501001	Salaries - Regular	723,431	30,000	-	753,431
060-1014-502001	Fica Tax Expense	54,653	1,680	-	56,333
060-1014-502050	Retirement Expense	94,820	2,600	-	97,420
060-1014-502056	COH Match Retirement Expense	9,016	450	-	9,466
060-1521-501001	Salaries - Regular	126,543	5,000	-	131,543
060-1521-501025	Salaries - Uniform/Taxab	1,750	675	-	2,425
060-7002-519200	Contract Services	76,300	3,000	-	79,300
060-7002-524030	R & M - Trucks	2,500	150	-	2,650
060-7002-531265	Drug Testing	1,600	320	-	1,920
060-7002-523001	Utilities - Electricity	896,000	210,000	-	1,106,000
060-7002-521020	Janitorial Supplies	11,000	2,000	-	13,000
060-7002-531205	Advertising	1,000	300	-	1,300
060-7002-531280	Employee Events	6,000	300	-	6,300
060-7032-501002	Salaries - Board/ Part Time/Temp/Aux	32,859	970	-	33,829
060-7032-524020	R & M - Equipment	100,000	60,000	-	160,000
060-7035-501001	Salaries - Regular	716,316	20,000	-	736,316
060-7035-501025	Salaries - Uniform/Taxab	-	1,350	-	1,350
060-7035-502050	Retirement Expense	94,119	1,950	-	96,069
060-7035-502055	Retiree Insurance	26,464	710	-	27,174
060-7035-519205	Sludge Management	220,000	14,500	-	234,500
060-7035-521020	Janitorial Supplies	2,600	160	-	2,760
060-7035-521030	Medical	-	80	-	80
060-7035-522001	Chemicals	626,600	72,400	-	699,000
060-7050-501011	Salaries - Holiday Pay	-	150	-	150
060-7050-502056	COH Match Retirement Expense	3,072	300	-	3,372
060-7055-501001	Salaries - Regular	1,283,004	40,000	-	1,323,004
060-7055-502050	Retirement Expense	174,359	800	-	175,159
060-7055-502056	COH Match Retirement Expense	8,935	360	-	9,295
060-7055-524030	R & M - Trucks	55,000	21,500	-	76,500
060-7055-524060	R & M - Lines	362,500	100,000	-	462,500
060-7055-555002	Capital Outlay - Lines	162,500	200,000	-	362,500
060-7132-501002	Salaries - Board/ Part Time/Temp/Aux	15,923	750	-	16,673
060-7132-524030	R & M - Trucks	400	170	-	570
060-7135-519104	Prof Services-Engring	400	200	-	600
060-7135-521050	Laboratory Supplies	23,000	2,300	-	25,300
060-7150-501011	Salaries - Holiday Pay	-	75	-	75
060-7150-502050	Retirement Expense	28,942	210	-	29,152
060-7150-502056	COH Match Retirement Expense	1,778	150	-	1,928
060-7155-501001	Salaries - Regular	633,191	13,500	-	646,691
060-7155-502050	Retirement Expense	85,639	675	-	86,314
060-7155-502056	COH Match Retirement Expense	4,405	175	-	4,580
FUND 060	TOTAL REVENUES	(24,063,310)	(1,682,700)	(534,000)	(25,212,010)
	TOTAL EXPENDITURES	8,730,546	1,148,700	-	9,879,246

A budget amendment in the Water and Sewer Fund to increase revenues and expenditure accounts where appropriate as the City approaches end-of-year. Increased funds will be used for priortiy items within the Water and Sewer Fund including salaries, benefits, and operating expenditures.

The City Manager and City Clerk certify budget ordinance amendment 08012024-10 was approved by City Council on August 01, 2024.

Fund 064

TO MAYOR & COUNCIL
APPROVAL: August 01, 2024

FISCAL YEAR 2024
FORM: 08012024-11

BUDGET AMENDMENT

FUND 064

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
064-0000-430004	Monthly Parking Revenues	(180,000)	(22,000)	-	(202,000)
064-0000-430011	Parking Garage Revenues	(150,000)	(15,000)	-	(165,000)
064-0000-450001	Interest Income	(2,000)	(1,500)	-	(3,500)
064-1300-501001	Salaries - Regular	92,245	1,250	-	93,495
064-1300-502005	Group Med & Life Ins	15,581	4,250		19,831
064-1502-501001	Salaries - Regular	7,676		7,000	676
064-1560-501010	Salaries - Overtime	-	800	-	800
064-1560-501012	Salaries - Standby Pay	-	2,800	-	2,800
064-1560-501025	Salaries - Uniform/Taxab	-	100	-	100
064-1560-502056	COH Match Retirement Expense	155	130	-	285
064-1560-501001	Salaries - Regular	35,656		1,780	33,876
064-1560-501010	Salaries - Overtime	798	820	-	1,618
064-1560-501012	Salaries - Standby Pay	2,753	2,850	-	5,603
064-1560-501025	Salaries - Uniform/Taxab	88	100	-	188
064-1560-502056	COH Match Retirement Expense	279	130	-	409
064-7455-519102	Prof Services-Legal	1,386		-	1,386
064-7455-521001	Supplies & Materials	19,382		5,000	14,382
064-7455-523001	Utilities - Electricity	9,258	4,750		14,008
064-7455-524010	R & M - Bulidings	14,499		9,000	5,499
064-7455-524020	R & M - Equipment	1,190	1,200		2,390
064-7455-531210	Permits, License And Fees	97,358	33,300		130,658
064-7455-531255	Bank Service Charges	172	200		372
064-7455-531700	Liab & Prop Ins & Bonds	10,649	8,600		19,249

FUND 064	TOTAL REVENUES	(332,000)	(38,500)	-	(370,500)
	TOTAL EXPENDITURES	309,124	61,280	22,780	347,624

A budget amendment in the Parking Fund to increase revenues and expenditure accounts where appropriate as the City approaches end-of -year. Increased funds will be used for priortiy items within the Parking Fund including salaries, benefits, and operating expenditures.

The City Manager and City Clerk certify budget ordinance amendment 08012024-11 was approved by City Council on August 01, 2024.

Fund 067

TO MAYOR & COUNCIL
APPROVAL: August 01, 2024

FISCAL YEAR 2024
FORM: 08012024-12

BUDGET AMENDMENT

FUND 067

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
067-0000-447000	Stormwater Permits	(1,000)	(1,000)	-	(2,000)
067-0000-450001	Interest Income	(50)	(1,300)	-	(1,350)
067-0000-460120	Refunds	-	(225)	-	(225)
067-1014-501001	Salaries - Regular	39,361.32	-	2,300	37,061
067-1014-502056	COH Match Retirement Expense	150	345	-	495
067-1502-501001	Salaries - Regular	19,291	300	-	19,591
067-1502-501025	Salaries - Uniform/Taxab	-	120	-	120
067-1502-502005	Group Med & Life Ins	2,051	1,110	-	3,161
067-1525-501001	Salaries - Regular	132,727	4,300	-	137,027
067-1525-501002	Salaries - Board/ Part Time/Temp/Aux	-	2,800	-	2,800
067-1525-501010	Salaries - Overtime	-	505	-	505
067-1525-501012	Salaries - Standby Pay	-	100	-	100
067-1525-501014	Salaries - Shift Diff	-	170	-	170
067-1525-501025	Salaries - Uniform/Taxab	-	415	-	415
067-1525-502001	Fica Tax Expense	10,202	350	-	10,552
067-1525-502005	Group Med & Life Ins	27,589	2,070	-	29,659
067-1525-502050	Retirement Expense	17,136	400	-	17,536
067-1525-502056	COH Match Retirement Expense	600	120	-	720
067-1555-501010	Salaries - Overtime	-	140	-	140
067-1555-501012	Salaries - Standby Pay	-	6,550	-	6,550
067-1555-501025	Salaries - Uniform/Taxab	-	510	-	510
067-1555-502056	COH Match Retirement Expense	1,300	490	-	1,790
067-7555-501001	Salaries - Regular	155,049	10,700	-	165,749

067-7555-501002	Salaries - Board/ Part Time/Temp/Aux	-	70	-	70
067-7555-501014	Salaries - Shift Diff	-	10	-	10
067-7555-501025	Salaries - Uniform/Taxab	-	50	-	50
067-7555-502001	Fica Tax Expense	11,861	900	-	12,761
067-7555-502005	Group Med & Life Ins	16,410	2,200	-	18,610
067-7555-502050	Retirement Expense	19,924	1,600	-	21,524
067-7555-502056	COH Match Retirement Expense	2,600	500	-	3,100
067-7555-519102	Prof Services-Legal	-	100	-	100
067-7555-519104	Prof Services-Engring	40,000		3,800	36,200
067-7555-521001	Supplies & Materials	7,500		3,900	3,600
067-7555-521010	Office Supplies	1,500		1,350	150
067-7555-521040	Construction & Repair Supplies	42,500		22,240	20,260
067-7555-521060	Educational Supplies	3,000		410	2,590
067-7555-524030	R & M - Trucks	240	2,400		2,640
067-7555-531200	Postage	3,000		2,800	200
FUND 067	TOTAL REVENUES	(1,050)	(2,525)	-	(3,575)
	TOTAL EXPENDITURES	553,991	39,325	36,800	556,516

A budget amendment in the Stormwater Fund to increase revenues and expenditure accounts where appropriate as the City approaches end-of-year. Increased funds will be used for priortiy items within the Stormwater Fund including salaries, benefits, and operating expenditures.

The City Manager and City Clerk certify budget ordinance amendment 08012024-12 was approved by City Council on August 01, 2024.

Fund 068

TO MAYOR & COUNCIL
APPROVAL: August 01, 2024

FISCAL YEAR 2024
FORM: 08012024-13

BUDGET AMENDMENT

FUND 068

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
068-0000-430803	Solid Waste Disposal Tax	(3,300)	(6,400)	-	(9,700)
068-0000-450001	Interest Income	(300)	(220)	-	(520)
068-0000-460001	Miscellaneous Income	(500)	(250)	-	(750)
068-0000-598901	Transfer Out (to 080)	-	700	-	700
068-1502-501010	Salaries - Overtime	1,600		770	830
068-1502-501025	Salaries - Uniform/Taxab	500		240	260
068-1502-502005	Group Med & Life Ins	8,952	670		9,622
068-1521-501001	Salaries - Regular	35,601	2,400		38,001
068-1521-501025	Salaries - Uniform/Taxab	250	560		810
068-1521-502001	Fica Tax Expense	2,743	300		3,043
068-1521-502005	Group Med & Life Ins	7,046	100		7,146
068-1521-502050	Retirement Expense	4,708	500		5,208
068-7455-521001	Supplies & Materials	-	80	-	80
068-7855-502005	Group Med & Life Ins	119,642		9,000	110,642
068-7855-502050	Retirement Expense	82,052		3,500	78,552
068-7855-519104	Prof Services-Engring	-	220		220
068-7855-519200	Contract Services	84,400.00	5,000	-	89,400
068-7855-521001	Supplies & Materials	57,000	1,000		58,000
068-7855-521100	Uniforms	10,000		2,400	7,600
068-7855-524020	R & M - Equipment	5,400		2,300	3,100
068-7855-524030	R & M - Trucks	64,216	23,000		87,216
068-7855-531225	Training/Training	8,000	2,150		10,150
068-7855-531275	Tuition Reimbursement	6,000		2,000	4,000
068-7855-531500	Tipping Fees	260,000	5,000		265,000
068-7855-554001	Capital Outlay - Equipment/Other Than	6,150		6,000	150
068-7855-539005	Health And Welfare Expenditures	8,600.00	-	8,600	-
FUND 068	TOTAL REVENUES	(4,100)	(6,870)	-	(10,970)
	TOTAL EXPENDITURES	772,859	41,680	34,810	779,729

A budget amendment in the Environmental Services Fund to increase revenues and expenditure accounts where appropriate as the City approaches end-of-year. Increased funds will be used for priortiy items within the Environmental Services Fund including salaries, benefits, and operating expenditures.

The City Manager and City Clerk certify budget ordinance amendment 08012024-13 was approved by City Council on August 01, 2024.

Fund 010 | 060 | 068 | 080

TO MAYOR & COUNCIL
APPROVAL: August 01, 2024

FISCAL YEAR 2024
FORM: 08012024-14

BUDGET AMENDMENT

FUND 010 | 060 | 068 | 080

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
080-3101-435001	H&W Charges	293,025	127,700	-	420,725
080-0000-539006	MERP Claims - General Fund	110,400	63,000	-	173,400
080-0000-539007	MERP Claims - Water & Sewer Fund	75,500	64,000	-	139,500
080-0000-539008	MERP Claims - Env. Services Fund	8,600	700	-	9,300
FUND 080	TOTAL REVENUES	293,025	127,700	-	420,725
Health & Welfare Fund	TOTAL EXPENDITURES	194,500	127,700	-	322,200

An end-of-year FY24 amendment to cover higher than anticipated MERP claims from the General Fund, Water and Sewer Fund, and Environmental Services Funds. The amendment increases the Health and Welfare Fund (080) by $127,700 to cover the cost of the claims.

The City Manager and City Clerk certify budget ordinance amendment 08012024-14 was approved by City Council on August 01, 2024.

Fund 468

TO MAYOR & COUNCIL
APPROVAL: August 01, 2024

FISCAL YEAR 2024
FORM: 08012024-15

BUDGET AMENDMENT

FUND 468

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
468-0000-470100	Transfer In (From 010, FY24)	-	(50,000)	-	(50,000)
468-7855-554002	Capital Outlay Vehicles	-	50,000	-	50,000
FUND 468	TOTAL REVENUES	-	(50,000)	-	(50,000)
	TOTAL EXPENDITURES	-	50,000	-	50,000
An amendment increasing the budget in 468 to cover a vehicle purchase in FY24					

The City Manager and City Clerk certify budget ordinance amendment 08012024-15 was approved by City Council on August 01, 2024.

Fund 468/010

TO MAYOR & COUNCIL
APPROVAL: August 01, 2024

FISCAL YEAR 2025
FORM: 08012024-16

BUDGET AMENDMENT

FUND 468/010

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
468-0000-598901-VE025	Transfer Out (to 010)	-	50,000	-	50,000
468-7855-554002-VE025	Capital Outlay Vehicles	-		50,000	(50,000)
FUND 468	TOTAL REVENUES	-	50,000	-	50,000
	TOTAL EXPENDITURES	-	-	50,000	(50,000)
010-0000-470100	Transfer In (From 468)	-	(50,000)	-	(50,000)
010-0000-534999	Contingency	32,750	50,000	-	82,750
FUND 010	TOTAL REVENUES	-	(50,000)	-	(50,000)
	TOTAL EXPENDITURES	32,750	50,000	-	82,750
An amendment increasing the budget in 468 to cover a vehicle purchase in FY24					

The City Manager and City Clerk certify budget ordinance amendment 08012024-16 was approved by City Council on August 01, 2024.

H. Acceptance of Funding Offer for Lead Service Line Investigation and Replacement – *Adam Steurer, Utilities Director*

Resolution #R-24-68

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ACCEPT AN OFFER OF FUNDING FOR LEAD SERVICE LINE INVESTIGATION AND REPLACEMENT

WHEREAS, the Bipartisan Infrastructure Law (BIL) of 2021 and North Carolina General Statute (NCGS) 159G have authorized the making of loans to aid eligible, drinking-water system owners in financing the cost of inventorying and replacing lead service lines; and

WHEREAS, the North Carolina Department of Environmental Quality has offered a Drinking Water State Revolving Fund – Lead Service Line Replacement (DWSRF-LSLR) loan in the amount of $573,420 to conduct lead service line investigation and replacement, hereafter referred to as the "Project"; and

WHEREAS, the City of Hendersonville intends to conduct said Project in accordance with a scope of work that was approved by the North Carolina Division of Water Infrastructure.

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

1. The City of Hendersonville does hereby accept the DWSRF-LSLR loan offer in the amount of $573,420; and
2. That the City of Hendersonville does hereby give assurance to the North Carolina Department of Environmental Quality that they will adhere to all applicable items specified in the standard "Conditions" and "Assurances" of the Department's funding offer, awarded in the form of BIL DWSRF-LSLR; and
3. That John Connet, City Manager, and successors so titled, is hereby authorized and directed to furnish such information, as the appropriate State agency may request, in connection with such application or the Project; to make the Assurances as contained above; and to execute such other documents as may be required in connection with the application; and
4. That the City of Hendersonville has complied substantially or will comply substantially with all Federal, State and local laws, rules, regulations, and ordinances applicable to the Project, and to Federal and State grants and loans pertaining thereto.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of August, 2024.

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

I. Sole Source Justification and Authorization of Intent to Purchase Biosolid Thermal Dryer Equipment – *Adam Steurer, Utilities Director*

Resolution #R-24-69

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE THE SOLE-SOURCE JUSTIFICATION AND AUTHORIZATION OF INTENT TO PURCHASE BIOSOLIDS THERMAL DRYER EQUIPMENT

WHEREAS, the proposed Wastewater Treatment Facility (WWTF) Biosolids Thermal Dryer project will produce a high-quality, thermally dried product that is safe for beneficial reuse through distribution or land application.; and

WHEREAS, the thermal dryer equipment, once operational after completion of the project, will reduce the utility's current solids hauling and disposal costs and reduce the utility's vulnerability on reliance of the volatile private hauling and landfills disposal markets.

WHEREAS, NCGS 143-129(e) lists the authorized exceptions to the formal bid procedures. NCGS 143-129(e)(6) allows for purchases of apparatus, supplies, materials, or equipment to be purchasing using sole-source exception when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. The governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract; and

WHEREAS, the Basis of Design Report for the project prepared by project engineer, McKim & Creed, Inc., determined that the Model 1050 direct-fired medium-temperature belt dryer manufactured by Gryphon Environmental is the only biosolids thermal dryer equipment available that can meet the performance and compatibility criteria, and it was found to result in the lowest capital and life cycle costs.

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

1. A soul-source justification of Biosolids Thermal Dryer Equipment, Model 1050 direct-fired medium-temperature belt dryer manufactured by Gryphon Environmental and provided by Interstate Utility Sales, Inc. is approved for the WWTF Biosolids Thermal Dryer Project.
2. Utility Staff are authorized to continue negotiations with the equipment manufacturer on the terms and conditions of the direct purchase of the biosolids thermal dryer equipment and present the final purchase agreement to the City Council for approval in the near future.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of August, 2024.

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

J. Approval of Customer Service Supervisor Position – *John Buchanan, Finance Director*

K. Authorize the Sole Source Purchase of GIS Software and Renewal of a Licensing Agreement – *Brent Detwiler, Director of Public Services*

Resolution #R-24-70

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE SOLE-SOURCE PURCHASE OF GIS SOFTWARE AND RENEWAL OF A LICENSING AGREEMENT

WHEREAS, the City uses mapping software for many daily functions including asset management, public information, project management, and others. The City has had licensing agreements with Environmental Systems Research Institute, Inc. (ESRI) for its ArcGIS software for many years; and

WHEREAS, the City maintains considerable data in a proprietary format only usable by ArcGIS software and has integrated ArcGIS into many of its necessary functions; and

WHEREAS, NCGS 143-129(e) lists the authorized exceptions to the formal bid procedures. NCGS 143-129(e)(6) allows for purchases of apparatus, supplies, materials, or equipment to be purchasing using sole-source exception when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. The governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract; and

WHEREAS, ESRI is the sole vendor of ArcGIS software; and

WHEREAS, Staff are requesting to continue standardization on GIS Software by asking that Council approve the sole source purchase of ArcGIS Software by ESRI.

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

1. The proposed licensing agreement with ESRI for the ArcGIS Software is hereby approved. To the extent that this transaction might be considered a purchase, City Council declares that standardization and compatibility is the overriding consideration in the approval of this agreement, making it exempt under the provisions of NCGS § 143-129(e)(6).
2. The Director of Public Services is authorized to execute the licensing agreement with ESRI in an amount not to exceed $93,833.25.

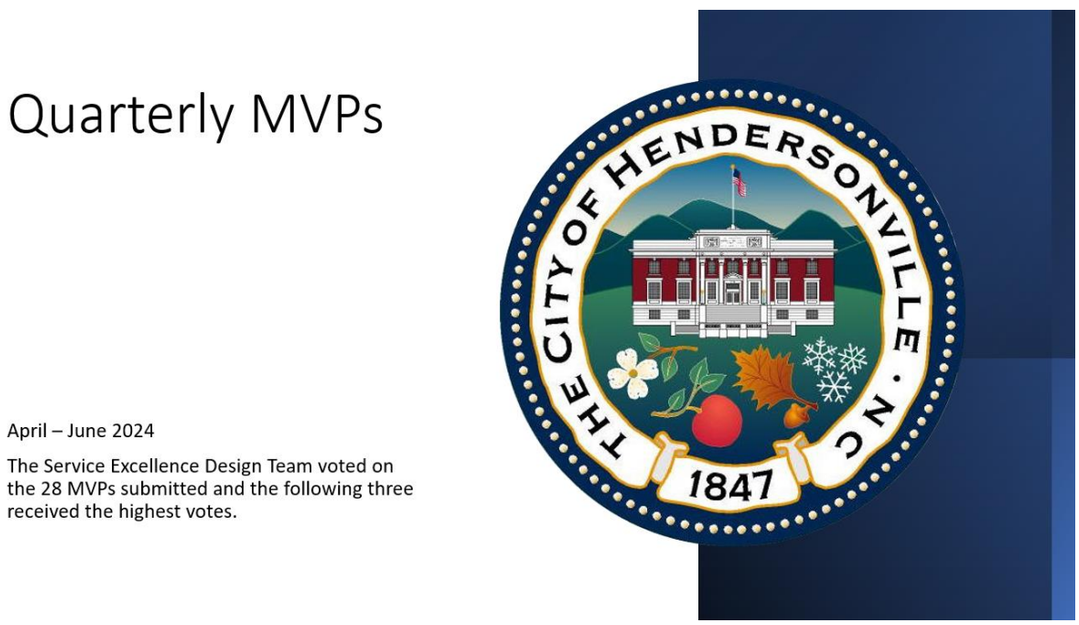
Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of August, 2024.

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

6. PRESENTATIONS

A. Quarterly MVP Recipients – *John Connet, City Manager*

City Manager John Connet explained that on a quarterly basis we recognize our teammates that have gone above and beyond the call of duty. So tonight, we are going to recognize them. Mr. Connet read each story behind the recognition.



Randy Mellen (Public Works)

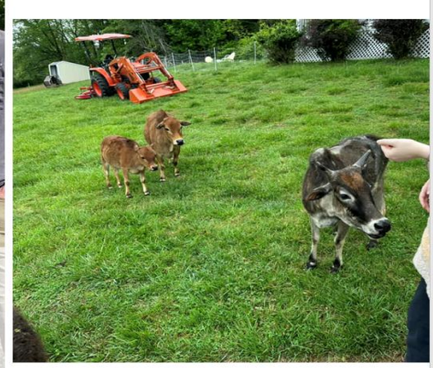
Patton Park flooded on 5/15/2024 after everyone had left work for the day. Randy waters our hanging baskets at night. He finished up early that night and without being told went to Patton Park during the night and started the process of scraping up all the silt that was left behind. This saved our department valuable time the next morning and enabled our guys to still be able to complete their daily task. This is a great example of teamwork and taking initiative. Thanks Randy!

Deon Mendosa, Brian Hensley (Public Works)

Brian and Deon had stopped at a residence earlier in the day while doing their Environmental Services route. Completing their route, they drove back past this home and happened to see the resident laying sideways on the ground. She said her wheelchair had fallen over and had been there for about 20 minutes. They made sure she was okay and helped her back into her wheelchair. They stayed with her until the EMTs arrived.

Dylan Ward, Richard Ledford, Brian McCall, Dawson Heatherly (Water & Sewer)

"Big shout out to these cattle rustlers from the Water Department. My little cows had escaped and were grazing outside the pasture on the other side of the road, Before I even knew there was a problem, they were out of their trucks, trying to solve the problem. Even after I became engaged, they stuck around, blocking the road, waving their arms and running around the neighbor's property encouraging Ferdinand and Cinderella to go back home."



B. IT Internship Presentation – *Jakob Olsen, Intern*

City Manager Connet introduced Jakob Olsen who has been interning for the city for the past three months in the IT Department. He is currently studying computer science at the University of North Carolina Charlotte and presented the following PowerPoint presentation giving a summary of what he has been doing.

IT Internship Summary

JAKOB OLSEN
CITY OF HENDERSONVILLE, NC

Experience Gained

System Administration
- Editing group policies on Windows.
- Managing servers.

Networking
- Working with different network technologies.
- Deploying wireless access points.

Technical Support
- Troubleshooting issues with various devices.
- Recognizing reoccurring problems.

Working for a Local Government
- Working for the citizens of Hendersonville.
- Keeping documentation of my actions to hold myself accountable.

Low Voltage Technology
- Wiring network switches and ethernet ports.
- Low voltage cameras and door locks.

Cybersecurity
- Preventing phishing attempts.
- Setting up multi-factor authentication.

Inventory Management
- Managing current and surplus inventories.
- Researching an asset management system.

.....and much more!

Projects Overview

Item Consolidation / Selling Surplus.....1
Inventory Management.....2
Artificial Intelligence (AI) Policy.....3
- AI in the Workplace.....3
- AI Policy.....4
- My Contributions.....5
- AI Proof-of-Concept Comparison.....6

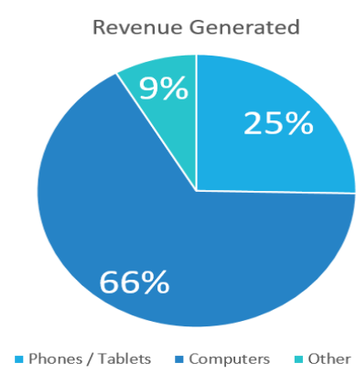
Cybersecurity.....7
- Phishing.....7
- Quick Reaction.....8
- Phishing Prevention: MFA.....9
- Phishing Prevention: KnowBe4.....10
- Best Practices.....11

Item Consolidation / Selling Surplus

Item Consolidation
- Consolidating items from City Hall, Operations Center, PD, FD.
- Organizing items for easy access in the future.
- Requesting unneeded items be declared as surplus.

Selling Surplus
- Removing data from computers, servers, phones, etc.
- Listing surplus items on GovDeals.
- Managing questions, pick-ups, paperwork from GovDeals.

Statistics
- 26 listings created.
- 172 items sold.
- $2,198 in revenue generated.



Inventory Management

Inventorying Devices
- Allows for a more effective troubleshooting process.
- Necessary to create a replacement schedule for city devices.

Researching Asset Management Systems
- Software that makes tracking inventory more efficient.
- Cityworks, currently being used by W/S, is being tested for IT.
- A test server for Cityworks has been created for W/S and IT.

What's Next?
- Adding more devices being used by the city to the spreadsheet.
- Implementing a replacement schedule for city technology.
- Using the test server to check Cityworks' compatibility with IT needs.

Artificial Intelligence (AI) in the Workplace

Generative AI vs. Other AI
- Not all AI is generative.
- Non-generative AI is being used by the city.
- Generative AI is defined as "AI capable of generating text, images, or videos".

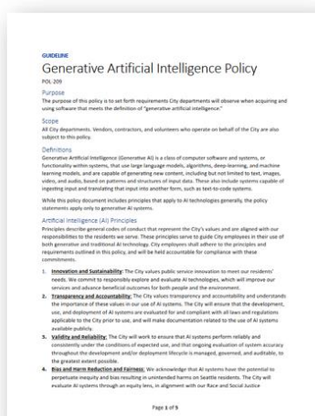
How Generative AI is Being Used
- Generative AI is being implemented in tools already in use.
- ChatGPT, other generative AI tools being used by employees.

Uses of Generative AI
- Summarizing emails, documents.
- Rewording notes.

AI Policy

Why an AI Policy?
- Municipalities around the country are creating AI policies.
- Recent AI "boom" has created thousands of unvetted generative AI platforms.
- Generative AI can produce false or biased information.

What Does the Policy Do?
- Sets guidelines for city employees on responsible AI use.
- Allows the IT Committee to vet AI platforms.
- Outlines the potential security risks from using an untested AI platform.


GUIDELINE

Generative Artificial Intelligence Policy

POL-209

Purpose

The purpose of this policy is to set forth requirements City departments will observe when acquiring and using software that meets the definition of "generative artificial intelligence."

Scope

All City departments. Vendors, contractors, and volunteers who operate on behalf of the City are also subject to this policy.

Definitions

Generative Artificial Intelligence (Generative AI) is a class of computer software and systems, or functionality within systems, that use large language models, algorithms, deep-learning, and machine learning models, and are capable of generating new content, including but not limited to text, images, video, and audio, based on patterns and structures of input data. These also include systems capable of ingesting input and translating that input into another form, such as text-to-code systems.

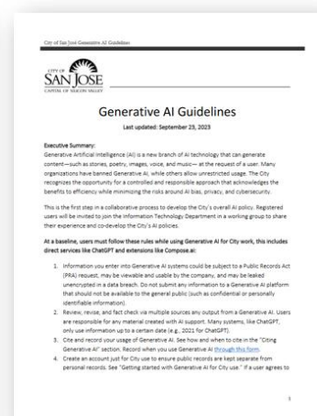
While this policy document includes principles that apply to AI technologies generally, the policy statements apply only to generative AI systems.

Artificial Intelligence (AI) Principles

Principles describe general codes of conduct that represent the City's values and are aligned with our responsibilities to the residents we serve. These principles serve to guide City employees in their use of both generative and traditional AI technology. City employees shall adhere to the principles and requirements outlined in this policy, and will be held accountable for compliance with these commitments.

1. **Innovation and Sustainability:** The City values public service innovation to meet our residents' needs. We commit to responsibly explore and evaluate AI technologies, which will improve our services and advance beneficial outcomes for both people and the environment.
2. **Transparency and Accountability:** The City values transparency and accountability and understands the importance of these values in our use of AI systems. The City will ensure that the development, use, and deployment of AI systems are evaluated for and compliant with all laws and regulations applicable to the City prior to use, and will make documentation related to the use of AI systems available publicly.
3. **Validity and Reliability:** The City will work to ensure that AI systems perform reliably and consistently under the conditions of expected use, and that ongoing evaluation of system accuracy throughout the development and/or deployment lifecycle is managed, governed, and auditable, to the greatest extent possible.
4. **Bias and Harm Reduction and Fairness:** We acknowledge that AI systems have the potential to perpetuate inequity and bias resulting in unintended harms on Seattle residents. The City will evaluate AI systems through an equity lens, in alignment with our Race and Social Justice

Page 1 of 5


City of San José Generative AI Guidelines

CITY OF SAN JOSÉ CAPITAL OF SILICON VALLEY

Generative AI Guidelines

Last updated: September 23, 2023

Executive Summary:
Generative Artificial Intelligence (AI) is a new branch of AI technology that can generate content—such as stories, poetry, images, voice, and music— at the request of a user. Many organizations have banned Generative AI, while others allow unrestricted usage. The City recognizes the opportunity for a controlled and responsible approach that acknowledges the benefits to efficiency while minimizing the risks around AI bias, privacy, and cybersecurity.

This is the first step in a collaborative process to develop the City's overall AI policy. Registered users will be invited to join the Information Technology Department in a working group to share their experience and co-develop the City's AI policies.

At a baseline, users must follow these rules while using Generative AI for City work, this includes direct services like ChatGPT and extensions like Compose.ai:

1. Information you enter into Generative AI systems could be subject to a Public Records Act (PRA) request, may be viewable and usable by the company, and may be leaked unencrypted in a data breach. Do not submit any information to a Generative AI platform that should not be available to the general public (such as confidential or personally identifiable information).
2. Review, revise, and fact check via multiple sources any output from a Generative AI. Users are responsible for any material created with AI support. Many systems, like ChatGPT, only use information up to a certain date (e.g., 2021 for ChatGPT).
3. Cite and record your usage of Generative AI. See how and when to cite in the "Citing Generative AI" section. Record when you use Generative AI through this form.
4. Create an account just for City use to ensure public records are kept separate from personal records. See "Getting started with Generative AI for City use." If a user agrees to

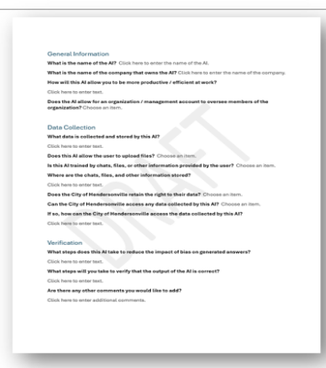
1

My Contributions

Research Into External AI Platforms
- How does the platform handle user data?
- Can the city access employee data?

Generative AI Request Form
- Filled-out employees, given to IT committee.
- Ensures external AI platforms are researched before being requested.

Self-Hosted AI Proof-of-Concept
- Made from surplus / extra hardware.
- Uses free and open-source software.
- Internal generative AI platform.
- Testing feasibility of hosting local generative AI.


General Information

What is the name of the AI? Click here to enter the name of the AI.

What is the name of the company that owns the AI? Click here to enter the name of the company.

How will this AI allow you to be more productive / efficient at work?

Click here to enter text.

Does the AI allow for an organization / management account to oversee members of the organization? Choose an item.

Data Collection

What data is collected and stored by this AI?

Click here to enter text.

Does this AI allow the user to upload files? Choose an item.

Is this AI trained by chats, files, or other information provided by the user? Choose an item.

Where are the chats, files, and other information stored?

Click here to enter text.

Does the City of Hendersonville retain the right to their data? Choose an item.

Can the City of Hendersonville access any data collected by this AI? Choose an item.

If so, how can the City of Hendersonville access the data collected by this AI?

Click here to enter text.

Verification

What steps does this AI take to reduce the impact of bias on generated answers?

Click here to enter text.

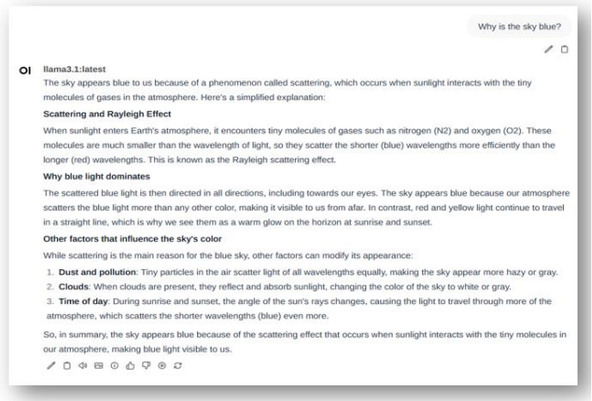
What steps will you take to verify that the output of the AI is correct?

Click here to enter text.

Are there any other comments you would like to add?

Click here to enter additional comments.

DRAFT

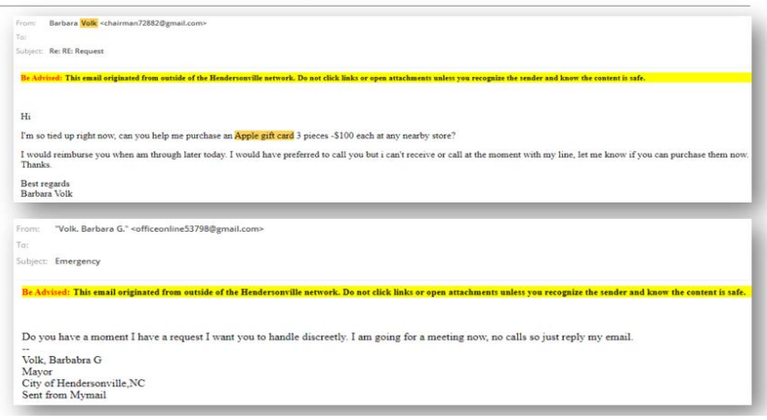


AI Proof-of-Concept Comparison

Our AI Proof-of-Concept	External AI Platforms
• Private data stays private. • Data is immediately accessible. • Administrative permissions over AI, users. • Models can be added and removed. • Models, web interface are free and open-source.	• Data is stored on external servers. • Usually limited to small number of models. • Models are often proprietary. • Organization accounts usually require a subscription.

Phishing

- 91% of data breaches start with a successful phishing attack.
- Phishing attacks are becoming more sophisticated.
- Successful phishing attempts can compromise network integrity.
- No, Mayor Volk will not ask you for gift cards.



Quick Reaction

- Acting quickly can prevent the spread of malware and contain breaches.
- A standardized procedure should be created to ensure reaction is quick and effective.

Identify the compromised account(s).
- For an attack to an occur, at least one account must be compromised.
- Multiple accounts may be affected before or during the attack.

Disable / lockdown the compromised account(s).
- To stop an ongoing attack, the attacker must lose access to the compromised account.
- Every account that may be compromised should be disabled.

Investigate the damage done by the attacker.
- Most phishing attacks are trying to steal data or spread malware.
- If data was stolen, it is important to identify what data was stolen.

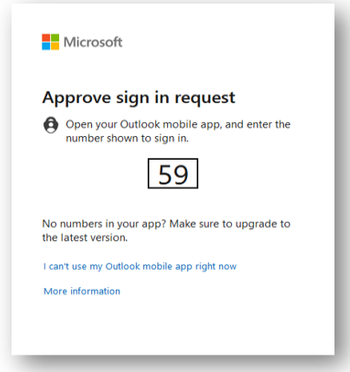
Remediate any damage done by the attack.
- Notify the affected parties.
- Begin removing malware from affected computers.
- If data was stolen, purchase fraud prevention services for affected parties.

Phishing Prevention: Microsoft MFA

Why use MFA?
- Keeps Microsoft accounts secure even when password is compromised.
- Directly stopped at least two city accounts from being hacked.

My Contributions
- Worked directly with VC3 to enforce MFA on employee accounts.
- Guided employees through MFA setup.

What's Next?
- Continuing to enforce MFA on employees' accounts.
- Regularly checking if account passwords have been compromised.
- Preventing account hacking through promoting awareness.



Phishing Prevention: KnowBe4

What is KnowBe4?
- Security training company.
- Uses video lessons to train employees.
- Offers simulated phishing campaigns to test employees.

KnowBe4
Human error. Conquered.

Simulated Phishing Campaigns
- Fake phishing emails are sent out to employees.
- Attempts can be socially engineered to target different departments.
- Built-in report button will allow employees to report suspected phishing.

What's Next?
- Implementing KnowBe4 training with the help of VC3.
- Adding the report button to Microsoft Outlook.
- Aggregating results and finding weaknesses.

Best Practices to Prevent Phishing / Stolen Data

- Use several different passwords.
- Do not use auto-fill on your passwords.
- Companies will never ask for your password over email.
- Do not keep your passwords on your desk.
- Lock (⊞ + L) your computer before leaving your desk.
- Always use a passcode on your phone.
- Avoid clicking on suspicious links.
- Keep software up-to-date to avoid security risks.
- If it seems too good to be true, it probably is.
- No, Mayor Volk will not ask you for gift cards.

Key Points

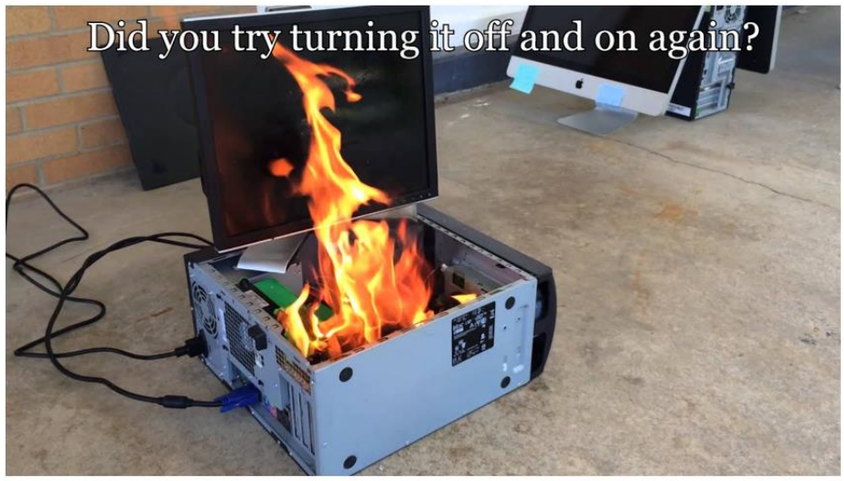
Item Consolidation / Selling Surplus
- Consolidating items helps keep things organized.
- Selling surplus technology generates revenue that can be used to pay for new technology.

Inventory Management
- Setting up a replacement schedule will help keep technology in-date.
- Cityworks is currently being tested for use within the IT department.

AI Policy
- AI is currently being used in the workplace.
- Creating an AI Policy will help the city vet different AI platforms.
- For any AI platform, the city must be able to access employee data for public records requests.
- A self-hosted localized AI may be a good alternative to other AI platforms.

Cybersecurity
- Microsoft MFA may be inconvenient, but it helps keep the city safe.
- Phishing is one of the most common cyberattacks, causing 91% of all data breaches.
- Preventing phishing attacks through MFA and promoting awareness helps keep the city's network secure.

Questions?



D. Unhoused in the Land of Sky Internship Presentation – Keegan Huynh, Intern

Keegan Huynh said he has been a summer intern with the budget department and I am a UNC MPA student entering my second year. He shared an overview of his work on the unhoused population with the following PowerPoint presentation.

Unhoused in the Land of Sky

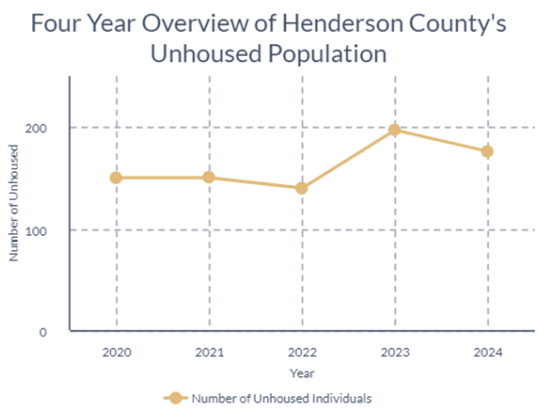
A Data-Driven Approach to Hendersonville's Unhoused Crisis

KEEGAN HUYNH JULY 2024

Agenda

Project Overview	1
GIS Heatmap	2
Service Landscape	3
Best Practices	4
Built for Zero	5
Takeaways	6
Q&A	7

Understanding the Crisis



Hendersonville has experienced a 17.33% increase in unhoused individuals since 2020

176
Unhoused Individuals in Henderson County

$35,578
Average annual cost per chronically unhoused person to taxpayers

17.5 Years
The reduction in lifespan for an unhoused person compared to the general population

Project Overview: Unhoused Data Gathering Initiative

Interactive GIS Heatmap

- Integrate departmental data
- Provide visual insights into data, and aid in resource allocation

Unhoused Resource Network

- Reestablish a coordinated group of local service providers
- Promote a unified approach to addressing the crisis

Community Scan

- Assess landscape of service provision through stakeholder appointments and interviews

Literature Review

- Research into best practices and successful models

Visualizing the Data: The GIS Heatmap

- Integrates data from:
  - Police Department
  - Code Enforcement
- Insights into:
  - Police interactions, encampments, service provider locations, and vacant houses
- Future integration will include:
  - Fire Department
  - Programmatic data from service providers
- Enables proactive data-informed decision-making

Understanding the Nonprofit Landscape

Service Providers Interviewed

Shelter & Housing
1. Hendersonville Rescue Mission
2. Thrive

Encampment Outreach
6. Salvation Army

Peer Support & Health
3. Hope Coalition
4. Love & Respect
5. Blue Ridge Health

Veterans & Regional Coalitions
7. County Health Department
8. Region 2 Continuum of Care

Understanding the Nonprofit Landscape (continued)

Core Strengths	Service Gaps
1. Diverse Range of Services a. Shelter, food assistance, rental/utility help, medical care, addiction services, etc. 2. Experienced Staff and Leadership	1. Insufficient Affordable Housing a. Long waitlists to secure housing 2. Absence of Mental Health Services a. Only 2 behavioral health providers operate in the area 3. Lack of Strategic Coordination a. Duplicative services & missed opportunities 4. Absence of Standardized Systems a. Fragmented landscape of intake, case management, and data entry systems

Effective Strategies for Supporting the Unhoused

The Housing First Model
- Prioritizes immediate access to permanent housing without preconditions
- Reduces burden on city services (Raven et al. 2020)
- Integrated services are key

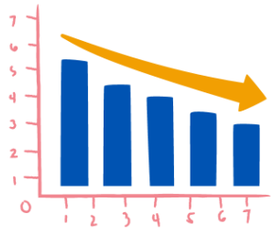
Wraparound Services
- Comprehensive support services covering mental health care, substance abuse treatment, and employment assistance
- Key for addressing complex needs, promoting long-term recovery, and ensuring sustained housing stability (Smelson et al. 2013)

Cross-Sector Collaboration
- Involves coordinated efforts among nonprofits, government agencies, and faith-based groups
- Essential for pooling resources, improving service delivery, and addressing the multifaceted needs of the unhoused (Mosley 2021)

Avoiding Criminalization
- Creates a cycle of escalating legal and financial troubles preventing individuals from escaping it
- Further burdens public systems and fails to reduce unhoused rates (Ruan 2018)

The Built for Zero Model

Functional Zero - When the number of chronically unhoused individuals in a community is less than 3 at any given time



Rockford, IL successfully implemented this model to acheive functional zero for both veterans and the chronically unhoused (Ranney 2020)

Key Components

1. A Shared Definition of Success
2. Unified Regional Team
3. Person-Specific Data & Case Management
4. Data-Informed Decisions
5. Housing Solutions
6. Racial Equity

Implementing the Built for Zero Model in Hendersonville

Create a Unified Team

- Leverage the Unhoused Resource Network to form a multi-agency team headed by the social worker
- Align stakeholders under the clear, measurable goal of functional zero
- Coordinate with the Region 2 Continuum of Care

Calibrate Policies Using Data

- Use GIS data from the Unhoused Data Gathering Initiative to fine tune city policy
- Identify hotspots and patterns to inform policy adjustment
- Address racial inequities by highlighting disproportionately affected areas

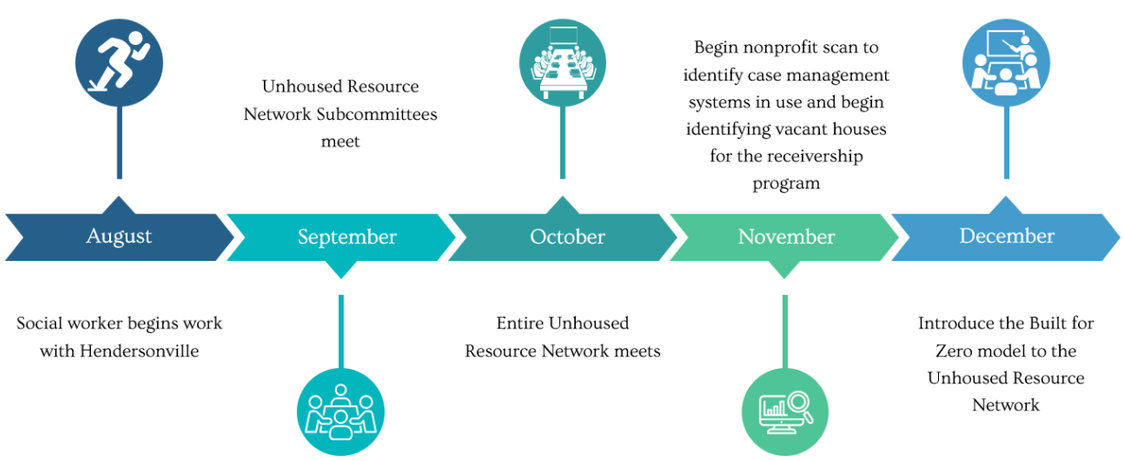
Promote Comprehensive Case Management

- Provide the social worker with access to user-friendly case management software
- Develop client files with detailed individual data
- Collaborate with local providers to provide wraparound services

Targeted Housing Solutions

- Council designates itself as a housing authority
  - Gain control over affordable housing projects
  - Leverage existing partnerships and best practices from successful models like Chapel Hill
- Implement a Vacant Housing Receivership Program
  - Utilize legal frameworks to rehabilitate vacant properties to increase affordable housing

Key Milestones



Final Takeaways

Affordable housing and access to mental health services are key

Solutions must preserve and respect the dignity of our unhoused community members

Consensus will be key to this project's success

Results take time

Questions?

"We cannot seek achievement for ourselves and forget about progress and prosperity for our community. Our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own."

- CESAR CHAVEZ

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7. PUBLIC HEARINGS

A. Annexation: Public Hearing – Upward Road (Hill) (C24-35-ANX) – *Tyler Morrow, Current Planning Manager*

Mr. Morrow explained that the City of Hendersonville received a petition from Lyndon and Lynn Hill for satellite annexation of PIN 9577-99-0735 and located on Upward Road that is approximately 1.20 acres. On July 10th, 2024, City Council accepted the City Clerk's Certificate of Sufficiency for the petition submitted by Lyndon and Lynn Hill and set August 1st, 2024, as the date for the public hearing.

The public hearing opened at 6:56 p.m.

Public Comments:

Lynne Williams spoke against this annexation. She spoke at the Planning Board meeting as well. This is farmland and we've lost so much ag land already.

The public hearing closed at 7:01 p.m.

Council Member Lyndsey Simpson asked to say a few words.

First, we do not have any control over folks who decide to sell their land. We all see that farmland is being sold and the person who has bought that land, has a right to develop that land. Sitting up here, we can't say "no you can't do that because we think it should be a farm." That is not within our power. It's unfortunate but I think one way would could help that is to encourage people to continue to want to be farmers and support farmers, but as it stands right now, it seems like a lot of people from my generation don't want to do that because it's a lot of really hard work and you don't really get any recognition or money for it so why would we continue to do that?

Secondly, this person is not being forced to annex. Yes they want to be hooked up to sewer and you need to annex in order to get sewer but they could put septic tanks there if they wanted to but because of whatever project they want to do, they need to be hooked up to sewer, so they're going to annex. That was their choice. When we get to the rezoning, its being rezoned from community commercial from the county zoning to our version of that zoning which is commercial highway mixed use. Once we annex something from the county we have to rezone it to our version because it doesn't transfer. I just want to make sure everyone understands exactly the process that's happening right now.

Council Member Jennifer Hensley moved that City Council adopt an ordinance of the City of Hendersonville to annex noncontiguous property owned by Lyndon and Lynn Hill, identified as PIN 9577-99-0735, finding that the standards established by North Carolina General Statute 160A-58.1 have been satisfied and that the annexation is in the best interest of the City. A unanimous vote of the Council followed. Motion carried.

B. Rezoning: Standard Rezoning – Upward Rd – Hill (P24-36-RZO) – *Tyler Morrow, Current Planning Manager*

Mr. Morrow explained that the City of Hendersonville received an annexation application from Lyndon and Lynn Hill (property owners) for 1 parcel totaling 1.20 acres located along Upward Road (beside the proposed Spinx). The applicant has not requested zoning, therefore the City is initiating zoning. If annexed the County zoning remains in effect until municipal zoning is applied or a period of 60 days has elapsed after annexation. 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 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. On March 3rd, 2011, City Planning Staff brought forward a proposal for the creation of the Commercial Highway Mixed Use District. Planning Director Sue Anderson explained that the intent was to apply this zoning classification to properties in the Upward Road area that wish to annex into the City of Hendersonville in order to obtain sewer connections.

Council Member Miller asked if the city developed Upward Road, the sewer line and everything out there.

Mr. Connet said that the sewer line along Upward Road was installed by Henderson County as a part of the Mud Creek Sewer District.

Council Member Miller added that he would like Mr. Connet to give an executive summary of how that went down because he's tired of hearing us get bashed with forced annexations. The county created that agreement.

City Manager Connet explained that in the 80's and 90's there was a desire to have sewer in the southern part of the city along Spartanburg Highway, out Upward Road. At that time, the city said they would not extend sewer to that point and the county set up their own Sanitary Sewer District in that area which ultimately ran sewer out Upward Road to serve the elementary school and also provided service in the area. After a period of time, there was discussion about who should own that system and after a little bit of a disagreement, the city and county came together and negotiated what is now known as the Mud Creek Water and Sewer Agreement. It laid out provisions for sewer in the Mud Creek Water Shed which goes into Edneyville and back but as part of that, the city then acquired the county transfer and the sewer system that serves Upward Road and provides to the elementary school but also provided for commercial development along the interstate and also allowed for industrial development in that area so you've had commercial and industrial development under city zoning as well as under county zoning. Some of that area was originally developed in the county area. Once the city took over the sewer system, the agreement allows for the city to provide sewer and it is in the city councils policy and also permissible by state law that sewer is urban services and as urban services, the city can request that a property owner petition for annexation, not forced annexation. This is strictly voluntary and the owner has a choice. However in order to get city services, the city can ask them to petition for annexation. The city does not do that for water service, but does for sewer service. So the term forced annexation is incorrect and a misnomer and the development of Upward Road can also be attributed to not only to the interstate, which the city did not build, but also to the expansion of Upward Road which was expanded by the North Carolina Department of Transportation as an urban roadway, which again, the city did not build and this area is providing housing to folks who need housing. The city has no control how property owners sell their property or how they choose to develop it.

Council Member Hensley added that one of the best economic development projects that the city and county have jointly participated in is a really large industrial project called Jabil, a really large manufacturing plant that has been able to provide between 75-100 jobs in Henderson County with an average salary of $55,000 and we're proud of being able to do those things for our community and to provide jobs for people so they can afford to work and live here.

The public hearing opened at 7:16 p.m.

Public comments:

Lynne Williams spoke again about preserving the farmland and working with the county on the comp plan to do so.

The public hearing closed at 7:21 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, PIN: 9577-99-0735 from Henderson County CC, (Community Commercial) to City of Hendersonville CHMU (Commercial 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 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.

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:

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.***

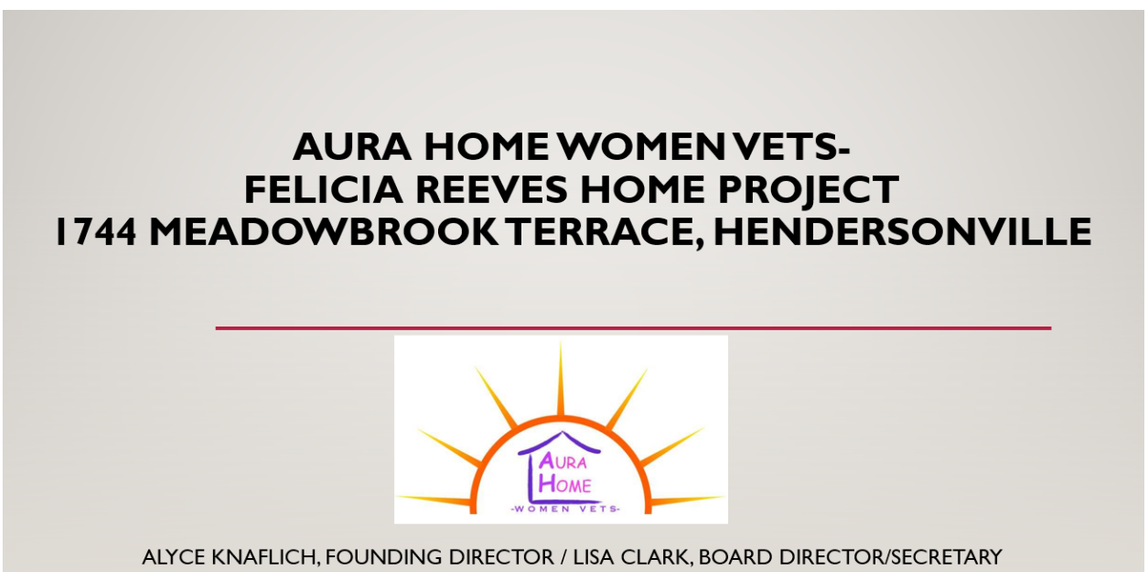
A unanimous vote of the Council followed. Motion carried.

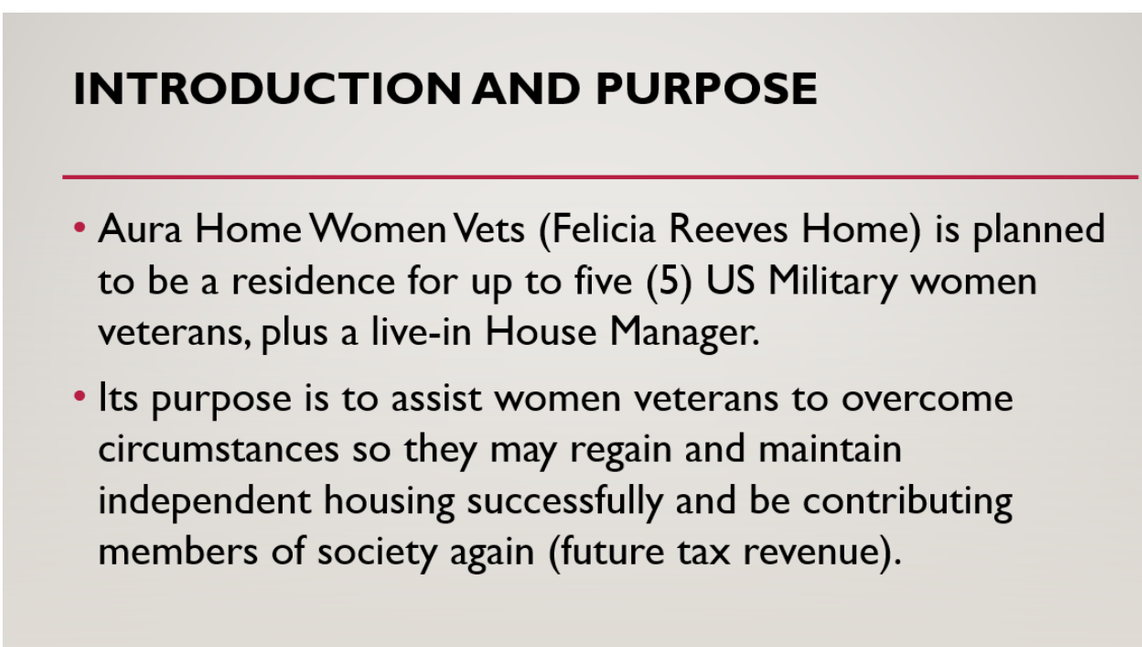
~Mayor Barbara G. Volk briefly recessed the meeting for a short break at 7:22 p.m. and reconvened at 7:31 p.m.~

C. Rezoning: Conditional Zoning District – Felicia Reeves Home (P24-24-CZD) – *Tyler Morrow, Current Planning Manager*

The City of Hendersonville is in receipt of an application for a Conditional Rezoning from Alyce Knaflich (Founding Director and Board Chair) of Aura Home Women Vets. The applicant is requesting to rezone the subject property, PIN 9569-44-7296 and located at 1744 Meadowbrook Terrace, from R-10 Medium Density Residential to R-10 CZD, Medium Density residential Conditional Zoning District for the adaptive reuse of an existing building for a residential care facility on approximately 0.69 acres. The proposal includes the renovation of the existing structure. There are no proposed additions to the building. The structure is approximately 8,020 square feet and will be renovated in two phases. The subject property is entirely within the 100-year floodplain and will be required to obtain any floodplain related approvals needed if the property is rezoned. The rezoning does not remove any required permitting. The public hearing for this project was opened and continued at the July 10th, 2024, meeting. City Council continued the public hearing to the August 1st, 2024, meeting.

Lisa Clark, Board Director/Secretary gave the following PowerPoint presentation.





AURA HOME IS AN EXPERIENCED AND TESTED ORGANIZATION

- **Previous Pilot Program – 97% success rate**
- 3 Bedroom Asheville apartment complex (13B Woodrow Ave, Asheville, NC, 28801; Landlord name Tena Franks)
- Three women vets at a time – 36 women served
- Operational for approximately 4 years from Sept. 2017-June 2021
- Only 1 veteran left with no future housing/support due to program being closed due to Covid health guidelines r/t congregate housing setting
- 5 Phase program for best outcomes in shortest time frame with average stay 6-9 months

AURA HOME WOMEN VETS: FELICIA REEVES HOME

- Program components offer:
  - Secure, safe place to live (onsite security)
  - Life skills (nutrition, self-care, shopping, house maintenance)
  - Financial Literacy
  - Employment (Research, Job interviewing, Resume prep)
  - Education (GI Bill, VOC Rehab, Training Resources)
  - Disability claims (Documentation, Recovery)
  - Medical assistance (outsourced: MH, AA, NA)
  - Long-term housing (Search, Move-in)
  - Transportation (Medical appts., Govt. appts.)
  - Partner with other agencies based on need
- Average six- to nine-months residency

CRITERIA FOR RESIDENCY

- US Military female veteran (Proof of Service)
- Unsheltered
- Medically Stable
- No weapons, drugs, alcohol allowed onsite/in vehicles
- No outside guests (male or female) allowed onsite
- Referrals from:
  - NC Cares 360
  - United Way
  - Veterans Affairs
  - NC Coalition to End Homelessness/BoS R2
  - Self-Referrals

ZONING

- Zoning request for conditional rezoning of a non-conforming building in R10 zone
- Empty building for 12 years
- Repairs already made:
  - Cleaned out all hazardous medical waste left by assisted living facility
  - New roof, downspouts/gutters (Leaking)
  - Electricity (Restored energy)
  - Security alarm system with cameras
  - Fire Alarm/Exit Signs
  - Plumbing (Leaking water lines)

FUNDING FOR FELICIA REEVES HOME PROJECT

- Currently have approximately $105K banked
- Fundraising Events (Hot Summer Nights Dance)
- Corporate Sponsorships
- Foundation Grants
- For Profit Businesses
- Churches
- Individual donors

Future Funding

- Emergency Solutions Grant
- VA grants/Per Diem (2026)

AURA HOME WOMEN VETS COLLABORATION WITH OTHER AGENCIES

- WNC Source
- Safelight
- Thrive
- VAYA Health
- Blue Ridge Health-Outreach Team
- VA Homeless Coordinator

A GOOD PROJECT FOR HENDERSONVILLE AND FOR OUR WOMEN VETERANS

- Tyler Morrow, Henderson County Planning Division: "The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis…" "…adhering to the Preservation/Enhancement Area designation for the subject property. The proposal enhances and renovates a long-vacant and decaying structure without expanding it, promoting compatibility with the surrounding area."
- Hendersonville has an opportunity to be one of the most Veteran friendly cities in the state of North Carolina

Council asked many questions about security, medical issues, and the two phases.

Council Member Lowrance said that since they didn't have an answer about raising the building yet, would they consider coming back in September to further discuss. They agreed that it would be nice to have that extra time to form a cost analysis and get everything in order.

The public hearing was opened and continued from the last meeting so we will move forward with any public comments.

Public comments:

Sandra Bernard, President AAUW Hendersonville branch and spoke in favor of the moving forward with the Felicia Reeves Home Project and presented the following letter to Council.

AAUW

Hendersonville Branch
P. O. Box 2043
Hendersonville, NC 28793

August 1, 2024

Dear Hendersonville City Council Members,

This letter is written on behalf of the members of the Hendersonville Branch of the American Association of University Women in support of the efforts of Aura Home for Veteran Women in their efforts to secure the property at 1744 Meadowbrook Court as a transitional residence for American women veterans.

Our organization has supported this effort both philosophically and financially in the past and continues to do so moving forward. We look to the leadership of the City of Hendersonville to follow us in expediting their admirable work in any and all ways at your disposal. Our female veterans served their country; it is our turn to serve transitioning female veterans who live in our backyard.

Thank you.

Respectfully yours,

Sandra Bernard

Sandra Bernard, President
Hendersonville Branch, AAUW

cc: Alyce Knaflich, Administrator, Aura Home
Members of AAUW

Jennifer Behar, a United States Marine Corp combat veteran said that Alyce helped her get her life back. She spoke in favor of the moving forward with the Felicia Reeves Home Project.

Patricia Gearity asked if the public would be able to speak at the meeting in September. Council agreed that they would continue the public hearing to September.

Sandra Cameron spoke against the Felicia Reeves home. She has three children and a husband fighting stage 4 cancer. When they moved, it was a residential neighborhood but now there will be riff raff around the house and increased traffic. It will be a constant flow of changing people coming in and out and does not think its fair to have this home there.

Rita Thornton Cruz is in favor of moving forward with the Felicia Reeves Home Project.

Lawrence Stern spoke in favor of moving forward with the Felicia Reeves Home Project.

Wanda Schwere spoke in favor of moving forward with the Felicia Reeves Home Project.

Ken Fitch spoke via Zoom in favor of moving forward with the Felicia Reeves Home Project but the unknowns are unsettling. Also, inescapably we are reminded of impacts of flooding and that must give us pause. To place an important care facility such as this may indeed require substantial capital and financial reserves to answer the issues.

Council unanimously agreed to continue the public hearing and the discussion to their September 5, 2024 meeting. A unanimous vote of the Council followed. Motion carried.

D. Partial ETJ Relinquishment of PIN 9650-90-0668 – CMH Homes, Inc. (C24-46-ETJ) – Tyler Morrow, Current Planning Manager

Mr. Morrow explained that the Community Development Department received a request from CMH Homes, Inc. to remove 2.51 acres from the City's extraterritorial planning jurisdiction (ETJ). The City is authorized to adopt and relinquish ETJ by G.S. 160D-202. The subject parcel is 7.86 acres in total and is located on Stoney Mountain Road, PIN 8650-90-0668. A portion of the parcel fronting Stoney Mountain Road is located in the City's ETJ and is zoned R-20, Low Density Residential. The remaining portion of the subject parcel is in Henderson County's zoning jurisdiction and is zoned R1 Residential District One. The owner has indicated that it plans to develop the property as a nine lot residential subdivision that has been preliminarily approved by Henderson County. With the current ETJ boundary, the property owner would be required to meet the City's zoning and subdivision standards for the portion of the property that is within the ETJ, including, but not limited to, connection to City water and sewer. Due to existing water pressure and the distance from public sewer, it is not feasible to serve the entire subject property with City water and sewer. If the City decides to relinquish ETJ for this property, Henderson County will have 60 days from the effective date of the Ordinance amending the ETJ to adopt zoning regulations.

Derrick Vicks introduced himself as the representative of CMH Homes and just wanted to see if anyone had questions for him. We did have a hydrant flow test done by Hendersonville water and we paid for them to do a pressure test and they're the ones that told us that due to the elevation and distance off the road, they wouldn't be able to supply water except for maybe two houses but they couldn't guarantee it.

The public hearing opened at 8:36 p.m.

Public Comments: None

The public hearing closed at 8:37 p.m.

Council Member Jennifer Hensley moved that City Council adopt the Ordinance Amending the Ordinance Establishing Extraterritorial Jurisdiction Boundaries for the City of Hendersonville as presented. A unanimous vote of the Council followed. Motion carried.

8. UNFINISHED BUSINESS

A. Ordinance to adopt the Gen H 2045 Comprehensive Plan – *Matthew Manley, AICP (Project Manager and representative from consultant team (Bolton-Menk)*

Mr. Manley explained that City Staff will present the primary revisions to the Draft *Gen H 2045 Comprehensive Plan* as based on feedback from elected officials, appointed boards, city staff and the general public. While numerous revisions have been made to correct typos, improve clarity, include timely additions, update information, and address board feedback, the most substantive changes have been to revise key locations on the Future Land Use & Conservation Map. Those changes include:

- Removing the Large Activity Center Symbols from Map and create a new map that highlights "intensity nodes".
- Changing the area around Blythe St and Hwy 191 from Multi-Generational Living to Neighborhood Center
- Changing the area around Asheville Hwy and Flemming/Justice St from Neighborhood Center to Institutional
- Changing the area around Oak St north of US 64 from Institutional to Multi-Generational Living
- Changing the area around Oak St south of US 64 from Institutional to Multi-Generational Living
- Changing the area along 4th Ave north from Downtown to Multi-Generational Living
- Changing the area around S Whitted/Dale north of the Ecusta Trail from Multi-Generational Living to Neighborhood Center

- Changing the area around S Whitted/Lennox Park south of the Ecusta Trail from Neighborhood Center to Multi-Generational Living.
- Changing the area around Chadwick Ave/Wayside Ln from Mixed Use - Commercial to Multi-Generational Living.

General Revisions

Nature of Revision:

- **Typos**
- **Clarifications**
- **Additions**
- **Updated Information**
- **Board Feedback**

Gen H Comprehensive Plan *Final Revised Gen H Plan is available online* 2

Specific Revisions

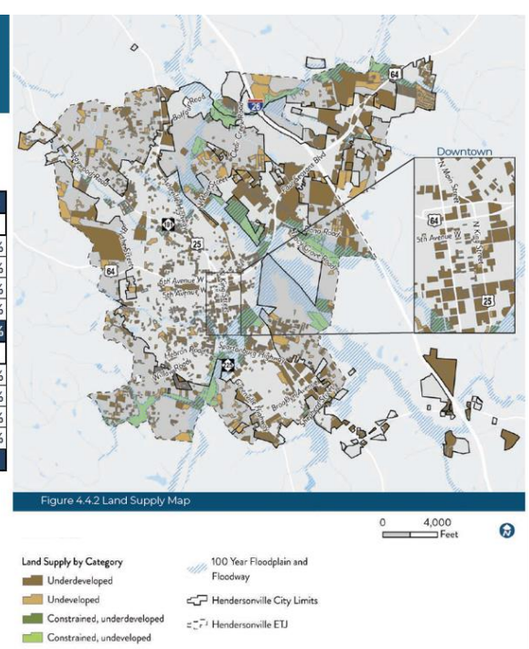
- Land Supply

		Category	Acres	Percent
Hendersonville City Limits		Underdeveloped	1313.4	71%
		Undeveloped (Vacant)	294.5	16%
		Constrained, Underdeveloped	167.9	9%
		Constrained, Undeveloped (Vacant)	61.39	3%
Total			1837.2	100%
Hendersonville ETJ		Underdeveloped	663.2	42%
		Undeveloped (Vacant)	494.9	31%
		Constrained, Underdeveloped	148.8	9%
		Constrained, Undeveloped (Vacant)	269.7	17%
Total			1576.6	100%

Figure 4.4.1 Land Supply Table

*Constrained parcels are those wholly or partially within the 100 year floodplain. Acres and percent represent portion of the parcel that falls within the 100 year floodplain.

*5.31.24 Draft stated there was a total of 3,832 Acres of "Land Supply"



Specific Revisions

- Tree Canopy Assessment & Strategic Housing Plan

Strategic Housing Plan (Ongoing)
Affordable housing and the development of a strategic housing plan is a priority for the Hendersonville City Council. In the spring of 2024, the Hendersonville City Council appointed a Strategic Housing Plan Steering Committee to guide the plan development process. As part of the planning process, an Affordable Housing Summit was held with an expert panel to discuss affordable housing.

Sustainability Strategic Plan (2024)
Hendersonville developed its inaugural Sustainability Strategic Plan, adopted by the City Council in May 2024. The plan outlines measurable goals and actions that integrate environmental, social, and economic values to reduce the City's overall environmental impact, strengthen communities, and ensure a prosperous future for generations to come. It addresses challenges with actionable and measurable opportunities to reduce municipal greenhouse gas emissions, focusing on energy, transportation, waste management, land management, and water. Although the plan targets municipal actions, community involvement is crucial, offering recommendations for residents and businesses to reduce emissions and enhance sustainability.

Tree Canopy Cover Assessment (2023)
Hendersonville's urban forest serves as an invaluable asset providing residents, businesses, and visitors with many environmental, social, and economic benefits. This assessment mapped tree canopy, possible planting area, and analyzed how they are distributed throughout Hendersonville's current City boundary and ETJ, 2007 City boundary, future land use, census block groups, zoning, current land use class, and public property parcels. Results from this assessment found that canopy cover dropped from 37% to 35% from 2014 to 2022 (-2% or -115 acres) within the current City boundary. The ETJ areas also lost canopy, 29 acres (or -1%) during the eight year study period. Canopy

TREE COVER
Hendersonville's urban forest serves as an invaluable asset providing residents, businesses, and visitors with many environmental, social, and economic benefits. In 2023, the City conducted an assessment that mapped tree canopy (TC), possible planting area (PPA), and analyzed how they are distributed throughout Hendersonville's current City boundary and ETJ, 2007 City boundary, future land use, census block groups, zoning, current land use class, and public property parcels.

In 2022, Hendersonville's city boundary had 35% tree canopy cover and 26% possible planting area, and the other 39% of the City was classified as unsuitable for planting without significant land modification. The City's ETJ zoned areas added 2,388 acres of canopy (54% within its boundaries), bringing the City and ETJ's combined canopy cover up to 44%. The combined 4,093 acres of tree canopy in Hendersonville provide ecosystem benefits valued at over $6.7 million per year through air quality improvements, stormwater runoff prevention, and carbon sequestration.

Results from the assessment found that canopy cover dropped from 37% to 35% from 2014 to 2022 (-2% or -115 acres) within the current City boundary. The ETJ areas also lost canopy, 29 acres (or -1%) during the eight year study period. Canopy loss can generally be attributed to residential development and commercial infrastructure expansion along the corridor of Highway 26.

Heritage Tree Designation
Significant trees within the city are protected through the heritage tree designation. The Tree Board locates and identifies heritage trees in collaboration with relevant civic groups and the consent of owners.

The following criteria must be met for a tree to qualify as a heritage tree according to the City of Hendersonville Heritage Tree Designation Program:

- It has reached its mature growth as specified in Hortus Second.
- It is listed as a Champion Big Tree, as designated by the NC Division of Forest Resources.
- It has significant historic value to the community.
- It is a rare species, or provides a habitat for rare species of plants,

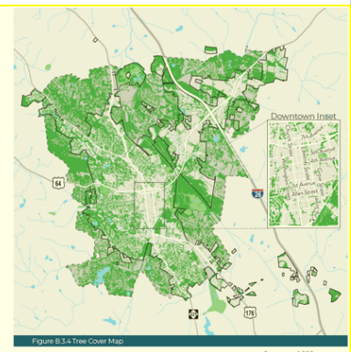


Figure B.3.4 Tree Cover Map

B.17 | GEN H COMPREHENSIVE PLAN
APPENDIX B. EXISTING CONDITIONS REPORT | B.18

Specific Revisions

- Open Space - Conservation

Open Space

OPEN SPACE - CONSERVATION 1, REGULATED (OS-C1)
These areas consist primarily of protected, undisturbed open space. Regulated floodways are the predominant component. However, publicly protected lands (e.g., State- and Federally-maintained parkland) may also comprise this character area. Maintaining environmental integrity is a major consideration in land-disturbing activities, such as greenways or vehicular access.

OPEN SPACE - CONSERVATION 2, NATURAL (OS-C2)
These areas are natural and are either protected through public or private ownership or through State or Federal regulations. They consist primarily of floodplains as well as passive parks, accessible nature preserves, privately-managed open space, working lands managed for agricultural activities, and private conservation easements.

Though some development can be supported in these areas, most uses are associated with access to protected open space (e.g., nature preserves, agriculture, and natural resource management).

OPEN SPACE - RECREATION (OS-R)
These areas are typically publicly-maintained facilities, improved for a variety of uses including ballfields, golf courses, gardens, arboretums, and parks. Though various types of active recreation spaces are also suitable uses in other character areas, this character area delineates the locations of large open space areas with public access.

Open Space

OPEN SPACE - CONSERVATION 1, REGULATED (OS-C1)
These areas consist primarily of protected, undisturbed open space. Regulated floodways are the predominant component. However, publicly protected lands (e.g., State- and Federally-maintained parkland) may also comprise this character area. Maintaining environmental integrity is a major consideration in land-disturbing activities, such as greenways or vehicular access.

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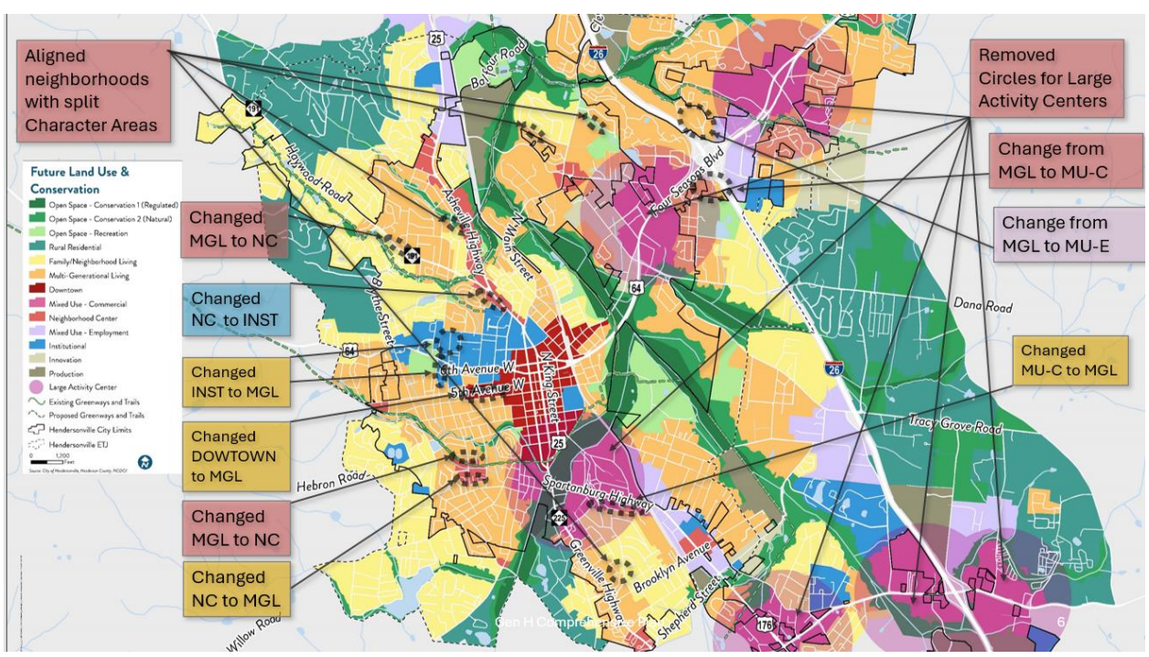
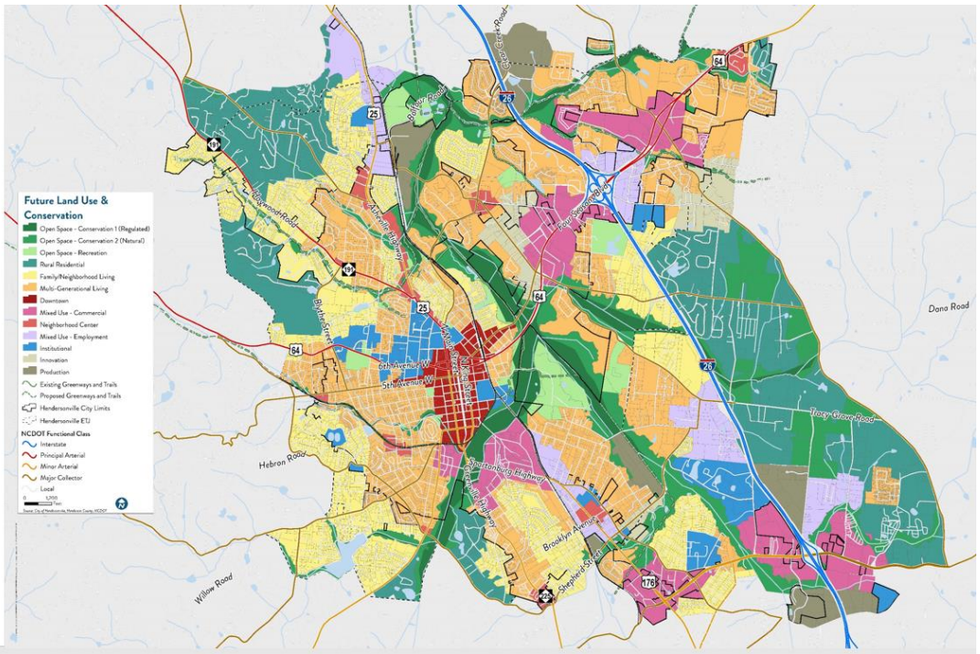
Though some development can be supported in these areas, including redevelopment when floodplain function is maintained or improved and new development with limited impacts which improve use of site, most uses are associated with access to protected open space (e.g., nature preserves, agriculture, and natural resource management).

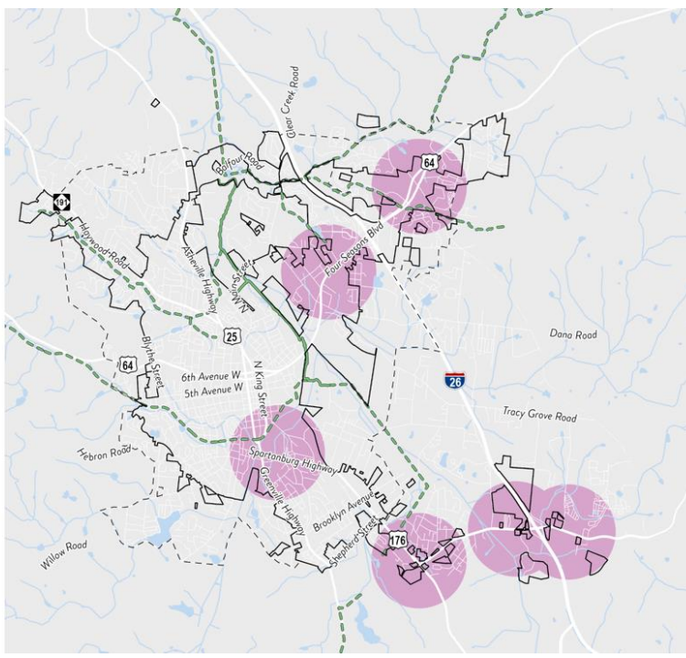
OPEN SPACE - RECREATION (OS-R)
These areas are typically publicly-maintained facilities, improved for a variety of uses including ballfields, golf courses, gardens, arboretums, and parks. Though various types of active recreation spaces are also suitable uses in other character areas, this character area delineates the locations of large open space areas with public access.



FUTURE LAND USE & CONSERVATION MAP



FOCUSED INTENSITY NODES MAP



Ordinance

Motion:

I move City Council adopted the Gen H 2045 Comprehensive Plan as presented [add if needed] with the following recommended revisions:

1)

2)

Final Revised Gen H Plan is available online

Gen H Comprehensive Plan

Short-Term Implementation Project List

Short-Term Implementation Project List

HVL Gen H Comp Plan Implementation Portfolio – Short-Term Projects (Draft, 6/3/24)

The Hendersonville Gen H Comprehensive Plan includes a number of action steps to help the City of Hendersonville move quickly and effectively from planning to implementation to begin pursuing its shared community vision. The comprehensive plan lists 76 different implementation measures organized under the 10 plan goals. This is an extensive list that will take years to fully implement. As a result, below is a list of 34 of these projects to consider for short-term action. Together, these form a pool of projects from which to draw for initial implementation efforts, once the plan is adopted. In this way, the City of Hendersonville and its partners can work together in the years ahead to help manage the forces of change and advance the shared community vision. This is a living document and project details will evolve over time, so City of Hendersonville staff will need to update this list periodically to reflect the latest information about each project.

KEY FOR "ESTIMATED COST LEVEL" COLUMN
This column suggests who should be authorized to initiate funding for each project in order to move forward in a timely and effective manner, based on plan approved by Town Council.
$ = Able to be implemented using discretionary funding available to Department Head
$$ = Able to be implemented using discretionary funding available to City Manager
$$$ = Able to be implemented with a line item in the annual City budget
$$$$ = Able to be implemented with a line item in City Capital Improvements Program
$$$$$ = Able to be implemented with third-party funding, e.g. grants or partner resources

KEY FOR "PRIORITY LEVEL"
This designation after each project name suggests a prioritization for the short-term projects for the City to consider when deciding which projects to initiate.
S-1 = Consider initiating these projects first.
S-2 = Consider initiating these projects second.
S-3 = Consider initiating these projects third.

NO.	NAME	DESCRIPTION	LEAD STAFF	EST. COST LEVEL	POTENTIAL FUNDING SOURCES	NEXT STEPS
	1. Vibrant Neighborhoods					
1.01	**Establish neighborhood matching grant program for self-directed improvements** (S-3)	Invite neighborhood organizations and community groups to submit grant proposals to the City to make improvements that they propose such as gateway signage, artwork, local history installations, and improvements to pocket parks.	Community Development Dept.; Engineering Dept.; Public Works Dept.	$$$	General Fund	• Add to Dept. work plans • Research examples • Develop and finalize program structure and procedures • Include funding in annual budget • Run program pilot to test approach

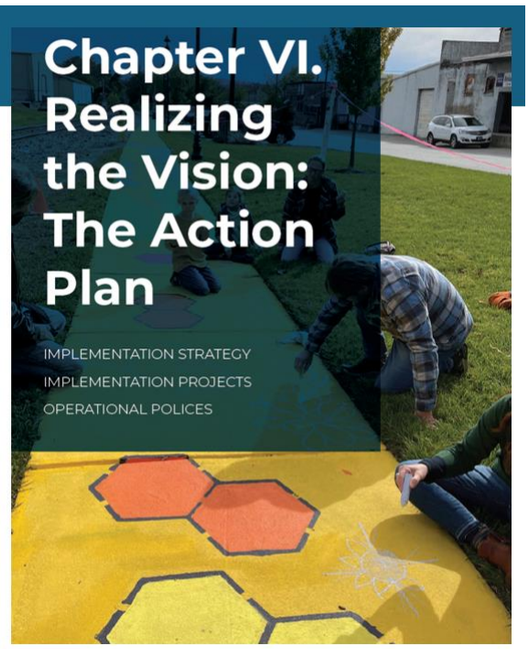
Resolution

Motion:

I move City Council adopt a resolution accepting the list of Short-Term Implementation Projects associated with the Gen H Comprehensive Plan with a recommendation that the Planning Board and City Manager review any changes to the priority list.

Final Revised Gen H Plan is available online

Gen H Comprehensive Plan



Council Member Lyndsey Simpson moved that City Council adopt the Gen H 2045 Comprehensive Plan as presented. A unanimous vote of the Council followed. Motion carried.

B. Resolution to Accept Short Term Implementation Project List – *Matthew Manley, AICP, Strategic Projects Manager*

Mr. Manley explained that as part of the implementation of the City's Gen H Comprehensive Plan, a standalone table of projects has been derived from the full Implementation Plan - Chapter 6 of the Comprehensive Plan. Whereas the full Implementation Plan recommends projects that will take place over the course of the life of the plan (10-15 years), the Short-Term Implementation Projects Table identifies just those projects that will be initiated and/or completed in the first 1-2 years after plan adoption. These priority projects were vetted by City Staff including City Management as well as the Community Advisory Committee and Planning Board. The stand-alone nature of the Short-Term Implementation Projects Table allows the list to be updated and amended as necessary without requiring a full-scale amendment to the Gen H Comprehensive Plan.

Council Member Lyndsey Simpson moved that City Council adopt a resolution accepting the list of Short-Term Implementation Projects Table associated with the Gen H Comprehensive Plan with a

recommendation that the Planning Board and City Manager review any changes to the priority list. A unanimous vote of the Council followed. Motion carried.

9. NEW BUSINESS

A. Saluda Water System Merger Study Update – *John Connet, City Manager*

City Manager Connet explained that the City of Saluda received funding to investigate merging of their water system with the City of Hendersonville's Utility System. The Saluda City Council has requested the Hendersonville City Council to appoint two members to meet with two members of the Saluda City Council to discuss the draft study.

Mayor Barbara Volk moved that Council Members Jennifer Hensley and Jeff Miller be appointed, and Melinda Lowrance as an alternate, to meet with the City of Saluda to discuss their draft Water System Merger Study. A unanimous vote of the Council followed. Motion carried.

10. CITY MANAGER REPORT

A. July 2024 Contingency and Adjustment Report – *John Connet, City Manager*

City Manager Connet asked Council to review the Contingency and Adjustment Report and the Cash & Investment Report at their leisure and there is no need for approval. He added that there will be a Parks & Greenspace Master Plan public input meeting. We invite the community to an input session on Monday, August 12th from 5:00pm -6:30pm at the public library on Washington Street. Our consultants will kick off the meeting with a short presentation followed by a discussion where community members are invited to give their feedback. In addition to that meeting, the Public Works Department will be collecting virtual feedback to a survey posted on the City's website in mid-August.

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.

FISCAL YEAR 2023 - 2024 (FY24)
BUDGET AMENDMENTS

Completed	Corrected
Proposed	Denied

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION	APPROVED	TYPE	AMENDMENT NUMBER
060-0000-534999	Contingency	35,250	-	2,500	32,750	Etowah Lawsuit	yes	adjustment	7/19/2024
060-7002-531700	Liab & Prop Ins & Bonds	110,039	2,500	-	112,539	Etowah Lawsuit	yes	adjustment	7/19/2024

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

SUMMARY:

	3/31/24	3/31/24
U.S. Treasuries	$3,953,732.79	$1,987,625.01
Agencies	499,125.00	499,125.00
Commercial Paper	0.00	0.00
NCCMT Mutual Fund	6,759,589.03	8,868,699.60
NCCMT Cash Fund	7,958,009.20	2,856,249.57
Wells Fargo H&W	58,700.80	77,151.26
Wells Fargo Operating Account	6,615,485.77	2,797,195.56
Total	$25,844,642.59	$17,086,046.00

Undisbursed Restricted Proceeds		
2019 Revenue Bond	$239,921.61	$0.00
2022 Revenue Bond	$760,802.20	$268,548.26
2023 Revenue Bond	$4,332,930.54	$3,793,279.82
2021 LOB	$2,153,650.94	$1,716,869.89
2022 IFC Fire Station	$6,419,319.86	$3,498,556.87
2023 City Hall/Ops Construction	$4,163,240.38	$3,402,291.77
2024 Vehicle Loan	$1,219,172.31	$827,455.69
2024 Powell Bill	$526,402.78	$492,271.02

CITY OF HENDERSONVILLE
FIRST CITIZENS CUSTODIAN ACCOUNT

INVESTMENT REPORT

June 2024

Investment Name		Rating	Cusip	Price	Coupon	YTM	Purchased Date	Issued Date	Maturity Date	Callable	Cost Basis
TREASURY AND FEDERAL AGENCIES											
Federal Home Loan Bks Cons Bds	FHL		3130ALLN2	99.825	0.50%	0.50%	3/24/2021	3/24/2021	3/24/2026	NO	499,125.00
US Treasury Note Dtd 09/30/22 Due 9/30/27	USN		91282CFM8	99.936	4.13%	4.16%	9/30/2022	2/30/2024	9/30/2027	NO	999,359.38
US Treasury Note Dtd 02/25/23 Due 02/15/26	USN		91282CGL9	98.827	4.00%	4.05%	2/15/2023	2/15/2024	2/15/2026	NO	988,265.63
TOTAL TREASURY AND FEDERAL AGENCIES											2,486,750.01
COMMERCIAL PAPER/CASH EQUIVALENT											
TOTAL COMMERCIAL PAPER/ CASH EQUIVALENT											0.00
OTHER INVESTMENTS (MUNI/BABS/)											
TOTAL OTHER INVESTMENTS (MUNI/BABS)											0.00
Total Securities											2,486,750.01
NC Capt Management	Cash										8,868,699.60
									Total Security - Cost Basis		11,355,449.61

Portfolio Allocation - by Security Type

				% of Total Cash
Fannie Mae	FNMA		-	0.00%
Federal Home Loan bank	FHLB		499,125.00	2.94%
Freddie Mac	FHLMC		-	0.00%
Federal Farm Credit Bank	FFCB	$	-	0.00%
US Treasury Note	USTN		1,987,625.01	11.72%
US Treasury Bill	USTB		-	0.00%
Total GOVERNMENT AGENCIES		$	2,486,750.01	
Commercial Paper			-	0.00%
MUNI/OTHER			-	
Cash			8,868,699.60	
		$	11,355,449.61	

Portfolio Allocation - by Maturity Date:

FY24	$	-
FY25	$	-
FY26	$	1,487,390.63
FY27	$	-
FY28	$	999,359.38
		$2,486,750.01
		-

11. CITY COUNCIL COMMENTS

Council Member Lyndsey Simpson wanted to let everyone know that she will again be in a dunk tank this coming Saturday at Oklawaha Brewing after 5:00 pm.

12. ADJOURN

There being no further business, the meeting adjourned at 9:00 p.m. upon unanimous assent of the Council.

_____
Barbara G. Volk, Mayor

ATTEST: _____
Jill Murray, City Clerk

MINUTES

August 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: Jeff Miller, Jennifer Hensley and Melinda Lowrance

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

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. 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.

4. PRESENTATIONS

A. Proclamation – Be Smart Week – *Barbara Volk, Mayor*

Mayor Volk read the proclamation aloud and presented it to Bob Carlson, Kim Chao and Ruth Klug.

Proclamation
BE SMART WEEK
AUGUST 26 – 30, 2024

WHEREAS, Guns are the number one killer of children and teens in the United States, more than accident or disease; and

WHEREAS, the city of Hendersonville is committed to creating a safe environment contributing to the well-being of our children; and

WHEREAS, almost every day, a child gets his or her hands on a gun and unintentionally kills or injures himself or herself or someone else in the United States; and

WHEREAS, research shows that one of the best ways to protect children and teens from accessing guns is to implement secure firearm storage practices including making sure guns are secured with a lock or in a safe; and

WHEREAS, there are steps we can all take, gun owners and non-gun owners alike, to make sure kids can't access guns and put themselves and others in danger; and

WHEREAS, an estimated 54 percent of gun owners don't lock all of their guns securely and an estimated 4.6 million children live in a home with at least one unlocked and loaded gun in the United States; and

WHEREAS, when guns aren't properly stored, tragedy can strike - whether it's a child finding a firearm and injuring or killing himself or herself or someone else, or someone stealing it and using it to commit crime in our communities: and

WHEREAS, BE SMART Week raises awareness and promotes efforts to educate the public about secure gun storage; the City of Hendersonville commends Be SMART and all involved in their endeavor to keep communities safe;

NOW, THEREFORE, BE IT RESOLVED, that Mayor Barbara Volk of the City of Hendersonville, North Carolina declares August 26 – 30, 2024 to be BE SMART Week.

PROCLAIMED this 28th day of August, 2024.

B. Proclamation – Celebration & Recognition of Migration Workers – *Barbara Volk, Mayor*

Mayor Volk read the proclamation aloud and presented it to:

- Clint Holt,
- Melissa S. Escobar, True Ridge, Executive Director
- Christina Hawley-Holtgreven, ESQ, True Ridge, Immigration Attorney
- Christopher Just, NC Cooperative Extension, Farmworker Health & Safety Educator
- Kimberly Dunbar, Grace Lutheran Church, Interim Ministry Associate, Social Justice Ministry
- Carol Watson, First United Methodist Church, Social Justice Ministry

and others who were there to receive it on behalf of all migrant workers.

Proclamation
CELEBRATION AND RECOGNITION OF MIGRANT WORKERS

WHEREAS apples are one of the most important agricultural crops grown in Henderson County, with ninety-one active growers producing an estimated million bushels annually. Eighty percent (80%) of this state's apple supply is from Henderson County with an average income of $30 million. North Carolina is considered the seventh largest producer of apples in the United States; and

WHEREAS none of this economic benefit would be realized without the support of the migrant workers who come to Henderson County under the migrant worker H2A program. Each year more than five thousand workers come into our county to support the apple industry. Migrant workers bring invaluable skills and experience to the apple industry, contributing to the cultivation, harvesting, and packing of our apple crops with diligence and care. These workers and their families remain a largely unseen population within our community, but the work they do is crucial to the health of our agricultural production. These workers tend the orchards and harvest the crop that delivers the revenue that is so important to the economic well-being of our community; and

WHEREAS the contributions of migrant workers not only support the apple industry, but also enrich the cultural and social fabric of our communities, fostering diversity and mutual understanding. Likewise, they also contribute to the financial success of the local retail businesses in Hendersonville and throughout Henderson County; and

WHEREAS it is appropriate for us to proclaim our heartfelt appreciation for the contributions of migrant workers to the Henderson County apple industry. We should honor the hard work, dedication, and commitment to delivering quality labor and services. While the migrant workers remain a largely invisible component of our community, we are compelled to pledge support and advocate for the fair treatment and well-being of all migrant workers in our county.

NOW, THEREFORE, I, Barbara Volk, Mayor of the City of Hendersonville, on behalf of the residents of Hendersonville, do hereby proclaim August 30, 2024, as a day to recognize and celebrate the contributions of migrant workers to the apple industry of Henderson County.

BE IT FURTHER RESOLVED that we extend our sincere appreciation to all migrant workers for their dedication, labor, and unwavering commitment to our community and our local agricultural heritage.

PROCLAIMED this 28th day of August, 2024.

C. Presentation from Color Us United – *Kenny Xu, President*

Kenny Xu, President and Primary Spokesman for Color Us United gave the following PowerPoint presentation explaining why he thinks DEI is bad for business and does not promote a positive community culture.

8/28/24 - Color Us United

About Color Us United

- Advocating for a race-blind society, our mission is to strive for a world where ALL people are treated equally
- Successful Campaigns reforming DEI at UNC Medical School, Salvation Army and American Express
- Ongoing Campaign reforming DEI at Duke Health

01

Hendersonville's DEI programs

- According to Cher Marie, the city contracted with a diversity consultant called Ahkirah Consultants
- Overall, Ahkirah Consultants says nothing substantially harmful, but it also says nothing substantial - reliant on anonymous surveys stating obvious things: "interpersonal communication" is lacking, etc.
- Concern over the financial cost to taxpayers of such a plan ($150,000)

Hendersonville's DEI programs

- Ahkirah Consultants does provide some evidence that I agree with
- *"City employees think new colleagues will fit in if they're "motivated", "competent", "open", and "have a positive attitude"."*
- *"Although word-of-mouth referrals are not ill-advised, to create an intellectually, racially, experientially and culturally diverse workforce, examination should be given to assigning unmerited value to candidates based upon established circles of familiarity."*

Hendersonville's DEI programs

- Among the City's DEI Committee recommendations

- *"Underserved" community fair*
- *"Evaluate Street Naming Policy"*
- *Leadership trainings focused on "emotional intelligence"*

Objective: DEI is *bad* for Hendersonville

01 DEI is not popular with your constituents

02. DEI does not promote a positive community culture

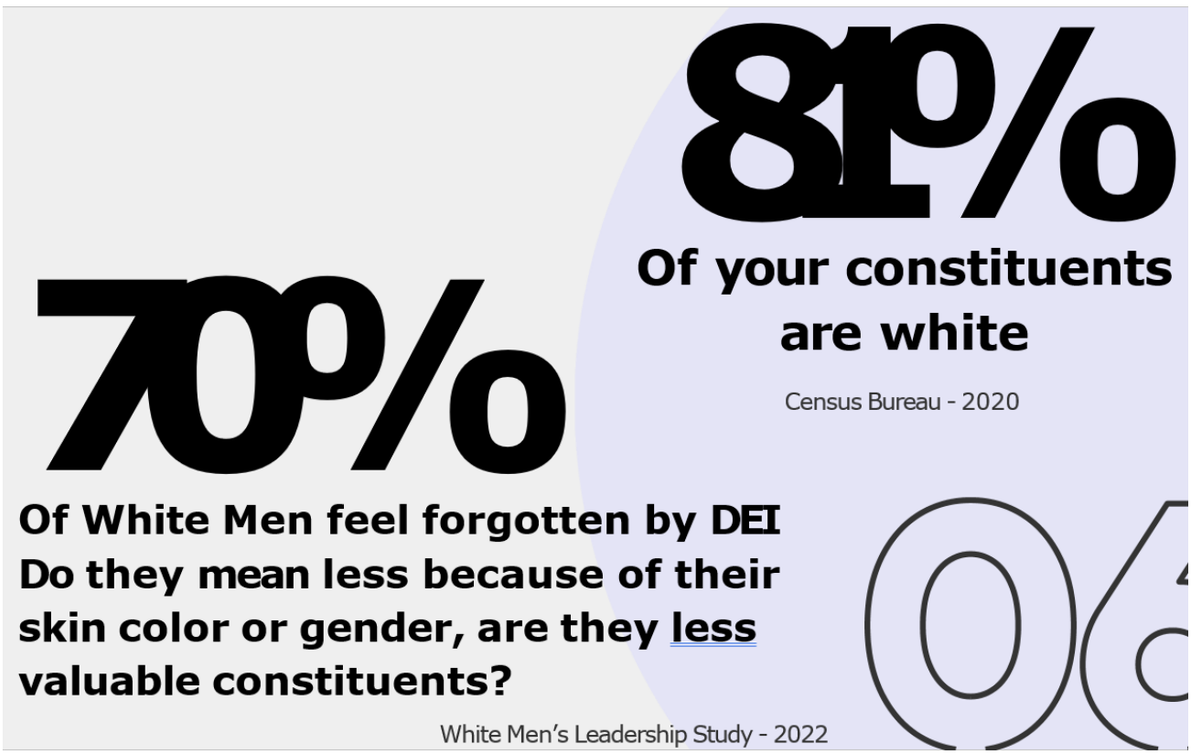
03. DEI will have a negative impact on your community and economy

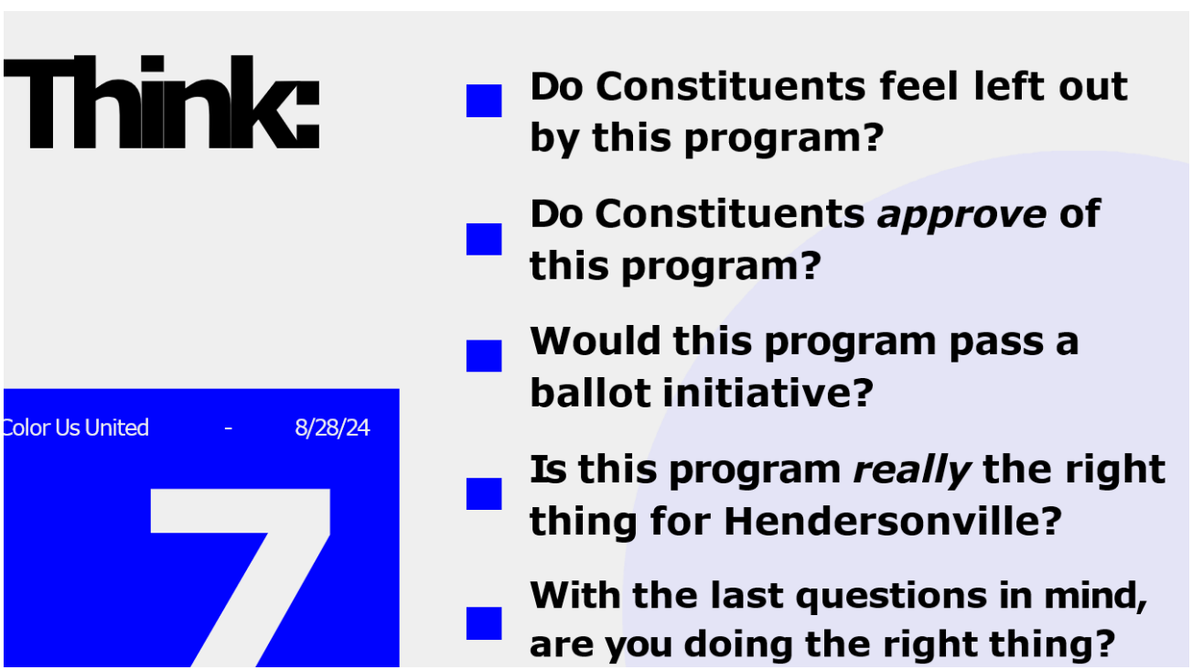
72% of Republicans

66% of Independents

Believe DEI does NOT have a positive impact on a workplace

47%
Of your constituents voted
Republican in the last election
Color Us Uni
Would they support their
money going to
a DEI consultant?


81%
Of your constituents
are white
Census Bureau - 2020
70%
Of White Men feel forgotten by DEI
Do they mean less because of their
skin color or gender, are they less
valuable constituents?
White Men's Leadership Study - 2022


Think:
Do Constituents feel left out by this program?
Do Constituents approve of this program?
Would this program pass a ballot initiative?
Is this program really the right thing for Hendersonville?
With the last questions in mind, are you doing the right thing?
Color Us United - 8/28/24
7

CITY OF HENDERSONVILLE *CORE VALUES & BELIEFS*

The City of Hendersonville...

...*believes* municipal government should be non-partisan.

...*values* open, transparent communication and trust with the community and each other.

...*believes* community members expect services to be delivered at a high level.

...*values* all community members through promoting diversity, equity, and inclusion.

...*values* its employees and must support them to ensure the provision of high-quality services to its residents.

...*believes* that it must pursue and provide opportunity for responsible growth.

...*values* the lives of all community members and must protect them through collective action.

...*believes* environmental sustainability is critical to preserving the community for future generations.

Does DEI *really* value *all* community members?

What will this project do to community trust?

There is no evidence DEI is good for business.

4 McKinsey studies over the course of 8 years could *NOT* be replicated

Mr. Paul Benjamin, who leads the Save America Initiative and oversees the Life Centers Global, also briefly spoke in opposition of DEI.

~Mayor Barbara G. Volk briefly recessed the meeting for a short break at 4:44 p.m. and reconvened at 4:49 p.m.~

D. Draft Parks & Greenspace Master Plan – *Mark Stierwalt, Public Works Superintendent*

Mark Stierwalt introduced Brenna Laffey of Design Workshop who gave the following PowerPoint presentation.

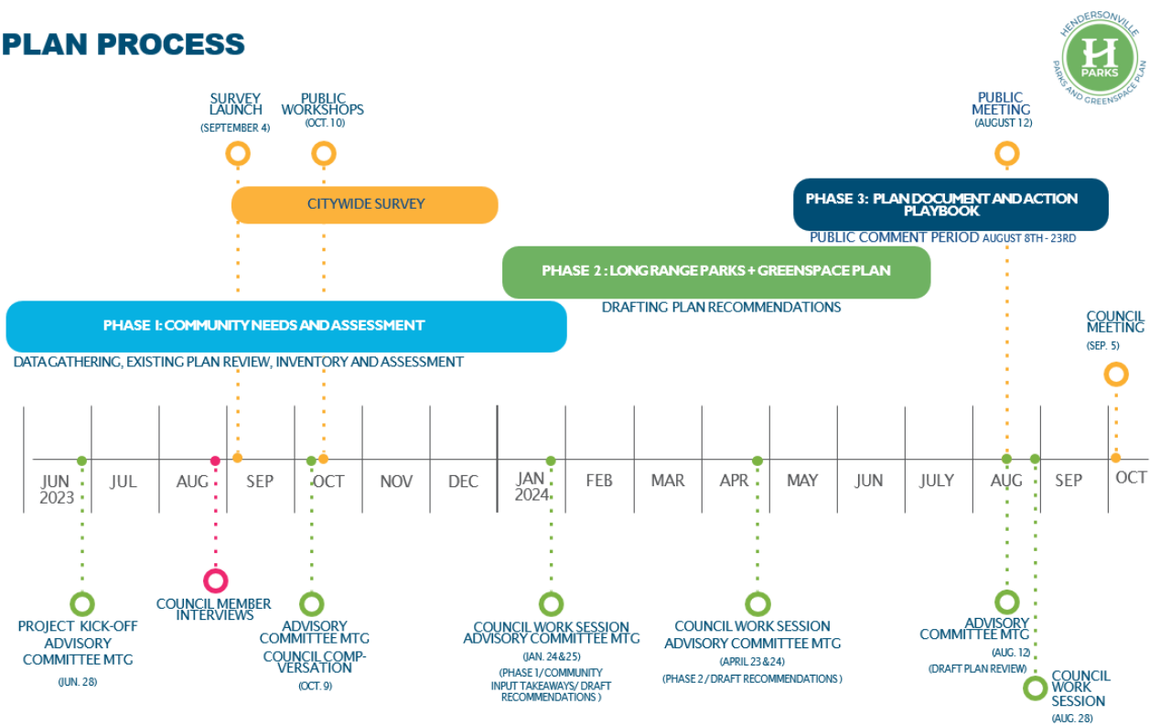
AGENDA

- Plan Purpose and Overview
- Elements of the Plan
- Key Findings
- Plan Guiding Principles and Key Goals
- Implementation
- Concept Plans
- Next Steps
- Q&A

PLAN PURPOSE

The City of Hendersonville has been working over the past year to develop a citywide parks and greenspace plan that will be a blueprint for an equitable and resilient citywide parks and greenspace system over the next 20 years and beyond.

PLAN PROCESS

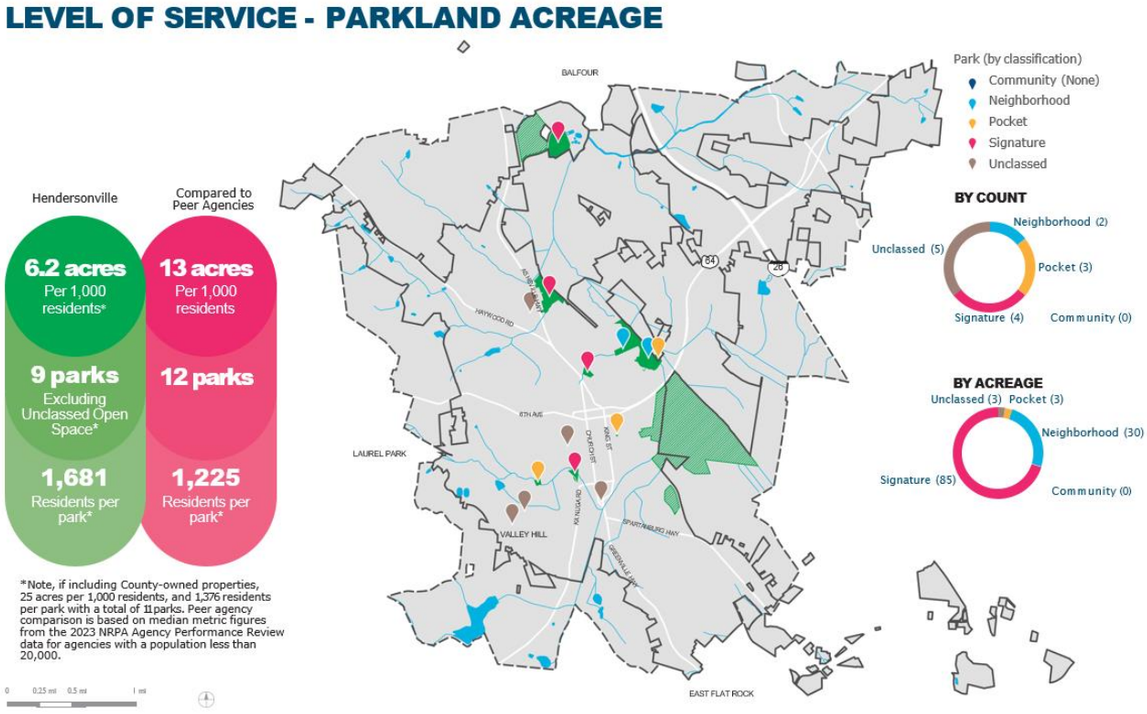


MAIN ELEMENTS OF THE PLAN

- **Executive Summary**
  A quick snapshot of the plan.
- **Chapter 1: Planning Context**
  A summary of the background, purpose and demographic trends that influence the plan.
- **Chapter 2: Existing State of the System**
  An overview of the key takeaways and evaluation of existing parks and amenities, level of service analysis and visitation trends.
- **Chapter 3: Community Engagement**
  A summary of what we heard in the public survey and workshops.
- **Chapters 4-8: Guiding Principles**
  Key goals, recommendations, best practices and action items organized by the plan guiding principles.
- **Chapter 9: Implementation**
  A one-year action plan and recommendations for future operations, finance and management to implement the plan over time.
- **Chapter 10: Concept Plans and New Park Toolkit**
  High-level conceptual plan recommendations for improvements to existing and new parks.
- **Appendices**
  Supplementary content.

KEY FINDINGS

LEVEL OF SERVICE - PARKLAND ACREAGE

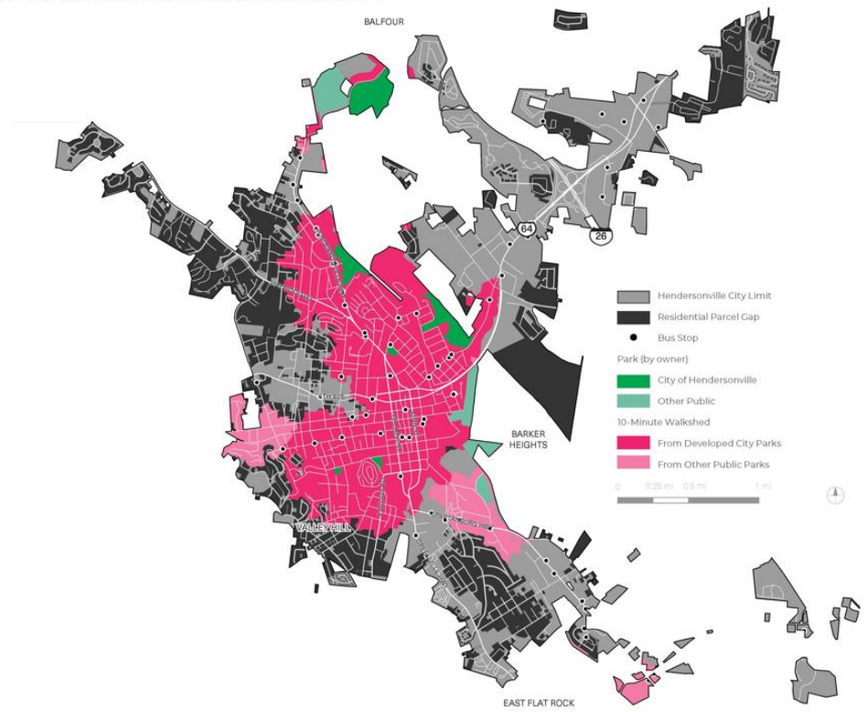


LEVEL OF SERVICE: 10-MINUTE WALKSHED

35%
or 4,402 current residents **live within a 10-minute walk** to public parks.

(28% when only considering developed parks)

Compared to 56% average for peer cities.



LEVEL OF SERVICE - GREENWAY ACCESS

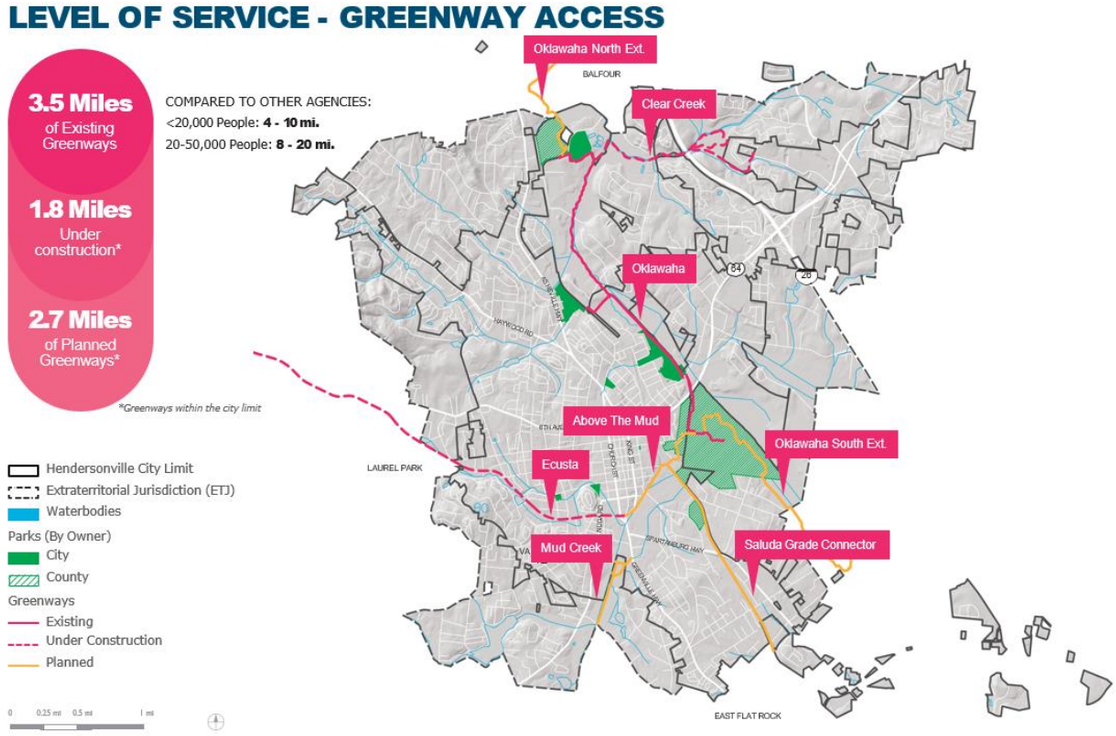
3.5 Miles of Existing Greenways

1.8 Miles Under construction*

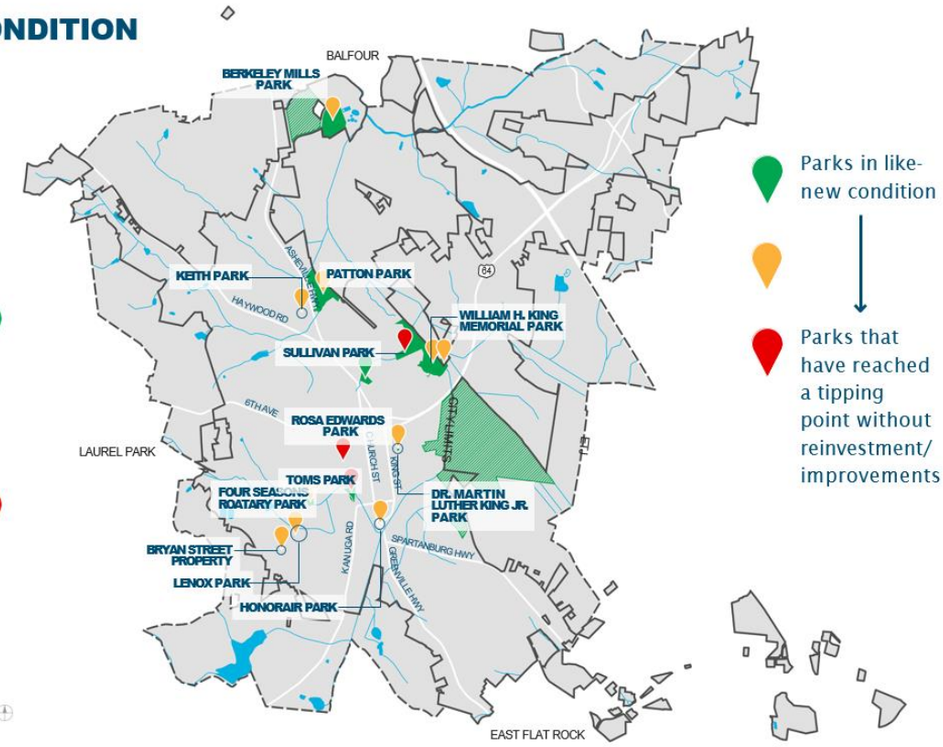
2.7 Miles of Planned Greenways*

*Greenways within the city limit

COMPARED TO OTHER AGENCIES:
<20,000 People: **4 - 10 mi.**
20-50,000 People: **8 - 20 mi.**



EXISTING CONDITION



LEVEL OF SERVICE - FACILITIES

NEW FACILITIES

How many **new facilities** are recommended by 2050 to meet current needs and anticipated population growth?

Table 10: Future Park Facility Recommendations

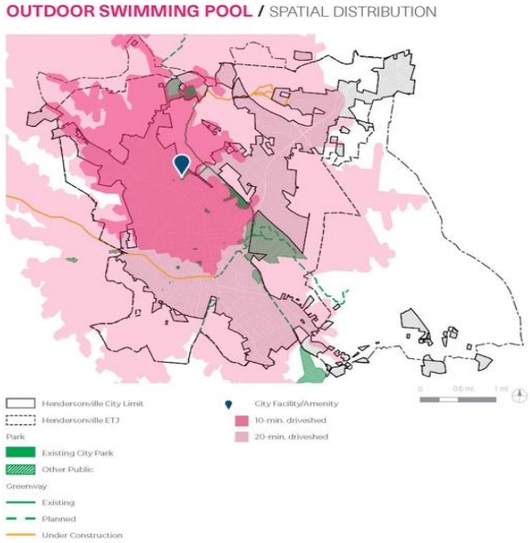
TYPES OF FACILITIES	NO. OF NEW FACILITIES NEEDED TO FILL THE GAP BY 2050	ANTICIPATED TOTAL PRICE	RECOMMENDED LEVEL OF SERVICE 2050 (RESIDENTS PER FACILITY)	RELATIVE TO CURRENT LOS	RELATIVE TO PEER-CITY METRICS
AMPHITHEATER	1	$5,000,000	20,000	+	+
BASKETBALL COURT	1	$150,000	3,500	=	+
COMMUNITY CENTER	1	$5,000,000	20,000	+	-
DIAMOND FIELD	NEEDS MET		3,000	-	=
DISC GOLF COURSE*	NEEDS MET		15,000	+	=
DOG PARK	1	$50,000	7,500	=	+
MULTI-USE FIELD	3	$300,000	4,000	+	=
PICKLEBALL COURT*	NEEDS MET		3,000	=	=
PLAYGROUND	4	$1,000,000	2,000	+	=
RECREATION CENTERS	1	$5,000,000	10,000	+	=
SENIOR CENTERS	1	$5,000,000	14,000	+	=
SKATE PARK	NEEDS MET		20,000	=	=
SPLASH PAD	1	$800,000	20,000	+	=
SWIMMING POOL	1	$2,000,000	10,000	+	=
TENNIS COURT	NEEDS MET		3,000	-	=

**A new disc golf course and pickleball courts are currently under construction. Once completed, these facilities meet the recommended level of service goals.*

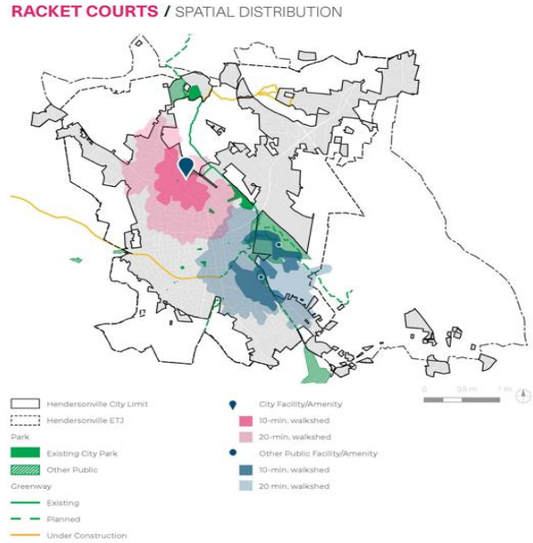
= *Indicates where the recommended level of service is similar or equal*
+ *Indicates where the recommended level of service is greater than*
- *Indicates where the recommended level of service is less than*

LEVEL OF SERVICE - FACILITIES DISTRIBUTION

OUTDOOR SWIMMING POOL / SPATIAL DISTRIBUTION

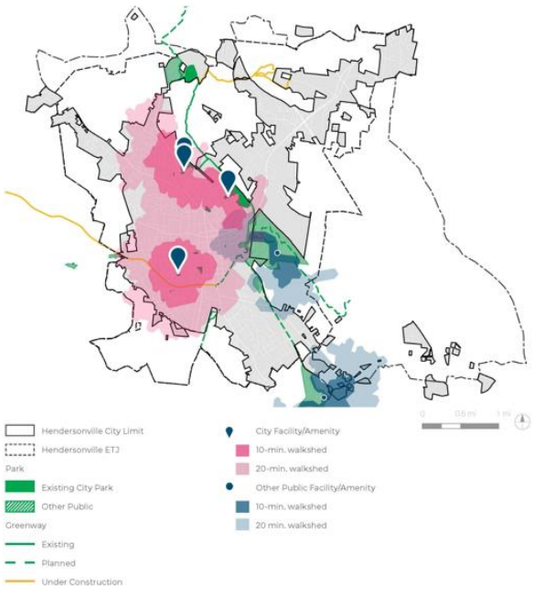


RACKET COURTS / SPATIAL DISTRIBUTION

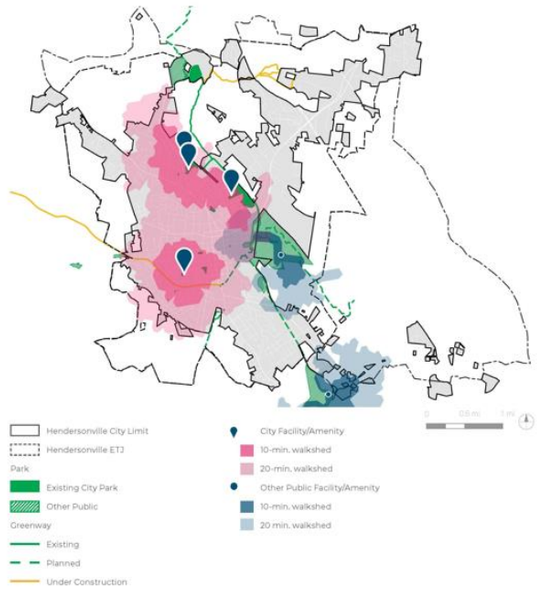


LEVEL OF SERVICE - FACILITIES DISTRIBUTION

PICNIC SHELTERS / SPATIAL DISTRIBUTION



PLAYGROUNDS / SPATIAL DISTRIBUTION



WHAT WE HEARD: SURVEY

MOST IMPORTANT FACILITIES

RESIDENTS MOST POPULAR DESTINATIONS FOR FUTURE CREENWAYS

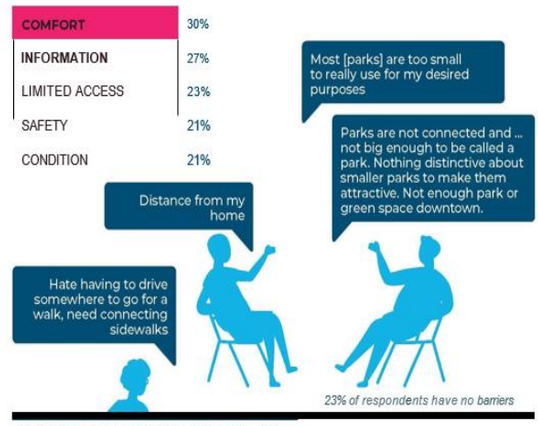
NATURAL AND SCENIC VIEWS	56%
NATURAL **WATER** FEATURES	55%
INTERCITY TRAILS	51%
CITY TRAILS	48%
DOWNTOWN/ **MAIN** STREET	45%
PARKS	40%

WHAT ARE THE PRIORITIES FOR THE NEXT 10 YEARS?

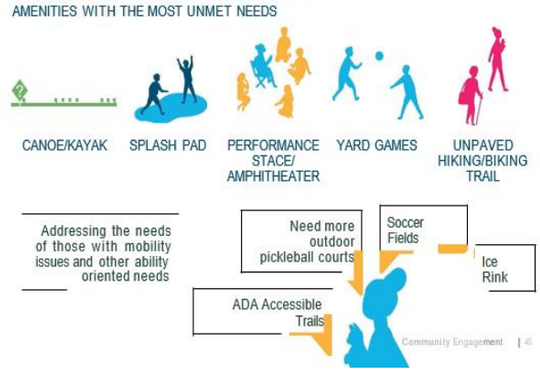
44 | Community Engagement

BARRIERS FROM USING PARKS

COMFORT	30%
INFORMATION	27%
LIMITED ACCESS	23%
SAFETY	21%
CONDITION	21%

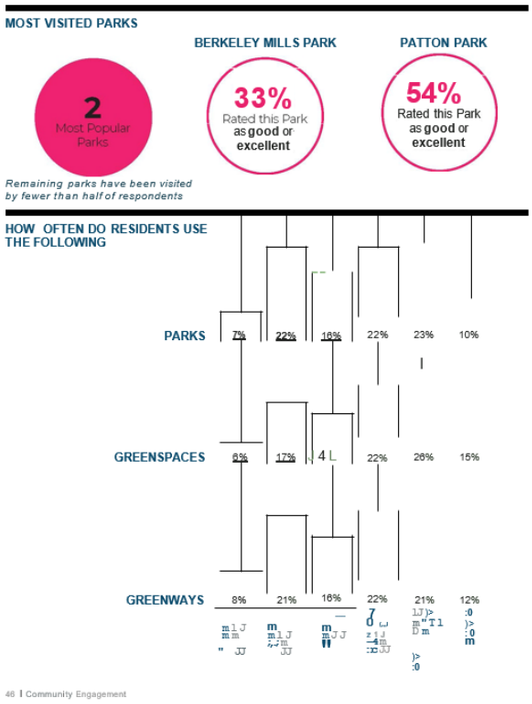


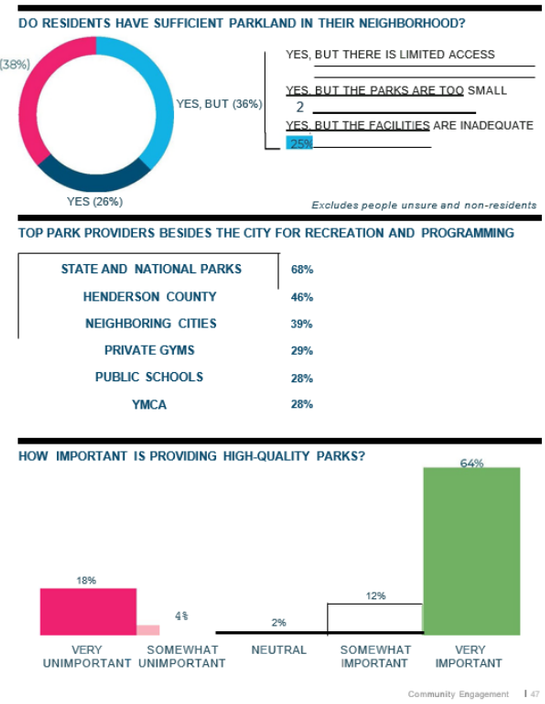
AMENITIES WITH THE MOST UNMET NEEDS



Community Engagement | 45

WHAT WE HEARD: SURVEY





PLAN VISION, GUIDING PRINCIPLES AND KEY GOALS

A COMMUNITY-DRIVEN VISION

PLAN VISION:

Hendersonville will have a park and greenspace system we love—with high-quality neighborhood parks accessible to all; connectivity between parks, open space and where people live and work; leadership in sustainable practices and preservation of the natural environment; destination parks and placemaking that promote local character, community vibrancy, safety and sense of place.

GUIDING PRINCIPLES AND KEY GOALS

ACCESS — Making sure our parks are welcoming and barrier-free for all Hendersonville residents.

EQUITY — Committing to justice, fairness and the premise that everyone deserves access to a great public park.

NATURE — Protecting, preserving and enhancing our natural features and resources.

PLACE — Amplifying local character, community vibrancy, safety and sense of place.

QUALITY — Setting a citywide standard for the design, construction and maintenance of high-quality parks and greenways.

ACCESS KEY GOALS

1. Launch a Safe Routes to Parks program, improving access to the parks and greenspace system.
2. Reduce park access gaps through acquisition or partnerships.
3. Ensure parks are accessible to users of all abilities.
4. Create safe park enviornments year-round and improve perceptions of security.
5. Connect people to information about their park and greenspace system to increase visitation and stewardship.

EQUITY KEY GOALS

1. Promote inclusion in park spaces, facilities and events.
2. Honor the culture, storytelling, art and history of traditionally marginalized communities.
3. Require that all new park development and existing park improvement projects are driven by a robust and community-based engagement and design process.
4. Incorporate anti-displacement strategies as part of park design and engagement processes.

NATURE KEY GOALS

1. Integrate with other citywide sustainability and stormwater initiatives to promote the parks system as green infrastructure.
2. Increase nature interaction opportunities in parks and public greenspaces.
3. Preserve and enhance the city's tree canopy.
4. Dedicate and prioritize preservation of natural open space.

PLACE KEY GOALS

1. Activate parks, emphasize community and sense of place.
2. Identify new opportunities for partnerships to expand events and activations at parks and facilities.

QUALITY KEY GOALS

1. Rethink Parks and Greenspace Delivery in Hendersonville.
2. Invest in high-quality Neighborhood Parks.
3. Increase and diversify park system funding in line with industry standards.

PARKS & GREENSPACE
HENDERSONVILLE
PARKS MASTER PLAN UPDATE

SCAN THE QR CODE OR VISIT WWW.PUBLICINPUT.COM/COH/PARKS TO READ THE DRAFT PLAN AND SHARE YOUR FEEDBACK

ACTION PLAN ORGANIZED BY GUIDING PRINCIPLE AND GOALS

DRAFT *DRAFT*

ACCESS ACTION ITEMS

Each of the Key Goals are supported by a series of specific actions with associated entities and timelines, intended to offer a roadmap for how and when the City and its partners can achieve the vision of the Parks and Greenspace Plan.

Chapter 9: Implementation offers more details about partnership and funding recommendations.

Table 4: Action Items Matrix / Access

#	ACTION	RESPONSIBILITY	TIMEFRAME: Year 1	Short Term (2-5 Years)	Mid Term (Year 6-10)	Long Term (10+ Years)	Ongoing
GOAL #1: Launch a Safe Routes to Parks program, improving access to the parks and greenspace system.							
A1.1	Coordinate with Hendersonville's Engineering Department and other City departments to identify funding sources and begin collaborative planning and design for projects that are needed to overcome significant barriers to non-motorized transportation, such as over/ undercrossings of major roads and railroads, streams and ridges.	**Lead:** Public Works **Partner(s):** Community Development, Engineering, Henderson County Health, NCDOT.		●			●
A1.2	Coordinate with other City departments and other entities to align with the Walk Hendo Plan and other transportation plans to prioritize connections between parks and open space, residences, schools, and grocery stores to advance connectivity.	**Lead:** Public Works **Partner(s):** Community Development, Engineering, Henderson County Health, NCDOT.		●			●
A1.3	Coordinate with other City departments to build off the ADA Transition Plan to implement safe routes to parks and greenway access points. As part of future updates, consider ADA "Walk Audits" where community leaders, residents, City staff and elected officials convene to walk existing routes to parks, make note of needed improvements, and create short- and long-term strategies for improving connectivity and access. Consider launching the program in Equity Investment Zone communities, particularly at neighborhood parks in areas with high rates of children or seniors.	**Lead:** Public Works **Partner(s):** Community Development, Engineering, Henderson County Health, NCDOT.		●			●
A1.4	Implement appropriate pedestrian signalization strategies to ensure safe pedestrian movement around park properties. Add signs and navigation cues as needed for pedestrians to easily navigate the park area.	**Lead:** Public Works **Partner(s):** Community Development, Engineering, NCDOT.		●			

#	ACTION	RESPONSIBILITY	TIMEFRAME: Year 1	Short Term (2-5 Years)	Mid Term (Year 6-10)	Long Term (10+ Years)	Ongoing
GOAL #2: Reduce park access gaps through acquisition or partnerships.							
A2.1	Prioritize pursuing land acquisition of vacant, redevelopable lots, or access easements, within identified walkshed gaps to introduce additional parks and pedestrian access in proximity to residential areas or existing public service facilities.	**Lead:** Public Works **Partner(s):** Community Development, Admin, Legal					●
A2.2	Partner with Henderson County and other local organizations to share or acquire underutilized spaces and introduce recreational opportunities.	**Lead:** Public Works **Partner(s):** Community Development, Henderson County					●
A2.3	Prioritize acquisition of park land greater than 2 acres that will increase access to and support future goals in the development of neighborhood and community parks with desired amenities in identified areas of service gaps.	**Lead:** Public Works **Partner(s):** Community Development, Admin, Legal					●
A2.4	Collaborate to realize a connected greenway and regional trail system to connect Hendersonville to Asheville, Brevard, Spartanburg, and beyond.	**Lead:** Public Works **Partner(s):** Community Development, Henderson County, Conserving Carolina					●
GOAL #3: Ensure parks are accessible to users of all abilities.							
A3.1	Develop a Universal and Inclusive Design Audit and Feasibility Study of existing park and sites— including curb ramps, sidewalk and path conditions, park feature accessibility, amenities and signage—to identify and prioritize improvements.	**Lead:** Public Works **Partner(s):** Community Development, Engineering		●			
A3.2	Work with City and external partners to ensure all online and physical communication materials are accessible and multilingual. Use language-neutral communication (i.e. widely recognizable icons) wherever possible.	**Lead:** Public Works **Partner(s):** Community Development, Communications		●			

IMPLEMENTATION

FUTURE PARK SYSTEM PLAN

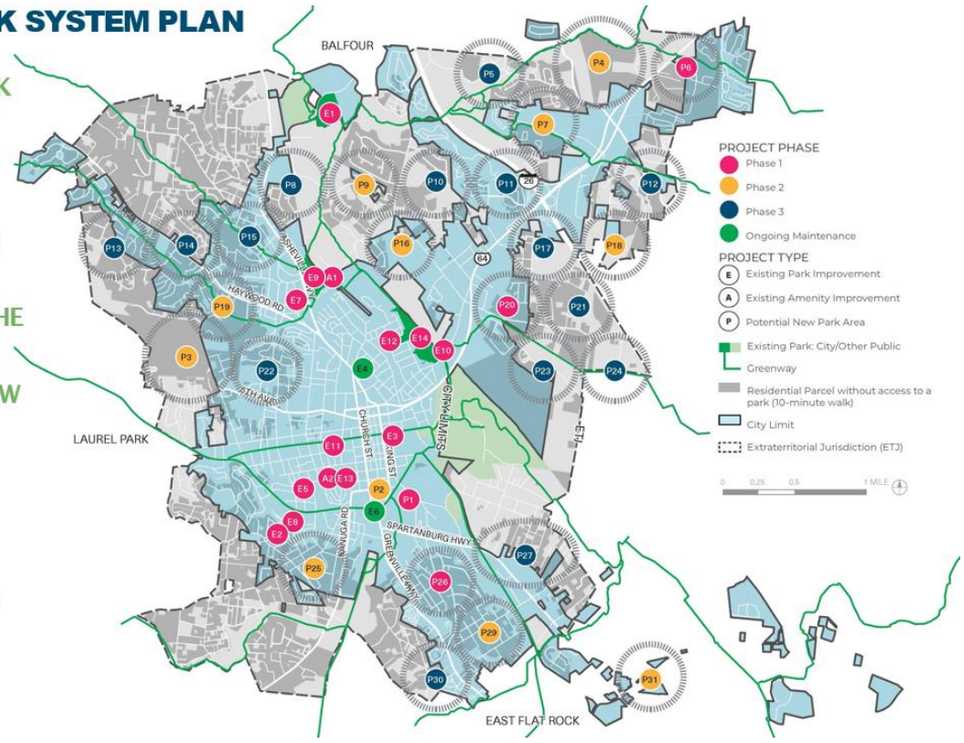
12 EXISTING PARK IMPROVEMENT PROJECTS

NEW PARK PROJECTS IN PRIORITY AREAS TO IMPROVE ACCESS THROUGHOUT THE CITY.

10+ MILES OF NEW GREENWAYS

PHASE 1 INCLUDES:

- IMPROVING 12 EXISTING PARKS
- 4 NEW PARK PROJECTS



- **Quality**
  The project improves the condition and utility of an existing park.
- **Nature**
  The project supports the protection, preservation or restoration of natural features.
- **Greenways / Connectivity**
  The project adds to or completes the greenway system.
- **Access**
  The project fills an existing gap in the city's 10-minute walkshed.
- **Equity**
  The project serves the areas of the City identified as Equity Investment Zones.
- **Site Size**
  The project is large enough that it does not exacerbate the citywide challenges of small/ scattered greenspaces.
- **Population Density**
  The project would serve more people in areas with relatively higher population density.
- **Future Development**
  The project anticipates future growth areas and the need for protected parkland and open space.
- **Level of Service**
  The project accomplishes a LOS goal for number of facilities needed.
- **Feasibility**
  The project is feasible given current ownership and land use.
- **Support / Opportunity**
  The project aligns with other community priorities and funding sources.

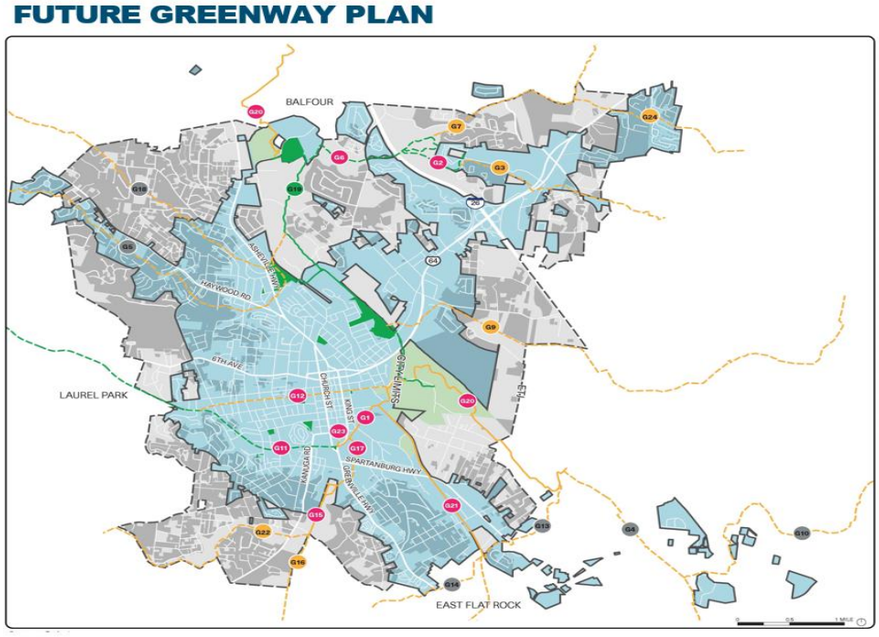
PRIORITIZATION CRITERIA

Each project was given a score based on the criteria to arrive at a list of projects organized by phase.

The prioritization model and phasing plan should be seen as a living framework that can adapt to meet evolving community needs.

The relative importance of projects listed will likely evolve in future plan updates to reflect new conditions and public values.

FUTURE GREENWAY PLAN



ID	Greenway Name	Project Type	Phase
G06	Clear Creek Greenway	Funded	1
G01	Above the Mud Greenway	Planned	1
G02	Allen Branch Greenway (Clear Creek)	Funded	1
G15	Mud Creek Greenway Feasibility Study	Planned	1
G21	Saluda Grade Connector	Planned	1
G23	South Main Greenway Connector*	Planned	1
G11	Ecusta Rail Trail	Funded	1
G20	Oklawaha Greenway North and South Extensions	Planned	1
G17	Mud Creek and Ecusta Greenway Connector	Potential	1
G12	Fourth Ave Greenway (Westbound Lane)	Potential	1
G24	Wolfpen Creek Greenway	Potential	2
G09	Devils Fork Greenway	Potential	2
G03	Allen Branch Greenway Extension	Potential	2
G07	Clear Creek Greenway Extension	Potential	2
G16	Mud Creek Greenway Extension	Potential	2
G22	Shepherd Creek Greenway	Potential	2
G13	King Creek Greenway	Potential	3
G14	Kings Creek Tributary Greenway	Potential	3
G04	Bat Fork Greenway	Potential	3
G05	Britton Creek Greenway	Potential	3
G18	Mud Creek Tributary Greenway	Potential	3
G10	Dunn Creek Greenway	Potential	3
G19	Oklawaha Greenway	Existing	Maintain

PLANNING FOR A FUTURE PARK SYSTEM

Table 11: Future Parkland Analysis, Budget and Staffing (City-limits)

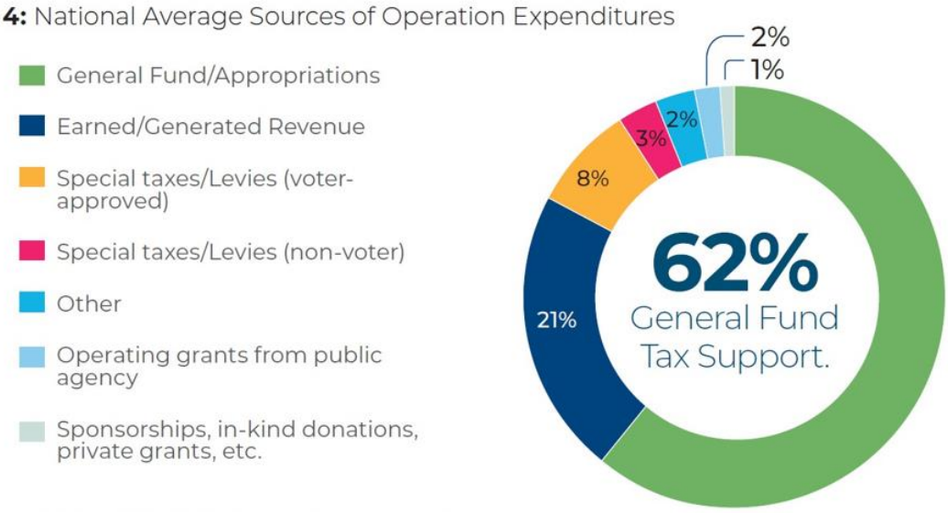
YEAR	POPULATION	TOTAL PARK ACREAGE @12.6 AC/1000 RESIDENTS	COST OF NEW PARK DEVELOPMENT AT $500K/ACRE	TOTAL OPERATING BUDGET AT $120/ PERSON	TOTAL FTE @11.5/10,000 RESIDENTS
2024	15,137	191	$16,783,673	$1,816,440	17
2030	16,197	204	$21,108,531	$1,943,591	18
2040	17,816	224	$27,719,384	$2,137,950	20
2050	19,598	247	$34,991,322	$2,351,745	22

Table 12: Future Parkland Analysis, Budget and Staffing (Including ETJ)

YEAR	POPULATION	TOTAL PARK ACREAGE @12.6 AC/1000 RESIDENTS	COST OF NEW PARK DEVELOPMENT AT $500K/ACRE	TOTAL OPERATING BUDGET AT $120/ PERSON	TOTAL FTE @11.5/10,000 RESIDENTS
2024	22,847	288	$43,253,061	$2,741,640	26
2030	24,446	308	$49,780,776	$2,933,555	28
2040	26,891	339	$59,758853	$3,226,910	30
2050	29,580	373	$70,734,738	$3,549,601	34

DIVERSIFYING FUNDING SOURCES

Figure 4: National Average Sources of Operation Expenditures



SOURCE: 2024 NRPA Agency Performance Review.

CONCEPT PLANS / NEW PARK TOOLKIT

DRAFT DRAFT

PARK CONCEPTUAL PLANS

PATTON PARK / COMMUNITY

ACRES: 17.9

EXISTING CONDITION RATING:

3 - Improvements have reached a tipping point where irreversible decline will occur without reinvestment

EXISTING FEATURES:

- Pool
- Playground
- Skate Park
- Baseball Diamond/Field
- Tennis Courts
- Multi-Purpose Field
- Walking Loop
- Picnic Shelter and Grill
- Restroom
- Pickleball Courts *(under construction)*

DESCRIPTION:

The second largest city park with the most features. The park's keystone is Patton Pool, the most visited park feature in the city. It offers something for everyone from a playground to walking trails to sport courts. It also features the only public skate park in the city.

RECOMMENDATIONS:

- Improve signage and wayfinding
- Create a vegetated screen from the commercial building on the northwest corner
- Consider consolidating greenway and walking trail into single multi usetrail where they are adjacent
- Consider consolidating bridge crossing into one larger multi-purpose bridge
- Convert baseball field to dog park and greenspace
- Reconfigure the parking lot to reduce flooding and sediment deposits adjacent to Brittain Creek
- Improve bathrooms
- Improve the multipurpose fields and add soccer goals
- Increase shade
- Improve and expand the playground to encompass more types of play and ages
- Install bike racks and bike tuning stations at greenway access points

Pool

- Consider a complete redesign of pool and complex. Hire consultant to analyze best use of facility
- Replace fence and ensure compliance with safety regulations
- Ensure ADA compliance; modernize and re-use buildings to increase efficiency
- Refinish pool surface
- Add splash pad
- Add shade structures

Brittain Creek

- Restore and re-meander creek to expand floodplain capacity, improve bank erosion and stability and improve native habitat

Basketball Court

- Resurface and repaint surface
- Consider raising court to mitigate flooding

Note. Existing site conditions such as topography and existing soils should be evaluated before finalizing and implementing new facilities.

DRAFT DRAFT

PATTON PARK / CONCEPTUAL PRECEDENT IMAGERY

Stream Restoration
Expanding the floodplain, re-meandering the creek and improvements to native planting can help with flooding and stream bank erosion.

Trail Realignment and Formal Trailhead
To improve experience and wayfinding, consider improvements to internal walking path where adjacent to the greenway. Incorporate amenities and reduce pedestrian and bicycle conflicts.

Bridge Replacement
The existing bridge is in need of replacement and provides an opportunity to simplify the stream crossings and increase functionality for multiple users.

Bike/Ped Amenities
Improved wayfinding and amenitties such as a bike tuning station and bike racks, will help to formalizing the park as a gateway to the Oklawaha greenway.

Dog Park
A new dog park is an important amenity based on the community needs assessment. The City has identified the underutilized baseball diamond fields as an area that can be converted to this use. The new feature should allow for expanding the floodplain as part of the redesign considerations.

Pool Area Renovations
Modernizing the pool area and facilities will increase efficiency, improve accessibility and ADA compliance, while ensuring this amenity can continue to serve the community for generations.

Improved Playground Equipment
Expanding and improving playground equipment can provide more opportunities for kids of all ages to get active and play.

720 | Concept Plans and New Park Toolkit

Concept Plans and New Park Toolkit 727

After some back and forth with Council, City Manager Connet explained that this will be on Council's October 3rd agenda and maybe between now and then, we can talk about what Council would like to see added or addressed like we did with the Comp Plan and talk about any questions, comments and concerns that you may have and pass it back to the consulting team and ultimately to the advisory committee.

E. Dogwood Grant Proposal – *John Connet, City Manager*

Due to time constraints, City Manager John Connet deferred this item and will put it on the September 5th agenda.

5. <u>NEW BUSINESS</u> - None

6. CLOSED SESSION

City Council Member Melinda Lowrance moved that City Council enter closed session pursuant to N.C.G.S. § 143-318.11(a)(3) to consult with an attorney employed or retained by the Council to preserve the attorney client privilege, and to consider and give instructions to our attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration or administrative procedure.

7. ADJOURN

City Council came out of closed session at 5:45 p.m. via a motion by Council Member Lyndsey Simpson. There being no further business, the meeting was adjourned at 5:45 p.m. upon unanimous assent of the Council.

_____
Barbara Volk, Mayor

ATTEST:

_____
Jill Murray, City Clerk

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Richard Shook **MEETING DATE:** 09/05/2024

AGENDA SECTION: Consent Agenda **DEPARTMENT:** Engineering

TITLE OF ITEM: Ashe Street Neighborhood and 4th Avenue Water and Sewer Replacement Loan Acceptance – *Richard Shook, Civil Engineer III*

SUGGESTED MOTION(S):

I move City Council adopt the *Resolution Authorizing the City Manager to Accept Loan Offers* for construction of the Ashe Street Neighborhood and 4th Avenue Water and Sewer Replacement project and authorize the City Engineer to execute the loan acceptance letters for the same project.

SUMMARY:

At the July 10th City Council Meeting, the Ashe Street Neighborhood and 4th Avenue Water and Sewer Replacement project was tentatively awarded to T.P. Howards Plumbing Co. Inc. The project is funded by a North Carolina Department of Environmental (NCDEQ) Quality Clean Water State Revolving Fund (CWSRF) loan and a Drinking Water State Revolving Fund (DWSRF) loan. The City received the attached loan offers from NCDEQ and the terms of the loans are described therein. NCDEQ requires a resolution by City Council accepting the loan offers.

BUDGET IMPACT:

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

If no, describe how it will be funded

ATTACHMENTS:
Resolution
Loan Offers

Resolution #R-XXXXX

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ACCEPT LOAN OFFERS FOR THE CONSTRUCTION OF ASHE STREET NEIGHBORHOOD AND 4TH AVENUE WATER AND SEWER REPLACEMENT

WHEREAS, the Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Fund have authorized the making of loans and/or grants, as applicable, to aid eligible, drinking-water system owners in financing the cost of construction for eligible, drinking-water infrastructure; and

WHEREAS, the North Carolina Department of Environmental Quality has offered State Revolving Fund loans in the amount of $4,514,929.00 for the construction of Ashe Street Neighborhood and 4th Ave Water and Sewer Replacement hereafter referred to as the "Project"; and

WHEREAS, the City of Hendersonville intends to construct said Project in accordance with engineering plans and specifications that have been or will have been approved by the North Carolina Public Water Supply Section.

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

1. That City of Hendersonville does hereby accept the State Revolving Fund Loan offers in the total amount of $4,514,929.00 and

2. That the City of Hendersonville does hereby give assurance to the North Carolina Department of Environmental Quality that they will adhere to all applicable items specified in the standard "Conditions" and "Assurances" of the Department's funding offer, awarded in the form of a Clean Water State Revolving Fund loan and a Drinking Water State Revolving Fund loan and

3. That Brendan Shanahan, City Engineer, and successors so titled, is hereby authorized and directed to furnish such information, as the appropriate State agency may request, in connection with such application or the Project; to make the Assurances as contained above; and to execute such other documents as may be required in connection with the application; and

4. That the City of Hendersonville has complied substantially or will comply substantially with all Federal, State and local laws, rules, regulations, and ordinances applicable to the Project, and to Federal and State grants and loans pertaining thereto.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of September, 2024.

_____

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

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

Docusign Envelope ID: 07F91BA4-B9D2-4938-847B-DE16E5592A47

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
SHADI ESKAF
Director

NORTH CAROLINA
Environmental Quality

July 11, 2024

Mr. John Connet, City Manager
City of Hendersonville
305 Williams Street
Hendersonville, North Carolina 28792-4461

SUBJECT: Amended Funding Offers – Funding Increase
Project Nos.: CS370444-12 and H-SRP-D-18-0174
Ashe Street Neighborhood and 4th Ave Water and Sewer Replacement

Dear Mr. Connet:

The City of Hendersonville has been approved for funding increases according to the subject funding offers. These offers are made subject to the Assurances and Conditions attached to this document.

Upon your acceptance, please submit the following items to the Division, via email at DEQ.DWI.FundingOffer@deq.nc.gov:

1. One (1) copy of the original Offer and Acceptance Documents executed by the Authorized Representative for each project, along with the Conditions and Assurances. **Retain the other copies for your files.**

2. A resolution adopted by the governing body accepting the funding offers and making the applicable Conditions and Assurances contained therein. (Sample copy attached)

Please note that due to an increase in the loan amounts the closing fees have increased. Closing costs for the loans are 2% of the total loan amounts, which is $58,879 for CS370444-12 and $31,420 for H-SRP-D-18-0174. Please use the attached invoices and remit payment within 30 days of the date of this letter.

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On behalf of the Department of Environmental Quality, I am pleased to make this funding offer. Should you have any questions concerning this offer of funding, or any of the stipulations outlined in this offer package, please contact Renee Parkman at renee.parkman@deq.nc.gov or 704.235.2203.

Sincerely,

DocuSigned by:
6300A872077B4C5...

Shadi Eskaf, Director
Division of Water Infrastructure, NCDEQ

Enclosures: Loan Offer and Acceptance Documents (two copies each)
Assurances & Conditions
Resolution to Accept Funding Offer (suggested format)
Increased Closing Fee Invoices

cc: John Connet, City Manager (jconnet@hvlnc.gov)
Richard Shook, PE (rshook@hvlnc.com)
Mark Hubbard (Via DocuSign)
Renee Parkman (Via DocuSign)
DWI Administrative Unit (Via DocuSign)
Carrie Shortt (Via DocuSign)
Teresa Tripp (Via DocuSign)
DEQ.DWI.FundingOffer@deq.nc.gov
FILE: SRF & SRP Project File **(COM_LOX)**
Agreement ID#s: 2000039260, 2000039107

Docusign Envelope ID: 07F91BA4-B9D2-4938-847B-DE16E5592A47

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE

Funding Offer and Acceptance

Legal Name and Address of Award Recipient

City of Hendersonville
305 Williams St
Hendersonville, North Carolina 28792-4461

Project Number(s): CS370444-12

Assistance Listing Number: 66.458
Unique Entity ID Number: PNGBNJ8ALA81

Funding Program

Drinking Water ☐ **Stormwater** ☐ **Wastewater** ☒		**Additional Amount for Funding Increases**	**Previous Total**	**Total Offered**
State Revolving Fund-Repayable Loan	☒	$ 1,124,934	1,819,000	$2,943,934
State Revolving Fund-Principal Forgiveness	☐			
State Reserve Loan	☐			
State Reserve Grant	☐			
State Reserve Earmark (S.L. 2023-134)*	☐			
American Rescue Plan Act - Choose an item.	☐			

Project Description:

Ashe Street Neighborhood and 4th Avenue Water and Sewer Replacement

Total Financial Assistance Offer: **$2,943,934**
Total Project Cost: $2,943,934
Estimated Closing Fee:** $ 58,879
For Loans
Interest Rate: 1.10% Per Annum
Maximum Loan Term: 20 Years

** Federal conditions and requirements will also apply to S.L 2023-134 projects co-funded with federal funds.*
*** Estimated closing fee calculated based on grant and loan amount.*

Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance.

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina: **Shadi Eskaf, Director, Division of Water Infrastructure**
North Carolina Department of Environmental Quality

DocuSigned by:
Shadi Eskaf
6300A872077B4C5...
Signature

7/23/2024
Date

On Behalf of: City of Hendersonville
Name of Representative in Resolution: _____
Title (Type or Print): _____

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the attached Assurances and the Standard Conditions.

Signature

Date

Docusign Envelope ID: 07F91BA4-B9D2-4938-847B-DE16E5592A47

APPLICABLE STANDARD CONDITIONS*
Project Applicant: City of Hendersonville Project Numbers: CS370444-12

1. **Social Authorities:** Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, The Age Discrimination Act of 1975, Section 13 of the Federal Water Pollution Control Act Amendments of 1972, and Equal Employment Opportunity (Executive Order No 11246, as amended) which prohibits activities that are intentionally discriminatory and/or have a discriminatory effect based on race, color, religion, sex, sexual orientation, gender identity, or national origin.

2. **Environmental Authorities:** National Environmental Act, National Historic Preservation Act, Archeological and Historic Preservation Act, Protection of Wetlands, Flood Plain Management, Farmland Protection Policy Act, Coastal Zone Management Act, Coastal Barriers Resources Act, Wild and Scenic Rivers Act, Endangered Species Act, Essential Fish Habitat and the Safe Drinking Water Act applicability will be determined upon submittal of an Environmental Information Document (EID) during the Engineering Report review process.

3. Acquisition of Real Property must comply with all applicable provisions of the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (PL 92-646), as amended. The applicant shall certify that it has or will have a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, to assure undisturbed use and possession for the purpose of construction and operation for the estimated life of the project using a certification form provided by DEQ.

4. Specific MBE/WBE (DBE) forms and instructions are provided that are to be included in the contract specifications. These forms will assist with documenting positive efforts made by recipients, their consultants and contractors to utilize disadvantaged businesses enterprises. Such efforts should allow DBEs the maximum feasible opportunity to compete for subagreements and subcontracts to be performed. Documentation of efforts made to utilize DBE firms must be maintained by all recipients, and construction contractors, and made available upon request.

5. Debarment and Suspension, Executive Order No. 12549: Subrecipients shall fully comply with Subpart C of 2 CFR Part 180 entitled, "Responsibilities of Participants Regarding Transactions Doing Business with Other Persons," as implemented and supplemented by 2 CFR Part 1532. Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 CFR Part 180, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Subrecipients may access suspension and debarment information at: http://www.sam.gov. This system allows subrecipients to perform searches determining whether an entity or individual is excluded from receiving Federal assistance.

6. The construction contract(s) requires the contractor to adhere to Davis Bacon and Related Acts Provisions and Procedures as listed in the Code of Federal Regulations Chapter 29 Part 5 Section 5 (29 CFR 5.5). Public Law pertaining to this is also enacted in Title 40, United States Code, Subtitle II Section 3141 through Section 3148.

7. As required by H.R. 3547, "Consolidated Appropriations Act, 2014" Section 436, Division G, Title IV, this project is subject to American Iron and Steel provisions. The State provides detailed requirements to be included in the construction contract specifications.

8. Section 603(d)(1)(E) of the Federal Water Pollution Control Act requires subject projects to develop and implement a Fiscal Sustainability Plan (FSP) for projects that involve the repair, replacement or expansion of publicly owned treatment works. Note that FSPs are not required for new treatment works. The certification provided must be submitted regarding compliance with this section of the Act.

9. Section 602(b)(14) of the Clean Water Act requires projects receiving CWSRF funding to comply with Federal engineering procurement guidelines. The State provides a certification form that must be completed prior to receiving funds for any engineering services covered under this funding offer.

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10. Pursuant to 2 C.F.R. § 200.216, subrecipients cannot obligate SRF funds to: (1) procure or obtain; (2) extend or renew a contract to procure or obtain; or (3) enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services (as described in Public Law 115-232, Section 889) as a substantial or essential component of any system, or as a critical technology as part of any system.

**Note: 1 does not require anything to be submitted. 8 and 9 apply to the CWSRF only. Details on all of these conditions can be found the EPA Cross-Cutter handbook.*

ASSURANCES
Project Applicant: City of Hendersonville Project Numbers: CS370444-12

1. The Applicant intends to construct the project or cause it to be constructed to final completion in accordance with the Application approved for financial assistance by the Division.
The recipient acknowledges that in the event a milestone contained in the most recent Clean Water State Revolving Fund Intended Use Plan and/or the Letter of Intent to Fund is missed, the Department of Environmental Quality will rescind this Funding Offer.

2. The Applicant is responsible for paying for the costs ineligible for SRF funding.

3. The construction of the project, including the letting of contracts in connection therewith, conforms to the applicable requirements of State and local laws and ordinances.

4. As of the acceptance of this Funding Award Offer, steps A-D in the SRF Guidance will be complete. These Assurances, likewise, incorporate the most recent version of the SRF Guidance, and the Applicant hereby certifies by accepting this Funding Award Offer that it will adhere to the subsequent steps in the SRF Guidance document. The remaining steps generally govern project design, bidding, contracting, inspection, disbursements, closeout and repayment.

5. The Applicant will provide and maintain adequate engineering supervision and inspection.

6. The recipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three years following completion of the project.

7 . All SRF funds loaned shall be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34. Partial disbursements on this loan will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the recipient's compliance with the Standard Conditions of this Award. The Applicant agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute.

8 . The applicant will expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State. Please note that the State is not a party to the construction contract(s) and the Applicant is expected to uphold its contract obligations regarding timely payment.

9 . The applicant acknowledges that loan funds contained in this Funding Offer require approval from the North Carolina Local Government Commission before they can be disbursed.

Docusign Envelope ID: 07F91BA4-B9D2-4938-847B-DE16E5592A47

Date: July 11, 2024

INVOICE

NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE

Payable to: NC/DEQ-DWI

Mail to: Attention: Business Office
Division of Water Infrastructure
1633 Mail Service Center
Raleigh, NC 27699-1633

Bill to: Mr. John Connet, City Manager
City of Hendersonville
305 Williams Street
Hendersonville, North Carolina 28792-4461

Item: 2% Closing Fee for SRF **Project No. CS370444-12**

Revised Loan Amount:	$	2,943,934
Revised Closing Fee Amount:	$	58,879
Previous Closing Fee Paid:	$	0
AMOUNT (BALANCE) DUE:	**$**	**58,879**

*****PAYMENT IS DUE BEFORE PAY REQUEST SUBMITTAL FOR THE ADDITIONAL FUNDS*****

FOR USE OF DIVISION OF WATER INFRASTUCTURE

Deposit to Fund _____ Amount Paid _____

Docusign Envelope ID: 07F91BA4-B9D2-4938-847B-DE16E5592A47

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE

Funding Offer and Acceptance

Legal Name and Address of Award Recipient

City of Hendersonville
305 Williams Street
Hendersonville, NC 28792-4461

Project Number(s): H-SRP-D-18-0174

Assistance Listing Number: N/A
Unique Entity ID Number: PNGBNJ8ALA81

Funding Program

		Additional Amount for Funding Increases	Previous Total	Total Offered
Drinking Water	☒			
Stormwater	☐			
Wastewater	☐			
State Revolving Fund-Repayable Loan	☐			
State Revolving Fund-Principal Forgiveness	☐			
State Reserve Loan	☒	$758,995	$812,000	$1,570,995
State Reserve Grant	☐			
State Reserve Earmark (S.L. 2023-134)*	☐			
American Rescue Plan Act - Choose an item.	☐			

Project Description:

Ashe Street Neighborhood and 4th Ave Water & Sewer Replacement

Total Financial Assistance Offer: **$ 1,570,995**
Total Project Cost: $ 1,570,995
Estimated Closing Fee:** $ 31,420
For Loans
Interest Rate: 1.10% Per Annum
Maximum Loan Term: 20 Years

** Federal conditions and requirements will also apply to S.L 2023-134 projects co-funded with federal funds.*
*** Estimated closing fee calculated based on grant and loan amount.*

Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance.

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina: **Shadi Eskaf, Director, Division of Water Infrastructure**
North Carolina Department of Environmental Quality

DocuSigned by:
Shadi Eskaf
6300A872077B4C5...
Signature

7/23/2024
Date

On Behalf of: **City of Hendersonville**
Name of Representative in Resolution: _____
Title (Type or Print): _____

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the attached Assurances and the Standard Conditions.

Signature

Date

STANDARD CONDITIONS & ASSURANCES FOR STATE RESERVE PROJECTS
Project Applicant: City of Hendersonville **Project Number: H-SRP-D-18-0174**

1. The Applicant intends to construct the project or cause it to be constructed to final completion in accordance with the Application approved for financial assistance by the Division.
   The recipient acknowledges that in the event a milestone contained in the most recent Clean Water State Revolving Fund Intended Use Plan and/or the Letter of Intent to Fund is missed, the Department of Environmental Quality will rescind this Funding Offer.

2. The Applicant is responsible for paying for the costs ineligible for DWI funding.

3. The construction of the project, including the letting of contracts in connection therewith, conforms to the applicable requirements of State and local laws and ordinances.

4. As of the acceptance of this Funding Award Offer, steps A-D in the SRP Guidance will be complete. These Assurances, likewise, incorporate the most recent version of the SRP Guidance, and the Applicant hereby certifies by accepting this Funding Award Offer that it will adhere to the subsequent steps in the SRP Guidance document. The remaining steps generally govern project design, bidding, contracting, inspection, disbursements, closeout and repayment.

5. The Applicant will provide and maintain adequate engineering supervision and inspection.

6. The recipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three years following completion of the project.

7. All SRP funds must be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34. Partial disbursements on this loan will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the recipient's compliance with the Standard Conditions of this Award. The Applicant agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute.

8. The applicant will expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State. Please note that the State is not a party to the construction contract(s) and the Applicant is expected to uphold its contract obligations regarding timely payment.

9. The applicant acknowledges that any loan funds contained in this Funding Offer <u>requires approval from the North Carolina Local Government Commission</u> before they can be disbursed.

Docusign Envelope ID: 07F91BA4-B9D2-4938-847B-DE16E5592A47

Date: July 11, 2024

INVOICE

NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE

Payable to: NC/DEQ-DWI

Mail to: Attention: Business Office
Division of Water Infrastructure
1633 Mail Service Center
Raleigh, NC 27699-1633

Bill to: Mr. John Connet, City Manager
City of Hendersonville
305 Williams Street
Hendersonville, North Carolina 28792-4461

Item: 2% Closing Fee for SRP **Project No. H-SRP-D-18-0174**

Revised Loan Amount:	$	1,570,995
Revised Closing Fee Amount:	$	31,420
Previous Closing Fee Paid:	$	0
AMOUNT (BALANCE) DUE:	**$**	**31,420**

*****PAYMENT IS DUE BEFORE PAY REQUEST SUBMITTAL FOR THE ADDITIONAL FUNDS*****

FOR USE OF DIVISION OF WATER INFRASTUCTURE

Deposit to Fund _____ Amount Paid _____

Docusign Envelope ID: 07F91BA4-B9D2-4938-847B-DE16E5592A47

(Suggested Format)

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a (State Revolving Loan, State Grant, or State Bond Loan) in the amount of $_____ for the construction of (project description), and

WHEREAS, the (unit of government) intends to construct said project in accordance with the approved plans and specifications,

NOW, THEREFORE, BE IT RESOLVED BY THE (GOVERNING BODY) OF THE (UNIT OF GOVERNMENT):

That (unit of government) does hereby accept the (State Revolving Loan, Grant, or State Bond Loan) offer of $_____.

That the (unit of government) does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the (loan or grant) offer, Section II - Assurances will be adhered to.

That (name and title of authorized representative), and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That (unit of government) has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the (date adopted) at (place), North Carolina.

(Signature of Chief Executive Officer)

Date

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Adam Steurer, Utilities Director **MEETING DATE:** September 5, 2024

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

TITLE OF ITEM: Purchase of Biosolid Thermal Dryer Equipment - *Adam Steurer, Utilities Director*

SUGGESTED MOTION(S):

I move City Council adopt the *Resolution by the City of Hendersonville City Council to Approve the purchase of Biosolids Thermal Dryer Equipment for the WWTF Thermal Dryer Project*.

SUMMARY:

The proposed Wastewater Treatment Facility (WWTF) Biosolids Thermal Dryer project will produce a high-quality, thermally dried product that is safe for beneficial reuse through distribution or land application. The thermal dryer equipment, once operational after completion of the project, will reduce the utility's current solids hauling and disposal costs and reduce the utility's vulnerability on reliance of the volatile private hauling and landfills disposal markets.

In accordance with NCGS 143-129(e)(6), the Hendersonville City Council approved the sole-source purchase of the equipment at its August 1, 2024, regular meeting.

BUDGET IMPACT: $3,646,000.

Is this expenditure approved in the current fiscal year budget? Project is funded through a CPO. Approximately $14.3-millon of grant funding has been awarded to the City for this project.

If no, describe how it will be funded.

ATTACHMENTS:
Resolution
Gryphon Environmental, Inc. Equipment Proposal

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO PURCHASE BIOSOLIDS THERMAL DRYER EQUIPMENT

WHEREAS, the proposed Wastewater Treatment Facility (WWTF) Biosolids Thermal Dryer project will produce a high-quality, thermally dried product that is safe for beneficial reuse through distribution or land application.; and

WHEREAS, the thermal dryer equipment, once operational after completion of the project, will reduce the utility's current solids hauling and disposal costs and reduce the utility's vulnerability on reliance of the volatile private hauling and landfills disposal markets.

WHEREAS, in accordance with NCGS 143-129(e), the Hendersonville City Council approved the sole-source purchase of the equipment at its August 1, 2024, regular meeting.

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

1. The purchase of Biosolids Thermal Dryer Equipment, Model 1050 direct-fired medium-temperature belt dryer manufactured by Gryphon Environmental and provided by Interstate Utility Sales, Inc. is approved for the WWTF Biosolids Thermal Dryer Project.
2. The City Manager is authorized to execute the purchase contract in the amount of $3,646,000 and is authorized to approve change orders which cumulatively do not exceed 5% of the approved purchase amount, provided however that any necessary budget ordinance or project ordinance amendments mush be brought back to City Council for approval.

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

_____

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

_____

Jill Murray, City Clerk

Approved as to form:

_____

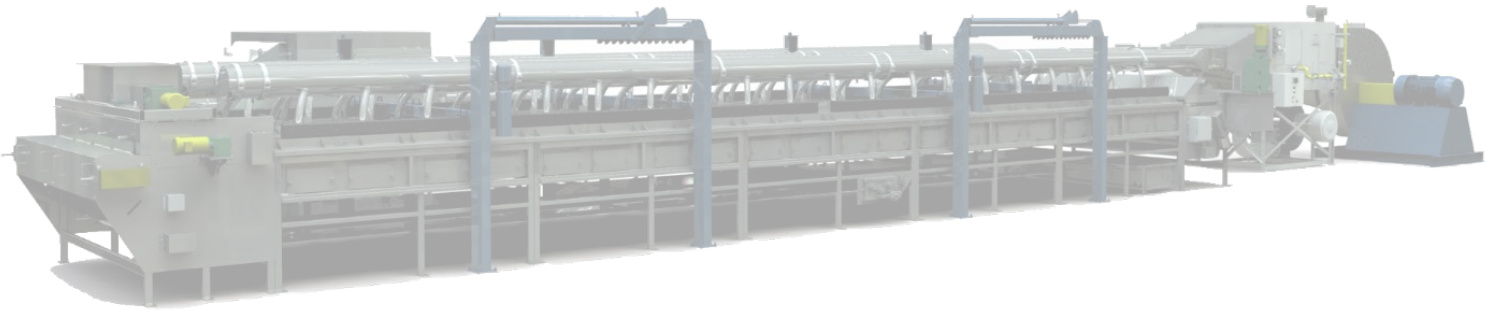
Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

Hendersonville, NC
June 26, 2024

Proposal Number:
Hendersonville – (1)1050-06262024-V3

Gryphon Contact:
Brittany Greer
Sales Coordinator
(270) 478-1040
bgreer@2gryphon.com



Representative:
Paul Jackson
Interstate Utility Sales, Inc.
(704) 618-5777
pjackson@iusinc.com

Engineer:
McKim and Creed

GRYPHON
environmental, Inc.

Thank you for your interest in Gryphon Environmental, Inc. Please note that the Proposal has been provided to you at your request for discussion purposes only and is not binding. The Proposal is confidential and you must not distribute it to any third party, in whole or part, without Gryphon Environmental's express written permission.

Pricing, sizing, specifications, and all other information provided in the Proposal is based upon information described by the client. Gryphon Environmental makes no representation, warranty or undertaking, expressed or implied, as to the accuracy, reliability, completeness, or reasonableness of the Proposal. Any assumptions, opinions and estimates expressed in the Proposal constitute Gryphon Environmental's judgment as of the date thereof and are subject to change without notice. Any projections contained in the Proposal are based on a number of assumptions as to market conditions and there can be no guarantee that any projected outcomes will be achieved.

Gryphon Environmental, Inc. does not accept any liability for any direct, consequential, or other loss arising from reliance on the contents of the Proposal.

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ATTACHMENT 2 – PROJECT INFORMATION FORM

PART 1 - PROJECT OVERVIEW

1.1 DESIGN CONDITIONS AND SLUDGE SPECIFICATIONS

A. Design conditions are based on the September 2023 RFP provided by Zachary Trammel (McKim and Creed) on behalf of the City of Hendersonville, in house pilot testing, Gryphon Environmental's experience with site comparable sludge, and expectations for marginal, future shifts in site sludge characteristics. Process parameters outside of Gryphon's control such as material handling or seasonal changes to sludge intake will affect guarantees and design specifications. The customer will be required to work with Gryphon to optimize the sludge feed to the dryer(s).

Design Conditions - City of Hendersonville	
Daily Cake Production	9.2 dry tons per day
% Solids fed to the Dryer	17.5%
Hours of Operation	24 hours per day, 5 days per week
Dryer Model and Quantity	(1)1050
Dryer Hourly Electrical Use	290 kWh
Dryer Natural Gas Consumption	4000-6000 cfh
Dryer Operating Temperature	250-375 deg F

Sludge Specifications				
Item No.	Parameter	Unit	Min.	Max.
1*	Infeed Total Solids	% - Feed	17	19
2	Volatile solids	% -DS	10	70
3	Ash content	% -DS	0	50
4	Particle Size	Microns	550	5/16"
5	Coarse fibers (>1.2mm)	inches	N/A	1/2"
6	Medium sized fibers (0.3 - 1.2mm)	inches	N/A	2"
7	pH - of sludge prior to dewatering	PH	5	8
8	Oil & Grease - Hexane Extractable Material	mg/kg-DS	0	1100
9	Chloride - total (liquid and solid phase of dewatered cake)	mg/kg-DS	0	1000
10	Fluoride - total (liquid and solid phase of dewatered cake)	mg/kg-DS	0	100
11	Sulphur - total (liquid and solid phase of dewatered cake)	mg/kg-DS	0	5000

12	BTX (benzene, toluene, and xylene)	mg/kg-DS	0	50
13	PCB's - total	mg/kg-DS	0	0.5
14	Total Petroleum Hydrocarbons	mg/kg-DS	0	500
15	Sludge cake temperature	Deg. F	45	125
16**	Dry Sludge Ignition Point	Deg. F	350	N/A

LEGEND: Unit Description
mg/kg-DS: milligrams of parameter substance per kilogram of dried solids.
%-DS: Percentage of parameter substance per unit quantity of dried solids.

(*) Item 1 - Minimum and maximum are established for the performance testing of the installed dryer(s). Minimum infeed solids is 17% for consistent and efficient drying. Cake may be fed to the dryer(s) at lower percentages of solids; however, wetter sludge may decrease the dryer's efficiency and throughput. The maximum infeed solids is set at 19%. Higher percentages of solids can be processed in the Gryphon dryer but will prompt adjustments to the performance guarantee if weight of water removed per hour metrics are used to measure system performance.

(**) Item 16 - F.O.G. that has not been through digestion, hydrocarbons from improper septic receiving, and/or "other" events may lead to low ignition points of the sludge and will impact the safety of the drying operation.

B. Conveyance Method Recommendation

This section outlines recommendations for conveyance methods used to feed the dryer. The following points are to be noted to prevent potential dryer throughput reduction.

1. Negative Impact on Throughput:
   The utilization of progressive cavity pumps and inclined shaftless screw conveyors for feeding the dryer is anticipated to have a negative impact on the dryer’s throughput and are not recommended.
2. Recommended Conveyance Method
   Belt conveyors are the preferred method of transporting wet cake to the dryer and are expected to provide optimal performance and minimize throughput reduction. Belt conveyors are strongly recommended.
3. Acceptable Alternative
   In cases where the utilization of belt conveyors is not feasible or practical, horizontal screw conveyors are an acceptable alternative to belt conveyors.

1.2 BUYER AND/OR CONTRACTOR RESPONSIBILITIES

A. Site Layouts

1. Within five (5) days from the completion of submittal integration into site layouts by the Buyer/engineer, both the mechanical site layout and electrical schematics (power and control wiring) must be submitted to Gryphon for review.

B. General Installation

1. The Buyer and/or Contractor are responsible for providing the necessary equipment, personnel, and labor to rig, offload, and place Gryphon-supplied equipment inside the drying building upon delivery.
   a. Gryphon will provide a detailed installation packet to the General and Electrical Contractors for the work described herein. Effective communication between the General Contractor, Electrical Contractor, and Gryphon is integral to a successful installation and associated trip scheduling.
   b. Equipment must be stored and housed in dry covered storage; *Gryphon will not ship equipment from its facility if dry storage on the job site cannot be secured.*
2. The General Contractor must ensure the availability of adequate manpower, including a minimum of three (3) laborers, for the installation of the dryer. Additional labor may be necessary depending on factors such as increased workload through ancillary equipment procurement, construction delays, or adverse weather conditions during installation.
3. The installation, leveling, and anchoring of all components as outlined in section 2.1, specifically in reference to Itemized Pricing Schedule; Items 1, 2, and 3.
4. Supply and installation of anchor bolts, with Gryphon oversight.

C. Plumbing and Piping

1. The installation and runs of piping not covered in the Scope of Supply.
2. Materials and labor required to heat trace and insulate pipes located on the exterior of the dryer building.
3. Installation of the Gryphon-supplied cooling tower pump(s).
4. Water supply and piping to Gryphon-supplied wash pump skid(s) and solenoid manifold(s), with a recommendation for potable water; non-potable water must be filtered.

5. Potable water supply, piping, and valves to the cooling tower(s) for make-up water, overflow, and drains.
6. All piping and valves to and from the Gryphon-supplied condenser(s), cooling tower pump skid(s), and exterior cooling tower(s).
7. Water drain piping from the condenser(s) to floor drains.
8. Piping from the chamber wash drains (1-3 connections) to the floor drains.
9. Installation of valve for dryer exhaust at natural gas burner(s), piping to the exterior scrubber(s) (if applicable), and mounting coupling for Gryphon supplied flow meter(s).
10. Regulators, valves, and piping for natural gas from the site source to the burner/process air heater(s).
11. Piping from belt rinse drain(s) to floor drains.
12. Vent piping from all regulators/valves, according to local codes.
13. Additional piping, valves, and field installation may be required of the Buyer and/or Contractor upon submittal development and completion of the site design.

D. Electrical

1. Field wiring, conduit, and electrical connections from the site Motor Control Center (MCC) to the dryer control cabinet(s).
2. Conduit and cabling from dryer control cabinet(s) to supplied motor junction boxes.
3. Field wiring, conduit, and electrical connections from the Gryphon control cabinet(s) to the primary pump skid (condenser re-circulation pump).
4. Field wiring, conduit, and electrical connections from the Gryphon control cabinet(s) to components on the exterior of the building.
5. Field wiring, conduit, and electrical connections from the MCC to the Cooling Tower Submersible Basin Heater junction box(es) at the Cooling Tower(s).
6. Contractors are responsible for completing all Utility, Motor, and Junction Box Connections before Gryphon returns for the fourth installation trip.
7. CAT-6 interface cabling and conduit runs from the site to the Gryphon Programmable Logic Controller (PLC) cabinet(s).

8. SCADA system integration (Gryphon will collaborate with the client's integrator or IT service provider to assist with the connections to/from the SCADA system and the Gryphon dryer).
9. Any costs associated with alterations of the Gryphon-supplied motors, controls, and cabinets for Class I (Div. 1 or 2) ratings.
10. Additional field wiring, conduit supply, and installation may be required of the Buyer and/or Contractor upon submittal development and complete site design.

E. Other Buyer/Contractor Responsibilities

1. Gryphon limits head pressure to 100 feet for the current pump specifications. If required head pressure exceeds 100 feet due to factors such as distance to the cooling tower, elevations, and piping design, Gryphon will coordinate with the Buyer or Buyer's engineer for site-specific design. A change order will be issued if a pump with greater than 100 feet of head is required.
2. Gryphon recommends a sloped trough under the dryer assembly, with drains, to reduce the need for piping as outlined in the previous section.
3. Seismic engineering, stamping (if applicable), and change orders resulting from seismic engineering recommendations are the sole responsibility of the Site Engineer, Contractor, or Buyer.
4. Performance Testing/Commissioning costs associated with freight, sampling, and testing.
5. Wi-Fi access must be available to Gryphon Technicians while on site.
6. Taxes and/or costs associated with bonding (if applicable).
7. Conveyance equipment to and from the dryer(s) is the responsibility of the Buyer, unless included in section 2.1 Itemized Pricing Schedule.
8. Permits and other regulatory/trade fees are the sole responsibility of the Buyer.
9. Any change order presented to Gryphon Environmental will require written approval prior to work being performed from a Gryphon Environmental Director, the CEO, or the COO. Gryphon will not be responsible for any charges resulting from a change order presented to Gryphon during or after the project without the party securing prior written approval.

F. Utility Connections

CONNECTIONS TO DRYER REQUIRED BY CLIENT OR CONTRACTOR					
Utility	AMPS/ VOLUME	VOLTAGE OR PRESSURE	FED FROM	FED TO	HOOK-UP RESPONSIBLE
POWER TO DRYER CABINET(S)					
3-PHASE TO GRYPHON CABINET/DISCONNECT	600A	480V	CLIENT MCC	GRYPHON VFD CABINET	BUYER
SINGLE PHASE 120V	20A	120V	CLIENT MCC	GRYPHON PLC CABINET	BUYER
NATURAL GAS TO DRYER					
BURNER (15% RESERVE AT MAX BLOWER SPEC.)	7.5 MM/BTU	6.5 PSI	SUPPLY LINE	BURNER	BUYER
BURNER POWER	20A	120V	CLIENT MCC	BURNER CABINET	BUYER
EXHAUST GAS PIPING FROM DRYER TO SCRUBBER					
SYSTEM EXHAUST	1200 SCFM	.5-1 PSI	BLOWER EXHAUST	SCRUBBER OR ATMOSPHERE	BUYER
COOLING TOWER					
COOLING TOWER MAKEUP WATER	12 GPM	40 PSI MIN	CLIENT SUPPLY	COOLING TOWER	BUYER
COOLING TOWER OVERFLOW AND DRAIN	INTERMITTENT		COOLING TOWER	SEWER OR DRAIN	BUYER
COOLING LOOP	1000 GPM	100 FEET OR LESS	COOLING TOWER	CONDENSER AND BACK	BUYER
SEWER LINE					
CONDENSATE REMOVED			CONDENSER PUMP	SEWER OR DRAIN	BUYER
BELT/CHAMBER WASH	OCCASIONAL 90 GPM	UP TO 120 MIN./DAY	WASH DRAINS	SEWER OR DRAIN	BUYER
WATER SUPPLY					
CHAMBER AND BELT WASH SOLENOID STAND	OCCASIONAL 90 GPM	40 PSI MIN	SUPPLY LINE	SOLENOID STAND	BUYER

G. Warranty Considerations and Conditions

This section is intended to establish specific terms and conditions to govern the use of Gryphon Environmental drying systems, ensuring compliance with safety measures, material specifications, and warranty conditions. Parties utilizing these systems are urged to adhere to these stipulations to maintain the integrity of the warranty and prevent potential hazards.

1. Sludge Specifications

   If the Buyer's dewatered cake sludge, upon entering the dryer(s), exceeds the specifications outlined in items 8, 11, 12, and/or 14, as detailed in Section 1.1 - "Sludge Specifications," for two consecutive weeks, the Gryphon warranty associated with the drying systems shall be deemed null and void.

2. Prohibited Input Materials

   Gryphon Environmental drying systems are expressly not designed to receive, process, or handle flammable or explosive input materials. Under no circumstances shall waste containing petroleum products or related chemicals be introduced into or treated by the Gryphon drying systems.

3. Screening Requirements

   Prior to being placed into the dryer(s), the dewatered cake sludge must undergo proper screening to remove rocks, debris, and metals. It is essential that all foreign substances, including but not limited to stones, pieces of wood, or metal, etc., are meticulously screened and must not be processed in the Gryphon dryer. Any damage sustained by the dryer or associated equipment due to the presence of foreign substances shall not be covered under the Gryphon warranty.

4. Preventative Maintenance Requirements

   Buyer shall be responsible for thoroughly documenting the proper preventative maintenance procedures as explicitly outlined in the Gryphon Operations and Maintenance Manual. It is imperative that the Buyer adheres to these guidelines to ensure the effective and safe operation of the equipment.

   Failure on the part of the Buyer to provide documented verification of the execution of preventative maintenance as specified in the Gryphon Operations and Maintenance Manual shall result in the automatic nullification of the Gryphon Warranty associated with the equipment.

PART 2 - PRICING AND ITEMIZED SCOPE OF SERVICE

2.1 ITEMIZED PRICING SCHEDULE

Hendersonville, NC - (1) Model 1050 Dryer Manufacturing Order - Supplier Responsibilities			
ITEM	**QTY.**	**DESCRIPTION**	**PRICE**
1	**1**	**1050 Dryer Assembly**	$ 3,646,000
		(1) Inlet Hopper Assembly ***(1) 10 Series Material Processing Assembly*** ***(1) 10 Series Entry Table Assembly*** ***(1) 10 Series Exit Table Assembly*** ***(5) 10 Series Chamber Assemblies*** *- Chamber rinse system included* ***(5) 10 Series Lid Assemblies*** ***(2) 10 Series Lid Lift Assembly*** ***(1) 10 Series High Pressure Belt Rinse Assembly - Pump Included*** *- Updated high pressure pump included* ***(1) Belt Tracking System*** *- Stainless steel pulley upgrade included* ***(1) Side Discharge Auger - Extended length*** ***(1) Inclined Exit Conveyor for load out*** ***(1) 10 Series Pump Skid for Chamber Rinse*** ***(1) Insulation Package*** *- Burner to lid, lids, vacuum header, and inlet to the condenser covered* ***(1) Belt*** *- Installed at final installation trip under instruction of Gryphon Supervisor*	
2	**1**	**250HP Air Package - Stainless Steel**	
		(1) 10SS Series Blower - 250HP *- With Insulation Blanket and Motor Winding Temperature Switch* ***(1) 10SS Series Natural Gas Burner*** ***(1) 10SS Series Condenser Unit*** *- Removable stainless steel heat exchanger unit, aluminum fins* *- Mist eliminator* *- 2 sets of condenser filters* ***(1) Cooling Tower Assembly*** *- Submersible basin heater included* ***(1) Cooling Tower Pump*** ***(1) Ductwork Assembly***	
3	**1**	**Controls and Instrumentation Package**	
		(1) 3-Phase Cabinet (480V) *- Standard NEMA 12 enclosure* *- (2) VFDs for inlet hopper control*	

		- (1) VFD each for main process blower, infeed material leveling section, main dryer belt speed, combustion blower and cooling tower pump control *- (1) Contactor each for exit auger, cooling tower fan, condensate removal pump, chamber rinse pump, and belt rinse pump control* *- (1) Air conditioning unit* *- (1) 480V Disconnect* ***(1) Single Phase Cabinet (120V)*** *- PLC rack unit, ethernet connectivity switch* ***(1) 1050 Instrumentation Package*** *- Class II, Div. 2 - exterior to drying chamber* *- Class II, Div. 1 - interior to drying chamber* *(1) Wet product temperature sensor* *(2) Dried product temperature sensors* *(1) E-Stop and safety alarms System*	
4	**1**	**Automation Package**	
		(1) Site specific controls narrative development *(1) CSV data logging export from HMI*	
5	**1**	**Shipping Package**	
		(1) Scheduling and freight costs *(1) Packaging and loading* ***Shipment FOB Destination***	
6	**1**	**Installation Package**	
		- Rigging, offloading, and installation is to be provided by others *- Gryphon Environmental will pre-plumb equipment to centralized points on Item 1 prior to shipment* *- Gryphon Environmental will run conduit and wire for **low voltage** (under 50 volts) equipment to centralized locations on Item 1 prior to shipment* *(1) Supervision trip, two (2) days maximum on-site for equipment receiving, inspection, and installation supervision* *(1) Supervision trip, two (2) days maximum on-site for oversight of continued dryer installation* *(1) Supervision trip, two (2) days maximum on-site **upon substantial utility completion** for oversight of continued dryer installation* *(1) Trip, two (2) days maximum on-site for electrical checkout and final inspection* *Gryphon will return to the site post-installation to complete start-up and training.*	
7	**1**	**Warranty**	
		Eighteen (18) month warranty from date of delivery or Twelve (12) months from Substantial Completion- See Warranty section of Terms and Conditions for more details.	
		Total Lump Sum Price	$ 3,646,000

2.2 PAYMENT SCHEDULE

Payment Schedule		
(1) Deposit, non-refundable, paid with purchase order - 10%	10/30/2024	$364,600
(2) Notice to Begin Fabrication (NTBF) - 30%	1/28/2025	$1,093,800
(3) 60 Days from Notice to Begin Fabrication (NTBF) - 30%	3/29/2025	$1,093,800
(4) Upon Readiness to Ship (RTS) - 22%	9/25/2025	$802,120
(5) Upon Commissioning of Dryer - 8%	1/8/2026	$291,680
TOTAL LUMP SUM INSTALLED PRICE		$3,646,000

Note: The invoice dates listed above are estimates based on receipt of the purchase order by 10/30/2024. All invoices are subject to Net 30 payment terms, except for the deposit, which is due upon receipt. Please be aware that these dates are tentative and may change due to project delays or advancements.

2.3 PRICING TERMS AND CONDITIONS

The pricing and delivery schedule is based on a Purchase Order and deposit before October30, 2024.

All Prices are in US Dollars.

A. FOB DestinationDeposit is due, as indicated in the Payment Schedule, with a formal Purchase Order. The Buyer may cancel the order prior to the Notice to Begin Fabrication, however, the deposit for developing a submittals package is non-refundable.

B. At Notice to Begin Fabrication, an installment payment is due as indicated in the Payment Schedule, which is scheduled to begin 90 days from the receipt of the Purchase Order. A formal, written Notice to Begin Fabrication must be delivered to Gryphon Environmental, Inc. If formal written Notice to Begin Fabrication is not provided to Seller, payment of the NTBF installation will constitute the Buyer releasing Seller to commence fabrication.

   1. Notwithstanding the absence of a price escalation or reduction clause, Buyer and Owner are sophisticated, knowledgeable parties and acknowledge that certain changes in market conditions may be the result of acts or omissions outside the control of the parties. There may occur acts of God or other extraordinary, unforeseen events that may result in material price increases or delays that make the overall project untenable for either or both parties. In the event of such a situation, Seller shall be released from its obligation to Buyer, without liability, in the event Buyer chooses to reject a claim for a price adjustment resulting therefrom. Any and all sums paid to date, shall remain with Seller and all further obligations between the parties shall end.

C. 60 days from Notice to Begin Fabrication, an installment payment is due as indicated in the Payment Schedule.

D. Upon Readiness to Ship, scheduled as 240 days from Notice to Begin Fabrication, an installment payment is due as indicated in the Payment Schedule. If delays to shipment occur due to Buyer change orders or Buyer postponement of shipment, payment REMAINS DUE in 240 days from the Notice to Begin Fabrication. Storage fees of 0.5% of total capital equipment cost (e.g. 0.5% of $1,000,000 = $5,000) per month shall apply for any Buyer postponement of shipment.

   If delays to shipment occur due to Seller's failure to meet the agreed-upon deadline, Seller shall be responsible for refunding additional costs incurred by the Buyer that are directly attributable to the resulting delays in the critical path schedule of the project. However, the Seller's liability shall not exceed $500 per day, and the Seller will only be liable for the number of days the shipment was delayed.

E. Performance testing and Commissioning of the dryer(s) shall begin within 90 days of delivery, or 60 days from functional testing completion and/or operation of the dryer(s) equipment, whichever comes first. If performance testing/commissioning cannot begin within the period stated previously, and it is no fault to Seller, the Buyer shall be responsible for making a progress payment to Seller in the amount of 90% of the final Performance Testing/Commissioning payment.

   1. Upon Performance Testing/Commissioning of dryer(s), a final installment payment is due. Performance Testing/Commissioning shall be based on the Installation and Material Specifications in section 1.1 Performance Testing/Commissioning is based on a 3-day, 8-hour day-shift operating schedule.
      a. Gaps in the feedstock to the dryer(s), supply of material that fails to meet the Material Content Specifications Sheet, or material with debris can impact the dryer's performance. If the client is unable to provide proper material and/or volumes to the dryer(s) during the period of time agreed to as performance testing/commissioning, (i) that period of time shall be counted as a successful performance testing/commissioning period(s) and, (ii) shall have no negative impact on Seller; (iii) nor shall it result in the requirement for restarting the mandatory time requirements for performance testing/commissioning of the Gryphon drying unit, (iv) the Buyer shall be responsible for 100% of the final performance testing/commissioning payment immediately.

2.4 OPTIONAL EQUIPMENT AND SERVICES

A. Ancillary Equipment

Optional Ancillary Equipment and Services			
ITEM	**Qty.**	**DESCRIPTION**	**PRICE**
8	**1**	***Additional 1 Year Warranty***	$ 150,000
		-Terms See Attachment 1	
9	**1**	***Additional 2 Year Warranty***	$ 250,000
		-Terms See Attachment 1	

B. Additional warranties may be purchased at the end of the standard 1-year warranty for the price specified in Table 2.4 A. Any additional warranty must be purchased before the standard 1-year warranty expires. If the standard 1-year warranty is rendered null and void for any reason, additional warranties will not be available for purchase.

2.5 TERMS AND CONDITIONS

A. PARTIES

1. GRYPHON ENVIRONMENTAL, INC. IS REFERRED TO AS "SELLER" AND THE PURCHASING PERSON OR ENTITY LISTED ON THE FRONT HEREOF OR DESCRIBED IN THE ATTACHED AGREEMENT IS REFERRED TO AS "BUYER", OR “CLIENT”. ALL MATERIALS, GOODS, SYSTEMS, SERVICES, OR WORK DESCRIBED ON THE FRONT HEREOF OR IN THE ATTACHED AGREEMENT, REGARDLESS OF TYPE, ARE REFERRED TO AS "PRODUCTS".
2. PERFORMANCE OF THE GRYPHON DRYER ASSUMES THAT THE BUYER PROVIDES MATERIAL THAT MEETS THE MATERIAL SPECIFICATIONS IN SECTION 1.2.
3. THE BUYER MAY NOT RELOCATE THE DRYER UNIT WITHOUT VOIDING THE WARRANTY UNLESS AGREED IN WRITING BY SELLER.
4. SUBJECT TO APPLICABLE PUBLIC RECORDS LAW, N.C.G.S. CHP. 132, THE BUYER AGREES TO NOT REPRODUCE THE GRYPHON SYSTEM OR SHARE TECHNICAL OR PROPRIETARY OR INTELLECTUAL PROPERTY OF THE GRYPHON DRYER. THE BUYER FURTHER AGREES THAT SELLER DRAWINGS, TECHNOLOGY, AND INTELLECTUAL PROPERTY WILL BE PROTECTED AS AGREED IN THE TERMS AND CONDITIONS SET FORTH BY A MUTUAL NON-DISCLOSURE

AGREEMENT TO BE EXECUTED BETWEEN THE PARTIES AND ANY AMENDMENTS THEREAFTER.

5. ALL PRICES ARE FOB DESTINATION, AND PAYMENT TERMS ARE SPECIFIED IN WRITING BY THE SELLER ON THE FRONT HEREOF OR OTHERWISE, REGARDLESS OF WHETHER OR NOT THE BUYER HAS BEEN PAID BY ITS CUSTOMER FOR SUCH PRODUCT. INVOICES UNPAID AND MORE THAN 15 DAYS PAST DUE WILL BE SUBJECT TO A SERVICE CHARGE ON THE UNPAID BALANCE AT AN INTEREST RATE EQUAL TO THE LESSER OF EIGHTEEN PERCENT (18%) PER ANNUM OR THE MAXIMUM ALLOWABLE INTEREST RATE UNDER APPLICABLE LAW, AND THE BUYER SHALL BE RESPONSIBLE AND LIABLE FOR ALL EXPENSES INCURRED BY SELLER IN COLLECTION, INCLUDING REASONABLE ATTORNEYS' FEES.

B. SHIPMENT, DELIVERY, RISK OF LOSS

1. TITLE TO, AND RISK OF LOSS OF, THE PRODUCTS SHALL PASS TO BUYER AS SOON AS THE PRODUCTS ARE DELIVERED BY SELLER TO THE INITIAL CLIENT DESTINATION. SHIPPING ARRANGEMENTS SHALL BE MADE BY THE SELLER. EACH SHIPMENT DATE IS APPROXIMATE, AND THE SELLER SHALL NOT BE RESPONSIBLE FOR ANY DAMAGES OF ANY KIND RESULTING FROM ANY DELAY IN SHIPMENT OR DELIVERY OF ANY PRODUCTS. NO DEFERMENT OF SHIPMENT AT BUYER'S REQUEST BEYOND THE SHIPMENT DATE ACKNOWLEDGED OR QUOTED BY SELLER WILL BE MADE EXCEPT UPON WRITTEN NOTICE TO SELLER AT LEAST THIRTY (30) DAYS IN ADVANCE OF SUCH SHIPMENT DATE AND ON TERMS THAT WILL INDEMNIFY SELLER AGAINST ALL LOSS AND ADDITIONAL EXPENSE, INCLUDING, BUT NOT LIMITED TO, DEMURRAGE, HANDLING, STORAGE, INSURANCE AND CARRYING CHARGES, RESULTING FROM SUCH DEFERMENT. SELLER WILL NOTIFY BUYER ONCE EQUIPMENT IS READY TO SHIP TO ALLOW BUYER TO INSPECT EQUIPMENT PRIOR TO SHIPPING. SHIPPING SCHEDULE WILL BE COORDINATED BETWEEN SELLER AND BUYER. SELLER IS RESPONSIBLE FOR VERIFYING SHIPPING ADDRESS WITH THE BUYER PRIOR TO SHIPMENT.

C. WARRANTY

1. ALL SELLER PRODUCTS ARE WARRANTED AGAINST DEFECTS IN WORKMANSHIP AND MATERIALS FOR EIGHTEEN (18) MONTHS FROM DELIVERY OR TWELVE (12) MONTHS FROM SUBSTANTIAL COMPLETION.
2. TO RECEIVE PRODUCT WARRANTY EVALUATION SERVICE, BUYER MUST CONTACT SELLER WITHIN SEVEN (7) DAYS OF PRODUCT DEFECT AND PROVIDE PROOF THAT THE PRODUCT WAS PROPERLY INSTALLED AND MAINTAINED IN ACCORDANCE WITH SELLER'S INSTRUCTIONS AND RECOMMENDATIONS AS OUTLINED IN SELLERS O&M MANUAL AND THAT PRODUCT WAS NOT OPERATED IN EXCESS OF OPERATIONAL LIMITS SET FORTH IN SELLER'S SUBMITTAL DOCUMENTATION.
3. SELLER IS NOT LIABLE FOR ANY LOSS, COST, EXPENSE, INCONVENIENCE, OR DAMAGE THAT MAY RESULT FROM USE OR INABILITY TO USE THE DRYER(S).
4. IF SELLER'S PRODUCT IS DEFECTIVE DUE TO WORKMANSHIP OR MATERIALS AND THE DEFECT OCCURS DURING THE WARRANTY PERIOD, SELLER WILL EITHER REPAIR OR REPLACE THE PRODUCT, WHICHEVER SELLER DEEMS TO BE APPROPRIATE UNDER THE CIRCUMSTANCES.
5. SELLER ACCEPTS NO RESPONSIBILITY FOR ANY REQUIRED SERVICE, REPLACEMENT PARTS, MAINTENANCE OR REPAIRS RESULTING FROM BUYER MODIFICATIONS TO THE EQUIPMENT, INCLUDING BUT NOT LIMITED TO PLC CODING, UNLESS AUTHORIZED IN ADVANCE IN WRITING BY SELLER.
6. SELLER IS NOT RESPONSIBLE FOR ANY INCIDENTAL OF CONSEQUENTIAL DAMAGES RESULTING FROM THE REMOVAL, SHIPMENT, RE-INSTALLATION, OR OTHERWISE IF THE WORK WAS NOT PERFORMED BY THE SELLER.
7. THIS WARRANTY DOES NOT COVER SELLER LABOR CHARGES FOR REPLACEMENT OF PARTS, ADJUSTMENTS OR REPAIRS, OR ANY OTHER WORK UNLESS SUCH CHARGES ARE AUTHORIZED IN ADVANCE, IN WRITING, BY SELLER.
8. THIS WARRANTY DOES NOT COVER ABRASION, EROSION, AND WEAR, NOR DOES IT COVER ANY PRODUCT WHICH, IN THE REASONABLE JUDGEMENT OF SELLER, HAS BEEN SUBJECT TO MISUSE OR NEGLECT, OR WHICH HAS BEEN REPAIRED OR ALTERED

OUTSIDE SELLER'S FACILITY IN ANY WAY WHICH MAY HAVE IMPAIRED ITS SAFETY, OPERATION OR EFFICIENCY, OR ANY PRODUCT WHICH HAS BEEN SUBJECT TO ACCIDENT.

9. SELLER SHALL NOT BE LIABLE UNDER THIS WARRANTY IF DAMAGE OR DEFECT RESULTS FROM (i) INSTALLATION (ii) DISASTERS SUCH AS FIRE, FLOOD, LIGHTNING, OR IMPROPER ELECTRIC CURRENT; OR (iii) BUYERS FAILURE TO PERFORM PROPER AND TIMELY MAINTENANCE.
10. THIS WARRANTY DOES NOT COVER CORROSION OR OTHER ENVIRONMENTALLY DEPENDENT WEAR RESULTING FROM PROPER, OR IMPROPER, PLACEMENT AT THE BUYER'S FACILITY.
11. THIS WARRANTY SHALL BE NULL AND VOID IF ANY PART NOT MANUFACTURED OR SUPPLIED BY SELLER FOR USE IN ANY OF ITS PRODUCTS SHALL HAVE BEEN SUBSTITUTED AND USED IN PLACE OF A PART MANUFACTURED OR SUPPLIED BY SELLER FOR SUCH USE.
12. PURPOSE GIVEN OR ASSUMED BY OTHERS IN CONNECTION WITH THE SALE OF SELLER'S PRODUCTS BEYOND WHAT IS STATED ON SELLER'S DESIGN DOCUMENTATION.
13. BUYER'S FAILURE TO PAY THE FULL AMOUNT OWED FOR THE PRODUCT WITHIN SIXTY (60) DAYS OF THE DATE OF INVOICE SHALL RELEASE SELLER FROM ANY AND ALL LIABILITY OR OBLIGATION ARISING PURSUANT TO ANY WARRANTY, EXPRESSED OR IMPLIED, WHETHER STATUTORY OR OTHERWISE, INCLUDING ANY IMPLIED WARRANTY OR MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, MADE IN CONNECTION WITH ANY CONTRACT FORMED HEREUNDER. BUYER AGREES THAT SUCH FAILURE TO PAY SHALL CONSTITUTE A VOLUNTARY WAIVER OF ANY AND ALL SUCH WARRANTIES ARISING PURSUANT TO SUCH CONTRACT.

D. CANCELLATIONS

1. AFTER ACCEPTANCE BY THE SELLER, AN ORDER SHALL NOT BE SUBJECT TO CANCELLATION BY THE BUYER EXCEPT AS SET FORTH IN SECTION 2.3 PRICING TERMS AND CONDITIONS. FOLLOWING BUYER'S NOTICE TO BEGIN FABRICATION, CANCELLATION OF ALL OR ANY PART OF AN ORDER MUST BE SUBMITTED TO GRYPHON ENVIRONMENTAL, INC AT OWENSBORO, KY IN WRITING AND, UP

TO THE DATE GRYPHON ENVIRONMENTAL, INC RECEIVES THE NOTICE OF CANCELLATION, THE BUYER WILL PAY ALL COSTS AND EXPENSES INCURRED BY GRYPHON ENVIRONMENTAL, INC (INCLUDING BUT NOT LIMITED TO, ENGINEERING, MATERIAL, LABOR, SERVICES, EQUIPMENT, PARTS, AND OPTIONS) AS A RESULT OF THE CANCELLATION PLUS 20% OF THE TOTAL PURCHASE PRICE OF THE EQUIPMENT (NOT TO EXCEED THE TOTAL ORIGINAL CONTRACT PRICE).

E. SELLER'S SPECIFICATIONS: TECHNICAL DATA, ETC.

1. ANY SPECIFICATIONS, DRAWINGS, PLANS, NOTES, INSTRUCTIONS, ENGINEERING NOTICES, OR TECHNICAL DATA OF SELLER FURNISHED TO BUYER SHALL BE DEEMED TO BE INCORPORATED HEREIN BY REFERENCE THE SAME AS IF FULLY SET FORTH HEREIN. SELLER SHALL AT ALL TIMES RETAIN TITLE TO ALL SUCH INFORMATION AND DOCUMENTS, AND BUYER SHALL NOT DISCLOSE ANY OF IT TO ANY PARTY OTHER THAN ANY PARTY DULY AUTHORIZED BY SELLER IN WRITING. UPON SELLER'S REQUEST, BUYER SHALL PROMPTLY RETURN TO SELLER ALL SUCH INFORMATION, DOCUMENTS, AND COPIES THEREOF.

F. CREDIT

1. RIGHTS OF SELLER. IF BUYER SHALL FAIL TO PAY ANY INDEBTEDNESS TO SELLER PROMPTLY WHEN DUE, SELLER MAY, IF IT SO ELECTS, WITH OR WITHOUT DEMAND FOR ANY PAYMENT PAST DUE, AND WITHOUT PREJUDICE TO ANY OTHER RIGHTS OR REMEDIES AVAILABLE TO IT, TAKE SOME OR ALL OF THE FOLLOWING ACTIONS:
   a. REQUIRE CASH PAYMENT IN ADVANCE OR ON DELIVERY OR PRESENTATION OF A SIGHT DRAFT ATTACHED TO A BILL OF LADING, LETTER OF CREDIT, OR SUCH OTHER SECURITY OR PROOF OF RESPONSIBILITY AS IS SATISFACTORY TO THE SELLER, AS A CONDITION TO MAKING FURTHER SHIPMENTS OF PRODUCTS TO BUYER OR ANY OF ITS CUSTOMERS (IRRESPECTIVE OF WHETHER SUCH SHIPMENTS ARE IN EXPRESSION OF THE TERMS OF SUCH AGREEMENT), ALL PRIOR OR CONTEMPORANEOUS WRITTEN OR ORAL COMMUNICATIONS, AGREEMENTS, ORDERS, FORMS OR NEGOTIATIONS WITH RESPECT TO SUCH SUBJECT MATTER BEING MERGED HEREIN. BY WAY OF ILLUSTRATION AND NOT

LIMITATION, BUYER'S ORDER SHALL BE DEEMED TO INCORPORATE, WITHOUT EXCEPTION, ALL TERMS AND CONDITIONS HEREOF, NOTWITHSTANDING ANY ORDER FORM OF BUYER CONTAINING ADDITIONAL OR CONTRARY TERMS OR CONDITIONS, UNLESS BUYER SHALL HAVE EXPRESSLY ADVISED SELLER TO THE CONTRARY IN A WRITING APART FROM SUCH ORDER FORM AND NO ACKNOWLEDGMENT BY SELLER OF ANY ORDER BY BUYER SHALL BE DEEMED AN ACCEPTANCE BY SELLER OF ANY SUCH ADDITIONAL OR CONTRARY TERMS OR CONDITIONS. ANY ACKNOWLEDGMENT BY THE SELLER OF ANY ORDER BY THE BUYER IS EXPRESSLY CONDITIONAL ON THE BUYER ASSENTING TO, OR OTHERWISE BEING BOUND BY, ANY TERMS AND CONDITIONS HEREOF WHICH ARE IN ADDITION OR CONTRARY TO THE TERMS AND CONDITIONS OF THE BUYER'S ORDER FORM. NO ADDITIONAL OR CONTRARY TERMS, CONDITIONS, OR MODIFICATIONS MAY BE MADE TO THESE TERMS AND CONDITIONS EXCEPT BY A WRITTEN INSTRUMENT SIGNED BY ONE OF THE SELLER'S OFFICERS. STENOGRAPHIC AND CLERICAL ERRORS ARE SUBJECT TO CORRECTION BY THE SELLER AND BUYER.

G. INTENDED USE

1. THE GRYPHON UNIT PROPOSED IS DESIGNED TO DRY BUYER-PRODUCED RESIDUALS. UTILIZING THE SYSTEM TO DRY OR PROCESS OTHER MATERIALS MUST BE APPROVED BY THE SELLER IN ADVANCE AND SELLER RESERVES THE RIGHT TO SUPERVISE TRIALS INVOLVING OTHER SUSPENSIONS OR CHANGES TO THE INTENDED USE. EXCEPT AS SET FORTH IN THIS PART, SELLER SPECIFICALLY DISCLAIMS ALL OTHER WARRANTIES, WHETHER EXPRESSED OR IMPLIED, WHETHER ARISING BY OPERATION OF LAW OR OTHERWISE, INCLUDING WITHOUT LIMITATION, ANY WARRANTIES OF MERCHANTABILITY OR FITNESS OF THE PRODUCT FOR A PARTICULAR PURPOSE, CONDITION, OR QUALITY OF THE PRODUCT. ANY TRADE USAGE OR DEALING. ANY DETERMINATION OF THE SUITABILITY OF THE PRODUCT FOR THE USE CONTEMPLATED BY THE BUYER IS THE BUYER'S RESPONSIBILITY. ALL PRE-INSTALL AND POST-INSTALL MODIFICATIONS TO THE SOFTWARE PROGRAMS ARE THE INTELLECTUAL PROPERTY OF THE SELLER. PLC PROGRAM SHALL NOT BE COPIED, MOVED, OR DISTRIBUTED.

H. LIMITATION OF LIABILITY AND LIMITED REMEDIES

1. NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, IN NO EVENT WILL SELLER BE LIABLE TO THE BUYER FOR ANY LOST OR PROSPECTIVE PROFITS, INDIRECT, INCIDENTAL, CONSEQUENTIAL, SPECIAL, EXEMPLARY, OR PUNITIVE DAMAGES, INCLUDING, WITHOUT LIMITATION, LOST EARNINGS, LOST PROFITS, OR BUSINESS INTERRUPTION, WHETHER OR NOT BASED UPON SELLER'S NEGLIGENCE, BREACH OF WARRANTY, STRICT LIABILITY, IN TORT OR ANY OTHER CAUSE OF ACTION. BUYER'S EXCLUSIVE REMEDY AGAINST SELLER FOR ANY CAUSE OF ACTION UNDER THE AGREEMENT, INCLUDING WITHOUT LIMITATION FOR FAILURE TO DELIVER OR DELIVERY OF NONCONFORMING PRODUCT, IS, AT SELLER'S OPTION LIMITED TO:
   a. REPLACEMENT OF THE NON-CONFORMING PRODUCT OR
   b. REFUND TO BUYER OF THE PORTION OF THE PURCHASE PRICE PAID BY BUYER AND ATTRIBUTABLE TO SUCH NON-CONFORMING OR UNDELIVERED PRODUCT. IN NO EVENT SHALL SELLER'S CUMULATIVE LIABILITY EXCEED THE PRICE OF THE PRODUCT SOLD WHICH WAS THE DIRECT CAUSE OF THE ALLEGED LOSS, DAMAGE, OR INJURY. IN ANY EVENT, THE BUYER ACKNOWLEDGES AND AGREES THAT THE RETURN OF THE FULL SALES PRICE FOR THAT PRODUCT SOLD WHICH WAS THE CAUSE OF THE ALLEGED LOSS, DAMAGE, OR INJURY WILL PREVENT THE FOREGOING REMEDIES FROM FAILING IN THEIR ESSENTIAL PURPOSE AND THAT SUCH REMEDY IS FAIR AND ADEQUATE.
   c. NEITHER PARTY SHALL BE DEEMED IN DEFAULT TO THE EXTENT THAT ANY DELAY OR FAILURE IN THE PERFORMANCE IS DUE TO ANY FORCE MAJEURE EVENT. "FORCE MAJEURE EVENTS" ARE THOSE EVENTS THAT ARE BEYOND THE CONTROL OF BOTH THE SELLER AND THE BUYER, INCLUDING BUT NOT LIMITED TO ACTS OF GOD; NATURAL DISASTERS, ABNORMAL WEATHER CONDITIONS OR ACTIONS OF THE ELEMENTS; LABOR STRIKE, CIVIL STRIKE, WORK STOPPAGES, SLOW-DOWN, OR LOCK-OUT; ACCIDENTS; ACTS OF WAR (DECLARED OR UNDECLARED); TERRORISM; CIVIL UNREST OR DISTURBANCES; MILITARY DISTURBANCES; LOSS OR MALFUNCTIONS OF UTILITIES, COMMUNICATIONS OR COMPUTER (SOFTWARE OR HARDWARE) SERVICES; EPIDEMIC, PANDEMIC OR

QUARANTINE; THE BINDING ORDER OF ANY GOVERNMENTAL OR CIVIL AUTHORITY; THE FAILURE TO ACT ON THE PART OF ANY GOVERNMENTAL OR CIVIL AUTHORITY.

I. GOVERNING LAW

1. THIS DOCUMENT AND THE SALE OF ALL PRODUCTS, AND ANY DISPUTES RELATING THERETO, SHALL BE GOVERNED BY, CONSTRUED IN ACCORDANCE WITH, AND RESOLVED LAWS OF NORTH CAROLINA. BOTH PARTIES SUBMIT THEIR PERSONS TO THE JURISDICTION OF THE COURTS FOR NORTH CAROLINA. EXCLUSIVE VENUE FOR ANY ACTION BROUGHT IN CONNECTION WITH THIS AGREEMENT, ITS INTERPRETATION AND BREACH SHALL BE IN THE COURTS FOR HENDERSON COUNTY, NORTH CAROLINA.

PART 3 - IMPLEMENTATION

3.1 PROJECT PHASES

A. Submittals

1. Submittals will be forwarded to the City of Hendersonville within 60 days of the receipt of the deposit. Delays in site design and delivery of a finalized 2D site layout may negatively impact the delivery of submittals.
2. Submittals will include the following at a minimum:
   a. Equipment and instrument data and cut sheets, along with a Master Equipment List
   b. Utility, motors, and junction box location and connection drawings
   c. Comprehensive P&ID and PFD
   d. Automation and Instrumentation Plan
   e. Foundation requirements for individual equipment, including the weight of equipment and any special foundation requirements for specific equipment

B. Fabrication and Shipment

1. Purchasing and fabrication will not begin until a written Notice to Begin Fabrication, or payment, has been received. Delays in Notice to Begin Fabrication may impact overall system prices.
2. Completed fabrication and Readiness to Ship of Gryphon dryer(s) is 240 Days from payment for the Notice to Begin Fabrication and approval of shop drawings.
3. At the completion of fabrication, Seller will coordinate with the Buyer/Contractor to arrange shipment of the dryer(s) to the site.
4. The dryer(s) will be shipped FOB Destination to the site. The shipment will be scheduled so that a maximum of two (2) truckloads of equipment arrive per day.
5. The Gryphon dryer(s) MUST always be stored and housed in dry storage. Failure to secure dry storage will delay shipment of the dryer(s) and components at no consequence to Seller; Readiness to Ship payment remains due.

C. Installation Supervision

1. Per 2.1 Itemized Pricing Schedule, Item 7, Gryphon will supervise four (4) trips and Buyer/Contractor Responsibilities, as outlined in section 1.2, must be completed within those four (4) trips.

D. Testing, Training, and Substantial Completion

1. Once the dryer(s) has been tested for proper operation, Seller will coordinate with the Buyer/Contractor to begin running material on the dryer(s). During this time, Gryphon employees will work with site operators to tune the primary dewatering equipment to the dryer(s).
2. Gryphon personnel will run the dryer(s) to determine the best setpoints for the given material and measure and record the percent total solids of the wet material into and out of the dryer(s).
3. Once stable infeed material flow and drying has been achieved, the site operators will be trained. Training will be completed by a Gryphon technician/engineer, fully knowledgeable about the design, operation, and maintenance of the dryer(s), to ensure that the City of Hendersonville staff are fully knowledgeable on the operation, maintenance, and troubleshooting of the dryer(s). At a minimum, the following will be addressed during training:
   a. Emergency operation procedures
   b. Operation at varying inputs to obtain Class A certificated yield
   c. Procedures to ensure economical operation under different operating conditions
   d. Maintenance procedures
   e. Troubleshooting procedures
   f. Repair procedures
   g. Written Operation & Maintenance Manuals
4. Upon successful training, the operators will be issued a training certificate. Should the City of Hendersonville encounter employee turnover of trained dryer operators, Seller offers additional training opportunities on a contract basis.
5. After operators have been trained and are comfortable running the dryer(s), the dryer(s) is considered substantially complete, and the warranty period will begin. Gryphon personnel will leave the site and a return trip will be planned within 60 days of substantial completion to conduct performance testing.

E. Performance Testing and Commissioning

1. Performance testing is completed within a 3 day, 8-hour, Day Shift testing period.
2. Dewatering equipment must be operational and produce a consistent supply of material to the dryer(s) to complete performance testing.
3. The Seller will use calibrated IR scales to measure the percent total solids into and out of the dryer(s). The Seller will calculate the dryer(s) throughput and water removed with a combination of TSS and flow rate (gpm) to the dewatering system, bulk density of the dewatered cake, cycle time through the dryer(s), and belt loading height. The Seller will collect data each hour of each Performance Testing day. Average values for that day will then be calculated.
4. The collected Performance Data spreadsheet will be made available to the Buyer for their evaluation. If third party testing such as fecal or additional moisture testing is required, the cost and logistics related to these tests are the responsibility of the Buyer/Contractor.
5. Gas usage will be recorded from the flow meter installed on the process air heater. Electrical consumption will be recorded from the power meter on the main dryer electrical panel display. If MCC's are used, an alternative power meter solution will be required during testing. It is the responsibility of the Buyer/Contractor to provide this resource. During the various testing phases, the Buyer will cover the cost of all utilities needed for the testing period including, but not limited to, electrical, gas, and water.

F. Final Payment

1. Final payment to Seller is due immediately upon successful completion of performance testing.

PART 4 - MAINTENANCE AND REPLACEMENT PARTS

4.1 ROUTINE MAINTENANCE SCHEDULE

This is an example of the routine maintenance schedule your equipment will require. Actual routine maintenance schedules may differ depending on model size, material, and throughput.

Description	Frequency
Chamber inspection: Minimal material buildup in chambers, spray bars working properly	Each Shift
Dryer belt-centered, no rips or tears	Each Shift
Check HMI to determine if any alarms are repeating or must be addressed	Each Shift
Exit material temperature within normal operating range: 175˚F - 275˚F	Each Shift
Air heater temperatures are within normal operating range: Below 450˚F	Each Shift
Chamber temperatures are within normal operating range: 100˚F - 350˚F	Each Shift
Condenser filter inspection: No buildup of residue, no blinding	Each Shift
Condenser in and out temperatures are within normal operating range: Between 80˚ and 140˚F temperature difference	Each Shift
Condenser differential pressure is within normal operating range: Max 7.0 inWC; Normal pressure should be 4.0 inWC or less	Each Shift
Condenser humidity is within normal operating range: humidity in ~45%; humidity out ~80%	Each Shift
Blower inlet temperature less than 190˚F	Each Shift
Blower flow is within normal operating range: ~8,000cfm - 20,000cfm depending on dryer size and condenser filter/coil cleanliness	Each Shift
Tension rolls and chamber drain valve air lines are free of leaks	Weekly
Motors: No excessive vibration	Weekly
Sifter brush assembly is working as expected	Weekly
Sifter basket is clean	Weekly
Sifter basket is not experiencing excessive wear, no material thinning or worn holes (Replaced if necessary)	Weekly
Leveling auger and/or leveling brush are clean, no buildup of material on flights or bristles	Weekly
Control cabinet filters are clean (Replace filters if necessary)	Weekly
Control cabinet air conditioner is operating normally, cabinet temperature is below 85˚F	Weekly
Control cabinet air conditioner condensate line drain is clean, no blockages	Weekly
Cooling tower basin is clean: No biological growth or signs of hard water (Treat cooling tower water as necessary)	Weekly
Cooling tower fan is operational	Weekly
Cooling tower spray bar is rotating and operating properly	Weekly

Combustion blower filter is clean and free of debris	Weekly
Air heater instrument air line valves have been bled to allow condensate to drain	Weekly
Air heater thermocouples are within normal operating range: This should be comparative to the air heater set point 100˚F - 400˚F	Weekly
Belt rinse pan and spray bar wands are void of material buildup	Weekly
Exit material temperature sensor at exit hood are clean	Weekly
Topside ductwork inspection: During start-up, start the process blower but do not initiate the air heater. Walk topside and listen for hissing or other indicators of air leaks or compromised o-rings.	Quarterly
Lid bolt inspection: While dryer is shutdown and once lids have reached a safe temperature, inspect bolts for loosening and tightened where necessary.	Quarterly
Injection plate inspection: While dryer is shutdown, follow the Lid Lift Procedure starting on page 22 of the Gryphon O&M manual to lift the lids. Inspect the perforated injection plates for plugging/clogging. Clean as necessary using a Teflon safe cleaning solution.	Quarterly
Skirt seal inspection: While dryer is shutdown, follow the Lid Lift Procedure starting on page 23 of the Gryphon O&M manual to lift the lids. Inspect the silicone skirt seals for wear or damage. Replace if necessary.	Quarterly
Gearbox oil inspection: While dryer is shutdown, check the gearbox oil levels and fill as required.	Quarterly
Blower flow meter inspection: Probe is cleaned, no buildup	Quarterly
Condenser inspection: While the dryer is shutdown, use the condenser access panels to inspect the coil, filters, and basin for cleanliness. Follow the Condenser Maintenance protocol on page 33 of the Gryphon O&M manual to properly clean the coil. Following the filter and coil cleaning, inspect the condenser basins for blockages and flush as required.	Quarterly
Sifter brush replacement: Verify sifter mechanical is de-energized. Remove access plates on each side of sifter housing and lockout sifter. Replace brushes that can be accessed by hammering in new brushes against old ones - old brushes will be pushed out the other end of the track by the new brushes. Re-energize sifter to rotate sifter drum until more old brushes are accessible. Repeat the process of replacing old with new. NOTE: It may be beneficial to mark brushes that have been replaced to keep track.	Annually
Skirt seal replacement: While dryer is shutdown, follow the Lid Lift Procedure starting on page 23 of the Gryphon O&M manual to lift the lids. Remove the existing skirt seals and dispose. Replace with new set running a 1" bead of high temperature silicone every 24-36". Lower the lids.	Annually
Preventive maintenance of electrical cabinet: To be performed by a qualified electrician. With cabinet de-energized and locked out, verify electrical connection torque on al VFDs, motor starters, and terminal blocks.	Annually
Inspect and tighten bolts on injection plates: While dryer is shutdown, follow the Lid Lift Procedure starting on page 29 of the Gryphon O&M manual to lift the lids. Once lids and chambers have reached a safe temperature, inspect the injection plate torx bolts for loosening and tightened where necessary.	Annually
Gearbox oil change: Per the manufacturer's instructions for each gearbox, perform an oil change.	Annually
Schedule NFPA Air Heater Inspection with Gryphon	Annually

4.2 REPLACEMENT PARTS SCHEDULE

Standard Replacement Parts: Certain components have established life spans that require replacement on a manufacturer-recommended, scheduled basis. Gryphon reserves the right to forego the replacement of components that show little or no signs of fatigue at the time of their scheduled replacement. Part failures occurring during the period of the original warranty of the dryer(s) are subject to replacement by Gryphon if repairs or replacements are deemed necessary by Gryphon for proper dryer performance. These components/parts are subject to replacement at the expense of the buyer if repairs or replacements are deemed unnecessary by GRYPHON for proper dryer performance and prior to the scheduled replacement date.

The Gryphon dryer requires two crucial spares at the time of installation – nine (9) replacement condenser filters to exchange during routine cleaning, and two (2) standby water supply solenoid valves. These two recommended spares are included in the base cost of Gryphon's drying equipment.

A. Spare Parts Recommended at Installation

Below is an example of the recommended spare parts list and includes items necessary to perform annual dryer maintenance as described in Gryphon's Operation and Maintenance Manual. Actual items may differ depending on the material equipment model.

Spare Parts List - At Installation			
Replacement Schedule - Estimated (7 days/wk of 24 hour operation)			
QTY	**DESCRIPTION**	**LEAD TIME**	**REPLACEMENT INTERVAL**
1	***Model 1050 Skirt Assembly Seal***	1 Week	Annually
1	***Sifter Brush and Wiper Set***	2 Weeks	Annually
1	***Gearbox Oil - 5 Gallons***	1 Week	Annually
1	***Lid Lift Hydraulic Oil - 5 Gallons***	1 Week	Annually
1	***Burner Flame Rod***	2 Weeks	Annually

Note: Table indicates the annual part requirements for one (1) dryer.

B. Estimated Replacement Schedule

Below is an example of the estimated replacement schedule your equipment will require. Actual items and prices may differ depending on the material and equipment model. Prices below are not guaranteed.

Spare Parts List				Replacement Schedule - Estimated (7 days/wk of 24 hour operation)
QTY	**DESCRIPTION**	**LEAD TIME**	**PRICE EACH**	**REPLACEMENT INTERVAL**
1	**Annual parts provided in 1.1**			ANNUAL
1	***Model 1050 PPS Conveyor Belt***	4 Weeks	$38,300.00	2.5 years
9	***Condenser Filter Assembly***	2 Weeks	$ 6,656.00	2 Years
1	***Sifter Basket Weldment***	3 Weeks	$ 2,240.00	2 Years
6	***RTD (Resistance Temperature Detector) Package***	1 Week	$ 3,763.00	2 Years
18	***Duct Clamp Package (2 of each size)***	1 Week	$ 1,401.00	3 Years
2	***Washstand Solenoid Valve (1 of each)***	1 Week	$ 1,423.00	2 Years

Note: Table indicates the scheduled parts totals for one (1) dryer over the period of four years.

PART 5 - ADDITIONAL INFORMATION REQUESTED

5.1 UNIT CAPACITY

This section serves to clarify and outline important details regarding the capacity and performance of the 1050 Gryphon Dryer.

A. General Capacity

The 1050 Gryphon Dryer is stated to have a general processing capacity of approximately 850 dry pounds per hour.

B. Factors Affecting Capacity

Several factors can affect the stated capacity, including but not limited to material type, starting Total Solids (TS), and desired Total Solids (TS).

5.2 SCHEDULE OF CONTRACT

Schedule of Contract	
Purchase Order Received	10/30/2024
Submittals Delivered to Buyer	12/31/2024
Submittals Returned to Seller w/Comments	1/15/2025
Submittals Resubmitted to Buyer and Finalized	1/28/2025
Notice to Begin Fabrication	1/28/2025
Ready to Ship	9/25/2025
Equipment Delivered	10/2/2025
Performance Testing Begins	1/5/2026
Dryer Commissioned-Contract Completed	1/8/2026

Note: The dates listed above are based on receipt of a purchase order by 10/30/2024. If delays occur beyond the Seller's control, these dates may be subject to change.

PART 6 - EXECUTION OF PROPOSAL / AGREEMENT

THE BUYER MAY EXECUTE THIS AGREEMENT WITH A PURCHASE ORDER AND DEPOSIT REFERENCING THIS PROPOSAL.

Buyer:
The City of Hendersonville, NC
Hereby Agrees to the Terms and Conditions of Sale

_____ _____

Authorized Signature Date

_____

Printed Name and Title

Seller:
Gryphon Environmental, Inc

_____ _____

Authorized Signature Date

John Prinner - President, CEO

Printed Name and Title

GRYPHON
environmental, Inc.

SAMPLE

Extended Warranty Agreement
Standard Terms & Conditions

SECTION 1 - PARTIES

Seller: Gryphon Environmental, Inc.
838 Industrial Drive
Owensboro, KY 42301

Buyer: _____
Address: _____
_____
_____
_____

All written notifications and communications subject to the Extended Warranty shall be sent or copied to the Primary Contacts, listed as:

Seller:

Contact :_____(email)_____

Contact :_____(email)_____

Buyer:

Contact :_____(email)_____

Contact :_____(email)_____

Contact :_____(email)_____

Approved Communications: Changes to the primary contacts may be made with the same notification procedures. Text messaging, voice calls, or other forms of communication may be used in relation to the Extended Warranty, however, Seller and Buyer agree that **only** email and written notifications shall be considered formal notification.

SAMPLE

GRYPHON
environmental, Inc.

SECTION 2 - EQUIPMENT

The Equipment shall be defined as: Gryphon Model 1050 Dryer, Serial Number _TBD_.
The Seller and Buyer acknowledge that the Equipment is sold NEW with PO # ___TBD__.

SECTION 3 – OPTIONAL EXTENDED WARRANTY

Please note that any warranty services or questions must be accompanied by the order number from the transaction through which the warranted product was purchased. ***The order number serves as your warranty number and must be retained*.** GRYPHON will offer no warranty service without this number.

As part of the purchase of a new Gryphon Model 1050 Dryer, an optional 1-year parts and limited labor warranty will be available at the rate of $150,000.00. An optional 2-year parts and limited labor warranty will be available at the rate of $250,000.00. The warranty begins the day after the Standard Warranty ends. The decision to repair or replace any part will be made by GRYPHON management only.

Parts Warranty: In the event of a potential warranty claim, the customer will contact GRYPHON regarding the situation. GRYPHON's service technicians will provide over the phone and remote diagnostics troubleshooting measures to resolve the situation for which the customer is responsible for executing all required troubleshooting steps to determine the problem. Once problem is determined, GRYPHON will send any replacement part(s) required to customer at no charge for the part(s). If expedited freight is required, the Customer must specify and the Customer will be responsible for the expedited freight charges. *See below for individual parts warranty breakdown*. The customer is responsible for labor for installing the new parts(s).

SAMPLE

The Extended Warranties INCLUDE the following individual replacement parts:

- Gearboxes: Main Drive, Leveling
- Motors: Main Drive, Leveling
- Bearings: Entry Table, Exit Table
- Shafts: Leveling
- Nozzles
- Pneumatic belt tracker

The Extended Warranties EXCLUDE the following items:

- Process Blower and associated components
- Air Heater and associated components
- Cooling Tower and associated components
- Custom Lid Lift and associated components
- Condenser Coil
- Belt

This Extended Warranty covers the following two site visits per year:

1 - Bi-Annual Site Visit

- Onsite Technicians (3-5 days)
- Conduct detailed inspection of maintenance items

2 - Annual Site Visit

- Onsite Technicians (5-12 days)
- Annual 'refresher' training
- Replace belt (labor ONLY)
- Chamber inspection, cleaning instruction, and assistance.
- Electrical cabinet PM: Verify electrical connection torque on all VFDs, motor starters, and terminal blocks.
- Interior lid frame inspection.
- Burner maintenance (NFPA) synchronized and included.
- Conduct detailed inspection of maintenance items

SAMPLE

Labor Warranty: Labor is not included as standard with any part of the warranty unless agreed upon ahead of time by GRYPHON management. During the Extended Warranty, if a warranty claim should arise that both GRYPHON and Buyer agree is a major repair need and all troubleshooting efforts have been fully performed and exhausted by the customer and the problem persists, GRYPHON will send a technician to the customer's facility to resolve the problem. In the event of a major repair need, a Customer-provided 'helper' will be required to aid the GRYPHON technician at no charge to GRYPHON. Labor to repair may be furnished at the customer's plant in the continental U.S. only and only if GRYPHON agrees that the problem is not due to improper use of the machine or wrongful tampering with the machine by the customer or other entity.

Standard Replacement Parts: Certain components have established life spans that require replacement on a manufacturer-recommended, scheduled basis. These components/parts are SUBJECT TO REPLACEMENT AT THE EXPENSE OF THE BUYER, unless repairs or replacements are deemed by GRYPHON to be necessary for the proper performance of the equipment and prior to the scheduled replacement date, in which case, the components are covered under this Extended Warranty. GRYPHON reserves the right to forego the replacement of components that show little or no signs of fatigue at the time of their scheduled replacement. At the time of the manufacturer-scheduled replacement, parts deemed by Gryphon to not need replacement are covered under the Extended Warranty up to their next scheduled replacement date.

Return of Non-Defective Products: A defective component may be returned to GRYPHON for replacement during the warranty term. Replacement parts shall be shipped from GRYPHON or drop-shipped from the OEM provider. Lead times for parts are subject to availability and potentially GRYPHON's fabrication/assembly time.

SECTION 4 – TERMS AND CONDITIONS OF EXTENDED WARRANTY

All original parts (parts installed by GRYPHON at the original system build or provided as replacement parts) that GRYPHON or its authorized service center replaces during the warranty term become the property of GRYPHON. Any after-market additions or modifications to the dryer will not be covered under warranty.

GRYPHON makes no other warranty, either expressed or implied, including but not limited to implied warranties of merchantability, fitness for a particular purpose, or conformity to any representation or description, with respect to the dryer other than as set

SAMPLE

forth in the Original Purchase Agreement between the parties. GRYPHON makes no warranty or representation, either expressed or implied, with respect to any other manufacturer's product or documentation, its quality, performance, merchantability, fitness for a particular purpose, or conformity to any representation or description other than as set forth in the Original Purchase Agreement between the parties.

Except as provided below, GRYPHON is not liable for any loss, cost, expense, inconvenience, or damage resulting from use or inability to use the dryer. Under no circumstances shall GRYPHON be liable for any loss, cost, expense, inconvenience or damage resulting from misuse, failure of the Buyer to complete timely maintenance, failure of components or systems not supplied by Gryphon, or events that are normally covered by the Buyer's insurance (e.g. Acts of God).

The warranty and remedies set forth below are exclusive and in lieu of all others, oral or written, expressed or implied. No reseller, agent, or employee is authorized to modify, extend, or add to this warranty.

Warranty Conditions

The above Extended Limited Warranty is subject to the following conditions:

1. This warranty extends only to products distributed and/or sold by GRYPHON, as defined above in Section Two - Equipment. It is effective only if the products are purchased and operated within the Continental USA.
2. This warranty covers only normal use of the equipment. GRYPHON shall not be liable under this warranty if any damage or defect results from (i) misuse, accident, abuse, neglect, improper shipping or installation; (ii) disasters such as fire, flood, lightning or improper electric current; or (iii) service or alteration by anyone other than an authorized GRYPHON representative or trained Buyer staff; (iv) placement in an unsuitable physical or operating environment or improper storage or maintenance improperly by Customer, (v) damages incurred through irresponsible use, including those resulting from failure of Buyer to perform proper and timely maintenance, or other non-recommended practices.
3. Properly completed shift, weekly, monthly and annual maintenance logs as outlined in the Gryphon OEM manual will be required for coverage under the Standard or Extended Warranty. Proper and timely maintenance are the full responsibility of the Buyer. Parts or Service required due to the failure of the Buyer to conduct proper and timely maintenance may void part or all of the Standard or Extended Warranty.

SAMPLE

4. No warranty extension will be granted for any replacement part(s) furnished to the Buyer in fulfillment of this Warranty.
5. GRYPHON and its Authorized Service Center accepts no responsibility for any required service, replacement parts, maintenance or repairs resulting from Buyer modifications to the Equipment, including but not limited to PLC coding, unless authorized in advance in writing by GRYPHON.
6. All pre-install and post-install modifications to the software programs are copyrighted by and licensed to GRYPHON.
7. Warranty of parts may be void if Buyer neglects to inform GRYPHON of component failures in a timely manner (within 48 hours following an alarm condition or discovery of failed component). Costs for repair or replacement of Parts/Components requiring repair or replacement due to neglect of the Buyer to notify Gryphon in writing of related parts/components failure, shall be the responsibility of the Buyer.
8. Warranty is subject to sludge characteristics remaining in the established 'Sludge Content Specification Sheet' as defined in Attachment B in the Purchase Agreement.

SAMPLE

GRYPHON
environmental, Inc.

SECTION 5 - EXECUTION

Buyer may execute this document with a purchase order and 5% deposit referencing this proposal.

Buyer:

_____ agrees to the terms and conditions of sale;

_____ _____
Authorized Signature Date

_____
Printed name & title

Seller/Gryphon Environmental, Inc.:

Agreed and accepted:

_____ _____
Authorized Signature Date

_____
Printed name & title

SAMPLE

GRYPHON

Project Information Form

Buyer Information

Facility Name:	
Contact Name:	Contact Title:
Contact Phone #:	Contact Email:

Engineering Firm Information

Company Name:	
Contact Name:	Contact Title:
Contact Phone #:	Contact Email:

Contractor Information

Company Name:	
Contact Name:	Contact Title:
Contact Phone #:	Contact Email:

Shipping Information

Shipping Address:		
City:	State:	Zip:
Contact Name:		Title:
Phone Number:		Email:

Billing Information

Billing Address:		
City:	State:	Zip:
A/P Contact Name:		Contact Phone #:
Contact Email:		Invoicing Email:
Payment Method: ☐ Check ☐ ACH (Gryphon will provide ACH Authorization form)		

Other Information

_____

_____

_____

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Tyler Morrow

MEETING DATE: September 5th, 2024

AGENDA SECTION: Consent

DEPARTMENT: Community Development

TITLE OF ITEM: Annexation: Certificate of Sufficiency- Lakeside Drive (Summerville) (C24-52-ANX) – *Tyler Morrow, Current Planning Manager*

SUGGESTED MOTION(S):

I move Council to accept the City Clerk's Certificate of Sufficiency for the petition submitted by Peter and Rhonda Summerville and set October 3rd, 2024, as the date for public hearing.

SUMMARY: *File # C24-52-ANX*

The City of Hendersonville has received a petition from Peter and Rhonda Summerville for contiguous annexation of PINs 9568-33-5111, and 9568-33-6042 and located on Lakeside Drive that is approximately 1.24 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.

PROJECT/PETITIONER NUMBER:	• C24-52-ANX
PETITIONER NAME:	• Peter and Rhonda Summerville
ATTACHMENTS:	1. Certificate of Sufficiency 2. Resolution setting public hearing 3. Annexation Plat 4. Typed legal description 5. Annexation Application 6. Deeds

CERTIFICATE OF SUFFICIENCY

Re: Petition for Contiguous Annexation
Petitioner: Peter and Rhonda Summerville
File No. C24-52-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 +/- 1.24 acres located on Lakeside Drive in Hendersonville, NC, being tax parcels PINs 9568-33-5111, and 9568-33-6042 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 _____ day of _____, 2024.

(City Seal)

_____
Jill Murray, City Clerk

EXHIBIT A
LEGAL DESCRIPTION

Being all of that real property consisting of PINs 9568-33-5111, and 9568-33-6042 described in the plat recorded in Book 2024- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9568-33-5111, and 9568-33-6042 being described by metes and bounds as follows:

Being all those pieces, parcels, or tracts of land situate in Henderson County, North Carolina, and being all of Lots 1R & 2R, "Lot Line Adjustment Peter & Rhonda Summerville" of the plat thereof as recorded as Plat Slide 15681, Register of Deeds of Henderson County (RODHC), North Carolina, and being more particularly described as follows:

Beginning at a new iron pin at the northeast corner of the lands now or formerly of Mary Willson as conveyed in Deed Book 706, Page 307 RODHC and show on aforesaid plat and the western right of way line of Lakeside Drive (SR 1144); thence with the lands of Mary Wilson the following three (3) courses to wit: (1) North 82°44'53" West for 42.04 feet to a found iron pin; (2) North 88°54'11" West for 68.57 feet to a point in a creek, passing a new iron pin at 62.62 feet; (3) South 27°59'10" West for 60.74 feet to a point in a creek on the northeastern line of the lands now or formerly of Meredith & Trevor Calhoun as conveyed in Deed Book 1542, Page 387, RODHC; thence with the lands of Meredith and Trevor Calhoun the following two (2) course to wit: (1) North 54°04'16" West for 69.97 feet to a found iron pin; (2) North 54°54'02" West for 161.25 feet to a found iron pipe at the southwest corner of the land now or formerly of Stephanie Whiteside as conveyed in Deed Book 1337, Page 722, RODHC; thence with the lands of Stephie Whiteside the following two (2) courses to wit: (1) North 17°09'26" East for 191.15 feet to a found iron pin with cap; (2) North 85°19'43" East for 27.74 feet to a point in a creek and southwestern line of the lands now of formerly of Robin Staton as conveying Deed Book 531, Page 411 RODHC; thence with the lands of Robin Staton the following five (5) courses to wit: (1) South 45°46'29" East for 33.32 feet to appoint in the creek; (2) South 25°10'20" East for 42.08 feet to a point in the creek; (3) South 45°16'58" East for 45.16 feet to a point in the creek; (4) South 69°36'16" East for 29.30 feet to a point in the creek; (5) South 67°21'32" East for 18.80 feet to a point in the creek and on the southwestern line of the lands now or formerly of Francis & Reid as conveyed in Book of Record 3254, Page 378, RODHC; thence with the lands of Francis & Reid the following four (4) course to wit: (1) South 38°18'11" East for 11.12 feet to a point in the creek; (2) South 18°11'22" West for 11.31 feet to a point in the creek; (3) leaving the creek South 10°22'13" West for 22.20 feet to a found iron pin; (4) South 86°29'46" East for 128.17 feet to a found iron pipe on the western right of way line of Lakeside Drive; thence with the western right of way line of Lakeside Drive the following two (2) course to wit: (1) South 06°06'38" West for 20.04 feet to a set iron pin; (2) South 05°43'52" West for 94.69 feet to a the Point of Beginning, containing 1.24 acres, more or less.

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-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. October 3rd, 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 9568-33-5111 and 9568-33-6042 described in the plat recorded in Book 2024- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9568-33-5111 and 9568-33-6042 being described by metes and bounds as follows:

Being all those pieces, parcels, or tracts of land situate in Henderson County, North Carolina, and being all of Lots 1R & 2R, "Lot Line Adjustment Peter & Rhonda Summerville" of the plat thereof as recorded as Plat Slide 15681, Register of Deeds of Henderson County (RODHC), North Carolina, and being more particularly described as follows:

Beginning at a new iron pin at the northeast corner of the lands now or formerly of Mary Willson as conveyed in Deed Book 706, Page 307 RODHC and show on aforesaid plat and the western right of way line of Lakeside Drive (SR 1144); thence with the lands of Mary Wilson the following three (3) courses to wit: (1) North 82°44'53" West for 42.04 feet to a found iron pin; (2) North 88°54'11" West for 68.57 feet to a point in a creek, passing a new iron pin at 62.62 feet; (3) South 27°59'10" West for 60.74 feet to a point in a creek on the northeastern line of the lands now or formerly of Meredith & Trevor Calhoun as conveyed in Deed Book 1542, Page 387, RODHC; thence with the lands of Meredith and Trevor Calhoun the following two (2) course to wit: (1) North 54°04'16" West for 69.97 feet to a found iron pin; (2) North 54°54'02" West for 161.25 feet to a found iron pipe at the southwest corner of the land now or formerly of Stephanie Whiteside as conveyed in Deed Book 1337, Page 722, RODHC; thence with the lands of Stephie Whiteside the following two (2) courses to wit: (1) North 17°09'26" East for 191.15 feet to a found iron pin with cap; (2) North 85°19'43" East for 27.74 feet to a point in a creek and southwestern line of the lands now of formerly of Robin Staton as conveying Deed Book 531, Page 411 RODHC; thence with the lands of Robin Staton the following five (5) courses to wit: (1) South 45°46'29" East for 33.32 feet to appoint in the creek; (2) South 25°10'20" East for 42.08 feet to a point in the creek; (3) South

45°16’58” East for 45.16 feet to a point in the creek; (4) South 69°36’16” East for 29.30 feet to a point in the creek; (5) South 67°21’32” East for 18.80 feet to a point in the creek and on the southwestern line of the lands now or formerly of Francis & Reid as conveyed in Book of Record 3254, Page 378, RODHC; thence with the lands of Francis & Reid the following four (4) course to wit: (1) South 38°18’11” East for 11.12 feet to a point in the creek; (2) South 18°11’22” West for 11.31 feet to a point in the creek; (3) leaving the creek South 10°22’13” West for 22.20 feet to a found iron pin; (4) South 86°29’46” East for 128.17 feet to a found iron pipe on the western right of way line of Lakeside Drive; thence with the western right of way line of Lakeside Drive the following two (2) course to wit: (1) South 06°06’38” West for 20.04 feet to a set iron pin; (2) South 05°43’52” West for 94.69 feet to a the Point of Beginning, containing 1.24 acres, more or less.

Re: Petition for Contiguous Annexation
Petitioner: Peter and Rhonda Summerville
File No. C24-52-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_____.

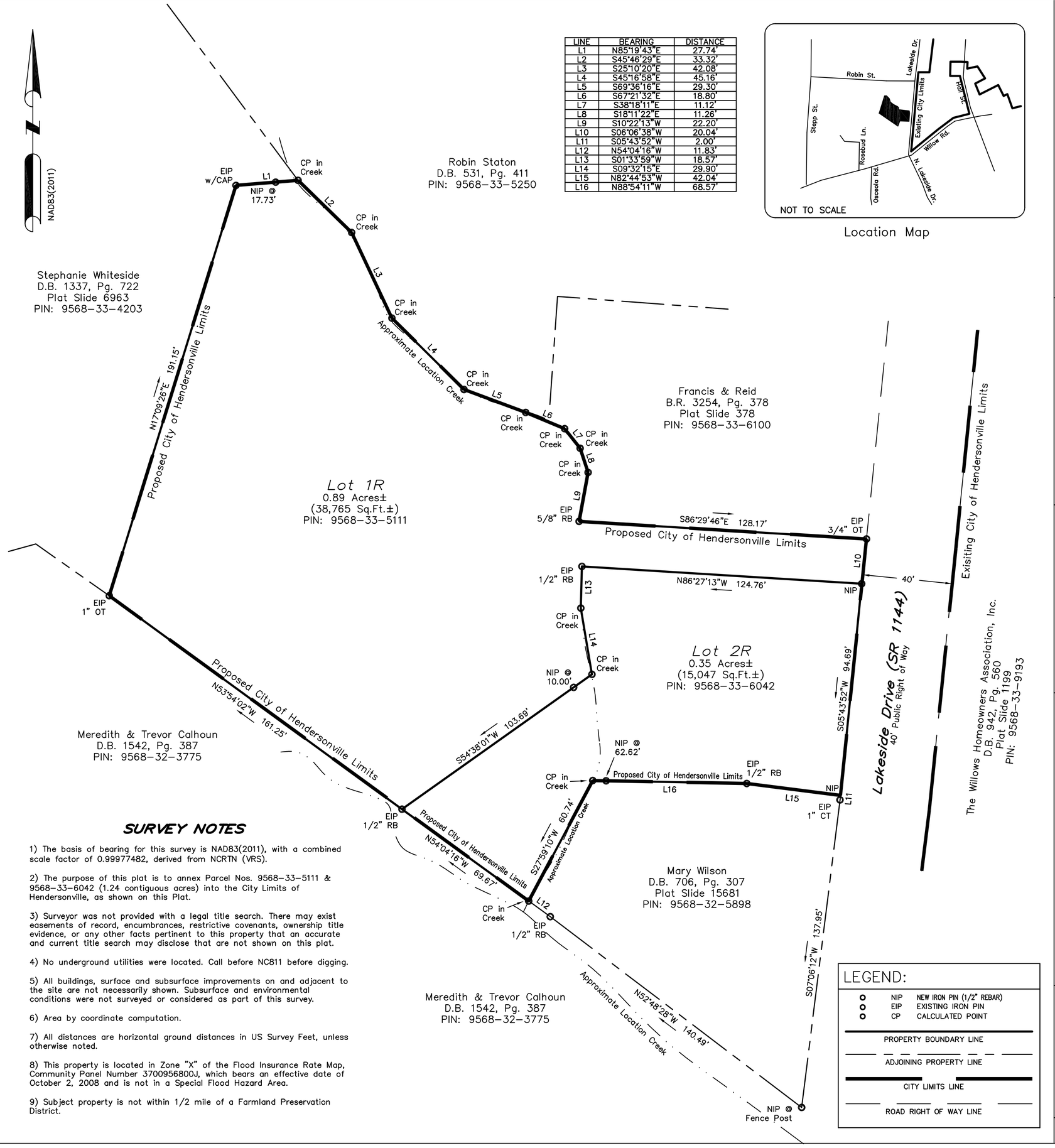
_____
Attest: Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney



LINE	BEARING	DISTANCE
L1	N85°19'43"E	27.74'
L2	S45°46'29"E	33.32'
L3	S25°10'20"E	42.08'
L4	S45°16'58"E	45.16'
L5	S69°36'16"E	29.30'
L6	S67°21'32"E	18.80'
L7	S38°18'11"E	11.12'
L8	S18°11'22"E	11.26'
L9	S10°22'13"W	22.20'
L10	S06°06'38"W	20.04'
L11	S05°43'52"W	2.00'
L12	N54°04'16"W	11.83'
L13	S01°33'59"W	18.57'
L14	S09°32'15"E	29.90'
L15	N82°44'53"W	42.04'
L16	N88°54'11"W	68.57'

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 3237, page 1, 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 19th day of April, 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

NORTH CAROLINA PROFESSIONAL SEAL L2614 LAND SURVEYOR FULTON V. CLINKSCALES, Jr.

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 _____, _____

_____ _____
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

SURVEY NOTES

1) The basis of bearing for this survey is NAD83(2011), with a combined scale factor of 0.99977482, derived from NCRTN (VRS).

2) The purpose of this plat is to annex Parcel Nos. 9568-33-5111 & 9568-33-6042 (1.24 contiguous acres) into the City Limits of Hendersonville, as shown on this Plat.

3) Surveyor was not provided with a legal title search. There may exist easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts pertinent to this property that an accurate and current title search may disclose that are not shown on this plat.

4) No underground utilities were located. Call before NC811 before digging.

5) All buildings, surface and subsurface improvements on and adjacent to the site are not necessarily shown. Subsurface and environmental conditions were not surveyed or considered as part of this survey.

6) Area by coordinate computation.

7) All distances are horizontal ground distances in US Survey Feet, unless otherwise noted.

8) This property is located in Zone "X" of the Flood Insurance Rate Map, Community Panel Number 3700956800J, which bears an effective date of October 2, 2008 and is not in a Special Flood Hazard Area.

9) Subject property is not within 1/2 mile of a Farmland Preservation District.

LEGEND:

- NIP — NEW IRON PIN (1/2" REBAR)
- EIP — EXISTING IRON PIN
- CP — CALCULATED POINT
- PROPERTY BOUNDARY LINE
- ADJOINING PROPERTY LINE
- CITY LIMITS LINE
- ROAD RIGHT OF WAY LINE

ANNEXATION PLAT FOR THE

City of Hendersonville

Tax Parcels: 9568-33-5111 & 9568-33-6042

Peter & Rhonda Summerville

(Owners)
352 Lakeside Drive
Hendersonville Township
Henderson County
State of North Carolina
Lots 1 & 2, Heirs of Carroll D. Halford

0 30 60
SCALE 1" = 30'

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

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 CAB.	15681
REF. DEED BOOK	3237/1
TAX MAP	Various
PARTY CHIEF	TEC
DRAWN	TEC
DATE	July 17, 2024
DWG.NO.	H44108(ann

325 Lakeside Drive Annexation Description

Being all those pieces, parcels, or tracts of land situate in Henderson County, North Carolina, and being all of Lots 1R & 2R, “Lot Line Adjustment Peter & Rhonda Summerville” of the plat thereof as recorded as Plat Slide 15681, Register of Deeds of Henderson County (RODHC), North Carolina, and being more particularly described as follows:

Beginning at a new iron pin at the northeast corner of the lands now or formerly of Mary Willson as conveyed in Deed Book 706, Page 307 RODHC and show on aforesaid plat and the western right of way line of Lakeside Drive (SR 1144); thence with the lands of Mary Wilson the following three (3) courses to wit: (1) North 82°44’53” West for 42.04 feet to a found iron pin; (2) North 88°54’11” West for 68.57 feet to a point in a creek, passing a new iron pin at 62.62 feet; (3) South 27°59’10” West for 60.74 feet to a point in a creek on the northeastern line of the lands now or formerly of Meredith & Trevor Calhoun as conveyed in Deed Book 1542, Page 387, RODHC; thence with the lands of Meredith and Trevor Calhoun the following two (2) course to wit: (1) North 54°04’16” West for 69.97 feet to a found iron pin; (2) North 54°54’02” West for 161.25 feet to a found iron pipe at the southwest corner of the land now or formerly of Stephanie Whiteside as conveyed in Deed Book 1337, Page 722, RODHC; thence with the lands of Stephie Whiteside the following two (2) courses to wit: (1) North 17°09’26” East for 191.15 feet to a found iron pin with cap; (2) North 85°19’43” East for 27.74 feet to a point in a creek and southwestern line of the lands now of formerly of Robin Staton as conveying Deed Book 531, Page 411 RODHC; thence with the lands of Robin Staton the following five (5) courses to wit: (1) South 45°46’29” East for 33.32 feet to appoint in the creek; (2) South 25°10’20” East for 42.08 feet to a point in the creek; (3) South 45°16’58” East for 45.16 feet to a point in the creek; (4) South 69°36’16” East for 29.30 feet to a point in the creek; (5) South 67°21’32” East for 18.80 feet to a point in the creek and on the southwestern line of the lands now or formerly of Francis & Reid as conveyed in Book of Record 3254, Page 378, RODHC; thence with the lands of Francis & Reid the following four (4) course to wit: (1) South 38°18’11” East for 11.12 feet to a point in the creek; (2) South 18°11’22” West for 11.31 feet to a point in the creek; (3) leaving the creek South 10°22’13” West for 22.20 feet to a found iron pin; (4) South 86°29’46” East for 128.17 feet to a found iron pipe on the western right of way line of Lakeside Drive; thence with the western right of way line of Lakeside Drive the following two (2) course to wit: (1) South 06°06’38” West for 20.04 feet to a set iron pin; (2) South 05°43’52” West for 94.69 feet to a the Point of Beginning, containing 1.24 acres, more or less.

CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT

100 N. King St. ~ Hendersonville, NC ~ 28792
Phone (828) 697-3010 ~ Fax (828) 697-6185
www.hendersonvillenc.gov

PETITION REQUESTING ANNEXATION

The following are required to constitute a complete application for voluntary annexation:
- **~This form including the property owner's signature**
- **~A copy of the deed indicating ownership of the property.**
- **~An annexation plat of the property prepared by a registered surveyor licensed to practice in the state of North Carolina.**
- **~ A typed boundary description of the property**

Date 7/17/24

Location / Property Address 325 Lakeside Dr. H'ville, NC 28739

List 10 digit PIN or 7 digit PID number 9568-33-6042 & 9568-33-5111

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

Is the property within the ETJ? ☒ YES ☐ NO

Reason for annexation Would like to tie in to City Sanitary Sewer

Applicant Name Peter Summerville

Address 310 Alabama Ave, H'ville, NC 28739

Phone 828-674-9414 Fax Email summervilleconstruction1@yahoo.com

Property Owner: Name Same

Address

Signature Pete Summerville

Printed Name Pete Summerville

Official Use:
DATE RECEIVED: _____ **BY** _____

BOOK 3237 PAGE 1 (8)

889178

This document presented and filed:
08/17/2018 12:43:16 PM

W B

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: $5.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: $ 5.00

Parcel Identifier No. **105113; 105107 & 105109 - To be combined & divided into TWO Tracts**
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: Tract I - 0.90 acres +/- & Tract II - 1,5054 Sq. Ft. - both on Plat Slide 11277

THIS DEED made this 17th day of August, 2018, by and between

GRANTOR	GRANTEE
RHONDA H. SUMMERVILLE and husband, PETER SUMMERVILLE & ROXANNE H. GLOVER and husband, MARVIN GLOVER & KELSI R. McMURRAY, unmarried & ASHLEY N. HOFER, unmarried & LINDSEY R. HOFER, unmarried	**RHONDA H. SUMMERVILLE and husband, PETER SUMMERVILLE**
Address: 310 Alabama Avenue Hendersonville, NC 28739	**Address: 310 Alabama Avenue 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:

TRACT I

BEING all of that 0.90 acres +/- shown as Lot 1 on the Plat of Survey recorded in Book 2018 at Page 11277, Henderson County Registry, which was prepared by Hill and Associates Surveyors, P.A. on June 14, 2018 as Drawing 2018045 and is entitled "Plat of Survey for The Heirs of Carroll D. Halford".

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.

TRACT II

BEING all of that 15054 Sq. Ft. +/- shown as Lot 2 on the Plat of Survey recorded in Book 2018 at Page 11277, Henderson County Registry, which was prepared by Hill and Associates Surveyors, P.A. on June 14, 2018 as Drawing 2018045 and is entitled "Plat of Survey for The Heirs of Carroll D. Halford".

There is an additional 455 Sq. Ft. +/- area shown on the above referenced Plat as "Area of Possession Overlap". As to this 455 Sq. Ft. +/- area the below named Grantors Quitclaim any ownership interest they may have, but they do not offer any Warranties of Ownership.

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.

The above two tracts being a recombination of those parcels originally acquired by David Pressley Halford and wife Vauda Ann Halford by those deeds recorded on June 21, 1963 in Book 413 at Page 73; on July 2, 1964 in Book 422 at Page 479; and on December 2, 1976 in Book 548 at Page 381, all of the Henderson County Registry.

Vauda Ann Halford acquired sole title to the above described property by operation of law upon the passing of David Pressley Halford on September 17, 1979 in Henderson County, North Carolina.

Vauda Ann Halford passed on November 24, 2001 in Henderson County, North Carolina and pursuant to the terms of her Last Will and Testament, as the same was probated in the Henderson County Clerk

of Court's Office as File 1 E 795, left the above described property to Carrol D. Halford.

Carrol D. Halford passed on May 23, 2016 and his estate was probated in the Henderson County Clerk of Court's Office as File 16 E 690. Pursuant to the terms of his Last Will and Testament, the above described property was left to Rhonda H. Summerville, Roxanne H. Glover, Kelsi R. McMurray, Ashley N. Hofer and Lindsey R. Hofer.

IT IS THE INTENTION OF THE PARTIES HERETO THAT THE EXISTING TAX REID'S 105113; 105107 & 105109 BE RECOMBINED AND THEN SPLIT INTO TWO SEPARATE TRACTS AS SHOWN ON THE ABOVE REFERENCE PLAT.

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 **413** at Page **73,** Book **422** at Page **479,** and Book **548** at Page **381**, all in the Henderson County, North Carolina Register of Deeds Office.

A map showing the above described property is recorded in Plat Book **2018** at Page **11277**, 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 2018, 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.

Rhonda H. Summerville (SEAL)
RHONDA H. SUMMERVILLE

Peter Summerville (SEAL)
PETER SUMMERVILLE

SEAL-STAMP

C PAGE COLLIE NOTARY PUBLIC HENDERSON COUNTY, NC

State of North Carolina – County of Henderson

I, C Page Collie, the undersigned Notary Public of the County and State aforesaid, certify that **RHONDA H. SUMMERVILLE and husband, PETER SUMMERVILLE**, 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 23rd day of July, 2018.

My Commission Expires:
05/06/2022

C. Page Collie, Notary Public

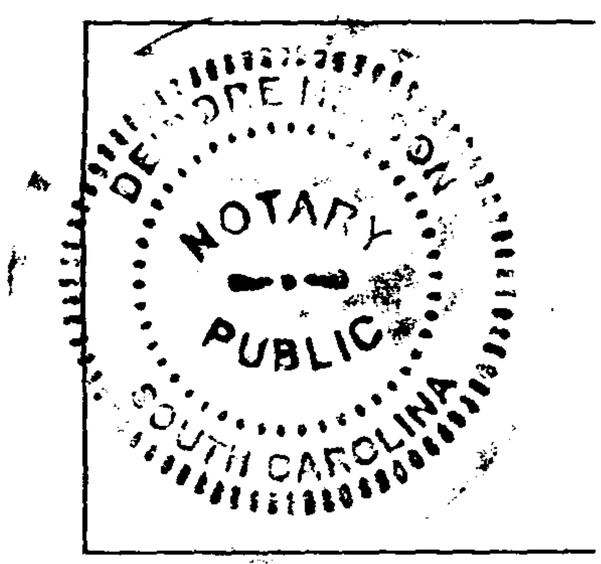
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Roxanne H. Glover (SEAL)
ROXANNE H. GLOVER

Marvin Glover (SEAL)
MARVIN GLOVER

SEAL-STAMP

State of South Carolina – County of Charleston



I, DEIRDRE K NELSON the undersigned Notary Public of the County and State aforesaid, certify that **ROXANNE H. GLOVER and husband, MARVIN GLOVER**, 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 31 day of July, 2018.

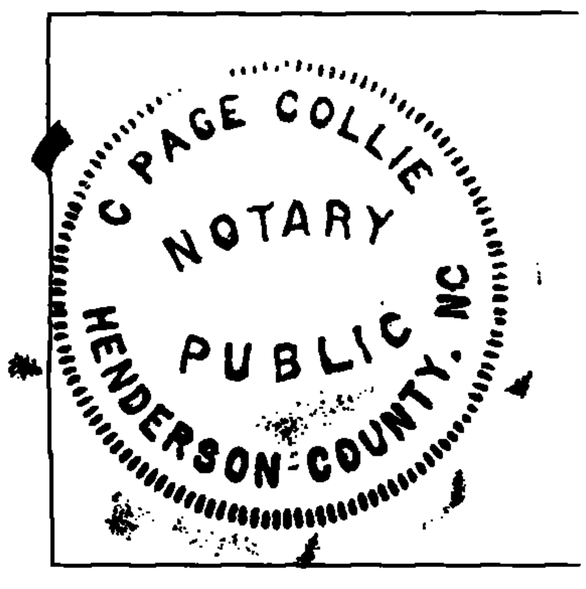
My Commission Expires:
MY COMMISSION EXPIRES JUNE 22,2026

_____, Notary Public

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

Kelsi R. McMurray (SEAL)
KELSI R. McMURRAY

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 **KELSI R. McMURRAY**, Grantor, 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 23rd day of July, 2018.

My Commission Expires:
05/06/2022

C. Page Collie, Notary Public

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

_____(SEAL)
ASHLEY N. HOFER

SEAL-STAMP

TINA H. WATSON
Notary Public, North Carolina
Buncombe County
My Commission Expires
June 28, 2020

State of ~~Tennessee~~ North Carolina – County of Buncombe

I, Tina H. Watson, the undersigned Notary Public of the County and State aforesaid, certify that **ASHLEY N. HOFER**, Grantor, 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 2 day of August, 2018.

My Commission Expires:
June 28, 2020

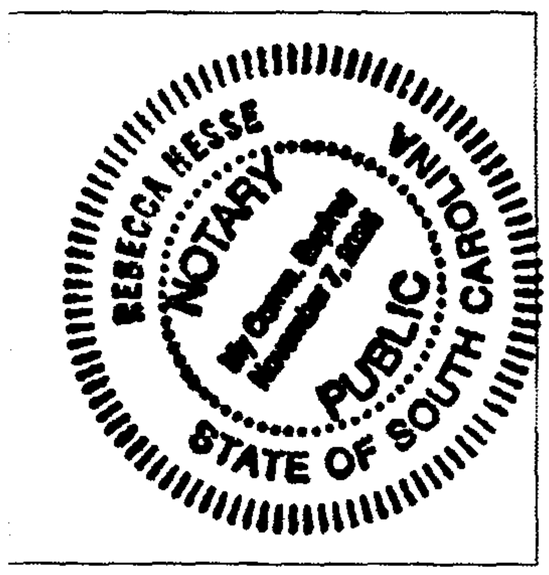
_____, Notary Public

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

Lindsey Hofer (SEAL)
LINDSEY R. HOFER

SEAL-STAMP

State of South Carolina – County of Charleston



I, Lindsey Hofer, the undersigned Notary Public of the County and State aforesaid, certify that **LINDSEY R. HOFER**, Grantor, 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 August, 2018.

My Commission Expires:
November 7 2026

Rebecca Hesse, Notary Public

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Adam Steurer, Utilities Director **MEETING DATE:** September 5, 2024

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

TITLE OF ITEM: Resolution to Apply for Funding for the WWTF 6-MGD Expansion and Improvements Project - *Adam Steurer, Utilities Director*

SUGGESTED MOTION(S):

I move City Council to adopt the *Resolution by the City Council to apply for funding for the WWTF 6-MGD Expansion and Improvements Projec*t

SUMMARY:

The North Carolina Department of Environmental Quality Division of Water Infrastructure is accepting State Revolving Fund (SRF) low-interest loan applications by September 30, 2024 for water and wastewater projects. Staff is recommending applying for a SRF low-interest loan to fund the WWTF 6-MGD Expansion and Improvement Project. A resolution by the Utility governing board, Hendersonville City Council, is required for the funding application.

BUDGET IMPACT: N/A

Is this expenditure approved in the current fiscal year budget? Project is allocated within a CPO and within the Utility Capital Improvement Plan.

If no, describe how it will be funded.

ATTACHMENTS:
Resolution

Resolution #__ ____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPLY FOR FUNDING FOR THE WASTEWATER TREATMENT FACILITY 6-MGD EXPANSION AND IMPROVEMENTS PROJECT

WHEREAS, the North Carolina Department of Environmental Quality Division of Water Infrastructure administers a funding program for investment in drinking water, wastewater, and stormwater systems; and

WHEREAS, The City of Hendersonville has need for and intends to construct a Wastewater Treatment Facility 6-mgd Expansion and Improvements project; and

WHEREAS, The City of Hendersonville intends to request State loan and/or grant assistance for the project; and

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

1. That City of Hendersonville, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.
2. That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.
3. That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
4. That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Hendersonville to make scheduled repayment of the loan, to withhold from the City of Hendersonville any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
5. That Adam Steurer, Utilities Director, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.
6. That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
7. That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

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

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Matthew Manley

MEETING DATE: September 5, 2024

AGENDA SECTION: Consent Agenda

DEPARTMENT: Community Development

TITLE OF ITEM: Resolution to Accept Grant Funds (#C2501) – *Matthew Manley, AICP - Long-Range Planning Manager*

SUGGESTED MOTION(S):

I move City Council to adopt **RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ACCEPTING A GRANT FROM BLUE RIDGE BICYCLE CLUB FOR THE PURPOSE OF SUPPLEMENTING EFFORTS TO IMPROVE SAFETY AND CONNECTIVITY FOR THOSE TRAVELING BY BICYCLE**, as presented.

SUMMARY:

The City has applied for and received a grant from the Blue Ridge Bicycle Club to supplement the funds received from AARP. The $5,000 supplemental grant will help to achieve the Community Challenge Grant project; bringing the project budget up from $15,000 to $20,000. The project will provide shared lane markings (sharrows) at key location and 5 bike racks and 2 bike repair stations along the Ecusta Trail. The location of the sharrows follows routes which advance the City's 2018 Bicycle Plan and advance Safe Routes to School (SRTS) efforts.

ATTACHMENTS:	1. Resolution to Accept Grant Funds 2. Project Info Sheet + Route Map 3. How Project Advances Bike Plan + SRTS 4. Project Cost Breakdown 5. Blue Ridge Bicycle Club Grant Application

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ACCEPTING A GRANT FROM BLUE RIDGE BICYCLE CLUB FOR THE PURPOSE OF SUPPLEMENTING EFFORTS TO IMPROVE SAFETY AND CONNECTIVITY FOR THOSE TRAVELING BY BICYCLE

WHEREAS, Blue Ridge Bicycle Club (BRBC) has established a grant for use by the local community to focus on the needs of people to safely move around the community on bicycles; and

WHEREAS, the Community Development Department applied for and was awarded a Community Challenge Grant from BRBC for this endeavor in the amount of $5,000 to match the $15,000 the Department received from AARP for a Community Challenge Grant; and

WHEREAS, the City of Hendersonville desires to accept the grant funds which will supplement the project earmarked for the AARP Community Challenge Grant; and

WHEREAS, the Grant acceptance provides that the City will undertake activities to promote the safer movement of people within the City including, but not limited to improving infrastructure, providing new facilities, and engaging with local;

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

1. The City hereby accepts the $5,000 BRBC Grant to be used for the purposes as set out in the AARP Community Challenge Grant Agreement; and
2. The City Manager is authorized to execute the Grant Agreement, with such changes as he deems appropriate, provide they are consistent with the terms of this Resolution;
3. City Staff are authorized and directed to proceed with the performance and implementation of the BRBC Grant and AARP Community Challenge Grant as outlined in the AARP Grant Agreement.

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

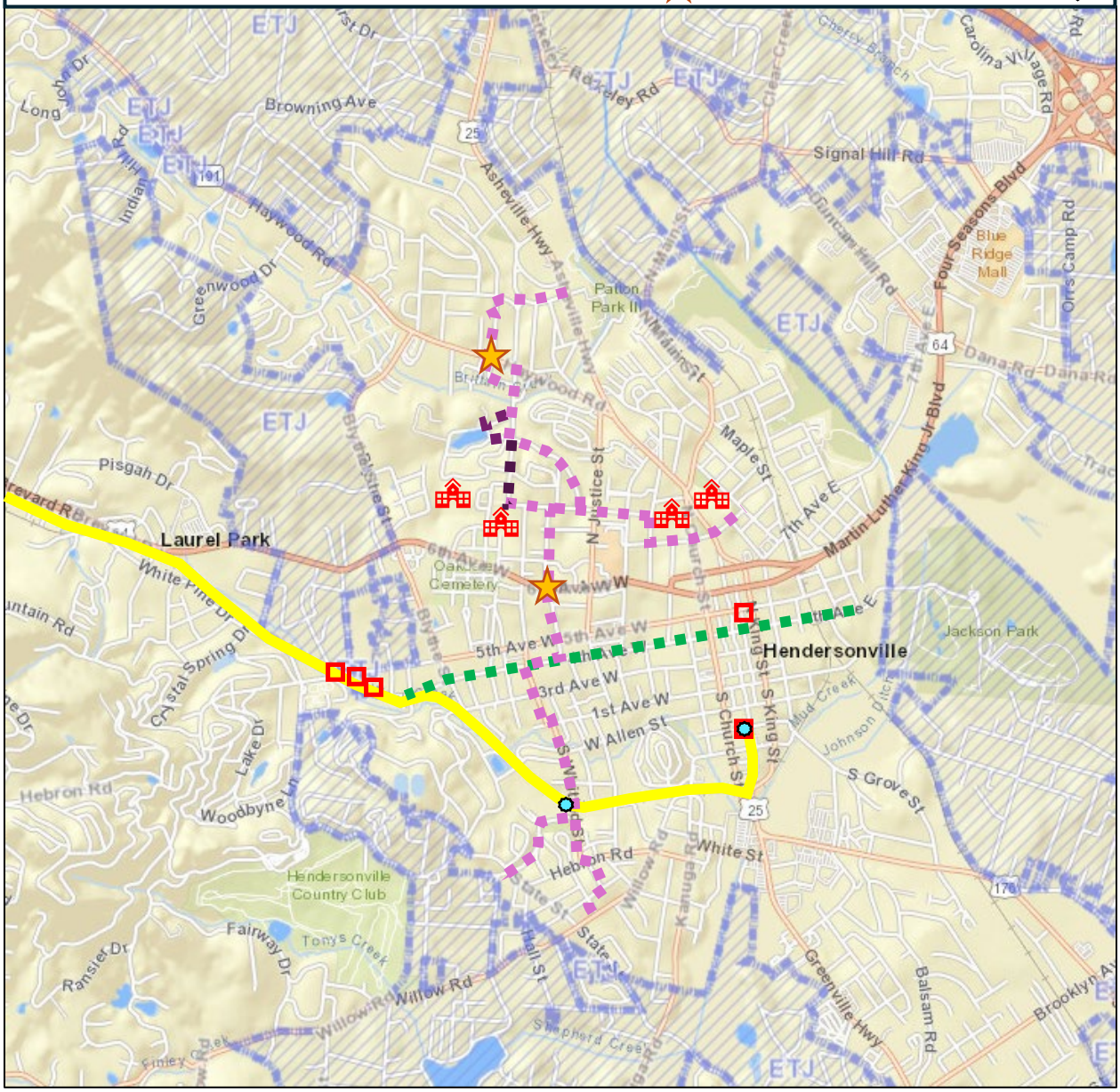
Approved as to form:

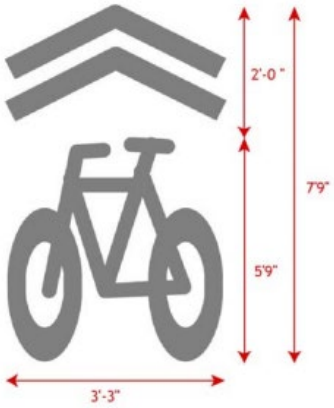
_____

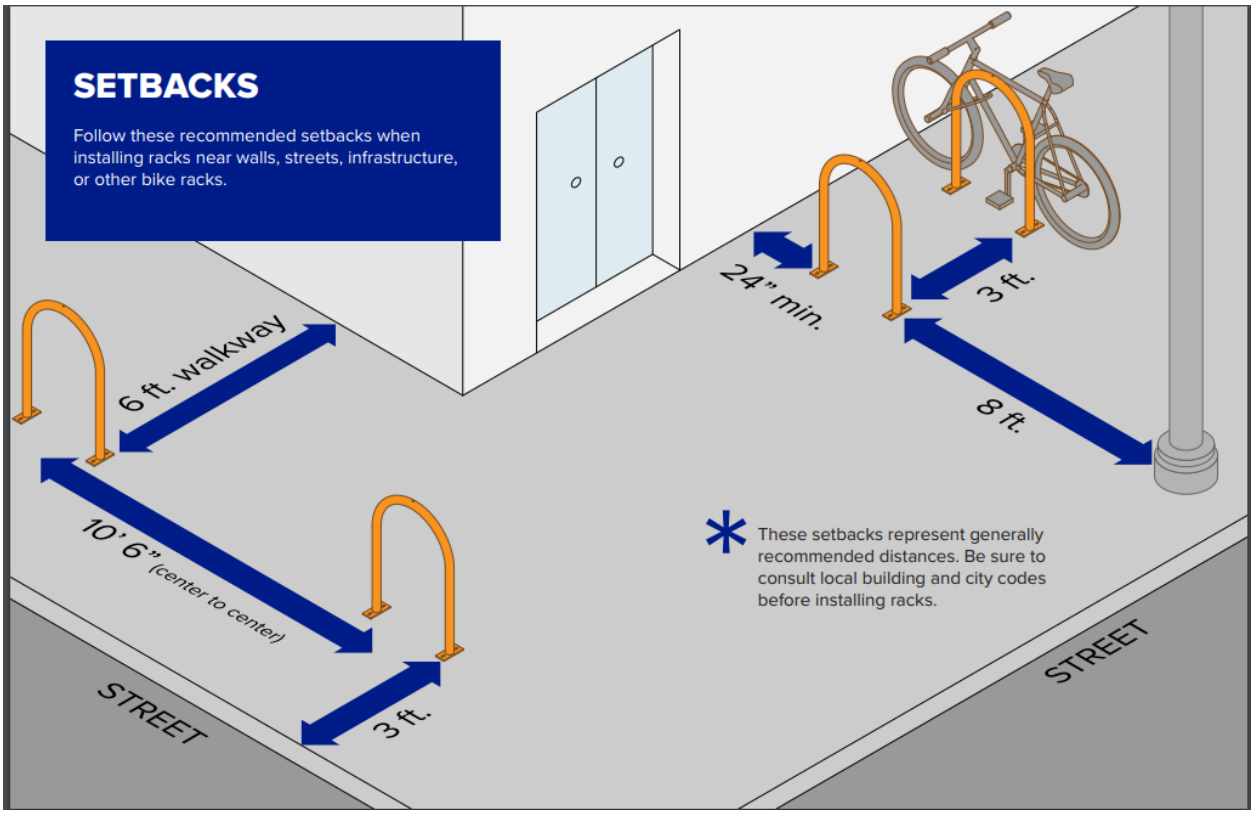
Angela S. Beeker, City Attorney

BRBC+ AARP Community Challenge Grant - Shared Lane Markings + 5 Bike Racks + 2 Bike Rep

Proposed Sharrow Route - Both Directions =
Proposed Sharrow Route One Way (south) (north)
Ecusta Trail =
Signalized Crossing
Bike Rack Location =
Existing Marked Route =
Repair Station Location =

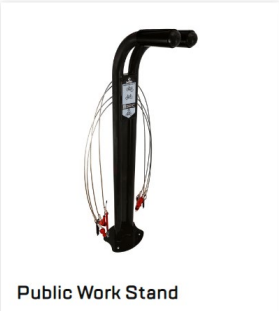






Exact Bike Rack Design TBD

Outdoor Public Bike Pump


Public Work Stand

Bike Repair Stations need 3'-5' Clearance on all sides - Guide: https://gogreenspoke.com/wp-content/uploads/2021/10/GS_21_BikeRepairGuide_Web.pdf

Bike Rack best practices - See Pocket Guide - https://bikeleague.org/wp-content/uploads/2023/03/bike-parking-guide.pdf

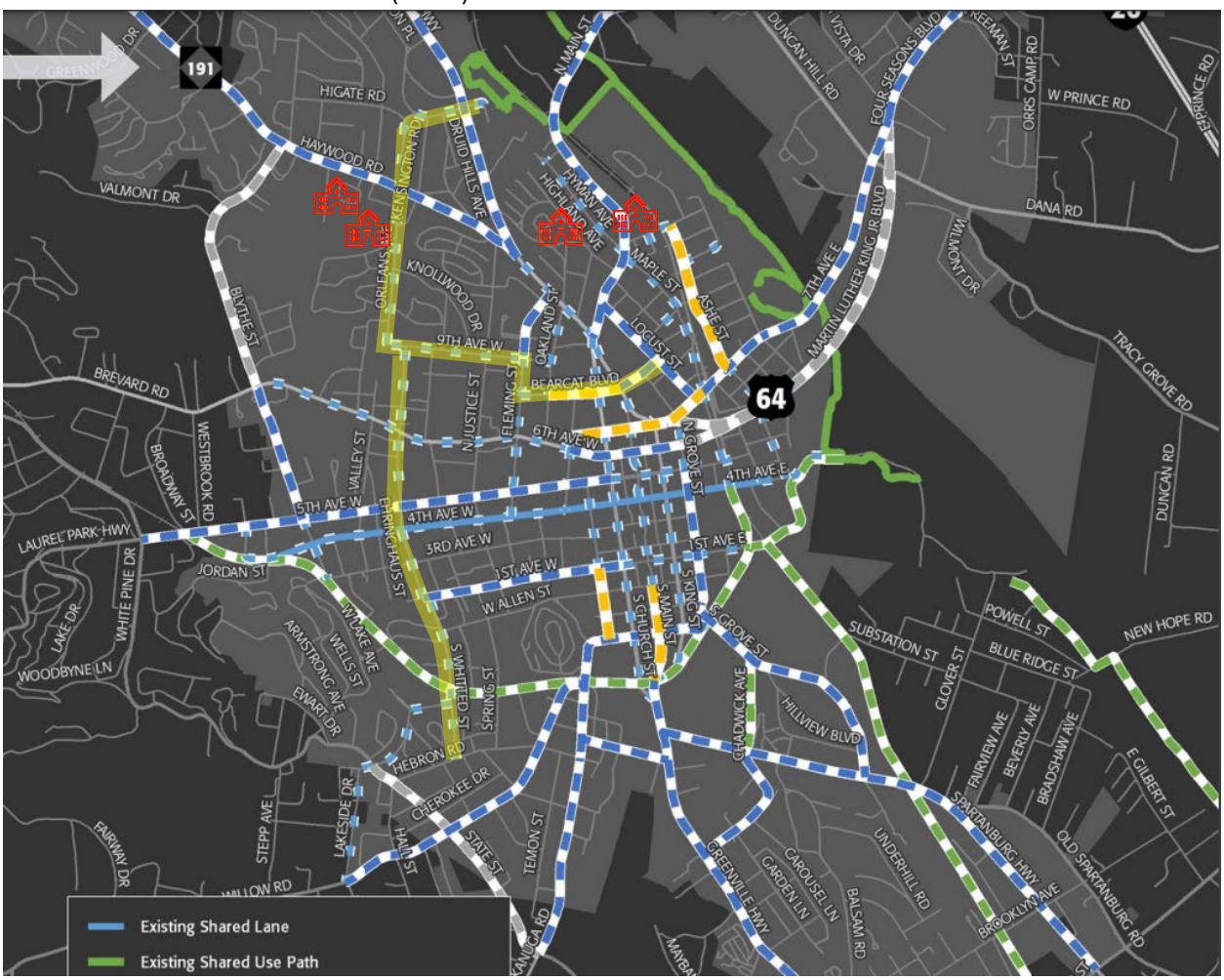
How the AARP + BRBC Grants Advance the 2018 City of Hendersonville Bike Plan + SRTS

The Map below shows the recommended projects from the City's 2018 Bicycle Plan.

Yellow Highlighted Routes are part of the AARP + BRBC Funded Project

The Route of the Sharrows creates a north-south connection that links Patton Park with the Ecusta Trail. This will help to create a "Hendersonville Bike Loop" using the Oklawaha Greenway. This route will be further enhanced by the future "Above the Mud" project.

The Route of the Sharrows will also link the City's 4 centrally-located public schools and help to advance Safe Routes to School (SRTS) efforts.



Utilization of AARP Funds + BRCC Funds				
Item	Quantity	Cost Per	Total	Location Description
Sharrows	150	$ 82.50	$ 12,375	Whitted St / Orleans Ave from Haywood Rd to Willow Rd. 9th Ave from Hendersonville Middle to Bruce Drysdale - Includes jogs along Scheppegrell Dr, Logano Dr, Knollwood Dr, & Bearcat
Bike Racks	5	$ 700	$ 3,500	2 on Main St at/near Ecusta Trail 3 at 5th Ave at Ecusta Trail
Bike "Fix-It" Stations	2	$ 1,600	$ 3,200	1 at Main St at Ecusta Trail 1 at Whitted at Ecusta Trail
TOTAL			**$ 19,075**	
AARP Funds			$ 15,000	
BRCC Funds			$ 5,000	

BLUE RIDGE BICYCLE CLUB
Western North Carolina

Grant Application Form

Organization Name: City of Hendersonville, NC

Primary Contact Name: Matthew Manley

Physical Address for where grant will be used: Orleans Ave, 9th Ave, Oak St, Whitted Street & Ecusta Trail, Hendersonville, NC

Name of whom check should be made out to: City of Hendersonville, NC

Email Address: mmanley@hvlnc.gov **Phone number:** (828) 697-3064

Is this a non-profit organization? No, Hendersonville is muncipality

Please describe nature & primary focus of your organization:
The City of Hendersonville is requesting funds to help match the $15,000 received from AARP as a recipient of their Community Challenge Grant for a Sharrows + Bike Amenities project. These grants will be used to help pay for shared lane markings, bike parking, bike repair stations, and bike pumps. The project is part of the overall recommendations in the City's Bike Plan and is especially important because South and North Whitted Streets are the north/south connector to the Ecusta Trail and connect to the Hendersonville Elementary and Middle Schools, and brings bike amenities close to the YMCA and to the campus partnership between Henderson County, Pardee UNC Health Care, Blue Ridge Community College, the city of Hendersonville and Wingate University.

Proposed Grant Amount requested: $5,000

Program description:

- **Please explain how the grant will be used.** This grant will be used to expand the $15,000 AARP Community Challenge Grant to provide comprehensive bike amenities connecting to the Ecusta Trail.
- **Indicate prior experience with this or similar project.** Since the Bike Plan was adopted by the City of Hendersonville the City has worked to establish the following:
    - 4th Avenue as a major east/west bike route from the City of Laurel Park to Jackson Park, a major recreation amenity.
    - Put shared lane markings on Blythe Street from the terminus at 3rd Ave to 6th Ave/Hwy 64. This amenity intersects 4th Ave allowing a North/South connection.
    - The City has recently completely revamped S Main St from the Visitor's Center to the Ecusta Trail with a separate bike lane and green bike boxes at major intersections. The Visitor Center will be a major starting point for bike trips from downtown Hendersonville to the Ecusta Trail and points west as far as Brevard. Eventually the Ecusta Trail will connect to the

Oklawaha Greenway and will allow a completely off-road bike and pedestrian amenity and connection to the Hellbender Trail Network.

- **Total budget for the project.** $20,000

Utilization of AARP Funds + BRCC Funds				
Item	Quantity	Cost Per	Total	Location Description
Sharrows	150	$ 82.50	$ 12,375	Whitted St / Orleans Ave from Haywood Rd to Willow Rd. 9th Ave from Hendersonville Middle to Bruce Drysdale - Includes jogs along Scheppegrell Dr, Logano Dr, Knollwood Dr, & Bearcat
Bike Racks	5	$ 700	$ 3,500	2 on Main St at/near Ecusta Trail 3 at 5th Ave at Ecusta Trail
Bike "Fix-It" Stations	2	$ 1,600	$ 3,200	1 at Main St at Ecusta Trail 1 at Whitted at Ecusta Trail
TOTAL			**$ 19,075**	
AARP Funds			$ 15,000	
BRCC Funds			$ 5,000	

- **Time line for the project and expected time of completion:** First Quarter 2025
- **Please list any additional funding that will be used for this program and where it comes from.**
  - $15,000 received from AARP as a recipient of their Community Challenge Grant
- **Describe what your organization is putting into this project. Explain how this project fits into your organization's overall budget.**
  - Design work and labor to install the shared lane markings, bike racks, bike repair stations, and bike pumps.

Please describe the benefit of the project & how it will advance the advocacy strategies of the BRBC:

The Ecusta papermill in Brevard closed in 2002. This mill was the last Norfolk Southern Railroad customer on this Hendersonville to Brevard rail spur. A grass roots effort started in about 2010 to turn this unused rail line into a rail trail. Construction on the first six miles of the Ecusta Trail is scheduled to be completed by December, 2024. The Ecusta Trail will be a major east/west bike and pedestrian corridor. This project will establish a major north/south connector to the Ecusta Trail.

Measuring success: Describe how you will measure and report on your program's success. In addition please provide an estimate of the number of people directly impacted by your program:

The success of this project will be measure by not only the number of users on the Ecusta Trail, but also the economic development the Trail will provide. It is anticipated that eventually the Ecusta Trail will see in excess of 1,000 users per day.

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Adam Steurer **MEETING DATE:** September 5, 2024

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

TITLE OF ITEM: Contract Award for Construction of the Water Treatment Filter Expansion Project – *Adam Steurer, Utilities Director*

SUGGESTED MOTION(S):

I move City Council to adopt the Resolution By the City of Hendersonville to authorize the City Manager to enter into a contract for the construction of the Water Treatment Facility Filter Expansion Project

SUMMARY:

The City owns and operates a water treatment facility (WTF) that has a permitted capacity of 12 million gallons per day (mgd) and intends to install additional dual media filters and associated piping, instrumentation, and appurtenances, which will increase the facility's permitted capacity to 15-mgd.

On August 20,2024, at 2:00pm am sealed formal bids were received for the Water Treatment Facility Filter Expansion project summarized below:

Cove Utility, LLC:	$1,788,900.50
State Utility Contractors, Inc.:	$2,687,000.00
Wharton-Smith, Inc.	$3,377,000.00
WGK Construction, LLC:	$2,037,500.00

Formal bids were reviewed by staff for completeness and accuracy. Cove Utility, LLC. was the lowest responsive, responsible bidder in the total bid amount of $1,788,900.50.

BUDGET IMPACT: $1,788,900.50

Is this expenditure approved in the current fiscal year budget? The project is funded through a CPO.

If no, describe how it will be funded.

ATTACHMENTS:

1. Resolution
2. Engineer's Recommendation of Award
3. Bid Tabulation

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF THE WATER TREATMENT FACLITY FILTER EXPANSION PROJECT

WHEREAS, the City owns and operates a water treatment facility (WTF) that has a permitted capacity of 12 million gallons per day (mgd) and intends to install additional dual media filters and associated piping, instrumentation, and appurtenances, which will increase the facility's permitted capacity to 15-mgd; and

WHEREAS, on August 20,2024, at 2:00pm am sealed formal bids were received for the Water Treatment Facility Filter Expansion project summarized below:

Cove Utility, LLC:	$1,788,900.50
State Utility Contractors, Inc.:	$2,687,000.00
Wharton-Smith, Inc.	$3,377,000.00
WGK Construction, LLC:	$2,037,500.00; and

WHEREAS, formal bids were reviewed by staff for completeness and accuracy. Cove Utility, LLC. was the lowest responsive, responsible bidder in the total bid amount of $1,788,900.50; and

WHEREAS, the project engineer and utility staff are recommending award of the WTF Filter Expansion Project to Cove Utility, LLC.

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

1. The City Manager is authorized to award and execute a contract for the construction of the WTF Filter Expansion Project to Cove Utility, LLC the lowest responsive and responsible bidder in the total amount of $1,788,900.50.
2. The City Manager is authorized to approve change orders which cumulatively do not exceed 10% of the approved contract amount of $1,788,900.50, provided however that any necessary budget ordinance or project ordinance amendments must be brought back to the City Council for approval.

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

_____

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

_____
Jill Murray, City Clerk

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

Hazen and Sawyer
4011 Westchase Blvd. Suite 500
Raleigh, NC 27607 • 919.833.7152

August 23rd, 2024

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

Re: Hendersonville WTF Filter Expansion Project
Recommendation of Award
Project No. 19027

Dear Mr. Steurer:

On August 8th, 2024, the City of Hendersonville (City) received an insufficient number of bids for the Filter Expansion Project. The project was readvertised, and the bid opening was rescheduled for August 20th, 2024, when the City received and opened four (4) bids. All the received bids are believed to be responsive and competitive as set forth in the attached Bid Tabulation.

The lowest responsive bid submitted for the Total Base Bid Amount was submitted by Cove Utility, LLC in the amount of $1,788,900.50.

Hazen and Sawyer recommends that the City award the project to Cove Utility, LLC in the amount of $1,788,900.50. If you require additional information, please do not hesitate to contact us.

Very truly yours,

Jared Hostetler, PE
Associate, Hazen and Sawyer

cc: Brent Detwiler, City of Hendersonville
Devin Owen, City of Hendersonville
Cory Hopkins, Hazen and Sawyer
David Briley, Hazen and Sawyer
Jeffrey Hitt, Hazen and Sawyer

Job no 31547-001

BID TABULATION

HENDERSONVILLE WTF FILTER EXPANSION PROJECT

Bid Opening: Tuesday, August 20, 2024 at 2:00 pm

				Cove Utility, LLC 2541 N. Pleasantburg Dr. Ste. 106 Greenville, SC 29609 NC License No. 100049		State Utility Contractors, Inc. P.O. Box 5019 Monroe, NC 28111-5019 NC License No. 017793		Wharton-Smith, Inc. 5601 Seventy-Seven Center Dr. Ste. 120 Charlotte, NC 28217 NC License No. 038755		WGK Construction, LLC 1756 Heritage Center Dr. Ste. 203 Wake Forest, NC 27587 NC License No. 084599	
Bid Bond				5%		5%		5%		5%	
Addenda Acknowledged				1 - 4		1 - 4		1 - 4		1 - 4	
LUMP SUM BID ITEMS											
No.	**Description**	**Unit**	**QTY**	**Unit Price**	**Extended Total**	**Unit Price**	**Extended Total**	**Unit Price**	**Extended Total**	**Unit Price**	**Extended Total**
1	All work for the Hendersonville WTF Filter Expansion Project (Excluding Bid Items 2 – 4 and A-C)	LS	1	-	$1,196,066.00	-	$2,075,665.50	-	$2,750,960.50	-	$1,383,665.50
2	Systems Integration by Fortech	LS	1	-	$102,054.00	-	$102,054.00	-	$102,054.00	-	$102,054.00
3	Filter Underdrains, Air Scour Equipment, and Gravel by Roberts	LS	1	-	$368,287.50	-	$368,287.50	-	$368,287.50	-	$368,287.50
4	Electric Valve Actuators by AUMA	LS	1	-	$95,993.00	-	$95,993.00	-	$95,993.00	-	$95,993.00
LUMP SUM SUBTOTAL (SUM OF ITEMS 1 THROUGH 4)				$1,762,400.50		$2,642,000.00		$3,317,295.00		$1,950,000.00	
UNIT PRICE BID ITEMS											
A	Concrete Repair Work - Type III Waterproof Injection Grout Crack Repair	LF	125	$100.00	$12,500.00	$80.00	$10,000.00	$213.00	$26,625.00	$120.00	$15,000.00
B	Concrete Repair Work - Surface Spall Repair	CF	5	$800.00	$4,000.00	$3,500.00	$17,500.00	$3,018.00	$15,090.00	$4,500.00	$22,500.00
C	Concrete Repair Work - Formed Spall Repair	CF	10	$1,000.00	$10,000.00	$1,750.00	$17,500.00	$1,799.00	$17,990.00	$5,000.00	$50,000.00
UNIT PRICE SUBTOTAL (SUM OF ITEMS A THROUGH C)				$26,500.00		$45,000.00		$59,705.00		$87,500.00	
BASE BID											
TOTAL BASE BID AMOUNT (SUM OF ITEMS 1 THROUGH 4 AND ITEMS A THROUGH C)				**$1,788,900.50**		**$2,687,000.00**		**$3,377,000.00**		**$2,037,500.00**	

CERTIFICATION

The bids tabulated herein were opened and read aloud at 2:00 p.m. on the 20th day of August 2024, in the City of Hendersonville Operations Building 2nd Floor Conference Room at 305 Williams St., Hendersonville, NC 28792. The tabulation is correct in that it contains the bid prices as presented on the original Bid Form of each Bidder.

Hazen

Jared Hostetler

Jared M. Hostetler, PE
Associate

NORTH CAROLINA PROFESSIONAL SEAL 048542 ENGINEER JARED M. HOSTETLER 8/21/24

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Jennifer Harrell **MEETING DATE:** September 5,2024

AGENDA SECTION: CONSENT **DEPARTMENT:** Human Resources

TITLE OF ITEM: Telecommuting Policy – *Jennifer Harrell, HR Director*

SUGGESTED MOTION(S):

I move City Council adopt the Telecommuting Policy as presented.

SUMMARY:

The City of Hendersonville recognizes that Telecommuting is both a management tool and a work site alternative that may be used to increase productivity and morale of employees, attract and retain highly qualified workforce, boost efficiency, lessen the environmental impact of vehicle travel, and aid in business continuity planning. City staff has determined there are some positions whose job functions could be performed as effectively in an alternate work location as in a conventional work location. Staff has created a policy for those positions that could be performed effectively by telecommuting.

BUDGET IMPACT: $0.00

Is this expenditure approved in the current fiscal year budget?

If no, describe how it will be funded.

ATTACHMENTS: Telecommuting Policy

	CITY OF HENDERSONVILLE		
Policy Name:	Telecommuting Policy	Date Adopted by Council :	September 5,2024

Purpose

The City of Hendersonville recognizes that Telecommuting is both a management tool and a work site alternative that may be used to increase productivity and morale of employees, attract and retain highly qualified workforce, boost efficiency, lessen the environmental impact of vehicle travel, and aid in business continuity planning. Telecommuting is defined as a non-standard work arrangement whereby an employee works at home or in a satellite location outside of the traditional centralized worksite. Employees are expected to perform the same quantity and quality of work that they would perform in the centralized worksite. Telecommuting arrangements may be established for long-term or short-term periods.

The City of Hendersonville supports Telecommuting where feasible. Some positions, by the nature of their expectations and responsibilities, lend themselves to the possibility of telecommuting; others do not. In all cases, the needs of the City and service to the citizens and internal customers take precedence in decisions about telecommuting. Telecommuting does not change the basic terms and conditions of employment with the City and employees are subject to all City policies that apply when working at a City facility.

Telecommuting will be approved on a case-by-case basis by the Department Head. This policy outlines the process, rules, and procedures for employees who wish to Telecommute and supersedes any previous guidance (written or otherwise) pertaining to this subject. Violation of any provision of this policy shall be subject to appropriate disciplinary action up to and including termination.

The purpose of this guidance is to provide a consistent, fair, and equitable application of Telecommuting practices across City Departments.. This guidance outlines the process to be followed if an employee wishes to Telecommute.

This guidance covers all employees who have enrolled in a Telecommuting arrangement as described. Any employee may attempt to enroll in a Telecommuting arrangement, but enrollment shall always be approved by the Department Head. In no instance shall the City be obligated to accept any employee's request to Telecommute. Telecommuting is not a benefit or entitlement for any position and participation in a Telecommuting arrangement may be terminated at any time by the employee, the appropriate supervisor(s), Department Head, or the City Manager.

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Eligibility & Enrollment Procedures

To successfully enroll in a Telecommuting arrangement, the employee must first meet all eligibility requirements listed below. Only when the appropriate supervisor(s) determines that the employee meets all eligibility criteria may the employee enroll in a Telecommuting arrangement as described in this section below. Supervisors will determine employee Telecommuting eligibility, enroll employees in Telecommuting arrangements, and monitor employee Telecommuting performance.

Eligibility Requirements

1. All employees who wish to Telecommute must be employed with the City for at least six (6) months in a regular, continual, on-site capacity before requesting a Telecommuting arrangement and shall not be within their probationary period.
2. All employees who wish to Telecommute must possess a satisfactory performance record when they have exhibited the following in their work, as determined by their supervisor:
    a. Demonstrated dependability and responsibility.
    b. Effective communication with supervisors and coworkers.
    c. Demonstrated motivation.
    d. The ability to work independently.
    e. A consistently high rate of productivity.
    f. A high level of skill and knowledge of the job duties.
    g. The ability to prioritize work effectively.
    h. Good organizational and time management skills.
3. All employees who wish to Telecommute shall demonstrate that their job duties can be performed effectively at home or in a satellite location by discussing their job responsibilities with their supervisor. In general, an employee's position may be suitable for Telecommuting when the job duties:
    a. Are independent in nature and can be accomplished without detrimental impact on the work group productivity.
    b. Are primarily knowledge-based.
    c. Lend themselves to measurable deliverables.
    d. Do not require frequent in-person interactions at the regular site with supervisors, colleagues, clients, or the public.
    e. Do not require the employee's immediate presence at the regular workspace to address unscheduled events unless alternative arrangements for coverage are possible.
    f. Are not essential for on-site workflow or business operations.

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4. The supervisor shall determine if Telecommuting is suitable and shall only render a positive suitability determination if the supervisor assesses that service delivery quality will not be compromised as a result of the employee's shift to Telecommuting. This suitability determination shall be delivered to the employee in writing.

Enrollment Procedures

1. Upon a finding by the employee's supervisor that the employee is eligible to Telecommute (in other words, after a positive suitability determination has been rendered as described above), the employee may begin the Telecommuting enrollment process as described.
2. The employee shall request a Telecommuting enrollment conference with their supervisor. The purpose of the Telecommuting enrollment conference is for the employee and the supervisor to discuss the details of the employee's specific Telecommuting arrangement.
3. At the Telecommuting enrollment conference, the employee and the supervisor shall discuss the terms and conditions of the employee's Telecommuting arrangement. At a minimum, the employee and the supervisor shall discuss and reach agreement on the following terms and conditions:
    a. The length of time for which the Telecommuting arrangement shall apply.
    b. The number of days each week and which specific days of the week if applicable that the employee will Telecommute. Note that long-term Telecommuting shall be limited to 2 days per 40-hour work week. Daily work hours while Telecommuting shall remain consistent with in-office work hours so that staff are available for coworker questions and/or requests.
    c. The steps the employee will take to maintain a safe work environment at the Telecommuting site, protect any City property or equipment in the employee's possession, and safeguard any confidential work-related materials in the employee's possession.
    d. The frequency and manner by which the employee shall be expected to communicate with their supervisor(s). Mutually preferred communication channels such as Microsoft Teams, Outlook, and telephone communication shall be discussed and determined.
    e. The agreed upon performance indicators to measure the productivity of the employee while Telecommuting.
4. Upon successful agreement on these provisions, the employee shall complete a written Telecommuting Agreement outlining the terms and conditions of the employee's Telecommuting arrangement. The employee, the supervisor, and the appropriate

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Department Head shall review and sign this agreement and a copy of such agreement shall be retained by the employee, the supervisor, the Department Head, and the City's Human Resources department.

Department Responsibilities*:*

1. The Department shall adhere to all provisions of this policy. All supervisors involved in the application of this policy are responsible for reading, reviewing, and understanding all provisions of this policy.
2. All supervisors shall render suitability determinations as described in this guidance in a timely manner. All supervisors shall be available to answer any questions or respond to any concerns posed by employees.
3. The Department is under no obligation to accept any employee's request to Telecommute.
4. Supervisors may render negative suitability determinations if the supervisor determines that approving an employee's request to Telecommute would result in a reduction in service delivery quality as a result of the employee's shift from on-site work to Telecommuting.
5. At the Telecommuting enrollment conference described above, all supervisors shall negotiate the terms and conditions of the employee's written telecommuting agreement in good faith and shall endeavor to be flexible and accommodating of the employee's desires as they relate to the employee's proposed telecommuting arrangement.
6. The appropriate supervisor(s) or the City Manager may terminate an employee's Telecommuting arrangement at any time.
7. Telecommuting agreements will be reviewed at least annually to ensure the agreement continues to serve the best interests of the employee and City operations.

Employee Responsibilities:

1. While working remotely, all Telecommuting employees shall apply themselves to their work in the same manner as they would if working from the centralized worksite. Employees shall display the same level of professionalism and commitment to their job when working remotely as they do while working from the centralized worksite.
2. All Telecommuting employees shall abide by the terms and conditions outlined in the written Telecommuting agreement.
3. Violation of any provision of the written Telecommuting agreement shall be subject to appropriate disciplinary action up to and including termination.
4. If, at any point, a Telecommuting employee wishes to modify the terms and conditions of the written Telecommuting agreement, the employee shall submit a written request to

their supervisor(s). The supervisor shall either approve or deny the request after determining whether the request is reasonable and in alignment with the provisions of this policy.

5. Any Telecommuting employee may terminate the Telecommuting arrangement at any time.
6. All Telecommuting employees shall abide by all City rules, policies, and procedures while working remotely. All Telecommuting employees are responsible for reading, reviewing, and understanding all provisions of this guidance.
7. All Telecommuting employees shall be responsible for maintaining a safe work environment at the Telecommute site, protecting any City property or equipment in their possession, and safeguarding any confidential work-related materials in their possession.
8. Employees working remotely may not engage in outside employment during the scheduled work hours.
9. If a job related injury occurs while working remotely, the employee must report the incident as soon as possible and follow all of the established procedures for reporting and investigating workplace incidents. The City is not responsible for injuries to third parties that occur in employees' homes or other remote locations.

Technology:

1. Employees shall at all times adhere to the instructions and direction from City information technology staff. Employees shall direct all technology-related questions or concerns to City information technology staff.
2. Employees shall only use devices approved by the City. Employees shall avoid using personal PCs whenever possible. If employees must use a personal PC, employees must ensure that they are working within the VOA environment.
3. Employees shall use virtual private networks (VPNs) only when necessary. VPNs, which provide secure direct connections to the City's computer network, may be necessary when accessing files, working with sensitive information, or using certain websites. However, employees shall only use VPNs as needed and shall disconnect as soon as they have completed the work requiring VPN use.
4. Employees shall only connect to trusted Wi-Fi networks and shall avoid public hotspots.
5. If employees are working from home on their home network (on work or personal devices), employees shall ensure that their home router is properly secured. Employees shall first make sure they change the router's factory-preset password. Failing to change the router's factory-preset password is ill-advised and leaves the employee's home

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network vulnerable to cybersecurity-related risks. Employees shall set their router encryption to WPA2 or WPA3. WEP is not sufficient.

6. Employees shall ensure that updates to all devices are being installed regularly. Patches for security vulnerabilities are essential for both work and personal devices. Employees shall set these updates to run automatically during non-working hours whenever possible.

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Telecommuting Agreement

Telecommuting is a work arrangement available to City employees by agreement of the employee and management. It is not an employee benefit or entitlement. The City may change the requirements to telecommute at any time. You as the employee, referenced as "the employee" throughout this document, remain obligated to comply with all City of Hendersonville policies, rules, practices, instructions and this Acknowledgement.

To participate in Telecommuting as described in the latest version of the Telecommuting Policy, the employee agrees to the following terms:

- I will comply with all of the terms of the Telecommuting Policy.
- I understand that this Acknowledgement shall become effective on the date it is approved by the appropriate Supervisor and Department Head and shall remain in full force and in effect, as long as the employee is participating in Telecommuting.
- I understand that participation in Telecommuting may be ended at any time by either the employee or the City of Hendersonville.
- I understand that if the following changes occur: the employee moved to a different organizational unit or was placed in a different position and/or a supervisor change occurred, the existing Telecommuting Agreement is cancelled. The employee must follow the existing process to submit a new Telecommuting request.
- I understand that the employee's compensation, benefits, work status and work responsibilities will not change due to participation in Telecommuting. The amount of time the employee is expected to work per day or pay period will not change as a result of participation in Telecommuting.
- I understand that the Fair Labor Standards Act in addition to the City of Hendersonville policies concerning overtime work apply to Telecommuting. Nonexempt employees must not work in excess of their scheduled hours without first obtaining supervisor approval and record all work time accurately.
- I understand that employee's Telecommuting hours will conform to a schedule agreed upon by the employee and their supervisor. If such a schedule has not been agreed upon,

the employee's work hours will be assumed to be the same as before the employee began Telecommuting.

- I understand that employee's Telecommuting work location must allow the employee to respond to issues that may require the employee to be present in the centralized office worksite within a reasonable amount of time.

- I understand that the City will only provide limited, specific equipment for the employee to perform current duties and the employee must follow the Telecommuting Policy when working remotely.

- I understand that the use of equipment, software, data supplies and furniture, when provided by the City, is for use at the remote work location and is limited to authorized persons and for purposes relating to City business only. The City will provide for repairs to City equipment.

- I understand and agree to not disclose confidential or private files, records, materials, or information, and will not allow access to City networks or databases to anyone who is not authorized to have access.

- I understand that the City will not provide internet service and it will be the employee's responsibility to procure and pay for internet service if it is needed in order to work productively from a workspace.

- I understand that the equipment and supplies provided by Employer will include the minimum required equipment and supplies to enable the employee to Telecommute. Out-of- pocket expenses for other supplies will not be reimbursed unless by prior approval of the employee's manager.

- I understand that the employee shall designate a workspace within the remote work location for placement and installation of equipment to be used while Telecommuting. The employee shall maintain this workspace in a safe condition, free from hazards and other dangers to the employee and equipment.

- I understand that I must return all of the City's equipment to the City when my Telecommuting ends. I am responsible for any equipment that is lost while I am Telecommuting. I also understand that the City will exercise all of its legal rights if I fail to

return equipment. I understand that if legal action is required to regain possession of City-owned equipment, software, or supplies, the City may pursue claims against me to the fullest extent allowed by law.

- I understand that the employee is a covered worker under the Workers' Compensation Act and the City provides coverage as detailed in the Act.

- I understand that the City is not liable for loss, destruction, or injury that may occur in or to the employee's designated workspace. This includes family members, visitors, or others that may become injured within or around the employee's designated workspace.

- I understand that it will be the employee's responsibility to determine any income tax implications of maintaining a home office area. The City will not provide tax guidance, nor will the City assume any additional tax liabilities.

- I understand that the employee must be available by phone, email and/or IT supported technology (i.e. MS Teams, etc.) during agreed upon working hours and will be available for staff meetings and other meetings deemed necessary by management.

- I understand and agree to participate in all studies, surveys, inquiries, reports and analyses relating to this program.

- I understand that the employee shall be subject to appropriate disciplinary action up to and including termination for any violation of any provision of this policy.

Employee_____**Date**_____

Supervisor_____**Date**_____

Department Head_____**Date** _____

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADOPT THE TELECOMMUTING POLICY

WHEREAS, the City Council has put a strong emphasis on employee support and development and;

WHEREAS, the City of Hendersonville recognizes that Telecommuting is both a management tool and a work site alternative that may be used to increase productivity and morale of employees, attract and retain highly qualified workforce, boost efficiency, lessen the environmental impact of vehicle travel, and aid in business continuity planning and;

WHEREAS, the purpose of this policy is to provide a consistent, fair, and equitable application of Telecommuting practices across City Departments and;

WHEREAS, for this reason, the City of Hendersonville has determined there are some positions whose job functions could be performed as effectively in an alternate work location as in a conventional work location.

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

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of September 2024.

_____

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: Jennifer Floyd **MEETING DATE:** 09/05/2024

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

TITLE OF ITEM: Increase to Mills River Partnership Special Appropriations – *Jennifer Floyd, Budget and Management Analyst*

SUGGESTED MOTION(S):

I move City Council adopt a motion to increase the FY25 appropriation to Mills River Partnership.

SUMMARY:
A motion to increase the special appropriations for Mills River Partnership by $10,000 for a new total appropriation of $80,000.

BUDGET IMPACT: N/A

Is this expenditure approved in the current fiscal year budget? No.

If no, describe how it will be funded.

Increase to the Special Appropriations Account in Fund 060

ATTACHMENTS: FY25 Special Appropriations Adopted Amendment

City Manager Appropriation Target $ 143,500

Special Appropriation Requests - Discretionary Funding				Council Recommendations										
Organization	FY25 Requests	Notes	Council Appropriation	N/A	Is there a conflict?	Lyndsey Simpson	Is there a conflict?	Barbara Volk	Is there a conflict?	Jennifer Hensley	Is there a conflict?	Jeff Miller	Is there a conflict?	Category
Appropriation Available (25% of Budget)	**35,875**		**375**	**35,875**		**375**		**375**		**375**		**375**		
Arts Council of Henderson County, Inc.	17,750	Provide arts ed. to 200+ students, in Title 1 schools. Renting classroom space, pay art teachers & supplies.	2,250		No	-	Yes	3,000	No	3,000	No	3,000	No	Education, Arts, Culture, & Recreation
Blue Ridge Literacy Council- Literacy Connection	10,000	Provide tutoring to adults -learning materials: books, workbooks.	5,075		No	8,300	No	4,000	No	4,000	No	4,000	No	Education, Arts, Culture, & Recreation
Boy's & Girl's Club of Henderson County	7,000	Triple Play athletics program and equipment	2,825		No	-	Yes	1,300	No	5,000	No	5,000	No	Education, Arts, Culture, & Recreation
Flat Rock Playhouse (Vagabond School)	15,900	Funding for Black Box Series Production "The Mountaintop".	1,125		No	1,000	No	1,500	No	1,000	No	1,000	No	Education, Arts, Culture, & Recreation
Henderson County Education Foundation	8,547	Leader in Me' Program provides leadership development opportunities for students, educators, and parents/guardians	3,625		No	4,000	No	3,500	No	3,500	No	3,500	No	Education, Arts, Culture, & Recreation
Hendersonville Community Theatre	9,690	Funding will be used for 2024 season productions	2,250		No	3,000	No	2,000	No	2,000	No	2,000	No	Education, Arts, Culture, & Recreation
Hendersonville Shuffleboard Club	1,200	Purchase equipment for recreational opportunities and maintain facilities.	1,200		No	1,200	No	1,200	No	1,200	No	1,200	No	Education, Arts, Culture, & Recreation
Hendersonville Symphony - Second Series	5,000	3rd and 6th grade orchestra education concerts.	1,500		No	1,500	No	1,500	No	1,500	No	1,500	No	Education, Arts, Culture, & Recreation
Hendersonville Symphony - Youth Education	5,000	Facility and production costs for orchestra grades 9-12.	1,500		No	1,500	No	1,500	No	1,500	No	1,500	No	Education, Arts, Culture, & Recreation
Mineral & Lapidary Museum	10,000	Educational materials for school tours of the museum and museum exhibits.	2,375		No	2,500	No	3,000	No	2,000	No	2,000	No	Education, Arts, Culture, & Recreation
Team ECCO	6,000	Free admission for City residents, employees, and families/children with special learning needs. Educational video production**	3,000		No	3,000	No	3,000	No	3,000	No	3,000	No	Education, Arts, Culture, & Recreation
The Hope Center of Hendersonville	15,000	Will allow 5 members with intellectual and developmental disabilities to attend day program at no cost to the members.	3,525		No	2,500	No	6,000	No	2,800	No	2,800	No	Education, Arts, Culture, & Recreation
YMCA of Western North Carolina	7,000	Site assessment, market analysis, site massing, and capital campaign feasibility study for Hendersonville Facility	5,250		No	7,000	No	4,000	No	5,000	No	5,000	No	Education, Arts, Culture, & Recreation
Sub-Total	**118,087**		**35,500**			35,500		35,500		35,500		35,500		
Appropriation Available (75% of Budget)	**107,625**		**(375)**	**107,625**		**1,125**		**1,125**		**1,125**		**1,125**		
Agribusiness Henderson County (AgHC)	5,000	Promote economic growth in agribusiness through recruitment and retention.	3,750		No	5,000	No	5,000	No	2,500	No	2,500	No	Life Quality and Economic Services
Blue Ridge Community Health Services	10,000	Provide 44 medical visits and 33 behavioral health visits for those experiencing homelessness.	5,625		No	7,500	No	5,000	No	5,000	No	5,000	No	Life Quality and Economic Services
Blue Ridge Humane	10,000	Spay/neuter programing for residents of HVL - assists low income families and mitigates stray animal externalities.	3,125		No	-	Yes	2,500	No	5,000	No	5,000	No	Life Quality and Economic Services
Children & Family Resource Center	10,000	Provide funding for developmental, hearing, and vision screenings for children ages 3-5.	3,000		No	3,500	No	2,500	No	3,000	No	3,000	No	Life Quality and Economic Services
Henderson County Council on Aging	19,950	Full funding would provide 10 city residents home-delivered meals for an entire year. $10.50/meal*1,900 meals = $19,950.	15,000		No	15,000	No	15,000	No	15,000	No	15,000	No	Life Quality and Economic Services
Henderson County Habitat for Humanity	95,000	Home repairs for 10 families in Hendersonville	25,000		No	25,000	No	25,000	No	25,000	No	25,000	No	Life Quality and Economic Services
Henderson County Young Leaders (Camplify)	15,000	Funds will be used for a weeklong overnight summer camp for 130 youths 6th-9th grade and 12 Counselors-in-Training	2,000		No	2,000	No	2,000	No	2,000	No	2,000	No	Life Quality and Economic Services
Interfaith Assistance Ministry - Rent Asst.	56,000	Crisis Services = food and housing assistance.	19,500		No	18,000	No	20,000	No	20,000	No	20,000	No	Life Quality and Economic Services
Medical Loan Closet of Henderson County	3,000	Preparation and maintenance on medical equipment offered to in-need members of the community.	1,250		No	1,000	No	1,000	No	1,500	No	1,500	No	Life Quality and Economic Services
Only Hope WNC	10,000	Support of homeless youth including food, clothing, and school supplies.	3,125		No	3,500	No	3,000	No	3,000	No	3,000	No	Life Quality and Economic Services
Pisgah Legal Services - Domestic Violence	10,000	Legal support for victims of domestic violence matched by federal grant from the NC Governor's Crime Commission.	4,625		No	3,500	No	5,000	No	5,000	No	5,000	No	Life Quality and Economic Services
Safelight, Inc.	10,000	Job training program for survivors of interpersonal violence for economic empowerment & independence.	3,000		No	3,000	No	3,000	No	3,000	No	3,000	No	Life Quality and Economic Services
St. Gerard House	6,000	Event support for special needs children and families, including meals, education, and childcare.	3,000		No	3,000	No	3,000	No	3,000	No	3,000	No	Life Quality and Economic Services
Star Lite	2,000	90 Blessing bags and/or boxes- contains either food or school supplies	2,000		No	2,000	No	-	No	-	No	-	No	Life Quality and Economic Services
The Mediation Center	3,000	Funding for Community Mediation Coordinator.	1,125		No	500	No	2,000	No	1,000	No	1,000	No	Life Quality and Economic Services
Thrive	10,000	Funds will support Coordinated Entry staff to aid residents at risk of losing housing.	7,500		No	7,500	No	7,500	No	7,500	No	7,500	No	Life Quality and Economic Services
True Ridge	10,000	Expanding bilingual eduational and outreach programs, increasing health access and education on Medicaid expansion, support cultural events, and training for legal translation services.	5,375		No	6,500	No	5,000	No	5,000	No	5,000	No	Life Quality and Economic Services
Sub-Total	**284,950**		108,000	-		106,500		106,500		106,500		106,500		
Total	**403,037**		**143,500**	**$ -**		**$ 142,000**		**$ 142,000**		**$ 142,000**		**$ 142,000**		

Special Appropriation Requests - Full Funding														
Organization	FY25 Requests	Notes	Council Appropriation	N/A	Is there a conflict?	Lyndsey Simpson	Is there a conflict?	Barbara Volk	Is there a conflict?	Jennifer Hensley	Is there a conflict?	Jeff Miller	Is there a conflict?	Category
Henderson County Economic Investment Fund	50,000	Economic development support and programming.	50,000		No	50,000	No	50,000	No	50,000	No	50,000	No	Full Funding
Henderson County Partnership for Econ. Dev.	25,000	Economic development support and programming.	25,000		No	25,000	No	25,000	No	25,000	No	25,000	No	Full Funding
Henderson County Rescue Squad	15,000	Aid and assist in case of disaster or accident.	15,000		No	15,000	No	15,000	No	15,000	No	15,000	No	Full Funding
Interfaith Assistance Ministry	14,000	Water bills and water repairs	14,000		No	14,000	No	14,000	No	14,000	No	14,000	No	Full Funding
Merchant's and Business Association	2,500	To provide enhanced quality parades.	2,500		No	2,500	No	2,500	No	2,500	No	2,500	No	Full Funding
Mills River Partnership	70,000	Water quality efforts in the Mills River.	70,000		No	70,000	No	70,000	No	70,000	No	70,000	No	Full Funding
Total	**176,500**		**176,500**			**$ 176,500**		**$ 176,500**		**$ 176,500**		**$ 176,500**		

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Adam Murr **MEETING DATE:** 06/06/2024

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

TITLE OF ITEM: FY25 Special Appropriations – *Adam Murr, Budget Manager*

SUGGESTED MOTION(S):

I move City Council approve the Fiscal Year 2024-2025 (FY25) special appropriations allocations as presented.

SUMMARY:
Each year, Council approves funding for services in partnership with local agencies. This agenda item is for discussion and final decision on fiscal year 2024-2025 (FY25) special appropriation allocations for public services.

BUDGET IMPACT: $143,500 discretionary funding, $176,500 full funding

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

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

ATTACHMENTS:
Special Appropriations Summary

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Jenny Floyd **MEETING DATE:** 09/05/2024

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

TITLE OF ITEM: September 2024 Budget Amendments – Jenny Floyd, *Budget & Management Analyst*

SUGGESTED MOTION(S):

I move City Council adopt budget amendments 09052024-01, 09052024-02, 09052024-03, 09052024-04, 09052024-05, 09052024-06 as presented.

SUMMARY:

09052024-01: An amendment transferring $320,000 former ARP funding from the General Fund's fund balance to the Governmental Special Revenue Fund, ARP project for the City's contract with Pisgah Legal Services to assist vulnerable, at-risk, and/or un-housed community members.

09052024-02: A budget amendment for the 2022 NCDEQ Grant Project (#G2204), the WWTP Aeration Basin Repair Project (#21045), the WWTP UV Improvement Project (#16023), and the Water and Sewer Capital Reserve Fund (fund 459). The amendment prepares for the close out of the WWTP Aeration Basin Project, #21045 by moving $111,496 available 2022 NCDEQ Grant, #G2204 budget to the WWTP UV Project, #16023. The amendment also transfers back $133,780 from the WWTP Aeration Basin Project to the
Water and Sewer Capital Reserve Fund.

09052024-03: An FY25 amendment appropriating W&S Fund Balance for the Water Distribution Master Plan Project completion, which carried over from FY24.

09052024-04: An FY25 amendment appropriating Downtown Fund Balance for the payment of Wayfair Signage.

09052024-05: An amendment to the FY25 budget reflecting an anticipated $5,000 contribution to undertake activities to promote the safer movement of people and older adults within the City including, but not limited to improving infrastructure, providing new facilities, and engaging with local residents through the Henderson County Aging Coalition.

09052024-06: An amendment changing the transfers related to the I-26 water and sewer project to more accurately reflect project closeout need. The amendment includes an increase in fund balance appropriation into Fund 459 and a transfer into project #23019.

BUDGET IMPACT: Summarized above.

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

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

ATTACHMENTS: Budget amendments 09052024-01 through 09052024-06.

TO MAYOR & COUNCIL
APPROVAL: September 05, 2024

FISCAL YEAR 2025
FORM: 09052024-01

BUDGET AMENDMENT

FUND 010 | 199

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470900	Fund Balance Appropriated (ARP, FY25)	2,304,552	320,000	-	2,624,552
010-0000-598901	Transfer out (to 410, #00100)	915,365	320,000	-	1,235,365
FUND 010	TOTAL REVENUES	2,304,552	320,000	-	2,624,552
General Fund	TOTAL EXPENDITURES	915,365	320,000	-	1,235,365
199-0000-470100-00100	Transfer In (from 010)	-	320,000	-	320,000
199-0000-540001-00100	Special Appropriations (ARP - Pisgah Legal)	-	320,000	-	320,000
FUND 199	TOTAL REVENUES	-	320,000	-	320,000
Gov. Spc. Revenue	TOTAL EXPENDITURES	-	320,000	-	320,000

An amendment transferring $330,000 former ARP funding from the General Fund's fund balance to the Governmental Special Revenue Fund, ARP project for the City's contract with Pisgah Legal Services to assist vulnerable, at-risk, and/or un-housed community members.

The City Manager and City Clerk certify budget ordinance amendment 09052024-01 was approved by City Council on September 05, 2024.

City Manager

Date

City Clerk

Date

TO MAYOR & COUNCIL
APPROVAL: September 05, 2024

FISCAL YEAR 2025
FORM: 09052024-02

BUDGET AMENDMENT

FUND 301 | 459 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
301-0000-420050-G2204	Grant Revenue (NCDEQ 2022)	5,000,000	-	-	5,000,000
301-1002-598901-G2204	Transfer Out (to 460, #16023)	3,510,288	111,496	-	3,621,784
301-1002-598901-G2204	Transfer Out (to 460, #21045)	1,489,712	-	111,496	1,378,216
FUND 301, #G2204	TOTAL REVENUES	5,000,000	-	-	5,000,000
2022 NCDEQ Grant	TOTAL EXPENDITURES	5,000,000	111,496	111,496	5,000,000
459-0000-470900	Fund Balance Appropriated	133,780	-	133,780	-
459-0000-598901	Transfer Out (to 460, #21045)	133,780	-	133,780	-
FUND 459	TOTAL REVENUES	133,780	-	133,780	-
WS Capital Reserve Fund	TOTAL EXPENDITURES	133,780	-	133,780	-
460-0000-470100-21045	Transfer In (from 459)	133,780	-	133,780	-
460-0000-470100-21045	Transfer In (from #G2204)	1,489,712	-	111,496	1,378,216
460-1014-550103-21045	Capital Outlay CIP	1,623,492	-	245,276	1,378,216
FUND 460	TOTAL REVENUES	1,623,492	-	245,276	1,378,216
WWTP Aeration, #21045	TOTAL EXPENDITURES	1,623,492	-	245,276	1,378,216
460-0000-470100-16023	Transfer In (from'22 NCDEQ, #G2204)	3,510,288	111,496	-	3,621,784
460-0000-470100-16023	Transfer In (from 459)	400,000	-	-	400,000
460-1014-550103-16023	Capital Outlay CIP	3,510,288	111,496	-	3,621,784
460-1014-550102-16023	Capital Outlay Services and Fees	400,000	-	-	400,000
FUND 460	TOTAL REVENUES	3,910,288	111,496	-	4,021,784
WWTP UV Project, #16023	TOTAL EXPENDITURES	3,910,288	111,496	-	4,021,784

A budget amendment for the 2022 NCDEQ Grant Project (#G2204), the WWTP Aeration Basin Repair Project (#21045), the WWTP UV Improvement Project (#16023), and the Water and Sewer Capital Reserve Fund (fund 459). The amendment prepares for the close out of the WWTP Aeration Basin Project, #21045 by moving $111,496 available 2022 NCDEQ Grant, #G2204 budget to the WWTP UV Project, #16023. The amendment also transfers back $133,780 from the WWTP Aeration Basin Project to the Water and Sewer Capital Reserve Fund.

The City Manager and City Clerk certify budget ordinance amendment 09052024-02 was approved by City Council on September 05, 2024.

City Manager — Date

City Clerk — Date

TO MAYOR & COUNCIL
APPROVAL: September 05, 2024

FISCAL YEAR 2025
FORM: 09052024-03

BUDGET AMENDMENT

FUND 060

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-0000-470900	Fund Balance Appropriated	1,809,190	106,407	-	1,915,597
060-7055-519200	Transfer Out (to 460, #21045)	51,000	106,407	-	157,407
FUND 060	TOTAL REVENUES	1,809,190	106,407	-	1,915,597
W&S Operating Fund	TOTAL EXPENDITURES	51,000	106,407	-	157,407

An FY25 amendment appropriating W&S Fund Balance for the Water Distribution Master Plan Project completion, which carried over from FY24.

The City Manager and City Clerk certify budget ordinance amendment 09052024-03 was approved by City Council on September 05, 2024.

City Manager

Date

City Clerk

Date

TO MAYOR & COUNCIL
APPROVAL: September 05, 2024

FISCAL YEAR 2025
FORM: 09052024-04

BUDGET AMENDMENT

FUND 020

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
020-0000-470900	Fund Balance Appropriated	157,401	25,318	-	182,719
020-2102-534000	Non-Capital Equipment	-	25,318	-	25,318
FUND 010	TOTAL REVENUES	157,401	25,318	-	182,719
General Fund	TOTAL EXPENDITURES	-	25,318	-	25,318

An FY25 amendment appropriating Downtown Fund Balance for the payment of Wayfair Signage.

The City Manager and City Clerk certify budget ordinance amendment 09052024-04 was approved by City Council on September 05, 2024.

City Manager

Date

City Clerk

Date

TO MAYOR & COUNCIL
APPROVAL: September 05, 2024

FISCAL YEAR 2025
FORM: 09052024-05

BUDGET AMENDMENT

FUND 199

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
199-0000-460090-C2501	Contribution/Donation (Community Challenge)	15,000	5,000	-	20,000
199-1502-521001-C2501	Supplies & Materials	15,000	5,000	-	20,000
FUND 199 (#C2501) Community Challenge	TOTAL REVENUES	15,000	5,000	-	20,000
	TOTAL EXPENDITURES	15,000	5,000	-	20,000
Total Project Revenues (#C2501)					20,000
Total Project Expenditures (#C2501)					20,000

An amendment to the FY25 budget reflecting an anticipated $5,000 contribution to undertake activities to promote the safer movement of people and older adults within the City including, but not limited to improving infrastructure, providing new facilities, and engaging with local residents through the Henderson County Aging Coalition.

The City Manager and City Clerk certify budget ordinance amendment 09052024-05 was approved by City Council on September 05, 2024.

City Manager

Date

City Clerk

Date

TO MAYOR & COUNCIL
APPROVAL: September 5, 2024

FISCAL YEAR 2025
FORM: 09052024-06

BUDGET AMENDMENT

FUND 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
460-0000-470010-17141	Debt Proceeds ('23 Revenue Bond)	3,134,054	-	-	3,134,054
460-0000-450001-17141	Interest Income ('23 Revenue Bond Interest)	181,725	11,817	-	193,542
460-7150-550103-17141	Capital Outlay - CIP	3,134,054	13,066	-	3,147,120
460-7055-560900-17141	Cost of Issuance	95,167	26,083	-	121,250
460-0000-598901-17141	Transfer Out (to 460, #23019)	51,558	-	27,332	24,226
460-0000-598901-17141	Transfer Out (to 460, #21012)	35,000	-	-	35,000
FUND 460	TOTAL REVENUES	3,315,779	11,817	-	3,327,596
NCDOT I-26, #17141	TOTAL EXPENDITURES	3,315,779	39,149	27,332	3,327,596
459-0000-470900	Fund Balance Appropriation	-	27,332	-	27,332
459-0000-598901	Transfer Out (to 460, #23019)	-	27,332	-	27,332
FUND 459	TOTAL REVENUES	-	27,332	-	27,332
	TOTAL EXPENDITURES	-	27,332	-	27,332
460-0000-470100-23019	Transfer In (from 459)	13,560	27,332	-	40,892
460-0000-470100-23019	Transfer In (from 460, #19010)	44,882	-	-	44,882
460-0000-470100-23019	Transfer In (from 460, #17141)	51,558	-	27,332	24,226
460-7055-550103-23019	Capital Outlay - CIP	110,000	-	-	110,000
FUND 460	TOTAL REVENUES	110,000	27,332	27,332	110,000
WTP Thickener, #23019	TOTAL EXPENDITURES	110,000	-	-	110,000

An amendment changing the transfers related to the I-26 water and sewer project to more accurately reflect project closeout need. The amendment includes an increase in fund balance appropriation in Fund 459 and a transfer into project #23019.

The City Manager and City Clerk certify budget ordinance amendment 09052024-06 was approved by City Council on September 5, 2024.

City Manager — Date

City Clerk — Date

Proclamation

National Recovery Month – September, 2024

WHEREAS-according to Kaiser Family Foundation, two thirds of Americans report their lives have been impacted by substance use disorders and addiction, regardless of race, gender, age, or socioeconomic status; and

WHEREAS Henderson County Emergency Medical Services received more than 500 calls in 2023 for suspected overdose, with the Opioid Crisis transitioning to a Poly-substance Crisis in Henderson County; and

WHEREAS substance use disorders are preventable and treatable conditions; recovery is a process that transforms individuals and the communities in which they live by creating hope, health, and a sense of purpose; and

WHEREAS the focus of Recovery Month in September is to celebrate all people that make the journey of recovery; to increase awareness and understanding of substance use disorders; to show respect and support for those in recovery, as well as those who have helped them obtain treatment; to highlight the importance of evidence-based treatment and recovery practices; and

WHEREAS North Carolina is receiving $1.5 billion in opioid settlement funds over 16 years, of which Henderson County is receiving $16 million to bring resources to our community harmed by the opioid epidemic and to increase options for recovery treatment and support services; and

NOW, THEREFORE, BE IT PROCLAIMED we, Hendersonville City Council, do hereby proclaim September, 2024 as Recovery Month. As the governing body for the City of Hendersonville, North Carolina, we call upon the citizens, government agencies, public and private institutions, businesses, and schools to commit our community to work together to end the stigma of substance use disorders and addiction with increased awareness and understanding, and support those in their journey of recovery.

Henderson County Substance Misuse Action Team will have a community event dedicated to challenging substance use stigma and celebrate the journey of recovery on Tuesday, September 17th, 2024, from 5:30pm to 7:30pm at Grace Lutheran Church.

PROCLAIMED this 5th day of September, 2024.

Seal

Barbara G. Volk, Mayor
City of Hendersonville

Attest: _____
Jill Murray, City Clerk

Proclamation

World Suicide Prevention Day - September 10, 2024
National Suicide Prevention Month – September, 2024

WHEREAS, suicide is a significant public health problem, claiming the lives of 26 individuals in Henderson County in 2023 according to NC DETECT, the highest number since 2015, and contributing to a tragic national toll expected to surpass 50,000 deaths for the first time in 2023; and

WHEREAS, one person dies by suicide every 10.6 minutes in the United States, making it the 11th leading cause of death in the country and one of the most preventable causes; and

WHEREAS, men are four times more likely to die by suicide, with 22 out of the 26 suicide deaths in Henderson County in 2023 being men; and

WHEREAS, Henderson County is creating a Suicide Postvention Response Team to offer support to families and the community as they navigate the challenges of prolonged grief and loss, demonstrating our commitment to comprehensive suicide prevention and response efforts; and

WHEREAS, the Henderson County Department of Public Health, in collaboration with the Hope Coalition, is committed to implementing evidence-based suicide prevention strategies, including the launch of "Safe September," which promotes awareness that suicide is preventable and provides community members with life-saving resources such as gun locks and medicine lock pouches; and

WHEREAS, the public is invited to attend a Question, Persuade, Refer suicide prevention training event hosted by the Henderson County Department of Public Health on September 13, 2024, to further empower our community with the knowledge and tools necessary to prevent suicide and save lives; and

WHEREAS, World Suicide Prevention Day on September 10 and National Suicide Prevention Month in September provide an opportunity for Henderson County to join the global and national movements to raise awareness about suicide, honor those who have been affected by suicide, and promote the message that suicide is preventable.

NOW, THEREFORE, BE IT PROCLAIMED, we, the City of Hendersonville City Council, do hereby proclaim September 10, 2024, as World Suicide Prevention Day and September 2024 as National Suicide Prevention Month in the City of Hendersonville. We call upon all citizens, government agencies, public and private institutions, businesses, and schools in the City of Hendersonville to work together to prevent suicide, offer support to those who have lost loved ones, and promote hope, health, and safety for all.

PROCLAIMED this 5th day of September, 2024.

Seal

Barbara G. Volk, Mayor
City of Hendersonville

Attest: Jill Murray, City Clerk

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Brent Detwiler **MEETING DATE:** 9/5/24

AGENDA SECTION: PRESENTATION **DEPARTMENT:** Public Services

TITLE OF ITEM: Above the Mud Greenway Feasibility Study Presentation and Adoption – *Kristy Carter, Senior Project Manager and Christy Staudt, Regional Manager, Traffic Planning and Design, Inc.*

SUGGESTED MOTION(S):

I move City Council adopt **RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADOPT THE ABOVE THE MUD GREENWAY FEASIBILITY STUDY** as presented.

SUMMARY:

The City received a grant through the North Carolina Department of Transportation (NCDOT)'s Division of Integrated Mobility (IMD) Paved Trails and Sidewalk Feasibility Studies Grant Program to fund the Above the Mud Greenway Feasibility Study. Traffic Planning and Design, Inc. (TPD) recently completed the study, which can be used to help apply for future construction funding. TPD will present the highlights of the study. Please let us know if you have any questions.

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:

Resolution

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADOPT THE ABOVE THE MUD GREENWAY FEASIBILITY STUDY

WHEREAS, the North Carolina Department of Transportation (NCDOT)'s Division of Integrated Mobility (IMD) has implemented a Paved Trails and Sidewalk Feasibility Studies Grant Program; and

WHEREAS, the purpose of the Paved Trails and Sidewalk Feasibility Studies Grant Program is to improve the pipeline of bicycle and pedestrian projects accessing state and federal funding, resulting in successful implementation of projects led by communities prioritizing multimodal infrastructure; and

WHEREAS, the City of Hendersonville requested and received funding from this program to complete the Above the Mud Greenway Feasibility Study; and

WHEREAS, the City, along with NCDOT and Traffic Planning and Design, Inc., completed the Above the Mud Greenway Feasibility Study and recently received final approval by NCDOT. This study produced a well-conceived project with demonstrated community support that will be competitive in the State Transportation Improvement Program (STIP) and for federal investment. Quantity-based preliminary cost estimates were generated for route alignments to help inform further decision making, identify funding needs, and develop next steps for project implementation; and

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

1. The Above the Mud Greenway Feasibility Study as funded by the North Carolina Department of Transportation and as completed and presented by Traffic Planning and Design, Inc. is hereby approved as presented.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of September 2024.

_____

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
PLANNING DIVISION

SUBMITTER:	Matthew Manley, Long-Range Planning Manager	**MEETING DATE:**	September 5, 2024
AGENDA SECTION:	Public Hearing	**DEPARTMENT:**	Community Development

TITLE OF ITEM: Rezoning: Conditional Zoning District – First Ave Villas (P24-26-CZD) – *Matthew Manley, AICP – Long-Range Planning Manager*

SUGGESTED MOTION(S):

For Recommending Approval:

I move City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning -designation of the subject property (PIN: 9568-77-1057) from CMU-CZD (Central Mixed Use Conditional Zoning District) to CMU-CZD (Central Mixed Use - Conditional Zoning District) based on the site plan and list of conditions submitted by and agreed to by the applicant, [dated August 16, 2024] and presented at this meeting and subject to the following:

1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses:

a) Residential, Multi-Family
   - 16 - 2 Bedroom Units

[for amendments to uses or conditions discussed and agreed upon in the meeting (between City & Developer) and not yet represented on the site plan, please use the following language. Disregard #2 if not needed.

2. Permitted uses and applicable conditions presented on the site plan shall be amended to include:

- Address unreasonable loss of privacy on west side in order to achieve zoning code compliance
- Utilize pervious material throughout the parking and drive area

For Recommending Denial:

I move City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9568-77-1057) from CMU-CZD (Central Mixed Use Conditional Zoning District) to CMU-CZD (Central Mixed Use - Conditional Zoning District) based on the following:

1. The petition is found to be consistent with the City of Hendersonville Gen H 2045 Comprehensive Plan, based on the information from the staff analysis and the public hearing, and because:

The petition is consistent with a range of Goals, Guiding Principles and the Future Land Use Designation of Chapter IV of the Gen H Comprehensive Plan.

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

1. The petition proposes a development that is incompatible with the existing neighborhood due to height, scale, and architectural design.
2. The petition proposes a density that is out of character with the surrounding neighborhood
3. The petition would generate excessive traffic, noise and light in an existing residential neighborhood.
4. The petition would cause an unreasonable loss of privacy

3(2). The petition is found to be <u>consistent</u> with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and because: The petition is consistent with a range of Goals, Guiding Principles and the Future Land Use Designation of Chapter IV of the Gen H Comprehensive Plan. **4(3). We find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:** 1. The petition incorporate a mix of housing types into an existing urban neighborhood 2. The petition provides an efficient use of property in the core of the city 3. The petition would place residents within an area of existing city services and infrastructure 4. The petition would place residents within walkable / bikeable proximity of a range of destinations including employment, shopping, and recreation. 5. The petition provides walkable neighborhood design characteristics 6. The petition proposes to have a vibrant interface with the public realm 7. The petition limits the unreasonable loss of privacy on adjacent properties **[DISCUSS & VOTE]**	**[DISCUSS & VOTE]**

SUMMARY: *The City of Hendersonville is in receipt of an application for a Conditional Zoning District from ARY Development LLC for the property located at 0 1st Ave W (PIN: 9568-77-1057). The current zoning of the property is CMU-CZD (Commercial Mixed Use Conditional Zoning District). The applicant is currently requesting to amend the current Conditional Zoning District for the construction of two three-story buildings comprised of 16 residential units on a .57 acre parcel. The current site plan depicts 18 parking spaces.*

There will be open space located at the front of the property. The parking is located at the center and rear of the property, and the entrance and exit to the units is located in the center of the property. There will be a landscape buffer on three sides of the property that border adjacent properties and street trees located along the frontage.

The project was initially reviewed by Planning Board on July 11, 2024. The project was recommended for denial. The applicant has since adjusted their site plan to remove any

portions that exceeded 3-stories with a max height of 38'. They adjusted parking arrangement, the building materials and the roofline of the buildings.

Planning Board took up this item at their meeting on August 8th voting 5-0 to recommend approval with conditions.

PROJECT/PETITIONER NUMBER:	P24-026-CZD
PETITIONER NAME:	Sarah McCormick [applicant] Rafique Charania of ARY Development LLC [owner]
ATTACHMENTS:	1. Staff Report 2. Planning Board Summary 3. Comprehensive Plan & FLUM Consistency Worksheet 4. Goals & Guiding Principles Evaluation Worksheet 5. Downtown Design Guidelines Evaluation Worksheet 6. Proposed Site Plan 7. Neighborhood Compatibility Summary 8. Draft Ordinance 9. Proposed Zoning Map 10. Application / Owner Signature Addendum / LLC Record

REZONING: CONDITIONAL REZONING – FIRST AVE VILLAS (P24-026-CZD)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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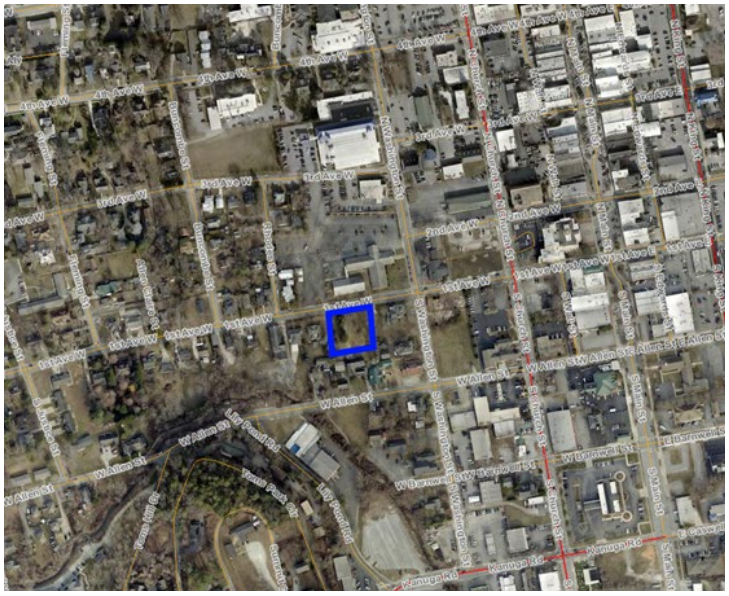
PROJECT SUMMARY

- Project Name & Case #:
  - First Ave Villas
  - P24-026-CZD
- Applicant & Property Owner:
  - Sarah McCormick [applicant]
  - Rafique Charania of ARY Development LLC [Owner]
- Property Address:
  - 320 1st Ave W, Hendersonville, NC 28792
- Project Acreage:
  - 0.57 Acres
- Parcel Identification (PIN):
  - 9568-77-1057
- Current Parcel Zoning:
  - CMU-CZD - Central Mixed Use Conditional Zoning District
- Requested Zoning:
  - CMU-CZD – Central Mixed Use Conditional Zoning District
- Future Land Use Designation:
  - Downtown
- Neighborhood Compatibility Meeting:
  - June 6, 2024



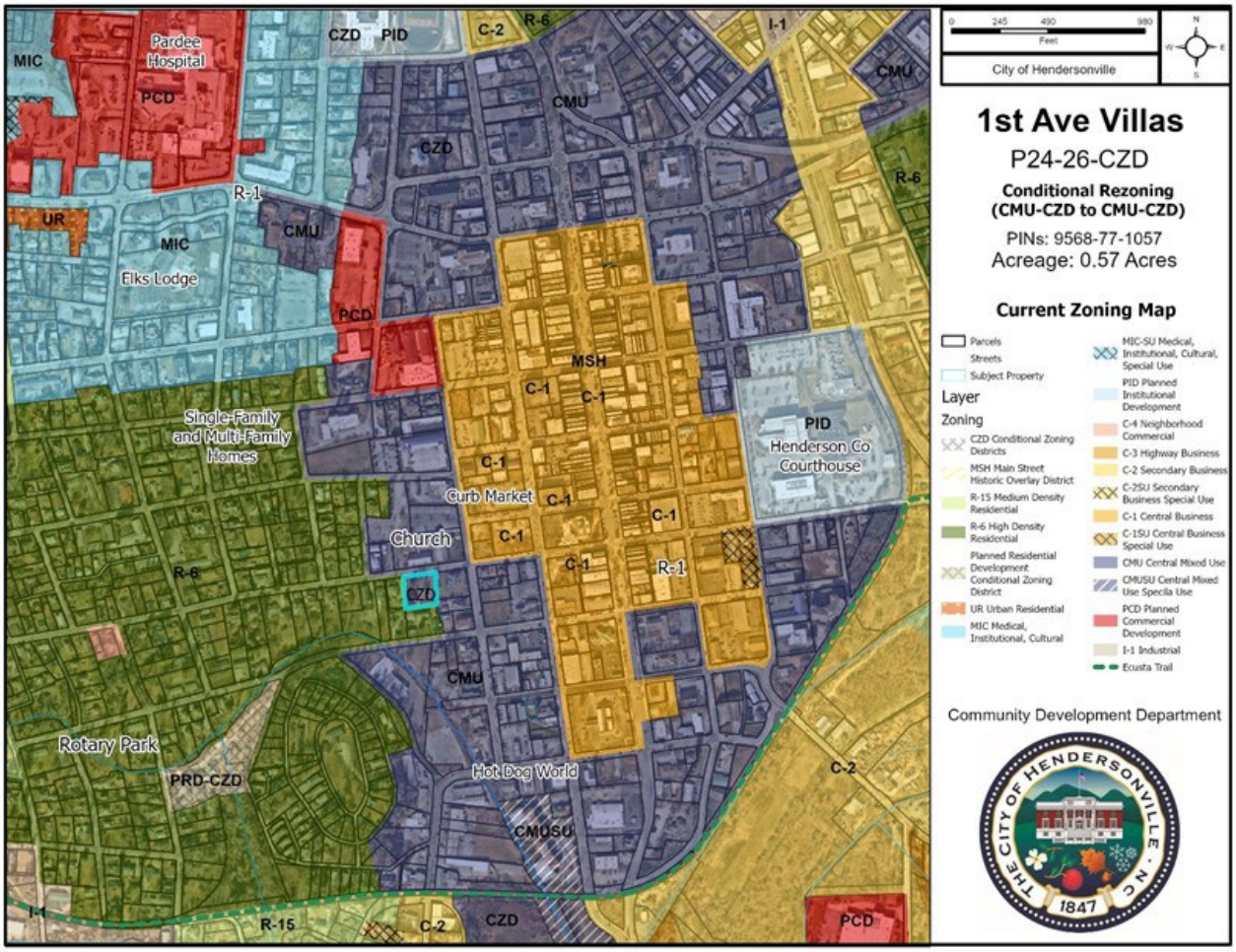
SITE VICINITY MAP

The City of Hendersonville is in receipt of a Conditional Zoning District application from ARY Development, LLC for the property located at 0 1st Ave W (PIN: 9568-77-1057). The current zoning of the property is CMU-CZD (Commercial Mixed Use Conditional Zoning District). The applicant is currently requesting to amend the existing CZD for the construction of 2 three-story buildings comprised of 16 residential units on a .57 acre parcel.

There will be open space located at the front of the property. The 18 parking spaces are located at the center and rear of the property while the entrance and exit to the units is located in the center of the property. There will be a landscape buffer on three sides of the property that border adjacent properties and street trees located along the frontage.

The project was initially reviewed by Planning Board on July 11, 2024. The project was recommended for denial. The applicant has since adjusted their site plan to remove any portions that exceeded 3-stories; now reflecting a max height of 38'. The developer reduced the total unit count by 2 which reduced the overall density from 31.5 to 28 units/acre. They also adjusted the parking arrangement, the building materials and the roofline of the buildings. Planning Board unanimously recommended approval on August 8, 2024

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned CMU - CZD and is located within city limits. The property is on the edge of the CMU zoning, which is located around the periphery of downtown. The CMU zoning is immediately adjacent to the east and north of the subject property. The CMU zoned property to the north of 1st Ave is the location of the 1st Church of the Nazarene. The property to the east at the corner of Washington St is an historic single-family home constructed circa 1882. A small portion of the lot at the very southeast corner is shared by another historic single-family home constructed in 1902. The adjacent parcels to the immediate south and west are zoned R-6. The R-6 property to the south is a multi-family property featuring 5 residential units. The R-6 property to the west is single-family structure built in 1910.

SITE IMAGES

View of subject property from First Avenue W (facing south). The building visible at the back of the property is a multi-family unit located on an adjacent property.

Mature trees located on subject property (view from First Avenue W facing southeast).

SITE IMAGES

View of adjacent property to the west.

Tree buffer to adjacent property (facing east).

SITE IMAGES

View of right of way looking east.

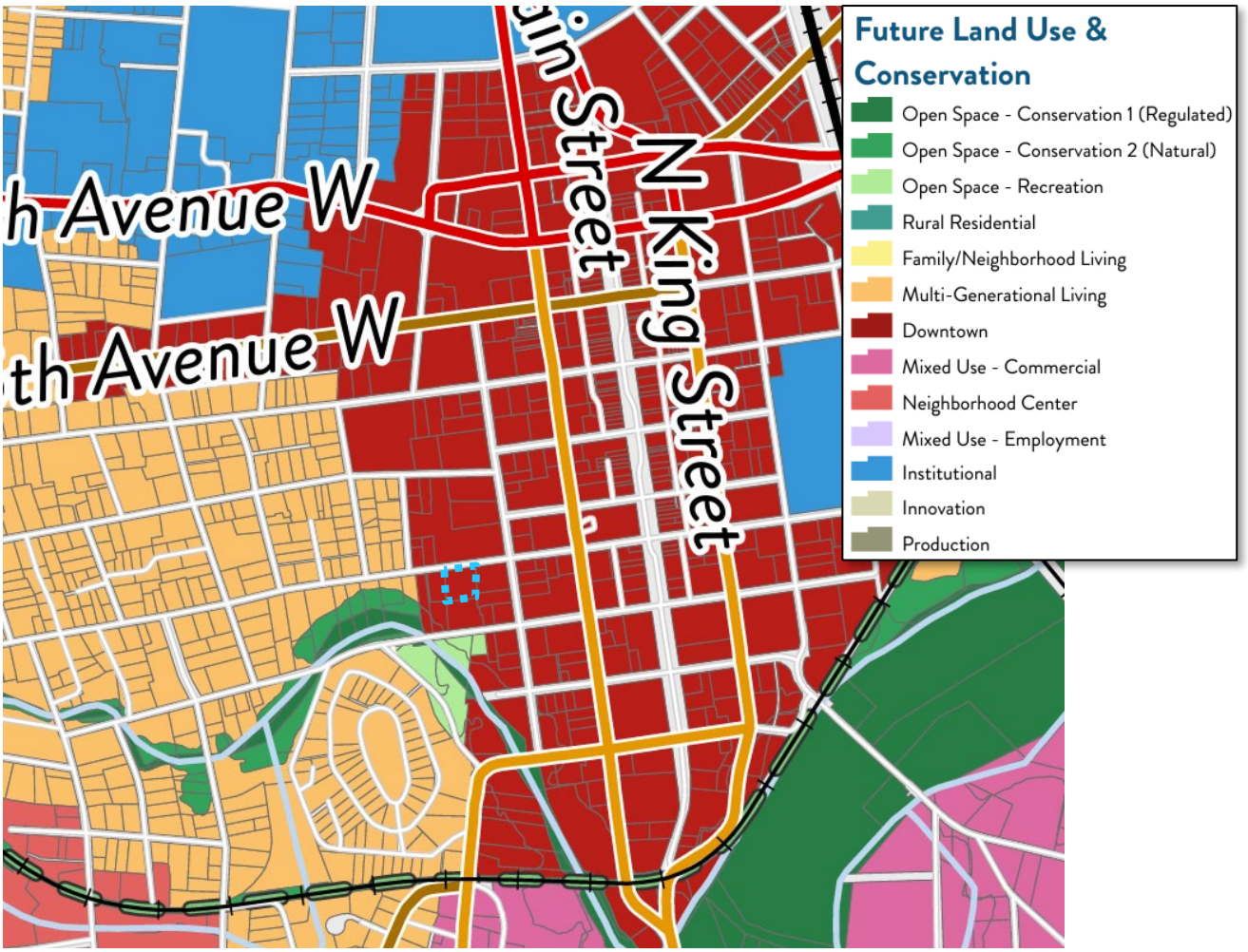
View of right of way looking west.

SITE IMAGES

Existing driveway running through property.

View of 1st Church of the Nazarene and 1st Ave from frontage of subject property

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The subject property is designated a "Downtown" in the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map. The Downtown Character Area encompasses all of the properties to the east of the subject parcel. The first two parcels to the west of the subject property are designated as Downtown. The designation then transitions to Multi-Generational Living as you move westward. Open Space – Conservation 1(Regulated) is to the south of the subject property following the Wash Creek floodplain.

West Ave Villas Proposal Timeline:

August 2020 – Conditional Rezoning (R-6 to CMU-CZD) - 10 Units (Two 1,742 Sq Ft Buildings +Two Garage Apts) – APPROVED
August 2021 – Conditional Rezoning (CMU-CZD Amended) - 11 UNITS (Two – 1,742 Sq Ft Buildings + Three Garage Apts) 340 Sq Ft Total Increase – APPROVED

Note:

With the adoption of the new Gen H Comprehensive Plan, the future land use for this property is now considered Downtown.

Full Minutes from City Council Meeting:

August 2020 Adoption of CMU-CZD Rezoning:
https://mccmeetings.blob.core.usgovcloudapi.net/hvlnc-pubu/MEET-Minutes-742cc7de0f094b0f9d6754d8941c3eeb.pdf

August 2021 Update to CZD:

https://mccmeetings.blob.core.usgovcloudapi.net/hvlnc-pubu/MEET-Minutes-3cb3462df8a840ff9b290d0d871faa1d.pdf

PROPOSED REQUEST DETAILS

Site Plan Summary:

- Proposed Use: Residential, multi-family
- Total Dwelling Units: 16
- Site: .57 Acres
- Density: 28 Units / Acre
- Buildings:
  - Building 1 - 2,432 Sq Ft (footprint)
  - Building 2 - 2,432 Sq Ft (footprint)
  - Gross Floor Area - 18,832 Sq Ft
  - Height:
    - Mid-point of gable between ridge and eaves (height by definition) = 44'
    - Height of Ridge for 3-Story portion = 40'
    - Height of Ridge for 4-Story portion = 48' (highest point)
- Open Space: 1,181 Sq Ft of Urban Open Space
- Impervious Paver Area: 3,861 Sq Ft
- Transportation:
  - 1 centrally located vehicular access point off of 1st Ave
  - The projected Average AM Peak Trips = 9.18 (Threshold for TIA = 100)
  - The projected Average PM Peak Trips = 11.16 (Threshold for TIA = 100)
  - The projected Daily Trips = 118 (Threshold for TIA = 1,000)
- Sidewalks:
  - Staff is proposing that a Fee-in-Lieu of sidewalk be provided given the existing continuous sidewalk on the north side of 1st Ave and the right-of-way limitations for providing a continuous sidewalk on the south side of 1st Ave.
- Lighting:
  - All site lighting will be required to conform to the City's lighting standards for multi-family developments. The lighting plan is a component of the final site plan review.
- Parking:
  - Off-Street Parking
    - Required: 1 per unit (1&2-bedroom units) = 16 spaces
    - Provided: 18 spaces
      - 1 ADA
  - On-Street Parking
    - 12 -13 on-street parallel parking spaces provided on north side of

Ave to alleviate concerns of under parking and to provide buffer for pedestrians.

- Drive Aisles
  - The center drive aisle is 26' wide.
  - The parking lot drive aisle is 24' 9"

- Landscaping:
  - This development will be required to provide:
    - Vehicular Use Landscaping
      - Interior parking lot plantings (Sec. 15-9 a))
      - Planting strip to buffer from rear property (Sec. 15-9 b))
    - Street Trees (Sec. 15-15)
    - Urban Open Space landscaping (Sec. 5-19-3.3 f) 3))
    - A detailed Landscaping Plan will be provided at final site plan

- Building Design:
  - 3-Story design with a 4-Story step-up on portion of building furthest from the street
  - Building Materials - Additional Information needed
    - Some heavier stone materials placed on lower portion of 1st story
  - Balconies proposed for 2nd and 3rd floors on front façade
  - Balconies and patios proposed for all floors on side facades
  - Roof line features a variety of gables and false gables

- Floodplain: N/A

- Stream Buffer: N/A

DEVELOPER PROPOSED CONDITIONS: None

OUTSTANDING ISSUES & CITY-PROPOSED CONDITIONS:

COMMUNITY DEVELOPMENT:

Site Plan Comments:

- The site plan accompanying this petition meets the standards established by the Zoning Ordinance for CMU-CZD with the following exceptions [Resolved / Unresolved]:
  - Loading Zone partially encumbers Sidewalk - Developer-Proposed Condition Needed [Unresolved]
  - Additional information needed on Building Materials [Resolved]
  - Update Land Disturbance delineation. Appears to encompass entire parcel. [Resolved]
  - Provide calculations for landscaping requirements. In table form, provide the area or length of required buffers, vehicular use area, urban space, etc, and provide the planting calculations required based on the zoning standards, provide the total plantings for each planting

requirement. Consider separate preliminary landscaping plan on separate sheet [Resolved]
- Type A Buffer Plantings as depicted are insufficient on west side property boundary. Alternative Compliance may be achieved on east property boundary at Final Site Plan. [Resolved]
- Placement of 38' tall buildings located 8' from the property lines of adjacent single-family homes, could be considered "unreasonable loss of privacy" as is referenced in Section 18-6-1 and revisited under Sec 18-6-4.4. Further, it would have impacts to the existing neighborhood as is given consideration under Chapter 8 of the 2030 Comprehensive Plan under LU-3.5 "Minimize negative impacts from growth and land use changes on existing land uses" [Resolved with Conditions]

- The following comments need to be addressed to improve clarity or improve site design and function [Resolved/Unresolved]:
  - Provide Building Dimensions and Parking Area Dimensions [Unresolved]
  - Discrepancies exist between square footage totals shown on site plan for each building vs those shown in the "Site Statistics" table [Resolved].
  - Clarity is needed on potential discrepancies between footprint square footage and gross floor area [Resolved]
  - Provide canopy area and indicate trees to be removed vs trees to be preserved on the "tree survey". [Resolved]
  - Parking Spots 14 and 7 appear encumbered by building columns [Resolved]
  - Parking Spot 11 is encumbered by a proposed tree to be preserved [Resolved]
  - Loading Zone appears difficult to access / limited in use [Resolved]
  - Improve clarity of building footprint where surface level parking is provided under the 2nd floor [Resolved]
  - Add note that this will meet the screening requirements of 5-19-3.3 c). [Resolved]
  - Dumpster location appears difficult to access for trash removal [Resolved]

Proposed City-Initiated Conditions [Zoning Compliance]:

- In order to reduce unreasonable loss of privacy, the existing vegetation on the east property edge should be fully preserved. [Developer has agreed - Finalize Details]
- In order to reduce unreasonable loss of privacy, provide increased screening on west side of project
  - Developer Response: Will provide vegetated screening on 2nd & 3rd Floor Balconies and increase new tree plantings in buffer on west side of project. [Developer has agreed]

DEVELOPMENT REVIEW COMMITTEE COMMENTS:

The Development Review Committee consist of the following Departments/Divisions and Agencies: Engineering, Water/Sewer, Fire Marshal, Stormwater Administration, Floodplain Administration, Public Works, NCDOT, Henderson County Soil & Erosion Control and the City's Traffic Consultant. While all pertinent members of the DRC reviewed this project, staff has provided only the relevant/outstanding comments / conditions below:

FIRE MARSHAL

Site Plan Comments:

- Please make sure that this surface shall be capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. [Resolve at Final Site Plan]

Proposed City-Initiated Conditions:

- None

PUBLIC WORKS

Site Plan Comments:

- For on-street parking:
  - Add dimensions showing the width of the road [Resolve at Final Site Plan]
  - Remove the mid-block crosswalk [Resolved]
  - Close the 17' 10" gap in the parking spaces [Resolved]
  - Show the drive entrance on the west end of the building as well to make sure we have the setback from that entrance/exit. [Resolve at Final Site Plan]

Proposed City-Initiated Conditions:

- None

TRANSPORTATION

Staff Comments:

- A TIA was not required for this project due to the low expected trip generation. The City's triggers of 100 Peak Hour Trips and 1,000 Daily Trips were not met.
- The trip generation for this project is 28 AM Peak Hour Trips, 28 PM Peak Hour Trips and 191 Daily Trips

Proposed Condition:

- None

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

GENERAL REZONING STANDARDS	
1) COMPREHENSIVE PLAN CONSISTENCY	**LAND SUPPLY, SUITABILITY & INTENSITY** The subject property is located on a vacant or underutilized property in the Land Supply Map. It ranks as "Highly Suitable" for residential development in the Suitability Assessment. The subject property is in a Focused Intensity Node centered at the intersection of Greenville Hwy & Spartanburg Hwy.
	FUTURE LAND USE & CONSERVATION MAP **Designation:** Downtown **Character Area Description:** Consistent **Zoning Crosswalk:** Consistent **Focus Area Map:** N/A
	LONG-RANGE PLANNING COMMITTEE RECOMMENDATION The Long-Range Planning Committee reviewed the proposal for Comprehensive Plan Consistency at their meeting held on July 30, 2024. The LRPC supported the staff analysis for comprehensive plan consistency and concurred that the proposed conditions for Rezoning Criteria found below would alleviate areas of inconsistency.
2) COMPATIBILITY	**Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –**
	In addition to a general analysis of the existing conditions, staff has utilized the Gen H Comprehensive Plan as a guide for further evaluating issues related to "compatibility". The analysis below includes an assessment of how the project aligns with the overall Goals and overarching Guiding Principles found in Chapter IV of the Gen H Plan. Additionally, because this project is located within the boundaries of the Downtown Master Plan, staff evaluated the project according to the Design Guidelines found in Chapter V of the Gen H Plan.
	EXISTING CONDITIONS The subject property is currently vacant. It is surrounded by single-family and multi-family residential homes. Directly across 1st Avenue from the subject property is Hendersonville First Church of Nazarene. To the northwest of the property is the West End National Register Historic District, which primarily consists of single-family homes on varying sized lots. There are also a mix of multi-family units in small apartment buildings or in homes that have been converted into multi-family. To the east of the property is Downtown - the city's core commercial business district.
	GEN H COMPREHENSIVE PLAN GOALS (Chapter IV) **Vibrant Neighborhoods**: Consistent **Abundant Housing Choices**: Consistent **Healthy and Accessible Natural Environment**: Somewhat Consistent **Authentic Community Character**: Somewhat Consistent **Safe Streets and Trails**: Consistent

	Reliable & Accessible Utility Services: Consistent **Satisfying Work Opportunities**: N/A **Welcoming & Inclusive Community**: Consistent **Accessible & Available Community Uses and Services**: N/A **Resilient Community**: N/A
	GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES (Chapter IV) **Mix of Uses:** Consistent **Compact Development:** Somewhat Consistent **Sense of Place:** Somewhat Consistent **Conserved & Integrated Open Spaces:** Somewhat Consistent **Desirable & Affordable Housing**: Consistent **Connectivity**: Consistent **Efficient & Accessible Infrastructure:** Consistent
	DESIGN GUIDELINES ASSESSMENT (Chapter V) Key compatibility concerns for an infill development of this scale can be addressed through the application of design guidelines such as those found in Chapter 5 of the Comprehensive Plan. Primary areas of concern for compatibility are site design, building height and architectural design. Site Design - Many aspects of the site plan align with the Design Guidelines in Chapter 5 of the Comprehensive Plan including: building placement, landscaping, parking and on-site open space. One area of concern is the buildings do not parallel the street edge. Height - the applicant has revised the proposal to reduce the overall height to 38' which aligns with the Downtown Design Guidelines in Chapter 5 of the Comprehensive Plan for both maximum height and residential transitions. It is also not out of scale with existing adjacent residential structures. Architectural Design - while many aspects of the building design align with the design guidelines, notable shortcomings involve the activation of the ground-floor through the provision of functioning stoops/porches and pedestrian entries on primary frontage.
3) Changed Conditions	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment -**
	The property has previously been rezoned to accommodate 11 units on the property. Additionally, the Ecusta trail, which will be partially completed by the end of this year, is a new transportation and recreation facility located less than 1/2 mile from the subject property.
4) 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 -**
	The status of the region's affordable housing crisis is well documented from reports such as the Bown Study. The City of Hendersonville is currently engaged in a Strategic Housing Plan to further address this issue.
	The provision of 16 additional housing units on a relatively small, infill parcel will put residents within close proximity to employment, shopping, recreation, etc. The proposed development would utilize existing infrastructure and city services.

5) 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 subject property will be served by City of Hendersonville services. The subject property is located within the City's existing interconnected street grid, which facilitates the disbursement of additional automobile traffic, and is in close proximity to the Ecusta trail, and less than a 5-minute walk to historic Main St, both of which facilitate a reduction in typical per household vehicular miles traveled.
6) 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 -**
	Mature Trees: There are a number of mature trees and vegetation around the subject property. Tree canopy in the center of the property is proposed to be removed. Some of the trees on the east side of the property are proposed to be removed while others will be preserved and incorporated into the required buffer. **Stormwater**: Stormwater management standards are not triggered by this development due to the disturbed area being less than 1 acre. The developer proposes to utilize pervious pavers for the center drive aisle and parking area.

REZONING CRITERIA STAFF ANALYSIS & CONDITIONS

Staff Analysis

1) Comprehensive Plan Consistency - Staff finds the petition and site plan to be generally consistent with the Gen H Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description.
2) Compatibility - Staff finds that the general location of the project and its proximity to a mix of land uses is compatible with the city's overall growth strategies. Areas of inconsistencies arise when considering the compatibility of the design of the project through the lens of the Goals, Guiding Principles and Design Guidelines found in Chapter IV & V of the Gen H Plan. The compatibility issues relate to design elements of the proposed structures and how they interface with the street frontage. These inconsistencies are addressed by the conditions proposed by staff outlined below.
3) Changed Conditions - Staff finds that the changed conditions related to construction of the nearby Ecusta Trail supports increased density in areas located in close, walkable proximity to off-street trails.
4) Public Interest - Staff finds that the provision of additional higher density housing facilitates the provision of increased housing stock.
5) Public Facilities - Staff finds that the proposed development would efficiently utilize existing services and infrastructure. Staff would highlight that the existing interconnected street grid, pedestrian facilities and nearby off-street trails combine to create opportunities to disperse automobile traffic and reduce vehicular trips.
6) Effect on Natural Environment - While some tree removal and an overall reduction in pervious area is proposed, the proposal does include the preservation of some mature trees and shrubs and proposes to utilize pervious pavers to reduce the overall use of

impervious materials.

Proposed City-Initiated Conditions [Rezoning Criteria]:

- Provide fully functioning upper-floor balconies and first-floor patios on front façade with front entrances connected to right-of-way. [Developer Agreed]
- Provide sidewalk connection to street edge from first-floor units and from sidewalks which flank center-drive aisle. [Developer Agreed]
- Provide fenestration on front facing façade of rear elevator/stairwell [Developer Agreed]
- Enclose the rear and front stairwells in order to better blend with surrounding neighborhood. At a minimum use fenestration on street-facing sides to provide light and design consistency. Fenestration on front, street-facing façades should align horizontally throughout the development - i.e. windows on elevator/stairwell should align with windows on residential units. [Developer Agreed]
- Provide delineated on-street parking on north side of 1st Ave to address parking concerns expressed at NCM, to help buffer the sidewalks and to help achieve Strategy LU-6.4 and Action PH-3.1.1 of the 2030 Comp Plan and Sec. 5-19-3.3 of the Zoning Code - [Developer Agreed]

Proposed Planning Board-Initiated Conditions [Rezoning Criteria]:

- Utilize pervious material throughout the parking and drive area [Developer Agreed to expand pervious area]

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

The petition is found to be ***consistent*** with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition is consistent with the Future Land Use and Conservation Map Designation of 'Downtown' and the corresponding Character Area Description found in Chapter IV of the Gen H Comprehensive Plan.

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:

Planning Board [Rationale for Approval]:

- *The petition incorporate a mix of housing types into an existing urban neighborhood*
- *The petition provides an efficient use of property in the core of the city*
- *The petition would place residents within an area of existing city services and infrastructure*
- *The petition would place residents within walkable / bikeable proximity of a range of destinations including employment, shopping, and recreation.*
- *The petition provides walkable neighborhood design characteristics*
- *The petition proposes to have a vibrant interface with the public realm*
- *The petition limits the unreasonable loss of privacy on adjacent properties*

DRAFT [Rational for Denial]

- *The petition proposes a development that is incompatible with the existing neighborhood due to height, scale, and architectural design.*
- *The petition proposes a density that is out of character with the surrounding neighborhood*
- *The petition would generate excessive traffic, noise and light in an existing residential neighborhood.*
- *The petition would cause an unreasonable loss of privacy*

PLANNING BOARD RECOMMENDATION
PROJECT #: P24-26-CZD
MEETING DATE: August 8, 2024

PETITION REQUEST: 1st Ave Villas (CMU to CMU)

APPLICANT/PETITIONER: Rafique Charania, ARY Development (owner)
Sarah McCormick, Peacock Architects (applicant)

PLANNING BOARD ACTION SUMMARY:

Staff gave a 33-minute presentation on the requested development - reviewing the site plan in light of guidance from the Gen H Comprehensive Plan and the criteria for considering a rezoning. Staff also presented a range of staff-proposed conditions. The Planning Board asked questions pertaining to the recusal of a member of the Planning Board who's client is the property owner, the proposed parking for the project, the use of pervious materials and potential solutions for loss of privacy. In total Planning Board considered this item for 1 hour and 44 minutes.

APPLICANT PRESENTATION:

The property owner was represented by legal and architectural professionals. The legal representative reviewed aspects of the Gen H Comprehensive Plan and zoning code references. The architect presented renderings of the site. During the presentation the applicant agreed to the several of the staff-proposed conditions including the following:

- In order to reduce unreasonable loss of privacy, the existing vegetation on the east property edge should be fully preserved.
- Provide fully functioning upper-floor balconies and first-floor patios on front façade with front entrances connected to right-of-way.
- Provide sidewalk connection to street edge from first-floor units and from sidewalks which flank center-drive aisle.
- Provide fenestration on front facing façade of rear elevator/stairwell
- Enclose the rear and front stairwells in order to better blend with surrounding neighborhood. At a minimum use fenestration on street-facing sides to provide light and design consistency. Fenestration on front, street-facing façades should align horizontally throughout the development - i.e. windows on elevator/stairwell should align with windows on residential units.
- Provide delineated on-street parking on north side of 1st Ave to address parking concerns expressed at NCM and to help buffer the sidewalks.

The developer did not agree to two staff-proposed conditions: 1) aligning the building edge with the street edge and 2) shifting the balconies to the interior of the site. The developer is reviewing two additional Planning Board proposed conditions: 1) address unreasonable loss of privacy on west side in order to achieve zoning code compliance and 2) utilize pervious material throughout the parking and drive area.

PUBLIC COMMENT:

Limited to 3 minutes per person.

- Ken Fitch, 1046 Patton St - brought up issues related to size of the parcel, the perspective of the renderings, buildings out of character with the neighborhood, parking, safety, traffic and the removal of trees.
- Lynne Williams, Chadwick Ave - took issue with Tamara Peacock being in the room during the deliberation and staff speaking with the applicant's attorney. She brought up issues related to impacts to buffers, expansion of front balconies, location of dumpsters, the number of meetings on this project, gentrification/affordability, and incompatibility of the character of buildings.
- Katy Gash, 705 Ciccone Drive - church is located just a couple parcels to the west, has some concerns with potential impacts. However, she felt as though the developer is making a good faith effort to address concerns heard at the previous Planning Board meeting. She expressed that the project aligned with the Gen H Comprehensive Plan and the developer should not be faulted for aligning their plans with the City's plans. Still has concerns related to gentrification.
- Alfred King, 105 Fleming St - long-time resident. He saw parking as the biggest concern. Pointed out that the verbally referenced Parking Agreement with 1st Church of the Nazarene would potentially go away if the Church ultimately needs to utilize that space. It is not an affordable project. It doesn't match the neighborhood. And there is not enough parking.

DELIBERATION:

The Planning Board deliberated about "unreasonable loss of privacy", reviewed the various conditions and proceeded with a motion that included addressing privacy concerns on the west side and expanding the pervious vehicular use area proposed by the developer to cover the entire parking lot rather than just the center drive, loading zone and parallel parking spaces.

MOTION:

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

COMPREHENSIVE PLAN CONSISTENCY STATEMENT:

The petition is consistent with a range of Goals, Guiding Principles and the Future Land Use Designation of Chapter IV of the Gen H Comprehensive Plan.

REASONABLENESS STATEMENT:

[Rationale for Approval]

1. The petition incorporate a mix of housing types into an existing urban neighborhood
2. The petition provides an efficient use of property in the core of the city
3. The petition would place residents within an area of existing city services and infrastructure
4. The petition would place residents within walkable / bikeable proximity of a range of destinations including employment, shopping, and recreation.
5. The petition provides walkable neighborhood design characteristics
6. The petition proposes to have a vibrant interface with the public realm
7. The petition limits the unreasonable loss of privacy on adjacent properties

BOARD ACTION

- **Motion/Second**: Hanley / Johnson
- **Yeas**: J. Robertson (Chair), Hanley, Flores, Waters, Johnson
- **Nays**: N/A
- **Absent**: Cromar, B. Robertson, Gilgis, Whiting
- **Recused**: Peacock (started the meeting on the dais but recused prior to this action item)

Chapter 4 - The Vision for the Future	Consistent	Inconsistent
SUPPLY, SUITABILITY, & INTENSITY		
LAND SUPPLY MAP (Pg. 81, Figure 4.4)	Consistent	
LAND SUITABILITY MAP (Pg. 84-86, Figure 4.5-4.7)	Consistent	
DEVELOPMENT INTENSITY MAP (Pg. 89, Figure 4.9)	Consistent	
FUTURE LAND USE & CONSERVATION MAP		
Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12)	**Downtown**	
Character Area Description (Pg. 122-131)	Consistent	
Zoning Crosswalk (Pg. 132-133, Figure 4.18)	Consistent	
Focus Area Map (Pg. 134-159)	NA	NA

Chapter 4 - The Vision for the Future	Consistent	Inconsistent
GOALS		
VIBRANT NEIGHBORHOODS (Pg. 93)		
Promote lively neighborhoods that increase local safety.	Consistent	
Enable well-maintained homes, streets, and public spaces.	Consistent	
Promote diversity of ages (stage of life), income levels, and a range of interests.	Consistent	
The design allows people to connect to nearby destinations, amenities, and services.	Consistent	
Abundant Housing Choices (Pg. 93)		
Housing provided meets the need of current and future residents.	Consistent	
Range of housing types provided to help maintain affordability in Hendersonville.	Consistent	
Housing condition/quality exceeds minimum standards citywide	Consistent	
Healthy and Accessible Natural Environment (Pg. 94)		
Recreational (active and passive) open spaces are incorporated into the development.	Consistent	
Water quality is improved with the conservation of natural areas that serve as filters and soil stabilizers.	Somewhat Consistent	
Natural system capacity (floodplains for stormwater; habitats to support flora/fauna; tree canopy for air quality, stormwater management, and microclimate) is maintained.	Somewhat Consistent	
Development is compact (infill/redevelopment) to minimize the ecological footprint.	Consistent	
New development respects working landscapes (e.g., orchards, managed forests), minimizing encroachment.	NA	NA
Authentic Community Character (Pg. 94)		
Downtown remains the heart of the community and the focal point of civic activity	Consistent	
A development near a gateway sets the tone, presenting the image/brand of the community.	NA	NA
Historic preservation is utilized to maintain the city's identity.		Inconsistent
A development is considered a quality development that preserves the city center or neighborhood.	Somewhat Consistent	
Safe Streets and Trails (Pg. 95)		
Interconnectivity is promoted between existing neighborhoods through the building out of street networks, including retrofits and interconnectivity of new developments.	Consistent	
Access is increased for all residents through the provision of facilities that promote safe walking, biking, transit, automobile, ride share, and bike share.	Consistent	
Design embraces the principles of walkable development.	Somewhat Consistent	
Reliable & Accessible Utility Services		
A compact service area (infill, redevelopment) maximizes the utilization of existing infrastructure and feasible service delivery.	Consistent	

Satisfying Work Opportunities (pg. 96)		
The development promotes quality job options.	NA	NA
Welcoming & Inclusive Community		
Accessibility exceeds minimum standards of ADA, fostering residents' and visitors' sense of belonging.	Consistent	
Accessible & Available Community Uses and Services (Pg. 97)		
Private development is plentiful, meeting the demands of current and future populations.	N/A	N/A
Resilient Community		
N/A		
GUIDING PRINCIPALS (pg. 98)		
Mix of Uses (Pg. 98)		
Revitalization of Outdated Commercial Areas	Consistent	
New business and office space promotes creative hubs.	NA	NA
Compact Development (Pg. 100)		
Development is consistent with efforts in the area to establish 15-minute neighborhoods.	Consistent	
The infill project is context sensitive.	Somewhat Consistent	
Sense of Place (Pg. 102)		
The development contributes to Hendersonville's character and the creation of a sense of place through its architecture and landscape elements.	Somewhat Consistent	
Conserved & Integrated Open Spaces (Pg. 106)		
A diverse range of open space elements are incorporated into the development.	Somewhat Consistent	
Desirable & Affordable Housing (Pg. 108)		
Missing middle housing concepts are used in the development.	Consistent	
Connectivity (Pg. 112)		
The development encourages multimodal design solutions to enhance mobility.	Consistent	
Efficient & Accessible Infrastructure (Pg. 114)		
The development utilizes existing infrastructure	Consistent	

Chapter 5 - Downtown Design Guidelines	Consistent	Inconsistent
PUBLIC REALM		
Blocks (Pg. 212)		
Provide vehicle access to nearby buildings via alleyways or shared driveways.	Consistent	
Utilize smaller curb radii to shorten crossing distances for pedestrians.		Inconsistent
Extend the historic downtown block pattern throughout the entirety of the downtown character districts.	Consistent	
Implement interior pedestrian cut throughs as necessary to achieve the ideal block size (300-500').	Consistent	
Main Street & Downtown Edge Character Districts (Pg. 213)		
Any future development or redevelopment within the Main Street and Downtown Edge character districts should maintain consistent with the existing block size and grid layout along Main Street and in the downtown core.	Consistent	
New connector streets and alleys should be considered where appropriate to increase better access and circulation.	NA	NA
Streetscape Character (Pg. 218-222)		
The streetscape character matches the street classification the development is located on. (Pg. 218-219)	Consistent	
The streetscape zones are sufficient for the street classification. (Pg. 224-234)	Consistent	
Pedestrian & Bike Infrastructure (Pg. 238-243)		
Sidewalks (Pg. 238)		
Internal sidewalk connections should be provided between buildings and from buildings to all on-site facilities including parking areas, bicycle facilities, open spaces, and amenities.	Consistent	
External sidewalks should be provided from all buildings onsite to the existing or proposed sidewalk system and to abutting multi-use trails, parks, and greenways.		Inconsistent
Greenways & Trails (Pg. 238)		
Expand and improve greenway and trail networks to create connections between neighborhoods, parks, and destinations.	NA	NA
On-Road Facilities		
Sidewalks (Pg. 240)		
Expand existing sidewalk network to fill gaps in connectivity. Downtown sidewalks, where feasible, should be a minimum of 10' in width to promote walkability.	Consistent	
Incorporate buffer zones, such as landscaped areas or street furniture, between sidewalks and vehicular traffic	Consistent	
SITE DESIGN (Pg. 254-265)		
Frontage Types (Pg. 254)		
Identify which Frontage Type the development is and write in cell to the right.	Secondary	

Building Placement & Setback Character (Pg. 254-255)		
Orientation (Pg. 254-255)		
Building faces the street and is accessible from the sidewalk.	Somewhat Consistent	
Site layout shall prioritize placing buildings towards the front of the lot, with parking situated to the side and/or rear of the building	Consistent	
Buildings located on a corner should have one of the following architectural features: Two entrances, one primary and one secondary, located on each frontage. Architecturally prominent corner entry with vertical emphasis through building height or architectural elements like porches, colonnades, etc.	NA	NA
Setback Line (Pg. 255)		
The setback line is based off of the future back of curb - based on Frontage Type (Pg. 256, refer to Figure 5.26)	Consistent	
Build-To-Zone		
The Build-to-Zone begins at the required Frontage Type setback line (Pg. 256, refer to Figure 5.26)	Consistent	
Build-To-Percentage		
The Build-To-Percentage refers to the proportion of a lot's frontage that must be occupied by the building façade. (Pg. 256, refer to Figure 5.26)	Consistent	
Setback Exceptions (Pg. 255)		
Refer to this section for setback exceptions for Primary and Primary-Other classification. (Pg. 255)	NA	NA
Building Height		
Story (Pg. 257)		
New downtown buildings must be at least two stories tall, with exceptions for certain accessory structures like retail kiosks or public restrooms	Consistent	
Building Height by District		
The permitted building height varies according to the specific character district. Refer to Figure 5.28	Consistent	
The building height is appropriate based off of the maximum heights set by the Building Heights Map (Figure 5.31, Pg. 259).	Consistent	
Rear and Side Setbacks for Development		
Character District Transitions (Pg. 260)		
When development is located next to a district with a lower height restriction, the development should be no more than one-story differential for the first 50 feet of building width.	Consistent	
Residential Transitions (Pg. 260)		
Development adjacent to residentially zoned land and/or historic structure should be no more than one-story differential for the first 50 feet of building width.	Consistent	

Greenway & Trail Frontage (Pg. 260)		
When future development is planned along a proposed trail as outlined on any adopted plans, it is the responsibility of the development to construct the portion of the trail along the development frontage.	NA	NA
Connections to Parks and Greenways (Pg. 261)		
When a development abuts an existing or future greenway, park, or open space area, pedestrian/bicycle accessways must be provided at a minimum of every 1000 feet when feasible as determined by City staff.	NA	NA
Landscape (Pg. 261)		
Design landscaping, fencing, and retaining walls to be integrated into the site and its architecture.	Consistent	
Screen service areas, utilities, and parking areas with trees, shrubs, and other landscaping.	Consistent	
Install pedestrian bulbouts at street intersections within the downtown districts to reduce pedestrian crossing distance and expand public space. Integrate plantings, monumentation, public art, and seating within these spaces	NA	NA
Stormwater Management (Pg. 261)		
Underground stormwater detention should be utilized within the downtown districts versus surface detention facilities.	NA	NA
Low impact stormwater management methods such as pervious paving, bioretention, and vegetated landscape islands shall be utilized in surface parking lots.	Consistent	
Utilize innovative stormwater management methods such as the use of bioretention in planting strips along nonprimary streets.	NA	NA
Parking (Pg. 262)		
Surface parking lots shall not be a principal use in any character district	Consistent	
For commercial and institutional/semi-public uses within the character districts, 5% of the total parking spaces should allow for public use during offpeak business hours.	NA	NA
Shared parking is encouraged.	Consistent	
Structured Parking (Pg. 262)		
Parking structures are encouraged within the downtown districts to reduce the footprint of surface lots.	NA	NA
Developments requiring 200 vehicular parking spaces or more must build structured parking.	NA	NA
Parking structures may be a principal use in the character districts.	NA	NA

Parking structures should be wrapped with liner buildings and follow these design duidelines: When adjacent to a frontage, parking structures shall include active uses along 80% of the primary frontage and 60% of the ground floor building length along any seconding frontage, excluding areas of required vehicular and pedestrian egress, and utility rooms. Vertical and horizontal architectural elements should be designed in a manner to approximate the window openings on adjacent habitated portions of the building. 60% of all openings on or visible from a frontage shall be screened with architectural louvers and/or panels.	NA	NA
Parking Requirements (Pg. 262-263)		
Within the Main Street character district, parking requirements are optional with the provision of a fee in lieu of.	NA	NA
Within the Downtown Edge, 7th Avenue, and Lower Trailhead character districts, minimum parking requirements are per the underlying zoning district.	Consistent	
The following parking maximums apply to properties within each of the character districts regardless of the underlying zoning designation (Figure 5.33, Pg. 263).	Consistent	
Trailhead Parking (Pg. 263)		
Surface lots for trailhead parking are allowed within the 7th Avenue and Lower Trailhead character districts.	NA	NA
Trailhead parking lots must be spaced a minimum ½ mile from each other.	NA	NA
These parking lots shall hold 10 spaces or fewer, including ADA spaces.	NA	NA
Trailhead parking lots may incorporate amenities such as restrooms, water fountains, trash/recycling receptacles, and benches.	NA	NA
Parking lots must be screened from the trail and the public street utilizing landscaping at a minimum width of a 10' landscape buffer.	NA	NA
On-Site Open Space (Pg. 264)		
All proposed developments are required to provide onsite open space except for developments on parcels onefourth acre or less in size.	Consistent	
Developments shall provide a minimum of on-site open space in accordance with the following: Main Street: 5%, Downtown Edge: 10%, 7th Avenue: 10%, Lower Trailhead: 15%	Consistent	
Public On-Site Open Space (Pg. 264)		
Public on-site open space should be provided in accordance with Table 5.34 on Pg. 264.	Consistent	
On-Site Open Space Types (Pg. 264)		
Appropriate on-site open space is provided in accordance with Figure 5.36 Pg. 265.	Consistent	
BUILDING DESIGN		
Architectural Character (Pg. 266)		
Development design fits into the existing architectural character of the character district its located in.	Somewhat Consistent	

Façade Articulationa and Massing (Pg. 268-269)		
For buildings 150 feet in length or longer: Façades shall be divided into shorter segments by means of modulation; such modulation shall occur at intervals of no more than 60 feet and shall be no less than 2 feet in depth. A courtyard, with a minimum width and depth of 60 feet, shall be visible from the street on primary frontages spaced no more than 150 feet.	Consistent	
Ground-floor designs such as arcades, galleries, colonnades, outdoor plazas, or outdoor dining areas shall be incorporated into the building façade and are considered in meeting required build-to percentages. The first two floors above the street grade shall be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance pedestrian environment. Special interest to the base shall be provided by incorporating elements such as corbeling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting, and other sculpturing of the base. Buildings on a corner or at an axial terminus should be designed with additional height or architectural embellishment. Examples include: Chamfered or rounded corners. Projecting and recessed balconies and entrances. Enhanced window designs	Somewhat Consistent	
Building Elements (Pg. 270-275)		
Entry		
The main pedestrian entry shall be a prominent entrance on the primary frontage		Inconsistent
For corner buildings with two frontages, the main pedestrian entry can be located on the corner.	NA	NA
Enhance the design of entry areas with materials, as well as architectural and landscape features, that will naturally guide pedestrians	Somewhat Consistent	
Windows		
Shopfront windows shall not be lower than 2 feet from the ground plane except where architectural elements like floor or ceiling glass curtain walls or glass roll up doors are utilized.	NA	NA
Windows should comprise more than 60% of the building façade in the Main Street and Downtown Edge districts.		Inconsistent
Windows should comprise more than 40% of the building façade in the 7th Avenue and Lower Trailhead districts.	NA	NA
Windows shall be set back 4-6 inches from the façade rather than flush.		Inconsistent
Roof		
Infill development in the Main Street district shall have flat roofs to match the existing architecture of Main Street.	NA	NA
Pitched roofs are permitted in the Downtown Edge, 7th Avenue, and Lower Trailhead districts.	Consistent	
Recessed Doorways		
Recessed doorways are encouraged with 5 feet as the maximum distance of recess from the front wall.	Consistent	
No glass shall be positioned lower than two feet above ground level.	Consistent	
Doors are not permitted to swing into the sidewalk/ pedestrian zone	Consistent	

Activated Ground Floor		
Ground floor façades should be composed primarily of glass to allow views of the use and activity within the buildings	Somewhat Consistent	
Within the Main Street and Downtown Edge districts, the ground floor shall be composed of commercial uses.	Consistent	
Private residences are prohibited on primary frontages within Main Street and Downtown Edge districts.	Consistent	
Primary residence entries, including those for townhomes and brownstones, should incorporate features such as stoops, porches, etc.		Inconsistent
Ground floor design should incorporate elements such as retail displays, planters, art, and canopy coverings to encourage pedestrian activity.	Somewhat Consistent	
Materiality		
Materials chosen for building façades, balconies, windows, or roof should be compatible with the surrounding context of the district but should not be identical as to not allow for any diversity.	Consistent	
All façades visible from a primary frontage shall utilize high-quality finish materials such as: brick, wood, stone, concrete-based stucco, horizontal wood siding, architectural metal panel, or wood shingle.	Consistent	
Within the Main Street and Downtown Edge districts, brick shall be the primary building material. Predominant shall mean more than (50%) of the non-glasses wall surface		Inconsistent
The following materials are prohibited within any of the downtown districts: EFIS, concrete board, concrete block, pre-engineered corrugated metal panels, and vinyl.	Consistent	
Franchise Architecture		
Franchise architecture, a standardized architectural building style used as part of a standardized program to promote brand identity through visual recognition, is not permitted within the character districts.	NA	NA
Franchise architecture should be modified as necessary to be in line with the existing character district in which it is proposed.	NA	NA
Franchise architecture must conform with all Downtown Design Guidelines.	NA	NA
Drive-Throughs		
Drive-through facilities or services are not permitted within the Main Street, Downtown Edge, or 7th Avenue districts. • This applies to any type of drive-through facility or service including restaurants and financial institutions. Walk-up service windows are the preferred service window in a downtown pedestrian-oriented district	NA	NA
Within the Lower Trailhead District, drive-throughs are permitted but cannot be along the primary frontage. They shall be located to the rear of the building.	NA	NA
Signs		

Landmark signs may include historic painted wall signs on a building façade; even if that business or product is no longer on site, the sign adds character to the area, and should be considered a landmark sign.	NA	NA

OWNER

ARY Development LLC
17 OLDE EASTWOOD VILLAGE BLVD
ASHEVILLE NC, 28803

DEVELOPER

ARY Development LLC
17 OLDE EASTWOOD VILLAGE BLVD
ASHEVILLE NC, 28803

CONTRACTOR

TBD
ADDRESS

PHONE
CONTACT NAME

ARCHITECT

PEACOCK ARCHITECTS
129 3RD AVE W
HENDERSONVILLE, NC 28792
828.696.4000

SARAH@PEACOCKARCHITECT.COM
SARAH McCORMICK
ARCHITECTURAL DESIGNER

TAMARA@PEACOCKARCHITECT.COM
TAMARA PEACOCK
ARCHITECT

CIVIL ENGINEER

FEI ENGINEERING
7 GLENN BRIDGE RD, STE H
ARDEN, NC 28704
828.696.0807

TYLER WAGNER
TWAGNER@FEICONSULTING.COM
PROJECT MANAGER

ARY Development LLC

FIRST AVE VILLAS

Hendersonville, NC

BUILDING STATISTICS

BUILDING TYPE:	IIIB
SF:	1ST 4,830 SF
OCCUPANCY TYPE:	R-1
ALLOWABLE AREA (SM)	R-1: 16,000
SPRINKLERED:	NONE
SEPARATED USE:	NA
SEPARATION REQUIRED:	1 HR
INCIDENTAL USE:	NONE
OCCUPANCY LOAD:	R-1:12
PLUMBING REQUIREMENTS:	1 SINK, 1 TOILET, 1 SHOWER PER UNIT
PLUMBING PROPOSED	1 SINK, 1 TOILET, 1 SHOWER PER UNIT
LIFE SAFETY REQUIREMENTS:	SEE A005

SITE STATISTICS

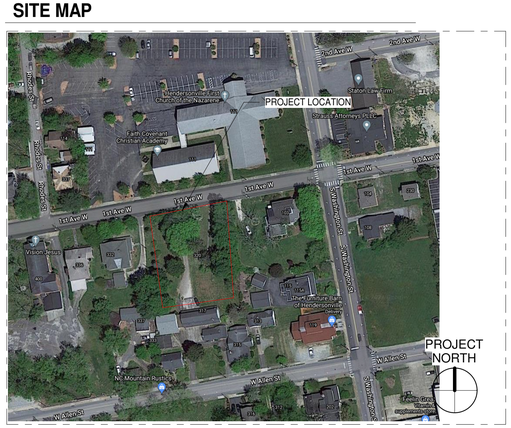
	PROVIDED	REQUIRED
PROP LOC:	**320 FIRST AVE. W.**	
BLOCK:	**--**	
PIN:	**9568771057**	
OWNER:	**ARY Development LLC**	
ZONING:	**CMU-CZD**	
ACREAGE:	**0.57 ACRES**	
IMPERVIOUS %:	**60%**	**80% MAX**
PROPOSED USE:	**16 MULTI-FAMILY UNITS**	
FLOOD DISTRICT:	**N**	
DOMESTIC WASTEWATER:	**PUBLIC SEWER**	
WATER:	**PUBLIC**	
ADA PARKING:	**1 ADA**	**1 ADA**
PARKING:	**18 SPACES**	**16 SPACES**
TREES TO BE REMOVED:	**12**	
NEW TREES TO BE PLANTED:	**25 EVERGREEN**	
TREES IN OPEN SPACE AREA:	**4**	**3**
FRONT SETBACK (FIRST AVE)	**12' 0" FROM CURB**	**12' 0" FROM CURB**
SIDE SETBACK (CMU)	**8' 0"**	**8' 0"**
REAR SETBACK	**5' 0"**	**0' 0"**
SIDE SETBACK (R-6)	**8' 0"**	**8' 0"**
LANDSCAPE BUFFER	**5' 0"**	**5' 0"**
BIKE RACKS	**4**	**0**

1 A001 **3D Cover Sheet View - Large**

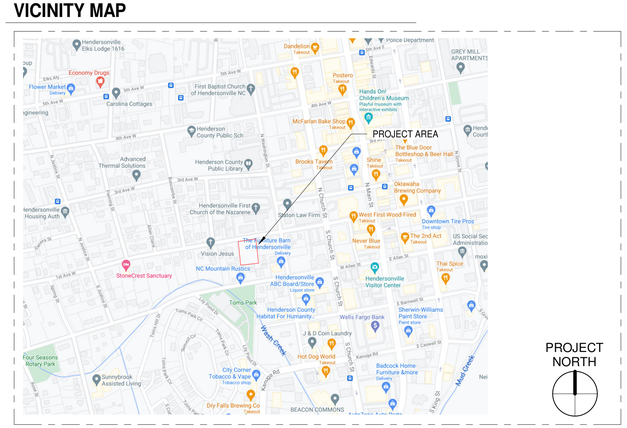
SCOPE OF WORK:

FIRST AVE UNITS:
1. 2 NEW CONDO BUILDINGS WITH 8 NEW UNITS EACH

SITE MAP



VICINITY MAP



Sheet Number	Sheet Name
A001	COVER SHEET
G-17-300	SITE SURVEY
H4D054	TREE SURVEY
SP 101	OVERALL SITE PLAN
SP102	DETAILS
C-101	LANDSCAPING PLAN
MEP101	WATER AND SEWER PLAN
A104	SECOND LEVEL FLOOR PLAN
A401	EXTERIOR ELEVATIONS
A402	EXTERIOR ELEVATIONS

PEACOCK ARCHITECTS

PROJECT DESIGN TEAM:

THE TAMARA PEACOCK CO. ARCHITECTS
129 3RD AVE W
HENDERSONVILLE, NC 28792
PHONE: 828.696.4000
LICENSE #12289

OWNER:

PROJECT NAME:
FIRST AVE VILLAS

320 1ST AVE W HENDERSONVILLE, NC 28792

ARY DEVELOPMENT
DESTINATION LIVING

TAMARA PEACOCK, R.A.
REGISTRATION NO.:12289

ISSUED FOR:

DATE:

SHEET NAME:
COVER SHEET

REVISIONS:

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DATE: 8/15/2024 1:33:34 PM	
PROJ. NO.: CHECKER	
DRAWN BY: AUTHOR	PROJ MNGR.: DESIGNER
REVISED BY: CHECKER	CAPT.: APPROVER

SHEET NO.:
A001

NORTH CAROLINA
HENDERSON COUNTY

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

Sharon M. McCall 2/12/19
REVIEW OFFICER DATE

NORTH CAROLINA
HENDERSON COUNTY

THIS INSTRUMENT WAS FILED FOR REGISTRATION THIS THE 12TH DAY OF FEBRUARY, 2019 AT 2:13 PM O'CLOCK IN PLAT SLIDE NUMBER 11633

William Lee King
REGISTER OF DEEDS

BY: William Lee King ~~DEPUTY~~

BOOK 2019 PAGE 11633 (1)
898307

This document presented and filed:
02/12/2019 02:13:50 PM
WLK
WILLIAM LEE KING, Henderson COUNTY, NC

SLIDE 11633

LEGEND

DB . . DEED BOOK
PG . . PAGE
MNS . . MAG NAIL SET
RBF . . REBAR FOUND
OTF . . OPEN TOP PIPE FOUND
UP . . UTILITY POLE
W . . WATER METER
CO . . CLEAN OUT
S . . SEWER MANHOLE
● . . IRON FOUND OR SET AS NOTED
○ . . CALCULATED POINT - NOT SET

REFERENCES

DB 3131 PG 595
DB 1086 PG 492
DB 1459 PG 198
SLIDE - 6250
SLIDE - 8244
DB 572 PG 589
DB 1068 PG 396
DB 1182 PG 508
DB 874 PG 789

NOTES

SUBJECT PROPERTY TIED TO NC GRID NAD '83 (2011) BY GPS OBSERVATION.

ORIGINAL BOUNDARY SURVEY COMPLETED ON MARCH 6, 2017. THIS SURVEY IS TO SUBDIVIDE PARENT TRACT.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

SURVEYOR WAS NOT PROVIDED WITH A LEGAL TITLE SEARCH. THERE MAY EXIST EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS PERTINENT TO THIS PROPERTY THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE THAT ARE NOT SHOWN ON THIS SURVEY.

THE LOCATIONS OF UNDERGROUND UTILITIES ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED THE SURVEYOR. LOCATIONS OF OTHER UNDERGROUND UTILITIES/STRUCTURES MAY BE PRESENT AND NOT SHOWN. PROPERTY SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD, INCLUDING, BUT NOT LIMITED TO, THOSE SHOWN HEREON.

NO UNDERGROUND UTILITIES WERE LOCATED. CALL 1-800-632-4949 BEFORE DIGGING.

ALL BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR CONSIDERED AS PART OF THIS SURVEY.

NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONDITIONS, CONTAINERS, OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.

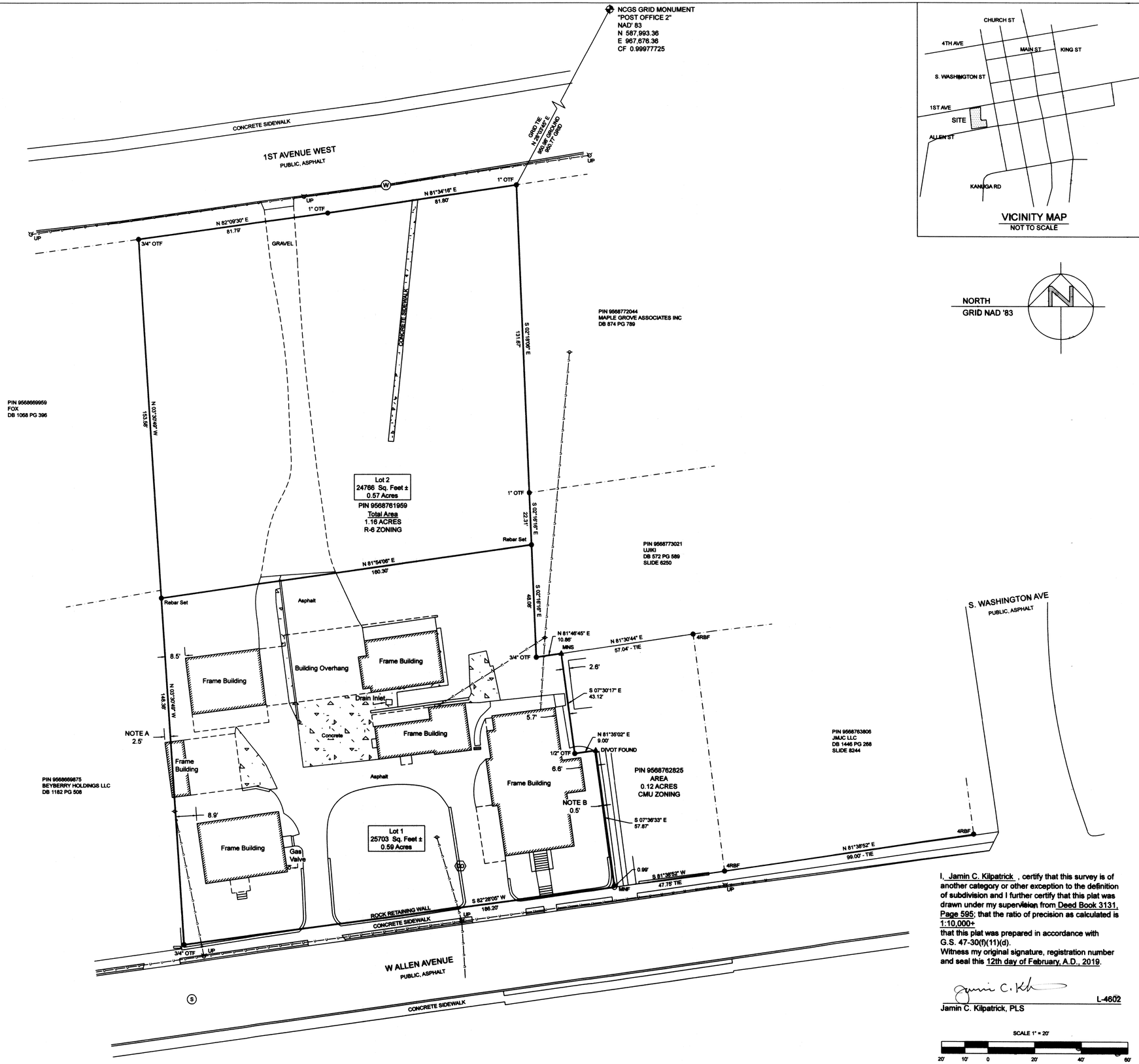
AREA BY COORDINATE COMPUTATION.

PROPERTY LINES SHOWED AS DASHED WERE NOT FIELD SURVEYED. THEY WERE PLOTTED FROM RECORD DOCUMENTS.

THERE IS A POSSIBLE 2.5' BUILDING ENCROACHMENT, SHOWN HEREIN AS "NOTE A."
THERE IS A POSSIBLE 0.5' DRIVEWAY ENCROACHMENT, SHOWN HEREIN AS "NOTE B."

PIN 9568761959 CURRENTLY ZONED R-6 BY THE CITY OF HENDERSONVILLE.
SETBACKS: FRONT - 20' REAR - 10' SIDE - 8'.

ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.



NORTH
GRID NAD '83

I, Jamin C. Kilpatrick, certify that this survey is of another category or other exception to the definition of subdivision and I further certify that this plat was drawn under my supervision from Deed Book 3131, Page 595; that the ratio of precision as calculated is 1:10,000+
that this plat was prepared in accordance with G.S. 47-30(f)(11)(d).
Witness my original signature, registration number and seal this 12th day of February, A.D., 2019.

Jamin C. Kilpatrick L-4602
Jamin C. Kilpatrick, PLS

SCALE 1" = 20'
20' 10' 0 20' 40' 60'

KILPATRICK LAND SURVEYING PLLC
PO BOX 2705, HENDERSONVILLE, NC 28793
828-606-4797 www.klspllc.com P-0508

SUBDIVISION OF PROPERTY FOR:
RIDDLE DEVELOPMENT, LLC

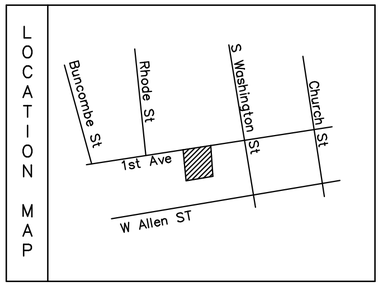
City of Hendersonville, Hendersonville Township
Henderson County, North Carolina

CURRENT OWNER:
RIDDLE DEVELOPMENT LLC

PIN 9568761959

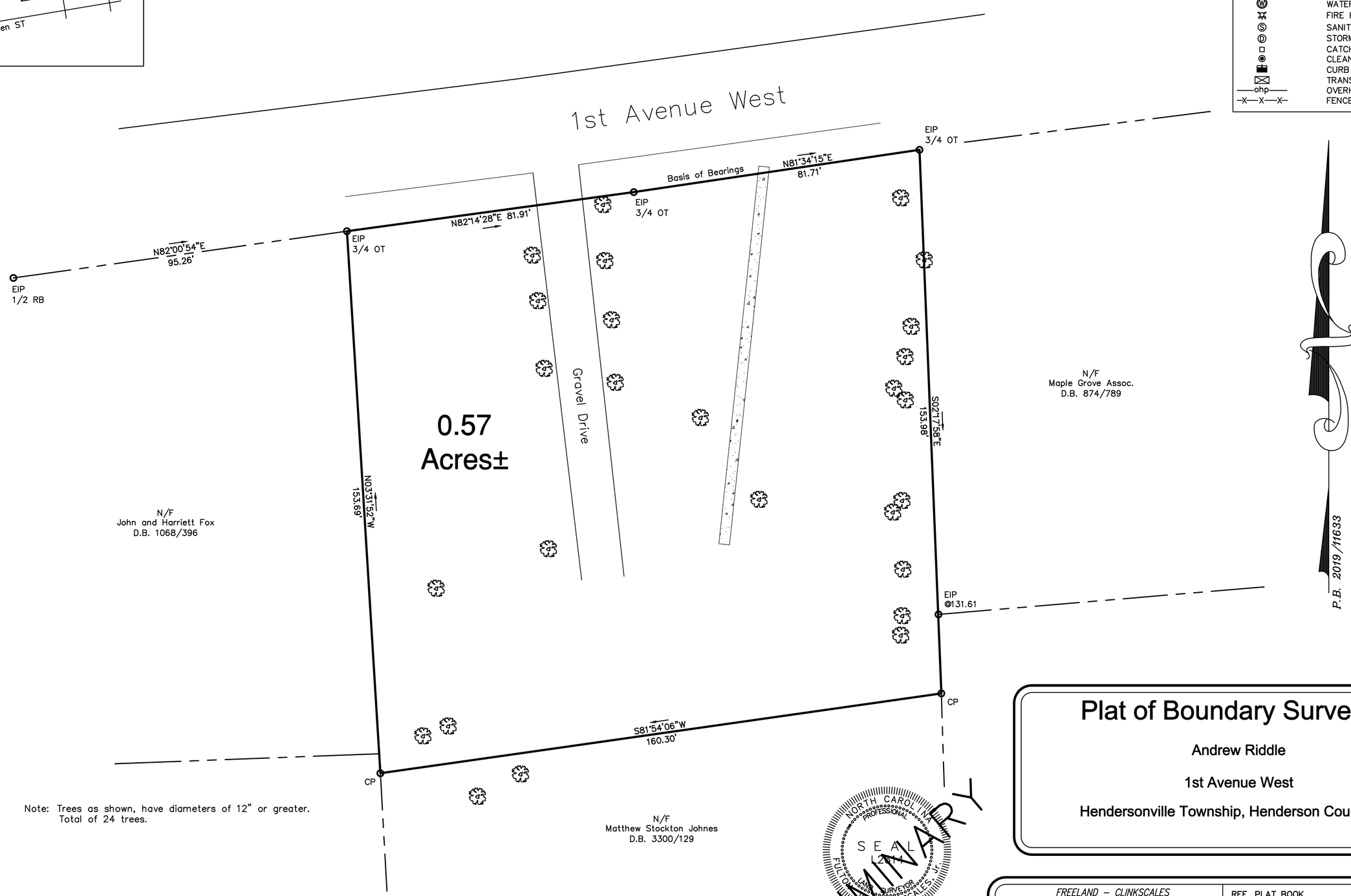
NORTH CAROLINA PROFESSIONAL SEAL L-4602 LAND SURVEYOR JAMIN C. KILPATRICK

Date	6 MARCH 2017
Drawn By	JCK
Scale	1" = 20'
Revision	02-12-19
Dwg No.	G-17-300



LEGEND:

○	NIP	NEW IRON PIN
○	EIP	EXISTING IRON PIN
○	CP	CALCULATED POINT ONLY
		POWER POLE
		LIGHT POLE
		WATER VALVE
		GAS VALVE
		WATER METER
		FIRE HYDRANT
		SANITARY SEWER MANHOLE
		STORM DRAIN MANHOLE
		CATCH BASIN
		CLEANOUT
		CURB INLET
		TRANSFORMER
—ohp—		OVERHEAD POWER
—X—X—X—		FENCE LINE



Note: Trees as shown, have diameters of 12" or greater.
Total of 24 trees.

Plat of Boundary Survey for

Andrew Riddle

1st Avenue West

Hendersonville Township, Henderson County, N.C.

NORTH CAROLINA PROFESSIONAL SEAL L2614 LAND SURVEYOR FULTON T. CLINKSCALES, Jr.

LB C-1562

PRELIMINARY

Not valid without the signature and the original seal of a North Carolina licensed land surveyor.

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

Not For Recordation

The original drawing and/or all copies of it are not transferable to any future owner(s) of the platted property and shall not be used or relied upon by future owner(s) and/or their representatives for any reason without written release by the professional surveyor.

This is to certify that the property shown on this plat was surveyed under my direct supervision. Property lines and improvements are located correctly and that no visible encroachments exist unless otherwise shown.

FREELAND – CLINKSCALES
&ASSOCIATES, INC. OF N.C.
ENGINEERS * LAND SURVEYORS
201 2nd AVE. EAST
HENDERSONVILLE, N.C. 28792
fcaofnc@outlook.com
(828) 697-6539
Fax (828)-697-4195
Firm No. C-1562

REF. PLAT BOOK	2019/11633
REF. DEED. BOOK	3131/595
TAX MAP	9568-77-1057
PARTY CHIEF	FVC
DRAWN	BLB
DATE	January 27, 2020
DWG.NO.	H40054

Sheet No. 1 of 1

SITE STATISTICS CONT.

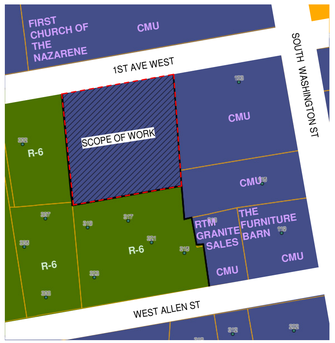
SITE COVERAGE :	
BUILDING FOOTPRINT	**BUILDING 1) 2,432 SF**
	BUILDING 2) 2,432 SF
STREETS AND PARKING	**6,491 SF**
GROSS FLOOR AREA	**18,832 SF**
COMMON OPEN SPACE	**1,362 SF (1032.3 SF REQ'D - 5%)**
PHASING	**TO BE COMPLETED IN ONE PHASE**
PROPOSED AREA OF LAND DISTURBANCE	**19,127 SF**

SITE STATISTICS

	PROVIDED	REQUIRED
PROP LOC:	**320 FIRST AVE. W.**	
BLOCK:	**--**	
PIN:	**9568771057**	
OWNER:	**ARY Development LLC**	
ZONING:	**CMU-CZD**	
ACREAGE:	**0.57 ACRES**	
IMPERVIOUS %:	**60%**	**80% MAX**
PROPOSED USE:	**16 MULTI-FAMILY UNITS**	
FLOOD DISTRICT:	**N**	
DOMESTIC WASTEWATER:	**PUBLIC SEWER**	
WATER:	**PUBLIC**	
ADA PARKING:	**1 ADA**	**1 ADA**
PARKING:	**18 SPACES**	**16 SPACES**
TREES TO BE REMOVED:	**12**	
NEW TREES TO BE PLANTED:	**25 EVERGREEN**	
TREES IN OPEN SPACE AREA:	**4**	**3**
FRONT SETBACK (FIRST AVE)	**12' 0" FROM CURB**	**12' 0" FROM CURB**
SIDE SETBACK (CMU)	**8' 0"**	**8' 0"**
REAR SETBACK	**5' 0"**	**0' 0"**
SIDE SETBACK (R-6)	**8' 0"**	**8' 0"**
LANDSCAPE BUFFER	**5' 0"**	**5' 0"**
BIKE RACKS	**4**	**0**

NOTES:

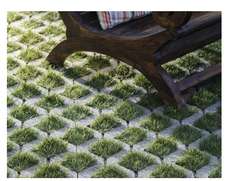
- **SITE LIGHTING WILL BE ADDRESSED AT FINAL SITE PLAN AND WILL BE COMPLIANT WITH SECTION 6-19 OF THE ZONING CODE**
- **HOA WILL BE RESPONSIBLE FOR MAINTENENCE OF URBAN OPEN SPACE AND COMMON AREAS**
- **SEE PRELIMINARY LANDSCAPING PLAN ATTACHED. DETAILS ON TREE PRESERVATION TO BE PROVIDED BY AN ARBORIST AT A LATER DATE**
- **DUMPSTER AND RECYCLING AREA TO MEET THE SCREENING REQUIREMENTS OF 15-19-3.3c**



ZONING MAP
1" = 100'-0"

MATERIAL LEGEND

TURFSTONE PERMEABLE PAVERS WITH ARTIFICAL TURF



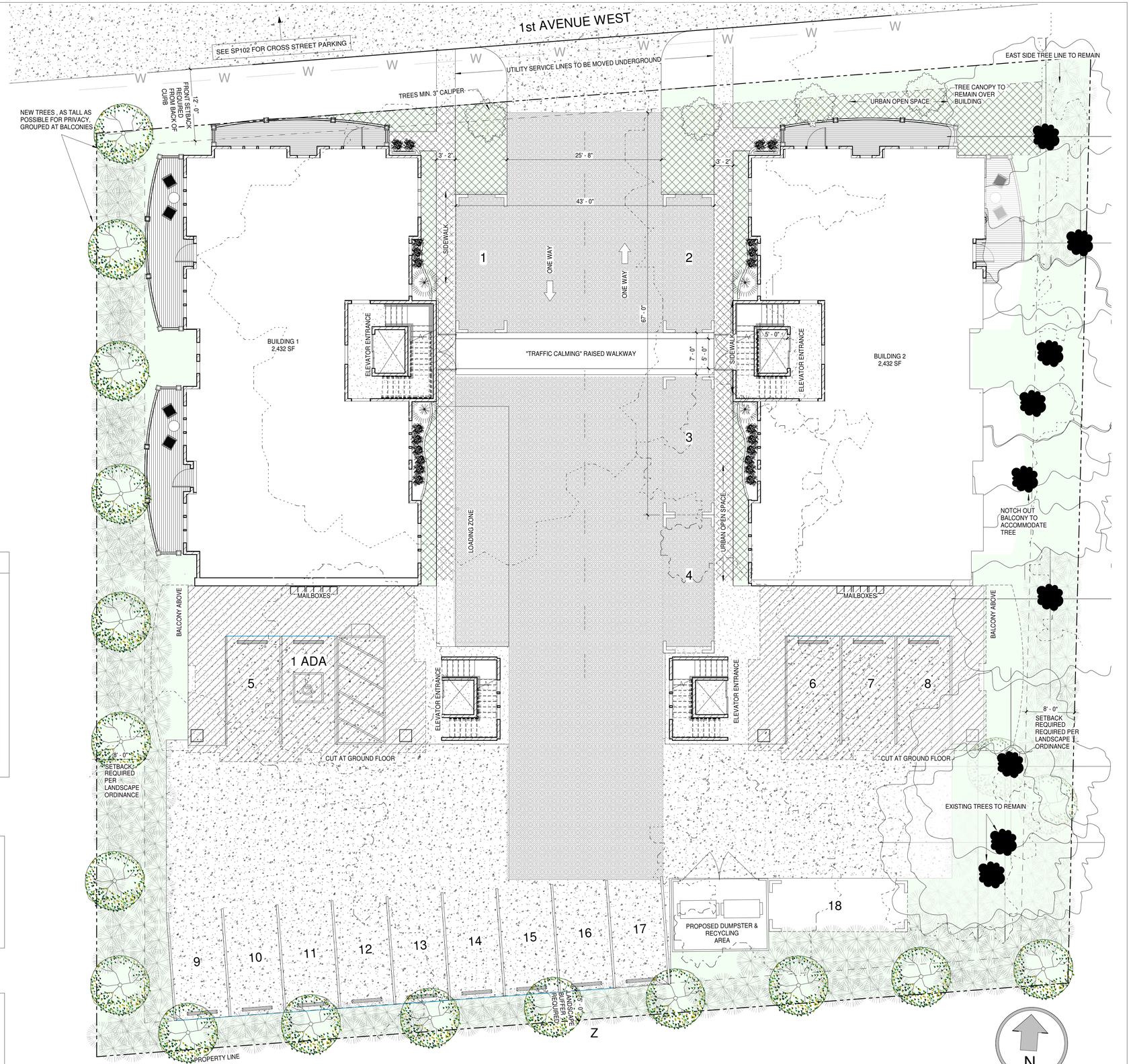
ADJACENT PROPERTIES:

ADJACENCY	ADDRESS	ZONING	PROPERTY OWNER
NORTH	111 N WASHINGTON ST	CMU	FIRST CHURCH OF THE NAZARENE
EAST	103 S WASHINGTON ST	CMU	MAPLE GROVE ASSOC INC
EAST	115 S WASHINGTON ST	CMU	NENON L. UJIKI
SOUTHEAST	119 S WASHINGTON ST	CMU	JMJC, LLC
SOUTHEAST	313 W ALLEN ST	CMU	MATT JOHNES, LLC
SOUTH	315 W ALLEN ST	R-6	MATT JOHNES, LLC
SOUTHWEST	337 W ALLEN ST	R-6	BEYBERRY HOLDINGS, LLC
WEST	332 1ST AVE W	R-6	JOHN E. FOX, HARRIETT W. FOX

EXISTING TREE LEGEND

EXISTING TREE TO REMAIN

EXISTING TREE CANOPY (13,932.8 SF)



1 SP 101 **SITE PLAN**
1/8" = 1'-0"

PEACOCK ARCHITECTS

PROJECT DESIGN TEAM:

THE TAMARA PEACOCK CO. ARCHITECTS
129 3RD AVE W
HENDERSONVILLE, NC 28792
PHONE: 828.696.4000
LICENSE #12289

OWNER:

PROJECT NAME:

FIRST AVE VILLAS

320 1ST AVE W HENDERSONVILLE, NC 28792

ARY DEVELOPMENT
DESTINATION LIVING

TAMARA PEACOCK, R.A
REGISTRATION NO.:12289

ISSUED FOR:

DATE:

SHEET NAME:

OVERALL SITE PLAN

REVISIONS:

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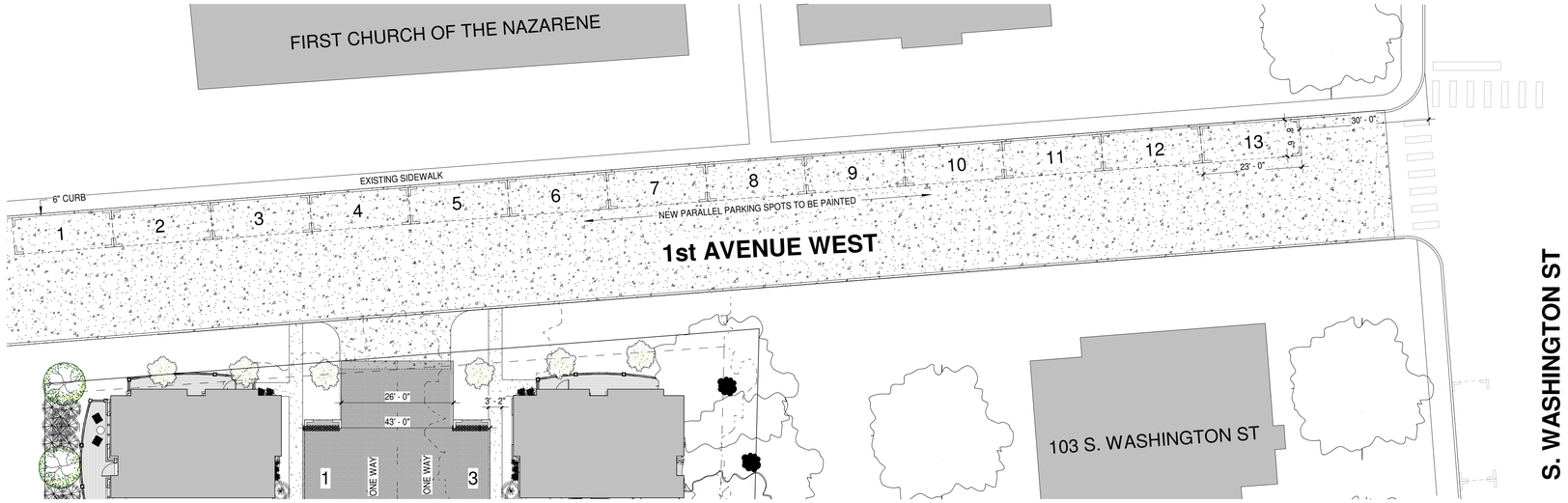
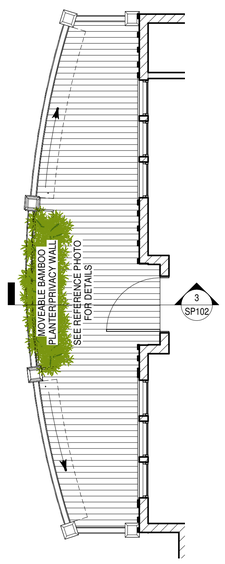
DATE: 8/15/2024 1:40:17 PM	
PROJ. NO.: CHECKER	
DRAWN BY: AUTHOR	PROJ MNGR.: DESIGNER
REVISED BY: CHECKER	CAPT.: APPROVER

SHEET NO.:

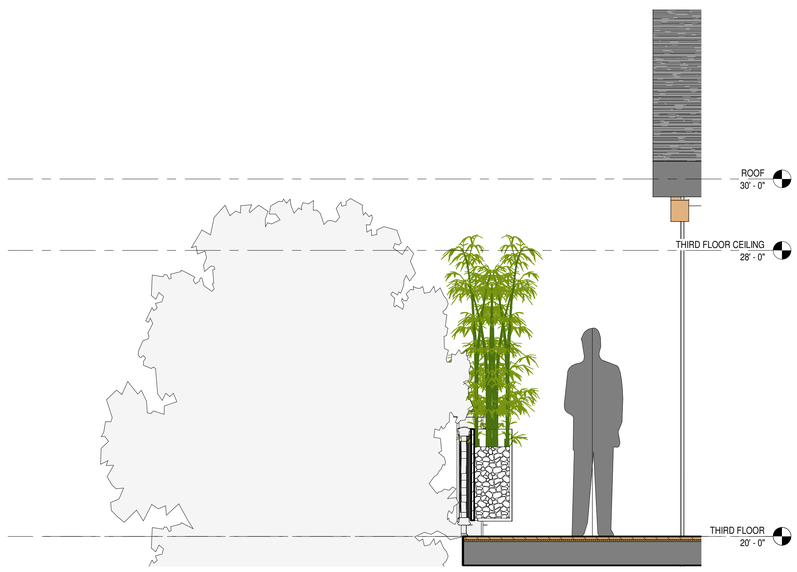
SP 101



1 SP102 **STREET PARKING**
1/16" = 1'-0"



2 SP102 **THIRD FLOOR BALCONY**
1/4" = 1'-0"



3 SP102 **THIRD FLOOR BALCONY - WEST FACING**
1/2" = 1'-0"

BAMBOO PRIVACY SCREEN
12" = 1'-0"

PEACOCK ARCHITECTS

PROJECT DESIGN TEAM:

THE TAMARA PEACOCK CO. ARCHITECTS
129 3RD AVE W
HENDERSONVILLE, NC 28792
PHONE: 828.696.4000
LICENSE #12289

OWNER:

PROJECT NAME:

FIRST AVE VILLAS

320 1ST AVE W HENDERSONVILLE, NC 28792

ARY DEVELOPMENT
DESTINATION LIVING

TAMARA PEACOCK, R.A
REGISTRATION NO.:12289

ISSUED FOR:

DATE:

SHEET NAME:

DETAILS

REVISIONS:

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DRAWN BY: AUTHOR | PROJ MNGR.: DESIGNER
REVISED BY: CHECKER | CAPT.: APPROVER

SHEET NO.:

SP102

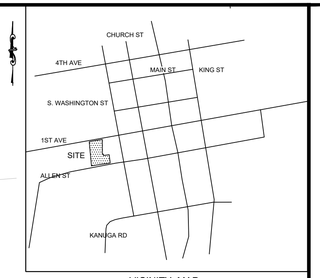
LARGE EVERGREEN TREES - TOTAL COUNT: 25					
KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS (ALL PLANTS TO MEET ANSI Z60.1 STNDS.)
SO	25	Gleditsia triacanthos	Honey Locust	2" CALIPER, 12' HEIGHT	B&B, SINGLE STRAIGHT LEADER

EVERGREEN SHRUBS - TOTAL COUNT: 143					
KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS (ALL PLANTS TO MEET ANSI Z60.1 STNDS.)
LB	143	Ilex crenata 'Convexa'	Convexa Japanese Holly	3 GALLON, 18" HEIGHT	FULL PLANT

FLOWERING SHRUBS - TOTAL COUNT: 185					
KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS (ALL PLANTS TO MEET ANSI Z60.1 STNDS.)
WS	185	Rhododendrons	Rhododendron spp.	3 GALLON, 18" HEIGHT	FULL PLANT

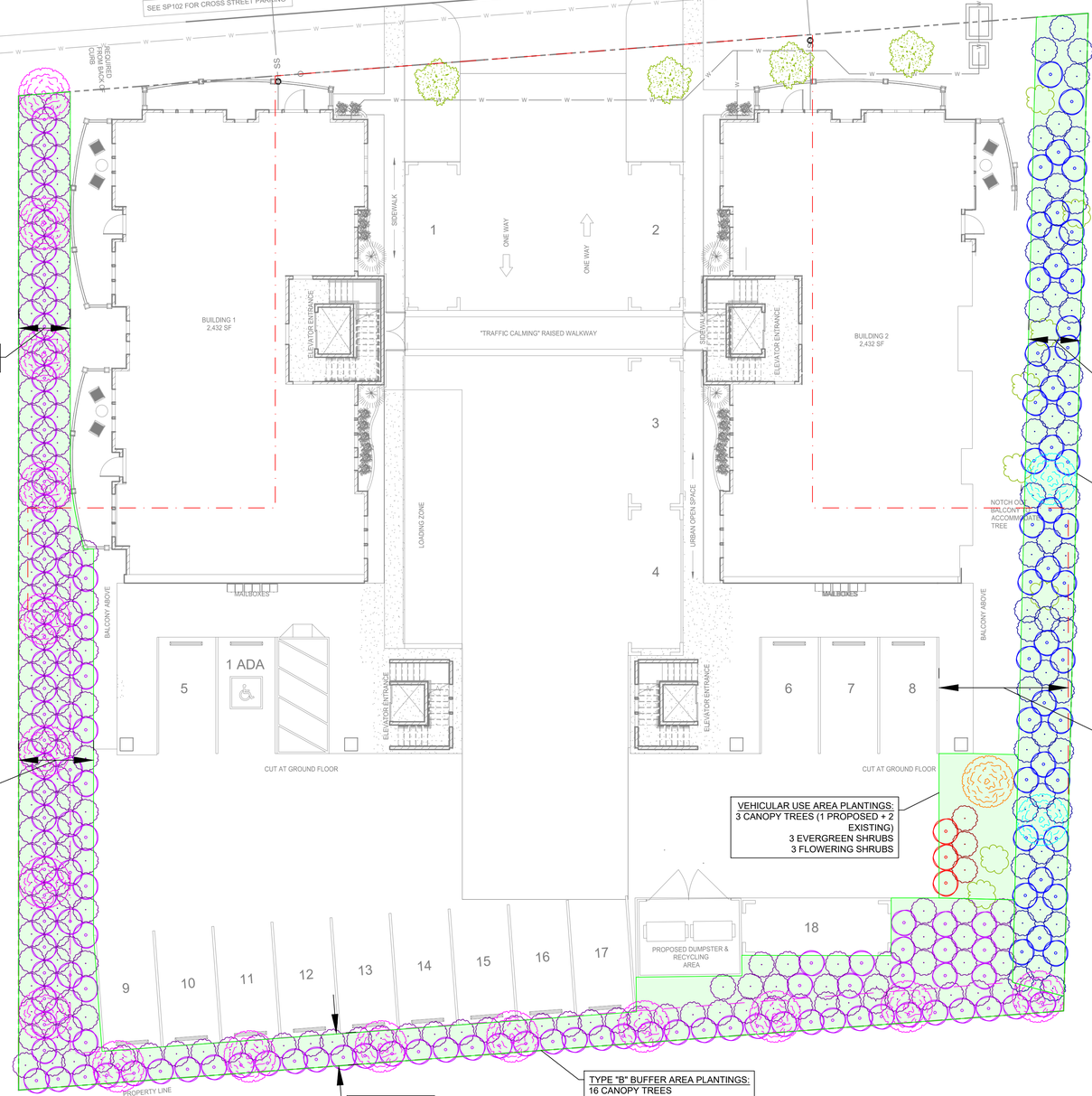
TOTAL LANDSCAPING CALCULATIONS:

- VEHICULAR USE AREA → 1 TREE & 2 SHRUBS PER 4,000 SF
  10,175.38 SF / 4,000 SF = 2.55 → x3 = 3 TREES & 6 SHRUBS REQUIRED
  3 TREES (1 PROPOSED & 2 EXISTING), 3 EVERGREEN SHRUBS & 3 FLOWERING SHRUBS PROVIDED
- TYPE "A" BUFFER AREA → 3 CANOPY TREES, 20 EVERGREEN SHRUBS AND 25 FLOWERING SHRUBS PER 100 LF
  154.37 LF / 100 LF = 1.54 → x2 = 6 TREES, 40 EVERGREEN SHRUBS & 50 FLOWERING SHRUBS REQUIRED
  6 (2 PROPOSED & 4 EXISTING) TREES, 40 EVERGREEN SHRUBS & 50 FLOWERING SHRUBS PROVIDED
- TYPE "B" BUFFER AREA → 4 CANOPY TREES, 25 EVERGREEN SHRUBS AND 33 FLOWERING SHRUBS PER 100 LF
  315.98 LF / 100 LF = 3.16 → x4 = 16 TREES, 100 EVERGREEN SHRUBS & 132 FLOWERING SHRUBS REQUIRED
  16 TREES, 100 EVERGREEN SHRUBS & 132 FLOWERING SHRUBS PROVIDED



VICINITY MAP
1"=2000'

BUFFER TYPE "A"	BUFFER TYPE "B"	VUA	PLANTINGS LEGEND
			LARGE EVERGREEN CANOPY TREE PLANTING LOCATION
			EVERGREEN SHRUB PLANTING LOCATION
			FLOWERING SHRUB PLANTING LOCATION
			EXISTING TREE TO REMAIN AND BE USED AS CREDIT



10' 0 10' 20' 30' 40'
SCALE: 1" = 10'

SITE DATA:
OWNER: ARY DEVELOPMENT LLC
SITE ADDRESS: 320 FIRST AVE. W.
SITE PIN: 9568771057

NOTES:
1. THE SITE LAYOUT HAS BEEN PREPARED BY PEACOCK ARCHITECTS AND HAS BEEN UTILIZED AS A DESIGN BASIS FOR THE PROPOSED LANDSCAPING IMPROVEMENTS.

2.THIS PLAN IS FOR REVIEW PURPOSES ONLY AND SHOULD NOT BE USED FOR CONSTRUCTION.

Civil Engineers and Land Surveyors
7 Glenn Bridge Rd. Suite H
Arden, NC 28704
(828) 676-0807
www.feiconsulting.com
License No. C-0950

FEI

FIRST AVE VILLAS

LANDSCAPING PLAN

DEVELOPER INFORMATION:
ARY DEVELOPMENT LLC
17 OLDE EASTWOOD VILLAGE BLVD
ASHEVILLE NC, 28803

PROJECT LOCATION:
CITY: HENDERSONVILLE
COUNTY: HENDERSON
STATE: NORTH CAROLINA

NO	DATE	REVISION NOTE
1	6-21-2024	REVISED PER CITY COMMENTS
2	8-14-2024	REVISED PER CITY COMMENTS
3		
4		
5		

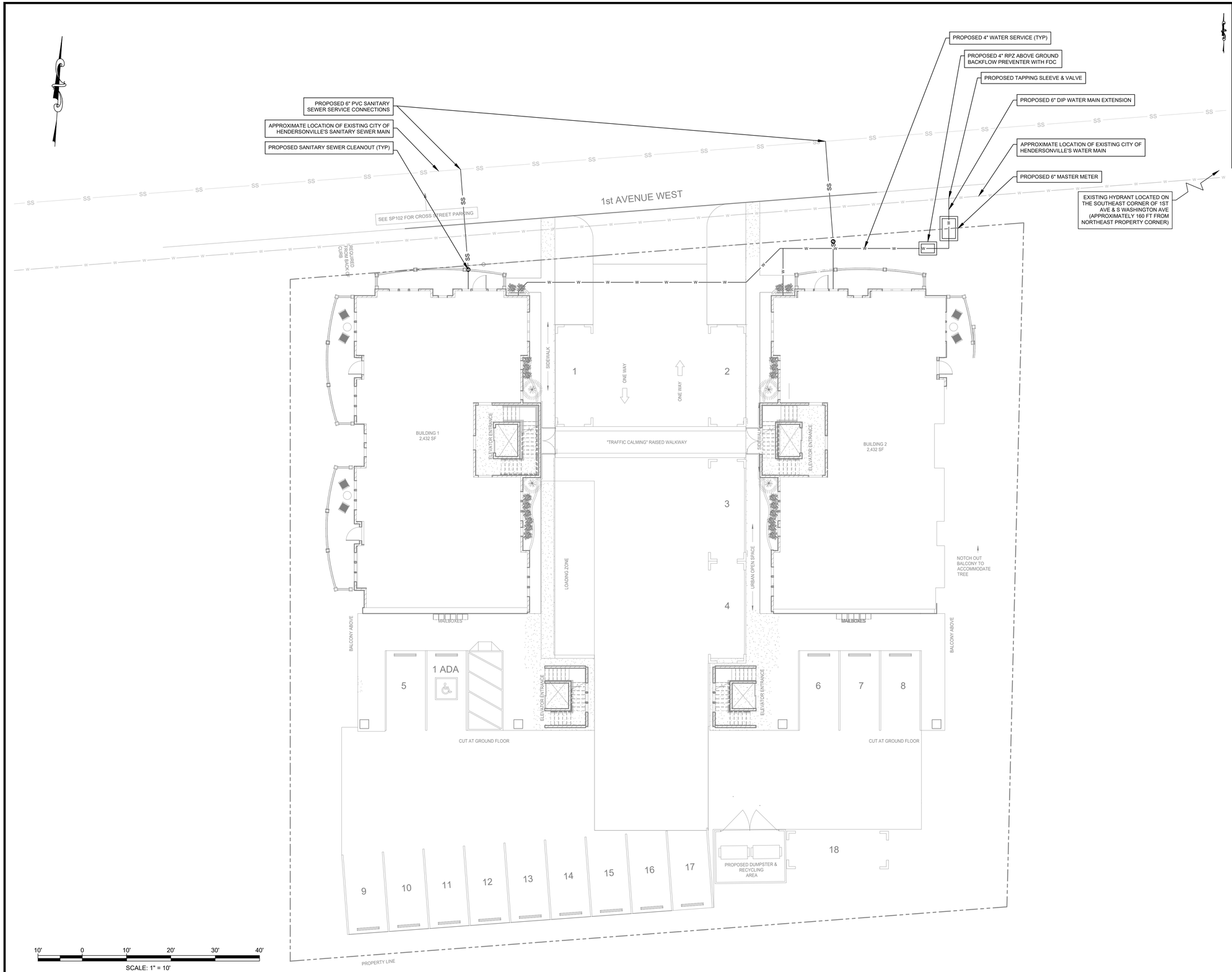
C:\Drawings_&_Projects\PROJECT\2024-001 First Avenue Villas\Drawings\Sheets

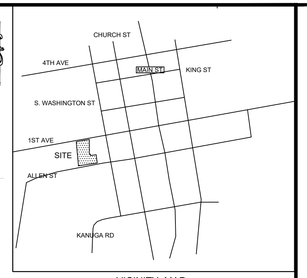
DRAWN BY: LBC/MRP
CHECKED BY: TJW
DATE: 06/13/2024
PROJECT NO.: 01039.001
REF. NO.:
SCALE: 1"=10'

NORTH CAROLINA PROFESSIONAL SEAL 052211 ENGINEER TYLER J. WAGNER

PRELIMINARY NOT FOR CONSTRUCTION

SHEET
C-101





VICINITY MAP
1"=2000'

SITE DATA:
OWNER: ARY DEVELOPMENT LLC
SITE ADDRESS: 320 FIRST AVE. W.
SITE PIN: 9568771057

NOTES:
1. THE PROPOSED DEVELOPMENT IS ANTICIPATED TO BE SERVED BY CITY OF HENDERSONVILLE'S SEWER & WATER.

2. THE SITE LAYOUT HAS BEEN PREPARED BY PEACOCK ARCHITECTS AND HAS BEEN UTILIZED AS A DESIGN BASIS FOR THE PROPOSED UTILITY IMPROVEMENTS.

3. UTILITY INFORMATION SHOWN HEREIN HAS BEEN PREPARED BY FEI AND IS SUBJECT TO CHANGE. ALL LOCATIONS ARE APPROXIMATE.

4. ALL PROPOSED UTILITY SERVICE LINES WILL BE LOCATED UNDERGROUND.

5.THIS PLAN IS FOR REVIEW PURPOSES ONLY AND SHOULD NOT BE USED FOR CONSTRUCTION.

Civil Engineers and Land Surveyors
7 Glenn Bridge Rd, Suite H
Arden, NC 28704
(828) 676-0807
www.feiconsulting.com
License No. C-0950

FIRST AVE VILLAS

UTILITY PLAN

DEVELOPER INFORMATION:
ARY DEVELOPMENT LLC
17 OLDE EASTWOOD VILLAGE BLVD
ASHEVILLE NC, 28803

PROJECT LOCATION
CITY: HENDERSONVILLE
COUNTY: HENDERSON
STATE: NORTH CAROLINA

NO	DATE	REVISION NOTE
1	6-21-2024	REVISED PER CITY COMMENTS
2	8-14-2024	REVISED PER CITY COMMENTS

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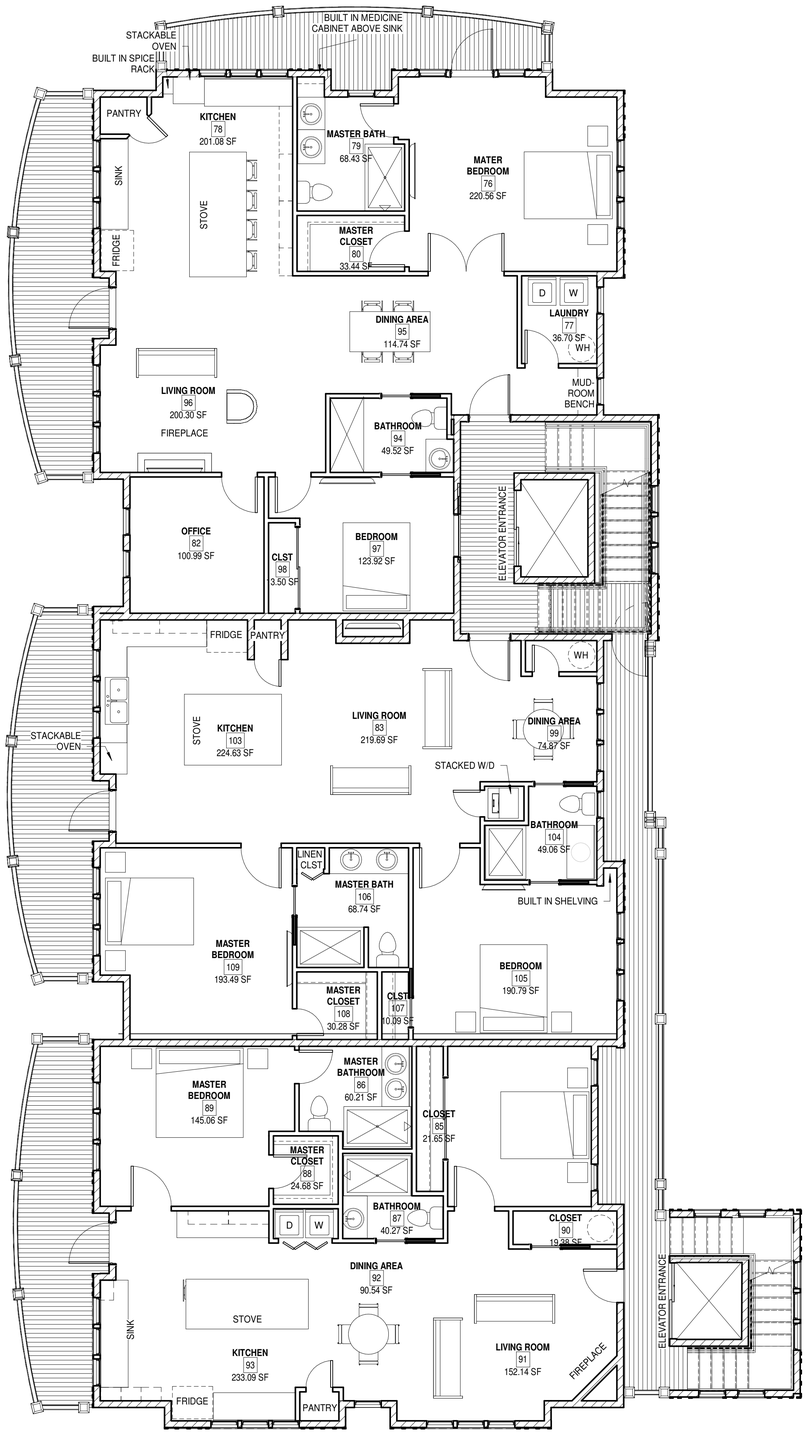
DRAWN BY: LBC/MRP
CHECKED BY: TJW
DATE: 06/13/2024
PROJECT NO.: 01039.001
REF. NO.:
SCALE: 1"=10'

NORTH CAROLINA PROFESSIONAL SEAL 052211 ENGINEER TYLER J. WAGNER
PRELIMINARY NOT FOR CONSTRUCTION

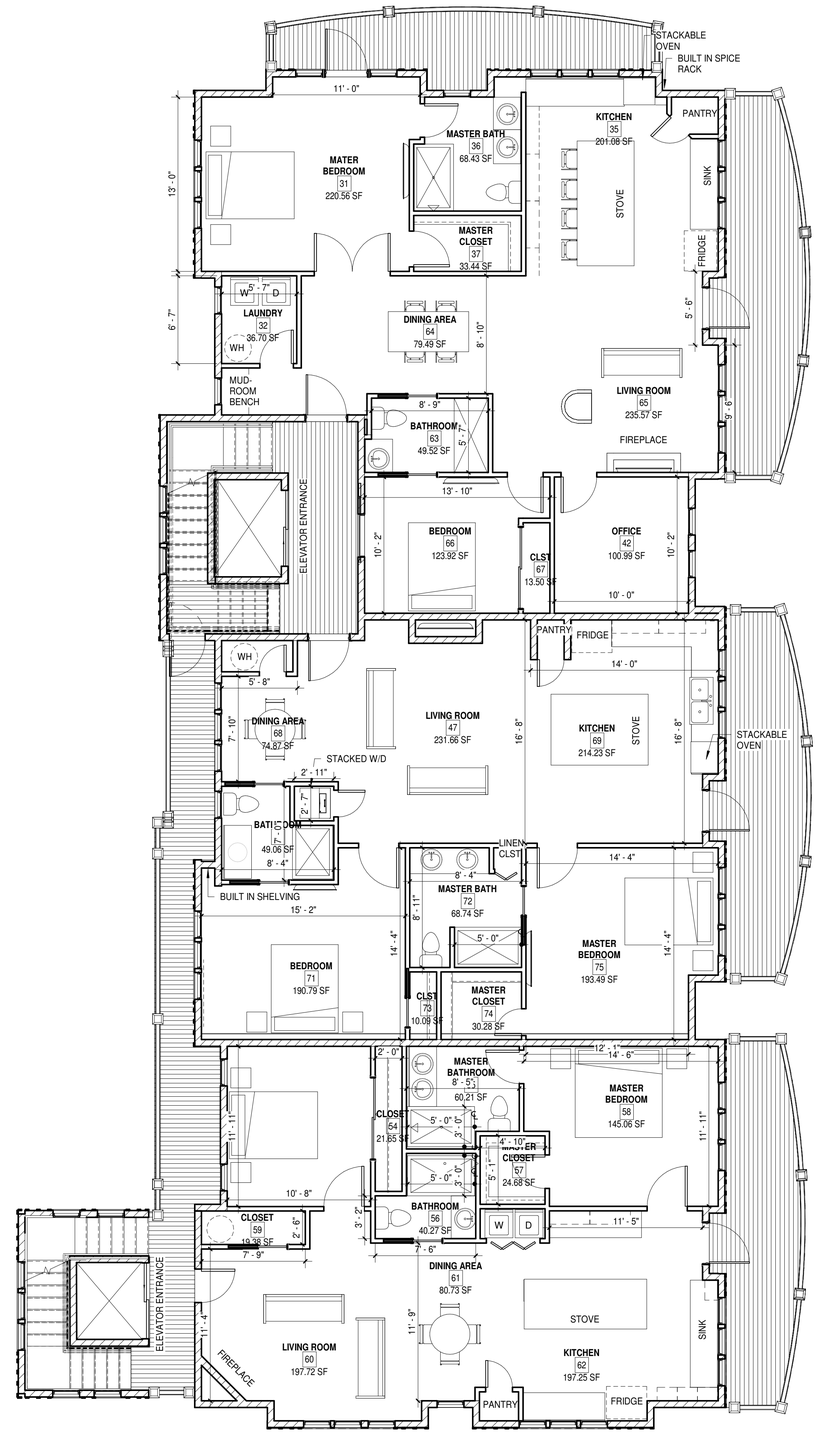
SHEET
C-100

PRELIMINARY-NOT FOR CONSTRUCTION



1 A104 **Second Floor 2 BED UNITS**

3/16" = 1'-0"



PEACOCK ARCHITECTS

PROJECT DESIGN TEAM:

THE TAMARA PEACOCK CO. ARCHITECTS
129 3RD AVE W
HENDERSONVILLE, NC 28792
PHONE: 828.696.4000
LICENSE #12289

OWNER:

PROJECT NAME:

FIRST AVE VILLAS

320 1ST AVE W HENDERSONVILLE, NC 28792

ARY DEVELOPMENT
DESTINATION LIVING

TAMARA PEACOCK, R.A
REGISTRATION NO.:12289

ISSUED FOR:

DATE:

SHEET NAME:

SECOND LEVEL FLOOR PLAN

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DRAWN BY: AUTHOR	PROJ MNGR.: DESIGNER
REVISED BY: CHECKER	CAPT.: APPROVER

SHEET NO.:

A104

1 A401 **NORTH ELEVATION**
1/8" = 1'-0"

2 A401 **EAST ELEVATION**
1/8" = 1'-0"

PEACOCK ARCHITECTS

PROJECT DESIGN TEAM:

THE TAMARA PEACOCK CO. ARCHITECTS
129 3RD AVE W
HENDERSONVILLE, NC 28792
PHONE: 828.696.4000
LICENSE #12289

OWNER:

PROJECT NAME:

FIRST AVE VILLAS

320 1ST AVE W HENDERSONVILLE, NC 28792

ARY DEVELOPMENT
DESTINATION LIVING

TAMARA PEACOCK, R.A
REGISTRATION NO.:12289

ISSUED FOR:

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SHEET NAME:

EXTERIOR ELEVATIONS

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DRAWN BY: AUTHOR	PROJ MNGR.: DESIGNER
REVISED BY: CHECKER	CAPT.: APPROVER

SHEET NO.:

A401

1 / A402 **SOUTH ELEVATION**
1/8" = 1'-0"

2 / A402 **COURTYARD ELEVATION**
1/8" = 1'-0"

PEACOCK ARCHITECTS

PROJECT DESIGN TEAM:

THE TAMARA PEACOCK CO. ARCHITECTS

129 3RD AVE W
HENDERSONVILLE, NC 28792
PHONE: 828.696.4000
LICENSE #12289

OWNER:

PROJECT NAME:

FIRST AVE VILLAS

320 1ST AVE W HENDERSONVILLE, NC 28792

ARY DEVELOPMENT
DESTINATION LIVING

TAMARA PEACOCK, R.A
REGISTRATION NO.:12289

ISSUED FOR:

DATE:

SHEET NAME:

EXTERIOR ELEVATIONS

REVISIONS:

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DRAWN BY: AUTHOR	PROJ MNGR.: DESIGNER
REVISED BY: CHECKER	CAPT.: APPROVER

SHEET NO.:

A402

FIRST AVENUE

PEACOCK ARCHITECTS

129 3rd Ave W
Hendersonville, North Carolina 28792
Office: 828.696.4000
Peacockarchitect.com

UNRESOLVED COMMENTS:

- Update Land Disturbance delineation. Appears to encompass entire parcel. [Unresolved] The proposed area of land disturbance is 19,127 SF. This is provided on the site plan. The area that is not to be disturbed is highlighted in green on the site plan.
- Provide calculations for landscaping requirements. In table form, provide the area or length of required buffers, vehicular use area, urban space, etc, and provide the planting calculations required based on the zoning standards, provide the total plantings for each planting requirement. Consider separate preliminary landscaping plan on separate sheet [Unresolved] This has been provided on the preliminary landscaping plan.
- Type A Buffer Plantings as depicted are insufficient on west side property boundary. Alternative Compliance may be achieved on east property boundary at Final Site Plan. [Unresolved] Alternative compliance is achieved by maintaining all the trees on the east side property line.
- Placement of 38' tall buildings located 8' from the property lines of adjacent single-family homes, could be considered "unreasonable loss of privacy" as is referenced in Section 18-6-1 and revisited under Sec 18-6-4.4. Further, it would have impacts to the existing neighborhood as is given consideration under Chapter 8 of the 2030 Comprehensive Plan under LU-3.5 "Minimize negative impacts from growth and land use changes on existing land uses" [Unresolved] We propose new tall trees and shrubs clustered around the balconies to create privacy on the first and second levels. On the third floor balcony we provided a movable green wall which acts as a privacy partition.
- Clarity is needed on potential discrepancies between footprint square footage and gross floor area [Unresolved] The footprint square foot age on the first level is 2,432 sf per building. Total gross floor area is 18,832 SF. This is provided on the site plan.
- Provide canopy area and indicate trees to be removed vs trees to be preserved on the "tree survey". [Unresolved] Trees from the tree survey to remain as well as their canopies are highlighted in black on the site plan. Previous tree canopy area provided on the site plan.
- Parking Spot 11 is encumbered by a proposed tree to be preserved [Unresolved] This tree has been removed. A new tree is being proposed in its place which does not collide with the parking spots.
- Loading Zone appears difficult to access / limited in use [Unresolved] We propose moving the loading zone to the center drive aisle so that it is easier to access. This is shown in the site plan.
- Improve clarity of building footprint where surface level parking is provided under the 2nd floor [Unresolved] This has been resolved in the site plan. The area above the parking is hatched with a diagonal line pattern. In addition, the footprint above is noted with a dashed line.
- Dumpster location appears difficult to access for trash removal [Unresolved] The 24' wide T-shaped turnaround provided for the fire trucks in the back of the building will provide plenty of room for the trash truck to reach the dumpster. The dumpster is located as close to the center drive aisle as possible without being visible from the street.

PEACOCK ARCHITECTS

129 3rd Ave W
Hendersonville, North Carolina 28792
Office: 828.696.4000
Peacockarchitect.com

CONDITIONS:

- In order to reduce unreasonable loss of privacy, the existing vegetation on the east property edge should be fully preserved. [Need details on how this will be achieved] Details to be provided at a later point from an arborist/final landscaping plan.
- Provide solution to loss of privacy on the west side [Need solution] We propose new trees to be planted and clustered around the balconies to block the view into the neighboring houses. We also propose a movable privacy screen on the third floor balconies. The type of trees/height are detailed on the preliminary landscaping plan.
- Provide fully functioning upper-floor balconies and first-floor patios on front façade with front entrances connected to right-of-way. [We are not sure 4' depth will cut it. Hardly room for a chair and a walking route with 4' depth] We cannot extend the balconies further than 4'. The edge of the balcony on the western building is currently past the setback line and directly on the property line.
- Provide sidewalk connection to street edge from first-floor units and from sidewalks which flank center-drive aisle. [Developer has agreed] This has been addressed on the site plan.
- Provide fenestration on front facing façade of rear elevator/stairwell [Developer has agreed] This has been addressed by adding windows. See elevations/renderings.
- Enclose the rear and front stairwells in order to better blend with surrounding neighborhood. At a minimum use fenestration on street-facing sides to provide light and design consistency. Fenestration on front, street-facing façades should align horizontally throughout the development - i.e. windows on elevator/stairwell should align with windows on residential units. [Developer has agreed - we may need to take closer look at the window placement/size] Rear and front stairwells are now enclosed. See elevations/renderings
- Provide delineated on-street parking on north side of 1st Ave to address parking concerns expressed at NCM, to help buffer the sidewalks and to help achieve Strategy LU-6.4 and Action PH-3.1.1 of the 2030 Comp Plan and Sec. 5-19-3.3 of the Zoning Code - [Developer Agreed] This has been addressed. See details sheet for cross street parking.

NEIGHBORHOOD COMPATIBILITY MEETING REPORT
FIRST AVE VILLAS (P24-26-CZD)
NCM MEETING DATES: JUNE 6TH, 2024

PETITION REQUEST: Rezoning: First Ave Villas- Conditional Zoning District (CMU-CZD)

APPLICANT/PETITIONER: ARY Development LLC (Applicant)

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

A Neighborhood Compatibility Meeting was held for this project on June 6th, 2024, at 2pm in the Assembly Room of the City Operations Building, 305 Williams Street and via Zoom. The meeting lasted approximately 1 hour and 30 minutes.

There were 6 members of the public in attendance in-person while 7 attended virtually. The applicant and their development team were present with a total of 5 attendees. The City was represented with 2 members Planning staff.

Staff gave the formal introduction and a brief overview of the request.

There were six pre-submitted which were provided to the developer at the meeting. The developer was able to respond to the comments and questions.

The development team was allowed to present their project proposal for the proposed apartment development.

Concerns and questions from the public related to:

- Concern over affordability for current Hendersonville residents.
- Gentrification and displacement of current residents along First Avenue.
- Property tax increases could negatively impact residents along First Avenue.
- What is the price point that the developer will sell the condos at?
- Overflow vehicles parked on either side of First Ave can cause dangerous road conditions.
- Increase in traffic from development.
- Need for a written agreement between the Church of Nazarene and the Developer for extra parking.
- Massing and density not appropriate for neighborhood.
- Architecturally incompatibility with the neighborhood.
- Overall height of the property and the invasion of privacy caused by the upper floor balconies.

Full minutes from the Neighborhood Compatibility Meeting and pre-submitted public comments are available for review by request.

Ordinance #___-____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PIN NUMBER: 9568-77-1057 BY CHANGING THE ZONING DESIGNATION CMU-CZD (CENTRAL MIXED USE CONDITIONAL ZONING DISTRICT) TO CMU-CZD (CENTRAL MIXED USE - CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9568-77-1057
Addresses: 0 1st Ave West
1st Ave Villas: (File # P24-26-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant and property owner, Rafique Charania of ARY Development LLC, for the development of 16 multi-family residential units on 1st Ave W; and

WHEREAS, the Planning Board took up this application at its regular meeting on August 8, 2024; voting 5-0 to recommend City Council approve an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on September 5, 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: 9568-77-1057, changing the zoning designation from CMU-CZD (Central Mixed Use Conditional Zoning District) to CMU-CZD (Central Mixed Use - Conditional Zoning District)

2. Development of the parcel pursuant to this Ordinance is subject to the following.

   a. Development shall comply with the site plan submitted by the applicant dated August 16, 2024, including the conditions listed therein, [and/or as modified and presented to City Council][and/or including modifications approved by City Council which shall be added to the site plan. The updated site shall be submitted to the City at or before the applicant's execution of this Ordinance].

   b. Permitted uses shall include:
      i. Residential, Multi-Family - 16 Units

   c. Additional conditions that shall be satisfied prior to final site plan approval include:
      i.

3. Except where modified by the terms of this Ordinance, development of the parcel(s) shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.

4. Except where explicit relief is granted by the terms of this Ordinance, the development of the parcel(s) shall occur in accordance with all applicable standards within local ordinances and policies.

This ordinance shall be not be effective until the list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted this 5th day of September 2024.

_____

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

_____

Jill Murray, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to all conditions imposed pursuant to the terms of this Ordinance.

IN RE: Parcel Numbers: 9568-77-1057
Addresses: 0 1st Ave West
1st Ave Villas: (File # P24-26-CZD)

Applicant/Developer: Sarah McCormick, Peacock Architects

Signature:_____

Printed Name:_____

Title: _____

Date:_____

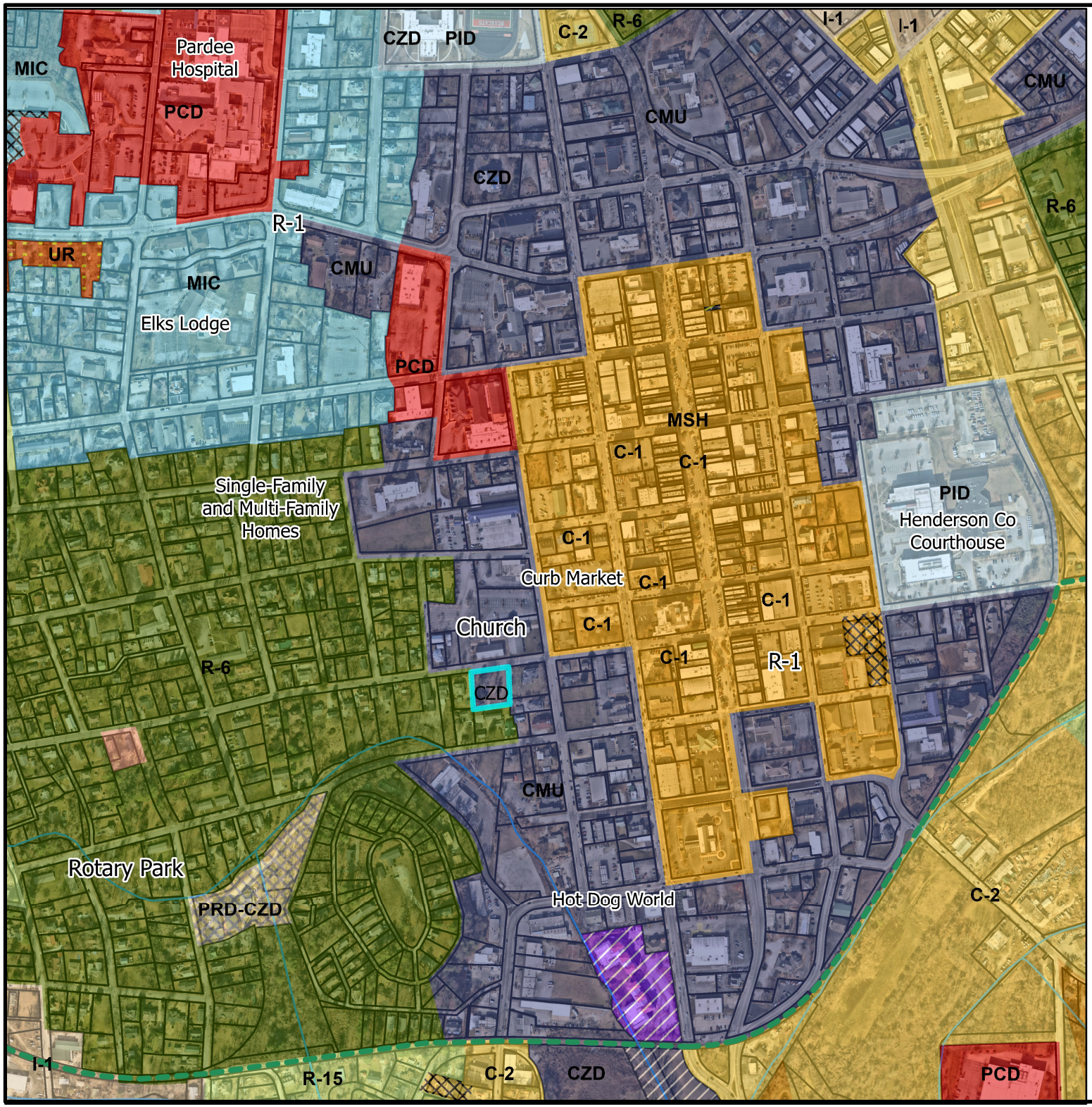
Property Owner: Rafique Charania, ARY Development LLC

Signature:_____

Printed Name:_____

Title:_____

Date:_____



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Feet

Section 7, Item A.

City of Hendersonville

N
E
S

1st Ave Villas

P24-26-CZD

Conditional Rezoning
(CMU-CZD to CMU-CZD)

PINs: 9568-77-1057
Acreage: 0.57 Acres

Proposed Zoning Map

- Parcels
- Streets
- Subject Property

Zoning

- CZD Conditional Zoning Districts
- MSH Main Street Historic Overlay District
- R-20 Low Density Residential
- R-15 Medium Density Residential
- R-6 High Density Residential
- R-6SU High Density Residential Special Use
- Planned Residential Development Conditional Zoning District
- UR Urban Residential
- MIC Medical, Institutional, Cultural
- MIC-SU Medical, Institutional, Cultural, Special Use
- PID Planned Institutional Development
- C-4 Neighborhood Commercial
- C-3 Highway Business
- C-2 Secondary Business
- C-2SU Secondary Business Special Use
- C-1 Central Business
- C-1SU Central Business Special Use
- CHMUSU Commercial Highway Mixed Use Special Use
- CMU Central Mixed Use
- CMUSU Central Mixed Use Specila Use
- PCD Planned Commercial Development
- I-1 Industrial
- Ecusta Trail

Community Development Department

THE CITY OF HENDERSONVILLE · N.C. 1847

Entry #: 26 - 5/14/2024 **Status:** Submitted **Submitted:** 5/14/2024 4:02 PM

Date:

5/14/2024

Name of Project

First Ave Villas

Address/Location of Property

1st Ave W (No address assigned)

List 10 digit PIN or 7 digit PID number for each property

9568771057

Check type of Development

Residential

Current Zoning

CMU-CZD

Proposed Zoning

CMU-CZD

List requested uses

Multifamily residential development

Total Acreage

0.57

Proposed Building Sq. ft.

6910

Dwelling Units

18

Conceptual Plan

1ST AVE APARTMENTS SCHEMATIC SET 5-13.pdf
4.4 MB

city_of_hendersonville_site_plan_review_application.pd
0.5 MB

Conditional Zoning District Petition
(Continued)

Proposed conditions for the site:

We are proposing two multifamily residential buildings to be erected with a total of 18 units. 19 parking spaces will also be provided.

It is important that the applicant consider the following factors. See Section 11-4 of the Zoning Ordinance for more information. Please use additional pages and/or attachments if necessary.

Explain consistency with the City's Comprehensive Plan:

The plan adds to the vibrant neighborhoods and abundant housing choices of downtown Hendersonville. This project allows for a diversity of ages, income levels and range of interests by providing a much needed type of housing within walking distance to downtown Hendersonville. The housing development is also designed with high quality materials in mind, and goes above and beyond the design guidelines provided by the city.

Explain compatibility with surrounding land uses:

All the surrounding land uses are either CMU or R-6. All properties along the north and east property lines are zoned CMU. All properties on the South and West property lines are zoned R-6, high-density residential. Since we are proposing a high-density residential project, it is compatible with both the R-6 and CMU neighbors.

Explain whether changed conditional require a map amendment:

No map amendment is needed since we are already zoned CMU-CZD

Explain how the petition is in the public interest:

The petition is in the best interest of the public because it allows for a type of housing that is desperately needed in a high-value location. This project is also designed with longevity and design character in mind in a way that would add value to the architectural fabric of downtown.

Explain whether adequate public facilities are available:

Sidewalks will be developed to ensure walkability around and in front of the building. A central green courtyard and water feature is visible from the street. A landscape buffer surrounding the building maintains the concept of a tree canopy between properties.

Explain the impact the petition would have on the natural environment:

The existing trees running through the middle of the site would have to be replaced with smaller trees to create a buffer around the edge of the property. 19 parking spaces and 2 entry/exit roads increase the amount of impervious surface surface area on site. Drainage would be added towards the back of the site (underneath the parking) to combat flooding. Green space would be maintained in the center and along the edges of the property.

Additional information:

Note additional approvals prior to issuance of Zoning Compliance Permit may include, but are not limited to:

1. Henderson County Sedimentation & Erosion Control Permit
2. Stormwater management plan
3. Utility approval
4. NCDOT permit
5. Any other applicable permits as determined by the Development Assistance Department

Signature pages for Conditional Zoning District Petition

Designated Agent

Rafique R Charania for ARY Development LLC

Address

17 OLDE EASTWOOD VILLAGE BLVD, ASHEVILLE, North Carolina 28803

Phone

(832) 265-0493

Email

rrcharania@gmail.com

Applicant Name

SARAH MCCORMICK

Company Name (if applicable)

PEACOCK ARCHITECTS

Entity Type

Corporation

Address

129 3RD AVE W, HENDERSONVILLE, North Carolina 28792

Signature

Phone

Title of Applicant (if applicable)

Signature of the property owner acknowledges if the property is rezoned the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

Property Owner Name

RAFIQUE CHARANIA FOR ARY DEVELOPMENT LLC

Address

17 OLDE EASTWOOD VILLAGE BLVD, ASGEVILLE, North Carolina 28803

PID or PIN #

9568771057

Signature

Rafique Charania

Property Owner Name (if different from Applicant)

Company Name (if applicable)

Entity Type

Corporation

Address

PID or PIN #

Signature

Title of Property Owner (if applicable)

Signature pages for Conditional Zoning District Petition (continued)

Signature of the property owner acknowledges if the property is rezoned the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

Property Owner Name

Company Name (if applicable)

Entity Type

Corporation

Address

PID or PIN #

Signature

Property Owner Name

Address

Signature

PID or PIN #

Title of Property Owner (if applicable)

Property Owner Name

Printed Company Name (if applicable)

Entity Type

Corporation

Address

Signature

PID or PIN #

Property Owner Title (if applicable)

Applicant(s): (Developer)

Printed Name Rafique R Charania for ARY Development LLC

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

Signature _____

Title Member Email rrcharania@gmail.com

Address of Applicant 17 Olde Eastwood Village Blvd Asheville NC, 28803

Printed Name _____

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

Signature _____

Title _____ Email _____

Address of Applicant _____

Printed Name _____

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

Signature _____

Title _____ Email _____

Address of Applicant _____

Printed Name _____

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

Signature _____

Title _____ Email _____

Address of Applicant _____

Printed Name _____

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

Signature _____

Title _____ Email _____

Address of Applicant _____

• File an Annual Report/Amend an Annual Report • Upload a PDF Filing • Order a Docume
Add Entity to My Email Notification List • View Filings • Print a Pre-Populated Annual Report form • Print an Amended a Annual Report form

Limited Liability Company

Legal Name
ARY DEVELOPMENT LLC

Information

SosId: 2796480
Status: Current-Active ⓘ
Date Formed: 2/26/2024
Citizenship: Domestic
Annual Report Due Date: April 15th
Current**Annual Report Status:**
Registered Agent: CHARANIA, RAFIQUE R

Addresses

Mailing
17 OLDE EASTWOOD VILLAGE BLVD
ASHEVILLE, NC 28803-1670

Principal Office
17 OLDE EASTWOOD VILLAGE BLVD
ASHEVILLE, NC 28803-1670

Reg Office
17 OLDE EASTWOOD VILLAGE BLVD
ASHEVILLE, NC 28803

Reg Mailing
17 OLDE EASTWOOD VILLAGE BLVD
ASHEVILLE, NC 28803-1670

Company Officials

All LLCs are managed by their managers pursuant to N.C.G.S. 57D-3-20.

President
RAFIQUE R CHARANIA
17 OLDE EASTWOOD VILLAGE BLVD
ASHEVILLE NC 28803-1670

Vice President
YASMIN S CHARANIA
17 OLDE EASTWOOD VILLAGE BLVD
ASHEVILLE NC 28803-1670

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Angela Beeker, City Attorney **MEETING DATE:** September 2, 2023

AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Legal Department

TITLE OF ITEM: Public Hearing to Consider the Submission of a Community Development Block Grant Application, Neighborhood Revitalization, for the FY 24-25 Funding Cycle – *Angela S. Beeker, City Attorney*

SUGGESTED MOTION(S):

N/A

SUMMARY:

The purpose of the public hearing is to consider the submission of a Community Development Block Grant Application for the FY 2024-25 funding cycle. The grant, a Neighborhood Revitalization Grant (CDBG-NR), is offered through the North Carolina Rural Economic Development Division of the Department of Commerce (REDD), and would be for the rehabilitation of up four (4) homes owned by low-to-moderate income households. Low to moderate households are those having a household income equal to or less than 80% of the area median income. The maximum application amount for the grant is $950,000, and has no local matching requirement. The application would be submitted in partnership with the Housing Assistance Corporation, who would serve as the subrecipient of the grant funds. HAC would manage the rehabilitation projects on the homes. The grant would be administered by Land of Sky Regional Council. A maximum of 10% of the grant amount would be used to cover the administrative costs of the grant. The public is invited to the September 5, 2024 to comment on the possible submission of a grant application, and to address generally the community, housing and economic development needs.

After this initial public hearing, the City and HAC will work to identify potential homes that would qualify for this grant program, and to determine feasibility of applying for and administering the grant for the FY 2024-25 funding cycle. If successful, HAC and the City in partnership with Land of Sky would put together the application for submittal to the REDD. Prior to submittal of the final application, a second public hearing would be held to allow the public to comment on the proposed application.

ATTACHMENTS:
Grant Guidelines, FY 24-25
Published Public Hearing Notice

NC DEPARTMENT of COMMERCE
RURAL ECONOMIC DEVELOPMENT

2024

Community Development Block Grant Neighborhood Revitalization Program (CDBG-NR) with Rural Community Development Set-Aside

Program Guidelines | Application

Please submit applications by 4:00 pm on October 23, 2024. All applications must be sent by USPS mail or an overnight service. Hand-delivered applications will not be accepted.

Rural Economic Development Division/State CDBG Program

Mailing Address:
4346 Mail Service Center
Raleigh, NC 27699-4346

Street Address:
301 N. Wilmington Street, 4th Floor
Raleigh, NC 27699

(919) 814-4600 (voice)
(919) 715-0096 (fax)
(800) 735-2962 (TDD)
www.commerce.nc.gov

CDBG Neighborhood Revitalization (CDBG-NR) Program

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PROGRAM GUIDELINES

INTRODUCTION

The ***Community Development Block Grant Neighborhood Revitalization Program*** (***CDBG-NR)***) will offer a non-entitlement municipality or county the opportunity to tailor a project to meet the housing and community development needs specific and most critical to their locality. The ***CDBG Neighborhood Revitalization Program*** incorporates several previous Rural Economic Development Division (REDD) Community Development Block Grant (CDBG) programs and activities such as **Scattered Site Housing and Supportive Housing.**

North Carolina received approximately $46.3 million in CDBG funds for the 2023 allocation. Of this amount, approximately **$12.29 million** will be made available for the **2024** ***CDBG Neighborhood Revitalization Program.*** The state makes these funds available through awarding grants to non-entitlement governments throughout North Carolina.

The CDBG-NR program will include a set-aside of approximately **$5 million** for the ***Rural Community Development Fund*** (RCDF) projects. These funds will not require a housing-focused activity and are available to the 40 most economically distressed counties (Tier 1) and its municipalities only. A list of the 2024 Tier 1 counties is located on the NC Commerce website at www.commerce.nc.gov . **Use the Application Summary to request the funding amount not to exceed $950,000 and clearly state the project is for the RCDF.**

The ***CDBG Neighborhood Revitalization Program*** will support the three livability principles that help guide sustainability and resiliency throughout areas that receive funding. Regardless of the program activity or activities local governments pursue, ***CDBG Neighborhood Revitalization Program*** projects must incorporate at least one of the following three livability principles as an area of focus:

NC Neighborhood Revitalization 3 Livability Principles

- ***Promote equitable, affordable housing***. Expand location and energy-efficient housing choices for people of all ages, incomes, races, and ethnicities to increase mobility and lower the combined cost of housing and transportation.
- ***Support existing communities***. Target federal funding toward existing communities - through strategies like transit-oriented, mixed-use development, and land recycling - to increase community revitalization and the efficiency of public works investments and safeguard rural landscapes.
- ***Value communities and neighborhoods***. Enhance the unique characteristics of all communities by investing in healthy, safe, and walkable neighborhoods - rural, urban, or suburban.

NATIONAL OBJECTIVES

Since the ***CDBG Neighborhood Revitalization Program*** uses Community Development Block Grant (CDBG) funds, all project activities must meet at least one of three national objectives to be eligible. The three national objectives in the CDBG program are: (1) benefiting low-and-moderate income (LMI) persons; (2) preventing or eliminating slums or blight; and (3) meeting other community development needs that are deemed to be urgent because of existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet the need. *Please note that* ***CDBG-NR*** *activities generally will not qualify for the urgent need national objective*.

National Objectives Defined:

1. **Benefit to LMI persons**: Benefit to LMI persons may be either **direct** or **area-wide** benefit.

□ Direct benefits are those activities that serve certain persons (e.g., housing rehabilitation).
□ Area-wide benefits are those activities that benefit communities and are not participant specific (e.g., neighborhood parks).

Please note that applicants must ensure that both area-wide benefit at least 51% low and moderate-income (LMI) persons, and direct activities benefit 100% low and moderate-income (LMI) persons. If proposing economic development activities, 60% of beneficiaries must be LMI. Additionally, applicants must ensure that CDBG-NR Program projects do not benefit moderate-income persons to the exclusion of low-income persons.

□ **Slum or Blight:** The elimination of slum and blighting conditions may be undertaken on an area or spot basis. Activities on an area basis must have an area officially designated by the grantee. Activities to be assisted with CDBG funds must be limited to those that address the conditions which contribute to the deterioration of the area. Activities on a spot basis (those outside an officially designated slum and blight area) are limited to acquisition, clearance, relocation, historic preservation, and rehabilitation of buildings to the extent that it is causing detriment to public health and safety. Local governments are encouraged to certify areas under North Carolina Redevelopment Law (G.S. 160A.500).

Please note that slum or blight activities proposed in the CDBG-NR Revitalization grant application are only eligible if there is a redevelopment plan for that space to be completed within the life cycle (30 months) of this grant (e.g., new and affordable housing development, community garden, community park, etc.) In addition, slum, or blight activities with a plan for redevelopment must benefit LMI households.

Low- and Moderate-Income (LMI) Households Defined:

Low-and-moderate-income households in metropolitan areas are defined as those with incomes equal to or less than eighty percent (80%) of the median family income of the metropolitan area. For families residing in non-metropolitan areas, low and moderate income is defined as eighty percent (80%) or less of the median income of the county. "2023 or the most current Income Limits," published by the Department of Housing and Urban Development (HUD), defines income limits for low and moderate-income families per family size for non-metropolitan and metropolitan areas of the state. The document is available on the HUD Exchange Website using this link https://www.huduser.gov/portal/datasets/il.html .

PROJECTS WITH MULTIPLE ACTIVITIES

Applicants may complete projects that include multiple activities in the ***CDBG-NR Program***. Excluding administration, each activity funded must meet a national objective. There are instances when activities can qualify under more than one national objective category. When this happens applicants must select only one.

Note*: Proposed activities that fail to meet a national objective and/or program requirement may result in REDD eliminating the activity from the project and disqualifying the project for funding.*

THRESHOLD REQUIREMENTS

Threshold requirements address the minimum expectations pertaining to the application process, submission requirements, and minimum program requirements. The Rural Economic Development

Division (REDD) will not consider any ***CDBG-NR Program*** applications for competition if one or more of the following requirements are not met:

Application will be deemed ineligible for the following reasons:

- Application is physically received by the REDD past the deadline;
- Applicant is not an eligible non-entitlement local government;
- Applicant did not submit two complete original applications bound as instructed;
- The Application Summary form in each application was not completed and signed by the chief elected official or another documented authorized certifying officer;
- All required attachments were not included in the application;
- All or some identified eligible activities in the application did not address a national objective;
- The project does not include housing and housing-related activities;
- Applicant's ***CDBG-NR*** funding request exceeds the maximum grant amount of **$950,000.00** and/or the maximum activity grant amount unless located in a storm-impacted area or LIHTC project;
- Previous CDBG grants were not administered in compliance with applicable regulations, and all monitoring and audit findings on closed or open grants were not resolved; and
- Applicant or identified sub-recipient appears on the Federal or State Suspension of Funds list.

Note: A waiver may be granted by the NC Department of Commerce if current funding including the request exceeds $1,250,000 in applications for local governments in any of the CDBG categories and demonstration programs except Urgent Needs, Contingency, Coronavirus, Neighborhood Revitalization, and Capacity Building grants.

ELIGIBLE RECIPIENTS

All non-entitlement municipalities are eligible to receive State CDBG funds. Entitlement communities receive funds directly from HUD. North Carolina's 24 entitlement municipalities are: **Asheville, Burlington, Cary, Chapel Hill, Charlotte, Concord, Durham, Fayetteville, Gastonia, Goldsboro, Greensboro, Greenville, Hickory, High Point, Jacksonville, Kannapolis, Lenoir, Morganton, New Bern, Raleigh, Rocky Mount, Salisbury, Wilmington, and Winston-Salem.**

In addition, all counties are eligible to receive State CDBG funds **except Mecklenburg County**, **Wake County, Union County, and Cumberland County**, which have been designated by HUD as urban entitlement counties. As entitlement counties, neither the counties nor their municipalities are eligible for Small Cities funding, **except** for the towns of **Holly Springs** and **Linden**.

ELIGIBLE APPLICANTS

Eligible applicants are local governments that (1) meet specific funding and threshold criteria, (2) meet a specific level of readiness to proceed, and (3) are acknowledged by REDD in writing as eligible to apply. Local governments that are eligible to apply must meet or exceed a set percentage of severe and moderate need and a set percentage of benefit for low and moderate-income households.

These minimum performance requirements measure an applicant's capacity to adequately implement and administer a CDBG program. REDD will review progress on CDBG programs currently underway in the locality and will consider all unresolved audit and monitoring findings on active CDBG grants in determining capacity.

Eligible local governments may submit applications to undertake eligible activities within their jurisdiction. The jurisdiction may be the corporate limits of the municipality, its extraterritorial jurisdiction (ETJ) or areas outside of the extraterritorial jurisdiction, depending on project activities. Each applicant is required

to certify that it possesses legal authority to carry out the proposed activities. Unless contradictory evidence is submitted to REDD, the Division will accept the applicant's certification of legal authority.

AWARD AMOUNTS

The maximum grant amount is **$950,000** per grantee with some restrictions for specific activities. There is no minimum grant amount. However, applicant should consider feasibility as it relates to the overall cost of any project.

For the 2024 CDBG-NR round, projects that have or are seeking Low-Income Housing Tax Credits and/or are restoring housing in storm impacted areas may be considered for up to **$5 million**. Please discuss the proposed project with the CDBG Director or CDBG Section Chief to confirm eligibility prior to the application deadline.

GRANT PERIOD AND EXTENSIONS

The grant period *is* 30 months for the ***CDBG Neighborhood Revitalization Program*** *projects*. Applicants should allow up to four months for start-up and two months for closeout within the 30 months. Extensions to milestones during the grant period must be requested and will only be approved based on circumstances beyond the grantee's control or a change in the grant administrator.

MATCHING FUNDS REQUIREMENT

The ***CDBG-NR Program*** does not have a matching fund requirement; however, leverage is encouraged.

ALLOWABLE PROJECTS

CDBG-NR activities must be based on need or needs substantiated by the local government applicant. Each activity must meet one of following two national objectives: low-and-moderate-income (LMI), or elimination of area-wide/spot slum and blight. Since the State must meet a 70% low and moderate-income requirement for its yearly allocation from HUD, most single activity projects will need to meet the LMI national objective.

Please note that proposed projects funded by the CDBG-NR must consist of housing and housing-related activities to be completed within the life cycle of the grant (30 months).

DESCRIPTION OF PROJECT CATEGORIES

Community Revitalization Activities Description

The primary purpose of **Community Revitalization** activities is to revitalize an area, through improvements, preservation, or development in a residential neighborhood.

Eligible Community Revitalization activities include:

Infrastructure and **public improvements** that support existing housing in the designated area (e.g., streets, sidewalks/pedestrian ways, curbs and gutters, parks, playgrounds, greenways, water and sewer lines, flood and drainage improvements, and trees).

Note: The community revitalization area must be defined by boundaries that are clearly defined and mapped in the ***CDBG-NR*** application. At least **two needs in the area must be identified with housing as one need**. All housing activities must benefit 100% LMI persons or meet the slum or blight national objective.

Please note that slum or blight activities proposed in the CDBG-NR application are only eligible if there is a redevelopment plan for that space to be completed within the lifecycle (30 months) of this grant

(e.g., new and affordable housing development, community garden, community park, etc.) In addition, slum, or blight activities with a plan for redevelopment must benefit LMI households.

Housing Rehabilitation Activities Description

A. **Rehabilitation -** The purpose of rehabilitation is to take an existing unit and bring it up to the required standards set by HUD and REDD. To qualify as rehabilitation, parts of the existing house must be used in the process.

B. **Clearance/Remediation -** Clearance, demolition, and removal of buildings and improvements, including movement of structures to other sites and remediation of known or suspected environmental contamination related to rehabilitation activities. (Please note that this activity must be directly tied to a housing activity to be completed within the 30-month grant period.) This activity is eligible if it is determined that the housing unit cannot be rehabilitated.

C. **Relocation -** Relocation payments and other assistance for temporarily relocated individual families related to rehabilitation activities. (Please note that this activity must be directly tied to a housing rehabilitation activity to be completed within the 30 months grant timeline.)

D. **Substantial rehabilitation** - Projects are defined as the ones that have rehabilitation costs above **$72,000 per unit or $70 per square foot** including Lead Based Paint treatment costs and any other additional eligible costs associated with substantial rehabilitation projects. **Grantees are required to submit such projects to REDD for prior approval.**

E. **Reconstruction.** Reconstruction is defined as the rebuilding of a structure on the same lot in substantially the same manner. Reconstruction will be used when a house because of high cost (lead base paint cost, high building material cost, etc.) makes rehabilitation not feasible and replacing it on the same site.

F. **Replacement housing -** Replacement Low/Moderate-Income units may be provided by any government agency or private developer but, only after it is determined that rehabilitation, substantial rehabilitation, or reconstruction on the same lot is not feasible. Replacement units must be located within the Sub-recipient's jurisdiction, and to the extent feasible and consistent with other statutory priorities, the units shall be in the same neighborhoods as the units replaced. Replacement units must be comparable in size and number to those units demolished or converted so that at least the same number of individuals can be housed in the replacement units. Replacement units must not be smaller than those they replace (e.g., demolition of one 2-bedroom unit and construction of two 1-bedroom units). Replacement units must be in standard condition. Replacement units may include vacant units that have been raised to standard condition if a) no person was displaced from the unit because of an assisted project activity, and b) the unit was vacant for at least 3 months before execution of the agreement between the Sub-recipient and the Property Owner. Replacement units can be counted if, available 1 year prior to the demolition and ending 3 years after the demolition or conversion. Replacement units must be designed to remain as Low/Moderate-Income dwelling units for at least 10 years from the date of initial occupancy, and replacement units may include public housing or existing housing receiving Section 8 assistance under the Housing Act of 1937.

G. **Emergency repairs -** Emergency repair that provides for the repair of certain elements of a housing unit in emergency situations, such as repairs to a roof that is leaking, but the whole house is not rehabilitated.

Please see 24 CFR 570.201 for a complete list of eligible housing activities.

REQUIREMENTS IMPACTING ALL CATEGORIES WITH HOUSING ACTIVITIES

Eligible Properties for Rehabilitation

Owner occupied units that are designated as real property whether stick built, manufactured after 1978 or modular housing may be rehabilitated in the ***CDBG-NR Program***. However, manufactured homes rehabilitated with CDBG funds must be converted into real property *(according to G.S. 105-273 paragraph 13)* that is owned and occupied by the homeowner prior to selection.

Clearance and relocation are an option, if the local government determines and documents that rehabilitation of the property is not feasible.

Substantial rehabilitation - Projects that have rehabilitation costs above **$72,000 per unit or $70 per square foot** including Lead Based Paint treatment costs and any other additional funds. **Grantees are required to submit such projects to REDD for prior approval.**

Scattered-Site Housing Defined

Note: There are no project boundaries within the applicant's jurisdiction for any of the activities in the housing category. The applicant may choose to do scattered site housing or housing in a concentrated area or a combination. There is no limit on the number of houses or the number of activities for the project. The applicant will need to decide how many houses can be treated during the 30-month grant period. The applicant can also design their housing project to meet their own special needs. This project can be very well defined with boundaries, scattered or a combination of both contiguous and scattered boundaries. Housing projects in this category must benefit 100% LMI persons.

Public Facilities Activities Defined

A public facility is defined as a place open to the public that provides services that are traditionally provided by the government or owned and operated by a nonprofit.

Funds may be spent on shelters for victims of domestic violence or homeless/homeless families, transitional facilities/housing for the homeless/homeless families, senior and community/ neighborhood/recreational centers. Benefit must be limited clientele or 51% low-and-moderate-income. The applicant must be able to complete the facility prior to the end of the 30-month grant period.

Please note that transitional facilities and shelters for special populations are defined as housing. Applicants, therefore, may submit applications for these developments as a sole housing activity.

In certain cases, nonprofit entities and sub-recipients including those specified in § 570.204 may acquire title to public facilities. When such facilities are owned by nonprofit entities or sub-recipients, they shall be operated to be open for use by the public during all normal hours of operation. Public facilities and improvements eligible for assistance under this paragraph are subject to the policies in § 570.200(b).

Eligible Activities for Public Facilities:

A. **Acquisition**, **construction**, **reconstruction**, **rehabilitation** or **installation of public facilities** and **improvements**, per guidance provided in § 24 CFR, Part 570.207(a), carried out by the recipient or other public or private nonprofit entities.

B. **Removal of material** and **architectural barriers** that restrict the mobility and accessibility of elderly or severely disabled persons to public facilities and improvements, including those provided for in § 570.207(a)(1).)

C. Inclusion of **design features** and **improvements** which promote energy efficiency may be included.

D. Inclusion of the **execution of architectural design features**, and similar **treatments** intended to enhance the aesthetic quality of facilities and improvements receiving CDBG assistance, such as **decorative pavements**, **railings**, **sculptures**, **pools of water** and **fountains**, and other works of **art**.

E. Facilities designed for use in **providing shelter for persons having special needs** are considered public facilities and not subject to the prohibition of new housing construction described in § 570.207(b)(3). Such facilities include **shelters for the homeless**; **convalescent homes**; **hospitals**, **nursing homes**; **battered spouse shelters**; **halfway houses for run-away children**, **drug offenders** or **parolees**; **group homes for mentally challenged/disabled persons** and **temporary housing for disaster victims**.

F. **Improvements** such as **parks**, **playgrounds**, and **greenways**.

Benefit Requirements for Public Facilities
Project must benefit 51% of LMI households or Limited Clientele that are presumed by HUD to be principally LMI income persons such as elderly, youth, domestic violence victims, severely disabled adults, persons living with HIV/AIDS, homeless persons, illiterate adults, and migrant farm workers.

Housing Development

New housing construction, except when carried out by a Community Based Development Organization (CBDO) is generally an ineligible activity under the CDBG program. The State's CDBG program, however, funds new construction-related activities owned by the unit of local government or CBDO (non-profit). The ***CDBG-NR*** program funds primarily provide infrastructure support to Housing Development projects focused on the new construction of single-family homeownership and multi-unit rental developments for low and moderate-income families. **Please Note:** *Evidence of the funding for the construction of the housing must be documented in the application and will be considered as part of the leverage component.*

Single-Family Homeownership Developments

The maximum grant for infrastructure support to single-family, homeownership development is **$950,000.00** maximum grant not to exceed **$75,000 per unit**. Activities eligible for funding under the single-family projects are limited to:

A. **Installation of public infrastructure** that supports housing development category may include water and sewer lines, parks, playgrounds, streets, curb and gutters, flood and drainage, and sidewalks/pedestrian improvements. Applicants are not limited to just one activity but should keep in mind the time frames for the grant to ensure that the project can be completed in the 30-month grant period. These projects must be in a project area with boundaries and must be residential. All infrastructure funded with CDBG funds must be owned and maintained by the unit of local government with benefit as follows:

- On-site: 51% of the units must benefit low and moderate-income (LMI) people

- Off-site: 51% of the units must benefit low and moderate-income (LMI) people
- Census tract must be 51% LMI.

B. Removal of hazardous material

C. Land acquisition (vacant only) must benefit 100% LMI persons and be done in partnership with eligible Community-based Development Organizations (CBDO) as described in 24 CFR 570.204. REDD will determine if an organization is an eligible CBDO, and applicants should contact REDD for this determination and further information.

D. Historic vacant building acquisition (on a case-by-case basis) by for profit or non-profit developer

E. Historic vacant building rehabilitation (on a case-by-case basis)

F. Rent- to-own (RTO).

Multi-Family Rental Housing Developments

The maximum grant for infrastructure support to multi-family projects is **$950,000** not to exceed **$30,000.00** per unit. The maximum grant for the rehabilitation of properties for multi-family housing with 5 or more units is **$950,000** not to exceed **$30,000** per unit. Multi-family projects can be used with the North Carolina Housing Tax Credit Program. Activities eligible for funding under the multi-family rental housing project are the same as for single-family except for rent-to-own.

The following activities are allowed under this category:

A. Rehabilitation (including substantial rehabilitation and reconstruction),
B. Disposition,
C. Acquisition,
D. Demolition,
E. Clearance,
F. Historic vacant building acquisition (on a case-by-case basis) by for-profit or non-profit developer
G. Historic vacant building rehabilitation (on a case-by-case basis)
H. Relocation, and
I. Emergency repair.

Eligible Developers for Housing Development Projects

1. Non-Profit Developers

A non-profit must have already been designated a 501(c)(3) organization by the IRS for federal tax purposes and have the characteristics of an eligible community-based development organization (CBDO) to participate in the Small Cities CDBG Program as a sub-recipient. An eligible organization must have the following characteristics:

- ✓ Be a non-profit association or corporation organized under State or local law to engage in community development activities within an identified geographic area of operation including the jurisdiction of the recipient in addition to having the 501(c)(3).
- ✓ Be a non-profit organization with federal tax status as a 501(c) (3) organization.
- ✓ Have as its primary purpose the improvement of the physical, economic, or social environment of its geographic area with particular attention to the needs of people of low-and-moderate income.

- ✓ Maintain at least 51% of its governing body's membership for low and moderate-income residents of its geographic area of operation or representatives of low and moderate-income organizations located in its geographic area of operation.
- ✓ Not be an agency or instrumentality of the recipient and does not permit more than one-third of the membership of its governing body to be appointed by, or to consist of, elected or other public officials or employees or officials of an ineligible entity.
- ✓ Require members of its governing body to be nominated and approved by the general membership of the organization, or by its permanent governing body.
- ✓ Be an active and substantive partner of the project development team.
- ✓ Not be subject to requirements under which its assets revert to the recipient upon dissolution.
- ✓ Be free to contract goods/vendors of your own choosing.
- ✓ Also note that a Community Housing Development Organization (CHDO); an entity organized under the Small Business Investment Act (non-profit only); and a Small Business Administration approved Section 501 State Development Company or Section 502 Local Development Company or Section 503 Company (all non-profit only) will also qualify as a CBDO.

2. For-Profit Developers

- ☐ Developer is limited to 15% profit; and
- ☐ If a loan is made to the developer, the local government must have a plan for reuse of CDBG funds (program income) subject to REDD approval. Program income over $25,000 in a year must be returned to REDD.

3. All Developers

If the project is funded, as part of the agreement, the local government is required to execute a ***Legally Binding Commitment (LBC)*** contract with the developer. The LBC outlines the duties of each (local government and developer). This document at a minimum should include the following:

- ✓Reference to the release of CDBG conditions
- ✓Roles and responsibilities of each party
- ✓Use of funds (both grant and loan)
- ✓Project requirements for Housing Development grants
- ✓Insurance and bonding
- ✓Enforcement of the agreement
- ✓CDBG program requirements (State and Federal)

It is recommended that legal counsel should be used to prepare this document. The purpose of the LBC is to make sure all parties are clear on their responsibilities in undertaking this HD project. Ultimate responsibility for meeting all state and federal regulations, however, rests with the local government.

Water and Sewer Connections to Existing Housing

The water and sewer connection category is viewed as rehabilitation and includes the activities allowed under the REDD former Infrastructure Hook-Up Program. Local governments may use funds to connect

or "hook-up" low-and-moderate (LMI) households to non-CDBG funded existing public water and/or sewer line(s). CDBG funds may only be used to connect LMI owner-occupied and LMI tenant-occupied dwellings provided the landlord is also LMI. Low-and-moderate income households are defined as households at 80% or less of the median family income for the county or Metropolitan Statistical Area (MSA) in which the residence is located.

CDBG funds may also be used to connect manufactured homes that LMI owner-occupied, but the lot is rented. However, the owner of the rented lot must also be LMI. Also, if an LMI unit is located on a corner lot with a line on either of the unit's sides and/or its front, that unit may be connected if the unit is eligible per the CDBG guidelines.

Basic Criteria for Water and Sewer Connections

A. The line is completely installed in the ground and in use by households along the line prior to the submission of the ***CDBG-NR*** application.
B. Installation of the line was not funded in whole or in part by CDBG funds.
C. Funds can be used only to connect LMI household to the public line.
D. Residences to be connected must already have indoor plumbing in working order.
E. Eligible households must be identified in the application.

Eligible Activities for Water and Sewer Connections

A. Tap-on or assessment fee to connect to the line.
B. The service connection for private property.
C. Use of special equipment such as grinder pumps or vacuum pits to transport residential wastewater to the existing sewer lines.
D. Cost to remove septic tanks or cap wells, as required by the health department.
E. Repairs for leaking water pipes if it is documented that the leaking pipes are a result of connecting to the public water line.
F. Other problems caused by the installation of public water or sewer must be requested in writing by the grantee and approved in writing by REDD.

Benefit Requirements for Water and Sewer Connections

- ✓ Project must benefit 100% of LMI households.
- ✓ Applicant must identify the number of households to be connected, not persons in the application.
- ✓ An **Income and Need Survey** for each household must be submitted with the application.

Housing Distribution Plan for Housing Rehabilitation

The Housing Distribution Plan is a major component of this application for housing rehabilitation activities. The plan must detail how the lead local government and the interested municipalities will distribute the ***CDBG-NR* Program** housing funds. All questions in the application about the plan must be answered. The responses constitute the plan that will govern the ***CDBG-NR Program*** for the grantee's housing rehabilitation program.

Housing Selection Committee Responsibilities

The Housing Selection Committee is responsible for developing and implementing a process for how the houses selected for this grant were determined. The Housing Selection Committee must hold meetings and maintain meeting minutes as part of the selection process. The above should be incorporated as part of the Housing Selection Committee By-Laws maintained by the local government.

Additionally, any changes to the beneficiaries approved by the Housing Selection Committee and submitted as part of this application will require a formal decision documenting the change to beneficiaries in the Housing Selection Committee's minutes. Applicants are encouraged to review the Housing Selection Committee Guidance included with this guidance below.

Housing Selection Committee Guidance

This guidance is designed to outline the expectations and requirements for Community Development Block Grant (CDBG) programs that require a Housing Selection Committee. Generally, the committee requirement applies to the Neighborhood Revitalization (NR) program; however, occasionally the Rural Economic Development Division (REDD)/CDBG Program receives special allocations of CDBG funds, administers non-CDBG funding sources, and develops new CDBG initiatives. This guidance is intended for all CDBG administered programs that contain housing components. For additional clarity, please refer to the program guidelines and applications or contact CDBG's Program and Compliance staff.

Organization of the Housing Selection Committee

CDBG does not specify how the local unit of government organizes the **Housing Selection Committee**. However, CDBG does hold the local government, as the grantee, responsible for ensuring the committee is formed and administered appropriately.

With each grant application, CDBG requires the local unit of government to submit and keep on file the following:

- a list of the names and titles of each member of the Housing Selection Committee;
- a description of the responsibilities of the committee;
- a copy of the ***adopted and signed*** by-laws for the Housing Selection Committee; and
- a copy of the written minutes of the meeting(s) selecting the beneficiaries.

Format of Minute Contents

All Housing Selection Committee minutes must include the following:

- a title identifying the document as minutes or a meeting summary;
- a list of all meeting attendees;
- identification of committee members present and absent;
- the location, date and time of the meeting;
- a clear description of decisions made at each meeting;
- documentation of individuals recommending decisions by name; and
- a list of handouts or presentations made at the meeting.

Housing Selection Committee meeting minutes must be ***adopted and maintained*** as part of the beneficiary selection process. This should be incorporated as part of the **Housing Selection Committee By-Laws** maintained by the local government. Additionally, any changes to the Committee's approved beneficiaries and submitted as part of this application, require a formal decision to be reflected in the **Housing Selection Committee's minutes**.

Requirements for the Beneficiary Selection Process

Local units of governments must prepare and keep on file a description of the beneficiary selection process. The description should include a:

- description of the application for assistance process;
- list of the potential and selected beneficiary and alternate names and addresses;
- process description and documentation for the verification of income, assets, and property ownership; and
- description of the method used to identify and select eligible beneficiaries.

Timing of the Beneficiary Selection

All data submitted with the application must be no older than 12 months from the date of the Chief Elected Official's signature on the Application Summary Form of each application. For example, if the CEO signs the Application Summary Form on December 31, 2023, the information must have been collected no earlier than December 31, 2022. This includes the minutes from the program Selection Committee and the approved beneficiary and alternate lists. If applicable, all income and need surveys must be completed prior to the selection of the beneficiaries.

Verification of Household Income

Part of the income and household verification process is the use of the CDBG Income and Need Survey form. Please refer to the form's instructions (Page 39 of this guidance). As a reminder, the signature of the local unit of government's Chief Elected Official on the Application Summary certifies that all the data on this form and all other application contents are true and correct. Applicants are required to verify household income prior to obligation, as per applicable program category requirements. The documentation of this income will be reviewed and requested during program monitoring. Where program category guidelines do not require income verification prior to application submission, the local government is still responsible for ensuring and documenting those potential beneficiaries are income eligible. In this situation, local government files will be monitored to ensure income eligibility was determined using generally accepted industry practices prior to expenditure of CDBG funds.

Affordable Rents

Per 24 CFR Part 570.483 (B) (3), rental housing activities, occupancy by low- and moderate-income households must be at affordable rents to qualify for CDBG funding. The recipient shall adopt and make public its standards for determining "affordable rents". Please note that to comply with this standard, the determination must be made prior to receipt of CDBG funds. If you are considering activities involving rental housing, please contact the NC Department of Commerce, Rural Economic Development, CDBG Grants Management Representatives and Compliance Specialist for additional guidance.

Effective Date

This guidance applies to all CDBG administered programs initiated beginning with fiscal year 2011.

CDBG Financial Assistance

CDBG financial assistance for rehabilitation activities must be in the form of a loan and not a grant.

CDBG loans may be deferred, deferred forgivable, or amortized with low interest. A deferred loan is repaid when the house is sold, or the recipient no longer occupies the home such as going into a nursing home or death during the recapture period. A deferred forgivable loan is proportionally forgiven over an applicable term of recapture. An amortized loan is repaid monthly during the term of the loan.

Housing Financial Design Model

Applicants with projects that use CDBG funds for housing rehabilitation must adopt and follow a written policy that includes a Housing Financial Design Model. The Housing Financial Design Model must be submitted for review by the Rural Economic Development Division and available for monitoring. Owner-occupied units are the only housing types that may be rehabilitated or relocated in the program.

By signing the "State CDBG Program Regulations", the applicant's authorized official agrees that the applicant will adopt a Housing Financial Design Model that meets the following minimum requirements:

- Low -income property owners that also occupy the house to be rehabilitated are not required but **may** contribute to the cost of rehabilitation for the life of the grant.
- Grantees must review existing loan(s) on the property to determine whether the CDBG loan in conjunction with the existing loan(s) will create a situation that causes the loans to equal or exceed the value of the unit. In instances when this scenario occurs, the grantee must inform the loan recipient of the circumstances in writing.
- Programs, which propose amortized loans, should describe terms and interest rates for the loans. Terms should be selected that enable low and moderate-income owners to afford the monthly payments. Programs proposing deferred forgivable loans that become payable at the time the property is sold or the recipient owner no longer occupies the home must ensure that the loan recipient **clearly understands** the terms of this type of loan.
- As the level of CDBG assistance increases, the recapture period must lengthen according to the following table:

CDBG Assistance	Recapture Period
Less than $12,000	5 years
$12,001-16,000	6 years
$16,001-$20,000	7 years
$20,001 or more	8 years

- After the rehabilitation project is completed, if other non-CDBG financial assistance for rehabilitation is obtained prior to the expiration of the CDBG recapture period or CDBG repayment period, the CDBG loan may be subordinated to the new rehabilitation loan.
- CDBG loans, regardless of the type of loan, may not be subordinated to **any other type of loan** other than a first mortgage that existed prior to the rehabilitation. All CDBG loans must be secured with a Note and Deed of Trust. The Deed of Trust must be filed with the Register of Deeds prior to signing a contract for rehabilitation.

A **Notice of the Right to Cancel** and a **Truth-in-Lending Statement** must accompany every Deed of Trust and be provided to each owner at closing.

CDBG Applicable Notices and Bulletins

Clarification of Program Activity Terms (Bulletin 10-2)

On July 19, 2010, REDD issued ***Bulletin 10-2*** to all CDBG Recipients. The purpose of the bulletin was to clarify the following program activity terms:

Reconstruction: Reconstruction is defined as the rebuilding of a structure on the **same lot** in substantially the same manner. Reconstruction will be used when a house because of high cost (lead base paint cost, high building material cost, etc.) makes rehabilitation not feasible and replacing it on the same site.

Rehabilitation: The purpose of rehabilitation is to take an existing unit and bring it up to the required standards set by HUD and REDD. To qualify as rehabilitation, parts of the existing house must be used in the process.

Relocation: Relocation is defined as a person(s) being displaced from their present lot and relocated to a **different lot**. Local governments should adopt and submit their Optional Coverage Relocation Plan to REDD that explains how the local government plans to handle the relocation activity.

Temporary Relocation: Temporary relocation can be given to person(s) who has/have voluntarily been displaced on a temporary basis while their unit is being treated on the same site. The activities associated with this occurrence are reconstruction or rehabilitation. The local unit of government must follow their adopted Optional Coverage Relocation Plan as to how the local government plans to carry out temporary relocation.

Clearance: Clearance is an activity that can be used in conjunction with both reconstruction and relocation.

Substantial Rehabilitation (*Revised April 2021*): Substantial rehabilitation is defined as rehabilitation that is estimated and determined to exceed the following cost estimates based on the following two standards: Total CDBG rehabilitation costs for the unit (1) exceed $72,000 or (2) $70.00 per square foot of heated, occupiable space. When these guidelines are exceeded, REDD approval must be obtained before proceeding. Once approved a new request is not needed if change orders do not exceed 10% of the cost.

Note and Deed of Trust Requirements (Bulletin 10-9)

Per ***Bulletin 10-9,*** all CDBG housing rehabilitation, reconstruction, and relocation loans must be secured with a Note and Deed of Trust along with the completion of a professional title search prior to any work commencing on the unit. The Note and Deed of Trust must be signed by the owner(s) *prior to or at same time as the rehabilitation contract is signed* by the homeowner, contractor, and grantee. Rehabilitation of the unit may begin on or after the date the Note and Deed of Trust is signed by the homeowner, contractor, and grantee. The Deed must have recapture provisions on rehabilitation activities. Urgent and emergency repair units are not required to have a Note and Deed of Trust unless the repair costs paid for with CDBG funds exceed $5,000.

Additionally, the grantee is responsible for ensuring that the Note and Deed of Trust is filed within five (5) business days of the date the Note and Deed of Trust is signed by the homeowner(s), contractor, and grantee, and recorded with the Register of Deeds within sixty (60) calendar days of the filing date. In the event the Note and Deed of Trust is not recorded with the Register of Deeds within sixty (60) calendar

days of the date the Note and Deed of Trust is filed; the grant funds will be frozen without further notice and the expended and encumbered funds for that specific dwelling may be consider a disallowed cost.

- Inclusion of design features and improvements which promote energy efficiency may be included.
- Inclusion of the execution of architectural design features, and similar treatments intended to enhance the aesthetic quality of facilities and improvements receiving CDBG assistance, such as decorative pavements, railings, sculptures, pools of water and fountains, and other works of art.
- Facilities designed for use in providing shelter for persons having special needs are considered public facilities and are not subject to the prohibition of new housing construction described in § 570.207(b)(3). Such facilities include shelters for the homeless; convalescent homes; hospitals, nursing homes; battered spouse shelters; halfway houses for run-away children, drug offenders or parolees; group homes for mentally disabled persons and temporary housing for disaster victims.
- Improvements such as parks, playgrounds, and greenways.

LEAD-BASED PAINT REQUIREMENTS

Lead-Based Paint Regulations are found at 24 CFR Part 35 and N.C. General Statute §130A-453.01-453.11 – Lead-Based Paint Hazard Management Program**.** All CDBG grantees awarded funds to rehabilitate any houses constructed prior to 1978 are required to follow the regulations. Lead-based paint required activities depends on the lower per unit cost of either (1) the amount of rehabilitation "hard costs" per unit or (2) the amount of federal assistance per unit when there are other federal funds in the unit. "Hard costs" do not include such costs as administrative costs, relocation costs, environmental reviews, acquisition of the property, or the costs of lead hazard evaluation and reduction.

REDD Lead-Based Paint Requirements

- ✓ All units must have a risk assessment and paint inspection by a certified risk assessor;
- ✓ All units must be cleared by a certified inspector or risk assessor who must be a third-party entity;
- ✓ Local governments must use contractors trained in Safe Work Practices;
- ✓ Local governments that undertake temporary relocation must develop, adopt, and follow an Optional Temporary Relocation Policy.
- ✓ It is our policy that when lead-based paint is identified in a unit being rehabilitated, the lead-based paint be abated whenever possible. Cost for abatement may be charged to the rehabilitation unit.
- ✓ Homeowners and occupants, when relocated, must be moved to a lead-safe environment.

PRE-AWARD AND ADMINISTRATION COSTS

Pre-award, planning, and administration is limited to 10% of the awarded grant total. REDD will allow reimbursement of pre-award costs incurred prior to the effective date of the grant award that are essential to negotiations in anticipation of receiving the grant award. Of the 10% administration of the awarded grant amount, up to $3,500 can be used for planning. The pre-award costs are also subject to following proper procurement regulations at 24 CFR 85.36. For eligible pre-award and administration costs, see 2 CFR 200.458.

LOCAL GOVERNMENT ROLES AND RESPONSIBILITIES

The local government's roles and responsibilities are outlined in 24 CFR Part 570.501. The local government is responsible to ensure the following:

- ✓ **Management and Oversight**: The elected officials and authorized representatives are legally, financially, contractually, and programmatically responsible for the CDBG project. The local

government is responsible to the State of North Carolina and the Federal government even if they have a grant administrator or subrecipient relationship.

- ✓ **Financial Management**: The local government and its staff must ensure proper accounting of funds in the projects to avoid disallowed costs. This includes accurate identification of project costs, project cash balances, proper internal controls, inclusion of CDBG funds in the annual audit, and timely expenditures of funds.
- ✓ **Statement of Assurances and Certifications**: The local government elected officials, its authorized representatives, and grant administrators should read and understand these documents and the implementation obligations.
- ✓ **Grant Agreement and Funding Approval (Contract) (24 CFR Part 570.501 and .502):** If awarded, the local government will receive a grant agreement and funding approval from the North Carolina Department of Commerce, Rural Economic Development Division. These documents are contractually binding and cannot be changed without State approval.
- ✓ **Communication Requirements:** The local government must ensure continuous communication amongst all parties involved in the CDBG-funded project. Additionally, all formal written communication should be addressed to the CDBG Director and be signed by the Chief Elected Official or accompanied with a signature authorization document such as an authorizing resolution.

USE OF AN EXPERIENCED CDBG ADMINISTRATOR

The local government applicant must have the capacity to administer the proposed project with either its own CDBG-experienced staff or the assistance of an experienced CDBG administrator (e.g., CDBG-experienced consultant, Council of Government, non-profit). "Experienced" to administer proposed project for this application is defined as, someone who has administered more than one CDBG project, ideally with project activities identified in the approved project. All applicants must have also met the basic performance requirements for prior CDBG grants.

PROGRAM AMENDMENTS, BUDGET AMENDMENTS AND BUDGET REVISIONS

In an Advisory Notice called "Application Amendment" dated January 25, 2010, and posted on the North Carolina Commerce website, State CDBG outlined the application amendment process. Additionally, in September 2010, REDD released ***Bulletin 10-3*** which replaces Bulletin 96-2 which defines what constitutes a change from the approved application and requires prior approval by REDD. The Bulletin also outlines the procedural requirements for submitting an amendment. When making any change to the approved application, grantees should contact the REDD Grants Management Representative (GMR) assigned to the grant to discuss the proposed changes. The GMR will assist the grantee with the program amendment, budget amendment, and/or budget revision process.

When changing activities or scope of the project, the environmental review record must be updated per 24 CFR 58. After revisions, the environmental review must be submitted to the REDD Compliance Specialist.

EVALUATION CRITERIA

*The **CDBG-NR Program*** is competitive but can be converted to non-competitive if, funding exceeds the number of applications received. The project must pass the threshold review to be considered for the competitive review. See threshold criteria section of the guidelines for details. Applicants will be rated according to the following criteria:

1. Activity is taking place in an eligible area
2. Program Purpose, Project Design, and Performance Measure & Evaluation
3. Project Feasibility, Sustainability, and Readiness
4. Project Need, Market Demand, and Benefit
5. Financial Design, Budget, Leverage, and Cost Effectiveness
6. Capacity, Experience, and Organizational Structure

Program Purpose, Project Design, and Performance Measure & Evaluation

This area of rating focuses on the overall project design. The reviewer(s) will examine how the proposed project addresses the program intent, incorporates the designated livability principle, uses partnerships, and establishes performance measures for current and future assessments. This area will also review the local commitment and history to assess the local government's prior commitment to community development, particularly in the target neighborhood. The needs identified in these neighborhoods are not new and have festered over many years. ***CDBG-NR Program*** funds cannot be considered a cure-all or the beginnings of the revitalization process. Discussions about the target neighborhoods identified needs and the solutions to the needs should have occurred long before communities were made aware that CDBG funds may be available.

Performance Measure and Evaluation: The applicant must identify how they will measure the ***CDBG-NR Program*** project performance. In this section, REDD wants to know what communities are going to be evaluated. Provide a list of the measurable outcomes that are expected because of the project activities completed. The goals must be specific, measurable, action-oriented, attainable, realistic, focused and time-bound. Be specific by using a quantifiable number. The Accomplishments and Beneficiaries form per activity will also be reviewed for this area of rating.

Examples of evaluation parameters for applicant and activity listed below:

Project Feasibility, Sustainability, and Readiness

This area of rating focuses on the project feasibility, sustainability, and readiness to proceed. Included in the review are the financial design, evidence of non-CDBG funds, project timing to carry out the proposed activities, quality of the units, site suitability for the proposed activity, surrounding and on-site amenities for the target beneficiaries, and level of site readiness and control.

Applicants must be able to document the long-term viability of any public facility and the ability to link services if the type of facility requires specific services for their clientele. Applicants must provide documentation to support housing activities related to sales or leasing activity.

The most competitive projects will establish partnerships with local government, community groups, non-profits, and other agencies for funding and administration that goes beyond CDBG funding. Local funds, no matter how small, give an indication of the local government's commitment to the project. Concerted efforts to elicit funds to leverage funding with other sources other than CDBG will be looked upon favorably, since one of the ultimate goals of this project is for communities to search for as many avenues of funding necessary to maximize revitalization opportunities of the target neighborhood(S).

Examples of evaluation parameters for applicant and activity listed below:

- ☐ Can the project be implemented and completed within a reasonable amount of time?
- ☐ Has the applicant identified all the major tasks or components that will be required in carrying out the activity? Are there any potential issues or concerns?
- ☐ Has the applicant provided a reasonable estimate of the resources necessary for each component of the project, and has it developed a realistic budget that reflects these resources? Are other sources of funds (leveraging) committed to this project?
- ☐ Is the proposed budget for the CDBG-funded activity separate from other activities undertaken by the applicant?

Project Need, Market Demand, and Benefit

This area of rating will assess the project need, the documented demand, the proposed treatment to meet the need, and the benefit to the identified target group. All project activities must meet a national objective to be eligible for CDBG funds. There are three national objectives in the CDBG program. The two national objectives most applicable to the ***CDBG-NR Program*** are (1) benefit to low and moderate income (LMI) persons and (2) the elimination of slum or blighting conditions. The benefit to LMI persons may be either direct (actual people served) or area wide. The elimination of slum and blighting conditions may be undertaken on an area or spot basis.

Examples of evaluation parameters for applicant and activity listed below:

1. Does the activity address an established need?
2. Is the proposed activity eligible (24 CFR 570.201) under the CDBG program?
3. Does the proposed activity meet one of the three broad National Objectives?
   - ✓ Principally benefit low and moderate-income persons;
   - ✓ Prevents or eliminates slum and blight; or
   - ✓ Addresses an urgent need or problem in the community.
4. Has the applicant provided enough explanation concerning their ability to document the benefit adequately and accurately for low and moderate-income persons?

Please note that slum or blight activities proposed in the CDBG-NR grant application are only eligible if there is a redevelopment plan for that space to be completed within the life cycle (30 months) of this grant (e.g., new and affordable housing development, community garden, community park, etc.) In addition, slum, or blight activities with a plan for redevelopment must benefit LMI households.

Capacity, Experience, and Organization Structure

Capacity: The applicant must describe in the application the community's capacity and organizational structure that will be responsible for the grant's administration and the development and operation of the ***CDBG-NR* Program** project. For example, describe who will coordinate the various components. Describe who will be responsible for the oversight and assurance that all financing is firmly committed, and matching funds spent, that contracts are properly secured, that benefit is measured, etc.

In addition, the applicant must describe the following:

1. Who will be responsible for administering the grant,
2. Describe who will be responsible for the oversight and assurance that environmental reviews are conducted accurately and according to the ***U.S. Department of HUD's Office of Environment and***

Energy Laws, Regulations, and Executive Orders for HUD Environmental Compliance, financial systems set-up, reports filed with the local board and REDD, etc.

3. Submit an organizational chart that outlines the team members responsible for the implementation of the project.
4. Create a bullet list of the team members/providers and what activities/duties for which they are responsible.
5. Also, describe the capacity and experience of each project team member for their component of the project.
6. Attach resumes of project team members in an appendix or indicate that you have already done so in the pre-application.
7. Include information on the type(s) of organizations involved, document if these are non-profit, private, government, cooperative, or partnership. (Please note that for CDBG-funded new construction of housing, an eligible non-profit organization must be involved.)

The applicant may designate a different coordinator of each of the components of the project or may designate the same person to coordinate all components. It is of utmost importance to have a coordinator and administrator in leadership and management, a successful project needs an experienced competent team. Team members could include local government staff, Housing Authorities, day care providers, public service providers, Community Development Corporations (CDCs), and other non-profit agencies.

Examples of evaluation parameters for applicant and activity listed below:

1. Does the applicant have historical experience of undertaking the proposed activity? What were the results?
2. Does the applicant have experience with CDBG or other Federal programs? Has the applicant had a Single Audit (OMB A-133) completed within the last two years?
3. Do the applicant and prospective staff understand the additional requirements associated with Federal funding?
4. Does the applicant have qualified staff in place for all components and necessary functions associated with the proposed activity? Is there adequate staff time available?
5. Does the applicant possess adequate administrative structures, management systems, and policies & procedures?
6. Does the applicant possess adequate financial stability? Will the applicant be primarily dependent upon CDBG funding?

PUBLIC HEARINGS

To meet the minimum requirements for citizen participation during the application phase, the applicant must hold **two public hearings** to obtain citizens' comments prior to its submission to REDD. Two public hearings are required to be held by the unit of local government during the application process and prior to the submission of the application. Both hearings must be advertised in a newspaper having general circulation in the area. The timing of the hearing notices must follow CDBG regulatory requirements, including publication not less than 10 days or more than 25 days before the date of the hearing.

The first public hearing should be held at the beginning of the application process. The notice should provide enough information about the project(s) to allow citizens to be able to provide input. The first public hearing is required at least once every twelve months (or prior to submission of an application) to discuss and receive feedback on housing, community, and economic development needs.

The second notice of public hearing to obtain citizens' views must also contain a description of the proposed activities to be carried out, including the total cost of the activities. The public hearing must be conducted by the governing board of the applicant. **The second public hearing should be held after the application is drafted but prior to its submission to REDD.**

A publisher's affidavit of the notices and minutes of the hearings signed by the local government clerk must be submitted to REDD as a part of the application and/or Funding Approval, if awarded.

COMPLIANCE REQUIREMENTS (Revised for FY2024)

The local government is responsible for conformity with all Federal and State regulations governing the CDBG program. ***CDBG-NR Program*** applicants must comply with federal regulations and certify that, if funded, they will comply with all applicable laws and requirements in the ***CDBG-NR Program*** grant. Please refer to the Federal Certifications and State CDBG Regulations in the application for specific details. If you have questions about the documentation needed, please contact the CDBG-NR Program Grants Management Representative (GMR) for assistance.

Per the Housing and Community Development Act of 1974, as amended, the CDBG program has certain federal and state requirements that must be met. Local government project administrators should be familiar with the Act, along with the rules published in the Federal Register of November 9, 1992, under 24 CFR Part 570. NC Administrative Code requirements of 4 NCAC Subchapter 19L (NC Community Development Block Grant Program) must also be met.

It is important that applicants understand the commitment they will be undertaking with a CDBG grant. This description of the requirements and responsibilities of grantees should be read carefully. Please contact REDD Staff with any questions regarding federal program regulations. The following list is intended to provide local government and business CDBG program participants with a brief list of basic federal and state administrative requirements for compliance areas that must be addressed. ***Please note that all compliance plans are local, not State, plans. For this reason, all required plans must be on local government stationary or format, rather than a state agency to be approved by REDD.***

1. Conflict of Interest

Per 24 CFR Part 570.489 (h), the following people or their immediate family members shall not have any direct or indirect financial interest in any contract, subcontract or the proceeds thereof for work to be performed in connection with the grant during their tenure or for one year thereafter: 1) employees or agents of the recipient who exercise any function or responsibility for the CDBG project, and 2) officials of the recipient including members of the governing body. The applicant will be asked to determine if a potential conflict exists. Questions regarding this item are in the program application. Please note that sub-recipients must comply with these regulations as well. Consult with REDD Staff regarding conflict-of-interest questions or North Carolina Community Development Block Grant Program Regulations (4NCAC 19L.Section.0914).

2. Citizen Participation

Applicants must certify in the application that they are following a written citizen participation plan that provides for access to information and participation in all stages of the project. This includes proper advertising of public hearings in the **non-legal** section of a newspaper with general circulation in the area, and timely access to meetings, information, and records related to the project. In addition to a minimum of two public hearings before submitting a final application, a third hearing is required prior to the formal close out of a grant after completion of all project activities.

Applicants must certify in their application that they are following a detailed citizen participation plan which provides for and encourages citizen participation at all stages of the project, from initial design and application through implementation and closeout.

This plan must provide for reasonable and timely access to meetings, information, and records; provide technical assistance to groups representative of low and moderate-income persons that request assistance; provide for public hearings at all stages of the community development program; provide timely written answers to written complaints; and provide for the needs of non-English speaking persons.

To meet the minimum requirements for citizen participation during the application phase, applicant must hold a public hearing to obtain citizens' comments at the beginning of the application process, and another hearing after the application is drafted but, prior to its submission to REDD. Public hearing notices must be published at least once in the non-legal section of a newspaper having general circulation in the area. **The notice must be published at least 10 days but, no more than 25 days before the date of the hearing.**

The notice of public hearing to obtain citizens' views after the application has been prepared, but prior to its submission to REDD, must also contain a description of the proposed project(s), including proposed project location, activities to be carried out, and total costs of activities. The governing board of the applicant must conduct the public hearings.

Please Note: Local governments must also provide citizens, especially residents of proposed project areas or ones whose homes will be included, an adequate opportunity to participate in the planning and development of CDBG applications beyond the public hearing requirements described above.

Examples of actions applicants may take to ensure adequate citizen participation in the application stage includes meeting with community groups and leaders prior to public hearings, holding informational meetings for those citizens whose homes will be affected by the project and distributing notices of meetings and public hearings directly to them. Applicants may also choose to distribute public hearing notices to local community action agencies, legal services offices, and other public and private organizations.

Please note that the applicant certifies in the application Certification Form that it is following the requirements described in the first paragraph of this section for ensuring citizen participation, and that it will adopt a detailed written Citizen Participation Plan that includes these requirements if, the project receives the grant award. Applicants should refer to 4 NCAC 19L Section .1002(c) and (d) for information regarding the development and implementation of this plan.

If awarded, the grantee must have documentation on file of compliance with citizen participation requirements in the application process, 4 NCAC 19L.1002(b): publisher's affidavits of notices for and minutes signed by the town or county clerk of the two required public hearings.

3. Program Income

Program income resulting from the CDBG project may be retained at the local level. For example, program income will result from loan repayments, or the sale of assets purchased with CDBG funds. Prior to expenditure of program income, the applicant must have a plan for reuse of program income approved by REDD.

4. Administration of Project

If awarded, the grantee must meet minimal levels of supervision in implementing the project as follows:

(a) Administrators of the project will give written status reports to the elected board at a minimum quarterly.

(b) At least two people from the local government will review invoices and requests for payment to ensure accuracy and to ensure costs are allowable.

(c) The local government manager reviews and signs off on all project reports.

(d) All project files will be maintained at the local government offices and made available to citizens during regular business hours.

5. Audits/Compliance

CDBG grantees expending $25,000 or more in a fiscal year are **required** to have funds audited for the CDBG program. CDBG funds can be used to pay for the CDBG portion of the audit provided the grantee has expended $750,000 or more in the fiscal year in total federal awards (CDBG and other federal funds). If the grantee has expended less than $750,000 in total federal awards, the grantee may budget local funds in the administrative line item in the CDBG application to pay for the CDBG portion of the audit and claim the local administrative funds as local commitment. All grantees that expend a total of $750,000 in all federal assistance must submit the audit to the Federal Audit Clearinghouse.

6. Costs Associated with Preparation of the CDBG Application

Applicants that receive REDD funding approval for project(s) may charge the cost of application preparation to a current program if, procurement procedures consistent with 24 CFR 85.36 are followed. No more than $3,500 may be charged to the CDBG program for the preparation of the application.

7. Procurement (New as of July 10, 2023)

The grantee must have a written Procurement Policy that meets the requirements specified in ***2 CFR, Part 200.317-200.326 of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*** at https://www.ecfr.gov/cgi-bin/text-idx?SID=6214841a79953f26c5c230d72d6b70a1&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl. The procurement procedures must reflect applicable State and local laws, should promote free and open competition, and describe efforts to encourage minority and female owned businesses to submit bids/proposals. Grantees must contract for the procurement of goods, services, and construction projects including design services.

The procurement of grant administrators occurs **after** an award is made, using the **Request for Proposal (RFP)** process. The contract for the grant administrator **cannot** be signed until you have a fully executed contract with the North Carolina Department of Commerce, Rural Economic Development Division.

As of July 10, 2023, CDBG grantees must enter a procurement solicitation for any contract over $25,000 in the **eVP (electronic Vendor Portal)** formally known as the Statewide Interactive Purchasing System (IPS) as well as provide the information to the REDD Compliance Office. All notices must be posted in eVP at least three days before the procurement process begins. The local government must set up in eVP to post solicitation documents electronically. The process takes 15 minutes. The local government should contact N C Department of Administration at (888) 211-7440, option 2 or www.evp.nc.gov for information. The use of eVP will be added to the program compliance monitoring process. Grantees must also ensure compliance with 24 CFR 85.36 Procurement Process in addition to the eVP requirement.

8. Equal Opportunity

Applicants are required to ensure that CDBG aided projects comply with equal opportunity and nondiscrimination laws and that people in protected categories are not excluded from project participation.

Applicants are required to take into consideration equal opportunity and non-discrimination laws in designing CDBG programs to ensure that people in protected categories are not excluded from participation, denied the benefit of, or subjected to discrimination under any program or activity funded in whole or in part with CDBG funds. The recipient of CDBG funds must describe the actions it will take annually for each year the grant is open in the areas of enforcement, education and in the removal of barriers and impediments that affirmatively further equal access in employment and procurement. This includes a description of steps to be taken in the areas of advertisement, compliance, and complaint tracking.

9. Fair Housing

Recipients of CDBG funds will be required to comply with fair housing and non-discrimination laws and regulations. Applicants should consult Section .1001 of the CDBG administrative rules for further information on equal opportunity requirements. Applicants will be required to submit a Fair Housing Plan for the municipality and/or county. Applicants with 10,000 people or more will be required to complete an Analysis of Impediments to Fair Housing Choice Study. For each year that a CDBG project is active, a recipient must describe the actions it will take in the areas of enforcement, education and removal of barriers and impediments to affirmatively further fair housing. For guidance for developing a Fair Housing Plan, grantees will refer to REDD Bulletin 10-25 (or any subsequent replacement versions).

10. Language Access Plan (LAP)

Grantees have an obligation to reduce language barriers that can preclude meaningful access by Limited English Proficient (LEP) persons to important government programs, services, and activities. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and its implementing regulations require that recipients take responsible steps to ensure meaningful access by LEP persons. Applicants will be required to submit a Language Access Plan using the approved recommended template from REDD. The plan will be submitted using municipality and or county using the thresholds established by REDD. The plan will address the LAP policy, translation of required vital documents, and requirements for citizen participation.

11. Local Economic Benefit (Section 3)

Section 3 of the Housing and Urban Development Act of 1968, as amended, contains requirements governing programs providing direct financial assistance to public recipients and related contractors (or subcontractors). The Section 3 program requires recipients of HUD funding to direct employment, training, and contracting opportunities to low-income individuals and the businesses that employ these persons within their community. Effective November 30, 2020, HUD released new regulations found in 24 CFR Part 75 to shift the focus from new hires to labor hours. The new rule also established safe harbor benchmarks with a threshold requirement at 25% of all Section 3 labor hours.

For each year that a CDBG is active, a recipient must describe a strategy whereby opportunities in employment and procurement arising out of a CDBG assisted project are identified and made available to low-income and very low-income residents and businesses owned by low and very low-income people or to businesses that hire them within the CDBG assisted area to the greatest extent feasible. This strategy must include: (1) identification of construction-related training and technical assistance resources to prepare low-income residents for employment and contracting opportunities, (2) attempts to reach the 25% of labor hours set forth in the Section 3 regulation when the amount exceeds a threshold of $200,000,

and (3) education of low-income residents within the CDBG assisted area about the components and opportunities of the program. Once applicants are awarded funds, recipients will be required to submit a Section 3 Plan using the approved REDD template. In addition, applicants will be required to coordinate additional activities as it relates to Section 3 with the REDD CDBG Compliance Specialist. More information is located on HUD Exchange at **https://www.hudexchange.info/programs/section-3/**

12. Environmental Review

Recipients of CDBG funds are required to comply with comply with the requirements of the National Environmental Policy Act of 1969 (NEPA) found at 24 CFR Part 58 and the NC State Environmental Policy Act and complete an Environmental Review Record (ERR). Do not submit the Environmental Review Record (ERR) with the application. Please follow procedures outlined in REDD's Environmental Technical Assistance Handbook. Copies of the ERR can be secured from REDD. 24 CFR Part 58 (Environmental Regulations) require certain notices to be prepared and published by the local government applicant. This procedure is described in 24 CFR 58.40-47 and requires certain time periods to be allowed for public comment. REDD must receive evidence of the publication of these notices as well as a Request for Release of Funds and Environmental Certification. Upon REDD determination that the public comment periods have elapsed, REDD will issue a letter approving the release of funds. No CDBG funds for non-administrative activities will be released prior to the date of issuance of the letter approving the release of funds. Additionally, no construction-related bids can begin until the completion of the environmental review process and REDD issues a release of funds letter to the grantee. The CDBG Compliance Specialist should be contacted concerning questions with the environmental review process. **See Bulletins 24-01 on the radon policy, 24-02 on the Federal Flood Risk Management Standard (FFRMS), and 24-04 on Construction Bids and Choice-Limiting Actions.**

13. Floodplain

Recipients must provide REDD with a certification on official letterhead (Local Government entity/municipality) signed by the CEO stating that the project area is not in a floodplain; or with certification that the recipient participates in the floodplain insurance program, all properties assisted in the project will be covered for floodplain insurance prior to beginning construction of the property, and all public facilities will be constructed to comply with the applicable floodplain regulations.

14. Section 504 of the Rehabilitation Act of 1973

The local government applicant must complete a Self-Evaluation plan and Transition Plan (if required) as required by Section 504 to ensure that it does not discriminate by reason of a person's disability.

Recipients of CDBG funds are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and the HUD implementing regulations at 24 CFR, Parts 8 and 9. The requirements of Section 504 apply to any recipient of federal CDBG funds for any program or activity carried out directly or through another recipient, successor, assignee, or transferee.

The Grant Agreement will require recipients to complete the Section 504 Survey and Transition Plan, covering policies, practices and physical accessibility and notify affected persons that it does not discriminate on the basis of handicap. (The latter notification action is a requirement if the recipient has 15 or more employees.) This plan will not satisfy all the requirements of the Americans with Disabilities Act, but it will meet the minimum requirements for a CDBG assisted project.

15. Residential Anti-Displacement and Relocation Assistance Plan

A plan for residential anti-displacement and relocation must be documented or submitted with the application. All occupied and vacant occupiable low and moderate-income dwelling units demolished or

converted to a use other than as low/moderate income housing must be replaced within three years of the commencement of the demolition or rehabilitation related to the conversion.

Once CDBG funds are awarded, recipients must have a plan to minimize residential displacement and to provide relocation assistance to displaced residents in a timely manner. Compliance with the plan must be documented, including the information made public and the means used to make it public.

The plan must include a description of the activity, a location map, a time schedule, dwelling data on target and replacement homes, funding sources, a schedule for replacement or relocation and the basis for concluding that replacement dwellings will remain low-moderate income for at least 10 years. A guide form for developing the plan should be obtained from REDD once an award is received.

NOTE: Due to potential changes regarding compliance with Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) and Section 104 (d) of the Housing and Community Development Act, potential projects involving acquisition, relocation, and demolition will be reviewed closely by REDD. Program Bulletin 94-1 will be revised, and other documents provided to clarify the new requirement.

When or if it is unclear as to whether the "contiguous lots" criterion is applicable, REDD will request a determination from HUD officials. Grantees are responsible for initiating the request with REDD and should allow 45 days for a reply.

16. Americans with Disabilities Act (ADA)

State and local governments are required to comply with the provisions of Title I of the Americans with Disabilities Act (ADA) which protects qualified individuals with disabilities from discrimination in all state and local government programs and activities including employment.

Governments with 25 or more employees were subject to the law after July 26, 1992, and governments with 15 or more employees after July 26, 1994. If a government is not covered by Title I of the Act, Section 504 of the Rehabilitation Act of 1973 applies. All governments receiving federal financial assistance will continue to be covered by Section 504. REDD will continue to monitor for only Section 504 compliance until otherwise required by HUD.

17. Lead-Based Paint Hazards

Projects involving rehabilitation of residential structures require compliance with the federal Lead-Based Paint Hazard Reduction Act of 1992 and the "Lead-Based Paint Hazard Reduction Guidelines" issued November 1, 1993, by REDD. While residential structures are not likely to be involved with most SBEA projects, local government grantees are advised to determine state and county health requirements if there is any rehabilitation or demolition of structures that are likely to have lead-based paint present.

18. Reporting

Provide an update on the status of project activities, jobs created, and financial expenditures. REDD will expect participants to share their success stories with REDD. REDD requests copies of all published press articles, TV coverage, scheduled ribbon cuttings, and other events and milestones. Periodic photographs should document project stages, training, events, and successes.

An Annual Performance Report (APR) is due at the close of each calendar year and an annual financial audit of the CDBG program is due at the close of each fiscal year in which at least $25,000 in CDBG funds were received. The audit may be performed in conjunction with the regular independent audit of the

recipient and will contain an examination of all financial aspects of the CDBG program as well as a review of the procedures and documentation supporting the recipient's compliance with applicable statutes and regulations. A Final Performance Report and audit will be required prior to grant closeout.

19. Monitoring

REDD will monitor the project through mechanisms, including review of annual reports received from the grant recipient, through phone/email/letter correspondence, through receipt of all published press articles about the project as provided to REDD by the local government, and through on-site monitoring visits.

REDD staff will notify the grantee at least 30 days before on-site monitoring visits and the monitoring forms are located on the website at www.commerce.nc.gov . Grantees are encouraged to complete the monitoring forms per the approved application activities and have the prepared forms ready for the monitoring visit. Any performance findings or administrative concerns resulting from the monitoring review must be mutually resolved before a grant can be formally closed.

20. Financial Management Requirements

REDD will monitor the grantee to determine compliance with the financial management requirements. The review will determine if records are maintained in compliance with 2 CFR, Part 200-UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS, and other State of North Carolina requirements. This monitoring is performed through desktop audit and at each on-site visit. Typically, ledgers, invoices, canceled checks, bank statements and requisitions are reviewed to see that the grantee has an adequate system of financial management. REDD staff may also make specific requests to review information or documentation relating to financial management of a grant.

21. SAM.gov Registration and FFATA

All applicants MUST provide a screen shot of their Unique Identifier Number (UIN), from the sam.gov and confirmation the applicant is not disbarred by the Federal government, at time of application and registration status MUST be Active, without exclusions to be awarded a federal CDBG grant. Without evidence of an **active** SAM registration, the application is ineligible to receive HUD funds and will be disqualified.

The Federal Funding Accountability and Transparency Act (FFATA) of 2006 mandates specific reporting requirements for recipients of federal funds. Grants Administration is required by FFATA to submit information to the Office of Management and Budget (OMB) through an electronic Sub Award Reporting System (FSRS) on all grant awards $30,000 or above.

Since REDD is required to report information as a part of FFATA for grants awarded after October 1, 2010, the SAM.gov registration will be required prior to submission of a CDBG application. Once obtained, the SAM.gov registration must be updated or renewed at least once a year. Rural Economic Development staff will monitor for compliance with this requirement.

22. Use of NC Licensed Professionals

While not mandatory, REDD strongly recommends the use of North Carolina licensed professionals on all projects. This includes housing inspectors, electricians, HVAC installers and repairers, plumbers, and general contractors. However, it is important to note that bids and dwellings that are $30,000 and greater can ONLY BE ACCEPTED BY A LICENSED GENERAL CONTRACTOR, licensed by the State of North Carolina per Article 1 of Chapter 87 of the General Statute.

23. Build America, Buy America Act (BABA)

The **Build America, Buy America Act (BABA)** enacted as part of the Infrastructure Investment and Jobs Act, established a domestic content procurement preference for all Federal financial assistance obligated for some infrastructure, public facility, and housing projects. **BABA applies to the infrastructure, public facility, and housing projects that**:

- Include post FY2023 CDBG-NR funds **and**
- Contain iron or steel **and**
- Receive a total of CDBG and federal financial assistance **greater than $250,000**.

All iron, steel, manufactured products, and construction materials used in covered infrastructure projects must be produced in the United States. This applies to all expenditures by a federal agency such as HUD to a non-federal entity (State of North Carolina) for an infrastructure, public facility, or project including construction, alteration, maintenance, or repair.

For housing rehabilitation projects, if an individual home receives $250,000 or less in CDBG loans or grants and separate environmental reviews for each home BABA does not apply. If all homes in a program are included in a single environmental review, BABA does apply. The latter is the typical scenario in the CDBG Neighborhood Revitalization (CDBG-NR) program.

The HUD covered construction materials groups include all raw materials used in construction including:

- **Iron and Steel**: Includes materials that are primarily composed of iron or steel.
- **Identified Non-Iron and Steel Construction Materials**: Includes metals other than iron and steel (non-ferrous metals), plastic and polymer-based PCV pipe and tube (e.g., PVC pipe), lumber, and composite building materials. Does not include cement and aggregates (stone, sand, gravel).
- **Other Construction Materials**: Include glass, drywall, and other construction materials.
- **Manufactured Products**: A definition is forthcoming pending a proposed Office of Management and Budget (OMB) rulemaking.

BABA requirements flow with all CDBG funding. Local governments (grant recipients) and contractors must comply.

24. Violence Against Women Act (VAWA)

The Violence Against Women Act (VAWA) Reauthorization Act of 2022, which became effective October 1, 2022, includes a new requirement for Grantees (Grant Subrecipients) to support an individual's, including survivor's, right to seek law enforcement or emergency assistance. CDBG grants awarded on or after the effective date will be required to:

- "Report any of their laws or policies, or, as applicable, the laws or policies adopted by subgrantees, that impose penalties on landlords, homeowners, tenants, residents, occupants, guests, or housing applicants based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a property; and
- Certify that the grantee will comply with the VAWA requirements.

25. Other Requirements and Attachments

Recipients will also be required to comply with any subsequent requirements issued by HUD and/or REDD. Consult the Required Attachments section in the application. Please note that if key items are not submitted with the application, it will be returned to the local government.

APPLICATION PROCESS AND SUBMISSION REQUIREMENTS

All applications must be mailed and physically received at REDD's Raleigh office by 4:00 p.m. Wednesday, October 23, 2024, whether mailed through the US Post Office or delivered by private and overnight delivery companies such as UPS, Fed Ex, etc. ***Hand-delivered applications will not be accepted.***

REDD **anticipates** announcing awards on or before **December 16, 2024**. Successful applicants will receive an email with an award letter attached. An original award letter will also be mailed to the Chief Elected Official. Unsuccessful candidates will not receive an announcement letter. This allows REDD to assist eligible applicants should additional funding become available prior to the 2025 cycle.

Deliberate Misrepresentation of Information (commonly called fraud)
Applications will be reviewed based on the information and numbers given by the applicant whose Chief Elected Official has certified the correctness of the contents. ***Any determination that deliberates misrepresentation (or fraud) has occurred will result in the disqualification of the applicant and/or the rescission of a grant at any point from the award to closeout.***

Applicants must submit two (2) complete originals of the application. Both applications must have the original signature of the chief elected official on the Application Summary Form and any other documents that require official signatures.

If using the U. S. Postal Service, mail to:	**If using overnight delivery, deliver to:**
Valerie D. Moore Fegans, CDBG Director Rural Economic Development Division/ State CDBG Program NC Department of Commerce 4346 Mail Service Center Raleigh, N.C. 27699-4346	Valerie D. Moore Fegans, CDBG Director NC Department of Commerce Rural Economic Development Division/ State CDBG Program 301 N. Wilmington Street, 4th Floor Raleigh, N.C. 27699-4346

PROGRAM CONTACT

For technical assistance please contact:

John F. Brooks, **CDBG Section Chief**
E-mail: john.brooks@commerce.nc.gov
Telephone: (919) 814-4663 (Office)
(984) 365-4538 (Mobile)
Fax: (919) 715-0096

SAMPLE Citizen Participation Template

CITIZEN PARTICIPATION PLAN

This plan describes how the *Unit of Local Government (ULG) Name* will involve citizens in the planning, implementation, and assessment of the Community Development Block Grant (CDBG) program. The funds must be used for projects which benefit low and moderate-income persons and aids in the elimination and prevention of slums and blight. The program is intended to assist governments in understanding neighborhood improvement programs. The regulations give ultimate responsibility for the design and implementation of the program to local elected officials and require that citizens be given an opportunity to serve in a key advisory role to these elected officials.

SCOPE OF CITIZEN PARTICIPATION

Citizens will be involved in all stages of the CDBG program, including program implementation, assessment of performance and design of changes in the Citizen Participation Plan. There will be three (3) general mechanisms for their involvement:

1. To serve as an advisory committee to the project;
2. To attend or hold public hearings or community meetings; and
3. To provide individual citizen efforts in the form of comments, complaints or inquiries submitted directly to the Program Administrators or designated Town official.

PROGRAM IMPLEMENTATION

Citizen participation in program implementation will occur primarily through consultation with the *Type of ULG.* The *Type of ULG* will be asked to review and comment on specific guidelines for approved projects. They will also meet to review any program amendments, budget revisions and program modifications. All such changes will be discussed with the *Type of ULG* and their comments considered prior to taking action. If program amendments require approval from the North Carolina Department of Commerce, a public hearing shall be held specifically on the amendment. Citizens may also be involved in implementation of projects specifically requiring citizen participation, such as self-help projects. Their roles will be defined as the project develops. Technical assistance will be available as needed.

PROGRAM ASSESSMENT

Program assessment activities by citizens will occur in a variety of ways. A performance hearing will be held thirty to sixty (30 to 60) days prior to the start of planning for the next program year. The Program Amendment will be asked to provide citizen commentary for the Grantee Performance Report.

As a part of the orientation to the program offered at the public hearing, citizens will be invited to submit comments on all aspects of program performance through the program year. Comments should be submitted in writing to *Name of ULG Representative. He or She* will respond in writing within ten (10) days. If the response is unsatisfactory, the complainant should write directly to *The ULG Chief Elected Official. He or She* shall respond within ten (10) days.

If the citizen is still dissatisfied, he/she should write to the NC Department of Commerce, Rural Economic Development Division/State CDBG Program, 4346 Mail Service Center, Raleigh, NC 27699-4346, Attention: Citizen Participation Matter. Program staff will also be available during normal business hours to respond to any citizen inquiries or complaints at 919-814-4673.

The Citizen Participation Plan will be subject to annual review and proposed revision, to occur in the period between the performance hearing and the public hearing on the subsequent year's application.

TECHNICAL ASSISTANCE

Technical Assistance will be provided to citizen organizations and groups of low/moderate income persons or target area residents upon request to *Unit of Local Government (ULG) Name*. Such assistance will support citizen efforts to develop proposals, define policy and organize the implementation of the program. It is expected that such assistance will be provided directly to the *Type of ULG* in response to their request. Assistance could be provided in the form of local presentations, informational handouts, research of a specific issue or other short-term efforts.

PUBLIC INFORMATION

The *Unit of Local Government (ULG) Name* will also undertake public information efforts to promote citizen participation. These efforts will include the following:

1. Public Notice of all Public Hearings will be published in the non-legal section of the local newspaper at least ten (10) days before the scheduled hearing. These notices will indicate the date, time, location, and topics to be considered. These notices will also be made available in the form of press releases, as a public service announcement to local radio stations and will be provided to churches within the target area of distribution.

2. Orientation Information will be provided at the first public hearing. The Program Administrator(s) will make a presentation which covers: (a) the total amount of CDBG funds available and the competitive basis for award; (b) the range of eligible activities; (c) the planning process and the schedule of meetings and hearings; (d) the role of citizens in the program and (e) a summary of other program requirements, such as the environmental policies, fair housing provisions and contracting procedures.

3. A Public File containing program documentation will be available for review at the *ULG Office* during normal business hours. Included will be copies of the Application, Environmental Review Record, the Citizen Participation Plan and the Annual Performance Report. Other program documents are also available for citizen review on request at the *ULG Office* consistent with applicable State and local laws regarding personal privacy and obligations of confidentiality.

4. Public Hearings an interpreter will be provided for all non-English speaking individuals and/or deaf individuals.

ADOPTED, this the _____day of _____, 20____.

_____ _____

ULG Chief Elected Official *ULG authorized signor*

Town/City/County _____ *Town/City/County* _____

SAMPLE RESOLUTION

RESOLUTION FOR THE TOWN/CITY/COUNTY OF _____ APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR THE _____ PROJECT

WHEREAS, the _____'s Board of Aldermen/Commissioners/Council has previously indicated its desire to assist in community development efforts for housing within the Town/City/County; and,

WHEREAS, the Board/Commissioners/Council has held two public hearings concerning the proposed application for Community Development Block Grant funding to benefit (_____); and,

WHEREAS, the Board/Commissioners/Council wishes the (Town/City/County) to pursue a formal application for Community Development Block Grant funding to benefit (_____); and will invest monies in the amount of ([insert] % cash match amount) into the project as committed to in the application.

WHEREAS, the Board/Commissioners/Council certifies it will meet all federal regulatory and statutory requirements of the State of North Carolina Community Development Block Grant Program,

NOW, THEREFORE BE IT RESOLVED, by the (Town/City/County's) Board of Aldermen/Commissioners/Council that the (Town/City/County of) is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant to benefit (_____).

Adopted this the ___ day of _____, 20___ in _____, North Carolina.

_____

Mayor/Chairman

ATTEST:

_____

Clerk to the Board

INCOME and NEED SURVEY GUIDANCE and SAMPLE SURVEY

Community Development Block Grant (CDBG) Income and Need Survey Instructions

The attached **Income and Need Survey** must be completed for each dwelling in the proposed project. This form does not apply to projects based on area-wide activity. This form is required to be completed by the Income Survey Taker, not the occupants of the dwellings. However, both the survey taker and one adult member of the dwelling must sign and date the form. To determine whether the entire form or specific sections only are required for submission, refer to the applicable CDBG program guidelines or contact the Rural Economic Development Division's (REDD's) CDBG Program and Compliance staff.

- **Part A**: **Income-**This section is required for each dwelling regardless of the CDBG program category, the type of project, or the condition of the dwelling.
- **Part B**: **Public and Non-Public Facility Needs-**This section must be completed for projects that propose to use CDBG funds for water, wastewater, streets, and drainage conditions.
- **Part C: Housing Needs**-This section is required if applicable for the specific category for which funding is being requested. See the program application guidelines for details.

Timing of the Form

All data provided on the form must be no older than 12 months from the date of the Chief Elected Official's signature on the Application Summary Form of each application. For example, if the CEO signs the Application Summary Form on December 31, 2023, the information must have been collected no earlier than December 31, 2021.

Required Method of Survey

REDD strongly encourages surveys to be conducted face-to-face with the occupant(s) of the dwelling. Mail-in surveys are acceptable, but REDD will consider the Income Survey Taker's signature as verification of the form contents. Telephone surveys are not acceptable.

Applicants are required to contact 100% of area households to determine household incomes. Applicants must complete the "CDBG Income and Need Survey Form" for each beneficiary household. A copy of each completed survey form for each household in the project must be either submitted with the application or made available at monitoring, depending on applicable category guidelines.

Verification of Household Income

The signature of the Chief Elected Official on the Application Summary certifies that all the data on this form and all other application contents are true and correct. Applicants are required to verify household income **prior** to obligation of funds for the applicable activity and/or unit. All related documentation will be reviewed and requested during program monitoring. The local government is responsible for ensuring and documenting that those potential beneficiaries are income eligible. Local government files will be monitored to ensure income eligibility was determined using generally accepted industry practices prior to expenditure of CDBG funds.

Affordable Rents

Per 24 CFR Part 570.483 (B) (3), rental housing activities, occupancy by low- and moderate-income households must be at affordable rents to qualify for CDBG funding. The recipient shall adopt and make public its standards for determining "affordable rents". Please note that to comply with this standard, the determination must be done prior to receipt of CDBG funds. If you are considering activities involving rental housing, please contact REDD's CDBG Program and Compliance staff for additional guidance.

DO NOT MODIFY REDD's FORM. If an applicant wants to collect information not on this form, a separate form must be devised and used for the desired information. REDD will only accept this survey form for funding consideration. REDD will not accept other local forms attached to REDD's official form.

Part A: Income

Part A of the form is required for each dwelling regardless of the CDBG program category, the type of project, or the condition of the dwelling.

- Fill out the top section of the survey providing the requested information.
- Ensure the section is signed and dated by an adult member of the dwelling and the Income Survey Taker.
- Designate the income as:
  - **Very Low** (0-30% of median family income)
  - **Low** (31-50% of median family income)
  - **Moderate** (51-80% of median family income) or
  - **Over Income** (81% or higher).

Treatment of Refuse to Sign Forms

If an occupant refuses to sign the form, write "Refuse to Sign" on the adult household member signature line. Please note that even though the information appears on the form an unsigned or refused to sign survey will be treated as over income. This information still must be submitted with the application to ensure 100% of the households were surveyed.

Occupant Information

- Beginning with the head of household, list each occupant of the household and provide information for each of the headings.
- Individual incomes may be annual, monthly, or weekly. Indicate with the abbreviation "A" for annual, "M" for monthly, or "W" for weekly in the "Pay Frequency" column. However, all individual incomes must be calculated annually to arrive at a total combined annual income for the household.
- Each child should be listed on a separate line. Use another income form if there is not enough room to list the entire family.
- The Income Survey Taker must be sure to sign and date the form.

Part B: On-Site Water and/or Wastewater Needs

Part B must be completed for projects that propose to use CDBG funds for water and/or wastewater needs.

Determination of Water and Wastewater Conditions

- Under Severe or Moderate, check the condition that best describes the need. (i.e., a house cannot have both a severe and moderate need under water.)
- In addition, check only one condition under the severe or moderate column for the on-site water and/or wastewater need; (i.e., a house cannot have both a pit privy and no wastewater disposal system condition).

Definitions of Well Conditions

Contaminated wells refer to wells that have bacterial and/or chemical conditions as defined by the health department. Unapproved wells are wells defined by the health department as those that may be contaminated at any point in time because of the construction of the well. Although wells with heavy mineral content are not considered contaminated by the health department, they may be considered a severe need if the water supply is not potable.

Part C: Housing

Determination of Housing Conditions

- Check the **appropriate severe or moderate conditions** that have been identified for the structure. If even one condition is severe, the system is considered severe.
- Check the **system** under the first column; (i.e., roof, HVAC) that has severe and/or moderate conditions
- It is the number of **systems**, not the number of conditions that determine whether a house is severe or moderate.
- Systems not checked as severe or moderate are assumed to be minor/non-need.

Note:

⇒ To be classified as **severe**, a structure must have severe conditions in 3 **or more** systems

⇒ To be classified as **moderate**, a structure must have moderate conditions in 3 **or more** systems.

⇒ If conditions are present in only 2 systems under severe, the structure is classified as moderate; (i.e., A house with 2 severe systems and 1 or more moderate system is classified as moderate.).

⇒ If severe conditions exist in only 1 system, the structure must also have 2 systems with moderate conditions to be classified as moderate; (i.e., A house with 1 severe system and 2 or more moderate systems is classified as moderate.).

⇒ A structure with only 1 system with severe conditions is considered a minor/non-need.

NC DEPARTMENT of COMMERCE
RURAL ECONOMIC DEVELOPMENT

Community Development Block Grant (CDBG) Income and Need Survey Form
(Name of Local Unit of Government)
Part A: Income
Occupant Type: □ Owner Occupant □ Tenant Occupant Map Number: _____

Occupant's Name: _____ Phone: _____

Property Address: _____
_____

Owner's Name (if Tenant):_____ Phone: _____

Owner's Address: _____

_____

OCCUPANT INFORMATION

Name	Individual Income	Pay Frequency	Income Source	Age	Sex	Ethnic Group	Disabled/ Handi-capped

Total Annual Household Income: $_____ Total Number of Occupants: _____

Rent: $_____ Female Head of Household: Yes_____ No _____
Income Status of Household (check one): ☐Very Low (0-30% MFI*) ☐ Low (31-50% MFI*)
☐ Moderate (51-80% MFI*) ☐Over 81% MFI) *MFI is median family income.

_____ _____
Income Survey Taker Signature and Date
Head of Household or Other Adult Member Signature and Date

Part B: Public and/or Non-Public Facility Needs
DETERMINATION OF WATER, WASTEWATER, STREETS, AND DRAINAGE CONDITIONS

House Address: _____ Map#: _____ Date of Inspection: _____

Check the block for any of the four categories that have a severe or moderate need. Then check the specific condition under either severe or moderate. Choose only one that is most applicable to the need. If the need is minor/non-need, do not check any boxes. Minor/non-need is assumed if no boxes are checked. **(Note: Check if contaminated water or no potable water has been confirmed through a test.)**

	Conditions	
Need Category	***Severe***	***Moderate***
Water ☐	☐ No water supply or dry well (Circle one) ☐ Spring ☐ Contaminated well *Tested?* ☐ yes ☐ no ☐ Lack of potable water due to heavy mineral content *Tested?* ☐ yes ☐ no ☐ Unapproved well documented by the health department *Letter included* ☐ yes ☐ no	☐ Inadequately sized/poorly functioning public water lines ☐ On-site severe condition or no water supply but public water runs in front of/by the house and house is not connected. ☐ Periodically failing shallow well
Wastewater ☐	☐ No wastewater disposal system (including no pit privy or outhouse) ☐ Pit Privy (outhouse) ☐ Failed septic tank (includes straight piping of gray water if septic tank would fail once gray water added.) ☐ Straight piping of sewage as the only wastewater disposal method (black water)	☐ Periodically failing septic tank ☐ Inadequately sized/poorly functioning public sewer lines including laterals ☐ On-site severe condition or no system but public sewer runs in front of/by the house and house is not connected. ☐ Straight piping without any septic tank failure (gray water)

	☐Public sewer line causing severe health or environmental problems for residents*	
Streets ☐	☐ Dirt/gravel street(s) ☐Severely deteriorated roadbed ☐No access to a street	☐Deteriorated asphalt/concrete pavement ☐Street less than 20 feet wide ☐Street requiring ditching to channel storm runoff
Drainage ☐	☐Permanent standing water ☐Constant flooding during rainstorms	☐Periodic flooding ☐Damaging water course flow/erosion

Asterisk (*) Describe the public water or sewer health or environmental problem on a separate page.

Inspector of Property Signature and Date _____

Part C: Housing Needs
DETERMINATION OF HOUSING CONDITIONS

House Address: _____ Map#: _____ Date of Inspection:_____

A house may have a combination of severe and moderate conditions. In order for a condition to count as either severe or moderate, there must be several occurrences of the condition or the condition must be overwhelming. The number of systems will indicate whether or not a dwelling is severe or moderate. See the Instructions on how to make the determination that a house is severe, moderate, or minor/non-need. If the house has only minor/non-needs, do not complete Part C. If Part C is not completed, minor/non-need conditions are assumed. Indicate for each system whether the system is severe or moderate in order to complete the Levels of Severity form.

Type Construction: _____ Approximate Size (Sq. Ft.):_____

Inspector of House: _____

	Conditions	
Check systems having conditions	***Severe***	***Moderate***
☐ **FOUNDATION SYSTEM**		
Indicate whether system is severe (S) or moderate (M). ___	*Requires replacement of major portion of or all of a foundation and venting system.* ☐ Foundation incapable of supporting normal use load ☐ Major deterioration of wood support members ☐ Unstable foundation supports subject to movement	*Requires such items as removal and blocking of a foundation member; replacement/addition of vents.* ☐ Inadequate or no foundation vents ☐ Minor damage to wood support members ☐ Missing or repairable foundation walls
☐ **FLOOR SYSTEM**		
Indicate whether system is severe (S) or moderate (M). ___	*Requires reinforcement, major repair, or replacement of floor system.* ☐ Large holes in subfloors (10" diameter) ☐ Severe buckling in floors/severely unlevel floors ☐ Noticeable floor movement under	*Requires repair or patching of floor system in small areas.* ☐ Separation/disfigurement of flooring ☐ Partially damaged subfloor, joists or girders ☐ Lack of floor insulation

	walking stress	
☐ **EXTERIOR WALL SYSTEM**		
Indicate whether system is severe (S) or moderate (M). ___	*Requires replacement of major portion of or complete replacement of exterior wall system.* ☐ Severe leaning/buckling walls ☐ Large cracks or holes in the walls ☐ Major deterioration to wood siding ☐ Exterior walls not weather-tight	*Requires minimal replacement of deteriorated siding.* ☐ Patches of loose or missing siding ☐ Deterioration to vinyl or aluminum siding

	Conditions	
Check systems having conditions	***Severe***	***Moderate***
☐**ROOF SYSTEM**		
Indicate whether system is severe (S) or moderate (M). ___	*Requires replacement of major portion of roof or complete replacement of roofing system.* ☐ Major sagging or structurally unsound roof ☐ Large cracks or holes in roof ☐ Major roof leakage	*Requires minimal repair to roof or any of its components.* ☐ Rusted tin roof ☐ Loose/cured shingles on roof ☐ Minor roof leakage ☐ Minor sagging of roof ☐ Deteriorated/loose flashing
☐**PLUMBING SYSTEM**		
(inside the house) *Indicate whether system is severe (S) or moderate (M).* ___	*Requires installation of new plumbing or replacement of entire plumbing system.* ☐ No hot/cold running water ☐ No shower/tub, lavatory, or toilet ☐ Non-repairable indoor plumbing system (i.e., leaking galvanized pipes)	*Requires replacement or repair of a small portion of the system.* ☐ Repairable leaks in pipe(s) or plumbing fixtures ☐ Malfunctioning hot water heater
☐**ELECTRICAL SYSTEM**		
Indicate whether system is severe (S) or moderate (M).	*Requires complete change in electrical system to appropriate Code requirements.* ☐ Less than 100 AMP service & lack of	*Requires replacement or repair of receptacles, switches, etc.* ☐ Malfunctioning but repairable outlets in house

___	main disconnect for house ☐ Unsafe electrical wiring system in house (specify)	☐ Inadequate number of outlets in house
☐ **HVAC SYSTEM**		
Heating/Chimneys *Indicate whether system is severe (S) or moderate (M).* ___	*Requires installation of new system; replacement of entire system or repair of at least 50% of the cost of a new system. For chimneys, requires removal, repair or replacement.* ☐ No heating system in house ☐ Unvented heating system ☐ Heating system unable to heat habitable rooms & bathroom to 70 degrees F. ☐ Severely leaning chimney ☐ Missing bricks or essential parts in chimney	*Requires replacement or repair of component parts; re-hanging of loose ductwork, replacement of supply registers, thermostat, etc.* ☐ Defective but repairable vented heating system ☐ Excessive leaks in heat duct system ☐ All habitable rooms heated to 70 degrees F. except bathroom N/A for Chimneys

	Conditions	
Check systems having conditions	***Severe***	***Moderate***
☐ **INTERIOR WALL SYSTEM**		
Walls/Ceiling *Indicate whether system is severe (S) or moderate (M).* ___	*Requires replacement or major treatment of wall system.* ☐ Severe bulging/leaning walls ☐ Large holes/cracks in walls (10" diameter) ☐ Severe buckling in walls ☐ Severe bulging/sagging ceilings ☐ Large holes/cracks in ceilings (10" diameter)	*Requires the repair of a portion of an existing wall or ceiling.* ☐ Small cracks/holes in walls ☐ Separation/disfigurement of wood materials ☐ Small cracks/holes in ceilings ☐ Separation/disfigurement of ceiling materials ☐ Lack of insulation in attic
☐ **WINDOWS/DOORS SYSTEM**		
Indicate whether system is severe (S) or moderate (M). ___	*Requires removal and replacement of door and/or window units or the replacement of window sashes.* ☐ Window casing/sashes severely damaged or decayed ☐ Doors severely damaged or decayed ☐ Non-repairable fit to window casing	*Requires repair or replacement of parts; refitting or re-hanging or adjusting of existing windows or doors.* ☐ Windows inoperable/unsatisfactorily operating due to poor but repairable fit ☐ Windows missing or defective hardware
☐ **EGRESS SYSTEM**		
Exits/Stairs/Porches/Stoops *Indicate whether system is severe (S) or moderate (M).* ___	*Requires cutting a wall or using an existing window to create a 2nd exit from the structure.* ☐ Structure has only 1 means of egress from the dwelling.	*Requires replacement, repairs, or patching to provide safe exits from the house.* ☐ Unstable, loose, non-secure stairs or steps ☐ Incapable of supporting normal load ☐ Deterioration of wood members ☐ Lack of handrails for exterior stairs with 4 or more risers

		☐ Separation or cracking of concrete or abnormally uneven or worn surface.

Other comments for use by applicant:

Indicate below the overall condition of the dwelling and give the cost estimate for rehabilitation:

Housing: ☐ **Severe** ☐ **Moderate** **Cost Estimate:** **$** _____

If rehabilitation cannot be cost effectively performed, give cost estimates for the following:

		Cost Estimates, if applicable
(a) acquisition		**$**
(b) clearance	**Slum & Blight: □Yes □ No**	**$**
(c) relocation	**□ Temporary**	**$**
(d) reconstruction	**□ Permanent**	**$**
		$
	Total	**$**

APPLICATION

CDBG Neighborhood Revitalization APPLICATION CHECKLIST

When applying, use the following checklist as a table of contents for the application. Make sure all the required items are included. If any one of the required items is not included, the application will not meet threshold nor be approved for funding.

A. Application Submission Requirements and Process Adherence

- ☐ Applicant must be an eligible non-entitlement general unit of local government.
- ☐ Applicants must submit **two (2) complete originals** of the application.
- ☐ Applications must be submitted to REDD in a **three-ring binder** organized with tabs.
- ☐ Application binder must clearly display the applicant's name on the binder front and spine
- ☐ Application Summary Form and all forms requiring official signatures must appear in both applications, complete, and have the original signature of the chief elected official or another documented authorized certifying officer.
- ☐ Applications must be physically received at REDD by **4:00 p.m. Wednesday, October 23, 2024,** using USPS mail or an overnight service. ***Hand-delivered applications will not be accepted***.
- ☐ The proposed project must address at least one of the three National Objectives.
- ☐ Applicant's ***CDBG Neighborhood Revitalization*** funding request must not exceed **$950,000** unless the project is eligible as a storm-impacted area or Low-Income Housing Tax Credit. See program guidelines.
- ☐ Neither applicant nor any of its critical partners can appear on the Federal or State Suspension of Funds List/Debarment List.
- ☐ Applicant must clearly select one or more of the ***CDBG Neighborhood Revitalization*** activity categories.

Note: ***A waiver may be granted by the NC Department of Commerce if current funding request exceeds $1,250,000 in applications for local governments in any of the CDBG categories and demonstration programs except Urgent Needs, Contingency, Coronavirus, and Neighborhood Revitalization grants.***

B. Required Attachments for All CDBG Neighborhood Revitalization Projects

ITEM	TAB LOCATION
DOCUMENTATION OF SYSTEM FOR AWARD MANAGEMENT - SAM.GOV REGISTRATION ☐ INITIAL ☐ ANNUAL UPDATE (Please attach a printout of the SAM.gov Registration Information)	
PROJECT DESCRIPTION	
SOURCES AND USES OF FUNDS	
PROJECT BUDGET	
CDBG-NR BENEFIT: LOW-AND-MODERATE INCOME	
HOUSING DISTRIBUTION PLAN	
COMMUNITY DEVELOPMENT PLAN	
CONFLICT OF INTEREST FORM-CHECKLIST	
FEDERAL REQUIREMENTS: ☐ A. FEDERAL CERTIFICATIONS ☐ B. DISCLOSURE REPORT FOR APPLICANTS REQUESTING $200,000 OR MORE. (NOTE: Not required for applicants requesting less than $200,000 in CDBG funds and not using other Federal assistance.)	
DISCLOSURE REPORT	
STATE CDBG PROGRAM REQUIREMENTS: ☐ A. REGULATIONS SIGNED AND DATED BY AUTHORIZED OFFICIAL ☐ B. DISCLOSURE OF CIVIL RIGHTS COMPLAINTS/LAWSUITS SIGNED AND DATED BY CHIEF ELECTED OFFICIAL	
CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS	
FLOOD PLAIN CERTIFICATION: Submit a letter or statement on the local government's letterhead stating the relationship of the site to designated flood zones. Recipients must provide REDD a certification signed by the Chief Elected Official stating that the project area is not in a floodplain; or with certification that the recipient participates in the floodplain insurance program, all properties assisted in the project will be covered for floodplain insurance ***prior*** to beginning construction of the property, and all public facilities will be constructed to comply with the applicable floodplain regulations.	
IMPLEMENTATION SCHEDULE FORM (2 originals – one per application)	
HUD IDIS: ACCOMPLISHMENTS & BENEFICIARIES FORM (Form is also on www.commerce.nc.gov)	
THREE REQUIRED MAPS: ☐ **Location Map** must show the applicant's jurisdiction. Major highways and roads must be shown drawn to scale. The applicant must label the map, include a legend, and place a boundary line around areas of minority concentrations and of low-and-moderate income families. ☐ **Project Map** must include the location of all project activities. It must also show all units bordering the project area whether they are part of the project activities. Commercial units such as shopping centers must also be labeled. Mark all existing and proposed public infrastructure on one map to indicate the relationship of public infrastructure to units to be constructed. The map must be to scale and include a legend.	

☐ **Low-Moderate Income Map** must illustrate the distribution/concentration of low-moderate income persons in the jurisdiction.	
LETTERS OF COMMITMENT, CONDITIONAL COMMITMENT, AND EVIDENCE OF FUNDING APPLICATION from all other (i.e., non-CDBG) sources of funds and/or resources.	
CAPACITY, EXPERIENCE, AND ORGANIZATIONAL STRUCTURE ☐ List of Names and Duties for the Local Government Staff for the Proposed Project and Other Essential Players ☐ Resume for each identified person associated with the proposed project ☐ Organizational Chart Identifying the Reporting Relationship and/or Interaction Among Key Players for the Proposed Project ☐ Chart of Previous CDBG or other federal or state experience relevant to the proposed project. List project name, CDBG funding amount, program category, and brief description.	
INCOME AND NEED SURVEY FOR ALL DIRECT BENEFIT PROJECTS. Form and guidance at www.commerce.nc.gov. **Please note that if the houses selected for rehabilitation are unknown at the time application is submitted, if awarded, the Income and Need Survey for all direct benefit projects must be completed and submitted to REDD in the CDBG-NR Application**.	
EVIDENCE OF THE FIRST OF TWO REQUIRED PUBLIC HEARINGS. Provide copies of the posted Public Hearing Notices, Certified Meeting Minutes for both Public Hearings, the Publisher's Affidavits with the application for the first and second public hearings. (If for any reason the ***second*** publisher's affidavit is not available when the application is submitted, please explain in the application and REDD will require it as part of the funding conditions if the project is selected for funding.)	
APPRAISALS are required for all CDBG land acquisition activity only.	
PHOTOGRAPHS TO DOCUMENT EXISTING CONDITIONS	
DRAWDOWN OF CDBG FUNDS PLAN	
PLAN TO MINIMIZE RESIDENTIAL DISPLACEMENT AND TO PROVIDE RELOCATION ASSISTANCE TO DISPLACED CITIZENS IN A TIMELY MANNER	
ALL HOUSING & PUBLIC FACILITY REHABILITATION PROJECTS MUST PROVIDE THE FOLLOWING BELOW:	
☐ Cost Estimates ☐ Site Photographs ☐ Ownership or Long-Term Lease Confirmation ☐ Housing Selection Committee Documentation for Single-Family Housing Rehab only must include the following: • list of the names and titles of each member of the Housing Selection Committee • a description of the responsibilities of the committee • a copy of the ***adopted and signed*** by-laws for the Housing Selection Committee • a copy of the written minutes of the meeting(s) selecting the beneficiaries with the property addresses •	
ALL PROJECTS WITH NEW CONSTRUCTION REGARDLESS of FUNDING STREAM AND SUBSTANTIAL REHABILITATION MUST PROVIDE THE FOLLOWING BELOW:	
☐ 10-Year Minimum Operating Pro forma ☐ Cost Estimates ☐ Site and Architectural Plans: Attach one copy each of site and architectural plans for the proposed project. Identify any unit features designed to serve populations with special housing needs (e.g., persons with disabilities, the elderly, large families, etc.)	

◻ Architectural Renderings ◻ Site Photographs ◻ Community Based Development Organization Questionnaire from Application	
ALL APPLICANTS WITH SLUM OR BLIGHT AS AN ACTIVITY (Under Certain Circumstances and must be pre-approved by REDD)	
□ Cost Estimates □ Site Photographs □ Redevelopment Plan (Within the 30-month Lifecycle of the Grant)	
EVIDENCE OF SITE CONTROL (E.G., DEED, PURCHASE CONTRACT, OPTION, LONG-TERM LEASE) □ New Construction of Single-Family or Multifamily Housing or Public Facility □ Adaptive Reuse of and Existing Building □ Rehabilitation of a Multi-family Development or Public Facility □ Site Photographs	

APPLICATION SUMMARY – 2024 *CDBG Neighborhood Revitalization Program*

1. **Applicant's name**		**2. Date**
a. Mailing Address		
b. City and Zip Code		□ **Original**
c. County		**dated:** ___/____/_____
d. Contact Person		
e. Telephone Number		□ **Amendment**
f. Fax Number		**dated:** ____/____/____
g. e-mail address		
h. **UEI Number**		
3. **Preparer's Name**		**c. Telephone Number**
a. Firm's Name		
b. Mailing Address		
c. City and Zip Code		**f. Fax Number**
d. e-mail address		
4. **Developer's Name**		**c. Telephone Number**
a. Mailing Address		
b. City and Zip Code		**a. Fax Number**
5. **Development Name**		
a. Street Address		
b. City and Zip Code		
c. Ownership Entity		

6. Program Category	7. Project Number	8. Project Name	9. CDBG Funds Requested
C	1		$
Rural Community Development Only	1		$

10. Certification by the Chief Elected Official

a) I certify that to the best of my knowledge and belief:

1. Data in this application is true and correct,
2. Opportunities have been provided for citizen participation and access to information concerning the proposed activities,
3. This document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached certifications and state standards if the assistance is approved.

b) I acknowledge that, if funded, this application is part of the Grant Agreement.

a. Typed Name and e-mail Address of Chief Elected Official ➢	
b. Typed Title ➢	
c. Signature ➢	
d. Typed Date ➢	

For REDD Use Only

Date Received: **Application Number:**

CDBG Neighborhood Revitalization PROGRAM CATEGORY SELECTION FORM

Select Proposed Activities

□ Housing Rehabilitation Activities

□ **Rehabilitation (Only)** to take an existing unit and bring it up to the required standards set By HUD and REDD. To qualify as rehabilitation, parts of the existing house must be used in the process.

□ **Rehabilitation with Clearance, Temporary Relocation, and Reconstruction**.

□ **Substantial Rehabilitation** (only).

□ **Substantial Rehabilitation with Clearance, Temporary Relocation, and Reconstruction.**

□ **Emergency Home Repairs.** The completion of limited repairs and removing imminent health and safety hazards and/or barriers to habitability in their homes. Work may include the following:

- □ Plumbing repairs,
- □ Structural repairs where hazards exist,
- □ Electrical repairs where hazards exist,
- □ Bath repairs where hazards exist,
- □ Roof repair and replacement,
- □ Repair and replacement of heating systems,
- □ Wheelchair ramps,
- □ Hand railings and grab bars,
- □ Kitchen and bathroom adaptations, and
- □ Doorway widening.

❑ PUBLIC FACILITIES AND IMPROVEMENTS TO ADDRESS SPECIAL NEEDS

Note: *Public Facilities are required to be owned by the local unit of government. However, Non-profits may also own and operate the building if the building is open to the general public. Also, the local government will need to a have lien on the property and Legally Binding Commitment which includes the applicable contract provisions.*

Please check the type of Public Facility or Improvement below (The activities listed below must be completed in conjunction with an eligible housing activity).

- ☐ Senior Center
- ☐ Housing for Homeless Persons
- ☐ Housing or Shelters for Victims of Domestic Violence
- ☐ Transitional Housing Facility
- ☐ Community/Neighborhood/Recreation Facility
- ☐ Other (Please specify.) _____

Please check the eligible CDBG-NR activity(ies) below for Public Facilities.

- ☐ Acquisition
- ☐ Construction
- ☐ Reconstruction
- ☐ Rehabilitation
- ☐ Installation of public facilities and improvements
- ☐ Removal of material and architectural barriers that restrict the mobility and accessibility of elderly or severely disabled persons to public facilities and improvements, including those provided for in § 570.207(a)(1).)
- ☐ Inclusion of design features and improvements which promote energy efficiency may be included.
- ☐ Inclusion of the execution of architectural design features, and similar treatments intended to enhance the aesthetic quality of facilities and improvements receiving CDBG assistance, such as decorative pavements, railings, sculptures, pools of water and fountains, and another works of art.
- ☐ Facilities designed for use in providing shelter for persons having special needs are considered public facilities and not subject to the prohibition of new housing construction described in § 570.207(b)(3). Such facilities include shelters for the homeless; convalescent homes; hospitals, nursing homes; battered spouse shelters; halfway houses for run-away children, drug offenders or parolees; group homes for mentally retarded persons and temporary housing for disaster victims.
- ☐ Improvements such as parks, playgrounds, and greenways.

Housing Development

☐ Single-Family Homeownership Developments

- ☐ Installation of public infrastructure
- ☐ Removal of hazardous material
- ☐ Land acquisition (vacant only)

☐ Multi-Family Rental Housing Developments

The following activities are allowed under this category:

☐ Rehabilitation (including substantial rehabilitation and reconstruction),
☐ Disposition,
☐ Acquisition,
☐ Demolition,
☐ Clearance,
☐ Historic vacant building acquisition (on a case-by-case basis) by for profit or non-profit developer
☐ Historic vacant building rehabilitation (on a case-by-case basis)
☐ Rent- to-own (RTO).
☐ Relocation, and
☐ Emergency repair.

Water and Sewer Connections to Existing Housing

□ Water and Sewer Connections to Existing Housing

Eligible Activities for Water and Sewer Connections

G. Tap-on or assessment fee to connect to the line
H. The service connection for the private property
I. Use of special equipment such as grinder pumps or vacuum pits to transport residential wastewater to the existing sewer lines
J. Cost to remove septic tanks or cap wells, as required by the health department
K. Repairs for leaking water pipes if it is documented that the leaking pipes are a result of connecting to the public water line
L. Other problems caused by the installation of public water or sewer must be requested in writing by the grantee and approved in writing by REDD

PUBLIC INFORMATION FOR CDBG NEIGHBORHOOD REVITALIZATION

Name of Applicant: _____ Allocation Region: **Not Applicable**

General Information

Applicant Funds Committed:		NC Senate District Number	
Percentage of Project Benefit to LMI Families	%	NC House District Number	

C-1: Proposed Activities and Project Information

(both CDBG and non-CDBG funded activities)

Number of Owners:		**Water** (Give number for the following:)	
Number of Tenants:		Total Wells Installed:	
Number of Vacant Units:		Total Linear Feet of Water Lines:	
On-Site Wastewater Problems **(Give number of occupied units with problem:)**		Total Units to Hook Up:	
Outhouses/Pit Privies:		**Sewer** (Give numbers for the following :)	
No Wastewater System:		Total Linear Feet of Sewer Lines:	
Black Water Straight Piping:		Total Units to Hook Up:	
Failed Septic Tanks:		Total On-Site Wastewater Systems Installed:	
On-Site Water Problems **(Give number of occupied units with problem)**		**Streets** (Give numbers for the following:)	
No water supply:		Linear Feet of New Streets:	
Dry wells:		Linear Feet of Resurfaced Streets:	
Contaminated water:		Total Linear Feet for Streets:	

Non-potable water:	
Springs:	
Unapproved wells:	
Housing (Give number for the following :)	
Total Units Rehabilitated:	
Total Units/Parcels Acquired:	
Total Households Relocated:	
Total Lots Disposed:	
Total Dilapidated Units Cleared:	

Total Units Benefiting:	
Flood/Drainage **(Give numbers for the following :)**	
Linear Feet of Ditching:	
Linear Feet of Pipe:	
Total Linear Feet for Flood/Drainage:	
Total Units Benefiting:	

Activities	**Provide the Number of Households to be Assisted**
Targeted or Scattered Site Housing	
• Rehabilitation	
• Reconstruction	
• Relocation	
▪ Acquisition	
▪ Clearance	
▪ Disposition	
Emergency Repairs	
On-Site Water	
• Well installation	
• Well repair	
• Connect to public water	
On-Site Septic Tank	
• Install new septic tank	
• Repair to existing septic tank	
• Connect to public sewer	
Hook-Ups	
• Public Water	
• Public Sewer	

PROJECT DESCRIPTION- *CDBG Neighborhood Revitalization*

The project description must contain the following information and should answer the following questions. Limit total responses to 4 pages.

Project Title:

Project Overview:

The applicant must provide a summary of the proposed project.

1. What are the community development needs? Include a description of the housing and infrastructure needs of the lead applicant and Council of Government (COG) region.
2. What is the proposed scope of this project? Is this a ***Rural Community Development Fund*** only project? Please state the county tier ranking in the response.
3. What livability principle(s) are most applicable to the proposed project?
4. How will this be done?

Partners:

1. Who are the project partners and explain the significance of the project partners and how their involvement will bolster the success of the project? Partnerships are strongly encouraged.
2. What will be the level of effort and cost of these services? Include local match and in-kind services in the description. A match is not required under this program but, it will be favorably considered during the evaluation process. **NOTE: Be sure the costs that are discussed here align with the proposed budget submitted with this application**.

Expected Results and Outcomes:

1. What are project objectives and desired outcomes? Be specific, action-focused, achievable within the grant period, realistic, and time-bound.
2. How does the project act as a neighborhood to spur economic and community development growth?
3. Attach the Accomplishment and Beneficiaries form for each **CDBG-NR** activity except planning and administration.

Project Administration and Capacity:

1. What is the applicant's administrative capacity to manage the grant financially and to comply with CDBG program requirements?
2. What is the relationship between the applicant and other participants, other local governments, public and private sector organizations? Are they committed to the project? (Include letters of support, as applicable).
3. Who will oversee and coordinate the project and how will parties be selected to carry out funded work?
4. List the key players for the local government and partners to carry out the project. Include an organizational chart, a description of duties for each player, and a resume.

SOURCES AND USES OF FUNDS CHART

Sources	CDBG	Local Gov't	Other Source 1	Other Source 2	Total
Uses					
1. Acquisition					
2. Administration					
3. Architectural Barriers					
4. Clearance Activities					
5. Code Enforcement					
6. Disposition					
7. Fire Protection					
8. Flood & Drainage					
9. Historic Preservation					
10. Machinery & Equipment					
11. Neighborhood Facility(ies)					
12. Other Activities					
13. Other Public Facilities					
14. Parking Facilities					
15. Parks & Playgrounds					
16. Pedestrian Improvements					
17. Planning					
18. Public Services					
19. Public Utilities					
20. Rehabilitation-Private					
21. Rehabilitation-Public					
22. Relocation Assistance					
23. Sr. Handicapped Centers					
24. Sewer Improvements					
25. Solid Waste Facility(ies)					
26. Street Improvements					
27. Water Improvements					
28. Working Capital					
Total Uses					

Name of Applicant:

PROJECT BUDGET –NEIGHBORHOOD REVITALIZATION

1. CDBG Grant Amount Requested	$
2. Other Funds (List here.)	$
3. Total Project Resources	$

4. Activity	5. CDBG Costs	6. Other Costs	7. Total Project Costs (Columns 5 + 6 = Column 7)
a. Acquisition			
b. Disposition			
c. Public facilities and improvements			
1. Senior and handicapped centers			
2. Parks, playgrounds, and recreation facilities			
3. Neighborhood facilities			
4. Solid waste disposal facilities			
5. Fire protection and equipment			
6. Parking facilities			
7. Public utilities other than water and sewer			
8. [Reserved]			
9. Street improvements			
10. Flood and drainage improvements			
11. Pedestrian improvements			
12. Other public facilities			
13. Public sewer improvements			
14. Public water improvements			
d. Clearance activities (i.e., reconstruction and temporary relocation expenses.) Clearance items should appear on line d.			
e. Public services			
f. Relocation assistance			
g. Construction, rehabilitation and preservation activities			
1. Construction or rehabilitation of commercial 2. and industrial buildings			
3. Rehabilitation of privately-owned dwellings (all rehabilitation of privately-owned dwellings activities should be included on this line item			
4. Rehabilitation of publicly owned dwellings			
5. Code enforcement			
6. Historic preservation			
h. Development financing			
1. Working capital			
2. Machinery and equipment			
i. Removal of architectural barriers			
j. Other activities			
SUBTOTAL	$	$	$
k. Planning (Included in 10% Cap minus Administration not to exceed $3,500)			
l. Administration (10% cap of total Grant Amount Awarded)			
TOTAL	$	$	$

CDBG NEIGHBORHOOD REVITALIZATION BENEFIT: LOW AND MODERATE INCOME

Name of Applicant:

1. Activity	Total No. of Persons Benefiting 2.	No. of Low-Income Persons Benefiting 3.	% of Low-Income Persons Benefiting 4.	No. of Moderate-Income Persons Benefiting 5.	% of Moderate-Income Persons Benefiting 6.	CDBG Cost 7.	CDBG Funds to Benefit Low Income Persons 8.	CDBG Funds to Benefit Moderate Income Persons 9.	CDBG Funds to Benefit Low- & Moderate-Income Persons 10.
a. Acquisition									
b. Disposition									
c. Public facilities and improvements									
(1) Senior and handicapped centers									
(2) Parks, playgrounds, and recreation facilities									
(3) Neighborhood facilities									
(4) Solid waste disposal facilities									
(5) Fire protection and equipment									
(6) Parking facilities									
(7) Public utilities other than water and sewer									
(8) [Reserved]									
(9) Street improvements									
(10) Flood and drainage improvements									
(11) Pedestrian improvements									
(12) Other public facilities									
(13) Public sewer improvements									
(14) Public water improvements									
d. Clearance activities									

CDBG-NR Benefit: Low and Moderate-Income Page 2						Name of Applicant:			
1. Activity	Total No. of Persons Benefiting 2.	No. of Low-Income Persons Benefiting 3.	% of Low-Income Persons Benefiting 4.	No. of Moderate-Income Persons Benefiting 5.	% of Moderate-Income Persons Benefiting 6.	CDBG Cost 7.	CDBG Funds to Benefit Low Income Persons 8.	CDBG Funds to Benefit Moderate Income Persons 9.	CDBG Funds to Benefit Low- & Moderate-Income Persons 10.
e. Public services									
f. Relocation assistance									
g. Construction, rehabilitation and preservation activities									
(1) Construction or rehabilitation of commercial & industrial buildings									
(2) Rehabilitation of privately-owned dwellings									
(3) Rehabilitation of publicly owned dwellings									
(4) Code enforcement									
(5) Historic preservation									
h. Development financing									
(1) Working capital									
(2) Machinery and equipment									
i. Removal of architectural barriers									
j. Other activities									
k. TOTAL						$	$	$	$
	PROJECT INDIVIDUAL BENEFIT Column 10, Row k ( ) Column 7, Row k ( ) X 100 =								

COMMUNITY DEVELOPMENT PLAN

The applicant must provide a narrative statement describing its community development and housing needs including the needs of low and moderate-income households in quantifiable terms as well as short and long-term activities to be undertaken to address these needs. Cite references used for statistical evidence. REDD will use this information to determine if the proposed project addresses community needs.

[The Community Development Plan must not exceed the three pages.]

1. What are the housing/ community development needs in your jurisdiction?

2. What are the housing/ community development needs of low and moderate-income persons in your jurisdiction?

3. What are the water and wastewater needs of low and moderate-income persons in your jurisdiction?

4. What are other community needs of low and moderate- income persons in your jurisdiction (streets, drainage, non-basic needs, etc.)?

5. What activities does your community plan to undertake to address the need(s) identified in questions 1-4 above?

    a. Why were these need(s) selected for this project instead of other identified needs?

    b. If funded, what will be the impact of the project?

6. Explanation of how does this project relates to other activities (current and future plans) in the jurisdiction, including the development of industrial and/or commercial sites, installation of water and sewer lines and facilities, force main lines, streets, etc.?

HOUSING DISTRIBUTION PLAN (Housing Rehabilitation Only)

PLANNING (Applies to all CDBG Neighborhood Revitalization Activities)

1. Describe the process the lead government used to engage all interested municipalities in the planning of the ***CDBG-NR Program***. Include specific information on what was done. (Attach documentation).
2. Describe the official actions taken by the lead government and municipalities regarding the ***CDBG-NR Program***.

ADMINISTRATIVE OVERSIGHT (Applies to all CDBG-NR Activities)

1. Describe the role and functions the lead local government will play in the implementation of the ***CDBG-NR*** Program.
2. Describe the role and functions the interested municipal governments will play in the implementation of the ***CDBG-NR Program***.
3. List the names of the lead government staff providing direct oversight of the ***CDBG-NR Program.***
4. Describe how these persons identified in number 5 are to be employed, and their responsibilities. (Position descriptions may be attached).
5. If known, list the names of the Program Administrator and Rehabilitation Specialist.
6. Describe how these persons identified in question 7 are to be employed (staff, contract, subcontract, etc.), and their responsibilities. (Position descriptions may be attached).
7. List the names and titles of each member of your ***CDBG-NR Program*** Selection Committee.
8. List the responsibilities of the ***CDBG-NR*** Program Selection Committee.
9. Attach a copy of the By-Laws for the ***CDBG-NR*** Program Selection Committee. The selection committee is required to have written minutes on file as part of the Committee process.

SELECTING AND PROCESSING APPLICANTS (Applies to Housing Rehabilitation Activities Only)

1. Describe the ***CDBG-NR Program.*** Include an explanation of what will be done, activities to be implemented and who will be served.
2. Include a list providing the names and addresses of the potential applicants and the process used to select these applicants.
3. Describe how applications for assistance were taken.
4. Describe the process for the verification of income, assets, and property ownership.
5. Describe how eligible beneficiaries were prioritized and selected.

PROCUREMENT (Applies to all CDBG-NR Activities)

1. Explain the procurement procedures that will be utilized to retain construction contractors.

FINANCIAL ASSISTANCE (Applies to all CDBG-NR Activities)

1. Please state the type of financial assistance that will be offered-low interest, deferred loans, or deferred forgivable loans.
2. Please state the term and interest rate you will apply to ***CDBG-NR*** loans.

3. Describe the recapture period using REDD parameters as presented in the ***CDBG-NR Program*** guidelines. See Scattered Site Housing Financial Design Model in the guidelines, for specific information.
4. Grantees must review existing loan(s) on the property to determine whether or not the CDBG loan in conjunction with the existing loan(s) will create a situation that causes the loans to equal or exceed the value of the unit. In instances where this occurs, the grantee must inform the loan recipient of the circumstances in writing. Include this requirement as part of your ***CDBG-NR Program*** financial design model description below.
5. Please identify your loan servicing agent and how they will be retained.
6. Describe your loan-servicing plan. Include items such as who will receive and post monthly payments, and how loan status will be tracked.
7. Explain your policy relative to defaults on loan payments.

CONSTRUCTION MANAGEMENT (Applies to Housing and Public Facilities Rehabilitation, Substantial Rehabilitation and Reconstruction Activities)

1. Describe your inspection process. Please include an explanation of the various individuals involved (Rehab Specialist, Local Building Official, and Homeowner).
2. Please distinguish between the preliminary work write-up inspection, construction inspections, payment inspection, and final inspection phases of the process.
3. Describe your construction payment procedures. Please specify what documentation is used and what approvals are required.
4. Describe how your program will ensure that construction work is done in a timely, cost-effective manner with minimal disruption to the homeowner.
5. Describe the process and the rehabilitation standards that will be used**.**
6. Describe the role of the Program Administrator in establishing the eligibility of all rehabilitation work to be completed.
7. Describe how you involved the beneficiaries in the Rehabilitation Process (i.e., Exterior/Interior colors, the selection of kitchen cabinet style/colors, and flooring)? Explain.

FINANCIAL MANAGEMENT (Applies to all CDBG-NR Activities)

1. Describe how you track the receipt and expenditure of ***CDBG-NR Program*** funds.
2. Describe how you will track, manage, and use program income. Refer to the State CDBG Regulations at 04 NCAC 19L.0907 Program Income, regarding retaining Program Income.
3. List your planned schedule of production. Include a count of how many households you plan to assist given your budget.
4. Identify the estimated cost per unit to be assisted. Explain the basis for the cost (i.e., materials, labor, lead-based paint etc.).

DRAWDOWN PLAN (Applies to all CDBG-NR Activities)

1. REDD encourages grantees to draw down ***CDBG-NR*** funds monthly. This question is designed to identify any known gaps in drawdown. Please include and clearly identify the use of CDBG funds and the timeline over the project period for drawing down the funds. Also, please state whether the applicant (i.e., the local unit of government will use the Reimbursement or Advance (3-day rule applies) method of payment.

LEAD-BASED PAINT (Applies to all CDBG-NR Activities)

1. Identify the strategy that will be taken to reduce Lead-Based Paint hazards. Please refer to the ***CDBG-NR Program*** guidelines for information concerning Lead-Based Paint regulations.

CONFLICT OF INTEREST CHECKLIST

To assist applicants with determining if a potential conflict of interest exists, as defined in 24 CFR Part 570.489 (h), please provide responses to the following questions. For any "yes" response, refer to Bulletin 10-8 for next steps.

1. Does any person involved with this potential CDBG project have family or business ties with any of the local government elected officials or local government staff?

   □ **Yes** □ **No**, if yes, please describe.

2. Has any person involved with this potential CDBG project requested or received an opinion about a potential conflict of interest from an attorney or from the North Carolina Ethics Commission?

   □ **Yes** □ **No**, if yes, please describe.

3. Does any person involved with this potential CDBG project have an ownership interest in an entity that is directly affected by activities proposed in the application?

   □ **Yes** □ **No**, if yes, please describe.

4. Will any person involved with this potential CDBG project derive any income or commission as a direct result of action taken by the local government elected board or its staff?

   □ **Yes** □ **No**, if yes, please describe.

FEDERAL REQUIREMENTS AND CERTIFICATIONS

The applicant hereby assures and certifies that:

a) It will comply with all applicable federal and state laws, regulations, rules, and Executive Orders.

b) It possesses legal authority to apply for the grant, and to execute the proposed program.

c) Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the identified as the official representative of the applicant to act about the application and to provide such additional information as may be required.

d) It is following a detailed, written citizen participation plan which will provide opportunities for citizen participation, hearings, and access to information with respect to its community development program that are comparable to those required of grantees under Section 104(a) of the Act and in accordance with Rule .1002 of the North Carolina Community Development Block Grant Administrative Rules.

e) Its chief elected official or other officer of the applicant if assistance is approved by Rural Economic Development Division:

   1) Consents to assume the status of the "responsible Federal Official" as that term is used in Section 102 of the National Environmental Policy Act (NEPA), Section 104(f) of Title 1 of the Housing and Community Development Act of 1974, as amended, and other provisions of Federal law, as specified in 24 CFR 58.5 which further the purposes of NEPA.

   2) Is authorized and consents on behalf of the applicant and himself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.

   3) Consents to review and comment on all Environmental Impact Statements prepared for Federal projects which may have an impact on the applicant's/recipient's community development program.

   4) Consents to perform all coordination functions required under 24 CFR Part 58 and 40 CFR Parts 1500-1508.

f) The ***CDBG-NR Program*** has been developed to give maximum feasible priority to activities which will benefit low and moderate-income families or aid in the prevention or elimination of slums and blight. The requirement for this certification will not preclude Commerce from approving an application where the applicant certifies, and Commerce determines, that all or part of the ***CDBG-NR Program*** activities are designed to meet other community development needs having urgency as specifically explained in the application in accordance with Section .0800 of 4 NCAC 19L of the North Carolina Administrative Code.

g) Its program will be conducted and administered in conformity with Public Law 88-352 and Public Law 90-284, and that it will affirmatively further fair housing.

h) It will comply with all provisions of 4 NCAC 19L of the North Carolina Administrative Code, entitled North Carolina Community Development Block Grant Program.

i) It will give Commerce, HUD, and the Comptroller General through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.

j) It will establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

k) It will follow a residential anti-displacement and relocation assistance plan that is in accordance with the provisions of Section 104(d) and all other provisions of the Act.

l) It will not attempt to recover any capital costs of public improvements assisted in whole or part under Section 106 of the Act or with amounts resulting from a guarantee under Section 108 of the Act by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged to assessment made as a condition of obtaining access to such public improvements, unless (i) funds received under Section 106 are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or (ii) for purposes of assessing any amount against properties owned and occupied by persons of low and moderate income who are not persons of very low income, the grantee certifies to the Secretary or such State, as the case may be, that it lacks sufficient funds received under Section 106 to comply with requirements of clause (i).

m) It has or will develop a plan that identifies community development and housing needs, including the needs of low and moderate-income persons, and the activities to be undertaken to meet such needs.

n) Its notification, inspection, testing, and abatement procedures concerning lead-based paint will comply with 24 CFR Part 35.

o) When issuing statements, press releases, request for proposals, bid solicitation and other documents describing the above-mentioned program such as the environmental review, public hearings, fair housing notices, etc., it shall clearly state:

1) The percentage of the total cost of the project which will be financed with CDBG money, and 2) the dollar amount of CDBG funds for the project.

p)

1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form- LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.

3) The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and contracts under grant, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

q) It has adopted and will enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations and has adopted and is enforcing a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction in accordance with Section 519 of Public Law 101-144, (the 1990 HUD Appropriations Act).

r) All project areas are either not in a floodplain, or if the project area is in a floodplain, the applicant participates in the flood insurance program. All properties assisted in the project will be covered for flood insurance prior to beginning construction, and all public facilities will be constructed to comply with applicable floodplain regulations.

CERTIFICATION OF ABILITY

The Town/City/County of _____ hereby certifies its ability to meet Federal Performance and Procurement Requirements with Certification as further expanded in the preceding attachments.

Name of Chief Elected Official	_____
Title	_____
Signature	_____
Date	_____

Disclosure Report Instructions

Who should complete the report:

All applicants who expect to receive an aggregate amount of covered federal assistance for a project or activity that exceeds $200,000 are required to make certain disclosures. State CDBG funds are covered by the requirement, as are most other programs where funds are administered by or passed through the U.S. Department of Housing and Urban Development. Therefore, all applicants of more than $200,000 in State CDBG funds, including anticipated program income, should complete the report. In addition, any applicants to a State grantee for a subgrant should complete the report if more than $200,000 in covered assistance is or can reasonably be anticipated. The requirement addresses the aggregate amount of assistance. Therefore, if the applicant anticipates less than $200,000 in CDBG assistance but, intends to combine the funds with enough other covered assistance (such as Section 8 project-based Housing Assistance Payments) to exceed $200,000 in total assistance, the applicant must make the disclosures. Any applicant/recipient who is required to complete a disclosure report for another agency in conjunction with a project assisted with State CDBG funds may submit a copy of that disclosure report to the Rural Economic Development Division rather than completing a separate report.

Recipients who have previously filed disclosure reports must file update reports if the information in the original report changes either because of later developments subject to disclosure, or because of changes in the amount of government assistance, the sources of funds, or the uses of funds equal to the lower of $250,000 or 10 percent of the applicable base (usually total project costs), or because of an increase in the financial interest of a person equal to the lower of $50,000 or 10 percent of such interest.

Detailed Instructions:

1. Enter the name, address, and telephone number, including area code, of the applicant or recipient.
2. Indicate whether the report is an initial report or an updated report.
3. Enter the Social Security Number or the Employer Identification Number of the applicant or recipient.
4. Enter the project name and indicate the location as detailed and specific as possible. In the case of update reports, give the CDBG grant number.
5. Enter the total amount of assistance being requested as stated in the application, including anticipated program income. In the case of update reports, enter the total amount of assistance provided per the funding approval and anticipated program income.
6. Indicate whether other government assistance is being provided, or can reasonably be expected to be provided, for the project. Other government assistance includes any loan, grant, guarantee, insurance payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance from the Federal government, a State, or a unit of general local government, or any agency or instrumentality thereof, that is, or is expected to be made, available with respect to the project or activities for which the assistance is being sought.

   If other government assistance is provided, or expected to be provided for the project, all such assistance must be disclosed in attachments incorporated into the report. The disclosures should list the granting agency, the program and type of assistance (e.g., grant, loan, guarantee), and the amount expected to be made available.

Disclosures need only be made once, so that if this information is given in the Sources and Uses attachments, this may be indicated by checking the appropriate blank under "6. Other Government Assistance" on the Attachments page of the report.

7. Indicate whether there are persons with a reportable financial interest in the project. "Person" means an individual, corporation or business, unit of general local government or other governmental entity or agency or any other organization or group of people. A reportable financial interest is any financial involvement in the project including equity interest, shares in any profit on resale or distribution of cash or other assets, or receipt of compensation for goods or services provided in connection with the project or activities, which can be expected to exceed the lower of $50,000 or 10 percent of the assistance sought. Compensation for performance of a contract procured under Federal procurement regulations is not, by itself, a covered financial interest. Residency of an individual in housing for which assistance is being sought is not, by itself, considered a covered financial interest.

   If there are parties with a reportable financial interest, the name and pecuniary interest of the parties must be disclosed in referenced attachments. If the party is an entity such as a unit of government or a corporation, the disclosure must include an identification of each officer, director, and/or principal stockholder. The pecuniary interest disclosure must include the type of participation (such as owner, contractor, investor) and the amount of the financial interest expressed both as a dollar amount and as a percentage of the amount of assistance involved.

8. Reference the statement or statements attached to the report showing the sources and uses of the funds available for, or expected to be available for, the project. Disclosure must be made of the gross amount of funds from all sources, including both governmental and non-governmental sources of funds and private capital resulting from tax benefits. For most projects, the financial forms in the appropriate guidelines will be adequate to document sources and uses. Please note, however, that if the "Other Government Assistance" disclosure section references the Sources and Uses Disclosures, then these Disclosures must identify the program and type of assistance.

9. Certification: The signatory certifies that all information in the report is complete and accurate. That is, except as disclosed in the report and attachments, there is no other government assistance, no other interested parties, and no other sources and uses of funds.

DISCLOSURE REPORT

1. Applicant/Recipient Name, Address, and Phone:
2. **Check One**: □ Initial Report □ Update Report
3. **Social Security Number or Employer ID Number**: _____
4. **Project Name and Location**:
5. **Total Amount requested/received** (including anticipated program income):
   $_____
6. **Other government assistance.** (Check One):

   _____ No other government assistance is, or is expected to be, provided for this project

   _____ All other government assistance provided for this project is listed on the table below/attached page(s).

(Note: Disclosures must be complete and accurate but, need to be made only once for this report. If assistance is reported in the Sources and Uses disclosure section, then it need not also be reported here. If there is assistance reportable here, but reported only in the Sources and Uses disclosure, (check here):

_____ Assistance is disclosed in Sources and Uses Attachments

Agency Name and Address	Program and Type of Assistance	Amount Requested/Received

7. **Interested Parties**. (Check One):

   _____ No parties have a reportable financial interest in this project. Interested parties include developers, contractors, consultants, individuals, entities including units of government with a financial interest greater than $50,000 or 10 percent of the assistance (whichever is lower; being a party to a contract procured under Federal procurement regulations at 2 CFR Part 200 does not, by itself, constitute a reportable financial interest).

   _____ All parties with a reportable financial interest are listed on table below/attached page(s).

Name and Address	Type of Participation	Interest ($ and %)

8. All expected sources of funds available or expected to be available for the project or activity and all reportable uses of funds are included in the application for funds and on the following forms (check all that apply):

   □ CDBG **PROJECT BUDGET**

   □ CDBG **LOCAL COMMITMENT FORM**

   □ Other Attachment(s). Describe: _____

9. **Certification:**

   I hereby certify that all information in this report and its attachments is true and complete.

   _____ _____

   Signature **Date**

STATE CDBG PROGRAM REGULATIONS

Citizen Participation

If funded, the grantee will have documentation on file of compliance with citizen participation requirements in the application process 4 NCAC 19L. 1002 (b): publisher's affidavits of notices and minutes signed by the town or county clerk of the two required public hearings.

Project Administration

- The grantee is responsible for CDBG oversight. If funded, the grantee will supervise the implementation of the project as follows:
- The local government manager reviews and signs off on all project reports.
- The project administrator or local government staff will present and give at least quarterly written status reports to the elected board. A signed copy of the quarterly report must be submitted to the grant representative for review.
- At least two people from the local government listed on the signatory cards will review and sign off on invoices and requests for payment.
- Maintain all project files at the local government offices and make them available to citizens during regular business hours.

Audits/Compliance

CDBG grantees expending $25,000 or more in a fiscal year are required to have funds audited for the CDBG program. CDBG funds can be used to pay for the CDBG portion of the audit provided the grantee has expended $750,000 or more in the fiscal year in total federal awards (CDBG and other federal funds). If the grantee has expended less than $750,000 in total federal awards, the grantee may budget local funds in the administrative line item in the CDBG application to pay for the CDBG portion of the audit and claim the local administrative funds as local commitment.

Housing

- **Substantial Rehabilitation**: Any rehabilitation cost above $72,000 per unit or $70 per square foot which would include the Lead Based Paint cost and any other additional funds is considered substantial rehabilitation and requires the prior approval of REDD.

- **Manufactured Homes Policy**: Manufactured homes rehabilitated with CDBG funds must be converted into real property (per G.S. 105-273 paragraph 13) that is owned and occupied by the homeowner prior to any rehabilitation.

The CDBG assistance must be secured by a Note and Deed of Trust at the time of rehabilitation. No CDBG funds may be spent to rehabilitate any manufactured home built prior to 1978.

In addition, the grantee will adhere to the following:

1. Adopt a financial design for rehabilitation that meets the minimum REDD criteria. The financial design must be submitted to REDD for review.
2. Prior to rehabilitating a house with a pit privy/outhouse or no wastewater disposal system, if public sewer is unavailable, contact the local health department for a determination whether the property can be permitted for an on-site wastewater system. If not, the family should be relocated.

3. Clear titles as required in the application.
4. Work with the State Health Hazard Control Unit and local government departments to comply with federal and state lead-based paint requirements. In addition, ensure rehabilitation design will address lead-based paint hazards.
5. Voluntary withdrawal from the program, document with evidence on file.
6. Establish and implement a home maintenance program to instruct occupants of rehabilitated houses, including (1) maintenance of any on-site wastewater systems and/or wells or (2) maintenance of newly installed indoor plumbing.
7. Install water-saving devices in houses with on-site septic tanks. If facets need to be replaced install a water saving device. See Bulletin 02-5, Low Flow Plumbing Fixtures
8. If undertaking voluntary clearance, document with evidence on file that property owners are aware of and agree to voluntary clearance.
9. If undertaking rehabilitation, acquisition and/or clearance of dwellings, comply with state notification, certification, and disposal requirements for asbestos.
10. If acquiring property with a dwelling, maintain a plan for residential reuse of the residential property.
11. If undertaking temporary or permanent relocation, budget adequate funds based on the costs of housing in the area.
12. If abandoning outhouses or septic tanks, budget adequate funds to cover related costs in accordance with state and local health department regulations.
13. Establish a written recipient referral procedure to address non-CDBG needs (i.e., social services, credit counseling, employment etc.)
14. Low and moderate beneficiaries may not be charged for tap fees or assessments for water or sewer improvements.
15. All items rehabilitated, if required under the building code, must be permitted, and inspected.
16. Procurement and bid request for rehabilitation should include a section that describes the estimated man hours expended on the project. It should include both administration and labor.

Housing
When using CDBG funds for housing activities**,** if funded, grantee will adhere to the following:
Comply with the new Lead-Based Paint regulations 24 CFR Part 35, the Lead-Based Paint Poisoning Prevention Act and the "Lead-Based Paint Hazard Reduction Guidelines for North Carolina Small Cities Community Development Block Grant Recipients" published by Rural Economic Development Division.

Program Income
If the local government makes a loan to the developer, a plan for reuse of program income will be developed and subject to REDD approval.

Legally Binding Commitment (LBC)
The local government will develop and execute an LBC with the non-profit or for-profit developer subject to REDD requirements.

Build America, Buy America (BABA)
The **Build America, Buy America Act (BABA)** enacted as part of the Infrastructure Investment and Jobs Act, established a domestic content procurement preference for all Federal financial assistance obligated for some infrastructure, public facility, and housing projects. **BABA applies to the infrastructure, public facility, and housing projects that**:

- Include post FY2023 CDBG-NR funds **and**
- Contain iron or steel **and**
- Receive a total of CDBG and federal financial assistance **greater than $250,000**.

All iron, steel, manufactured products, and construction materials used in covered infrastructure projects must be produced in the United States. This applies to all expenditures by a federal agency such as HUD to a non-federal entity (State of North Carolina) for an infrastructure, public facility, or project including construction, alteration, maintenance, or repair.

For housing rehabilitation projects, if an individual home receives $250,000 or less in CDBG loans or grants and separate environmental reviews for each home BABA does not apply. If all homes in a program are included in a single environmental review, BABA does apply. The latter is the typical scenario in the CDBG Neighborhood Revitalization (CDBG-NR) program.

The HUD covered construction materials groups include all raw materials used in construction including:

- **Iron and Steel**: Includes materials that are primarily composed of iron or steel.
- **Identified Non-Iron and Steel Construction Materials**: Includes metals other than iron and steel (non-ferrous metals), plastic and polymer-based PCV pipe and tube (e.g., PVC pipe), lumber, and composite building materials. Does not include cement and aggregates (stone, sand, gravel).
- **Other Construction Materials**: Include glass, drywall, and other construction materials.
- **Manufactured Products**: A definition is forthcoming pending a proposed Office of Management and Budget (OMB) rulemaking.

BABA requirements flow with all CDBG funding. Local governments (grant recipients) and contractors must comply.

Violence Against Women Act (VAWA)
The Violence Against Women Act (VAWA) Reauthorization Act of 2022, which became effective October 1, 2022, includes a new requirement for Grantees (Grant Subrecipients) to support an individual's,

including survivor's, right to seek law enforcement or emergency assistance. CDBG grants awarded on or after the effective date will be required to:

- "Report any of their laws or policies, or, as applicable, the laws or policies adopted by subgrantees, that impose penalties on landlords, homeowners, tenants, residents, occupants, guests, or housing applicants based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a property; and
- Certify that the grantee will comply with the VAWA requirements.

The applicant hereby assures and certifies that by his/her signature, its duly authorized official has read and understands the State CDBG Program Standards and, if funded, will adhere to all standards applicable to the funded project.

Name of Chief Elected Official _____

Title _____

Signature _____

Date _____

DISCLOSURE OF CIVIL RIGHTS COMPLAINTS/LAWSUITS

The Town/City/County of _____ hereby assures and certifies that there are no open, unresolved, or pending Civil Rights Lawsuits against the participating local governments in this CDBG Neighborhood Revitalization Program **(*CDBG-NR).***

Name of Chief Elected Official _____

Title _____

Signature _____

Date _____

Instructions for Debarment Certifications

1. By signing and submitting this form, the prospective participant is providing the certification set out on the "Certification Regarding Debarment, Suspension and Other Responsibility Matters" in accordance with these instructions.

2. Consequences of False Certification - The certification is a material representation of fact upon which reliance was placed when this transaction was entered. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. Errors in Certifying. - The prospective participant shall provide immediate written notice to the person to which this proposal is submitted if, at any time, the prospective participant learns that its certification was erroneous when submitted or has become erroneous because of changed circumstances.

4. Definitions and Further Guidance - The terms "covered transaction," "debarred," "suspended," "ineligible," lower tier covered transaction," "participant," "person," "primary covered transaction,"" principal," "proposal," and "voluntarily excluded," as used in this clause have the meanings set out in the Definitions and Coverage section of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations or you may refer to the *Federal Register*, Vol. 70, No. 168, pages 51863 –51880.

5. Certification Extends to Subcontractors - The prospective participant agrees by submitting this form that, should the proposed covered transaction be entered, it shall not knowingly enter any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. Certification Included in Subcontracts - The prospective participant further agrees by submitting this form that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. Reliance on Certification - A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transition, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Non-Procurement List.

8. New System of Records Not Required - Nothing contained in the foregoing should be construed to require establishment of a system of records to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Consequences for Use of Ineligible Sub grantees - Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies including suspension and/or debarment

CERTIFICATIONS REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

Applicants should refer to the regulations. Applicants should also review the instructions for certification included in the regulations before completing this form, signature on this form provides for compliance with certification requirements implementing Federal Executive Order 12549 and guidance issued in the *Federal Register*, Volume 70, No. 168, pages 51863 through 51880 for "Government wide Debarment and Suspension (Non-procurement)." The certification shall be treated as a material representation of fact upon which reliance will be placed when the Rural Economic Development Division determines to award the covered transaction, grant or cooperative agreement.
As required by Executive Order 12549, Debarment and Suspension, for prospective participants in primary covered transactions:

1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
    a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a Federal department or agency;
    b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction or records, making false statements, or receiving stolen property:
    c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
    d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
2) Where the prospective primary participant is unable to certify any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above applicable certification(s).

Name of Applicant/Grantee	**Grant Number and Project Name**
Printed Name and Title of Authorized Representative	
Signature	**Date**

SAMPLE: Implementation Schedule

ACTIVITIES IMPLEMENTATION SCHEDULE -SAMPLE	Name of Applicant:

Month 1 begins as of the date of REDD Director's signature on the Grant Agreement and Funding Approval.

List activities to be implemented and put a "X" in the columns for the beginning and ending months and connect with a straight line. Activities should correspond to those on the Budget.

Activities	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1. Grant Agreement/ Funding Approval	X														
2. Environmental Review	X	X													
3. Clearing conditions	X	__	X												
4. Public Water				X	__	__	__	__	__	__	__	X			
5. Public Sewer				X	__	__	__	__	__	__	__	__	X		
6.															
7.															
8. Closeout of Grant															X

ACTIVITIES IMPLEMENTATION SCHEDULE	Name of Applicant:

Month 1 begins as of the date of REDD Director's signature on the Grant Agreement and Funding Approval.

List CDBG and non-CDBG activities to be implemented for both C-1 and L-1 and put an "X" in the columns for the beginning and ending months and connect with a straight line. CDBG Activities should correspond to those on the Budget and other packet forms. Add other activities as needed in the order they occur in the planning and development of the distribution plan.

	Months																													
Activities	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**	**13**	**14**	**15**	**16**	**17**	**18**	**19**	**20**	**21**	**22**	**23**	**24**	**25**	**26**	**27**	**28**	**29**	**30**
1. Grant Agreement/ Funding Approval																														
2. Environmental Review																														
3. Clearing conditions																														
4.																														
5.																														
6.																														
7.																														
8.																														
9.																														
10.																														
11.																														
12.																														
13.																														
14. Closeout of Grant																														

ACTIVITY NUMBERS AND CODES

Activity Name	Activity Number	Activity Code
1. Administration	1060	13
2. Acquisition	1002	1
3. Architectural Barriers	1054	11
4. Clearance Activities	1034	2
5. Code Enforcement	1046	16
6. Disposition	1004	1
7. Fire Protection	1014	6
8. Flood and Drainage	1024	4C
9. Historic Preservation	1048	16
10. Machinery/Equipment	1052	16
11. Neighborhood Facilities	1010	3
12. Other Activities	1056	16
13. Other Public Facilities	1028	6
14. Parking Facilities	1016	6
15. Parks/Playgrounds	1008	6
16. Pedestrian Improvements	1026	6
17. Planning	1058	12
18. Public Services	1036	7
19. Public Utilities	1018	7
20. Rehabilitation, Commercial	1040	9B
21. Rehabilitation, Private	1042	9A
22. Rehabilitation, Public	1044	10
23. Relocation Assistance	1038	8
24. Senior/Handicapped Centers	1006	3
25. Sewer Improvements	1030	4B
26. Solid Waste Facilities	1012	4B
27. Street Improvements	1022	6
28. Water and Sewer	1020	4A, 4B
29. Water Improvements	1032	4A
30. Working Capital	1050	7
Note: *Reconstruction activities, Clearance activities related to Rehabilitation and Temporary Relocation related to Rehabilitation would all be classified under Rehabilitation.*		

ACTIVITY CODE DEFINITIONS

Use the following activity code numbers to identify CDBG activities. The U.S. Department of HUD requires that budget line items be identified with these code numbers during APR reporting:

Code	Activity
1	Acquisition, Disposition
2	Clearance
3	Center/Facility (e.g. senior center or neighborhood facility)
4A	Water
4B	Sewer
4C	Flood and Drainage Facilities
5	Streets, Bridges
6	Other Public Facilities (Examples are fire stations, sidewalks, street lighting, street furniture, curbs, libraries, swimming pools)
7	Public Services
8	Relocation
9A	Rehabilitation Residential
9B	Rehabilitation Commercial
10	Public Housing Modernization
11	Removal of Architectural Barrier
12	Planning Only
13	Administration, Planning and Management
14A	Economic Development Assistance to Non-Profit
14B	Economic Development to For-Profit Entities
14C	Economic Development for Micro enterprise or Small Business
15A	New Construction for Last Resort
15B	New Construction Not Feasible for Rehabilitation
15C	New Construction Under 105 (a) (15)
16	Unspecified Activities
17	Homeownership Assistance

ACTIVITY PERFORMANCE MEASURES

Applicant:		**Budgeted $:**			
Project Name:		**Check (X) C-1:**		**Check (X) L-1:**	
Activity Name:		**Activity Code:**			
Amount of money leveraged for the activity, if applicable *(Funds other than CDBG fund as part of activity.)*			**$**		

Housing Program Indicators	**Proposed** *(For Entire Grant)*
Housing Activities	
Single Units -Rental	
Total number of **rental** units acquired	
Total number of **rental** units cleared	
Total number of **rental** units disposed	
Total number of **rental** households relocated	
Total number of **rental** units rehabilitated	
Number of units brought from substandard to standard condition (NC Rehab Standards)	
Number of units brought into compliance with the lead safe housing rule (24 CFR part 35)	
Number of units occupied by elderly (62 years of age or above)	
Single Units - Owner	
Total number of **owner** units acquired	
Total number of **owner** units cleared	
Total number of **owner** units disposed	
Total number of **owner** households relocated	
Total number of **owner-occupied** units rehabilitated	
Number of units brought from substandard to standard condition (NC Rehab Standards)	
Number of units brought into compliance with the lead safe housing rule (24 CFR part 35)	
Number of units occupied by elderly (62 years of age or above)	
Multi-Units Rental	
Total number of **rental** units acquired	
Total number of **rental** units cleared	
Total number of **rental** units disposed	
Total number of **rental** households relocated	
Total number of **rental** units rehabilitated	

Number of units brought from substandard to standard condition (NC Rehab Standards)	
Number of units brought into compliance with the lead safe housing rule (24 CFR part 35)	
Number of units occupied by elderly (62 years of age or above)	
Development of Single-Family Housing	
Total number of **owner** units created	
Number of affordable units created	
Development of Multi-Unit Rental Housing	
Total number of **rental** units created	
Total number of **rental** units rehabilitated	
Number of affordable units created	
Number of units Section 504 accessible (includes adaptable units)	
Number of units brought into compliance with the lead safe housing rule (24 CFR part 35)	
Number of units created through conversion of nonresidential building to residential	
Number of units meeting IBC (International Building Code)	
of IBC, number of units meeting Energy Star	
Number of units occupied by elderly (62 years of age or above)	
Number of units subsidized with project-based rental assistance (fed., state, or local)	
Number of years' affordability guaranteed	
Number of units designated for persons with HIV/AIDS	
of these, number of units designated for the chronically homeless	
of these, number of units 504 accessible	
Number of units of permanent housing for homeless persons	
of these, number of units designated for the chronically homeless	
of these, number of units 504 accessible	
Homeownership Indicators	**Proposed** *(For Entire Grant)*
Number of units occupied by first-time homebuyers	
Total number of units assisted through home buyer financial assistance	
Number of first-time home buyers assisted financially	
Number of first-time home buyers receiving housing counseling	
Number of minority first-time home buyers receiving housing counseling	
Number served receiving down-payment assistance and/or assistance with closing costs	
Number of subsidized mortgages provided	

Economic Development Program Indicators	**Proposed** *(For Entire Grant)*
Number of facades/business building rehab	
Number of jobs to be created part-time	
Number of jobs to be created full-time	
Number of jobs to be retained part-time	
Number of jobs to be retained full-time	
Number of jobs created with employer sponsored health care	
Number of jobs retained with employer sponsored health care	
Prior employment status before taking job created *(full-time employed, part-time employed or unemployed)*	Status:
	Full or Part-time:

Jobs (By EDA Job Category Definitions)	**Proposed** *(For Entire Grant)*
Official and Managers	
Professional	
Technicians	
Sales	
Office and Clerical	
Craft Workers (skilled)	
Operatives (semi-skilled)	
Laborers (unskilled)	
Service Workers	

			Proposed *(For Entire Grant)*
Number of unemployed persons getting jobs in **FTE's** (Full-Time Equivalent)			
Number of new businesses assisted			
Number of existing businesses assisted			
Number of business expansions			
Number of business relocations			
Business UEI #			*If more than 2 UEI Numbers, add in Comments Section.*
Two Digit NAICS Classification Number (http://www.census.gov/eos/www/naics/index.html)			

Non-Economic Development Public Facility Program Indicators	**Proposed** *(For Entire Grant)*
Number of persons assisted	
Number of persons assisted with **new** access to a public facility	
Number of persons assisted with **improved** access to a public facility	
Number of persons assisted where public facility quality was improved	

Non-Economic Development Public Infrastructure Program Indicators	**Proposed** *(For Entire Grant)*
Water	
Number of persons assisted	
Number of persons assisted with **new** access to public water	
Number of persons assisted with **improved** access to public water	
Number of persons assisted where public water quality was improved	
Sewer	
Number of persons assisted	
Number of persons assisted with **new** access to public sewer	
Number of persons assisted with **improved** access to public sewer	
Number of persons assisted where public sewer quality was improved	
Streets	
Number of persons assisted	
Number of persons assisted with **new** access to public streets	
Number of persons assisted with **improved** access to public streets	
Number of persons assisted where public street quality was improved	
Drainage	
Number of persons assisted	
Number of persons assisted with **new** access to public drainage	
Number of persons assisted with **improved** access to public drainage	
Number of persons assisted where public drainage quality was improved	
Sidewalks	
Number of persons assisted	
Number of persons assisted with **new** access to public sidewalks	
Number of persons assisted with **improved** access to public sidewalks	
Number of persons assisted where public sidewalk quality was improved	
Other Public Infrastructure	List:
Number of persons assisted	
Number of persons assisted with **new** access to public sidewalks	
Number of persons assisted with **improved** access to public sidewalks	
Number of persons assisted where public sidewalk quality was improved	
Public Service Program Indicators	
Number of persons assisted	
Number of persons with **new** access to service	
Number of persons with **improved** access to service	

Number of persons where service quality was improved	
Brownfield Projects	
Number of square acres of brownfields remediated	
Comments	

HUD IDIS: ACCOMPLISHMENTS & BENEFICIARIES FORM

Applicant:		**Project Name:**	
Activity Name:		**Budgeted $:**	
Activity Number:		**Activity Code:**	
Complete a separate form for each activity	*Sheet*	*Of*	*Sheets*

General Information	**Proposed** *(For Entire Grant)*
Total Jobs	
Linear Feet	
Square Feet	
Properties	
Households Benefiting	
Rental Units	
One to One Replacement	
Displacements	
594 accessible units	
Elderly	
Female-Head of Household	
Units	
Multiunit Housing	
Energy Star Products	
Energy Star Homes	
Microenterprise	
Census Data *(http://www.census.gov/)* ***or*** *(http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml)*	**Proposed** (*For Entire Grant)*
County Code	
Census Tract	
Block Groups	
Block Groups	
Census Tract	
Block Groups	
Block Groups	
Income Levels	**Proposed** **(***For Entire Grant)*
Please Select One: ___Households ___Persons	
Extremely Low	
Low	
Moderate	
Non-Low/Moderate	
Total	

Race Code Please Select One: ___Households ___Persons	Proposed (*For Entire Grant*)	
Owner	**Total**	**Hispanic**
11 White		
12 Black/African American		
13 Asian		
14 American Indian/Alaskan Native		
15 Native Hawaii/Other Pacific Islander		
16 American Indian/Alaskan Native & White		
17 Asian & White		
18 Black/African American &White		
19 Amer. Indian/Alaskan Native & Black/African Amer.		
20 Other multi-racial		
Race Code **Please Select One: ___Households ___Persons**	**Proposed** (*For Entire Grant*)	
Renter	**Total**	**Hispanic**
11 White		
12 Black/African American		
13 Asian		
14 American Indian/Alaskan Native		
15 Native Hawaii/Other Pacific Islander		
16 American Indian/Alaskan Native & White		
17 Asian & White		
18 Black/African American &White		
19 Amer. Indian/Alaskan Native & Black/African Amer.		
20 Other multi-racial		
Survey Data		
Percent of low-and-moderate-income in service area		
Total number of low-and-moderate-income in service area		
Total number of low and moderate- income universe population in service area		
Activity Narrative:		

NOTICE OF PUBLIC HEARING

Thursday, September 5, 2024, at 5:45 p.m.

of Hendersonville City Council will hold a public hearing during their regularly schedule
rsday, September 5, 2024, at 5:45 p.m., or as soon thereafter as it may be heard, in the As
f the City Operations Building located at 305 Williams St. Hendersonville, NC.

pose of the public hearing is to consider the submission of a Community Development Blo
tion for the FY 2024-25 funding cycle. The grant, a Neighborhood Revitalization Grant (
offered through the North Carolina Rural Economic Development Division of the Departm
rce (REDD), and would be for the rehabilitation of up four (4) homes owned by low-to-mo
households. Low to moderate households are those having a household income equal to
% of the area median income. The maximum application amount for the grant is $950,00
matching requirement. The application would be submitted in partnership with the Hous
ce Corporation, who would serve as the subrecipient of the grant funds. HAC would ma
ation projects on the homes. The grant would be administered by Land of Sky Regional
num of 10% of the grant amount would be used to cover the administrative costs of the gra
invited to the September 5, 2024 public hearing to comment on the possible submission o
on, and to address generally the community, housing and economic development needs.

s initial public hearing, the City and HAC will work to identify potential homes that woul
grant program, and to determine feasibility of applying for and administering the grant for
funding cycle. If successful, HAC and the City in partnership with Land of Sky would p
the application for submittal to the REDD. Prior to submittal of the final application, a s
earing would be held to allow the public to comment on the proposed application.

lic may also view, listen, and verbally comment on public hearings or give general public
ZOOM. For security reasons screen sharing will not be allowed. The meeting instructions
ill be available on the City's website by visiting **www.hendersonvillenc.gov/events-calen**
Comment period instructions will also be displayed at the appropriate times during the mee

l: zoom.us/join OR **Dial-in by phone:** (646)

ID: 822 0104 2528
e: 1847

dance with NC GS 166A-19.24(e), **written/digital public hearing comments** must be rec
advance of the public hearing/ by **5:45 p.m. on September 4, 2024**, to be considered by th
Please visit visiting **www.hendersonvillenc.gov/comment** to submit comments or contac
office. Comments must comply with the City's policy for security.

Jill Murray

Jill Murray, City Clerk

Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with th
ilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact the City C

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER: Tyler Morrow

MEETING DATE: September 5th, 2024

AGENDA SECTION: Unfinished Business

DEPARTMENT: Community Development

TITLE OF ITEM: Rezoning: Conditional Zoning District – Felicia Reeves Home (P24-24-CZD) – *Tyler Morrow– Current Planning Manager*

SUGGESTED MOTION(S):

For Approval:	**For Denial:**
I move City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9569-44-7296) from R-10, Medium Density Residential to R-10-CZD, Medium Density Residential Conditional Zoning District, for the adaptive reuse of an existing structure for the use of a residential care facility based on the master site plan and list of conditions submitted by and agreed to by the applicant, [revision dated 6-3-24] and presented at this meeting and subject to the following: **1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses** Permitted Uses: 1. Adaptive Reuse o Residential Care Facility ***[for amendments to uses or conditions discussed and agreed upon in the meeting (between City & Developer) and not yet represented on the site plan, please use the following language**. Disregard #2 if not needed]* **2. Permitted uses and applicable conditions presented on the site plan shall be amended to include:** **3. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:** The petition supports the City's 2030 Comprehensive Plan goals by adhering to	I move City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject (PIN: 9569-44-7296) from R-10, Medium Density Residential to R-10-CZD, Medium Density Residential Conditional Zoning District based on the following: **1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:** The petition supports the City's 2030 Comprehensive Plan goals by adhering to the Preservation/Enhancement Area designation for the subject property. The proposal enhances and renovates a long-vacant and decaying structure without expanding it, promoting compatibility with the surrounding area. **2. We do not find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:** 1. The proposed reuse requires relief from a variety of applicable supplementary standards that could negatively impact the surrounding residential uses. 2. The proposed use of the site is inharmonious with the surrounding residential neighborhoods and incompatible with adjacent land uses.

the Preservation/Enhancement Area designation for the subject property. The proposal enhances and renovates a long-vacant and decaying structure without expanding it, promoting compatibility with the surrounding area. **4. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:** 1. The petition addresses a critical need for housing and services for local female veterans. 2. The petition proposes to renovate and repurpose an existing structure that has contributed to urban blight for the past decade. 3. The petition proposes to reduce the residential intensity of the previous use on the site (rest home). 4. Given the building's size and scale in the R-10 zoning district, there is no reasonable likelihood that the property will revert to a use permitted in the R-10 zoning district. **[DISCUSS & VOTE]**	*3.* The proposed development is inconsistent with the recommended density of Medium Intensity Neighborhood which is 2 to 8 units per acre as outlined in the 2030 comprehensive plan. **[DISCUSS & VOTE]**

SUMMARY:

The City of Hendersonville is in receipt of an application for a Conditional Rezoning from Alyce Knaflich (Founding Director and Board Chair) of Aura Home Women Vets. The applicant is requesting to rezone the subject property, PIN 9569-44-7296 and located at 1744 Meadowbrook Terrace, from R-10 Medium Density Residential to R-10 CZD, Medium Density residential Conditional Zoning District for the adaptive reuse of an existing building for a residential care facility on approximately 0.69 acres.

The proposal includes the renovation of the existing structure. There are no proposed additions to the building. The structure is approximately 8,020 square feet and will be renovated in two phases.

The subject property is entirely within the 100-year floodplain and will be required to obtain any floodplain related approvals needed if the property is rezoned. The rezoning does not remove any required permitting.

The public hearing for this project was opened and continued at the July 10th, and August 1st, 2024, meetings. City Council continued the public hearing to the September 5th, 2024, meeting.

PROJECT/PETITIONER NUMBER:	P24-24-CZD
PETITIONER NAME:	• Alyce Knaflich (Founding Director and Board Chair) Aura Home Women Vets [Applicant & Owner]
ATTACHMENTS:	1. Staff Report 2. Proposed Site Plan Packet 3. Neighborhood Compatibility Summary 4. Planning Board Meeting Summary 5. Proposed Zoning Map 6. Draft Ordinance 7. Application / Owner Signature Addendum

REZONING: CONDITIONAL REZONING –FELICIA REEVES HOME (P24-24-CZD)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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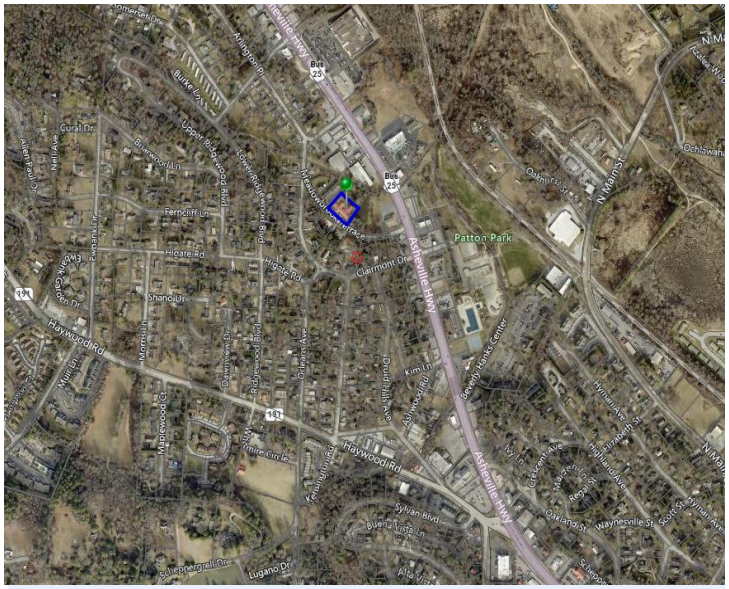
PROJECT SUMMARY

- Project Name & Case #:
  - Felicia Reeves Home
  - P24-24-CZD
- Applicant & Property Owner:
  - Alyce Knaflich (Founding Director and Board Chair) Aura Home Women Vets [Applicant & Owner]
- Property Address:
  - 1744 Meadowbrook Terrace
- Project Acreage:
  - 0.69 Acres
- Parcel Identification (PIN):
  - 9569-44-7296
- Current Parcel Zoning:
  - R-10, Medium Density Residential
- Future Land Use Designation:
  - Medium Intensity Neighborhood
- Requested Zoning:
  - R-10-CZD, Medium Density Residential Conditional Zoning District
- Requested Uses:
  - Adaptive Reuse
    - Residential care facility
- Neighborhood Compatibility Meeting:
  - May 1st, 2024



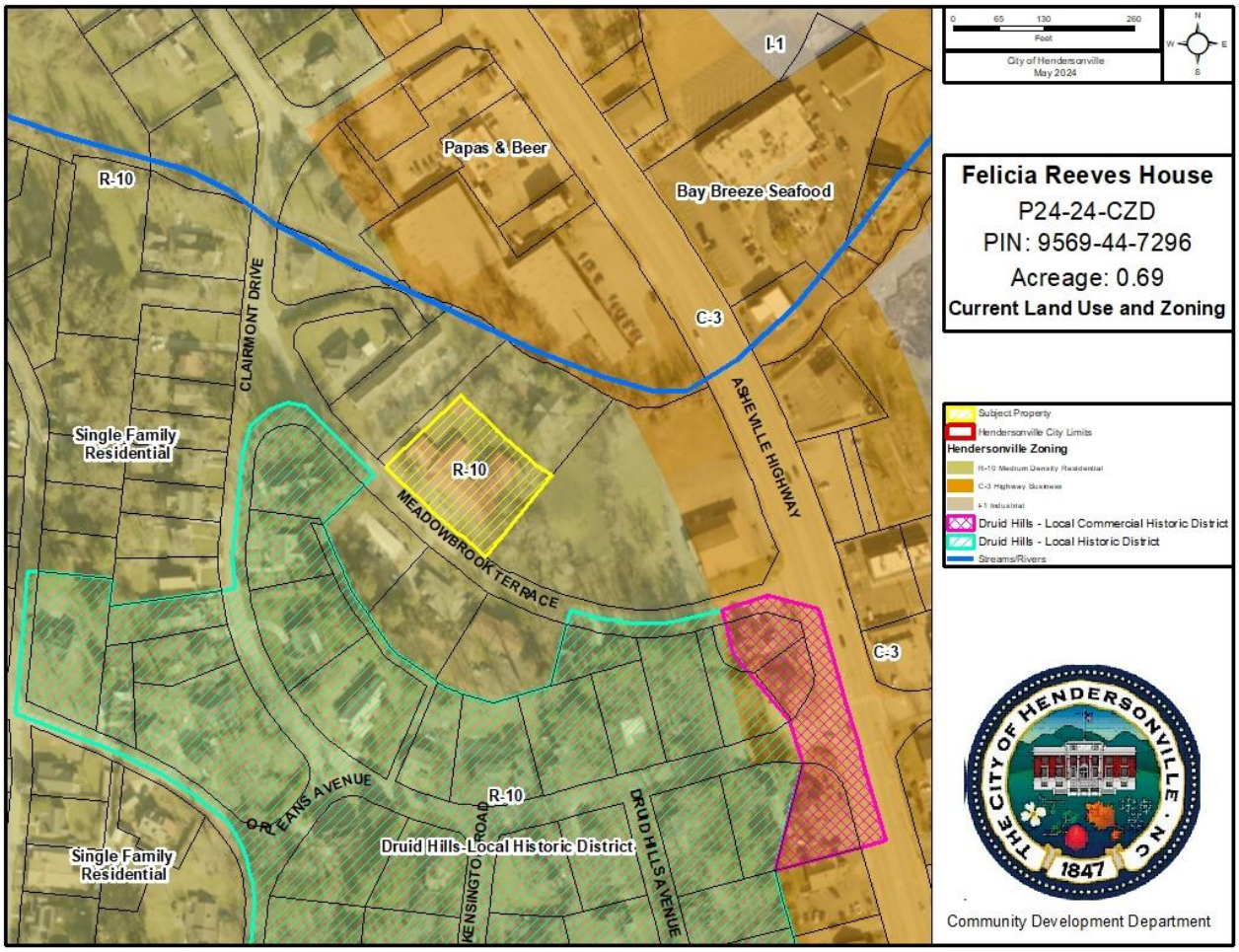
SITE VICINITY MAP

The City of Hendersonville is in receipt of an application for a Conditional Rezoning from Alyce Knaflich (Founding Director and Board Chair) of Aura Home Women Vets. The applicant is requesting to rezone the subject property, PIN 9569-44-7296 and located at 1744 Meadowbrook Terrace, from R-10 Medium Density Residential to R-10 CZD, Medium Density Residential Conditional Zoning District for the adaptive reuse of an existing building for a residential care facility on approximately 0.69 acres.

The proposal includes the renovation of the existing structure. There are no proposed additions to the building. The structure is approximately 8,020 square feet and will be renovated in two phases.

The subject property is entirely within the 100-year floodplain and will be required to obtain any floodplain related approvals needed if the property is rezoned. The rezoning does not remove any required permitting.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is located approximately 450' away from the major commercial corridor of Asheville Highway. The Asheville Highway corridor is to the north and east of the subject property and is comprised of a mix of commercial uses including restaurants, retail stores, grocery stores, and medical offices in the close proximity. All abutting properties are zoned R-10 Medium Density Residential. R-10 is the dominant zoning classification to the south and west of the subject property. The surrounding area is predominately comprised of single family residential, with some two family and small-scale multi-family present as well. Directly to the northwest of the subject property is a quadplex. A duplex can be found directly across the street from the subject property. The subject property is also within close proximity to the Druid Hills Local Historic District. However, the subject property is outside of the historic district and would not be required to follow the procedures for properties within the local historic district. The subject property is within close proximity to Patton Park. There is also an unnamed tributary of Brittain creek to the north of the subject property.

SITE IMAGES

View of the existing structure at 1744 Meadowbrook Terrace that is proposed to be renovated and used. No expansions of the existing building are proposed. The structure was constructed in 1960

View of the mature tree that is slated for removal on the front of the building in order to provide parking for the facility.

SITE IMAGES

View of the second access point at the north side of the building. This drive will provide access to the 6 parking spaces at the rear of the building.

View of the rear of the building where the additional 6 parking spaces are proposed.

SITE IMAGES

View of the existing 4 unit multi-family building that is directly adjacent to the subject property to the north.

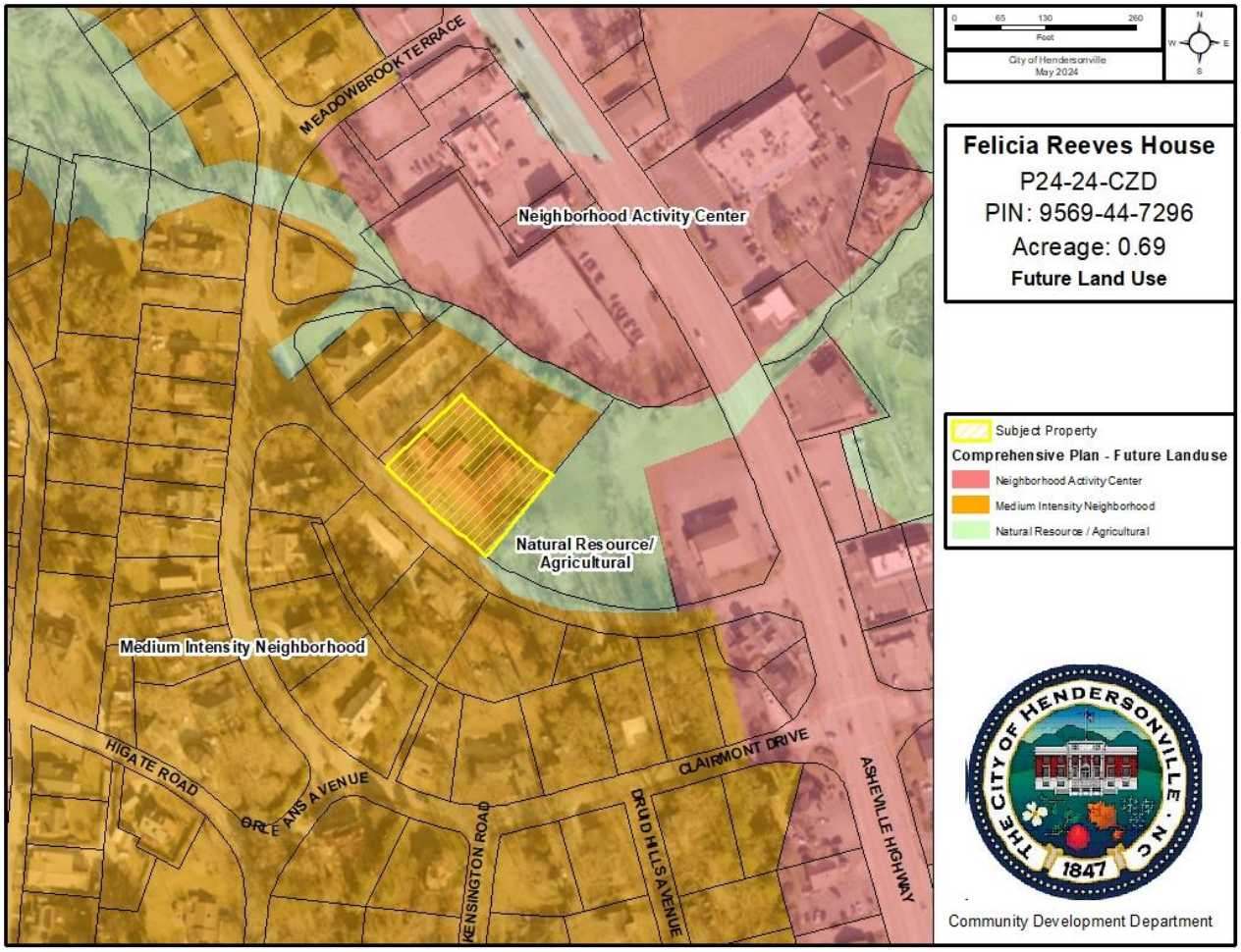
View of the mature buffer to the northeast which is slated for preservation and will continue to be a buffer between the subject property and adjacent property.

SITE IMAGES

View of one of the expansion buildings listed as "phase II" on the site plan.

View of the pond located on the adjacent property to the east. The pond is located on the backside of the 1801 Asheville Highway property.

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The subject property is designated a Medium Intensity Neighborhood in the 2030 comprehensive plan. The Medium Intensity Neighborhood encompasses all of the single-family residential neighborhoods to the south and west of the subject property (this includes the Druid Hills Historic District). Parcels to the east along the Asheville Highway Corridor are designated as Neighborhood Activity Center. The Natural Resource and Agricultural designation run along this area as well. This designation follows the unnamed tributary of Brittian creek to the north and also encompasses the pond located directly to the east of the subject property. It is worth mentioning that this property differs from most, in the fact that although this site is 100% within the 100-year floodplain, it is not designated as Naturel Resource and Agricultural.

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
Future Land Use	**Goal LU-6. Medium-Intensity Neighborhood:** Provide a transition between High and Low-Intensity Neighborhood areas while providing a wide range of housing formats and price points. Promote walkable neighborhood design and compatible infill development in new neighborhoods and as a means of preserving and enhancing existing neighborhoods. [CONSISTENT]
	Strategy LU-6.1. Locations: • Existing neighborhoods zoned R-15, R10, and R-6, including residential historic districts [CONSISTENT] • Existing or planned neighborhoods that reflect the same densities as the R-15, R-10 and R-6 zoning districts (Two to eight units per gross acre) [INCONSISTENT] • Undeveloped properties that are surrounded by or adjacent to the above neighborhoods [INCONSISTENT]
	Strategy LU-6.2. Primary recommended land uses: • Single-family attached and detached residential [INCONSISTENT] • Open space [SOMEWHAT CONSISTENT] **Strategy LU-6.3 Secondary recommended land uses**: • Limited multi-family residential along roadways designated as Boulevards or Major Thoroughfares on the Future Land Use Map [INCONSISTENT] • Planned Residential Developments [CONSISTENT] • Local public and institutional uses [INCONSISTENT] • Recreational amenities [INCONSISTENT]
	Strategy LU-6 .4 Development guidelines: • Two to eight units per gross acre [INCONSISTENT] • At least 60% open space in new developments on three or more acres [INCONSISTENT (less than 3 acres)] • Architectural guidelines to encourage compatibility when different housing types abut one another (e.g. similar building height, massing, roof pitch, and rhythm of windows and façade detailing) [INCONSISTENT] • Encouragement of walkable neighborhood design, as described under Goal PH-3 in Chapter 2 [INCONSISTENT]
Land Use & Development	The property is designated as a "Preservation/Enhancement Area" on the Growth Management Map (Map 8.3a). "Developed areas in which few significant changes are expected, or undeveloped areas that are not considered a high priority for growth. The City should respond to development or redevelopment in these areas by maintaining and enhancing existing neighborhood character and maintaining consistency with Comprehensive Plan goals and strategies". [SOMEWHAT CONSISTENT]
	Goal LU-1. Encourage infill development that utilizes existing infrastructure in order to maximize public investment and revitalize existing neighborhoods. [CONSISTENT]
Population & Housing	Housing Affordability: • Growth in home values in Hendersonville and Henderson County has outpaced the Asheville MSA, North Carolina and the United States. • Home appreciation rates have exceeded income and population growth,

	creating a need for affordable housing and a mismatch between jobs and housing in Hendersonville. • Comprehensive Plan Survey respondents overwhelmingly felt that there is an inadequate supply of safe/decent affordable housing in Hendersonville. • Participants at Steering Committee and public meetings expressed a desire for a mix of housing types that are affordable to a range of incomes
	Strategy PH-1.1. Promote compatible infill development.
	Action 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 in Chapter 5
	Goal PH-2. Encourage a wide range of housing types and price points in order to meet the diverse and evolving needs of current and future residents, match the housing supply with the local workforce, and promote diverse neighborhoods.
	Strategy PH-3.2. Encourage mixed land use patterns that place residents within walking distance of services.
Natural & Environmental Resources	Goal NR-1. -Preserve environmentally sensitive areas in order to protect life and property from natural hazards, protect water resources, and preserve natural habitat.
	Strategy NR-1.1. Discourage and reduce development of structures and impervious surfaces within the FEMA Floodway and 100- Year Floodplain (see Map 3.3a).
	Action NR-1.1.1 Maintain and enforce the provisions of the City's Flood Protection Standards as development and redevelopment occur
	Goal NR-2. - Provide a variety of quality open space, distributed equitably throughout Hendersonville, that can be used for recreational opportunities and aesthetic enhancements
	Strategy NR-2.3 Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville's identity. Trees provide several additional community benefits, as described in Figure 3.3c.
	Action NR-2.3.1 Continue to encourage tree preservation by providing existing tree preservation credit toward landscaping requirements
	Action NR-2.3.5 Encourage larger developments to place structures and roadways in areas where land has been disturbed and trees have already been removed
	Goal NR-3. Reduce the ecological footprint of developed and developing areas in order to reduce the impact on natural resources, create a healthy, sustainable community and reduce energy costs.
Cultural & Historic Resources	Strategy CR-1.3. Promote investment in and adjacent to Historic Districts through compatible infill development, particularly on currently underutilized, non historic properties
Community Facilities	No Goals, Strategies or Actions are directly applicable to this project.
Water Resources	Goal WR-2. Understanding that communities and the natural environment located downstream are dependent on clean water, strive to preserve the

	quality of water as it flows through Henderson County
	Strategy WR-2.2. Prevent development of floodplains and stream corridors in order to preserve natural drainage patterns and improve the quality of stormwater runoff.
Transportation & Circulation	Meadowbrook Terrace is designated as a local street according to Map 7.3a: Transportation Plan
	Walk Hendo identified sidewalks along Meadowbrook Terrace as a priority. • From US 25 to Arlington Place • This sidewalk was called out as a "City priority project"
	Strategy TC-1.2. Identify and prioritize needed pedestrian connections within the community.
	Goal TC-4. Promote an integrated mass transit system that addresses local and regional needs
	Strategy TC-4.2. Ensure that all bus stops are in locations that can be accessed safely and conveniently by pedestrians.

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

GENERAL REZONING STANDARDS	
Compatibility	**Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –**
	The building on the site was initially constructed in 1960. The site has operated mostly as a retirement care facility. The last retirement home appeared to be in operation until 2012 (according to aerial imagery). According to seniorcare.com the facility had a 30-person capacity for "branch 1" and a 10-person capacity of "branch 2". The density associated with the previous use was higher than what is being proposed with the Residential Care Facility. The age of the building in relation with the previous higher density commercial use shows that this use can be compatible with the surrounding area.
Changed Conditions	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment -**
	The rest home use that previously occupied the site was a legal non-conforming use. Since that use vacated the property for more than 180 days, it cannot be reestablished. For this reason, it is likely that any use that goes into this building will require a rezoning (more than likely an adaptive reuse CZD). The size of the building and limitations in R-10 zoning does not make reuse of the existing structure into a conforming use easy.
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 -**
	Henderson County and Hendersonville have a large number of unhoused citizens. The City has worked with local nonprofits, other government agencies as well as churches in coordination with the City created Homeless Resource Team. The City understands the need to aid in housing the unhoused in our community. Some of the most vulnerable within an already vulnerable unhoused population can be our veterans. The proposed development would house homeless female veterans in our community. The existing building is largely in disrepair and contributing to urban blight. The building/site is limited in the renovations and upfits that they can do due to the fact that the building is devoted to a nonconforming use. Henderson County lists this building as being in "poor" condition and the physical depreciation being 83% bad. If rezoned, the property could be renovated and provide a service to the community.
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 building is currently served by City of Hendersonville services, this will continue if rezoned and renovated. The proposed site is approximately 600' from an Apple Country Public Transit stop. This distance is within walking distance for someone to use this service.

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 -**
	Mature Trees: There are a large number of mature trees and vegetation around the subject property. This mature vegetation creates a buffer around 3 sides of the parcel. All of this existing vegetation is slated for preservation. One mature tree is slated for removal on the front of the building to make way for the new drive aisle. **Floodplain:** The subject property is completely within the 100-year floodplain. The subject development will be required to meet any applicable standards in Chapter 17 of the zoning ordinance and any other applicable floodplain-related permitting if approved.

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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

The petition supports the City's 2030 Comprehensive Plan goals by adhering to the Preservation/Enhancement Area designation for the subject property. The proposal enhances and renovates a long-vacant and decaying structure without expanding it, promoting compatibility with the surrounding area.

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

DRAFT [Rationale for Approval]

- *The petition addresses a critical need for housing and services for local female veterans.*
- *The petition proposes to renovate and repurpose an existing structure that has contributed to urban blight for the past decade.*
- *The petition proposes to reduce the residential intensity of the previous use on the site (retirement home).*
- *Given the building's size and scale in the R-10 zoning district, there is no reasonable likelihood that the property will revert to a use permitted in the R-10 zoning district.*

DRAFT [Rational for Denial]

- *The proposed reuse requires relief from a variety of applicable supplementary standards that could negatively impact the surrounding residential uses.*
- *The proposed use of the site is inharmonious with the surrounding residential neighborhoods and incompatible with adjacent land uses.*
- *The proposed development is inconsistent with the recommended density of Medium Intensity Neighborhood which is 2 to 8 units per acre as outlined in the 2030 comprehensive plan.*

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS

PROPOSED REQUEST DETAILS

Site Plan Summary:

- Proposed Uses:
  - Adaptive Reuse
    - **Residential care facility**: "Establishments primarily engaged in the provision of residential, social and personal care for children, the aged and special categories of persons with some limits on ability for self-care but where medical care is not a major element. Such facilities include homes for the aged and infirm and other similar residential care uses not otherwise defined in this ordinance."

- Building:
  - Existing building and shed to be renovated and used- 8,020 SF
    - Phase I: 4,846 SF (existing building) 350 SF (existing shed)
    - Phase II: 2,824 SF (existing building)
  - No new building construction is proposed. The entire project will be within the existing building footprint.
  - The project is proposed to be completed in two phases:
    - Phase I-
      - 5 client residential rooms
      - 1 director residential room
      - Exercise room
      - TV/game room
      - Counselor's office
      - Classroom
      - Laundry Room
      - Existing shed to be renovated
    - Phase II
      - Kitchen
      - Security Room
      - Pantry
      - 6 client residential rooms
  - The facility will have 11 clients and 1 director living on site. This equates to 17 persons per acre. The maximum density for a residential care facility is 26 persons per acre.

- Transportation:
  - The site will have two access points from Meadowbrook Terrace (local street).
  - The main access to the development will be a one-way travel lane that runs parallel to the front of the building.
  - A secondary travel lane will be provided along the northwestern property boundary that will provide access to 6 parking spaces that will be located to the side/rear of the building.

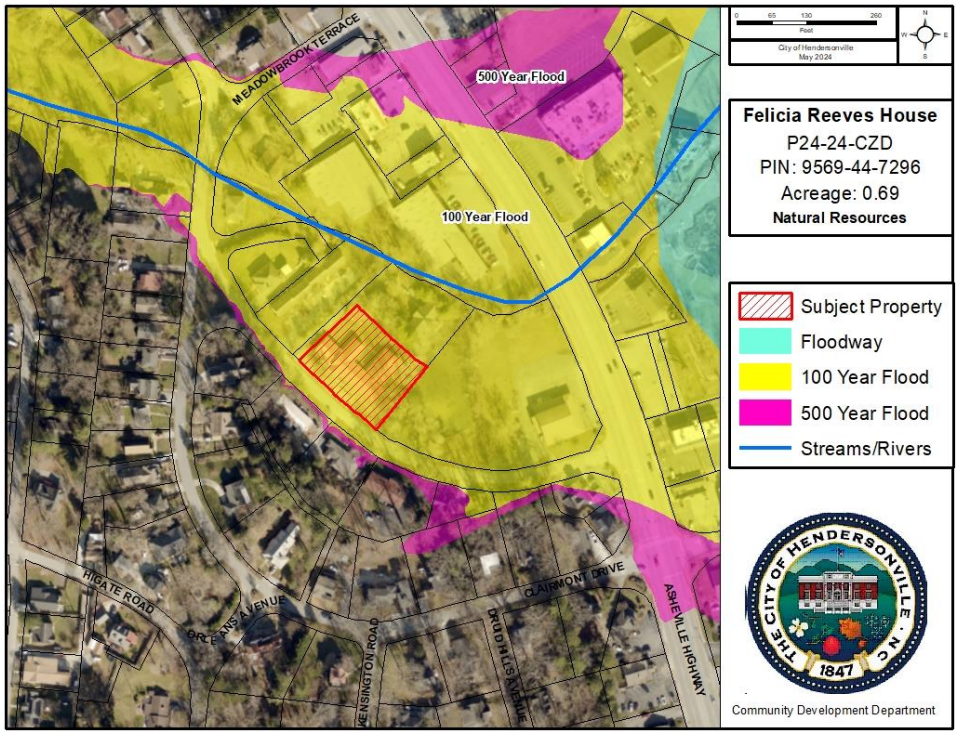
- Sidewalks
  - The development will provide sidewalks along their entire property frontage on Meadowbrook Terrace.
  - Per condition, the developer proposes installing sidewalks as a component of phase II.
  - Sidewalks along Meadowbrook were identified as a priority in Walk Hendo.

- Lighting
  - All site lighting will be required to conform to the City's lighting standards for multi-family developments. The lighting plan is a component of the final site plan review.

- Parking:
  - Parking is required at "One off-street parking space shall be provided for each six beds in the facility. Such off-street parking shall be screened so that it is not readily visible from the street or from adjoining residential uses."
    - Parking required: 3 spaces.
    - Parking provided: 14 spaces
      - The 8 parking spaces in the front will be screened by landscaping
      - The six parking spaces at the rear will be screened by the building.
  - Drive Aisles
    - The front drive access is proposed to be 15' wide for one way travel, which is permitted by code for 45-degree parking.
- Landscaping
  - This development will be required to provide:
    - Vehicular Use Landscaping (Sec. 15-9. - Landscaping for vehicular use areas.)
      - Interior parking lot plantings.
      - Buffer from street plantings.
    - Street trees (Sec. 15-15)
    - Common Space landscaping (15-13)
    - Open Space landscaping (Sec. 15-14)

- Floodplain
  - According to the 2008 FEMA floodplain maps, all portions of this property falls within the Special Flood Hazard area.
  - The map below shows the mapped floodway, 100-year floodplain and 500 year floodplain, as well as a blueline stream to the north.
  - Even if rezoned, the project will still have to be reviewed for conformance with any applicable City floodplain requirements as well as any FEMA requirements.
  - This project would be classified as "Redevelopment in the floodway and special flood hazard area" and would have to adhere to 17-2-4 in the zoning ordinance.

- The existing building is approximately 1' 6" below the base flood elevation. If the building renovation costs trigger the requirement to come into conformance with current standards then the building will have to be raised 3' 6" to bring the entire structure 2 feet above the base flood elevation.



- Supplementary Standards
  - Adaptive Reuse
    - The developer proposes the reuse of a structure or structures used historically for a use permitted in the zoning district classification but for which there is no longer any reasonable demand for such previous use, or the developer proposes the reuse of a structure or structures used historically as nonconforming use and there is no reasonable likelihood that the property will revert to a use permitted in the zoning district classification.
      - *With a building of this size and scale in R-10 there is no reasonable likelihood that the property will revert to a use permitted in the zoning district classification.*
    - The developer shall state the precise nature of the proposed adaptive reuse, which shall be compatible with neighboring residential uses. If a special use permit is granted for the adaptive reuse, future use of the property shall be limited to the specified use unless
      - 1) the use is changed to another use permitted in the zoning classification or
      - 2) a new adaptive reuse is approved.
        - *The proposed use for this development is as follows "residential care facility for women's veterans will be completed in phases ultimately providing living accommodations for twelve (12) occupants including on-site*

director. Support functions to include kitchen, laundry, classroom, exercise room and tv/game room."

- The adaptive reuse shall be housed in an existing structure or structures.
    - *The proposed adaptive reuse is completely within an existing structure with no expansion proposed.*
- Such structures may be modified or expanded so long as the gross floor area is not increased by more than ten percent and so long as the appearance of the modification is in harmony with the neighboring residential uses.
    - *No expansion is proposed.*
- Off-street parking meeting the requirements of section 6-5, above, shall be provided. Such off-street parking shall be screened so that it is not readily visible from the street or from adjoining residential uses.
    - *The facility is required to have 3 parking spaces. They are proposing to have 14 spaces. The spaces behind the building will be buffered by the building and existing vegetation. The parking spaces on the front of the building will be screened by a "buffer from street" as well as street trees.*
- The adaptive reuse may have one sign not exceeding four square feet in area.
    - *The development is showing 1 sign at the front of the building not exceeding 4 square feet in size.*
- The developer shall propose, install and maintain landscaping which will assist in giving it a residential appearance.
    - *The development is preserving all existing landscaping (minus one tree on the front of the building). They will also be required to bring the site into compliance with current landscape ordinance requirements for Vehicular Use landscaping, Street Trees, Open space landscaping, Common open space landscaping*
- The adaptive reuse shall provide open space which shall be not less than 60 percent of the total area of the development parcel.
    - *The development is proposing to provide 36% open space due to existing site constraints (per condition).*
- Lighting for the adaptive reuse shall be no more than is necessary for safe use of the facility, and shall be designed and installed so that it is directed away from the roadway and any adjacent properties.
    - *The development will be providing site lighting in accordance with the City's requirements at final site plan. They will be required to meet the standards for multi-family site lighting.*
- Traffic generated by the adaptive reuse shall not be expected to cause an inconvenience to residents of the neighborhood.
    - *This use has a low expected trip generation.*
- The developer shall propose hours of operation for the adaptive reuse which are designed to be compatible with neighboring residential uses. Such hours of operation shall become a condition of the special use permit, violation of which shall be grounds for

revocation of the permit.
    - *Per the site plan "Access to the facility will be 24/7 with a resident director. After normal business hours, security personnel will also be stationed inside the building entrance."*
- Supplementary Standards
    - Residential Care Facility
        - The facility shall be situated in an existing residential structure. This structure may be expanded or altered so long as the facility remains residential in scale and appearance.
            - *The development team is asking for a condition for this requirement since the current building is classified as a commercial building and not residential. The structure will not be expanded or altered.*
        - One off-street parking space shall be provided for each six beds in the facility. Such off-street parking shall be screened so that it is not readily visible from the street or from adjoining residential uses.
            - *The facility is required to have 3 parking spaces. They are proposing to have 14 spaces. The spaces behind the building will be buffered by the building and existing vegetation. The parking spaces on the front of the building will be screened by a "buffer from street" as well as street trees.*
        - The facility may have one sign not exceeding four square feet in area. Such sign shall not be illuminated.
            - *The development is showing 1 sign at the front of the building not exceeding 4 square feet in size.*
        - The facility shall not exceed two stories in height.
            - *The existing building is 1 story (16' in height).*
        - The facility shall propose, install and maintain landscaping which will assist in giving it a residential appearance.
            - *The development is preserving all existing landscaping (minus one tree on the front of the building). They will also be required to bring the site into compliance with current landscape ordinance requirements for Vehicular Use landscaping, Street Trees, Open space landscaping, Common open space landscaping*
        - The facility shall propose, develop and maintain common open space for the use of its residents, which shall amount to not less than 15 percent of the site.
            - *The development is providing 15% common open space that they will maintain.*
        - Lighting for the facility shall be designed and installed so that it is directed away from the roadway and any adjacent properties.
            - *The development will be providing site lighting in accordance with the City's requirements at final site plan. They will be required to meet the standards for multi-family site lighting.*
        - Density for residential care facilities shall not exceed 26 persons per acre.
            - *The proposed density is 17 persons per acre.*
        - No traffic shall be generated by such facility in greater volumes than

would normally be expected in a residential neighborhood.
- *This use has a expected trip generation.*

- Previous Use on the Site:
  - Photo below taken December 29th, 2011. Judging by previous records, it appears that this rest home had a capacity between 30 and 40 persons.
  - The structure was built in 1960 and would appear to have operated as a retirement home for the majority of those years.
  - Judging by aerial imagery, this site has been somewhat or completely vacant since 2011. This has led to a great deal of depreciation of the building.

DEVELOPER PROPOSED CONDITIONS:

1. Widen existing gravel access drive to 20'-0" +/- from Meadowbrook Terrace to shed as shown (24' City Standard)

2. Renovation/adaptive reuse of existing commercial building for proposed residential care facility for women's veterans will be completed in phases ultimately providing living accommodations for twelve (12) occupants including on-site director. Support functions to include kitchen, laundry, classroom, exercise room and tv/game room.

3. Reduction in required open space from 60% to 36%.

4. New sidewalk will be provided in phase II.

PLANNING BOARD PROPOSED CONDITION:

1. "A fenced and landscaped buffer shall be provided on the western and southern property boundaries. Fencing shall be a minimum of 6' in height. The buffer provided shall be similar to the buffer requirements for a "Day Center". All fencing shall be built in such a way to meet any applicable floodplain requirements."
   [Developer not agreed]

   a. Day Center Buffer Requirements:
      i. "15-foot B-type buffer meeting the requirements of article XV. Additionally, the buffer shall include a fully opaque vertical masonry wall or wood fence at least six feet (6') in height. "Fully opaque" shall mean that no more than ten percent (10%) of the surface of the fence or wall shall be left open and the finished side of the fence or wall shall face the abutting property."

OUTSTANDING ISSUES & CITY PROPOSED CONDITIONS:

COMMUNITY DEVELOPMENT

Site Plan Comments:

- The site plan accompanying this petition meets the standards established by the Zoning Ordinance for R-10 CZD (5-4-4) (minus any developer proposed conditions and the following).
  - All final landscaping calculations, species and placement shall be worked out with staff during final site plan review.

Proposed City-Initiated Conditions:

- None

CITY ENGINEER

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

WATER / SEWER

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

FIRE MARSHAL

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

STORMWATER ADMINISTRATOR

Site Plan Comments:
- None

Proposed City-Initiated Conditions:
- None

FLOODPLAIN ADMINISTRATOR

Site Plan Comments:
- The development will be required to meet the floodplain damage prevention ordinance if the renovations trigger the substantial improvement threshold.

Proposed City-Initiated Conditions:
- None

PUBLIC WORKS

Site Plan Comments:
- None

Proposed City-Initiated Conditions:
- None

NCDOT

Site Plan Comments:
- None

Proposed NCDOT-Initiated Conditions:
- None

HENDERSON COUNTY SOIL & EROSION CONTROL

Site Plan Comments:
- None

Proposed Condition:
- None

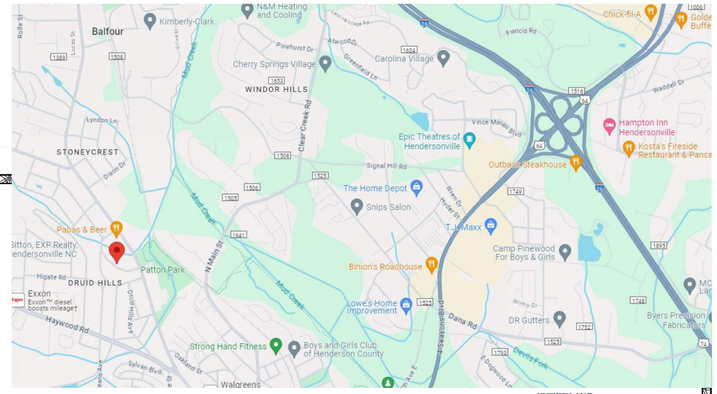
TRANSPORTATION CONSULTANT (KIMLEY HORN)

TIA Comments:
- A TIA was not required for this project due to the low expected trip generation. The City's triggers of 100 peak hour trips and 1,000 daily trips were not met.
- Per the City's Traffic Consultant Jonathan Guy "ITE over the years has culled much of the unique projects and recommends local data collection for these type projects. However, I have provided assisted living (ITE 254) as a comparison. While this is intended for patrons of an older demographic, it actually aligns well. There is limited support to aid in some services, but most are still independent and can come and go. Some have access to cars, others do not. The number of staff is larger than what would be here. Also, the studies that develop the generation numbers are for larger facilities, around 100 beds. So, the numbers are skewed higher than likely, especially for the Daily number. The AM and PM are within what I would anticipate. I have also shown the Townhome and the Multifamily for the 13 unit developments. You can see how these align with ITE 254 as well."

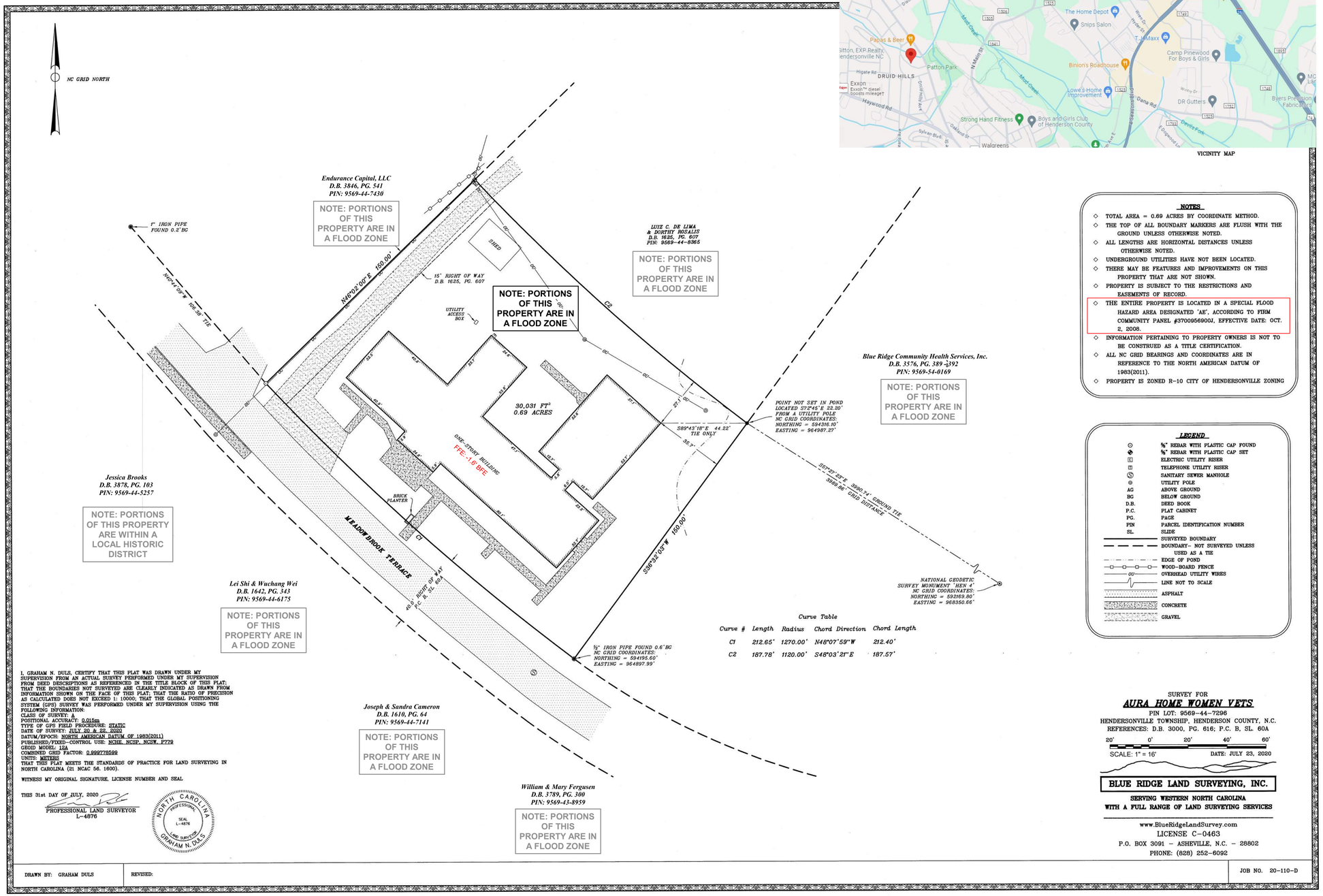
Trip Generation									
Land Use	Intensity	Units	Daily	AM Peak Hour			PM Peak Hour		
				Total	In	Out	Total	In	Out
Residential Land Uses			**262**	**33**	**10**	**23**	**36**	**20**	**16**
215 - Single-Family Attached Housing	13	DU	49	1	0	1	4	2	2
220 - Multifamily Housing (Low-Rise)	13	DU	159	27	6	21	26	16	10
254 - Assisted Living	13	BED	54	5	4	1	6	2	4
Subtotal			**262**	**33**	**10**	**23**	**36**	**20**	**16**
Internal Capture			**0**	**0**	**0**	**0**	**0**	**0**	**0**
Pass-By			**0**	**0**	**0**	**0**	**0**	**0**	**0**
Total Net New External Trips			**262**	**33**	**10**	**23**	**36**	**20**	**16**

Proposed Condition:

- None



VICINITY MAP



Curve Table

Curve #	Length	Radius	Chord Direction	Chord Length
C1	212.65'	1270.00'	N48°07'59"W	212.40'
C2	187.78'	1120.00'	S48°03'21"E	187.57'

I, GRAHAM N. DULS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION FROM DEED DESCRIPTIONS AS REFERENCED IN THE TITLE BLOCK OF THIS PLAT; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION SHOWN ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION AS CALCULATED DOES NOT EXCEED 1: 10000; THAT THE GLOBAL POSITIONING SYSTEM (GPS) SURVEY WAS PERFORMED UNDER MY SUPERVISION USING THE FOLLOWING INFORMATION:
CLASS OF SURVEY: A
POSITIONAL ACCURACY: 0.015m
TYPE OF GPS FIELD PROCEDURE: STATIC
DATE OF SURVEY: JULY 20 & 22, 2020
DATUM/EPOCH: NORTH AMERICAN DATUM OF 1983(2011)
PUBLISHED/FIXED-CONTROL USE: NCHE, NCSP, NCSW, P779
GEOID MODEL: 12A
COMBINED GRID FACTOR: 0.999778599
UNITS: METERS
THAT THIS PLAT MEETS THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56. 1600).

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL

THIS 31st DAY OF JULY, 2020

PROFESSIONAL LAND SURVEYOR
L-4876

NORTH CAROLINA PROFESSIONAL SEAL L-4876 LAND SURVEYOR GRAHAM N. DULS

DRAWN BY: GRAHAM DULS

REVISED:

JOB NO. 20-110-D

NOTES

- TOTAL AREA = 0.69 ACRES BY COORDINATE METHOD.
- THE TOP OF ALL BOUNDARY MARKERS ARE FLUSH WITH THE GROUND UNLESS OTHERWISE NOTED.
- ALL LENGTHS ARE HORIZONTAL DISTANCES UNLESS OTHERWISE NOTED.
- UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED.
- THERE MAY BE FEATURES AND IMPROVEMENTS ON THIS PROPERTY THAT ARE NOT SHOWN.
- PROPERTY IS SUBJECT TO THE RESTRICTIONS AND EASEMENTS OF RECORD.
- THE ENTIRE PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA DESIGNATED 'AE', ACCORDING TO FIRM COMMUNITY PANEL #3700956900J, EFFECTIVE DATE: OCT. 2, 2008.
- INFORMATION PERTAINING TO PROPERTY OWNERS IS NOT TO BE CONSTRUED AS A TITLE CERTIFICATION.
- ALL NC GRID BEARINGS AND COORDINATES ARE IN REFERENCE TO THE NORTH AMERICAN DATUM OF 1983(2011).
- PROPERTY IS ZONED R-10 CITY OF HENDERSONVILLE ZONING

LEGEND

⊙	¾" REBAR WITH PLASTIC CAP FOUND
◆	¾" REBAR WITH PLASTIC CAP SET
E	ELECTRIC UTILITY RISER
T	TELEPHONE UTILITY RISER
S	SANITARY SEWER MANHOLE
⊕	UTILITY POLE
AG	ABOVE GROUND
BG	BELOW GROUND
D.B.	DEED BOOK
P.C.	PLAT CABINET
PG.	PAGE
PIN	PARCEL IDENTIFICATION NUMBER
SL.	SLIDE
	SURVEYED BOUNDARY
	BOUNDARY- NOT SURVEYED UNLESS USED AS A TIE
	EDGE OF POND
	WOOD-BOARD FENCE
OU	OVERHEAD UTILITY WIRES
	LINE NOT TO SCALE
	ASPHALT
	CONCRETE
	GRAVEL

SURVEY FOR

AURA HOME WOMEN VETS

PIN LOT: 9569-44-7296
HENDERSONVILLE TOWNSHIP, HENDERSON COUNTY, N.C.
REFERENCES: D.B. 3000, PG. 616; P.C. B, SL. 60A

20' 0' 20' 40' 60'

SCALE: 1" = 16' DATE: JULY 23, 2020

BLUE RIDGE LAND SURVEYING, INC.

SERVING WESTERN NORTH CAROLINA
WITH A FULL RANGE OF LAND SURVEYING SERVICES

www.BlueRidgeLandSurvey.com
LICENSE C-0463
P.O. BOX 3091 - ASHEVILLE, N.C. - 28802
PHONE: (828) 252-6092

NOTE: PROPERTY IS LOCATED WITHIN THE LIMITS OF THE CITY OF HENDERSONVILLE

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Proposed Renovations

Felicia Reeves (aka Aura) Home for Women Veterans

1744 Meadowbrook Terrace - Hendersonville, NC

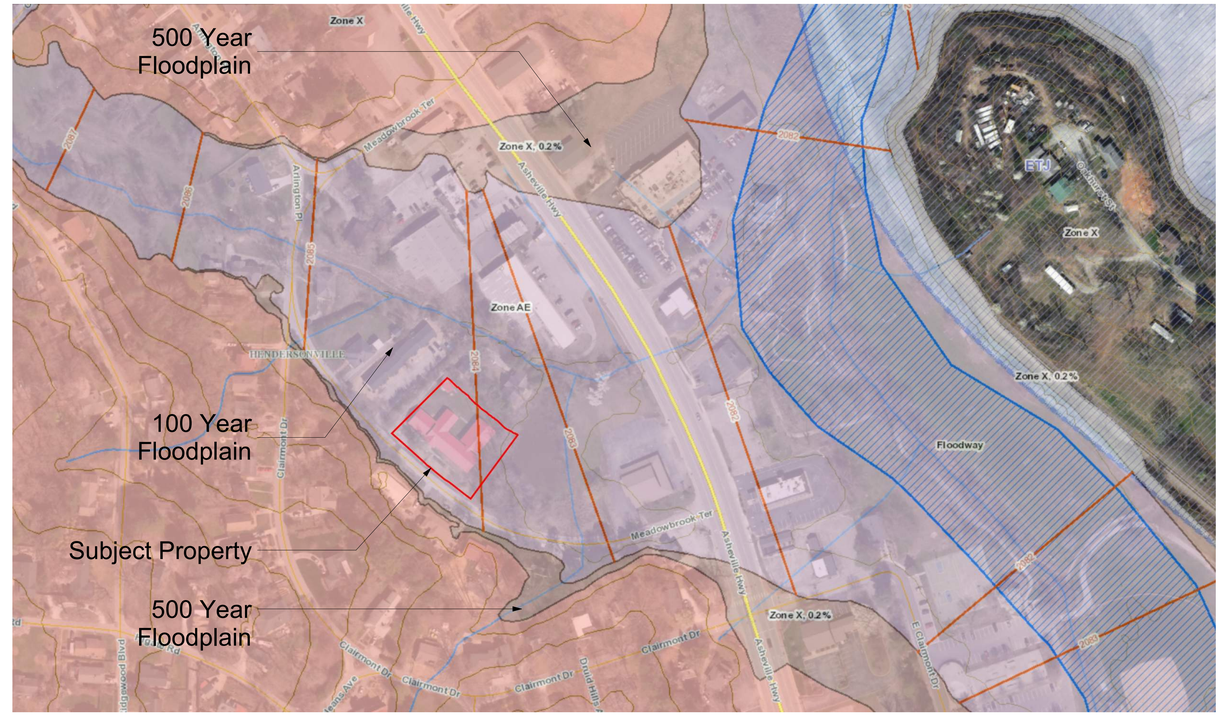
SHEET TITLE
Site Survey

SHEET
C1.1

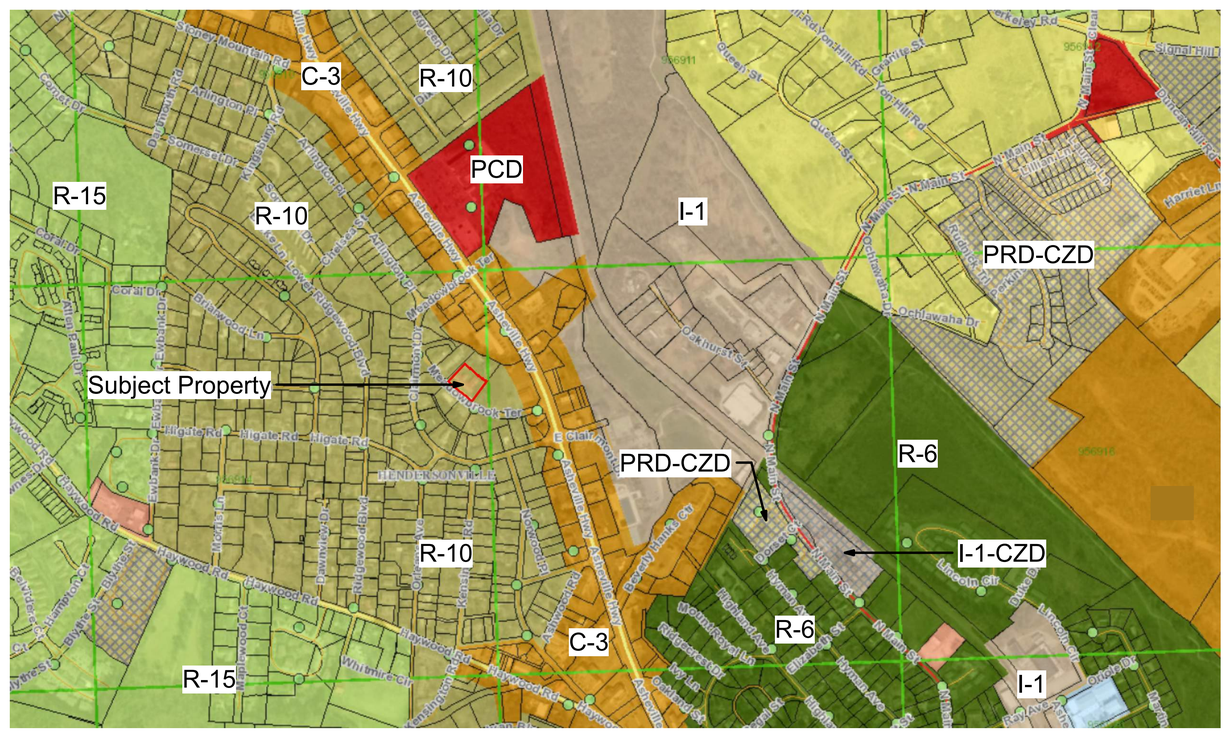
DATE
06.03.2024

JOB NO.
23-0700

Googe View Showing Existing Trees



Flood Map



Zoning Map

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Proposed Renovations

Felicia Reeves (aka Aura) Home for Women Veterans

1744 Meadowbrook Terrace - Hendersonville, NC

SHEET TITLE
Zoning, Flood Maps, Aerial View

SHEET C1.2

DATE 06.03.2024

JOB NO. 23-0700

CONDITION TABLE

DEVELOPER PROPOSED CONDITIONS

WIDEN EXISTING GRAVEL ACCESS DRIVE TO 20' - 0" +/- FROM MEADOWBROOK TERRACE TO SHED AS SHOWN (24' CITY STANDARD).

RENOVATION/ADAPTIVE REUSE OF EXISTING COMMERCIAL BUILDING FOR PROPOSED RESIDENTIAL CARE FACILITY FOR WOMEN'S VETERANS WILL BE COMPLETED IN PHASES ULTIMATELY PROVIDING LIVING ACCOMMODATIONS FOR TWELVE (12) OCCUPANTS INCLUDING ON-SITE DIRECTOR. SUPPORT FUNCTIONS TO INCLUDE KITCHEN, LAUNDRY, CLASSROOM, EXERCISE ROOM AND TV/GAME ROOM.

REDUCTION IN REQUIRED OPEN SPACE FROM 60% TO 36%.

NEW SIDEWALK WILL BE PROVIDED IN PHASE II.

CITY PROPOSED CONDITIONS

OWNER/DEVELOPER INFORMATION

AURA HOME WOMEN VETS
P.O. BOX 14
ASHEVILLE, NC 28802

MS. ALYCE KNAFLICH
828.771.6979
AURAHOME.ALYCE@GMAIL.COM

HOURS OF OPERATION:

ACCESS TO THE FACILITY WILL BE 24/7 WITH A RESIDENT DIRECTOR. AFTER NORMAL BUSINESS HOURS, SECURITY PERSONNEL WILL ALSO BE STATIONED INSIDE THE BUILDING ENTRANCE.

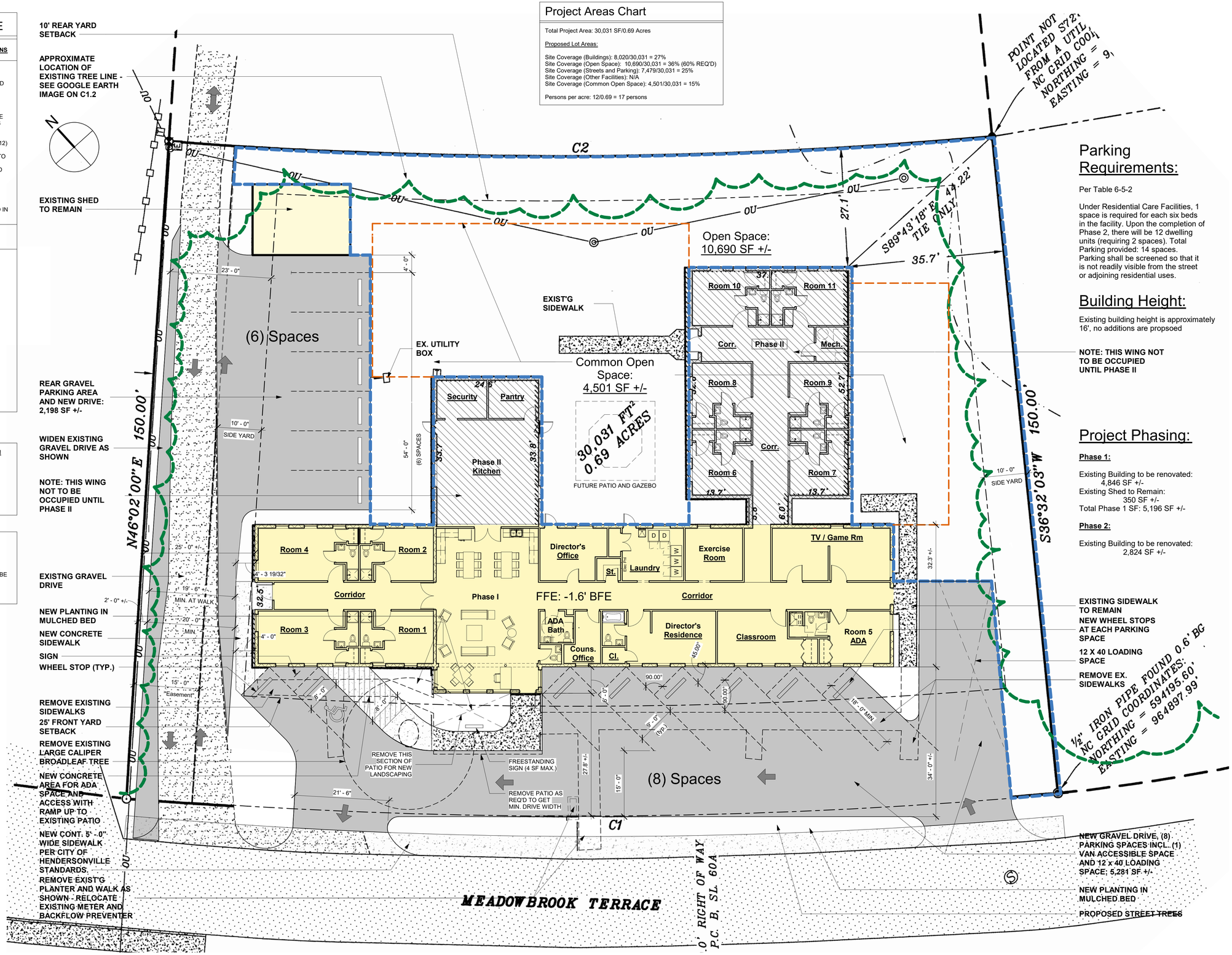
Project Areas Chart

Total Project Area: 30,031 SF/0.69 Acres

Proposed Lot Areas:

Site Coverage (Buildings): 8,020/30,031 = 27%
Site Coverage (Open Space): 10,690/30,031 = 36% (60% REQ'D)
Site Coverage (Streets and Parking): 7,479/30,031 = 25%
Site Coverage (Other Facilities): N/A
Site Coverage (Common Open Space): 4,501/30,031 = 15%

Persons per acre: 12/0.69 = 17 persons



Parking Requirements:

Per Table 6-5-2

Under Residential Care Facilities, 1 space is required for each six beds in the facility. Upon the completion of Phase 2, there will be 12 dwelling units (requiring 2 spaces). Total Parking provided: 14 spaces. Parking shall be screened so that it is not readily visible from the street or adjoining residential uses.

Building Height:

Existing building height is approximately 16', no additions are propsoed

NOTE: THIS WING NOT TO BE OCCUPIED UNTIL PHASE II

Project Phasing:

Phase 1:

Existing Building to be renovated:
4,846 SF +/-
Existing Shed to Remain:
350 SF +/-
Total Phase 1 SF: 5,196 SF +/-

Phase 2:

Existing Building to be renovated:
2,824 SF +/-

1 Phase 1 Site Plan

1" = 10'-0"

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Proposed Renovations

Felicia Reeves (aka Aura) Home for Women Veterans

1744 Meadowbrook Terrace - Hendersonville, NC

SHEET TITLE: Proposed Phase 1 Site Plan

SHEET: C1.3

DATE: 06.03.2024

JOB NO.: 23-0700

PLANT SCHEDULE

KEY	QTY	BOTANICAL NAME/COMMON NAME	CALIPER	HEIGHT	B&B/CONTAINER	MATERIAL SPECIFICATIONS
BETN	05	BETULA NIGRA/RIVER BIRCH	2" MIN. CAL.	12' - 14' HEIGHT	B&B OR CONT.	MULTI-STEMMED, MIN. 3 STEMS
OXAR	02	OXYDENDRUM ARBOREUM/SOURWOOD				
PIST	01	PINUS STROBUS/EASTERN WHITE PINE				
QUAL	01	QUERCUS ALBA/WHITE OAK				
PLOC	01	PLATANUS OCCIDENTALIS/SYCAMORE				
ACOG	02	ACER RUBRUM "OCTOBER GLORY"/OCTOBER GLORY MAPLE				
LITU	04	LIRIODENDRON TULIPIFERA/TULIP TREE				
ILEX	34	ILEX SPP./WINTERBERRY HOLLIES		6' MIN. HEIGHT	B&B OR CONT.	DENSE, FULL PLANTS
RHOM	04	RHODODENDRON MINUS/CAROLINA RHODODENDRON		24" MIN. HEIGHT	B&B OR MIN. 5 GALLON CONT.	DENSE FORM, WELL ROOTED
AMGR	02	AMELANCHIER X GRANDIFLORA "COLE'S SELECT"/"COLE'S SELECT SERVICEBERRY	1 1/2" MIN. CAL.	8' MIN. HEIGHT	B&B OR CONT.	MULIT-STEMMED, MIN. 3 STEMS
EUOA	37	EUONYMUS AMERICANUS/HEARTS-A-BUSTIN'		18" MIN. HEIGHT	B&B OR CONT.	DENSE FULL PLANTS, WELL ROOTED
ILEO	03	ILEX OPACA/AMERICAN HOLLY				

Landscape Calculations

Total Project Area: 30,031 SF/0.69 Acres

Proposed Lot Areas:

Vehicular Use Landscaping: (1) tree and (2) shrubs per 3,000 sf of vehicle use area. Front: Area = 5,281 SF: (2) trees and (4) shrubs req'd; (2) trees and (6) shrubs provided. Rear: Area = 2,198 SF: (1) tree and (2) shrubs required; (1) tree and (3) shrubs provided.
Street Trees: (1) tree for every 35 linear feet of property abutting a street. Front Property Line : 212.65'. (6) trees req'd, (6) trees provided.
Planting Strip: (5) shrubs for every 40 linear feet of property. (30) shrubs req'd; (31) shrubs provided.
Open Space Landscaping: (1) tree and (5) shrubs per 4,000 sf of open space. Open Space Area = 10,690 SF: (3) trees and (15) shrubs req'd; (3) trees and (15) shrubs provided.
Common Open Space Landscaping: (1) tree and (5) shrubs for every 1,200 sf of common open space. Common Open Space Area = 4,501 SF: (4) trees and (20) shrubs req'd; (4) trees and (20) shrubs provided.
Bufferyards: 8-foot A required. Buffer yard requirements are being met by existing planting.

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Proposed Renovations
Felicia Reeves (aka Aura) Home for Women Veterans
1744 Meadowbrook Terrace - Hendersonville, NC

SHEET TITLE
Landscape Plan

SHEET C1.4

DATE 06.03.2024

JOB NO. 23-0700

NEIGHBORHOOD COMPATIBILITY MEETING REPORT
FELICIA REEVES HOME (P24-24-CZD)
NCM MEETING DATES: MAY 1ST, 2024

PETITION REQUEST: Rezoning: Felicia Reeves Home- Conditional Zoning District (R-10 CZD)

APPLICANT/PETITIONER: Alyce Knaflich (Founding Director and Board Chair) Aura Home Women Vets [Applicant & Owner]

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

A Neighborhood Compatibility Meeting was held for this project on May 1st, 2024, at 2pm in the Assembly Room of the City Operations Building, 305 Williams Street and via Zoom. The meeting lasted approximately 1 hour and 17 minutes.

There were 14 members of the public in attendance in-person while 4 attended virtually. The applicant and their development team were present as were 2 members of City staff.

Staff gave a formal introduction and a brief overview of the request.

There were three pre-submitted public comments which were provided to the developer prior to the meeting to read and respond to during the meeting.

The development team presented their project proposal for the proposed residential care facility development.

Concerns and questions from the public related to:

- Types of services provided on site.
- How would people to selected to live at the facility and if the VA would play a role in this process.
- Floodplain concerns about bringing the building into compliance with current standards and how they will handle evacuation in the case of a flooding emergency.
- The color of the existing building was discussed and if it would be possible for it to be painted a more neutral color to better help it fit into the residential neighborhood.
- Concerns of this use turning into a halfway house were discussed.
- Questions about staffing, security and hours of operation for staff.
- The need for affordable housing, especially for our veterans.
- Discussion of what services would be provided to the residents who may be suffering from mental health obstacles.

Full minutes from the Neighborhood Compatibility Meeting and pre-submitted public comments are available for review by request.

PLANNING BOARD RECOMMENDATION
FELICIA REEVES HOME (P24-24-CZD)
MEETING DATE: JUNE 13TH, 2024

PETITION REQUEST: Rezoning: Felicia Reeves Home- Conditional Zoning District (R-10 CZD)

APPLICANT/PETITIONER: Alyce Knaflich (Founding Director and Board Chair) Aura Home Women Vets [Applicant & Owner]

PLANNING BOARD ACTION SUMMARY:

The Planning Board voted 5-3 to recommend **approval** of this petition and adopted the following motion:

PLANNING BOARD MOTION:

Ms. Peacock moved Planning Board recommend City Council approve an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject (PIN: 9569-44-7296) from R-10, Medium Density Residential to R-10-CZD, Medium Density Residential Conditional Zoning District based on the following:

1. The petition supports the City's 2030 Comprehensive Plan goals by adhering to the Preservation/Enhancement Area designation for the subject property. The proposal enhances and renovates a long-vacant and decaying structure without expanding it, promoting compatibility with the surrounding area.

2. We find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:
    a. The petition addresses a critical need for housing and services for local female veterans.
    b. The petition proposes to renovate and repurpose an existing structure that has contributed to urban blight for the past decade.
    c. The petition proposes to reduce the residential intensity of the previous use on the site (rest home).
    d. Given the building's size and scale in the R-10 zoning district, there is no reasonable likelihood that the property will revert to a use permitted in the R-10 zoning district.

The Planning Board recommended the following condition be placed on the rezoning:

"A fenced and landscaped buffer shall be provided on the western and southern property boundaries. Fencing shall be a minimum of 6' in height. The buffer provided shall be similar to the buffer requirements for a "Day Center". All fencing shall be built in such a way to meet any applicable floodplain requirements."

OVERVIEW OF BOARD DISCUSSION FROM MEETING MINUTES:

The Planning Board convened on this project for **2 hours and 22 minutes**.

Ms. Cromar asked if this was transitional housing and if people would be there permanently. Ms. Knaflich stated no, it will be temporary housing. She gets most of the women that come to them out in six to nine months and in their own space. Ms. Cromar asked about the live-in house manager and asked if their facility is to be open 24/7? Ms. Knaflich stated the normal hours are 8:00 am until 5:00 pm. If they are working second or third shift they will have to be able to come and go. Ms. Cromar asked if each resident will have a key to the door. Ms. Knaflich stated they will have combination locks. They will also have a nighttime security guard that will monitor those doors. They do have a camera system now. They will hire an agency for night staff to come in every evening.

Ms. Cromar stated part of the NCM was discussion on the color of the building. She did not mean to offend but personally she did not think it was attractive and neither do some people that she had spoken with. They wanted to know if they could add some earth colors to mute the color a little because most of the houses there are white or have wood. Ms. Knaflich stated the reason they painted it is so people can find it. She got a little carried away with the yellow. Ms. Cromar stated they will find it when they need it and it would fit better into the neighborhood with more earth colors. Ms. Knaflich stated a few neighbors really like it because they can tell people where to find them.

Ms. Cromar asked will you be taking residents from all over North Carolina or all over 14 states? Ms. Knaflich stated their priority is Henderson County, second priority if they cannot fill all of the beds is Western North Carolina. They do cover nine counties in WNC. Their third priority would be the state of North Carolina. Ms. Cromar asked, the residents they will have how will they get to you and will you do background checks. Ms. Knaflich stated they go by the housing rule first. That is the only way they would ever get funding. They bring them in and vet them and if they need any kind of treatment like drug or alcohol treatment then they get clean and then help support them. They are not a detox center. They have rules and they are a drug and alcohol free facility. That is why they will have a live-in house manager and nighttime security. They want to keep the neighborhood safe.

Chair stated there is a Flood Damage Prevention Ordinance in the City of Hendersonville and if you renovate and spend more than half the value of the building you must meet that ordinance requirement and raise the building. How do they plan to do this or are they planning not to put more than 50% of the value into the renovations in any given year? In his opinion that is trying to get around the requirements and there is an ordinance in place for a reason. Mr. Britton stated they discussed that but it is prohibitively expensive to raise the building 3 ½ feet so the reason for the phased approach is to do a modest renovation and to not cross that substantial improvement threshold. With the appraisal that Alyce has and the numbers she has received from contractors the thinking was that would work out and they would be under that threshold. Chair stated it has been depreciated by 83%. The current value is 137,000 on the books. Mr. Morrow stated that the 50% and what triggers and what doesn't is outside the scope of zoning and that is a separate ordinance all together. If this use was approved as part of the zoning, they would have to work with Mike Huffman the City's Floodplain Administrator to make sure they are in compliance with the Flood Damage Prevention Ordinance as far as floodplain is concerned.

OVERVIEW OF BOARD DISCUSSION FROM MINUTES:

Chair stated on the site plan it says there will be twelve people living there, anything on the site plan under conditional zoning is binding but it doesn't say on the site plan there will be an on-site director 24/7 and night security. What will bind them to that? Mr. Morrow stated some of it gets covered in the condition that calls out the twelve occupants and the on-site director. He stated there is note on the site plan that states the hours of operation and it states it will be 24 hours. You could ask that the condition be amended to include the on-site director and nighttime security.

PUBLIC COMMENTS:

Ken Fitch, 1046 Patton Street *stated they are being asked to reestablish a nonconforming use that has many issues and does not meet the current standards. It is also located within a 100-year Floodplain. There are many issues but there is also an important need. The applicant has presented a clear plan for the project. He discussed the rapid increase of homelessness in the city. Another concern was the difficulty of funding for this project. He discussed this project setting a precedent. He talked about the floodplain and restricting development in it. He discussed the impacts on surrounding areas due to flooding. To place a care facility with a vulnerable population in the floodplain when there may be a need for rapid evacuation is a huge concern.*

Joan Brooks, 1734 Clairmont Drive *stated she is a female veteran and clinical social worker and she retired last year after working 40 years in the military. She has great compassion for this. They purchased the house in 2022 and she was excited about the opportunity to volunteer with something she is very passionate about however after two years she walks out on her porch and looks at a property in dereliction and dilapidated and is an eyesore. She is not surprised there is a lot of criminal activity at the house because it has been boarded up. She has spent 17,000 in the last six months on putting in a fence and a security system and landscaping in the hopes that in three or five years she will create a blockade. She discussed the value of property and having homeless shelters in neighborhoods. She stated the property is much worse off now than it was eight years ago when they purchased the property. She does not have faith in the organization to properly maintain this property nor properly manage it. She asked the Board if they as part of their decision making process ask for information in regards to the organizations ability to complete the project? Will you require they meet the floodplain ordinance before any more money is taken for this project? She was very concerned that there is not enough money to fund this project. Chair stated they do not ask if the applicant has the funds to carry out their project. She stated her primary concern as a neighbor is the impact of her property taxes, the impact on the safety and security and as a veteran and a woman that works with female veterans and having an organization that is receiving a lot of money, it sounds like a pipe dream and a lot of the grants and monies will be given to this property when other organizations could use it and this one will never get completed. She thinks people should be giving to a viable concern.*

Wanda Schwerer, 300 Winding Meadows Drive, Flat Rock *stated she is a veteran and is also on the Board for Aura Home. She stated a comment was concerning the windows being boarded up and they worked with the city on this and that was a requirement. They have gotten permission to put in new windows and received a grant for most of the cost. They do have support from the community and support from other organizations. They do have plans to make the building more presentable and more secure.*

PUBLIC COMMENTS:

Sandra Cameron, 1741 Meadowbrook Terrace *stated they are directly across from the project. She stated there are six homes on their block and 15 residents. Rezoning this property will double the residents living on this small quiet block and completely change the living environment for all families residing here. She has three young children that have enjoyed growing up on the block. She stated the number of vehicles on their block will increase from approximately seven to over 20 daily. Over the last decade the block has returned to a nice environment, this proposal will move them backwards to an overcrowded eyesore with safety hazards. She discussed the residential area and how the area had become quiet and serene since the closing of the rest home that was previously run on the property. Increased traffic was a concern due to her small children. She was concerned that her property value will decrease from this project. She discussed the safety of her children if this were to be approved. She also was concerned about the floodplain and flooding issues. She stated the water does come up to the building. This will completely destroy the neighborhood and the improvements that has been made over the year. The property is not fit to house these women in it. She has been in knee deep water in the street from the flooding. This will make this block in Druid Hills the worst one in the area. She is the sole caretaker for her family since her husband was severely injured from the doctors wrong choices in chemotherapy treatment for his stage 4 cancer. There are other locations along Spartanburg Highway where this could go and not in a residential district. She thinks this is a nice idea trying to help the women vets but it is the wrong location. Why do they need night security if issues will not arise? Her final question was would anyone of you want this in front of your home or your children's home?*

Joseph Cameron, 1741 Meadowbrook Terrace *stated when cars are parked over there it looks like a car park. He stated Ms. Knaflich stated she wanted to make this work and this was her dream and she was determined but this sounds like another domineering attitude. He doesn't know what will happen when this pipe dream falls through the floor. He asked why they don't sale the building for the amount it was appraised for and find an appropriate location. He discussed cleaning up the neighborhood. He discussed his medical condition and leaving his children if he passes with this to deal with. The building is dilapidated.*

BOARD ACTION:

Motion:

- Tamara Peacock (Vice Chair)

Second:

- Peter Hanley

Yeas:

- Tamara Peacock (Vice Chair), Chauncey Whiting, Peter Hanley, Donna Waters, Barbara Cromar.

Nays:

- Jim Robertson (Chair), Laura Flores, Beth Robertson

Absent: None

Recused: None

0 65 130 260
Feet

City of Hendersonville
May 2024

N
E
S

Section 8, Item A.

Felicia Reeves House

P24-24-CZD

PIN: 9569-44-7296

Acreage: 0.63

Proposed Zoning

Subject Property
Hendersonville City Limits

Hendersonville Zoning

R-10 Medium Density Residential
C-3 Highway Business
I-1 Industrial
Druid Hills - Local Commercial Historic District
Druid Hills - Local Historic District
Streams/Rivers

THE CITY OF HENDERSONVILLE · N.C.
1847

Community Development Depa

Ordinance #___-____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR THE PARCEL POSSESSING PIN NUMBER: 9569-44-7296 BY CHANGING THE ZONING DESIGNATION FROM R-10 MEDIUM DENSITY RESIDENTIAL TO R-10 CZD, MEDIUM DENSITY RESIDENTIAL CONDITIONAL ZONING DISTRICT

IN RE: Parcel Number: 9569-44-7296
Address: 1744 Meadowbrook Terrace

Felicia Reeves Home: (File # P24-24-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant and owner, Alyce Knaflich (Founding Director and Board Chair) Aura Home Women Vets for the adaptive reuse of an existing structure for the use of a residential care facility on approximately 0.69 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on June 13th, 2024; voting 5-3 to recommend City Council approve an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on September 5th, 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: 9569-44-7296, changing the zoning designation from R-10, Medium Density Residential to R-10 CZD, Medium Density Residential Conditional Zoning District.

2. Development of the parcel pursuant to this Ordinance is subject to the following.

    a. Development shall comply with the master site plan submitted by the applicant revision dated June 3rd 2024, including the conditions listed therein, [and/or as modified and presented to City Council][and/or including modifications approved by City Council which shall be added to the site plan. The updated site shall be submitted to the City at or before the applicant's execution of this Ordinance].

    b. Permitted uses shall include:

        i. Adaptive Reuse
            i. Residential Care Facility

    c. Additional conditions that shall be satisfied prior to final site plan approval include:
        i.

3. Except where modified by the terms of this Ordinance, development of the parcel(s) shall

occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.

4. Except where explicit relief is granted by the terms of this Ordinance, the development of the parcel(s) shall occur in accordance with all applicable standards within local ordinances and policies.

This ordinance shall be not be effective until the list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted this 5th day of September 2024.

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

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to all conditions imposed pursuant to the terms of this Ordinance.

IN RE: Parcel Numbers: 9569-44-7296
Address: 1744 Meadowbrook Terrace
Felicia Reeves Home: (File # P24-24-CZD)

Applicant/Owner: Alyce Knaflich (Founding Director and Board Chair) Aura Home Women Vets

Signature:_____

Printed Name:_____

Title: _____

Date:_____

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

Conditional Zoning District Petition

Section 7-4 and Article 11 City Zoning Ordinance

The following are the **required** submittals for a complete application for rezoning a property or properties to a Conditional Zoning District. Staff will not review applications until each item has been submitted and determined complete. By placing a check mark by each of the following items, you are certifying that you have performed that task.

- ☑ 1. Completed Pre-Application meeting with Planning Staff
- ☑ 2. Scheduled Neighborhood Compatibility Meeting
  NCM Date: _____ Time: _____
- ☑ 3. Water and Sewer Availability Request
- ☑ 4. Completed Application Form
- ☑ 5. Completed Signature Page (completed Owner's Affidavit if different from applicant)
- ☑ 6. Completed Site Plan as described in Section 7-4.3-1 of the City Zoning Ordinance
- ☑ 7. Detailed explanation of any Proposed Development Description
- ☑ 8. Application Fee
- 9. Transportation Impact Analysis - Required for complete application but not due until 24 calendar days prior to Planning Board Meeting (if required)

Note: Additional Approvals prior to the issuance of a Zoning Compliance Permit may include, but are not limited to the following:

- **Henderson County Sedimentation & Erosion Permit**
- **Stormwater Management Plan**
- **Utility Approval**
- **NCDOT Permit**
- **Any other applicable permits as determined by the Community Development**

[Application Continued on Next Page]

Office Use:
Date Received: 4/18/2024 **By:** Kathy Bragg **Fee Received? Y/N** (Y)
CK#1594 $500.00

A. Applicant Contact Information

Alyce Marie Knaflich

* Printed Applicant Name

Aura Home Women Vets

Printed Company Name (if applicable)

☑ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Applicant Signature

Founding Director, Board Chair

Applicant Title (if applicable)

1 Dundee St

Address of Applicant

Asheville, NC 28001

City, State, and Zip Code

828-771-6979

Telephone

aurahomewv@gmail.com

Email

* Signature of the property owner acknowledges that if the property is rezoned, the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

[Application Continued on Next Page]

B. Property Owner Contact Information (if different from Applicant)

Alyce Marie Knaflich

*Printed Owner Name (Authorized Representative for entities other than individuals)

Aura Home Women Vets

Printed Company Name (if applicable, check corresponding box below)

☑ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Property Owner/Authorized Representative Signature

Founding Director, Board Chair

Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)

Asheville, NC 28801

City, State, and Zip Code

727-771-6979

Telephone

aurahomewv@gmail.com

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

C. Property Information

Name of Project: Felicia ~~Reese~~ Reeves Home

PIN(s): 9569-44-7296

Address(es) / Location of Property: 1744 Meadowbrook Terrace, Hendersonville

Type of Development: ☐ Residential ☑ Commercial ☐ Other

Current Zoning: R-10

Total Acreage: .63

Proposed Zoning: R-10- Special User Permit R-10 CZD - Adaptive Reuse

Proposed Building Square Footage: 7671

Number of Dwelling Units: 1

List of Requested Uses:

~~Special Use Permit~~ To be an Adult Care Home

Conditional zoning District w/ Residential care facility

D. Proposed Development Conditions for the Site

In the spaces provided below, please provide a description of the Proposed Development for the site.

Ensuite housing - 12 units

Conditional Zoning District Petition

1744 Meadowbrook Terrace

PIN: 9569-44-7296

AURA HOME WOMEN VETS

7. Proposed Development:

12 ensuite units with shared common areas, kitchen, laundry, classroom, 2 offices – 1 for house director 1 for counselor. 1 of the 12 ensuite units would be for live-in house manager.

Non-Profit EIN# 47-2041216

Aura Home Women Vets
1 Dundee St.
Asheville, NC 28801

June 5, 2024

Tyler C. Morrow
Planner II | Community Development Dept.
Planning Division
City of Hendersonville
100 N King St, Hendersonville, NC 28792

This letter is authorizing that Alyce M. Knaflich, Founding Director of Aura Home Women Vets, has authority to conduct business and financial responsibilities for Aura Home Women Vets with the authority to sign on behalf of AURA HOME WOMEN VETS.

Lisa Clark
Director/Secretary
Aura Home Women Vets

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Tyler Morrow

MEETING DATE: September 5th, 2024

AGENDA SECTION: New Business

DEPARTMENT: Community Development

TITLE OF ITEM: Annexation: Analysis and Advisement - Old Sunset Hill Road (Taylor & Albea) (C24-56-ANX) – *Tyler Morrow, Current Planning Manager*

SUGGESTED MOTION(S):

For Directing Staff to Move Forward with The Annexation Review Process:	**For Directing Staff to Not Move Forward with The Annexation Review Process:**
I move Council direct staff to move forward in reviewing the annexation petition submitted by Gregory Albea, Julianne Albea, Joseph Taylor, and Laura Taylor. **[DISCUSS & VOTE]**	I move Council direct staff to **not** move forward in reviewing the annexation petition submitted by Gregory Albea, Julianne Albea, Joseph Taylor, and Laura Taylor. The subject property will remain under Henderson County's zoning jurisdiction. I further move that City sewer service 1. Can be extended to the subject property. **OR** 2. Cannot be extended to the subject property. **[DISCUSS & VOTE]**

SUMMARY: *File # C24-56-ANX*

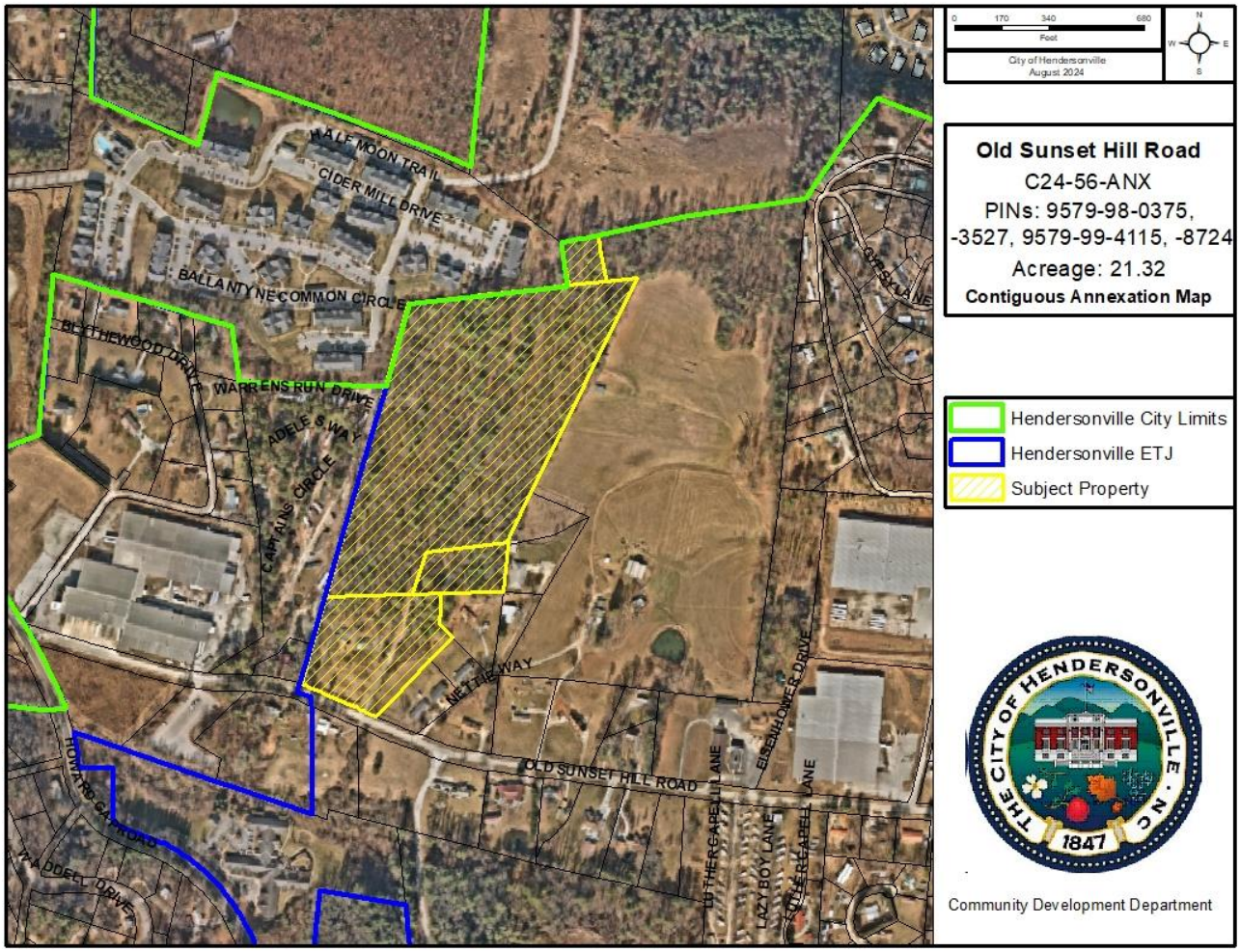
The City of Hendersonville has received a petition from Gregory Albea, Julianne Albea, Joseph Taylor, and Laura Taylor for contiguous annexation of PINs 9579-98-0375, 9579-98-3527, 9579-99-4115, and 9579-99-8724 and located on Old Sunset Hill Road that is approximately 21.32 acres. Please refer to the attached maps for additional information.

PROJECT/PETITIONER NUMBER:	• C24-56-ANX
PETITIONER NAME:	• Gregory Albea • Julianne Albea • Joseph Taylor • Laura Taylor
ATTACHMENTS:	1. Annexation Analysis

Old Sunset Hill Road - Annexation Analysis

Proposed Development Concept:

1. 58 detached single-family homes
2. PINs: 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724
3. 21.32 acres
4. 2.7 units per acre



City and County Comprehensive Plan Analysis

Example of a “Multi-Generational Living” development presented in the Gen H Comprehensive Plan

Example of “Infill Area” development presented in the Henderson County 2045 Comprehensive Plan

Henderson County 2045 Comprehensive Plan Future Land Use Designation: **Infill Area.**

The City of Hendersonville’s Gen H Plan Future Land Use Designation: **Multi-Generational Living.**

- ✓ a. The Henderson County 2045 Comprehensive Plan encourages a mix of housing types including single family detached residential.
- ✓ b. The City of Hendersonville’s Gen H Comprehensive Plan encourages a mix of housing types including single family detached residential.
- ✓ c. The Henderson County 2045 Comprehensive Plan calls out a maximum allowable density range of four to eight units per acre.
- ✓ d. The City of Hendersonville’s Gen H Comprehensive Plan does not specify specific densities, but the proposed density aligns with the vision portrayed. The development could likely be denser with attached single family residential.
- ✓ e. The Henderson County 2045 Comprehensive Plan calls out infill areas to be served by utilities. Note: There is an inherent conflict for nearly all areas designated as “infill areas” because they fall outside the Utility Service Area (USA) in the County’s comprehensive plan. This is true for these parcels. The

future land use designation calls for these areas to be served by utilities, but the Utility Service Area does not reflect this.

✓ f. The City of Hendersonville's Gen H Comprehensive Plan notes "Improving the framework for providing water and sewer service is crucial to efficiency and quality of service to residents"

✓ g. The Henderson County 2045 Comprehensive Plan states infill areas should have an improved transportation network and accommodate a variety of home options.

✓ h. The City of Hendersonville's Gen H Comprehensive Plan states "In bustling urban landscapes, the need for improved interconnectivity of streets has become paramount. Creating an interconnected street network isn't just about convenience; it's about relieving congestion, reducing travel times, and enhancing the provision of essential services. By weaving together a seamless web of roads and pathways, smoother traffic flows can be unlocked, commute durations shortened, and quicker access to vital amenities ensured."

Zoning Analysis

Henderson County Residential Two Rural (R2R)

1. With or without utilities-21 residential lots
    a. A single-family dwelling or a duplex is permitted on each lot by right, or 21 to 42 dwelling units depending on mix of permitted types.
2. An increase in density would require a Conditional Zoning District.

City of Hendersonville

1. Density is dependent on the base zoning district. However, 51 or more units automatically trigger a Conditional Zoning District.
2. The applicants are requesting to be rezoned to Planned Residential Development Conditional Zoning District. Which has a density of 10 units per acre. This density can be further increased to 18 units per acre if the applicant follows the additional requirements and is granted a density bonus by City Council.
3. The subject property is adjacent to R-15, Medium Density Residential. R-15 allows minor PRD as a permitted use with a density of 3.75 units per acre. The minor PRD requires that the development meet the more restrictive standards of PRD in order to obtain the extra density. This parcel could be zoned R-15 and do a by right R-15 minor PRD of 50 units.

a. Minor PRD maximum allowed density= 3.75 x 21.32= 79 units (however, anything over 50 automatically triggers CZD)
b. Approximate R-15 maximum density based on 15,000 square foot lots or approximately 2.9 units an acre. 2.9 x 21.32=61 units (however, anything over 50 automatically triggers CZD)

Staff Notes

1) The project appears to be in general alignment with both the City of Hendersonville's Gen H Comprehensive Plan and Henderson County's 2045 Comprehensive Plan vision for the area.

2) At the proposed density of 2.7 units per acre, the project aligns with the county and city future land use designations.

3) The project as proposed (58 single family detached units) would require a conditional rezoning in both jurisdictions.

4) However, in both jurisdictions if the proposed unit count were decreased then a by right development could be an option.
    a. Henderson County- 21 residential lots
        i. 21 to 42 dwelling units depending on the mix of single family attached and duplexes placed on the property.

    b. City of Hendersonville
        i. Development of 50 or less units (likely through a minor PRD or R-15 development process).

Annexation Options

1) Annexation into the City of Hendersonville with sewer provided:

    a. Project proceeds as presented and triggers Planned Residential Development Conditional Zoning District.

    b. Project requests a different zoning district (likely R-15) and proceeds with a by right design (under 51 units).

2) No annexation required but city sewer provided:

    a. Project proceeds as presented and triggers Henderson County Conditional Zoning District.

    b. Project proceeds with a by right development of 21 residential lots, 21 to 42 dwelling units.

3) No annexation with no city sewer provided:

    a. Project proceeds as presented and triggers Henderson County Conditional Zoning District.

    b. Project proceeds with a by right development of 21 residential lots, 21 to 42 dwelling units.

Development Standard	City of Hendersonville	Henderson County
Open Space	PRD - 60% general open space 10% common open space. (the general open space can include common open space area)	25% Open Space (For 35 or more lots-can include common areas)
Sidewalks	Required along all public streets within the development on one side of the street. Required along all property frontage on existing R/W	Required for 100 lots or more.
Street Types	Required to build streets to public street standards and dedicate them to the City for maintenance.	Can build public or private streets. It is up to the developer.
Connectivity	Must meet a minimum street connectivity score (TABLE 4.03.B.6)	No connectivity requirements.
Street Gates	Streets cannot be gated (because they are public)	Streets can be gated.
Street stubs for future connection	Can require subdivisions stub to undeveloped adjacent property that will likely redevelop in the future to allow future cross access.	Do not require street stubs for possible future connections.
Stream Buffers	30' from the top of bank (no land disturbance) 20' transitional area (land disturbance allowed but no impervious surfaces) 50' total	30' from the edge of the surface water (can be disturbed but no structures). 50' from the edge of the surface water in water supply watersheds. (can be disturbed but no structures).
Tree Preservation Requirements	Would trigger the City's tree preservation requirements.	Does not have any tree preservation requirements.
Planting Requirements	Open space, Common Open Space, Street Trees	Street Trees
Fire Code	Enforces Appendix D of the Fire Code (additional site development Standards)	Does not enforce appendix D of the Fire Code. Would need to meet the normal fire code.
General Conditional Zoning District Triggers for Residential	51 or more dwelling units trigger a Conditional Zoning District (single, two, or multi-family)	300 Single Family Units or 10 or more multi-family units (any attached residential over 2 units is considered multi-family)

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet, City Manager **MEETING DATE:** 8/27/2024

AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Administration

TITLE OF ITEM: Establishment of the Brooklyn Bird Sanctuary – *John Connet, City Manager*

SUGGESTED MOTION(S):

I move that the City Council authorize the dedication of the Brooklyn Bird Sanctuary in memory of Crystal Cauley.

SUMMARY:

Several groups have inquired about establishing a memorial honoring the contributions of Crystal Cauley. The Environmental Sustainability Board and staff would like to proposed the dedication of the Brooklyn Bird Sanctuary in Sullivan Park in memory of Crystal.

BUDGET IMPACT: $ 1,000.00

Is this expenditure approved in the current fiscal year budget? No

If no, describe how it will be funded. Contingency Funding

ATTACHMENTS:

Draft Proposal

Proposal
Brooklyn Creek Bird Sanctuary

The City of Hendersonville Environmental Sustainability Board and Historic Preservation Commission in partnership with Wild Birds Unlimited, Arts Council of Henderson County, and others would like to propose the dedication of the Brooklyn Creek Bird Sanctuary in memory of Crystal Cauley.

Crystal was an advocate and supporter of maintaining the history of the Brooklyn Community, creating public art, enhancing Sullivan Park, and educating the youth of our community. Therefore, we believe the installation of eight bluebird houses along Brooklyn Creek in Sullivan Park is a fitting tribute to Crystal.

Wild Birds Unlimited will provide the bird houses through a cost sharing arrangement with the City of Hendersonville. They will provide the house, flange, pole, baffle and stabilizer for eight installations. We would propose that the City and Wild Birds Unlimited share the cost of this project.

The Arts Council of Henderson County would organize and facilitate the painting of the bluebird houses. They may seek the involvement of the youth at the Boys and Girls Club of Henderson County or local artists. The bluebird houses would be painted with environmentally/bird friendly materials.

The bird sanctuary will be located along Brooklyn Creek in Sullivan Park. Brooklyn Creek has recently been restored as part of a streambank restoration project led by the City of Hendersonville's Stormwater Department.

Timeline – Dedication to occur in the Spring of 2025

Signage – Describing the Brooklyn Creek Bird Sanctuary in memory of Crysal Cauley

Budget - $1,000.00

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet, City Manager **MEETING DATE:** 9/5/2024

AGENDA SECTION: PRESENTATION **DEPARTMENT:** Administration

TITLE OF ITEM: Dogwood Grant Proposal – *John Connet, City Manager and Brian Pahle, Assistant City Manager*

SUGGESTED MOTION(S):

I move that the City Council proceed with the development of a revised grant application based on the direction provided by the City Council at tonight's meeting.

SUMMARY:

Brian and I will present a proposal for the utilization of the Dogwood Health Funds previously allocated for the Connections Center. Any allocation of funds will have to be approve by the Dogwood Health Trust. A revised grant application will be submitted if the City Council accepts the proposal.

BUDGET IMPACT: $1.5 million

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

If no, describe how it will be funded. NA

ATTACHMENTS:

Draft Proposal

Unhoused and Housing Initiatives

Update – Dogwood Grant

City of Hendersonville

August 28, 2024

WORKSHOP OBJECTIVES

01

Review and update the City's approach to the unhoused population and housing opportunities.

02

Introduce an updated proposal for the Dogwood Grant Funds.

STRATEGIC PLAN – OUR GUIDE

Strategic Plan Impacts – Goals
PS, **HP**, and **GCC**

- **25.PS.a – Enhance Downtown Safety Program**
- **25.PS.b – Explore Social Worker Co-Responder Models and Crisis Response**
- **25.PS.e – Expand Code Enforcement Capacity**
- **25.PS.f – Create Vacant Property Registry**

- **24.HP.a – Complete Strategic Housing Plan**
- **24.HP.c – More Affordable Housing**
- **24.HP.d – Workforce Housing**

- **25.GCC.i – Start Unified Development Ordinance Update**

Built for Zero Model & Other Strategies

Implementing the Built for Zero Model in Hendersonville

Create a Unified Team

- Leverage the Unhoused Resource Network to form a multi-agency team headed by the social worker
- Align stakeholders under the clear, measurable goal of functional zero
- Coordinate with the Region 2 Continuum of Care

Calibrate Policies Using Data

- Use GIS data from the Unhoused Data Gathering Initiative to fine tune city policy
- Identify hotspots and patterns to inform policy adjustment
- Address racial inequities by highlighting disproportionately affected areas

Promote Comprehensive Case Management

- Provide the social worker with access to user-friendly case management software
- Develop client files with detailed individual data
- Collaborate with local providers to provide wraparound services

Targeted Housing Solutions

- Council designates itself as a housing authority
  - Gain control over affordable housing projects
  - Leverage existing partnerships and best practices from successful models like Chapel Hill
- Implement a Vacant Housing Receivership Program
  - Utilize legal frameworks to rehabilitate vacant properties to increase affordable housing

CURRENT FUNDING – OUR APPROACH

Funding Sources

Dogwood Housing = $1.5m

- $1m – Housing and Land (infrastructure support)
- $300k – Mental and Substance Abuse Support Programming
- $200k – Crisis Intervention Navigator Services

Dogwood Housing Plan = $100k

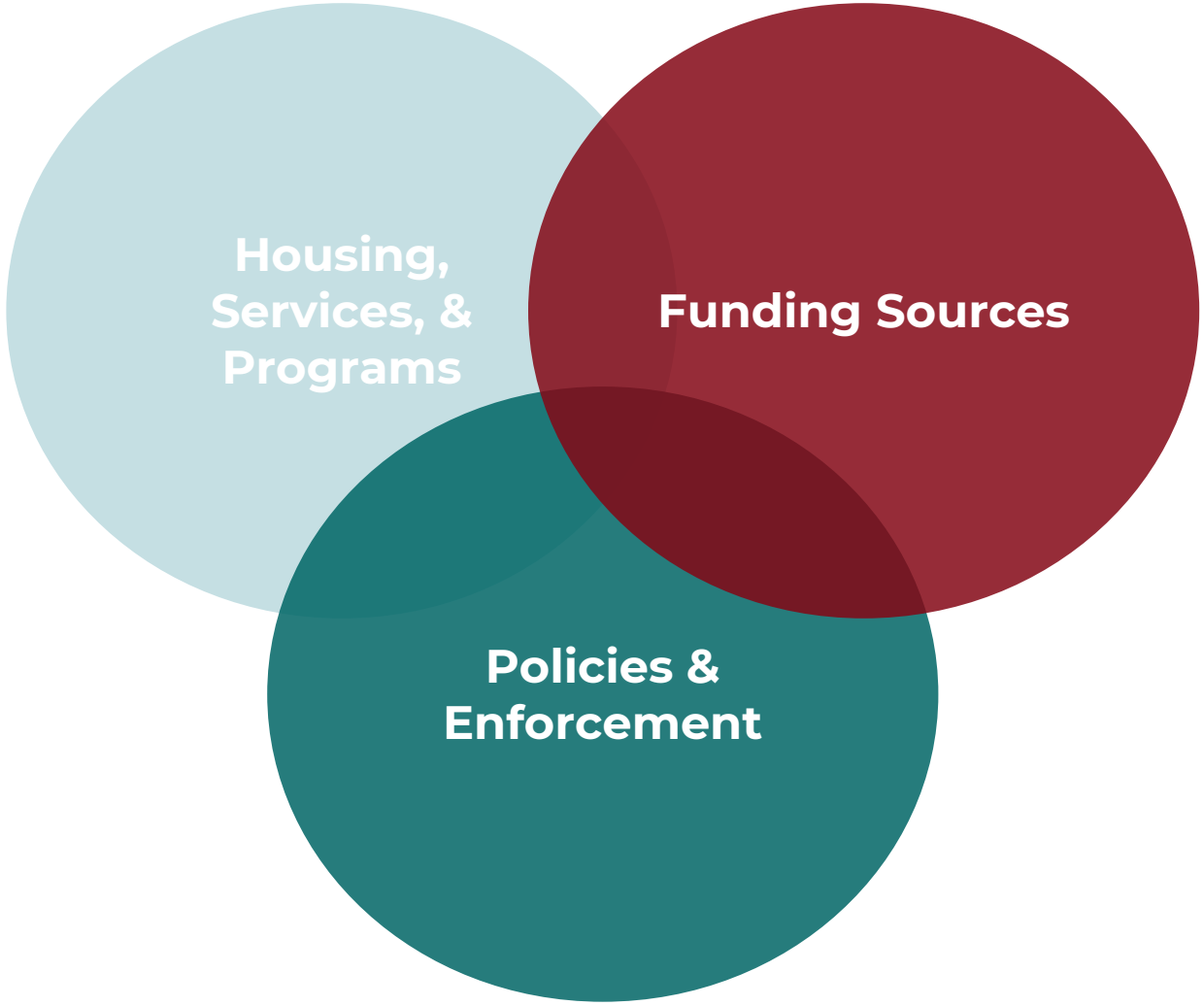
- $25k – Shane Phillips, Field Trip, Marketing, Logistics
- $66k – DFI Housing Inventory
- $25k – Facilitation Services

ARPA for Public Safety = $680k

- $284k – DT Police Officer (3 Years)
- $236k – Zoning Officer (3 Years)
- $150k – DT Safety Infrastructure

FUTURE NEEDS – OUR PLAN

Multi-Faceted Approach



Do not bear the burden of attempting to solve everything

–

The City deals with many wicked issues that do not have easy answers or solutions. With most (if not all) of these issues, the City will play an important role in developing solutions. However, in many cases, City Council and staff are simply one piece of the solution.

Questions?

Update – Dogwood Grant

August 28, 2024

FISCAL YEAR 2023 - 2024 (FY24)
BUDGET AMENDMENTS

Completed	Corrected
Proposed	Denied

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION	APPROVED	TYPE	AMENDMENT NUMBER
060-7002-540001	Special Appropriations	50,000	-	35,000	15,000	Adjustment for AMI Drive By System- AS	yes	Adjustment	8/13/2024
060-7050-554001	Capital Outlay- Equip Other Than	-	35,000	-	35,000	Adjustment for AMI Drive By System- AS	yes	Adjustment	8/13/2024
060-7002-540001	Special Appropriations	15,000	-	10,000	5,000	Mills River Partnership Increase	yes	Adjustment	8/13/2024
060-1001-540001	Special Appropriations	149,000	10,000	-	159,000	Mills River Partnership Increase	yes	Adjustment	8/13/2024
010-1010-524020	R&M Equipment	5,000	-	2,300	2,700	CH Click Share	yes	Adjustment	8/14/2024
010-1010-534000	Non-Capital Equipment	85,000	2,300	-	87,300	CH Click Share	yes	Adjustment	8/14/2024
010-0000-534999	Contingency	167,750	-	17,345	150,405	Toro Mower Lease	yes	Adjustment	8/22/2024
010-1525-534000	Non-Capital Equipment	13,600	17,345	-	30,945	Toro Mower Lease	yes	Adjustment	8/22/2024

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Jennifer Floyd **MEETING DATE:** 09/05/2024

AGENDA SECTION: City Manager Report **DEPARTMENT:** Administration

TITLE OF ITEM: August 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