CITY OF HENDERSONVILLE
CITY COUNCIL REGULAR MEETING

City Hall-2nd Floor Meeting Room | 160 Sixth Ave. E. | Hendersonville, NC 28792
Wednesday, February 12, 2025 – 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*

January 8, 2025 Regular Meeting

January 22, 2025 Second Monthly Meeting

B. State and Local Cybersecurity Grant Project Ordinance and Reimbursement Resolution – *Adam Murr, Budget & Eval. Director*

C. Amendments to Fee Schedule to Reinstate Late Fees and Disconnection for Delinquent Utility Accounts– *Angela S. Beeker, City Attorney*

D. February 2025 Project Ordinances and Reimbursement Resolutions – *Adam Murr, Budget & Eval. Director*

E. Resolution to Accept Funding - Community Development Block Grant Neighborhood Revitalization, for the FY 24-25 Funding Cycle – *Angela S. Beeker, City Attorney*

6. PRESENTATIONS

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

B. Presentation of the Sustainability Plan Annual Report – *Caitlyn Gendusa, Public Works Superintendent – Sustainability*

C. MVP of the Year – *John Connet, City Manager*

7. PUBLIC HEARINGS

A. Annexation: Public Hearing- Upward Road (LBH Property Holdings LLC) (C24-91-ANX) – *Tyler Morrow, Current Planning Manager*

B. Annexation: Public Hearing- Old Sunset Hill Road (Taylor & Albea) (C24-56-ANX) – *Tyler Morrow, Current Planning Manager*

C. Zoning Text Amendment: RV Temporary Use Permit (P24-083-ZTA) –*Sam Hayes, Planner II*

D. Zoning Text Amendment: Nonconforming Structures Changes (P24-099-ZTA) –*Sam Hayes, Planner II*

E. Rezoning: Conditional Zoning District – Half Moon Heights Phase II (P24-41-CZD) - *Tyler Morrow, Current Planning Manager*

8. NEW BUSINESS

A. Patton & Whitmire RFQ Architect Selection – *Brian Pahle, Assistant City Manager*

B. Budget Amendments Mid-Year FY25 – *Jennifer Floyd, Mgmt. Analyst*

C. Fund Balance Restoration Plan and City Management Response to Local Government Commission – *John Connet, City Manager*

D. AARP Sidewalk Study – *Lyndsey Simpson, City Council Member*

9. BOARDS/COMMISSIONS/COMMITTEE APPOINTMENTS

A. Appointment to Various Boards - *Jill Murray, City Clerk*

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

A. January 2025 Contingency and Adjustment Report – *John Connet, City Manager*

11. CITY COUNCIL COMMENTS

12. CLOSED SESSION

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

13. ADJOURN

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

MINUTES

January 8, 2025

REGULAR MEETING OF THE CITY COUNCIL

CITY HALL-2ND FLOOR MEETING ROOM | 160 6TH AVE. E. | 5:45 p.m.

Present: Mayor Barbara G. Volk, Mayor Pro Tem Dr. Jennifer Hensley and Council Members: Lyndsey Simpson and Gina Baxter

Absent: Council Member Melinda Lowrance

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

1. CALL TO ORDER

Mayor Volk called the meeting to order at 5:45 p.m. and welcomed those in attendance. A quorum was established with all members in attendance.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The City Council observed a moment of silence for prayer or reflection followed by the Pledge of Allegiance to the Flag.

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

In Person:

Joshua Lardie of Knoxville, TN is the Chief Compliance Officer for Apotheca and in light of the recent hemp ordinance, I would like to make ourselves more widely available to work with the community directly. We have been pushing for statewide legislation on hemp regulations for a number of sessions with the help of Speaker of the House Tim Moore. Much of the current proposed bill is heavily influenced by our concerns with the sheer lack of rules and regulations currently in this industry. We want what's best for our customers and to make sure that the rest of the industry does as well. This was achieved through strict rules and regulations which we've demanded from our legislators and have not received currently. We share your concerns and hope to be an example in this community, not a detriment. If anyone has any questions or thoughts, I have my business cards here. Please do not hesitate to reach out and contact me for anything.

City Manager John Connet asked for a business card for himself and for the police chief.

Katie Breckheimer of Saluda, NC, first said how happy she is to see an all-female City Council. She is the chair of Support Our Swimmers which has an acronym of SOS. We are a group that is working to get a year-round indoor swimming complex for Henderson County. Our direction comes from a professional 2019 "Needs Assessment" contracted by Henderson County Parks & Recreation and showed that a swimming pool is in the top five needs. We understand that Patton Pool was severely affected by Hurricane Helene and you will soon be hearing the results of an assessment. Moving forward, we hope that you will invest in restoring or replacing the pool to something even better. A pool that is available all year long and not just a few weeks in the summer. Our community is sorely lacking in swimming facilities especially one that is open to our richly diverse population. We are aware that Patton Pool has been allowing only 50 people at a time to come in and escape the summer heat and enjoy family time in the water. Lines form outside the pool with the hopes of a chance to get in. We understand that the pool tiles have been crumbling and the changing rooms are not being cleaned adequately, which puts a black mark on our reputation. We can and should do better for our citizens. Recreation is just one category that a year-round pool provides. Others include physical therapy, low-impact exercise, training for first-responders, kayak and scuba training, lifeguard instruction, master

swimming, swim lessons for all ages and fitness opportunities for both young and old. In a water rich community like ours, we need to teach our people how to swim but we can't do it without adequate facilities. Hendersonville High School and West High both have swim teams that practice at our local, crowded, YMCA pool. The other two high schools North and East with the lowest socioeconomic student population do not have teams, which is a shame. At every turn we are told how expensive it is to build and maintain a pool facility but SOS is not deterred. The swim project can and should be a public-private partnership with the city, county, school system, hospital, corporations, tourism development authority and private citizens all participating. So when you see the results of the Patton Pool assessment which should be coming soon, please keep in mind the great need and opportunity this restoration or replacement presents.

Jen Butcher of Hendersonville, NC thanked the mayor and the city council for giving her time to speak on the subject of Patton Pool and read the following: My Name is Jen Butcher. I am on the SOS (Support Our Swimmers) committee that Katie Breckheimer is leading. Our mission is to research, study and advocate for the need of a public year round swim complex in our area. My family and I moved here in 1988, and my 3 sons swam on HCATs (Hendersonville City Aquatics Swim Team) from 1988 until 2002. Thanks to access to the Patton Pool facility the team grew from about 20 swimmers to about 200. Swim lessons will acquaint a child with the water and teach them a few basics of the strokes. A swim team will turn them into powerful and confident swimmers. The Hendersonville Aquatics Swim team and Patton pool did this for hundreds of children. Patton pool was built about 50 years ago and was a beautiful public SO-meter pool that many diverse groups, families, swimmers in events, and tourists alike enjoyed. Certainly, a gem in our community. The HCATS and our community were privileged to host the New Zealand Olympic team in 1995 and 1996. It was an exciting time that led us to expand the impact of hosting the New Zealand swimmers. We partnered with the school system to host the Kahurangi. They are a group of the Maori indigenous people of New Zealand that travels to educate students about their culture. They presented programs in many of the county schools. One of the New Zealand swimmers, Danyon Loader, won two gold medals! All this was only possible because our community had a 50-meter swimming facility. Unfortunately, Helene damaged Patton Pool. I encourage the city to repair and to consider upgrading the pool as Katie mentioned for future generations to enjoy and learn to swim and help to drown proof many children and adults. Let's not be the generation that lets down future children's chance to learn to swim and to love and be safe in water.

Omar Zafra of Hendersonville, NC spoke about flood plain and debris. He was upset about the lives lost during Hurricane Helene including a mobile home park where everything was washed away and the land owners passed away and wanted to know what the city could do to help clean up the debris that is still laying there as a reminder of the tragedy. He also thinks that the city should consider a memorial for all of our residents and neighbors for the lives that were lost due to Hurricane Helene. Also to prevent this tragedy from happening again, he hopes the city, county and state can work together to create a memorial on the land where the mobile homes were lost.

4. CONSIDERATION OF AGENDA

Council Member Jennifer Hensley 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*
December 5, 2024 Regular Meeting

B. Henderson County Tax Adjustments – *Amanda Lofton, Deputy Tax Collector*

C. Amendment 1 – Construction Phase Services to Support the WWTF Biosolids Thermal Dryer Project – *Adam Steurer, Utilities Director*

Resolution #R-25-01

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE AMENDMENT 1 OF THE ENGINEERING SERVICES CONTRACT FOR CONSTRUCTION PHASE SERVICES TO SUPPORT THE WWTF BIOSOLIDS THERMAL DRYER PROJECT

WHEREAS, the City owns and operates a water treatment facility (WWTF) that has a current permitted capacity of 4.8 million gallons per day that produces a solid residual effluent as part of the treatment process; and

WHEREAS, the City intends to construct biosolids thermal dryer process equipment that will produce a high-quality, thermally dried product that is safe for beneficial reuse through distribution or land application; and

WHEREAS, the engineering services included in this Amendment 1 generally include construction administration, construction observation, and materials testing; and

WHEREAS, McKim & Creed, Inc. was previous selected as most qualified to provide professional engineering services for the project, as recommended by Staff. The services in Amendment 1 are consistent with these professional services.

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

1. Amendment 1 of the Contract for Engineering Services from McKim & Creed, Inc. is approved in the amount of $877,538.00.
2. The City Manager is authorized to execute Amendment 1 of the Contract with McKim & Creed, Inc. consistent with the terms of this Resolution, as approved by the City Attorney.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 8th day of January, 2025.

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

D. Acceptance of Emergency Bridge Loan for Hurricane Helene Utility Damages – *Adam Steurer, Utilities Director*

Resolution #R-25-02

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ACCEPT AN OFFER OF EMERGENCY BRIDGE LOAN FUNDING

WHEREAS, the North Carolina General Assembly has enacted Session Law 2024-53 to assist eligible units of government in meeting their Hurricane Helene disaster-related water infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Emergency Bridge Loan in the amount of $3,000,000 to repair a wastewater and/or drinking water system, and

WHEREAS, the City of Hendersonville intends to perform said project in accordance with the terms of the Agreement with the NC Department of Environmental Quality.

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 State Emergency Bridge Loan offer of $3,000,000.
2. That the City of Hendersonville does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.
3. That Adam A. Steurer, Utilities Director, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 8th day of January, 2025.

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

E. GIS Division Career Ladder Revisions - *Jennifer Harrell, HR Director*

F. Annexation: Certificate of Sufficiency – Old Sunset Hill Road (Taylor & Albea) (C24-56-ANX) - *Tyler Morrow, Current Planning Manager*

Resolution #R-25-03

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 City Hall located at 160 Sixth Avenue E. Hendersonville NC, 28792 at 5:45 p.m. February 12th, 2025, 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 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724 described in the plat recorded in Book 2025- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724 being described by metes and bounds as follows:

Being all of those certain parcels of land lying and being in Clear Creek and Blue Ridge Townships, Henderson County, North Carolina; being the same properties described in the "Tract 2" subsection of "Exhibit A" in Deed Book 4026, Page 272; being a portion of that property as described in DB 3664, Page 522; and being more particularly described as follows:

BEGINNING at a 3/4" open top pipe lying on the southern line of the Triangle Ballantyne Hendersonville, Inc. (hereinafter "Triangle") property as described in DB 1601, Page 205; said pipe also lying on the existing CITY LIMITS of the City of Hendersonville; and said pipe having "NAD 83 (2011)" coordinates of N: 599,590.75 feet and E: 979,199.05 feet and lying a grid bearing and distance of North 67°17'22" East 3954.96 feet from NGS Monument "Hendersonville AZ MK" (with coordinates of N: 598,063.83 feet and E: 975,550.74 feet); thence from said POINT OF BEGINNING with the CITY LIMITS and with the southern Triangle line the following 5 (five) calls:

North 83°25'32" East 179.86 feet to a 1/2" open top pipe;

North 83°27'35" East 132.08 feet to a 1/2" open top pipe;

North 83°26'11" East 128.78 feet to a 1/2" open top pipe;

North 83°44'09" East 140.14 feet to a 1/2" open top pipe;

North 10°38'23" West 155.24 feet to a 3/4" open top pipe lying on the southern line of the Forestar (USA) Real Estate Group, Inc. (hereinafter "Forestar") property as described in DB 4112, Page 700;

Thence continuing with the CITY LIMITS and with said Forestar line North 78°10'47" East 134.76 feet to a 5/8" rebar with cap lying at the northwest corner of the remaining Taylor property as described in DB 3664, Page 522; thence leaving the CITY LIMITS with the western Taylor line South 10°38'23" East 168.07 feet to a 5/8" rebar with cap; thence North 83°37'35" East (passing a 5/8" rebar with cap at 82.41 feet) a total distance of 112.41 feet to a planted stone; thence continuing with the Taylor line and with the Runk line as described in DB 1398, Page 390 on a bearing of South 26°24'47" West (passing a 5/8" rebar with cap at 30.00 feet) a total distance of 1038.40 feet to a 1/2" crimped top pipe lying at the northwest corner of another Runk property as described in DB 991, Page 228; thence with the second Runk line South 05°50'01" West (passing a 5/8" rebar with cap at 19.23 feet) a total distance of 199.69 feet to a 1/2" open top pipe lying at the northeastern corner of the Nolen line as described in Will Book 86E, Page 9, and also lying at the northwestern corner of another Runk property as described in DB 991, Page 228; thence with said Nolen line South 88°34'58" West 225.92 feet to a 1/2" open top pipe; thence South 01°53'55" West 111.35 feet to a 3/4" open top pipe; thence South 44°45'29" East 66.33 feet to a 1/2" open top pipe lying at the northern corner of the Albea property as described in DB 4026, Page 269; thence with said Albea line South 45°17'09" West 114.15 feet to a 1/2" open top pipe lying at the northern corner of the "1.00 acre" Albea property as described in DB 4026, Page 272; thence with said Albea line South 43°20'24" West (passing a 1/2" open top pipe at 276.12 feet) a total distance of 306.17 feet to an unmarked point lying in the center of Old Sunset Hill Road (S.R. 1744); thence with the centerline of Old Sunset Hill Road the following 2 (two) calls:

North 66°27'25" West 200.96 feet to an unmarked point;

On a curve to the left having a radius of 731.14 feet, an arc length of 79.49 feet, a chord bearing of North 69°34'17" West, and a chord distance of 79.45 feet to an unmarked point lying at the southeast corner of the Newell property as described in DB 3372, Page 421;

Thence leaving Old Sunset Hill Road with the Newell line, and with the eastern line of the Conner Creek MHP, LLC line as described in DB 4052, Page 640, and with said southern Triangle line on a bearing of North 15°41'44" East (passing a 3/4" open top pipe at 30.47 feet, passing a 1/2" open top pipe at 177.56 feet, passing a 1/2" open top pipe at 279.12 feet, passing a 1/2" open top pipe at 356.53 feet, passing a 3/4" open top pipe at 894.02 feet, and passing a 3/4" open top pipe at 1140.25 feet) a total distance of 1448.52 feet (the last 308.27 feet running with the CITY LIMITS) to the POINT AND PLACE OF BEGINNING, containing 21.32 acres, more or less.

Re: Petition for Contiguous Annexation
Petitioner: Gregory Albea, Julianne Albea, Joseph Taylor, and Laura Taylor
File No. C24-56-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 8th day of January, 2025.

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

G. Annexation: Certificate of Sufficiency – Upward Road (LBH Property Holdings LLC) (C24-91-ANX) - *Tyler Morrow, Current Planning Manager*

Resolution #R-25-04

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

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

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

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

Section 1. A public hearing on the question of annexation of the satellite area described herein will be held at City Hall located at 160 Sixth Avenue E. Hendersonville NC, 28792 at 5:45 p.m. February 12th, 2025, or as soon thereafter as it may be heard.

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

Being all of that real property consisting of PIN 9577-89-9886 described in the plat recorded in Book 2025- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9577-89-9886 being described by metes and bounds as follows:
Portion of right of way for Upward Road, S.R. 1783, Project Reference No. R-4430, Project 6.806223 and Project 6.952418. Right of Way found in Deed Book 799, Page 509.
Beginning at an Aluminum Cap Right of Way Monument standing 61.65 feet right of Line "L" at station 45+50.42. Thence a New Line North 60 degrees 01 minutes 21 seconds East a distance of 78.92 feet to a #5 Rebar with Aluminum Right of Way Cap set. Standing South 60 degrees 01 minutes 21 seconds West a distance of 49.69 feet from an Aluminum Cap Right of Way Monument standing 58.09 feet right of Line "L" at station 46+85.85. Thence a New Line South 55 degrees 01 minutes 44 seconds East a distance of 23.37 feet to a #5 Rebar with Aluminum Right of Way Cap set. Thence with existing Right of Way South 32 degrees 00 minutes 33 seconds West a distance of 92.76 feet to an Aluminum Cap Right of Way Monument standing 126.55 feet right of Line "L" at station 45+56.09. Thence with existing Right of Way North 36 degrees 05 minutes 01 seconds West a distance of 65.11 feet to the Point and Place of Beginning. Containing 3637 square feet.

Re: Petition for Satellite Annexation
Petitioners: LBH Property Holdings LLC (Lyndon Hill, Manager)
File No. C24-91-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 8th day of January, 2025.

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

H. Amendment to FY24 Audit Contract - *Krystal Powell, Finance Director*

I. January 2025 Budget Amendments - *Jennifer Floyd Powell, Management*

TO MAYOR & COUNCIL **FISCAL YEAR 2025**
APPROVAL: January 08, 2025 **FORM: 01082025-01**

BUDGET AMENDMENT

FUND 010

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470030	Insurance Proceeds	-	7,132	-	7,132
010-1300-524030	R&M Trucks	121,000	7,132	-	128,132
FUND 010	TOTAL REVENUES	-	7,132	-	7,132
General Fund	TOTAL EXPENDITURES	121,000	7,132	-	128,132

An amendment increasing insurance proceeds by $7,132 to cover the cost of repairs to vehicle 15-26.

The City Manager and City Clerk certify budget ordinance amendment 01082025-01 was approved by City Council on January 08, 2025.

TO MAYOR & COUNCIL **FISCAL YEAR 2025**
APPROVAL: January 08, 2025 **FORM: 01082025-02**

BUDGET AMENDMENT

FUND 301 | 459 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
301-0000-420050-G2402	Contributions/Donations	14,307,500	-	14,307,500	-
301-0000-598901-G2402	Transfer Out (to 460, #22013)	-	-	-	-
301-0000-598901-G2402	Transfer Out (to 460, #16036)	14,307,500	-	14,307,500	-
FUND 301 (#G2402)	TOTAL REVENUES	14,307,500	-	14,307,500	-
FY24 State Approp.	TOTAL EXPENDITURES	14,307,500	-	14,307,500	-
459-0000-470900	Fund Balance Appropriated	300,000	-	-	300,000
459-0000-598901	Transfer Out (to 460, #22013)	300,000	-	-	300,000
FUND 459	TOTAL REVENUES	300,000	-	-	300,000
W&S Capital Reserve Fund	TOTAL EXPENDITURES	300,000	-	-	300,000
460-0000-470010-22013	Debt Proceeds ('26 Revenue Bond)	2,342,000	-	-	2,342,000
460-0000-470100-22013	Transfer In (from 459)	300,000	-	-	300,000
460-7035-550103-22013	Capital Outlay-CIP	2,642,000	-	-	2,642,000
FUND 460 (#22013)	TOTAL REVENUES	2,342,000	-	-	2,642,000
WTP Residuals	TOTAL EXPENDITURES	2,342,000	-	-	2,642,000
460-0000-470100-16036	Transfer In (from 301, #G2402)	14,307,500	-	14,307,500	-
460-0000-420050-16036	Grant Revenue (FY24 State Appropriation)	14,528,750	-	-	14,528,750
460-0000-470010-16036	Debt Proceeds ('25 Revenue Bond)	3,184,500	310,288	-	3,494,788
460-7135-550103-16036	Capital Outlay-CIP	17,492,000	531,538	-	18,023,538
FUND 460 (#16036)	TOTAL REVENUES	17,492,000	310,288	14,307,500	18,023,538
Biosolids Dryer	TOTAL EXPENDITURES	17,492,000	531,538	-	18,023,538

This amendment moving 2024 State Appropriation Grant Revenues out of project #G2402 and placing them directly in the Biosolids Dryer Project, #16036. This amendment does not change the bottom line of the WTP Residuals project or the Biosolids Dryer project as noted above.

The City Manager and City Clerk certify budget ordinance amendment 01082025-02 was approved by City Council on January 08, 2025.

TO MAYOR & COUNCIL **FISCAL YEAR 2025**
APPROVAL: January 08, 2025 **FORM: 01082025-03**

BUDGET AMENDMENT

FUND 301 | 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)	3,621,784	-	3,621,784	-
301-1002-598901-G2204	Transfer Out (to 460, #21045)	1,378,216	-	1,378,216	-
FUND 301, #G2204	TOTAL REVENUES	5,000,000	-	5,000,000	-
2022 NCDEQ Grant	TOTAL EXPENDITURES	5,000,000	-	5,000,000	-
460-0000-420050-21045	Grant Revenue (NCDEQ 2022)	-	1,378,216	-	1,378,216
460-0000-470100-21045	Transfer In (from #G2204)	1,378,216	-	1,378,216	-
460-1014-550103-21045	Capital Outlay CIP	1,378,216	-	-	1,378,216
FUND 460	TOTAL REVENUES	1,378,216	1,378,216	1,378,216	1,378,216
WWTP Aeration, #21045	TOTAL EXPENDITURES	1,378,216	-	-	1,378,216
460-0000-420050-16023	Grant Revenue (NCDEQ 2022)	-	3,621,784	-	3,621,784
460-0000-470100-16023	Transfer In (from'22 NCDEQ, #G2204)	3,621,784	-	3,621,784	-
460-0000-470100-16023	Transfer In (from 459)	400,000	-	-	400,000
460-1014-550103-16023	Capital Outlay CIP	3,621,784	-	-	3,621,784
460-1014-550102-16023	Capital Outlay Services and Fees	400,000	-	-	400,000
FUND 460	TOTAL REVENUES	4,021,784	3,621,784	3,621,784	4,021,784
WWTP UV Project, #16023	TOTAL EXPENDITURES	4,021,784	-	-	4,021,784

An amendment reducing the project budget for the 2022 NCDEQ Grant Project Ordinance #G2204. Funds received from this grant will instead be applied directly to the capital project ordinances: WWTP Aeration, #21045 ($1,378,216) and WWTP UV, #16023 ($3,621,784). This amendment does not change the total project appropriation for the WWTP Aeration project, or the WWTP UV project.

The City Manager and City Clerk certify budget ordinance amendment 01082025-03 was approved by City Council on January 08, 2025.

TO MAYOR & COUNCIL **FISCAL YEAR 2025**
APPROVAL: January 08, 2025 **FORM: 01082025-04**

BUDGET AMENDMENT

FUND 060 | 067 | 410

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)	4,026,000	-	4,026,000	-
FUND 060	TOTAL REVENUES	4,026,000	-	4,026,000	-
Water & Sewer Fund	TOTAL EXPENDITURES	4,026,000	-	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	-
Stormwater Fund	TOTAL EXPENDITURES	377,000	-	377,000	-
410-0000-470010-21017	Debt Proceeds (2023 IFC)	2,032,000	4,393,000	-	6,425,000
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	5,271,000	92,000	-	5,363,000
410-1002-560900-21017	Cost of Issuance	80,000	-	72,000	8,000
410-1002-598901-21017	Transfer Out (to #23021)	90,000	68,500	-	158,500
410-1002-598901-21017	Transfer Out (to #23022)	994,000	-	98,500	895,500
FUND 410 #21017	TOTAL REVENUES	6,435,000	4,393,000	4,403,000	6,425,000
City Hall & Ops Imprv.	TOTAL EXPENDITURES	6,435,000	160,500	170,500	6,425,000
410-0000-470100-23021	Transfer In (from #21017)	90,000	68,500	-	158,500
410-1002-550103-23021	Capital Outlay - CIP	90,000	68,500	-	158,500
FUND 410 #23021	TOTAL REVENUES	90,000	68,500	-	158,500
City Hall 3rd Floor	TOTAL EXPENDITURES	90,000	68,500	-	158,500
410-0000-470100-23022	Transfer In (from #21017)	994,000	-	98,500	895,500
410-1002-550103-23022	Capital Outlay - CIP	994,000	-	98,500	895,500
FUND 410 #23022	TOTAL REVENUES	994,000	-	98,500	895,500
City Hall Ext. Phase II	TOTAL EXPENDITURES	994,000	-	98,500	895,500

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 moves bond proceed revenues from the 2023 installment financing directly to the City Hall and Ops Improvement Project, #21017. The amendment also increases the City Hall 3rd Floor Project appropriation to $158,500 and decreases the City Hall Exterior Phase II Project to $895,500.

The City Manager and City Clerk certify budget ordinance amendment 01082025-04 was approved by City Council on January 08, 2025.

TO MAYOR & COUNCIL **FISCAL YEAR 2025**
APPROVAL: January 08, 2025 **FORM: 01082025-05**

BUDGET AMENDMENT

FUND 010 | 301

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-1002-519200	Contracted Services	30,056	-	2,600	27,456
010-0000-598901	Transfer Out (to 301, #G2404)	821,840	2,600	-	824,440
FUND 010	TOTAL REVENUES	30,056	-	2,600	27,456
General Fund	TOTAL EXPENDITURES	821,840	2,600	-	824,440
301-0000-420050-G2404	Grant Revenue (Dogwood HR, 2024)	100,000	-	-	100,000
301-0000-470010-G2404	Transfer In (from 010 - Legal)	-	2,600	-	2,600
301-1200-519200-G2404	Contracted Services	100,000	2,600	-	102,600
FUND 301	TOTAL REVENUES	100,000	2,600	-	102,600
Affordable Housing #G2404	TOTAL EXPENDITURES	100,000	2,600	-	102,600

An amendment to the Strategic Affordable Housing Project, #G2404. City Council adopted the original grant project ordinance for the project on June 06, 2024. This amendment increases the project appropriation by transferring $2,600 in from the General Fund. The revised project appropriation is $102,600.

The City Manager and City Clerk certify budget ordinance amendment 01082025-05 was approved by City Council on January 08, 2025.

TO MAYOR & COUNCIL **FISCAL YEAR 2025**
APPROVAL: January 08, 2025 **FORM: 01082025-06**

BUDGET AMENDMENT

FUND 010 | 410

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-1521-524030	R&M Trucks	50,000	-	2,000	48,000
010-0000-598901	Transfer Out (to 410, #VE023)	1,348,430	2,000	-	1,350,430
FUND 010	TOTAL REVENUES	1,348,430	2,000	-	1,350,430
General Fund	TOTAL EXPENDITURES	50,000	-	2,000	48,000
410-1502-470100-VE023	Transfer In (From 010)	-	2,000	-	2,000
410-1502-544001-VE023	Capital Outlay- Equipment	258,260	2,000	-	260,260
FUND 410, #VE023	TOTAL REVENUES	-	2,000	-	2,000
FY23 Vehicles and Equip.	TOTAL EXPENDITURES	258,260	2,000	-	260,260

An amendment increasing the FY23 Vehicle and Equipment Project, #VE023 by $2,000 via transfer in from the General Fund to cover the increased cost of the Pothole Patcher.

The City Manager and City Clerk certify budget ordinance amendment 01082025-06 was approved by City Council on January 08, 2025.

J. Resolution to Accept Grant Funds - *Sam Hayes, Planner II*

Resolution #R-25-05

RESOULTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ACCEPTING A GRANT FROM THE NATIONAL TRUST FOR HISTORIC PRESERVATION FOR THE PURPOSE OF DOCUMENTING THE CITY'S HISTORICALLY BLACK NEIGHBORHOODS

WHEREAS, the National Trust for Historic Preservation has established a grant to encourage preservation at the local level by supporting ongoing preservation work and by providing seed money for preservation projects; and

WHEREAS, the Community Development Department applied for and was awarded a National Trust Preservation Funds grant in the amount of $3,000; and

WHEREAS, the City of Hendersonville desires to accept the grant funds, and authorize the execution of the grant funding agreement (the "Grant Agreement"); and

WHEREAS, the Grant Agreement provides that the City will undertake activities to promote the historic preservation of underrepresented communities in Hendersonville; and

WHEREAS, the City will allocate $3,000 as matching funds towards the grant from the Historic Preservation Commission's budget;

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

1. The City hereby accepts the $3,000 National Trust Preservation Funds grant from the National Trust for Historic Preservation for the purposes as set out in the Grant Agreement; and
2. The City Manager is authorized to execute the Grant Agreement, with such changes as he deems appropriate, provided 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 National Trust Preservation Funds grant as outlined in the Grant Agreement.

Adopted by City Council of the City of Hendersonville, North Carolina on this 8th day of January, 2025.

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

K. SECOND READING: Amendments to City Code Regarding Regulation of Consumable Hemp Derived Products to Specify Criminal Liability – *Angela Beeker, City Attorney*

Ordinance #O-24-46

AN ORDINANCE TO IMPOSE CRIMINAL PENALTIES FOR THE SALE OR POSSESSION OF CANNABIS NEAR SCHOOLS

WHEREAS, the sale of certain hemp-derived products to persons under the age of 21 years old is currently not regulated by the State of North Carolina; and

WHEREAS, there are many hemp-derived products containing legal cannabinoids that can have the psychoactive effects as marijuana; and

WHEREAS, approval by the Food and Drug Administration of hemp-derived consumable products is not required, and therefore presence of contaminants and the amount of THC present in a product is not subject to quality control, placing the consuming public at risk; and

WHEREAS, the City Council finds that many retail establishments, including but not limited to hemp shops or vape products sell hemp derived consumable products, and there is no law or ordinance prohibiting the sale or distribution of hemp derived consumable products to persons under the age of 21 within a certain distance from a public or private school, make these products readily accessible to students; and

WHEREAS, the City Council wishes protect the public health and safety of persons under the age of 21 by making hemp-derived consumable products less readily available by prohibiting the sale or distribution of hemp derived consumable products to persons under the age of 21 years in close proximity to schools.

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

SECTION 4. Article II of Chapter 6 of the City of Hendersonville Code of Ordinances shall be amended to add a new Section 6-11 as follows:

Sec. 6-11 Criminal Penalties for Violation

In addition to any other remedy available, violation of this Article II of Chapter 6 of the City of Hendersonville Code of Ordinances is a misdemeanor as provided in Section 1-6 of the City of Hendersonville Code of Ordinances.

SECTION 5. If any provision of this ordinance or its application is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

SECTION 6. It is the intention of the City Council and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Hendersonville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 7. This Ordinance shall be effective upon passing two readings.

Adopted at first reading by the City Council of the City of Hendersonville, North Carolina on this 5th day of December, 2024.

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

6. PRESENTATIONS

A. Fiscal Year 2024 Audit Presentation – *Krystal Powell, Finance Director*

Travis Keever of Gould Killian CPA Group showed the following PowerPoint presentation and said that the City of Hendersonville had a clean audit.

GOULD KILLIAN CPA GROUP, P.A.
CERTIFIED PUBLIC ACCOUNTANTS

CITY OF HENDERSONVILLE
2024 Annual Financial Report

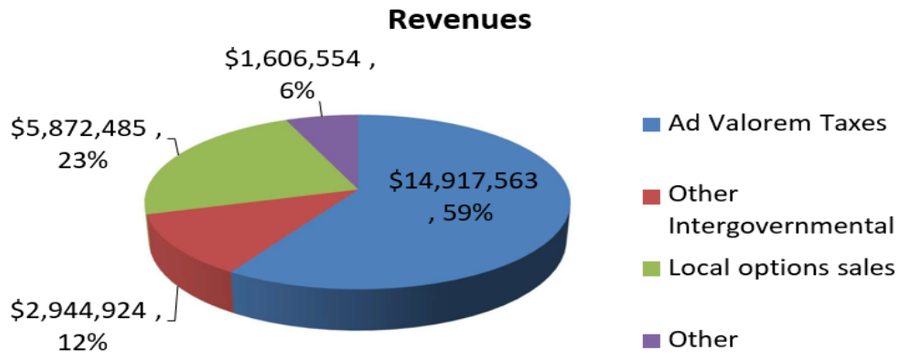
Audit Summary

- Thank you for allowing us to serve as your auditors
- Special thanks to Krystal and the staff of the finance department for their hard work and cooperation in completing the audit
- We issued an unmodified (clean) opinion on the June 30, 2024 financial statements
- We reported no material weakness in internal control over financial reporting
- We reported no instances of material noncompliance with laws and regulations
- We performed a single audit on 5 separate grant programs
  - No material weaknesses in internal controls over compliance
  - Unmodified (clean) opinion on compliance with grant terms

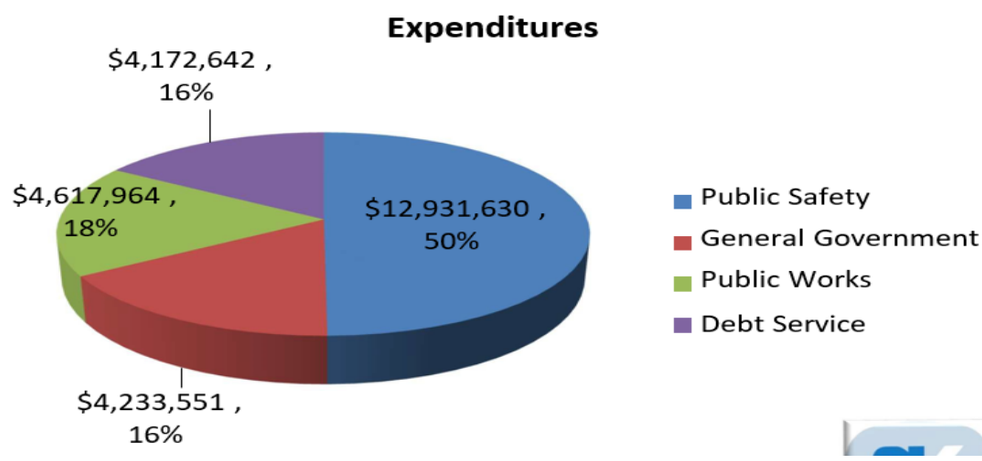
Financial Performance Indicator of Concern

- Fund balance available for appropriation only 23.8% of general fund expenditures
  - LGC recommends 25% for units the size of the City of Hendersonville
    - Represents 3 months of expenditures
  - LGC considers it a risk that the City would not have adequate reserves on-hand to cover emergencies and unforeseen expenditures.
  - Average fund balance available for similar sized units is 46%

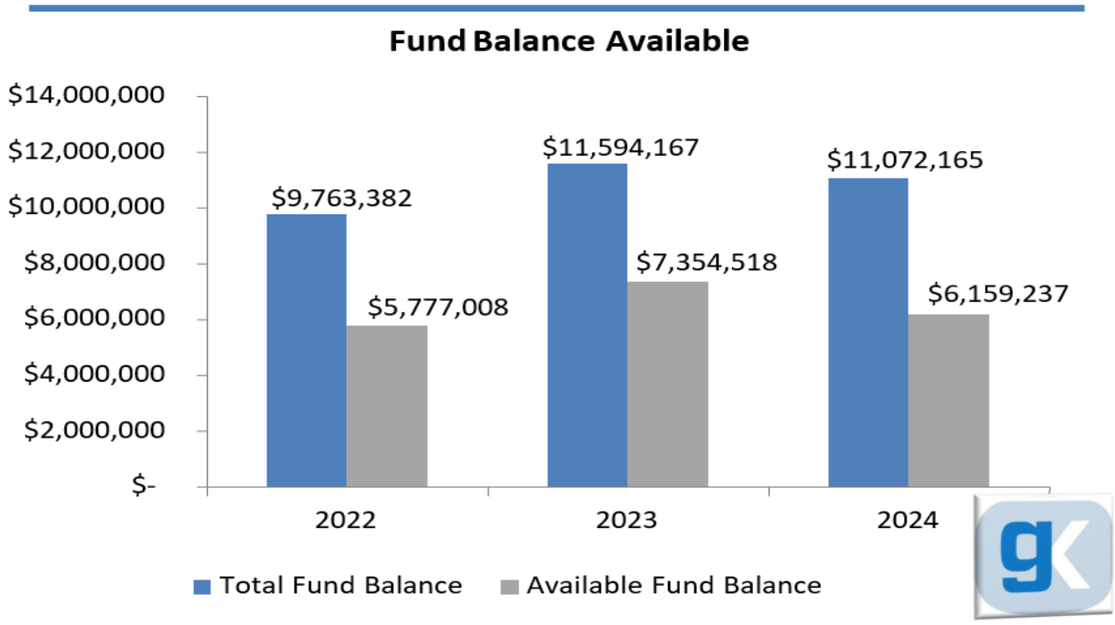
General Fund Summary



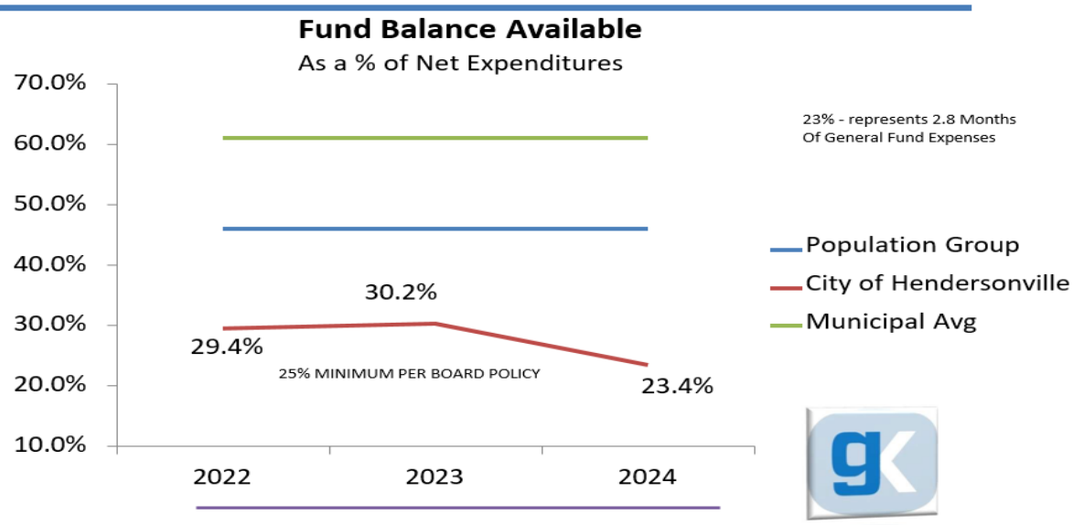
General Fund Summary



General Fund Summary



General Fund Summary



Enterprise Fund Summary

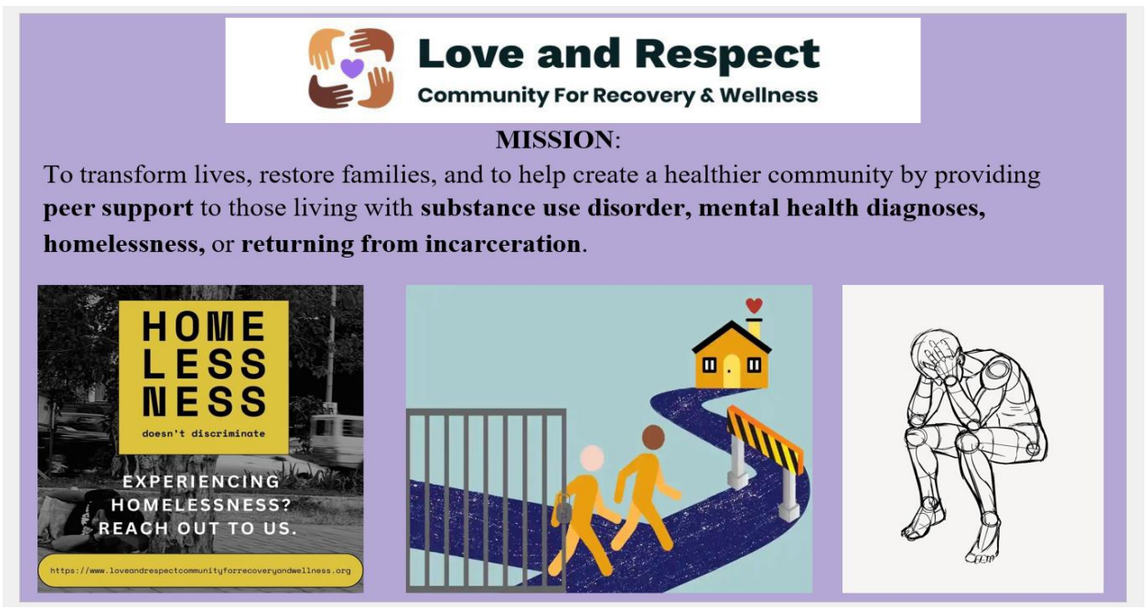
Water and Sewer Fund	2023	2024
Working capital (current assets-current liabilities)	$15,469,723	$12,608,305
Working capital in months expenditures (budgetary basis)	8.25 months	6.5 months
Unrestricted net position	12,273,614	12,191,586
Operating income (loss)	(363,502)	490,056
Change in net position	1,180,658	12,755,424
Cash flows from operating activities	7,520,046	5,661,711
Net increase (decrease) in cash	7,447,765	(747,443)

Property Tax Collection

	2022	2023	2024
Property tax rate	0.52/$100	0.52/$100	0.49/$100
Current year $ collected (incl. MV)	$ 11,465,200	$ 11,887,462	$ 14,807,794
Current year % collected (incl. MV)	99.12%	98.71%	99.30%

B. Love & Respect Community for Recovery & Wellness – *Ron Davis, NC Peer Support Specialist*

Ron Davis, Workforce Readiness and Outreach and NC Peer Support Specialist, Alivea Turner, Director of Operations and NC Peer Support Specialist and Lexie Wilkins, Executive Director of Love and Respect each introduced themselves and gave insight to what Love and Respect is all about.



Our Programs

- Peer one on one sessions
- Computer lab
- Workforce readiness
- Street outreach
- Training and community education
- Re-entry navigation
- Resource navigation
- Clothing closet
- Group facilitation
- Disaster relief supplies

Connecting to Community Resources

RECOVERY COMMUNITY CENTERS

PEER SUPPORT and COMMUNITY OUTREACH

DETOX, RESIDENTIAL RECOVERY, RECOVERY HOUSING

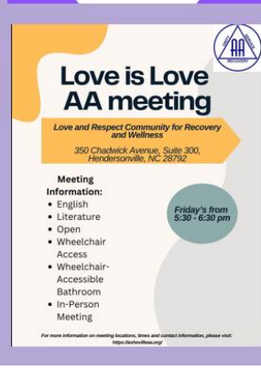
INTENSIVE OUTPATIENT SUPPORT

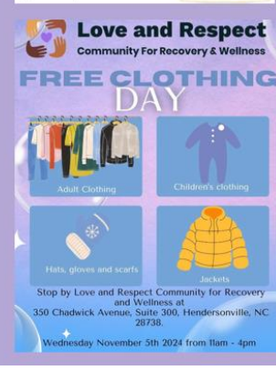
FAMILY/CAREGIVER SUPPORT GROUPS

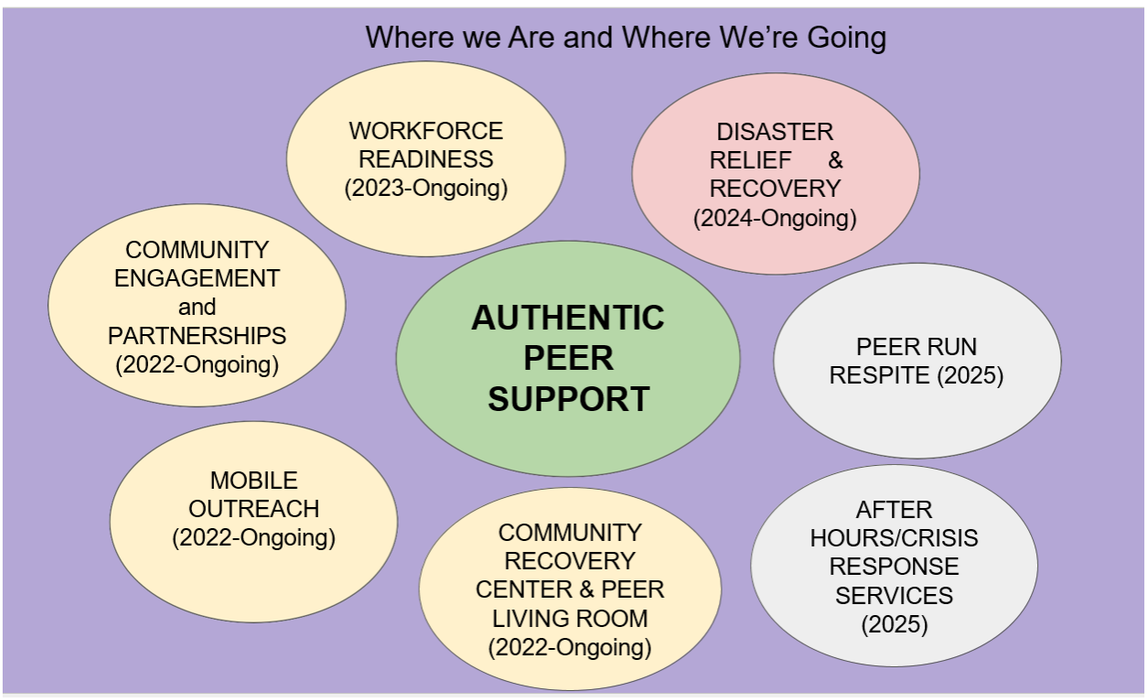
MEDICATION ASSISTED TREATMENT

HARM REDUCTION to ENSURE SAFETY

MOBILE CRISIS RESPONSE







9. NEW BUSINESS

A. Appointment of Finance Director – *Brian Pahle, Assistant City Manager*

Assistant City Manager Brian Pahle explained that the former Finance Director John Buchanan resigned and Kystal Powell is the newly chosen Finance Director. Krystal Powell took the Oath of Office from Mayor Volk.

Oath of Office
Finance Director

I, **Krystal Powell**, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.

I, **Krystal Powell**, do swear that I will well and truly execute the duties of the office of the City of Hendersonville Finance Director according to the best of my skill and ability, according to law; so help me God.
/s/ Krystal Powell

Council Member Lyndsey Simpson moved that City Council approve the Resolution by the City of Hendersonville City Council to authorize the appointment of Krystal Powell as City of Hendersonville Finance Director. A unanimous vote of the Council followed. Motion carried.

Resolution #R-25-06

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPOINT KRYSTAL POWELL AS FINANCE OFFICER FOR THE CITY OF HENDERSONVILLE

WHEREAS, North Carolina General Statutes § 159-24 requires that each local government appoint a finance officer to carry out the duties prescribed by law; and

WHEREAS, City Council has determined that Krystal Powell possesses the requisite knowledge, skills and abilities and certifications to hold the position of Finance Officer for the City of Hendersonville, having served as the Assistant Finance Director, and in various other positions within the Finance Department, and being a certified as a Local Government Finance Officer (CLGFO) through the North Carolina Government Finance Officers Association (NCGFOA); and

WHEREAS, City Council wishes to appoint Krystal Powell as Finance Officer for the City of Hendersonville

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

1. Krystal Powell is hereby appointed Finance Officer for the City of Hendersonville with full power and authority, and direction, to carry out the duties of Finance Officer as specified in the Local Budget and Fiscal Control Act (Article 3 of Chapter 159 of the North Carolina General Statutes) and other applicable State, Federal and Local laws governing the duties of a finance officer, on behalf of the City of Hendersonville.

2. That Ms. Powell's appointment is contingent upon her compliance with the requirements of North Carolina General Statutes § 159-29 by posting a true accounting and faithful performance bond in the amount of $1.0 Million.

3. That day-to-day supervision and administrative authority over the position of Finance Officer is vested in the City Manager. The City Manager is authorized to finalize the details of Ms. Powell's employment with the City of Hendersonville, including salary and benefits, in accordance with the City's adopted pay plan.

4. Ms. Powell is authorized and directed to sign all existing bank, depository and investment accounts held in the City's name, and to execute all contracts as the Finance Officer to comply with pre-audit requirements.

5. The naming of Ms. Powell's position as "Finance Director" or other similar terminology shall in no way detract from the authority or responsibility delegated to Ms. Powell as Finance Officer for the City of Hendersonville by this Resolution.

6. The Resolutions from First-Citizens Bank & Trust Company and Wells Fargo are hereby approved, and the City Manager, City Clerk, Finance Officer, and other named officials are authorized to execute the same.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 8th day of January, 2025.

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

B. City Council Approval to Reestablishment of Utility Fees and Disconnections on March 1, 2025 – *John Connet, City Manager*

City Manager John Connet explained that City Council directed staff to discontinue utility late fees and disconnections immediately following Hurricane Helene. City staff has been monitoring the number of delinquent utility accounts and is concerned about the number of individuals with large balances. Mr. Connet asked for permission to re-establish fees and disconnection effective March 1, 2025.

Council Member Jennifer Hensley moved that the City Council direct staff to take necessary action to re-establish utility late fees and authorize service disconnection for non-payment effective March 1, 2025. A unanimous vote of the Council followed. Motion carried.

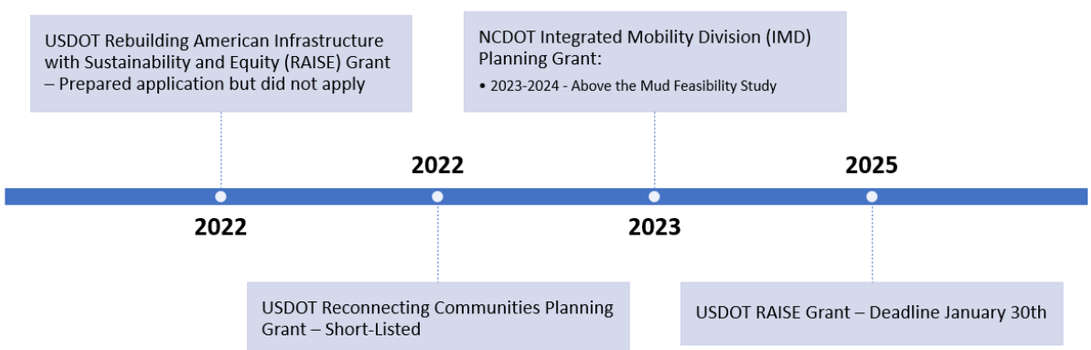
C. Resolution for the City of Hendersonville to Apply for a USDOT RAISE Grant for the Above the Mud Project – *Brent Detwiler, Public Services Director*

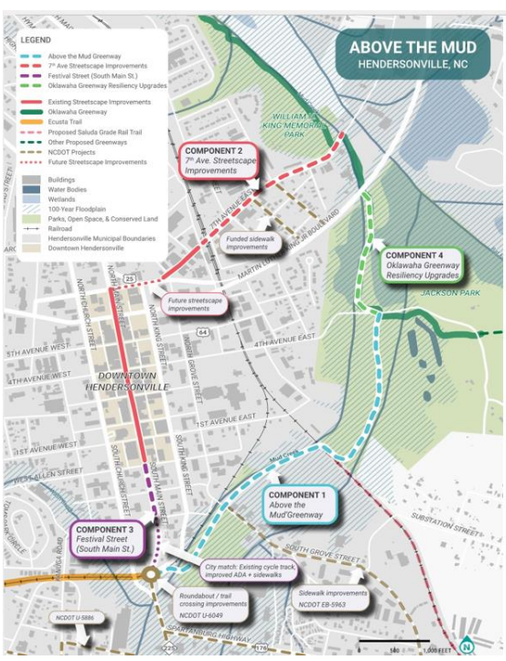
Public Services Director Brent Detwiler gave the following PowerPoint presentation and asked that Council vote on the resolution.

ABOVE THE MUD

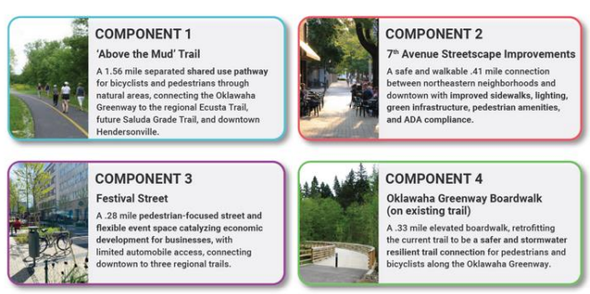
A project Connecting the Oklawaha Greenway, Ecusta Trail, Main Street, 7th Avenue, and Larger WNC regional trail network

Project Background





Project Components



PROJECT OUTCOMES & DETAILS

A vibrant, safe, and active community, through street and trails that prioritize pedestrians and bicyclists and serve users of all ages and abilities.

Greatly improved access to downtown, disadvantaged neighborhoods, schools, food, businesses, and parks and natural areas.

More livable, resilient streets that use trees and stormwater best practices to shade, clean the air and water, and better manage flooding.

Economic revitalization by connecting a critical regional trail link and improving 7th Avenue and South Main Street.

Community Engagement

- **2022 RAISE – Kick-off Public Meeting (well-attended)**
- **2023-2024 Above the Mud Feasibility Study - Steering Committee, Public Meetings, 2 Surveys**
- **2025 RAISE:**
  - **Contracted Alta Planning + Design – November 6, 2024**
  - **Stakeholder Group Kick-off – November 14, 2024**
  - **Community survey launch – November 27, 2024**
  - **Promoted survey/raised awareness at Housing Listening Sessions and Turkey Trot – Nov-Dec**
  - **Door-to-Door outreach in Green Meadows / 7th Ave Area – December 19, 2024**
  - **Community survey closed – December 31, 2024**
  - **36 Letters of Support Received to date**

Council Member Gina Baxter moved that City Council approve the resolution to submit a RAISE Grant application to USDOT for the Above the Mud project. A unanimous vote of the Council followed. Motion carried.

Resolution #R-25-07

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL IN SUPPORT OF AN APPLICATION FOR USDOT RAISE GRANT FUNDING TO CONSTRUCT THE ABOVE THE MUD PROJECT

WHEREAS, the City Council of the City of Hendersonville considers bicycle and pedestrian transportation to be of utmost importance to the region by providing Western North Carolina with recreation and equitable transportation opportunities as well as increased economic viability and community development; and

WHEREAS, the City Council of the City of Hendersonville adopted a resolution on April 5, 2012 supporting a regional recreational greenway to link the City of Hendersonville in Henderson County to the City of Brevard in Transylvania County and the Pisgah National Forest; and

WHEREAS, the United States Department of Transportation has established a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program that provides funding for surface transportation infrastructure projects that will have a significant local or regional impact; and

WHEREAS, the Above the Mud project will provide multimodal infrastructure that will spur small-town economic development, jobs, and tourism while rebuilding a trail segment damaged by recurring flooding and Hurricane Helene; and

WHEREAS, the project will extend the 19-mile regional Ecusta Trail that is expected to generate significant rural economic impact, bringing residents and tourists safely into Downtown Hendersonville, and reconnect to underserved neighborhoods, improving safety and access;

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

1. The City of Hendersonville shall submit an application to USDOT for a RAISE Grant to fund the design and construction of the Above the Mud Project in Henderson County; and

2. The Mayor and/or City Manager shall hereby be authorized on behalf of the City of Hendersonville to execute any and all documents required for the City to complete and submit the grant application for up to $25,000,000.00 in funding with commitment of $1,600,000.00 in matching funds from the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 8th day of January, 2025.

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

D. Appointment of Mayor Volk as Voting Delegate for NCLM Legislative Priorities – *John Connet, City Manager*

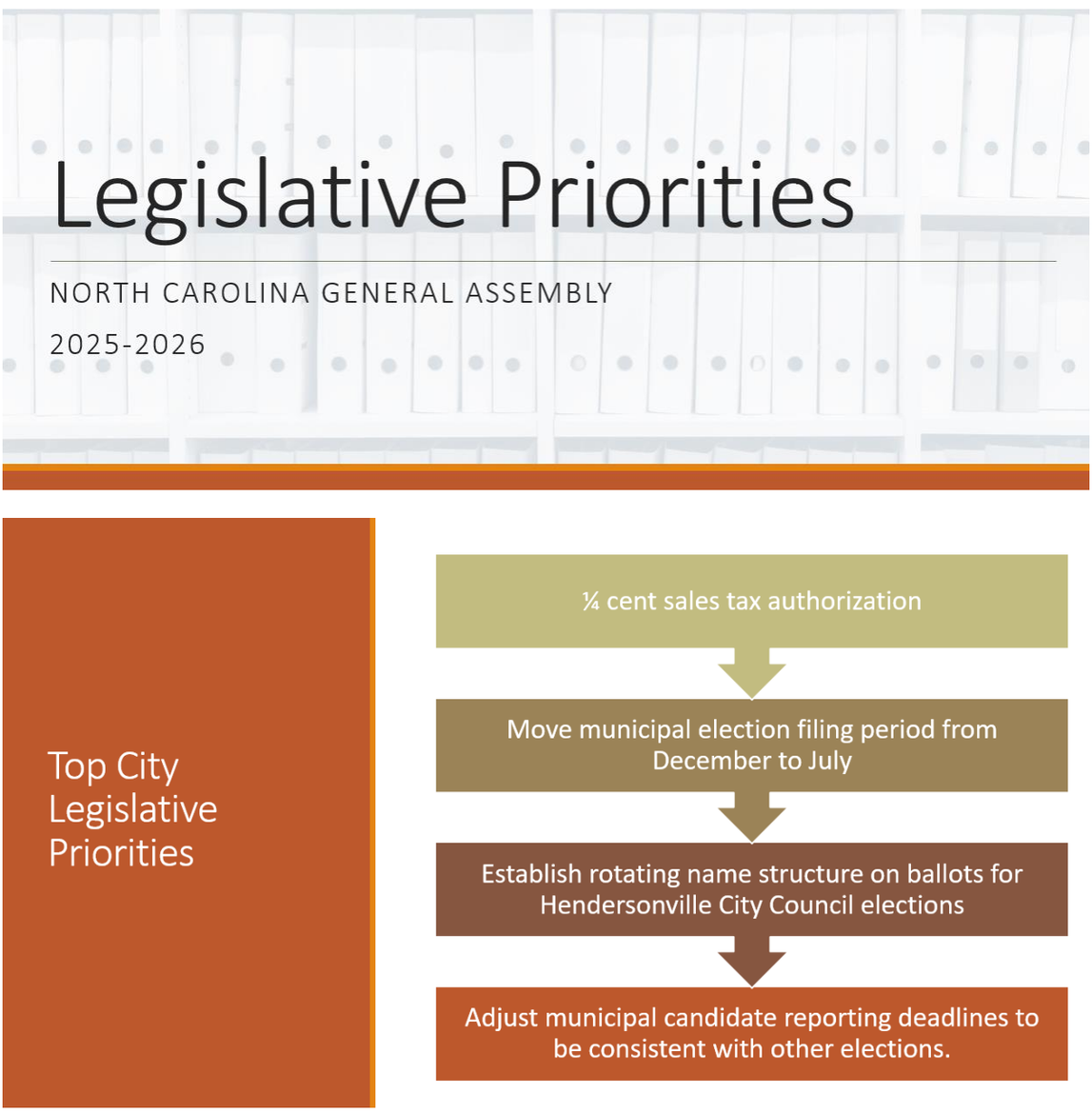
City Manager John Connet explained that Mayor Volk has traditionally served as the City's voting delegate for the North Carolina League of Municipalities.

Council Member Lyndsey Simpson moved that the City Council appoint Mayor Barbara Volk as the City's voting delegate for the NCLM legislative priorities process. A unanimous vote of the Council followed. Motion carried.

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

E. 2025 Legislative Priorities – *John Connect, City Manager*

City Manager John Connet explained that the North Carolina General Assembly will convene its 2025 legislative (long) session on January 8, 2025. City staff and the North Carolina League of Municipalities have drafted proposed legislative priorities for the City Council. City staff is asking City Council to approve these priorities, authorize the Mayor to vote on their behalf, direct staff to develop draft legislation as necessary and authorize the Mayor and Mayor Pro Tem to present the priorities to our legislative delegation.



NCLM Priorities – Staff Recommended

CREATE INCENTIVES THAT ENCOURAGE AND ADEQUATELY FUND REGIONALIZED WATER AND SEWER SOLUTIONS.

EXPAND FUNDING OPPORTUNITIES FOR DISASTER RESILIENCY AND RECOVERY EFFORTS.

ESTABLISH LONG-TERM FUNDING STREAMS THAT ADEQUATELY ADDRESS WATER, SEWER, STORMWATER, TRANSPORTATION AND OTHER INFRASTRUCTURE NEEDS.

EXPAND STATE TRANSPORTATION FUNDING STREAMS FOR CONSTRUCTION AND MAINTENANCE OF MUNICIPAL AND STATE-OWNED SECONDARY ROADS.

NCLM Priorities – Staff Recommended

CREATE INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF DIVERSE HOUSING OPTIONS.

PROVIDE RESOURCES TO REHABILITATE OR PURCHASE BLIGHTED PROPERTIES.

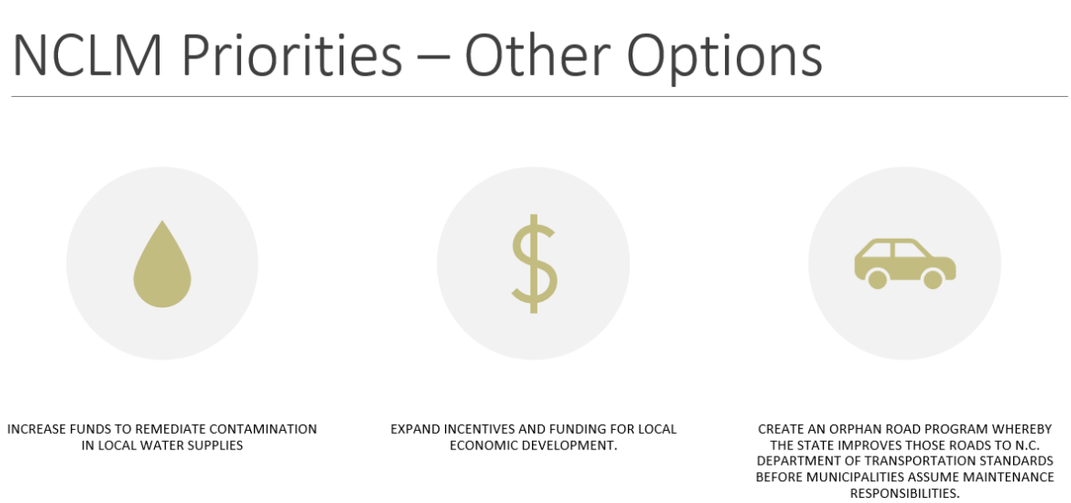
REDUCE REGULATORY CONFLICTS BETWEEN STATE AGENCIES THAT DISCOURAGE VOLUNTARY CONSOLIDATION, MERGER AND INTERCONNECTION OF MUNICIPAL UTILITY SYSTEMS.

PROVIDE LOCAL REVENUE OPTIONS BEYOND THE PROPERTY TAX.

NCLM Priorities – Staff Recommended

UPDATE THE ANNEXATION PETITION THRESHOLDS TO MAKE VOLUNTARY ANNEXATIONS EASIER TO INITIATE.

PROTECT THE ABILITY OF MUNICIPAL ELECTED OFFICIALS, ACTING ON BEHALF OF LOCAL VOTERS, TO DETERMINE ELECTION FORMATS, DISTRICTS AND OTHER ELECTION MATTERS CURRENTLY UNDER THEIR PURVIEW.



Council Member Lyndsey Simpson moved that the City Council approve the 2025 Legislative Priorities Resolution as presented by the City Manager. A unanimous vote of the Council followed. Motion carried.

Resolution #R-25-08

RESOLUTION BY THE HENDERSONVILLE CITY COUNCIL TO ESTABLISH LEGISLATIVE PRIORITIES FOR THE 2025 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY

WHEREAS, the North Carolina General Assembly will convene it's 2025 Long Session on January 8, 2025; and

WHEREAS, the City Council wishes to establish its top legislative priorities for the 2025 Session of the North Carolina General Assembly; and

WHEREAS, the North Carolina League of Municipalities (NCLM) is currently developing its legislative priorities for the 2025 legislative session; and

WHEREAS, it is important that the City Council notify the Henderson County legislative delegation of these priorities prior to legislation deadlines and significant votes.

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

1. The City Council establishes the 2025 City Council Legislative Priorities.
2. The Mayor is authorized to vote on NCLM legislative priorities as discussed by the City Council and documented in the meeting minutes.
3. The City staff is directed to draft (as necessary) proposed legislation to carry out the legislative priorities of the City Council.
4. The Mayor and Mayor Pro Tem are asked to present these legislative priorities to the Henderson County legislative delegation at the earliest possible time.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 8th day of January, 2025.

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

F. Review of the January 2025 Floodplain Workshop – *John Connect, City Manager*

City Manager John Connet presented the draft agenda for the January 22, 2025 Floodplain Workshop Meeting. We've asked members of the State Floodplain Offices to join us. You'll see by this agenda that we've broken it down into five areas.

Draft Agenda
Floodplain Development Workshop
January 22, 2025

1. Overview of Floodplain Mapping
    a. What maps do and don't show
    b. Updating of maps (when and how)
    c. Letter of Map Amendment
    d. Alternative maps
2. Floodplain Regulation 101
    a. What is currently allowed?
    b. Development vs. Redevelopment
    c. Base Floor Elevation
    d. No Rise
    e. Filling of floodplain
    f. 50% Damage Rule
3. What is Reasonable Development ?
    a. Considerations
        i. Percentage of developable property in City/ETJ
        ii. Public safety
        iii. Affordable housing
        iv. Private property rights
4. Floodplain Mitigation / Recovery Information (available for pickup)
5. Future Considerations (information purposes only)
    a. Map updates
    b. CRS participation
    c. Ordinance amendments

11. <u>CITY COUNCIL COMMENTS</u> – None

Council Member Baxter brought up the memorial that Mr. Zafra mentioned in his public comments and wanted to see if any discussions had started with the county and if not, we should start that conversation. City Manager Connet said he would reach out to John Mitchel (County) and see what that may look like.

10. <u>CITY MANAGER REPORT</u>

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

In accordance with North Carolina General Statute (NCGS) 159-13(b) it is required that all expenditures resulting from a contingency appropriation budget be reported to the governing board at its next regular meeting and recorded in the minutes.

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

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

FISCAL YEAR 2024 - 2025 (FY25)
BUDGET AMENDMENTS AND ADJUSTMENTS

Completed | Corrected
Proposed | Denied

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION	APPROVED	TYPE	AMENDMENT NUMBER
010-1400-521225	Training	70,850	-	1,200	69,650	Computer Replacement	yes	adjustment	12/2/2024
010-1010-534000	Non-Capital	93,401	1,200	-	94,601	Computer Replacement	yes	adjumstnet	12/2/2024
010-1002-539005	Health & Welfare Expenditures	82,139	-	82,139	-	Caporoma Earnest Money	yes	Adjustment	12/10/2024
010-0000-534999	Contingency	137,525	-	42,861	94,664	Caporoma Earnest Money	yes	Adjustment	12/10/2024
010-1002-551000	Capital Outlay- Land,Easements,ROW	-	125,000	-	125,000	Caporoma Earnest Money	yes	Adjustment	12/10/2024
060-1002-539005	Health & Welfare Expenditures	115,723	-	115,723	-	Caporoma Earnest Money	yes	Adjustment	12/10/2024
060-0000-534999	Contingency	97,250	-	9,277	87,973	Caporoma Earnest Money	yes	Adjustment	12/10/2024
060-1002-551000	Capital Outlay-Land,Easements,ROW	-	125,000	-	125,000	Caporoma Earnest Money	yes	Adjustment	12/10/2024
060-0000-534999	Contingency	87,973	-	18,800	69,173	Call Center	yes	Adjustment	12/11/2024
060-7002-519200	Contracted Services	85,600	18,800	-	104,400	Call Center	yes	Adjustment	12/11/2024
060-7032-555003	Capital Outlay- Plants, Pump Stations	252,000	-	20,000	232,000	Engine Replacement	yes	Adjustment	12/23/2024
060-7032-524030	R&M Trucks	25,000	20,000	-	45,000	Engine Replacement	yes	Adjustment	12/23/2024

Mr. Connet added that we continue to work with debris removal as it continues to be a major topic among our staff. Our staff is actually driving around the city using GIS map to pinpoint any debris piles so we can provide that to the state contractor to move. We continue to meet with our FEMA consultant and our insurance company and its going to be a lengthy process. We've received some insurance money, but it was very little, kind of an advance on what we spent to date so that's helping us with cash flow. You approved a zero interest loan which is also helping us. It's our priority to really start submitting these grant projects and applications for our reimbursement in the next three weeks. We are also having our staff retreat for the next two days. We're traveling to Boone and we'll have to see how the weather plays out and may have to cut it short on Friday to head back home. We'll be spending our time talking about our experiences with the storm, the incident command system and how we worked as a team. Finally, our public services team is preparing for the snow and putting plows on the trucks and establishing schedules.

13. ADJOURN

There being no further business, the meeting adjourned at 7:08 p.m. upon unanimous assent of the Council.

_____
Barbara G. Volk, Mayor

ATTEST: _____
Jill Murray, City Clerk

MINUTES

January 22, 2025

SECOND MONTHLY MEETING OF THE CITY COUNCIL

CITY HALL - 2ND FLOOR MEETING ROOM | 160 6TH AVENUE E. | 4:00 p.m.

Present: Mayor Pro Tem Dr. Jennifer Hensley and Council Members Lyndsey Simpson, Melinda Lowrance and Gina Baxter

Absent: Mayor Barbara G. Volk

Staff Present: City Manager John Connet, City Clerk Jill Murray, City Attorney Angela Beeker, Communications Manager Allison Justus, Budget & Evaluation Director Adam Murr, and others.

1. CALL TO ORDER

Mayor Pro Tem Jennifer Hensley called the meeting to order at 4:02 p.m. and welcomed those in attendance. A quorum was established with all members in attendance.

2. 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.

3. PRESENTATIONS

A. Floodplain Workshop – *Mike Huffman, Stormwater Director*

City Manager John Connet said we have folks from the State here and our team has put together a presentation for you. We've laid out an agenda where we spend 15 minutes or so talking about Floodplain 101, then we'll spend about 30 minutes talking about floodplain mapping and we'll have 15 minutes or so to talk and answer questions. We're going to keep it to two hours and we are not taking questions from the audience but of course council can ask questions.

Mike Huffman introduced the two guests. Mr. Terry Fox, CFM, NFIP Planner, NC Western Branch and Steve Garrett, CFM, State NFIP Coordinator.

Mike gave the following PowerPoint presentation.

Purpose and Overview

+Explore floodplain regulations, mapping, and reasonable development considerations.

+Equip City Council with tools to guide future floodplain management.

Agenda Overview:

1. Local Floodplain Regulations
2. Overview of Floodplain Mapping
3. Discussion
4. Additional Information – Time permitting

Understanding Floodplain Regulations

The NFIP	Local Floodplain Management Ordinance	Development vs. redevelopment.	Special Flood Hazard Areas
Base Flood Elevation (BFE) and Freeboard requirements.	'No Rise' Requirement and floodplain filling.	Substantial Damage and Improvement	Balancing development with flood risk mitigation.

National Flood Insurance Program

+Provide affordable flood insurance to property owners, reducing the socio-economic impact of floods by mitigating flood risks

+Enables property owners in participating communities to purchase insurance against flood losses

+To qualify for the NFIP, **a community must adopt and enforces a floodplain management ordinance to regulate development in flood hazard areas.**

Local Floodplain Management Ordinance

First adopted on January 7th, 1982.

Amended in 2023 – 160d revisions

Based on state model ordinance

Outlines how the city will regulate development in flood hazard areas

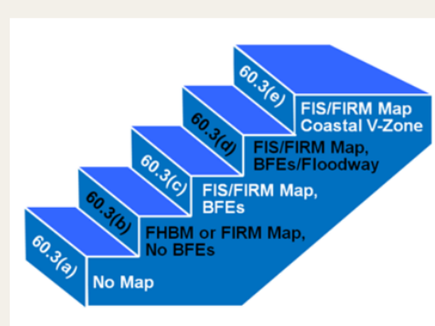
It is the responsibility of the local community to adopt and ENFORCE floodplain development regulations.

Objectives

- **Protect human life, safety, and health;**
- Minimize expenditure of public money for costly flood control projects;
- Minimize the need for rescue and relief efforts associated with flooding
- Minimize prolonged business losses and interruptions;
- **Minimize damage to public facilities and utilities**
- Help maintain a stable tax base
- Ensure that potential buyers are aware that property is in a special flood hazard area;
- **Minimize damage to private and public property**
- Make flood insurance available to the community
- **Maintain the natural and beneficial functions of floodplains.**

Floodplain Development – Flood Ord.

+ Development: any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
+ General Standards (Sec. 24-91): Apply in all special flood hazard areas
+ Specific Standards (Sec. 24-92): all Special flood hazard areas **where base flood elevation (BFE) data have been provided**



The Regulation Staircase

General Standards (Sec. 24-91):

- All new construction and substantial improvements shall:
  - adequately anchored to prevent flotation, collapse, and lateral movement of the structure
  - constructed with materials and utility equipment resistant to flood damage
  - constructed by methods and practices that minimize flood damages
- Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding to the regulatory flood protection elevation
- 13 more provisions:
  - Water/Sewer/ On-site Wastewater systems
  - Subdivision requirements
  - Structures in multiple flood zones
  - Repairs/Alterations

Specific Standards (Sec. 24-92):

- All general standards also apply
- Residential Construction: shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation
- Non-Residential Construction: the reference level, including basement, elevated no lower than the regulatory flood protection elevation may be floodproofed to the regulatory flood protection elevation in lieu of elevation.

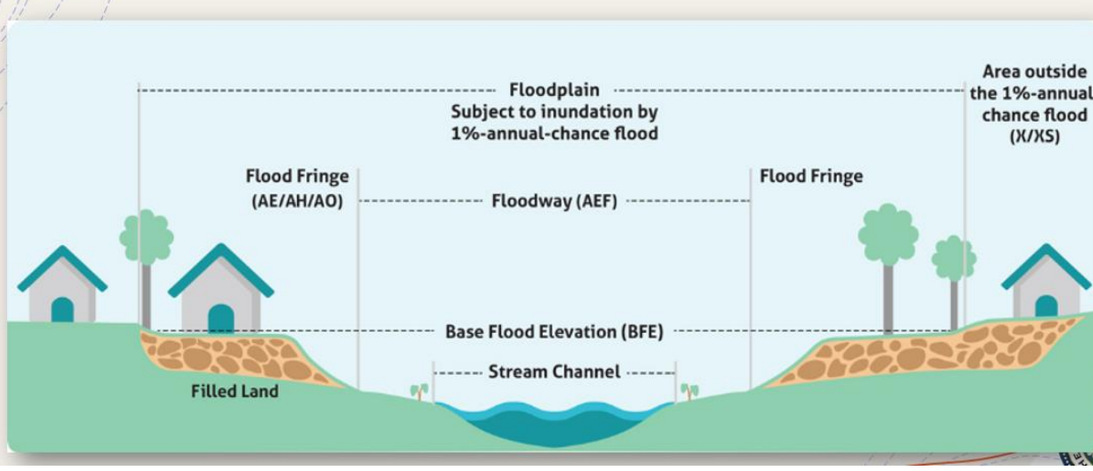
Specific Standards (Sec. 24-92):

- Manufactured Homes:
  - shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation
  - securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement
  - An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas

Floodplain Development -Zoning

Sec. 17-2. - Floodplain protection standards	• Primary objective of floodplain protection standards is to preserve and maintain the natural floodplain in an undisturbed vegetated state to maintain flood storage capacity, control stormwater, improve water quality and conserve plant and wildlife habitat.
17-2-2 - Development allowed in the floodway and special flood hazard area	• Land in the special flood hazard area may be used for **up to 25 percent** of the parking required for the development on the tract • Developer may fill and/or use for development up to **ten percent** of the special flood hazard area contained within the boundaries of any development site
17-2-4 - Redevelopment in the floodway and special flood hazard area	• Allows redevelopment to occur on existing developed sites which no longer function as natural flood plain and when **such redevelopment will not result in any further loss of flood-plain functionality.**

Special Flood Hazard Areas



Special Flood Hazard Areas (SFHA)

+ The land in the **floodplain** subject to a **one percent or greater chance** of being flooded in any given year
+ Floodplain
  + any land area susceptible to being inundated by water from **any source**.
+ Base Flood: 1%-Annual-chance flood
+ Floodways and Non-Encroachment Areas
  + the channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood

Base Flood Elevation (BFE) & Freeboard

Base Flood

- The flood having a one percent chance of being equaled or exceeded in any given year

Base Flood Elevation (BFE):

- Level of water that a flood with a 1% chance of occurring in a year can reach.
- Based on Hydraulic and Hydrologic (H&H) modeling
  - Topography, Rainfall patterns, Water flow, Obstructions

Freeboard

- Height added to the BFE to account for the unknown factors that could contribute to flood heights greater than the height calculated for the base flood and floodway conditions

Regulatory Flood Protection Elevation: BFE + Freeboard

- City of Hendersonville requires 2-foot of freeboard

No-Rise Requirements

+ Applicable in Floodways and Non-Encroachment Areas (NEA)
  + extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles.
  + All General and Specific Provisions Apply
+ No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
  + It is demonstrated that the proposed encroachment would not result in **any increase in the flood levels during the occurrence of the base flood**, based on H&H analyses; or
  + A conditional letter of map revision (CLOMR) has been approved by FEMA. A letter of map revision (LOMR) must also be obtained upon completion of the proposed encroachment

Substantial Damage/Improvement

'50% Rule'

+ Applies to all structures located in the SFHA
+ Substantial Damage: damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure **before** the damage occurred
+ Substantial Improvement: any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50% of the market value of the structure **before the "start of construction"** of the improvement

Overview of Floodplain Mapping

What do floodplain maps show (and not show)?

Updating maps: Process, timing, and triggers.

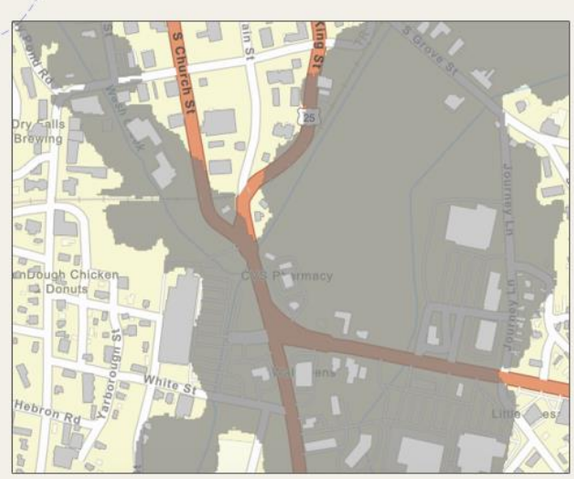
Alternative mapping resources.

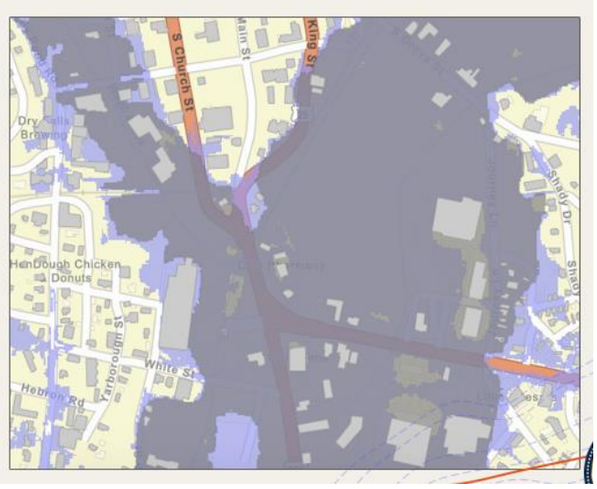
FEMA Flood Maps

- FIS – Flood Insurance Study
  - Report prepared by the FEMA that summarizes an analysis of the flood hazards in a community
- FIRM – Flood Insurance Rate Map
  - Basis for floodplain management, mitigation, and insurance activities in NFIP
  - **Adopted October 2, 2008**
  - Used by lenders/insurance agencies to determine flood risk
  - Helps communities understand flood risk and make informed decisions
  - Created through partnerships between local, state, and federal agencies.

FEMA Flood Maps Limitations

- FIRMs and FIS reports are often dated
- FIRMs and FIS reports are based on models
- FIRMs and FIS reports do not show worst-case scenarios





UPDATING MAPS:

Process

- FEMA Initiated
- Community Initiated
- Community Initiated (CTP)

Letter of Map Change (LOMC)

- LOMA
- LOMR-F

Alternative mapping resources.

Preliminary Flood Insurance Studies → Community Flood Hazard Area (CFHA) → Advisory Flood Studies

What is Reasonable Development?

+ Considerations:
  + Percentage of developable property in the city and ETJ.
  + Public Safety
  + Affordable housing.
  + Private property rights.

https://experience.arcgis.com/experience/bb310e69d23a4655999f8b73d6e016d6/
Ctrl+Click to follow link

Direction for Staff

Closing and Questions

+Acknowledgments

+Input from state technical experts.

+Engagement with community stakeholders.

+Open Floor: Questions, comments, and feedback from City Council.

+Thank You

Steve Garrett gave the following PowerPoint presentation.

Emergency Management
NC DEPARTMENT OF PUBLIC SAFETY

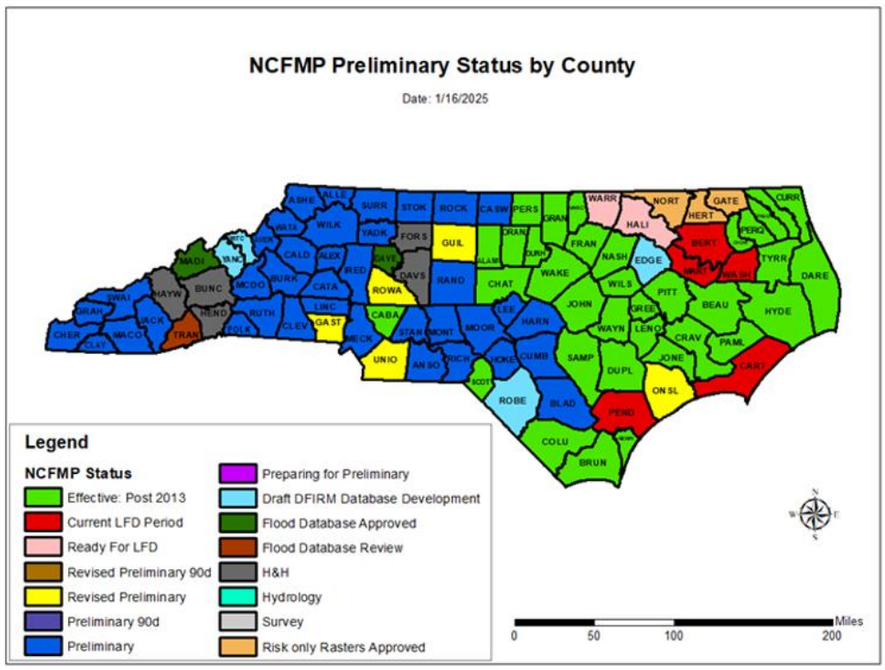
NC Floodplain Mapping Update

January 22, 2025

Emergency Management
NC DEPARTMENT OF PUBLIC SAFETY

NCFPM/FEMA Map Maintenance

Emergency Management
NC DEPARTMENT OF PUBLIC SAFETY



EMAP Accredited

Emergency Management
NC DEPARTMENT OF PUBLIC SAFETY

Flood Map Status: Preliminary Issuance

- Issued
  - October 28, 2022: Caswell, Guilford, Rockingham, Stokes
  - March 31, 2023: Anson, Montgomery, Randolph, Richmond, Rowan, Stanly, Surry, Union, Wilkes, Yadkin
  - September 29, 2023: Alexander, Avery, Burke, Caldwell, Catawba, Gaston, Iredell, Lincoln, McDowell, Mecklenburg
  - March 28, 2024: Bladen, Cumberland, Harnett, Hoke, Lee, Moore; appeal resolutions for Jacksonville and Morehead City
  - October 31, 2024: Alleghany, Ashe, Cherokee, Clay, Cleveland, Eastern Band of Cherokee Indians, Graham, Jackson, Macon, Polk, Rutherford, Swain, Watauga

Emergency Management
NC DEPARTMENT OF PUBLIC SAFETY

Flood Map Status: Preliminary Issuance

- Upcoming
  - Spring 2025: Edgecombe, Mitchell, Robeson, Yancey
  - Fall 2025: Buncombe, Davidson, Davie, Forsyth, Haywood, Henderson, Madison, Transylvania

Emergency Management
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Flood Map Status: Flood Studies Underway

- Active
  - French Broad Basin
    - Survey, Rainfall-Runoff Modeling, and Rain-on-Grid 2D Modeling Complete
    - Buncombe: Hydraulics Complete; DFIRM Database Underway
    - Madison: Hydraulics and DFIRM Database Complete
    - Haywood, Henderson, and Transylvania: Hydraulics and DFIRM Database
- QA/QC Review
  - New Riverine H&H and Mapping
    - Mitchell and Yancey – Approved; Preparing draft DFIRM database
    - Davidson – MOA/LOMR incorporation in progress
    - Forsyth – LOMR incorporation approved

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Helene Updates

Emergency Management
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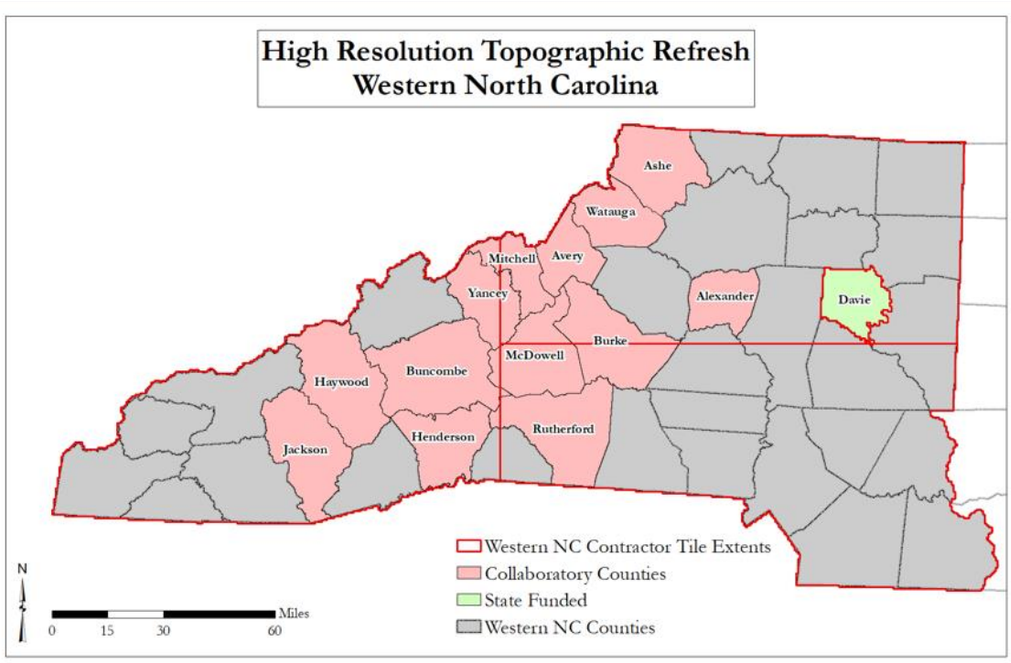

Emergency Management
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Post-Helene Updates

- State of North Carolina in collecting post-Helene Lidar data for 41 Counties this year.
  - Deliverables should be available by the end of the calendar year.
- NCFMP is currently reviewing post-Helene aerial imagery to identify areas where the river/stream channel has been shifted outside the mapped Special Flood Hazard Area boundaries.
- NCFMP will conduct a similar review of post-Helene Lidar data to identify areas where the terrain has been modified by the event.
- NCFMP will update 2-D BLE models and mapping using the updated Lidar data and discuss future FIRM updates with communities.

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Available Flood Hazard Data

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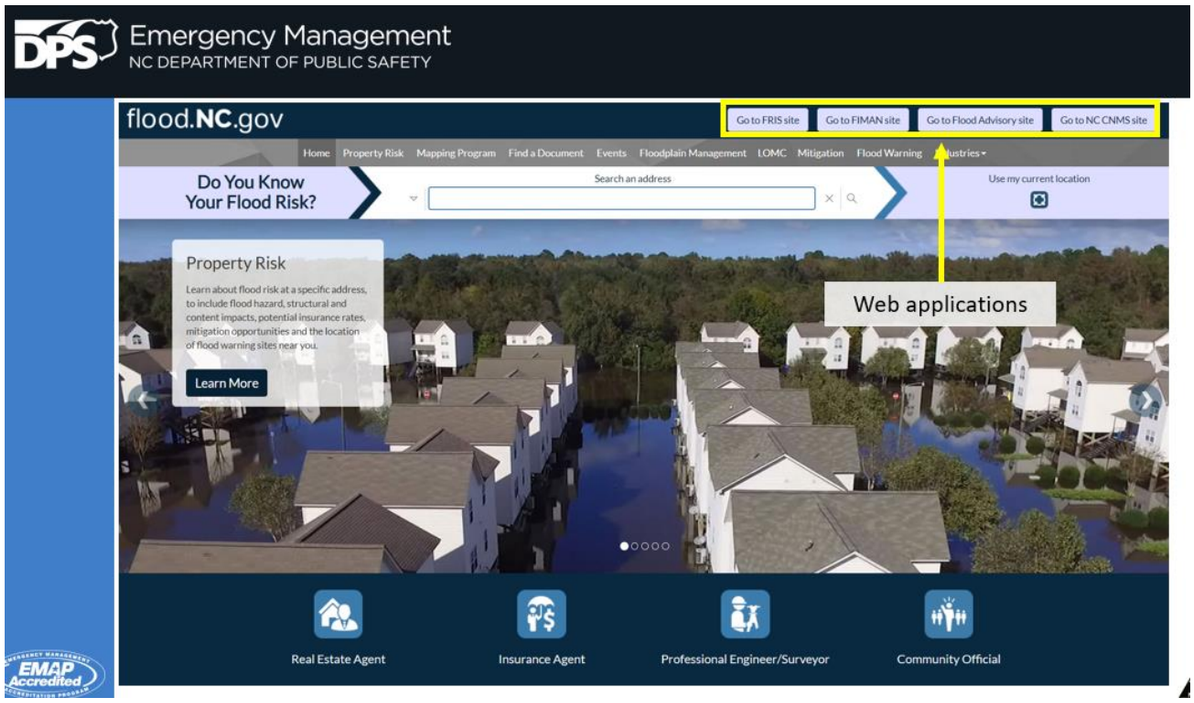
NC DEPARTMENT OF PUBLIC SAFETY

NC Web Applications

- Flood.NC.gov – https://flood.nc.gov/ncflood/
- FRIS – https://fris.nc.gov/ (Ctrl+Click to follow link)
  - New Version Released November 22, 2024
- Advisory Flood Data – https://flood.nc.gov/advisoryflood/
- FIMAN – https://fiman.nc.gov/
  - New Version Released May 1, 2024


Emergency Management
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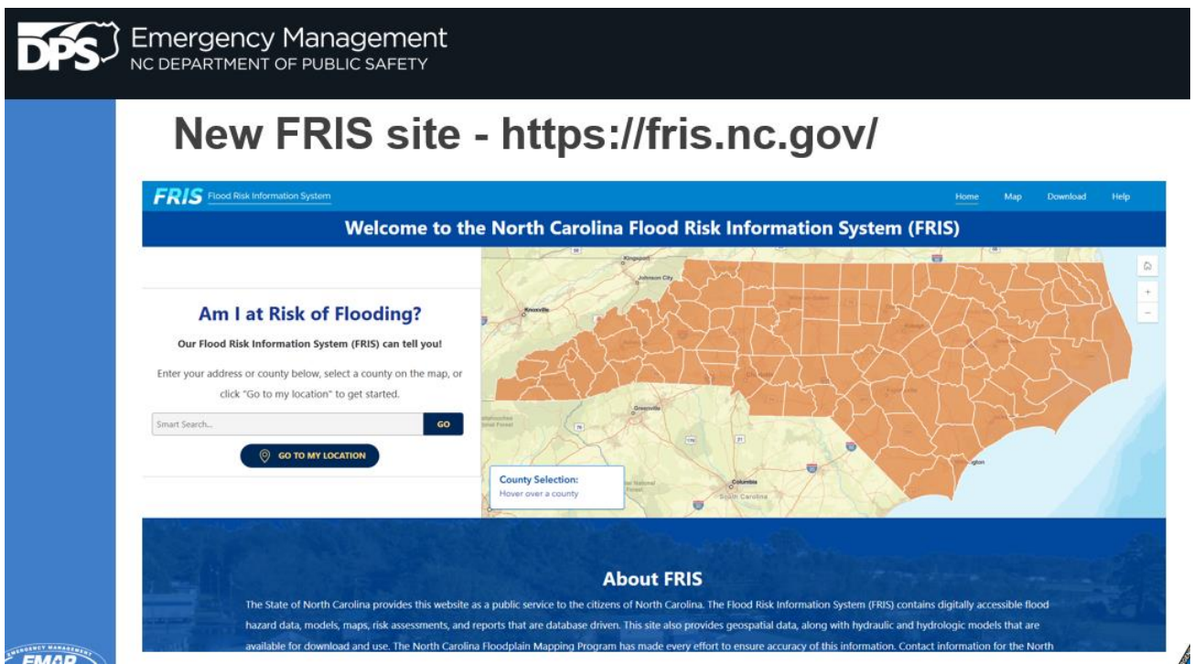
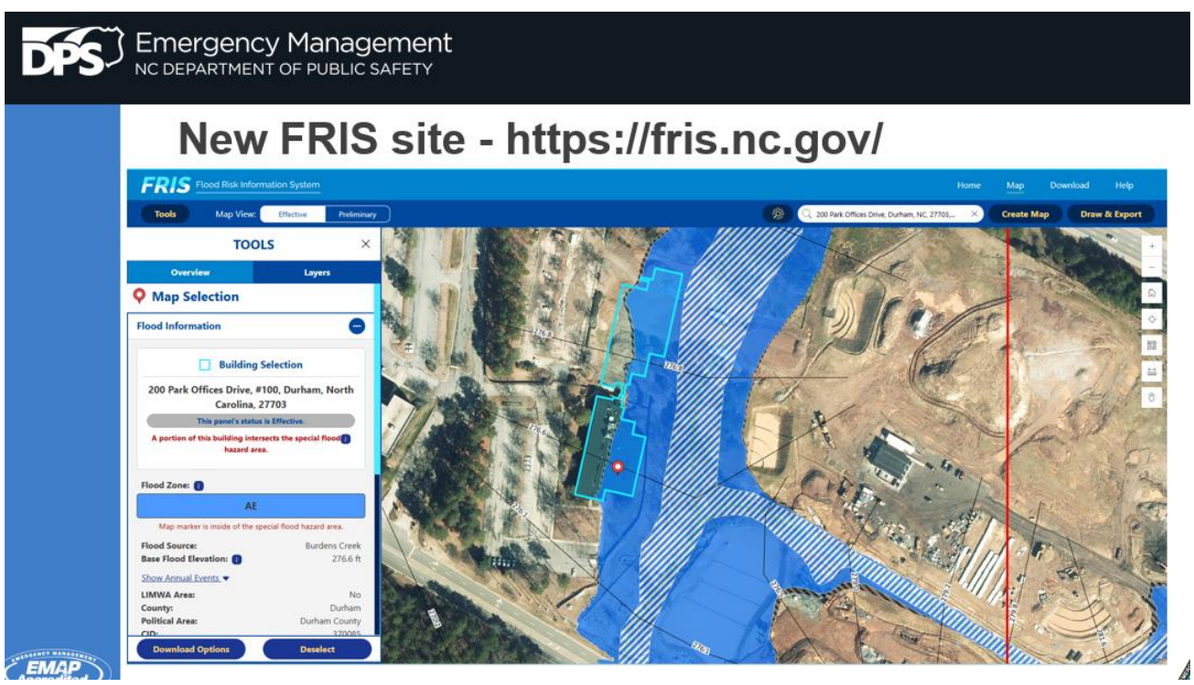
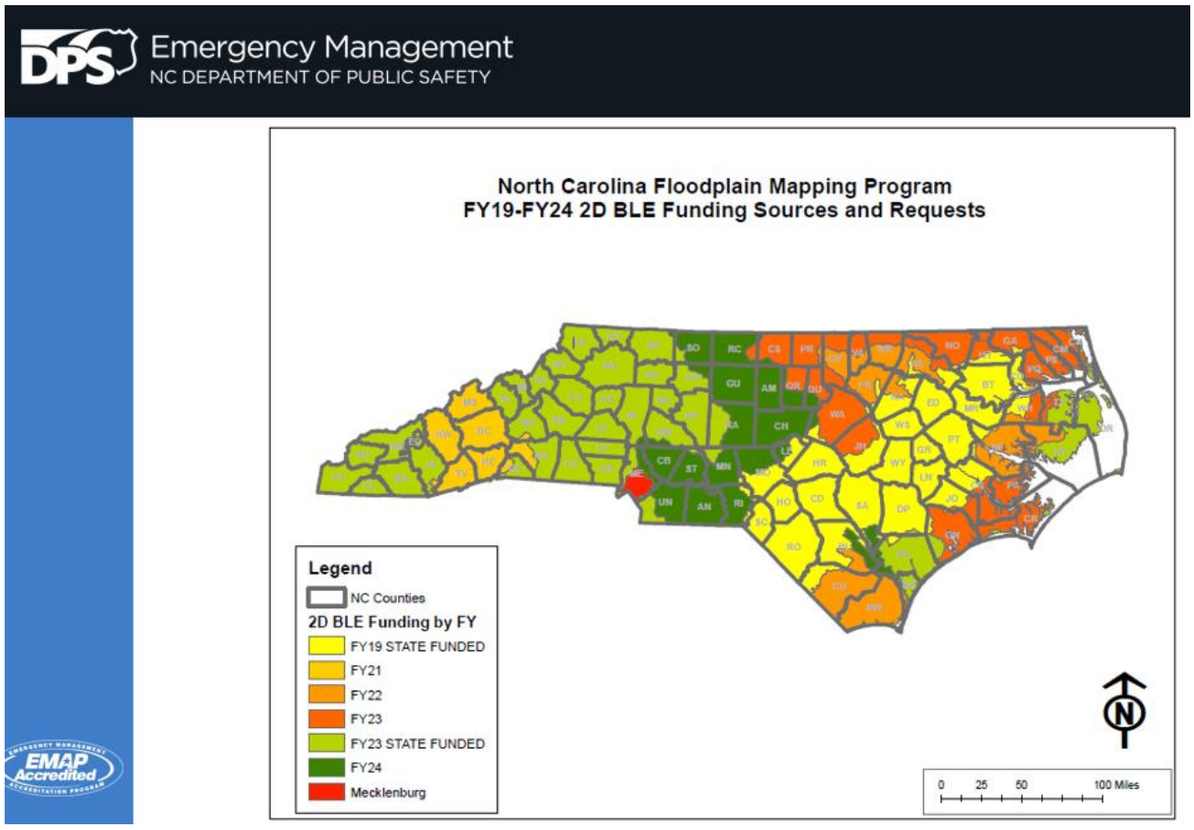
flood.NC.gov
Go to FRIS site
Go to FIMAN site
Go to Flood Advisory site
Go to NC CNMS site
Home
Property Risk
Mapping Program
Find a Document
Events
Floodplain Management
LOMC
Mitigation
Flood Warning
Do You Know Your Flood Risk?
Search an address
Use my current location
Property Risk
Learn about flood risk at a specific address, to include flood hazard, structural and content impacts, potential insurance rates, mitigation opportunities and the location of flood warning sites near you.
Learn More
Web applications
Real Estate Agent
Insurance Agent
Professional Engineer/Surveyor
Community Official


Emergency Management
NC DEPARTMENT OF PUBLIC SAFETY
New FRIS site - https://fris.nc.gov/
FRIS Flood Risk Information System
Home
Map
Download
Help
Welcome to the North Carolina Flood Risk Information System (FRIS)
Am I at Risk of Flooding?
Our Flood Risk Information System (FRIS) can tell you!
Enter your address or county below, select a county on the map, or click "Go to my location" to get started.
Smart Search...
GO
GO TO MY LOCATION
County Selection:
Hover over a county
About FRIS
The State of North Carolina provides this website as a public service to the citizens of North Carolina. The Flood Risk Information System (FRIS) contains digitally accessible flood hazard data, models, maps, risk assessments, and reports that are database driven. This site also provides geospatial data, along with hydraulic and hydrologic models that are available for download and use. The North Carolina Floodplain Mapping Program has made every effort to ensure accuracy of this information. Contact information for the North


Emergency Management
NC DEPARTMENT OF PUBLIC SAFETY
New FRIS site - https://fris.nc.gov/
FRIS Flood Risk Information System
Home
Map
Download
Help
Tools
Map View:
Effective
Preliminary
Create Map
Draw & Export
TOOLS
Overview
Layers
Map Selection
Flood Information
Building Selection
200 Park Offices Drive, #100, Durham, North Carolina, 27703
This panel's status is Effective.
A portion of this building intersects the special flood hazard area.
Flood Zone:
AE
Map marker is inside of the special flood hazard area.
Flood Source: Burdens Creek
Base Flood Elevation: 276.6 ft
Show Annual Events
LIMWA Area: No
County: Durham
Political Area: Durham County
Download Options
Deselect


Emergency Management
NC DEPARTMENT OF PUBLIC SAFETY
North Carolina Floodplain Mapping Program
FY19-FY24 2D BLE Funding Sources and Requests
Legend
NC Counties
2D BLE Funding by FY
FY19 STATE FUNDED
FY21
FY22
FY23
FY23 STATE FUNDED
FY24
Mecklenburg
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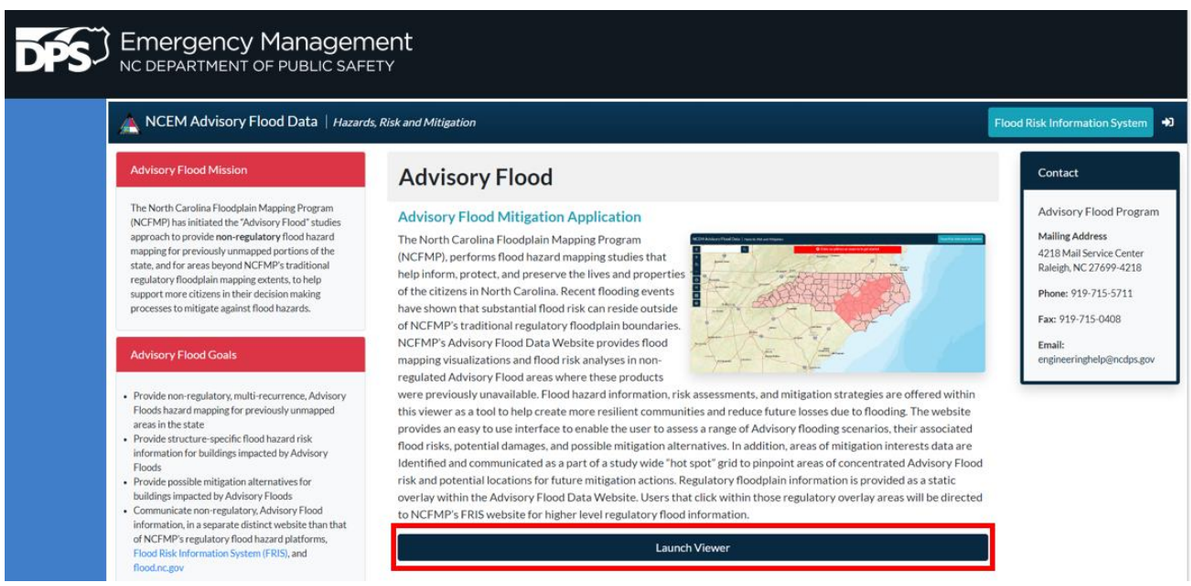
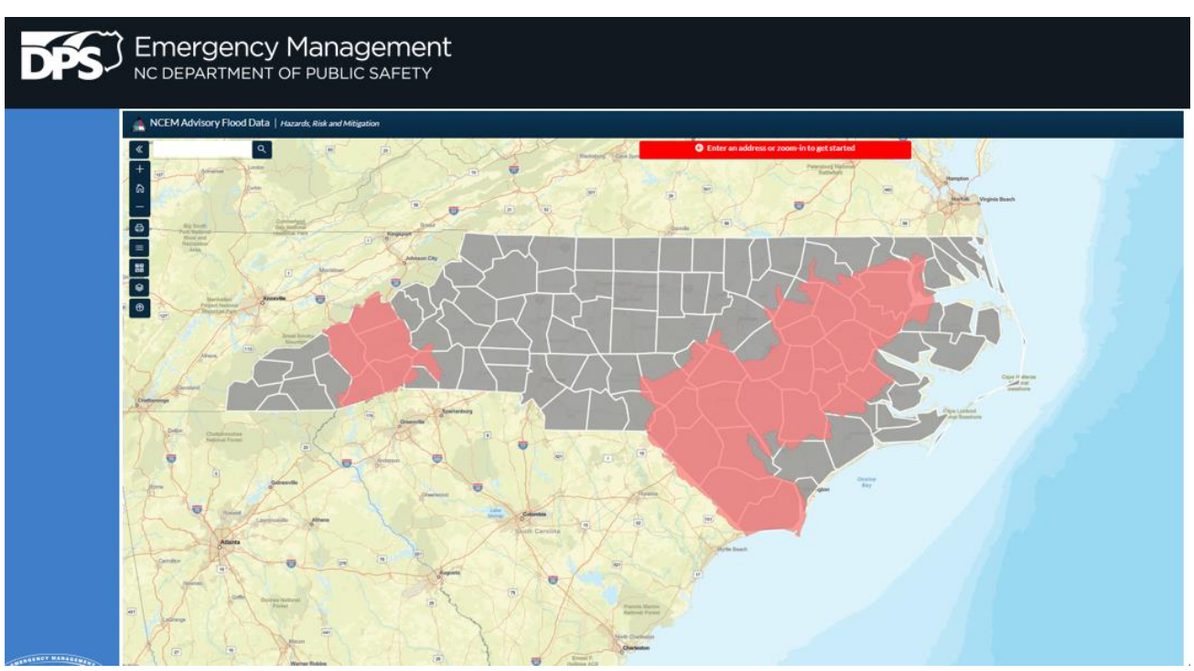
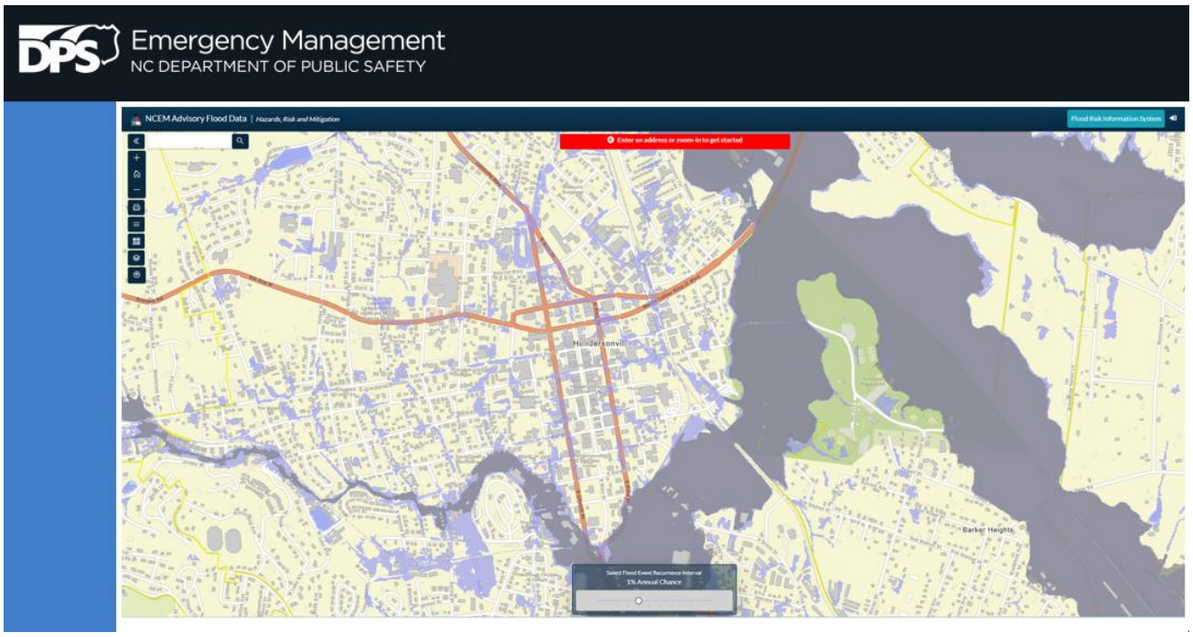
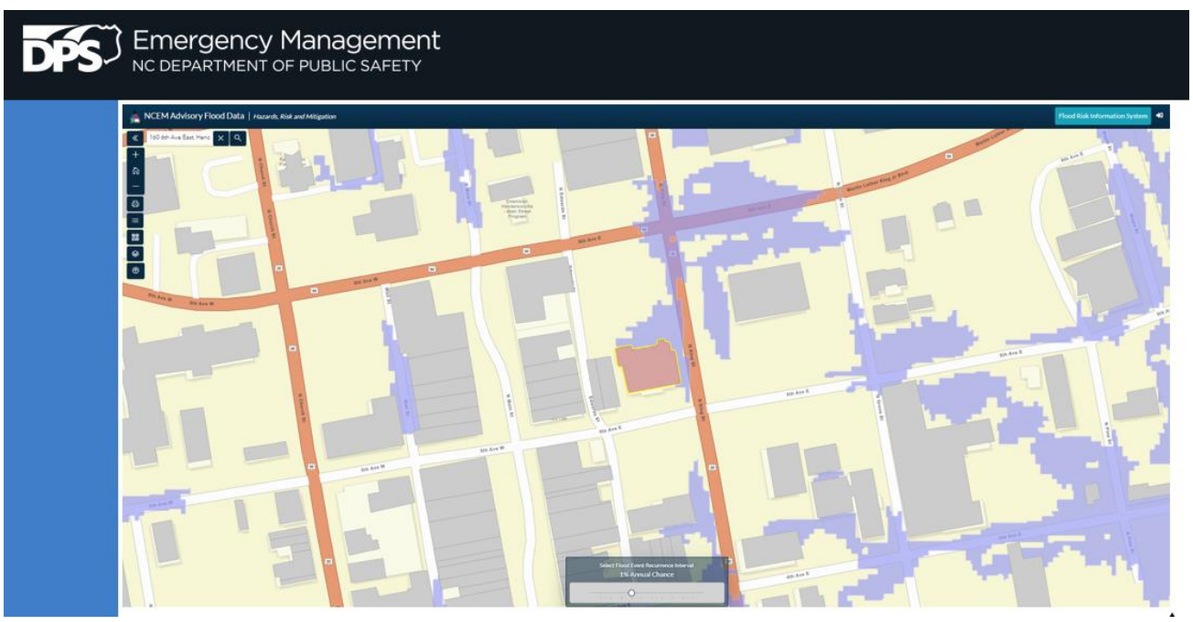
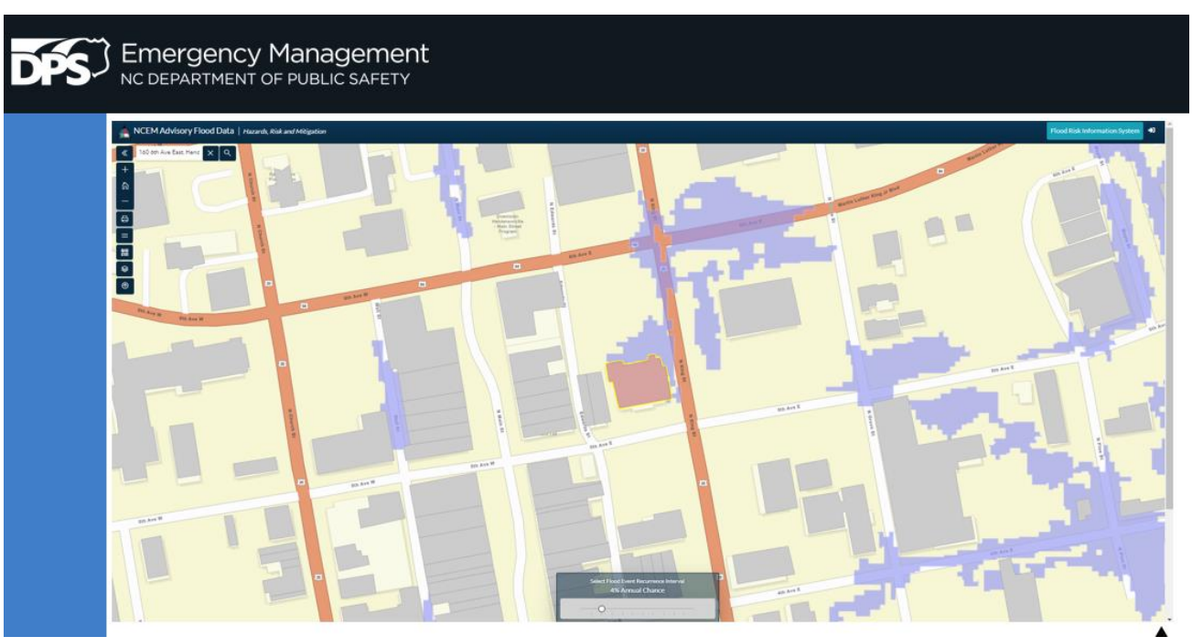
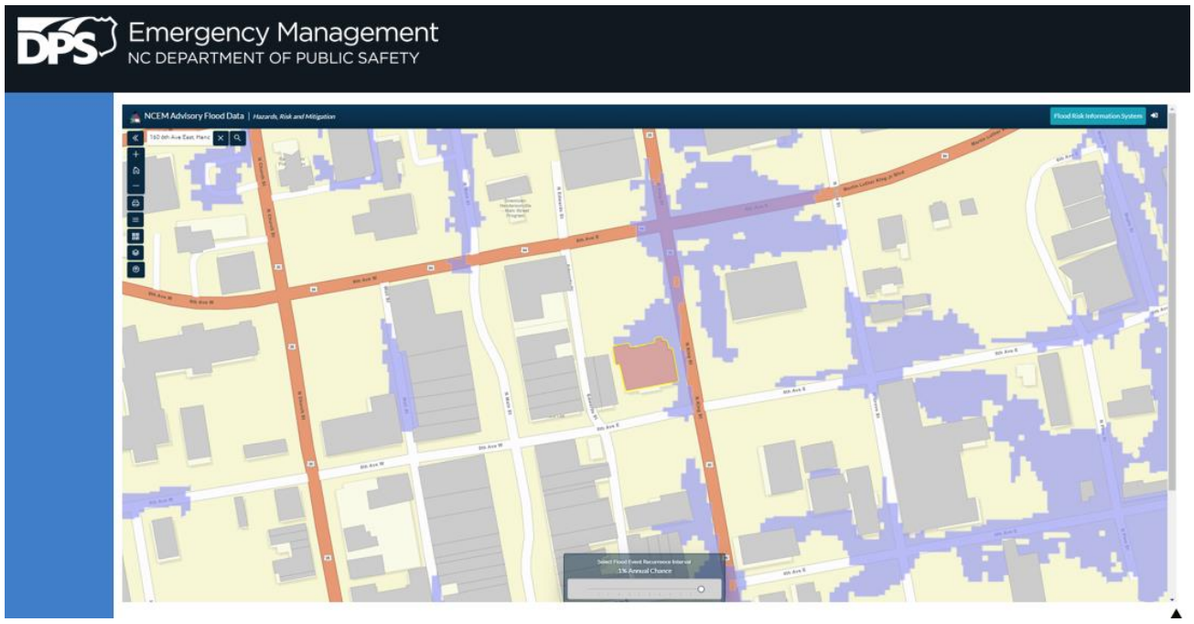

Emergency Management
NC DEPARTMENT OF PUBLIC SAFETY
NCEM Advisory Flood Data | Hazards, Risk and Mitigation
Flood Risk Information System
Advisory Flood Mission
The North Carolina Floodplain Mapping Program (NCFMP) has initiated the "Advisory Flood" studies approach to provide non-regulatory flood hazard mapping for previously unmapped portions of the state, and for areas beyond NCFMP's traditional regulatory floodplain mapping extents, to help support more citizens in their decision making processes to mitigate against flood hazards.
Advisory Flood Goals
Provide non-regulatory, multi-recurrence, Advisory Floods hazard mapping for previously unmapped areas in the state
Provide structure-specific flood hazard risk information for buildings impacted by Advisory Floods
Provide possible mitigation alternatives for buildings impacted by Advisory Floods
Communicate non-regulatory, Advisory Flood information, in a separate distinct website than that of NCFMP's regulatory flood hazard platforms, Flood Risk Information System (FRIS), and flood.nc.gov
Advisory Flood
Advisory Flood Mitigation Application
The North Carolina Floodplain Mapping Program (NCFMP), performs flood hazard mapping studies that help inform, protect, and preserve the lives and properties of the citizens in North Carolina. Recent flooding events have shown that substantial flood risk can reside outside of NCFMP's traditional regulatory floodplain boundaries. NCFMP's Advisory Flood Data Website provides flood mapping visualizations and flood risk analyses in non-regulated Advisory Flood areas where these products were previously unavailable. Flood hazard information, risk assessments, and mitigation strategies are offered within this viewer as a tool to help create more resilient communities and reduce future losses due to flooding. The website provides an easy to use interface to enable the user to assess a range of Advisory flooding scenarios, their associated flood risks, potential damages, and possible mitigation alternatives. In addition, areas of mitigation interests data are Identified and communicated as a part of a study wide "hot spot" grid to pinpoint areas of concentrated Advisory Flood risk and potential locations for future mitigation actions. Regulatory floodplain information is provided as a static overlay within the Advisory Flood Data Website. Users that click within those regulatory overlay areas will be directed to NCFMP's FRIS website for higher level regulatory flood information.
Launch Viewer
Contact
Advisory Flood Program
Mailing Address
4218 Mail Service Center
Raleigh, NC 27699-4218
Phone: 919-715-5711
Fax: 919-715-0408
Email:
engineeringhelp@ncdps.gov

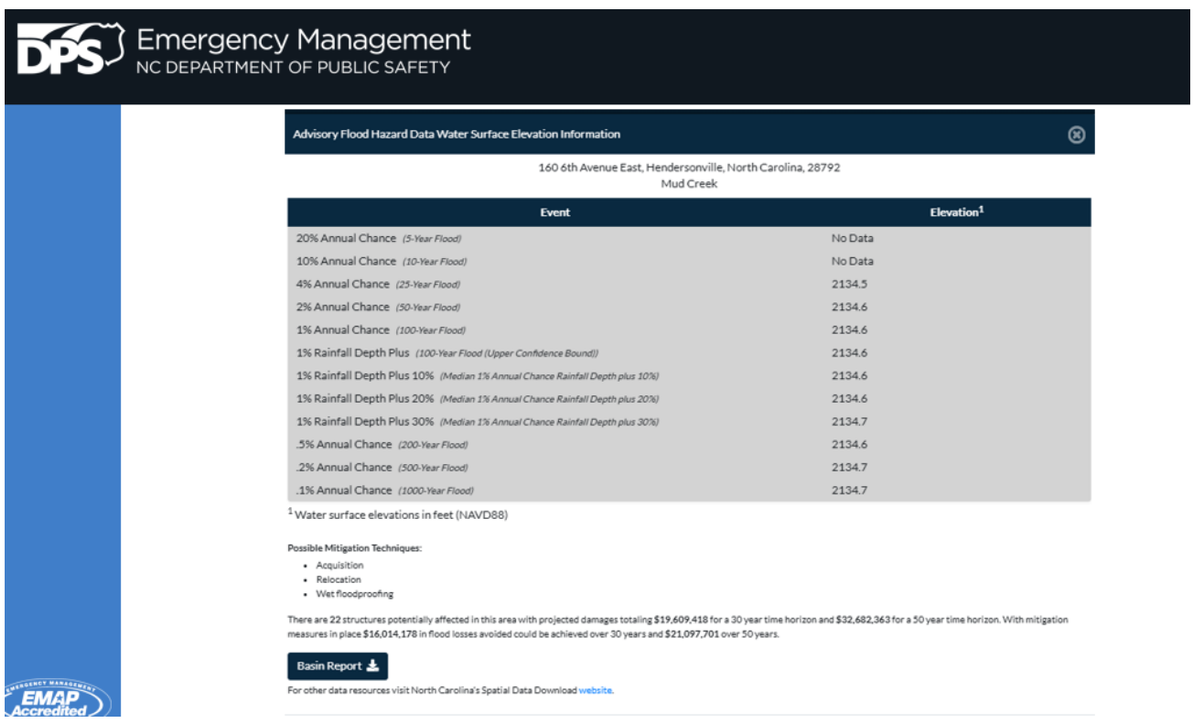

Emergency Management
NC DEPARTMENT OF PUBLIC SAFETY
NCEM Advisory Flood Data | Hazards, Risk and Mitigation
Enter an address or zoom-in to get started


Emergency Management
NC DEPARTMENT OF PUBLIC SAFETY
NCEM Advisory Flood Data | Hazards, Risk and Mitigation
Flood Risk Information System
Enter an address or zoom-in to get started
Hendersonville
Barker Heights
Select Flood Event Recurrence Interval
1% Annual Chance


Emergency Management
NC DEPARTMENT OF PUBLIC SAFETY
NCEM Advisory Flood Data | Hazards, Risk and Mitigation
Flood Risk Information System
160 4th Ave East, Hend
Select Flood Event Recurrence Interval
1% Annual Chance


Emergency Management
NC DEPARTMENT OF PUBLIC SAFETY
NCEM Advisory Flood Data | Hazards, Risk and Mitigation
Flood Risk Information System
160 4th Ave East, Hend
Select Flood Event Recurrence Interval
4% Annual Chance





Mike Huffman emphasized that City Council can adopt what they want but they have to be ready and willing to enforce it.

City Attorney Angela Beeker gave a brief overview of Moratoria. She explained that a moritorium is a temporary halt or pause on some type of development and you do that by halting or pausing the issuance of development permits like zoning permits, building permits, certificates of appropriateness. It's any type of administrative or quasi-judicial approval and you do that through the adoption of an ordinance and it's up to City Council to set up the parameters in the ordinance.

Moratoria – NCGS § 160D-107

- May not adopt a moratorium for the purpose of developing new or amended plans or regulations governing residential uses.
- Public Hearing is Required – more notice given if 61+ days
- Vested projects exempted
  - BP issue
  - SUP applied for
  - Common law vested right established
  - Preliminary for final subdivision plat applied for prior to public hearing
- Required Statements:
  - Problems or conditions necessitating moratorium
  - What alternatives to a moratorium were considered and why the alternatives were not deemed adequate
  - Which development approvals* will be subject to a moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.

    *Administrative and quasi-judicial approvals only.
  - A date for termination, and why that duration is reasonably necessary to address the problems or conditions stated.
  - A statement of the actions, and a schedule for those actions, proposed to be taken during the moratorium to address the problems or conditions stated.
- Cannot be extended or renewed unless all actions steps taken and new facts and conditions arise warranting the extension or renewal.

John Connet said we are lucky to have Miike Huffman and thank you to our engineering team and our GIS team.

Additional Information - Time-Permitting Topics

+ Community Rating System (CRS) participation and benefits.
+ Possible ordinance amendments.
+ Comparison of regulations in neighboring jurisdictions.
+ Floodplain mitigation and recovery strategies.

Things that Council may want to think about:

- Development that occurred pre 1982. The comp plan does talk about areas that may have been developed prior to the floodplain maps that we would encourage over time that at least part of that property would be returned to floodplain if it's feasibly possible. We could do that through the FEMA buyout program. It's gonna have to be voluntary or the city will have to buy out those properties from those owners at fair market value. That is one thing to think about with development around the floodplain.

- In the zoning ordinance relating to fill, 25% of the development's parking can be in the floodplain but they cannot fill that area.

Mike Huffman continued to answer many questions from Council.

City Manager Connet finished by saying we will bring a menu of things bck to you all to have a look at, pros and cons and run it by our advisory committees and go through the process.

4. CITY COUNCIL COMMENTS

Mayor Pro Tem Hensley said this was a lot to take in and very informative but also very helpful and we appreciate having such great staff to guide us through and help us to learn so we can make good decisions moving forward and be better elected officials and policymakers.

City Council Member Lowrance said that she hopes in the future we will be able to better communicate to the underserved comunities that were highly impacted by the floodwaters as they felt like they didn't get information in a timely manner.

5. ADJOURN

There being no further business, the meeting was adjourned at 6:01 p.m. upon unanimous assent of the Council.

_____
Jennifer Hensley, Mayor Pro Tem

ATTEST:

_____
Jill Murray, City Clerk

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Adam Murr **MEETING DATE:** 02/12/2025

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

TITLE OF ITEM: State and Local Cybersecurity Grant Project Ordinance and Reimbursement Resolution – *Adam Murr, Budget & Eval. Director*

SUGGESTED MOTION(S):

I move City Council adopt the Project Ordinance and Reimbursement Resolution for the State and Local Cybersecurity Project #G2502 as presented.

SUMMARY:

General Statute 159-13.2 provides North Carolina local governments the power to grant and maintain capital and grant project ordinances (CPOs and GPOs).

State and Local Cybersecurity Grant, #G2502. A grant project ordinance and reimbursement resolution reflecting the receipt and appropriation of grant funds from the U.S. Department of Homeland Security's State and Local Cybersecurity Grant Program (SLCGP). The City of Hendersonville is a subrecipient of funds through the North Carolina Department of Public Safety, Division of Emergency Management. The recommended GPO appropriates a total of $199,286 for cybersecurity exercises, programming, and hardware.

BUDGET IMPACT: Attached Project Ordinance and Reimbursement Resolution.

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

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

ATTACHMENTS:

1. Grant Project Ordinance #G2502.
2. Reimbursement Resolution #G2502.

Ordinance #_____

GRANT PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE STATE AND LOCAL CYBERSECURITY GRANT PROJECT, #G2502

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

Section 1: The project authorized is a City project described as the State and Local Cybersecurity Grant Project, #G2502.

Section 2: The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	1010	N/A	G2502	SLCGP Grant Expenditures	$199,286
				Total Project Appropriation	**$199,286**

Section 3: The following revenues are anticipated to be available via grant proceeds:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	0000	420050	G2502	Grant (SLCGP 2025)	($199,286)
				Total Project Appropriation	**($199,286)**

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

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

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

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

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

Section 9: The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February 2025.

Attest:

_____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

Resolution #_____

HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE

BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina, this declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of HENDERSONVILLE, North Carolina (the "Issuer") with respect to the matters contained herein.

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE STATE AND LOCAL CYBERSECURITY GRANT PROJECT (#G2502), ORDINANCE #_____ (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Project(s) with the grant revenue to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is $199,286.

Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February 2025.

_____
Barbara G. Volk, Mayor, City of Hendersonville

Attest:

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Angela Beeker, City Attorney **MEETING DATE:** February 12, 2025

AGENDA SECTION: CONSENT **DEPARTMENT:** Legal Department

TITLE OF ITEM: Amendments to Fee Schedule to Reinstate Late Fees and Disconnection for Delinquent Utility Accounts– *Angela S. Beeker, City Attorney*

SUGGESTED MOTION(S):

I move City Council to adopt **AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE BUDGET ORDINANCE TO REINSTATE LATE FEES AND DISCONNECTIONS FOR DELINQUENT UTILITY ACCOUNTS**, as presented.

SUMMARY:

Attached for City Council's consideration is the proposed **AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE BUDGET ORDINANCE TO REINSTATE LATE FEES AND DISCONNECTIONS FOR DELINQUENT UTILITY ACCOUNTS**

City Council is requested to adopt this ordinance as presented.

ATTACHMENTS:
Draft Ordinance

Ordinance #___-____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE BUDGET ORDINANCE TO REINSTATE LATE FEES AND DISCONNECTIONS FOR DELINQUENT UTILITY ACCOUNTS

WHEREAS, the City Council of the City of Hendersonville ("City Council") adopted a fee schedules as part of the FY25 budget ordinance; and

WHEREAS, the City of Hendersonville and its residents have suffered devastating impacts due to Hurricane Helene, and will be in a state of recovery for a considerable period of time; and

WHEREAS, the City Council amended the fee schedule to eliminate certain late fees and disconnections fees during the Mayoral declared State of Emergency due to Hurricane Helene to assist in the recovery efforts; and

WHEREAS, City Council wishes to reinstate late fees and utility disconnections;

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

Section I. Amendment to Fee Schedule Adopted Pursuant to Section 8 of the FY25 Budget Ordinance

The official fee schedule adopted pursuant to Section 8 of the FY25 Budget Ordinance is hereby amended as follows:

[Remainder of this page left blank intentionally.]

CITY OF HENDERSONVILLE FIRST AMENDMENT FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2024-2025

Public Hearing required for items denoted with asterisk

DEPARTMENT / DESCRIPTION	COST / CHARGE / FEE
ADMINISTRATION	
General	
Clerk's Certification of Public Records	$3.00 per page (after first page)
Application for Certificate of Public Convenience & Necessity (taxicab)	$60.00
Horse-Drawn Carriage Permit	$60.00
Flash Drives:	
0-8 GB	$5.00 each
16-128 GB	$7.00 each
>/= 128 GB	$20.00 each
Copy Charges (per page)	
Black	$0.15
Color	$0.25
City Council Agenda Subscription	
Meeting Subscription & Printing	$16.00 per agenda packet
Annual Subscription & Printing	$180.00 per fiscal year
Special Event Fees	
Event Application Fee	$25.00 per application
Class A Special Event Closure (High-Impact full Main Street MSD Closure)	$700.00 per day
Class B Special event closure (moderate impact, full Main Street MSD Closure)	$450.00 per day
Class C Special Event Closure (Full Main Street with Avenues Open	$300.00 per day
Class D Special Event Closure (Closure of 2 blocks or less)	$75.00 per block, per day
Class E - Special Event Closure (Closure of parking spaces at Courthouse Plaza)	$50.00 per day
Multi-Day Food Vendors	$55.00 per day
COMMUNITY DEVELOPMENT	
FEES - For so long as the Mayor's Declared State of Emergency is in effect for Hurricane Helene, Community Development Fees marked with a "#" are reduced to "$0.00".	
General- Zoning Compliance	
Zoning Verification Letter #	$50.00
Non-Conforming Use Alteration Request (BOA Review) #	$100.00
Variance Request (BOA Review) #	$75.00
Certificate of Appropriateness (Minor work) #	$50.00
Certificate of Appropriateness (Major work) #	$75.00
Telecommunications Towers, Antennas and Equipment	
Small Wireless Facilities (first 5 facilities)	$100.00 each
Additional small wireless facilities on the same application	$50.00 each
Administrative Review	No Charge
General -Copy & Scan Charges Per Page	
Black	$0.15
Color	$0.25
~~Conditional Use~~	~~$200~~
Copy Charges (per page)	
Black	$0.15
Color	$0.25
General - Copy & Scan Charges Per Page	
Large Format Copy	$10.00
Large Format Scan	$5.00
Zoning Map	$5.00

Future Land Use Map Copy	$5.00
General - Code Enforcement	
Nuisance Fee (Admin. Cost Doubles for each Offense within a Year)	Cost + $100.00 Admin. Cost
Encroachment Permit	
Outdoor Dining Fee (Annual)	$0.50 per Sq. Ft.
Demolition	
Demolition Admin Fee #	$100.00
Payments in Lieu	
In Lieu - Sidewalks	$75.00 per Linear Ft.
In Lieu - Trees	$1.53 per Sq. Ft
Rezoning Requests	
Zoning Ordinance Map Amendment (Standard Rezoning)	
Commercial or Industrial	$275.00
Residential < 3 acres	$175.00
Residential > 3 acres	$225.00
Zoning Map Amendment (Conditional Rezoning)	
Conditional Rezoning - Legislative Process	$100 per acre, $500 minimum
Final DRC Review	$500.00
Zoning Ordinance Text Amendments	$175.00
Site Plan Reviews & Amendments	
Commercial, Industrial or Institutional	
5,000 - 19,999 square feet in floor area	$300.00
20,000 - 50,000 square feet in floor area	$450.00
Residential Developments	
3 - 10 dwellings	$300.00
11 - 50 dwellings	$450.00
Traffic Impact Analysis Study (Administrative Review)	$1,000.00
Plat Review	
Subdivision Plats	$20.00 per lot
Street Closing Petition ($1,000 deposit)	$1,000.00
Annexation Petition & Plat Review	
Contiguous	$300.00
Satellite	$450.00
PERMITS	
General- Zoning Compliance	
Zoning Compliance Permit #	$50.00
Temporary Use Permit # (**The fee shall be reduced to $0.00 for temporary residential uses only**)	$60.00
Special Use Permit #	$200
Floodplain Development Permit #	$300.00
Telecommunications Towers, Antennas and Equipment	
Basic Permit (C-3, I-1)	$450.00
Special Use Permit1	$2,500.00
Sign Permits	
Sign Compliance Permit #	$75.00
~~Special Use Permit~~	~~$200~~
Note 1: Applicable only to applications required to meet the additional standards contained in Section 16-4-23.4.	
Note 2: Fees for towers proposed for siting in PCD or PID district are included in the fee for conditional use review.	
FIRE DEPARTMENT	
General	
FEES	
Construction Plans Review	
Commercial hood suppression systems	$100.00

Explosives and fireworks	$100.00
Petroleum tanks and appurtenances	$100.00
Sprinkler systems, fire alarm systems and Emergency Responder Radio Coverage Systems	
Minimum up to 1,000 square feet	$50.00
1,001 - 5,000 square feet	$100.00
5,001 - 10,000 square feet	$150.00
10,001 - 25,000 square feet	$200.00
25,001 - 50,000 square feet	$250.00
50,001 - 100,000 square feet	$300.00
100,001 - 200,000 square feet	$350.00
Over 200,000 square feet	$400.00
Work without a permit	$250.00
Fire Inspection Fees - Fire Inspection fees for inspections of facilities damaged by Hurricane Helene shall be $0.00.	
Minimum up to 1,000 square feet	$50.00
1,001 - 5,000 square feet	$100.00
5,001 - 10,000 square feet	$150.00
10,001 - 25,000 square feet	$200.00
25,001 - 50,000 square feet	$250.00
50,001 - 100,000 square feet	$300.00
100,001 - 200,000 square feet	$350.00
Over 200,000 square feet	$400.00
R-2 & S Occupancies (Apartment Complexes, Storage Units, etc.)	
1-20 Units	$50.00
21-50 Units	$100.00
51-100 Units	$150.00
101-150 Units	$200.00
151-200 Units	$250.00
201-250 Units	$300.00
251-300 Units	$350.00
Over 300 Units	$400.00
PENALTIES	
Re-inspection Fee (Follow-up) per re-inspection	$100.00
Annual Non-Compliant Inspection Fee	$250.00
Hazardous Material Response Fees	
Chief Officer - per officer (per hr.)	$75.00
Engine Company Response - per engine (per hr.)	$150.00
Fire Marshal/Deputy Fire Marshal - per person (per hr.)	$50.00
Ladder/Truck Response - per ladder/truck (per hr.)	$200.00
Materials/Supplies Used	Actual replacement cost
Off Duty/Call Back Personnel	Average hourly rate x 1.5
Site Assessment Fee	$50.00
PERMITS	
Operational Permits	
ABC License Fee	$50.00
Amusement Buildings	$50.00
Carnival and Fairs	$50.00
Combustible dust-producing operations	$100.00
Covered and Open Mall Buildings	$50.00
Exhibits and trade shows (per event)	$50.00
Explosives	$100.00
Flammable and Combustible Liquids	$100.00
Fumigation and thermal insecticide fogging	$100.00
Liquid or gas-fueled vehicles or equipment in assembly buildings	$100.00

Private Hydrants	$50.00
Pyrotechnic special effects material	$100.00
Spraying and Dipping	$100.00
Temporary membrane structures, tents, and canopies (excludes special event:	$50.00
Construction Permits	
Automatic fire extinguishing systems	$100.00
Battery systems	$100.00
Compressed gas	$100.00
Cryogenic fluids	$100.00
Emergency responder radio coverage system	$100.00
Fire alarm and detection systems and related equipment	$100.00
Fire pumps and related equipment	$100.00
Flammable and Combustible liquids	$100.00
Gates and barricades across fire apparatus access roads	$100.00
Hazardous Materials	$100.00
Industrial Ovens	$100.00
LP Gas	$100.00
Private fire hydrant	$100.00
Smoke control or smoke exhaust systems	$100.00
Solar photovoltaic power systems	$100.00
Spraying and Dipping	$100.00
Standpipe systems	$100.00
Temporary membrane structures, tents, canopies (per site, excludes special ev	$50.00
PENALTIES	
Illegal Burn Fee	$100.00

FINANCE	
General	
Beer License - On Premises	$15.00
Beer License - Off Premises	$5.00
Carnival Permit	$100/week + $5 per device
Delinquent Account Fee ~~Delinquent Account Fees shall not be assessed against accounts becoming delinquent during the period of time that the Mayoral declared State of Emergency for Hurricane Helene is in effect. Delinquent Account Fees for delinquencies predating the State of Emergency shall continue to be assessed. Delinquencies remaining after the termination of the Mayoral declared state of emergency shall be assessed from and after the date of termination of the state of emergency, but shall not be retroactively applied for the period of the state of emergency.~~	$40.00
Returned item fee	$25.00
Itinerant Merchant/Peddlers Permit	$100.00
Utility Application Fee	$10.00
Motor Vehicle Tag Fee	$15.00
Wholesale Dealers License - Beer Only	$37.50
Wholesale Dealers License - Wine Only	$37.50
Wholesale Dealers License - Beer & Wine	$62.50
Wine License - On Premises	$15.00
Wine License - Off Premises	$10.00

Note: In accordance with G.S. 105-113.77 and G.S. 105-113.79 If a business has multiple locations in one county or city, that business will need to obtain separate ABC licenses for each location. City beer and wine taxes must increase by 10% for each additional license of the same type issued to the same taxpayer for use at a separate location. Furthermore, G.S. 105-236 applies penalties for failure to pay for and obtain local beer and wine license taxes. Operating a business without the required privilege license triggers a monthly penalty of 5 % of the applicable privilege license tax, up to a total of 25 %. Failure to pay the required tax triggers a separate 10% penalty. These violations are also Class 1 misdemeanors.

POLICE	
FEES	
Fingerprinting	$10.00
Precious Metals Dealer Background Check	$75.00
PENALTIES	
Precious Metals Dealer Permit	$180.00
PARKING	
FEES	
Lost Ticket Fee (Parking Deck)	$20.00
Lost/Replacement/2nd Parking Deck Puck	$25.00
Monthly Parking Space - Deck Permit	$80.00
Monthly Parking Space - Exterior Lot Permit	$25.00
Monthly Parking Space - Interior Lot Permit	$60.00
Special Event Rate	$10.00 per session
Parking Meter - Main St. and Avenues	$0.50 per 15-minutes (5-hour max.)
Parking Meter - Surface Lots and Decks	$0.75 per 30-minutes ($10 max. per session)
PENALTIES	
Illicit Crosswalk Parking	$25.00
Illicit Fire Hydrant Parking	$100.00
Illicit Fire Lane Parking	$100.00
Habitual Parking Offender (3 Tickets or more in 30 days)	$100.00
Illicit Handicapped Parking	$250.00
Illicit Loading Zone Parking	$25.00
Overtime/Expired Meter Parking	$25.00
Penalty after 30 days additional	$50.00
Penalty after 60 days additional	$100.00
Construction parking permit (per day)	$15.00
All Other Parking Violations Chapter 50	$25.00
PUBLIC WORKS	
FEES	
Boyd Park Mini-Golf Admission	
Adults	$3.00
Children	$2.00
Course Rental (half day - with concessions) *At the discretion of the City	$300.00
Course Rental (half day - without concessions) *At the discretion of the City	$200.00
General	
Backhoe (per hour)	$125.00
Building Maintenance Fees (per hour)	$75.00
Bush Hogs/Tractor Mowing (per hour)	$80.00
Electrical Usage - 20 Amps or Less (at parks)	$25.00 per day
Electrical Usage– 21 Amps - 50 Amps (at parks)	$50.00 per day
Electrical Usage - over 50 Amps (at parks)	$100.00 per day
Fleet Maintenance Fees (per hour)	$100.00
Sidearm Mower Rental (per hour)	$125.00
Water/Flusher Truck (per load)	$100.00
Weed Eater/Hedge Trimmer (per hour)	$40.00
Asphalt Curb Installation - per linear foot	$15.00
Oakdale Cemetery	
City Resident (per grave space)	$1,000.00
Out of City Resident (per grave space)	$2,000.00
Mausoleum Space	$5,000.00
Temporary Grave Marker Not Installed - Fine[1]	$100.00
Operation Center Room Rental Rates	
Large Assembly Room (5 p.m. - 10 p.m.)	$100.00
Railroad Depot Room Rental Rate	
Meeting Room (8 a.m. - 5 p.m.)	$100.00
Meeting Room (5 p.m. - 10 p.m.)	$50.00
Park Usage	

Patton Park - Small Pavilion	$25.00 per half day
Patton Park - Large Pavilion (May through September)	$50.00 per half day
Patton Park - Field Usage for Organized Groups (per player per season)	$30.00
Patton Pool	
Daily Admittance Fee (adults)	$5.00
Daily Admittance Fee (children) (3yrs or younger will be free with adult)	$4.00
Lap Swim	$4.00
Paving Cut Repairs	
Mobilization/Base Fee (cuts less than or equal to 25square feet)	$600.00
Repair fee per square foot, greater than 25 square feet	$12.00/sqft
Concrete & Sidewalk Mobilization/Base Fee (cuts less than or equal to 25squ	$600.00
Concrete Curb and Sidewalk Replacement (W&S Cut Repairs per Sq ft over 2	$25.00 / sqft
PERMITS	
Encroachment Permit Fee (asphalt & concrete cuts)	$100.00
Encroachment Permit Fee (temporary sidewalk and road closure)	$50.00
Encroachment Permit Violations - (Per Day) For Unrepaired Encroachments	$50.00
Note 1: The City requires the installation of a temporary grave marker within 24 hours of a burial. Failure to install a temporary marker identifying the occupant of a grave site results in a $100.00 fine.	
ENVIRONMENTAL SERVICES	
FEES	
General	
Sanitation Service Deposit	$60.00
Small Special Load (collected with pickup truck and city staff)	$50.00
Medium Special Load (more than one pickup truck load and tipping fees adde	$100.00
Large Special Loads (tipping fee added to special fee)	$150.00
Cart Switch Out Fee (large cart to small cart and small cart to large cart)	$30.00
Televisions/computer monitors - per item	$30.00
White Goods (washers, dryers, refrigerators, hot water heaters, etc.) - per item	$25.00
Special Event - Cart Delivery, Pickup, and Material Disposal - per cart fee	$20.00
Commercial Waste and Recycling	
Commercial Recycling (up to four 65gal. bins, collected once/week)	$15.00 per bin
Commercial Recycling (up to four 65gal. bins, collected twice/week)	$30.00 per bin
Commercial Waste (per 96gal. bin)	$30.00 per bin
Commercial Waste and Recycling (96gal. bin)	$30.00 per set of bins
Residential Waste and Recycling	
Residential Waste - 32gal.	$23.00 per bin
Residential Waste, Assisted - 32gal.	$23.00 per bin
Residential Waste and Recycling - 32gal.	$23.00 per set of bins
Residential Waste and Recycling, Assisted - 32gal.	$23.00 per set of bins
Residential Waste - 96gal.	$25.00 per bin
Residential Waste, Assisted - 96gal.	$25.00 per bin
Residential Waste and Recycling - 96gal.	$25.00 per set of bins
Residential Waste and Recycling, Assisted - 96gal.	$25.00 per set of bins
PENALTIES	
Utility Bill Late Fee. ~~Late Fees shall not be assessed against accounts becoming delinquent during the period of time that the Mayoral declared State of Emergency for Hurricane Helene is in effect. Late fees for delinquencies predating the State of Emergency shall continue to be assessed. Delinquencies remaining after the termination of the Mayoral declared state of emergency shall be assessed from and after the date of termination of the state of emergency, but shall not be retroactively applied for the period of the state of emergency.~~	$10.00 or 5% of past due balance, whichever is greater
Stolen/Damaged Cart Replacement Fee	$100.00
Illegal Dumping Fee - Offense 1	Warning
Illegal Dumping Fee - Offense 2	$50.00
Illegal Dumping Fee - Offense 3	$100.00
Illegal Dumping Fee - Offense 4 (+)	$150.00
Note: 1 set of bins includes 1 waste and 1 recycling container.	

STORMWATER	
FEES	
Single-Family Residential Stormwater Fee	$7.00 per month
Multi-Unit Residential Stormwater Fee	$7.00 per unit, per month
Non-Residential Property Stormwater Fee, per ERU[1]	$7.00 per month
Non-Residential Property Stormwater Fee Cap[2]	$350.00 per month
OR	
Non-Residential Property Stormwater 50% Credit (if < $350.00)[2]	50% Credit
Stormwater Service Charge Credit Application Fee	$50.00
Post-Construction Stormwater Management Review Fee	$500.00
Note 1: 1 Equivalent Residential Unit (ERU) = 3,000sqft.	
Note 2: Non-Residential properties are eligible for either a cap or a credit, not both.	

WATER & SEWER	
WATER	
FEE	
Inside City Limits	
Base Charge by Meter Size	
3/4"	$10.76
1"	$13.09
1.5"	$18.91
2"	$25.89
3"	$48.00
4"	$77.09
6"	$164.36
8"	$193.45
Volumetric Charges	
Residential	
0 to 3,000 gallons	$4.06 per 1000 gallons
3,000 to 6,000 gallons	$5.41 per 1000 gallons
6,000 to 14,000 gallons	$6.76 per 1000 gallons
14,000 gallons and greater	$8.12 per 1000 gallons
Commercial/Industrial	
0 to 40,000 gallons	$5.41 per 1000 gallons
40,000 to 200,000 gallons	$5.41 per 1000 gallons
200,000 gallons and greater	$5.41 per 1000 gallons
Irrigation	
0 to 40,000 gallons	$10.82 per 1000 gallons
40,000 gallons and greater	$11.36 per 1000 gallons
Outside City Limits	
Base Charge by Meter Size	
3/4"	$13.45
1"	$16.36
1.5"	$23.63
2"	$32.36
3"	$60.00
4"	$96.36
6"	$205.45
8"	$241.82
Volumetric Charges	
Residential	
0 to 3,000 gallons	$5.07 per 1000 gallons
3,000 to 6,000 gallons	$6.76 per 1000 gallons
6,000 to 14,000 gallons	$8.46 per 1000 gallons
14,000 gallons and greater	$10.15 per 1000 gallons
Commercial/Industrial	
0 to 40,000 gallons	$6.76 per 1000 gallons
40,000 to 200,000 gallons	$6.76 per 1000 gallons
200,000 gallons and greater	$6.76 per 1000 gallons

Irrigation	
0 to 40,000 gallons	$13.53 per 1000 gallons
40,000 gallons and greater	$14.21 per 1000 gallons
Wholesale	
Base Charge by Meter Size	
3/4"	$13.45
1"	$16.36
1.5"	$23.63
2"	$32.36
3"	$60.00
4"	$96.36
6"	$205.45
8"	$241.82
Volumetric Charges	
Wholesale	
All Usage	$5.41 per 1000 gallons
Bulk Water	
All Usage	$10.15 per 1000 gallons
Public Schools	
Base Charge per Account	$10.76
All Usage	$5.41 per 1000 gallons
Water System Development Fees (effective January 1, 2025)	
Residential Single-Family Dwelling (per unit, Heated Sq. Ft.)	
<1000 sq ft	$312.00
1,000 - 1,500 sq ft	$333.00
1,501 - 2,000 sq ft	$340.00
2,001 - 2,500 sq ft	$361.00
2,501 - 3,000 sq ft	$375.00
3,001 - 3,500 sq ft	$403.00
3,501 - 4,000 sq ft	$431.00
4,000+ sq ft	$498.00
Multi-Family Master Meter (per unit)	$224.00
Mobile Home Park (per unit)	$350.00
Non-Residential	
3/4" meter	$624.00
1" meter	$1,039.00
1.5" meter	$2,078.00
2" meter	$3,325.00
3" meter	$7,273.00
4" meter	$13,092.00
6" meter	$27,016.00
8" meter	$58,187.00
10" meter	$87,281.00
Taps & Connections	
Water Main Tap and Service, 3/4" Meter	$1,625.00
Water Main Tap and Service, 1" Meter	$1,700.00
Water Main Tap and Service, 1.5" and 2" Meter	Cost
Water Service - Stub Out, 3/4" (install meter box and meter)	$975.00
Water Service - Stub Out, 1" (install meter box and meter)	$1,050.00
Water Service - Drop Meter, 3/4" (install meter only)	$350.00
Water Service - Drop Meter, 1" (install meter only)	$425.00
Water Service - Drop Meter, >1" (install meter and MXU only)	
1.5" Meter and Set-up	$1,960.00
2" Meter and Set-up	$2,125.00
3" Meter and Set-up	$2,720.00
4" Meter and Set-up	$4,474.00
6" Meter and Set-up	$7,500.00
8" Meter and Set-up	$11,620.00
Irrigation Tee, 3/4" (install meter box and meter)	$975.00
Irrigation Tee, 1" (install meter box and meter)	$1,050.00

Water Service and Meter Relocation/Reconnection Charge (Residential Only)	Cost, Not to Exceed New Tap Fee
Meters	
Turn On/Off/Set Meter During Business Hours	$47.00
Turn On/Off/Set Meter After Business Hours	$117.50
Test Meter, at customer's request (<1-in.); if meter faulty - No Charge	$45.00
Test Meter, at customer's request (>1-in.); if meter faulty - No Charge	Cost
Miscellaneous Water Fees	
Hydrant Flow/Pressure Test	$175.00
Chemical Analysis of Water	Cost
Drill Water Main for Tap	$650.00
Water System Shutdown for Connection	$600.00
Fire Hydrant Installation	Cost
Small Meter Box Access Training Program Permit Fee (per Company)	$75.00 per training
Small Meter Box Access Key, each	$20.00
Premise Visit	$40.00
Water Conservation Incentives Program Rebates	
Customer-Side Shut-Off Valve - Limit one per account	up to $300.00
Weather-Based Irrigation System Controller - Limit one per account	50% of purchase price or $200, whichever is less
Residential High Efficiency Toilet - Limit 2 per account	$50 per toilet
Commercial High Efficiency Toilet- Limit 4 per account	$50 per toilet
EnergyStar High Efficiency Dishwasher - Limit one per account	$75
EnergyStar High Efficiency Washing Machine - Limit one per account	$100
*Note: Limited numberof rebates offered annually *Toilets must be 1.1 gpf or less*	
PENALTIES	
Utility Bill Late Fee ~~Late Fees shall not be assessed against accounts becoming delinquent during the period of time that the Mayoral declared State of Emergency for Hurricane Helene is in effect. Late fees for delinquencies predating the State of Emergency shall continue to be assessed. Delinquencies remaining after the termination of the Mayoral declared state of emergency shall be assessed from and after the date of termination of the state of emergency, but shall not be retroactively applied for the period of the state of emergency.~~	$10.00 or 5% of past due balance, whichever is greater
SEWER	
FEE	
Inside City Limits	
Base Charge by Meter Size	
3/4"	$12.16
1"	$14.75
1.5"	$21.22
2"	$28.98
3"	$53.56
4"	$86.90
6"	$182.93
8"	$215.27
Volumetric Charges	
All Usage	$7.50 per 1000 gallons
Sewer Only-Flat Rate	$40.66 per month
Outside City Limits	
Base Charge by Meter Size	
3/4"	$18.24
1"	$22.13
1.5"	$31.83
2"	$43.47
3"	$80.34
4"	$128.85
6"	$274.39
8"	$322.91
Volumetric Charges	
All Usage	$11.25 per 1000 gallons
Sewer Only-Flat Rate	$60.99 per month

Wholesale	
Base Charge by Meter Size	
3/4"	$18.24
1"	$22.13
1.5"	$31.83
2"	$43.47
3"	$80.34
4"	$128.85
6"	$274.39
8"	$322.91
Volumetric Charges	
All Usage	$11.25 per 1000 gallons
Public Schools	
Base Charge per Account	$12.16
All Usage	$7.50 per 1000 gallons
MSD Sewer	
Base Charge per Account	See Wholesale Charges
All Usage	$11.25 per 1000 gallons
Sewer System Development Fees (effective January 1, 2025)	
Residential Single-Family Dwelling (per unit, Heated Sq. Ft.)	
<1000 sq ft	$512.00
1,000 - 1,500 sq ft	$547.00
1,501 - 2,000 sq ft	$558.00
2,001 - 2,500 sq ft	$593.00
2,501 - 3,000 sq ft	$616.00
3,001 - 3,500 sq ft	$663.00
3,501 - 4,000 sq ft	$708.00
4,000+ sq ft	$818.00
Multi-Family Master Meter (per unit)	$367.00
Mobile Home Park (per unit)	$575.00
Non-Residential	
3/4" meter	$1,024.00
1" meter	$1,707.00
1.5" meter	$3,414.00
2" meter	$5,463.00
3" meter	$11,950.00
4" meter	$21,509.00
6" meter	$44,384.00
8" meter	$95,596.00
10" meter	$143,394.00
Taps and Connections	
4" Gravity Sewer Service Installation	$1,600.00
6" Gravity Sewer Service Installation	$2,000.00
8" Gravity Sewer Service Installation	$2,400.00
Surcharges	
Biochemical Oxygen Demand (BOD), per lb. in excess of 250-mg/l	$0.31
Total Suspended Solids (TSS), per lb. in excess of 250-mg/l	$0.19
Ammonia Nitrogen, per lb. in excess of 30-mg/l	$1.85
Miscellaneous Fees	
Food Services Sewer Connection Application Fee	$75.00
Septic Tank Waste Disposal, per 1000-gallons	$60.00
Industrial Pretreatment Program	Cost
GENERAL / OTHER	
Residential Water & Sewer Deposit	
Tier 1 - Based on Credit Risk	$0.00
Tier 2 - Based on Credit Risk	$80.00
Tier 3 - Based on Credit Risk	$120.00
Customer unable to perform utility credit check - Residential	$240.00
Residential - Rental Water & Sewer Deposit	
Tier 1 - Based on Credit Risk	$60.00

Tier 2 - Based on Credit Risk	$80.00
Tier 3 - Based on Credit Risk	$120.00
Customer unable to perform utility credit check - Residential Rental	$240.00
Non-Residential Water & Sewer Deposit	
Tier 1 - Based on Credit Risk	$125.00
Tier 2 - Based on Credit Risk	$175.00
Tier 3 - Based on Credit Risk	$250.00
Customer unable to perform utility credit check - Non-Residential	$500.00
Engineering Review Fees	
Availability Approval Fee	$100.00
Extension Project Review Fee (water or sewer)	$400.00
Extension Project Review Fee - Cost per sheet	$15.00 per sheet
Extension Project Re-submittal fee (second re-submittal)	$200.00
Extension Project Re-submittal fee (fourth re-submittal)	$200.00
Extension Project Re-submittal fee (sixth re-submittal)	$200.00
Water Line Inspections ($100 min)	$3.00 per linear foot
Sewer Line Inspections ($100 min)	$6.00 per linear foot
Sewer Line CCTV Re-inspection	$3.00 per linear foot (per re-inspection)
Recording Fees for First UEA, Deed of Dedication, or Easement:	
Up to 15 pages	$30 per instrument
Each additional page	$4.10
Subsequent recording fees for UEA, Deed of Dedication, or Easement	$60 per instrument
Nonstandard document fee	$26 per nonstandard instrument
Equipment Usage (hourly rates)	
Rubber-Tired Backhoe, Small	$49.41
Rubber-Tired Backhoe, Large	$58.73
Excavator, 8,000-lb, <40hp	$48.97
Excavator, 12,000-lb, 40-89hp	$96.16
Excavator, 30,000-lb, 90-143hp	$100.52
Vac Truck	$95.06
Dump Truck (single-axle), Small	$55.98
Dump Truck (single-axle), Large	$74.83
Dump Truck (dual axle)	$94.94
Dump Truck (triaxle)	$96.03
Pick-Up Truck	$16.68
Sewer Jetter/Harben	$32.81
Camera Truck	$104.82
Air Compressor	$20.32
Air Hammer/Pusher	$1.40
Soil Tamp	$43.36
PERMITS	
Non-discharge Permit Fee	$300.00
Septic Tank Waste Disposal Permit	$75.00
PENALTIES	
Utility Bill Late Fee ~~Late Fees shall not be assessed against accounts becoming delinquent during the period of time that the Mayoral declared State of Emergency for Hurricane Helene is in effect. Late fees for delinquencies predating the State of Emergency shall continue to be assessed. Delinquencies remaining after the termination of the Mayoral declared state of emergency shall be assessed from and after the date of termination of the state of emergency, but shall not be retroactively applied for the period of the state of emergency.~~	$10.00 or 5% of past due balance, whichever is greater
Failure to Install Backflow Assembly, 1st Notice	$400.00
Failure to Install Backflow Assembly, 2nd Notice	$500.00
Failure to Test Backflow Assembly Annually	$100.00
Failure to Replace/Repair Backflow Assembly	$500.00
Falsifying Records Regarding the Testing of Backflow Assemblies	$500.00
Illegal Use of Fire Hydrant	$500.00 + Damages
***schedule of costs and rates maintained on file with the Utilities Department**	

This amended fee schedule, adopted by this Ordinance, is hereby incorporated by reference into Section 8 of the FY Budget Ordinance.

Section II. It is the intention of the city council and it is hereby ordained, that the provisions of Section I shall become and be made part of the FY25 Budget Ordinance.

Section V. Effective Date

This Ordinance shall be effective March 1, 2025.

Adopted by the City Council of the City of Hendersonville, North Carolina on this _____th day of February, 2025.

_____

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

_____

Jill Murray, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

Ordinance #_____

GRANT PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE STATE AND LOCAL CYBERSECURITY GRANT PROJECT, #G2502

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

Section 1: The project authorized is a City project described as the State and Local Cybersecurity Grant Project, #G2502.

Section 2: The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	1010	N/A	G2502	SLCGP Grant Expenditures	$199,286
				Total Project Appropriation	**$199,286**

Section 3: The following revenues are anticipated to be available via grant proceeds:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	0000	420050	G2502	Grant (SLCGP 2025)	($199,286)
				Total Project Appropriation	**($199,286)**

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

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

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

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

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

Section 9: The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February 2025.

Attest:

_____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

Resolution #_____

HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE

BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina, this declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of HENDERSONVILLE, North Carolina (the "Issuer") with respect to the matters contained herein.

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE STATE AND LOCAL CYBERSECURITY GRANT PROJECT (#G2502), ORDINANCE #_____ (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Project(s) with the grant revenue to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is $199,286.

Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February 2025.

_____
Barbara G. Volk, Mayor, City of Hendersonville

Attest:

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

Ordinance #_____

GRANT PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE OUR STATE OUR HOMES GRANT PROJECT, #G2504

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

Section 1: The project authorized is a City project described as the Our State Our Homes Grant Project, #G2504.

Section 2: The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	1005	N/A	G2504	Project Implementation Services	$10,000
301	1005	N/A	G2504	Travel Support	$7,000
				Total Project Appropriation	**$17,000**

Section 3: The following revenues are anticipated to be available via grant proceeds:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	0000	420050	G2503	Grant (UNC-CH / DFI)	($17,000)
				Total Project Appropriation	**($17,000)**

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

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

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

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

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

Section 9: The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February 2025.

Attest:

_____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

Resolution #_____

HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE

BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina, this declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of HENDERSONVILLE, North Carolina (the "Issuer") with respect to the matters contained herein.

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE OUR STATE OUR HOMES GRANT PROJECT (#G2504), ORDINANCE #_____ (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Project(s) with the grant revenue to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is $17,000.

Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February 2025.

_____
Barbara G. Volk, Mayor, City of Hendersonville

Attest:

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

Ordinance #_____

CAPITAL PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE PATTON PARK & POOL AND WHITMIRE RENOVATION PROJECT, #24014

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

Section 1: The project authorized is a City project described as the Patton Park & Pool and Whitmire Renovation Project, #24014.

Section 2: The following amounts are appropriated for the project(s):

Account Codes				**Account Name**	**Total Budget**
Fund	Dept	Account	Project		
301	1014	N/A	24014	Contracted Services	$250,000
				Total Project Appropriation	**$250,000**

Section 3: The following revenues are anticipated to be available:

Account Codes				**Account Name**	**Total Budget**
Fund	Dept	Account	Project		
301	N/A	N/A	24014	FEMA Reimbursement	($250,000)
				Total Project Appropriation	**($250,000)**

Section 4: The Finance Director is hereby directed to maintain within the General Fund and Governmental Capital Project Fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

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

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

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

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

Section 9: The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February 2025.

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

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

Ordinance #_____

GRANT PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE 2024 CDBG NEIGHBORHOOD REVITALIZATION GRANT PROJECT, #G2503

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

Section 1: The project authorized is a City project described as the 2024 CDBG Neighborhood Revitalization Grant Project, #G2503.

Section 2: The following amounts are appropriated for the project(s):

Account Codes				**Account Name**	**Total Budget**
Fund	Dept.	Account	Project		
301	1005	N/A	G2503	CDBG Administrative Services	$131,270
301	1005	N/A	G2503	CDBG Rehabilitation Services	$1,181,440
				Total Project Appropriation	**$1,312,710**

Section 3: The following revenues are anticipated to be available via grant proceeds:

Account Codes				**Account Name**	**Total Budget**
Fund	Dept.	Account	Project		
301	0000	420050	G2503	Grant (2024 CDBG)	($1,312,710)
				Total Project Appropriation	**($1,312,710)**

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

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

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

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

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

Section 9: The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February 2025.

Attest:

_____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

Resolution #_____

HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE

BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina, this declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of HENDERSONVILLE, North Carolina (the "Issuer") with respect to the matters contained herein.

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE 2024 CDBG NEIGHBORHOOD REVITALIZATION GRANT PROJECT (#G2503), ORDINANCE #_____ (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Project(s) with the grant revenue to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is $1,312,710.

Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February 2025.

_____
Barbara G. Volk, Mayor, City of Hendersonville

Attest:

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

Ordinance #_____

CAPITAL PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE OAKDALE CEMETERY IMPROVEMENTS PROJECT, #25000

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

Section 1: The project authorized is a City project described as the Oakdale Cemetery Improvements Project, #25000.

Section 2: The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept	Account	Project		
410	1525	N/A	25000	Capital Outlay- CIP	$29,000
				Total Project Appropriation	**$29,000**

Section 3: The following revenues are anticipated to be available:

Account Codes				Account Name	Total Budget
Fund	Dept	Account	Project		
410	0000	N/A	25000	Transfers In	($29,000)
				Total Project Appropriation	**($29,000)**

Section 4: The Finance Director is hereby directed to maintain within the General Fund and Governmental Capital Project Fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

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

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

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

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

Section 9: The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February 2025.

Attest:

_____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

Ordinance #_____

CAPITAL PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE DOWNTOWN CAMERA PROJECT, #25001

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

Section 1: The project authorized is a City project described as the Downtown Camera Project, #25001.

Section 2: The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept	Account	Project		
410	1010		25001	Capital Outlay- CIP	$75,000
				Total Project Appropriation	**$75,000**

Section 3: The following revenues are anticipated to be available:

Account Codes				Account Name	Total Budget
Fund	Dept	Account	Project		
410	0000	470100	25001	Transfers In (from 010)	($75,000)
				Total Project Appropriation	**($75,000)**

Section 4: The Finance Director is hereby directed to maintain within the General Fund and Governmental Capital Project Fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

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

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

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

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

Section 9: The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February 2025.

Attest:

_____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

Resolution #_____

HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE

BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina, this declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of HENDERSONVILLE, North Carolina (the "Issuer") with respect to the matters contained herein.

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE 2024 PATTON PARK & POOL AND WHITMIRE RENOVATION PROJECT (#24014), ORDINANCE #_____ (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Project(s) with the grant revenue to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is $250,000.

Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February 2025.

_____
Barbara G. Volk, Mayor, City of Hendersonville

Attest:

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

Resolution #_____

HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE

BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina, this declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of HENDERSONVILLE, North Carolina (the "Issuer") with respect to the matters contained herein.

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE DOWNTOWN CAMERA PROJECT (#25001), ORDINANCE #_____ (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Project(s) with the grant revenue to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is $150,000.

Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February 2025.

_____
Barbara G. Volk, Mayor, City of Hendersonville

Attest:

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Adam Murr **MEETING DATE:** 02/12/2025

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

TITLE OF ITEM: February 2025 Project Ordinances and Reimbursement Resolutions – *Adam Murr, Budget & Eval. Director*

SUGGESTED MOTION(S):

I move City Council adopt the Project Ordinances and Reimbursement Resolutions for:
(1) the State and Local Cybersecurity Grant Project, #G2502,
(2) the 2024 CDBG Neighborhood Revitalization Grant Project, #G2503,
(3) the Our State Our Homes Grant Project, #G2504,
(4) the Patton Park & Pool and Whitmire Renovation Project, #24014,
(5) the Oakdale Cemetery Improvement Project, #25000; and,
(6) the Downtown Camera Project, #25001 as presented.

SUMMARY:

General Statute 159-13.2 provides North Carolina local governments the power to grant and maintain capital and grant project ordinances (CPOs and GPOs).

State and Local Cybersecurity Grant, #G2502. A grant project ordinance reflecting the appropriation of grant funds from the U.S. Department of Homeland Security's State and Local Cybersecurity Grant Program (SLCGP).
2024 CDBG Neighborhood Revitalization Grant Project, #G2503. A grant project ordinance to execute the revitalization of homes using CDBG funds totaling $1,312,710.
Our State Our Homes Grant Project #G2504. A grant project ordinance to support the development of strategies to address affordable housing. The total award and appropriation is $17,000.
Patton Park & Pool and Whitmire Renovation Project #24014. A project to support the renovation of the Patton Park and Whitmire City Facilities damaged by the Hurricane Helene emergency event.
Oakdale Cemetery Improvement Project #25000: A project to support ongoing capital improvements to the Oakdale Cemetery.
Downtown Camera Project #25001: A project to install cameras and related infrastructure in the Main St. and 7th Avenue Districts.

BUDGET IMPACT: Attached Project Ordinances and Reimbursement Resolutions.

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

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

ATTACHMENTS:

1. Project Ordinances: #G2502, #G2503, #G2504, #24014, #25000, and #25001
2. Reimbursement Resolutions: #G2502, #G2503, #G2504, #24014, #25000, and #25001

Resolution #_____

HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE

BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina, this declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of HENDERSONVILLE, North Carolina (the "Issuer") with respect to the matters contained herein.

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE OAKDALE CEMETERY IMPROVEMENT PROJECT (#25000), ORDINANCE #_____ (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Project(s) with the grant revenue to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is $160,000.

Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February 2025.

_____
Barbara G. Volk, Mayor, City of Hendersonville

Attest:

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Angela S. Beeker, City Attorney **MEETING DATE:** February 12, 2025

AGENDA SECTION: CONSENT AGENDA **DEPARTMENT:** Legal Department

TITLE OF ITEM: Resolution to Accept Funding - Community Development Block Grant Neighborhood Revitalization, for the FY 24-25 Funding Cycle – *Angela S. Beeker, City Attorney*

SUGGESTED MOTION(S):

I move that the City Council adopt the Resolution by the City of Hendersonville City Council Authorizing the Acceptance of Community Development Block Grant Neighborhood Revitalization Funding.

SUMMARY:

The City has been awarded the amount of **$1,312,710.50** in Community Development Block Grant Neighborhood Revitalization funding for the FY 2024-25 funding cycle. The City Council held an initial public hearing at the September 5, 2024 regular meeting.

The grant, a Neighborhood Revitalization Grant (CDBG-NR), is offered through the North Carolina Rural Economic Development Division of the Department of Commerce (REDD). Originally the grant was for the rehabilitation of four (4) homes owned by low-to-moderate income households located at the following addresses in the City of Hendersonville corporate limits: 221 Ashwood Road, 709 E Pace Street, 815 7th Avenue W, and 1739 Clairmont Drive. Low to moderate households are those having a household income equal to or less than 80% of the area median income. The total estimated cost of all activities included in the grant application was $562,710.50, which included an estimated $511,555.00 for home rehabilitation and $51,155.50 for administration costs. The City has been awarded additional funding over and above the applied-for amount, and these additional funds will be used to assist in the rehabilitation of low-to-moderate income owned homes damaged by Hurricane Helene.

A Resolution accepting the grant funds and approving the grant agreement is attached for City Council's consideration.

ATTACHMENTS:

Resolution
Grant Agreement

Resolution #25-_____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING THE ACCEPTANCE OF COMMUNITY DEVELOPMENT BLOCK GRANT NEIGHBORHOOD REVITALIZATION FUNDING

WHEREAS, the City of Hendersonville City Council has previous approved the application for 2024 Community Development Block Grant Neighborhood Revitalization Funding (CDBG-NR), having held two public hearings as required; and

WHEREAS, the City has been awarded **$1,312,710.50** in CDBG-NR by the NC Department of Commerce, Rural Economic Development Division, and

WHEREAS, the City has received a Grant Agreement to govern the use of the CDBG-NR funds for neighborhood revitalization purposes;

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

1. The City Council hereby accepts the CDBG-NR funding in the amount of **$1,312,710.50** from the NC Department of Commerce, Rural Economic Development Division, and the Grant Agreement is approved as presented.
2. The Mayor or Mayor Pro Tem is authorized to execute the Grant Agreement on behalf of the City of Hendersonville.
3. The City Manager and City staff are authorized to take such actions as are reasonably necessary to carry out the terms of the Grant Agreement, in consultation with the City Attorney.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 12th day of February, 2025.

_____

Attest: Dr. Jennifer Hensley, Mayor Pro Tem, City of Hendersonville

_____

Jill Murray, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

NC DEPARTMENT of COMMERCE
RURAL ECONOMIC DEVELOPMENT

Grant Agreement

Community Development Block Grant Neighborhood Revitalization (CDBG-NR) Program

This grant agreement for the Community Development Block Grant Neighborhood Revitalization (CDBG-NR) Program is entered into between the North Carolina Department of Commerce (DOC), Rural Economic Development Division and the **Town of Hendersonville**, on this 15th day of January 2025.

Upon execution of this grant agreement, the North Carolina Department of Commerce (DOC) agrees to provide the **Town of Hendersonville** ("Recipient" and collectively with DOC, the "Parties"), Community Development Block Grant (CDBG) assistance under Title I of the Housing and Community Development Act of 1974, (P.L. 93-383), as amended, authorized (and subject to Recipient's compliance with) the DOC funding approval, the North Carolina Community Development Block Grant administrative rules, other applicable laws, rules, regulations, and all other requirements of DOC now or hereafter in effect. The grant agreement is effective on the date the grant agreement and funding approval are signed by the Recipient.

The grant agreement consists of the program guidelines and the approved application, including the certifications, maps, schedules and other submissions in the application, any subsequent amendments to this document or the approved application and funding approval and the following general terms and conditions:

1. Definitions. Except to the extent modified or supplemented by the agreement, any term defined in the North Carolina Community Development Block Grant Administrative Rules, 4 NCAC 19L, shall have the same meaning when used herein.

   (a) Agreement means this grant agreement, as described above and any amendments or supplements thereto.

   (b) Recipient means the **Town of Hendersonville**, the entity designated as a recipient for grant assistance in the grant agreement and funding approval.

   (c) Certifications mean the certifications submitted with the grant application pursuant to the requirements of Paragraph (e) of Rule .0407 of the North Carolina Community Development Block Grant Administrative Rules, 4 NCAC 19L.

   (d) "Assistance" or "Grant" means the grant funds provided under this Agreement from funds allocated to the State of North Carolina from the Federal Treasury through the CDBG and supporting laws, rules, requirements, and regulations, in the amount of **$1,312,710.50** except as modified.

(e) Program means the community development program, project, or other activities, including the administration thereof, for which assistance is being provided under this Agreement and which is described in the Recipient's approved application, as may be modified.

(f) The date for receiving the grant means the date of the REDD Director's signature on the Grant Agreement and Funding Approval.

2. Timely Execution. Due to the need to expedite the use and expenditure of CDBG funds, Recipient's failure to execute and return a copy of the Agreement within 60 days of the date of the Rural Economic Development Division (REDD) Director's signature on the Grant Agreement and Funding Approval may be deemed by DOC to determine the funds are available for reallocation to other subrecipients.

3. Obligations of the Recipient. The recipient shall perform the Program as specified in the application approved by DOC as may be amended with DOC approval. The Recipient hereby certifies that it will comply with all applicable federal and state laws, regulations, rules and Executive Orders, pursuant to Paragraph (e) of Rule .0407 of the North Carolina Community Development Block Grant Administrative Rules, 4 NCAC 19L. The Recipient shall also comply with all other lawful requirements of DOC, all applicable requirements of the General Statutes of the State of North Carolina specifically N. C. G. S. 87-1-87-15.9 and any other applicable laws, rules, regulations, requirements, and Executive Orders currently or hereafter in force. Recipient is prohibited from any fraud, waste, and abuse of CDBG funds by any person or entity. The rules contained in 4 N.C.A.C. 19L (as well as applicable federal rules and regulations) are part of the Agreement, except where specifically modified by applicable law, rule, regulation, DOC, the CDBG HUD Program Requirements and any subsequent amendments, regulations, or clarifications to any of the foregoing.

Additionally, Recipient agrees to ensure compliance with respect to the Program and the Grant (and any of its proceeds) with all applicable federal and state laws, rules, regulations and requirements, including but not limited to the following (as each may be modified or amended): (1) the CDBG HUD Program Requirements; (2) Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 *et seq*), (3) existing CDBG laws, rules, regulations and requirements, as may be amended, including those set forth in 24 C.F.R., Part 570; (4) North Carolina laws, rules, regulations and requirements; (5) DOC guidance and requirements regarding CDBG now or hereafter in effect, including but not limited to: DOC's CDBG Guidelines and Application Instructions, and DOC bulletins or other guidance documents; and (6) Recipient's own approved CDBG application to DOC, as may be amended with DOC approval.

4. Obligations of Recipient with Respect to Certain Third-Party Relationships. Recipient is responsible to **DOC** for ensuring compliance with the provisions of this Agreement and all applicable laws, rules, regulations, and requirements, even when the recipient designates a third party or parties to undertake all or any part of the Program. The Recipient shall comply with all lawful requirements of DOC necessary to ensure that the program is carried out in accordance with the Recipient's certifications including but not limited to the certification of assumption of environmental responsibilities under Rule .1004 of the North Carolina Community Development Block Grant Administrative Rules, 4 NCAC 19L. If the Recipient

contracts with or designates a third party to undertake all or part of the Program, the Recipient's contract with the third party must require the third party to comply with this Agreement, all applicable laws, rules, regulations, and requirements, including but not limited to the procurement standards set forth in 4 N.C. Administrative Code 19L .0908 as may be applicable.

Recipient shall likewise ensure that all subrecipient contracts regarding Grant funds or relating to the Program include all required contractual elements in order to be in compliance with all Federal, State and local laws, including but not limited to the provisions contained in 24 C.F.R. § 570.503, 24 C.F.R. § 85.37, and other provisions described throughout this Agreement, where applicable. In any event, the Recipient is liable to DOC and HUD for any improper expenditures, damage, loss or harm resulting from the failure of any person or entity to comply with any applicable law, rule, regulation or requirement regarding the Grant funds and/or the Program, including but not limited to an act or omission by a subrecipient or other third party. The Recipient agrees to periodically and rigorously monitor and audit its subrecipients and other third parties to ensure compliance with all applicable requirements.

Any subcontracts or subrecipient agreements entered into by the Recipient with Grant funds shall be subject to all terms and conditions of this Agreement. Payment of all subcontractors and subrecipients shall be the sole responsibility of the Recipient, and DOC shall not be obligated to pay for any work performed by any subcontractor or subrecipient. The Recipient shall be responsible for the performance of all subcontractors and subrecipients and shall not be relieved of any of the duties and responsibilities of this Agreement as a result of entering into subcontracts or subrecipient agreements.

5. Changes to Agreement. Recipient agrees that DOC may supplement or modify this Agreement as may be necessary to implement additional or modified Federal or State guidance regarding implementation of the CDBG program.

6. Conflict of Interest. Recipient agrees to comply with all applicable conflict of interest provisions, including but not limited to those found at 4 N.C.A.C. 19 L .0908 and .0914, N.C. Gen. Stat. § 14-234, 24 C.F.R. § 85.36, 24 C.F.R. § 570.489 (g) and (h), and 24 C.F.R. § 570.611, where applicable, copies of which may be obtained from DOC.

Except for eligible administrative or personnel costs, the general rule is that no persons described in the following sentence who exercise or have exercised any functions or responsibilities with respect to grant activities assisted under this Agreement or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a Grant-assisted activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds there under, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

The conflict-of-interest summary in the sentence above generally applies to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the state,

or of a unit of general local government, or of any designated public agencies, or Recipient or applicable third parties which are receiving CDBG grant funds.

Recipient agrees to include these same prohibitions in all such contracts or subcontracts with any subrecipients or other third parties relating to the Program.

In any event, the Assistance provided under this Agreement shall not be used in the payment of any bonus or commission for the purpose of obtaining DOC approval of the application for such assistance, or DOC approval of applications for additional assistance, or any other approval or concurrence of DOC required under this Agreement, or the North Carolina Community Development Block Grant Administrative Rules, with respect thereto; provided, however, that reasonable fees or bona fide technical, consultant, managerial or other such services, other than actual solicitation, are not prohibited if otherwise eligible as program costs and allowed by applicable law.

Additionally, certain limited exceptions to the conflict-of-interest rules listed in 24 C.F.R. § 570.489 may be granted in writing by HUD and/or DOC upon written request and the provision of information specified in 24 C.F.R. § 570.489(h)(ii)(4).

7. Reimbursement to DOC for Improper Expenditures. The Recipient will reimburse DOC for any amount of Grant assistance improperly expended, either deliberately or non-deliberately, by any person or entity. Additionally, a contract for administrative services shall include a clause holding the administrator organization responsible for reimbursement to the Recipient for any improperly expended grant funds that had to be returned to DOC.

8. Recordkeeping Requirements. Recipient will maintain any and all records and comply with all responsibilities as may be required under typical CDBG recordkeeping (for example, records and responsibilities set forth in 4 N.C.A.C. 19L.0911 ("Recordkeeping"), 24 C.F.R. 570.490 ("Recordkeeping Requirements"), 24 C.F.R. § 570.506 ("Records to be maintained") and 24 C.F.R. § 85.42 ("Retention and Access Requirements for Records") as each may be modified by HUD or DOC) as well as records and responsibilities related to CDBG or specifically to CDBG funds. Recipient agrees to comply with any additional record-keeping requirements now or hereinafter set forth by DOC, HUD or any other federal or state entity.

9. Access to Records. The Recipient shall provide any duly authorized representative of DOC, the State of North Carolina, the federal Department of Housing and Urban Development (HUD), and the Comptroller General, the Inspector General and other authorized parties at all reasonable times access to and the right to inspect, copy, monitor, and examine all of the books, papers, records, and other documents relating to the grant for a period of five years following the completion of all close-out procedures. All original files shall be maintained at the Local Government offices for access purposes.

10. Release of Personal, Financial and Identifying Information. To ensure and document compliance with CDBG income requirements as well as other matters, Recipient shall obtain and retain personal, income-related, financial, tax and/or related information from

individuals and families that are benefitting from Grant or Program funds. Additionally, Recipient is obligated to provide access to any and all information relating to the Program to DOC, HUD or some other appropriate federal or state monitoring entity, upon DOC's request. This obligation includes, but is not limited to, the personal, financial, and identifying information of individuals assisted by the Program. As such, Recipient shall obtain any releases or waivers from all individuals or entities necessary to ensure that this information can be properly and legally provided to appropriate federal and state entities, including DOC and HUD, without issue or objection by the individual or entity.

11. Project Savings. The Recipient is obligated to contribute 100 percent of its pledged **cash** contribution to the CDBG project even if the project experiences a savings after authorized activities are completed. Any project savings accrue to the CDBG program. **Substitution of in-kind contributions for cash is not allowed**.

12. Expenditure of Non-CDBG Funds. The recipient must ensure that non-CDBG funds are expended along with CDBG funds, following the implementation schedule described in the approved application and modified by the Performance Contract (or otherwise with DOC approval), and shall report on non-CDBG expenditures with each Annual Performance Report, consistent with Section .1100 PERFORMANCE of the program regulations (4NCAC 19L) as well as any other applicable reporting requirements.

13. Method of Payment. The Department of Commerce uses the Office of State Controller (OSC) to make CDBG payments to units of local government.

14. Fair Housing. Recipients of CDBG funds are required to comply with fair housing and non-discrimination laws and regulations. Recipients should consult Section .1001 of the CDBG administrative rules for further information on equal opportunity requirements. Recipients are required to submit a fair housing plan for its jurisdiction. Recipients with 10,000 persons or more will be required to complete an Analysis to Impediments to Fair Housing Choice Study. For each grant 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. Guidance for developing a Fair Housing Plan can be found on the DOC website at www.commerce.nc.gov .

15. Equal Employment and Procurement Opportunity. A Recipient must describe the actions it will take annually while the grant is open in the areas of enforcement, education and 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.

16. Local Economic Benefit (Section 3 Regulation). For each year that a CDBG is active, the 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 residents within the CDBG assisted area to the greatest extent feasible. This strategy must include (1) identification of training and technical assistance resources to prepare low-income residents for employment and procurement opportunities, (2) attempts to reach the numerical targets for new hires set forth in the Section 3 regulation, which applies to Recipients receiving $200,000 or more in non-administrative line items expended for construction contracts and (3) education of low-income residents within the CDBG assisted area about the components and opportunities of the program.

In addition, Recipients will be required to coordinate additional activities as it relates to Section 3 with the DOC CDBG Compliance Office.

17. Section 504 and ADA. Recipients must complete the Section 504 Survey and Transition Plan. 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.

18. Environmental Review. Recipients of CDBG funds are required to complete the document entitled "Environmental Review Procedures for the CDBG Program." Once the Environmental Review Record (ERR) is received, REDD will review for completeness. Recipients cannot conduct any program activities until REDD issues an environmental clearance.

19. Language Access Plan (LAP). Recipients of Federal financial assistance 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. Recipients will be required to submit a language access plan using the approved template from REDD. The plan will address the LAP policy, translation of required vital documents, and requirements for citizen participation.

20. Federal Funding Accountability and Transparency Act (FATA): The Recipient must also comply with provision of FATA, which includes requirements on executive compensation, and 2 C.F.R., Part 170 Reporting Subaward and Executive Compensation Information.

21. Procurement Standards. Where applicable, Recipient shall follow the procurement standards established in the "Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments" (24 C.F.R., Part 85) and HUD implementing regulations contained in 24 C.F.R. § 570.489(g), which explicitly prohibit cost plus a percentage of cost and percentage of construction cost methods of contracting. 4 N.C.A.C. 19L.0908.

    a. Any Recipient or Subrecipient shall follow other applicable procurement standards set forth in 4 N.C.A.C. 19L.0908, and the relevant laws cited therein, including but not limited to, laws related to conflicts of interest (N.C.G.S. §14-234), public building contracts (N.C.G.S. § 148-128 to 135), and payment and performance bonds (N.C.G.S. § 44A-25 through 35); acquisition and relocation (4 N.C.A.C. 19L.1003); property management standards (4 N.C.A.C. 19L.0909); equal opportunity (4 N.C.A.C. 19L.1001); and labor standards (4 N.C.A.C. 19L.1006).
    b. Recipient shall likewise follow all other applicable federal and state procurement rules, guidelines, and procedures, including those set forth in Office of Management and 2 C.F.R. Part 200 ("Cost Principles for State and Local Governments").

In any event, per 24 C.F.R. 570.489(g), all purchase orders and contracts shall include any clauses required by Federal statutes, executive orders and implementing regulations.

Additionally, Recipient acknowledges and agrees that, in its conduct under this Agreement and in connection with any and all expenditures of Grant funds made by it, Recipient, its officers, agents and employees shall be and are subject to the provisions of the North Carolina General Statutes and the North Carolina Administrative Code relating to and governing procurement, public contracts, suspension and debarment. Recipient further acknowledges and agrees that, in the event that it grants any of the Grant funds awarded hereunder to one or more subrecipients or other applicable entities, Recipient shall, by contract, ensure that the provisions of all applicable laws relating to, and governing procurement, public contracts, suspension and debarment are made applicable to and binding upon any and all subrecipients and/or other applicable entities.

22. Labor Standards. Recipient shall follow all applicable laws, rules and regulations concerning the payment of wages, contract work hours, safety, health standards, and equal opportunity for CDBG programs, including but not limited to the rules set forth in 4 N.C.A.C 19L.1006, 24 C.F.R. § 570.603 and the following (as may be applicable to CDBG-projects):
    a. Davis-Bacon Act (40 U.S.C.A. 276a). Among other provisions, this act requires that prevailing local wage levels be paid to laborers and mechanics employed on certain construction work assisted with CDBG funds.
    b. Contract Work Hours and Safety Standards Act (40 U.S.C.A. 327 through 333). Under this act, among other provisions, laborers and mechanics employed by contractors and subcontractors on construction work assisted with CDBG funds must receive overtime compensation at a rate not less than one and one-half the basic rate of pay for all hours worked in excess of forty hours in any workweek. Violators shall be liable for the unpaid wages and in addition for liquidated damages computed in respect to each laborer or mechanic employed in violation of the act.
    c. Fair Labor Standards Act (29 U.S.C. 201 et seq.), requiring among other things that covered employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rate for all hours worked in excess of the prescribed work-week.
    d. Federal anti-kickback laws (18 U.S.C. 874 and 40 U.S.C. 276), which, among other things, outlaws and prescribes criminal penalties for "kickbacks" of wages in federally financed or assisted construction activities. Weekly statements of compliance and weekly payrolls must be provided by all contractors and subcontractors.

Recipient agrees to maintain records regarding compliance with the laws and regulations cited in 4 N.C.A.C. 19L.1006 (including the citations listed above) in accordance with 4 N.C.A.C. 19L.0911.

All contracts between Recipient and third parties shall contain labor standards provisions as required in 4 N.C.A.C. 19L.1006.

23. Architectural Barriers. Per 4 N.C.A.C.19L.1007, 24 C.F.R. §§ 570.487 and 570.614 and other applicable law, all applicable buildings or facilities designed, constructed, or altered with CDBG Grant funds shall be made accessible and useable to the physically handicapped as may be required by applicable laws, rules, regulations, or requirements. Additionally, Recipient must comply with the following (as may be applicable to CDBG projects):
    a. Architectural Barriers Act of 1968 (P.L. 90-480). This act requires Recipient to ensure that certain buildings constructed or altered with CDBG funds are readily accessible to the physically handicapped.

b. Minimum Guidelines and Requirements for Accessible Design 36 C.F.R. Part [illegible]. These regulations establish guidelines for implementing the federal acts described in 4 N.C.A.C.19L.1007(1)(a). The regulations provide technical standards which must be met by Recipient.
c. Americans with Disabilities Act ["ADA"] and the ADA Accessibility Guidelines for Buildings and Facilities or the Uniform Federal Accessibility Standards.
d. North Carolina Building Code. These provisions describe minimum standards Recipient must meet in constructing or altering building and facilities, to make them accessible to and useable by the physically handicapped.

24. Change of Use of Real Property. Recipient agrees not to change the use or planned use of any property acquired with CDBG funds from that for which the acquisition or improvement was made, in accordance with this Agreement and applicable law, rule, regulation or requirement, unless (i) the DOC grants explicit written approval and (ii) the requirements of 24 C.F.R. § 570.489(j), 24 C.F.R. § 570.505 and other applicable requirements are followed, as modified (or as may be modified) by HUD or DOC.

25. Obligation of Recipient with Regard to Vacant Units. The recipient shall ensure that all vacant units being rehabilitated will be occupied by a low or moderate income person by the time close-out occurs.

26. Utility Assessments or Fees: Assessments or fees to recover the CDBG funded portion of a utility project may be charged to properties not owned and occupied by low- and moderate-income persons. Such assessments are program income and, as such, must be used for eligible CDBG activities that meet a CDBG national objective.

27. False or Misleading Information. Recipient is advised that providing false, fictitious, or misleading information with respect to CDBG funds may result in criminal, civil, or administrative prosecution under 18 U.S.C. § 1001, 18 U.S.C. § 1343, 31 U.S.C. § 3729, 31 U.S.C. § 3801, or another applicable statute. Recipient shall promptly refer to DOC and HUD's Office of the Inspector General any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving CDBG funds.

28. Disputes with DOC. If Recipient has any disagreement or dispute with any action or inaction by DOC, Recipient shall inform DOC by letter addressed to Valerie Fegans, CDBG Director, Department of Commerce – Rural Economic Development Division, 4346 Mail Service Center, Raleigh, NC 27699-4346. The Rural Economic Development Division ["REDD"] will endeavor to respond in writing to said letter within 30 days from receipt. Recipient shall not be entitled to a hearing under Chapter 150B for matters described in N.C. Gen. Stat. § 150B(c)(8), added by N.C. Senate Bill 960, including matters related to "contracts, disputes, protests, and/or claims arising out of or relating to the implementation of the [CDBG]." This includes actions arising out of or related to this Agreement or the Program.

29. Disputes or Complaints by Subrecipients or Other Entities. Recipient is responsible for developing, implementing, and utilizing its own dispute resolution procedures with respect to disputes and/or complaints between and among Recipient, a Subrecipient, a contractor and/or any other person or entity (other than DOC). This includes (but is not limited to) procedures

relating to procurement disputes or protests discussed in 24 C.F.R. 85.36. In the event of a dispute between and among Recipient, any Subrecipient, contractor and/or any other persons or entities (not including DOC), Recipient shall make every effort to resolve the dispute pursuant to its own dispute resolution procedures and shall issue a final decision on the matter as soon as is reasonably practicable. Recipient's dispute resolution procedure shall provide that, in the event that any party to such a dispute or complaint is dissatisfied with the final decision or other resolution provided by Recipient, the dissatisfied party shall appeal to the North Carolina Superior Court in an appropriate County for a trial de novo, to the extent that jurisdiction is proper pursuant to N.C. Gen. Stat. § 7A-240 and other applicable law.

30. Schedules

(a) Schedule for Release of Conditions and Completion Activities. **The Recipient must satisfy all Funding Approval Conditions to release CDBG funds within 3 months (4/15/2025) from the date the Grant Agreement and Funding Approval were signed by the REDD Director.** The recipient must draw down all CDBG funds, expend all local non-CDBG funds and complete all project activities in conformance with the activities' implementation schedule in the application as modified by the Performance Based Contract.

(b) **The Recipient must obligate all funds within 27 months (4/15/2027) from the date the Grant Agreement and Funding Approval are signed by REDD Director.**

(c) **All funds are to be expended within 30 months (6/15/2027) from the date the Grant Agreement and Funding Approval are signed by REDD Director. Any remaining funds will be de-obligated.**

(d) **All closeout documents must be returned to REDD by (10/15/2027).**

(e) Schedule for Submission of Compliance Documents. The Recipient must submit the following compliance documents within the specified number of months from the date the Grant Agreement and the Funding Approval were signed by the REDD Director:

- **Environmental – 4 months (5/15/2025)**
- **Equal Employment and Procurement Plan – 4 months (5/15/2025)**
- **Fair Housing Plan – 4 months (5/15/2025)**
- **Section 3 Plan – 4 months (5/15/2025)**
- **Section 504 Plan – 4 months (5/15/2025)**
- **Language Access Plan – 4 months (5/15/2025)**
- **Analysis of Impediments- 4 months (5/15/2025)**
- **Request for Release of Funds – 5 months (6/15/2025)**

(f) Timely Drawdown of Funds. Recipient is expected make timely drawdowns so that funds are expended in a timely manner.

31. Performance Measures

The CPD Performance Measurement System is HUD's response to the standards set by the Government Performance and Results Act (GPRA) of 1993. This act holds all Federal agencies accountable for establishing goals and objectives and measuring achievements.

(a) The recipient must ensure that all activities in the funded project(s) meet the appropriate objectives, outcomes, and indicators established by HUD and selected by

DOC. CDBG funds cannot be used to pay for any activity that does not meet the above requirement.

(b) The recipient must also assist DOC, when requested, in collecting indicators and any other data necessary to fulfill the requirements of the CPD Performance Measures System, which includes data for the Integrated Disbursement and Information System (IDIS).

Upon execution of this agreement by DOC and the Recipient, the Recipient hereby accepts the assistance on the terms of this grant agreement effective on the date indicated below, and further certifies that the official signing this document has been duly authorized by the recipient's governing body to execute this Grant Agreement.

Department of Commerce

Date: 01/15/2025

☑ By: Valerie Fegans
Valerie Fegans
CDBG Director
Rural Economic Development Division

Date: _____

_____
Name of Recipient

☑ By: _____
Signature of Authorized Official

_____
(Title)

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Lu Ann Welter **MEETING DATE:** February 12, 2025

AGENDA SECTION: Presentation Only **DEPARTMENT:** Human Resources

TITLE OF ITEM, Presenter Name, Title: Quarterly MVP Recipients – *John Connet, City Manager*

SUGGESTED MOTION(S): None

SUMMARY:

The Service Excellence Design Team voted these employees as the MVPs for the October through December 2024.

BUDGET IMPACT: $

Is this expenditure approved in the current fiscal year budget? No

If no, describe how it will be funded.

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

ADDITIONAL PETITION NUMBER: N/A

PETITIONER NAME: N/A

ATTACHMENTS:

PowerPoint Presentation

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet, City Manager **MEETING DATE:** 2/12/2025

AGENDA SECTION: PRESENTATION **DEPARTMENT:** Administration

TITLE OF ITEM: Presentation of the Sustainability Plan Annual Report – *Caitlyn Gendusa, Public Works Superintendent – Sustainability*

SUGGESTED MOTION(S):

NA

SUMMARY:

Caitlyn Gendusa will provide the Sustainability Plan Annual Report,

BUDGET IMPACT: $ NA

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

If no, describe how it will be funded. NA

ATTACHMENTS:

Draft Annual Report

CITY OF HENDERSONVILLE

Sustainability Strategic Plan Annual Report

2024-2025

Introduction

This report highlights the 2024 progress made towards the City of Hendersonville's Sustainability Strategic Plan, adopted May 1, 2024 by City Council. The plan outlines actions within the focus areas of energy, transportation, waste management, land management and water to reach our goal of reducing greenhouse gas emissions 30% by 2035. The plan includes 5 goals and 14 measurable actions. The plan is also meant to be a working document and kept updated as priorities, funding, and technologies change.

The City of Hendersonville has come a long way in advancing sustainability efforts with a few highlights including: approving a biosolids thermal dryer for wastewater treatment, installing a building automation system at City Hall, and the City's first on-site solar array, Multiple studies and test pilots were also completed to better analyze potential cost benefit and assist in implementation. A few examples include analyzing City building energy intensity and completing a propane vehicle test pilot.

What follows throughout this report is an account of what actions were taken to progress towards the City's greenhouse gas reduction goal while showing what to anticipate - and get excited for in the coming year.

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III. WHAT'S NEXT?

Energy

Goal: Reduce energy demand from municipal buildings & increase the amount of renewable energy utilized

Highlights:

$27,600

In Duke Energy rebates for energy efficiency projects

2

Solar projects: 1 installed and 1 approved

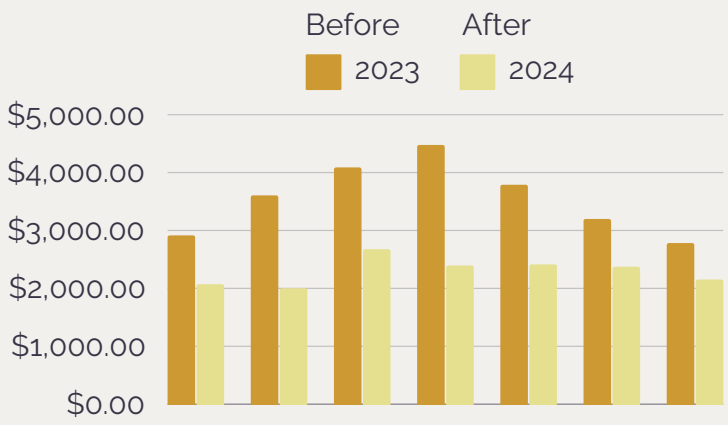
500 kW

Energy saved through new automation system at City hall

Actions	Progress
Achieve 10% Energy Savings from Efficiency Upgrades	**Building automation system at City Hall** Initial cost: $18,876 Rebate: $11,176 Initial savings: $8,771 (first 7 months of system) **Insulation at fleet washbay** Initial cost: $10,740 Rebate: $2,301.20 Initial savings: None thus far **LED lighting at Whitmire Building** Initial cost: $4,720 Rebate: $3,520 Initial savings: None thus far (During the first year after install, the building used $118 more than the previous year before install).

City Hall Building Automation System

Within the first 7 months, compared to the same months a year prior before the system was installed, total electricity costs dropped by 36%.



City Building Energy Use Intensity Benchmark

As part of strategizing what energy efficiency projects to implement, the City had an energy benchmark report completed to show how our buildings rank in terms of Energy Use Intensity (EUI). EUI is calculated by dividing the total energy consumed by a building by the total square feet of floor area per year. This shows how efficiently a building is using energy. The lower the EUI, the more energy efficient the building is. The chart below shows how each building ranks from highest to lowest EUI. Overall, City buildings absorb less energy than the national average with the exception of City Hall and the Police Department. These are two buildings that future funds should be devoted towards for energy efficiency improvements.

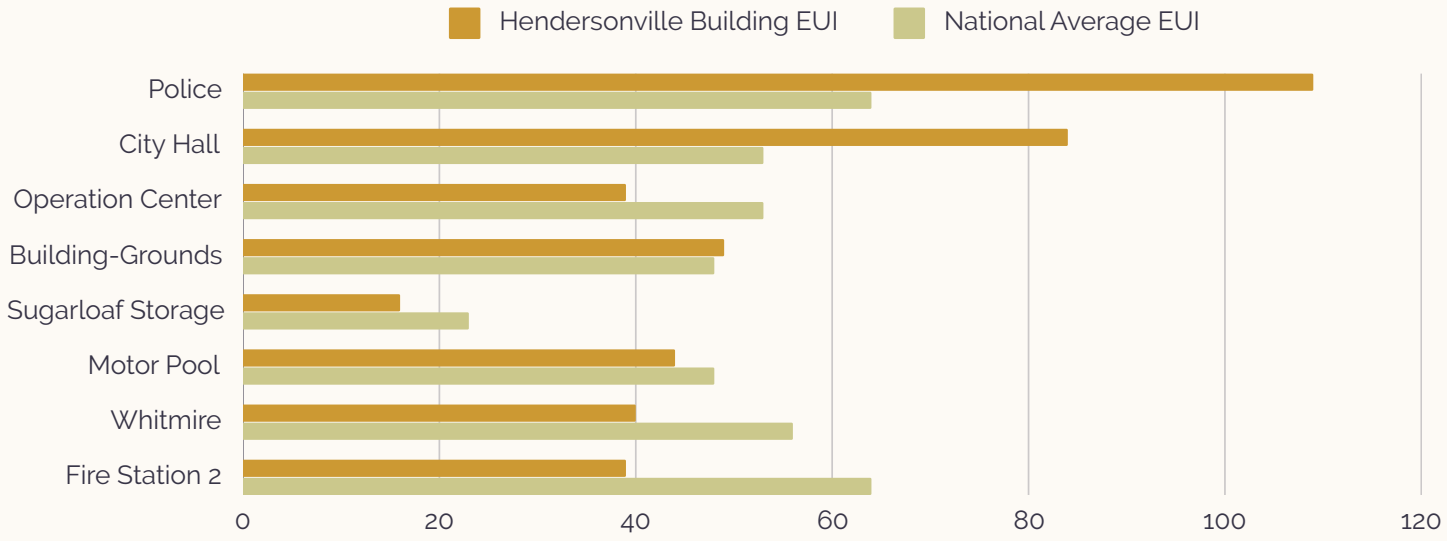


Figure 1: EUI of City of Hendersonville buildings against natural average EUI. Note: due to the complexity of water and wastewater facilities and the variation in nationwide averages, the City's Wastewater Treatment and Water Treatment Facilities were not included in the EUI.

Actions	Progress
Establish sustainable building policy	**Policy adopted** Hendersonville's first Sustainable Facilities Policy, R-24-31 was approved by City Council May 2, 2024. The policy includes requirements for all new construction and renovation ranging from electric vehicle ready parking lots and solar capabilities to permeable pavement, LED lighting, HVAC equipment, and more. To view a full copy of the Sustainable Facilities Policy, visit hendersonvillenc.gov/sustainability
Receive 30% of electricity from renewable energy sources.	**Rooftop solar installations** The City's first solar installment was completely in July 2024 which will create an estimated 48,000kWh of renewable energy each year. A second rooftop solar installation was approved for the new Water & Sewer biosolids dryer facility slated for completion in 2025 which will create an estimated 285,479 kWh of renewable energy each year.

For more information on current and past energy efforts, please visit hendersonvillenc.gov/sustainability/energy.

Energy Efficiency Rebates

The City received $10,586 in rebates for LED lighting, mini-split systems, and fans installed in the new Firestation 1.

Transportation

Goal: Transition to electric and low emission vehicles and fuel while ensuring there is a robust and safe walkable and bikeable city.

Highlights:

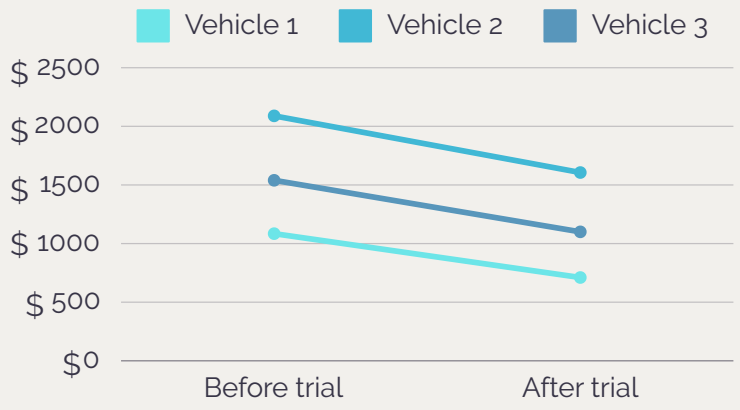
8 Metric tons of greenhouse gas emissions reduced from the 3 City owned public electric vehicle parking spaces

32% Average cost savings from switching to hybrid or propane for City vehicles

Actions	Progress
Increase amount of Level 2 EV charging stations both for public & municipal operations	**Existing Infrastructure** Existing charging infrastructure includes 5 electric vehicle charging stations which provide 8 parking spaces available for public use to charge. The City owns 3 of the charging stations which used 10,736 kWh in 2024 resulting in 8,117 kg of greenhouse gas savings. **Future opportunities** Currently, grant opportunities are being pursued to provide more charging stations for the community.
Reduce City fleet fuel usage by 40%	**Test pilots and long range planning** The City has tested alternative vehicles including hybrid, electric, and propane fueled which have shown significant cost savings ranging from 39-50% for police pursuit and Water & Sewer vehicles. Currently, the City is focusing on incorporating more energy efficient vehicles for administrative uses while considering a formal sustainable fleet transition policy.

Propane Vehicle Pilot

This year, the City participated in a propane vehicle pilot program. Three vehicles, two from our Water & Sewer Department and one from our Police Department participated with vehicles upfitted with a propane tank. This resulted in a decrease in fuel cost ranging from 29%-34% resulting in significant savings.



Actions	Progress
Implement alternative transportation plans	**Bicycle & Pedestrian Infrastructure Staff Committee assembled** This year, the City formed a Bicycle and Pedestrian Infrastructure Staff Committee with a goal to advance the implementation of Bicycle & Pedestrian Infrastructure in the City of Hendersonville.
	7th Ave Streetscape Project The Seventh Avenue Streetscape Project, completed in December of this year, invested in pedestrian, water, sewer and stormwater infrastructure, lighting and landscaping in the business district. It aims to improve walkability and connections to the Main Street Municipal Service District, and highlight the character of the historic district.
	Sidewalk improvements As of August 2023 (most recent sidewalk inventory), the City of Hendersonville has installed approximately 340,000 linear feet or 64 miles of sidewalk within City limits.

For more information on current and past energy efforts, please visit hendersonvillenc.gov/sustainability/transportation

Waste Management

Goal: Reduce the amount of solid waste send to the landfill through recycling, composting, and other waste reduction efforts

Highlights:

$40,000

Waste reduction grant awarded

1st

Compost demonstration station and pilot drop off location created

Actions	Progress
Decrease City-wide Solid Waste by 15%	**Waste reduction grant** Delayed - Earlier this year, the City received a grant from the N.C. Department of Environmental Quality to install RFID tags to improve data collection on recycling and contamination rates so that the City is able to improve educational efforts to curtail waste. Due to Hurricane Helene, this grant is postponed until spring/summer 2025.
Establish City compost initiatives	**Compost demonstration site and pilot drop-off** The City's Environmental Sustainability Board spearheaded the creation of the first Sustainability Demonstration Station located on Maple St. The station hosts multiple different compost bin systems and is a small-scale compost drop-off location.

Stream debris collection

Two stream debris pickup events were hosted by the City's Stormwater Division which resulted in 3,000 pounds of trash removed from our waterways.

Actions	Progress
Reduce biosolids landfill waste by 67%	Ongoing - City Council approved construction of the biosolids thermal dryer system for wastewater treatment in November of this year with an estimated construction to start in FY 2025. Total solid waste tonnage per year has remained fairly consistent for the last 4 years with 2024 solid waste disposal coming to 5,845 tons.

Figure 2: Rendering of new biosolids thermal dryer facility

For more information on current and past energy efforts, please visit hendersonvillenc.gov/sustainability/waste-management

Land Management

Goal: Increase and enhance Hendersonville's green spaces while improving tree canopy cover, protecting biodiversity, promoting outdoor recreation, and improving the overall health and character of our City.

Highlights:

10 Years as a Tree City USA member

6 Years as a Bee City USA member

1 Years as a Caregivers of Mother Earth member

$50,000

In grant and City funds devoted to the Brooklyn Community Garden

Actions	Progress
Increase tree canopy on City property to 50% **Maintain and expand Citywide tree canopy**	Adopted earlier this year, the amended Tree Canopy Ordinance establishes additional requirements for the protection of street trees within the City limits. In addition, the City's Tree Board donated 62 trees to various residential properties in an effort to increase the City's tree canopy community-wide.
Build on existing efforts to reduce pesticide & herbicide use	At this time, the City remains diligent in utilizing pesticides and herbicides only when necessary and primarily for sidewalks and invasive species. Natural methods of weed maintenance include mulching and hand weeding. The City also continues to encourage reducing herbicide use by offering free mulch pickup in the spring for residential use.

Actions	Progress
Enhance & restore City-owned natural areas and parks	**Pollinator planting, wildlife habitat improvements & invasive species removal** • Approximately 100,000 square feet of invasive species removal including a project on Ridgeview Drive and Patton Park • ¼ acre pollinator garden created on Four Seasons Boulevard • Continuation of garden maintenance for Bearcat Loop, downtown pollinator beds, and Oklawaha Greenway pollinator beds • Sponsored creation of Brooklyn Creek Bird Sanctuary
	Brooklyn Community Garden Initially started as a small community garden in 2011, the Brooklyn Community Garden has gained more than $50,000 in City and grant funds for an expansion and revitalization. Progress this year included grading, fencing, installing garden beds, including ADA beds, landscaping, and more. Groundbreaking is planned for spring 2025.

Note: Reports are available for more details on Tree City, Bee City, and Caregivers of Mother Earth commitments. For more information, please visit hendersonvillenc.gov/sustainability/land-management

Water

Goal: Ensure a safe and reliable drinking water supply for all citizens while preserving and protecting natural aquatic resources.

Highlights:

18,761

Gallons of water/year saved in water conservation rebates

$1.4 million

In stream restoration grant funds awarded

Actions	Progress
Increase water efficiency in all buildings and infrastructure	**Water conservation rebate program** The City rolled out a new water conservation rebate program to offset the cost to our customers for choosing more energy efficient toilets, dishwashers, washing machines, and customer side shut off valves. As a result of 36 rebates, our community is saving an estimated 13,601 gallons of water/year in washing machine rebates and 5,160 gallons of water/year in dishwasher rebates.
Protect and enhance the water quality of the City's streams and wetlands	**Green infrastructure on 7th Ave** • Bioswales constructed which are shallow ditches that collect, filter, and direct stormwater for reduced erosion • Soil cells included which are systems that provide space for tree roots to allow proper water filtration **Outreach efforts** • 330 students participated in educational programs • 8 new educational signs installed throughout the City • 30 stream cleanups • 73 staff members trained on stormwater management

For more information on current and past energy efforts, please visit hendersonvillenc.gov/sustainability/water

What's next?

2025 projects

Transportation

Upcoming projects include:
- Formalizing a sustainable fleet transition policy
- Expanding electric vehicle charging infrastructure

Energy

Upcoming projects include:
- Investigating additional building automation systems at City buildings
- Making headway on biosolids dryer solar installation
- Other energy efficiency projects.

Land Management

Upcoming projects include:
- Expansion and revitalization efforts for Brooklyn Community Garden
- Expand pollinator landscaping and tree plantings

Waste Management

Upcoming projects include:
- Waste reduction grant implementation analyzing recycling rates and curtailing contamination rates
- Expansion of composting programs and opportunities

Water

Upcoming projects include:
- Rainwater harvesting system at fleet maintenance
- Lower Mud Creek Floodplain restoration
- Continuation of water conservation rebate program and educational programs

Want to learn more? Visit us online at hvlnc.gov/sustainability

Energy

Transportation

Waste Management

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Sustainability Strategic Plan Annual Report

2024-2025

Energy

Goal: Reduce energy demand from municipal buildings & increase the amount of renewable energy utilized

Transportation

Goal: Transition to electric and low emission vehicles and fuel while ensuring there is a robust and safe walkable and bikeable city.

Waste Management

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Water

Goal: Ensure a safe and reliable drinking water supply for all citizens while preserving and protecting natural aquatic resources.

Energy

- Energy efficiency projects
  - Building automation system at City Hall
  - Insulation at fleet washbay
  - LED lighting at Whitmire Building
- Adopted Sustainable Facilities Policy
- Completed first rooftop solar project on FS1 and approved another solar installation at W&S Biosolids facility
- City building energy benchmark report completed

Highlights:

$27,600

In Duke Energy rebates for energy efficiency projects

2

Solar projects: 1 installed and 1 approved

36%

Reduction in utility costs from building automation system at City Hall

Transportation

- Completed propane vehicle test pilot
- Bicycle & Pedestrian Infrastructure Staff Committee assembled
- Sidewalk improvements
- Progress towards formalizing a sustainable fleet transition policy and investigating grant opportunities for electric vehicle fast charger

Highlights:

32% Average cost savings from switching to propane for City vehicles

Waste Management

- Grant received for improving waste contamination and recycling rates - delayed due to Hurricane Helene & estimated to begin spring 2025
- Sustainability (compost) Demonstration Station initiated by Environmental Sustainability Board
- Approval of W&S biosolids dryer to reduce biosolid waste

Highlights:

$40,000

Waste reduction grant awarded

1st

Compost demonstration station and pilot drop off location created

Land Management

- Adopted ammended tree canopy ordinance establishing additional requirements for the protection of street trees within the City limits.
- 62 trees planted as part of Tree Board's Neighborwoods Program
- Pollinator planting, wildlife habitat improvements & invasive species removal
- Progress on Brooklyn Community Garden revitalization and expansion project

Highlights:

$50,000

In grant and City funds devoted to the Brooklyn Community Garden

10 Years as a Tree City USA member

6 Years as a Bee City USA member

1 Years as a Caregivers of Mother Earth member

Water

- Reinstated water conservation rebate program
- Green infrastructure on 7th Ave
- Educational efforts
  - 330 students participated in educational programs
  - 8 new educational signs installed throughout the City
  - 30 stream cleanups
  - 73 staff members trained on stormwater management

Highlights:

18,761

Gallons of water/year saved in water conservation rebates

$1.4 million

In stream restoration grant funds awarded

What's next?

2025 Projects

Transportation

Upcoming projects include:
- Formalizing a sustainable fleet transition policy
- Expanding electric vehicle charging infrastructure

Land Management

Upcoming projects include:
- Expansion and revitalization efforts for Brooklyn Community Garden
- Expand pollinator landscaping and tree plantings

Energy

Upcoming projects include:
- Investigating additional building automation systems at City buildings
- Making headway on biosolids dryer solar installation
- Other energy efficiency projects.

Waste Management

Upcoming projects include:
- Waste reduction grant implementation analyzing recycling rates and curtailing contamination rates
- Expansion of composting programs and opportunities

Water

Upcoming projects include:
- Rainwater harvesting system at fleet maintenance
- Lower Mud Creek Floodplain restoration
- Continuation of water conservation rebate program and educational programs

Track the plan's progress

Visit:
hendersonvillenc.gov/sustainability-strategic-plan

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Lu Ann Welter **MEETING DATE:** February 12, 2025

AGENDA SECTION: Presentation Only **DEPARTMENT:** Human Resources

TITLE OF ITEM, Presenter Name, Title: MVP of the Year – *John Connet, City Manager*

SUGGESTED MOTION(S): None

SUMMARY:
In 2024, 182 employees were nominated for MVP and each quarter three were chosen as Quarterly MVPs. From these, the Service Excellence Design Team selected the Environmental Service Crew of Deon Mendosa and Brian Hensley as MVP of the Year for 2024.

Each will receive $250.

BUDGET IMPACT: $

Is this expenditure approved in the current fiscal year budget? No

If no, describe how it will be funded.

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

ADDITIONAL PETITION NUMBER: N/A

PETITIONER NAME: N/A

ATTACHMENTS: Word Document

MVP of the Year – Deon Mendosa and Brian Hensley

For Brian Hensley and Deon Mendosa, it was just another day on their Environmental Services route. Earlier, they had stopped at a particular residence, but as they passed by again after completing their rounds, something caught their attention. The resident was lying on the ground, still secured in her tipped-over wheelchair. She told them she had been stuck there for around 20 minutes. Without hesitation, they made sure she was okay, assisted in getting her wheelchair upright, and stayed by her side until EMTs and the Fire Department arrived. First responders noted that the two remained with her until everything was handled, ensuring she was okay. When asked about the incident, they simply said, “At that moment, our job wasn’t the priority. It was making sure she was okay.” Their quick thinking and compassion exemplify the best of team Hendersonville.

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Tyler Morrow

MEETING DATE: February 12th, 2025

AGENDA SECTION: Public Hearing

DEPARTMENT: Community Development

TITLE OF ITEM: Annexation: Public Hearing- Upward Road (LBH Property Holdings LLC) (C24-91-ANX) – *Tyler Morrow, Current Planning Manager*

SUGGESTED MOTION(S):

For Approval:	**For Denial:**
I move City Council adopt an ordinance of the City of Hendersonville to annex noncontiguous property owned by LBH Property Holdings LLC, identified as PIN 9577-89-9886, finding that the standards established by North Carolina General Statute 160A-58.1 have been satisfied and that the annexation is in the best interest of the City.	I move that City Council deny the petition received from LBH Property Holdings LLC, requesting the annexation of that property having PIN 9577-89-9886.

SUMMARY: *File # C24-91-ANX*

The City of Hendersonville has received a petition from LBH Property Holdings LLC for satellite annexation of PIN 9577-89-9886 located on Upward Road that is approximately 0.08 acres. Please refer to the attached maps for additional information.

On January 8th, 2025, City Council accepted the City Clerk's Certificate of Sufficiency for the petition and set February 12th, 2025, as the date for the public hearing.

PROJECT/PETITIONER NUMBER:	• C24-91-ANX
PETITIONER NAME:	• LBH Property Holdings LLC

ATTACHMENTS:	1. Ordinance 2. Signed Certificate of Sufficiency 3. Signed Resolution setting public hearing 4. Annexation Plat 5. Typed legal description 6. GIS map 7. Deeds 8. Annexation Applications

Ordinance #___-____

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

Re: Petition for Satellite Annexation
Petitioners: LBH Property Holdings LLC (Lyndon Hill, Manager)
File No. C24-91-ANX

WHEREAS, The City of Hendersonville has been petitioned by LBH Property Holdings LLC (Lyndon Hill, Manager) pursuant to North Carolina General Statutes (NCGS) 160A-58.1, as amended, to annex the area described herein below; and,

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

WHEREAS, a public hearing on the question of this annexation was held at City Hall at 160 6th Ave. E., Hendersonville, NC at 5:45 pm, on the 12th day of February 2025, after due notice by publication as provided by law on January 26, 2025; and

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

1. The Petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area.
2. The nearest point on the proposed satellite corporate limit is approximately 2450' from the primary corporate limits of the City of Hendersonville, which is less than 3 miles.
3. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S.160A-58.1 (a).

4. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville (Village of Flat Rock approximately 3400').
5. The area is situated so the City will be able to provide the same services within the proposed corporate limits that is provided within the primary corporate limits.
6. The area proposed for annexation is not subject to subdivision regulation as described N.C.G.S. § 160D-802
7. The total area within the proposed satellite corporate limits, when added to the area within all the other satellite corporate limits of the City, does not exceed ten (10%) of the area within the primary corporate limits of the City.
8. The area for annexation meets all other requirements defined in NC 160A-58.54 regarding the character of the area to be annexed.

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

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

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

1: By virtue of the authority granted by N.C.G.S. 160A-58.2, as amended, the following described noncontiguous area is hereby annexed and made part of the City of Hendersonville as of the twelfth day of February 2025.

Being all of that real property consisting of PIN 9577-89-9886 described in the plat recorded in Book 2025- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9577-89-9886 being described by metes and bounds as follows:

Portion of right of way for Upward Road, S.R. 1783, Project Reference No. R-4430, Project 6.806223 and Project 6.952418. Right of Way found in Deed Book 799, Page 509.
Beginning at an Aluminum Cap Right of Way Monument standing 61.65 feet right of Line "L" at station 45+50.42. Thence a New Line North 60 degrees 01 minutes 21 seconds East a distance of 78.92 feet to a #5 Rebar with Aluminum Right of Way Cap set. Standing South 60 degrees 01 minutes 21 seconds West a distance of 49.69 feet from an Aluminum Cap Right of Way Monument standing 58.09 feet right of Line "L" at station 46+85.85. Thence a New Line South 55 degrees 01 minutes 44 seconds East a distance of 23.37 feet to a #5 Rebar with Aluminum Right of Way Cap set. Thence with existing Right of Way South 32 degrees 00 minutes 33 seconds West a distance of 92.76 feet to an Aluminum Cap Right of Way Monument standing 126.55 feet right of Line "L" at station 45+56.09. Thence with existing Right of Way North 36 degrees 05 minutes 01 seconds West a distance of 65.11 feet to the Point and Place of Beginning. Containing 3637 square feet.

2: Upon and after the twelfth day of February 2025, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Hendersonville and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-58.10, as amended.

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

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

_____
Barbara G. Volk, Mayor, City of Hendersonville

Attest:

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

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

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

My commission expires:

_____

CERTIFICATE OF SUFFICIENCY

Re: Petition for Satellite Annexation
Petitioners: LBH Property Holdings LLC (Lyndon Hill, Manager)
File No. C24-91-ANX

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

1. A petition has been received for satellite annexation of properties consisting of +/- 0.08 acres located on Upward Road in Hendersonville, NC, being tax parcel PIN 9577-89-9886, and being more particularly described on Exhibit A, attached hereto and incorporated by reference, hereinafter "Petition."

2. An investigation has been completed as required by N.C.G.S. § 160A-58.2 of the Petition for compliance with the requirements of N.C.G.S. § 160A-58.1.

Based upon this investigation, I find that

1. The Petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area.
2. The nearest point on the proposed satellite corporate limit is approximately 2450' from the primary corporate limits of the City of Hendersonville, which is less than 3 miles.
3. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S.160A-58.1 (a).
4. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville (Village of Flat Rock approximately 3400').
5. The area is situated so the City will be able to provide the same services within the proposed corporate limits that is provided within the primary corporate limits.
6. The area proposed for annexation is not subject to subdivision regulation as described N.C.G.S. § 160D-802
7. The total area within the proposed satellite corporate limits, when added to the area within all the other satellite corporate limits of the City, does not exceed ten (10%) of the area within the primary corporate limits of the City.
8. The area for annexation meets all other requirements defined in NC 160A-58.54 regarding the character of the area to be annexed.

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

In witness hereof, I have set my hand and the City Seal on this the 10th day of January, 2025.

(City Seal)

Jill Murray, City Clerk

EXHIBIT A
LEGAL DESCRIPTION

Being all of that real property consisting of PIN 9577-89-9886 described in the plat recorded in Book 2025- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9577-89-9886 being described by metes and bounds as follows:

Portion of right of way for Upward Road, S.R. 1783, Project Reference No. R-4430, Project 6.806223 and Project 6.952418. Right of Way found in Deed Book 799, Page 509.

Beginning at an Aluminum Cap Right of Way Monument standing 61.65 feet right of Line "L" at station 45+50.42. Thence a New Line North 60 degrees 01 minutes 21 seconds East a distance of 78.92 feet to a #5 Rebar with Aluminum Right of Way Cap set. Standing South 60 degrees 01 minutes 21 seconds West a distance of 49.69 feet from an Aluminum Cap Right of Way Monument standing 58.09 feet right of Line "L" at station 46+85.85. Thence a New Line South 55 degrees 01 minutes 44 seconds East a distance of 23.37 feet to a #5 Rebar with Aluminum Right of Way Cap set. Thence with existing Right of Way South 32 degrees 00 minutes 33 seconds West a distance of 92.76 feet to an Aluminum Cap Right of Way Monument standing 126.55 feet right of Line "L" at station 45+56.09. Thence with existing Right of Way North 36 degrees 05 minutes 01 seconds West a distance of 65.11 feet to the Point and Place of Beginning. Containing 3637 square feet.

Resolution #R-25-04

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

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

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

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

Section 1. A public hearing on the question of annexation of the satellite area described herein will be held at City Hall located at 160 Sixth Avenue E. Hendersonville NC, 28792 at 5:45 p.m. February 12th, 2025, or as soon thereafter as it may be heard.

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

Being all of that real property consisting of PIN 9577-89-9886 described in the plat recorded in Book 2025- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9577-89-9886 being described by metes and bounds as follows:
Portion of right of way for Upward Road, S.R. 1783, Project Reference No. R-4430, Project 6.806223 and Project 6.952418. Right of Way found in Deed Book 799, Page 509.
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Re: Petition for Satellite Annexation
Petitioners: LBH Property Holdings LLC (Lyndon Hill, Manager)
File No. C24-91-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 8th day of January, 2025.

Barbara G. Volk, Mayor, City of Hendersonville

Attest:

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

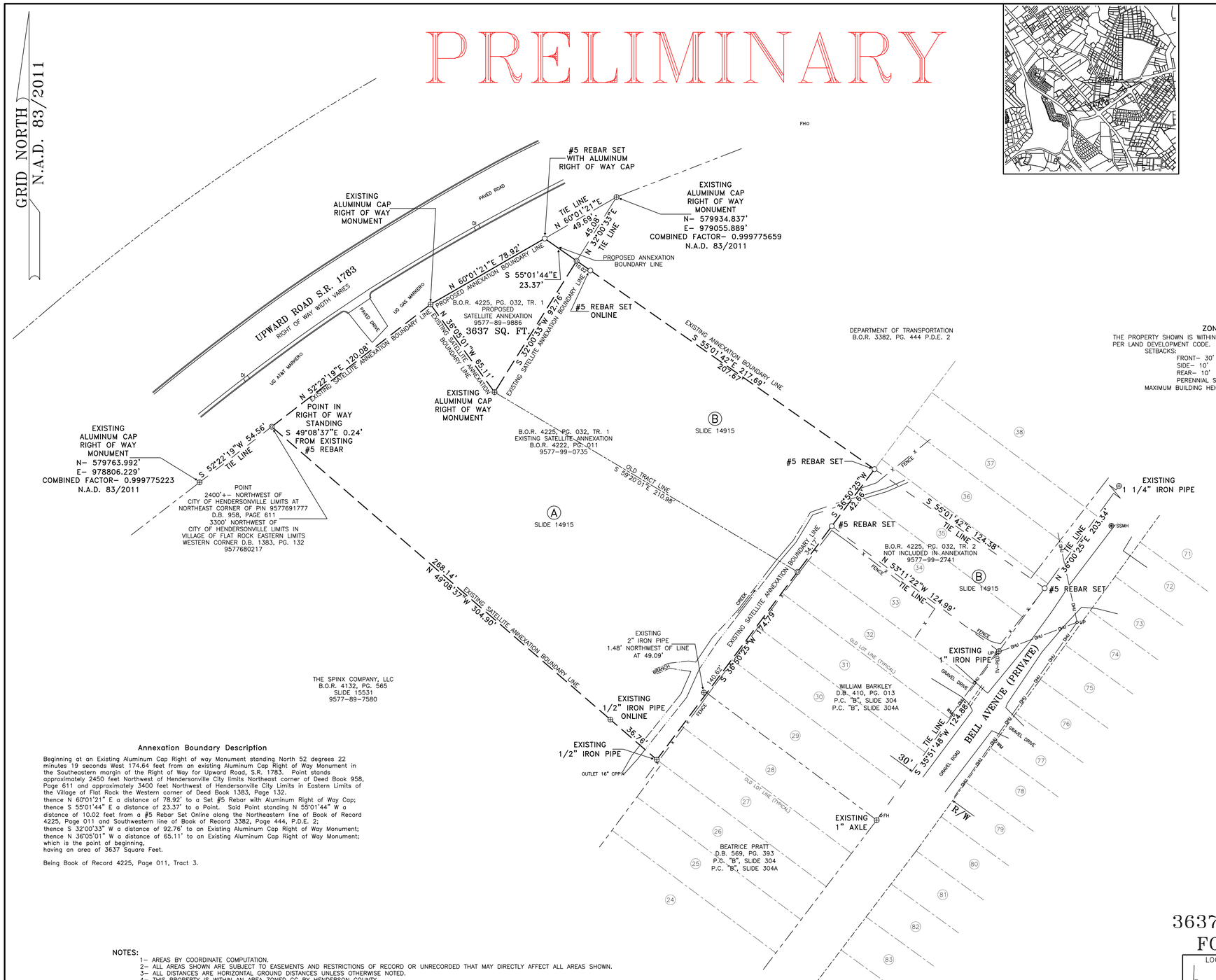
PRELIMINARY

ANNEXATION PLAT
TAX PIN: 9577-99-0735
FOR
THE CITY OF HENDERSONVILLE

SHOWING TRACT FOR ANNEXATION
BOOK OF RECORD 4165, PAGE 586, TRACT 1

HENDERSONVILLE TOWNSHIP
HENDERSON COUNTY
NORTH CAROLINA

SCALE: 1" = 30'
DECEMBER XXXX, 2024



ZONING INFORMATION:
THE PROPERTY SHOWN IS WITHIN AN AREA ZONED "CC" BY HENDERSON COUNTY PER LAND DEVELOPMENT CODE.
SETBACKS:
FRONT- 30' (FROM RIGHT OF WAY BOULEVARD)
SIDE- 10'
REAR- 10'
PERENNIAL STREAMS- 30'
MAXIMUM BUILDING HEIGHT- 50'

This plat represents the area being annexed to the City of Hendersonville, NC pursuant to NCGS 160A-31, by Ordinance duly adopted (Annexation Ordinance 024-29).

This the XXXX day of December, 2024.

_____
Jill Murray, City Clerk

State of North Carolina
County of Henderson

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

State of North Carolina, County of Henderson

This instrument was prepared for registration and recorded in the Office of Register of Deeds in the State and County designated; at Plat Slide _____, this _____ day of _____ 2024.
At _____ O'clock _____.

_____
BY: _____

I, DAVID H. HILL, N.C. PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION AND THAT LOCAL HORIZONTAL AND VERTICAL GRID CONTROL WAS ESTABLISHED FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION, AND THAT THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
(1) CLASS OF SURVEY: CLASS A
(2) POSITIONAL ACCURACY: 0.02' HORIZONTAL AT 95%
(3) TYPES OF GPS FIELD PROCEDURE(S): VRS
(4) DATES OF SURVEY: DECEMBER, 2021
(5) DATUM/EPOCH: NAD 83/2011
(6) PUBLISHED/FIXED CONTROL USE:
(7) GEOID MODEL: GEOID 12B
(8) COMBINED GRID FACTOR(S): 0.999774898
(9) UNITS: US SURVEY FOOT
WITNESS MY SIGNATURE, LICENSE NUMBER, AND SEAL THIS XXXX DAY OF DECEMBER, A.D., 2024.

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

This survey is of another category or other exception to the definition of subdivision.
N.C.G.S. 47-30, F-11-D.

_____ NCPLS 3863

I, DAVID H. HILL, certify that this plat was drawn from an actual survey made under my supervision (deed description recorded in Book SEE, page REFERENCES; that the boundaries not surveyed are clearly indicated as drawn from information found in Book AS, page SHOWN; that the ratio of precision as calculated is 1: 10000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this XXXXX day of DECEMBER, A.D., 2024.

_____
David H. Hill, NCPLS L-3863

Annexation Boundary Description

Beginning at an Existing Aluminum Cap Right of way Monument standing North 52 degrees 22 minutes 19 seconds West 174.64 feet from an existing Aluminum Cap Right of Way Monument in the Southeastern margin of the Right of Way for Upward Road, S.R. 1783. Point stands approximately 2450 feet Northwest of Hendersonville City limits Northeast corner of Deed Book 958, Page 611 and approximately 3400 feet Northwest of Hendersonville City Limits in Eastern Limits of the Village of Flat Rock the Western corner of Deed Book 1383, Page 132.
thence N 60°01'21" E a distance of 78.92' to a Set #5 Rebar with Aluminum Right of Way Cap;
thence S 55°01'44" E a distance of 23.37' to a Point. Said Point standing N 55°01'44" W a distance of 10.02 feet from a #5 Rebar Set Online along the Northeastern line of Book of Record 4225, Page 011 and Southwestern line of Book of Record 3382, Page 444, P.D.E. 2;
thence S 32°00'33" W a distance of 92.76' to an Existing Aluminum Cap Right of Way Monument;
thence N 36°05'01" W a distance of 65.11' to an Existing Aluminum Cap Right of Way Monument; which is the point of beginning,
having an area of 3637 Square Feet.

Being Book of Record 4225, Page 011, Tract 3.

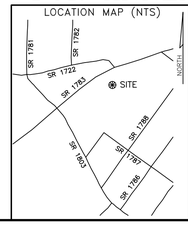
NOTES:
1- AREAS BY COORDINATE COMPUTATION.
2- ALL AREAS SHOWN ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD OR UNRECORDED THAT MAY DIRECTLY AFFECT ALL AREAS SHOWN.
3- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
4- THIS PROPERTY IS WITHIN AN AREA ZONED CC BY HENDERSON COUNTY.
5- THE PURPOSE OF THIS PLAT IS TO ANNEX PARCEL, TAX PIN 9577-89-9886, (3637 SATELLITE SQUARE FEET) INTO THE CITY OF HENDERSONVILLE AS SHOWN ON THIS SURVEY.
6- SUBJECT PARCEL IS A PORTION OF D.B. 799, PG. 509, R.O.W. 2: PROJECT 6.806223, PROJECT 6.952418.
7- THE CURRENT OWNER OF RECORD IS LBH PROPERTY HOLDINGS, LLC..

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

3637 SQ. FT. (TOTAL)
FOR ANNEXATION

30 0 30 60 90
GRAPHIC SCALE - FEET

LOCATION MAP (NTS)



DEED REFERENCES:
B.O.R. 4225, PG. 032
B.O.R. 4222, PG. 011
P.C. "B", SLIDE 304
P.C. "B", SLIDE 304A
SLIDE 14915
SLIDE 15912

TAX REFERENCES:
9577-99-0735
9577-99-2741

PARTY CHIEF: CM

REVISIONS:

SURVEY BY
HILL AND ASSOCIATES
SURVEYORS, P.A.
LICENSE NUMBER: C-1991

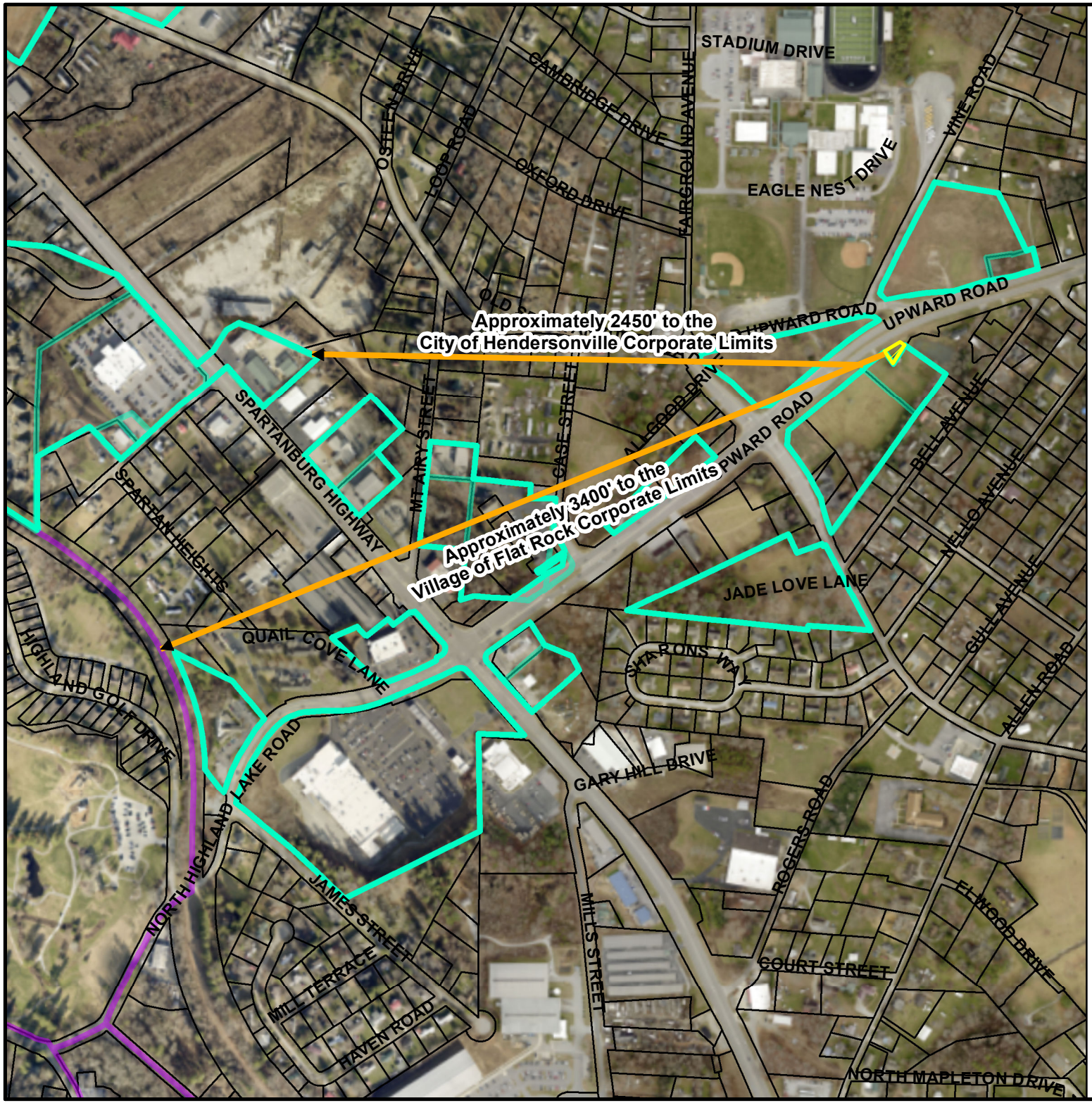
DAVID H. HILL
N.C.P.L.S. 3863

403 WEST BLUE RIDGE ROAD
EAST FLAT ROCK, NORTH CAROLINA 28726
(828) 693-1409

DATE: OCTOBER 22nd, 2024	CHECKED BY: DHH	DRAWING: 20232680ANNEX1
	DRAWN BY: DHH	FILE: 20232680

Portion of right of way for Upward Road, S.R. 1783, Project Reference No. R-4430, Project 6.806223 and Project 6.952418. Right of Way found in Deed Book 799, Page 509.

Beginning at an Aluminum Cap Right of Way Monument standing 61.65 feet right of Line “L” at station 45+50.42. Thence a New Line North 60 degrees 01 minutes 21 seconds East a distance of 78.92 feet to a #5 Rebar with Aluminum Right of Way Cap set. Standing South 60 degrees 01 minutes 21 seconds West a distance of 49.69 feet from an Aluminum Cap Right of Way Monument standing 58.09 feet right of Line “L” at station 46+85.85. Thence a New Line South 55 degrees 01 minutes 44 seconds East a distance of 23.37 feet to a #5 Rebar with Aluminum Right of Way Cap set. Thence with existing Right of Way South 32 degrees 00 minutes 33 seconds West a distance of 92.76 feet to an Aluminum Cap Right of Way Monument standing 126.55 feet right of Line “L” at station 45+56.09. Thence with existing Right of Way North 36 degrees 05 minutes 01 seconds West a distance of 65.11 feet to the Point and Place of Beginning. Containing 3637 square feet.



0 240 480 Feet

Section 7, Item A.

City of Hendersonville
December 2024

N E S

Upward Road (LBH PH)

C24-91-ANX

PIN: 9577-89-9886

Acreage: 0.08

Annexation Map

Subject Property

Municipal Boundaries

FLAT ROCK

HENDERSONVILLE

THE CITY OF HENDERSONVILLE · N.C. 1847

Community Development Department

BK 4225 PG 32 - 35 (4) DOC# 1001022244
This Document eRecorded: 11/08/2024 11:38:19 AM
Fee: $26.00
Henderson County, North Carolina Tax: $0.00
William Lee King, Register of Deeds

Please do not place anything in the 3" margin above – for recording information only)

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax $ 0.00
Parcel Identifier No.: 9577-99-0735, 9577-99-2741, 9577-99-1738, 9577-89-9659
Mail after recording to: The Van Winkle Law Firm
422 S. Main St., Hendersonville, NC 28792
This instrument was prepared by: Van Winkle, Buck, Wall, Starnes & Davis, P.A. (Michael M. Thompson)
Brief description for the Index: Tract on Upward Road, Flat Rock, 28731
THIS DEED made this _____ day of November, 2024, by and between:

GRANTOR	GRANTEE
Lyndon B. Hill and wife, Lynn G. Hill *and* **LBH PROPERTY HOLDINGS, LLC, A North Carolina Limited Liability Company**	**LBH PROPERTY HOLDINGS, LLC, A North Carolina Limited Liability Company**
168 Daffodil Cove Lane, Flat Rock, NC 28731	168 Daffodil Cove Lane, Flat Rock, NC 28731

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

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

This instrument was prepared by Michael M. Thompson, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

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

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 4058, Page 360, Henderson County Registry.

Submitted electronically by "Van Winkle Law Firm"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Henderson County Register of Deeds.

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

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

And Grantor covenants with 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 Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Easements, covenants, conditions, and restrictions of record; 2024 ad valorem taxes; and utilities physically located on the property.

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

_____ {Seal) _____ {Seal)
Lyndon B. Hill **Lynn G. Hill**

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Gealean Murray Roeters, a Notary Public of the County and State aforesaid, certify that **Lyndon B. Hill and wife, Lynn G. Hill** personally appeared before me this day and acknowledged the execution of the foregoing instrument for the purposes therein expressed. Sworn and subscribed to before me. Witness my hand and official stamp or seal, this 16th day of November, 2024.

SEAL/STAMP

_____
Notary Public
My Commission Expires: September 22, 2029

GEALEAN MURRAY ROETERS
NOTARY PUBLIC
Henderson County
North Carolina
My Commission Expires September 22, 2029

LBH PROPERTY HOLDINGS, LLC

By: _____ {Seal)
Lyndon B. Hill, Managing Member

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Gealean Murray Roeters, a Notary Public of the County and State aforesaid, certify that **Lyndon B. Hill, Managing Membre of LBH Property Holdings, LLC, a North Carolina Limited Liability Company,** personally appeared before me this day and acknowledged the execution of the foregoing instrument for the purposes therein expressed. Sworn and subscribed to before me. Witness my hand and official stamp or seal, this 16th day of November, 2024.

SEAL/STAMP

_____
Notary Public
My Commission Expires: September 22, 2029

GEALEAN MURRAY ROETERS
NOTARY PUBLIC
Henderson County
North Carolina
My Commission Expires September 22, 2029

BK 4225 PG 32 - 35 (4) DOC# 1001022244

EXHIBIT A

TRACT ONE

BEGINNING at an existing ½" iron pipe located in the westernmost corner of Lot 27, Lawndale Park Subdivision as shown on a plat thereof recorded in Plat Cabinet B Slide 304, Henderson County Registry, thence from said beginning point and with the boundary of the Spinx Company tract described in Book 4132 Page 565, Henderson County Registry, North 49 degrees 08 minutes 37 seconds West passing an existing iron pipe on the line at 36. 76 feet for a total distance of 304.90 feet, to a point located in the right of way of Upward Road (SR 1783) said point also being located South 49 degrees 08 minutes 37 seconds East 0.24 feet from an existing #5 rebar, thence with the southern margin of the right of way of Upward Road North 52 degrees 22 minutes 19 seconds East 120.08 feet to an exiting aluminum cap right of way monument, thence South 36 degrees 05 minutes 01 second East 65.11 feet to an existing aluminum cap right of way monument, thence North 32 degrees 00 minutes 33 seconds East 92.76 feet, thence South 55 degrees 01 minutes 42 seconds East 217.69 feet to a #5 rebar set on the western boundary of Lot 35, thence South 36 degrees 50 minutes 25 seconds West 42.66 feet to a #5 rebar set, thence South 36 degrees 50 minutes 25 seconds West 174.79 feet to the POINT AND PLACE OF BEGINNING and being 1.20 acres, more or less, and being all of that property designated as TRACT 1 as shown on that plat entitled " Plat of Survey for Lyndon Hill and wife, Lynn Hill" by Hill and Associates Surveyors, P.A. and being Drawing No. 2023258001, reference to which is hereby made and incorporated herein for greater certainty of description.

Being all of that same real property as conveyed by deed recorded in Deed Book 1104 Page 416, Henderson County Registry and being a portion of that same real property conveyed by deeds recorded in Book 648 Page 409, Henderson County Registry and being a portion of Deed Book 4058, Page 360, Henderson County Registry

TRACT TWO

BEGINNING at an existing #5 rebar set located in the easternmost corner of 35, Lawndale Park Subdivision as shown on plat thereof recorded in Plat Cabinet B Slide 304, Henderson County Registry and located within the margin of the right of way of Bell Avenue, thence South 36 degrees 00 minutes 25 seconds West 46.66 feet to an existing 1" iron pipe, thence North 53 degrees 11 minutes 22 seconds West 124.99 feet to a #5rebar set, thence North 36 degrees 50 minutes 25 seconds East 42.66 feet to a #3 rebar set, thence South 55 degrees 01 minute 42 seconds East 124.38 feet to the POINT AND PLACE OF BEGINNING and being 0.13 acres, more or less, and being all of that property designated as TRACT 2 as shown on that plat entitled " Plat of Survey for Lyndon Hill and wife, Lynn Hill" by Hill and Associates Surveyors, P.A. and being Drawing No. 2023258001, reference to which is hereby made and incorporated herein for greater certainty of description.

Being a portion of that same real property conveyed by deeds recorded in Book 648 Page 409, Henderson County Registry and a portion of Deed Book 4058, Page 360, Henderson County Registry.

Tracts One and Two being all of that property described in Deed Book 4165, Page 586, Henderson County Registry.

TRACT THREE

Portion of right of way for Upward Road, S.R. 1783, Project Reference No. R-4430, Project 6.806223 and Project 6.952418. Right of Way found in Deed Book 799, Page 509.

Beginning at an Aluminum Cap Right of Way Monument standing 61.65 feet right of Line "L" at station 45+50.42. Thence a New Line North 60 degrees 01 minutes 21 seconds East a distance of 78.92 feet to a #5 Rebar with Aluminum Right of Way Cap set. Standing South 60 degrees 01 minutes 21 seconds West a distance of 49.69

feet from an Aluminum Cap Right of Way Monument standing 58.09 feet right of Line "L" at station 46+85.85. Thence a New Line South 55 degrees 01 minutes 44 seconds East a distance of 23.37 feet to a #5 Rebar with Aluminum Right of Way Cap set. Thence with existing Right of Way South 32 degrees 00 minutes 33 seconds West a distance of 92.76 feet to an Aluminum Cap Right of Way Monument standing 126.55 feet right of Line "L" at station 45+56.09. Thence with existing Right of Way North 36 degrees 05 minutes 01 seconds West a distance of 65.11 feet to the Point and Place of Beginning. Containing 3637 square feet.

Tract Three being all of that property as described in Deed Book 4221, Page 412, Henderson County Registry.

IT IS THE INTENTION OF THE GRANTORS AND GRANTEES HEREIN TO COMBINE THE SUBJECT PROPERTIES (PIN 9577-99-7035, PIN 9577-99-2741, PIN 9577-99-1738, AND PIN 9577-89-9659), INTO ONE CONTIGUOUS PARCEL FOR HENDERSON COUNTY AD VALOREM TAX PURPOSES.

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

Petition Requesting Annexation

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

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

A. Property Information

PIN(s): 9577899886

Address(es) / Location of Property: Approximately 660 feet Northeast of Old Spartanburg Highway on the South Side of Upward Road

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

Is the property within the ETJ? ___ **Yes** X **No**

Reason for Annexation:

Obtained a piece of NCDOT right-of-way. This is adjacent to and in association with annexation C24-35-ANX.

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

B. Property Owner Contact Information

Lyndon Hill (Manager)
* Printed Applicant Name

11-26-2024
Date

LBH Property Holdings, LLC
Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Property Owner Signature

Property Owner Title (if applicable)

168 Daffodil Cove Ln
Address of Property Owner

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

Telephone

Email

SOSID: 1[illegible]
Date Filed: 9/23/2[illegible]
Elaine F. M[illegible]
North Carolina Secretary of State
C2024 264 02172

State of North Carolina
Department of the Secretary of State

Limited Liability Company
AMENDMENT OF ARTICLES OF ORGANIZATION

Pursuant to §57D-2-22 of the General Statutes of North Carolina, the undersigned limited liability company hereby submits the following Articles of Amendment for the purpose of amending its Articles of Organization.

1. The name of the limited liability company is: Hill Grandchildren, LLC

2. The text of each amendment adopted is as follows (attach additional pages if necessary):

Section 1 of the Articles of Organization shall be replaced with the following:

1. The name of the limited liability company is: LBH Property Holdings LLC

3. (Check either a or b, whichever is applicable)

A. ☐ The amendment(s) was (were) duly adopted by the majority vote of the organizers of the limited liability company prior to the identification of initial members of the limited liability company.

B. ☑ The amendment(s) was (were) duly adopted by the unanimous vote of the members of the limited liability company or was (were) adopted as otherwise provided in the limited liability company's Articles of Organization or a written operating agreement.

4. These articles will be effective upon filing, unless a date and/or time is specified: _____

This the____ day of September, 20 24.

Hill Grandchildren, LLC
Name of Limited Liability Company

[redacted]
Signature

Lyndon Hill, Manager, Company Official
Type or Print Name and Title

NOTES:
1. Filing fee is $50. This document must be filed with the Secretary of State.

LIMITED LIABILITY COMPANY ANNUAL REPORT

1/6/2022

NAME OF LIMITED LIABILITY COMPANY: Hill Grandchildren, LLC

SECRETARY OF STATE ID NUMBER: 1074679 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2023

Filing Office Use Only
E - Filed Annual Report
1074679
CA202411301387
4/22/2024 11:45

☐ Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Hill, Lyndon

2. SIGNATURE OF THE NEW REGISTERED AGENT: _____

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS **& COUNTY**

2028 Spartanburg Highway
East Flat Rock, NC 28726-2133 Henderson County

4. REGISTERED AGENT OFFICE MAILING ADDRESS

168 Daffodil Cove Lane
Flat Rock, NC 28731

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Rentals

2. PRINCIPAL OFFICE PHONE NUMBER: (828) 606-9959

3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS

168 Daffodil Cove Lane
Flat Rock, NC 28731

5. PRINCIPAL OFFICE MAILING ADDRESS

168 Daffodil Cove Lane
Flat Rock, NC 28731

6. Select one of the following if applicable. (Optional see instructions)

☐ The company is a veteran-owned small business

☐ The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)

NAME: Lyndon Hill	NAME:	NAME:
TITLE: Manager	TITLE:	TITLE:
ADDRESS:	ADDRESS:	ADDRESS:
168 Daffodil Cove Lane		
Flat Rock, NC 28731		

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

Lyndon Hill
SIGNATURE

4/22/2024
DATE

Form must be signed by a Company Official listed under Section C of This form.

Lyndon Hill
Print or Type Name of Company Official

Manager
Print or Type Title of Company Official

This Annual Report has been filed electronically.

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Tyler Morrow

MEETING DATE: February 12th, 2025

AGENDA SECTION: Public Hearing

DEPARTMENT: Community Development

TITLE OF ITEM: Annexation: Public Hearing- Old Sunset Hill Road (Taylor & Albea) (C24-56-ANX) – *Tyler Morrow, Current Planning Manager*

SUGGESTED MOTION(S):

For Approval:	**For Denial:**
I move City Council adopt an ordinance of the City of Hendersonville to extend the Corporate Limits of the City as a contiguous annexation, to annex that property owned by Gregory Albea, Julianne Albea, Joseph Taylor, and Laura Taylor, identified as PINs 9579-98-0375, 9579-98-3527, 9579-99-4115, and 9579-99-8724, finding that the standards established by North Carolina General Statute 160A-31 have been satisfied and that the annexation is in the best interest of the City.	I move that City Council deny the petition received from Gregory Albea, Julianne Albea, Joseph Taylor, and Laura Taylor, requesting the annexation of that property having PINs 9579-98-0375, 9579-98-3527, 9579-99-4115, and 9579-99-8724.

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 located on Old Sunset Hill Road that is approximately 21.32 acres. Please refer to the attached maps for additional information.

On January 8th, 2025, City Council accepted the City Clerk's Certificate of Sufficiency for the petition submitted and set February 12th, 2025, as the date for the public hearing

PROJECT/PETITIONER NUMBER:	• C24-56-ANX
PETITIONER NAME:	• Gregory Albea • Julianne Albea

	• Joseph Taylor • Laura Taylor
ATTACHMENTS:	1. Ordinance 2. Signed Certificate of Sufficiency 3. Signed Resolution setting public hearing 4. Annexation Plat 5. Typed legal description 6. GIS map 7. Deeds 8. Annexation Application

Ordinance #___-____

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

IN RE: Petition for Contiguous Annexation
Petitioners: Gregory Albea, Julianne Albea, Joseph Taylor, and Laura Taylor
File No. C24-56-ANX

WHEREAS, The City of Hendersonville has been petitioned by Gregory Albea, Julianne Albea, Joseph Taylor, and Laura Taylor, pursuant to North Carolina General Statutes (NCGS) 160A-31, as amended, to annex the area described herein below; and

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

WHEREAS, a public hearing on the question of this annexation was held at 160 6th Ave E. (City Hall), Hendersonville, NC at 5:45 pm, on the 12th day of February 2025, after due notice by publication as provided by law on January 26th 2025; and

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

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

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

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

1: By virtue of the authority granted by N.C.G.S. 160A-31, as amended, the following described contiguous area is hereby annexed and made part of the City of Hendersonville as of the 12th day of February 2025.

Being all of that real property consisting of PINs 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724 described in the plat recorded in Book 2025- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724 being described by metes and bounds as follows:

Being all of those certain parcels of land lying and being in Clear Creek and Blue Ridge Townships, Henderson County, North Carolina; being the same properties described in the "Tract 2" subsection of "Exhibit A" in Deed Book 4026, Page 272; being a portion of that property as described in DB 3664, Page 522; and being more particularly described as follows:
BEGINNING at a 3/4" open top pipe lying on the southern line of the Triangle Ballantyne Hendersonville, Inc. (hereinafter "Triangle") property as described in DB 1601, Page 205; said pipe also lying on the existing CITY LIMITS of the City of Hendersonville; and said pipe having "NAD 83 (2011)" coordinates of N: 599,590.75 feet and E: 979,199.05 feet and lying a grid bearing and distance of North 67°17'22" East 3954.96 feet from NGS Monument "Hendersonville AZ MK" (with coordinates of N: 598,063.83 feet and E: 975,550.74 feet); thence from said POINT OF BEGINNING with the CITY LIMITS and with the southern Triangle line the following 5 (five) calls:
North 83°25'32" East 179.86 feet to a 1/2" open top pipe;
North 83°27'35" East 132.08 feet to a 1/2" open top pipe;
North 83°26'11" East 128.78 feet to a 1/2" open top pipe;
North 83°44'09" East 140.14 feet to a 1/2" open top pipe;
North 10°38'23" West 155.24 feet to a 3/4" open top pipe lying on the southern line of the Forestar (USA) Real Estate Group, Inc. (hereinafter "Forestar") property as described in DB 4112, Page 700;
Thence continuing with the CITY LIMITS and with said Forestar line North 78°10'47" East 134.76 feet to a 5/8" rebar with cap lying at the northwest corner of the remaining Taylor property as described in DB 3664, Page 522; thence leaving the CITY LIMITS with the western Taylor line South 10°38'23" East 168.07 feet to a 5/8" rebar with cap; thence North 83°37'35" East (passing a 5/8" rebar with cap at 82.41 feet) a total distance of 112.41 feet to a planted stone; thence continuing with the Taylor line and with the Runk line as described in DB 1398, Page 390 on a bearing of South 26°24'47" West (passing a 5/8" rebar with cap at 30.00 feet) a total distance of 1038.40 feet to a 1/2" crimped top pipe lying at the northwest corner of another Runk property as described in DB 991, Page 228; thence with the second Runk line South 05°50'01" West (passing a 5/8" rebar with cap at 19.23 feet) a total distance of 199.69 feet to a 1/2" open top pipe lying at the northeastern corner of the Nolen line as described in Will Book 86E, Page 9, and also lying at the northwestern corner of another Runk property as described in DB 991, Page 228; thence with said Nolen line South 88°34'58" West 225.92 feet to a 1/2" open top pipe; thence South 01°53'55" West 111.35 feet to a 3/4" open top pipe; thence South 44°45'29" East 66.33 feet to a 1/2" open top pipe lying at the northern corner of the Albea property as described in DB 4026, Page 269; thence with said Albea line South 45°17'09" West 114.15

feet to a 1/2” open top pipe lying at the northern corner of the “1.00 acre” Albea property as described in DB 4026, Page 272; thence with said Albea line South 43°20'24" West (passing a 1/2” open top pipe at 276.12 feet) a total distance of 306.17 feet to an unmarked point lying in the center of Old Sunset Hill Road (S.R. 1744); thence with the centerline of Old Sunset Hill Road the following 2 (two) calls:
North 66°27'25" West 200.96 feet to an unmarked point;
On a curve to the left having a radius of 731.14 feet, an arc length of 79.49 feet, a chord bearing of North 69°34'17" West, and a chord distance of 79.45 feet to an unmarked point lying at the southeast corner of the Newell property as described in DB 3372, Page 421;
Thence leaving Old Sunset Hill Road with the Newell line, and with the eastern line of the Conner Creek MHP, LLC line as described in DB 4052, Page 640, and with said southern Triangle line on a bearing of North 15°41'44" East (passing a 3/4” open top pipe at 30.47 feet, passing a 1/2” open top pipe at 177.56 feet, passing a 1/2” open top pipe at 279.12 feet, passing a 1/2” open top pipe at 356.53 feet, passing a 3/4” open top pipe at 894.02 feet, and passing a 3/4” open top pipe at 1140.25 feet) a total distance of 1448.52 feet (the last 308.27 feet running with the CITY LIMITS) to the POINT AND PLACE OF BEGINNING, containing 21.32 acres, more or less.

2: Upon and after the twelfth day of February 2025, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hendersonville and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A- 58.10, as amended.

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

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

_____
Barbara G. Volk, Mayor, City of Hendersonville

Attest:

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

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

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

My commission expires: _____

_____

CERTIFICATE OF SUFFICIENCY

Re: Petition for Contiguous Annexation
Petitioner: Gregory Albea, Julianne Albea, Joseph Taylor, and Laura Taylor
File No. C24-56-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 +/- 21.32 acres located on Old Sunset Hill Road in Hendersonville, NC, being tax parcels PIN 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724 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 10th day of January, 2025.

(City Seal)

Jill Murray

Jill Murray, City Clerk

EXHIBIT A
LEGAL DESCRIPTION

Being all of that real property consisting of PINs 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724 described in the plat recorded in Book 2025- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724 being described by metes and bounds as follows:

Being all of those certain parcels of land lying and being in Clear Creek and Blue Ridge Townships, Henderson County, North Carolina; being the same properties described in the "Tract 2" subsection of "Exhibit A" in Deed Book 4026, Page 272; being a portion of that property as described in DB 3664, Page 522; and being more particularly described as follows:

BEGINNING at a 3/4" open top pipe lying on the southern line of the Triangle Ballantyne Hendersonville, Inc. (hereinafter "Triangle") property as described in DB 1601, Page 205; said pipe also lying on the existing CITY LIMITS of the City of Hendersonville; and said pipe having "NAD 83 (2011)" coordinates of N: 599,590.75 feet and E: 979,199.05 feet and lying a grid bearing and distance of North 67°17'22" East 3954.96 feet from NGS Monument "Hendersonville AZ MK" (with coordinates of N: 598,063.83 feet and E: 975,550.74 feet); thence from said POINT OF BEGINNING with the CITY LIMITS and with the southern Triangle line the following 5 (five) calls:

North 83°25'32" East 179.86 feet to a 1/2" open top pipe;

North 83°27'35" East 132.08 feet to a 1/2" open top pipe;

North 83°26'11" East 128.78 feet to a 1/2" open top pipe;

North 83°44'09" East 140.14 feet to a 1/2" open top pipe;

North 10°38'23" West 155.24 feet to a 3/4" open top pipe lying on the southern line of the Forestar (USA) Real Estate Group, Inc. (hereinafter "Forestar") property as described in DB 4112, Page 700;

Thence continuing with the CITY LIMITS and with said Forestar line North 78°10'47" East 134.76 feet to a 5/8" rebar with cap lying at the northwest corner of the remaining Taylor property as described in DB 3664, Page 522; thence leaving the CITY LIMITS with the western Taylor line South 10°38'23" East 168.07 feet to a 5/8" rebar with cap; thence North 83°37'35" East (passing a 5/8" rebar with cap at 82.41 feet) a total distance of 112.41 feet to a planted stone; thence continuing with the Taylor line and with the Runk line as described in DB 1398, Page 390 on a bearing of South 26°24'47" West (passing a 5/8" rebar with cap at 30.00 feet) a total distance of 1038.40 feet to a 1/2" crimped top pipe lying at the northwest corner of another Runk property as described in DB 991, Page 228; thence with the second Runk line South 05°50'01" West (passing a 5/8" rebar with cap at 19.23 feet) a total distance of 199.69 feet to a 1/2" open top pipe lying at the northeastern corner of the Nolen line as described in Will Book 86E, Page 9, and also lying at the northwestern corner of another Runk property as described in DB 991, Page 228; thence with said Nolen line South 88°34'58" West 225.92 feet to a 1/2" open

top pipe; thence South 01°53'55" West 111.35 feet to a 3/4" open top pipe; thence South 44°45'29" East 66.33 feet to a 1/2" open top pipe lying at the northern corner of the Albea property as described in DB 4026, Page 269; thence with said Albea line South 45°17'09" West 114.15 feet to a 1/2" open top pipe lying at the northern corner of the "1.00 acre" Albea property as described in DB 4026, Page 272; thence with said Albea line South 43°20'24" West (passing a 1/2" open top pipe at 276.12 feet) a total distance of 306.17 feet to an unmarked point lying in the center of Old Sunset Hill Road (S.R. 1744); thence with the centerline of Old Sunset Hill Road the following 2 (two) calls:

North 66°27'25" West 200.96 feet to an unmarked point;

On a curve to the left having a radius of 731.14 feet, an arc length of 79.49 feet, a chord bearing of North 69°34'17" West, and a chord distance of 79.45 feet to an unmarked point lying at the southeast corner of the Newell property as described in DB 3372, Page 421;

Thence leaving Old Sunset Hill Road with the Newell line, and with the eastern line of the Conner Creek MHP, LLC line as described in DB 4052, Page 640, and with said southern Triangle line on a bearing of North 15°41'44" East (passing a 3/4" open top pipe at 30.47 feet, passing a 1/2" open top pipe at 177.56 feet, passing a 1/2" open top pipe at 279.12 feet, passing a 1/2" open top pipe at 356.53 feet, passing a 3/4" open top pipe at 894.02 feet, and passing a 3/4" open top pipe at 1140.25 feet) a total distance of 1448.52 feet (the last 308.27 feet running with the CITY LIMITS) to the POINT AND PLACE OF BEGINNING, containing 21.32 acres, more or less.

Resolution #R-25-03

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 City Hall located at 160 Sixth Avenue E. Hendersonville NC, 28792 at 5:45 p.m. February 12th, 2025, 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 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724 described in the plat recorded in Book 2025- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724 being described by metes and bounds as follows:

Being all of those certain parcels of land lying and being in Clear Creek and Blue Ridge Townships, Henderson County, North Carolina; being the same properties described in the "Tract 2" subsection of "Exhibit A" in Deed Book 4026, Page 272; being a portion of that property as described in DB 3664, Page 522; and being more particularly described as follows:

BEGINNING at a 3/4" open top pipe lying on the southern line of the Triangle Ballantyne Hendersonville, Inc. (hereinafter "Triangle") property as described in DB 1601, Page 205; said pipe also lying on the existing CITY LIMITS of the City of Hendersonville; and said pipe having "NAD 83 (2011)" coordinates of N: 599,590.75 feet and E: 979,199.05 feet and lying a grid bearing and distance of North 67°17'22" East 3954.96 feet from NGS Monument "Hendersonville AZ MK" (with coordinates of N: 598,063.83 feet and E: 975,550.74 feet); thence from said POINT OF BEGINNING with the CITY LIMITS and with the southern Triangle line the following 5 (five) calls:

North 83°25'32" East 179.86 feet to a 1/2" open top pipe;

North 83°27'35" East 132.08 feet to a 1/2" open top pipe;

North 83°26'11" East 128.78 feet to a 1/2" open top pipe;

North 83°44'09" East 140.14 feet to a 1/2" open top pipe;

North 10°38'23" West 155.24 feet to a 3/4" open top pipe lying on the southern line of the Forestar (USA) Real Estate Group, Inc. (hereinafter "Forestar") property as described in DB 4112, Page 700;

Thence continuing with the CITY LIMITS and with said Forestar line North 78°10'47" East 134.76 feet to a 5/8" rebar with cap lying at the northwest corner of the remaining Taylor property as described in DB 3664, Page 522; thence leaving the CITY LIMITS with the western Taylor line South 10°38'23" East 168.07 feet to a 5/8" rebar with cap; thence North 83°37'35" East (passing a 5/8" rebar with cap at 82.41 feet) a total distance of 112.41 feet to a planted stone; thence continuing with the Taylor line and with the Runk line as described in DB 1398, Page 390 on a bearing of South 26°24'47" West (passing a 5/8" rebar with cap at 30.00 feet) a total distance of 1038.40 feet to a 1/2" crimped top pipe lying at the northwest corner of another Runk property as described in DB 991, Page 228; thence with the second Runk line South 05°50'01" West (passing a 5/8" rebar with cap at 19.23 feet) a total distance of 199.69 feet to a 1/2" open top pipe lying at the northeastern corner of the Nolen line as described in Will Book 86E, Page 9, and also lying at the northwestern corner of another Runk property as described in DB 991, Page 228; thence with said Nolen line South 88°34'58" West 225.92 feet to a 1/2" open top pipe; thence South 01°53'55" West 111.35 feet to a 3/4" open top pipe; thence South 44°45'29" East 66.33 feet to a 1/2" open top pipe lying at the northern corner of the Albea property as described in DB 4026, Page 269; thence with said Albea line South 45°17'09" West 114.15 feet to a 1/2" open top pipe lying at the northern corner of the "1.00 acre" Albea property as described in DB 4026, Page 272; thence with said Albea line South 43°20'24" West (passing a 1/2" open top pipe at 276.12 feet) a total distance of 306.17 feet to an unmarked point lying in the center of Old Sunset Hill Road (S.R. 1744); thence with the centerline of Old Sunset Hill Road the following 2 (two) calls:

North 66°27'25" West 200.96 feet to an unmarked point;

On a curve to the left having a radius of 731.14 feet, an arc length of 79.49 feet, a chord bearing of North 69°34'17" West, and a chord distance of 79.45 feet to an unmarked point lying at the southeast corner of the Newell property as described in DB 3372, Page 421;

Thence leaving Old Sunset Hill Road with the Newell line, and with the eastern line of the Conner Creek MHP, LLC line as described in DB 4052, Page 640, and with said southern Triangle line on a bearing of North 15°41'44" East (passing a 3/4" open top pipe at 30.47 feet, passing a 1/2" open top pipe at 177.56 feet, passing a 1/2" open top pipe at 279.12 feet, passing a 1/2" open top pipe at 356.53 feet, passing a 3/4" open top pipe at 894.02 feet, and passing a 3/4" open top pipe at 1140.25 feet) a total distance of 1448.52 feet (the last 308.27 feet running with the CITY LIMITS) to the POINT AND PLACE OF BEGINNING, containing 21.32 acres, more or less.

Re: Petition for Contiguous Annexation
Petitioner: Gregory Albea, Julianne Albea, Joseph Taylor, and Laura Taylor
File No. C24-56-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 8th day of January, 2025.

Barbara G. Volk

Barbara G. Volk, Mayor, City of Hendersonville

Attest:

Jill Murray

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

I, C.M. EDGERTON JR., N.C. P.L.S., CERTIFY THAT PURSUANT TO SUBSECTION (j), THE PROVISIONS OF G.S. 47-30 SHALL NOT APPLY TO BOUNDARY PLATS OF AREAS TO BE ANNEXED BY MUNICIPALITIES, NOR TO PLATS OF MUNICIPAL BOUNDARIES, WHETHER OR NOT REQUIRED BY LAW TO BE RECORDED.

THE FOLLOWING INFORMATION WAS OBTAINED BY GNSS OBSERVATIONS AND USED TO OBTAIN N.C. GRID NORTH, NAD 83 (2011) ORIENTATION:

HORIZONTAL POSITIONAL ACCURACY: 0.05'
VERTICAL POSITIONAL ACCURACY: 0.09'
TYPE OF GPS FIELD PROCEDURE: STATIC (POST-PROCESSED USING TRIMBLE SOFTWARE)
DATE OF GNSS FIELD SURVEY: 03/18/2024
HORIZONTAL DATUM/EPOCH: NAD 83 (NSRS 2011)/2010.00
VERTICAL DATUM: NAVD 88
PUBLISHED/FIXED HORIZONTAL CONTROL: NCGS MONUMENT "HENDERSONVILLE AZ MK"
GEOID MODEL: GEOID 18
COMBINED GRID FACTOR: 0.999774016
UNITS: U.S. SURVEY FEET

WITNESS MY SIGNATURE, LICENSE NUMBER, AND SEAL THIS DATE _____.

_____
N.C. PROFESSIONAL LAND SURVEYOR

L-4815
LICENSE #

NORTH CAROLINA PROFESSIONAL SEAL L-4815 LAND SURVEYOR C.M. EDGERTON JR.

PRELIMINARY - NOT FOR SALES, CONVEYANCES, OR RECORDING

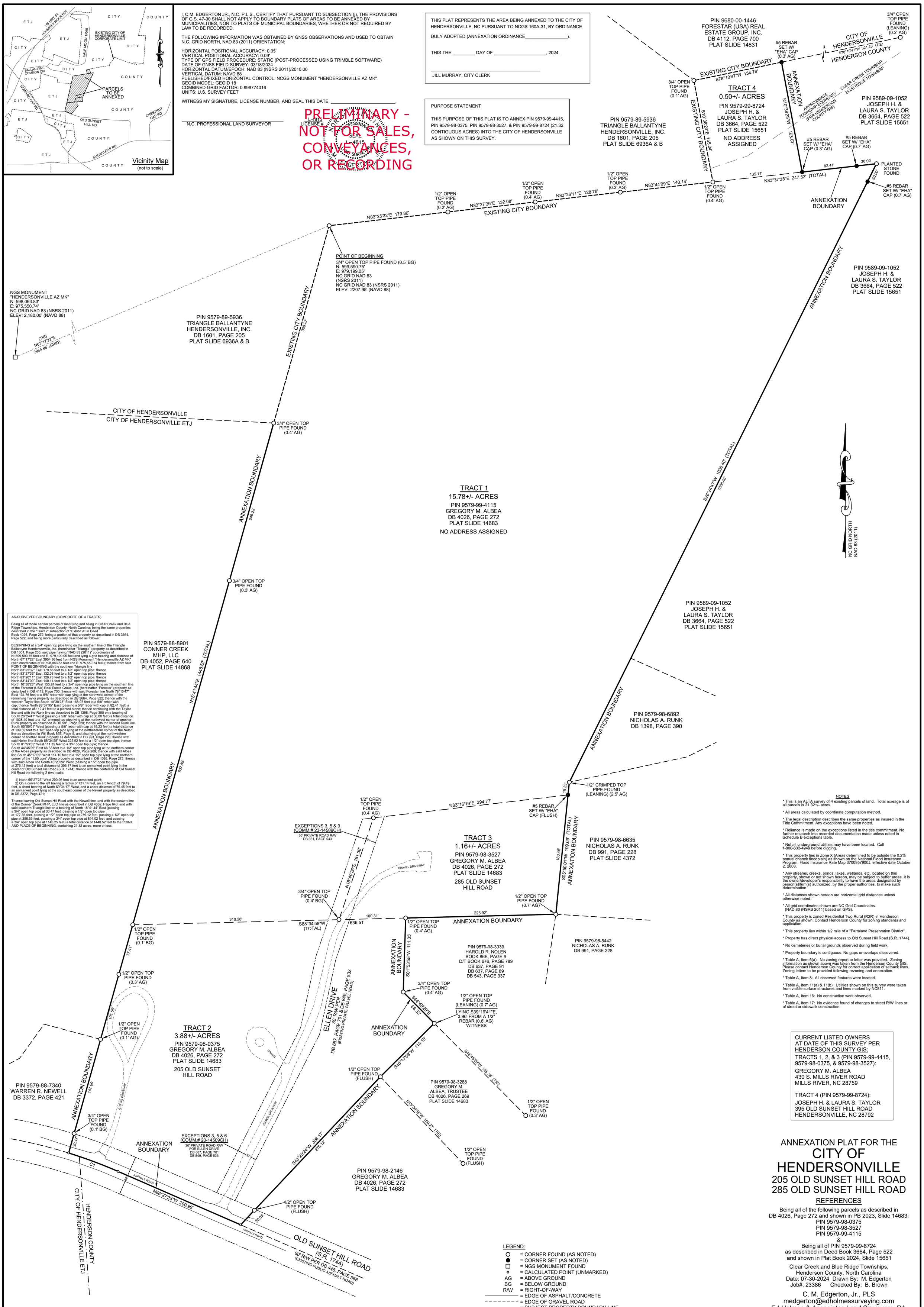
THIS PLAT REPRESENTS THE AREA BEING ANNEXED TO THE CITY OF HENDERSONVILLE, NC PURSUANT TO NCGS 160A-31, BY ORDINANCE DULY ADOPTED (ANNEXATION ORDINANCE_____).

THIS THE _____ DAY OF _____, 2024.

_____
JILL MURRAY, CITY CLERK

PURPOSE STATEMENT

THIS PURPOSE OF THIS PLAT IS TO ANNEX PIN 9579-99-4415, PIN 9579-98-0375, PIN 9579-98-3527, & PIN 9579-99-8724 (21.32 CONTIGUOUS ACRES) INTO THE CITY OF HENDERSONVILLE AS SHOWN ON THIS SURVEY.



AS-SURVEYED BOUNDARY (COMPOSITE OF 4 TRACTS)

Being all of those certain parcels of land lying and being in Clear Creek and Blue Ridge Townships, Henderson County, North Carolina; being the same properties described in the "Tract 2" subsection of "Exhibit A" in Deed Book 4026, Page 272; being a portion of that property as described in DB 3664, Page 522; and being more particularly described as follows:

BEGINNING at a 3/4" open top pipe lying on the southern line of the Triangle Ballantyne Hendersonville, Inc. (hereinafter "Triangle") property as described in DB 1601, Page 205; said pipe having "NAD 83 (2011)" coordinates of N: 599,590.75 feet and E: 979,199.05 feet and lying a grid bearing and distance of North 67°17'22" East 3954.96 feet from NGS Monument "Hendersonville AZ MK" (with coordinates of N: 598,063.83 feet and E: 975,550.74 feet); thence from said POINT OF BEGINNING with the southern Triangle line
North 83°25'32" East 179.86 feet to a 1/2" open top pipe; thence
North 83°27'35" East 132.08 feet to a 1/2" open top pipe; thence
North 83°26'11" East 128.78 feet to a 1/2" open top pipe; thence
North 83°44'09" East 140.14 feet to a 1/2" open top pipe; thence
North 10°38'23" West 155.24 feet to a 3/4" open top pipe lying on the southern line of the Forestar (USA) Real Estate Group, Inc. (hereinafter "Forestar") property as described in DB 4112, Page 700; thence with said Forestar line North 78°10'47" East 134.76 feet to a 5/8" rebar with cap lying at the northwest corner of the remaining Taylor property as described in DB 3664, Page 522; thence with the western Taylor line South 10°38'23" East 168.07 feet to a 5/8" rebar with cap; thence North 83°37'35" East (passing a 5/8" rebar with cap at 82.41 feet) a total distance of 112.41 feet to a planted stone; thence continuing with the Taylor line and with the Runk line as described in DB 1398, Page 390 on a bearing of South 26°24'47" West (passing a 5/8" rebar with cap at 30.00 feet) a total distance of 1038.40 feet to a 1/2" crimped top pipe lying at the northwest corner of another Runk property as described in DB 991, Page 228; thence with the second Runk line South 05°50'01" West (passing a 5/8" rebar with cap at 19.23 feet) a total distance of 199.69 feet to a 1/2" open top pipe lying at the northeastern corner of the Nolen line as described in Will Book 86E, Page 9, and also lying at the northwestern corner of another Runk property as described in DB 991, Page 228; thence with said Nolen line South 88°34'58" West 225.92 feet to a 1/2" open top pipe; thence South 01°53'55" West 111.35 feet to a 3/4" open top pipe; thence
South 44°45'29" East 66.33 feet to a 1/2" open top pipe lying at the northern corner of the Albea property as described in DB 4026, Page 269; thence with said Albea line South 45°17'09" West 114.15 feet to a 1/2" open top pipe lying at the northern corner of the "1.00 acre" Albea property as described in DB 4026, Page 272; thence with said Albea line South 43°20'24" West (passing a 1/2" open top pipe at 276.12 feet) a total distance of 306.17 feet to an unmarked point lying in the center of Old Sunset Hill Road (S.R. 1744); thence with the centerline of Old Sunset Hill Road the following 2 (two) calls:

1) North 66°27'25" West 200.96 feet to an unmarked point;
2) On a curve to the left having a radius of 731.14 feet, an arc length of 79.49 feet, a chord bearing of North 69°34'17" West, and a chord distance of 79.45 feet to an unmarked point lying at the southeast corner of the Newell property as described in DB 3372, Page 421;

Thence leaving Old Sunset Hill Road with the Newell line, and with the eastern line of the Conner Creek MHP, LLC line as described in DB 4052, Page 640, and with said southern Triangle line on a bearing of North 15°41'44" East (passing a 3/4" open top pipe at 30.47 feet, passing a 1/2" open top pipe at 177.56 feet, passing a 1/2" open top pipe at 279.12 feet, passing a 1/2" open top pipe at 356.53 feet, passing a 3/4" open top pipe at 894.02 feet, and passing a 3/4" open top pipe at 1140.25 feet) a total distance of 1448.52 feet to the POINT AND PLACE OF BEGINNING, containing 21.32 acres, more or less.

NOTES

* This is an ALTA survey of 4 existing parcels of land. Total acreage is of all parcels is 21.32+/- acres.

* All areas calculated by coordinate computation method.

* The legal description describes the same properties as insured in the Title Commitment. Any exceptions have been noted.

* Reliance is made on the exceptions listed in the title commitment. No further research into recorded documentation made unless noted in Schedule B exceptions table.

* Not all underground utilities may have been located. Call 1-800-632-4949 before digging.

* This property lies in Zone X (Areas determined to be outside the 0.2% annual chance floodplain) as shown on the National Flood Insurance Program, Flood Insurance Rate Map 3700957900J, effective date October 2, 2008.

* Any streams, creeks, ponds, lakes, wetlands, etc. located on this property, shown or not shown hereon, may be subject to buffer areas. It is the owner/developer's responsibility to have the areas designated by person(s)/firm(s) authorized, by the proper authorities, to make such determination.

* All distances shown hereon are horizontal grid distances unless otherwise noted.

* All grid coordinates shown are NC Grid Coordinates. (NAD 83 (NSRS 2011) based on GPS).

* This property is zoned Residential Two Rural (R2R) in Henderson County as shown. Contact Henderson County for zoning standards and application.

* This property lies within 1/2 mile of a "Farmland Preservation District".

* Property has direct physical access to Old Sunset Hill Road (S.R. 1744).

* No cemeteries or burial grounds observed during field work.

* Property boundary is contiguous. No gaps or overlaps discovered.

* Table A, Item 6(a): No zoning report or letter was provided. Zoning information as shown above was taken from the Henderson County GIS. Please contact Henderson County for correct application of setback lines. Zoning letters to be provided following rezoning and annexation.

* Table A, Item 8: All observed features were located.

* Table A, Item 11(a) & 11(b): Utilities shown on this survey were taken from visible surface structures and lines marked by NC811.

* Table A, Item 16: No construction work observed.

* Table A, Item 17: No evidence found of changes to street R/W lines or of street or sidewalk construction.

CURRENT LISTED OWNERS AT DATE OF THIS SURVEY PER HENDERSON COUNTY GIS:

TRACTS 1, 2, & 3 (PIN 9579-99-4415, 9579-98-0375, & 9579-98-3527):
GREGORY M. ALBEA
430 S. MILLS RIVER ROAD
MILLS RIVER, NC 28759

TRACT 4 (PIN 9579-99-8724):
JOSEPH H. & LAURA S. TAYLOR
395 OLD SUNSET HILL ROAD
HENDERSONVILLE, NC 28792

BOUNDARY CURVE CALLS

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	731.14'	79.49'	N69°34'17"W	79.45'

LEGEND:

- O = CORNER FOUND (AS NOTED)
- ● = CORNER SET (AS NOTED)
- □ = NGS MONUMENT FOUND
- ∘ = CALCULATED POINT (UNMARKED)
- AG = ABOVE GROUND
- BG = BELOW GROUND
- R/W = RIGHT-OF-WAY
- = EDGE OF ASPHALT/CONCRETE
- = EDGE OF GRAVEL ROAD
- = SUBJECT PROPERTY BOUNDARY LINE (EXISTING CITY LIMITS)
- = SUBJECT PROPERTY BOUNDARY LINE (PROPOSED ANNEXATION LIMITS)
- = ADJOINER BOUNDARY LINE
- = EXISTING R/W LIMIT
- = TOWNSHIP DIVISION LINE
- = CITY OF HENDERSONVILLE ETJ BOUNDARY

ANNEXATION PLAT FOR THE

CITY OF HENDERSONVILLE

205 OLD SUNSET HILL ROAD
285 OLD SUNSET HILL ROAD

REFERENCES

Being all of the following parcels as described in DB 4026, Page 272 and shown in PB 2023, Slide 14683:
PIN 9579-98-0375
PIN 9579-98-3527
PIN 9579-99-4115
&
Being all of PIN 9579-99-8724 as described in Deed Book 3664, Page 522 and shown in Plat Book 2024, Slide 15651

Clear Creek and Blue Ridge Townships, Henderson County, North Carolina
Date: 07-30-2024 Drawn By: M. Edgerton
Job#: 23386 Checked By: B. Brown

C. M. Edgerton, Jr., PLS
medgerton@edholmessurveying.com
Ed Holmes & Associates Land Surveyors, PA
200 Ridgefield Ct., Suite 208, Asheville, NC 28806
828.225.6562 Company# C-2806
www.edholmessurveying.com

60' 0' 60' 120'
SCALE 1" = 60'

ED HOLMES & ASSOCIATES LAND SURVEYORS, PA

DWG#: D24-112

OLD SUNSET HILL ANNEXATION BOUNDARY (COMPOSITE OF 4 TRACTS)

Being all of those certain parcels of land lying and being in Clear Creek and Blue Ridge Townships, Henderson County, North Carolina; being the same properties described in the “Tract 2” subsection of “Exhibit A” in Deed Book 4026, Page 272; being a portion of that property as described in DB 3664, Page 522; and being more particularly described as follows:

BEGINNING at a 3/4” open top pipe lying on the southern line of the Triangle Ballantyne Hendersonville, Inc. (hereinafter “Triangle”) property as described in DB 1601, Page 205; said pipe also lying on the existing CITY LIMITS of the City of Hendersonville; and said pipe having “NAD 83 (2011)” coordinates of N: 599,590.75 feet and E: 979,199.05 feet and lying a grid bearing and distance of North 67°17'22” East 3954.96 feet from NGS Monument "Hendersonville AZ MK" (with coordinates of N: 598,063.83 feet and E: 975,550.74 feet); thence from said POINT OF BEGINNING with the CITY LIMITS and with the southern Triangle line the following 5 (five) calls:

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3) North 83°26'11" East 128.78 feet to a 1/2” open top pipe;
4) North 83°44'09" East 140.14 feet to a 1/2” open top pipe;
5) North 10°38'23" West 155.24 feet to a 3/4” open top pipe lying on the southern line of the Forestar (USA) Real Estate Group, Inc. (hereinafter “Forestar”) property as described in DB 4112, Page 700;

Thence continiuing with the CITY LIMITS and with said Forestar line North 78°10'47" East 134.76 feet to a 5/8” rebar with cap lying at the northwest corner of the remaining Taylor property as described in DB 3664, Page 522; thence leaving the CITY LIMITS with the western Taylor line South 10°38'23" East 168.07 feet to a 5/8” rebar with cap; thence North 83°37'35" East (passing a 5/8” rebar with cap at 82.41 feet) a total distance of 112.41 feet to a planted stone; thence continuing with the Taylor line and with the Runk line as described in DB 1398, Page 390 on a bearing of South 26°24'47" West (passing a 5/8” rebar with cap at 30.00 feet) a total distance of 1038.40 feet to a 1/2” crimped top pipe lying at the northwest corner of another Runk property as described in DB 991, Page 228; thence with the second Runk line South 05°50'01" West (passing a 5/8” rebar with cap at 19.23 feet) a total distance of 199.69 feet to a 1/2” open top pipe lying at the northeastern corner of the Nolen line as described in Will Book 86E, Page 9, and also lying at the northwestern corner of another Runk property as described in DB 991, Page 228; thence with said Nolen line South 88°34'58" West 225.92 feet to a 1/2” open top pipe; thence South 01°53'55" West 111.35 feet to a 3/4” open top pipe; thence South 44°45'29" East 66.33 feet to a 1/2” open top pipe lying at the northern corner of the Albea property as described in DB 4026, Page 269; thence with said Albea line South 45°17'09" West 114.15 feet to a 1/2” open top pipe lying at the northern corner of the “1.00 acre” Albea property as described in DB 4026, Page 272; thence with said Albea line South 43°20'24" West (passing a 1/2” open top pipe at 276.12 feet) a total distance of 306.17 feet to an unmarked point lying in the center of Old Sunset Hill Road (S.R. 1744); thence with the centerline of Old Sunset Hill Road the following 2 (two) calls:

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point lying at the southeast corner of the Newell property as described in DB 3372, Page 421;

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0 170 340 680
Feet

City of Hendersonville
August 2024

N
E
S

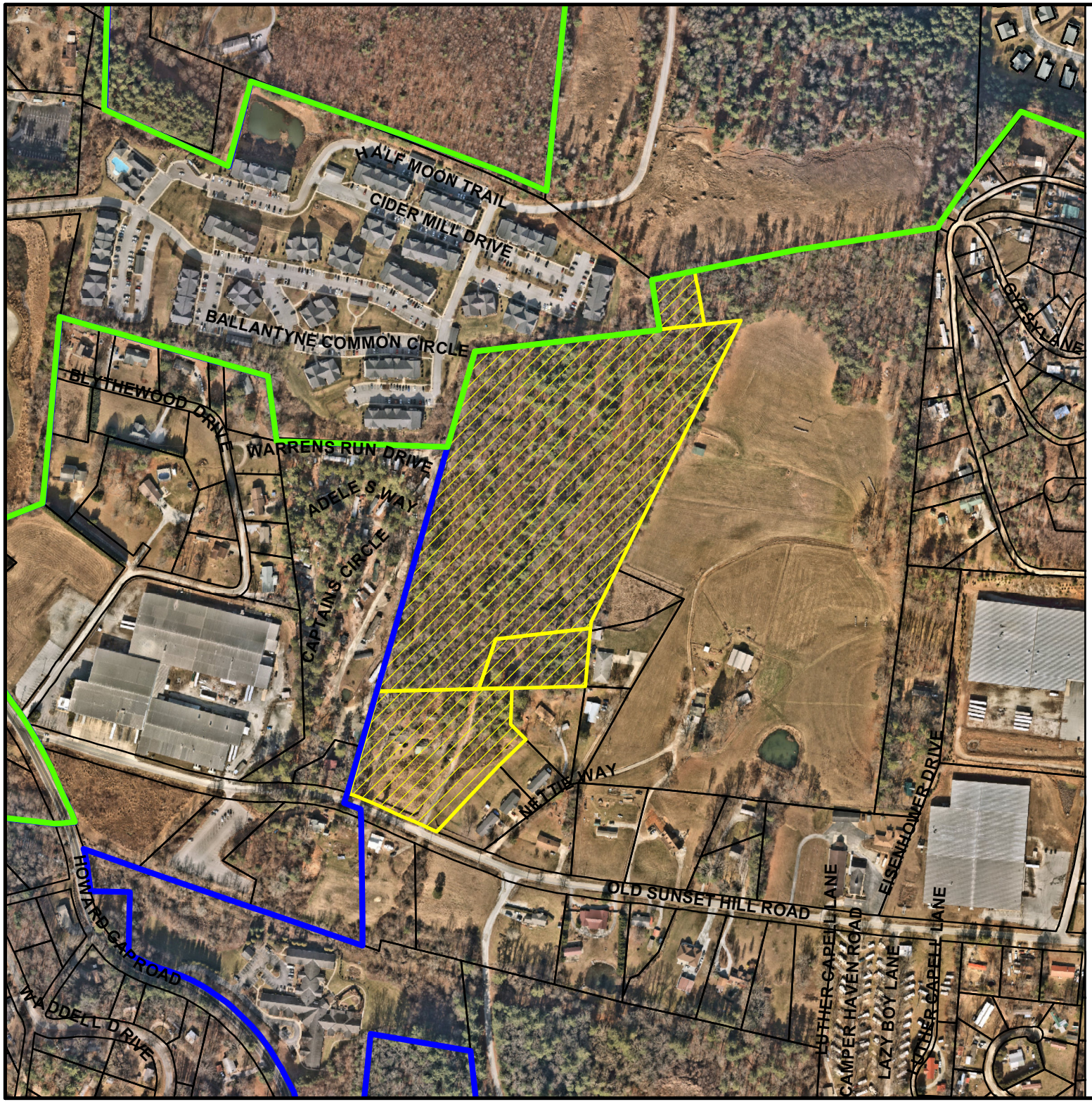
Old Sunset Hill Road

C24-56-ANX

PINs: 9579-98-0375, -3527, 9579-99-4115, -8724

Acreage: 21.32

Contiguous Annexation Map



Hendersonville City Limits

Hendersonville ETJ

Subject Property

THE CITY OF HENDERSONVILLE · N.C.
1847

BK 4026 PG 272 - 274 (3) DOC# 1000995389
This Document eRecorded: 03/28/2023 10:37:29 AM
Fee: $26.00
Henderson County, North Carolina
William Lee King, Register of Deeds

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax $0.00

Parcel Identifier No. 9589273428, 9589279069, 9579983527, a portion of 9579982846
Prepared by and return to: Van Winkle Law Firm (JDV), PO Box 7376, Asheville, NC 28802-7376
Brief description for the Index: various lots Southern Visions Drive and Nettie Way

THIS DEED made this 27th day of March, 2023, by and between:

GRANTOR	GRANTEE
Gregory Martin Albea, as Executor of the Estate of Donnie A. Williams **430 South Mills River Road** **Mills River, NC 28759**	**Gregory Martin Albea** **430 South Mills River Road** **Mills River, NC 28759**

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

See EXHIBIT A attached hereto and incorporated herein by reference.

NO TITLE EXAMINATION WAS PERFORMED BY THE PREPARER OF THIS DEED.

THIS PROPERTY ☐ Does/☒Not (check one) INCLUDE THE GRANTOR'S PRINCIPAL RESIDENCE.

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple.

Submitted electronically by "Van Winkle Law Firm"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Henderson County Register of Deeds.

BK 4026 PG 272 - 274 (3) DOC# 1000995389

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, and under or through Grantor, except for the exceptions hereinafter stated.

The property hereinabove described was acquired by Grantor via the Last Will and Testament of Donnie A. Williams of record in Henderson County Estate file number 22-E-870.

The undersigned Gregory Martin Albea is also serving as the Executor of the Estate of Donnie A. Williams and signs this deed also in his capacity as Executor to release any claim that the Estate might have with respect to the Property.

Title to the Property is subject to the following exceptions:

Utilities physically located on the Property, ad valorem taxes for the current year and subsequent years, easements and restrictions of record, and any local, county, state, or federal laws, ordinances, or regulations relating to zoning, environment, subdivision, occupancy, use, construction, or development of the subject property, including existing violations of said laws, ordinances, or regulations.

IN WITNESS WHEREOF, Grantor has hereunto set their hands and seals, day and year first above written.

By: Gregory Martin Albea (SEAL)

Gregory Martin Albea, as Executor of the Estate of Donnie A. Williams

STATE OF North Carolina
COUNTY OF Henderson

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose state therein and in the capacity indicated: **Gregory Martin Albea**

Date: 3/27/2023

Notary Public

Jasara Vetter
(Printed Name of Notary)

My Commission Expires: 6/6/2026

PLACE NOTARY SEAL INSIDE THIS BOX ONLY!

JASARA VETTER
Notary Public
Polk
County
My Comm. Exp.
06-06-2026
NORTH CAROLINA

BK 4026 PG 272 - 274 (3) DOC# 1000995389

EXHIBIT A

Tract 1:

BEING ALL OF LOT 2R, consisting of 1.09 acres, and LOT D, consisting of 10.62 acres, as shown on Plat Slide 14682, Henderson County Registry (the "Plat").

TOGETHER WITH AND SUBJECT TO the right of way for ingress, egress, regress, and utilities over Southern Visions Drive as shown on said Plat for the benefit of Lot D, Lot 2R, Lot A, Lot B, and Lot C shown on said Plat.

Tract 2:

BEING ALL OF that 1.16 acre parcel, and Tract A, consisting of 15.77 acres, and Tract B, consisting of 3.88 acres, as shown on Plat Slide 14683 of the Henderson County Registry (the "Plat")

TOGETHER WITH AND SUBJECT TO a right of way for ingress, egress, regress, and utilities over that 30' Right of Way labeled "Proposed Ellen Drive" as shown on the Plat and described in Book 849, Page 533.

Tract 3:

BEING ALL OF that Tract D, consisting of 1.00 acres, as shown on Plat Slide 14683 of the Henderson County Registry.

TOGETHER WITH AND SUBJECT TO a right of way for ingress, egress, regress, and utilities over Nettie Way, as shown on the Plat and described in Book 849, Page 523.

SLIDE 14683

Notes:
1. Property is subject to all easements, restrictions and right of ways of record.
2. The locations of underground utilities are based on above-ground structures and record drawings provided to the surveyor. Locations of underground utilities/structures may vary from locations shown hereon. Additional buried utilities/structures may be encountered.
3. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate title search may disclose.
4. The certification of survey and plat was prepared for the entity named in the title block hereon and does not extend to any other entity, unless recertified by the professional land surveyor.
5. All miscellaneous survey related materials, including but not limited to, project plans, deed and ROW research, maps, field notes and data, survey reports, record title report, calculations, working drawings, estimates, and other materials acquired and/or prepared by the surveyor as instruments of service shall remain the property of the surveyor and assigns.
6. This drawing is not valid unless the original signature and stamp are attached. Any reproduction or variance to this survey by electronic or any other means are not to be considered issued by the professional surveyor.
7. Property is currently zoned R2R Henderson County Zoning as per Henderson County GIS.
9. Property is located within 1/2 mile of a designated Farmland Preservation Distrct.
10. Property is located in Zone X (minimal flood risk) as per FRIS Map Panels 9579 & 9589, Map #s 3700957900J & 3700958900J effective date 10-2-2008.
11. Property is subject to the non-exclusive 16' Right of Way as per D.B. 849, Pg. 523

Grid North NAD 83 (2011)

Building Setbacks as per R2R Henderson County Zoning:
Front: 15'
Side: 10'
Rear: 10'

Perennial Stream Buffer: 30'

NORTH CAROLINA PROFESSIONAL SEAL L-4920 LAND SURVEYOR CAMERON S. BAKER

I, Cameron S. Baker, certify that this plat was drawn under my supervision from an actual survey under my supervision, (deed description recorded in Book 849, Page 523/533) that the ratio of precision as calculated by latitudes and departures does not exceed 1:10,000 and that this map was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this 10th day of February, 20 23.

Cameron S. Baker

Professional Land Surveyor No. L-4920

I, Cameron S. Baker, Professional Land Surveyor, certify that this survey creates a subdivision of land within the jurisdiction of Henderson County, which has an ordinance that regulates parcels of land.

Cameron S. Baker

Professional Land Surveyor L-4920

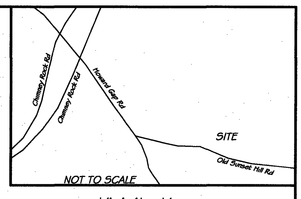
Global Positioning System Certification (RTK)
The Positional Accuracy Of The RTK Derived Positional Information Is 0.03' Horizontal & 0.03' Vertical

Horizontal Positions Are Referenced to NAD 83 (NSRS 2011)

Vertical Positions Are Referenced To NAVD 88 (Geoid 12)

Combined Factor 0.99977443 (Ground To Grid)

Equipment Used: Carlson GPS-BRx6



Vicinity Map

State of North Carolina, County of Henderson
filed for registration on the ___ day of ___ 20___
at ___ o' clock ___ M and recorded in
slide ___ in the office of the
Register of Deeds of Henderson County.

Register of Deeds

By: ___, Deputy.

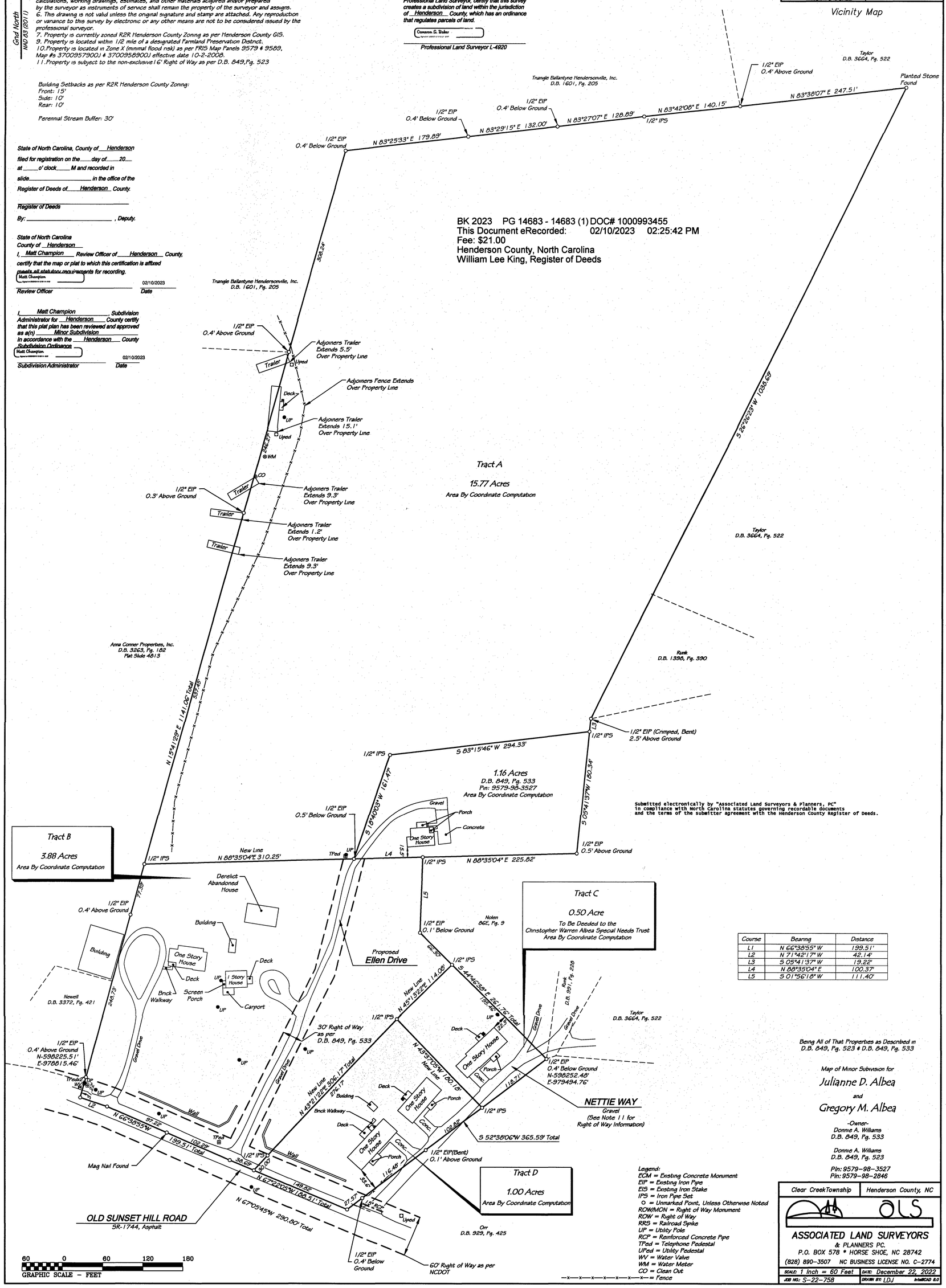
State of North Carolina
County of Henderson
I, Matt Champion Review Officer of Henderson County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Matt Champion 02/10/2023
Review Officer Date

I, Matt Champion, Subdivision Administrator for Henderson County certify that this plat plan has been reviewed and approved as a(n) Minor Subdivision in accordance with the Henderson County Subdivision Ordinance.

Matt Champion 02/10/2023
Subdivision Administrator Date

BK 2023 PG 14683 - 14683 (1) DOC# 1000993455
This Document eRecorded: 02/10/2023 02:25:42 PM
Fee: $21.00
Henderson County, North Carolina
William Lee King, Register of Deeds



Course	Bearing	Distance
L1	N 66°38'55" W	199.51'
L2	N 71°42'17" W	42.14'
L3	S 05°41'37" W	19.22'
L4	N 88°35'04" E	100.37'
L5	S 01°56'18" W	111.40'

Submitted electronically by "Associated Land Surveyors & Planners, PC" in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Henderson County Register of Deeds.

Being All of That Properties as Described in D.B. 849, Pg. 523 & D.B. 849, Pg. 533

Map of Minor Subdivision for

Julianne D. Albea

and

Gregory M. Albea

-Owner-
Donnie A. Williams
D.B. 849, Pg. 533

Donnie A. Williams
D.B. 849, Pg. 523

Pin: 9579-98-3527
Pin: 9579-98-2846

Legend:
ECM = Existing Concrete Monument
EIP = Existing Iron Pipe
EIS = Existing Iron Stake
IPS = Iron Pipe Set
O = Unmarked Point, Unless Otherwise Noted
ROW/MON = Right of Way Monument
ROW = Right of Way
RRS = Railroad Spike
UP = Utility Pole
RCP = Reinforced Concrete Pipe
TPed = Telephone Pedestal
UPed = Utility Pedestal
WV = Water Valve
WM = Water Meter
CO = Clean Out
—x—x—x—x—x—x—x— = Fence

Clear Creek Township	Henderson County, NC

ALS

ASSOCIATED LAND SURVEYORS & PLANNERS PC.
P.O. BOX 578 * HORSE SHOE, NC 28742
(828) 890-3507 NC BUSINESS LICENSE NO. C-2774

SCALE: 1 Inch = 60 Feet	DATE: December 22, 2022
JOB NO.: S-22-758	DRAWN BY: LDJ InterCAD 8.0

DocVerify ID: 3827AAAB-FC4A-47B1-80C9-F280149C135D
Page 1 of 1 1E3801149C135D

BOOK 3664 PAGE 522 (3)

946434

This document presented and filed:
03/05/2021 03:49:05 PM

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

Doc Stamps $ 0

Prepared by: Sharon B. Alexander
Deed Preparation Only

STATE OF NORTH CAROLINA

DEED OF RECOMBINATION

COUNTY OF HENDERSON

→ PYM

THIS DEED, made and entered into this 3rd day of March, 2021, by and between JOSEPH HARLEY TAYLOR and wife, LAURA SUZANNE TAYLOR, (herein referred to as the "party of the first part" and having a mailing address of 395 Old Sunset Hill Road; Hendersonville, NC 28792) and JOSEPH HARLEY TAYLOR and wife, LAURA SUZANNE TAYLOR, (the "party of the second part" and having a mailing address of 395 Old Sunset Hill Road; Hendersonville, NC 28792);

WHEREAS, the Joseph Harley Taylor is the owner of all of the property described herein below and identified by different real estate identification numbers within the tax records for Henderson County, North Carolina, as follows: 201879; 9926544 and 1012107;

WHEREAS, the party of the first part wishes to combine all of the property described herein below into one tax parcel and executes this Deed of Recombination for that purpose;

WHEREAS, the property described herein below was previously owned by Emanuel Taylor and Elizabeth Agatha Taylor as tenants by the entirety;

WHEREAS, Emanuel Taylor died on March 24, 2006;

WHEREAS, the property described herein below was owned by Elizabeth Agatha Taylor a/k/a Elizabeth G. Taylor a/k/a Elizabeth Guice Taylor a/k/a Agatha Elizabeth Guice Taylor at the time of her death on October 22, 2020;

WHEREAS, the Last Will and Testament of Elizabeth Agatha Taylor was admitted to probate on November 12, 2020, as reflected in File No. 20 E 1019 in the office of the Clerk of Superior Court for Henderson County, North Carolina; and

WHEREAS, the party of the first part wishes to hold said property as tenants by the entirety and executes this deed also for that purpose.

WITNESSETH:

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

PARCEL ONE

BEGINNING at a stake in the J.D. Searcy line, the northeast corner of Tract #4 of the J. B. Guice division, as surveyed and platted by G. W. Justice, Surveyor, July 3, 1935, and running thence with the Searcy line North 82 deg East (v.1 ½ deg.) 35-3/4 poles to Searcy's corner in the John D. Corn old line; thence with said Corn line South 5 Deg. West 43 ½ poles to a stake, the northeast corner of Tract #6 of said division; thence with the northern boundary line of Tract #6, and which said line is described in a deed dated July 12, 1935 from the said J. B. Guice and wife Nettie Guice, to Ralph Guice, North 83 ½ deg West 32-3/4 poles to a stake, the northwest corner of Tract #6; thence with the line of Tract #6, South 29 Deg West 18 poles to a stake, corner of Tract #4; thence with the line of Tract #4, South 62 deg. West 8 poles to a stake; thence still with the line of said Tract South 76 ½ deg. West 11 poles to a white oak; thence still with the line of Tract #4, 25 1/4 deg East 63-1/5 Poles to the Beginning; containing 11.75 acres more or less, and being Tract #5 of said division, and being the same property conveyed from T. F. Orr and wife, Milda Orr to Ralph E. Guice and wife, Velma S. Guice, recorded in Book 267, page 114.

And excepting and reserving as a right of way for the benefit of Tracts 4, 5, 5-A, and 6 of said division a strip of land 16 feet wide extending from the public road above mentioned Northward along the Western boundary lines of Tracts 5-A and 6, to the point where the above call "North 62 deg, East 8 poles to a stake intersects with the Western boundary line of Lot #6, which right of way is granted in deed from J. B. Guice and wife, Nettie Guice, to Mary Guice, July 12, 1935, and recorded in Deed Book 215, page 151, Records of Deeds for Henderson County, North Carolina.

ALSO BEING all of that real property described in deed of record in Deed Book 364, Page 239 in the office of the Register of Deeds for Henderson County, North Carolina.

PARCEL TWO

BEGINNING at a post oak, the northeast corner of the division of the John D. Searcy Estate, as will be shown by reference to plat recorded in Plat Book 5, at page 63, in the office of the Register of Deed for Henderson County, North Carolina, and runs thence South 79 deg West 445 feet to a stone; thence South 76 deg. 45 min West 457 feet to an iron pin; thence a new line, South 5 deg. 30 min. East 153 feet to an iron pin; thence North 83 deg. 30 min East, partly along the north line of property previously owned by Harley Manuel Taylor, et ux, 816.5 feet to a stake; thence North 5 deg East 231 feet to the point of BEGINNING, and containing 3.5 acres, and being a portion of the Robert G. Searcy tract labeled "6-F" on the above mentioned plat.

ALSO BEING all of that real property described in deed of record in Deed Book 379, Page 355 in the office of the Register of Deeds for Henderson County, North Carolina.

PARCEL THREE

BEGINNING at a stone, Southwest corner of the Logan Cagle Heirs tract in the H. M. Russ line; and running thence with the Russ line North 86 deg. 30 min. West 57 poles to a stake, Russ' corner of the South margin of the J. B. Guice private road; thence North 29 deg. East 19.5 poles to a Pine; thence same course 40 poles to at stake; thence South 75 poles 30 min. East 33.3 poles to a stake in the Triblett line; thence with said Triblett line and continuing with the said Logan Cagle Heirs line South 5 deg. 15 min. West 47.3 poles to the BEGINNING, containing 14.33 acres, more or less, and being a part of the J. B. Guice Home Place originally conveyed to him by Margaret Guice, by deed now of record in Henderson County as recorded in Deed Book 210, page 236.

ALSO including a tract of land consisting of approximately .47 acres as recorded in Deed Book 213, page 12, reference to same being made hereby for a more complete and accurate description.

ALSO BEING all of that real property described in deed of record in Deed Book 690, Page 695 in the office of the Register of Deeds for Henderson County, North Carolina.

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

AND the party of the first part covenants with the party of the second part that the party of the first part has done nothing to impair such title as the party of the first part received, and the party of the first part will warrant and defend the title against the lawful claims of all persons claiming by, under or through the party of the first part, except this conveyance is made subject to the rights-of-way for Old Sunset Hill Road and Nettie Way to their full legal widths, deeds of trust, restrictions and utility easements of record and 2021 ad valorem taxes.

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

IN TESTIMONY WHEREOF, the party of the first part has hereunto has hereunto set their hands and seals, the day and year first above written.

Joseph Harley Taylor (SEAL)
JOSEPH HARLEY TAYLOR

Laura Suzanne Taylor (SEAL)
LAURA SUZANNE TAYLOR

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, a Notary Public of the County and State aforesaid, certify that JOSEPH HARLEY TAYLOR and wife, LAURA SUZANNE TAYLOR, personally appeared before me this day and acknowledged the voluntary execution of the foregoing instrument for the purpose stated therein. Witness my hand and official stamp or seal, this 3rd day of March, 2021.

Sylvia McAdam
Notary Public

My commission expires: 9-17-2025

SYLVIA MCADAM
NOTARY
PUBLIC
BUNCOMBE COUNTY, NC

SLIDE 15651

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, LIZ HANSON, REVIEW OFFICER OF HENDERSON COUNTY, CERTIFY THAT THIS MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Elizabeth Hanson 05/29/2024
REVIEW OFFICER DATE

I, LIZ HANSON, SUBDIVISION ADMINISTRATOR FOR HENDERSON COUNTY CERTIFY THAT THIS PLAT HAS BEEN REVIEWED AND APPROVED AS (A) MINOR SUBDIVISION IN ACCORDANCE WITH THE HENDERSON COUNTY SUBDIVISION ORDINANCE.

Elizabeth Hanson 05/29/2024
SUBDIVISION ADMINISTRATOR DATE

I, C.M. EDGERTON, JR., PROFESSIONAL LAND SURVEYOR OR PROFESSIONAL ENGINEER, CERTIFY THAT THE LOT(S) CREATED BY THIS PLAT IS (ARE) SERVED AND ACCESSED BY A RECORDED DRIVEWAY EASEMENT SHOWN HEREON. THIS EASEMENT MAY OR MAY NOT MEET THE STANDARDS FOR ROADS SERVING SUBDIVISIONS IN THE HENDERSON COUNTY LAND DEVELOPMENT CODE. NEITHER THE UNDERSIGNED NOR HENDERSON COUNTY CERTIFY WHETHER THIS EASEMENT MEETS SUCH STANDARDS. THIS THE 29TH DAY OF MAY, 2024.

C.M. Edgerton, Jr.
PROFESSIONAL SURVEYOR OR ENGINEER

I, C.M. EDGERTON JR., N.C. P.L.S., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (PROPERTY DESCRIPTION RECORDED IN DEED BOOKS AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN DEED BOOKS AS SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 OR GREATER; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I ALSO HEREBY CERTIFY THAT THIS SURVEY IS OF THE FOLLOWING CATEGORY AS DESCRIBED IN G.S. 47-30(f)(11):

(a.) THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

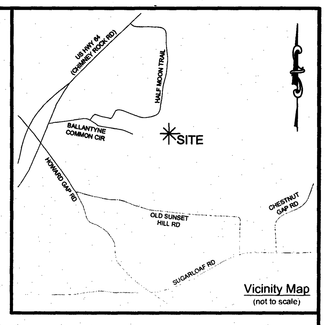
THE FOLLOWING INFORMATION WAS OBTAINED BY GNSS OBSERVATIONS AND USED TO OBTAIN N.C. GRID NORTH, NAD 83 (2011) ORIENTATION:

HORIZONTAL POSITIONAL ACCURACY: 0.004'
VERTICAL POSITIONAL ACCURACY: 0.007'
TYPE OF GPS FIELD PROCEDURE: STATIC
(POST-PROCESSED USING TOPCON TOOLS SOFTWARE)
DATE OF GNSS FIELD SURVEY: 03/16/2020
HORIZONTAL DATUM/EPOCH: NAD 83 (NSRS 2011)
LOCALIZATION POINT: N:600,102.92', E:967,361.58'
GEOID MODEL: GEOID 18
COMBINED GRID FACTOR: 0.99977957
UNITS: U.S. SURVEY FEET

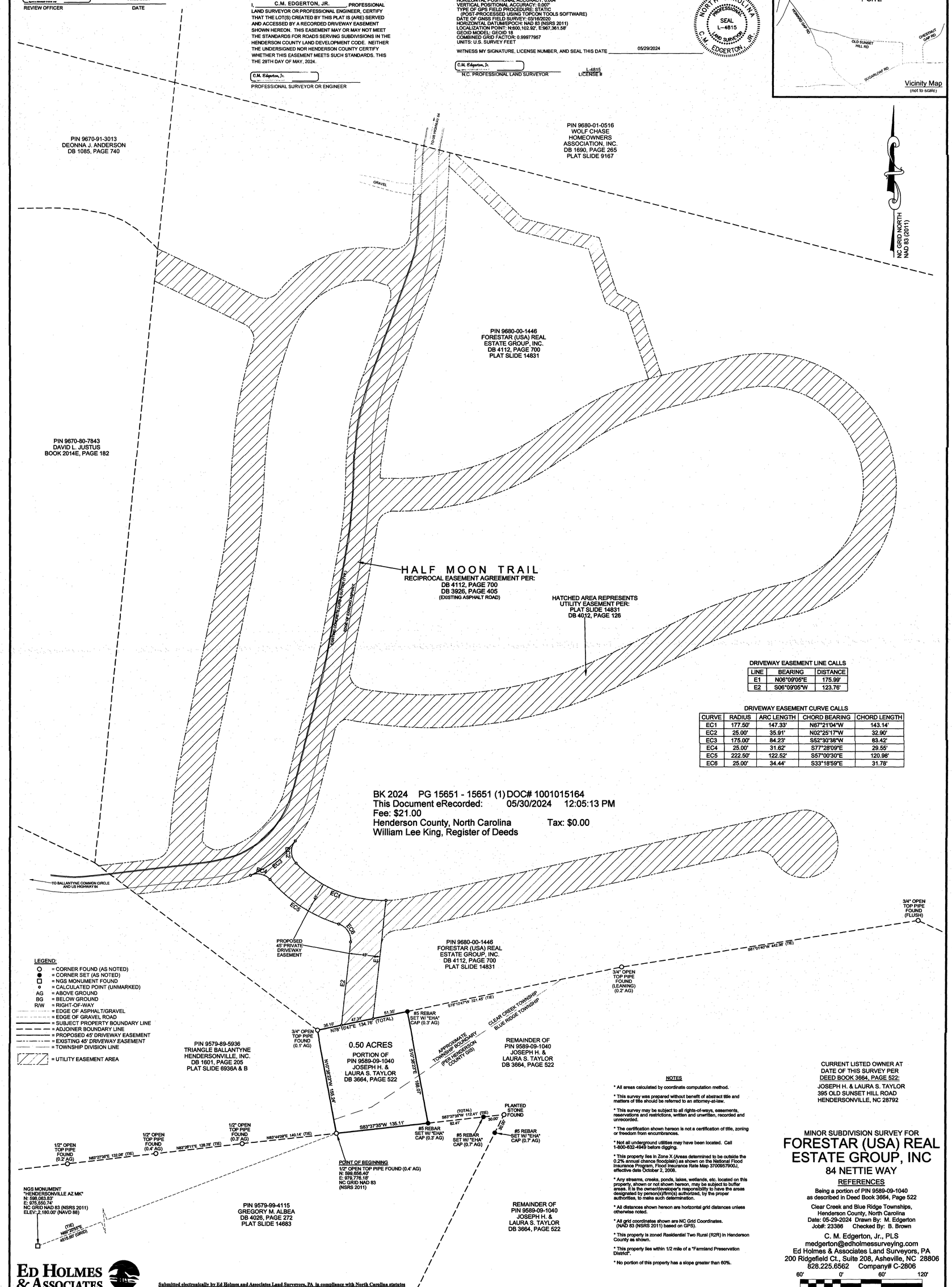
WITNESS MY SIGNATURE, LICENSE NUMBER, AND SEAL THIS DATE 05/29/2024

NORTH CAROLINA PROFESSIONAL SEAL L-4815 LAND SURVEYOR C.M. EDGERTON, JR.

C.M. Edgerton, Jr. L-4815
N.C. PROFESSIONAL LAND SURVEYOR LICENSE #



Vicinity Map
(not to scale)



BK 2024 PG 15651 - 15651 (1) DOC# 1001015164
This Document eRecorded: 05/30/2024 12:05:13 PM
Fee: $21.00
Henderson County, North Carolina Tax: $0.00
William Lee King, Register of Deeds

DRIVEWAY EASEMENT LINE CALLS

LINE	BEARING	DISTANCE
E1	N06°09'05"E	175.99'
E2	S06°09'05"W	123.76'

DRIVEWAY EASEMENT CURVE CALLS

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
EC1	177.50'	147.33'	N67°21'04"W	143.14'
EC2	25.00'	35.91'	N02°25'17"W	32.90'
EC3	175.00'	84.23'	S82°30'38"W	83.42'
EC4	25.00'	31.62'	S77°28'09"E	29.55'
EC5	222.50'	122.52'	S57°00'30"E	120.98'
EC6	25.00'	34.44'	S33°18'59"E	31.78'

LEGEND:
- = CORNER FOUND (AS NOTED)
- = CORNER SET (AS NOTED)
- = NGS MONUMENT FOUND
- = CALCULATED POINT (UNMARKED)
- AG = ABOVE GROUND
- BG = BELOW GROUND
- R/W = RIGHT-OF-WAY
- = EDGE OF ASPHALT/GRAVEL
- = EDGE OF GRAVEL ROAD
- = SUBJECT PROPERTY BOUNDARY LINE
- = ADJOINER BOUNDARY LINE
- = PROPOSED 45' DRIVEWAY EASEMENT
- = EXISTING 45' DRIVEWAY EASEMENT
- = TOWNSHIP DIVISION LINE
- = UTILITY EASEMENT AREA

NOTES

* All areas calculated by coordinate computation method.
* This survey was prepared without benefit of abstract title and matters of title should be referred to an attorney-at-law.
* This survey may be subject to all rights-of-ways, easements, reservations and restrictions, written and unwritten, recorded and unrecorded.
* The certification shown hereon is not a certification of title, zoning or freedom from encumbrances.
* Not all underground utilities may have been located. Call 1-800-632-4949 before digging.
* This property lies in Zone X (Areas determined to be outside the 0.2% annual chance floodplain) as shown on the National Flood Insurance Program, Flood Insurance Rate Map 3700957900J, effective date October 2, 2008.
* Any streams, creeks, ponds, lakes, wetlands, etc. located on this property, shown or not shown hereon, may be subject to buffer areas. It is the owner/developer's responsibility to have the areas designated by person(s)/firm(s) authorized, by the proper authorities, to make such determination.
* All distances shown hereon are horizontal grid distances unless otherwise noted.
* All grid coordinates shown are NC Grid Coordinates. (NAD 83 (NSRS 2011) based on GPS).
* This property is zoned Residential Two Rural (R2R) in Henderson County as shown.
* This property lies within 1/2 mile of a "Farmland Preservation District".
* No portion of this property has a slope greater than 60%.

CURRENT LISTED OWNER AT DATE OF THIS SURVEY PER DEED BOOK 3664, PAGE 522:
JOSEPH H. & LAURA S. TAYLOR
395 OLD SUNSET HILL ROAD
HENDERSONVILLE, NC 28792

MINOR SUBDIVISION SURVEY FOR
FORESTAR (USA) REAL ESTATE GROUP, INC
84 NETTIE WAY

REFERENCES
Being a portion of PIN 9589-09-1040 as described in Deed Book 3664, Page 522

Clear Creek and Blue Ridge Townships, Henderson County, North Carolina
Date: 05-29-2024 Drawn By: M. Edgerton
Job#: 23386 Checked By: B. Brown

C. M. Edgerton, Jr., PLS
medgerton@edholmessurveying.com
Ed Holmes & Associates Land Surveyors, PA
200 Ridgefield Ct., Suite 208, Asheville, NC 28806
828.225.6562 Company# C-2806

60' 0' 60' 120'
SCALE 1" = 60'

ED HOLMES & ASSOCIATES LAND SURVEYORS, PA

Submitted electronically by Ed Holmes and Associates Land Surveyors, PA in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Henderson County Register of Deeds.

DWG#: D24-056

Verify ID: CC728964-1C71-4AA1-BC9C-6F8158EEF6AC
Page 1 of 1

dotloop signature verification: dtlp.us/Sh6F-sgSt-1JrR

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

Petition Requesting Annexation

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

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

A. Property Information

PIN(s): 9579-99-8724; 9579-98-0375, 9579-98-3527, 9579-99-4115

Address(es) / Location of Property: 205 Old Sunset Hill Rd, Hendersonville, NC 28792 &
Adjacent to: 395 Old Sunset Hill Rd Hendersonville, NC 28792

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

Is the property within the ETJ? ___ **Yes** X **No**

Reason for Annexation:

Connection to sanitary sewer

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

B. Property Owner Contact Information (if different from Applicant)

Joseph Harley Taylor Laura Suzanne Taylor

*Printed Owner Name (Authorized Representative for entities other than individuals)

N/A

Printed Company Name (if applicable, check corresponding box below)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other:

X Joseph H. Taylor Laura S Taylor

Property Owner/Authorized Representative Signature

Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)

84 Nettie Way, Hendersonville, NC 28792

City, State, and Zip Code

828-674-0551

Telephone

taylorjh66@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.

dotloop signature verification: dtlp.us/9rP2-qtTv-ofIW

C. Additional Property Owner Contact Information

Julianne D. Albea

Gregory Martin Albea

* Printed Applicant Name

Date

Represented by (Hayes Albea, Broker/Seller Representative)

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Gregory M. Albea dotloop verified 07/19/24 9:07 PM EDT UXV1-PBYK-W2UZ-BJ60

Julianne D. Albea dotloop verified 08/07/24 9:24 AM EDT FKXP-8ESY-2QEK-1OUI

Property Owner Signature

Owner

Property Owner Title (if applicable)

430 S. Mills River Rd

Address of Property Owner

Mills River, NC 28759

City, State, and Zip Code

(828) 606-8007

Telephone

hayesalbea@kw.com

Email

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER: City of Hendersonville

MEETING DATE: February 12th, 2025

AGENDA SECTION: New Business

DEPARTMENT: Community Development

TITLE OF ITEM: Zoning Text Amendment: RV Temporary Use Permit (P24-083-ZTA) –*Sam Hayes, Planner II*

SUGGESTED MOTION(S):

For Recommending Approval:	**For Recommending Denial:**
I move City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 8-3 Temporary use permits for manufactured/mobile homes, and Section 12-2. Definitions of commonly used terms and words. AND an amendment to the City Code of Ordinances, Section 34-4. Parking and Storage of Recreational Vehicles. **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 aligns with the City's adopted plan's policy guidance to establish more resilient communities through recovery from adverse events such as extreme weather or natural hazards. **2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:** 1. Hurricane Helene has shown that there is a pressing need for the City to create flexibility in its zoning code to support post-disaster recovery. 2. The use of recreational vehicles will be temporarily permitted in all zoning districts to provide adequate housing for individuals following disasters.	I move City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 6-2-2 Nonconforming structures, Section 8-3 Temporary use permits for manufactured/mobile homes, and Section 12-2. Definitions of commonly used terms and words. AND an amendment to the City Code of Ordinances, Section 34-4. Parking and Storage of Recreational Vehicles. **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 aligns with the City's adopted plan's policy guidance to establish more resilient communities through recovery from adverse events such as extreme weather or natural hazards. **2. We [do not find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because**: 1. Recreational vehicles will cause an undue burden on the neighbors and is not compatible with City zoning districts. **[DISCUSS & VOTE]**

[DISCUSS & VOTE]	

SUMMARY:

City staff is proposing revisions to the City's zoning ordinance to support post-disaster recovery. The key changes focus on permitting the temporary use of recreational vehicles (RVs) for shelter.

Staff believes these changes will not only assist individuals still recovering from the aftermath of Hurricane Helene but will also provide support in the future if and when new storms impact the City.

The planning board recommended the ZTA for approval.

PROJECT/PETITIONER NUMBER:	P24-083-ZTA
PETITIONER NAME:	City of Hendersonville
ATTACHMENTS:	1. Staff Report 2. Draft Ordinance 3. Comprehensive Plan Consistency Workbook

ZONING TEXT AMENDMENT: RV TEMPORARY USE PERMIT (P24-083-ZTA)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

- Project Name & Case #:
  - RV Temporary Use Permit
  - P24-083-ZTA
- Applicant:
  - City of Hendersonville
- Zoning Ordinance Articles Amended:
  - Section 34-4. Parking and Storage of Recreational Vehicles
  - Section 8-3. Temporary use permits for manufactured/mobile homes.
  - Section 12-2. Definitions of commonly used terms and words.
- Planning Board - Legislative Committee Meeting
  - December 17th, 2024

Summary of Amendment Petition:

City staff is proposing revisions to the City's zoning ordinance to support post-disaster recovery. The key changes focus on permitting the temporary use of recreational vehicles (RVs) for shelter.

Staff believes these changes will not only assist individuals still recovering from the aftermath of Hurricane Helene but will also provide support in the future if and when new storms impact the City.

The planning board recommended the ZTA for approval.

AMENDMENT ANALYSIS – AMENDMENT OVERVIEW

The aftermath of Hurricane Helene highlighted the need for the City of Hendersonville to promote resilience in post-disaster recovery. Access to safe housing in the immediate aftermath of a storm is critical. City staff identified allowing temporary use of recreational vehicles as a strategy to help individuals and families secure safe, healthy shelter as quickly as possible.

To facilitate this solution, staff proposed several revisions to the zoning ordinance.

First, staff proposes establishing a temporary use permit for RVs, allowing them to be used as temporary shelter during construction (when an active building permit is in place) or during a declared state of emergency. If there is a declared state of emergency, the permit issued would be valid for 180 days with the possibility of an extension so long as the conditions persist but does not require an active building permit.

Planning board supported these changes.

STAFF PROPOSED ZONING TEXT AMENDMENT – NONCONFORMING STRUCTURES

The following language is recommended for addition / ~~deletion~~.

Sec. 34-4. Parking and storage of recreation vehicles.

(a) Parking of the recreation vehicles shall be prohibited, except in driveways, within the required front yard area, and subject to the requirements of this chapter. The side yard areas may be used for parking of such vehicles in accordance with the provisions of this chapter.

(b) Recreation vehicles may be used and maintained as a temporary shelter or office located on a construction site during the actual period of construction on such site; provided, however, that the vehicles shall be removed therefrom within 72 hours next following completion of the construction processes.

(c) One unoccupied recreation vehicle may be parked or otherwise located in any accessory private garage building, or in a rear or side yard of an occupied dwelling; provided, however, that no living or sleeping quarters shall be maintained, or any business located in, or carried on, or otherwise fostered in the ~~trailer~~ recreational vehicle while it is so parked, located or stored.

(d) A recreation vehicle with self-contained facilities may be temporarily parked or located, occupied or unoccupied, within the boundaries of districts zoned and designated under the zoning ordinance of the city as residential areas, neighborhood trading areas, or industrial districts, or MIC for a period not exceeding 72 hours; provided, however, that a permit is obtained from and issued by the code enforcement officer prior to the parking or location of the recreation vehicle; provided, further, that if the code enforcement officer shall fail to issue such permit after prompt and appropriate application therefor, the applicant shall have the right to appeal the decision of the code enforcement officer to the ~~entire city council~~ zoning board of adjustment.

(e) Recreation vehicles may be used and maintained as a temporary shelter or office for the sale of agricultural products such as crops, fruits, vegetables, ornamental and flowering plants or trees and all other forms of agricultural products, provided that there are no living or sleeping quarters maintained in such recreation vehicle during such temporary use. A temporary use permit shall be obtained from the code enforcement officer for such use for a specified period of time not exceeding 90 days. One such permit may be issued within a 12-month period.

(f) The use and occupancy limitations contained in this Section 34-4 shall not apply to the use or occupancy of a recreational vehicle where such use or occupancy is permitted by the City of Hendersonville Zoning Ordinance.

(Code 1971, § 17-4)

Sec. 8-3. Temporary use permits for manufactured/mobile homes and recreational vehicles

a) Manufactured/Mobile homes

No more than one manufactured/mobile home may be permitted in the rear yard of a residential dwelling on a platted lot as an accessory structure, provided, the manufactured/mobile home shall meet the principal structure setback requirements for the district in which it is located. Such use shall be temporary and shall be based on a finding by board of adjustment that a personal hardship situation exists (such as the need to care for elderly parents or other dependents) which justifies a special exception of this nature. Temporary use permit shall be issued in such cases for one year, and may be renewed by the zoning administrator so long as the approved hardship continues to exist.

All such manufactured/mobile homes situated in rear yards must have access to city water and sewer service or individual systems approved in writing by the county health officer and such manufactured/mobile homes must be maintained in such a way as to create no nuisance conditions. Furthermore, if any such manufactured/mobile home must be situated closer to the side or rear yard line than the required setback for the district involved, a variance must be obtained from the board of adjustment.

b) Recreational Vehicle

(1) The zoning administrator may issue a temporary use permit for recreation vehicles to be used and maintained as a temporary shelter or office located on a construction site during the actual period of construction on such site; provided, however, that the vehicles shall be removed therefrom within 72 hours next following completion of the construction processes. The recreational vehicle must be maintained in such a way as to not create a nuisance. The temporary use permit shall specify the placement of the recreational vehicle on the property on which it is located with regards to front, rear, or side yard, and setbacks.

(2) During a mayoral declared state of emergency for the City of Hendersonville, the zoning administrator may issue a temporary use permit for a particular tract of land to allow the placement of a recreational vehicle in any zoning district for up to 180 days. Extensions for hardship may be granted by the zoning board of adjustment. The recreational vehicle must be maintained

in such a way as to not create a nuisance. The temporary use permit shall specify the placement of the recreational vehicle on the property on which it is located with regards to front, rear, or side yard, and setbacks.

12-2. Definition of commonly used terms and words

Recreational vehicle: a motor vehicle or trailer that includes living quarters designed for accommodation, including but not limited to motorhomes, campervans, fifth-wheel trailers, and popup campers. Such vehicles must be:

a) Built on a single chassis;

b) 400 square feet or less when measured at the largest horizontal projection;

c) Designed to be self-propelled or permanently towable by a light duty truck;

d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use; and

e) Fully licensed and ready for highway use.

PUBLIC INPUT / RECOMMENDATION

Legislative Committee of the Planning Board – December 17th, 2024

Planning Board Members Present: Donna Waters, Peter Hanley, Bob Johnson, and Jim Robertson

The Legislative Committee reviewed the zoning text amendment, expressing support for the portions of the ordinance related to recreational vehicles. There was limited discussion on the applicability of this ordinance. Questions and discussion were targeted towards terminology and clarifying our existing ordinance to make it clear to all.

GENERAL ZONING TEXT AMENDMENT STANDARDS	
1) COMPATIBILITY	**EXISTING CONDITIONS** The revisions allowing for temporary RV use will have minimal impact on existing conditions.
	GEN H COMPREHENSIVE PLAN GOALS (Chapter IV) **Vibrant Neighborhoods**: Consistent **Abundant Housing Choices**: Consistent **Healthy and Accessible Natural Environment**: N/A **Authentic Community Character**: N/A **Safe Streets and Trails**: N/A **Reliable & Accessible Utility Services**: Consistent **Satisfying Work Opportunities**: N/A **Welcoming & Inclusive Community**: N/A **Accessible & Available Community Uses and Services**: N/A **Resilient Community**: Consistent
	GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES (Chapter IV) **Mix of Uses:** N/A **Compact Development:** N/A **Sense of Place:** N/A **Conserved & Integrated Open Spaces:** N/A **Desirable & Affordable Housing**: N/A **Connectivity**: N/A **Efficient & Accessible Infrastructure:** N/A
2) Changed Conditions	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment -**
	The City staff believe that it is important to ensure that people can regain access to housing as quickly as possible after a storm. In light of Hurricane Helene which has shown that the City of Hendersonville is not immune from damage and destruction from natural hazards, it is important to update our ordinance to ensure that people can recover as quickly as possible.
3) 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 -**
	Staff has attempted to craft this ordinance so that there will be minimal impact to neighbors.
4) 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**

	This amendment will have minimal to no impact on public facilities.
5) 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 -**
	There is minimal impacts on the natural environment.

DRAFT ADOPTED PLAN CONSISTENCY AND TEXT AMENDMENT 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 aligns with the City's adopted plan's policy guidance to establish more resilient communities through recovery from adverse events such as extreme weather or natural hazards.

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

DRAFT [Rationale for Approval]

- *Hurricane Helene has shown that there is a pressing need for the City to create flexibility in its zoning code to support post-disaster recovery.*
- *The use of recreational vehicles will be temporarily permitted in all zoning districts to provide adequate housing for individuals following disasters.*

DRAFT [Rational for Denial]

- *Recreational vehicles will cause an undue burden on the neighbors and is not compatible with City zoning districts.*

Ordinance #

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND CITY OF HENDERSONVILLE CODE OF ORDINANCES, SECTION 34-4. PARKING AND STORAGE OF RECREATIONAL VEHICLES, AND ZONING ORDINANCE, SECTION 8-3. TEMPORARY USE PERMITS FOR MANUFACTURED/MOBILE HOMES, AND SECTION 12-2. DEFINITIONS OF COMMONLY USED TERMS AND WORDS.

WHEREAS, the Planning Board reviewed this petition for a zoning text amendment at its regular meeting on January 9th, 2025; voting 7-0 to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

WHEREAS, City Council took up this application at its regular meeting on February 12th, 2025, and

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

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on February 12th, 2025,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville to amend City of Hendersonville Code of Ordinances, Section 34-4. Parking and Storage of Recreational Vehicles and the City of Hendersonville Zoning Ordinance, Section 8-3. Temporary use permits for manufactured/mobile homes., and Section 2-2. Definitions of commonly used terms and words.

ZONING ORDINANCE

Sec. 34-4. Parking and storage of recreation vehicles.

(a) Parking of the recreation vehicles shall be prohibited, except in driveways, within the required front yard area, and subject to the requirements of this chapter. The side yard areas may be used for parking of such vehicles in accordance with the provisions of this chapter.

(b) Recreation vehicles may be used and maintained as a temporary shelter or office located on a construction site during the actual period of construction on such site; provided, however, that the vehicles shall be removed therefrom within 72 hours next following completion of the construction processes.

(c) One unoccupied recreation vehicle may be parked or otherwise located in any accessory private garage building, or in a rear or side yard of an occupied dwelling; provided, however, that no living or sleeping quarters shall be maintained, or any business located in, or carried on, or otherwise fostered in the ~~trailer~~ recreational vehicle while it is so parked, located or stored.

(d) A recreation vehicle with self-contained facilities may be temporarily parked or located, occupied or unoccupied, within the boundaries of districts zoned and designated under the zoning ordinance of the city as residential areas, neighborhood trading areas, or industrial districts, or MIC for a period not exceeding 72 hours; provided, however, that a permit is obtained from and issued by the code enforcement officer prior to the parking or location of the recreation vehicle; provided, further, that if the code enforcement officer shall fail to issue such permit after prompt and appropriate application therefor, the applicant shall have the right to appeal the decision of the code enforcement officer to the ~~entire city council~~ zoning board of adjustment.

(e) Recreation vehicles may be used and maintained as a temporary shelter or office for the sale of agricultural products such as crops, fruits, vegetables, ornamental and flowering plants or trees and all other forms of agricultural products, provided that there are no living or sleeping quarters maintained in such recreation vehicle during such temporary use.

A temporary use permit shall be obtained from the code enforcement officer for such use for a specified period of time not exceeding 90 days. One such permit may be issued within a 12-month period.

(f) The use and occupancy limitations contained in this Section 34-4 shall not apply to the use or occupancy of a recreational vehicle where such use or occupancy is permitted by the City of Hendersonville Zoning Ordinance.

(Code 1971, § 17-4)

Sec. 8-3. Temporary use permits for manufactured/mobile homes and recreational vehicles

a) Manufactured/Mobile homes

No more than one manufactured/mobile home may be permitted in the rear yard of a residential dwelling on a platted lot as an accessory structure, provided, the manufactured/mobile home shall meet the principal structure setback requirements for the district in which it is located. Such use shall be temporary and shall be based on a finding by board of adjustment that a personal hardship situation exists (such as the need to care for elderly parents or other dependents) which justifies a special exception of this nature. Temporary use permit shall be issued in such cases for one year, and may be renewed by the zoning administrator so long as the approved hardship continues to exist.

All such manufactured/mobile homes situated in rear yards must have access to city water and sewer service or individual systems approved in writing by the county health officer and such manufactured/mobile homes must be maintained in such a way as to create no nuisance conditions. Furthermore, if any such manufactured/mobile home must be situated closer to the side or rear yard line than the required setback for the district involved, a variance must be obtained from the board of adjustment.

b) Recreational Vehicle

(1) The zoning administrator may issue a temporary use permit for recreation vehicles to be used and maintained as a temporary shelter or office located on a construction site during the actual period of construction on such site; provided, however, that the vehicles shall be removed therefrom within 72 hours next following completion of the construction processes. The recreational vehicle must be maintained in such a way as to not create a nuisance. The temporary use permit shall specify the placement of the recreational vehicle on the property on which it is located with regards to front, rear, or side yard, and setbacks.

(2) During a mayoral declared state of emergency for the City of Hendersonville, the zoning administrator may issue a temporary use permit for a particular tract of land to allow the placement of a recreational vehicle in any zoning district for up to 180 days. Extensions for hardship may be granted by the zoning board of adjustment. The recreational vehicle must be maintained in such a way as to not create a nuisance. The temporary use permit shall specify the placement of the recreational vehicle on the property on which it is located with regards to front, rear, or side yard, and setbacks.

12-2. Definition of commonly used terms and words

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a) Built on a single chassis;

b) 400 square feet or less when measured at the largest horizontal projection;

c) Designed to be self-propelled or permanently towable by a light duty truck;

d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use; and

e) Fully licensed and ready for highway use.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 12th day of February, 2025.

Attest:

_____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

Chapter 4 - The Vision for the Future	Consistent	Inconsistent
SUPPLY, SUITABILITY, & INTENSITY		
LAND SUPPLY MAP (Pg. 81, Figure 4.4)	NA	
LAND SUITABILITY MAP (Pg. 84-86, Figure 4.5-4.7)	NA	
DEVELOPMENT INTENSITY MAP (Pg. 89, Figure 4.9)	NA	
FUTURE LAND USE & CONSERVATION MAP		
Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12)	**NA**	
Character Area Description (Pg. 122-131)	NA	
Zoning Crosswalk (Pg. 132-133, Figure 4.18)	NA	
Focus Area Map (Pg. 134-159)	NA	NA

Chapter 4 - The Vision for the Future	Consistent
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.	NA
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.	NA
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.	NA
Water quality is improved with the conservation of natural areas that serve as filters and soil stabilizers.	NA
Natural system capacity (floodplains for stormwater; habitats to support flora/fauna; tree canopy for air quality, stormwater management, and microclimate) is maintained.	NA
Development is compact (infill/redevelopment) to minimize the ecological footprint.	NA
New development respects working landscapes (e.g., orchards, managed forests), minimizing encroachment.	NA
Authentic Community Character (Pg. 94)	
Downtown remains the heart of the community and the focal point of civic activity	NA
A development near a gateway sets the tone, presenting the image/brand of the community.	NA
Historic preservation is utilized to maintain the city's identity.	NA
A development is considered a quality development that preserves the city center or neighborhood.	NA
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.	NA
Access is increased for all residents through the provision of facilities that promote safe walking, biking, transit, automobile, ride share, and bike share.	NA
Design embraces the principles of walkable development.	NA
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
Welcoming & Inclusive Community	

Accessibility exceeds minimum standards of ADA, fostering residents' and visitors' sense of belonging.	NA
Accessible & Available Community Uses and Services (Pg. 97)	
Private development is plentiful, meeting the demands of current and future populations.	N/A
Resilient Community	
Recovery from adverse events (e.g., extreme weather events, natural hazards, etc.) form the City's commitment to providing sufficient resources.	Consistent
GUIDING PRINCIPALS (pg. 98)	
Mix of Uses (Pg. 98)	
Revitalization of Outdated Commercial Areas	NA
New business and office space promotes creative hubs.	NA
Compact Development (Pg. 100)	
Development is consistent with efforts in the area to establish 15-minute neighborhoods.	NA
The infill project is context sensitive.	NA
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.	NA
Conserved & Integrated Open Spaces (Pg. 106)	
A diverse range of open space elements are incorporated into the development.	NA
Desirable & Affordable Housing (Pg. 108)	
Missing middle housing concepts are used in the development.	NA
Connectivity (Pg. 112)	
The development encourages multimodal design solutions to enhance mobility.	NA
Efficient & Accessible Infrastructure (Pg. 114)	
The development utilizes existing infrastructure	NA

Inconsistent
NA
NA
NA

N/A

N/A

NA

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER: City of Hendersonville

MEETING DATE: February 12th, 2025

AGENDA SECTION: New Business

DEPARTMENT: Community Development

TITLE OF ITEM: Zoning Text Amendment: Nonconforming Structures Changes (P24-099-ZTA) –*Sam Hayes, Planner II*

SUGGESTED MOTION(S):

For Recommending Approval:	**For Recommending Denial:**
I move City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 6-2-2 Nonconforming structures. **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 aligns with the City's adopted plan's policy guidance to establish more resilient communities through recovery from adverse events such as extreme weather or natural hazards. **2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:** 1. Hurricane Helene has shown that there is a pressing need for the City to create flexibility in its zoning code to support post-disaster recovery. 2. The proposed text amendment will allow for the rebuilding of nonconforming structures only after a natural disaster or other act of God, thereby aiding in quick recovery for city residents. **[DISCUSS & VOTE]**	I move City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 6-2-2 Nonconforming structures. **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 aligns with the City's adopted plan's policy guidance to establish more resilient communities through recovery from adverse events such as extreme weather or natural hazards. **2. We [do not find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because**: 1. Nonconforming structures are intended to be phased out of the City over time; therefore, this ordinance could potentially extend the duration for which these structures remain in the City. **[DISCUSS & VOTE]**

SUMMARY:

City staff is proposing revisions to the City's zoning ordinance to support post-disaster recovery. The key changes focus on allowing nonconforming residential structures to be rebuilt, regardless of the extent of the damage.

Staff believes these changes will not only assist individuals still recovering from the aftermath of Hurricane Helene but will also provide support in the future if and when new storms impact the City.

The planning board recommended the ZTA for approval but recommended that nonconforming residential structures should only be allowed to rebuild during a mayoral declared disaster.

PROJECT/PETITIONER NUMBER:	P24-099-ZTA
PETITIONER NAME:	City of Hendersonville
ATTACHMENTS:	1. Staff Report 2. Draft Ordinance 3. Comprehensive Plan Consistency Worksheet

ZONING TEXT AMENDMENT: NONCONFORMING STRUCTURES CHANGES (P24-099-ZTA)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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DRAFT COMPREHENSIVE PLAN CONSISTENCY AND TEXT AMENDMENT REASONABLENESS STATEMENT 7

PROJECT SUMMARY

- Project Name & Case #:
  - Nonconforming Structures Changes
  - P24-099-ZTA
- Applicant:
  - City of Hendersonville
- Zoning Ordinance Articles Amended:
  - Sec. 6-2-2 Nonconforming structures.
- Planning Board - Legislative Committee Meeting
  - December 17th, 2024

Summary of Amendment Petition:

City staff is proposing revisions to the City's zoning ordinance to support post-disaster recovery. The key changes focus on allowing nonconforming residential structures to be rebuilt, regardless of the extent of the damage.

Staff believes these changes will not only assist individuals still recovering from the aftermath of Hurricane Helene but will also provide support in the future if and when new storms impact the City.

The planning board recommended the ZTA for approval but recommended that nonconforming residential structures should only be allowed to rebuild during a mayoral declared disaster.

AMENDMENT ANALYSIS – AMENDMENT OVERVIEW

The aftermath of Hurricane Helene highlighted the need for the City of Hendersonville to promote resilience in post-disaster recovery. Access to safe housing in the immediate aftermath of a storm is critical. City staff identified the need for permitting repairs to nonconforming residential structures throughout the City and its extraterritorial jurisdiction (ETJ) to enable quicker recovery times for individuals.

To facilitate these solutions, staff has proposed several revisions to the zoning ordinance.

Staff has proposed a revision to the City's nonconforming structures ordinance to distinguish between residential and commercial nonconforming structures when they are destroyed by a natural disaster or Act of God. The goal is to expedite the recovery process for individuals affected by such events, enabling them to regain safe shelter as quickly as possible.

Under the proposed revision, nonconforming residential structures could be reconstructed regardless of the extent of the damage. Previously, if the renovation costs exceeded 50% of the structure's value, the building would need to comply with current zoning requirements. It is important to note that this ordinance will not affect the floodplain administrator's authority to require homes in the 100-year floodplain to comply with the City's Flood Damage Protection Ordinance.

Planning board supported the change but recommended that instead of allowing nonconforming structures destroyed by Act of God to be rebuilt, it should be limited to only destroyed structures to be rebuilt during a mayoral declared state of emergency.

STAFF PROPOSED ZONING TEXT AMENDMENT – NONCONFORMING STRUCTURES

The following language is recommended for addition / ~~deletion~~.

(Code 1971, § 17-4)

6-2-2 Nonconforming structures.

A nonconforming structure is a building or other structure which lawfully existed prior to the effective

date of this ordinance, or an amendment thereto, and which no longer could be built under the terms of this ordinance, as amended, by reason of restrictions on area, footprint, open space, building height, setbacks, lot width, or other requirements concerning the structure.

a) A nonconforming structure devoted to a use permitted in the zoning classification in which it is located may continue to be used only in accordance with the provisions of this section.

b) Normal repair and maintenance may be performed to allow the continuation of nonconforming structures.

c) Except as provided in subsections (d) and (e) below, a nonconforming structure shall not undergo a change of use, renovation or expansion.

d) A nonconforming structure may undergo a change of use or renovation without having to bring the structure into conformity with the requirements of these regulations, provided that:

1) The change in use or renovation does not increase the floor area of the structure.
2) The change in use is to a permitted use within the district.
3) The number of parking spaces provided for the use is in conformity with the requirements of these regulations.

e) A nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of this ordinance.

f) A nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning classification in which it is located.

g) Where a nonconforming residential structure is damaged by fire, flood, wind, or other act of God, ~~and such damage does not exceed 50 percent of the current assessed taxable value of the structure,~~ it may be restored to its original dimensions and conditions as long as a building permit for the restoration is issued within 12 months of the date of the damage.

h) Where a nonconforming commercial structure is damaged by fire, flood, wind, or other act of God, and such damage does not exceed 50 percent of the current assessed taxable value of the structure, it may be restored to its original dimensions and conditions as long as a building permit for the restoration is issued within 12 months of the date of the damage.

PLANNING BOARD RECCOMENDED ZONING TEXT AMENDMENT – NONCONFORMING STRUCTURES

Planning Board recommended for approval all staff changes, but recommended that nonconforming residential structures should only be allowed to rebuild if the damaged occurred during a mayoral declared state of emergency. The following language is recommended for addition / ~~deletion~~.

6-2-2 Nonconforming structures.

A nonconforming structure is a building or other structure which lawfully existed prior to the effective date of this ordinance, or an amendment thereto, and which no longer could be built under the terms of this ordinance, as amended, by reason of restrictions on area, footprint, open space, building height, setbacks, lot width, or other requirements concerning the structure.

a) A nonconforming structure devoted to a use permitted in the zoning classification in which it is located may continue to be used only in accordance with the provisions of this section.

b) Normal repair and maintenance may be performed to allow the continuation of nonconforming structures.

c) Except as provided in subsections (d) and (e) below, a nonconforming structure shall not undergo a change of use, renovation or expansion.

d) A nonconforming structure may undergo a change of use or renovation without having to bring the structure into conformity with the requirements of these regulations, provided that:

1) The change in use or renovation does not increase the floor area of the structure.
2) The change in use is to a permitted use within the district.

3) The number of parking spaces provided for the use is in conformity with the requirements of these regulations.

e) A nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of this ordinance.

f) A nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning classification in which it is located.

g) Where a nonconforming structure is damaged by fire, flood, wind, or other act of God, and such damage does not exceed 50 percent of the current assessed taxable value of the structure, it may be restored to its original dimensions and conditions as long as a building permit for the restoration is issued within 12 months of the date of the damage.

h) Where a nonconforming residential structure is damaged or destroyed during a mayoral declared state of emergency in the City of Hendersonville, ~~and such damage does not exceed 50 percent of the current assessed taxable value of the structure,~~ it may be restored to its original dimensions and conditions as long as a building permit for the restoration is issued within 12 months of the date of the damage.

PUBLIC INPUT / RECOMMENDATION

Legislative Committee of the Planning Board – December 17th, 2024

Planning Board Members Present: Donna Waters, Peter Hanley, Bob Johnson, and Jim Robertson

The Legislative Committee reviewed the zoning text amendment, expressing support for the portions of the ordinance related to recreational vehicles. However, there were concerns regarding the version of the ordinance addressing nonconforming structures. The original proposal aimed to eliminate the 50% threshold based on the current assessed value for all structures (both residential and commercial). This approach was not well-received by most committee members, who expressed concerns that it could undermine the purpose of nonconforming structures — to phase out those that do not comply with updated zoning requirements.

GENERAL ZONING TEXT AMENDMENT STANDARDS	
1) COMPATIBILITY	**EXISTING CONDITIONS** The revision of the zoning text amendment will make it easier for homeowners to rebuild their homes regardless of whether they are no longer deemed to conform with the current zoning standards.
	GEN H COMPREHENSIVE PLAN GOALS (Chapter IV) **Vibrant Neighborhoods**: Consistent **Abundant Housing Choices**: Consistent **Healthy and Accessible Natural Environment**: N/A **Authentic Community Character**: Consistent **Safe Streets and Trails**: N/A **Reliable & Accessible Utility Services**: Consistent **Satisfying Work Opportunities**: N/A **Welcoming & Inclusive Community**: N/A **Accessible & Available Community Uses and Services**: N/A **Resilient Community**: Consistent
	GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES (Chapter IV) **Mix of Uses:** N/A **Compact Development:** N/A **Sense of Place:** N/A **Conserved & Integrated Open Spaces:** N/A **Desirable & Affordable Housing**: N/A **Connectivity**: N/A **Efficient & Accessible Infrastructure:** Consistent
2) Changed Conditions	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment -**
	The City staff believe that it is important to ensure that people can regain access to housing as quickly as possible after a storm. In light of Hurricane Helene which has shown that the City of Hendersonville is not immune from damage and destruction from natural hazards, it is important to update our ordinance to ensure that people can recover as quickly as possible.
3) 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 -**
	Staff has attempted to craft this ordinance so that there will be minimal impact to neighbors. Staff has also placed heavy value on keeping residents in their existing homes and existing communities. These ordinance revisions attempt to help allow people to remain in their neighborhoods.
4) 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**

	This amendment will have minimal to no impact on public facilities.
5) 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 -**
	There is minimal impacts on the natural environment.

DRAFT ADOPTED PLAN CONSISTENCY AND TEXT AMENDMENT 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 aligns with the City's adopted plan's policy guidance to establish more resilient communities through recovery from adverse events such as extreme weather or natural hazards.

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

DRAFT [Rationale for Approval]

- *Hurricane Helene has shown that there is a pressing need for the City to create flexibility in its zoning code to support post-disaster recovery.*
- *The proposed text amendment will allow for the rebuilding of nonconforming structures only after a natural disaster or other act of God, thereby aiding in quick recovery for city residents.*

DRAFT [Rational for Denial]

- *Nonconforming structures are intended to be phased out of the City over time; therefore, this ordinance could potentially extend the duration for which these structures remain in the City.*

Ordinance #

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND CITY OF HENDERSONVILLE ZONING ORDINANCE, SECTION 6-2-2 NONCONFORMING STRUCTURES.

WHEREAS, the Planning Board reviewed this petition for a zoning text amendment at its regular meeting on January 9th, 2025; voting 7-0 to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

WHEREAS, City Council took up this application at its regular meeting on February 12th, 2025, and

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

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on February 12th, 2025,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville to amend City of Hendersonville Zoning Ordinance, Section 6-2-2 Nonconforming structure.

ZONING ORDINANCE

6-2-2 Nonconforming structures.

A nonconforming structure is a building or other structure which lawfully existed prior to the effective date of this ordinance, or an amendment thereto, and which no longer could be built under the terms of this ordinance, as amended, by reason of restrictions on area, footprint, open space, building height, setbacks, lot width, or other requirements concerning the structure.

a) A nonconforming structure devoted to a use permitted in the zoning classification in which it is located may continue to be used only in accordance with the provisions of this section.

b) Normal repair and maintenance may be performed to allow the continuation of nonconforming structures.

c) Except as provided in subsections (d) and (e) below, a nonconforming structure shall not undergo a change of use, renovation or expansion.

d) A nonconforming structure may undergo a change of use or renovation without having to bring the structure into conformity with the requirements of these regulations, provided that:

   1) The change in use or renovation does not increase the floor area of the structure.

   2) The change in use is to a permitted use within the district.

   3) The number of parking spaces provided for the use is in conformity with the requirements of these regulations.

e) A nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of this ordinance.

f) A nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning classification in which it is located.

g) Where a nonconforming residential structure is damaged by fire, flood, wind, or other act of God, ~~and such damage does not exceed 50 percent of the current assessed taxable value of the structure,~~ it may be restored to its original dimensions and conditions as long as a building permit for the restoration is issued within 12 months of the date of the damage.

h) Where a nonconforming commercial structure is damaged by fire, flood, wind, or other act of God, and such damage does not exceed 50 percent of the current assessed taxable value of the structure, it may be restored to its original dimensions and conditions as long as a building permit for the restoration is issued within 12 months of the date of the damage.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 12th day of February, 2025.

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

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

Chapter 4 - The Vision for the Future	Consistent	Inconsistent
SUPPLY, SUITABILITY, & INTENSITY		
LAND SUPPLY MAP (Pg. 81, Figure 4.4)	NA	
LAND SUITABILITY MAP (Pg. 84-86, Figure 4.5-4.7)	NA	
DEVELOPMENT INTENSITY MAP (Pg. 89, Figure 4.9)	NA	
FUTURE LAND USE & CONSERVATION MAP		
Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12)	**NA**	
Character Area Description (Pg. 122-131)	NA	
Zoning Crosswalk (Pg. 132-133, Figure 4.18)	NA	
Focus Area Map (Pg. 134-159)	NA	NA

Chapter 4 - The Vision for the Future	Consistent
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.	NA
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.	NA
Water quality is improved with the conservation of natural areas that serve as filters and soil stabilizers.	NA
Natural system capacity (floodplains for stormwater; habitats to support flora/fauna; tree canopy for air quality, stormwater management, and microclimate) is maintained.	NA
Development is compact (infill/redevelopment) to minimize the ecological footprint.	NA
New development respects working landscapes (e.g., orchards, managed forests), minimizing encroachment.	NA
Authentic Community Character (Pg. 94)	
Downtown remains the heart of the community and the focal point of civic activity	NA
A development near a gateway sets the tone, presenting the image/brand of the community.	NA
Historic preservation is utilized to maintain the city's identity.	Consistent
A development is considered a quality development that preserves the city center or neighborhood.	NA
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.	NA
Access is increased for all residents through the provision of facilities that promote safe walking, biking, transit, automobile, ride share, and bike share.	NA
Design embraces the principles of walkable development.	NA
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
Welcoming & Inclusive Community	

Accessibility exceeds minimum standards of ADA, fostering residents' and visitors' sense of belonging.	NA
Accessible & Available Community Uses and Services (Pg. 97)	
Private development is plentiful, meeting the demands of current and future populations.	N/A
Resilient Community	
Recovery from adverse events (e.g., extreme weather events, natural hazards, etc.) form the City's commitment to providing sufficient resources.	Consistent
GUIDING PRINCIPALS (pg. 98)	
Mix of Uses (Pg. 98)	
Revitalization of Outdated Commercial Areas	NA
New business and office space promotes creative hubs.	NA
Compact Development (Pg. 100)	
Development is consistent with efforts in the area to establish 15-minute neighborhoods.	NA
The infill project is context sensitive.	NA
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.	NA
Conserved & Integrated Open Spaces (Pg. 106)	
A diverse range of open space elements are incorporated into the development.	NA
Desirable & Affordable Housing (Pg. 108)	
Missing middle housing concepts are used in the development.	NA
Connectivity (Pg. 112)	
The development encourages multimodal design solutions to enhance mobility.	NA
Efficient & Accessible Infrastructure (Pg. 114)	
The development utilizes existing infrastructure	Consistent

Inconsistent
NA
NA
NA

N/A

N/A

NA

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER: Tyler Morrow

MEETING DATE: February 12th 2025

AGENDA SECTION: Public Hearing

DEPARTMENT: Community Development

TITLE OF ITEM: Rezoning: Conditional Zoning District – Half Moon Heights Phase II (P24-41-CZD) – *Tyler Morrow– Current Planning Manager*

SUGGESTED MOTION(S):

For Approval:

I move City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs: 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724) from Henderson County Residential Two Rural to PRD-CZD, Planned Residential Development Conditional Zoning District, for the construction of 59 detached single-family units based on the master site plan and list of conditions submitted by and agreed to by the applicant, [dated 1-29-25] and presented at this meeting and subject to the following:

1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses

Permitted Uses:

1. Residential Dwellings, Single-Family

***[for amendments to uses or conditions discussed and agreed upon in the Council meeting (between City & Developer) and not yet represented on the site plan, please use the following language**. Disregard #2 if not needed]*

2. Permitted uses and applicable conditions presented on the site plan shall be amended to include:

3. The petition is found to be consistent with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

For 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 (PINs: 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724) from Henderson County Residential Two Rural to PRD-CZD, Planned Residential Development 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 the Future Land Use and Conservation Map Designations of Multi-Generational Living and is located in a focused intensity node within chapter 4 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 proposed development does not sufficiently mitigate its impacts on the delineated wetlands present on the site.
   2. The proposed development does not adequately address its anticipated traffic impacts on the surrounding area by guaranteeing the installation of a left-turn lane from Howard Gap Road onto Old Sunset Hill Road.

The petition is consistent with the Future Land Use and Conservation Map Designations of Multi-Generational Living and is located in a focused intensity node within chapter 4 of the Gen H Comprehensive Plan. **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 proposes to provide additional housing to offset local demand. 2. The proposed development establishes a valuable new roadway connection between US 64 and Old Sunset Hill Road/Howard Gap Road. This type of street interconnectivity aligns with the goals outlined in the Gen H Comprehensive Plan. 3. The proposed density is consistent with other nearby developments. **[DISCUSS & VOTE]**	**[DISCUSS & VOTE]**

SUMMARY: *The* City of Hendersonville is in receipt of an application for a Conditional Rezoning from Tricia Chassen of Forestar USA Real Estate Group, INC., applicant and Gregory Albea, Julianne Albea, Jospeh Taylor, and Laura Taylor property owners. The applicant is requesting to rezone the subject property, PINs 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724 and located off Old Sunset Hill Road, from Henderson County Residential Two Rural to PRD-CZD, Planned Residential Development Conditional Zoning District for the construction of 59 single-family units on approximately 20.66 acres. This equates to a density of 2.86 units per acre.

The proposed lots within the development range from 0.13 acres to 0.40 acres. The development is proposing to have an access off of Old Sunset Hill Road and a connection to a street stub provided by Phase 1 of the Half Moon Heights development to the north. All proposed streets will be built to public street standards

PROJECT/PETITIONER NUMBER:	P24-41-CZD
PETITIONER NAME:	• Tricia Chassen of Forestar USA Real Estate Group, INC [Applicant] • Gregory Albea, Julianne Albea, Jospeh Taylor, and Laura Taylor [Owner]
ATTACHMENTS:	1. Staff Report 2. Comprehensive Plan Review

	3. Neighborhood Compatibility Meeting Summary 4. Planning Board Meeting Summary 5. Proposed Site Plan / Elevations 6. Kimley Horn Turn Lane Warrant Analysis Memo 7. Proposed Zoning Map 8. Draft Ordinance 9. Application / Owner Signature Addendum

REZONING: CONDITIONAL REZONING –HALF MOON HEIGHTS PHASE II (P24-41-CZD)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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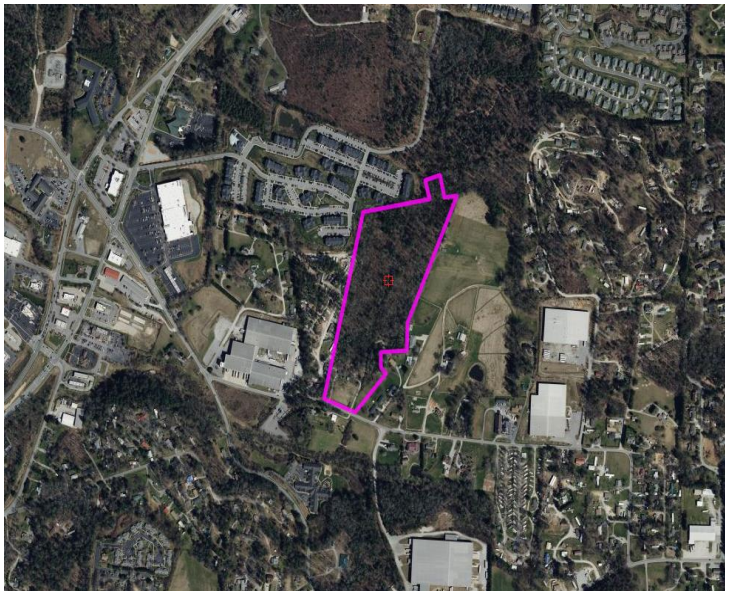
PROJECT SUMMARY

- Project Name & Case #:
  - Halfmoon Heights Phase II
  - P24-41-CZD
- Applicant & Property Owner:
  - Tricia Chassen, Forestar USA Real Estate Group, Inc [Applicant]
  - Gregory and Julianne Albea [Owner]
  - Joseph and Laura Taylor [Owner]
- Property Address:
  - 205 Old Sunset Hill Road
- Project Acreage:
  - 20.66 acres after removing area to be deed to Connor Creek MHP and NCDOT (21.32 total)
- Parcel Identification (PIN):
  - 9579-98-0375
  - 9579-98-3527
  - 9579-99-4115
  - 9579-99-8724
- Current Parcel Zoning:
  - Henderson County Residential Two Rural
- Future Land Use Designation:
  - Henderson County- Infill Area
  - City of Hendersonville- Multi-Generational Living
- Requested Zoning:
  - PRD-CZD-Planned Residential Development Conditional Zoning District.
- Requested Uses:
  - Residential, Single Family
- Neighborhood Compatibility Meeting:
  - September 18th, 2024

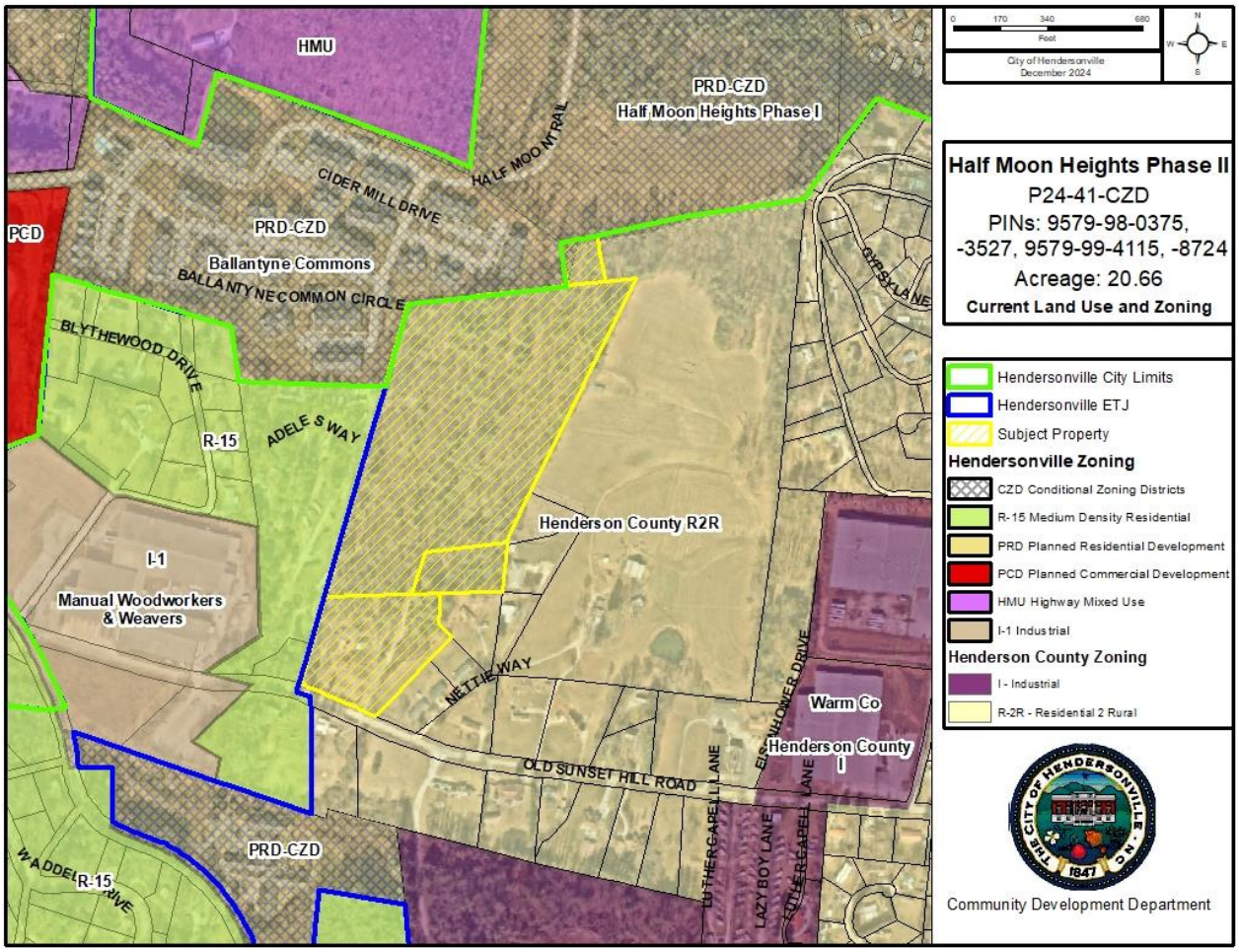


SITE VICINITY MAP

The City of Hendersonville is in receipt of an application for a Conditional Rezoning from Tricia Chassen of Forestar USA Real Estate Group, INC., applicant and Gregory Albea, Julianne Albea, Jospeh Taylor, and Laura Taylor property owners. The applicant is requesting to rezone the subject property, PINs 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724 and located off Old Sunset Hill Road, from Henderson County Residential Two Rural to PRD-CZD, Planned Residential Development Conditional Zoning District for the construction of 59 single-family units on approximately 20.66 acres. This equates to a density of 2.86 units per acre.

The proposed lots within the development range from 0.13 acres to 0.40 acres. The development is proposing to have an access off of Old Sunset Hill Road and a connection to a street stub provided by Phase 1 of the Half Moon Heights development to the north. All proposed streets will be built to public street standards.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property comprises four parcels currently zoned Henderson County Residential Two Rural. To the north, parcels are zoned Planned Residential Development Conditional Zoning District and include Ballantyne Commons, an apartment community with a density of 12 units per acre, and Half Moon Heights Phase One, a single-family development with a density of 2.67 units per acre. Farther north, single-family home subdivisions (Major PRDs), including Wolf Chase and Wolf Pen, have densities of 2.6 and 2.7 units per acre, respectively.

Parcels to the east consist primarily of smaller lots with single-family homes. However, a large, underutilized property directly adjacent to the subject property has redevelopment potential in the future.

To the west, the Connor Creek Mobile Home Park occupies the neighboring parcel. This park contains 94 mobile/manufactured home units, with a density of 12 units per acre. According to the survey provided by the applicant, some mobile homes in Connor Creek encroach on the subject property. To address this, the developer proposes deeding land to Connor Creek, thereby resolving the encroachments and bringing those units into conformity.

SITE IMAGES

View of one of the streams that run through the subject property.

View from the subject property to the adjacent apartment development (Ballentyne Commons)

SITE IMAGES

Typical view within the subject property.

View of the largely underutilized land to the east of the subject property.

SITE IMAGES

View of Half Moon Heights Phase I from the subject property.

View of the adjacent mobile home park (Connor Creek).

SITE IMAGES

View of the stream that runs along the western portion of the property.

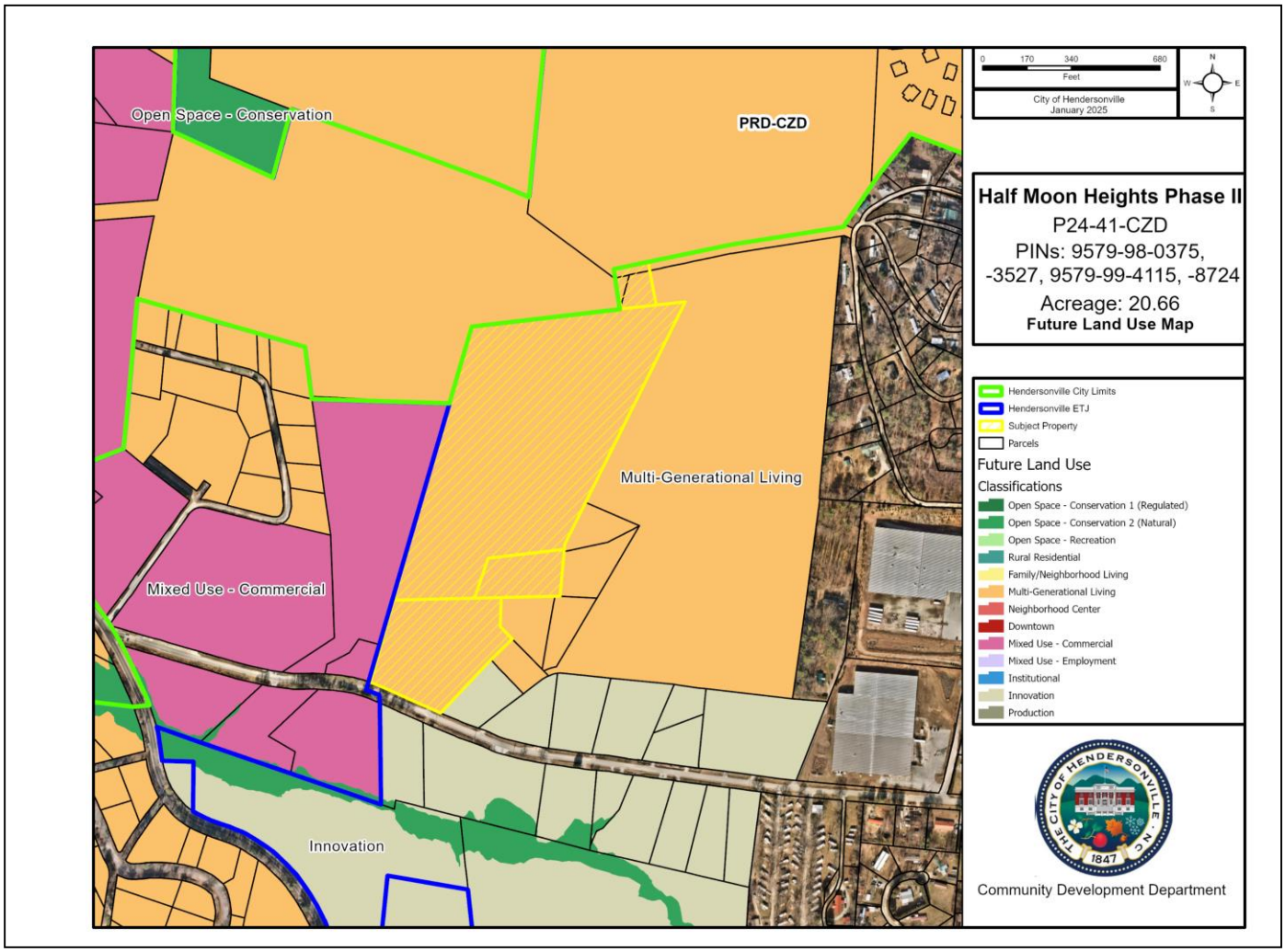
View of an existing house located on the subject property.

SITE IMAGES

View of the subject property from Old Sunset Hill Road

View of the subject property's Old Sunset Hill Road frontage

FUTURE LAND USE



City of Hendersonville Future Land Use Ma

The subject property is designated as Multi-Generational Living. These parcels and all other surrounding parcels included in existing Planned Residential Developments have this designation. Parcels to the west are designated as Mixed-Use Commercial and these parcels include the Connor Creek Mobile Home Park as well as the Manual Woodworkers & Weavers. The large, underdeveloped parcel to the east is designated as Multi-Generational Living. Parcels to the south along Old Sunset Hill Road are designated as innovation and Open Space Conservation.

PROPOSED REQUEST DETAILS

Site Plan Summary:

- Proposed Uses:
  - Residential, Single Family

- Building:
  - 59 Detached Single Family Units
  - Building Coverage: 151,325 SF
  - 2.86 Units Per Acre.

- Site Coverage
  - Streets and Parking: 130,991 SF
  - Open Space: 617,668 SF
  - Common Open Space: 93,552 SF
  - Proposed Lots: 470,313 SF

- Transportation:
  - The site will have two access points.
    - Access 1 (northern access) will be a continuation of a street stub out that was provided during phase 1 of Half Moon Heights.
    - Access 2 (southern access) is shown as a full movement access from Old Sunset Hill Road. A left-hand turn lane on Old Sunset Hill Road into the site will be provided.

- Sidewalks
  - A sidewalk will be provided on one side of all new internal streets and along the existing road frontage of Old Sunset Hill Road.
  - The sidewalks on the northern side of the property will tie into the sidewalk network for Half Moon Heights phase 1.

- Parking:
  - Parking required at 1 per each dwelling unit or 1.5 per each dwelling unit containing three or more bedrooms:
    - Parking provided: 2 spaces per dwelling unit (1 garage space and 1 driveway space).
    - 2 parallel spaces will be provided at the mail kiosk.

- Natural Resources
  - According to the 2008 FEMA floodplain maps, the entire property is outside of the floodplain.
  - The site does have several blueline streams where a stream buffer and transitional area are required. The proposed development shows the 30' stream buffer and 20' transitional zone on the site plan.
  - The site also contains delineated wetlands. Stormwater Administrator Mike Huffman proposed a condition to better protect the wetlands but it was not agreed to by the developer. The City's zoning ordinance does not currently

protect wetlands the same way that it does streams. Wetlands and their protection were a large topic of discussion during the Neighborhood Compatibility Meeting. Mr. Huffman's proposed condition was intended to further protect and monitor the wetlands.

- Landscaping and Tree preservation
  - The site will be required to provide the following landscaping:
    - Common and Open Space plantings
    - Street trees
    - Tier II Plantings
- The developer plans to preserve 3.9 acres of the existing tree canopy, equating to 20% of the total tree canopy on the site. Additionally, they propose preserving an extra 7.1% (1.38 acres) to partially fulfill the Tier II planting requirements. Under the zoning ordinances "Option 2" classification, the project will also be required to install an additional 7% of new tree canopy to fully meet the Tier II requirements.

DEVELOPER-PROPOSED CONDITIONS:

1. Proposed left turn lane on Howard Gap Road (SR-1006) onto Old Sunset Hill Road (SR-1744) will be constructed per the City's request if feasible within the existing right of way and if found necessary and/or acceptable by NCDOT. **(The Planning Board countered this condition and their counter is listed under City Proposed Conditions.**
2. Any proposed wetland impact will be properly permitted within the respective agency and comply with any and all federal, state and local laws.
3. The developer proposes a 30' wetland buffer in areas shown on sheet C-201. No construction, grading, or vegetation removal may occur within these identified wetland buffers except for restoration or approved mitigation activities.
4. The Developer proposes a lot side setback of 5.5'
5. The developer intends to achieve canopy installation requirements by using required street trees, common open space trees, and open space trees. In the event that this is not achievable, the developer will achieve the requirements of the remining tier two canopy by paying a fee in lieu of.

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 Planned Residential Developments (5-14) (minus any developer proposed conditions).
  - Comments that will be reviewed/addressed during final site plan review process and do not need to be addressed during the preliminary site plan review process:
    - Landscaping:

        - Final determination on planting credits, species, locations, final quantity of required vs. proposed new plantings. The current plans show "areas to be screened, fenced, walled and/or landscaped" which is what is required at the preliminary site plan stage.
        - All final landscaping comments will be addressed as part of the final site plan approval between City staff and the project designer in accordance with the City's ordinances.
    - Stream buffers:
        - There appears to be grading work within the stream buffer areas. This is not allowed by the zoning ordinance. This will need to be corrected during the final grading plan if approved by the City Council.

Proposed City-Initiated Conditions:
- None

DEVELOPMENT REVIEW COMMITTEE COMMENTS:
The Development Review Committee consists 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 have provided only the relevant/outstanding comments / conditions below:

Stormwater/Natural Resource (Mike Huffman)

Site Plan Comments:
- Made general comments concerning the protection of the wetlands and ways to limit the impacts to the wetlands.

Proposed City-Initiated Conditions:
- Wetland Delineation and Buffer Establishment.
    - Prior to any land disturbance, a professional wetland delineation study shall be conducted to define the exact boundaries of all wetlands on the site. **This section was not agreed to by the Developer.**
    - A buffer zone of no less than 30 feet shall be established around all delineated wetlands, where no construction, grading, or vegetation removal may occur, except for restoration or approved mitigation activities. **This section was not agreed to by the Developer.**

- Mitigation for Unavoidable Impacts:
    - If any impact to wetlands is deemed unavoidable, the applicant must obtain the necessary permits from the U.S. Army Corps of

Engineers or other relevant agencies and provide appropriate mitigation. This mitigation must include wetland creation, enhancement, or preservation at a ratio compliant with applicable federal, state, and local requirements. **This section was not agreed to by the Developer.**

- Monitoring and Reporting:
  - The applicant shall establish a monitoring program to assess the health of the wetland and buffer areas during and after development activities for a period of no less than [2 years]. Annual reports documenting compliance with the wetland protection measures shall be submitted to The City of Hendersonville. **This section was agreed to by the Developer.**

- Environmental Education and Site Signage:
  - The applicant must install appropriate signage to identify wetland areas and educate site users about their importance. Signage must be maintained in perpetuity. **This section was agreed to by the Developer.**

- This condition ensures that development proceeds in a manner that minimizes or mitigates impacts on wetlands and associated ecosystems, protecting these resources for their ecological, aesthetic, and functional value.

TRANSPORTATION CONSULTANT (KIMLEY HORN)

TIA Comments:

- The expected Trip Generation for the proposed phase II development is as follows:
  - 155 Detached Single-Family Homes (Phase I and II combined)
  - 1,510 Daily Trips
  - 111 AM Peak Hour Trips
  - 150 PM Peak Hour Trips

Intersections Studied:

- US 64 Southbound and Howard Gap Road
- US 64 Northbound and Howard Gap Road
- US 64 Northbound and Ballantyne Commons Circle
- US 64 and Half Moon Trial
- Howard Gap Road and Old Sunset Hill Road
- Sugarloaf Road and Old Sunset Hill Road
- Howard Gap Road and Sugarloaf Road

- Old Sunset Hill Road and Access A

TIA's Proposed Mitigation:

- Old Sunset Hill Road and Access A
  - Construct an eastbound left turn lane on Old Sunset Hill Road at Access A with 50 feet of storage and appropriate taper.

- US 64 SB & Howard Gap Road
  - No mitigation based on LOS

- US 64 & Half Moon Trail
  - No mitigation based on LOS

- Howard Gap Road & Old Sunset Hill Road
  - No mitigation based on LOS.

Proposed Condition:

- "Developer shall install a left-turn movement from Howard Gap Road onto Old Sunset Hill Road. The design of the turn lane and the necessary storage length for the turn lane should be coordinated with the North Carolina Department of Transportation to determine the most optimal configuration for the turn lane. Consideration should be given to a partial symmetrical with a proportional offset to the outside (western side) of Howard Gap Road to minimize impacts to existing utilities, maximize visibility, and to utilize available right of way present to the existing pavement." **This condition was not agreed to by the Developer.**

  Jonathan Guy, the City traffic consultant states "It is recommended that the City of Hendersonville consider requiring a left-turn lane from Howard Gap Road onto Old Signal Hill Road. The need for the turn lane, while present prior to the development, is further exacerbated with the addition of site traffic. The proposed site adds 40 vehicles in the PM peak hour, which equates to 27% of the total traffic for that movement. The additional traffic, the limited visibility, and the further impact to through movements on Howard Gap Road, all contribute to the need for the turn lane. The design of the turn lane and the necessary storage length for the turn lane should be coordinated with the North Carolina Department of Transportation to determine the most optimal configuration for the turn lane. Consideration should be given to a partial symmetrical with a proportional offset to the outside (western side) of Howard Gap Road to minimize impacts to existing utilities, maximize visibility, and utilize available right of way present to the existing pavement. This approach should minimize overall impacts and construction costs. "

  Additional information can be found in the Kimley Horn memo provided

in the staff agenda packet.

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

GENERAL REZONING STANDARDS	
1) Comprehensive Plan Consistency	**Land Supply, Suitability & Intensity** The subject property is outside the scope of the land suitability and supply maps and was not evaluated. The subject property is in a Focused Intensity Node centered at the intersection of Howard Gap Road and Chimney Rock Road.
	Future Land Use & Conservation Map- See Gen H appendix. **Designation:** Multi-Generational Living **Character Area Description:** Consistent **Zoning Crosswalk:** Inconsistent
2) Compatibility	**Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –**
	The subject property is located near four other Planned Residential Developments, including three single-family developments and one multi-family development. Additionally, it is in close proximity to Chestnut Ridge, a subdivision under Henderson County's jurisdiction that was platted in 1988 and consists of approximately 118 lots on 62 acres. The US 64 corridor continues to experience growth, driven by the presence of large undeveloped and underdeveloped parcels in the surrounding area.
3) Changed Conditions	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment -**
	The subject property is requesting to be annexed into the City. If annexed, the City must apply zoning to the parcels. The owners and developers are requesting that the initial zoning be for the Planned Residential Development that has been presented.
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 -**
	Based on the 2021 Bowen Housing Needs Assessment for Western North Carolina, Henderson County has an estimated rental housing gap of 1,650 to 2,008 Units for incomes between <50%-120% AMI. This represents one of the largest gaps in the WNC region. Over the last 3 years, the City of Hendersonville has approved 634 detached single family homes. If this project is approved, Hendersonville's recently-approved detached single family homes would total 693. It should also be noted that the Housing Needs Assessment Study does not account for the housing gap for incomes above 120% AMI. An additional gap, beyond that reflected in the "1,650 to 2,008-unit gap", exist for those income levels greater than 120% AMI.
5) Public	**Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and**

Facilities	**police protection and transportation are available to support the proposed amendment**
	Howard Gap Road is a NCDOT maintained road, identified in the Comprehensive Transportation Plan as a boulevard in need of improvements. If approved, the site would be served by City of Hendersonville water and sewer services. Water infrastructure is already available on Old Sunset Hill Road, while sewer service will be extended from the Connor Creek Mobile Home Park to the west.
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 -**
	According to the site plan, approximately 19.50 acres of the 20.66-acre property are currently covered by an existing tree canopy. Of this canopy, the developers propose to retain 3.9 acres, meeting the minimum tree preservation requirement of 20% for projects of this type. The site includes blue-line streams identified by Clearwater Environmental and confirmed by the Army Corps of Engineers. These streams will be protected in compliance with the natural resource provisions of the zoning ordinance. Additionally, wetlands were identified on the site; however, unlike streams, the zoning ordinance does not extend specific protections to wetlands. As a result, the wetlands are not being preserved under local regulations. Any disturbance to the wetlands will require compliance with federal and state permitting and review processes. Mike Huffman, the City's Floodplain Administrator and Stormwater Division Manager, proposed a city-initiated condition to enhance protections for the wetlands. However, this condition was not accepted by the developers.

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 Designations of Multi-Generational Living and is located in a focused intensity node within chapter 4 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:

DRAFT [Rationale for Approval]

- *The petition proposes to provide additional housing to offset local demand.*
- *The proposed development establishes a valuable new roadway connection between US 64 and Old Sunset Hill Road/Howard Gap Road. This type of street interconnectivity aligns with the goals outlined in the Gen H Comprehensive Plan.*
- *The proposed density is consistent with other nearby developments.*

DRAFT [Rational for Denial]

- *The proposed development does not sufficiently mitigate its impacts on the delineated wetlands present on the site.*
- *The proposed development does not adequately address its anticipated traffic impacts on the surrounding area by guaranteeing the installation of a left-turn lane from Howard Gap Road onto Old Sunset Hill Road.*

Half Moon Heights Phase II (P24-41-CZD)

Chapter 4 - The Vision for the Future	Consistent	Inconsistent	Staff Notes
SUPPLY, SUITABILITY, & INTENSITY			
LAND SUPPLY MAP (Pg. 81, Figure 4.4)			Not listed in the land supply map.
LAND SUITABILITY MAP (Pg. 84-86, Figure 4.5-4.7)			Not listed in the land suitability map.
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)	**Multi-Generational Living**		
Character Area Description (Pg. 122-131)	Somewhat Consistent		Consistent "It is comprised of a variety of homes, mixing detached and attached (e.g., townhomes and duplexes) units with a lesser amount of multi-family units...Lot sizes are similar to those in FNL, but with increased densities." Inconsistent ", should incorporate design elements reflecting traditional single-family homes and “missing middle” housing, such as front porches, balconies, stoops, recessed or detached garages, and pitched roofs.
Zoning Crosswalk (Pg. 132-133, Figure 4.18)		Inconsistent	

Half Moon Heights Phase II (P24-41-CZD)

Chapter 4 - The Vision for the Future	Consistent	Inconsistent	Staff Notes
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.		Inconsistent	No information has been provided to staff that any units would be considered affordable (80% or lower AMI).
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.	Consistent		
Natural system capacity (floodplains for stormwater; habitats to support flora/fauna; tree canopy for air quality, stormwater management, and microclimate) is maintained.	Consistent		
Development is compact (infill/redevelopment) to minimize the ecological footprint.	Somewhat Consistent		Additional actions could be taken to limit the intrusion into the delineated wetlands on site.
New development respects working landscapes (e.g., orchards, managed forests), minimizing encroachment.	Consistent		The development is meeting the tree protection ordinance and stream buffer requirements.
Authentic Community Character (Pg. 94)			
Downtown remains the heart of the community and the focal point of civic activity	N/A		
A development near a gateway sets the tone, presenting the image/brand of the community.	N/A		
Historic preservation is utilized to maintain the city's identity.	N/A		
City Centers and neighborhoods are preserved through quality development.	N/A		
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		The connection between this development and Half Moon Heights Phase I connects US 64 to Old Sunset Hill Road. This interconnectivity has happened fairly rapidly as property develops.

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.	Consistent		
Reliable & Accessible Utility Services			
Wastewater treatment (service and capacity) adequately serves existing and future development	Consistent		
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.	N/A		
The lives of residents are enriched with opportunities to learn, build skills, and grow professionally.	N/A		
Welcoming & Inclusive Community			
Accessibility exceeds minimum standards of ADA, fostering residents' and visitors' sense of belonging.	N/A		
An inviting public realm (i.e., parks, public buildings) reflects the attitudes of city residents and leaders, and helps residents develop a sense of place and attachment to Hendersonville.	N/A		
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	N/A		
New business and office space promotes creative hubs.	N/A		
Compact Development (Pg. 100)			
Development is consistent with efforts in the area to establish 15-minute neighborhoods.	Consistent		
The infill project is context sensitive [Large Infill Site].	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. [Place keeping and Placemaking and 3rd Places]	Somewhat Consistent		This project does not incorporate single family design guidelines provided in the Gen H plan such as front porches, balconies, stoops, recessed or detached garages
Conserved & Integrated Open Spaces (Pg. 106)			
A diverse range of open space elements are incorporated into the development.	Consistent		
Desirable & Affordable Housing (Pg. 108)			
Missing middle housing concepts are used in the development.	Somewhat Consistent		To promote missing middle housing in existing neighborhoods, some general considerations include ensuring that new home building architecture is compatible with existing adjacent homes
Connectivity (Pg. 112)			

The development encourages multimodal design solutions to enhance mobility.	Consistent		Further connectivity will be required through the subdivision review process, if approved. The connection between Half Moon Phase I and Half Moon Phase II is already providing very valuable interconnectivity.
Efficient & Accessible Infrastructure (Pg. 114)			
The development utilizes existing infrastructure		Inconsistent	The project will be extending utilities and buildings new roads to support the development.

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."

NEIGHBORHOOD COMPATIBILITY MEETING REPORT
HALF MOON HEIGHTS PHASE II (P24-41-CZD)
NCM MEETING DATES: SEPTEMBER 18, 2024

PETITION REQUEST: Rezoning: Planned Residential Development- Conditional Zoning District (PRD-CZD)

- APPLICANT/PETITIONER: Tricia Chassen, Forestar USA Real Estate Group, Inc [Applicant] & Gregory Albea, Julianne Albea, Joseph Taylor and Laura Taylor [Owners]

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

A Neighborhood Compatibility Meeting was held for this project on September 18th, 2024 at 2pm in the Assembly Room of the City Operations Building, 305 Williams Street and via Zoom. The meeting lasted approximately 37 minutes.

There were 4 members of the public in attendance in-person while 2 attended virtually. The applicant and their development team were present as was 1 member of City staff.

Staff gave the formal introduction and a brief overview of the request.

There were 0 pre-submitted public comments.

The development team was allowed to present their project proposal for the proposed single-family development.

Concerns and questions from the public related to:

- Streams and stream buffer requirements.
- Wetlands and whether any of the homes would impact them.
- Questions concerning the road and its ownership/maintenance.
- Discussion on whether an HOA would be required.
- Whether or not the cul-de-sacs within the development meet current fire code.
- The discussion surrounding the wetlands and the need to keep them off individual lots.
- The idea that the wetlands should be included in the common areas and maintained by the HOA was discussed.
- Tree preservation requirements being met.
- Discussions concerning the review process when a project disturbs wetlands.
- Buffer requirements were discussed.

Full minutes from the Neighborhood Compatibility Meeting and pre-submitted public comments are available for review by request.

PLANNING BOARD RECOMMENDATION
HALF MOON HEIGHTS PHASE II(P24-41-CZD)
MEETING DATE: JANUARY 9TH, 2025

PETITION REQUEST: Rezoning: Planned Residential Development- Conditional Zoning District (PRD-CZD)

APPLICANT/PETITIONER: Tricia Chassen, Forestar USA Real Estate Group, Inc [Applicant] & Gregory Albea, Julianne Albea, Joseph Taylor and Laura Taylor [Owners]

PLANNING BOARD ACTION SUMMARY:

The Planning Board voted 6-1 to recommend **approval** of this petition and adopted the following motion:

PLANNING BOARD MOTION:

Ms. Peacock moved Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs: 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724) from Henderson County Residential Two Rural to PRD-CZD, Planned Residential Development Conditional Zoning District, for the construction of 59 detached single-family units based on the master site plan and list of conditions submitted by and agreed to by the applicant, [dated 12-30-24] 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
    a. Permitted Uses:
        i. Residential Dwellings, Single-Family
2. Permitted uses and applicable conditions presented on the site plan shall be amended to include:
    a. Proposed left turn lane on Howard Gap Road (SR-1006) onto Old Sunset Hill Road (SR-1744) will be constructed per the City's request if feasible within the existing right of way and if found necessary and/or acceptable by NCDOT. If the existing right of way is inadequate to accommodate the left hand turn lane, additional right of way acquisition will not be required and a fee in lieu of the turn lane shall be paid. The fee in lieu will reflect the actual cost of construction of the turn lane. The construction cost estimate shall be submitted by the developer's engineer and reviewed by the City of Hendersonville and NCDOT.
    b. Regarding the wetlands, preserve the 30 foot buffer in all undisturbed areas.
    c. Discharge stormwater at a rate equal to or less than the pre development discharge rate for both the two-year, 24 hour storm, and the 10 year, 24 hour storm with the ability to pass the 25-year, 24 hour storm.
    d. 4. All driveways shall be a minimum of 20' from the back of curb and/or sidewalk.

PLANNING BOARD MOTION CONTINUED:

3. 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 Designations of Multi-Generational Living and is located in a focused intensity node within chapter 4 of the Gen H Comprehensive Plan.
4. We find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:
    a. The petition proposes to provide additional housing to offset local demand.
    b. The proposed development establishes a valuable new roadway connection between US 64 and Old Sunset Hill Road/Howard Gap Road. This type of street interconnectivity aligns with the goals outlined in the Gen H Comprehensive Plan.
    c. The proposed density is consistent with other nearby developments.

OVERVIEW OF BOARD DISCUSSION FROM MEETING MINUTES:

The Planning Board convened on this project for **1 hour and 12 minutes**.

Ms. Gilgis asked why they would not mitigate the wetlands and put that as a condition. Ms. Chassen stated there are three parts to the condition and the first was a 30-foot buffer and they could not comply with that because they do plan to fill in a portion of the wetlands on the lots to raise them up above the wetlands so there is no worry about flooding from the water backing up in the wetlands. They plan to raise the back of the lots a little, so in a portion of the wetlands which will be approved by the Army Corp they cannot provide the 30-foot buffer because they are already working into the wetlands. Based on their final grading plan, they can designate buffers in other areas where they are not impacting them but the way the condition was stated it was just not feasible for them to put the 30-foot buffer around the entire wetlands. Monitoring and Reporting, this is one they are willing to do if the Planning Board feels it is necessary for them to do.

Ms. Peacock stated when they counter proposed on the turn lane, she is talking about the left turn lane and if there wasn't enough right-of-way and if it became not feasible to fit it in that little triangle area, would they object to a fee in lieu of the cost to do it because the road is getting more impacted. Ms. Chassen stated the main reason for the counter was if they couldn't fit it and with the cost already due to the conditions it just would not be feasible for this project to purchase right-of-way. They could do a cost estimate for the fee in lieu to see what the cost would be if they had to get right-of-way and could not build it themselves. That is something they could work with the city on.

Chair stated if they did not have to comply with a buffer, with a 30-foot setback from the wetlands, if they could go right up to them would that be feasible? Ms. Chassen stated they were going to have to fill in some of the wetlands and the lots to the north. There is a little strip of wetlands on those lots that will get filled in and then they have at their road crossings and for sewer installation around the edge and they will have to disturb some of the wetlands to put that in. Once they finalize the grading plan, they do not plan to grade a lot of that southern middle section and they could dedicate that as buffer and they wouldn't be to do a contiguous buffer around the whole of the wetlands. Chair stated but if there was no buffer and you were told to stay out of them it still would not accommodate what you are trying to do. Ms. Chassen stated they would lose some lots. Chair discussed the flooding we had here recently and stated he did not feel filling in the wetlands would go over very well after the storm.

OVERVIEW OF BOARD DISCUSSION FROM MINUTES:

Ms. Chassen pointed out the wetlands that are remaining and she pointed out the portion that was being filled which was only a small sliver. And that is to protect the homes when the wetland does fill up with water. She stated 85% to 90% of the wetlands would remain and be undisturbed with a natural buffer remaining around it. Chair asked if they would have to raise the elevation where the road crosses. Ms. Chassen explained the installation of cross pipes under the road and how that would drain into the creek. She discussed the wetland being mostly spring fed.

Chair started there was a condition on Phase I where they asked that a stormwater system engineered for a 25 year flood rather than a 10 year flood and he can't imagine why the same condition wouldn't be imposed on Phase II. It is because the way water flows in that area and ends up down on Chimney Rock Road. Chair asked if this is something they can agree to.

Jared DeRidder, WGLA stated it is important to note that Phase I and Phase II flow in two different directions. He was not a part of Phase I but being the engineer for Phase II, if you have a city ordinance that outlines the requirements of two and ten, why would it be necessary to impose something stricter than the ordinance. Chair stated because the maps are out of date, water from the Gulf of Mexico is coming here all the time and we get thunderstorms and heavy periods of rain where we never had that before, rain that was over five inches in one day and of course we had 22 inches in September. So rain is different now than it was when the ordinance was written and that is why he is asking. Mr. DeRidder stated they can commit to passing the 25 year storm but in terms of creating the 25 year storm he is not sure that really accomplishes much. If you are interested in the intensity of the storm and the damage it is going to cause, he thinks passing the 25 year storm is a reasonable commitment and exceeds the ordinance standards. Mr. DeRidder explained passing the 25 year storm and the storm tech systems. If they commit to passing the 25 year storm or being able to handle the 25 year storm in their infrastructure, that to him seems like a reasonable commitment as opposed to trying to treat and control that. They would control the two and ten but would be able to pass the 25. Chair stated and that is a condition you would agree to. Mr. DeRidder stated yes.

Chair stated concerning Mike Huffman's condition, he is the Floodplain Administrator and on staff with the city and is acting in the best interests of the residents of our city. He proposed a condition. Mr. DeRidder stated he would like to explain this a little more and give his perspective on it. Mr. DeRidder discussed the stream buffer requirements and he pointed out the untouched area on the site plan around that stream. If they do that same buffering for the wetlands, they essentially lose lots and this project goes away. They had mentioned that wetlands are intended for flooding purposes, this parcel is not in the 100-year Floodplain. In his professional opinion and time and duration of his practice, he has never seen a buffer for a wetland, ever. The Army Corp doesn't require it, the federal government doesn't require it, the state doesn't require it and your local ordinance doesn't require it. This comment came out of somewhere that he has never heard of. He has not seen it in the federal or state guidelines. Chair stated a lot of things are going to change around here after September. Mr. DeRidder stated if it was a written ordinance that is great and they could abide by that but when they lay something out and it is not written it is really hard to agree to things that are not written out in ordinances that aren't standards. In this case, they have a lot of time and money and energy invested in laying out a project that works and then submit it to the city and they want a buffer on wetlands and he is not sure where that comment came from. Chair stated it is called conditional zoning.

PUBLIC COMMENTS:

Glenn Lange, 623 Ferncliff Lane *stated he would like to propose that the Planning Board adopt the city's proposed wetland protection buffer as written by our Stormwater Coordinator, Mike Huffman. Wetland areas are being eliminated and/or being degraded throughout North Carolina. At least in this area the wetland is being set aside and not eliminated. Unfortunately also wetlands are being negatively impacted by sedimentation and pollution and toxic chemicals. He was concerned about the planting at the wetlands being turf or lawn grasses. He discussed lots backing up to the wetland areas and the management of these areas using fertilizers and pesticides and herbicides which will pollute the wetland areas with stormwater runoff. He felt the condition imposed by the city will help protect the wetlands from pollution. He discussed removing evasive plants and utilizing native trees and shrubs. It would improve wildlife habitat. He hopes they adopt the city's proposed development condition. He discussed having proper vegetation in the areas that are disturbed. He hopes the Planning Board will adopt what they are working on here and add some improvements.*

Lynne Williams, Chadwick Avenue *was concerned about the condition and has asked Mike Huffman if he could join the meeting. She stated she did speak up for the first phase and so did the neighbors and they did oppose the development. The floods did come and that storage place down below lost everything and that is the reality of the people who live here. The 25 year storm system makes sense that they would ask for it again. She felt like it needed to be more, like a 100 year system. They should look at what Helene has been categorized as. That should be what type of storm system that it holds. That is the standard they should be held to and anything less than that is really just a slap in the face. She asked that they be a leader for the community and set an example and not wait for laws to be passed. She was concerned about all the trees being gone in Phase I. She was concerned about the site plan and this extending from the barren area where the trees were removed. She wanted the tree canopy to be protected. The rule is you can't build in the Floodway. She felt like buffers to protect the wetlands make total sense. She was concerned about parcels below and near being in the 100 year Floodplain. They are asking them to be a good neighbor.*

Ken Fitch, 1046 Patton Street (zoom) *stated the new name was not revealed at the NCM and now it is associated with a very controversial project. He felt like the project has two flags with the proposed conditions from Mike Huffman and the city traffic consultant that underscore the concern with wetlands on site and area traffic impacts. He stated the recent hurricane event as brought focus to the wetlands and flooding. These were terrible storm impacts which Mike Huffman has seen firsthand. The document states there is no Floodplain issue but on the 2008 FEMA maps the local state and federal authorities note these maps are out of date. He asked if we know what happened on this site after the storm. He was concerned about the development being proposed in close proximity to the wetlands. The engineer stated he has never seen a buffer for wetlands, ever but we never saw what happened with this storm ever before. We had a 100 year storm here. He was concerned about the removal of a large number of trees and paying a fee in lieu of. He was concerned about the removal of trees causing a greater risk of flooding in this area. Traffic has been cited as a growing issue in this area. Connectivity is a big deal. The issue here is safety and when the traffic consultant does weigh in we need to listen. Safety is another issue with the connection to Half Moon Heights. He asked about on street parking being permissible. He discussed a neighbor's issues that were brought up at the NCM.*

BOARD ACTION:

Motion:

- Tamara Peacock (Vice Chair)

Second:

- Kyle Gilgis

Yeas:

- Tamara Peacock (Vice Chair), Laura Flores, Bob Johnson, Donna Waters, Kyle Gilgis, David McKinley

Nays:

- Jim Robertson (Chair),

Absent: Peter Hanley, Chauncy Whiting

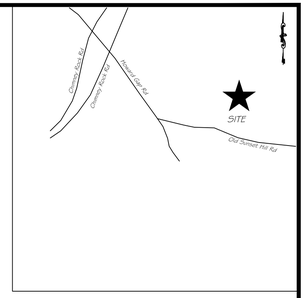
Recused: None

SITE IMPROVEMENTS

for

HALF MOON HEIGHTS SUBDIVISION - PHASE 2

CITY OF HENDERSONVILLE
HENDERSON COUNTY
NORTH CAROLINA



VICINITY MAP
NOT TO SCALE

DEVELOPMENT BLOCK

PROJECT NAME: FORESTAR–OLD SUNSET HILL SUBDIVISION

PIN # 9579–98–0375
DB/PG: 4026–272
ACREAGE 3.88± AC
OWNER: GREGORY MARTIN ALBEA
430 S MILLS RIVER RD
MILLS RIVER, NC 28759

PIN # 9579–98–3527
DB/PG: 4026–272
ACREAGE 1.16± AC
OWNER: GREGORY MARTIN ALBEA
430 S MILLS RIVER RD
MILLS RIVER, NC 28759

PIN # 9579–98–4115
DB/PG: 4026–272
ACREAGE 15.78± AC
OWNER: GREGORY MARTIN ALBEA
430 S MILLS RIVER RD
MILLS RIVER, NC 28759

PIN # 9579–99–8724
DB/PG: 3664–522
ACREAGE 0.50± AC
OWNER: JOSEPH HARLEY TAYLOR
LAURA SUZANNE TAYLOR
395 OLD SUNSET HILL ROAD
HENERSONVILLE, NC 28792

DEVELOPER: FORESTAR (USA) REAL ESTATE GROUP, INC.
750 EXECUTIVE CENTER DRIVE, SUITE 10
GREENVILLE, SC 29615

ENGINEER: JARED L. DERIDDER, P.E.
WGLA ENGINEERING, PLLC
724 5TH AVENUE WEST
HENDERSONVILLE, NC 28739

SURVEYOR: ED HOLMES AND ASSOCIATES
LAND SURVEYORS
200 RIDGEFIELD COURT SUITE 208
ASHEVILLE, NC 28806

TOTAL ACREAGE 21.32± AC

WATER SYSTEM ON SITE (PUBLIC) CITY OF HENDERSONVILLE

SEWER SYSTEM ON SITE (PUBLIC) CITY OF HENDERSONVILLE

CURRENT ZONING: R2R (HENDERSON COUNTY)

PROPOSED ZONING: PRD (CITY OF HENDERSONVILLE)
PLANNED RESIDENTIAL DEVELOPMENT

PERIMETER SETBACKS (PRD)
40' FROM NEAREST RIGHT–OF–WAY
(10' WHEN PARKING IS SITUATED TO THE SIDE OR REAR OF THE BUILDING)
30' FROM EXTERNAL PROPERTY BOUNDARY

BUILDING SETBACKS (INTERNAL)
FRONT: 35' FROM CL OF ROAD
SIDE: 5.5'
REAR: 10'

SITE SUMMARY:

PROPERTY AREA:
928,695 SF – 21.32 AC

AREAS TO BE DEEDED AWAY:
CONNOR CREEK MHP
20,074 SF – 0.46 AC
NCDOT (R/W)
8,637 SF – 0.20 AC

TOTAL PROJECT AREA:
899,984 SF – 20.66 AC – 100%

PROPOSED LOT AREAS:
470,313 SF – 10.80 AC – 52.26%

SITE COVERAGE – BUILDINGS:
151,325 SF – 3.47 AC – 16.81%

SITE COVERAGE – OPEN SPACE
617,668 SF – 14.18 AC – 68.63%

SITE COVERAGE – STREETS AND PARKING
130,991 SF – 3.01 AC – 14.56%

SITE COVERAGE – COMMON OPEN SPACE
93,552 SF – 2.15 AC – 10.4%

DENSITY:
59 UNITS / 20.66 AC
2.86 UNITS / AC

EXISTING TREE CANOPY:
19.50 AC (100%)

TIER 1 CANOPY PRESERVATION
3.9 AC (20%)

TIER 2 CANOPY PRESERVATION (OPTION 2)
1.38 AC (7.1%)

TIER 2 CANOPY INSTALLATION (OPTION 2)
1.37 AC (7.0%)

AVERAGE NATURAL SLOPE: 12.9%

PARKING SPACE CALCULATIONS
REQUIRED
2 SPACES PER LOT

PROVIDED
59 LOTS = 118 SPACES
(1 GARAGE SPACE & 1 DRIVEWAY SPACE OUTSIDE OF R/W PER LOT)
2 PARALLEL SPACES
120 SPACES TOTAL

A

DEVELOPER PROPOSED CONDITIONS

1– ANY PROPOSED WETLAND IMPACT WILL BE PROPERLY PERMITTED WITHIN THE RESPECTIVE AGENCY AND COMPLY WITH ANY AND ALL FEDERAL, STATE AND LOCAL LAWS.

2– THE DEVELOPER PROPOSES A 30' WETLAND BUFFER IN AREAS SHOWN ON SHEET C–201. NO CONSTRUCTION, GRADING OR VEGETATION REMOVAL MAY OCCUR WITHIN THESE IDENTIFIED WETLAND BUFFERS EXCEPT FOR RESTORATION OR APPROVED MITIGATION ACTIVITIES.

3– THE DEVELOPER PROPOSES A LOT SIDE SETBACK OF 5.5'

4– THE DEVELOPER INTENDS TO ACHIEVE CANOPY INSTALLATION REQUIREMENTS BY USE OF REQUIRED STREET TREES, COMMON OPEN SPACE TREES, AND OPEN SPACE TREES. IN THE EVENT THAT THIS IS NOT ACHIEVABLE, THE DEVELOPER WILL ACHIEVE THE REQUIREMENTS OF THE REMAINING TIER TWO CANOPY BY PAYING FEE–IN–LIEU OF.

CITY PROPOSED CONDITIONS

1– PROPOSED LEFT TURN–LANE ON HOWARD GAP RD (SR–1006) ONTO OLD SUNSET HILL RD (SR–1744) WILL BE CONSTRUCTED PER THE CITY'S REQUEST IF FEASIBLE WITHIN EXISTING RIGHT–OF–WAY AND IF FOUND NECESSARY AND/OR ACCEPTABLE BY NCDOT. IF THE EXISTING RIGHT OF WAY IS INADEQUATE TO ACCOMMODATE THE LEFT HAND TURN LANE, ADDITIONAL RIGHT OF WAY ACQUISITION WILL NOT BE REQUIRED AND A FEE IN LIEU OF THE TURN LANE SHALL BE PAID. THE FEE IN LIEU WILL REFLECT THE ACTUAL COST OF CONSTRUCTION OF THE TURN LANE. THE CONSTRUCTION COST ESTIMATE WILL BE SUBMITTED BY THE DEVELOPER'S ENGINEER AND REVIEWED BY THE CITY OF HENDERSONVILLE AND THE NCDOT.

2– DISCHARGE STORMWATER AT A RATE EQUAL TO OR LESS THAN THE PRE–DEVELOPMENT DISCHARGE RATE FOR BOTH THE TWO–YEAR, 24 HOUR STORM AND THE TEN–YEAR, 24–HOUR STORM WITH THE ABILITY TO PASS THE 25–YEAR, 24–HOUR STORM.

3– ALL DRIVEWAYS SHALL BE A MINIMUM OF 20' FROM THE BACK OF CURB AND/OR SIDEWALK.

4–THE APPLICANT SHALL ESTABLISH A MONITORING PROGRAM TO ASSESS THE HEALTH OF THE WETLAND AND BUFFER AREAS DURING AND AFTER DEVELOPMENT ACTIVITIES FOR A PERIOD OF NO LESS THAN 2 YEARS. ANNUAL REPORTS DOCUMENTING COMPLIANCE WITH THE WETLAND PROTECTION MEASURES SHALL BE SUBMITTED TO THE CITY OF HENDERSONVILLE.

5– THE APPLICANT MUST INSTALL APPROPRIATE SIGNAGE TO IDENTIFY WETLAND AREAS AND EDUCATE SITE USERS ABOUT THEIR IMPORTANCE. SIGNAGE MUST BE MAINTAINED IN PERPETUITY.

SITE PLANS

SHEET NO.	DESCRIPTION
1–2	TOPOGRAPHIC SURVEY
C–100	MASTER PLAN
C–200–201	SITE PLAN
G–100–101	SINGLE FAMILY ELEVATIONS
L–100	LANDSCAPE PLANS

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(828) 687-7177
WGLA.COM
NC LICENSE P-1342

HALF MOON HEIGHTS SUBDIVISION PHASE 2

HENDERSONVILLE
HENDERSON COUNTY
NORTH CAROLINA

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 038135 JARED L. DERIDDER
Preliminary Not For Construction

REVISIONS

DATE	DESCRIPTION
1–29–25	REVISION A

811 Know what's below. Call before you dig.

PROJECT NUMBER: 23186
DATE: 1-29-25

COVER

SCALE: AS NOTED

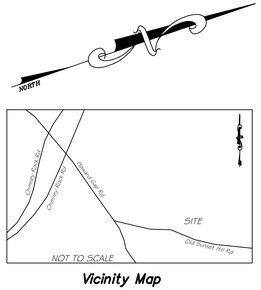
GRAPHIC SCALE

70 0 35 70 140 280

(IN FEET)

LEGEND

- EXISTING PROPERTY BOUNDARY
- R/W R/W — PROPOSED COH PUBLIC RIGHT OF WAY
- PROPOSED 18" CURB AND GUTTER
- PROPOSED CONCRETE
- PROPOSED ASPHALT
- PROPOSED PERIMETER SETBACK



Vicinity Map

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HALF MOON HEIGHTS SUBDIVISION PHASE 2

HENDERSONVILLE
HENDERSON COUNTY
NORTH CAROLINA

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 041349 DAVID L. DERODITCHY

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REVISIONS	
DATE	DESCRIPTION

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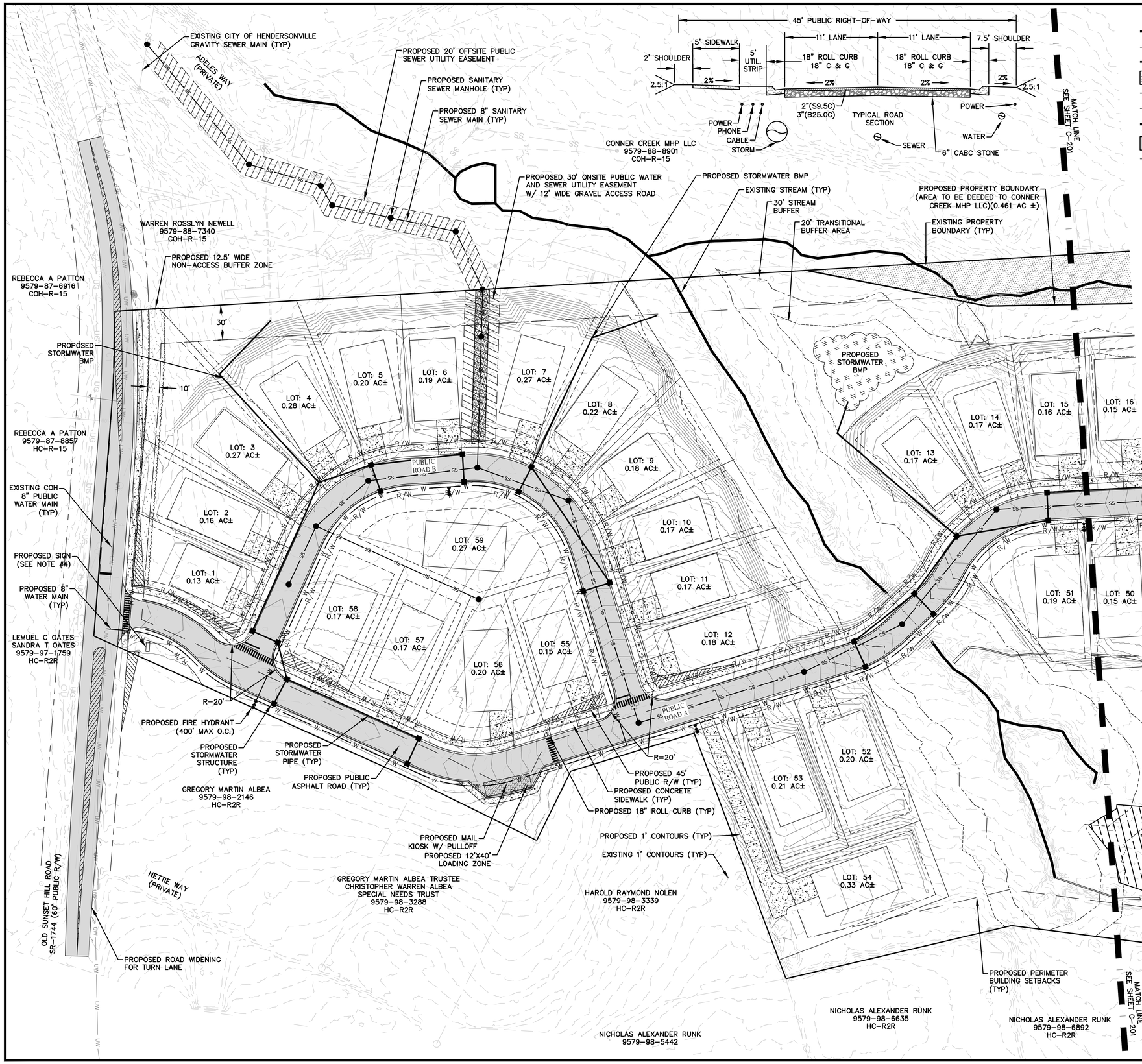
PROJECT NUMBER: 23186
DATE: 1-29-25

MASTER PLAN

C-100

SCALE: 1"=70'



LEGEND

- EXISTING PROPERTY BOUNDARY
- PROPOSED COH PUBLIC RIGHT OF WAY
- PROPOSED 18" CURB AND GUTTER
- PROPOSED CONCRETE
- PROPOSED WATER LINE
- PROPOSED SEWER LINE
- PROPOSED STORMWATER PIPE
- PROPOSED ASPHALT
- PROPOSED BUILDING SETBACK

GRAPHIC SCALE

40 0 20 40 80 160

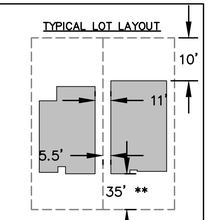
(IN FEET)

NORTH

NOTES:

1.) ALL PORTIONS OF THIS PROJECT ARE PROPOSED TO BE LOCATED TOTALLY WITHIN CITY LIMITS.
2.) SITE LIGHTING TO BE DESIGNED BY DUKE ENERGY AND SHALL BE AIMED, DIRECTED, SHIELDED OR ARRANGED SO THE LIGHT SOURCES FOR SUCH FACILITIES DO NOT CAUSE UNDUE GLARE ON NEIGHBORING PROPERTIES OR INTERFERE WITH THE SAFE USE OF PUBLIC RIGHTS-OF-WAY AND SHALL MEET ALL CITY OF HENDERSONVILLE LIGHTING STANDARDS
3.) ALL OPEN SPACE AND COMMON OPEN SPACE WITHIN THE PROPOSED SUBDIVISION WILL BE OWNED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION.
4.) ALL PROPOSED SIGNAGE SIZE, HEIGHT, ORIENTATION, AND APPEARANCE TO BE IN ACCORDANCE WITH CITY ZONING ORDINANCE ARTICLE XIII. COORDINATE WITH LANDSCAPE ARCHITECTS PLANS FOR DETAILS.
5.) NO PORTION OF THIS PROJECT IS LOCATED WITHIN THE 100YR FLOOD HAZARD AREA PER NORTH CAROLINA FLOOD PLAIN MAPPING
6.) ALL STREETS ARE TO BE CONVEYED TO CITY OF HENDERSONVILLE OWNERSHIP AND MAINTENANCE AT COMPLETION OF PROJECT.
7.) PROJECT TO BE COMPLETED IN A SINGLE PHASE.

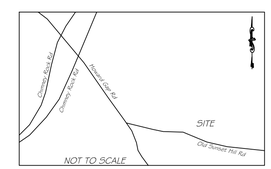
TYPICAL LOT LAYOUT



* BUILDING FOOTPRINTS VARY WITH INDIVIDUAL HOME OPTIONS (SEE ELEVATIONS FOR DETAILS)

** FRONT SETBACKS ARE MEASURED FROM THE ROAD CENTERLINE

*** SETBACKS SHOWN ARE A MINIMUM AND MAY VARY



Vicinity Map

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HALF MOON HEIGHTS SUBDIVISION PHASE 2

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NORTH CAROLINA

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REVISIONS	
DATE	DESCRIPTION

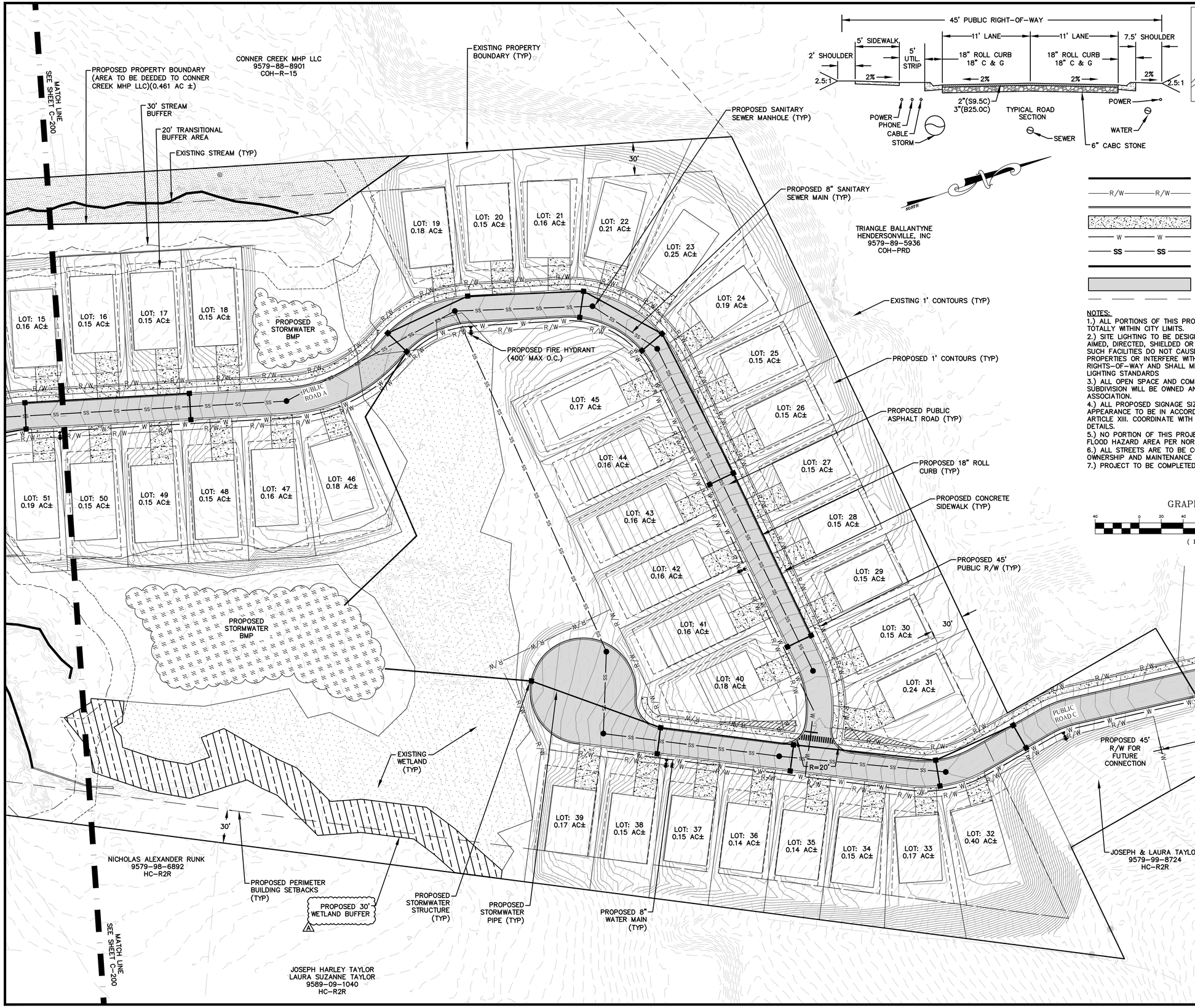
Know what's below. Call before you dig.

PROJECT NUMBER: 23186
DATE: 1-29-25

SITE PLAN

C-200

SCALE: 1"=40'



LEGEND

- EXISTING PROPERTY BOUNDARY
- PROPOSED COH PUBLIC RIGHT OF WAY
- PROPOSED 18" CURB AND GUTTER
- PROPOSED CONCRETE
- PROPOSED WATER LINE
- PROPOSED SEWER LINE
- PROPOSED STORMWATER PIPE
- PROPOSED ASPHALT
- PROPOSED BUILDING SETBACK

NOTES:

1.) ALL PORTIONS OF THIS PROJECT ARE PROPOSED TO BE LOCATED TOTALLY WITHIN CITY LIMITS.
2.) SITE LIGHTING TO BE DESIGNED BY DUKE ENERGY AND SHALL BE AIMED, DIRECTED, SHIELDED OR ARRANGED SO THE LIGHT SOURCES FOR SUCH FACILITIES DO NOT CAUSE UNDUE GLARE ON NEIGHBORING PROPERTIES OR INTERFERE WITH THE SAFE USE OF PUBLIC RIGHTS-OF-WAY AND SHALL MEET ALL CITY OF HENDERSONVILLE LIGHTING STANDARDS
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4.) ALL PROPOSED SIGNAGE SIZE, HEIGHT, ORIENTATION, AND APPEARANCE TO BE IN ACCORDANCE WITH CITY ZONING ORDINANCE ARTICLE XIII. COORDINATE WITH LANDSCAPE ARCHITECTS PLANS FOR DETAILS.
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6.) ALL STREETS ARE TO BE CONVEYED TO CITY OF HENDERSONVILLE OWNERSHIP AND MAINTENANCE AT COMPLETION OF PROJECT.
7.) PROJECT TO BE COMPLETED IN A SINGLE PHASE.

* BUILDING FOOTPRINTS VARY WITH INDIVIDUAL HOME OPTIONS (SEE ELEVATIONS FOR DETAILS)

** FRONT SETBACKS ARE MEASURED FROM THE ROAD CENTERLINE

*** SETBACKS SHOWN ARE A MINIMUM AND MAY VARY

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HALF MOON HEIGHTS SUBDIVISION PHASE 2

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REVISIONS	
DATE	DESCRIPTION
1-29-25	REVISION A

Know what's below. Call before you dig.

PROJECT NUMBER: 23186
DATE: 1-29-25

SITE PLAN

C-201

SCALE: 1"=40'

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HALF MOON HEIGHTS SUBDIVISON PHASE 2

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HENDERSON COUNTY
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REVISIONS

DATE	DESCRIPTION

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PROJECT NUMBER: 23186
DATE: 1-29-25

SINGLE FAMILY ELEVATIONS

G-100

SCALE: AS NOTED

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HALF MOON HEIGHTS SUBDIVISON PHASE 2

HENDERSONVILLE
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REVISIONS	
DATE	DESCRIPTION

Know what's below. Call before you dig.

PROJECT NUMBER: 23186
DATE: 1-29-25

SINGLE FAMILY ELEVATIONS

G-101

SCALE: AS NOTED

OPEN SPACE SUMMARY

PROPERTY AREA:
928,695 SF (21.32 AC)

AREAS TO BE DEEDED AWAY:
CONNOR CREEK MHP
20,074 SF (0.46 AC)
NCDOT (R/W)
8,637 SF (0.20 AC)

PROJECT AREA:
899,984 SF (20.66 AC)(100%)

OPEN SPACE:
617,668 SF (14.18 AC)(68.63%)

COMMON OPEN SPACE:
93,552 SF (2.15 AC)(10.4%)

STREET TREE SUMMARY

ROAD A: 1,963 LF
TREES REQUIRED: 57
TREES PROVIDED: 57

ROAD B: 579 LF
TREES REQUIRED: 17
TREES PROVIDED: 18

ROAD C: 571 LF
TREES REQUIRED: 17
TREES PROVIDED: 17

OLD SUNSET HILL: 280 LF
TREES REQUIRED: 8
TREES PROVIDED: 8

LANDSCAPE SUMMARY

COMMON OPEN SPACE:
REQUIRED:
1 TREE AND 5 SHRUBS PER 1,200 SF
OF COMMON OPEN SPACE
93,552 SF = 78 TREES, 390 SHRUBS

OPEN SPACE:
REQUIRED:
1 TREE AND 5 SHRUBS PER 4,000 SF
OF COMMON OPEN SPACE
93,552 SF = 24 TREES, 120 SHRUBS

NOTES:

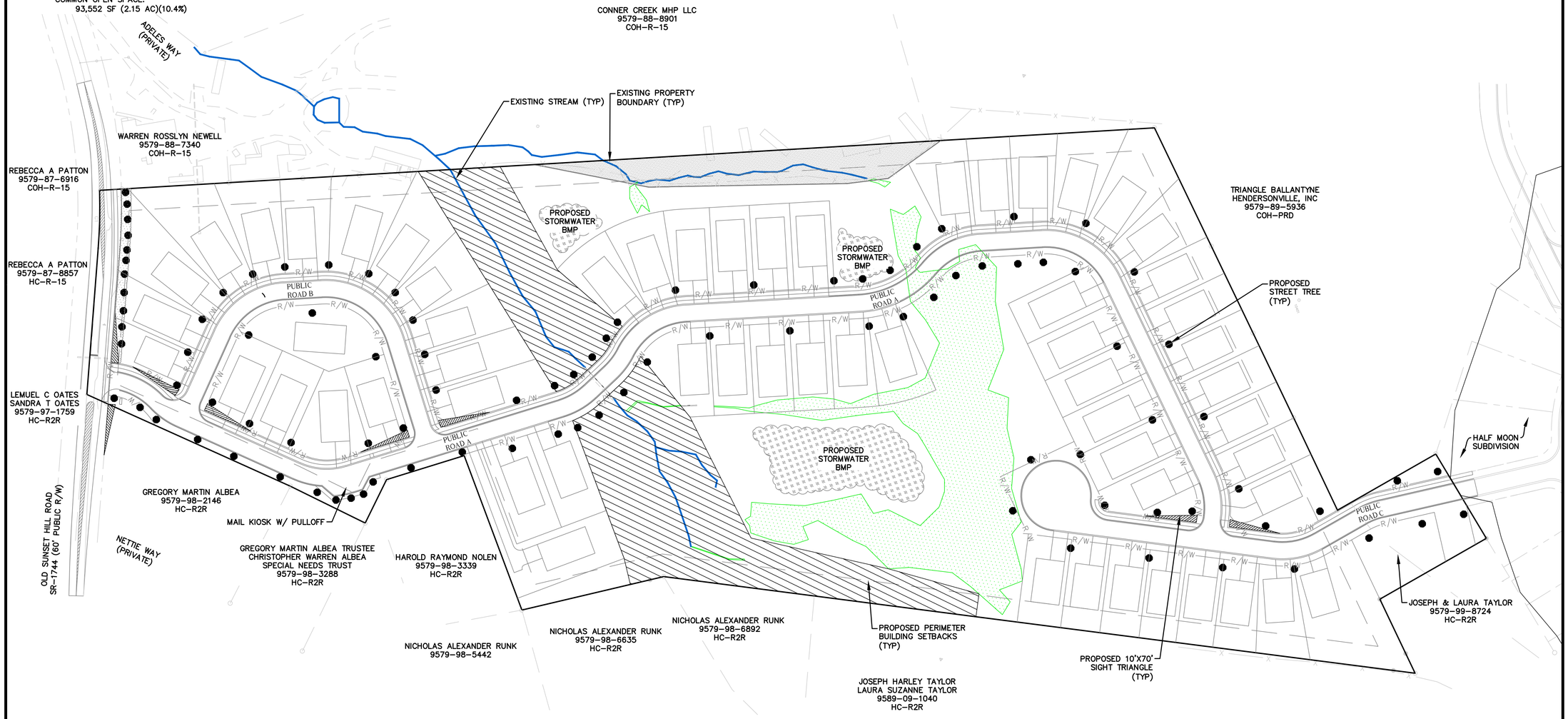
1.) PROPOSED OPEN SPACE AND COMMON OPEN SPACE TREES AND SHRUBS ARE NOT SHOWN FOR CLARITY BUT WILL BE PROVIDED IN RESPECTIVE AREAS.

2.) ALL LANDSCAPING SHALL COME FROM THE CITY OF HENDERSONVILLES APPROVED LANDSCAPING LIST

LEGEND

● PROPOSED STREET TREE

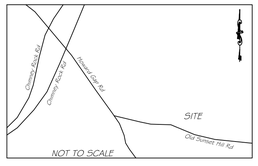
PROPOSED COMMON OPEN SPACE



GRAPHIC SCALE

70 0 35 70 140 280

(IN FEET)



Vicinity Map

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HALF MOON HEIGHTS SUBDIVISION PHASE 2

HENDERSONVILLE
HENDERSON COUNTY
NORTH CAROLINA

Preliminary Not For Construction

NORTH CAROLINA
REGISTERED
ENGINEER
044349
FRED L. DERIDDER

REVISIONS	
DATE	DESCRIPTION

811
Know what's **below.**
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PROJECT NUMBER: 23186
DATE: 1-29-25

LANDSCAPE PLAN

L-100

SCALE: 1"=70'

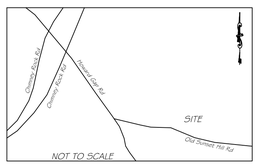
LEGEND

- EXISTING TREE CANOPY TO REMAIN (5.28 AC)
- EXISTING TREE CANOPY TO BE REMOVED (14.22 AC)
- EXISTING TREE CANOPY (19.50 AC)

GRAPHIC SCALE

70 0 35 70 140 280

(IN FEET)



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HALF MOON HEIGHTS SUBDIVISION PHASE 2

HENDERSONVILLE
HENDERSON COUNTY
NORTH CAROLINA

Preliminary Not For Construction

REVISIONS	
DATE	DESCRIPTION

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PROJECT NUMBER: 23186
DATE: 1-29-25

TREE PRESERVATION PLAN

L-101

SCALE: 1"=70'

Kimley»Horn

December 13, 2024

Mr. Tyler Morrow
City of Hendersonville
Community Development Department
100 N. King Street
Hendersonville, NC 28712

RE: *Old Sunset Hill Road TIA Review*

Dear Tyler,

At the request of the City of Hendersonville, Kimley-Horn has conducted a review of the traffic impact analysis (TIA) prepared for the Old Sunset Hill Road development dated September 13, 2024, by Impact Designs, Inc. The proposed site is located on Old Sunset Hill Road off Howard Gap Road. The proposed site will have access off Old Sunset Hill Road at a new intersection as well as through interconnectivity via Half Moon Trail to US 64 (Chimney Rock Road).

This specific review focused on the unsignalized intersections noted for inclusion within the approved TIA scope document by the North Carolina Department of Transportation (NCDOT). The NCDOT *Policy on Street and Driveway Access to North Carolina Highways*, NCDOT *Congestion Management Capacity Analysis Guidelines*, and City of Hendersonville *Zoning Ordinance.* This memo outlines our technical review of the unsignalized intersections, specifically the turn lane warrants, and corresponding recommendations.

TECHNICAL REVIEW

The September 13th, 2024, TIA submitted by Impact Designs included four (4) existing signalized intersections and one (1) new site access (Access A). The following review looks are each of the unsignalized intersections related to the existing and proposed traffic volumes and how they relate to NCDOT's turn lane warrant nomograph. The NCDOT *Policy on Street and Driveway Access to North Carolina Highways* contains a nomograph warrant for left and right turn lanes, page 80. Each of the locations are discussed below along with the findings and recommendations.

US 64 at Half Moon Trail

The existing intersection of US 64 at Half Moon Trail currently has a left-turn lane from US 64 onto Half Moon Trail. A right turn lane from US 64 onto Half Moon Trail is also present. Furthermore, Half Moon Trail's approach to US 64 is a single lane with a shared left and right-turn lane. A summary of the traffic volumes, as taken from the sealed TIA, for each of these movements are as follows:

- Right turn from US 64 EB onto Half Moon Trail = AM (5 trips), PM (20 trips)
- Left turn from Half Moon Trail onto US 64 = AM (14 trips), PM (10 trips)
- Right turn from Half Moon Trail onto US 64 = AM (2 trips), PM (0 trips)

The proposed site will add the following trips to these movements:

- Right turn from US 64 EB onto Half Moon Trail = AM (3 trips), PM (9 trips)
- Left turn from Half Moon Trail onto US 64 = AM (4 trips), PM (3 trips)
- Right turn from Half Moon Trail onto US 64 = AM (12 trips), PM (8 trips)

Since there are already right and left turn lanes from US 64 onto Half Moon Trail, and the cumulative volume from the site for the AM and PM peak hours sums less than 20 trips per each movement, additional capacity lanes are not needed on Half Moon Trail.

US 64 at Ballantyne Commons Circle

The existing intersection of US 64 at Ballantyne Circle currently has a right turn lane from US 64 onto Ballantyne Commons Circle. Furthermore, Half Moon Trail's approach to US 64 is a single lane for right turns only. Since this section of US 64 is one way where Ballantyne Commons Circle intersections, additional turn lanes are not needed. Furthermore, the site is adding less than 5 trips per movement for the AM and PM peak hours, the existing infrastructure is sufficient for the development.

Howard Gap Road at Old Sunset Hill Road (Eastern)

The existing intersection of Howard Gap Road at Old Sunset Hill Road is a tee intersection that does not have left or right turn lanes on any of the three approaches. A summary of the traffic volumes, as taken from the sealed TIA, for each of these movements are as follows:

- Left turn from Howard Gap Road onto Old Sunset Hill Road = AM (100 trips), PM (147 trips)
- Right turn from Howard Gap Road onto Old Sunset Hill Road = AM (8 trips), PM (6 trips)
- Left-turn from Old Sunset Hill Road onto Howard Gap Road = AM (9 trips), PM (7 trips)
- Right turn from Old Sunset Hill Road onto Howard Gap Road = AM (222 trips), PM (101 trips)

The proposed site will add the following trips to these movements:

- Left turn from Howard Gap Road onto Old Sunset Hill Road = AM (12 trips), PM (40 trips)
- Right turn from Howard Gap Road onto Old Sunset Hill Road = AM (3 trips), PM (9 trips)
- Left-turn from Old Sunset Hill Road onto Howard Gap Road = AM (8 trips), PM (5 trips)
- Right turn from Old Sunset Hill Road onto Howard Gap Road = AM (47 trips), PM (32 trips)

The length of storage necessary was determined based on the NCDOT turn lane warrant nomograph. These are shown in the table below.

Approach	Existing		With Site Traffic	
	AM	PM	AM	PM
Left turn from Howard Gap Road onto Old Sunset Hill Road	75 ft	100 ft	75 ft	125 ft
Right turn from Old Sunset Hill Road onto Howard Gap Road	150 ft	150 ft	175 ft	175 ft

The volumes shown in the TIA show that turn lanes are warranted for a left turn from Howard Gap Road and a right turn from Old Sunset Hill Road. In review of the geometrics and the volumes from the intersection, a right turn lane, while warranted is not recommended. Upon review of the traffic volumes at the intersection, very few vehicles turn left from Old Sunset Hill Road in the AM or PM peak hour. With the site traffic, less 20 vehicles in the peak hours are projected to make this movement. That translates into a car every 3 minutes on average. As such the existing single lane operates as a dedicated right turn lane for the movement.

The left-turn movement from Howard Gap Road onto Old Sunset Hill Road is warranted and should be installed. While a turn lane is needed in both peak hours, the PM peak hour is the highest concern. In the PM peak hour, 147 existing vehicles turn left onto Old Sunset Hill Road. The proposed site will add 40 additional vehicles to this movement for a total of 187 vehicles. The 187 vehicles oppose 244 approaching vehicles and blocks 312 vehicles from passing the intersection. Furthermore, the skew of the intersection approach from Old Signal Hill Road does limit visibility for turning movement from Old Signal Hill Road and horizontal curvature of Howard Gap Road just past the intersection limits visibility for vehicles turning onto Old Signal Hill Road. The site constitutes 27% of the traffic turning left onto Old Signal Hill Road.

Old Sunset Hill Road at Howard Gap Road (Western)

The existing intersection of Howard Gap Road at Old Sunset Hill Road is a tee intersection that does not have left or right turn lanes on any of the three approaches. A summary of the traffic volumes, as taken from the sealed TIA, for each of these movements are as follows:

- Left turn from Howard Gap Road onto Old Sunset Hill Road = AM (8 trips), PM (14 trips)
- Right turn from Howard Gap Road onto Old Sunset Hill Road = AM (148 trips), PM (61 trips)
- Left-turn from Old Sunset Hill Road onto Howard Gap Road = AM (68 trips), PM (93 trips)
- Right turn from Old Sunset Hill Road onto Howard Gap Road = AM (16 trips), PM (6 trips)

The proposed site will add the following trips to these movements:

- Left turn from Howard Gap Road onto Old Sunset Hill Road = AM (0 trips), PM (0 trips)
- Right turn from Howard Gap Road onto Old Sunset Hill Road = AM (1 trips), PM (5 trips)
- Left-turn from Old Sunset Hill Road onto Howard Gap Road = AM (0 trips), PM (0 trips)
- Right turn from Old Sunset Hill Road onto Howard Gap Road = AM (0 trips), PM (0 trips)

With the low volume of traffic added to the intersection by the site, turn lanes are not recommended at this location.

Kimley»Horn

RECOMMENDATIONS

Based on the analysis contained in this memo, it is recommended that the City of Hendersonville consider requiring a left-turn lane from Howard Gap Road onto Old Signal Hill Road. The need for the turn lane, while present prior to the development, is further exacerbated with the addition of site traffic. The proposed site adds 40 vehicles in the PM peak hour, which equates to 27% of the total traffic for that movement. The additional traffic, the limited visibility, and the further impact to through movements on Howard Gap Road, all contribute to the need for the turn lane.

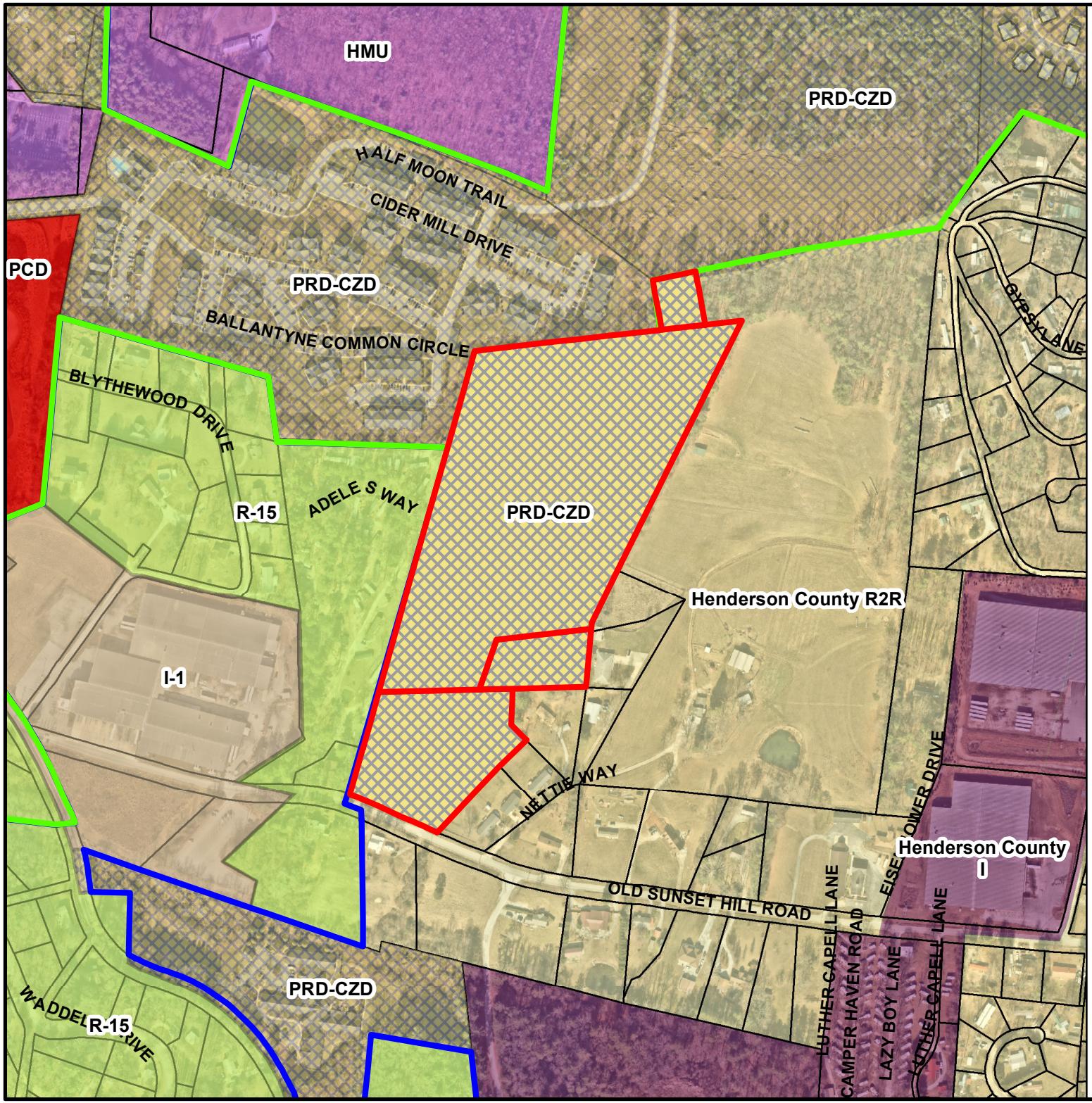
The design of the turn lane and the necessary storage length for the turn lane should be coordinated with the North Carolina Department of Transportation to determine the most optimal configuration for the turn lane. Consideration should be given to a partial symmetrical with a proportional offset to the outside (western side) of Howard Gap Road to minimize impacts to existing utilities, maximize visibility, and to utilize available right of way present to the existing pavement. This approach should minimize overall impacts and construction costs.

CONCLUSIONS

Please contact me at (704) 488-3055 or jonathan.guy@kimley-horn.com should you have any questions regarding this analysis.

Sincerely,

Jonathan Guy, PE, AICP, PTOE
Senior Vice President



0 170 340 680
Feet
N
E
S
City of Hendersonville
December 2024

Half Moon Heights Phase II

P24-41-CZD

PINs: 9579-98-0375, -3527, 9579-99-4115, -8724

Acreage: 20.66

Proposed Zoning

- Subject Property
- Hendersonville City Limits
- Hendersonville ETJ

Hendersonville Zoning

- CZD Conditional Zoning Districts
- R-15 Medium Density Residential
- PRD Planned Residential Development
- PCD Planned Commercial Development
- HMU Highway Mixed Use
- I-1 Industrial

Henderson County Zoning

- I - Industrial
- R-2R - Residential 2 Rural

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 PARCELS POSSESSING PIN NUMBERS: 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724 BY CHANGING THE ZONING DESIGNATION FROM HENDERSON COUNTY R2R, RESIDENTIAL TWO RURAL TO PRD-CZD, PLANNED RESIDENTIAL DEVELOPMENT CONDITIONAL ZONING DISTRICT

IN RE: Parcel Numbers: 9579-98-0375, 9579-98-3527, 9579-99-4115 & 9579-99-8724
Address: 205 Old Sunset Hill Road
Half Moon Heights Phase II: (File # P24-41-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant, Tricia Chassen of Forestar USA Real Estate Group, INC, and property owners, Gregory Albea, Julianne Albea, Jospeh Taylor, and Laura Taylor, for the construction of a 59 unit detached single-family development on approximately 20.66 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on January 9th, 2025; voting 0-0 to recommend/not 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 February 12th, 2025, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9579-98-0375, 9579-98-3527, 9579-99-4115 & 9579-99-8724, changing the zoning designation from Henderson County Residential Two Rural to PRD-CZD, Planned Residential Development 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 dated December 30th, 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, Single-Family

   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 12th day of February 2025.

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: 9579-98-0375, 9579-98-3527, 9579-99-4115 & 9579-99-8724
Address: 205 Old Sunset Hill Road
Half Moon Heights Phase II: (File # P24-41-CZD)

Applicant/Developer: Tricia Chassen of Forestar USA Real Estate Group, INC

Signature:_____

Printed Name:_____

Title: _____

Date:_____

Property Owner: Gregory Albea

Signature:_____

Printed Name:_____

Date:_____

Property Owner: Julianne Albea

Signature:_____

Printed Name:_____

Date:_____

Property Owner: Jospeh Taylor

Signature:_____

Printed Name:_____

Date:_____

Property Owner: Laura Taylor

Signature:_____

Printed Name:_____

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: _____ ASAP
- ☑ 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: _____ **By:** _____ **Fee Received? Y/N**

dotloop signature verification: dtlp.us/2BPb-QJIV-iZBD

A. Applicant Contact Information

Tricia Chassen

* Printed Applicant Name

Forestar (USA) Real Estate Group, Inc.

Printed Company Name (if applicable)

☑ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Patricia Chassen
Patricia Chassen (Mar 5, 2024 12:05 EST)

Applicant Signature

Director of Entitlements

Applicant Title (if applicable)

750 Executive Center Dr. Suite 10

Address of Applicant

Greenville, SC 29615

City, State, and Zip Code

864-940-6784

Telephone

triciachassen@forestar.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]

dotloop signature verification: dtlp.us/9rP2-qtTv-ofIW

C. Additional Property Owner Contact Information

Julianne D. Albea

Gregory Martin Albea

* Printed Applicant Name

Date

Represented by (Hayes Albea, Broker/Seller Representative)

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Gregory M. Albea dotloop verified 07/19/24 9:07 PM EDT UXV1-PBYK-W2UZ-BJ60

Julianne D. Albea dotloop verified 08/07/24 9:24 AM EDT FKXP-8ESY-2QEK-1OUI

Property Owner Signature

Owner

Property Owner Title (if applicable)

430 S. Mills River Rd

Address of Property Owner

Mills River, NC 28759

City, State, and Zip Code

(828) 606-8007

Telephone

hayesalbea@kw.com

Email

B. Property Owner Contact Information (if different from Applicant)

Joseph Harley Taylor Laura Taylor

*Printed Owner Name (Authorized Representative for entities other than individuals)

Printed Company Name (if applicable, check corresponding box below)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Joseph H. Taylor Laura S Taylor

Property Owner/Authorized Representative Signature

Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)

84 Nettie Way, Hendersonville, NC 28792

City, State, and Zip Code

828-674-0551

Telephone

taylorjhbb@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: Old Sunset Hill Subdvision

PIN(s): 9579-98-0375, 9579-98-3527, 9579-99-4115

Address(es) / Location of Property: 205 Old Sunset Hill Rd
Hendersonville, NC 28792

Type of Development: ☑ **Residential** ☐ **Commercial** ☐ **Other**

Current Zoning: Henderson County - R2R

Total Acreage: 20.81

Proposed Zoning: PRDCZD

Proposed Building Square Footage: Varies

Number of Dwelling Units: 58

List of Requested Uses:

Planned Residential Development (PRD) - Single Family Homes

D. Proposed Development Conditions for the Site

In the spaces provided below, please provide a description of the Proposed Development for the site.

The proposed site will have two entry points (Old Sunset Hill Rd) and the Half Moon subdivision. The site will be single family residential community and will be a total of 58 lots. In addition to providing public utilities (water and sewer), the roads will be paved and walkable sidewalk throughout the community. Open space requirements will be maintained and all subdivision requirements for the PRD district will be adhered to. Annexation into the City of Hendersonville will be a requirement.

C. Property Information

Name of Project: Old Sunset Hill Subdvision

PIN(s): 9579-99-8724

Address(es) / Location of Property: Adjacent to: 395 Old Sunset Hill Rd
Hendersonville, NC 28792

Type of Development: ☑ **Residential** ☐ **Commercial** ☐ **Other**

Current Zoning: Henderson County - R2R / Hendersonville - PRD-CZD

Total Acreage: 0.5

Proposed Zoning: PRDCZD

Proposed Building Square Footage: Varies

Number of Dwelling Units: 58 (Part of a Larger Common Plan)

List of Requested Uses:

Planned Residential Development (PRD) - Single Family Homes

D. Proposed Development Conditions for the Site

In the spaces provided below, please provide a description of the Proposed Development for the site.

This portion of the site will be used as a connection between the existing Half Moon subdivision and the proposed subject subdivision. The proposed subject subdivision will be a single family residential community and will be a total of 58 lots. In addition to providing public utilities (water and sewer), the roads will be paved and walkable sidewalk throughout the community. Open space requirements will be maintained and all subdivision requirements for the PRD district will be adhered to. Annexation into the City of Hendersonville will be a requirement.

BOOK 3664 PAGE 522 (3)

946434

This document presented and filed:
03/05/2021 03:49:05 PM

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

Doc Stamps $ 0

Prepared by: Sharon B. Alexander
Deed Preparation Only

STATE OF NORTH CAROLINA

DEED OF RECOMBINATION

COUNTY OF HENDERSON

→ PYM

THIS DEED, made and entered into this 3rd day of March, 2021, by and between JOSEPH HARLEY TAYLOR and wife, LAURA SUZANNE TAYLOR, (herein referred to as the "party of the first part" and having a mailing address of 395 Old Sunset Hill Road; Hendersonville, NC 28792) and JOSEPH HARLEY TAYLOR and wife, LAURA SUZANNE TAYLOR, (the "party of the second part" and having a mailing address of 395 Old Sunset Hill Road; Hendersonville, NC 28792);

WHEREAS, the Joseph Harley Taylor is the owner of all of the property described herein below and identified by different real estate identification numbers within the tax records for Henderson County, North Carolina, as follows: 201879; 9926544 and 1012107;

WHEREAS, the party of the first part wishes to combine all of the property described herein below into one tax parcel and executes this Deed of Recombination for that purpose;

WHEREAS, the property described herein below was previously owned by Emanuel Taylor and Elizabeth Agatha Taylor as tenants by the entirety;

WHEREAS, Emanuel Taylor died on March 24, 2006;

WHEREAS, the property described herein below was owned by Elizabeth Agatha Taylor a/k/a Elizabeth G. Taylor a/k/a Elizabeth Guice Taylor a/k/a Agatha Elizabeth Guice Taylor at the time of her death on October 22, 2020;

WHEREAS, the Last Will and Testament of Elizabeth Agatha Taylor was admitted to probate on November 12, 2020, as reflected in File No. 20 E 1019 in the office of the Clerk of Superior Court for Henderson County, North Carolina; and

WHEREAS, the party of the first part wishes to hold said property as tenants by the entirety and executes this deed also for that purpose.

WITNESSETH:

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

PARCEL ONE

BEGINNING at a stake in the J.D. Searcy line, the northeast corner of Tract #4 of the J. B. Guice division, as surveyed and platted by G. W. Justice, Surveyor, July 3, 1935, and running thence with the Searcy line North 82 deg East (v.1 ½ deg.) 35-3/4 poles to Searcy's corner in the John D. Corn old line; thence with said Corn line South 5 Deg. West 43 ½ poles to a stake, the northeast corner of Tract #6 of said division; thence with the northern boundary line of Tract #6, and which said line is described in a deed dated July 12, 1935 from the said J. B. Guice and wife Nettie Guice, to Ralph Guice, North 83 ½ deg West 32-3/4 poles to a stake, the northwest corner of Tract #6; thence with the line of Tract #6, South 29 Deg West 18 poles to a stake, corner of Tract #4; thence with the line of Tract #4, South 62 deg. West 8 poles to a stake; thence still with the line of said Tract South 76 ½ deg. West 11 poles to a white oak; thence still with the line of Tract #4, 25 1/4 deg East 63-1/5 Poles to the Beginning; containing 11.75 acres more or less, and being Tract #5 of said division, and being the same property conveyed from T. F. Orr and wife, Milda Orr to Ralph E. Guice and wife, Velma S. Guice, recorded in Book 267, page 114.

And excepting and reserving as a right of way for the benefit of Tracts 4, 5, 5-A, and 6 of said division a strip of land 16 feet wide extending from the public road above mentioned Northward along the Western boundary lines of Tracts 5-A and 6, to the point where the above call "North 62 deg, East 8 poles to a stake intersects with the Western boundary line of Lot #6, which right of way is granted in deed from J. B. Guice and wife, Nettie Guice, to Mary Guice, July 12, 1935, and recorded in Deed Book 215, page 151, Records of Deeds for Henderson County, North Carolina.

ALSO BEING all of that real property described in deed of record in Deed Book 364, Page 239 in the office of the Register of Deeds for Henderson County, North Carolina.

PARCEL TWO

BEGINNING at a post oak, the northeast corner of the division of the John D. Searcy Estate, as will be shown by reference to plat recorded in Plat Book 5, at page 63, in the office of the Register of Deed for Henderson County, North Carolina, and runs thence South 79 deg West 445 feet to a stone; thence South 76 deg. 45 min West 457 feet to an iron pin; thence a new line, South 5 deg. 30 min. East 153 feet to an iron pin; thence North 83 deg. 30 min East, partly along the north line of property previously owned by Harley Manuel Taylor, et ux, 816.5 feet to a stake; thence North 5 deg East 231 feet to the point of BEGINNING, and containing 3.5 acres, and being a portion of the Robert G. Searcy tract labeled "6-F" on the above mentioned plat.

ALSO BEING all of that real property described in deed of record in Deed Book 379, Page 355 in the office of the Register of Deeds for Henderson County, North Carolina.

PARCEL THREE

BEGINNING at a stone, Southwest corner of the Logan Cagle Heirs tract in the H. M. Russ line; and running thence with the Russ line North 86 deg. 30 min. West 57 poles to a stake, Russ' corner of the South margin of the J. B. Guice private road; thence North 29 deg. East 19.5 poles to a Pine; thence same course 40 poles to at stake; thence South 75 poles 30 min. East 33.3 poles to a stake in the Triblett line; thence with said Triblett line and continuing with the said Logan Cagle Heirs line South 5 deg. 15 min. West 47.3 poles to the BEGINNING, containing 14.33 acres, more or less, and being a part of the J. B. Guice Home Place originally conveyed to him by Margaret Guice, by deed now of record in Henderson County as recorded in Deed Book 210, page 236.

ALSO including a tract of land consisting of approximately .47 acres as recorded in Deed Book 213, page 12, reference to same being made hereby for a more complete and accurate description.

ALSO BEING all of that real property described in deed of record in Deed Book 690, Page 695 in the office of the Register of Deeds for Henderson County, North Carolina.

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

AND the party of the first part covenants with the party of the second part that the party of the first part has done nothing to impair such title as the party of the first part received, and the party of the first part will warrant and defend the title against the lawful claims of all persons claiming by, under or through the party of the first part, except this conveyance is made subject to the rights-of-way for Old Sunset Hill Road and Nettie Way to their full legal widths, deeds of trust, restrictions and utility easements of record and 2021 ad valorem taxes.

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

IN TESTIMONY WHEREOF, the party of the first part has hereunto has hereunto set their hands and seals, the day and year first above written.

Joseph Harley Taylor (SEAL)
JOSEPH HARLEY TAYLOR

Laura Suzanne Taylor (SEAL)
LAURA SUZANNE TAYLOR

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, a Notary Public of the County and State aforesaid, certify that JOSEPH HARLEY TAYLOR and wife, LAURA SUZANNE TAYLOR, personally appeared before me this day and acknowledged the voluntary execution of the foregoing instrument for the purpose stated therein. Witness my hand and official stamp or seal, this 3rd day of March, 2021.

Sylvia McAdam
Notary Public

My commission expires: 9-17-2025

SYLVIA MCADAM
NOTARY
PUBLIC
BUNCOMBE COUNTY, NC

SLIDE 15651

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, LIZ HANSON REVIEW OFFICER OF HENDERSON COUNTY, CERTIFY THAT THIS MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Elizabeth Hanson 05/29/2024
REVIEW OFFICER DATE

I, LIZ HANSON, SUBDIVISION ADMINISTRATOR FOR HENDERSON COUNTY CERTIFY THAT THIS PLAT PLAN HAS BEEN REVIEWED AND APPROVED AS (A) MINOR SUBDIVISION IN ACCORDANCE WITH THE HENDERSON COUNTY SUBDIVISION ORDINANCE.

Elizabeth Hanson 05/29/2024
SUBDIVISION ADMINISTRATOR DATE

I, C.M. EDGERTON, JR., PROFESSIONAL LAND SURVEYOR OR PROFESSIONAL ENGINEER, CERTIFY THAT THE LOT(S) CREATED BY THIS PLAT IS (ARE) SERVED AND ACCESSED BY A RECORDED DRIVEWAY EASEMENT SHOWN HEREON. THIS EASEMENT MAY OR MAY NOT MEET THE STANDARDS FOR ROADS SERVING SUBDIVISIONS IN THE HENDERSON COUNTY LAND DEVELOPMENT CODE. NEITHER THE UNDERSIGNED NOR HENDERSON COUNTY CERTIFY WHETHER THIS EASEMENT MEETS SUCH STANDARDS. THIS THE 29TH DAY OF MAY, 2024.

C.M. Edgerton, Jr.
PROFESSIONAL SURVEYOR OR ENGINEER

I, C.M. EDGERTON JR., N.C. P.L.S., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (PROPERTY DESCRIPTION RECORDED IN DEED BOOKS AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN DEED BOOKS AS SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 OR GREATER; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I ALSO HEREBY CERTIFY THAT THIS SURVEY IS OF THE FOLLOWING CATEGORY AS DESCRIBED IN G.S. 47-30(f)(11):

(a.) THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

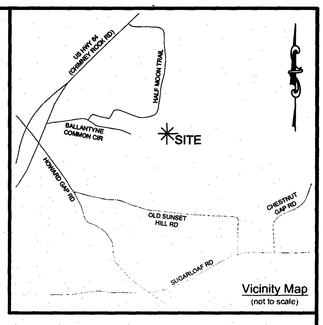
THE FOLLOWING INFORMATION WAS OBTAINED BY GNSS OBSERVATIONS AND USED TO OBTAIN N.C. GRID NORTH, NAD 83 (2011) ORIENTATION:

HORIZONTAL POSITIONAL ACCURACY: 0.004'
VERTICAL POSITIONAL ACCURACY: 0.007'
TYPE OF GPS FIELD PROCEDURE: STATIC
(POST-PROCESSED USING TOPCON TOOLS SOFTWARE)
DATE OF GNSS FIELD SURVEY: 03/16/2020
HORIZONTAL DATUM/EPOCH: NAD 83 (NSRS 2011)
LOCALIZATION POINT: N:600,102.92', E:967,361.58'
GEOID MODEL: GEOID 18
COMBINED GRID FACTOR: 0.99977957
UNITS: U.S. SURVEY FEET

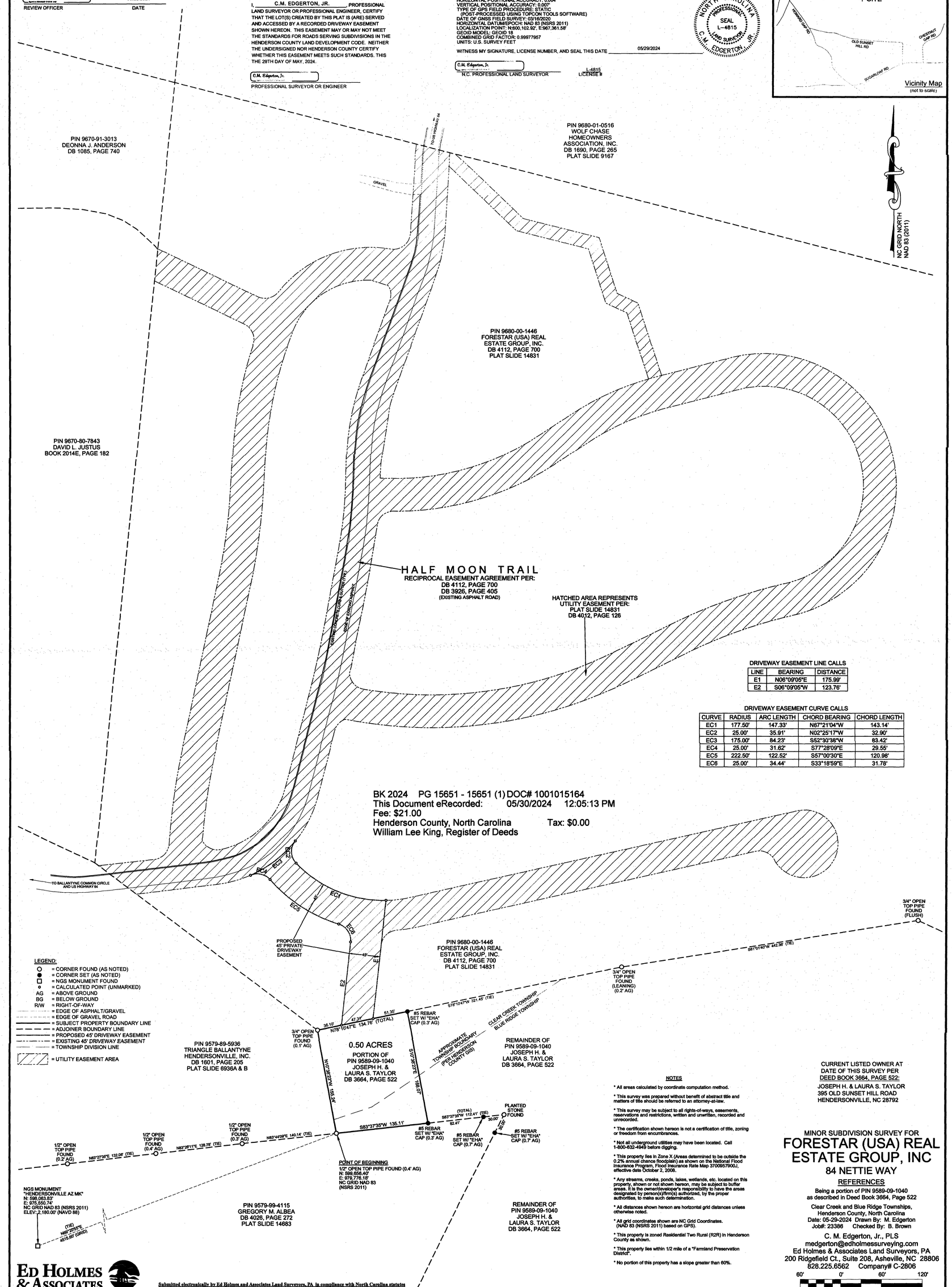
WITNESS MY SIGNATURE, LICENSE NUMBER, AND SEAL THIS DATE 05/29/2024

C.M. Edgerton, Jr. L-4815
N.C. PROFESSIONAL LAND SURVEYOR LICENSE #

NORTH CAROLINA PROFESSIONAL SEAL L-4815 LAND SURVEYOR C.M. EDGERTON, JR.



Vicinity Map
(not to scale)



BK 2024 PG 15651 - 15651 (1) DOC# 1001015164
This Document eRecorded: 05/30/2024 12:05:13 PM
Fee: $21.00
Henderson County, North Carolina Tax: $0.00
William Lee King, Register of Deeds

DRIVEWAY EASEMENT LINE CALLS

LINE	BEARING	DISTANCE
E1	N06°09'05"E	175.99'
E2	S06°09'05"W	123.76'

DRIVEWAY EASEMENT CURVE CALLS

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
EC1	177.50'	147.33'	N67°21'04"W	143.14'
EC2	25.00'	35.91'	N02°25'17"W	32.90'
EC3	175.00'	84.23'	S82°30'38"W	83.42'
EC4	25.00'	31.62'	S77°28'09"E	29.55'
EC5	222.50'	122.52'	S57°00'30"E	120.98'
EC6	25.00'	34.44'	S33°18'59"E	31.78'

LEGEND:
- = CORNER FOUND (AS NOTED)
- = CORNER SET (AS NOTED)
- = NGS MONUMENT FOUND
- = CALCULATED POINT (UNMARKED)
- AG = ABOVE GROUND
- BG = BELOW GROUND
- R/W = RIGHT-OF-WAY
- = EDGE OF ASPHALT/GRAVEL
- = EDGE OF GRAVEL ROAD
- = SUBJECT PROPERTY BOUNDARY LINE
- = ADJOINER BOUNDARY LINE
- = PROPOSED 45' DRIVEWAY EASEMENT
- = EXISTING 45' DRIVEWAY EASEMENT
- = TOWNSHIP DIVISION LINE
- = UTILITY EASEMENT AREA

NOTES

* All areas calculated by coordinate computation method.
* This survey was prepared without benefit of abstract title and matters of title should be referred to an attorney-at-law.
* This survey may be subject to all rights-of-ways, easements, reservations and restrictions, written and unwritten, recorded and unrecorded.
* The certification shown hereon is not a certification of title, zoning or freedom from encumbrances.
* Not all underground utilities may have been located. Call 1-800-632-4949 before digging.
* This property lies in Zone X (Areas determined to be outside the 0.2% annual chance floodplain) as shown on the National Flood Insurance Program, Flood Insurance Rate Map 3700957900J, effective date October 2, 2008.
* Any streams, creeks, ponds, lakes, wetlands, etc. located on this property, shown or not shown hereon, may be subject to buffer areas. It is the owner/developer's responsibility to have the areas designated by person(s)/firm(s) authorized, by the proper authorities, to make such determination.
* All distances shown hereon are horizontal grid distances unless otherwise noted.
* All grid coordinates shown are NC Grid Coordinates. (NAD 83 (NSRS 2011) based on GPS).
* This property is zoned Residential Two Rural (R2R) in Henderson County as shown.
* This property lies within 1/2 mile of a "Farmland Preservation District".
* No portion of this property has a slope greater than 60%.

CURRENT LISTED OWNER AT DATE OF THIS SURVEY PER DEED BOOK 3664, PAGE 522:
JOSEPH H. & LAURA S. TAYLOR
395 OLD SUNSET HILL ROAD
HENDERSONVILLE, NC 28792

MINOR SUBDIVISION SURVEY FOR
FORESTAR (USA) REAL ESTATE GROUP, INC
84 NETTIE WAY

REFERENCES
Being a portion of PIN 9589-09-1040 as described in Deed Book 3664, Page 522

Clear Creek and Blue Ridge Townships, Henderson County, North Carolina
Date: 05-29-2024 Drawn By: M. Edgerton
Job#: 23386 Checked By: B. Brown

C. M. Edgerton, Jr., PLS
medgerton@edholmessurveying.com
Ed Holmes & Associates Land Surveyors, PA
200 Ridgefield Ct., Suite 208, Asheville, NC 28806
828.225.6562 Company# C-2806

60' 0' 60' 120'
SCALE 1" = 60'

ED HOLMES & ASSOCIATES LAND SURVEYORS, PA

Submitted electronically by Ed Holmes and Associates Land Surveyors, PA in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Henderson County Register of Deeds.

DWG#: D24-056

Verify ID: CC728964-1C71-4AA1-BC9C-6F8158EEF6AC
Page 1 of 1

BK 4026 PG 272 - 274 (3) DOC# 1000995389
This Document eRecorded: 03/28/2023 10:37:29 AM
Fee: $26.00
Henderson County, North Carolina
William Lee King, Register of Deeds

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax $0.00

Parcel Identifier No. 9589273428, 9589279069, 9579983527, a portion of 9579982846
Prepared by and return to: Van Winkle Law Firm (JDV), PO Box 7376, Asheville, NC 28802-7376
Brief description for the Index: various lots Southern Visions Drive and Nettie Way

THIS DEED made this 27th day of March, 2023, by and between:

GRANTOR	GRANTEE
Gregory Martin Albea, as Executor of the Estate of Donnie A. Williams **430 South Mills River Road** **Mills River, NC 28759**	**Gregory Martin Albea** **430 South Mills River Road** **Mills River, NC 28759**

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

See EXHIBIT A attached hereto and incorporated herein by reference.

NO TITLE EXAMINATION WAS PERFORMED BY THE PREPARER OF THIS DEED.

THIS PROPERTY ☐ Does/☒Not (check one) INCLUDE THE GRANTOR'S PRINCIPAL RESIDENCE.

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple.

Submitted electronically by "Van Winkle Law Firm"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Henderson County Register of Deeds.

BK 4026 PG 272 - 274 (3) DOC# 1000995389

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, and under or through Grantor, except for the exceptions hereinafter stated.

The property hereinabove described was acquired by Grantor via the Last Will and Testament of Donnie A. Williams of record in Henderson County Estate file number 22-E-870.

The undersigned Gregory Martin Albea is also serving as the Executor of the Estate of Donnie A. Williams and signs this deed also in his capacity as Executor to release any claim that the Estate might have with respect to the Property.

Title to the Property is subject to the following exceptions:

Utilities physically located on the Property, ad valorem taxes for the current year and subsequent years, easements and restrictions of record, and any local, county, state, or federal laws, ordinances, or regulations relating to zoning, environment, subdivision, occupancy, use, construction, or development of the subject property, including existing violations of said laws, ordinances, or regulations.

IN WITNESS WHEREOF, Grantor has hereunto set their hands and seals, day and year first above written.

By: Gregory Martin Albea (SEAL)

Gregory Martin Albea, as Executor of the Estate of Donnie A. Williams

STATE OF North Carolina
COUNTY OF Henderson

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose state therein and in the capacity indicated: **Gregory Martin Albea**

Date: 3/27/2023

Notary Public

Jasara Vetter
(Printed Name of Notary)

My Commission Expires: 6/6/2026

PLACE NOTARY SEAL INSIDE THIS BOX ONLY!

JASARA VETTER
Notary Public
Polk
County
My Comm. Exp.
06-06-2026
NORTH CAROLINA

BK 4026 PG 272 - 274 (3) DOC# 1000995389

EXHIBIT A

Tract 1:

BEING ALL OF LOT 2R, consisting of 1.09 acres, and LOT D, consisting of 10.62 acres, as shown on Plat Slide 14682, Henderson County Registry (the "Plat").

TOGETHER WITH AND SUBJECT TO the right of way for ingress, egress, regress, and utilities over Southern Visions Drive as shown on said Plat for the benefit of Lot D, Lot 2R, Lot A, Lot B, and Lot C shown on said Plat.

Tract 2:

BEING ALL OF that 1.16 acre parcel, and Tract A, consisting of 15.77 acres, and Tract B, consisting of 3.88 acres, as shown on Plat Slide 14683 of the Henderson County Registry (the "Plat")

TOGETHER WITH AND SUBJECT TO a right of way for ingress, egress, regress, and utilities over that 30' Right of Way labeled "Proposed Ellen Drive" as shown on the Plat and described in Book 849, Page 533.

Tract 3:

BEING ALL OF that Tract D, consisting of 1.00 acres, as shown on Plat Slide 14683 of the Henderson County Registry.

TOGETHER WITH AND SUBJECT TO a right of way for ingress, egress, regress, and utilities over Nettie Way, as shown on the Plat and described in Book 849, Page 523.

SLIDE 14683

Notes:
1. Property is subject to all easements, restrictions and right of ways of record.
2. The locations of underground utilities are based on above-ground structures and record drawings provided to the surveyor. Locations of underground utilities/structures may vary from locations shown hereon. Additional buried utilities/structures may be encountered.
3. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate title search may disclose.
4. The certification of survey and plat was prepared for the entity named in the title block hereon and does not extend to any other entity, unless recertified by the professional land surveyor.
5. All miscellaneous survey related materials, including but not limited to, project plans, deed and ROW research, maps, field notes and data, survey reports, record title report, calculations, working drawings, estimates, and other materials acquired and/or prepared by the surveyor as instruments of service shall remain the property of the surveyor and assigns.
6. This drawing is not valid unless the original signature and stamp are attached. Any reproduction or variance to this survey by electronic or any other means are not to be considered issued by the professional surveyor.
7. Property is currently zoned R2R Henderson County Zoning as per Henderson County GIS.
9. Property is located within 1/2 mile of a designated Farmland Preservation Distrct.
10. Property is located in Zone X (minimal flood risk) as per FRIS Map Panels 9579 & 9589, Map #s 3700957900J & 3700958900J effective date 10-2-2008.
11. Property is subject to the non-exclusive 16' Right of Way as per D.B. 849, Pg. 523

Grid North NAD 83 (2011)

Building Setbacks as per R2R Henderson County Zoning:
Front: 15'
Side: 10'
Rear: 10'

Perennial Stream Buffer: 30'

State of North Carolina, County of Henderson
filed for registration on the ___ day of ___ 20___
at ___ o' clock ___ M and recorded in
slide ___ in the office of the
Register of Deeds of Henderson County.

Register of Deeds

By: ___, Deputy.

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

Matt Champion 02/10/2023
Review Officer Date

I, Matt Champion, Subdivision Administrator for Henderson County certify that this plat plan has been reviewed and approved as a(n) Minor Subdivision in accordance with the Henderson County Subdivision Ordinance.

Matt Champion 02/10/2023
Subdivision Administrator Date

NORTH CAROLINA PROFESSIONAL SEAL L-4920 LAND SURVEYOR CAMERON S. BAKER

I, Cameron S. Baker, certify that this plat was drawn under my supervision from an actual survey under my supervision, (deed description recorded in Book 849, Page 523/533 ;) that the ratio of precision as calculated by latitudes and departures does not exceed 1:10,000 and that this map was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this 10th day of February, 20 23.

Cameron S. Baker
Professional Land Surveyor No. L-4920

I, Cameron S. Baker, Professional Land Surveyor, certify that this survey creates a subdivision of land within the jurisdiction of Henderson County, which has an ordinance that regulates parcels of land.

Cameron S. Baker
Professional Land Surveyor L-4920

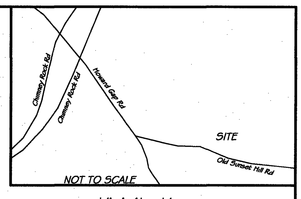
Global Positioning System Certification (RTK)
The Positional Accuracy Of The RTK Derived Positional Information Is 0.03' Horizontal & 0.03' Vertical

Horizontal Positions Are Referenced to NAD 83 (NSRS 2011)

Vertical Positions Are Referenced To NAVD 88 (Geoid 12)

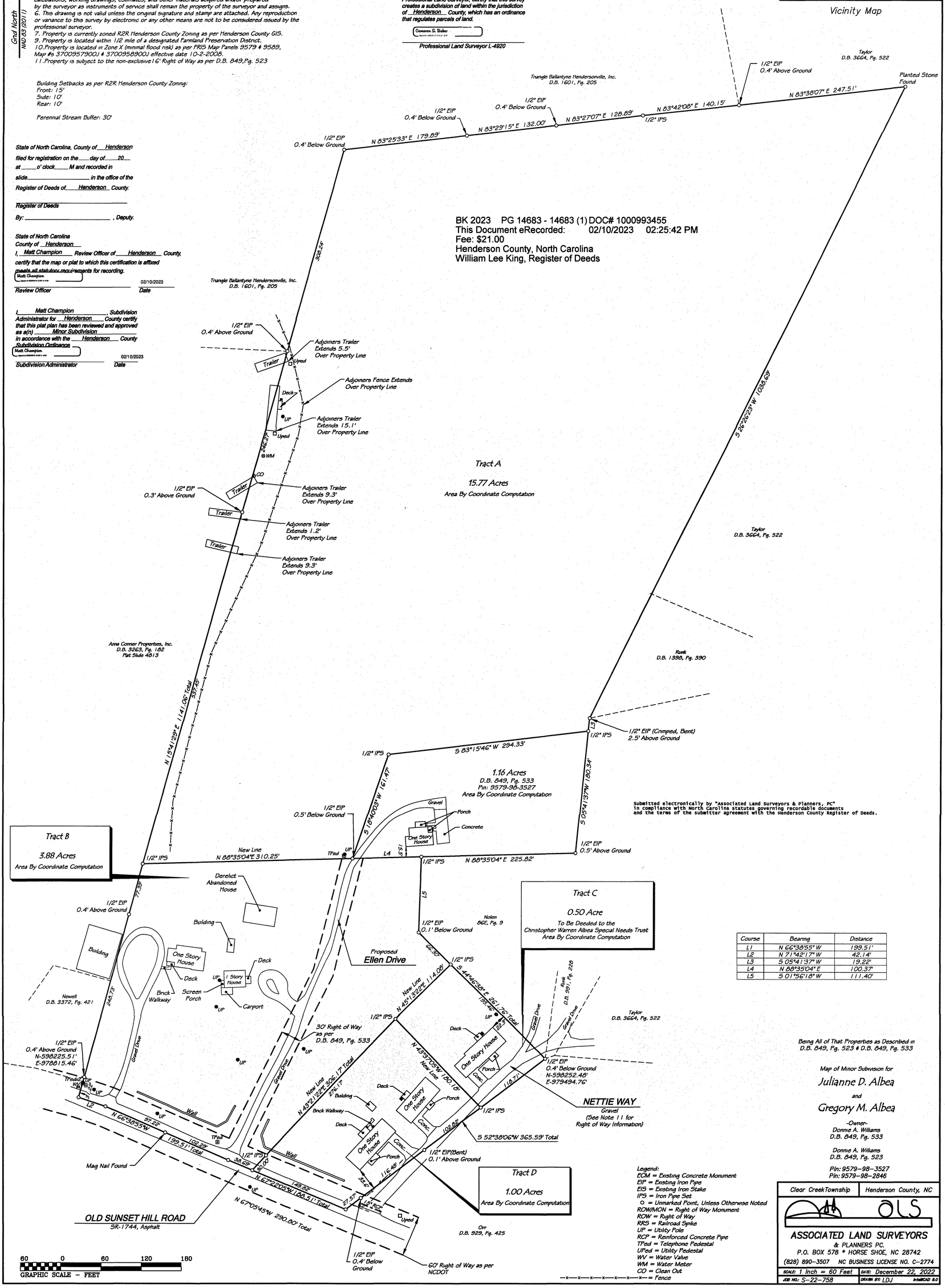
Combined Factor 0.99977443 (Ground To Grid)

Equipment Used: Carlson GPS-BRx6



Vicinity Map

BK 2023 PG 14683 - 14683 (1) DOC# 1000993455
This Document eRecorded: 02/10/2023 02:25:42 PM
Fee: $21.00
Henderson County, North Carolina
William Lee King, Register of Deeds



Course	Bearing	Distance
L1	N 66°38'55" W	199.51'
L2	N 71°42'17" W	42.14'
L3	S 05°41'37" W	19.22'
L4	N 88°35'04" E	100.37'
L5	S 01°56'18" W	111.40'

Being All of That Properties as Described in D.B. 849, Pg. 523 & D.B. 849, Pg. 533

Map of Minor Subdivision for

Julianne D. Albea

and

Gregory M. Albea

-Owner-
Donnie A. Williams
D.B. 849, Pg. 533

Donnie A. Williams
D.B. 849, Pg. 523

Pin: 9579-98-3527
Pin: 9579-98-2846

Legend:
ECM = Existing Concrete Monument
EIP = Existing Iron Pipe
EIS = Existing Iron Stake
IPS = Iron Pipe Set
O = Unmarked Point, Unless Otherwise Noted
ROW/MON = Right of Way Monument
ROW = Right of Way
RRS = Railroad Spike
UP = Utility Pole
RCP = Reinforced Concrete Pipe
TPed = Telephone Pedestal
UPed = Utility Pedestal
WV = Water Valve
WM = Water Meter
CO = Clean Out
—x—x—x—x—x—x—x— = Fence

Clear Creek Township	Henderson County, NC

ALS

ASSOCIATED LAND SURVEYORS
& PLANNERS PC.
P.O. BOX 578 * HORSE SHOE, NC 28742
(828) 890-3507 NC BUSINESS LICENSE NO. C-2774

SCALE: 1 Inch = 60 Feet	DATE: December 22, 2022
JOB NO.: S-22-758	DRAWN BY: LDJ InterCAD 8.0

DocVerify ID: 3827AAAB-FC4A-47B1-80C9-F280149C135D
Page 1 of 1 1E3801149C135D

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Brian Pahle **MEETING DATE:** 02/12/2025

AGENDA SECTION: New Business **DEPARTMENT:** Administration

TITLE OF ITEM: Patton & Whitmire RFQ Architect Selection – *Brian Pahle, Assistant City Manager*

SUGGESTED MOTION(S):

I move the City Council to direct the City Manager to negotiate a design contract with CPL architects, based on their review as most qualified firm to perform the work, and authorize the City Manager to negotiate with the next most qualified firm, based on the presented rankings, if the initial negotiations fail.

SUMMARY:

An agenda item directing the City Manager to negotiate a contract with CPL architects as identified as the most qualified firm based on the City's RFQ process. Responses were due January 17th, 2025 and after a review of independent reviewer's the City ranked CPL as the highest scoring and ranking firm based on an average of all reviews. Firms Labelle and Little were the next highest ranking in order.

BUDGET IMPACT: TBD

Is this expenditure approved in the current fiscal year budget? To be funded by loan/grant proceeds in future years.

If no, describe how it will be funded. EnterTextHere

ATTACHMENTS:

RFQ

CPL Submission

Scoring Sheet

SOLICITATION EVALUATION SCORECARD

Services Related to Patton and Whitmire

REQUEST FOR PROPOSAL # 240141014001

EVALUATION CRITERIA		Labella	Domokur	CPL	Peacock	Little
A. EVALUATION CRITERIA #1	Project Team Qualifications [30 Possible Points]	25.2	24.2	26.8	20.0	24.8
B. EVALUATION CRITERIA #2	Project Approach and Management [20 Possible Points]	17.7	16.2	19.0	13.7	17.7
C. EVALUATION CRITERIA #3	Similar Projects [30 Possible Points]	23.8	20.8	27.0	15.7	24.8
D. EVALUATION CRITERIA #4	Timely Service/Efficiency [10 Possible Points]	7.8	7.3	7.8	7.7	8.3
E. EVALUATION CRITERIA #5	Hourly Rates [10 Possible Points]	9.7	10.0	9.7	9.3	7.8
FINAL SCORES AND RANKINGS	TOTAL SCORE	84.2	78.5	90.3	66.3	83.5
	RANK	2	4	1	5	3

		Labella	Domokur	CPL	Peacock	Little
REVIEWER #1:	A.	22	20	27	20	22
	B.	16	12	18	10	15
	C.	24	15	28	15	20
	D.	5	7	5	8	5
	E.	10	10	10	8	5
	Total Score	77	64	88	61	67
	Rank	2	4	1	5	3
REVIEWER #2:	A.	25	20	26	16	28
	B.	17	19	19	15	19
	C.	25	21	27	16	28
	D.	8	9	9	7	9
	E.	10	10	10	10	10
	Total Score	85	79	91	64	94
	Rank	3	4	2	5	1
REVIEWER #3:	A.	30	27	25	15	22
	B.	20	15	20	10	18
	C.	23	25	30	5	25
	D.	10	5	5	8	10
	E.	10	10	10	8	5
	Total Score	93	82	90	46	80
	Rank	1	3	2	5	4
REVIEWER #4:	A.	24	25	25	24	25
	B.	18	15	20	15	19
	C.	28	20	28	20	28
	D.	8	5	10	8	10
	E.	10	10	10	10	10
	Total Score	88	75	93	77	92
	Rank	3	5	1	4	2
REVIEWER #5:	A.	25	28	30	20	26
	B.	18	19	20	16	17
	C.	25	28	30	20	30
	D.	8	10	10	7	8
	E.	8	10	8	10	7
	Total Score	84	95	98	73	88
	Rank	4	2	1	5	3
REVIEWER #6:	A.	25	25	28	25	26
	B.	17	17	17	16	18
	C.	18	16	19	18	18
	D.	8	8	8	8	8
	E.	10	10	10	10	10
	Total Score	78	76	82	77	80
	Rank	3	5	1	4	2

QUALIFICATIONS

City of Hendersonville
Architectural/Engineering/ Landscape Architectural/Surveying Services

January 15, 2025
RFQ# 240141014001

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CPL
ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

City of Thomasville, NC - Aquatics/Community Center

January 16, 2025

Richard Shook
Civil Engineer
City of Hendersonville
160 6th Ave E.
Hendersonville, NC 28792

RE: Architectural/Engineering/Landscape Architectural/Surveying Services for A. Patton Park and Pool Renovations and B. Whitmire Activity Center and Tom's Park Renovation

Dear Richard Shook and members of the selection committee,

CPL is pleased to present our team's qualifications for this exciting project. We have assembled a unique team; one that is comprehensive, multi-disciplined and has creativity, expertise, and experience to work with stakeholders and develop a plan that will meet the City of Hendersonville's needs.

Community-driven facilities like aquatic centers and recreation centers often serve as the thriving hub of activity for children, teens, adults, and seniors; and they promote togetherness and healthy habits. Our team shares these principles for the development of high-quality parks and recreation aquatic facilities. We are excited to learn about your vision for this project and to work with your community and committee to envision spaces for the well-being of the community members in Hendersonville.

CPL specializes in designing for local governments, we have a 30+ year history of working with over 45 public agency clients in North Carolina. These additional qualities set our team apart:

- **Extensive regional and national architectural and engineering experience in planning and designing Parks and Recreation-related facilities for people of various ages and backgrounds.** Through these projects, we have experience with the design of Parks and Recreation master plans, recreation centers, splash pads, community spaces, incorporating active and passive recreation options. Our Carolinas experience includes community, recreation and/or senior centers for: the City of Columbia (SC), City of Greenville (SC) Recreation Feasibility Studies, Avery, Moore, Cabarrus Counties; in NC and cities and towns including Belmont, Reidsville, New Bern, Kernersville, High Point, Locust, Greensboro, Thomasville, Rolesville, Oxford among others.

- **Our Design process is collaborative and emphasizes public engagement from the community and working closely with the City staff.** We are excited about planning for restoration and resiliency options for your Aquatic Center and Activity Center that will exceed the expectations of the Hendersonville community to have a positive impact for many years to come.

- **Our Team is highly qualified and brings a depth of interdisciplinary experience and a passion for Parks and Recreation.** Rachel Nilson, AIA, NCARB, and Gabrielle Steffel, AIA, NCARB, bring recreation facility design experience and strong management capabilities. Kim Janiszewski brings a wealth of aquatic facility experience, Harold Owen, a former Parks and Recreation Director , has experience in programming, planning and knowledge of relevant funding and grant application processes and pairs with Megan Powell, from WithersRavenel who has experience on the public funding side from her prior experience with the County. Water Technology Inc (WTI) provides expertise on designing aquatic centers with national and local trends, WithersRavenel has extensive experience in Parks and Recreation and aquatics. We have current working relationships with all of our consultants who bring a high level of local and relevant expertise to the project and are working with all of them currently.

- **Feasibility Studies and Advanced Planning is in our DNA.** We are highly experienced in working with municipalities to develop projects that meet their needs, goals and budgets and have great success in helping them get these projects developed and building community and elected official support. We have done this successfully at Thomasville, Kernersville, New Bern, and Greenville (SC) among others. In New Bern we performed not only a feasibility study for the recreation center rebuild (damaged in hurricane Florance) but also a FEMA Environmental Assessment due to the committed FEMA reimbursement money and concerns about location of the rebuilt facility.

- **Value-Focused Design:** Our team places great emphasis during the planning, design and development process to work with the City to create a facility that gives you the most for your money. We frequently work with Cities and growing communities and understand there are limited resources and that every facility needs to wear many hats. This approach is evident in our work for Thomasville (Community, Aquatic and City Council Chambers), Cabarrus (Library and Active Living Center), Kernersville (Recreation and stage for Community Events) and many more.

- **Western North Carolina Familiarity:** Our team has worked in and around Western North Carolina for many years. Our current work with the Town of Rutherfordton, Avery County and Buncombe County gives us the experience to understand market differences, importance of dirt and walls, and more as they relate to specific needs around working in the Western part of our state.

We believe our experience working with local governments and parks and recreation has prepared us to successfully fulfill your goals and are confident in our ability to provide the vision and proven experience necessary to deliver an exceptional project for the City of Hendersonville. If you have any questions, please feel free to contact me at (980) 275-5892 or at rnilson@cplteam.com. CPL is passionate about this project and excited about the opportunity to work with the City of Hendersonville on the A. Patton Park and Pool Renovations and B. Whitmire Activity Center and Tom's Park Renovations!

With Best Regards,
CPL Architecture Engineering Planning

Rachel F Nilson

Rachel F. Nilson, AIA, NCARB
Vice President
980.275.5892
RNilson@CPLTeam.com

We are engineers, architects, planners and technical specialists. We are community leaders, business owners and partners.

CPL BY THE NUMBERS

1975
Year Founded

500+
Total Staff

85
Licensed Architects

67
Licensed Engineers

34
LEED Accredited Professionals

24
Offices

25
Interior Designers

9
AICP Certified Planners

5
Licensed Landscape Architects

4
Geologists

At CPL, we feel inspired every day to make our world a better place through exceptional design, dedicated service and lasting client relationships.

CPL has been serving public and private clients since 1975. Our team of over 500 dedicated professionals provide design services of exceptional quality offering expertise in community planning, architecture, engineering, and construction administration services. From your first encounter with CPL you will realize we do things differently. Our team is dedicated to a client-centered philosophy based on our three core beliefs.

CPL's Philosophy Grows From:

- Our Belief in Full-Service Capabilities
- Our Focus on Personal Attention
- Our Commitment to Principal Participation

Being full-service means bringing innovation to our clients in terms of service delivery. Our highly collaborative and multi-disciplined team is capable of solving every challenge posed by your project.

Full-Service Capabilities:

- Planning and Development
- Civil Engineering
- Transportation Engineering
- Architecture and Interior Design
- Landscape Architecture
- Mechanical, Electrical and Plumbing Engineering
- Structural Engineering
- High Performance Design and Energy Performance Contracting
- CPL Creative Labs & Emerging Technologies

Among our national rankings:

Top 500 Design Firms
in the Nation since 2014
Engineering News Record

Top 300 Architecture Firms
in the Nation
Architectural Record

Primary Contacts:
Rachel Nilson, AIA, NCARB
Principal in Charge
980.275.5892
RNilson@CPLTeam.com

Gabrielle Steffel, AIA
Project Manager
33.232.5704
GSteffel@CPLTeam.com

Primary Office:
6302 Fairview Road, Suite 102
Charlotte, NC 28210
704.331.9131
CPLteam.com

E. Affidavit of Compliance with N.C. E-Verify Statutes

The hourly labor rates **shall include all applicable overhead and profit**. **All non-labor related other than direct costs will be billed to the City of Hendersonville at cost without mark-up. Please note that only hourly rates should be submitted. Overall prices – beyond hourly rates – should not be submitted.**

POSITIONS	HOURLY RATES
Principal In Charge - CPL	$ 240
Project Manager - CPL	$ 175
Project Architect - CPL	$ 165
Mechanical Engineer - CPL	$ 225
Electrical Engineer - CPL	$ 225
Plumbing and Fire Protection - CPL	$ 225
Parks & Recreation Operations - CPL	$ 150
	$
	$
	$

Firm should include all positions, with hourly rates and attach a job description and required years of experience for each position.

E. Affidavit of Compliance with N.C. E-Verify Statutes

The hourly labor rates **shall include all applicable overhead and profit**. **All non-labor related other than direct costs will be billed to the City of Hendersonville at cost without mark-up. Please note that only hourly rates should be submitted. Overall prices – beyond hourly rates – should not be submitted.**

POSITIONS	HOURLY RATES
Civil Engineer - WithersRavenel	$ 235
Surveyor - WithersRavenel	$ 255
Environmental Services - WithersRavenel	$ 225
Landscape Architect - WithersRavenel	$ 235
Grants/Funding - WithersRavenel	$ 235
Aquatic Designer - WTI	$ 250
Cost Estimator - BREE	$ 135
Structural Engineer - SKA	$ 267
	$
	$

Firm should include all positions, with hourly rates and attach a job description and required years of experience for each position.

Our expert team for the City of Hendersonville will be active participants from start to finish.

Our staff is fully prepared and committed for timely completion of projects under any potential agreement(s). Our core leadership and design team is available to begin our work immediately; other team members will be available as their portion of the work begins. For over 40 years, the CPL team has served town, city, county and state governments as a trusted advisor for projects across the South, including many in Parks & Recreation. Our offices, supported by regional and national experts, allow us to assemble project-specific teams that draw from the best resources within and outside of CPL.

Leadership Team

Rachel Nilson, AIA, NCARB
Principal-in-Charge

Gabrielle Steffel, AIA
Project Manager

Kenneth C. Mayer, Jr., FAIA, LEED AP
Resource Principal

Architecture

Danielle M. Scesney, AIA, NCARB
Project Architect

Kimberly Janiszewski, AIA, NCARB
Project Architect

CPL

Parks & Recreation Operations

Herold Owen, MPA
Parks & Recreation Operations

CPL

Civil Engineering, Landscape Architecture, Survey, Master Planning & Env/ Stream Restoration

Jon Blasco, PLA, ASLA
Landscape Arch

Joel Lenk, PG
Environmental Services

David Bartone, PE
Site/Civil Engineer

Marshall Wight, PLS
Surveyor

Megan Powell
Grants/Funding

WithersRavenel

M/E/P Engineering Design

Greg Kyzer, PE
Mechanical Engineer

Michael Ranieri, PE
Electrical Engineer

Ron Davis, NICET II
Plumbing Engineer & Fire Protection

CPL

Cost Estimating

Eric Phoenix
Cost Estimator

BREE

Structural Engineering & Forensic Investigation

Aaron Bopp, PE, LEED AP BD+C
Structural Engineer

SKA

Aquatic Design

Bill Weaver, PE
Aquatic Design

WTI

Rachel F. Nilson

AIA, NCARB

Principal in Charge
13 Years with CPL

With 10 years of experience, Rachel specializes in the design of community and recreation centers, along with other parks & recreation projects. She uses digital modeling tools to convey design ideas, and financial modeling tools to ground her designs with the budget. Rachel plays a leading role in community engagement and works with all stakeholders. She has experience with both in-person and virtual engagement tools. Rachel designs these centers to be a true "community heart".

EDUCATION

Bachelor of Architecture, Minor in Sustainability Studies, Rensselaer Polytechnic Institute, School of Architecture

PROFESSIONAL REGISTRATION

Registered Architect: NC, SC

PROJECT EXPERIENCE

City of Thomasville, NC
New Aquatics and Community Center

Lee County, NC
Aquatics Master Plan, OT Sloan Park

Marlboro County, NC
New Outdoor Pool and Bathhouse

Town of Kernersville, NC
Community Center Advanced Planning/Schematic Design

City of New Bern, NC
Stanley White Recreation Center

Town of Rutherfordton, NC
Town Complex Renovation

City of Belmont, NC
Community and Recreation Center New Facility

City of Columbia, SC
Colony North Pointe Community Center

Avery County, NC
New Recreation Center Feasibility Study

Kenneth C. Mayer, Jr.

FAIA, LEED AP

Resource Principal
38 Years with CPL

Ken brings over 41 years of architectural experience. He was the 2015 President of the North Carolina Chapter of AIA, as well as serving on the UNC Greensboro Board of Trustees as Chair, and the Operating Board of Action Greensboro. Ken's specialty areas include local government master planning and related projects, historic renovation and adaptive reuse.

EDUCATION

Bachelor of Environmental Design and Bachelor of Architecture, NC State University

PROFESSIONAL REGISTRATION

Registered Architect: NC

PROJECT EXPERIENCE

City of New Bern, NC
Stanley White Recreation Center

City of Belmont, NC
Community and Recreation Center New Facility

Town of Kernersville, NC
Community Center Advanced Planning/Schematic Design

Hayes-Taylor Memorial YMCA, Greensboro, NC
Architectural design & programming for new facility

City of Asheville, NC
Principal for McCrary Baseball Park addition and Alterations

Buncombe County, NC
- Comprehensive Facility Plan
- 35 Woodfin Space Needs Assessment

City of Mebane, NC
Comprehensive Facility Plan

Alamance County, Graham, NC
Comprehensive Facility Plan

Wake Forest Baptist Medical Center
Corporate Services Space Assessment Study

Guilford County, NC
Social Services and Health Department Building

Gabrielle Steffel

AIA

Project Manager
1 Year with CPL

As a Project Manager, Gabrielle is responsible for leading design team charrettes, reviewing plans, and aiding the project delivery. In her experience for over a decade, she has worked on a wide range of project types including community buildings, aviation, higher education, multifamily, commercial, retail, and single family residential. Gabrielle has a passion for integrating sustainable design practices into projects with her graduate studies focusing in this area.

EDUCATION

- Master of Architecture, University of Oregon
- Bachelor of Arts in Architecture, Miami University

PROFESSIONAL REGISTRATION

Registered Architect: NC

PROJECT EXPERIENCE

Buncombe County, NC
Storage Building

City of Social Circle, GA
City Wide Master Plan

Iredell County, NC
- Agriculture and Event Center
- Judicial Master Plan

Porcelain Museum - Boshan, China*
Programming and design for new 60,000 SF museum and community center (AIA Charlotte Design Award)

Design Center Parking Garage – Charlotte, NC*
New Parking Garage with 550 spaces

Town of Forest City, NC*
New 9,975 SF Farmers Market with commercial-grade community kitchen

City of Statesville, NC*
12.5-acre Mixed Use Feasibility Study – 18-hole Mini Golf, 5,000 SF Taphouse, Restaurant and 100-unit Apartment Building

Residential Farm, Leicester, NC*
- Master planning of 10-acre farm site with focus on regenerative efforts
- New 1,300 SF pole barn and cabin
- Renovation of existing 1,300 SF cabin

Kimberly Janiszewski

AIA, NCARB

Project Architect
10 Years with CPL

Kim has been with CPL since 2016. As a Project Architect, Kim provides architectural support to various teams, team members and managers for a variety of project types. She has deep experience working with existing buildings and complex renovations and an excitement for aquatics projects. Kim also has a wealth of experience with BIM/CAD and building codes.

EDUCATION

- Bachelor of Architecture, NC State University
- Master of Architecture, NC State University

PROFESSIONAL REGISTRATION

Registered Architect: NC

PROJECT EXPERIENCE

City of Newburgh, Delano Hitch Aquatics Center, Newburgh, NY
Project Architect for the design of the new Delano Hitch Aquatics Center.

City of Thomasville, NC
New Aquatics and Community Center

Lee County, NC
Aquatics Master Plan, OT Sloan Park

Marlboro County, NC
New Outdoor Pool and Bathhouse

YMCA, Highpoint, NC
Renovations including exterior facade, locker rooms, lobby and multi-purpose rooms.

Town of Kernersville, Community and Recreation Center, Kernersville, NC
Architect for a new approximately 56,000 sq. ft. recreation and event center. Project to include 3 basketball courts, stage, fitness rooms and locker/team rooms.

City of Asheboro, Asheboro, NC
- Ballpark Feasibility Study
- McCrary Ballpark Renovations

**Experience Prior to CPL*

Danielle M. Scesney

AIA, NCARB

Project Architect
10 Years with CPL

Danielle is a registered architect with CPL and is involved in all aspects of the design and construction phases of community projects. She has experience with multiple project types from small renovations to 120,000 sq. ft. new builds. Danielle's attention to detail and eagerness to collaborate is maintained throughout all phases of a project resulting in effective yet creative designs. As an experienced user of BIM technology, she is continuously involved in the design from programming to 3-D imagery to building construction documents and coordinating with consultants.

EDUCATION

Bachelor of Architecture, University of North Carolina at Charlotte

PROFESSIONAL REGISTRATION

- Registered Architect: NC
- National Council of Architectural Registration Boards (NCARB) Certified

PROJECT EXPERIENCE

West Greenville and Nicholtown Community Centers, City of Greenville, SC
Feasibility Study and Facility Assessments

City of Belmont, Recreation Center, Belmont, NC
Project Architect for a new 42,338 sq. ft. two-story facility featuring: three basketball courts, kitchen, media rooms and lounge. The second floor includes an indoor-walking track, exercise studio, multipurpose rooms, areas for remote workers.

Colleton County, Walterboro, SC
Recreation Center, Design Architect

City of Salisbury, NC
Recreation, Aquatics and Senior Center Master Plan

Town of Rolesville, Community and Recreation Center, Rolesville, NC
Community and recreation center feasibility study

Cabarrus County, Mt. Pleasant, NC
Library and Senior Center Complex

Gregory A. Kyzer

PE

Lead Mechanical Engineer
10 Years with CPL

Greg is experienced as lead mechanical engineer managing other engineers and designers for preparation of HVAC, piping, and plumbing contract documents including plans, specifications and calculations on institutional, industrial, commercial, healthcare, pharmaceutical, and multi-family residential projects. Duties have also included on-site surveying and evaluation of large-scale mechanical systems, preparation and submission of documentation for project LEED certification and presentations to prospective clients.

EDUCATION

Bachelor of Science, Mechanical Engineering, University of South Carolina

PROFESSIONAL REGISTRATION

Professional Engineer: NC, SC, OH, TN, GA, LA, MI, VA

PROJECT EXPERIENCE

Gwinnett County, GA
- Beaver Ruin Park and Trails
- OneStop Centerville Community Center

Colleton County, Walterboro, SC
Mechanical and plumbing engineer for Recreation Center.

City of Garner, NC
Indoor Recreation Center

Center for Puppetry Arts, Atlanta, GA
Performed Mechanical, plumbing and construction administration for Museum Addition.

Greenville County Museum of Art, Greenville, SC
HVAC Replacement

Charles D. Switzer Library, Cobb County, GA
Comprehensive renovation of interiors & site design (w/ 720) (Design-Build)

City of Asheville, City Hall Remodel, Asheville, NC
Mechanical and plumbing engineer of record for boiler replacement project for Asheville City Hall
- 7th and 8th Floor renovations
- IT Server Room HVAC

Michael Ranieri

PE

Electrical Engineer
10 Years with CPL

Michael has over 30 years of experience in the electrical field with expertise in the analysis, design and specification of electrical systems. His primary design focus is on K-12 institutional facilities for both new construction and renovation/retrofit projects. Michael's responsibilities have included project engineering, project management and personnel supervision.

EDUCATION
Bachelor of Science, Electrical Engineering, North Carolina State University

PROFESSIONAL REGISTRATION
Professional Engineer: NC, SC, VA, GA, AL, NY

PROJECT EXPERIENCE
City of Thomasville, NC
New Aquatics and Community Center

Town of Kernersville, NC
Community Center Advanced Planning/Schematic Design

City of New Bern, NC
Stanley White Recreation Center

City of Asheboro, Asheboro, NC
- Ballpark Feasibility Study
- McCrary Ballpark Renovations

City of Burlington, NC
Parks and Recreation Master plan

Buncombe County, Comprehensive Facility Plan, Asheville, NC
Assessment and master planning for approximately two million sq. ft with significant Library facilities planning.

Alamance County, Facilities Condition Assessment and Space Needs Planning, Graham, NC
This project involved the pre-design, programming, workshops, and building assessments of existing facilities.

Yadkin County, Sheriff's Annex Renovations, Yadkin County, NC
Sheriffs Annex Building renovations and new construction including a sally port

Harold Owen

MPA

Parks & Recreation Operations
20 Years with CPL

Harold served as the City Manager of Burlington, NC from 2003 to 2015. As City Manager, he was responsible for all municipal operations in addition to the formulation of an aggressive vision for the City's growth. Harold is active in professional and community organizations including the NC City/County Manager's Association, NC Recreation and Parks Association, and is a City Council Member for the City of Burlington. He also provides municipal services management consultation to smaller incorporated towns throughout North Carolina through his association with the NC League of Municipalities.

EDUCATION
- Bachelor of Science in Recreation Resource Administration, NC State University
- Master of Public Affairs, UNC Greensboro

PROFESSIONAL AFFILIATIONS
- Certified Youth Sports Administrator (CYSA)
- Certified Parks and Recreation Professional (CPRP)

PROJECT EXPERIENCE
Town of Kernersville, Community and Recreation Center, Kernersville, NC
Advisor for a new approximately 56,000 sq. ft. recreation and event center. Project to include 3 basketball courts, stage, fitness rooms and locker/team rooms.

City of Burlington, NC
- Tennis and Aquatic Complex
- Burlington City Park
- Kernodle Activities Center

Town of Rolesville, Community and Recreation Center, Rolesville, NC
Advisor for the community and recreation center feasibility study

City of Thomasville, NC
Advisor for the new Aquatics and Community Center

City of New Bern, NC
Advisor for Stanley White Recreation Center

Our project approach for the City of Hendersonville is driven by our unique specialization in Community Centric design.

The scope of this project is built on our knowledge of the City of Hendersonville's specific requirements as well as the historic knowledge our team has gained from working on similar projects. Our approach is organized around developing a dynamic environment and collaborative management plan that fosters communication. We seek to achieve this result in a way that avoids surprises, mitigates risks, and ultimately builds stakeholder sponsorship.

Our process creates inspiring and effective solutions. Together we create designs that are inclusive of our stakeholders through systematic goal driven decision making and intense communication with our comprehensive team of expert consultants. Transparency of the process is key. We will specifically consider the City's goals, the recreation needs of the community, and the work environment for staff. Our Project Approach will incorporate unique and innovative approaches in 8 areas:

1. Verification of Existing Conditions
2. Community Engagement and Programming
3. Conceptual Design
4. Visioning and Visualization
5. Deliverables
6. Implementation
7. Quality Assurance
8. Construction Phase

1. Verification of Existing Conditions
Our first task will be documenting the existing buildings and pool. We will assess the facilities, noting their condition in relation to current local health codes, structural conditions, and industry standards. Once we identify the work needed to bring the building shell and pool to current and future functionality, we will start to identify the different alternatives for their repair, renovation or replacement design. Additional items such as flood plain changes and finished elevations will be reviewed to ensure future compliance with flood plains and resilience to flooding. The findings, along with prioritized recommendations, will be summarized in a report, which will document the current state of the facility and inform future programming and concept development.

In designing the renovation or replacement of the existing structures, we will consider:

- Structural, envelope and roof repairs
- New windows and entrance doors
- Aquatic amenities
- Appropriate changing and restroom facilities
- Efficient check in spaces
- New HVAC, lighting, power and plumbing systems
- Appropriate finishes for the environment and ease of maintenance
- Future programming uses
- Update of exterior building "look and feel"

Cabarrus County - Library and Active Senior Center

Our team has 3D laser scanning capabilities so that if renovation proves to be the option to move forward with, we can start with a better base map of the existing facilities.

2. Community Engagement and Programming

With a short timeline for the project, if community engagement is an important component, we will look at accelerated methods of engagement such as holding stakeholder meetings with relevant organizations or people in lieu of full public engagement. We can also develop a public engagement plan that goes beyond the initial phase of work. Our engagement strategy centers around these core concepts:

Innovate – We thrive on engaging with the public! It's an important step in the process, but it's also important to make it fun and interesting. We will coordinate with the City of Hendersonville on the best format for each meeting and public engagement initiative. The public engagement strategy will outline meeting details, communication protocols, expectations, and deliverables so there is a clear plan in advance of each public outreach effort.

Digital Dialogue – Not everyone can or wants to attend a public meeting, and we take a multi-pronged approach that captures community members who are too busy or don't have the desire to engage in person through remote engagement. We provide and advertise remote alternatives for public engagement so everyone can participate. As part of that process, the CPL Team will engage with users to generate feedback on the community's preferences for amenities, and other user and design decisions. Furthermore, we will broaden the outreach to understand preferences beyond the current program participants so the use can continue to grow and develop as a community-serving amenity. We will collect and analyze the results and use them to inform the planning and study document.

Stakeholder Interviews – We will conduct interviews of the City Administration, Council Members, City staff, community leaders, local non-profits, and any other stakeholders identified by the Steering Committee Team to understand potential partnerships, preferences, priorities, and visions. The team expects to host multiple stakeholder interviews, and we will seek to re-engage the stakeholders at meaningful points in the process.

Pop-Ups – We can host pop-ups at community events or workshops (for example, a "Concerts in the Park" series) so we can make use of the marketing and attendance of these events while also providing more interesting input opportunities – games and giveaways incite more meaningful participation.

Programming – We will take the information gathered during the community engagement and focus group meeting process and use it in conjunction with the assessment of existing facilities to develop a matrix of spaces to house the desired programs and activities. We will educate the steering commitee on programming options and industry trends relevant to municipal community centers. Working with WithersRavenel, our team will also develop the important exterior improvements and will include those diagrams and cost information that will complement the activities at each of the sites. During this phase, we recommend a feedback loop with the stakeholders to ensure the prioritization is driven by community and City leadership needs and input. We will assist you in prioritizing programming needs and preferences, considering the project's defined goals, objectives, budget, and intended activities. The chosen programming will form the basis for developing renovation or replacement concepts.

3. Conceptual Design

These Hendersonville recreational spaces are important fixtures for the community. Through development of the project, CPL's team will focus on the "placemaking" for this specific site through three qualities: (1) access & linkages, (2) uses & activities, and (3) comfort & image. CPL's approach to Hendersonville's project is to go beyond a "bricks and mortar" philosophy to consider all aspects of a place: physical, cultural, and social.

These renovations at Patton Park and Tom's Park allow for many great opportunities. The current and future development of the park will further enhance this recreation and cultural hub for the City. It will be

important to recognize the role the activity center and pool play in the larger parks and ensure that they meet the future needs of the community.

During conceptual design, we will explore alternative layouts and work with the community and project leadership team to develop the "look and feel" of the facilities and site. Through this process, we will discuss the vision, the local context and key features that may be of importance including universal design, vehicle drop off, resiliency of materials and site and relationship to the entry / street among others. We will develop creative solutions that address the flexibility needs of a modern aquatics and activity center. We will use financial modeling as a design tool, not just an estimating device; we will find creative ways to resolve budgetary concerns early in the programming and conceptual design process so a realistic design will emerge that will address as many requests as possible. CPL has built their reputation on listening to the client and being responsive. You will get our undivided attention from the initial idea, preliminary concept, design and finally construction/start up.

We are here to listen to your needs, wants and dreams. We help you to prioritize your wish list and share with you latest trends and best practices in recreational swimming, operations, filtration systems, and activities and programming. The most successful projects are the ones that are the most inclusive. With a project like this, the design, the activities and the features of the project need to speak to every age group, every gender and all physical abilities. In communities with many non-swimming aquatics participants, it will be important to balance recreational shallow areas with lane swimming and to ensure there is sufficient shading at the pool and pool deck. A bathhouse facility should include the needed locker rooms, equipment rooms, and storage and should consider lifeguard rooms and first aid rooms to improve user experience. Working in partnership with WTI, we will focus on creating flexible aquatic spaces that optimize activity zones, features, water depths, and temperatures to serve the needs of a multigenerational community.

WTI will develop the following aquatics concepts:

1. Renovation of existing aquatic amenities as outlined in the aquatic evaluation (i.e., no change to the current aquatic program).
2. Renovation and expansion of existing aquatic amenities, in response to the aquatic evaluation and potential need for increased programming.
3. New outdoor pool (i.e., a single body of water with multiple zones for flexible use).
4. Combination of new outdoor aquatic amenities (e.g., multiple pools, a pool plus splash pad, etc.).

Our design approach is to support you, to provide practical design solutions that not only inspire play but design criteria that will help you maintain your facility for years to come.

CPTED (Crime Prevention Through Environmental Design) is defined as "the proper design and effective use of the built environment that can lead to a greater sense of safety and security and an improvement in the quality of life." This includes design approaches that seek to affect positive human behavior as people interact with their environment.

Public park facilities can benefit from incorporating design principles such as: natural surveillance, edge hardening, territorial reinforcement, discouragement of areas of concealment, sense of community ownership, lighting techniques and landscaping that encourage visual connections throughout a site.

4. Visioning and Visualization

The CPL team utilizes tools such as miro board (virtual whiteboard), 3D Studio Max, Sketch Up Pro, Lumion, Enscape and Adobe Creative Suite in order to generate presentation graphics and renderings. These are used to demonstrate potential design solutions using the same model that will be used to generate the construction documents and pricing documents. These engaging applications allow the client and user groups to be involved in the creation and visioning of the project design. These graphics can also play a role in critical fundraising and grant efforts.

5. Deliverables

The final report for the initial phase will gather and show all the data collected above. We will come up

with multiple build scenarios based on different initial costs, operational and/or partnership strategies as well as looking at priorities in the program and what program elements should be part of a phase one versus which could be implemented in future phases. The deliverables will include:

- Summary of Public Engagement Process (if performed)
- Buildings and Site Conditions & Analysis
- Space Needs Analysis & Program
- Conceptual Design
- Opinion of Probable Cost (construction and project budget)

6. Implementation: Design & Contractor Procurement

Design: After approval of a final, refined design concept, the team will begin to develop construction drawings. Typically, drawings are prepared in three milestones: Schematic Design, Design Development, and Construction Documents. At each phase, the project team and owner will review the drawings, collaborating on design decisions required to advance the project. At each milestone, an estimate of probable construction cost will be prepared and compared to the City's establish budget. If Value Engineering is required to maintain the project budget, it will take place prior to advancing plans to the next milestone to provide on-going cost analysis and control. In the Design Development and Construction Documents phase, we will prepare the technical plans and specifications needed to procure and build the project. We will utilize Revit BIM (Building Information Modeling) to aid in the development of fully coordinated documents and allow for continued visualizations. Regular design meetings through the design development phase will maintain good communication and ensure all project participants are aware of current status.

Contractor Procurement: Given market volatility and potential interest in speed to market, many municipalities are looking for alternative ways to procure and implement recreation projects. If the City has interest in alternative strategies to procure a contractor, our team has experience with public CMAR and design-build and our team can assist the City of Hendersonville through this selection and RFQ process, meeting state and local procurement requirements.

If the City chooses to procure a Construction Manager at Risk process for project delivery, early in the project we will begin to collaborate with the selected CMAR and work closely with them through the design process. If the City chooses to procure a contractor through a traditional Design-Bid-Build process, we will work closely with our Cost Estimating team to deliver a successful project and provide proactive value analysis rather than retro-active Value Engineering.

7. Quality Assurance

Advances in technology have made a positive impact on quality control and coordination. With the ability to simultaneously access BIM datasets, our project teams can see one another's components in real-time as they are being developed. BIM allows our designers and engineers to identify conflicts during the development of the design rather than in the field during construction. CPL uses tools like Bluebeam sessions to bring the design team and client together in order to coordinate project progress and to seek solutions to project design issues before drawings are complete.

8. Construction Phase

During the Construction phase, we will work with the City of Hendersonville and the construction team to complete the project within budget and on schedule. It is critical to observe and monitor the project during construction. CPL utilizes Bluebeam for punch lists which provides all parties with real-time updates on field reports/punch list items.

The Project Manager, Gabrielle Steffel, AIA, NCARB, who is responsible for preparing the contract documents, is also primarily responsible for the administration of the project during construction. This provides our clients with continuity, from design through completion of the project. The Principal in Charge, Rachel Nilson, AIA, NCARB, will support the Project Manager to ensure the Owner's expectations are met. Site visits are documented by a written and photo documented field report delivered to the Owner and Contractor. Having the Project Manager intimately involved in your project allows for an immediate response to any request for information or construction detailing question. The Project Manager will consistently communicate with the project team keeping everyone up-to-date on the project.

CPL's Experience with Grant Funded Projects

Many of our community and local government projects involve grant funding, including USDA Rural Development (RD), Community Development Block Grant, Department of Community Affairs, American Rescue Plan Act (ARPA), American Reinvestment and Recovery Act (ARRA), Federal Emergency Management Agency (FEMA), and US Army Corps of Engineers (USACE). CPL routinely assists local communities with grant-funded projects, including those that are pass-through funds through state agencies. Regardless of the source of the funding – Federal, State, or Local – the CPL team utilizes a proactive approach in working with local communities to navigate the process and procedures.

A sampling of our experience with grant funded projects are below

Location	Project Description	Funding
New Bern, NC	Stanley White Recreation Center	FEMA
Bartow County, GA	Main Street Trail Head Improvements	RTP
Gwinnett County, GA	One Stop Community Center	ARPA
Gwinnett County, GA	Beaver Ruin Wetlands Trails	USACE
Elberton, GA	Russell Dam and Powerhouse Addition	USACE
Woodstock, GA	• Old Rope Mill Park, Mountain Bike Trail system design • Greenprints Trail System	USACE
Cherokee County, GA	Blankets Creek Mountain Bike Trail System	USACE
Acworth, GA	Red Top Mountain Bile Trail System Design	USACE
Spalding County, GA	Parks and Recreation improvements	INODIC
Town of Hyde Park, NY	• Pinewoods Park Basketball Court Improvements • Riverfront Parking Lot • Municipal Parking Lot • New Septic/Drainage Systems • Handicap Access to Community Pool	CDBG
Town of York, NY	Sewer District No. 2	CDBG

City of New Bern, NC - Stanley White Recreation and Community Center

City of New Bern, NC

Stanley A. White Recreation and Community Center

The Stanley A. White Recreation and Community Center has been a staple of the New Bern community since 1975. In September 2018, it sustained significant damage from Hurricane Florence. The City applied for – and was awarded – a FEMA 428 Mitigation Grant to construct a new recreation center. In early 2021, CPL completed a feasibility study that included substantive community engagement, programming, conceptual design and development of a budget. Also in 2021, CPL completed a FEMA Environmental Assessment process leading to the decision by the City to build a new Stanley A. White Recreation Center on a site near the location of the former recreation center. Following the Environmental Assessment, the City received a Finding of No Significant Impact (FONSI) from FEMA for the relocation to the new site.

The CPL-led community engagement for this project lasted several months, utilized several types of media to ensure the greatest participation possible, and resulted in a vision supported by stakeholders. Following this, the final conceptual design – which includes two basketball courts, an elevated walking track, several multipurpose rooms, a teaching kitchen, a health screening room, a game room, a media room, an exercise studio, weight/cardio room, and other support spaces – has a grand opening in January 2025.

Client: City of New Bern, NC
Location: New Bern, NC
Start Date: 2022
Completion Date: 2025
Size: 35,000 sq. ft.
Construction Cost: $13.3M
Design Fees: $880,000
Change Orders: $179,000
Reference: Jack Clelland, Assistant Parks and Rec Director, jclelland@leecountync.gov 919-775-2107– Ext. 4206
Services Provided: Architecture, Interior Design, MEP Engineering, FEMA Environmental Assessment, Master Planning
Team Personnel: Rachel Nilson, AIA, NCARB, Ron Davis, NICET II, Mike Ranieri, PE

City of Belmont, NC

Community and Recreation Center

CPL became involved with the City of Belmont Community Recreation Center project in the early stages of the COVID-19 pandemic. **From the beginning, community engagement was intended to be an important part of the process, especially in terms of programming.**

With the pandemic limiting the types of engagement the City and CPL were able to do, CPL assembled an online survey that looked specifically at ranking in order to best prioritize the services and programs the city would provide. Three focus group sessions were also orchestrated that used a program called Poll Everywhere and combined with WebEx, we were able to host community sessions with real time feedback. CPL then assisted the City with the Construction Manager at Risk RFQ process.

The project was designed for multi-generational use and includes a walking track, multiple fitness classrooms, kids play zone, media center, large rentable multipurpose room, and three High School regulation basketball courts.

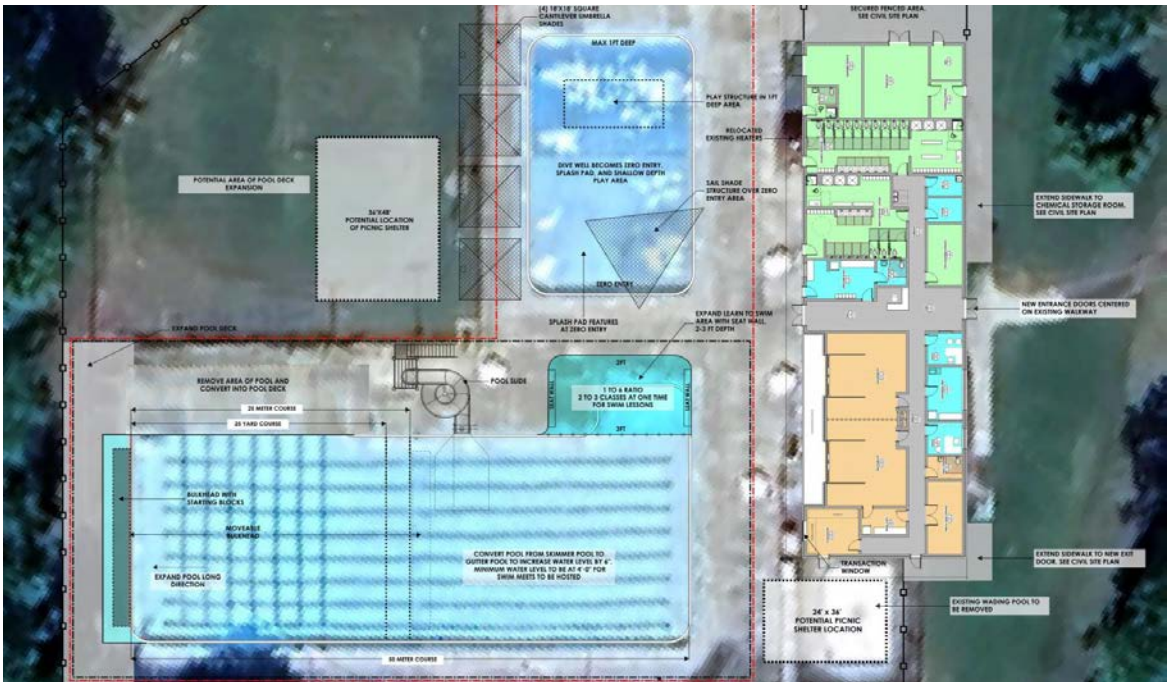
The project successfully passed through a rezoning and major plan development approval. **The facility opened in July 2023 and it has successfully registered hundreds of new members.**

Client: City of Belmont
Location: Belmont, NC
Start Date: 2020
Completion Date: 2023
Size: 42,338 sq. ft.
Construction Cost: $13.2M
Design Fees: $769,000
Change Orders: $112,000
Reference: Zip Stowe, CPRP
Parks & Recreation Director
704.901.2069 | zstowe@cityofbelmont.org
Services Provided: Architecture, Interior Design, Community Engagement, MEP Engineering
Team Personnel: Rachel Nilson, AIA, NCARB, Danielle Scesney, AIA, NCARB, Ron Davis, NICET II

For additional information on this project, scan or click on the QR Code

Lee County, NC

Community and Recreation Center



CPL was tasked with conducting a facility audit and feasibility study for Lee County's OT Sloan Park Aquatic Center. The proposed conceptual designs aim to rejuvenate the outdated facility and align it with the County's long-term goals. Lee County's current aquatic center features a 360,000 gallon, 50-meter outdoor lap pool – one of the few in the state – and a 178,000-gallon dive well.

A facility audit assessed the current state of the aquatic center to inform CPL's design direction. Community engagement sessions were held to gather feedback, including an event at Lee County's Movie the Park. This in person even, along with virtual stakeholder meetings and a community survey, garnered input from over 400 community members. A few key elements that stood out amount all respondents included: maintaining the 50-meter pool, focusing on learn-to-swim programs, providing shade on the pool deck, adding play features for all ages, and creating a more accessible updated bathhouse with community spaces. CPL ensured these elements were incorporated in the proposed conceptual design. The design proposed renovating the 50-meter pool, converting the dive well into a zero-entry shallow depth play area, and constructing a new larger bathhouse.

In addition to the conceptual design, CPL and its consultants provided the County with insights into current trends and analysis in parks and recreation. This information aligned with the community feedback, helped solidify the design direction. A 5-year proforma was also developed to estimate operating expenses and revenue, along with a cost estimate for the proposed design, giving the County a clear understanding of all associated costs. The study, presented to the County's Board of Commissioners, will hopefully move into design and construction over the coming years.

Client: Lee County
Location: Lee County, NC
Start Date: February 2024
Completion Date: November 2024 (Feasibility Study)
Size: Renovated 360,000 Gallon Main Swimming Pool, Renovated 178,000 Dive well pool, New 7,400 SF bathhouse
Construction Cost: $12M (est)
Design Fees: total $24,950 (CPL $9,950, external consultants $15,000)
Change Orders: N/A
Reference: Jack Clelland, Assistant Parks and Rec Director, jclelland@leecountync.gov 919-775-2107– Ext. 4206
Services Provided: Feasibility Study
Team Personnel: Rachel Nilson, AIA, NCARB, Kim Janiszewski, AIA, NCARB

City of Thomasville, NC

Aquatics/Community Center & City Council Chambers

Client: City of Thomasville
Location: Thomasville, NC
Start Date: 2020
Completion Date: 2023
Size: 7,000 sq. ft. (pool)
8,000 sq. ft. (facility)
Construction Cost: $6.9M
Design Fees: $347,000
Change Orders: $431,000 (owner added back alternate scope during construction)
Reference: Cory Tobin
Parks & Recreation Director
336.689.5358
Services Provided: Feasibility Study, Architecture, Interior Design, Community Engagement, MEP Engineering
Team Personnel: Rachel Nilson, AIA, NCARB, Michael Ranier,PE, Ron Davis, NICET II

CPL was hired by the City of Thomasville to complete a feasibility study to revamp their 70-year-old outdoor swimming pool at Memorial Park. Residents were invited to express their opinions about the pool through organized focus groups and a public drop-in. CPL's scope of work included architecture, mechanical, electrical and plumbing (MEP) engineering, interior design, along with the project budget (including a funding model) which was critical to the project's success.

Described as a "palace for the people," the new, 25,000 sq. ft. Aquatic and Community Center includes a 200,000-gallon swimming pool with lap lanes and zero-entry capability; a 16-foot-tall slide and a splash pad with spray elements; a first aid room; a playground; and a dining pavilion with a concession stand. The recreational portion of the building allocates space for a catering kitchen and the new City Council Chambers, while also serving as a flexible venue that can be subdivided as needed.

In the 2023 inaugural year of the project, there were over 25,000 swimmers admitted, 88 party room rentals, over 100 days of operation, including four swim meets and over $90 thousand in revenue.

This project won a 2024 American Planning Association Award and was a Project Finalist for a Triad Business Journal Award for 2024.

Town of Kernersville, NC

Community and Recreation Center

With a growing community and a desire to serve all demographics, the Town of Kernersville teamed with CPL and WithersRavenel to provide advance planning and conceptual design for a new recreation and event center. Kernersville is already home to a small recreation center which the town utilizes to its full capacity but the lack of ownership of the space and the size of the space limit the program offerings. The Town and CPL took a multi-pronged approach to the project, including an in-depth community engagement process.

After assessing the engagement and economic impact results, the team arrived at a program that took the above considerations into effect. The resulting conceptual design for the building and the site took into account current activities at their new site.
CPL then assisted the Town with not only developing a construction budget but also an overall project budget that was phased to account for multiple funding and construction scenarios. The project program includes multiple classrooms, walking track, built in stage, and three High School NCAA regulation basketball courts.

After a successful advanced planning phase and project funding, this project has moved into full design with CPL taking the lead. This project is currently in the construction phase following a successful bid period.

Client: Town of Kernersville
Location: Kernersville, NC
Start Date: 2019 (feasibility study) Full Design 2021
Completion Date: 2024
Size: 49,000 SF
Construction Cost: $18.1M
Design Fees: $1,193,000
Change Orders: $403,000
Reference: Ernie Pages, Parks and Recreation Director; (336) 992-0804; epages@toknc.com
Services Provided: Architecture, Interior Design, Mechanical, Electrical, and Plumbing Engineering
Team Personnel: Rachel Nilson, AIA, Ron Davis, NICET II, Mike Ranieri, PE, Kenneth Mayer, Jr., FAIA, Robert Comery

We make it a Partnership

COST ESTIMATING

BREE & Associates, Inc. (BREE) is an Engineering/ Construction Management firm established in 2000. BREE specializes in Project Controls, Cost Estimating, Project Scheduling (P6), Value Engineering, Claims Analysis, Construction Administration, Construction Inspections and Staff Augmentation. The firm is highly experienced in technology and software programs which ensure project efficiency and project delivery.

Over the years, we have provided quality services to numerous public and private clients. As a minority-owned firm, we satisfy ***SBE, MBE*** and ***DBE*** goals on many projects.

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REFERENCES

DTW Architects & Planners, Ltd.
Wheels Family Fun Park Skating Building Renovation
J. Paul Young, AIA N
919.317.4020
pyoung@dtwarch.com

Eamonn Hutton, Senior Landscape Architect
City of Charlotte Parks & Recreation
Independence Park
Agency Landscape + Planning
EHutton@agencylp.com

Eric Phoenix

Cost Estimator - BREE & Associates

Mr. Phoenix has over 30 years of experience as Senior Project Manager and Project Estimator. As an estimator, Eric has provided cost estimates on a variety of projects including, but not limited to: Airports, Residential, Commercial, K-12 Schools, Higher Education Facilities, Municipal Buildings, Transit Operational Centers and Maintenance Facilities. His estimate experience encompasses all stages of Design Development, Hard-Bid Construction Projects, Change Order Cost Control Estimates, Guaranteed Maximum Price estimates and Independent Design Fee cost estimates. Mr. Phoenix is proficient in several software packages

EDUCATION

Bachelor of Science, Construction Management, East Carolina University

PROJECT EXPERIENCE

- **City of Greensboro | Master Aquatics**
- **City of Charlotte | Independence Park**
- **Durham Station Improvements**
- **Raleigh Durham International 2040 Vision Plan, Raleigh, NC**
- **Durham County Judicial Building, Durham, NC**
- **City of Durham Mixed-Use Parking Deck**
- **Orange County Water and Sewer Line Extension, Hillsborough, NC**
- **Brown and Williams Water Reclamation Facility, Durham, NC**
- **City of Greenville Town Common Master Plan Phase 2 Design Development**
- **City of Durham Sign and Signal Shop, Durham, NC**
- **Parkwood Area Lift Station Consolidation (PALSCo)**
- **Go Triangle Rus Bus Raleigh Union Station Bus Transit**
- **Go Raleigh Transit Station Renovation**
- **Go Triangle Plaza Renovations**
- **Go Triangle 324 W. Lane Street Renovation**

STRUCTURAL ENGINEERING

SKA Consulting Engineers, Inc. is a nationally recognized and diversified firm with a reputation for solving the most complex engineering challenges in the southeast and across the United States. Their experts are some of the most highly educated and sought-after practitioners in the fields of MEP, fire protection, and structural engineering, as well as building solutions and litigation. 15 percent of their engineers are LEED Accredited Professionals whose focus is to minimize the environmental impact of their clients' daily operations.

Aaron Bopp
7900 Triad Center Drive, Suite 200
Greensboro, NC 27409
336.456.3004
abbopp@skaeng.com

REFERENCES

Greensboro Aquatic Center
Mike Perdue, Director of Maintenance Production
336.373.74457
mike.perdue@greensboro-nc.gov

Valdese Aquatic Center
David Andersen
828.874.6733
dandersen@valdesenc.gov

Maynard Aquatic Center
Fred Patrick
336.222.5010
fpatrick@burlingtonnc.gov

Aaron Bopp

PE, LEED AP BD+C

Structural Engineer - SKA Engineering

Aaron serves as a Principal Engineer and project manager in the Structural Engineering Group as well as handling the responsibilities of the Director of Operations for SKA. His primary design responsibilities include structural designs and analysis, preparation of construction documents and construction contract administration. Throughout his career, Aaron has gained extensive experience in the educational, institutional, commercial and mixed use facility markets, with a focus on the design and repair of structural steel, masonry and reinforced concrete structures of all shapes and sizes.

EDUCATION

Bachelor of Science, Civil Engineering, Virginia Tech

PROFESSIONAL REGISTRATION

Professional Engineer: NC, SC, TN, GA, IN, NV

PROJECT EXPERIENCE

- **Forsyth County Event Center, Tobaccoville, NC**
- **Forsyth County Tanglewood Clubhouse, Clemmons, NC**
- **Kernersville Public Works Facility, Kernersville, NC**
- **Smith Reynolds Airport New Corporate Hangers, Winston Salem, NC**
- **Guilford County Mental Health Clinic, Greensboro, NC**
- **Surgical Center of Greensboro, Greensboro, NC**
- **300 Oak Street Renovation & Repurposing, High Point, NC**
- **Greensboro Fire Station #56, Greensboro, NC**

AQUATIC DESIGN

The **WTI** team is a highly qualified group of individuals comprised of creative architects, landscape architects, engineers, designers, business developers and administrators, all with a passion for aquatics. Together, they combine our talents to develop original, aquatic facilities from concept to reality. In addition, WTI maintains solid relationships with other consultants and contractors and continues to set the standards in the aquatic industry across the United States. *CPL and WTI have worked together on the City of Greensboro's Aquatics Master Plan for the City's six aquatic sites.*

Bill Weaver, PE
100 Park Avenue
Beaver Dam, WI 5391
608.609.7771
bweaver@watertechnologyinc.com

REFERENCES

City of High Point
City Lake Aquatic Center
Lee Tillery, Director of Parks Recreation
336.883.3469
lee.tillery@highpointnc.gov

City of Blue Ridge
Blue Ridge Pool & Splash pad
Eddie O'Neal, Fannin County Parks & Recreation Director
706.851.4879
eoneal@fannincountyga.com

Town of Clarksville
Clarksville Cove Aquatic Center Renovation
Brian Kaluzny, Superintendent of Park
812.283.5313
bkaluzny@clarksvilleparks.com

Bill Weaver

PE

Aquatic Design Engineer - WTI

Bill joined the WTI team in 2022 and brings a wealth of practical experience. He brings approximately 15 years of engineering experience as a design consultant on municipal wastewater treatment and conveyance projects. Bill's background includes coaching experience at the club, high school, and college levels. In 2018, he led the Madison West Boys Swimming & Diving Team to a Wisconsin High School State Championship. Prior to coaching, Bill spent several years as an elite swimmer where he was a member of the USA Swimming National Team, an Olympic Trials Finalist, NCAA All-American and three-time Big Ten Conference Champion. He continues to swim and actively competes as a U.S. Masters Swimmer. As a swimmer and former coach, Bill has seen many great aquatic facilities and can pull from those experiences to guide future designs.

EDUCATION

- Master of Science,Environmental Engineering, Purdue University
- Bachelor of Science, Environmental Science, Ohio State University

PROFESSIONAL REGISTRATION

Professional Engineer: OH, WI

PROJECT EXPERIENCE

- **Veridea Pool and Splash Pad - Apex, NC**
- **Shirley B. Winston Pool - Columbus, GA**
- **Rigdon Park Pool - Columbus, GA**
- **Psalmond Road Pool - Columbus, GA**
- **Elberton Splash Pad - Elberton, GA**
- **Sandusky Community Aquatic Center - Sandusky, OH**
- **Edmond YMCA - Oklahoma City, OK**
- **Charleston County Water Parks Electrical Assessment - Charleston, SC**
- **Family Aquatic Center Maintenance Plan - Yankton, SD**
- **Boerne ISD Competition Pool - Boerne, TX**
- **SMU Hydrotherapy & Plunge Pool Addition - Dallas, TX**

WithersRavenel
Our People. Your Success.

CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, SURVEY, MASTER PLANNING & ENV/STREAM RESTORATION

WithersRavenel, is equipped with more than 40 years of serving an array of clients and projects through innovative and cost-effective engineering solutions across North Carolina. Including its headquarters in Cary, WithersRavenel has 10 offices across the state in Asheville, Cary (Downtown), Charlotte, Greensboro, Pittsboro, Powells Point, Raleigh, Southern Pines, and Wilmington. Our planners and landscape architects are stewards of the natural environment and advocates for the community. Our parks, recreation, and greenway projects create meaningful experiences while conserving valuable resources.

Jon Blasco, PLA, ASLA
137 South Wilmington St, Suite 200
Raleigh, NC 27601
919.817.5356
jblasco@withhersravenel.com

REFERENCES

City of Raleigh
River Cane Wetland Park
Emma Liles, Capital Projects Manager
919.538.4459
Emma.Liles@raleighnc.gov

City of Concord
Academy - Gibson Park Master Plan
Taylor Morris, Program Coordinator
704.920.561
morrist@concordnc.gov

Harnett County
Neill's Creek Park Master Planning
Carl Davis, Parks & Recreation Director
910.893.7518
cdavis@harnett.org

Jon Blasco

PLS, ASLA

Landscape Architect - WithersRavenel

Jon is a Senior Project Manager on WithersRavenel's Design + Planning team. A longtime landscape architect, he has experience designing and managing complex projects for both public and private clients. From parks and recreation projects to streetscape and commercial development, he applies his creative mindset to design and problem-solving. His ability to carry a project from start to finish is complemented by his deadline-driven background and attention to detail. He also has a wealth of experience in permitting, construction oversight, and community engagement. Additionally, he has worked on several projects involving master planning and site design for higher education, multi-family amenity spaces, and public facilities.

EDUCATION

- Master of Liberal Arts, Landscape Architecture, North Carolina State University - College of Design
- Bachelor of Science, Visual Communication, Ohio University

PROFESSIONAL REGISTRATION

Professional Landscape Architect: NC

PROJECT EXPERIENCE

- **Smith Farm Park Construction Documents, Mars Hill, NC**
- **Harold Rankin Park Improvements, Lowell, NC**
- **Fitzgerald Park Master Plan, Candor, NC**
- **Leesville and Strickland Road Park Improvements, Raleigh, NC**
- **River Cane Wetland Park Master Plan, Raleigh, NC**
- **Academy-Gibson Park Construction Documents, Concord, NC**
- **Neill's Creek Park Master Planning, Harnett County, NC**
- **Lake Benson Park Master Plan Update, Garner, NC**
- **Municipal Park Master Plan, Holly Ridge, NC**

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Joel Lenk
PG

Environmental Services - WithersRavenel

Joel is a licensed professional geologist in North Carolina with 20 years of experience in environmental consulting. He specializes in mountain and Piedmont riverine environments and is well-versed in State and Federal regulations for stream systems, wetlands, and groundwater. Joel's expertise spans environmental restoration, wetland delineation, permitting, and soil and groundwater remediation. He has managed more than 30 stream, wetland, and pond/lake projects in Western North Carolina, including those under the North Carolina Dam Safety Program, and has provided expert witness testimony on ecological impacts in the region.

EDUCATION
Bachelor of Science, Geology, East Carolina University

PROFESSIONAL REGISTRATION
Professional Geologist: NC

PROJECT EXPERIENCE
- **Woodson Road Property, Hendersonville, NC**
- **Woodfin Reservoir Dam Inspection - Helene 4827-DR, Woodfin, NC**
- **Barlas SESC and Stormwater Plans and Permitting, Mills River, NC**
- **Rosman Greenhouse, Transylvania Economic Development, Transylvania County, NC**
- **Serenity Hills Llc Dam Review, Fletcher, NC**
- **Short Lake Adger As-Needed Service, Mill Spring, NC**

David Bartone
PE

Site/Civil Engineer - WithersRavenel

With more than 30 years of experience serving as a civil engineering consultant, construction manager, and owner advocate, Dave has a passion for providing cost-effective designs for all projects. He has led many types of successful development projects, including educational, residential, commercial, institutional, government, and utilities. His experience also includes creating and managing design and construction contracts, including a vital role in the development of a $120 million state sciences laboratory.

EDUCATION
Bachelor of Science, Construction Engineering, Lawrence Technological University

PROFESSIONAL REGISTRATION
Professional Engineer: NC

PROJECT EXPERIENCE
- **Chatham Emergency Operations Center, Chatham County, NC. Project Manager**
- **Accreditation Commission for Health Care, Cary, NC. Project Manager**
- **Industrial Campus, Goldsboro, NC. Project Manager**
- **Becker Morgan Raleigh New Police Evidence Facility, Raleigh, NC. Project Manager**
- **Alston Avenue Assemblage Design Services, Cary, NC. Project Manager**
- **Downtown Streetscape Phase 2, Four Oaks, NC. Site Civil Engineer**

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Marshall Wight
PLS

Surveyor - WithersRavenel

Marshall is a surveyor and survey director with a background in conventional and GPS field procedures, research, and data processing. He performs boundary topographic surveys; bathymetric surveys; boundary resolution; as-built; monitoring; planimetric and topographic mapping, recombination, right-of-way dedication, and easement mapping. Marshall specializes in remote sensing technologies, including high-definition 3D laser scanning, unmanned aerial systems (UAS) legality, flight planning, 3D modeling, orthophoto/surface model generation. He is also competent with stream designs, pebble counts, and pavement/sub-pavement analyses. He has expertise in mapping, designing, and analyzing stream projects from a variety of geographical areas. He also has experience in soil and concrete testing.

EDUCATION
Bachelor of Science, agriculture Environmental Technology, North Carolina State University

PROFESSIONAL REGISTRATION
Professional Licensed Surveyor: NC

PROJECT EXPERIENCE
- **Church & King Streets Water & Sewer Improvements, Hendersonville, NC. Survey Manager**
- **Swannanoa Greenway, Asheville, NC. Survey Manager**
- **Industrial Park Development, Yancey County, NC. Survey Manager**
- **Water Treatment Plant Expansion, Weaverville, NC. Survey Manager**
- **Academy Park, Cary, NC. Survey Manager**
- **Downtown Cary Park Recomb & Access Ease, Cary, NC. Project Manager**
- **Cary Regional Library & Parking Deck Recombination Plat, Cary, NC. Project Manager**

Megan Powell

Grants/Funding - WithersRavenel

Megan has a strong background working for local governments in North Carolina. She has worked on grant administration for ARRA Funds, sustainability projects that involved outreach to the community. As a budget manager and internal auditor, she managed a team responsible for Henderson County's annual $166 million general fund. Her work involved developing best practices, policies and procedures, complying with Local Government Budget and Fiscal Control Act, and ensuring compliance with all local, state, and federal laws.

EDUCATION
- Master of Public Administration, Public Management, Appalachian State University
- Bachelor of Science, Political Science, Appalachian State University

AFFILIATIONS
North Carolina Local Government Budget Association

PROJECT EXPERIENCE
- **Capital Lifecycle Modeling, Henderson County, NC. Staff Team**
- **Rate Study (2024), Biltmore Forest, NC. Staff Team**
- **Cleveland County Fairgrounds Assessment, Cleveland County, NC. Staff Team**
- **Engineering Services for Sports Complex, Henderson County, NC. Staff Team**
- **Sewer AIA Application (2024), Henderson County, NC. Project Manager**
- **Comprehensive Land Use Plan 2025, Wilson County, NC. Staff Team**

CPL Client References

CPL is proud of the work we accomplish in our local communities and feel that our clients are proud of the buildings we create for them, too. We have provided contacts for related projects referenced within our submittal who will be a reference for the expertise, commitment and passion we exude when doing the work we love.

Buncombe County, NC
County-wide Comprehensive Facility Plan, 35 Woodfin Needs Assessment, Fleet Services Facility Complex, Courthouse Modernization
Role: Architect
Scott Metcalf, Facilities/Project Manager
828.250.4250
Scott.Metcalf@buncombecounty.org

Robert Brown, Facilities/Project Manager
828.250.4784
Robert.Brown@buncombecounty.org
40 McCormick Place
Asheville, NC 28801

City of Thomasville, NC
Aquatics/Community Center & City Council Chambers
Role: Architect
Cory Tobin
Parks & Recreation Director
336.689.5358
cory.tobin@thomasville-nc.gov
10 Salem Street
Thomasville, NC 27360

City of Belmont, NC
Community & Recreation Center
Role: Architect
Zip Stowe, CPRP
Parks & Recreation Director
704.901.2069
zstowe@cityofbelmont.org
1401 E. Catawba Street
Belmont, NC 28012

Town of Rutherfordton, NC
New Town Hall
Role: Architect
Doug Barrick
Town Manager
828.287.3520
dbarrick@rutherfordtoon.net
129 N. Main Street
Rutherfordton, NC 288139

Cabarrus County, NC
Library and Active Living Center
Role: Architect
Michael Miller
Infrastructure & Asset Management Director
704.920.3201
mamiller@cabarruscounty.us
65 Church St S
Concord, NC 28025

A. Statement of Qualifications Certification

STATEMENT OF QUALIFICATIONS CERTIFICATION

Firms Signature: Rachel F Nilson **Date:** 1/14/25

By Signing above, I Certify that I have carefully read and fully understand the information contained in this RFQ; and that I have the capability to successfully undertake and complete the responsibilities and obligations of the Statement of Qualifications being submitted and have the authority to sign Statement of Qualifications on behalf of my organization. **It is the Firm's responsibility to assure that all addenda have been reviewed prior to Statement of Qualifications submission.**

BY (Printed): Rachel F. Nilson, AIA, NCARB

TITLE: Principal In Charge

COMPANY: CPL Architects and Engineers, P.C.

ADDRESS: 6302 Fairview Road, Suite 102, Charlotte, NC 28210

TELEPHONE: 704.331.9131

EMAIL: RNilson@CPLteam.com

The Firm supplies the information recorded below for use in the preparation of the contract documents, in event of contract award:

1. Please indicate type of business organization:

   ☐Sole Proprietorship

   ☐Partnership (limited or general)

   ☒Corporation

   ☐Limited Liability Co.

   ☐Other (Please specify: _____

2. If business is a Corporation, please answer the following questions:

Name and title of officers, authorized by Resolution, who will execute the contract on behalf of entity (generally President and Secretary).

Rachel F. Nilson, AIA, NCARB

Firm is incorporated in what state?

New York

If firm is a foreign corporation, does firm have a certificate of authority from the North Carolina Secretary of State?

3. If business is a Partnership, please answer the following:
Name in full or all general partners and addresses:

_____

_____

Is this a limited or general partnership? __

If a limited partnership, what is the state of registration? _____

If business is a foreign limited partnership, does business have a certificate of authority from the North Carolina Secretary of State? _____

4. If business is a Sole Proprietorship, please answer the following:

Name of owner: _____

5. If business is a limited liability company, please answer the following:

List the names and titles of managers or member-managers who will execute the contract on behalf of the company? Rachel F. Nilson, AIA, NCARB - Principal in Charge, Gabrielle Steffel, AIA -Project Manager

What is the state of organization? New York

If business is a foreign limited liability company, does business have a certificate of authority from the North Carolina Secretary of State? Yes

6. For all bidders:
If the business operates under an assumed name, what is the assumed name?
N/A

Has a certificate of assumed name been filed in the Henderson County Registry?
_____

If so, please provide the recording information: Deed Book _____at Page_____.

B. Certification Regarding Lobbying

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any persons 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 to 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 any agency, a Member of Congress, 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 grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transactions imposed by 31 USC §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

The Consultant, CPL Architects and Engineers, P.C., certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Consultant understands and agrees that the provisions of 31 USC §1352, *et seq.*, apply to this certification and disclosure, if any.

Rachel F Nilson

Date: 1/14/25

Signature of Consultant's Authorized Official

Rachel F. Nilson, AIA, NCARB

Printed Name and Title of Consultant's Authorized Official

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City of Hendersonville, NC

Request for Statements of Qualifications # 240141014001

Subscribed and sworn to before me this 6 day of January 2025, in the State of North Carolina and the County of Mecklenburg.

Notary Public Alisha M. Dawkins, Alisha M Dawkins

My Appointment Expires May 20, 2025

ALISHA M DAWKINS
My Commission Expires
NOTARY PUBLIC
May 20, 2025
UNION COUNTY, NC

C. Certification Regarding Debarment Suspension, Ineligibility, and Voluntary Exclusion Lower Tier Covered Transaction

(To be submitted with all bids exceeding $25,000.)

1. The prospective lower tier participant (Bidder/Consultant) certifies, by submission of this bid or Statement of Qualifications, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. The prospective Bidder/Consultant also certifies by submission of this bid or Statement of Qualifications that all SubConsultants and suppliers (this requirement flows down to all subcontracts at all levels) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

3. Where the prospective lower tier participant (Bidder/Consultant) is unable to certify any of the statements in this certification, such prospective participant shall attach an explanation to this bid or Statement of Qualifications.

The lower tier participant (Bidder/Consultant), CPL, certifies or affirms the truthfulness and accuracy of this statement of its certification and disclosure, if any.

DATE 1/14/25

SIGNATURE Rachel F Nelson

COMPANY CPL Architects and Engineers, P.C.

8

City of Hendersonville, NC

Request for Statements of Qualifications # 240141014001

NAME

Rachel F. Nilson, AIA, NCARB Rachel F Nilson

TITLE

Principal In Charge

State of North Carolina

County of Mecklenburg

Subscribed and sworn to before me this 6 day of January, 2025.

Notary Public Alisha M Dawkins

My Appointment Expires May 20, 2025

ALISHA M DAWKINS
My Commission Expires
NOTARY PUBLIC
May 20, 2025
UNION COUNTY, NC

D. Affidavit of Compliance with N.C. E-Verify Statutes

STATE OF North Carolina

COUNTY OF Mecklenburg

AFFIDAVIT of COMPLIANCE with N.C. E-Verify Statutes

I, Rachel F. Nilson, AIA, NCARB (hereinafter the "Affiant"), duly authorized by and on behalf of CPL Architects and Engineers, P.C. (hereinafter the "Employer") after being first duly sworn deposes and says as follows:

1. I am the Vice President (President, Manager, CEO, etc.) of the Employer and possess the full authority to speak for and on behalf of the Employer identified above.

2. Employer understands that "E-Verify" means the federal E-Verify program operated by the United States Dept. of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law in accordance with N.C. Gen. Stat. §64-25 (5).

3. ✓ Employer employs 5 or more employees in the State of North Carolina, and is in compliance with the provisions of N.C. Gen. Stat. §64-26. Employer has verified the work authorization of its employees through E-Verify and shall retain the records of verification in accordance with N.C. Gen. Stat. §64-26.

   OR

   ____ Employer employs fewer than 5 employees in the State of North Carolina and is therefore not subject to the provisions of N.C. Gen. Stat. §64-26.

4. All subConsultants engaged by or to be engaged by Employer have or will have likewise complied with the provisions of N.C. Gen. Stat. §64-26.

5. Employer shall keep the City of Hendersonville informed of any change in its status pursuant to Article 2 of Chapter 64 of the North Carolina General Statutes.

Further this affiant sayeth not.

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City of Hendersonville, NC
Request for Statements of Qualifications # 240141014001

This the 6th day of January, 2025.

Signature of Affiant

STATE OF North Carolina

COUNTY OF Mecklenburg

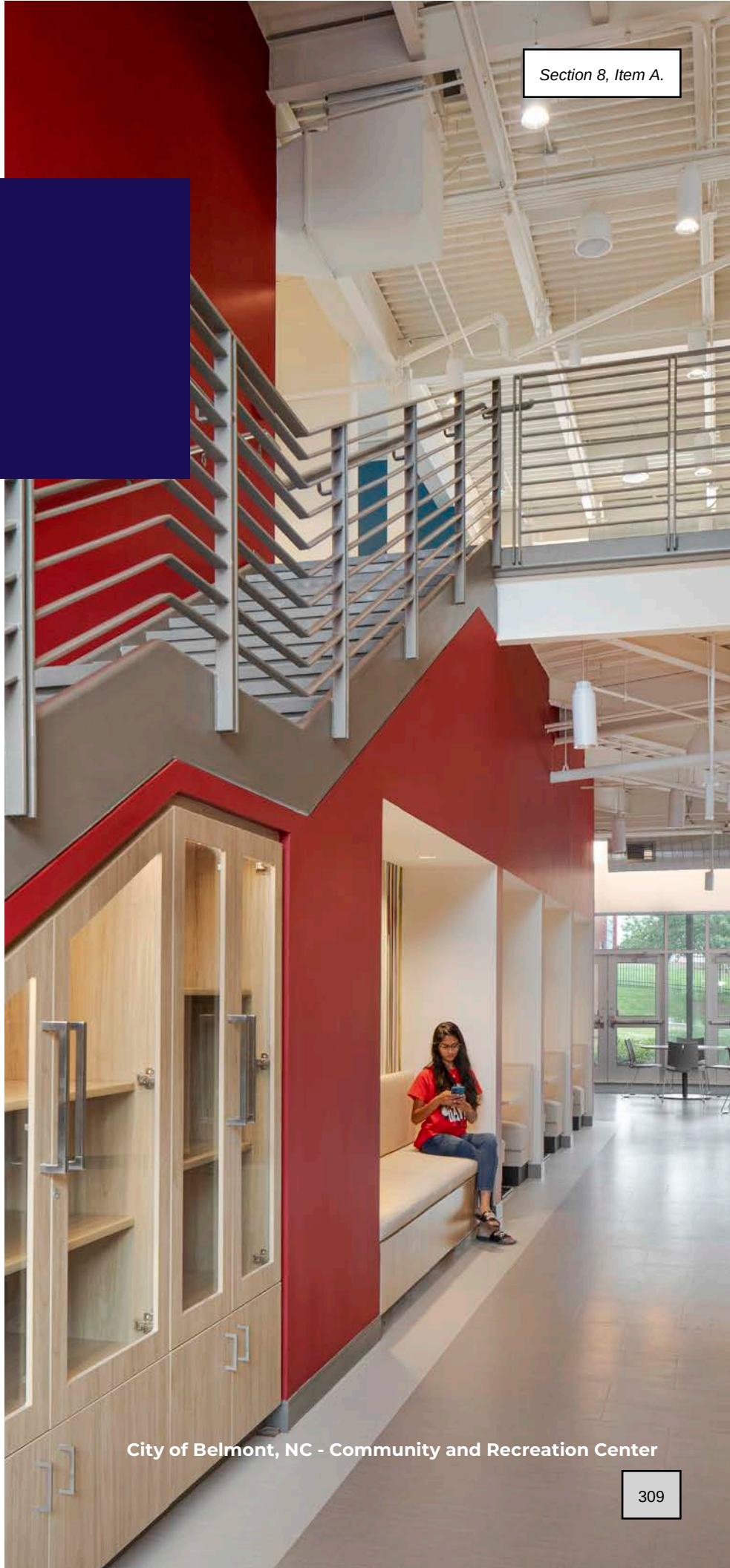
Sworn to and subscribed before me, this the 6th day of January 2025.

Alisha M Dawkins
Notary Public

My commission expires: May 20, 2025

ALISHA M DAWKINS
My Commission Expires
NOTARY PUBLIC
May 20, 2025
UNION COUNTY, NC

Your Vision, Unlocked.



City of Belmont, NC - Community and Recreation Center

Rachel F. Nilson, AIA, NCARB
Principal In Charge
518.892.7310
RNilson@CPLTeam.com

CPL
ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

Request for Qualifications # 240141014001

Architectural/Engineering/Landscape Architectural/Surveying Services For Project(s)

A. Patton Park and Pool Renovations

B. Whitmire Activity Center and Tom's Park Renovations

Date Issued: November 27, 2024

Due Date: January 15, 2025 @ 11:00 AM

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I. Project Description

The City intends to contract with one qualified firm to provide professional planning, design, surveying, engineering, permitting (building, environmental, floodplain), and construction administration services for the development of the following civic facility projects:

- Patton Park and Pool Facility
- Whitmire Activity Center and Tom's Park

The City is requesting conceptual design services to be provided as a single contract and subsequently providing an additional contract for design development through bidding, permitting, and construction administration services. The construction delivery method will be determined at the conclusion of the conceptual design phase with the guidance and input of the selected design firm and may include design-bid-build, design-build, or construction manager at-risk (CMaR). Additionally, the City has recently adopted a Parks Master Plan which is available for reference at https://www.hendersonvillenc.gov/parks. A brief description of each project is provided below.

Patton Park and Pool

The City's Patton Park and Pool facility is located at 114 E. Clairmont Drive in Hendersonville, NC. The pool facilities constitute approximately 47,000 square feet of space, including three buildings, a large pool with diving board, and a smaller kiddie pool. A picture of the area described is below.

This project is expected to initially consist of a complete inspection, assessment, and evaluation of the park and pool facilities to determine how they might be restored to normal operations following immense damage from Hurricane Helene. The selected firm will develop and refine concepts for other possible options including but not limited to improvements to the existing footprint and facility with a complete rebuilding of the main pool structure, and a mitigation project to build resiliency in the pool facility and elevate the footprint, and overall park and stream improvements as noted in the Parks Master Plan.

Whitmire Activity Center and Tom's Park

The City's Whitmire Activity Center is located at 310 Lily Pond Rd. in Hendersonville, NC. The facility sits on a park site that also consists of the City's Tom's Park. Wash Creek runs through the center of the property with a pedestrian bridge connecting the park and activity center. The site footprint is approximately 100,000 square feet, and the facility footprint is approximately 23,000 square feet. The existing facility includes a large assembly room, roll-up access door, kitchen, restrooms, smaller meeting spaces, outdoor bleachers, ticket booth, and shuffleboard courts. A picture of the area described is below.

This project is expected to initially consist of a complete inspection, assessment, and evaluation of the park and activity center to determine how they might be restored to normal operations following immense damage from Hurricane Helene., The selected firm will develop and refine concepts for other possible options including but not limited to, adding amenities (ex. playground, splashpad, etc.) to the site and reimagining the use cases for the main structure, a mitigation project to build resiliency in the facility and elevate the footprint and/or reconfigure/stabilization of the existing stream, and overall park improvements as noted in the Parks Master Plan.

The architectural, engineering, landscape architectural, and surveying services related to the contracts generally consists of the following; however, the scope may be refined after further inspection, testing, and evaluation of existing conditions:

- Inspection, assessment, and evaluation of the existing relevant facilities.
- Development of professional cost estimates.

- Deliver a conceptual design for the Patton and Whitmire projects to the City Council at the retreat in late February or early March.
- Identify and perform necessary permitting requirements.
- Identify potential funding sources and help facilitate the applications as necessary.
- Development of detailed construction plans and technical specifications including architectural, civil, mechanical, electrical, and structural designs.
- Bidding and construction phase support as allowed by applicable law.

Professional services required for these projects may include, but are not limited to, the following list of disciplines. The disciplines in bold will be the primary focus when evaluating the SOQ's.

- **Master Planning**
- Surveying
- Geotechnical Exploration
- **Landscape Architectural Design**
- **Civil Engineering**
- **Architectural Design**
- **Structural Engineering**
- **Hydraulic Engineering/Flood Studies**
- **Permitting**
- **Cost Estimating**
- **Construction Administration (using various delivery methods)**

It is expected that the selected firm will be available to assist staff with any potential public input sessions, meetings with City Council, and presentations to stakeholder groups. It is the goal of the City to present concepts to the City Council at their City Council Budget Retreat in late February or early March. Projects may be completed in phases, at the City's request.

Because state and federal funds may be used to fund any or all of the services eligible to be provided under this RFQ for the chosen firm, all responding firms are required to comply with the requirements of the 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance"), in addition to the North Carolina Mini-Brooks Act found at North Carolina General Statutes, Chapter 143,Article 3D in responding to this RFQ, including but not limited to the identification of subconsultants and subcontractors as a part of the response to this RFQ. Firms should familiarize themselves with the requirements of these applicable laws. The City reserves the right to proceed with all, part or none of the services listed above, in the City's sole and absolute discretion.

SPECIAL NOTE: Responding team's firms should be licensed to practice surveying and to practice engineering by the North Carolina Board of Examiners for Engineers and Surveyors and have at least one staff member currently licensed as a Professional Engineer and one staff member licensed as a surveyor in the State of North Carolina and licensed to practice

architecture by the North Carolina Board of Architects and have at least one staff member currently licensed as a Licensed Architect in the State of North Carolina. Firms should have demonstrated experience and ability in administering private, state and federal grants and loans, and the compliance with contracting, procurement, and construction administration and reporting requirements under both state and federal law and private grant requirements.

The specific details shown herein shall be considered minimum unless otherwise shown. The specifications, terms, and conditions included with this RFQ shall govern in any resulting contract(s) unless approved otherwise in writing by the City of Hendersonville. The bidder consents to personal jurisdiction and venue in a state court of competent jurisdiction in Henderson County, North Carolina.

The contract will be awarded to the firm deemed to best qualified as required by the North Carolina law, and to have submitted the SOQ that is the most advantageous to the City in consideration of the factors included in this RFQ, and other relevant factors as required under federal law. The City may cancel this RFQ or reject SOQs at any time prior to an award and is not required to furnish a statement of the reason why a particular firm was not determined to be best qualified, or why particular SOQ was not deemed to be the most advantageous. The award document will be one or more contracts incorporating by reference all the requirements, items, and conditions of the RFQ. **The City of Hendersonville reserves the right to reject any and all submissions and to waive immaterial irregularities in submissions. Failure to comply with the requirements of this request for SOQ may render a submission non-responsive and ineligible for consideration.**

II. Statements of Qualification

The format of the Statements of Qualifications (SOQs) shall be submitted per the responding firm's judgment. In general, SOQs shall be organized in a manner that will facilitate the evaluation of the responding firm and should specifically address each evaluation criteria. Additional information beyond what is listed for each criterion in the preceding section that is deemed relevant may also be submitted. **The SOQ shall be no more than 30 pages in total length.**

Firm Information:

- Firm name.
- Address of principal office where work will be performed.
- Phone number, website and e-mail information.
- Name and information of the individual who will be the City's primary contact and project manager.
- Firm's current hourly fee schedule.

Proposed project team:

- A summary of the firm's proposed team to be assigned and their expected roles for the subject project. The City expects qualified firms to provide a team including subject matter experts in each field, including but not limited to landscape architects, aquatics professionals, professional cost estimators, civil engineers, park design professionals, environmental and floodplain permitting professionals, and the like.
- A resume of each team member should detail relevant experience, length of service with the firm, job duties, educational and professional background.

Project Approach and Management:

- Provide a detailed description of your approach and process for completing the scope. Include a response to the preliminary scope and identify key risks, challenges and concerns anticipated and any mitigation steps to achieve successful on-time delivery.
- Describe the tools and processes your firm uses to provide preliminary time and budget estimates.

Similar Projects:

- Five projects similar to the subject projects completed or in progress within the last ten years. Similar projects shall be park projects, pool facilities., civic centers, and/or

operations facilities and offices with similar size and complexity. At least two projects should consist of a park, civic center, and/or pool facility.

- Project name and location.
- Nature and detailed description of the project including construction delivery method.
- Project start and completion dates.
- Project construction cost including all construction change orders and the firm's design fees including amendments.
- Project staff and their role. Personnel on the firm's proposed team must have been actively involved in the similar project(s).
- Owner's name, title, and current contact information (email address and phone number).

SubConsultant Qualifications

The City desires to enter into a contract with one Firm that will be responsible for all defined services. If the Firm plans on using subconsultants as part of its implementation plan, Consultant must comply with minority firm solicitation requirements as listed in 200 C.F.R. 200.321, including the latest amendments effective October 1, 2024. Consultant must also provide the company profile, name, address, telephone number and email address for all subconsultants that will be providing support, define the responsibilities and give a description of services to be provided by subconsultants, and describe the Firm's business and reporting relationship with any subconsultants. Identify certified Minority Business Enterprises (MBE) or Women Business Enterprises (WBE) firms, if any. Include references and resumes for all third-party subconsultants in the Statement of Qualifications. The City has the right to accept or reject any changes made to the proposed project team members, including the use of subconsultants

References

Provide a list of all municipalities/counties that your firm has worked for to provide the types of services described in this RFQ for the past seven (7) years. Any City/County from the submitted list may be randomly selected and contacted as part of the Firm's evaluation process. Each client listed should include the following information.

- Name of Organization and Contact
- Title of Contact
- Address (delivery and email)
- Telephone Numbers
- Services Provided

Submissions.

- When received, all SOQs and supporting materials, as well as correspondence relating to the RFQ, shall become the property of the City of Hendersonville. SOQs sent by fax nor physical mail will not be accepted.
- SOQs will not be made available to inspect or copy until the contract has been awarded, or a determination is made that a contract will not be awarded.
- In submitting a SOQ, it is understood by the firm that the City of Hendersonville reserves the right to accept any SOQ IN WHOLE OR IN PART, to reject any and all SOQs as non-responsive, and to waive any immaterial irregularities or informalities in SOQs when to do so is in the best interest of the City.
- Any SOQ may be withdrawn or modified by written request of the firm, provided such request is received by the City at the designated email address, attn: Richard Shook, prior to the date and time set for receipt of SOQs.
- If a SOQ includes any proprietary data or information, such data or information must be specifically identified as such on every page on which it is found. Data or information so identified will remain confidential to the extent allowed by North Carolina law pursuant to GS 132-1.2 and will be used by City personnel solely for the purposes of evaluating SOQs and conducting contract negotiations. The practice of labeling unqualified pages as confidential, including the bid form, may result in a SOQ being dismissed from evaluation.
- All proposing firms or individuals shall comply with all conditions, requirements, and specifications contained herein, with substantial departure constituting sufficient cause for rejection of the SOQ. However, the City reserves the right to change the conditions, requirements, and specifications in negotiations with the apparent successful consultant.
- No SOQs will be accepted from any person or organization that is in arrears for any obligation to the City.
- All prices quoted must be firm for a period of 90 (ninety) days following the SOQ deadline to allow for evaluation and a contract award period.
- The cost of preparing a response to the RFQ will not be reimbursed by the City.
- All SOQs must include all necessary brochures of proposed service, platform, and related software.
- No agreements with any selected firm shall be binding until a contract is signed and approved by City Council or the City Manager, and executed by authorized representatives of all parties.

III. Evaluation Criteria

Primary evaluation criteria and anticipated weights the City intends to utilize to select the most qualified firm are listed below. Representatives of the City will read, review, and evaluate the qualifications independently based on the evaluation criteria. If the City decides to conduct interviews, firms will be selected to interview based on their SOQ and references. The firms being interviewed will have the opportunity to detail their qualifications, approach to the projects, and their ability/expertise to furnish the services required for these projects based on prior experience. Interview presentations will be limited to personnel who are slated to be directly and in continuous contact with the City during the projects. Selection of the most qualified firm and the most advantageous SOQ by the City will be final and not subject to re-evaluation by the firms submitting SOQs. The following factors will be used in the initial evaluation process:

A. Project Team Qualifications (30 points possible):
   - Experience in providing similar services of comparable size and complexity.
   - Experience in managing and performing state or federally funded projects.
   - Appropriate experience and technical qualifications of the proposed team to provide services as described herein.
   - Organizational structure of the proposed team – defined line of communication and clearly defined roles for personnel.
B. Project Approach and Management (20 points possible):
   - Ensure that the proper approaches are used for the project.
   - Ensure the reports/deliverables are accurate, thorough, and delivered on time.
C. Similar Projects (30 points possible)
   - Experience of the firm and project team providing design services on projects similar in nature. The proposed team shall include individuals that have also worked on the similar projects provided in the SOQ.
   - Favorable responses from project references.
D. Ability to provide services in a timely and efficient manner (10 points possible).
E. Price (Firms must submit hourly rate sheets for all personnel with their SOQ (10 points possible.)

Please note that even though a firm may score well in the evaluation criteria, a firm's responsibility will also be considered in making an award. In considering responsibility, the City will take into account those factors required to be considered by 2 CFR 200.318(h): contractor integrity, public policy compliance, proper classification fo employees under the Fair Labor Standards Act, past-performance record, and financial and technical resources, all of which demonstrate the ability of the firm to perform successfully under the terms and conditions herein.

All firms submitting an SOQ must be authorized to conduct business in the State of North Carolina. If a Firm is not registered with the Secretary of State of North Carolina to do business in this State, the Firm must file a registration prior to submitting a Statement of Qualifications to the City.

The City will make a final selection based on the evaluation committee's recommendation and such other factors as the City deems relevant to whether a Statement of Qualifications is the most advantageous to the City, which factors shall be recorded.

SOQs shall be submitted in PDF format via e-mail. Submissions must be emailed to Richard Shook, Civil Engineer, at rshook@hvlnc.gov, by 11:00 AM local time on January 15, 2025. SOQs received after this deadline will not be considered. PDF files must contain the signatures of company representatives who are authorized to execute documents on behalf of the firm. Questions regarding this request should be directed to Richard Shook (email only) and will be accepted by 11:00 AM local time December 27, 2024. Answers to questions will be posted in an addendum on the City website.

Maintaining the integrity of the RFQ process is of paramount importance for the City. Please do not contact members of the City or their staff regarding this contract until the award is presented for approval, other than the City's designated contact person.

All firms submitting a response to this Request for Qualifications must take affirmative steps to solicit participation by Historically Underutilized Businesses, also referred to as Small and Minority and Women's Businesses, whenever they are potential sources. Efforts shall be documented and provided by the most qualified firm upon selection. These steps must include the following:

- Placing qualified small and minority businesses and women's business enterprises on solicitation lists.
- Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources.
- Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises.
- Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises.
- Using the services and assistance, as appropriate, of such organizations as the NC Office of Historically Underutilized Businesses, the Federal Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

Firms are placed on notice that all or a portion of the funding for the project may be from federal funds, therefore compliance with the Uniform Guidance, 2 CFR Part 200, will be required. All submitting firms will be required to acknowledge in writing that if selected, compliance with the Uniform Guidance will be required in all aspects, including the selection of subcontractors and subconsultants. Contracting with a federally debarred firm is specifically prohibited. If awarded, the contract with the chosen firm will

incorporate all terms found in Appendix II of the Uniform Guidance. Bidders should familiarize themselves with the City's Uniform Guidance Procurement Policy, available at: https://library.municode.com/nc/hendersonville/munidocs/munidocs?nodeId=456131a88735e.

The selected firm will be notified by telephone or e-mail and will be expected to enter into an agreement with the City as soon as possible after notification. In the event an agreement cannot be negotiated with the selected firm, negotiations with that firm will be terminated and initiated with the next best qualified firm.

The City reserves the right to select and enter into an Agreement with firm, in the City's opinion, is best qualified to support the project and which has submitted the SOQ that is most advantageous to the City. Firms are put on notice that the contract will be negotiated and entered in phases, as the project progresses, and selection as the best qualified firm does not guarantee that all phases of the project will be contracted. For the avoidance of doubt, the City reserves the right to go out for a request for qualifications competitive process for any phase(s) of the project. The City will compensate the firm for services provided on the most appropriate basis determined at the time of the contract negotiations for each phase of the project as determined in the sole and absolute discretion of the City, and as required by terms of the applicable federal and state funding requirements, if any.

The City accepts no responsibility for expenses incurred during the preparation or delivery of SOQs. The City reserves the right to: reject any and all statements of qualification, select the firm most qualified for the referenced work, waive technical errors and informalities, and to accept the statement of qualification, which, in its sole judgment, is presented by the best qualified firm. In the event of limited response, the City also reserves the right to extend the submittal deadline as appropriate in order to assure a competitive procurement process.

It is the policy of the City that all original documents, reports, studies and other data produced as a direct result of the services performed under the contract shall become the property of the City. Copyrighting of material produced as a result of the services performed shall be in the City's name. Where licensed material is incorporated as an integral component of the services provided the firm shall register the City as a licensed user and shall provide the City with one complete copy of the licensed material.

It is the practice of the City to provide historically underutilized businesses an equal opportunity to participate in all aspects of its contracting and procurement programs and to prohibit discrimination against persons or businesses in pursuit of these opportunities. The City is an Equal Employment Opportunity Employer.

If a firm is selected, the selected firm will be required to enter into the City's standard contract documents (modified EJCDC; modified AIA; and other standard City contracts), supplemented by the City's federal contract addendum, incorporating all required federal contracting terms.

Required Submission Documents

In addition to the SOQ, all firms must submit all of the following forms with their SOQ. Failure to do so will result in an SOQ being rendered nonresponsive and ineligible for consideration.

A. Statement of Qualifications Certification

STATEMENT OF QUALIFICATIONS CERTIFICATION

Firms Signature: _____ **Date:** _____

By Signing above, I Certify that I have carefully read and fully understand the information contained in this RFQ; and that I have the capability to successfully undertake and complete the responsibilities and obligations of the Statement of Qualifications being submitted and have the authority to sign Statement of Qualifications on behalf of my organization. **It is the Firm's responsibility to assure that all addenda have been reviewed prior to Statement of Qualifications submission.**

BY (Printed): _____

TITLE**:** _____

COMPANY: _____

ADDRESS: _____

TELEPHONE: _____

EMAIL: _____

The Firm supplies the information recorded below for use in the preparation of the contract documents, in event of contract award:

1. Please indicate type of business organization:

   ☐Sole Proprietorship

   ☐Partnership (limited or general)

   ☐Corporation

   ☐Limited Liability Co.

   ☐Other (Please specify: _____

2. If business is a Corporation, please answer the following questions:

Name and title of officers, authorized by Resolution, who will execute the contract on behalf of entity (generally President and Secretary).

_____

Firm is incorporated in what state?

_____

If firm is a foreign corporation, does firm have a certificate of authority from the North Carolina Secretary of State?

3. If business is a Partnership, please answer the following:
Name in full or all general partners and addresses:

_____

_____

Is this a limited or general partnership? __

If a limited partnership, what is the state of registration? _____

If business is a foreign limited partnership, does business have a certificate of authority from the North Carolina Secretary of State? _____

4. If business is a Sole Proprietorship, please answer the following:

Name of owner: _____

5. If business is a limited liability company, please answer the following:

List the names and titles of managers or member-managers who will execute the contract on behalf of the company? _____

What is the state of organization?_____

If business is a foreign limited liability company, does business have a certificate of authority from the North Carolina Secretary of State?_____

6. For all bidders:
If the business operates under an assumed name, what is the assumed name?

_____

_____

Has a certificate of assumed name been filed in the Henderson County Registry?
_____

If so, please provide the recording information: Deed Book _____at Page_____.

B. Certification Regarding Lobbying

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any persons 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 to 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 any agency, a Member of Congress, 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 grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transactions imposed by 31 USC §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

The Consultant, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Consultant understands and agrees that the provisions of 31 USC §1352, *et seq.*, apply to this certification and disclosure, if any.

_____

Date:_____ Signature of Consultant's Authorized Official

_____

Printed Name and Title of Consultant's Authorized Official

Subscribed and sworn to before me this _ day of _____, 20__, in the State of _____;
and the County of _____.
Notary Public _____

My Appointment Expires _____

C. Certification Regarding Debarment Suspension, Ineligibility, and Voluntary Exclusion Lower Tier Covered Transaction

(To be submitted with all bids exceeding $25,000.)

1. The prospective lower tier participant (Bidder/Consultant) certifies, by submission of this bid or Statement of Qualifications, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. The prospective Bidder/Consultant also certifies by submission of this bid or Statement of Qualifications that all SubConsultants and suppliers (this requirement flows down to all subcontracts at all levels) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

3. Where the prospective lower tier participant (Bidder/Consultant) is unable to certify any of the statements in this certification, such prospective participant shall attach an explanation to this bid or Statement of Qualifications.

The lower tier participant (Bidder/Consultant), _____, certifies or affirms the truthfulness and accuracy of this statement of its certification and disclosure, if any.

DATE

_____

SIGNATURE

_____

COMPANY

_____

NAME

_____

TITLE

_____

State of _____

County of _____

Subscribed and sworn to before me this __ day of _____, 20____.

Notary Public _____

My Appointment Expires _____

D. Affidavit of Compliance with N.C. E-Verify Statutes

STATE OF _____
COUNTY OF _____

AFFIDAVIT of COMPLIANCE with N.C. E-Verify Statutes

I, _____ (hereinafter the "Affiant"), duly authorized by and on behalf of _____ (hereinafter the "Employer") after being first duly sworn deposes and says as follows:

1. I am the _____ (President, Manager, CEO, etc.) of the Employer and possess the full authority to speak for and on behalf of the Employer identified above.

2. Employer understands that "E-Verify" means the federal E-Verify program operated by the United States Dept. of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law in accordance with N.C. Gen. Stat. §64-25 (5).

3. ____ Employer employs 5 or more employees in the State of North Carolina, and is in compliance with the provisions of N.C. Gen. Stat. §64-26. Employer has verified the work authorization of its employees through E-Verify and shall retain the records of verification in accordance with N.C. Gen. Stat. §64-26.
   OR
   ____ Employer employs fewer than 5 employees in the State of North Carolina and is therefore not subject to the provisions of N.C. Gen. Stat. §64-26.

4. All subConsultants engaged by or to be engaged by Employer have or will have likewise complied with the provisions of N.C. Gen. Stat. §64-26.

5. Employer shall keep the City of Hendersonville informed of any change in its status pursuant to Article 2 of Chapter 64 of the North Carolina General Statutes.

Further this affiant sayeth not.

This the _____day of_____, 20_____.

_____

Signature of Affiant

STATE OF _____

COUNTY OF _____

Sworn to and subscribed before me, this the _____ day of _____ 20____.

_____ *[SEAL]*

Notary Public

My commission expires: _____

E. Affidavit of Compliance with N.C. E-Verify Statutes

The hourly labor rates **shall include all applicable overhead and profit**. **All non-labor related other than direct costs will be billed to the City of Hendersonville at cost without mark-up. Please note that only hourly rates should be submitted. Overall prices – beyond hourly rates – should not be submitted.**

POSITIONS	HOURLY RATES
_____	$ _____
_____	$ _____
_____	$ _____
_____	$ _____
_____	$ _____
_____	$ _____
_____	$_____
_____	$_____
_____	$_____
_____	$_____

Firm should include all positions, with hourly rates and attach a job description and required years of experience for each position.

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Jennifer Floyd **MEETING DATE:** 02/12/2025

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

TITLE OF ITEM: Budget Amendments Mid-Year FY25 – *Jennifer Floyd, Mgmt. Analyst*

SUGGESTED MOTION(S):

I move City Council adopt the budget amendments 02122025-01, 02122025-02, 02122025-03, 02122025-04, and 02122025-05, 02122025-06, 02122025-07, 02122025-08, 02122025-09, 02122025-10 (mid-year budget amendments) as presented.

SUMMARY:
02122025-01 - 02122025-08: At the mid-point in each fiscal year, the City regularly amends its budget to re-prioritize funds as needed. This year, the City is making various operating budget changes across the General Fund, Main Street MSD Fund, 7th Avenue Fund, Water and Sewer Fund, Parking Fund, and Environmental Services Fund. There are also amendments included in the mid-year budget packet that change certain project ordinances.
02122025-09: An amendment moving insurance proceeds revenues from Fund 410 and Fund 460 (capital project funds) to Fund 301 and Fund 306 (grant project funds) for vehicles damages by Helene.
02122025-10: An amendment transferring $130,975 from the Grey Mill Project (18007) to the Ashe St. CDBG 2020 Project (#G2201). The amendment also transfers $13,400 from the General Fund to the Affordable Housing Project (#G2404).

BUDGET IMPACT:
Fund 010: $434,336 increase
Fund 020: $16,085 increase
Fund 021: $890 increase
Fund 060: $267,180 increase
Fund 064: $8,830 increase
Fund 068: $128,635 increase

Is this expenditure approved in the current fiscal year budget? No.

If no, describe how it will be funded.

Various amendments to revenues at mid-year based on forecasts and the strategic use of fund balance.

ATTACHMENTS:
1. Mid-Year Budget Report Memo
2. Budget Amendments: 02122025-01, 02122025-02, 02122025-03, 02122025-04, and 02122025-05, 02122025-06, 02122025-07, 02122025-08, 02122025-09, 02122025-10

CITY COUNCIL MEMORANDUM

TO	Mayor Volk and City Council
FROM	Jenny Floyd, Management Analyst II Adam Murr, Budget & Evaluation Director
SUBJECT	FY25 Mid-Year Report
DATE	January 31, 2025
COPIED	John Connet, City Manager Brian Pahle, Assistant City Manager

This memo communicates the City of Hendersonville's fiscal year 2024-2025 (FY25) budget and mid-year revenue and expenditure analysis. The memo summarizes high-level observations and recommends both adjustments and amendments in need of Council's review and approval.

The report is divided into a governmental fund and enterprise fund section and reports on the City's seven (7) major operating funds: General Fund (010), Main Street MSD (020), 7th Avenue MSD (021), Water & Sewer (060), Parking (064), Stormwater (067), and Environmental Services (068).

Governmental Funds

The three governmental funds covered in this report include the General Fund, Main St. MSD Fund, and 7th Avenue MSD Fund. As of January 27, 2025, the General Fund revised budget totals $29,088,929 including a budgeted fund balance appropriation of $2,724,552. The Main Street MSD Fund revised budget totals $824,549 including a budgeted fund balance appropriation of $182,719. The 7th Avenue MSD Fund revised budget totals $169,343 including a budgeted fund balance appropriation of $47,843.

Major highlights of these funds' mid-year performance and recommended adjustments are presented in the following sections.

Ad Valorem Tax (Revenues). For tax year 2024 (FY25), the City continued an interlocal agreement with Henderson County to consolidate tax collection under the County. The County provides this service for a fee of 0.50% of the total collections. At mid-year, General Fund ad valorem taxes total approximately $8,015,289 (51.71%) of the total budgeted $15,500,000 levy. Comparably, this time in the prior year, collections totaled 52.57%. We anticipate $15,582,810 (+$82,810) total collections for the year based on forecasting and property tax distribution expectations. The Main Street MSD fund property tax actuals total $100,989 (33.55% of the revised budget), to date. We anticipate $314,680 total collections for the year. 7th Avenue MSD fund property tax actuals total $16,014 (32.68% of the revised budget), to date.

The City also receives ad valorem taxes on motor vehicles (DMV). Based on Henderson County's TR1 report (January 21, 2025), the City will receive $1,029,405.69 from this source, exceeding the $935,000 adopted budget by $94,405. An increase in this revenue source is recommended in the mid-year amendments.

Prior year collections exceeded initial estimates in the General Fund by $78,025. Our mid-year amendments include adjustments considering the increased collection amount.

Unrestricted Intergovernmental Taxes (Revenues). The City adopted an FY25 ad valorem sales tax revenue budget of $6,396,500, an increase of 1.69% over the prior year. On average, our sales tax collections are exceeding budget by 9.33%; however, Staff recommends keeping sales tax revenues at the current level due to economic uncertainties driven by (1) Hurricane Helene, (2) changes in Federal Government Administration, and (3) uncertain fiscal and economic policy landscapes. To date, the City has received a total of $2,196,385 for four (4) of twelve (12) total collection months, an increase of $157,409 or, 7.72% over the same collection periods from the prior year. Based on assessed values, the General Fund receives 94.00% of total sales tax revenues, Main Street MSD Fund receives 5.00%, and 7th Avenue MSD Fund receives 1.00%. By the end of FY25, we anticipate collections will be in-line with budget: $6,017,500 in the General Fund, $316,000 in the Main Street MSD Fund, and $63,000 in the 7th Avenue MSD Fund.

Debt Proceeds (Revenues). In FY25, the City adopted a project ordinance for major vehicle and equipment acquisitions. Due to the adopted project ordinance, the FY25 General Fund, Main Street MSD Fund, and 7th Avenue MSD Fund budgets do not include debt proceed revenues. Additionally, there are no planned debt issuances for major governmental construction projects or acquisitions.

Other (Revenues). Powell Bill distributions are a large, restricted source of revenue in the General Fund. According to North Carolina General Statute (NCGS) 136-41.3(a), funds must be used primarily for street resurfacing within corporate limits, with some allowance to maintain bridges, drains, curbs, and other necessary public transportation amenities. At mid-year FY25, the City collected $573,796, exceeding our adopted budget of $560,000 by $13,796. FY25 Powell Bill revenues have been leveraged in the 7th Avenue Streetscape project.

Additional revenue amendments include a $11,500 increase to Edwards Park golf and concession revenues, a $3,150 increase to fire permits & fee revenues, a $7,000 increase to coming permit revenues, a $16,000 increase to market adjustment revenues, a $39,700 increase to miscellaneous revenues, and a $1,551,750 increase to insurance proceeds.

Summary (Revenues). Collectively, the recommended amendments result in a net increase of $434,336 in the General Fund. Our mid-year amendment does include a decrease of $2,056,046 to fund balance appropriations in the General Fund. The Main Street MSD Fund amendment increases revenues $16,085, including a $10,790 increase to ad valorem taxes, a $1,280 increase to interest income, and a $2,370 increase to miscellaneous income. Increased Main Street MSD revenues are being used to balance salaries and benefits. The 7th Ave Fund amendment increases revenues $890, including a $730 increase to interest income and $160 increase to market adjustment.

Salaries & Benefits (Expenditures). Included in the mid-year budget amendment recommendations are net increases for salaries and benefits throughout the General Fund, which total $344,645. This increase is due to a one-time $1,000 bonus for employees employed during Helene and the implementation of non-competitive promotion opportunities in the Public Works and Water & Sewer Departments.

Other Equipment, Supplies, & Services (Expenditures). There are minimal changes being made to operating accounts this fiscal year. The Budget Office has identified flexibility in operating accounts to offset the necessary increases to salary and benefit accounts.

Contingencies (Expenditures). The General Fund's adopted budget included a modest contingency of $38,000. Contingency was increased by $85,000 in August 2024 attributable to the sale of a street sweeper. The available contingency budget is currently $94,664. There are no recommended changes to the contingency account at mid-year. Staff continue to leverage contingency for unforeseen challenges and opportunities as identified throughout the year.

Transfers (Other). The adopted General Fund transfer out budget was $915,365, supporting the 7th Avenue Streetscape Project ($560,000), Parking Fund ($194,340), and the Environmental Services Fund ($87,025). Since adoption, the General Fund's transfer out budget has increased to $1,353,030, which supports the Fire Station 1 and Edward's Park projects ($100,000), Pisgah Legal Services ARP Appropriation ($320,000), City Hall 3rd Floor Project ($12,880), Strategic Housing Plan ($2,600), Pothole Patcher Acquisition ($2,000), and Safer School Project closeout ($185). The General Fund amendment increases transfers out by $335,746, supporting non-reimbursable Helene expenditures ($189,591), the creation of an Oakdale Cemetary Capital Project ($29,000), the creation of a Main St. & 7 Ave Camera Capital Project ($75,000), and a transfer out to the Environmental Services Fund ($42,155).

The recommended change in total budget for governmental funds is provided below.

Fund	Net Change ($)	FY25 Revised Appropriation
General Fund (010)	Increase $434,336	$29,523,265
Main Street MSD Fund (020)	Increase $16,085	$840,634
7th Avenue MSD (021)	Increase $890	$170,233

The amendment detailing these changes is included with the agenda item.

Enterprise Funds

The four (4) enterprise funds covered in this report include the Water and Sewer Fund, Parking Fund, Stormwater Fund, and Environmental Services Fund. The Water and Sewer Fund revised budget as of 01/07/2025 totals $28,404,997, including a budgeted fund balance appropriation of $2,032,437. The Parking Fund revised budget totals $1,289,826, including a $201,251 fund balance appropriation. The Stormwater Fund revised budget totals $1,454,050 with no fund balance appropriation. The Environmental Services Fund revised budget totals $1,894,100 including budgeted transfer in from the General Fund of $90,100 in lieu of a fund balance appropriation. Major highlights of these funds' mid-year performance and recommended adjustments are presented in the following sections.

User Charges (Revenues). User charges for the sale of utility services are the largest income source for the enterprise funds. Operating under a business-like structure, the City charges customers directly based on the amount of a service or resource consumed. The City has consulted with experts to identify recommended rates. Adherence to recommendations for the current fiscal year and forward is an important consideration as we continually prioritize capital projects, analyze the health and longevity of our utility systems, and meet financial covenants set through our revenue bond (parity bond) and other borrowings.

As of January 27, 2025, the City has collected $7,439,701 in water sales revenue, 43.63% of the budgeted $17,050,000. This collection amount reflects approximately 21 cycles of revenue collection out of 48 total cycles. 27 major collection cycles remain this fiscal year. This collection percentage is on-pace with historical trends. At the same point last fiscal year, the City collected 44.52% of budgeted water sales revenue. By end of year, we estimate water sales revenue totaling $17,396,346. The City has collected sewer charges totaling $3,433,394, 44.58 % of budgeted revenues.

The City has collected $83,645 in monthly parking revenues (41.82% of $200,000 budget), $278,303.25 in parking meter revenues (39.19% of $710,000 budget), $86,715 in parking garage revenues (55.94% of $155,000 budget), and $30,072 in parking citations (150.36% of $20,000 budget.

The Stormwater Fund collects fees based on "equivalent residential units" of impervious surface area on properties. The City's Stormwater Fund has collected $617,225 in stormwater fees, 42.56% of the budgeted $1,450,000.

The Environmental Services Fund (ESF) collects revenues from both commercial and residential waste pickup services. The ESF has collected $104,205 in commercial waste fees (40.08% of $260,000 budget), and $653,970 in residential waste fees (42.47% of budget). The Budget Office continues to closely monitor the ESF's revenue performance.

There are no recommended changes in user charges revenues in the Water and Sewer Fund, the Stormwater Fund, or the Environmental Services Fund.

Tap Fees (Revenues). In addition to user charges, the Water and Sewer Fund tracks revenues collected from the connection of customers to our infrastructure. The tap fee revenue source is a good indicator of the local economy, providing insight to the rate of development in the City and Henderson County. Thus far, in FY25, we have collected $255,050 (69.44%) of our $367,300 budgeted water and sewer tap revenues. Based on current collections, staff recommend no change to budgeted revenues for water and sewer tap fees.

Other (Revenues). Various other minor revenue sources are accounted for in the enterprise funds. Some other sources of revenue include disconnect/reconnect fees, customer participation charges, investment earnings, sale of assets, and miscellaneous income. At mid-year, staff recommends Council approve the following adjustments to other revenues: $3,460 increase to rental income, a $5,120 increase to water sales-miscellaneous, a $4,600 increase to lease revenues, $49,000 increase to sewer surcharges, a $106,000 increase to interest income, a $474,000 increase to insurance proceeds, a $8,700 increase to parking violations, and a $85,000 increase to sale of capital assets in the Environmental Services fund.

Salary & Benefits (Expenditures). Included in the mid-year amendments are recommendations to increase salaries and benefits across Enterprise Funds, which total $437,156. This increase is due to a one-time $1,000 bonus for employees employed during Helene and the implementation of non-competitive promotion opportunities in the Water & Sewer department.

Other Equipment, Supplies, & Services (Expenditures). Other operating expenditure adjustments include increases for contracted services, credit card processing fees, and repair and maintenance accounts.

Contingencies, Transfers, and Others (Expenditures). Contingencies in the Water and Sewer Fund have decreased from $100,000 to $69,173 at mid-year. There are no recommended adjustments to contingencies with our mid-year amendments. The funds will be used for unforeseen opportunities and to supplant operating needs as we approach the end of FY25. There are no contingency changes recommended for the Stormwater Fund or Environmental Services Fund. The Environmental Services amendments include a $42,155 transfer in from the General Fund to cover personnel and benefits increases.

The recommended change in total budget for enterprise funds is provided below.

Fund	$ Change (Net)	FY25 Revised Appropriation
Water & Sewer Fund (060)	Increase $267,180	$28,672,177
Parking Fund (064)	Increase $8,830	$1,298,656
Stormwater Fund (067)	No Change	No Change
Environmental Services Fund (068)	Increase $128,635	$2,022,735

The amendment detailing these changes is included with the agenda item.

TO MAYOR & COUNCIL
APPROVAL: February 12, 2025

FISCAL YEAR 2025
FORM: 02122025-01

BUDGET AMENDMENT

FUND 010

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-400101	Ad Valorem Taxes	15,500,000	82,810	-	15,582,810
010-0000-400102	Prior Years Ad Valorem Taxes	50,000	78,025	-	128,025
010-0000-400110	Ad Valorem DMV Taxes	935,000	94,400	-	1,029,400
010-0000-400103	Prior Year Ad Valorem Taxes - Collected by COH	-	14,335	-	14,335
010-0000-400150	Tax - Interest	2,500	6,000	-	8,500
010-0000-410001	Local Sales & Use Tax	6,017,500	100,000	-	6,117,500
010-0000-420010	Powell Bill Allocation	560,000	13,797	-	573,797
010-0000-430006	Boyd Park Golf Revenues	17,500	10,500	-	28,000
010-0000-430007	Boyd Park Concessions	1,000	1,200	-	2,200
010-0000-440005	Fire Permits & Fees	8,000	3,150	-	11,150
010-0000-440008	Zoning Permits	10,000	7,035	-	17,035
010-0000-440012	Street Sidewlk Encroachment	250	600	-	850
010-0000-450002	Powell Bill Interest	-	2,750	-	2,750
010-0000-450099	Market Adjustment	-	16,000	-	16,000
010-0000-460001	Miscellaneous Income	5,000	39,700	-	44,700
010-0000-460002	Miscellaneous Income - Police	1,000	3,150	-	4,150
010-0000-460021	Zoning Violations	-	1,350	-	1,350
010-0000-460091	Police Contribution/Donation	-	19,750	-	19,750
010-0000-460092	Fire Contribution/Donation	-	50	-	50
010-0000-460120	Refunds/Rebates	26,175	780	-	26,955
010-0000-470030	Insurance Proceeds	-	1,551,750	-	1,551,750
010-0000-470050	Sale Of Capital Assets	135,000	443,250	-	578,250
010-0000-470900	Fund Balance Appropriated	2,725,552	-	2,056,046	669,506
010-0000-598901	Transfer Out	1,348,430	335,746	-	1,684,176
010-1001-501002	Salaries - Board/ Part Time/Temp/Aux	21,100	825	-	21,925
010-1002-502055	Retiree Insurance	12,300	-	4,000	8,300
010-1002-501030	Salaries - Incentive Payments	-	4,000	-	4,000
010-1002-519200	Contract Services	67,040	-	1,118	65,922
010-1002-521010	Office Supplies	5,000	750	-	5,750
010-1002-531205	Advertising	10,000	-	2,400	7,600
010-1002-532260	Service Excellence	-	300	-	300
010-1002-551000	Capital Outlay - Land,Easements,Row	125,000	-	125,000	-
010-1005-501001	Salaries - Regular	132,638	17,150	-	149,788
010-1005-501030	Salaries - Incentive Payments	-	940	-	940
010-1005-502005	Group Med & Life Ins	8,311	3,300	-	11,611
010-1005-502050	Retirement Expense	18,039	2,400	-	20,439
010-1005-519102	Prof Services-Legal	3,500	5,200	-	8,700
010-1007-501030	Salaries - Incentive Payments	-	2,350	-	2,350
010-1008-501030	Salaries - Incentive Payments	-	3,555	-	3,555
010-1008-502091	Worker's Comp Ins	207	1,800	-	2,007
010-1008-519104	Prof Services-Engring	-	55	-	55
010-1008-531205	Advertising	-	250	-	250
010-1010-501001	Salaries - Regular	42,443	4,900	-	47,343
010-1010-501010	Salaries - Overtime	-	15	-	15

010-1010-501030	Salaries - Incentive Payments	-	470	-	470
010-1010-502001	Fica Tax Expense	3,247	450	-	3,697
010-1010-519200	Contract Services	453,531	13,000	-	466,531
010-1010-523003	Utilities - Telephone & Internet	61,000	42,000	-	103,000
010-1010-534000	Non-Capital Equipment	94,601	-	43,000	51,601
010-1014-501001	Salaries - Regular	310,268	12,000	-	322,268
010-1014-501030	Salaries - Incentive Payments	-	3,650	-	3,650
010-1014-502001	Fica Tax Expense	23,736	1,060	-	24,796
010-1014-502005	Group Med & Life Ins	41,509	2,500	-	44,009
010-1014-502050	Retirement Expense	42,196	1,880	-	44,076
010-1014-521100	Uniforms	-	560	-	560
010-1200-501001	Salaries - Regular	453,429	40,479	-	493,908
010-1200-501010	Salaries - Overtime	1,000	2,700	-	3,700
010-1200-501030	Salaries - Incentive Payments	-	6,100	-	6,100
010-1200-502001	Fica Tax Expense	34,687	3,516	-	38,203
010-1200-502005	Group Med & Life Ins	64,944	2,417	-	67,361
010-1200-502050	Retirement Expense	61,666	6,454	-	68,120
010-1200-502055	Retiree Insurance	-	9,500	-	9,500
010-1200-502091	Worker's Comp Ins	3,345	267	-	3,612
010-1300-501001	Salaries - Regular	3,923,549	-	25,350	3,898,199
010-1300-501030	Salaries - Incentive Payments	-	59,000	-	59,000
010-1400-501030	Salaries - Incentive Payments	-	48,000	-	48,000
010-1400-519103	Prof Services-Medical	49,500	-	5,000	44,500
010-1400-531100	Fuel	96,000	-	5,000	91,000
010-1502-501030	Salaries - Incentive Payments	-	4,050	-	4,050
010-1502-519104	Prof Services-Engring	10,000	-	160	9,840
010-1502-534000	Non-Capital Equipment	38,805	-	10,000	28,805
010-1521-501001	Salaries - Regular	218,950	13,000	-	231,950
010-1521-501030	Salaries - Incentive Payments	-	2,800	-	2,800
010-1521-502001	Fica Tax Expense	16,750	2,700	-	19,450
010-1521-502005	Group Med & Life Ins	38,823	-	7,300	31,523
010-1521-502050	Retirement Expense	29,777	3,150	-	32,927
010-1521-502091	Worker's Comp Ins	2,257	320	-	2,577
010-1521-519200	Contract Services	33,380	-	10,000	23,380
010-1521-521001	Supplies & Materials	35,000	-	5,000	30,000
010-1521-524030	R & M - Trucks	50,000	-	10,000	40,000
010-1523-501001	Salaries - Regular	97,532	11,100	-	108,632
010-1523-501030	Salaries - Incentive Payments	-	1,900	-	1,900
010-1523-502001	Fica Tax Expense	7,461	3,070	-	10,531
010-1523-502050	Retirement Expense	13,264	2,000	-	15,264
010-1523-521001	Supplies & Materials	21,000	-	5,000	16,000
010-1523-521100	Uniforms	-	1,025	-	1,025
010-1523-524020	R & M - Equipment	18,000	-	10,000	8,000
010-1523-524030	R & M - Trucks	12,000	-	5,000	7,000
010-1523-531600	Lease/Rental - Equipment	5,000	-	3,000	2,000
010-1525-501001	Salaries - Regular	441,514	50,000	-	491,514
010-1525-501030	Salaries - Incentive Payments	-	9,100	-	9,100
010-1525-502001	Fica Tax Expense	34,776	5,000	-	39,776
010-1525-524030	R & M - Trucks	18,000	-	3,000	15,000

010-1525-532272	Tree Board	27,750	-	3,000	24,750
010-1525-553000	Capital Outlay - Land Improvements	40,000	-	29,000	11,000
010-1555-501001	Salaries - Regular	518,625	-	10,000	508,625
010-1555-501030	Salaries - Incentive Payments	-	8,750	-	8,750
010-1555-502005	Group Med & Life Ins	101,941	-	10,000	91,941
010-1555-521001	Supplies & Materials	40,000	-	5,000	35,000
010-1555-524030	R & M - Trucks	40,000	-	5,000	35,000
010-1555-531100	Fuel	30,000	-	5,000	25,000
010-1555-531225	Training/Training	17,000	-	4,500	12,500
010-1560-501001	Salaries - Regular	175,760	25,000	-	200,760
010-1560-501030	Salaries - Incentive Payments	-	3,200	-	3,200
010-1560-502001	Fica Tax Expense	13,446	3,500	-	16,946
010-1560-502005	Group Med & Life Ins	45,168	280	-	45,448
010-1560-502050	Retirement Expense	23,903	6,800	-	30,703
010-1560-502056	COH Match Retirement Expense	1,837	1,580	-	3,417
010-1560-521001	Supplies & Materials	50,000	-	5,000	45,000
010-1560-521040	Construction & Repair Supplies	12,500	-	5,000	7,500
010-1560-524020	R & M - Equipment	15,000	-	5,000	10,000
010-7855-501001	Salaries - Regular	26,093	1,780	-	27,873
010-7855-501030	Salaries - Incentive Payments	-	520	-	520
FUND 010	TOTAL REVENUES	25,994,477	2,490,382	2,056,046	26,428,813
General Fund	TOTAL EXPENDITURES	9,833,530	800,164	365,828	10,267,866

A budget amendment in the General Fund to increase revenues and expenditure accounts where appropriate as the City approaches mid-year. Increased funds will be used for priortiy items within the General Fund Fund including salaries, benefits, and health & welfare expenditures. The amendment includes transfers out to Fund 068 to cover salary & benefit increases ($42,155), Fund 301 to cover Helene related expenditures ($189,591), and Fund 410 for Oakdale Cemetery Improvements ($29,000) and a Downtown Camera System ($75,000)

The City Manager and City Clerk certify budget ordinance amendment 02122025-01 was approved by City Council on February 12, 2025.

City Manager

Date

City Clerk

Date

TO MAYOR & COUNCIL
APPROVAL: February 12, 2025

FISCAL YEAR 2025
FORM: 02122025-02

BUDGET AMENDMENT

FUND 060

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-0000-420051	Local/Private Grant Revenue	-	25,000	-	25,000
060-0000-430003	Rental Income-Non Taxable	4,300	3,460	-	7,760
060-0000-430502	Water Sales - Miscellaneous	2,000	5,120	-	7,120
060-0000-431001	Lease Revenue	10,400	4,600	-	15,000
060-0000-445202	Sewer Surcharges	90,000	49,000	-	139,000
060-0000-450001	Interest Income	72,000	106,000	-	178,000
060-0000-470030	Insurance Proceeds	2,060	74,000	-	76,060
060-1001-501002	Salaries - Board/ Part Time/Temp/Aux	20,035	2,900	-	22,935
060-1001-502005	Group Med & Life Ins	15,040	100	-	15,140
060-1002-501001	Salaries - Regular	465,223	11,400	-	476,623
060-1002-501030	Salaries - Incentive Payments	-	4,300	-	4,300
060-1002-519200	Contract Services	30,056	-	4,800	25,256
060-1005-501001	Salaries - Regular	124,172	16,500	-	140,672
060-1005-501030	Salaries - Incentive Payments	-	1,000	-	1,000
060-1005-502005	Group Med & Life Ins	7,780	3,000	-	10,780
060-1005-502050	Retirement Expense	16,887	2,500	-	19,387
060-1005-502056	COH Match Retirement Expense	2,180	580	-	2,760
060-1007-501001	Salaries - Regular	187,831	-	1,000	186,831
060-1007-502005	Group Med & Life Ins	21,083	-	1,500	19,583
060-1007-501030	Salaries - Incentive Payments	-	2,200	-	2,200
060-1008-501001	Salaries - Regular	921,267	-	20,000	901,267
060-1008-502005	Group Med & Life Ins	209,466	-	10,000	199,466
060-1008-501030	Salaries - Incentive Payments	-	14,190	-	14,190
060-1010-501030	Salaries - Incentive Payments	-	2,500	-	2,500
060-1010-502001	Fica Tax Expense	15,113	1,500	-	16,613
060-1010-502005	Group Med & Life Ins	21,221	1,300	-	22,521
060-1010-502050	Retirement Expense	26,868	1,600	-	28,468
060-1010-502056	COH Match Retirement Expense	2,462	700	-	3,162
060-1010-519104	Prof Services-Engring	5,000	-	5,000	-
060-1010-531225	Training/Training	8,000	-	4,000	4,000
060-1014-501001	Salaries - Regular	705,277	32,500	-	737,777
060-1014-501030	Salaries - Incentive Payments	-	8,900	-	8,900
060-1014-502001	Fica Tax Expense	53,954	2,300	-	56,254
060-1014-502005	Group Med & Life Ins	108,725	5,400	-	114,125
060-1014-502056	COH Match Retirement Expense	7,243	650	-	7,893
060-1502-501030	Salaries - Incentive Payments	-	350	-	350
060-1521-501001	Salaries - Regular	132,934	8,000	-	140,934
060-1521-501030	Salaries - Incentive Payments	-	1,700	-	1,700
060-1523-501001	Salaries - Regular	97,532	9,000	-	106,532
060-1523-501010	Salaries - Overtime	-	3,200	-	3,200
060-1523-501030	Salaries - Incentive Payments	-	1,900	-	1,900
060-1523-502001	Fica Tax Expense	7,461	1,300	-	8,761
060-1523-502050	Retirement Expense	13,264	2,000	-	15,264
060-1523-502056	COH Match Retirement Expense	1,527	350	-	1,877

060-1523-519200	Contract Services	-	2,000	-	2,000
060-7002-501001	Salaries - Regular	559,436	30,000	-	589,436
060-7002-501030	Salaries - Incentive Payments	-	7,000	-	7,000
060-7002-502001	Fica Tax Expense	42,797	2,000	-	44,797
060-7002-502005	Group Med & Life Ins	76,746	3,500	-	80,246
060-7002-502050	Retirement Expense	76,083	4,300	-	80,383
060-7002-502056	COH Match Retirement Expense	9,214	500	-	9,714
060-7032-501001	Salaries - Regular	438,327	-	6,800	431,527
060-7032-501030	Salaries - Incentive Payments	-	6,800	-	6,800
060-7035-501001	Salaries - Regular	808,596	-	1,000	807,596
060-7035-501011	Salaries - Holiday Pay	28,946	-	7,000	21,946
060-7035-502005	Group Med & Life Ins	156,603	-	5,000	151,603
060-7035-501030	Salaries - Incentive Payments	-	13,000	-	13,000
060-7050-501001	Salaries - Regular	449,420	15,300	-	464,720
060-7050-501030	Salaries - Incentive Payments	-	7,200	-	7,200
060-7050-502001	Fica Tax Expense	34,381	3,000	-	37,381
060-7055-501001	Salaries - Regular	1,464,765	43,000	-	1,507,765
060-7055-501030	Salaries - Incentive Payments	-	28,000	-	28,000
060-7132-501001	Salaries - Regular	264,869	-	3,300	261,569
060-7132-501030	Salaries - Incentive Payments	-	3,300	-	3,300
060-7132-555003	Capital Outlay - Plants, Pump Stations	107,000	-	10,000	97,000
060-7135-501030	Salaries - Incentive Payments	-	9,000	-	9,000
060-7135-502005	Group Med & Life Ins	108,723	-	9,000	99,723
060-7135-524020	R & M - Equipment	205,000	-	15,000	190,000
060-7150-501001	Salaries - Regular	235,395	9,000	-	244,395
060-7150-501030	Salaries - Incentive Payments	-	3,800	-	3,800
060-7155-501001	Salaries - Regular	720,064	22,500	-	742,564
060-7155-501030	Salaries - Incentive Payments	-	13,560	-	13,560

FUND 060	TOTAL REVENUES	180,760	267,180	-	447,940
Water & Sewer	TOTAL EXPENDITURES	9,013,965	370,580	103,400	9,281,145

A budget amendment in the Water & Sewer Fund to increase revenues and expenditure accounts where appropriate as the City approaches mid-year. Increased funds will be used for priortiy items within the Water & Sewer Fund including salaries, benefits. The amendment includes $267,180 increase in revenues.

The City Manager and City Clerk certify budget ordinance amendment 02122025-02 was approved by City Council on February 12, 2025.

City Manager

Date

City Clerk

Date

TO MAYOR & COUNCIL
APPROVAL: February 12, 2025

FISCAL YEAR 2025
FORM: 02122025-03

BUDGET AMENDMENT

FUND 020

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
020-0000-400101	Ad Valorem Property Taxes	301,000	10,790	-	311,790
020-0000-400102	Prior Years Ad Valorem Taxes	1,000	975	-	1,975
020-0000-450001	Interest Income	100	1,280	-	1,380
020-0000-450099	Market Adjustment	-	290	-	290
020-0000-460001	Miscellaneous Income	-	2,370	-	2,370
020-0000-460120	Refunds/Rebates	430	380	-	810
020-1002-501001	Salaries - Regular	7,823	60	-	7,883
020-1002-501030	Salaries - Incentive Payments	-	70	-	70
020-1002-519200	Contract Services	9,068	-	9,000	68
020-1005-501001	Salaries - Regular	2,822	250		3,072
020-1005-501030	Salaries - Incentive Payments	-	20	-	20
020-1005-502005	Group Med & Life Ins	177	60	-	237
020-1005-502050	Retirement Expense	384	35	-	419
020-1005-502056	COH Match Retirement Expense	47	15	-	62
020-1007-523004	Cellphone Stipend	-	5	-	5
020-1008-501030	Salaries - Incentive Payments	-	40	-	40
020-1008-502005	Group Med & Life Ins	478	100	-	578
020-1010-501030	Salaries - Incentive Payments	-	10	-	10
020-1010-523004	Cellphone Stipend	-	10	-	10
020-1502-501001	Salaries - Regular	11,192	320	-	11,512
020-1502-501030	Salaries - Incentive Payments	-	140	-	140
020-1502-502001	Fica Tax Expense	856	30	-	886
020-1502-502005	Group Med & Life Ins	1,682	20	-	1,702
020-1502-502050	Retirement Expense	1,522	50	-	1,572
020-1502-502056	COH Match Retirement Expense	57	20	-	77
020-1523-501001	Salaries - Regular	8,213	750	-	8,963
020-1523-501010	Salaries - Overtime	80	470	-	550
020-1523-501030	Salaries - Incentive Payments	-	160	-	160
020-1523-502001	Fica Tax Expense	628	110	-	738
020-1523-502005	Group Med & Life Ins	1,392	110	-	1,502
020-1523-502050	Retirement Expense	1,117	170	-	1,287
020-1523-502056	COH Match Retirement Expense	103	60	-	163
020-1560-501001	Salaries - Regular	8,788	1,250	-	10,038
020-1560-501010	Salaries - Overtime	250	250	-	500
020-1560-501030	Salaries - Incentive Payments	-	160	-	160
020-1560-502001	Fica Tax Expense	672	180	-	852
020-1560-502050	Retirement Expense	1,195	340	-	1,535
020-1560-502056	COH Match Retirement Expense	54	120	-	174

020-2102-501001	Salaries - Regular	140,502	8,600	-	149,102
020-2102-501010	Salaries - Overtime	1,000	1,400	-	2,400
020-2102-501030	Salaries - Incentive Payments	-	2,200	-	2,200
020-2102-502001	Fica Tax Expense	10,748	1,000	-	11,748
020-2102-502005	Group Med & Life Ins	19,166	2,700	-	21,866
020-2102-502050	Retirement Expense	19,108	1,300	-	20,408
020-2102-502056	COH Match Retirement Expense	1,785	550	-	2,335
020-2102-519101	Prof Services-Audit	1,000	-	1,000	-
020-7855-501001	Salaries - Regular	32,616	2,300		34,916
020-7855-501030	Salaries - Incentive Payments	-	650	-	650
FUND 020	TOTAL REVENUES	302,530	16,085	-	318,615
Main St MSD Fund	TOTAL EXPENDITURES	284,527	26,085	10,000	300,612

A budget amendment in the Main St. Fund to increase revenues and expenditure accounts where appropriate as the City approaches mid-year. Increased funds will be used for priortiy items within the Main St. Fund including salaries & benefits. The amendment includes a $16,085 increase in revenues.

The City Manager and City Clerk certify budget ordinance amendment 02122025-03 was approved by City Council on February 12, 2025.

City Manager

Date

City Clerk

Date

TO MAYOR & COUNCIL
APPROVAL: February 12, 2025

FISCAL YEAR 2025
FORM: 02122025-04

BUDGET AMENDMENT

FUND 021

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
021-0000-400101	Ad Valorem Taxes	49,000	1,300	-	50,300
021-0000-450001	Interest Income	100	730	-	830
021-0000-450099	Market Adjustment	-	160	-	160
021-0000-470900	Fund Balance Appropriated	47,843	-	1,300	46,543
021-1502-501001	Salaries - Regular	845	20	-	865
021-1523-501001	Salaries - Regular	2,053	200	-	2,253
021-1523-501030	Salaries - Incentive Payments	-	40	-	40
021-1523-502001	Fica Tax Expense	157	30	-	187
021-1523-502050	Retirement Expense	279	40	-	319
021-1523-502056	COH Match Retirement Expense	25	15	-	40
021-1560-501001	Salaries - Regular	2,197	310	-	2,507
021-1560-501010	Salaries - Overtime	-	60	-	60
021-1560-501030	Salaries - Incentive Payments	-	40	-	40
021-1560-502001	Fica Tax Expense	168	45	-	213
021-1560-502050	Retirement Expense	299	85	-	384
021-1560-502056	COH Match Retirement Expense	13	30	-	43
021-2202-501001	Salaries - Regular	45,633	3,600	-	49,233
021-2202-501010	Salaries - Overtime	400	400	-	800
021-2202-501025	Salaries - Uniform/Taxab	10	75	-	85
021-2202-501030	Salaries - Incentive Payments	-	710	-	710
021-2202-502001	Fica Tax Expense	3,491	400	-	3,891
021-2202-502005	Group Med & Life Ins	6,214	1,075	-	7,289
021-2202-502050	Retirement Expense	6,206	560	-	6,766
021-2202-502056	COH Match Retirement Expense	557	210	-	767
021-2202-521001	Supplies & Materials	14,568	-	7,630	6,938
021-7855-501001	Salaries - Regular	6,523	445	-	6,968
021-7855-501030	Salaries - Incentive Payments	-	130	-	130
FUND 021	TOTAL REVENUES	96,943	2,190	1,300	97,833
7th Ave MSD Fund	TOTAL EXPENDITURES	89,638	8,520	7,630	90,528

A budget amendment in the 7th Ave Fund to increase revenues and expenditure accounts where appropriate as the City approaches mid-year. Increased funds will be used for priortiy items within the 7th Ave. Fund including salaries & benefits. The amendment includes a $1,300 reduction in Fund Balance Apporopriation.

The City Manager and City Clerk certify budget ordinance amendment 02122025-04 was approved by City Council on February 12, 2025.

City Manager

Date

City Clerk

Date

TO MAYOR & COUNCIL
APPROVAL: February 12, 2025

FISCAL YEAR 2025
FORM: 02122025-05

BUDGET AMENDMENT

FUND 064

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
064-0000-460001	Miscellaneous Income	75	130	-	205
064-0000-460020	Parking Violations	20,000	8,700	-	28,700
064-1005-501001	Salaries - Regular	5,644	500	-	6,144
064-1005-501030	Salaries - Incentive Payments	-	40	-	40
064-1005-502005	Group Med & Life Ins	354	110	-	464
064-1005-502050	Retirement Expense	768	70	-	838
064-1008-501030	Salaries - Incentive Payments	-	80	-	80
064-7455-531260	Credit Card Processing Fees	57,012	-	130	56,882
064-1010-501030	Salaries - Incentive Payments	-	20	-	20
064-1502-501030	Salaries - Incentive Payments	-	100	-	100
064-1560-501001	Salaries - Regular	32,955	4,650	-	37,605
064-1560-501010	Salaries - Overtime	1,250	500	-	1,750
064-1560-501012	Salaries - Standby Pay	3,000	170	-	3,170
064-1560-501030	Salaries - Incentive Payments	-	600	-	600
064-1560-502001	Fica Tax Expense	2,521	650	-	3,171
064-1560-502050	Retirement Expense	4,482	1,300	-	5,782
064-1560-502056	COH Match Retirement Expense	462	170	-	632
FUND 064	TOTAL REVENUES	20,075	8,830	-	28,905
Parking Fund	TOTAL EXPENDITURES	108,447	8,960	130	117,277

A budget amendment in the Parking Fund to increase revenues and expenditure accounts where appropriate as the City approaches mid-year. Increased funds will be used for priortiy items within the Parking Fund including salaries & benefits. The amendment includes a $8,830 increase in revenues.

The City Manager and City Clerk certify budget ordinance amendment 02122025-05 was approved by City Council on February 12, 2025.

City Manager

Date

City Clerk

Date

TO MAYOR & COUNCIL
APPROVAL: February 12, 2025

FISCAL YEAR 2025
FORM: 02122025-06

BUDGET AMENDMENT

FUND 068

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
068-0000-430803	Solid Waste Disposal Tax	3,000	370	-	3,370
068-0000-440014	Environmental Services Fee	-	420	-	420
068-0000-460120	Refunds/Rebates	200	690	-	890
068-0000-470050	Sale Of Capital Assets	-	85,000	-	85,000
068-0000-470100	Transfers In	90,100	42,155	-	132,255
068-1002-501030	Salaries - Incentive Payments	-	210	-	210
068-1005-501001	Salaries - Regular	8,466	750	-	9,216
068-1005-501030	Salaries - Incentive Payments	-	60	-	60
068-1005-502005	Group Med & Life Ins	530	170	-	700
068-1007-501030	Salaries - Incentive Payments	-	150	-	150
068-1007-523004	Cellphone Stipend	-	45	-	45
068-1008-501030	Salaries - Incentive Payments	-	120	-	120
068-1010-501030	Salaries - Incentive Payments	-	50	-	50
068-1010-523004	Cellphone Stipend	-	30	-	30
068-1502-501001	Salaries - Regular	63,691	300	-	63,991
068-1502-501030	Salaries - Incentive Payments	-	1,100	-	1,100
068-1502-502005	Group Med & Life Ins	11,753	400	-	12,153
068-1521-501001	Salaries - Regular	39,098	2,400	-	41,498
068-1521-501025	Salaries - Uniform/Taxab	750	100	-	850
068-1521-501030	Salaries - Incentive Payments	-	500	-	500
068-7855-501001	Salaries - Regular	577,588	97,000	-	674,588
068-7855-501030	Salaries - Incentive Payments	-	12,700	-	12,700
068-7855-502001	Fica Tax Expense	45,122	9,000	-	54,122
068-7855-519200	Contract Services	53,500	2,500	-	56,000
068-7855-531700	Liab & Prop Ins & Bonds	40,918	1,050	-	41,968
FUND 068	TOTAL REVENUES	93,300	128,635	-	221,935
Env. Service Fund	TOTAL EXPENDITURES	841,416	128,635	-	970,051

A budget amendment in the Environmental Services Fund to revenue and expenditure accounts where appropriate as the City approaches mid-year. Amended funds will be used for priortiy items within the ESF Fund including salaries & benefits. The amendment includes a $128,635 increase in revenues.

The City Manager and City Clerk certify budget ordinance amendment 02122025-06 was approved by City Council on February 12, 2025.

City Manager

Date

City Clerk

Date

TO MAYOR & COUNCIL
APPROVAL: February 12, 2025

FISCAL YEAR 2025
FORM: 02122025-07

BUDGET AMENDMENT

FUND 301					
ACCOUNT NUMBER	**ACCOUNT DESCRIPTION**	**EXISTING BUDGET**	**INCREASE**	**DECREASE**	**REVISED BUDGET**
301-0000-420050-H2024	Grant (FEMA - Helene 2024)	5,000,000	-	-	5,000,000
301-0000-470100-H2024	Transfer In (From 010)	-	189,591	-	189,591
301-H2024	FEMA Reimb. Exp. (Helene 2024)	5,000,000	-	-	5,000,000
301-H2024	Non-Reimb.e Exp. (Helene 2024)	-	189,591	-	189,591
FUND 301	TOTAL REVENUES	5,000,000	-	-	5,000,000
Helene Project, #H2024	TOTAL EXPENDITURES	-	189,591	-	189,591

A transfer in from the General Fund to cover non-reimbursable FEMA expenditures. The General Fund transfer out is covered by 02122025-01. This increases the total Helene project appropriation to $5,189,591.

The City Manager and City Clerk certify budget ordinance amendment 02122025-07 was approved by City Council on February 12, 2025.

City Manager

Date

City Clerk

Date

TO MAYOR & COUNCIL
APPROVAL: February 12, 2025

FISCAL YEAR 2025
FORM: 02122025-08

BUDGET AMENDMENT

FUND 410					
ACCOUNT NUMBER	**ACCOUNT DESCRIPTION**	**EXISTING BUDGET**	**INCREASE**	**DECREASE**	**REVISED BUDGET**
410-0000-470100-25000	Transfer In (From 010)	-	29,000	-	29,000
410-1525-550102-25000	Capital Outlay CIP	-	29,000	-	29,000
FUND 410	TOTAL REVENUES	-	29,000	-	29,000
Oakdale Cemetery, #25000	TOTAL EXPENDITURES	-	29,000	-	29,000
410-0000-470100-25001	Transfer In (From 010)	-	75,000	-	75,000
410-1010-550102-25001	Capital Outlay CIP	-	75,000	-	75,000
FUND 410	TOTAL REVENUES	-	75,000	-	75,000
DT Cameras, #25001	TOTAL EXPENDITURES	-	75,000	-	75,000

An amendment reflecting the adoption of 2 General Government Capital Projects to be funded via transfer in from the General Fund due to lapse in fiscal year expectations. Project #25000 ($29,000) is a multi-year capital project for improvements at Oakdale Cemetery. Project #25001 ($75,000) is for installation of Downtown Camera Systems.

The City Manager and City Clerk certify budget ordinance amendment 02122025-08 was approved by City Council on February 12, 2025.

City Manager — Date

City Clerk — Date

TO MAYOR & COUNCIL
APPROVAL: February 12, 2025

FISCAL YEAR 2025
FORM: 02122025-09

BUDGET AMENDMENT

FUND 301 | 410 | 360 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-0000-470900	Fund Bal. Appropriation	2,034,497	-	-	2,034,497
060-0000-598901	Transfer Out (to 460, #VE025)	821,840	-	106,840	715,000
060-0000-598901	Transfer Out (to 360, #H2024)	-	106,840	-	106,840
FUND 060	TOTAL REVENUES	2,034,497	-	-	2,034,497
W&S Operating Fund	TOTAL EXPENDITURES	821,840	106,840	106,840	821,840
410-0000-470010-VE025	Debt Proceeds (Vehicle & Equip. Loan)	675,120	-	-	675,120
410-0000-470030-VE025	Insurance Proceeds	34,300	-	34,300	-
410-1300-554002-VE025	Capital Outlay - Vehicles	709,420	-	34,300	675,120
FUND 410	TOTAL REVENUES	709,420	-	34,300	675,120
V&E Loan, #VE025	TOTAL EXPENDITURES	709,420	-	34,300	675,120
460-0000-470030-VE025	Insurance Proceeds	400,000	-	400,000	-
460-0000-470100-VE025	Transfer In (from 060)	636,840	-	106,840	530,000
460-7002-554001-VE025	Capital Outlay-Equipment	191,412	-	-	191,412
460-7002-554002-VE025	Capital Outlay - Vehicles	845,428	-	640,428	205,000
460-0000-598901-VE025	Transfer Out(to 360, #H2024)	-	133,588	-	133,588
FUND 460	TOTAL REVENUES	1,036,840	-	506,840	530,000
V&E Loan, #VE025	TOTAL EXPENDITURES	1,036,840	133,588	640,428	530,000
301-0000-420050-H2024	Grant (FEMA - Helene 2024)	5,000,000	-	-	5,000,000
301-0000-470030-H2404	Insurance Proceeds	-	34,300	-	34,300
301-H2024	FEMA Reimb. Exp. (Helene 2024)	5,000,000	-	-	5,000,000
301-1002-554002-H2404	Capital Outlay - Vehicles	-	34,300	-	34,300
FUND 301	TOTAL REVENUES	5,000,000	34,300	-	5,034,300
Vehicle Repl.,#H2404	TOTAL EXPENDITURES	5,000,000	34,300	-	5,034,300
360-0000-470030-H2404	Insurance Proceeds	-	400,000	-	400,000
360-0000-470100-H2404	Transfer In (from 060)	-	106,840		106,840
360-0000-470100-H2404	Transfer In (from 460, #VE025)	-	133,588		133,588
360-7002-554002-H2404	Capital Outlay - Vehicles	-	640,428	-	640,428
FUND 360	TOTAL REVENUES	-	640,428	-	640,428
Vehicle Replacement,#H2404	TOTAL EXPENDITURES	-	640,428	-	640,428

An amendment moving insurance proceeds revenues from Fund 410 and Fund 460 (capital project funds) to Fund 301 and Fund 306 (grant project funds). Vehicles damaged by Helene are recorded in Funds 301 and 360, project #H2024. Vehicles purchased under the 2025 vehicle and equipment loan are recorded in Funds 410 and 460, projecrt #VE025.

The City Manager and City Clerk certify budget ordinance amendment 02122025-09 was approved by City Council on February 12, 2025.

City Manager

Date

City Clerk

Date

TO MAYOR & COUNCIL
APPROVAL: February 12, 2025

FISCAL YEAR 2025
FORM: 02122025-10

BUDGET AMENDMENT

FUND 010 | 301 | 410					
ACCOUNT NUMBER	**ACCOUNT DESCRIPTION**	**EXISTING BUDGET**	**INCREASE**	**DECREASE**	**REVISED BUDGET**
010-0000-470900	Fund Balance Appropriated (ARP)	130,000	-	-	130,000
010-0000-598901	Transfer out (to 410, #G2201)	130,000	-	-	130,000
010-0000-598901	Transfer out (to 410, #G2404)	-	13,400	-	13,400
010-1002-519200	Contracted Services	67,040	-	13,400	53,640
FUND 010	TOTAL REVENUES	-	-	13,400	-
General Fund	TOTAL EXPENDITURES	-	13,400	-	-
301-0000-470100-18007	Transfer in (from 010)	514,272	-	-	514,272
301-0000-470100-18007	Transfer in (from 032)	50,915	-	-	50,915
301-0000-_____-18007	Note Receivable	729,594	-	-	729,594
301-0000-420050-18007	Grant (NC Commerce, no Interest)	500,000	-	-	500,000
301-0000-460110-18007	Reimbursements	40,000	-	-	40,000
301-0000-550103-18007	Capital Outlay CIP	799,166	-	-	799,166
301-0000-598600-18007	Loan to Outside Org (Developer)	500,000	-	-	500,000
301-0000-598901-18007	Transfer out (to 010)	460,590	-	130,975	329,615
301-0000-598901-18007	Transfer out (to 301, #18007)	75,025	130,975	-	206,000
FUND 301	TOTAL REVENUES	1,834,781	-	-	1,834,781
Grey Mill Project #18007	TOTAL EXPENDITURES	1,834,781	130,975	130,975	1,834,781

301-0000-420050-G2404	Grant Revenue (Dogwood HR, 2024)	100,000	-	-	100,000
301-0000-470010-G2404	Transfer In (from 010 - Legal)	2,600	-	-	2,600
301-0000-420050-G2201	Transfer in (from 010 - Admin)	-	13,400	-	13,400
301-1200-519200-G2404	Contracted Services	102,600	13,400	-	116,000
FUND 301	TOTAL REVENUES	102,600	13,400	-	116,000
Affordable Housing, #G2404	TOTAL EXPENDITURES	102,600	13,400	-	116,000
410-0000-420050-G2201	Grant Revenue	750,000	-	-	750,000
410-0000-420050-G2201	Transfer in (from 010, ARP Funds)	130,000	-	-	130,000
410-0000-420050-G2201	Transfer in (from 301, #18007)	75,025	130,975	-	206,000
410-1014-550102-G2201	Capital Outlay- Fees and Services	955,025	130,975	-	1,086,000
FUND 410	TOTAL REVENUES	955,025	130,975	-	1,086,000
Ashe St. CDBG, #G2201	TOTAL EXPENDITURES	955,025	130,975	-	1,086,000

An amendment transferring $130,975 from the Grey Mill Project (18007) to the Ashe St. CDBG 2020 Project (#G2201). The amendment also transfers $13,400 from the General Fund to the Affordable Housing Project (#G2404).

The City Manager and City Clerk certify budget ordinance amendment 02122025-10 was approved by City Council on February 12, 2025.

City Manager

Date

City Clerk

Date

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet, City Manager **MEETING DATE:** 2/12/2025

AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Administration

TITLE OF ITEM: Fund Balance Restoration Plan and City Management Response to Local Government Commission – *John Connet, City Manager*

SUGGESTED MOTION(S):

NA

SUMMARY:

In accordance with the City's Fund Balance Policy, if the City's unrestricted fund balance drops below 25% of expenditures the City Manager must provide a financial plan to increase fund balance above the 25% threshold. The City's fund dropped to 23.8% at the end of FY 2023-24. Therefore, I will provide a financial plan to bring our fund balance above the 25% threshold. This plan will be also be provided to the North Carolina Local Government Commission.

BUDGET IMPACT: $ TBD

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

If no, describe how it will be funded. NA

ATTACHMENTS:

CITY COUNCIL:
BARBARA G. VOLK
Mayor
DR. JENNIFER HENSLEY
Mayor Pro Tem
LYNDSEY SIMPSON
MELINDA LOWRANCE
MARGINA M. BAXTER

CITY OF HENDERSONVILLE

The City of Four Seasons

JOHN F. CONNET
City Manager
ANGELA S. BEEKER
City Attorney
JILL MURRAY
City Clerk

State Treasurer of North Carolina
Attn: State and Local Government Finance Division
3200 Atlantic Avenue
Raleigh, NC 27604

February 11, 2025

Dear Members of the Local Government Commission,

RE: Unit # 50176 City of Hendersonville: FY24 Response to Financial Performance Indicators of Concern

We are writing to submit the City's official response to the findings regarding our available fund balance as discussed in the fiscal year 2024 (FY24) audit. As per your recent communication, the City's available fund balance has triggered a threshold that does not meet the recommended level of 25% of expenditures, as outlined by both the LGC guidance and our City's Fund Balance Policy.

As required by the LGC, we are submitting the attached plan that outlines how we will restore the City's available fund balance to the established policy goal. We are committed to addressing this and ensuring the continued fiscal stability of the City. We look forward to your review and any feedback you may have regarding our proposed plan.

Thank you for your attention to this matter. Should you require any additional information or clarification, please do not hesitate to contact us.

Sincerely,

Barbara G. Volk Mayor	Jennifer Hensley, Mayor Pro Tem
Lyndsey Simpson, Council Member	Melinda Lowrance, Council Member
Gina Baxter, Council Member	John Connet, City Manager
Krystal Powell, Finance Director	

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Lyndsey Simpson **MEETING DATE:** 02/12/2025

AGENDA SECTION: New Business **DEPARTMENT:** Administration

TITLE OF ITEM: AARP Sidewalk Study – Lyndsey Simpson, City Council Member

SUGGESTED MOTION(S):

SUMMARY:

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget?

If no, describe how it will be funded.

ATTACHMENTS:

CITY COUNCIL:
BARBARA G. VOLK
Mayor
DR. JENNIFER HENSLEY
Mayor Pro Tem
LYNDSEY SIMPSON
MELINDA LOWRANCE
MARGINA M. BAXTER

CITY OF HENDERSONVILLE

The City of Four Seasons

JOHN F. CONNET
City Manager
ANGELA S. BEEKER
City Attorney
JILL MURRAY
City Clerk

February 12, 2025

To Whom it may concern,

The Hendersonville City Council wishes to express their support of Bike.Walk.HVL and Blue Ridge Bicycle Club in their application of an AARP Capacity Building Micro Grant. Bike.Walk.HVL is a non-profit group of Hendersonville residents. The group envisions a community where the streets are safe and thriving spaces for everyone to bike, walk, roll and stroll. Bike.Walk.HVL and Blue Ridge Bicycle Club have been positive advocates and partners with the city of Hendersonville.

The city of Hendersonville was fortunate to receive an AARP Flagship grant in 2024 that will make a well-traveled street safer for cyclists and add much needed crossing signals for pedestrians. The AARP bike/walk audits are a next step tool that will engage volunteer citizens and provide the city critical additional information for future improvements.

We are glad to support Bike.Walk.HVL and Blue Ridge Bicycle Club in creating a safer community in Hendersonville.

Sincerely,

Dr. Jennifer Hensley
Mayor Pro Tempore

160 Sixth Ave. E.
Hendersonville, NC 28792-4328
www.hvlnc.gov
828.697.3000

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Jill Murray, City Clerk **MEETING DATE:** 02/12/2025

AGENDA SECTION: BOARDS/COMMITTEES **DEPARTMENT:** Administration

TITLE OF ITEM: Consideration of Vacancy Appointments to the: Board of Adjustment, Business Advisory Committee, Environmental Sustainability Board, Historic Preservation Committee and Tree Board

SUGGESTED MOTION(S):

See motion sheet.

SUMMARY:

Council will need to make appointments to the following boards/committees: Board of Adjustment, Business Advisory Committee, Environmental Sustainability Board, Historic Preservation Committee and Tree Board.

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:

Applications

FISCAL YEAR 2024 - 2025 (FY25)
BUDGET AMENDMENTS AND ADJUSTMENTS

Completed	Corrected
Proposed	Denied

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION	APPROVED	TYPE	AMENDMENT NUMBER
010-1002-539005	Health & Welfare Expenditures	82,139	-	82,139	-	Caporoma Earnest Money	yes	Adjustment	12/10/2024
010-0000-534999	Contingency	137,525	-	42,861	94,664	Caporoma Earnest Money	yes	Adjustment	12/10/2024
010-1002-551000	Capital Outlay- Land,Easements,ROW	-	125,000	-	125,000	Caporoma Earnest Money	yes	Adjustment	12/10/2024
060-1002-539005	Health & Welfare Expenditures	115,723	-	115,723	-	Caporoma Earnest Money	yes	Adjustment	12/10/2024
060-0000-534999	Contingency	97,250	-	9,277	87,973	Caporoma Earnest Money	yes	Adjustment	12/10/2024
060-1002-551000	Capital Outlay-Land,Easements,ROW	-	125,000	-	125,000	Caporoma Earnest Money	yes	Adjustment	12/10/2024
060-0000-534999	Contingency	87,973	-	18,800	69,173	Call Center	yes	Adjustment	12/11/2024
060-7002-519200	Contracted Services	85,600	18,800	-	104,400	Call Center	yes	Adjustment	12/11/2024
060-7032-555003	Capital Outlay- Plants, Pump Stations	252,000	-	20,000	232,000	Engine Replacement	yes	Adjustment	12/23/2024
060-7032-524030	R&M Trucks	25,000	20,000	-	45,000	Engine Replacement	yes	Adjustment	12/23/2024
060-0000-534999	Contingency	69,173	-	500	68,673	HR Budget- hiring processes	yes	Adjustment	1/7/2025
060-7050-519200	Contracted Services	400	500	-	900	HR Budget- hiring processes	yes	Adjustment	1/7/2025

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Jennifer Floyd **MEETING DATE:** 02/12/2025

AGENDA SECTION: City Manager Report **DEPARTMENT:** Administration

TITLE OF ITEM: January 2025 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

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet

MEETING DATE: 02/12/2025

AGENDA SECTION: CLOSED SESSION

DEPARTMENT: Administration

TITLE OF ITEM: Closed Session – *John Connet, City Manager*

SUGGESTED MOTION(S):

I move that City Council enter closed session pursuant to NCGS § 143-318.11 (a) (1) (3) and (6) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body and to consider Griffin vs. City of Hendersonville Board of Adjustment Case # 25CV000051-440 and to consider the qualifications, competence, performance, character, fitness of an individual public officer or employee.

SUMMARY:

City staff is requesting a closed session to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes and to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body and to consider Griffin vs. City of Hendersonville Board of Adjustment Case # 25CV000051-440 and to consider the qualifications, competence, performance, character, fitness of an individual public officer or employee.

BUDGET IMPACT: $ TBD

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

If no, describe how it will be funded. NA

ATTACHMENTS:

None